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VOL 25 AUG.

INDEX AND TABULAR GUIDES

THE UNIVERSITY OF MICHIGAN
SEP 30 1960
IN ROOM

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

Volume 25 AUGUST 1960 Nos. 149–170

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9561

U.S. GOVERNMENT PRINTING OFFICE: 1960

Pages 7235-7269

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VOLUME 25 NUMBER 149

Washington, Tuesday, August 2, 1960

THE UNIVERSITY OF MICHIGAN
AUG 3 1960
MAIN READING ROOM

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Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 28th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart. The portion of each of these premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart:

TEXAS

Beaver Egg Farm, Route 1, Box 44, Yaleta.
El Paso Union Stock Yards, 1800 East 11th Street, El Paso.
Heid Brothers Feed and Seed Store, 1705 Texas Avenue, El Paso.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona, California, New Mexico, and Texas, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These administrative instructions shall become effective August 2, 1960, when they shall supersede P.P.C. 612, Twenty-seventh Revision, effective June 14, 1960 (25 F.R. 5263).

These instructions relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of July 1960.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 60–7147; Filed, Aug. 1, 1960; 8:45 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

Miscellaneous Amendments

Basis and purpose. These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), and the Soil Bank Act (7 U.S.C. 1801 et seq.). These amendments include provisions required to: (1) implement Public Law 86–553 relative to the conditions governing the refund of remeasurement deposits, the acreage of a commodity on the farm to be recognized for program purposes when the farm operator does not meet the requirements for measurement of adjusted acreage, and the expense of measuring an adjusted acreage and (2) amend the Table of Sections Affected by State Committee Determinations Pursuant to § 718.15 (25 F.R. 1743) for the State of Texas.

Since farmers are now engaged in 1960 farming operations, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest. Public Law 86–553 became effective on June 30, 1960. Consequently, the amendments to §§ 718.12 and 718.13 became effective as of that date and any actions taken on or after June 30, 1960 which are contrary to the law shall be rescinded and actions consistent with the regulations contained herein shall be initiated. The amendment to the Table of Sections Affected by State Committee Determinations Pursuant to § 718.15 shall become effective upon publication in the FEDERAL REGISTER.

1. Section 718.12(a) (24 F.R. 4223) is amended to read as follows:

§ 718.12 Redetermination of acreage.

(a) The State or county committee or the Deputy Administrator may require redetermination of the acreage and performance at any time with respect to any program for any farm. A redetermination of acreage shall be based on measurements made by a person authorized to make such measurements. If the farm operator or other producer interested in the crop requests a remeasurement of an acreage which he believes to be in error, such acreage shall be remeasured provided the producer deposits the cost of remeasurement with the county office and files a request for remeasurement within 15 days from the date the initial notice of the acreage determination is mailed to the farm operator for all crops except tobacco, and in the case of tobacco within 10 days of such date: *Provided, however,* That the State committee may provide for the reduction of such time in the case of flue-cured tobacco to 7 days. The applicable time limit shall be shown on the notice of acreage determination. The cost of the remeasurement shall be as determined by the county committee with the approval of the State committee. Remeasurement shall be accomplished by the same method used in the original acreage determination unless it is established that such method was not applicable under § 718.5. After the remeasurement of any acreage, the county office manager shall notify the farm operator of the acreage as determined by remeasurement. If the farm operator or any producer interested in the acreage planted to a crop on the farm applies for a remeasurement within a reasonable length of time after the end of the prescribed period, deposits the cost of the remeasurement with the county office, and establishes to the satisfaction of the county committee or the county office manager that failure to request remeasurement within the prescribed period was due to conditions beyond the control of the producers on the farm, the county committee or the county office manager shall grant the request for remeasurement and shall so notify the farm operator in writing. The deposit or payment made for the expense of the remeasurement of the initially deter-

mined acreage or of the adjusted acreage shall be refunded when because of an error in the determination of such acreage, the remeasurement:

(1) Brings the acreage within the allotment or permitted acreage, or

(2) Results in a change in the previously determined acreage of as much as three percent or five-tenths (0.5) acre, whichever is larger.

2. Section 718.13(a) is amended to read as follows:

§ 718.13 Determination and adjustment of excess acreage.

(a) If the farm operator or other producer on the farm elects to dispose of excess acreage or otherwise adjust a previously determined acreage in accordance with the applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions outlined in this section. Unless the requirements for the measurement of an adjusted acreage are met by the farm operator or other producer, the acreage as determined prior to such adjustment shall be considered as the acreage of the commodity on the farm in determining whether the applicable farm allotment has been exceeded. When the producer must pay the cost of determining the adjusted acreage, the amount required shall be as determined by the county committee with the approval of the State committee.

§ 718.15 [Amendment]

3. In the column headed "718.5(h)(3)" of the "Table of Sections Affected by State Committee Determinations Pursuant to § 718.15" (25 F.R. 1743) for the State of Texas, delete the last sentence and insert the following in lieu thereof:

These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision.

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D.C., this 28th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-7167; Filed, Aug. 1, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Fixing of Rate of Assessment for Initial (1960–61) Fiscal Period

Pursuant to the marketing agreement and Order No. 34 (7 CFR Part 934; 25 F.R. 4669), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 934.201 Expenses and rate of assessment for the initial (1960–61) fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning May 27, 1960, and ending March 31, 1961, will amount to $13,546.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at seventy-five cents ($0.75) per ton of peaches so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of peaches are now being made; (2) the rate of assessment is applicable to all peaches shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles peaches; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Fresh Peach Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7145; Filed, Aug. 1, 1960; 8:45 a.m.]

PART 938—POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (a) Marketing Agreement No. 135, and Order No. 38 (7 CFR 938), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 938.1 to 938.86 of the said order. The Red River Valley Potato Committee, pursuant to § 938.51 of the said marketing agreement and order, has recommended that regulations limiting the handling of 1960 crop potatoes, as authorized by said marketing agreement and order, should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 938.302 Limitation of shipments.

During the period of August 8, 1960, through June 30, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter, or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Minimum maturity requirements.* All varieties—"Moderately skinned"—

until November 1, 1960, when this requirement shall terminate.

(c) *Special purpose shipments.* Chipping: U.S. No. 2, or better grade, 2 inches minimum diameter.

(1) Prior to September 15, 1960, shipments of round white varieties (Cobblers, Kennebecs, Cherokees, Early Ohio, and similar types) for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such maturity requirements.

(2) On and after September 15, 1960, with respect to round white varieties, and after the effective date hereof with respect to all other varieties, shipments for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such requirements if handlers thereof comply with the safeguard requirements of paragraph (e) of this section.

(d) *Exempted shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) *Certified seed.* If a copy of the applicable seed inspection certificate is furnished the committee.

(2) *Canning or freezing.* Subject to compliance with the applicable provisions of paragraph (e) of this section.

(e) *Safeguards.* (1) Each handler making special purpose shipments authorized by paragraph (c) of this section requiring compliance with the provisions of this paragraph, and

(2) Each handler making special purpose shipments, other than seed, shall comply with the following safeguards:

(i) Prior to making shipment, apply for and obtain from the committee an approved Certificate of Privilege, pursuant to § 938.120;

(ii) Obtain inspection and pay assessments on such shipments, except shipments for canning or freezing;

(iii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(iv) Bill each shipment directly to the applicable processor or receiver.

(3) Compliance with the requirements of this section shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State taxes or assessments thereon.

(f) *Minimum quantities.* Pursuant to § 938.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements effective pursuant to §§ 938.42 and 938.60. This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 938.60, that each inspection certificate for tablestock potatoes shall be valid for a period not to exceed 5 days, except that inspection certificates issued to registered handlers of potatoes for chipping (§ 938.140) on potatoes for special use as potato chips shall be valid for a period not to exceed 60 days. The valid period begins at the end of the day (midnight) on which inspection is completed as shown in the certificate.

(2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions.* The terms "moderately skinned", "U.S. No. 1", "U.S. No. 2", and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 135 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1960, to become effective August 8, 1960.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 60–7146; Filed, Aug. 1, 1960; 8:45 a.m.]

[Lemon Reg. 856, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.963 (Lemon Regulation 856; 25 F.R. 7013) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7144; Filed, Aug. 1, 1960; 8:45 a.m.]

PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Expenses and Fixing of Rate of Assessment for Initial (1960–61) Fiscal Period

Pursuant to the marketing agreement and Order No. 129 (7 CFR Part 1029; 25 F.R. 6350), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1029.201 Expenses and rate of assessment for the initial (1960–61) fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning July 7, 1960, and ending March 31, 1961, will amount to $6,830.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles prunes shall pay as his prorata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and fifty cents ($1.50) per ton of prunes so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C.

1001–1011) in that (1) shipments of fresh prunes are expected to start on or about August 1, 1960; (2) the rate of assessment is applicable to all prunes shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles prunes; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington-Oregon Fresh Prune Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7165; Filed, Aug. 1, 1960; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 511—BLOCKED ASSETS

General License

Article 6 of the Agreement between the Government of United States of America and the Government of the Polish People's Republic Regarding Claims of Nationals of the United States, done at Washington, D.C., on July 16, 1960, provides that the United States will release its blocking controls over all Polish property in the United States. The following amendment of General License No. 101, as amended, effects such unblocking by deleting references to Poland and persons within Poland from subparagraphs (1), (3), and (4) of § 511.101(a). This amendment relieves existing restrictions and does not impose any new requirements on the public and it is hereby found that notice, hearing and suspension of applicability are unnecessary.

In § 511.101(a), subparagraphs (1), (3), and (4) are amended to read as follows:

§ 511.101 General License No. 101.

(a) • • •

(1) Bulgaria, Hungary, Czechoslovakia, Estonia, Latvia, Lithuania and Germany (except for any interest of Germany now owned by the Federal Republic of Germany, the City of Berlin (Western Sectors) or the Saar);

• • • • • •

(3) Any individual, partnership, association, corporation or other organization which on December 7, 1945, was in Czechoslovakia, Estonia, Latvia or Lithuania;

(4) Any individual, partnership, association, corporation or other organization which on December 31, 1946, was in any of the areas of Germany under control or administration of the Union of Soviet Socialist Republics; or

(Secs. 5, 40 Stat. 415, as amended, 50 U.S.C. App. 5; Executive Order 8389, Apr. 10, 1940, 5 F.R. 1400, as amended by Executive Order 8785, June 14, 1941, 6 F.R. 2897; Executive Order 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; Executive Order 9989, August 20, 1948, 13 F.R. 4891, 3 CFR, 1948 Supp.; Executive Order 10348, April 26, 1952, 17 F.R. 3789, 3 CFR, 1949–53 Comp., p. 871; Executive Order 10644, November 7, 1955, 20 F.R. 8363, 3 CFR, 1955 Supp.)

Executed at Washington, D.C., on July 26, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Director,
Office of Alien Property.

[F.R. Doc. 60–7134; Filed, Aug. 1, 1960; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama: Calhoun, Cherokee, Cleburne, Coffee, Covington, Dale, De Kalb, Etowah, Geneva, Henry, Houston, Jackson, Madison, Marshall, and Randolph Counties;

Arizona: The entire State;

Arkansas: Barter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Cleburne, Cleveland, Columbia, Conway, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Logan, Lonoke, Madison, Marion, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Randolph, Saline, Sebastian, Scott, Searcy, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

California: Amador, Alpine, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Modoc, Mono, Monterey, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sutter, Tehama, Trinity, Tuolumne, Yuba, and Yole Counties;

Colorado: Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnisbn, Hinsdale, La Plata, Lincoln, Logan, Mena, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick and Washington Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut: The entire State;

Delaware: The entire State;

Florida: Baker, Bay, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia: The entire State;

Idaho: Ada, Adams, Benewah, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, and Washington Counties; and Fort Hill Indian Reservation;

Illinois: Boone, Bond, Bureau, Carroll, Champaign, Clark, Clay, Clinton, Coles, Cook, Cumberland, De Kalb, DuPage, Edger, Effingham, Fayette, Ford, Franklin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Massac, Menard, Monroe, Montgomery, Moultrie, Ogle, Perry, Pulaski, Richland, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Whiteside, Will, Williamson, Woodford, and Winnebago Counties;

Indiana: Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Grant, Greene, Hancock, Harrison, Hendricks, Henry, Howard, Huntingdon, Jackson, Jennings, Jasper, Jay, Jefferson, Johnson, Kosclusko, Lagrange, Lake, La Porte, Madison, Marion, Marshall, Martin, Miami, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parks, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Shelby, St. Joseph, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa: Delaware, Fayette, and Mitchell Counties;

Kansas: Cheyenne, Decatur, Jefferson, Nemaha, Rawlins, Sheridan, Smith, Thomas, and Wyandotte Counties;

Kentucky: Anderson, Barren, Boone, Boyd, Bracken, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carter, Elliott, Floyd, Fulton, Graves, Greenup, Hickman, Hopkins, Jackson, Johnson, Larue, Lawrence, Lincoln, McCracken, McLean, Marshall, Mercer, Metcalf, Morgan, Oldham, Robertson, Rockcastle, Rowan, Shelby, Simpson, Todd, Trigg, Trimble, Warren, and Wolfe Counties;

Louisiana: Assumption, Claiborne, and St. Landry Parishes;

Maine: The entire State;

Maryland: The entire State;

Massachusetts: The entire State;

Michigan: The entire State;

Minnesota: The entire State;

Mississippi: Alcorn, Amite, Attala, Benton, Choctaw, Clay, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lee, Monroe, Newton, Neshoba, Oktibbeha, Perry, Pike, Pontotoc, Prentiss, Smith, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri: Andrew, Bates, Berry, Bollinger, Boone, Buchanan, Butler, Cape Girardeau, Carroll, Cass, Chariton, Christian, Clinton, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Greene, Henry, Hickory, Iron, Jackson, Jasper, Jefferson, Lafayette, Lawrence, Lincoln, Maries, Marion, McDonald, Mercer, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Perry, Pettis, Phelps, Platte, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Shelby, Stoddard, Texas, Warren, Washington, Webster, Worth, and Wright Counties;

Montana: Beaverhead, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Sanders, Silver Bow, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska: Adams, Banner, Burt, Butler, Cass, Cedar, Clay, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada: The entire State;

New Hampshire: The entire State;

New Jersey: The entire State;

New Mexico: The entire State;

New York: The entire State;

North Carolina: The entire State;

North Dakota: Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio: Athens, Auglaize, Belmont, Carroll, Columbiana, Cuyahoga, Darke, Fulton, Guernsey, Hancock, Henry, Hardin, Hocking, Jackson, Knox, Logan, Lorain, Lucas, Marion, Mahoning, Meigs, Monroe, Morrow, Morgan, Muskingum, Noble, Ottawa, Paulding, Pike, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wood, and Wyandot Counties;

Oklahoma: Adair, Delaware, and Mayes Counties;

Oregon: The entire State;

Pennsylvania: The entire State;

Rhode Island: The entire State;

South Carolina: Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Greenwood, Hampton, Horry, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Pickens, Saluda, Sumter, Union, and York Counties;

South Dakota: Butte, Campbell, Clay, Codington, Custer, Deuel, Edmunds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, McPherson, Perkins, Union, and Walworth Counties;

Tennessee: The entire State;

Texas: Borden, Brewster, Coleman, Crane, Howard, Jeff Davis, Llano, Pecos, Presidio, Terrell, Upton, Ward, and Winkler Counties;

Utah: The entire State;

Vermont: The entire State;

Virginia: Accomack, Alleghany, Amelia, Arlington, Augusta, Bath, Bedford, Bland, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Essex, Fairfax, Franklin, Giles, Gloucester, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Powhatan, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, Wise, Wythe, and York Counties, and City of Hampton;

Washington: The entire State;

West Virginia: The entire State;

Wisconsin: The entire State;

Wyoming: Albany, Big Horn, Campbell, Fremont, Laramie, Lincoln, Park, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

Puerto Rico: The entire areas;

Virgin Islands of the United States: The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes Grand Forks County in North Dakota from the list of areas designated as modified certified brucellosis areas, because it has been determined that such county no longer comes within the definition of § 78.1(l), and adds the following additional areas which have been determined to come within such definition: Coffee, Dale, Henry, and Madison Counties in Alabama; Bradley, Crawford, Howard, Jackson, Lonoke, and Poinsett Counties in Arkansas; San Joaquin, San Mateo, and Tuolumne Counties in California; Bear Lake and Madison Counties in Idaho; Hamilton, Logan, Massac, Menard, Montgomery, Richland, Tazewell, and Whiteside Counties in Illinois; Bartholomew, Fayette, Fountain, Montgomery, Owen, Putnam, Warren, and White Counties in Indiana; Mitchell County in Iowa; Cheyenne, Jefferson, Rawlins, Sheridan, and Thomas Counties in Kansas; Boone, Carlisle, McCracken, Marshall, and Shelby Counties in Kentucky; Desoto and Amite Counties in Mississippi; Marion, Moniteau, and Washington Counties in Missouri; Banner, Cuming, Harlan, Otoe, Washington, and Webster Counties in Nebraska; Eddy and Richland Counties in North Dakota; Lorain and Ross Counties in Ohio; Adair and Mayes Counties in Oklahoma; Allendale, Colleton, and Edgefield Counties in South Carolina; Clay, Faulk, McPherson, and Walworth Counties in South Dakota; Howard, Llano, and Upton Counties in Texas; Augusta, Franklin, Madison, Mecklenburg, Nelson, Nottoway, and Pulaski Counties in Virginia; and Laramie and Washakie Counties in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1960.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 60–7166; Filed, Aug. 1, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 262; Amdt. 184]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for modification of fuel dump chutes on Boeing 707–100, –200 and –300 Series aircraft was published in 25 F.R. 3554.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, it was recommended that the AD refer to later service bulletins which were issued by the manufacturer. Also, the compliance date has been established as December 31, 1960, to allow for administrative delays in issuance and availability of parts.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following airworthiness directive:

BOEING. Applies to the following 707–100, –200, –300 aircraft only: Serial Numbers 17586 through 17605, 17609 through 17616, 17623 through 17625, 17636 through 17652, 17658 through 17680, 17692 through 17702, 17925 through 17927.

Compliance required by December 31, 1960.

When the fuel dump chutes are in the stowed position, the dump chute roller may not be fully engaged and the dump chute not locked in position. This has resulted in thirteen incidents of the fuel dump chutes inadvertently extending in flight. In five cases all or part of the chute and/or door was lost. In eight cases some damage was done to the chute and/or door. In order to eliminate this problem a new uplatch assembly has been designed which incorporates a position lock for the dump chute roller and a mechanism to indicate the position of the latch when the dump chute is stowed. As a result of the above, the following modifications shall be accomplished as indicated:

(a) Remove the fuel dump chute uplatch assembly and rework or install new uplatch assemblies in accordance with Boeing Service Bulletin Nos. 689 (R-3), 895 and 895A.

(b) After completion of item (a) conduct the pressure check-out procedure as outlined in item (al) of Boeing Service Bulletin No. 689 (R-3). This pressure check procedure must be conducted each time the fuel dump chute is removed and reinstalled.

(c) A placard must be added on the exterior side of the dump chute closure panel adjacent to the indicator hole. For nomenclature and method of fabricating this placard follow procedure outlined in item (am) of Boeing Service Bulletin No. 689 (R-3).

(d) Perform functional test as outlined in Boeing Service Bulletin Nos. 689 (R-3), 895 and 895A.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 26, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7136; Filed, Aug. 1, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket 60-WA-118]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1325 of the regulations of the Administrator is to modify the Tampa, Fla., control area extension.

This action is necessary in order to more clearly define the Tampa control area extension and to delete the reference to the Tampa omnirange station as this facility was relocated and the name changed to the St. Petersburg VOR. No additional airspace is encompassed by this modification.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense and in accordance with the provisions of Executive Order 10854 has obtained their concurrence thereto.

As this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1325 (24 F.R. 10564) is amended to read:

§ 601.1325 Control area extension (Tampa, Fla.).

The airspace within a radius of 50 miles of the Tampa, Fla., RR, including the airspace SE of Tampa extending from the 50 mile radius of the Tampa RR bounded on the NE by VOR Federal airway No. 157, on the SE by VOR Federal airway No. 225, on the SW by VOR Federal airway No. 35; including the airspace NW of Tampa extending from the 50 mile radius of the Tampa RR bounded on the NE by VOR Federal airway No. 97, on the W by a line 5 miles W of and parallel to the 207° True radial of the Cross City, Fla., VOR, and on the S by control area extension 1226; and including the airspace W of Tampa bounded on the N by a line extending from latitude 28°06' 35'' N., longitude 84°00'00'' W., to latitude 28°10'00'' N., longitude 84°39'30'' W., and on the S by control area extension 1226. The portion of this control area extension which lies within the geographic limits of, and between the established altitudes of, the Sarasota Warning Area (W-168) is excluded during this warning area's established time of use. The airspace below 2,000 feet MSL which lies outside the continental limits of the United States is excluded.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 1110, 72 Stat. 749, 752, 800, 49 U.S.C. 1348, 1354, 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7137; Filed, Aug. 1, 1960; 8:45 a.m.]

[Airspace Docket 59-WA-387]

PART 608—RESTRICTED AREAS

Modification

On November 11, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 9217) stating that the Federal Aviation Agency was considering an amendment to § 608.53 of the regulations of the Administrator, which would revoke the Underhill, Vt., Restricted Area (R-87) (Burlington Chart).

As stated in the Notice, the Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appeared that Restricted Area (R-87) did not have sufficient justification to warrant continued designation, and the revocation thereof would be in the public interest.

The Department of the Army objected to the proposal because it is the only area in the State of Vermont available for the Vermont National Guard to conduct field training. The area is used during the summer months and on weekends for small arms and artillery firing. In addition, the General Electric Company utilizes the area as a weapon testing site for a continuing weapons development project on a year-round basis. This activity consists of test firing large caliber machine guns. Relocation of these activities to another area is not considered practical from an economic standpoint because of the travel costs and time involved.

After extensive study and investigation of this area, the Federal Aviation Agency has determined that the continued designation of R-87 is justified. However, it has been determined that the altitude designation can be changed from surface to 10,000 feet MSL to surface to 5,000 feet MSL. The Department of the Army has concurred in this modification and this action is being taken herein.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In the text of § 608.53 *Underhill, Vt.,* Restricted Area (R-87) (Burlington Chart) (23 F.R. 8588) "Surface to 10,000 feet MSL" is deleted and "Surface to 5,000 feet MSL" is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 27, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-7138; Filed, Aug. 1, 1960; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER G—DEFENSE CONTRACT FINANCING

PART 83—UNIFORM NEGOTIATION FOR REIMBURSEMENT OF INDEPENDENT RESEARCH AND DEVELOPMENT COSTS

The Director, Defense Research and Engineering and the Assistant Secretary of Defense (S&L) approved the following on June 28, 1960:

Sec.
83.1 Purpose.
83.2 Background.
83.3 Establishment of the Armed Services Research Specialists Committee.
83.4 Single assignment for joint negotiation of research and development costs.
83.5 Procedures.

AUTHORITY: §§ 83.1 to 83.5 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202.

§ 83.1 Purpose.

The purpose of this Part 83 is to (a) provide a method for the joint negotiation of reasonable and uniform cost allowance of independent research and development expense of certain contractors performing work for more than one military department; (b) establish the Armed Services Research Specialists Committee which will, when requested by the sponsoring military department, review and assure that contractors have made a proper segregation between their independent research and their independent development programs and which will report to the sponsoring military department the determinations of the Committee concerning the scientific and technical factors which influence the extent to which such programs should be supported; and (c) provide for the assignment of responsibility to a single military department to act as the sponsoring department in the conduct of joint negotiations on the allowability of such contractor's independent research and development costs.

§ 83.2 Background.

(a) Section 15.107 of Subchapter A of this Title 32 (Rev. 2 November 1959) provides for "advance understandings on particular cost items," including "research and development," particularly those aspects relating to "reasonableness and allocability." Specifically, it provides in pertinent part:

> In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that prospective contractors, particularly those whose work is predominantly or substantially with the Government, seek agreement with the Government in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine. Such agreement may also be initiated by contracting officers individually, or jointly, for all defense work of the contractor, as appropriate.

(b) Section 15.205-35 of Subchapter A of this Title 32 (Rev. 2 November 1959) covers allowability of "Research and Development" Costs, and includes:

> (h) The reasonableness of expenditures for independent research and development should be determined in light of all pertinent considerations such as previous contractor research and development activity, cost of past programs and changes in science and technology. Such expenditures should be pursuant to a broad planned program, which is reasonable in scope and well managed. Such expenditures (especially for development) should be scrutinized with great care in connection with contractors whose work is predominantly or substantially with the Government. Advance agreements as described in § 15.107 of Subchapter A, Title 32 are particularly important in this situation. In recognition that cost sharing of the contractor's independent research and development program may provide motivation for more efficient accomplishment of such program, it is desirable in some cases that the Government bear less than an allocable share of the total cost of the program. Under these circumstances, the following are among the approaches which may be used as the basis for agreement: (i) review of the contractor's proposed independent research and development program and agreement to accept the allocable costs of specific projects; (ii) agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the Government; (iii) an agreement to accept the allocable share of a percentage of the contractor's planned research and development program.

§ 83.3 Establishment of the Armed Services Research Specialists Committee.

(a) An Armed Services Research Specialists Committee is hereby established to review, when requested by the negotiator representing the sponsoring department, the independent research and development programs of defense contractors and to determine whether there has been an adequate segregation between the independent research and independent development programs of such contractors who are doing business with more than one department and who seek to recover the costs of such research and development programs in procurements of the Department of Defense. In carrying out its responsibilities, the Committee will utilize, where appropriate, the services of other research specialists. The Committee shall report and make recommendations directly to the sponsoring department on the scientific and technical factors affecting the basis or extent to which such programs should be supported.

(b) The Committee shall consist of the following:

Office of Secretary of Defense: A designee of the Director of Defense Research and Engineering.

Department of the Army: A designee of the Chief of Research and Development.

Department of the Navy: A designee of the Chief of Naval Research.

Department of the Air Force: A designee of the Commander, Air Research and Development Command.

(c) The designee of the Director of Defense Research and Engineering shall serve as the Chairman of the Committee. The Committee shall be responsible to the Director of Defense Research and Engineering through its Chairman.

(d) When the negotiator has determined that independent research and development program of a contractor warrants review, the Committee shall review such programs to assure that development work is not classified as "research". The Committee shall report to the sponsoring department its findings and recommendations concerning the scientific factors considered to affect the basis or extent to which such research and such independent development relating to procurement within the product line of the contractor, should be supported by the Department of Defense. Where a contractor's normal course of business does not involve production work, the recommendation shall relate to the development work falling within the contractor's field of effort of Government research and development contracts.

§ 83.4 Single assignment for joint negotiation of research and development costs.

(a) The military departments shall agree to and designate a single department (herein called the sponsoring department) to conduct negotiations with the contractor on the allowability of independent research and development costs in all cases where such costs are substantial in amount, a substantial portion of the contractor's business is with the Department of Defense, and the contractor's defense work involves contracts with more than one military department.

(b) The criteria for selection of the sponsoring department shall generally be the service having the preponderant work; cognizant plant assignments; or any other existing relationships which may have bearing on such selection. However, an equitable division of the work among the departments is the desired goal.

§ 83.5 Procedures.

(a) Contractors doing business with more than one department and seeking reimbursement for independent research and development expense may be required to submit copies of a brochure describing each research and development project and indicating the amount of money budgeted for each project. Normally, the brochure will be submitted to the sponsoring department before the beginning of the contractor's fiscal year in which the cost is to be incurred, or at least within the first 90 days of such fiscal year.

(b) The Armed Services Research Specialists Committee will, when requested, review the brochures to assure that there is adequate segregation between research and development. The Committee will then recommend to the negotiator of the sponsoring department the extent to which it is reasonable to support such programs.

(c) The sponsoring department will establish a time and place, if necessary, for the conduct of the negotiations with the contractor. Other procuring activities having contracts with the contractor will be advised of the pending negotiations and invited to participate. If such procuring activities do not have representatives at the negotiation, they will be deemed to have waived participation. The results of the negotiation will, in any event, be binding upon each department having contracts with the contractor.

(d) In the event that the above procedures have not been effectuated prior to the incurring of costs by the contractor for an independent research and development program, such procedures are available and are to be used in a later review.

MAURICE W. ROCHE,
Administrative Secretary.

JULY 28, 1960.

[F.R. Doc. 60-7156; Filed, Aug. 1, 1960; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—LOAD LINES

[CGFR 60-52]

PART 43—FOREIGN OR COASTWISE VOYAGE

Subpart 43.40—Zones and Seasonal Areas and Miscellaneous Requirements

WINTER SEASONAL ZONE FOR THE NORTH PACIFIC OCEAN

The purpose of the amendment to 46 CFR 43.40–1(a) in this document is to revise the description of the winter seasonal zone for the North Pacific Ocean to agree with the Load Lines Modification of Annex II of the International Load Line Convention of July 5, 1930 (TS 858; 47 Stat. 2228), which was proclaimed by the President of the United States of America in a Proclamation dated July 8, 1959 (TIAS 4266), and stating this modification entered into force on July 13, 1957. The Load Lines Modification changed the "winter seasonal" zone by moving the rhumb line across the North Pacific Ocean from "• • • latitude 35° N. to longitude 150° W., and thence along a rhumb line to the west coast of Vancouver Island at latitude 50° N. • • •," to "• • • latitude 35° N. to longitude 150° W., and thence along a rhumb line to the west coast of British Columbia at latitude 55° N. • • •." It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary. This amendment changes the description to agree with the Load Line Convention as modified.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment to § 43.40–1(a) is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 43.40–1 Boundaries of the zones and seasonal areas.

(a) The southern boundary of the northern "winter seasonal" zone is a line drawn from the east coast of North America along the parallel of latitude 36° N. to Tarifa, in Spain; from the east coast of Korea along the parallel of latitude 35° N. to the west coast of Honshu, Japan; from the east coast of Honshu along the parallel of latitude 35° N. to longitude 150° W., and thence along a rhumb line to the west coast of British Columbia at latitude 55° N., Fusan (Korea) and Yokohama to be considered as being on the boundary line of the northern "winter seasonal" zone and the "summer" zone.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a)

Dated: July 26, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60–7158; Filed, Aug. 1, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 22—SECOND CLASS

Miscellaneous Amendments

The regulations of the Post Office Department are amended to read as follows:

I. Section 13.1 *General information* is amended to show that rural route patrons are permitted to use addresses including street names and house numbers under certain conditions; and to correct the cross references therein. As so amended § 13.1 reads as follows:

§ 13.1 General information.

(a) Write the address clearly and legibly.

(b) Mail for delivery through a city delivery post office must include in the address; the street and number, or post office box number, or general delivery, or rural or star route designation. Mail for patrons on rural route may be addressed to street names and numbers provided this type of address has been approved by the Regional Operations Director. The rural route number or the words "Rural Delivery" should be used in such addresses.

(c) All mail should bear the name and address of the sender. See §§ 16.2(f), 25.5(a)(1), 26.6(a), 47.7(b), 48.3, 48.4(a)(2), 51.5(a), 52.1(b) and 53.1(b) of this chapter for mail which must show a return address.

(d) Include the postal delivery zone number on mail addressed to cities using that system. See § 13.6(d).

(e) Matter bearing dual addresses or the names of more than one post office in the return address or in the recipient's address is not acceptable for mailing.

(f) Matter bearing instructions to return to "Point of Mailing" (postmark) is not acceptable for mailing.

(g) See § 13.7 for special instructions on addressing second-class mail.

(h) See § 13.8 for special instructions on addressing overseas military mail; and §§ 111.1(b)(2) and 121.2(d)(1) of this chapter for addressing international mail.

NOTE: The corresponding Postal Manual section is 123.1.

(R.S. 161, as amended, 396, as amended, sec. 1, 25 Stat. 1, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 249)

§ 13.4 [Amendment]

II. In § 13.4 *Simplified address*, make the following changes:

A. In paragraph (c), amend subparagraph (3) by inserting "second-class imprints" immediately following the words "permit imprints". As so amended, subparagraph (3) reads follows:

(c) *Preparation requirements.* • • •

(3) Postage at the proper rate must be fully prepaid by a method that does not require cancellation: By permit imprints, second-class imprints, meter stamps, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

NOTE: The corresponding Postal Manual section is 123.433.

B. Paragraph (e) is amended to illustrate the address for delivery of mail to a post office boxholder at a city delivery office without using a specific name. As so amended, paragraph (e) reads as follows:

(e) *"Occupant" mail.* To address mail to a specific street number without addressing the occupant by name, or to a post office box without addressing the boxholder by name, the following style may be used:

Postal Patron (or Occupant, Householder, Resident, etc.)

(Street and Number, Including Apartment Number, if Any or Post Office Box Number)

(Post Office and State, or Local, and Zone Number When Applicable)

NOTE: The corresponding Postal Manual section is 123.45.

(R.S. 161, as amended, 396, as amended, sec. 1, 25 Stat. 1, as amended, sec. 1, 62 Stat. 781, as amended, 18 U.S.C. 1716, 39 U.S.C. 249)

§ 15.3 [Amendment]

III. In § 15.3 *Perishable matter* make the following changes:

A. Paragraph (f) is amended for the purpose of clarification to read as follows:

(f) *Meats or meat products.* Interstate shipments of meats and meat products may be sent through the mail only if they conform with regulations of the U.S. Department of Agriculture under Federal statutes. Each shipment must be accompanied with a certificate submitted by the mailer on Form 3583, "Certificate of Shipper and Mail Shipment of Meat or Meat-food Products." The form is designed for use by all shippers of meat or meat-food products subject to the inspection regulations of the U.S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment. The original copies of all certificates must be kept in the post office for 1 year. Certificates one and two must be completed in duplicate and the duplicates must be sent daily in an official post office penalty envelope to the address of the U.S. Department of Agriculture printed on the form.

NOTE: The corresponding Postal Manual section is 125.36.

B. Paragraph (h) is amended by deleting subparagraph (2) which relates to furs mailed from Alaska. As so amended, paragraph (h) reads as follows:

(h) *Furs, hides, skins or pelts.* Parcels containing furs, hides, skins or pelts of wild animals are mailable when properly dried or cured; have no offensive odor; and are plainly marked, labeled, or tagged on the outside with the names and addresses of the shipper and the addressee together with such other endorsement, if any, as may be required by the game laws of the State, Territory, or district in which mailed. Hides and pelts shall be wrapped when necessary to prevent damage to other mail.

NOTE: The corresponding Postal Manual section is 125.38.

(R.S. 161, as amended, 396, as amended; sec. 24, 20 Stat. 361; 5 U.S.C. 22, 369; 39 U.S.C. 250)

• IV. Sections 22.6 *Sworn ownership and circulation statements* and 22.7 *Marking of paid reading matter* are amended as a result of the enactment of Public Law 86–513, approved June 11, 1960 (74 Stat. 208), which requires that each annual statement of ownership, management and circulation submitted for publication entered as second-class mail must include the average number of copies for each issue of the publication sold or distributed through the mail or otherwise distributed to paid subscribers during the preceding 12 months; and deletes the minimum fine limitation of $50 for failure to mark paid reading matter in a publication entered as second-class mail. As so amended §§ 22.6 and 22.7 read as follows:

§ 22.6 Sworn ownership and circulation statements.

(a) *Requirements.* The editor, publisher, business manager, or owner of a publication entered as second-class mail shall file with the Postmaster General and publish in the second issue thereafter of the publication to which it relates a sworn statement on forms furnished by the Postmaster General on or before the first day of October of each year setting forth:

(1) The names and post office addresses of the editor and managing editor, publisher, business managers, and owners;

(2) The name of the corporation and the stockholders thereof if the publication is owned by a corporation;

(3) The names of known bondholders, mortgagees, or other security holders; and

(4) The average number of copies of each issue of the publication sold or distributed through the mails or otherwise distributed to paid subscribers during the preceding 12 months.

The sworn statement need not include the names of persons owning less than 1 per centum of the total amount of stock, bonds, mortgages, or other securities. The Postmaster General shall deny the privilege of second-class mail to a publication which fails to comply with the provisions of this paragraph within ten days after notice by registered mail or by certified mail of the failure. This paragraph is not applicable to religious, fraternal, temperance, scientific, or similar publications. (Pub. Law 86–513; 74 Stat. 208.)

(b) *Procedures.* The statement must be filed on Form 3526, "Annual statement of newspaper ownership, management, and circulation," in duplicate at the post office where the original second-class permit is authorized. One copy of the issue in which the statement is published must be filed with Forms 3526. Postmasters will furnish copies of Form 3526 to publishers at least 10 days prior to October 1, each year.

§ 22.7 Marking of paid reading matter.

Editorial or other reading matter contained in publications entered as second-class mail and for the publication of which a valuable consideration is paid, accepted, or promised shall be marked plainly advertisement by the publisher. Whoever, being an editor or publisher, prints in a publication entered as second-class mail editorial or other reading matter for which he has been paid or promised a valuable consideration, without plainly marking the same advertisement, shall be fined not more than $500. (Pub. Law 86–513; 74 Stat. 208)

NOTE: The corresponding Postal Manual sections are 132.6 and 132.7.

(R.S. 161, as amended, 396, as amended, sec. 2, 37 Stat. 553, as amended; 39 U.S.C. 233)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60–7141; Filed, Aug. 1, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO-10-A24]

MILK IN ST. LOUIS, MO., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the St. Louis, Missouri, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at St. Louis, Missouri, on January 18, 19, 20, 25, and 26, 1960 pursuant to notice thereof which was issued December 23, 1959 (24 F.R. 10908).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Modification of the scope of regulation;
3. Changing the provisions with respect to classification, transfer, and allocation;
4. Enlargement of the surplus marketing area;
5. Revision of the Class I price and location adjustments;
6. Revision of the Class II price;
7. Location adjustments to handlers and producers;
8. Provision for direct-delivery differentials;
9. Modification of the provisions with respect to unpriced milk;
10. Adoption of a different seasonal incentive plan;
11. Revision of the payments to cooperative associations; and
12. Administrative changes.

Issues numbered 4, 5, 6, and 10 were considered separately in a decision issued by the Assistant Secretary on March 24, 1960 (25 F.R. 2623) and amendments related thereto were made effective as of April 1, 1960. The remaining issues are considered herein.

Findings and conclusions. The following findings and conclusions on the specified material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include the city of St. Charles, Missouri.

The marketing area now includes only the city and county of St. Louis on the Missouri side of the river and East St. Louis, Belleville, Scott Field and several adjacent townships on the Illinois side. However the recently promulgated Suburban St. Louis order covers a 19-county area in Illinois. Proposals considered at this hearing would add a 16-county area in Missouri to the St. Louis area.

The inclusion of the city of St. Charles will significantly affect only the St. Charles Dairy Company. This handler operates a plant located in St. Charles and distributes a sufficient proportion of his total supply of milk within the present marketing area to qualify as a pool plant in most months. However, on occasion, due to fluctuations in sales or in receipts, he fails to qualify as a pool plant. This had occurred during two months out of the 14-month period just preceding the hearing. Expansion of the marketing area would substantially increase the proportion of his in-area sales and would virtually eliminate the prospect of his losing pool status. The plant is under St. Louis County Health inspection because of its sales within that county.

No new parties would be affected by the inclusion of St. Charles in the marketing area. All of the Grade A milk distributed in the city is by the St. Charles Dairy and other presently regulated handlers. A small dairy distributes non-Grade A milk in the city, but has no Grade A shippers and would not be affected by the order.

The marketing area should not be expanded to include that portion of St. Charles County which is outside the city of St. Charles or the other 15 counties which were proposed. A substantial proportion of the total Grade A milk sold in each of these counties is distributed by St. Louis order handlers. This fact was demonstrated by estimates supplied by both the St. Louis and unregulated handlers. It is interesting to note that the proportion is influenced more by the distribution of local handlers than by the distance from St. Louis. Some handlers who would be regulated if these counties were included have a large proportion of their Class I business within the 16-county area. However, others have only a minor proportion of their total sales within the territory. It was not possible to specify any portion of the 16-county area in which this would not be a serious problem.

The sale of non-Grade A milk is another problem in the proposed area. As noted above, non-Grade A milk is distributed even within the city of St. Charles but in that instance the volume is small and all of the Grade A milk is already subject to regulation. In the remainder of the 16-county area these conditions do not exist. A few cities and counties have Grade A ordinances but elsewhere ungraded milk can be sold for fluid purposes. In fact the distributor operating a plant at Washington, Missouri, has a substantial number of ungraded shippers and distributes some of his milk without a Grade A label in localities where he faces competition with ungraded milk. He distributes extensively into St. Charles County outside of the city of St. Charles, and into Franklin and Jefferson Counties which border the present marketing area.

The dairy farmers supplying Grade A milk to the plants which would become subject to regulation in the 16-county area did not experience any marketing problems which they thought could be remedied by expansion of the marketing area.

2. *Scope of regulation.* Changes in the definition of "pool plant" and of several of the other terms which affect the scope of regulation were considered at the hearing. They will be described below under the topics "pool plant", "cooperative association", "bulk tank handler", "diversion to nonpool plants", "dairy farmer for other markets", and "route".

Pool plant standards. The country pool plant standards provided herein would:

1. Qualify a country plant as a pool plant for any month in which 50 percent or more of its approved milk was shipped to city plants;

2. Permit supply plants to be qualified as pool plants during the succeeding flush months of February through July if they had shipped 50 percent or more of their approved milk to city plants in each of the months of August through January;

3. Permit systems of supply plants, upon appropriate notice to the market administrator, to qualify as a group by meeting the same total requirements as apply to individual plants; and

4. Eliminate the reserve supply credit.

There are two principal categories of pool plants described under the St. Louis order. The city plants are those at which milk is bottled and distributed on wholesale or retail routes in the marketing area in such proportions as to qualify as pool plants. The second group of pool plants, the country plants, are those which qualify by the assembling and cooling of milk from farmers and the

shipment of milk in bulk form to distributing plants. Commonly such shipments are needed most during the fall season when production per producer is lowest. Accordingly, these plants are pooled the following flush months if they meet pool plant requirements during specified fall months. The notice of hearing contained a proposal to change the country plant standards. Because of the close interrelationship between country plants and city plants, the city plant definition was also reviewed at the hearing. However, no evidence was presented regarding any need for changing the city plant standards, so the remainder of this discussion relates only to the country plant standards.

The pool plant standards are objective measures of whether any given supply plant is closely enough associated with the market to require complete regulation and to permit participation in the marketwide pool. Such association with the market should be measured solely by the quantities of milk which are shipped from the country plant to city plants rather than by the additional requirement that such shipments qualify for reserve supply credit. The four proponent cooperatives proposed to eliminate the references in the present order to reserve supply credit and none of the other parties at the hearing proposed to retain the credit.

The country plant pooling provisions must also be reviewed in the light of changed marketing conditions. In September 1959, 77 percent of the total market supply was collected from producers' farms in bulk tanks. It would be expected that such milk could be transported economically for longer distances than milk collected in ten-gallon cans and that bulk shipments would reduce the supply plant function. However, the country plants continued to grow in terms of the percentage of total production and number of producers through 1958, but were down slightly in each month of 1959 (through September) from the corresponding month of 1958. It is to be expected that further development of bulk tank shipment will cause the country plants to supply only the residual demands of distributing plants and to process or dispose of the daily, weekly, and seasonal reserve supplies of milk. Another marketing development is that city plants have adopted 5- and 6-day operation in place of a former 7-day operation. The result is that their demands on country plant supplies fluctuate more widely. Unless there is sufficient holding capacity to "bank" the supplies which are delivered by producers on days when there are no bottling operations, a larger total supply of milk is needed to satisfy a given quantity of Class I sales.

Therefore the cooperatives who were joint proponents of revision of the order proposed that their supply plants be pooled on the basis of these cooperatives' total identification with the market instead of on the basis of specific performance of each of their country plants. More specifically, they proposed that their supply plants be pooled if certain percentages of the total quantity of member milk were delivered to pool plants other than those operated by the cooperatives. They proposed that a minimum of 75 percent be so delivered in October and November and 50 percent in each of the other months. These receipts of member milk at the other pool plants would include both that milk delivered directly from members' farms to pool plants and that delivered from the association-operated supply plants. It was pointed out that this concept of pooling cooperative association "standby" plants has been adopted in other orders. However, it must be recognized that in most of these other cases the plants operated by the cooperative associations had never functioned as regular suppliers. One alternative is that such facilities could remain as nonpool plants and the milk received there accounted for as producer milk diverted to such plant for the cooperative association. However, by designating them as pool plants, the milk could occasionally be resold to other handlers under this or other orders for supplemental purposes as interhandler transfers and the necessity for diversion is obviated.

In St. Louis, however, at each of the cooperative association supply plants milk has been received regularly from producers and supplied regularly to city plants. Furthermore, virtually the entire available supply from each of them has been shipped to city plants in the fall months. It is concluded that country supply plants should continue to be qualified only on the basis of their performance in shipping milk to city distributing plants.

A principal objective of the cooperatives' proposal was to allow more economical use of available milk. The associations pointed to the obvious economies which could be achieved if all the milk from some of the supply plants could be shipped to market to meet bottling needs while the reserve milk was concentrated at other plants for processing into manufactured dairy products. This objective can be accomplished by allowing any group of supply plants to be pooled on the basis of total shipments of the group or system of plants. Qualifying supply plants on a group or system basis will not change the quantity of milk or number of plants which can be qualified for the pool. Under the present order, any handler or group of handlers can restrict the shipments from one plant to the minimum needed in order to qualify a second supply plant.

This principle of combining plants for maintaining pool qualification should be extended to cover all plants for which a handler is responsible for the marketing of milk. The marketing arrangements should be attested to in the form of a joint certification to the market administrator. The order should provide that the joint certification to the market administrator list the plants to be included in the system and the period that they should be so considered. The initial listing should be furnished with the handler's regular monthly report, due by the 7th day following the first month in which the system is applicable. Any additions to or deletions from the listing should likewise be made by the 7th day following the month to which they apply. Each system is responsible for meeting the overall qualification. If the system as a whole cannot remain qualified, the market administrator must be notified if it is desired that one or more of the component plants be deleted from the system.

The percentages of total supply which must be shipped from a country plant to city plants were also considered at the hearing. A supply plant should qualify in any month when 50 percent of its supply is sent to a distributing plant. Moreover, if a minimum of 50 percent is shipped from a supply plant in each of the six months of August through January, it should be qualified in the succeeding February–July period irrespective of whether the minimum 50 percent of its receipts is shipped during these months.

Under the present order, supply plant operators must ship 75 percent in October and November and 35 percent in three of the four months of August, September, December, January. Further, such shipments must qualify for reserve supply credit. The 75 percent requirement was suspended for the month of November 1959, on request of the major suppliers in the market. Total market supplies were larger in proportion to Class I sales than in the same month of the past few years, the bottling plants were receiving more of their milk directly from farms equipped with bulk tanks, and the demand for country plant milk was below the specified 75 percent level. The trend towards bulk tank handling of milk on farms is likely to continue, and 50 percent represents an appropriate maximum percentage. On the other hand, there was no evidence that any of the present pool plant operators foresaw any difficulty in meeting the 50 percent requirement in each of the 6 months of August through January.

Cooperative association. A section defining a cooperative association should be included in the order. This will facilitate subsequent order references to qualified associations and will apply to all functions of a cooperative association under the order. The definition should limit qualification to those cooperative marketing associations of producers which are qualified under the Capper-Volstead Act.

Bulk tank handler. It was proposed that a cooperative association be permitted, under certain conditions, to be the handler on bulk tank milk which is moved from the farm to pool plants which are not operated by the association.

Designation of a cooperative association as the handler of bulk tank milk will assist the associations in the efficient distribution of the available milk supply according to the needs of the various pool distribution plants. In some instances, the same tank truck load of milk may be split between two or more pool plants; and in other instances, two or more pool plants may receive the entire tank truck load on different days during the same month.

In the case of member farmers who market their milk in bulk tanks, weight

readings and butterfat samples will be taken at the farm by persons responsible to a cooperative association and it therefore follows that the cooperative association will be held responsible to the pool for the receipt of such milk. In the case of dairy farmers who market their milk in cans, weight readings and butterfat tests are taken at the receiving plant where individual cans of milk of the same dairy farmer are dumped and commingled and, accordingly, the pool plant is held responsible for the milk receipt.

It is necessary that the market administrator be able to establish the responsibility for milk received and, therefore, the cooperative association which intends to be the handler for bulk tank milk is required to so notify the market administrator. Otherwise, the handler at whose pool plant the milk is received must be held accountable for it and responsible for payments to producers. It follows that the association also will notify the operator of the pool plant that it intends to be the handler for the milk.

When a cooperative association is the handler for bulk tank milk delivered to the pool plant of another handler, the transaction constitutes an interhandler transfer. In order to avoid misunderstanding concerning the classification of such transactions, the order should provide for pro rata classification at the pool plant of bulk tank milk of which the association is a handler. Such classification would be automatically subject to audit adjustment. This method will also expedite the association's report of receipts and utilization. The pool plant handler would be required to pay the association the class prices for milk received and classified in this manner. The association, in turn, would be required to settle with the pool through the producer-settlement fund and to settle with the market administrator for the administrative expense assessment on the milk.

Diversion to nonpool plants. The diversion provision should not be amended except to clarify that the 16-day limit applies to production days and that milk diverted to a pool plant under another order loses status as St. Louis producer milk only if it specifically so qualifies under the other order.

The present order provides that either proprietary handlers or cooperative associations may divert milk to a nonpool plant any time during the flush months of March through July and further provides that only cooperative associations may divert milk to nonpool plants on not more than 16 days during any month from August through February.

Some proprietary handlers questioned whether the provision for limited diversion by cooperatives in the months of August through February should not be extended to all handlers. They gave no specific testimony in this regard, however. There was no evidence of record that the present diversion provisions have either been so strict as to contribute to inefficient movements of milk or so lax as to encourage unnecessarily large supplies of milk to become associated with the market. It is concluded, therefore, that no substantive changes should be made in the present diversion provision.

The wording of the present diversion provision should be changed so that it will be limited to not more than 16 days production of a producer diverted to a nonpool plant in the short months. This clarifying change is desirable, because of the increased number of bulk tank shippers whose milk is delivered every other day.

There was some confusion about the status under the St. Louis order of milk diverted to a nonpool plant at which such milk would qualify as producer milk under another Federal order. Proposed amendatory language in both paragraphs (a) and (b) of § 903.7 specified that such milk would be producer milk at the plant of physical receipt rather than under the St. Louis order. However, this objective is already met by the proviso in the introductory sentence of § 903.7. It should be clarified only to specify that the milk be defined as producer milk under the other order.

Dairy farmer for other markets. A definition of "dairy farmer for other markets" should be included in the order as a means of distinguishing between persons producing milk primarily for this market and those engaged in supplying fluid milk plants operated by a handler or his affiliate which are not pool plants under the order.

The definition would apply to any dairy farmer whose milk is used primarily to supply another market during those months when the St. Louis market is most in need of milk and is then moved to the St. Louis market during the following flush production months when it is no longer needed for Class I purposes on the other market. The milk of such farmers could only be used for manufacturing purposes during these flush months, thus contributing to a lower uniform price for those producers who have assumed the responsibility of regularly supplying the market. This circumstance would tend to place on St. Louis producers the unwarranted burden of carrying the surplus of other Class I markets without a compensating participation in Class I sales.

A "dairy farmer for other markets" would be excluded from "producer" status and milk received at pool plants from such farmers would be other source milk.

Route. The term "route" is used in the definition of pool plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s). Such definition would include as route distribution a sale to or through a vendor.

3. *Classification, transfer, and allocation.* Proposals to amend these interrelated provisions of the order involve (1) the accounting for inventories, (2) classification of various products containing sour cream, (3) accounting for the skim milk equivalent of added solids, (4) a revised classification procedure for milk transferred or diverted to nonpool plants, and (5) the provisions relating to long distance shipments of cream.

Inventory accounting. Handlers have inventories of milk and fluid milk products at the beginning and end of each month which enter into the accounting of receipts and utilization. Manufactured products on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. Handlers will need to keep records of such manufactured products but such products will not be included in inventories for the purpose of accounting for current receipts.

Closing inventory would be accounted for as Class II milk. Accordingly, it is necessary to provide a proper method of reclassifying in the following month, the milk in beginning inventory which is used for Class I disposition. The method of reclassifying beginning inventory would be in accordance with the general procedure of giving precedence in Class I assignment to producer milk received during the month. Priority of Class I assignment is then given to receipts of the handler in the previous month from other pool sources which were priced as Class II milk.

It may be necessary to determine to what extent in the previous month other source milk became an inventory item. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge would be subject to compensatory payments, provided that such payments would not apply to any milk which has been classified and priced as Class I milk under another Federal order.

Sour cream and mixtures. Sour cream is presently classified as Class I when labelled as such. By definition it must contain 18 percent or more butterfat.

Some handlers have avoided Class I by reducing the butterfat content below the 18 percent legal minimum for "cream" and labelling the product as a dressing rather than as "sour cream". However, there is another class of products also on the market. These were referred to at the hearing as "party snack" or "chip and dip" preparations. They contain sour cream or sour cream and milk mixtures but also contain a variety of other ingredients and compete more directly than sour cream with nondairy food preparations.

The order should be clarified to classify as Class I the low-fat, soured, mixtures of cream and milk or skim milk. These are analogous to the sweet mixtures of cream and milk which are generally known as "half-and-half" and are Class I. However, the cream and milk contained in products mixed with other ingredients should continue to be classified as Class II.

Accounting for concentrated products. The present order includes reconstituted skim milk sold for fluid purposes as a Class I use. In plants in which both bottling and manufacturing operations are conducted the Class I use is determined by accounting for all receipts and disposition at the plant in milk equivalent terms. The necessary procedure can be clarified in the order by specifi-

cally amending § 903.44, "Computation of skim milk and butterfat in each class", to include the quantity of water originally associated with any concentrated product such as dry milk, condensed milk, and the like.

Transfers to nonpool plants. The transfer provisions should be changed so that milk transferred or diverted to nonpool plants would be allocated to any Class I utilization in excess of receipts from Grade A dairy farmers, to allow long distance shipments of cream for manufacturing uses, and to delete the requirement of a written certification of use from the operator of the nonpool plant.

There is frequent occasion to transfer milk from pool plants to nonpool plants. This can be accomplished either as a direct transfer (usually in bulk tank) from one plant to the other or, alternatively, by a diversion for the account of a regulated handler directly from the farms to the nonpool plant. Obviously the particular milk transferred cannot be specifically accounted for at the nonpool plant, so allocation rules are necessary just as they are to accomplish classification within a fully regulated plant. At present, the milk transferred or diverted to a nonpool plant located within the prescribed surplus marketing area is assigned to the lowest available use of an equivalent quantity of milk in the nonpool plant. (The issue of enlargement of the surplus marketing area was considered in the Assistant Secretary's decision of March 24, 1960.)

This procedure of allocating transferred or diverted milk to the lowest equivalent use facilitates the disposal of milk not needed for bottling in the St. Louis market. However, there are opportunities for abuse, involving the bottling of the transferred milk and its sale for fluid use. It is possible that a supply plant can earn a greater margin by selling milk to a nonpool plant at a price somewhat above the Class II price than by shipping the milk to a St. Louis city plant at the Class I price. If the nonpool plant operator has both manufacturing and bottling operations in his plant, he can assign the transferred milk to Class II while physically using it for his bottling operation. If he is short of bottling quality milk, he would be willing to pay substantially more than the Class II price for St. Louis supplies. At the same time, the St. Louis city plant might have to resort to other source milk for its Class I requirements. Obviously, such practice would reduce the quantity and proportion of producer milk used in Class I, reduce the blend price, and at the same time constitute unfair competition to the dairy farmers supplying the nonpool plant and to regulated competitors of such plant and perhaps deprive the St. Louis market of needed supplies from regular sources.

The major deficiencies in the present transfer provisions can be eliminated by classifying as Class I only such quantities of transferred or diverted milk as are left after assigning to the Class I use at the nonpool plant the regular receipts of Grade A milk from local dairy farmers. It was proposed that the allocation of the St. Louis milk apply to all the nonpool plants operated by any handler within the surplus marketing area rather than to the plant or plants at which the St. Louis milk was physically shipped. This should not be allowed. The allocation process is necessary only because the physical use within a plant of each load of milk cannot be determined. However, actual use can at least be isolated by plant, and multiple-plant accounting at the nonpool plants is not an appropriate means of accounting for the use made of the nonpool milk.

The transfer provisions should provide for the pro rata allocation of assignable Class I credit in the event milk was sent to a nonpool plant from more than one St. Louis pool plant. In case milk is also received at the nonpool plant from plants subject to other Federal milk marketing orders having similar requirements with respect to transfers to nonpool plants, pro rata allocation between the markets should also apply. In case milk is transferred from the nonpool plant to a second plant(s), the same rules of classification should apply as at the original nonpool plant.

An administrative problem involving transfers refers to the certificate furnished by the operator of a nonpool plant. At present such certificate must be furnished by the 7th day following the month in which the milk is transferred if Class II utilization is claimed. Since the use of milk at the nonpool plant is subject to verification by audit, it appears that the certification of use by the operator of such plant is of little practical value. On the other hand failure to submit a certification on time results in assignment to Class I use. It is concluded that no certification should be required from the nonpool plant operator.

Cream shipments. The present order provides Class I classification for cream and all other fluid milk product shipments to points outside a specified area. This provision recognizes that administrative feasibility requires that some limit be set on the area within which the market administrator should send his staff to verify claimed Class II utilization. However, it was demonstrated at the hearing that it is economically feasible to ship cream beyond the specified area for such non-fluid use as the manufacture of ice cream since cream has a much greater value in proportion to weight than milk. The administrative problem of verifying that the cream delivered to locations outside the specified area is utilized as Class II can be obviated by requiring that for such shipments to be classified as Class II the cream must be clearly for manufacturing purposes only. This can be achieved by specifying that such shipments of cream may be classified as Class II if the cream is not labeled as Grade A and hence may be used only for manufacturing purposes. In order to assure that such claimed Class II shipments of cream beyond the specified area are not labeled Grade A the market administrator should be afforded prior notice of such shipments.

7. *Location adjustments.* No further change should be made in the rates of location adjustments to handlers and producers. The suspension action of March 11, 1960, by the Assistant Secretary (25 F.R. 2198) suspended the location adjustments at plants located within 30 miles of City Hall at St. Louis and the suspension became effective April 1, 1960.

Also, effective April 1, the Class I price was established at the 30–40 mile zone with a 16-cent higher price at plants located within 30 miles and with negative location adjustments by 10-mile zones beyond 40 miles. These changes are incorporated in the accompanying order.

At points located more than 40 miles from city hall where pool plants are presently located the rate structure in the present order appropriately reflects the cost of transporting milk to city zone plants in bulk tank trucks. No change in the location adjustments applicable to such plants was proposed at the hearing and none is provided for herein.

8. *Direct-delivery differential.* The notice of hearing contained a proposal that handlers pay a direct delivery differential of 15 cents per hundredweight on all milk received direct from producers at a pool plant located within 50 miles of City Hall in St. Louis. However, in making the payments to producers, diverted milk as well as that actually received at plants within the 50-mile zone would share in the direct delivery differential and the rate of the direct-delivery payment would be reduced proportionately.

The direct delivery differential was supported mainly on the grounds that country supply plant operators commonly add a handling charge to the class price when they sell milk to bottling plants. It must be recognized, however, that in the St. Louis market, handlers have paid a 25-cent per hundredweight premium to farmers who converted from 10-gallon cans to farm bulk tank equipment. Many of the city plants receive only bulk tank milk either from farmers or from country plants and have disposed of any equipment they may have had for the receipt of milk in 10-gallon cans. The country plant handling charge has been only slightly higher than this bulk tank premium. It has averaged about 30 cents in recent months. The country plant handling charge is obviously greatly influenced by the bulk tank premium since both sources of milk are generally available to the city plant operators. Both the bulk tank premium and the country plant charge are, therefore, subject to negotiation depending on changes in marketing conditions.

In the circumstances, the primary reasons advanced in support of direct delivery differentials do not adequately support inclusion in the order of a specific differential on the Class I price for direct-delivery milk.

9. *Unpriced milk.* The St. Louis order exempts several categories of milk plant operation from complete regulation with respect to pricing and pooling. One source of unpriced milk is that dis-

tributed on routes within the defined marketing area from plants which do not qualify as pool plants under this order. They may fail to qualify either because sales from the plants within the St. Louis market are less than the stated percentages of receipts or because they are primarily associated with some other Federal order market. The other major category of unpriced milk is that purchased by operators of St. Louis pool plants from plants which do not qualify as supply pool plants. Such purchases are most commonly made in bulk form, although milk in consumer packages would be similarly classified and priced. Such milk also may come from plants which are totally unregulated or are subject to some other Federal order. In either case, this other source milk is allocated to the lowest class of utilization at the St. Louis pool plant. That portion of the other source milk which is allocated to Class I and comes from an unregulated source is subject to compensatory payments at the rate of the difference between the St. Louis Class I and Class II prices in the months of March through July and at the difference between the Class I and blend prices in the months of August through February. No compensatory payments apply on milk received from other Federal sources.

Other Federal order sources. The provisions of the St. Louis order with respect to milk priced as Class I under other Federal milk marketing orders should not be changed.

It was proposed that compensatory payments be levied on such milk at the difference between the respective Class I prices, after allowance for location adjustments, in the case of orders employing marketwide pools and at the difference between the St. Louis Class I and Class II prices if the other order utilized individual-handler pools. The difference in rate of payment was based on the premise that orders involving individual-handler pools commonly permit some unpriced milk to be received at regulated plants during the fall months.

The St. Louis market has required substantial volumes of milk to supplement the local supplies of producer milk. The data of record include the volume sold on routes within the area by nonpool plants as well as the supplemental milk, but the greater part of the volume shown in Table 7 of Exhibit 6 represents supplemental milk and most of it was obtained from plants subject to other Federal orders. In the year 1958, the volume of other source milk was equal to 5.8 percent of the volume of producer receipts and in 1959 to 5.4 percent. Imports were heaviest during the period September 1958 through March 1959, ranging from 8.1 to 11.7 percent in these months. Local supplies were more nearly adequate in the fall of 1959, and the volume of other source milk was lower than in the previous fall-winter season, ranging from 4.1 percent in September 1959 to 7.4 percent in December. The order already provides that supplemental milk classified as Class I at St. Louis pool plants is exempt from the compensatory payment provisions of the order only if the milk was priced as Class I under another Federal order. There was no evidence that any of the milk imported from other Federal order markets had been obtained by St. Louis handlers at less than the Class I price under the order of origin plus transportation costs. It should also be noted that the St. Louis Class I price, as amended effective April 1, 1960, is more directly aligned than previously with prices in those markets from which supplemental supplies have most commonly been obtained. Moreover, the St. Louis order also provides that any plant which becomes identified with the St. Louis market to a greater extent than with another Federal order market becomes subject to this order. In this connection, the standards for a supply pool plant have been clarified herein with respect to defining the receipts and shipments on which the qualifying percentages are based.

These various safeguards which are already provided in the order, together with the changes described and the lack of affirmative evidence regarding possible abuses of the inter-Federal classification and allocation provisions, are the basis for the conclusion that no provisions for inter-Federal compensatory payments should be included in the St. Louis order.

Unregulated sources. The proposed change with respect to milk from unregulated sources, whether sold on routes or purchased as supplemental milk, was to assess compensatory payments at the difference between Class I and Class II prices in all months instead of using the present lower rate (difference between Class I and blend) in the 7 months of August through February. This proposal should not be adopted.

The present provisions of the order have adequately protected the integrity of the pricing and pooling arrangement to date. No specific instances were cited to demonstrate that the allocation and compensatory payment provisions had given any purchaser of other source milk a competitive advantage based on his cost of raw product. It is significant in this connection that there was also no proposal for changing the pool plant standards for supply plants or for distributing operations.

With respect to purchases of supplemental milk by pool plant operators, it should be noted that the allocation provisions maintain a substantial incentive for the use of as much local producer milk as is available. It has also been the experience of the market that handlers have sought other Federal sources in preference to unregulated sources of supplemental milk. Apparently, therefore, the more moderate rate of compensatory payment provided during the short production months has not constituted an undue incentive for the purchase of unregulated milk.

In view of these circumstances, it is concluded that there is no need at this time for a change in the provisions with respect to unpriced milk from unregulated plants.

11. *Payments to cooperative associations.* The order already provides, in § 903.80(b), for cooperative associations to collect from handlers the amounts due to their members at the uniform price. This provision should be retained in its present form.

The order should also provide for payments by proprietary handlers, at not less than the applicable class prices, with respect to milk for which a cooperative has acted as the handler. In topic 2 above, it was explained that a cooperative association would be permitted to act as the handler on milk collected from farms in bulk tank form. With respect to such operations, it was specified that the cooperative association would be the primary handler, would be responsible to the pool and to the producers involved, and should obtain from the purchasing handlers not less than the class prices. A cooperative may also act as the handler on milk received at supply plants operated by the association and should also obtain not less than the class price for such milk.

12. *Administrative provisions.* Proposed amendments which would affect the administrative features of the order include (1) providing for an equivalent price to be determined by the Secretary of Agriculture in case a price quotation specified in the order is not available; (2) charging interest on new classes of overdue accounts; (3) providing additional information to cooperative associations regarding the utilization of milk by handlers in the market; and (4) revising the sections on reports, records and facilities.

Equivalent price. If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order may not be available or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of a price(s) equivalent to such quotations or prices.

Interest. The order now provides in § 903.84 for the assessment of interest on overdue payments to the producer settlement fund. It was proposed that a similar charge be assessed on all payments due under the order to handlers, producers, cooperative associations, or the market administrator.

Interest should be applied to all payments due to or from the market administrator at the rate of one-half of one percent per month or any portion thereof that the account is overdue.

This method of charging interest is closely analogous to the common business practice of allowing a discount on payments made for goods within a specified period, charging the full invoice amount for a subsequent period, and accruing interest thereafter. The date for payments to and from the market administrator for the producer settlement fund and to him for the administrative and marketing service accounts are specified in the order. In consideration of this specific notice to interested parties, the interest charge should begin on the first day after the due date.

Thereafter it continues to accrue at the rate of one-half of one percent per month, a reasonable rate to compensate for the cost of borrowing money and in accord with business practice.

Interest charges should not be assessed on payments due individual producers or cooperative associations since these are not routinely subject to supervision by the market administrator.

Data on utilization. The order now authorizes the market administrator to report to cooperative associations the percentage of each handler's utilization of member producers' milk in Class I and Class II. The association proposed that this information be refined to disclose more precisely each handler's potential need for local supplies of milk. This would involve such corrections as the deletion of out-of-area bulk sales, corrections for interhandler transfers and a correction for purchases of other source milk.

The present computation provides the cooperative associations with essentially the same information as was obtainable from blend price comparisons under individual-handler pooling. The additional information requested raises serious questions regarding the confidentiality of handler reports. In addition, the proposal was not as specific regarding the receipts and sales to be included in the computations as would be necessary to achieve the purpose sought.

In these circumstances, no further information on this subject should be made available by the market administrator to the cooperative associations.

Reports, records, and facilities. Section 903.30 should be supplemented to include month-end inventory, as described in topic number 3 above, and to include a "catch-all" clause to refer to items not specifically listed.

Since it is impossible to foresee all types of information the market administrator may need in order to verify reported receipts and utilization, this latter change is intended to make clear that the market administrator has authority to examine books and records not mentioned specifically in the order.

Miscellaneous. The Class I price applicable at plants located in or near the City of St. Louis should be the announced Class I price. As the result of the decision on issues numbered 4, 5, 6, and 10, and the suspension of certain language in the location differential sections of the order, the Class I price applicable at plants located more than 30 but less than 40 miles from St. Louis has been the announced Class I price for recent months. In order to facilitate price comparisons, it would be appropriate to return to announcing as the Class I price the price applicable at plants in or near St. Louis. Such change will make no difference in the Class I price level applicable at any plant regardless of its location.

The market administrator should announce the uniform price on the 11th rather than the 10th day of the month. Reports from handlers are not due until the 7th day after the end of the month, and, particularly when a holiday intervenes between the 7th and 10th days of the month, the market administrator may have difficulty in performing the tabulations necessary to compute the uniform price and announce it by the 10th day.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the St. Louis, Missouri, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

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DEFINITION

§ 903.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 903.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 903.3 Department.

"Department" means the United States Department of Agriculture.

§ 903.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 903.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 903.6 St. Louis, Missouri, marketing area.

"St. Louis, Missouri, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the Cities of St. Louis and St. Charles and the territory within St. Louis County, all in Missouri; and the territory within Scott Military Reservation, and East St. Louis, Centreville, Canteen, and Stites Townships, and the City of Belleville, all in St. Clair County, Illinois.

§ 903.7 Producer.

"Producer" means any person, except a producer-handler or a dairy farmer for other markets, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Delivered from a farm to a pool plant, or

(b) Diverted to a nonpool plant:

(1) By a cooperative association in its capacity as a handler pursuant to § 903.12(b) any number of days during the months of March through July or for a period not in excess of 16 days' production during each of the months of August through February; or

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided*, That milk so diverted pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to have been received by the diverting handler at the plant from which diverted.

§ 903.8 City plant.

"City plant" means a plant in which milk is processed and packaged and from which milk, skim milk, or cream is disposed of during the month as Class I milk in the marketing area on routes.

§ 903.9 Country plant.

"Country plant" means a plant from which approved milk is supplied during the month to a plant qualified pursuant to § 903.10(a).

§ 903.10 Pool plant.

"Pool plant" means:

(a) A city plant from which not less than 50 percent of the receipts of approved milk from dairy farms, from cooperative associations in their capacity as handlers pursuant to § 903.12, and from plants qualified pursuant to paragraph (b) of this section is distributed during the month as Class I milk on routes, and from which not less than 25 percent of such receipts are distributed as Class I milk during the month in the marketing area on routes: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing percentages during any month shall be a pool plant during the following month; or

(b) A city or country plant from which no less than 50 percent of receipts of approved milk, during the month, is shipped to city plants or distributed in the marketing area on routes: *Provided*, That all country plants which are operated by one handler, or all of the plants for which a handler is responsible for the movement of milk to city plants under a marketing arrangement certified to the market administrator by both parties, may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration should apply. Such notice, and notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies: *And provided further*, That a country plant which qualifies as a pool plant in each of the months of August through January shall be a pool plant in each of the following months of February through July unless the operator of such plant submits a written request to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments or as part of a unit.

§ 903.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 903.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a city plant or a country plant;

(b) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant; and

(c) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to assuming the function as the handler, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered, that it will be the handler for the milk. The written notice shall specify the day on which and the period for which the cooperative association shall assume the function of handler. Milk so delivered shall be deemed to have been received by the cooperative association at the pool plant to which it is delivered.

§ 903.13 Producer-handler.

"Producer-handler" means any person who operates a city plant and who processes milk from his own farm production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no other source milk or milk from other dairy farmers.

§ 903.14 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant from producers, or from a cooperative association in its capacity as a handler pursuant to § 903.12 (c) or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 903.7.

§ 903.15 Approved milk.

"Approved milk" means any skim milk or butterfat contained in milk, skim milk, or cream which is approved by a duly constituted health authority for distribution as Class I milk.

§ 903.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 903.41(a), except (1) such products approved by a duly constituted health authority for distribution as Class I milk which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 903.41(b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 903.17 Dairy farmer for other markets.

"Dairy farmer for other markets" means any dairy farmer whose milk is received at a pool plant during any of the months of February through July from a farm from which approved milk which was not producer milk was received by the handler, an affiliate of the handler or any person who controls or is controlled by the handler during the preceding months of August through January.

§ 903.18 Route.

"Route" means disposition of Class I products (including disposition through a vendor and sales from a plant or plant store) to a wholesale or retail stop other than to a pool or nonpool plant.

§ 903.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 903.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 903.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 903.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds received pursuant to § 903.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses (except those incurred under § 903.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and submit such books and records to examination by the Secretary as requested;

(f) Furnish such information and such verified reports as the Secretary may request;

(g) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(h) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 903.30 through 903.33 or payments pursuant to §§ 903.80 through 903.87;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 903.51(a), and the Class I butterfat differential, pursuant to § 903.53(a), both for the current month; and the minimum price for Class II milk, pursuant to § 903.51(b), and the Class II butterfat differential, pursuant to § 903.53(b), both for the preceding month;

(2) The 11th day after the end of each month, the uniform price, pursuant to § 903.71, and the producer butterfat differential, pursuant to § 903.81; and

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS, AND FACILITIES

§ 903.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler for each of his pool plants, and each association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) producer milk, (2) milk in the form of Class I products received from pool plants and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 903.7;

(c) The quantities of skim milk and butterfat contained in inventories of Class I products on hand at the beginning and end of the month; and

(d) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(e) The name and address of each producer from whom milk was not received during the previous month, and the date of which milk was first received from such producer;

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer;

(g) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 903.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which Class I milk is disposed of during the month in the marketing area on routes shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 903.32 Reports of milk received from producers.

(a) On or before the 25th day of each month, each handler shall report to the market administrator, his producer payroll, which shall show the total pounds of milk received from each producer during the first 15 days of such month;

(b) On or before the 20th day after the end of each month each handler shall report to the market administrator for such month on forms approved by the market administrator, his producer payroll, which shall show for each producer from whom milk was received:

(1) The total pounds and butterfat content of milk received from such producer;

(2) The price and the total amount paid for milk received from such producer, together with the amount and nature of any deduction; and

(3) The amount and nature of payments made pursuant to § 903.80(b).

§ 903.33 Reports to cooperative associations.

(a) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 903.80 (b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(b) On or before the 7th day of the following month:

(1) The pounds of milk received each day, and the total for the month; together with the butterfat content of such milk;

(2) The amount or rate and nature of deductions, and

(3) The amount and nature of payments due pursuant to § 903.80(c).

§ 903.34 Reports of transportation rates.

On or before the 10th day after a request is received from the market administrator, each handler who makes deductions from payments to producers for

hauling shall submit a schedule of transportation rates which are charged and paid for such transportation of milk from the farm of the producer to such handler's plant(s). Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 903.35 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or establish the correct data which are required to be reported pursuant to §§ 903.30 through 903.34 and the payments required to be made pursuant to §§ 903.80 through 903.89.

§ 903.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 903.40 Basis of classification.

All skim milk and butterfat which is required to be reported pursuant to § 903.30 shall be classified by the market administrator pursuant to the provisions of §§ 903.41 through 903.47.

§ 903.41 Classes of utilization.

Subject to the conditions set forth in §§ 903.42 and 903.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, cream (sweet or sour) and mixtures of milk, skim milk or cream (except frozen desert mixes, eggnog, aerated cream, sterilized products in hermetically sealed containers, and cultured soured mixtures to which a substance other than a milk product has been added); and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Accounted for and used to produce any product other than those specified as Class I in paragraph (a)(1) of this section:

(2) In inventory of products designated as Class I milk in paragraph (a) of this section on hand at the end of the month:

(3) In actual shrinkage of skim milk and butterfat allocated pursuant to § 903.47(b)(2) not to exceed the following: 2 percent of the skim milk and butterfat, respectively, received from producers except that which is diverted pursuant to § 903.7, plus one and one-half percent of skim milk and butterfat, respectively, received from pool plants of other handlers in bulk tank lots or from a cooperative association which is the handler for the milk pursuant to § 903.12(c), less one and one-half percent of skim milk and butterfat, respectively, in milk disposed of in bulk tank lots to other plants excluding milk diverted pursuant to § 903.7;

(4) In shrinkage of skim milk and butterfat, respectively, allocated to other source milk pursuant to § 903.47(b)(1).

§ 903.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat shall be classified in another class.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler (except a producer-handler) in another class.

§ 903.43 Transfers.

Skim milk and butterfat transferred or diverted in bulk form as any product designated in § 903.41(a) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 903.12 (b) and (c) shall be classified as follows:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee handler claims Class II utilization in his report submitted pursuant to § 903.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions pursuant to § 903.45(a) (1), (2), (3), and (4) and the corresponding subtractions pursuant to § 903.45(b):

Provided, That if the transferor plant receives other source milk, the classification of the skim milk and butterfat transferred results in the highest valued class utilization to milk of producers; and

(3) The transfer is by a cooperative association in which case the skim milk and butterfat so transferred shall be allocated pro rata to each class in the proportion remaining after the subtraction pursuant to § 903.45(a)(7) and the corresponding step of § 903.45(b).

(b) As Class I milk if moved to the plant of a producer-handler.

(c)(1) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) if moved to a nonpool plant which is not the plant of a producer-handler unless:

(i) The transferee plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, in the State of Missouri south of the Missouri River or in Fulton County, Arkansas;

(ii) The transferor handler claims classification of such skim milk and butterfat in Class II in his report submitted pursuant to § 903.30;

(iii) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant, which are made available if requested by the market administrator for the purpose of verification;

(d) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (e) of this section) to the extent of the pro rata quantity of skim milk and butterfat pursuant to the following computations if the skim milk and butterfat, respectively, is not classified as Class I milk pursuant to paragraph (c) of this section:

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this part applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) From the remaining amount of skim milk and butterfat, respectively, classified as Class I milk at such nonpool plant subtract any Class I milk received in consumer-type packages from a plant fully regulated by this or another Federal order issued pursuant to the Act;

(3) Prorate the remaining Class I milk to bulk receipts at the nonpool plant which are allocated to Class I pursuant to this and other Federal milk orders issued pursuant to the Act;

(4) The quantity of such Class I prorated to receipts from pool plants subject to this part shall be further prorated to such plants in accordance with the quantities claimed to be moved to such nonpool plant as Class II milk; and

(5) If any skim milk or butterfat is disposed of from the first receiving nonpool plant in the form of bulk milk, skim milk, or cream to another nonpool plant(s), the market administrator shall determine in the same manner the classification of such skim milk and butterfat at the nonpool plant where actually used or processed when necessary to support a claim of Class II classification.

(e) As Class II milk if moved in fluid form as cream to a nonpool plant which is not located within the area specified in paragraph (c)(1) of this section; if the following conditions are met:

(1) The transferor-handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

§ 903.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler, or in the case of a cooperative association for that milk received pursuant to § 903.12(c) or diverted to a nonpool plant pursuant to § 903.12(b): *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 903.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations, with respect to each pool plant shall be the pounds of skim milk in such class allocated to the producer milk received at such plant.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in approved milk classified as Class II milk pursuant to § 903.41(b)(3);

(2) Subtract from the pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is not classified and priced as Class I under the terms of another order issued pursuant to the Act (with that which is subject to another order but not classified and priced as Class I subtracted last);

(3) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to such remainder, or the product obtained by multiplying by 0.05 the pounds of skim milk in approved milk received at plants qualified pursuant to § 903.10(a) from (i) producers and (ii) plants qualified pursuant to § 903.10(b), whichever is less;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which is classified and priced as Class I under the terms of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of products designated as Class I in § 903.41(a) on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph; and

(7) Subtract the pounds of skim milk in items designated in Class I milk pursuant to § 903.41(a) received from other pool plants and from cooperative associations which are the handlers for the milk pursuant to § 903.12(c) from the pounds of skim milk in the respective classes in which such skim milk is classified pursuant to § 903.42(a); and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining, in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk.

§ 903.46 Determination of producer milk in each class.

For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 903.45, and determine the percentage of butterfat in the producer milk allocated to each class.

§ 903.47 Shrinkage.

The market administrator shall allocate shrinkage to each pool plant and to each cooperative association in its capacity as a handler pursuant to § 903.12(c) as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between:

(1) Skim milk and butterfat in other source milk received in bulk fluid form; and

(2) Skim milk and butterfat in producer milk (excluding diverted milk) and in bulk fluid receipts from other pool plants and from cooperative associations in their capacity as handlers pursuant to § 903.12(c).

MINIMUM PRICES

§ 903.50 Basic formula price.

The basic formula price for each month to be used in determining the price set forth in § 903.51(b) shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) Determine the average of the basic, or field, prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture:

CONCERNS AND LOCATIONS

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Litchfield Creamery Co., Litchfield, Ill.
Pet Milk Co., Greenville, Ill.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 3.5, add 20 percent thereof:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5½ cents and multiply by 7.0

§ 903.51 Class prices.

Subject to the provisions of §§ 903.52 and 903.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I price shall be equal to the price for Class I milk established for the same month under Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area, plus 50 cents, and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:

(1) If the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds 130 subtract, or if it is less than 130 add, an amount calculated by multiplying the difference between such percentage and 130 by 2 cents;

(2) For each month calculate a utilization percentage by dividing the net pounds of Class I milk disposed of from all pool plants plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period; multiplying by 100; adding or subtracting, respectively, any amount by which such result is greater or less than a comparable 12 month utilization percentage as computed for the third month preceding; and rounding the resultant figure to the nearest whole percent.

(b) *Class II milk price.* For the months of August through February, the Class II milk price shall be the basic formula price. For all other months, the Class II price shall be an amount computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93-score bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for 93-score butter, the highest of the prices reported for 92-score butter for that day shall be used in lieu thereof;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day

of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

§ 903.52 Location differentials to handlers.

For producer milk which is received at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, which is classified as Class I milk, the price specified in § 903.51(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
More than 30 but not more than 40 miles	16
For each additional 10 miles or fraction thereof an additional	1

Provided, That for the purpose of calculating such location differential with respect to approved milk transferred between pool plants, the Class II approved milk remaining in the transferee-plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45 (a) (1) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant from which approved milk was received, beginning with the plant having the largest differential, and then to producer milk: *And provided further*, That any approved milk transferred between city plants as Class II milk, which is to be assigned to receipts of approved milk from other plants pursuant to this section, shall be assigned to approved milk received from such other plants by either city plant so as to yield the greatest return to producers.

§ 903.53 Butterfat differentials to handlers.

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 903.46, is more or less than 3.5 percent, there shall be added to, or subtracted from as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.115.

§ 903.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 903.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July subtract the Class II price, adjusted by the Class II butterfat differential, from the applicable Class I price, adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through February, subtract the uniform price, adjusted by the producer butterfat and location differentials, from the Class I price adjusted by the Class I butterfat differential and the Class I location differentials at the location of the plant from which such milk is supplied.

APPLICATION OF PROVISIONS

§ 903.60 Producer-handlers.

Sections 903.40 through 903.47, 903.50 through 903.55, 903.70 through 903.72, and 903.80 through 903.89 shall not apply to a producer-handler.

§ 903.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraphs (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any city plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 903.9 (a) and the Secretary determines that more Class I milk is disposed of from such plant in the St. Louis marketing area on routes than in the marketing area regulated pursuant to such other order.

(b) Any country plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to the provisos of § 903.9(b).

§ 903.62 Handlers operating nonpool plants.

On or before the 15th day after the end of each month, each handler, except a producer-handler, operating a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount obtained by multiplying the hundredweight of skim milk and butterfat disposed of from such nonpool plant as Class I milk in the marketing area on routes by the rate of payment of unpriced milk pursuant to § 903.55.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 903.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 903.46 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to § 903.52;

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45 (a) (2) and (b) by the rate of payment on unpriced milk pursuant to § 903.55 adjusted by the location differential applicable at the nearest plant(s) from which an equivalent amount of other source milk was received;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class, pursuant to § 903.45 (a) (8) and (b), by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph.

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 903.45(a) (5) and the corresponding step of § 903.45(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 903.45(a) (5) and the corresponding step of § 903.45(b) for the month, whichever is less:

(2) Multiply the rate of payment on unpriced milk pursuant to § 903.55 by the pounds of Class I milk subtracted from Class I pursuant to § 903.45(a) (5) and the corresponding step of § 903.45 (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat respectively on which a payment is applicable pursuant to subparagraph (1) of this paragraph, and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 903.45(a) (4) and the corresponding step of § 903.45(b).

§ 903.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers at plants located not more than 30 airline miles from the City Hall in St. Louis, Missouri, as follows:

(a) Combine into one total the values computed pursuant to § 903.70 for all handlers who made the reports prescribed in § 903.30 and who are not in default of payments pursuant to § 903.84;

(b) For each of the months of April, May, June, and July subtract an amount equal to 10 cents per hundredweight on the total amount of producer milk included in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (c) of this section;

(c) For each of the months of October, November, and December, add one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equivalent to the total deductions made pursuant to § 903.82;

(e) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(f) Add an amount equivalent to one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting amount by the total hundredweight of producer milk; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section.

§ 903.72 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 903.71 and the producer butterfat differential computed to § 903.81; and

(c) The amounts to be paid by such handler pursuant to §§ 903.84, 903.87, and 903.88, and the amount due such handler pursuant to § 903.85.

PAYMENTS

§ 903.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized in writing by such producer to be made from payments due pursuant to this subparagraph; and

(2) On or before the 17th day of the following month, an amount equal to not less than the uniform price, adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 903.88.

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer.

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) (1) and (2) (i), (ii), (iii) of this section less any deductions authorized in writing by such association: *Provided*, That the association has furnished the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association.

(c) On or before the 15th day of the following month, each handler shall pay a cooperative association for milk received by him during the month from such association for which the association is the handler not less than the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

§ 903.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 903.80, the uniform price shall be adjusted by adding or subtracting for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less, respectively, than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 903.53(b).

§ 903.82 Location differentials to producers.

In making payments for milk received from producers at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, the uniform price computed to § 903.71 shall be reduced at the rate set forth in the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
More than 30 but not more than 40 miles	16
For each additional 10 miles or fraction thereof an additional	1

§ 903.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund to be known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 903.62, 903.84, and 903.86, and out of which he shall make payments due handlers pursuant to §§ 903.71, 903.85, and 903.86.

§ 903.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 903.70 exceeds the obligations of such handler for milk received from producers, pursuant to § 903.80.

§ 903.85 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation of such handler for milk received from producers, pursuant to § 903.80 exceeds the value of milk for such handler calculated pursuant to § 903.70, less any unpaid balances due the market administrator from such handler pursuant to §§ 903.84, 903.86, 903.87, or 903.88: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available.

§ 903.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses that money is due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall make payments to such handler of any amounts due the handler, or shall notify the handler of any amount due the market administrator or producers or cooperative associations, and such payments shall be made on or before the next date for making payments as set forth in the provisions relating to the payments which were in error.

§ 903.87 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month 2½ cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) Grade A other source milk (except other source milk which was subject to another order issued pursuant to the Act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant.

§ 903.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 903.80, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from

producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall:

(1) If the cooperative association is not receiving payment for its producer members pursuant to § 903.80(b), make the deductions from the payments made pursuant to § 903.80(a)(2), which are authorized by its producer members, and pay any money so deducted to the cooperative association on or before the 15th day after the end of the month in which the milk was received from producers; or

(2) If the cooperative association is receiving payment for its producer members pursuant to § 903.80(b), make no marketing service deductions.

§ 903.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 903.84, 903.85, 903.87, or 903.88 shall be increased one-half of one percent for each month or portion thereof that such payment is overdue.

Effective Time, Suspension, and Termination

§ 903.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 903.91.

§ 903.91 Suspension and termination.

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 903.92 Continuing power and duty.

(a) If, upon the suspension or termination pursuant to § 903.91, there are any obligations rising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 903.93 Liquidation after suspension or termination.

Upon the suspension or termination pursuant to § 903.91, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Miscellaneous Provisions

§ 903.100 Unfair methods of competition.

Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the terms and provisions of this part.

§ 903.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstance is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 903.102 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 903.103 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved under such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received in an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

Issued at Washington, D.C., this 28th day of July 1960.

F. R. Burke,
Acting Deputy Administrator.

[F.R. Doc. 60-7164; Filed, Aug. 1, 1960; 8:48 a.m.]

[7 CFR Part 1016]

[Docket No. AO-299-A2]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Conway Hotel, Appleton, Wisconsin, beginning at 9:00 a.m., local time, on August 16, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Northeastern Wisconsin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Pure Milk Products Co-operative, Consolidated Badger Co-operative and the Antigo Milk Products Co-operative:

Proposal No. 1:

1. Add § 1016.15 to read:

§ 1016.15 Base milk.

"Base milk" means the amount of milk received by a handler from a producer during each of the months March, April, May and June which is not in excess of such producer's daily average quota multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery to a pool plant shall be considered as days of delivery.

2. Add § 1016.16 to read:

§ 1016.16 Excess milk.

"Excess milk" means the amount of milk received by a handler from a producer during each of the months March, April, May and June which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed.

3. Add § 1016.55 to read:

§ 1016.55 Determination of base milk quota for each producer.

The market Administrator shall determine quotas for producers as follows:

(a) During each of the months, March, April, May and June the daily quota of each producer whose milk was received by a handler(s) on not less than sixty (60) days during the immediately preceding months of September through November, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period: *Provided,* That any producer for whom a base has been computed may upon written notice to the market administrator postmarked not later than January 15 preceding the months in which the base applies, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not earned a base by deliveries during the previous September, October and November, and any producer who elects to relinquish his base pursuant to paragraph (a) of this section, shall be allotted a base for each of the delivery periods of March, April, May and June equal to the following percentages of his average daily deliveries:

Month:	*Percentage*
March	60
April	55
May	50
June	50

Provided, That for March, April, May and June 1961, the percentages used shall be respectively, 65, 60, 55 and 55.

4. Add § 1016.57 to read:

§ 1016.57 Quota rules.

Any base computed pursuant to paragraph (a) of § 1016.56 shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided,* That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided,* That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) On or before March 1 each year, the market administrator shall notify producers of their bases, and shall notify each handler of the base of each of the producers delivering to the handler's plant(s).

(f) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base-making purposes.

5. Add § 1016.62 to read:

§ 1016.62 Excess milk price.

For the months of March, April, May and June the uniform price per hundredweight of excess milk shall be the lowest of the Class prices computed pursuant to §§ 1016.52 and 1016.53 for the respective months.

6. Add § 1016.63 to read:

§ 1016.63 Computation of the base milk price.

The market administrator shall compute the price to be paid per hundredweight of base milk for each of the months of March through June as follows:

(a) Multiply the total pounds of excess milk by the applicable excess milk price, pursuant to § 1016.62.

(b) Subtract the amounts arrived at in paragraph (a) of this section from the net value of producer milk computed pursuant to § 1016.60.

(c) Divide the resultant value by the total hundredweight of base milk and adjust to the nearest cent. The result shall be known as the uniform price per hundredweight for base milk of 3.5 per cent butterfat.

7. Change the designation of §§ 1016.62, 1016.63 and 1016.64 to read §§ 1016.64, 1016.65 and 1016.66, respectively.

8. Make such other changes as are necessary for the above proposals to become a part of Order 116.

Proposed by the Consolidated Badger Cooperative:

Proposal No. 2: Amend § 1016.10(a) as follows:

"*Provided,* That for each of the months of August, September and October, diversion of the milk of any such person shall be limited to 16 days (8 days in the case of alternate day delivery)."

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 790 West Foster Street, Appleton, Wisconsin, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 27th day of July 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-7143; Filed, Aug. 1, 1960; 8:45 a.m.]

[7 CFR Part 1018]

[Docket No. AO-286-A3]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of public hearing to be held at the Governor's Club Hotel, Fort Lauderdale, Florida, beginning at 10:30 a.m., local time, on August 11, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southeastern Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Independent Dairy Farmers' Association, Inc., Fort Lauderdale, Florida:

Proposal No. 1. Change the schedule of standard utilization percentage listed in § 1018.50(c)(2) to read as follows:

January	109	July	114
February	109	August	114
March	109	September	112
April	110	October	110
May	110	November	109
June	112	December	108

Proposed by Home Milk Producers Assn., Inc., 2451 Northwest Seventh Avenue, Miami 37, Florida:

Proposal No. 2. Amend § 1018.50(e), *Class II milk price*, by adding the following: "*Provided*, That for milk used in the production of cottage cheese, the minimum price per hundredweight shall be computed by adding together the plus values of subparagraphs (3) and (4) of this paragraph.

(3) Multiply the Chicago butter price by 1.25 and multiply the result by 4.

(4) Add one cent to the Chicago powder price and multiply the result by 7.5".

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 801-03, Sweet Building, Fort Lauderdale, Florida, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 28th day of July 1960.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-7163; Filed, Aug. 1, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket No. 877]

FILING OF FREIGHT RATES IN FOREIGN COMMERCE OF THE UNITED STATES

Notice of Oral Argument

Whereas on January 5, 1960, the Federal Maritime Board published in the FEDERAL REGISTER (25 F.R. 60), a notice of proposed rule making for the filing of freight rates in the foreign commerce of the United States; and

Whereas comments thereon, including those in which a request was made for a hearing or oral argument, have been received and considered by the Board,

Now therefore notice is hereby given that oral argument will be heard by the Board, on August 23, 1960, beginning at 9:30 a.m., e.d.t., in Room 4519 New G.A.O. Building, 441 G Street NW., Washington, D.C., with respect to questions germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents and other interested persons in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D.C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: July 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7161; Filed, Aug. 1, 1960; 8:47 a.m.]

[46 CFR Ch. II]

[Docket No. 878]

PUBLIC DISTRIBUTION OF FREIGHT TARIFFS

Notice of Oral Argument

Whereas on January 5, 1960, the Federal Maritime Board published in the FEDERAL REGISTER (25 F.R. 60, 61), a notice of proposed rule making relating to a system of distribution of freight tariffs to the public by common carriers by water in the foreign commerce of the United States operating under freight conference agreements approved pursuant to section 15 of the Shipping Act, 1916, as amended, and by other common carriers by water in the foreign commerce of the United States; and

Whereas comments thereon, including those in which a request was made for a hearing or oral argument, have been received and considered by the Board,

Now therefore notice is hereby given that oral argument will be heard by the Board, on August 24, 1960, beginning at 9:30 a.m., e.d.t., in Room 4519 New G.A.O. Building, 441 G Street NW., Washington, D.C., with respect to questions germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents and other interested persons in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D.C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: July 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7160; Filed, Aug. 1, 1960; 8:47 a.m.]

[46 CFR Ch. II]

[Docket No. 897]

FILING OF PASSENGER FARES IN FOREIGN COMMERCE OF THE UNITED STATES

Notice of Oral Argument

Whereas on March 22, 1960, the Federal Maritime Board published in the FEDERAL REGISTER (25 F.R. 2401), a notice of proposed rule making for the filing of passenger fares in the foreign commerce of the United States and for the filing of statements with respect to any person or persons carried free, or at fares or charges less than those assessed other persons traveling on the same vessel in the same or like accommodations; and

Whereas comments thereon, including those in which a request was made for a hearing or oral argument, have been received and considered by the Board,

Now therefore notice is hereby given that oral argument will be heard by the Board, on August 30, 1960, beginning at 9:30 a.m., e.d.t., in Room 4519 New G.A.O. Building, 441 G Street NW., Washington, D.C., with respect to ques-

tions germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents and other interested persons in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D.C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: July 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7159; Filed, Aug. 1, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 601, 602]

[Airspace Docket 60-WA-123]

CONTROL AREAS AND CODED JET ROUTES

Modification of Continental Control Area

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.7101, 601.2 and 602.2 of the regulations of the Administrator, the substance of which is stated below.

In a notice of proposed rule making published in the FEDERAL REGISTER on July 14, 1960 (25 F.R. 6634), as Regulatory Docket No. 443, Draft Release 60-12, it was stated that the Federal Aviation Agency proposed to amend Part 60 of Civil Air Regulations by establishing the base of the continental control area at 14,500 feet mean sea level, excluding the airspace less than 1,500 feet above terrain (i.e., in mountainous terrain higher than 13,000 feet MSL). This proposed change is a portion of a comprehensive air traffic control improvement plan and is made possible through more advanced air traffic control capabilities. The higher visual flight rule (VFR) minimum weather conditions, which currently apply only above 24,000 feet MSL would be made applicable to all airspace above 14,500 feet MSL. These minimums are considered appropriate for application in this airspace since the aircraft expected to make the greatest use of this area are high performance aircraft with air speed such that the current VFR minimums may not provide sufficient time for pilots to observe and avoid each other.

To concurrently establish the airspace wherein the rules proposed in Civil Air Regulation (Draft Release 60-12) would apply, the Federal Aviation Agency proposes to redesignate the continental control area as all the airspace within the continental United States at and above 14,500 feet MSL, excluding the airspace less than 1,500 feet above terrain (mountainous terrain higher than 13,000 feet MSL), and excluding the portion which coincides with prohibited areas and restricted areas, except where such restricted areas are otherwise designated as control area. This modification of the continental control area would encompass all of the proposed intermediate altitude airway structure (Airspace Docket No. 60-WA-53, 25 F.R. 6635), within the continental United States, and would eliminate the requirement for designation of separate control areas therein for each specific intermediate altitude airway. Thus the protection of controlled airspace for aircraft IFR operation would be extended throughout the jet route structure, proposed intermediate altitude airway structure, and the areas between such routes and airways utilized for direct flights and holding patterns within the altitudes at and above 14,500 feet MSL. Designating the base of the continental control area at 1,500 feet above terrain in mountainous areas higher than 13,000 feet MSL would provide uncontrolled airspace between such terrain and the base of this control area for use by VFR traffic.

In addition, § 601.2 (Explanation of terms), and § 602.2 (Explanation of terms), would be amended to reflect the change in designation of the continental control area.

If this action is taken, the continental control area would be designated as all the airspace within the continental United States at and above 14,500 feet mean sea level, excluding the airspace less than 1,500 feet above terrain and excluding prohibited areas and restricted areas, except where such restricted areas are otherwise designated as control area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received prior to October 13, 1960, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 27, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7135; Filed, Aug. 1, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Economic Regs., Docket No. 11659]

[14 CFR Part 294]

CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR THE MILITARY ESTABLISHMENT

Notice of Proposed Rule Making

JULY 28, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed repeal of Part 294 which exempts all air carriers holding currently effective authorizations to engage in air transportation from the provisions of sections 401, 403, 404 and 405 of the Act and various related Parts of the Economic Regulations.

The principal purposes of the proposed repeal are explained in the explanatory statement below.

This regulation is proposed under the authority of sections 204 and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 22, 1960 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after August 23, 1960 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

Explanatory statement. Part 294, adopted in 1953, provides limited exemption authority to air carriers engaged in specified types of operations for the military establishment. This exemption authorizes the performance of charter operations pursuant to agreements between air carriers and the military establishment which cover a period of at least 90 days, but do not exceed one year. Such charter agreements must provide for a minimum average of 24 one-way schedules to or from the same point per 30-day period, and the schedules must be in conformance with a preagreed schedule pattern.[1]

Air carrier parties to such agreements with the military establishment are exempt from section 401 (which requires carriers to hold a certificate of public

[1] In Orders E-14484, September 25, 1959, and E-15151, April 26, 1960, the Board granted air carriers engaged in military charter operations an exemption from the schedule, frequency and contract term requirements.

convenience and necessity in order to engage in air transportation), section 403 (which requires the filing and publication of tariffs), section 404 (insofar as that section requires carriers to provide adequate service and to maintain reasonable and nondiscriminatory rates), section 405 (which deals with the transportation of mail), and the Economic Regulations of the Board implementing the foregoing statutory provisions.

At the time that Part 294 was adopted there was a critical need for airlift for use by the armed forces in the transportation of military personnel and cargo. This need stemmed in part from the emergency situation occasioned by the Korean War and its aftermath. At that time, the certificated carriers did not have the capacity to meet the tremendous increase in military airlift requirements and it became necessary to utilize civil airlift capacity from almost every source available. Under these circumstances it was in the interest of the national defense to facilitate the acquisition by the military establishment of the maximum amount of airlift by creating broad exemptions from the economic regulatory provisions of the Act. These exemptions enabled the Defense Department to procure charter services by means of contracts, awarded on a competitive bidding basis, with any air carrier authorized by certificate or exemption to engage in air transportation, without regard to route restrictions or tariff requirements.

The emergency situation which formed part of the background for the adoption of Part 294 no longer exists. In recent years the capacity operated by the certificated U.S. flag international and overseas carriers has increased substantially and it now appears that a significant amount of military traffic can be handled by the certificated carriers on their scheduled services. For this reason the Board is of the opinion that much of the routine military traffic now carried on a charter basis can move at tariff rates in the scheduled services of the certificated carriers and under their certificate authorizations.

In view of the absence of any continuing emergency shortage of civil airlift capacity, the Board believes that there is no longer any justification for continuing blanket exemptions which have the effect of removing from the Board's regulatory control a substantial portion of the air transportation operations of air carriers. In this connection the Board cannot ignore the relation between Part 294, the Defense Department's use of advertised competitive bidding procedures in procuring civil airlift and the marked deterioration of the rate structure as regards military traffic, especially in the past two years. The Board makes note of the fact that many of the charters have been let at rates which have proved to be unprofitable. The result of these competitive bidding practices has been to endanger seriously the financial stability of many of the carriers engaged in military transportation and to impede the acquisition by the carriers of modern equipment which is needed not only for purposes of development of commercial air transportation but also to broaden the mobilization base for national defense purposes. Indeed, the present lack of modern civil aircraft needed to supplement the hard-core military aircraft fleet has been a matter of growing concern to the Defense Department, and the Department is now proposing to make changes in its procurement policies in recognition of this problem.

In view of the foregoing, it appears that the broad exemption contained in Part 294 is no longer required to meet military needs, and has become adverse to the public interest including the national defense. Accordingly, the Board believes that it is now desirable to repeal Part 294. This, of course, does not mean that exemptions from appropriate provisions of Title IV and the Economic Regulations will not be granted in the future as needed to authorize air carrier operations for the military establishment. It is the Board's intention to examine on the merits all applications filed for exemption to perform military operations and to continue to grant exemptions to air carriers and classes of air carriers where it finds that enforcement of any provisions of Title IV and of the Economic Regulations would be adverse to the public interest and where the other requirements of section 416(b) are met.

Proposed rule. It is proposed to repeal Part 294 of the Economic Regulations in its entirety.

[F.R. Doc. 60-7170; Filed, Aug. 1, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 23]

ALASKA

Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 25, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)
APPROVED JUNE 21, 1960

SEWARD MERIDIAN

S 17–1, Ts. 1 to 3 S., Rs. 19 to 20 W.,
S 17–2, Ts. 1 to 4 S., Rs. 21 to 24 W.,
S 17–3, Ts. 1 to 4 S., Rs. 25 to 28 W.,
S 17–4, Ts. 1 to 4 S., Rs. 29 to 32 W.,
S 17–5, Ts. 5 to 8 S., Rs. 29 to 32 W.,
S 17–6, Ts. 5 to 8 S., Rs. 25 to 28 W.,
S 17–7, Ts. 5 to 6 S., Rs. 22 to 24 W.,
S 17–8, Ts. 9 to 12 S., Rs. 24 to 28 W.,
S 17–9, Ts. 9 to 12 S., Rs. 29 to 32 W.,
S 17–10, Ts. 13 to 16 S., Rs. 29 to 32 W.,
S 17–11, Ts. 13 to 16 S., Rs. 24 to 28 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60–7148; Filed, Aug. 1, 1960; 8:45 a.m.]

[Notice 24]

ALASKA

Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 25, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)
APPROVED JUNE 23, 1960

SEWARD MERIDIAN

S 22–1, Ts. 17 to 20 S., Rs. 33 to 36 W.,
S 22–2, Ts. 17 to 20 S., Rs. 37 to 40 W.,
S 22–3, Ts. 17 to 20 S., Rs. 41 to 44 W.,
S 22–4, Ts. 17 to 20 S., Rs. 45 to 48 W.,
S 22–5, Ts. 21 to 24 S., Rs. 45 to 48 W.,
S 22–6, Ts. 21 to 24 S., Rs. 41 to 44 W.,
S 22–7, Ts. 21 to 24 S., Rs. 37 to 40 W.,
S 22–8, Ts. 21 to 24 S., Rs. 33 to 36 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60–7149; Filed, Aug. 1, 1960; 8:46 a.m.]

[Notice 25]

ALASKA

Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 25, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)
APPROVED JUNE 28, 1960

SEAWARD MERIDIAN

S 30–1, Ts. 49 to 52 S., Rs. 61 to 64 W.,
S 30–2, Ts. 49 to 52 S., Rs. 65 to 68 W.,
S 30–3, Ts. 49 to 52 S., Rs. 69 to 72 W.,
S 30–4, Ts. 49 to 52 S., Rs. 73 to 76 W.,
S 30–5, Ts. 49 to 52 S., Rs. 77 to 80 W.,
S 30–6, Ts. 53 to 56 S., Rs. 77 to 80 W.,
S 30–7, Ts. 53 to 56 S., Rs. 73 to 76 W.,
S 30–8, Ts. 53 to 56 S., Rs. 69 to 72 W.,
S 30–9, Ts. 57 to 60 S., Rs. 66 to 68 W.,
S 30–10, Ts. 57 to 60 S., Rs. 69 to 72 W.,
S 30–11, Ts. 57 to 59 S., Rs. 73 to 76 W.,
S 30–12, Ts. 57 to 58 S., Rs. 78 to 80 W.,
S 30–13, Ts. 61 to 62 S., Rs. 69 to 73 W.,
S 30–14, Ts. 61 to 63 S., Rs. 66 to 68 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60–7150; Filed, Aug. 1, 1960; 8:46 a.m.]

ALASKA

Small Tract Classification Orders Nos. 63 and 70 Cancelled in Part; Small Tract Classification Order No. 93 Cancelled in Its Entirety

JULY 25, 1960.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to the authority delegated to me by Bureau of Land Management Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, it is ordered as follows:

1. Effective at 10:00 a.m. July 25, 1960, Small Tract Classification Order No. 63 of August 13, 1952, is cancelled insofar as it affects the following described lands:

PETERSBURG AREA

U.S. Survey 2461: Lots A and C,
U.S. Survey 2462: Lots E through H, inclusive,
U.S. Survey 2463: Lot 1,
U.S. Survey 2464: Lots M, N, O,
U.S. Survey 2465: Lots S through X, inclusive,
U.S. Survey 2466: Lots Y, Z, and 1,
U.S. Survey 2467: Lots 2 through 8, inclusive,
U.S. Survey 2468: Lots 9, 9A, 10, 11, and 12,
U.S. Survey 2470: Lot 14,
U.S. Survey 2471: Lots 18 through 21, inclusive,
U.S. Survey 2472: Lots 22 through 27, inclusive, and Lots 24A, 25A, and 27A,
U.S. Survey 2473: Lots 28 through 32, inclusice,
U.S. Survey 2474: Lots 33A and 34 through 37, inclusive.

COPPER RIVER MERIDIAN

T. 58 S., R. 79 E.

Sec. 33: Lots 30 through 36, inclusive.

The above described area comprises 64 tracts aggregating approximately 259.04 acres.

2. Effective at 10:00 a.m. July 25, 1960, Small Tract Classification Order No. 70 of March 10, 1953, as amended, is cancelled insofar as it affects the following described lands:

PETERSBURG AREA

U.S. Survey 2609: Lot 30, containing 4.99 acres.

3. Effective at 10:00 a.m. July 25, 1960, Small Tract Classification Order No. 93 of December 30, 1954, affecting lands near Petersburg, Alaska, is cancelled in its entirety.

WARNER T. MAY,
Operations Supervisor.

JULY 25, 1960.

[F.R. Doc. 60–7151; Filed, Aug. 1, 1960; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (10 CFR, Ch. I, Part 2), the Commission proposes to issue to the University of Illinois, Urbana, Illinois, a facility license substantially as set forth below authorizing the possession and operation on the University's campus of a TRIGA Mark II nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-51. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by the University of Illinois and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A

Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The University of Illinois is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The University of Illinois is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Illinois is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of Illinois:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Urbana, Illinois, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 3.004 kilograms of contained uranium 235 for use in connection with operations of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title

6. This license is effective as of the date of issuance and shall expire at midnight April 4, 1980.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-7183; Filed, July 29, 1960; 2:33 p.m.]

CIVIL AERONAUTICS BOARD

[Docket 10979]

UNITED STATES OVERSEAS AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 11, 1960, at 10:00 a.m., (e.d.s.t.), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., July 26, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-7169; Filed, Aug. 1, 1960; 8:48 a.m.]

[Dockets 2942, 3628, 4543]

PAN AMERICAN-GRACE AIRWAYS, INC.

Notice of Prehearing Conference

In the matter of abandonment of service between Quito, Ecuador and Ipiales, Colombia by Pan American-Grace Airways, Inc., Docket 2942.

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (10 CFR, Ch. I, Part 2), the Commission proposes to issue to the University of Illinois, Urbana, Illinois, a facility license substantially as set forth below authorizing the possession and operation on the University's campus of a TRIGA Mark II nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-51. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by the University of Illinois and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of July 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

1. This license applies to the TRIGA Mark II nuclear reactor (hereinafter referred to as "the reactor") which is owned by the University of Illinois and located on the University's campus in Urbana, Illinois, and described in the University's application for license dated October 29, 1959, and amendments thereto dated December 17, 1959, May 20, 1960, and July 1960 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-51 issued to the University of Illinois.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-51 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The University of Illinois is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The University of Illinois is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Illinois is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University of Illinois:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Urbana, Illinois, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 3.004 kilograms of contained uranium 235 for use in connection with operations of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The University of Illinois shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, The University of Illinois shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Illinois as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. The University of Illinois shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR-51, to The University of Illinois for use in connection with operation of the reactor, three kilograms of uranium-235 contained in uranium enriched to approximately 20 percent in the isotope uranium-235, and four grams of uranium-235 contained in highly enriched uranium.

6. This license is effective as of the date of issuance and shall expire at midnight April 4, 1980.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-7163; Filed, July 29, 1960; 2:33 p.m.]

CIVIL AERONAUTICS BOARD

[Docket 10979]

UNITED STATES OVERSEAS AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 11, 1960, at 10:00 a.m., (e.d.s.t.), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., July 26, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7169; Filed, Aug. 1, 1960; 8:48 a.m.]

[Dockets 2942, 3628, 4543]

PAN AMERICAN-GRACE AIRWAYS, INC.

Notice of Prehearing Conference

In the matter of abandonment of service between Quito, Ecuador and Ipiales, Colombia by Pan American-Grace Airways, Inc., Docket 2942.

In the matter of abandonment of service at Salinas, Ecuador by Pan American-Grace Airways, Inc., Docket 3628.

In the matter of abandonment of service at Loja, Ecuador by Pan American-Grace Airways, Inc., Docket 4543.

Notice is hereby given that a prehearing conference is assigned to be held on the above-numbered dockets on August 9, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 28, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7168; Filed, Aug. 1, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-20380, CI60-97]

HOPE NATURAL GAS CO. AND COLUMBIAN CARBON CO.

Notice of Applications and Date of Hearing

JULY 26, 1960.

In the matter of Hope Natural Gas Company, Docket No. G-20380; Columbian Carbon Company, Docket No. CI60-97.

Take notice that Hope Natural Gas Company (Hope) a West Virginia corporation, having its principal place of business in Clarksburg, West Virginia, filed on December 14, 1959, an application (Docket No. G-20380), and on March 30, 1960, a supplement thereto, pursuant to section 7(c) of the Natural Gas Act and the provisions of Order No. 174B issued by the Federal Power Commission on December 17, 1954, for a certificate of public convenience and necessity covering the sale of natural gas and the exchange of natural gas and those facilities required to render the services which are subject to the jurisdiction of the Commission, as hereinafter described.

Hope proposes to deliver to Atlantic Seaboard Corporation (Atlantic) certain volumes of gas which will be transported by Atlantic through its pipeline system in interstate commerce, part of which gas will be a direct sale to Atlantic, and the remaining portion will be delivered to Atlantic for the account of United Fuel Gas Company (United). Any gas so delivered for the account of United will be returned to Hope by United at two delivery points between Hope's and United's facilities in Kanawha and Wood Counties, West Virginia. The terms and conditions of the proposed sale and exchange of gas are the same as those set forth in the agreement between said parties on November 1, 1956.

Hope alleges that on October 9, 1959, it entered into an agreement (supplemental to the agreement dated November 1, 1956, as supplemented by agreements dated November 7, 1957, and October 3, 1958) with Columbian Carbon Company (Columbian) for the purchase of natural gas to be produced by Columbian from the Blackwater Anticline-Northern Extension, Randolph County, West Virginia.

The proposal is to add acreage to be dedicated to the service authorized in prior dockets. Hope proposes to construct approximately 15,000 feet of gathering lines, at an estimated cost of $90,000, to connect the wells of Columbian to the existing gathering line system now in use in said field.

Hope alleges that the gas reserves available to Hope from the Blackwater Anticline-Northern Extension is estimated to be 10.8 billion cubic feet.

Take further notice that Columbian Carbon Company (Columbian), a Delaware corporation, having its principal place of business at 380 Madison Avenue, New York 17, New York, filed on January 28, 1960, an application, pursuant to section 7 of the Natural Gas Act, and for the purpose of complying with § 157.23 of the Commission's regulations under the Natural Gas Act for a certificate of public convenience and necessity authorizing it to engage in the sale of natural gas as hereinafter described. Columbian contends that it is not a natural gas company and that the sale proposed is not subject to the jurisdiction of this Commission, and states that it files the application under protest.

Columbian recites the making of the gas purchase agreement with Hope dated October 9, 1959, as described above (Columbian's FPC Gas Rate Schedule No. 40), Columbian states that it is advised that the gas involved herein will be commingled by Hope with the gas produced by others and that some or all of such commingled gas will be transported to points and resold in states other than that in which gas is sold by Columbian.

The price provided in said contract is 27 cents per Mcf at a measurement pressure base of 14.73 psia. Columbian alleges that this rate is identical with the rates in Columbian's FPC Gas Rate Schedules Nos. 30 and 31 also involving gas sold by Columbian to Hope from acreage in the Blackwater Anticline Field. The contract also provides that Hope, the buyer, shall reimburse Columbian for 75 percent of new or increased taxes. The estimated initial volumes will be 5,000 Mcf per day. The provisions as to delivery pressure and delivery points are as follows:

Delivery pressure. Gas to be delivered against the varying pressures in Buyer's pipeline which line pressure is to be maintained as nearly as practicable so as not to exceed 50 percent of the average rock pressures of Seller's wells as determined on or before June 15, in each year.

Delivery point. Delivery shall be at the connection(s) between the gathering lines to be constructed and owned by Seller and Buyer's pipeline, the points of such connections to be mutually agreed upon.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7139; Filed, Aug. 1, 1960; 8:45 a.m.]

[Docket No. G-13385 etc.]

SINCLAIR OIL AND GAS CO. ET AL.

Notice of Applications and Date of Hearing

JULY 25, 1960.

In the matter of Sinclair Oil & Gas Company, Docket No. G-13385; Big Chief Drilling Company, Docket No. G-13768; Monsanto Chemical Company, Docket No. G-13801; L. C. McRae, Docket No. G-13803; Christie, Mitchell and Mitchell Company, et al., Docket No. G-13806; Lewis O. Kelsey, Operator, et al., Docket No. G-13812; Texaco Inc., Docket No. G-13814; J. Edward Jones, Docket No. G-15326; Union Producing Company, Docket No. G-16232; Jack P. Rayzor, et al., Docket No. G-16863; Lillie C. Cullen, et al., Docket No. G-17207; Humble Oil & Refining Company, Docket No. G-17349; Shell Oil Company, Docket No. G-17647; Beck Oil Company, et al., Docket No. G-17657; Julkirk Corporation, Operator, et al., Docket No. G-17748; Otis C. Coles, Jr., Docket No. G-17751; Benson-Montin-Greer Drilling Corporation, Docket No. G-17755; Kathryn T. Blake, Trustee, et al & W. G. Talbott, et al., Docket No. G-17757; Mull Drilling Company, Inc., Operator, et al., Docket No. G-17758; Sierra Petroleum Company, Inc., Docket No. G-17759; The Atlantic Refining Company, Docket No. G-17771; Ralph Mace, Docket No. G-17776; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-17777; Loris Swadley, et al., Docket No. G-17778; Tower Oil & Gas Company, et al., Docket No. G-17793; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-17948; Graham-Michaelis Drilling Company, Operator, et al., Docket No. G-17961; Skelly Oil Company, Docket No. G-17962; William Gruenerwald, Operator, et al., Docket No. G-17964; Fred Whitaker, Operator, et al., Docket No. G-17966; Southwestern Development Company, Docket No. G-17967; Graham-Michaelis Drilling Company, Operator, et al., Docket No. G-17968; Monsanto Chemical Company, Docket No. G-17969; Southwestern Development Company, Docket No. G-17972; Apache Oil Corporation, Docket No. G-17982; M. J. Lebsack, Docket No. G-18006; George R. Brown, Docket No. G-18015; Texas Crude Oil Company, Docket No. G-18040; R. E. Kellerman, Docket No. G-18136.

Tidewater Oil Company, Docket No. G-18188; Sun Oil Company (Southern Division), Docket No. G-18243; Conrad Gas Company, Docket No. G-18261; W. H. Busch, Docket No. G-18262; Skelly Oil Company, Docket No. G-18264; Harvey L. Starr, et al., Docket No. G-18265; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-18276; J. F. Deem, Docket No. G-18284; The Shamrock Oil & Gas Corporation, Operator, et al., Docket No. G-18293; Monsanto Chemical Company, Docket No. G-18295; Edwin G. Bradley, Docket No. G-18336; Arthur M. Guida, Operator, et al., Docket No. G-18370; Texas Gas Exploration Corporation, Docket No. G-18443; Texas Pacific Coal and Oil Company, Docket No. G-18449; Artnell Company, Operator, et al., Docket No. G-18786; The Atlantic Refining Company, Docket No. G-18804; Fifteen Oil Company, Docket No. G-18820; Lon Powell, et al., Docket No. G-18894; Hassie Hunt Trust, Docket No. G-18897; Apache Oil Corporation, Operator, et al., Docket No. G-18899; Graridge, Ibex & Williams, Ltd., Docket No. G-18901; Cosden Petroleum Corporation, et al., Docket No. G-18928; Apache Oil Corporation, Docket No. G-18933; Pure Oil Company, The, Docket No. G-18935; Homer T. Moore, Docket No. G-18946; C. W. Broyles, Operator,

et al., Docket No. G–18960; The British-American Oil Producing Company, Docket No. G–18963; Hill Oil and Gas Company, Docket No. G–18979; P. P. Gunn, et al., d/b/a Harry Stevens, et al., Docket No. G–18984; Woods Exploration & Producing Company, Inc., et al., Docket No. G–18999; Alice M. Vandergrift, et al., d/b/a Pioneer Oil & Gas Company, Docket No. G–19039; Caulkins Oil Company, Operator, et al., Docket No. G–19043; J. W. Starr, Operator, et al., Docket No. G–19073; Roy R. Gardner, Operator, et al., Docket No. G–19099; Oil Lease Operating Company, Docket No. G–19120; John L. Cox, Docket No. G–19161; Wellshire Development Company, Docket No. G–19196; Continental Oil Company, Operator, et al., Docket No. G–19218; Big Chief Drilling Company, Docket No. G–19301; The California Company, Docket No. G–19343; Petroleum Exploration, Inc., of Texas, et al., Docket No. G–19383; Samuel Holliday, et al., Docket No. G–19398.

Kirkwood and Morgan, Inc., Operator, et al., Docket No. G–19412; Continental Oil Company, Docket No. G–19437; Concord Oil Company, Operator, et al., Docket No. G–19465; M. B. Rudman, et al., Docket No. G–19466; Aztec Oil & Gas Company, Docket No. G–19496; Robert F. White, Operator, et al., Docket No. G–19499; King-Stevenson Oil Company, Inc., et al., Docket No. G–19500; M. J. Moran, et al., Docket No. G–19505; E. W. Bowers and Associates, et al., Docket No. G–19506; W. H. Busch, Docket No. G–19508; The Atlantic Refining Company, Docket No. G–19509; Ambassador Oil Corporation, Operator, et al., Docket No. G–19563; Frederick W. Mueller, et al., Docket No. G–19568; The Superior Oil Company, Docket No. G–19600; Gulf States Development Corporation, Docket No. G–19648; Harry Stevens, et al., Docket No. G–19683; Ferrell L. Prior, et al., Docket No. G–19684; Walter C. Crane, et al., d/b/a Vesta Fuel Company, Docket No. G–19685; Stekoll Petroleum Corporation, Docket No. G–19686; Remlig Oil Company, Docket No. G–19688; Helmerich & Payne, Inc., Docket No. G–19691; W. H. Mossor, et al., Docket No. G–19694; R. W. Mayronne, Jr., d/b/a Riverside Oil Company, Docket No. G–19695; Skelly Oil Company, Operator, et al., Docket No. G–19698; Sun Oil Company, Docket No. G–19699; Monsanto Chemical Company, et al., Docket No. G–19701; Katex Oil Company, Docket No. G–19702; Frank A. Schultz, et al., Docket No. G–20018; Wytex Oil Corporation, Operator, et al., Docket No. G–20023; W. H. Mossor, et al., Docket No. G–20041; Plains Exploration Company, Operator, et al., Docket No. G–20151; Jocelyn-Varn Oil Company, Operator, et al., Docket No. G–20152; Haskell D. O. Tennant, Docket No. G–20153; Calvert and Manley, Inc., Operator, et al., Docket No. G–20156; Far-West Trading Company, Docket No. G–20158; LuRay Land, Inc., Docket No. G–20165; Wyant Ventures, Ltd., Docket No. G–20327; F. William Carr, Operator, et al., Docket No. G–20480; Apache Oil Corporation, Docket No. G–20498; Union Oil Company of California, Docket No. CI60–22; Irl A. Michols, Docket No. CI60–138; Joseph S. Gruss, Docket No. CI60–167; Tennessee Gas Transmission Company, Docket No. CP60–105.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos.; Field and Location; Purchaser; and Price per Mcf

G–13385; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.06 cents at 14.65 psia.

G–13768; Acreage in Beaver County, Okla.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.

G–13801; West Hiawatha Area, Moffat County, Colo.; Mountain Fuel Supply Co.; 11.025 cents at 15.025 psia.

G–13803; Maxie-Pistol Ridge, Forest and Pearl River Counties, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.

G–13806; Columbus, Colorado County, Tex.; Tennessee Gas Transmission Co.; 13.37125 cents at 14.65 psia.

G–13812; West Labbe, Duval County, Tex.; Tennessee Gas Transmission Co.; 12.12268 cents at 14.65 psia.

G–13814; Hiawatha, Moffat County, Colo.; Mountain Fuel Supply Co.; 11.0 cents at 14.65 psia.

G–15326; Big Hill, Jefferson County, Tex.; Texas Gas Pipe Line Corp.; 13.73056 cents at 14.65 psia.

G–16232; Kain, Matagorda County, Tex.; Coastal Transmission Corp.; 17.5 cents at 14.65 psia.

G–16863; South Lucky, Matagorda County, Tex.; Tennessee Gas Transmission Co.; 13.49751 cents at 14.65 psia.

G–17207; Green City, St. Mary Parish, La.; United Gas Pipe Line Co.; 23.55 cents at 15.025 psia.

G–17349; Garden City, St. Mary Parish, La.; United Gas Pipe Line Co.; 23.55 cents at 15.025 psia.

G–17647; Big Foot, Frio and Atascosa Counties, Tex.; Transcontinental Gas Pipe Line Corp.; 13.68225 cents at 14.65 psia.

G–17657; Reeves, Allen Parish, La.; Transcontinental Gas Pipe Line Corp.; 16.0 cents at 14.65 psia.

G–17748; Clayton Ranch, Crockett County, Tex.; Pioneer Gathering System, Inc.; 10.0 cents at 14.65 psia.

G–17751; Sibley, Webster Parish, La.; United Gas Pipe Line Co.; 11.2432 cents at 15.025 psia.

G–17755; Blanco (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–17757; Lerado, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.

G–17758; West Medicine Lodge, Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G–17759; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

G–17771; Justis, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.

G–17776; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17777; Greenwood, Morton County, Kans.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.

G–17778; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17793; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17948; N. Medicine Lodge, Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G–17961; Keyes, Texas County, Okla.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.

G–17962; Camrick, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 16.4 cents at 14.65 psia.

G–17964; Hackett Pool, Meade County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

G–17966; Carthage, Panola County, Tex.; Texas Gas Transmission Corp.; 13.0 cents at 14.65 psia.

G–17967; Burning Springs, Wirt County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17968; Forgan South Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

G–17969; North Central Section of San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–17972; Burning Springs, Wirt County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17982; Cruce Area, Stephens County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

G–18006; Jackpot, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 14.65 psia.

G–18015; Spartan, San Patricio County, Tex.; W. J. Riley, d/b/a Banquette Gas Co.; 9.0 cents at 14.65 psia.

G–18040; D. K. Drinkard, Lea County, N. Mex.; El Paso Natural Gas Co.; 7.5 cents at 14.65 psia.

G–18136; Theall, Vermilion Parish, La.; United Gas Pipe Line Co.; 20.25 cents at 15.025 psia.

G–18188; Southeast Rayne, Lafayette Parish, La.; Transcontinental Gas Pipe Line Corp.; 17.5 cents at 15.025 psia.

G–18243; Carthage, Panola County, Tex.; Texas Gas Transmission Corp.; 10.5 cents at 14.65 psia.

G–18261; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18262; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18264; Simsboro, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.554 cents at 15.025 psia.

G–18265; Courthouse District, Lewis County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18276; Quinduno, Roberts County, Tex.; Natural Gas Pipeline Co. of America; 12.0 cents at 14.65 psia.

G–18284; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18293; Big Foot, Frio County, Tex.; Transcontinental Gas Pipe Line Corp.; 13.6296 cents at 14.65 psia.

G–18295; Jackpot, Morgan and Weld Counties, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.4 psia.

G–18336; Lerado, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.

G–18370; Jackpot, Morgan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.4 psia.

G–18443; West Nona Mills, Hardin County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.

G–18449; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company; 6.5 cents at 14.65 psia.

G–18786; Acreage in Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

G–18804; Bayou Sale, St. Mary Parish, La.; United Gas Pipe Line Co.; 22.3 cents at 15.025 psia.

G–18820; E. Chenlere Perdue, Cameron Parish, La.; American-Louisiana Pipe Line Co.; 19.75 cents at 15.025 psia.

G–18894; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18897; Wildcat Bayou, Terrebonne Parish, La.; Transcontinental Gas Pipe Line Corp.; 23.55 cents at 15.025 psia.

G–18899; Laverne, Beaver County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.

G–18901; Plymouth and East Taft, San Patricio County, Tex.; W. J. Riley, d/b/a Banquette Gas Co.; 7.0896 cents at 14.65 psia.

G–18928; Beeville, Bee County, Tex.; Coastal States Gas Producing Company and Southern Coast Corp.; 10.0 cents at 14.65 psia.

G–18933; Laverne, Beaver County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.

G–18935; Doll Area, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.9938 cents at 15.025 psia.

G–18946; Welsh, Jefferson Davis Parish, La.; Texas Gas Transmission Corp.; 12.875 cents at 15.025 psia.

G–18960; Waskom, Harrison County, Tex.; Arkansas Louisiana Gas Co.; 9.7392 cents at 14.65 psia.

G–18963; Wildcat Bayou, Terrebonne Parish, La.; Transcontinental Gas Pipe Line Corp.; 23.55 cents at 15.025 psia.

G–18979; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–18984; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–18999; Hinkle, Harris County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

G–19039; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19043; Acreage in Grant County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.

G–19073; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.

G–19099; Bruce-Flo, Matagorda County, Tex.; Tennessee Gas Trahsmission Co.; 16.16947 cents at 14.65 psia.

G–19120; Cold Springs, San Jacinto County, Tex.; Tennessee Gas Transmission Co.; 13.49751 cents at 14.65 psia.

G–19161; Block 1 (University Lands), Andrews County, Tex.; El Paso Natural Gas Co.; 18.108 cents at 14.65 psia.

G–19196; Fulcher Kurtz, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19218; Cherokee Lake Area, Rusk County, Tex.; Texas Eastern Transmission Corp.; 14.6 cents at 14.65 psia.

G–19301; Beaver County Area, Beaver County, Okla.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.

G–19343; Jeanerette, St. Mary's Parish, La.; United Gas Pipe Line Co.; 22.8 cents at 15.025 psia.

G–19383; R. F. H. Morrow, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–19398; North Louise Area, Wharton County, Tex.; Tennessee Gas Transmission Co.; 13.499614 cents at 14.65 psia.

G–19412; Spartan, San Patricio County, Tex.; W. J. Riley d/b/a Banquette Gas Co.; 9.0 cents at 14.65 psia.

G–19487; Bayou Long, Iberia Parish, La.; Southern Natural Gas Co.; 21.5 cents at 15.025 psia.

G–19465; Cabeza Creek Area, Goliad County, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.

G–19466; Calhoun Area, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

G–19496; Blue-Hill, San Juan, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19499; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G–19500; East Kremlin Pool, Garfield County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.

G–19505; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19506; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19508; Glenville District, Gilmer County, Tex.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–19509; Headlee Field Plant, Ector County, Tex.; El Paso Natural Gas Co.; 10.0855 cents.

G–19563; Camrick, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 16.2 cents at 14.65 psia.

G–19568; Cologne, Victoria County, Tex.; Coastal States Gas Producing Co.; 9.0 cents at 14.65 psia.

G–19600; Trail Unit Area, Sweetwater County, Wyo.; Mountain Fuel Supply Co.; 12.0 cents at 15.025 psia.

G–19648; Paisano and Orange Grove, Jim Wells County, Tex.; Trunkline Gas Co.; 12.346 cents at 14.65 psia.

G–19683; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.025 psia.

G–19684; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19685; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19686; Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–19688; Mocane, Beaver County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

G–19691; Hugoton, Kearny County, Kans.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.

G–19694; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19695; Chamblee, Tensas Parish, La.; Tensas Gathering Corp.; 14.5 cents at 15.025 psia.

G–19698; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–19699; Camrick, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.2 cents at 14.65 psia.

G–19701; South Lucky, Bienville Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.022 psia.

G–19702; West Panhandle, Hutchinson and Carson Counties, Tex.; Phillips Petroleum Co.; 10.0 cents at 14.65 psia.

G–20018; Blanco, San Juan County, New Mexico and La Plata County, Colo.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–20023; Surveyor Creek, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.4 psia.

G–20041; Union District Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20151; Acreage in Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 14.4 psia.

G–20152; East Kremlin, Garfield County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.

G–20153; Battelle District, Monongalia County, W. Va.; South Penn Natural Gas Co.; 12.0 cents at 15.325 psia.

G–20156; Morales Area, Jackson County, Tex.; Trunkline Gas Co.; 12.25 cents at 14.65 psia.

G–20158; Trend, Morgan County, Colo.; N. C. Ginther; 12.0 cents at 15.025 psia.

G–20165; Otter District, Braxton County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20327; Laverne, Harper County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

G–20480; Sunset and George West, Live Oak County, Tex.; Texas Eastern Transmission Corp.; 10.92 cents and 11.3254 cents at 14.65 psia.

Duffy, Wharton County, Tex.; Tennessee Gas Transmission Co.; 13.4754 cents at 14.65 psia.

G–20498; Camrick Pool, Beaver County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 16.0 cents at 14.65 psia.

CI60–22; Laverne, Harper County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

CI60–138; West Marlow, Stephens County, Okla.; Lone Star Gas Co.; 12.0 cents at 14.65 psia.

CI60–167; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 11.1056 cents at 14.65 psia.

CP60–105; Eureka, Grant County, Okla.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 8, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20

(b) (2) of the rules of practice and procedure.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7140; Filed, Aug. 1, 1960; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

ARSENICAL NICKEL ORE AND SPEISS HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 314 short tons of arsenical nickel ore and approximately 1,400 short tons of nickel speiss now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act that there is no longer any need for stockpiling said arsenical nickel ore and nickel speiss. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said arsenical nickel ore and nickel speiss are obsolescent for use in time of war.

General Services Administration proposes to transfer said arsenical nickel ore and nickel speiss to other Government agencies, or to offer them for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: July 27, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-7157; Filed, Aug. 1, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 28, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36447: *Substituted service—C&NW for National Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, Agent (No. 24), for interested carriers. Rates on property loaded in highway trailers or containers and transported on railroad flat cars between Chicago, Ill., on the one hand, and specified points in Iowa, Minnesota, South Dakota, Wisconsin and Wyoming, on the other, also between St. Paul, Minn., on the one hand, and Casper, Wyo., and Council Bluffs, Iowa, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 5 and 7 to Household Goods Carriers' Bureau tariffs MF-I.C.C. 90 and 83, respectively.

FSA No. 36448: *Alcohols—Philadelphia, Pa., to Illinois points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2549), for interested rail carriers. Rates on alcohols, as described in the application, in tank-car loads, from Philadelphia, Pa., to Chicago, Lemont and Willow Springs, Ill.

Grounds for relief: Ocean tanker-barge competition.

Tariff: Supplement 151 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1116.

FSA No. 36449: *Petroleum products—Montana points to Minnesota and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 369), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from Billings, East Billings, Laurel and Great Falls, Mont., to specified points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 77 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 36450: *Asphalt—Montana points to Minnesota and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 368), for interested rail carriers. Rates on asphalt, as described in the application, in tank-car loads, subject to an aggregate of not less than twenty tank-car loads, from Billings, East Billings and Laurel, Mont., to Stevens Point, Wis., and intermediate points on the GB&W Ry., and Simpson, Minn., and points on the CGW Ry., intermediate between Simpson and Winona, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 77 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7152; Filed, Aug. 1, 1960; 8:46 a.m.]

[Notice 356]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63242. By order of July 26, 1960, the Transfer Board approved the transfer to Raymond H. Jenkins and J. M. Inge, a partnership, doing business as Henderson & Jenkins, Richmond, Va., of Permits in Nos. MC 115887, and MC 115887 Sub 2, issued October 12, 1956, and September 25, 1959, respectively, to Robert H. Henderson and Raymond H. Jenkins, a partnership, doing business as Henderson & Jenkins, Richmond, Va., authorizing the transportation of: Meats, meat products, and meat by-products, and dairy products, from Richmond, Va., to specified points in West Virginia; and fertilizer and fertilizer materials, from Norfolk, Va., to specified points in West Virginia. Jno. C. Goddin, 1304 State-Planters Bank Building, Richmond 19, Va., for applicants.

No. MC-FC 63295. By order of July 26, 1960, the Transfer Board approved the transfer to Helen Fallon, doing business as Andy's Express, 927 South 16th Street, Milwaukee, Wis., of Certificate in No. MC 6000, issued April 8, 1937, to Francis J. Fallon, doing business as Andy's Express Company, 927 South 16th Street, Milwaukee, Wis., authorizing the transportation of: household goods, office furniture and equipment, and store fixtures, between Milwaukee, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, and Illinois.

No. MC-FC 63299. By order of July 26, 1960, the Transfer Board approved the transfer to William C. Feller, doing business as Feller Freight, Bancroft, Nebr., of Certificate in No. MC 61215, issued September 22, 1949, to George P. Diedrichsen, Inc., Bancroft, Nebr., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, livestock, agricultural commodities, feed, grain, lumber, and household goods, from, to, or between specified points in Nebraska and Iowa.

No. MC-FC 63412. By order of July 26, 1960, the Transfer Board approved the transfer to Nick's Moving & Storage Co., Inc., Brooklyn, New York, of a Certificate in No. MC 113021, issued June 30, 1959, to Nicholas Albano and Dominick Albano, a partnership, doing business as Nick's Moving & Storage Co., Brooklyn, New York, which authorizes the transportation of household goods, as defined by the Commission, over irregular routes, between New York, N.Y., and points in Nassau, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts. Pascal J. Stallone, 66 Court Street, Brooklyn 1, N.Y., Attorney, for applicants.

No. MC-FC 63431. By order of July 26, 1960, the Transfer Board approved the transfer to William C. Northfield, doing business as Orcas Island Freight Lines, Edmonds, Wash., of Certificate No. MC 111115, issued January 19, 1951, to Wayland H. Weddle, Deer Harbor, Wash., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Bellingham, Mount Vernon and Anacortes, Washington, on the one hand, and on the other, points in Orcas Island, Washington. George H. Hart, 827 Central Building, Seattle 4, Wash., for applicants.

No. MC-FC 63423. By order of July 26, 1960, the Transfer Board approved the transfer to Osterman's Trucking, Inc., Gary, Ind., of Certificate No. MC 83292, issued January 23, 1941, to Wilbert Osterman, doing business as Osterman's Trucking, Gary, Ind., authorizing the transportation of: Such bulk commodities as are transported in dump trucks, between points in Cook County, Ill., on the one hand, and, on the other, points in Lake and Porter Counties, Ind.; and coal, from points in Will and Grundy Counties, Ill., to points in the above-described Indiana territory. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7153; Filed, Aug. 1, 1960; 8:46 a.m.]

[Notice 351]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 20, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62469. By order of July 15, 1960, Division 4, acting as an Appellate Division, approved the transfer to Robert F. Cloutier, Philadelphia, Pa., of that portion of the operating rights set forth in Certificate No. MC 29734, issued by the Commission May 31, 1950, to Joseph H. Smith, William H. Smith and James J. Smith, a Partnership, doing business as Joseph H. Smith & Company, Philadelphia, Pa., authorizing the transportation, over irregular routes, of hides, in containers, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., New York, N.Y., Baltimore, and Curtis Bay, Md., and Newark, Passaic, Paterson, Linden, and Matawan, N.J. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7171; Filed, Aug. 1, 1960; 8:49 a.m.]

[No. 33461]

SEABOARD AIR LINE RAILROAD CO. AND LOUISVILLE AND NASHVILLE RAILROAD CO.

Value for Rate Determination Purposes, of Ground Limestone From Gantt's Quarry, Ala., to Cartersville, Ga.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of July A.D. 1960:

It appearing, that by a petition filed June 6, 1960, the Seaboard Air Line Railroad Company and the Louisville and Nashville Railroad Company request the issuance of a declaratory order pursuant to section 5(d) of the Administrative Procedure Act, to remove uncertainty with respect to the value of ground limestone moving via petitioners' lines from Gantt's Quarry, Ala., to Cartersville, Ga.;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held for the purpose of giving the petitioners hereinafter designated and any other persons interested an opportunity to present evidence with regard to the value of ground limestone moving via petitioners' lines from Thompson-Weinman and Company's plant at Gantt's Quarry, Ala., to such shipper's plant located at Cartersville, Ga., and the proper standard for use in the determination thereof.

It is further ordered, That the Seaboard Air Line Railroad Company and the Louisville and Nashville Railroad Company be, and they are hereby, made respondents to this proceeding; and that a copy of this order be served upon such respondents;

It is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

And it is further ordered, That the Bureau of Inquiry and Compliance be, and it is hereby, directed to participate in proceeding Docket No. 33461 for the purpose of developing the record.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7154; Filed, Aug. 1, 1960; 8:46 a.m.]

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Washington, Wednesday, August 3, 1960

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(Revised through June 1)

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Shelled Almonds [1]

On July 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6362) regarding a proposed revision of United States Standards for Shelled Almonds.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Shelled Almonds are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Shelled Almonds which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following changes:

1. At the beginning of the table of contents, insert the abbreviation "Sec."

2. In § 51.2105(a)(4) insert the word "For" in front of words "Foreign material", and change capital "F" to small "f" in word Foreign.

3. In § 51.2106, line three, delete comma after the word "clean."

4. In § 51.2106(a)(1), line one, add comma after the words "5 percent."

5. In § 51.2106(a)(2), end of line, change comma to semicolon.

6. In § 51.2109(a)(1), delete everything following "or 1 percent," and substitute the words "for bitter almonds mixed with sweet almonds."

7. In § 51.2111(a), parenthetical reference, insert second section symbol after word "see", and delete section symbol after word "and."

8. In § 51.2114, line eleven, change order of words to read "commonly used are".

GRADES

Sec.
51.2105 U.S. Fancy.
51.2106 U.S. Extra No. 1.
51.2107 U.S. No. 1.
51.2108 U.S. Select Sheller Run.
51.2109 U.S. Standard Sheller Run.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Sec.
51.2110 U.S. No. 1 Whole and Broken.
51.2111 U.S. No. 1 Pieces.

MIXED VARIETIES

51.2112 Mixed varieties.

UNCLASSIFIED

51.2113 Unclassified.

SIZE

51.2114 Size requirements.
51.2115 Tolerances for size.

APPLICATION OF TOLERANCES

51.2116 Application of tolerances.

DEFINITIONS

51.2117 Similar varietal characteristics.
51.2118 Whole.
51.2119 Clean.
51.2120 Well dried.
51.2121 Decay.
51.2122 Rancidity.
51.2123 Insect injury.
51.2124 Foreign material.
51.2125 Doubles.
51.2126 Split or broken kernels.
51.2127 Particles and dust.
51.2128 Injury.
51.2129 Damage.
51.2130 Serious damage.
51.2131 Diameter.
51.2132 Fairly uniform in size.

AUTHORITY: §§ 51.2105 to 51.2132 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.2105 U.S. Fancy.

"U.S. Fancy" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 3 percent;

(3) *For kernels injured by chipping and/or scratching.* 5 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for split or broken kernels, and including not more than one-half of the former amount, or 1 percent, for seriously damaged kernels.

§ 51.2106 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 4 percent;

(3) *For kernels damaged by chipping and/or scratching.* 5 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 4 percent, including not more than one-fourth of this amount, or 1 percent, for split or broken kernels, and including not more than three-eighths of the former amount, or 1½ percent, for seriously damaged kernels.

§ 51.2107 U.S. No. 1.

"U.S. No. 1" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 15 percent;

(3) *For kernels damaged by chipping and/or scratching.* 10 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for split or broken kernels, and including not more than three-tenths of the former amount, or 1½ percent, for seriously damaged kernels.

§ 51.2108 U.S. Select Sheller Run.

"U.S. Select Sheller Run" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage

caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 15 percent;

(3) *For kernels damaged by chipping and/or scratching.* 20 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *For split and broken kernels.* 5 percent: *Provided,* That not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening $^{20}/_{64}$ inch in diameter; and,

(7) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§ 51.2109 U.S. Standard Sheller Run.

"U.S. Standard Sheller Run" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 25 percent;

(3) *For kernels damaged by chipping and/or scratching.* 20 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *For split and broken kernels.* 15 percent: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $^{20}/_{64}$ inch in diameter; and,

(7) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§ 51.2110 U.S. No. 1 Whole and Broken.

"U.S. No. 1 Whole and Broken" consists of shelled almonds of similar varietal characteristics which are clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and free from damage caused by mold, gum, shriveling, brown spot or other means.

(a) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(b) Unless otherwise specified, the minimum diameter shall be not less than $^{20}/_{64}$ of an inch. (See §§ 51.2114 and 51.2115.)

(c) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 35 percent;

(3) *For foreign material.* Three-tenths of 1 percent (0.30%);

(4) *For particles and dust.* One-tenth of 1 percent (0.10%);

(5) *For undersize.* 5 percent; and,

(6) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

§ 51.2111 U.S. No. 1 Pieces.

"U.S. No. 1 Pieces" consists of shelled almonds which are not bitter, which are clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, particles and dust, and free from damage caused by mold, gum, shriveling, brown spot or other means.

(a) Unless otherwise specified, the minimum diameter shall be not less than $^{9}/_{64}$ of an inch. (See §§ 51.2114 and 51.2115.)

(b) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For bitter almonds mixed with sweet almonds.* 1 percent;

(2) *For foreign material.* Three-tenths of 1 percent (0.30%);

(3) *For particles and dust.* 1 percent; and,

(4) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

MIXED VARIETIES

§ 51.2112 Mixed varieties.

Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U.S. No. 1; U.S. Select Sheller Run, U.S. Standard Sheller Run, U.S. No. 1 Whole and Broken may be designated as: "U.S. No. 1 Mixed;" "U.S. Select Sheller Run Mixed;" "U.S. Standard Sheller Run Mixed;" or "U.S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

UNCLASSIFIED

§ 51.2113 Unclassified.

"Unclassified" consists of shelled almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

§ 51.2114 Size requirements.

The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Count ranges per ounce commonly used are shown below, but other ranges may be specified: *Provided,* That the kernels are fairly uniform in size.

Count Range per Ounce

16 to 18, inclusive.
18 to 20, inclusive.
20 to 22, inclusive.
22 to 24, inclusive.
23 to 25, inclusive.
24 to 26, inclusive.
26 to 28, inclusive.
27 to 30, inclusive.
30 to 34, inclusive.
34 to 40, inclusive.
40 to 50, inclusive.
50 and smaller.

§ 51.2115 Tolerances for size.

(a) When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(1) When the minimum, or minimum and maximum diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided,* That not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

§ 51.2116 Application of tolerances.

The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

DEFINITIONS

§ 51.2117 Similar varietal characteristics.

"Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in skin color of kernels of the same variety.

§ 51.2118 Whole.

"Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

§ 51.2119 Clean.

"Clean" means that the kernel is practically free from dirt and other foreign substance.

§ 51.2120 Well dried.

"Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

§ 51.2121 Decay.

"Decay" means that the kernel is putrid or decomposed.

§ 51.2122 Rancidity.

"Rancidity" means that the kernel is noticeably rancid to the taste.

§ 51.2123 Insect injury.

"Insect injury" means that the insect, web, or frass is present or there is definite evidence of insect feeding.

§ 51.2124 Foreign material.

"Foreign material" means pieces of shell, hulls or other foreign matter which will not pass through a round opening 5/64 of an inch in diameter.

§ 51.2125 Doubles.

"Doubles" means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

§ 51.2126 Split or broken kernels.

"Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening 5/64 of an inch in diameter.

§ 51.2127 Particles and dust.

"Particles and dust" means fragments of almond kernels or other material which will pass through a round opening 5/64 of an inch in diameter.

§ 51.2128 Injury.

"Injury" means any defect which more than slightly detracts from the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(a) Chipped and scratched kernels when the general appearance of the lot is more than slightly affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2129 Damage.

"Damage" means any defect which materially detracts from the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(b) Mold, when visible on the kernel, except when white or gray and easily rubbed off with the fingers;

(c) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(d) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or only partially developed: *Provided,* That partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(e) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2130 Serious damage.

"Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

§ 51.2131 Diameter.

"Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel or piece of kernel through a round opening.

§ 51.2132 Fairly uniform in size.

"Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

It is hereby found that good cause exists for advancing the effective date of these standards from the customary 30 days after publication in the FEDERAL REGISTER to the earlier date of Aug. 15, 1960 (5 U.S.C. 1001–1011) in that: (1) The packing season for almonds will start during the latter part of August, and it is in the interest of the public and the industry that the revised standards become effective before that time; and (2) no special preparation on the part of the almond industry is required for compliance with the revised standards.

The United States Standards for Grades of Shelled Almonds contained in this subpart shall become effective August 15, 1960, and will thereupon supersede the United States Standards for Shelled Almonds which have been in effect since October 30, 1952 (7 CFR §§ 51.2105 to 51.2132).

Dated: July 29, 1960.

S. T. WARRINGTON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-7200; Filed, Aug. 2, 1960; 8:49 a.m.]

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, as Amended, Fiscal Year, 1961

Pursuant to section 4 of the National School Lunch Act, as amended (42 U.S.C. 1751–1760) food assistance funds available for the fiscal year ending June 30, 1961, are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,641,025	$2,556,484	$84,541
Alaska	90,337	90,337	
Arizona	706,077	641,122	64,955
Arkansas	1,578,227	1,544,318	33,909
California	5,501,377	5,501,377	
Colorado	833,008	757,122	75,886
Connecticut	779,527	779,527	
Delaware	158,220	128,651	29,569
District of Columbia	213,156	213,156	
Florida	2,376,529	2,239,001	137,528
Georgia	2,858,391	2,858,391	
Guam	69,907	58,761	11,146
Hawaii	377,267	309,955	67,312
Idaho	427,875	410,231	17,644
Illinois	3,836,111	3,836,111	
Indiana	2,313,543	2,313,543	
Iowa	1,475,602	1,293,371	182,231
Kansas	1,037,137	1,037,137	
Kentucky	2,402,479	2,402,479	
Louisiana	2,294,607	2,224,607	
Maine	546,719	463,234	83,485
Maryland	1,359,478	1,132,092	227,386
Massachusetts	1,877,962	1,877,962	
Michigan	3,833,988	3,263,608	570,380
Minnesota	1,779,917	1,479,089	300,828
Mississippi	2,393,471	2,393,471	
Missouri	1,921,241	1,921,241	
Montana	370,400	329,704	40,696
Nebraska	737,801	634,745	103,056
Nevada	108,462	101,240	7,222
New Hampshire	293,445	293,445	
New Jersey	2,116,597	1,647,797	468,800
New Mexico	861,166	861,166	
New York	5,622,985	5,622,985	
North Carolina	3,606,014	3,606,014	
North Dakota	406,831	362,029	44,802
Ohio	4,315,091	3,649,285	665,806
Oklahoma	1,305,089	1,305,089	
Oregon	874,905	874,905	
Pennsylvania	4,921,507	3,883,868	1,037,639
Puerto Rico	3,245,229	3,245,229	
Rhode Island	393,468	393,468	
South Carolina	2,849,215	2,813,436	35,779
South Dakota	435,917	435,917	
Tennessee	2,566,455	2,480,999	85,456
Texas	5,843,735	5,215,634	328,101
Utah	574,141	562,386	11,755
Vermont	216,888	216,888	
Virginia	2,449,644	2,327,094	122,550
Virgin Islands	39,494	39,494	
Washington	1,293,889	1,202,113	91,776
West Virginia	1,438,674	1,396,680	41,994
Wisconsin	2,036,506	1,562,961	473,545
Wyoming	163,334	163,334	
Total	93,600,000	88,154,223	5,445,777

(Secs. 2–11, 60 Stat. 230–233, as amended; 42 U.S.C. 1751–1760)

Dated: July 29, 1960.

ORIS V. WELLS,
Administrator.

[F.R. Doc. 60-7202; Filed, Aug. 2, 1960; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 1014]

PART 1014—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Order Suspending Certain Provision(s)

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi Gulf Coast marketing area (7 CFR Part 1014), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of August 1960:

(1) In § 1014.14 "or to a nonpool plant for the account of such handler but for not more than 10 days' production during any months of September through January".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The existing diversion provisions of the order, intended to assure orderly disposition of the necessary market reserves and seasonal surplus, have been used in a way which has cause unsettled marketing conditions with the result that wide variation in returns to producers in this market have occurred. These variations prompted the request for the hearing held December 15–17, 1959 (24 F.R. 9742) to revise the existing diversion provisions. The market is in relatively short supply of regular producer milk and continuation of wide variation in returns to producers may jeopardize the maintenance of an adequate regular supply.

Suspension of diversion privilege for the month of August is necessary to preserve orderly marketing of the regular market supply.

This suspension action is based on the evidence adduced at the December hearing, relating to proposed revision of the diversion provisions. Since it is not possible to take amendatory action to be effective by August 1, suspension action is necessary to prevent diversion for the month of August 1960.

Therefore, good cause exists for making this order effective August 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective August 1, 1960 for the month of August 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 29th day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–7201; Filed, Aug. 2, 1960; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 7]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

There was published in the FEDERAL REGISTER on June 16, 1960 (25 F.R. 5401), a proposal to amend § 107.301–1(b), relating to the issue of stock by eliminating the cash limitation; § 107.302–2, relating to the issuance of stock for cash or other consideration; §§ 107.304–1(b) and 107.305–1(b), relating to emphasizing the long-term characteristic of debentures and loans; and § 107.308–7, relating to the limitation on reducing the original paid-in capital and surplus.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto, to the Investment Division, Small Business Administration, Washington 25, D.C., within 20 days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendments, the amendments of the regulations as so proposed are hereby adopted as set forth below.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, as amended by the Small Business Investment Act Amendments of 1960, the subject amendments of the regulations shall become effective upon publication thereof in the FEDERAL REGISTER.

The Small Business Investment Company Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316, 5374, 5478, and 5825), is hereby further amended by:

1. Deleting the following from § 107.301–1(b): "for a minimum amount of cash".

As amended § 107.301–1(b) reads as follows:

§ 107.301–1 Charter requirements.

* * * * *

(b) To issue a maximum number of shares of one or more types of its stock;

* * * * *

2. Deleting § 107.302–2 and inserting in lieu thereof a new § 107.302–2.

As amended § 107.302–2 reads as follows:

§ 107.302–2 Consideration for stock of Licensee.

(a) Shares of stock of any class in a Licensee which represent the initial minimum capital required by § 107.201–5(c) shall be issued by Licensee only in consideration for the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States. Shares of stock of any class in a Licensee which represent no part of the initial minimum capital required by § 107.201–5(c) may be issued in consideration for the simultaneous payment of cash; upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States; as stock dividends; in connection with the reclassification of the stock of the Licensee; for services previously rendered to the Licensee; or for physical assets to be employed currently in the operation of the Licensee.

(b) Options upon the stock of a Licensee may be granted to an individual only upon approval of at least a majority of such Licensee's stockholders and only in lieu of salary or in payment for services actually rendered such Licensee, and only if:

(1) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of such Licensee. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option by its terms is not exercisable after the expiration of five years from the date such option is granted. For purposes of this subparagraph—

(i) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(4) Such option by its terms is not exercisable after the expiration of ten years from the date such option is granted.

3. Deleting the paragraph numbered (b) in § 107.304–1 and inserting in lieu thereof a new paragraph (b).

As amended § 107.304–1(b) reads as follows:

§ 107.304–1 Sale and purchase of convertible debentures.

* * * * *

(b) All such convertible debentures shall have stated maturities of not less than five years and no Licensee shall purchase convertible debentures from a small business concern if the purpose of such purchase is to furnish the small business concern with financing of less than five years' duration. All such debentures shall be callable by the issuer on any interest payment date upon three months' notice, at the face value thereof plus accrued interest thereon, and shall contain an option for the original holder or any holder in due course thereof, to convert the same into stock of the small business concern, at any time up to and including the effective date of any call thereof by the small business concern.

4. Deleting the paragraph numbered (b) in § 107.305–1 and inserting in lieu thereof a new paragraph (b).

As amended § 107.305–1(b) reads as follows:

§ 107.305–1 Long-term loans by Licensee to small business concerns.

* * * * *

(b) Any such loan made by a Licensee to a small business concern shall provide for a maturity of not less than five years and no Licensee shall make a loan to any small business concern if the purpose of such loan is to furnish the small business concern with financing of less than five years' duration: *Provided, however,* That loans for terms of less than five years may be made to a borrower which has previously received a long-term loan or has outstanding convertible debentures to such Licensee, when necessary to protect the interests of a Licensee in such long-term loan or outstanding convertible debentures.

5. Adding the following to § 107.308–7 (c): "A Licensee shall not voluntarily reduce its paid-in capital and paid-in surplus as it existed at the time of the issuance of its License, without the prior written consent of SBA, and"

As amended § 107.308–7(c) reads as follows:

§ 107.308–7 Activities of Licensee.

* * * * *

(c) A Licensee shall not voluntarily reduce its paid-in capital and paid-in surplus as it existed at the time of the issuance of its License, without the prior written consent of SBA, and a Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans, previously submitted to SBA in its Proposal or otherwise, without the prior written consent of SBA. Any change in the officers, directors or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA; and such changes shall be subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee.

Dated: July 25, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60–7191; Filed, Aug. 2, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Civil and Defense Mobilization

PART 1701—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

State Procurement

Section 1701.10 is revised to read as follows:

§ 1701.10 State procurement.

All civil defense equipment (other than that which may be approved for Federal purchase under the succeeding section) must be procured by the State or its political subdivision and in accordance with the following requirements: *Provided, however,* That the Director may specify that the provisions of this section do not apply to training and education courses conducted on a program basis and may make special provisions therefor in the Contributions Manual AM25–1.

(a) *Specifications.* Civil defense equipment procured by the States must comply with OCDM standards where established by OCDM specifications for such equipment. If the States desire to deviate from OCDM specifications, permission must be obtained in advance from the OCDM. The request for deviation from OCDM specifications must be justified in quantitative terms and must show how its approval will promote efficient and economical civil defense utilization of such equipment. If State or local specifications are so drawn that only one manufacturer is able to bid on the equipment, or a manufacturer whose equipment meets minimum OCDM specifications is precluded from bidding, prior approval for procurement of the equipment under such specifications must be obtained from the OCDM. This is done by the submission to OCDM of a copy of the restrictive specifications with a statement justifying the need therefor.

(b) *Purchase procedures.* Procurement of any item of civil defense equipment by the State (or political subdivision, if applicable) must comply with all statutes, regulations, and ordinances covering purchasing by such State or the political subdivision thereof. In addition, if the Federal share of the total estimated cost for all similar or identical items exceeds $1,250, procurement must be by invitation to bid through formal advertisement, and OCDM contributions will be limited to its share of the amount of the lowest acceptable bid.

(c) *Formal advertisement.* Formal advertisement, as used above, means procurement by competitive bids and awards as prescribed in the Contributions Manual AM25–1 and involves the following basic steps:

(1) Preparation of the invitation for bids, describing the requirements of the State and local government clearly, accurately, and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related documents (whether attached or incorporated by reference) furnished prospective bidders for the purpose of bidding.

(2) Publicizing the invitation for bids (i) through publication of notices in a newspaper or other recognized periodical having general circulation in the competitive area, or (ii) through a combination of posting of public notices and circularizing all known suppliers, or (iii) through distribution to prospective bidders whose names are currently on bidder lists maintained in accordance with a system approved by OCDM. Such formal advertising must be initiated in sufficient time to enable prospective bidders to prepare and submit bids before the time set for public opening of bids.

(3) Submission of bids by prospective contractors.

(4) Awarding the contract, after bids are publicly opened, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the government concerned, price and other factors considered (or rejecting all bids).

(d) *Procurement costs.* The Federal Government will not under these regulations or the program governed by these regulations, contribute to the administrative costs incurred for procurement by the State or its political subdivisions. The project application may, however, include the costs of transportation, installation, and non-Federal taxes (other than those imposed by the State government, or the political subdivision submitting the application). It may also include Federal taxes if an exemption therefrom cannot be obtained by the State or political subdivision.

(e) *Prices.* The OCDM will review the estimated price of each item of civil defense equipment listed in Part II of the project application. In establishing the amount of the Federal contribution to be approved therefor, OCDM will take into account current market conditions and other special circumstances which may be involved in the procurement. OCDM will not contribute to additional expenses which may be incurred due to deviations from standard specifications, where such deviation is not necessary for civil defense purposes.

(f) *Compliance.* The State or political subdivision, if applicable must be prepared to furnish OCDM, upon its request, with proper documentation that there has been compliance with the requirements of these regulations and the related procedures prescribed in the Contributions Manual AM25–1 in connection with procurement of any item of civil defense equipment.

(Sec. 401, 64 Stat. 1254, 72 Stat. 1799, 23 F.R. 4991, 72 Stat. 861, 3 CFR 1958 Supp.; 50 U.S.C. App. 2253, 5 U.S.C. 133z–15; E.O. 10773, 23 F.R. 5061, E.O. 10782, 23 F.R. 6971, 3 CFR 1958 Supp.)

Effective date. This revision shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 22, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60–7192; Filed, Aug. 2, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 451; Amdt. 176]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE AUGUST 13, 1960, OR UPON DECOMMISSIONING OF ASBURY PARK FM.							
City, Belmar; State, NJ.; Airport Name, Monmouth County; Elev., 180'; Fac. Class., SBMRLZ; Ident., NEL; Procedure No. 1, Amdt. 1; Eff. Date, 18 Jan. 58; Sup. Amdt. No. Orig.; Dated, 23 Nov. 57							
Pensacola VOR	PNS-LFR	Direct	1500	T-dn	300-1	300-1	200-½
Harold Int	PNS-LFR	Direct	1400	C-dn	400-1	500-1	500-1½
Milton Int	PNS-LFR	Direct	1300	S-dn-34	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes:
All bearings clockwise from Radar Site.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 451; Amdt. 176]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

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If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE AUGUST 13, 1960, OR UPON DECOMMISSIONING OF ASBURY PARK FM.							
City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 180'; Fac. Class., SBMRLZ; Ident., NEL; Procedure No. 1, Amdt. 1; Eff. Date, 18 Jan. 58; Sup. Amdt. No. Orig.; Dated, 23 Nov. 57							
Pensacola VOR	PNS-LFR	Direct	1500	T-dn	300-1	300-1	200-½
Harold Int	PNS-LFR	Direct	1400	C-dn	400-1	500-1	500-1½
Milton Int	PNS-LFR	Direct	1300	S-dn-34	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Radar terminal area transition altitudes: All bearings clockwise from Radar Site. Sector 060° to 200°—1200' within 20 miles. Sector 200° to 060°—1400' within 20 miles. Radar control must provide 1000' vertical clearance within a 3 mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 467' MSL tower 3.5 miles SW of airport. Procedure turn E side S crs, 161° Outbnd, 341° Inbnd, 1200' within 10 miles. Beyond 10 miles NA due warning area. Minimum altitude over facility on final approach crs, 700'. Crs and distance, facility to airport, 343°—1.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi after passing LFR, climb to 1300' on the N crs of the Pensacola LFR (341° mag.) within 15 mi or, when directed by ATC, turn right, climb to 1300' on crs of 053° from the Saufley RBn within 15 miles. CAUTION: Warning area beyond 10 miles S of PNS range. AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.							
City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121'; Fac. Class., SBRAZ; Ident., PNS; Procedure No. 1, Amdt. 13; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 12; Dated, 26 Dec. 59							
Philipsburg VOR	PSB-LFR	Direct	4000	T-dn	500-1	500-1	
				C-d	600-1	700-1	
				C-n	600-2	700-2	
				A-dn	1000-2	1000-2	
Procedure turn W side NW crs, 343° Outbnd, 163° Inbnd, 3500' within 10 miles. Minimum altitude over facility on final approach crs, 3000'. Crs and distance, facility to airport, 169°—4.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, make a climbing left turn and return to Philipsburg LFR at 4000'. CAUTION: 2300' MSL unlighted hills 2.0 miles to S and SE of airport.							
City, Philipsburg; State, Pa.; Airport Name, Black Moshannon-State; Elev., 1933'; Fac. Class., SBRAZ; Ident., PSB; Procedure No. 1, Amdt. 4; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 3; Dated, 30 Nov. 53							
				T-dn	300-1	300-1	*200-½
				C-dn	500-1	500-1	500-1½
				S-dn-30	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2
Procedure turn E side SE crs, 121° Outbnd, 301° Inbnd, 5600' within 10 miles. NA beyond 10 miles account high terrain. Minimum altitude over facility on final approach crs, 5100'. Crs and distance, facility to airport, 301°—2.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, climb to 6100' on NW crs within 20 miles. CAUTION: 5144' MSL tower 7.6 miles NW of airport. *AIR CARRIER NOTE: 800-1 required Runway 24.							
City, Scottsbluff; State, Nebr.; Airport Name, Scottsbluff; Elev., 3965'; Fac. Class., SBMRLZ; Ident., BFF; Procedure No. 1, Amdt. 9; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 8; Dated, 22 Dec. 56							

LFR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Monroe Int	SEA-LFR	186—22.6	3000	T-dn	300-1	300-1	200-½
Hobart FM	SEA-LFR	269—12.9	4000	C-dn	800-2	800-2	800-2
TCM LFR to SEA LOM	SEA-LFR	356—21.4	2000	A-in	800-2	800-2	800-2
SEA LOM	SEA-LFR (final)	356— 7.8	1200				
SEA VOR	SEA-LFR	013— 4.0	2000				
Paine "H"	NW crs SEA-LFR	187—22	3000				
Procedure turn E side of S crs, 176° Outbnd, 356° Inbnd, 2000' within 15 miles. NA beyond 15 miles. Minimum altitude over facility on final approach crs, *1500'. *Descent to 1200' (final) authorized after passing SEA-LOM. If SEA-LOM not received, maintain 1500' over SEA-LFR. Crs and distance, facility to airport, 290°—2.1. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 2000' on NW crs SEA-LFR to Harbor Island Int, or, when directed by ATC, turn left, climb to 2000' on 224° crs from SEA-LFR to Vashon Int. NOTES: Aircraft executing a missed approach may, after being reidentified, be radar controlled. All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar. CAUTION: 606' tank 3 miles W and 578' tower 3½ miles NW of Boeing Field.							
City, Seattle; State, Wash.; Airport Name, Boeing Field; Elev., 17'; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 1, Amdt. 15; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 14; Dated, 3 Dec. 55							
Hobart FM	SEA-LFR	Direct	4000	T-dn	300-1	300-1	200-½
SEA-VOR	SEA-LFR	Direct	2000	C-dn	800-2	800-2	800-2
SEA-VOR	Harbor Island FM	Direct	2000	A-dn	800-2	800-2	800-2
Radar Fix 5 miles NW of Harbor Island FM on NW crs SEA-LFR.	SEA-LFR (final)	Direct	1500				
Paine "H"	NW crs SEA-LFR	187-22	3000				
Procedure turn W side NW crs, 297° Outbnd, 117° Inbnd, 2000' within 10 miles of Harbor Island FM. NA beyond 10 mi. Minimum altitude over facility on final approach crs, Harbor Island FM 1500'. Crs and distance, facility to airport (Harbor Island FM), 117°—3.2. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles past Harbor Island FM, climb to 2000' on S crs Seattle LFR to Seattle ILS LOM or, when directed by ATC, turn right, climb to 2000' on 224° crs from Seattle LFR to Vashon Int. NOTES: Aircraft executing a missed approach may, after being reidentified, be radar controlled. All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar. CAUTION: 606' Tank 3 miles W and 578' Tower 3½ miles NW of Boeing Field.							
City, Seattle; State, Wash.; Airport Name, Boeing Field; Elev., 17'; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 2, Amdt. 3; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 2; Dated, 3 Dec. 55							
Monroe Int	SEA-LFR	186—22.6	3000	T-dn	300-1	300-1	200-½
Hobart FM	SEA-LFR	269—12.9	4000	C-dn	500-1	500-1	500-1½
NEJ LFR	Harbor Island FM	173—12.2	2000	A-dn	800-2	800-2	800-2
Harbor Island FM	SEA-LFR (final)	117— 6.8	1200				
McChord LFR	Seattle LOM	356—21.4	2000				
Seattle LOM	SEA-LFR	354— 7.8	2000				
Paine "H"	NW crs SEA-LFR	187—22	3000				
Procedure turn, W side NW crs, 297° Outbnd, 117° Inbnd, 2000' within 10 miles. Minimum altitude over facility on final approach crs, 1200'. Crs and distance, facility to airport, 194°—3.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb to 2000' on S crs SEA-LFR to Seattle ILS LOM or, when directed by ATC, turn right, climb to 2000' on 224° crs from SEA-LFR to Vashon Int. NOTES: Aircraft executing a missed approach may, after being reidentified, be radar controlled. All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar.							
City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma Int'l.; Elv., 424'; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 1, Amdt. 15; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 14; Dated 21 Apr. 56							
Hobart FM	SEA-LFR	Direct	4000	T-dn	300-1	300-1	200-½
SEA-LOM	SEA-LFR	Direct	2000	C-dn	500-1	500-1	500-1½
SEA-VOR	SEA-LFR	Direct	2000	S-dn-16	400-1	400-1	400-1
Vashon Int	SEA-LFR	Direct	2000	A-dn	800-2	800-2	800-2
SEA-VOR	Harbor Isl FM	Direct	2000				
SEA-LOM	Harbor Isl FM	Direct	2000				
NEJ-LFR	Harbor Isl FM	Direct	2000				
Radar Fix 5 mi NW of Harbor Isl FM on NW crs SEA-LFR.	Harbor Isl FM (final)	Direct	1500				
Harbor Isl FM	Boeing Int.* (final)	Direct	1200				
Paine "H"	NW crs SEA-LFR	187-22	3000				
Procedure turn W side NW crs SEA LFR, 297° outbnd, 117° inbnd, 2000' within 10 mi NW of Harbor Isl FM. N.A. beyond 10 mi. Minimum altitude over SEA VOR, 800'. Crs and distance, Boeing Int* to SEA VOR, 160°—4.3 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of SEA-VOR, climb to 2000' on Seattle ILS localizer to the LOM or, when directed by ATC, turn right, climb to 2000' on 224° crs from Seattle LFR to Vashon Int. NOTES: Aircraft executing a missed approach may, after being reidentified, be radar controlled. All fixes within 30 miles of Seattle-Tacoma Radar may be determined by surveillance Radar. CAUTION: Tank 561' MSL located immediately NE of airport point. *Boeing Int: Int NW crs SEA LFR and R-340 SEA.							
City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma Int'l.; Elev., 424'; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 2, Amdt. 4; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 3; Dated, 2 Jan. 60							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, morte tha 65 knots
					65 knots or less	More than 65 knots	
NAS-VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
PNS-LFR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Gonzalez Int	LOM (final)	Direct	1300	S-dn-16	400-1	400-1	400-1
Milton Int	LOM	Direct	1300	A-dn	800-2	800-2	800-2
Harold Int	LOM	Direct	1400				
Elberta Int	LOM	Direct	1400				

Radar terminal area transition altitudes:
All bearings clockwise from Radar Site.
Sector 000° to 200°—1200′ within 20 miles.
Sector 200° to 000°—1400′ within 20 miles.

Radar control must provide 1000′ vertical clearance within a 3 mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 467′ MSL tower 3.5 miles SW of airport.

Procedure turn* E side N crs, 343° Outbnd, 163° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 163°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1200′ on crs of 163° from the LOM within 10 miles or, when directed by ATC, climb to 1200′ on crs of 100° from the Pensacola LFR within 15 miles.
CAUTION: Warning area 10 mi S of PNS range.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.
*Nonstandard dme control area limits.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121′; Fac. Class., LOM; Ident., PN; Procedure No. 1, Amdt. 5; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 4; Dated, 26 Dec. 59

Harbor Island FM	LOM	Direct	2000	T-dn	300-1	300-1	200-½
SEA-VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
SEA-LFR	LOM	Direct	2000	S-dn-34	400-1	400-1	400-1
Hobart FM	LOM	Direct	4000	A-dn	800-2	800-2	800-2
Puyallup Int*	LOM (final)	Direct	1600				
McChord LFR	LOM	Direct	2000				
Vashon Int	LOM	Direct	2000				
Paine "H"	NW crs SEA-LFR	187-22	3000				

Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 2000′ within 8 mi. NA beyond 8 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 338°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2000′ on R-340 SEA-VOR to NW crs SEA-LFR, proceed to Harbor Island Int or, when directed by ATC, turn left, climb to 2000′ on 224° crs from SEA-LFR to Vashon Int.
NOTES: Aircraft executing a missed approach may, after being reidentified, be radar controlled. Transition to Puyallup Int authorized from TCM-LFR on 020° crs, 2000′.
*Int 020° brng from TCM-LFR and S crs SEA-ILS or brng 336° to SE-LOM.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma Int'l; Elev., 424′; Fac. Class., LOM; Ident., SE; Procedure No. 1, Amdt. 16; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 15; Dated, 27 June 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MSY LFR	MSY VOR	Direct	1400	T-dn	300-1	300-1	300-1
Laplace RBn	MSY VOR (final)	Direct	1400	C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Radar site located at Moisant Int'l Airport. Radar transition altitude 1500′ within 25 miles. Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3-5 miles of radio towers 750′ and 563′ 12 mi SE of Radar site, and 978′ 16 mi ESE of Radar site. Radar may be used to position aircraft for a final approach within 5 miles of MSY-VOR or Bayou St. John FM with the elimination of a procedure turn.
Procedure turn South side of crs, 262° Outbnd, 082° Inbnd, 1400′ within 10 mi.
Minimum altitude over VOR on final approach crs, 900′.
Crs and distance, facility to airport, 082°—7.6 mi.
Minimum altitude over Bayou St. John FM on final approach crs, 500′.
Crs and distance, Bayou St. John FM to airport, 082°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi of VOR or 3.1 mi after passing Bayou St. John FM, turn left, climb to 2000′ on MSY VOR R-079 within 20 miles or, when directed by ATC, turn left, intercept MSY VOR R-064, climbing to 1500′ within 20 mi.
CAUTION: 978′ MSL tower 6 mi SSE of airport.
NOTES: Air Carrier use NA. Full weather information not available—visibility information only.

City, New Orleans; State, La.; Airport Name, New Orleans; Elev., 8′; Fac. Class., BVOR; Ident., MSY; Procedure No. 1, Amdt. 1; Eff. Date, 13 Aug. 60; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pellston "H"	PLN-VOR	Direct	2300	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1
				C-n	600-2	600-2	600-2
				S-d-23	600-1	600-1	600-1
				S-n-23	600-2	600-2	600-2

*Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 242°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles of VOR, make right 180° turn, climb to 2000', proceed direct to VOR.
CAUTION: 1276' tower 2.0 mi SW of airport.

City, Pellston; State, Mich.; Airport Name, Emmet County; Elev., 720'; Fac. Class., L-BVOR; Ident, PLN; Procedure No. 1, Amdt. Orig.; Eff. Date, 13 Aug. 60

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Beaumont LFR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
Beaumont VOR	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
Marsh Int	LOM	Direct	1400	S-dn-11	200-½	200-½	200-½
Mitchell Int	LOM (final)	Direct	1400	A-dn	600-2	600-2	600-2

Procedure turn S side NW crs 293° Outbnd, 113° Inbnd, 1400' within 10 mi. Beyond 10 mi. NA.
Minimum altitude at glide slope int inbnd, 1400'.
Altitude of G.S. and distance to approach end of Rwy at OM 1400'—4.8 mi; at MM 215'—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400' on SE crs ILS within 20 mi or, when directed by ATC, (1) Turn left, climb to 1400' on R-067 BPT VOR or (2) turn right, climb to 1400' on S crs BPT LFR within 20 miles.
Major change: Deletes Caution Note.

City, Beaumont; State, Tex.; Airport Name, Jefferson County; Elev., 15'; Fac. Class., ILS; Ident., I-BPT; Procedure No. ILS-11, Amdt. 2; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 1; Dated, 22 Nov. 58

Pensacola VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Pensacola LFR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Gonzalez Int	LOM (final)	Direct	1300	S-dn-16°	300-¾	300-¾	300-¾
Harold Int	LOM	Direct	1400	A-dn	600-2	600-2	600-2
Milton Int	LOM	Direct	1300				
Elberta Int	LOM	Direct	1400				

Radar terminal area transition altitudes:
All bearings clockwise from Radar Site.
Sector 060° to 290°—1200' within 20 miles.
Sector 290° to 060°—1400' within 20 miles.
Radar control must provide 1000' vertical clearance within a 3 mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 467' MSL tower 3.5 miles SW of airport.
Procedure turn E side N crs, 343° Outbnd, 163° Inbnd, 1300' within 10 mi. Beyond 10 mi. NA. (Nonstandard due to control area limits.)
Minimum altitude at G.S. int inbnd, 1300'.
Altitude of G.S. and distance to appr end of rny at OM 1266—3.8, at MM 329—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing LOM, climb to 1200' on SE crs of ILS within 10 miles or, when directed by ATC, climb to 1200' on R-100 of the Pensacola (NAS) OMNI within 15 miles.
NOTE: No approach lights.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.
CAUTION: Warning Area beyond 10 miles S of PNS range.
*400-¾ required when glide path not utilized.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121'; Fac. Class., ILS; Ident., I-PNS; Procedure No. ILS-16; Amdt. 5; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 4; Dated, 26 Dec. 59

Pensacola VOR via R-100	Blanchard Int*	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-34	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes:
All bearings clockwise from Radar Site.
Sector 060° to 290°—1200' within 20 miles.
Sector 290° to 060°—1400' within 20 miles.
Radar control must provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 467' MSL tower 3.5 miles SW of airport.
Procedure turn E side S crs, 163° Outbnd, 343° Inbnd, 1200' within 10 mi. Blanchard Int.* Beyond 10 mi NA. due Warning Area.
No glide slope. Minimum altitude over Blanchard Int 700, distance to appr end of rny at Blanchard Int to Rnwy 34, 343°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi after passing Blanchard Int, climb to 1200' on the ILS NW crs within 15 miles or, when directed by ATC, turn right, climb to 1300' on R-063 of the Pensacola OMNI within 15 miles.
AIR CARRIER NOTE: Sliding scale not applicable for landings on Runways 8 and 12.
*Int R-100 NAS and ILS S crs.

City, Pensacola; State, Fla.; Airport Name, Municipal; Elev., 121'; Fac. Class., ILS; Ident., I-PNS; Procedure No. ILS-34, Amdt. 5; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 4; Dated, 26 Dec. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SEA LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
SEA VOR	LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Vashon Int	LOM	Direct	2000	S–dn–34	200–½	200–½	200–½
Hobart FM	LOM	Direct	4000	A–dn	600–2	600–2	600–2
TCM LFR	LOM	Direct	2000				
Harbor Island FM	LOM	Direct	2000				
TCM LFR	Puyallup Int*	Direct	2000				
Puyallup Int*	LOM (final)	Direct	1700				
Paine "R"	NW crs SEA–LFR	187–22	3000				

Procedure turn E side of S crs, 158° Outbnd, 338° Inbnd, 2000′ within 8 mi. NA beyond 8 mi.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1700′—4.3; at MM, 600′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R–340 SEA–VOR to NW crs SEA–LFR, proceed to Harbor Island Int or, when directed by ATC, turn left, climb to 2000′ on 224° crs from Seattle LFR to Vashon Int.
CAUTION: Terrain and trees 526′ MSL located immediately N and NE of airport.
NOTES: Aircraft executing a missed approach may, after being reidentified, be radar controlled. All fixes within 30 mi of Seattle-Tacoma Radar may be determined by surveillance radar.
*Int 020° bring from TCM–LFR and S crs SEA–ILS or bring 338° to SE–LOM.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma Int'l; Elev., 424′; Fac. Class., ILS; Ident., SEA; Procedure No. ILS–34, Amdt. 16; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 15; Dated, 27 June 59

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
				T–dn–14	300–1	300–1	200–½
				C–d–14, 32	400–1	500–1	500–1½
				C–n–14, 32	400–2	500–2	500–2
				S–dn–14–32	300–¾	300–¾	300–¾
				A–dn–14, 32	600–2	600–2	600–2

No terminal area maneuvering altitudes. Aircraft will be vectored to Gray Field radar final approach area by McChord RAPCON. 2000′ minimum transition altitude to Gray Field PAR within 15 mi. north or south of Gray Field.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 14: Turn right, climb to 2000′ on 270° crs to Shelton RBn.
Runway 32: Turn left, climb to 2000′ on 275° crs to Shelton RBn.
Alternate missed approach: Climb to 3000′ on 270° crs, intercept R–020 Olympia VOR. Proceed to Olympia VOR via R–020, maintain 3000′.
NOTES: Aircraft executing missed approach may, after being identified, be radar controlled by McChord RAPCON. Prior arrangement for landing required for civil aircraft not on official business.

City, Ft. Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301′; Fac. Class., Gray AAF; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 13 Aug. 60; Sup. Amdt. No. Orig.; Dated, 5 Mar. 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 15, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–6826; Filed, Aug. 2, 1960; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

SUBCHAPTER D—FREIGHT FORWARDERS

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 20th day of July A.D. 1960.

In the matter of security for protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to part II of the Act. Ex Parte No. MC–5.

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to part IV of the Act; Ex Parte No. 159.

It appearing, that by order of August 22, 1955 (20 F.R. 6608, published September 9, 1955), the Commission, Division 1, approved Form BMC 86 (Revised) (49 CFR 7.86) and Form FF 45 (Revised) (49 CFR 405.8 Note), Blanket Certificate of Insurance and Form BMC 87 (49 CFR 7.87) and Form FF 46 (49 CFR 405.8 Note), Blanket Surety Bond, and,

It further appearing, that such forms were approved to implement increased amounts of automobile bodily injury liability and property damage liability insurance and surety bonds as required by Rule 2 (49 CFR 174.2) of our rules and regulations prescribed in Motor Carrier Insurance for Protection of the Public, 1 M.C.C. 45; 52 M.C.C. 613; and 64 M.C.C. 9, and by Rule 3 (49 CFR 405.3) of our rules and regulations prescribed in Freight Forwarder Insurance for Protection of the Public, 260 I.C.C. 375; 52 M.C.C. 613; and 64 M.C.C. 9, and that these forms are now obsolete;

It is ordered, That the order of August 22, 1955 (20 F.R. 6608), insofar as it prescribed the use of Forms BMC 86 (Revised) and BMC 87 (49 CFR 7.86 and 49 CFR 7.87) and FF 45 (Revised) and FF 46 (49 CFR 405.8 Note), be, and it is hereby, vacated, and Forms BMC 86 (Revised) BMC 87, FF 45 (Revised), and FF 46, be, and they are hereby, canceled;

It is further ordered, That 49 CFR Part 7 and 49 CFR Part 405, be, and they are hereby, amended as follows:

Section 7.86—*BMC 86 (Revised):* Cancel this section in its entirety.

Section 7.87—*BMC 87:* Cancel this section in its entirety.

Section 405.8—*Forms and procedure:* From the list of forms in the editorial note to this section, delete the following:

FF 45 (Revised) Blanket certificate of insurance.
FF 46 Blanket surety bond.

It is further ordered, That this order shall be effective July 20, 1960 and notice thereof shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304; Interpret or apply sec. 215, 49 Stat. 557, as amended, 49 U.S.C. 315; sec. 403, 56 Stat. 285, 49 U.S.C. 1003)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–7189; Filed, Aug. 2, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO-257-A5]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Northern Louisiana marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Shreveport, Louisiana, on April 19-20, 1960, pursuant to notice thereof which was issued March 31, 1960 (25 F.R. 2859).

The material issues on the record of the hearing relate to:

1. Revision of the definitions of supply plant and distributing plant;
2. Designation of producers' cooperative associations as handlers for the delivery of bulk tank milk of member producers;
3. Filing reports of receipts and utilization;
4. Class I price; and
5. Rules for transfer of producer bases.

Findings and conclusions. The following findings and conclusions of the material issues are based on evidence presented at the hearing and the record thereof:

1. *Plant definitions.* The definition of supply plant should be amended to provide that a supply plant in any month is any plant from which Grade A milk and skim milk is received at a distributing plant in an amount equal to a daily average of not less than 5,000 pounds.

Under the present provisions of the order a plant may qualify as a supply plant by shipping, in any of the months of July through February, to distributing plants on ten or more days or an amount equal to a daily average of not less than 8,300 pounds. During the months of March through June, any Grade A milk or skim milk shipped to a distributing plant qualifies a plant as a supply plant.

The proponent cooperative association proposed that the supply plant definition be revised to provide that any plant in any month be required to ship to a distributing plant and have allocated to Class I at least 100,000 pounds of Grade A milk or skim milk.

The Northern Louisiana market has not had supply plants regularly associated with the market. During the past five years there have been only a few occasions when a plant has so qualified. Starting in 1960, however, the Northern Louisiana Pure Milk Producers' Association, Inc., representing most of the producers in this market, equipped a plant to function as a supply plant. This plant was so qualified during the months of March and April 1960. The function of this plant is to provide efficient distribution of producer milk among distributing plants in the market. This market seldom has an excess supply of producer milk on a week-to-week basis. The increased distribution of fluid milk products through stores increases the demand for such products during the end of the week. Correspondingly, the demand for producer milk the first part of the following week decreases. The cooperative association is using the holding tank facilities of their plant to prevent unnecessary movements of producer milk out of the market and of other source milk into the market. In the past, the cooperative has moved producer milk to nonpool plants on Sunday and Monday only to discover that by Wednesday or Thursday of the same week, it was necessary for the cooperative association to import other source milk to fulfill its contractual obligations to handlers operating distributing plants.

The cooperative association should not be required to assume the responsibilities, obligations and expense of a regulated plant except when it actually handles a significant quantity of producer milk through its plant. Furthermore, such a plant should become a supply plant by meeting a single standard of qualification. This standard should represent a substantial quantity of its member producer milk received at the plant and then moved to distributing plants. A standard requiring a supply plant to ship during the month an amount of Grade A milk or skim milk equal to a daily average of not less than 5,000 pounds will accommodate the present marketing conditions in this area not only with respect to the plant operated by the cooperative association but any other plant that may from time to time ship milk to distributing plants in the market.

The proposal to amend the definition of distributing plant should not be adopted. Presently, the definition excludes plants from which an average of 1,500 pounds or less per day, or less than four percent of the Grade A milk received from producers and from other plants, is distributed in the marketing area. The proposed definition would include all plants from which any milk is distributed in the marketing area. This proposed definition is the same as one that was considered in a previous hearing and rejected in the decision issued June 5, 1956 (21 F.R. 3967). With respect to this issue, circumstances have changed but little.

The purpose of the proposal is to bring under full order regulation all handlers who operate plants from which any Class I products are distributed in the marketing area. For some time two partially regulated handlers have operated in a few small towns in the northeastern and southeastern parts of the marketing area. The other is a larger operator whose plant is outside the area and whose sales within the area are a very small part of the total distribution from this plant. One major regulated handler competes with these partially regulated handlers. The regulated handler contends that he is at a disadvantage because the partially regulated handlers are not subject to order prices and assessments. But, the data do not show that competitive relations and conditions in this part of the area have materially affected the marketing of producer milk. In fact, witnesses testified that sales in the area by these partially regulated handlers were less in 1959 than in 1958 and less in March 1960 than in March 1959; while total Class I sales in the northwest Louisiana marketing area, as reported by the Louisiana Department of Agriculture, were six or seven percent greater in 1959 than in 1958. Also, it appears from the testimony that the buying prices of these handlers are not much different from what they would be under complete order regulation.

It is concluded that the evidence does not justify extending the scope of the order by the inclusion of the plants of these handlers in the category of fully regulated plants. One of these handlers vigorously opposed this proposal on grounds that most of his Class I sales were made in competition with unregulated distributors outside the marketing area. Under the circumstances complete order regulation would be unreasonable. One purpose of the distributing plant provision is to place reasonable limits to the scope of regulation; and existing circumstances constitute no basis for its modification at this time.

2. *Designation of a cooperative association as a handler.* The proposal to designate a cooperative association as a

handler on the bulk tank milk which it delivers to a distributing plant and to make conforming changes with respect to shrinkage and other order provisions should be denied. The proponent handler testified that the issue with respect to this proposal is the accounting for producer milk received by handlers in tank trucks. Presently, the plant handler is required to account for such milk on the basis of individual farm weights and tests. If the cooperative is designated the receiving handler of bulk tank member milk, the plant handler would then be able to receive such milk from the association on tank load weights and tests.

The drivers of the tank trucks are licensed by the State of Louisiana as milk sampler-weighers. Periodic checking of all drivers by the State Department of Agriculture and by representatives is carried out. No serious problem appears to have arisen with respect to milk movements on tank trucks and any dissatisfaction in regard to weights and tests have thus far been satisfactorily adjusted. Moreover, variances between the aggregate farm weights and tests and the weights and tests of tank loads received at fluid milk plants have not been great. In no instance has there been evidence to indicate a greater shrinkage with respect to the receipt of bulk tank milk than the allowable shrinkage on producer milk or even of any greater loss on bulk tank milk received on "stick" weights than in milk received in cans.

The essential reason for denying the proposal, however, is that the cooperative association was not shown to have sufficient responsibility in delivering bulk tank milk to handlers' plants. The hauling is done by licensed haulers under contract with individual producers. The association operates no trucks but merely directs the delivery of milk for its member producers. It has no arrangements with contract haulers that vests it directly with any control and responsibility for problems of the hauling function. The licensed haulers are in effect responsible to the individual producers and handlers for skillful performance of this service including the measuring and sampling of the milk. Since the association has not taken the responsibility for hauling the milk, it is not appropriate to require it to take responsibility for accounting for such milk under the order program.

3. *Filing reports of receipts and utilization.* The proposal requiring handlers' reports of receipts and utilization to be mailed on or before the 5th day after the end of each month should be adopted with provision for delivery of such reports to the market administrator by messenger not later than the 7th day after the end of each month.

The present order provides that each handler shall report on or before the 7th day after the end of each month without reference to the method by which delivery is made. Producer testimony indicated that with the expanded marketing area reports which are mailed should be postmarked on or before the 5th day in order to insure their receipt on or before the 7th day after the end of each month. It was also stated that a large percentage of handlers are currently reporting to the market administrator by the 5th day at the present time and that this requirement would not be onerous to handlers. Adoption of this proposal would facilitate the payroll operations of the producers' association in that it would permit payment to member producers on an earlier date.

In view of this advantage to producers and the apparent reasonableness of the 5th as the deadline date for mailing, it is concluded that this proposal should be adopted.

4. *Class I price.* Class I price differentials in § 966.51(a) should be changed to a uniform monthly differential equal to the 12 months average of the present seasonal differentials. But the differential of $2.40, presently effective in the period July 1 through February, should remain in effect until March 1, 1961. Other proposed changes should not be adopted.

The Northern Louisiana Pure Milk Producers' Association proposed that the Class I differential be uniform in all months and that such differential be $2.65. The monthly average of the present seasonal differentials is $2.27. The association's proposal would raise the level of Class I prices 38 cents. This was a modification of their original proposal which was for a uniform monthly differential of $2.45 in the Shreveport sector of the area and $2.65 in the Monroe sector. But in hearing testimony they emphasized a uniform monthly differential, applicable throughout the area, that would raise the Class I price level.

Producers favor a uniform monthly differential, because they object to the reduction in milk values in the base operating months, and believe that reduced seasonal prices to handlers result in no expansion of sales and compensatory returns to producers from higher Class I utilization of receipts. The association's witness pointed out that seasonal variation in production is not great, and that seasonal excess milk is not a handler problem in the market. It does not burden handlers, since producers, through the association, dispose of excess milk to outside manufacturing plants. Monthly data for 1959 show no real seasonal fluctuation in average daily delivery per producer. January was the low month with 93 percent of the average. September was the high month with 110 percent of the average. Producers testified that under the circumstances the base-excess plan, in itself, furnishes sufficient incentive for even production; and that a uniform monthly Class I price differential would tend to enhance its effect.

From the foregoing it is concluded that supply conditions do not justify continuation of seasonal Class I price differentials. With respect to demand there is no evidence that Class I utilization by handlers would be adversely affected by elimination of seasonal differentials. It would, of course, increase the cost of milk to handlers in certain months and lower it in other months. But handlers gave no evidence that such adjustment in the price would have much effect on competitive relations in sales territory outside the marketing area. Data presented by proponents tended to show that prices paid by unregulated competitors in outside sales areas tend to vary less seasonally than present order prices. The same may be said in general with respect to prices paid by handlers under other Federal orders, effective in surrounding areas. In two or three of these markets the seasonal variation in this differential is much less than here, and in other cases such variation has been removed, or its removal has been advocated in recent hearings. It is concluded that the substitution in this order of a uniform monthly Class I price differential for the present seasonal differentials would be appropriate.

The more important Class I price question is what the uniform monthly differential should be. As noted above producers proposed that it should be $2.65, which would raise the level of the Class I price 38 cents. Handlers generally opposed any change in the differential provision that would raise the level of the Class I price. The only exception was a handler proposal to increase the Class I price 20 cents for milk received by plants in the Monroe sector of the area. But the witness for the cooperative association, whose members supply most of the producer milk received by plants in the area, questioned the soundness of this proposal and testified that the association is prepared to continue to supply member milk to plants in the Monroe sector at the same price as to other area plants.

The association's witness based his case for a substantially higher Class I price level on the fact that in several months the supply of producer milk has been insufficient to meet in full the plant requirements for Class I products; and in these months, supplemental receipts from other sources were more costly to handlers than producer milk. It was shown that if handlers were entirely dependent upon producer milk, there would need to be approximately 10 percent more producer milk than is now available. It was also shown that, while supplies of producer milk have steadily increased, the rate of growth only moderately exceeds that of plant demand. It was argued that, for an adequate reserve supply of producer milk, the Class I price must be advanced sufficiently at least to prevent a reduction in producer prices from lower Class I utilization. On the basis of these observations it was contended that the Class I price differential should be raised to $2.65 per hundredweight in order to attract an adequate supply of producer milk.

It was not claimed, however, that the market is actually short of milk, or that the market is presently less well supplied with producer milk than it has been in the past. The trade has always depended more or less upon milk from other sources, and basic market supply conditions and relations have not changed very much in recent years. But it is significant that annual receipts of producer milk have increased from about 112½ million pounds in 1957 to over 148¾

million pounds in 1959. Class I milk increased from about 114½ million pounds in 1957 to 146½ million pounds in 1959. In relation to Class I milk producer milk has become somewhat more plentiful. The calculated ratios of producer milk to marketwide Class I utilization, as shown in the data, was 98.1 percent in 1957, 98.6 percent in 1958, and 101.5 percent in 1959. But these percentages somewhat understate the increase in producer milk in relation to Class I utilization. In 1957 and 1958, some cooperative member milk was reported and included in the supply figures as associated producer milk, while in 1959, most of such supply was sold "off the market" and not reported as producer milk.

Increased supply of producer milk in 1959 substantially reduced the volume of other source milk utilized in Class I products—only about 2⅓ million pounds in 1959 in comparison with more than 4 million pounds in 1958 and 4½ million pounds in 1957. Obviously the market depends very little upon other source supply. The average fat test of such supply in 1959 was less than one-half percent, indicating that a large proportion of other source receipts was nonfat solids. The relatively small amount of fresh whole milk needed to supplement producer milk was procured mostly from a plant under the regulation of the North Texas marketing area, where supplies have become available to the Northern Louisiana trade at prices that appear to be in reasonable alignment with prices in this area. In this connection, it may be observed that since prices here were last reviewed there has been no material change in price and trade relations with other regional trade areas.

From the foregoing review of data and testimony concerning Class I prices it is concluded that there should be no change in the average monthly Class I differential; but that it is unnecessary to make such average differential effective when it would, in effect, reduce the Class I price below that presently provided for fall and winter milk. Hence, the average Class I price differential should not become effective until March 1, 1961. Such provision would avoid reducing returns to producers during the ensuing fall and winter months when, in planning production, producers have undoubtedly anticipated that prices would be no less than the order presently provides.

5. *Transfer of bases.* The proposal to modify the base rules regarding transfer of producer bases should be adopted.

The order presently provides that if a base is transferred to a producer already holding a base, a new base be computed by adding together the producer milk deliveries of the transferee and transferor during the base-forming period and divide the total by the number of days from the first day of delivery by either transferee or transferor during the base-forming period to the last day of such period but not less than 90.

The modification of the base rule provisions, as recommended herein, provides that the transfer of a base from one producer to another be computed by dividing the total volume of milk delivered by the transferor and transferee by the number of days of production, adjusted for overlapping days of production, received at fluid milk plants from both producers during the base-forming period, but by not less than 90. This revision of the order with respect to the transfer of bases will result in a total transferred base more accurately reflective of the deliveries of milk by the two producers. Therefore, the proposal should be adopted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Northern Louisiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 966.8 and substitute:

§ 966.8 Supply plant.

Supply plant means any plant from which during the month Grade A milk or skim milk in an amount equal to a daily average of not less than 5,000 pounds is moved to and received at a plant(s) described pursuant to § 966.7.

2. Amend that portion of § 966.30 which precedes paragraph (a) to read as follows:

§ 966.30 Reports of receipts and utilization.

By mailing on or before the 5th day after the end of each month, or by delivery not later than the 7th day after the end of the month, each handler (except a producer-handler) shall report to the market administrator in detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:

§ 966.51 [Amendment]

3. Amend § 966.51(a) to read as follows:

(a) *Class I milk price.* The minimum price through February 28, 1961, shall be the basic formula price for the preceding month plus $2.40 and for each month thereafter plus $2.27.

§ 966.82 [Amendment]

4. Amend § 966.82(b)(1) to read as follows:

(b)(1) If a base is transferred to a producer already holding a base, a new base shall be computed for the transferee by dividing the total volume of milk delivered to handlers by both producers during the base-forming period by the total number of days of production delivered by both producers during the base-forming period, but not less than 90: *Provided*, That for the purpose of this section, any day on which both the transferor and transferee delivered milk to handlers shall be considered as the delivery of one day of production in computing a new transferee base pursuant to this section.

Issued at Washington, D.C., this 29th day of July 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-7199; Filed, Aug. 2, 1960; 8:49 a.m.]

Agricultural Research Service

[7 CFR Part 362]

REGULATIONS UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Highly Toxic Economic Poisons

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Secretary of Agriculture, pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d), proposes to amend § 362.8 of the regulations for the enforcement of the Federal

Insecticide, Fungicide, and Rodenticide Act (7 CFR 362.8) as follows:

1. It is proposed to add the following paragraph to § 362.8:

If the Secretary finds, after opportunity for hearing, that available data on human experience with any economic poison indicate a toxicity greater than that shown by tests on animals in the above-named dosages, the human data shall take precedence and such economic poison will be considered to be highly toxic to man within the meaning of the Act.

2. It is proposed to insert the phrase "within 14 days" after the word "death" each time the latter word appears in paragraphs (a), (b), and (c) of § 362.8.

The purpose of the proposed amendments is to establish an additional standard and to further define the present standards for determining economic poisons which are highly toxic to man within the meaning of the Act.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed regulation may do so by filing them with the Director, Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within thirty days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1960.

L. F. CURL,
Acting Director, Plant Pest Control Division, Agricultural Research Service.

[F.R. Doc. 60-7182; Filed, Aug. 2, 1960; 8:46 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Parts 602, 604]

UNITED STATES EMPLOYMENT SERVICE

Rescheduling of Proceedings on Referral of Agricultural Workers in Labor Dispute Situations

On July 16, 1960, notice was published in the FEDERAL REGISTER (25 F.R. 6806) of a proceeding on a proposal to amend 20 CFR 602.2(b) and 604.1(i) concerning the referral by the United States Employment Service of agricultural workers in labor dispute situations.

In order that the record may be improved by certain testimony which will not be available on the date of the proceeding as presently noticed, a change in date is hereby ordered.

Accordingly, under the authority of section 12, 48 Stat. 117, as amended; 29 U.S.C. 49k, and in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)), notice is hereby given that the proceeding has been rescheduled to 10:00 a.m., e.d.t., August 22, 1960, in the North Room, Washington Hotel, Fifteenth Street and Pennsylvania Avenue NW., Washington, D.C., and will be before Hearing Examiner Clifford P. Grant. Interested persons who cannot appear in person may submit data, views, and argument in writing (in quadruplicate) to the Chief Hearing Examiner, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than August 15, 1960, where they will be kept available for examination during usual business hours by any other interested person.

Except as to those matters noticed above, those noticed in the July 16, 1960, publication as to the nature of the proceedings and the procedure to be followed shall govern.

Signed at Washington, D.C., this second day of August 1960.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60-7294; Filed, Aug. 2, 1960; 12:19 p.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

BAPTIST PARISH (DOOPSGEZINDE GEMEENTE)

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of:

Baptist Parish (Doopsgezinde Gemeente) Arnhem, The Netherlands; All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F.R. 10087, October 3, 1951) in and to the coupons due June 1, 1940 to December 1, 1954 detached from Atchison Topeka & Santa Fe Railway Co. 4/55 Bond No. 32495 in the principal amount of $1,000.

Vesting Order No. 18521; L.S. Claim No. 274.

Executed at Washington, D.C., on July 27, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-7173; Filed, Aug. 2, 1960; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Filing of Plat of Survey

JULY 25, 1960.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Billings, Montana, effective 10:00 a.m., August 29, 1960.

MONTANA PRINCIPAL MERIDIAN

T. 1 N., R. 10 W.,
Secs. 15, 16, 21, 22.

Within the above-described areas are 2480.97 acres of public lands and 79.03 acres of private land.

2. The above-described lands are within the exterior limits of the Beaverhead National Forest and shall be subject to operation of the public land laws relating to National Forests subject to valid existing rights.

3. Because the lands are within National Forest boundaries, they will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

4. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

5. All inquiries relating to the lands should be addressed to the Manager, Land Office, 1245 North 29th Street, Billings, Montana.

MERLIN J. CHADSEY,
Acting Manager.

[F.R. Doc. 60-7178; Filed, Aug. 2, 1960; 8:45 a.m.]

MONTANA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JULY 25, 1960.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plat of dependent resurvey and survey of accretion accepted March 16, 1960, including lands hereinafter described, will be officially filed in the Land Office at Billings, Montana, effective at 10:00 a.m. on August 29, 1960:

MONTANA PRINCIPAL MERIDIAN

T. 26 N., R. 59 E.,
Secs. 5 and 8, Tracts 37, 38, 39.

The area described aggregates 49.17 acres of public land.

2. This plat represents a survey of a portion of the subdivision of Secs. 5 and 8, the 1910 and 1958 meanders and accretion to the residual portions of original lots 10 and 11 of Sec. 5 and NW¼ of the NE¼ of Sec. 8, designated as Tracts 39, 38 and 37 respectively. Also, a resurvey of the boundaries of Sec. 5 and the South and East Boundary of Sec. 8, designed to restore the corners in their original locations according to the best available evidence.

3. The above-described lands were formed by accretion of the Missouri River and are new lands. They consist of recently deposited, very shallow, sandy, alluvial soils along the Missouri River and support vegetation consisting of cottonwoods, willows, and brush. The lands are not suitable for agricultural development and have very low forage production for grazing purposes.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to the filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and date shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on August 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

MERLIN J. CHADSEY,
Acting Manager.

[F.R. Doc. 60-7179; Filed, Aug. 2, 1960; 8:46 a.m.]

[Classification No. 33]

[B-26652]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totaling 400 acres in Custer County, Colorado, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 21 S., R. 72 W.,
Sec. 29, S½NE¼, N½SE¼, S½S½;
Sec. 30, E½SE¼.

containing 400 acres. This land has not been subdivided into small tracts.

None of this land is covered by applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates

them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer opening the lands to application or bid.

J. ELLIOTT HALL,
Lands and Minerals Officer.

JULY 28, 1960.

[F.R. Doc. 60-7193; Filed, Aug. 2, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STRAITS/NEW YORK CONFERENCE AND STRAITS PACIFIC CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 6010-9, between the member lines of the Straits/New York Conference, modifies the basic agreement of that conference (No. 6010, as amended), which covers the trade from Colony of Singapore and Federation of Malaya to Atlantic and Gulf ports of the United States. This modification amends the provisions of the conference agreement with respect to agency commissions.

(2) Agreement No. 7090-6, between the member lines of the Straits/Pacific Conference, modifies the basic agreement of that conference (No. 7090, as amended), which covers the trade from Colony of Singapore and Federation of Malaya to certain ports on the Pacific Coast of United States and Canada and to Honolulu. This modification amends the provisions of the conference agreement with respect to agency commissions.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 29, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7184; Filed, Aug. 2, 1960; 8:46 a.m.]

Maritime Administration

STATES STEAMSHIP CO.

Notice of Application

Notice is hereby given that States Steamship Company has filed an application for a waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit the below-described foreign flag activities:

Performance of terminal services by States Steamship Company in San Francisco and Long Beach, California, at States Steamship Company's piers for Scindia Steamship Navigation Co., Ltd., an Indian-flag line operating between India, the Philippines and ports of the Pacific Coast of the United States.

Any person, firm or corporation having an interest in such application and desiring a hearing on issues pertinent to section 804 of the Merchant Marine Act, 1936, as amended, should by close of business on August 15, 1960, notify the Secretary, Maritime Administration, in writing, in triplicate, setting forth the reasons for requesting a hearing, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing or petition for leave to intervene is received within the specified time, or if the Maritime Administrator determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Administrator will take such action as may be deemed appropriate.

Dated: July 28, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7174; Filed, Aug. 2, 1960; 8:45 a.m.]

Office of the Secretary

JOHN S. VANDER HEIDE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 23, 1960.

Dated: July 23, 1960.

JOHN S. VANDER HEIDE.

[F.R. Doc. 60-7190; Filed, Aug. 2, 1960; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

BAYSTATE CORP.

Notice of Receipt of Application Under Bank Holding Company Act

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by the Baystate Corporation, Boston, Massachusetts, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of the acquisition by that Corporation of up to 100 percent of the voting shares of the Manufacturers National Bank of North Attleborough, North Attleborough, Massachusetts.

In determining whether to approve this application the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 28th day of July 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-7177; Filed, Aug. 2, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List No. 220]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

JULY 18, 1960.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and correction in Assignments of Mexican Broadcast Stations Modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		580 kilocycles				
XEFI (change in classification of daytime operation).	Chihuahua, Chihuahua	5 kw D/0.25 kw N	ND	U	III-D IV-N	Aug. 18, 1960
		610 kilocycles				
XEEL (PO: 600 kc 0.25 kw ND D II).	Fresnillo, Zacatecas	0.25 kw D/0.15 kw N.	ND	U	IV	Jan. 18, 1961
		620 kilocycles				
XEOO (correction of error in Change List No. 216).	Tepic, Nayarit	1 kw D/0.25 kw N.	ND	U	IV	Aug. 18, 1960
		810 kilocycles				
XEIC (increase in power-PO: 0.5 kw).	Ciudad Obregon, Sonora	5 kw	ND	D	II	Oct. 18, 1960
		870 kilocycles				
XEEV (change in location from Villahermosa, Tabasco).	San Cristobal las Casas, Chiapas.	1kw	ND	D	II	Jan. 18, 1961
		920 kilocycles				
XEXK (PO: 0.5 kw ND D III).	Ensenada, Baja California.	0.5 kw D/0.2 kw N.	ND	U	III-D IV-N	July 18, 1960
XEMD (change location from Gomez Palacio, Durango, and increase daytime power).	Torreron, Coahuila	1 kw D/0.1 kw N	ND	U	IV	Jan. 18, 1961
XEOP (New)	Villa Frontera, Coahuila	0.25 kw D/0.25 kw N.	ND	U	IV	Jan. 18, 1961
		950 kilocycles				
XEYJ (PO: 1300 kc)	Nueva Rosita, Coahuila	1 kw D/0.1 kw N	ND	U	III-D IV-N	Jan. 18, 1961
		1170 kilocycles				
XEGV (change in location from Nogales, Sonora).	Caborca, Sonora	0.25 kw	ND	D	II	Jan. 18, 1961
		1270 kilocycles				
XEQH (New)	Ixmiquilpan, Hidalgo	1 kw D/0.1 kw N	ND	U	III-D IV-N	Jan. 18, 1961
XEMH (to complete notification appearing in Change List No. 218—PO: 0.5 kw ND U).	Merida, Yucatan	1 kw D/0.5 kw N	ND	U	III-B	Aug. 18, 1960
		1340 kilocycles				
XEOZ (change in call letters from XEFA).	Jalapa, Veracruz	0.25 kw	ND	U	IV	July 18, 1960
		1360 kilocycles				
XEZC (New)	Concepcion del Oro, Zacatecas.	0.25 kw	ND	U	IV	Jan. 18, 1961
		1390 kilocycles				
XESP (PO: 1400 kc 1 kw D/0.25 kw N ND).	San Pedro Tlaquepaque, Jalisco.	1 kw D/0.25 kw N.	ND	U	IV	Jan. 18, 1961
		1400 kilocycles				
XEZD (change in call letters from XEZC).	Ciudad Camargo, Tamaulipas.	0.25 kw D/0.1 kw N.	ND	U	IV	July 18, 1960
		1450 kilocycles				
XEWD (change call letters from XEHD to correct an error appearing in Change List No. 160).	Ciudad Miguel Aleman, Tamaulipas.	2 kw D/0.150 kw N.	ND	U	III-D IV-N	July 18, 1960
		1460 kilocycles				
XEOL (change in call letters from XEUJ).	Ciudad del Carmen, Campeche.	0.25 kw	ND	U	IV	July 18, 1960
		1490 kilocycles				
XEMK (New)	Huixtla, Chiapas	0.5 kw D/0.2 kw N.	ND	U	IV	Jan. 18, 1961
		1580 kilocycles				
XEUL (change in location from Progreso, Yucatan and decrease night power).	Campeche, Campeche	0.25 kw D/0.15 kw N.	ND	U	II	Aug. 18, 1960

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7196; Filed, Aug. 2, 1960; 8:48 a.m.]

[Docket Nos. 13599, 13600; FCC 60M-1316]

A. S. RIVIERE AND RADIO GEORGIA

Order Continuing Hearing

In re applications of A. S. Riviere, Barnesville, Georgia, Docket No. 13599, File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Georgia, Docket No. 13600, File No. BP-13051; for construction permits.

Pursuant to agreements reached at the prehearing conference held July 26, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Tuesday, September 20, 1960, to Wednesday, October 19, 1960.

Released: July 27, 1960.

It is so ordered, This the 26th day of July 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R., Doc. 60-7194; Filed, Aug. 2, 1960; 8:48 a.m.]

[Docket No. 13691]

THEODORE R. WELCH

Order To Show Cause

In the matter of Theodore R. Welch, Spokane, Washington, Docket No. 13691; order to show cause why there should not be revoked the license for Citizens Radio Station 14W0184.

There being under consideration the revocation of the license of Theodore R. Welch, North 9312 Division, Spokane, Washington, for Citizens Radio Station 14W0184;

It appearing that at various times between March 25, 1960, and April 28, 1960, the respondent repeatedly used and operated apparatus for the transmission of communications or signals by radio without a license in that behalf, in violation of Section 301 of the Communications Act of 1934, as amended; and

It further appearing that at various times between March 25, 1960, and April 28, 1960, the respondent repeatedly operated transmitting apparatus in a radio station for which a station license was required without an operator's license issued to him by the Federal Communications Commission, in violation of Section 318 of the Communications Act of 1934, as amended;

It is ordered, This 28th day of July 1960, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that Theodore R. Welch show cause why the license for Citizens Radio Station 14W0184 should not be revoked, and appear and give evi-

dence at a hearing [1] to be held, at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail (Air Mail), Return Receipt Requested to Theodore R. Welch, North 9312 Division, Spokane, Washington.

Released: July 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7195; Filed, Aug. 2, 1960; 8:48 a.m.]

[Docket No. 13187; FCC 60M-1315]

WESTERN UNION TELEGRAPH CO.

Order Continuing Hearing Conference

In the matter of the formula for the distribution by The Western Union Telegraph Company of telegraph traffic destined to points in Canada, Docket No. 13187.

The Hearing Examiner having under consideration a petition filed July 25, 1960, on behalf of the carriers participating in the above-entitled proceeding requesting that the further prehearing conference scheduled for July 27, 1960, be continued to October 14, 1960; and

It appearing that the reason for the requested continuance is the fact that the parties need more time for further meetings and negotiations which may produce a satisfactory solution of the problems involved herein; and

It further appearing that counsel for the Common Carrier Bureau has given his consent to the requested continuance, that the element of time requires the immediate consideration thereof and good cause for granting the petition having been shown;

It is ordered, This the 26th day of July 1960, that the petition for continuance is granted and the further prehearing conference in the above-entitled proceeding now scheduled for July 27, 1960, is continued to October 14, 1960.

Released: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7197; Filed, Aug. 2, 1960; 8:48 a.m.]

[FCC 60-970]

NETWORK PROGRAMMING INQUIRY

Report and Statement of Policy

JULY 29, 1960.

The Commission en banc, by Commissioners Ford (Chairman), Bartley, Lee, Craven and Cross, with Commissioner Hyde dissenting [1] and Commissioner King not participating, adopted the following statement on July 27:

On October 3, 1957, the Commission's Network Study Staff submitted its report on network broadcasting. While the scope and breadth of the network study as set forth in Order Number 1 issued November 21, 1955 encompassed a comprehensive study of programming, it soon became apparent that due to factors not within the control of the staff or the committee consideration of programming would be subject to substantial delay making it impracticable that the target dates for the overall report could be met in the program area. The principal reasons were: (a) The refusal of certain program distributors and producers to provide the committee's staff with certain information which necessitated protracted negotiations and ultimately legal action (FCC v. Ralph Cohn, et al., 154 F. Supp. 899); and (b) the fact that a coincidental and collateral investigation into certain practices was instituted by the Department of Justice. Accordingly the network study staff report recommended that the study of programming be continued and completed. The Director of the Network Study in his memorandum of transmittal of the Network Study Report stated:

The staff regrets that it was unable to include in the report its findings and conclusions in its study of programming. It is estimated that more than one-fourth of the time of the staff was expended in this area. However, the extended negotiations and litigation with some non-network program producers relative to supplying financial data necessary to this aspect of the study made it impossible to obtain this information from a sufficient number of these program producers to draw definitive conclusions on all the programming issues. Now that the Commission's right to obtain this information has been sustained, it is the hope of the staff that this aspect of the study will be completed and the results included in a supplement to the report. Unless the study of programming is completed, the benefit of much labor on this subject will have been substantially lost.

As a result on February 26, 1959, the Commission issued its "Order for Investigatory Proceeding", Docket No. 12782. That Order stated that during the course of the Network Study and otherwise, the Commission had obtained information and data regarding the acquisition, production, ownership, distribution, sale, licensing, and exhibition of programs for television broadcasting. Also, that that information and data had been augmented from other sources including hearings before Committees of Congress and from the Department of Justice, and that the Commission had determined that an overall inquiry should be made to determine the facts with respect to the television network program selection process. On November 9, 1959, the proceeding instituted by the Commission's Order of February 26, 1959, was amended and enlarged to include a general inquiry with respect to programming to determine, among other things, whether the general standards heretofore laid down by the Commission for the guidance of broadcast licensees in the selection of programs and other material intended for broadcast are currently adequate; whether the Commission should, by the exercise of its rule-making power, set out more detailed and precise standards for such broadcasters; whether the Commission's present review and consideration in the field of programming and advertising are adequate, under present conditions in the broadcast industry; and whether the Commission's authority under the Communications Act of 1934, as amended, is adequate, or whether legislation should be recommended to Congress.

This inquiry was heard by the Commission en banc between December 7, 1959, and February 1, 1960, and consumed 19 days in actual hearings. Over 90 witnesses testified relative to the problems involved, made suggestions and otherwise contributed from their background and experience to the solution of these problems. Several additional statements were submitted. The record in the en banc portion of the inquiry consisted of 3,775 pages of transcript plus 1,000 pages of exhibits. The Interim Report of the staff of the Office of Network Study was submitted to the Commission for consideration on June 15, 1960.

The Commission will make every effort to expedite its consideration of the entire docket proceeding and will take such definitive action as the Commission determines to be warranted. However, the Commission feels that a general statement of policy responsive to the issues in the en banc inquiry is warranted at this time.

Prior to the en banc hearing, the Commission had made its position clear that, in fulfilling its obligation to operate in the public interest, a broadcast station is expected to exercise reasonable care and prudence with respect to its broadcast material in order to assure that no matter is broadcast which will deceive or mislead the public. In view of the

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[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[1] Dissenting statement of Commissioner Hyde filed as part of original document.

extent of the problem existing with respect to a number of licensees involving such practices as deceptive quiz shows and payola which had become apparent, the Commission concluded that certain proposed amendments to our Rules and as well as proposed legislation would provide a basis for substantial improvements. Accordingly, on February 5, 1960, we adopted a Notice of Proposed Rule Making to deal with fixed quiz and other non-bona fide contest programs involving intellectual skill. These rules would prohibit the broadcasting of such programming unless accompanied by an announcement which would in all cases describe the nature of the program in a manner to sufficiently apprise the audience that the events in question are not in fact spontaneous or actual measures of knowledge or intellectual skill. Announcements would be made at the beginning and end of each program. Moreover, the proposed rules would require a station, if it obtained such a program from networks, to be assured similarly that the network program has an accompanying announcement of this nature. This, we believe, would go a long way toward preventing any recurrence of problems such as those encountered in the recent quiz show programs.

We have also felt that this sort of conduct should be prohibited by statute. Accordingly, we suggested legislation designed to make it a crime for anyone to wilfully and knowingly participate or cause another to participate in or cause to be broadcast a program of intellectual skill or knowledge where the outcome thereof is prearranged or predetermined. Without the above-described amendment, the Commission's regulatory authority is limited to its licensing function. The Commission cannot reach networks directly or advertisers, producers, sponsors, and others who, in one capacity or another, are associated with the presentation of radio and television programs which may deceive the listening or viewing public. It is our view that this proposed legislation will help to assure that every contest of intellectual skill or knowledge that is broadcast will be in fact a bona fide contest. Under this proposal, all those persons responsible in any way for the broadcast of a deceptive program of this type would be penalized. Because of the far reaching effects of radio and television, we believe such sanctions to be desirable.

The Commission proposed on February 5, 1960, that a new section be added to the Commission's rules which would require the licensee of radio broadcast stations to adopt appropriate procedures to prevent the practice of payola amongst his employees. Here again the standard of due diligence would have to be met by the licensee. We have also approved on February 11 the language of proposed legislation which would impose criminal penalties for failure to announce sponsored programs, such as payola and others, involving hidden payments or other considerations. This proposal looks toward amending the United States Code to provide fines up to $5,000 or imprisonment up to one year, or both, for violators. It would prohibit the payment to any person or the receipt of payment by any person for the purpose of having as a part of the broadcast program any material on either a radio or television show unless an announcement is made as a part of the program that such material has been paid for or furnished. The Commission now has no direct jurisdiction over the employees of a broadcast station with respect to this type of activity. The imposition of a criminal penalty appears to us to be an effective manner for dealing with this practice. In addition, the Commission has made related legislative proposals with respect to fines, temporary suspension of licenses, and temporary restraining orders.

In view of our mutual interest with the Federal Trade Commission and in order to avoid duplication of effort, we have arrived at an arrangement whereby any information obtained by the FCC which might be of interest to FTC will be called to that Commission's attention by our staff. Similarly, FTC will advise our Commission of any information or data which it acquires in the course of its investigations which might be pertinent to matters under jurisdiction of the FCC. This is an understanding supplemental to earlier liaison arrangements between FCC and FTC.

Certain legislative proposals recently made by the Commission as related to the instant inquiry have been mentioned. It is appropriate now to consider whether the statutory authority of the Commission with respect to programming and program practices is, in other respects, adequate.

In considering the extent of the Commission's authority in the area of programming it is essential first to examine the limitations imposed upon it by the First Amendment to the Constitution and Section 326 of the Communications Act.

The First Amendment to the United States Constitution reads as follows:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Section 326 of the Communications Act of 1934, as amended, provides that:

> Nothing in this chapter shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.

The communication of ideas by means of radio and television is a form of expression entitled to protection against abridgement by the First Amendment to the Constitution. In United States v. Paramount Pictures, 334 U.S. 131, 166 (1948) the Supreme Court stated:

> We have no doubt that moving pictures, like newspapers and radio are included in the press whose freedom is guaranteed by the First Amendment.

As recently as 1954 in Superior Films v. Department of Education, 346 U.S. 587, Justice Douglas in a concurring opinion stated:

> Motion pictures are, of course, a different medium of expression than the radio, the stage, the novel or the magazine. But the First Amendment draws no distinction between the various methods of communicating ideas.

Moreover, the free speech protection of the First Amendment is not confined solely to the exposition of ideas nor is it required that the subject matter of the communication be possessed of some value to society. In Winters v. New York, 333 U.S. 507, 510 (1948) the Supreme Court reversed a conviction based upon a violation of an ordinance of the City of New York which made it punishable to distribute printed matter devoted to the publication of accounts of criminal deeds and pictures of bloodshed, lust or crime. In this connection the Court said:

> We do not accede to appellee's suggestion that the constitutional protection for a free press applies only to the exposition of ideas. The line between the informing and the entertaining is too elusive for the protection of that basic right * * * Though we can see nothing of any possible value to society in these magazines, they are as much entitled to the protection of free speech as the best of literature.

Notwithstanding the foregoing authorities, the right to the use of the airwaves is conditioned upon the issuance of a license under a statutory scheme established by Congress in the Communications Act in the proper exercise of its power over commerce.[1] The question therefore arises as to whether because of the characteristics peculiar to broadcasting which justifies the government in regulating its operation through a licensing system, there exists the basis for a distinction as regards other media of mass communication with respect to application of the free speech provisions of the First Amendment? In other words, does it follow that because one may not engage in broadcasting without first obtaining a license, the terms thereof may be so framed as to unreasonably abridge the free speech protection of the First Amendment?

We recognize that the broadcasting medium presents problems peculiar to itself which are not necessarily subject to the same rules governing other media of communication. As we stated in our Petition in Grove Press, Inc. and Readers Subscription, Inc. v. Robert K. Christenberry (Case No. 25,861) filed in the U.S. Court of Appeals for the Second Circuit, "radio and TV programs enter the home and are readily available not only to the average normal adult but also to children and to the emotionally immature * * * Thus, for example, while a nudist magazine may be within the protection of the First Amendment * * * the televising of nudes might well raise a serious question of programming contrary to 18 U.S.C. 1464 * * * Similarly, regardless of whether the 'four-letter words' and sexual description, set forth in 'Lady Chatterley's Lover', (when considered in the context of the whole book) make the book obscene for mailability purposes, the utterance of such words or the depiction of such sexual activity on radio or TV would raise similar public interest and section 1464 questions." Nevertheless it is essential to keep in mind that "the basic principles of freedom of speech and the press like the First Amendment's command do not vary."[2]

Although the Commission must determine whether the total program service of broadcasters is reasonably responsive to the interests and needs of the public they serve, it may not condition the grant, denial or revocation of a broadcast license upon its own subjective determination of what is or is not a good program. To do so would "lay a forbidden burden upon the exercise of liberty protected by the Constitution."[4] The Chairman of the Commission during the course of his testimony recently given before the Senate Independent Offices Subcommittee of the Committee on Appropriations expressed the point as follows:

> Mr. Ford. When it comes to questions of taste, unless it is downright profanity or obscenity, I do not think that the Commission has any part in it.
>
> I don't see how we could possibly go out and say this program is good and that program is bad. That would be a direct violation of the law.[5]

In a similar vein Mr. Whitney North Seymour, President-elect of the American Bar Association, stated during the course of this proceeding that while the Commission may inquire of licensees what they have done to determine the needs of the community they propose to serve, the Commission may not impose upon them its private notions of what the public ought to hear.[6]

Nevertheless, several witnesses in this proceeding have advanced persuasive arguments urging us to require licensees to present specific types of programs on the theory that such action would enhance freedom of expression rather than tend to abridge it. With respect to this proposition we are constrained to point out that the First Amendment forbids governmental interference asserted in aid of free speech, as well as governmental action repressive of it. The protection against abridgement of freedom of speech and press flatly forbids governmental interference, benign or otherwise. The First Amendment "while regarding freedom in religion, in speech and printing and in assembling and petitioning the government for redress of grievances as fundamental and precious to all, seeks only to forbid that Congress should meddle therein." (Powe v. United States, 109 F. 2d 147.)

[1] NBC v. United States, 319 U.S. 190 (1943).

[2] Burstyn v. Wilson, 343 U.S. 495, 50 (1952).

[4] Cantwell v. Connecticut, 310 U.S. 926, 307.

[5] Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, 86th Congress, 2d session, on H.R. 11776 at page 775.

[6] Memorandum of Mr. Whitney North Seymour, Special Counsel to the National Association of Broadcasters at page 7.

As recently as 1959 in Farmers Educational and Cooperative Union of America v. WDAY, Inc., 360 U.S. 525, the Supreme Court succintly stated:

> * * * expressly applying this country's tradition of free expression to the field of radio broadcasting, Congress has from the first emphatically forbidden the Commission to exercise any power of censorship over radio communication.

An examination of the foregoing authorities serves to explain why the day-to-day operation of a broadcast station is primarily the responsibility of the individual station licensee. Indeed, Congress provided in section 3(h) of the Communications Act that a person engaged in radio broadcasting shall not be deemed a common carrier. Hence, the Commission in administering the Act and the courts in interpreting it have consistently maintained that responsibility for the selection and presentation of broadcast material ultimately devolves upon the individual station licensee, and that the fulfillment of the public interest requires the free exercise of his independent judgment. Accordingly, the Communications Act "does not essay to regulate the business of the licensee. The Commission is given no supervisory control over programs, of business management or of policy * * * The Congress intended to leave competition in the business of broadcasting where it found it * * *"[7] The regulatory responsibility of the Commission in the broadcast field essentially involves the maintenance of a balance between the preservation of a free competitive broadcast system, on the one hand, and the reasonable restriction of that freedom inherent in the public interest standard provided in the Communications Act, on the other.

In addition, there appears a second problem quite unrelated to the question of censorship that would enter into the Commission's assumption of supervision over program content. The Commission's role as a practical matter, let alone a legal matter, cannot be one of program dictation or program supervision. In this connection we think the words of Justice Douglas are particularly appropriate.

> The music selected by one bureaucrat may be as offensive to some as it is soothing to others. The news commentator chosen to report on the events of the day may give overtones to the news that pleases the bureaucrat but which rile the * * * audience. The political philosophy which one radio sponsor exudes may be thought by the official who makes up the programs as the best for the welfare of the people. But the man who listens to it * * * may think it marks the destruction of the Republic * * * Today it is a business enterprise working out a radio program under the auspices of Government. Tomorrow it may be a dominant, political or religious group. * * * Once a man is forced to submit to one type of program, he can be forced to submit to another.
>
> It may be but a short step from a cultural program to a political program * * * The strength of our system is in the dignity, resourcefulness and the intelligence of our people. Our confidence is in their ability to make the wisest choice. That system cannot flourish if regimentation takes hold.[8]

Having discussed the limitations upon the Commission in the consideration of programming, there remains for discussion the exceptions to those limitations and the area of affirmative responsibility which the Commission may appropriately exercise under its statutory obligation to find that the public interest, convenience and necessity will be served by the granting of a license to broadcast.

In view of the fact that a broadcaster is required to program his station in the public interest, convenience and necessity, it follows despite the limitations of the First Amendment and section 326 of the Act, that his freedom to program is not absolute. The Commission does not conceive that it is barred by the Constitution or by statute from exercising any responsibility with respect to programming. It does conceive that the manner or extent of the exercise of such responsibility can introduce constitutional or statutory questions. It readily concedes that it is precluded from examining a program for taste or content, unless the recognized exceptions to censorship apply: for example, obscenity, profanity, indecency, programs inciting to riots, programs designed or inducing toward the commission of crime, lotteries, etc. These exceptions, in part, are written into the United States Code and, in part, are recognized in judicial decision. See Sections 1304, 1343, and 1464 of Title 18 of the United States Code (lotteries; fraud by radio; utterance of obscene, indecent or profane language by radio). It must be added that such traditional or legislative exceptions to a strict application of the freedom of speech requirements of the United States Constitution may very well also convey wider scope in judicial interpretation as applied to licensed radio than they have had or would have as applied to other communications media. The Commission's petition in the Grove case, supra, urged the court not unnecessarily to refer to broadcasting, in its opinion, as had the District Court. Such reference subsequently was not made though it must be pointed out there is no evidence that the motion made by the FCC was a contributing factor. It must nonetheless be observed that this Commission conscientiously believes that it should make no policy or take any action which would violate the letter or the spirit of the censorship prohibitions of Section 326 of the Communications Act.

As stated by the Supreme Court of the United States in Joseph Burstyne, Inc. v. Wilson, supra:

> * * * Nor does it follow that motion pictures are necessarily subject to the precise rule governing any other particular method of expression. Each method tends to present its own peculiar problem. But the basic principles of freedom of speech and the press, like the First Amendment's command, do not vary. Those principles, as they have frequently been enunciated by this Court, make freedom of expression the rule.

A review of the Communications Act as a whole clearly reveals that the foun-

[7] FCC v. Sanders Brothers, 309 U.S. 470 (1940).

[8] Public Utilities Commission v. Pollak, 343 U.S. 451, 468, Dissenting Opinion.

dation of the Commission's authority rests upon the public interest, convenience and necessity.[9] The Commission may not grant, modify or renew a broadcast station license without finding that the operation of such station is in the public interest. Thus, faithful discharge of its statutory responsibilities is absolutely necessary in connection with the implacable requirement that the Commission approve no such application for license unless it finds that "public interest, convenience, and necessity would be served". While the public interest standard does not provide a blueprint of all of the situations to which it may apply, it does contain a sufficiently precise definition of authority so as to enable the Commission to properly deal with the many and varied occasions which may give rise to its application. A significant element of the public interest is the broadcaster's service to the community. In the case of NBC v. United States, 319 U.S. 190, the Supreme Court described this aspect of the public interest as follows:

> An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by broadcasts • • • The Commission's licensing function cannot be discharged, therefore, merely by finding that there are no technological objections to the granting of a license. If the criterion of "public interest" were limited to such matters, how could the Commission choose between two applicants for the same facilities, each of whom is financially and technically qualified to operate a station? Since the very inception of federal regulation by radio, comparative considerations as to the services to be rendered have governed the application of the standard of "public interest, convenience, or necessity."

Moreover, apart from this broad standard which we will further discuss in a moment, there are certain other statutory indications.

It is generally recognized that programing is of the essence of radio service. Section 307(b) of the Communications Act requires the Commission to "make such distribution of licenses • • • among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same". Under this section the Commission has consistently licensed stations with the end objective of either providing new or additional programming service to a community, area or state, or of providing a new or additional "outlet" for broadcasting from a community, area, or state. Implicit in the former alternative is increased radio reception; implicit in the latter alternative is increased radio transmission and, in this connection, appropriate attention to local live programming is required.

Formerly by reason of administrative policy, and since September 14, 1959, by necessary implication from the amended language of section 315 of the Communications Act, the Commission has had the responsibility for determining whether licensees "afford reasonable opportunity for the discussion of conflicting views on issues of public importance". This responsibility usually is of the generic kind and thus, in the absence of unusual circumstances, is not exercised with regard to particular situations but rather in terms of operating policies of stations as viewed over a reasonable period of time. This, in the past, has meant a review, usually in terms of filed complaints, in connection with the applications made each three year period for renewal of station licenses. However, that has been a practice largely traceable to workload necessities, and therefore not so limited by law. Indeed the Commission recently has expressed its views to the Congress that it would be desirable to exercise a greater discretion with respect to the length of licensing periods within the maximum three year license period provided by section 307(d). It has also initiated rulemaking to this end.

The foundation of the American system of broadcasting was laid in the Radio Act of 1927 when Congress placed the basic responsibility for all matter broadcast to the public at the grass roots level in the hands of the station licensee. That obligation was carried forward into the Communications Act of 1934 and remains unaltered and undivided. The licensee, is, in effect, a "trustee" in the sense that his license to operate his station imposes upon him a non-delegable duty to serve the public interest in the community he had chosen to represent as a broadcaster.

Great confidence and trust are placed in the citizens who have qualified as broadcasters. The primary duty and privilege to select the material to be broadcast to his audience and the operation of his component of this powerful medium of communication is left in his hands. As was stated by the Chairman in behalf of this Commission in recent testimony before a Congressional Committee.[10]

> Thus far Congress has not imposed by law an affirmative programming requirement on broadcast licenses. Rather, it has heretofore given licensees a broad discretion in the selection of programs. In recognition of this principle, Congress provided in section 3(h) of the Communications Act that a person engaged in radio broadcasting shall not be deemed a common carrier. To this end the Commission in administering the Act and the courts in interpreting it have consistently maintained that responsibility for the selection and presentation of broadcast material ultimately devolves upon the individual station licensee, and that the fulfillment of such responsibility requires the free exercise of his independent judgment.

As indicated by former President Hoover, then Secretary of Commerce, in the Radio Conference of 1922–25:

> The dominant element for consideration in the radio field is, and always will be, the great body of the listening public, millions in number, country wide in distribution. There is no proper line of conflict between the broadcaster and listener, nor would I attempt to array one against the other. Their interests are mutual, for without the one the other could not exist.
>
> There have been few developments in industrial history to equal the speed and efficiency with which genius and capital have joined to meet radio needs. The great majority of station owners today recognize the burden of service and gladly assume it. Whatever other motive may exist for broadcasting, the pleasing of the listener is always the primary purpose • • •
>
> The greatest public interest must be the deciding factor. I presume that few will dissent as to the correctness of this principle, for all will agree that public good must ever balance private desire; but its acceptance leads to important and far-reaching practical effects, as to which there may not be the same unanimity, but from which, nevertheless, there is no logical escape.

The confines of the licensee's duty are set by the general standard "the public interest, convenience or necessity."[11] The initial and principal execution of that standard, in terms of the area he is licensed to serve, is the obligation of the licensee. The principal ingredient of such obligation consists of a diligent, positive and continuing effort by the licensee to discover and fulfill the tastes, needs and desires of his service area. If he has accomplished this, he has met his public responsibility. It is the duty of the Commission, in the first instance, to select persons as licensees who meet the qualifications laid down in the Act, and on a continuing basis to review the operations of such licensees from time to time to provide reasonable assurance to the public that the broadcast service it receives is such as its direct and justifiable interest requires.

Historically it is interesting to note that in its review of station performance the Federal Radio Commission sought to extract the general principles of broadcast service which should (1) guide the licensee in his determination of the public interest and (2) be employed by the Commission as an "index" or general frame of reference in evaluating the licensee's discharge of his public duty. The Commission attempted no precise definition of the components of the public interest but left the discernment of its limit to the practical operation of broadcast regulation. It required existing stations to report the types of service which had been provided and called on the public to express its views and preferences as to programs and other broadcast services. It sought information from as many sources as were available in its quest of a fair and equitable basis for the selection of those who might wish to become licensees and the supervision of those who already engaged in broadcasting.

The spirit in which the Radio Commission approached its unprecedented task was to seek to chart a course between the need of arriving at a workable concept of the public interest in station operation, on the one hand, and the prohibition laid on it by the First Amendment to the Constitution of the United States and by Congress in section 29 of the Federal Radio Act against censorship and interference with free speech,

[9] Section 307(d), 308, 309, inter alia.

[10] Testimony of Frederick W. Ford, May 16, 1960, before the Subcommittee on Communications of the Committee on Interstate & Foreign Commerce, United States Senate.

[11] Cf. Communications Act of 1934, as amended, inter alia, secs. 307, 309.

on the other. The Standards or guidelines which evolved from that process, in their essentials, were adopted by the Federal Communications Commission and have remained as the basis for evaluation of broadcast service. They have in the main, been incorporated into various codes and manuals of network and station operation.

It is emphasized, that these standards or guidelines should in no sense constitute a rigid mold for station performance, nor should they be considered as a Commission formula for broadcast service in the public interest. Rather, they should be considered as indicia of the types and areas of service which, on the basis of experience, have usually been accepted by the broadcasters as more or less included in the practical definition of community needs and interests.

Broadcasting licensees must assume responsibility for all material which is broadcast through their facilities. This includes all programs and advertising material which they present to the public. With respect to advertising material the licensee has the additional responsibility to take all reasonable measures to eliminate any false, misleading, or deceptive matter and to avoid abuses with respect to the total amount of time devoted to advertising continuity as well as the frequency with which regular programs are interrupted for advertising messages. This duty is personal to the licensee and may not be delegated. He is obligated to bring his positive responsibility affirmatively to bear upon all who have a hand in providing broadcast matter for transmission through his facilities so as to assure the discharge of his duty to provide acceptable program schedule consonant with operating in the public interest in his community. The broadcaster is obligated to make a positive, diligent and continuing effort, in good faith, to determine the tastes, needs and desires of the public in his community and to provide programming to meet those needs and interests. This again, is a duty personal to the licensee and may not be avoided by delegation of the responsibility to others.

Although the individual station licensee continues to bear legal responsibility for all matter broadcast over his facilities, the structure of broadcasting, as developed in practical operation, is such—especially in television—that, in reality, the station licensee has little part in the creation, production, selection, and control of network program offerings. Licensees place "practical reliance" on networks for the selection and supervision of network programs which, of course, are the principal broadcast fare of the vast majority of television stations throughout the country.[12]

In the fulfillment of his obligation the broadcaster should consider the tastes, needs and desires of the public he is licensed to serve in developing his programming and should exercise conscientious efforts not only to ascertain them but also to carry them out as well as he reasonably can. He should reasonably attempt to meet all such needs and interests on an equitable basis. Particular areas of interest and types of appropriate service may, of course, differ from community to community, and from time to time. However, the Commission does expect its broadcast licensees to take the necessary steps to inform themselves of the real needs and interests of the areas they serve and to provide programming which in fact constitutes a diligent effort, in good faith, to provide for those needs and interests.

The major elements usually necessary to meet the public interest, needs and desires of the community in which the station is located as developed by the industry, and recognized by the Commission, have included: (1) Opportunity for Local Self-Expression, (2) The Development and Use of Local Talent, (3) Programs for Children, (4) Religious Programs, (5) Educational Programs, (6) Public Affairs Programs, (7) Editorialization by Licensees, (8) Political Broadcasts, (9) Agricultural Programs, (10) News Programs, (11) Weather and Market Reports, (12) Sports Programs, (13) Service to Minority Groups, (14) Entertainment Programming.

The elements set out above are neither all-embracing nor constant. We re-emphasize that they do not serve and have never been intended as a rigid mold or fixed formula for station operation. The ascertainment of the needed elements of the broadcast matter to be provided by a particular licensee for the audience he is obligated to serve remains primarily the function of the licensee. His honest and prudent judgments will be accorded great weight by the Commission. Indeed, any other course would tend to substitute the judgment of the Commission for that of the licensee.

The programs provided first by "chains" of stations and then by networks has always been recognized by this Commission as of great value to the station licensee in providing a well-rounded community service. The importance of network programs need not be reemphasized as they have constituted an integral part of the well-rounded program service provided by the broadcast business in most communities.

Our own observations and the testimony in this inquiry have persuaded us that there is no public interest basis for distinguishing between sustaining and commercially sponsored programs in evaluating station performance. However, this does not relieve the station from responsibility for retaining the flexibility to accommodate public needs.

Sponsorship of public affairs, and other similar programs, may very well encourage broadcasters to greater efforts in these vital areas. This is borne out by statements made in this proceeding in which it was pointed out that under modern conditions sponsorship fosters rather than diminishes the availability of important public affairs and "cultural" broadcast programming. There is some convincing evidence, for instance, that at the network level there is a direct relation between commercial sponsorship and "clearance" of public affairs and other "cultural" programs. Agency executives have testified that there is unused advertising support for public affairs type programming. The networks and some stations have scheduled these types of programs during "prime time."

The Communications Act[13] provides that the Commission may grant construction permits and station licenses, or modifications or renewals thereof, "only upon written application" setting forth the information required by the Act and the Commission's rule and regulations. If, upon examination of any such application, the Commission shall find the public interest, convenience, and necessity would be served by the granting thereof, it shall grant said application. If it does not so find, it shall so advise the applicant and other known parties in interest of all objections to the application and the applicant shall then be given an opportunity to supply additional information. If the Commission cannot then make the necessary finding, the application is designated for hearing and the applicant bears the burden of providing proof of the public interest.

During our hearings there seemed to be some misunderstanding as to the nature and use of the "statistical" data regarding programming and advertising required by our application forms. We wish to stress that no one may be summarily judged as to the service he has performed on the basis of the information contained in his application. As we said long ago:

> It should be emphasized that the statistical data before the Commission constitute an index only of the manner of operation of the stations and are not considered by the Commission as conclusive of the over-all operation of the stations in question.
>
> Licensees will have an opportunity to show the nature of their program service and to introduce other relevant evidence which would demonstrate that in actual operation the program service of the station is, in fact, a well rounded program service and is in conformity with the promises and representations previously made in prior applications to the Commission.[14]

As we have said above, the principal ingredient of the licensee's obligation to operate his station in the public interest is the diligent, positive, and continuing effort by the licensee to discover and fulfill the tastes, needs, and desires of his community or service area, for broadcast service.

To enable the Commission in its licensing functions to make the necessary public interest finding, we intend to revise PART IV of our application forms to require a statement by the applicant, whether for new facilities, renewal or modification, as to: (1) The measures he has taken and the effort he has made to determine the tastes, needs and desires of his community or service area, and (2) the manner in which he proposes to meet those needs and desires.

[12] The Commission, in recognition of this problem as it affects the licensees, has recently recommended to the Congress enactment of legislation providing for direct regulation of networks in certain respects.

[13] Section 308(a).

[14] Public Notice (98501), Sept. 20, 1946, "Status of Standard Broadcast Applications".

Thus we do not intend to guide the licensee along the path of programming; on the contrary the licensee must find his own path with the guidance of those whom his signal is to serve. We will thus steer clear of the bans of censorship without disregarding the public's vital interest. What we propose will not be served by pre-planned program format submissions accompanied by complimentary references from local citizens. What we propose is documented program submissions prepared as the result of assiduous planning and consultation covering two main areas: first, a canvass of the listening public who will receive the signal and who constitute a definite public interest figure; second, consultation with leaders in community life—public officials, educators, religious, the entertainment media, agriculture, business, labor—professional and eleemosynary organizations, and others who bespeak the interests which make up the community.

By the care spent in obtaining and reflecting the views thus obtained, which clearly cannot be accepted without attention to the business judgment of the licensee if his station is to be an operating success, will the standard of programming in the public interest be best fulfilled. This would not ordinarily be the case if program formats have been decided upon by the licensee before he undertakes his planning and consultation, for the result would show little stimulation on the part of the two local groups above referenced. And it is the composite of their contributive planning, led and sifted by the expert judgment of the licensee, which will assure to the station the appropriate attention to the public interest which will permit the Commission to find that a license may issue. By his narrative development, in his application, of the planning, consulting, shaping, revising, creating, discarding and evaluation of programming thus conceived or discussed, the licensee discharges the public interest facet of his business calling without Government dictation or supervision and permits the Commission to discharge its responsibility to the public without invasion of spheres of freedom properly denied to it. By the practicality and specificity of his narrative the licensee facilitates the application of expert judgment by the Commission. Thus, if a particular kind of educational program could not be feasibly assisted (by funds or service) by educators for more than a few time periods, it would be idle for program composition to place it in weekly focus. Private ingenuity and educational interest should look further, toward implemental suggestions of practical yet constructive value. The broadcaster's license is not intended to convert his business into "an instrumentality of the federal government;"[15] neither, on the other hand, may he ignore the public interest which his application for a license should thus define and his operations thereafter reasonably observe.

[15] "The defendant is not an instrumentality of the federal government but a privately owned corporation." McIntire v. Wm. Penn Broadcasting Co., 151 F. 2d 597, 600.

Numbers of suggestions were made during the en banc hearings concerning possible uses by the Commission of codes of broadcast practices adopted by segments of the industry as part of a process of self-regulation. While the Commission has not endorsed any specific code of broadcast practices, we consider the efforts of the industry to maintain high standards of conduct to be highly commendable and urge that the industry persevere in these efforts.

The Commission recognizes that submissions, by applicants, concerning their past and future programming policies and performance provide one important basis for deciding whether—insofar as broadcast services are concerned—we may properly make the public interest finding requisite to the grant of an application for a standard FM or television broadcast station. The particular manner in which applicants are required to depict their proposed or past broadcast policies and services (including the broadcasting of commercial announcements) may therefore, have significant bearing upon the Commission's ability to discharge its statutory duties in the matter. Conscious of the importance of reporting requirements, the Commission on November 24, 1958 initiated proceedings (Docket No. 12673) to consider revisions to the rules prescribing the form and content of reports on broadcast programming.

Aided by numerous helpful suggestions offered by witnesses in the recent en banc hearings on broadcast programming, the Commission is at present engaged in a thorough study of this subject. Upon completion of that study we will announce, for comment by all interested parties, such further revisions to the present reporting requirements as we think will best conduce to an awareness, by broadcasters, of their responsibilities to the public and to effective, efficient processing, by the Commission, of applications for broadcast licenses and renewals.

To this end, we will initiate further rule making on the subject at the earliest practicable date.

Adopted: July 27, 1960.

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7198; Filed, Aug. 2, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5026]

SERVICIOS ELECTRICOS DE PIEDRAS NEGRAS, S.A. AND CENTRAL POWER AND LIGHT CO.

Notice of Application

JULY 27, 1960.

Take notice that on June 27, 1960, Servicios Electricos de Piedras Negras, S.A., of Piedras Negras, Coahuila, Mexico, and Central Power and Light Company, of Corpus Christi, Texas, filed a joint application for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Mexico in an amount of not to exceed 45,000,000 kwh per year at a maximum transmission rate of 7,500 kw. By order issued October 23, 1956, Applicants were authorized to transmit up to 27,000,000 kwh of electric energy per year at a maximum transmission rate of 5,000 kw. The present application states that the latter amount of energy is not sufficient to meet the current needs of customers in the City of Piedras Negras, Coahuila, Mexico, and vicinity.

Any person desiring to be heard or make any protest with reference to said application should, on or before the 16th day of August, 1960, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure. This application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7175; Filed, Aug. 2, 1960; 8:45 a.m.]

[Docket No. G-2345]

TEXAS GAS TRANSMISSION CORP.

Notice Fixing Date of Hearing

JULY 27, 1960.

By order issued December 30, 1953, in this proceeding the Commission questioned charges to the plant accounts of Texas Gas Transmission Corporation (Texas Gas) totaling $634,487.36 reflecting portions of capitalization of interest during construction and cost to Texas Gas of steel plates acquired from Pittsburgh Coke and Chemical Company in connection with the construction of company facilities authorized by the Commission in a certificate of public convenience and necessity issued March 30, 1949, in Docket No. G-859, et al. The order required Texas Gas to show cause why it should not, by appropriate accounting entries, reduce its plant accounts by the above amount of $634,487.36 and directed that a public hearing be held with respect to the issues involved in this proceeding at a date and time to be thereafter fixed. On January 29, 1954, Texas Gas filed a memorandum in support of its accounting entries in compliance with the above order.

Pursuant to the authority contained in the Natural Gas Act, particularly sections 6 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), the public hearing directed to be held in this proceeding in the above-mentioned December 30, 1953 order will be held on October 24, 1960, at 10:00 a.m. e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7176; Filed, Aug. 2, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 132]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 29, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–2202 (Deviation No. 10), ROADWAY EXPRESS INC., 147 Park Street, Akron 9, Ohio, filed July 11, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Painesville, Ohio, over Ohio Highway 44 to its junction with Interstate Highway 90, thence over Interstate Highway 90 to the Pennsylvania-New York State line and the junction of Interstate Highway 90 and U.S. Highway 20, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Buffalo, N.Y., and Painesville, Ohio, over U.S. Highway 20.

No. MC–8902 (Deviation No. 3), THE WESTERN EXPRESS COMPANY, 1277 East 40th Street, Cleveland 14, Ohio, filed July 5, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Interstate Highway 90 (New York Thruway, Pennsylvania Thruway, Ohio-North-South Freeway) to junction Euclid Spur, thence via Euclid Spur to junction Ohio Highway 2, thence over Ohio Highway 2 to Cleveland, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cleveland over Ohio Highway 85 (now U.S. Highway 6) to junction Ohio Highway 91, thence over Ohio Highway 91 to junction Ohio Highway 84, thence over Ohio Highway 84 to Madison, Ohio, thence over Ohio Highway 166 to junction Ohio Highway 307, thence over Ohio Highway 307 to Austinburg, Ohio, thence over Ohio Highway 45 to Munson Hill, Ohio, thence over unnumbered highway to Ashtabula, Ohio, thence over Ohio Highway 84 to Kingsville, Ohio, thence over Ohio Highway 90 to North Kingsville, Ohio, thence over U.S. Highway 20 via Erie, Pa., to Alden, N.Y.; from junction U.S. Highway 20 and 62 near Big Tree, N.Y., over U.S. Highway 62 to Niagara Falls, N.Y.; from Cleveland to Erie as specified above, thence over Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to junction U.S. Highway 20; from Cleveland over U.S. Highway 20 to North Kingsville, Ohio; and from Cleveland over Ohio Highway 2 to Willoughby, and return over the same routes.

No. MC–69116 (Deviation Notice No. 7), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed July 15, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: Between the New York-Pennsylvania State line (near Ripley, N.Y.) and Cleveland, Ohio, from the New York-Pennsylvania State line (New York Thruway Interchange No. 61) over Interstate Highway 90 (Erie, Pennsylvania Thruway and Ohio North-South Freeway) to Cleveland and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Cleveland over U.S. Highway 20 via Ashtabula and Conneaut to Ripley, N.Y.; (2) from Cleveland over Ohio Highway 84 to its junction with U.S. Highway 20.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7185; Filed, Aug. 2, 1960; 8:46 a.m.]

[Notice 335]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 29, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 10872 (Sub No. 31), filed June 20, 1960. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 N. Broadway, St. Louis, Mo., Applicant's attorney: Charles M. M. Shepherd, 20 South Central Avenue, Clayton (St. Louis) 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Clinton, Okla., and Hobart, Okla.: from Clinton over U.S. Highway 183 to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to Hobart, with no service authorized to or from intermediate points or Clinton. (2) Between Oklahoma City, Okla., and Altus, Okla.: from Oklahoma City over U.S. Highway 277 to Chicasha, Okla., thence over U.S. Highway 81 to Waurika, Okla., thence over Oklahoma Highway 5 to Frederick, Okla., thence over U.S. Highway 183 to Snyder, Okla., and thence over U.S. Highway 62 to Altus, with service authorized to and from the intermediate points of Chickasha, Duncan, Temple, Walters, and Frederick, Okla. (3) Between Chickasha, Okla., and Lawton, Okla.: from Chickasha over U.S. Highway 277 to Lawton, with no service authorized to or from intermediate points. (4) Between Joplin, Mo., and Davis, Okla.: from Joplin over Missouri Highway 43 to Seneca, Mo., thence over U.S. Highway 60 to junction U.S. Highway 69, thence over U.S. Highway 69 to McAlester, Okla., thence over U.S. Highway 270 to Calvin, Okla., thence over Oklahoma Highway 12 to Scullen, Okla., and thence over Oklahoma Highway 7 to Davis, with service authorized to and from the intermediate points of Muskogee, McAlester, and Ada, Okla. (5) Between Muskogee, Okla., and Webbers Falls, Okla.: from Muskogee over U.S. Highway 64 to Webbers Falls, with no service authorized to or from intermediate points. (6) Between Sapulpa, Okla., and Oklahoma City, Okla.: from Sapulpa over U.S. Highway 75 to Henryetta, Okla., thence over U.S. Highway 62 to Meeker, Okla., thence over Oklahoma Highway 18 to Shawnee, Okla., thence over U.S. Highway 270 to Oklahoma City, with service authorized to and from the intermediate points of Okmulgee and Shawnee, Okla. (7) Between Oklahoma City, Okla., and Ardmore, Okla.: from Oklahoma City over U.S. Highway 77 to Ardmore, with service authorized to and from the intermediate points of Pauls Valley and Davis, Okla. (8) Between Pauls Valley, Okla., and Lindsay, Okla.: from Pauls Valley over Oklahoma Highway 19 to Lindsay, with no service authorized to or from intermediate points. (9) Between Pharoah, Okla., and Calvin, Okla., as an alternate route for operating convenience only in connection with carrier's regular route operations, serving no intermediate points: from Pharoah over

U.S. Highway 75 to Calvin, and return over the same route. Return over these routes to the above-specified origin points.

NOTE: It is noted that the applicant herein presently has the authority to operate over exactly the same routes, serving exactly the same points and intermediate points all as are herein before set forth except that the applicant is as to all such routes and points restricted to "in truckload shipments". The purpose of this application is solely to remove the restriction "in truckload shipments", which now appears in its Certificate of Public Convenience and Necessity No. 10872 and subs thereunder, to the end that a complete common carrier service may henceforth be performed by the applicant and received by the shipping public. No other change or modification of the applicant's present certificate is sought or desired hereunder.

HEARING: September 14, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 254.

No. MC 67916 (Sub Nos. 3, 9, 13, and 14) (CLARIFICATION) (PETITION), filed June 9, 1960, published in the FEDERAL REGISTER, issue of July 27, 1960. Petitioner: THE NEW YORK CENTRAL RAILROAD COMPANY, 466 Lexington Avenue, New York 17, N.Y. Petitioner's attorneys: Robert D. Brooks and Kenneth H. Lundmark (same address as Petitioner). The purpose of this republication is to advise that the petition noticed in the FEDERAL REGISTER on July 27, 1960, at page 7118, is assigned for Pre-Hearing Conference at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), on the same date and at the hotel named in the previous notice, before the same Examiner. The only purpose of this notice is to designate the *hour of assignment* as shown above.

No. MC 92983 (Sub No. 381), filed July 18, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Minnesota, Montana, and Nevada, to Kansas City, Mo.

HEARING: September 27, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 101126 (Sub No. 136), filed July 14, 1960. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in hopper type or tank vehicles, and *rejected shipments*, between points in the Cincinnati, Ohio, Commercial Zone as defined by the Interstate Commerce Commission, on the one hand, and, on the other, points in Indiana and Kentucky.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 101126 (Sub No. 86).

HEARING: September 16, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 105269 (Sub No. 30), filed July 5, 1960. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Avenue, Kalamazoo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products*, and *paper mill products*, from Watervliet, Mich., to Louisville, Ky., St. Louis, Mo., and Davenport, Iowa, and points in Indiana, Illinois, and Ohio, and (2) *Paper mill materials and supplies*, from Louisville, Ky., St. Louis, Mo., and Davenport, Iowa, and points in Ohio, Indiana, and Illinois, to Watervliet, Mich.

NOTE: Applicant is presently authorized to transport the aforesaid commodities between Watervliet, Mich., and the destination territory, via Kalamazoo, Mich. The purpose of this application is to eliminate the Kalamazoo, Mich., gateway.

HEARING: September 23, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 109584 (Sub No. 81), filed July 12, 1960. Applicant: ARIZONA PACIFIC TANK LINES, 717 North 21st Street, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Richmond, Calif., and Brea, Calif., and points within a radius of five miles of each, to points in New Mexico, and *returned, rejected, or contaminated shipments*, on return.

HEARING: September 27, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109749 (Sub No. 9), filed June 23, 1960. Applicant: GAIL W. DAHL AND FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: Ervin A. Hutchison, 420 Security Building, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packing house meat, meat products and meat by-products, dairy products* and *articles* distributed by meat packing houses, as described in Sections A, B and C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, to Onida, S. Dak., and *returned shipments* of the above commodities, on return.

HEARING: September 30, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185, or, if the Joint Board waives its right to participate, before Examiner John S. Olshin.

No. MC 110585 (Sub No. 10), filed June 6, 1960. Applicant: REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant has radial authority in the following States: Texas, Florida, Arkansas, Georgia, Oklahoma, North Carolina, Kansas, and South Carolina, and these States would be changed from radial to nonradial. No duplicate authority is sought. Applicant states if this application is granted, it would eliminate the required use of certain gateways in Oklahoma, New York, Pennsylvania, Tennessee and perhaps other States.

HEARING: October 10, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 113280 (Sub No. 2) (REPUBLICATION), filed February 17, 1960, published in the FEDERAL REGISTER, issue of March 23, 1960. Applicant: HERBERT KREILKAMP, doing business as KREILKAMP'S TRUCK LINE, 1044 North Main Street, Hartford, Wis. By application filed February 17, 1960, applicant sought authority to operate as a contract carrier by motor vehicle, over irregular routes, transporting: Malt beverages (beer), from West Bend, Wis., to Berwyn and Des Plaines, Ill., and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodity on return. At the hearing held May 26, 1960, at Madison, Wis., it was ascertained that a distributor located at Des Plaines, Ill., a point specified in the application as filed, and in the notice of filing of the application as published in the FEDERAL REGISTER of March 23, 1960, had relocated in River Grove, Ill. The Joint Board, composed of H. L. Brody of Illinois, and M. H. Van Susteren of Wisconsin, allowed an amendment to the application, and in a report and order served June 7, 1960, found that applicant is fit, willing, and able properly to conduct operations as a *contract carrier* by motor vehicle, under a continuing contract with The West Bend Lithia Co., of West Bend, Wis., of *malt beverages* from West Bend, Wis., to Berwyn and River Grove, Ill., over irregular routes. The issuance of a permit will be withheld until the elapse of 30 days from the date of this republication in the FEDERAL REGISTER during which time any party which may have been prejudiced by the amendment, may file an appropriate pleading.

No. MC 115471 (Sub No. 4), filed July 11, 1960. Applicant: JOSEPH WALSH, doing business as NORTH AMERICAN TRANSPORT CO., 5216 Perkins Avenue, Cleveland 3, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete beams, columns, and other metal reinforced concrete products*, from Cleveland, Ohio, to

points in New York, Pennsylvania, Michigan, Illinois, Indiana, and West Virginia.

HEARING: September 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 118991 (Sub No. 1) (SECOND AMENDMENT), filed February 1, 1960, published in the FEDERAL REGISTER issue of July 7, 1960. Applicant: COAST TO COAST TRUCKING CO., a Corporation, 856 Warner Street SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214–217 Grant Building, Atlanta 3, Ga. Amendment received July 22, 1960, adds the commodity *yarn* to those proposed to be transported in Item (1) of the application of the above-named company.

HEARING: Remains as assigned October 3, 1960, at the Federal Building, Los Angeles, Calif., before Examiner William E. Messer.

No. MC 119226 (Sub No. 22) (CORRECTION), filed June 2, 1960, published in the FEDERAL REGISTER, issue of July 13, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in tank vehicles, from Gibson City, Ill., to Carnegie, Pa.

NOTE: The purpose of this republication is to correct the spelling of the destination point as shown above, incorrectly shown in the application as Camegie, Pa.

HEARING: Remains as assigned September 28, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC–119422 (Sub No. 6) filed July 13, 1960. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 MCC 209, between Roxana, Wood River, and Hartford, Ill., on the one hand, and, on the other, points in Mercer, Grundy, Daviess, Caldwell, Ray, Lafayette, Johnson, Henry, St. Clair, Cedar, Dade, Greene, and Stone Counties, Mo., and points in Missouri east of the aforementioned counties.

NOTE: Applicant has pending in MC–101082 (Sub 7), application for contract authority, therefore, dual operations may be involved.

HEARING: September 13, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119895 (Sub No. 1), filed July 18, 1960. Applicant: INTERCITY EXPRESS, INC., P.O. Box 255, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing houses* as defined by Subdivisions A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, between Fort Dodge, Iowa, and Austin, Minn.

HEARING: September 21, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 192) filed July 6, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Savannah, Ga. and Junction of U.S. Alternate Highway 17 and U.S. Highway 17, north of Savannah, Ga., as follows: From Savannah, Ga., over U.S. Highway 17 to junction of U.S. Highway Alternate 17 and U.S. Highway 17, approximately 9 miles north of Savannah, and return over the same route serving no intermediate points.

No. MC 2488 (Sub No. 5), filed July 25, 1960. Applicant: W. R. McGWINN, River Road, Grand River, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke* and *pig iron*, in open or dump trucks, from Erie, Pa., to points in Ohio, Pennsylvania, and New York.

No. MC 19240 (Sub No. 1), filed July 25, 1960. Applicant: ROBERT G. COURTNEY, doing business as COURTNEY'S MOVING & STORAGE, Marion, Ill. Applicant's attorney: W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, manufactured* (including but not limited to ammonium nitrate fertilizer and urea fertilizer), dry in bags or approved containers or in bulk, from Marion, Ill., and points in Illinois within 10 miles thereof to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, and *empty containers, damaged and rejected shipments*, on return.

No. MC 66562 (Sub No. 1704), filed July 18, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Saginaw, Mich., and Cheboygan, Mich., (1) from Saginaw over U.S. Highway 23 to Cheboygan, and return over the same route, serving the intermediate points of East Tawas, Alpena, Rogers City, and Oscoda, and the off-route point of Wurtsmith Air Force Base (from junction of U.S. Highway 23 and Michigan Highway 171 over Michigan Highway 171 via Wurtsmith Air Force Base to junction of Michigan Highway 171 with U.S. Highway 23, and return over the same route). (2) From Rogers City, Mich., to Cheboygan, Mich., from Rogers City over Michigan Highway 68 to junction with Michigan Highway 33, thence over Michigan Highway 33 to Cheboygan, and return over the same route, serving the intermediate point of Onaway. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states the authorized operations will be tacked or joined at Saginaw with applicant's authorized regular-route operations.

No. MC 71096 (Sub No. 33), filed July 20, 1960. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Box 320, Norwalk, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio, and junction U.S. Highway 21 and Ohio Highway 18, over U.S. Highway 21, serving West Richfield, Ohio, and points within four (4) miles thereof, as intermediate and off-route points, restricted to interchange with connecting lines on traffic originating or destined beyond.

No. MC 107496 (Sub No. 169), filed July 20, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic resins* and *vegetable oils* (including vegetable oils modified or blends thereof), *varnish* and *paint oils*, in bulk, in tank vehicles, from Valley Park, Mo., to Chicago, Chicago Heights, Great Lakes, North Chicago, Rockford, and Springfield, Ill., Indianapolis, Lafayette, and Terre Haute, Ind., Wichita, Kans., Louisville, Ky., Dearborn, Detroit, Ferndale, Grand Rapids, Niles, and Wyandotte, Mich., Minneapolis and St. Paul, Minn., Cleveland, Columbus, and Cincinnati, Ohio, Milton and Superior, Wis.; and (2) *Vegetable oils, varnish*, and *paint oils*, in bulk, in tank vehicles, (a) from Valley Park, Mo., to Little Rock, Ark., Denver, Colo., Milwaukee, Fort Atkinson, and Sheboygan, Wis.; and (b) from Valley Park, Mo., to Des Moines, Iowa, and Memphis, Tenn.

NOTE: Common control may be involved.

No. MC 120063 (Sub No. 2), filed June 17, 1960. Applicant: LESTER LEON HILLIARD, doing business as HILLIARD TRUCK LINE, 2050 East 46th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish*, and *seafoods*, moving in mixed loads with non-exempt commodities, from Los Angeles, Calif. to Camp Irwin, Calif., George Air Force Base, Calif., and U.S. Marine Corps Supply Center, at Barstow, Calif. and *rejected shipments* on return.

NOTICE OF FILING OF PETITIONS

No. MC 108022 (PETITION FOR VACATION OF ORDER DATED SEPTEMBER 5, 1958, AND WAIVER OF RULE 1.101(e) OF GENERAL RULES OF PRACTICE), dated July 6, 1960. Petitioner: V. B. MORGAN CO., a Corporation, Box 547, Barstow, Calif. By petition dated July 6, 1960, petitioner requests waiver of Rule 1.101(e) of the general rules of practice and vacation of the Commission's Order dated September 5, 1958, effective October 13, 1958, which, in effect, reduced the scope of applicant's Certificate dated December 14, 1953, commodity-wise, striking therefrom that portion authorizing the transportation of mineral products and by inserting in lieu thereof "ore" so that the Certificate originally authorizing the transportation of "mineral products and ore concentrates, in bulk" was by the Order of September 5, 1958, changed to read "ore and ore concentrates". The instant petition seeks the revision of the commodity description in the said Certificate so as to authorize the transportation of "*mineral products* and *ore* and *ore concentrates*, in bulk," between points in the territory authorized in certain portions of Nevada and California. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 108188 (PETITION FOR WAIVER OF RULE 1.101(e) GENERAL RULES OF PRACTICE AND FOR LEAVE TO FILE PETITION SEEKING MODIFICATION OF AUTHORITY IN CERTIFICATE MC-108188), dated June 12, 1960. Petitioner: ROLLO TRUCKING CORPORATION, INC., Neptune, N.J. Petitioners Practitioners: Bert Collins and Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Permit No. MC 107545 dated December 20, 1946, authorized petitioner to transport petroleum and petroleum products, in tank trucks, over irregular routes, from Port Socony, N.Y., to points in a specified portion of New York and points in New Jersey north of New Jersey Highway 40, including points and places in New York and New Jersey on, and within five miles of the indicated portions of the highways specified in the Permit. A proceeding assigned docket No. MC 108188 found petitioner a common carrier and authorized the issuance of a Certificate in lieu of the Permit No. MC 107545. Petitioner states that the Certificate as issued failed to include authorization to serve points in New York and New Jersey on and within 5 miles of the indicated portions of the highways specified. Petitioner further states that the origin point of Port Socony, N.Y., is not shown on any available maps and requests that for the purpose of clarity and definiteness that the origin point be amended to clearly locate the origin territory. Petitioner requests that Rule 1.101(e) be waived and that the Certificate be modified and corrected as to the origin and distance so as to read: *Petroleum* and *petroleum products*, in bulk, in tank trucks, over irregular routes, from (1) *Staten Island, N.Y.*, to points in New York on and east of New York Highway 34 from Waverly to Auburn, and on and south of the following highways: New York Highway 5 from Auburn to (2) *junction with New York Highway 69*, New York Highway 69 to Rome, thence along New York Highway 49 to Utica, New York Highway 8 from Utica to Ticonderoga, and New York Highway 347 from Ticonderoga to Fort Ticonderoga, and to points in New Jersey on and north of New Jersey Highway (3) *70 (shown in the Certificate as New Jersey Highway 40) including points in New York and New Jersey within five miles of the indicated portions of the highways specified.* Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7023, ASSOCIATED TRUCK LINES, INC. — PURCHASE (PORTION)—GEO. F. ALGER CO., published in the October 29, 1958, issue of the FEDERAL REGISTER on page 8379. Applicants' petition for reconsideration, filed July 25, 1960, includes proposals for amendments of the applications under sections 5 and 214 of the Interstate Commerce Act (Finance Docket No. 20500). The amendment in No. MC-F 7023 proposes, among other things, that ASSOCIATED TRUCK LINES, INC., purchase additional operating rights of GEO. F. ALGER COMPANY, and is designed to meet objections noted in the report and order of April 12, 1960, by Division 4. ASSOCIATED TRUCK LINES, INC., would now purchase all operating rights of GEO. F. ALGER COMPANY except those authorizing the transportation, over irregular routes, (1) of *bulk chemicals*, between Detroit, Mich., and points in Michigan within eight miles of Detroit, on the one hand, and, on the other, points in northwestern Ohio, (2) of *cement*, in bulk, between points in Wayne County, Mich., on the one hand, and, on the other, points in northwestern Ohio, and from points in Monroe County, Mich., to points in Indiana and Ohio, and (3) of *fly ash*, in bulk, in hopper-type vehicles, between points in Michigan, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Alabama, and Mississippi, subject to restriction.

No. MC-F 7574, THE H & W TRANSIT CO. — PURCHASE (PORTION) — THE CONNECTICUT CO., published in the June 29, 1960, issue of the FEDERAL REGISTER on page 6046. Supplement filed July 21, 1960, to show joinder of EDWARD P. HAYES and JOHN J. WALL, both of 847 Hanover Street, Meriden, Conn., as the persons controlling of vendee.

No. MC-F 7595. Authority sought for merger into HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY, 438 Dartmouth Street, New Bedford, Mass., of the operating rights and property of BROOKS TRANSPORTATION COMPANY, INCORPORATED, 438 Dartmouth Street, New Bedford, Mass., and for acquisition by PHILIP HEMINGWAY, also of New Bedford, of control of such rights and property through the transaction. Applicants' attorney: David G. Macdonald, 504 Commonwealth Building, Washington 6, D.C. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Richmond, Va., and New York, N.Y., between Richmond, Va., and Roanoke, Va., between Washington, D.C., and Front Royal, Va., between Washington, D.C., and Staunton, Va., between Lynchburg, Va., and Greensboro, N.C., between Richmond, Va., and Winston-Salem, N.C., between Charlottesville, Va., and Lynchburg, Va., and between Staunton, Va., and Roanoke, Va., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Danville, Va., on the one hand, and, on the other, Durham, High Point, Salisbury, Concord, Charlotte, Belmont, and Gastonia, N.C.; *Textiles, textile machinery, tire chains*, and *chemicals* used in the manufacture of textiles, between Washington, D.C., and those points on the above-specified regular routes (including off-route points) between Richmond, Va., and New York, N.Y., Richmond, Va., and Roanoke, Va., Washington, D.C., and Front Royal, Va., and Washington, D.C., and Staunton, Va., which are south of Washington, on the one hand, and, on the other, certain points in Maryland, Pennsylvania and New Jersey; *floor coverings*, from Lancaster, Pa., to those points including the off-route points which are south of Washington, D.C., other than Richmond, Va., on the above-specified regular routes between Richmond, Va., and New York, N.Y., Richmond, Va., and Roanoke, Va., Washington, D.C., and Front Royal, Va., and Washington, D.C., and Staunton, Va. HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY is authorized to operate as a *common carrier* in Maine, Connecticut, Rhode Island, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Co-

lumbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7596. Authority sought for purchase by U. S. A. C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich., of a portion of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P.O. Box 18104, Houston 23, Tex., and for acquisition by JOHN P. KAVOORAS, also of Detroit, of control of such rights through the purchase. Applicants' attorneys: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C., and Joe G. Fender, Melrose Building, Houston, Tex. Operating rights sought to be transferred: *Contractors' equipment* and *commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, as a *common carrier* over irregular routes between points in Texas, on the one hand, and, on the other, points in Ohio and the lower peninsula of Michigan, traversing Oklahoma, Missouri, Illinois, and Indiana for operating convenience only. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7597. Authority sought for purchase by VERL HARVEY, INC., doing business as DON WARD & CO., 241 West 56th Avenue, Denver 16, Colo., of the operating rights of KERK TRUCKING CO., Route 4, Box 94, Fort Collins, Colo., and for acquisition by WARDCO, INC., 730 Equitable Building, Denver, Colo., in turn by DON WARD, INC., P.O. Box 1488, Durango, Colo., and in turn by DON WARD, 241 West 56th Avenue, Denver, Colo., and BOYD E. RICHNER, P.O. Box 1488, Durango, Colo. Applicants' attorney: Charles H. Haines, Jr., 730 Equitable Building, Denver 2, Colo. Operating rights sought to be transferred: *Cement*, as a *common carrier* over irregular routes, from Laramie, Wyo., and points within four miles thereof to certain points in Colorado; *lime, plaster retarder, gypsum products*, and *plastering fibre*, from Loveland, Colo., and points within five miles thereof, to Laramie, Wyo.; *plaster*, from Laramie, Wyo., to LaPorte, Colo., and points within one mile thereof. Under continuing temporary authority granted under section 210a(a) vendee operates as a *common carrier* in Colorado and Wyoming. DON WARD, INC., is authorized to operate as a *common carrier* in Utah, Colorado, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7598. Authority sought for control and merger by SULLIVAN LINES, INC., 1219 Morris Street, Philadelphia, Pa., of the operating rights and property of RICKENBACHER TRANSPORTATION, INC., 1 Bloomfield Avenue, Newark, N.J., and for acquisition by ARTHUR A. GALLAGHER and BOB R. PINTO, both of Philadelphia, of control of such rights and property through the transaction. Applicants' attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, which are at the time moving on bills of lading of freight forwarders, as a *common carrier* over regular routes, between Cincinnati, Ohio, and Boston, Mass., between Pittsburgh, Pa., Baltimore, Md., and Washington, D.C., between Harrisburg, Pa., and Baltimore, Md., between Harrisburg, Pa., and Philadelphia, Pa., and between Washington, D.C., and New York, N.Y., serving certain intermediate points; alternate route for operating convenience only between Pittsburgh, Pa, and Steubenville, Ohio, serving neither Steubenville nor the intermediate points. SULLIVAN LINES, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Ohio, Michigan, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7600. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., of a portion of the operating rights and certain property of H. B. GREEN TRANSPORTATION LINE, INC., 2860 Mt. Pleasant Street, P.O. Box 945, Burlington, Iowa. Applicants' attorney: James A. Gillen, 547 West Jackson Boulevard, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Ottumwa and Keokuk, Iowa, between Keokuk and Fort Madison, Iowa, and Ottumwa, Iowa, and between Burlington, Iowa, and Bushnell, Ill., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Colorado, Nebraska, Missouri, Illinois, Iowa, Montana, Wyoming, Kansas, Minnesota, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7599. Authority sought for purchase by THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., of a portion of the operating rights and certain property of GIBSON LINES, 1341 P Street, Lincoln, Nebr. Applicants' attorney: Earl A. Bagby, Western Greyhound Lines Division, 371 Market Street, San Francisco 5, Calif. Operating rights sought to be transferred: *Passengers and their baggage*, and *express* in the same vehicle with passengers, as a *common carrier* over regular routes, between Roseville, Calif., and Chico, Calif., between Biggs, Calif., and junction unnumbered highway and U.S. Highway 99E, near Biggs, Calif., and between Oroville "Y" and Oroville, Calif., serving all intermediate points, authority to serve Marysville, Calif., being construed as including authority to serve Hub City Trailer Camp (Marysville), South Marysville, and Olivehurst, Calif. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7186; Filed, Aug. 2, 1960; 8:47 a.m.]

[Notice 357]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63306. By order of July 27, 1960, the Transfer Board approved the transfer to Mid-Town Express & Moving Co., Inc., New York, N.Y., of Certificate in No. MC 52993, issued February 16, 1949, to Menas Megrdichian, doing business as Mid-Town Express & Moving Co., New York, N.Y., authorizing the transportation of: Household goods, between points in Connecticut, New Jersey, and Pennsylvania, on the one hand, and, on the other, New York, N.Y.; between New York, N.Y., on the one hand, and, on the other, points in New York; between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, and Massachusetts. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC–FC 63424. By order of July 27, 1960, the Transfer Board approved the transfer to B–B–S Transportation, Inc., Marion, Illinois, of a portion of a Certificate in No. MC 19240 issued February 4, 1954, to Robert G. Courtney, doing business as Courtney's Moving & Storage, Marion, Illinois, which authorizes the transportation of fruits and vegetables, over irregular routes, from points in specified counties in Illinois to St. Louis, Mo., Indianapolis, Ind., Nashville, Tenn., and Columbus, and Cleveland, Ohio, and household goods, as defined by the Commission, between points in specified counties in Illinois, on the one hand, and, on the other, points in Missouri, Kentucky, Indiana, Iowa, Ohio, West Virginia, Pennsylvania, New Mexico, Texas, Kansas, Wisconsin, Oklahoma, Tennessee, Michigan, Nebraska, Colorado, Alabama, Arkansas, and the District of Columbia. W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Indiana, for applicants.

No. MC-FC 63436. By order of July 27, 1960, the Transfer Board approved the transfer to Thomas Meyer and Kingdom Meyer, a partnership, doing business as New Brunswick Transfer, Super Highway #25, P.O. Box 531, New Brunswick, N.J., of Certificate in No. MC 1620, issued August 28, 1943, to Thomas Meyer, doing business as New Brunswick Transfer, New Brunswick, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Monmouth, Ocean, Union, Hudson, Essex, Somerset, and Middlesex Counties, N.J.

No. MC-FC 63447. By order of July 27, 1960, the Transfer Board approved the transfer to Alfred Seifert, Sr., doing business as Seifert Trucking Co., East Paterson, N.J., of Certificate No. MC 119090, issued November 20, 1959, in the name of Seifert Trucking Co., Inc., amended March 3, 1960, to show the name to be Dowd Transportation Co., Inc., East Paterson, N.J., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between points in Bergen, Passaic, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in that part of New York on the west bank of the Hudson River, and points east of the Hudson River and south of a line beginning at Glens Falls, N.Y., and extending east through Porter, N.Y., to the New York-Vermont State line, except those in Nassau and Suffolk Counties, N.Y.; hand mirrors, from Paterson, N.J., to Schwenksville and Pennsburg, Pa., and Middletown, N.Y.; and paper napkins, sanitary napkins, and toilet tissue, from Glens Falls and South Glens Falls, N.Y., to points in Middlesex County, N.J. George A. Olsen, 69 Tonnele Ave., Jersey City 6, N.J., for applicants.

No. MC-FC 63452. By order of July 27, 1960, the Transfer Board approved the transfer to Harold Boyd and David Henry, a partnership, doing business as B & H Oil Field Service, Robinson, Ill., of Certificate No. MC 7952, issued April 20, 1942, in the name of Earl R. Bush, Eaton, Ill., authorizing the transportation over irregular routes of livestock, from Palestine, Ill., and points in Crawford, Lawrence and Clark Counties, Ill., to Indianapolis, Ind.; livestock and feed, from Indianapolis and Vincennes, Ind., to points in Crawford County, Ill.; fertilizer, from Indianapolis, Ind., to points in Crawford and Lawrence Counties, Ill.; agricultural implements and machinery, from Indianapolis and Terre Haute, Ind., to points in Crawford County, Ill.; coal, from points in Clay, Sullivan, Gibson, Knox, and Greene Counties, Ind., to points in Crawford County, Ill.; livestock, from points in Putnam and Owen Counties, Ind., to points in Crawford and Lawrence Counties, Ill.; tile and clay products, from points in Clay, Vigo, and Putnam Counties, Ind., to points in Crawford County, Ill.; grain, from points in Crawford and Lawrence Counties, Ill., to Vincennes, Ind.; malt beverages, from Evansville, Ind., to Robinson, Ill.; and empty malt beverage containers, on return. Omer T. Shawler, Box 67, Marshall, Ill., for transferee Earl R. Bush, Eaton, Ill., for transferor.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-7187; Filed, Aug. 2, 1960; 8:47 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 121; Amdt. 2]

LONG ISLAND RAIL ROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 121 (The Long Island Rail Road Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 121 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 28, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-7188; Filed, Aug. 2, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1283]

DETROIT AND CLEVELAND NAVIGATION CO.

Notice of Filing of Application for Order Exempting Certain Transactions Between Affiliates

JULY 27, 1960.

Notice is hereby given that Detroit and Cleveland Navigation Company ("Navigation"), a registered closed-end nondiversified investment company, has filed an application, and amendment thereto, pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale and purchase of securities from and to Navigation by its affiliated person, the Denver Chicago Trucking Company, Inc. ("Trucking"), pursuant to an agreement to merge Navigation into Trucking, with Navigation ceasing to exist as an investment company.

Navigation, a Michigan corporation organized in 1897, for years operated as a navigation company carrying passengers and freight on the Great Lakes. Navigation ceased operations as an operative navigation company in 1950 and all of its vessels and equipment have been disposed of. Navigation registered under the Act on March 8, 1954, and thereafter filed a registration statement in which it stated that it was studying various plans and possibilities of liquidation. On May 29, 1959, Navigation amended its registration statement to state that it was negotiating a merger with Trucking.

Navigation has an authorized capital stock of 150,000 shares of common stock, $5.00 par value, and thereof 135,643 shares issued and outstanding. Navigation's assets, as of November 30, 1959, consisted of cash amounting to $344,470; U.S. Government bonds having a market value of $6,570; 152,416 shares of common stock of Trucking, representing 36.8 percent of its outstanding stock, having a market value at that time of $26.75 per share or a total value of $4,077,128; and all the outstanding stock of Dominion Transportation Company, Limited ("Dominion"), with an assigned value of $300,469, the amount which Navigation paid to acquire this stock in November 1955. The net assets of Navigation, after deducting liabilities of $19,788, amounted to $4,708,942 as of November 30, 1959; and the net asset value per share amounted to $34.72 as of the same date. For the past three fiscal years, Navigation has had net income per share of $.85 in 1959, $1.10 in 1958, and $.80 in 1957, and earnings per share, including its equity in undistributed earnings of Trucking and Dominion, of $4.02 in 1959, $2.85 in 1958, and $3.38 in 1957. Navigation has paid dividends per share of $.50, $1.00 and $.50 in each of these years, respectively. Navigation has a net operating loss carryover of approximately $285,000, which is principally the result of losses and expenses incurred in 1956 in connection with terminating the business of operating vessels on the Great Lakes.

Dominion's only substantial asset is its ownership of all of the outstanding stock of The Owen Sound Transportation Company ("Owen"). Dominion and Owen are Canadian corporations organized under the laws of the Province of Ontario. Applicant states that since its acquisition of Dominion in 1955, there has been no substantial change in the assets and earnings of Dominion and Owen. Owen operates three ships which transport passengers, automobiles and freight between various points on Georgian Bay and the St. Mary's River within Canadian Borders.

Trucking, a Nebraska corporation, operates as a motor carrier in interstate commerce under certificates of Convenience and Necessity issued by the Interstate Commerce Commission under which general commodities, with certain exceptions, are transported from San Diego and Los Angeles, California, Tacoma, Washington; Boston, Massachu-

setts; and New York and Albany, New York; and St. Louis, Missouri to Denver, Colorado, and return covering some off route and intermediary points. Trucking has an authorized capital stock of 750,000 shares of common stock, $1.00 par value, and 413,400 shares of stock are issued and outstanding. Trucking, and its wholly-owned subsidiaries, had total assets of $21,726,606 and total liabilities of $13,021,370 as of December 31, 1959. Included among the assets of Trucking are 17,200 shares, or approximately 12.8 percent, of common stock of Navigation, amounting to $165,601 at their cost. The per share book value of Trucking at December 31, 1959 amounted to $21.26. The net income per share of Trucking for the past three fiscal years has been $3.73 in 1959, $2.68 in 1958, and $3.20 in 1957, and its dividends per share have been $1.00, $1.00, and $1.25, respectively.

Navigation, owning 36.8 percent of Trucking, and Trucking, owning 12.8 percent of Navigation, are affiliated persons of one another as defined in section 2(a)(3) of the Act. By virtue of section 2(a)(9) of the Act, Navigation presumptively controls Trucking by reason of its beneficial ownership of more than 25 percent of the voting securities of Trucking. The cross-ownership as described above is contrary to the provisions of section 20(c) of the Act and will be eliminated by the proposed merger.

Navigation and Trucking have certain common directors and officers. The officers and directors of Navigation and Trucking as a group own an aggregate of approximately 29,000 shares of Navigation, or 21 percent of the outstanding shares.

The directors of Navigation and Trucking have agreed to merge pursuant to an Agreement of Merger ("Agreement") dated June 22, 1959. Under the terms of the Agreement, which is subject to the affirmative vote of at least two-thirds of the common stock outstanding of each of the respective corporations, each share of common stock of Navigation will be exchanged for one and two-fifths shares of the common stock of Trucking; except that no fractional shares of the stock shall be issued, and in lieu thereof, stockholders of Navigation shall receive from Trucking payment at the rate of $20.00 per full share for the fractional share of Trucking's stock to which they would be entitled. Trucking will continue in existence to operate with the same board of directors and officers as at present. The stock delivered to Navigation's shareholders will have the same par value, rights and conditions as the present issued and outstanding stock of Trucking. If the requisite approval of shareholders is obtained, the merger will become effective upon the filing of a certificate of merger under the laws of the State of Michigan and the laws of the State of Nebraska. Shareholders who vote against the merger have the right of appraisal and payment of the fair cash value of their shares.

The rate of exchange of 1.4 shares of Trucking for each share of Navigation is equivalent to a total of approximately 190,000 shares of Trucking for the 135,642 shares of Navigation outstanding. In fixing this ratio for the purpose of the merger, it was recognized that Navigation owned 152,416 shares of Trucking, and it was considered that the remaining assets of Navigation which Trucking will acquire in the merger had a value equivalent to approximately an additional 37,500 shares of Trucking. This was determined by adding 52 percent of Navigation's loss carryover to the book value of the net assets of Navigation, exclusive of its investment in Trucking, and dividing this sum by the book value per share of Trucking of approximately $21.26.

Navigation stock is listed on the Detroit and Midwest Stock Exchanges. Trading during the years 1958 and 1959 was very inactive, only 300 shares having been sold at prices of $17 and $18 per share. Through July 1, 1960, 375 shares were sold on these exchanges at prices ranging from $22⅞ to $30. The last closing price on the Detroit Stock Exchange for Navigation stock was $25 on June 29, 1960.

Trucking stock is sold on the over-the-counter market. In the first quarter of 1960 there was a low bid of $20 and a high bid of $26½. In the second quarter of 1960 there was a low bid of $19½ and a high bid of $22. The bid and asked price for Trucking stock was $21½ to $23⅝ on July 1, 1960.

Applicant recites that the merger will be advantageous to the shareholders of Navigation because it will permit them to receive dividends directly from Trucking and to participate directly in the election of directors of Trucking, and it will result in the reduction of expenses and taxes. Navigation will also receive credit through the merger for its unused capital loss carryover. Since Navigation is not an operating corporation, it has no profit against which to apply this loss, but it can be used by Trucking as a tax advantage.

Applicant further recites that the merger will be advantageous to the shareholders of Trucking because it will provide Trucking with additional cash and thereby improve its working capital position or provide funds for additional operating equipment, will increase the number of shareholders and thus improve the marketability of the stock, eliminate expenses and taxes incurred in receiving dividends from Navigation which are paid from income derived from Trucking, and provide an opportunity for Trucking to realize on the appreciation of Navigation stock owned by it without any tax consequences.

The net effect of the merger will be the issuance of an additional 13,404 of Trucking stock. Adjusting Trucking's earnings to reflect the issuance of these additional shares, but without excluding dividends received on Navigation stock owned by Trucking or making adjustment to reflect the earnings potential of the additional capital to be received by Trucking, its earnings per share for the last three fiscal years would have been $3.61 in 1959, $2.60 in 1958, and $3.10 in 1957. On this basis, pro forma earnings on the 1.4 shares of Trucking stock to be received for each outstanding share of Navigation stock would have been $5.05 in 1959, $3.64 in 1958 and $4.34 in 1957.

Section 17(a) of the Act, in relevant part, prohibits an affiliated person (Trucking) of a registered investment company (Navigation) from selling to or purchasing from such registered investment company any security or other property, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Since the proposed merger involves a sale of securities to Navigation by Trucking and a purchase by Trucking of securities from Navigation, the proposed transaction is subject to the provisions of section 17(a) of the Act.

Notice is hereby given that any interested person may, not later than August 15, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–7180; Filed, Aug. 2, 1960; 8:46 a.m.]

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Washington, Thursday, August 4, 1960

THE UNIVERSITY OF MICHIGAN
AUG 8 1960
MAIN READING ROOM

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Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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PART 29—RETIREMENT

Miscellaneous Amendments

Paragraph (a) of § 29.9 and paragraph (d) of § 29.18 are amended as set out below.

§ 29.9 Military service.

(a) Periods of honorable active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service shall, after the employee has completed 5 years' civilian service, be credited under the retirement law. No credit for any military service shall be allowed if the employee is receiving retired pay awarded for reasons other than (1) service-connected disability incurred in combat with an enemy of the United States, (2) service-connected disability caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in Chapter 11 of Title 38, U.S.C.), or (3) under Chapter 67, Title 10, U.S.C.

§ 29.18 Reemployment of annuitants.

• • • • • •

(d) This paragraph shall apply to each annuitant who is not described in the first sentence of paragraph (c) of this section. If such annuitant becomes employed on or after October 1, 1956, in an elective or appointive position, (1) his annuity shall continue, (2) no retirement deductions shall be made from his salary, and (3) there shall be deducted from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment. If such annuitant who becomes employed on or after October 1, 1956, or who was serving on July 31, 1956, serves continuously for at least one year in full-time employment not excluded from coverage by section 2(b) of the Civil Service Retirement Act, he shall, upon termination of such employment by separation for more than three calendar days or by conversion to other than full-time status, receive a supplemental annuity. Such supplemental annuity (i) shall be computed under the formula provided by the law in effect at the date of termination of employment, (ii) shall be based on all periods of full-time employment performed after his retirement, with such periods considered as part of his total service, and (iii) shall be based on the average basic salary (before annuity deduction) received during such periods of full-time employment. If the annuitant serves continuously for at least five years in full-time employment not excluded from coverage by section 2(b) of the Retirement Act, and his separation therefrom occurs after July 11, 1960, he may make deposit in the retirement fund covering such employment and elect, in lieu of the supplemental annuity described herein, to have his retirement rights redetermined under the law in effect at separation date. Employment shall be considered continuous unless interrupted by a separation from service exceeding three calendar days, but credit will not be allowed for any period of separation or nonpay status which exceeds three calendar days.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-7247; Filed, Aug. 3, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS) [1]

Subpart—Regulations

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.) for the provision of a service for the inspection and certification of the class, quality and condition of agricultural products, including the assessment and collection of fees to cover the cost of such service, §§ 51.37 and 51.45(d) of the regulations governing the inspection and certification of fresh fruits, vegetables and other products (§§ 51.1 through 51.67) are hereby amended by deleting the same and inserting in lieu thereof the following:

§ 51.37 Basis for charges.

(a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, $15.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $9.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be $30.00. For an inspection covering condition-only, $12.00 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and $18.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be $24.00. When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be $12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.65 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $5.00 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled work week, the charge for inspection shall be $2.50 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.45 Schedule of fees.

• • • • • •

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be $12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.65 per ton.

[1] Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this revision later than August 15, 1960 (5 U.S.C. 1001–1011) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation (Public Law 86–568); (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional time is not required by users of the inspection service to comply with this revision.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: August 1, 1960, to become effective at 12:01 a.m., August 15, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60–7260; Filed, Aug. 3, 1960; 8:52 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

Subpart—Regulations Governing Inspection and Certification

HOURLY RATE OF CHARGE FOR INSPECTION SERVICE

Pursuant to the provisions of the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627) authorizing the establishment of a service for the inspection and certification of the class, quality, and condition of agricultural products, and the assessment and collection of fees to cover the cost of such service, the Regulations (§§ 52.1 through 52.87) Governing the Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products are hereby amended as set forth below. This amendment increases the hourly rate of charge for inspection service from $5.00 per hour to $5.50 per hour on and after August 15, 1960, as hereinafter specified.

1. Section 52.42(a) is revised to read as follows:

§ 52.42 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $5.50 per hour.

2. In § 52.42(b)(1) under "Officially Drawn Samples" and concerning the schedule of fees for sampling of honey, the phrase "(a) For sampling the honey including travel time, per hour____$5.00" is revised to read as follows:

(a) For sampling the honey, including travel time, per hour---------- $5.50

3. In § 52.42(b)(5) under "Officially and Unofficially Drawn Samples" the phrase "(a) For sampling the product, including travel time per hour____$5.00" is revised to read as follows:

(a) For sampling the product, including travel time, per hour-- $5.50

4. In § 52.42(b)(6) under "Officially and Unofficially Drawn Samples" the phrase "(a) For sampling the coffee, including travel time, per hour ____ $5.00" is revised to read as follows:

(a) For sampling the coffee, including travel time per hour---------- $5.50

5. In § 52.42(b), subparagraph (7) is hereby revised to read as follows:

(7) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph shall be at the rate of $5.50 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided,* That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

6. Section 52.44 is revised to read as follows:

§ 52.44 Inspection fees when charges for sampling have been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $5.50 per hour prescribed in this part.

7. Section 52.45 is revised to read as follows:

§ 52.45 Inspection fees when charges for sampling have not been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided,* That if the fee charged is based on the hourly rate, the fee shall be at the rate of $5.50 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

8. Section 52.48 is revised to read as follows:

§ 52.48 When charges are to be based on hourly rate not otherwise provided for in this part.

When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $5.50 per hour.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this revision later than August 15, 1960 (5 U.S.C. 1001–1011) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation (Public Law 86–568); (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional time is not required by users of the inspection service to comply with this revision.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: August 1, 1960, to become effective at 12:01 a.m. August 15, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60–7261; Filed, Aug. 3, 1960; 8:52 a.m.]

[1] Among such other processed food products are the following: Honey; Molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea; cocoa; coffee; spices; condiments.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Fixing of Rate of Assessment for 1960–61 Fiscal Period

Pursuant to the marketing agreement and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1020.204 Expenses and rate of assessment for the 1960–61 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1960, and ending March 31, 1961, will amount to $6,831.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and twenty cents ($1.20) per ton of apricots so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of apricots are now being made; (2) the rate of assessment is applicable to all apricots shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles apricots; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Apricot Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 1, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7262; Filed, Aug. 3, 1960; 8:52 a.m.]

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Fixing of Rate of Assessment for 1960–61 Fiscal Period

Pursuant to the marketing agreement and Order No. 122 (7 CFR Part 1022), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1022.205 Expenses and rate of assessment for the 1960–61 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1960, and ending March 31, 1961, will amount to $8,996.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles cherries shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and twenty cents ($1.20) per ton of cherries so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of cherries are now being made; (2) the rate of assessment is applicable to all cherries shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles cherries; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Cherry Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 1, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7263; Filed, Aug. 3, 1960; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Changes in Areas Quarantined

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended (21 U.S.C. 123, 125), sections 1 and 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111–113, 120), and section 7 of the Act of May 29, 1884, as amended (21 U.S.C. 117), § 72.5, Part 72, Title 9, Code of Federal Regulations, which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended to read:

§ 72.5 Area quarantined in Texas.

The following portions of the specified Counties in Texas are quarantined:

(a) That portion of Cameron County lying south of the following described line:

Beginning at a point where the Brownsville ship channel enters the Gulf of Mexico, following said ship channel in a southwesterly direction to where the large Hydrocol ditch enters the ship channel, approximately 16 miles; thence, following the ditch in a northerly direction to the intersection of this ditch and the Rancho Viejo Floodway, approximately 2 miles; thence, following the meanderings of the Rancho Viejo Floodway (part of which is known as Ranchito Viejo Resaca) to where the Rancho Viejo Floodway crosses a dirt road known as the Grove Park Highway, approximately 12 miles; thence, in a northerly direction along this road to Farm Road No. 511, approximately 1¾ miles; thence, in a westerly direction along Farm Road No. 511 to Farm Road No. 1421, approximately 2¼ miles; thence, in a northerly direction along Farm Road 1421 to the Ranchito Viejo Resaca, approximately ½ mile; thence, following the meanderings of Ranchito Viejo Resaca in a northwesterly direction to where it intersects Cameron County water district drain ditch, approximately 8½ miles; thence, following the Cameron County water district drain ditch in a westerly direction to where it intersects the Ohio Station Road, approximately 6¼ miles; thence, following the Ohio Station Road in a northeasterly direction, to where it intersects the County Road which follows the old road bed of the M.P. Railroad, approximately 1 mile; thence, following said County Road in a westerly direction, to where it intersects Farm to Market Road No. 1479, approximately 1¾ miles; thence, crossing Farm to Market Road No. 1479 and following the Double Pole C.P. & L. Company power line in a westerly direction to where it intersects the Willacy County Canal, approximately 7¼ miles; thence, south along the Willacy County Canal to where it intersects U.S. Highway No. 281, approximately ½ mile; thence, following U.S. Highway 281 in a westerly direc-

tion to where it intersects the Cameron-Hidalgo County line, approximately 200 yards.

(b) That portion of Hidalgo County lying south and west of the following-described line:

Beginning at a point where U.S. Highway 281 intersects the Cameron-Hidalgo County line, following U.S. Highway 281 in a westerly direction to where it intersects the East McAllen Road No. 336, approximately 26 miles; thence, along the East McAllen Road in a northerly direction to where it intersects the M.P. Railroad, approximately ¼ mile; thence, following the M.P. Railroad in a westerly direction to where it crosses Farm Road No. 1926, approximately 1¼ miles; thence, in a northerly direction along this railroad to a curve, approximately 2 miles; thence, in a westerly direction along this railroad to where it intersects the Taylor Road, approximately 1½ miles; thence, in a southerly direction along this road to where it intersects the International Boundary Commission levee, approximately ½ mile; thence, in a westerly direction along the north boundary of this levee to where it intersects the Granjeno Main Canal, approximately 1½ miles; thence, in a westerly direction along the north boundary of this canal to where it intersects the Old Military Road, approximately ¾ mile; thence, in a westerly direction along the north boundary of this road to where it intersects the Abram Road, approximately 8 miles; thence, in a northerly direction along the east boundary of this road to where it intersects U.S. Highway No. 83, approximately 2 miles; thence, in a westerly direction along U.S. Highway 83 to where it intersects the east double fence of the Bannworth Brothers Ranch Headquarters trap, approximately 6¾ miles; thence, along the east double fence of the Bannworth trap in a southerly direction to a corner, approximately ¼ mile; thence, following the meanderings of the Bannworth trap double fence in a northwesterly direction to where it intersects U.S. Highway 83, approximately ½ mile; thence, following U.S. Highway 83 in a westerly direction to where it intersects the Starr-Hidalgo County line, approximately 5¼ miles.

(c) That portion of Starr County lying south and west of the following-described line:

Beginning at a point where the Hidalgo County line intersects the Starr County line following the north fence of U.S. Highway 83 in a westerly direction to where it intersects the west fence of the North Salado pasture, approximately 4 miles; thence, north along the west fence of the North Salado pasture to the northeast corner of the C. Block pasture, approximately 1¾ miles; thence, following the north fence of the C. Block pasture in a westerly direction to where it intersects the Sun Camp-Alto Bonito Road, approximately ¾ mile; thence, south along Sun Camp-Alto Bonito Road to where it intersects the north fence of the Alto Bonito Community pasture, approximately ½ mile; thence, following the north fence of the Alto Bonito Community pasture in a westerly direction to a corner, approximately ¾ mile; thence, following the west fence of the Alto Bonito Community pasture in a southerly direction to where it intersects the north fence of U.S. Highway 83, approximately ¾ mile; thence, following the fence on north side of U.S. Highway 83 in a northwesterly direction to where it joins the west fence of the Richmond Brothers pasture, approximately 5¾ miles; thence, following the west fence of the Richmond Brothers pasture in a northerly direction to where it intersects the south fence of the Tomas Vela pasture, approximately 2 miles; thence, following the south fence of the Tomas Vela pasture in a westerly direction to the southwest corner of the same, approximately ¾ mile; thence, following the west fence of the Tomas Vela pasture in a northerly direction to where it intersects the north fence of the Rio Grande City open range, approximately 2¼ miles; thence, following the north fence of the Rio Grande City open range in a westerly direction to where it intersects the east fence of the Ismael Salinas pasture, approximately ¾ mile; thence, north along the east fence of the Ismael Salinas pasture to the northeast corner of same, approximately ⅛ mile; thence, following the north fence of the Ismael Salinas pasture in a westerly direction to where it intersects Farm to Market Road No. 755, approximately ⅛ mile; thence, following the east fence of Highway 755 in a northeasterly direction to a cattle guard crossing Highway 755 on the Luis Martinez north fence, approximately 1 mile; thence, across Highway 755 at this cattle guard, to the west fence of Highway 755, approximately 80 feet; thence, following the west fence of Highway 755 in a southwesterly direction to where it intersects the east fence of the E. V. Laurel pasture, approximately 2¾ miles; thence, following the east fence of the E. V. Laurel pasture in a northerly direction to the northeast corner of the same, approximately 1½ miles; thence, following the north fence of the E. V. Laurel pasture in a westerly direction to where it intersects the east fence of the Samuel Pena and Brothers pasture, approximately ¼ mile; thence, following the east fence of the Samuel Pena and Brothers pasture in a southerly direction to a corner, approximately ⅛ mile; thence, following the same fence in a westerly direction to the northwest corner of the E. V. Laurel pasture, approximately ⅜ mile; thence, following the west fence of the E. V. Laurel pasture in a southerly direction to where it intersects the north fence of the Julian Gonzales south pasture, approximately ½ mile; thence, following the north fence of the Julian Gonzales south pasture to a corner, approximately ¼ mile; thence, north along the east fence of Julian Gonzales north pasture to the northeast corner of same, approximately ⅞ mile; thence, following the north fence of Julian Gonzales north pasture in a westerly direction to the northwest corner of same, approximately ¼ mile; thence, following the west fence of Julian Gonzales north pasture in a southerly direction to where it intersects the south fence of the Ysidoro Gonzales pasture, approximately ½ mile; thence, following the south fence of the Ysidoro Gonzales pasture in a westerly direction to where it intersects the east fence of the S. Carrera Presa Colorado pasture, approximately 1 mile; thence, following the east fence of the S. Carrera Presa Colorado pasture in a southerly direction to the southeast corner of the same, approximately ¾ mile; thence, following the south fence of the S. Carrera Presa Colorado pasture in a westerly direction to where it intersects the west fence of S. Carrera's south pasture, approximately ½ mile; thence, following the west fence of S. Carrera's south pasture in a southerly direction to where it intersects the north fence of the A. Salinas pasture, approximately ½ mile; thence, following the north fence of the A. Salinas pasture in a westerly direction to where it intersects the east fence of the C. Laurel pasture, approximately ¼ mile; thence, following the east fence of the C. Laurel pasture in a northerly direction to the northeast corner of same, approximately ¾ mile; thence, following the north fence of C. Laurel pasture in a westerly direction to the east fence of the A. J. Vale pasture, approximately ⅜ mile; thence, following the east fence of the A. J. Vale pasture in a southerly direction to the southeast corner of the same, approximately ½ mile; thence, following the south fence of the A. J. Vale pasture in a westerly direction to the southwest corner of same, approximately 1 mile; thence, following the west fence of the A. J. Vale pasture in a northerly direction to where it intersects the Mauricio Garza pasture south fence, approximately ¼ mile; thence, following the south fence of the Mauricio Garza pasture in a westerly direction to where it intersects the east fence of the Charles Thompson Peyote pasture, approximately ¼ mile; thence, following the east fence of the Charles Thompson Peyote pasture in a southerly direction to the Rio Grande City-El Sauz County Road, approximately ½ mile; thence, across this road to the southeast corner of the Charles Thompson Peyote pasture and following the south fence of the Charles Thompson Peyote pasture in a westerly direction to where it intersects the Guerrero Brothers pasture east fence, approximately 1¼ miles; thence, following the east fence of the Guerrero Brothers pasture in a northerly direction to the northeast corner of the same, approximately ¼ mile; thence, following the north fence of the Guerrero Brothers pasture in a westerly direction to a corner, approximately ⅜ mile; thence, following the same fence in a southerly direction to a corner, approximately ⅜ mile; thence, following the same fence in a westerly direction to the west fence of the Guerrero Brothers pasture, approximately ⅛ mile; thence, following the west fence of the Guerrero Brothers pasture in a southerly direction to the northeast corner of the Sun Tex Farm, approximately ½ mile; thence, following the fence along the north side of the Sun Tex Farm in a westerly direction to where it intersects the east fence of the Alvarez Brothers Agua Verde ranch, approximately 1½ miles; thence, following the east fence of the Alvarez Brothers Agua Verde ranch to the southeast corner of the same, approximately ⅛ mile; thence, following the south fence of the Alvarez Brothers Agua Verde ranch in a westerly direction to a corner, approximately ⅜ mile; thence, following the same fence in a northerly direction to a corner, approximately 120 yards; thence, following same fence in a westerly direction to where it intersects the Juan Garza ranch east fence, approximately ⅜ mile; thence, following the east fence of the Juan Garza ranch in a northerly direction to a corner, approximately ¼ mile; thence, following the same fence in a westerly direction to the southwest corner of the Alvarez Brothers Agua Verde ranch, approximately 1 mile; thence, following the west fence of the Alvarez Brothers Agua Verde ranch in a northerly direction to a corner, approximately ⅜ mile; thence, following said fence west ½ mile, thence north ¼ mile, thence west 200 yards, thence north 200 yards, to where it intersects the Juan Garza ranch south fence; thence, following the south fence of the Juan Garza ranch in a westerly direction, crossing the Garceno Hebbronville Highway and intersecting the east fence of the T. Munoz pasture, approximately ⅜ mile; thence, following the east fence of the T. Munoz pasture in a northerly direction to the T. Munoz pasture north fence, approximately ¼ mile; thence, following the T. Munoz pasture north fence in a westerly direction to where it intersects the east fence of the F. Munoz pasture, approximately ½ mile; thence, following this fence in a northwesterly direction to where it intersects the F. Escobar pasture east fence, approximately ½ mile; thence, following this fence in a southwesterly direction to where it intersects the east fence of the San Julian Community pasture, approximately ½ mile; thence, following the east fence of the San Julian Community pasture in a northerly direction to a corner, approximately ¼ mile; thence, west on this same fence and across the Escobares Las Hojas Road to the west fence of the Francisco Escobar pasture, approximately ⅜ mile; thence, following the west fence of the Francisco Escobar pasture in a northerly direction to the northwest corner of the same, approximately 1½ miles; thence, following the north fence of the Francisco Escobar pasture in an easterly direction to where it intersects the Escobares-Las Hojas Road, approximately ¼ mile; thence, following the Escobares-Las Hojas Road in a northerly direction to where it intersects the F. De Los Santos pasture east fence, approximately 1¼ miles; thence, continuing north along the F. De Los Santos pasture east fence to the northeast corner of the same, approximately ⅝ mile; thence, following the north fence of the F. De Los Santos pasture in a westerly direction to the northwest corner of same, approximately 1 mile; thence, following the west fence of the F. De Los Santos pasture in a southerly direction to where it intersects the north fence of the F. Garza pasture, approximately ½ mile; thence, following the north fence of the F. Garza pasture in a southwesterly direction to where it intersects the east fence of the J. Moreno pasture, approximately ⅜ mile; thence, following the east fence of the J. Moreno pasture in a northerly direction to the northeast corner of same, approximately 300 yards; thence, following the north fence of the J. Moreno pasture in a southwesterly direction to where it intersects the north fence of the Mateo Herrera pasture, approximately ¼ mile; thence, following the Mateo Herrera pasture north fence in a southwesterly direction to where it intersects the north fence of the A. O. Trevino pasture, approximately ½ mile; thence, following the meanderings of the north fence of the A. O. Trevino pasture to the west fence of the same, approximately 1¼ miles; thence, following the west fence of the A. O. Trevino pasture in a southerly direction to the south fence of the L. Martinez pasture, approximately 2 miles; thence, following the south fence of the L. Martinez pasture in a westerly direction to U.S. Highway 83, approximately 1½ miles; thence, following U.S. Highway 83 in a northwesterly direction to where it intersects the east fence of M. Guerra and Sons Casas Verdes ranch, approximately 12½ miles; thence, along the east fence of the Casas Verdes ranch in a southerly direction to the south fence of the same, approximately 2½ miles; thence, following the south fence of this ranch in a westerly direction to where it intersects the old Roma-Zapata Highway, approximately 1 mile; thence, following along the old Roma-Zapata Highway in a westerly direction to where it intersects the Starr-Zapata County line.

(d) That portion of Zapata County lying west of the following-described line:

Beginning at a point where the Starr-Zapata County line intersects the old Laredo-Roma Highway, following the south fence of the Rafael Guerra and Brothers ranch in a northeasterly direction to where it intersects U.S. Highway 83, approximately 3¼ miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the city limits of the Town of Zapata, Texas, approximately 24 miles; thence, west along the city limits fence approximately ⅒ mile; thence, northwest along the city limits fence approximately 1⅜ miles; thence, northeast along the city limits fence to where it intersects U.S. Highway 83, approximately ¼ mile; thence, following U.S. Highway 83 in a northwesterly direction to where it intersects the La Perla farm east fence approximately 21⅛ miles; thence, following the east fence of the La Perla farm in a northerly direction to where it intersects the south fence of the Tejones farm, approximately 2¼ miles; thence, following the east fence of the Tejones farm in a northerly direction to where it intersects the south fence of the Akin farm, approximately 2¾ miles; thence, following the east fence of the Akin farm in a northerly direction to where it intersects the north fence of the Akin farm, approximately ⅝ mile; thence, following the north fence of the Akin farm in a westerly direction to where it intersects U.S. Highway 83, approximately 1¼ miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the southeast corner of the H. B. Zachary ranch, approximately 5 miles.

(e) That portion of Webb County lying south and west of the following-described line:

Beginning at a point where U.S. Highway 83 intersects the Webb-Zapata County line, at the southeast corner of the H. B. Zachary ranch double fence; thence, following the south double fence of the H. B. Zachary ranch in a westerly direction to where it intersects the east double fence of the Olsen farm, approximately 3⅛ miles; thence, north along the east double fence of the Olsen farm to the northeast corner of same, approximately ¾ mile; thence, west along the north double fence of the Olsen farm to where it intersects the H. B. Zachary ranch double fence, approximately ¼ mile; thence, following the meanderings of the H. B. Zachary ranch double fence along the Rio Grande river in a northwesterly direction to where it intersects the east double fence of the Vela farm approximately 8 miles; thence, in a northerly direction along the east double fence of the Vela farm to where it intersects the Norman Clark farm south double fence line, approximately ¼ mile; thence, along the south double fence of the Norman Clark farm in an easterly direction to where it intersects Zapata-Laredo Highway 83, approximately 5 miles; thence, following the Zapata-Laredo Highway 83 in a northerly direction to where it intersects the north fence of the Dr. L. A. Wright ranch, approximately 11 miles; thence, following the north fence of the Dr. L. A. Wright ranch in an easterly direction to a corner in this fence, approximately ¾ mile; thence, north along this same fence line to the Wormser Road, approximately ¾ mile; thence, crossing Wormser Road and following the continuation of this fence in a northerly direction, which is now the west fence line of the Salvador Vasquez farm, to the northwest corner of the same, approximately ¾ mile; thence, following the north fence of the Vasquez farm in an easterly direction to where it intersects the west fence of the Gill ranch, approximately ⅜ mile; thence, north on the Gill ranch west fence in a northerly direction to where it intersects the Hebbronville-Zapata Highway cutoff road, approximately ⅜ mile; thence, following the Hebbronville-Zapata cutoff road in an easterly direction to where it intersects the Laredo-Hebbronville Highway, approximately 1½ mile; thence, west along Laredo-Hebbronville Highway to where it intersects the west fence of the Benavides farm, approximately 75 yards; thence, north along the west fence of the Benavides farm to a corner, approximately ½ mile; thence, east along the north fence of the Benavides farm to where it intersects the west fence of the Ricardo Chavana rodeo grounds, approximately ⅛ mile; thence, north along the west fence of the Ricardo Chavana rodeo grounds to where it intersects the Tex-Mex Railroad right-of-way, approximately ½ mile; thence, east along the Tex-Mex Railroad right-of-way to where it intersects the west fence of the A. M. Bruni estate and O. W. Killam ranch, approximately ½ mile; thence, north along the west fence of the O. W. Killam ranch to where it intersects the north fence of the O. W. Killam ranch, approximately ¾ mile; thence, following the north fence of the O. W. Killam ranch in an easterly direction to a corner in this fence, approximately ¼ mile; thence, north along this same fence to the northwest corner of the O. W. Killam ranch, approximately ⅝ mile; thence, east along the north fence of the O. W. Killam ranch to a corner where the same fence turns north, approximately 1½ miles; thence, north along this same fence to a corner, approximately ⅜ mile; thence, east along this same fence to where it intersects the west fence of the winch trap, approximately 100 yards; thence, north along the west fence of the winch trap to a corner, approximately 100 yards; thence, west to the southwest corner of the winch trap, approximately 100 yards; thence, north along the west fence of the winch trap to where it intersects the south fence of the O. W. Killam ranch, approximately ⅜ mile; thence, west and across the Freer-Laredo Highway along the south fence of the O. W. Killam ranch, to where it intersects the Casa Blanca lake, approximately 1¼ miles; thence, after crossing Casa Blanca lake there is an offset of ¼ mile to the north on this south fence of the O. W. Killam ranch; thence, continuing west along the south fence of the O. W. Killam ranch to where it intersects the east fence of the Laredo Air Force Base, approximately ¼ mile; thence, north along the east fence of the Laredo Air Force Base to where it intersects the north fence of the Laredo Air Force Base, approximately 1⅜ miles; thence, west along the north fence of the Laredo Air Force Base to where it intersects the Laredo Air Force Base Road, approximately ⅜ mile; thence, along the Laredo Air Force Base Road in a northeasterly direction to where it intersects the south fence of the Quiote ranch, approximately 2¾ miles; thence, following this fence in a northwesterly direction to a corner, approximately 100 yards; thence, following same fence in a southerly direction to a corner, approximately ¼ mile; thence, following this same fence in a northwesterly direction to where it intersects the south fence of the Farias porcion, approximately 1½ miles; thence, west along the south fence of the Farias porcion to where it intersects U.S. Highway 83, approximately 3¼ miles; thence, following U.S. Highway 83 in a northerly direction to where it intersects the north fence of the Farias farm, approximately 1¾ miles; thence, west along the north fence of the Farias farm to where it intersects the southeast corner of the Laredo Municipal Airport fence, approximately 1½ miles; thence, north along the east fence of the Laredo Municipal Airport to the northeast corner of same, approximately ½ mile; thence, west along the north fence of the Laredo Municipal Airport to where it intersects the Laredo-Eagle Pass Road, approximately ¼ mile; thence, following this road in a northerly direction to where it intersects the south fence of the Dolores Ranch of Charles W. Dick, approximately 14⅗ miles; thence, following the double south fence (this Dolores ranch is double fence, 60 foot dead space on the south, west, north and east) of the Dolores ranch in a westerly direction to where it turns north, approximately 1½ miles; thence, following the west double fence of this ranch in a northerly direction to where it turns east, approximately 3½ miles; thence, following the north double fence of this ranch in an easterly direction to where it intersects the Laredo-Eagle Pass Road, approximately 1¼ miles; thence, north along this road to where it intersects the Webb-Maverick County line, approximately 43⅘ miles.

(f) That portion of Maverick County lying west of the following-described line:

Beginning at a point where the Laredo-Eagle Pass Road intersects the Webb-Maverick County line, following this Laredo-Eagle Pass Road to where it intersects the south fence of the John A. Wuensche feed lot (Wuensche feed lot is double fenced with a 20 foot dead space), approximately 18½

miles; thence, southwest along the south double fence line of feed lot to the southwest corner, approximately ¼ mile; thence, along the west double fence of feed lot, to the northwest corner, approximately ¾ mile; thence, along the north double fence of feed lot to where it intersects the Laredo-Eagle Pass Road, approximately 200 yards; thence, following the Laredo-Eagle Pass Road in a northwesterly direction to where it intersects the northeast corner of the Eidson farm, approximately 23¾ miles; thence, following the north fence of the Eidson farm in a westerly direction and across the Eidson Drive Road to the north fence of the Thompkins ranch, approximately ¼ mile; thence, along the north fence of the Thompkins pasture in a westerly direction to a corner, approximately ¼ mile; thence, south along same fence to a corner, approximately ½ mile; thence, following the north fence of Thompkins pasture in a westerly direction to the southeast corner of the Tom Bowles pasture, approximately ¼ mile; thence, north along the east fence of Tom Bowles pasture in a northerly direction to a corner, approximately ¼ mile; thence, following the north fence of the Tom Bowles pasture in a westerly direction to a corner, approximately ½ mile; thence, north along the same fence to a corner, approximately 200 yards; thence, following the north fence of Bowles pasture in a westerly direction to where it intersects the Eagle Pass City Vega fence, approximately ½ mile; thence, following the meanderings of the Eagle Pass City Vega fence in a northerly direction to where it intersects the south fence of the Jack Spence premises, approximately 1½ miles; thence, following the fence around the Jack Spence premises in a northeasterly direction to where it intersects the southeast corner of the Meyers Vega fence, approximately ½ mile; thence, following the east fence of the Meyers Vega fence in a northerly direction to where it intersects the south fence of the Mrs. Pascal De Bona pasture, approximately ¾ mile; thence, following the south fence of the De Bona pasture in an easterly direction to where it intersects the Eagle Pass-Del Rio Highway, approximately ⅞ mile; thence, following the Eagle Pass-Del Rio Highway in a northerly direction to where it intersects the south fence of the Beer Joint trap, approximately 9¾ miles; thence, following the south fence of the Beer Joint trap in a westerly direction to the southwest corner of the same, approximately ½ mile; thence, north along the west fence of the Beer Joint trap to where it intersects the C.P.&L. Power Plant Road, approximately ½ mile; thence, following the C.P.&L. Power Plant Road in a westerly direction to where it intersects the Maverick County main canal, approximately 1⅛ miles; thence, following the meanderings of this canal in a northerly direction to where it intersects the Maverick County quarantine fence, approximately 3 miles; thence, following this quarantine fence in a northwesterly direction to where it intersects the Everett Townsend ranch fence, approximately 9 miles; thence, following the east fence of the Townsend ranch in a northerly direction to where it intersects U.S. Highway No. 277, approximately ¾ mile; thence, following U.S. Highway No. 277 in a northerly direction to where it intersects the Maverick-Kinney County line, approximately 6 miles.

(g) That portion of Kinney County lying west of the following-described line:

Beginning at a point where U.S. Highway No. 277 intersects the Maverick-Kinney County line, following U.S. Highway No. 277 in a northerly direction to where it intersects the Kinney-Val Verde County line at Sycamore Creek, approximately 9½ miles.

(h) That portion of Val Verde County lying south and west of the following-described line:

Beginning at a point where U.S. Highway No. 277 intersects the Kinney-Val Verde County line at Sycamore Creek, following U.S. Highway No. 277 in a northerly direction to the north corner of the W. L. Moody ranch silo pasture, adjacent to the Del Rio townsite, approximately 4½ miles; thence, following the Moody ranch north fence in a westerly direction to where it intersects the South Loop Road at a corner post, approximately 3 miles; thence, following the South Loop Road or city boundary line in a northerly direction to where it intersects the Southern Pacific Railroad, approximately 3¼ miles; thence, following the Southern Pacific Railroad in a northerly direction to a point on the bank of the Rio Grande River known as the Hanging Rock of the Southern Pacific, approximately 3¼ miles. (There is a narrow shelf, railroad bed width, extending from Hanging Rock to Devil's River that is not passable to livestock.)

(Sec. 2, 32 Stat. 792, Ch. 30, 45 Stat. 59; 21 U.S.C. 111. Interprets or applies secs. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 120, 117, 112, 113, 123, 125)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment includes certain additional portions of Texas within the area quarantined because of splenetic or tick fever. Hereafter, the restrictions pertaining to the interstate movement of certain animals and materials from or through such quarantined area, contained in 9 CFR Part 72, will apply thereto.

The amendment also excludes certain portions of Texas from the area quarantined because of that disease. Hereafter, the restrictions pertaining to the interstate movement of certain animals and materials from such quarantined area, contained in 9 CFR Part 72, will not apply thereto. However, the other restrictions on the interstate movement of certain animals and materials because of that disease, contained in said Part 72, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of splenetic or tick fever, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of August 1960.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 60-7265; Filed, Aug. 3, 1960; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Maximum Loan Value; Margin Required for Short Sales

1. Effective July 28, 1960, § 220.8 (the Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 30 percent of its current market value.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d)(3), as margin required for short sales of securities (other than exempted securities) shall be 70 percent of the current market value of each such security.

(c) *Retention requirement for general accounts.* In the case of a general account which would have an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, the "retention requirement" of a registered security (other than an exempted security), pursuant to § 220.3(b)(2), shall be 50 percent of its current market value.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the Act.

(b) The notice and public procedure described in section 4(a) and 4(b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4(c) of such Act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2(e) of the Board's rules of procedure (Part 262 of this chapter).

(Secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-7219; Filed, Aug. 3, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 415; Amdt. 186]

PART 507—AIRWORTHINESS DIRECTIVES

Beech C45 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification to certain Beech C45 Series aircraft was published in 25 F.R. 5106.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to all Beech Model C45G, C45H, TC45G, and TC45H airplanes which have been converted from military status to civil certification.

Compliance required not later than October 1, 1960.

The emergency position switch of the electrical turn and bank indicator that bypasses the master switch arrangement contrary to CAR 3.688, must be removed. The live wire connected to the switch must be disconnected at the battery terminal and either removed from the airplane or carefully insulated and secured.

Passenger seats (P/N 734-183302) which partially block the emergency exit must be removed, relocated, or reversed to provide a clear and unobstructed opening as required by CAR 3.387. Two configurations of seat P/N 734-183302 were delivered to the military only one of which has been structurally substantiated for aft facing mounting. This seat can be identified by the triangular shaped closed rear leg formed from 2 sheets of .040 alal with a long stiffening bead on the outer face of the leg. FAA approval must be obtained for any modification of the seating arrangement, other than removing or reversing (if applicable) the obstructing seat.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7209; Filed, Aug. 3, 1960; 8:45 a.m.]

[Reg. Docket No. 463; Amdt. 185]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-6 Series Aircraft

AD 59-13-6, 24 F.R. 5635, was based on information contained in the manufacturer's service bulletin dated March 13, 1959. Subsequent to the adoption of AD 59-13-6, a corrected service bulletin was issued changing the applicability of such bulletin by deleting DC-6A aircraft Serial Numbers 44074 and 44075, DC-6B aircraft Serial Number 43742, and by adding DC-6 aircraft Serial Number 43152 and DC-6B aircraft Serial Number 43548 which are, however, not currently under U.S. registry. AD 59-13-6 is being amended by deleting aircraft Serial Numbers 44074 and 44075 from the applicability provision. However, this AD will not be applicable to aircraft Serial Numbers 43152 and 43548 until such time as application is made for recertification of the aircraft in the U.S. An appropriate note to this effect is contained in the AD.

Since this amendment constitutes a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

Amendment 30, AD 59-13-6, Douglas DC-6A and DC-6B aircraft as it appeared in 24 F.R. 5635, is amended:

1. By deleting DC-6A Serial Numbers 44074 and 44075 and DC-6B Serial Number 43742 from the applicability statement.

2. By changing the date of Douglas Service Bulletin DC-6 No. A-821 in the final parenthetical paragraph from March 13, 1959, to March 19, 1960.

3. By adding a note at the end thereof to read as follows:

NOTE: This AD is not presently applicable to aircraft Serial Numbers 43548 and 43152 since they are not currently under U.S. registry. However, compliance with this AD will be required at the time application is made for recertification of such aircraft in the U.S.

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7210; Filed, Aug. 3, 1960; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55168]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

Notices of Probable Increased Duties

Presently the form used by appraisers in notifying importers of probable increases varies from district to district and is reproduced locally. It has been determined that sufficient quantities of these forms are used annually to make centralized printing and distribution more economical and desirable. Therefore, customs Form 5555 has been designed for this purpose and § 8.29(c) of the Customs Regulations is amended by deleting ", on such form as may be appropriate at the port, and specify" in the first sentence of the said provision and substituting therefor; "on customs Form 5555, specifying".

(R.S. 161, as amended, sec. 499, 46 Stat. 728, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1499, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 27, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7244; Filed, Aug. 3, 1960; 8:51 a.m.]

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Maximum Loan Value of Stocks

1. Effective July 28, 1960, § 221.4 (the Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 Supplement.

(a) *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 30 percent of its current market value, as determined by any reasonable method.

(b) *Retention requirement.* For the purpose of § 221.1, in the case of a loan which would exceed the maximum loan value of the collateral following a withdrawal of collateral, the "retention requirement" of a stock, whether or not registered on a national securities exchange, shall be 50 percent of its current market value, as determined by any reasonable method.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the Act.

(b) The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4(c) of such Act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2(e) of the Board's rules of procedure (Part 262 of this chapter).

(Secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-7220; Filed, Aug. 3, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86-139 As It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the authority provided in Public Law 86-139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food and Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The lists previously published in § 120.35 are amended by adding thereto the following item:

§ 120.35 Extension of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Magnesium chlorate	On sorghum (milo) as a desiccant and defoliant.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86-139 (73 Stat. 388; 7 U.S.C. 135, et seq.))

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7236; Filed, Aug. 3, 1960; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1786; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied. *It is ordered*, That the food additive regulations (24 F.R. 2434, 25 F.R. 343, 404, 1074, 1727, 1944, 2203, 2837) be amended by inserting in § 121.86 the following new items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemption from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
* * *	* * *	* * *
p-Aminobenzoic acid	30 milligrams per day	Dietary supplement.
Betaine hydrochloride	100 milligrams per day	Do.
Citrus bioflavinoids (including hesperidin).	60 milligrams per day	Do.
Iron chlorophyllin	2.5 milligrams per day	Do.
Liver-stomach concentrate (with intrinsic factor complex).	125 milligrams per day	Do.
DL-Methionine	200 milligrams per day	Do.
Rutin	50 milligrams per day	Do.
Titanium dioxide	0.5 percent	As a pigment in capsules and tablets.
Menadione	1 milligram per day	Dietary supplement.
Menadione sodium bisulfite	1 milligram menadione per day.	Do.
Copper (from copper sulfate, copper chloride cupric oxide).	10 milligrams copper per day	Dietary supplement.
Cobalt (from cobalt gluconate, cobalt sulfate, cobalt chloride, cobalt carbonate).	1.0 milligram cobalt per day	Do.
Iron (from ferrous fumarate)	115 milligrams iron per day	Do.
Iodine (from kelp, potassium iodide, potassium iodate).	0.7 milligram iodine per day	Do.
Nickel (from nickel sulfate)	1.0 milligram nickel per day	Do.
Boron (from sodium borate, boric acid)	0.03 milligram boron per day	Do.
Fluorine (from sodium fluoride, potassium fluoride, calcium fluoride).	0.5 milligram fluorine per day.	Do.
Molybdenum (from sodium molybdate, molybdenum trioxide, molybdenum sesquioxide, ammonium molybdate).	2.0 milligrams molybdenum per day.	Do.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7231; Filed, Aug. 3, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education and Welfare (23 F.R. 9500, 25 F.R. 5611), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 (25 F.R. 343, 404, 1074, 1727, 1944, 2203, 2837, 3525) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of one year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
Acetone	30 parts per million	As a residual solvent in manufacture of spice oleoresins.
Butoxy polyethylene polypropylene glycol, 2500-2600 molecular weight.	2 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.

Product	Limits	Specified uses or restrictions
Disodium calcium ethylenediamine tetraacetate dihydrate.	35 parts per million 110 parts per million	As a sequestrant in carbonated beverages As a sequestrant in nonstandardized dressings.
Disodium dihydrogen ethylenediamine tetraacetate dihydrate.	100 parts per million 200 parts per million	Do. As a sequestrant in vinegar.
Disodium ethylenediamine tetraacetate	do	As a sequestrant in trace mineral-fortified animal feeds.
Fucellaria fastigiata, aqueous extract of		As a gum used in foods.
Hexane	25 parts per million	As a residual solvent in manufacture of spice oleoresins.
Hydrocarbon oil (deodorized), kerosene aliphatic type.	30 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.
Isopropanol	50 parts per million	As a residual solvent in manufacture of spice oleoresins.
Methanol	do	
Methylene chloride	30 parts per million	
N-Monomethylamide of 0,0-dimethyldithiophosphoryl-acetic acid.	1.0 part per million	As a residue in processed olives and olive oil.
Morpholine	3 parts per million	As a constituent of coating on fruits and vegetables.
Polyethylene glycol 400 tallow diester	3 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.
Polyethylene glycol 800 ester of cottonseed oil fatty acids.	500 parts per million	As a solubilizing agent in pickles.
Polyethylene glycol ester of mixed fatty acids from tall oil (abietic, oleic, linolenic), average molecular weight 1050.	2 parts per million in extraction liquor.	As a defoaming agent in manufacture of beet sugar.
Polypropylene glycol, average molecular weight 2000.		
Sodium nitrate or a combination of sodium nitrate and sodium nitrite. Do.	200 parts per million, as sodium nitrite.	In smoked, cured fish as a preservative. In meat-curing salt under directions for use that will result in residues of not more than 200 parts per million, calculated as sodium nitrite, in home-cured meat.
Soybean and cottonseed fatty acids (palmitic, stearic, oleic, linoleic, linolenic, myristic).	25 parts per million	As a defoaming agent in manufacture of beet sugar.
Trichloroethylene	30 parts per million	As a residual solvent in manufacture of spice oleoresins.

2. Section 121.87 (25 F.R. 1727, 1772, 2203, 2395, 3526, 4079, 4505, 5339) is amended by adding to paragraphs (a) and (c) the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) *General list.* * * *

Product	Limits	Specified uses or restrictions
* * *	* * *	* * *
Gum rosin		In cotton bagging for dry food packaging.
Nylon resin (polyhexamethylene adipamide), average molecular weight 18,000.		In milk-processing equipment.
Nylon resin (polyhexamethylene sebacamide, average molecular weight 18,000).		Do.
Polyvinyl alcohol and polyvinyl alcohol with melamine formaldehyde resin.	Not to exceed 1.2 parts per million in milk.	From use as binders in fiber milk-filter discs.
Polyethylene glycol 200 dilaurate		As a constituent of defoaming agent used in manufacture of food-packaging materials.
Sodium alkyl (tertiary butyl; tertiary amyl; isopropyl and ethyl; hexyl, heptyl and octyl) benzene sulfonates.		In coating and adhesives used in food packaging.
Sodium O-phenyl phenate		As a constituent of defoaming agent used in manufacture of food-packaging materials.

* * * * *

(c) *Substances migrating from adhesives used in food packaging.*

* * * * *

N-Acetylethanolamine.
Aminomethylpropanol.
Ammonium borate.
Ammonium sulfamate.
2,5-di-*tert*-Amylhydroquinone.
Antimony oxide.
Balata rubber.
Barium peroxide.
p-Benzyloxyphenol.
Bisphenol A (polybutylated) mixture.
di-Butoxy ethyl phthalate.
Butoxy polypropylene glycol.
di-Butylmaleate.
Butyldecylphthalate.
4,4-thiobis-6-*tert*-Butyl-*m*-cresol.
2,6-di-*tert*-Butyl-4-methylphenol.
Butyloctyl phthalate.
Butylphthalyl butyiglycolate.
Butyl rubber dispersion.
Butyl titanate (polymerized).
Calcium nitrate.
Chlorinated rubber (natural rubber containing approximately 67% chlorine).
tri-β-Chloroethyl phosphate.
Cresyldiphenylphosphate.
Cyclohexanone and formaldehyde condensate.
N-Cyclohexyl *p*-toluene sulfonamide.
Diethyleneglycol hydrogenated tallowate, monoester.
Dimethyl formamide.
Dinonylphenol.
Diphenyl and terphenyl, hydrogenated.
Ethylene dichloride.
di-(2-Ethylhexoate).
di-2-Ethylhexyl adipate.
2-Ethylhexyldiphenylphosphate.
Ethyl-*p*-hydroxybenzoate.
Ferric chloride.
Fish glue.
Formaldehyde-reacted starch.
Formaldehyde o- and *p*-toluene sulfonamide.
Furfural.
Furfuryl alcohol.
Glyceryl borate, modified (glycol bori-borate resin).
Glyceryl monohydroxy stearate.
Glyceryl monohydroxytallowate.
Hydroquinone monobenzyl ether.
di-Isodecyl adipate.
di-Isobutyl phthalate.
di-Isodecyl phthalate.
4,4'-Isopropylidenediphenol (polybutylated) mixture.
Japan wax.
Lauryl pyridinium salt of 5-chloro-2-mercaptobenzothiazole.
Limed wood resin.
Magnesium oxide.
Manganese acetate.
Melamine-formaldehyde.
Methylethyl ketone and formaldehyde condensate.
1-Methyl-2-hydroxy-4-isopropyl benzene.
Methyl salicylate.
Monochlorobenzene.
Myristochromic chloride.
di-β-Naphthyl-*p*-phenylenediamine.
2-Nitropropane.
Nonyl phenolethylene oxide condensates (with 40 mols ethylene oxide).
di-*n*-Octyldecyl adipate.
Octyldecyl phthalate.
Octylphenol.
Octyphenoxyethanols.
Paraffin wax (70% chlorinated).
Petroleum hydrocarbon resins manufactured by copolymerization of dienes and olefins from low boiling cracked petroleum stocks.
Phenyl-β-naphthylamine (free of β-naphthylamine).
o-Phenylphenol.
β-Pinene, polymerized.
β-Pinene, resin.
Pine oil.
Polyethylene glycol 400 stearate.
Polyethylene glycol 600 dioleate.
Polyethylene glycol 600 oleate.
Polymeric esters of polyhydric alcohols and polycarboxylic acids prepared from glycerin and phthalic anhydride and modified with vegetable oils (soybean, linseed, castor, coconut), benzoic acid, rosin, styrene, vinyl toluene.
Polyoxyethylated nonyl phenol.
Polypropylene glycol 1200.
Polyvinyl ethyl ether.
Polyvinyl pyrrolidone.
Potassium permanganate.
Potassium sodium tartrate.
Potassium tripolyphosphate.
Propylene glycol monolaurate.
Quaternary ammonium chloride (hexadecyl, octadecyl, octadecenyl derivative).
Salicylic acid.
Sodium chlorite.
Sodium α-naphthalene sulfonate.
Sodium chromate.
Sodium heptadecyl sulfate.
Sodium hypochlorite.
Sodium mercaptobenzol.
Sodium pentachlorophenate.
Sodium polystyrene sulfonate.
Stearic acid.
Stearyl dimethyl-benzyl ammonium chloride.

Styrene-butadiene rubber.
Styrene with maleic anhydride copolymers.
Sulfated rice bran oil.
Sulfur.
Tall oil.
Tallow, sulfated.
Tetrahydro furfuryl alcohol.
o- and p-Toluene sulfonamide.
1,1,1-Trichloroethane.
Triethyleneglycol di-(2-ethyl) hexoate.
Triethylphosphate.
Triphenylphosphate.
Trisodium ethylenediaminetetraacetate monohydrate.
Zein.
Zinc acetate.
Zinc ammonium chloride.
Zinc chloride.
Zinc dibutyldithiocarbamate.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7234; Filed, Aug. 3, 1960; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Foods For Human Consumption

CALCIUM DISODIUM ETHYLENEDIAMINETETRAACETATE; PERMITTED ADDITION TO CERTAIN FOODS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dow Chemical Company, Midland, Michigan, and other relevant material has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive calcium disodium ethylenediaminetetraacetate. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (24 F.R. 9500, 25 F.R. 5611): *It is ordered*, That subpart D be amended by adding thereto the following new section:

§ 121.1017 Calcium disodium ethylenediaminetetraacetate (calcium disodium (ethylenedinitrilo) tetraacetate; calcium disodium EDTA).

The food additive calcium disodium ethylenediaminetetraacetate may be used as a preservative in sandwich spread, nonstandardized dressings and sauces, and as an antigushing ingredient in fermented malt beverages in accordance with the following prescribed conditions:

(a) The additive contains a minimum of 99.0 percent by weight of the dihydrate $C_{10}H_{14}O_8N_2CaNa_2.2H_2O$.

(b) It is used or intended for use in the following foods at not to exceed the levels indicated, calculated as the anhydrous compound:

	Parts per million
Fermented malt beverages	25
Nonstandardized dressing and sauces	75
Sandwich spread	100

(c) To insure safe use of the additive, the label and labeling of the food additive shall bear, in addition to the other information required by the act:

(1) The name of the additive, calcium disodium ethylenediaminetetraacetate, or, in lieu thereof, the proposed common name calcium disodium EDTA, followed by the chemical name in parentheses.

(2) Adequate use directions to provide a final food product that complies with the limitations provided in paragraph (b) of this section:

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7235; Filed, Aug. 3, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Myakka River, Florida

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (i)(3) to change the name of the river to Myakka River and to exclude the highway drawbridge across Myakka River near Charlotte Beach, Fla., the bridge having been removed from the waterway, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(3) Myakka River, Fla.; railroad drawbridge near Charlotte Beach. At least 36 hours' advance notice required.

[Regs., July 25, 1960, 285/91 (Myakka River, Fla.)-ENGCW-0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-7205; Filed, Aug. 3, 1960; 8:45 a.m.]

PART 203—BRIDGE REGULATIONS

White River, Arkansas

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.560 is hereby amended with respect to paragraph (f)(20) to change the name of the recipient of the notice to open the Missouri Pacific Railroad Company bridge across White River near Augusta, Ark., as follows:

§ 203.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) *Lower Mississippi River.* * * *

(20) White River, Ark., Missouri Pacific Railroad Company bridge near Augusta. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice for openings on Saturday and Sunday. Notice to be given to the Dispatcher, Missouri Pacific Lines, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

[Regs., July 20, 1960, 285/91 (White River, Ark.)-ENGCW-0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-7206; Filed, Aug. 3, 1960; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATIONS AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Determination of Excessive Draft

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR

4.11 as adopted by Canal Zone Order 30, January 6, 1953 (18 F.R. 280), § 4.3a *Determination of excessive draft* of such title is revoked.

Issued at Balboa Heights, Canal Zone, July 19, 1960.

[SEAL] W. A. CARTER,
Governor.

[F.R. Doc. 60-7230; Filed, Aug. 3, 1960; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Lake Mead National Recreation Area, Nevada; Mineral Leasing

The following reference is added at the end of § 7.48, Chapter I, Title 36, CFR.

§ 7.48 Lake Mead National Recreation Area.

* * * * * *

REFERENCE: Leases for minerals in lands withdrawn for reclamation purposes within Lake Mead National Recreation Area are subject to the laws and regulations of the Bureau of Land Management as set forth in § 199.70 through and including § 199.81, Chapter I, Title 43, Code of Federal Regulations.

This reference is published herewith so that the public may be informed that such has been and is the case since August 10, 1955.

CHARLES A. RICHEY,
Superintendent,
Lake Mead National Recreation Area.

[F.R. Doc. 60-7225; Filed, Aug. 3, 1960; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGIC PRODUCTS

Additional Standards for Poliomyelitis Vaccine

On June 25, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER proposing two amendments to the Additional Standards for Poliomyelitis Vaccine. One amendment corrects a technical error and permits the omission under certain conditions of the filtration process during inactivation of the virus. The other amendment prohibits the release of any lot unless it is one of a series of five consecutive lots, all of which have shown negative results with respect to the presence of live polio virus. Views and arguments respecting the proposed amendments were invited to be submitted and notice was given of intention to make such amendments effective upon their publication in the FEDERAL REGISTER.

One manufacturer submitted comments expressing agreement in principle with the proposed amendments. After consideration it has been determined that no further changes are indicated. Accordingly, the following amendments to Part 73 of the Public Health Service Regulations are hereby adopted to become effective on the date of publication in the FEDERAL REGISTER.

1. The last sentence of § 73.101(d) is amended to read as follows: "Filtration equivalent to that described in paragraph (b) of this section shall be performed after the estimated base-line time (time at which the 50 percent end-point reaches one tissue culture infective dose per milliliter), but prior to sampling for the first single strain tissue culture test required in § 73.102(b), except that this filtration may be omitted for strains of a virulence for monkeys equal to or less than that of the MEF-1 Type 2 strain of poliovirus."

2. The last sentence of § 73.104(a) is amended to read as follows: "In addition, no lot of final vaccine shall be released unless it is one of a series of five consecutive lots produced by the same manufacturing process, all of which have shown negative results with respect to all tests for the presence of live poliovirus, and unless each of the monovalent pools of which a polyvalent final vaccine is composed similarly is one of a series of five consecutive monovalent pools of the same type of inactivated poliovirus, all of which have shown negative results in all tests for the presence of live poliovirus."

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply section 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: July 22, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: July 28, 1960.

PARKE M. BANTA,
Acting Secretary.

[F.R. Doc. 60-7240; Filed, Aug. 3, 1960; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

Donations

Section 13.5 *Donations of personal property*, of Part 13, Title 45 CFR is hereby amended by striking out the references to "§ 13.8" and "§ 13.9" each time they appear in paragraphs (a), (c), and (d), and substituting therefor "§ 13.9" and "§ 13.10" respectively.

Dated: July 29, 1960.

[SEAL] PARKE M. BANTA,
Acting Secretary.

[F.R. Doc. 60-7239; Filed, Aug. 3, 1960; 8:50 a.m.]

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

Terms and Conditions Applicable to Transfers or Retransfers of Donable Property

F.R. Doc. 60-6560, published July 14, 1960, the word "respect" in the second line of the third column on page 6622 (in the second sentence of § 13.9(a)(4)) is changed to read "receipt".

Dated: July 29, 1960.

[SEAL] PARKE M. BANTA,
Acting Secretary.

[F.R. Doc. 60-7238; Filed, Aug. 3, 1960; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12116; FCC 60-967]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Operation of Low Power Television Broadcast Repeater Stations

1. On December 2, 1959, the Commission adopted a notice of further proposed rule making in the above-entitled matter (FCC 59-1211) setting forth proposed rules to govern the operation of low power TV broadcast translators in the VHF television bands and certain other modifications of the present rules governing such operation in the UHF television band. This proceeding was instituted pursuant to requests for reconsideration of the Commission's decision of December 30, 1958, in this same Docket (FCC 58-1255) which declined to provide for the licensing of low power TV repeater devices in the VHF television bands. Interested parties were given until January 11, 1960, to file comments on the proposed rules and until January 21, 1960, to file replies to those comments.

2. The Commission has always been concerned with the problem of bringing television service to all sectors of the nation, both in large cities and in sparsely settled regions. One of our basic functions under section 1 of the Communications Act is to regulate interstate commerce in radio communication "so as to make available, so far as possible, to all the people in the United States, a rapid, efficient, nation-wide * * * radio communication service". As the United States Court of Appeals has said (C.J.

Community Services, Inc. v. F.C.C., 246 F. 2d 660), "it is the clear duty of the Commission to devise through its rule making authority, the basis upon which 'all the people of the United States' may receive service through a licensed station". Much of our time in the past few years has been spent on this problem and on efforts to resolve it in a manner consistent with our overall responsibilities under the Communications Act. In view of the very limited availability of VHF channels and because VHF channel assignments have virtually saturated these channels under the standard requirements for minimum geographic separation, the Commission determined in 1956 to authorize a new type of service—UHF translators—as an additional means of providing service to sparsely settled areas. Nonetheless, the Commission, still responsive to petitions by proponents of VHF repeaters, continued its study of the problems involved in the licensing of such a service under standards and conditions reduced to the barest minimum consistent with the need for protection against interference to other television services. UHF translator facilities were still found to be the most satisfactory method of bringing television service to sparsely settled regions. Coincident with this determination, made on December 30, 1958, the Commission issued a public notice calling for the gradual termination of operation of existing unlicensed VHF repeaters or their conversion to licensed operation under the UHF translator rules. To remove a legal obstacle to the licensing of such facilities in the event the interference problems in VHF operations were resolved, the Commission proposed to the Congress in June 1959, the enactment of legislation to amend section 319 of the Communications Act so as to eliminate obstacles to the licensing of facilities the construction of which was started prior to the issuance of a construction permit. Thereafter, the Commission continued its examination of the problems associated with the licensing of low power repeater stations in the VHF band and endeavored to re-evaluate these problems in the light of the foreseeable advantages and disadvantages which might flow from the licensing of VHF translators under a number of alternative sets of technical and operating conditions. This culminated in the adoption on December 2, 1959, of a notice of further proposed rule making with reference to the licensing of low power VHF translators. We indicated therein that it was obvious that the more restricted and rigid were technical and operating requirements to be drawn, the greater protection they would afford against the interference and other undesirable results which might flow from the licensed operation of repeaters in the VHF band. We also recognized that the more such requirements were to be relaxed, the lower would be the costs of construction and installation of new equipment and of conversion of existing facilities to licensed operation. Our proposed rules endeavored to seek a balance between extremes and reflected our view as to such a balance. We recognize, from our own long-term study of this matter and from the comments submitted by interested parties, that there exists today no obvious and simple solution to the problems involved in licensing operation of VHF translators. We are still of the opinion that the extremely limited availability of VHF channels for all broadcasting contains within itself a substantial deterrent to the ability of VHF translators, as against UHF translators, to serve as a broad vehicle for providing service to sparsely settled areas. Nonetheless, we are persuaded to the view that the licensed operation of VHF translators under the rules and restrictions adopted herein would be in the public interest as another technique by which television service may be brought to more and more of our nationwide population.

3. Section 4.701–4.784 will apply at the outset only to new VHF translators. There are reported to be several hundred unauthorized TV "repeaters" now in operation. The exact number is not known. These devices were installed and placed in operation without prior authority of the Commission. Under section 319 of the Communications Act the Commission could not license their operation. On July 7, 1960, an amendment to the Act removed this bar to the licensing of TV repeaters constructed on or before that date. The Commission recognizes that VHF repeaters then in operation will need a reasonable opportunity to request and obtain authorization to modify equipment now in use and to bring it into compliance with all regular requirements for the operation of VHF translators. This opportunity will be afforded on the following basis, which is provided for in § 4.790 of the rules adopted herein. No later than October 31, 1960 application must be made to the Commission for temporary authority to continue to operate the station. The Commission proposes to issue such authorizations upon the receipt of applications containing the basic information called for on FCC Form 347–A which will be issued shortly, and which is designed to insure that the basic statutory requirements are met. These include the requirement that written consent be obtained from the station whose programs are being rebroadcast (section 325(a) of the Communications Act) and the prohibition against issuance to aliens of a license for operation of a radio transmitter (section 310 of the Act). The temporary authorizations which it is proposed to issue upon the receipt and approval of applications so filed will permit the continued operation of existing devices until October 31, 1961. On or before that date all necessary steps must be taken to meet the requirements established in §§ 4.701 through 4.784 of the rules which contain the requirements applicable immediately to new VHF translators (i.e., all VHF translators which were not constructed on or before July 7, 1960). Additionally, existing stations eligible to obtain temporary authorization, under § 4.790 of the rules, for continued operation with their present equipment must, on or before February 1, 1961, file with the Commission an application for authorization to construct a station or modify existing equipment so as to comply with all of the requirements of §§ 4.701 through 4.784 of the rules. The legislation specifically empowering the Commission to license VHF repeater devices installed prior to an issuance of a construction permit applies only to repeaters constructed on or before July 7, 1960. Accordingly, no modification or new installation should be made until after the Commission has issued a construction permit authorizing it.

Impact of TV translators on TV broadcasting stations. 4. Most of the comments filed by licensees of television broadcast stations or organizations representing the broadcasting industry, expressed grave concern about the economic impact of TV translators on regular TV broadcast stations, particularly those operating in the smaller markets. Northeastern Pennsylvania Broadcasting, Inc., licensee of WNEP–TV, Channel 16, Scranton-Wilkes-Barre, Pennsylvania, avers that the unrestricted use of VHF translators in areas now served by UHF television broadcast stations poses an economic threat to UHF television stations. Where such translators would bring in the programs of distant VHF stations, the local station would be deprived of audience and advertising revenue. Although not unequivocally opposed to the authorization of VHF translators, Northeastern urges that VHF translators be excluded from the calculated Grade B service area of any UHF television broadcast station. Springfield Television Broadcasting Corporation, licensee of UHF television broadcast stations, WWLP, Channel 22, Springfield, Massachusetts, WRLP, Channel 32, Greenfield, Massachusetts, and WWOR, Channel 14, Worcester, Massachusetts, and also authorized to operate several UHF translators in Massachusetts and New Hampshire, likewise points out the serious economic effect that could result from the indiscriminate use of VHF translators in areas served by UHF television broadcast stations. Springfield cites its successful experience with UHF translators and is convinced that they are capable of providing good TV service to small remote communities. Springfield is not greatly concerned with the impact of UHF translators on UHF television broadcast stations since the diversion of audience which might result is offset to some extent by the stimulation of UHF receiver procurement which results in an overall increase in the potential UHF audience. Springfield contends that the Commission properly disposed of all arguments for VHF television repeaters in earlier proceedings and should not now revise its former position. If the Commission does so, Springfield urges that we at least forbid their use within the Grade B service areas of UHF television broadcast stations.

5. The concern about economic impact is not limited to UHF television station licensees. KLIX Corporation, licensee of KLIX–TV, Channel 11, Twin Falls, Idaho; Frontier Broadcasting Company, licensee of KSTF, Channel 10, Scottsbluff, Nebraska; the Curators of the University of Missouri, licensee of KOMU–TV, Channel 8, Columbia, Missouri; and the Association of Maximum Service Telecasters (AMST) all stress the importance of keeping VHF translators out of the service areas of existing TV broadcast stations. They feel that the diversion of audience and the duplication of programs carried by the local TV stations or the bringing in of programs from distant TV stations which might otherwise be carried by the local station would seriously impair their ability to obtain advertising revenue.

6. In reply comments, Washington State TV Reflector Association (WSTRA) argues that the Commission considered the matter of economic impact of TV translators in Docket No. 12443 and concluded that the problem could best be handled on a case-by-case basis. Insofar as the impact of VHF translators on UHF television broadcast stations is concerned, WSTRA asserted that the public must be permitted to decide whether it will watch a UHF television station or a VHF translator. WSTRA opposes any rule which would prohibit the use of VHF translators within the service area of a UHF station on the grounds that such a rule would allow the operator of a community antenna system to place an inferior UHF station in operation in a given area merely to prevent the use of TV translators and thereby deprive the public of the better programs that could be brought in by the translator. Van Curler Broadcasting Corporation, licensee of WAST–TV, Channel 13, Albany, New York, is opposed to an absolute prohibition against the use of VHF translators in areas served by 2 or more VHF television broadcast stations as was suggested by the Curators of the University of Missouri. Van Curler describes a coverage problem in Albany, New York, and feels that a VHF translator might offer a solution. Since Albany is served by 3 VHF stations, including WAST–TV, such a prohibition would prevent their using a VHF translator, KUTV, Inc., licensee of KUTV, Channel 2, Salt Lake City, Utah, would prohibit the duplication of programs carried by a local TV broadcast station. Tri-State TV Repeater Association, Livingston, Montana, disputes the claims that VHF translators would have an adverse economic effect on local TV broadcast stations. Tri-State argues that a TV broadcast station licensee would not grant permission for the rebroadcast of its programs by a TV translator operating in an area served by a local TV broadcast station.

7. The matter of economic impact said to be exerted upon regular TV stations by translators was studied in great detail in Docket No. 12443. There are two areas of public interest involved and in some cases they may not be compatible. The economic welfare of TV broadcasting stations is certainly a matter of public interest. The availability of more than one TV service is also a matter of public interest. As between TV broadcast stations, competition is generally to be encouraged because it usually results in better programming. On the other hand, competition for audience between a TV broadcast station representing a substantial investment and operating under strict technical requirements and a TV translator representing a modest investment and required to observe only minimal standards, may present problems. We have, however, found no way to write a rule of general applicability which would not be arbitrary. The only feasible way of meeting the problem is to consider each case on its merits. Applications for TV translators are listed in Public Notices issued by the Commission. Any interested party may oppose or file a protest to the grant of such an application under the procedures set forth in the Commission rules. TV station licensees who believe that the grant of a specific application would cause economic injury are privileged to state their opposition prior to the grant of an application. We have added a paragraph to § 4.732 which provides 30 days for the filing of comments before action is taken by the Commission. This, we believe, will prove to be a workable method for assessing the merits in individual cases. Therefore, we reject proposals which would by rule automatically restrict the use of TV translators because of the existence of a local TV station or stations.

Impact on the development of UHF television equipment. 8. Outright opposition to the licensing of VHF translators was expressed by Jerrold Electronics Corporation and Adler Electronics, Inc. Both of these parties, who are engaged in the manufacture of electronic equipment, say that although UHF translators as well as community antenna systems and "satellite" television broadcast stations have proved that they provide suitable and adequate means of bringing television reception to remote areas, the growing use of illegal TV repeaters and the uncertainty as to whether they would be licensed, has seriously retarded the full development of UHF transmitting and receiving equipment and has interfered with the installation of CATV systems and TV satellite stations. Jerrold refers to the development of a 1-watt UHF translator by Adler Electronics, Inc., which could be sold for $1,000 and to their own development of a UHF converter-antenna package which a receiver-owner could purchase for $25. These devices cannot be put into mass production so long as there is a threat of widespread VHF translator operation. Jerrold also states that the development of complete UHF broadcasting station package which would sell for as little as $65,000 has been slowed by the VHF "repeater" threat and would probably be abandoned if VHF translators are authorized. Jerrold recognizes the difficulty involved in eliminating the present illegal VHF "repeaters" and proposes that these stations be given non-renewable 5-year licenses, within which period they would abandon the VHF operation and obtain service either by means of UHF translators, CATV systems, or "satellite" TV stations.

9. Adler Electronics, Inc., disputes the allegations that UHF translators have proven inferior to VHF operations. Adler does not deny that "shadowing" is somewhat more pronounced at UHF than it is at VHF but avers that the impression created by proponents of VHF translators that VHF is virtually immune from "shadowing" is erroneous. Adler states that the more rapid attenuation of UHF signals with distance is an advantage, not a disadvantage. This characteristic reduces the interference range of a UHF translator greatly without seriously affecting its service range. The fact that over 250 UHF translators are operating successfully, chiefly in the rugged mountainous terrain of the far West and are providing reception superior to that provided by most VHF "repeater" installations, and that many communities which started with a single UHF translator have since obtained a second and third UHF translator, is living proof that UHF can do the job. Adler claims that the comparisons of cost made by the proponents of VHF translators are not fair. Present UHF translator equipment is designed for higher technical standards and higher power than the VHF equipment which is being used. The cost of UHF equipment made to lower standards and for lower power would compare favorably with similar VHF equipment. Adler goes on to say that if VHF equipment is not permitted to dilute the market, they will:

(1) Release from their development laboratories, equipment using newer techniques and in sufficiently large quantities to reduce the installation and operating costs of UHF translators while at the same time giving improved performance.

(2) Release for production a quantity of 1-watt UHF translators involving techniques for large quantity production which will permit it to be sold for no more than a VHF translator of equal performance.

(3) Speed up development now under way of a low-cost-all-UHF TV receiver with acceptable performance.

(4) Speed up development of a $20 UHF to VHF converter with antenna, for owner installation.

Adler urges that we decline to adopt the proposed rules but permit existing VHF "repeaters" to operate for no more than 5 years on a non-interference basis; that we require all future TV "repeaters" to operate on UHF channels; that we relax the present UHF translators rules further for translators employing 1 watt or less power, that we promulgate rules for a low-power TV broadcast service.

10. In reply comments WSTRA disputes claims by Adler and Jerrold that suitable UHF equipment can be developed or that such development depends upon a UHF "monopoly." WSTRA says that the demand for a "monopoly" proves that UHF is not as good as VHF and if it is ever proved that UHF can do the job as well and as economically as VHF, there will be no opposition to the use of UHF. WSTRA claims that UHF has proven unsatisfactory at Quincy and Manson, Washington. Quincy, they say, has spent thousands of dollars in an effort to make UHF work and are now considering scrapping their UHF investment and going back to VHF. R. W.

Gibson, attorney for Quincy Valley T–V, Inc., who operate 3 UHF translators at Quincy, Washington, filed a statement in this proceeding reporting that the 3 UHF translators at Quincy, which have been in operation for 8 months, are providing better picture quality, fewer maintenance problems, and fewer interruptions to service than the VHF equipment previously used. They state that although the initial cost of the UHF equipment was higher than the VHF equipment which it replaced, the additional cost is more than offset by the superior performance of the UHF equipment.

11. We have carefully considered the problem of the possible impact of VHF translator operation on the development of the UHF translator service and equipment. While we recognize that prohibiting VHF repeaters may create a market for many more UHF receivers and translators and might encourage improvement in receivers and reduce costs of UHF translator equipment, such a step might result in the loss of service to many very small communities which cannot afford the present UHF equipment. For this reason we are willing to permit the continued use of VHF equipment under carefully limiting conditions. However, in our view there are sufficient advantages to the UHF operation to eliminate any fears that the authorization of VHF operation will have a significantly adverse effect on the present or future growth of the UHF translator operations.

12. We have elsewhere in this document discussed the problem of interference which is inherent in the VHF operation but does not exist in the UHF. As a result, the room for expansion in the former is very limited while in the latter it is much greater. For this reason alone a totally satisfactory VHF repeater system cannot develop in the VHF band. UHF further offers the superiority of pictures relatively free from man-made and electrical noise and subject to very little "ghosting". Because of the lesser probability of interference the UHF can use greater power and so offers the opportunity for wider coverage. In many instances the UHF permits the use of simple and inexpensive receiving antennas as compared to the VHF where signals are of a very low level. Finally the UHF translators may eventually develop into a regular low power local broadcast service. We are at present considering petitions which would authorise UHF translators to originate local programs. Such a development is technically possible in the UHF because of the larger availability of channels, but would not be possible in the VHF band because the VHF channel assignments already made have virtually saturated the 12 VHF channels. In view of these inherent advantages to the UHF translator operations we reject those proposals which would prohibit the operation of VHF translators because of the alleged threats to the UHF translator service.

13. Many of the comments filed that suggested changes or deletion of certain of the proposed rules which appear to reflect misunderstanding of the reasons for the rules. In the following paragraphs we discuss the reasons for the proposed rule, the comments that were filed, and our decision with respect thereto.

Section 4.701—Definitions. 14. Section 4.701 defines the kinds of stations covered by the proposed rules and certain terms used in the rules. The comments made with respect to this rule suggested definitions for other kinds of stations which would then be treated specifically in the appropriate sections of the rules. Washington State TV Reflector Association (WSTRA) and E.A.O.–TV, Entiat, Washington, asked that a definition be added for amplifying "boosters," i.e., devices which merely receive, amplify, and retransmit signals on a single channel, and that provision be made for this type of apparatus. Television Montana (KLXF–TV, Butte, Montana), proposed definitions which would subdivide VHF television translators into classes based upon the power output and that reduced technical requirements be placed upon the lower power classes. Three subdivisions were proposed, i.e., ½ watt or less, 1 watt, and more than 1 watt.

15. In paragraph 7 of the notice of proposed rule making, the Commission set forth reasons why it did not consider that the licensing of co-channel "booster" amplifiers would be in the public interest. The parties proposing that such devices be permitted offered no reasons or engineering data to show that our original conclusion was incorrect. We find no reason to reverse that conclusion.

16. The proposal to subdivide VHF translators into power classes, is, we think, without merit. The reduction in interference capability or range of a ½ watt transmitter over that of a 1-watt transmitter is not substantial enough to warrant further relaxation of the technical requirements and the authorization of powers in excess of 1 watt, even with stricter technical standards, is not feasible for reasons discussed below in relation to § 4.735.

Section 4.702—Frequency assignment. 17. This rule relates to frequencies which may be used by VHF and UHF translators and the conditions which shall be observed in selecting a frequency. UHF translators are required to observe the minimum geographic separations which regular TV broadcast stations are required to observe. Since they observe the standard separations and operate with relatively low power the likelihood of interference to or from regular UHF TV stations is negligible. Consequently, they enjoy a form of exclusivity in the use of UHF channels. Furthermore, the greater availability of UHF channels and the more limited range of potential interference of UHF signals diminishes the likelihood of interference between UHF translators. There are only a few widely scattered places in the country where new VHF channel assignments could be made at the standard geographic separations. Relatively few communities which might wish to operate a TV translator would fall in these places. Consequently, VHF translators are not required to observe the standard geographic separations with regular TV stations. Nonetheless, regular TV broadcast stations must be fully protected against interference from TV translators. To do otherwise would jeopardize the service which provides the signals used by TV translators. Therefore, any use of VHF channels by TV translators is strictly secondary to the use of such channels by TV stations and the operator of a VHF translator must eliminate any interference caused to the direct reception of TV broadcast stations. This requirement limits the availability of VHF channels because in most cases, both VHF and UHF translators will be using the signals of VHF television stations for retransmission. Obviously, the channels used for reception cannot be used for retransmission and this means that in most cases each VHF translator will preempt 4 channels in a community: the input channel, the output channel, and the channels adjacent to the output channel. The few remaining VHF channels cannot be assigned to any single VHF translator on an "exclusive" basis and no VHF translator acquires "prior rights" by virtue of its use of a VHF channel. Any attempt by the Commission to administer these rules on such a basis would result in costly and time-consuming hearings, interminable delays, and an administrative burden grossly disproportionate to any possible advantage of such an approach.

18. Video Utility Company, Spokane, Washington, and Adler Electronics, Inc., New Rochelle, New York, requested that the entire UHF television band be made available for UHF translator operation. Except for a few cases, the present 14 UHF channels have been adequate to meet the needs of UHF translators. The upper 14 UHF channels were originally selected because they were only slightly occupied by TV broadcast stations and being a contiguous group of channels, made the mass production of translator apparatus easier. If future developments warrant expansion of the availability of channels for UHF translators, this can be the subject of a separate rule making proceeding. Meanwhile, applicants finding it impossible to find a usable channel in the present 14 channels may request a waiver to permit the assignment of a UHF channel outside this group.

19. WSTRA recommended that adjacent channel assignments be permitted in cases where such an assignment would provide service to an additional area even though the new area might be served by another translator operating on the adjacent channel, if this could be done without resulting in mutual interference. WSTRA offered no engineering data to support the presumption that such operation could be conducted without interference. The proposed rule prohibiting the use of adjacent channels to serve all or part of the same area was directed to circumstances where translators would be operated at or near the same location or would be intended to serve a common area. To the best of our knowledge, this is not practicable because of inadequate selectivity of conventional TV receivers. If two translators are located in different places and coincidently serve an area common to both signals, disposition of any interference complaints would be accomplished under the provisions of § 4.703. In processing applications for VHF TV translators we do not expect to make an engineering determination as to the probability of mutual interference, and only in those cases where a common site is proposed or a common area is proposed to be served, by translators operating on adjacent channels, would the Commission raise a question as to compliance with this provision.

20. Video Utility recommended that we do away with the so-called "taboos", i.e., separation requirements for other than co-channel and adjacent channels listed in paragraph (c) of the proposed rule. These additional separation requirements apply only with respect to separations between translators and UHF television broadcast stations and not between UHF translators. This subject is under study by the Commission but no decision has been reached as to whether such "taboos" are still needed or could be modified. In any event, since these "taboos" are a part of the rules governing TV broadcast stations in Part 3 of the rules, any change is beyond the scope of this proceeding. In cases where the application of the "taboos" makes it impossible to select a suitable channel from the group available for UHF translators, a waiver may be requested.

Section 4.703—Interference. 21. This rule defines the responsibility of the licensees of TV translators for the correction of interference to direct reception of TV broadcast stations or to other non-broadcast services. In order to avoid any dispute as to what is meant by "interference" and at the same time protect TV translators from harrassment by unjustified claims of interference, the definition makes it clear that the quality of the signal which is being interfered with is not a governing factor, but that it must be a signal that is regularly used. This is necessary because many TV translators will be operated in areas where direct reception is difficult and below the standards of good quality.

22. VHF and UHF translators are treated differently with respect to interference to direct reception. This comes about because UHF translators are required to observe certain minimum separations with regular UHF TV broadcast stations as was discussed under § 4.702. If we were to impose a minimum separation requirement on VHF translators, most of the places now operating unlicensed "repeaters" could not utilize a VHF channel. Therefore, we have sacrificed the minimum separation requirements, but the necessary consequence is a different status for VHF translators.

23. Both VHF and UHF translators must provide complete protection to other stations and services from interference that occurs as the result of emissions outside of the TV channel assigned to an individual TV translator. Such out-of-band emissions can be controlled by imposing strict technical standards on equipment. In most regular services the power in out-of-band emissions must be reduced at least one million times (60 db), and if interference still occurs a further reduction may be required. TV translators, operating under relaxed technical requirements are required to cease operation until such interference is corrected.

24. Comments with respect to this proposed rule range all the way from those who would not require cessation of operation until interference was "proven," to those who would not grant licenses for VHF translators until a prior engineering determination had been made to show that interference would not occur. Most of the concern about interference was expressed by the licensees of TV broadcast stations. The Association of Maximum Service Telecasters (AMST) strongly urges that applicants for VHF translators proposing to operate at less than the minimum co-channel and adjacent channel spacings specified for TV broadcast stations, be required to make an engineering showing, prior to any grant, that their operation will not be likely to cause interference to any existing TV broadcast station. AMST points out that the hazard of interference to regular TV broadcast stations is not as great in the remote regions of the far West but that the proposed rules do not restrict VHF translators to that region. They agree that the restriction on power and technical standards may provide the minimum protection against interference but feel that this is not enough. They recommend that VHF translators be prohibited within the calculated Grade B service contour of any co-channel or adjacent channel TV broadcast station. Midwest Radio-Television, Inc., recommends that protection be given to co-channel and adjacent channel TV stations by requiring VHF translators to reduce power and antenna height so as not to produce any more interference than would be caused by a regular TV station operating at the required minimum spacing. Midwest would also require consent of co-channel and adjacent channel TV stations for the operation of a VHF translator at less than the minimum separation. The Joint Council on Educational Television (JCET) proposes that VHF translators be required to observe a co-channel spacing of 100 miles and an adjacent channel spacing of 30 miles with any existing TV station or TV channel assignment. JCET stresses the importance of protecting channel assignments which have not been taken up by TV stations for fear that VHF translators would preempt unused channels, particularly those reserved for educational TV stations. JCET also urges that the secondary status of VHF translators be clearly established so that they cannot impede future changes in the Table of Assignments if the need arises. The National Broadcasting Company (NBC) also urges that the secondary status of VHF translators be unequivocally asserted so that they cannot demand hearings in cases of interference. NBC fears that if this is not done, the resolution of interference problems involving VHF translators would be impossible. Columbia Broadcasting System, Inc., (CBS) directs its comments to interference problems between TV translators. CBS does not believe that such interference problems can be resolved by "mutual agreement." They suggest that the use of VHF channels by TV translators be placed on a "first come, first served" basis. Milestown Television Club, Inc., also supports this idea but their comment is not clear as to whether they would apply the same principle to VHF TV translator conflicts with regular TV broadcast stations. WSTRA proposed that the rule not prevent a grant of a VHF translator license unless interference is "proven." WSTRA would also permit a VHF translator to continue operation where it caused interference to direct reception if the substitute service provided by the translator is equal to or better than the direct reception lost. A number of the comments suggested the formation of a frequency coordinating commfttee to aid in the selection of frequencies for VHF translators so as to minimize the potential of interference.

25. It is apparent that considerable thought went into the preparation of the comments directed at this rule. The proponents of VHF translators recognize the necessity of placing that type of operation on a basis secondary to the use of channels by TV broadcast stations, and that their use of the channels must be continued accordingly. The importance of protecting direct reception of TV stations from interference by TV translators is obvious. Failure to do so would not only jeopardize reception by individuals but also reception of usable signals for rebroadcast by TV translators themselves. None of the comments disagreed with the protection assured other stations and services from interference that might result from out-of-band emission by TV translators. We have carefully considered the feasibility of requiring some kind of prior showing by applicants for TV translators as to potential interference. It has always been our concern that if we licensed these low power devices in the VHF television bands, community groups would make an installation only to find that when it was placed in operation it caused serious interference. Unless a substitute frequency could be found, and in many cases this will not be possible, the total investment in VHF equipment would be lost. Some prior assessment of interference probability would guard against this. However, any meaningful estimate of potential interference would require a comprehensive field strength survey or some other detailed engineering study, and this would, in many cases, be prohibitively costly. The rule as proposed makes it clear that TV broadcast stations must be given complete protection against interference from VHF translators. If interference occurs they may be ordered to cease operation until the interference is corrected. In cases where interference is reported to the licensee of a TV translator, we require that licensee do whatever is necessary to satisfy the complaint. In some cases this will mean immediate cessation of operation. In other cases the complainant may be satisfied with a promise of prompt remedial steps by the TV translator licensee or may be satisfied with

the substitute service provided by the TV translator. If the licensee of the TV translator fails to cooperate in the elimination of interference and the matter is brought to the attention of the Commission we will invoke the clear provisions of this rule. The definition of interference is simple and straightforward. It does not require comparison of measured or predicted field strengths. Since the definition is based upon a signal that is "used," only those persons actually experiencing interference would be expected to complain. If a TV broadcast station licensee receives reports of interference to its signals caused by a TV translator, it may make the complaint. It should be noted, however, that the proposed rule does not deprive a TV broadcast station of any of its protest rights afforded by the Communications Act.

26. Insofar as interference between TV translators is concerned, the Commission has repeatedly said that any attempt to operate a great many TV translators in the 12 VHF channels is likely to result in mutual interference between translators. Where such conflicts arise it would be extremely difficult if not impossible to decide which community was most deserving of the VHF service and which should use UHF or do without. The proponents of VHF translators claim they can work out such problems among themselves. We are of the view that they should. This policy applies only to interference between signals transmitted by the translators, not to interference to direct reception of a TV broadcast station by a translator. VHF translators may not cause interference to direct reception of TV broadcast stations. We also decline to grant prior rights to any VHF translator against interference to its signals by subsequent TV translators for here again we would be called upon to decide whether the new users were more deserving than the existing users. We will not grant an application for a new TV translator proposing to serve an area served by an existing translator on the same channel or a channel adjacent to the one used by the existing translator since it is obvious that in these circumstances disruptive interference would occur. However, if separate areas are proposed to be served, even though they may be contiguous areas, interference can be controlled to some extent by the use of directive transmitting and receiving antennas and by taking advantage of natural terrain barriers. The Commission cannot undertake to make a comprehensive engineering study in such cases, to decide whether or not interference is likely to occur.

27. In summary, the rule as adopted herein, requires VHF translators to provide complete protection against interference to direct reception of any regular TV broadcast station, requires UHF and VHF translators to provide complete protection to all stations and service from interference which results from out-of-band emissions, but offers no interference protection or guarantee of continuity of service to any VHF translator. Persons contemplating the operation of TV translators in the VHF television bands should be fully cognizant of the hazard to their investment inherent in such operation.

Section 4.711—Administrative procedure. 28. There were no comments directed to this rule or the reference rules. There were suggestions that the application form which would be used for VHF translators be made simpler. This is the same form that has been used for UHF translators for nearly 4 years. It is a simplified form and has apparently posed no problems for UHF translator applicants. The Commission is required by law to establish certain facts with regard to an applicant's citizenship, character, legal, financial and technical qualifications, and certain specified technical details concerning the proposed operation. Despite the low power and simple equipment used, TV translators are broadcast stations within the meaning of the Communications Act, and the simplified licensing procedures employed in some other radio services cannot be employed here because the Act does not give the Commission as much latitude in dealing with broadcasting as it does with respect to other services.

Section 4.731—Purpose and permissible service. 29. TV translators may be used only for the purposes set forth in this rule. The relaxed technical requirements are predicated upon the use of relatively simple equipment which merely converts an incoming TV signal to another channel, amplifies it, and retransmits it. Assuming reasonable care is taken in the design of translator equipment, it will not alter the technical characteristics, bandwidth, or other features of the incoming signal. Modulation equipment for such a transmitter would be complex and would have to meet strict technical standards to produce a signal suitable for transmitting television pictures and accompanying sound in a 6 megacycle channel. This is far beyond the scope of these simple rules. Consequently, the rules do not permit the origination of local signals, use of microwave relay systems or wire line to bring in program material or any other method of operation which would involve direct modulation of the TV translator equipment with program material. The rule also forbids deliberate alteration of the incoming signals so as to prevent reception on conventional TV receivers and require the use of special equipment to obtain service. The channels used by TV translators are allocated for broadcasting. The relaying of signals from a fixed transmitting point to a fixed receiving point is not broadcasting. Such point-to-point service is classed as Fixed Service and must operate in bands allocated to the Fixed Service. Under the rules of the Commission, such operation cannot be conducted on broadcasting channels and TV translators are prohibited from operating solely as relay stations. A TV translator is not prohibited from rebroadcasting the transmissions of another TV translator. This may appear to be similar to relaying. However, the principle involved is that each TV translator must be justified on the basis that it provides direct reception to the public, and any rebroadcasting or relaying of its signal is incidental to the basic purpose.

30. By specifying that TV translators must convert the received signals to another channel, this rule precludes the use of so-called "on-channel boosters." An "on-channel booster" is merely an amplifier which receives, amplifies, and retransmits signals on a single channel. The exclusion of "boosters" is deliberate. Such a device is inherently unstable electrically. By careful design and by limiting the amount of amplification, it would be possible to make a "booster" which could be safely used under favorable conditions. However, the automatic safety features which would have to be incorporated and the careful control of bandwidth which would have to be designed into the device would make it more costly than a similar translator. The use of equipment not meeting such high standards would carry with it not only the risk of harmful interference but also the hazard of retransmission of false and misleading signals. If these signals were those used for the navigation of aircraft or vessels, this could be disastrous. For these reasons we find that it is not in the public interest to authorize "on-channel boosters" in the VHF television bands under these rules.

31. Milestown Television Club, Inc., urges that TV translator stations be permitted to operate as relay stations upon a showing of need. They cite a hypothetical case where a community able to support translator operation but too remote from existing TV stations to obtain a direct signal, is prevented from obtaining service because intervening communities are too small to support a translator which could serve incidentally as a relay station. We merely point out that under such circumstances, there is nothing to prevent the larger community from subsidizing the operation of TV translators to serve the smaller intervening communities, the signals of which can be rebroadcast by a translator serving the larger community. Each individual translator must adhere to the principle set forth in paragraph 30 by operating primarily as a broadcasting station and only incidentally as a relay station. For this reason we reject the proposal of Milestown and others that TV translators be authorized to act solely as relay stations.

Section 4.732—Eligibility and licensing requirements. 32. This rule determines eligibility to operate TV translators, states that a single licensee may operate more than one TV translator even though they serve the same area, and requires a separate application for each TV translator station. The eligibility is unrestricted except for the basic statutory requirements of citizenship, character, and legal, financial, and technical qualifications. Paragraph (b), which permits the licensing of more than 1 translator to a single licensee to serve the same area, makes it clear that multiple ownership and duopoly limitations are not applicable to these devices. The safeguards intended to prevent a licensee from gaining control of mass communications media are not applicable to translators since they merely repeat the signals of regular TV broadcast stations and cannot originate programs. The duopoly controls which apply to regular TV broadcast stations make it unnecessary to apply them to TV translators. A VHF translator will not be authorized to serve an area which is already receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless a showing is made of special circumstances which would justify the resultant intermixture of VHF and UHF service.

33. Meredith WOW, Inc., and several other Meredith groups asked that this rule make it perfectly clear that TV translators licensed to TV station licensees would not be counted in determining the maximum number of stations which may be owned by a single licensee. It is not the intention of the Commission to count these devices as broadcasting stations in the application of the multiple ownership rules and the language of § 4.732 has been modified to make this clear.

34. WSTRA proposed that a single license be issued for multiple TV translators operated by one licensee in a single area. The broadcast records system of the Commission are geared to individual licenses for each station and a further study must be made to determine if our administrative efficiency would be impaired by such a method. If we find that this can be done and is a desirable step this change in our administrative procedures can be made later.

Section 4.734—Unattended operation. 35. The recent amendment of section 318 of the Communications Act now makes it possible to eliminate the operator requirements for TV translators and permit unattended operation. An unattended transmitter is considered to be an automatic device and must have certain safety features. We have held these to a bare minimum in these rules. If such operation results in an inordinate amount of interference to other stations we may have to add other automatic requirements. The present rule merely requires that the apparatus be equipped with a device which will cause it to cease radiating in the absence of an incoming signal. Since the unattended transmitters are likely to be installed in places which are not readily accessible at all hours and in all seasons and could go into a condition of operation which caused interference to a safety service, i.e., one employed for the safety of life and property, it is mandatory that a manual on and off control be established at a point which is readily accessible at any hour and in all seasons.

36. Since most of the opposition to this rule was directed to the requirement that a remote monitoring and control point be established to be inspected periodically by a licensed operator, these are rendered moot by the action of Congress which permits us to authorize unattended operation. Some objected to the cost of providing positive on and off control at an accessible point. This we consider the most important requirement in the rule. In the normal course of operation, a TV translator will be turned on and off by an automatic device built into the translator and actuated by the signals from the primary TV broadcast station. This is one of the requirements for type acceptance. In addition to the automatic device a time clock may be used to turn the translator on and off at predetermined times, in cases where it is not desired to operate the translator during the whole time the primary TV station is operating. However, if for any reason the translator should cause interference and it becomes necessary to turn it off promptly, there must be some means provided so that this can be done regardless of the time of day or season of the year. Inability to turn the transmitter off within a matter of minutes could, in circumstances involving interference to a radio service employed for the safety of life and property, be disastrous. Most TV translators are installed on remote mountain peaks or at other locations which may be inaccessible for hours, days, and even weeks at certain seasons of the year. The rules require that these installations be provided with an accessible on-off control. TV translators that are installed in accessible locations which can be reached at all hours and at all seasons do not have to be remote controlled and need not establish a remote control point. Cost will vary from installation to installation. In many cases it may be possible to establish the remote control point at a place where the power mains leading to the TV translator can be opened with a switch, thus disabling the TV translator. In other cases it may be necessary to run control lines to a suitable point. While that may involve higher cost, we are unable to justify elimination of the on and off control of a device which could otherwise seriously interfere with other services.

37. This rule also requires that the Commission be furnished with the name, address, and telephone number of a person or persons who may be contacted to secure prompt suspension of operation if that should become necessary. The person or persons designated should be able to reach the transmitter site or remote on-and-off control within 15 minutes or less, after being contacted, and may be the licensee or some responsible person designated by the licensee.

38. The need for prompt suspension of operation might arise if the translator caused serious interference to an emergency operation such as the dispatching of fire apparatus, directing of police vehicles attempting to apprehend a criminal, or instructions to an aircraft in distress. Since the translator apparatus itself is unattended, the Commission must be able to contact a person, by telephone if necessary, who can turn the offending translator off promptly. Existing UHF translators may now abandon their established monitoring point and operate unattended by merely notifying the Commission in writing, giving the name, address, and telephone number of the person to contact for suspension of operation. Periodic observations during operation are no longer required.

Section 4.735—Power limitations. 39. The transmitter power output of a VHF translator is limited to 1 watt. The power output of a UHF translator is limited to 100 watts. No limit is placed upon the effective radiated power which may be achieved through the use of directive transmitting antenna array. The limit of 1 watt imposed on VHF translators was reached after careful consideration of all the factors involved. We realize that this is not much power. However, only by severely limiting the power employed can we permit operation in the VHF television bands under the extremely modest technical performance standards adopted in these rules. The problem of operation in the VHF television channels is further complicated by interference considerations, not only between TV translators and TV broadcast stations, but also among TV translators. A TV signal in the order of one two-hundredths of the strength of a desired signal is capable of causing interference. This means that the interference range of a TV translator is many times its service range. Consequently, unless the power permitted is severely restricted, TV translators would have to be kept at substantial distances from operating TV stations and from each other. This would mean that only a very few of the small communities desiring the service could have TV translators in the VHF television bands. The Commission has been urged to adopt the proposed rules on the grounds that many small communities need the inexpensive low power VHF equipment because they cannot afford the better higher power equipment used for UHF translators. The low power permitted by these rules is sufficient to serve these small places. The service is not intended to be, and because of the limited availability of VHF channels, cannot be a wide area service. The relationship of technical standards and power is aptly illustrated in the following. TV broadcast stations are required to maintain their operating frequencies within very narrow limits. Their ability to do this makes it possible to employ a technique known as "off-set carrier" operation. By using this "off-set carrier" technique the necessary ratio of desired to interfering signal is reduced approximately seven times. This is equivalent to reducing the power of the interfering station by 50 times. However, the frequency control equipment needed to maintain this degree of accuracy is too costly for employment by TV translators. Consequently, a 1 watt TV translator has the interference capability of a 50 watt transmitter operating under more rigid standards.

40. Most of the comments requesting that the permissible power be raised offered no engineering data to show the effects of such increases. Suggested increases ranged from 3 watts to 10 watts. The net gain in service area by such increases would be far less than the net increase in interference potential and range. Furthermore, the use of such higher power equipment would require stricter technical standards because of the congestion in the VHF portion of the spectrum and the greater hazard of interference not only to TV stations but to other nonbroadcast services, and the cost

of such equipment would equal if not exceed that of similar UHF equipment. The fact that some existing TV "repeaters", built without Commission authorization, employ more than 1 watt and would have to cut back in power under licensed operation is not a persuasive argument for raising the power limit. We adhere to our original proposal to limit the power of VHF translators to 1 watt. Those licensees desiring to cover a greater range than that possible with 1 watt radiated power may employ suitable directive transmitting antenna to concentrate the power in a given direction, employ additional VHF translators, or utilize UHF translators with higher power.

Section 4.736—Emissions and bandwidth. 41. This is an operating rule designed to assure that out-of-band emissions are controlled and do not cause interference. Type accepted equipment is required to meet the specifications of this rule and this companion rule requires that the equipment be kept in proper operating condition.

42. Aeronautical Radio, Inc., recommended more specific requirements for the suppression of spurious emissions to prevent interference to the Aviation Service. No values or other engineering data were supplied. We fully agree with the importance of protecting the Aviation Service and other safety services from harmful interference. We conclude, on the basis of our studies of all available information and data, that the limits on power and the suppression of out-of-band emissions required by this rule are adequate. If experience should indicate the need for greater suppression we may place such requirements on individual stations pursuant to paragraph (d) of § 4.736 or initiate rule making proceedings to change the rule adopted herein.

Section 4.737—Antenna location. 43. This rule is intended to be a guide to prospective applicants for TV translators. There were no comments directed at the proposed rule.

Section 4.750—Equipment and installation. 44. This rule requires that translator equipment must meet the requirements for type acceptance of the Commission and sets forth the specifications for type acceptance. The measurements and data required must be performed by a qualified electronics engineer with measuring equipment of suitable design. Type acceptance may be granted to manufacturers of translator equipment. If an applicant specifies manufactured equipment which has been type accepted, no additional measurements will be required of him. If the equipment specified is custom-built or is manufactured equipment which has not been type accepted, the applicant may be granted a construction permit but must submit the required measurements before a license will be granted. The rule further requires that the installation of translator equipment must be made by a person technically qualified to do so. The degree of technical skill required for an installation will depend upon the type of installation. If manufactured equipment which has been type accepted is to be employed, a person with sufficient technical knowledge to understand and follow the manufacturer's instructions for the installation would qualify. If the equipment is to be custom-built, a person with the engineering knowledge and skill required to design and build the equipment must do the work. Where measurements must be submitted with the application for license, the person making the measurements must be skilled in that technique and employ instruments of sufficient accuracy to make the measurements reliable. Simple repairs such as the replacement of tubes or fuses, may be made by a person with moderate technical knowledge. Replacement of components, adjustment of critical circuits, and other complicated repairs require a higher degree of knowledge and skill. Test and adjustments which require the radiation of signals and could result in improper operation, must be carried on by a technically qualified licensed radio operator of the grade specified in this rule.

45. A few comments simply stated that the proposed requirements were too strict and would prove costly. They offered no engineering testimony or specific objections as to how the requirements could be further relaxed and still satisfy the nominal requirements for licensing. WSTRA requested that the rules permit individual components of a VHF translator system to be separately type accepted so that some of the equipment now used at unlicensed "repeaters" might be used for licensing under these rules. The basic translator consists of the frequency converter and subsequent radio frequency amplifiers. The basic translator must contain the automatic features specified in the rules and must meet the specifications set forth in paragraph (c) of § 4.750. The choice of preamplifiers used ahead of the input terminals of the basic translator to bring the signal level up to the strength needed by the translator is left to the discretion of the applicant. If the basic translator has less than 1 watt power output, suitable linear radio frequency amplifiers which can be driven by the basic translator may be separately type accepted upon a showing that they will not significantly alter the electrical characteristics of the signal they are amplifying, that they will not produce out-of-band radiation or spurious emissions in excess of the limits specified by the rules, and that they will not deliver power in excess of 1 watt to the input terminals of the transmitting antenna. Individual components of existing equipment capable of meeting these requirements can be type accepted. Martinsdale-Lennep TV Association, objects to the requirements because some communities may wish to use "home-made" equipment. The rules as adopted herein do not prohibit anyone from designing equipment to meet the specifications for type acceptance.

46. Quite a few comments objected to the automatic station identification requirement. The need for station identification is discussed under § 4.783. Since station identification is required and transmission of the call sign at the prescribed intervals cannot be conveniently done manually, and since translator equipment cannot be voice modulated for transmission of its call sign and the transmission of the call sign manually in telegraphy would require employment of a radiotelegraph operator, the provision for automatic transmission of the call sign is intended to aid TV translator licensees. Therefore, the requirement for incorporating an automatic identification feature in acceptable apparatus is not unreasonable.

47. Some objection was expressed to the requirement for a carrier operated automatic cut-off for TV translators. No one purported to show that such a device was infeasible, undesirable, or inordinately expensive. No useful purpose is served by operating a TV translator when the TV station it normally retransmits is not in operation. We realize that a TV translator will normally not transmit a signal on its output frequency in the absence of an input signal of the correct frequency. However, it will transmit the electrical noise picked up on its input channel and noise generated in the apparatus itself. Furthermore, whenever the translator is in an inoperative condition it is capable of malfunctioning and transmitting spurious signals. Finally, as a matter of domestic policy and international treaty obligations, superfluous transmissions by any kind of radio stations are forbidden. The transmission of signals which are not providing service are superfluous. Voltages developed within translator equipment by the incoming TV signal can be used to actuate the automatic cut-off and the cost or complexity of such a provision is not unreasonable.

48. The Curators of the University of Missouri recommended that the rules prohibit the use of a modulating frequency within 200 cycles of the 1000 cycle tone employed for CONELRAD alerts, for station identification. This recommendation has merit and is incorporated in the rules adopted herein.

49. The comments opposing the requirement that a "qualified electronics engineer" make the installation were largely based on a misunderstanding of the rule. As we pointed out in paragraph 44, this does not necessarily mean a Registered Professional Engineer. The person undertaking such an installation should have enough knowledge of basic electronics engineering to recognize and avoid any mistakes which might cause improper or unreliable operation of the translator. Any licensed First or Second Class Radiotelephone Operator would be considered qualified to make such an installation. We do not consider it desirable to remove the requirement that a licensed First or Second Class Radiotelephone Operator perform any adjustments or repairs that could result in improper operation of the translator. A person qualified to make the installation might not be qualified to repair or make tuning adjustments of the equipment and could not operate the apparatus in connection with such tests and adjustments unless he held a valid radio operators license. A First or Second Class Radiotelephone Operator may be presumed to have the skill and by virtue of his license, does have the authority to tune, adjust, and operate the apparatus under the terms of a valid station authorization issued by the Commission. The rule does not prevent a less skilled person from merely replacing defective tubes, or unplugging a defective unit, sending it to a competent person for repairs and then reconnecting it, if such an operation can be performed without requiring any technical skill. Therefore, we find nothing in the comments to persuade us that these requirements contained in the rules are unreasonable or unnecessary.

Section 4.751—Equipment changes. 50. This section merely lists those changes which require a formal application and prior authority from the Commission, and those changes which may be made at the discretion of the licensee. There were no comments directed to the proposed rule.

Section 4.761—Frequency tolerance. 51. This rule establishes the frequency tolerance for the local oscillator in TV translators at 0.02 percent of the assigned frequency. Aeronautical Radio, Inc., proposed a frequency tolerance of 0.01 percent on the grounds that most other low power radio services are required to maintain this tolerance. The lower tolerance proposed would do little to reduce the interference potential of these broadband devices and would smack of regulation for the sake of regulation. We believe that most of the equipment employed for this service will operate well within the prescribed tolerance and find no reasonable basis to change the original proposal.

Section 4.762—Frequency monitors and measurements. 52. This rule does not require the use of frequency monitors or the making of periodic frequency measurements. The rule does require a TV translator to suspend operation if it is found to be operating beyond the prescribed tolerance. Aeronautical Radio, Inc., proposed that TV translator licensees be required to check the operating frequency at least once a year. Our experience with TV translators in the UHF band does not show that off-frequency operation is a problem. The licensee of a TV translator is expected to take adequate precautions to insure that his equipment does not operate beyond the prescribed tolerance. The use of periodic frequency checks to insure this is left to the discretion of the licensee. If experience with VHF translators shows that a periodic frequency check is necessary, we will invoke such a requirement in an appropriate rule making proceeding.

53. *Sections 4.763—Time of operation; 4.764—Station inspection; and 4.765—Posting of station license,* are self-explanatory and there were no comments on these proposed rules.

Section 4.766—Operator requirements. 54. An amendment to the Communications Act which became effective July 7, 1960 now permits the Commission to waive the operator requirements for TV translators. The rules adopted herein will permit unattended operation if certain specified conditions are met. The licensee may elect to use an operator for the routine operation of the station. In other sections of the rules, any repairs or adjustments which could result in improper operation and which require the transmission of signals while the repairs or adjustments are being made, must be conducted by or under the immediate supervision of a licensed first or second class radiotelephone operator.

Sections 4.767—Marking and lighting of antenna structures; 4.768—Additional orders; 4.769—Copies of rules; and 4.781—Station records. 55. These rules are self-explanatory and were not opposed.

Section 4.783—Station identification. 56. Before promulgating this rule the Commission gave careful thought to the problem of station identification. The purpose of transmitting station identification is to identify a particular signal with a particular station. This is not primarily for the information of the listener, as is popularly believed, but is for the purpose of assisting the Commission or similar authorities in other countries, in the policing of the radio frequency spectrum and the detection of violators. In rare cases it may be possible to identify a particular transmitter by the contents of its transmissions. This would not be true in the case of TV translators since there may be many TV translators within any given reception area, all retransmitting the same programs. There would be nothing unique about the signals of any one of them. Some of the comments suggested that it would be possible to identify individual VHF translators because of their limited range. This is a mistaken impression based upon experience with the service range of low power TV translators. As has been pointed out before, the interference range of TV translators is many times the service range and any attempt to track down an offending station would require dispatching a search unit into the area and a slow process of elimination that might require days to complete.

57. Most of the objections to the proposed requirement of station identification were based upon the added cost of this feature and inconvenience and annoyance of viewers by interruptions to the program. The equipment needed for station identification is simple and should not be unreasonably expensive. The rules permit identification to be accomplished by merely turning the carrier on and off or by modulating the local oscillator of the translator with an audio tone, which would, of course, add this modulation to the visual and aural carriers transmitted by the TV translator. The first method would interrupt the transmissions of the translator. The second method would cause a slight degradation of the picture and sound when the call sign was transmitted. In either case the call sign transmission could be accomplished in a few seconds. The interruptions or impairment of the programs is the price which must be paid for using simple equipment that is not continuously manned. Regular TV broadcast stations are required to transmit station identification but being manned stations they can insert the call sign transmission at any appropriate point so as not to interrupt the continuity of programs. TV translators which are not continuously manned and which are not capable of being directly modulated with a visual and aural signal, must accomplish station identification through the use of a pre-set timing device to actuate a keying device. Under the circumstances we find no valid basis for eliminating the station identification requirement.

58. Montana Network called attention to a practical problem raised by the wording of the proposed rule. The proposed rule requires the transmission of the call sign at the beginning and end of each period of operation and at stated intervals during operation. A properly operating TV translator will automatically turn off when the TV station it is rebroadcasting goes off. Consequently, it would be impractical for it to transmit its call sign at the end of the period of operation. The rules adopted herein are appropriately modified in that regard.

Section 4.784—Rebroadcasts. 59. Section 325(a) of the Communications Act states that no broadcasting station shall rebroadcast the programs or any part thereof of another broadcasting station without the express authority of the originating station. This rule carries out the provisions of the Act. Television Montana requests that the rules require TV translators to obtain the consent in writing. The rules adopted herein require consent in writing. Montana Network proposes that in cases where a TV translator is rebroadcasting the signals of another TV translator, it be required to obtain consent not only from the TV translator licensee but also from the licensee of the TV broadcast station furnishing the original signal. This too is under the control of the originating TV broadcast station licensee. In giving consent to a TV translator to use its programs, it may forbid that TV translator from giving permission to other TV translators to use the programs without first obtaining permission of the originating TV broadcast station. If a licensee learns that a TV translator is using its programs without permission, or if a licensee withdraws its permission for rebroadcast, it should notify the translator licensee and the Commission in order to insure compliance with this rule and the Act.

60. Palm Springs Translator Station, Inc., requested that the Commission require TV broadcast station licensees to give consent for the rebroadcast of their signals to TV translators operating outside the Grade B service area of the TV station. The Commission thoroughly explored this matter in 1952 in Docket No. 9808 and concluded that it would not be in the public interest to require TV stations to grant such permission. In announcing this decision the Commission stated that it would not expect TV broadcast station licensees to behave arbitrarily in acting upon requests for rebroadcast permission as such action might reflect upon their qualifications to operate in the public interest. The pro-

posal by Palm Springs is rejected for similar reasons.

61. The present television agreements with Canada and Mexico do not provide for the operation of VHF translators at locations and on channels other than those set forth in the Agreements for regular TV stations. The Commission will seek to have the Agreements modified to include provision for the operation of these low power devices. Meanwhile, applications for VHF translators at locations within 250 miles of the Canadian or Mexican borders will be referred to the appropriate Government on a case-by-case basis.

62. *Accordingly, it is ordered,* That, effective September 6, 1960, and pursuant to the authority provided in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, §§ 4.701 through 4.790 of the Commission's rules are amended as set out below: *And it is further ordered,* That this proceeding is terminated.

Adopted: July 27, 1960.

Released: August 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

Subpart G of Part 4 is revised to read as follows:

Subpart G—Television Broadcast Translator Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

Sec.
4.701 Definitions.
4.702 Frequency assignment.
4.703 Interference.

ADMINISTRATIVE PROCEDURE

4.711 Cross reference.

LICENSING POLICIES

4.731 Purpose and permissable service.
4.732 Eligibility and licensing requirements.
4.733 [Reserved]
4.734 Unattended operation.
4.735 Power limitations.
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EQUIPMENT

4.750 Equipment and installations.
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TECHNICAL OPERATION

4.761 Frequency tolerance.
4.762 Frequency monitors and measurements.
4.763 Time of operation.
4.764 Station inspection.
4.765 Posting of station license.
4.766 Operator requirements.
4.767 Marking and lighting of antenna structures.
4.768 Additional orders.
4.769 Copies of rules.

OPERATION

4.781 Station records.
4.782 [Reserved]
4.783 Station identification.
4.784 Rebroadcasts.

PRE-EXISTING REPEATERS

4.790 Special requirements for pre-existing VHF repeaters.

[1] Statement of Commissioner Robert E. Lee filed as part of the original document.

AUTHORITY: §§ 4.701 to 4.790 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307.

Subpart G—Television Broadcast Translator Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.701 Definitions.

(a) *Television broadcast translator station.* A station in the broadcasting service operated for the purpose of retransmitting the signals of a television broadcast station or another television broadcast translator station, by means of direct frequency conversion and amplification of the incoming signals without significantly altering any characteristic of the incoming signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

(b) *Primary station.* The television broadcasting station radiating the signals which are retransmitted by a television broadcast translator station.

(c) *VHF translator.* A television broadcast translator station operating on a VHF television broadcast channel.

(d) *UHF translator.* A television broadcast translator station operating on a UHF television broadcast channel.

§ 4.702 Frequency assignment.

(a) An applicant for a new television broadcast translator station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation is not likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one channel will be assigned to each station.

(b) Any one of the 12 standard VHF television channels (2–13 inclusive) may be assigned to a VHF translator on condition that no interference is caused to the direct reception of any television broadcast station operating on the same or an adjacent channel.

(c) Any one of the upper 14 standard UHF channels (70–83 inclusive) may be assigned to a UHF translator provided that the proposed translator site is not located:

(1) Within 20 miles of a television broadcast station or city which is assigned the second, third, fourth, fifth, or eighth channel above or below the requested channel.

(2) Within 55 miles of a television broadcast station or city which is assigned an adjacent channel.

(3) Within 60 miles of a television broadcast station or city which is assigned the seventh channel above or the seventh or fourteenth channel below the requested channel.

(4) Within 75 miles of a television broadcast station or city which is assigned the fifteenth channel below the requested channel.

(5) Within 155 miles of a television broadcast station or city which is assigned the same channel as the requested channel unless the requested channel is assigned in the Table of Assignments appearing in § 3.606(b) of this chapter, to the city in which the proposed translator is to be operated and has not been assigned to a television broadcast station in that city.

(d) The distances specified in paragraph (c) of this section are to be determined between the proposed site of the television broadcast translator station and the main Post Office location in any city listed in § 3.606(b) of this chapter unless the channel shown therein has been assigned to a television broadcast station, in which case the distance shall be determined between the proposed site of the translator and the transmitter site of the television broadcast station. Changes in the Table of Assignments of § 3.606(b) of this chapter may be made without regard to existing or proposed television broadcast translator stations and, where such changes result in minimum separations less than those specified above, the licensee of an affected UHF television broadcast translator station shall file an application for a change in channel assignment to comply with the required separations. In the case of changes in the Table of Assignments affecting VHF channels, existing VHF television broadcast translator stations causing interference to reception of VHF broadcast channels shall eliminate the interference or file an application for a change in channel assignment.

(e) No minimum distance separation between TV translators operating on the same channel is specified. However, assignments which will obviously result in mutual interference between translators will not be made.

(f) Adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or a part of the same area.

§ 4.703 Interference.

(a) An application for a new television broadcast translator station or for changes in the facilities of an authorized station will not be granted where it is apparent that interference will be caused. In general, the licensee of a new UHF translator shall protect existing UHF translators from interference resulting from its operation. If interference develops between VHF translators, the problem shall be resolved by mutual agreement among the licensees involved.

(b) It shall be the responsibility of the licensee of a VHF translator to correct at its expense any condition of interference to the direct reception of the signals of a television broadcast station operating on the same channel as that used by the VHF translator or on an adjacent channel, which occurs as the result of the operation of the translator. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the translator, regardless of the quality of such reception or the strength of the signal so used. If the interference cannot be promptly eliminated by the application of suitable techniques, operation of the offending translator shall be suspended and shall not be resumed until the interference has been eliminated. If the complainant refuses to permit the translator licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee of the translator is absolved of further responsibility.

(c) It shall be the responsibility of the licensee of a television broadcast translator station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee or operator that such interference is being caused, the operation of the television broadcast translator station shall be suspended immediately and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the television broadcast translator station: *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(d) In each instance where suspension of operation is required, the licensee shall submit a full report to the Commission after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the intereference.

ADMINISTRATIVE PROCEDURE

§ 4.711 Cross reference.

See §§ 4.11 to 4.16.

LICENSING POLICIES

§ 4.731 Purpose and permissable service.

(a) Television broadcast translator stations provide a means whereby the signals of television broadcast stations may be retransmitted to areas in which direct reception of such television broadcast stations is unsatisfactory due to distance or intervening terrain barriers.

(b) A television broadcast translator station may be used only for the purpose of retransmitting the signals of a television broadcast station or another television broadcast translator station which have been received directly through space, converted to a different channel by simple heterodyne frequency conversion, and suitably amplified.

(c) The transmissions of each television broadcast translator station shall be intended for direct reception by the general public and any other use shall be incidental thereto. A television broadcast translator station shall not be operated solely for the purpose of relaying signals to one or more fixed receiving points for retransmission, distribution, or further relaying.

(d) The technical characteristics of the retransmitted signals shall not be deliberately altered so as to hinder reception on conventional television broadcast receivers.

(e) A television broadcast translator station shall not deliberately retransmit the signals of any station other than the station it is authorized by license to retransmit. Precautions shall be taken to avoid unintentional retransmission of such other signals.

§ 4.732 Eligibility and licensing requirements.

(a) A license for a television broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body, upon an appropriate showing that plans for financing the installation and operation of the station are sufficiently sound to insure prompt construction of the station and dependable service for the duration of the license period.

(b) More than one television broadcast translator station may be licensed to the same applicant, whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations. TV translators operated by TV broadcast station licensees are not counted as TV stations for purposes of § 3.636 concerning multiple ownership.

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

(d) A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF service is justified.

(e) The Commission will not act on applications for new television broadcast translator stations or for changes in the facilities of an existing station where such changes will result in an increase in signal range in any horizontal direction until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application, in order to afford licensees of existing television broadcast stations an opportunity to comment with respect to the effect of the proposed translator on their operation.

§ 4.733 [Reserved]

§ 4.734 Unattended operation.

(a) A television broadcast translator station may be operated without a licensed radio operator in attendance if the following requirements are met:

(1) If the transmitter site cannot be reached promptly at all hours and in all seasons, means shall be provided so that the transmitting apparatus can be turned on and off at will from a point which is readily accessible at all hours and in all seasons.

(2) The transmitter shall also be equipped with suitable automatic circuits which will place it in a non-radiating condition in the absence of a signal on the input channel.

(3) The transmitting apparatus and the on-and-off control, if at a location other than the transmitter site, shall be adequately protected against tampering by unauthorized persons.

(4) The Commission shall be supplied with the name, address, and telephone number of a person or persons who may be contacted to secure prompt suspension of operation of the translator should such action be deemed necessary by the Commission.

(5) In cases where the antenna and supporting structure are considered to be a hazard to air navigation and are required to be painted and lighted under the provisions of Part 17 of this chapter, the licensee shall make suitable arrangements for the daily inspection and logging of the hazard markings required by §§ 17.37 and 17.38 of this chapter.

(b) An application for authority to construct a new television broadcast translator station or to make changes in the facilities of an authorized station, and which proposes unattended operation, shall include an adequate showing as to the manner of compliance with this section.

(c) Unless the applicant specifically requests unattended operation and makes the showing required by paragraph (b) of this section, a licensed radio operator meeting the requirements of § 4.766 shall be on duty at the transmitter site whenever the station is operated.

§ 4.735 Power limitations.

(a) The transmitter power output of a VHF translator shall be limited to a maximum of 1 watt peak visual power. In no event shall the transmitting apparatus be operated with power output in excess of the manufacturer's rating.

(b) The transmitter power output of a UHF translator shall be limited to a maximum of 100 watts peak visual power. In no event shall the transmitting apparatus be operated with power output in excess of the manufacturer's rating.

(c) No limit is placed upon the effective radiated power which may be obtained by the use of horizontally or vertically directive transmitting antennas.

§ 4.736 Emissions and bandwidth.

(a) The license of a television broadcast translator station authorizes the transmission of the visual signal by amplitude modulation (A5) and the accompanying aural signal by frequency modulation (F3).

(b) Standard width television channels will be assigned and the transmitting apparatus shall be operated so as to limit spurious emissions to the lowest practicable value. Any emissions including intermodulation products and radio frequency harmonics which are not essential for the transmission of the desired picture and sound information shall be considered to be spurious emissions.

(c) Any emissions appearing on frequencies more than 3 megacycles above or below the upper and lower edges respectively of the assigned channel shall be attenuated no less than 30 decibels below the peak power of the visual signal.

(d) Greater attenuation than that specified in paragraph (c) of this section may be required if interference results from emissions outside the assigned channel.

§ 4.737 Antenna location.

(a) An applicant for a new television broadcast translator station or for a change in the facilities of an authorized station shall endeavor to select a site which will provide a line-of-sight transmission path to the entire area intended to be served and at which there is available a suitable signal from the primary station. The transmitting antenna should be placed above growing vegetation and trees lying in the direction of the area intended to be served to minimize the possibility of signal absorption by foliage.

(b) A site within 5 miles of the area intended to be served is to be preferred if the conditions in paragraph (a) of this section can be met.

(c) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the television broadcast translator station.

(d) The transmitting antenna should be located as near as is practicable to the transmitter to avoid the use of long transmission lines and the associated power losses.

(e) Consideration should be given to the existence of strong radio frequency fields from other transmitters at the translator site and the possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

EQUIPMENT

§ 4.750 Equipment and installation.

(a) The transmitting apparatus employed at a television broadcast translator station must meet the requirements for type acceptance by the Commission. These requirements are set forth in paragraph (c) of this section.

(b) Transmitting antennas, antennas used to receive the signals to be rebroadcast, and transmission lines do not have to be type accepted. External preamplifiers may also be used provided that they do not cause improper operation of the translator and compliance with specifications in paragraph (c) of this section does not depend upon the use of such preamplifiers.

(c) The following requirements must be met before translator equipment will be type accepted by the Commission:

(1) The frequency converter and associated amplifiers shall be so designated that the electrical characteristics of a standard television signal introduced into the input terminals will not be significantly altered by passage through the apparatus except as to frequency and amplitude. The overall response of the apparatus within its assigned channel when operating at its rated power output and measured at the output terminals, shall provide a smooth curve, varying within limits separated by no more than 4 decibels: *Provided, however*, That means may be provided to reduce the amplitude of the aural carrier below those limits, if necessary to prevent intermodulation which would mar the quality of the retransmitted picture or result in emissions outside of the assigned channel.

(2) Radio frequency harmonics of the visual and aural carriers, measured at the output terminals of the transmitter, shall be attenuated no less than 60 decibels below the peak visual output power within the assigned channel. All other emissions appearing on frequencies more than 3 megacycles above or below the upper and lower edges, respectively, of the assigned channel shall be attenuated no less than:

(i) 30 decibels for transmitters rated at less than 10 watts power output.

(ii) 40 decibels for transmitters rated at 10 watts or more power output.

(3) The local oscillator employed in the frequency converter shall maintain its operating frequency within 0.02 percent of its rated frequency when subjected to variations in ambient temperature between minus 30 degrees and plus 50 degrees Centigrade and variations in power main voltage between 85 percent and 115 percent of the rated supply voltage.

(4) The apparatus shall contain automatic circuits which will maintain the peak visual power output constant within 2 decibels when the strength of the input signal is varied over a range of 30 decibels and which will not permit the peak visual power output to exceed the maximum rated power output under any condition. If a manual adjustment is provided to compensate for different average signal intensities, provision shall be made for determining the proper setting for the control and if improper adjustment of the control could result in improper operation, a label shall be affixed at the adjustment control bearing a suitable warning.

(5) The apparatus shall be equipped with automatic controls which will place it in a non-radiating condition when no signal is being received on the input channel, either due to absence of a transmitted signal or failure of the receiving portion of the translator. The automatic control may include a time delay feature to prevent interruptions in the translator operation caused by fading or other momentary failures of the incoming signal.

(6) The tube or tubes employed in the final radio frequency amplifier shall be of the appropriate power rating to provide the rated power output of the translator. The normal operating constants for operation at the rated power output shall be specified. The apparatus shall be equipped with suitable meters or meter jacks so that appropriate voltage and current measurements may be made while the apparatus is in operation.

(7) The transmitter shall be equipped with an automatic keying device which will transmit the call sign assigned to the station, in international Morse Code, within 5 minutes of the hour and half-hour. Transmission of the call sign shall be accomplished either by interrupting the radiated signals in the proper code sequence or by amplitude modulating the radiated signals with an audio frequency tone containing the telegraphic identification. The modulating signal may be inserted at any suitable stage in the apparatus but shall result in at least 30 percent amplitude modulation of the aural carrier. If an audio frequency tone is used it shall not be within 200 cycles of the 1,000 cycle tone used for CONELRAD alerting.

(8) Wiring, shielding, and construction shall be in accordance with accepted principles of good engineering practice.

(d) Type acceptance will be granted only upon a satisfactory showing that the apparatus is capable of meeting the requirements of paragraph (c) of this section. The following procedures shall apply:

(1) Any manufacturer of apparatus intended for use at television broadcast translator stations, may request type acceptance by following the procedures set forth in Part 2, Subpart F, of this chapter. Equipment found to be acceptable by the Commission will be listed in the "Radio Equipment List, Part A, Television Broadcast Equipment," published by the Commission. These lists are available for inspection at any Field Office of the Commission and at the Washington, D.C. offices of the Commission.

(2) Television broadcast translator apparatus which has been type accepted by the Commission will normally be authorized without additional measurements by the applicant.

(3) Construction permits may be granted for the installation of custom-built apparatus which has not been type accepted by the Commission. In such cases, the permittee shall submit the information required by Part 2, Subpart F, of this chapter, together with sufficient measurements and data to show that the apparatus meets the requirements of paragraph (c) of this section. The measurements shall be made by a qualified electronic engineer with instruments of sufficient accuracy to insure the reliability of the data.

(4) Other rules concerning type acceptance, including information regarding withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based, are set forth in Part 2, Subpart F, of this chapter.

(e) The installation of a television broadcast translator station employing custom-built apparatus or apparatus which has not been type accepted by the Commission, shall be made by or under the direct supervision of a person having the technical skill and engineering knowledge required to make a proper installation.

(f) The installation of a television broadcast translator station employing type accepted apparatus may be made by a person with sufficient technical knowledge and skill to correctly follow the manufacturer's instructions.

(g) Simple repairs such as the replacement of tubes, fuses, or other plug-in components and the adjustment of non-critical circuits which require no particular technical skill may be made by an unskilled person. Repairs which require the replacement of attached components, adjustment of critical circuits, or technical measurements shall be made only by a person with the knowledge and skill to perform such tasks.

(h) Any tests or adjustments which require the radiation of signals for their completion and which could result in improper operation of the apparatus, shall be made by or under the immediate supervision of a licensed first or second class radiotelephone operator.

(i) The transmitting antenna may be designed to produce either horizontal, vertical, or circular polarization.

§ 4.751 Equipment changes.

(a) No change, either mechanical or electrical, may be made in apparatus which has been type accepted by the Commission without prior authority of the Commission. If such prior authority has been given to the manufacturer of type accepted equipment, the manufacturer may issue instructions for such changes citing its authority. In such cases, individual licensees are not required to secure prior Commission approval but shall notify the Commission when such changes are completed.

(b) Formal application (FCC Form 346) is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except by one of an identical type.

(2) A change in the transmitting antenna system, including the direction of radiation, directive antenna pattern, or transmission line.

(3) Any change in the antenna which will increase the overall height above ground by more than 20 feet or will result in an overall height of more than 170 feet above ground.

(4) Any change in the location of the transmitter except a move within the same building or upon the same pole or tower.

(5) Any horizontal change in the location of the transmitting antenna of more than 500 feet.

(6) A change of frequency assignment.

(7) A change of the primary TV station being retransmitted.

(8) A change of authorized operating power.

(c) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the television broadcast translator station is located and the Commission's Washington, D.C., office are notified in writing upon completion of such changes, and provided further that the changes are appropriately reflected in the next application for renewal of license of the television broadcast translator station.

TECHNICAL OPERATION

§ 4.761 Frequency tolerance.

The licensee of a television broadcast translator station shall maintain the visual carrier frequency and the aural center frequency at the output of the translator within 0.02 percent of its assigned frequencies when the primary station is operating exactly on its assigned frequency. This tolerance shall not be exceeded, at times when the primary station is not exactly on its assigned frequencies, by more than the amount of departure by the primary station.

§ 4.762 Frequency monitors and measurements.

(a) The licensee of a television broadcast translator station is not required to provide means for measuring the operating frequencies of the transmitter. However, only equipment having the required stability will be approved for use at a television broadcast translator station.

(b) In the event that a television broadcast translator station is found to be operating beyond the frequency tolerance prescribed in § 4.761, the licensee shall promptly suspend operation of the translator and shall not resume operation until the translator has been restored to its assigned frequencies. Adjustment of the frequency determining circuits of a television broadcast translator station shall be made only by a qualified person in accordance with § 4.750(g).

§ 4.763 Time of operation.

(a) A television broadcast translator station is not required to adhere to any regular schedule of operation. However, the licensee of a television translator station is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If causes beyond the control of the licensee require that a television broadcast translator station remain inoperative for a period in excess of 10 days, the Engineer in Charge of the radio district in which the station is located shall be notified promptly in writing, describing the cause of failure and the steps taken to place the station in operation again, and shall be notified promptly when the operation is resumed.

(c) Failure of a television broadcast translator station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station will be cancelled.

(d) A television broadcast translator station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.

§ 4.764 Station inspection.

The licensee of a television broadcast translator station shall make the station and the records required to be kept by the rules in this subpart, available for inspection by representatives of the Commission.

§ 4.765 Posting of station license.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the station or the manner of operation shall be kept in the station record file maintained by the licensee so as to be available for inspection upon request to any authorized representative of the Commission.

(b) The call sign of the translator together with the name, address, and telephone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the translator, shall be displayed at the translator site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

§ 4.766 Operator requirements.

(a) No licensed radio operator is required for the routine operation of a television broadcast translator station provided that the requirements of § 4.734 are met. Otherwise, an operator holding a valid restricted radiotelephone operator permit or a first or second class radiotelephone operator license shall be on duty at the place where the transmitting apparatus is located at all times when the apparatus is being operated.

(b) A licensed operator employed to operate a TV translator may, at the discretion of the licensee, be employed for other duties or for the operation of another class of station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such duties shall in nowise interfere with the operation of the TV translator station.

§ 4.767 Marking and lighting of antenna structures.

The marking and lighting of antenna structures employed at a television broadcast translator station, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 4.768 Additional orders.

In cases where the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 4.769 Copies of rules.

The licensee of a television broadcast translator station shall have current copies of Part 3, Part 4, and in cases where antenna marking is required, Part 17 of this chapter available for use by the operator in charge and is expected to be familiar with those rules relating to the operation of a television broadcast translator station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at nominal cost.

OPERATION

§ 4.781 Station records.

(a) The licensee of a television broadcast translator station shall maintain

adequate station records, including the current instrument of authorization, official correspondence with the Commission, maintenance records, contracts, permission for rebroadcasts, and other pertinent documents.

(b) Where an antenna structure is required to be painted or illuminated, see § 17.38 of this chapter.

(c) The station records shall be made available upon request to any authorized representative of the Commission.

(d) Station records shall be retained for a period of two years.

§ 4.782 [Reserved]

§ 4.783 Station identification.

(a) The call sign of a television broadcast translator station shall be transmitted in international Morse Code, by means of an automatic keying device, at the beginning of each period of operation and, during operation, within 5 minutes of the hour and half hour. This transmission may be accomplished either by turning the visual and aural carriers of the translator on and off in the proper sequence or by superimposing an audio frequency tone containing the 'telegraphic identification, on the visual and aural carriers radiated by the translator. The modulation level of the identifying signal shall not be less than 30 percent of the aural signal.

(b) The Commission may, in its discretion, specify other methods of identification.

(c) Call signs for television broadcast translator stations will be made up of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally follow the pattern used in the broadcast service, i.e., stations west of the Mississippi River will be assigned an initial letter K and those east of the Mississippi River the letter W. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

§ 4.784 Rebroadcasts.

(a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio or television station and the simultaneous or subsequent retransmission of such programs or signals for direct reception by the general public.

(b) The licensee of a television broadcast translator station shall not rebroadcast the programs of any television broadcast station or other television broadcast translator station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The Commission shall be notified of the call letters of each station rebroadcast and the licensee of the television broadcast translator station shall certify that written consent has been received from the licensee of the station whose programs are retransmitted.

(c) A television broadcast translator station is not authorized to rebroadcast the transmissions of any class of station other than a television broadcast station or another television broadcast translator station.

PRE-EXISTING REPEATERS

§ 4.790 Special requirements for pre-existing VHF repeaters.

(a) Until October 31, 1961, the provisions of this section shall apply to repeater stations which are rebroadcasting TV signals on VHF Channels 2–13, and which were constructed on or before July 7, 1960. The term "repeater station" is used in this section of the rules to refer to low power devices for the reception, amplification and retransmission of television signals, irrespective of whether the output channel is the same as the input channel, or is a different channel as in the case of VHF translators.

(b) On or before October 31, 1960, the operators of all devices covered in paragraph (a) of this section shall file with the Commission at its Washington offices an application for temporary authorization to continue operation. Such application shall be filed on FCC Form 347–A in accordance with instructions accompanying that Form.

(c) Applicants must comply with requirements imposed by law, including those found in the following sections of the Communications Act of 1934:

(1) Section 308(b) which requires that the application be signed by the applicant under oath or affirmation.

(2) Section 310 which, among other things, prohibits the issuance of a license to an alien or an organization of which any officer or director is an alien.

(3) Section 325 which prohibits rebroadcasting of the programs of another broadcasting station without the express authority of the other station. Applicants must certify that such consent has been obtained in writing and is available for inspection by the Commission.

(d) An applicant for a temporary authorization under this section shall certify in his application that on or before February 1, 1961 he will file an application on FCC Form 346 for authority to replace or modify the facility for which temporary authorization is sought, so as to conform to all the requirements set out in §§ 4.701 through 4.784 of this Subpart G of the Commission's rules with respect to television broadcast translators.

(e) Existing repeaters may not be modified, and no new translator may be constructed, prior to the issuance of Commission approval of an application filed on FCC Form 346 for authorization to make a desired modification or to construct a new translator.

(f) Temporary authorizations issued under this section of the rules will be valid only until October 31, 1961. On or before that date persons responsible for the operation of all repeaters must complete all the steps required to comply with all the requirements of §§ 4.701 through 4.784 of this Subpart G of the Commission's rules.

[F.R. Doc. 60–7259; Filed, Aug. 3, 1960; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 998]

[Docket No. AO–259–A3]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Corpus Christi, Texas, on February 18, 1960, pursuant to notice thereof issued on February 10, 1960 (25 F.R. 1344).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 19, 1960 (25 F.R. 4556) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The establishment of a separate class and pricing provision for milk used to produce cheddar cheese;

2. Whether an emergency exists with respect to issue No. 1 which warrants the omission of a recommended decision of the Deputy Administrator, Agricultural Marketing Service, and the opportunity for filing exceptions thereto;

3. The revision of the location differentials applicable at Kingsville, and Falfurrias, Texas;

4. The elimination of the volume limitation that applies to route distribution of Class I milk by a producer-handler; and

5. The revision of the provision relating to marketing services.

An emergency decision on issues No. 1 and No. 2 was issued by the Assistant Secretary on March 22, 1960 (25 F.R. 2541) and an order amending the order on the matter was issued by him on March 28, 1960 (25 F.R. 2724).

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issues No. 1 and No. 2 were considered previously.

3. No consideration is being given to issue No. 3 inasmuch as no evidence was presented with respect to it.

4. The volume limitation that presently applies to route distribution of Class I milk in the marketing area by a producer-handler should be eliminated. The present producer-handler definition includes any person who produces milk and operates an approved plant, but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 3,300 pounds of Class I milk on routes in the marketing area. If such a person distributes an average of 3,300 pounds or more per day, he becomes a fully regulated handler and becomes subject to the expense of administration of the order pursuant to § 998.85.

In a market such as Corpus Christi, which includes an individual-handler pooling provision, the only significance of the present limitation is whether the producer-handler has to pay the administrative assessment on the milk of his own production which he distributes. The few cents per hundredweight involved would be of little or no importance to the proper functioning of the order. No other Federal order, with an individual-handler type pool, contains such a limitation provision on a producer-handler.

Exceptions were filed by interested parties to the producer-handler definition contained in the recommended decision. It was contended that elimination of the volume limitation on Class I distribution of a producer-handler in the marketing area, with nothing substituted therefor, left a definition susceptible of circumvention and abuse, in that any loosely organized group could be established to qualify as a producer-handler. Based on such exceptions, the definition herein set forth requires not only that a producer-handler be a person who both produces milk and operates an approved plant and receives no milk from other dairy farmers, but also that he must demonstrate that all aspects of the operation (the production, processing and distribution) are his personal enterprise and are operated at his personal risk.

Exception also was taken to the producer-handler definition on the basis that it affords opportunity and incentive for acquisition of unlimited supplies of unregulated milk from other plants for Class I disposition in the marketing area. Such exception is denied, however, since disposition in the marketing area of any substantial quantity of milk obtained from such other plants would subject such other plants themselves to regulation under the "fluid milk plant" and "approved plant" definitions of the order.

5. The present marketing services provision should be continued without modification.

The order now provides for marketing service deductions by handlers from payments to producers for their milk to provide market information and to check the accuracy of the testing and weighing of producers' milk. The money is paid to the market administrator for performing such services for producers who are not receiving such services from a qualified cooperative association. In the case of producers who are members of a cooperative association, qualified by the Secretary, which is performing such services for its member producers, deductions from the payments to be made to such producers as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, are paid to the cooperative association.

The proposal would broaden the provision relating to payments made to cooperative associations by their members (through deductions from handler payments for milk). It would do this by providing that producers not members of cooperative associations could enter into an agreement with a cooperative association for the performance of certain limited marketing services by the cooperative association and that payments to the cooperative for such services would be made through deductions from the handler payments to such producers.

The proponent has a substantial interest in both milk producing and distributing facilities. Although both facilites are largely owned by the same persons, the ownership interests are not identical. The proponent said the purpose of the proposal was to enable him to avoid the payment of marketing service charges to the market administrator on the milk which is produced by the production facilities which he controls if he were able to negotiate an agreement with a cooperative association for the performance of such services at a lesser rate than that provided in the order. The cooperative association would assume no responsibility for marketing such milk. It would function merely as an agent to perform the technical service of testing the milk for butterfat content.

The producers' association offered no testimony on the matter. A handler testified in opposition to the proposal.

The marketing services provision in the Corpus Christi order is similar to that contained in most orders in force in the country. Producers under the present provision have the alternatives of receiving marketing services as members of a qualified cooperative association which is a marketing agency for their milk or as non-members. Such alternatives apparently have been adequate to accommodate producers with respect to providing marketing services in accordance with the Act.

Under the applicable statutory provisions, the rendition of marketing services and provision for mandatory deductions from payments to producers to defray the cost thereof, payable to the administrative agency, extend to all producers, except as to those for whom such services are being rendered by a cooperative marketing association meeting specified qualifications. It is clear that such association must be one which

is actually engaged in the marketing of milk and that such services are those which are an adjunct to or are associated with the performance of that function. It would not include a service, although similar in nature, that may be rendered by some person, including a cooperative, who does not also have the authority, and who does not actually assume the responsibility of marketing such producers' milk. Thus the proposal, which would permit the rendition of services to the exclusion of the market administrator, independently of the exercise of marketing responsibility, is inconsistent with the policy of the Agricultural Marketing Agreement Act.

It is concluded that the proposal should be denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Ruling on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 29th day of July, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area

§ 998.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Amend § 998.15 to read as follows:

§ 998.15 Producer-handler.

"Producer-handler" means any person who (a) produces milk and also operates an approved plant; (b) receives no milk from other dairy farmers; and (c) provides proof satisfactory to the market administrator that the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

[F.R. Doc. 60-7229; Filed, Aug. 3, 1960; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Substances Generally Recognized as Safe; Dietary Food Supplements

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended; 21 U.S.C. 348, 371), the Commissioner of Food and Drugs, pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), proposes to add the following substances that are incorporated in dietary food supplements to the list of substances generally recognized as safe and to amend § 121.101 by adding these substances to the list incorporated in paragraph (d) of that section:

§ 121.101 Substances that are generally recognized as safe.

* * * * * * *

(d) * * *

NUTRIENTS

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Alanine (α-aminopropionic acid), L- and DL- forms.
Arginine (1-amino-4-guanidovaleric acid) L- and DL- forms, free and hydrochloride forms.
1-Aspartic acid (1-amino-succinic acid) L- and DL- forms.
Biotin.
Calcium citrate.
Calcium pyrophosphate.
Calcium glycerophosphate.
Choline chloride.
Chlorophyll (extracted from plants without change in chemical structure).
Cystine, L- and DL- forms.
L-Cysteine.
Ferrous gluconate, ferrous lactate.
Histidine, L- and DL- forms, free and hydrochloride forms.
Isoleucine (α-amino-β-methylvaleric acid), L- and DL- forms.
Leucine (α-aminoisocaproic acid) L- and DL- forms.
Linoleic acid (prepared from edible fats and oils and free from chick edema factor).
Magnesium phosphate (di-, tribasic).
Magnesium sulfate.
Magnesium oxide.
Manganese citrate.
Manganese hypophosphite.
Manganese chloride.
Manganese gluconate.
Manganese sulfate.
Manganese glycerophosphate.
Manganese oxide.
Phenylalanine, L- and DL- forms.
Potassium glycerophosphate.
Proline (2-pyrrolidine carboxylic acid), L- and DL- forms.
Serine (β-hydroxylanine) L- and DL- forms.
Threonine, L- and DL- forms.
L-Tryptophane (*l*-α-amino-3-indolepropionic acid), free and hydrochloride forms.
Tyrosine, L- and DL- forms.
Valine (α-aminoisovaleric acid), L- and DL- forms.
Zinc sulfate.
Zinc gluconate.
Zinc chloride.
Zinc oxide.
Zinc stearate (prepared from stearic acid free from chickedema factor).

The Commissioner of Food and Drugs hereby offers an opportunity to all interested persons to present their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof. All comments should be filed in quintuplicate.

Dated: July 28, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7237; Filed, Aug. 3, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 465]

AIRWORTHINESS DIRECTIVES

Sikorsky Helicopters

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive establishing new retirement, replacement and inspection schedules for components of Sikorsky S-52-3 helicopters. Amendment 102 (25 F.R. 1312) imposed a 100-hour service life on eleven major assemblies and components pending completion of investigation to establish final service limitations. The investigation has been completed and it was determined that not all of the components need to be service limited. The service life of major assemblies has been increased and other components will require no further special inspection or replacement if redesigned parts are installed. Accordingly, it is proposed that Amendment 102 be superseded by a new directive setting forth the mandatory retirement and inspection schedules.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 5, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

SIKORSKY. Applies to all Sikorsky S-52-3 helicopters.

Compliance required as indicated.

As a result of further investigation of the service history of the HO5S-1 (S52-3) helicopters, the following retirement, replacement and inspection schedules must be accomplished at the times indicated:

(a) The following components must be retired from service at the hours of time in service indicated:

P/N S11-10-2200 Main Rotor Blade Assembly—1,100 hours

P/N S11-15-1100 Tail Rotor Blades—1,700 hours.

(b) Effective 30 days after publication in the FEDERAL REGISTER as an adopted rule, the following components must be replaced with the redesigned components indicated, if not already accomplished:

P/N S11-35-2006, Clutch Spindle, replace with P/N S11-35-2009

P/N S11-35-2013, Clutch Spring, replace with P/N S11-35-2013-1

P/N S11-35-2019, Free Wheel Unit Spring, replace with P/N S11-35-2019-1

P/N 13273, Bolt, Engine Fan, replace with AN-76-10 Bolt.

(c) Effective 30 days after publication in the FEDERAL REGISTER as an adopted rule, the following shall be accomplished at the times indicated:

(1) The torque of the AN-76-10 bolts in the engine fan must be checked every 30 hours' time in service and retorqued if necessary to a minimum value of 370 inch-pounds. Bolts found with less than 300 inch-pounds torque must be replaced with new bolts. (Sikorsky Service Information Circular 1135-22 covers this subject.)

(2) Within the next 30 hours' time in service and every 30 hours' time in service thereafter, inspect the DSP4 bearing in the rotating scissors in accordance with Sikorsky Service Information Circular 1110-46 and replace bearing every 100 hours' time in service with new bearing. When DSP4 bearing is replaced by DSRP4 bearing, the DSP4 inspection and replacement schedule no longer applies.

(3) Within the next 30 hours' time in service and every 30 hours' time in service thereafter, inspect the DSP4 bearing in the damper arm in accordance with Sikorsky Service Information Circular 1110-46 and replace bearing every 300 hours' time in service with new bearing. When DSP4 bearing is replaced by DSRP4 bearing, the DSP4 inspection and replacement schedule no longer applies.

This supersedes Amendment 102, 25 F.R. 1312.

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7211; Filed, Aug. 3, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 466]

AIRWORTHINESS DIRECTIVES

Allison Engines

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of a new midbearing torquemeter assembly on Allison Model 501-D13 Series engines to correct a design deficiency which has resulted in several cases of torquemeter failure.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or argu-

ments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 5, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

ALLISON. Applies to all Model 501-D13 Series engines.

Compliance required at next overhaul of the engine, power section or torquemeter, whichever comes first, but not later than December 31, 1960.

Several cases of rubbing of the torquemeter housing by the torquemeter reference shaft have resulted in complete separation of the housing into two sections. To preclude such failures, a mid-bearing torquemeter assembly, P/N 6823900, identified by a ½-inch by 2½-inch blue stripe on the forward bevel of the housing shall be installed.

(Allison Commercial Engine Bulletin No. 72-113 covers the same subject.)

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7212; Filed, Aug. 3, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-64]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6427 and 601.6427 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 427 and associated control areas presently extends from the Newcomerstown, Ohio, VOR via the Navarre, Ohio, VORTAC to the intersection of the Navarre VORTAC 352° and the Cleveland, Ohio, VOR 109° True radials. The Federal Aviation Agency has under consideration the modification of this airway by extending it from the present intersection of the Navarre VORTAC 352° and the Cleveland VOR 109° True radials north along the Navarre VORTAC 352° True radial to its intersection with the Akron, Ohio, VOR 298° True radial thence northwest via the Akron VOR 298° True radial to its intersection with the Cleveland, Ohio, VOR 091° True radial. This would facilitate air traffic management by providing an airway into the Cleveland terminal area for aircraft operating from southern terminals which would be compatible with the terminal area arrival, holding and departure procedures.

If this action is taken, VOR Federal airway No. 427 and associated control areas would be designated from the Newcomerstown, Ohio, VOR, via the Navarre, Ohio, VORTAC; the intersection of the Navarre VORTAC 352° and the Akron, Ohio, VOR 298° True radials, to the Berea, Ohio, Intersection (intersection of the Akron VOR 298° and the Cleveland, Ohio, VOR 091° True radials).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 28, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7213; Filed, Aug. 3, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[442.14]

TRAVERTINE SLABS

Tariff Classification

JULY 28, 1960.

The Bureau of Customs published in the FEDERAL REGISTER of June 25, 1960 (25 F.R. 5886), notice that it had under review the existing practice of classifying travertine slabs, gang-sawed from a block, cut to a definite thickness, such as ⅞ inch, no other processing having been performed, and suitable for use as building or monumental stone, under paragraph 234(b), Tariff Act of 1930, as travertine stone, unmanufactured, or not dressed, hewn, or polished, dutiable at the rate of 10½ cents per cubic foot under that paragraph, as modified.

The Bureau, by letter dated July 28, 1960, addressed to the collector of customs, New York, N.Y., held that this merchandise is properly classifiable under paragraph 234(c) as stone suitable for use as monumental or building stone, not specially provided for, otherwise manufactured than hewn, dressed, or polished, and dutiable at the rate of 21 percent ad valorem under that paragraph, as modified.

Insofar as this decision results in the assessment of duty at a rate of duty higher than that which has been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-7243; Filed, Aug. 3, 1960; 8:51 a.m.]

[643.3]

SHOEBOARD FROM ENGLAND

Purchase Price; Foreign Market Value

JULY 29, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of shoeboard manufactured by W. W. Chamberlain & Sons, Ltd., of England is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of shoeboard manufactured by W. W. Chamberlain & Sons, Ltd., of England pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-7242; Filed, Aug. 3, 1960; 8:51 a.m.]

Office of the Secretary

[1960 Dept. Circular 1048]

3⅛ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1961

Offering of Notes

AUGUST 1, 1960.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 3⅛ percent Treasury Certificates of Indebtedness of Series C-1961. The amount of the offering under this circular is $7,750,000,000, or thereabouts. Treasury Notes of Series C-1960, maturing August 15, 1960, will be accepted at par in payment or exchange, in whole or in part, for the new certificates subscribed for, to the extent such subscriptions are allotted by the Treasury. The books will be open only on August 1 and August 2, 1960, for the receipt of subscriptions for this issue.

2. The Secretary of the Treasury, on behalf of the Federal National Mortgage Association, offers to purchase on August 15, 1960, at par and accrued interest, Federal National Mortgage Association 3⅝ percent Notes of Series ML-1960-A, dated January 20, 1958, due August 23, 1960, to the extent to which subscriptions from the holders thereof to Treasury Certificates of Indebtedness of Series C-1961 hereunder are allotted by the Treasury, and the proceeds from the par amount of such notes are applied to the payment, in whole or in part, of the certificates in accordance with Paragraph 2 of Section IV of this circular. Tenders of the Federal National Mortgage Association 3⅝ percent Notes of Series ML-1960-A for that purpose are invited.

II. *Description of Certificates.* 1. The certificates will be dated August 15, 1960, and will bear interest from that date at the rate of 3⅛ percent per annum, payable on a semiannual basis on February 1 and August 1, 1961. They will mature August 1, 1961, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions from commercial and other banks for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks will be received without deposit. Subscriptions from all others must be accompanied by payment (in cash or in Treasury Notes of Series C-1960, maturing August 15, 1960, at par, or Federal National Mortgage Association Notes of Series ML-1960-A tendered for purchase under Paragraph 2 of Section I, hereof, at par) of 2 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase

or sale or other disposition of any certificates of this issue, until after midnight August 2, 1960.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of certificates applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Government Investment Accounts, and the Federal Reserve Banks, will be allotted in full. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before August 15, 1960, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any certificates allotted hereunder in cash or by exchange of Treasury Notes of Series C–1960, maturing August 15, 1960, which will be accepted at par. Where payment is made with Treasury Notes of Series C–1960, coupons dated August 15, 1960, should be detached from such notes by holders and cashed when due.

2. In addition, payment may be made for any certificates allotted hereunder with the proceeds of the par amount of Federal National Mortgage Association Notes of Series ML–1960–A tendered for purchase in accordance with Paragraph 2 of Section I of this circular. Federal National Mortgage Association Notes of Series ML–1960–A tendered for purchase must have coupons dated August 23, 1960, attached, and payment will be made at par and accrued interest to August 15, 1960. Accrued interest from February 23, 1960, to August 15, 1960, on the Series ML–1960–A notes ($17.31944 per $1,000) will be paid following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 60–7245; Filed, Aug. 3, 1960; 8:51 a.m.]

[1960 Dept. Circular 1049]

3⅞ PERCENT TREASURY BONDS OF 1968

Offering of Bonds; Additional Issue

AUGUST 1, 1960.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, subject to allotment, at par and accrued interest, from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1968. The amount of the offering under this circular is $1,000,000,000, or thereabouts. Treasury Notes of Series C–1960, maturing August 15, 1960, will be accepted at par in payment or exchange, in whole or in part, for the new bonds subscribed for, to the extent such subscriptions are allotted by the Treasury. The books will be open only on August 1 and August 2, 1960, for the receipt of subscriptions for this issue.

2. The Secretary of the Treasury, on behalf of the Federal National Mortgage Association, offers to purchase on August 15, 1960, at par and accrued interest, Federal National Mortgage Association 3⅝ percent Notes of Series ML–1960–A, dated January 20, 1958, due August 23, 1960, to the extent to which subscriptions from the holders thereof to Treasury Bonds of 1968 hereunder are allotted by the Treasury, and the proceeds from the par amount of such notes are applied to the payment, in whole or in part, of the bonds in accordance with Paragraph 2 of Section IV of this circular. Tenders of the Federal National Mortgage Association 3⅝ percent Notes of Series ML–1960–A for that purpose are invited.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3⅞ percent Treasury Bonds of 1968 issued pursuant to Department Circular No. 1044, dated June 8, 1960, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from August 15, 1960. Subject to the provision for the accrual of interest from August 15, 1960, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1044:

1. The bonds will be dated June 23, 1960, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semiannual basis on November 15, 1960, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes. * * *

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 25 percent of the combined capital, surplus and undivided profits of the subscribing bank. Subscriptions from commercial and other banks for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Government Investment Accounts, and the Federal Reserve Banks will be received without deposit. Subscriptions from all others must be accompanied by payment (in cash or in Treasury Notes of Series C–1960, maturing August 15, 1960, at par, or Federal National Mortgage Association Notes of Series ML–1960–A tendered for purchase under Paragraph 2 of Section I, hereof, at par) of 20 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 20 percent payment in excess of 20 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest from June 23, 1960, to August 15, 1960 ($5.58084 per $1,000) for bonds allotted hereunder must be made or completed on or before August 15, 1960, or on later allotment. In every case where payment is not so completed, the payment with application up to 20 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any bonds allotted hereunder in cash or by exchange of Treasury Notes of Series C–1960, maturing August 15, 1960, which will be accepted at par. Where payment is made with Treasury Notes of Series C–1960, coupons dated August 15, 1960, should be detached from such notes by holders and cashed when due.

2. In addition, payment may be made for any bonds allotted hereunder with the proceeds of the par amount of Federal National Mortgage Association Notes of Series ML–1960–A tendered for purchase in accordance with Paragraph 2 of Section I of this circular. Federal National Mortgage Association Notes of Series ML–1960–A tendered for purchase must have coupons dated August 23, 1960, attached, and payment will be made at par and accrued interest to August 15, 1960. Accrued interest from February 23, 1960, to August 15, 1960, on the Series ML–1960–A notes ($17.31944 per $1,000) will be credited, and accrued interest from June 23, 1960, to August 15, 1960 ($5.58084 per $1,000) will be charged and the difference $11.7386 per $1,000 will be paid subscribers following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 60–7246; Filed, Aug. 3, 1960; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 29, 1960.

The Forest Service has filed an application, Serial No. Washington 02428, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for recreation areas and administrative sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane 1, Wash.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Jake Creek Recreation Area

T. 5 N., R. 5 E., W. M., Washington,
Sec. 22: NE¼SW¼, NW¼SE¼ (unsurveyed), 80 acres.

Clearwater Shelter Recreation Area

T. 8 N., R. 6 E., W. M., Washington,
Sec. 23: NE¼NW¼ (surveyed), 40 acres.

Badger Meadows Recreation Area

T. 9 N., R. 7 E., W. M., Washington,
Sec. 2: NW¼NW¼ (unsurveyed), 40 acres.

Lower Cispus Recreation Area

T. 11 N., R. 7 E., W. M., Washington,
Sec. 18: Lot 4 (surveyed), 31.85 acres.

Mosquito Meadows Recreation Area

T. 10 N., R. 7 E., W. M., Washington,
Sec. 34: SE¼NE¼SW¼, NE¼SE¼SW¼ (unsurveyed), 20 acres.

Cat Creek Recreation Area

T. 10 N., R. 9 E., W. M., Washington,
Sec. 13: S½NE¼SW¼, NE¼SW¼SW¼ (unsurveyed), 30 acres.

Adams Fork Recreation Area

T. 10 N., R. 9 E., W. M., Washington,
Sec. 23: SW¼NE¼ (unsurveyed), 40 acres.

East Canyon Recreation Area

T. 10 N., R. 9 E., W. M. Washington,
Sec. 31: E½E½NW¼ (unsurveyed), 40 acres.

Tower Rock Recreation Area

T. 10 N., R. 9 E., W. M., Washington,
Sec. 12: Lot 5 (surveyed);
Sec. 13: NE¼NE¼ of Lot 1 (surveyed), 17.55 acres.

North Fork Recreation Area

T. 11 N., R. 8 E., W. M., Washington,
Sec. 10: N½NW¼SE¼, SW¼NW¼SE¼, and NW¼SW¼SE¼ (unsurveyed), 40 acres.

Blue Lake Recreation Area

T. 11 N., R. 9 E., W. M., Washington,
Sec. 30: SE¼SW¼SW¼ and SW¼SE¼SW¼ (unsurveyed), 20 acres.

Silver Creek Recreation Area

T. 12 N., R. 7 E., W. M., Washington,
Sec. 10: Lot 9 (surveyed), 38.99 acres.

Iron Creek Administrative Site

T. 10 N., R. 7 E., W. M., Washington,
Sec. 17: SW¼SW¼ (unsurveyed), 40 acres.

Mosquito Meadows Administrative Site

T. 10 N., R. 7 E., W.M., Washington,
Sec. 33: NE¼NE¼NE¼ (unsurveyed);
Sec. 34: NW¼NW¼NW¼ (unsurveyed), 20 acres.

Cat Creek Administrative Site

T. 10 N., R. 9 E., W.M., Washington,
Sec. 13: SW¼NE¼NE¼, NW¼SE¼NE¼, NE¼SW¼NE¼, SE¼NW¼NE¼ (unsurveyed), 40 acres.

Adams Fork Administrative Site

T. 10 N., R. 9 E., W.M., Washington,
Sec. 23: E½SE¼NW¼ (unsurveyed), 20 acres.

Camp Creek Administrative Site

T. 11 N., R. 8 E., W.M., Washington,
Sec. 8: SW¼NE¼SW¼, NW¼SE¼SW¼, NE¼SW¼SW¼, SE¼NW¼SW¼ (unsurveyed), 40 acres.

Cispus Camp Administrative Site

T. 11 N., R. 8 E., W.M., Washington,
Sec. 18: S½SE¼NE¼, N½NE¼SE¼ (unsurveyed), 40 acres.

The aggregate area of these lands is 638.39 acres.

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 60–7224; Filed, Aug. 3, 1960; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number J–011659 for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, the mineral leasing laws and laws pertaining to the disposition of materials. The applicant desires the land for an air navigation site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Manage-

ment, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

From a point about 3.90 chs. (257.4 ft.) N. of the North side of Lena Point road at corner No. 7, U.S. Survey No. 2871, go north 86°24' W., 7.925 chs. (523.05 ft.) to corner No. 6, U.S. Survey 2871; thence south 00°02' E. 2.985 chs. (197.01 ft.) to corner No. 5, U.S. Survey 2871; thence S. 61°12' W. 0.395 chs. (26.07 ft.) to corner No. 4, U.S. Survey 2871; thence N. 87°11' W. 15.70 chs. (1036.20 ft.) along the right-of-way of the Lena Point road; thence N. 77°25' to P.O.B., thence W. 11.36 chs. (750 ft.); thence S. 70° W. 5.4 chs. (360 ft.), approximately, to corner No. 3 of Lot "E-E", U.S. Survey 3053 (which corner is common to corner No. 2 of Lot "E", U.S. Survey 3053); thence northwesterly along the Lena Point road following the boundaries of Lots "EE", "F", "G" and "H", U.S. Survey 3053, to corner No. 2 of U.S. Survey 3053 (which corner is common to corner No. 2 of Lot "H", U.S. Survey 3063); thence north 49°15' E. 9.55 chs. (630.30 ft.) along the southern boundary of lands reserved by P.L.O. 723 dated May 24, 1951, to an iron pipe monument; thence N. 87° E. 13 chs. (860 ft.), approximately; thence S. 8.3 chs. (550 ft.) approximately, to the point of beginning, containing approximately 16 acres.

WARNER T. MAY,
Operations Supervisor.

[F.R. Doc. 60-7221; Filed, Aug. 3, 1960; 8:47 a.m.]

NORTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1960.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has filed an application, Serial Number Montana 039303(ND), for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land be reserved in public ownership under the provisions of the Act of August 14, 1946 (60 Stat. 1080; 16 U.S.C. 661-66c). Lands in T. 151 N. will be administered by the Bureau of Sport Fisheries and Wildlife as a Waterfowl Production Area. Lands in T. 152 N. will be administered as part of the Sullys Hill National Game Preserve, established by Executive Order 3596 and the Act of March 3, 1931.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

5TH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 151 N., R. 65 W.,
Sec. 7, W½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NW¼NE¼NE¼, S½NE¼NE¼, S½NE¼, and SE¼;
Sec. 8, NW¼NW¼.
T. 152 N., R. 65 W.,
Sec. 20, W½E½NE¼, W½NE¼, NW¼, and SE¼;
Sec. 21, SW¼NE¼, SE¼NW¼, and SW¼.

Total acres, 997.50, more or less.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 60-7222; Filed, Aug. 3, 1960; 8:47 a.m.]

UTAH

Order for Reopening of Public Lands

JULY 26, 1960.

Pursuant to the authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F.R. 2473), the following-described lands reconveyed to the United States in an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

1. The conveyance to the United States of the following-described lands included the land only and excluded the mineral estate, which is subject to a reservation to the State of Utah:

SALT LAKE MERIDIAN, UTAH

T. 25 S., R. 23 E.,
Sec. 15: SW¼NE¼.

Containing 40 acres.

2. The conveyance to the United States of the following-described lands is subject to a reservation of one-half interest in and to all oil, gas, petroleum, naptha, hydrocarbon substances and minerals, upon or beneath the land, in favor of the Federal Land Bank of Berkeley.

SALT LAKE MERIDIAN, UTAH

T. 25 S., R. 24 E.,
Sec. 29: NE¼SE¼, W½SE¼, E½SW¼.

Containing 200 acres.

Information as to any mineral rights reconveyed to the United States is of record in the Land Office, Bureau of Land Management, 3d Floor, Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

The SW¼NE¼ Sec. 15, T. 25 S., R. 23 E., lies in the floor of Castle Valley, adjacent to Castle Creek. The land is relatively flat, supporting a sparse growth of native forage grasses and sage brush. The surface formation is rocky valley fill.

The NE¼SE¼, W½SE¼, E½SW¼ Sec. 29, T. 25 S., R. 24 E., is situated in the eastern part of Castle Valley, the SE¼SW¼, SW¼SE¼ being traversed by Castle Creek. It is rough to mountainous except for a few acres of fairly flat land. Vegetation consists of native grasses, sage brush, mountain mahogany, scrub oak, and juniper, with some wild hay on the more level portion. Both tracts of land are predominantly suited for grazing livestock.

No application for these lands will be allowed under the homestead, desert-land, small tract or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable, for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered upon its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

(1) Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning at the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws for lands listed in paragraphs 1 and 2 and applications and offers under the mineral leasing laws for lands listed in paragraph 2 presented prior to 10:00 a.m., August 29, 1960, will be considered as simultaneously filed and offers filed after that hour will be governed by the time of filing.

(2) The lands listed in paragraph 2 will be open to location under the United States mining laws beginning at 10:00 a.m., August 29, 1960.

Persons claiming preference rights based upon valid settlement, statutory perference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 3d Floor, Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

[F.R. Doc. 60-7223; Filed, Aug. 3, 1960; 8:47 a.m.]

[Notice 13]

ALASKA

Notice of Filing of Alaska Protraction Diagrams, Fairbanks Land District, Cancellation

JULY 28, 1960.

Notice of filing of pages one and two of Fairbanks Meridian Portfolio Number 10, Federal Register Document 60-6802, appearing on page 6931 of the issue for July 21, 1960, is hereby cancelled insofar as it affects the following described public lands:

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

FAIRBANKS MERIDIAN, PORTFOLIO NO. 10

Sheet No. 1 Ts. 1 through 4 S., Rs. 1 through 4 W.
Sheet No. 2. Ts. 1 through 4 S., Rs. 5 through 8 W.

DOUGLAS B. LEIGHTNER,
Acting Manager,
Fairbanks Land Office.

[F.R. Doc. 60-7248; Filed, Aug. 3, 1960; 8:51 a.m.]

ALASKA

Delegation of Authority

JULY 29, 1960.

In accordance with section 1.1(1) and 2.1(1) and amendment 12 of the Bureau of Land Management Order 541, I hereby authorize the Cadastral Engineering Officer, Anchorage Operations Office to perform all functions listed in section 1.4 of the above referenced order.

L. T. MAIN,
Operations Supervisor,
Anchorage Operations Office.

[F.R. Doc. 60-7249; Filed, Aug. 3, 1960; 8:51 a.m.]

Bureau of Reclamation

ARIZONA

Amendment of Notice of Sale; Commercial and Residential Lots

Notice was originally published in the FEDERAL REGISTER of Friday, October 23, 1959, on page 8611, that the Bureau of Reclamation would offer for sale commercial and residential lots in the new town of Page, Arizona. It was therein stated that prospective purchasers would, on payment of a twenty-five (25) dollar deposit, be given an option to purchase the lots in which they had expressed an interest, provided that during the 120-day duration of said option, the prospective purchase fulfilled the several requirements relating to construction financing, building permits, and payment of the balance of the purchase price.

The above-cited sales procedure has been altered to eliminate further use of said option agreement and substitute in lieu thereof a Land Purchase Agreement. Under terms of said Land Purchase Agreement, the prospective purchaser is required to deposit, at time of execution of the agreement, five (5) percent of the appraised value of the lots considered for purchase, or three hundred (300) dollars whichever is the greater, and is afforded a period of 120 days in which said purchaser must arrange for construction financing, secure a building permit from the Page City Administrator, and conclude final arrangements for payment of the balance of the purchase price. The purchase agreement further provides that if the purchaser defaults in any of the terms and conditions of that agreement, it shall terminate and the monies paid thereunder shall be deemed rental for the premises involved and as liquidated damages paid to the United States. Purchase agreements may not be assigned without the prior written consent of the United States.

The foregoing amended sales procedure shall apply to those lots previously offered for sale under the aforecited notice which remain unsold; those for which previously executed option agreements have expired without sale having been consummated, and to such additional lots as may, with the prior approval of the Commissioner of Reclamation, be offered for sale from time to time.

N. B. BENNETT,
Acting Commissioner of Reclamation.

JULY 29, 1960.

[F.R. Doc. 60-7226; Filed, Aug. 3, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 17; U.S. ATLANTIC, GULF AND PACIFIC PORTS/INDONESIA-MALAYA

Notice of Tentative Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on July 22, 1960, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 17 and in accordance with the Maritime Administrator's action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 17, as described below, is reaffirmed as an essential foreign Trade Route of the United States:

Trade Route No. 17—United States Atlantic, Gulf and Pacific Coast/Indonesia-Malaya. Between United States Atlantic, Gulf and Pacific Coast ports and ports in Indonesia-Malaya (including Singapore, Sarawak and North Borneo) via Panama canal and/or Suez Canal.

2. Requirements for United States flag operations are as follows:

Approximate monthly sailings	*Services*
2½---	United States Atlantic (via Panama Canal) and California/Indonesia-Malaya and return, including Far East ports—Hong Kong and south en route;
1-----	United States Gulf (via Panama Canal) and Far East/Indonesia-Malaya and return over the same general route;
1-----	United States Pacific Northwest via Far East to Indonesia/Malaya and return via California to United States Pacific Northwest; and
6-7[1]--	Round-the-World Eastbound and Westbound serving United States Atlantic and California/Indonesia-Malaya, originating at United States Atlantic.

[1] These sailings are included in the Round-the-World Westbound and Eastbound services determined to be essential by the Maritime Administrator and do not amend or supersede those determinations.

3. Mariner type vessels are suitable for long range operation, C-3 type vessels are suitable pending replacement due to age and C-2 and Victory-type vessels are considered suitable for interim operation only and should be replaced at the earliest practicable date. Replacement vessels should be comparable in speed, bale cubic and deadweight capacity to the Mariner type vessel with adequate deep tank and refrigerated capacity.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing in triplicate to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on August 26, 1960. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: August 1, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7241; Filed, Aug. 3, 1960; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-75]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. CX-13 issued to National Aeronautics and Space Administration. The amendment authorizes the licensee to incorporate into its homogenous zero power re-

search reactor located at the Lewis Research Center in Cleveland, Ohio the additions to the reactor described in its license application amendment dated January 28, 1960. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor with the additions does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor without the additions.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details, see (1) the amendment to the license application dated January 28, 1960, submitted by National Aeronautics and Space Administration and (2) a hazards analysis of operation of the reactor with the additions prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

AMENDMENT TO UTILIZATION FACILITY LICENSE

[License No. CX-13; Amdt. 1]

Paragraph 1 of License No. CX-13 issued to National Aeronautics and Space Administration is hereby amended to read as follows:

This license applies to the homogeneous zero power research reactor (hereinafter referred to as "the reactor") which is owned by the National Aeronautics and Space Administration and located at the Lewis Research Center in Cleveland, Ohio, and described in the application of National Advisory Committee for Aeronautics, dated July 5, 1957, and amendments thereto dated August 22, 1957, August 27, 1957, December 2, 1957, February 28, 1958, June 23, 1958, October 28, 1958, October 31, 1958, December 2, 1958, and January 28, 1960 (hereinafter collectively referred to as "the application"). Pursuant to the notice published in the FEDERAL REGISTER on September 30, 1958, (23 FR 7595) it is noted that the functions and powers of the National Advisory Committee for Aeronautics were transferred to the National Aeronautics and Space Administration in accordance with the National Aeronautics and Space Act of 1958 (Public Law 85-568) approved July 29, 1958, 72 Stat. 426, 433.

This amendment is effective as of the date of issuance.

Date of issuance: July 29, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 60-7203; Filed, Aug. 3, 1960; 8:45 a.m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued to Yankee Atomic Electric Company Amendment No. 1 to Facility License No. DPR-3, authorizing operation of the reactor located at Rowe, Massachusetts, at power levels not in excess of 392 megawatts thermal. The license amendment was issued pursuant to the third intermediate decision authorizing power operations to 392 megawatts thermal issued by the Presiding Officer July 19, 1960.

Dated at Germantown, Md., this 29th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7204; Filed, Aug. 3, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11154]

OVERSEAS NATIONAL AIRWAYS, INC.

Notice of Hearing

In the matter of Overseas National Airways, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 16, 1960 at 10:00 a.m., e.d.s.t., in room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., August 1, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7250; Filed, Aug. 3, 1960; 8:52 a.m.]

[Dockets 10787, 11610]

RESORT AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the application of Resort Airlines, Inc., for an order authorizing temporary suspension of service, Docket 10787.

In the matter of the joint application of Resort Airlines, Inc. and Transportation Corporation of America d/b/a Trans-Caribbean Airways for transfer of certificate for route No. 135.

Notice is hereby given that a prehearing conference on the above-numbered dockets is assigned to be held on August 23, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., July 28, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7251; Filed, Aug. 3, 1960; 8:52 a.m.]

[Docket 7723 etc.]

TRANSPACIFIC ROUTE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 7, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before the Board.

Dated at Washington, D.C., August 1, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7252; Filed, Aug. 3, 1960; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13548 etc.; FCC 60-930]

CLEVELAND BROADCASTING, INC. (WERE-TV) ET AL.

Order Scheduling Oral Argument

In re applications of Cleveland Broadcasting, Inc. (WERE-TV), Cleveland, Ohio, et al., Docket No. 13548, File No. BMPCT-4210, et al.; construction permits for extension of completion date; O'Neill Broadcasting Company (KTRB-TV), Modesto, California, et al., Docket No. 13577, File No. BPCT-2484, et al.; for replacement of expired construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration its Order of June 1, 1960 (released June 7, 1960), in this proceeding designating for oral argument at a time to be specified in a subsequent Order applications for additional time to construct UHF television broadcast stations and for replacement of expired construction permits (FCC 60-642);

It is ordered, That oral argument before the Commission en banc is scheduled for September 23, 1960, commencing at 9:30 a.m.; that parties listed in the aforesaid Order of June 1, 1960 who filed timely appearances stating their intention to appear at the argument pursuant to the last ordering paragraph of said Order will be permitted to participate; and that each such party shall be allowed 20 minutes for argument including rebuttal time.

Released: August 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7253; Filed, Aug. 3, 1960; 8:52 a.m.]

[Docket Nos. 13622, 13623; FCC 60M-1329]

ELEVEN TEN BROADCASTING CORP.

Order Changing Place of Hearing

In re applications of Eleven Ten Broadcasting Corporation, Pasadena, California; for renewal of license of Standard Broadcast Station KRLA & Aux., Docket No. 13622, File No. BR-1189; for license to cover construction permit (BP-11700), Docket No. 13623, File No. BL-7701.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed July 22, 1960, requesting a change in place of hearing in the above-entitled proceeding from Washington, D.C., to Pasadena, California;

It appearing that the petition is supported by a showing of good and sufficient cause, and that, under Commission practice, field hearings in renewal proceedings of this kind are authorized;

It appearing further that it is appropriate to amend the order issued July 7, 1960, appointing a presiding officer herein to provide that James D. Cunningham, who will preside at other hearings heretofore scheduled to be held in Los Angeles, California, commencing October 5, 1960, shall also serve as presiding officer in the instant renewal proceeding which is set for September 26, 1960;

It is ordered, This 29th day of July 1960, that the petition is granted and that the place of hearing in the above-entitled proceeding is changed from Washington, D.C. to Pasadena, California; *And it is further ordered*, That the order issued July 7, 1960 (FCC 60M-1180; Mimeo. No. 91202), is amended to provide that James D. Cunningham in lieu of Thomas H. Donahue will serve as presiding officer in the said proceeding.

Released: July 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7254; Filed, Aug. 3, 1960; 8:52 a.m.]

[Docket Nos. 13673-13675; FCC 60M-1327]

HENNEPIN BROADCASTING ASSOCIATES ET AL.

Order Scheduling Prehearing Conference

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339; Jack I. Moore, James L. Magner, Ray Ekberg, Ingvald C. Ryan, Donald E. Nebelung, Post Publishing Company, Inc., and Carl Bloomquist, d/b as Crystal Broadcasting Company, Crystal, Minnesota, Docket No. 13675, File No. BP-13750; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 28th day of July 1960, pursuant to the provisions of § 1.111 of the Commission's rules that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m., on September 9, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon— such matters as will conduce materially to the attainment of this objective.

Released: July 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7255; Filed, Aug. 3, 1960; 8:52 a.m.]

[Docket No. 13595; FCC 60M-1324]

PACIFIC BROADCASTERS CORP.

Order Continuing Hearing

In re application of Pacific Broadcasters Corporation, Bakersfield, California, Docket No. 13595, File No. BMPCT-5448; for extension of time to complete construction of Television Station KBFL.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 27th day of July 1960, that exhibits will be exchanged on September 21, 1960.

It is further ordered, That the hearing in this proceeding presently scheduled for September 14, 1960, is continued to October 6. 1960, at 10 o'clock a.m., in Washington, D.C.

Released: July 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7256; Filed, Aug. 3, 1960; 8:52 a.m.]

[Docket No. 13686; FCC 60M-1328]

LAWRENCE SHUSHAN

Order Scheduling Prehearing Conference

In re application of Lawrence Shushan, Santa Barbara, California, Docket No. 13686, File No. BPH-2994; for construction permit (FM).

On the Hearing Examiner's own motion: *It is ordered*, This 28th day of July 1960, pursuant to the provisions of § 1.111 of the Commission's rules that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m. on September 13, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: July 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7257; Filed, Aug. 3, 1960; 8:52 a.m.]

[Docket Nos. 13627-13629; FCC 60M-1326]

M. EARLENE STEBBINS ET AL.

Order Continuing Hearing

In re applications of M. Earlene Stebbins, Skokie, Illinois, Docket No. 13627, File No. BPH-2828; WHFC, Inc. (WEHS), Chicago, Illinois, Docket No. 13628, File No. BPH-2870; Gale Broadcasting Company, Inc. (WFMT), Chicago, Illinois, Docket No. 13629, File No. BPH-2920; for construction permits (FM).

As a result of agreements arrived at upon the record of a prehearing conference in the above-entitled matter held this day,

It is ordered, This 28th day of July 1960, that the engineering cases of the parties shall be in writing and shall be exchanged on or before September 15, 1960, and

It is further ordered, That a further prehearing conference in this matter shall be held September 22, 1960, and

It is further ordered, That the hearing now scheduled for September 14, 1960 is postponed to a date to be determined at the aforesaid prehearing conference on September 22, 1960.

Released: July 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7258; Filed, Aug. 3, 1960; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9262 etc.]

HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMISSION CORP.

Order Granting Rehearing, Waiving Conditions in Order Issuing Certificates of Public Convenience and Necessity, Permitting the Filing of and Suspending Proposed Tariff Sheets and Providing for Hearing

JULY 28, 1960.

Houston Texas Gas and Oil Corporation, Docket Nos. G-9262 and RP61-3; Coastal Transmission Corporation, Docket Nos. G-9960 and RP61-4.

On May 27, 1960, Coastal Transmission Corporation (Coastal) tendered for filing First Revised Sheet Nos. 8, 9, 19, 20, 49, 49A, 49B, and 49C to its FPC Gas Tariff, Original Volume No. 1 proposing an annual increase in rates of $2,341,900 or 15.2 percent, based on estimated sales for the calendar year 1960, for natural gas sales and transportation service to its affiliate and sole jurisdictional customer, Houston Texas Gas and Oil Corporation (Houston). Concurrently with its aforesaid tender, Coastal filed a petition in the proceeding in Docket No. G-9960 requesting that the Commission amend its certificate order accompanying Opinion No. 301, issued December 28, 1956 in Docket Nos. G-9262, et al. (16 F.P.C. 118) to eliminate specific requirements as to rate of return, form of tariff, and separation of charges for sales and transportation.

Coastal's proposed increase in rates is based upon (1) an increase in the rate of return specified by the cost of service formula and (2) the elimination of the development period rate of return provision whereby Coastal's rate of return was based upon the composite return earned by Coastal and Houston. The certificate order accompanying Opinion No. 301, supra, required Coastal to include in its tariff the above-described provision regarding rate of return and therefore Coastal has concurrently, with its increased rate filing, applied for modification of the aforesaid order.

Also, on May 27, 1960, Houston tendered for filing First Revised Sheet Nos. 4 and 5 to its FPC Gas Tariff, Original Volume No. 1 and First Revised Sheet Nos. 27 and 60 to its FPC Gas Tariff, Original Volume No. 2 proposing an annual increase in rates of $1,340,900 or 8.0 percent, based on estimated sales for the calendar year 1960, for natural gas sales to distribution companies and transportation service rendered to two power companies in the State of Florida. Houston's proposed increased rates reflect the increase resulting from the above-described filing by Coastal and are based on an indicated rate of return of 7 percent rather than the 6 percent specified in the certificate order.

By letters dated June 22, 1960, the Commission rejected Coastal's and Houston's rate increase proposals as being inconsistent with outstanding certificate authorization. The letter of June 22, 1960 addressed to Coastal, however, accepted for filing First Revised Sheet Nos. 49, 49A, 49B, and 49C to Coastal's FPC Gas Tariff, Original Volume No. 1. Such sheets, which comprised a revision of Coastal's form service agreement, were allowed to become effective July 1, 1960.

On June 28, 1960, Coastal and Houston filed applications for rehearing and reconsideration of the Commission's aforementioned rejection of their rate increase tenders. In support of its application, Coastal states that the Commission's rejection of its rate filing was a departure from precedents established by the Commission, and that, if the proposed rate increases were in effect for the entire year (1960 estimated), the combined rate of return for Coastal and Houston would be 4.68 percent. However, the precedents cited by Coastal in support of its application for rehearing and reconsideration were fully considered by the Commission prior to its rejection of Coastal's rate increase filings. Further, Coastal's submittal of estimated sales, revenues, and cost data is an improper criteria for establishing the combined rate of return in this instant, inasmuch as Coastal's filing was tendered only four days prior to the completion of its first full twelve-months' period of actual operating experience. Under these circumstances, the public interest would best be served by using Coastal's actual operating data to test its rate increase proposal.

In its application for rehearing and reconsideration, Houston states that the condition set forth in the aforementioned Opinion No. 301 went solely to the level of the rates filed, and therefore there was no condition contained in the Commission's aforesaid order which limited the rate of return that Houston may earn, and that Houston's filing of its tariff, accepted by the Commission, satisfied the certificate order. Houston contends that, under the order issued December 28, 1956, upon acceptance of Houston's tariff the rate of return condition of the order was fully complied with, and Houston could have immediately thereafter filed a change in its tariff without permission for such filing by the Commission. We find such over-simplification of the intent of the order issued December 28, 1956, to be without merit.

On June 29, 1960, Houston filed and Coastal refiled petitions in Docket Nos. G-9262 and G-9960, respectively, requesting the Commission to amend its certificate order in the aforementioned Opinion No. 301, so as to delete the 6 percent rate of return condition set forth therein. Concurrently therewith, Houston and Coastal retendered their respective rate increase proposals previously tendered on May 27, 1960, which were rejected by the Commission on June 22, 1960, and filed a joint motion for waiver of the requirements of section 154.22 of the Regulations to permit the instant rate increase filings to be made prior to issuance of the requested certificate modification.

Houston and Coastal request that the proposed increased rates be made effective as of July 1, 1960; and, in the event that the Commission should decide to suspend their tenders, that the tendered tariff sheets to Houston's FPC Gas Tariff, Original Volume No. 2 be suspended for only two days, and that the additional tariff sheets tendered by Houston and Coastal be suspended to a date not later than December 1, 1960.

The rates, charges, classifications, and services contained in the above-designated revised tariff sheets tendered by Houston and Coastal on May 27, 1960, and retendered on June 29, 1960, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) Upon consideration of the said applications for rehearing and reconsideration, the applications for modification of the order issued December 28, 1956, and the retendered rate increase proposals, it appears that the public interest may best be served by granting Houston's and Coastal's applications for rehearing and reconsideration as hereinafter ordered, consolidating these proceedings and setting them for early hearing so that the issue of an appropriate rate of return for the respondent companies will be resolved in these proceedings.

(2) It is necessary and proper in the public interest and in the enforcement of the provisions of the Natural Gas Act that the Commission waive the conditions set forth in paragraphs (B) (1) and (C) (1), (2), and (3) of its aforesaid order granting certificates of public convenience and necessity to Houston and Coastal, Opinion No. 301 (16 F.P.C. 118, 144-145) so as to permit Houston's and Coastal's proposed increased rate filings to be made as hereinafter ordered and that the Commission suspend such filings and enter upon a public hearing concerning the matters involved and the issues presented by such filings.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Coastal's FPC Gas Tariff, Original Volume No. 1 and Houston's FPC Gas Tariff, Original Volumes Nos. 1 and 2 as proposed to be amended by First Revised Sheet Nos. 8, 9, 19 and 20 to Coastal's FPC Gas Tariff, Original Volume No. 1 and First Revised Sheet Nos. 4 and 5 to Houston's FPC Gas Tariff, Original Volume No. 1 and First Revised Sheet Nos. 27 and 60 to Houston's FPC Gas Tariff, Original Volume No. 2 and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) The petitions for rehearing and reconsideration filed by Houston and Coastal on June 28, 1960, are hereby granted as hereinafter ordered.

(B) The conditions set forth in paragraphs (B) (1) and (C) (1), (2), and (3) of the Commission's order granting certificates of public convenience and necessity to Houston and Coastal, Opinion No. 301 (16 F.P.C. 118, 144-145) are hereby waived with respect to, and for the sole purpose of, permitting Houston's and Coastal's tariff sheets identified in Finding Paragraph (3) hereof, to be filed and they are hereby permitted to be filed. In all other respects, the aforesaid order accompanying Opinion No. 301 shall remain in full force and effect.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 7, and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) the proceedings in Docket Nos. G-9262, G-9960, RP61-3 and RP61-4 are consolidated for the purpose of hearing and a public hearing shall be held on September 20, 1960, concerning the issues raised in the petitions to modify the certificates of public convenience and necessity filed by Houston and Coastal in Docket Nos. G-9262 and G-9960, respectively, and the lawfulness of the rates, charges, classifications, and services contained in Coastal's and Houston's above-designated FPC Gas Tariffs as proposed to be modified by the tariff sheets identified in Finding Paragraph (3) hereof. Coastal and Houston shall be prepared to go forward with their respective cases on such date and to present actual data as to sales, revenues, costs, peak-day deliveries, and other pertinent information separately as between sales and transportation subject to the Commission's jurisdiction and as to other sales for the twelve-month period ending July 31, 1960.

(D) Pending such hearing and decision thereon the aforementioned tariff sheets, identified in Finding Paragraph (3) hereof be and they are each hereby suspended and the use thereof deferred until December 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before September 12, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7214; Filed, Aug. 3, 1960; 8:46 a.m.]

[Docket Nos. RI61-12—RI61-15]

TEXACO, INC. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

JULY 28, 1960.

Texaco Inc., Docket No. RI61-12; Texaco Inc. (Operator), et al., Docket No. RI61-13; Texaco Seaboard Inc., Docket No. RI61-14; Realitos Oil Company, Docket No. RI61-15.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Rate suspended until—	Cents per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-12	Texaco Inc.	88	13	Texas Eastern Transmission Corp. (various fields, Bee Co., Tex.).	Undated	7-12-60	8-13-60	[4] 1-13-61	14.2	15.2778	G-17221
		89	15	do	do	7-12-60	8-13-60	[4] 1-13-61	14.2	15.2778	G-17221
		90	12	do	do	7-12-60	8-13-60	[4] 1-13-61	14.2	15.2778	G-17221
		96	12	do	do	7-12-60	8-13-60	[4] 1-13-61	14.2	15.2778	G-17221
RI61-13	Texaco Inc. (Operator), et al.	97	16	Texas Eastern Transmission Corp. (various fields, Bee, Goliad, and McMullin Counties, Tex.).	do	7-12-60	8-13-60	[4] 1-13-61	14.2	15.2778	G-17221
RI61-14	Texaco Seaboard Inc.	10	13	Texas Eastern Transmission Corp. (fields in Live Oak, DeWitt, and Karnes Counties, Tex.).	do	7-12-60	8-13-60	[4] 1-13-61	13.8733	15.2778	G-18032
		20	10	do	do	7-12-60	8-13-60	[4] 1-13-61	14.3733	[3] 15.7778	G-15168
RI61-15	Realitos Oil Co.	1	2	Tennessee Gas Transmission Co. (La Copita Field, Starr County, Tex.).	do	6-28-60	8- 1-60	1- 6-61	15.0952	17.24347	G-19884

[1] The stated effective dates are those proposed by the respondents.
[2] The rates are at a pressure base of 14.65 psia.
[3] Includes seller's charge of 0.5 cents per Mcf for gathering and dehydration.
[4] Or until five months after the rate suspended in RI60-173 is made effective whichever is later.

In support of their proposed favored-nation increased rates, Texaco Seaboard, Inc., and Texaco, Inc. (on its own behalf and as operator on behalf of others), cite a triggering rate increase. The cited rate was suspended in the proceeding in Docket No. RI60-173 until August 13, 1960, and until it is made effective in the manner prescribed by the Natural Gas Act. These Respondents state that their contracts were negotiated at arm's length; costs have been increasing due to inflation as shown by the indices of the U.S. Bureau of Labor Statistics; exploratory and developmental expenses have additionally increased by reason of deeper drilling and drilling in more inaccessible places; and the increased rates are needed to encourage exploration and development.

In support of its proposed favored-nation increased rate, Realitos Oil Company states that the favored-nation provisions in its contract were essential inducements to its agreeing to the long term of the contract.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above designated supplements is suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

and 1.37(f)) on or before September 12, 1960.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7217; Filed, Aug. 3, 1960; 8:46 a.m.]

[Docket No. RI61-10]

SLADE, INC.

Order Providing For Hearing on and Suspension of Proposed Change in Rate

JULY 28, 1960.

On June 28, 1960, Slade, Inc. (Operator) (Slade), tendered for filing a proposed change in rate for natural gas produced in West Sinton Field, San Patricio County, Texas, and sold to Tennessee Gas Transmission Company under Slade's FPC Gas Rate Schedule No. 5. Said tender, designated as Supplement No. 5 to the aforementioned Rate Schedule No. 5, proposes a new price level of 17.24347 cents per Mcf at 14.65 psia. Slade does not request a specific effective date.

In support of the increased rate, Slade states that favored-nation pricing provisions of this type are common in the natural gas industry and that such a provision is included in the contract as a protection again inflation. Slade also submitted certain cost data, which data is identical to that previously tendered with other rate filings, including a motion to vacate the order issued October 30, 1959, in Docket No. G-19986. The latter order suspended and deferred the use of Supplement No. 4 to its FPC Gas Rate Schedule No. 5. After finding that said cost data "fails to show justification for a rate of 17.2295 cents per Mcf * * *"[1] the Commission, by order issued April 29, 1960, denied said motion.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change in rate and charge contained in the above-designated supplement.

(B) Pending hearing and decision thereon, Supplement No. 5 to Slade's FPC Gas Rate Schedule No. 5 is hereby suspended and the use thereof deferred until December 29, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 22, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7215; Filed, Aug. 3, 1960; 8:46 a.m.]

[Docket No. RP61-5]

SOUTH GEORGIA NATURAL GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 28, 1960.

South Georgia Natural Gas Company (South Georgia) on June 29, 1960, tendered for filing Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9, and Fifth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1 proposing an annual increase in its rates and charges of $21,623 or 0.9 percent. The proposed increased rates are in addition to increased rates now in effect subject to refund in Docket No. G-20512 and other increased rates presently pending in Docket Nos. G-18626 and G-13550.

South Georgia states that the rate increase is designed solely to reflect an increase in purchased gas cost resulting from a proposed increased rate filed by Southern Natural Gas Company (Southern). By order of the Commission issued July 1, 1960, in Docket No. RP60-15 Southern's proposed increased rates were suspended until August 13, 1960, and until such further time as the increased rate and charge proposed by United Gas Pipe Line Company in Docket No. RP 60-2 may become effective subject to refund. In support of its proposed increased rates, South Georgia relies on the same claimed costs as those originally submitted in support of South Georgia's increased rates in Docket No. G-20512, as adjusted to reflect the increased cost of gas purchased from Southern.

South Georgia requests that any suspension of the proposed tariff sheets expire on the date that Southern's increase in Docket No. RP60-15 may become effective.

The proposed increased rates and charges contained in the aforementioned revised tariff sheets tendered by South Georgia on June 29, 1960, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in South Georgia's FPC Gas Tariff, Original Volume No. 1 as proposed to be modified by Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9, and Fifth Revised Sheet No. 5 to said tariff, as aforementioned, and that said revised tariff sheets and the rates and charges contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in South Georgia's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9 and Fifth Revised Sheet No. 5 to said tariff as tendered for filing on June 29, 1960.

(B) Pending such hearing and decision thereon the aforementioned Third Revised Sheet No. 11, Fourth Revised Sheets Nos. 6 and 9, and Fifth Revised Sheet No. 5 to South Georgia's FPC Gas Tariff, Original Volume No. 1 are hereby suspended and the use thereof deferred until August 13, 1960, and until such further time as the aforementioned increased rates and charges proposed by Southern may become effective subject to refund in Docket No. RP60-15 and until such further time as said revised tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR, 1.8 or 1.37(f)) on or before September 12, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7216; Filed, Aug. 3, 1960; 8:46 a.m.]

[Docket No. RI61-33]

TEXACO, INC.

Order Providing for Hearing and Suspending Proposed Changes in Rates

JULY 28, 1960.

On July 5, 1960, Texaco, Inc. (Texaco), tendered for filing four proposed favored-nation rate increases for its jurisdictional sales of natural gas to El Paso Natural Gas Company from four gasoline plants in Andrews, Ector and Hockley Counties, Texas. In each filing, the natural gas is sold at 14.65 psia, the Notice of Change is undated, and the effective date is August 5, 1960, which is the first day after expiration of the required thirty days' notice. The proposed changes in rates, as set forth in each filing, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Gasoline plant	Rate in effect and docket No. wherein rate is subject to refund		Proposed increased rate
RI61-6	Texaco Inc.	17	9	Slaughter Gasoline Plant, Hockley County, Tex.	14.7974	RI60-132	17.11475
		18	8	South Fullerton Gasoline Plant, Andrews County, Tex.	14.7974	RI60-132	17.11475
		19	7	Levelland Gasoline Plant, Hockley County, Tex.	14.7974	RI60-132	17.11475
		21	11	TXL Gasoline Plant, Ector County, Tex.	12.27078	RI60-132	14.11879

In support of its favored-nation rate increases, Texaco cites the contract provisions and the purported triggering rates of other producers in the area which have been made effective subject to refund and states that the contracts resulted from arm's-length bargaining and that the increased prices are needed to offset increased costs and to encourage exploration and development. In addition, Texaco cites U.S. Bureau of Labor Statistics reports showing increases in wages and wholesale prices.

It should be noted that Texaco tendered for filing the subject increased rate proposals within 15 days prior to July 18, 1960, which is the date that its previously suspended increased rate proposals were allowed to take effect subject to refund in Docket No. RI60-132. However, even though the suspension order in Docket No. RI60-132 proscribed the filing of changes in the suspended rate schedules and supplements thereto until the period of suspension has expired, it is considered that the subject tenders should be accepted as hereinafter provided.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements, even though untimely filed, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements which are permitted to be filed.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until January 5, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor the supplements thereto involved in the above-proposed changes shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR, 1.8 and 1.37(f)) on or before September 19, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7218; Filed, Aug. 3, 1960; 8:46 a.m.]

[1] The rate level herein proposed is 17.24347 cents per Mcf.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 1, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36451: *Soda ash—Official territory to Asheville and Skyland, N.C.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2548), for interested rail carriers. Rates on soda ash, in carloads, from specified points in official territory to Asheville and Skyland, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 169 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1079.

FSA No. 36452: *Phosphate rock—Tennessee to western trunk line territory.* Filed by O. W. South, Jr., Agent (SFA No. A3997), for interested rail carriers. Rates on phosphate rock, as described in the application, in carloads, from points in Tennessee on the L&NRR to points in western trunkline territory.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Southern Freight Association tariff I.C.C. 1550.

FSA No. 36453: *Cast iron pressure pipe—Within the South and from the South to southwestern and WTL territories.* Filed by O. W. South, Jr., Agent (SFA No. A4001), for interested rail carriers. Rates on cast iron pressure pipe and fittings, as described in the application, in carloads, between points in southern territory, and from producing points in southern territory to points in southwestern territory, also WTL border points in Kansas and Missouri.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 37 to Southern Freight Association tariff I.C.C. S-6.

FSA No. 36454: *Lumber from the southwest to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-7863), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southwestern territory to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7232; Filed, Aug. 3, 1960; 8:48 a.m.]

[Notice 358]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 1, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63101. By order of July 29, 1960, The Transfer Board approved the transfer to Kutzler Cartage, Inc., Waukegan, Ill., of Certificate No. MC 63214 issued October 29, 1940, to Frank Kutzler, Jr., doing business as Kutzler Cartage, Waukegan, Ill., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Winthrop Harbor, Ill., and Chicago, Ill. Paul W. Kaiser, 126 Madison Street, Waukegan, Ill., for applicants.

No. MC-FC 63281. By order of July 29, 1960, The Transfer Board approved the transfer to Lehigh Motor Freight, Inc., Allentown, Pa., of Certificate No. MC 114791 issued November 17, 1954, in the name of Harold W. Snyder, Allentown, Pa., authorizing the transportation over irregular routes of iron and steel products, between Bethlehem, Pa., and points within 3 miles thereof, on the one hand, and, on the other, Hartford, Conn., Wilmington, Del., Buffalo, N.Y., Baltimore, and Sparrows Point, Md., and points in New York on and south of U.S. Highway 20, and those in New Jersey on and west of U.S. Highway 1; and coke, from Bethlehem, Pa., to points in Warren County, N.J. Harry P. Creveling, 502 Hamilton Street, Allentown, Pa., for applicants.

No. MC-FC 63308. By order of July 28, 1960, The Transfer Board approved

the transfer to Thomas F. Welsh, doing business as Reliance Van Company, Philadelphia, Pa., of Certificate No. MC 21436, issued March 18, 1955, to Charles A. Weatherley and Edward N. Butter, a partnership, doing business as Reliance Van Company, Philadelphia, Pa.; authorizing the transportation of: Household goods, between Philadelphia, Pa.; and points within 15 miles thereof, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, the District of Columbia, and a specified part of New York; Potted flowers, from Norwood, Pa., to New York, New Rochelle, and Mt. Vernon, N.Y., Baltimore, Md., and Washington, D.C. John H. Derby, 816 Commonwealth Building, 1201 Chestnut Street, Philadelphia 7, Pa., for applicants.

No. MC–FC 63312. By order of July 28, 1960, The Transfer Board approved the transfer to W. F. Spingler Co., Inc., 118 Prospect Hill Street, Newport, R.I., of Certificate in No. MC 95778, issued May 16, 1941, to Mathilde Schultze, doing business as W. F. Spingler Company, 118 Prospect Hill Street, Newport, R.I., authorizing the transportation of: Household goods, and personal effects, between Newport, R.I., and New York, N.Y.

No. MC–FC 63318. By order of July 28, 1960, The Transfer Board approved the transfer to William F. Abbott, doing business as Bill Abbott Grain Company, Delta, Ohio, of Certificate in No. MC 114312, issued February 1, 1954, to Thomas Gamboe and Robert C. Gamboe, a partnership, doing business as Gamboe and Son, Pioneer, Ohio, authorizing the transportation of: Seed, livestock, fence posts, rough lumber, cement, animal and poultry feed, fertilizer, salt, empty containers, canned goods, and chemical fertilizer, from, to, or between, specified points in Ohio, Indiana, Illinois, and Michigan. Noel F. George, 44 East Broad Street, Columbus 15, Ohio, for applicants.

No. MC–FC 63323. By order of July 28, 1960, The Transfer Board approved the transfer to Carlson Truck Line, Inc., Clay Center, Kans., of Certificate in No. MC 71246, issued April 16, 1952, to M. C. Bergin and Wayne W. Simon, a partnership, doing business as Blue Valley Freight Line, Washington, Kans., authorizing the transportation of: Grain, livestock, seeds, feed, agricultural implements, hardware, building materials, petroleum products in containers, binder twine, automobile accessories, household goods, newsprint, and general commodities with the usual exceptions including household goods and commodities in bulk, from, to, or between, specified points in Iowa, Kansas, Missouri, and Nebraska. John E. Jandera, 641 Harrison Street, Topeka, Kans., for applicants.

No. MC–FC 63326. By order of July 28, 1960, The Transfer Board approved the transfer to Ballew Trucking Company, Inc., Gainesville, Texas, of Certificate No. MC 94227 issued September 26, 1957, to James W. Ballew and Robert E. Ballew, a partnership, doing business as Ballew Trucking Company, Gainesville, Texas, authorizing the transportation of brick, tile, creosoted posts, lumber, reinforcing steel, steel and wire products, wallboard, lime, cement, plaster, sewer pipe, building hardware, and shingles, over regular route, between Gainesville, Texas, and Marietta, Okla., serving no intermediate points; oilfield equipment and supplies, over irregular routes, between points in Texas and Oklahoma within 150 miles of Gainesville, Texas; and machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe in main lines, between points in Kansas and Oklahoma. Robert Edward Ballew, P.O. Box 715, E Hiway 82, Gainesville, Tex., for applicants.

No. MC–FC 63415. By order of July 29, 1960, The Transfer Board approved the transfer to O. M. Stidham, Noble Martin Stidham, Executor, N. M. Stidham, A. E. Mankins, and James E. Mankins, Sr., a partnership, doing business as Eagle Trucking Company, Kilgore, Tex., of Certificate No. MC 55902, issued August 3, 1956, to O. M. Stidham, N. M. Stidham, and A. E. Mankins, a Partnership, doing business as Eagle Trucking Company, Kilgore, Tex., authorizing the transportation, over irregular routes, of *machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of lines, including the stringing and picking up thereof, between points in Arkansas, Louisiana, Mississippi, and Texas, between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, and between points in Georgia, Alabama, and Florida, and the above-described commodities, except the stringing and picking up of pipe in connection with main pipe lines, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and between points in Kansas, Oklahoma, and that part of Texas on and north of U.S. Highway 84, *machinery and equipment* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction and plant (including refining, manufacture, and processing plant) sites or storage sites, between points in Louisiana, Mississippi, and Texas, and between points in Texas, on the one hand, and, on the other, points in Wyoming, and machinery, equipment materials, and supplies, used in, or in connection with, the drilling of water wells, between points in Arkansas, Louisiana, Mississippi, and Texas, between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, between points in Georgia, Alabama, and Florida, and between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana.

No. MC–FC 63419. By order of July 28, 1960, The Transfer Board approved the transfer to Jatar Trucking, Inc., Long Island City, N.Y., of Certificate in No. MC 93147, issued May 3, 1957, to Oakwood Trucking Corp., Mount Vernon, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Newark, N.J., and Peekskill, N.Y., between Newark, N.J., and Port Chester, N.Y., between Newark, N.J., and White Plains, N.Y., and between Newark, N.J., and Elmsford, N.Y. Martin Werner, Werner & Alfano, Attorneys, 2 West 45th Street, New York 36, N.Y.

No. MC–FC 63446. By order of July 28, 1960, The Transfer Board approved the transfer to J. Zembrodt Express, Inc., Covington, Ky., of Certificates Nos. MC 6695 and MC 6695 Sub 1, issued February 11, 1942, and September 10, 1947, respectively, to Etta Zembrodt, doing business as J. Zembrodt Express, Covington, Ky., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Ludlow, and Newport, Ky., and between Cincinnati, Ohio, on the one hand, and, on the other, points in Kenton and Boone Counties, Ky., within 15 miles of Cincinnati, except Ludlow, Ky., and points on U.S. Highway 42 and 25 in those counties. James A. Dressman, Jr., 302 Greenup Street, Covington, Ky., for applicants.

No. MC–FC 63449. By order of July 29, 1960, The Transfer Board approved the transfer to John A. Jacobs, doing business as Jacobs Truck Service, Milbank, S. Dak., of Certificates Nos. MC 10095 and MC 10095 Sub 2, issued August 15, 1941 and June 1, 1960, respectively, to Charles Jacobs, Milbank, S. Dak., authorizing the transportation of: Livestock between Milbank, S. Dak., and St. Paul, Minn., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from St. Paul to Milbank, and between points in South Dakota within 25 miles of Nassau, Minn., on the one hand, and on the other, Minneapolis, St. Paul and South St. Paul, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7233; Filed, Aug. 3, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

JULY 29, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 31, 1960 to August 9, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7227; Filed, Aug. 3, 1960; 8:47 a.m.]

[File No. 70–3892]

TELLURIDE POWER CO. AND UTAH POWER & LIGHT CO.

Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets

JULY 28, 1960.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and an electric utility company, and Telluride Power Company ("Telluride"), an electric utility company and subsidiary of Utah, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12 (d) and (f) of the Act and Rule 43 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file in the offices of the Commission for a statement of the proposed transactions which are summarized as follows:

Utah supplies the major portion of the electric power requirements of Telluride under an Electric Service Agreement entered into between the two companies on October 1, 1953. Telluride's load has grown to a level where a new major source of electric power is required and it had planned to obtain the requisite power supply by constructing approximately 67 miles of 138 kv line to interconnect with facilities of Utah in the vicinity of Nephi, Utah. The line would have had a capacity of 50,000 kw and would have involved estimated expenditures of $1,039,000.

Utah, in connection with plans to connect its system to that of a non-affiliate, Arizona Public Service Company, has recently constructed and placed in service a 230 kv transmission line, which will initially be operated at 138 kv, with a capacity of 50,000 kw, in the service territory of Telluride. Utah is willing to grant to Telluride a capacity right in the 230 kv line sufficient for transporting electric power from Nephi, Utah to Sigurd, Utah to relieve Telluride of the necessity of constructing its own 138 kv line.

Accordingly, Utah and Telluride propose to enter into an agreement pursuant to which Utah will grant Telluride the right to the use of 50,000 kw of capacity in Utah's transmission line for the transmission and receipt of its power from the point of delivery at Nephi, Utah to Sigurd, Utah. In consideration for the use of the capacity in Utah's line, Telluride proposes to pay Utah annually, from the effective date of the agreement, an amount of money equivalent to the annual fixed charges and operating costs of the 138 kv line that Telluride would have otherwise been required to build. Such annual charge is estimated at $110,760 and is to be paid in twelve equal monthly installments of $9,230 each.

The proposed contract has a term of 10 years and continues in effect for like successive terms until cancelled by either party on one year's notice. The agreement further provides that when the operating voltage of the transmission line is changed to 230 kv and the use of the line expanded, the parties will negotiate a new charge to be paid by Telluride.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $500 and will be paid by Utah.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 19, 1960, request in writing that a hearing be held in respect of the joint application-declaration, stating the reason for the request, the nature of his interest, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may grant and permit to become effective the joint application-declaration as filed, or as it may be amended, as provided in Rule 23 under the Act, or the Commission may grant exemption from its rules, as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7228; Filed, Aug. 3, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Announcement

CFR SUPPLEMENTS
(As of January 1, 1960)

The following Supplement is now available:

Title 45, Revised, $3.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1960 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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FEDERAL REGISTER

VOLUME 25 NUMBER 152

Washington, Friday, August 5, 1960

THE UNIVERSITY OF MICHIGAN
AUG 9 1960
MAIN READING ROOM

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FEDERAL REGISTER
Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3361

FIRE PREVENTION WEEK, 1960

By the President of the United States of America
A Proclamation

WHEREAS preventable, destructive fires continue to be a major cause of human suffering and economic waste in communities throughout the Nation; and

WHEREAS intelligent and determined individual and cooperative action can reduce in great measure this needless waste of our country's resources:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 9, 1960, as Fire Prevention Week.

I call upon our people to promote programs for the prevention and control of fires; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7356; Filed, Aug. 3, 1960; 4:20 p.m.]

Proclamation 3362

DETERMINING CERTAIN DRUGS TO BE OPIATES

By the President of the United States of America
A Proclamation

WHEREAS section 4731(g) of the Internal Revenue Code of 1954 provides in part as follows:

OPIATE.—The word "opiate", as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201(g); 21 U.S.C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. * * *;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

1. Benzethidine (Ethyl 1-(2-benzyloxyethyl)-4-phenyl-4-piperidine carboxylate).
2. Furethidine (Ethyl 1-(2-tetrahydrofurfuryloxyethyl)-4-phenyl-4-piperidine carboxylate).
3. 2-(p-Chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole.
4. 2-(p-Ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this twenty-ninth day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7357; Filed, Aug. 3, 1960; 4:52 p.m.]

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Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Missouri

On July 21, 1960, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for 112 of the 114 counties identified below were determined to be as herein set forth. The average values heretofore established for said 112 counties, which appear in the tabulations of average values under 6 CFR 331.17, are superseded by the average values set forth below for said counties.

MISSOURI

County	Average value	County	Average value
Adair	$40,000	Jasper	$40,000
Andrew	50,000	Jefferson	35,000
Atchison	50,000	Johnson	45,000
Audrain	40,000	Knox	40,000
Barry	30,000	Laclede	30,000
Barton	40,000	Lafayette	50,000
Bates	40,000	Lawrence	35,000
Benton	35,000	Lewis	40,000
Bollinger	35,000	Lincoln	40,000
Boone	40,000	Linn	40,000
Buchanan	50,000	Livingston	40,000
Butler	40,000	McDonald	30,000
Caldwell	40,000	Macon	40,000
Callaway	40,000	Madison	30,000
Camden	30,000	Maries	30,000
		Marion	40,000
Cape Girardeau	40,000	Mercer	40,000
Carroll	45,000	Miller	30,000
Carter	25,000	Mississippi	50,000
Cass	45,000	Moniteau	35,000
Cedar	30,000	Monroe	40,000
Chariton	45,000	Montgomery	40,000
Christian	35,000	Morgan	35,000
Clark	40,000	New Madrid	50,000
Clay	50,000	Newton	35,000
Clinton	45,000	Nodaway	50,000
Cole	35,000	Oregon	25,000
Cooper	40,000	Osage	30,000
Crawford	30,000	Ozark	30,000
Dade	35,000	Pemiscot	50,000
Dallas	30,000	Perry	40,000
Daviess	40,000	Pettis	40,000
De Kalb	40,000	Phelps	30,000
Dent	30,000	Pike	40,000
Douglas	30,000	Platte	50,000
Dunklin	50,000	Polk	35,000
Franklin	35,000	Pulaski	30,000
Gasconade	30,000	Putnam	40,000
Gentry	40,000	Ralls	40,000
Greene	40,000	Randolph	40,000
Grundy	40,000	Ray	45,000
Harrison	40,000	Reynolds	25,000
Henry	40,000	Ripley	30,000
Hickory	30,000	St. Charles	40,000
Holt	50,000	St. Clair	35,000
Howard	40,000	St. Francois	30,000
Howell	30,000	Ste. Genevieve	35,000
Iron	30,000	St. Louis	40,000
Jackson	50,000		

MISSOURI—Continued

County	Average value	County	Average value
Saline	$50,000	Taney	$25,000
Schuyler	40,000	Texas	30,000
Scotland	40,000	Vernon	40,000
Scott	50,000	Warren	35,000
Shannon	25,000	Washington	30,000
Shelby	40,000	Wayne	30,000
Stoddard	50,000	Webster	30,000
Stone	30,000	Worth	40,000
Sullivan	40,000	Wright	30,000

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188.)

Dated: July 29, 1960.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 60-7293; Filed, Aug. 4, 1960; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart E—Cotton Fiber and Processing Tests

REVISIONS IN SCHEDULE OF TESTS AND FEES

Pursuant to authority contained in section 3c of the Cotton Statistics and Estimates Act (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c), § 28.956 of the regulations for cotton fiber and processing tests is hereby amended to read as follows:

§ 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below:

Item No., Kind of Test, and Fee per Test	
1. Truncated fiber length array of cotton samples (reporting the percentage of fibers ½ inch and longer and the mean length and uniformity of length of such fibers as based on 3 specimens from a blended sample):	
a. Ginned cotton lint, per sample	$12.50
b. Comber noils, per sample	18.75
c. Other cotton waste, per sample	25.00
2. Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each ⅛-inch group, the average length, and the average length variability as based on 3 specimens from a blended sample):	
a. Ginned cotton lint, per sample	15.50
b. Cotton comber noils, per sample	21.75
c. Other cotton wastes, per sample	28.00
2.1. Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each ⅛-inch group, the average length, and the average length variability as based on 2 specimens from a blended sample):	
a. Ginned cotton lint, per sample	$11.25
b. Cotton comber noils, per sample	17.50
c. Other cotton wastes, per sample	23.75
2.2. Fiber array of cotton samples including purified or absorbent cotton (reporting the average percentage of fibers ½ inch and longer by weight, the average of fibers shorter than ¼ inch by weight, the average length, and the average length variability as based on 3 specimens from each sample), per sample	15.50
3. Fiber length of ginned cotton lint by Fibrograph method (reporting the average length and the average length uniformity as based on 4 specimens from a blended sample), per sample	1.75
Minimum fee unless performed in connection with other tests requiring a blended specimen	3.50
3.1. Fiber length of ginned cotton lint by Fibrograph method (reporting the length of each sub-sample and the average length and the average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples), per sub-sample	1.00
Minimum fee	4.00
4. Fiber length of ginned cotton lint by Digital Fibrograph method (reporting the average length, average length uniformity and average percentage of fibers shorter than ½ inch as based on 4 specimens from a blended sample), per sample	3.50
4.1. Fiber length of ginned cotton lint by Digital Fibrograph method (reporting the length of each sub-sample and the average length, average length uniformity and average percentage of fibers shorter than ½ inch for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples), per sub-sample	1.75
Minimum fee	3.50
5. Fiber strength of ginned cotton lint by flat bundle method (reporting the average strength as based on 4 or more specimens from a blended sample), per sample	1.75
Minimum fee unless performed in connection with other tests requiring a blended specimen	3.50
5.1. Fiber strength of ginned cotton lint by flat bundle method (reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens for each of 3 or more replicate unblended sub-samples), per sub-sample	1.00
Minimum fee	4.00
6. Fiber maturity and fineness of ginned cotton lint by the Causticaire method (reporting the average maturity, fineness, and Micronaire reading as based on 2 specimens from a blended sample), per sample	2.50
Minimum fee	7.50

Item No., Kind of Test, and Fee per Test—Con.	
6.1 Micronaire tests on ginned cotton lint (reporting the average Micronaire reading as based on 2 specimens from a blended sample), per sample	$0.75
Minimum fee unless performed in connection with other tests requiring a blended specimen	3.00
6.2 Micronaire tests on ginned cotton lint (reporting the Micronaire reading for each sub-sample and the average Micronaire reading for each group of replicate sub-samples as based on 1 specimen from each of 2 or more replicate unblended sub-samples), per sub-sample	.25
Minimum fee	3.00
7. Neps content of ginned cotton lint (reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender), per sample	2.50
Minimum fee unless performed in connection with other tests requiring a blended specimen	7.50
8. Furnishing American cotton for laboratory check test (including data for length by both array and Fibrograph methods, strength by flat bundle method ⅛-inch gauge, maturity and fineness by the Causticaire method):	
a. Short staple, per 1-pound sample	7.50
b. Medium staple, per 1-pound sample	7.50
c. Long staple, per 1-pound sample	7.50
d. Extra long staple, per 1-pound sample	7.50
9. Blending samples of ginned cotton lint (including the blending of a 10-gram sample on the mechanical fiber blender and returning the blended sample to the applicant), per sample	1.25
10. Moisture content of ginned cotton lint, cotton stock at various stages of processing, and cotton lint waste of various types (reporting the percentage of moisture content by the oven-drying method as based on a 20-gram specimen), per sample	1.00
Minimum fee	4.00
10.1. Moisture regain of ginned cotton lint at 92 percent relative humidity (reporting the average percentage of moisture regain as based on the bone-dry weight of two ½-gram specimens), per sample	1.50
Minimum fee	6.00
11. Cotton carded yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance, and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 5 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into two of the standard carded yarn numbers of 8s, 14s, 22s, 36s, 44s, or 60s, employing a standard twist multiplier unless otherwise specified), per sample	37.50
Minimum fee	75.00
12. Cotton combed yarn spinning test (reporting data on the wastes extracted, the neps in card web, the yarn skein strength, the yarn appearance, and classification and fiber length as specified in items 28 and 3 as well as comments summarizing any unusual observations as based on the processing of 7 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds-per-hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified), per sample	$50.00
Minimum fee	100.00
13. Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns), per sample	62.50
Minimum fee	125.00
14. Cotton carded and combed yarn spinning test (reporting the results specified in item numbers 11 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns), per sample	75.00
Minimum fee	150.00
15. Two-pound cotton carded yarn spinning test (available to cotton breeders only reporting data on the neps in card web, the yarn skein strength, the yarn appearance and the classification and the fiber length of the cotton as specified in item numbers 28 and 3 as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into 22s and 36s carded yarns employing a standard twist multiplier), per sample	25.00
Minimum fee	50.00
16. Processing and testing of additional yarn (any carded or combed yarn number processed in connection with spinning tests as specified in item numbers 11 through 14 including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers):	
a. Single yarn reporting data on skein strength and appearance, per additional lot of yarn	6.25
b. 2- or 3-ply yarn reporting data on skein strength only, per lot of yarn	12.50
16.1. Processing and furnishing of additional yarn (any yarn number processed in connection with spinning tests as specified in items 11 through 14):	
a. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn	12.50
16.1. Processing and furnishing, etc.—Continued	
a. Approx. 300 yards, etc.—Con.	
In the following quantities wound on paper tubes:	

Yarn number	Per pound	Minimum fee
b. Carded 60s or coarser	$12.50	$15.50
c. Combed 60s or coarser	15.50	18.75
d. Combed 61s to 80s	18.75	21.75
e. Combed 81s to 100s	21.75	25.00

17. Spinning twist test (reporting data on the skein strength of any yarn number processed from ginned lint or stock in process employing 6 different spinning twist multipliers as specified by the applicant for determining the optimum twist) processed as follows:	
a. From ginned lint or picker lap, per sample	$50.00
b. From sliver, per sample	45.00
c. From roving, per sample	40.00
17.1. Additional spinning twist test (from the same material and in connection with a spinning test or a spinning twist test as specified in item numbers 11 through 14 and 17 reporting data on yarn skein strength for an additional yarn number or additional twists on the same yarn number), per 6 lots of yarn	30.00
18. Skein strength of yarn (reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant), per sample	3.00
18.1. Single strand strength of yarn (reporting data on the strength as based on a minimum of 10 breaks on yarn from each of 7 bobbins employing an automatic testing machine), per sample	3.75
Minimum fee	7.50
a. Furnishing copy of chart record, per test	1.25
18.2. Single strand strength of ply yarn or cord (reporting data on the strength as based on 25 breaks employing a pendulum type testing machine), per sample	3.00
18.3. Appearance grade of yarn on bobbins furnished by applicant (reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin), per bobbin	1.25
a. Furnishing yarn would on boards in connection with yarn appearance tests as specified in item numbers 11 through 15 and 18.3, per yarn number	1.25
19. Processing, weaving, and testing of fabric (reporting data on the warp and the filling strength by the grab method for any standard cotton fabric for which the laboratories are equipped to produce which are processed in accordance with standard laboratory procedures):	
a. Processed in connection with spinning tests as specified in item numbers 11 through 14, per lot of fabric	90.00
b. Processed from yarns furnished by the applicant, per lot of fabric	75.00

Item No., Kind of Test, and Fee per Test—Con.	
20. Strength of cotton fabric (reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant), per lot of fabric	$3.00
20.1 Cotton Fabric Analysis (reporting data on the number of warp and filling threads per inch and the weight per yard of fabric as based on at least three (3) 6 x 6-inch specimens of fabric which was processed as specified in item number 19, or furnished by the applicant), per lot of fabric	6.25
Minimum fee	12.50
20.2 Sizing content of cotton fabric or yarn (reporting data on sizing content as based on the desizing of a 20 to 40 gram specimen of sized and, if available, unsized fabric or yarn which was processed as specified in item number 19 or furnished by the applicant), per lot of fabric or yarn	6.25
Minimum fee	25.00
20.3. Air-permeability of cotton fabric (reporting the average cubic feet of air per minute per square foot of fabric at a pressure drop of 0.5 inches of water across the fabric as based on five 10 x 10-inch specimens), per lot of fabric	3.00
Minimum fee	6.00
21. Neps and waste test (reporting data on neps in card web and wastes extracted in the processing of a 5-pound specimen of ginned cotton lint through the picking and carding processes in accordance with standard procedures as specified in item numbers 11 and 12, per sample	9.00
21.1. Determination of neps in card web of cotton (reporting the average number of neps per 100 square inches of web in specimens furnished by the applicant on boards covered with black velvet not to exceed 10 specimens or a total of 360 square inches), per test	1.75
22. Sugar content and acid-alkalinity of ginned cotton lint (reporting data on the percentage of soluble reducing sugar content and the acid-alkalinity in pH units as based on chemical-colorimetric and electronic meter tests on water extracts), per sample	1.25
Minimum fee	6.25
22.1. Sugar content only, per sample	1.00
Minimum fee	5.00
22.2. Acid-alkalinity only, per sample	1.00
Minimum fee	5.00
23. Color of ginned cotton lint (reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on color tests employing the Nickerson-Hunter colorimeter on samples which have a uniform surface measuring 5 x 6½ inches and weighing approximately 50 grams in order to provide specimens which are sufficiently thick to be opaque), per sample	.25
Minimum fee	2.00
23.1. Furnishing color diagrams of official grade standards (reporting color values plotted on a diagram as based on tests employing the Nickerson-Hunter colorimeter for standards purchased by the applicants), per set or portion of set	15.00

Item No., Kind of Test, and Fee per Test—Con.	
23.2. Furnishing color standards (including a set of standards and a master diagram for use in calibrating Nickerson-Hunter cotton colorimeters), per set	$30.00
24. Furnishing copies of test data work sheets (includes individual observations and calculations which are not routinely furnished to the applicant), per sheet	1.00
25. Foreign matter content of cotton samples (reporting data on the non-lint content as based on the Shirley Analyzer separation of lint and foreign matter):	
a. For samples of ginned lint or comber nolls, per 100-gram specimen	2.00
Minimum fee	4.00
b. For samples of ginning and processing wastes other than comber nolls, per 100-gram specimen	5.00
Minimum fee	10.00
26. Furnishing identified cotton samples (includes samples of ginned lint, stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests), per identified sample	.75
27. Furnishing additional copies of test reports (includes extra copies in addition to the 2 copies routinely furnished in connection with each test item), per additional sheet	.50
27.1. Furnishing a certified relisting of test results (includes samples or sub-samples selected from any previous tests), per sheet	2.50
28. Classification of ginned cotton lint in connection with fiber and/or processing tests (includes grade and staple classification of 4-ounce samples in accordance with the applicable American standards for the cotton submitted), per sample	.25
29. Combination fiber test including test item numbers 3, 5, and 6, per sample	5.00
Minimum fee	10.00
a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	3.75
Minimum fee	7.50
29.1. Combination fiber test including test items 3, 5 and 6.1, per sample	3.75
a. When tested in connection with spinning test item numbers 11, 12, 13, 14 and 15, per sample	2.00
29.2. Combination fiber test including test items 3.1, 5.1 and 6.2 (on 3 or more replicate sub-samples), per sub-sample	1.75
Minimum fee	5.25
30. Mercerizing and testing of cotton yarn (reporting data on the luster of two 120-yard skeins and strength of the yarn as based on twenty-five 120-yard skeins mercerized in accordance with standard laboratory procedures):	
a. Including the processing of the extra yarn in connection with spinning test item numbers 11 through 14, per lot of yarn	12.50
Minimum fee	50.00
b. For yarn furnished by the applicant (27 skeins of 120 yards each required), per lot of yarn	10.00
Minimum fee	40.00

Item No., Kind of Test, and Fee per Test—Con.	
31. Bleaching and testing of cotton yarn (reporting data on the color of the yarn in terms of Rd reflectance values and plus b degree of yellowness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached in accordance with standard laboratory procedures), per lot of yarn	$4.00
Minimum fee	40.00
32. Bleaching, dyeing and testing of cotton yarn (reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and bleached then dyed in accordance with standard laboratory procedures), per lot of yarn	6.00
Minimum fee	60.00
33. Dyeing and testing of grey cotton yarn (reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant and dyed in accordance with standard laboratory procedures), per lot of yarn	4.00
Minimum fee	40.00
34. Luster of cotton yarn (reporting data on the percent luster of grey or mercerized yarn either processed in connection with spinning test item numbers 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	1.00
Minimum fee	3.00
35. Color of cotton yarn (reporting data on the color of grey, bleached, dyed or bleached and dyed yarn either processed in connection with spinning test items 11 through 14 or furnished by the applicant as based on the measurement of two 120-yard skeins), per lot of yarn	1.00
Minimum fee	3.00

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c. Interpret or apply sec. 3d, 55 Stat. 131; 7 U.S.C. 473d)

The amendment reflects increases in the prices of most fiber and processing tests. These increases have become necessary to more nearly cover the costs of performing such tests.

Compliance with the procedural and effective date requirements of section 4 of the Administrative Procedure Act is hereby found to be impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost including, but not limited to increased salaries to Federal employees required by recent legislation (Public Law 86-568); (3) it is imperative that the increase in fees become effective as soon as possible; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-7296; Filed, Aug. 4, 1960; 8:48 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 728—WHEAT

Subpart—Determination of County Normal Yields for 1960

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to correct certain typographical errors in this subpart published in the FEDERAL REGISTER (25 F.R. 6116).

Since the determination of 1960 county normal yields is necessary for use as a guide in the determination of 1960 normal yields for excess farms, it is necessary to make these corrections immediately. Therefore, it is hereby found and determined that compliance with the public notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary, and that these amendments shall become effective upon the date of their publication in the FEDERAL REGISTER. Section 728.1008 *Determination of the county normal yields for the 1960 crop of wheat* is amended as follows:

1. For the State of New York, as to Westchester County strike out the figures "29.6" and insert in lieu thereof the figures "30.8".

2. As to the State of Pennsylvania, for the County of Clarion, strike out the figures "23.4" and insert in lieu thereof the figures "23.1" and for the County of Tioga, strike out the figures "23.4" and insert in lieu thereof the figures "24.3".

3. As to the State of Wyoming, insert an asterisk before the Counties of Natrona, Niobrara and Park, which indicates that said counties have special wheat cultural practices.

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375)

Issued at Washington, D.C., this 1st day of August 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-7301; Filed, Aug. 4, 1960; 8:48 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1960

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to Sec. 201 of the Sugar Act of 1948, as amended, and as further amended by Public Law 86-592, approved July 6, 1960 (hereinafter called the Act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 and to establish sugar quotas for the supplying areas except Cuba in terms of short tons of sugar, raw value. By Proclamation No. 3355, effective July 8, 1960 (25 F.R. 6414), the President of the United States, acting pursuant to the provisions of section 408(b) of the Act, determined that the sugar quota for Cuba for the balance of the calendar year 1960 should be 39,752 short tons, raw value, plus the sugar certified prior to July 3, 1960, for entry but not then entered or withdrawn from warehouse. This regulation establishes quotas for 1960 for domestic areas and for foreign countries other than Cuba pursuant to the provisions of section 202 of the Act and also establishes for domestic areas and foreign countries other than Cuba the amounts of certain quotas that may be filled by direct-consumption sugar pursuant to section 207 of the Act.

The Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1960 is necessary.

The purpose of this amendment is to (1) make such determination conform to the requirements of consumers as indicated on the basis of factors specified in Sec. 201 of the act, as amended, (2) establish sugar quotas for the supplying areas, except Cuba, in terms of short tons, raw value, and (3) determine and prorate deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1960, as established in § 811.2 as amended herein, in accordance with section 204(a).

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota. By Proclamation No. 3355 the President of the United States delegated to the Secretary of Agriculture the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Act, such authority to be exercised with the concurrence of the Secretary of State. By virtue of such delegation of authority, and pursuant to section 204(a) and section 408(b)(2) of the Act, deficits were determined in Amendment 3 of Sugar Regulation 811 based upon the expectation that the supply of sugar available for marketing in the continental United States will not exceed 940,444 tons from Hawaii, 893,620 tons from Puerto Rico and 8,618 tons from the Virgin Islands.

The increases in the quotas for these three areas made effective herein by virtue of the 400,000-ton increase in the determination of the United States sugar requirements amount to 49,966 tons for Hawaii, 52,245 for Puerto Rico and 712 tons for the Virgin Islands. On the basis of the expected supply of sugar available for marketing in the continental United States from these three areas, it is hereby found that these areas will be unable to market the additional quantities provided by the increased quotas established herein.

It is further found that the maximum quantities of sugar expected to be available for marketing by the Domestic Beet Sugar Area and the Mainland Cane Sugar Area will not exceed 2,514,945 short tons, raw value, and 773,873 short tons, raw value, respectively, the quantities established by Amendment 3 to this regulation as their adjusted quotas.

The quotas and prorations established herein differ from those in effect under Amendment 3 to Sugar Regulation 811 (25 F.R. 6913). To permit areas for which larger quotas or prorations are hereby established to plan marketings and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAD REGISTER:

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Proclamation of the President of the United States No. 3355 (25 F.R. 6414 (§§ 811.1, 811.2, 811.3 and 811.4 are hereby amended to read as follows:

§ 811.1 Sugar requirements, 1960.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 is hereby determined to be 10,400,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a) For the calendar year 1960 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	2,267,301	(1)
	667,670	(1)
Mainland cane sugar	1,265,375	35,623
Hawaii	1,323,111	154,403
Puerto Rico	18,043	0
Virgin Islands		

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 Quotas for foreign countries other than Cuba.

For the calendar year 1960 quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	59,920
Peru	138,827	11,431
Dominican Republic	130,957	10,191
Mexico	115,809	18,511
Nicaragua	19,706	12,207
Haiti	9,105	7,000
Netherlands	4,427	4,427
China	4,218	4,218
Panama	4,218	4,218
Costa Rica	4,202	4,202
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other countries	0	0

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1960, Hawaii, Puerto Rico and the Virgin Islands will be unable by 324,931, 429,491, and 9,425 short tons, raw value of sugar, respectively, to market the quotas established in such areas in § 811.2.

(b) *Proration of deficits and quotas in effect.* The total of the deficits in the quotas determined in paragraph (a) of this section amounts to 763,847 short tons, raw value, of which 323,847 short tons, raw value, are hereby prorated pursuant to section 204(a) of the Act to the other domestic areas as shown below. The balance of the deficits, amounting to 440,000 short tons, raw value, is not herein allocated to Cuba because of the President's Proclamation 3355 effective July 8, 1960 (25 F.R. 6414). The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein (1)	Quotas including prorations herein (2)
Domestic beet sugar	247,644	2,514,945
	76,203	773,873
Mainland cane sugar	0	1,265,375
Hawaii	0	1,323,111
Puerto rico	0	18,043
Virgin Islands		

Statement of bases and considerations. Sugar refiners in the northeast on July 22 announced a price increase to become effective immediately, which raised wholesale refined sugar prices from 9.40 to 9.70 cents per pound. This action followed an announcement on June 15 which raised the price from 9.20 to 9.40 cents per pound effective as of July 5.

Increases also have been announced for refined sugar in other marketing areas. The price in New York is now at the highest level since 1923. A substantial quantity of raw sugar estimated at about 200,000 tons was purchased by refiners between July 23 and July 27 at prices ranging between 6.65 and 6.75 cents per pound. This represents the highest price for raw sugar since June 1951 and with the exception of a few days, it, too, is the highest price since 1923.

On July 15, the determination of consumers' sugar requirements was increased from 9,600,000 to 10,000,000 tons and in a July 21 action, an additional 617,385 tons of non-quota purchase sugar was allocated to 17 countries, making the total of such sugar now available and allocated 754,619 tons.

Apparently, the demand for sugar has accelerated to the point where supplies can be obtained only at increasing prices. Accordingly, to protect the welfare of consumers, the determination of consumers' sugar requirements is hereby increased to 10,400,000 tons.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 202; 61 Stat. 924; 7 U.S.C. 1112. Pub. Law 86-592; Proclamation No. 3355, 25 F.R. 6414)

Done at Washington, D.C., this 1st day of August 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-7291; Filed, Aug. 4, 1960; 8:47 a.m.]

[Sugar Reg. 818, Amdt. 2]

PART 818—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR 1960

Sources for 1960

Section 818.4 of Part 818 is hereby amended to read as follows:

§ 818.4 Source of non-quota purchase sugar.

For the calendar year 1960 the amount of non-quota purchase sugar to be imported into the continental United States for consumption therein from foreign countries is as follows:

Country:	*Short tons, raw value*
Haiti	26,567
Netherlands	6,129
China	6,258
Panama	6,258
Costa Rica	6,267
Republic of the Philippines	176,426
Peru	135,000
Mexico	284,628
Nicaragua	22,000
Canada	1,657
United Kingdom	1,355
Belgium	478
Hong Kong	8
British West Indies and British Guiana	92,765
El Salvador	6,000
Guatemala	6,000
Brazil	100,347

Non-quota purchase sugar is limited to raw sugar except that sugar testing in excess of 99 degrees polarization is authorized for importation into the United States prior to September 30 from Mexico, Nicaragua, Panama, Costa Rica, Netherlands, Canada, United Kingdom, Belgium and Hong Kong, within the quantities established above for such countries, provided such sugar (except refined beet sugar from the Netherlands) in excess of 2,000 tons from any such country is to be further refined or improved in quality in the United States.

Findings and bases and considerations. Pursuant to the Sugar Act of 1948, as amended, and further amended by P.L. 86-592, approved July 6, 1960, the President's Proclamation 3355 (25 F.R. 6414), the purchase of 754,619 short tons, raw value, of non-quota purchase sugar from other foreign countries has been authorized (25 F.R. 6873, 7091).

Sugar Regulation 811, Amendment 4[1] increased the determination of consumers' sugar requirements to 10,400,000 short tons, raw value. The quantity of non-quota sugar which may now be authorized for purchase under section 408 (b) and the President's Proclamation is 1,435,900 short tons, raw value.

It is hereby found that the quantity of sugar authorized for purchase should be increased at this time from 754,619 short tons, raw value, to 878,143 short tons, raw value.

Of this latter amount, a total of 51,479 short tons, raw value, has been authorized for purchase from Haiti, Netherlands, China, Panama and Costa Rica under subparagraphs (i) and (iii) of section 408(b)(2). A quantity of 176,426 short tons, raw value, has been authorized for purchase from the Republic of the Philippines under subparagraph (ii) of section 408(b)(2). A quantity of 445,332 short tons, raw value, from countries for which quotas have been established under section 202(c) of the Act has been authorized for purchase under subparagraph (iii) of section 408(b)(2). The quantities for each of the latter group of countries have been established

[1] See F.R. Doc. 60-7291 *supra*.

pro rata to the quotas for such countries under section 202(c) of the Act to the extent of the ability of each such country to supply sugar. The proviso in subparagraph (iii) of section 408(b)(2) authorizes the purchase of additional sugar without regard to allocations provided for in subparagraph (i), (ii) and (iii) of that section if additional amounts of sugar are required. Pursuant to that proviso, additional quantities have been authorized for purchase from the following countries in the amounts shown: British West Indies and British Guiana, 92,559, short tons, raw value; Brazil 100,347; El Salvador 6,000; and Guatemala 6,000. Not authorized for purchase at this time is the Dominican Republic apportionment under subparagraph (iii) of section 408(b)(2) of 321,857 short tons, raw value, and the remaining 235,900 short tons, raw value, which has not been apportioned.

The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named if it later appears that supplies from any country will not be forthcoming in a manner that meets the requirements of this market.

Raw sugar is not reasonably available in sufficient quantity to supply our requirements during the summer months. Accordingly, sugar testing in excess of 99 degrees polarization may be authorized for purchase for arrival in the United States prior to September 30 from certain countries specified in § 818.4 provided such sugar (except refined beet sugar from the Netherlands) in excess of 2,000 tons from any such specified country is to be further refined or improved in quality in the United States.

To permit such non-quota purchase sugar to be marketed in an orderly manner it is essential that this regulation be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and these amendments to the regulations shall become effective when published in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, P.L. 86-592, approved July 6, 1960)

Done at Washington, D.C., this 2d day of August 1960.

TRUE D. MORSE,
Acting Secretary.

Concurred in for the Secretary of State by:

R. R. RUBOTTOM, Jr.
Assistant Secretary of State.

[F.R. Doc. 60-7300; Filed, Aug. 4, 1960; 8:48 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.122, Amdt. 3]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms, 1960 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.122 (24 F.R. 10611) (25 F.R. 3574) (25 F.R. 4427) is hereby further amended by adding the following subparagraph (4) to paragraph (b).

(4) *Redistribution of unused acreage within State allocations.* Whenever the Director determines that a portion of any State acreage allocation established pursuant to this paragraph will not be utilized, all or a portion of such unused acreage may be made available for use in other State(s) wherein he determines that additional acreage will be utilized. No action taken under this subparagraph shall affect the prevented acreage credit that would otherwise be approved for a farm or recorded for a proportionate share area or for a State, as the case may be, in accordance with Part 849 of this chapter (23 F.R. 7286) or amendments thereto.

Statement of bases and considerations. The determination of proportionate shares for the 1960 crop, issued on December 18, 1959, established a national acreage limitation of 985,000 acres. This limitation was increased to 1,000,000 acres on April 20, 1960, to partially offset lower-than-estimated 1959-crop production and to bring the inventory of beet sugar to a more normal level.

In recent weeks, the quota for the beet sugar area has been increased substantially because of increases in the estimated total United States sugar requirements and the proration to the area of quota deficits for Hawaii, Puerto Rico, and the Virgin Islands. Thus, the demand for beet sugar is greater than anticipated. In addition, unfavorable weather during the planting season in several States and the lack of irrigation water in one State have resulted in total plantings therein of about 25,000 acres less than the total of the allocations for such States. Therefore, it appears that the acreages allocated to the States and the resultant proportionate shares will produce less sugar than anticipated. In some of the other sugar beet producing States, acreages have been planted in excess of the allocations, with a total of approximately 6,000 acres being reported as overplanted. Sugar beets of the 1960 crop can still be planted in one section of California.

To increase the supply of beet sugar available to meet quota and carryover requirements, this amendment provides that any acreage remaining unused within a State allocation may be made available for use in other States wherein such acreage may be utilized. Unused acreage will first be distributed to States wherein the State allocations have been exceeded to cover overplantings of the proportionate shares on individual farms therein and the balance will be made available to farmers in the State where plantings of 1960-crop sugar beets may still be made to the extent that farmers desire and have the ability to plant such crop above the proportionate shares established previously. Based upon present information, it is believed that the additional acreage which can be made available to farmers in this State is more than adequate in relation to the acreage that can be utilized.

Because this action is taken to increase the supply of sugar as a result of circumstances which have arisen since the issuance of the original determination and the amendment thereto, the proportionate shares for the farms affected thereby will exceed those computed for the 1960 crop by application of the factors of past production and ability to produce. Accordingly, it is not contemplated that recognition will be given to any acreage in excess of the proportionate shares previously established in computing proportionate shares or in establishing State allocations or area allotments under forthcoming proportionate share determinations.

Because it is known that the failure to plant sugar beets up to the State allocations in several States was due, at least in some degree, to abnormal and uncontrollable reasons for which prevented acreage credit may be approved pursuant to Sugar Determination 849.2, any action taken pursuant to this amendment will have no effect on the limits of prevented acreage credit heretofore provided.

Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the applicable provisions of the Sugar Act, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 301, 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Issued this 1st day of August 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60-7292; Filed, Aug. 4, 1960; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 39]

PART 382—DENIAL OF EXPORT PRIVILEGES

Table of Denial and Probation Orders

In § 382.5[1] *Supplement 1; Table of denial and probation orders currently in effect*, paragraph (b) *Table of denial and probation orders* is amended to read as follows:

(b) *Table of denial and probation orders.*

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Aarsen, H., Meent 93, Rotterdam, Netherlands.	5-24-57	5-24-58 (On probation from 5-25-58 for duration.)*		22 F.R. 3765, 5-29-57.
Abel, Alexander, Abel, Friedrich, 50, Rue de Bassano, Paris, France.	4-25-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 2852, 5-1-56.
Abel, Rudolph, 14, Ave. Pierre Ier de Serbie, Paris, France.	4-25-56	do	do	Do.
A.C.E. Nominees, Ltd., 1 Broad Street Pl., London, E.C. 2, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Abou Hadid Freres, Rue Hamidie—P.O. Box 81, and Souk Nasrie, No. 49—Damascus, United Arab Republic—Syria Region.	7-21-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 5946, 7-24-59.
Abramovich, Arie, 580 Broadway, New York, N.Y.	4-18-60	6-18-60 (On probation from 6-19-60 to 4-18-61.)*	do	25 F.R. 3500, 4-21-60.
Aeberli-Schaller, Karl, also known as Aeberli, Karl, Oberalpstrasse 51, Basel, Switzerland.	2-13-58	3-11-60 (On probation from 3-12-60 for duration.)*	(Party related to Standard Chemie A.G., Basel, and W. K. S. Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Agencia Comercial "Progresso" (ACP) (Hsin Chi Yang Hang), 443-445 Alexandra House, P.O. Box 2713, Hong Kong, and 161 Rua do Guimaraes, Macao.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 6379, 8-7-59. 25 F.R. 687, 1-27-60.
Agencia Comercial "Progresso" Ltda., 443-445 Alexandra House, P.O. Box 2713, Hong Kong.	8- 4-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Agencia Comercial "Progresso," Ltda., 161 Rua do Guimaraes, Macao.	8- 4-59	do	do	Do.
Alembik Abram, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Alfa Electric Co., Ltd., Chancery House, 53-64 Chancery Lane, London, W.C. 2, England.	5-21-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Zemanek & Co., Ltd., which see.)	21 F.R. 3609, 5-25-56.
Alimable, S. A., 205 Rue Americaine, Ixelles, Brussels, Belgium.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F.R. 4913, 8-9-49.
Allgemeines & Technische, Vertriebs Gesellschaft, Eschen, Liechtenstein, and Lausanne, Switzerland.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Allround Establishment, Inc., P.O. Box 34,613, Vaduz, Liechtenstein.	6-10-60	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Malreco Export-Import G.M.B.H. and Emmerich Kuruc, which see.)	25 F.R. 5546, 6-18-60.
Alsemgeest, Adrianos A. C., Rotterdamse Weg 3, Delft, Netherlands.	4- 6-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 2754, 4-9-59.
Alsemgeest, W. & A., N.V. Plompertstraat 24, Rotterdam, Netherlands, and 148 Rotterdamse Weg, Delft, Netherlands.	4- 6-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to N. V. Handelmaatschappij Delft, which see.)	Do.
American Hellenic Corp., 17 Battery Pl., New York, N.Y.	10-14-48	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	13 F.R. 6126, 10-20-48.
American Market Stores, Frankfurt/Main-Westhafen, West Germany	6-13-60	do	do	25 F.R. 5610, 6-21-60.
Anciens Etablissements Hofman Kortrijkse Steenweg 233, Ghent, Belgium.	2-24-58	do	do	23 F.R. 1221, 2-27-58.
Anglo-Canadian Cement Co., Ltd., 540 Burrard St., Vancouver, B.C., Canada.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallensteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Anglo-Canadian Cement, Ltd., Marina House, Broad St., Lagos, Nigeria.	3-11-57	do	do	Do.
Anglo-Continental Exchange, Ltd., 31 Throgmorton St., London, E.C. 3, England.	3-25-57	do		22 F.R. 2053, 3-28-57.
Arnold, I. K., 27 Cantelupe Rd., East Grimstead, Sussex, and 14 D Sloane Avenue Mansions London S.W. 3, England.	11-13-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 9948, 12-9-59.
Arnos A. G., 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Attijara-Societe, Marocaine pour le Commerce International, 106 Avenue Poeymirau, Casablanca, Morocco.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Austria West Africa Corp., Ltd., Valduz, Liechtenstein.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Austria Westafrica Corp., Ltd., 1 Brickfield Rd., Ebute Metta (Lagos), Nigeria.	3-11-57	do	do	Do.
Automobile Commerciale Internationale, 1 rue du Rhone, Geneva, Switzerland.	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 7703, 10-9-56. 22 F.R. 1649, 3-14-57.
Aviv, Mendel, 580 Broadway, New York, N.Y.	4-18-60	6-18-60 (On probation from 6-19-60 to 4-18-61.)*	do	25 F.R. 3500, 4-21-60.
Back, Dr. Alfred Kommerzgesellschaft m.b.H., Plossigasse 1, Vienna IV, Austria.	3-12-59	Indefinite	do	24 F.R. 1920, 3-17-59.
Bakanowski Corp., Ltd., 2 Doughty St., London W.C. 2, England.	9-23-58	do	do	23 F.R. 7556, 9-27-58.
Bakely Distributors, Ltd., 105 Colcherne Ct., London S.W. 5, England.	11-13-59	Duration	do	24 F.R. 9948, 12-9-59.
Bakely Distributors (1959), Ltd., 27 Cantelupe Rd., East Grimstead, Sussex, England.	11-13-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Bakely Distributors, Ltd. and I. K. Arnold, which see.)	Do.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Ban-Ling, Chang, 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oversea Trading Co, (H.K.) Ltd., which see.)	23 F.R. 5400, 7-16-58.
Barber, Albert A., Barber, Maison A., 46 Rue Joseph Brand, Brussels, Belgium.	12- 8-59	do	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 10020, 12-11-59.
Barsel Trust, Vaduz, Liechtenstein.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Bau, C. F. & Cie., G.m.b.H., also known as Bau, K. H. & Co., K. G., 14/25 Hindenburg St., Offenburg/BW, West Germany.	12-18-56	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 1786, 3-19-57.
Belimex Corp., 1186 Broadway, New York, N.Y.	8- 3-49	Duration	General and validated licenses, all commodities, any destination.	14 F.R. 4913, 8-9-49.
Benedetti, Nicholas R., 602 Broderick St., San Francisco, Calif.	3-31-49	do	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 1689, 4-8-49.
Berger, Aron, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Berk, Milton, 1457 Le Jeune Road, Coral Gables, Miami, Fla.	5-25-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 2882, 6-1-49.
BERMAL Importation-Exportation, S.A.R.L., 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Bertling, F. H., Monckebergstrasse 11, Hamburg 1, and Gr. Altefahre 23, Luebeck, Schleswig-Holstein, West Germany.	7-16-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 5810, 7-21-59.
Bertling, F. H., Schiffartskontor G.M.B.H., Gaensemarkt 33, Hamburg, West Germany.	7-16-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to F. H. Bertling, which see.)	Do.
Berwin Trading Co., Inc., 15 Park Row, New York 38, N.Y.	4-23-53	do	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2481 4-28-53.
Beydoun, Ihsan M., 85-86 London House, Loveday St., POB 5102, Johannesburg, Union of South Africa.	4-24-51	do	do	16 F.R. 3671, 4-28-51.
Bierma, Sipke N., Keizersgracht 702, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation from 10-29-56 for duration.)*		20 F.R. 8224, 11-2-55.
Bilik, John, Jr., International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	Until further notice.	General and validated licenses, no participation all commodities, as carrier, forwarder, exporter, or otherwise.	17 F.R. 1633, 2-18-52.
Biochemische Industrie Zurich, Badenerstrasse 398, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oleine S.A., which see.)	24 F.R. 10719, 12-25-59.
Boland, Inc. Volunteer Bldg., Atlanta 3, Ga.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Bordin, Emilio F., Genferstrasse 24, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 10719, 12-25-59.
Botez, Alexander, also known as Allessandro Donici Botez, A. B. Gamboa, Alexander Botez Amboa, 11 Rue Emile Yung and 22 Avenue Pierre Odlen, Geneva, Switzerland.	8-11-58	Indefinite	do	23 F.R. 6270, 8-14-58. 23 F.R. 7145, 9-16-58.
Braista, S. A., 3 Saint-Pierre, Lausanne, Switzerland.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Bramall, R. E., 14 & 16 Ludgate Hill, St. Paul's, London E.C. 4, England.	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald Hall & Co. Ltd., which see.)	23 F.R. 688, 2-1-58.
Brandes, Ralph Harry, Boersenstrasse 16, Zurich, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 10088, 10-3-51.
Braunstein, Moises Oscar, 3 Rue des Cultes, Brussels, Belgium.	4-29-59	do	do	24 F.R. 3515, 5-1-59.
Burgi, Karl, also known as Burgi-Tobler, Karl, Burgi-Tobler, Anna, Burgi-Tobler, K. & Co., Stampfenbachstrasse 69, Zurich, Switzerland.	3- 1-57	10-1-59 (On probation from 10-2-59 for duration.)*		20 F.R. 1188, 2-25-55. 22 F.R. 1343, 3-5-57.
BURIEX, 61 Rue Des Petits Champs, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931 10-14-58.
Burke & Wilson, Ltd., Prince's Bldg., Hong Kong.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Burn, W. A., 2 Doughty St., London, W. C. 2, England.	9-23-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski Corp. Ltd., which see.)	23 F.R. 7556, 9-27-58.
Byrrild-Steffensen, K. B., Warburgstrasse 33, Hamburg 36, West Germany.	8-28-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Alf Tomsen & Co., which see.)	24 F.R. 7150, 9-3-59.
Canales, Jesus, Madero 1547, Mexicali, B.C., Mexico.	12- 4-58	do	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 9643, 12-12-58.
CEEI, also known as Comptoir Europeen d'Exportation et d'Importation, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	do	23 F.R. 7931, 10-14-58.
Centralimpex, S.A., 205 Rue Americaina, Ixelles, Brussels, Belgium.	8- 3-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F.R. 4913, 8-9-49.
C. H. Pharmacy, 147/75 Chakrapetch Road, Bangkok, Thailand.	5-19-54	do	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 3009, 5-25-54.
Chambers, James Robert, Finsbury Circus House, 4/10 Blomfield St., London, E. C. 2, England.	5-24-57	2-24-58 (On probation from 2-25-58 for duration.)*		22 F.R. 3765, 5-29-57.
Chanwit Kunothai, also known as Chan Vit Kunothai, Chanvitya Kunothai, 147/75 Chakrapetch Road, Bangkok, Thailand.	5-19-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 3009, 5-25-54.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Chem. Techn. Industrie "Tilburg," N.V., Poststraat 39, Postbox 37, Tilburg, Netherlands.	1-31-58	1-31-59 (On probation from 2-1-59 for duration.)*		23 F.R. 761, 2-5-58.
Chemical Industries of Nigeria, Ltd., 1 Brickfield Rd., Ebute Metta, Lagos, Nigeria.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Chemische Industrie "Den Haag," N.V., Le van der Kunstraat 55-57, The Hague, Netherlands.	10-27-55	10-27-57 (On probation from 10-28-57 for duration.)*		20 F.R. 8202, 11-1-55.
Cheung Kam Kee Trading Co., Cheung Yuk Leung, 10 Wing Kut St., Hong Kong.	12-12-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 9431, 12-15-55.
Chirana, Ltd., St. Eriksgatan 69, Stockholm, Sweden.	3-24-60	Until further notice.	do	25 F.R. 2687, 3-30-60.
Chung Han-Ch'i, 443/444 Alexandra House, P.O. Box 2713, Hong Kong.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Chunichi Seiyaku K. K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-56.
Churchin, Jack R., 15 Moore St., New York 4, N.Y.	1- 1-60	(On probation from 1-1-60 to 12-31-60.)*	(Party related to Minthorne International Co., Inc., which see.)	25 F.R. 125, 1-7-60.
COFINA (Israel), Ltd., Tel Aviv, Israel.	4-29-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to COFINA S.A. and Moises Oscar Braunstein, which see.)	24 F.R. 3515, 5-1-59.
COFINA S.A. (Compagnie Commerciale Financiere Industrielle & Agricole), 3 Rue des Cultes, Brussels, Belgium.	4-29-59	do	General and validated licenses, all commodities, any destination, also exports to Canada.	Do.
Cohen, Nisan Simon, 83 Biesbosstraat, Amsterdam, Netherlands.	4-29-57	do	do	22 F.R. 3134, 5-2-57.
Cohn, Julia, 1186 Broadway, New York, N.Y.	8- 3-49	do	do	14 F.R. 4913, 8-9-49.
Compadimex, S.A., also known as Cie. D'Importation et D'Exportation, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	do	do	21 F.R. 8412, 11-2-56.
Compagnie Commerciale Financiere Industrielle & Agricole S.A. (COFINA S.A.), 3 Rue des Cultes, Brussels, Belgium.	4-29-59	do	do	24 F.R. 3515, 5-1-59.
Compentrad Chemical Products & Supplies, Ltd., 1 Broad Street Pl., London, E.C. 2, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Comptoir European, d'Exportation et d'Importation, also known as CEEI, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 7931, 10-14-58.
Comptoir General de Recuperation, 21 Rue de Madrid, Paris (8e), France.	6-10-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Adam A. Luttway and Toutimpex Tangier, which see.)	25 F.R. 5462, 6-17-60.
Comptoir Paul Stevens & Company, S.A., 179 Ter Rivierenlaan, Deurne, Antwerp, Belgium.	9-17-51	do	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 9667, 9-21-51.
Condor Industries, Inc., 125 Cedar St., New York 6, N.Y.	10- 4-56	10-3-57 (On probation from 10-4-57 for duration.)*		21 F.R. 7699, 10-9-56.
Contimex Merchants, Ltd., 24 St. Mary Axe, London, E.C. 3, England.	10-28-55	10-28-56 (On probation from 10-29-56 for duration.)*	(Company related to Continental Commerce and Finance Company, N.V. and N. V. Noord-Hollandsche Handelsassociatie, which see.)	20 F.R. 8224, 11-2-55.
Continental Commerce and Finance Co., Stadhouderskade 51, Amsterdam Z, Netherlands.	10-28-55	do*		Do.
Corti, Dante, Corti & Cie, s.r.l., Dante, 1/6 Piazza Campetto, Genoa, Italy, and 24 Viale Montegrappa, Prato, Italy.	4-14-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F.R. 3361, 4-16-52.
Crystal Industries, Inc., 125 Cedar St., New York 6, N.Y.	10- 4-56	10-3-57 (On probation from 10-4-57 for duration.)*	(Company related to Fred W. Schonfeld, which see.)	21 F.R. 7699, 10-9-56.
David (Davis), Israel, 511 State St., Long Beach, N.Y.	3- 6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 1406, 3-11-53.
Davis Electrical and Radio Accessories, Ltd., Central Hall, 16 Drayton Park, N5, London, England.	5- 1-53	Indefinite	do	18 F.R. 2659, 5-7-53.
De Fiori, Enrica L., De Fiori, Victor E., 1564 Broadway, New York, N.Y.	3-10-50	Duration	do	15 F.R. 1496, 3-16-50.
D'Importation et D'Exportation Cie., also known as Compadimex, S.A., 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	do	do	21 F.R. 8412, 11-2-56.
Del Bo, Giacinto Leopoldo, Via Manzoni 41A, Milan, Italy.	7- 9-56	do	do	21 F.R. 5197, 7-12-56.
Delft, Handelmaatschappij N.V., Rotterdamse Weg 3, Delft, Netherlands, and Fasanenstrasse 28, Berlin, Germany.	4- 6-59	Indefinite	do	24 F.R. 2754, 4-9-59.
De Metz, Rene, 128 Bisschoppenhoflaan, Deurne (Antwerp), Belgium.	10-30-56	Duration	do	21 F.R. 8412, 11-2-56.
de Pesters, Jhr. C. A., Adjunct Managing Director, Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 55-57, The Hague, Netherlands.	10-27-55	10-27-57 (On probation from 10-28-57 for duration.)*		20 F.R. 8202, 11-1-55.
Depoorter, Paul, doing business as Fortior, De Smet de Nayerlaan 12, Ostend, Belgium.	3-17-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 1860, 3-20-58.
Dermine, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Dualca Steamship Co., International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	Until further notice.	General and validated licenses, no participation, all commodities, as carrier, forwarder, exporter, or otherwise.	17 F.R. 1633, 2-18-52.
Dublin Chemicals, 39 Dame St., Dublin, Ireland.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Dunlap, Archibald S., 342 West 71st St., New York, N.Y.	4- 7-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F.R. 3241, 4-12-52.
Eastern Steel Supplies, Ltd., c/o Panchaud-Freres, S.A., 3 Saint-Pierre, Lausanne, Switzerland.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Economic Digest, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallertelner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Eigler, Georg, doing business as Industrie-Warenverkehr, Karlsgasse 20, Vienna IV, Austria.	8- 4-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6002, 8-7-58.
Electra Commodity & Barter Corp., 2 East 84th St., New York, N.Y.	5-28-51	do	do	16 F.R. 5295, 6-5-51.
Electrical Agencies (London), Ltd., Central Hall, 16 Drayton Park, N5, London, England.	5- 1-53	Indefinite	do	18 F.R. 2659, 5-7-53.
Electroexport, Rotenturmstrasse 25, Vienna 1, Austria.	6- 1-56	5-31-58 (On probation from 6-1-58 for duration.)*		21 F.R. 8880, 6-6-56.
Elimex, Aposteinkloster 21-25, Cologne, West Germany.	7- 9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard Fleschner, which see.)	23 F.R. 5310, 7-12-58.
Elmetrik, Sovdeborgsgatan 31, Malmoe, Sweden.	12-31-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 205, 1-9-60.
Engler & Co., Engler, Ltd., Engler, Werner, Stadhausqual 7, Zurich, Switzerland.	2-26-59	Duration	do	24 F.R. 1573, 3-3-59.
Essex International Corp., 120 Liberty St., New York 6, N.Y.	10- 4-56	10-3-57 (On probation from 10-4-57 for duration.)*		21 F.R. 7699, 10-9-56.
Europaische Verkaufs G.m.b.H. (European Sales Co. of American Market Stores), Frankfurt/Main-Westhafen, West Germany.	6-13-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 5610, 6-21-60.
Euro-Union, N.V., 21 Klovenlersburgwal, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation from 10-29-56 for duration.)*	(Company related to Continental Commerce add Finance Company, N.V. and N.V. Noord-Hollandsche Handelsassociatie, which see.)	20 F.R. 8224, 11-2-55.
Export Elektrotechnischer Erzeugnisse, trading as Electroexport, Rotenturmstrasse 25, Vienna 1, Austria.	6- 1-56	5-31-58 (On probation from 6-1-58 for duration.)*		21 F.R. 3880, 6-6-56.
Express Internationale Spedition (G.m.b.H., Wohllebengasse 18, Vienna IV, Austria.	3-12-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 1920, 3-17-59.
Farner, Willi, also known as Willi Farner Moser, Grenchen, Switzerland, and Sagrera 44-58, Barcelona, Spain.	8-11-58	do	do	23 F.R. 6270, 8-14-58. 23 F.R. 7145, 9-16-58.
Farner Werke A.G., Grenchen, Switzerland.	8-11-58	do	do	Do.
Feldag Immobiliengesellschaft, 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Felix, Mario, doing business as Internationale Transporte, Paradiesstrasse 9, Zurich, Switzerland.	5-19-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 3549, 5-22-58.
Films of Great Britain, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Fleschner, Richard, doing business as Richard Flesehner Import-Export, Detmolder Str. 46, Berlin-Wilmersdorf, Germany.	7- 9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 5310, 7-12-58.
Fortior, De Smet de Nayerlaan 12, Ostend, Belgium.	3-17-58	do	do	23 F.R. 1860, 3-20-58.
Fujisawa Shoko K.K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan.	1-31-56	do	do	21 F.R. 775-777, 2-3-56.
G & L Electrical Supply Co., Ltd., 15 Percy Street, London, W. 1, England.	5- 1-53	Indefinite	do	18 F.R. 2659, 5-7-53.
Galiron, Ltd., Buckingham House, 19/21 Palace St., London, S.W. 1, England.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Gamboa, Alexander Botez, also known as A. B. Gamboa, Alexander Botez, Allessandro Doniel Botez, 11 Rue Emile Yung and 22 Avenue Pierre Odier, Geneva, Switzerland.	8-11-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6270, 8-14-58. 23 F.R. 7145, 9-16-58.
Gebrs. Melman, Zuid Oosterfront 122, 's Hertogenbosch, Netherlands.	4- 5-56	Duration	do	21 F.R. 2302, 4-10-56. 22 F.R. 7408, 9-17-57.
Gevirtzmann, Fanny, Gevirtzmann, Mosche, Central Hall, 16 Drayton Park, N5, London, England.	5- 1-53	Indefinite	do	18 F.R. 2659, 5-7-53.
Gibson Hong Co., 33 Ko Shing St., Hong Kong.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Gintz, Franz, 46-47 Chancery Lane, London W.C. 2, England.	5-21-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 3609, 5-25-56.
Gold Oil Co., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F.R. 7179, 11-11-53.
Govaerts, Robert (Alias Bernard Liebermann), 1186 Broadway, New York, N.Y., and 60 Rue Ravenstein, Brussels, Belgium.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 4913, 8-9-49.
Greco, Anthony, 25 Broadway, New York, N.Y.	7- 1-59	8-31-59 (On probation from 9-1-59 to 6-30-60.)*		24 F.R. 4382, 5-30-59.
Grote, Rolf G., 1482 York Ave., New York, N.Y.	7- 3-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F.R. 4323, 7-7-50.
Gryp, Andre, Kortrijkse Steenweg 233, Ghent, Belgium.	2-24-58	do	do	23 F.R. 1221, 2-27-58.
Hadid Freres, Abou, Hadid, Jean Abou, Hadid, Risqallah Abou, Rue Hamidie—P.O. Box 81, and Souk Nasrie, No. 49—Damascus, United Arab Republic—Syria Region.	7-21-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Abou Hadid Freres, which see.)	24 F.R. 5946, 7-24-59.
Hakanson, Sven, trading as Elmetrik, Sovdeborgsgatan 31, Malmoe, Sweden.	12-31-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 205, 1-9-60.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Handelmaatschappij J. Smits Import-Export, N. V., Molstraat 1, Rotterdam, Netherlands.	10-28-54	Duration	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F.R. 7197, 11-5-54. 22 F.R. 727, 2-5-57.
Hanke A. & Co., or Annelisse Hanke & Co. (Handel mit Pharmazeutika), or Hanke, Annelise, Hegelgasse 5, Vienna 1, Austria and 91 Seehof Strasse, Berlin-Zehlendorf, Germany.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F.R. 2432, 4-24-54.
Hanke-Chemie Hochstrasse 19 Frankfurt, and/or Goldfinkweg 46, Berlin-Dahlem, Germany, and/or Postplatz 26, Vaduz, Liechtenstein.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada.	Do.
Hanke, Franz, also known as Hanke, Gunther, or Hanke, Franz Guenther, Goldfinkweg 46, Berlin-Dahlem, Germany.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	Do.
Hanke, Franz Gunther (Chemikalien-Grosshandel), Hegelgasse 5, Vienna 1, Austria.	4-21-54	do	do	Do.
Hanke-Holz, Kreutzstrasse 8, Salzburg, Austria.	4-21-54	do	do	Do.
Hanke-Ziegler, A. G., Hettlingen, Winterthur, Switzerland.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada.	Do.
Hannoco, S.P.R.L., c/o Gaston Triest, 192, Avenue Franklin Roosevelt, Brussels, Belgium, and/or Hottlingerstrasse 4, Zurich, Switzerland.	4-21-54	do	do	Do.
Harlow & Jones (Belgium), S.A., 1 Pont de Meir, Antwerp, Belgium.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Harlow & Jones, Ltd., 18 Buckingham Gate, London, S.W. 1, England.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	Do.
Hauptfeld, Dr. Georg, Stein Bei Hennef (Sieg), West Germany.	4-21-54	5-31-55 (On probation from 6-1-55 for duration.)*		19 F.R. 2432, 4-24-54. 20 F.R. 3921, 6-4-55.
Hauser, Maurice, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Heinemeier, Lndwig, Gr. Altefahre 23, Luebeck, Schleswig-Holstein, West Germany.	7-16-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to F. H. Bertling, which see.)	24 F.R. 5810, 7-21-59.
Heinemeier, Willy A., Moeckebergstrasse 11, Hamburg, West Germany.	7-16-59	do	do	Do.
Herlsteel, A. B., 34-B Artillerigatan, Stockholm, Sweden.	12-31-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Labeco A/B, which see.)	25 F.R. 205, 1-9-60.
Hertford Chemical Co., Nottingham Pl., London, W. 1, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Hip Wah Hong, Ltd., 445 Alexandra House, Hong Kong, and 161 Rua do Guimaraes, Macao.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Ho, Stanley, also known as Ho Hung Sun, 443/445 Alexandra House, P.O. Box 2713, and 12 Conduit Rd., Hong Kong.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 6379, 8-7-59. 25 F.R. 699, 1-27-60.
Hof, W., Longue Rue Nueve 43, Antwerp, Belgium.	10-27-55	10-27-57 (On probation from 10-28-57 for duration.)*	(Company related to Stemmler-Imez, N. V., which see.)	20 F.R. 8202, 11-1-55.
Huber, Hermann August, Badenerstrasse 398, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oleine S.A., which see.)	24 F.R. 10719, 12-25-59.
Huiles et Produits Chimiques Pour L'Agriculture et L'Industrie, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.)	16 F.R. 10088, 12-16-55. 21 F.R. 4322, 6-20-56.
Hutmacher, Dr. Georg, Boersenstrasse 16, Zurich, Switzerland.	9-24-51	do	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 10089, 10-3-51.
Independent Plastic Industries, 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Industrial Specialty Co., Ltd., Industrial Specialty (Iron & Steel), Ltd., 18 Buckingham Gate, London, S.W. 1, England.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Industrie Chemie Etablissement, Postplatz 26, Vaduz, Liechtenstein.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al. which see.)	19 F.R. 2432, 4-24-54.
Industriele Handelsonderneming v/h Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam, Netherlands.	11- 6-53	do	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 7179, 11-11-53.
Industrie-Warenverkehr, Karlsgasse 20, Vienna IV, Austria.	8- 4-58	do	do	23 F.R. 6002, 8-7-58.
Ingeniorsfirman, Elmetrik A. B., Alingsas, Sweden.	12-31-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Sven Hakanson, which see.)	25 F.R. 205, 1-9-60.
Intercontinental Import-Export S.A., 70 Rue du Lombard, Brussels, Belgium.	8- 3-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F.R. 4012, 8-9-49.
International Cement Corp., Ltd., Vancouver & Chilliwack, B.C., Canada.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
International Meat Co., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F.R. 7179, 11-11-53.
International Trading Co., also known as Kokusai Boki Shokai, 603-4 Fukoka Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and Co., which see.)	21 F.R. 775-777, 2-3-56.
Internationale Transporte, Pardiestrasse 9, Zurich, Switzerland.	5-19-58	do	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 3549, 5-22-58.
Intersack Holsgrosshandels, Import & Export, G.m.b.H., Hochstrasse 19, Frankfurt, West Germany.	4-21-54	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke-Chemie, et al., which see).	19 F.R. 2432, 4-24-54.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Istawa S.R.L., Via Mario Pagano 35, Milan, Italy.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Italiana Gestione Immobiliari, Societa (S.I.G.I.), 24 Viale Montegrappa, Prato, Italy.	4-14-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Dante Corti, which see).	17 F.R. 3361, 4-15-52.
J. W. Transport & Travel Association, 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Jackson, George, 18 Buckingham Gate, London, S.W. 1, England.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F.R. 8868, 12-14-50.
Jegouzo, Mathurin Marie, 106 Avenue Poeymirau, Casablanca, Morocco.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Jerry, Williams & Co., Hong Kong.	6- 1-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 3878, 6-6-56.
Joan Sangyo K. K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Fujisawa Shoko K. K. which see.)	21 F.R. 775-777, 2-3-56.
Johnson & Warnes, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Kajihara, Tokio, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	3-31-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 2868, 4-5-60.
Karstens, Fritz, Moenekebergstrasse 11, Hamburg, West Germany.	7-16-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to F. H. Bertling, which se.)	24 F.R. 5810, 7-21-59.
Kassar, Adel, Kassar, Adnan, Kassar, Adnan and Adel, Maarad St., Kassar Bldg., P.O. Box 1531, Beirut, Lebanon.	4-15-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 2717, 4-18-57.
Kato, Motohisa and Kato, Toshio, officials of Chunichi Seiyaku K.K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan.	1-31-56	Duration	do	21 F.R. 775-777, 2-3-56.
Kazantzis, Theodore E., 17 Battery Pl., New York, N.Y.	10-15-48	do	do	13 F.R. 6126, 10-20-48.
KESCO, G.m.b.H., Mainluststrasse 8, Frankfurt, West Germany.	3-29-55	do	do	20 F.R. 2093, 4-2-55. 21 F.R. 7099, 10-9-56.
Kessler, Hans Jr., Kessler, Hans Sr., Mainluststrasse 8, Frankfurt, West Germany.	3-29-55	do	do	Do.
King, W. E., 2 Doughty St., London, W.C. 2, England.	9-23-58	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowsky Corp. Ltd., which see.)	23 F.R. 7556, 9-27-58.
Kitahara, Koji, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	3-31-60	do	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 2868, 4-5-60.
Klaasen, A. A., Klaasen, J. M. A., 41 Kendrachtsweg, Rotterdam, Netherlands.	11-6-53	do	do	18 F.R. 7179, 11-11-53.
Klein, Aaron, 224 East 86th St., New York, N.Y., and 138-17 225th St., Laureiton, N.Y.	8-26-49	do	do	14 F.R. 5400, 8-31-49.
Klenfex Laboratories Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Kokushai Boeki Shokai, also known as International Trading Co., 603-4 Fukoka Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and Co., which see.)	21 F.R. 775-777, 2-3-56.
Koopman, Jack, Koopman & Co., Inc., Jack, 15 Park Row, New York 38, N.Y.	4-23-53	do	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2481, 4-28-53.
Kow Ting Heng, or Koh Ting Heng, trading as C. H. Pharmacy, 147/75 Chakrapetch Rd., Bangkok, Thailand.	5-19-54	do	do	19 F.R. 3009, 5-25-54.
Krainz & Co., Herrengasse 6, Vienna, Austria.	4-13-59	Indefinite	do	24 F.R. 2915, 4-16-59.
Krueger, Herbert, Krueger, Luise (Johannsen), Hanau-Wilhelmsbad, Hohe Tanne 101, West Germany.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F.R. 2432, 4-24-54.
Kuruc, Emmerich, 166 Waehringer Guertel, Vienna 1X, Austria.	6-10-60	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 5546, 6-18-60.
Laboco A/B, Kungsgatan 4A, Stockholm C, Sweden, and Kurfurstendamm 26a, West Berlin, Germany.	12-31-59	Until further notice.	do	25 F.R. 205, 1-9-60.
Lachnit, Karl L., Oberzellergasse 4, Vienna III, Austria.	10- 5-59	Indefinite	do	24 F.R. 8303, 10-13-59.
Lai, I. K., Lai, S. K., owners of Levee and Co., Room 604, Fukoku Bldg., Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan, and 50 Queen's Road Central, Hong Kong.	1-31-56	Duration	do	21 F.R. 775-777, 2-3-56.
Lambreh, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
La Rapida Shipping & Trading Co., 1564 Broadway, New York, N.Y.	3-10-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F.R. 1494, 3-16-50.
Larkins, G. D., 2 Doughty St., London, W.C. 2, England.	9-23-58.	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski Corp., Ltd., which see.)	23 F.R. 7556, 9-27-58.
Larkins, G. D. & Co., Ltd., Buckingham House, 19/21 Palace St., London, S.W. 1, England.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Lau Yiu Chuen, 326 Prince's Bldg., Hong Kong.	6- 1-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 3878, 6-6-56.
Lauter G.m.b.H., Kurfurstendamm 26a, West Berlin, Germany, and Osroy-Niederrhein, West Germany.	12-31-59	Until furtber notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Labeco A/B, which see.)	25 F.R. 205, 1-9-60.
Lauter, Mikbel, % A/B Labeco, Kungsgatan 4A, Stockholm, Sweden.	12-31-59	do	do	Do.
Lee On Construction Co., Ltd., 33 Ko Shing St., Hong Kong.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Les Grandes Editions Publicitaires Internationales, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	Duration	General validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.)	20 F.R. 9469, 12-16-55. 21 F.R. 4322, 6-20-56.
Levee and Co., Room 604, Fukoku Building, Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan, and 50 Queen's Road Central, Hong Kong.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-56.
Li, Haiu Kuang (alias S. K. Lai), Room 604, Fukoku Building, Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan, and 50 Queen's Road Central, Hong Kong.	1-31-56	do	do	Do.
Liberty Electronics, Inc., 580 Broadway, New York, N.Y.	4-18-60	6-18-60 (On probation from 6-19-60 to 4-18-61).*	do	25 F.R. 3500, 4-21-60.
Lien Hsin Hang, 443 Alexandra House, P.O. Box 2713, and 259 Hennessy Rd., Hong Kong.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Liebermann, Bernard (alias Robert Govaerts) 56 Rue du Rocher, Paris 8, France, and 60 Rue Ravenstein, Brussels, Belgium.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 4913, 8-9-49.
Lijnzaad, D., N.V., Transport en Handelmaatschappij, 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands.	10-27-55	(On probation from 10-27-55 for duration.)*		20 F.R. 8226, 11-2-55.
Lijnzaad, Dirk, 7 Duinweg, Wassenaar, Netherlands.	10-27-55	do*		Do.
Lindemann, E. & Co., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F.R. 7179, 11-11-53.
Linson Trading Co., also known as Lien Hsin Hang, 443 Alexandra House, P.O. Box 2713, and 259 Hennessy Rd., Hong Kong.	8- 4-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Lippig, F. O., doing business as Elimex, Apostelnkloster 21-25, Cologne, West Germany.	7- 9-58	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard Fleschner, which see.)	23 F.R. 5310, 7-12-58.
London Export Corp., Ltd., 5 Chandos St., London, W. 1, England.	5-24-57	do	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 3765, 5-29-57.
London Wax Refining Co., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Loyal Trust, The, Vaduz, Liechtenstein.	3-25-57	do*		22 F.R. 2053, 3-28-57.
Lu Lieh Ming, proprietor, Well-Lu Trading Co., P.O. Box 697, 201, Rama 1 Rd., Pratumwarn, Bangkok, Thailand.	5-19-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 3009, 5-25-54.
Luttway, Adam A., 21 Rue de Madrid, Paris (8e), France.	6-10-60	do	do	25 F.R. 5462, 6-17-60.
Lynch, Thomas P., 280 Klemath St., Brisbane, Calif., and 21 Bridge St., New York, N.Y.	8-15-49	do	do	14 F.R. 5207, 8-19-49.
Lyon, Raymond, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Maag-Fetscherin, Jacob, Stadthausquai 7, Zurich, Switzerland.	2-26-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Engler, Ltd., which see.)	24 F.R. 1573, 3-3-59.
MacDonald Hall & Co., Ltd., MacDonald-Hall, R., 14 and 16 Ludgate Hill, St. Paul's, London E. C. 4, England.	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 688, 2-1-58.
Manna Mercantile Co., Inc., 25 Broadway, New York, N.Y.	7- 1-59	8-31-59 (On probation from 9-1-59 to 6-30-60.)*		24 F.R. 4382, 5-30-59.
Maireco Export-Import G.M. B.H., 166 Waehringer Guertel, Vienna IX, Austria.	6-10-60	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 5546, 6-18-60.
Malcouronne, Andre Emile, 20 Avenue de l'Opera, Paris, France.	10- 8-58	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Mandatare Treuhand, A. G., Vaduz, Liechtenstein.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F.R. 2432, 4-24-54.
Manufacture Nouvelle de Textiles (MANOTEX), 3 Rue Olivier de Serres, Paris 15, France.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.)	14 F.R. 4913, 8-9-49.
Maru, Tadami, official of Tokyo Shoko K. K., No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-56.
Masatsugo, Kazushige, 15 Akasaka Tamelke-cho, Minato-ku, Tokyo, Japan.	3-31-60	do	do	25 F.R. 2868, 4-5-60.
Mazlomnian, Bramall & Co., Aleppo, P.O. Box 130, United Arab Republic—Syria Region.	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald Hall & Co. Ltd., which see.)	23 F.R. 688, 2-1-58.
Meersman, Willy-Louis, 225 Avenue Van Rijswijck, Antwerp, Belgium.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	16 F.R. 3670, 4-28-51.
Meiwa Kogyo 603-4 Fukoka Building, Uchisaiwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and Co., which see.)	21 F.R. 775-777, 2-3-56.
Meiman, P., doing business as Gebrs. Meiman, Zuid Oosterfront 122, 's Hertogenbosch, Netherlands.	4- 5-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 2302, 4-10-56.
Metallimport, S.A.R.L., 26 Rue de la Pepiniere, Paris, France.	4-25-56	do	do	22 F.R. 7408, 9-17-57.
Metallimport Trust, Vaduz, Liechtenstein, and Dreikonigstrasse 21, Zurich, Switzerland.	4-25-56	do	do	21 F.R. 2852, 5-1-56. Do.
Meyns, Peter & Co., Meyns, Peter, Gertrudenkirchhof 10, Hamburg 1, West Germany.	1-29-59	do	do	24 F.R. 742, 2-3-59.
Middle East Cotton Co., Maarad St., Kassar Bldg., P.O. Box 1531, Beirut, Lebanon.	4-15-57	Indefinite	do	22 F.R. 2717, 4-18-57.
Minthorne International Co., Inc., 15 Moore St., New York 4, N.Y.	1- 1-60	(On probation from 1-1-60 to 12-31-60.)*		25 F.R. 125, 1-7-60.
Mortel, Jean Paul, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.

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Moser, Willi Farner, also known as Willi Farner, Grenchen, Switzerland, and Sagrera 44-58, Barcelona, Spain.	8-11-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6270, 8-14-58. 23 F.R. 7145, 9-16-58.
Munich, Kurt, Hegelgasse 5, Vienna 1, Austria.	4-21-54	Duration	do	19 F.R. 2432, 4-24-54.
Naigai Kogyo, 603-4 Fukoka Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and Co., which see.)	21 F.R. 775-777, 2-3-56.
Nanyang Bros. Tobacco Co., Ltd., 271 Wanchai Rd., Hong Kong.	12-17-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Suspension for 18 months or as long as Treasury Dept. designated national, whichever longer.)	22 F.R. 10311, 12-20-57.
Nautrup, Theodore Poulsen, Gertrudenkirchhof 10, Hamburg 1, West Germany.	1-29-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Peter Meyns & Co., which see.)	24 F.R. 742, 2-3-59.
Nedimtrans, N. V., 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands.	10-27-55	(On probation from 10-27-55 for duration.)*		20 F.R. 8226, 11-2-55.
Nelson, A., Nelson & Co., A., Nelson, Mrs. Danielle L. (nee Lederberg), 172 Orchard St., New York, N.Y.	3-23-49	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 1399, 3-29-49.
Nelson, Murray M., Nelson, Inc., Murray M., Nelson's Trading House, 1151 East 165th St., New York, N.Y.	3-23-49	do	do	Do.
Newmark, M. & Co., Ltd., 5 & 7 Watling Ct., Cannon St., London, England.	3-26-56	Indefinite	do	21 F.R. 1941, 3-29-56, 21 F.R. 2851, 5-1-56.
New York Export Agency Co., 280 Klemeth St., Brisbane, Calif., and 21 Bridge St., New York, N.Y.	8-15-49	Duration	do	14 F.R. 5207, 8-19-49.
Noble, L. A. W., 2 Doughty St., London, W.C. 2, England.	9-23-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski Corp. Ltd., which see.)	23 F.R. 7556, 9-27-58.
Noord-Hollandsche, Handelsassociatie, N. V., Keizersgracht 702, Amsterdam, Netherlands.	10-28-55	10-28-56 (On probation from 10-29-56 for duration.)*		20 F.R. 8224, 11-2-55.
Nordische Transportgesellschaft G.M.B.H., Moenckebergstrasse 11, Hamburg, West Germany.	7-16-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to F. H. Bertling, which see.)	24 F.R. 5810, 7-21-59.
Norte Americana Compania, 15 Park Row, New York 38, N.Y.	4-23-53	do	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2481, 4-28-53.
Nysaters Fabriker A/B, Erik Dahlbergsgatan 4, Goteborg, Sweden.	6-10-60	do	do	25 F.R. 5462, 6-17-60.
Obegi, Les Fils de Basile, Obegi, Maurice, Obegi, Raymond, Khan Ghoumrok, Aleppo, P.O. Box 277, United Arab Republic—Syria Region.	6- 9-55	do	do	20 F.R. 4190, 6-15-55.
Obermayr, Albert, Rotenturmstrasse 25, Vienna 1, Austria.	6- 1-56	5-31-58 (On probation from 6-1-58 for duration.)*		21 F.R. 3880, 6-6-56.
"Objecta" Treuhand und Verwaltung, Oberalpstrasse 51, Basel, Switzerland.	2-13-58	3-11-60 (On probation from 3-12-60 for duration.)*	(Party related to Standard Chemie A.G., Basel, and W. K. S. Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Oceanic Express Co., 168 West 23d St., New York, N.Y.	3-24-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F.R. 1821, 3-30-50.

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Oestawa Handelshaus A.G., Vaduz, Liechtenstein, and Rennweg 3, Vienna III, Austria.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Oleine, S. A., Genferstrasse 24, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 10719, 12-25-59.
Oleynick & Co., L., Oleynick, Leah, 1151 East 165th St., New York, N.Y.	3-23-49	do	do	14 F.R. 1399, 3-29-49.
Oriental Purchasing Co., Bank of East Asia Bldg., Hong Kong.	7-10-58	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Oversea Trading Co. (H.K.) Ltd., which see.)	23 F.R. 5400, 7-16-58.
Oriental Trading Co., Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Co., 15 Akasaka Tamelke-cho, Minato-ku, Tokyo, Japan.	3-31-60	do	do	25 F.R. 2868, 4-5-60.
Oversea Trading Co., (H. K.) Ltd., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	do	do	23 F.R. 5400, 7-16-58. 24 F.R. 4062, 5-20-59.
Pan Pacific Trading Co., 602 Broderick St., San Francisco, Calif.	3-31-49	do	do	14 F.R. 1689, 4-8-49.
Panchaud Freres, S.A., 3 Saint-Pierre, Lausanne, Switzerland.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Gerald Stanley Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Panchaud, Gerald Stanley, Panchaud, John Braithwaite, 1 Galerie Benjamin Constant, Lausanne, Switzerland, and 18 Buckingham Gate, London, S. W. 1, England.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada.	Do.
Passot, Madelaine, 106 Avenue Pocymirau, Casablanca, Morocco.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Pawlitza, Dr. Josef, Hegelgasse 5, Vienna 1, Austria.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 2432, 4-24-54.
Pesters, Jhr. C. A. de, Adjunct Managing Director, Chemische Industrie, "Den Haag," N.V., Le van der Kunstraat 55-57, The Hague, Netherlands.	10-27-55	10-27-57 (On probation from 10-28-57 for duration.)*		20 F.R. 8202, 11-1-55.
Pisk, Alexander W., Freiestrasse 87, Zurich, Switzerland.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 2432, 4-24-54.
Porje, Allan, St. Eriksgatan 69, Stockholm, Sweden.	3-24-60	Until further notice.	do	25 F.R. 2687, 3-30-60.
Porn & Dunwoody, Ltd., Union Works, Bear Gardens, London, S.E. 1, England.	10-14-59	Indefinite	do	24 F.R. 8683, 10-27-59.
Prodalco, S.A.R.L., 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6- 9-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see).	20 F.R. 4190, 6-15-55.
Pun, Tsze E., & Co., Room 1201, Wing on Life Bldg., P.O. Box 2606, Hong Kong.	12-17-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Suspension for 18 months or as long as Treasury Dept. designated national, whichever longer.)	22 F.R. 10311, 12-20-57.
Ralux Gesellschaft fuer Elektrotechnik mbH, 6 Romerstrasse, Munich 23, West Germany.	2-21-57	do	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 1153, 2-27-57.
Rederi A/B Lauter Shipping, 34-B Artillerigatan, Stockholm, Sweden.	12-31-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Labeco A/B, which see.)	25 F.R. 205, 1-9-60.

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Rei Shu Ko (Alias S. K. Lai), Room 604, Fukoku Bldg., Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan, and 50 Queen's Road Central, Hong Kong.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-56.
Rentzeperis, John, 168 W. 23d St., New York, N.Y.	3-24-50	do	do	15 F.R. 1821, 3-30-50.
Richard, Jean, 27 Rue des Petites Ecuries, Paris, France.	12-13-55	do	do	20 F.R. 9469, 12-16-55. 21 F.R. 4322, 6-20-56.
Riviere, Maurice, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Rogers, B., 14 and 16 Ludgate Hill, St. Paul's, London E.C. 4, England.	1-29-58	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald Hall & Co., Ltd., which see.)	23 F.R. 688, 2-1-58.
Rohlmport Trust, Vaduz, Liechtenstein.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F.R. 2432, 4-24-54.
Royal Industrial Co., 150 Broadway, Room 914, New York, N.Y.	4-23-53	do	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2481, 4-28-53.
Salda, Societe Immobiliere, de la, S.A., Paris, France.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56
Satis, A. G., Boersenstrasse 16, Zurich, Switzerland.	9-24-51	do	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 10088, 10-3-51
Satis, S. A., Melide, Switzerland	9-24-51	do	do	Do.
Schneider, Hans M., 174 Seestrasse and 50 Renggerstrasse, Zurich, Switzerland.	12-18-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oleine S. A., which see.)	24 F.R. 10719, 12-25-59.
Schonfeld, Fred W., 125 Cedar St. and 120 Liberty St., New York 6, N.Y.	10- 4-56	10- 3-57. (On probation from 10-4-57 for duration.)*		21 F.R. 7609, 10-9-56.
Schroeder, Mr. (prokurist for F. H. Bertling), Moenckebergstrasse 11, Hamburg, West Germany.	7-16-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to F. H. Bertling, which see.)	24 F.R. 5810, 7-21-59.
Schultheiss, Johannes, 69 Stampfenbachstrasse, Zurich, Switzerland.	3- 1-57	10- 1-59. (On probation from 10-2-59 for duration.)*		22 F.R. 1343, 3-5-57.
Selart, Evald, Selart & Co., Erik Dahlbergsgatan 4, Goteborg, Sweden.	6-10-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 5462, 6-17-60.
Semadis & Co., Semadis, Peter K., 641 8th Ave., New York, N.Y.	3-24-49	do	do	14 F.R. 1605, 4-5-49.
Serata, A. G., 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	3-11-60. (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
SERTI, S. A., 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland, and Lazarieh Bldg., Beirut, Lebanon, and Kassas-Sadat Bldg., Rue Fardoase, Damascus, United Arab Republic—Syria Region.	6- 9-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F.R. 4190, 6-15-55.

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Seto, Wai Man, Hong Kong	8- 5-53	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 4751, 8-11-53.
Siegwart and Hanke, Hegelgasse 5, Vienna I, Austria.	4-21-54	Duration	do	19 F.R. 2432, 4-24-54.
Smits, J., Officer of N. V. Handelmaastschappij J., Smits Import-Export, Molstratt 1, Rotterdam, Netherlands.	10-28-54	do	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F.R. 7197, 11-5-54. 22 F.R. 727, 2-5-57.
Smits, J., Import-Export, N. V. Molstratt 1, Rotterdam, Netherlands.	10-28-54	do	do	Do.
Smits, J. K., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.)	18 F.R. 7179, 11-11-53.
Snow, H. Martyn, 105 Coleherne Ct., London S.W. 5, England.	11-13-59	do	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 9048, 12-9-59.
Societe d'Etudes et de Recherches Technique et Industrielles (SERTI), S.A., 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6- 9-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F.R. 4190, 6-15-55.
Societe d'Etudes de l'Union Francaise, Paris, France.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Societe Generale de Produits Chimiques et Biologiques, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.)	20 F.R. 9469, 12-16-55. 21 F.R. 4322, 6-20-56.
Societa Italiana Gestione Immobiliari (S.I.G.I.), 24 Viale Montegrappa, Prato, Italy.	4-14-52	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Dante Corti, which see.)	17 F.R. 3361, 4-15-52.
Sorkin, Edwin J., 15 Moore St., New York 4, N.Y.	1- 1-60	6-30-60. (On probation from 7-1-60 to 12-31-60.)*	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 125, 1-7-60.
South Sea Trading Co., Ltd., 314 China Bldg., Hong Kong.	10- 4-56	Duration	do	21 F.R. 7609, 10-9-56.
Spaeth, Anneliese, Spaeth, Karl-Heinz, 6 Romerstrasse, Munich 23, West Germany.	2-21-57	Indefinite	do	22 F.R. 1153, 2-27-57.
Spicer Food Co., Ltd, 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60. (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Spiess Trust, Vaduz, Liechtenstein.	4-25-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Standard Chemica S.A., Via Piemonte 63, Rome, Italy.	3-11-57	3-11-60. (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57.
Standard Chemical & Pharmaceutical Corp., Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	do*	do	22 F.R. 2053, 3-28-57.
Standard Chemie, 5 Steinhovelstrasse, Ulm/Donau, West Germany.	3-11-57	do*	do	Do.
Standard Chemie, A. G., Vaduz, Liechtenstein.	3-11-57	do*	do	Do.
Standard Chemie, A. G., St. Albangraben 8, Basel, Switzerland.	3-25-57	do*		22 F.R. 2053, 3-28-57.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Stawa A. G., Vaduz, Liechtenstein.	3-11-57	3-11-60*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Stawa Co., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	do*	do	Do.
Stemmler, Carl Herman, Ferdinand, Manager and Director, Stemmler-Imex, N. V., Leidseplein-Hirschgebouw, Post Box 649, Amsterdam, Netherlands.	10-27-55	10-27-57. (On probation from 10-28-57 for duration.)*		20 F.R. 8302, 11-1-55.
Stemmler-Imex Succ., Longue Rue Nueve 43, Antwerp, Belgium.	10-27-55	do*	(Company related to Stemmler-Imex, N.V., which see.)	Do.
Steuerungstechnik und Messgerate, G.M.B.H., Wahringerstrasse 12, Vienna IX, Austria.	5- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 3158, 5-13-58.
Stevens, Paul, Comptoir Paul, Stevens & Co., S.A., 179 Ter Rivierenlann, Deurne, Antwerp, Belgium.	9-17-51	Duration	do	16 F.R. 9667, 9-21-51.
Stonehill, C. C., 18 Buckingham Gate, London, S.W. 1, England.	12- 8-50	do	do	15 F.R. 8868, 12-14-50.
Sun Kee, 444 Alexandra House, P.O. Box 2713, Hong Kong.	8- 4-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Szurek, Molsiek, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Takeno, Yonesaburo, official of Tokyo Shoko K.K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-56.
Technische Entwicklungsgesellschaft M.B.H., Hamburg, West Germany.	7-16-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to F. H. Bertling, which see.)	24 F.R. 5810, 7-21-59.
Termac, Kaistrasse 7, Duesseldorf, West Germany.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Thiel, Reynold, 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6- 9-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.)	20 F.R. 4190, 6-15-55.
Timm, Mr. (prokurist for F. H. Bertling), Moenckebergstrasse 11, Hamburg, West Germany.	7-16-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to F. H. Bertling, which see.)	24 F.R. 5810, 7-21-59.
Tingley, E. & Son, Ltd., 22-32 Copperfield Rd., Canal Rd., London, E. 3, England.	3-11-57	3-11-60. (On probation from 3-12-60 for duration.)*		22 F.R. 1650, 3-14-57.
Tingley, E., Trading, Ltd., 22-32 Copperfield Rd., London, E. 3, England, and 1 Brickfield Rd., Ebute Metta (Lagos), Nigeria.	3-11-57	do	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Tokyo Shoko K.K., No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-56.
Tomsen, Alf/& Co., Warburgstrasse 33, Hamburg 36, West Germany.	8-28-59	do	do	24 F.R. 7150, 9-3-59.
Torhay Trading, Ltd., Copperfield Road, Westhill, Ontario, Canada.	3-11-57	3-11-60. (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Toutimpex Tangier, 21 Rue de Madrid, Paris (8e), France.	6-10-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 5462, 6-17-60.
Tower Warehousing Co. (London), Ltd., Brown Bear Alley, London, E. 1, England.	12- 8-50	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)	15 F.R. 8868, 12-14-50.
Toyo Boeki K.K. or Toyo Trading Co., 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	3-31-60	do	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 2868, 4-5-60.
Toyo Koeki, Rm. 603-4 Fukoku Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and Co., which see.)	21 F.R. 775-777, 2-3-56.
Toyo Trading Co., 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	3-31-60	do	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 2868, 4-5-60.
TRACOPORT N.V., Handelmaatschappij, 24 Piompertstraat, Rotterdam, Netherlands.	4- 6-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to N.V. Handelmaatschappij Delft and Adrianos A. C. Alsemgeest, which see.)	24 F.R. 2754, 4-9-59.
Trans Chemie, 702 Keizersgracht, Amsterdam, Netherlands.	10-28-55	10-28-56. (On probation from 10-29-56 for duration.)*	(Company related to Continental Commerce and Finance Company, N. V. and N. V. Nord-Hollandsche Handelsassociatie, which see.)	20 F.R. 8224, 11-2-55.
Transmare Handelmaatschappij, N. V., Meent 93, Rotterdam, Netherlands.	5-24-57	5-24-58. (On probation from 5-25-58 for duration.)*		22 F.R. 3765, 5-29-57.
Traverse, N. V., 51 Stadhouderskade, Amsterdam, Netherlands.	10-28-55	10-28-56. (On probation from 10-29-56 for duration.)*	(Company related to Continental Commerce and Fluance Company, N. V. and N. V. Nord-Hollandsche Handelsassociatie, which see.)	20 F.R. 8224, 11-2-55.
Tsong, C. S., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 5400, 7-16-58.
Union Europeenne de Produits Chimiques, 27 Rue des Petites Ecuries, Paris, France.	12-13-55	do	do	20 F.R. 9469, 12-16-55. 21 F.R. 4322, 6-20-56.
United Petrolifera Italiana, S. R. L. (formerly United Refineries Corp.), Via Manzoni 41A, Milan, Italy.	7- 9-56	do	do	21 F.R. 5197, 7-12-56.
Valentin, Madame, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Van de Looveren, N. V., A.M.M., Van de Looveren, Authonius, M.M., Willemsparkweg 80, Amsterdam C, Netherlands.	12-12-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 9431, 12-15-55.
Van Der Zanden, Hendrik Frans, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	do	do	21 F.R. 8412, 11-2-56.
Van Woerkom, J. C. A. M., Industriele Handelsonderneming v/h Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam, Netherlands.	11- 6-53	do	do	18 F.R. 7179, 11-11-53.
Vinci, Vincent, 25 Broadway, New York, N.Y.	7- 1-59	8-31-59. (On probation from 9-1-59 to 6-30-60.)*		24 F.R. 4382, 5-30-59.
Vitromecano A/B, Kungsgatan 4A, Stockholm C, Sweden.	12-31-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Labeco A/B, which see.)	25 F.R. 205, 1-9-60.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Von der Fuhr, Hans W.J.M., von der Fuhr, Werner H.H., doing business as N.V. Chem. Industrie "Tillburg", Poststraat 20, Postbox 37, Tillburg, Netherlands.	1-31-58	1-31-59. (On probation from 2-1-59 for duration.)*		23 F.R. 761, 2-5-58.
Von Tscharner, Albert Edward, Rothkreuz, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Satis, A. G., which see.)	16 F.R. 10068, 10-3-51.
Wahle, Kurt O. W., Frankfurt/Main-Westhafen, West Germany.	6-12-60	do	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 5610, 6-21-60.
Wallastone Construction Co., Ltd., 22/32 Copperfield Rd. London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1630, 3-14-57, 22 F.R. 2053, 3-28-57.
Waller Estates, Ltd., 540 Burrard St., Vancouver, B.C., Canada.	3-11-57	do	do	Do.
Waller Family Trust, Ltd., Chambers, Nassau, Bahamas, British West Indies.	3-11-57	do	do	Do.
Waller Investment Corp. Ltd., Copperfield Road, Westhill, Ontario, Canada.	3-11-57	do*	do	Do.
Waller, W. K. S., 22/32 Copperfield Road, London, E. 3, England.	3-25-57	do*		22 F.R. 2053, 3-28-57.
Wallersteiner Familien Trust, Vaduz, Liechtenstein.	3-11-57	do*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57. Do.
Wallersteiner, William Kurt Samuel, also known as Waller, W. K. S., 22/32 Copperfield Road, London, E. 3, England.	3-11-57	do*		
Watford Chemical Co. (Canada) Ltd., Copperfield Road, Westhill, Ontario, Canada.	3-11-57	do*		22 F.R. 1650, 3-14-57.
Watford Chemical Company Ltd., 22/32 Copperfield Road, Canal Road, London, E. 3, England.	3-11-57	do*		22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.
Watford Chemical Corporation, New York, N.Y.	3-11-57	do*		22 F.R. 1650, 3-14-57.
Watford Chemicals (Alberta) Ltd., Royal Bank of Canada Chambers, Edmonton, Alberta, Canada.	3-11-57	do*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57. Do.
Watford Realty Ltd., Copperfield Road, Westhill, Ontario, Canada.	3-11-57	do*	do	Do.
Well Lu Trading Co., P.O. Box 697, 201, Rama I Road, Pratumwarn, Bangkok, Thailand.	5-19-54	Duration	General and validated licenses all commodities, any destination, also exports to Canada.	19 F.R. 3009, 5-25-54.
Westawa G.m.b.H., 30 Friedrich-Ebert Strasse, Frankfurt, West Germany.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57, 22 F.R. 2053 3-28-57.
Wester Metaalwarenfabriek Amsterdam, Netherlands.	10-27-55	10-27-57 (On probation from 10-28-57 for duration.)*	(Company related to Stemmler-Imex, N. V., which see.)	20 F.R. 8202, 11-1-55.
Western Metal A. G., Zurich and Lausanne, Switzerland.	4-25-56	Duration	General and validated licenses all commodities, any destination, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Williams, Jerry & Co., Hong Kong.	6- 1-56	do	General and validated licenses all commodities, any destination, also exports to Canada.	21 F.R. 3878, 6-6-56.
Wilson, James Beell, 2 Doughty Street, London W.C. 2, England.	9-23-58	Indefinite	General and validated licenses all commodities, any destination, also exports to Canada. (Party related to Bakanowski Corp. Ltd., which see.)	23 F.R. 7556, 9-27-58.
Wolff, Hans, doing business as Hans Wolff Export-Import, Bingerstrasse 31, Berlin-Wilmersdorf, Germany.	4-15-57	(On probation from 4-15-57 for duration.)*		22 F.R. 2717, 4-18-57.
Wolfson, Irving N., 15 Park Row, New York 38, N.Y.	4-23-53	Duration	General and validated licenses all commodities, any destination, also exports to Canada.	18 F.R. 2481, 4-28-53.
Yotssem, Leon, 12 Avenue des Arts, Brussels, Belgium.	3-25-57	Indefinite	do	22 F.R. 2055, 3-28-57.
Zee, Mohan, Post Office Box 666, Hong Kong.	5- 5-58	do	General and validated licenses all commodities, any destination, also exports to Canada. (Suspension for 18 months or as long as Treasury Dept. designated national, whichever longer.)	23 F.R. 3156, 5-13-58.
Zemanek & Co., Ltd., 46-47 Chancery Lane, London W.C. 2, England.	5-21-56	Duration	General and validated licenses all commodities, any destination, also exports to Canada.	21 F.R. 3609, 5-25-56.
Zetlin, David or Davis, Zetland Corp., David, Zetland, David, Zetlan, David or Davis, 46 Cedar Street, New York, N.Y.	5-28-51	do	do	16 F.R. 5295, 6-5-51.

*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Bureau of Foreign Commerce.

[F.R. Doc. 60-7155; Filed, Aug. 4, 1960; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Annual Report Form for Small Business Investment Companies

§ 274.5 Form N-5R, Form for annual reports of small business investment companies under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.

(a) The Securities and Exchange Commission has adopted a form[1] for annual reports required to be filed with the Commission by small business investment companies licensed under the Small Business Investment Act of 1958. The form was adopted pursuant to the Investment Company Act of 1940, particularly section 38(a) thereof, and the Securities Exchange Act of 1934, particularly section 23(a) thereof. A preliminary draft of the form was published June 22, 1960.

(b) Small business investment companies registered under the Investment Company Act of 1940 are required by section 30(a) of that Act to file annual reports with the Commission. Any such company which has securities listed and registered on a national securities exchange or which has registered a certain amount of securities under the Securities Act of 1933 is required to file similar annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. The new form is a combination form which will enable a small business investment company to file with the Commission a single annual report meeting all of the above-mentioned annual reporting requirements. This form permits such companies to meet the Commission's requirements as to financial statements by filing copies of the company's annual financial report to the Small Business Administration pursuant to the Small Business Investment Act of 1958.

(c) Rule 30a-1 under the Investment Company Act of 1940 provides that annual reports of registered investment companies shall be filed not more than 120 days after the close of the fiscal year. Since small business investment companies have a fiscal year ending on March 31, their annual reports would ordinarily be due on or before July 29. Inasmuch as the period for filing the initial annual reports of such companies due July 29, 1960, has expired, the period for filing such initial reports has been extended to August 31, 1960.

(d) In order that the new form may be available for immediate use by any company desiring to do so, the foregoing action shall become effective upon publication August 1, 1960.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 1, 1960.

[F.R. Doc. 60-7271; Filed, Aug. 4, 1960; 8:45 a.m.]

[1] Filed as part of original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-Hexahydro-6,9-Methano-2,4,3-Benzodioxathiepin-3-Oxide

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, requesting the establishment of tolerances for residues of 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide in or on peaches and strawberries. The request for a tolerance on peaches was later withdrawn and the tolerance level requested on strawberries was increased from 1.5 to 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(c)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as indicated below:

§ 120.3 [Amendment]

1. Section 120.3 *Tolerances for related pesticide chemicals*, is amended as follows:

a. Paragraphs (a) and (b) are amended by changing the words "chlorinated hydrocarbons" to read "chlorinated organic compounds".

b. Paragraph (c)(4) is amended to read:

(4) The following are members of the class of chlorinated organic compounds:

and by inserting after the item "Dieldrin" the following item:

6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide.

2. Part 120 is further amended by adding the following new section:

§ 120.182 Tolerance for residues of 6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9-methano-2,4,3 - benzodioxathiepin-3-oxide.

A tolerance of 2 parts per million is established for residues of 6,7,8,9,10,10-hexachloro- 1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3 - benzodioxathiepin-3-oxide in or on strawberries.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 29, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7283; Filed, Aug. 4, 1960; 8:46 a.m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

PART 304—ADJUDICATION AND LICENSING PROCEDURE

CROSS REFERENCE: For order proclaiming and making effective the findings of the Secretary of the Treasury with regard to certain drugs having addiction-forming or addiction-sustaining liability similar to morphine, see Proclamation 3362, Title 3, Chapter I, *supra*.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Dividends

1. In § 6.95, paragraph (g) is amended to read as follows:

§ 6.95 How paid.

* * * * *

(g) At the written request of the insured, United States Government life insurance regular annual dividends may be left to accumulate on deposit at interest which will be credited annually at such rate as the Administrator may determine, but a rate never less than 3½ percent: *Provided*, That the policy is in force on a basis other than extended term insurance or 5-year level premium term insurance. Dividend credit of the insured held for payment of premiums or dividends left to accumulate on deposit may be applied to the payment of premiums in advance upon written request of the insured made before default in payment of a premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 6.105 and 6.110, respectively. Any dividend credit of a person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. If a person has a dividend credit option on a lapsed 5-year level premium term policy or a permanent plan policy on which extended term insurance has expired and such person has another policy in force by payment or waiver of premiums, any dividend credit or unpaid dividends on the lapsed policy, in the absence of instructions from the insured to the contrary, will be transferred to the policy which is in force and will be held on such policy as a dividend credit. Such dividend credit will be deemed to have accrued on the policy which is in force. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums as provided in section 748 of Title 38, United States Code, will be paid to the person currently entitled to receive payments under the policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate.

2. In § 8.26, paragraph (g) is amended to read as follows:

§ 8.26 How paid.

* * * * *

(g) At the written request of the insured, National Service life insurance dividends may be left to accumulate on deposit at interest which will be credited annually at such rate as the Administrator may determine: *Provided*, That effective April 1, 1953, interest will be computed and credited only on the balance of dividend deposits remaining as of the date preceding the anniversary date of the policy: *Provided further*, That the policy is in force on a basis other than extended term insurance or level premium term insurance. Dividend credit of the insured held for payment of premiums or dividends left to accumulate on deposit as provided in this paragraph may be applied to the payment of premiums in advance upon written request of the insured made before default in

payment of a premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 8.29 and 8.30, respectively. Any dividend credit of a person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. If a person has a dividend credit option on a lapsed level premium term policy or a permanent plan policy on which extended term insurance has expired and such person has another policy in force by payment or waiver of premiums, any dividend credit or unpaid dividends on the lapsed policy, in the absence of instructions from the insured to the contrary, will be transferred to the policy which is in force and will be held on such policy as a dividend credit. Such dividend credit will be deemed to have accrued on the policy which is in force. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums will be paid to the person currently entitled to receive payments under the policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective August 5, 1960.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60-7295; Filed, Aug. 4, 1960; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60-975]

PART 1—PRACTICE AND PROCEDURE

Certain Standard Broadcast Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1960;

It appearing that § 1.351 of the Commission's rules provides for deferment of action on designated categories of applications for standard broadcast facilities on clear channel frequencies; and

It further appearing that prior to September 18, 1959, when the Commission concluded its initial Daytime Skywave proceeding (Docket No. 8333), the "freeze" on the processing of certain categories of applications for standard broadcast facilities on clear channels as theretofore provided in § 1.351 of the rules was contingent upon conclusion of Docket No. 8333; and that in Orders released September 22, 1959 (FCC 59-971) and October 30, 1959 (FCC 59-1111) the Commission noted that the clear channel frequencies listed in § 1.351 were relevant also to the clear channel proceeding (Docket No. 6741), and revised the "freeze" provision of § 1.351 to provide that specified categories of standard broadcast applications on the clear channels would be withheld pending conclusion of the proceeding in Docket No. 6741; and

It further appearing that it is desirable to eliminate distinctions in § 1.351 between stations operating day and night with the same radiation characteristics and stations operating day and night with different characteristics, which were pertinent to the Daytime Skywave proceeding (Docket No. 8333) but which are not pertinent to possible clear channel reallocations in Docket No. 6741; and

It further appearing that the present policy of deferring action on applications for station assignments which could prejudice the implementation of clear channel reallocations now being considered in Docket No. 6741 can be clarified by a revision of § 1.351; and

It further appearing that preservation of due latitude in making clear channel reallocations in Docket No. 6741 does not necessitate deferring action on applications for standard broadcast facilities outside the forty-eight continental states on clear channel frequencies; and

It further appearing that the changes adopted herein are procedural in nature; that some of them remove previous restrictions on processing of applications; that those which extend the categories of applications to be held without action pending a decision in Docket No. 6741 are necessary at this time to avoid prejudice to clear channel reallocation now under consideration in Docket No. 6741; and that for these reasons the public notice procedure and effective date notification, otherwise required by section 4 of the Administrative Procedure Act, are unnecessary; and the amendments may become effective immediately; and

It further appearing that authority for the action taken herein is found in sections 4(i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That, effective August 2, 1960, § 1.351 of the Commission's rules is amended to read as stated below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 1.351 is amended to read as follows:

§ 1.351 Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 6741.

(a) The following types of applications proposing operation within the continental United States on the frequencies listed in paragraph (c) of this section will be accepted for filing if they conform with the requirements of Part 3 of this chapter, but will be held without action pending a decision in the Clear Channel proceeding (Docket No. 6741):

(1) New stations.

(2) Changes of frequency.

(3) Increased power.

(4) Major changes of antenna radiation pattern.

(5) Change of station location involving a substantial change in transmitter location.

(b) Action will not be withheld on applications for facilities in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(c) The clear channel frequencies to which paragraph (a) of this section applies are:

(1) Class I-A frequencies:

kc	kc	kc	kc
640	750	840	1100
650	760	870	1120
660	770	880	1160
670	780	890	1180
700	820	1020	1200
720	830	1040	1210

(2) Class I-B frequencies:

kc	kc	kc	kc
680	1000	1080	1140
710	1030	1090	1170
810	1060	1110	1190
850	1070	1130	

[F.R. Doc. 60-7307; Filed, Aug. 4, 1960; 8:48 a.m.]

[FCC 60-981]

PART 1—PRACTICE AND PROCEDURE

PART 61—TARIFFS

PART 62—APPLICATIONS TO HOLD INTERLOCKING DIRECTORATES

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Oath or Affirmation on Application

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1960;

The Commission having under consideration:

(1) Provisions in its rules and regulations requiring an oath or affirmation on applications, amendments thereto, and supplemental information submitted in connection therewith, filed under Title II of the Comunications Act of 1934, as amended:

(2) Title 18, United States Code, section 1001 providing that willful false representations or concealments concerning any matter within the jurisdiction of any department or agency of the United States shall be subject to fine or imprisonment, or both;

(3) Amendments to the Communications Act proposed by the Commission for the 86th Congress, 1st Session eliminating the requirement of an oath or affirmation in certain reports and applications filed with the Commission pursuant to sections 219, 308 and 319 of the Communications Act;

It appearing that the Communications Act does not require the filing of applications under Title II under oath or affirmation; and that the provisions in the rules and regulations requiring verification of such applications, amendments thereto, and supplemental information submitted in connection therewith, impose a burden on the applicants and delay consideration by the Commission of the matters involved when applicants omit the required oath or affirmation, resulting in inconvenience and delay to the public;

It further appearing that the elimination of the oath or affirmation requirement for applications filed under Title II of the Communications Act would not adversely affect the public interest in view of the aforementioned provision of Title 18, United States Code; and that elimination of such requirement will best conduce to the proper dispatch of the Commission's business and to the ends of justice;

It further appearing that the amendments adopted herein pertain to Commission practice and procedure and, hence, that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary;

It is ordered, That pursuant to sections 4(i) and 201(b) of the Communications Act, Parts 1, 61, 62 and 63 of the Commission's rules and regulations are amended, effective August 15, 1960, as shown below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 201, 48 Stat. 1070, 47 U.S.C. 201)

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

I. Part 1 is amended as follows:

§ 1.442 [Amendment]

1. Section 1.442 is revised by designating the former single paragraph as paragraph (a) and by adding paragraph (b) as follows:

(b) Applications or amendments thereto under Title II of the Communications Act need not be verified (or affirmed) but shall otherwise comply with the requirements of this section. Willful false representations or concealments can be punished by fine or imprisonment. (See U.S. Code, Title 18, section 1001.)

§ 1.443 [Amendment]

2. Section 1.443 is revised by changing paragraph (a) to read as follows:

(a) Any application not designated for hearing may be amended at any time by the filing of subscribed and verified (or affirmed) amendments in the same manner, and with the same number of copies, as was the initial application. Amendments to applications under Title II need not be verified (or affirmed).

3. Section 1.444 is revised to read as follows:

§ 1.444 Additional statements.

The Commission may require an applicant to submit such additional documents and written statements of fact, subscribed and verified (or affirmed), as in its judgment may be necessary. Any additional documents and written statements of fact required in connection with applications under Title II of the Communications Act need not be verified (or affirmed).

II. Part 61 is amended as follows:

§ 61.33 [Amendment]

1. Section 61.33, paragraph (a), is revised by deleting the last sentence, reading "(Here append verification in case any change results in increased charges.)"

§ 61.134 [Amendment]

2. Section 61.134 is revised by deleting from the "Revocation Notice" the line reading "Attest: ----------"

§ 61.136 [Amendment]

3. The "Concurrence" form in § 61.136, paragraph (a), is revised to read as follows:

CONCURRENCE

F.C.C. Concurrence No. --------
(Cancels F.C.C. Concurrence No. --------)
(Name of Carrier ----------)
(Post Office Address ----------)
----------, 19--.
(Date)

TO THE FEDERAL COMMUNICATIONS COMMISSION, *Washington, D.C.*

This is to report that the ----------
(Name of carrier)
hereinafter called the concurring carrier, assents to, adopts, and concurs in the tariffs described below, and hereby makes itself a party thereto and hereby obligates itself (and its connecting carriers) to observe each and every provision therein until this authority is revoked by formal and official notice of revocation filed with the Federal Communications Commission and delivered to the issuing carrier.

This concurrence applies to interstate (and foreign) wire (and radio) communication:

1. Between the different points on the concurring carrier's own system;

2. Between all points on the concurring carrier's own system and the systems of its connecting carriers, as defined in Section 3(u) of the Communications Act of 1934; and

3. Between all points on the system of the concurring carrier and the systems of its connecting carriers on the one hand, and all points on the system of the carrier issuing the tariff or tariffs listed below and the systems of its connecting carriers and other carriers with which through routes have been established on the other hand.

(NOTE: Any of the above numbered paragraphs may be omitted or the wording thereof may be modified to indicate definitely the points to or from which the concurrence applies.)

TARIFF

(Here give the exact description of tariff or tariffs concurred in by carrier, F.C.C. number, title, date of issue, and date effective. Example: A.B.C. Communications Company, F.C.C. No. 1, Interstate Telegraph Message Service, Issued January 1, 1939, Effective January 31, 1939.)

Cancels F.C.C. Concurrence No. --------,
effective ----------, 19----.

(Name of Concurring Carrier)
By ----------

(Title)

4. Section 61.137 is revised to read as follows:

§ 61.137 Construction, filing.

Every instrument of concurrence and notice of revocation thereof shall be prepared and plainly printed on hard-calendered No. 1 machine-finished book or 20-pound bond paper of durable quality and of size 8½ by 11 inches. Stereotype, planograph, mimeograph or other process equally durable may be used, provided that all copies are clear and legible in all respects. Reproductions by hectograph, typewriter or similar process shall not be used. Copies shall be delivered to the issuing carrier in whose favor such concurrence or notice is issued and two copies shall be filed with the Commission as provided in § 61.135. Every copy filed with the Commission shall be signed by the person, persons, or officer executing the concurrence or notice. Every carrier shall number its concurrences consecutively from No. 1, keeping such numbers in a series separate and distinct from FCC numbers of tariffs. Except as otherwise provided in §§ 61.134 and 61.135, a concurrence shall bear no effective date but shall be effective on and from the date it is filed with the Commission.

§ 61.153 [Amendment]

5. In § 61.153, the "Application" form is revised by deleting the following:

STATE OF ----------
County of ----------, ss:
----------, being first duly sworn (or affirmed), deposes and says that he is the officer above named and that the facts stated in foregoing application are true of his own knowledge, except as to such statements as are therein stated on information and belief, and as to such statements he believes them to be true.

(Affiant)
Subscribed and sworn to before me this ---- day of ----------, 19-----
----
(SEAL)
My commission expires ----------

III. Part 62 is amended as follows:

Section 62.23 is revised to read as follows:

§ 62.23 Signature.

(a) The original application filed pursuant to § 62.11 shall be signed by the individual applicant.

(b) The original application filed pursuant to § 62.12 shall be signed by the applicant, if an individual, or by a duly authorized officer if a company or corporation.

IV. Part 63 is amended as follows:

§ 63.64 [Amendment]

1. Section 63.64 is revised by changing the first portion of paragraph (a) to read as follows:

(a) In the following cases a carrier may, in lieu of filing formal application, file in quintuplicate an informal request for authority:

§ 63.65 [Amendment]

2. Section 63.65 is revised by changing the first portion of paragraph (a) to read as follows:

(a) Except in emergency cases (as defined in § 63.60(b) and as provided in § 63.63), authority to close a public toll station in a community in which another toll station of the applicant will continue service shall be requested by an informal request, filed in quintuplicate, making

reference to this paragraph and showing the following:

3. Section 633.66 is revised to read as follows:

§ 63.66 Closure of or reduction of hours of service at public telegraph offices and telephone exchanges at military establishments.

Where a carrier desires to close or reduce hours of service at a public telegraph office or a telephone exchange located at a military establishment because of the deactivation of such establishment, it may, in lieu of filing formal application, file in quintuplicate an informal request. Such request shall make reference to this section and shall set forth the class of office, address, date of proposed closure or reduction, description of service to remain or be substituted, statement as to any difference in charges to the public, and the reasons for the proposed closure or reduction. Authority for such closure or reduction shall be deemed to have been granted by the Commission, effective as of the 15th day following the date of filing of such request, unless, on or before the 15th day, the Commission shall notify the carrier to the contrary.

§ 63.67 [Amendment]

4. Section 63.67 is revised by changing the first portion of paragraph (a) to read as follows:

(a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request for authority to reduce hours at main offices under the following specified standards and conditions.

§ 63.68 [Amendment]

5. Section 63.68 is revised by changing the first portion of paragraph (a) to read as follows:

(a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request for authority to reduce hours at branch offices under the following specified standards and conditions:

§ 63.70 [Amendment]

6. Section 63.70 is revised by changing the first portion of paragraph (a) to read as follows:

(a) In lieu of filing a formal application, the carrier may file in quintuplicate an informal request for authority to reduce the hours of service of a public coast station under the following specified standards and conditions:

§ 63.90 [Amendment]

7. Section 63.90 is revised by changing paragraph (e) to read as follows:

(e) When the posting, publication, and notification as required in paragraphs (a), (b), (c) and (d) of this section have been completed, applicant shall report such fact to the Commission, stating the name of the newspaper in which publication was made, the name of the Commissions notified, and the dates of posting, publication, and notification.

[F.R. Doc. 60-7308; Filed, Aug. 4, 1960; 8:48 a.m.]

[RM-60; FCC 60-964]

PART 11—INDUSTRIAL RADIO SERVICES

Memorandum Opinion and Order

1. The Commission has before it for consideration a Petition for certain rules amendments filed on October 3, 1958, by the Central Committee on Radio Facilities of the American Petroleum Institute. In the Petition, it is requested (1) that § 11.160 (c) and (d) be amended to eliminate certain requirements relating to station records as applicable to base stations situated at temporary locations; [1] and (2) that § 11.65 be amended to delete the requirement of notifying the Engineer in Charge of each Radio District each time a base station authorized to operate at temporary locations within two or more Radio Districts is moved from one Radio District to another.

2. In support of the first of the requested amendments, petitioner contends that "these requirements impose a heavy burden of detail on the operators . . . a burden which serves no useful purpose." The petitioner further points out that because of the similarity between the operations of movable base stations and mobile stations, and because no operational log entries are required of mobile stations, a similar exemption should apply to movable base stations. With respect to Petitioners second request, it is contended that notification to our Engineers in Charge of the Districts involved each time a station is moved from one to another is superfluous, in view of the original notification given when the station is placed in operation for the first time. Moreover, it is pointed out that this requirement is, for practical Commission purposes of no value, because most, if not all, movable base stations have, in addition to the call sign assigned by the Commission, an additional unit designator, which designator is not required to be placed on file with the Engineers in Charge of the Radio Districts in which such stations may be authorized to operate; and that, if and when, a station causes interference, the Commission's field engineers cannot pinpoint the offending station beyond its call sign of record, because the additional unit designator used by the station is not within the knowledge of the Engineer in Charge.

3. In considering Petitioners requested changes, the Commission has found it necessary to balance the advantages to be gained by licensees, should the changes be adopted, against any possible and detrimental mitigation or compromise of the purposeful supervision which this Commission must, by statute, exercise over radio licensees. Moreover, because the matters under consideration affect all the Radio services within the Industrial Radio Service, and not just the Petroleum Radio Service, it has been necessary to consider, in depth, the applicability of the proposed changes to these other Services. This Commission has always lent an attentive ear to proposals which would in some acceptable fashion provide for a valid relaxation of the many and varied record keeping burdens which licensees must support. Any relaxation, however, must be consonant with our task of maintaining order in the use of radio facilities.

(4) Petitioner has pointed out to our satisfaction an analogy between the substantial similarity of operations of movable base stations and mobile stations thus warranting an extension of the exemption which presently applies to mobile stations insofar as logging or maintaining a record of transmissions and other data is concerned, to movable base stations and also to operational fixed stations which may have been authorized to operate at temporary locations. Our conclusion in this regard is enhanced by the fact that a record of transmissions is required to be kept by the fixed base station, under whose supervision or control such movable stations frequently operate. Therefore, in accordance with the language of § 11.160 (c) specified below, movable base and operational fixed stations authorized to operate at temporary locations will no longer be required to maintain records indicating the name or names and periods of duty of persons responsible for the day-to-day operation of transmitting equipment. Movable base stations, pursuant to the new language contained in § 11.160(d) and specified below will no longer be required to maintain records indicating the call signs, date, time and approximate duration of communications with other base stations or operational fixed stations.

5. Petitioner has pointed out with regard to its second proposal herein that under § 11.152(e) of our present rules licensees are permitted to use a unit designator in addition to their required call sign to identify an individual unit or transmitter of a base or fixed station which has been authorized to operate at temporary locations. This additional unit designator is not required to be placed on file with the Engineer in charge of the Radio Districts in which such stations may be authorized to operate. However, the official call sign of the station must be included in the notification which a licensee makes to the appropriate Engineer(s) in Charge. It is petitioners contention that "with the advent of multiple transmitter authorizations on a single base station license—each having the same official call sign—the notification requirement of § 11.65 each time such a station is moved from one Radio District to another would be superfluous, provided the Engineer in Charge of each Radio District has already been notified when such stations have first been put into operation." Moreover, "• • • when such stations move from one Radio District to another, even if notified of the move, the Engineer in Charge cannot specifically pinpoint which movable base station of a licensee, whose call sign is already on record, is causing interference because the Engineer does not have knowledge of the additional unit designator." In considering this matter, the Commission has the alternative of deleting that portion of § 11.65 which requires that notification be given each time a Base or Operational Fixed Station is moved from District to District, in accordance with Petitioners request; or of amending the subject rule such that it will become meaningful or purposeful and not "superfluous" as has been shown. The latter could easily be accomplished by requiring that Engineers in Charge be notified of the additional unit designators used by a licensee in its system, each time that a station is in fact moved. However, the Commission is of the view that its regulatory or supervisory powers will not be hampered if the present notice requirements of § 11.65 are, to a limited degree, relaxed. To this end the Commission has deleted the present text of § 11.65 and inserted new language which will in effect require that Engineers in Charge of the Districts wherein a licensee proposes to temporarily operate base or operational fixed stations shall be notified of such operation only when the initial or modified authorization for such operation shall have been issued by the Commission. Licensees will therefore be relieved of onerous reporting requirements while at the same time the Commission's Field Offices will be relieved of the burdensome and purposeless task of charting the whereabouts of various and sundry movable base or operational fixed stations. By requiring notification initially, the Commission's Field Engineers will be on notice that certain stations may at one time or another be operating within their respective districts. Armed with this knowledge, and such information as may be obtained from monitoring, the Commission's Engineers should be able to identify at least as well as is presently possible, any station operating outside of the scope of our rules and regulations. The Commission desires to point out however, that the relaxation herein ordered, in no way authorizes operation of movable base stations in areas beyond or outside that specified in the station authorization.

6. The Commission has considered petitioners proposed rules changes in reference to their applicability to that service with which petitioner is most intimately concerned, viz the Petroleum Radio Service, and also with reference to the other services within the Industrial Radio Services which would be affected by the adoption of the rules proposed. It appears that the problem which gave rise to the submission of the petitioner's requests is one that is not peculiar to the Petroleum Radio Service. Indeed, other licensees within other industrial services, operating base stations at temporary locations have encountered similar if not identical difficulties in maintaining operating logs and following the Commission's notification procedures. In our consideration of these matters we have attempted to discern any possible adverse impact which general applicability of the proposed rules might have upon services other than the Petroleum Radio Service. We are persuaded that the relaxation to be effected by adoption of the proposed rules on a basis of applicability to all services within the Industrial Radio Services will not result in any adverse impact upon them or others. Nor will it result in any untoward compromise of our supervisory control over licensees. In view of the fact that the changes contemplated will result in no adverse impact upon licensees in any of the Industrial Radio Services, and because they raise no controversial issues of significance to the public, the rule amendments ordered herein are considered to be minor in nature and compliance with the Public Notice and procedures of section 4 of the Administrative Procedure Act is not necessary.

7. Authority for the amendments ordered herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Because they relieve restrictions, the effective date of the amendments need not be delayed for the 30-day period specified in section 4(c) of the Administrative Procedure Act.

8. In view of the foregoing: *It is ordered,* This 27th day of July 1960, (a) that the Petition for Rule Amendments, filed on October 3, 1958, by the Central Committee on Radio Facilities of the American Petroleum Institute, is granted; and (b) that effective August 9, 1960, Part 11 of the Commission's rules is amended in the manner set forth below.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 11 is amended as follows:

1. Section 11.65 is revised to read:

§ 11.65 Report of temporary location.

The Engineer-in-Charge of each Radio District wherein temporary operation by a Base Station or Operational Fixed Station is authorized shall be notified of such inter-District operating authority only at such time as the initial or modified authorization for such operation is granted by the Commission.

2. Section 11.160 (c) and (d) are revised to read:

§ 11.160 Station records.

• • • • •

(c) For base stations and operational fixed stations only, excepting stations authorized to operate at temporary locations, the name or names of persons responsible for the operation of transmitting equipment each day, together with the period of their duty.

(d) For base stations only, excepting base stations authorized to operate at temporary locations, when they communicate with other base stations or with operational fixed stations:

(1) Call signs of other stations; and

(2) Date, time, and approximate duration of each transmission.

[F.R. Doc. 60-7310; Filed, Aug. 4, 1960; 8:49 a.m.]

[1] Also referred to as movable base stations.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the use of sorbitan monostearate and polyoxyethylene (20) sorbitan monostearate as emulsifiers in cake mixes and cakes, as follows:

In cake mixes:

Sorbitan monostearate, not to exceed 6,100 parts per million (0.61 percent);

Polyoxyethylene (20) sorbitan monostearate, not to exceed 4,600 parts per million (0.46 percent);

provided that, if used in combination, the total does not exceed 6,600 parts per million (0.66 percent) on a dry-weight basis.

In finished cakes:

Polyoxyethlene (20) sorbitan monostearate, not to exceed 4,600 parts per million (0.46 percent) on a dry-weight basis.

Dated: July 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7284; Filed, Aug. 4, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 54]

DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

Grading and Inspection; United States Specifications for Classes, Standards, and Grades

Notice is hereby given that the United States Department of Agriculture is considering a revision of the regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 54, as amended) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

The proposed revision would implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purposes of said act; require licensed graders to be Federal or State employees; provide for limited licensed graders; provide for rejection of any application for grading or inspection service by the Administrator whenever the applicant fails to meet the requirements of the regulations or commitments concerning the inauguration of the service; and set forth prohibited acts in connection with employees of the Service as grounds for denial of service. In addition, the revision would strengthen the provisions relating to unauthorized use of official identification marks and would make minor changes in some provisions of the sanitary requirements and inspection procedures to make them consistent with the requirements issued in the regulations governing voluntary poultry inspection.

All persons who desire to submit written data, views, or arguments in connection with this revision should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is set forth below:

Subpart A—Grading and Inspection of Domestic Rabbits and Edible Products Thereof

GENERAL

Sec.
54.1 Definitions.
54.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.
54.3 Administration.
54.4 Grading and inspection services available.

BASIS OF SERVICE

54.10 Inspection service.
54.11 Grading service.
54.12 Eligibility.
54.13 Supervision.
54.14 Authority to waive provisions of § 54.12.

PERFORMANCE OF SERVICES

54.20 Licensed graders and inspectors.
54.21 Suspension of license or authority; revocation.
54.22 Surrender of license.
54.23 Identification.
54.24 Financial interest of inspectors and graders.
54.25 Political activity.

APPLICATION FOR GRADING SERVICE OR INSPECTION SERVICE

54.30 Who may obtain grading service or inspection service.
54.31 How application may be made.
54.32 Filing of application.
54.33 Authority of applicant.
54.34 Application for inspection service or grading service in official plants; approval.
54.35 Rejection of application.
54.36 Withdrawal of application.
54.37 Order of service.
54.38 Suspension of plant approval.

VIOLATIONS

54.45 Denial of service.
54.46 Misrepresentation; deceptive or fraudulent acts or practices.
54.47 Use of facsimile forms.
54.48 Wilful violation of the regulations.
54.49 Interfering with a grader, inspector or employee of Service.
54.50 Misleading labeling.
54.51 Miscellaneous.

OTHER APPLICABLE REGULATIONS

54.53 Other applicable regulations.

PUBLICATIONS

54.55 Publications.

IDENTIFYING AND MARKING PRODUCTS

54.60 Approval of official identification.
54.61 Products that may be individually grade marked; information required on grade mark.
54.62 Use of grade mark and inspection mark with respect to the same product.
54.63 Marking inspected products.

SUPERVISION OF MARKING AND PACKAGING

54.70 Evidence of label approval.
54.71 Affixing of official identification.
54.72 Packaging.
54.73 Retention labels.
54.74 Prerequisites to grading and inspection.
54.75 Accessibility of products.
54.76 Time of grading or inspection in an official plant.

REPORTS

54.90 Report of inspection work and grading work.
54.91 Information to be furnished to inspectors and graders.
54.92 Reports of violations.

FEES AND CHARGES

54.100 Payment of fees and charges.
54.101 Grading service on a fee basis.
54.102 Fees for appeal grading.
54.104 Inspection service on a fee basis.
54.105 Fees for additional copies of grading certificates and inspection certificates.
54.106 Traveling expenses and other charges.
54.107 Inspection performed on a resident inspection basis.
54.108 Grading performed on a resident grading basis.
54.109 Fees for grading service or inspection service performed under cooperative agreement.
54.110 Disposition of fees for inspections made under cooperative agreement.
54.111 Charges and other provisions where application is in effect during season of no operation.

INSPECTION PROCEDURES; ANTE MORTEM INSPECTION

54.120 Manner of handling products in an official plant.
54.121 Ante mortem inspection.
54.122 Condemnation on ante mortem inspections.

Sec.
54.123 Segregation of suspects on ante mortem inspection.
54.124 Quarantine of diseased domestic rabbits.

POST-MORTEM INSPECTION

54.125 Evisceration.
54.126 Carcasses held for further examination.
54.127 Condemnation and treatment of carcasses.
54.128 Certification of carcasses.

DISPOSITION OF DISEASED DOMESTIC RABBIT CARCASSES AND PARTS

54.129 General.
54.130 Diseases or conditions evident which require condemnation.
54.131 Decomposition.
54.132 Disposal of condemned carcasses and parts.

REINSPECTION AND INGREDIENTS

54.133 Reinspection of edible products; ingredients.

APPEALS

54.134 Appeal inspections, how made.

INSPECTION CERTIFICATES

54.140 Forms of inspection certificates.
54.141 Issuance and disposition of domestic rabbits inspection certificates.
54.142 Food product inspection certificates; issuance and disposition.
54.143 Export certificates; issuance and disposition.
54.144 Advance information.

GRADING

54.150 General.
54.152 Ready-to-cook domestic rabbits.

BASIS OF ACCEPTABILITY OF OTHER OFFICIAL INSPECTION SYSTEMS

54.160 General.
54.161 Requirements as to manner of inspection.
54.162 Determining compliance with § 54.-161.

GRADING CERTIFICATES

54.170 Forms.
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Subpart A—Grading and Inspection of Domestic Rabbits and Edible Products Thereof

GENERAL

§ 54.1 Definitions.

Unless the context otherwise requires, the following terms shall have the following meaning:

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

"Acceptable" means suitable for the purpose intended and acceptable to the Service.

"Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

"Applicant" means any interested party who requests any inspection service or grading service.

"Area supervisor" means any employee of the Department in charge of domestic rabbit grading service or domestic rabbit inspection service in a designated geographical area.

"Carcass" means any domestic rabbit carcass.

"Circuit supervisor" means the officer in charge of the domestic rabbit inspection service or the domestic rabbit grading service in a circuit consisting of a group of stations within an area.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness, of any product or the processing, handling or packaging which may affect such product.

"Condition and wholesomeness" means the condition of any product, its healthfulness and fitness for human food.

"Department" means the United States Department of Agriculture.

"Domestic rabbit grading and inspection service" means the personnel who are engaged in the administration, application, and direction of domestic rabbit grading and inspection programs and services pursuant to the regulations in this part.

"Edible product" means any product derived from ready-to-cook domestic rabbits.

"Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

"Grading" or "grading service" means (1) the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader and issues a grading certificate with respect thereto, except that with respect to grading service performed on a resident basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to any official plant, the act whereby a grader determines that the product in such plant was processed, handled, and packaged in accordance with §§ 54.210 to 54.247; and (4) any appeal grading of a previously graded product.

"Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

"Identify" means to apply official identification to products or to containers thereof.

"Inspected and certified" or "certified" means, with respect to any product, that

it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

"Inspection," "inspection service" or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of domestic rabbits, or (2) the condition and wholesomeness of any edible product at any state of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product.

"Inspection certificate" means a statement either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

"Inspector" means any person who is licensed by the Secretary to investigate and certify, in accordance with the regulations in this part, the condition and wholesomeness of products. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

"Interested party" means any person financially interested in a transaction involving any inspection or grading.

"National supervisor" means (1) the officer in charge of the domestic rabbit inspection service of the Agricultural Marketing Service, (2) the officer in charge of the domestic rabbit grading service of the Agricultural Marketing Service, and (3) other officers or employees of the Department designated by the officer in charge of the domestic rabbit inspection service or domestic rabbit grading service of the Agricultural Marketing Service.

"Office of grading" means the office of any grader.

"Official plant" means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

"Potable water" means water that has been approved by the State health authority as safe for drinking and suitable for food processing.

"Product" means ready-to-cook domestic rabbits, or edible products derived therefrom.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Ready-to-cook domestic rabbit" means any domestic rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing. Ready-to-cook domestic rabbit also means any cut-up or disjointed portion of domestic rabbit or any edible part thereof, as described in this paragraph.

"Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

"Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

"Service" means the Agricultural Marketing Service of the Department.

"State supervisor" or "Federal-State supervisor" means any authorized and designated individual who is in charge of the domestic rabbit grading service or the domestic rabbit inspection service in a State. A State supervisor or a Federal-State supervisor of domestic rabbit inspection service shall be a veterinarian and a Federal employee.

"Station supervisor" means any authorized individual who is designated to supervise domestic rabbit grading service or domestic rabbit inspection service in a large official plant or in a group of several small plants.

§ 54.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U.S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to, those set forth in §§ 54.281 and 54.282.

(d) "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

ADMINISTRATION

§ 54.3 Administration.

The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to assure full compliance with the spirit and intent of the regulations. The Agricultural Marketing Service, its officers and employees, shall not be liable in damages through acts of commission or omission in the administration of this part.

§ 54.4 Grading and inspection services available.

The regulations in this part provide for the following kinds of services; and any one or more of the different services, applicable to official plants, may be rendered in an official plant:

(a) Inspection of ready-to-cook domestic rabbits.

(b) Grading of ready-to-cook domestic rabbits.

(1) In an official plant.

(2) At terminal markets and other receiving points other than official plants.

BASIS OF SERVICE

§ 54.10 Inspection service.

Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness.

§ 54.11 Grading service.

(a) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States classes, standards, and grades as contained in Subpart B of this part.

(b) Moreover, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant and such service, when approved by the Administrator, shall be rendered on the basis of such specifications.

§ 54.12 Eligibility.

(a) Only domestic rabbits which are processed in official plants in accordance with the regulations in this part may be graded or inspected; and only domestic rabbits which are inspected and passed pursuant to the regulations in this part or inspected and passed by any other official inspection system acceptable to the Service may be graded.

(b) All domestic rabbits that are eviscerated in an official plant where inspection service is maintained, shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products shall be brought into such official plant.

§ 54.13 Supervision.

All grading service and all inspection service shall be subject to supervision at all times by the station supervisor, State supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

§ 54.14 Authority to waive provisions of § 54.12.

The Administrator is authorized to waive the provisions of § 54.12 which pertain to the entry of uninspected edible products into official plants, in specific instances where domestic rabbits are to be brought into compliance with a law under the provisions of a court order. Such domestic rabbits shall be handled in an official plant in accordance with such procedures as the Administrator may prescribe to insure proper segregation and identity of the rabbits or rabbit products until they are shipped from the official plant.

PERFORMANCE OF SERVICES

§ 54.20 Licensed graders and inspectors.

(a) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service under this part, may be licensed by the Secretary as a grader.

(b) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform inspection service under this part, may be licensed by the Secretary as an inspector.

(c) All licenses issued by the Secretary shall be countersigned by the officer in charge of the domestic rabbit grading service or the domestic rabbit inspection service of the Agricultural Marketing Service or any other designated officer of such Service.

(d) To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to grade domestic rabbits on the basis of the United States classes, standards, and grades: *Provided*, That all such grading is performed under the immediate supervision of a grader licensed in accordance with paragraph (a) of this section and all product graded is check graded by a grader licensed in accordance with paragraph (a) of this section. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate. All limited licenses issued by the Secretary are to be countersigned by the officer in charge of the domestic rabbit grading service of the Agricultural Marketing Service or by any other official of such service designated by such officer.

§ 54.21 Suspension of license or authority; revocation.

Pending final action by the Secretary, the officer in charge of the domestic rabbit grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

§ 54.22 Surrender of license.

Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader or inspector the licensee shall promptly surrender his license to his immediate superior.

§ 54.23 Identification.

Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 54.24 Financial interest of inspectors and graders.

No inspector or grader shall render service on any product in which he is financially interested.

§ 54.25 Political activity.

All graders and inspectors who are employees of the Department are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of §§ 54.20 to 54.25 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

APPLICATION FOR GRADING SERVICE OR INSPECTION SERVICE

§ 54.30 Who may obtain grading service or inspection service.

An application for grading service or inspection service may be made by any interested person, including but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 54.31 How application may be made.

(a) An application for inspection service shall be made in writing and filed with the Administrator.

(b) An application for grading service to be rendered in an official plant shall be made in writing and filed with the Administrator.

(c) An application for any grading service to be rendered other than in an official plant may be made in any office of grading or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading, grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(d) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

§ 54.32 Filing of application.

An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

§ 54.33 Authority of applicant.

Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

§ 54.34 Application for inspection service or grading service in official plants; approval.

Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(a) *Initial survey.* When application has been filed for grading service or inspection service as aforesaid, the area supervisor, or his assistant, shall examine the plant, premises, and facilities and shall specify any additional facilities required for the service. Appeals with respect to any such specification may be made to the national supervisor.

(b) *Drawings and specifications to be furnished in advance of construction or alterations.* (1) Four copies of drawings or blue prints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, and properly drawn to scale, and shall consist of floor plans and a plot plan.

(2) The plot plan shall show such features as the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and roadways and railroads serving the plant.

(3) The floor plan shall show all space to be included in the official plant. If rooms or compartments shown on the drawings or blueprints are not to be included as part of the official plant, this shall be clearly indicated thereon.

(4) The sheets of paper on which drawings or blueprints are made shall not exceed a size 34" x 44". The drawings other than of the plot plan shall be made to a scale of ⅛" per foot, except that additional plans for some areas showing detail may be drawn to a scale of ¼" per foot. The plot plan may be drawn to a scale of not less than 1/32" per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (e.g., basement, first, or second).

(c) *Features required to be shown on floor plan.* The following features shall be shown on the floor plan:

(1) The principal pieces of equipment drawn to scale in the proper locations.

(2) The name of the firm and the address of the plant by street and street number or by other means properly identifying the location of the plant.

(3) One point of the compass.

(4) The doors and openings for passageways, designating those which are self-closing or permanently closed.

(5) All floor drain openings and gutter drains.

(6) Lavatories in toilet and processing rooms (lavatories which are other than hand-operated shall be so designated on the drawings or blueprints).

(7) All steam and hot and cold water outlets for cleanup purposes.

(8) Ice making and storage facilities.

(9) The point at which live domestic rabbits are hung on the conveyor line, the point where dressed domestic rabbits are removed, and the point of transfer to the eviscerating line.

(10) The routes of the edible and inedible products.

(11) The location of fresh air inlets, exhaust fans and hoods.

(d) *Specifications.* Specifications covering the following items shall accompany the drawings:

(1) Height of ceilings.

(2) Type of ceilings—open or closed.

(3) Finish of ceilings; for example—cement plaster, metal, marine plywood, cement, asbestos board, etc.

(4) Finish of walls; for example—cement plaster, glazed tile, glaze brick, glass blocks, etc.

(5) Screens—indicate whether all outside openings are screened or provided with other suitable devices against entrance of flies or other insects.

(6) Finish of floors—concrete, brick, mastic material, etc.

(7) Drainage—indicate the amount of slope of floors to the drains in processing rooms, coolers, toilets, and refuse rooms, and give description of trapping and venting of drainage lines, and of floor drain openings. Indicate size of drainage lines and whether house drainage lines and toilet soil lines are separate to a point outside of buildings.

(8) Heating—indicate type.

(9) Water supply—indicate whether public or private water supply, or both, and specify in terms of gallons of water available per minute for the processing needs of the plant. Also indicate whether or not a nonpotable water supply is used for any purpose in the plant and, if so, specify such uses.

(10) Hot water facilities—specify facilities such as boilers, storage tanks, mixing valves, etc., and indicate the size and number of boilers and storage tanks.

(11) Specify number of men and number of women who will use each toilet room.

(12) Sewage disposal—indicate whether city sewer, cesspool, sedimentation tank, etc.

(13) Approximate rate of production—indicate hourly rate of slaughter and evisceration for domestic rabbits.

(e) *Rooms and compartments which must be included in the official plant.* The official plant shall include employees' toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and rooms, compartments or passageways where domestic rabbits or any ingredients to be used in the preparation of products under inspection will be handled or kept. It also may include other rooms or compartments located in the buildings comprising the official plant.

(f) *Changes in drawings or blueprints.* When changes are proposed in areas for which drawings or blueprints have been previously approved, one of the following types of revised drawings or blueprints shall be submitted for review and consideration.

(1) A completely revised sheet or sheets, showing proposed alterations or additions, or

(2) Approved pasters of the proposed changes which may be affixed to the affected areas on the previously approved drawings or blueprints in a manner not obscuring essential data. Paster drawings and blueprints shall be prepared to the same scale and presented on a background similar to that of the originally approved drawing or blueprint.

(g) *Final survey and plant approval.* Prior to the inauguration of the grading service or inspection service, a final survey of the plant and premises shall be made by the area supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved by the Administrator only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

§ 54.35 Rejection of application.

Any application for grading or inspection service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant, after an initial survey has been made in accordance with § 54.34(a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; or (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

§ 54.36 Withdrawal of application.

Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

§ 54.37 Order of service.

Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any application for an appeal grading.

§ 54.38 Suspension of plant approval.

(a) Any plant approval given pursuant to the regulations in this part may be suspended by the Administrator for (1) failure to maintain plant and equipment in a satisfactory state of repair; (2) the use of operating procedures which are not in accordance with the regulations in this part; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations in this part.

(b) During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless such service is terminated in accordance with the provisions of this part. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the service shall be terminated. Upon termination of inspection or grading service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Service either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Service.

VIOLATIONS

§ 54.45 Denial of service.

(a) The acts or practices set forth in §§ 54.46 to 54.51 or the causing thereof may be deemed sufficient cause, for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been afforded.

(b) Whenever the Administrator has reason to believe that any person or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in §§ 54.46 to 54.51, he may without hearing, direct that the benefits of the act be denied such person, including any agents, officers, subsidiaries, or affiliates of such person, pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner of the reasons for continued interim denial.

§ 54.46 Misrepresentation; deceptive or fraudulent acts or practices.

Any wilful misrepresentation or any deceptive or fraudulent act or practice made or committed by any person in connection with:

(a) The making or filling of any application for any grading service or inspection service;

(b) The making of the product accessible for grading or inspection;

(c) The making, issuing, or using, or attempting to issue or use any grading certificate, inspection certificate, symbol, stamp, label, seal or identification, authorized pursuant to the regulations in this part;

(d) The use of the term "United States" or "U.S." in conjunction with the grade of the product;

(e) The use of either of the aforesaid terms or any official stamp, symbol, label, seal or identification in the labeling or advertising of any product; or

(f) The use of the term "Government graded," "Federal-State graded," "U.S. inspected," or "Government inspected," or any term of similar import in the labeling or advertising of any product.

§ 54.47 Use of facsimile forms.

Using or attempting to use a form which simulates in whole or in part, any certificate, symbol, stamp, label, seal or identification authorized to be issued or used under the regulations in this part.

§ 54.48 Wilful violation of the regulations.

Any wilful violation of the regulations in this part or the act.

§ 54.49 Interfering with a grader, inspector or employee of Service.

Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, limited licensee, inspector or employee of the Service in the performance of his duties. The giving or offering directly or indirectly of any money, loan, gift or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of the Service or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

§ 54.50 Misleading labeling or advertising.

The use of the terms "Government Graded," "Federal-State Graded," or terms of similar import in the labeling or advertising of any product without stating in the labeling or advertisement, the U.S. grade of the product as determined by an authorized grader.

§ 54.51 Miscellaneous.

The existence of any of the conditions set forth in § 54.35 constituting a basis for the rejection of an application for grading or inspection service.

OTHER APPLICABLE REGULATIONS

§ 54.53 Other applicable regulations.

Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State or municipal, applicable laws or regulations.

PUBLICATIONS

§ 54.55 Publications.

Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

IDENTIFYING AND MARKING PRODUCTS

§ 54.60 Approval of official identification.

(a) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly to the container, the principal display panel of such container shall, for this purpose, be considered as the label.

§ 54.61 Products that may be individually grade marked; information required on grade mark.

(a) The appropriate grade marks for consumer grades as specified in §§ 54.275 and 54.276 are the only grade marks which may be applied individually to ready-to-cook domestic rabbits and edible rabbit products prepared therefrom or to the containers in which such products are enclosed for the purpose of display and sale to household consumers.

(b) Except as otherwise authorized, each grade mark which is to be used

shall be of a shield design and shall include the letters "USDA," and the U.S. Grade of the product it identifies as specified in § 54.281. In addition, one of the following terms such as "Federal-State Graded" or "Government Graded" may be used adjacent to, but not within the shield design grade mark.

§ 54.62 Use of grade mark and inspection mark with respect to the same product.

The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used.

§ 54.63 Marking inspected products.

(a) *Wording and form of inspection mark.* Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U.S. Department of Agriculture." This wording shall be contained within a circle in the form and arrangement shown in § 54.282. The appropriate plant number of the official plant shall be included in the circle unless it appears elsewhere on the packaging material. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. When the inspection mark, or the approved abbreviation thereof, is used on packaging material, it shall be printed on such material or on a label to be affixed to the packaging material and the name of the packer or distributor of such product shall be printed on the packaging material or label, as the case may be, except that on shipping containers and containers for institutional packs the inspection marks may be stenciled on the container and when the inspection mark is so stenciled the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp. Notwithstanding the foregoing, the name and address of the packer or distributor, if appropriately shown elsewhere on the packaging material, may be omitted from insert labels which bear an official identification if the applicable plant number is shown.

(b) *Wording on labels.* Each trade label to be approved for use pursuant to §§ 54.60 to 54.63 with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and in prominent letters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(c) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to §§ 54.60 to 54.63.

(d) *Unauthorized use or disposition of approved labels.* (1) Labels approved for use pursuant to §§ 54.60 to 54.63 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labels or labels bearing official identification may result in cancellation of the approval and denial of the use of labels bearing official identification or denial of the benefits of the act pursuant to the provisions of § 54.60.

(2) The use of simulations or imitations of any official identification by any person is prohibited.

(e) *Rescindment of approved labels.* Once a year, or more often, if requested, each applicant shall submit to the Administrator a list in triplicate of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval, and the name of product or other designation showing the class of material.

SUPERVISION OF MARKING AND PACKAGING

§ 54.70 Evidence of label approval.

No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of §§ 54.60 to 54.63.

§ 54.71 Affixing of official identification.

(a) No official identification or any abbreviation, copy, or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector. All such products shall have been inspected and certified, or graded, or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(b) Each container of inspected and certified products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(1) The name of the inspected and certified products in the container;

(2) The name and address of the packer or distributor of such products;

(3) The net weight of the container;

(4) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(5) The plant number of the official plant where the products were packed.

§ 54.72 Packaging.

No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 54.73 Retention labels.

An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 54.74 Prerequisites to grading and inspection.

Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 54.75 Accessibility of products.

Each product for which grading service or inspection service is requested shall be so arranged so as to permit adequate determination of its class, quality, quantity, and condition as the circumstances may warrant.

§ 54.76 Time of grading or inspection in an official plant.

The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, by the applicant of the hours when such grading or inspection is desired. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

REPORTS

§ 54.90 Report of inspection work and grading work.

Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

§ 54.91 Information to be furnished to inspectors and graders.

When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of §§ 54.90 to 54.92.

§ 54.92 Reports of violations.

Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

FEES AND CHARGES

§ 54.100 Payment of fees and charges.

(a) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§ 54.100 to 54.109 and, if so required by the Administrator, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Agricultural Marketing Service and remitted promptly to the Service.

(c) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 54.101 Grading service on a fee basis.

The fees to be charged and collected for grading services furnished on a fee basis (other than for an appeal grading) shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the grader in connection therewith, at the rate of $5.00 per hour for the time actually required.

§ 54.102 Fees for appeal grading.

The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 54.104 Inspection service on a fee basis.

Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $5.00 per hour for each inspector for the time actually required.

§ 54.105 Fees for additional copies of grading certificates and inspection certificates.

Additional copies, other than those provided for in §§ 54.141 and 54.171, of any grading certificates or inspection certificates, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five or fewer copies.

§ 54.106 Travel expenses and other charges.

Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading or inspection service on a fee basis. Such charges shall include the costs of travel, per diem, and other expenses, plus a charge of 10 percent of the amount charged for said travel per diem, and other expenses to cover administrative costs of the Department. When travel and other expenses are charged in connection with any grading or inspection service, the minimum charge which shall be made shall be $0.50.

§ 54.107 Inspection on a resident inspection basis.

(a) *Charges.* The charges for inspection of domestic rabbits and products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the inspection service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the inspection service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of $125.00 for the combined initial and final survey (required to be made with respect to an official plant pursuant to the regulations in this part) made of the designated plant and its premises prior to the performance, by AMS of the inspection service.

(2) Charges for each survey in addition to those provided in subparagraph (1), of this paragraph, if any, made at the request of the applicant, or determined by AMS to be necessary, to be computed on the basis (i) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (ii) a charge of $5.00 per hour for the time consumed at the plant in making the survey: *Provided*, That the minimum charge shall be for six (6) hours.

(3) A charge of (i) $154.00 per 40-hour workweek for each inspector assigned to the designated plant by AMS for the inspection of dressed domestic rabbits at the time of evisceration; (ii) $154.00 per 40-hour workweek for each inspector assigned to the designated plant by AMS for the inspection of canning or other processing of domestic rabbit products: *Provided*, That with respect to each inspector who is employed by AMS on a "when actually employed" basis, such charges shall be computed on the appropriate hourly basis: *Provided, further*, That no charge shall be made for any inspector during any period of leave approved by AMS for such inspector.

(4) A charge of $4.65 per hour for each hour of overtime work performed by each inspector assigned to any type of operation described in subparagraph (3) of this paragraph: *Provided*, That any unscheduled overtime work performed by an inspector on a day when no work is scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration.

(5) A night differential charge of $0.385 per hour for inspectors performing inspection of dressed domestic rabbits at the time of evisceration and performing inspection of canning or other processing of domestic rabbit food products for each hour of any regularly scheduled work between the hours of 6:00 p.m. and 6:00 a.m.

(6) A charge of $7.70 per hour for inspectors performing inspection of domestic rabbits at the time of evisceration and $7.70 per hour for inspectors performing inspection of canning or other processing of domestic rabbit food products for each hour of such work performed on a designated holiday: *Provided*, That the charge shall be for a minimum of two hours.

(7) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant but whose travel headquarters is not at the designated plant, such charge to cover the period during which each such inspector is assigned to the designated plant, and travel to and from the designated plant in connection with such assignment.

(8) A charge of $50.00 per inspector at the time of installation of service at the plant or the assignment of an additional inspector to the plant, to cover the average cost of installing an inspector, plus an additional charge of $250.00 per inspector to cover the average cost of movement of household goods of an inspector incident to such installation or assignment where costs of such movement are incurred by AMS: *Provided*, That no charge shall be made under this subparagraph when the assignment of an inspector is made to replace another inspector solely for the convenience of AMS.

(9) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant and whose travel headquarters is at the designated plant, if at the request of the designated plant, such inspector is reassigned temporarily to another official plant, such charge to cover the period during which each such inspector is reassigned to the other plant, and the travel to and from the designated plant in connection with such reassignment.

(10) A minimum charge of $25.00 for each calendar month after inspection is inaugurated in the designated plant.

(11) The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in subparagraph (3) of this paragraph. Overtime and night differential charges (when applicable) shall be billed at the rates specified in subparagraphs (4) and (5) of this paragraph.

(12) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on

products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(13) A charge equal to the actual amounts reimbursed to the Agricultural Research Service by AMS, plus twenty-five (25) percent of such amounts to cover administrative overhead of AMS, when inspectors of the Meat Inspection Division, Agricultural Research Service, are assigned to the designated plant for inspection of canning or processing of domestic rabbit food products. The charges provided for in this subparagraph are in lieu of the charges specified in subparagraphs (3) through (9) and (11) of this paragraph.

(b) *Other provisions.* (1) The applicant shall furnish such stenographic and clerical assistance as may be necessary in typing certificates, official reports and handling correspondence in connection with the inspection service.

(2) Inspectors will be provided by AMS to perform the inspection service. AMS, may, from time to time, assign to the designated plant such additional inspectors as it deems necessary in order to perform the inspection service, or decrease the number of inspectors when fewer inspectors are needed to perform such service.

(3) Whenever operations at the designated plant are discontinued during a period or periods, any inspector (assigned by AMS to the designated plant) may perform such other services as may be deemed appropriate and are approved by the area supervisor.

(4) The inspection service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the regulations in this part; (iv) upon one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service, or if the applicant fails to comply with the terms and conditions of this section.

§ 54.108 Grading performed on a resident grading basis.

(a) *Charges.* The charges to be collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The charges to be made for any appeal grading shall be as provided in § 54.102. The charges for grading of domestic rabbits and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of $5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to initial surveys;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader;

(3) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided*, That no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;

(4) A charge for the relief grader at the rate of the regular grader's salary and the actual travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(5) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service for the applicant;

(6) A charge to cover the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is tranferred (other than for the convenience of AMS) from an official station to the designated plant;

(7) A charge equal to 20 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U.S.C.) for Old Age and Survivors Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, and benefits under the Federal Employees' Health Benefits Act of 1959, sick leave, annual leave and related servicing costs;

(8) A charge equal to 7 percent of: (i) The overtime salary, (ii) the salary paid to each grader exclusive of one regular grader, and (iii) all charges made to the applicant for transportation and per diem which are paid by AMS to graders assigned to the applicant;

(9) An administrative service charge based on the aggregate weight of the total monthly volume of all domestic rabbits handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where an approved application is in effect and no product is handled	$25.00
1 to 100,000 pounds	40.00
100,001 to 200,000 pounds	55.00
200,001 to 300,000 pounds	65.00
300,001 to 400,000 pounds	75.00
400,001 to 500,000 pounds	85.00
For each additional 100,000 pounds, or fraction thereof, in excess of 500,000 pounds	[1] 5.00

[1] The maximum charge shall not exceed $175.00.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide as available an adequate number of graders to perform the grading service.

(3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the services pursuant to the regulations in this part.

(4) Federally employed graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management.

§ 54.109 Fees for grading service or inspection service performed under cooperative agreement.

The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

§ 54.110 Disposition of fees for inspection made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Service.

§ 54.111 Charges and other provisions where application is in effect during season of no operation.

(a) *Charges.* If an applicant requests in writing the removal of a grader or graders while the designated plant is closed for the season, and such request is granted by the Administrator, an administrative service charge of $25.00 shall be paid by the applicant for each calendar month in which the application is in effect and no product is processed. No other charges pursuant to § 54.108 will be applicable. A form for making a request in accordance with the provisions of this section may be obtained from the Administrator.

(b) *Other provisions.* In making a request, the applicant shall agree not to process or label any product until a grader is reassigned; to request reassignment of a grader twenty days prior to the date that operations will be resumed; and not to use or ship any packaging or labeling material bearing the official mark without prior approval of a Federal-State supervisor.

INSPECTION PROCEDURES; ANTE MORTEM INSPECTIONS

§ 54.120 Manner of handling products in an official plant.

Unless otherwise specified in the regulations in this part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

§ 54.121 Ante mortem inspection.

An ante mortem inspection of domestic rabbits shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of domestic rabbits on the day of slaughter in any official plant processing domestic rabbits under inspection pursuant to the regulations in this part.

§ 54.122 Condemnation on ante mortem inspection.

Domestic rabbits found in a dying condition on premises of an official plant shall be immediately destroyed and together with any rabbits found dead on such premises shall be disposed of in accordance with § 54.132. Domestic rabbits plainly showing on ante mortem inspection any disease or condition, that under §§ 54.129 to 54.131, inclusive, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned. Rabbits which on ante mortem inspection are condemned shall not be dressed, nor shall they be conveyed into any department of the plant where domestic rabbit products are prepared or held. Domestic rabbits which have been condemned on ante mortem inspection and have been killed shall, under the supervision of an inspector of the Inspection Service, receive treatment as provided in § 54.132.

§ 54.123 Segregation of suspects on ante mortem inspection.

All domestic rabbits which on ante mortem inspection do not plainly show, but are suspected of being affected with any disease or condition that under §§ 54.129 to 54.131, inclusive, may cause condemnation in whole or in part on post-mortem inspection, shall be segregated from the other domestic rabbits and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when such segregated lots are presented for post-mortem inspection and inspection of such rabbits shall be conducted separately. Such procedure for the correlation of ante mortem and post-mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

§ 54.124 Quarantine of diseased domestic rabbits.

If live domestic rabbits, which are affected by any contagious disease which is transmissible to man, are brought into an official establishment, such domestic rabbits shall be segregated. The slaughtering of such domestic rabbits shall be deferred and they shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the domestic rabbits will not create a health hazard, the lot shall be subject to ante mortem and post-mortem inspection pursuant to the regulations in this part.

(b) If it is determined by a veterinary inspector that further handling of the domestic rabbits will create a health hazard, such domestic rabbits may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful rabbit-by-rabbit ante mortem inspection shall be made, and all domestic rabbits found to be, or which are suspected of being, affected with the contagious disease transmissible to man shall be condemned.

POST-MORTEM INSPECTION

§ 54.125 Evisceration.

No viscera or any part thereof shall be removed from any domestic rabbits which are to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook domestic rabbit.

§ 54.126 Carcasses held for further examination.

Each carcass, including all parts thereof, in which there is any lesion of disease or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 54.127 Condemnation and treatment of carcasses.

Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 54.128 Certification of carcasses.

Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

DISPOSITION OF DISEASED DOMESTIC RABBIT CARCASSES AND PARTS

§ 54.129 General.

The carcasses or parts of carcasses of all domestic rabbits inspected at an official establishment and found at the time of post-mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other sections in this part, shall be disposed of in accordance with the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or condition and to designate at just what stage a disease process results in an unwholesome product, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by the regulations, or by instructions of the Administrator issued pursuant thereto, shall be left to the inspector in charge, and if the inspector in charge is in doubt concerning the disposition to be made, specimens from such carcasses shall be forwarded to the laboratory for diagnosis.

§ 54.130 Diseases or conditions evident which require condemnation.

(a) Carcasses of domestic rabbits affected with or showing lesions of any of the following named diseases or conditions shall be condemned: Tularemia, Anthrax, Hemorrhagic Septicemia, Pyemia, Septicemia, Leukemia, Acute Enteritis, Peritonitis, Sarcomatosis, Metritis, Necro-bacillosis (Smorl's Disease), Tuberculosis, Emaciation, Streptobacillary Pseudotuberculosis, Advanced stages of Snuffles. Rabbits from pathological laboratories shall be condemned.

(b) Any organ or part of a domestic rabbit carcass affected with a tumor shall be condemned and when there is evidence that the general condition of the rabbit has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned. In cases of malignant neoplasms involving any internal organ to be marked extent, or affecting the muscles, skeleton, or body lymph glands, even primarily, the whole carcass shall be condemned.

(c) Carcasses of domestic rabbits showing any disease such as generalized melanosis, pseudoleukemia, and the like, which systemically affect the rabbit, shall be condemned.

(d) Any organ or part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore, shall be condemned. Parts or carcasses which are contaminated by pus shall be condemned.

(e) Carcasses of rabbits contaminated by volatile oils, paints, poisons, gases, or other substances which affect the wholesomeness of the carcass shall be condemned.

(f) All carcasses of domestic rabbits so infected that consumption of the meat or meat food products thereof may give

rise to meat poisoning shall be condemned. This includes all carcasses showing signs of any of the following diseases: Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges; Septicemia or pyemia, whether traumatic, or without evident cause; Gangrenous or severe hemorrhagic enteritis or gastritis; Polyarthritis and acute nephritis. Immediately after the slaughter of any rabbit so infected, the infected premises and implements used shall be thoroughly sanitized. The part or parts of any carcass coming into contact with the carcass or any part of the carcass of any rabbit covered by this section other than those affected with acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, shall be condemned. In case the contaminated part is not removed from the carcass within two hours after such contact the whole carcass shall be condemned.

(g) Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition, show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.

(h) Carcasses of domestic rabbits affected with mange or scab in advanced stages, or showing emaciation or extension of the inflammation to the flesh, shall be condemned. When the diseased condition is slight, the carcass may be passed for food after removal and condemnation of the affected parts.

(i) In the disposal of carcasses and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, or part of the carcass may be certified for food after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be certified for food and the entire carcass shall be condemned. Carcasses infested with a hydatid cyst or cysts (Echinococcus granulosis), transmissible to dogs and from dogs to man, shall in all cases be condemned regardless of the degree of infestation.

(j) Carcasses of domestic rabbits showing such degree of emaciation or anemic condition as would render the meat unwholesome, and carcasses which show a slimy degeneration of the fat or a serous infiltration of the muscles, shall be condemned.

§ 54.131 Decomposition.

Carcasses of domestic rabbits deleteriously affected by post-mortem changes shall be disposed of as follows:

(a) Carcasses which have reached a state of putrefaction or stinking fermentation shall be condemned.

(b) Any part of a carcass which is green struck shall be condemned and if the carcass is so extensively affected that removal of affected parts is impracticable, the whole carcass shall be condemned.

(c) Carcasses affected by types of post-mortem change which are superficial in nature may be certified for food after removal and condemnation of affected parts.

§ 54.132 Disposal of condemned carcasses and parts.

All condemned carcasses, or parts of carcasses, shall be disposed of by one of the following methods, under the supervision of an inspector of the Inspection Service: (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

(a) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection, by means of pipes, or otherwise, between tanks containing inedible products and those containing edible products.

(b) Incineration or complete destruction by burning.

(c) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

(1) Crude carbolic acid

(2) Kerosene, fuel oil or used crank case oil, or

(3) Any phenolic disinfectant conforming to commercial standards CS 70–41 or CS 71–41 which shall be used in at least 2 percent emulsion or solution.

(4) Any other substance that the Administrator approves which will decharacterize the carcasses or parts to the extent necessary to accomplish the purposes of this section.

REINSPECTION AND INGREDIENTS

§ 54.133 Reinspection of edible products; ingredients.

(a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 54.71(b) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive treatment as provided in § 54.127.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food such product or portion thereof shall be condemned and shall receive treatment as provided in § 54.127.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food. Liquid and frozen egg products used in the preparation of any edible product shall have been prepared under continuous inspection of the Department.

APPEALS

§ 54.134 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided*, That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of $5.40 per hour for the time required to make the appeal inspection.

INSPECTION CERTIFICATES

§ 54.140 Forms of inspection certificates.

Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(a) Each domestic rabbit inspection certificate shall show the class or classes of domestic rabbits, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(b) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(c) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export

stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

§ 54.141 Issuance and disposition of domestic rabbits inspection certificates.

(a) Upon the request of an interested party, any inspector is authorized to issue a domestic rabbit inspection certificate with respect to any lot of domestic rabbits inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of domestic rabbits, each such inspector shall sign the certificate with respect to such lot.

(b) The original and a copy of each inspection certificate, issued pursuant to §§ 54.140 to 54.144, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the area supervisor serving the area in which the inspection was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.105.

§ 54.142 Food product inspection certificates; issuance and disposition.

(a) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

§ 54.143 Export certificates; issuances and disposition.

(a) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

§ 54.144 Advance information.

Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

GRADING

§ 54.150 General.

Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

Containers in lot:	*Containers in samples*
3 containers, or less	(1)
4 to 10, inclusive	3
11 to 20, inclusive	4
21 to 50, inclusive	7
51 to 100, inclusive	10
In excess of 100 containers	(2)

[1] All containers.

[2] 10 percent of the number of containers in the lot.

§ 54.152 Ready-to-cook domestic rabbits.

(a) *In an official plant.* Grading service performed in an official plant with respect to ready-to-cook domestic rabbits shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook domestic rabbits which have been inspected and certified, pursuant to the regulations in this part, or have been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such ready-to-cook domestic rabbits which are of A Quality or B Quality and which were graded on an individual carcass basis by a grader or by a limited licensee, pursuant to § 54.20(d) and thereafter check graded by a grader may be individually identified with the appropriate grade mark, and any container of such ready-to-cook domestic rabbits may also be so identified. The grading of ready-to-cook domestic rabbits shall be performed prior to the disjointing or cutting up of the carcass.

(3) If the ready-to-cook domestic rabbits are of C Quality only the bulk container of such ready-to-cook domestic rabbits may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to ready-to-cook domestic rabbits at terminal markets and other receiving points may be on a representative sample basis. Only ready-to-cook domestic rabbits which were processed in an official plant and are graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook domestic rabbits which were inspected and certified and are marked with the inspection mark or in accordance with the provisions of § 54.71(b) may be graded.

BASIS OF ACCEPTABILITY OF OTHER OFFICIAL INSPECTION SYSTEMS

§ 54.160 General.

Any domestic rabbit inspection system may be deemed to be acceptable to the Administrator which (a) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook domestic rabbits are prepared and submitted for grading service; and (b) imposes at least the requirements set forth in § 54.161: *Provided*, That no such inspection shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook domestic rabbits are prepared if he finds at any time that such requirements are not adequately enforced.

§ 54.161 Requirements as to manner of inspection.

(a) The inspection shall be conducted by an inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(b) The inspection shall include post-mortem examination of each domestic rabbit carcass during the evisceration operation.

(c) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

§ 54.162 Determining compliance with § 54.161.

A qualified veterinary supervisor of the domestic rabbit grading service shall investigate the manner of operation of the inspection system to determine the adequacy of the post-mortem examination and the compliance with the requirements contained in §§ 54.160 to 54.162 prior to approving the official plant for the grading of ready-to-cook domestic rabbits. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations

in the official plant to determine that the requirements of §§ 54.160 to 54.162 are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

GRADING CERTIFICATES

§ 54.170 Forms.

Grading certificates (including appeal grading certificates) shall be issued on forms approved by the Administrator.

§ 54.171 Issuance and disposition.

(a) Each grader shall issue a grading certificate covering each product graded.

(b) The original and a copy of each grading certificate, issued pursuant to §§ 54.170 to 54.172, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the area supervisor serving the area in which the grading was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.105.

§ 54.172 Advance information.

Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

APPEAL GRADING

§ 54.190 Application for appeal grading.

An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate only if the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 54.191 How to obtain appeal grading.

Appeal grading may be obtained by filing a request therefor (a) with the Administrator, (b) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader, or (d) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is made. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 54.192 Record of filing time.

A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 54.193 When an application for an appeal grading may be refused.

Notwithstanding the provisions of § 54.190, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading, and such applicant shall be promptly notified of the reason for such refusal.

§ 54.194 When an application for appeal grading may be withdrawn.

An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

§ 54.195 Who shall perform the appeal grading.

An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 54.196 Appeal grading by immediate superior.

Notwithstanding the provisions of §§ 54.190 to 54.198, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

§ 54.197 Order of performance of appeal gradings.

Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; but any such application may be given precedence pursuant to § 54.37.

§ 54.198 Appeal grading certificates.

Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued. If the results of the appeal grading indicate that the original grading was not materially in error, the appeal grading certificate shall confirm the original grading. If the results of the appeal grading indicate that a material error was made in the original grading, the results of such appeal grading shall be shown on the appeal grading certificate and the appeal grading certificate shall supersede any previous grading certificate for the product involved. Such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The Administrator may withhold the issuance of an appeal grading certificate until the original grading certificate which it supersedes has been returned to the issuing office when such action is deemed necessary to protect the interest of the Government. The provisions of §§ 54.170 to 54.172 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished to each interested party of record.

SUPERSEDED CERTIFICATES

§ 54.205 Superseded certificates.

Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

GENERAL

§ 54.210 Minimum standards for sanitation, facilities, and operating procedures in official plants.

The provisions of §§ 54.210 to 54.247 shall apply with respect to grading service and inspection service in all official plants. The table set forth in § 54.247 indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

BUILDINGS AND PLANT FACILITIES

§ 54.220 Buildings.

The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin.

(a) *Outside openings.* (1) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and live rabbit holding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and live rabbit holding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.

§ 54.221 Rooms and compartments.

Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where rabbits are slaughtered and skinned. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall

be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(a) *Rooms for separate operation.* The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted; but in no case shall the receiving or holding of live rabbits or killing operations be permitted in rooms in which eviscerating operations are performed:

(1) The receiving and feeding of live rabbits.

(2) Killing and skinning operations.

(3) Eviscerating, chilling, and packing operations for ready-to-cook rabbits.

(4) Inedible products departments.

(5) Refuse room.

(b) *Rooms for holding carcasses for further inspection.* Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(c) *Coolers and freezers.* Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of ready-to-cook domestic rabbits prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(d) *Refuse rooms.* Refuse rooms shall be entirely separate from other rooms in the plant, and shall have tight fitting doors and be properly ventilated.

(e) *Storage and supply rooms.* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(f) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where ready-to-cook rabbits are prepared, processed, handled and stored.

(g) *Inspector's office.* Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.

(h) *Toilet rooms.* Toilet rooms opening directly into rooms where domestic rabbit products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

§ 54.222 Floors, walls, ceilings, etc.

(a) *Floors.* All floors in rooms where exposed products are prepared or handled shall be constructed of, or finished with materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning, and cannery rooms shall be graded for complete runoff with no standing water.

(b) *Walls, posts, partitions, doors.* All walls, posts, partitions, and doors in rooms where exposed products are prepared or handled shall be smooth and constructed of materials impervious to moisture to a height of six feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material.

(c) *Ceilings.* Ceilings must be moisture-resistant in rooms where exposed products are prepared or handled, and finished and sealed to prevent collection of dirt or dust that might sift through flooring above or fall from collecting surfaces on equipment or exposed product.

§ 54.223 Drainage and plumbing.

There shall be an efficient drainage and plumbing system for the plant and premises.

(a) *Drains and gutters.* All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(b) *Sewage and plant wastes.* (1) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.

(2) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(3) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless they are positively trapped to prevent backing up. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(4) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be so installed as to prevent sewerage from backing up and from flooding the floor.

(5) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to outside air.

(6) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, or refrigerators equipped with drains shall meet these requirements.

§ 54.224 Water supply.

The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant, and its protection against contamination and pollution.

(a) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(b) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(c) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's use.

§ 54.225 Lavatory accommodations.

Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands, shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient metal containers shall be provided for used towels and other wastes.

(c) An adequate number of hand washing facilities serving areas where dressed domestic rabbits and edible products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(e) Toilet facilities shall be provided according to the following formula:

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of ⅓ of the total number of bowls stated.

§ 54.226 Lighting and ventilation.

There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(a) All rooms in which domestic rabbits are killed, eviscerated, or otherwise processed shall have at least 30 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 5 foot candles of light intensity when

measured at distance of 30 inches from the floor.

(b) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

EQUIPMENT AND UTENSILS

§ 54.230 Equipment and utensils.

Equipment and utensils used for the preparation, processing, or other handling of any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.

(a) Live rabbit holding pens shall be so constructed as to allow satisfactory ante mortem examination and to permit proper cleaning.

(b) Metal refuse containers shall be provided; and such containers shall be kept covered.

(c) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(d) Chilling vats or tanks used for chilling ready-to-cook domestic rabbits shall be made of metal or other hard-surfaced impervious material.

(e) Where grading bins are used for ready-to-cook domestic rabbits they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all ready-to-cook domestic rabbits shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(f) Except as otherwise provided herein, all equipment and utensils used in the killing, skinning, eviscerating, chilling, and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(g) Conveyors: (1) Conveyors used in the preparation of ready-to-cook domestic rabbits shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.

(2) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(h) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(i) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(j) Water spray washing equipment shall be used for washing carcasses inside and out.

(k) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of ready-to-cook domestic rabbits.

(l) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(m) Freezing rooms should be adequately equipped to freeze ready-to-cook domestic rabbits solid in less than 48 hours. Ready-to-cook domestic rabbits should be frozen at temperatures of −10° F. to −40° F. and should be stored at 0° F. or below, with the temperature maintained as constant as possible. Freezing rooms should be equipped with floor racks or pallets and fans to insure air circulation.

(n) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(o) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

§ 54.231 Accessibility.

All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

§ 54.232 Restrictions on use.

Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

§ 54.240 General.

The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

§ 54.241 Cleaning of rooms and compartments.

Rooms, compartments, or other parts of the official plant shall be kept clean and in sanitary condition.

(a) All blood, offal, rabbits or parts of rabbits too severely damaged to be salvaged and all discarded containers and other materials shall be completely disposed of daily.

(b) All windows, doors, and light fixtures in the official plant shall be kept clean.

(c) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(d) Live rabbit receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning; and such docks and rooms should be kept clean at all times.

(e) Floors in live rabbit holding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(f) The killing and skinning room shall be kept clean and free from offensive odors at all times.

(g) The walls, floors, and all equipment and utensils used in the killing and skinning room shall be thoroughly washed and cleaned after each day's operation.

(h) The floor in the killing and skinning rooms shall be cleaned frequently during killing and skinning operations and be kept reasonably free from accumulated blood, offal, water and dirt.

(i) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(j) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

§ 54.242 Cleaning of equipment and utensils.

Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.

(a) Pens shall be cleaned regularly and the manure removed from the plant daily.

(b) All equipment and utensils used in the killing and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The eviscerating, chilling, and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(c) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(d) All crates or pens used for transporting live domestic rabbits to the plant shall be cleaned regularly.

(e) Chilling vats or tanks, if practicable, shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(f) When synchronized overhead conveyors and tray conveyors are used, the trays shall, be completely washed and sanitized after being automatically emptied of inedible viscera.

(g) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual metal tray of seamless construction; and such trays shall be completely washed and sanitized after each use.

(h) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook domestic rabbits shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(i) Drums, cans, tanks, vats, and other receptacles used to hold or transport ready-to-cook domestic rabbits shall be kept in a clean and sanitary condition.

§ 54.243 Operations and procedures.

Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(a) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(b) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(c) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water.

(d) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(e) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(f) Mechanized packaging equipment shall be maintained in good sanitary condition.

(g) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(h) Paper and other material used for lining containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product. Wooden containers to be used for packaging ready-to-cook rabbits shall be fully lined except when the individual carcasses to be packaged therein are fully wrapped.

(i) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(j) Refuse may be moved directly to loading docks only for prompt removal.

(k) Cleanliness and hygiene of personnel: (1) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(2) Hands of employees handling edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(3) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of edible products or containers therefor, or edible products handling equipment.

(4) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

§ 54.244 Temperatures and cooling and freezing procedures.

Temperatures and procedures which are necessary for cooling and freezing of domestic rabbits in accordance with sound commercial practice shall be maintained in the coolers and freezers, and chilling temperatures and procedures shall also be in accordance with sound commercial practice.

(a) *Cooling.* Immediately after evisceration and washing of the carcass, it shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcass. Carcasses shall not be allowed to remain in the cooling tank for longer than one hour.

(b) *Air chilling.* Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to from 36° F. to 40° F., both inclusive, within 24 hours.

(c) *Freezing.* (1) When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 48 hours.

(2) Frozen ready-to-cook rabbits shall be held under conditions which will maintain the product in a solidly frozen state with temperature maintained as constant as possible.

(d) *Refrigeration.* Immediately after packaging, all ready-to-cook domestic rabbits, other than those which are shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer provided such rabbits are held at not above 36° F.

§ 54.245 Vermin.

Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant. Dogs, cats, and other pets shall be excluded from rooms where edible products are processed, handled, or stored.

§ 54.246 Exclusion of diseased persons.

No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked edible products are prepared, processed, or otherwise handled.

§ 54.247 Table showing types of materials.

Equipment, utensils, and facilities	Iron	Stainless steel and monel metal	Aluminum	Galvanized iron
Holding pens	A	A	A	A
Overhead conveyors	A	A	A	A
Conveyor track	A	A	-------	A
Shackles	-------	A	-------	A
Shackle chain	A	A	-------	A
Eviscerating pans	-------	A	A	A
Inspection table	-------	A	A	A
Inside and outside washer	-------	A	A	A
Cooling tanks and racks	-------	A	A	A
Utensils for handling edible products	-------	A	A	A
Framework (of equipment)	A	-------	-------	-------

Key: A—Acceptable.

Subpart B—United States Standards for Domestic Rabbits and Edible Products Thereof

U.S. SPECIFICATIONS FOR CLASSES OF READY-TO-COOK DOMESTIC RABBITS

§ 54.260 General.

For the purpose of §§ 54.260 to 54.262, the classes of ready-to-cook domestic rabbits are fryer rabbits and roaster rabbits. The flesh of a fryer domestic rabbit is tender and fine-grained, and of a bright pearly white color. The flesh of a roaster domestic rabbit is more firm and coarse-grained; the muscle fiber is slightly darker in color and less tender than that of a fryer domestic rabbit; and the fat may be more creamy in color than that of a fryer domestic rabbit.

§ 54.261 Fryer.

A fryer is a young domestic rabbit carcass weighing not less than 1½ pounds and rarely more than 3½ pounds; and processed from a rabbit usually less than 12 weeks of age.

§ 54.262 Roaster.

A roaster is a mature or old domestic rabbit carcass of any weight but usually over 4 pounds; and processed from a rabbit over 12 weeks of age, usually 8 months old or older.

U.S. SPECIFICATIONS FOR STANDARDS OF QUALITY FOR INDIVIDUAL READY-TO-COOK DOMESTIC RABBITS

§ 54.270 General.

Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in §§ 54.275 to 54.277.

STANDARDS OF QUALITY

§ 54.275 A Quality.

To be of A Quality the carcass:

(a) Is short, thick, well-rounded, and full-fleshed.

(b) Has a broad back, broad hips, and broad, deep fleshed shoulders, and firm muscle texture.

(c) Has a fair quantity of interior fat in the crotch and over the inner walls of the carcass, and a moderate amount of interior fat around the kidneys.

(d) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(f) Is free from broken bones, flesh bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

§ 54.276 B Quality.

To be of B Quality the carcass:

(a) Is short, thick, fairly well-rounded and fairly well-fleshed.

(b) Has a fairly broad back, fairly broad hips, and fairly broad and deep-fleshed shoulders, and fairly firm muscle texture.

(c) Has at least a small amount of interior fat in the crotch and over the inner walls of the carcass with a small amount of interior fat around the kidneys.

(d) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(f) Is free from broken bones and practically free from bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

§ 54.277 C Quality.

A carcass that does not meet the requirements of A or B Quality may be of C Quality and such carcass:

(a) May be long, rangy, and fairly well fleshed.

(b) May have thin, narrow back and hips, and soft flabby muscle texture.

(c) May show very little evidence of exterior fat.

(d) May show very slight evidence of reddening of the flesh due to blood in the connective tissues.

(e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or feet.

(f) May have moderate bruises of the flesh, moderate defects, and moderate deformities; have not more than one broken bone in addition to broken ends of leg bones due to removal of the feet; and may have a small portion of the carcass removed because of serious bruises.

Subpart C—Forms, Instructions, and Applications

FORMS OF OFFICIAL IDENTIFICATION

§ 54.280 Forms of official identification.

The forms prescribed in §§ 54.280 to 54.282 are subject to the requirements of §§ 54.60 to 54.63, Identifying and Marking Products.

§ 54.281 Form of grade mark.

The grade mark approved for use pursuant to § 54.61 on a graded product shall be contained within a shield of the form and design indicated in the example in Figure 1. The information which is required in such mark shall be: (a) The letters "USDA," (b) the appropriate U.S. Grade of the product. The information within the shield shall be printed in a light color on a dark field. In addition, a term such as "Federal-State Graded" or "Government Graded" may be used adjacent to but not within the shield design grade mark (in a form similar to that illustrated in Figure 2). The class of the domestic rabbits shall be shown on the label which bears the grade mark if it is not shown prominently elsewhere on the packaging material. The appropriate designation "young," "mature" or "old" may be used as a prefix to the words "domestic rabbit" in lieu of the class name. When the grade mark is applied to an individual carcass which is not individually packaged and labeled, the information with respect to the class of the domestic rabbits shall be included in the same label which bears the grade mark and the plant number or the firm name and address shall also be included on the label which bears the grade mark.



FIGURE 1.



FIGURE 2.

§ 54.282 Form of inspection mark.

The inspection mark approved for use on inspected and certified edible products shall be contained within a circle and include the following wording: "Inspected for Wholesomeness by U.S. Department of Agriculture." The form and arrangement of such wording shall be as indicated in the example in Figure 3. The plant number of the official plant shall be set forth if it does not appear on the packaging material.



FIGURE 3.

APPLICATION FOR GRADING SERVICE

§ 54.290 Application for grading service with respect to domestic rabbits.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the grading of domestic rabbits and edible products thereof and United States classes, standards and grades with respect thereto, for domestic rabbit grading service at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to, such instructions governing the grading of products as may be issued, from time to time, by the Administrator). This application is made for grading service to be performed on a resident grading basis in accordance with § 54.108 and such other provisions of the aforesaid regulations as are applicable.

_____ (Applicant) [1]
By _____
_____ (Street)
_____ (City) _____ (State)
_____ (Date)

Application granted:
_____ (Date)
_____
_____ (Title)

APPLICATION FOR INSPECTION SERVICE

§ 54.281 Application for inspection of domestic rabbits and edible products thereof for condition and wholesomeness.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof for inspection for condition and wholesomeness at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator). This application is made for inspection service to be performed on a resident inspection basis in accordance with § 54.107 and such other provisions of the aforesaid regulations as are applicable.

_____ (Applicant) [1]
By _____
_____ (Street)
_____ (City) _____ (State)
_____ (Date)

Application granted:
_____ (Date)
_____
_____ (Title)

§ 54.282 Application for inspection of canning and processing of domestic rabbits in plants operating under Federal meat inspection service.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof for inspection for condition and wholesomeness of domestic rabbits canned or otherwise processed at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator). This application is made for inspection service to be performed on a resident inspection basis in accordance with § 54.107, and such other provisions of the aforesaid regulations as are applicable.

_____ (Applicant) [1]
By _____
_____ (Street)
_____ (City) _____ (State)
_____ (Date)

Application granted:
_____ (Date)
_____
_____ (Title)

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

Issued at Washington, D.C., this 1st day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-7264; Filed, Aug. 4, 1960; 8:45 a.m.]

[1] No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

[7 CFR Parts 905, 987, 1014]

[Docket Nos. AO-297-A-1; AO-252-A-6; AO-304-A-1]

MILK IN THE MISSISSIPPI DELTA, CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Mississippi Delta, Central Mississippi and Mississippi Gulf Coast marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Jackson, Mississippi, December 15–17, 1959, pursuant to notice thereof which was issued December 1, 1959 (24 F.R. 9742).

The material issues on the record of the hearing relate to:

1. The level and seasonality of Class I prices in the Central Mississippi marketing area;
2. Reduction of the Mississippi Delta marketing area;
3. Revision of the definitions of producer and producer milk in all three Mississippi orders and the definitions of distributing plant, handler and producer-handler in the Central Mississippi order;
4. Clarification of the transfer provisions in all three Mississippi orders;
5. Method of accounting for milk solids used for reconstitution of fluid milk products in the Central Mississippi and Gulf Coast orders;
6. Revision of the allocation and computation of the value of skim milk and butterfat provisions in all three Mississippi orders;
7. Determination of the Class I price for the Mississippi Delta order;
8. The level of the Class II price in all three Mississippi orders;
9. Obligation of a handler operating a nonpool distributing plant in the Mississippi Delta order;
10. Determination of bases and revision of base rules in all three Mississippi orders; and
11. Miscellaneous and conforming changes in all three Mississippi orders.

Issue No. 1 was decided by the Assistant Secretary in his decision of February 24, 1960 (25 F.R. 1733) and amending order (25 F.R. 1817). This decision pertains to the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. The Mississippi Delta marketing area should be revised to exclude Beat 5 in Calhoun County and Beat 5 in Webster County, both in the State of Mississippi.

A handler, partially regulated by Order No. 5, proposed the deletion of all of Webster County and Beats 1, 4 and 5 in Calhoun County from the marketing area. This handler modified his proposal to delete all of Webster County from the marketing area by proposing to eliminate only Beat 5.

In Beat 5 of Webster County the proponent handler has 90 percent or more of the fluid milk business. The remaining business in this Beat is by unregulated handlers. Regulated handlers' sales in Beats 1 and 4 of Calhoun County represent seventy-five percent or more of the total. In Beat 5 of Calhoun County the proponent handler has approximately two-thirds of the total fluid milk business. The remaining portion of the fluid milk products distributed in this Beat is by a fully regulated handler and by a

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partially regulated handler. Beat 5 in Calhoun County contains two small villages with a total population of approximately 1,200. Most of the proponent handler's competition, outside the marketing area, is with unregulated handlers.

Proponents' sales in the marketing area have varied from 8 to 15% of his total Class I sales. The exclusion of Beats 5 in Calhoun and Webster Counties will not necessarily change the proponent handler's status as a partially regulated handler, but will reduce his sales in the marketing area, leaving sales mainly in Beats 1 and 4 in Calhoun County, to less than five percent of his total Class I sales. However, with only a small percentage of this handler's business in the marketing area, it presents the opportunity for complete withdrawal of sales from the area and thereby a change in status as a partially regulated handler.

Since fully regulated handlers have only a very small proportion of the fluid milk business in Beats 5 of Calhoun and Webster counties, and the record does not show handlers would be disadvantaged, it is concluded that these Beats should be excluded from the marketing area. However, Beats 1 and 4 in Calhoun County, where regulated handlers distribute most of the fluid milk products, should remain a part of the Mississippi Delta marketing area.

3. The definitions of producer and producer milk should be revised in all three Mississippi orders with respect to the diversion of producer milk.

The Mississippi Delta and Gulf Coast orders currently limit the diversion of producers to 10 days' milk production during each of the months of September through January. The Central Mississippi order limits diversion to 10 days' milk production during each of the months of September through November. During the months of February through August (December through August for Central Mississippi) handlers may divert the milk production of a producer to a nonpool plant without limitation.

The Central Mississippi Milk Producers' Association proposed to amend all three Mississippi orders to provide further limitation with respect to the diversion of milk. Their proposal would limit the diversion of producer milk in the spring months to those producers that had shipped not less than 15 days' production to a pool plant during specified fall months. The milk production of producers that delivered during any months in the fall less than 15 days' production could not be diverted in the following spring months if milk from any such producer was diverted to a nonpool plant.

During the past year dairy farmers normally associated with other markets have shipped substantial quantities of milk to pool plants in the Mississippi Delta and Gulf Coast marketing area on a part-time basis. Primarily, this has involved cooperative associations in the Memphis and New Orleans markets which have shifted substantial volumes of milk back and forth between markets by taking full advantage of the existing diversion provisions in the Delta and Gulf Coast orders. Much of the milk involved has acquired producer milk status on the basis of limited delivery (in some cases a single day) to a pool plant and is not part of the regular supply of the Delta or Gulf Coast markets.

The result has been an undue variation of the base prices and the blended prices in these markets in certain months in comparison to prices in the Memphis and New Orleans markets. In the case of the Delta market this activity has occurred primarily in the month of August whereas in the Gulf Coast market it has been the months of March through July. Official notice is taken of the price announcements of the respective market administrators in the four markets for each of the months of 1960. They substantiate the fact that the situation, particularly as it applies to the Gulf Coast market, is even more critical than in the corresponding months of 1959.

While it is not intended that the orders shall deter orderly movement of producers and/or plants as between markets in response to price incentives; nevertheless, more limited diversion provisions are necessary with respect to the Delta and Gulf Coast orders to assure bona fide association of milk with specific markets and to prevent undue variation of the prices in these markets. For the months of August through February this may be accomplished by providing that during any such month milk of a producer may be diverted to nonpool plants in an amount not in excess of one-third of the total quantity of milk physically received at a pool plant during the month. Should greater diversion occur, only that milk physically received at pool plants would be considered as producer milk.

Essentially, this procedure makes no change in the present diversion provisions as they apply in the months of September through January for producers who are on these markets throughout the month. In the case of dairy farmers not on the market during the entire month, however, the extent of diversion is related to physical deliveries to pool plants. The extension of this procedure to include the months of February and August is necessary in the interest of more orderly marketing. These are the two months of the year which are neither base setting nor base operating months and accordingly are the two months in which a handler could make the greatest use of diversion privileges for his own interest.

No change is needed at this time in the present provisions of the Mississippi Delta order which permit unlimited diversion of producer milk during the base-operating months of March through July. The Delta market is stable during this period of the year. Furthermore, no unusual movement of milk in and out of the market was reported to occur during March through July.

During the months of March through July it is desirable with respect to the Gulf Coast order that the diversion privileges be more liberal than in other months of the year to insure ordinary disposition of the seasonal surplus in that marketing area. However, under the existing supply situation in this market, there is no necessity for unlimited diversion privileges. It is concluded that in any of such months diversion of producer milk in total from each plant should be limited to an amount not in excess of two-thirds of such producer milk physically received at such pool plant during the month and should be limited in each month to only the milk of those dairy farmers who held producer status throughout the two immediately preceding months. The application of this provision will in no way deter the entrance of new producers to the market if their milk is needed for fluid use. It will, however, tend to deter the shifting of producers between markets during this period solely for the purpose of influencing prices in the originating and/or transferee markets since diversion privileges would not be available in March for milk not associated with the market in January and February.

The establishment of these new standards with respect to diversion of producer milk in the Mississippi Delta and Gulf Coast markets will assist in stabilizing marketing conditions in these areas. The amendments presented herein with respect to the modification of the definitions of producer and producer milk will adequately prescribe standards of association with these markets for the sharing in the marketwide pooling in these markets.

The number of producers, the seasonal production patterns, and the relationship of production to gross Class I sales during the past three years reflect relatively stable marketing conditions in the Central Mississippi market. Therefore, conditions in the Central Mississippi order do not require, at this time, a change in the present limitation on diversions of 10 days' production during the months of September through November. However, the proposal to amend the Central Mississippi order to provide for the diversion of milk between pool plants should be adopted. The present order limits diversion in the Central Mississippi order to nonpool plants that are not regulated by another order issued pursuant to the Act. Permitting diversion of producer milk by the operator of a pool plant to the pool plant of another handler gives handlers flexibility in movement of milk without affecting the pooling of milk. Further, such diversion will provide for the economic movement of milk within the marketing area. The proposal to remove the restriction on a handler to divert the milk production of a producer to a plant regulated by another order should not be adopted. The orders regulating the plants to which such movement of milk would likely occur provide that receipt of milk directly from the farm is producer milk under such order. The adoption of the proposal would thus create a situation in which each of two orders would claim such milk as producer milk. Therefore, under present marketing conditions in the Central Mississippi order the provision restricting a handler diverting milk to a nonpool plant regulated by another order should be retained.

Proposals were made by Central Mississippi order handlers to eliminate the pricing and pooling of a handler's own farm production in its entirety or to provide for the pricing and pooling of only the excess portion of a handler's own farm production. The Central Mississippi order presently defines a producer-handler as any person who operates a dairy farm and a distributing plant at which no other source milk (except own production), producer milk, or milk from other pool plants is received. Thus, such a handler's own production is exempt from the pricing and pooling provisions of the order. The Class I sales of a producer-handler are now limited to the amount of his own production. Such a handler must also carry any excess supplies that may be produced. If a person with his own farm production buys milk from another producer, other pool plants, or from other sources and distributes milk in the marketing area, such a person becomes a fully regulated handler. As a fully regulated handler the milk from his own farm is priced and pooled the same as any other producer in the market-wide pool distribution of returns to producers. Essentially, this means that the handler may draw from the producer-settlement fund on his own production when the Class I utilization at his plant is less than the market average. Likewise, payments on his own production are due to the producer-settlement fund when the Class I utilization in his plant is greater than the market average. To pool only the excess production from a handler's own farm would mean that the market as a whole would be carrying the surplus from his herd. To make equitable distribution to all producers of the Class I utilization in this market the milk production from all producers should be priced and pooled as presently provided by the Central Mississippi order. Therefore, the proposals to limit the pricing and pooling of a handler's own farm production are not adopted.

The proposal of a handler to reduce the requirements that a distributing plant must meet to maintain pool status should not be adopted. The proposal would eliminate excess milk during the months of March through July in the determination which a plant must meet to qualify as a distributing plant that 50 percent of receipts from producers and other pool plants be utilized in Class I. This requirement of a minimum proportion of utilization in Class I is to distinguish a distributing plant from a supply plant. The order presently provides that cooperative associations may become handlers with respect to milk of producers diverted for their account from a pool plant to a nonpool plant. The proponent of this proposal acknowledged that the cooperative association has, in the past, been able to divert milk for the account of the association and thus eliminate the possibility of this handler's plant failing to qualify as a distributing plant. To accept this proposal would destroy the necessary distinction between supply plants and distributing plants.

4. The transfer provisions in all three Mississippi orders should be modified.

The revision of the transfer provisions in Order Nos. 5, 87, and 114 is for the purpose of clarifying the intent of present provisions and to recognize the movement of milk to nonpool plants and then back to pool plants. The revisions of the transfer provisions provided herein will coordinate these provisions with the transfer provision of Order No. 42 for the New Orleans marketing area. There are extensive intermarket movements of milk among the three Mississippi markets and among the Central Mississippi, Mississippi Gulf Coast and New Orleans markets. Therefore, it is necessary that the transfer provisions in these four marketing areas be correlated. The revised provisions, with one exception, do not change the intent of the present transfer provisions. The exception is that portion of the revised provisions which classifies, under specific conditions, milk moved from a pool plant to a nonpool plant and then back to a pool plant as if such transfer had been a transfer between pool plants. While such a movement of milk in the three Mississippi markets has not occurred, the possibility of such movement exists. The inclusion of a section in the transfer provisions of these orders to cover such movements of milk will further correlate the orders in this area.

5. No change should be made in the method of accounting of milk solids used for reconstitution and fortification of fluid milk products in the Central Mississippi and Gulf Coast orders.

Handlers proposed that if nonfat dry milk solids are added for the sole purpose of fortifying or adding solids in fluid milk products only the actual pounds used of such nonfat dry milk should be classified as Class I.

These orders presently provide that if any of the water contained in milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk contained in such product plus all of the water originally associated with such nonfat dry milk solids.

The proposals to amend the Central Mississippi and Gulf Coast orders with respect to the accounting of nonfat dry milk solids are not adopted herein because such proposals would not result in a full accounting in Class I of the value of the nonfat solids used to produce fluid milk products. It is necessary in accounting for Class I sales of fortified and reconstituted milk that the order provisions prevent displacement of producer milk from the Class I use for which it is intended. This principle requires that such disposition be accounted for on the basis of milk used to produce such products, which would include all water originally associated with the nonfat milk solids used. Fortified and reconstituted milk compete for the same outlets as whole fluid milk and fluid skim milk and so, if made from other source milk, could displace producer milk which is available for the same disposition. It is concluded that accounting for skim milk in fluid milk products on the basis of volume, including all the water originally associated with the nonfat milk solids, is necessary to return to producers a value commensurate with the use and availability of their milk for fluid disposition.

6. The allocation, rates of payment on other source milk and computation of the value of skim milk and butterfat provisions in all three orders should be revised.

The modification of these provisions is for the purpose of clarifying the intent of the present provisions. Skim milk and butterfat classified and priced under another order issued pursuant to the Act should not be subject to payments otherwise applied to other source milk allocated to Class I under these Mississippi orders. These provisions as revised herein provide for the allocation of other source milk in three separate steps. The first allocation of other source milk is that received other than in the form of fluid milk products. Of the remaining other source milk the first allocation is that received in the form of fluid milk products from plants not regulated by another order and final allocation is the other source milk received from plants subject to the pricing and payment provisions of another order. The clarification of the provisions on payments on other source milk and computation of the value of producer milk give further specificity to the steps necessary in the computation of payments on other source milk allocated to Class I.

7. The method of determining the Class I price for the Mississippi Delta marketing area should not be changed.

A handler proposed that the Class I price for the Delta area should be established pursuant to § 918.51(a) of this chapter, regulating the handling of milk in the Memphis, Tennessee, marketing area, plus sixteen cents.

The Class I price is presently determined by subtracting sixteen cents from the Class I price established pursuant to § 987.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area.

The proponent handler stated the purpose of the proposal to base Class I pricing for the Mississippi Delta area under the Memphis market was to align the Class I prices in the two marketing areas. The alignment of prices between the Memphis and Mississippi Delta marketing area is now assured by recent amendments to both the Memphis order (25 F.R. 2221) and the Central Mississippi order (25 F.R. 1732). The amendments to these two orders eliminated the seasonal changes in the differential added to the basic formula price in establishing the Class I price. The supply-demand adjustment provision in the Memphis order has also been modified.

In a decision issued September 3, 1958 (23 F.R. 6910), it was concluded the Mississippi Delta marketing area was the most closely associated with the Central Mississippi marketing area. The evidence in this record does not substantiate a change in the conclusion reached in this earlier decision.

8. No change should be made in the level or method of determining the Class II price in any of the three orders.

The cooperative association proposing a review of the Class II price level and the method of determining such prices in these marketing areas complained that the basic prices announced by local manufacturing plants do not represent the actual prices paid dairy farmers delivering milk to such plants. Some of the local manufacturing plants pay premiums for quality and volume of shipments. However, the evidence is insufficient to conclude the actual amounts of such premiums or a feasible administrative method of obtaining a price from manufacturing plants more representative than the basic price presently used. The present level of Class II prices provides for the orderly movement of excess supplies under the existing marketing conditions in the Central Mississippi market.

9. The rate of obligation of a handler operating a nonpool distributing plant in the Mississippi Delta area should not be changed.

A handler proposed that the rate of payment in § 905.62(a) be revised by changing the present rate of the difference between the Class I and II prices to a rate represented by the difference between the Class I price and the uniform price paid dairy farmers as announced and computed in accordance with the Mississippi Milk Audit Law.

The handler making this proposal is an operator of a nonpool distributing plant. The Delta order presently provides this handler the option of paying into the producer-settlement fund the difference between the value of the milk received from dairy farmers at such plant calculated as if such plant were a pool plant and the gross payments actually made by the handler to such dairy farmers. If these dairy farmers receive payment for their milk in an amount equal to or in excess of a value calculated as if the nonpool distributing plant were a pool plant, no payment is due the producer-settlement fund. It has been found (see decision of September 3, 1958 (23 F.R. 6910)) that the opportunity value, based on use in alternative outlets, of other source milk utilized in Class I is equivalent to the Class II price. Proponent's blend price verified under the Mississippi Audit Law will always be at a higher level than the Class II price. Consequently, the proposal would not afford protection of the regulation which has been found to be necessary and it must be denied.

10. The method of determining the daily base and the rules with respect to the transfer of bases should be modified in all three orders.

The Central Mississippi Milk Producers' Association proposed to revise the provisions of all three Mississippi orders to give greater specificity to the method of determining a daily base. Deliveries from farms to pool plants are now being made on an every-other-day basis. Therefore, the number of days' production received from each producer at a pool plant during the base forming period becomes important. As provided herein the revised provisions in all three orders for determining the daily base specify that the total receipts from a producer shall be divided by the total number of days' production from the first days' production received during the base forming period to last days' production received in this period but not less than 120 days. The base transfer provisions in these orders are also modified to provide the use of the number of days' production of the transferor and transferee in the determination of a new base.

Central Mississippi Milk Producers' Association also proposed to amend all three orders with respect to the assignment of a base to a producer shipping to a plant that failed to qualify as a pool plant during each month of the base forming period but becomes a pool plant during the base operating period. It was proposed that bases should not be assigned to such producers in the Central Mississippi and Mississippi Delta orders unless the total receipts of producer milk were less than 110 percent of the total Class I sales in each of these markets. The same proposal was made for the Mississippi Gulf Coast area except that the percentage utilization of producer receipts to Class I sales was 112 percent.

The orders presently provide that a base shall be assigned to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any month of the base operating period, on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period.

The proponent's primary reason for making these proposals is to stabilize the movement of milk between the Mississippi Gulf Coast and New Orleans marketing areas. During 1959, several supply plants that had been pool plants under the New Orleans order at various times qualified as pool plants under the Mississippi Gulf Coast order. Some of these plants normally associated with the New Orleans market qualified as pool plants under the Gulf Coast order for the first time during the March through July period when production from local producers in this market is the highest. The maximum number of plants normally associated with the New Orleans market and qualified under the Gulf Coast order has been two in any one month. The qualification of these supply plants and the movement of milk between the New Orleans and Gulf Coast markets results primarily from handlers' opportunity in both markets to increase business by contract bidding to supply a military establishment located in the Mississippi Gulf Coast area. Another incentive for the movement of plants and milk between these two orders is that dairy farmers, through their cooperative associations, are constantly seeking the marketwide pool with the highest Class I utilization.

The limitations on diversion of producer milk, as previously discussed in these findings, will provide an opportunity for milk to enter the Mississippi Gulf Coast market when the demand situation requires additional supplies. The diversion limitations, however, as herein provided will require a closer association of producers with the Mississippi Gulf Coast market and, therefore, will tend to stabilize market conditions in this area. Therefore, it is concluded that the proposals to amend all three Mississippi orders with respect to the assignment of bases to a producer shipping to a plant that failed to qualify as a pool plant during each month of the base forming period but becomes a pool plant during the base operating period should not be adopted.

The base rules in the Mississippi Gulf Coast order should be further revised to reflect the transfer of producers between the two markets. A producer who is assigned a base under another order and then transfers to the Mississippi Gulf Coast order during the base forming period should have the same base under the Gulf Coast order as assigned for such producer under the other order. It should be further provided in the Gulf Coast order that a base should be assigned to a person for whose account milk is received at a pool plant for less than 120 days during the base forming period and for whose account milk is also received at a plant fully regulated by another order during the base forming period under such other order. Under these circumstances, the base would be determined by combining into one total the receipts of such a producer at pool plants under this order and at fully regulated plants under another order. The revision of the base rules as herein provided will assist in a reasonable movement of producers between marketing areas.

The Central Mississippi Milk Producers' Association further proposed to limit the transfer of a base in all three orders due to circumstances where a base-holder sells, leases, or otherwise conveys his herd to another person. The orders presently provide that a base may be transferred to another person by notifying the market administrator and providing a signed statement of transfer by the base-holder and by the person to whom such base is to be transferred.

The proponents failed to show a need to place further limitations on the transfer of a base by a producer in the Central Mississippi and Delta orders. In the Mississippi Gulf Coast order the limitations on diversion of producer milk each month of the year, as previously discussed in these findings, will deter movements of milk complained of by proponents and thus the proposed restrictions on transfer of bases are unnecessary. Therefore, the proposed limitations on the transfer of bases in all three Mississippi orders should not be adopted.

11. Several miscellaneous and conforming changes should be made in all three Mississippi orders.

Provision should be made for payment of interest on overdue obligations in all three Mississippi orders. The requirement that interest be paid on overdue obligations will encourage prompt payments, thereby making for efficient transactions under the orders. Dates on which accounts are due under the orders allow adequate time for payment of the principal, without an interest charge. It is concluded that one-half of one percent of any unpaid obligation, to or from the market administrator is an appropriate and economically sound payment for each month or fraction thereof that the obligation is overdue. Under the provisions, any unpaid portion of an obligation would be increased one-half of one percent the third day after it is due. Starting interest charges on the third day after the obligation is due will give reasonable time to receive actual payment of obligations postmarked not later than the due date of such obligation. On the same day of each following month, any unpaid portion of the principal and of the interest would be increased one-half of one percent until the obligation with interest is paid.

The Mississippi Delta order now requires reports of receipts and utilization on or before the 5th day, exclusive of Sundays and holidays, of each month from handlers operating pool plants. The Mississippi Gulf Coast order requires such reports by the 6th of each month, exclusive of Sundays and holidays. The Central Mississippi order requires handlers to report by the 6th day of each month. It was proposed that reports from handlers be made on or before the 6th day of each month in the Mississippi Delta and Gulf Coast orders. The market administrator is required to compute and announce by the tenth of each month the uniform prices for both the Mississippi Delta and Gulf Coast orders. Under the present reporting requirements there have been times when handler reports were received by mail, when it was extremely difficult to complete the necessary computations to meet the deadline of announcing uniform prices by the tenth of the month. It is concluded that the report of receipts and utilization from handlers in the Mississippi Delta and Gulf Coast orders should be postmarked or delivered to the office of the market administrator on or before the 6th day of each month.

The Mississippi Delta order is not now specifically clear with respect to the date when the operator of a nonpool distributing plant should submit, to the market administrator, a report of payments to his dairy farmers. Such reports are now being submitted on the 20th of each month. The Mississippi Gulf Coast order lacks clarity with respect to the date when the operator of a nonpool distributing plant should make payments to the producer-settlement fund. Operators of such plants currently make payments on the 25th of each month. The Mississippi Delta and Gulf Coast orders, as herein provided, have been modified accordingly.

The proposal that the number of fresh samples to be employed to determine the butterfat content of milk deliveries of a producer should be not less than 24 for a full month's delivery or a sampling of at least 80 percent of the milk delivered should not be adopted.

The Mississippi Delta order presently provides the market administrator with the responsibility and authority to verify the butterfat content of milk received from producers. Evidence was presented that the market administrator uses reasonable and practical methods of verifying such tests. Under existing market conditions, it is not feasible to follow the procedure outlined by the proponent handler. The additional cost of such a program is not warranted.

Several proposals were made by handlers and a cooperative association to revise the classification of skim milk and butterfat under the Mississippi Delta order. These proposals would classify butterfat disposed of as livestock feed, "dumped" butterfat, eggnog, and ready-to-serve malt products as Class II. Handlers in the Mississippi Delta marketing area serve small cities and villages and find it impractical, in many cases, because of the small quantities involved, to separate the butterfat from route returns. Thus, both the skim milk and butterfat is usually disposed of for livestock feed. Therefore, under the circumstances in this market, butterfat disposed of as livestock feed should be classified as Class II. Circumstances do arise necessitating the "dumping" of skim milk. The order presently provides classification as Class II when such "dumping" of skim milk is authorized by the market administrator. The evidence, however, does not justify the classification of butterfat as Class II under similar circumstances. Therefore, the proposal to classify "dumped" butterfat as Class II is denied. Eggnog and ready-to-serve malt products are required to be made from Grade A dairy products. Therefore, the classification of these items should remain in Class I and the proposals to change the classification to Class II are hereby denied.

A cooperative association proposed to add to the inventories of fluid milk products at the end of the month the milk production of a producer produced on the last day of the month but received at a pool plant the first day of the following month. Inasmuch as the Class I price is no longer on a seasonal basis, there is no practical reason to attempt the proposed accounting procedure. The classification of and payment to producers for milk actually received at pool plants during the month as now provided in the order is the most practical way of accounting and paying for producer milk.

Other revisions in all three of the Mississippi orders have been made to eliminate obsolete language or clarifying and conforming changes to implement the intent of the revisions to the orders as specified herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto with respect to the Central Mississippi order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Mississippi Delta, Central Mississippi and Mississippi Gulf Coast marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Mississippi Delta order:

1. Delete § 905.6 and substitute the following:

§ 905.6 Mississippi Delta marketing area.

Mississippi Delta marketing area, hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations within Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphreys, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster (except Beat 5), Winston, and Yazoo Counties; Beats 1 and 4 in Calhoun County; Beats 4 and 5 in Coahoma County; Beats 2, 3, 4, and 5 in Quitman County including all of the village of Crowder; and Beats 1, 4, and 5 in Yalobusha

County all within the State of Mississippi.

2. Amend § 905.12(c) by changing the reference to § 905.14 to § 905.15.

3. Delete § 905.14 and substitute the following:

§ 905.14 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 905.15.

4. Delete § 905.15 and substitute the following:

§ 905.15 Producer milk.

"Producer milk" means all skim milk and butterfat received at a pool plant directly from producers or which is diverted by the operator of a pool plant or by a cooperative association as provided pursuant to § 905.12(c) for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the months;

(b) During March through July the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days of the month;

(c) During the months of August through February the operator of a pool plant or a cooperative association may divert milk from a pool plant to a nonpool plant in an amount not in excess of one-third of the total quantity of milk physically received at a pool plant during the month; and

(d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

(e) In case milk diverted is in excess of the amount specified in paragraph (c) of this section, only that milk physically received at a pool plant will be producer milk.

5. Amend § 905.22(i)(1) to read as follows:

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 905.50(a), and the Class I butterfat differential computed pursuant to § 905.51(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.50(b) and the Class II butterfat differential computed pursuant to § 905.51(b) both for the previous month.

6. Amend the first paragraph of § 905.30 to reads as follows:

§ 905.30 Reports of receipts and utilization.

On or before the 6th day of each month each handler who operates a pool plant(s), each handler, other than a producer-handler, who operates a nonpool distributing plant, and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

7. Amend § 905.31(c) to read as follows:

(c) On or before the 20th day after the end of the month each handler operating a nonpool distributing plant and making payments pursuant to § 905.62(b) shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

8. Amend § 905.41(b) to read as follows:

(b) Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk authorized by the market administrator to be dumped;

(3) The shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producer, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products from pool plants of other handlers, less 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products to pool plants of other handlers;

(4) The shrinkage of other source milk;

(5) All the skim milk and butterfat accounted for as disposed of for livestock feed; and

(6) The inventories of fluid milk products on hand at the end of the month.

9. Delete § 905.42 and substitute the following:

§ 905.42 Assignment of shrinkage.

The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Assign the resulting amount, prorated to the handler's receipts of skim milk and butterfat, respectively, in (1) milk received directly from producers and from other pool plants less transfers in bulk to other pool plants, and (2) other source milk.

10. Delete § 905.44 and substitute the following:

§ 905.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless:

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 905.30;

(2) The receiving plant has utizilation in Class II of equivalent amounts of skim milk and butterfat, respectively, and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk, pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(d) A nonpool plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 905.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant but not to exceed 2 percent of such total receipts during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided*, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subparagraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 905.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

11. Delete § 905.46 and substitute the following:

§ 905.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage pursuant to § 905.41(b)(3);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except as specified in paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers in such class pursuant to §§ 905.41 and 905.44(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

12. Delete § 905.53 and substitute the following:

§ 905.53 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 905.70 (c) (e) and (f) shall be effective only in the months when the total receipts of producer milk are 110 percent or more of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference by the location differential applicable at a pool plant of the same location as the nearest nonpool plant(s) supplying such other source milk.

13. Amend § 905.62(b)(2) to read as follows:

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 905.93 had such plant been a pool plant.

14. Delete § 905.70 and substitute the following:

§ 905.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the producer milk in each class, as computed pursuant to § 905.48, by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 905.46(h) and the corresponding step of § 905.47 by the applicable class price.

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46 (b) and the corresponding step of § 905.47 by the rate as determined pursuant to § 905.53(a);

(d) Add the amount obtained by multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 905.46(e) and the corresponding step of § 905.47; or

(2) The hundredweight of producer milk classified as Class II (except shrinkage) during the preceding month;

(e) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46(c) and the corresponding step of § 905.47 by the rate pursuant to § 905.53(b) for the nearest plant(s) from which an equal amount of other source milk was received in the form of fluid milk products; and

(f) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46(e) and the corresponding step of § 905.47 by the rate pursuant to § 905.53 (a) or (b), as the case may be, which:

(1) Is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity subtracted from Class II pursuant to § 905.46(d) and the corresponding step of § 905.47; and

(2) Is also not in excess of the quantity subtracted from Class II pursuant to § 905.46 (b) and (c) in the preceding month.

15. Delete § 905.80 and substitute the following:

§ 905.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received at all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days, or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

16. Amend § 905.82(b)(1) to read as follows:

(1) If one or more bases are transferred to a producer already holding a

base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the larger of:

(i) 120 days, or

(ii) The number of days beginning with the first day on which milk is received for either the transferee or transferor during the base forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

17. Delete § 905.92 and substitute the following:

§ 905.92 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer.

18. Redesignate § 905.97 as § 905.98 and add a new § 905.97 as follows:

§ 905.98 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 905.62, 905.91(a), 905.92(a), 905.93, 905.95, or 905.96 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

CENTRAL MISSISSIPPI ORDER

1. Amend § 987.12(a) by changing the reference to § 987.13 to § 987.14.

2. Delete § 987.13 and substitute the following:

§ 987.13 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 987.14.

3. Delete § 987.14 and substitute the following:

§ 987.14 Producer milk.

"Producer milk" means all skim milk and butterfat received at a pool plant directly from producers or which is diverted by a handler for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the month;

(b) During December through August such a handler or a cooperative association may divert the milk production of a producer to a nonpool plant (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) for any number of days of the month;

(c) During the months of September through November milk production of a producer may be diverted by a handler, from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as producer milk for a maximum of 10 days' production. Milk diverted in excess of 10 days' production of such a producer shall not be producer milk; and

(d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

4. Delete § 987.44 and substitute the following:

§ 987.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless;

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 987.30;

(2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 987.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided*, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subsection;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 987.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

5. Delete § 987.46 and substitute the following:

§ 987.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computation shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 987.42(b)(1);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 987.41 and 987.44(a).

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

§ 987.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 987.46.

§ 987.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 987.46 and 987.47 for each class and determine the weighted average butterfat content of producer milk.

6. Amend § 987.50(c) to read as follows:

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starksville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

7. Amend § 987.53 starting with, "Provided, That", to read as follows: "*Provided*, That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculation prescribed in § 987.46(d) and the corresponding steps of § 987.47 for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable."

§ 987.54 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 987.70 (d) and (e) shall be effective only in the months when the total receipts of producer milk are more than 110 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference at the same rate of location differential as set forth in § 987.53 for the location of the nearest nonpool plant(s) supplying such other source milk.

8. Delete § 987.70 and substitute the following:

§ 987.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 987.46(b) and the corresponding step of § 987.47, by the rate of payment determined pursuant to § 987.54(a).

(e) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 987.46(c) and the corresponding step of § 987.47, by the rate of payment determined pursuant to § 987.54(b).

9. Amend § 987.71(a) to read as follows:

(a) Combine into one total the values computed pursuant to § 987.70 for the producer milk of all handlers who submit reports prescribed in § 987.30 and who have made payments for the previous month pursuant to § 987.97.

10. Amend § 987.72(a) to read as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 987.30, and who have made payments for the previous month pursuant to § 987.97, as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price; and (3) add together the resulting amounts.

11. Delete § 987.80 and substitute the following:

§ 987.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of skim milk received by all pool plants

from such producer during the months of September through January by the larger of:

(a) 120 days, or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

12. Amend § 987.82(b)(1) to read as follows:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and the transferor during the base forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day of which milk is received for either the transferee or transferor during the base forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

13. Amend § 987.94(b) to read as follows:

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer.

14. Delete § 987.95 and substitute the following:

§ 987.95 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for the immediately preceding month, five cents per hundredweight, or such amount not exceeding five cents per hundredweight, as the Secretary may prescribe, with respect to all:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 987.46 (b) and (c) and the corresponding steps of § 987.47; and

(c) Applicable amounts specified in § 987.62 (a)(2) or (b)(2).

15. Redesignate the present §§ 987.99, 987.100, 987.101, and 987.102 as §§ 987.100, 987.101, 987.102 and 987.103, respectively, and add a new § 987.99 as follows:

§ 987.99 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 987.62, 987.93, 987.94(a), 987.95, 987.97, or 987.98 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

MISSISSIPPI GULF COAST ORDER

1. Amend § 1014.10(b) as follows:

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers producing Grade A milk is moved to a plant(s) described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received, before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant(s) described in paragraph (s) of this section.

2. Amend § 1014.12(c) as follows:

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1014.15.

3. Delete § 1014.14 and substitute the following:

§ 1014.14 Producer.

"Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 1014.15.

4. Delete § 1014.15 and substitute the following:

§ 1014.15 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received at a pool plant or by a cooperative association as provided pursuant to § 1014.12(c) for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the month;

(b) During March through July the operator of a pool plant or a cooperative association may divert milk from a pool plant to a nonpool plant in an amount not in excess of two-thirds of the total quantity of milk physically received at a pool plant during the month: *Provided*, That such diversion privileges in any month shall be applicable only to the milk of those dairy farmers who held producer status throughout the two immediately preceding months;

(c) During the months of August through February the operator of a pool plant or a cooperative association as provided pursuant to § 1014.12(c) may divert milk from a pool plant to a nonpool plant in an amount not in excess of one-third of the total quantity of milk physically received at a pool plant during the month;

(d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

(e) In case milk diverted is in excess of the amount specified in paragraphs (b) or (c) of this section, only that milk physically received at a pool plant will be producer milk.

5. Amend § 1014.22(i) as follows:

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 1014.50(a) and the Class I butterfat differential computed pursuant to § 1014.51(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1014.50(b) and the Class II butterfat differential computed pursuant to § 1014.51(b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 1014.71 and the butterfat differential computed pursuant to § 1014.81; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1014.72 and the butterfat differential computed pursuant to § 1014.81.

6. Amend the first paragraph of § 1014.30 as follows:

§ 1014.30 Reports of receipts and utilization.

On or before the sixth day of each month each handler operating a pool plant(s), each handler (other than a producer-handler) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

7. Delete § 1014.44 and substitute the following:

§ 1014.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless:

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 1014.30;

(2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk, pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by one order(s), other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) A nonpool plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products received at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the simflar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1014.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total receipts physically received at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided*, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subparagraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 1014.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim mill: and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim milk, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

8. Delete § 1014.46 and substitute the following:

§ 1014.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computation shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1014.41(b)(3);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 1014.41 and 1014.44(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

9. Add two new §§ 1014.47 and 1014.48 as follows:

§ 1014.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 1014.46.

§ 1014.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 1014.46 and 1014.47 for each class and determine the weighted average butterfat content of producer milk.

10. Delete § 1014.52 and substitute the following:

§ 1014.52 Location differentials to handlers.

For milk which is received from producers at a pool plant located more than 60 miles by the shortest highway distance as determined by the market administrator from the courthouse in Gulfport or Pascagoula, Mississippi, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 1014.50(a) shall be reduced by 10 cents if such plant is located more than 60 miles but not more than 160 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 160 miles: *Provided*, That, for the purposes of calculating such loca-

tion differentials, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1014.46(d) and the comparable steps in § 1014.47 for such plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable.

11. Change the present § 1014.53 to § 1014.54 and add a new § 1014.53 as follows:

§ 1014.53 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 1014.70 (c) (e) and (f) shall be effective only in the months when the total receipts of producer milk are more than 112 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference at the same rate of location differential as set forth in § 1014.52 for the location of the nearest nonpool plant(s) supplying such other source milk.

12. Amend the first paragraph of § 1014.61 to read as follows:

§ 1014.61 Handler operating a nonpool distributing plant.

Each handler who operates, during the month, a nonpool distributing plant shall pay to the market administrator the amounts calculated purquant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1014.30 to pay the amounts computed pursuant to paragraph (b) of this section. The amounts payable pursuant to this section shall be made on or before the 25th day after the end of the months.

13. Delete § 1014.70 and substitute the following:

§ 1014.70 Computation of the value of milk received from producers by each handler.

The value of milk received during each month by each handler from producers shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 1014.48 by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1014.46(h) and the corresponding step of § 1014.47 by the applicable class price;

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(b) and the corresponding step of § 1014.47 by the rate as determined pursuant to § 1014.53(a).

(d) Add the amount obtained by multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1014.46(a) and the corresponding step of § 1014.47; or

(2) The hundredweight of producer milk classified as Class II (except shrinkage) during the preceding month;

(e) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(c) and the corresponding step of § 1014.47 by the rate pursuant to § 1014.53(b) for the nearest plant(s) from which an equal amount of other source milk was received in the form of fluid milk products; and

(f) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(e) and the corresponding step of § 1014.47 by the rate pursuant to § 1014.53 (a) or (b) as the case may be, which:

(1) Is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity subtracted for the preceding month from Class II pursuant to § 1014.46(d) and the corresponding step of § 1014.47; and

(2) Is also not in excess of the quantity subtracted from Class II pursuant to § 1014.46 (b) and (c) in the preceding month.

14. Amend § 1014.72(b) by changing the reference to § 1014.81 to § 1014.82.

15. Amend § 1014.72(d) by changing the reference to § 1014.82 to § 1014.81.

16. Delete § 1014.75 and substitute the following:

§ 1014.75 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days, or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

17. Delete § 1014.77(a) and substitute the following:

§ 1014.77 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to:

(1) Each person for whose account milk is received at a pool plant during the months of September through January in accordance with § 1014.75 except that the total receipts from a person for whose account milk is received at a pool plant for less than 120 days during the months of September through January and for whose account milk is also received at a plant(s) fully regulated by another order issued pursuant to the Act during the months of September through January shall be determined by combining into one total the receipts at a pool plant(s) and at a plant(s) fully regulated under another order;

(2) Each person that, during the month, has not been assigned a base under another order issued pursuant to the Act, but for whose account milk was received at a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the immediately following months of March through July, on such receipts at such plant as if such plant had been a pool plant during each month of the base forming period; and

(3) Each person that, during the months, has been assigned a base under another order issued pursuant to the Act, but for whose account milk was received at a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the immediately following months of March through July, the same as the base assigned under such other order.

(b) An entire base shall be transferred from a person holding such base to another person as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base holder or his heirs and by the person to whom such base is to be transferred subject to the following conditions:

(1) If one or more bases are transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

18. Redesignate § 1014.89 as § 1014.90 and add a new § 1014.89.

§ 1014.89 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1014.61, 1014.84, 1014.85, 1014.86, 1014.87(a) or 1014.88 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

Issued at Washington, D.C., this 2d day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-7298; Filed, Aug. 4, 1960; 8:48 a.m.]

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 957.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, both as amended, to enable such committee to perform its functions, pursuant to provisions of the amended marketing agreement and order, during the fiscal period beginning June 1, 1960, and ending May 31, 1961, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, both as amended, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: August 1, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7288; Filed, Aug. 4, 1960; 8:47 a.m.]

[7 CFR Part 1020]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rule Making With Respect to Carryover of Unexpended Funds

Consideration is being given to the following proposal submitted by the Washington Apricot Marketing Committee, established under Marketing Agreement No. 132 and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of $5,765.09, which are in excess of expenses incurred during the fiscal period ended March 31, 1960, shall be carried over as a reserve, and may be used, in accordance with the provisions of § 1020.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 1, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7289; Filed, Aug. 4, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 13737; FCC 60-983]

SPECIFICATIONS OF BANDWIDTH OF CERTAIN KINDS OF TRANSMITTERS PRODUCING COMPOSITE TRANSMISSIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The purposes of the rules proposed herein are to provide satisfactory formulas for computing the necessary bandwidth and to provide for a standard modulation condition for measuring the occupied bandwidth of certain kinds of transmitters. The proposed rules are set forth below.

3. "Necessary bandwidth", as defined in § 2.202(a) of the Commission's rules, is the established criterion in most radio services for assigning the bandwidth prefix in the emission designator used in licensing and type acceptance procedures. Section 2.202(b) provides a table of formulas for calculating necessary bandwidths for various types of equipment. Presently the formulas in this table are not designated as applicable to composite types of emissions produced by multiplex modulation systems. The formulas set forth below for inclusion in the tables of § 2.202(b) would apply to equipment employing composite modulation systems to provide a plurality of channels over a single transmitter.

4. "Occupied bandwidth", as defined in § 2.524(c) of the Commission's rules, also is an important characteristic of transmitting equipment. It provides an index of the spectrum distribution of the power radiated by the transmitter, thus permitting an evaluation of the interference potential of the equipment. The Commission requires an actual measurement of occupied bandwidth to be submitted with transmitter type acceptance applications. Up to the present time, a standard method of measuring the occupied bandwidth of transmitters which produce composite emissions has not been set forth in the rules. This has led to some confusion and misunderstanding about the technical requirements and measurement procedures which should be employed in connection with type acceptance applications. It appears that standardization of the modulation conditions for such measurements would benefit applicants for type acceptance and would aid the Commission by minimizing confusion. Standardization also would provide a foundation for a more equitable evaluation of type acceptance applications. The specified modulation conditions proposed for occupied bandwidth measurement in this rule making are considered "representative" and are parallel with similar requirements specified for other types of transmitters. In essence, it is proposed that, for transmitters in which the modulating baseband comprises more than three channels, the modulating signal should consist of random noise of a specified bandwidth and at a specified level. Transmitters in which the modulating base band comprises a lesser number of channels should be modulated with a complement of signals representative of operating conditions. The signal generating and the measuring equipment required for the proposed measurements are readily available to manufacturers of transmitting equipment.

5. In addition, it is proposed to add to § 2.1 of the Commission's rules a definition of the term "baseband". This is considered necessary in order to regularise application of the proposed bandwidth rules. The term "baseband" is of long standing and is widely used and understood in the communications industry. It is a term embracing the aggregate of the frequency ranges occupied by all the individual channels modulating the transmitter.

6. In issuing this notice of proposed rule making the Commission has taken cognisance of the Recommendations regarding Microwave Bandwidth submitted by the Electronic Industries Association (EIA) under date of January 19, 1960. The proposed rules herein are believed to be consonant with the recommendations of the EIA document.

7. The proposed rules are issued under authority of sections 4(i), 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before October 1, 1960, a written statement or brief setting forth his comments. At the same time, any person who favors the proposed rules may file a statement or brief in support thereof. Rebuttal comments or briefs may be filed within ten days from the last date of filing of said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place thereof will be given.

9. In accordance with § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 29, 1960.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 2.1 [Amendment]

1. It is proposed to amend § 2.1 *Definitions*, by adding the following in the appropriate alphabetical order:

Baseband. In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

2. It is proposed to amend the tables in § 2.202(b) by adding the following classifications:

§ 2.202 Bandwidths.

* * * * *

(b) *Table of necessary bandwidths.*

I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
* *	* *	* *	*
Composite transmission: A9.	2*M* (double sideband)	525 line television relay, visual signal limited to 4 Mc maximum, aural channel on 6.5 Mc subcarrier. *M* = 6.5×10⁶. Bandwidth: 13,000 kilocycles.	13,000A9
Composite transmission: A9.	2*M*	Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kilocycles. *M* = 164×10³. Bandwidth: 328 kilocycles.	328A9

II. FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
* *	* * *	* *	*
Composite transmission: F9.	2*M*+2*D*	Microwave relay system providing 240 telephone channels occupying baseband between 60 and 1050 kilocycles. *M* = 1.05×10⁶. *D* = 2.35×10⁶. Bandwidth: 6800 kilocycles.	6800F9
Composite transmission: F9.	2*M*+2*D*	TV microwave relay, aural program on 7.5 Mc subcarrier; subcarrier deviation plus or minus 140 kilocycles. *M* = subcarrier frequency plus maximum deviation = (7.5 plus 0.14)×10⁶. *D* = 1×10⁶ (visual) plus 0.3×10⁶ (aural). Bandwidth: 17,880 kilocycles.	17,880F9
Composite transmission: F9.	2*M*+2*D*	FM Broadcast with 2 FM subcarriers in multiplex at 41 and 67 kc, subcarrier deviation plus or minus 8 kc. *M* = (67 plus 8)×10³. *D* = 52.5×10³ (main) plus 2×11.25×10³ (subchannels) = 75×10³. Bandwidth: 300 kc.	300F9

III. PULSED EMISSIONS

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
* *	* *	* *	*
Composite transmission: P9.	$2\frac{K}{t}$ K=1.6	Microwave relay, pulse-position modulated by 36 channel baseband: pulse width at half amplitude = 0.4 microseconds. Bandwidth: 8000 kc.	8000P9

3. It is proposed to amend § 2.524 by redesignating paragraph (c)(6) as (c)(8), and by adding new paragraph (c)(6) and (7), as follows:

§ 2.524 Measurement data required for type acceptance.

* * * * *

(c) * * *

(6) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kilocycles to the highest frequency in the baseband. The level of the test signal shall be adjusted to provide RMS modulation which is 22.4 percent of the full rated peak modulation of the transmitter.

(7) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the test levels should provide the manufacturer's maximum rated condition.

(8) Transmitter designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

[F.R. Doc. 60-7309; Filed, Aug. 4, 1960; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 13756; FCC 60-968]

INTERFERENCE RECEIVED BY CLASS IV BROADCAST STATIONS SEEKING TO INCREASE POWER

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3.28(c) of the rules presently provides that a Class II, III, or IV station may be assigned to a channel, even though it receives interference, if (1) no objectionable interference is caused to existing stations, or, if so, the need for the new service outweighs the need for the service lost; (2) primary service will be provided to the community, and (3) in pertinent part: "The interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area."

3. It is proposed to amend the first sentence of subparagraph (3) to read as follows: "The interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area except in the case of existing Class IV stations on local channels seeking to increase daytime power in excess of 250 watts."

Slight language changes are also proposed in the last sentence of subparagraph (3) for clarification.

4. The Commission on May 28, 1958 amended its rules to provide, with certain restrictions, that the limit on daytime power of Class IV stations be raised from 250 watts to 1 kilowatt. On April 8, 1959, we further amended our rules to provide for the processing of applications for such facilities. There are now pending before the Commission more than 400 applications by Class IV stations to increase their daytime power above 250 watts. The mutual interference among these Class IV stations seeking to avail themselves of the new power ceiling of 1 kilowatt would in most cases entail interference to the individual station's new service area in excess of the 10 percent contemplated by § 3.28(c)(3). Notwithstanding this, in nearly all cases, additional areas and population will be served by such increase of power to 1 kilowatt. In these circumstances, and taking into account the purposes to be served by the amendment adopted May 28, 1958, increasing the maximum daytime power of Class IV stations, it appears undesirable to continue to apply § 3.28(c)(3) to such cases and thereby frustrate, to an extent, the improvement of service which the power increase would enable Class IV stations to achieve.

5. In view of the foregoing, it is proposed to amend § 3.28(c) of the rules as set forth below.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before September 1, 1960, and reply comments on or before September 15, 1960. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. Authority for the amendment proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. In accordance with the provisions of section 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be filed with the Commission.

Adopted: July 27, 1960.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Subparagraph (3) of § 3.28(c) is amended. As amended, paragraph (c) reads as follows:

§ 3.28 Assignment of stations to channels.

* * * * *

(c) Upon showing that a need exists, a Class II, III, or IV station may be assigned to a channel available for such class, even though interference will be received within its normally protected contour; *Provided:* (1) No objectionable interference will be caused by the proposed station to existing stations or that if interference will be caused, the need for the proposed service outweighs the need for the service which will be lost by reason of such interference; and (2) primary service will be provided to the community in which the proposed station is to be located; and (3) the interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area except in the case of existing Class IV stations on local channels seeking to increase daytime power in excess of 250 watts. However, in the event that the nighttime interference received by a proposed Class II or III station would exceed this amount, then an assignment may be made if the proposed station would provide either a standard broadcast nighttime facility to a community not having such a facility or if 25 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service.

[F.R. Doc. 60-7311; Filed, Aug. 4, 1960; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 13755; FCC 60-966]

NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

Specified Nonbroadcast Activities on Multiplex Basis

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it two petitions for rule making seeking to permit noncommercial educational FM broadcast stations to engage in specified non-broadcast activities on a multiplex basis to the extent and in the same manner that commercial FM broadcast stations were so authorized by the Commission's Report and Order released May 9, 1960, in Docket No. 12517.

3. One of these petitions was filed with the Commission June 24, 1960, by the National Association of Educational Broadcasters. (RM 188) The other petition was filed with the Commission June 30, 1960, by the WGBH Educational Foundation, (RM 189) licensee of noncommercial educational Station WGBH-FM, Boston, Massachusetts. Both petitions alleged that 162 educational FM broadcast stations now on the air would be severely handicapped in the organization of educational networks, in the rendering of specialized program services, expansion of in-school educational programming and allied activities if denied the authorization requested.

4. The Commission also has before it a petition filed on October 8, 1958, by the American Medical Association which, in addition to proposals for special Physicians' Radio Services which are a subject of the Commission's proceeding in Docket No. 13273, also requests amendment of Parts 3 and 4 of the Rules "to permit non-commercial educational FM stations to multiplex broadcast channels and to use such channels and associated remote pickup facilities for educational purposes without restriction". In support of its request the Medical Association cites the successful use by Albany Medical College of its educational FM station WAMC for post graduate instruction. The association urges that the Commission authorize multiplexing operation by educational stations, asserting that it will encourage the expansion of this valuable service and at the same time afford "semi-private" facilities for the discussion of medical subjects whose airing on regular broadcast channels available to the general public might not be deemed acceptable. It is appropriate to consider herein this portion of AMA's petition of October 8, 1958.

5. Petitioners WGBH Educational Foundation together with Fordham University and Pacifica Foundation, filed comments in the Commission's proceedings, Docket No. 12517, which authorized multiplexing for commercial FM broadcast stations, urging that in that proceeding the Commission likewise extend the authorization to include noncommercial educational FM stations. In paragraph 15 of its Report and Order (FCC 60-497) in that proceeding, the Commission stated: "While sympathetic with the objectives expressed in these comments, we feel that this issue goes beyond the scope of our Notice of Inquiry in this proceeding, and would more properly be considered in connection with formal petitions for rule amendment now pending before the Commission."

6. The Commission is now prepared to institute proceedings pursuant to petitioner's requests, and invites all interested parties to submit comments on the proposal to extend, through appropriate amendments of the Commission's Rules, the authorization for Subsidiary Communications Service by means of multiplexing to noncommercial educational FM stations. The language of the proposal submitted by the National Association of Educational Broadcasters is broadly phrased and would appear, in its terms, to include, without limit, all forms of service which might be rendered by the use of a subcarrier. To the extent that it may be contemplated that noncommercial educational FM stations be authorized to provide commercial background music or other program services similar to the "functional music" services provided by commercial FM stations to commercial subscribers, it should be noted that the proposal is inconsistent with the policy underlying § 3.503(c) of the Commission's rules which provide, in relevant part, that:

(c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made * * *.

No justification is offered for amendment of the rules in this regard and we discern no basis in the pleadings before us for departing from the limits established by § 3.503(c). Accordingly, the proposal upon which comments are invited herein is limited to authorizing noncommercial educational FM stations to use subcarrier transmissions on a multiplex basis for educational purposes which in all respects conform with basic policy underlying the established rules limiting the use of such stations to noncommercial educational service.

7. Authority for the adoption of the amendments proposed in this proceeding is contained in sections 4(i), 303 (a), (b), (e), (g) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before September 1, 1960, and reply comments on or before September 15, 1960. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the Commission rules, an original and 14 copies of all written comments shall be filed with the Commission.

Adopted: July 27, 1960.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7312; Filed, Aug. 4, 1960; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 13264; FCC 60-974]

NEW BEDFORD, MASS.

Table of Assignments, Television Broadcast Stations

1. The Commission has before it for consideration the proposal set out in its notice of proposed rule making, released November 16, 1959 (FCC 59-1148) to amend § 3.606 *Table of assignments*, Television Broadcast Stations, by deleting Channel 6 from New Bedford, Massachusetts. Comments and reply comments have been received and the time for filing such pleadings has now expired.

2. On June 16, 1960, E. Anthony & Sons, Inc., Eastern States Broadcasting Corporation, and New England Television Company, Inc., all applicants for the Channel 6 facility at New Bedford, filed a joint request for termination of the proceedings in this Docket. These parties allude to the Memorandum Opinion and Order in Docket No. 12433 (FCC 60-596), released May 27, 1960, in which the Commission accepted the amendment of E. Anthony & Sons, Inc., filed June 18, 1959, for a change in the transmitter site for the proposed Channel 6 Station, alleging that by reason of the Commission's action, authorizing the change of the television tower site, the interference issue relating to the United States Coast Guard LORAN-C station has been rendered substantially moot. The Coast Guard, in fact, withdrew its objection to the proposed site, in view of the amendment, on the record in the adjudicatory proceeding. Transcript of Record, Docket No. 12433, Volume 5, page 125, June 23, 1960.

3. The sole basis upon which we proposed in this Docket to delete the assignment of Channel 6 from New Bedford was stated in the following language in the Notice of Proposed Rule Making:

It now appears that, because of objections posed in the interests of national defense, there is no prospect of locating a Channel 6 transmitter within the only area in which it would comply with the mileage separation requirements of § 3.610 of the rules.

Since, as already indicated, this proposal has been satisfactorily solved, there is no further occasion for pursuing the instant proceedings.

4. Springfield Television Broadcasting Corporation submitted a counterproposal looking toward the deletion of Channel 3 from Hartford, Connecticut, and its assignment to Providence, Rhode Island. This counterproposal was opposed by a number of parties. We are of the view that the merits of the counterproposal and the comments in opposition thereto can more appropriately be considered in the proceeding in Docket No. 13375, in which the Commission has under consideration an additional VHF assignment to Providence. Accordingly, these pleadings will be considered with that Docket.

5. Authority for the action taken herein is contained in section 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That the request for termination of Commission's rule making proceeding, filed herein on June 16, 1960, is granted; and that this proceeding is terminated.

Adopted: July 29, 1960.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
BEN WAPLE,
Acting Secretary.

[F.R. Doc. 60-7313; Filed, Aug. 4, 1960; 8:49 a.m.]

[47 CFR Part 10]

[Docket No. 13754; FCC 60-963]

ADDITIONAL FREQUENCIES FOR ASSIGNMENT TO LOCAL GOVERNMENT RADIO SERVICE

Notice of Proposed Rule Making

1. On December 18, 1957, the Commission adopted the First Report and Order in Docket No. 12169 which, inter alia, made frequencies in the 150.8–152.0 Mc band available for assignment on a 30 kc channel basis. This band had been reallocated from government to non-government use by Commission Order of September 19, 1957 (FCC 57-1016).

2. The frequencies between 150.995 Mc and 151.475 Mc thus created in the above Report and Order were assigned to Part 10 (Forestry Conservation and Highway Maintenance Radio Services). This band has not heretofore been further sub-divided so as to create 15 kc channels such as has been already effected in parts of the 152–162 Mc band.

3. In the First Report and Order in Docket 13273 adopted July 20, 1960, the Commission recognized the need for additional frequencies for use in the Local Government Radio Service. It was pointed out that the present frequencies were inadequate and that in some areas assignments were virtually impossible. The Commission then concluded "To alleviate the situation, the Commisison intends to issue a notice of proposed rule making in the near future proposing to split certain frequencies between 150 8 Mc and 152 Mc and to assign the split channels resulting therefrom to the Local Government Radio Service."

4. In this proceeding, the Commission is proposing to split that part of the 150.8–152.0 Mc band which is presently assigned to Part 10 Services and to make the resulting channels available to the Local Government Radio Service. Thus, the frequencies affected would be those between 150.995 Mc and 151.475 Mc. This would establish 16 frequencies for Local Government radio use.

5. Since the frequencies resulting therefrom would be 15 kc channels, they would normally be assignable subject to the conditions of § 10.555(g)(5) (i), (ii), (iii). Because of the difficulty involved in meeting these conditions, it has been the Commission's experience that usage of such tertiary frequencies is necessarily limited. Hence, while it is not proposed that these conditions be eliminated or amended with respect to these 16 new frequencies, the Commission is raising this issue and is specifically seeking comments thereon.

6. The proposed amendment to the rules is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any persons desiring to support this proposal may file with the Commission on or before September 15, 1960 written data, views or arguments setting forth his comments. Comments in support of the proposed amendments also may be filed on or before the same date. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 27, 1960.
Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7314; Filed, Aug. 4, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Revenue From Parcel Rooms and From Storage of Baggage

JULY 25, 1960.

Notice is hereby given that the Interstate Commerce Commission has under consideration amendment of the accounting regulations (49 CFR Part 10) applicable to railroads canceling the texts of operating-revenue accounts 134, Parcel Room, and 136, Storage-Baggage. At the same time, operating-revenue account 143, Miscellaneous, will be amplified to provide that revenue from operation of parcel rooms and from storage of baggage shall be included in this account.

Explanatory statement. Since the advent of automatic coin lockers at stations in which passengers may place their baggage, revenue from operation of parcel rooms and storage of baggage has declined to an insignificant amount in relation to the gross revenues of carriers. The amount is not of sufficient importance to call for the use of separate primary accounts in which to disclose the proceeds from this operation. Therefore, it is proposed to cancel the two separate accounts and include such revenues in the general revenue account now provided for incidental transportation revenues.

All interested persons are invited to submit on or before September 1, 1960, written views or suggestions and may request oral argument or public hearing.

This notice will be served on all common carriers by railroad, and notice will be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Federal Register Division.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-7287; Filed, Aug. 4, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah (II-8)]

UTAH

Small Tract Classification Cancellation

JULY 29, 1960.

Effective August 1, 1960, Small Tract Classification Order No. 3, dated June 14, 1955, embracing the following-described lands is cancelled:

SALT LAKE MERIDIAN

T. 14 S., R. 10 E.,
Sec. 19: NE¼NE¼.

Containing 40 acres.

VAL B. RICHMAN,
State Supervisor.

[F.R. Doc. 60-7269; Filed, Aug. 4, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASES IN RATES

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates indicated below, the following Thirty-Sixth and Thirty-Seventh Supplemental Orders to the original order in this proceeding dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

THIRTY-SIXTH SUPPLEMENTAL ORDER; DATED JULY 14, 1960

It appearing that by the Original Order (as amended) in Docket 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on June 20, 1960, Atlantic and Gulf/Hawaii Conference filed Application No. 19 seeking authority to publish, post and file, on 30 days' notice a consecutively numbered revised page to F.M.B.-F. No. 20 in order to establish the following commodity rate item:

Item 1141—Magnesite, Calcined	Basis	Group A	Group B
	W/M	28.25	28.25

Per ton

When one port of loading required-- $12.40
When two ports of loading required-- $12.50

NOTES.

1. Subject to prior booking arrangements and confirmation by the carrier.

2. Freight charges to be assessed on outturn weight of shipments. Delivery of all such cargo on board shall discharge carriers' bill of lading obligation. Bills of lading shall be clausued: "Freight to be paid on outturn weight. All on board to be delivered."

3. Cargo moving under this item to be loaded, trimmed and discharged by the shipper and/or consignee free of all expense to the vessel of its agent.

It further appearing that the Board having found good cause therefor has on July 21, 1960, granted special permission to publish such changes on not less than thirty days' notice under Special Permission No. 3855;

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3855 and Thirty-Seventh Supplemental Order; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents, protestants, and intervenors herein; and that this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: August 2, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7282; Filed, Aug. 4, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10833 etc.; FCC 60-986]

CITY OF JACKSONVILLE ET AL.

Order Reopening Record for Further Hearing on Stated Issues

In re applications of City of Jacksonville, Jacksonville, Florida, Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Co., Jacksonville, Florida, Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corp., Jacksonville Florida, Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations (Channel 12).

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1960;

The Commission having notice of so much of the proceedings of the session of June 2, 1958, of the Subcommittee on

Legislative Oversight, Committee on Interstate and Foreign Commerce, House of Representatives (Legislative Oversight Committee), as related to the question of possible ex parte representations made during the course of the above-entitled proceeding;

The Commission having reviewed and considered the information and material adduced in the course of a further inquiry by Commission staff into such matters, undertaken at the direction of the Commission; and

It appearing that the record of the Legislative Oversight Committee and the information disclosed by such Commission inquiry with respect to the matter of ex parte representations raise question with respect to whether the award heretofore made may be void ab initio or voidable, and whether a party or parties to the proceeding may be disqualified by reason of misconduct to receive an award of a television construction permit;

It is ordered, That the record in this proceeding is reopened and further hearing shall be held before a Hearing Examiner to be subsequently assigned on the following issues:

1. To determine whether any of the members of the Commission who participated should have disqualified himself from voting in the proceedings before the Commission which resulted in the award of a construction permit for a television station on Channel 12 in Jacksonville.

2. To determine whether any person or persons influenced or attempted to influence any member of the Commission with respect to the proceedings resulting in the award of the construction permit for Channel 12, Jacksonville, in any manner whatsoever except by the recognized and public processes of adjudication.

3. To determine whether any party to the proceedings before the Commission which resulted in the award of the construction permit for Channel 12 in Jacksonville directly or indirectly secured, aided, confirmed, ratified, or knew of any misconduct or improprieties in connection with the proceedings.

4. To determine, in the light of the facts adduced upon the foregoing issues, whether the grant heretofore made of a construction permit for Channel 12, Jacksonville, was void ab initio and if not, whether such grant is voidable and action should be taken to set it aside; whether any of the applicants in this proceeding was and is disqualified to receive a grant of its application; and whether the conduct of any applicant, if not of a disqualifying character, has been such as to reflect adversely upon such applicant from a comparative standpoint.

It is further ordered, That the further hearing herein shall be held in the city of Washington, District of Columbia, or such other place as may be designated, commencing on a date to be fixed by the presiding officer; and

It is further ordered, That all parties to this proceeding before the Commission, namely, City of Jacksonville, Florida-Georgia Television Co., and Jacksonville Broadcasting Corporation, shall be admitted to participate as parties if they so request, and that any person or persons concerning whom evidence may be received in the said hearing shall be permitted to cross-examine and to submit rebuttal testimony if he or they request the opportunity to do so; and

It is further ordered, That the presiding officer shall permit the Attorney General of the United States or his designated representative, upon request made, to participate in the hearing as amicus curiae.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7302; Filed, Aug. 4, 1960; 8:48 a.m.]

[Docket No. 13624 etc.; FCC 60M-1334]

FREDERICK COUNTY BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Ralph D. Epperson and Earlene S. Epperson, d/b as Frederick County Broadcasters, Winchester, Virginia, Docket No. 13624, File No. BP-12531; Town Radio, Inc., Shippensburg, Pennsylvania, Docket No. 13625, File No. BP-13240; Jesse J. Goodman, Berryville, Virginia, Docket No. 13626, File No. BP-13860; for construction permits.

The Hearing Examiner having under consideration the record of the prehearing conference held in the above-entitled proceeding on July 29, 1960, and considering it to be desirable that the procedural agreements reached by the parties and approved by the Hearing Examiner should be the subject of a formal order;

It appearing that the parties require additional time in order properly to prepare their technical engineering presentations and that in view of the agreements they have entered into which should have the effect of simplifying and expediting the hearing it is not unreasonable to continue the hearing until November 1, 1960;

It is ordered, This 29th day of July 1960, that the hearing in this proceeding, presently scheduled to commence September 14, 1960, is hereby continued to 10:00 a.m., Tuesday, November 1, 1960 at the Commission's offices, Washington, D.C.;

It is ordered further, That (a) engineering exhibits in draft form, but complete nonetheless, are to be exchanged among the parties not later than September 20, 1960; (b) that all exhibits whether engineering or non-engineering, are to be exchanged in final form, with copy of each to be provided the Hearing Examiner, not later than October 18, 1960; and (c) that a second prehearing conference is hereby scheduled for 2:00 p.m., Tuesday, October 25, at the Commission's offices, Washington, D.C.

It is ordered further, That the transcript of the prehearing conference is hereby incorporated herein by reference to the same effect as if it were set out in detail so that it may serve as a ready reference to all parties in regard to the agreements therein arrived at.

Released: August 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7303; Filed, Aug. 4, 1960; 8:48 a.m.]

[Docket Nos. 13222, 13225; FCC 60-924]

MICHIGAN BROADCASTING CO. (WBCK) AND WPET, INC. (WPET)

Memorandum Opinion and Order Amending Issues

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439; WPET, Inc. (WPET), Greensboro, North Carolina, Docket No. 13225, File No. BP-11742.

1. The Commission has before it for consideration a "Petition to Delete Issue" filed May 6, 1960 by WPET, Inc., and a "Broadcast Bureau Reply to Petition to Delete Issue" filed May 19, 1960.

2. The Commission's August 19, 1959, 309(b) letter to the applicant stated as follows:

A statement should be submitted in support of the applicant's belief that the broadcasting of 1,200 commercial spot announcements per week would be in the public interest. The statement should include a description of the nature, type and general content of the commercial spot announcements proposed, the length of the individual announcements and the manner in which the applicant proposes to distribute 1,200 commercial spot announcements throughout a weekly program schedule.

The requested information was not furnished, and the following issue was designated for hearing:

"9. To determine the type and character of program service which would be broadcast by Guilford Advertising, Inc., BP-11742, and whether the program service would be in the public interest."

Petitioner requests that the above-quoted issue be deleted, and the Commission's Broadcast Bureau filed comments in support of this request. Petitioner alleges that with Commission approval it acquired controlling interest in WPET from the party involved in the hearing issue, and that it has amended the proposal to provide for 1,105 instead of 1,200 commercial spot announcements in its full-time operation, that there would be no more than three such announcements in any 14½ minute segment, day or night, and that the spot announcements would not exceed 60 seconds.

4. The amended proposal meets the objections originally outlined by the Commission, and Issue 9 will therefore be deleted.

Accordingly, it is ordered, This 27th day of July 1960, That the Petition to Delete Issue, filed May 6, 1960, by WPET, Inc., is granted: *And it is further ordered*, That the order released October 28, 1959

(FCC 59–1079) is amended by deleting Issue 9.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7304; Filed, Aug. 4, 1960; 8:48 a.m.]

[Docket No. 13222, etc.; FCC 60–928]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Memorandum Opinion and Order Severing Applications

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP–11439; WPET, Incorporated (WPET), Greensboro, North Carolina, Docket No. 13225, File No. BP–11742; Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP–11877; Radio Virginia, Incorporated (WXGI), Richmond, Virginia, Docket No. 13229, File No. BP–12228; The Tidewater Broadcasting Company Inc., Smithfield, Virginia, Docket No. 13243, File No. EP–12814; CABA Broadcasting Corporation, Baltimore, Maryland, Docket No. 13245, File No. BP–12962; Rossmoyne Corporation, Lebanon, Pennsylvania, Docket No. 13247, File No. BP–13110; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP–13114; Charles R. Rudolph, Farley W. Warner, Richard S. Cobb and Mary Cobb, d/b as Catonsville Broadcasting Company, Catonsville, Maryland, Docket No. 13250, File No. BP–13150; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, et al., Docket No. 13251, File No. BP–13153; for construction permits.

1. The Commission has before it for consideration the matters of record in this proceeding including (1) the Order designating the above application for hearing, released October 28, 1959 (FCC 59–1079), (2) a "Petition for Severance," filed June 13, 1960, by Rossmoyne Corporation, Lebanon, Pennsylvania, and (3) a pleading by the Broadcast Bureau in support of this petition for severance, filed June 23, 1960.

2. Rossmoyne Corporation, Lebanon, Pennsylvania, is an applicant for a new standard broadcast facility, daytime only (940 kc., 1 kw), which would be located in Lebanon. On October 21, 1959, the Commission designated its application for hearing with that of 30 other applicants for new or improved facilities within 10 kc. of Rossmoyne's requested frequency assignment (FCC 59–1079). By Order released December 23, 1959 (FCC 59M–1761), the Hearing Examiner established Groups 1, 2, and 3 for purposes of convenience since only one or two applications linked the various groups to each other.

3. Rossmoyne Corporation requests that Group 3 be severed from this 31-party proceeding and treated separately. It notes that nine applicants are presently in Group 3; that the applicants in Group 3 were consolidated in the above proceeding only because of an apparent conflict between the application of Tri-Cities Radio Company, Docket No. 13240 (Group 2) and the application of Cape Fear Broadcasting Company, Docket No. 13236 (Group 3); that since this proceeding began, the application of Cape Fear Broadcasting Company has been severed and granted and that of Tri-Cities Radio Company dismissed; that, accordingly, there is no longer any conflict between any of the applications in Group 3 and any of the applications in Groups 1 and 2; and that severance of the Group 3 applications and designation for a separate hearing would simplify the proceedings and result in more expeditious action with respect to the applications of all three groups. The Broadcast Bureau, reciting the same chain of events relied on by Rossmoyne Corporation, supports Rossmoyne's petition for severance.

4. It is clear that the public interest will be served by a grant of the instant Petition for Severance filed by Rossmoyne Corporation since the hearings resulting from such a severance are more manageable and will permit a more expeditious determination of the questions now in issue.

Accordingly, it is ordered, This 27th day of July 1960, That the "Petition for Severance" filed June 13, 1960, is granted, and that the applications of Seven Locks Broadcasting Company, Radio Virginia, Incorporated (WXGI), WPET, Incorporated (WPET), The Tidewater Broadcasting Company, Caba Broadcasting Corporation, Rossmoyne Corporation, Edwin R. Fischer, Charles R. Rudolph, Farley W. Warner, Richard S. Cobb and Mary Cobb d/b as Catonsville Broadcasting Company, and Mary Cobb and Richard S. Cobb, d/b, as Tenth District Broadcasting Company are severed from the above-captioned proceeding for a determination of the issues specified as to them; and

It is further ordered, That the Commission's order of October 28, 1959, designating these applications for hearing, is modified accordingly.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7305; Filed, Aug. 4, 1960; 8:48 a.m.]

[FCC 60–936]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

AUGUST 2, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on September 7, 1960, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing, and that pursuant to §§ 1.106(c)(1) and 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the list below, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on September 6, 1960, or (b) if action is taken by the Commission on any listed application prior to September 7, 1960 no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut-off" because it was timely filed for consideration with an application on a previous such list.

(1) Applications listed in the attached Appendix, and (2) any timely filed applications involving an engineering conflict therewith, must be amended by the close of business on September 6, 1960, to include the engineering showing required by the revision of Section V–A, FCC Form 301, adopted by the Commission on March 16, 1960, FCC 60–243; except that any such application, (1) and (2), on which a section 309(b) letter has been issued, prior to the adoption date of this Notice, need not be amended to include the said showing. However, if the engineering in any such application is amended after issuance of a section 309(b) letter, the said showing must be submitted with the amendment.

Adopted: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

Applications from the top of the processing line

BP–13291 NEW, Bolivar, Tenn.
Savannah Broadcasting Service, Inc.
Req: 1050 kc, 250 w, Day.

BMP–8632 WWIL, Fort Lauderdale, Fla.
Florida Air-Power, Inc.
Has CP: 1580 kc, 1 kw, 10 kw-LS, DA–2, U.
Req MP: 1580 kc, 5 kw, 10 kw–LS, DA–2, U.

BP–13293 NEW, New Canaan, Conn.
New Canaan Broadcasting Co.
Req: 1490 kc, 250 w, U.

BP–13294 WMUU, Greenville, S.C.
Bob Jones University, Inc.
Has: 1260 kc, 1 kw, Day.
Req: 1260 kc, 5 kw, Day.

BP–13296 NEW, Palm Springs, Calif.
Cummings Broadcasting Associates.
Req: 1340 kc, 250 w, U.

BP–13298 KBUN, Bemidji, Minn.
Paul Bunyan Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP–13299 NEW, Espanola, N. Mex.
Community Broadcasting Co. of Espanola.
Req: 1370 kc, 1 kw, Day.

BP–13300 WDOE, Dunkirk, N.Y.
Lake Shore Broadcasting Co., Inc.
Has: 1410 kc, 500 w, DA–N, U.
Req: 1410 kc, 500 w, 1 kw–LS, DA–N, U.

BP–13301 NEW, Safford, Ariz.
Willard Shoecraft.
Req: 1230 kc, 250 w, U.

BP–13302 WBRG, Lynchburg, Va.
Harry A. Epperson, Sr.
Has: 1050 kc, 1 kw, Day.
Req: 930 kc, 5 kw, Day.

BP–13303 WINF, Manchester, Conn.
Manchester Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–13305 NEW, Celina, Ohio.
Marshall Rosene.
Req: 1350 kc, 500 w, DA, Day.

BP–13306 WICH, Norwich, Conn.
Eastern Connecticut Broadcasting Co.
Has: 1310 kc, 1 kw, DA–1, U.
Req: 1310 kc, 1 kw, 5 kw–LS, DA–2, U.

BP–13307 NEW, Watertown, S. Dak.
Paul D. Bernards.
Req: 1480 kc, 1 kw, Day.

BP–13308 NEW, Twenty-Nine Palms, Calif.
Hi-Desert Broadcasting Corp.
Req: 1250 kc, 1 kw, Day.

BMP–8653 WAMS, Wilmington, Del.
Rollins Broadcasting of Delaware, Inc.
Has CP: 1380 kc, 1 kw, 5 kw–LS, DA–2, U (5 kw when WBNX operates).
Req MP: 1380 kc, 1 kw, 5 kw–LS, DA–3, U (5 kw when WBNX operates).

BP–13309 NEW, Alexander City, Ala.
Radio Alexander City.
Req: 910 kc, 500 w, Day.

BP–13310 NEW, Columbus, Nebr.
The City and Farm Broadcasting, Inc.
Req: 1590 kc, 500 w, Day.

BP–13311 WBOW, Terre Haute, Ind.
Radio WBOW, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS U.

BP–13315 NEW, Price, Utah.
Inland Empire Broadcasting Co.
Req: 1050 kc, 1 kw, Day.

BP–13316 KBYG, Big Spring, Tex.
Radio Station KBYG.
Has: 1400 kc, 100 w, U.
Req: 1400 kc, 250 w, U.

BP–13318 WEVE, Eveleth, Minn.
Carl Bloomquist.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–13320 WHOU, Houlton, Maine.
Northern Maine Broadcasting Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP–13321 WISV, Viroqua, Wis.
Parks Robinson.
Has: 1360 kc, 500 w, Day.
Req: 1360 kc, 1 kw, Day.

BP–13322 WEZJ, Williamsburg, Ky.
Whitley County Broadcasting Co., Inc.
Has: 1440 kc, 500 w, Day.
Req: 1440 kc, 1 kw, Day.

BP–13323 NEW, Kailua, Hawaii.
Egal Radio.
Req: 1130 kc, 1 kw, U.

BP–13324 WLLH, Lowell, Mass.
Merrimac Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 500 w–LS, U.

BP–13325 WLLH, Lowell, Mass.
Merrimac Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 500 w-LS, U (Synchronous Amplifier-WLLH).

BP–13326 WTSV, Claremont, N.H.
Radio Claremont, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP–13327 NEW, Cartersville, Ga.
Bartow County Broadcasting Co.
Req: 1270 kc, 500 w, Day.

BP–13328 WGHQ, Kingston, N.Y.
Skylark Corp.
Has: 920 kc, 1 kw, DA, Day (Saugerties, N.Y.).
Req: 920 kc, 5 kw, DA, Day (Kingston, N.Y.).

BP–13329 KVEL, Vernal, Utah.
Uintah Broadcasting and TV Co.
Has: 1250 kc, 1 kw, Day.
Req: 1250 kc, 5 kw, Day.

BP–13331 NEW, Winnsboro, S.C.
Fairfield Broadcasting Co., Inc.
Req: 1250 kc, 500 w, Day.

BP–13333 NEW, Clovis, N. Mex.
Norman E. Petty.
Req: 680 kc, 500 w, DA–1, U.

BP–13336 NEW, Punta Gorda, Fla.
Peace River Broadcasting Corp.
Req: 1350 kc, 500 w, Day.

BP–13338 NEW, North Augusta, S.C.
Harry Hammond.
Req: 1600 kc, 500 w, Day.

BP–13343 NEW, Cheyenne, Wyo.
J & J Broadcasting Co.
Req: 980 kc, 500 w, Day.

BP–13344 NEW, Lenoir, N.C.
John E. Boyd.
Req: 1580 kc, 500 w, Day.

BP–13345 NEW, Lake Placid, N.Y.
WIRY, Inc.
Req: 920 kc, 1 kw, Day.

BP–13346 KYSM, Mankato, Minn.
Southern Minnesota Supply Co.
Has: 1230 kc, 250 w, U.
Req: 1190 kc, 500 w, 5 kw–LS, DA–2, U.

BP–13347 KNCM, Moberly, Mo.
Moberly Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–13348 NEW, Santa Maria, Calif.
Pacific Radio Co.
Req: 1150 kc, 5 kw, DA–2, U.

BP–13350 NEW, Grand Junction, Colo.
G & P Enterprises.
Req: 1340 kc, 250 w, U.

BP–13353 WZRO, Jacksonville, Fla.
Andrew B. Letson.
Has: 1010 kc, 1 kw, Day (Jacksonville Beach, Fla.).
Req: 1010 kc, 25 kw, DA, Day (Jacksonville, Fla.).

BP–13356 KFLY, Corvallis, Oreg.
Mid-Land Broadcasting Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–13357 WCUM, Cumberland, Md.
Alleghany County Broadcasting Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–13358 NEW, Nicholasville, Ky.
Jessamine Broadcasting Co.
Req: 1250 kc, 500 w, Day.

BP–13359 WMFG, Hibbing, Minn.
Hibbing Broadcasting Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

Applications on which 309(b) letters have been issued

BP–13295 WLCX, LaCrosse, Wis.
LaCrosse Radio, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–13349 WUSJ, Lockport, N.Y.
Lockport Union-Sun & Journal, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

Application Deleted from Public Notice of March 18, 1960

(FCC 60–248) (25 F.R. 2440)

BP–12804 NEW, Aurora, Mo.
Galen O. Gilbert.
Req: 940 kc, 500 w, Day.
(Assigned new file number BP–13999.)

Application Deleted from Public Notice of April 11, 1960

(FCC 60–354) (25 F.R. 3221)

BP–13028 NEW, Vancouver, Wash.
Gordon A. Rogers.
Req: 1550 kc, 1 kw, Day.
(Assigned new file number BP–14146.)

Application Deleted from Public Notice of April 21, 1960

(FCC 60–417) (25 F.R. 3686)

BP–13087 NEW, Englewood, Fla.
Sarasota-Charlotte Broadcasting Corporation.
Req: 1580 kc, 500 w, Day.
(Assigned new file number BP–14211.)

[F.R. Doc. 60–7306; Filed, Aug. 4, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60–92]

SOUTHERN NATURAL GAS CO.

Notice of Application; Consolidation of Proceedings and Date of Hearing

JULY 29, 1960.

Take notice that on April 29, 1960 Southern Natural Gas Company (Applicant) filed in Docket No. CP60–92 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to sell natural gas to Coastal Transmission Corporation (Coastal) for delivery to Houston Texas Gas and Oil Corporation (Houston Texas) and to construct and operate a line tap and a metering and regulating station requisite for such service. The gas will be delivered at a point in Washington Parish, Louisiana where Houston Texas' pipeline intersects the east leg of Applicant's south Louisiana supply system.

The proposal is more fully described in the application on file with the Commission and open to public inspection.

Applicant and Coastal have entered into a Precedent Agreement dated April 7, 1960 which contemplates the execution by the parties of a 20-year service agreement providing for the sale by Applicant and the purchase by Coastal of a specified quantity of gas, i.e., a Contract Demand of 12,600 Mcf per day at 14.73 psia. The gas is to be sold under Applicant's proposed Rate Schedule CDL–1 which will provide for the same demand and commodity charges as those contained in Applicant's Rate Schedule CD–1 for Rate Zone 1, as in effect at the effective date of the service agreement.

The estimated cost, i.e., $32,385, of constructing the facilities will be defrayed from cash on hand.

The facilities required by Coastal to receive the gas are described in its application, as amended, in Docket No. G–18338.

This matter is related to the applications of Coastal Transmission Corporation, et al., Docket No. G–18338, et al.,[1] and should therefore be heard on a consolidated record therewith and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

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[1] Notices of the applications involved in Coastal Transmission Corporation, et al., Docket No. G–18338, et al., were previously published in 24 F.R. 10262 and 25 F.R. 2812.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the matters involved in and the issues presented by the above-entitled application will be heard as a part of the consolidated hearing concerning the application of Coastal and related applications, which hearing is now in recess and is scheduled to reconvene on August 29, 1960, at 10:00 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1960.

MICHAEL J. FARRELL,
Secretary.

[F.R. Doc. 60-7266; Filed, Aug. 4, 1960; 8:45 a.m.]

[Docket Nos. RI61-17—RI61-25]

TIDEWATER OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rate To Become Effective Subject to Refund [1]

JULY 29, 1960.

Tidewater Oil Company, Docket No. RI61-17; Tidewater Oil Company (Operator), et al., Docket No. RI61-18; Getty Oil Company, Docket No. RI61-19; James A. Wood, Trustee (Operator), et al., Docket No. RI61-20; Everbright Oil Company, Docket No. RI61-21; J. M. Huber Corporation, Docket No. RI61-22; Robert G. Goelet, Docket No. RI61-23; The Pittston Company, Docket No. RI61-24; Pan American Petroleum Corporation, Docket No. RI-61-25.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of The Pittston Company which is sold at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate Sched. No.	Supp. No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket nos.
RI61-17	Tidewater Oil Co.	50	10	El Paso Natural Gas Co. (Headlee Field, Ector and Midland Counties, Tex.).	6-26-60	6-30-60	[1] 7-31-60	12-31-60	15.862	17.0616	R160-71
RI61-17	do	39	12	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.).	6-26-60	6-30-60	[1] 7-31-60	12-31-60	15.07036	15.50174	R160-71
RI61-17	do	4	8	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.).	6-26-60	6-30-60	[1] 7-31-60	12-31-60	15.89278	17.11475	R160-71
RI61-18	Tidewater Oil Company (Operator), et al.	38	11	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.).	6-26-60	6-30-60	[1] 7-31-60	12-31-60	15.07036	15.50174	R160-70
RI61-18	do	43	14	El Paso Natural Gas Co. (Blinbry, et al Fields, Lea County, N. Mex.).	6-26-60	6-30-60	[1] 7-31-60	12-31-60	15.07036	15.50174	R160-70
RI61-18	do	17	12	El Paso Natural Gas Co. (Spraberry Field, Glasscock, Midland, Upton and Reagan Counties, Tex.).	6-26-60	6-30-60	[1] 7-31-60	12-31-60	15.93778	17.1632	R160-70
RI61-19	Getty Oil Co.	1	7	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.).	6-26-60	6-30-60	[1] 7-31-60	12-31-60	15.89278	17.11475	R160-72
RI61-20	James A. Wood, Trustee (Operator), et al.	1	4	Tennessee Gas Transmission Co. (North Ross Field, Starr County, Tex.).	6-27-60	7-1-60	[1] 8-1-60	1-1-61	15.0952	[2] 17.24347	G-20070
RI61-20	do	2	3	Tennessee Gas Transmission Co. (La Reforma Field, Starr County, Tex.).	6-27-60	7-1-60	[1] 8-1-60	1-1-61	15.0952	17.24347	G-20070
RI61-21	Everbright Oil Co.	1	2	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.).	6-29-60	7-1-70	[1] 8-1-60	1-1-61	15.5	[3] 16.5	----------
RI61-22	J. M. Huber Corp.	25	2	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.).	6-29-60	6-30-60	[1] 7-31-60	12-31-60	15.5	[3] 16.5	----------
RI61-23	Robert G. Goelet	1	1	Tennessee Gas Transmission Co. (La Copita Field, Starr County, Tex.).	June, 60	7-1-60	[1] 8-1-60	1-1-61	12.12268	17.24347	----------
RI61-24	The Pittston Co.	1	2	Kentucky-West Virginia Gas Co. (Buchanan, Wise, Russell and Dickenson Counties, Va.).	Undated	7-1-60	[1] 8-1-60	1-1-61	26.25	30.77	----------
RI61-25	Pan American Petroleum Corp.	169	9	Skelly Oil Co. (Panhandle Field, Carson County, Tex.).	6-29-60	7-5-60	[1] 8-5-60	8-6-60	11.7518	[4] 11.3057 (Decrease.)	RI60-51

[1] The stated effective date is the first day after expiration of the required thirty days' notice.
[2] Includes 2.0 cents per Mcf for compression deducted by F. O. Penn.
[3] Renegotiated rate increase due to seller relinquishing his rights to process gas for liquid hydrocarbons.
[4] Redetermined rate decrease due to redetermination of rate in the Panhandle Field by the Texas Railroad Commission.

Tidewater Oil Company and Getty Oil Company state that their proposed favored-nation rate increases were triggered by renegotiated rates for sales of natural gas to El Paso Natural Gas Company (El Paso) in the Permian Basin area which became effective subject to refund on or about June 1, 1960. In support of the increased rates, both producers state that the pricing provisions of their respective contracts were arrived at by arm's-length bargaining and constitute an integral part of the consideration upon which the contracts are based; that such provisions protect sellers from price discrimination; and that the proposed rates are fair and reasonable.

In support of their proposed favored-nation rate increases, James A. Wood, Trustee (Operator) et al. (Wood) and Robert G. Goelet (Goelet) each submit a notification letter dated March 10, 1960, wherein Tennessee Gas Transmission Company advises sellers that it is now paying a rate of 17.24347 cents per Mcf for dry gas in the favored-nation area specified in the gas sales contracts. Wood states that its contracts resulted from bargaining at arm's length; the pricing arrangement responsible for the increased rate is common to many long-term contracts in order to permit the initial delivery of gas at a price lower than the contemplated actual price for the life of the contracts; and without such pricing arrangement seller would not have contracted for such an extended term. Goelet cites arm's-length bargaining and states the favored-nation provision was designed to insure seller the fair market value of the gas over the life of the contract and was an essential inducement to Goelet to enter into a long-term contract.

In support of their proposed renegotiated rate increases, Everbright Oil Company states that the increased price will not exceed the value of gas in the area in which the properties covered by the contract are situated, and H. M. Huber Corporation cites the contractual provisions and states that a similar change in rate was accepted by the Commission under Sunray Mid-Continent Oil Company's FPC Gas Rate Schedule No. 152.

The Pittston Company's (Pittston) proposed spiral escalation rate increase of 30.77 cents per Mcf is based upon pipeline tariff rates which are now in effect subject to refund. Pittston, in support of its increased rate, recites the applicable contractual provision, with no supporting statement.

Pan American Petroleum Corporation's (Pan American) previously redetermined rate of 11.7518 cents per Mcf is in effect subject to refund. Its now proposed redetermined decrease in rate to 11.3057 cents per Mcf should be suspended for one day from August 5, 1960, the date of expiration of the thirty days statutory notice.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 169 be allowed to take effect August 6, 1960, subject to refund upon the timely filing of its respective agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 169 shall be effective as of August 6, 1960: *Provided, however,* That within 20 days from the date of the issuance of this order, Pan American shall execute and file under Docket No. RI61-25 with the Secretary of the Commission its respective agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order 215 and 215A), signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Pan American is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 12, 1960.

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7268; Filed, Aug. 4, 1960; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket Nos. G-20509, RP60-15]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing Substitute Tariff Sheets, Consolidating Proceedings, and Requiring Filing of Substitute Tariff Sheets

JULY 29, 1960.

On July 18, 1960, Southern Natural Gas Company (Southern) tendered for filing Substitute Original Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, reflecting appropriate reductions in the rates and charges contained in Southern's FPC Gas Tariff, Sixth Revised Volume No. 1, which were disallowed by the Commission's order issued July 8, 1960 in Docket No. G-20509. The reduced rates and charges are based upon a composite 6.52 percent rate of return. Southern also complied with the other requirements in paragraph (C) of the above-mentioned order.

The above-mentioned filing by Southern was in response to an interim rate order issued by the Commission on July 8, 1960 in Docket No. G-20509 determining that 6½ percent is the proper rate of return to be allowed Southern on its pipeline properties but reserving the question as to the propriety of a 7 percent rate of return for Southern's production properties for final disposition in the next phase of that proceeding. For purposes of the interim rate order a composite 6.52 percent rate of return applicable to both production and pipeline properties composed of the 6½ percent on pipeline and the claimed 7 percent on production properties was used. Southern was permitted by said order to file appropriate substitute tariff sheets containing lower rates and charges satisfactory to the Commission reflecting the composite 6.52 percent rate of return.

Southern on June 2, 1960, tendered for filing First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27, and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, providing for an annual increase in its rates and charges of $1,312,000 or 1.3 percent. The proposed increased rates would be in addition to the increased rates subject to hearing in Docket No. G-20509. Southern stated that the increased rates are designed solely to reflect an increase in purchased gas costs resulting from the increased rates filed by United Gas Pipe Line Company (United) which were suspended until August 13, 1960, by order of the Commission issued March 10, 1960, in Docket No. RP60-2. By order issued July 1, 1960, in Docket No. RP60-15, the Commission suspended the proposed increased rates and charges until August 13, 1960 and until such further time as the increased rate and charge proposed by United may become effective subject to refund in Docket No. RP60-2, and until such further time as the revised tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

Since Southern in its rate filing in Docket No. RP60-15 relies on the identical costs submitted in Docket No. G-20509, except for increased purchased gas costs resulting from United's filing, it appears appropriate and in the public interest to consolidate for hearing the proceedings in Docket Nos. G-20509 and RP60-15.

Moreover, in view of the Commission action taken in Docket No. G-20509 disallowing Southern's proposed increased rates and permitting Southern to file substitute tariff sheets containing lower rates satisfactory to the Commission based on a composite 6.52 percent rate of return for purposes of an interim rate order, it also appears to be appropriate and in the public interest to disallow the proposed increased rates and charges contained in First Revised Sheets 5, 9, 12, 16, 19, 23, 27 and 30 to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1, and to permit Southern to file in lieu thereof substitute tariff sheets containing lower rates satisfactory to the Commission based on a composite 6.52 percent rate of return in Docket No. RP60-15.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate the proceedings in Docket No. G-20509 and RP60-15 for the purpose of hearing.

(2) Substitute Original Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 should be accepted for filing and allowed to become effective as of June 1, 1960 subject to investigation, hearing and further orders of the Commission in Docket No. G-20509.

(3) The fair, just and reasonable rate of return to be allowed Southern in Docket No. RP60-15 with respect to its pipeline properties is 6½ percent; and the overall rate of return to be allowed Southern for the purpose of this interim order, based on said 6½ percent rate of return on its pipeline properties and the 7 percent rate of return on its production properties contained in its filing in this proceeding, is 6.52 percent; subject however, to final disposition of the related issues as to accumulated deferred taxes and tax benefits for statutory depletion and intangible well drilling expenses, and final determination of the fair, just and reasonable rate of return to be allowed Southern with respect to its production properties.

(4) The proposed increased rates filed by Southern in Docket No. RP60-15 contained in First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, are excessive and should be disallowed.

(5) Southern should be permitted to file substitute lower rates satisfactory to the Commission in Docket No. RP60–15, based on 6.52 percent rate of return to become effective subject to refund as of August 13, 1960 or such later date as the increased rates and charges proposed by United may become effective subject to refund in Docket No. RP60–2, upon acceptance by the Commission and filing by Southern of its motion to make such rates effective and an undertaking to assure refund of excess charges.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15 and 16 thereof, and the Commission's rules and regulations (18 CFR Ch. I), the proceedings in Docket Nos. G–20509 and RP60–15 be and the same hereby are consolidated for the purpose of hearing.

(B) Substitute Original Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1, are hereby accepted for filing and allowed to become effective as of June 1, 1960, subject to investigation, hearing and further orders of the Commission in Docket No. G–20509.

(C) Southern's increased rates contained in First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, which are under suspension in Docket No. RP60–15, are hereby disallowed.

(D) Southern may file, in lieu of the tariff sheets disallowed by paragraph (C) above, on or before August 8, 1960, appropriate substitute tariff sheets to its FPC Gas Tariff, Sixth Revised Volume No. 1, containing lower rates satisfactory to the Commission based on 6.52 percent rate of return as provided in Finding (3) hereof. Southern shall accompany its substitute filing with supporting data showing the computation of such lower rates. Southern shall also accompany its substitute tariff sheets and supporting data with a certificate showing service of copies thereof on all purchasers under the rate schedules involved, interveners and interested state commissions.

(E) Upon acceptance of such filing of substitute rates as satisfactory to the Commission as provided in paragraph (D), and upon filing by Southern of its motion to make such substitute rates effective as required by section 4(e) of the Natural Gas Act, and upon execution by Southern of the agreement and undertaking described in paragraph (F) below and acceptance thereof, evidenced by a letter addressed to Southern by the Secretary of the Commission, the rates, charges, and classifications set forth in the above substitute tariff sheets to FPC Gas Tariff, Sixth Revised Volume No. 1, shall be effective as of August 13, 1960, or such later date as the increased rates and charges proposed by United may become effective subject to refund in Docket No. RP60–2, subject to investigation, hearing and further orders of the Commission in Docket No. RP60–15.

(F) Southern shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in the proceeding in Docket No. RP60–15 not justified, together with interest thereon at 7 percent per annum from the date of payment to Southern until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of August 13, 1960, or such later date as provided in Paragraph (E), for each billing period, specifying by whom and whose behalf such amounts were paid; and shall report (original and four copies) in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such customers and the revenues resulting therefrom as computed under the rates in effect immediately prior to the effective date provided herein, and under rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(G) Southern shall in compliance with the terms of paragraph (E) above execute and file with the Secretary of this Commission, at the same time it files the above-described substitute tariff sheets, its written agreement and undertaking to comply with the terms of paragraph (F) above, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved, as follows:

Agreement and Undertaking of Southern Natural Gas Company To Comply With Terms and Conditions of Paragraph (F) of Federal Power Commission's Order Making Effective Proposed Tariff Changes

In conformity with the requirements of the order issued ----------, 1960, in Docket No. RP60–15, Southern Natural Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (F) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ---- day of ----------, 1960.

SOUTHERN NATURAL GAS COMPANY

By ----------

Attest:

Secretary.

(H) If Southern shall, in conformity with the terms and conditions of paragraph (F) of this order, make refunds as may be required by order of the Commission, the undertaking of Southern shall be discharged, otherwise it shall remain in full force and effect.

(I) The substitute tariff sheets accepted for filing in Docket No. G–20509 in paragraph (B) of this order and the substitute tariff sheets permitted to be filed in Docket No. RP60–15 by paragraph (D) of this order are subject to the suspension orders issued on December 24, 1959, in Docket No. G–20509 and July 1, 1960, in Docket No. RP60–15 and this order is without prejudice to further hearings in these consolidated proceedings on all other issues not herein or heretofore decided and to such further order or orders as the Commission may issue in the disposition of these consolidated proceedings.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–7267; Filed, Aug. 4, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 2, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36455: *Cast iron pipe—Birmingham, Ala., to St. Louis, Mo.* Filed by O. W. South, Jr., Agent (SFA No. A4000), for interested rail carriers. Rates on cast iron pipe and fittings, as described in the application, in carloads, from Birmingham, Ala., and group points, to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 37 to Southern Freight Association tariff I.C.C. S–6.

FSA No. 36456: *Substituted service—L&N and Monon for Wilson Truck Company, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 23), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, (1) between Evansville and Hammond, Ind., Nashville, Tenn., and East St. Louis, Ill., on the one hand, and Atlanta, Ga., and Chattanooga, Tenn., on the other, (2) between Evansville and Hammond, Ind., and East St. Louis, Ill., on the one hand, and Nashville, Tenn., on the other, (3) between Chattanooga, Tenn., and Atlanta, Ga., and (4) between East St. Louis, Ill., and Evansville, Ind.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF–I.C.C. 220.

FSA No. 36457: *Brick from Ohio points to Virginia points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2550), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, from specified B&ORR stations in Ohio, to Southern Railway stations in Virginia.

Grounds for relief: Restore rate relationship.

Tariff: Supplement 46 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4669 (Hinsch series).

FSA No. 36458: *Substituted service—L&N and Monon for Jones Truck Lines, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 22), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Hammond, Ind., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF–I.C.C. 220.

FSA No. 36459: *Sand and gravel—Dickason Pit and Standard Pit, Ind., to Altamont, Ill.* Filed by Illinois Freight Association, Agent (No. 111), for the Chicago & Eastern Illinois Railroad Company. Rates on sand and gravel, as described in the application, in carloads, from Dickason Pit and Standard Pit, Ind., to Altamont, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 137 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 144.

FSA No. 36460: *Sulphur—Texas, Louisiana, and Hobbs, N. Mex., to central territory.* Filed by Southwestern Freight Bureau, Agent (No. B–7862), for interested rail carriers. Rates on sulphur, crude, in carloads, and molten sulphur, in tank-car loads, from points in Texas and Louisiana, and Hobbs, N. Mex., to specified points in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 155 to Southwestern Freight Bureau tariff I.C.C. 4177.

FSA No. 36461: *Newsprint—Calhoun, Tenn., to Virginia points.* Filed by O. W. South, Jr., Agent (SFA No. A3999), for interested rail carriers. Rates on newsprint paper, in carloads, from Calhoun, Tenn., to Norfolk, Newport News and Richmond, Va.

Grounds for relief: Foreign waterborne competition.

Tariff: Supplement 38 to Southern Freight Association tariff I.C.C. S–46.

FSA No. 36462: *T.O.F.C. Service—Between official territory and Madison, Wis.* Filed by Western Trunk Line Committee, Agent (No. A–2137), for interested carirers. Rates on various commodities moving on class rates loaded in highway trailers and transported on railroad flat cars between points in official territory, on the one hand, and Madison, Wis., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 35 to Western Trunk Line Committee tariff I.C.C. A–4281.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–7285; Filed, Aug. 4, 1960; 8:47 a.m.]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 359]

AUGUST 2, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63340. By order of July 29, 1960, The Transfer Board approved the transfer to Cloverleaf Garage, Inc., Michigan City, Ind., of Certificate No. MC 116964, issued April 15, 1958, to Kendrick C. Harvey, doing business as Cloverleaf Garage, Michigan City, Ind., authorizing the transportation of: Used tractors, in secondary movements, in truckaway service, to be used as replacements for wrecked or disabled tractors, wrecked and disabled motor vehicles, and motor vehicle parts, accessories, supplies and materials used in connection with the repairing or reconditioning of damaged, disabled, or wrecked motor vehicles, trailers, and semi-trailers, between points in Illinois, Indiana, Ohio, Michigan, and Kentucky. William N. Kenefick, 2222 East Michigan, Michigan City, Ind., for applicants.

No. MC–FC 63341. By order of July 29, 1960, The Transfer Board approved the transfer to Colonial Express, Inc., Rutherford, N.J., of Certificate in No. MC 66349, issued December 2, 1940, to Joseph E. Kropkowski, doing business as Colonial Express, Rutherford, N.J., authorizing the transportation of: General commodities, with the usual exceptions including household goods, and commodities in bulk, between points in Bergen, Essex, Hudson, Middlesex, Morris, Somerset, Union, and Passaic Counties, N.J., on the one hand, and, on the other, New York, N.Y. Bernard F. Flynn, Jr., 1060 Broad St., Newark 2, N.J., for applicants.

No. MC–FC 63344. By order of July 29, 1960, The Transfer Board approved the transfer to T. J. Reynolds and T. F. Reynolds, a partnership, doing business as Reynolds Truck Service, Verdi, Minn., of Certificate in No. MC 92157, issued March 17, 1950, to T. J. Reynolds and Harvey Reynolds, a partnership, doing business as Reynolds Bros., Verdi, Minn., authorizing the transportation of: Livestock, grain, hay, straw, building materials, fence posts, fence materials, emigrant movables, and honey, from, to, or between specified points in Minnesota, Iowa, and South Dakota. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC–FC 63448. By order of July 29, 1960, The Transfer Board approved the transfer to Oil-Ways Co., A Corporation, Nutley, New Jersey, of Permits in Nos. MC 105997 and MC 105997 Sub 4, issued October 26, 1945, and September 7, 1948, to George B. Harris, Sr., and George B. Harris, Jr., a partnership, doing business as Oil-Ways Co., Nutley, New Jersey, which authorize the transportation of denatured alcohol and denatured alcohol solvents, in bulk, in tank trucks, from Yonkers, N.Y., and Newark, N.J., to points in New York, New Jersey, Connecticut, and Pennsylvania within 150 miles of Newark, N.J., and rejected shipments on return trip; solvents, except denatured alcohol solvents, in shipments not exceeding 2,500 gallons, in bulk, in tank trucks, from Newark, N.J., to points in New York, Connecticut, and Psnnsylvania within 150 miles of Newark, and synthetic resin, ester gum solutions, and tall oil, crude and esterified, in bulk, in tank trucks, from Newark to points in New York and Pennsylvania within 150 miles of Newark. John M. Zachara, P.O. Box 2860, Paterson 28, N.J.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–7286; Filed, Aug. 4, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3893]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Execution of Surety Bond by Holding Company for Public Utility Subsidiary

JULY 29, 1960.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Cumberland and Allegheny Gas Company ("Cumberland"), a wholly-owned gas utility subsidiary company of Columbia, has filed with the Public Service Commission of West Virginia ("West Virginia Commission"), an application for increased gas rates estimated to produce increased annual revenues of approximately $896,000. The West Virginia Commission, by order issued on March 22, 1960, suspended collection of Cumberland's proposed rates until August 17, 1960 when, under applicable West Virginia law, Cumberland may commence collection of the higher rates provided for in the rate filing subject to the obligation to refund with interest, any portion of the higher rates which may ultimately be determined to be excessive. The West Virginia Commission may, and customarily does, require the

posting of a bond as security for the obligation to refund and it has indicated its willingness to accept Columbia as surety. Columbia, therefore, proposes to act as surety on a bond not to exceed $150,000 without fee or other charges to Cumberland in order to relieve Cumberland of paying the customary fee of an insurance company. In the event any portion of the increased rates should ultimately be determined to be excessive Cumberland will make refunds in the ordinary course of business out of its general corporate funds.

It is estimated that the fees and expenses to be incurred in connection with the proposed transaction will be limited to $100 payable by Cumberland for services of the Columbia Gas System Service Corporation rendered primarily in connection with the present filing.

The declaration states that, other than for the acceptance of the proposed surety bond by the West Virginia Commission, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 15, 1960, at 5:30 p.m., request this Commission in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7270; Filed, Aug. 4, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 1 (Rev. 5)]

DEPUTY ADMINISTRATOR FOR ADMINISTRATION

Delegation Relating to Administration and Size Standards

1. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536) as amended (Pub. Law 85-699); the Small Business Investment Act of 1958 (Pub. Law 85-699); as amended (Pub. Law 86-502); Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.); and the Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (Pursuant to section 4 of the Fish and Wildlife Act of 1956, 70 Stat. 1119, 1121), relating to the Fisheries Loan Fund, there is hereby delegated to the Deputy Administrator for Administration the authority:

A. *Administration.* 1. To give final approval to all personnel actions for the Small Business Administration and to administer Oaths of Office.

2. To establish and classify all positions subject to the Classification Act of 1949, as amended, in grades GS-1 to GS-15, and to establish salary rates for employees excluded from the Act.

3. To give final approval to non-substantive changes in all SBA Manuals.

4. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services.

5. To effect the disposition of official records of SBA.

6. To authorize or approve (a) his personal travel, (b) the travel of employees under the supervision of the Deputy Administrator for Administration, (c) travel where actual subsistence expenses are requested, and (d) travel requiring special authorization or approval not delegated to other officials.

7. To approve advanced sick leave and leave without pay, in excess of 30 days, for employees of SBA.

8. To approve annual and sick leave, leave without pay, and overtime work for employees under his supervision.

9. To give final approval to all SBA forms.

10. To give security clearance to applicants and employees of SBA where the security investigation discloses (a) no derogatory information, (b) derogatory information which would not warant processing the case under provisions of section 1000.067 of SBA-100, Administrative Manual, and (c) derogatory information, but the Deputy Administrator for Administration and the Security Officer are in agreement that the derogatory information is insufficient to warrant suspension or termination in the case of an employee, or denial of clearance in the case of an applicant.

11. To approve the allotment of appropriated funds for specific programs, functions, activities, and organizational units of SBA.

12. To release; or consent to the release of, collateral documents held in connection with loans transferred as a result of Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective at the close of June 30, 1957.

13. To release promissory notes on (a) SBA and disaster loans paid in full and (b) loans transferred to the Department of Justice for liquidation.

14. To approve bonds and fix the indemnities thereof.

15. To determine amounts due and make payments to the Civil Service Commission and the Department of Labor for retirement and employee's compensation accounts as required by section 206(b) of the Small Business Act.

16. To approve advance of funds for official travel and to take appropriate actions to assure that amounts advanced are deducted from allowable expenses or are otherwise recovered.

17. To approve and issue accounting and fiscal instructions.

18. To authorize expenditures for registration fees not in excess of $25.00 for each registration for all Washington employees except the Deputy Administrators.

19. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, 2096), from the Administrator of the General Services Administration to the Small Business Administration.

20. To approve out-service training for SBA employees and authorize expenditures incidental to such training.

21. To effectuate an adequate property utilization and accountability program on an agency-wide basis.

B. *Size standards.* To take any and all actions necessary to develop appropriate small business size standards and criteria and to recommend to the Administrator appropriate size standards regulations.

C. *Correspondence.* 1. To sign all correspondence, except correspondence addressed to Members of Congress, relating to the functions of the Deputy Administrator for Administration.

2. To sign correspondence addressed to staff members of Congressional Committees.

II. The specific authorities delegated in I.A.3, I.A.6 (a), (c) and (d), 10(c), 18 and 20 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Administration.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: June 27, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-7272; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 6]

DIRECTOR, OFFICE OF SMALL BUSINESS SIZE STANDARDS

Delegation Relating to Size Standards

I. Pursuant to the authority delegated to the Deputy Administrator for Administration by the Administrator, Delegation of Authority No. 1 (Rev. 5), dated June 27, 1960, there is hereby redelegated to the Director, Office of Small Business Size Standards, the authority:

A. *Size standards.* To take any and all actions necessary to develop appropriate small business size standards and criteria and to recommend to the Administrator appropriate size standards regulations.

B. *Administration.* 1. To authorize and approve (a) his personal travel and (b) travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

C. *Correspondence.* To sign all non-policy-making correspondence, except correspondence addressed to Members of Congress, relating to the functions of the Office of Small Business Size Standards.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director of the Office of Small Business Size Standards.

Dated: June 27, 1960.

ROBERT H. MONTGOMERY, *Deputy Administrator.*

[F.R. Doc. 60-7279; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 10 (Rev. 4)]

DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation Relating to Financial Assistance

I. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699); Reorganization Plan No. 2 of 1954, dated April 29, 1954, (83d Cong., 2d Sess.); Reorganization Plan No. 1 of 1957, dated April 29, 1957, (85th Cong., 1st Sess.); and the Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (pursuant to sec. 4 of the Fish and Wildlife Act of 1956, 70 Stat. 1119, 1121), relating to the Fisheries Loan Fund, there is hereby delegated to the Deputy Administrator for Financial Assistance the authority:

A. *Financial assistance.* 1. To approve or decline business and disaster loan applications, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations in loans that: (a) have, or (b) have not been fully disbursed.

3. To determine eligibility of loan applicants within the framework of prior determinations.

4. To accept for processing disaster loan applications received after expiration of the six months disaster period.

5. To approve or decline deferment until final maturity of a loan any installment of principal due on such loan within one month of final disbursement of such loan.

6. To declare disaster areas in order to carry out the provisions of section 7(b)(1) of the Small Business Act, as amended, if such action is necessary during any period when the Administrator is in leave or travel status.

7. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of partially or fully disbursed loans, other obligations and acquired property but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness owned to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owned to the Agency for a sum less than the total amount due thereon.

c. To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

d. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participating agreement.

B. *Size determination.* To determine for the purpose of the programs for which he is responsible the concerns which are small businesses within the meaning of this agency's Small Business Size Standards Regulation.

C. *Administration.* 1. To authorize or approve his (a) personal travel and (b) the travel of Washington office employees under his supervision, except travel when actual subsistance expenses are requested.

2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

3. To authorize his personal expenditures for registration fees not in excess of $25.00 for each registration.

D. *Correspondence.* To sign all correspondence, except Congressional correspondence, relating to the financial assistance program.

II. The specific authority delegated in subsections I.A.6, I.B.1, and I.C.3. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Financial Assistance.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Financial Assistance (Delegation of Authority No. 10 (Rev. 3) as amended, 23 F.R. 2627, 8435) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: June 27, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-7274; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 20 (Rev. 4)]

DEPUTY ADMINISTRATOR FOR PROCUREMENT AND TECHNICAL ASSISTANCE

Delegation Relating to Procurement and Technical Assistance, Management Research Assistance, and Size Standards and Size Determinations

1. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699); the Small Business Investment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 86-502); Reorganization Plan No. 2 of 1954, dated April 24, 1954 (83d Cong., 2d Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Deputy Administrator for Procurement and Technical Assistance, the authority:

A. *Procurement and technical assistance.* 1. To take any and all actions relating to SBA prime contracting authority.

2. To (a) enter into, (b) negotiate, and (c) recommend approval of joint agreements and memoranda of understanding with other government contracting procurement or disposal agencies.

3. To take any and all necessary actions to carry out the provisions of joint agreements and memoranda of understanding with other government contracting procurement or disposal agencies.

4. To appeal determinations made under joint agreements or memoranda of understanding by Government contracting procurement and disposal agencies to the heads of such agencies.

5. To take any and all necessary actions relating to matters involving Certificates of Competency, including the issuance or denial of such Certificates.

6. To take any and all actions necessary to carry out SBA's authority to make a complete inventory of all productive facilities of small business concerns.

7. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns.

8. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business concerns.

9. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain materials from its normal sources.

10. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns.

11. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of Government contracts for research and development be placed with small business concerns and to assist small business concerns to obtain the benefits of research and development performed under Government contracts or at Government expense.

12. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total Government procurements be made from small business.

13. To take any and all action relating to the appraisal of collateral offered to SBA on those loans for which an SBA appraisal or reappraisal is requested.

14. To take any and all actions necessary to carry out SBA's authority for

assistance in the development of industrial potential in surplus labor areas.

B. *Size determination.* 1. To determine, for the purpose of the program for which he is responsible, the concerns which are small businesses within the meaning of this agency's Small Business Size Standards Regulation.

2. To issue, deny, revoke and amend Small Business Certificates in accordance with this Agency's Size Standards Regulation.

C. *Management research assistance.* 1. To take any and all actions relating to SBA grants, including recommendations as to the issuance of grants but excluding final determinations.

2. To execute agreements for SBA grants.

D. *Administration.* 1. To authorize and approve (a) his personal travel and (b) travel of Washington office employees under his supervision, except travel when actual subsistence expenses are requested.

2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

3. To authorize his personal expenditures for registration fees not in excess of $25 for each registration.

E. *Correspondence.* To sign all correspondence, except correspondence addressed to Members of Congress, relating to the Procurement and Technical Assistance Program and the Management Research Assistance Program.

II. The specific authority delegated in subsections I.A. 2 (a) and (c), I.A. 4, I.B. 1, I.B. 2, and I.D. 3, may not be redelegated.

III. All authorities delegated herein may be exercised by any employee of SBA designated as Acting Deputy Administrator for Procurement and Technical Assistance.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Procurement and Technical Assistance in Delegation of Authority No. 20 (Rev. 3), as amended (23 F.R. 1819, 8223, 8435), is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7275; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 27 (Rev. 3, Amdt. 1)]

DIRECTOR, OFFICE OF ECONOMIC ADVISER

Delegation Relating to the Office of Economic Adviser

Delegation of authority No. 27 (Rev. 3) (23 F.R. 8223) is hereby amended by:

1. Deleting paragraphs I.A.1. and 2. without prejudice to actions taken thereunder.

2. Redesignating paragraphs I.A.3. and 4. as paragraphs I.A.1. and 2. respectively.

3. Deleting Part II and substituting in lieu thereof new Part II as follows:

II. The authorities delegated in I.A.1. (b) and (c), and 2. herein may not be redelegated.

Dated: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7276; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 28 (Rev. 1)]

DELEGATION RELATING TO THE OFFICE OF MANAGEMENT & RESEARCH ASSISTANCE

Notice is hereby given that Delegation of Authority No. 28 (Rev. 1) (24 F.R. 4896) and all redelegations thereunder not published in the FEDERAL REGISTER, and Delegation of Authority No. 28-1c (Rev. 1) (24 F.R. 4896) are hereby rescinded without prejudice to actions taken thereunder prior to the date hereof.

Dated: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7277; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 30 (Rev. 6) Amdt. 1]

REGIONAL DIRECTORS

Delegation Relating to Financial Assistance, Investment Program, Procurement and Technical Assistance, and Administration

Delegation of Authority No. 30 (Rev. 6) is hereby amended by deleting subsection I.E.1, and substituting in lieu thereof the following new subsection I.E.1.:

1. To determine, for the purpose of the programs for which they are responsible, the concerns which are small businesses within the meaning of this agency's Small Business Size Standards Regulation, provided, however, that no determinations shall be made which involve protests of the size status of apparently successful bidders; requests for Small Business Certificates; requests for reconsideration of size determinations made in the Washington office, and appeals.

Dated: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7278; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 44]

SIZE APPEALS BOARD

Delegation Relating to Appeals on Size Determinations

I. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699); the Small Business Investment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 86-502); Reorganization Plan No. 2 of 1954, dated April 24, 1954, (83d Cong., 2nd Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Size Appeals Board, the authority: To decide appeals from administrative rulings that concerns are not small businesses within the meaning of the Small Business Size Standards Regulation, as amended.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised when at least three members, regular or acting, participate in such actions.

Dated: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7279; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 44-1]

SECRETARY OF THE SIZE APPEALS BOARD

Delegation Relating to Appeals on Size Determinations

I. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699); the Small Business Investment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 86-502); Reorganization Plan No. 2 of 1954, dated April 24, 1954 (83d Cong., 2d Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Secretary of the Size Appeals Board, the authority:

A. *Size determinations.* To certify any action taken by the Size Appeals Board.

B. *Correspondence.* To sign all correspondence, other than Congressional correspondence, of actions taken by the Size Appeals Board and correspondence requesting additional information which may be required in connection with pending size determination appeals.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting Secretary, Size Appeals Board.

Dated: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7280; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 50 (Rev. 3)]

DEPUTY ADMINISTRATOR FOR THE INVESTMENT DIVISION

Delegation Relating to the Investment Program

I. Pursuant to the authority vested in the Administrator by the Small Business Investment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 85-502); the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699):

Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Deputy Administrator for the Investment Division the authority:

A. *Investment.* To take any and all actions necessary to carry out the provisions of the Small Business Investment Act of 1958, as amended, within the limitations of said Act, the Small Business Investment Companies Regulation, as amended, and the Loans to State and Local Development Companies Regulation, as amended.

B. *Size determinations.* To determine for the purpose of the programs for which he is responsible the concerns which are small businesses within the meaning of this agency's Small Business Size Standards Regulation.

C. *Administrative.* 1. To authorize or approve (a) his personal travel and (b) the travel of Washington office employees under his supervision, except travel when actual subsistence expenses are requested.

2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

3. To authorize his personal expenditures for registration fees not in excess of $25.00 for each registration.

D. *Correspondence.* To sign all correspondence, except Congressional correspondence, relating to the Investment Program.

II. The authority delegated in I.B. and I.C. 3 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for the Investment Division.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for the Investment Division Delegation of Authority No. 52 (Rev. 2) (24 F.R. 7171) is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Effective date: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7281; Filed, Aug. 4, 1960; 8:46 a.m.]

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Washington, Saturday, August 6, 1960

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Walnuts (Juglans Regia) in the Shell [1]

On July 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6292) regarding a proposed revision of United States Standards for Walnuts (Juglans regia) in the shell.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Walnuts (Juglans regia) in the shell are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Walnuts (Juglans regia) in the shell which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following changes:

1. In § 51.2948, line eight, delete comma after "rancidity."

2. In § 51.2948(a), line seven, delete comma after "percent" and add comma after "lot."

3. In § 51.2949, line eight, delete comma after "rancidity."

GENERAL

Sec.
51.2945 Application.
51.2946 Color chart.
51.2947 Method of inspection.

GRADES

51.2948 U.S. No. 1.
51.2949 U.S. No. 2.
51.2950 U.S. No. 3.

UNCLASSIFIED

51.2951 Unclassified.

SIZE SPECIFICATIONS

51.2952 Size specifications.

VARIETY OR TYPE SPECIFICATIONS

51.2953 Variety or type specifications.

TOLERANCES FOR GRADE DEFECTS

51.2954 Tolerances for grade defects.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

APPLICATION OF TOLERANCES

Sec.
51.2955 Application of tolerances.

DEFINITIONS

51.2956 Practically clean.
51.2957 Bright.
51.2958 Splits.
51.2959 Injury by discoloration.
51.2960 Damage.
51.2961 Well dried.
51.2962 Dark discoloration.
51.2963 Rancidity.
51.2964 Fairly clean.
51.2965 Serious damage.
51.2966 Very serious damage by shriveling.

AUTHORITY: §§ 51.2945 to 51.2966 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GENERAL

§ 51.2945 Application.

The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2946 Color chart.

The walnut color chart [2] to which reference is made in §§ 51.2948, 51.2949, 51.2950 and 51.2962 has been prepared by the United States Department of Agriculture as a part of this subpart.

§ 51.2947 Method of inspection.

In determining the grade of a lot of walnuts, all of the nuts in the sample first should be graded for size and then examined for external defects. The same nuts then should be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

GRADES

§ 51.2948 U.S. No. 1.

"U.S. No. 1" consists of walnuts, the shells of which are dry, practically clean, bright and free from splits, injury by discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 70 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart), and which are free from defects: *Provided*, That at least four-sevenths of the above amount, or 40 percent of the walnuts in the lot, shall have kernels which are not darker than "light" (see color chart). Higher percentages of nuts with kernels not darker than "light amber" which are free from grade defects and/or higher percentages with kernels not darker than "light" which are free from grade defects may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2949 U.S. No. 2.

"U.S. No. 2" consists of walnuts, the shells of which are dry, practically clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 60 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart), and which are free from grade defects. Higher percentages of nuts with kernels not darker than "light amber" which are free from grade defects and/or percentages with kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2950 U.S. No. 3.

"U.S. No. 3" consists of walnuts, the shells of which are dry, fairly clean, free from splits, and free from damage caused by broken shells, and free from serious damage caused by discoloration, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) There shall be no requirements in this grade for the percentage of walnuts having kernels which are "light amber" or "light" in color. However, the percentage, by count, of nuts in any lot having kernels not darker than "light amber" (see color chart) which are free from grade defects and/or the percentage having kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

UNCLASSIFIED

§ 51.2951 Unclassified.

"Unclassified" consists of walnuts in the shell which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a desig-

[2] The walnut color chart has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D.C. A printed copy of this color chart is attached to each copy of these standards issued by the United States Department of Agriculture.

nation to show that no grade has been applied to the lot.

SIZE SPECIFICATIONS

§ 51.2952 Size specifications.

Size shall be specified in accordance with the facts in terms of one of the following classifications:

(a) *Mammoth size.* Mammoth size means walnuts of which not over 12 percent, by count, pass through a round opening $9\frac{9}{64}$ inches in diameter;

(b) *Jumbo size.* Jumbo size means walnuts of which not over 12 percent, by count, pass through a round opening $8\frac{9}{64}$ inches in diameter;

(c) *Large size.* Large size means walnuts of which not over 12 percent, by count, pass through a round opening $7\frac{1}{64}$ inches in diameter; except that for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $7\frac{9}{64}$ inches;

(d) *Medium size.* Medium size means walnuts of which at least 88 percent, by count, pass through a round opening $7\frac{1}{64}$ inches in diameter, and of which not over 12 percent, by count, pass through a round opening $7\frac{3}{64}$ inches in diameter;

(e) *Standard size.* Standard size means walnuts of which not over 12 percent, by count, pass through a round opening $7\frac{3}{64}$ inches in diameter;

(f) *Baby size.* Baby size means walnuts of which at least 88 percent, by count, pass through a round opening $7\frac{3}{64}$ inches in diameter, and of which not over 10 percent, by count, pass through a round opening $6\frac{9}{64}$ inch in diameter; and,

(g) *Minimum diameter, or minimum and maximum diameter.* In lieu of one of the foregoing classification, size of walnuts may be specified in terms of minimum diameter, or minimum and maximum diameter: *Provided*, That not more than 12 percent, by count, pass through a round hole of the specified minimum diameter, and at least 88 percent, by count, pass through a round hole of any specified maximum diameter.

VARIETY OR TYPE SPECIFICATIONS

§ 51.2953 Variety or type specifications.

The variety or type of any lot of walnuts in the shell may be specified in accordance with the facts as follows:

(a) If the lot is of one named variety, that variety name may be specified, or if the lot is of the Placentia Perfection variety and/or like types, it may be specified as "Budded": *Provided*, That not over 10 percent, by count, of the walnuts in the lot are of another variety or type than that specified; and,

(b) If the lot is a mixture of two or more distinct varieties or types or consists of seedlings, it may be specified as "Soft Shells" or "Mixed Varieties".

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 Tolerances for grade defects.

In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for the respective grades as indicated. All percentages shall be determined on the basis of count. Terms in quotation marks refer to color classifications illustrated on the color chart.[3]

[3] See footnote on p. 7423.

TOLERANCES FOR GRADE DEFECTS

Grade	External (shell) defects	Internal (kernel) defects	Color of kernels
U.S. No. 1	10 percent for splits. In addition 5 percent total for defects other than splits, including not over 3 percent serious damage.	10 percent total, including not more than 6 percent serious damage, but not more than ⅓ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70 percent of "light amber" kernels or the required 40 percent of "light" kernels or any larger percentage of "light amber" or "light" kernels specified.
U.S. No. 2	10 percent for splits. In addition 5 percent for defects other than splits.	20 percent total, including not more than 10 percent serious damage, but not more than ½ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60 percent or any larger percentage of "light amber" kernels specified or any percentage of "light" kernels specified.
U.S. No. 3	10 percent for splits. In addition 10 percent total for defects other than splits, including not over 3 percent serious damage by adhering hulls.	30 percent total, including not more than 10 percent very serious damage by shriveling or serious damage by other means, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce any percentage of "light amber" or "light" kernels specified.

APPLICATION OF TOLERANCES

§ 51.2955 Application of tolerances.

The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered as a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2956 Practically clean.

"Practically clean" means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

§ 51.2957 Bright.

"Bright" means a fairly light, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

§ 51.2958 Splits.

"Splits" means walnuts with shell halves separated at the suture but held together by the kernel.

§ 51.2959 Injury by discoloration.

"Injury by discoloration" means that the color of the affected portion of the shell objectionably contrasts with the color of the rest of the shell of the individual nut.

§ 51.2960 Damage.

"Damage" means any injury or defect which materially detracts from the appearance, or the edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken shells when the area from which the shell is missing is greater than the area of a circle one-fourth inch in diameter, or the halves are completely broken apart and separated;

(b) Perforated shells when the area affected aggregates more than that of a circle one-fourth of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than 5 percent of the shell surface;

(d) Discoloration (or stain) which covers, in the aggregate, one-fifth or more of the surface of the shell of an individual nut, and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(e) Mold which is white or gray, inconspicuous and thinly scattered over more than one-fourth of the surface of the entire kernel; or any white or gray mold which is thick and conspicuous, or any yellow, blue, green or other colored mold;

(f) Shriveling when more than 5 percent of the surface of the kernel, including both halves, is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section but which are otherwise normally developed shall not be considered as damaged; and,

(g) Insects when the nut contains web, frass or dead insects, or the kernel shows definite evidence of insect feeding.

§ 51.2961 Well dried.

"Well dried" means that the kernel is firm and crisp, not pliable or leathery.

§ 51.2962 Dark discoloration.

"Dark discoloration" means that the color of the skin of the kernel is darker than "amber". (See color chart.)

§ 51.2963 Rancidity.

"Rancidity" means the stage of deterioration in which the kernel has developed a rancid flavor. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

§ 51.2964 Fairly clean.

"Fairly clean" means that, from the viewpoint of general appearance, the lot is not seriously damaged by adhering dirt or other foreign matter, and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

§ 51.2965 Serious damage.

"Serious damage" means any injury or defect which seriously detracts from the appearance, or the edible or shipping quality of the walnut. Decay, rancidity and insect damage shall be considered serious damage. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration (or stain) which covers, in the aggregate, one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(b) Perforated shells when the area affected aggregates more than that of a circle three-eighths of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than one-eighth of the shell surface in the aggregate;

(d) Mold which is white or gray, thick and conspicuous and covers one-eighth or more of the surface of the entire kernel, or yellow, green, blue or other colored mold which covers 5 percent or more of the surface of the entire kernel; and,

(e) Shriveling when both halves of the kernel are affected by severe shriveling over an area totaling more than one-eighth of the surface; or when both halves are affected over a greater area by lesser degrees of shriveling producing an equally objectionable appearance. When one of the halves of the kernel shows no shriveling, the kernel shall not be considered seriously damaged unless the other half shows shriveling to the extent that over 50 percent of its surface is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section, but which are otherwise normally developed shall not be considered as damaged.

§ 51.2966 Very serious damage by shriveling.

"Very serious damage by shriveling" means that more than one-half of the surface of the entire kernel is severely shriveled or that a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance.

It has been determined that it is in the interest of the public and the walnut industry to set the effective date for these revised standards on September 1, 1960 instead of the later date 30 days after publication in the FEDERAL REGISTER, for the following reasons: (1) The walnut harvest will begin in September, and the standards should be in effect before the packing season begins; and (2) the adoption of the revised standards will entail no changes which could cause problems or hardship to the industry (5 U.S.C. 1001–1011).

The United States Standards for Grades of Walnuts (Juglans regia) in the shell contained in this subpart shall become effective on September 1, 1960 and will thereupon supersede the United States Standards for Walnuts (Juglans regia) in the shell which have been in effect since January 25, 1959 (§§ 51.2945 to 51.2967).

Dated: August 3, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-7342; Filed, Aug. 5, 1960; 8:48 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Grapes[1]

On July 22, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5845) regarding a proposed issuance of the United States Standards for Grades of Canned Grapes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Grapes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

PRODUCT DESCRIPTION AND GRADES

Sec.
52.4021 Product description.
52.4022 Grades of canned grapes.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

52.4023 Liquid media and Brix measurements for canned grapes.
52.4024 Recommended fill of container for canned grapes.
52.4025 Recommended minimum drained weights for canned grapes.
52.4026 Compliance with recommended minimum drained weights.

FACTORS OF QUALITY

52.4027 Ascertaining the grade.
52.4028 Ascertaining the rating for the factors which are scored.
52.4029 Color.
52.4030 Uniformity of size.
52.4031 Absence of defects.
52.4032 Character.

LOT INSPECTION AND CERTIFICATION

52.4033 Ascertaining the grade of a lot.

SCORE SHEET

52.4034 Score sheet for canned grapes.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

AUTHORITY: §§ 52.4021 to 52.4034 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.4021 Product description.

Canned grapes for the purpose of this subpart cover the product prepared from fresh, sound, properly matured grapes of the Thompson Seedless (Sultanina) variety or similar variety of light seedless grapes for canning. The grapes are stemmed, cleaned, and washed; are packed in a suitable packing media with or without the addition of nutritive sweetening ingredient(s), artificial sweetening ingredient(s), or other ingredient(s) permissible under the Federal Food, Drug, and Cosmetic Act; and are sufficiently processed by heat to assure preservation of the product in heremetically sealed containers.

§ 52.4022 Grades of canned grapes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 85 points: *Provided*, That the canned grapes may possess a reasonably uniform and reasonably bright typical color and may be reasonably uniform in size, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points: *Provided*, That the canned grapes may fail to be reasonably uniform in size, if the total score is not less than 70 points.

(c) "Substandard" is the quality of canned grapes that fail to meet the requirements of U.S. Grade B.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

§ 52.4023 Liquid media and Brix measurements for canned grapes.

"Cut-out" requirements for liquid media in canned grapes are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

Designations	*Brix measurement*
"Extra heavy sirup"	22° or more but not more than 35°.
"Heavy sirup"	18° or more but less than 22°.
"Light sirup"	14° or more but less than 18°.
"Slightly sweetened water."	Less than 14°.
"In water"	(No requirement.)
"In grape juice"	(No requirement.)

§ 52.4024 Recommended fill of container for canned grapes.

The recommended fill of container for canned grapes is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of grapes as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.4025 Recommended minimum drained weights for canned grapes.

(a) *General.* The minimum drained weight recommendations in Table I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned grapes is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and grapes less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.4026 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned grapes is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED GRAPES

Container designations (metal, unless otherwise stated)	Container size—overall dimensions		In any liquid medium
	Width	Height	
	Inches	*Inches*	*Ounces*
8 Z tall	2 1/16	3 4/16	5.0
8 oz. glass			5.0
No. 300	3	4 1/16	9.0
No. 1 tall	3 1/16	4 11/16	10.0
No. 303	3 1/16	4 5/16	10.0
303 glass			10.0
No. 2	3 1/16	4 9/16	12.0
No. 2½	4 1/16	4 11/16	17.0
No. 2½ glass			17.0
No. 10	6 1/16	7	62.0

FACTORS OF QUALITY

§ 52.4027 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(b) *Definition of normal flavor.* "Normal flavor" means that the canned grapes are free from objectionable flavors and objectionable odors of any kind.

§ 52.4028 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means "17, 18, 19, or 20 points").

§ 52.4029 Color.

(a) *General.* The factor of color does not apply to canned grapes which are artificially colored and spiced grapes and is not scored on such grapes but the other three factors (uniformity of size, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) classification.* Canned grapes that possess a good color may be given a score of 17 to 20 points. "Good color" means that the grapes possess a practically uniform and bright, light green to greenish-yellow color, typical of well-developed Thompson Seedless grapes that have been properly prepared and processed; and that not more than 10 percent, by weight, of the drained grapes may possess a noticeably dull color, or a light tan cast.

(c) *(B) classification.* If the canned grapes possess a reasonably good color, a score of 14 to 16 points may be given. Canned grapes that fall into this classification due to a noticeably dull color or a brownish cast shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the grapes possess a reasonably uniform and reasonably bright color typical of Thompson Seedless grapes that have been properly prepared and processed; and that the presence of grapes with a noticeably dull color or a brownish cast does not seriously affect the appearance or edibility of the product.

(d) *(SStd) classification.* Canned grapes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4030 Uniformity of size.

(a) *(A) classification.* Canned grapes that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that the weight of the 5 percent, by count, consisting of the largest intact grapes in the sample unit is not more than twice the weight of the 5 percent, by count, consisting of the smallest intact grapes in the sample unit.

(b) *(B) classification.* If the canned grapes are reasonably uniform in size, a score of 14 to 16 points may be given. "Reasonably uniform in size" means that the grapes may vary in size as to appearance and weight provided such variation in size does not seriously affect the appearance of the product.

(c) *(SStd) classification.* Canned grapes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

§ 52.4031 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from main stems (or portions thereof), harmless extraneous vegetable material, attached or loose capstems, mutilated grapes, blemished grapes, and any other defects not specifically mentioned that affect the appearance or edibility of the product.

(b) *Definition of defects.* (1) "Blemished" means any discolored area on or in the grape, which singly or in the aggregate, materially affects the appearance of the grape. Cracks without discoloration are considered processing cracks and are not scored as defects. (See § 52.4032.)

(2) "Seriously blemished" means any blemished area on or in the grape (such as scab, scar tissue, and discolored cracks), which singly or in combination with other defects, seriously affects the appearance or edibility of the grape.

(3) "Mutilated" means that the grape is so spread open beyond the center or crushed or broken that it cannot be restored to its original shape or that the grape is severed into two or more separate parts.

(c) *(A) classification.* Canned grapes that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that:

(1) There may be present not more than 1 main stem (or portion thereof) or 1 piece of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each 4 ounces of total contents;

(3) Not more than a total of 5 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided,* That not more than 3 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, mutilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not materially affect the appearance or edibility of the product.

(d) *(B) classification.* Canned grapes that are reasonably free from defects may be given a score of 21 to 25 points. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present not more than a total of 3 main stems (or portions thereof) or pieces of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each 2 ounces of total contents;

(3) Not more than a total of 10 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided,* That not more than 5 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, mutilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not seriously affect the appearance or edibility of the product.

(e) *(SStd) classification.* Canned grapes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4032 Character.

(a) *General.* The factor of character refers to the fleshiness and texture of the canned grapes and to the presence of serious processing cracks.

(1) "Serious processing crack" means a crack without any discoloration that is split to or beyond the approximate center of the grape but is not a mutilated grape. Processing cracks that are not serious are not scored.

(b) *(A) classification.* Canned grapes that possess a good character may be given a score of 25 to 30 points. "Good character" means that the grapes are reasonably uniform in texture and are generally thick-fleshed and tender but not soft or flabby; and that not more than 5 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(c) *(B) classification.* If the canned grapes possess a reasonably good character, a score of 21 to 24 points may be given. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapes are fairly uniform in texture and may be slightly soft but are not flabby; and that not more than 10 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(d) *(SStd) classification.* Canned grapes that fail to meet the requirement of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.4033 Ascertaining the grade of a lot.

The grade of a lot of canned grapes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.4034 Score sheet for canned grapes.

Size and kind of container .....
Container mark or identification .....
Label .....
Net weight (ounces) .....
Vacuum (inches) .....
Drained weight (ounces) .....
Brix measurement .....
Sirup designation (extra heavy, heavy, etc.) .....

Factors		Score points
Color	20	(A) 17–20 (B) [1] 14–16 (SStd.) [1] 0–13
Uniformity of size	20	(A) 17–20 (B) 14–16 (SStd.) [1] 0–13
Absence of defects	30	(A) 26–30 (B) [1] 21–25 (SStd.) [1] 0–20
Character	30	(A) 25–30 (B) [1] 21–24 (SStd.) [1] 0–20
Total score	100	

Flavor ( ) Normal ( ) Off .....
Grade .....

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

The United States Standards for Grades of Canned Grapes (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Dated: August 2, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-7297; Filed, Aug. 5, 1960; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 209]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.509 Valencia Orange Regulation 209.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current

week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 4, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 7, 1960, and ending at 12:01 a.m., P.s.t., August 14, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated:

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7414; Filed, Aug. 5, 1960; 11:25 a.m.]

[Peach Order 1, Amdt. No. 2]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. 1. Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postponed the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh peaches grown in Washington.

It is, therefore, ordered as follows: The provisions in paragraph (b)(3) of § 934.301 (Peach Order 1; 25 F.R. 6260; 7238) are hereby amended to read as follows:

(3) *Minimum size requirements.* Such peaches shall measure at least 2⅜ inches in diameter: *Provided,* That any lot of peaches shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅜ inches in diameter, or (ii) such peaches are not smaller than a size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in a standard peach box, 70 peaches in a cascade lug box, or 72 peaches in a L.A. lug box: *Provided, further,* That Elberta type peaches, when packed in a standard peach box, may be shipped if such peaches are of a size that will pack, in accordance with the requirements prescribed for a standard pack, 72 peaches in said box.

The term "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223); the term "standard peach box" shall mean a wooden container with inside dimensions of 4½ to 5 by 11½ by 16 inches; the term "cascade lug box" shall mean a wooden container with inside dimensions of 6 by 11½ by 18 inches; the term "L.A. lug box" shall mean a wooden container with inside dimensions of 5¾ by 13½ by 16⅛ inches; and the term "Elberta type peaches" shall mean the Elberta, Early Elberta, Golden Elberta, Fay Elberta, and similar varieties of peaches.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 4, 1960, to be effective on and after 12:01 a.m., P.s.t., August 8, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7394; Filed, Aug. 5, 1960; 9:19 a.m.]

[Peach Order 1]

PART 940—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

§ 940.312 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 7, 1960. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 28, 1960; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 28, 1960, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; shipments of some of the early varieties of the current crop of peaches have begun in light volume, and shipments in heavy volume are expected to begin shortly, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., M.s.t., August 7, 1960, and ending at 12:01 a.m., M.s.t., October 16, 1960, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1;

(ii) Any peaches of the Early Elberta, Gleason Elberta, Sullivan Elberta, or Golden Jubilee varieties which are of a size smaller than 2 inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inch in diameter; or

(iii) Any varieties of peaches other than the Early Elberta, Gleason Elberta, Sullivan Elberta, and Golden Jubilee varieties which are of a size smaller than 2⅛ inches in diamcter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7343; Filed, Aug. 5, 1960; 8:49 a.m.]

[Lemon Reg. 858]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.965 Lemon Regulation 858.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 2, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 7, 1960, and ending at 12:01 a.m., P.s.t., August 14, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7331; Filed, Aug. 5, 1960; 8:51 a.m.]

[Prune Order 1, Amdt. 1]

PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, and Order No. 129 (7 CFR Part 129; 25 F.R. 6350), regulating the handling of fresh prunes grown in designated counties in Washington, and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; minimum quantity exemptions were provided for in the order to facilitate sales of prunes from the orchard where grown or from roadside stands to consumers, and such was the intent in fixing 300 pounds as the minimum quantity exemption in the initial regulation; experience has shown, however, that some handlers are making commercial shipments in the amounts now permitted; this amendment tends to close avenues of escape from the provisions of the order which have been found to exist; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective not later than the date hereinafter specified; and compliance with this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

It is, therefore, ordered as follows: The provisions in paragraph (b)(2) of § 1029.301 (Prune Order 1; 25 F.R. 7203) are hereby amended to read as follows:

(2) Notwithstanding any provision of this section, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 1029.41 and 1029.55.

(Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1960, to be effective on and after 12:01 a.m., P.s.t., August 8, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7382; Filed, Aug. 5, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 464; Amdt. 187]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller UH–12D and UH–12E Helicopters

Subsequent to issuance of Amendment 125, 25 F.R. 2765, against Hiller Model UH–12D and UH–12E helicopters exten-

sive investigations and tests conducted by the manufacturer have established that the interval between the dye penetrant inspections of paragraph (2) may be extended from 25 hours to 200 hours of time in service without adversely affecting safety of the aircraft. Accordingly, Amendment 125 is being amended to incorporate the extension.

Since this amendment grants relief, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is amended as follows:

Amendment 125, Hiller UH-12D and UH-12E helicopters, as it appeared in 25 F.R. 2765 is amended by changing the first sentence of paragraph (2) to read: "Perform dye penetrant inspection, or equivalent, of the bolt hole and adjacent milled surfaces within 10 hours' time in service and every 200 hours' time in service thereafter on all forks with 250 or more hours' time in service."

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 29, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7319; Filed, Aug. 5, 1960; 8:45 a.m.]

[Reg. Docket 347; Amdt. 188]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-3 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring corrective action on Douglas DC-3 aircraft with geared rudder tab installations was published in 25 F.R. 3476.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC-3 Series aircraft with geared rudder tab installations based on data approved prior to the effective date of this airworthiness directive.

Compliance is required as indicated.

(a) In order to correct rudder force reversal tendencies on existing installations, the following shall be accomplished:

(1) Within two weeks after the effective date of this directive and until the aircraft has been flight tested or modified in accordance with this directive, a placard shall be placed in the aircraft in full view of the pilot which reads as follows:

"Possible rudder force reversal and/or rudder lock may be experienced in this aircraft if rudder application is not coordinated with lateral control. Avoid yawed flight."

This placard shall be retained in the airplane and complied with until either of the applicable procedures described in (2) have been accomplished.

(2) To remove the placard, either of the following procedures must be accomplished:

(i) *Inspection and test of the geared tab installation.* (a) Check the rigging of the geared rudder tab installation in accordance with the manufacturer's approved installation data to prove conformity of this installation prior to the required flight test below. The results of the rigging check must be recorded in the aircraft logbook and signed by the individual making the check.

(b) Contact the nearest FAA Regional Office and make arrangements through the Flight Test Branch for having the aircraft tested. The results of this flight test must be recorded in the aircraft logbook and signed by the individual conducting the flight test.

(c) If the rudder control characteristics in the flight test are found to meet the requirements of Civil Air Regulations, Part 4a, § 4a.758-T (or Civil Air Regulations, Part 4b, sec. 4b.157), the placard in paragraph (1) may be removed.

(d) If the rudder control characteristics in the flight test are found not to meet the requirements of Civil Air Regulations, Part 4a, § 4a.758-T (or Civil Air Regulations, Part 4b, Sec. 4b.157), the placard may not be removed until a corrective design modification has been made, officially inspected and flight tested, and found to comply with the above regulations.

(ii) *Replacement with an approved new or modified geared tab installation.* At such time as a "fix" or a new design installation has been developed, officially inspected and flight tested, and found to comply with the regulations, such an FAA approved modification or design may be installed in accordance with the manufacturer's specifications, a rigging and installation check made and recorded in the aircraft logbook by the individual who made the check. No mandatory flight tests will be necessary for such installations and the above-mentioned placard may be removed at this time.

(b) To preclude the installation on other aircraft of geared tabs of the same design which may have rudder force reversal tendencies, the following shall be accomplished prior to each approval:

(1) An official flight test shall be arranged with the nearest FAA Regional Office to determine that the installation complies with the regulations. The results of this flight test, as well as the prior inspection for conformity with approved installation data, must be recorded in the aircraft logbook and signed by the individuals conducting the installation inspection and flight test.

This amendment shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 29, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7320; Filed, Aug. 5, 1960; 8:45 a.m.]

[Reg. Docket 469; Amdt. 189]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Series Aircraft

Further investigation of the Boeing 707 main landing gear outer cylinder has substantiated less conservative rework limits than now required in Amendment 136, 25 F.R. 3576. Test results show that the maximum depth of rework specified in paragraph (e)(1) may be increased and the limitation on crack length may be deleted. However, future rework accomplished requires that an additional 0.03 inch of material be removed after removal of crack is verified by inspection. Therefore, a new paragraph (e)(1) is being incorporated in the directive to provide these changes, and paragraph (e)(2) is being deleted.

Although the removal of the crack size limitation is relaxatory, the additional requirement for removal of material beneath the crack is considered necessary in the interest of safety. Therefore, notice and public procedure hereon are impracticable and this amendment may be made effective in less than thirty days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is amended as follows:

Amendment 136, Boeing 707 Series aircraft with main landing gear oleo cylinders having more than 500 hours' time in service, as it appeared in 25 F.R. 3576 is amended:

1. By deleting the present paragraph (e)(1) and substituting therefor the following:

(1) Rework the affected area with a hand file and smooth with No. 320 emery paper. Complete removal of crack must be verified by dye penetrant inspection or FAA approved equivalent. If cracks are completely removed as verified by such inspection, remove an additional 0.03 inch of material. After all rework is completed, the maximum allowable depth of material removed is 0.08 inch using a 1.00 inch minimum radius.

Parts previously reworked in accordance with the crack limitations contained in Amendment 136 Part 507 FEDERAL REGISTER April 26, 1960, need not be reworked again to incorporate 0.03 inch insurance material removal. If crack reappears in this reworked area, or a new crack develops, rework must be accomplished in accordance with the above instructions.

2. By deleting paragraph (e)(2).

This amendment shall become effective 15 days after publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 2, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7321; Filed, Aug. 5, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 462; Amdt. 63]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice.

Part 610 is amended as follows:

Section 610.13 *Green Federal airway 3* is amended to read in part:

From Donner Summit, Calif., LF/RBN; to *Reno, Nev., LFR; MEA 12,000. *10,500—MCA Reno LFR, westbound.

Section 610.15 *Green Federal airway 5* is amended to read in part:

From *Riverside, Calif., LFR; to Blythe, Calif., LFR; MEA 13,000. *11,000—MCA Riverside LFR, eastbound.

From Banning, Calif., FM: to Riverside, Calif., LFR, westbound only; MEA 10,000.

Section 610.105 *Amber Federal airway 5* is amended to read in part:

From Waterloo INT, Mo.; to St. Louis, Mo., LFR; MEA 2,600.

Section 610.213 *Red Federal airway 13* is amended to read:

From Crystal Lake, Pa., LF/RBN; to Stewart, N.Y., LF/RBN; MEA 4,000.

From Stewart, N.Y., LF/RBN; to Poughkeepsie, N.Y., LFR; MEA 3,000.

From Poughkeepsie, N.Y., LFR; to Hartford, Conn., LFR; MEA 3,000.

From Hartford, Conn., LFR; to Moosup INT, Conn.; MEA 2,000.

From Moosup INT, Conn.; to Providence, R.I., LFR; MEA 1,600.

Section 610.251 *Red Federal airway 51* is amended to read:

From Blackstone, Va., LFR; to Carson INT, Va.; MEA 1,800.

From Carson INT, Va.; to Langley, Va., LFR; MEA 1,500.

Section 610.265 *Red Federal airway 65* is amended to read in part:

From Julian, Calif., LF/RBN; to Hayfield Lake, Calif., LF/RBN; MEA 9,000.

Section 610.288 *Red Federal airway 88* is amended to read in part:

From Roswell, N. Mex., LFR; to Hobbs, N. Mex., LFR; MEA 6,000.

Section 610.618 *Blue Federal airway 18* is amended to read:

From Albany, N.Y., LFR; to Glens Falls, N.Y., LF/RBN; southbound, MEA 3,000; northbound, MEA 4,500.

From Glens Falls, N.Y., LF/RBN; to Burlington, Vt., LFR; MEA 4,500.

From Vergennes, Vt., FM; to Burlington, Vt., LFR, northbound only; MEA 2,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Shelton, Wash., LF/RBN; to Seattle, Wash., LFR; MEA 2,600.

From Ashland INT, Oreg.; to Klamath Falls, Oreg., LFR; MEA 9,500.

From Hondo INT, N. Mex.; to Walker, N. Mex., TVOR; MEA 6,000.

From Dunlap INT, N. Mex.; to Walker, N. Mex., TVOR; MEA 6,000.

From Walker, N. Mex., TVOR; to Ranch INT, N. Mex.; eastbound, MEA 7,000; westbound, MEA 5,000.

From Walker, N. Mex., TVOR; to *Hagerman INT, N. Mex.; southeastbound, MEA 6,000; northwestbound, MEA 5,000. *6,500—MRA.

From Nelson INT, N. Mex.; to Walker, N. Mex., TVOR; MEA 5,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Wilmington, N.C., VORTAC via W alter.; to Kinston, N.C., VOR via W alter.; MEA 1,400.

From Kinston, N.C., VOR via W alter.; to Cofield, N.C., VOR via W alter.; MEA *3,500. *1,900—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Lansing, Mich., VOR via N alter.; to Fowler INT, Mich., via N alter.; MEA *4,000. *2,900—MOCA.

From Albany, N.Y., VOR; to Griswoldville INT, N.Y.; MEA 5,500.

From Griswoldville INT, N.Y.; to Gardner, Mass., VOR; MEA 3,000.

Section 610.6003 *VOR Federal airway 3* is amended to delete:

From Rancho INT, Fla.; to Krome INT, Fla.; MEA *2,500. *1,300—MOCA.

From Krome INT, Fla.; to Miami, Fla., ILS/LOM; MEA 1,100.

From Miami, Fla., ILS/LOM; to Flagler INT, Fla.; MEA 1,300.

From Flagler INT, Fla.; to *Dania INT, Fla.; MEA 2,000. *2,000—MCA Dania INT, northbound.

From Dania INT, Fla.; to West Palm Beach, Fla., VOR; MEA 2,000.

From Flagler INT, Fla. via E alter.; to West Palm Beach, Fla., VOR, via E alter.; MEA 1,400.

Section 610.6003 *VOR Federal airway 3* is amended by adding:

From Rancho INT, Fla.; to Biscayne Bay, Fla., VOR; MEA 1,300.

From Biscayne Bay, Fla., VOR; to Flagler INT., Fla.; MEA 1,400.

From Flagler INT., Fla.; to Bradley INT., Fla.; MEA 2,000.

From Bradley INT., Fla.; to W. Palm Beach, Fla., VOR; MEA 1,400.

From Biscayne Bay, Fla., VOR via E alter.; to W. Palm Beach, Fla., VOR via E alter.; MEA 1,400.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Glenns Ferry INT, Idaho; to Jerome INT, Idaho; MEA 9,000.

From Jerome INT, Idaho; to Burley, Idaho, VORTAC; MEA 6,000.

From *Burley, Idaho, VORTAC; to Rehn Ranch INT, Idaho; MEA 8,000. *7,000—MCA Burley VORTAC, eastbound.

From *Rehn Ranch INT, Idaho; to Malad City, Idaho, VOR; MEA 11,000. *8,500—MCA Rehn Ranch INT, eastbound.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Nashville, Tenn., VOR via E alter.; to Austin INT, Ky., via E alter.; MEA *2,300. *2,000—MOCA.

From Austin INT, Ky., via E alter.; to New Hope, Ky., VOR via E alter.; MEA 2,500.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Oakland, Calif., VORTAC; to Bay Point INT, Calif.; MEA 5,000.

From Bay Point INT, Calif.; to *Rio INT, Calif.; southwestbound, MEA 5,000; northeastbound, MEA 4,000. *4,000—MCA Rio INT, southwestbound.

From Rio INT, Calif.; to Sacramento, Calif., VORTAC; MEA 2,000.

From Oakland, Calif., VORTAC via S alter.; to San Ramon INT, Calif., via S alter.; MEA 4,000.

From San Ramon INT, Calif., via S alter. to *Altamont INT, Calif., via S alter.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

From *Bear Creek INT, Wyo.; to Albin INT, Wyo.; MEA 10,500. *10,000—MRA.

From Albin INT, Wyo.; to Bushnell INT, Nebr.; eastbound, MEA 8,000; westbound, MEA 8,500.

From *Ogden, Utah, VOR via N alter.; to Blacksmith INT, Utah, via N alter.; MEA **13,000. *11,000—MCA Ogden VOR, northbound. **12,000—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Oakwood INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,500.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

From St. Thomas, Pa., VOR via S alter.; to Harrisburg, Pa., VOR via S alter.; MEA 5,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Roswell, N.Mex., VOR via S alter.; to Ranch INT, N. Mex., via S alter.; westbound, MEA 7,000; eastbound, MEA 5,000.

From Ranch INT, N. Mex., via S alter.; to *Caprock INT, N. Mex., via S alter.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

From Erie, Pa., VOR; to Dunkirk, N.Y., VOR; MEA 2,900.

From Albany, N.Y., VOR; to Griswoldville INT, N.Y.; MEA 5,500.

From Griswoldville INT, N.Y.; to Gardner, Mass., VOR; MEA 3,000.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Sioux Falls, S. Dak., VOR via W alter.; to Huron, S. Dak., VOR via W alter.; MEA *3,500. *3,000—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.

From Rio INT, Tex.; to *Salt Flat, Tex., VOR; 8,000. *9,100—MCA Salt Flat VOR, eastbound.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Locust Grove INT, Va.; to Nottingham, Md., VOR; MEA 1,500. *2,000—MRA.

From Nottingham, Md., VOR; to Kenton, Del., VOR; MEA 1,500.

Section 610.6017 *VOR Federal airway 17* is amended by adding:

From San Antonio, Tex., VORTAC via E alter.; to Elroy INT, Tex., via E alter.; MEA 2,500.

From Elroy INT, Tex., via E alter.; to Austin, Tex., VORTAC via E alter.; MEA 3,000.

Section 610.6019 *VOR Federal airway 19* is amended to delete:

From Las Vegas, N. Mex., VOR via E alter.; to Raton, N. Mex., VOR via E alter.; MEA 11,000.

From Raton, N. Mex., VOR; to Earl INT, Colo.; MEA 11,000.

From Earl INT, Colo.; to *Haystack INT, Colo.; northbound, MEA 7,500; southbound, MEA 11,000. *7,700—MRA.

From Haystack INT, Colo.; to Pueblo, Colo., VOR; northbound, MEA 7,500; southbound, MEA 11,000.

Section 610.6019 *VOR Federal airway 19* is amended by adding:

From *Las Vegas, N. Mex., VOR; to Cimarron, N. Mex., VOR; MEA 12,000. *10,000—MCA Las Vegas VOR, northbound.

From Cimarron, N. Mex., VOR; to *Border INT, N. Mex., MEA 11,000. *14,000—MRA.

From Border INT, N. Mex.; to Ludlow INT, Colo.; MEA *11,000. *10,000—MOCA.

From Ludlow INT, Colo.; to Gordon INT, Colo.; MEA 10,000.

From Gordon INT, Colo.; to *Pueblo, Colo., VOR; MEA 8,500. *6,500—MCA Pueblo VOR, southbound.

From Cimarron, N. Mex., VOR via E alter.; to *Earl INT, Colo., via E alter.; MEA 11,000. *10,600—MCA Earl INT, southbound.

From Earl INT, Colo., via E alter.; to Rattlesnake INT, Colo., via E alter.; MEA 9,000.

From Rattlesnake INT, Colo., via E alter.; to *Haystack INT, Colo., via E alter.; MEA 7,500. *7,700—MRA.

From Haystack INT, Colo., via E alter.; to *Pueblo, Colo., VOR via E alter.; MEA 7,000. *6,500—MCA Pueblo VOR, southbound.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Pocatello, Idaho, VOR; to Dubois, Idaho, VOR; MEA 7,500. *9,000—MCA Pocatello VOR, southbound.

From *Dubois, Idaho, VOR; to Dillon, Mont., VORTAC; MEA 12,000. *9,600—MCA Dubois VOR, northbound.

Section 610.6022 *VOR Federal airway 22* is amended to delete:

From *Greenville INT, Fla., via N alter.; to Lee INT, Fla., via N alter.; MEA **2,500. *2,800—MRA. **1,500—MOCA.

From Lee INT, Fla., via N alter.; to Taylor INT, Fla., via N alter.; MA *3,0E00. *1,200—MOCA.

From Taylor INT, Fla., via N alter.; to *Swamp INT, Fla., via N alter.; MEA **4,500. *1,900—MRA. **1,200—MOCA.

From Swamp INT, Fla., via N alter.; to *Toledo INT, Ga., via N alter.; MEA **1,600. *1,900—MRA., **1,200—MOCA.

From Toledo INT, Ga., via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA *1,600. *1,200—MOCA.

Section 610.6022 *VOR Federal airway 22* is amended by adding:

From Taylor, Fla., VOR via N alter.; to *Toledo INT, Ga., via N alter.; MEA 1,300. *1,900—MRA.

From Toledo INT, Ga., via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA 1,300.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA 1,500.

From Greenville INT, Fla.; to Taylor, Fla., VOR; MEA *1,500. *1,200—MOCA.

From Taylor, Fla., VOR; to *Moniac INT, Fla.; MEA 1,300. *4,000—MRA.

From Moniac INT, Fla.; to Jacksonville, Fla., VORTAC; MEA 1,300.

From Marianna, Fla., VOR via N alter.; to Amsterdam INT, Ga., via N alter.; MEA 1,500.

From Amsterdam INT, Ga., via N alter.; to *Calvery INT, Ga., via N alter.; MEA **2,500. *2,500—MRA. **1,900—MOCA.

From Calvery INT, Ga., via N alter.; to *Reno INT, Ga., via N alter.; MEA **2,500. *2,500—MRA. **1,900—MOCA.

From Reno INT, Ga., via N alter.; to Greenville INT, Fla., via N alter.; MEA *4,500. *1,300—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Portland, Oreg., VOR; to Toledo INT, Wash.; MEA 5,000.

From Portland, Oreg., VOR via W alter.; to Toledo INT, Wash., via W alter.; MEA 5,000.

Section 610.6024 *VOR Federal airway 24* is amended to read in part:

From Rochester, Minn., via S alter.; to Waukon, Iowa, VOR via S alter.; MEA 2,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Pierre, S. Dak., VOR via S alter.; to Stephan INT, S. Dak., via S alter.; MEA *3,400. *3,200—MOCA.

From Stephan INT, S. Dak., via S alter.; to Huron, S. Dak., VOR via S alter.; MEA 3,400.

Section 610.6028 *VOR Federal airway 28* is amended to read in part:

From Oakland, Calif., VORTAC; to San Ramon INT, Calif.; MEA 4,000.

From San Ramon INT, Calif.; to *Altamont INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Flint, Mich., VOR; to Plains INT, Mich.; MEA 2,400.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From *Hilton INT, Va.; to Daley INT, Ky.; MEA **9,500. *9,500—MRA. **6,200—MOCA.

From Daley INT, Ky.; to Vincent INT, Ky.; MEA *6,000. *3,500—MOCA.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Cornville INT, Ariz.; to Rim Rock INT, Ariz.; MEA *12,000. *10,000—MOCA.

From Rim Rock INT, Ariz.; to Milky INT, Ariz.; MEA *12,000. *8,000—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Yuma, Ariz., VOR; to *Growler INT, Ariz.; MEA 4,000. *7,000—MRA.

From Growler INT, Ariz.; to Gila Bend, Ariz., VOR; MEA 4,000.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From *Captain INT, N. Mex.; to Hondo INT, N. Mex.; MEA 9,000. *10,500—MRA.

From Hondo INT, N. Mex.; to Roswell, N. Mex., VOR; MEA 6,000.

From Roswell, N. Mex., VOR; to Dexter INT, N. Mex.; MEA 5,000.

From Dexter INT, N. Mex.; to *Hagerman INT, N. Mex.; eastbound, MEA 6,000; westbound, MEA 5,000. *6,500—MRA.

From Corona, N. Mex., VOR via N alter.; to Dunlap INT, N. Mex., via N alter.; MEA 9,000.

From Dunlap INT, N. Mex., via N alter.; to Roswell, N. Mex., VOR via N alter.; MEA 6,000.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Fayetteville, Ark., VOR; to Dogwood, Mo., VOR; MEA 2,700.

Section 610.6081 *VOR Federal airway 81* is amended by adding:

From Dalhart, Tex., VOR via W alter.; to Clayton, N. Mex., VOR via W alter.; MEA 7,000.

From Clayton, N. Mex., VOR via W alter.; to Tobe, Colo., VOR via W alter.; MEA 9,000.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Roswell, N. Mex., VOR; to Hondo INT, N. Mex.; MEA 6,000.

From Hondo INT, N. Mex.; to *Capitan INT, N. Mex.; MEA 9,000. *10,500—MRA.

From Roswell, N. Mex., VOR via E alter.; to Dunlap INT, N. Mex. via E alter.; MEA 6,000.

From Dunlap INT, N. Mex., via E alter.; to Corona, N. Mex., VOR via E alter.; MEA 9,000.

Section 610.6089 *VOR Federal airway 89* is amended to delete:

From Chadron, Nebr., VOR; to Smithwick, S. Dak., VOR; MEA 5,900.

From Smithwick, S. Dak., VOR; to *Fairburn INT, S. Dak.; MEA 4,500. *7,000—MRA.

From Fairburn INT, S. Dak.; to Rapid City, S. Dak., VOR; MEA 4,500.

From Chadron, Nebr., VOR via E alter.; to Rapid City, S. Dak., VOR via E alter.; MEA 5,900.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Wheeling, W. Va., VOR; to Gregory INT, Pa.; MEA 3,000.

From Gregory INT, Pa.; to Grantsville, Md., VOR; MEA 5,000.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Gila Bend, Ariz., VOR; to Casa Grande, Ariz., VOR; MEA 5,000.

Section 610.6099 *VOR Federal airway 99* is amended to read in part:

From Newport, Oreg., VOR; to Newberg, Oreg., VOR; MEA 6,000.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From Roswell, N. Mex., VOR; to Ranch INT, N. Mex.; westbound, MEA 7,000; eastbound, MEA 5,000.

From Ranch INT, N. Mex.; to *Caprock, INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Mt. Hope INT, Ariz.; to *Red Lake INT, Ariz.; MEA 12,000. *10,000—MRA.

From Red Lake INT, Ariz.; to *White Hills INT, Ariz.; MEA 10,000. *8,300—MCA White Hills INT, southeastbound.

Section 610.6106 *VOR Federal airway 106* is amended to read in part:

From Johnstown, Pa., VOR; to Huntingdon INT, Pa.; MEA 4,500.

From Huntingdon INT, Pa.; to Reedsville INT, Pa.; MEA *5,000. *4,500—MOCA.

From Reedsville INT, Pa.; to Selinsgrove, Pa., VOR; MEA *8,000. *4,500—MOCA.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From *Reyes INT, Calif.; to **Sunset INT, Calif.; MEA ***15,000. *13,000—MCA Reyes INT, northwestbound. **15,000—MCA Sunset INT, southeastbound. ***9,500—MOCA.

From Sunset INT, Calif.; to Avenal, Calif., VOR; northbound; MEA *8,000. Southbound; MEA *11,000. *6,000—MOCA.

Section 610.6108 *VOR Federal airway 108* is amended to read in part:

From Linden, Calif., VOR; to *Big Trees INT, Calif.; MEA 14,000. *16,000—MRA.

From *Delta, Utah, VOR; to Manti INT, Utah; MEA **17,000. *11,000—MCA Delta VOR, eastbound. **12,000—MOCA.

From Manti INT, Utah; to Grand Junction, Colo., VOR; MEA *18,000. *13,000—MOCA.

From Mina, Nev., VOR; to Currant, Nev., VOR; MEA 13,000.

Section 610.6109 *VOR Federal airway 109* is amended to read in part:

From *Altamont INT, Calif.; to San Ramon INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

From San Ramon INT, Calif.; to Oakland, Calif., VORTAC; MEA 4,000.

Section 610.6120 *VOR Federal airway 120* is amended by adding:

From Miles City, Mont., VOR; to Dupree, S. Dak., VOR; MEA *9,500. *4,700—MOCA.

From Dupree, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA 3,500.

From Pierre, S. Dak., VOR; to Stephan INT, S. Dak.; MEA *3,400. *3,200—MOCA.

From Stephan INT, S. Dak.; to Canova INT, S. Dak.; MEA *5,800. *3,200—MOCA.

From Canova INT., S. Dak.; to Sioux Falls, S. Dak., VOR; MEA *3,500. *3,000—MOCA.

From Sioux Falls, S. Dak., VOR; to Mason City, Iowa, VOR; MEA *6,000. *2,800—MOCA.

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Salem, Mich., VOR; to Russell INT, Mich.; MEA 2,600.

Section 610.6137 *VOR Federal airway 137* is amended to read in part:

From *Gorman, Calif., VOR; to **Sunset INT, Calif.; MEA ***14,000. *10,500—MCA Gorman VOR, northwestbound. **14,000—MCA Sunset INT, southeastbound. ***11,000—MOCA.

From Sunset INT, Calif.; to Avenal, Calif., VOR; northbound; MEA *8,000. Southbound; MEA *11,000. *6,000—MOCA.

From *Los Banos, Calif., VOR; to **Reception INT, Calif.; MEA 6,000. *5,500—MCA Los Banos VOR, southbound. **8,500—MRA.

From Reception INT, Calif.; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Gainesville, Fla.; to *Lulu INT, Fla.; MEA 1,400. *2,000—MRA.

From Lulu INT, Fla.; to Taylor, Fla., VOR; MEA 1,400.

From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Gainesville, Fla., VOR; to Greenville INT, Fla.; MEA *5,500. *1,500—MOCA.

From Greenville INT, Fla.; to Quitman INT, Ga.; MEA *4,500. *1,300—MOCA.

From Cross City, Fla., VOR via W alter.; to Greenville INT, Fla., via W alter.; MEA *2,800. *1,200—MOCA.

From Greenville INT, Fla., via W alter.; to Quitman INT, Ga., via W alter.; MEA *4,500. *1,300—MOCA.

From *Dixie Ranch INT, Fla., via W alter.; to Bailey INT, Fla., via W alter.; MEA **1,500. *1,500—MRA. **1,200—MOCA.

From Bailey INT, Fla., via W alter.; to Orlando, Fla., VOR via W alter.; MEA *1,500. *1,300—MOCA.

Section 610.6162 *VOR Federal airway 162* is amended to read in part:

From St. Thomas, Pa., VOR; to Harrisburg, Pa., VOR; MEA 5,000.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Rock Springs, Wyo., VORTAC; to *Hudson INT, Wyo.; MEA 10,000. *13,000—MRA.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Nodine, Minn., VOR; to Elba INT, Minn.; MEA 2,800.

From Elba INT, Minn.; to Goodhue INT; MEA *3,800. *2,200—MOCA.

From Goodhue INT, Minn.; to Farmington, Minn., VOR; MEA 2,200.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Dove Creek, Colo., VOR via W alter.; to Grand Junction, Colo., VOR via W alter.; MEA 12,000.

From *Grand Junction; to Yampa INT, Colo.; MEA 13,000. *12,000—MCA Grand Junction VOR, southbound.

From *Yampa INT, Colo.; to Rock Springs, Wyo., VOR; MEA 13,000. *13,000—MCA Yampa INT, northbound.

Section 610.6188 *VOR Federal airway 188* is amended to read in part:

From Slate Run, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.

Section 610.6189 *VOR Federal airway 189* is amended by adding:

From Franklin, Va., VOR; to Hopewell, Va., VORTAC; MEA 1,500.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Las Vegas, N. Mex., VOR; to *Hayden INT, N. Mex.; MEA **9,500. *7,500—MCA Hayden INT, westbound. **9,000—MOCA.

From Hayden INT, N. Mex.; to Derby INT, N. Mex., MEA 7,000.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Oakwood INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From McComb, Miss., VOR; to *Olive INT, Miss.; MEA 1,800. *2,000—MRA.

From Olive INT, Miss.; to *Rose Hill INT, Miss.; MEA 1,800. *3,000—MRA.

Section 610.6197 *VOR Federal airway 197* is deleted.

Section 610.6214 *VOR Federal airway 214* is amended to read in part:

From Zanesville, Ohio, VOR; to Bellaire, Ohio, VOR; MEA 2,500.

Section 610.6216 *VOR Federal airway 216* is amended by adding:

From Hill City, Kans., VOR via N alter.; to Mankato, Kans., VOR via N alter.; MEA 3,500.

From Mankato, Kans., VOR via S alter.; to Pawnee City, Nebr., VOR via S alter.; MEA, 3,000.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From Rochester, Minn., VOR; to Waukon, Iowa, VOR; MEA 2,500.

From Lansing, Mich., VOR; to Plains INT, Mich.; MEA 2,900.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.

From Rio INT, Tex.; to Salt Flat, Tex., VOR; MEA 8,000.

Section 610.6230 *VOR Federal airway 230* is amended to read in part:

From Salinas, Calif., VOR; to *Reception INT, Calif.; MEA 6,000. *8,500—MRA.

From Reception INT, Calif.; to Los Banos, Calif., VOR; MEA 6,000.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Oakland, Calif., VORTAC; to San Ramon INT, Calif.; MEA 4,000.

From San Ramon, INT, Calif.; to *Altamont INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

Section 610.6244 *VOR Federal airway 244* is amended by adding:

From Pueblo, Colo., VOR; to Lamar, Colo., VOR; MEA 6,000.

From Lamar, Colo., VOR; to Tuttle INT, Kans.; MEA 5,500.

From Tuttle INT, Kans.; to *Modoc INT, Kans.; MEA **7,000. *7,000—MRA. **5,500—MOCA.

From Modoc INT, Kans.; to Ransom INT, Kans.; MEA **9,500. *9,700—MRA. **5,500—MOCA.

From Ransom INT, Kans.; to Russell, Kans., VOR; MEA 5,500.

Section 610.6248 *VOR Federal airway 248* is amended to read in part:

From Paso Robles, Calif., VOR; to *Red Hills, INT, Calif.; MEA 4,500. *7,000—MRA.

From Red Hills INT, Calif.; to Avenal, Calif., VOR; MEA 4,500.

Section 610.6253 *VOR Federal airway 253* is amended to read in part:

From *Twin Falls, Idaho; to Buhl INT, Idaho; MEA 6,000. *9,000—MCA Twin Falls VOR, southeastbound.

From Buhl INT, Idaho; to Boise, Idaho, VOR; MEA 8,500.

From Mountain Home, Idaho, FM; to Boise, Idaho, VOR, northwestbound only; MEA 7,600.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From *Dubois, Idaho, VOR; to Dillon, Mont., VORTAC; MEA 12,000. *9,600—MCA Dubois VOR, northbound.

Section 610.6260 *VOR Federal airway 260* is amended by adding:

From Richmond, Va., VOR; to Hopewell, Va., VORTAC; MEA 1,500.

From Hopewell, Va., VORTAC; to Deep Creek INT, Va.; MEA 2,100.

Section 610.6263 *VOR Federal airway 263* is amended by adding:

From *Santa Fe, N. Mex., VORTAC; to **Cimarron, N. Mex., VOR; MEA 15,500. *13,000—MCA Santa Fe VORTAC, northeastbound. **12,000—MCA Cimarron VOR, southwestbound.

From Cimarron, N. Mex., VOR; to *Tobe, Colo., VORTAC; MEA 11,000. *8,000—MCA Tobe VORTAC, southwestbound.

From Tobe, Colo., VORTAC; to Lamar, Colo., VOR; MEA 7,000.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Dixie Ranch INT, Fla.; to Bailey INT, Fla.; MEA **1,500. *1,500—MRA. **1,200—MOCA.

From Bailey INT, Fla.; to Orlando, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.
From Rio INT, Tex.; to Pinon, N. Mex., VOR; MEA 8,800.
From Roswell, N. Mex., VOR; to Ranch INT, N. Mex.; westbound, MEA 7,000; eastbound, MEA 5,000.
Ranch INT, N. Mex.; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

Section 610.6293 *VOR Federal airway 293* is amended by adding:

From W. Palm Beach, Fla., VORTAC via W alter.; to *Clewiston INT, Fla., via W alter.; MEA **1,700. *7,000—MRA. **1,300—MOCA.
From Clewiston INT, Fla., via W alter.; to La Belle, Fla., VOR via W alter.; MEA *1,700. *1,200—MOCA.

Section 610.6300 *VOR Federal airway 300* is amended by adding:

From Sherbrooke, Que. VOR; to Millinocket, Maine, VOR; MEA #5,100. #For that airspace over U.S. territory.

Section 610.6307 *VOR Federal airway 307* is added to read:

From Victoria, B.C.; to Vancouver, B.C., VOR; MEA *2,000. *For that airspace over U.S. territory.

Section 610.6442 *VOR Federal airway 442* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

Section 610.6452 *VOR Federal airway 452* is deleted.

Section 610.6474 *VOR Federal airway 474* is amended to read in part:

From St. Thomas, Pa., VOR; to York Springs INT, Pa.; MEA 5,000.

Section 610.6479 *VOR Federal airway 479* is added to read:

From Wind Lake INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6482 *VOR Federal airway 482* is added to read:

From Las Vegas, N. Mex., VOR; to *Yates INT, N. Mex.; MEA 9,000. *9,500—MRA.
From Yates INT, N. Mex., to Clayton, N. Mex., VOR; MEA 9,000.
From Clayton, N. Mex., VOR; to Liberal, Kans., VOR; MEA 7,000.

Section 610.6485 *VOR Federal airway 485* is added to read:

From *Oxnard, Calif., VOR; to Fellows, Calif., VOR; MEA 9,000. *6,000—MCA Oxnard VCR, northwestbound.
From Fellows, Calif., VOR; to *Red Hills INT, Calif.; MEA 7,000. *7,000—MRA.
From Red Hills INT, Calif.; to Priest, Calif., VOR; MEA 7,000.
From Priest, Calif., VOR; to *Reception INT, Calif., MEA **8,500. *8,500—MRA. **7,000—MOCA.
From Reception INT, Calif.; to *Cathedral INT, Calif.; MEA **8,500. *8,500—MCA Cathedral INT, southeastbound. **7,000—MOCA.
From Cathedral INT, Calif.; to Mt. Hamilton INT, Calif.; MEA 7,000.
From Mt. Hamilton INT, Calif.; to Mt. Day INT, Calif.; southbound, MEA 7,000; northbound, MEA 6,000.
From Mt. Day INT, Calif.; to Mission INT, Calif; southbound, MEA 7,000; northbound, MEA 5,000.
From Mission INT, Calif.; to Oakland, Calif., VORTAC; southeastbound, MEA 7,000; northwestbound, MEA 3,500.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From *Big Piney, Wyo., VOR; to **Hudson INT, Wyo.; MEA 16,000. *12,500—MCA Big Piney VOR, westbound. **13,000—MRA. **13,000—MCA Hudson INT, westbound.
From Hudson INT, Wyo.; to Casper, Wyo., VOR; MEA *13,000. *10,000—MOCA.
From Wheeling, W. Va., VOR; to Gregory INT, Pa.; MEA 3,000.
From Gregory INT, Pa.; to Grantsville, Md., VOR; MEA 5,000.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From Oakland, Calif., VORTAC; to San Ramon INT, Calif.; MEA 4,000.
From San Ramon INT, Calif.; to *Altamont INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From Kanosh INT, Utah; to Mantl INT, Utah; MEA *21,000. *13,000—MOCA.
From Myton, Utah, VOR; to Yampa INT, Colo.; MEA 11,000.
From *Yampa INT, Colo.; to Albany INT, Wyo.; MEA **#18,000. *18,000—MCA Yampa INT, eastbound. **14,000—MOCA. #Continuous navigation signal coverage does not exist over the entire route segment below 21,000 feet.
From Slate Run, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From *Alamosa, Colo., VOR; to **Gordon, Colo., VOR; MEA 15,000. *14,000—MCA Alamosa VOR, eastbound. **12,000—MCA Gordon VOR, westbound.
From Johnstown, Pa., VOR; to Huntingdon INT, Pa.; MEA 4,500.
From Huntingdon INT, Pa.; to Reedsville INT, Pa.; MEA *5,000. *4,500—MOCA.
From Reedsville INT, Pa.; to Selinsgrove, Pa., VOR; MEA *8,000. *4,500—MOCA.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From *Hanksville, Utah, VOR; to La Sal, Utah, VOR; MEA 12,000. *11,000—MCA Hanksville VOR, westbound.
From La Sal, Utah, VOR; to Bedrock INT, Utah; MEA 12,000.
From Bedrock INT, Utah; to Gunnison, Colo., VOR; MEA 14,000.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From Tobe, Colo., VOR; to State Line INT, Kans.; MEA *8,500. *7,300—MOCA.

Section 610.6618 *VOR Federal airway 1518* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

Section 610.6620 *VOR Federal airway 1520* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

Section 610.6629 *VOR Federal airway 1529* is amended to read in part:

From Kanosh INT, Utah; to Mantl INT, Utah; MEA *21,000. *13,000—MOCA.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective August 25, 1960.

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-7207; Filed, Aug. 5, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7608 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Herbert Leivent et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Herbert Leivent et al. trading as Stuyvesant Sportswear Co., Brooklyn, N.Y., Docket 7608, June 21, 1960]

In the Matter of Herbert Leivent and Abraham Leivent, Individually and as Co-Partners Trading as Stuyvesant Sportswear Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Brooklyn, N.Y., manufacturers with violating the Wool Products Labeling Act by such practices as labeling girls' coats falsely as "ALL WOOL", and by failing to set forth separately on labels, etc., the fiber content of interlinings.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on June 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Herbert Leivent and Abraham Leivent, individually and as co-partners trading as Stuyvesant Sportswear Co., or under any other name, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of girls' coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding their products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to character or amount of the constituent fibers included therein.

2. Failing to securely affix or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers:

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter.

3. Failing to separately set forth on the required stamp, tag, label or other mark of identification the character and amount of constituent fibers contained in the interlinings of the said wool products in violation of Rule 24 of the aforesaid rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 21, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-7334; Filed, Aug. 5, 1960; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86–139 as It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the authority provided in Public Law 86–139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food and Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants (25 F.R. 2836, 25 F.R. 3351, 25 F.R. 5878). The lists previously published in § 120.35 are hereby amended by adding thereto the following new item:

§ 120.35 Extension of effective date of of Public Law 86–139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

•	• • • •
Arsenic acid--------	On cotton as desiccant and defoliant.
•	• • • •

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86–139 (73 Stat. 288; 7 U.S.C. 135 et seq.)

Dated: August 3, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7379; Filed, Aug. 5, 1960; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2103]

[979813]

CALIFORNIA

Opening Lands Subject to Section 24 of Federal Power Act

Correction

In F.R. Doc. 60-4873, appearing at page 4811 of the issue for Wednesday, June 1, 1960: In the second line under "T. 10 N., R. 18 E.,", in the land description under item 1, that portion reading "NW¼" should read "NE¼". As corrected, the line should read "Sec. 19, lots 1 and 9, NE¼NE¼, E½SE¼, SW¼SE¼, and SE¼SW¼;".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR LEMONS [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Lemons (7 CFR 51.2795 to 51.2819) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Amendments to the Agricultural Codes of the States of Arizona and California have changed the counts and average diameters of lemons packed in cartons. To conform United States Standards to these changes it is proposed to amend the definition of "fairly uniform in size" by substituting "165 carton count" for "150 carton count" in § 51.2802(c).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

As amended, § 51.2802(c) will read as follows:

(c) "Fairly uniform in size" means that when lemons are packed for 165 carton count or smaller size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of the lemons in any container shall be within a diameter range of four-sixteenths inch; when packed for sizes larger than 165 carton count, or equivalent sizes packed in other containers, not less than 90 percent, by count, of the lemons in any container shall be within a diameter range of six-sixteenths inch.

Dated: June 3, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60–7344; Filed, Aug. 5, 1960; 8:49 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Part 1032]

[AO–321]

CARROTS GROWN IN SOUTH TEXAS

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 142 and Order No. 132, hereinafter referred to as the "marketing agreement and order", regulating the handling of carrots grown in designated counties of South Texas, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter called the "Act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 15th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed marketing agreement and order were formulated was held at Edinburg, Texas, on May 31–June 1, 1960, pursuant to notice thereof which was published May 13, 1960, in the FEDERAL REGISTER (25 F.R. 4285). Such notice set forth the proposed marketing agreement and order which were sponsored by growers and shippers in South Texas, as represented by the South Texas Carrot Committee, supported by the Valley Farm Bureau and the Texas Citrus and Vegetable Growers and Shippers Association.

Material issues. Material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the Act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions and terms used therein which are necessary and incidental to attain the declared objectives of the Act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and conditions;

(b) The establishment, maintenance, composition, powers, duties and operation of a committee which shall be the administrative agency for assisting the Secretary in the administration of the program.

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of research and development projects;

(e) The methods for limiting the handling of carrots grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of carrots for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, quality, regulations;

(h) The necessity for inspection and certification of shipments;

(i) The procedure for establishing reporting requirements upon handlers;

(j) The requirements of compliance of all provisions of the marketing agreement and order and regulations issued pursuant thereto;

(k) Additional terms and conditions as set forth in §§ 1032.82 through 1032.95 and published in the FEDERAL REGISTER (25 F.R. 4285) on May 13, 1960, which are common to marketing agreements and orders.

Findings and conclusions. Findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The South Texas production area, as that term is defined in the marketing agreement and order and as hereinafter used, is an important carrot producing area of the United States. It includes the sections commonly referred to as the Lower Rio Grande Valley, Coastal Bend, Winter Garden, Laredo, and the remaining important winter crop producing sections in South Texas. Carrots are grown in the production area primarily for the fresh market. The South Texas carrot crop is considered a winter crop deal, that is, carrots are usually marketed from late November through early May.

The great bulk of carrots grown in the production area is marketed outside of the production area with 85 to 90 percent moving in interstate commerce. In 1959, Texas carrots were distributed in 68 of

the 100 principal cities in the United States, and five Canadian cities reporting carlot unloads. These cities were located in 29 different states, the District of Columbia, and Canada. Unloads of Texas carrots are officially reported for Dallas, Fort Worth, Houston, and San Antonio, Texas. Representative handlers of Texas carrots reported that approximately 90 percent of their shipments were in interstate commerce and the balance were sold within the State. Markets within the State of Texas, principally San Antonio, Houston, Corpus Christi, and Dallas, are important outlets for South Texas carrots. South Texas carrots are distributed extensively in the Southeastern States, the Atlantic coast, and the midwest. Eastern Canadian markets are important outlets.

In many cases shipments originally destined for markets within Texas are sold in nearby states. For example, it was testified by handlers that carrots may be shipped to Houston or San Antonio, which are important market points and buyers from nearby states obtain their supplies from these distribution terminals for sale in Louisiana and Oklahoma. Another handler's firm operates a storage and repacking facility in Dallas which distributes carrots from the production area as well as carrots from Arizona, California, and the Hereford section in the Texas Panhandle. At times during the South Texas marketing season, particularly in the fall and late spring, carrots from Arizona, California, and Hereford are being handled in this facility at the same time. Furthermore, the firm sells carrots the year round under the same brand irrespective of origin. In addition, chain stores operating in the production area may have facilities outside of the production area which receive carrots from the production area which are later sold in stores located within such area.

As previously mentioned, carrots from shipping points outside the State of Texas such as Arizona and California are transported and sold in the current of interstate commerce within Texas, such as Dallas, Fort Worth, and Houston, and within the production area such as San Antonio and Corpus Christi. South Texas carrots compete directly with these other carrots then being marketed by burdening the total supply of carrots in these markets, and in turn being burdened by the overall supply. Market prices, including shipping point prices for South Texas carrots, are affected by supplies from competing areas and in turn prices in competing areas are affected by supplies from South Texas production area.

Growers and handlers of South Texas carrots maintain close communication with important areas of distribution. Prices at shipping point and at terminals tend to move together around average price levels each day. Factors affecting supplies at shipping point are soon reflected in prices both at shipping point and receiving markets outside the production area. Also, shifts and supplies at terminals, either in quantity or quality on hand or which will be available, affect prices at terminals and such changes in prices are soon reflected in the offerings and bids between buyers and sellers. The result, in sales prices, are inevitably reflected in prices to growers in the production area. Prices at which carrots are sold by handlers in the production area are directly related by close tie-in with prices for carrots in receiving markets outside the production area.

On the basis of the facts as herein found, it is determined that all handlings of carrots grown in the production area whether for distribution outside of such production area or within such production area are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce. The right to exercise Federal jurisdiction with respect to the marketing agreement and order for South Texas carrots, as hereinafter set forth, is therefore established.

(2) During the 1954–60 period the farm value of winter crop Texas carrots for fresh market ranged from 2.4 million dollars to 5.3 million dollars and averaged slightly less than 4 million dollars. The season average farm price of Texas winter crop carrots during the period 1954–59 ranged from a low of $1.00 per hundredweight in 1957 to a high of $1.90 in 1954. Based upon the prices for 1960 crop Texas carrots (Ex. 6) season average farm prices for the 1960 season should average much lower, probably around 60–65 cents per hundredweight, or 30–35 percent of the parity equivalent. These prices represent a range of about 53 to 100 percent of the Texas parity equivalent for winter crop carrots, returning less than parity six of the seven years and 100 percent of parity in the remaining year. That the 1960 crop season average price was well below Texas parity was proven in fact by record testimony of both growers and handlers. Handlers testified with respect to average prices they received on representative days during the 1960 and other seasons. These records show during most of the shipping season f.o.b. prices received were in the range of $1.50 to $2.00 for 48 1-pound cello packs and when f.o.b. prices fall below $1.50 per 48 pound unit the grower receives no return. In addition, the grower loses his production costs.

Acreage during the period 1954 through 1960 ranged from a low of 19.5 thousand acres to a high of 29 thousand acres while yields ranged from 95 to 160 hundredweight per acre.

According to testimony introduced at the hearing by growers and handlers, growers are in need of the type of assistance offered by the marketing agreement and order. Returns to growers for carrots have been extremely low especially during the 1960 season. An example was given of the growers' plight where the cello or film package in which carrots are packed costs more than the growers receive for the carrots contained therein. Another example was that it took one truckload of carrots to buy a newspaper for one year. The two principal reasons given for the growers' troubles were (1) and over-supply of carrots in most seasons, and (2) lack of standardization with respect to shipments. According to data contained in Exhibit 6, carlot shipments of winter crop carrots increased substantially in January 1960. Prices declined and remained fairly stable at low levels through the following three to four months when weekly carlot shipments for all winter crop areas were averaging about 300 cars per week. Experienced handler witnesses substantiated these data with price information taken from their records.

It was testified that many South Texas carrots are shipped without inspection and are not packed to meet any particular U.S. grade. Handlers simply quote their product as "carrots". It was testified further that these shipments were probably U.S. No. 2's or unclassifieds. No recognized standard for quoting prices is used and receivers are not sure of the grade, size, or quality they will get.

Testimony indicated that California carrots shipped during the same period as South Texas carrots return premium prices over those received for Texas carrots because of the better quality of the California commodity. One handler who handles both Texas and California carrots testified that he found this situation to be true and accurate but with proper controls the quality of the product shipped from Texas could be improved to the point of restoring the confidence of the Texas carrot buyers. He further testified that the basic quality of Texas carrots was the same as for California carrots but abuses in shipping practices accounted for the differences in the quality shipped. The same variety of carrots is grown for fresh market both in Texas and California.

The size of carrots also has influence on price. The most desirable size for fresh market is the medium-to-large size. The small-to-medium carrots are usually discounted approximately 25 cents for 48 1-pound cello bags and with few exceptions these small-to-medium carrots on the market have an adverse effect upon prices received for the medium-to-large size.

Cotton is the stable crop in South Texas. Most Texas growers rely heavily on cotton for stabilizing their farm income. Because of the importance of the cotton crop many carrot growers, as the deadline in cotton planting approaches, pull their carrots in order to clear land for cotton planting. This practice results in market gluts and reduced prices to growers, because the grower has to clear his land and is willing to sell his carrots at reduced prices to be rid of them. It was testified that the marketing agreement and order program would not eliminate this practice, however, it would have an influence on the quality of carrots offered and on the volume offered during this period prior to cotton planting, both of which would result in more stabilized prices to growers.

All relevant testimony relating to grower prices for South Texas carrots establishes that prices directly reflect the volume of supply and the quality of such supply. Daily price levels for carrots are established by their impact on the market which in turn establishes prices to individual growers by relating such levels to grade and size composition of lots of

carrots being delivered or sold to handlers.

There is a need for the marketing agreement and order to help growers and handlers in the South Texas production area prevent the sale and transportation of off-color, unclassified and off-size carrots which have an adverse and depressing effect on the price farmers receive for better grades of carrots. South Texas carrot growers and shippers have no other adequate means of helping to promote and improve marketing conditions for the carrot crop through quality, grade and size controls which will allow them to keep price depressing off-qualities and sizes off the market.

The relationship of season average prices received by growers of winter crop Texas carrots has been below parity during the last six seasons, so the need for assistance of the type which the marketing agreement and order may provide is apparent and substantial. In addition, there is a need for promoting more orderly marketing conditions to eliminate abuses in the sale of off-grade or off-size carrots. Consequently, it is found and concluded that there is a need for a program. Also, it is found that there is a need for the terms and conditions of the marketing order as set forth below in order to enable the industry to eliminate some of the serious marketing problems with which it is confronted, and to promote more orderly marketing conditions for South Texas carrots.

(3) The vegetable commonly known as "carrots" is a well known leading vegetable, commonly recognized by growers and handlers within the production area. It is important to the economy of the South Texas production area as a winter and early spring crop vegetable. Carrots are readily recognized as an important product of commerce within the South Texas production area as well as commerce between South Texas and points outside thereof. The term carrots as used in the marketing agreement and order means all varieties of the edible vegetable Daucus Carota, commonly known as carrots. The definition set forth in the marketing agreement and order refers to all carrots grown within the production area and provides a basis for identifying the agricultural commodity for which regulation is authorized.

"Production Area" is defined to include all the territory in the Counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patrico, Nueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Payette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hidalgo, Willacy, and Cameron, in the State of Texas. This area is a contiguous area and comprises the carrot producing sections of South Texas. The only other principal carrot producing section of Texas is in the panhandle around Hereford. However, Texas carrots grown in the Hereford area are usually marketed before those grown in South Texas. Growing conditions are similar in all sections of the production area. Those counties now producing carrots in South Texas or adjoining counties which may have produced carrots in the past and could very well produce carrots in the future are included in the South Texas production area. The production area includes the principal producing sections commonly known as the Lower Rio Grande Valley, Coastal Bend, the Winter Garden, Laredo, and Pecos areas. Each section included within the production area produces and ships carrots during the same period except that some sections' marketing seasons, such as the Lower Rio Grande Valley and the Winter Garden, may be longer than for the other producing sections.

Minor variations in practices, methods of production, harvesting, and marketing may occur between counties, nevertheless grade and quality standards for commercial sales are the same throughout the production area. Since carrots are a commodity which must move through a packing facility prior to moving to terminal markets and because setting up a packing line is relatively expensive, all carrots grown in the production area are siphoned through relatively few marketing outlets or facilities where they are washed, graded, sized, and packed in the various containers used. Carrots from all portions of the production area, as well as carrots from other producing sections of the United States, may be moved in field sacks over considerable distances to be prepared for market in the packing facilities of the production area. For example, Pecos County carrots in the extreme western portion of the production area are packed in Carrizo Springs or Uvalde according to testimony. The great bulk of the carrots grown in the production area is packed for fresh market outlets at shipping point however, some are just washed and rough graded and then shipped to repacking plants outside the production area for final grading, sizing, and packaging.

The production area is commonly recognized as a separate distinct production area for carrots by growers and handlers operating within the production area also by the trade in terminal markets. It is distinct from the other carrot producing section in Texas (Hereford), and separated geographically from that section by ranching country or land suitable for other types of agriculture. The production area includes what is known locally as the Rio Grande plains of Texas which is considered a highly productive agricultural region of the State. The area is roughly triangular in shape with the natural boundary of the Gulf of Mexico on one side, the Rio Grande River (the international border) on another, and ranching country to the north. Customary recognition of the South Texas region as a production area for carrots provides a proper basis for the production area. There is no reasonable method or basis for dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable and consistent with carrying out the policy of the Act. Accordingly, the production area should be defined as including all of the area within the 51 counties, as hereinafter set forth in the proposed marketing agreement and order.

(4) "Handler" and "shipper" are synonymous and mean those persons who handle carrots in the manner described and set forth in the definition of "handle". The persons who are subject to the regulations and upon whom rests the obligation of complying with regulations authorized by the marketing agreement and order are identified and established under the definition of handler. Any person who is engaged in the act or acts of handling carrots grown in the production area or who causes such carrots to be handled is a handler. The responsibility for handling may involve more than one person in that the person who makes a sale of carrots may be a handler and in turn any other person who transports South Texas carrots in the current of commerce within the production area or between the production area and any point outside thereof also is a handler. Each party is subject to the definition of handler and is responsible for complying with regulations issued under the marketing agreement and order.

A common or contract carrier transporting carrots which are owned by another person is performing a handling function. Such handling however should be exempted from under the program since such carriers are not responsible for the grade, size, quality or pack of the carrots being transported. Neither are they the persons who cause the introduction of such carrots in the stream of commerce. The only interest of common or contract carriers in such carrots is to transport them for a service charge to destinations given by others. The person or persons delivering carrots to a common or contract carrier should be responsible for compliance under the marketing agreement and order. As defined, therefore, the term "handler" or "shipper" means any person except a common or contract carrier of carrots owned by another person who handles carrots or causes carrots to be handled.

"Handle" is defined to establish the specific marketing functions which are primarily responsible for placing South Texas carrots in the current of commerce within the production area or between the production area and any point outside thereof, and to provide a basis for determining those functions relating to South Texas carrots which are subject to regulations under authority of the marketing agreement and order. "Handle" and "ship" are used synonymously and the definition should so indicate.

The Act provides that a producer in his capacity as a producer is not subject to the provisions of a marketing order. The growing of South Texas carrots is a producer function within the above exception. South Texas carrot growers sell their carrots in various ways. Some will enter into a joint venture agreement with a shipper at the beginning of the season. The shipper may have an interest in the crop or agrees to handle the crop for whatever prices it will bring without any price arrangements entering into the agreement. Other growers will finance the growing of the entire crop themselves and then will sell the crop under various arrangements. The grower may sell the crop by the acre prior to harvest, or he may sell on a packout basis in which he receives an agreed to price for those carrots going into cello packs, another price for bulk carrots, and another price for jumbos. He may also enter into an agreement with a shipper who deducts a fixed price for packing and selling his carrots and returns the remainder to the grower. On a joint growing deal with the shipper, the shipper may furnish so much per acre for a certain interest in the crop and the privilege of packing and shipping. The return for the crop is divided on the percentage basis agreed to in the agreement and the shipper also will share the losses if any. It was testified that sales by the acre were common practice several years ago but the practice has decreased in recent years because shippers have become reluctant to buy on this basis. Some growers may sell their carrots in a manner referred to as "across the scales". In this way he is paid a certain price on a weight basis at the shed minus a certain percent for dirt and culls. Some growers in certain portions of the production area maintain their own packing sheds and perform both the growing and handling functions. There are other variations and types of sales growers may make, however, it was testified that carrots going into the commercial markets generally go through the packing operation in which they are washed, graded and sized, and packed in the proper containers. Such packing plants may be located either in the production area or in terminal markets located outside of the production area.

While it was testified that the harvesting of carrots is usually performed by a shippers' crew with the shippers' machinery, harvesting should be considered a producer function. The grower retains control of the crop until he decides to sell in one of the methods described above. Even in cases where the grower sells by the acre, he cares for the crop until it is harvested. Any transportation of carrots to a registered handler within the production area for customary grading and packing and the sale of carrots to a registered handler should be considered as within the producer exclusion. The marketing agreement and order should contain a definition of a registered handler so as to identify those persons to whom a producer may sell and still come within the producer exclusion.

The sale of South Texas carrots to a registered handler and the transportation of carrots to such handler within the production area are excepted from the definition of handle. Producers delivering or selling carrots to established packing houses accept as a fact from experience, personal knowledge, and customary marketing practices for South Texas carrots that the packing house operators normally accept responsibility for complying with marketing requirements including the grades, sizes, qualities, packs, types of containers, the buying trade or regulatory agencies may require. These marketing requirements also include responsibility for inspection when required.

Established packing house operators may be recognized and registered by the committee, the administrative agency established under the marketing agreement and order. Registration in this instance is intended to recognize the customary responsibility of such persons for proper grading, sizing, and packing of South Texas carrots and for having them inspected after they have been prepared for market. Any other person including truckers, brokers, or any other buyers may also be registered by the committee if such persons indicate their ability and responsibility for complying with requirements under the marketing agreement and order. Accordingly, the committee should under appropriate rules authorized by the marketing agreement and order prepare and maintain a current register of all registered handlers and the sale or transportation of South Texas carrots within the production area to a registered handler should be excepted from the definition of handlers. All other sales or transportation of South Texas carrots, whether such sale or transportation by a producer, or any other person, should be included in the definition of handle except sales at retail by a person in his capacity as a retailer. The act or acts of handling are those procedures or processes which affect the current of commerce in South Texas carrots within the production area or between the production area and any point outside thereof. The transportation of such carrots makes the commodity a part of the available supply moving to market and therefore part of the current of commerce. The current of commerce is affected by the sale of such commodity in which the price is a measure of quantity and quality factors.

Prior to entering the current of commerce in which carrots are marketed the great bulk of Texas carrots are usually subjected to grading and packing operations in recognized established packing houses and the packing house operator is responsible for preparing them for market. The carrots are customarily hauled to the packing house platform immediately after harvest. The title to the carrots may be transferred in one of the ways aforementioned. The customary function of the packing house is to process the carrots by washing, grading, sizing, and packing, to make them a part of the visible available supply of marketable carrots. The carrots so packed are then sold or transported in the current of commerce to markets within the production area or between the production area and points outside thereof. Packing house operators, or their agents, sell South Texas carrots from shipping point to other packing house operators, to truckers, and to other buyers. They also sell their carrots f.o.b. shipping point to repackers, brokers, wholesalers or other buyers in terminal markets in metropolitan areas both within and outside Texas. Carrots may also be sold on a delivered basis or may be consigned to receivers at terminal markets. The sale or transportation of South Texas carrots by packing house operators regardless of the quality or size, places such carrots within the current of commerce for carrots. Either or both of these marketing functions constitute handling

Some South Texas carrots are sold from the field in bulk or in burlap field sacks. Such sales are usually to repackers located in terminals either within the production area or outside thereof. Other carrots may be sold to truckers and peddlers who transport them in the current of commerce. Each such sale of carrots, also any transportation of such carrots, in the current of commerce in carrots constitutes handling whether by a producer, a trucker, or any other person and such activity is subject to the authority of the marketing agreement and order.

As mentioned previously some carrots produced outside of the production area are packed at the same time as South Texas carrots in the same packing house within the production area. In addition, all carrots irrespective of origin moving through the packing house are sold under the same brands and may be commingled. It was testified that for obvious reasons all carrots packed within the production area should be subject to marketing agreement and order unless the carrots produced outside of the production area are graded and otherwise prepared for market separately and are maintained throughout the handling functions as separate, identifiable lots. Otherwise, it would be possible for unscrupulous handlers to circumvent the program requirements by maintaining their carrots were not from South Texas. Also if some of the out-of-production area carrots did not meet minimum requirements for South Texas carrots, they could reflect unfavorably upon the South Texas carrots and thereby adversely affect returns to South Texas carrot growers.

In summary the sale or transportation of South Texas carrots which is in or places them in the current of commerce in carrots within the production area or between the production area and any point outside thereof is included within the definition of handle. Such sale or transportation of South Texas carrots may be performed or caused by any one or more persons, such as packing house operators or their agents, producers in their capacity as handlers, truckers, brokers, or any other person engaged in the marketing of carrots. The failure of one person selling or transporting such carrots to comply with marketing regulations does not relieve subsequent sellers or transporters from responsibilities therefor. Except for the activities specifically excluded from the definition by the above findings, all sales and transportation of South Texas carrots are found and determined to be in the current of commerce within the production area or between the production area and points outside thereof and, therefore, such activities are included in the definition of handle.

(5) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of the respective meaning whenever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

The definition of "Act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "Person" follows the definition of that term as set forth in the Act, and will insure that it will have the same meaning as when used in the Act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of carrots within the production area who is producing such carrots for market. The term is used in determining the eligibility of persons to vote for and to serve as producer members or alternate members of the committee and for other reasons.

Inasmuch as a person is defined as an individual, partnership, corporation, association, or any other business unit each such person establishes a legal entity. Each person or legal entity, whether an individual partnership, joint venture, or corporation engaged in the production of carrots for market should be classified as a producer and participate in the rights and privileges accorded a producer under the marketing agreement and order. The term producer should be limited to those who have an ownership interest in the carrots which gives them title or authority to pass title to such carrots.

In the production area carrots occasionally are sold by the grower or producer prior to the date of harvest. Such sales are generally to a packing shed operator or handler and while title actually passes at this point, the agreement in most instances includes the requirement that the producer will care for the crop until it is harvested. In such cases even though title passes to the handler at the time of purchase, the buyer would not therefore be classified or qualified as a producer since the buyer does not actually perform any producer functions with regard to growing of the crop.

Some carrot crops in the production area are grown under a joint venture arrangement in which money is advanced for seed, labor, water, etc., by banks, handlers, or others for an interest in the crop. When the crop is sold the person who advanced the money is repaid in money. In such cases the grower should be considered the producer since he rather than the financier performs the producer functions. In this case the financier and the grower are in effect a partnership and therefore only one producer is involved.

As mentioned previously, some producers may own or operate a packing shed. If such producers handle carrots of their own production they should be considered producers as their primary interest or sentiments would lie with this group rather than with the handler operation of the deal.

The term should exclude persons who grow carrots on a small scale primarily for their own use. The definition should cover only those persons who grow carrots on a commercial scale for market and who have a proprietary interest in such carrots.

"Grading" is defined to mean the operation by which carrots are sorted or separated into the various categories or classifications in which they will be marketed. Such classifications are determined by the handler who directs in person, or through his agent, how and in what number of grades a particular lot of carrots should be separated. Grading may vary from an operation performed entirely by hand in which certain carrots are picked out when they are being loaded at the field to a production line operation whereby carrots are carried by mechanical conveyor to be washed, graded, sized, and packaged so that the carrots which are to go to preferred price outlets are separated from those going to discounted price outlets. Grading or preparation for market is an operation which applies to all carrots grown in the production area even though the extent in which carrots are separated into market classes may vary considerably among the types of ultimate outlets.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade" and "size", the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned to those terms in the various official United States standards for carrots issued by the United States Department of Agriculture and to modifications or amendments to such standards and to variations to such standards by regulations under the marketing agreement and order. Regulations under the order can amend and incorporate such terms (grade, size) with the constant meaning assigned thereto in such standards or in such modified or amended standards. Also, such regulations can vary such terms by prescribing, for example, a percentage of grade. Federal or Federal State Inspectors are qualified to certify to the grade, size, and quality of carrots grown in the production area under the terms of the aforesaid standards or modifications or amendments based thereon.

At the present time five sets of standards are applicable to carrots grown in Texas. The most widely used are the United States Standards for Topped Carrots. The others are United States Standards for Carrots with Short Trim Tops; United States Standards for Bunched Carrots; United States Consumer Standards for Fresh Carrots; and United States Standards for Carrots for Processing. The United States Standards for Topped Carrots are generally used as a basis for inspecting shipments of carrots in the production area. However, the use of the other standards may increase and they should be available as a basis for regulation under the marketing agreement and order.

"Pack" should be defined as a basis for distinguishing the various units in which the carrots are prepared for market and shipped. The term pack is commonly used throughout the carrot trade and refers to a combination of factors relating to grade and size of the carrots and to the type of the container. For example, carrots are packed primarily in one of three ways, in cello bags which go into a master container; jumbo place packed carrots; and bulk carrots which usually are shipped in burlap to repackers and processors. Carrots packed in cello bags are also referred to in terms of size, such as medium to large or small to medium. In addition, some carrots are shipped in bunches with fresh green tops and are placed in master containers by the count. Jumbos are usually packed in open mesh bags of 48 or 50 pounds. The committee should have the authority to recommend regulations in terms of packs and to define and establish such packs under its rules and regulations.

The term "container" should be defined in the marketing agreement and order to mean a box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale or shipment of carrots. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which carrots are sold or moved to market for which different regulations could be applicable.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the market differences and characteristics of different varieties and different types of carrots, and the differences and types of regulations which might be considered and recommended therefor. At the present time South Texas grows only the Imperator type for fresh market. However, new varieties which differ in some respects from the Imperator type may be introduced from time to time and become commercially important. The definition of variety should be appropriate for determining the different varieties or types grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition of "committee" is incorporated in the marketing agreement and order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the Act and the definition thereof minimizes the use of words in

referring to the administrative agency in the marketing agreement and order.

The definition of "fiscal period" should be incorporated in the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. This definition provides authority for the committee and the Secretary to set the dates for the fiscal period so that auditing and financial problems resulting from different crop conditions from one season to another may be met. According to testimony, it is anticipated that normally a fiscal period would be established to coincide with the beginning and ending date of the terms of the committee members (beginning August 1 and ending July 31), but flexibility within the definition should be authorized in the marketing agreement and order to facilitate the operations under the program.

"District" should be defined in the marketing agreement and order to refer to each of the geographical sections or divisions of the production area as initially established, or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

The definition of "export" is incorporated in the marketing agreement and order since different regulations thereunder are authorized for export shipments, than for domestic shipments. Export markets may have requirements which differ from the domestic markets and special regulations may be justified. Export should be defined to include the 48 contiguous states and would not include Hawaii or Alaska. Under normal circumstances South Texas does not ship carrots to Alaska or Hawaii since they are in the normal trade area of California. However, exports of fresh carrots from South Texas are made to Canada and Mexico and efforts are being made to develop an export market to Europe. During the 1960 season some carrots were exported to Europe and the industry is trying to expand this market in the future.

(b) An administrative agency, called the South Texas Carrot Committee, consisting of 15 members (10 producers and 5 handlers) should be established to aid the Secretary in administering the marketing agreement and order and in carrying out the declared policy of the act. It was testified that a committee composed of 15 members would provide adequate industry representation on the committee and would assure responsible judgment and deliberation with respect to recommendations made to the Secretary and the discharge of other committee duties. The number of members from each district as well as the total number of members on the committee and the distribution of such members within districts was thoroughly considered by the proponents of the marketing agreement and order who believe that all interests within the industry will be represented. Testimony indicates that the committee so established will be sufficiently familiar with current market demands, available supplies, current prices, price trends including prices by grades, sizes, quality, packs, varieties, containers, and types of outlets, and other relevant factors which have to do with the marketing of carrots.

The marketing agreement and order should provide that an alternate be selected for each member of the committee, so that in the event a member is unable to attend a meeting, the district which he represents will have representation on the committee. This provision is a logical method of providing for absentees whether such absences are voluntary or beyond the control of the members.

Individuals selected as committee members or alternates must be producers or handlers for the reason stated herein. Such persons may be producers or handlers as individuals, or through a corporation, partnership, or other business unit. If a person qualifies within the definition of producer as defined in § 1032.8, resides in the production area, and produces carrots in the district for which selected he may serve as a producer member on the committee. Bona fide carrot growers who handle only carrots of their own production should be eligible to serve as producer members. A few producers in the production area pack and sell their own carrots. While such producers may also perform the functions of a handler they should not be discouraged or prevented from serving on the committee as producer members if they qualify in other respects. Producer members must be residents of the production area and produce carrots within the district for which selected. Handler members must be persons, commonly considered as handlers among the industry, who are performing the usual commercial handling functions such as buying, packing, selling, and shipping carrots. Handlers also must be residents of the production area and handle carrots in the district from which selected. It was testified that these requirements were necessary so as to achieve the best possible committee representation, and to achieve balance on the committee, since such persons would be familiar with their segments of the industry and the problems connected with their particular district. As set forth elsewhere herein, the program is designed to benefit growers, hence, the committee should have a greater proportion of producers. However, because of their experience and knowledge of the industry, the committee should also include handler members.

It is practical and equitable that selection of committee members and alternates be on the basis of the districts as provided for in the marketing agreement and order. As mentioned hereafter, this provides a geographical basis for such selection of the members. Such geographical basis has been related to the number of producers and the volume of production within the production area so that an equitable basis has been employed in establishing the districts.

The term of office for committee members and alternates under the marketing agreement and order should be for two years beginning on August 1 and ending as of July 31, and any additional period needed for the selection and qualification of successors. It was testified that a two year term is an adequate length of time and in addition it provides an opportunity for the industry to nominate new committee members and alternates each year. The terms of individual members should be so determined that roughly one-half of the committee would be selected each year so as to provide continuity of experience on the committee. The beginning of each term of office occurs during an interlude between the completion of one crop and the beginning of the succeeding one. This term of office will allow adequate time for the committee to organize and start operating before the opening of each season.

Committee members and alternates shall serve during the term of office for which they are selected and until their successors are selected and have qualified. Such provision is necessary in order to insure continuation of the committee's operations. Also, if committee members and alternates are not selected until after the beginning of a term of office such committee members should serve that portion of the term of office for which they are selected.

The selection of committee members and alternates should be on the basis of districts, which, as set forth in the marketing agreement and order, provide a practicable and equitable manner of representation. The division of the production area into three districts is a logical division of the production area due to a combination of geographic and sectional factors. These districts are commonly accepted by producers and handlers as representing distinct geographical sections engaged in the marketing of carrots. Each district includes one or more distinct sections with no overlap. For example, District No. 3 includes the Lower Rio Grande Valley and the Coastal Bend areas. The geographical basis for the extent and selection of committee membership is related to acreage and production within the production area so as to provide as equitable a basis as possible at this time for committee representation.

A provision for redistricting is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in carrot production in Texas cannot be foreseen at the present time, since rather quick shifts may occur in the acreage of commodities produced in South Texas from one year to another. Therefore, it is desirable to provide flexibility of operations so that if it should be in the best interests of the industry to readjust districts, the committee may so recommend and the Secretary approve such action.

The election by growers of nominees for membership on the committee should be prescribed in the marketing agreement and order. This is provided for in the procedure for holding meetings for this purpose. Nomination of prospective members and alternates at meetings of growers in their respective districts is

practical and desirable. In this way the industry may express its wishes and differences with respect to committee membership. In order to obtain an indication of the industry's preferences initial meetings should be sponsored by the U.S. Department of Agriculture or any agency or group requested by the Department to hold such meetings. Nomination meetings for the purpose of electing nominees for members or alternates after the initial committee has been selected should be called or held by the committee or by agencies or groups requested to hold such meetings by the committee.

Nomination meetings should be held not later than June 15 of each year insomuch as the terms of office is to begin as of August 1. This will assure sufficient time to forward the names of the nominees to the Secretary, and for him to consider the nominations submitted prior to the beginning of each term of office.

At least one nominee shall be designated for each position as member, and for each position as alternate member of the committee. However, a greater number of nominations may be submitted and the voters at the nomination meetings may indicate the ranking of their choice for all nominees for members and alternates. This method is appropriate and practical and is sponsored by the industry.

It is appropriate and proper that nominations should be supplied to the Secretary in the manner and form which he may prescribe. This requirement merely means that the industry through the committee would provide the Secretary with background information in connection with each nominee so that the Secretary may be able to determine before making his selections if such nominees are qualified. To allow sufficient time for this purpose nominations should be supplied to the Secretary not later than July 15 of each year.

All persons participating in nomination meetings for producer members and alternates should be producers of carrots, and persons participating in handler nomination meetings should be handlers, so that the persons nominated will be representative of each group, and will reflect the sentiment of their respective group in committee decisions.

Some growers produce carrots and some handlers operate in more than one district of the production area. If a grower does produce carrots in more than one district or if a handler operates in more than one district he may elect the district in which he wishes to participate in electing nominees for committee members and alternates. In this way each grower or handler shall have the same equitable voice in the nomination of committee members. Regardless of the number of districts in which a person produces or handles carrots as the case may be, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation however, is construed to mean that one vote may be cast for each position which is to be filled.

In order to assure the existence at all times of an administrative agency to administer the program the Secretary should be authorized to select committee members and alternates without regard to nominations, if for any reason they are not submitted to him in conformance with the procedure prescribed in the marketing agreement and order. For the reasons given above, such selections should, of course, be on the basis of the representation provided for in the marketing agreement and order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such a capacity. This requirement is necessary so that the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled. The requirement that these acceptances be filed within 10 days is appropriate and necessary so that the full membership of the committee may be obtained without excessive delay.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to the Secretary within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all portions of the production area are adequately represented in the conduct of committee business.

Also, to insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted the marketing agreement and order should provide for alternate members on the committee. Such alternates should be authorized to act in the place and stead of the member during the member's temporary absence, or in the case of the death, removal, resignation, or disqualification of the member.

The marketing agreement and order should provide that ten committee members be necessary to constitute a quorum. Eight concurring votes or two-thirds of the votes cast whichever is greater, should be required to pass any committee action. Since the committee is composed of 15 members, ten members constitutes a two-thirds majority which should be present. It was testified that at least ten members should be present to provide the representation necessary and sufficient to conduct business. A smaller number could possibly mean that a district would not be represented and this would not be fair or equitable to the producers and handlers involved. The proponents propose that only a majority of committee members or two-thirds of the votes cast whichever is greater pass on action as this would represent a majority of the committee membership.

The committee should be authorized to vote by telephone, telegraph, or other means of communication as it may be necessary at times for the committee to act speedily and without trying to call a formal assembled meeting. Because marketing conditions often change rapidly, it is essential that the committee should be permitted to take action to protect the interests of the industry the members represent. In any assembled meeting all votes should be cast in person as this provision does not authorize proxy voting at an assembled meeting. If an assembled meeting is held all members should attend in person so as to participate in the discussions and present the views of the growers they represent. If for some reason a member is unable to attend the meeting he should arrange for his alternate to attend and vote in his stead.

Committee members and alternates while on committee business will necessarily incur some expenses. These expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. Also, the proponents testified that compensation not to exceed $10 per day should be authorized since committee members may incur additional expense with respect to their own affairs when attending to committee affairs. These provisions should also extend to alternate members when performing official duties.

The committee should be given those specific powers which are set forth in section 8c(7)(c) of the act because such powers are granted by the enabling statutory authority and they are necessary for administrative agencies such as the South Texas Carrot Committee to function.

The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the marketing agreement and order. It should be recognized that these duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, its specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary should find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary might, pursuant to the provisions of the order, determine to be appropriate. The expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments to the total shipments by all handlers during specified fiscal periods. The basis for determination of the ratio of shipments by individual handlers should be based upon the total shipments by first handlers thereof. The above formula is believed to be the fairest method of obtaining operating revenues on an equitable basis.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the order for such period. Each such budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report. It will be desirable for the committee to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. There should not be any increase made in the total budget without prior recommendation of the committee and approval of the Secretary.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the proposed South Texas Carrot Committee, and the statute also requires that each marketing order issued pursuant to the act contain provisions requiring handlers to pay their pro rata shares of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay the committee, upon demand, his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of carrots handled by him as the first handler thereof during a specified fiscal period and the total quantity of carrots so handled by all handlers during the same fiscal period. It will be necessary that responsibility for the payment of the assessment on each lot of carrots be fixed and it will be logical to impose such liability on the first handler of such carrots. In most instances, the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for, and obtain, inspection, this does not in any way cancel his obligation with respect to the payment of assessments. Except in the case of movements to registered handlers, first handlers should apply to carrots when they have been subjected to grading or preparation for market. Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment or its equivalent. However, such assessments for a fiscal period should be applied on a uniform rate basis.

The committee should be authorized at any time during or subsequent to a given fiscal period, to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets and, if he should find that the then current rate of assessment is insufficient to cover committee administration of the order, he should be authorized to increase the rate of assessment. The order should also authorize the application of such increased rate of assessment to all carrots previously handled by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs, so that its administration might be subject to inspection at any time by appropriate parties during regular hours of business.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments as may be appropriate to vest in their successor or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports will be requested by the Secretary at appropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Also financial statements which reflect the current fiscal position of the committee should be furnished members and alternates and the Secretary at the close of each month. Audit reports and monthly financial statements should also be supplied on request to persons such as producers and handlers, having a valid interest in the contents of such reports. In no case should data of a nature which could be detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal or other reports released.

Except as indicated below, handlers should be entitled to a proportionate refund of the excess assessments collected which remain at the end of a fiscal period, or at the end of such other period as might be deemed appropriate by reason of suspension or termination. Refunds should be credited to contributing handlers respectively against the operations of the following fiscal period, unless payment should be demanded, in which event proportionate refunds should be paid.

If and when the committee should be required to liquidate its affairs expenses will necessarily be incurred in the liquidation process. The affairs of the committee which are to be liquidated might involve a number of years' operations. It will be appropriate, therefore, that funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, be carried over into subsequent fiscal periods as a reserve for possible liquidation in the event of the termination of the order.

It is generally considered to be good business practice to provide for unforeseen contingencies. For example, it is possible that adverse weather conditions might result in a total or partial crop failure during a fiscal period. Also, the anticipated crop for any season might conceivably be reduced by other factors. The net effect of such a crop failure would be to reduce greatly or stop shipments, and could cause the discontinuance of regulation and the collection of assessments or a reduction in total committee revenue. In order to continue and maintain the nucleus of a committee organization and to assure the performance of a minimum of basic services, the committee should have authority to secure needed extra funds to cover the expenses of operation during such a fiscal period. Such funds might reasonably be drawn from the same reserve accrued for purposes of liquidation.

The above reserve might also properly serve another purpose. At the beginning of each fiscal period, there will be a need for operating monies at a time when there will usually be little, if any, revenue from assessments. It is customary and sensible budgetary practice, and the committee should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve will have a quadruple use; namely, (i) expense of liquidation, (ii) crop failure or reduced revenue advance, (iii) expenses authorized during periods of suspension or when no regulations are in effect, and (iv) fiscal period advance. It was testified that the reserve which would be accrued from excess assessments should be limited to an amount roughly equivalent to the average budget of expenses for one fiscal period.

Any funds remaining after liquidation has been effected, including any balance which might remain in the reserve fund, should be refunded to handlers on a pro rata basis. In some cases, however, an individual handler's account will be such a small amount as to make the return thereof impracticable or unduly expensive. Funds of such insignificant nature should be used by the committee for purposes of liquidation or put to such other use as the Secretary considers appropriate in the circumstances.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of carrots was authorized by amendments to the Act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Through the medium of research investigation, the committee might be able to obtain information which would enable the committee and the Secretary to determine with a greater degree of accuracy the effect of specific regulations on the market and thereby promote more orderly marketing.

As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of such projects which are in the best interests of carrot marketing and which would assist, improve, and promote the marketing, distribution, and consumption of South Texas carrots. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for carrots among other commodities, as will tend to establish for growers the equivalent parity price for such commodities. The regulation of shipments of carrots by grade, size, quality, and pack is authorized in the marketing agreement and order and provides the practicable means of carrying out this policy.

Procedures and methods which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, quality, pack, container, or other regulations authorized by the marketing agreement and order provides a practical basis for the committee to obtain appropriate and adequate information relating to carrot marketing problems. It also provides growers and handlers and other members of the industry with information regarding policies and regulations recommended by the committee. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are those commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to carrots.

In order that the Secretary may effectively carry out his responsibilities in connection with the marketing agreement and order the committee should prepare and submit to the Secretary a report on its proposed marketing policy relating to the marketing of carrots during each season. In the event that it is necessary to amend or modify the marketing policy during the course of the season the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This will give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended by the committee should be publicly announced and made available to the industry at the committee's office.

The committee which has sole responsibility for recommending regulations authorized by the marketing agreement and order as well as modifications, suspensions, amendments, or terminations thereto should be authorized to consider and recommend any or all methods of regulations so authorized and deemed desirable. The committee as the local administrative agency should have this authority since it is logical to expect the committee to reflect the views of the industry. In turn the Secretary will look to the committee as the agency which properly reflects the thinking of the industry on matters pertaining to the marketing agreement and order.

Evidence introduced at the hearing shows an authority should be established in the marketing agreement and order for the Secretary to issue regulations with respect to the grade, size, quality or packs of carrots in any or all portions of the production area during any period. Such regulations may be issued as a result of recommendations and information submitted by the committee, as aforementioned, or other information which may be available to the Secretary which indicates that such regulations would tend to effectuate the declared purpose of the Act. Such regulations should apply to all carrots handled unless shipped under modifications authorized by the marketing agreement and order. The limitation of shipments of poorer grades, off-qualities, and less desirable sizes and packs of carrots grown in the production area will tend to increase prices received for the more desirable grades, sizes, qualities, and packs; will promote more orderly marketing; will build confidence in the industry for Texas carrots; and will thereby tend to increase returns to producers of such carrots. It was testified that some grades and sizes not only depress prices received for the more desirable grades or sizes of carrots, but at times do not return the growers anything after the cost of packing so that their costs of production represent a complete loss.

It was testified that it has been the experience of the carrot industry that small-to-medium sizes may move well at the beginning of the season but as the season progresses and there is an ample supply of medium-to-large carrots the price differential between small-to-medium and medium-to-large increases considerably. In situations such as this the industry believes the authorities contained in the marketing agreement and order would be of definite assistance in that appropriate grade and size regulations could be issued when this undesirable trend begins thereby reducing supplies of carrots in the market, maintaining higher and steadier prices on the more desirable sizes of carrots permitted to be shipped. It was also testified that during seasons of surpluses the regulatory authorities contained in the marketing agreement and order would be an effective means for alleviating the surplus condition with its undesirable effect on prices.

As mentioned before another example of a market depressing practice in the production area is that producers of late winter and late spring carrots have certain harvesting deadlines so land can be cleared for cotton. Because of the planting deadlines many carrots are dumped on the market at very low prices. While this problem could not be completely solved by the authorities contained in the marketing agreement and order, such controls could aid in reducing the quantity of carrots glutting the market at such times. Culls could be eliminated and the quality and size of carrots being marketed limited to those which the trade desires.

Since the production area included in the marketing agreement and order is large there might be a variance in the size and condition of the crop at various times because of weather conditions, soil conditions or other factors. Flexibility should be contained in the order whereby regulations may be issued in any or all portions of the production area so that regulations may be varied for different portions of the production area in order to meet each section's particular problems as they arise.

Most carrots packed for the consumer market go into 1-pound, 20-ounce, or 2-pound cellophane packages, and are then shipped in master containers of 48 or 50 pounds. These master containers are paper bags or wire bound crates. The cellophane packages are usually packed in two size ranges (medium-to-large, which is the most desirable pack as far as the trade is concerned, and small-to-mediums). It was testified that some shippers may commingle their cellophane pack with sizes ranging from small to large. Authority contained in the marketing agreement and order with respect to pack regulations could improve marketing conditions and thereby improve growers returns by eliminating the adulteration of packs which normally are sold for higher prices. It was testified further that it is a possibility that packs may be modified in other ways which may react unfavorably on the price structure. Therefore, the marketing agreement and order should contain the authority to regulate packs when it is considered necessary for the purpose of effectuating the policy of the Act.

Provision is included in the marketing agreement and order authorizing different regulations for different markets. It was testified that this provision is intended to distinguish only between markets within the production area and those outside. Markets in the production area which are close to the source of supply could at times be allowed to take different sizes and qualities of carrots compared to those outside the production area, or could be relieved from grade and size regulations if it may be practical to do so in terms of administering the program and helping to promote orderly marketing. At the same time, it would be impractical to consider distinguishing between the terminal markets outside the production area.

Testimony indicates that there are no particular problems at the present time with respect to the new containers in which carrots are presently shipped. However, it was testified that this authority or flexibility should be contained in the marketing agreement and order if it would be necessary to so regulate in order to effectuate the policy of the Act. One abuse which was brought out in the record with respect to containers was the use of second-hand containers, both sacks and crates, and their adverse effect upon grower prices. However, the act does not contain specific authority to prohibit the use of second-hand containers, so this authority is not included in the proposed marketing agreement and order.

The largest carrots, jumbos, are normally utilized by the institutional trade—restaurants, dining cars, steamship lines, etc. These carrots are usually packed in 50-pound mesh or burlap bags. However, they may be packed in larger containers. It was testified that the outlet for jumbos is limited. Some users will pay good prices for jumbos; however, no matter how low the price may go they will not and cannot use a greater volume. Restrictions commonly used under a grade and size marketing agreement and order, that is specifying minimum or maximum sizes, or by requiring a higher grade would not be successful in meeting this problem. Also, the possibility of reducing the volume appreciably by restrictions within the size range would be extremely limited. Therefore, the marketing agreement and order should contain authority to provide a method of limiting the total volume of jumbos which may be shipped. For example, if the market for jumbos is glutted and prices are depressed, the committee could find that the volume of jumbos should be limited to not more than a specific proportion of total shipments which could be handled during any period. Such methods recommended by the committee and approved by the Secretary could be contained in rules and regulations which would specify the procedures and percentage basis which may be used because of the fixed demand for a certain volume of jumbos. Such authority contained in the marketing agreement and order would permit the demand for jumbos to be met without unduly increasing the overall supply of jumbos which would result in depressed prices.

Paragraph (b) (5) of § 1032.52, as published in the notice of hearing, should be deleted from the marketing agreement and order. This paragraph provided for the establishment of shipping holidays during which the handling of carrots would be prohibited for a specified period or periods. The holidays would be limited to a maximum of 72 hours with at least 72 hours lapse between the termination of one holiday and the beginning of the next. Testimony offered at the hearing intended to support this provision was insufficient to substantiate its inclusion in the marketing agreement and order. Some testimony was to the effect that 72 hours was not long enough and the authority should be included to permit a succession of 72-hour holidays without a waiting period between. However, testimony indicates that carrots may be held in the ground for a period of several weeks prior to harvest, or after harvest they may be held in cold storage for periods up to 8 weeks. If carrots so held in storage are held under proper conditions there should be no deterioration to any great extent. A shipping holiday would have no material effect on available supplies of carrots unless it was of sufficient length to clear the terminals of carrots held in cold storage or to reduce the supply of unharvested carrots available for handling. Therefore, it is found upon the basis of the hearing record that shipping holidays are not feasible in application to South Texas carrots and this provision should not be included in the marketing agreement and order.

The marketing agreement and order should contain provision for the notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the marketing agreement and order.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when carrot prices reach the equivalent parity as will be in the public interest. Some carrots are of such low quality and undesirable size that they do not give consumer satisfaction at any time and consumers do not receive proper value for their expenditures for such low quality carrots even when prices are above parity so it would not be in the public interest either of producers or consumers to permit shipments of such poor quality carrots irrespective of the price level. The marketing agreement and order, therefore, contains authority for the establishment of such minimum standards of quality and maturity as will be in the public interest and such grading and inspection requirements as may be necessary to insure such minimum standards of quality and maturity are met.

The marketing agreement and order should have authority providing for the amendment, modification, suspension or termination of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required in order to adjust regulations to effectuate the declared policies of the Act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the Act they should be terminated.

The marketing agreement and order is intended primarily to improve orderly marketing conditions with respect to commercial shipments, that is carlots or truck lots of carrots going into the markets. However, some smaller shipments are made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the marketing agreement and order would be concerned. Therefore, authority should be contained in the marketing agreement and order to relieve such shipments from regulations, assessments, on inspection when such is in the best interests of the program.

(g) The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of carrots for purposes other than for disposition in normal trade channels. Carrots moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs, and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of carrots handled in commercial markets. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of carrots for such purposes so that every opportunity may be taken to improve orderly marketing conditions for carrots thereby tending to increase total returns to carrot growers in the production area.

Such outlets would be for relief or for charities, experimental purposes, export, canning or processing, livestock feed, or for other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief or for charities are usually by the way of donation or due to some special consideration between the shipper and the receiver. Occasionally shipments are made to orphan homes or to veterans hospitals or some other facility and the committee should have authority to recommend waiving of the

requirements in regard to these shipments in that they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes. Many times shipments of carrots are made in order to study improved varieties or improved shipping containers, or in order to develop new markets for carrots and carrot by-products. Since these studies are intended to benefit the industry as a whole, no particular purpose would be derived by the application of all the requirements of the marketing agreement and order program with respect to them. Some export markets accept or prefer certain grades and particularly some sizes which normally are discounted for domestic markets. The marketing agreement and order should provide for appropriate modification, suspension or termination of regulations with respect to movement of carrots to export outlets so that these demands can be met and the sale of the carrots grown in the production area will continue to such markets. It was testified that Canada prefers a 20-ounce cello bag rather than the 16-ounce commonly shipped to U.S. markets. Also, Canadian outlets prefer small-to-medium size carrots rather than medium-to-large. Occasional sales of cull carrots are made to Mexican importers. Last season the South Texas carrots were exported to Europe on a trial basis and the industry hopes that this outlet will expand in the future. Movement to these markets does not interfere with the sale of high quality carrots within U.S. markets, and should be encouraged.

There is an occasional movement of carrots from the production area to canning plants in nearby areas. Since carrots destined for such outlets are exempted from regulation by the Act they cannot be restricted by grade, size, and other requirements under the marketing agreement and order. However, requiring proper evidence that such carrots are going to a canning plant and are not being diverted into regular commercial channels, may be necessary for proper administration of the program.

Many cull carrots are used for livestock feed. Such carrots may be hauled by the feeder from the field where grown or from the cull chute at the packing house. Such movement should not be controlled except to the extent that safeguard procedures should be instituted to see that the carrots actually are fed and not diverted to other markets.

It is a possibility that other outlets or special purposes might arise that are not known at this time and if it is found that such outlets are not competitive with fresh market channels the committee may recommend and the Secretary may approve that such shipments should move under modified, suspended or terminated regulations.

The authority for modifying, suspending or terminating grade, size, quality, assessment, or inspection regulation should be accompanied by additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special regulations. The authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the marketing agreement and order.

(h) Inspection of carrots grown in the production area by the Federal or the Federal-State Inspection Service must be required for the purpose of determining officially whether shipments meet requirements effective under marketing regulations issued pursuant to the marketing agreement and order. Federal or Federal-State Inspection Service has operated in the State of Texas for a number of years and carrot growers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of carrots. The service is available throughout the entire production area and reasonably prompt inspection can be given at all packing points. Provision is made in the marketing agreement and order for inspection of carrots grown in the production area by the Federal or Federal-State Inspection Service during any period in which the handling of carrots is regulated under the program. Inspection and certification requirements should apply to all carrots shipped under regulations issued under the marketing agreement and order except when relieved therefrom pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested parties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of carrots grown in the production area requires evidence that each shipment is in compliance with regulations under the marketing agreement and order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated carrots after they have been prepared for market since he is usually the person responsible for the grade, size, quality, pack and container in which the carrots are being shipped or handled. However, each handler regardless of whether the first or subsequent handler should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification is essential to proper administration of the marketing agreement and order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles carrots should be required to obtain such inspection. Subsequent handlers should not be permitted to handle carrots unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such carrots. If a handler should receive carrots which have not been inspected he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected carrots handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever any shipments of carrots subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such carrots can no longer be specifically identified with reference to the inspection certificate. If any such lot of carrots should thereafter be repacked, the repacked carrots have a new identity. However, any subsequent handling of such carrots should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles carrots after they have been repacked, resorted, or regraded to have such carrots reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such shipments comply with regulations in effect and applicable to carrots that have been repacked or regraded.

The committee may prescribe rules and regulations, subject to approval by the Secretary, whereby any or all carrots inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area.

The marking requirement could be used if it was found that uninspected lots were being substituted for inspected warehouse lots, or if trucks were moving out of the production area with uninspected carrots when check stations are not being operated. Therefore, it is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary may be necessary and incidental to successful operation of the marketing agreement and order, and should be included therein.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed marketing agreement and order are concerned. Such requirement is appropriate and necessary especially with respect to floor lot or platform inspections which might be administratively desirable to accommodate handlers and truckers. It would not be practical and feasible for the committee to rely upon inspection certificates which are not reasonably current.

Texas carrots are marketed soon after harvest and are therefore, perishable. If held for unreasonable lengths of time they could deteriorate to the point where they would not meet regulations in effect at actual time of shipment and would no longer conform to the findings on the inspection certificate.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue, regulations requiring that carrots transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the marketing agreement and order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of carrots passing through compliance check stations which may be set up along the production area boundary. Since a sizable percentage of carrots produced in the production area move by truck such authority is necessary to effectuate the other provisions of the marketing agreement and order.

(i) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the marketing agreement and order. The standards to be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 1032.80 of the marketing agreement and order and such reports should be those necessary for operation of the committee in carrying out its responsibilities under the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by it. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the marketing order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, and also to modify, change, or rescind, any requests by the committee for information in order to protect handlers from unreasonable requests for reports is retained by the Secretary.

Since it is possible that a question may arise with respect to compliance with the marketing agreement and order, each handler should maintain complete records of his handling and disposition of carrots for a period of not less than two years subsequent to the termination of each crop year.

Any and all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records.

(j) Except as provided in the marketing agreement and order, no handler should be permitted to handle carrots, the handling of which is prohibited pursuant to regulations issued under the marketing agreement and order and regulations issued thereunder. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of carrots handled by him, such action would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(k) The provisions of §§ 1032.82 through 1032.92, as published in the FEDERAL REGISTER of May 13, 1960 (25 F.R. 4285), and as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1032.93 through 1032.95, as hereinafter set forth, are also included in other marketing agreements now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the Act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the Act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the Act with respect to carrots produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such carrots above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such carrots as will be in the public interest;

(2) The said marketing agreement and order authorizes regulation of the handling of carrots grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of carrots grown in the production area; and

(5) All handling of carrots as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as to the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 1032.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1032.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1032.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

§ 1032.4 Production area.

"Production area" means the counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee,

Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hidalgo, Willacy and Cameron, in the State of Texas.

§ 1032.5 Carrots.

"Carrots" means all varieties of Daucus carota commonly known as carrots and grown within the production area.

§ 1032.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of carrots owned by another person) who handles carrots or causes carrots to be handled.

§ 1032.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place carrots in the current of the commerce within the production area or between the production area and any point outside thereof: *Provided*, That such terms shall not include the transportation, sale, or delivery of carrots to a registered handler.

§ 1032.8 Registered handler.

"Registered handler" means any person with adequate facilities for preparing carrots for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities and has recorded with the committee his ability and willingness to assume customary obligations of preparing carrots for commercial market.

§ 1032.9 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of carrots for market.

§ 1032.10 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of carrots into grades, sizes, and packs for market purposes.

§ 1032.11 Grade and size.

"Grade" means any of the established grades of carrots and "size" means any of the established sizes of carrots as defined and set forth in all U.S. Standards for fresh carrots (§§ 51.2360 to 51.2381; 51.2455 to 51.2471; 51.2485 to 51.2498, inclusive of this title), U.S. Standards for Carrots for Processing (effective January 17, 1944), or U.S. Consumer Standards for fresh carrots (§§ 51.495 to 51.513, inclusive of this title), issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1032.12 Pack.

"Pack" means a quantity of carrots in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits, or any combination of these recommended by the committee and approved by the Secretary.

§ 1032.13 Container.

"Container" means a box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale, or shipment of carrots.

§ 1032.14 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of carrots according to these definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ 1032.15 Committee.

"Committee" means the South Texas Carrot Committee, established pursuant to § 1032.22.

§ 1032.16 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1032.17 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § 1032.25 or as reestablished pursuant to § 1032.26.

§ 1032.18 Export.

"Export" means to ship carrots to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

§ 1032.22 Establishment and membership.

(a) The South Texas Carrot Committee, consisting of fifteen members, ten of whom shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate.

(b) Each person selected as a producer member or alternate shall be an individual who is a producer, or an officer or an employee of a producer, in the district for which selected. Each person selected as a handler member or alternate shall be an individual who is a handler or an officer or an employee of a handler in the district for which selected. Members and alternates shall be residents of the production area.

§ 1032.23 Selection.

The Secretary shall select members and their respective alternates from districts as established pursuant to § 1032.25 or § 1032.26. Initial selections shall be as follows:

District No. 1—2 producer members and alternates, 1 handler member and alternate.
District No. 2—2 producer members and alternates, 2 handler members and alternates.
District No. 3—6 producer members and alternates, 2 handler members and alternates.

§ 1032.24 Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1032.25 Districts.

For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The Counties of Medina, Bexar, Atascosa, Wilson, Hays, Karnes, Comal, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, and De Witt in the State of Texas.

District No. 2. The Counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Maverick, Zavala, Frio, Dimmit, La Salle, Webb, Duval, Zapata McMullen, Uvalde, Jim Hogg and Live Oak, in the State of Texas.

District No. 3. The Counties of Bee, Goliad, Victoria, Calhoun, Refugio, San Patricio, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Aransas, Starr, Hidalgo, Willacy, Cameron, Jackson Wharton, Matagorda, in the State of Texas.

§ 1032.26 Reestablishment.

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in carrot acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in prompting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1032.27 Nomination.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by the Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year;

(d) Only producers may participate in designating producer nominees and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling carrots in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces carrots, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1032.28 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1032.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1032.22 through 1032.26, inclusive.

§ 1032.29 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1032.30 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list for the district involved, or from nominations made in the manner specified in § 1032.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1032.22 through 1032.26, inclusive.

§ 1032.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1032.32 Procedure.

(a) Ten members of the committee shall be necessary to constitute a quorum. Eight concurring votes or two-thirds of votes cast whichever is greater shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing. At any unassembled meeting unanimous vote of all committee members voting will be required to approve any action.

§ 1032.33 Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1032.34 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1032.35 Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and alternates, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to carrots;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1032.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of carrots under regulation handled by the first handler thereof during a fiscal period and the total quantity of carrots under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 1032.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1032.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles carrots, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment

of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all carrots which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1032.43 Accounting.

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in subparagraph (2) of this paragraph, shall be refunded proportionately to the persons from whom they were collected.

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts, and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

§ 1032.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of carrots. The expenses of such projects shall be paid from funds collected pursuant to § 1032.42.

REGULATION

§ 1032.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on carrot supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to carrot supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ 1032.51 Recommendations for regulations.

Upon complying with the requirements of § 1032.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the Act.

§ 1032.52 Issuance of regulations.

(a) The Secretary shall limit by regulations the handling of carrots whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared purpose of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities or packs or any combination thereof, of any or all varieties of carrots during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of carrots differently for different varieties, for different markets, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of carrots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity;

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of carrots.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

§ 1032.53 Handling for special purposes.

Regulations in effect pursuant to § 1032.42, §1032.52 or § 1032.60 may be modified, suspended, or terminated to facilitate handling of carrots for (a) livestock feed; (b) export; (c) relief or charity; (d) experimental purposes; (e) other purposes which may be recommended by the committee and approved by the Secretary.

§ 1032.54 Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to § 1032.53 were handled and used for the purpose stated.

§ 1032.55 Notification of regulation.

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

§ 1032.60 Inspection and certification.

(a) Whenever the handling of carrots is regulated pursuant to § 1032.52, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle carrots unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1032.52(c) or § 1032.54, or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of carrots shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle carrots after they have been regraded, resorted, repacked or in any way additionally prepared for market, unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked carrots may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all carrots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When carrots are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of carrots by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

REPORTS

§ 1032.80 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of carrots received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such carrots; and (4) identification of the inspection certificates relating to the carrots which were handled pursuant to § 1032.52 or § 1032.53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the carrots received, and of carrots disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 1032.81 Compliance.

Except as provided in this subpart, no handler shall handle carrots, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle carrots except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 1032.82 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1032.83 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1032.84 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of carrots for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such carrots produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 1032.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1032.86 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1032.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1032.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his

agent or representative in connection with any of the provisions of this subpart.

§ 1032.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1032.90 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1032.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1032.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1032.93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1032.94 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1032.95 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of carrots in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: August 2, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-7299; Filed, Aug. 5, 1960; 8:45 a.m.]

[1] Applicable only to the proposed agreement.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition Regarding Use of Octafluorocyclobutane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the issuance of a regulation to establish the safe use of octafluorocyclobutane as a propellant and aerating agent for foamed food.

Dated: August 2, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7339; Filed, Aug. 5, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 47]

[Reg. Docket No. 471; Draft Release No. 60-13]

CERTIFICATION AND OPERATION RULES GOVERNING THE CARRIAGE OF PERSONS OR PROPERTY FOR COMPENSATION OR HIRE WITH SMALL AIRCRAFT

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise Part 47 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by October 31, 1960, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. If the comments received indicate that further consideration of particular items is warranted, final rule making action on those items will be withheld for further study and coordination with industry. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

Other unresolved items concerning operations within the scope of Part 47 are under consideration and may be submitted for public comment in later proposals.

Part 47 was adopted by the Civil Aeronautical Board on December 30, 1958, with an effective date of July 1, 1959 (24 F.R. 91). This new part prescribed certification and operation rules for air taxi operators required by Special Civil Air Regulation No. SR-395A to comply with the certification and operation rules of Part 42 of the Civil Air Regulations. It also prescribed operation rules for commercial operators using small aircraft (including helicopters) required by Part 45 to comply with the operating rules of Part 42.

By Amendments 47-1 (24 F.R. 5289) and 47-2 (24 F.R. 10192), the effective date of Part 47 was postponed by the Federal Aviation Agency until July 1, 1960, to permit a revision of the part to be prepared and published as a notice of proposed rule making. Effective July 1, 1960, Amendment 47-3 postponed the effective date of Part 47 indefinitely, since the time required to complete a rule making proceeding for the revised part, and allow a reasonable time for industry preparation for its implementation, could not be precisely determined.

The revision of Part 47 proposed in this notice contains numerous modifications in format and substance and is designed to eliminate the need for explanatory material. A cross-reference of section numbers in the present and proposed parts is included to simplify review of the proposed changes. The following significant changes have also been incorporated in its provisions:

1. *Applicability of proposed Part 47 (§ 47.1).* As revised, the scope of proposed Part 47 will extend to and govern operations conducted with small aircraft by air taxi operators, Alaskan air taxi operators, and persons engaging in the carriage in air commerce of persons or property for compensation or hire other than in the capacity of an air carrier. In addition, the revised part will apply to air carriers holding scheduled air carrier operating certificates issued under Part 40, 41, or 46 of the Civil Air Regulations in the conduct of charter trips or other special services with small aircraft. However, such an air carrier could elect to conduct such operations, between points it is authorized to serve by the terms of its scheduled air carrier operating certificate, in accordance with the provisions of Part 40, 41, or 46 as appropriate, in lieu of Part 47. Finally, the revised part will also apply to operations conducted with small aircraft by air carriers holding supplemental air carrier operating certificates issued under Part 42 of the Civil Air Regulations.

The amendment postponing the effective date of Part 47 indicated that its scope would be extended to include all operations with small aircraft conducted by Alaskan air carriers. These air carriers are certificated under Part 41 of the Civil Air Regulations and, through its enabling provisions, are presently permitted to operate under the less restrictive operating rules of Part 42 of the Civil Air Regulations. We believe that, since these air carriers are conducting scheduled operations under the authority of certificates of public convenience and necessity, they should remain subject to the provisions of Part 41.

When Part 47 becomes effective, Alaskan air carriers will be permitted to conduct their scheduled operations with small aircraft under its operating provisions in lieu of those of Part 42, unless otherwise specified in their operations specifications.

NOTE: When Part 47 becomes effective, Parts 42 and 45 of the Civil Air Regulations will be amended to limit their applicability to large aircraft operations.

2. *Continuance of existing authority.* In accordance with § 47.11, persons holding a valid air carrier operating certificate authorizing operations with small aircraft under the provisions of Part 42 of the Civil Air Regulations, who apply prior to the effective date of revised Part 47 for operating authority required by § 47.10(a), would be permitted to continue operations in accordance with the authority held until final action is taken on the application.

Persons who do not hold an air carrier operating certificate and have been conducting commercial operations with small aircraft under the provisions of Part 45 of the Civil Air Regulations would be required to secure an operating certificate under Part 47 before engaging in such operations after the effective date of this part. Applications from such persons would be given priority handling in order to eliminate or minimize any interruption of their operations. To this end, it would be desirable for such applications to be filed at least 30 days in advance of the effective date of this part.

3. *Operating certificate and operations specifications required for commercial operators using small aircraft (§§ 47.10 through 47.18).* Commercial operators using small aircraft have, by the provisions of Part 45 of the Civil Air Regulations, been required to comply with the operating rules of Part 42 of the Civil Air Regulations. Part 47, as adopted December 30, 1958, would require such commercial operators to comply with its provisions, with the exception of those pertaining to certification and operations specifications. This revised Part 47 proposes to require persons who do not hold an air carrier operating certificate to obtain and hold a commercial operator certificate and operations specifications when engaging in the carriage of persons or property for compensation or hire in air commerce with small aircraft as a commercial operator. This requirement is necessary to provide for proper surveillance and control of such operations.

Under this proposed revision of Part 47, a person holding an air carrier operating certificate other than an Alaskan air taxi operating certificate would not be eligible for, or required to obtain, a commercial operator certificate to engage, other than as an air carrier, in the carriage of persons or property for compensation or hire in air commerce. Such a person would, however, be required to hold operations specifications authorizing operations under Part 47 and to comply with the other provisions of the part. A person holding an Alaskan air taxi operating certificate who conducts operations as a commercial operator with small aircraft which he is prohibited by the Economic Regulations of the Board from using in Alaskan air taxi operations would be required to obtain a commercial operator certificate for such operations. He would not be required to hold a commercial operator certificate for commercial operations with small aircraft in which he is authorized to conduct operations as an Alaskan air taxi operator.

4. *Additional aircraft instruments and radio equipment and pilot instrument rating required for VFR night and over-the-top operations (§§ 47.32, 47.33, 47.36, and 47.80).* A pilot engaging in VFR night operations may often unexpectedly encounter unpredicted adverse weather conditions which necessitate the use of instruments to safely pilot the aircraft out of the area. Moreover, during flights on dark nights over areas in which few, if any, ground reference lights are available, control of the aircraft is, to a great extent, dependent upon reference to instruments. Instrument flight may also become necessary in over-the-top operations due to such things as mechanical emergencies and weather conditions. Therefore, to provide an acceptable level of safety when passengers are carried in such operations, it is proposed to require that the aircraft be equipped with the instruments and radio equipment specified in Part 43 of the Civil Air Regulations for IFR flight and that the pilot hold a currently effective instrument rating. These requirements would not apply in VFR day over-the-top operations when the aircraft is operated at such an altitude or under such conditions that descent or continuation of the flight under VFR could be accomplished in case of failure of the engine of a single-engine aircraft or the critical engine of a multi-engine aircraft.

5. *More adequate radio communication and navigational equipment required for IFR operations with passengers (§ 47.36).* The volume of IFR traffic and the complexities of the modern air traffic control system are such that additional radio equipment is considered necessary to provide an acceptable level of safety for passengers carried in IFR operations. The dual communications and navigational receiving equipment proposed would also provide an additional safety factor.

6. *Limited IFR operations with passengers in single-engine aircraft or multiengine aircraft which are unable to meet the present IFR en route performance requirements are permitted (§ 47.53(c)).* IFR operations with passengers in single-engine aircraft or multiengine aircraft which are unable to meet the IFR en route performance requirements have long been controversial items. A principal objection to such operations is based on the contention that an acceptable level of safety would not be provided, due to the inherent hazard of engine failure.

The statistical reports of aircraft use and accidents in General Aviation operations indicate that the reliability record of modern aircraft engines used in small aircraft is excellent. These reports also show that the incidence of emergency landing accidents due to engine or propeller failure is very low with small aircraft and, in air taxi operations, is much lower than in General Aviation as a whole. It is believed that this difference can be attributed to higher maintenance and operational standards in air taxi and commercial operations.

We believe that, with appropriate limitations, IFR passenger operations with these aircraft could be safely conducted. It is also believed that the safety level of such operations would be at least equal to that of VFR night operations with such aircraft as permitted in Part 42 and in Part 47 as originally adopted. Therefore, it is proposed to permit IFR operations with passengers in single-engine aircraft and multiengine aircraft which are unable to meet the IFR en route performance requirements of §§ 42.82 and 47.31(a) of the Civil Air Regulations: *Provided*, That certain specified ceiling and visibility minimums exist along the entire routes (including departure and approach) flown under IFR. This ceiling and visibility "buffer" is intended as an additional safeguard by providing for VFR conditions beneath the overcast in case engine malfunctioning should necessitate an emergency landing or descent to a lower altitude.

7. *A ceiling and visibility "buffer" is required under certain conditions for VFR over-the-top operations with passengers (§ 47.53a).* For the same reason shown in item 6 above, we believe that safety requires an en route ceiling and visibility "buffer" beneath the overcast when single-engine aircraft, or multiengine aircraft which are unable to meet the en route performance requirements of § 47.53(b), are flown in VFR over-the-top operations with passengers. Therefore, it is proposed to require such "buffers" unless the aircraft is operated at such an altitude, or under such conditions, that descent or continuation of the flight under VFR could be accomplished in case of failure of the engine of a single-engine aircraft or the critical engine of a multiengine aircraft.

8. *Higher weather minimums and minimum flight altitude rules are prescribed for VFR operations with other than helicopters (§§47.60 and 47.61).* Present Part 47 provides that the weather minimums and minimum flight altitudes shown in Part 60 of the Civil Air Regulations shall apply. We believe that higher minimums are necessary to be consistent with the level of safety expected in air carrier and commercial operations. Accordingly, minimums which are essentially the same as those under which small aircraft operations are now carried on under Part 42 are proposed in this revision. However, in recogni-

tion of the fact that operations can be conducted safely in certain areas where relatively low ceilings and visibility exist, a provision has been included to permit operations with a ceiling of less than 1,000 feet when the visibility is two miles or more: *Provided*, That the minimum flight altitudes specified in this part and the clearance from clouds provisions of Part 60 of the Civil Air Regulations shall be adhered to at all times.

9. *More detailed provisions governing helicopter operations have been prescribed* (§§*47.60 47.61, and 47.62*). In view of the increasing use of helicopters in air taxi and commercial operations, more explicit operating rules and minimums are believed necessary to provide a satisfactory level of safety in such operations. Therefore, it is proposed to establish visibility minimums, minimum flight altitude rules, a requirement that approach-departure paths where emergency landing areas are available be used, and a fuel supply requirement for operations with helicopters.

10. *Increase in recent flight experience requirements for pilots in command and provision for flight check in lieu thereof* (§ *47.81*). The recent experience requirements prescribed by Parts 42 and 47 of the Civil Air Regulations for a pilot in command of small aircraft provide that within the preceding 90 days he shall have made at least 3 take-offs and landings in an aircraft of the same type on which he is to serve. Due to the more complex nature of multiengine aircraft and the importance of current proficiency in emergency procedures pertinent thereto, the present recent experience requirements appear inadequate for pilots of such aircraft. It is, therefore, proposed to include additional small multiengine aircraft recent experience requirements which pilots in command of such aircraft must meet when passengers are to be carried.

The period in which the overall recent experience of 20 hours is to be met has been established at 6 months in this proposal to avoid unduly restricting pilots in areas where multiengine operations are seasonal in nature. It is also proposed that when these additional recent experience requirements have not been met, the pilot shall demonstrate a satisfactory level of proficiency before serving as pilot in command on such aircraft.

11. *Only the instrument and equipment items in excess of those required by Part 43 of the Civil Air Regulations are listed.* Part 43 of the Civil Air Regulations prescribes the minimum instruments and equipment required for each category of operation with civil aircraft in the United States. Section 47.2 of this proposed part makes the requirements of Part 43 applicable to all operations conducted under the provisions of this part unless otherwise specified. This means that the provisions of Part 43 would be applicable, both in and outside the United States. Therefore, to avoid repetition and to simplify the determination of the additional instruments and equipment which are required for each category of operation under this part, only the additional required items are listed. The one exception is in § 47.36 where, for the sake of clarity, the complete radio equipment requirements for all types of operations with passengers are shown. It is proposed to use a similar procedure in the revision as finally adopted.

In consideration of the foregoing, it is proposed to promulgate the attached Part 47 of the Civil Air Regulations in its entirety to replace the existing Part 47, adopted December 30, 1958.

These regulations are proposed under the authority of sections 313(a), 314(a), 601–610, 1102, of the Federal Aviation Act of 1958 (72 Stat. 752, 754, 775–780, 797; 49 U.S.C. 1354(a), 1355, 1421–1430, 1502).

Issued in Washington, D.C., on August 2, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

Proposed revision of Part 47 of the Civil Air Regulations:

Subpart A—Applicability and Definitions

Sec.
47.1 Applicability of this part.
47.2 Applicability of Parts 18, 43, and 60 of this chapter (Civil Air Regulations).
47.5 Definitions.

Subpart B—Certification Rules and Operations Specifications Requirements

47.10 Certificates required.
47.11 Renewal of existing operating authority.
47.12 Application for operating authority.
47.13 Issuance of operating authority.
47.14 Display of certificates and operations specifications.
47.15 Duration, renewal, and reissuance of certificate.
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Subpart C—Instruments and Equipment

47.30 Instrument and equipment standards.
47.31 Additional instruments and equipment for all operations.
47.32 Additional instruments and equipment for day VFR over-the-top operations with passengers.
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4734 Additional instruments and equipment for IFR operations with passengers.
47.35 Autopilot requirements.
47.36 Radio equipment for aircraft carrying passengers.
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47.39 Cockpit check list requirements.

Subpart D—Operation Rules

47.50 Facilities and material required.
47.51 Aircraft required.
47.52 Notification of change of helicopters, multiengine aircraft, and all aircraft utilized in IFR operations.
47.53 Limitations for IFR operations with passengers.
47.53a Limitations for over-the-top operations with passengers.
47.54 Aircraft limitations for overwater operations with passengers.
47.55 IFR route limits.
47.56 Flight manifest requirements.
47.60 Weather.
47.61 Additional minimum flight altitude rules.
47.62 Fuel supply for VFR operations.
47.63 Lighting for night operations.
47.64 Operation in icing conditions.
47.65 International operations.
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47.68 Area of operation.

Subpart E—Flight Crew Requirements

47.80 Pilot qualifications and second pilot requirements.
47.81 Recent flight experience requirements.
47.82 Pilot training requirements for IFR and multiengine operations.
47.83 Pilot check requirements for IFR and multiengine operations.
47.84 Grace period for airman periodic checks.
47.86 Airman records.
47.87 Responsibilities of pilot in command.
47.88 Flight crewmembers at controls.

Subpart A—Applicability and Definitions

§ 47.1 Applicability of this part.

The provisions of this part shall be applicable to the following persons engaging in the carriage of mail, persons, or property for compensation or hire with small aircraft:

(a) Air taxi operators;

(b) Alaskan air taxi operators;

(c) Alaskan air carriers when authorized under the provisions of § 41.1(a) of this chapter (Civil Air Regulations);

(d) Supplemental air carriers;

(e) Air carriers holding a scheduled air carrier operating certificate issued under Part 40, 41, or 46 of this chapter (Civil Air Regulations) when conducting charter trips and special services, except that such air carriers may elect to conduct charter trips and special services between those points they are authorized to serve under the terms of such certificate in accordance with Part 40, 41, or 46 of this chapter as the case may be; and

(f) Commercial operators, except that for the purpose of this provision, persons engaging in student instructions, banner towing, aerial application, and similar aerial work operations shall not be considered commercial operators in the conduct of such operations.

§ 47.2 Applicability of Parts 18, 43, and 60 of this chapter (Civil Air Regulations).

The provisions of Parts 18, 43, and 60 of this chapter (Civil Air Regulations) shall be applicable to all operations conducted under the provisions of this part unless otherwise specified in this part. (See § 47.65 for additional rules pertaining to international operations.)

§ 47.5 Definitions.

As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of the Federal Aviation Agency.

Air carrier. Air carrier means any citizen of the United States who undertakes directly, or by a lease or any other arrangement, to engage in air transportation.

Air commerce. Air commerce means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

Aircraft. An aircraft is any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

Airport. Airport means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

Air taxi operator. An air taxi operator is an air carrier who engages in air transportation subject to Part 298 of this title (Economic Regulations of the Board) and (1) does not utilize in such transportation any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds, unless otherwise authorized by an exemption order from the Board, and (2) does not hold a certificate of public convenience and necessity or other economic authority issued by the Board.

Air transportation. Air transportation means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

Alaskan air taxi operator. An Alaskan air taxi operator is an air carrier who engages in air transportation solely within the State of Alaska subject to Part 293 of this title (Economic Regulations of the Board), and (1) does not utilize in such transportation any aircraft having a maximum certificated takeoff weight of more than 7,900 pounds, unless otherwise authorized by an exemption order from the Board, and (2) holds a letter of registration issued by the Board.

Approach-departure path (helicopter). An approach-departure path is a path for flight in a plane leading outward and upward from the end of the takeoff and landing area.

Authorized representative of the Administrator. An authorized representative of the Administrator is an employee of the Federal Aviation Agency authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Board. Board means the Civil Aeronautics Board.

Cabin pressure altitude. Cabin pressure altitude means the pressure altitude corresponding with the pressure in the cabin of the airplane.

NOTE: For airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical.

Calendar month. A calendar month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof. (A period of 12 calendar months would extend from any day within any month to the end of the last day af the same month of the following year.)

Category of aircraft. A category of aircraft is a broad classification with distinct configuration and operating characteristics such as airplane, helicopter, or glider.

Check pilot. A check pilot is a pilot designated by the operator and approved by an authorized representative of the Administrator to examine other pilots utilized by the operator, to determine their proficiency with respect to procedures and techniques and their competence to perform their duties.

Citizen of the United States. Citizen of the United States means (1) an individual who is a citizen of the United States or of one of its possessions, or (2) a partnership of which each member is such an individual, or (3) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

Commercial operator. A commercial operator is a person engaging in the carriage in air commerce of persons or property for compensation or hire other than in the capacity of an air carrier. (Generally, a person may be described as a commercial operator when he engages in operations as a private carrier for hire on an interstate or intrastate basis, or as a common carrier on an intrastate basis. Under circumstances where it is doubtful whether such operations are for "compensation or hire," the test to be applied is whether the air carriage is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.)

Crewmember. A crewmember is any individual assigned by the operator for the performance of duty on an aircraft in flight.

Critical engine. The critical engine is that engine the failure of which gives the most adverse effect on the performance characteristics of the aircraft. (See the airworthiness requirements under which the aircraft was type certificated for the manner in which such engine is determined.)

Day. Day is the time between the beginning of morning civil twilight and the end of evening civil twilight as published in the American Air Almanac and converted to local time for the locality concerned.

Extended overwater operation. An extended overwater operation is a flight conducted over water more than 50 miles from the nearest shoreline.

Flight altitude. Flight altitude means the altitude above sea level at which the aircraft is operated.

Flight crewmember. A flight crewmember is a crewmember assigned to flight deck duty on an aircraft.

Flight time. Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing (block-to-block time).

IFR. IFR is the symbol used to designate instrument flight rules.

IFR weather conditions. IFR weather condtions are weather conditions less than the minimums prescribed for flight under VFR of Part 60 of this chapter (Civil Air Regulations).

Interstate air commerce. "Interstate air commerce", "overseas air commerce", and "foreign air commerce", respectively, mean the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between, respectively:

(1) A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(2) A place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States; and

(3) A place in the United States and any place outside thereof;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Interstate air transportation. "Interstate air transportation", "overseas air transportation", and "foreign air transportation", respectively, mean the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between, respectively:

(1) A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(2) A place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(3) A place in the United States and any place outside thereof;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Landing area. A landing area is an area of land or water which is used or intended for use for the takeoff or landing of aircraft.

Maximum certificated takeoff weight. Maximum certificated takeoff weight is the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of

Documents, Government Printing Office, Washington 25, D.C. Information concerning such tables is also available in the offices of the Federal Aviation Agency or the United States Weather Bureau.

Operation of aircraft. Operation of aircraft or operate aircraft means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, leasee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft.

Operations specifications. Operations specifications are rules of particular applicability issued by an authorized representative of the Administrator and are not part of the operating certificate.

Operator. Operator is an air carrier, commercial operator, or other person subject to the provisions of this part.

Over-the-top. Over-the-top means the operation of an aircraft above a layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration" and not classified as "thin" or "partial."

Passenger. A passenger is an individual other than a crewmember, company employee, or an authorized Government representative.

Person. Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Pilot in command. A pilot in command is the pilot designated by the operator as the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Second pilot. A second pilot is a certificated pilot serving in any piloting capacity other than as pilot in command on an aircraft equipped with dual controls.

Show or shows. Show or shows means to demonstrate or prove to the satisfaction of the Administrator or his authorized representative prior to the issuance of an operating certificate and at any time thereafter upon request.

Small aircraft. Small aircraft means aircraft having a maximum certificated takeoff weight of 12,500 pounds or less.

Type of aircraft. Type of aircraft is a specific classification of aircraft having the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

NOTE: In general, aircraft of a particular type are of the same make and basic model.

VFR. VFR is the symbol used to designate visual flight rules.

Subpart B—Certification Rules and Operations Specifications Requirements

§ 47.10 Certificates required.

No person subject to this part shall conduct operations without, or in violation of an appropriate operating certificate. The appropriate operating certificates are as follows:

(a) *Air carrier operating certificates.* An air carrier operating certificate issued pursuant to the provisions of this part is required for operations conducted as an air taxi operator or an Alaskan air taxi operator. Other air carriers subject to the provisions of this part shall not be required to obtain, or be eligible for the issuance of, an additional operating certificate to conduct operations subject to this part with small aircraft. In lieu of an additional certificate such air carriers shall obtain an appropriate amendment to their operations specifications authorizing operations with small aircraft.

(b) *Commercial operator certificate.* A commercial operator certificate issued pursuant to the provisions of this part is required for operations conducted as a commercial operator with small aircraft. Such certificate is also required for a commercial operator holding a commercial operator certificate authorizing operations with large aircraft. Other persons subject to the provisions of this part shall not be required to obtain, or be eligible for the issuance of, a commercial operator certificate to conduct operations with small aircraft as a commercial operator except an Alaskan air taxi operator using small aircraft with a maximum certificated takeoff weight of more than 7,900 pounds in the conduct of its operations as a commercial operator.

§ 47.11 Renewal of existing operating authority.

Any person engaging in operations to which this part becomes applicable and holding a currently effective air carrier operating certificate authorizing operations with small aircraft under Part 42 of this chapter (Civil Air Regulations) who files an application for operating authority required by § 47.10(a) prior to the effective date of this part, may continue operations in accordance with the authority held at the time of filing until final action has been taken on such application, unless such authority is sooner suspended, revoked, or otherwise terminated.

§ 47.12 Application for operating authority.

An application for an air carrier or commercial operator certificate required by § 47.10 shall be made in triplicate on an FAA application form and shall be filed with the local Federal Aviation Agency District Office. The application shall show the true name(s) of the operator and any business name(s) under which he operates. Application forms may be secured from any local Federal Aviation Agency District Office. Persons required by § 47.10(a) to obtain an amendment to their operations specifications for authority to operate small aircraft in air carrier operations subject to this part shall make application for such an amendment in accordance with the provisions of § 47.19(a).

§ 47.13 Issuance of operating authority.

(a) Operating authority required by § 47.10 will be issued to an applicant who is a citizen of the United States and shows that he is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part: *Provided,* That an applicant, who is required to hold economic authority issued by the Board, will not be issued operating authority pursuant to this part until such economic authority is obtained from the Board.

(b) A person shall not operate under more than one business name unless his operating certificate contains the names and addresses of his principal business office and all other business offices used.

NOTE: For example, John Doe doing business as (d/b/a) "Toledo Airways" in Ohio may wish to operate as "Carolina Airways" while based at Raleigh, North Carolina. All operating names and the addresses of the principal business office and other business offices used by the certificate holder shall be set forth in the certificate.

§ 47.14 Display of certificates and operations specifications.

Operating certificates and operations specifications issued under this part shall be kept by the operator at the principal business office required by § 47.50 (a) and (b) and made available for inspection by an authorized representative of the Administrator.

§ 47.15 Duration, renewal, and reissuance of certificate.

(a) An air carrier or commercial operator certificate issued pursuant to this part shall expire 24 calendar months after the date of issuance or renewal thereof, unless such certificate has been sooner surrendered, suspended, revoked, or otherwise terminated.

(b) An application for renewal or reissuance of an air carrier or commercial operator certificate shall be made in triplicate on the prescribed form and shall be submitted to the local Federal Aviation Agency District Office. The application for renewal shall be submitted within 60 days prior to the month of expiration. If desired, application for renewal may also be submitted whenever an application is made for amendment of operating authorization which necessitates a complete inspection of the operator's facilities and equipment. In such cases, the duration of any certificate issued will be 24 calendar months from the month of issuance.

(c) An operating certificate will be renewed or reissued if, upon investigation and examination, it is found that the operator meets the requirements of this part.

§ 47.16 Transferability of certificate.

An operating certificate is not transferable.

§ 47.17 Surrender of certificate and operations specifications.

Upon the suspension, revocation, termination, or cancellation of an operating certificate the holder thereof shall surrender the certificate and the operations specifications to an authorized representative of the Administrator.

§ 47.18 Operations specifications.

(a) On and after the effective date of this part all operations specifications previously issued to any person subject to this part and currently in effect shall cease to be a part of any operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter such new or amended specifications as are required for operations under this part will be issued by an authorized representative of the Administrator.

(b) No person shall conduct any operations governed by this part without operations specifications issued pursuant to the provisions of this part, or in violation of the terms of such operations specifications.

(c) The operations specifications shall contain the following: Types of operations authorized; category and class of aircraft with which operations are authorized; geographical area of operations; and such additional items as are necessary to cover a particular situation.

NOTE: Areas of operation will be described by geographical terms such as "Puerto Rico," "Canada," "Guatemala," "Continental United States (excluding or including Alaska)", etc.

(d) Prior to issuance of operations specifications, the applicant shall have qualified personnel and appropriate equipment available for each type of operation applied for.

(e) The operator shall keep his personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities.

§ 47.19 Amendment of operations specifications.

(a) An operator may apply for amendment of his operations specifications. The application shall be made in the appropriate portion of a blank operations specifications form. The application shall be submitted in quadruplicate to the local Federal Aviation Agency District Office.

(b) Failure of an operator to provide aircraft, pilots, or equipment to meet the requirements for any authorization contained in the operations specifications shall be cause for deletion of such authorization from the operations specifications.

(c) Any operations specifications may be amended by an authorized representative of the Administrator if it is found that safety of the operations so requires or permits.

§ 47.20 Deviation.

Whenever it is found that the general standards of safety require or permit a deviation from any specific requirement of this part, operations specifications providing for such deviation will be issued.

§ 47.21 Inspection authority.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations, including en route inspections, to determine compliance with the Civil Air Regulations and operations specifications.

§ 47.22 Advertising.

No person subject to this part shall offer through advertising media or other means, air carrier or commercial operator services other than those authorized in his operations specifications.

§ 47.23 Maintenance of equipment, facilities, and material.

(a) The operator shall maintain all required equipment, facilities, and material in conformity with the standards required for original issuance of the operating certificate and operations specifications.

(b) Aircraft shall be maintained and inspected in accordance with the provisions of Parts 18 and 43 of this chapter (Civil Air Regulations), except that air carrier and commercial operator aircraft certificated to be operated under the provisions of Part 40, 41, 42, 45, or 46 of this chapter may be maintained under the provisions of such part.

Subpart C—Instruments and Equipment

§ 47.30 Instrument and equipment standards.

Instruments and equipment used in operations under this part shall meet one of the following standards:

(a) Type certification.

(b) Supplemental type certification.

(c) Technical standard order.

(d) Installation in aircraft as a part of type certification.

(e) Approval by the aircraft manufacturer under delegated option authority.

(f) Approval by an authorized representative of the Administrator.

(g) Other standards specifically set forth in this part.

§ 47.31 Additional instruments and equipment for all operations.

The following instruments and equipment in addition to those required by § 43.30 of this chapter (Civil Air Regulations) for VFR day operations are required for all operations under this part:

(a) Sensitive altimeter;

(b) Carburetor heating or deicing equipment for each engine or alternate air source for pressure-type carburetors;

(c) A seat for each occupant; and

(d) In passenger service, a minimum of 2 hand-type fire extinguishers, one of which is installed in the pilot compartment, the other accessible to the passengers, unless the aircraft is so designed that the fire extinguisher in the pilot compartment is directly available to passengers, in which case only one fire extinguisher is required. Such extinguishers shall be approved by the Underwriters' Laboratories and shall have a minimum capacity, if carbon tetrachloride, of 1 quart; or, if carbon dioxide, of 2 pounds; or, if other, of equivalent effectiveness.

§ 47.32 Additional instruments and equipment for day VFR over-the-top operations with passengers.

When passengers are carried, aircraft used in day VFR "over-the-top" operations shall, in addition to the requirements of § 47.31 and Part 43 of this chapter (Civil Air Regulations), be equipped with instruments and equipment as follows:

(a) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn and bank indicator);

(b) Gyroscopic bank and pitch indicator (artificial horizon);

(c) Gyroscopic direction indicator (directional gyro or equivalent);

(d) Generator(s) of sufficient capacity for the equipment installed in the aircraft.

§ 47.33 Additional instruments and equipment for night operations with passengers.

The following instruments and equipment in addition to those required by § 47.31 and § 43.30 of this chapter (Civil Air Regulations) are required for operations conducted at night with passengers:

(a) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn and bank indicator);

(b) Gyroscopic band and pitch indicator (artificial horizon);

(c) Gyroscopic direction indicator (directional gyro or equivalent);

(d) One anti-collision light;

(e) Instrument lights providing sufficient illumination to make all instruments, switches, and gauges easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes;

(f) Generator(s) of sufficient capacity for the equipment installed in the aircraft; and

(g) One standard size two-cell flashlight in working condition.

§ 47.34 Additional instruments and equipment for IFR operations with passengers.

The following instruments and equipment in addition to those required by § 47.31 and § 43.30 of this chapter (Civil Air Regulations) are required for operations conducted under IFR with passengers:

(a) Vertical speed indicator (rate-of-climb indicator);

(b) Free-air temperature indicator (outside air temperature gauge);

(c) Power failure warning means or vacuum indicator on instrument panel connecting to lines leading to gyroscopic instruments;

(d) Heated pitot tube for each airspeed indicator;

(e) An alternate source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instruments when the other source is used. Engine-driven pumps, when used, shall be on separate engines;

(f) An emergency source of static pressure capable of providing static pressure to the altimeter, airspeed, and the rate of climb indicators; and

(g) Generators as required to provide one on at least two engines of multi-engine aircraft. The generators shall be of such capacity that 50 percent of the total units will provide sufficient capacity to operate essential equipment, radio, and instruments on the aircraft.

§ 47.35 Autopilot requirements.

(a) An approved autopilot system may be used in lieu of the second pilot required by § 47.80(b) when passengers are carried under IFR and IFR weather conditions.

(b) Application for authorization to use an autopilot system as provided in paragraph (a) of this section shall be submitted in writing to the local Federal Aviation Agency District Office and shall include the following:

(1) Make, model, and registration number of each aircraft to be utilized;

(2) Make, model, and serial number of the autopilot installed in each aircraft; and

(3) Name(s) of all pilot(s) to be utilized in such operations.

(c) Operations specifications authorizing use of an autopilot system in lieu of a second pilot will be issued if upon investigation it is found that the operator can demonstrate and conduct a safe operation in compliance with this part.

(d) An approved autopilot system is one that is type certificated or manufactured in compliance with a technical standard order. It shall be installed in a manner approved by an authorized representative of the Administrator and be capable of maintaining the heading of the aircraft in flight without attention by the pilot for periods of at least 5 minutes.

(e) An autopilot shall not be used in lieu of a second pilot in passenger-carrying operations under IFR conditions unless the pilot is familiar with the currently effective approach procedures, holding patterns, and reporting points appropriate to the operation to be conducted.

(f) Each pilot authorized to use an autopilot system in lieu of a second pilot shall demonstrate during the required 6-month instrument check his ability to conduct instrument operations competently without the assistance of a second pilot by demonstrating his ability to properly handle air-ground communications and complex air traffic control instructions. The standard of proficiency shall be equivalent to that obtained with the assistance of a second pilot handling air-ground communications and copying air traffic control instructions.

§ 47.36 Radio equipment for aircraft carrying passengers.

No aircraft shall be operated with passengers, unless equipped with radio systems that meet the requirements and standards specified below for the category of operations indicated.

(a) *VFR day.* Each aircraft operated in control zones shall be equipped with a two-way radio communication system.

(b) *VFR night and over-the-top.* Each aircraft shall be equipped with a two-way radio communication system and independent navigational equipment.

(c) *Equipment standards for VFR day and night operations.* Radio equipment required by paragraphs (a) and (b) of this section shall meet the following standards:

(1) Communications equipment shall be capable of transmitting to, and receiving communications from, ground facilities at least 25 miles from the aircraft when in flight;

(2) Navigational equipment shall be capable of receiving radio signals from the ground facilities to be used.

(d) *IFR operations.* Each aircraft shall be equipped with radio systems which will provide a transmitter, two independent means of receiving communications, and two independent means of receiving navigational signals. If appropriate, one or both of the receivers provided to meet the communications requirements may also be used in meeting the navigational requirements. In addition, each aircraft shall be equipped with at least one marker beacon receiver. The minimum radio equipment required to meet the requirements of this paragraph is as follows:

(1) One transmitter;

(2) Two microphones;

(3) Two headsets or one headset and one speaker; and

(4) Three receivers as follows:

(i) Two receivers for communications and for radio navigation appropriate to the ground facilities to be used;

(ii) One marker beacon receiver.

(e) *IFR operations outside the United States.* When operated outside the United States in extended overwater operations, each aircraft shall, in addition to the equipment required by paragraph (d) of this section, be equipped with an independent means of transmitting to at least one appropriate ground station from any point on the route.

(f) *Equipment standards for IFR operations.* Radio equipment required by paragraphs (d) and (e) of this section shall meet the following standards:

(1) Radio equipment for approach and landing shall be appropriate to the type of facility used;

(2) Communication equipment shall be capable of transmitting to and receiving from at least one ground station at any point on the route and of transmitting to and receiving from airport traffic control towers at least 25 miles from the aircraft when in flight; and

(3) Radio navigational equipment shall be capable of receiving radio navigational signals from at least one ground facility at any point on the route.

§ 47.37 Emergency equipment.

Each aircraft shall be equipped with readily available emergency equipment as follows:

(a) Each aircraft used in extended overwater operations shall be equipped with:

(1) Individual approved flotation gear readily available for each occupant;

(2) Liferafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the aircraft; and

(3) A survival kit attached to each liferaft and containing at least the following items:

1 canopy (for sail, sunshade, or for rain catcher);
1 radar reflector (or similar device);
1 liferaft repair kit;
1 bailing bucket;
1 signaling mirror;
1 police whistle;
1 raft knife;
1 CO_2 bottle for emergency inflation;
1 inflation pump;
2 oars;
1 75-foot retaining line;
1 magnetic compass;
1 pyrotechnic pistol and 6 cartridges;
2-day supply of emergency food ration supplying at least 1,000 calories per day for each person;
1 seawater desalting kit for each 2 persons the raft is rated to carry, or 2 pints of water per person;
1 fishing kit; and
1 book on survival appropriate for the area.

(b) Each aircraft operated over or within any foreign country which requires emergency equipment for the preservation of life shall carry such equipment as is prescribed by the foreign country for the particular area and type of operation and for the number of passengers carried.

(c) When requesting a clearance to operate over or within any foreign country, the operator shall obtain the pertinent emergency equipment requirements.

NOTE: The International Flight Information Manual and the Alaska Flight Information Manual list emergency equipment required by local government for flight in certain areas.

(d) Prior to takeoff for overwater operations the pilot shall brief the passengers on the use of required flotation equipment. All other required emergency equipment shall be clearly identified.

§ 47.38 Oxygen requirements.

An adequate supply of oxygen and dispensing equipment shall be provided as follows:

(a) Oxygen requirements for aircraft not equipped with pressurized cabins:

(1) *Crewmembers.* Oxygen shall be provided for and continuously used by each crewmember in aircraft operated:

(i) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet for the duration of flight in excess of 30 minutes;

(ii) At cabin pressure altitudes above 12,000 feet.

(2) *Other occupants.* (i) Oxygen shall be provided for at least one occupant other than crewmembers in aircraft operated at cabin pressure altitudes above 10,000 feet, to and including 15,000 feet, for the duration of the flight in excess of 30 minutes;

(ii) Oxygen shall be provided for all occupants other than crewmembers for the duration of the flight in aircraft operated at cabin pressure altitudes above 15,000 feet.

(b) Supplemental oxygen requirements for emergency descent and for first aid for aircraft with pressurized cabins:

(1) *Crewmembers.* (i) When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with paragraph (a)(1)(i) and (ii) of this section except that not less than a two-hour supply shall be provided for the flight crewmembers.

(ii) When operating at flight altitudes above 25,000 feet, one pilot at the controls of the aircraft shall wear and use an oxygen mask at all times and all other flight crewmembers on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed: *Provided*, That the one pilot need not wear a mask at or below 30,000 feet [1] if all flight crewmembers are equipped with a quick-donning type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

(2) *Other occupants.* (i) A 30-minute supply of oxygen shall be available for each occupant other than crewmembers when operating at flight altitudes above 14,000 feet if at any point along the route the airplane can descend safely to 14,000 feet or less within 4 minutes;

(ii) A one-hour supply of oxygen shall be available for each occupant other than crewmembers when operating at flight altitudes above 14,000 feet and descent to 14,000 feet or less cannot be made within 4 minutes;

(iii) *Briefing.* A crewmember shall give instructions and demonstrations to the occupants other than crewmembers in the normal and emergency use of oxygen, before flight is conducted at a flight or cabin pressure altitude of 10,000 feet or above.

(c) *Equipment standards.* The oxygen equipment and the minimum rates of oxygen flow necessary to comply with the requirements of this section shall meet the standards of § 47.30.

§ 47.39 Cockpit check list requirements.

(a) The operator shall provide a cockpit check list for each aircraft used. The check list shall be carried or installed in a readily accessible or readable location in the cockpit and shall be used by the flight crew.

(b) Cockpit check lists shall cover at least the following procedures:

(1) Prior to starting engine(s);
(2) Prior to takeoff;
(3) Cruise;
(4) Prior to landing;
(5) After landing; and
(6) Stopping engine(s).

(c) In addition, an emergency cockpit check list shall be provided for multiengine aircraft and aircraft equipped with retractable landing gear. This check list shall include at least the following procedures as applicable:

(1) Emergency operation of fuel, hydraulic, electrical, heating, pressurization, air, and other systems;

(2) Emergency operation of landing gear, propellers, flaps, brakes, steering, and other systems;

(3) Emergency operation of instruments and controls;

(4) Engine(s) inoperative procedures during takeoff, en route, landing, and go-around; and

(5) Other emergency procedures necessary in the interest of safety.

Subpart D—Operation Rules

§ 47.50 Facilities and material required.

(a) The operator shall provide a principal business office where all records required by this part shall be located.

[1] A proposal to increase this altitude to 35,000 feet is under consideration.

(b) The operator shall state in writing the location and address of his principal business office and shall not change its location without giving prior notice in writing to the local Federal Aviation Agency District Office.

(c) The operator shall provide at least the following current material appropriate to the operations authorized and aircraft used and shall assure that a copy of each is carried on every flight as required by the type of operation:

(1) For VFR operations: Parts 47, 43, and 60 of this chapter (Civil Air Regulations), Airman's Guide, Flight Information Manual (Alaska Airman's Guide and Flight Information Manual, if applicable) pertinent aeronautical charts, Airplane Equipment Manual(s), Owner's Manual or Handbook, and applicable performance charts prepared or approved by the Federal Aviation Agency if multiengine aircraft are used.

(2) For IFR operations: All items required for VFR operations and in addition pertinent navigational en route charts, terminal area charts, approach and letdown charts, and a manual computer.

(3) For foreign operations: All applicable items required for VFR, and IFR operations (if IFR authorization is held), and, in addition, the International Flight Information Manual, and a copy of all operational and entry requirements for foreign operations obtained from appropriate government(s).

§ 47.51 Aircraft required.

An operator shall have the exclusive use of at least one aircraft for each category and class authorized in the operations specifications. "Exclusive use" means that an operator has the sole possession, control, and use of an aircraft for flight arising from either, (a) a written lease or other written agreement or arrangement under which the operator is to have the right to such possession, control, and use for a period of at least 6 consecutive months from the date of such lease or other agreement or arrangement, or (b) ownership of the aircraft.

§ 47.52 Notification of change of helicopters, multiengine aircraft, and all aircraft utilized in IFR operations.

Each operator shall notify the local Federal Aviation Agency District Office of any additions or deletions of helicopters, multiengine aircraft, and all aircraft utilized in IFR operations after original certification, reissuance, or renewal of an operating certificate. The notification shall be in writing and shall be delivered or mailed within 7 days after the change. The notification shall include the aircraft make, model, and registration number.

§ 47.53 Limitations for IFR operations with passengers.

(a) Aircraft shall be equipped with fully functioning dual controls when a second pilot is required. (See § 47.80 (b).)

(b) Except as provided in paragraph (c) of this section, aircraft shall be multiengine and shall meet the following en route performance requirements:

(1) No operation shall be conducted at a weight in excess of that which will permit the aircraft to climb at least 50 feet per minute with the critical engine inoperative: Over Federal Airways or approved off-airway IFR routes, when at least at the minimum en route altitudes applicable to the route(s) to be flown, as shown in Part 610 of this title (Regulations of the Administrator) or in the operations specifications authorizing off-airways IFR operations, or when at 5,000 feet above sea level, whichever is the higher.

(2) In applying the requirements of subparagraph (1) of this paragraph, it shall be assumed that:

(i) The critical engine is inoperative;

(ii) The propeller of the inoperative engine is in the minimum drag position;

(iii) The wing flaps and landing gear are in the most favorable positions;

(iv) The operative engine or engines are operating at the maximum continuous power available;

(v) The aircraft is operating in the standard atmosphere; and

(vi) The weight of the aircraft is progressively reduced by the weight of the anticipated consumption of fuel and oil.

NOTE: En route weight limitations charts for each make and model of small multiengine aircraft may be obtained from the local Federal Aviation Agency District Office.

(c) Operations may be conducted with single-engine aircraft or multiengine aircraft which are unable to meet the en route performance requirements of paragraph (b) (1) and (2) of this section, subject to the following limitations:

(1) The ceiling shall be at least 1,000 feet and the visibility at least one mile for day and at least 2 miles for night at the point where the IFR operation begins, at each weather reporting station along the planned flight route, and at the destination, and shall be forecast to remain at or above such minimums for at least one hour after the estimated time of passing over each such reporting station and arrival at the destination;

(2) If, while en route, the weather at the destination or at one or more of the weather reporting stations ahead and along the remainder of the planned flight route is reported as below the minimums specified in subparagraph (1) of this paragraph, the pilot shall immediately take such action as may be necessary to insure that the flight will be operated over a route where the specified minimums exist;

(3) When IFR weather minimums or approach and landing weather minimums are referred to in § 47.60, the minimums shall be those specified in subparagraph (1) of this paragraph unless the minimums specified in Part 609 of this title (Regulations of the Administrator) are higher, in which case the higher minimums shall apply.

§ 47.53a Limitations for over-the-top operations with passengers.

When aircraft are flown over-the-top:

(a) They shall be operated at such an altitude or under such conditions that descent or continuance of the flight under VFR could be accomplished in case

of the failure of the engine of a single-engine aircraft or the critical engine of a multiengine aircraft; or

(b) The operation shall be conducted in accordance with the limitations and requirements for IFR operations under this part; or

(c) The operation shall be conducted in accordance with the applicable over-the-top provisions specified elsewhere in this part and the following limitations:

(1) At the time the actual over-the-top operation begins, the weather at the destination, or at the point of intended termination of the over-the-top portion of the flight, shall be such that descent from on top to beneath the overcast or cloud cover could be made under VFR, and shall be forecast to remain so for at least one hour after the estimated time of arrival thereat, and

(2) When operations are conducted with single-engine aircraft or with multiengine aircraft which are unable to meet the en route performance requirements of § 47.53(b) (1) and (2), the weather minimums, except at the point of departure, shall be as follows:

(i) *On airways.* At the time the actual over-the-top operation begins, the ceiling and visibility at each weather reporting station along the planned flight route shall be at least 1,000 feet and the visibility at least one mile for day and at least 2 miles for night, and shall be forecast to remain at or above such minimums ahead of the flight as it progresses along the over-the-top portion of the planned flight route;

(ii) *Off airways.* At the time the actual over-to-top operation begins, the forecast for the area over which the flight is to be made shall indicate that the ceiling is at least 1,500 feet and the visibility is at least one mile for day and at least 2 miles for night along the planned flight route and will remain at or above such minimums ahead of the flight as it progresses along the over-the-top portion of the planned flight route: *Provided*, That, if weather reporting stations are located at not more than 150-mile intervals along or within 25 miles on either side of the planned flight route, the minimums shown in subdivision (i) of this subparagraph may be used.

(3) If, while en route, later reports or forecasts indicate that the weather ahead and along the remainder of the planned flight route is, or will be, prior to his estimated time of arrival over the station or area, below the minimums specified in subparagraphs (1) and (2) of this paragraph, the pilot shall take immediate action to alter his route of flight to an area or areas where the specified minimums exist or a descent under VFR may be made.

§ 47.54 Aircraft limitations for over-water operations with passengers.

When passengers are carried, land aircraft operated over water shall be multiengine, and shall be flown at a weight which will permit the aircraft to climb at least 50 feet per minute with the critical engine inoperative when at least 1,000 feet above the surface, unless the overwater operation consists only of that portion of the flight necessary for takeoffs and landings or the aircraft is flown at such an altitude that it can reach land in the event of engine failure.

NOTE: En route weight limitations charts for each make and model of small multiengine aircraft may be obtained from the local Federal Aviation Agency District Office.

§ 47.55 IFR route limits.

(a) IFR operations shall be conducted only within controlled airspace, except as provided in paragraph (b) of this section, and at airports where approved standard instrument approach procedures have been established.

(b) IFR operations over routes outside controlled airspace will be authorized if it is found after investigation and consideration of all factors, including demonstration by the operator, that such operations can be conducted safely, and the operator's designated flight crew demonstrates that it is capable of navigating without visual reference to the ground along a predetermined flight path over a proposed route without deviating more than 5 miles or 5 degrees on either side (whichever is the lesser) from a straight line drawn between the point of departure and the next point of arrival.

§ 47.56 Flight manifest requirements.

A flight manifest shall be prepared before departure when passengers are carried under IFR or IFR weather conditions. The pilot in command shall certify that the flight manifest is complete and accurate by signing it.

(a) The flight manifest shall include at least the following:

(1) Operator's name, and operating certificate number;

(2) Aircraft make, model, and registration number;

(3) Date and type of last inspection of aircraft and engine(s);

(4) Point of departure;

(5) Route;

(6) Destination;

(7) Aircraft weights, to include empty weight, useful load, maximum certificated takeoff weight, and weight as loaded;

(8) Aircraft c.g. limits and the c.g. as loaded when it is possible to load the aircraft beyond the c.g. limits, unless the aircraft is loaded according to an approved loading chart;

(9) Total amount of fuel, oil, and cargo on board;

(10) Names and addresses and destination of passengers;

(11) Remarks; and

(12) Signature of pilot in command.

(b) A signed copy and any revisions to the flight manifest shall be retained in the personal possession of the pilot for the duration of the flight, and a copy shall be retained by the operator at his principal business office for at least one year after completion of the flight.

(c) When passengers are picked up at en route stops, a revised manifest shall be prepared, and a signed copy shall be mailed or caused to be mailed to the operator's principal business office. If this is not possible due to operation in areas where there is no mail service, the last manifest prepared and mailed shall include any known changes to the manifest.

§ 47.60 Weather.

(a) *Weather reports and forecasts for VFR operations.* Ceiling and visibility conditions and other weather phenomena pertinent to takeoff, en route, approach, and landing shall be those reported and forecast by the U.S. Weather Bureau or by a source approved by the Weather Bureau, or, if unavailable, by the most reliable source.

(b) *VFR weather minimums.* For VFR operations the VFR weather minimums of Part 60 of this chapter (Civil Air Regulations) for takeoff, en route, or landing shall apply, except as follows:

(1) For operations within uncontrolled airspace with aircraft other than helicopters, the flight visibility shall not be less than 2 miles for day when the ceiling is less than 1,000 feet, or less than 2 miles for night.

(2) For operations with helicopters, the flight visibility shall not be less than ½ mile for day and one mile for night.

NOTE: An air traffic clearance does not constitute authority to deviate from the minimum flight visibility rules of paragraph (b)(2) of § 47.60 or the minimum flight altitude rules of § 47.61.

(c) *Weather reports and forecasts for IFR operations.* Ceiling and visibility conditions and other weather phenomena pertinent to takeoff, en route, approach, and landing shall be those reported and forecast by the U.S. Weather Bureau or by a source approved by the Weather Bureau, unless a particular source other than the U.S. Weather Bureau is authorized in the operations specifications.

(d) *IFR weather minimums.* For IFR operations the takeoff ceiling and visibility weather minimums, standard instrument approach and landing procedures and minimums, including alternate airport requirements, shall be those specified in Part 609 of this title (Regulations of the Administrator).

(1) No flight shall be started unless the appropriate weather reports and forecasts or a combination thereof, pertaining to the airport of destination indicate that the ceiling and visibility will be at or above the landing minimums at the estimated time of arrival thereat.

(e) *IFR takeoff minimums.* When takeoffs are conducted with ceiling and visibility minimums that are less than the approach and landing minimums, an additional alternate airport shall be available within 15 minutes flying time at normal cruising airspeed. Such airport at the time of departure shall have ceiling and visibility equal to or above the approach and landing weather minimums specified in Part 609 of this title (Regulations of the Administrator).

(f) *IFR alternate airport weather minimums.* At the time of departure, the alternate airport weather shall be equal to or above the ceiling and visibility minimums approved for such airports when using it as an alternate, and the current weather reports and forecasts shall indicate that the weather conditions will be at or above such minimums until the flight arrives thereat.

(g) *IFR approach and landing weather limitations.* (1) No instrument approach procedure shall be started when the latest weather report for the airport for which the procedure is prescribed indicates the ceiling or visibility to be less than that approved for landing at such airport.

(2) No aircraft shall descend below the minimum altitude prescribed for landing at the airport of intended landing unless clear of the clouds. If at any time after descent below the clouds the pilot cannot maintain visual reference to the ground or lights, he shall immediately execute the appropriate missed approach procedure prescribed for that airport.

(3) Lowest ILS weather minimums may be used only when all components of the ILS system and related airborne equipment are fully functioning and signals are being received.

NOTE: Approach minimums and standards when one or more components of an ILS are inoperative are published in Part 609 of this title (Regulations of the Administrator).

(4) The ceiling and visibility landing minimums shall be increased by 100 feet ceiling and ½ mile visibility when a turbine-powered airplane is operated and the pilot in command has not served 100 hours as pilot in command in the particular type of airplane being operated. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport.

(h) *Private radio facilities and weather minimums.* An instrument approach using a private radio facility shall not be conducted unless authorized in the operations specifications issued to the operator. The approach procedures and weather minimums shall be those specified in the Form ACA-511 approved by the Federal Aviation Agency for such facilities.

(i) *Military airport procedures and weather minimums.* Procedures and weather minimums for military airports shall be those established by the military agency having jurisdiction over such airports.

(j) *Foreign airport procedures and weather minimums.* Procedures and weather minimums for foreign airports shall be those established by the appropriate agency having jurisdiction over such airports.

NOTE 1: Weather minimums including alternate airport requirements also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey and in the Airman's Guide.

NOTE 2: When the phrase "Part 609 of this title (Regulations of the Administrator)," is used in this part in referring to instrument approach procedures and IFR minimums, it shall also mean instrument approach procedures and IFR minimums for a particular airport as specified on an approved Form ACA-511.

§ 47.61 Additional minimum flight altitude rules.

The following flight altitude rules apply in addition to those prescribed in Part 60 of this chapter (Civil Air Regulations).

(a) *Day VFR operations.* (1) Except when necessary for takeoff or landing, no aircraft other than a helicopter shall be flown less than 500 feet above the surface or less than 500 feet horizontally from any mountain, hill, or other obstruction to flight.

(2) Except when necessary for takeoff or landing, no helicopter shall be flown less than 300 feet above the surface or less than 300 feet horizontally from any mountain, hill, or other obstruction to flight.

(b) *Night VFR operations.* (1) Except when necessary for take-off or landing, no aircraft other than a helicopter shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown, or, in areas designated as mountainous terrain, less than 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown.

(2) Except when necessary for takeoff or landing, no helicopter shall be flown at an altitude less than 500 feet above the highest obstacle located within a horizontal distance of one mile from the center of the course intended to be flown.

(c) *Minimum altitudes for use of autopilot—(1) En route operations.* An autopilot shall not be used at an altitude of less than 500 feet above the terrain during en route operations, including climb or descent.

(2) *All approaches including ILS approaches using an approach coupler.* When an approach coupler is being used, an autopilot may remain engaged during an approach to an altitude above the terrain of not less than the IFR standard instrument approach and landing minimum specified in Part 609 of the Regulations of the Administrator for the airport being used and for the type of approach being conducted.

(d) Helicopters shall be operated at such altitudes and under such conditions that sufficient visual ground reference is obtained to allow proper control of the aircraft. At night ample ground reference lights shall be available for that purpose.

(e) During takeoffs and landing, helicopters shall be operated within a selected approach-departure path and takeoff and landing areas in a manner which will permit an emergency landing without undue hazard to the passengers or to persons or property on the surface.

NOTE: Compliance with § 47.61(e) shall not be based upon the availability of areas such as school yards, parking lots, recreation areas, highways, shopping centers, and public docks for emergency landings when such areas are occupied by persons or vehicles.

§ 47.62 Fuel supply for VFR operations.

(a) *Aircraft other than helicopters.* No flight under VFR shall be started unless the aircraft carries sufficient fuel and oil considering the wind and other weather conditions forecast, to fly to the point of first intended landing, and to fly thereafter for a period of at least 30 minutes during day and one hour during night at normal cruising fuel consumption.

(b) *Helicopters.* No flight under VFR shall be started unless the helicopter carries sufficient fuel and oil considering the wind and other weather conditions forecast, to fly to the point of first intended landing and thereafter to fly for a period of at least 20 minutes at normal cruising fuel consumption.

§ 47.63 Lighting for night operations.

When carrying passengers at night, no takeoff or landing shall be made unless the area or runway being used is equipped with lighted boundary or runway marker lights of appropriate color that will clearly define the outer limits of the area or runway. The landing area shall be equipped with an illuminated wind direction indicator so located that it will be clearly visible from the ground and the air unless the wind direction and velocity are obtained from local ground communications.

NOTE: To clearly outline an area or runway, boundary or runway marker lights should normally be spaced approximately 200 feet longitudinally.

§ 47.64 Operation in icing conditions.

(a) *General.* (1) No aircraft shall be flown into known or forecast heavy icing conditions.

(2) No aircraft shall be taken off when frost, snow, or ice is adhering to the rotor blades, propellers, or windshields; nor when ice or snow is adhering to the wings, stabilizing surfaces, or control surfaces; nor when frost is adhering to the wings, stabilizing surfaces, or control surfaces, unless the frost formation has been polished to insure that a smooth surface exists. Snow, ice, or frost shall also be removed from any other parts and systems of the aircraft requiring protection from adverse icing effects. These parts and systems are specified in paragraph (b) of this section.

(3) De-icing and anti-icing equipment and systems shall meet one of the standards established in § 47.30.

(b) IFR: When operating under IFR conditions no aircraft shall be intentionally flown into known or forecast light or moderate icing conditions, unless it has the required properly functioning equipment for icing protection. Protection from adverse icing effects on the aircraft controllability and performance involves the airspeed/altimeter/rate-of-climb indicator systems, flight attitude instrument systems, propeller(s)/rotor(s)/powerplant installations, wings, stabilizing and control surfaces, and windshields.

(c) VFR: The pilot shall take prompt action to leave an area where icing conditions are encountered in flight in an aircraft not equipped as required for icing protection. The required icing protection equipment and systems are specified in paragraph (b) of this section.

NOTE: Bureau of Flight Standards Release No. 484 dated November 2, 1959, subject, "Flight Control Hazards and Protection from Icing," contains valuable information concerning icing and recommended operational procedures when icing conditions are present.

§ 47.65 International operations.

International operations shall be conducted only to, from, or over foreign

countries listed, and in accordance with the terms and conditions specified, in the operations specifications issued pursuant to this part by an authorized representative of the Administrator.

(a) Prior to conducting operations to, from, or over a foreign country, persons subject to this part shall obtain operating authority, copies of appropriate regulations and instructions, and other essential information issued by the government of such foreign state, territory, or country.

(b) All operations to, from, or over a foreign country shall be conducted in accordance with an authorization granted by the foreign government and shall be conducted in compliance with the applicable foreign government rules and regulations, except where any rule prescribed in the Civil Air Regulations is more restrictive and may be followed without violating the laws or rules of such foreign government.

NOTE 1: The International Flight Information Manual provides information applicable to foreign operations. It is for sale by Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

NOTE 2: For operations into Canada or Mexico, requests for authorization should be directed as follows:

Canada: Department of Transport, Air Transport Board, Ottawa, Canada.

Mexico: Director General, Civil Aviation, Mexico, D. F., Mexico.

§ 47.66 Emergency operations.

(a) In the case of emergencies necessitating the transportation of persons or property for the protection of life or property, the rules contained herein regarding aircraft, equipment, and weather minimums to be observed need not be complied with.

(b) The operator shall file a written report within 48 hours after the operation is completed when deviation(s) from any rule has or have occurred. The report shall be filed with the local Federal Aviation Agency District Office and shall set forth the conditions under which the operations were conducted, the reasons therefor, and the names and addresses of the crew and passengers.

§ 47.68 Area of operation.

An operator may operate only to, from, over, or within the specific area or areas of operation set forth in his operations specifications, except that an air taxi operator may not operate within Alaska other than as part of a flight which originates or terminates outside the State of Alaska. (See Part 298 of this title (Economic Regulations of the Board).)

Subpart E—Flight Crew Requirements

§ 47.80 Pilot qualifications and second pilot requirements.

(a) *Pilot in command.* Any pilot serving as pilot in command shall hold at least a currently effective commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve and shall meet the following requirements:

(1) For day VFR flight he shall have at least 50 hours of cross-country flight time as a pilot.

(2) For night VFR flight he shall have a total of at least 500 hours flight time as pilot, including 100 hours of cross-country flight time of which 25 hours shall have been at night. When carrying passengers at night in an airplane, he shall also possess a currently effective instrument rating.

(3) For over-the-top flight with passengers he shall have a total of at least 500 hours flight time as pilot, including 100 hours of cross-country flight time. He shall also possess a currently effective instrument rating.

(4) For IFR he shall possess a currently effective instrument rating and have a total of at least 500 hours of flight time as pilot, including 100 hours of cross-country flight time.

(b) *Second pilot.* A second pilot holding at least a currently effective commercial pilot certificate with an appropriate aircraft rating and a currently effective instrument rating shall be required on aircraft when passenger operations are conducted under IFR and IFR weather conditions unless use of an autopilot is authorized.

§ 47.81 Recent flight experience requirements.

No operator shall utilize a pilot, nor shall any individual serve as pilot, unless he meets the following recent flight experience requirements:

(a) Within the preceding 90 days, a pilot in command shall have made at least 3 takeoffs and landings in an aircraft of the same category, class, and type on which he is to serve. For night flight one of the takeoffs and landings required by this paragraph shall have been made at night.

(b) Within the preceding 6 calendar months, a pilot in command of a small multiengine aircraft shall have served as pilot in command of small multiengine aircraft for at least 20 hours.

(c) Within the preceding 12 calendar months, a pilot in command of a particular type of multiengine aircraft shall have served as pilot in command of such type of multiengine aircraft for at least 10 hours.

(d) In lieu of paragraphs (b) or (c) of this section, the pilot in command shall meet the flight check and oral examination requirements set forth in § 47.83(b) or (c).

(e) The recent flight experience requirements for instrument flight as specified in Part 43 of this chapter (Civil Air Regulations) shall apply.

§ 47.82 Pilot training requirements for IFR and multiengine operations.

The operator shall provide or arrange for facilities and training necessary to insure the continued competence of each pilot authorized to operate under IFR and/or to operate multiengine aircraft; and to insure that each such pilot is familiar with all new equipment and procedures to be used.

§ 47.83 Pilot check requirements for IFR and multiengine operations.

No operator shall utilize a pilot, nor shall any individual serve as pilot, unless he meets the appropriate check requirements as follows:

(a) Six-month instrument check for IFR operations:

(1) Prior to authorizing IFR operation and prior to flight under IFR or IFR weather conditions, the pilot in command shall have passed his most recent instrument check within the preceding 6 calendar months. The check shall be given in flight under actual or simulated IFR conditions. The pilot shall demonstrate his ability to pilot and navigate by instruments, to recover from simulated emergency situations, to make a standard instrument approach using radio range facilities, and to make an instrument approach in accordance with VOR, ILS, Radar, or ADF procedures when such facilities are to be used. This instrument check shall be given by a Federal Aviation Agency inspector or a check pilot approved by an authorized representative of the Administrator. Checks given to a pilot by the check pilot of a previous or other employer will not satisfy the 6-month instrument check requirements. The standards of proficiency shall be those established for the original issuance of an instrument rating.

(2) The 6-month instrument check shall also include an equipment examination, which may be oral or written, pertinent to the type of aircraft to be flown. The examination shall include but need not be limited to questions relative to engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, control systems, hydraulic and electrical systems, anti-icing, heating, ventilating and pressurization systems, and all emergency systems and procedures.

(3) When the pilot is scheduled to fly only one type of aircraft, the required 6-month instrument check shall be taken in an aircraft of that type.

(4) When a pilot is scheduled to fly both multiengine and single-engine aircraft, the required 6-month instrument check shall be taken alternately in multiengine and single-engine aircraft.

(5) When a pilot is scheduled to fly different types of multiengine or single-engine aircraft, the required 6-month instrument check shall be rotated among the different types.

(b) Flight check for multiengine operations: A pilot in command who does not meet the requirements of § 47.81 (b) and (c) shall pass a flight and oral check appropriate to the class and type of aircraft to be flown. The check shall include but not be limited to normal and emergency flight procedures. This check will be given by a Federal Aviation Agency Inspector or by a check pilot approved by an authorized representative of the Administrator. The standards of proficiency shall be those established for the original issuance of a multiengine class or type rating.

(c) The 6-month instrument check, if taken in multiengine aircraft, will fulfill the requirements of paragraph (b) of this section for the type of aircraft in which the check was taken.

(d) Requests for the approval of a check pilot shall be submitted in writing by the operator to the appropriate Federal Aviation Agency District Office. Prior to approval as a check pilot, the candidate will be required to satisfactorily accomplish an appropriate oral examination and a flight test. A letter of authority will be issued to all approved check pilots.

§ 47.84 Grace period for airman periodic checks.

Whenever this part requires an airman check at stated intervals, such check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it become due.

§ 47.86 Airman records.

(a) Each operator shall maintain at his business office, records of each airman utilized as a crewmember. These records shall contain at least the following:

(1) Name in full;

(2) Airman certificate held, including type, number, and ratings, and a breakdown of the pilot's flying time to show compliance with §§ 47.80, 47.81, and 47.82;

(3) Current duties and date of assignment;

(4) Date, result, and class of last physical examination;

(5) Date and result of 6-month instrument competency check, including type of aircraft flown; and

(6) Check pilot authorization (if any).

(b) These records shall be revised with such regularity as is required to provide evidence of compliance with airman requirements of this part.

(c) All records shall be retained by the operator for at least one year after preparation or after the last revision.

§ 47.87 Responsibilities of pilot in command.

The pilot in command of the aircraft shall be designated by the operator.

(a) *Preflight action.* Before beginning a flight, the pilot in command shall familiarize himself with the latest weather reports pertinent to the flight. He shall also familiarize himself with information necessary for the safe operation of the aircraft en route, information on the airports or other landing areas to be used, and such other information as is necessary to determine that the flight can be completed with safety.

(b) *Charts and flight equipment.* The pilot in command shall have proper flight and radio facility charts in the cockpit, including instrument approach procedures when instrument flight is authorized, and shall have such other flight equipment as may be necessary properly to conduct the particular flight proposed.

(c) *Serviceability of equipment.* Prior to starting any flight, the pilot in command shall ascertain by appropriate cockpit checks or inspection, that the aircraft, engines and propellers, appliances, and required equipment including instruments, are in proper operating condition. He shall determine that required inspections, repairs, or preventive maintenance operations have been carried out: *Provided,* That the pilot may accept a maintenance release form endorsed by an appropriately certificated mechanic or an authorized maintenance supervisor as a showing that required inspections, repairs, or preventive maintenance operations have been carried out.

(d) *Emergency decisions.* (1) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the regulations of this part.

(2) When emergency authority is exercised by the pilot in command, he shall, within 10 days after completion of the trip, file a report with the local Federal Aviation Agency District Office stating circumstances of the emergency and the nature of the deviation.

NOTE: See part 60 of this chapter (Civil Air Regulations) for emergency decision authority and reporting requirements involving air traffic regulations.

§ 47.88 Flight crewmembers at controls.

(a) All required flight crewmembers shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crewmember is necessary for the performance of his duties in connection with the operation of the aircraft. These duties include: checking, examining, or visually inspecting parts, accessories, or systems of the aircraft regarding their functioning or malfunctioning, and attending to passengers in the interest of their safety.

(b) All flight crewmembers shall keep their seat belts fastened when at their respective stations.

CROSS REFERENCE OF SECTION NUMBERS IN PRESENT PART AND PROPOSED REVISION

Present Part 47		*Proposed Revision of Part 47*	
Sec.		Sec.	
47.1	Applicability of this part.	47.1	Same.
47.2	Applicability of Parts 43 and 60 of the Civil Air Regulations.	47.2	Applicability of Parts 18, 43, and 60 of the Civil Air Regulations.
47.5	Definitions.	47.5	Same.
47.10	Certificate required.	47.10	Same.
47.11	Renewal of existing authority.	47.11	Same.
47.12	Application for certificate.	47.12	Same.
47.13	Issuance of certificate.	47.13	Same.
47.15	Display of certificate.	47.14	Display of certificate and operations specifications.
47.16	Duration and renewal of certificate.	47.15	Duration, renewal, and reissuance of certificate.
47.17	Transferability of certificate.	47.16	Transferability of certificate.
47.18	Operations specifications required.	47.18	Operations specifications.
47.19	Contents of operations specifications.		
47.20	Deviation authority.	47.20	Same.
47.21	Amendment of operations specifications.	47.19	Amendment of operations specifications.
		47.21	Inspection authority.
47.22	Inspection authority.	47.23	Maintenance of equipment, facilities, and materials (identification and certification not included).
47.30	Aircraft requirements.		
		47.35	Auto pilot requirements, and
		47.53	Limitations for IFR operations with passengers, and
47.31	Aircraft limitations for IFR and land aircraft overwater operations.	47.54	Aircraft limitations for overwater operations with passengers.
		47.23	Maintenance of equipment, facilities, and material, and
47.40	Instruments and equipment.	47.30	Instrument and equipment standards.
47.41	Instrument and equipment for all operations.	47.31	Additional instruments and equipment for all operations.
47.42	Emergency equipment.	47.37	Emergency equipment.
47.43	Instruments and equipment for operations at night.	47.33	Additional instruments and equipment for night operations with passengers.
47.44	Instruments and equipment for IFR flight.	47.34	Additional instruments and equipment for IFR operations with passengers.
47.45	Oxygen.	47.38	Oxygen requirements.
47.60	Radio equipment.	47.36	Radio equipment for aircraft carrying passengers.
47.61	Navigational aids for IFR flights.	47.55	IFR route limits.
47.80	Pilot qualifications.	47.80	Same.
47.81	Recent flight experience requirements for pilots.	47.81	Recent flight experience requirements.
47.82	Airman records.	47.86	Airman records.
47.90	Responsibilities of pilot in command.	47.87	Responsibilities of pilot in command.
47.91	Cockpit check list.	47.39	Cockpit check list requirements.
47.92	Weather minimums.	47.60	Weather.
47.93	Fuel supply.	47.62	Fuel supply for VFR operations.
47.94	Lighting for night operations.	47.63	Lighting for night operations.
47.95	Operation in icing conditions.	47.64	Operation in icing conditions.
47.96	Flight manifest requirements.	47.56	Flight manifest requirements.

The following proposed sections have no counterpart in present Part 47:

47.17 Surrender of certificate and operations specifications.
47.22 Advertising.
47.32 Additional instruments and equipment for day VFR over-the-top operations with passengers.
47.50 Facilities and material required.
47.51 Aircraft required.
47.52 Notification of change of helicopters, multiengine aircraft, and all aircraft utilized in IFR operations.
47.53a Limitations for over-the-top operations with passengers.
47.61 Additional minimum flight altitude rules.
47.65 International operations.
47.66 Emergency operations.
47.68 Area of operation.
47.82 Pilot training requirements for IFR and multiengine operations.
47.83 Pilot check requirements for IFR and multiengine operations.
47.84 Grace period for airman periodic checks.
47.88 Flight crewmembers at controls.

[F.R. Doc. 60-7322; Filed, Aug. 5, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 470]

AIRWORTHINESS DIRECTIVES

Aero Design

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring wing inspection of certain Aero Design aircraft to determine the possibility of AN426AD-5 rivets being installed rather than 3/16-inch huckbolts. Rework of the wings is necessary if the AN426AD-5 rivets are found.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 6, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507-10(a), (14 CFR Part 507), by adding the following airworthiness directive:

AERO DESIGN. Applies to Models 680-E and 720, Serial Numbers 501, 623 through 873 except 820, 850, 860, 867 and 872.

Compliance required within the next 100 hours' time in service.

The manufacturer's inspection has determined a nonconformity with the approved design data and it is possible that aircraft in service may have the following nonconformity:

AN426AD-5 rivets have been installed instead of 3/16-inch huckbolts in the lower surface of the wing at the rear spar between wing station 54 and the inboard nacelle attach angle on both the left and right wings.

(a) *Inspection.* Inspect the lower wing at rear spar between wing station 54 and the inboard nacelle attach angles on both the left and right wings to determine whether 3/16-inch huckbolts or AN426AD-5 rivets have been installed. If the AN426AD-5 rivets are installed, the wing shall be reworked as outlined in paragraph (b).

(b) *Rework.* Remove flaps and wing trailing edge closeout skins on both left and right wings. Drill out the AN426AD-5 rivets and replace with AN426AD-6 rivets. These rivet heads will protrude below the wing surface by approximately 0.030 inch. Do not overdrive the rivets in attempt to sink them completely.

Measure the distance between the rivet which passes through the wing skin and rear spar cap at wing station 54 and the screw which passes through the inboard nacelle attach angle. This distance should be approximately 4.5 inches and should contain six rivets (0.75 inch on center) and the screw. If only five rivets exist in this area, a brazier head rivet (AN456AD-6) must be added between the nacelle attach angle screw and the next rivet inboard. If sufficient space does not exist to permit minimum rivet to rivet spacing of three rivet diameters, contact the Service Department, Aero Design & Engineering Company for approved repair instructions.

Replace flaps and left and right wing trailing edge skins.

(Aero Design Service Bulletin No. 62 covers this same subject.)

Issued in Washington, D.C., on August 2, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7323; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 60-WA-163]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6035 and 600.6097 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 35 presently extends, in part, from St. Petersburg, Fla., to Cross City, Fla. VOR Federal airway No. 97 presently extends, in part, from St. Petersburg to the Scallop, Fla., intersection. The Federal Aviation Agency has under consideration the redesignation of the Victor 35 west alternate from St. Petersburg to Cross City; revocation of the Victor 97 east alternate from St. Petersburg to the Scallop intersection (intersection of the St. Petersburg VOR 335° and the Cross City VOR 207° True radials); and the designation of a west alternate to Victor 97 from St. Petersburg to the Scallop intersection. Victor 35-W would be redesignated from the St. Petersburg VOR to the Cross City VOR via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 185° True radials. The east alternate to Victor 97 from St. Petersburg to Scallop, which presently overlies the main Victor 97 airway between these points, would be revoked thus improving air traffic management by eliminating the duplication of airway designation. A west alternate to Victor 97 would be designated from the St. Petersburg VOR to the Scallop intersection via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 207° True radials. These modifications would provide by-pass routes, to serve the Tampa, Fla., terminal area, for separating climbing and descending aircraft from aircraft operating on the main airways. The portions of these airways which would extend outside the United States would be designated to exclude that portion below 2,000 feet mean sea level. The control areas associated with Victor 35 and Victor 97 are so designated that they would automatically conform to the modified airways. Accordingly, no amendments relating to such control areas would be necessary.

If these actions are taken, the west alternate to VOR Federal airway No. 35 from St. Petersburg, Fla., to Cross City, Fla., would be redesignated via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 185° True radials, excluding that portion below 2000 feet mean sea level outside the United States. The east alternate to VOR Federal airway No. 97 from St. Petersburg to the Scallop, Fla., intersection would be revoked, and a west alternate to Victor 97 would be designated from St. Petersburg to the Scallop intersection via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 207° True radials, excluding that portion below 2000 feet mean sea level outside the United States.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7325; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 60-KC-37]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6138 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 138 presently extends in part from the Raymond, Nebr., VOR to the Neola, Iowa, VOR. The Federal Aviation Agency has under consideration the modification of this segment of Victor 138 by realigning it from the Raymond, Nebr., VORTAC to the Neola, Iowa, VORTAC via the Raymond VORTAC 040° and the Neola VORTAC 251° True radials. This modification would facilitate air traffic management by providing adequate lateral separation between aircraft opearting on Victor 138 and aircraft operating in the Offutt Air Force Base, Nebr., terminal area. It would also provide a departure route for traffic departing Omaha Municipal Airport, Nebr., to western terminals and an arrival route for aircraft transitioning to the ILS front course approach to the Omaha Municipal Airport. The control areas associated with Victor 138 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If this action is taken, the segment of VOR Federal airway No. 138 between Raymond, Nebr., and Neola, Iowa, would be designated from the Raymond VORTAC via the intersection of the Raymond VORTAC 040° and the Neola VORTAC 251° True radials to the Neola VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7326; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-51]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 17 extends from Martinsburg, W. Va., to Baltimore, Md. The Federal Aviation Agency has under consideration revocation of Red 17. The Federal Aviation Agency IFR peak-day airway traffic survey for the period of July 1, 1959, through June 30, 1960, shows a maximum of four aircraft movements between any two reporting points on this airway. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

If this action is taken, Red Federal airway No. 17 and its associated control areas and reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7327; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-165]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 49 extends from Elko, Nev., to Fort Bridger, Wyo. The Federal Aviation Agency has under consideration revocation of this airway and its associated control areas. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959 through June 30, 1960, showed no aircraft movements on this airway. On the basis of this survey, it appears that retention of this airway is unjustified as an allocation of airspace and that revo-

cation thereof would be in the public interest.

If these actions are taken, Red Federal airway No. 49, its associated control areas and reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 28, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7328; Filed, Aug. 5, 1960; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-70]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification and Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 and §§ 600.6026 and 601.6026 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 26 extends from Cherokee, Wyo., to Cleveland, Ohio. VOR Federal airway No. 285 extends from Myton, Utah, to Cherokee, Wyo. The Federal Aviation Agency has under consideration the extension of Victor 26 and its associated control areas westward from Cherokee to Delta, Utah via Myton. This would provide a connecting link between VOR Federal airway No. 108, a preferential eastbound route out of San Francisco, Calif., and Victor 26; and a transition route between Victor 108 and VOR Federal airway No. 6, one of the primary east/west routes. It would also provide a lower minimum en route altitude between Delta and Myton than is possible along the present route via Victor 108 and VOR Federal airways 1508/29. The modification of Victor 26 as proposed would obviate the requirement for Victor 285 between Myton and Cherokee. Therefore, Victor 285 and its associated control areas would be revoked.

If these actions are taken, the segment of VOR Federal airway No. 26 under consideration and its associated control areas would be designated from the Delta, Utah, VOR via the Myton, Utah, VOR to the Cherokee, Wyo., VOR. VOR Federal airway No. 285 and its associated control areas would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7329; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-160]

CONTROL AREAS

Designation of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of Navy to designate a control area extension at Adak, Alaska. This control area extension would be designated within a 50-mile radius of the Adak Naval Station, Adak Island, Alaska, extending vertically from 700 feet above the surface to 12,000 feet mean sea level. The Adak Naval Station would provide air traffic control service in this area and the Navy has indicated that there is no requirement for providing air traffic control service above 12,000 feet mean sea level. The proposed control area extension would provide sufficient control area for establishment of arrival and departure procedures for the control of aircraft operating to and from Adak Naval Station under instrument flight rules conditions.

If this action is taken, the Adak, Alaska, control area extension would be designated within a 50-mile radius of the Adak Naval Station (Lat. 51°53'00" N, Long. 176°39'00" W), Adak Island, extending vertically from 700 feet above the surface to 12,000 feet mean sea level.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7324; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-27]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2095 of the regulations of the Administrator, the substance of which is stated below.

The Belleville, Ill., control zone is presently designated within a 5-mile radius of the Scott Air Force Base, extending 2 miles either side of the southwest course of the Scott AFB radio range to a point 10 miles southwest of the radio range station. The Federal Aviation Agency has under consideration a proposal by the Department of Air Force to modify this control zone as follows:

1. Revoke the present control zone extension based on the southwest course of the Scott AFB radio range. The prescribed instrument approach procedures based on the radio range are being cancelled; therefore, this control zone extension would no longer be required for the protection of aircraft.

2. Designate a control zone extension two miles either side of the 317° True bearing from the Belleville, Ill., radio beacon extending from the 5-mile radius zone to the radio beacon. This modification would provide protection for aircraft executing the prescribed instrument approach procedures to Scott Air Force Base during instrument flight rule conditions.

If these actions are taken, the Belleville, Ill., control zone would be designated within a 5-mile radius of Scott Air Force Base, Belleville, Ill. (Lat. 38°32'32" N., Long. 89°51'30" W.), and within 2 miles either side of the 317° True bearing from the Belleville radio beacon extending from the 5-mile radius zone to the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7331; Filed, Aug. 5, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-35]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2221 of the regulations of the Administrator, the substance of which is stated below.

The LaCrosse, Wis., control zone is presently designated within a 5-mile radius of the LaCrosse Municipal Airport, within 2 miles either side of the northwest and southeast courses of the LaCrosse radio range extending from the 5-mile radius zone to a point 10 miles northwest of the radio range station, and within 2 miles either side of the LaCrosse TVOR 227° True radial extending from the TVOR to a point 10 miles southwest of the airport. The Federal Aviation Agency has under consideration the modification of this control zone as follows:

1. Revoke the southwest control zone extension. The instrument approach procedure prescribed on the 227° True radial of the TVOR has been cancelled. Therefore, the southwest control zone extension is no longer required for the protection of aircraft.

2. Redesignate the control zone extension based on the northwest and southwest courses of the radio range by extending it from the 5-mile radius zone to 12 miles northwest of the radio range. Due to high terrain northwest of the Municipal Airport, the present control zone does not provide protection for aircraft executing the presently prescribed instrument approach procedure based on the northwest course of the radio range.

3. Designate a control zone extension based on the 322° True radial of the TVOR extending from the 5-mile radius zone to 12 miles northwest of the TVOR. This would provide protection for aircraft executing the presently prescribed ADF instrument approach procedure based on the TVOR.

If these actions are taken, the LaCrosse, Wis., control zone extension would be designated within a 5-mile radius of the LaCrosse Municipal Airport (Lat. 43°52'38" N, Long. 91°15'21" W), within two miles either side of the northwest and southeast courses of the radio range extending from the 5-mile radius zone to 12 miles northwest of the radio range station; and within 2 miles either side of the 322° True radial of the TVOR extending from the 5-mile radius zone to 12 miles northwest of the TVOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7332; Filed, Aug. 5, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-72]

CONTROL ZONES

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Lucin, Utah, control zone is designated within a 5-mile radius of the Lucin, Utah, Federal Aviation Agency Intermediate Field. The Federal Aviation Agency has under consideration the revocation of this control zone. There is

no published instrument approach procedure for the airport, neither weather reports nor communications services are available, no scheduled air carrier operations are conducted into the airport, and it is not used by scheduled air carriers as an alternate airport. It would appear, therefore, that retention of the control zone would serve no useful purpose, and that revocation, thereof, would be in the public interest.

If this action is taken, the Lucin, Utah, control zone would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7333; Filed, Aug. 5, 1960; 8:47 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 60-LA-63]

CONTROL AREAS AND RESTRICTED AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1068 and 608.14 of the regulations of the Administrator, the substance of which is stated below.

The Riverside, Calif., control area extension is designated as that airspace south of March AFB bounded on the east by VOR Federal airway No. 117, on the south and southwest by VOR Federal airway No. 208, on the west by VOR Federal airway No. 23 and Restricted Area (R-294), on the northwest by VOR Federal airway No. 8 and on the north by VOR Federal airway No. 16. The Federal Aviation Agency has under consideration modification of this control area extension by redesignating it to include the Camp Pendelton, Calif., Restricted Area (R-294). It is also proposed to change the controlling agency of the restricted area from the Commanding Officer, USMC, Camp Pendelton, Calif., to the Federal Aviation Agency, Los Angeles Air Route Traffic Control Center. The airspace within the restricted area would be utilized by the Federal Aviation Agency for air traffic management purposes when not in use by the U.S. Marine Corps for the designated purpose. This would permit greater flexibility in arrival and departure procedures at MCAS, El Toro, Calif. At present, aircraft executing prescribed jet penetrations and departure procedures at MCAS, El Toro are restricted to a minimum altitude of 16,000 feet MSL when crossing the restricted area. The additional control area would also be used for radar vectoring of aircraft by the MCAS, El Toro Radar Air Traffic Control Center, which will be commissioned in the near future.

If these actions are taken, the Riverside, Calif., control area extension would be designated as that area south of March Air Force Base, Calif., bounded on the east by VOR Federal airway No. 117, on the southeast and south by VOR Federal airway No. 208, on the southwest by VOR Federal airway No. 23, on the northwest by VOR Federal airway No. 8 and on the north by VOR Federal airway No. 16. The portion of this control area which would coincide with Camp Pendleton, Calif., Restricted Area (R-294) would be used only after prior approval from the Federal Aviation Agency, Los Angeles Air Route Traffic Control Center.

The controlling agency of the Camp Pendleton, Calif., Restricted Area (R-294) would be designated as the Federal Aviation Agency, Los Angeles Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7330; Filed, Aug. 5, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Air Force

RALPH E. CROSS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: American Cement Corporation.

B. Additions: None.

This statement is made of Ralph E. Cross.

Dated: July 29, 1960.

RALPH E. CROSS.

[F.R. Doc. 60-7317; Filed, Aug. 5, 1960; 8:45 a.m.]

ROBERT M. TRUEBLOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.

B. Additions: None.

This statement is made of Robert M. Trueblood.

Dated: July 11, 1960.

ROBERT M. TRUEBLOOD.

[F.R. Doc. 60-7318; Filed, Aug. 5, 1960; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

BLACKFEET INDIAN RESERVATION, GLACIER COUNTY, MONTANA

Resolution Adding Additional Conditions to Ordinance on Introduction, Sale or Possession of Intoxicants

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following resolution relating to the application of the Federal Indian liquor laws on the Blackfeet Indian Reservation, Glacier County, Montana, was duly adopted on November 10, 1959, by a meeting of the Blackfeet Tribal Business Council which has jurisdiction over the area of Indian country included in the resolution:

1. No permit or license issued by the Blackfeet Tribal Business Council for the sale of intoxicating liquors, beer, and other malt beverages, and wine within the exterior boundaries of the Blackfeet Indian Reservation, Montana, may be transferred without the approval of the Blackfeet Tribal Business Council. Such approval must be given at a duly called, noticed, and convened session of said Council.

2. Persons wishing to transfer such permits or licenses must first make application in writing to the Blackfeet Tribal Business Council for such transfer. This application must include the name(s) of the persons, group, or association to whom the transfer is to be made and must also be accompanied by a statement signed by the proposed transferee designating the location of the premises where such permit or license is to be used and operated.

3. It shall be the responsibility of the Blackfeet Tribal Business Council to publish a public notice of such application for transfer of such permits in at least two (2) issues of weekly newspapers published in Glacier County, Montana, and such public notice shall also include the location of the premises where such permit is to be used and operated. No action shall be taken by the Blackfeet Tribal Business Council to approve or disapprove such applications for transfer until and unless the public notice referred to shall have been published as required herein.

4. It shall be the responsibility of holders of such permits to notify the Liquor Control Board of the State of Montana that an application has been made for a transfer of such permits and licenses, but no transfer of a license to sell intoxicating liquors, beer, and other malt beverages, and wine approved by the Montana Liquor Control Board shall be effective within the boundaries of the Blackfeet Indian Reservation until the permit or license issued by the Blackfeet Tribal Business Council for such sales has been transferred as provided for herein.

5. Nothing herein contained shall be construed as amending or rescinding any provisions of Resolution 134-53 of the Blackfeet Tribal Business Council as approved November 5, 1953, and failure to comply with the terms of this resolution shall be cause for cancellation of such permits or licenses.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 2, 1960.

[F.R. Doc. 60-7355; Filed, Aug. 5, 1960; 8:50 a.m.]

INFORMATION ON WOC APPOINTEES

AUGUST 2, 1960.

Pursuant to section 302(a) of Executive Order 10647, information on WOC appointees in the Department of the Interior has been furnished for publication in the FEDERAL REGISTER. Although not required under the Executive Order, the following is furnished for informational purposes:

1. Name of appointee: J. F. Emery. Action: Resigned effective September 22, 1959.

2. Name of appointee: H. W. Oetinger. Action: Resigned effective May 1, 1960.

3. Name of appointee: Fred H. Wiley. Action: Resigned effective July 15, 1960.

4. Name of appointee: A. H. Wade, Jr. Action: Appointed Director, Defense Electric Power Area 4, effective July 15, 1960 (Initially appointed Deputy Director).

5. Name of appointee: Alan A. Woodward. Action: Appointed Director, Defense Electric Power Area 13, effective July 16, 1960 (Initially appointed Deputy Director).

6. Name of appointee: W. W. Williams. Action: Resigned effective August 1, 1960.

FRED G. AANDAHL,
Assistant Secretary,
Water and Power Development.

[F.R. Doc. 60-7335; Filed, Aug. 5, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALASKA STEAMSHIP CO.

3 C1-M-AV1 Type Government-Owned Vessels; Continuance of Bareboat Charters

Notice in the above-captioned matter appeared in the FEDERAL REGISTER issue of July 7, 1960 (25 F.R. 6372), in which interested persons were given permission to file written objections or request a hearing by close of business on July 15, 1960.

Notice is hereby given that no objections nor requests for a hearing were received; therefore, the findings of the Board are now final.

Dated: August 2, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7346; Filed, Aug. 5, 1960; 8:49 a.m.]

[Docket No. S-57 (Sub No. 5)]

STATES MARINE LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of States Marine Lines, Inc., for written permission of the Federal Maritime Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit the continuance, in the event the Federal Maritime Board awards an operating-differential subsidy

to States Marine Lines, Inc., of the operation of the "SS Alaskan," a tanker owned by an affiliate of States Marine Lines, Inc., Oil Transport, Incorporated, in the transportation as contract carrier of chemicals, petro-chemicals and lubricating oil in domestic commerce between United States Pacific ports on the one hand, and United States Gulf and Atlantic ports on the other. This application may be inspected by interested parties in the Office of Hearing Examiners, Federal Maritime Board, Washington, D.C.

A hearing on the application will be held before Chief Examiner Gus O. Basham, beginning at 10 a.m., e.d.t., September 13, 1960, in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. An Initial Decision will be issued. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on September 2, 1960, notify the Secretary, Federal Maritime Board, in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board, petitions for leave to intervene in this proceeding received after the close of business on September 2, 1960, will not be granted.

Dated: August 2, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7347; Filed, Aug. 5, 1960; 8:49 a.m.]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 2846-11, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, modifies the basic agreement of that conference (No. 2846, as amended), which covers the trade from West Coast Italy ports (between Ventimiglia and Reggio Calabria, inclusive, on the mainland and Sicilian ports) and ports on the Adriatic Sea to North Atlantic ports of the United States (Hampton Roads/Portland range). The purpose of the modification is (1) to provide for owners' meetings annually in addition to principals meetings which are held every two months, and special owners' meetings as necessary—two-thirds active members necessary to constitute a quorum and four-fifths vote of members present required to bind all members, (2) to require unanimous agreement of all members to make a change in the trading scope of conference, (3) to provide for the establishment of a Neutral Body which shall receive and investigate complaints of violations of the conference agreement, make decisions thereon and assess fines—first offense not less than $1,000 nor more than $10,000, second and subsequent offenses not less than $3,000 nor more than $10,000, (4) to provide (a) that each member shall be responsible for the acts of its employees, agents, sub-agents, affiliates and subsidiaries and will secure from each an unqualified assurance satisfactory to the conference, (b) that all records of each agent, etc., will be available to the Neutral Body, (c) that each member agrees to indemnify the conference and hold it harmless against liability to third parties in any libel or other action against the conference and its employees as a result of the performance by the Neutral Body of its duties, (5) to provide that any violation of the agreement by any party and/or its agents not disposed of by the Neutral Body shall be handled by assessing damages to satisfaction of the parties subject to right of appeal to three arbitrators as presently provided in the agreement, and (6) to provide for a faithful performance bank guarantee of $15,000 American currency or equivalent in Lire, in place of the present guarantee of $5,000.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 3, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7345; Filed, Aug. 5, 1960; 8:49 a.m.]

Office of the Secretary

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1960.

Dated: August 1, 1960.

FRANK R. BAILEY.

[F.R. Doc. 60-7350; Filed, Aug. 5, 1960; 8:50 a.m.]

JOHN GEORGE KAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: Ryder Systems, Inc.

This statement is made as of July 25, 1960.

Dated: July 25, 1960.

JOHN GEORGE KAIN.

[F.R. Doc. 60-7351; Filed, Aug. 5, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11183]

TRANS WORLD AIRLINES, INC., AND SEABOARD & WESTERN AIRLINES, INC., ENFORCEMENT

Notice of Hearing

In the matter of the complaint of Trans World Airlines, Inc. v. Seaboard & Western Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 23, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., August 3, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7354; Filed, Aug. 5, 1960; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from April 16, 1960, to July 15, 1960, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1960, published on June 16, 1960 in 25 F.R. 5412.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Municipal Blood Bank, Inc., Kansas City, Kans.	330	6- 6-60
Behringwerke AG., Marburg-Lahn, Germany	97	6-16-60

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Fibrinolysin and desoxyribonuclease combined (bovine).	Parke, Davis & Co.	1	4-19-60
Do	Merck, Sharp & Dohme.	2	4-19-60
Fibrinolysin (human).	do		4-26-60
Diphtheria and tetanus toxoids and pertussis and poliomyelitis vaccines aluminum phosphate adsorbed.	Pitman-Moore Co.	110	5-11-60
Diphtheria antitoxin.	Istituto Sieroterapico Vaccinogeno Toscano Sclavo.	238	5-12-60
Tetanus antitoxin	do		
Staphylococcus toxoid.	do		
Anti-N Serum	Philadelphia Serum Exchange.	139	5-24-60
Citrated whole blood (human).	Municipal Blood Bank, Inc.	330	6-6-60
Anti-A blood grouping serum.	J. K. and Susie L. Wadley Research Institute and Blood Bank.	167	6- 9-60
Anti-B blood grouping serum.	do		6-29-60
Plasma protein fraction (human).	Osterreichisches Institut fur Haemoderivate.	258	6-16-60
Do	Hyland Laboratories.	140	6-16-60
Streptokinase-streptodornase.	Behringwerke AG.	97	6-16-60

Establishment licenses revoked without prejudice:

None.

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Bacterial vaccine made from pertussis bacillus.	Bureau of Laboratories, New York City Department of Health.	14	4-20-60
Diphtheria toxoid	do		
Diphtheria toxin for Schick test.	do		
Schick test control	do		
Antipneumococcic serum.	Michigan Department of Health.	99	4-27-60
Normal human plasma.	do		
Poliomyelitis immune globulin (human).	do		
Diphtheria toxoid	do		
Tetanus toxoid	do		
Diphtheria and tetanus toxoids and pertussis vaccine combined alum precipitated.	do		
Diphtheria and tetanus toxoids combined alum precipitated.	do		
Tuberculin, old	do		
Bacterial vaccine made from partially autolyzed pneumococci.	Eli Lilly and Co.	56	6-29-60
Resuspended red blood cells (human).	Michigan Department of Health.	99	6-29-60
Anti-human globulin reagent.	Central Blood Bank of Pittsburgh.	234	6-29-60
Antibrucella serum.	Merck Sharp & Dohme.	2	6-29-60
Anti-Rocky Mountain spotted fever serum.	do		
Antitularemic serum	do		
Citrated whole blood (human).	do		
Thrombin	do		
Pertussis vaccine	do		
Typhoid vaccine	do		

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE—Continued

Product	Establishment	License No.	Date
Bacterial vaccine made from acne bacillus.	Merck Sharp & Dohme.		
Bacterial vaccine made from bacterium tularense.	do		
Bacterial vaccine made from brucella abortus.	do		
Bacterial vaccine made from brucella Suis.	do		
Bacterial vaccine made from dysentery bacillus.	do		
Bacterial vaccine made from gonococcus.	do		
Bacterial vaccine made from meningococcus.	do		
Bacterial vaccine made from pseudodiphtheria bacillus.	do		
Sensitized bacterial vaccine made from acne bacillus.	do		
Sensitized bacterial vaccine made from gonococcus.	do	2	6-29-60
Sensitized bacterial vaccine made from meningococcus.	do		
Sensitized bacterial vaccine made from pertussis bacillus.	do		
Sensitized bacterial vaccine made from pseudodiphtheria bacillus.	do		
Bacterial antigen made from pertussis bacillus.	do		
Diphtheria toxoid	do		
Diphtheria toxoid protamine precipitated.	do		
Diphtheria and tetanus toxoids and pertussis vaccine combined alum precipitated	do		
Diphtheria and tetanus toxoids combined alum precipitated.	do		
Diphtheria toxoid and pertussis vaccine combined alum precipitated.	do		
Rabies vaccine (killed virus).	do		
Smallpox vaccine	do		
Diphtheria toxin for Schick test.	do	2	6-29-60
Scarlet fever streptococcus toxin for Dick test.	do		
Schick test control	do		
Anti-A blood grouping serum.	do		
Anti-B blood grouping serum.	do		
Poison oak extract	do		
Bee venom solution.	do		

[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education and Welfare.

Approved:

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 60-7340; Filed, Aug. 5, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 2496]

IDAHO LIVESTOCK AUCTION, INC.

Notice of Complaint, Order of Suspension, and Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on July 6, 1960, the respondent, by its attorney, filed an amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to become effective on July 18, 1960. On July 15, 1960, the respondent filed a telegram postponing the effective date of such amendment to July 25, 1960. The modifications proposed by the amendment are indicated below.

ITEM NO. I—ALL-INCLUSIVE CHARGE

. . . . . .

SEC. 2. *Charge Classification.*

a. Cattle, other than carload lots:

	Rate per head	
	Present	Proposed
(1) Cattle, other than specified, all 400 pounds (presently 450 pounds) and over	$2.40	$2.75
(2) Cattle, other than specified, all 399 pounds (presently 449 pounds) and under	1.90	2.25
(3) Bulls, ordinary, all 800 pounds (presently 1,000 pounds) and over	4.00	5.00
(4) Dairy cows	5.00	5.00
(5) Purebred cattle, without registration papers	7.50	7.50
(6) Purebred cattle, with registration papers	10.00	10.00
(7) Brucellosis reactors	4.00	5.00

b. Cattle, carload lots:

(1) All classes of cattle suitable for sale in carload lots by consignor will be sold as such as follows:

(a) $77.50 (presently $70.00) per carload lot, or at the per head rate by classification, whichever is cheaper.

(b) Maximum of 26,000 pounds shall constitute a carload lot; and any excess weight shall be charged on a proportionate basis of $2.50 (presently $2.00) per thousand pounds or any part thereof, or the per head rate by classification, whichever is cheaper.

. . . . . .

d. Sheep, other than carload lots:

	Rate per head	
	Present	Proposed
(1) One to 20 head, ordinary	$0.50	$0.60
(2) Twenty-one to 50 head, ordinary	.37	.60
(3) Fifty-one to 250 head, ordinary	.30	.40
(4) Bucks, without registration papers	2.00	2.00
(5) Bucks, with registration papers	2.50	2.50

e. Sheep, carload lots:

(1) All classes of sheep suitable for sale in carload lots by consignor will be sold as such as follows:

(a) $75.00 (presently $65.00) per carload lot, or at the per head rate by classification, whichever is cheaper.

(b) Maximum of 22,000 pounds shall constitute a carload lot; and any excess weight shall be charged on the basis of $2.50 (presently $2.00) per thousand pounds or any part thereof.

f. Hogs:

	Rate per head	
	Present	Proposed
(1) Market hogs	$0.40	$0.50
(2) Purebred hogs	2.50	2.50

. . . . . .

ITEM No. VI—SPECIAL STOCKYARD SERVICES

	Rate per head	
	Present	Proposed
SECTION 1. *Branding and earmarking.* All supplies and facilities, except irons, will be supplied by the company at	$0.30	$0.50
SEC. 2. *Dehorning.* All supplies and facilities needed will be supplied by the company at	.75	1.00
SEC. 3. *Vaccination and tests.* All facilities only will be supplied by the company at	.50	.50

Notice is given hereby also that on July 22, 1960, the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell on commission at the Idaho Falls Live Stock Commission Co., Idaho Falls, Idaho, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the act.

II. In accordance with the requirements of the act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services.

III. On July 6, 1960, the respondent filed an amendment to its current schedule of rates and charges to become effective on July 18, 1960. The amendment contains certain increases in the current rates and charges. On July 15, 1960, the respondent filed a telegram postponing the effective date of such amendment to July 25, 1960.

IV. Upon an analysis of the information available to the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the amendment filed on July 6, 1960, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on July 6, 1960, to become effective on July 25, 1960, is hereby suspended and deferred until the expiration of thirty days beyond the time when such tariff would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days from the date of the publication hereof in the FEDERAL REGISTER.

It is further ordered, That a copy hereof be served upon the respondent.

It is further ordered, That this document be published in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of August 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-7341; Filed, Aug. 5, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8, set forth below, to License No. R-38. The amendment provides an additional authorization to General Dynamics Corporation to operate its TRIGA reactor located at Torrey Pines Mesa, California, using certain modified fuel elements as described in its application for license amendment dated June 3, 1960. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application for license amendment dated June 3, 1960, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed operation prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-38; Amdt. 8]

License No. R-38, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-38, as amended, General Dynamics Corporation is authorized to operate its TRIGA reactor located at Torrey Pines Mesa, California, using certain modified fuel elements as described in its application for license amendment dated June 3, 1960. The operation of the reactor shall be in accordance with the procedures and subject to the limitations contained in License No. R-38, as amended, and in the application for license amendment dated June 3, 1960.

This amendment is effective as of the date of issuance.

Date of Issuance: August 1, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7315; Filed, Aug. 5, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2734]

GREAT BASIN CONSOLIDATED MINES, INC.

Notice and Order for Hearing

AUGUST 2, 1960.

I. Great Basin Consolidated Mines, Inc. (issuer), a Nevada corporation, 5306 Evergreen, Las Vegas, Nevada, filed with the Commission on May 5, 1960, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 7, 1960, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at Room 305 of the United States Post Office Building, Las Vegas, Nevada, at 10:00 a.m., August 23, 1960, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Marko Mining & Milling Co., Inc., a Nevada corporation, is an affiliate of the issuer.

B. Whether an exemption under Regulation A is not available to the issuer in that Marko Mining & Milling Co., Inc., which became an affiliate of the issuer within the past two years, is presently offering its securities under Regulation A (24SF-2680) for an aggregate offering price of $300,000.

C. Whether the offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Marko Mining & Milling Co., Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

D. Whether the offering would be made in violation of section 17 of the Securities Act of 1933.

III. *It is further ordered*, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Great Basin Consolidated Mines, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before August 21, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7337; Filed, Aug. 5, 1960; 8:47 a.m.]

[File No. 24SF-2680]

MARKO MINING & MILLING CO., INC.

Notice and Order for Hearing

AUGUST 2, 1960.

I. Marko Mining & Milling Co., Inc. (issuer), a Nevada corporation, 116 South Fourth Street, Las Vegas, Nevada, filed with the Commission on December 15, 1959, a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 7, 1960, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption;

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at Room 305 of the United States Post Office Building, Las Vegas, Nevada at 10:00 a.m., August 22, 1960, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Great Basin Consolidates Mines, Inc., a Nevada corporation, is an affiliate of the issuer.

B. Whether the offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Great Basin Consolidated Mines, Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

C. Whether the offering is being and will be made in violation of section 17 of the Securities Act of 1933.

III. *It is further ordered*, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Marko Mining & Milling Co., Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before August 20, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7338; Filed, Aug. 5, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 360]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63333. By order of July 29, 1960, The Transfer Board approved the transfer to Raymond O. Fehsal, doing business as Fehsal's Express, Pearl River, N.Y., of Certificate in No. MC 95812, issued February 12, 1958, to George J. Overmeyer, Jr., Nanuet, N.Y., author-

ining the transportation of: Household goods, between points in Rockland County, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, and Pennsylvania within 150 miles of Nanuet, N.Y. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC–FC 63351. By order of July 29, 1960, The Transfer Board approved the transfer to Atlas Motor Express, Incorporated, Chicago, Ill., of Certificate in No. MC 37362, issued December 5, 1950, to Azalia Ries and Louis J. Ries, a partnership, doing business as Atlas Motor Express Package Delivery, Chicago, Ill., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between points in Illinois in the Chicago, Ill., Commercial Zone. Charles G. Lind, 173 West Madison Street, Chicago 2, Ill., for applicants.

No. MC–FC 63366. By order of July 29, 1960, The Transfer Board approved the transfer to Mar-Mac Oil Field Trucking, Inc., El Dorado, Kans., of Certificate in No. MC 96443, issued September 28, 1959, to Gene Marsh, Wendell McNees and Gene McMillan, a partnership, doing business as Mar-Mac Oil Field Trucking Company, El Dorado, Kans., authorizing the transportation of: Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Kansas and Oklahoma. Earl W. Francis, 214 West Sixth Street, Topeka, Kans., for applicants.

No. MC–FC 63387. By order of July 29, 1960, The Transfer Board approved the transfer to Evelyn Clydesdale, Arlington, N.J., of Permit in No. MC 63996, issued September 26, 1955, to Edward Clydesdale, Arlington, N.J., authorizing the transportation of: Paper products, folding paper boxes and returned shipments and skids, from, to, or between specified points in New Jersey and New York. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC–FC 63391. By order of July 29, 1960, The Transfer Board approved the transfer to C. King Motor Service, Inc., St. Louis, Mo., of Certificate No. MC 72547 issued August 8, 1941, in the name of C. King, doing business as C. King Motor Service, St. Louis, Mo., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between points in the St. Louis, Mo.—East St. Louis, Ill., Commercial Zone, as defined by the Commission. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., for applicants.

No. MC–FC 63398. By order of July 29, 1960, The Transfer Board approved the transfer to Midwest Moving Service, a corporation, Des Moines, Iowa; of Certificate in No. MC 6809, issued October 5, 1949, to Ray Leon McCann, Alliance, Nebr., authorizing the transportation of: Livestock, agricultural commodities, poultry, coal, lumber, posts, household goods, and emigrant movables, between Alliance, Nebr., and points within 30 miles thereof, on the one hand, and, on the other, points in Colorado, Wyoming, and South Dakota. William A. Landau, P.O. Box 1634, Des Moines, Iowa, for applicants.

No. MC–FC 63400. By order of July 29, 1960, The Transfer Board approved the transfer to Carrier Van Lines, Inc., Garden City, N.Y., of Certificate in No. MC 86922, issued February 25, 1941, to Shore Road Storage Co., Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Delaware, Maryland, and the District of Columbia. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., for applicants.

No. MC–FC 63443. By order of July 29, 1960, The Transfer Board approved the transfer to Grant Transfer, Inc., Scottsbluff, Nebraska, of a Certificate in No. MC 88680, issued July 26, 1957, to Edith B. Grant, doing business as Grant Transfer Company, Scottsbluff, Nebraska, which authorizes the transportation of plumbing, heating, air-conditioning and well irrigation equipment, stockers, refrigerators, radios, new furniture, and general store merchandise, over irregular routes, from Scottsbluff, Nebr., to points in Goshen, Platte, and Niobrara Counties, Wyo. Clark G. Nichols, 1610 1st Avenue, Scottsbluff, Nebr., for applicants.

No. MC–FC 63444. By order of July 29, 1960, The Transfer Board approved the transfer to Glenn L. Hormel and Lawson E. Longstreth, a partnership, doing business as L & H Trucking Company, Glen Burnie, Md., of Permit in No. MC 61619, issued July 5, 1941, to Lynwood E. Brown, doing business as L. E. Brown, Catonsville, Md., authorizing the transportation of: Starch, waste paper, scrap paper and materials used in the manufacture of paper, over irregular routes, from Baltimore, Md., to Spring Grove, Pa.; paper, over irregular routes, from Spring Grove, Pa., to Washington, D.C., and Baltimore, Md., and substitution in MC 61619 Sub 3. William J. Torrington, Attorney, 1003 Maryland Trust Building, Baltimore 2, Md., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7349; Filed, Aug. 5, 1960; 8:50 a.m.]

[Drouth Order 58]

LOUISIANA

Transportation of Livestock Feed and Hay to Disaster Area at Reduced Rates

It appearing that by reason of drouth conditions existing in certain portions of the State of Louisiana, hereinafter referred to as the disaster area, the Honorable Jimmie H. Davis, Governor of the State of Louisiana, by telegram dated July 29, 1960, has, with the concurrence of the United States Department of Agriculture, requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the disaster area in Louisiana at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of livestock feed and hay to the disaster area in Louisiana, which is all of the parishes of Ascension, East Baton Rouge, East Feliciana, West Feliciana, Livingston, St. Helena, St. Tammany, Tangipahoa and Washington, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until November 2, 1960, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 2d day of August 1960.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7348; Filed, Aug. 5, 1960; 8:49 a.m.]

[Notice 361A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63424. Corrected* By order of July 27, 1960, the Transfer Board approved the transfer to B-B-S Transportation Inc., Marion, Ill., of a portion of a Certificate in No. MC 19240, issued February 4, 1954, to Robert G. Courtney, doing business as Courtney's Moving & Storage, Marion, Ill., which authorizes the transportation of Heavy machinery, over irregular routes, between points in Williamson, Franklin, and Saline Counties, Ill., on the one hand, and, on the other, points in Kentucky, Indiana, Ohio, Missouri, Arkansas, Kansas, and Oklahoma. W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7397; Filed, Aug. 5, 1960; 8:51 a.m.]

*The previous synopsis published in the FEDERAL REGISTER of August 3, 1960, described the authority retained by transferor.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OSCAR F. RENZ

Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published January 7, 1960 (25 F.R. 137).

Dated: June 11, 1960

OSCAR F. RENZ.

[F.R. Doc. 60–7316; Filed, Aug. 5, 1960; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARTHE BLOEM

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marthe Bloem, Bressoux, Belgium; Claim No. 61764; $909.25 in the Treasury of the United States. 50 shares no par value common stock Southern Railway Company, certificate number A 314588, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York. Vesting Order No. 17888.

Executed at Washington, D.C., on July 28, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 60–7336; Filed, Aug. 5, 1960; 8:47 a.m.]

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CFR SUPPLEMENTS
(As of January 1, 1960)

The following Supplement is now available:

Title 45, Revised, $3.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1960 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

VOLUME 25 NUMBER 154

Washington, Tuesday, August 9, 1960

THE UNIVERSITY OF MICHIGAN
AUG 11 1960
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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER
Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 was supplemented by 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Wheat and amendment thereto (25 F.R. 3915 and 4631), containing specific requirements applicable to price support operations on the 1960 wheat crop. These regulations are further supplemented as follows:

§ 421.5047 Support rates.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel: Wheat produced in commercial area	Rate per bushel: Wheat produced in noncommercial area
Astoria, Oreg.	$1.99	$1.49
Portland, Oreg.	1.99	1.49
Longview, Wash.	1.99	1.49
Seattle, Wash.	1.99	1.49
Tacoma, Wash.	1.99	1.49
Vancouver, Wash.	1.99	1.49
Los Angeles, Calif.	2.07	1.55
Oakland, Calif.	2.07	1.55
San Francisco, Calif.	2.07	1.55
Stockton, Calif.	2.07	1.55
Louisville, Ky.	2.07	1.55
Atchison, Kans.	2.08	1.56
Council Bluffs, Iowa	2.08	1.56
Kansas City, Kans.	2.08	1.56
Kansas City, Mo.	2.08	1.56
Saint Joseph, Mo.	2.08	1.56
Omaha, Nebr.	2.08	1.56
Sioux City, Iowa	2.08	1.56
Cairo, Ill.	2.08	1.56
Chicago, Ill.	2.08	1.56
East St. Louis, Ill.	2.08	1.56
Memphis, Tenn.	2.07	1.55
Milwaukee, Wis.	2.08	1.56
St. Louis, Mo.	2.08	1.56
Duluth, Minn.	2.15	1.61
Minneapolis, Minn.	2.15	1.61
St. Paul, Minn.	2.15	1.61
Superior, Wis.	2.15	1.61
Albany, N.Y.	2.20	1.65
Baltimore, Md.	2.20	1.65
Norfolk, Va.	2.20	1.65
Philadelphia, Pa.	2.20	1.65
New York, N.Y.	2.20	1.65
Corpus Christi, Tex.	2.27	1.71
Galveston, Tex.	2.27	1.71
Houston, Tex.	2.27	1.71
Port Arthur, Tex.	2.27	1.71
New Orleans, La.	2.27	1.71
Baton Rouge, La.	2.27	1.71

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for grade No. 1 wheat. Both farm-storage and county warehouse-storage loans, except as otherwise provided in paragraph (b) of § 421.5043 will be made at the support rate established for the county in which the wheat is stored: *Provided, however,* That if the wheat is produced in the commercial wheat-producing area and stored outside the commercial wheat-producing area, the applicable rate shall be 133⅓ percent of the rate where stored, or if the wheat is produced in the non-commercial wheat-producing area and stored in the commercial wheat-producing area, the applicable rate shall be 75 percent of the rate where stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.92

ALASKA

County	Rate per bushel
All counties	$1.20

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.45	Mohave	$1.56
Cochise	1.76	Navajo	1.45
Coconino	1.48	Pima	1.83
Gila	1.53	Pinal	1.86
Graham	1.71	Santa Cruz	1.77
Greenlee	1.53	Yavapai	1.60
Maricopa	1.86	Yuma	1.88

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.84	Izard	$1.81
Ashley	1.88	Jackson	1.87
Baxter	1.79	Jefferson	1.83
Benton	1.74	Johnson	1.78
Boone	1.76	Lafayette	1.89
Bradley	1.87	Lawrence	1.87
Calhoun	1.87	Lee	1.91
Carroll	1.74	Lincoln	1.85
Chicot	1.89	Little River	1.88
Clark	1.86	Logan	1.75
Clay	1.87	Lonoke	1.85
Cleburne	1.86	Madison	1.75
Cleveland	1.85	Marion	1.78
Columbia	1.89	Miller	1.89
Conway	1.80	Mississippi	1.90
Craighead	1.88	Monroe	1.87
Crawford	1.75	Montgomery	1.79
Crittenden	1.94	Nevada	1.87
Cross	1.91	Newton	1.76
Dallas	1.86	Ouachita	1.87
Desha	1.87	Perry	1.80
Drew	1.87	Phillips	1.87
Faulkner	1.81	Pike	1.80
Franklin	1.75	Poinsett	1.92
Fulton	1.83	Polk	1.79
Garland	1.82	Pope	1.79
Grant	1.85	Prairie	1.86
Greene	1.87	Pulaski	1.83
Hempstead	1.88	Randolph	1.87
Hot Spring	1.83	St. Francis	1.90
Howard	1.81	Saline	1.83
Independence	1.85	Scott	1.79

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Searcy	$1.76	Van Buren	$1.79
Sebastian	1.77	Washington	1.75
Sevier	1.81	White	1.86
Sharp	1.83	Woodruff	1.88
Stone	1.82	Yell	1.79
Union	1.89		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.94	Plumas	$1.83
Alpine	1.83	Riverside	1.89
Amador	1.94	Sacramento	1.94
Butte	1.89	San Benito	1.90
Calaveras	1.94	San Bernardino	1.92
Colusa	1.90	San Diego	1.87
Contra Costa	1.94	San Joaquin	1.96
El Dorado	1.91	San Luis Obispo	1.85
Fresno	1.90	San Mateo	1.95
Glenn	1.87	Santa Barbara	1.87
Humboldt	1.77	Santa Clara	1.94
Imperial	1.90	Santa Cruz	1.91
Inyo	1.75	Shasta	1.81
Kern	1.86	Sierra	1.75
Kings	1.89	Siskiyou	1.81
Lake	1.88	Solano	1.93
Lassen	1.76	Sonoma	1.93
Los Angeles	1.93	Stanislaus	1.95
Madera	1.91	Sutter	1.91
Marin	1.94	Tehama	1.85
Mariposa	1.92	Tulare	1.89
Mendocino	1.85	Tuolumne	1.95
Merced	1.93	Ventura	1.93
Modoc	1.81	Yolo	1.92
Mono	1.72	Yuba	1.91
Monterey	1.89		
Napa	1.93		
Orange	1.91		
Placer	1.92		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.70	Kit Carson	$1.72
Alamosa	1.60	La Plata	1.51
Arapahoe	1.70	Larimer	1.70
Archuleta	1.51	Las Animas	1.70
Baca	1.72	Lincoln	1.70
Bent	1.71	Logan	1.70
Boulder	1.70	Mesa	1.51
Chaffee	1.56	Moffat	1.51
Cheyenne	1.72	Montezuma	1.45
Conejos	1.59	Montrose	1.51
Costilla	1.60	Morgan	1.70
Crowley	1.70	Otero	1.70
Custer	1.64	Ouray	1.51
Delta	1.51	Phillips	1.73
Denver	1.70	Pitkin	1.51
Dolores	1.45	Prowers	1.72
Douglas	1.70	Pueblo	1.70
Eagle	1.52	Rio Blanco	1.51
Elbert	1.70	Rio Grande	1.59
El Paso	1.70	Routt	1.51
Fremont	1.66	Saguache	1.59
Garfield	1.51	San Miguel	1.48
Grand	1.56	Sedgwick	1.73
Huerfano	1.67	Summit	1.56
Jackson	1.58	Washington	1.70
Jefferson	1.70	Weld	1.70
Kiowa	1.72	Yuma	1.72

CONNECTICUT

County	Rate per bushel
All counties	$1.49

DELAWARE

County	Rate per bushel	County	Rate per bushel
Kent	$2.03	Sussex	$2.02
New Castle	2.03		

FLORIDA

County	Rate per bushel
All counties	$1.46

GEORGIA

County	Rate per bushel
All counties	$1.95

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.63	Gem	$1.59
Adams	1.61	Gooding	1.59
Bannock	1.59	Idaho	1.67
Bear Lake	1.57	Jefferson	1.57
Benewah	1.69	Jerome	1.59
Bingham	1.57	Kootenai	1.70
Blaine	1.57	Latah	1.70
Boise	1.62	Lemhi	1.57
Bonner	1.61	Lewis	1.68
Bonneville	1.57	Lincoln	1.59
Boundary	1.58	Madison	1.57
Butte	1.57	Minidoka	1.60
Camas	1.57	Nez Perce	1.70
Canyon	1.63	Oneida	1.59
Caribou	1.57	Owyhee	1.63
Cassia	1.61	Payette	1.64
Clark	1.56	Power	1.59
Clearwater	1.69	Shoshone	1.60
Custer	1.57	Teton	1.57
Elmore	1.61	Twin Falls	1.62
Franklin	1.59	Valley	1.61
Fremont	1.57	Washington	1.64

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.84	Lee	$1.87
Alexander	1.87	Livingston	1.87
Bond	1.89	Logan	1.87
Boone	1.89	McDonough	1.84
Brown	1.84	McHenry	1.90
Bureau	1.87	McLean	1.87
Calhoun	1.88	Macon	1.87
Carroll	1.86	Macoupin	1.89
Cass	1.87	Madison	1.90
Champaign	1.87	Marion	1.87
Christian	1.87	Marshall	1.87
Clark	1.86	Mason	1.87
Clay	1.86	Massac	1.86
Clinton	1.90	Menard	1.87
Coles	1.87	Mercer	1.84
Cook	1.91	Monroe	1.89
Crawford	1.84	Montgomery	1.88
Cumberland	1.87	Morgan	1.87
De Kalb	1.90	Moultrie	1.87
DeWitt	1.87	Ogle	1.88
Douglas	1.87	Peoria	1.87
DuPage	1.91	Perry	1.87
Edgar	1.86	Piatt	1.87
Edwards	1.85	Pike	1.86
Effingham	1.87	Pope	1.82
Fayette	1.87	Pulaski	1.87
Ford	1.87	Putnam	1.87
Franklin	1.87	Randolph	1.87
Fulton	1.86	Richland	1.85
Gallatin	1.82	Rock Island	1.85
Greene	1.89	Saint Clair	1.90
Grundy	1.89	Saline	1.82
Hamilton	1.86	Sangamon	1.87
Hancock	1.83	Schuyler	1.86
Hardin	1.79	Scott	1.87
Henderson	1.84	Shelby	1.87
Henry	1.86	Stark	1.87
Iroquois	1.87	Stephenson	1.86
Jackson	1.87	Tazewell	1.87
Jasper	1.86	Union	1.87
Jefferson	1.87	Vermilion	1.87
Jersey	1.90	Wabash	1.83
Jo Daviess	1.85	Warren	1.85
Johnson	1.80	Washington	1.87
Kane	1.91	Wayne	1.85
Kankakee	1.90	White	1.83
Kendall	1.90	Whiteside	1.86
Knox	1.85	Will	1.91
Lake	1.91	Williamson	1.87
LaSalle	1.88	Winnebago	1.86
Lawrence	1.86	Woodford	1.87

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.82	Clinton	$1.85
Allen	1.82	Crawford	1.88
Bartholomew	1.88	Daviess	1.81
Benton	1.85	Dearborn	1.85
Blackford	1.84	Decatur	1.87
Boone	1.83	De Kalb	1.83
Brown	1.84	Delaware	1.83
Carroll	1.86	Dubois	1.85
Cass	1.86	Elkhart	1.85
Clark	1.93	Fayette	1.84
Clay	1.82	Floyd	1.97

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Fountain	$1.83	Ohio	$1.85
Franklin	1.84	Orange	1.90
Fulton	1.86	Owen	1.82
Gibson	1.81	Parke	1.83
Grant	1.84	Perry	1.84
Greene	1.82	Pike	1.82
Hamilton	1.83	Porter	1.89
Hancock	1.84	Posey	1.81
Harrison	1.85	Pulaski	1.87
Hendricks	1.84	Putnam	1.84
Henry	1.84	Randolph	1.83
Howard	1.85	Ripley	1.85
Huntington	1.83	Rush	1.84
Jackson	1.88	St. Joseph	1.85
Jasper	1.89	Scott	1.89
Jay	1.83	Shelby	1.84
Jefferson	1.86	Spencer	1.86
Jennings	1.86	Starke	1.86
Johnson	1.84	Steuben	1.82
Knox	1.82	Sullivan	1.80
Kosciusko	1.85	Switzerland	1.85
Lagrange	1.83	Tippecanoe	1.85
Lake	1.91	Tipton	1.84
La Porte	1.87	Union	1.84
Lawrence	1.88	Vanderburgh	1.86
Madison	1.83	Vermillion	1.84
Marion	1.84	Vigo	1.86
Marshall	1.85	Wabash	1.85
Martin	1.82	Warren	1.85
Miami	1.85	Warrick	1.84
Monroe	1.90	Washington	1.90
Montgomery	1.84	Wayne	1.84
Morgan	1.82	Wells	1.82
Newton	1.87	White	1.88
Noble	1.83	Whitley	1.84

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.87	Jefferson	$1.80
Adams	1.88	Johnson	1.87
Allamakee	1.90	Jones	1.88
Appanoose	1.83	Keokuk	1.85
Audubon	1.89	Kossuth	1.90
Benton	1.88	Lee	1.83
Black Hawk	1.89	Linn	1.88
Boone	1.87	Louisa	1.82
Bremer	1.90	Lucas	1.85
Buchanan	1.88	Lyon	1.88
Buena Vista	1.89	Madison	1.85
Butler	1.90	Mahaska	1.85
Calhoun	1.88	Marion	1.84
Carroll	1.89	Marshall	1.88
Cass	1.88	Mills	1.90
Cedar	1.83	Mitchell	1.92
Cerro Gordo	1.91	Monona	1.90
Cherokee	1.87	Monroe	1.83
Chickasaw	1.90	Montgomery	1.90
Clarke	1.85	Muscatine	1.83
Clay	1.90	O'Brien	1.89
Clayton	1.89	Osceola	1.89
Clinton	1.84	Page	1.90
Crawford	1.89	Palo Alto	1.90
Dallas	1.86	Plymouth	1.87
Davis	1.81	Pocahontas	1.89
Decatur	1.84	Polk	1.87
Delaware	1.88	Pottawattamie	1.90
Des Moines	1.83	Poweshiek	1.86
Dickinson	1.90	Ringgold	1.85
Dubuque	1.87	Sac	1.88
Emmet	1.92	Scott	1.84
Fayette	1.89	Shelby	1.90
Floyd	1.91	Sioux	1.88
Franklin	1.90	Story	1.88
Fremont	1.90	Tama	1.88
Greene	1.87	Taylor	1.87
Grundy	1.89	Union	1.87
Guthrie	1.87	Van Buren	1.81
Hamilton	1.89	Wapello	1.81
Hancock	1.91	Warren	1.85
Hardin	1.89	Washington	1.84
Harrison	1.90	Wayne	1.84
Henry	1.81	Webster	1.89
Howard	1.92	Winnebago	1.92
Humboldt	1.89	Winneshiek	1.90
Ida	1.87	Woodbury	1.88
Iowa	1.87	Worth	1.92
Jackson	1.84	Wright	1.90
Jasper	1.87		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.87	Linn	$1.88
Anderson	1.88	Logan	1.76
Atchison	1.90	Lyon	1.86
Barber	1.80	McPherson	1.82
Barton	1.80	Marion	1.82
Bourbon	1.88	Marshall	1.86
Brown	1.90	Meade	1.76
Butler	1.82	Miami	1.90
Chase	1.84	Mitchell	1.82
Chautauqua	1.84	Montgomery	1.86
Cherokee	1.86	Morris	1.84
Cheyenne	1.75	Morton	1.72
Clark	1.76	Nemaha	1.87
Clay	1.83	Neosho	1.87
Cloud	1.83	Ness	1.79
Coffey	1.87	Norton	1.80
Comanche	1.78	Osage	1.87
Cowley	1.82	Osborne	1.81
Crawford	1.87	Ottawa	1.82
Decatur	1.77	Pawnee	1.80
Dickinson	1.82	Phillips	1.80
Doniphan	1.90	Pottawatomie	1.87
Douglas	1.90	Pratt	1.80
Edwards	1.80	Rawlins	1.76
Elk	1.84	Reno	1.81
Ellis	1.80	Republic	1.83
Ellsworth	1.81	Rice	1.81
Finney	1.76	Riley	1.86
Ford	1.78	Rooks	1.80
Franklin	1.90	Rush	1.80
Geary	1.84	Russell	1.80
Gove	1.77	Saline	1.82
Graham	1.79	Scott	1.76
Grant	1.75	Sedgwick	1.82
Gray	1.77	Seward	1.74
Greeley	1.75	Shawnee	1.88
Greenwood	1.85	Sheridan	1.77
Hamilton	1.75	Sherman	1.75
Harper	1.81	Smith	1.81
Harvey	1.82	Stafford	1.80
Haskell	1.76	Stanton	1.74
Hodgeman	1.79	Stevens	1.74
Jackson	1.88	Sumner	1.82
Jefferson	1.90	Thomas	1.76
Jewell	1.82	Trego	1.79
Johnson	1.90	Wabaunsee	1.86
Kearny	1.75	Wallace	1.75
Kingman	1.81	Washington	1.84
Kiowa	1.80	Wichita	1.75
Labette	1.86	Wilson	1.86
Lane	1.77	Woodson	1.87
Leavenworth	1.90	Wyandotte	1.90
Lincoln	1.81		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.90	Estill	$1.91
Allen	1.89	Fayette	1.92
Anderson	1.91	Fleming	1.91
Ballard	1.87	Franklin	1.91
Barren	1.89	Fulton	1.87
Bath	1.91	Gallatin	1.90
Bell	1.90	Garrard	1.92
Boone	1.90	Grant	1.91
Bourbon	1.92	Graves	1.87
Boyd	1.92	Grayson	1.89
Boyle	1.92	Green	1.91
Bracken	1.91	Greenup	1.92
Breathitt	1.90	Hancock	1.88
Breckinridge	1.88	Hardin	1.89
Bullitt	1.90	Harrison	1.91
Butler	1.88	Hart	1.89
Caldwell	1.88	Henderson	1.87
Calloway	1.87	Henry	1.90
Campbell	1.90	Hickman	1.87
Carlisle	1.87	Hopkins	1.88
Carroll	1.90	Jackson	1.90
Carter	1.91	Jefferson	1.90
Casey	1.91	Jessamine	1.92
Christian	1.88	Johnson	1.90
Clark	1.92	Kenton	1.90
Clay	1.90	Knox	1.90
Clinton	1.91	Larue	1.90
Crittenden	1.87	Laurel	1.91
Cumberland	1.90	Lawrence	1.91
Daviess	1.87	Lee	1.91
Edmonson	1.88	Lewis	1.92
Elliott	1.91	Lincoln	1.92

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Livingston	$1.87	Owsley	$1.90
Logan	1.88	Pendleton	1.91
Lyon	1.88	Powell	1.91
McCracken	1.87	Pulaski	1.92
McCreary	1.90	Robertson	1.91
McLean	1.87	Rockcastle	1.92
Madison	1.92	Rowan	1.92
Magoffin	1.90	Russell	1.90
Marion	1.91	Scott	1.91
Marshall	1.87	Shelby	1.90
Mason	1.91	Simpson	1.89
Meade	1.88	Spencer	1.90
Menifee	1.90	Taylor	1.91
Mercer	1.92	Todd	1.88
Metcalfe	1.89	Trigg	1.88
Monroe	1.90	Trimble	1.90
Montgomery	1.91	Union	1.87
Morgan	1.90	Warren	1.88
Muhlenberg	1.88	Washington	1.92
Nelson	1.91	Wayne	1.91
Nicholas	1.91	Webster	1.87
Ohio	1.88	Whitley	1.90
Oldham	1.90	Wolfe	1.90
Owen	1.91	Woodford	1.92

LOUISIANA

All counties	$1.40

MAINE

All counties	$1.46

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$1.94	Howard	$2.06
Anne Arundel	2.02	Kent	2.03
Baltimore	2.02	Montgomery	2.01
Calvert	2.01	Prince Georges	2.01
Caroline	2.03	Queen Annes	2.03
Carroll	2.02	St. Marys	2.01
Cecil	2.02	Somerset	2.01
Charles	2.01	Talbot	2.03
Dorchester	2.02	Washington	1.99
Frederick	2.01	Wicomico	2.02
Garrett	1.93	Worcester	2.01
Harford	2.03		

MASSACHUSETTS

All counties	$1.48

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.68	Iron	$1.81
Alger	1.80	Isabella	1.78
Allegan	1.81	Jackson	1.81
Alpena	1.68	Kalamazoo	1.84
Antrim	1.68	Kalkaska	1.68
Arenac	1.73	Kent	1.80
Baraga	1.87	Keweenaw	1.83
Barry	1.81	Lake	1.75
Bay	1.78	Lapeer	1.80
Benzie	1.79	Leelanau	1.69
Berrien	1.85	Lenawee	1.81
Branch	1.82	Livingston	1.81
Calhoun	1.82	Luce	1.69
Cass	1.85	Mackinac	1.69
Charlevoix	1.68	Macomb	1.82
Cheboygan	1.67	Manistee	1.75
Chippewa	1.69	Marquette	1.84
Clare	1.79	Mason	1.73
Clinton	1.80	Mecosta	1.75
Crawford	1.70	Menominee	1.80
Delta	1.80	Midland	1.79
Dickinson	1.80	Missaukee	1.74
Eaton	1.81	Monroe	1.82
Emmet	1.67	Montcalm	1.78
Genesee	1.80	Montmorency	1.68
Gladwin	1.76	Muskegon	1.78
Gogebic	1.89	Newaygo	1.77
Grand Traverse	1.72	Oakland	1.80
Gratiot	1.80	Oceana	1.75
Hillsdale	1.81	Ogemaw	1.76
Houghton	1.83	Ontonagon	1.81
Huron	1.76	Osceola	1.75
Ingham	1.81	Oscoda	1.76
Ionia	1.80	Otsego	1.67
Iosco	1.70	Ottawa	1.81
		Presque Isle	1.67

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Roscommon	$1.70	Shiawassee	$1.80
Saginaw	1.80	Tuscola	1.78
St. Clair	1.81	Van Buren	1.83
St. Joseph	1.84	Washtenaw	1.81
Sanilac	1.79	Wayne	1.81
Schoolcraft	1.80	Wexford	1.76

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.96	Martin	$1.92
Anoka	1.96	Meeker	1.96
Becker	1.90	Mille Lacs	1.96
Beltrami	1.90	Morrison	1.94
Benton	1.95	Mower	1.93
Big Stone	1.90	Murray	1.91
Blue Earth	1.95	Nicollet	1.96
Brown	1.94	Nobles	1.89
Carlton	1.97	Norman	1.88
Carver	1.96	Olmsted	1.94
Cass	1.93	Otter Tail	1.92
Chippewa	1.92	Pennington	1.87
Chisago	1.96	Pine	1.95
Clay	1.89	Pipestone	1.90
Clearwater	1.89	Polk	1.87
Cottonwood	1.92	Pope	1.93
Crow Wing	1.94	Ramsey	1.96
Dakota	1.96	Red Lake	1.88
Dodge	1.94	Redwood	1.93
Douglas	1.93	Renville	1.94
Faribault	1.92	Rice	1.96
Fillmore	1.91	Rock	1.89
Freeborn	1.94	Roseau	1.86
Goodhue	1.95	Saint Louis	1.95
Grant	1.91	Scott	1.96
Hennepin	1.96	Sherburne	1.96
Houston	1.91	Sibley	1.98
Hubbard	1.91	Stearns	1.95
Isanti	1.96	Steele	1.94
Itasca	1.94	Stevens	1.92
Jackson	1.91	Swift	1.93
Kanabec	1.95	Todd	1.93
Kandiyohi	1.98	Traverse	1.90
Kittson	1.84	Wabasha	1.95
Koochiching	1.86	Wadena	1.93
Lac qui Parle	1.91	Waseca	1.95
Lake of the Woods	1.87	Washington	1.96
Le Sueur	1.96	Watonwan	1.93
Lincoln	1.91	Wilkin	1.90
Lyon	1.92	Winona	1.94
McLeod	1.96	Wright	1.96
Mahnomen	1.88	Yellow Medicine	1.92
Marshall	1.86		

MISSISSIPPI

All counties	$1.86

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.83	Dade	$1.86
Andrew	1.90	Dallas	1.84
Atchison	1.89	Daviess	1.89
Audrain	1.85	De Kalb	1.90
Barry	1.84	Dent	1.84
Barton	1.87	Douglas	1.81
Bates	1.90	Dunklin	1.86
Benton	1.87	Franklin	1.90
Bollinger	1.85	Gasconade	1.87
Boone	1.85	Gentry	1.89
Buchanan	1.90	Greene	1.84
Butler	1.86	Grundy	1.87
Caldwell	1.89	Harrison	1.87
Callaway	1.86	Henry	1.89
Camden	1.82	Hickory	1.87
Cape Girardeau	1.87	Holt	1.90
Carroll	1.89	Howard	1.86
Carter	1.84	Howell	1.78
Cass	1.90	Iron	1.87
Cedar	1.88	Jackson	1.90
Chariton	1.87	Jasper	1.86
Christian	1.84	Jefferson	1.91
Clark	1.84	Johnson	1.89
Clay	1.90	Knox	1.83
Clinton	1.90	Laclede	1.82
Cole	1.84	Lafayette	1.89
Cooper	1.86	Lawrence	1.84
Crawford	1.87	Lewis	1.85
		Lincoln	1.90

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Linn	$1.86	Ralls	$1.85
Livingston	1.88	Randolph	1.84
McDonald	1.84	Ray	1.90
Macon	1.83	Reynolds	1.82
Madison	1.86	Ripley	1.86
Maries	1.86	St. Charles	1.91
Marion	1.85	St. Clair	1.98
Mercer	1.85	Ste. Genevieve	1.88
Miller	1.83	St. Francois	1.88
Mississippi	1.86	St. Louis	1.91
Moniteau	1.85	Saline	1.83
Monroe	1.85	Schuyler	1.82
Montgomery	1.87	Scotland	1.83
Morgan	1.85	Scott	1.86
New Madrid	1.86	Shannon	1.62
Newton	1.84	Shelby	1.84
Nodaway	1.89	Stoddard	1.86
Oregon	1.80	Stone	1.83
Osage	1.85	Sullivan	1.85
Ozark	1.79	Taney	1.82
Pemiscot	1.86	Texas	1.81
Perry	1.87	Vernon	1.83
Pettis	1.87	Warren	1.90
Phelps	1.85	Washington	1.88
Pike	1.86	Wayne	1.85
Platte	1.90	Webster	1.82
Polk	1.86	Worth	1.83
Pulaski	1.83	Wright	1.81
Putnam	1.85		

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$1.49	Madison	$1.55
Big Horn	1.54	Meagher	1.57
Blaine	1.60	Mineral	1.51
Broadwater	1.57	Missoula	1.57
Carbon	1.57	Musselshell	1.61
Carter	1.70	Park	1.57
Cascade	1.57	Petroleum	1.57
Chouteau	1.57	Phillips	1.62
Custer	1.68	Pondera	1.57
Daniels	1.66	Powder River	1.67
Dawson	1.69	Powell	1.53
Deer Lodge	1.53	Prairie	1.69
Fallon	1.70	Ravalli	1.47
Fergus	1.57	Richland	1.70
Flathead	1.50	Roosevelt	1.70
Gallatin	1.57	Rosebud	1.63
Garfield	1.68	Sanders	1.51
Glacier	1.57	Sheridan	1.69
Golden Valley	1.57	Silver Bow	1.54
Granite	1.50	Stillwater	1.57
Hill	1.57	Sweet Grass	1.57
Jefferson	1.54	Teton	1.57
Judith Basin	1.57	Toole	1.57
Lake	1.50	Treasure	1.63
Lewis and Clark	1.57	Valley	1.65
Liberty	1.57	Wheatland	1.57
Lincoln	1.52	Wibaux	1.71
McCone	1.69	Yellowstone	1.57

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.84	Dixon	$1.86
Antelope	1.85	Dodge	1.90
Arthur	1.75	Douglas	1.90
Banner	1.71	Dundy	1.75
Blaine	1.80	Fillmore	1.86
Boone	1.86	Franklin	1.82
Box Butte	1.74	Frontier	1.80
Boyd	1.82	Furnas	1.80
Brown	1.79	Gage	1.88
Buffalo	1.84	Garden	1.75
Burt	1.90	Garfield	1.83
Butler	1.90	Gosper	1.81
Cass	1.90	Grant	1.75
Cedar	1.84	Greeley	1.85
Chase	1.75	Hall	1.85
Cherry	1.77	Hamilton	1.86
Cheyenne	1.71	Harlan	1.81
Clay	1.84	Hayes	1.76
Colfax	1.90	Hitchcock	1.77
Cuming	1.90	Holt	1.81
Custer	1.82	Hooker	1.77
Dakota	1.87	Howard	1.85
Dawes	1.72	Jefferson	1.87
Dawson	1.82	Johnson	1.88
Deuel	1.73	Kearney	1.83

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Keith	$1.75	Red Willow	$1.79
Keya Paha	1.80	Richardson	1.87
Kimball	1.70	Rock	1.90
Knox	1.83	Saline	1.89
Lancaster	1.90	Sarpy	1.90
Lincoln	1.79	Saunders	1.90
Logan	1.80	Scotts Bluff	1.71
Loup	1.83	Seward	1.90
McPherson	1.79	Sheridan	1.74
Madison	1.87	Sherman	1.84
Merrick	1.87	Sioux	1.70
Morrill	1.73	Stanton	1.88
Nance	1.87	Thayer	1.86
Nemaha	1.89	Thomas	1.79
Nuckolls	1.84	Thurston	1.89
Otoe	1.90	Valley	1.83
Pawnee	1.87	Washington	1.90
Perkins	1.75	Wayne	1.85
Phelps	1.82	Webster	1.83
Pierce	1.86	Wheeler	1.86
Platte	1.88	York	1.87
Polk	1.88		

NEVADA

Churchill	$1.37	Lyon	$1.28
Clark	1.22	Mineral	1.14
Douglas	1.37	Nye	1.03
Elko	1.21	Ormsby	1.37
Esmeralda	1.08	Pershing	1.37
Eureka	1.21	Storey	1.37
Humboldt	1.28	Washoe	1.37
Lander	1.21	White Pine	.92
Lincoln	1.22		

NEW HAMPSHIRE

All counties $1.48

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Bergen	$2.02	Middlesex	$2.02
Burlington	2.02	Monmouth	2.01
Camden	2.04	Morris	2.02
Cape May	1.99	Ocean	2.01
Cumberland	2.03	Passaic	2.02
Essex	2.02	Salem	2.02
Gloucester	2.03	Somerset	2.01
Hunterdon	2.01	Sussex	2.02
Mercer	2.02	Warren	1.99

NEW MEXICO

Bernalillo	$1.68	Mora	$1.68
Catron	1.59	Otero	1.70
Chaves	1.74	Quay	1.77
Colfax	1.66	Rio Arriba	1.51
Curry	1.77	Roosevelt	1.75
De Baca	1.73	Sandoval	1.68
Dona Ana	1.68	San Juan	1.31
Eddy	1.72	San Miguel	1.68
Grant	1.53	Santa Fe	1.65
Guadalupe	1.73	Sierra	1.68
Harding	1.70	Socorro	1.68
Hidalgo	1.66	Taos	1.59
Lea	1.77	Torrance	1.70
Lincoln	1.70	Union	1.72
Luna	1.66	Valencia	1.63
McKinley	1.53		

NEW YORK

Albany	$2.04	Greene	$2.02
Allegany	1.95	Herkimer	2.01
Broome	1.97	Jefferson	1.94
Cattaraugus	1.93	Lewis	1.96
Cayuga	1.98	Livingston	1.97
Chautauqua	1.88	Madison	1.98
Chemung	1.98	Monroe	1.97
Chenango	1.98	Montgomery	2.03
Clinton	1.94	Nassau	1.99
Columbia	2.02	Niagara	1.97
Cortland	1.98	Oneida	1.99
Delaware	1.98	Onondaga	1.98
Dutchess	2.01	Ontario	1.98
Erie	1.95	Orange	2.00
Essex	1.98	Orleans	1.97
Franklin	1.93	Oswego	1.98
Fulton	1.98	Otsego	1.99
Genesee	1.98	Putnam	2.01

NEW YORK—Continued

County	Rate per bushel	County	Rate per bushel
Rensselaer	$2.03	Sullivan	$1.95
Rockland	2.00	Tioga	1.96
Saratoga	2.02	Tompkins	1.98
Schenectady	2.03	Ulster	2.00
Schoharie	2.03	Warren	2.01
Schuyler	1.98	Washington	2.01
Seneca	1.98	Wayne	1.98
Steuben	1.98	Westchester	2.02
St. Lawrence	1.93	Wyoming	1.97
Suffolk	1.97	Yates	1.98

NORTH CAROLINA

All counties $1.97

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.76	McLean	$1.79
Barnes	1.86	Mercer	1.78
Benson	1.82	Morton	1.78
Billings	1.76	Mountrail	1.77
Bottineau	1.78	Nelson	1.84
Bowman	1.75	Oliver	1.78
Burke	1.76	Pembina	1.83
Burleigh	1.81	Pierce	1.81
Cass	1.87	Ramsey	1.82
Cavalier	1.82	Ramson	1.86
Dickey	1.85	Renville	1.77
Divide	1.75	Richland	1.89
Dunn	1.76	Rolette	1.80
Eddy	1.83	Sargent	1.87
Emmons	1.80	Sheridan	1.81
Foster	1.84	Sioux	1.78
Golden Valley	1.72	Slope	1.72
Grand Forks	1.86	Stark	1.76
Grant	1.77	Steele	1.86
Griggs	1.86	Stutsman	1.84
Hettinger	1.77	Towner	1.81
Kidder	1.82	Traill	1.86
La Moure	1.84	Walsh	1.84
Logan	1.82	Ward	1.77
McHenry	1.80	Wells	1.82
McIntosh	1.82	Williams	1.75
McKenzie	1.72		

OHIO

Adams	$1.81	Knox	$1.84
Allen	1.82	Lake	1.86
Ashland	1.84	Lawrence	1.81
Ashtabula	1.87	Licking	1.84
Athens	1.83	Logan	1.82
Auglaize	1.82	Lorain	1.84
Belmont	1.84	Lucas	1.82
Brown	1.81	Madison	1.82
Butler	1.81	Mahoning	1.87
Carroll	1.84	Marion	1.83
Champaign	1.81	Medina	1.84
Clark	1.81	Meigs	1.81
Clermont	1.81	Mercer	1.82
Clinton	1.81	Miami	1.82
Columbiana	1.85	Monroe	1.84
Coshocton	1.84	Montgomery	1.81
Crawford	1.83	Morgan	1.84
Cuyahoga	1.84	Morrow	1.83
Darke	1.84	Muskingum	1.84
Defiance	1.82	Noble	1.84
Delaware	1.83	Ottawa	1.83
Erie	1.83	Paulding	1.82
Fairfield	1.83	Perry	1.83
Fayette	1.81	Pickaway	1.82
Franklin	1.83	Pike	1.81
Fulton	1.81	Portage	1.84
Gallia	1.81	Preble	1.81
Geauga	1.87	Putnam	1.82
Greene	1.81	Richland	1.84
Guernsey	1.84	Ross	1.82
Hamilton	1.81	Sandusky	1.83
Hancock	1.83	Scioto	1.81
Hardin	1.83	Seneca	1.83
Harrison	1.84	Shelby	1.82
Henry	1.82	Stark	1.84
Highland	1.81	Summit	1.84
Hocking	1.83	Trumbull	1.87
Holmes	1.84	Tuscarawas	1.84
Huron	1.83	Union	1.83
Jackson	1.81	Van Wert	1.82
Jefferson	1.86	Vinton	1.83

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Warren	$1.81	Williams	$1.82
Washington	1.84	Wood	1.83
Wayne	1.84	Wyandot	1.83

OKLAHOMA

Adair	$1.80	Le Flore	$1.80
Alfalfa	1.79	Lincoln	1.80
Atoka	1.80	Logan	1.80
Beaver	1.75	Love	1.80
Beckham	1.80	McClain	1.80
Blaine	1.80	McCurtain	1.80
Bryan	1.80	McIntosh	1.80
Caddo	1.80	Major	1.79
Canadian	1.80	Marshall	1.80
Carter	1.80	Mayes	1.83
Cherokee	1.81	Murray	1.80
Choctaw	1.80	Muskogee	1.80
Cimarron	1.71	Noble	1.79
Cleveland	1.80	Nowata	1.86
Coal	1.80	Okfuskee	1.80
Comanche	1.80	Oklahoma	1.80
Cotton	1.80	Okmulgee	1.80
Craig	1.85	Osage	1.81
Creek	1.80	Ottawa	1.85
Custer	1.79	Pawnee	1.80
Delaware	1.84	Payne	1.80
Dewey	1.79	Pittsburg	1.80
Ellis	1.77	Pontotoc	1.80
Garfield	1.79	Pottawatomie	1.80
Garvin	1.80	Pushmataha	1.80
Grady	1.80	Roger Mills	1.79
Grant	1.80	Rogers	1.83
Greer	1.80	Seminole	1.80
Harmon	1.80	Sequoyah	1.80
Harper	1.76	Stephens	1.80
Haskell	1.80	Texas	1.72
Hughes	1.80	Tillman	1.80
Jackson	1.80	Tulsa	1.82
Jefferson	1.80	Wagoner	1.82
Johnston	1.80	Washington	1.85
Kay	1.80	Washita	1.80
Kingfisher	1.80	Woods	1.78
Kiowa	1.80	Woodward	1.78
Latimer	1.80		

OREGON

Baker	$1.70	Lake	$1.80
Benton	1.79	Lane	1.76
Clackamas	1.83	Lincoln	1.73
Clatsop	1.79	Linn	1.80
Columbia	1.81	Malheur	1.64
Coos	1.69	Marion	1.83
Crook	1.81	Morrow	1.82
Curry	1.68	Multnomah	1.86
Deschutes	1.81	Polk	1.81
Douglas	1.71	Sherman	1.83
Gilliam	1.83	Tillamook	1.85
Grant	1.81	Umatilla	1.78
Harney	1.59	Union	1.73
Hood River	1.85	Wallawa	1.71
Jackson	1.67	Wasco	1.86
Jefferson	1.83	Washington	1.85
Josephine	1.65	Wheeler	1.81
Klamath	1.81	Yamhill	1.83

PENNSYLVANIA

Adams	$2.00	Delaware	$2.03
Allegheny	1.89	Elk	1.92
Armstrong	1.91	Erie	1.87
Beaver	1.89	Fayette	1.91
Bedford	1.92	Forest	1.89
Berks	2.00	Franklin	1.98
Blair	1.92	Fulton	1.96
Bradford	1.96	Greene	1.90
Bucks	2.02	Huntingdon	1.94
Butler	1.90	Indiana	1.91
Cambria	1.92	Jefferson	1.91
Carbon	1.98	Juniata	1.95
Centre	1.94	Lackawanna	1.96
Chester	2.02	Lancaster	2.00
Clarion	1.89	Lawrence	1.88
Clearfield	1.92	Lebanon	1.98
Clinton	1.93	Lehigh	2.01
Columbia	1.98	Luzerne	1.96
Crawford	1.87	Lycoming	1.94
Cumberland	1.98	McKean	1.92
Dauphin	1.98	Mercer	1.87

PENNSYLVANIA—Continued

County	Rate per bushel	County	Rate per bushel
Mifflin	$1.95	Sullivan	$1.98
Monroe	1.98	Susquehanna	1.98
Montgomery	2.02	Tioga	1.96
Montour	1.96	Union	1.96
Northampton	2.00	Venango	1.87
Northumberland	1.96	Warren	1.87
Perry	1.98	Washington	1.88
Pike	1.94	Wayne	1.96
Potter	1.92	Westmoreland	1.90
Schuylkill	1.97	Wyoming	1.98
Snyder	1.96	York	2.01
Somerset	1.92		

RHODE ISLAND

All counties $1.49

SOUTH CAROLINA

All counties $1.95

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.82	Jackson	$1.75
Beadle	1.87	Jerauld	1.86
Bennett	1.75	Jones	1.78
Bon Homme	1.84	Kingsbury	1.88
Brookings	1.89	Lake	1.88
Brown	1.87	Lawrence	1.70
Brule	1.80	Lincoln	1.88
Buffalo	1.80	Lyman	1.78
Butte	1.70	McCook	1.88
Campbell	1.81	McPherson	1.84
Charles Mix	1.81	Marshall	1.87
Clark	1.88	Meade	1.73
Clay	1.87	Mellette	1.77
Codington	1.89	Miner	1.88
Corson	1.79	Minnehaha	1.88
Custer	1.70	Moody	1.89
Davison	1.85	Pennington	1.74
Day	1.88	Perkins	1.76
Deuel	1.89	Potter	1.82
Dewey	1.78	Roberts	1.89
Douglas	1.82	Sanborn	1.86
Edmunds	1.85	Shannon	1.74
Fall River	1.69	Spink	1.87
Faulk	1.85	Stanley	1.82
Grant	1.89	Sully	1.81
Gregory	1.81	Todd	1.77
Haakon	1.76	Tripp	1.79
Hamlin	1.89	Turner	1.87
Hand	1.86	Union	1.87
Hanson	1.87	Walworth	1.82
Harding	1.75	Washabaugh	1.75
Hughes	1.82	Yankton	1.85
Hutchinson	1.84	Ziebach	1.75
Hyde	1.83		

TENNESSEE

Anderson	$1.95	Greene	$1.97
Bedford	1.92	Grundy	1.92
Benton	1.89	Hamblen	1.97
Bledsoe	1.93	Hamilton	1.94
Blount	1.96	Hancock	1.98
Bradley	1.95	Hardeman	1.88
Campbell	1.95	Hardin	1.89
Cannon	1.91	Hawkins	1.99
Carroll	1.88	Haywood	1.87
Carter	1.98	Henderson	1.89
Cheatham	1.90	Henry	1.88
Chester	1.88	Hickman	1.90
Claiborne	1.97	Houston	1.89
Clay	1.91	Humphreys	1.89
Cocke	1.96	Jackson	1.91
Coffey	1.92	Jefferson	1.96
Crockett	1.87	Lauderdale	1.87
Cumberland	1.93	Knox	1.96
Davidson	1.90	Lake	1.87
Decatur	1.89	Lawrence	1.91
DeKalb	1.91	Lewis	1.91
Dickson	1.90	Lincoln	1.93
Dyer	1.87	Loudon	1.95
Fayette	1.87	McMinn	1.95
Fentress	1.93	McNairy	1.88
Franklin	1.93	Macon	1.90
Gibson	1.87	Madison	1.87
Giles	1.92	Marion	1.93
Grainger	1.96	Marshall	1.92

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Maury	$1.91	Seiver	$1.96
Meigs	1.94	Shelby	1.87
Monroe	1.96	Smith	1.91
Montgomery	1.89	Stewart	1.89
Moore	1.92	Sullivan	1.99
Morgan	1.94	Sumner	1.89
Obion	1.87	Tipton	1.87
Overton	1.92	Trousdale	1.90
Perry	1.90	Unicoi	1.97
Pickett	1.92	Union	1.96
Polk	1.96	Van Buren	1.92
Putnam	1.92	Warren	1.92
Rhea	1.94	Washington	1.98
Roane	1.94	Wayne	1.90
Robertson	1.89	Weakley	1.87
Rutherford	1.91	White	1.92
Scott	1.94	Williamson	1.91
Sequatchie	1.93	Wilson	1.90

TEXAS

Andrews	$1.79	Goliad	$1.92
Archer	1.80	Gray	1.79
Armstrong	1.80	Grayson	1.83
Atascosa	1.91	Guadalupe	1.93
Bailey	1.80	Hale	1.80
Bandera	1.89	Hall	1.80
Bastrop	1.93	Hamilton	1.85
Baylor	1.80	Hansford	1.77
Bee	1.91	Hardeman	1.80
Bell	1.92	Harris	2.08
Bexar	1.92	Hartley	1.77
Blanco	1.91	Haskell	1.80
Borden	1.80	Hays	1.93
Bosque	1.91	Hemphill	1.77
Bowie	1.83	Hill	1.92
Briscoe	1.80	Hockley	1.80
Brown	1.88	Hood	1.87
Burleson	1.95	Howard	1.80
Burnet	1.88	Hudspeth	1.71
Caldwell	1.93	Hunt	1.88
Calhoun	1.93	Hutchinson	1.77
Callahan	1.80	Irion	1.77
Carson	1.80	Jack	1.83
Castro	1.80	Jackson	1.96
Chambers	1.98	Jeff Davis	1.71
Cherokee	1.93	Johnson	1.91
Childress	1.80	Jones	1.80
Clay	1.81	Karnes	1.91
Cochran	1.80	Kaufman	1.90
Coke	1.80	Kendall	1.88
Coleman	1.86	Kent	1.80
Collin	1.88	Kerr	1.87
Collingsworth	1.80	Kimble	1.86
Comal	1.93	King	1.80
Comanche	1.82	Kinney	1.80
Concho	1.86	Knox	1.80
Cooke	1.83	Lamar	1.83
Coryell	1.88	Lamb	1.80
Cottle	1.80	Lampasas	1.88
Crosby	1.80	Limestone	1.93
Culberson	1.71	Lipscomb	1.77
Dallam	1.74	Live Oak	1.91
Dallas	1.88	Llano	1.88
Dawson	1.80	Loving	1.72
Deaf Smith	1.80	Lubbock	1.80
Delta	1.86	Lynn	1.80
Denton	1.88	McCulloch	1.87
DeWitt	1.92	McLennan	1.93
Dickens	1.80	Martin	1.79
Dimmit	1.82	Mason	1.88
Donley	1.80	Maverick	1.77
Eastland	1.80	Medina	1.91
Edwards	1.80	Menard	1.86
Ellis	1.91	Midland	1.77
El Paso	1.69	Milam	1.94
Erath	1.84	Mills	1.88
Falls	1.93	Mitchell	1.80
Fannin	1.83	Montague	1.83
Fisher	1.80	Moore	1.77
Floyd	1.80	Motley	1.80
Foard	1.80	Navarro	1.92
Gaines	1.80	Nolan	1.80
Galveston	2.09	Ochiltree	1.77
Garza	1.80	Oldham	1.79
Gillespie	1.88	Palo Pinto	1.83
Glasscock	1.80	Parker	1.88
		Parmer	1.79

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Pecos	$1.72	Tarrant	$1.89
Potter	1.80	Taylor	1.81
Presidio	1.70	Terry	1.80
Randall	1.80	Throckmorton	1.81
Real	1.85	Tom Green	1.80
Reeves	1.72	Travis	1.93
Refugio	1.92	Uvalde	1.85
Roberts	1.78	Van Zandt	1.88
Robertson	1.93	Victoria	1.93
Rockwall	1.88	Waller	2.06
Runnels	1.83	Ward	1.75
San Saba	1.88	Wharton	2.03
Schleicher	1.77	Wheeler	1.79
Scurry	1.80	Wichita	1.80
Shackelford	1.80	Wilbarger	1.80
Sherman	1.74	Williamson	1.93
Somervell	1.88	Wilson	1.91
Stephens	1.83	Winkler	1.86
Sterling	1.77	Wise	1.86
Stonewall	1.80	Yoakum	1.80
Sutton	1.76	Young	1.83
Swisher	1.80	Zavala	1.81

UTAH

Beaver	$1.66	Piute	$1.46
Box Elder	1.59	Rich	1.51
Cache	1.59	Salt Lake	1.61
Carbon	1.51	San Juan	1.46
Daggett	1.51	San Pete	1.47
Davis	1.61	Sevier	1.46
Duchesne	1.51	Summit	1.60
Emery	1.51	Tooele	1.61
Garfield	1.46	Uintah	1.51
Grand	1.51	Utah	1.61
Iron	1.66	Wasatch	1.51
Juab	1.60	Washington	1.66
Kane	1.46	Wayne	1.46
Millard	1.62	Weber	1.61
Morgan	1.60		

VERMONT

All counties $1.48

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.98	Halifax	$1.97
Albermarle	1.97	Hanover	1.98
Alleghany	1.95	Henrico	1.98
Amelia	1.98	Henry	1.96
Amherst	1.97	Highland	1.95
Appomattox	1.98	Isle of Wight	1.97
Arlington	1.97	James City	1.98
Augusta	1.97	King and Queen	1.98
Bath	1.95	King George	1.98
Bedford	1.97	King William	1.98
Bland	1.95	Lancaster	1.98
Botetourt	1.96	Lee	1.96
Brunswick	1.97	Loudoun	1.97
Buchanan	1.95	Louisa	1.97
Buckingham	1.98	Lunenburg	1.98
Campbell	1.97	Madison	1.97
Caroline	1.98	Mathews	1.98
Carroll	1.96	Mecklenburg	1.97
Charles City	1.98	Middlesex	1.98
Charlotte	1.98	Montgomery	1.95
Chesterfield	1.98	Nansemond	1.97
Clarke	1.97	Nelson	1.97
Craig	1.95	New Kent	1.98
Culpeper	1.97	Norfolk	1.97
Cumberland	1.98	Northampton	1.98
Dickenson	1.95	Northumberland	1.98
Dinwiddie	1.98	Nottaway	1.98
Elizabeth City	1.98	Orange	1.97
Essex	1.98	Page	1.97
Fairfax	1.97	Patrick	1.96
Fauquier	1.97	Pittsylvania	1.97
Floyd	1.96	Powhatan	1.98
Fluvanna	1.97	Prince Edward	1.98
Franklin	1.96	Prince George	1.98
Frederick	1.97	Prince William	1.97
Giles	1.95	Princess Anne	1.97
Gloucester	1.98	Pulaski	1.96
Goochland	1.98		
Grayson	1.96		
Greene	1.97		
Greensville	1.97		

VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Rappahannock	$1.97	Surry	1.97
Richmond	1.98	Sussex	1.97
Roanoke	1.96	Tazewell	1.95
Rockbridge	1.97	Warren	1.97
Rockingham	1.97	Warwick	1.98
Russell	1.96	Washington	1.96
Scott	1.96	Westmoreland	1.98
Shenandoah	1.97	Wise	1.96
Smyth	1.96	Wythe	1.96
Southampton	1.97	York	1.98
Spotsylvania	1.98		

WASHINGTON

Adams	$1.75	Lewis	$1.79
Asotin	1.70	Lincoln	1.74
Benton	1.81	Mason	1.77
Chelan	1.79	Okanogon	1.75
Clallam	1.69	Pacific	1.77
Clark	1.85	Pend Oreille	1.61
Columbia	1.76	Pierce	1.85
Cowlitz	1.83	San Juan	1.81
Douglas	1.76	Skagit	1.81
Ferry	1.55	Skamania	1.85
Franklin	1.78	Snohomish	1.83
Garfield	1.75	Spokane	1.71
Grant	1.77	Stevens	1.64
Grays Harbor	1.77	Thurston	1.79
Island	1.81	Wahkiakum	1.83
Jefferson	1.72	Walla Walla	1.77
King	1.85	Whatcom	1.80
Kitsap	1.75	Whitman	1.72
Kittitas	1.84	Yakima	1.80
Klickitat	1.84		

WEST VIRGINIA

Barbour	$1.92	Mineral	$1.94
Berkeley	1.96	Mingo	1.91
Boone	1.91	Monongalia	1.90
Braxton	1.91	Monroe	1.94
Brooke	1.89	Morgan	1.95
Cabell	1.89	Nicholas	1.93
Calhoun	1.90	Ohio	1.89
Clay	1.91	Pendleton	1.95
Doddridge	1.89	Pleasants	1.88
Fayette	1.93	Pocahontas	1.95
Gilmer	1.90	Preston	1.92
Grant	1.94	Putnam	1.89
Greenbrier	1.95	Raleigh	1.92
Hampshire	1.95	Randolph	1.94
Hancock	1.89	Ritchie	1.89
Hardy	1.95	Roane	1.89
Harrison	1.91	Summers	1.95
Jackson	1.88	Taylor	1.92
Jefferson	1.97	Tucker	1.94
Kanawha	1.90	Tyler	1.88
Lewis	1.91	Upshur	1.92
Lincoln	1.90	Wayne	1.90
Logan	1.91	Webster	1.93
McDowell	1.93	Wetzel	1.89
Marion	1.90	Wirt	1.89
Marshall	1.89	Wood	1.88
Mason	1.89	Wyoming	1.92
Mercer	1.94		

WISCONSIN

Adams	$1.87	Columbia	$1.85
Ashland	1.92	Crawford	1.89
Barron	1.93	Dane	1.85
Bayfield	1.93	Dodge	1.84
Brown	1.82	Door	1.79
Buffalo	1.94	Douglas	1.97
Burnett	1.96	Dunn	1.94
Calumet	1.83	Eau Claire	1.94
Chippewa	1.92	Florence	1.83
Clark	1.90	Fond du Lac	1.84

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Forest	$1.87	Pierce	$1.96
Grant	1.84	Polk	1.96
Green	1.85	Portage	1.87
Green Lake	1.83	Price	1.90
Iowa	1.82	Racine	1.91
Iron	1.90	Richland	1.85
Jackson	1.91	Rock	1.86
Jefferson	1.86	Rusk	1.92
Juneau	1.88	Saint Croix	1.96
Kenosha	1.91	Sauk	1.85
Kewaunee	1.80	Sawyer	1.93
LaCrosse	1.90	Shawano	1.84
LaFayette	1.82	Sheboygan	1.85
Langlade	1.84	Taylor	1.90
Lincoln	1.84	Trempeleau	1.92
Manitowoc	1.83	Vernon	1.90
Marathon	1.89	Vilas	1.85
Marinette	1.81	Walworth	1.87
Marquette	1.86	Washburn	1.94
Milwaukee	1.91	Washington	1.85
Monroe	1.89	Waukesha	1.86
Oconto	1.81	Waupaca	1.86
Oneida	1.84	Waushara	1.85
Outagamie	1.82	Winnebago	1.83
Ozaukee	1.85	Wood	1.89
Pepin	1.95		

WYOMING

Albany	$1.64	Natrona	$1.56
Big Horn	1.54	Niobrara	1.67
Campbell	1.62	Park	1.53
Carbon	1.58	Platte	1.70
Converse	1.63	Sheridan	1.59
Crook	1.63	Sublette	1.51
Fremont	1.54	Sweetwater	1.51
Goshen	1.70	Teton	1.57
Hot Springs	1.54	Uinta	1.51
Johnson	1.59	Washakie	1.54
Laramie	1.70	Weston	1.65
Lincoln	1.51		

(c) *Discounts and premiums for class, grade, variety, and protein content.*

(1) Class premiums and discounts:

	Cents per bushel
(i) Premiums:	
Hard Amber Durum [1]	+10
Amber Durum [1]	+5
(ii) Discounts:	
Yellow Hard Winter	−2
Red Durum	−20
(ii) Discounts—Continued	
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum)	−2
Mixed Wheat (containing from 5 percent to 10 percent of Wheat of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

(2) Grade premium and discount:

(i) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(ii) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or No. 5 because of containing Durum and/or Red Durum [2] [3]	−6
Smut—degree Basis:	
Light Smutty	−2
Smutty	−6
Smut—percentage basis:	
One-half of 1 percent	−1
1 percent or over	−3
Garlic—degree basis:	
Light Garlicky	−6
Garlicky	−15

[1] These discounts are in addition to any other applicable numerical grade discounts.

[2] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see (1), (ii) of this paragraph.

(3) Variety Discount −20

The following varieties listed by class will be subject to discount. This discount is in addition to any other applicable discount:

NOTE—Variety discount not applicable to any varieties of wheat produced in the State of Alaska.

Hard Red Winter	Hard Red Spring	Durham	White	Soft Red Winter
Blue Jacket	C.T. 281	Golden Ball	Fifty-Fold	Kanqueen.
Cache [1]	Gasser	Pelissa	Florence	Kawvale.
Chiefkan	Henry [1]	Pentad	Greeson	Nurod.
Cimarron	Kinney		Rex	Seabreeze.
Early Blackhull	Premier		Sonora	
Kanking	Progress			
Kharkof MC 22	Russell [1]			
New Chief	Sprinkcota			
Pawnee Sel. 33	Sturgeon			
Parker				
Red Chief				
Red Hull				
Red Jacket				
Stafford				
Wasatch [4]				
Yogo				

[1] Except in Oregon, Washington and Wisconsin.
[2] Except in Wisconsin
[3] Except in Idaho and Utah
[4] Except in Colorado, Idaho and Utah

(4) Protein Premiums: [1]

Protein content (percent)	Hard Red Winter	Hard Red Spring	Hard White wheat of the varieties Beart and Bluestem
	(Cents per bushel)	(Cents per bushel)	(Cents per bushel)
10.0–10.9	0	0	1
11.0–11.9	0	1	2
12.0–12.9	1	2	3
13.0–13.9	2	3	4
14.0–14.4	3	4	5
14.5–14.9	4	5	6
15.0–15.4	5	6	7
15.5–15.9	6	7	8
16.0–16.4	7	8	9
16.5–16.9	8	10	11
17.0–17.4	9	12	13
Over 17.4	(*)	(*)	(*)

[1] 2 cents for each ½ percent of protein over 17.4 percent.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; Title II. 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 1st day of August 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–7290; Filed, Aug. 8, 1960; 8:45 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

AVAILABILITY OF PRICE SUPPORT

The purpose of this amendment is to make explicit in the regulations with respect to the tobacco price support loan program issued on June 30, 1960, and published in 25 F.R. 6323, a program provision effectuated through agreements (approved in form by Commodity Credit Corporation) between the Flue-cured Tobacco Cooperative Stabilization Corporation and auction warehousemen, under which price support is available for flue-cured tobacco on markets other than those in Georgia and Florida only if such tobacco is offered for sale by producers in tied form. In the supplement to such regulations prescribing the advance rates for the 1960 crop of types 11–14 flue-cured tobacco, which was issued on July 5, 1960, and published in 25 F.R. 6504, there is set forth the schedule of advance rates, by grades, applicable to tied flue-cured tobacco (tied in "hands" or small bundles of leaves), and it is therein provided that the advance rates for untied flue-cured tobacco are $5 per hundred pounds less than for the respective grades of tied flue-cured tobacco.

Customarily, flue-cured tobacco has been marketed in the States of Georgia and Florida only in untied form. In the other flue-cured marketing areas, tobacco customarily has been marketed by the producers only in tied form. The price support program provisions require producers who desire price support to comply with these marketing practices which are a part of the usual and customary arrangements for marketing flue-cured tobacco.

As a result of requests received primarily from auction warehousemen in South Carolina, that Commodity Credit Corporation make price support available on flue-cured tobacco in untied form on the South Carolina markets, the Secretary of Agriculture in July of 1958 reviewed the existing program provisions for flue-cured tobacco in the light of prevailing marketing practices and market demands and decided to continue to limit price support for untied flue-cured tobacco to the Georgia-Florida markets on which tobacco is customarily marketed by producers in untied form. This decision of the Secretary was publicly announced by press release on July 17, 1958. The decision was again reviewed and reaffirmed in public press releases issued in 1959 and 1960.

Any modification of the price support program for flue-cured tobacco which would increase the proportion of the crop offered for sale in looseleaf form would operate to the detriment of flue-cured tobacco producers and the operations of Commodity Credit Corporation in carrying out such price support program. Since World War II, export outlets have taken 35 to 40 percent of the production of flue-cured tobacco in the United States. Export demand for flue-cured tobacco produced in the United States is predominantly for such tobacco in tied form. Any substantial increase in the proportion of flue-cured tobacco marketed in looseleaf form would seriously impair the ability to dispose of flue-cured tobacco in export outlets. Declining exports would adversely affect flue-cured tobacco producers by reducing the quantity of such tobacco which could be produced and marketed in future years. Further, domestic facilities for redrying, stemming, and packing tobacco are not adequate to handle properly a substantially larger volume of untied flue-cured tobacco than the quantity normally produced and sold in the Georgia-Florida marketing area. Consequently, any abnormal volume of looseleaf flue-cured tobacco offered in the U.S. markets would increase substantially the quantity of flue-cured tobacco which would be pledged to Commodity Credit Corporation to secure loans under the price support program. This would result in increased costs and risk of loss to the Corporation and would create serious problems in redrying, stemming, packing, and marketing the loan tobacco.

Accordingly, the statement with respect to the Tobacco Loan Program issued June 30, 1960 and published July 6, 1960 (25 F.R. 6323) is amended as follows:

Section 464.1202(c)(1) is amended by adding at the end thereof the following subdivision:

(iv) In the case of flue-cured tobacco, price support will be available through auction warehouses in States other than Georgia and Florida only if such tobacco is in tied form.

Issued this 5th day of August 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60–7431; Filed, Aug. 5, 1960; 3:08 p.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Acquisition of Stock in Small Business Investment Company

Section 222.107 is amended to read as follows:

§ 222.107 Acquisition of stock in small business investment company.

(a) A registered bank holding company requested an opinion by the Board of Governors with respect to whether that company and its banking subsidiaries may acquire stock in a small business investment company organized pursuant to the Small Business Investment Act of 1958.

(b) It is understood that the bank holding company and its subsidiary banks propose to organize and subscribe for stock in a small business investment company which would be chartered pursuant to the Small Business Investment Act of 1958 which provides for long-term credit and equity financing for small business concerns.

(c) Section 302(b) of the Small Business Investment Act authorizes national banks, as well as other member banks and nonmember insured banks to the extent permitted by applicable State law, to invest capital in small business investment companies not exceeding one per cent of the capital and surplus of such banks. Section 4(c)(4) of the Bank Holding Company Act exempts from the prohibitions of section 4 of the act "shares which are of the kinds and amounts eligible for investment by National banking associations under the provisions of section 5136 of the Revised Statutes". Section 5136 of the Revised Statutes (paragraph "Seventh") in turn provides, in part, as follows:

> Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by the association for its own account of any shares of stock of any corporation.

Since the shares of a small business investment company are of a kind and amount expressly made eligible for investment by a national bank under the Small Business Investment Act of 1958, it follows, therefore, that the ownership or control of such shares by a bank holding company would be exempt from the prohibitions of section 4 of the Bank Holding Company Act by virtue of the provisions of section 4(c)(4) of that Act. Accordingly, the ownership or control of such shares by the bank holding company would be exempt from the prohibitions of section 4 of the Bank Holding Company Act.

(d) An additional question is presented, however, as to whether section 6 of the Bank Holding Company Act pro-

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

hibits banking subsidiaries of the bank holding company from purchasing stock in a small business investment company where the latter is a "subsidiary" under that Act.

(e) Section 6(a)(1) of the Act makes it unlawful for a bank to invest any of its funds in the capital stock of any other subsidiary of the bank holding company. However, section 6(a)(1) was, in effect, amended by section 302(b) of the Small Business Investment Act (15 U.S.C. 682) as amended by the Act of June 11, 1960 (Public Law 86-502) so as to nullify this prohibition when the "subsidiary" is a small business investment company.

(f) Accordingly, section 6 of the Bank Holding Company Act does not prohibit banking subsidiaries of the bank holding company from purchasing stock in a small business investment company organized pursuant to the Small Business Investment Act of 1958, where that company is or will be a subsidiary of the bank holding company.

(Sec. 5(b), 70 Stat. 137; 12 U.S.C. 1844)

Dated at Washington, D.C., this 3d day of August 1960.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60-7372; Filed, Aug. 8, 1960; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 857, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.964 (Lemon Regulation 857; 25 F.R. 7202) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 4, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7395; Filed, Aug. 8, 1960; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Adjustments; Refunds

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), §§ 345.12(d) and 345.13(e) (20 CFR 345.12(d) and 345.13(e)) of the regulations under such act are amended by Board Order 60-114, dated July 27, 1960, to read as follows:

§ 345.12 Adjustments.

* * * * *

(d) *Limitations on adjustments.* No overpayment shall be adjusted under this section after the expiration of 3 years from the time the contribution report was required to be filed or 2 years from the time the contribution was paid, whichever of such periods expires the later, or if no contribution report was filed, 2 years from the time the contribution was paid. No underpayment shall be adjusted under this section after the receipt from the Board of formal notice and demand for payment based upon an assessment, but the entire amount assessed shall be paid to the Board pursuant to such notice and demand.

§ 345.13 Refunds.

* * * * *

(e) *Time limit.* No refund shall be allowed after the expiration of 3 years from the time the contribution report was required to be filed or 2 years from the time the contribution was paid, whichever of such periods expires the later, or if no contribution report was filed, 2 years from the time the contribution was paid.

Dated: August 2, 1960.

By Authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60-7376; Filed, Aug. 8, 1960 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Mortgagors' Payments

In § 221.22 paragraph (b) is amended to read as follows:

§ 221.22 Mortgagors' payments to include other charges.

* * * * *

(b) Mortgages involving a principal obligation not in excess of $9,000 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., August 3, 1960.

[SEAL] JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-7386; Filed, Aug. 8, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 442; Reg. No. SR-403A]

PART 4b—AIRPLANE WORTHINESS; TRANSPORT CATEGORIES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Certification and Operation of Certain Airplanes for the Department of the Interior in the Trust Territory of the Pacific Islands; Special Civil Air Regulation

Special Civil Air Regulation No. SR-403 waived certain provisions of Part 4b of the Civil Air Regulations to permit the certification thereunder of three Grumman SA-16A airplanes owned or controlled by the Department of the Interior. These airplanes were certificated for operation by Transocean Air Lines, under contract with the Department of the Interior, to provide transportation within the Trust Territory of the Pacific Islands and between those islands and the island of Guam. The airworthiness certificate for each airplane certificated under SR-403 was required to bear the following legend: "This certificate is issued pursuant to Special Civil Air Regulation SR-403 and is valid only for operation by Transocean Air Lines under contract with the Department of the Interior within the Trust Territory of the Pacific Islands and between these islands and the island of Guam."

By letter dated July 1, 1960, the Department of the Interior informed the Administrator that the contract with Transocean Air Lines expired June 30, 1960. The Department has requested that SR-403 be revised to permit the issuance of airworthiness certificates which will be valid when the Grumman SA-16A airplanes are operated by either the Trust Territory Government or by a contractor selected by that Agency. With minor exceptions, other terms and conditions of SR-403 would remain unchanged.

The circumstances which led to the adoption of SR-403 continue to exist. The safety record in operations conducted under the provisions of this regulation has been satisfactory, and the Federal Aviation Agency can continue to monitor the safety practices of any contractor by means of the air carrier operating certificate or the commercial operator certificate such persons are required to hold.

Special Civil Air Regulations Nos. SR-364 and SR-364A, which permitted Transocean Air Lines to operate PBY aircraft in the Trust Territory, are obsolete and are being rescinded by this regulation.

Since this regulatory action involves minor changes, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulations is hereby adopted:

1. Contrary provisions of the Civil Air Regulations notwithstanding, Grumman SA-16A airplanes owned or controlled by the Department of the Interior will be certificated under the provisions of Part 4b of the Civil Air Regulations, effective December 31, 1953, except that compliance need not be shown with the following provisions of that part. Airplanes so certificated shall be restricted to operations conducted within the Trust Territory of the Pacific Islands and between these islands and the island of Guam by the Trust Territory Government or by an air carrier or commercial operator under contract with the Trust Territory Government.

a. Sections 4b.120(a) and 4b.120(b) to the extent that the maximum certificated takeoff weight with respect to performance cannot be met at weights of 29,000 pounds or less.

b. Section 4b.120(c).

c. Sections 4b.115, 4b.116, 4b.117, 4b.122, 4b.123, 4b.124, 4b.324(a), 4b.337(a)(1), 4b.337(a)(2), 4b.441(b)(1), 4b.474(c), 4b.484(a)(2), 4b.485(c), 4b.604(d), 4b.604(f), 4b.604(h), and 4b.622(c) to the extent that the airplane cannot comply with the provisions of these sections: *Provided,* That the Military Flight Manual, placards, or similar means shall be provided which shall contain the appropriate procedures and warnings necessary to overcome or explain the deficiencies resulting from noncompliance with these sections.

d. Sections 4b.226(b), 4b.352(b), 4b.356(b), 4b.383(b)(2), 4b.612(d), 4b.612(f), 4b.624(b) to the extent that the airplane cannot comply with the provisions of these sections.

e. Section 4b.443 to the extent that it requires the oil tank to be located outside a fire zone unless it is constructed of fire-proof materials.

f. Sections 4b.740 through 4b.743: *Provided,* That the Military Flight Manual shall be used as supplemented by such limitations and procedural data as found necessary by the Director, Bureau of Flight Standards, or his authorized representative, or as required by this regulation.

2. The airworthiness certificate for each airplane certificated hereunder shall bear the following legend: "This certificate is issued pursuant to Special Civil Air Regulation SR-403A and is valid only for operations conducted within the Trust Territory of the Pacific Islands and between these islands and the island of Guam by the Trust Territory Government or by an air carrier or commercial operator under contract with the Trust Territory Government."

3. The operations referred to herein shall be conducted in accordance with Part 42 of the Civil Air Regulations with the exception of § 42.21(a)(15), § 42.30 to the extent necessary to permit the use of military overhauled parts and supplies, and of those provisions which are inconsistent with the requirements of Part 4b for which noncompliance is authorized herein: *Provided,* That appropriate Bureau of Flight Standards personnel shall establish operating limitations consistent with the standards established herein.

4. The air carrier operating certificate or commercial operator certificate of any contractor selected by the Trust Territory Government shall be amended to the extent necessary to permit the use of said Grumman SA-16A airplanes in operations conducted pursuant to the terms of the contract.

This Special Civil Air Regulation shall become effective on August 9, 1960, and supersedes Special Civil Air Regulations Nos. SR-364, SR-364A, and SR-403.

(Secs. 313(a), 601, 603, 604, 605; 72 Stat. 752, 775, 776, 778; 49 USC 1354, 1421, 1423, 1424, 1425)

Issued in Washington, D.C., on August 4, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-7385; Filed, Aug. 8, 1960; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 285; Amdt. 33]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

TSO-C9C Automatic Pilots

Proposed § 514.19 establishing minimum performance standards for automatic pilots used in civil aircraft of the United States was published in 25 F.R. 1637.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Several comments in the nature of suggested clarifications were received. All were evaluated and those which were considered pertinent have been incorporated in the adopted rule. Objections were received to including the requirement for a visual means to indicate when the automatic pilot is not engaged to the airborne navigation reference and to requiring the range and rating to be marked on each component. These are considered necessary in the interest of safety on the basis of service experience. However the wording has been clarified.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.19 is amended as follows:

§ 514.19 Automatic pilots—TSO-C9c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for automatic pilots to maintain flight and/or to provide maneuvering about the three axes through servo control which specifically are required to be approved for use in civil aircraft of the United States. New models of autopilots manufactured for such use on or after September 15, 1960, shall meet the standards set forth in SAE Aeronautical Standard AS-402A, "Automatic Pilots," dated February 1, 1959,[1] with the exceptions listed in subparagraph (2) of this paragraph and the additions listed in subparagraph (3) of this paragraph. Automatic pilots approved by the Administrator prior to September 15, 1960, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Conformance with the following section is not required: 3.1, 3.1.1, 3.1.2, 3.2.

(ii) Substitute the following for section 7.: "Performance tests: The following tests, in addition to any others deemed necessary by the manufacturer, shall be the basis for determining compliance with the performance requirements of this standard."

(3) *Additions.* In addition to the means of indication specified in § 4.3 of AS-402A, the following shall be included:

(i) *Power malfunction indication.* Means shall be provided to indicate readily to the pilot in a positive manner when each phase of the primary power (voltage and/or current) to the automatic pilot is not adequate for safe operation.

(ii) *Airborne navigation reference indication.* A visual means shall be provided to indicate readily to the pilot in a positive manner when the automatic pilot is not engaged to the airborne navigation reference.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

(b) *Marking.* In addition to the markings required in § 514.3, range and/or rating if definable shall be shown on each component of the system.

(c) *Data requirements.* One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.:

(1) Manufacturer's operating instructions

(2) Manufacturer's typical installation instructions

(3) Exploded views for each major component of the system

(4) Schematic diagrams for each major component and the system

(5) The manufacturer's compliance test report.

(d) *Effective date.* September 15, 1960.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on August 2, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7361; Filed, Aug. 8, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-179]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6218 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 218, and its associated control areas, between Lansing, Mich., and Pontiac, Mich.

The segment of Victor 218 presently extends from the Lansing VOR to the Plains, Mich., intersection (the intersection of the Lansing VOR 091° True and the Flint, Mich., VORTAC 140° True radials) and overlies the site of the Pontiac VOR to be commissioned approximately November 17, 1960, at Lat. 42°42'03" N., Long. 83°31'49" W.

In order to provide more precise navigational guidance along this segment of Victor 218, the Pontiac VOR is being added to the description of this airway. The control areas associated with Victor 218 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Since the change effected by this amendment is minor in nature and does not involve the assignment of additional airspace, notice and public procedures hereon are unnecessary. However, due to the commissioning date of the Pontiac VOR, this amendment will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In the text of § 600.6218 (25 F.R. 2662) "to the INT of the Lansing VOR 091° T and the Flint, Mich., VOR 140° T radials." is deleted and "Pontiac, Mich., VOR; to the INT of the Pontiac VOR 091° True and the Flint, Mich., VORTAC 140° True radials." is substituted therefor.

This amendment shall become effective 0001 e.s.t., November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7367; Filed, Aug. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-124]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On May 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4482) stating that the Federal Aviation Agency proposed to modify the south alternate of VOR Federal airway No. 20 between Houston, Tex., and Lake Charles, La. Additionally, VOR Federal airway No. 70 would be modified between Galveston, Tex., and Lake Charles.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6020 (24 F.R. 10508) "and also a south alternate from the Houston VOR to the Lake Charles VOR via the INT of the Houston VOR 090° and the Lake Charles VOR 241° radials;" is deleted and "and also a S alternate from the Houston VORTAC to the Lake Charles VOR via the INT of the Houston VORTAC 090° True and the Sabine Pass, Tex., VOR 265° True radials, and the Sabine Pass VOR;" is substituted therefor.

2. In the text of § 600.6070 (24 F.R. 10513) "INT of the Galveston VOR 067° and the Lake Charles VOR 241° radials;" is deleted and "Sabine Pass, Tex., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7368; Filed, Aug. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 59-LA-11]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On January 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 813) stating that the Federal Aviation Agency was considering an amendment to § 600.6612 of the regulations of the Administrator which would modify VOR Federal airway No. 1512.

As stated in the notice Victor 1512 presently extends, in part, from Los Angeles, Calif., to Russell, Kans. The Federal Aviation Agency is modifying this segment of Victor 1512 by realigning it via the Ontario, Calif., VOR; intersection of the Ontario VOR 091° True and the Twentynine Palms, Calif., VOR 244° True radials; Twentynine Palms VOR; Needles, Calif., VORTAC; intersection of the Needles VORTAC 077° True and the Drake, Ariz., VOR 274° True radials; Drake VOR; Winslow, Ariz., VOR; Crownpoint, N. Mex., VOR; Taos, N. Mex., VOR; Tobe, Colo., VORTAC; Garden City, Kans., VORTAC; to Russell, Kans., VOR. This modification of Victor 1512 is a portion of a plan to develop a preferential route system to expedite the flow of air traffic operating at intermediate altitudes between the San Francisco/Los Angeles, Calif., and the Kansas City, Mo./Chicago, Ill., terminal areas. The control areas and positive control route segments associated with Victor 1512 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment to such control areas and positive control route segments is necessary.

Due to leasing difficulties, the site for the Taos VOR, as listed in the notice, was not available. The Taos VOR was commissioned June 1, 1960 at Lat. 36°36'29" N, Long. 105°54'43" W. This change is minor in nature since this site is less than three miles south of the location proposed in the notice.

The Aircraft Owners and Pilots Association inquired as to the possibility of relocating the Crownpoint and Taos VOR's to serve instrument approaches to the Gallup and Zia, N. Mex., Airports, respectively. The Zia Airport is no longer carried on Federal Aviation Agency records as a general service airport. The activity records for the Gallup Airport show that 20 instrument approaches were made to that airport during Calendar Year 1959. Since the Crownpoint VOR was planned to serve a particular airway alignment and in view of the small amount of instrument traffic at Gallup, the Federal Aviation Agency does not feel that the relocation of the Crownpoint VOR to a site near Gallup is justified.

The Department of the Air Force submitted objections to the realignment of Victor 1512 based upon the adverse restrictive effects that will result to Air Force operations at March, Norton and Luke Air Force Bases and requested a meeting be held in Los Angeles to attempt a resolution of this problem. Discussions between Federal Aviation Agency Region 4 personnel and the Air Force failed to reach an agreement on the Air Force objections. In analyzing the procedures at March and Norton Air Force Bases, the Federal Aviation Agency finds the only restriction to Air Force operations will be to VFR flight on the airway between the altitudes of 17,000 and 22,000 feet. VFR climbs and descents can be made north and south of the airway. All jet penetrations commence above and enter the airway below the positive control altitudes. All departure procedures from these two bases permit climbs be made without restrictions due to the positive control portion of the airway. The Federal Aviation Agency believes the benefits to be derived from the protection afforded air traffic by the positive control portion of this airway will outweigh the restrictions to VFR traffic in the March and Norton area. The current segregation agreement with Luke Air Force Base specifies that practice jet penetrations utilizing the Drake and Winslow VOR's commence at 25,000 feet; therefore, no adverse effect on this activity is foreseen. In view of the foregoing, this airway segment is being realigned as proposed in the notice.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) the following action is taken:

In the text of § 600.6612 (24 F.R. 10528) "From the Los Angeles, Calif., omnirange station via the intersection of the Los Angeles omnirange 123° and the Long Beach omnirange 287° radials; Long Beach, Calif., omnirange station; Ontario, Calif., omnirange station; Hector, Calif., omnirange station; Goffs, Calif., VOR; Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR; Alamosa, Colo., omnirange station; Lamar, Colo., omnirange station; Russell, Kans., omnirange station;" is deleted and "From the Los Angeles, Calif., VOR via the Ontario, Calif., VOR; INT of the Ontario VOR 091° True and the Twentynine Palms, Calif., VOR 244° True radials; Twentynine Palms VOR; Needles, Calif., VORTAC; INT of the Needles VORTAC 077° True and the Drake, Ariz., VOR 274° True radials; Drake VOR; Winslow, Ariz., VOR; Crownpoint, N. Mex., VOR; Taos, N. Mex., VOR; Tobe, Colo., VORTAC; Garden City, Kans., VORTAC; Russell, Kans., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7369; Filed, Aug. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-33]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On May 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4290) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 488 and its associated control areas between Slate Run, Pa., and Shenandoah, Pa.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are hereby amended as follows:

1. Section 600.6488 is added to read:

§ 600.6488 VOR Federal airway No. 488 (Slate Run, Pa., to Shenandoah, Pa.).

From the Slate Run, Pa., VOR via the Milton, Pa., VORTAC to the INT of the Selinsgrove, Pa., VORTAC 083° True and the Tower City, Pa., VOR 040° True radials.

2. Section 601.6488 is added to read:

§ 601.6488 VOR Federal airway No. 488 control areas (Slate Run, Pa., to Shenandoah, Pa.).

All of VOR Federal airway No. 488.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7366; Filed, Aug. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-4]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation, Modification and Revocation of Reporting Points

The purpose of these amendments to §§ 601.4230, 601.5001 and 601.7001 of the regulations of the Administrator is to revoke designated reporting points that the Federal Aviation Agency has determined are no longer required for air traffic management purposes; designate new reporting points and modify the location of existing designated reporting points. Flight progress reports over designated locations, automatically initiated by pilots, will facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus the actions taken herein reflect this changing need on the part of air traffic control.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 601.4230 (24 F.R. 10595) "the intersection of the east course of the Tallahassee, Fla., radio range and a line bearing 182° True from the Valdosta, Ga., nondirectional radio beacon." is deleted and "the INT of the E course of the Tallahassee, Fla., RR and a line bearing 187° True from the Ray City, Ga., RBN." is substituted therefor.

2. In § 601.5001 (24 F.R. 10597) the following changes are made:

(a) In the text delete:

Sable Intersection: The intersection of the southwest course of the Perrine, Fla., radio range and the center line of the Marathon control area extension (§ 601.1234).

(b) In the text add:

Cleveland, Ohio: Cleveland—Hopkins Airport ILS OM.

Sonora Intersection: The INT of a line bearing 201° True from the Abilene, Tex., RR and a line bearing 299° True from the San Antonio, Tex., RBN.

3. In § 601.7001 (24 F.R. 10606, 9190, 9305; 25 F.R. 3756) the following changes are made:

(a) In the text delete:

Banning Intersection: The intersection of the Ontario, Calif., omnirange 091° True and the March, Calif., omnirange 061° True radials.

Benito Intersection: The intersection of the Paso Robles, Calif., omnirange 336° T and the Salinas, Calif., omnirange 110° T radials.

Campbell Intersection: The intersection of the San Francisco, Calif., omnirange 141° True radial and a line bearing 048° True toward the Evergreen, Calif., nondirectional radio beacon.

Clareville Intersection: The intersection of the Alice, Tex., omnirange 013° True and the Corpus Christi, Tex., 321° True radials.

Marshall, Mo., VORTAC.

Mystic, Ky., VOR.

Modesto, Calif., omnirange station.

Palm Springs INT: The INT of the Thermal, Calif., VOR 340° T and the Twentynine Palms, Calif., VOR 244° T radials.

Richmond INT: The INT of the Oakland, Calif., VOR 330° T with the Sausalito, Calif., VOR direct radial to the Sacramento, Calif., VOR.

Tonopah, Nev., VOR.

Troy, Ill., omnirange station.

Union Pass Intersection: The intersection of the Goffs, Calif., VOR 070° T and the Needles, Calif., VOR 004° T radials.

White Oaks Intersection: The intersection of the Lake Hughes, Calif., omnirange 339° T and the Palmdale, Calif., omnirange 291° T radials.

Wolfiake, Ind., VOR.

(b) In the text add:

Bluefield, W. Va., VOR.

Bolton INT: The INT of the Myrtle Beach, S.C., VOR 033° True and the Wilmington, N.C., VORTAC 263° True radials.

Calvert INT: The INT of the Crestview, Fla., VOR 300° True and the Mobile, Ala., VOR 049° True radials.

County INT: The INT of the Chardon, Ohio, VORTAC 280° True and the Cleveland, Ohio, VORTAC 069° True radials.

Crockett INT: The INT of the Sausalito, Calif., VORTAC 052° True and the Oakland, Calif., VORTAC 004° True radials.

Dalton INT: The INT of the Navarre, Ohio, VORTAC 278° True and the Cleveland, Ohio, VORTAC 153° True radials.

Eagle INT: The INT of the Thermal, Calif., VORTAC 069° True and the Blythe, Calif., VOR 286° True radials.

Emporia INT: The INT of the Franklin, Va., VOR 278° True and the Hopewell, Va., VORTAC 199° True radials.

Fairfield INT: The INT of the Attica, Ohio, VOR 089° True and the Mansfield, Ohio, VORTAC 349° True radials.

Falmouth, Ky., VOR.

Garrett INT: The INT of the Wolfiake, Ind., VOR 082° True, the Fort Wayne, Ind., VORTAC 016° True and the Findlay, Ohio, VOR 289° True radials.

Garrison INT: The INT of the Drummond, Mont., VOR 091° True and the Butte, Mont., VOR 002° True radials.

Hamilton INT: The INT of the Birmingham, Ala., VORTAC 298° True and the Columbus, Miss., VOR 035° True radials.

Hobgood INT: The INT of the Norfolk, Va., VORTAC 229° True and the Wilmington, N.C., VORTAC 012° True radials.

Harvard INT: The INT of the Daggett, Calif., VORTAC 046° True and the Hector, Calif., VORTAC 008° True radials.

Hidden Hills INT: The INT of the Las Vegas, Nev., VORTAC 266° True and the Beatty, Nev., VOR 142° True radials.

Leona, Tex., VOR.

Llano, Tex., VOR.

London, Ky., VORTAC.

Pacific INT: The INT of the Oceanside, Calif., VORTAC 280° True and the San Diego, Calif., VOR 320° True radials.

Park Ridge INT: The INT of the Huguenot, N.Y., VORTAC 129° True and the Wilton, Conn., VOR 237° True radials.

Peach Springs, Ariz., VORTAC.

Perch INT: The INT of the Los Angeles, Calif., VOR 251° True and the Oxnard, Calif., VOR 200° True radials.

Poe INT: The INT of the Nantucket, Mass., VOR 252° True and the Providence, R.I., VOR 149° True radials.

Port Chester INT: The INT of the Wilton, Conn., VOR 214° True and the Huguenot, N.Y., VORTAC 119° True radials.

Pulaski INT: The INT of the Syracuse, N.Y., VORTAC 007° True and the Utica, N.Y., VOR 308° True radials.

Rochelle INT: The INT of the Casanova, Va., VORTAC 233° True and the Gordonsville, Va., VORTAC 329° True radials.

Samsville, Ill., VOR.

Sandberg INT: The INT of the Gorman, Calif., VORTAC 099° True and the Lake Hughes, Calif., VOR 339° True radials.

Shawnee INT: The INT of the West Palm Beach, Fla., VORTAC 266° True and the Biscayne Bay VOR 346° True radials.

Slate Run, Pa., VOR.

Somers INT: The INT of the Putnam, Conn., VORTAC 276° True and the Hartford, Conn., VOR 012° True radials.

Sonora INT: The INT of the San Angelo, Tex., VOR 091° True and the San Antonio, Tex., VORTAC 300° True radials.

Stansbury INT: The INT of the Salt Lake City, Utah, VORTAC 265° True and the Ogden, Utah, VOR 212° True radials.

Stockton, Calif., VORTAC.

Tarentum INT: The INT of the Imperial, Pa., VORTAC 074° True and the Elwood City, Pa., VORTAC 122° True radials.

Taylor INT: The INT of the San Antonio, Tex., VORTAC 290° True and the San Angelo, Tex., VOR 191° True radials.

Turlock INT: The INT of the Fresno, Calif., VOR 322° True and the Castle, Calif., VOR 010° True radials.

Urbana INT: The INT of the Rosewood, Ohio, VORTAC 123° True and the Dayton, Ohio, VORTAC 068° True radials.

West Bangor INT: The INT of the Montreal, Que., VOR 211° True and the Massena, N.Y., VOR 115° True radials.

West Point INT: The INT of the Poughkeepsie, N.Y., VOR 220° True and the Wilton, Conn., VOR 295° True radials.

Zanesville, Ohio, VOR.

(c) In the text, the following intersections are amended to read:

Scottdale INT: The INT of the Pittsburgh, Pa., VORTAC 120° True and the Morgantown, W. Va., VORTAC 019° True radials.

Murphy INT: The INT of the Chattanooga, Tenn., VORTAC 088° True and the Atlanta, Ga., VORTAC 009° True radials.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7370; Filed, Aug. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 60-HO-6]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1380 of the regulations of the Administrator is to modify the Kaneohe, Hawaii, control area extension.

The present description of the Kaneohe control area extension does not exclude the Kahuku, Oahu, Hawaii, Restricted Area (R-324). Since this restricted area has not been designated as control area, it is necessary to exclude it from the Kaneohe control area extension during the restricted area's time of designation. Such action is taken herein.

Since this amendment imposes no additional burden on any person, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In § 601.1380 (24 F.R. 10566) "excluding that airspace which overlaps warning area W-318 and excluding the airspace below 3,000 feet mean sea level lying within restricted area R-323" is deleted and "the portions of this control area extension which lie within the geographical limits of, and between the designated altitudes of, the Kahuku Point, Oahu, Restricted Area (R-323), the Kahuku, Oahu, Restricted Area (R-324) and the Kaena Point, Oahu, Warning Area (W-318) are excluded during the restricted area's and warning area's times of designation" is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 2, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7362; Filed, Aug. 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-32]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On May 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4652) stating that the Federal Aviation Agency proposed to modify the Jackson, Miss., control zone by redesignating the north extension and reducing the size of the northeast extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2148 (24 F.R. 10578) is amended to read:

§ 601.2148 Jackson, Miss., control zone.

Within a 5-mile radius of the geographical center of the Hawkins Airport (Lat. 32°20'01" N., Long. 90°13'19" W.); within 2 miles either side of the N course of the Jackson RR extending from the 5-mile radius zone to 12 miles N of the RR; and within 2 miles either side of the 195° True radial of the Jackson VORTAC, extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7363; Filed, Aug. 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-7]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On May 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4087) stating that the Federal Aviation Agency was considering an amendment to § 601.2248 of the regulations of the Administrator which would modify the San Antonio, Tex. (International Airport) control zone.

As stated in the notice, the San Antonio control zone is presently designated within a 5-mile radius of the San Antonio Airport and within 2 miles either side of the north course of the San Antonio radio range to the Cibolo Creek, Tex., fan marker. The Federal Aviation Agency is modifying the control zone by revoking the north control zone extension based on the San Antonio radio range and the Cibolo Creek fan marker and by designating extensions to the north and northwest. This action will result in the San Antonio, Tex., control zone being designated within a 5-mile radius of the San Antonio International Airport, Lat. 29°31'50" N, Long. 98°28'12" W, and within 2 miles either side of the San Antonio VOR 184° True radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the San Antonio No. 2 ILS localizer NW course extending from the 5-mile radius zone to a point at Lat. 29°36'26" N, Long. 98°34'14" W (site of the San Antonio International Airport ILS outer marker).

The Department of the Air Force and the Air Transport Association of America concurred in the proposed amendment. The Aircraft Owners and Pilots Association concurred with the revocation of the control zone extension to the north based on the radio range. However, they stated the need for the extension to the northwest was not understood and that it was not in accordance with criteria for establishment of instrument landing systems known to AOPA because the outer marker was located at a distance of approximately 8 miles from the end of instrument runway 12/30.

The northwest end of runway 12/30 has been extended and the total length of the runway is now 8500 feet. With this extension, the outer marker will be located 6.7 statute miles from the end of runway 12. The Federal Aviation Agency has approved an ILS instrument approach for runway 12 that authorizes a minimum altitude of 2600 feet MSL (1550 feet above ground) over the outer marker and 1028 feet MSL (172 feet above ground) over the middle marker. Therefore, the Federal Aviation Agency considers the extension to the northwest from the 5-mile zone to the outer marker necessary for the protection of aircraft maneuvering below 1000 feet above the terrain. Since the runway extension is not shown on the latest aeronautical charts, and the ILS instrument approach procedure was not published at the time of publication of the notice, it is assumed that this was the reason for the misunderstanding of the need for the northwest control zone extension by AOPA.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2248 (25 F.R. 378) is amended to read:

§ 601.2248 San Antonio, Tex., control zone (International Airport).

Within a 5-mile radius of the geographical center of the San Antonio International Airport (Lat. 29°31'50" N, Long. 98°28'12" W); within 2 miles either side of the San Antonio VORTAC 184° True radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the San Antonio No. 2 ILS localizer NW course extending from the 5-mile radius zone to the LOM.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7364; Filed, Aug. 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-31]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On May 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4652) stating that the Federal Aviation Agency proposed to modify the Birmingham, Ala., control zone by revoking the north extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2133 (24 F.R. 10577) is amended to read:

§ 601.2133 Birmingham, Ala., control zone.

Within a 5-mile radius of the geographical center of the Birmingham Airport (Lat. 33°33'56" N, Long. 86°45'05" W) and within 2 miles either side of the ILS localizer SW course extending from the 5-mile radius zone to the ILS OM.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 1, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7365; Filed, Aug. 8, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 456; Amdt. 177]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or cancelled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662,) I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedures hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Spartanburg BVOR	SPA-LFR	200—8.3	2300	T-dn C-dn A-dn	300–1 400–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2

Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2100′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 068°—1.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles, climb to 2300′ on NE crs SPA LFR within 20 miles.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev., 816′; Fac. Class., SBRAZ; Ident., SPA; Procedure No. 1, Amdt. 9; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 8; Dated, 8 Jan. 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
IND-VOR	LOM	Direct	2000	T-dn C-dn S-dn-4 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2
IND-LFR	LOM	Direct	2000				

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 044°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 2900′ on E crs IND-LFR to Greenfield Int, or as directed by ATC: 1. Climb to 2200′ on S crs IND-LFR within 20 miles. 2. Make left turn, climb to 2000′ and proceed to LOM.

City, Indianspolis; State, Ind.; Airport Name, Weir Cook; Elev., 796′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 4; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 3; Dated, 6 Feb. 60

LGB LFR	LOM	Direct	1500	T-dn*	300–1	300–1	200–½
Huntington Beach FM	LOM (final)	Direct	1500	C-dn	500–1	600–1	600–2
San Pedro Int	LOM	Direct	1500	S-dn-30	500–1	500–1	500–1
LGB VOR	LOM	Direct	1500	A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn S side of SE crs, 120° Outbnd, 300° Inbnd, 1500′ within 10 mi. of LOM. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 300°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM, climb to 800′ on 300° brng from LOM; turn left, climb on 200° heading to interception of 160° crs from LAX RBn and proceed to San Pedro Int at 2500′ or, when directed by ATC, climb to 800′ on NW crs LGB LFR, reverse crs to left and return to LOB LFR at 1500′.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500′ hill with oil derricks one mile south of airport. All circling and maneuvering shall be accomplished north of field.
*300–1 required for takeoff Runways 16L, 25L, 34R; 600–1½ required for takeoff Rwy 16R.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 50′; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 16; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 15; Dated, 15 Aug. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SPA-LFR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
SPA-VOR	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Buffalo Int	LOM	Direct	2000	S-dn-4	400–1	400–1	400–1
Mauldin Int	LOM	Direct	2100	A-dn	800–2	800–2	800–2
Woodruff Int	LOM	Direct	2000				

Procedure turn East side SW crs, 224° Outbnd, 044° Inbnd, 2100′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 044°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2300′ on crs 044° within 20 miles or, when directed by ATC, climb to 2300′ on crs 044°, then turn left and proceed direct to SPA VOR.
CAUTION: Tower 1338′ 3 mi NW of airport and tower 1070′ 3 mi NE.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev., 816; Fac. Class., LOM; Ident., SP; Procedure No. 1, Amdt. 1; Eff. Date, 20 Aug. 60; Sup. Amdt. No. Orig.; Dated, 11 June 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Alexandria LFR	AXN-VOR	Direct	2600	T-dn C-dn S-dn A-dn	300–1 600–2 600–2 800–2	300–1 600–2 600–2 800–2	200–½ 600–2 600–2 800–2

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2600′ within 10 mi.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 224°—8.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 mi, climb to 2600′ on R224 within 20 mi, make left turn and return to VOR station.
CAUTION: Tank 1535′ MSL located 1 mi N of airport. Radio tower 1573′ MSL located 1½ mi NW of airport. Radio tower 1555′ MSL located 1 mi E of airport.

City, Alexandria; State, Minn.; Airport Name, Municipal; Elev., 1425′; Fac. Class., BVOR; Ident., AXN; Procedure No. 1, Amdt. 4; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 3; Dated, 27 Aug. 55

All directions	MLT-VOR	Direct	MEA	T-dn C-dn A-dn	300–1 1000–1 1000–2	300–1 1000–1 1000–2	300–1 1000–1½ 1000–2

Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 1600′ within 10 miles.
Minimum altitude over the facility on final approach crs, 1100′.
Crs and distance, facility to airport, 315°—7.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.8 miles, make right climbing turn and return to MLT VOR at 1600′. Hold on R-137 within 10 miles of MLT-VOR.
CAUTION: 600′ smoke stacks 0.3 mi WSW of airport.

City, Millinocket; State, Maine; Airport Name, Millinocket Municipal; Elev., 408′; Fac. Class., L-VORW; Ident., MLT; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Aug. 60

All directions	BGR VOR	Direct	MEA	T-d C-d S-d A-d	300–1 1000–1½ NA 1000–2	300–1 1000–1½ NA 1000–2	200–½ 1000–2 NA 1000–2

Procedure turn South side of crs, 252° Outbnd, 072° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 072°—10.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make a left climbing turn to 2500′ on R-078 within 20 miles of BGR VOR.
NOTE: Distance from point of visual contact to airport, 4.5 mi.

City, Old Town; State, Maine; Airport Name, Old Town Municipal; Elev., 126′; Fac. Class., BVOR; Ident., BGR; Procedure No. 1, Amdt. Orig.; Eff. Date, 20 Aug. 60

PROCEDURE CANCELLED, EFFECTIVE 20 AUGUST 1960, OR UPON DECOMMISSIONING OF THE FACILITY.

City, Redmond; State, Oreg.; Airport Name, Roberts Field; Elev., 3077′; Fac. Class., BVOR; Ident., RDM; Procedure No. 1, Amdt. 2; Eff. Date, 1 June 57 Sup. Amdt. No. 1; Dated 29 Oct. 55

Clarksburg FM	SAC-VOR (final)	Direct	1000	T-dn	300–1	300–1	200–½
Isleton Int	SAC-VOR	Direct	1200	C-dn	500–1	600–1	600–1½
Roseville Int	SAC-VOR	Direct	1600	S-dn-2°	400–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Mather AFB radar authorized in accordance with approved Radar patterns.
Procedure turn S side crs, 198° Outbnd, 018° Inbnd, 1200′ within 6 miles. NA beyond Clarksburg FM.
Minimum altitude over facility on final approach crs, 1000′. Minimum altitude over LFR/Z on final approach, 500′.
Crs and distance, facility to airport, 015°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2500′ on R-022 within 20 miles of SAC-VOR or, when directed by ATC, make climbing left turn and climb to 2000′ on R-328 within 20 miles.
CAUTION: 223′ MSL tower between SAC-VOR and LFR.
Major Change: Deletes transition from Sacramento ILS LMM.
*Descent below 500′ MSL not authorized until past SAC LFR on Final.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21′; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. 1, Amdt. 6; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 5; Dated, 15 July 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MCN-LFR	MCN-VOR	Direct	1600	T-dn	300-1	300-1	200-½
Robins Int	MCN-VOR	Direct	1600	C-dn	500-1	500-1	500-1½
				S-dn-13[6]	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 354° Outbnd, 144° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, breakoff point to approach end of Runway 13, 129°—0.22 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right and climb to 1700' on R-324 within 15 miles.
[6]Maintain 1000' MSL inbound until after passing 190° brng to MC LOM. If 190° brng to MC LOM not received, ceiling minima become 600' and descent below 1000' MSL not authorized.
City, Macon; State, Ga.; Airport Name, Cochran; Elev., 354'; Fac. Class., BVORTAC; Ident., MCN; Procedure No. TerVOR-13, Amdt. 1; Eff. Date, 20 Aug. 60; Sup. Amdt. No. Orig.; Dated, 11 June 60

Surge Int	Abeam LPT RBn (final)	092°—8.4	700	T-dn[8]	300-1	300-1	200-½
La Jolla FM/Mt. Dad Int	SAN-VOR R-272 at 5 mi from SAN-VOR.	190°—5.0	1500	C-dn	800-2	800-2	800-2
Coronado RBn/FM	SAN-VOR	Direct	1500	S-dn-9	600-1	600-1	600-1
Jamul RBn	SAN-VOR	Direct	3600	A-dn	800-2	800-2	800-2
Lemon Grove Int	SAN-VOR	Direct	2500				

Procedure turn S side crs, 272° Outbnd, 092° Inbnd, 1500' within 10 miles.
Minimum altitude until abeam Loma Portal RBn, 700'; over VOR, 900'.
Crs and distance, breakoff point to approach end Runwy 9, 092°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right, climb to 2000' on SAN-VOR R-137 to Coronado RBn/FM or, when directed by ATC, If visual contact not established abeam Loma Portal RBn, make left climbing turn, climb to 2500' on SAN-VOR R-325 to Mt. Dad Int or, when directed by ATC, If visual contact not established 1.0 miles after passing Loma Portal RBn or at San Diago VOR (DEG) R-139, make left climbing turn to 2500' on SAN-VOR R-325 to Mt. Dad Int.
Major Change: Deletes transition from Surf Int.
[8]300-1 required for take-off on all runways except 27.
*On La Jolla transition recommended that aircraft cross final approach radial on 190° heading, then execute approximately 270° clockwise turn to Inbnd crs of 092°.
City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15'; Fac. Class., L-VOR; Ident., SAN; Procedure No. TerVOR-9, Amdt. 4; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 3; Dated, 1 Aug. 59

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10 mi fix R-277	0 mi fix R-277	Direct	2300	T-dn	300-1	300-1	300-1
0 mi fix R-040	8.1 mi fix R-040 (Final Arpt)	Direct	1900	C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn S side crs 277° Outbnd, 097° Inbnd, 2300' within 10 miles. Procedure authorized without DME, but procedure turn required.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 040°—8.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.1 mi turn left, climb to 3000' on N crs OKC-1LS within 20 miles or, when directed by ATC, climb to 3000', turn left, proceed to OKC-VOR via R-037.
NOTE: When authorized by ATC, DME may be used within 10 miles at 2400' orbiting altitude to position aircraft for a final approach, with elimination of procedure turn.
This procedure not approved for air carrier. No weather or communications available at this airport.
City, Oklahoma City; State, Okla.; Airport Name, Tulakes; Elev., 1302'; Fac. Class., BVOR-DME; Ident., OKC; Procedure No. VOR-DME-Arpt #1, Amdt 1; Eff. Date, 20 Aug. 60; Sup. Amdt. No. Orig.; Dated, 7 May 60

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CPR LFR	LOM	Direct	7000	T-dn	300-1	300-1	200-½
CPR VOR	LOM	Direct	7500	C-dn	500-2	500-2	500-2
Alcova Int	LOM	Direct	7000	S-dn-7	200-½	200-½	200-½
Glenrock Int	LOM	Direct	7000	A-dn	800-2	800-2	800-2
Int R-201 CPR and ILS W crs	LOM	Direct	7000				

Procedure turn S side W crs, 254° Outbnd, 074° Inbnd, 7000' within 5 mi LOM. Beyond 5 mi NA.
Minimum altitude at G.S. Int inbnd, 7000'.
Altitude of G.S. and distance to appr end of rnwy at OM, 6686'—3.9 mi; at MM, 5648'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 7500' on E crs of ILS within 20 miles of LMM or when directed by ATC, climb to 7500' on N crs CPR LFR within 20 miles.
CAUTION: 6719' MSL terrain 15 mi W LOM.
City, Casper; State, Wyo.; Airport Name, Casper Air Terminal; Elev., 5348'; Fac. Class., ILS; Ident., CPR; Procedure No. ILS-7, Amdt. 5; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 4; Dated, 20 Dec. 58

FAT LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
FAT VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Bowles Int	LOM	Direct	2000	S-dn-29[8]	200-½	200-½	200-½
Fowler Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2

Procedure turn *S side of crs, 109° Outbnd, 289° Inbnd, 2000' within 7 miles of LOM. Beyond 7 mi NA.
Minimum altitude at G.S. Int inbnd, 1500'.
Altitude of G.S. and distance to approach end of Rnwy at OM, 1440'—4.0 mi; at MM, 516'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb Northwestbound on FAT-VOR R-130 to FAT-VOR. Continue climb to 1700' on R-305 within 20 miles or, when directed by ATC, climb to 1500' on NW crs ILS, turn left and climb to 2000' on W crs of FAT-LFR within 20 mi.
[8]400-¾ required with glide slope inoperative. 400-1 required when only localizer and either the outer marker or outer compass locator operative.
*Nonstandard due to high terrain to North.
City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331'; Fac. Class., ILS; Ident., FAT; Procedure No. ILS-29, Amdt. 10; Eff. Date, 20 Aug. 60; Sup. Amdt. No. 9; Dated, 10 Mar. 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 21, 1960.

B. PUTMAN,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6963; Filed, Aug. 8, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2169]

UTAH

Modification of Grazing District Boundaries; Utah Grazing Districts Nos. 3, 4, 5, 7 and 11

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, Departmental Orders establishing and defining the exterior boundaries of Utah Grazing Districts Nos. 3, 4, 5, 7 and 11, are hereby modified as follows:

1. The following-described lands are eliminated from Utah Grazing District No. 3, established by Departmental Order dated April 8, 1935, and are added to Utah Grazing District No. 4:

SALT LAKE MERIDIAN

T. 31 S., R. 10 W.,
Sec. 33, S½SE¼ and SE¼SW¼;
Sec. 34, S½;
Sec. 35, W½SW¼, SE¼SW¼ and S½SE¼.
T. 32 S., R. 10 W.,
Sec. 2, lot 4;
Sec. 3, lots 1 to 4, inclusive, S½NW¼ and N½SW¼;
Sec. 4, lots 1 to 4, inclusive S½N½ and N½SE¼;
Sec. 5, lot 1.
T. 31 S., R. 11 W.,
Sec. 20, S½S½;
Sec. 21, S½SW¼;
Sec. 28, NW¼;
Sec. 29, N½NE¼ and NE¼NW¼.
T. 31 S., R. 12 W.,
Sec. 1, lots 5 and 12 and W½SW¼;
Secs. 2 to 11, inclusive;
Sec. 12, W½;
Sec. 13, W½, W½E½ and E½SE¼;
Secs. 14, 15 and 16;
Sec. 21, N½N½;
Sec. 22, N½N½ and SE¼NW¼;
Sec. 23, N½N½ and SE¼NE¼;
Sec. 24, N½N½ and S½NE¼.
T. 30 S., R. 15 W.,
Secs. 31 and 32;
Sec. 33, S½N½ and S½.
T. 30 S., R. 16 W.,
Sec. 19;
Sec. 20, W½W½, SE¼NW¼, E½SW¼ and SE¼;
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, SW¼;
Sec. 25, SW¼NW¼, SW¼ and SW¼SE¼;
Secs. 26 to 36, inclusive.
T. 30 S., R. 17 W.,
Sec. 23, SE¼;
Secs. 24 and 25;
Sec. 26, E½, SW¼ and S½NW¼;
Sec. 27, S½S½;
Secs. 31 to 36, inclusive.
T. 28 S., R. 18 W.,
Sec. 29, W½W½ and SE¼SW¼;
Secs. 30 and 31;
Sec. 32, W½W½ and NE¼NW¼.
T. 29 S., R. 18 W.,
Sec. 5, lot 4, S½NW¼, SW¼;
Sec. 6, lots 1 through 4, SE¼NW¼, S½NE¼, N½ SE¼;
Sec. 8, NE¼NW¼, NE¼ and NE¼SE¼;
T. 30 S., R. 18 W.,
Sec. 3;
Sec. 4, lots 1, 2 and 3, SE¼NW¼, S½NE¼, N½SE¼ and SE¼SE¼;
Sec. 9, E½NE¼ and NE¼SE¼;
Sec. 10;
Sec. 15, N½N½, SW¼NW¼, S½NE¼, SE¼ and E½SW¼;
Sec. 22, E½NW¼;
Sec. 34, SE¼NW¼, SE¼ and S½NE¼;
Sec. 35, S½N½ and S½;
Sec. 36.
T. 28 S., R. 19 W.,
Sec. 12, SW¼SW¼;
Sec. 24, W½W½;
Sec. 25, NE¼, E½NW¼, NW¼SE¼ and E½SE¼;
Sec. 36, E½NE¼.

2. The following-described lands are eliminated from Utah Grazing District No. 4, established by Departmental Order

dated April 8, 1935, and are added to Utah Grazing District No. 3:

SALT LAKE MERIDIAN

T. 29 S., R. 6 W.,
Sec. 18, that part south of the Beaver River;
Secs. 19, 30, 31 and 32.
T. 30 S., R. 6 W.,
Secs. 5 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 29 S., R. 7 W.,
Secs. 13, 21, 22, 23 and 24, those parts south of the Beaver River;
Secs. 25, 26 and 27;
Secs. 28, 29 and 30, those parts south of the Beaver River;
Secs. 31 to 36, inclusive.
T. 30 S., R. 7 W.,
Secs. 1 to 26, inclusive;
Sec. 27, N½;
Secs. 28 to 30, inclusive;
Sec. 31, lots 1 through 3, E½NW¼, NE¼ SW¼, NE¼, N½SE¼;
Sec. 32, N½;
Sec. 33, NW¼, N½SW¼, NW¼SE¼ and W½NE¼;
Sec. 35, E½ and E½NW¼;
Sec. 36.
T. 29 S., R. 8 W.,
Secs. 25 to 31, inclusive, those parts south of the Beaver River;
Sec. 32;
Secs. 33 to 36, inclusive, those parts south of the Beaver River;
T. 30 S., R. 8 W.,
Secs. 1 to 6, inclusive;
Sec. 7, lots 1 through 6, E½NW¼, NE¼ SW¼ and E½;
Secs. 8 to 16, inclusive;
Sec. 17, NE¼ and E½SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, E½, E½W½ and NW¼NW¼;
Secs. 22 to 27, inclusive;
Sec. 28, E½, E½W½ and SW¼SW¼;
Sec 33, lots 2 through 4, E½NW¼, NE¼ SW¼, N½SE¼ and NE¼;
Secs. 34, 35 and 36.
T. 31 S., R. 6 W.,
Sec. 1, lots 2 to 6, inclusive;
Sec. 2, lots 1 to 12, inclusive, SW¼ and NW¼SE¼;
Sec. 3;
Sec. 4, lots 1, 2, 7, 8, 9 and 10, SE¼ and SE¼SW¼;
Sec. 8, SW¼SE¼ and E½SE¼;
Secs. 9 and 10;
Sec. 11, W½NW¼ and NW¼SW¼;
Sec. 15, N½, SW¼, N½SE¼ and SW¼ SE¼;
Sec. 16;
Sec. 17, E½, SE¼NW¼, E½SW¼ and SW¼SW¼;
Sec. 19, lots 2 and 3, SE¼NW¼, S½NE¼, NE¼SW¼, N½SE¼;
Sec. 20, N½, N½S½ and S½SE¼;
Sec. 21;
Sec. 29, NW¼, W½NE¼ and NW¼SW¼;
Sec. 28, NW¼, and N½NE¼;
Sec. 29, NE¼NE¼.
T. 29 S., R. 9 W.,
Sec. 36, that part south of the Beaver River.
T. 30 S., R. 9 W.,
Sec. 1, lots 1 and 2, S½NE¼, SE¼, E½ SW¼, those parts of lot 3 and SE¼ NW¼ east of the Beaver River;
Sec. 12, N½NE¼, SE¼NE¼ and NE¼ SE¼.
T. 31 S., R. 9 W.,
Sec. 10, S½S½;
Sec. 11, SW¼SW¼;
Sec. 13, S½SW¼;
Sec. 14, W½NW¼, SE¼NW¼ and S½;
Sec. 15;
Sec. 16, NE¼, SE¼NW¼ and S½;
Sec. 17, SE¼SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, SE¼NW¼, NE¼ and S½;
Sec. 21, NW¼, N½NE¼ and N½SW¼;
Sec. 23, E½NW¼ and NE¼;
Sec. 24, N½ and N½S½;
Sec. 29, NW¼, N½NE¼ and N½SW¼;
Sec. 30, E½E½, SW¼NE¼, W½SE¼ and E½SW¼;
Sec. 31, lots 2, 3 and 4, inclusive, E½W½ and E½.
T. 32 S., R. 9 W.,
Sec. 6, lots 2, 3, 4 and 5, inclusive, SE¼ NW¼ and SW¼NE¼.
T. 31 S., R. 10 W.,
Sec. 31, lots 1, 2, 3 and 4, inclusive, SE¼ NW¼, SW¼NE¼, E½SW¼ and SE¼;
Sec. 32, SW¼ and SW¼SE¼;
Sec. 36, SE¼SW¼, SE¼ and SE¼NE¼.
T. 32 S., R. 10 W.,
Sec. 6, lots 3 and 4.
T. 31 S., R 11 W.,
Sec 19, lot 3;
Sec. 27, SW¼SE¼ and S½SW¼;
Sec. 28, SE¼;
Sec. 33, N½NE¼;
Sec. 34, N½N½ and SE¼NE¼;
Sec. 35, S½N½ and S½;
Sec. 36.
T. 32 S., R. 11 W.,
Sec. 1, lots 1 through 4, S½N½ and SW¼;
Sec. 2.
T. 31 S., R. 13 W.,
Sec. 1, lots 2, 3, 4 and 5, inclusive;
Sec. 2, lots 1 to 12, inclusive, SW¼ and N½SE¼;
Secs. 3 to 9, inclusive;
Sec. 10, W½, NE¼ and N½SE¼;
Sec. 11, N½NW¼;
Sec. 15, N½NW¼;
Sec. 16, N½, SW¼ and N½SE¼;
Secs. 17, 18 and 19, inclusive;
Sec. 20, W½, NE¼ and N½SE¼;
Sec. 21, N½NW¼;
Sec. 29, N½NW¼;
Sec. 30, lots 1, 2, 3 and 4, inclusive, E½W½, NE¼ and N½SE¼;
Sec. 31, lot 1, and NE¼NW¼.
T. 31 S., R. 14 W.,
Sec. 1;
Sec. 2, lots 1, 2, 7, 8, 9, 10, 15 and 16, SE¼ and SW¼;
Sec. 6, lots 2 to 7, inclusive, lots 11 to 14, inclusive; lots 17 and 18, and NE¼SW¼;
Sec. 7, lot 1;
Sec. 11, N½N½, S½NE¼ and SE¼NW¼;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 36, N½, SW¼ and N½SE¼.
T. 31 S., R. 15 W.,
Sec. 1;
Sec. 2;
Sec. 3, lots 1 to 11, inclusive, lots 15 and 16, N½SE¼;
Sec. 11, N½N½, S½NE¼ and NE¼SE¼;
Sec. 12, N½, N½SW¼ and NW¼SE¼.
T. 26 S., R. 19 W.,
Sec. 19, lots 2, 3 and 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 20, S½NW¼ and S½;
Sec. 21, SW¼ and S½SE¼;
Sec. 22, S½SW¼.
Sec. 26, W½SW¼;
Sec. 27, W½NE¼, SE¼NE¼, W½ and SE¼;
Secs. 28 to 34, inclusive;
Sec. 35, W¼W½.
T. 27 S., R. 19 W.,
Secs. 3 to 5, inclusive;
Sec. 6, lots 1 to 6, inclusive, SE¼NW¼, S½NE¼, SE¼ and NE¼SW¼;
Sec. 7, NE¼;
Secs. 8 to 10, inclusive;
Sec. 14, SW¼NW¼ and SW¼;
Secs. 15 and 16;
Sec. 17, E½ and E½NW¼;
Sec. 20, E½NE¼;
Secs. 21 and 22;
Sec. 23, W½, W½E½ and E½SE¼;
Secs. 26 and 27;
Sec. 28, E½ and E½NW¼;
Sec. 33, E½NE¼;
Sec. 34, E½, E½W½, W½NW¼ and NW¼SW¼;
Sec. 35;
Sec. 36, W½W½ and SE¼SW¼.
T. 28 S., R. 19 W.,
Sec. 1, lot 3, SE¼NW¼ and E½SW¼.
T. 26 S., R. 20 W.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 27 S., R. 20 W.,
Sec. 1, lots 1, 2, 3 and 4, inclusive, S½N½ and N½S½;
Sec. 2, lots 1 to 6, inclusive.

3. The following-described lands are eliminated from Utah Grazing District No. 4, established by Departmental Order dated April 8, 1935, and are added to Utah Grazing District No. 5:

SALT LAKE MERIDIAN

T. 31 S., R. 5 W.,
Sec. 11, E½ and SW¼;
Secs. 12, 13 and 14;
Sec. 15, E½ and E½SW¼;
Sec. 21, SE¼, E½SW¼ and N½;
Secs. 22 to 27, inclusive;
Sec. 28, NE¼ and E½SE¼;
Sec. 34, N½NW¼ and E½;
Sec. 35;
Sec. 36.
T. 32 S., R. 5 W.,
Sec. 1, unsurveyed;
Sec. 2, unsurveyed;
Sec. 3, unsurveyed;
Sec. 11, unsurveyed.

4. The following-described lands are eliminated from Utah Grazing District No. 4, established by Departmental Order dated April 8, 1935, and are added to Utah Grazing District No. 11:

SALT LAKE MERIDIAN

T. 42 S., R. 11 W.,
Sec. 4;
Sec. 5, lots 1, 2, 5, 6 and 7, SW¼NE¼ and W½SE¼;
Secs. 8 and 9;
Sec. 16;
Sec. 21;
Sec. 28.

5. The following-described lands are eliminated from Utah Grazing District No. 5, established by Departmental Order dated May 7, 1935, and are added to Utah Grazing District No. 7:

SALT LAKE MERIDIAN

T. 23 S., R. 4 E.,
Sec. 1, lots 1, 2, 7 and 8, S½NE¼ and SE¼;
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, NE¼ and N½SE¼.
T. 23 S., R. 5 E.,
Sec. 6, lots 2, 3, 4, 5 and 6, SW¼NE¼, NW¼SE¼ and S½SE¼;
Sec. 7;
Sec. 8, SW¼, SW¼NW¼ and SW¼SE¼;
Sec. 15, S½NW¼ and N½S½;
Sec. 16, N½S½ and S½N½;
Secs. 17 and 18;
Sec. 19, lots 1, 2, 3, 4, 5, 6 and 9;
Sec. 20, W½NW¼.
T. 23 S., R. 6 E.,
Sec. 13, SW¼SE¼ and S½SW¼;
Sec. 14, S½S½;
Sec. 15, S½S½;
Sec. 16, S½S½;
Sec. 21, lots 1, 2 and 4 and SE¼SE¼;
Secs. 22 to 27, inclusive;
Sec. 28, NE¼, N½SE¼ and SE¼SE¼;
Sec. 33, SE¼ and SE¼SW¼;
Sec. 34, NE¼, E½NW¼, S½ and SW¼ NW¼;
Secs. 35 and 36.
T. 24 S., R. 6 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1, 2, 3, 4 and 8, SE¼NE¼, NW¼SE¼, E½SE¼ and NE¼SW¼;
Sec. 10, N½N½, S½NE¼, NE¼SE¼ and SE¼NW¼;

Secs. 11 and 12;
Sec. 13, N½N½ and SE¼NE¼.
T. 23 S., R. 7 E.,
Sec. 18, lot 4;
Sec. 19;
Sec. 20, SW¼NW¼ and W½SW¼;
Sec. 28, W½SE¼;
Sec. 29, W½NW¼, W½SE¼ and SW¼;
Secs. 30 to 33, inclusive;
Sec. 34, S½ and S½NW¼;
Sec. 35, SW¼, W½SE¼ and SE¼SE¼.
T. 24 S., R. 7 E.,
Sec. 1, lot 4, SW¼NW¼ and W½SW¼;
Secs. 2 to 11, inclusive;
Sec. 12, W½ and W½E½;
Sec. 13, W½, W½E½ and SE¼SE¼;
Secs. 14 to 16, inclusive;
Sec. 17, N½S½, S½SE¼ and N½;
Sec. 18, lots 1 and 2 and E½NE¼;
Sec. 22, E½NE¼ and NE¼SE¼;
Sec. 23, N½, E½SE¼ and SW¼SE¼;
Sec. 24;
Sec. 25, N½N½;
Sec. 26, NW¼NE¼.
T. 24 S., R. 8 E.,
Sec. 18, unsurveyed;
Sec. 19, unsurveyed;
Sec. 20, unsurveyed;
Sec. 29, unsurveyed;
Sec. 30, unsurveyed.

6. The following-described lands are eliminated from Utah Grazing District No. 7, established by Departmental Order dated May 7, 1935, and are added to Utah Grazing District No. 5:

SALT LAKE MERIDIAN

T. 23 S., R. 5 E.,
Sec. 14, SE¼NW¼ and SW¼NE¼.

7. The following-described lands are eliminated from Utah Grazing District No. 11, established by Departmental Order dated March 30, 1944, and are added to Utah Grazing District No. 4:

SALT LAKE MERIDIAN

T. 32 S., R. 4½ W.,
Secs. 18 and 19;
Secs. 30 and 31.
T. 32 S., R. 5 W.,
Sec. 10, unsurveyed;
Sec. 11, unsurveyed;
Secs. 13 to 15, inclusive.
Sec. 16, unsurveyed;
Sec. 20, unsurveyed;
Sec. 21, unsurveyed;
Sec. 28, unsurveyed;
Sec. 29, unsurveyed;
Sec. 30, unsurveyed;
Sec. 31, unsurveyed;
Sec. 32, unsurveyed;
Sec. 33, partly unsurveyed;
Secs. 34 to 36, inclusive.
T. 33 S., R. 5 W.,
Sec. 3, lots 1, 2, 3 and 4, inclusive; S½ NW¼, SW¼NE¼ and N½SW¼;
Sec. 4, lots 1 through 4, S½N½ and N½S½;
Sec. 5, lots 1 through 6, S½NE¼ and N½S½;
Sec. 6, lots 1 through 9, NE¼SW¼ and N½SE¼.
T. 38 S., R. 8 W.,
Sec. 19;
Sec. 20, S½;
Secs. 29 to 32, inclusive;
Sec. 33, S½;
Sec. 34, SW¼.
T. 39 S., R. 8 W.,
Sec. 3, lots 3 and 4, S½NW¼ and S½;
Secs. 4 to 10, inclusive;
Sec. 15, NW¼ and NW¼NE¼;
Sec. 16, N½ and SW¼;
Secs. 17 to 19, inclusive;
Sec. 20, N½, N½S½ and SW¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30;
Sec. 31, lots 1 through 4, E½W½, NW¼ SE¼ and NE¼.
T. 38 S., R. 9 W.,
Secs. 3 to 10, inclusive;
Sec. 11, W½;
Sec. 13, S½;
Sec. 14, SE¼ and W½;
Secs. 15 to 36, inclusive.
T. 39 S., R. 9 W.,
Secs. 1 to 36, inclusive.
Sec. 16, unsurveyed;
Sec. 20, unsurveyed;
Sec. 21, unsurveyed;
Sec. 28, unsurveyed;
Sec. 29, unsurveyed;
Sec. 30, unsurveyed;
Sec. 31, unsurveyed;
Sec. 32, unsurveyed;
Sec. 33, partly unsurveyed;
Secs. 34 to 36, inclusive.
T. 33 S., R. 5 W.,
Sec. 3, lots 1, 2, 3 and 4, inclusive; S½ NW¼, SW¼NE¼ and N½SW¼;
Sec. 4, lots 1 through 4, S½N½ and N½S½;
Sec. 5, lots 1 through 6, S½NE¼ and N½S½;
Sec. 6, lots 1 through 9, NE¼SW¼ and N½SE¼.
T. 38 S., R. 8 W.,
Sec. 19;
Sec. 20, S½;
Secs. 29 to 32, inclusive;
Sec. 33, S½;
Sec. 34, SW¼.
T. 39 S., R. 8 W.,
Sec. 3, lots 3 and 4, S½NW¼ and S½;
Secs. 4 to 10, inclusive;
Sec. 15, NW¼ and NW¼NE¼;
Sec. 16, N½ and SW¼;
Secs. 17 to 19, inclusive;
Sec. 20, N½, N½S½ and SW¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30;
Sec. 31, lots 1 through 4, E½W½, NW¼ SE¼ and NE¼.
T. 38 S., R. 9 W.,
Secs. 3 to 10, inclusive;
Sec. 11, W½;
Sec. 13, S½;
Sec. 14, SE¼ and W½;
Secs. 15 to 36, inclusive.
T. 39 S., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 40 S., R. 9 W.,
Sec. 1, lots 1 to 4, inclusive, SW¼NW¼;
Sec. 2, lots 1 to 4, inclusive S½N½;
Sec. 3, lots 1 to 4, inclusive, S½N½ and SW¼;
Secs. 4 to 7, inclusive;
Sec. 8, N½N½;
Sec. 9, N½N½;
Sec. 10, N½NW¼;
Sec. 18;
Sec. 19, lots 1 and 2, NE¼NW¼ and N½NE¼.
T. 43 S., R. 11 W.,
Sec. 26;
Sec. 35.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 2, 1960.

[F.R. Doc. 60-7384; Filed, Aug 8, 1960; 8:48 a.m.]

[Public Land Order 2170]

[Idaho 010166]

IDAHO

Withdrawing Lands for Reclamation Purposes (Burns Creek Dam and Reservoir Area, Minidoka Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Bureau of Reclamation, Department of the Interior, for use in connection with the Burns Creek Dam and Reservoir Area, Minidoka Project:

BOISE MERIDIAN

T. 3 N., R. 42 E.,
Sec. 4, SW¼SE¼SE¼SW¼.
T. 2 N., R. 43 E.,
Sec. 32, lot 4.
T. 3 N., R. 43 E.,
Sec. 31, SE¼NE¼.

The areas described aggregate 59.95 acres.

This order shall be subject to existing withdrawals for power and other purposes so far as they affect any of the above-described lands and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

AUGUST 2, 1960.

[F.R. Doc. 60-7373; Filed, Aug. 8, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

REGULATIONS UNDER THE DEALER RESERVE INCOME ADJUSTMENT ACT OF 1960

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 15-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in paragraph (f), section 5, of the Dealer Reserve Income Adjustment Act of 1960 (74 Stat. 128) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The regulations set forth in paragraph 1 below are hereby prescribed under paragraph (f), section 5, of the Dealer Reserve Income Adjustment Act of 1960, approved May 13, 1960. Section 1.481-2 of the Income Tax Regulations (26 CFR 1.481-2) is hereby amended as set forth in paragraph 2 below.

PARAGRAPH 1. The following regulations are hereby prescribed under the Dealer Reserve Income Adjustment Act of 1960, approved May 13, 1960:

Sec.
1.9002 Statutory provisions; Dealer Reserve Income Adjustment Act of 1960 (74 Stat. 124).
1.9002-1 Purpose, applicability, and definitions.
1.9002-2 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 apply.
1.9002-3 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 not apply.
1.9002-4 Election to pay net increase in tax in installments.
1.9002-5 Special rules relating to interest.
1.9002-6 Acquiring corporation.
1.9002-7 Statute of limitations.
1.9002-8 Manner of exercising elections.

§ 1.9002 Statutory provisions; Dealer Reserve Income Adjustment Act of 1960 (74 Stat. 124).

SECTION 1. *Short title.* This Act may be cited as the "Dealer Reserve Income Adjustment Act of 1960".

SEC. 2. *Persons to whom this Act applies.* This Act shall apply to any person who, for his most recent taxable year ending on or before June 22, 1959—

(1) Computed, or was required to compute, taxable income under an accrual method of accounting,

(2) Treated any dealer reserve income, which should have been taken into account (under the accrual method of accounting) for such taxable year, as accruable for a subsequent taxable year, and

(3) Before September 1, 1960, makes an election under section 3(a) or 4(a) of this Act.

SEC. 3. *Election to have section 481 apply—(a) General rule.* If—

(1) For the year of the change (determined under subsection (b)), the treatment of dealer reserve income by any person to whom this Act applies is changed to a method proper under the accrual method of accounting (whether or not such person initiated the change),

(2) Such person makes an election under this subsection, and

(3) Such person does not make the election provided by section 4(a),

then, for purposes of section 481 of the Internal Revenue Code of 1954, the change described in paragraph (1) shall be treated as a change in method of accounting not initiated by the taxpayer.

(b) *Year of change, etc.* In applying section 481 of the Internal Revenue Code of 1954 for purposes of this section, the "year of the change" in the case of any person is—

(1) Except as provided in paragraph (2), the first taxable year ending after June 22, 1959, or

(2) The earliest taxable year (whether the Internal Revenue Code of 1954 or the Internal Revenue Code of 1939 applies to such year) for which—

(A) On or before June 22, 1959—

(i) The Secretary of the Treasury or his delegate issued a notice of deficiency, or a written notice of a proposed deficiency, with respect to dealer reserve income, or

(ii) Such person filed with the Secretary or his delegate a claim for refund or credit with respect to dealer reserve income, and

(B) The assessment of any deficiency, or the refund or credit of any overpayment, whichever is applicable, was not, on June 21, 1959, prevented by the operation of any law or rule of law.

For purposes of this section, section 481 of such Code shall be treated as applying to any year of the change to which the Internal Revenue Code of 1939 applies.

SEC. 4. *Election to have section 481 not apply; payment in installments—(a) General rule.* If a person to whom this Act applies makes an election under this subsection, then for purposes of chapter 1 of the Internal Revenue Code of 1954 (and the corresponding provisions of prior law) a change in the treatment of dealer reserve income to a method proper under the accrual method of accounting shall be treated as not a change in method of accounting in respect of which section 481 of the Internal Revenue Code of 1954 applies. Any election under this subsection shall apply to all taxable years ending on or before June 22, 1959 (whether the provisions of the Internal Revenue Code of 1954 or the corresponding provisions of prior law apply), for which the assessment of any deficiency, or for which refund or credit of any overpayment, whichever is applicable, was not, on June 21, 1959, prevented by the operation of any law or rule of law.

(b) *Election to pay tax in installments—(1) Eligibility.* If the net increase in tax (as defined in paragraph (2)) which results solely from the effect of the election provided by subsection (a) exceeds $2,500, then the taxpayer may elect (at the time the election is made under subsection (a)) to pay in two or more (but not to exceed 10) equal annual installments any portion of such net increase which (on the date of such election) is unpaid.

(2) *Net increase in tax defined.* For purposes of this section, the term "net increase in tax" means the amount (if any) by which—

(A) The sum of the increases in tax (including interest) for all taxable years to which the election applies and which is attributable to the election, exceeds

(B) The sum of the decreases in tax (including interest) for all taxable years to which the election applies and which is attributable to the election.

For purposes of this paragraph, interest for the period before the date of the election shall be computed as provided in chapter 67 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior revenue laws).

(c) *Due date for installments.* If an election is made under subsection (b), the first installment shall be paid on or before the date prescribed by section 6151(a) of the Internal Revenue Code of 1954 for payment of the tax for the taxable year in which the election was made, and each succeeding installment shall be paid on or before the date which is one year after the date prescribed by this subsection for payment of the preceding installment.

(d) *Effect of subsequent redetermination of tax—(1) Redetermination.* If—

(A) The taxpayer makes an election under subsection (b), and

(B) There is a redetermination of the taxpayer's tax for any taxable year to which the election provided by subsection (a) applies,

then the net increase in tax (as defined in subsection (b)(2)) shall be redetermined.

(2) *Effect of increase.* If the redetermination described in paragraph (1)(B) results in an increase in the net increase in tax (as defined in subsection (b)(2)), the resulting increase shall be prorated to all the installments. The part of such resulting increase so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of such resulting increase so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary of the Treasury or his delegate.

(3) *Effect of decrease.* For treatment of a decrease in the net increase in tax as the result of a redetermination described in paragraph (1)(B), see section 6403 of the Internal Revenue Code of 1954 (relating to overpayment of installment).

(e) *Suspension of interest—(1) In general.* If an election under subsection (a) applies and there is a net increase in tax (as defined in subsection (b)(2)), no interest shall be imposed on any underpayment (and no interest shall be paid on any overpayment) attributable to such election for the period beginning on the date of such election and ending on the date prescribed by section 6151(a) of the Internal Revenue Code of 1954 for payment of the tax for the taxable year in which the election was made.

(2) *No interest during installment period.* If an election under subsection (b) applies, no interest shall be imposed for the period on or after the date fixed for payment of the first installment unless payment of unpaid installments is accelerated under subsection (f) or (g).

(3) *Interest where payment is accelerated.* If payment is accelerated under subsection (f) or (g), interest determined in accordance with the provisions of section 6601 of the Internal Revenue Code of 1954 on the entire unpaid tax shall be payable—

(A) If payment is accelerated under subsection (f), from the date of notice and demand provided by such subsection to the date such tax is paid, or

(B) If payment is accelerated under subsection (g), from the date fixed for paying the unpaid installment to the date such tax is paid.

(f) *Termination of installment payment privilege.* The extension of time provided by this section for payment of tax shall cease to apply, and any unpaid installments shall be paid upon notice and demand from the Secretary of the Treasury or his delegate, if—

(1) In the case of a taxpayer who is an individual, he dies or ceases to engage in a trade or business,

(2) In the case of a taxpayer who is a partner, the entire interest of such partner is transferred or liquidated or the partnership terminates, or

(3) In the case of a taxpayer which is a corporation, the taxpayer ceases to engage in a trade or business, unless the unpaid portion of the tax payable in installments is required to be taken into account by the acquiring corporation under section 5(d).

(g) *Failure to pay installment.* If any installment under this section is not paid on or before the date fixed for its payment by this section (including any extension of time for payment of such installment), the unpaid installments shall be paid upon notice and demand from the Secretary of the Treasury or his delegate.

(h) *Suspension of running of periods of limitation.* The running of the periods of limitation provided by section 6502 of the Internal Revenue Code of 1954 (or corresponding provision of prior law) for the collection of any amount of tax payable in installments under this section shall be suspended for the period of any extension of time for payment granted under this section.

SEC. 5. *Definitions; special rules—(a) Dealer reserve income.* For purposes of this Act, the term "dealer reserve income" means—

(1) That part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from customers' finance charges connected with such sales or other dispositions) which is—

(A) Attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property or tangible personal property, and

(B) Held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person or of such customers, or both; and

(2) That part of the consideration—

(A) Derived by any person from a sale described in paragraph (1)(A) in respect of which part or all of the purchase price of the property sold is provided by a financial institution to or for the customer to whom such property is sold, or

(B) Derived by such person from finance charges connected with the financing of such sale, which is held in a reserve account by such financial institution for the purpose of securing obligations of such person or of such customer, or both.

(b) *Financial institution.* For purposes of this Act, the term "financial institution" means any person regularly engaged in the business of acquiring evidences of indebtedness of the kind described in subsection (a)(1), or of financing sales of the kind described in subsection (a)(2), or both.

(c) *Other terms; application of other laws.* Except where otherwise distinctly expressed or manifestly intended, terms used in this Act shall have the same meaning as when used in the Internal Revenue Code of 1954 and all provisions of law shall apply with respect to this Act as if this Act were a part of such Code.

(d) *Acquiring corporation.* In the case of the acquisition of assets of a corporation by another corporation in a distribution or transfer described in section 381(a) of the Internal Revenue Code of 1954, the acquiring corporation shall, for purposes of this Act, be treated as if it were the distributor or transferor corporation.

(e) *Statutes of limitations—(1) Extension of period for assessment and refund or credit.* For purposes of applying sections 3 and 4 of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year was not prevented on June 21, 1959, by the operation of any law or rule of law, but would be so prevented prior to September 1, 1961, the period within which such assessment, or such refund or credit, may be made shall not expire prior to September 1, 1961. An election by a taxpayer under section 3 or 4 of this Act shall be considered as a consent to the application of the provisions of this subsection.

(2) *Years closed by closing agreement or compromise.* For purposes of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year is prevented on the date of an election under section 3 or 4 of this Act by the operation of the provisions of chapter 74 of the Internal Revenue Code of 1954 (relating to closing agreements and compromises) or by the corresponding provisions of the Internal Revenue Code of 1939, such assessment, or such refund or credit, shall be considered as having been prevented on June 21, 1959.

(f) *Regulations.* The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this Act, including regulations relating to—

(1) The application of the provisions of this Act in the case of partnerships, and

(2) The manner in which the elections provided by this Act are to be made.

§ 1.9002-1 Purpose, applicability, and definitions.

(a) *In general.* The "Dealer Reserve Income Adjustment Act of 1960" (approved May 13, 1960) contains transitional provisions relating to adjustments to income resulting from a change in the income tax treatment of dealer reserve income. The purpose of the Act is to provide eligible taxpayers who elect to have its provisions apply with two alternatives for accounting for the adjustments to income resulting from a change to a proper method of reporting dealer reserve income. The Act also provides certain taxpayers with an election to pay in installments any net increase in tax. Eligible taxpayers must make any election under the provisions of the Act prior to September 1, 1960. If any election is made, then the applicable provisions of the Act and §§ 1.9002 to 1.9002-8, inclusive, shall apply.

(b) *Eligibility to elect.* In order to be eligible to make any of the elections provided by the Act, a taxpayer must have, for his most recent taxable year ending on or before June 22, 1959, (1) computed, or been required to compute, taxable income under an accrual method of accounting, and (2) treated dealer reserve income (or portions thereof) which should have been taken into account (under the accrual method of accounting) for such most recent taxable year as accruable for a subsequent taxable year. Thus, the elections provided by the Act are not available to a person who, for his most recent taxable year ending on or before June 22, 1959, reported dealer reserve income under a method proper under the accrual method of accounting or who was not required to compute taxable income under the accrual method of accounting. An election may be made even though the taxpayer is litigating his liability for income tax based upon his treatment of dealer reserve income, whether in The Tax Court of the United States or any other court. He must, however, comply with the provisions of the Act and the regulations thereunder.

(c) *Definitions.* For purposes of the Act and §§ 1.9002 to 1.9002-8, inclusive—

(1) *The Act.* The term "the Act" means the Dealer Reserve Income Adjustment Act of 1960, approved May 13, 1960.

(2) *Dealer reserve income.* The term "dealer reserve income" means—

(i) That part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from customers' finance charges connected with such sales or other dispositions) which is—

(a) Attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property or tangible personal property, and

(b) Held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person or of such customers, or both; and

(ii) That part of the consideration—

(a) Derived by any person from a sale described in subdivision (i)(a) of this subparagraph in respect of which part or all of the purchase price of the property sold is provided by a financial institution to or for the customer to whom such property is sold, or

(b) Derived by such person from finance charges connected with the financing of such sale,

which is held in a reserve account by such financial institution for the purpose of

securing obligations of such person or of such customer, or both. Thus, the term includes amounts held in a reserve account by a financial institution in transactions in which the customer becomes obligated to the institution as well as such amounts so held by a financial institution in transactions in which the taxpayer is the obligee on the contract, note, or other evidence of indebtedness. For purposes of the definition of the term "dealer reserve income" it is immaterial whether or not the taxpayer guarantees the customer's obligation in excess of the reserve retained by the financial institution. The term does not include the consideration derived from transactions relating to the sale of intangible property such as stocks, bonds, copyrights, patents, etc. Further, the term does not include consideration derived by the taxpayer from transactions relating to the sale of property by a person not the taxpayer or to casual sales of property not in the ordinary course of the taxpayer's trade or business.

(3) *Financial institution.* The term "financial institution" means any person regularly engaged in the business of acquiring evidences of indebtedness of the kind described in section 5(a)(1) of the Act, or of financing sales of the kind described in section 5(a)(2) of the Act, or both. It thus includes banking institutions, finance companies, building and loan associations, and other similar type organizations, as well as an individual or partnership regularly engaged in the described business.

(4) *Taxpayer.* The term "taxpayer" means any person to whom the Act applies.

(5) *Other terms.* All other terms which are not specifically defined shall have the same meaning as when used in the Internal Revenue Code of 1954 except where otherwise distinctly expressed or manifestly intended.

§ 1.9002–2 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 apply.

(a) *In general.* Section 3(a) of the Act provides that if the income tax treatment of dealer reserve income by the taxpayer is changed (whether or not such change is initiated by the taxpayer) to a proper method under the accrual method of accounting, then the taxpayer may elect to have such change treated as a change in method of accounting not initiated by the taxpayer to which the provisions of section 481 of the Code apply. This election may be made only when the alternative election under section 4(a) of the Act has not been exercised.

(b) *Year of change.* Where an election has been made under section 3(a) of the Act to have section 481 of the Code apply, then for purposes of applying section 481 of the Code the year of change shall be determined in accordance with the provisions of section 3(b) of the Act. Section 3(b) provides that the year of change is the earlier of (1) the first taxable year ending after June 22, 1959, or (2) the earliest taxable year for which, on or before June 22, 1959,

(i) There was issued a notice of deficiency or written notice of a proposed deficiency attributable to the erroneous treatment of dealer reserve income, or

(ii) The taxpayer filed a claim for refund or credit with respect to the treatment of such income,

and in respect of which the assessment of any deficiency, or the refund or credit of any overpayment, was not prevented on June 21, 1959, by the operation of any law or rule of law. The written notice of proposed deficiency includes a 15- or 30-day letter issued under established procedure or other similar written notification.

(c) *Application to pre-1954 Code years.* If the earliest year described in paragraph (b) of this section is a year subject to the Internal Revenue Code of 1939 in respect of which assessment of any deficiency or refund or credit of any overpayment was not prevented on June 21, 1959, by the operation of any law or rule of law, section 481 of the Internal Revenue Code of 1954 shall be treated as applying in the same manner it would have applied had it been enacted as part of the Internal Revenue Code of 1939.

(d) *Examples.* The operation of this section in determining the year of change may be illustrated by the following examples:

Example (1). D, a taxpayer on the calendar year basis who employs the accrual method of accounting, voluntarily changed to the proper method of accounting for dealer reserve income for the taxable year 1959. A statutory notice of deficiency, however, was issued prior to June 23, 1959, relating to the erroneous treatment of such income for the taxable year 1956, which was the earliest taxable year in respect of which assessment of a deficiency or credit or refund of an overpayment was not prevented on June 21, 1959. Prior to September 1, 1960, D properly exercises his election under section 3 of the Act to have the change in the treatment of dealer reserve income treated as a change in method of accounting not initiated by the taxpayer to which section 481 of the Code applies. Under these facts, 1956 is the year of the change for purposes of applying section 481. Accordingly, the net amount of any adjustment found necessary as a result of the change in the treatment of dealer reserve income which is attributable to taxable years subject to the 1954 Code shall be taken into account for the year of change in accordance with section 481. The net amount of the adjustments attributable to pre-1954 Code years is to be disregarded. The income of each taxable year succeeding the year of change in respect of which the assessment of any deficiency or refund or credit of any overpayment is not prevented will be recomputed under the proper method of accounting initiated by the change.

Example (2). Assume the same facts as set forth in example (1), except that no notice of a proposed deficiency of any type has been issued, and assume further that no claim for refund has been filed. Since there was no earlier year open on June 21, 1959, for which the taxpayer either was notified of a proposed deficiency attributable to the erroneous treatment of dealer reserve income or for which he had filed a claim for refund or credit with respect to the treatment of such income, the year of change is 1959, the first taxable year ending after June 22, 1959. Accordingly, the net amount of any adjustment found necessary as a result of the change in the treatment of dealer reserve income which is attributable to taxable years subject to the 1954 Code shall be taken into account for the year of the change in accordance with section 481. The net amount of the adjustments attributable to pre-1954 Code years is to be disregarded.

Example (3). Assume the same facts as set forth in example (1), except that a refund claim specifying adjustments relative to dealer reserve income was timely filed for the taxable year 1951, which was the earliest taxable year for which a refund or credit of an overpayment or assessment of a deficiency was not prevented on June 21, 1959. Under this factual situation, the year of change for purposes of applying section 481 would be 1951. Section 481 would be applied to 1951 and be given effect for that year in the same manner as it would have applied had it been enacted as a part of the 1939 Code and as if the change to the proper method of accounting had not been initiated by the taxpayer. Any adjustment with regard to dealer reserve income attributable to pre-1951 years is disregarded. The income of each taxable year succeeding the year of change in respect of which the assessment of any deficiency or refund or credit of any overpayment is not prevented will be recomputed under the proper method of accounting initiated by the change.

§ 1.9002–3 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 not apply.

Section 4(a) of the Act provides that if the treatment of dealer reserve income by the taxpayer is changed to a method proper under the accrual method of accounting, then the taxpayer may elect to have such change treated as not a change in method of accounting to which the provisions of section 481 of the Code apply. This election shall apply to all taxable years ending on or before June 22, 1959, for which the assessment of any deficiency, or for which refund or credit of any overpayment, was not prevented on June 21, 1959, by the operation of any law or rule of law. This election may be made only if the alternative election under section 3(a) of the Act has not been exercised. If an election is made under section 4(a) of the Act, taxable income (or net income in the case of a taxable year to which the Internal Revenue Code of 1939 applies) shall be recomputed under a proper method of accounting for dealer reserve income for each taxable year to which the election applies, without regard to section 481.

§ 1.9002–4 Election to pay net increase in tax in installments.

(a) *Election.* If election is made under section 4(a) of the Act and if the net increase in tax determined in accordance with paragraph (b) of this section exceeds $2,500, the taxpayer may also make an election under section 4(b) of the Act prior to September 1, 1960, to pay any portion of such net increase in tax, unpaid on the date of the election, in 2 or more, but not to exceed 10, equal annual installments. If the taxpayer making the election under section 4(a) of the Act is a partnership or a small business corporation electing under subchapter S, chapter 1 of the Code, the determination as to whether the net increase in tax exceeds $2,500 shall be made separately as to each partner or shareholder, respectively, with regard to his individual liability. Thus, if a partnership makes an election under section 4(a) of the Act, and partners A and B had a net increase in tax of $3,000 and $2,000, respectively, as a result of dealer reserve income adjustments to partnership income, partner A may elect under section 4(b) of the Act to pay the net increase in 2 or more, but not exceeding 10, equal annual installments to the extent that such tax was unpaid on the date of the election. Partner B may not make the election since his net increase in tax does not exceed $2,500.

(b) *Net increase in tax.* (1) The term "net increase in tax" means the amount by which the sum of the increases in tax (including interest) for all taxable years to which the election under section 4(a) of the Act applies and which is attributable to the election exceeds the sum of the decreases in tax (including interest) for all taxable years to which the election under such section applies and which is attributable to the election.

(2) In determining the net increase in tax, the tax and interest for each taxable year to which the election applies is computed by taking into account all adjustments necessary to reflect the change to the proper treatment of dealer reserve income. If the computation results in additional tax for a taxable year, then interest is computed under section 6601 of the Code (or corresponding provisions of prior law) on such additional tax for the taxable year involved from the last date prescribed for payment of the tax for such taxable year to the date the election is made. The interest so computed is then added to the additional tax determined for such taxable year. The sum of these two items (tax plus interest) represents the increase in tax for such taxable year. If the computation of the tax after taking into account the appropriate dealer reserve income adjustments results in a reduction in tax for any taxable year to which the election applies, interest under section 6611 of the Code (or corresponding provisions of prior law) is computed from the date of the overpayment of the tax for such year to the date of the election. The amount of the interest so computed is then added to the reduction in tax to determine the total decrease in tax for such year. The net increase in tax is then determined by adding together the total increases in tax for each year to which the election applies and from the resulting total subtracting the sum of the total decreases in tax for each year. If the total increases in tax for all such years do not exceed the total decreases in tax, there is no net increase in tax for purposes of section 4(b) of the Act. For purposes of determining the net increase in tax, net operating losses affecting the computation of tax for any prior taxable year not otherwise affected shall be taken into account.

(c) *Time for paying installments.* If the election under this section is made to pay the unpaid portion of the net increase in tax in installments, the first installment shall be paid on or before the date prescribed by section 6151(a) of the Code for payment of the tax for the taxable year in which such election is made. Each succeeding installment shall be paid on or before the date which is one year after the date prescribed for the payment of the preceding installment.

(d) *Termination of installment privilege—(1) For nonpayment of installment.* The extension of time provided by section 4(b) of the Act for payment of the net increase in tax in installments shall terminate, and any unpaid installments shall be paid upon notice and demand from the district director if any installment under such section is not paid by the taxpayer on or before the date fixed for its payment, including any extension of time for payment of any such installment.

(2) *For other reasons.* The extension of time provided by section 4(b) of the Act for payment of the net increase in tax in installments shall terminate, and any unpaid installments shall be paid upon notice and demand from the district director if—

(i) In the case of an individual, he dies or ceases to engage in any trade or business,

(ii) In the case of a partner, his entire interest in the partnership is transferred or liquidated or the partnership terminates, or

(iii) In the case of a corporation, it ceases to engage in a trade or business, unless the unpaid portion of the tax payable in installments is required to be taken into account by an acquiring corporation under section 5(d) of the Act.

The installment privilege is not terminated under this subparagraph even though the taxpayer terminates the trade or business in respect of which the dealer reserve income is attributable provided the taxpayer continues in a trade or business. Further, the privilege is not terminated by a transfer of a part of a partnership interest so long as the partner retains any interest in the partnership. Also, the privilege is not terminated by a transaction falling within the provisions of section 381(a) of the Code if, under section 5(d) of the Act, the acquiring corporation is required to take into account the unpaid portion of the net increase in tax. In such a case the privilege may be continued by the acquiring corporation in the same manner and under the same conditions as though it were the distributor or transferor corporation.

(e) *Redetermination of tax subsequent to exercise of installment election.* Section 4(d) of the Act provides that where a taxpayer has elected to pay the net increase in tax in installments and thereafter it becomes necessary to redetermine the taxpayer's tax for any taxable year to which the election provided by section 4(a) of the Act applies, then the net increase in tax shall be redetermined. Where the redetermination does not involve adjustments affecting the treatment of dealer reserve income, then the net increase in tax previously computed will not be disturbed. The net increase in tax is limited to the amount of tax computed under section 4(b)(2) of the Act as a result of the change in treatment accorded dealer reserve income. If the redetermination of tax for any taxable year to which the election applies results in an addition to the net increase in tax previously computed, then such addition shall be prorated to all of the installments whether paid or unpaid. The part of the addition, prorated to installments which are not yet due, shall be collected at the same time as, and as a part of, such installments. The part of the addition prorated to installments, the time for payment of which has arrived, shall be paid upon notice and demand from the district director. Under section 4(g) of the Act, failure to make such payment within 10 days after issuance of notice and demand will terminate the installment privilege. The imposition of interest on the addition to the net increase in tax as a result of the redetermination will be determined in the same manner as interest on the previously computed net increase in tax. Thus, no interest will be imposed on the amount of the addition to the net increase in tax prorated to installments not yet due unless the installment privilege is terminated under subsection (f) or (g) of section 4 of the Act. If a reduction in the net increase in tax results from a redetermination of tax for any taxable year to which the election applies, the entire amount of such reduction shall, in accordance with the provisions of section 6403 of the Code (relating to overpayment of installments), be prorated to the installments which are not yet due, resulting in a pro rata reduction in each of such installments. Where the redetermination does not involve adjustments pertaining to dealer reserve income, then any resulting deficiency pertaining to the year to which the election applies will be assessed and collected, in accordance with the applicable provisions of the Code (or corresponding provisions of prior law) without regard to any election made under the Act.

(f) *Periods of limitation.* Section 4(h) of the Act provides that where there is an extension of time for payment of tax under the provisions of section 4(b) of the Act, the running of the periods of limitation provided by section 6502 of the Code (or corresponding provisions of prior law) for collection of such tax is suspended for the period of time for which the extension is granted.

§ 1.9002–5 Special rules relating to interest.

(a) *In general.* Where an election is made under section 4(a) of the Act interest is computed under section 6601 of the Code (or corresponding provisions of prior law) on any increase in tax attributable to such election for each taxable year involved for the period from the last date prescribed for payment of the tax for such year (determined without regard to any extensions of time for filing the return) through the date preceding the date on which the election is made. Where the election under section 4(a) of the Act results in a decrease in tax for any year to which the election applies, interest is computed in accordance with section 6611 of the Code (or corresponding provisions of prior law) from the date of overpayment through the date preceding the date on which the election is made. Where there is a net increase in tax as a result of the election under section 4(a) of the Act, no interest shall be imposed on any underpayment (and no interest shall be paid on any overpay-

ment) attributable to the dealer reserve income adjustment for any year to which the election applies for the period commencing with the date such election is made and ending on the date prescribed for filing the return (determined without regard to extensions of time) for the taxable year in which the election is made. This rule applies regardless of whether the election under section 4(b) of the Act is made. If there is no net increase in tax, interest on any underpayment or overpayment attributable to the dealer reserve income adjustment for any taxable year to which the election applies for the period commencing with the date of the election shall be determined in accordance with §§ 301.6601–1 and 301.6611–1 of this chapter (Regulations on Procedure and Administration).

(b) *Installment period*—(1) *Where payment is not accelerated.* If the election under section 4(b) of the Act is made to pay the net increase in tax in installments, no interest will be imposed on such net increase in tax for the period beginning with the due date fixed under section 4(c) of the Act for the first installment payment and ending with the date fixed under such section for the last installment payment unless payment of the unpaid installments is accelerated under other provisions of the Act. See subsections (f) and (g) of section 4 of the Act.

(2) *Where payment is accelerated.* Where payment of the unpaid installments is accelerated because of the termination of the installment privilege, interest will be computed under section 6601 of the Code on the entire unpaid net increase in tax for the applicable period set forth below:

(i) In the case of acceleration under section 4(f) of the Act for reasons other than nonpayment of an installament, from the date of the notice and demand for payment of the unpaid tax to the date of payment; or

(ii) In the case of acceleration under section 4(g) of the Act for nonpayment of an installment, from the date fixed for payment of the installment to the date of payment.

When payment is accelerated under section 4(f) of the Act, however, no interest will be charged where payment of the unpaid installments is made within 10 days of issuance of the notice and demand for such payment.

§ 1.9002–6 Acquiring corporation.

Section 5(d) of the Act provides that for purposes of such Act in the case of the acquisition of the assets of a corporation by another corporation in a distribution or transfer described in section 381(a) of the Code the acquiring corporation shall be treated as if it were the distributor or transferor corporation.

§ 1.9002–7 Statute of limitations.

(a) *Extension of period for assessment and refund or credit.* Under section 5(e) of the Act, if an election is made to have the Act apply, and if the assessment of any deficiency, or the refund or credit of any overpayment attributable to the election, for any taxable year to which the Act applies was not prevented on June 21, 1959, by the operation of any law or rule of law (except as provided in paragraph (b) of this section, relating to closing agreements and compromises), but would be so prevented prior to September 1, 1961, the period within which such assessment, or such refund or credit, may be made with respect to such taxable year shall not expire prior to September 1, 1961. An election under either section 3 or 4 of the Act will be considered to be a consent to the extension of the period of limitation for purposes of assessment for any year to which the Act applies. Thus, for example, if, as the result of an election under section 4(a) of the Act, assessment of a deficiency for the taxable year 1955 was not prevented by the statute of limitations, a judicial decision that had become final, or otherwise, on June 21, 1959, but would (except for section 5(e) of the Act) be prevented on a later date, as for instance September 1, 1959, then for purposes of applying section 4 of the Act, assessment may be made at any time prior to September 1, 1961, with respect to such year if the taxpayer made an election under the Act prior to September 1, 1960. Section 5(e) of the Act will, in no event, operate to shorten the period of limitation otherwise applicable with respect to any taxable year.

(b) *Years closed by closing agreement or compromise.* For purposes of the Act, if the assessment of any deficiency or a refund or credit of any overpayment for any taxable year was not prevented on June 21, 1959, but is prevented on the date of an election under section 3 or 4 of the Act by the operation of the provisions of chapter 74 of the Code (relating to closing agreements and compromises), assessment, refund, or credit will, nevertheless, be considered as being prevented on June 21, 1959.

§ 1.9002–8 Manner of exercising elections.

(a) *By whom election is to be made*—(1) *In general.* Generally, the taxpayer to whom the Act applies will exercise the elections provided therein. In the case of a partnership or a corporation electing under the provisions of subchapter S, chapter 1 of the Code, the election shall be exercised by the persons specified in subparagraphs (2) and (3) of this paragraph, respectively.

(2) *Partnerships.* In the case of a partnership, the election under section 3 or 4(a) of the Act shall be exercised by the partnership. If an election is made by the partnership under section 4(a) of the Act, any election under section 4(b) of the Act to pay the net increase in tax in installments shall be made by each partner separately. The determination as to whether the net increase in tax resulting from the election under section 4(a) of the Act exceeds $2,500 shall be made with reference to the increase or decrease in the tax of each partner attributable to the adjustment to his distributive share of the partnership income resulting from the election.

(3) *Subchapter S corporations.* In the case of an electing small business corporation under subchapter S, chapter 1 of the Code, the election under section 3 or 4(a) of the Act shall be made by such corporation. An election under section 4(b) of the Act to pay the net increase in tax in installments shall, to the extent the net increase in tax resulting from the election is attributable to adjustments to income for taxable years for which the corporation was not an electing small business corporation, be made by the corporation. The determination as to whether the net increase in tax for such taxable years exceeds $2,500 shall be made with reference to the increase or decrease in tax of the corporation. Any election under section 4(b) of the Act to pay the net increase in tax in installments shall, to the extent the increase in tax is attributable to years for which the corporation was an electing small business corporation, be made by the shareholders separately. The determination in such a case as to whether the net increase in tax for such taxable years exceeds $2,500 shall be made with reference to the increases or decreases in the tax of each shareholder attributable to the adjustments to taxable income of the electing small business corporation resulting from the election.

(b) *Time and manner of making elections*—(1) *In general.* Any election made under the Act shall be made by the taxpayers described in paragraph (a) of this section before September 1, 1960, by filing a statement with the district director with whom such taxpayer's income tax return for the taxable year in which the election is made is required to be filed. A copy of the statement of election shall be attached to and filed with such taxpayer's income tax return for such taxable year.

(2) *Election to have section 481 apply.* An election under section 3 of the Act shall be made in the form of a statement which shall include the following:

(i) A clear indication that an election is being made under section 3 of the Act;

(ii) Information sufficient to establish eligibility to make the election; and

(iii) The year of change as defined in section 3(b) of the Act.

An amended income tax return reflecting the increase or decrease in tax attributable to the election shall be filed for the year of change together with schedules showing how the tax was recomputed under section 481 of the Code. If income tax returns have been filed for any taxable years subsequent to the year of change, amended returns reflecting the proper treatment of dealer reserve income for such years shall also be filed. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the Code, amended returns shall be filed by the partnership or electing small business corporation, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than November 30, 1960. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns.

(3) *Election not to have section 481 apply.* An election under section 4(a) of the Act shall be made in the form of a statement which shall include the following:

(i) A clear indication that an election is being made under section 4(a) of the Act;

(ii) Information sufficient to establish eligibility to make the election; and

(iii) The taxable years to which the election applies.

Amended income tax returns reflecting the increase or decrease in tax attributable to the election shall be filed for the taxable years to which the election applies. If income tax returns have been filed for any subsequent taxable years, amended returns reflecting the proper treatment of dealer reserve income for such years shall also be filed. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the Code, amended returns shall be filed by the partnership or electing small business corporation, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than November 30, 1960. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns.

(4) *Election to pay tax in installments.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph, if the taxpayer making the election under section 4(a) of the Act also desires to make the election under section 4(b) of the Act to pay the increase in tax in installments, then the statement of election shall include the following additional information:

(*a*) A clear indication that an election is also being made under section 4(b) of the Act;

(*b*) A summary of the total increases and decreases in tax, together with interest thereon, in sufficient detail to establish eligibility to make the election; and

(*c*) The number of annual installments in which the taxpayer elects to pay the net increase in tax.

(ii) Where a partnership or electing small business corporation under subchapter S, chapter 1 of the Code, has made an election under section 4(a) of the Act, and any partner or shareholder, as the case may be, desires to make an election under section 4(b) of the Act, a statement of election shall be filed by such partner or shareholder containing the following information:

(*a*) A clear indication that an election is being made under section 4(b) of the Act;

(*b*) A summary of the total increases and decreases in tax, together with interest thereon, of such partner or shareholder in sufficient detail to establish eligibility to make the election;

(*c*) The number of annual installments in which the partner or shareholder elects to pay the net increase in tax; and

(*d*) The office of the district director and the date on which the election under section 4(a) of the Act was filed by such partnership or corporation.

The statement of election under section 4(b) of the Act shall be accompanied by a copy of the statement of election under section 4(a) of the Act made by the partnership or electing small business corporation under subchapter S, chapter 1 of the Code, as the case may be.

(c) *Effect of election.* An election made under section 3 or 4 of the Act shall become irrevocable on September 1, 1960, and shall be binding on the taxpayer for all taxable years to which it applies.

PAR. 2. Paragraph (c)(5) of § 1.481–2 is amended to read as follows:

§ 1.481–2 Limitation on tax.

* * * * * * *

(c) *Rules for computation of tax.* * * *

(5)(i) In the case of a change in method of accounting by a partnership, the adjustments required by section 481 shall be made with respect to the taxable income of the partnership but the limitations on tax under section 481(b) shall apply to the individual partners. Each partner shall take into account his distributive share of the partnership items, as so adjusted, for the taxable year of the change. Section 481(b) applies to a partner whose taxable income is so increasd by more than $3,000 as a result of such adjustments to the partnership taxable income. It is not necessary for the partner to have been a member of the partnership for the two taxable years immediately preceding the taxable year of the change of the partnership's accounting method in order to have the limitation provided by section 481(b)(1) apply. Further, a partner may apply section 481(b)(2) even though he was not a member of the partnership for all the taxable years affected by the computation thereunder.

(ii) In the case of a change in method of accounting by an electing small business corporation under subchapter S, chapter 1 of the Code, the adjustments required by section 481 shall be made with respect to the taxable income of such electing corporation in the year of the change, but the limitations on tax under section 481(b) shall apply to the individual shareholders. Section 481(b) applies to a shareholder of an electing small business corporation whose taxable income is so increased by more than $3,000 as a result of such adjustments to such corporation's taxable income. It is not necessary for the shareholder to have been a member of the electing small business corporation, or for such corporation to have been an electing small business corporation, for the two taxable years immediately preceding the taxable year of the change of the corporation's accounting method in order to have the limitation provided by section 481(b)(1) apply. Further, a shareholder may apply section 481(b)(2), even though he was not a shareholder, or the corporation was not an electing small business corporation, for all the taxable years affected by the computation thereunder.

[F.R. Doc. 60–7423; Filed, Aug. 8, 1960; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

SETTING UP, ADJUSTING, REPAIRING, OILING, OR CLEANING VARIOUS POWER DRIVEN MACHINES, AS OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS

Notice of Proposed Rule Making

In accordance with the procedures governing determinations of hazardous occupations (29 CFR Part 4, Subpart D), an investigation has been conducted for the purpose of ascertaining whether the occupations of setting up, adjusting, repairing, oiling, or cleaning the various machines presently covered by Hazardous-Occupations Orders Nos. 8, 10, 11, and 12 are particularly hazardous for the employment of minors between 16 and 18 years of age, and whether such employment thus constitutes oppressive child labor as defined in section 3(l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.).

A report of investigation entitled "Report of Investigation on the Advisability of Revising Hazardous-Occupations Orders Nos. 8, 10, 11, and 12" has been submitted. The report concludes that the occupations of setting up, adjusting, repairing, oiling, or cleaning any of the machines named in these Orders are particularly hazardous for the employment of minors between 16 and 18 years of age. In accordance with this conclusion, the report recommends that these Orders be amended to prohibit the employment of minors between 16 and 18 years of age in the occupations of setting up, adjusting, repairing, oiling, or cleaning any of the machines presently covered by these four Orders. The report also recommends that the definition of "operator" and "helper" under Order No. 8 and of "operating or assisting to operate" under Order No. 12 be revised to correspond with the like definition developed for Proposed Order No. 14; this recommendation is for the purpose of making the Orders uniform and consistent where possible. Copies of the report will be made available to interested persons upon request to the Bureau of Labor Standards, United States Department of Labor, Washington 25, D.C.

On the basis of such conclusions and recommendations and pursuant to authority conferred by section 3(l) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.) and Reorganization Plan No. 2 (60 Stat. 1095) effective July 16, 1946, it is proposed to amend Orders

8, 10, 11, and 12 in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held September 14, 1960, at 10 a.m., in Room 2325, United States Department of Labor Building, 14th Street and Constitution Avenue Northwest, Washington 25, D.C., before a presiding officer to be hereafter designated, at which hearing interested parties may appear and be heard with respect to said proposed amendments. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file a written comment or brief with the Secretary of Labor not later than the day prior to the hearing in order that same may be made a part of the record at the hearing.

1. Proposed amendment to Order 8.

§ 4.59 Occupations involved in the operation of power-driven metal forming, punching, and shearing machines (Order 8).

(a) *Finding and declaration of fact.* The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines:

(i) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(ii) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(iii) All bending machines, such as apron brakes and press brakes.

(iv) All hammering machines, such as drop hammers and power hammers.

(v) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(2) The occupations of setting up, adjusting, repairing, oiling or cleaning these machines including those with automatic feed and ejection.

(b) *Definitions.* (1) The term "operator" shall mean a person who operates a machine covered by this Order by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) The term "helper" shall mean a person who assists in the operation of a machine covered by this Order by helping place materials into or remove them from the machine.

2. Proposed amendment to Order 10.

§ 4.61 Occupations in or about slaughtering and meat packing establishments and rendering plants (Order 10).

(a) *Finding and declaration of fact.* The following occupations in or about slaughtering and meat packing establishments and rendering plants are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

• • • • •

(4) All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including the occupations of setting up, adjusting, repairing, oiling, or cleaning such machines: Meat and bone cutting saws, knives (except bacon-slicing machines), head-splitters, and guillotine cutters; snout-pullers and jaw-pullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines).

3. Proposed amendment to Order 11.

§ 4.62 Occupations involved in the operation of bakery machines (Order 11).

(a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven bakery machines are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

4. Proposed amendment to Order 12.

§ 4.63 Occupations involved in the operation of paper-products machines (Order 12).

(a) *Findings and declarations of fact.* The following occupations of particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations are operating or assisting to operate any of the following power-driven paper-products machines:

(i) Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single- or double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.

(ii) Platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those which do not involve hand feeding.

(b) *Definitions.* The term "operating or assisting to operate" shall mean all work which involves starting or stopping a machine covered by this order, placing materials into or removing them from the machine, or any other work directly involved in operating the machine.

Signed at Washington, D.C., this 30th day of July 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-7375; Filed, Aug. 8, 1960; 8:47 a.m.]

[29 CFR Part 4]

OPERATION OF CIRCULAR SAWS, BAND SAWS, AND GUILLOTINE SHEARS AS OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS

Notice of Proposed Rule Making

In accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 4, Subpart D), an investigation has been conducted for the purpose of ascertaining whether the occupations involved in the operation of circular saws, band saws, and guillotine shears are particularly hazardous for the employment of minors between 16 and 18 years of age, and whether such employment thus constitutes oppressive child labor as defined in section 3(l) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.).

A report of the investigation, entitled "Occupational Hazards to Young Workers—Report No. 14—The Operation of Circular Saws, Band Saws, and Guillotine Shears", has been submitted. The report concludes that the occupations involved in the operation of circular saws, band saws, and guillotine shears are particularly hazardous for the employment of minors between 16 and 18 years of age. Copies of this report will be made available to interested persons upon request to the Bureau of Labor Standards, United States Department of Labor, Washington 25, D.C.

On the basis of such conclusions and pursuant to authority conferred by section 3(l) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.) and Reorganization Plan No. 2 (60 Stat. 1095) effective July 16, 1946, it is proposed to issue a finding and order in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held September 14, 1960, at 10 a.m., in Room 2325, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington 25, D.C., before a presiding officer to be hereafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file a written comment or brief with the Secretary of Labor not later than the day prior to the hearing in order that the same may be made a part of the record at the hearing.

PROPOSED FINDING AND ORDER

§ 4.65 Occupations involved in the operation of circular saws, band saws, and guillotine shears (Order 14).

(a) *Findings and declarations of fact.* The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection:

(i) Circular Saws.

(ii) Band Saws.

(iii) Guillotine Shears.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears.

(b) *Definitions.* (1) The term "operator" shall mean a person who operates a machine covered by this Order by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) The term "helper" shall mean a person who assists in the operation of a machine covered by this Order by helping place materials into or remove them from the machine.

(3) The term "machines equipped with full automatic feed and ejection" shall mean machines covered by this Order which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point-of-operation area.

(4) The term "circular saw" shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

(5) The term "band saw" shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

(6) The term "guillotine shear" shall mean a machine equipped with a movable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

(c) *Exemptions.* (1) This section shall not apply to the employment of apprentices in the occupation herein declared particularly hazardous: *Provided,* That (i) the apprentice is employed in a craft recognized as an apprenticeable trade, (ii) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (iii) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

(d) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

Signed at Washington, D.C., this 30th day of July 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-7374; Filed, Aug. 8, 1960; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

[Docket No. FDC-64]

COLOR CERTIFICATION; DEFINITION OF TERM "COAL-TAR COLOR"

Notice of Abandonment of Proceedings

In the matter of amending the definition of the term "coal-tar color":

Pursuant to a notice published in the FEDERAL REGISTER of January 28, 1958 (23 F.R. 538), a public hearing was held in the above-identified matter during the period March 10 to August 19, 1958. No order based upon the evidence received at the hearing has been entered.

On July 12, 1960, there became effective amendments to the Federal Food, Drug, and Cosmetic Act (Color Additive Amendments; 74 Stat. 397 et seq.) which provide for listing and certification of all "color additives" to be used in foods, drugs, and cosmetics, including the substances involved in this action. The amendments supersede the statutory provisions under which the hearing described in the preceding paragraph was held.

Since the above amendment renders unnecessary any further proceedings relating to the evidence received at said hearing: *It is hereby ordered,* That the matter be closed.

Dated: August 2, 1960.

[SEAL] GEO P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7380; Filed, Aug. 8, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13608; FCC 60-887]

TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments

In the matter of: amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Bakersfield, Delano, Lompoc-Santa Maria, San Luis Obispo, Santa Barbara, and Santa Maria, California), Docket No. 13608.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration (1) the Petition for Extension of Time filed by Marietta Broadcasting, Inc., on July 14, 1960, and (2) the supporting statement of KFSD, Inc., filed on July 19, 1960; and

It appearing that since the final dates for filing comments and reply comments, August 8, 1960, and August 22, 1960, both fall within the normal Summer recess period, that such comments could not in any event be considered by the Commission prior to September, and that accordingly, a short extension of time for filing will not unduly delay a decision in this case; and

It further appearing that after careful consideration of the reasons advanced for extension of the dates to October 10, 1960, and October 24, 1960, as requested by Marietta in its petition, we are not persuaded that such delay is warranted in the circumstances of this case; and that an extension to September 6, 1960, for filing comments and to September 21, 1960, for filing reply comments is both reasonable and adequate to serve the needs of all interested parties.

It is ordered, That the Petition for Extension of Time filed by Marietta Broadcasting, Inc., on July 14, 1960, is granted, in part; and that the dates for filing comments and reply comments are extended to, on or before, September 6, 1960, and September 21, 1960, respectively.

Released: August 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7393; Filed, Aug. 8, 1960; 8:49 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-159]

TEXAS TECHNOLOGICAL COLLEGE

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on July 18, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-60, substantially as set forth in the notice, authorizing Texas Technological College to construct a 10 kilowatt (thermal) pool-type nuclear reactor on the College's campus in Lubbock, Texas. Notice of the proposed action was published in the FEDERAL REGISTER July 19, 1960, 25 F.R. 6857.

Dated at Germantown, Md., this 3d day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 60-7358; Filed, Aug. 8, 1960; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

IDAHO

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 22, 1960, reading in part as follows:

> I hereby determine the present fires which are affecting various areas in the State of Idaho, and the threat of further fires, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Idaho to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 22, 1960.

The counties of: Ada, Adams, Bannock, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington.

Dated: August 1, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-7359; Filed, Aug. 8, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

AUGUST 1960 MONTHLY SALES LIST

Sales of Certain Commodities

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Principal changes in the list for August are a shift to a 1960-crop price-support basis in setting minimum domestic sales prices for rice (except for California) and upland and extra long staple cotton, the resumption of cotton sales offerings (1960-crop cotton) by local sales agencies, and a reduction of three-fourths of one percent in the per annum interest rates on export credit sales. As announced earlier, butter (press release USDA 1942-60, issued July 7) and gum turpentine (press release USDA 1962-60, issued July 8) are again available for sale. Dry edible beans have been dropped from the list for August because all stocks have been sold or committed.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities (except oats) currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (milled), wheat, corn, barley, rye, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for August 1960 are 3¾ percent for periods up to six months, 4¼ percent for periods from over six and up to 18 months, and 4¾ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with

Commodity	Sales price or method of sale
Wheat, bulk	Export: (1) At wheat under Announcement GR-261 revised, as amended, or as four months old under Announcement GR-262 revised, as amended, for application under arrangements for barter which permits exportation of wheat under Announcement approved credit sales only at prices determined daily by CCC under Announcement GR-213 revised, amended, for specific offerings as announced and (2) under Announcement GR-348 for redemption of certificates under Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate plus (1) a markup of 19 cents per bushel for corn in storage at point of production or (2) a markup of 13 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 15.5 percent moisture and 1.4 percent foreign material including average 13.3 percent moisture and 1.4 percent foreign material: Chicago, No. 3 on TW, paid-in freight from Woodford County, Ill. to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago.....$1.85¼ Minneapolis, No. 3 on TW.....1.80¼ Minneapolis, No. 3 on TW, paid-in freight from Woodford County, Ill. to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago.....$0.67¼ Minneapolis, No. 3 on TW......86¼ Export: Under Announcement GR-212, revised, amended, for application to approved emergency sales and under Announcement GR-213 revised, amended, for application to approved credit sales (certificate-redemption purposes only). Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices. [1] In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made on a store approved warehouse in such county and adjacent counties at the same price, provided the buyer makes arrangements.
Oats, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 11 cents per bushel if received by truck or (2) 8 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better (or No. 3 on TW only).....$1.20 Export: Under Announcement GR-212 revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than 1960 applicable loan rate plus (1) 9 cents per bushel if received by truck or (2) 7 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better.....$1.07 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 11 cents per bushel if received by truck or (2) 8 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better (or No. 3 on TW only).....$1.20 Export: Under Announcement GR-212 revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Dallas, Portland, and Kansas City CSS Commodity Offices.

his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland, Oreg., CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use: Cash sales only at 65.5 cents per pound, New York, Pa., N.J., New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. Cash sales only at 64 cents per pound Washington, Oregon, and California. All other States 65.5 cents per pound. Export: Competitive bid under LD-33 pursuant to invitations to bid issued by Cincinnati CSS Commodity Office (may be applied to arrangements for barter and approved credit sales).
Nonfat dry milk (bags and drums as available).	Domestic, unrestricted use: Sales at announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per lb. Roller process, U.S. extra grade, 13.00 cents per lb. Export: Competitive bid under LD-33 pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices (may be applied to arrangements for barter or approved credit sales).
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (revised) (sales by local sales agencies of Choice (A) cotton for unrestricted use). Announcement NO-C-14 (sale of 1960 and prior crops cotton for unrestricted use), and Announcement NO-C-15 (sale of 1960-crop Choice (A) cotton for unrestricted use). Under CN-A, cotton to be sold at highest price support price plus carrying charges, 110 percent of the applicable Choice (B) support price offered but in no event at less than 110 percent of the applicable Choice (B) support price plus carrying charges. Under NO-C-14, per (1) the market price as determined by CCC, or (2) not less than 110 percent of the applicable Choice (B) support price plus carrying charges. Under NO-C-15, cotton to be sold at highest price offered by CCC, or (2) not less than the higher of (1) the market price or (2) price plus carrying charges. 110 percent of the applicable Choice (B) support price plus carrying charges. Competitive bid and under the terms and conditions of Announcements NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charge, or (2) the domestic market price as determined by CCC.
Cotton, extra long staple	Catalogs for upland cotton (except cotton offered under CN-A) and extra long staple cotton showing quantities, and locations may be obtained from New Orleans CSS Commodity Office. Catalogs for a nominal fee from New Orleans CSS Commodity Office. Catalogs for a nominal fee from New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A may be obtained from local sales agencies.
Wheat, bulk	Domestic, unrestricted use: Commercial wheat-producing area: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 15 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW.....$2.20 Minneapolis, No. 1 DNS.....2.27 Kansas City, No. 1 HW.....2.20 Portland, No. 1 W.....2.11 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate.

Commodity	Sales price or method of sale
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 19 cents per hundredweight if received by truck or (2) 13 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better.....$2.00 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: California—Market price but not less than the equivalent 1959 loan rate for rough rice by varieties and grades, plus 5 percent, adjusted for milling, plus 43 cents per hundredweight, basis in store. Southern area—Same as for California until final 1960 support rates are available, at which time sales will be made at market price but not less than the equivalent 1960 loan rate for rough rice adjusted for milling plus 11 cents per hundredweight, basis in store. Export: Under GR-379 for application to arrangements for barter add approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas CSS Commodity Office.
Rice, broken (as available)	Domestic or export, unrestricted use: Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses. Prices and quantities of milled rice including brokens available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices.
Rice, rough (as available)	Domestic, unrestricted use: California—Market price but not less than 1959 loan rate plus 5 percent, plus 43 cents per hundredweight, basis in store. Southern area—Market price but not less than 1960 final loan rate plus 5 percent, plus 13 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Rice Export Program Payment-in-Kind, and under GR-379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.
Tung oil	Export: Competitive bid on limited quantities under Announcement DL-OP-10 by Dallas CSS Commodity Office.
Soybeans, bulk (as available)	Domestic or export: Market price basis in store but not less than the 1959 basic loan rate for No. 2 grade, basis point of storage, plus 20 cents per bushel, plus the value of billing, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Available Dallas, Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Peanuts, shelled, all types (as available).	Domestic, unrestricted use—1960 support price plus 5 percent, adjusted for milling plus reasonable carrying charges under peanut Announcement 3 but not less than the following or market prices: No. 1's: Virginias—Cents per pound 20.05; S.E. Spanish 19.91; S.W. Spanish 20.19; S.E. Runners 19.53 Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended.
Gum turpentine (bulk in tanks)	Domestic, unrestricted use: Offer and acceptance basis, in the stated quantities and in the designated storage tanks and subject to the prices, terms and conditions of Announcement TB-21-60 and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga. Export: Competitive bid for turpentine, bulk in storage tanks, subject to Announcement TB-21-60 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, CSS U.S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: August 3, 1960.

FOREST W. BEALL,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-7396; Filed, Aug. 8, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 60-950]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

AUGUST 3, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on October 4, 1960, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(c) (1) and § 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on October 3, 1960, or (b) if action is taken by the Commission on any listed application prior to October 4, 1960, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut-off" because it was timely filed for consideration with an application on a previous such list.

(1) Applications listed in the attached Appendix, and (2) any timely filed applications involving an engineering conflict therewith, must be amended by the close of business on October 3, 1960, to include the engineering showing required by the revision of section V-A, FCC Form 301, adopted by the Commission on March 16, 1960, FCC 60-243; except that any such application, (1) and (2), on which a section 309(b) letter has been issued, prior to the adoption date of this Notice, need not be amended to include the said showing. However, if the engineering in any such application is amended after issuance of a section 309(b) letter, the said showing must be submitted with the amendment.

Adopted: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPLICATIONS FROM THE TOP OF THE PROCESSING LINE

BP-13360 WRON, Ronceverte, W. Va.
Blake Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-13361 KTIL, Tillamook, Oreg.
Tillamook Broadcasting Co.
Has: 1590 kc, 250 w, U.
Req: 1590 kc, 1 kw, DA-N, U.

BP-13364 WSAL, Logansport, Ind.
Logansport Broadcasting Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13365 WERI, Westerly, R.I.
Rhode Island-Connecticut Radio Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13367 KPRL, Paso Robles, Calif.
Radio Station KPRL.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13368 WCSR, Hillsdale, Mich.
Baw Beese Broadcasters, Inc.
Has: 1340 kc, 100 w, U.
Req: 1340 kc, 250 w, 500 w-LS, U.

BP-13370 KXOX, Sweetwater, Tex.
Radio Station KXOX.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-13371 WKOZ, Kosciusko, Miss.
Kosciusko Broadcasting Co., Inc.
Has: 1350 kc, 5 kw, Day.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-13372 WMBN, Petoskey, Mich.
Midwestern Broadcasting Co.
Has: 1240 kc, 250 w., U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BMP-8685 WJVW, Langley-Bath, S.C.
North Augusta Broadcasting Co.
Has CP: 1550 kc, 1 kw, Day (North Augusta, S.C.).
Req MP: 1550 kc, 1 kw, Day (Langley-Bath, S.C.).

BP-13373 WLIZ, Lake Worth, Fla.
Gold Coast Broadcasting Co.
Has CP: 1390 kc, 500 w, Day (license pending).
Req: 1380 kc, 1 kw, Day.

BP-13376 NEW, Myrtle Beach, S.C.
Grand Strand Broadcasting Corp.
Req: 950 kc, 1 kw, Day.

BP-13379 WTVL, Waterville, Maine.
Kennebec Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-13380 NEW, Boulder, Colo.
Kenneth G. Prather and Misha S. Prather.
Req: 1360 kc, 500 w, DA, Day.

BP-13381 NEW, Hamilton, Mont.
Bitter Root Broadcasting Co.
Req: 980 kc, 1 kw, Day.

BP-13382 WTMT, Louisville, Ky.
Jefferson Broadcasting Co., Inc.
Has: 620 kc, 500 w, DA, Day.
Req: 620 kc, 500 w, 1 kw-LS, DA-2, U.

BP-13383 NEW, Mount Olive, N.C.
The Mount Olive Broadcasting Co.
Req: 1430 kc, 1 kw, Day.

BP–13384 NEW, Georgetown, S.C.
Coast Broadcasting Co.
Req: 1470 kc, 500 w, Day.

BP–13385 WIVY, Jacksonville, Fla.
WIVY, Incorporated.
Has: 1050 kc, 1 kw, Day.
Req: 1080 kc, 1 kw, DA–1, U.

BP–13386 NEW, Norristown, Pa.
High-Fidelity Broadcasters Corp.
Req: 1400 kc, 100 w, U.

BP–13387 WAME, Miami, Fla.
WAME Broadcasting Co.
Has: 1260 kc, 5 kw, DA, Day.
Req: 1260 kc, 5 kw, DA–1, U.

BP–13388 KHOE, Truckee, Calif.
Truckee Broadcasting.
Has CP: 1400 kc, 250 w, U (license pending).
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13391 NEW, Spokane, Wash.
Paul Crain.
Req: 1280 kc, 5 kw, DA, Day.

BP–13392 WHLB, Virginia, Minn.
Virginia Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13394 NEW, Amsterdam, N.Y.
Valley Information Programs, Inc.
Req: 1570 kc, 1 kw, Day.

BP–13395 NEW, Mountain Home, Idaho.
Northwest Broadcasters, Inc.
Req: 1240 kc, 250 w, U.

BP–13396 KSIG, Crowley, La.
KSIG Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13397 WWNS, Statesboro, Ga.
WWNS, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–13399 NEW, Hardin, Mont.
Big Horn County Musicasters.
Req: 1230 kc, 250 w, U.

BP–13408 NEW, Great Falls, Mont.
John Broad Broadcasting Associates.
Req: 920 kc, 5 kw, Day.

BP–13409 WLOG, Logan, W. Va.
Clarence H. Frey and Robert O. Greever.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–13412 WOCH, North Vernon, Ind.
Dorrell Ochs.
Has: 1460 kc, 500 w, Day.
Req: 1460 kc, 1 kw, Day.

BP–13413 KAHU, Waipahu, Hawaii.
Rural Broadcasting Co., Ltd.
Has: 920 kc, 1 kw, U.
Req: 940 kc, 10 kw, U.

BP–13415 NEW, Phoenix, Ariz.
Maryvale Broadcasting Co.
Req: 1520 kc, 1 kw, DA, Day.

BP–13416 KTOC, Jonesboro, La.
Jackson Parish Broadcasters.
Has: 920 kc, 500 w, DA, Day.
Req: 920 kc, 1 kw, Day.

BP–13417 NEW, Windermere, Fla.
Windermere Radio Co.
Req: 1480 kc, 1 kw, Day.

BP–13420 KAOK, Lake Charles, La.
KAOK, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, DA–D, U.

BP–13422 WROK, Rockford, Ill.
Rockford Broadcasters, Inc.
Has: 1440 kc, 500 w, 1 kw–LS, U.
Req: 1440 kc, 500 w, 5 kw–LS, DA–D, U.

BP–13423 NEW, San Diego, Calif.
Cabrillo Broadcasting Co.
Req: 1520 kc, 500 w, 1 kw–LS, DA–2, U.

BP–13425 NEW, Columbia, Miss.
Fortenberry Enterprises.
Req: 1600 kc, 500 w, Day.

BP–13427 KTNT, Tacoma, Wash.
Tribune Publishing Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13428 WOKS, Columbus, Ga.
OK Radio, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–13429 WCRW, Chicago, Ill.
WCRW.
Has: 1240 kc, 100 w, S–WEDC, WSBC.
Req: 1240 kc, 250 w, S–WEDC, WSBC.

BP–13430 NEW, Sand Springs, Okla.
Forrest G. Conley.
Req: 1340 kc, 100 w, U.

BP–13431 NEW, Ft. Myers, Fla.
New Sounds Broadcasting Corp.
Req: 1370 kc, 500 w, Day.

BP–13432 NEW, Luray, Va.
Page County Broadcasters
Req: 1590 kc, 1 kw, Day.

BP–13433 KTIX, Seattle, Wash.
KTIX, Inc.
Has: 1590 kc, 5 kw, Day.
Req: 1590 kc, 5 kw, DA–N, U.

APPLICATIONS ON WHICH 309(b) LETTERS HAVE BEEN ISSUED

BP–13362 WWXL, Manchester, Ky.
The Wilderness Road Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13406 KBKW, Aberdeen, Wash.
KBKW, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13426 NEW, Hammonton, N.J.
Rodio Radio.
Req: 1320 kc, 500 w, DA, Day.

[F.R. Doc. 60–7387; Filed, Aug. 8, 1960; 8:48 a.m.]

[Docket Nos. 13676–13681; FCC 60M–1272]

CIRCLE L, INC., ET AL.

Order Scheduling Hearing

In re applications of Circle L, Inc., Reno, Nevada, Docket No. 13676, File No. BPCT–2656; Electron Corporation, tr/as Reno Telecasting Co., Reno, Nevada, Docket No. 13677, File No. BPCT–2662; Sierra Television Co., Reno, Nevada, Docket No. 13678, File No. BPCT–2698; Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger, d/b as Rocky Mountain Tele Stations, Reno, Nevada, Docket No. 13679, File No. BPCT–2750; Nevada Broadcasters' Fund, Inc., Reno, Nevada, Docket No. 13680, File No. BPCT–2753; Comstock Telecasting Corporation, Reno, Nevada, Docket No. 13681, File No. BPCT–2754; for construction permits for new television broadcast stations (Channel 4).

It is ordered, This 19th day of July 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7389; Filed, Aug. 8, 1960; 8:48 a.m.]

[Docket Nos. 13694–13707; FCC 60–934]

EAST ARKANSAS BROADCASTERS, INC. (KWYN), ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of East Arkansas Broadcasters, Inc. (KWYN), Wynne, Arkansas, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, S.H., Docket No. 13694, File No. BP–12327; WHUB, Incorporated (WHUB), Cookeville, Tennessee, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13695, File No. BP–12427; Robert D. Rapp and Martha M. Rapp, Festus, Missouri, requests 1400 kc, 250 w, U, Docket No. 13696, File No. BP–12438; Gladys W. Campbell, John Parry Sheftall and John H. Bailey, d/b as Campbell and Sheftall (WJZM), Clarksville, Tennessee, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13697, File No. BP–12475; The Shelbyville Broadcasting Co., Inc. (WHAL), Shelbyville, Tennessee, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13698, File No. BP–12492; Kenneth Kesterson and Charles Penix, d/b as Radio Engineering Service (KCLA), Pine Bluff, Arkansas, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13699, File No. BP–13085; Marion Radio Corporation (WBAT), Marion, Indiana, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 500 w–LS, U, Docket No. 13700, File No. BP–13121.

Donald M. Donze, Festus, Missouri, requests 1400 kc, 250 w, U, Docket No. 13701, File No. BP–13169; Sikeston Community Broadcasting Company (KSIM), Sikeston, Missouri, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13702, File No. BP–13171; Radio Enterprises, Incorporated (KELD), El Dorado, Arkansas, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13703, File No. BP–13211; Thomas Smoot Land and Bryan Davidson, d/b as Wayne County Broadcasting Company (WFIW), Fairfield, Illinois, has 1390 kc, 500 w, Day, requests 1390 kc, 1 kw, Day, Docket No. 13704, File No. BP–13233; Champaign News-Gazette, Incorporated (WDWS), Champaign, Illinois, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13705, File No. BP–13463; WEHT, Inc. (WEOA), Evansville, Indiana, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13706, File No. BP–13480; KFRU, Incorporated (KFRU), Columbia, Missouri, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13707, File No. BP–13500; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July, 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 9, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the Commission's letter of March 9, 1960, advised WHUB, Incorporated that the proposed operation of WHUB would cause objectionable interference to Station WIEL, Elizabethtown, Kentucky, but that a further study of the WHUB proposal indicates that no objectionable interference would be caused to WIEL by the proposed operation of WHUB; and

It further appearing that by 309(b) letter dated March 9, 1960, Radio Station WHCC (BP–12615) and Radio Station WGAP (BP–12642) were notified of interlinking interference problems with other applicants described herein, and that by letters dated March 24, 1960 and March 29, 1960, mutual agreement was made to accept the interference, and therefore, the applications BP–12615 and BP–12642 are not being consolidated herein; and

It further appearing that by agreement dated April 21, 1960, Station WNAG, Grenada, Mississippi, has agreed to accept any interference received from the proposed operation of East Arkansas Broadcasters, Inc. (BP–12327); and

It further appearing that by agreement received March 29, 1960, the applicants in BP–12427 and BP–12475 have agreed to accept each other's interference; however, because of other interlinking interference problems these applications must be consolidated with other applications herein; and

If further appearing that by letter dated March 31, 1960, Station WGIL, Galesbury, Illinois, stated that it would receive objectionable interference as a result of a grant of the KFRU, Inc. proposal (BP–13500) and requests that it be made a party respondent in any hearing on said proposal; but that an examination of the proposed operation of BP–13500 reveals that no interference will be caused to the existing operation of Station WGIL and accordingly, an issue with respect thereto is not raised herein; and

If further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive new primary service from each of the instant proposals for a broadcast station, and the availability of other primary service to such areas and populations

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the following proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals and Existing Stations

BP–12327 KCLA, Pine Bluff, Ark.
KSIM, Sikeston, Mo.

BP–12427 WHAL, Shelbyville, Tenn.
WANY, Albany, Ky.

BP–12438 KFRU, Columbia, Mo.
KSIM, Sikeston, Mo.
KWK, St. Louis, Mo.

BP–12475 WEOA, Evansville, Ind.
WHAL, Shelbyville, Tenn.

BP–12492 WJZM, Clarksville, Tenn.
WHUB, Cookeville, Tenn.
WFPA, Ft. Payne, Ala.
WMSL, Decatur, Ala.

BP–13085 KWYN, Wynne, Ark.
KELD, El Dorado, Ark.

BP–13121 WKJG, Fort Wayne, Ind.

BP–13169 KFRU, Columbia, Mo.
KSIM, Sikeston, Mo.
KWK, St. Louis, Mo.

BP–13171 WEOA, Evansville, Ind.
KWYN, Wynne, Ark.

BP–13211 KCLA, Pine Bluff, Ark.
KTFS, Texarkana, Tex.

BP–13233 WEOA, Evansville, Ind.
WJCD, Seymour, Ind.

BP–13463 WBAT, Marion, Ind.
WEOA, Evansville, Ind.
WGIL, Galesburg, Ill.
WTIM, Taylorville, Ill.

BP–13480 WIEL, Elizabethtown, Ky.
BP–13146 (WRJN) Racine, Wis.
WJZM, Clarksville, Tenn.
WPIW, Fairfield, Ill.
WVJS, Owensboro, Ky.

BP–13500 KCOG, Centerville, Iowa.
KTTS, Springfield, Mo.

6. To determine whether the transmitter site proposed by the following applicant is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern:

Sikeston Community Broadcasting Company (BP–13171).

7. To determine whether the antenna system proposed by Donald A. Donze (BP–13169) would constitute a hazard to air navigation.

8. To determine whether the roof top antenna system proposed by WEHT, Inc. (BP–13480) is in compliance with § 3.188 (d) of the rules and if not, whether circumstances exist which would warrant a waiver of said Section.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Festus, Missouri should be favored, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Cell Speck and Wallace Allred, d/b as Albany Broadcasting Co. (WANY, Albany, Ky.).

Stokley Bowling, C. A. Diecks, H. F. Skidmore, Horace Etabb and J. W. Hodges, d/b as Elizabethtown Broadcasting Co. (WIEL, Elizabethtown, Ky.).

KWK Radio, Inc. (KWK, St. Louis, Mo.).

Tennessee Valley Radio & Television Corp., (WMSL, Decatur, Ala.).

George A. Gothberg, Jr. (WFPA, Ft. Payne, Ala.).

WKJG, Inc. (WKJG, Fort Wayne, Ind.).

Aircrest Radio Stations, Inc. (KTFS, Texarkana, Tex.).

Dr. Azra C. Baker (WJCD, Seymour, Ind.).

Galesburg Broadcasting Co. (WGIL, Galesburg, Ill.).

K. W. Moyer Broadcasting Co. (WTIM, Taylorville, Ind.).

Owensboro On the Air, Inc. (WVJS, Owensboro, Ky.).
Thomas Smoot Land and Bryan Davidson, d/b as Wayne County Broadcasting Co. (WFIW, Fairfield, Ill.).
Hope Company, Inc. (KCOG, Centerville, Iowa).
Independent Broadcasting Co. (KTTS, Springfield, Mo.).
Racine Broadcasting Corp. (BP-13146, WRJN, Racine, Wis.).

It is further ordered, That the following licensees which are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Radio Engineering Service (KCLA, Pine Bluff, Ark.).
Sikeston Community Broadcasting Co. (KSIM, Sikeston, Mo.).
The Shelbyville Broadcasting Co., Inc. (WHAL, Shelbyville, Tenn.).
KFRU, Inc. (KFRU, Columbia, Mo.).
WEHT, Inc. (WEOA, Evansville, Ind.).
WHUB, Inc. (WHUB, Cookeville, Tenn.).
Campbell and Sheftall (WJZM, Clarksville, Tenn.).
East Arkansas Broadcasters, Inc. (KWYN, Wynne, Ark.).
Radio Enterprises, Inc. (KELD, El Dorado, Ark.).
Marion Radio Corp. (WBAT, Marion, Ind.).
Wayne County Broadcasting Co. (WFIW, Fairfield, Ill.).

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the instant applicants and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 4, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7390; Filed, Aug. 8, 1960; 8:48 a.m.]

[Docket Nos. 13415, 13416; FCC 60-909]

TBC, INC., AND BAY VIDEO, INC.

Memorandum Opinion and Order Amending Issues

In re applications of TBC, Inc., Panama City, Florida, Docket No. 13415, File No. BPCT-2615; Bay Video, Inc., Panama City, Florida, Docket No. 13416, File No. BPCT-2635; for construction permits.

1. The Commission has before it for consideration a petition to modify issues, filed March 18, 1960, by TBC, Inc.; an opposition thereto filed March 29, 1960, by Bay Video, Inc.; an opposition filed March 31, 1960, by the Broadcast Bureau; and a reply to the oppositions filed April 6, 1960, by TBC.

2. This is a comparative proceeding between TBC and Bay, each of which seeks a construction permit for a television station to be operated on Channel 13 at Panama City, Florida. The hearing Order (25 F.R. 1890) recites that both applicants have been found to be legally, technically, financially, and otherwise qualified to construct and operate the proposed television stations, except as to the matter comprehended within Issue 1 in said Order. That issue presently reads:

(1) To determine whether a grant of the application of TBC, Inc., would be consistent with the provisions of § 3.636 (a) (1) of the Commission's rules and regulations, in view of the substantial overlap of the area to be served by the proposed station of TBC, Inc., with the area served by Television Station WTVY (TV), Dothan, Alabama.[1]

3. In its petition, TBC requests that the Commission (a) delete Issue 1; or (b) if Issue 1 is not deleted, modify it to determine whether 47 CFR 3.636(a) (1) should be waived; and (c) add an issue to determine whether a grant to Bay would be violative of 47 CFR 3.636 (a) (2).

4. The order of designation recited the facts which required the inclusion of existing Issue 1. As we indicated in Jefferson Standard Broadcasting Company, 19 RR 656 (1960), if the evidence demonstrates that both stations would serve "substantially the same area" within the proscription of 47 CFR 3.636 (a) (1), the applicant for the new station is disqualified, unless the evidence demonstrates that circumstances exist which would justify a waiver. We are not persuaded by TBC's arguments that we should abandon this view.

5. TBC requests modification of the existing issues to provide for a determination of whether a waiver should be granted here and alleges innumerable factors upon which it relies for such a waiver. The reasons enumerated here by TBC in support of its request for waiver are sufficiently substantial to justify inquiry as to whether the rule, if violated, should be waived. Accordingly, pursuant to 47 CFR 1.15 which permits waiver of any Commission rule, such an issue will be added here.

6. If at the evidentiary hearing the rule is found not to be violated, such overlap as may be established may then be considered as a comparative factor, or, if the rule is found to be violated but it is also found that TBC should be granted a waiver, such overlap would then also be considered as a comparative factor.

7. The only question remaining for determination is whether or not an issue as to compliance with 47 CFR 3.636(a) (2) should be added as to Bay. The facts alleged by TBC fail to demonstrate that Bay's proposed operation might violate the provisions of this rule. In the absence of such allegations, the mere fact that a similar issue has been designated with respect to an applicant regarding whom there is some possibility of a violation of the rule, will not serve as a basis for adding an issue as to the other applicant.

Accordingly, it is ordered, This 27th day of July 1960, that the petition to modify issues filed by TBC, Inc., is granted to the extent that present Issues 2 and 3 are respectively redesignated Issues 3 and 4 and the following issue is added:

2. To determine, if it is found that TBC, Inc., is in violation of 47 CFR 3.636 (a) (1), whether a waiver of the Commission's rules and policies would be warranted.

The petition is denied in all other respects.

Released: August 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7392; Filed, Aug. 8, 1960; 8:49 a.m.]

[Docket No. 13598 etc.; FCC 60M-1339]

GILA BROADCASTING CO.

Order Scheduling Prehearing Conference

In re applications of Gila Broadcasting Company, for renewal of licenses of Stations KCKY, Coolidge, Docket No. 13598, File No. BR-2128; KCLF, Clifton, Docket No. 13617, File No. BR-2441; KGLU, Safford, Docket No. 13618, File No. BR-970; KVNC, Winslow, Docket No. 13619, File No. BR-2731; KZOW, Globe, Docket No. 13620, File No. BR-973; and KWJB-FM, Globe, Docket No. 13621, File No. BRH-851; all in Arizona.

It is ordered, This 1st day of August 1960 that a prehearing conference, in accordance with § 1.111 of the Rules, will be held in the above-entitled matter at 10:00 a.m. on September 6, 1960, in the offices of the Commission, Washington, D.C.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7391; Filed, Aug. 8, 1960; 8:49 a.m.]

[Docket No. 13682; FCC 60M-1340]

WILLIAM L. BRADFORD, JR.

Order Scheduling Hearing

In the matter of William L. Bradford, Jr., Los Angeles, California, Docket No. 13682; suspension of Amateur Radio License (K6YDQ).

It is ordered, This 1st day of August 1960, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1960, in Los Angeles, California.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7388; Filed, Aug. 8, 1960; 8:48 a.m.]

[1] 47 CFR 3.636 states in pertinent part "Multiple ownership.

"(a) No license for a television broadcast station shall be granted to any party (including all parties under common control) if:

"(1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or

"(2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of area served, the number of people served, and the extent of other competitive service to the areas in question • • •

"• • • Note 1: The word 'control' as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised."

[1] Statement of partial dissent by Commissioner Robert E. Lee filed as part of original document.

FEDERAL POWER COMMISSION

[Docket Nos. RI61-26—RI61-32]

TEXAS NATIONAL PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

AUGUST 2, 1960.

Texas National Petroleum Company, (Operator), et al., Docket No. RI61-26; Texas National Petroleum Company, Docket No. RI61-27; Chicago Stock Yards Research Company (operator), et al., Docket No. RI61-28; H. R. Smith (Operator), et al., Docket No. RI61-29; Phillips Petroleum Company (Operator), Docket No. RI61-30; C. L. McMahon, Inc., Docket No. RI61-31; Charles E. Young, et al., Docket No. RI61-32.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-26	Texas National Petroleum Co. (Operator), et al.	9	28	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.).	6-30-60	7-5-60	8-5-60	1-5-61	[2] 11.1056	17.2295	
RI61-27	Texas National Petroleum Co.	10	18	do	6-30-60	7-5-60	8-5-60	1-5-61	[2] 11.1056	17.2295	
RI61-28	Chicago Stock Yards Research Co. (Operator), et al.	2		United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.).	[3] 5-27-60	7-6-60	8-6-60	1-6-61	[2] 10.497		
	do	2	1	do	Undated	7-6-60	8-6-60	1-6-61	[2] 10.497	22.25	
RI61-29	H. R. Smith (Operator), et al.	8	2	Tennessee Gas Transmission Co. (Brayton Field, Neuces County, Tex.).	6-30-60	7-7-60	8-7-60	1-7-61	[2] 11.90337	17.02416	
RI61-30	Phillips Petroleum Co. (Operator).	359	11	El Paso Natural Gas Co. (Winkler Gas Plant, Winkler County, Tex.).	7-5-60	7-8-60	8-8-60	1-8-61	[2] 16.1536	17.1682	RI60-15
RI61-31	C. L. McMahon, Inc.	6	3	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	7-5-60	7-8-60	8-8-60	1-8-61	[2] 11.0	12.5	
RI60-32	Charles E. Young, et al.	7	2	Equitable Gas Co. (Clay District, Ritchie County, W. Va.	Undated	7-11-60	8-11-60	1-11-61	[4] 20.0	25.0	

[1] The stated effective date is the effective date proposed by respondent or the first day after expiration of the required thirty days' notice.
[2] The pressure base is 14.65 psia.
[3] The pressure base is 15.025 psia.
[4] The pressure base is 15.325 psia.
[5] Contract (supersedes Chicago Stock Yards Research Co. (Operator), et al. FPC Gas Rate Schedule No. 1, as amended).

Texas National Petroleum Company (Operator), et al. (Texas National), Texas National Petroleum Company (Texas National) and Phillips Petroleum Company (Phillips) propose three renegotiated rate increases for gas sales to El Paso Natural Gas Company (El Paso) from the Spraberry Field, Midland County and the Winkler Gasoline Plant, Winkler County, Texas.

In support of its proposed renegotiated increased rate, Texas National states that in return for the increased rates it has given up the favored nation provisions of its contracts; that the proposed rates are the result of arm's length bargaining; and that such rates are in line with other contractual prices in the same area.

Phillips, in support of its proposed renegotiated increased rate, states that the contract amendment dated July 29, 1960, changes the quality of the gas from "sour" to "sweet"; that Phillips has installed treating facilities at the Winkler Plant and has agreed to operate such facilities at its own expense in order to render the gas "sweet"; and the proposed increased rate merely represents compensation for a service that El Paso would otherwise have to perform at costs equal to or greater than 1.0 cent per Mcf.

In support of its proposed renegotiated increased rate, Chicago Stock Yards Research Company (Operator), et al., states that the pricing provisions of the contract were arrived at by bargaining at arm's length; that the proposed rate does not exceed the going price for gas in the area; and that the well covered by the subject rate increase is a high cost well.

H. R. Smith (Operator), et al. (Smith), in support of the proposed favored-nation increased rate, states that the proposed rate is not out of line with prices presently being paid in the same area; that such rate was arrived at by arm's length bargaining between the parties; and that justification of the proposed rate on a cost basis would be impractical in this instance because Smith is a small operator.

In support of the proposed periodic increased rate, C. L. McMahon, Inc., states that the proposed rate is the current market price for gas from the Hugoton Field, Kansas; that Colorado Interstate has been paying 15.0 cents and 16.0 cents rates (initial rates) in Kansas and Colorado; that the proposed rate is far below the economic value of the gas; and by the December 1, 1959, contract (a superseding contract) McMahon gave up its minimum take provision for 146,000 annually. Buyer now purchases gas under such contract notably with other gas produced in the same field.

Charles E. Young, et al., in support of the proposed renegotiated increased rate, cites the contract provisions and states that one of the wells on the dedicated acreage has been drilled deeper and fractured and seller is now preparing to fracture the well again in the immediate future.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and Chicago Stock Yards' Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements, and Chicago Stock Yards' Rate Schedule No. 2.

(B) Pending hearings and decisions thereon, each of the above-designated supplements and Chicago Stock Yards' Rate Schedule No. 2 are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 19, 1960.

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7371; Filed, Aug. 8, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 361]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62634. By order of July 29, 1960, Division 4, Acting as an Appellate Division, approved the transfer to Bearoff Brothers, Inc., Bridgeport, Pa., of portion of Certificate in No. MC 64394, issued December 4, 1950, to Daniel R. Finelli, Havertown, Pa., authorizing the transportation of earth, sand, stone, coal, and brick, over irregular routes, between points in the City and County of Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7383; Filed, Aug. 8, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1318]

CONTINENTAL GROWTH FUND, INC.

Application for an Order Exempting Certain Transactions

AUGUST 2, 1960.

Notice is hereby given that Plans for the Accumulation of Shares of Continental Growth Fund, Inc. ("Applicant"), a registered unit investment trust has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act certain transactions hereinafter described.

Applicant registered under the Act on April 26, 1960, and proposes to offer to the public Fully Paid Plans and Systematic Investment Plans which will accumulate the shares of Continental Growth Fund, Inc. ("Continental"). As a means of providing Applicant with the $100,000 net worth required by section 14(a) of the Act, the application states that five individuals ("Transferors") propose to transfer to Applicant shares of Continental approximately equal to this amount. According to the application, such shares of Continental would constitute the underlying investment of the Plans offered by Applicant and would provide the medium in which proceeds from the sale to the public of Plans will be invested. The Transferors will receive in exchange Fully Paid Plans equal in amount to the value of the shares transferred with no deduction for sales commission. The application states that three of the Transferors are members of the same family, namely Alice Mumford Jacobs is the wife of Richard C. Jacobs, who is the President, Secretary and a director of Continental, and James Mumford and George S. Mumford are the brother and father, respectively, of Mrs. Jacobs. The application states that the two remaining Transferors, George Friedman and James D. Lindsay, are private investors and that the latter is Vice President and a director of the underwriter of Continental.

Section 17(a) of the Act, with certain exceptions, prohibits the sale of property to a registered investment company by the promoter or by an affiliated person of an affiliated person of such company. Since certain of the Transferors come within these categories, the proposed transaction would be prohibited under section 17(a) of the Act unless the Commission grants an exemption pursuant to section 17(b) of the Act.

Under section 17(b) of the Act the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and will not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act.

Notice is further given that any interested person may, not later than August 15, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7377; Filed, Aug. 8, 1960; 8:47 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

AUGUST 3, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation; File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 4, 1960 to August 13, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7378; Filed, Aug. 8, 1960; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 25 — NUMBER 155

Washington, Wednesday, August 10, 1960

THE UNIVERSITY OF MICHIGAN
AUG 11 1960
MAIN READING ROOM

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Title 3—THE PRESIDENT

Proclamation 3363

AMERICAN EDUCATION WEEK, 1960

By the President of the United States of America

A Proclamation

WHEREAS the American system of free public education, recognizing the supreme importance of the individual and his right to develop his capacities to the full, has created a virile and powerful society of responsible citizens; and

WHEREAS this educational system is a means for preserving the most precious heritage of our land and a basic requirement for further social and economic advances; and

WHEREAS, through the benefits of education, the peoples of the world have entered a new age which can open up an intensified attack on the ancient ills of poverty, disease, and ignorance and which can harness the energies of mankind for a better way of life for all; and

WHEREAS it is imperative that we continue to lead in this age by building on the accomplishments of the past so that our educational system will adequately prepare our children for the responsibilities of the future:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 6 through November 12, 1960, as American Education Week; and I urge citizens throughout the Nation to participate actively in the observance of that week in their schools and communities.

Let us reaffirm our deep interest in the training ground of democracy. Let us study the programs of our schools and demonstrate our support for the work of our dedicated teachers. Let us take every opportunity to strengthen our educational system so that our young people can be prepared to meet the challenge imposed on our Nation by this competitive century.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of August in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-7487; Filed, Aug. 8, 1960; 2:24 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 9]

PART 485—SOIL BANK

Subpart—Conservation Reserve Program for 1960

EXTENSIONS OF CONTRACT PERIODS RESTRICTED

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended by adding a new § 485.542 at the end thereof to read as follows:

§ 485.542 Extensions of contract periods restricted.

Notwithstanding any other provision of these regulations relating to extensions of contract periods, no further extensions of contract periods, other than those authorized under § 485.510(c)(3), shall be approved after the date that the county committee received instructions to such effect or the date of publication of this amendment in the FEDERAL REGISTER, whichever is earlier, except in the case of a producer who requested an extension prior to such date: *Provided*, That in no event may such an extension be approved after December 31, 1960.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 4th day of August 1960.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-7420; Filed, Aug. 9, 1960; 8:47 a.m.]

[Amdt. 43]

PART 485—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

EXTENSIONS OF CONTRACT PERIODS RESTRICTED

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended by adding a new § 485.189 at the end thereof to read as follows:

§ 485.189 Extensions of contract periods restricted.

Notwithstanding any other provision of these regulations relating to extensions of contract periods, no further extensions of contract periods, other than those authorized under § 485.156(c)(3), shall be approved after the date that the county committee received instructions to such effect or the date of publication of this amendment in the FEDERAL REGISTER, whichever is earlier, except in the case of a producer who requested an extension prior to such date: *Provided*, That in no event may such an extension be approved after December 31, 1960.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 4th day of August 1960.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-7421; Filed, Aug. 9, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-1]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3423) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the Regulations of the Administrator which would designate a control zone at Felker Army Air Field, Fort Eustis, Va.

As stated in the Notice, the Federal Aviation Agency proposed the designation of a control zone at Fort Eustis, Va., within a 5-mile radius of the Felker Army Air Field, excluding the portion which would coincide with the Newport News, Va., control zone (§ 601.2136). Designation of this control zone will provide protection for aircraft conducting IFR approaches and departures at Felker AAF.

Three comments were received regarding the proposed amendment. One of the comments was from the Air Transport Association of America which concurred in the designation of the Fort Eustis control zone at Felker AAF. The ATA, however, did not concur with that part of the proposed amendment which would result in the designation of the control zone as separate and apart from the Newport News control zone and stated the following concerning the proposed control zone:

At the Norfolk ATC Advisory Committee Meeting No. 13 on December 3, 1958, the committee considered the question of establishing an instrument approach procedure for Felker Army Air Field as it related to operations at Patrick Henry Airport. It was the conclusion of the committee that instrument approach operations to Felker AAF were feasible. It was stipulated, however, that the approach must be considered, for practical purposes, to be coincident with the approach to Patrick Henry Airport, and that a single agency be designated as the controlling agency for both airports. This conclusion was reiterated at Committee Meetings Nos. 17 and 18 on October 7 and December 2, 1959.

It is our understanding also that at airports in proximity to each other whose traffic patterns and approved instrument approach and departure procedures conflict, that separate control zones are not considered practical by FAA policy. In such cases basic circular control zone area can be modified by using the appropriate radius from the geographical center of each airport.

Considering these two factors the Air Transport Association recommends that the control zone airspace required for the protection of Felker AAF IFR operations be provided by redesignation of the Newport News, Va., Control Zone * * *.

In view of the proximity of Felker AAF to Patrick Henry Airport, and the use of the same navigational aids, simultaneous instrument approaches cannot be made to both airports. Therefore, Felker AAF and Patrick Henry Airport are both under the control jurisdiction of the Norfolk, Va., Air Route Traffic Control Center. Because simultaneous instrument approaches are not possible and both airports are under the IFR control jurisdiction of the same facility, the Federal Aviation Agency concurs in the ATA's recommendation that the control zone at Felker AAF should be designated as a part of the existing Newport News control zone rather than as a separate zone.

No other adverse comments were received. The Department of the Navy and the Department of the Air Force interposed no objection to the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2136 (24 F.R. 10578) is amended to read:

§ 601.2136 Newport News, Va., control zone.

Within a 5-mile radius of the geographical center of the Patrick Henry Airport (Lat. 37°07'47" N., Long. 76°29'46" W.); within 2 miles either side of the Patrick Henry Airport ILS localizer SW course extending from the localizer to a point 10 miles SW of the OM. and within a 5-mile radius of the geographical center of the Felker Army Air Field (Lat. 37°07'55" N., Long. 76°36'30" W.), excluding the portion which overlaps the Hampton Roads, Va. (Langley AFB, control zone (§ 601.2118).

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 3, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7399; Filed, Aug. 9, 1960; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

[Dept. Reg. 108, 443]

Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respects:

1. Section 42.63 is amended as follows:

§ 42.63 Aliens not to be registered.

(a) The name of an alien shall not be entered on the quota waiting list if he is issued an exchange-visitor visa.

(b) The name of an alien in the United States, other than one who is the beneficiary of a first preference quota petition, shall not be entered on a quota waiting list if he (1) has or obtains the status of an exchange visitor under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended, (2) has been admitted into the United States as a nonimmigrant and has willfully violated his nonimmigrant status, or (3) is in the United States in violation of the immigration laws.

(c) An alien, including one who is the beneficiary of a second, third or fourth preference quota petition who has been denied registration under paragraph (a) or (b) of this section and who has maintained a continuing intention to immigrate into the United States may, upon his application, be registered on a quota waiting list with a priority not antedating the date of his departure from the United States.

2. Section 42.66 is amended as follows:

§ 42.66 Cancellation of registration.

(a) Except as provided in paragraph (b) of this section the registration of a quota immigrant shall be canceled under any of the following circumstances:

(1) The registrant is issued an immigrant visa;

(2) The registrant has been denied an immigrant visa on some ground which cannot be overcome by the presentation of further evidence or by a probable change in the circumstances of his case;

(3) The registrant was erroneously registered;

(4) The registrant dies;

(5) The registrant abandons his intention to immigrate to the United States or for any reason fails to evidence his continued intention to apply for a visa within sixty days after being duly notified that his name has been reached on the quota waiting list;

(6) The registrant is issued an exchange-visitor visa or obtains a change of status in the United States to that of an exchange visitor under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended;

(7) The registrant, if admitted into the United States as a nonimmigrant, willfully violates his nonimmigrant status; or

(8) The registrant enters or remains in the United States in violation of the immigration laws.

(b) The priority of registration established by the filing date of a petition approved to accord first preference quota status under the provisions of section 203(a)(1) of the Act shall not be canceled if the alien seeks to enter the United States as a first preference immigrant and his case falls within paragraph (a) (5), (6), (7) or (8) of this section.

3. The following new section is added:

§ 42.67 Reinstatement of registration and new registration following cancellation.

(a) *Reinstatement.* The name of an alien whose registration has been canceled under the provisions of paragraph (a) of § 42.66 may be reinstated on a quota waiting list as of the date of the original registration under the following circumstances:

(1) An alien whose name has been removed from the quota waiting list under paragraph (a)(1) of § 42.66, who fails to use his immigrant visa for reasons beyond his control and for which he is not responsible, and who makes application for another visa in a subsequent quota year and within sixty days of the termination of the circumstances which prevented him from using the original visa may be accorded his original priority on the quota waiting list;

(2) Any alien whose name has been removed from the quota waiting list under paragraph (a)(5) of § 42.66 who can establish to the satisfaction of the consular officer that his failure to evidence his continued intention to apply for a visa was for reasons beyond his control and for which he was not responsible, may make an application for a visa under his original priority on the quota waiting list when the circumstances which prevented him from applying for a visa cease to exist, or within sixty days thereafter.

(b) *New registration following cancellation.* An alien whose name has been removed from the quota waiting list under paragraph (a) (6), (7) or (8) of § 42.66 who has maintained a continuing intention to immigrate may, upon application, be granted a priority on the quota waiting list which does not antedate the date of his departure from the United States.

§ 42.134 [Amendment]

4. Section 42.134 *Revocation of visas* is amended by deleting the words "or invalidation" from pargraph (b) *Notice of proposed revocation*, from paragraph (f) *Record of action* and from the last sentence of paragraph (g) *Reconsideration of revocation.*

Effective date. The regulations contained in this order shall become effective August 15, 1960.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

JOHN W. HANES, Jr.,
Administrator, Bureau of Security
and Consular Affairs.

AUGUST 2, 1960.

[F.R. Doc. 60-7430; Filed, Aug. 9, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Amdt. 2]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1960 Crop

Pursuant to the provisions of § 831.4 (24 F.R. 6991, 24 F.R. 7499), Part 831 of this chapter is further amended by adding the following new section.

§ 831.6 Rates of recoverability; 1960 crop.

The amounts of sugar, raw value, commercially recoverable from sugar beets of the 1960 crop shall be computed by multiplying the net weight thereof in tons at the time of delivery to a processor, by the rate of commercially recoverable sugar, which is applicable under the following provisions of this section.

(a) For sugar beets marketed within a settlement area under any type of agreement other than an "individual test" contract, the rate of commercially recoverable sugar with respect to each settlement area is established as follows:

Settlement areas by factories in States	1955–59 average sugar content	Rate of commercially recoverable sugar
		Hundredweight
IDAHO, OREGON, WASHINGTON		
Idaho Falls	*Percent* 16.82	3.089
Nyssa, Nampa (Quinsey)	15.49	2.897
Preston	16.17	3.024
Rupert, Twin Falls	16.68	3.119
Toppenish, Moses Lake	15.30	2.861
UTAH		
Centerfield	16.05	3.001
Garland	16.17	3.034
Layton	16.19	3.026
Lewiston (Ogden)	15.93	2.979
West Jordan (Spanish Fork)	15.41	2.882
COLORADO, NEBRASKA, SOUTH DAKOTA		
Delta	15.99	2.990
Sugar City	14.57	2.725
Grand Island	14.45	2.702
Belle Fourche	15.77	2.949
WYOMING, MONTANA		
Lovell	16.86	3.153
Worland	16.55	3.095
Billings	16.68	3.119
Hardin (Sheridan)	16.52	3.089
Missoula	16.42	3.071
Sidney	16.30	3.048
MINNESOTA, IOWA		
East Grand Forks, Moorhead, Crookston	15.80	2.955
Chaska, Mason City	14.46	2.704
GREAT LAKES STATES		
Alma (Mt. Pleasant)	14.81	2.769
Bay City	14.76	2.760
Findlay, Fremont (Bilssfield)	14.30	2.674
Caro	14.66	2.741
Carrollton	14.42	2.697
Croswell	14.82	2.771
Green Bay	14.78	2.764
Ottawa	14.18	2.652
Sebewaing	14.80	2.768

(b) For sugar beets marketed under "individual test" contracts, the rate of commercially recoverable sugar shall be computed by multiplying the percentage of sugar content of such beets by 20 hundredweight, and then multiplying the result by 90.3 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1806. As an example, a percentage of sugar content of 16.37 when multiplied by 0.1806 would result in a rate of commercially recoverable sugar of 2,936 hundredweight.

STATEMENT OF BASES AND CONSIDERATIONS

The determination of sugar commercially recoverable for the Beet Sugar Area, as issued August 26, 1959, provides the method for determining and establishing amounts of sugar commercially recoverable from sugar beets of the 1960 crop, and it also provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that determination, this amendment sets forth the rates of recoverability as determined for the 1960 crop. Definitive rates are specified for the various settlement areas where the only tests available for ascertaining the sugar content of the beets are cossette tests. Within these areas, the rates give effect to 1953–59 average percentages of sugar content and the 1954–58 national average extraction rate of beet sugar, raw value, of 93.5 percent.

In lieu of an extensive table of definitive rates applicable to sugar beets of various percentages of sugar content as marketed under individual test contracts, this amendment shows that the rate of recoverability for beets of any given percentage of sugar content so marketed may be computed by multiplying the percentage of sugar content of such beets by the factor of 0.1806. This factor gives effect to the average rate of extraction of sugar, raw value, of 90.3 percent as applicable to individual test beets. The difference between 93.5 and 90.3 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1954–58 marketed under individual test contracts. Listings of the rates applicable to various percentages of such contents (expressed in hundredths) will be available for inspection at ASC County Offices in sugar beet producing counties.

The percentages of 93.5 and 90.3, as determined herein for the 1960 crop, compare with percentages of 93.6 and 90.7, as effective for the 1959 crop.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153, Interprets or applies secs. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. Supp. 1132, 1133, 1134)

Issued this 3d day of August 1960.

LAWRENCE MYERS,
Director, Sugar Division.

[F.R. Doc. 60–7444; Filed, Aug. 9, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Regs. 189, 190, 191; Terminated]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

a. *Findings.* (1) Pursuant to the marketing agreement, and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and this regulation relieves restrictions on the handling of such Valencia oranges.

b. *Order.* (1) The provisions of Valencia orange regulations 189 (§ 922.489; 25 F.R. 1908), 190 (§ 922.490; 25 F.R. 2512), and 191 (§ 922.491; 25 F.R. 3021), are hereby terminated effective at 12:01 a.m., P.s.t., August 7, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7415; Filed, Aug. 9, 1960; 8:46 a.m.]

[Avocado Order 21]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

On July 23, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 7034) that consideration was being given to a new avocado container regulation effective under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida. This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice contemplated that the new container regulation would be placed in effect on August 22, 1960.

After consideration of all relevant matters presented, including the proposal set forth in the notice, which was submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found that the container regulation, hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) this regulation makes available for use by handlers two new containers for the packing and handling of avocados and, to this extent, relieves restriction on the handling of avocados; (2) available information indicates handlers' inventories of the containers precluded from use in the packing and handling of avocados after the effective date hereof have been exhausted; (3) notice of rule-making concerning this regulation was published on July 23, 1960, and no objections to making this regulation effective on August 22, 1960, were received; and (4) no special preparation on the part of handlers is required to comply with this regulation which cannot be completed by the effective time hereof.

§ 969.321 **Container regulation.**

(a) (1) On and after 12:01 a.m., e.s.t., August 22, 1960, no handler shall handle any variety of avocados unless such avocados are packed in a container or containers meeting the following specifications:

(i) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided*, That the individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may fail to meet such weight requirement. Such tolerance shall be on a lot basis, but not more than double such tolerance shall be permitted for an individual container in a lot.

(ii) Containers with inside dimensions of 13½ x 16½ x 3¼ inches.

(iii) Containers with inside dimensions of 13½ x 16½ x 3¾ inches.

(iv) Containers with inside dimensions of 13½ x 16½ x 4½ inches.

(v) With respect to the containers prescribed in subdivisions (ii) through (iv) of this subparagraph, the net weight of the Arue, Pollock, Simmonds, Hardee, Nadir, Trapp, Peterson, Waldin, Pinnelli, Tonnage, Booth 8, Black, Prince, Blair, Booth 7, Booth 10, Collinson, Lula, Booth 5, Hickson, Simpson, Vaca, Avon, Booth 11, Hall, Winslowson, Choquette, Herman, Monroe, Ajax (Booth 7–B), Booth 3, Taylor, Byars, Linda, Nabal, Wagner, Schmidt, and Itzamna varieties of avocados in any such container shall be not less than 13½ pounds and the net weight of all other varieties of avocados in any such container shall be not less than 13 pounds: *Provided*, That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

(vi) Containers with inside dimensions of 13½ x 16½ and depth varying from 6½ to 8 inches.

(vii) During the period beginning at 12:01 a.m., e.s.t., August 22, 1960, and ending at 12:01 a.m., e.s.t., November 14, 1960, handlers may handle any variety of avocados in containers with inside dimensions of 13½ x 16½ and depth varying from 9 to 12 inches: *Provided*, That the individual avocados in such container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may fail to meet such weight requirement. Such tolerance shall be on a lot basis, but not more than double such tolerance shall be permitted for an individual container in a lot.

(viii) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(2) The terms "handler," "handle," and "avocados" when used herein shall have the same meaning as when used in the amended marketing agreement and order (§§ 969.1 to 969.71).

Avocado Order 19, as amended (§ 969.319; 25 F.R. 6746) is hereby terminated at 12:01 a.m., e.s.t., August 22, 1960.

Dated: August 5, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7440; Filed, Aug. 9, 1960; 8:50 a.m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 16, 1960 (25 F.R. 6805). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 992.212 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the marketing agreement and order, during the fiscal year ending May 31, 1961, will amount to $24,113.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and this part, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1960, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7416; Filed, Aug. 9, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—SECURITY

PART 67—INDUSTRIAL PERSONNEL ACCESS AUTHORIZATION REVIEW REGULATION

The Secretary of Defense approved the following on July 28, 1960. Part 67 appearing at 32 CFR 507–518, 1960 Cum. Sup., is hereby superseded and cancelled.

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67.5–3 Monetary restitution.

AUTHORITY: §§ 67.1 to 67.5–3 issued under R.S. 161, sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 22, 171a. E.O. 10501, Nov. 5, 1953, 18 F.R. 7049; 3 CFR (1953 Supp.) 115; E.O. 10865, Feb. 20, 1960, 25 F.R. 1583.

§ 67.1 General.

§ 67.1–1 Authority.

Part 67 is issued pursuant to the authority vested by law, including Executive Order 10865 (reproduced as Appendix A), in the Secretary of Defense. By an exchange of letters between the Secretary of Defense and the Administrators of the Federal Aviation Agency and the National Aeronautics and Space Administration, and as provided for in section 1(b), Executive Order 10865, the Department of Defense has been authorized to act for and in behalf of the Federal Aviation Agency and the National Aeronautics and Space Administration in the performance of the administrative and personnel services set forth in this Part 67.

§ 67.1–2 Purpose.

(a) The Secretary of Defense and the Administrators of the Federal Aviation Agency, and the National Aeronautics and Space Administration have prescribed specific requirements, restrictions, and other safeguards which they consider necessary to protect (1) releases of classified information to or within United States industry that relate to bids, negotiations, awards, or the performance or termination of contracts with their department or agency, and (2) other releases of classified information to or within industry which their department or agency has responsibility for safeguarding. In this connection, this Part 67 prescribes uniform standards, criteria, and procedures for processing to final determination all cases which come within the scope of the Industrial Personnel Access Authorization Review Program.

(b) Pursuant to the agreement made between the Department of Defense, and the Federal Aviation Agency, and the National Aeronautics and Space Administration (provided for in section 1(b), Executive Order 10865), this Part 67 has been extended to apply to protect the releases of classified information specified in paragraph (a) of this section. The boards and instrumentalities provided for in this Part 67 are hereby authorized to assume jurisdiction over, and as hereinafter provided, to process and make determinations in cases arising out of such releases of classified information.

(c) This Part 67 is issued to conform the Industrial Personnel Access Authorization Review Program to the requirements of Executive Order 10865.

§ 67.1–3 Definitions.

(a) Whenever the words "Department of Defense", or "Department of Defense agency or activity", or "military department" are used in this Part 67, they shall be deemed to include where applicable the Federal Aviation Agency, or the National Aeronautics and Space Administration.

(b) *Access authorization.* An authorization to have access to one or more categories of information classified in accordance with Executive Order 10501. (NOTE: Actual access, when authorized, requires both an access authorization and a "need to know.") In the case of a contractor, an "access authorization" is an authorization for the contractor involved to have access to specific categories of classified information provided such access is (1) required in connection with the bidding, negotiation, award, performance, or termination of contracts with a Department of Defense agency or activity or (2) required in connection with other releases of classified information to or within industry. In the case of a contractor employee, an "access authorization" is an authorization for the employee to have access to specific categories of classified information provided such access is (i) required for the performance of his work with a particular contractor on contracts with a Department of Defense agency or activity or (ii) required in connection with the release of classified information to or within industry.

(c) *Administrator.* The Administrator of the Federal Aviation Agency, or the National Aeronautics and Space Administration.

(d) *Agency case.* A case arising out of the release of classified information to or within industry directly by the Federal Aviation Agency or the National Aeronautics and Space Administration in connection with the bidding, negotiation, award, or performance or termination of a contract by one of those agencies.

(e) *Applicant.* Any person who is eligible to have the matter of granting, revoking, or denying him an access authorization determined or reconsidered under the Industrial Personnel Access Authorization Review Program (Part 67) as provided for in §§ 67.1–6 and 67.5–2.

(f) *Contractor.* An industrial, educational, commercial, or other entity which has executed a contract or a Department of Defense Security Agreement (DD Form 441) with a Department of Defense agency or activity.

(g) *Personal appearance proceeding.* A proceeding before the New York, Washington, or Los Angeles Industrial Personnel Access Authorization Field Board convened and conducted in accordance with this Part 67. The use of the terms "personal appearance proceeding" or "proceeding" in this Part 67 does not imply, and shall not be construed to mean, that such procedures are subject to the provisions of the Administrative Procedure Act, or that the rules of evidence customary in the courts of the United States shall be applied.

§ 67.1–4 Policy.

(a) The responsibilities of the Department of Defense, including those imposed by the President in Executive Order 10865, necessitate application of policies designed to minimize the possibility of compromise incident to placing classified information in the hands of industry. Adequate measures will be taken to insure that no person is granted, or is allowed to retain, an authorization for access to classified information unless the available information justifies a finding that such access authorization, at the specific classification category granted, is clearly consistent with the national interest.

(b) A determination that granting or retaining authorization for access to information of a specific classification category is not clearly consistent with the national interest shall result in denying or revoking authorization for such access. Any determination under this Part 67 adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned. A determination under this Part 67 favorable to an applicant is not, in and of itself, an access authorization; nor is it in any sense a determination that the applicant concerned actually requires access to classified information. Since an access authorization relates only to access to classified information, denying or revoking such an authorization does not preclude participation in unclassified work.

(c) In the absence of the power to subpoena witnesses, the Secretary of Defense, through the Director, Office of Industrial Personnel Access Authorization Review, may issue in appropriate cases invitations and requests to appear and testify, and may defray reasonable and necessary expenses incurred by such witnesses, in order that the applicant may have the opportunity for cross-examination provided by this Part 67. So far as the national security permits, investigative agencies under the control of the Department of Defense shall cooperate by identifying to the Office of Industrial Personnel Access Authorization Review, persons who have made statements adverse to the applicant and by assisting in making such persons available for cross-examination.

(d) All personnel involved in the processing of cases under the Industrial Personnel Access Authorization Review Program shall comply with the applicable directives pertaining to the safeguarding of classified information and the handling of investigative reports. No classified information, nor any information which might compromise investigative sources or methods or the identity of confidential informants, shall be disclosed to any applicant, or to his counsel or representatives, or to any other person not authorized to have access to such information. In cases involving individual applicants, the employer concerned may be advised only of the final determination in the case and of any interim decision to suspend an access authorization previously granted. Except at the written request of the applicant, the Department of Defense shall not release copies of the Statement of Reasons or findings relative thereto outside of the Executive Branch of the Government.

§ 67.1–5 Program.

The Industrial Personnel Access Authorization Review Program is hereby revised, modified, and continued in accordance with this Part 67. The Program shall be administered by the Director, Office of Industrial Personnel Access Authorization Review, who shall have a staff for that purpose. The Office of Industrial Personnel Access Authorization Review shall consist of the following elements:

(a) The Office of the Director.

(b) The Industrial Personnel Access Authorization Screening Board (hereinafter called the Screening Board).

(c) The Industrial Personnel Access Authorization Field Boards (hereinafter called the Field Boards).

(d) The Central Industrial Personnel Access Authorization Board (hereinafter called the Central Board).

§ 67.1–6 Scope of program.

(a) Except as provided in subparagraph (4) of this paragraph the procedures established in this Part 67 shall be applicable to cases in which the applicant is eligible under the Armed Forces Industrial Security Regulation for consideration as to the granting or continuing of an access authorization and in addition thereto:

(1) A Department of Defense agency or activity has recommended that an access authorization of a contractor or contractor employee be denied or revoked;

(2) A Department of Defense agency or activity has suspended an access authorization of a contractor or contractor employee;

(3) A Department of Defense agency or activity has denied or withdrawn a temporary access authorization from an individual, other than a foreign national, who falls within such categories as may be established under this subparagraph (3); or

(4) Action is requested by the Secretary of Defense, or the Secretary of any military department or the Administrator concerned.

(b) Once access authorization has been suspended, or a Statement of Reasons has been issued, or a temporary authorization for access has been withdrawn or denied in the case of applicants included in categories established under paragraph (a) of this section, these procedures may be invoked by an applicant even though his employment has been terminated.

§ 67.2 Organization.

§ 67.2–1 Office of Industrial Personnel Access Authorization Review.

(a) *Organization.* (1) The Office of Industrial Personnel Access Authorization Review shall be established in the Office of the Secretary of Defense and will function under the administrative jurisdiction of the Assistant Secretary of Defense (MP&R). The Office shall be headed by a civilian Director appointed by the Secretary of Defense after consultation with the Assistant Secretary of Defense (MP&R) and the Secretaries of the Army, Navy and Air Force. Policy guidance for the operation of the program including manpower and personnel requirements shall be provided by the Assistant Secretary of Defense (MP&R). The Director shall be responsible for administering the Industrial Personnel Access Authorization Review Program, including its constituent boards; he shall advise and consult with the Secretaries of the Army, Navy and Air Force in carrying out this responsibility. He shall be responsible for ensuring that the Screening, Field and Central Boards are provided with such advice, assistance and personnel, including legal and security advice, as he considers necessary to enable these elements properly to carry out their functions under this Program. He shall have such professional, technical, and clerical staff as he may require to carry out his responsibilities, as set out herein, and such other related responsibilities as may be prescribed. The Director is authorized to obtain information, assistance, and advice directly from any agency or activity of the Department of Defense, and, in accordance with established policies, from other agencies of the Government. He shall prepare monthly reports showing caseloads and the status of pending cases. The Director may issue such supplemental instructions, not inconsistent with this Part 67, as may be desirable for the administration and efficient operation of this Program, including rules for the processing of cases, the conduct of screenings, personal appearance proceedings, determinations and reviews, and for guidance in the application of the standard and criteria set forth in § 67.3. In any particular case, the Director may request additional investigation to be made subject to the provisions of any agreements with investigative agencies outside the Department of Defense.

(2) The Office of Industrial Personnel Access Authorization Review shall be located in the Pentagon and shall be supported administratively by the Office of the Secretary of Defense. The military departments shall make appropriate allocations of funds, military and civilian personnel, and personnel spaces.

(3) Communications shall be addressed to the Director, Office of Industrial Personnel Access Authorization Review, The Pentagon, Washington 25, D.C.

(b) *Department counsel.* The Office of Industrial Personnel Access Authorization Review shall include within its staff a sufficient number of qualified attorneys, who may be stationed in Washington, D.C. or at such other locations as the Director may select, to act as counsel for the Department of Defense in each case in which a personal appearance proceeding is held under this Part 67. When designated by the Director to serve in this capacity, department counsel shall perform the functions normally and customarily associated with said position. Department counsel shall also advise and assist the Screening Board as required, and shall represent the Department of Defense before the Central Board when appropriate.

(c) *Files.* The complete files of all review cases pertaining to industrial personnel shall be maintained by the Department of the Army.

§ 67.2–2 Industrial Personnel Access Authorization Screening Board.

(a) The Screening Board shall be located in the Office of Industrial Personnel Access Authorization Review and shall be responsible for the performance of the duties and functions hereinafter prescribed.

(b) The Secretary of each military department shall appoint one or more members, military or civilian, to each field board as the caseload requires. Appropriate officials designated by each Secretary will submit nominations through the Director, who will review the qualifications of each nominee and make an appropriate recommendation to the Secretary concerned. Except as provided in § 67.2–6, any three members so appointed, one from each military department, shall constitute a quorum-panel so that more than one panel may be convened at the same time. The Director shall designate one member to serve as Chairman of the Screening Board.

(c) The Screening Board shall have jurisdiction over all cases which are referred to it in accordance with this Part 67.

§ 67.2–3 Industrial Personnel Access Authorization Field Boards.

(a) There shall be three field boards, which shall be known as the New York, the Washington and the Los Angeles Industrial Personnel Access Authorization Field Boards and which shall be located in said cities. Additional field boards may be established by the Director with the approval of the Secretaries of the Army, Navy and Air Force. Panels of existing field boards may be convened at other locations to provide prompt and convenient personal appearance proceedings. Each field board shall be responsible for the performance of the duties and functions hereinafter prescribed.

(b) The Secretary of each military department shall appoint one or more members, military or civilian, to each field board as the caseload requires. Appropriate officials designated by each Secretary will submit nominations through the Director, who will review the qualifications of each nominee and make an appropriate recommendation to the Secretary concerned. The Director shall designate either one member of the board or a staff member to serve as administrative director of each board who will be responsible for the immediate operations of the board. A quorum-panel may consist of any one civilian member who is a qualified attorney, or of any three members, one from each military department, of whom at least one shall be a civilian and at least one shall be a qualified attorney. When a panel of three members is convened, the administrative director shall designate one member to act as Chairman. A quorum-panel may exercise all of the authority conferred on the board or Chairman by this Part 67.

(c) Each field board will have jurisdiction over all cases referred to it in accordance with this Part 67.

§ 67.2–4 Responsibilities of military departments for administrative support.

(a) Except as provided in paragraph (b) of this section, the field boards shall be supported administratively by the following military departments, which shall appoint such other personnel as may be required by the Director to assist each field board:

New York Industrial Personnel Access Authorization Field Board Department of the Army.

Washington Industrial Personnel Access Authorization Field Board Department of the Air Force.

Los Angeles Industrial Personnel Access Authorization Field Board Department of the Navy.

(b) Whenever, pursuant to direction of the Director, a panel of a field board established under § 67.2–3(a), is convened at any of the following named locations, the commanders named, respectively, shall arrange or provide for the administrative support needed by such board panel in order to discharge its official business at such locations:

Alaska: Commander, Alaskan Air Command.

Virgin Islands, Canal Zone, and Puerto Rico: Commanding General, USA, Carribean.

Guam, American Samoa, Wake, Midway, Guano Island and Hawaii: Commandant, 14th Naval District.

(c) Where a panel of a field board is convened at a location other than its principal office or at a location outside the jurisdiction of the commanders named in paragraph (b) of this section, the military department requested by the Director shall provide space, facilities and clerical personnel for each personal appearance proceeding and for the prompt making of a verbatim transcript thereof.

(d) As a verbatim transcript will be required of each personal appearance proceeding before a field board, it is the responsibility of each of the above mentioned commanders to provide the necessary personnel and facilities for the prompt making of such transcripts.

§ 67.2–5 Central Industrial Personnel Access Authorization Board.

(a) There is hereby established a Central Board, which shall be located in the Office of Industrial Personnel Access Authorization Review, and shall be responsible for the performance of the duties and functions hereinafter prescribed.

(b) The Secretary of each military department shall appoint one or more members, military or civilian, to the Central Board as the caseload requires. Appropriate officials designated by each Secretary will submit nominations through the Director, who will review the qualifications of each nominee and make an appropriate recommendation to the Secretary concerned. The Director shall designate one member to serve as Chairman of the Central Board. Except as provided in § 67.2–6, any three members so appointed, one from each military department, shall constitute a quorum-panel so that more than one panel may be convened at the same time. One of the members of each quorum-panel must be a qualified lawyer and each quorum-panel shall include at least one civilian.

(c) The Central Board shall have jurisdiction over all cases referred to it in accordance with this Part 67.

§ 67.2–6 Composition of boards in agency cases.

(a) Whenever an agency case is referred for consideration and determination under the Program the Administrator concerned shall be entitled to appoint one member to the Screening Board and two members to the Central Board. Such appointments shall conform to the requirements of § 67.2–7.

(b) Whenever an agency case is referred to the Screening or Central Boards, the Director shall notify the Administrator concerned thereof. The Administrator, or his designee, shall, in their absolute discretion, exercise or waive the right of his agency to be represented on the board involved and shall notify the Director thereof in writing, which notification shall be made a permanent part of the record in the case. If the right is exercised, the Screening Board panel to which the case is referred shall consist of four members and the Central Board panel of five members; instead of the usual three members; if it is waived the board shall be constituted as provided in § 67.2–2, or § 67.2–5.

§ 67.2–7 Access authorization of nominees.

No person shall be appointed Director, board member, or staff member under this Program until such person has been granted an authorization for access to Top Secret information, or its equivalent, based on a background investigation.

§ 67.3 Standard and criteria.

§ 67.3–1 Standard for issuing an access authorization.

Authorization for access to classified information of a specific classification category shall be granted or continued only if it is determined that such access by the applicant is clearly consistent with the national interest.

§ 67.3–2 Criteria for application of standard in cases involving individuals.

(a) Commission of any act of sabotage, espionage, treason, or sedition or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason or sedition.

(b) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, revolutionist, or with an espionage agent or other secret representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(c) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(d) Membership in, or affiliation or sympathetic association with, or participation in the activities of any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, fascist, communist, or subversive, or which has adopted or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means.

(e) Intentional, unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by law.

(f) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(g) Participation in the activities of an organization established as a front for an organization referred to in paragraph (d) of this section, under circumstances indicating that his personal views were sympathetic to the subversive purposes of such organization.

(h) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of, or sympathetic to, the infiltrating element or sympathetic to its purposes.

(i) Sympathetic interest in totalitarian, fascist, communist, or similar subversive movements.

(j) Sympathetic association with a member, or members, or an organization referred to in paragraph (d) of this section. (Ordinarily, this will not include chance or occasional meetings, nor contacts limited to normal business or official relations.)

(k) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in paragraph (a) through (i) of this section. A close continuing association may be deemed to exist if the individual lives at the same premises as, frequently visits, or frequently communicates with such person.

(l) Close continuing association of the type described in paragraph (k) of this section, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(m) Willful violation or disregard of security regulations.

(n) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(o) Any deliberate misrepresentations, falsifications or omission of material facts from a Personnel Security Questionnaire, Personal History Statement, or similar document.

(p) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(q) Acts of a reckless, irresponsible or wanton nature which indicate such poor judgment and instability as to suggest that the individual might disclose classified information to unauthorized persons, or otherwise assist such persons, whether deliberately or inadvertently, in activities inimical to the national interest.

(r) Any illness, including any mental condition, of a nature which, in the opinion of competent medical authority, may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(s) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may be likely to cause action contrary to the national interest.

(t) The presence of a spouse, parent, brother, sister, or offspring in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas of such a nation, under circumstances permitting coercion or pressure to be brought on the individual through such relatives which may be likely to cause action contrary to the national interest.

(u) Refusal by the individual, without satisfactory subsequent explanation, to answer questions before a Congressional or legislative committee, or Federal or State court or other tribunal, regarding charges of his alleged disloyalty or other misconduct.

§ 67.3–3 Guidance for the application of the standard and criteria.

(a) The activities and associations listed in § 67.3–2, describe conduct which may, in the light of all the surrounding circumstances, be the basis for denying or revoking an access authorization. The conduct varies in implication, degree of seriousness and significance depending upon all the factors in a particular case. Therefore, the ultimate determination of whether an authorization should be granted or continued must be an over-all common-sense one on the basis of all the information which may properly be considered under this Part 67 including but not restricted to such factors, when appropriate, as the following: the seriousness of the conduct, its implications, its recency, the motivations for it, the extent to which it was voluntary and undertaken with knowledge of the circumstances involved and, to the extent that it can be estimated and is appropriate in a particular case, the probability that it will continue in the future.

(b) Legitimate labor activities shall not be considered in determining whether access authorization should be granted or continued.

(c) It is essential to the efficient, economical, and equitable operation not only of the Industrial Personnel Access Authorization Review Program, but of the total procedures whereby the Department of Defense authorizes access to classified information, that applicants provide full, frank and truthful answers when they complete official questionnaires or other similar documents, or respond to official inquiries. Accordingly, the deliberate giving of false or misleading testimony or information on relevant matters, may be sufficient standing alone to justify denying or revoking access authorization and shall be weighed carefully before a determination is reached under this Program.

(d) The granting or continuing of an authorization for access to a contractor is not clearly consistent with the national interest if the access authorization of an owner, officer, director, or any executive of the contractor who is required to have such an access authorization, has not been, or would not be, granted under the standard and criteria set forth in §§ 67.3–1 and 67.3–2.

§ 67.4 Processing of cases.

§ 67.4–1 Emergency action.

Department of Defense activities or agencies may not make a final determination denying or revoking an authorization for access. In exceptional cases officials authorized by the military department concerned may suspend an authorization previously granted to an individual (but not to a facility) when, in the opinion of the authorized official, the individual's continued access to classified information, pending action by the Screening Board, would constitute an immediate threat to the national interest. Any such suspension action shall be reviewed by the Screening Board to determine its propriety.

§ 67.4–2 Forwarding cases.

Department of Defense activities or agencies shall forward to the Director all cases prescribed in § 67.1–6(a), together with the complete file, including the recommendation in the case, the reasons therefor, and all other available information and material relevant to a determination. After ensuring that the file has been properly prepared and transmitted, the Director shall forward it to the Screening Board for appropriate action.

§ 67.4–3 Initial adjudication procedures (Screening Board action).

(a) The Screening Board shall review each case referred to it by the Director and shall determine in accordance with the standard and criteria set forth in § 67.3 of this Part 67 whether the reported information warrants (1) authorizing or continuing to authorize access at the specific classification category requested or (2) further processing as set forth below.

(b) With respect to any case pending before it, the Screening Board may request the Director to:

(1) Request further investigation, specifying the particular points on which the Board feels its information is not adequate.

(2) Issue to the applicant such written interrogatories as the Board may deem desirable.

(3) Arrange for an interview with the applicant.

(4) Arrange for an interview with any witness who has given information relevant to a decision in the case.

(c) The Screening Board may, with respect to any case pending before it, determine at any time that an existing authorization shall be suspended. Upon any such determination, the Director shall notify the applicant, the contractor, the office of the cognizant military department and the agency or activity which forwarded the case to him.

(d) If the Screening Board determines that access at the specific classification category requested should be granted or continued in effect, it shall prepare its determination in accordance with the instructions set out in paragraph (i) of this section. The Director shall notify the agency or activity which forwarded the case to him of the determination and instruct it to effect the authorization where appropriate. The Screening Board shall reconsider its determination at the request of the Secretary of Defense, the Secretary of a military department, or the Administrator concerned.

(e) If the Screening Board concludes on the basis of the information available to it and in accordance with the standard and criteria set forth in § 67.3 that the case does not warrant a determination favorable to the applicant, it shall prepare a Statement of Reasons informing the applicant of the grounds upon which his access authorization may be defined or revoked. This Statement of Reasons shall be as comprehensive and detailed as the national security permits. At the time a Statement of Reasons is issued, any access authorization previously granted for Secret or Top Secret shall be suspended or limited to Confidential unless such access authorization was granted pursuant to board action under any industrial personnel review program in which case the Screening Board shall determine whether the access authorization should be suspended or limited. The Screening Board shall also determine whether any access authorization previously granted for Confidential should be suspended or limited.

(f) The Director shall forward the Statement of Reasons and a copy of this Part 67 to the applicant and shall inform him of the status of his access authorization pending a final determination. An applicant who has been served with a Statement of Reasons and who has filed under oath or affirmation a written reply thereto which complies with the requirements of paragraph (g) of this paragraph shall be afforded:

(1) An opportunity to appear personally before a field board for the purpose of supporting his eligibility for access authorization and of presenting evidence in his own behalf.

(2) A reasonable time to prepare for that appearance.

(3) An opportunity to be represented by counsel without cost to the Government.

(4) The opportunity to cross-examine adverse witnesses prescribed in § 67.4–5 (b).

(g) Before an applicant is afforded an opportunity to make a personal appearance before a field board he must submit a detailed written answer under oath or affirmation specifically admitting, denying or disclaiming knowledge of each allegation and each supporting fact alleged in the Statement of Reasons. The applicant's answer must either admit or deny each allegation or supporting fact, giving such explanation as may be available to him, or disclaim knowledge thereof. A general denial or other similar answer is not sufficient. The applicant must set out his position with sufficient particularity to disclose the basis thereof, in order that the Department of Defense may determine in advance of the personal appearance proceeding whether the allegations and supporting facts are wholly denied, denied in part,

or wholly admitted and make arrangements to produce such information in support as may be required. The Director may decline to accept answers which do not meet the above requirements and, upon notice to the applicant, may refuse to continue to process his application. In that event, the Director shall suspend any access authorization then in effect and give appropriate notice. In the alternative, the Director may forward the case to a field board which may treat allegations or supporting facts with respect to which the Director finds the answer is insufficient as established for the purpose of making a determination under this Program.

(h) Where the applicant:

(1) Files an answer which complies with paragraph (g) of this section, and requests a personal appearance proceeding, or where, although the answer is insufficient, the Director elects to proceed as provided for in said paragraph (g) of this section, the Director shall assign the case to a field board for a proceeding.

(2) Files an answer which complies with paragraph (g) of this section, but elects not to request a personal appearance proceeding, the Director shall assign the case to the Central Board for determination on the basis of all available information including the answer and all documents in support thereof.

(3) Does not answer, the Director shall instruct the department which forwarded the case to deny or revoke access authorization, as appropriate, and shall advise the applicant.

(i) All determinations by the Screening Board shall be made in executive session. A determination to grant or continue access authorization shall be by unanimous vote. No person other than members of the Board shall be present when the Board deliberates and reaches its determination.

(j) Decisions adverse to the applicant announced by the Director in accordance with paragraph (h)(3) of this section, may be reconsidered by the Screening Board at the request of the Director, or at the request of the applicant addressed through the Director, after a finding by the Screening Board that there is newly discovered evidence or that other good cause has been shown.

§ 67.4–4 Personal appearance.

(a) Promptly after being notified by the Director that a case has been referred for a personal appearance proceeding, the Chairman of the field board shall set a time and place for the proceeding and inform the applicant thereof. Personal appearance proceedings shall be held as soon as practicable, allowing the applicant and the Department of Defense a reasonable time to prepare. Postponements may be granted by the Chairman in his sound discretion upon application by either party with notice to the other.

(b) Normally, a personal appearance proceeding shall be held at the home office of the field board concerned. When the applicant so requests and when in the discretion of the Chairman equity to him requires that the proceeding be held in a different place, or when the interests of the government would be served thereby, field boards, subject to the overall authority of the Director, may arrange to convene at such times and places as will best meet the above objectives.

(c) It is to the advantage of both the applicant and the Department to shorten and simplify the proceedings before the field board by stating the issues and arriving at an agreed-upon version of the facts in the case when it is possible to do so. Department counsel is authorized to consult directly with the applicant, or if he has counsel or representative, with them, for purposes of reaching mutual agreement upon arrangements for an expeditious proceeding in the case. Such arrangements may include clarification of issues, and stipulations with respect to testimony and the contents of documents and other physical evidence. Such stipulations when entered into shall be binding upon the applicant and the Department of Defense for the purpose of these proceedings.

(d) The applicant is responsible for producing witnesses in his own behalf or presenting other evidence before the field board to support his reply to the Statement of Reasons. When specific assistance is requested, however, the department counsel and the Chairman of the field board may provide such assistance, upon a showing that it is practicable and necessary. In the Chairman's sound discretion, invitations to attend the proceeding as witnesses in the applicant's behalf, or requests for specific documents or other physical evidence, may be tendered upon application, provided a showing of the necessity for such assistance has been made.

(e) Department counsel is responsible for producing at the proceeding witnesses and information relied upon by the Department to establish these facts alleged in the Statement of Reasons which have been controverted. Every reasonable and practicable effort shall be made to obtain witnesses and to facilitate their appearance in accordance with the policy set out in § 67.1–4(c). When requested all Department of Defense agencies and activities shall cooperate in carrying out this policy.

(f) Where an applicant who has requested an opportunity to appear fails without sufficient reason therefor to appear at the time and place set for the proceeding, or at any postponement thereof, and has not requested that his case be determined on the basis of all available information including any written material he may have submitted, the field board shall return the case to the Director without further action. The Director shall then take action under § 67.4–3(b)(3).

§ 67.4–5 Procedures for personal appearance proceedings.

(a) *General provisions.* (1) Personal appearance proceedings are designed to ascertain all the relevant facts in a case to aid in reaching fair and impartial determinations. Such proceedings are not to be conducted with the formality of a court proceeding or of an administrative hearing conducted under the Administrative Procedure Act, but rather as administrative inquiries held for the purpose of affording the person concerned an opportunity to appear for the purpose of supporting his eligibility for an access authorization and to permit the Department of Defense to inquire fully into the matters related to the particular case. As provided in paragraph (b)(1) of this section, the customary rules of evidence shall not be controlling.

(2) Personal appearance proceedings conducted under this Part 67 are not adversary in nature. Nevertheless, a careful and searching inquiry into the facts is necessary if the objectives of this Part 67 are to be effectuated. Field Boards shall be alert to the necessity for identifying and resolving disputed issues of fact whenever possible and shall make their rulings with these considerations in mind.

(3) Personal appearance proceedings shall be conducted in an orderly manner and in an atmosphere of dignity and decorum. They may be attended only by the members of the field board, the applicant and his counsel or representatives, authorized personnel of the Department of Defense and necessary clerical personnel. Unless the Chairman of the field board rules otherwise, a witness may be present only when he is testifying.

(4) The Director shall designate a qualified attorney to represent the Department of Defense and to act as department counsel in each case. He shall represent the Department, and shall be responsible for making a complete record and for placing before the field board all material which may properly be incorporated therein. He shall question Department of Defense witnesses and cross-examine witnesses produced by the applicant, although the field board may also question any witness.

(5) After the proceeding has been convened, and the Statement of Reasons and the applicant's answer thereto have been entered into the record, normally the applicant shall have the right to make a general opening statement either in person or by counsel, and to present his case. He may call witnesses, testify in his own behalf if he so desires and present documents, or other information, in support of his application for access authorization and cross-examine witnesses produced by the Department of Defense.

(6) Witnesses before the field board shall testify subject to the provisions of sec. 1001, Title 18, U.S. Code. Before testifying they shall be informed that said section makes it a criminal offense punishable by a maximum of five years imprisonment, $10,000 fine, or both, knowingly and willfully to make a false statement or representation to any department or agency of the United States as to any matter within the jurisdiction of any department or agency of the United States. Written interrogatories must be sworn to before a notary public or other official authorized to administer oaths.

(7) When appropriate the field board shall amend the Statement of Reasons to conform it with the information available and enter the amendment into the record. When such amendments are made, the Chairman of the field board shall grant the applicant such additional time as, in his sound discretion, he deems appropriate to answer such amendments and to secure and present evidence pertaining thereto.

(8) The field board may recess the proceeding at any time at the request of the applicant or his counsel, department counsel, or upon its own motion.

(9) Before the Chairman of the field board adjourns the proceeding, he shall ask the applicant whether he desires additional time to secure and present additional evidence or to submit a brief. If the applicant desires to present such additional material, the field board shall determine the time within which it must be presented and the form in which it will be received. The Chairman shall also advise the applicant that announcement of the determination in his case will be made by the Director, Office of Industrial Personnel Access Authorization Review.

(10) A verbatim transcript (in triplicate) shall be made of the proceedings and such transcript shall become a permanent part of the record. The transcript shall not include information introduced in accordance with the provisions of paragraph (b)(5) and (6) of this section. The applicant or his designated representative shall be furnished without cost one copy of the transcript, less the exhibits, upon his request. The transcript shall be reviewed by the board prior to release to ensure that it contains no classified information, nor any information which might compromise investigative sources or methods or the identity of confidential informants.

(11) If the applicant or his counsel desires to submit corrections in the transcript to the field board, he shall note the corrections on a separate statement designating the page and line. The statement of corrections must be filed within the time set by the field board which shall determine what corrections are allowable, shall enter on the transcript by marginal notation the corrections which are allowed, and shall enter on the statement filed by the applicant the corrections which are rejected. This statement shall be made a permanent part of the record. The Chairman of the field board in his discretion may call upon the applicant or his counsel for a discussion of the corrections. Corrections shall be allowed solely for the purpose of conforming the transcript to the actual testimony.

(12) Whenever the field board concludes with respect to an issue of fact that the investigation is inadequate or that all of the information has not been fully developed or explored, it may request that further investigation be conducted and in appropriate cases may recess the proceeding pending such investigation. Such requests shall be addressed to the Director through the department counsel. Information developed through supplemental investigation shall be made available to the board in the same manner as information developed in the original investigation.

(b) *Introduction of information.* (1) The record shall consist exclusively of all information presented by the Department of Defense in accordance with this Part 67, together with all information submitted by the applicant. The record shall not be limited to evidence admissible in the courts of the United States. Any oral or documentary evidence may be received if otherwise admissible under this Part 67 and accorded the weight deemed appropriate, but irrelevant, immaterial or unduly repetitious material may be excluded, in the sound discretion of the Chairman of the field board. Efforts shall be made to obtain the best evidence available.

(2) Unless permitted by subparagraphs (5) and (6) of this paragraph, the record may contain no information adverse to the applicant on any controverted issue unless (i) the information or its substance has been made available to the applicant and he offers no objection to its presentation; or (ii) the information or its substance is made available to him and the applicant is afforded an opportunity to cross-examine the person providing the information either orally or by written interrogatories. The foregoing shall not apply to information bearing upon the characterization in the Statement of Reasons of any organization or individual other than the applicant. Information the admission of which is not prohibited by this subparagraph (2), or by any other provision of this Part 67, may be received and made part of the record and may be considered by any board or official charged with making determinations under this Part 67.

(3) Prior to the referral of a case to a field board for a personal appearance proceeding, the Director, Office of Industrial Personnel Access Authorization Review, upon application by either the applicant or the department counsel, shall rule whether, in the light of all the circumstances, testimony shall be taken personally, by deposition, or through cross-interrogatories. In making this ruling, the Director shall exercise his sound discretion and shall state his reasons therefor. He may direct the applicant or his counsel, and department counsel to frame written interrogatories and upon application by either party shall rule upon the relevancy and materiality of any question to be incorporated therein. Once the case has been referred to the field board, the Chairman of the field board shall perform this function. Any action taken by the Director under this subparagraph (3) shall be reflected in the record where appropriate.

(4) Notwithstanding any other provision of this Part 67, records compiled in the regular course of business, or other physical evidence other than investigative reports as such, may be received and considered subject to rebuttal without authenticating witnesses, provided such information has been furnished by an investigative agency pursuant to its responsibilities in connection with assisting the Secretary of Defense or the Administrator of the Federal Aviation Agency or the National Aeronautics and Space Administration to safeguard classified information within industry pursuant to Executive Order 10865. Such documents shall be exhibited to the applicant and when received by the field board shall be made a part of the record in the case.

(5) Records compiled in the regular course of business, or other physical evidence other than investigative reports as such, relating to a controverted issue, which, because they are classified, may not be inspected by the applicant, may be received and considered provided that (i) the Secretary of Defense or when appropriate, the Administrator of the Federal Aviation Agency or the National Aeronautics and Space Administration, or the Director, Office of Industrial Personnel Access Authorization Review, who has been designated as their special designee for that purpose pursuant to section 5b, Executive Order 10865, has made a preliminary determination that said physical evidence appears to be material, and that failure to receive and consider it would, in view of the level of access sought, be substantially harmful to the national security, and (ii) to the extent that the national security permits, a summary or description of said physical evidence shall be made available to the applicant. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered.

(6) A written or oral statement by a person adverse to the applicant on a controverted issue, and not relating to the characterization in the Statement of Reasons of any organization or individual other than the applicant, may be received and considered without affording an opportunity to cross-examine the person making the statement only in circumstances described in either of the following subdivisions (i) and (ii), provided however that a summary of the statement as comprehensive and detailed as the national security permits shall be made available to the applicant:

(i) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest.

(ii) The Secretary of Defense or when appropriate, the Administrator of the Federal Aviation Agency or the National Aeronautics and Space Administration, or the Director, Office of Industrial Personnel Access Authorization Review, who has been designated as their special designee for that particular purpose pursuant to paragraph 4a(2) of Executive Order 10865, has preliminarily determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to

testify (a) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the applicant, or (b) due to some other cause determined by the Secretary or the Deputy Secretary of Defense, or when appropriate, by the Administrator or Deputy Administrator of the Federal Aviation Agency or the National Aeronautics and Space Administration to be good and sufficient.

(7) A written or oral statement of a person relating to the characterization in the Statement of Reasons or any organization or individual other than the applicant may be received and considered without affording the applicant an opportunity to cross-examine the person making the statement, irrespective of whether the statement is adverse to the applicant or relates to a controverted issue, provided the applicant is given notice that it has been received and may be considered by the board, and is informed of its contents to the extent permitted by § 67.1–4 of this Part 67.

(8) Whenever information is made a part of the record under the exceptions authorized by subparagraph (5) or (6) (i) or (ii) of this paragraph, the record shall contain certificates evidencing that the determinations required therein have been made. Such certificates shall include the reasons therefor and shall be made available to the applicant unless their disclosure is prohibited by § 67.1–4 of this Part 67.

(9) In any case where information is received by the field board pursuant to subparagraph (5) or (6) (i) or (ii) of this paragraph, a final determination adverse to the applicant in a Department of Defense case shall be made only by the Secretary of Defense, and in an agency case by the Administrator of the Federal Aviation Agency or of the National Aeronautics and Space Administration, as appropriate, based upon their personal review of the case.

§ 67.4–6 Field Board's report.

(a) As promptly as possible after the proceeding and after full consideration of the record and of any arguments made or briefs submitted, the field board shall prepare a report which shall include a recommended decision in the case, prepared in accordance with the standard and criteria set forth in § 67.3. The field board's report shall contain a recitation of the questions presented, a summary of the evidence received, findings of fact with respect to each allegation made, and its conclusion on each question presented for consideration. The field board's report shall be forwarded through the Director to the Central Industrial Personnel Access Authorization Board. The report shall not be made available to the applicant.

(b) Whenever an applicant has made a personal appearance before a field board, a decision adverse to him may be made only on grounds stated in the Statement of Reasons and any amendments thereto and must be based upon a record that is in conformity with Executive Order 10865 and this Part 67. A field board or the Central Board may not receive or consider any information with respect to any fact in issue, unless such information is made available to such board in accordance with this Part 67.

(c) In every case where applicable, the field board shall give appropriate consideration to the fact that the applicant did not have the opportunity to inspect classified information or to identify or cross-examine persons constituting sources of information. It shall also give appropriate consideration to whether information was given under oath or affirmation, and whether or not the person concerned has had an opportunity to rebut it. In every case where classified physical evidence is involved, information as to the authenticity and accuracy of said physical evidence furnished by the investigative agency shall be considered.

§ 67.4–7 Action by the Central Industrial Personnel Access Authorization Board.

(a) Whenever a case is referred to the Central Board, it shall make a final determination subject to the provisions of § 67.4–9(c) of this Part 67, in cases which do not fall within the provisions of § 67.4–5(b) (5) or (6) (i) or (ii), specifying the specific category of classified information to which access shall be granted or continued where appropriate.

(b) In cases where the provisions of § 67.4–5(b) (5) or (6) (i) or (ii) apply, the Central Board shall (1) prepare a final determination where the decision is to grant or continue access at the specific classification category requested, or (2) where it concludes that access at that specific classification category is not warranted, it shall so notify the Director.

(c) Before the Central Board makes a final decision, it shall take the following action, as applicable:

(1) If the board reaches a tentative decision adverse to the applicant, it shall, through the Director, give notice thereof to the applicant together with notice of its proposed findings for or against him with respect to each allegation in the Statement of Reasons, and shall provide him with an opportunity to make an appearance before it, in person or by counsel, or to file a written brief. Within ten (10) calendar days after his receipt of such notice, the applicant may file with the board a written notice of intention to appear or to file a written brief. If the applicant files such written notice of intention, the board shall fix as early a date as practicable for filing a written brief or making a personal appearance before it, and, through the Director, shall give notice thereof to both the applicant and department counsel and at the same time shall furnish department counsel with copies of the tentative decision and proposed findings as previously furnished to the applicant.

(2) If the board reaches a tentative decision favorable to the applicant, it shall, through the Director, give notice thereof to the department counsel together with notice of its proposed findings for or against the applicant with respect to each allegation in the Statement of Reasons, and shall provide department counsel with an opportunity to make an appearance before it, or to file a written brief. Within ten (10) calendar days after receipt of this notice, department counsel may file with the board a written notice of intention to appear or to file a written brief. If department counsel files such written notice of intention, the board shall fix as early a date as practicable for filing written brief or making personal appearance before it, and, through the Director, shall give notice thereof to both department counsel and the applicant and at the same time shall furnish the applicant with copies of the tentative decision and proposed findings as previously furnished to department counsel.

(3) Personal appearances before the Central Board and written briefs filed with the Central Board are intended to permit the applicant and department counsel to present their positions based exclusively upon the record made before the field board, and shall not be used as a substitute for proceedings before such a board. Argument may be made, but witnesses shall not be heard and testimony shall not be taken.

(4) Under subparagraphs (1) and (2) of this paragraph, when the applicant or department counsel, as the case may be, has filed a written notice of intention, the other shall be entitled at the designated time to appear personally or file a written brief as he may prefer. Failure by him to utilize this opportunity shall be deemed a waiver thereof.

(5) After the applicant and department counsel have submitted written briefs or appeared before the Central Board, as provided in subparagraphs (1) and (2) of this paragraph, the board shall reach a final determination in all cases in which it is authorized to do so, and shall refer all other cases to the Director for action by him in accordance with § 67.4–8 of this Part 67. If the applicant under subparagraph (1) of this paragraph, or department counsel under subparagraph (2) of this paragraph, fails to file written notice of intention, or fails, after filing such notice, to appear or file a written brief in a timely manner, the tentative decision of the board shall automatically become final in all cases in which the board is authorized to make a final determination and notice thereof shall be given in accordance with § 67.4–9; in all other cases the tentative decision shall be referred to the Director for action by him in accordance with § 67.4–8.

(d) In reaching a determination or conclusion as hereinabove provided, the Central Board may adopt, modify or reverse the findings, conclusion, or recommendation of the field board, or may request further investigation or may return the case through the Director to the field board with instructions to take further testimony or conduct other proceedings. In each case it shall consider the matters set out in § 67.4–6(c).

(e) In cases in which it is authorized to reach a final determination, the Central Board shall prepare an opinion which shall include an analysis of the evidence, findings of fact and the reasoning on which the determination is based. The determination shall be reached by majority vote, shall be signed by the members, and made a permanent part of the record in the case. If a determination is not unanimous, a minority opinion shall be filed.

§ 67.4–8 Action by the Secretary of Defense or the Administrators.

Whenever a case falls within the provisions of §§ 67.4–5(b) (5) or (6) (i) or (ii), and the Central Board concludes that access at the specific classification category requested is not warranted, the Director shall forward the case to the Secretary of Defense or the Administrator of the Federal Aviation Agency, or the National Aeronautics and Space Administration as appropriate for determination. The determination shall include a review of any determinations made pursuant to § 67.4–5(b) (6) (ii) (b) by any official other than the Secretary or the Administrator.

§ 67.4–9 Procedure after final determinations.

(a) Final determinations reached by the Central Board shall be announced by the Director who shall notify the applicant of the determination in his case. Where the determination is favorable to the applicant he shall be notified only of the final conclusion reached. Where the determination is adverse to the applicant, he shall be notified only of (1) the final conclusion reached, and (2) whether a finding was for or against him with respect to each allegation in the Statement of Reasons. The Director shall also give appropriate notice to the other parties concerned.

(b) Final determinations reached by the Secretary of Defense or the Administrator concerned shall be announced by the Director. Where the determination is favorable to the applicant he shall be notified only of the final conclusion reached. Where the determination is adverse to the applicant, he shall be notified only of (1) the final conclusion reached and (2) whether a finding was for or against him with respect to each allegation in the Statement of Reasons. The Director shall also give appropriate notice to the other parties concerned.

(c) Determinations of the Central Board shall be final subject only to:

(1) Reconsideration on its own motion, or at the request of the applicant, addressed through the Director, after it has made a finding that there is newly discovered evidence or that other good cause has been shown.

(2) Reconsideration by the Central Board at the request of the Secretary of Defense, the Secretary of any military department, the Director, or when appropriate, the Administrator concerned.

(3) Reversal by the Secretary of Defense or in agency cases reversal by the Administrator concerned after consultation with the Secretary of Defense.

§ 67.4–10 Authority of the Secretary of Defense, and the Administrators, Federal Aviation Agency and the National Aeronautics and Space Administration.

Nothing contained in this Part 67 shall be deemed to limit or affect the responsibility and powers of the Secretary of Defense or of any Administrator personally, and without respect to this Part 67, to deny or revoke an access authorization in a case affecting his department or agency when he personally determines that the provisions of this Part 67 cannot be invoked consistent with the national security and that the security of the nation requires such denial or revocation of access authorization. Such determination shall be conclusive.

§ 67.5 Miscellaneous.

§ 67.5–1 Pending cases.

All cases presently pending in the Office of Industrial Personnel Access Authorization Review or before any board constituted under any industrial personnel review program shall be processed under this Part 67 unless a Statement of Reasons has been issued in the case and the applicant has been afforded a personal appearance proceeding substantially in accordance with the provisions of this Part 67.

§ 67.5–2 Reconsideration of prior decisions.

(a) Decisions rendered under any industrial personnel review program prior to the effective date of this Part 67 which denied or revoked an access authorization may be reconsidered by such boards as the Director deems appropriate at the request of the applicant, addressed through the Director, after a finding by the appropriate board that there is newly discovered evidence or that other good cause has been shown. Whenever a final determination of denial or revocation based upon a personal appearance proceeding is found to have been unauthorized at the time it was made, authority is hereby delegated to the Director, Office of Industrial Personnel Access Authorization Review, to vacate such final determination and all subsequent administrative action predicated thereon and to take such other steps as may be deemed necessary to complete reconsideration of the case.

(b) In cases where an access authorization has been previously granted and a Department of Defense agency or activity receives additional derogatory information which was not considered by a board at the time it decided the case, such agency or activity, when it is of the opinion, after reviewing the complete file including the record of any prior proceedings, that revocation of said authorization is warranted, shall forward the case to the Director through appropriate channels for referral to the Screening Board in accordance with § 67.4–2.

§ 67.5–3 Monetary restitution.

If an applicant suffers a loss of earnings resulting directly from a suspension, revocation, or denial of his access authorization, and at a later time a final administrative determination is made that the granting to him of an access authorization at least equivalent to that which was suspended, revoked or denied, would be clearly consistent with the national interest and it is determined by the board making a final favorable determinaiton that the administrative determination which resulted in the loss of earnings was unjustified, reimbursement of such loss of earnings may be allowed in an amount which shall not exceed the difference between the amount the applicant would have earned at the rate he was receiving on the date of suspension, revocation, or denial of his access authorization and the amount of his interim net earnings. The filing and processing of any such claim shall be in accordance with such regulations as the Secretary of Defense may prescribe after consultation with the Administrators. As used herein, earnings shall not include profits. Payment shall be limited to claims administratively determined to be just and equitable. No applicant shall be compensated for any increase in his loss of earnings caused by his voluntary action in unduly delaying the processing of his case under any industrial personnel review program. Payments under this provision shall be in full satisfaction of any and all claims, of whatever nature they may be, which the applicant has or may assert against the United States, or the Department of Defense or any of its agencies or activities, or the Federal Aviation Agency, or the National Aeronautics and Space Administration, or any of them, by reason of or arising out of the suspension, revocation or denial of access authorization.

Effective date. This Part 67 is effective immediately.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 60–7432; Filed, Aug. 9, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Narragansett Bay, R.I.

Pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.10 governing the use and navigation of danger zones for naval operations in Narragansett Bay, Rhode Island, is hereby amended revising paragraph (b) (2) and (3) as follows:

§ 204.10 Narragansett Bay, R.I.; danger zones for naval operations.

* * * * * * *

(b) *Torpedo-testing range and prohibited area, Naval Operating Base, Newport.* * * * (2) *The prohibited area.* An area overlapping the torpedo-testing range bounded as follows: Beginning at a point on the east shore of Conanicut Island at latitude 41°33'15"; thence southeasterly to latitude 41°32'44", longitude 71°21'17"; thence southerly to latitude 41°32'09", longitude 71°21'17"; thence southeasterly to latitude 41°31'-

50'', longitude 71°21'10''; thence southeasterly to latitude 41°31'26'', longitude 71°20'33''; thence easterly to latitude 41°31'27'', longitude 71°20'06''; thence northerly to a point on the southwesterly shore of Prudence Island at latitude 41°35'00''; thence northerly along the southwesterly shore of Prudence Island to a point at latitude 41°35'40''; thence northwesterly to latitude 41°37'22'', longitude 71°21'15''; thence westerly to latitude 41°37'21'', longitude 71°21'23''; thence southerly to latitude 41°34'47'', longitude 71°21'06''; thence southwesterly to a point on the northeast shore of Conanicut Island at latitude 41°33'54''; thence southerly along the easterly side of Conanicut Island to the point of beginning.

(3) *The regulations.* • • •

(iii) The danger zone shall be given a wide berth when possible in order to avoid danger from running torpedoes, damage to range installations, or interference with range operation. Danger from erratic torpedoes exist beyond the boundaries of the torpedo-testing range. All mariners are cautioned to keep alert, take special precautions, and take such evasive action as necessary.

(iv) The danger zone may, in case of necessity, be entered by vessels proceeding to or from the Naval Air Station, Quonset Point, the Advanced Base Depot, Davisville, or other points in the western part of Narragansett Bay, and passing between Conanicut Island and Gould Island, under the following conditions:

(*a*) *When firing is in progress.* In the case of major vessels making this passage, firing will be suspended on their approach to the danger zone or on request to the Range Officer, Firing Pier, Gould Island. Minor vessels making this passage must proceed with caution, avoid torpedoes and observe orders from craft patrolling the zone which craft are identified by a square red flag. Other than as specified in this subparagraph, vessels shall not enter the danger zone while firing is in progress except by special arrangement through the Range Officer, Firing Pier, Gould Island, or through the Officer-in-Charge, Degaussing Station, if entering for operations on the magnetic range.

(*b*) *When firing is not in progress.* Vessels may make this passage without special precaution, except that diving tenders with divers down, identified by international "Four" flying a red flag with a diagonal white cross, shall be given a wide berth and passed at slow speed.

• • • • • •

(ix) The regulations in this subparagraph shall be enforced by the Commander, U.S. Naval Base, Newport, R.I., and such agencies as he may designate.

[Regs., July 21, 1960, 285/91 (Narragansett Bay, R.I.)–ENGCW–O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–7398; Filed, Aug. 9, 1960; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Regulations

The regulations of the Post Office Department are amended as follows:

I. In § 112.9 *Combination packages and articles grouped together*, amend subparagraph (3) of paragraph (a) by inserting "Australia" in the proper alphabetical order of countries therein which accept combination packages in the ordinary mail.

NOTE: The corresponding Postal Manual section is 222.913.

§ 168.1 Amendment.

II. In § 168.1 *Postal Union Mail*, make the following changes in paragraph (a):

A. In the tabular information preceding subparagraph (1), the information in the column headed "Surface rates" which applies to the classification "Matter for the blind" is amended to read "Domestic rates apply with certain exceptions. See § 112.5(d) and Part 28 of this chapter."

B. In subparagraph (1), amend subdivision (i) to read as follows:

(1) *Printed matter weight limits.* • • •

(i) To Paraguay and Peru a package of printed matter may weigh up to 11 pounds.

III. In § 168.5 *Individual country regulations*, make the following changes:

A. In country "Australia", under Postal Union Mail, amend the item *Observations* by adding a new paragraph to read as follows:

Combination mailings as defined in § 112.9(a) of this chapter are accepted.

B. In country "Cuba" under Parcel Post, make the following changes in the item *Observations:*

1. The first paragraph of the item *Observations* is amended to show that consular documents are not required for parcels valued at $300 or less whether gifts or commercial shipments. As so amended, the first paragraph reads as follows:

Observations. The senders of parcels valued at over $300 mailed at localities where Cuban consular representatives are stationed must present to such consular representatives, for consular certification, 1 original invoice and 5 copies. Only one set (6 copies) of invoices is necessary for one shipment sent at one time to the same addressee, regardless of the number of packages comprising the shipment.

2. The third paragraph of the item *Observations* which shows the location of Cuban Consuls is amended by deleting "Portland, Oreg."; and by inserting "San Juan, P.R." in proper alphabetical order therein.

C. Amend the country heading of "Egypt" to read "United Arab Republic (Egypt)", and redesignate the new country heading, and the pertinent regulations in the proper alphabetical order of countries therein.

D. In country "Greece", as amended by Federal Register Document 60–6839, 25 F.R. 6970–6972, under Parcel Post, the item *Prohibitions* is amended for the purpose of clarification to read as follows:

Prohibitions. For sanitary reasons: Medicines except in the manufacturer's container bearing his distinctive marks. Drugstore prescriptions. Proprietary medicines unless licensed by the Greek Supreme Board of Hygiene or specially authorized by the Ministry of Social Welfare.

Fresh meat, preserved meat, rawhides, wool, and other animal products, unless accompanied by a certificate showing that the place of origin is free from trichina.

Used clothing, bedding, rags, etc., for commercial purposes. Used clothing for personal use, unless it is clean and is so described on the customs declaration.

Cans of condensed milk, unless provided with a label in the Greek language indicating the directions for its use.

Snuff.

Arms, etc.: Firearms, swords, and any articles containing them. However, hunting arms and other commercial arms may be admitted (see "Import restrictions").

State monopolies: Salt; playing cards; amusement devices; petroleum; saccharine.

Leaf tobacco for cigars and cigarette papers, unless imported by or for tobacco manufacturers, under special authorization of the Ministry of Finance.

Aluminum sheets for tobacco manufacturing.

E. In country "Hungary", under Postal Union mail, make the following changes:

1. The items *Small packets, Letter packages containing dutiable merchandise*, and *Observations* are amended as a result of additional facilities made available by the Hungarian postal authorities. As so amended, the items read as follows:

Small Packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Observations. Postage stamps, cancelled or not, and other stamped paper sent to individuals must be addressed to Bélyegcserebizottság (Stamp Exchange Commission), VII. Verseny u. 12, Budapest 70, Hungary, with the name of the addressee.

Gift articles in letter packages or small packets must conform to the requirements for gift parcels (see "Observations" under "Parcel Post").

2. Strike out the item *Prohibitions and import restrictions* and insert in lieu thereof a new item *Prohibitions* to read as follows:

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

F. In country "Indonesia", under Postal Union mail, the item *Letter packages containing dutiable merchandise* is amended to show that perishable biological materials are accepted. As so amended, the item reads as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

G. In country "Laos", under Postal Union Mail, the item *Small packets* is amended to show that small packets are now accepted unconditionally. As so amended, the item reads as follows:

Small packets. Accepted.

H. In country "Leeward Islands", as amended by Federal Register Document 60–3563, 25 F.R. 3409–3410, under Postal Union Mail, the item *Letter packages containing dutiable merchandise* is amended to show that "Montserrat" accepts perishable biological materials. As so amended, the item reads as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted to Antigua and Montserrat. See § 111.3(b)(5) of this chapter.

I. Amend the country heading of "Syria" to read "United Arab Republic (Syria)," and redesignate the new country heading and the pertinent regulations in the proper alphabetical order of countries therein.

J. In "Places not included in alphabetical list of countries" delete "United Arab Republic (Egypt and Syria);" and insert the places "Egypt (United Arab Republic)", and "Syria (United Arab Republic)" in proper alphabetical order therein.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60–7411; Filed, Aug. 9, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2171]

[72182]

ALASKA

Withdrawing Public Lands for Protection of Indian Cemeteries

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, tracts of public land in Alaska customarily used by Indians, Eskimos, or Aleuts as burial places for their dead, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved under jurisdiction of the Secretary of the Interior as cemeteries for use in connection with the administration of the affairs of the Natives of Alaska.

The withdrawal made by this order shall include a strip of land 330 feet in width surrounding the perimeter of each cemetery, for the proper care, upkeep, and administration thereof.

This order shall be effective immediately with respect to those native cemeteries in Alaska which are delineated as such upon the approved and accepted plats of survey, and with respect to other native cemeteries in Alaska, upon the filing in the Land Office having jurisdiction of the area, of an accepted plat of survey designating an area as a cemetery, and the notation thereon of the character of such cemetery as a native cemetery.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 3, 1960.

[F.R. Doc. 60–7408; Filed, Aug. 9, 1960; 8:46 a.m.]

[Public Land Order 2172]

[Sacramento 058972]

[19300]

CALIFORNIA

Power Site Cancellation No. 136; Canceling in Part Power Site Classification No. 391; Opening Lands Subject to Section 24 of the Federal Power Act (Power Site Classification No. 444)

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, and pursuant to determination DA–947–California of the Federal Power Commission, Issued May 4, 1959, it is ordered as follows:

1. The order of the Geological Survey dated April 22, 1948, creating Power Site Classification No. 391, is hereby canceled so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 2 W.,
Sec. 29, SE¼SW¼.
T. 7 N., R. 3 W.,
Sec. 2, lot 3 and SE¼NW¼ (E½ of Lots 1 and 2 of NW¼).
T. 8 N., R. 3 W.,
Sec. 26, SE¼NE¼;
Sec. 31, NW¼NE¼.

The areas described aggregate 195.88 acres. The lands, with the exception of the SE¼NE¼, section 26, T. 8 N., R. 3 W., are withdrawn for reclamation purposes.

2. In DA–947–California, the Federal Power Commission determined that the value of the following-described lands reserved for power purposes would not be injured or destroyed for such purposes by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 5 W.,
Sec. 25, W½SE¼.
T. 11 N., R. 5 W.,
Sec. 18, lot 15;
Sec. 20, SW¼NW¼;
Sec. 27, lot 5.
T. 11 N., R. 6 W.,
Sec. 24, N½NE¼.
T. 12 N., R. 6 W.,
Sec. 35, NE¼SW¼.

The areas described aggregate 313.27 acres, of which lot 15, section 18, T. 11 N., R. 5 W., and the N½NE¼, section 24, T. 11 N., R. 6 W., are included in applications for withdrawal filed by the State of California, Department of Fish and Game.

3. The lands lie in the Putah Creek Basin, south of Clear Lake, in Lake, Napa, Yolo, and Solano Counties, California.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 1 hereof as the SE¼NE¼, section 26, T. 8 N., R. 3 W., and the lands described in paragraph 2, are hereby opened to filing of applications, selections, and locations in accordance with the following, such opening as to the lands described in paragraph 2 being further subject to the provisions of section 24 of the Federal Power Act, supra:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 9, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

5. Applications for lands included in pending applications for withdrawal will be suspended in accordance with the regulations in 43 CFR 295.11a, to the extent that they are in conflict therewith.

6. The State of California has waived the preference right of application granted by subsection (c) of section 2

of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 853), and the said Section 24 of the Federal Power Act.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 4, 1960.

[F.R. Doc. 60-7409; Filed, Aug. 9, 1960; 8:45 a.m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 415—DETERMINATION OF LOT LINES AND LEASING OF LOTS IN LAKEVIEW ADDITION, BOULDER CITY, NEVADA

On pages 5697, 5698, and 5699 of the FEDERAL REGISTER of June 22, 1960, there was published a notice and text of a proposed new part to Title 43, Code of Federal Regulations. The purpose of this new part is to establish procedures for the determination of lot lines and the leasing of lots, the designation of streets, and initial construction or improvement of, additions to, street, water, electric, and sewerage systems in that part of Boulder City, Nevada, known as Lakeview Addition. In addition, this new part contemplates the transfer of Lakeview Addition by the United States to Boulder City, Nevada.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed new part. No comments, suggestions or objections have been received and the proposed new part is hereby adopted without change.

Inasmuch as it is in the best interest of all parties concerned that the procedures established by this new part be available without delay, in order that necessary leases can be consummated and subdivision improvement can proceed in an orderly manner, this part shall become effective on the date of publication of this notice in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 3, 1960.

A new Part 415 is added to Title 43, Chapter II, reading as follows:

Sec.
415.1 Purpose.
415.2 Definitions.
415.3 Determinations by and duties of Regional Director.
415.4 Discretionary functions of the Regional Director.
415.5 Notices and offers to lease and selection of lieu lots.
415.6 Terms and conditions of leases.
415.7 Disposal of nonhabitable structures.
415.8 Treatment of costs of accomplishing functions prescribed by Act.

AUTHORITY: §§ 415.1 to 415.8 issued under sec. 15, 72 Stat. 1726.

§ 415.1 Purpose.

The purpose of this part is to supplement the Boulder City Act of 1958 (72 Stat. 1726), and to assist in carrying out the provisions of that Act relating to Lakeview Addition, Boulder City, Nevada. It establishes procedures relating to the determination of lot lines and the leasing of lots, the designation of streets, the determination of ownership of privately owned structures, the acquisition or relocation of privately owned structures required in order to accomplish the subdivision. It further refers to the expenditure of the amount authorized by section 6(b)(2) of said Act to be appropriated for the initial construction or improvement of, or additions to, street, water, electric, and sewerage systems for Lakeview Addition. It also provides for the transfer of Lakeview Addition by the United States to Boulder City, Nevada.

§ 415.2 Definitions.

As used in this part, the term:

(a) "Regional Director" means the Regional Director, Region 3, Bureau of Reclamation, or person designated by him to act in his behalf.

(b) "Act" means the Boulder City Act of 1958 (72 Stat. 1726).

(c) "Boulder City municipal area" means the area in the State of Nevada as that area is defined in section 2(c) of the Act.

(d) "Municipality" means Boulder City, Nevada, a municipal corporation, organized and existing under the laws of the State of Nevada.

(e) "Lakeview Addition" means that portion of the Boulder City municipal area delineated on Map No. X-300-475, dated December 3, 1959, attached as Exhibit B to the Quitclaim Deed from the United States to Boulder City, Nevada, dated January 4, 1960, recorded on January 12, 1960, as Instrument No. 185058, in Official Records Book No. 228, Clark County, Nevada, where federally owned lands not under lease from the United States are occupied by privately owned structures.

(f) "Privately owned structure" means a nonfederally owned dwelling inhabited as of January 4, 1960, by the owner or with the permission of the owner thereof or, if not so inhabited, which, in the Regional Director's opinion was habitable, as of January 4, 1960, including, in either case, any nonresidential structure appurtenant to such dwelling. For the purpose of qualifying for a lease under these regulations, the meaning of "privately owned structure" does not include a nonresidential structure or improvement which is not appurtenant to a habitable dwelling or which is not located on the same lot as said dwelling.

(g) "Lieu lot" means a lot in Lakeview Addition other than a lot or area occupied in whole or part by a privately owned structure, which is determined by the Regional Director to be available for leasing.

(h) "Interim occupancy agreement" means a document tendered by the United States and executed by the owner of a privately owned structure, the removal of which was determined necessary by the Regional Director, recognizing the occupancy of the lieu lot as selected, and will be of a duration extending from conclusion of selection of lieu lots until earliest practicable date when lease may be tendered.

§ 415.3 Determinations by and duties of the Regional Director.

(a) The Regional Director shall:

(1) Determine what initial construction or improvement of, or additions to, street, water, electric, and sewerage systems within Lakeview Addition are, in his opinion, necessary toward conformance with general standards for such utilities and facilities prevailing in the community and possible of accomplishment by the expenditure of such funds as may have been appropriated for such purposes pursuant to section 6(b)(2) of the Act;

(2) Determine what are privately owned structures in Lakeview Addition, as hereinbefore defined;

(3) Determine by such methods as he deems reasonable and feasible, who are the owners of the structures referred to in subparagraph (2) of this paragraph;

(4) Determine and designate lot lines and streets in Lakeview Addition to conform as nearly as is reasonable and feasible, in his judgment, to the existing pattern of land occupancy in Lakeview Addition, including the designation, to the extent practicable, of lieu lots, as hereinbefore defined, and described the same on a map of Lakeview Addition;

(5) Cause each lot, as above designated to be appraised in accordance with section 3(d) of the Act;

(6) As soon as practicable, after completion of the work referred to in subparagraph (5) of this paragraph, offer in writing to lease each lot, as above designated, to the owner of the privately owned structure, located thereon and not requiring removal in order to accomplish the subdivision contemplated by section 4(b) of the Act;

(7) List and designate on a map those lieu lots in Lakeview Addition which are found by him to be available for leasing and, by a notice to that effect, offer in writing to each owner of a privately owned structure in Lakeview Addition which, in the Regional Director's opinion, must be removed in order to accomplish the subdivision contemplated by section 4(b) of the Act, an opportunity to choose a lot from said list and subsequently occupy, and lease same, all in the manner provided under § 415.5(c).

(8) Notify the owner of a privately owned structure or structures in Lakeview Addition who, pursuant to § 415.5 is offered either a lease of a lot occupied by said structure, or a lieu lot in Lakeview Addition and who fails to execute and return said lease or interim occupancy agreement and subsequently tendered lease, to the Regional Director within the allotted time, or who fails to accept an offer of an opportunity to choose a lieu lot, that said owner has lost his right to lease any lot in Lakeview Addition and must remove said structure or structures within thirty (30) days after such notification and that failure to comply with said notice will result in action by the Regional Director to take possession of the area and the structure or structures situated thereon;

(9) Evict all persons occupying any area or structure in Lakeview Addition, the right to possession of which has vested in the United States pursuant to subparagraph (8) of this paragraph;

(10) Transfer Lakeview Addition to Boulder City after completion of the work contemplated by subparagraph (1) of this paragraph, the leasing of lots, and other determinations and duties necessary to accomplish the subdivision at Lakeview Addition to the extent contemplated by the Act and these regulations;

(11) Perform such work and take such other actions not inconsistent herewith, as in his opinion is necessary and desirable to accomplish the determinations and fulfill the duties herein established.

(b) The Regional Director's determination hereunder shall be final and conclusive.

§ 415.4 Discretionary functions of the Regional Director.

(a) The Regional Director, in his discretion, may:

(1) Enter into an interim occupancy agreement, a lease, or both, with the owner of a privately owned structure in Lakeview Addition for a lot in Lakeview Addition determined by him to be available for leasing in lieu of a lease for the premises not designed as a lot but occupied by the structure in question;

(2) Relocate a privately owned structure on the lieu lot selected by the owner of said structure, by means of Government forces or by contract with an independent contractor or by contract with the owner of the privately owned structure, when, in the Regional Director's opinion, the removal of the structure is necessary in order to accomplish the subdivision of Lakeview Addition contemplated by section 4(b) of the Act and such structure is so built that it may be relocated without an expenditure disproportionate, in the Regional Director's opinion, to the value of the structure, as determined pursuant to an appraisal made either by Federal Housing Administration or by independent appraisers designated by the Regional Director;

(3) Acquire a privately owned structure, at its appraised value determined by the Regional Director pursuant to an appraisal of said structure made either by the Federal Housing Administration or by independent appraisers designated by the Regional Director, when in the Regional Director's opinion, the removal of the structure is necessary in order to accomplish the subdivision of Lakeview Addition contemplated by section 4(b) of the Act and such structure is, in the opinion of the Regional Director, not physically capable of being relocated or the cost of such relocation to the United States would be disproportionate to the value of the structure;

(4) Sell, destroy, or otherwise dispose of property acquired by the United States pursuant to subparagraph (3) of this paragraph or which comes into the possession of the United States pursuant to § 415.3(a)(8) by such means or upon such terms and conditions as he deems proper.

(b) The Regional Director's determinations hereunder shall be final and conclusive.

§ 415.5 Notices and offers to lease, including selection, occupancy, and lease of lieu lots.

(a) *How notice or offer shall be given.* (1) Any notice or offer required or otherwise deemed necessary and desirable for the accomplishment of determinations or fulfillment of duties hereunder shall be in writing and shall be deemed to have been given to the owner or occupant of the structure or premises in question when either personally delivered to said individual, or mailed by, or on behalf of, the Regional Director to said owner or occupant to the last-known address of such person or persons as it may appear in the Boulder City Post Office or the tax records of Clark County, Nevada, all as evidenced by copy thereof deposited in the official files maintained by the Regional Director. A copy of any such notice may, in the Regional Director's discretion, be posted on said privately owned structure.

(2) The offer of any lease shall be accompanied by the tender of a lease, which shall conform to the requirements of § 415.6.

(b) *Acceptance of lease.* (1) The offer to lease a lot in Lakeview Addition other than a lieu lot may be accepted by the owner of the qualifying privately owned structure signing and returning the tendered lease to be received in the office of the Regional Director within thirty (30) days of the date said offer was given under paragraph (a)(1) of this section.

(2) The offer to lease a lieu lot in Lakeview Addition may be accepted by the owner of the qualifying privately owned structure signing and returning the tendered lease, to be received in the office of the Regional Director within fifteen (15) days of the date said offer was given under paragraph (a)(1) of this section.

(3) Failure by the owner of a privately owned structure, or qualified holder of a lieu lot whose status has been established pursuant to paragraph (c) of this section, to return the tendered lease as required under subparagraph (1) or (2) of this paragraph shall constitute a rejection of the offer and a waiver of all claim of said owner or occupant to lease a lot in Lakeview Addition.

(c) *Selection, occupancy, and lease of lieu lots.* (1) All persons who are offered an opportunity to choose a lieu lot, and to subsequently occupy and lease same, in accordance with the notice provided for in § 415.3(a)(7), and who desire to be placed in order of opportunity to so choose, shall sign an application therefore which shall be enclosed with said notice and return the signed application to be received in the office of the Regional Director within fifteen (15) days of the date of the mailing of the notice, which is given in accordance with the provisions of paragraph (a)(1) of this section.

(2) Failure of said person to return said application as required by subparagraph (1) of this paragraph shall constitute a rejection of such opportunity, and a waiver of any subsequent claim to occupy and lease a lot in Lakeview Addition.

(3) Persons who sign and return the required application to choose a lieu lot shall be placed in order of opportunity to so choose pursuant to a drawing to be held at a time and a place specified in the notice.

(4) At the drawing, the names of all applicants who have qualified shall be placed in a single container and withdrawn one at a time at random. A list designating order of preference shall be prepared showing each name in the order in which it is drawn. The persons whose names have been drawn or their representatives who, in the opinion of the Regional Director, are duly authorized to attend and act in their behalf, shall meet at a time and place designated by the Regional Director on a day not less than five (5) nor more than fifteen (15) days after the date of the drawing to exercise their preference to select such lieu lot pursuant to the drawing.

(5) At 10 a.m., local time, on the date of which selections are to be made, those persons eligible to select shall meet at the designated place and make the selections in order of preference. Any preference right not exercised on the prescribed day shall be forfeited except that persons who, in the Regional Director's opinion, have not been given an opportunity to make a selection on the prescribed day because of the inability of an applicant who precedes them in the order in which the names were drawn to make a selection, may exercise their right on the day or days immediately following, all as determined by the Regional Director.

(6) After selections of lieu lots have been made, the Regional Director will, provided the work referred to in § 415.3(a)(5) has been completed, tender a lease which conforms to the requirements of § 415.6, acceptance of which shall be in accord with paragraph (b)(2) of this section.

(7) In the event work referred to in § 415.3(a)(5) has not been completed when the selection of lieu lots has been completed, the Regional Director will tender an interim occupancy agreement to each individual who has made a selection. Failure to execute and return such interim occupancy agreement, to be received in the office of the Regional Director within ten (10) days after such interim occupancy agreement is tendered, shall be deemed to be a rejection of the offer to select or to occupy said lot and a waiver of all claim to subsequently lease any lot in the Lakeview Addition.

(8) The continued validity of said interim occupancy agreement shall be con-

ditioned upon the selectee making suitable arrangements for vacating the premises occupied by the structure, to be relocated or acquired, within fifteen (15) days of the date of notice of the Regional Director's determination made pursuant to § 415.4(a) (2) or (3).

§ 415.6 Terms and conditions of leases.

(a) The term of the lease will be ten (10) years.

(b) The rental per annum shall be five percent (5%) of the appraised value of each lot as established pursuant to § 415.3(a)(5).

(c) The lease shall include an option to purchase the lot in accordance with the provisions of the Act, upon terms of payment specified by the municipality.

(d) The continuing validity of the lease shall be conditioned upon the lessee making proper connections to water, electric, and sewerage systems; disposing of all rubbish and debris on the lot; and maintaining the premises in a manner satisfactory to lessor; and may be conditioned on the lessee's rehabilitation, replacement, or relocation of any or all structures occupying the land in order to bring about, in the Regional Director's opinion, closer conformance with general standards prevailing in the community.

(e) Where the Regional Director acquires a privately owned structure from the owner thereof, pursuant to § 415.4 (a)(3), and leases a lieu lot to said owner, the lease of a lieu lot will require lessee to complete the construction of a habitable dwelling thereon, in accordance with standards of construction reasonably adequate in the opinion of the lessor, within one year of execution of the lease, unless the lessee exercises his option, pursuant to paragraph (c) of this section prior thereto.

(f) All leases may include such other terms and conditions as may be deemed necessary by the Regional Director in the interests of the United States and Boulder City and for the effectuation of the Act.

(g) The forms of the interim occupancy agreement and the lease will be available for examination in the Regional Director's office.

(h) If the purchaser desires to record his lease at his expense in the official records of Clark County, Nevada, he should have his signature acknowledged before a notary public prior to returning the lease to the office of the Regional Director.

§ 415.7 Disposal of nonhabitable structures.

Where the Regional Director determines that federally owned land in Lakeview Addition is occupied by (a) a nonresidential structure or remnant thereof which is not appurtenant to a habitable residence, or (b) an unoccupied residential structure or remnant thereof which was not habitable as of January 4, 1960, he shall endeavor to ascertain the owner thereof and shall require said owner to remove the aforesaid structure or remnant within thirty (30) days from the date a written notice to that effect is mailed by or on behalf of the Regional Director to said owner at his last-known address as it may appear in the Boulder City Post Office or the tax records of Clark County, Nevada. A copy of said notice shall also be posted on said structure or remnant. If said owner fails to remove said structure or remnant thereof, as required by said notice, or if the Regional Director is unable to ascertain who the owner of said structure or remnant therof is, the Regional Director shall, after making a record of the condition of said structure or remnant, take action to remove said structure or remnant thereof from the federally owned property in Lakeview Addition in any manner he deems to be satisfactory.

§ 415.8 Treatment of costs of accomplishing functions prescribed by Act.

The Regional Director may direct the expenditure out of the Boulder City Municipal Fund of moneys necessary to meet the costs of carrying out the functions and responsibilities of the United States, the Secretary of the Interior, or the Regional Director under the Act and the regulations promulgated thereunder, except that if the amount referred to under § 415.3(a)(1) is appropriated from general funds, the Regional Director shall direct the expenditure of such sum for the purposes appropriated.

[F.R. Doc. 60-7410; Filed, Aug. 9, 1960; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 24, 3d Rev.]

PART 284—VALUATION OF VESSELS FOR DETERMINING CAPITAL EMPLOYED AND NET EARNINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Part 284 is hereby revised to read as follows:

Sec.
284.1 Vessels included.
284.2 Basis of valuation.

AUTHORITY: §§ 284.1 and 284.2 issued under sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114); Pub. Law 86-518 (74 Stat. 216). Interpret or apply secs. 9 and 12(d) (60 Stat. 46, 50; 50 U.S.C. 1742, 1745)

§ 241.1 Vessels included.

The vessels to be valued pursuant to the provisions of this part are (a) all vessels subsidized under operating-differential subsidy agreements, (b) all vessels owned by the operator not so subsidized when, by reason of employment of such vessels in the subsidized services, the Maritime Administration has required that, for the period of such employment, the value of such vessels be included in the computation of capital necessarily employed in such subsidized services, and (c) all other vessels owned by the operator in those cases where it is necessary to determine the value thereof for the purposes of § 286.3(c).

§ 284.2 Basis of valuation.

(a) *General.* Except as hereinafter otherwise set forth, vessels shall be valued at the actual cost of acquisition (not the cost of replacement or reproduction), subject to the adjustments provided for hereinafter.

(b) *Acquisition from other than a predecessor or "related company".*—(1) *For cash or equivalent.* The cost of acquisition of vessels acquired from other than a predecessor, or a subsidiary company, holding company, affiliate company, or associate company, of the operator (herein referred to as a "related company"), for cash or a consideration determined by the Maritime Administration to be the equivalent of cash, shall be the purchase price plus any other expenditures which the Maritime Administration determines to be properly capitalizable as part of the cost of acquisition. There shall not be included therein commissions paid officers or directors of, or stockholders having a substantial stock interest in, the operator or a related company, or adjustments attributed to restricted trade or other provisions (if any) in contracts under which such vessels were acquired. The cost of vessels acquired by the operator from the builders, directly or through the Maritime Administration or predecessor agencies (except a vessel the price of which is adjusted under section 9 of the Merchant Ship Sales Act of 1946), shall include interest accrued during the period of construction on borrowed capital (less interest earned thereon) used to make payments on account of construction (including interest charged by the Maritime Administration on payments made to the builder) and such other expenditures which the Maritime Administration determines to be properly capitalizable.

(2) *For consideration other than cash or equivalent.* The cost of acquisition of any vessel acquired by the operator from other than its predecessor or a related company for any consideration, the cash value of which, in the opinion of the Maritime Administration, cannot be determined definitely, shall be the fair value of such vessel at the date of acquisition, as determined by the Maritime Administration. The cost of acquisition of any vessel acquired by the operator from the Maritime Administration or predecessor agencies (except a vessel the price of which is adjusted under section 9 of the Merchant Ship Sales Act of 1946) shall be the agreed purchase price for such vessel plus any other expenditures which the Maritime Administration determines to be properly capitalizable as part of the cost of acquisition, notwithstanding the fact that part of the consideration paid to the Maritime Administration or predecessor agencies may consist of mortgage notes of the operator. In general, the Maritime Administration will not undertake to place a value upon securities for the purpose of evaluating a vessel acquired in exchange therefor. No valuation by the Maritime Administration of a vessel acquired in whole or in part for securities shall be deemed to be a determination by the Maritime Administration of the value of such securities.

(3) *Vessels subject to section 9, Merchant Ship Sales Act of 1946.* The cost of acquisition of a vessel, the price of which is adjusted under section 9 of the Merchant Ship Sales Act of 1946, shall be the statutory sales price of the vessel, computed in accordance with section 3(d) of said Act, as of March 8, 1946 if the vessel was acquired by the operator on or before that date or as of the date of the original delivery of the vessel to the operator if contracted for prior to but delivered after March 8, 1946.

(c) *Acquisition from a predecessor or related company.* The cost of acquisition of any vessel acquired by the operator from its predecessor or from any person who at any time prior to the date of acquisition of such vessel by the operator was a related company, shall be the cost of acquisition (determined as hereinabove set forth) of such vessel from the nearest person in the chain of title who was not at any time prior to the date of his transfer of the vessel either the predecessor to or a related company of the operator or the predecessor to or a related company of the person to whom he transferred title to said vessel, adjusted for the period from the date of such prior acquisition to the date of acquisition by the operator, in the manner hereinafter set forth.

(d) *Basing valuation upon "fair value" when deemed necessary.* Nothing herein contained shall preclude the Maritime Administration from basing the valuation of any vessel upon the fair value (as determined by the Maritime Administration) of such vessel at the date of acquisition by the operator in any case in which the Maritime Administration shall deem such method to be necessary for the proper determination of valuation.

(e) *Adjustments for betterments, reconstruction, or reconditioning.* For the purpose of (1) determining the value of the vessel as of any date subsequent to the date of acquisition by the operator, or (2) determining the adjustments to be made for the period between the date of acquisition by the predecessor or a related company of the operator and the date of acquisition by the operator (when in accordance with the provisions of this part such cost of prior acquisition is properly applicable), allowance shall be made for the net cost of all capitalizable betterments, reconstruction, or reconditioning made by the operator, or made during the period of such prior ownership, as the case may be, after making such allowance as the Maritime Administration may deem proper for substantial removals and replacements. No adjustments shall be made, however, with respect to expenditures which are not capitalized, such as those which are treated as deferred charges to operations.

(f) *Adjustments for depreciation.* (1) On and after January 1, 1960 (with respect to vessels delivered by the shipbuilder on or after January 1, 1946) adjustments shall be made for depreciation on the basis of a twenty-five year economic life of the vessel (twenty years for vessels delivered by the shipbuilder prior to January 1, 1946) computed from the date of final delivery upon completion of the vessel by the shipbuilder to the first owner thereof (except that with respect to a wholly or partially reconstructed or reconditioned vessel the life expectancy of which has been determined to be otherwise jointly by the Secretary of the Treasury and the Secretary of Commerce depreciation shall be computed on the life expectancy so determined) and after deducting from the cost of acquisition the residual value of such vessel, which residual value shall be deemed to be 2½ percent of the original construction cost (meaning the full domestic shipyard construction cost insofar as vessels constructed under Title V or Title VII of the Merchant Marine Act, 1936, are concerned); *Provided, however,* That the residual value shall in no event exceed the cost of acquisition to the operator, determined as herein set forth; *And provided further,* That the residual values of war-built vessels acquired from the Maritime Administration or predecessor agencies by purchase under section 4 or exchange under section 8 of the Merchant Ship Sales Act of 1946 or with respect to which the prior sales price is adjusted pursuant to section 9 of that Act shall be deemed to be 2½ percent of the prewar domestic cost thereof, as established under the Merchant Ship Sales Act of 1946 and published in the FEDERAL REGISTER.

(2) Vessel depreciation shall be written off proportionately for the period between the date of acquisition with respect to which the cost of acquisition is determined pursuant to the provisions of this part to the end of the economic life of the vessel determined pursuant to the provisions of this part, except with respect to a vessel which, when purchased, was of a type which required substantial modification, thereby modifying the original purpose of the vessel, depreciation shall be computed and written off on the basis stated in subparagraph (3) of this paragraph. In the case of a vessel the price of which is adjusted under section 9 of the Merchant Ship Sales Act of 1946, the date of acquisition shall for the purpose of this paragraph be March 8, 1946 if the vessel was acquired by the operator on or before that date or the date of the original delivery of the vessel to the operator if contracted for prior to but delivered after March 8, 1946. The actual net cost of capitalizable betterments, reconstruction, or reconditioning shall be depreciated proportionately during the period between the end of the month during which such betterments, reconstruction, or reconditioning was completed and the end of the economic life of the vessel.

(3) Vessel depreciation on the purchase cost of a vessel shall accrue from date title is taken and shall be written off proportionately over the remaining economic life of the vessel in accordance with this part and allocated in the same manner as is the equity in the vessel for capital necessarily employed purposes, except that with respect to a vessel which when purchased was of a type which required substantial modification thereby modifying the original purpose of the vessel (as, for example, conversion of a cargo vessel to a combination or passenger vessel), the properly capitalizable acquisition and modification costs shall be depreciated from the date the vessel is delivered to the owner in its modified state from the shipyard and shall be written off over the remaining economic life of the vessel in accordance with this part.

(4) As to any changes in the revision of subparagraphs (1) and (2) of this paragraph (f) which have been included pursuant to Public Law 86-518, the said changes can not be recognized in the administration of this part until after the applicable contracts of the subsidized Operator involved have been modified, following the filing of an appropriate application by such Operator.

Dated: August 3, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7425; Filed, Aug. 9, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

DEALERS' RESERVE INCOME

Notice of Hearing on Proposed Regulations

Proposed regulations relating to dealers' reserve income were published in the FEDERAL REGISTER for Tuesday, August 9, 1960.

A public hearing on provisions of these proposed regulations will be held on Thursday, August 25, 1960, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington 25, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by August 22, 1960.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 60-7526; Filed, Aug. 9, 1960; 11:37 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 166]

FISHING VESSEL CONSTRUCTION

Differential Subsidy Procedures

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 12, 1960, (Public Law 86-516), it is proposed to amend 50 CFR by adding a new Part 166 as set forth below. The purpose of these amendments is to prescribe regulations governing the payment of fishing vessel construction differential subsidies.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Part 166, reading as follows, is added to 50 CFR, Subchapter J:

Sec.
166.1 Basis and purpose.
166.2 Definitions.
166.3 Eligibility requirements.
166.4 Applicants.
166.5 Subsidy contract.
166.6 Inspection of vessels.
166.7 Payment of subsidy.

AUTHORITY: §§ 166.1 to 166.7 issued under sec. 10, Pub. Law 86-516.

§ 166.1 Basis and purpose.

(a) The Act of June 12, 1960 (Public Law 86-516), authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States.

(b) The purpose of this part is to prescribe rules and regulations governing the payment of these subsidies.

§ 166.2 Definitions.

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* The Maritime Administrator in the Department of Commerce or his authorized representative.

(c) *Person.* Individual, association, partnership, or corporation, any one or all as the context requires.

(d) *Fishery.* A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish or shellfish. To be considered as operating in a fishery the catch of such species during the calendar year must amount to at least fifty-one percent (51%) (in the aggregate by ex-vessel weight) of the total catch of the vessel.

§ 166.3 Eligibility requirements.

(a) Injury or threat of injury due to increased imports. Applicants for a subsidy for a vessel to be operated in a fishery which does not qualify under section 4(1) of the Act or which has not been previously found to be injured or threatened with injury by reason of increased imports must present evidence of injury or threat of injury by reason of increased imports. Upon receipt of such evidence, the Secretary will announce by notice in the FEDERAL REGISTER and by notice in writing by registered mail to parties of record, that factual data may be filed in support of or opposition to, such a finding during the succeeding 30 days. All data filed will be considered, along with such information as may be developed by the Secretary's staff or staffs of other Government agencies and a finding announced by the Secretary. This finding will remain in effect until the Secretary shall announce that he has reason to believe the injury has been remedied or the threat of injury removed. Interested parties will then have 30 days to submit data, after which the Secretary will determine whether or not the injury or threat of injury remains. Injury or threat of injury may be determined, without excluding other factors, by downward trend of production, employment, prices, profits, or wages in the domestic fishery concerned, or a decline in sales, an increase in imports, either actual or relative, a higher or growing inventory, or a decline in the proportion of the domestic market supplies by the domestic fishery concerned.

(b) Aid in the development of the United States fisheries. For a vessel to aid in the development of the United States fisheries under conditions that the Secretary considers to be in the public interest, the vessel must be a modern vessel which will tend to upgrade the fleet and, unless of completely new and advanced design, shall not operate in a fishery which the Secretary deems to have sufficient vessels to economically harvest either the maximum sustained yield of the fishery or the maximum amount which can be marketed in an orderly manner.

§ 166.4 Applications.

Applications for a subsidy shall be made on forms prescribed by the Secretary and shall be filed with the Director, Bureau of Commercial Fisheries, Washington, D.C. The applications must be accompanied by three copies of the cross section, outboard profile, and specifications of the proposed vessel. The Secretary may require complete detailed construction plans in triplicate after a review of the application and accompanying plans and specifications.

§ 166.5 Subsidy contract.

(a) A contract for the payment of the subsidy will take effect when all contracts between the applicant for such subsidy and the shipbuilder, who is to construct such vessel, have been approved by the Administrator and the subsidy contract has been signed by the Secretary and the applicant; and

(b) The contract shall contain a formula for the computation of the amount of the subsidy that shall be repaid to the Secretary in the event the vessel is operated in any fishery other than the particular fishery for which is was designed as defined in § 166.2(d).

§ 166.6 Inspection of vessels.

The Secretary or the Administrator shall have access at all times to all vessels which are being constructed under a contract providing for a construction subsidy provided for by the Act.

§ 166.7 Payment of subsidy.

The subsidy will be paid to the applicant after the vessel is completed and evidence of full payment to the shipyard constructing the vessel is presented; or jointly to the applicant and the shipyard upon completion and delivery of the vessel.

ELMER F. BENNETT,
Under Secretary of the Interior.

AUGUST 4, 1960.

[F.R. Doc. 60-7412; Filed, Aug. 9, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO-231-A12-RO1]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Extension of Time for Filing Briefs

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing briefs on the record of the public hearing held at Dallas, Texas, on June 29, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area, pursuant to the notice of reopening of hearing issued May 25, 1960 (25 F.R. 4752; F.R. Doc. 60-4851) is hereby extended to August 5, 1960.

Dated: August 4, 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-7417; Filed, Aug. 9, 1960; 8:47 a.m.]

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Increase of Amount in Reserve Fund

Notice is hereby given that the Secretary of Agriculture is considering the following proposals submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that to increase the amount of the reserve fund (§ 969.205) to an amount not to exceed $10,000 (approximately one fiscal year's operational expenses) as authorized by § 969.42 of the amended marketing agreement and order is appropriate for the maintenance and functioning of the said committee; and (2) that excess assessment funds from the fiscal year ended March 31, 1960, in the amount of $2,102.91 be placed in said reserve fund.

A reserve fund was established on April 10, 1958, in the amount of $4,500 (§ 969.205; 23 F.R. 2338), and the proposed action contemplates an increase in this fund to a maximum of $10,000.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposals which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as given to the respective terms in said amended marketing agreement and order.

Dated: August 5, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7441; Filed, Aug. 9, 1960; 8:50 a.m.]

[7 CFR Part 1017]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 1017.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1960, and ending June 30, 1961, will amount to $4,646.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and this part, shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: August 4, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7418; Filed, Aug. 9, 1960; 8:47 a.m.]

Agricultural Research Service

[9 CFR Parts 145, 146, 147]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Notice of Proposed Rule Making

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture has under consideration proposed amendments of the National Poultry Improvement Plan and the National Turkey Improvement Plan and Auxiliary Provisions recommended by the 1960 Conference of representatives of the State agencies cooperating in the administration of the Plans, and that, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to amend Parts 145, 146, and 147 of Title 9, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency. Said Parts 145, 146, and 147 would be amended in the following respects:

§ 145.1 [Amendment]

1. Section 145.1 would be amended by changing the introductory paragraph to read:

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

2. Section 145.1 would be further amended by changing paragraph (e) to read:

(e) *State.* Any State, the District of Columbia or Puerto Rico.

3. Section 145.1 would be further amended by adding a new paragraph (r) to read:

(r) *Stock.* A term used to identify the progeny of a specific breeding combination of chickens. These breeding combinations may include pure strains, strain crosses, and breed crosses, or combinations thereof.

§ 145.2 [Amendment]

4. Section 145.2 would be amended by changing the second sentence of paragraph (b) to read: "An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and

agreement, in writing, between the two Official State Agencies regarding conditions of participation and supervision."

§ 145.5 [Amendment]

5. Section 145.5 would be amended by changing paragraph (a) to read:

(a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Official State Agency. The procedures outlined in § 147.31 shall be considered as a guide in determining compliance with this provision.

§ 145.6 [Amendment]

6. Section 145.6 would be amended by changing the portion of paragraph (a) preceding the colon to read:

(a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The procedures outlined in §§ 147.32 to 147.35 shall be considered as a guide in determining compliance with this provision. The minimum requirements with respect to sanitation shall include the following:

7. Section 145.6 would be further amended by changing subparagraph (5) of paragraph (a) to read:

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch, preferably using the procedures outlined in §§ 147.34(b) and 147.35(c).

8. Section 145.6 would be further amended by adding a new subparagraph (6) to paragraph (a) to read:

(6) All eggs should be fumigated at the hatchery as described in § 147.35 (a), (b) or (c). All eggs should be refumigated after transfer to the hatcher as described in § 147.35(d).

9. Section 145.9 would be amended by changing to read:

§ 145.9 Terminology and classification; hatcheries and dealers.

Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively. Each participating hatchery or dealer may be assigned a permanent approval number by the AH Division. This number may appear on each invoice and shipping label for each separate sale of chicks or eggs. The approval number shall be withdrawn when the hatchery or dealer no longer qualifies for participation in the Plan. All Official State Agencies shall be notified by the AH Division of additions, withdrawals and changes in classification.

§ 145.15 [Amendment]

10. Section 145.15 would be amended by changing paragraph (d) to read:

(d) Birds trapnested for qualification on the basis of either 8 months or 365 days of trapnesting may be withdrawn within 4 months after the date of the first egg laid by the family, provided the entire (dam) family is withdrawn.

§ 145.16 [Amendment]

11. Section 145.16 would be amended by changing subparagraphs (1) and (2) of paragraph (a) to read, respectively:

(1) If an individual bird has laid at the rate of 60 percent or more during a period of at least 8 months, when trapnested a minimum of five consecutive days per month and a minimum of 50 days; or

(2) If the members of an entire family of six or more full sisters have laid at an average rate of 65 percent or more during a period of at least 8 months, when trapnested a minimum of five consecutive days per month and a minimum of 50 days; or

§ 145.22 [Amendment]

12. Section 145.22 would be amended by changing paragraph (b) to read:

(b) Any person who, in the opinion of the Official State Agency, is conducting a systematic program of poultry breeding is eligible for participation. The application for qualification shall be made by the breeder of the parent stock.

§ 145.23 [Amendment]

13. Section 145.23 would be amended by changing the section heading to read: "*U.S. Performance Tested Parent Stock; candidates.*"

14. Section 145.23 would be further amended by changing paragraphs (a), (b), (c), and (d) and the introductory portion and subparagraph (2) of paragraph (e) to read, respectively:

(a) The candidates may consist of any breed, variety or strain, or cross thereof, or hybrid combination; provided the stock designated as the entry is produced and available in commercial quantities.

(b) Candidates for qualification as U.S. Performance Tested Parent Stock for egg production shall be represented by an entry in an officially recognized central or multiple unit random sample egg production test.

(c) Candidates for qualification as U.S. Performance Tested Parent Stock for meat production shall be represented by an entry in an officially recognized central random sample meat production test.

(d) Application for the U.S. Performance Tested Parent Stock classification shall be made by the breeder to the Official State Agency by the beginning of each calendar year for stock to be represented in tests to be started during that year.

(e) To be eligible for qualification as U.S. Performance Tested Parent Stock, the random sample of eggs shall be taken under the supervision of the Official State Agency in accordance with the following procedures:

• • • • •

(2) The eggs shall be taken from the nests, the farm egg room, or cases of hatching eggs or setting trays in the hatchery, in proportion to the number of birds in each flock represented.

15. Section 145.24 would be amended by changing the heading and paragraph (a) to read, respectively:

§ 145.24 U.S. Performance Tested Parent Stock; qualification.

(a) Stocks offered for qualification under §§ 145.22 and 145.23 and for which reports have been made as required by § 145.26 may qualify as:

(1) Performance Tested Parent Stock for egg production when such stock, represented in one or more officially recognized central or multiple unit random sample egg production tests, ranked, in income above feed and chick costs per pullet housed, above the average for all entries in all tests, after adjustment for location effects and number of tests entered (regressed mean). When the candidates are represented by more than one entry, qualification shall be based on the average performance of all such entries.[1]

(2) Performance Tested Parent Stock for meat production when such stock, represented in one or more officially recognized random sample meat production tests, ranked, in rate of growth and in rate of egg production on a hen-housed basis, above the average for all entries in all tests, after adjustment for location effects and number of tests entered (regressed mean). When the candidates are represented by more than one entry, qualification shall be based on the average performance of all such entries.[1]

16. Section 145.24 would be further amended by changing paragraph (d) to read:

(d) Stock classified as Performance Tested Parent Stock may retain that classification for one year after classification, provided the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and for one more year when, in addition, the stock has been continuously represented by an entry as provided in § 145.23. When the entry on which qualification is based is the progeny of a combination of two stocks which are distributed commercially under different strain or trade names, the Performance Tested Parent Stock classification shall be limited to those matings in which the same stocks are combined. This limitation shall be specified when the Performance Tested Parent Stock classification is referred to in advertising or certification of either of the parent stocks.

§ 145.26 [Amendment]

17. Section 145.26 would be amended by changing the introductory paragraph to read:

The Official State Agency, or the Supervisor of the approved test, shall submit to the AH Division, for publication, whichever of the following reports are appropriate for each entry:

18. Section 145.26 would be further amended by changing subparagraphs (9), (11), (13), (14), and (15) of paragraph (a) and adding a new subparagraph (16) to read, respectively:

(9) Average annual egg weights;

• • • • •

(11) Average percent egg production from age at which pullets attained 50 percent production to 500 days of age, hen-day basis;

• • • • •

(13) Pounds of feed per 24 ounces of eggs produced;

(14) Average body weight in pounds and tenths at end of test;

(15) Egg quality data such as: Haugh units; shell thickness and percent of eggs with (i) small blood spots, (ii) large blood spots, (iii) small colored meat spots, and (iv) large colored meat spots;

(16) Net income, computed on the basis of returns over feed and chick costs, per pullet housed.

19. Section 145.26 would be further amended by deleting subdivisions (xiv) and (xv) from subparagraph (1) of paragraph (b) and changing subdivisions (ii), (viii), (ix), (x), (xi), (xii) and (xiii) to read, respectively:

(ii) Duration of the test;

• • • • •

(viii) Average live weight of all pullets at completion of test;

(ix) Average live weight of all cockerels at completion of test;

(x) Number of each sex dressed;

(xi) Percent eviscerated yield of live weight, by sexes;

(xii) Percent distribution in each U.S. Grade, by sexes;

(xiii) Feed conversion per pound of body weight;

§ 145.27 [Amendment]

20. Section 145.27 would be amended by changing paragraphs (a), (b) and (e) to read, respectively:

(a) A central random sample egg production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample shall be selected as provided in § 145.23(e).

• • • • •

(e) At the end of the test, the Official State Agency or the Supervisor of the approved test shall submit to the AH Division, for publication, a summary for each entry, including the appropriate items specified in § 145.26(a).

§ 145.28 [Amendment]

21. Section 145.28 would be amended by changing paragraph (h) to read:

(h) At the end of the test, the Official State Agency or the Supervisor of the approved test shall submit to the AH Division, for publication, a summary for each entry, including the appropriate items specified in § 145.26(a).

§ 145.29 [Amendment]

22. Section 145.29 would be amended by changing paragraphs (a), (g), (h) and (i) to read, respectively:

(a) A central random sample meat production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

• • • • •

(g) The duration of the growing test shall be determined by the test management.

(h) At the end of the growing test, individual body weights shall be recorded, by sex, for the growing phase entry. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the Official State Agency.

(i) At the end of the test, the Official State Agency or the Supervisor of the approved test shall submit to the AH Division, for publication, a summary for each entry, including the appropriate items specified in § 145.26(b).

§ 145.30 [Deletion]

23. Section 145.30 would be deleted.

§ 145.31 [Deletion]

24. Section 145.31 would be deleted.

§ 145.32 [Deletion]

25. Section 145.32 would be deleted.

26. Section 146.1 would be amended by changing the introductory paragraph to read:

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

§ 146.1 [Amendment]

27. Section 146.1 would be further amended by changing paragraph (e) and adding new paragraphs (t), (u) and (v) to read, respectively:

(e) *State.* Any State, the District of Columbia or Puerto Rico.

• • • • •

(t) *Stock.* A term used to identify the progeny of a specific breeding combination of turkeys. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

(u) *Franchise breeder.* A breeder who normally sells products under a specific strain or trade name and who authorizes other hatcheries to produce and sell products under this same strain or trade name.

(v) *Franchise hatchery.* A hatchery which has been authorized by a franchise breeder to produce and sell products under the breeder's strain or trade name.

§ 146.5 [Amendment]

28. Section 146.5 would be amended by changing paragraph (a) to read:

(a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Official State Agency. The procedures outlined in § 147.31 of this chapter shall be considered as a guide in determining compliance with this provision.

§ 146.6 [Amendment]

29. Section 146.6 would be amended by changing the portion of paragraph (a) preceding the colon to read:

(a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The procedures outlined in §§ 147.32 to 147.35 of this chapter shall be considered as a guide in determining compliance with this provision. The minimum requirements with respect to sanitation shall include the following:

30. Section 146.6 would be further amended by changing subparagraph (5) of paragraph (a) to read:

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch, preferably using the procedures outlined in §§ 147.34(b) and 147.35(e) of this chapter.

31. Section 146.6 would be further amended by adding a new subparagraph (6) to paragraph (a) to read:

(6) All eggs set should have been fumigated as described in § 147.35(a) of this chapter and should be refumigated as described in § 147.35(c) of this chapter or they should be fumigated within 12 hours after setting as described in § 147.35(b) of this chapter. All eggs should be refumigated after transfer to the hatcher as described in § 147.35(d) of this chapter.

32. Section 146.9 would be amended by changing to read:

§ 146.9 Terminology and classification; hatcheries and dealers.

Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively. Each participating hatchery or dealer may be assigned a permanent approval number by the AH Division. This number may appear on each invoice and shipping label for each separate sale of poults or eggs. The approval number shall be withdrawn when the hatchery or dealer no longer qualifies for participation in the Plan. All Official State Agencies shall be notified by the AH Division of additions, withdrawals and changes in classification.

§ 146.10 [Amendment]

33. Section 146.10 would be amended by changing the portion of paragraph (c) preceding the colon to read: "Flocks meeting one of the following specifications:"

34. Section 146.10 would be further amended by deleting subparagraph (3) of paragraph (c).

35. Section 146.10 would be further amended by deleting paragraph (e), by redesignating paragraphs (c) and (d) as paragraphs (d) and (e) respectively, and by adding a new paragraph (c) to read:

(c) *U.S. Performance Tested.* All males and females from Performance Tested Parent Stock. In case the tested

[1] Performance shall be based on the results from test reports received by the AH Division prior to January 1.

stock was a cross of two other stocks, the U.S. Performance Tested flock shall be the same combination of the parent stocks as used for the test entry.

§ 146.30 [Amendment]

36. Section 146.30 would be amended by changing subparagraphs (4), (7) and (10) of paragraph (i) to read, respectively:

(4) Mortality of two weeks of age; to eight weeks of age; and to the end of the test.

• • • • •

(7) Average breast width, body depth and keel length of live or New York dressed birds, by sexes. The report shall show whether the measurements were taken on live or dressed birds. (The breast width shall be measured at the widest point 1¾ inches above the keel. The body depth shall be measured at the deepest point. These measurements shall be taken while the birds are suspended by the legs. The keel length shall be measured by the chord from the anterior to the posterior end of the keel.)

• • • • •

(10) Other items of economic importance, such as dressing percentage and feed conversion, at the option of the Official State Agency and the AH Division. (Feed conversion ratio, when reported, shall be computed by two methods: (i) Total live weight of the birds at the completion of the test divided into the weight of the feed used, and (ii) total live weight of the birds at the completion of the test, plus the total weight of the birds that died during the test, divided into the weight of the feed used.)

37. Part 147 would be amended by adding a new Subpart D to read:

Subpart D—Sanitation Procedures

§ 147.31 Flock sanitation.

To aid in the maintenance of healthy flocks the following procedures should be practiced:

(a) Chicks or poults should be started in a clean brooder house and maintained in constant isolation from older birds and other animals. Personnel that are in contact with older birds and other animals should take precautions, including disinfection of footwear and change of outer clothing, to prevent the introduction of infection through droppings that may adhere to the shoes, clothing or hands. (See § 147.34(a).)

(b) Young stock should be grown on range that has not been used for poultry for at least one year. Where broods of different ages must be kept on the same farm, there should be complete depopulation of brooder houses and other premises following any contagious disease.

(c) Poultry houses should be screened and proofed against free-flying birds. An active rodent eradication campaign is an essential part of the general sanitation program. The area adjacent to the poultry house should be kept free from accumulated manure, rubbish and unnecessary equipment. Dogs, cats, sheep, cattle, horses, and swine should never have access to poultry operations. Visitors should not be admitted to poultry areas and authorized personnel should take the necessary precautions to prevent the introduction of disease.

(d) Poultry houses and equipment should be thoroughly cleaned and disinfected prior to use for a new lot of birds. (See § 147.34(a).) Feed and water containers should be situated where they cannot be contaminated by droppings and should be frequently cleaned and disinfected. Dropping boards or pits should be constructed so birds do not have access to the droppings.

(e) Poultry house floors, other than slats or wire, should be well covered with an absorbent type of litter. Frequent stirring of the litter may be necessary to reduce excess moisture and prevent surface accumulation of droppings. Slat or wire floors should be constructed so as to permit free passage of droppings and to prevent the birds from coming in contact with the droppings. Nesting areas should be kept clean and, where appropriate, filled with clean nesting material.

(f) When an outbreak of disease occurs in a flock, dead or sick birds should be taken, by private carrier, to a diagnostic laboratory for complete examination. All Salmonella and Arizona cultures isolated should be typed serologically and complete records maintained as to types recovered from each flock within an area. Records should be kept on isolations and these records made available to Official State Agencies or other animal disease control regulatory agencies in the respective States for followup of foci of infection. Such information is necessary for the development of an effective Salmonella control program.

(g) Introduction of started or mature birds should be avoided to reduce the possible hazard of introducing infectious diseases. If birds are to be introduced, the health status of both the flock and introduced birds should be evaluated.

(h) In rearing broiler or replacement stock a sound and an adequate immunization program should be adopted. Since different geographic areas may require certain specific recommendations, the program recommended by the State experiment station and other State agencies should be followed.

§ 147.32 Hatching egg sanitation.

Hatching eggs should be collected from the nests at frequent intervals and, to aid in the prevention of contamination with disease causing organisms, the following practices should be observed:

(a) Cleaned and disinfected containers should be used in collecting the eggs and precautions taken to prevent contamination from organisms that may be present on the hands or clothing of the person making the collection.

(b) Dirty eggs should not be used for hatching purposes and should be collected in a separate container from hatching eggs. Slightly soiled eggs may be dry cleaned by hand or motor driven buffer.

(c) The visibly clean eggs should be fumigated as described in § 147.35(a) as soon as possible after collection.

(d) The fumigated eggs should be stored in a cool place. Eggs should be stored no longer than necessary before setting. Racks used for storing eggs should be properly cleaned and disinfected.

(e) New or fumigated cases should be used to transport eggs to the hatchery. Soiled egg case fillers should be discarded.

§ 147.33 Hatchery sanitation.

An effective program for the prevention and control of Salmonella and other infections should include the following measures:

(a) The hatchery building should be arranged so that separate rooms, with separate ventilation, are provided for each of the four operations: egg receiving, incubation and hatching, chick holding, and disposal of offal and cleaning of trays. These rooms should be placed under isolation so that admission is granted only to specifically authorized personnel who have taken proper precautions to prevent introduction of diseases.

(b) The hatchery rooms, and tables, racks, and other equipment in them should be thoroughly cleaned and disinfected frequently. All hatchery wastes and offal should be burned or otherwise properly disposed of, and the containers used to remove such materials should be cleaned and sterilized after each use.

(c) The hatching compartments of incubators, including the hatching trays, should be thoroughly cleaned and fumigated after each hatch.

(d) Only clean eggs should be used for hatching purposes. All eggs set should be fumigated prior to setting or within 12 hours after they are placed in the incubator. They should also be fumigated after transfer to the hatching compartment. (See § 147.35.)

(e) Only new or clean, fumigated egg cases should be used for transportation of hatching eggs. Soiled egg case fillers should be destroyed.

(f) Day-old chicks, poults or other newly hatched poultry should be distributed in clean, new boxes. All crates and vehicles used for transporting started or adult birds should be cleaned and disinfected after each use.

§ 147.34 Cleaning and disinfecting.

(a) In the poultry houses and hatchery rooms:

(1) Settle dust by spraying lightly with the disinfectant to be used.

(2) Remove all litter and droppings to an isolated area where there is no opportunity for dissemination of any infectious disease organisms that may be present.

(3) Scrub the walls, floors and equipment with a hot soapy water solution. Rinse to remove soap.

(4) Spray with a cresylic disinfectant, such as liquor cresolis saponatus, 4 ounces to the gallon of water, or sodium orthophenylphenate, 1⅓ ounces (1 heaping tablespoonful) to a gallon of hot water.

(b) In the hatchers:

(1) Remove trays and all controls and fans for separate cleaning. The ceiling, walls and floors should be thoroughly wetted with a stream of water, then scrubbed with a hard bristle brush. Rinse until there is no longer any deposit on the walls, particularly near the fan opening.

(2) Replace the cleaned fans and controls. Replace the trays, preferably still wet from cleaning, and bring the incubator to normal operating temperature.

(3) The hatcher should be fumigated as described in § 147.35(e) prior to the transfer of the eggs.

(4) If the same machine is used for incubating and hatching, the entire machine should be cleaned after each hatch. A vacuum cleaner should be used to remove chick down from the egg trays, then the entire machine should be vacuumed, mopped and fumigated according to the procedures described in § 147.35(b).

§ 147.35 Fumigation.

Fumigation of eggs and incubators is an essential part of a hatchery sanitation program. Single or repeated fumigation of eggs in the setter may be practiced but the fumigation schedule should be such that no eggs are fumigated during the period from the 24th to the 96th hour of incubation.

(a) Preincubation fumigation of eggs should be done as follows:

(1) Provide a room or cabinet proportionate to the number of eggs to be handled. The room should be relatively tight and equipped with a fan to circulate the gas during fumigation and to expel it after fumigation.

(2) The eggs should be placed in the room on wire racks, which will permit air circulation, and exposed to circulating formaldehyde gas.

(3) Formaldehyde gas is provided by mixing 0.6 grams of potassium permanganate with 1.2 cc of formalin (37.5 percent) for each cubic foot of space in the room. The ingredients should be mixed in an earthenware or enamelware container having a capacity at least ten times the volume of the total ingredients.

(4) Circulate the gas within the room for 20 minutes, then expel.

(5) Humidity for this type of fumigation is not critical but the temperature should be around 70° F. Extra humidity may be provided in dry weather.

(b) Eggs which have not been fumigated prior to setting should be fumigated as soon as possible (within 12 hours) after setting, using the following procedure:

(1) Determine the size of the incubator by multiplying the length times the width times the height.

(2) After setting the eggs and allowing temperature and humidity to regain normal operating levels, release formaldehyde gas into the incubator.

(3) For each cubic foot of space in the incubator use 0.4 grams of potassium permanganate and 0.8 cc of formalin (37.5 percent). Use an earthenware or enamelware container having a capacity of at least ten times the volume of the total ingredients.

(4) Close vents and doors but keep circulating fan operating and continue fumigation for 20 minutes with normal operating temperature and humidity.

(5) After 20 minutes of fumigation, the vents should be opened to the normal operating positions to release the gas.

(c) Eggs which have not been preincubation fumigated as described in paragraph (a) or fumigated within 12 hours after setting as described in paragraph (b) of this section should be fumigated after the 96th hour of incubation. The procedure described in paragraph (b) of this section should be followed.

(d) All eggs should be refumigated after transfer to the hatcher, preferably as soon as the temperature and humidity regain normal operating levels. The procedure described in paragraph (b) of this section should be followed.

(e) Empty hatchers should be fumigated between each hatch. After the interior of the hatcher has been thoroughly cleaned and the clean trays returned, the following procedure should be followed:

(1) After temperature and humidity are brought to normal operating levels, use 0.6 grams of potassium permanganate and 1.2 cc of formalin (37.5 percent) per cubic foot of space in the hatcher.

(2) Close the doors and vents and leave closed overnight.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Director, Animal Husbandry Research Division, Agricultural Research Center, Beltsville, Maryland, within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of August 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-7442; Filed, Aug. 9, 1960; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 608]

[Administrative Order 537]

INDUSTRY COMMITTEES NOS. 49–A AND 49–B

Resignation and Appointment of Employee Member

Walter J. Mason of Washington, D.C., appointed as an employee representative on Industry Committees Nos. 49–A and 49–B by virtue of Administrative Order No. 535, has resigned.

Now, therefore, pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 *et seq.*), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint Ben J. Man of Washington, D.C., to serve on Industry Committees Nos. 49–A and 49–B as an employee representative replacing Walter J. Mason.

Signed at Washington, D.C., this 4th day of August 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-7436; Filed, Aug. 9, 1960; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[193.3]

CHANGES IN ORGANIZATION

JULY 13, 1960.

The customs enforcement officers and their functions have been transferred from the offices of the collectors of customs to the Customs Agency Service and the name of the Division of Investigations has been changed to Division of Investigations and Enforcement.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 60-7437; Filed, Aug. 9, 1960; 8:49 a.m.]

Office of the Secretary

TENNESSEE VALLEY AUTHORITY

Designation of Securities for Exemption

AUGUST 4, 1960.

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in Title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include "such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors."

Notice is hereby given that pursuant to paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, securities issued by the Tennessee Valley Authority under authority of section 15d of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831n-4), were designated for exemption on August 4, 1960.

This designation for exemption may be revoked, modified or amended at any time with respect to securities not issued prior to such time.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7439; Filed, Aug. 9, 1960; 8:49 a.m.]

[Treasury Dept. Order 180-5]

COMMISSIONER OF NARCOTICS

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and by P.L. 86-429, there is hereby delegated to the Commissioner of Narcotics authority to perform all the functions of the Secretary of the Treasury under P.L. 86-429, 74 Stat. 55, cited as the "Narcotics Manufacturing Act of 1960".

The functions herein transferred to the Commissioner of Narcotics may be delegated by him to subordinates as he deems necessary.

Regulations issued by the Commissioner of Narcotics under the Narcotics Manufacturing Act of 1960 shall be subject to approval by the Secretary of the Treasury.

Dated: August 3, 1960.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7438; Filed, Aug. 9, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service has filed an application, Serial Number J-011889 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws. The applicant desires the land for Administrative Site purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PETERSBURG AREA

U.S. Survey 2467: Lot 6 containing 4.14 acres.

WARNER T. MAY,
Operations Supervisor.

[F.R. Doc. 60-7433; Filed, Aug. 9, 1960; 8:49 a.m.]

ALASKA

Small Tract Classification Orders Nos. 14, 45, 56, 79, 89, 100, 108 Cancelled in Part

AUGUST 2, 1960.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to the authority delegated to me by Bureau Order 541, dated April 21, 1954 (19 F.R. 2473), as amended, it is ordered as follows:

(1) Effective immediately, Small Tract Classification Order No. 14, dated September 29, 1949, is cancelled insofar as it affects lands in U.S. Survey 2960 and U.S. Survey 2540, near Juneau, Alaska.

(2) Effective immediately, Small Tract Classification Order No. 45, dated October 10, 1951, is cancelled insofar as it affects the following described lands in U.S. Survey 2305, near Juneau, Alaska: Lots 14 and 16.

(3) Effective immediately, Small Tract Classification Order No. 56, dated May 2, 1952, is cancelled insofar as it affects the following described lands near Juneau, Alaska: Lot 20 of U.S. Survey 3171; Lots 46 and 47 of U.S. Survey 3173.

(4) Effective immediately, Small Tract Classification Order No. 79, dated March 4, 1954, is cancelled insofar as it affects Lot 14 of U.S. Survey 2305, near Juneau, Alaska.

(5) Effective immediately, Small Tract Classification Order No. 89, dated December 1, 1954, is cancelled insofar as it affects the following described lands near Juneau, Alaska: in U.S. Survey 3171, Lot 20; in U.S. Survey 3172, Lots 32, 37 and 38; in U.S. Survey 3173, Lots 46 and 47.

(6) Effective immediately, Small Tract Classification Order No. 100, dated June 10, 1955, affecting lands near Sitka, Alaska, is cancelled.

(7) Effective immediately, Small Tract Classification Order No. 108, dated September 30, 1955, is cancelled insofar as it affects Lots 1 and 8 of U.S. Survey 3302, near Sitka, Alaska.

WARNER T. MAY,
Operations Supervisor.

[F.R. Doc. 60-7434; Filed, Aug. 9, 1960; 8:49 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Land Management application serial number Juneau 010598, formerly Anchorage 032449, was published as Federal Register Document No. 56-4994 on page 4638 of the issue for June 26, 1956. The agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on August 10, 1960, relieved of the segregative effort of the above mentioned application.

The lands involved in this notice of termination are:

HAINES AREA

Four parcels of unsurveyed land located on the south shore of Chilkoot Lake, the Chilkoot River, and the north shore of Lutak Inlet in approximate Latitude 59°40' N., Longitude 135°35' W. described as follows:

Area 1. Commencing at meander corner No. 1 of U.S. Survey No. 161 called corner No. 1 of Area 1, thence S. 89°30' W. for 14 chains to corner No. 2 of Area 1, thence N. 20° W. for 39 chains to corner No. 3, thence N. 70° E. a distance of 6.9 chains to corner No. 4 of Area 1, on the west shore of the Chilkoot River, thence meander in a southeasterly direction along the west shore of the Chilkoot River and Lutak Inlet for approximately 45 chains to meander corner No. 1 of Area 1, the point of beginning, embracing approximately 37 acres.

Area 2. Commencing at meander corner No. 4 of Area 1, extend across Chilkoot River N. 70° E. to the east shore of the Chilkoot River to a point called meander corner No. 1 of Area 2, thence N. 70° E. for 14 chains to corner No. 2 of Area 2, thence S. 20° E. for 14 chains to meander corner No. 3 of Area 2 on the north shore of Lutak Inlet, thence meander in a westerly direction along the north shore of Lutak Inlet to the mouth of the Chilkoot River, thence in a northerly direction along the east shore of the Chilkoot River for approximately 26 chains to meander corner No. 1 of Area 2, the point of beginning, embracing approximately 16 acres.

Area 3. Commencing at corner No. 3 of Area 1, proceed N. 1°30' W. for 48.75 chains to corner No. 1 of Area 3 the point of beginning, thence N. 88° W. for 12 chains to corner No. 2 of Area 3, thence N. 0°30' W. for 8.75 chains to the south shore of Chilkoot Lake to meander corner No. 3, said point being at approximate latitude 59°20'05" N., longitude 135°33'45" W., thence meander in an easterly direction along the south shore of Chilkoot Lake for 12 chains to meander corner No. 4, thence S. 0°30' W. a distance of 6.3 chains to corner No. 1 of Area 3, the point of beginning, embracing approximately 9 acres.

Area 4. Commencing at meander corner No. 4 of Area 3, extend across the Chilkoot River N. 0°30' E. to the north shore of the Chilkoot River to a point called meander corner No. 1 of Area 4, thence N. 0°30' E. for 16.25 chains to corner No. 2 of Area 4, thence N. 89° W. for 13 chains to the east shore of Chilkoot Lake to corner No. 3 of Area 4, thence meander in a southeasterly direction to meander corner No. 1, the point of beginning, embracing approximately 13 acres.

WARNER T. MAY,
Operations Supervisor, Juneau.

[F.R. Doc. 60-7435; Filed, Aug. 9, 1960; 8:49 a.m.]

[Notice 14]

ALASKA

Notice of Filing of Alaska Protraction Diagrams; Fairbanks Land District

AUGUST 2, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

KATEEL RIVER MERIDIAN

Folio No. 13—Approved July 8, 1960

Sheet No.

1. Ts. 1 thru 4 S., Rs. 17 thru 20 W.
2. Ts. 1 thru 4 S., Rs. 21 thru 24 W.
3. Ts. 1 thru 4 S., Rs. 25 thru 28 W.
4. Ts. 1 thru 4 S., Rs. 29 thru 32 W.
5. Ts. 5 thru 5 S., Rs. 29 thru 32 W.
6. Ts. 5 thru 8 S., Rs. 25 thru 28 W.
7. Ts. 5 thru 8 S., Rs. 21 thru 24 W.
8. Ts. 5 thru 8 S., Rs. 17 thru 20 W.
9. Ts. 9 thru 13 S., Rs. 17 thru 21 W.
10. Ts. 9 thru 12 S., Rs. 21 thru 24 W.
11. Ts. 9 thru 12 S., Rs. 25 thru 28 W.
12. Ts. 9 thru 12 S., Rs. 29 thru 32 W.

Cover sheet showing location map and index.

FAIRBANKS MERIDIAN

Folio No. 10—Approved July 20, 1960

Sheet No.

9. (Revised) Ts. 9 thru 12 S., Rs. 1 thru 4 W.
10. Ts. 9 thru 12 S., Rs. 5 thru 8 W.
11. Ts. 9 thru 12 S., Rs. 9 thru 12 W.
15. Ts. 13 thru 16 S., Rs. 5 thru 8 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60-7413; Filed, Aug. 9, 1960; 8:46 a.m.]

EAST ADDITION, TOWNSITE OF KODIAK, ALASKA

Notice of Sale of Lots

AUGUST 1, 1960.

1. *Statutory authority.* The lots in the East Addition, Kodiak Townsite will be disposed of under section 2381, United States Revised Statutes (43 U.S.C. sec. 712). The townsite plat of the Dependent Resurvey of a Portion of U.S. Survey No. 2538A and Extension of U.S. Survey No. 2538B East Addition of Townsite of Kodiak, Alaska, was accepted on February 20, 1958 and officially filed on April 17, 1958.

2. *Lots and minimum prices.* The lots which will be offered for sale and minimum prices thereof are shown below.

3. *Public sale.* The lots will be offered for sale by the Operations Supervisor, Anchorage or his representative at public outcry to the highest bidder at the Court Room in the Post Office Building at Kodiak, Alaska, on August 24, 1960, beginning at 10:00 a.m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payments.* No lot shall be sold for less than the minimum price. Full payment may be made in cash on the date of the sale, or one-fourth of the purchase price may be paid in cash at that time and the balance in not to exceed three equal annual installments, with interest at the rate of four percent per annum to the date of payment. Payment on the date of the sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, Anchorage Land Office, Cordova Building, 6th and Cordova, Anchorage, Alaska.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder. No bids will be made in increments of less than $10.00.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Forfeitures for nonpayment.* If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations, at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. *Removal of improvements.* Owners of buildings who do not purchase the lots on which the buildings are located will be allowed three months from the date of the sale in which to remove their improvements.

10. *Disposal of unsold lots after sale has been adjourned.* Lots remaining unsold upon adjournment of this sale will be held for future disposition at public sale at such time as a demand for the lots exists.

11. *Reservations.* Patents for the lots, when issued, will contain the reservations of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391), and for the construction of railroads and telegraph and telephone lines as provided by the Act of March 12, 1914 (38 Stat. 305).

12. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U.S.C. sec. 113).

BLOCK 40

Lot		Lot	
9	$150.00	11	$150.00
10	150.00	12	150.00

BLOCK 41

Municipal Reserve.

BLOCK 42

Lot		Lot	
1	$150.00	13	$250.00
2	150.00	14	250.00
3	120.00	15	250.00
8	150.00		

BLOCK 43

Lot		Lot	
1	$150.00	10	$75.00
2	150.00	11	100.00
3	150.00	12	150.00
4	150.00	13	150.00
5	150.00	14	150.00
6	150.00	15	150.00
9	75.00	16	150.00

BLOCK 44

Lot		Lot	
1	$150.00	12	$150.00
2	150.00	13	150.00
3	150.00	14	150.00
4	150.00	15	150.00
5	150.00	16	150.00
11	150.00		

BLOCK 45

Lot		Lot	
3	$140.00	10	$150.00
4	140.00	11	150.00
5	140.00	12	150.00
6	140.00	13	150.00
7	140.00	14	120.00
8	140.00	15	120.00
9	150.00	16	100.00

BLOCK 46

Lot		Lot	
1	$70.00	6	$130.00
2	80.00	7	130.00
3	90.00	8	130.00
4	150.00	9	150.00
5	150.00		

BLOCK 47

Lot		Lot	
1	$95.00	13	$80.00
2	95.00	14	80.00
3	105.00	15	80.00
4	115.00	16	80.00

BLOCK 48

Lot		Lot	
5	$125.00	7	$150.00
6	150.00	8	150.00

BLOCK 49

Lot		Lot	
1	$200.00	7	$150.00
2	195.00	8	150.00
3	200.00	9	150.00
4	190.00	10	140.00
5	185.00	11	190.00
6	185.00		

BLOCK 50

Lot		Lot	
1	$60.00	12	$100.00
2	100.00	13	65.00
3	100.00	14	80.00
4	100.00	15	100.00
5	100.00	16	100.00
6	100.00	17	100.00
7	100.00	18	100.00
8	100.00	19	100.00
9	100.00	20	100.00
10	100.00	21	85.00
11	100.00	22	85.00

BLOCK 51

Lot		Lot	
5 (Partial R/W)	$120.00	14 (Partial R/W)	$85.00
6	120.00	16 (Partial R/W)	100.00
7	120.00	17	100.00
10	100.00	18	100.00
11	85.00	19	100.00
12	85.00	20	70.00
13	85.00		

BLOCK 53

Lot		Lot	
1	Municipal Reserve	7	$150.00
		8	150.00
4	$125.00	9	150.00
5	125.00	10	150.00
6	150.00	11	150.00

BLOCK 54

Lot		Lot	
1	$180.00	9	$180.00
2	180.00	10	180.00
3	120.00	11	165.00
4	120.00	12	165.00
5	120.00	13	180.00
6	120.00	14	180.00
7	100.00	15	180.00
8	130.00		

BLOCK 55

Lot		Lot	
1	$200.00	13	Municipal Reserve
2	200.00		

BLOCK 56

Lot		Lot	
1	$180.00	6	$180.00
2	180.00	7	180.00
3	180.00	8	180.00
4	180.00	9	180.00
5	180.00	10	180.00

BLOCK 57

Lot		Lot	
1	$150.00	6	$150.00
2	150.00	7	150.00
3	150.00	8	150.00
4	150.00	9	150.00
5	150.00	10	150.00

L. T. MAIN,
Operations Supervisor, Anchorage.

[F.R. Doc. 60-7407; Filed, Aug. 9, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASES IN RATES

Notice of Supplemental Order

Notice is hereby given that the Federal Maritime Board has entered, on July 20, 1960, the following Thirty-Ninth Supplemental Order to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

THIRTY-NINTH SUPPLEMENTAL ORDER

It appearing that by orders issued on September 10, 1959, and later, the Board has ordered an investigation and hearing in this proceeding into the reasonableness and lawfulness of various tariff schedules filed by respondents herein covering, among other things, freight rates from, to, and between Pacific Coast Ports and Ports in Hawaii; and

It further appearing that such orders provide that the investigation instituted thereby includes all matters and issues with respect to the lawfulness of all freight schedules of the respondent carriers named in effect between Ports in Hawaii and Ports on the Pacific Coast of the United States; and

It further appearing that there has been filed with the Federal Maritime Board by Isbrandtsen Company, Inc., Freight Tariff No. 1, F.M.B.-F. No. 6, naming rates on general and refrigerated cargo between San Diego, California, and Hawaiian Islands Ports of Call, which names rates at a level generally the same as those under investigation applying between Pacific Coast Ports on the one hand and Ports and points in Hawaii, on the other, and

It further appearing that the rates named in said freight Tariff No. 1, F.M.B.-F. No. 6, include the 12½ percent increase in rates now specifically under investigation in this proceeding, and

It further appearing that the Board, upon consideration of said tariff schedule is of the opinion that the rates, charges, rules, regulations and practices named therein, should be made the subject of public investigation and hearing to determine whether they are just and reasonable and otherwise lawful under the Shipping Act, 1916, and/or the Intercoastal Shipping Act, 1933; and

It further appearing, that Isbrandtsen Steamship Company, Inc., has agreed with respect to the 12½ percent increase contained in the rates stated in said tariff schedule, (1) to keep account of all monies received by reason of such increased rates commencing with July 21, 1960, and terminating with the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices set forth in said schedule and; (2) upon final determination of the Board, to refund to the person who paid the freight, any freight charges collected under such increased rates contained in said schedule during the said period, which may be in excess of those determined by the Board to be just and reasonable and otherwise lawful;

Now therefore, it is ordered, That this investigation be, and it is hereby, expanded to include the lawfulness of the rates, charges, rules and regulations contained in said tariff schedule under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, with a view to making such findings and order in the premises as the facts and circumstances shall warrant and

It is further ordered, That said tariff schedule be, and it is hereby, permitted to become effective without suspension; and

It is further ordered, That Isbrandtsen Company, Inc., with respect to the 12½ percent increase contained in the rates stated in said tariff schedule, shall (1) keep account of all monies received by reason of such increased rates commencing with July 21, 1960, and terminating with the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices set forth in said schedule and; (2) that such carrier, upon final determination by the Board shall refund to the person who paid the freight, any freight charges collected under such increased rates contained in said schedule during the said period, which may be in excess of those determined by the Board to be just and reasonable and otherwise lawful; and

It is further ordered, That no change shall be made in the rates or other matters affecting the rates contained in said tariff as of the date of this order, or filed as of the date of this order to later become effective, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedule and of all other freight schedules of the carrier named herein in effect between Pacific Coast ports on the one hand and ports and points in Hawaii on the other, under the Shipping Act, 1916, and/or the Intercoastal Shipping Act, 1933; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Office of the Federal Maritime Board; and

It is further ordered, That Isbrandtsen Company, Inc., be named a respondent herein; that a copy of this order shall forthwith be served upon them and upon all other respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: August 4, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7424; Filed, Aug. 9, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ED DARNELL & SONS COMMISSION CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

Name of Stockyard and Date of Posting
Ed Darnell & Sons Commission Co., West Helena, Ark., Feb. 23, 1959.
Antioch Sales & Commission, Antioch, Ill., Nov. 18, 1959.
Hemlock Auction Sales, Inc., Hemlock, Mich., May 14, 1959.
Winger Sale Barn, Winger, Minn., Dec. 17, 1959.
Rhodes Commission Co., Advance, Mo., May 13, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 4th day of August 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-7419; Filed, Aug. 9, 1960; 8:47 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (25 F.R. 7222) for July and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
John Morrel & Co.	17D	(*)		(*)		(*)	
Patrick Cudahy, Inc.	28	(*)	(*)	(*)			
Roegelein Provision Co.	32						
Armour & Co.	100			(*)			
West Coast Meat Co.	117	(*)	(*)				
Armour & Co.	139		(*)	(*)			
Seattle Packing Co.	191	(*)				(*)	
Marhoefer Packing Co., Inc.	200			(*)			
Armour & Co.	238					(*)	
Maurer Nourer	245		(*)				
Zuman Abattoir	273	(*)					
Stadler Packing Co., Inc.	320	(*)					
Great Western Packing Co.	334	(*)					
Peters Packing Co., Inc.	341	(*)				(*)	
Phila. Boneless Beef Co.	418	(*)					
Murray Packing Co., Inc.	421	(*)	(*)	(*)		(*)	
Del Curto Meat Co.	445	(*)					
Eckert Packing Co.	471	(*)				(*)	
East Tenn. Packing Co.	487						
Pearl Packing Co., Inc.	524			(*)	(*)		
Cty. of Austin Municipal Abattoir	590						
Quality Meat Packing Co.	611		(*)				
San Joaquin Packing Co.	671	(*)	(*)			(*)	
Carter Packing Co.	698	(*)					
Schaake Packing Co.	761	(*)					
Modern Meat Packing Co.	774	(*)					
Acees Meat Co., Inc.	809	(*)					
Wells & Davies Packing Co.	860	(*)	(*)				
Volz Packing Co.	938	(*)					
Klarer Dixie, Inc.	995D					(*)	
Harris Packing Co.	1175						
Union Packing Co.	3050	(*)					

Done at Washington, D.C., this 5th day of August 1960.

A. R. MILLER,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-7443; Filed, Aug. 9, 1960; 8:50 a.m.]

Office of the Secretary

WISCONSIN

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2

(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Wisconsin a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Door. Kewaunee.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of August 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60–7422; Filed, Aug. 9, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket 12604; FCC 60–941]

BLUE ISLAND COMMUNITY BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Blue Island Community Broadcasting Co., Inc., Blue Island, Illinois, requests: 105.9 Mc, No. 290; 22.2 kw; 226.56 ft.; Docket No. 12604, File No. BPH–2458; The News-Sun Broadcasting Co., Waukegan, Illinois, requests: 106.7 Mc, No. 294; 34.7 kw; 258 ft.; Docket No. 13292, File No. BPH–2543; William O. Barry and H. C. Young, Jr., d/b as Hi-Fi Broadcasting Company, Chicago, Illinois, requests: 106.7 Mc, No. 294; 10.8 kw; 555 ft.; Docket No. 13293, File No. BPH–2589; Elmwood Park Broadcasting Corporation, Elmwood Park, Illinois, requests: 105.9 Mc, No. 290; 32 kw; 246 ft.; Docket No. 13294, File No. BPH–2636; Mrs. Evelyn R. Chauvin Schoonfield (WXFM), Elmwood Park, Illinois, requests: Renewal of license of Station WXFM (FM) (105.9 Mc, No. 290; 32 kw; 250 ft.); Docket No. 13296, File No. BRH–179; Edward L. Waterman, Park Forest, Illinois, requests: 105.5 Mc, No. 288; 1 kw; 125 ft.; Docket No. 13708, File No. BPH–2845; Walter A. Hotz and Charles W. Kline d/b as Radio America, Chicago, Illinois, requests: 106.7 Mc, No. 294; 60 kw; 487 ft.; Docket No. 13709, File No. BPH–2858; Gordon D. Boss, Harold D. Botma, William H. Botma and Joseph J. Van Schouwen d/b as Gordon Boss & Associates, Lansing, Illinois, requests 106.3 Mc, No. 292; 1 kw; 239 ft.; Docket No. 13710, File No. BPH–2977; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that the Commission, by order adopted December 2, 1959, designated for hearing six applications for FM broadcast authorizations, including the first five above-captioned and described applications, plus the application of Suburban Broadcasters (Docket No. 13295, File No. BPH–2748) for a construction permit for a new Class A FM broadcast station to operate on 106.3 megacycles (Channel 292) at Berwyn, Illinois, because the six proposals were interlinked by interference problems; and

It further appearing that, on April 13, 1960, the Commission granted petitions of the Blue Island Community Broadcasting Co., Inc., (Blue Island) to enlarge issues and to sever the proceeding instituted by the aforementioned Order of December 2, 1959, following an amendment to the application of Suburban Broadcasters on January 14, 1960, and subsequent dismissal on February 19, 1960, which eliminated the interference problems between the groups of applications requesting authority to operate on Channel 290 (Blue Island, Elmwood Park Broadcasting Corporation (Elmwood Park) and Evelyn R. Chauvin Schoonfield (Mrs. Schoonfield)) and the two applications requesting authority to operate on Channel 294 (The News-Sun Broadcasting Co. (News-Sun) and the Hi-Fi Broadcasting Company (Hi-Fi)) and, upon the grant of said petitions, severed the applications requesting Channel 290 from the proceeding on the two applications requesting 294; and

It further appearing that the proposal of Edward L. Waterman would be involved in mutual interference with the proposal of Blue Island and was timely filed to be entitled to consolidation with the latter application pursuant to § 1.106 (b) (1) of the Commission rules; that the application of Radio-America is interlinked by interference problems with the applications of News-Sun and Hi-Fi and was timely filed to be entitled to consolidation with the latter two applications pursuant to § 1.106(b) (1) of the Commission rules; and

It further appearing that the proposal of Gordon Boss & Associates would cause mutual interference within the one mv/m contours of the operation proposed by Blue Island, Hi-Fi and Radio America, would cause interference within the one mv/m contours of the existing operation of WXFM and the operation proposed by Elmwood Park; and

It further appearing that on April 7, 1960, the application of Gordon Boss & Associates (Associates) was tendered for filing and is therefore timely filed to be consolidated in a hearing proceeding on the above-captioned applications and that the designation for hearing of Associates' application requires the consolidation for hearing in a single proceeding of all the applications herein; and

It further appearing that except as indicated by the issues specified below, each of the applicants herein, is legally, technically, financially and otherwise qualified to construct and operate its instant proposal with the exception of Elmwood Park, which may not be financially qualified, and Evelyn R. Chauvin Schoonfield, who may not be legally, financially or otherwise qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission by letters dated December 22, 1959, and June 2, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications of Mr. Waterman, Radio America and Associates would serve the public interest, convenience and necessity; and that the said applications should be designated for hearing in a consolidated proceeding with the applications of Blue Island, News-Sun, Hi-Fi, Elmwood Park and Mrs. Schoonfield; and that copies of the aforementioned letters are available for public inspection at the Commission's offices; and

It further appearing that Mr. Waterman, Radio America and Associates filed timely replies to the aforementioned letters, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that on June 21, 1960, Associates filed a reply to the Commission's letter of June 2, 1960, in which it is contended that the interference that Associates' proposal would cause to the existing operation of WXFM or to any of the other proposals which may be granted would affect less than one percent of the population within the respective normally protected service areas and that Associates' proposal would provide an interference-free signal to almost 79 percent of the population within its one mv/m contour; but that the Commission is of the opinion that Associates' proposal should be designated for a hearing in the proceeding ordered below to determine whether a grant of said proposal would serve the public interest; and

It further appearing that The News-Sun Broadcasting Co. (BPH–2543), licensee of AM broadcast Station WKRS, Waukegan, Illinois, proposes to mount the FM antenna on one of the two towers of the directional antenna system of Station WKRS, and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

It further appearing that Radio America (BPH–2858) proposes to mount its antenna on the same tower and directly opposite the antenna of Station WCLM (FM), and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

It further appearing that Radio America (BPH–2858) proposes to accept the interference from BPH–2805, and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

It further appearing that the Commission's letter of December 22, 1959, raised a question as to whether the participation of Charles W. Kline, partner in the applicant Radio America, in the proposed operation of Edward L. Waterman would contravene § 3.240 of the Commission's rules on multiple ownership; that in replies dated January 7, 1960, Radio America and Edward L. Waterman stated that Charles W. Kline was listed as "station manager (not general manager)" in Mr. Waterman's and other applications in keeping with Kline's capacity as a management consultant and that Kline has no ownership participation in any application with the exception of the proposal of Radio America; but that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that the question must be resolved in the hearing ordered below; and

It further appearing that after consideration of the foregoing and the replies of Mr. Waterman, Radio America, and Associates, the Commission is still unable to make the statutory finding that a grant of any of the applications would serve the public interest, convenience and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the three additional applications are consolidated in the hearing proceeding on the other above-captioned applications, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the licensee of Station WXFM is financially qualified to own and operate said station.

2. To determine what, if any, connection Doris Keane and her associates have or have had with Station WXFM and whether such connection amounted to an unauthorized transfer of the control of said station.

3. To determine whether Evelyn R. Chauvin Schoonfield has made misrepresentations to the Commission concerning the ownership and/or control of Station WXFM.

4. To determine whether, in the light of the evidence adduced under the foregoing issues, Evelyn R. Chauvin Schoonfield possesses the requisite character qualifications to be the licensee of a broadcast station.

5. To determine the areas and populations within the 1 mv/m contours of the operations proposed by BPH–2458, BPH–2543, BPH–2589, BPH–2636, BPH–2845, BPH–2858, and BPH–2977 and the availability of other such FM broadcast service to the said areas and populations.

6. To determine whether Elmwood Park Broadcasting Corporation is financially qualified to construct and operate the proposed station.

7. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing FM broadcast stations, the areas and populations affected thereby, and the availability of other FM service to

areas and populations involved in the interference between the proposals.

9. To determine the nature of the participation of Charles W. Kline in the proposal of Edward L. Waterman, the extent to which such participation would constitute control over said proposal, and whether, in the light of Kline's interest in Radio America, a grant of the application of Waterman and Radio America would be in contravention of § 3.240 of the Rules and the Commission's policies promulgated pursuant thereto.

10. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

11. To determine, in the event it is concluded pursuant to the foregoing issues that one of the proposals for Elmwood Park, Illinois, should be granted, which of the proposals of Elmwood Park Broadcasting Corporation and Mrs. Evelyn R. Chauvin Schoonfield would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

12. To determine, in the event that a choice between the applications herein cannot be based upon considerations with respect to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

13. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That this order shall supersede the aforementioned order of December 2, 1959 with respect to the issues only, and supersedes the Memorandum Opinion and Order of April 13, 1960 insofar as it severs the applications of Blue Island, Elmwood Park, and Mrs. Schoonfield from the applications of News-Sun and Hi-Fi; and

It is further ordered, That in the event of a grant of the application of The News-Sun Broadcasting Co. (BPH–2543), the construction permit shall contain a condition requiring that Station WKRS request permission from the Commission to determine power of WKRS by the indirect method; that during the installation of the FM antenna WKRS shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation WKRS shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, WKRS shall submit Forms 302 to report the change; and

It is further ordered, That in the event of a grant of the application of Radio America (BPH–2858), the construction permit shall contain a condition that prior to authorization of program tests, sufficient data shall be submitted to the Commission to show that the proposed operation will cause no objectionable interaction resulting in a degradation of the service either of the proposed station or WOLM; and

It is further ordered, That in the event of a grant of the application of Radio America (BPH–2858), the construction permit shall contain a condition that prior to authorization of program tests there be submitted sufficient data in accordance with § 3.250 of the Commission's rules for type acceptance of the transmitter; and

It is further ordered, That in the event of a grant of the application of Radio America (BPH–2858), the construction permit shall contain a condition that the permittee shall accept interference within the 1 mv/m contour from the proposal in BPH–2805; and

It is further ordered, That to avail themselves of the opportunity to be heard, the three additional applicants, pursuant to § 1.140 of the Commission's rules in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7445; Filed, Aug. 9, 1960; 8:51 a.m.]

[Docket No. 13744; FCC 60-949]

MOUNTAIN EMPIRE RADIO CO.

Order Designating Application for Hearing on Stated Issues

In re application of James B. Childress and James E. Reed d/b as Mountain Empire Radio Company, Clinton, Tennessee, requests: 1460 kc, 500 w, Day, Docket No. 13744, File No. BP-12925; for a construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that the instant applicant is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 21, 1960, and incorporated herein by reference, notified the instant applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the instant application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues as hereinafter specified; and

It further appearing that the application of LaFollette Broadcasting Company, Inc., File No. BP-12787, was dismissed June 9, 1960, and that the interference issue is therefore moot and that the instant proposal was therefore removed from the group of applications as indicated by 309(b) letter dated March 21, 1960.

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the instant proposal would involve objectionable interference with Stations WEAG, Alcoa, Tennessee, and WLAF, LaFollette, Tennessee, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(2) To determine whether interference received from Stations WEAG and WLAP would affect more than ten percent of the population within the normally protected primary service area of the proposal of the instant applicant in contravention of § 3.28(c)(3) of the Commission rules, and if so, whether circumstances exist which would warrant a waiver of said section.

(3) To determine whether the instant application should be granted.

It is further ordered, That Blount County Broadcasting Co., licensee of Station WEAG, Alcoa, Tennessee, and LaFollette Broadcasting Company, Inc., licensee of Station WLAF, LaFollette, Tennessee, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the instant proposal, permittee shall take whatever steps may be necessary to eliminate reradiation due to the proximity of the proposed site of Clinton Broadcasters, Inc. (BP-12877, requesting 1380 kc, 1 kw, Day), Clinton, Tennessee.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R Doc. 60-7446; Filed, Aug. 9, 1960; 8:51 a.m.]

[Docket Nos. 13745, 13746; FCC 60-952]

RADIO STATION WHCC (WHCC) AND ALUMINUM CITIES BROADCASTING CO. (WGAP)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kenneth D. Fry and Margaret F. Fry, d/b as Radio Station WHCC (WHCC), Waynesville, North Carolina, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw-LS, U; Docket No. 13745, File No. BP-12615; Harry C. Weaver and Frank H. Corbett, a limited partnership, d/b as Aluminum Cities Broadcasting Company (WGAP), Maryville, Tennessee, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13746, File No. BP-12642; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 9, 1960, and incorporated herein by reference, notified the applicants and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that by 309(b) letter dated March 9, 1960, Radio Stations WGAP (BP-12642), WHCC (BP-12615), and WHUB (BP-12427), all of whom desire to increase power from 250 watts to 1 kilowatt, were notified of interlinking problems with other applicants described in said letter; and that by letters dated March 24 and 29, 1960, mutual agreement was made to accept the interference. However, in view of the extent of the interference between BP-12642 and BP-12615, together with other interference problems, the Commission is of the opinion that Radio Station WHCC and Aluminum Cities Broadcasting Company should be designated for hearing in a consolidated proceeding on the issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the instant applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WGAP and WHCC and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station WHCC would involve objectionable interference with Stations WKPT, Kingsport, Tennessee; WTHE, Spartanburg, South Carolina; and WLOS, Ashville, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Station WGAP would involve objectionable interference with Station WLSB, Copperhill, Tennessee, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received from other proposed operations and existing stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposals, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That Kingsport Broadcasting Company, Incorporated, Spartanburg Broadcasting Company, and Skyway Broadcasting Company, and Copper Basin Broadcasting Company, licensees of Stations WKPT, WTHE, WLOS, and WLSB, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants and parties respondent herein pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7447; Filed, Aug. 9, 1960; 8:51 a.m.]

[Docket No. 9186 etc.; FCC 60-946]

JANE RASCOE ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Mrs. Jane Rascoe, Corpus Christi, Texas, requests: 1560 kc, 250 w, D, Docket No. 9186, File No. BP-6784; Uvalde Broadcasters, Inc., Port Lavaca, Texas, requests: 1560 kc, 500 w, D, Docket No. 13738, File No. BP-9365; Lewis O. Seibert, Port Lavaca, Texas, requests: 1560 kc, 500 w, D, Docket No. 13739, File No. BP-13832; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, Uvalde Broadcasters, Inc., and Lewis O. Seibert are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; but that Mrs. Jane Rascoe may not be legally, technically, financially and otherwise qualified to construct and operate her instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 25, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that by letter dated June 5, 1960, Mrs. Jane Rascoe requested an additional 90 days in order to answer the Commission's letter of May 25, 1960; however, the Commission is of the opinion that the application of Mrs. Jane Rascoe should be designated for hearing without any further delay; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for heading in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

4. To determine whether Mrs. Jane Rascoe is legally, financially, technically, and otherwise qualified to construct and operate the proposed station and whether such proposal is in compliance with the provisions of the Commission rules.

5. To, determine whether the transmitter site proposed by Mrs. Jane Rascoe is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine whether the 25 mv/m contour of the instant proposal of Mrs. Jane Rascoe and the 25 mv/m contour of Station KTOD, Sinton, Texas would overlap in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Corpus Christi, Texas or one of the proposals for Port Lavaca, Texas would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Port Lavaca, Texas should be favored, which of the proposals of Uvalde Broadcasters, Inc., or Lewis O. Seibert would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the request by Mrs. Jane Rascoe for an extension of time to answer the Commission's letter of May 25, 1960, is hereby denied.

It is further ordered, That, to avail themselves of the opportunities to be heard, each of the instant applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7448; Filed, Aug. 9, 1960; 8:51 a.m.]

[Docket No. 13743; FCC 60-948]

S & S BROADCASTING CO. (WTAQ)

Order Designating Application for Hearing on Stated Issues

In re application of S & S Broadcasting Co. (WTAQ), La Grange, Illinois, has: 1300 kc, 500 w, DA-N, U, Req: 1300 kw, 500 w, 1 kw-LS, DA-2, U, Docket No. 13743, File No. BP-12781.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 17, 1960, and incorporated herein by reference, notified the instant applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of said application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing, and the applicants' reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTAQ and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that the instant proposal would cause to and receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from the instant proposal.

3. To determine whether the instant proposal of Station WTAQ would involve objectionable interference with Stations WKAN, Kankakee, Illinois, WMIL, Milwaukee, Wisconsin, and WMFT, Terre Haute, Indiana, or any other existing standard broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Cream City Broadcasting Co., Inc., licensee of Station WMIL, WKAN Radio, Inc., licensee of Station WKAN, and Citizens Broadcasting Company, Inc., licensee of Station WMFT, respectively, are made parties to the proceeding.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7449; Filed, Aug. 9, 1960; 8:51 a.m.]

[Docket No. 12782; FCC 60M-1352]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

Order Continuing Hearing

It is ordered, This 5th day of August 1960, that hearings in the above-entitled proceeding, which, by order released July 18, 1960, were scheduled for October 5, 1960, are hereby continued to October 10, 1960, and will be held in the courtroom of the United States Court of Appeals for the Ninth Circuit, 312 North Spring Street, Los Angeles, California, commencing at 10:00 a.m.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7450; Filed, Aug. 9, 1960; 8:51 a.m.]

[Docket Nos. 13740-13742; FCC 60-947]

WBIZ, INC. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WBIZ, Incorporated (WBIZ), Eau Claire, Wisconsin, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13740, File No. BP-12458; Northwest Broadcasting Company (KVFD), Fort Dodge, Iowa, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13741, File No. BP-12679; Franklin Broadcasting Company (WMIN), St. Paul, Minnesota, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13742, File No. BP-13270; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants herein is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal, except that Franklin Broadcasting Company (BP-13270) may not be financially qualified; and

It further appearing that the balance sheet of Franklin Broadcasting Company as of March 23, 1959, shows total liabilities exceed current assets by $81,264; that the annual financial report for the year 1958 showed an operating loss for Station WMIN of $19,569, but that Franklin failed to submit financing plans to cover the proposed construction, liquidating the liabilities and financing the continued operation of WMIN; and

It further appearing that by letter dated March 16, 1960, Station WBIZ agreed to accept any interference which may be caused to it from the proposal of Franklin Broadcasting Company (BP-13270); but Franklin Broadcasting Company has not agreed to accept interference from the WBIZ proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 14, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applicants would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that by letter dated May 4, 1960, WRIG, Inc., licensee of Station WRIG, Wausau, Wisconsin, informed the Commission that it would not appear at a hearing concerning the application of WBIZ, Incorporated (BP-12458); and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant applicants, and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the following proposals would involve objectionable interference with the existing stations listed below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals and Existing Stations

BP-12458	WMIN, St. Paul, Minn.
BP-12679	WMIN, St. Paul, Minn. KCBC, Des Moines, Iowa. KCIM, Carroll, Iowa. KCOG, Centerville, Iowa. KLIN, Lincoln, Nebr. KMHL, Marshall, Minn.
BP-13270	WBIZ, Eau Claire, Wis. KEYL, Long Prairie, Minn. KMHL, Marshall, Iowa. KRFO, Owatonna, Minn. KVFD, Ft. Dodge, Iowa.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether Franklin Broadcasting Company is financially qualified to meet the construction and operating costs of Station WMIN.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, Hope Company, Incorporated, Henry Willard Linder, Vincent Collison et al, d/b as Carroll Broadcasting Company, Owatonna Broadcasting Company, KWAD Broadcasting Company, and Fletcher-Mitchell Corporation, licensees of Stations KCOG, KMHL, KCIM, KRFO, KEYL and KCBC and KLIN, respectively, are made parties to the proceeding.

It is further ordered, That, WBIZ, Incorporated, Northwest Broadcasting Company and Franklin Broadcasting Company, licensees of Stations WBIZ, KVFD and WMIN, respectively, are made parties to the proceeding with respect to their existing operations.

It is further ordered, That, in the event of a grant of the application of Northwest Broadcasting Company, the construction permit shall contain a condition that program tests will not be authorized until the permittee has submitted sufficient measurement data to establish that the radiation has been reduced to essentially 220 mv/m/kw as proposed and that no reradiation effects from the subject applicant's present antenna system will result.

It is further ordered, That, to avail themselves of the opportunity to be heard, applicants and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7451; Filed, Aug. 9, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-71]

COASTAL TRANSMISSION CORP.

Notice of Application and Date of Hearing

AUGUST 3, 1960.

Take notice that on March 28, 1960, as supplemented on April 14, 1960, Coastal Transmission Corporation (Applicant) filed in Docket No. CP60-71 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof in the general area of Applicant's existing transmission system from time to time during the 12-month period from July 1, 1960 to July 1, 1961, at a total cost of not to exceed $1,500,000, with no single project to exceed a cost of $300,000, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of gas in various producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 30, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washing-

ton, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 23, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7400; Filed, Aug. 9, 1960; 8:45 a.m.]

[Docket No. E-6954]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 4, 1960.

Take notice that on July 27, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana, and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of $20,000,000 in principal amount of First Mortgage Bonds. The aforesaid First Mortgage Bonds are to be issued and sold by Applicant under and pursuant to Applicant's presently existing Mortgage and Deed of Trust dated as of July 1, 1947 to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York) and Oliver R. Brooks, (Wesley L. Baker, successor) as Trustees, as heretofore supplemented by ten supplemental indentures and as it is proposed to be further supplemented by an Eleventh Supplemental Indenture to be dated as of September 1, 1960. The First Mortgage Bonds are to be dated September 1, 1960, and will bear interest at the rate per annum to be fixed by competitive bidding and will mature on September 1, 1990. Applicant proposes to sell the aforesaid bonds at competitive bidding. Applicant states that said First Mortgage Bonds are to be issued and sold for the purpose of carrying forward its 1960 construction program and for the purpose of repaying all notes to be outstanding at the time of sale of the aforesaid bonds under a Credit Agreement dated as of September 17, 1959 between Applicant and certain banks.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 26th day of August 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7401; Filed, Aug. 9, 1960; 8:45 a.m.]

[Docket No. RI61-16]

TEXACO, INC.

Order Providing for Hearing and Suspending Proposed Change in Rate

AUGUST 1, 1960.

On July 6, 1960, Texaco, Inc. (Texaco), retendered for filing its previously rejected periodic rate increase proposal of 3.116 cents per Mcf, from 15.384 cents to 18.5 cents per Mcf at 15.025 psia, for its jurisdictional sales of natural gas to El Paso Natural Gas Company from leases in the LaBarge Field, Lincoln and Sublette Counties, Wyoming. Such retender is designated Supplement No. 2 to Texaco, Inc.'s FPC Gas Rate Schedule No. 211, and the effective date thereof is August 6, 1960, which is the first day after expiration of the required thirty days' notice.

Texaco was issued a temporary authorization for the subject sale in the related certificate Docket No. CI60-32 by letter order of the Commission dated April 7, 1960. Such authorization was subject to the condition, among others, that the initial price under its FPC Gas Rate Schedule No. 211 shall not exceed 15 cents per Mcf at 14.65 psia (15.384 cents per Mcf at 15.025 psia), rather than its contractual initial price of 16.0 cents per Mcf at 15.025 psia, plus applicable tax reimbursement.

Texaco accepted such condition by letter dated April 25, 1960, and filed a contract amendment dated April 21, 1960, to reflect an initial price of 15.384 cents per Mcf at 15.025 psia to conform with the temporarily authorized rate. However, as Texaco did not indicate whether it would accept such condition in a permanent certificate, it was so requested on June 13, 1960 by letter from the Secretary. Meanwhile, on May 31, 1960, and prior to its requested reply, Texaco tendered for filing the subject increased rate proposal which was rejected by letter order of the Commission dated June 29, 1960. In the rejection letter, Texaco was advised that "• • • such conditioned rate under the temporary authorization shall not be changed until a proper rate for the service is determined in the certificate application hearing, or the price condition in the temporary authorization is modified". By letter dated June 28, 1960, Texaco stated its willingness to accept, pursuant to a shortened procedure, a permanent certificate of public convenience and necessity for the subject sale at an initial rate of 15 cents per Mcf at 14.65 psia (15.384 cents per Mcf at 15.025 psia). Subsequently, on July 6, 1960, the rate increase proposal rejected by letter of June 29, 1960, was retendered for filing.

It should be noted that by permitting such increased rate proposal to be filed, it is not to be construed as a precedent for allowing the filing of rate changes which change rates conditioned under temporary authorization.

In support of the proposed increased rate, Texaco cites the contract provisions and states that such provisions were arrived at by arm's-length bargaining, that the costs of exploration, development, operation and maintenance are continually increasing, and that the increase is needed to encourage exploration and development.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in said Supplement No. 2.

(B) Pending hearing and decision thereon, Supplement No. 2 to Texaco Inc.'s FPC Gas Rate Schedule No. 211 is hereby suspended and the use thereof deferred until January 6, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor the supplement thereto involved in the above-proposed change shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 20, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7402; Filed, Aug. 9, 1960; 8:45 a.m.]

[Docket No. CP60-98]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

AUGUST 3, 1960.

Take notice that on May 10, 1960, as supplemented on June 3, 1960, Transcontinental Gas Pipe Line Corporation (Transco) filed in Docket No. CP60-98 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 9.75 miles of 6⅝-inch O.D. pipeline extending from a point on Transco's main transmission pipeline near Magnolia, Mississippi, to the McComb Field, all in Pike County, for the purpose of receiving natural gas from Sun Oil Company (Sun) now being flared from oil wells in the McComb Field, where Sun proposes to construct and operate a meter station, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicant proposes to receive and transport the subject gas for Sun, along with other gas which it transports for Sun, pursuant to authorization granted in Docket No. G-16603 which authorization permits the transportation of up to 29,000 Mcf of gas per day. The McComb Field gas would be a part of this 29,000 Mcf and would be transported under Transco's Rate Schedule X-11.

The estimated total cost of the proposed facilities is $310,500, of which $153,335 for cost of right-of-way, pipe and survey will be furnished by Sun pursuant to an agreement dated March 14, 1960, executed between Transco and Sun. The remaining $157,165 of the estimated cost will be financed by Transco, to be reimbursed by Sun upon completion of the construction. Title to the proposed lateral will rest in Transco as long as it transports gas solely for Sun, but if Transco later uses the facility to transport its own gas purchased in the McComb Field, Transco will reimburse Sun for the entire cost less 5 percent per annum for depreciation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 30, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 23, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7403; Filed, Aug. 9, 1960; 8:45 a.m.]

[Project No. 2125]

LIGHTS CREEK POWER PROJECT, NATIONAL YOUTH FOUNDATION

Notice of Modification of Land Withdrawal; California

AUGUST 4, 1960.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, this Commission on November 26, 1952, gave notice to the Bureau of Land Management of the reservation of approximately 1766.72 acres of United States lands pursuant to the filing of an application for preliminary permit on January 21, 1953, by Robert Pierce Wilson of Taylorsville, California, for Project No. 2125.

On May 31, 1960, Robert Pierce Wilson, President, National Youth Foundation, Taylorsville, California, filed an application for license on behalf of said organization, for Project No. 2125, supported by revised map exhibits delimiting additional lands of the United States proposed to be occupied by the Lights Creek Power Project located on Lights Creek and Moonlight Creek, tributaries of Indian Creek, in Plumas County, California.

Therefore, in accordance with provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in the aforesaid power project and are, from the date of filing of completed application for license on May 31, 1960, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress. This notice supersedes in its entirety the notice dated May 12, 1953, in connection with Project No. 2125.

MOUNT DIABLO MERIDIAN—CALIFORNIA

All portions of the following described subdivisions lying within the project boundaries as delimited on map Exhibit "K" (FPC No. 2125-7), entitled "National Youth Foundation, Lights Creek Power Project, General Plan" filed in the Federal Power Commission, May 31, 1960.

T. 27 N., R. 10 E.,
Sec. 1: E½ lot 1, W½ lot 2, lots 3, 4, S½N½, SW¼, NW¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼;
Sec. 2: Lots 1, 3, SE¼NE¼, N½SE¼, N½SW¼SE¼, SE¼SE¼;
Sec. 12: SW¼NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 13: E½E½.
T. 28 N., R. 10 E.,
Sec. 25: SW¼NE¼, SE¼SE¼.
T. 27 N., R. 11 E.,
Sec. 4: Lot 4, W½ lot 5;
Sec. 5: Lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20;
Sec. 6: Lots 6, 7, 12, 13, 14;
Sec. 7: S½ lot 6, E½NE¼, SW¼NE¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼;
Sec. 8: NW¼ lot 3, lots 4, 5, W½ lot 12;
Sec. 18: Lots 1, 2, 3, 4, NW¼NE¼NE¼, NW¼NE¼, E½W½;
Sec. 19: Lot 1, E½W½;
Sec. 30: Lots 1, 4.
T. 28 N., R. 11 E.,
Sec. 19: W½SE¼;
Sec. 30: Lot 2, S½ lot 6, lot 7, NW¼NE¼;
Sec. 32: SE¼SE¼;
Sec. 33: W½SW¼, SE¼SW¼.

The area of United States lands reserved pursuant to the filing of this application is approximately 3,652.48 acres, all within the Plumas National Forest. Approximately 1,768.22 acres of these lands have been previously reserved for power purposes in connection with Projects No. 444 and 2125.

Copies of map exhibit "K" (FPC No. 2125-7) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7404; Filed, Aug. 9, 1960; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 386]

SECRETARY OF DEFENSE

Authority To Represent Interests of Federal Government Regarding Application of Southwestern States Telephone Company for Increased Rates and Charges

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Application of the Southwestern States Telephone Company For Increased Rates and Charges, before the Arkansas Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective July 12, 1960.

FRANKLIN FLOETE,
Administrator.

AUGUST 3, 1960.

[F.R. Doc. 60-7405; Filed, Aug. 9, 1960; 8:45 a.m.]

QUININE HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 13,860,000 ounces of quinine now held in the national stockpile.

The Office of Defense Mobilization (a predecessor of the Office of Civil and Defense Mobilization) made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling quinine. The revised determination was based upon the finding of the Office of Defense Mobilization that quinine is obsolescent for use in time of war.

Beginning six months after the date of publication of this notice in the FEDERAL REGISTER, General Services Administration proposes to transfer said quinine to other Government agencies or to sell said quinine by formal advertising.

Of the total quantity of quinine available for disposal, approximately 2,759,490 ounces are in pharmaceutical form and 1,576,510 ounces are in the form of hydrochloride powder. These quantities of quinine will be sold or transferred separately, and the purchaser of each item will be required to take delivery within a specified period, but in no event more than two years after date of entering into the contract of sale.

The remaining quantity of quinine, comprising approximately 9,524,000 ounces in the form of sulphate powder, will be offered for transfer or sale as a separate item beginning four to six months following the offering for transfer or sale of the quinine in pharmaceutical and hydrochloride powder forms. It is proposed that the delivery of the quinine in sulphate powder form will be spread over a period of years, with the purchaser being required to take delivery of approximately 1,900,000 ounces during the first twelve months after the date of entering into the contract of sale and approximately the same quantity during each subsequent twelve months, with the limitation that no more than approximately 1,900,000 ounces may be withdrawn by the purchaser during any consecutive twelve months.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

This notice rescinds and supersedes the notice of proposed disposition of quinine dated March 25, 1959, and published in the FEDERAL REGISTER April 1, 1959 (24 F.R. 2540).

Dated: August 2, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-7406; Filed, Aug. 9, 1960; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATIONS OF FINAL AUTHORITY

Miscellaneous Amendments

Correction

In F.R. Document 60-6832 appearing in the issue for Friday, July 22, 1960, at page 7004, the next to the last paragraph should read as follows:

Assistant Commissioner for Management and Harold B. Fliege.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 5, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36463: *Liquid caustic soda—Memphis, Tenn., to Johnsville and Natchez, Miss.* Filed by O. W. South, Jr., Agent (SFA No. A4002), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Memphis, Tenn., to Johnsville and Natchez, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southern Freight Association tariff I.C.C. S-116.

FSA No. 36464: *Vegetable meal from, to and between points in Southwestern, WTL, IFA and SFA territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7856), for interested rail carriers. Rates on vegetable meal and related articles, in carloads, minimum 40,000 pounds, between points in the southwest; between points in the southwest, on the one hand, and points in WTL and Mississippi Valley territory, on the other; between stations in WTL territory (including Illinois); between stations in WTL and IFA territories, on the one hand, and points in Mississippi Valley territory, on the other.

Grounds for relief: Truck competition, short-line distance formula and grouping.

Tariff: Supplement 145 to Southwestern Freight Bureau tariff I.C.C. 3972, and other tariffs named in the application.

FSA No. 36465: *Liquefied petroleum gas—Louisiana points to WTL and IFA territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7857), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from specified producing points in Louisiana, to specified points in western trunk-line and Illinois territories.

Grounds for relief: Market competition and grouping.

Tariffs: Supplements 286 and 152 to Southwestern Freight Bureau tariffs I.C.C. 4086 and 4279, respectively, and supplement 60 to Southern Freight Association tariff I.C.C. 446 (Marque series).

FSA No. 36466: *Asphalt from the Southwest to Colo., Wyo., and N. Mex., points.* Filed by Southwestern Freight Bureau, Agent (No. B-7861), for interested rail carriers. Rates on asphalt, in tank-car loads, as described in the application, from producing points in southwestern territory, also Kansas City, Sugar Creek, Mo., and Artesia, N. Mex., to points in Colorado, Wyoming and New Mexico.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 149 to Southwestern Freight Bureau tariff I.C.C. 4066.

FSA No. 36467: *Cleaning compounds—Chicago, Ill., to Florida points.* Filed by Illinois Freight Association, Agent (No. 109), for interested rail carriers. Rates on cleaning, scouring or washing compounds, in carloads, as described in the application, from Chicago, Ill., to Jacksonville, Miami, South Jacksonville and Tampa, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 130 to Illinois Freight Association tariff I.C.C. 855.

FSA No. 36468: *Scrap iron or steel—Peoria, Ill., to Calvert, Ky.* Filed by Illinois Freight Association, Agent (No. 110), for the Illinois Central Railroad Company. Rates on scrap iron or steel, in carloads, as described in the application, from Peoria, Ill., to Calvert, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 130 to Illinois Freight Association tariff I.C.C. 855.

FSA No. 36469: *Asphalt—Montana points to Marshall, Minn.* Filed by the Great Northern Railway Company (No. 1068). Rates on asphalt, as described in the application, in tank-car loads, subject to an aggregate of not less than twenty tank-car loads, from Billings, East Billings, Laurel and Great Falls, Mont., to Marshall, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Great Northern Railway Company's tariff I.C.C. A-8854.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-7426; Filed, Aug. 9, 1960; 8:48 a.m.]

[Notice 133]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 5, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-1187 (Deviation No. 2), CUSHMAN MOTOR DELIVERY, 1480 West Kinzie Street, Chicago 22, Ill., filed July 25, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over U.S. Highway 421 to Greensburg, Ind., thence over Indiana Highway 46 to its junction with U.S. Highway 52, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 52 thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

No. MC-7920 (Deviation No. 6), HERRIOTT TRUCKING COMPANY INC., Alice and Sumner Streets, East Palestine, Ohio, filed July 25, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Pennsylvania Highway 18 and Interstate Highway 90 over Interstate Highway 90 to the Pennsylvania-New York State Line, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rochester, Pa., over Pennsylvania Highway 18 via New Brighton, Pa., to Girard, Pa., thence over U.S. Highway 20 to junction New York Highway 130, and return over the same route.

No. MC-10761 (Deviation No. 4), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed July 18, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Interstate Highway 90 to Cleveland, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland over U.S. Highway 20 to Wickliffe, Ohio, thence over Ohio Highway 84 to Ashtabula, Ohio (also from Wickliffe over U.S. Highway 20 to Ashtabula), thence over U.S. Highway 20 to junction New York Highway 39, thence over New York Highway 39 to Dunkirk, N.Y., and thence over New York Highway 5 to Buffalo, and return over the same route.

No. MC-14252 (Deviation No. 4), COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus 3, Ohio, filed July 20, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Medina, Ohio, over Ohio Highway 18 to junction Ohio Highway 1 or Interstate Highway 71, thence over Interstate Highway 71 to its junction with Ohio Highway 161, thence over Ohio Highway 161 to Worthington, Ohio, and return over the same route for convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: From Medina over U.S. Highways 42 and 23 to Worthington; and from Medina over Ohio Highways 3 and 161 to Worthington, and return over the same route.

No. MC-71096 (Deviation No. 2), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed July 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Toledo, Ohio over Interstate Highways 280 and 75 to the Ohio-Michigan State Line, thence over Interstate Highway 75 to junction U.S. Highway 24-A (West Road), thence over U.S. Highway 24-A to junction U.S. Highway 24; and (B) from Toledo, over Interstate Highways 280 and 75 to the Ohio-Michigan State Line, thence over Interstate Highway 75 to junction U.S. Highway 25 (Dix Road) and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit, Mich. over U.S. Highway 25 to Toledo, and return over the same route.

No. MC-72444 (Deviation No. 10), THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed July 19, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio over U.S. Highway 33 to junction Ohio Highway 117, thence over Ohio Highway 117 to Lima, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lima over U.S. Highway 30-S to junction U.S. Highway 23 thence over U.S. Highway 23 to Columbus, and return over same route.

No. MC-11710 (Deviation No. 1), VALLEY FREIGHT LINES, INC., R.F.D. No. 2, New Castle, Pa., filed July 18, 1960. Attorney Edwin C. Reminger, 75 Public Square, Suite 1360, Cleveland 13, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Erie, Pa., over Interstate Highway 90 to Cleveland, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Erie, over Pennsylvania Highway 99 to Cambridge Springs, Pa., thence over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Cleveland, Ohio and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 52), THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed July 14, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* over deviation routes as follows: (A) From Dayton, Ohio, over Interstate Highway 75 to Cincinnati, Ohio; (B) from Lebanon, Ohio over Ohio Highway 63 to junction Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati; and (C) from Lebanon over Highway 63 to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Louisville over Old U.S. Highway 42 via Prospect and Carrollton, Ky., to Cincinnati, Ohio, and thence over U.S. Highway 42 via Lebanon, Xenia and London, Ohio to Delaware, Ohio; and from Lebanon over Ohio Highway 48 via Centreville, Ohio to Dayton, and return over the same routes.

No. MC-1501 (Deviation No. 53) THE GREYHOUND CORPORATION, P.O. Box 2553, Charleston 29, W. Va., filed July 25, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* over a deviation route as follows: From the junction of U.S. Highway 17 and Jacksonville, Fla., Expressway Interchange near the Imeson Airport, approximately 1.9 miles north of Jacksonville, over the Jacksonville Expressway to the Forsyth Street Interchange in Jacksonville, a distance of 5.7 miles and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Brunswick, Ga., over unnumbered highway to Sea Island, Ga., thence return over said unnumbered highway to Bruns-

wick, thence over U.S. Highway 17 to Jacksonville, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-7427; Filed, Aug. 9, 1960; 8:48 a.m.]

[Notice 336]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 5, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 121), filed July 25, 1960. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods, as defined by the Commission, commodities in bulk and commodities requiring special equipment; serving the site of Air Force Plant No. 78, located approximately twenty-five miles northwest of Corinne, Utah, as an off-route point in connection with carrier's authorized regular-route operations over U.S. Highways 191 and 30S between Brigham City and Tremonton, Utah.

NOTE: The above commodity description includes the transportation of *dangerous explosives.*

HEARING: September 15, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 2110 (Sub No. 2), filed May 27, 1960. Applicant: JAMES C. WERLING, doing business as BOWLUS TRUCKING CO., 1000 Wolfe Avenue, Fremont, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel castings*, from Fremont, Ohio, to points in St. Clair and Berrien Counties, Mich., and points in Erie, Mercer, Lawrence and Beaver Counties, Pa., and *scrap iron and steel, rejected castings*, and *pallets and other shipping containers*, on return.

HEARING: October 11, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Raymond V. Sar.

No. MC 4761 (Sub No. 16) (AMENDMENT), filed March 18, 1960, published in the FEDERAL REGISTER, issue of July 13, 1960. Applicant: LOCK CITY TRANSPORTATION COMPANY, a Corporation, 327 Sixth Avenue, Menominee, Mich. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide*, in bulk, in tank vehicles, from Marinette, Wis. to points in Alabama (except Decatur, Ala.), and points in Oklahoma.

HEARING: Remains as assigned, September 23, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 20783 (Sub No. 52), filed July 25, 1960. Applicant: TOMPKINS MOTOR LINES, INC., 611 Milberry Street, Nashville, Tenn. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Evansville, Ind., to points in Oklahoma, Arkansas, Louisiana, Missouri, Kansas, and Colorado.

HEARING: September 12, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Edith H. Cockrill.

No. MC 78062 (Sub No. 53), filed May 9, 1960. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass products* and *closures*, from points in Canton Township, Washington County, Pa., to points in Michigan, excluding those in the upper peninsula of Michigan, and *empty pallets* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant proposes to transport the above-specified commodities for the Tygart Valley Glass Company, a subsidiary of the Brockway Glass Company, Inc. A proceeding has been instituted under section 212(c) in No. MC 78062 (Sub No. 30) to determine whether applicant's status is that of a common or contract carrier. Common control may be involved.

HEARING: October 10, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Raymond V. Sar.

No. MC 89706 (Sub No. 28), filed May 30, 1960. Applicant: MOTORWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water heaters* and *water softeners*, (a) from Middleville, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, New York, West Virginia, Maryland, New Jersey, Tennessee, Virginia, the District of Columbia, St. Louis, Mo., and to points in St. Louis County, Mo.; and (b) from Meridian, Miss., to points in Indiana, Illinois, Kentucky, Ohio, Michigan, Tennessee, West Virginia, Pennsylvania, New York, Maryland, New Jersey, Virginia, the District of Columbia, St. Louis, Mo., and to points in St. Louis County, Mo.; (2) *Tanks, parts, supplies*, and *equipment* used in manufacture and shipping of water heaters and water softeners, between Middleville, Mich., and Meridian, Miss., and (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the above-specified destination points to their respective origin points.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 89706 (Sub No. 26) to determine whether applicant's status is that of a common or contract carrier.

HEARING: October 12, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Raymond V. Sar.

No. MC 95627 (Sub No. 28) (CORRECTION), filed June 22, 1960, published in the FEDERAL REGISTER issue of July 13, 1960. Applicant: NELMS MOTOR LINES, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, 919-18th Street NW., Suite 226, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, foods and food products* requiring temperature control in transit, from Norfolk, Richmond, Smithfield, Roanoke, and Suffolk, Va., and Landover, Md., to points in Georgia, North Carolina, South Carolina, Virginia, and Louisiana.

NOTE: The purpose of this republication is to add the destination state of South Carolina, inadvertently omitted from previous publication.

HEARING: Remains as reassigned September 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 101010 (Sub No. 10) filed July 1, 1960. Applicant: ERIE RAILROAD COMPANY, 101 Prospect Avenue NW., Cleveland 15, Ohio. Applicant's attorney: R. D. Lackland, Midland Building, Cleveland 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities requiring special equipment, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities of unusual value, between Meadville, Pa., on the one hand, and, on the other hand, Greenville, Saegertown, Venango, Cambridge Springs, Mill Village, Union City, Concord, Corry, Cochranton, Carlton, Utica, Sugar Creek, Franklin, Reno, and Oil City, Pa., (all of which points are stations on Erie Railroad). Restricted to highway trailers moving in substituted service on through rail bills of lading which will have had or will have a prior or subsequent rail movement in rail piggyback service, which is auxiliary to, and supplemental of, its rail service.

NOTE: Common control may be involved.

HEARING: October 6, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 110733 (Sub No. 10) (SECOND AMENDMENT), filed October 26, 1959, published FEDERAL REGISTER issue of November 14, 1959. Applicant: ACE FREIGHT LINE, INC., 459 East Mallory Avenue, P.O. Box 10091—McKellar Station, Memphis, Tenn. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in containers, from Memphis, Tenn., and El Dorado, Ark., to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting urea, on return movements. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee.

NOTE: A proceeding has been instituted in No. MC 110733 (Sub No. 6) under section 212(c) to determine whether applicant's status is that of a common or contract carrier. This application previously published under "no hearing procedure". The purpose of this republication is to reflect the additional origin point of El Dorado, Ark.

HEARING: September 15, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner Henry A. Cockrum.

No. MC 117233 (Sub No. 4), filed June 8, 1960. Applicant: MERCURY MOTOR FREIGHT, INC., 415 Waddell Avenue, Clairton, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut and pre-fabricated buildings and component parts thereof*, from the plant site of Swift Homes, Inc., Borough and Township of Elizabeth, Allegheny County, Pa., to points in Arkansas and Mississippi, and *rejected and/or damaged shipments* of the above-named commodities from points in Mississippi and Arkansas to the plant site above, on return.

HEARING: October 3, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 117233 (Sub No. 6), filed July 22, 1960. Applicant: MERCURY MOTOR FREIGHT, INC., 415 Waddell Avenue, Clairton, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut and pre-fabricated buildings* and *component parts thereof*, from the site of the plant of Swift Homes, Inc., in the borough and township of Elizabeth, Pa., to points in Alabama, Georgia, Kansas, Louisiana, Nebraska, and Oklahoma, and *rejected or damaged shipments*, on return.

HEARING: October 3, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 119118 (Sub No. 9), filed June 22, 1960. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING COMPANY, 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md., to points in Beaver, Allegheny, Washington and Westmoreland Counties, Pa., and Sharon and Warren, Pa.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier * * * In No. MC 116564 (Sub-No. 7).

HEARING: October 5, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 119632 (Sub No. 4) (CLARIFICATION), filed June 10, 1960, published in the FEDERAL REGISTER issue of July 7, 1960. Applicant: REED LINES, INC., 210 North Clinton, Defiance, Ohio. Applicant's attorney: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise or commodities* (except in bulk, in tank vehicles), as are dealt in by rubber products plants and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between the plant site of B. F. Goodrich Tire Company at Woodburn, Ind., in Miland Township, Allen County, Ind., on the one hand, and, on the other, points in the United States, on and east of the Mississippi River, including all west bank points, namely the States of Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Wisconsin, West Virginia, Pennsylvania, Virginia, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia, Louisiana, Arkansas, Missouri, Iowa, and Minnesota.

HEARING: Remains as assigned September 9, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 119671 (Sub No. 1), filed July 22, 1960. Applicant: JOHN WILLIAM DALTON, doing business as DALTON TRUCKING COMPANY, Box 186, Route 6, Morgantown, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are transported in dump trucks and can be unloaded by dump trucks;* between points in Taylor, Marion, Harrison, Preston, and Monongalia Counties, W. Va., and points in Greene and Fayette Counties, Pa.

HEARING: October 7, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 119704, filed April 25, 1960. Applicant: SERVICE ICE COMPANY, a Corporation, 1013 North 14th Street, Sheboygan, Wis. Applicant's attorney: John S. Walter, 622 New York Avenue, Sheboygan, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Milk* and *milk products, milk powders* ordinarily requiring refrigerated trucks, including fruit flavors, nuts, ice cream, mixes, *empty cases and containers* used in transporting the above-specified commodities, and *returned shipments* thereof, between Sheboygan, Wis., and points in Wisconsin, Iowa, Minnesota, Illinois, Indiana and Michigan.

NOTE: Applicant states the proposed transportation will be for Verifine Dairy Products Co., Sheboygan, Wis.

HEARING: September 21, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119866 filed June 17, 1960. Applicant: VICTOR RUPERT, doing business as RUPERT'S TRUCKING COMPANY, 914 Roup Avenue, Brackenridge, Pa. Applicant's attorney: Paul R. Butler, 1701 Law & Finance Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, milled lumber, plaster boards, composition wall boards, ceiling tile, pressed board* and *insulation*, between points in Allegheny, Beaver, Lawrence, Mercer, Crawford, Erie, Venango, Clarion, Butler, Armstrong, Jefferson, Clearfield, Forest, Warren, McKean, Elk, Cameron, Indiana, Cambria, Blair, Bedford, Westmoreland, Potter, Clinton, Somerset, Greene, Washington, Center, Fayette, Huntington, Fulton, Franklin, Cumberland, Juniata, Perry, and Mifflin Counties, Pa.; Trumbull, Portage, Summit, Mahoning, Columbiana, Stark, Jefferson, Carroll, Tuscarawas, Harrison, and Belmont Counties, Ohio, Marshall, Wood, Pleasants, Tyler, Wetzel, Wirt, Ritchie, Doddridge, Harrison, Marion, Monongahela, Taylor, and Preston Counties, W. Va.; and Garrett, Allegheny, Washington, Berkley, Jefferson, and Morgan Counties, Md.

HEARING: October 4, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 119910, filed July 11, 1960. Applicant: ANDREW J. GIBBS, P.O. Box 721, Lexington, Ky. Applicant's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese, dip cheese, butter, ice cream, milk* and *cream*, between Indianapolis, Ind. and Lexington, Ky.

HEARING: September 15, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 120234 (Sub No. 1), filed July 27, 1960. Applicant: DONALD MURRAY, doing business as MURRAY AUTO TRANSPORT COMPANY, P.O. Box 8707, Houston, Tex. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in Ex Parte No. MC-

45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; in truckaway service in secondary movements, from points in Texas, to points in Arizona, New Mexico, and Texas.

NOTE: Applicant presently conducts operations under the second proviso of section 206(a)(1) of the Interstate Commerce Act. In the event that this application is granted, applicant will surrender its registration for cancellation.

HEARING: September 22, 1960, at the Baker Hotel, Dallas, Tex., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub No. 39) (AMENDMENT), filed June 20, 1960, published in the FEDERAL REGISTER issue of July 27, 1960. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, in Madison Township, Middlesex County, N.J., as follows: (1) From the junction of New Jersey Highway 18 and County Road 527 at the Old Bridge Traffic Circle over New Jersey Highway 18 to the junction of U.S. Highway 9, and return over the same route, serving all intermediate points. (2) From the junction of New Jersey Highway 18 and County Road 527 at the Old Bridge Traffic Circle over County Road 516 to the junction of U.S. Highway 9, and return over the same route, serving all intermediate points. (3) From the junction of U.S. Highway 9 and Throckmorton Lane, over Throckmorton Lane to Gaub Road, thence over Gaub Road to junction County Road 516, and return over the same route, serving all intermediate points.

HEARING: Remains as assigned, September 19, 1960, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 119882, filed June 27, 1960. Applicant: CAPITAL FRONTIER COACH LINES, INC., 1122 19th Street NW., Washington 6, D.C. Applicant's attorney: Arthur M. Wagman, 1122 19th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, express, mail* and *newspapers*, between Washington, D.C. and Niagara Falls, N.Y., from Washington, D.C. over U.S. Highway 240 to junction U.S. Highway 40, thence over U.S. Highway 40 to Hagerstown, Md., thence over U.S. Highway 11 to Greencastle, Chambersburg and Shippensburg, Pa., thence over Pennsylvania Highway 696 to junction Pennsylvania Highway 944, thence over Pennsylvania Highway 944 to junction Gate 15, Pennsylvania Turnpike, thence west over Pennsylvania Turnpike to Gate 13 (Fort Littleton) and junction U.S. Highway 522, thence over U.S. Highway 522 to Burnt Cabins, Shade Gap, Orbinsonia, Shirleysburg and Mount Union to junction U.S. Highway 22, thence over U.S. Highway 22 to Huntingdon and Water Street, thence over Pennsylvania Highway 350 to Tyrone, Bald Eagle, Sandy Ridge and Philipsburg to junction U.S. Highway 322, thence over U.S. Highway 322 to Clearfield, thence over Pennsylvania Highway 153 to Penfield, thence over Pennsylvania Highway 255 to St. Mary's and Johnsonburg, thence over U.S. Highway 219 to Wilcox and junction unnumbered Pennsylvania Highway, thence over unnumbered Pennsylvania Highway to Kane, thence over U.S. Highway 6 to Sheffield and Warren, thence over U.S. Highway 62 to Frewsburg, N.Y., thence over New York Highway 60 to Jamestown and Fredonia to junction New York State Thruway, thence over New York State Thruway to Buffalo to junction Grand Island Freeway, thence over Grand Island Freeway to Niagara Falls, and return over the same route, serving all intermediate points.

HEARING: September 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29555 (Sub No. 36), filed July 25, 1960. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road C., St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Duluth, Minn., and Forest Lake, Minn., from Duluth over Minnesota Highway 23 to junction U.S. Highway 61, thence over U.S. Highway 61 to Forest Lake, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 110733 (Sub-No. 21), filed July 27, 1960. Applicant: ACE FREIGHT LINE, INC., 459 East Mallory Avenue, Memphis, Tenn. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer*, in bulk and in packages, from El Dorado, Ark., to points in Kentucky, and *exempt commodities* on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 110733 (Sub-No. 6).

No. MC 118631 (Sub No. 1), filed July 22, 1960. Applicant: EPHREM BOUCHARD, Mackay Street, Milton, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commercial chemical fertilizer materials and mixtures*, in bulk, in hopper-type vehicles, equipped with spreading devices to perform spreading operation on farm land, in seasonal operations between April 15 and November 15, inclusive, (1) from ports of entry on the International Boundary line between the United States and Canada located in Clinton and Franklin Counties, N.Y., to points in Clinton, Essex, Franklin, Lewis, St. Lawrence and Jefferson Counties, N.Y.; and (2) from ports of entry on the International Boundary line between the United States and Canada located in Franklin and Orleans Counties, Vt., to points in Franklin, Orleans, Caledonia, Chittenden, Grand Isle, Lamoille, Washington, Orange, Windsor, Addison, and Essex Counties, Vt., and points in Grafton County, N.H.; and (B) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the above-specified destination points to their respective origin points.

No. MC 118916 (Sub No. 2), filed May 31, 1960. Applicant: LEONARD POWELL, 520 South Ella, Sandpoint, Idaho. Applicant's attorney: E. Glenn Harmon, 1114 Old National Bank Building, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Dairy products*, including milk, cream, cottage cheese, butter, and eggs, and *frozen dairy products*, including ice cream and sherbert, in vehicles equipped with temperature-control devices, and *bakery products*, including bread, cakes, pies, cookies, and rolls, from Sandpoint, Idaho to Troy, Mont., over U.S. Highway 2, serving no intermediate points, and *empty containers or other such incidental facilities* (not specified) used in the transportation of the above-mentioned commodities, and *contaminated or rejected shipments*, on return.

No. MC 119118 (Sub No. 10), filed July 29, 1960. Applicant: LEWIS W. McCURDY and MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING COMPANY, 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising material* moving therewith; from Milwaukee, Wis., to Butler, Kittanning, and Lewiston, Pa., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant presently holds contract authority in MC 116564 and Subs thereunder, therefore, dual operations may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 198), filed July 26, 1960. Applicant: THE GREYHOUND CORPORATION, Rm. 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: George W. Rauch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Fargo, N. Dak., and the North Dakota-Montana State line, (1) from Fargo over Interstate Highway 94 to junction U.S. Highway 10 at the interchange nearest the Montana-North Dakota State line, and return over the same route, serving all intermediate points; and (2) from Jamestown, N. Dak., over U.S. Highway 281 to junction Interstate Highway 94, and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to join or tack the requested authority, if granted, to its present authority to serve all intermediate points between Fargo, N. Dak., and Billings, Mont., over U.S. Highway 10, as described on Sheet 2 of the Certificate granted by this Commission in Docket No. MC 1501 (Sub No. 126).

No. MC 68167 (Sub No. 37), filed July 26, 1960. Applicant: WASHINGTON, VIRGINIA AND MARYLAND COACH COMPANY, INC., 707 North Randolph Street, Arlington, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express and mail*, in the same vehicle with passengers, between the junction U.S. Highway 50 and Virginia Highway 650 and junction Virginia Highways 649 and 709, from junction U.S. Highway 50 and Virginia Highway 650, over Virginia Highway 650 to junction Virginia Highway 709; thence, over Virginia Highway 709, in a southerly direction, to junction Virginia Highway 649, and return over the same route, serving all intermediate points.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7448, GARRETT FREIGHTLINES, INC.—PURCHASE (PORTION)—WESTERN EXPRESS, published in the February 25, 1960, issue of the FEDERAL REGISTER on page 1656. Application filed August 2, 1960, for temporary authority under section 210a(b).

No. MC-F 7603. Authority sought for purchase by C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT COMPANY, 38th and Quirt Avenue, P.O. Box 1625, Lubbock, Tex., of a portion of the operating rights of T.I.M.E., INCORPORATED, 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex. Applicants' attorney: W. D. Benson, Jr., P.O. Box 1120, Lubbock, Tex. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Brownfield, Tex., and Hobbs, N. Mex., serving all intermediate points and the off-route points of the site of the Phillips Petroleum Company Plant and Refinery, near Buckeye, N. Mex., and the site of the Sinclair Oil and Gas Company's Gas Products Plant No. 29 near Tatum, N. Mex., and between Plains, Tex., and Lovington, N. Mex., serving all intermediate points in Texas, the above routes subject to the restriction that Hobbs, N. Mex., shall not be served on freight moving to, through or from Brownfield or Lubbock, Tex. Vendee is authorized to operate as a *common carrier* in Texas and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7604. Authority sought for purchase by WILLIAM F. CARTRIGHT, doing business as SOUTH PROSPECT TRANSFER, 7205–09 Prospect Avenue, Kansas City, Mo., of a portion of the operating rights of EL RENO TRANSFER AND STORAGE COMPANY, Evans and Carson Streets, El Reno, Okla. Applicants' attorneys: Kretsinger & Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Canadian County, Okla., on the one hand, and, on the other, points in New Mexico. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Delaware, Maryland, Virginia, Oklahoma, Arkansas, Texas, Kansas, Colorado, Tennessee, Nebraska, Minnesota, South Dakota, West Virginia, Mississippi, North Carolina, Alabama, Georgia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7605. Authority sought for purchase by FISHERS AND ARNOLD, INC., Pendleton Street, Falmouth, Ky., of the operating rights of PAUL SCHIRMER, U.S. Highway 42, Warsaw, Ky., and for acquisition by ALBERT K. FISHER, CHARLES W. FISHER and GARELD C. ARNOLD, all of Falmouth, of control of such rights through the purchase. Applicants' attorney: Robert H. Kinker, Box 127, Frankfort, Ky. Operating rights sought to be transferred: *Sand, gravel, roadmix, blacktop, asphalt, white rock, limestone, crushed stone*, and *dense grade aggregate*, as a *common carrier* over irregular routes, between points in Carroll, Gallatin, Trimble, and Henry Counties, Ky., on the one hand, and, on the other, points in Jefferson, Switzerland, Ohio, Dearborn, and Ripley Counties, Ind. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7606. Authority sought for purchase by PAUL ARPIN VAN LINES, INC., (NEW YORK CORPORATION), 150 Manton Avenue, Providence, R.I., of the operating rights of ATLANTIC & PACIFIC MOVING CO., 2547 Farrar Street, St. Louis, Mo., and for acquisition by PAUL ARPIN VAN LINES, INC., (RHODE ISLAND CORPORATION), also of Providence, of control of such rights through the purchase. Applicants' attorney: Herbert Burstein, 160 Broadway, New York, N.Y. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between St. Louis, Mo., and points within 25 miles thereof, on the one hand, and on the other, points in Illinois and Missouri, between St. Louis, Mo., and East St. Louis, Ill., and points within 50 miles of St. Louis, Mo., and East St. Louis, Ill., on the one hand, and, on the the other, points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Nebraska, New York, Ohio, Tennessee, and Texas, between Clay Center, Kans., and points within 20 miles thereof, on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Missouri, Nebraska, and Oklahoma, between Philadelphia, Pa., on the one hand, and on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland and the District of Columbia, and between Kansas City, Mo., and points within 25 miles thereof, on the one hand, and, on the other, points in Missouri and Kansas. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Colorado, Illinois, Wisconsin, Tennessee, Mississippi, Kentucky, Indiana, Alabama, Florida, Georgia, Ohio, Michigan, West Virginia, Virginia, North Carolina, South Carolina, Pennsylvania, Maryland, Delaware, Massachusetts, Connecticut, New Hampshire, Rhode Island, Vermont, Maine and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7607. Authority sought for control by RYDER SYSTEM, INC., 3401 Main Highway, Miami 33, Fla., of HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Post Office Box 450, Nashville, Tenn., and for acquisition by JAR CORPORATION (in turn by R. B. RYDER), JAR NO. 2 CORPORATION (in turn by R. B. RYDER), J. A. RYDER, R. B. RYDER and R. N. REEDY, all of Miami, of control of HOOVER MOTOR EXPRESS COMPANY, INC., through the acquisition by RYDER SYSTEM, INC. Applicant's attorneys: David G. Macdonald, 1625 K Street NW., Washington 6, D.C., and James F. Pinkney and Castle W. Jordan, both of 3401 Main Highway, Miami 33, Fla. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Memphis, Tenn., and Atlanta, Ga., between Chattanooga, Tenn., and Atlanta, Ga., between Nashville, Tenn., and Atlanta, Ga., between Birmingham, Ala., and Atlanta, Ga., between Memphis, Tenn., and St. Louis, Mo., between Nashville, Tenn., and St. Louis, Mo., between Nashville, Tenn., and Birmingham, Ala., between East St. Louis, Ill., and Birmingham, Ala., between Knoxville, Tenn., and Cartersville, Ga., between Atlanta, Ga., and Knoxville, Tenn., between specified points in Tennessee, between Nashville, Tenn., and Tuscumbia, Ala., between specified points in Alabama, between specified points in Kentucky, between Westmoreland, Tenn., and Glasgow, Ky., between Birmingham, Ala., and Memphis, Tenn., between Chicago, Ill., and Cincinnati, Ohio, between Chicago, Ill., and Indianapolis, Ind., between Cincin-

nati, Ohio, and Louisville, Ky., and between Chicago, Ill., and West Allis, Wis., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, between Chicago, Ill., and Milwaukee, Wis., serving no intermediate points; *general commodities*, except those rated lower than seventh class, between Cincinnati, Ohio, and Nashville, Tenn., serving the intermediate point of Louisville, Ky., restricted to pick-up and delivery of commodities other than articles of unusual value, Class A and B explosives, whisky and liquids in bulk, moving to or from points south of Louisville; *general commodities*, except those of unusual value, Class A and B explosives, whisky, and liquids in bulk, between Louisville, Ky., and Nashville, Tenn., serving the intermediate points of Temple Hill, Mt. Herman, Mud Lick, and Tompkinsville, Ky.; *general commodities*, except those of unusual value, and except commodities in bulk, between Union City, Tenn., and Clinton, Ky., serving the intermediate points of Jordan and Moscow, Ky., and restricted against pick-up or delivery of freight at either Union City or Clinton; *cellophane* and *rayon*, from Old Hickory, Tenn., to Nashville, Tenn., serving no intermediate points; *dangerous explosives*, from Birmingham, Ala., to Nashville, Tenn., serving no intermediate points; *empty vehicles*, between Birmingham, Ala., and Chattanooga, Tenn., serving no intermediate points. RYDER SYSTEM, INC., holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7608. Authority sought for purchase by DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, P.O. Box 1271, Birmingham 1, Ala., of the operating rights of MAGNOLIA TRUCK LINE, INC., 1229 Kansas Street, P.O. Box 844, Memphis 1, Tenn., and for acquisition by DEATON TRUCK LINE, Livingston, Ala., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Hernando, Miss., and Memphis, Tenn., serving the intermediate and off-route points in DeSoto County, Miss., within seven miles of Hernando, Miss. Vendee is authorized to operate as a *common carrier* in Alabama, Georgia, Louisiana, Texas, Arkansas, Oklahoma, Missouri, Florida, North Carolina, South Carolina, Tennessee, Kentucky and Mississippi. Application has been filed for temporary authority under section 210a (b).

No. MC–F 7609. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce, P.O. Box 5976, Dallas, Tex., of a portion of the operating rights of BILL FRADY & CO., Odessa, Tex. Applicants' attorney and representative, respectively: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla., and Bill Frady, President, Bill Frady & Co., Odessa, Tex. Operating rights sought to be transferred: *Such commodities* as require the use of special equipment by reason of size or weight, other than Mercer-description commodities, as a *common carrier* over irregular routes, between points in Colorado, and between points in Colorado, on the one hand, and, on the other, points in Texas and Oklahoma. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Missouri, Nebraska, Colorado, Ohio, Oregon, Washington, Pennsylvania, Minnesota, Michigan, Iowa, New Jersey, New York, Wyoming, Utah, Montana, West Virginia, Arizona, Tennessee, Alabama, Florida and Georgia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7610. Authority sought for purchase by PEP LINES TRUCKING CO., 15120 Third, Highland Park, Mich., of a portion of the operating rights and certain property of FILM TRUCK SERVICE, INC., 6111 Concord, Detroit 11, Mich., and for acquisition by PETER P. ELLIS, 18025 Warrington Drive, Detroit, Mich., of control of such rights and property through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: *Motion picture, still picture, and sound producing films*, and *recording, reproducing, and amplifying devices, advertising matter, exhibits, tickets, vending machines, supplies, and materials* used in connection with the operation and maintenance of theatres and places of motion picture exhibition when moving to and from such theatres or places of exhibition, as a *common carrier* over irregular routes, between points in Michigan; *magazines*, from Detroit, Mich., to points in Michigan (except Port Huron and Mt. Clemens), and from New Buffalo, Mich., to Saint Louis and Westbranch, Mich. Vendee is authorized to operate as a *common carrier* in Michigan under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act. Application has been field for temporary authority under section 210a(b).

No. MC–F 7612. Authority sought for continuance in control by LOOMIS ARMORED CAR SERVICE, INC. OF CALIFORNIA, 821 Sansome Street, San Francisco 11, Calif. (in turn by WALTER F. LOOMIS and CHARLES LOOMIS, both of 55 Battery Street, Seattle, Wash.), of LOOMIS ARMORED TRANSPORT, INC., 2719 Market Street, San Diego 12, Calif. Applicant's attorney: George H. Hart, 827 Central Building, Seattle 4, Wash. Operating rights sought to be controlled: *Coin, currency, checks, securities, gold, silver, negotiable and non-negotiable instruments*, and *other valuable papers and documents*, as a *contract carrier* over irregular routes, between San Diego, Calif., and ports of entry on the United States-Mexico boundary line at or near San Ysidro, Calif. RESTRICTION: The above-described operations are limited to transportation service to be performed under a continuing contract, or contracts, with banking institutions. LOOMIS ARMORED CAR SERVICE, INC. OF CALIFORNIA holds no authority from this Commission. However, its controlling stockholders are affiliated, through stock ownership, with LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash., which is authorized to operate as a *contract carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7613. Authority sought for purchase by LIBERTY MOTOR FREIGHT LINES, INCORPORATED, 2200 Harlem Road, Buffalo 25, N.Y., of a portion of the operating rights of CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., and for acquisition by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of control of such rights through the purchase. Applicant's attorneys: E. T. Liipfert, 175 Linfield Drive, Menlo Park, Calif., and John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Akron, Ohio, and New Castle, Pa., between specified points in Pennsylvania, between specified points in Ohio, between specified points in Wisconsin, between specified points in Indiana, between specified points in Illinois, between specified points in Iowa, between Youngstown, Ohio, and Minneapolis, Minn., between Sharon, Pa., and Norwalk, Ohio, between Chicago, Ill., and Green Bay, Wis., between Rockford, Ill., and Waterloo, Iowa, between Canton, Ohio, and Minneapolis, Minn., between Akron, Ohio, and Anoka, Minn., between Cleveland, Ohio, and Indianapolis, Ind., between Davenport, Iowa, and Minneapolis, Minn., between LaCrosse, Wis., and Austin, Minn., between Youngstown, Ohio, and Newark, N.J., between Gettysburg, Pa., and Baltimore, Md., between Baltimore, Md., and Philadelphia, Pa., between Pittsburgh, Pa., and Cleveland, Ohio, between Baltimore, Md., and Breezewood, Pa., between Baltimore, Md., and Washington, D.C., between Hagerstown, Md., and McConnellsburg, Pa., between Camden, N.J., and Carney's Point, N.J., and between Chicago, Ill., and the junction of U.S. Highways 30 and 41 near Schererville, Ind., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, except those of unusual value, or of a bulk or size requiring special equipment, from Baltimore, Md., to Easton and Reading, Pa., and from Harrisburg and Reading, Pa., to Baltimore, Md., serving certain intermediate points; *general commodities*, excepting, among others, household goods and liquids, in bulk, in tank trucks, between St. Louis, Mo., and Onarga, Ill., between specified points in Illinois, between Springfield, Ill., and Indianapolis, Ind., between specified points in Indiana, between

Indianapolis, Ind.; and Wapakoneta, Ohio, between Dayton, Ohio, and Findlay, Ohio, and between Springfield, Ohio, and Toledo, Ohio, serving certain intermediate and off-route points; *nickel and chrome coated metal sheets and strips*, from Walnutport to Allentown, Pa., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Lake and Porter Counties, Ind., and those in Illinois within 75 miles of Chicago, including Chicago, but not including those in Illinois on U.S. Highway 41 and Illinois Highways 120 and 42, between Allentown and Bethlehem, Pa., on the one hand, and, on the other, certain points in Pennsylvania, and between Allentown, Pa., on the one hand, and, on the other, points in New Jersey and Pennsylvania within 25 miles of Allentown. These rights were acquired by vendor pursuant to Docket No. MC–F 6276, consummated July 18, 1960. Vendee is authorized to operate as a *common carrier* in Massachusetts, Illinois, New York, Ohio, Pennsylvania, New Jersey, Missouri, Connecticut, Rhode Island, Indiana, Delaware, West Virginia, Maryland, Kentucky and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7614. Authority sought for control by DANIEL A. WAHLBERG, 70 Logan Street, Bridgeport, Conn., of EASTERN DELIVERY SERVICE, INC., 242 Lodi Street, Hackensack, N.J., SUBURBAN DELIVERY COMPANY, INCORPORATED, 70 Logan Street, Bridgeport, Conn., and THE BRIDGEPORT UNITED DELIVERY COMPANY, 70 Logan Street, Bridgeport, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Operating rights sought to be controlled: (EASTERN) Those rights authorized by order of June 6, 1960, in Docket No. MC 119192 covering the transportation of *general commodities*, except dangerous explosives, as a *contract carrier* over irregular routes, from Hackensack, N.J., to points in Westchester and Rockland Counties, N.Y., and *returned shipments* from the above-named destinations to Hackensack, N.J., limited to the transportation of packages not exceeding 100 pounds each in a retail delivery service to be performed under a continuing contract or contracts with Federated Department Stores, Incorporated, Bloomingdale Brothers Division; (SUBURBAN) *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in retail store delivery service, restricted to packages of 100 pounds or less, as a *contract carrier* over irregular routes, between Stamford, Conn., on the one hand, and, on the other, points in Westchester County, N.Y.; (BRIDGEPORT) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over irregular routes, from Bridgeport, Conn., to certain points in Connecticut; *return shipments* of the above-specified commodities which carrier previously has delivered, from certain points in Connecticut to Bridgeport, Conn. DANIEL A. WAHLBERG holds no authority from this Commission. However, he is affiliated with EASTERN, SUBURBAN AND BRIDGEPORT. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7615. Authority sought for purchase by MOTOR EXPRESS, INC., 410 Lincoln Building, Cleveland, Ohio, of the operating rights of ENDRES DELIVERY, INC., (DAVID J. GOLDSTEIN, ASSIGNEE), 34 Cypress Street, Buffalo, N.Y., and for acquisition by U.S. TRUCK LINES, INC. OF DELAWARE, 1602 Union Commerce Building, Cleveland 14, Ohio, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Building, Washington 4, D.C., and Harry H. Wiltse, Liberty Bank Building, Buffalo 2, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, points in Erie and Niagara Counties, N.Y., except Depew, Lancaster, and Cheektowaga, N.Y., and between Buffalo, Depew, Lancaster, and Cheektowaga, N.Y. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, New York and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7616. Authority sought for purchase by P. I. & I. MOTOR EXPRESS, INC., 838 South Irvine, Masury, Ohio, of the operating rights of BUSH TRUCKING CO., 1616 East Liberty Avenue, Girard, Ohio, and for acquisition by JOSEPH J. KEROLA, also of Masury, of control of such rights through the purchase. Applicants' attorney: J. C. Schriner, 3350 Superior Avenue, Cleveland 14, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between St. Louis, Mo., and Belleville, Ill., serving the intermediate and off-route points of Edgemont and Scott Field, Ill., and from Belleville, Ill., to St. Louis, Mo., serving the intermediate and off-route points of Edgemont and Scott Field, Ill., restricted to delivery only. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Indiana and Illinois. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7611. Authority sought for control by ROSE F. AGOSTINI, 510 Burritt Street, New Britain, Conn., of THE BRISTOL TRACTION COMPANY, INC., 400 Riverside Avenue, Bristol, Conn. Applicant's attorney: Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be controlled: *Passengers and their baggage*, in charter operations, as a *common carrier* over irregular routes, from points in Connecticut on a route between Thomaston and Plainville, Conn., including Thomaston and Plainville, from Thomaston over U.S. Highway 6 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to Plainville, and from points within 10 miles of such points, except Avon, West Hartford, Hartford, Newington, Wethersfield, Rocky Hill, Cromwell, Middletown, Berlin, Meriden, Cheshire, Southington, Prospect, Waterbury, Naugatuck, Torrington, New Hartford, Canton, Litchfield, Morris, Bethlehem, Watertown, Woodbury and Middlebury, Conn., to points in the United States, and return. ROSE F. AGOSTINI holds no authority from this Commission. However, she is affiliated, through stock ownership, with NEW BRITAIN TRANSPORTATION CO., INC., 333 Arch Street, New Britain, Conn., which is authorized to operate as a *common carrier* in Connecticut, Virginia, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7428; Filed, Aug. 9, 1960; 8:48 a.m.]

[Notice 362]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63454. By order of August 3, 1960, The Transfer Board approved the transfer to Chet Sampson's Tours, Inc., 100 Kercheval Ave., Grosse Pointe Farms 36, Mich., of Certificate in No. MC 106393, issued January 31, 1947, to Chester James Sampson, 755 Harcourt, Grosse Pointe Park, Mich., authorizing the transportation of: Passengers and their baggage in special operation consisting of round-trip tours, over irregular routes, beginning and ending at Detroit, Mich., and points within 25 miles of City Hall, Detroit, and extending to points in all States and the District of Columbia.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7429; Filed, Aug. 9, 1960; 8:48 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 25 NUMBER 155

Washington, Wednesday, August 10, 1960

Uniform Systems of Accounts for Class C and Class D Public Utilities and Licensees

FEDERAL POWER COMMISSION

[18 CFR Part 104]

[Docket No. R-104]

REVISION OF UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES SUBJECT TO PROVISIONS OF FEDERAL POWER ACT

Notice of Proposed Rulemaking

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to amend, effective January 1, 1961, Part 104—Application of Uniform System of Accounts to Class C and Class D Public Utilities and Licensees of Subchapter C—Accounts, Federal Power Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations (CFR), to prescribe a revised Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class C), as set forth below.

3. Part 104, §§ 104.1–104.11, of said Title and Code correspond to, and appear at, pages 195–219 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, effective January 1, 1937, (effective January 1, 1938 as to Class C and Class D Public Utilities and Licensees), Revised to September 1, 1957, as amended by Orders Nos. 204 and 216 issued respectively May 29, 1958 (23 F.R. 4160, June 12, 1958) and October 22, 1959 (24 F.R. 8790, October 29, 1959).[1] The aforesaid Uniform System of Accounts was prescribed by Order No. 43 of December 31, 1936, effective January 1, 1938, and was contained in the codification and reissuance of the Commission's general rules promulgated by Commission Order No. 141, December 11, 1947, effective January 1, 1948 (12 F.R. 8461). The proposed revised System of Accounts does not follow the numbering system required for the Code of Federal Regulations but follows the numbering system (accounts, instructions, definitions, etc.) used in the Commission's pamphlet edition referred to above.

4. Important developments in the electric power industry since the adoption in 1936 of the Uniform System of Accounts effective January 1, 1938, and the experience of the Commission over the past 24 years indicate the need for the System of Accounts herein proposed.

5. Heretofore, the Commission has not had a separately issued Uniform System of Accounts for Class C Public Utilities and Licensees, as such. The accounting requirements presently effective for small utilities (Class C and Class D), consist of an abridgment of the accounts for large public utilities and licensees by means of account charts appearing as Appendix III of the pamphlet version of the Uniform System of Accounts. In these account charts, the condensed accounts applicable to the small utilities are indicated by bracketing related account titles applicable to Class A and Class B utilities. The result is that small utilities have had to work with an inordinate amount of textual materials designed for larger utilities. The objective of the proposed System of Accounts is to provide these smaller utilities with a simplified System of Accounts appropriate for the magnitude of their operations.

6. The proposed System of Accounts set forth below reflects the basic principles found in this Commission's recently issued revised Uniform System of Accounts for Class A and Class B Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, Docket No. R-173. The proposed System of Accounts introduces the following important improvements in this Commission's small utility accounting requirements:

a. New size classifications for electric utilities;

b. Certain necessary new accounts;

c. New arrangement of balance sheet and certain other accounts to make them more informative;

d. A reduced number of expense account classifications, mainly but not entirely by the discontinuance of segregations of numerous functional accounts as to labor and other expenses;

e. Expanded items lists of account texts and clearer description of such items according to their functional nature, to facilitate use and consistency of respective account classifications; and

f. Restatements of the accounting aspects of certain accounting interpretations issued in the past.

7. The System of Accounts herein proposed conforms basically to that for which a resolution was adopted at the convention of the National Association of Railroad and Utility Commissioners (NARUC) held in Phoenix, Arizona, on November 17, 1958, with a few modifications.

8. The System of Accounts proposed for adoption herein deviates from the NARUC system of accounts only to the extent necessary to make it more suitable to this Commission's accounting responsibilities but such deviations do not conflict with the basic principles of the NARUC system. The NARUC system of accounts gives consideration to the fact that the State commissions, in addition to jurisdiction over electric utility operations, ordinarily have jurisdiction over gas and water utility operations of joint utilities. Consequently, the balance sheet classifications for plant and accumulated provisions for depreciation and amortization (reserves) are identified in the NARUC system as "utility" accounts. In the FPC System of Accounts these balance sheet accounts and related instructions are directed to "electric" operations and summary accounts provided for the plant and "reserves" of other utility departments. Likewise, in the FPC version utility operating income accounts are identified with the electric department and a special summary account provided for the operating income of other, non-electric, utility departments. Similar differences exist between present FPC and NARUC Systems of Accounts. The Commission's present report form, however, is coordinated for joint use by this and State commissions and necessary summary information of other utility department operations is therein disclosed. It is expected that this reporting arrangement will continue.

The proposed FPC System of Accounts adheres to the NARUC system of accounts, except as explained above and except for a few instances of notations in account texts and instructions which are of special significance to the FPC. These exceptions which do not disturb the basic conformity with the NARUC system of accounts, are as follows:

a. Definition 8, which defines cost for the purpose of the Uniform System of Accounts, includes a clarifying phrase to assure caution in the manner of application of Definition 8 to merger and pooling of interest transactions.

b. General Instruction 3C is modified for FPC purposes to require account numbers to be parts of account titles, and to require ledger accounts to be identified with prescribed account numbers where the utility adopts a special numbering system for machine accounting purposes. The staff believes these identifications are necessary in order to preserve the integrity of the prescribed System of Accounts for reporting, auditing, and citation purposes.

c. General Instruction 12 is an instruction relating to separate records required for licensed project plant, depreciation and maintenance expenses for licensed projects. This instruction is solely applicable to the FPC System of Accounts.

d. Electric Plant Account Instruction 4B(2), which relates to accumulated provisions for depreciation and amortization to be considered in accounting for electric plant purchased, is simplified in the FPC System of Accounts by the deletion of certain qualifying phrases which appear in the NARUC system. These deletions will, in the opinion of the staff, avoid administrative ambiguities.

e. Electric Plant Instruction 11 relating to common utility plant incorporates provisions of the present FPC System of Accounts, which were adopted by special order of the Commission, specifying account designations and accounting for plant acquisition adjustments and plant adjustments relating to common utility plant where such amounts are jointly applicable to the electric utility and other departments.

f. Account 264, Amortization Reserve—Federal, is not shown in the NARUC system. This account specifies that entries to the account may be made only as authorized or required by the Commission. Since this account relates only to amortization reserves of licensed projects, this account was properly not included in the NARUC system of accounts.

g. Account 271, Contributions in Aid of Construction, of the FPC System of Accounts provides for segregation of contributions related to licensed projects, a requirement not necessary for the purposes of the NARUC system of accounts.

h. Accounts 281, 282, 283, Accumulated Deferred Income Taxes, are included in the FPC's proposed System of Accounts whereas no comparable accounts are provided by the NARUC system of accounts. Complementing these accounts are Accounts 410 and 411, added to the income accounts as authorized by this Commission's Order No. 204 amending the present System of Accounts.

i. Account 403, Depreciation Expense of the FPC System of Accounts, paragraph C, has been revised because the FPC instruction is addressed to electric utilities, whereas the NARUC system specified that the account be subdivided by utility departments.

9. The Commission recognizes that some burden and expense will have to be borne by the companies affected in connection with the transition from the present accounting requirements to the revised System of Accounts.

This problem was, however, kept in mind by the NARUC Committee on Statistics and Accounts which worked on the revision as well as by the staff of this Commission which participated in the work of that Committee. The Commission is of the opinion that the physical burden and monetary cost of the changeover is of minor importance when viewed in relation to the future benefits of the revised System of Accounts.

10. The appended proposed Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class C) is proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly sections 301, 304 and 309 thereof (49 Stat. 854, 855, and 858; 16 U.S.C. 825, 825c, and 825h).

11. Any interested person may submit to the Federal Power Commission not later than September 12, 1960, data, views, and comments in writing concerning the proposed revised System of Accounts. An original and nine copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed System of Accounts.

MICHAEL J. FARRELL,
Acting Secretary.

AUGUST 3, 1960.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT

Definitions

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued," as applied to securities issued or assumed by the utility, means those which have been sold to bona fide purchasers for a valuable consideration, those issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking funds.

3. "Actually outstanding," as applied to securities issued or assumed by the utility, means those which have been actually issued and are neither retired nor held by or for the utility; provided, however, that securities held by trustees shall be considered as actually outstanding.

4. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

5. A. "Associated companies" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting company.

B. "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

6. "Book cost" means the amount at which property is recorded in these accounts without deduction of related provisions for accrued depreciation, amortization, or for other purposes.

7. "Commission" means the Federal Power Commission.

8. "Cost" means the amount of money actually paid for property or services. When the consideration given is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of common stock in a merger or a pooling of interest, the value of such consideration shall be determined on a cash basis.

9. "Cost of removal" means the cost of demolishing, dismantling, tearing down or otherwise removing electric plant, including the cost of transportation and handling incidental thereto.

10. "Debt expense" means all expenses in connection with the issuance and initial sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority: fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

11. "Depreciation," as applied to depreciable electric plant, means the loss in service value not restored by current maintenance incurred in connection with the consumption or prospective retirement of electric plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities.

12. "Discount" as applied to the securities issued or assumed by the utility, means the excess of the par (stated value of no-par stocks) or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

13. "Investment advances" means advances, represented by notes or book accounts only, with respect to which it is mutually agreed or intended between the creditor and debtor that they shall be settled by the issuance of securities or shall not be subject to current settlement.

14. "Licensee" means any person, or State, licensed under the provisions of the Federal Power Act and subject to the Commission's accounting requirements under the terms of the license.

15. "Minor items of property" means the associated parts or items of which retirement units are composed.

16. "Net salvage value" means the salvage value of property retired less the cost of removal.

17. "Nominally issued," as applied to securities issued or assumed by the utility, means those which have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the utility, but which have not been sold, or issued direct to trustees of sinking funds in accordance with contractual requirements.

18. "Nominally outstanding," as applied to securities issued or assumed by the utility, means those which, after being actually issued, have been reacquired by or for the utility under circumstances which require them to be considered as held alive and not retired, provided, however, that securities held by trustees shall be considered as actually outstanding.

19. "Nonproject property" means the electric plant of a licensee which is not a part of the project property subject to a license issued by the Commission.

20. "Original cost," as applied to electric plant, means the cost of such property to the person first devoting it to public service.

21. "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or any organized group of persons, whether incorporated or not, or any receiver or trustee.

22. "Premium," as applied to securities issued or assumed by the utility, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face value and interest or dividends accrued at the date of sale.

[1] Insofar as the above sections are by their terms applicable to State and municipal licensees, that requirement was dispensed with by the Act of August 15, 1953, 67 Stat. 587.

23. "Project" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

24. "Project property" means the property described in and subject to a license issued by the Commission.

25. "Property retired," as applied to electric plant, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been withdrawn from service.

26. "Public utility" means any person who owns or operates facilities subject to the jurisdiction of the Commission under the Federal Power Act. (See section 201(e) of said act.)

27. "Replacing" or "replacement," when not otherwise indicated in the context, means the construction or installation of electric plant in place of property retired, together with the removal of the property retired.

28. "Retirement units" means those items of electric plant which, when retired, with or without replacement, are accounted for by crediting the book cost thereof to the electric plant account in which included.

29. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recoverable is chargeable to materials and supplies, or other appropriate account.

30. "Service life" means the time between the date electric plant is includible in electric plant in service, or electric plant leased to others, and the date of its retirement. If depreciation is accounted for on a production basis rather than on a time basis, then service life should be measured in terms of the appropriate unit of production.

31. "Service value" means the difference between original cost and net salvage value of electric plant.

32. "State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

33. "Utility," as used herein and when not otherwise indicated in the context, means any public utility or licensee to which this system of accounts is applicable.

General Instructions

1. *Classification of Utilities.*

A. For the purpose of applying systems of accounts prescribed by the Commission, electric utilities and licensees are divided into four classes, as follows:

Class A. Utilities having annual electric operating revenues of $2,500,000 or more.

Class B. Utilities having annual electric operating revenues of $1,000,000 or more but less than $2,500,000.

Class C. Utilities having annual electric operating revenues of $150,000 or more but less than $1,000,000.

Class D. Utilities having annual electric operating revenues of $25,000 or more but less than $150,000.

B. This system of accounts applies to Class C utilities. Those applicable to Classes A and B and to Class D utilities are issued separately.

C. The class to which any utility belongs shall originally be determined by the average of its annual electric operating revenues for the last three consecutive years. Subsequent changes in classification shall be made when the annual electric operating revenues for each of the three immediately preceding years shall exceed the upper limit, or be less than the lower limit, of the annual electric operating revenues of the classification previously applicable to the utility.

D. Any utility may, at its option, adopt the system of accounts prescribed by the Commission for any larger class of utilities.

2. *Records.*

A. Each utility shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

B. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful in developing the history of or facts regarding any transaction.

C. No utility shall destroy any such books or records unless the destruction thereof is permitted by rules and regulations of the Commission.

D. In addition to prescribed accounts, clearing accounts, temporary or experimental accounts, and subdivisions of any account, may be kept, provided the integrity of the prescribed accounts is not impaired.

E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426, Other Income Deductions.

F. The arrangement or sequence of the accounts prescribed herein shall not be controlling as to the arrangement or sequence in report forms which may be prescribed by the Commission.

3. *Numbering System.*

A. The account numbering plan used herein consists of a system of three-digit whole numbers as follows:

100–199	Assets and other debits.
200–299	Liabilities and other credits.
300–399	Plant accounts.
400–439	Income accounts.
440–459	Revenue accounts.
500–599	Production, transmission and distribution expenses.
900–949	Customer accounts, sales and general administrative expenses.

B. In certain instances, numbers have been skipped in order to allow for possible later expansion or to permit better coordination with the number system for other utility departments.

C. The numbers prefixed to account titles are to be considered as parts of the titles. Each utility, however, may adopt for its own purposes a different system of account numbers (see also general instruction 2D) provided that the numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and in the various sources of original entry; however, if a utility uses a different group of account numbers and it is not practicable to show the prescribed account numbers in the various sources of original entry, such reference to the prescribed account numbers may be omitted from the various sources of original entry. Moreover, each utility using different account numbers for its own purposes shall keep readily available a list of such account numbers which it uses and a reconciliation of such account numbers with the account numbers provided herein. It is intended that the utility's records shall be so kept as to permit ready analysis by prescribed accounts (by direct reference to sources of original entry to the extent practicable) and to permit preparation of financial and operating statements directly from such records at the end of each accounting period according to the prescribed accounts.

4. *Accounting Period.*

Each utility in Class C shall keep its books on a monthly basis so that for each accounting period all transactions applicable thereto, as nearly as may be ascertained, shall be entered in the books of the utility. Each utility shall close its books at the end of each calendar year unless otherwise authorized by the Commission.

5. *Submittal of Questions.*

To maintain uniformity of accounting, utilities shall submt questions of doubtful interpretation to the Commission for consideration and decision.

6. *Item Lists.*

Lists of "items" appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The lists are intended to be representative, but not exhaustive. The appearance of an item in a list warrants the inclusion of the item in the account mentioned only when the text of the account also indicates inclusion inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

7. *Accounting to be on Accrual Basis.*

A. The utility is required to keep its accounts on the accrual basis. This requires the inclusion in its accounts of all known transactions of appreciable amount which affect the accounts. If bills covering such transactions have not been received or rendered, the amounts shall be estimated and appropriate adjustments made when the bills are received.

B. When payments are made in advance for items such as insurance, rents, taxes, or interest, the amount applicable to future periods shall be charged to account 165, Prepayments, and spread over the periods to which applicable by credits to account 165, and charges to the accounts appropriate for the expenditure.

8. *Distribution of Pay and Expenses of Employees.*

The charges to electric plant, operating expense, and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, such as construction, maintenance, and operations, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period.

9. *Payroll Distribution.*

Underlying accounting data shall be maintained so that the distribution of the cost of labor charged direct to the various accounts will be readily available. Such underlying data shall permit a reasonably accurate distribution to be made of the cost of labor charged initially to clearing accounts so that the total labor cost may be classified among construction, cost of removal, electric operating functions (steam generation, hydraulic generation, transmission, distribution, etc.) and nonutility operations.

10. *Operating Reserves.*

Accretions to operating reserve accounts made by charges to operating expenses shall not exceed a reasonable provision for the expense. Material balances in such reserve accounts shall not be diverted from the purpose for which provided unless the permission of the Commission is first obtained.

11. *Accounting for Other Departments.*

If the utility also operates other utility departments, such as gas, water, etc., it shall keep such accounts for the other departments as may be prescribed by proper authority and in the absence of prescribed accounts, it shall keep such accounts as are proper or necessary to reflect the results of operating each such department. It is not intended that proprietary and similar accounts which apply to the utility as a whole shall be departmentalized.

12. *Separate Accounts or Records for Each Licensed Project.*

The accounts or records of each licensee shall be so kept as to show for each project under license:

(a) The actual legitimate original cost of the project, including the original cost (or fair value as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof, credits for property retired from service, and credits for related contributions in aid of construction, as determined under the Commission's regulations.

(b) The charges for operation and maintenance of the project property directly assignable to the project;

(c) The credits and debits to the depreciation reserve account, and the balance in such account;

(d) The credits and debits to operating revenue, income, and surplus accounts that can be identified with and directly assigned to the project.

NOTE: The purpose of this instruction is to insure that accounts or records are currently maintained by each licensee from which reports may be made to the Commission for use in determining the net investment in each licensed project. The instruction covers only the debit and credit items appearing in the licensee's accounts which may be identified with and assigned directly to any licensed project. In the determination of the net investment as defined in section 3 of the Federal Power Act, allocations of items affecting the net investment may be required where direct assignment is not practicable.

Electric Plant Instructions

1. *Electric Plant to be Recorded at Cost.*

A. All amounts included in the accounts for electric plant acquired as an operating unit or system, except as otherwise provided in the texts of the intangible plant accounts, shall be stated at the cost incurred by the person who first devoted the property to utility service. All other electric plant shall be included in the accounts at the cost incurred by the utility. Where the term "cost" is used in the detailed plant accounts, it shall have the meaning stated in this paragraph.

B. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis. (See, however, definition 8). In the entry recording such transaction, the actual consideration shall be described with sufficient particularity to identify it. The utility shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than cash.

C. When property is purchased under a plan involving deferred payments, no charge shall be made to the electric plant accounts for interest, insurance, or other expenditures occasioned solely by such form of payment.

D. Electric plant contributed to the utility or constructed by it from contributions to it of cash or its equivalent shall be charged to the electric plant accounts at cost of construction, estimated if not known. There shall be credited to the accounts for accumulated depreciation and amortization the estimated amount of depreciation and amortization applicable to the property at the time of its contribution to the utility. The difference between the amounts included in the electric plant accounts and the accumulated depreciation and amortization shall be credited to account 271, Contributions in Aid of Construction.

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, interest during construction and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs.

3. *Overhead Construction Costs.*

A. All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction engineering and supervision by others than the accounting utility, law expense, insurance, injuries and damages, relief and pensions, taxes and interest, shall be charged to particular jobs or units on the basis of the amounts of such overheads reasonably applicable thereto, to the end that each job or unit shall bear its equitable proportion of such costs and that the entire cost of the unit, both direct and overhead, shall be deducted from the plant accounts at the time the property is retired.

B. As far as practicable, the determination of payroll charges includible in construction overheads shall be based on time card distributions thereof. Where this procedure is impractical, special studies shall be made periodically of the time of supervisory employees devoted to construction activities to the end that only such overhead costs as have a definite relation to construction shall be capitalized. The addition to direct construction costs of arbitrary percentages or amounts to cover assumed overhead costs is not permitted.

4. *Electric Plant Purchased or Sold.*

A. When utility plant constituting an operating unit or system is acquired by purchase, merger, consolidation, liquidation, or otherwise, after the effective date of this system of accounts, the costs of acquisition, including expenses incidental thereto properly includible in utility plant, shall be charged to account 102, Electric Plant Purchased or Sold.

B. The accounting for the acquisition shall then be completed as follows:

(1) The original cost of plant, estimated if not known, shall be credited to account 102, Electric Plant Purchased or Sold, and concurrently charged to the appropriate utility plant in service accounts and to account 104, Electric Plant Leased to Others, account 105, Electric Plant Held for Future Use, and account 107, Construction Work in Progress—Electric, as appropriate.

(2) The depreciation and amortization applicable to the original cost of the properties purchased, shall be charged to account 102, Electric Plant Purchased or Sold, and concurrently credited to the appropriate account for accumulated provision for depreciation or amortization.

(3) The cost to the utility of any property includible in account 121, Nonutility Property, shall be transferred thereto.

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Electric Plant Purchased or

Sold, and concurrently credited to account 271, Contributions in Aid of Construction, unless otherwise authorized by the Commission.

(5) The amount remaining in account 102, Electric Plant Purchased or Sold, shall then be closed to account 114, Electric Plant Acquisition Adjustments.

C. If property acquired in the purchase of an operating unit or system is in such physical condition when acquired that it is necessary substantially to rehabilitate it in order to bring the property up to the standards of the utility, the cost of such work, except replacements, shall be accounted for as a part of the purchase price of the property.

D. When any property acquired as an operating unit or system includes duplicate or other plant which will be retired by the accounting utility in the reconstruction of the acquired property or its consolidation with previously owned property, the proposed accounting for such property shall be presented to the Commission.

E. In connection with the acquisition of electric plant constituting an operating unit or system, the utility shall procure, if possible, all existing records relating to the property acquired, or certified copies thereof, and shall preserve such records in conformity with regulations or practices governing the preservation of records of its own construction.

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate electric plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments, and the amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale), shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus. (See account 102, Electric Plant Purchased or Sold.)

NOTE: In cases where existing utilities merge or consolidate because of financial or operating reasons or statutory requirements rather than as a means of transferring title of purchased properties to a new owner, the accounts of the constituent utilities, with the approval of the Commission, may be combined. In the event original cost has not been determined, the resulting utility shall proceed to determine such cost as outlined herein.

5. *Expenditures on Leased Property.*

A. The cost of substantial initial improvements (including repairs, rearrangements, additions and betterments) made in the course of preparing for utility service property leased for a period of more than one year, and the cost of subsequent substantial additions, replacements, or betterments to such property, shall be charged to the electric plant account appropriate for the class of property leased. If the service life of the improvements is terminable by action of the lease, the cost, less net salvage, of the improvements shall be spread over the life of the lease by charges to account 404, Amortization of Limited-Term Electric Plant. However, if the service life is not terminated by action of the lease but by depreciation proper, the cost of the improvements, less net salvage, shall be accounted for as depreciable plant.

B. If improvements made to property leased for a period of more than one year are of relatively minor cost, or if the lease is for a period of not more than one year, the cost of the improvements shall be charged to the account in which the rent is included, either directly or by amortization thereof.

6. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, water and water power rights, diversion rights, submersion rights, rights of way, and other like interests in land.

B. Where special assessments for public improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of public improvements is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

C. The net profit from the sale of timber, cord wood, or other property acquired with rights of way or other lands shall be credited to the appropriate land and land rights or clearing land account. Where land is held for a considerable period of time and timber on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the timber) from the sales of timber or its products shall be credited to account 421, Miscellaneous Nonoperating Income.

D. Separate entries shall be made for the acquisition, transfer or retirement of each parcel of land, and each land right (except rights of way for distribution lines), or water right having a life of more than one year. A record shall be maintained showing the nature of ownership, full legal description, area, map reference, purpose for which used, city, county, and tax district in which situated, from whom purchased or to whom sold, payment given or received, other costs, contract date and number, date of recording of deed, and book and page of record. Entries transferring or retiring land or land rights shall refer to the original entry recording its acquisition.

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate, unless a reserve therefore has been authorized and provided. Appropriate adjustments of the accounts shall be made with respect to any structures or improvements located on land sold.

F. The cost of buildings and other improvements (other than public improvements) shall not be included in the land accounts. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to utility operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

G. When the purchase of land for electric operations requires the purchase of more land than needed for such purposes, the charge to the specific land account shall be based upon the cost of the land purchased, less the fair market value of that portion of the land which is not to be used in utility operations. The portion of the cost measured by the fair market value of the land not to be used shall be included in account 105, Electric Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

H. Provision shall be made for amortizing amounts carried in the accounts for limited-term interests in land so as to apportion equitably the cost of each interest over the life thereof. (See account 404, Amortization of Limited-Term Electric Plant.)

I. The items of cost to be included in the accounts for land and land rights are as follows:

1. Bulkheads, buried, not requiring maintenance or replacement.
2. Cost, first, of acquisition including mortgages and other liens assumed (but not subsequent interest thereon).
3. Clearing (first cost) the land of brush, trees, and debris, except in the case of account 332, Reservoirs, Dams and Waterways, and account 351 (Transmission Plant), Clearing Land and Rights of Way.
4. Condemnation proceedings, including court and counsel costs.
5. Consents and abutting damages, payment for.
6. Conveyancers' and notaries' fees.
7. Fees, commissions, and salaries to brokers, agents and others in connection with the acquisition of the land or land rights.
8. Grading the land, except when directly occasioned by the building of a structure.
9. Leases, cost of voiding upon purchase to secure possession of land.
10. Removing, relocating, or reconstructing property of others, such as buildings, highways, railroads, bridges, cemeteries, churches, telephone and power lines, etc., in order to acquire quiet possession.
11. Retaining walls unless identified with structures.
12. Special assessments levied by public authorities for public improvements on the basis of benefits for new roads, new bridges, new sewers, new curbing, new pavements, and other public improvements, but not taxes levied to provide for the maintenance of such improvements.
13. Surveys in connection with the acquisition, but not amounts paid for topographical surveys and maps where such costs are attributable to structures or plant equipment erected or to be erected or installed on such land.
14. Taxes assumed, accrued to date of transfer of title.
15. Title, examining, clearing, insuring and registering in connection with the acquisition and defending against claims relating to the period prior to the acquisition.
16. Appraisals prior to closing title.
17. Cost of dealing with distributees or legatees residing outside of the state or county, such as recording power of attorney, recording will or exemplification of will, recording satisfaction of state tax.
18. Filing satisfaction of mortgage.
19. Documentary stamps.
20. Photographs of property at acquisition.
21. Fees and expenses incurred in the acquisition of water rights and grants.
22. Cost of fill to extend bulkhead line over land under water, where riparian rights are held, which is not occasioned by the erection of a structure.
23. Sidewalks and curbs constructed by the utility on public property.
24. Labor and expenses in connection with securing right of way, where performed by company employees and company agents.

7. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land.

B. The cost of specially provided foundations not intended to outlast the machinery or apparatus for which provided, and the cost of angle irons, castings, etc., installed at the base of any item of equipment, shall be charged to the same account as the cost of the machinery, apparatus, or equipment.

C. Minor buildings and structures, such as valve towers, patrolmen's towers, telephone stations, etc., which are used directly in connection with or form a part of a reservoir dam, waterway, etc., shall be considered a part of the facility in connection with which constructed or operated and the cost thereof accounted for accordingly.

D. Where furnaces and boilers are used primarily for furnishing steam for some particular department and only incidentally for furnishing steam for heating a building and operating the equipment therein, the entire cost of such furnaces and boilers shall be charged to the appropriate plant account, and no part to the building account.

E. Where the structure of a dam forms also the foundation of the power plant building, such foundation shall be considered a part of the dam.

F. The cost of disposing of materials excavated in connection with construction of structures shall be considered as a part of the cost of such work, except as follows: (a) When such material is used for filling, the cost of loading, hauling, and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used; (b) When such material is sold, the net amount realized from such sales shall be credited to the work in connection with which the removal occurs. If the amount realized from the sale of excavated materials exceeds the removal costs and the costs in connection with the sale, the excess shall be credited to the land account in which the site is carried.

G. Lighting or other fixtures temporarily attached to buildings for purposes of display or demonstration shall not be included in the cost of the building but in the appropriate equipment account.

H. The items of cost to be included in the accounts for structures and improvements are as follows:

1. Architects' plans and specifications including supervision.
2. Athletic field structures and improvements.
3. Boilers, furnaces, piping, wiring fixtures, and machinery for heating, lighting, signaling, ventilating, and air conditioning systems, plumbing, vacuum cleaning systems, incinerator and smoke pipe, flues, etc.
4. Bulkheads, including dredging, riprap fill, piling, decking, concrete, fenders, etc., when exposed and subject to maintenance and replacement.
5. Coal bins and bunkers.
6. Commissions and fees to brokers, agents, architects and others.
7. Conduit (not to be removed) with its contents.
8. Damages to abutting property during construction.
9. Drainage and sewerage systems.
10. Elevators, cranes, hoists, etc., and the machinery for operating them.
11. Excavation, including shoring, bracing, bridging, refill, and disposal of excess excavated material, cofferdams around foundation, pumping water from cofferdam during construction, test borings.
12. Fences and fence curbs (not including protective fences isolating items of equipment, which shall be charged to the appropriate equipment account).
13. Fire protection systems when forming a part of a structure.
14. Foundations and piers for machinery, constructed as a permanent part of a building or other item listed herein.
15. Grading and clearing when directly occasioned by the building of a structure.
16. Intrasite communication system, poles, pole fixtures, wires and cables.
17. Landscaping, lawns, shrubbery, etc.
18. Leases, voiding upon purchase to secure possession of structures.
19. Leased property, expenditures on.
20. Lighting fixtures and outside lighting system.
21. Painting, first cost.
22. Permanent paving, concrete, brick, flagstone, asphalt, etc., within the property lines.
23. Permits and privileges.
24. Platforms, railings and gratings when constructed as a part of a structure.
25. Retaining walls except when identified with land.
26. Roadways, railroads, bridges, and trestles intrasite, except railroads provided for in equipment accounts.
27. Sidewalks, culverts, curbs and streets constructed by the utility on its property.
28. Stacks—brick, steel, or concrete, when set on foundation forming part of general foundation and steel work of a building.
29. Storage facilities constituting a part of a building.
30. Subways, areaways, and tunnels, directly connected to and forming part of a structure.
31. Tanks, constructed as part of a building or as a distinct structural unit.
32. Temporary shanties and other facilities used during construction (net cost).
33. Tunnels, intake and discharge, when constructed as part of a structure, including sluice gates, and those constructed to house mains.
34. Vaults constructed as part of a building.
35. Water basins or reservoirs.
36. Wharves.

NOTE: Structures and Improvements accounts shall be credited with the cost of coal bunkers, stacks, foundations, subways, tunnels, etc., the use of which has terminated with the removal of the equipment with which they are associated even though they have not been physically removed.

8. *Equipment.*

A. The cost of equipment chargeable to the electric plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate.

B. Exclude from equipment accounts hand and other portable tools, which are likely to be lost or stolen or which have relatively small value (for example, $50 or less) or short life; unless the correctness of the accounting therefor as electric plant is verified by current inventories. Special tools acquired and included in the purchase price of equipment shall be included in the appropriate plant account. Portable drills and similar tool equipment when used in connection with the operation and maintenance of a particular plant or department, such as production, transmission, distribution, etc., or in "stores," shall be charged to the plant account appropriate for their use.

C. The equipment accounts shall include angle irons and similar items which are installed at the base of an item of equipment, but piers and foundations which are designed to be as permanent as the buildings which house the equipment or which are constructed as a part of the building and which cannot be removed without cutting into the walls, ceilings or floors or without in some way impairing the building, shall be included in the building accounts.

D. The equipment accounts shall include the necessary costs of testing or running a plant or part thereof during an experimental or test period prior to becoming available for service. The utility shall furnish the Commission with full particulars of and justification for any test or experimental run extending beyond a period of thirty days.

E. The cost of efficiency or other tests made subsequent to the date equipment becomes available for service shall be charged to the appropriate expense ac-

counts, except that tests to determine whether equipment meets the specifications and requirements as to efficiency, performance, etc., guaranteed by manufacturers, made after operations have commenced and within the period specified in the agreement or contract of purchase, may be charged to the appropriate electric plant account.

9. *Additions and Retirements of Electric Plant.*

A. For the purpose of avoiding undue refinement in accounting for additions to and retirements and replacements of utility plant, all property shall be considered as consisting of (1) retirement units and (2) minor items of property. Each utility shall use such list of retirement units as is in use by it at the effective date hereof or as may be prescribed by the Commission, with the option, however, of using smaller units, provided the utility's practice in this respect is consistent.

B. The addition and retirement of retirement units shall be accounted for as follows:

(1) When a retirement unit is added to electric plant, the cost thereof shall be added to the appropriate electric plant account, except that when units are acquired in the acquisition of any electric plant constituting an operating system, they shall be accounted for as provided in electric plant instruction 4.

(2) When a retirement unit is retired from electric plant, with or without replacement, the book cost thereof shall be credited to the electric plant account in which it is included, determined in the manner set forth in paragraph D, below. If the retirement unit is of a depreciable class the book cost of the unit retired and credited to electric plant shall be charged to the accumulated provision for depreciation applicable to such property. The cost of removal and the salvage shall be charged or credited, as appropriate, to such depreciation account.

C. The addition and retirement of minor items of property shall be accounted for as follows:

(1) When a minor item of property which did not previously exist is added to plant, the cost thereof shall be accounted for in the same manner as for the addition of a retirement unit, as set forth in paragraph B(1), above, if a substantial addition results, otherwise the charge shall be to the appropriate maintenance expense account.

(2) When a minor item of property is retired and not replaced, the book cost thereof shall be credited to the electric plant account in which it is included; and, in the event the minor item is a part of depreciable plant, the account for accumulated provision for depreciation shall be charged with the book cost and cost of removal and credited with the salvage. If, however, the book cost of the minor item retired and not replaced has been or will be accounted for by its inclusion in the retirement unit of which it is a part when such unit is retired, no separate credit to the property account is required when such minor item is retired.

(3) When a minor item of depreciable property is replaced independently of the retirement unit of which it is a part, the cost of replacement shall be charged to the maintenance account appropriate for the item, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity), the excess cost of the replacement over the estimated cost at current prices of replacing without betterment shall be charged to the appropriate electric plant account.

D. The book cost of electric plant retired shall be the amount at which such property is included in the electric plant accounts, including all components of construction costs. The book cost shall be determined from the utility's records and if this cannot be done, it shall be estimated. When it is impracticable to determine the book cost of each unit, due to the relatively large number or small cost thereof, an appropriate average book cost of the units, with due allowance for any differences in size and character, shall be used as the book cost of the units retired.

E. The book cost of land retired shall be credited to the appropriate land account. If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus, as appropriate. If the land is not used in utility service but is retained by the utility, the book cost shall be charged to account 105, Electric Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

F. The book cost less net salvage of electric plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant. Any amounts which, by approval or order of the Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant.

10. *Transfers of Property.*

When property is transferred from one electric plant account to another, from one utility department to another, such as from electric to gas, from one operating division or area to another, to or from Electric Plant in Service, Electric Plant Leased to Others, Electric Plant Held for Future Use, and Nonutility Property, the transfer shall be recorded by transferring the original cost thereof from one account, department, or location to the other. Any related amounts carried in the accounts for accumulated provision for depreciation or amortization shall be transferred in accordance with the segregation of such accounts.

11. *Common Utility Plant.*

A. If the utility is engaged in more than one utility service such as electric, gas, and water, and any of its utility plant is used in common for several utility services or for other purposes to such an extent and in such a manner that it is impracticable to segregate it by utility services currently in the accounts, such property, with the approval of the Commission, may be designated and classified as "common utility plant."

B. The book amount of utility plant designated as common plant shall be included in account 118, Other Utility Plant, and if applicable in part to the electric department, shall be segregated and accounted for in subaccounts as electric plant is accounted for in accounts 101 to 107, inclusive, and electric plant adjustments in account 116; any amounts classifiable as common plant acquisition adjustments or common plant adjustments shall be subject to disposition as provided in paragraphs C and B of accounts 114 and 116, respectively, for amounts classified in those accounts. The original cost of common utility plant in service shall be classified according to detailed utility plant accounts appropriate for the property.

C. The utility shall be prepared to show at any time and to report to the Commission annually, or more frequently, if required, and by utility plant accounts (301 to 399) the following: (1) The book cost of common utility plant, (2) the allocation of such cost to the respective departments using the common utility plant, and (3) the basis of the allocation.

D. The accumulated provision for depreciation and amortization of the utility shall be segregated so as to show the amount applicable to the property classified as common utility plant.

E. The expenses of operation, maintenance, rents, depreciation and amortization of common utility plant shall be recorded in the accounts prescribed herein, but designated as common expenses, and the allocation of such expenses to the departments using the common utility plant shall be supported in such manner as to reflect readily the basis of allocation used.

12. *Transmission and Distribution Plant.*

For the purpose of this system of accounts:

A. "Transmission system" means:

(1) All land, conversion structures, and equipment employed at a primary source of supply (i.e., generating station, or point of receipt in the case of purchased power) to change the voltage or frequency of electricity for the purpose of its more efficient or convenient transmission;

(2) All land, structures, lines, switching and conversion stations, high tension apparatus, and their control and protective equipment between a generating or receiving point and the entrance to a distribution center or wholesale point; and

(3) All lines and equipment whose primary purpose is to augment, integrate or tie together the sources of power supply.

B. "Distribution system" means all land, structures, conversion equipment, lines, line transformers, and other facilities employed between the primary source of supply (i.e., generating station, or point of receipt in the case of purchased power) and of delivery to customers, which are not includible in transmission system, as defined in paragraph A, whether or not such land, structures, and facilities are operated as part of a transmission system or as part of a distribution system.

NOTE: Stations which change electricity from transmission to distribution voltage shall be classified as distribution stations.

C. Where poles or towers support both transmission and distributtion conductors, the poles, towers, anchors, guys, and rights of way shall be classified as transmission system. The conductors, crossarms, braces, grounds, tiewire, insulators, etc., shall be classified as transmission or distribution facilities, according to the purpose for which used.

D. Where underground conduit contains both transmission and distribution conductors, the underground conduit and right of way shall be classified as distribution system. The conductors shall be classified as transmission or distribution facilities according to the purpose for which used.

E. Land (other than rights of way) and structures used jointly for transmission and distribution purposes shall be classified as transmission or distribution according to the major use thereof.

Operating Expense Instructions

1. *Maintenance.*

A. The cost of maintenance chargeable to the various operating expense and clearing accounts includes labor, materials, overheads and other expenses incurred in maintenance work. A list of work operations applicable generally to electric plant is included hereunder. Other work operations applicable to specific classes of plant are listed in functional maintenance expense accounts.

B. Materials recovered in connection with the maintenance of property shall be credited to the same account to which the maintenance cost was charged.

C. If the book cost of any property is carried in account 102, Electric Plant Purchased or Sold, the cost of maintaining such property shall be charged to the accounts for maintenance of property of the same class and use, the book cost of which is carried in other utility plant in service accounts. Maintenance of property leased from others shall be treated as provided in operating expenses instruction 2.

ITEMS

1. Direct field supervision of maintenance.
2. Inspecting, testing, and reporting on condition of plant specifically to determine the need for repairs, replacements, rearrangements and changes and inspecting and testing the adequacy of repairs which have been made.
3. Work performed specifically for the purpose of preventing failure, restoring service ability or maintaining life of plant.
4. Rearranging and changing the location of plant not retired.
5. Repairing for reuse materials recovered from plant.
6. Testing for, locating and clearing trouble.
7. Net cost of installing, maintaining, and removing temporary facilities to prevent interruptions in service.
8. Replacing or adding minor items of plant which do not constitute a retirement unit. (See electric plant instruction 9.)

2. *Rents.*

A. The rent expense accounts provided under the several functional groups of expense accounts shall include all rents, including taxes paid by the lessee on leased property, for property used in utility operations, except (1) minor amounts paid for occasional or infrequent use of any property or equipment and all amounts paid for use of equipment that, if owned, would be includible in plant accounts 391 to 398, inclusive, which shall be treated as an expense item and included in the appropriate functional account and (2) rents which are chargeable to clearing accounts, and distributed therefrom to the appropriate account. If rents cover property used for more than one function, such as production and transmission, or by more than one department, the rents shall be apportioned to the appropriate rent expense or clearing accounts of each department on an actual, or, if necessary, an estimated basis.

B. When a portion of property or equipment rented from others for use in connection with utility operations is subleased, the revenue derived from such subleasing shall be credited to the rent revenue account in operating revenues; provided, however, that in case the rent was charged to a clearing account, amounts received from subleasing the property shall be credited to such clearing account.

C. The cost, when incurred by the lessee, of operating and maintaining leased property, shall be charged to the accounts appropriate for the expense if the property were owned.

D. The cost incurred by the lessee of additions and replacements to electric plant leased from others shall be accounted for as provided in electric plant instruction 5.

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

101 Electric plant in service.
102 Electric plant purchased or sold.
103 Electric plant in process of reclassification.
104 Electric plant leased to others.
105 Electric plant held for future use.
107 Construction work in progress—Electric.
110 Accumulated provision for depreciation and amortization of electric plant.
114 Electric plant acquisition adjustments.
116 Other electric plant adjustments.
118 Other utility plant.
119 Accumulated provision for depreciation and amortization of other utility plant.

2. OTHER PROPERTY AND INVESTMENTS

121 Nonutility property.
122 Accumulated provision for depreciation and amortization of nonutility property.
124 Other investments.
125 Special funds.

3. CURRENT AND ACCRUED ASSETS

131 Cash and working funds.
132 Temporary cash investments.

141 Notes receivable.
142 Customer accounts receivable.
143 Other accounts receivable.
144 Accumulated provision for uncollectible accounts—Cr.
145 Notes receivable from associated companies.
146 Accounts receivable from associated companies.
150 Materials and supplies.
165 Prepayments.
170 Other current and accrued assets.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.
182 Extraordinary property losses.
183 Other deferred debits.

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

201 Common capital stock.
204 Preferred capital stock.
207 Other paid-in capital.
212 Installments received on capital stock.
213 Discount on capital stock.
214 Capital stock expense.
215 Appropriated earned surplus.
216 Unappropriated earned surplus.
217 Reacquired capital stock.

6. LONG-TERM DEBT

221 Bonds.
223 Advances from associated companies.
224 Other long-term debt.

7. CURRENT AND ACCRUED LIABILITIES

231 Notes payable.
232 Accounts payable.
233 Notes payable to associated companies.
234 Accounts payable to associated companies.
235 Customer deposits.
236 Taxes accrued.
237 Interest accrued.
238 Other current and accrued liabilities.

8. DEFERRED CREDITS

251 Unamortized premium on debt.
252 Customer advances for construction.
253 Other deferred credits.

9. OPERATING RESERVES

261 Property insurance reserve.
262 Injuries and damages reserve.
263 Pensions and benefits reserve.
264 Amortization reserve—Federal.
265 Miscellaneous operating reserves.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

11. ACCUMULATED DEFERRED INCOME TAXES

281 Accumulated deferred income taxes—Accelerated amortization.
282 Accumulated deferred income taxes—Liberalized depreciation.
283 Accumulated deferred income taxes—Other.

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

101 Electric plant in service.

A. This account shall include the original cost of electric plant, included in the plant accounts prescribed herein, owned and used by the utility in its electric operations, and having an expectation of life in service of more than one year from date of installation, including such property owned by the utility but held by nominees.

B. The cost of additions to and betterments of property leased from others, which are includible in this account, shall be maintained in subdivisions

separate and distinct from those relating to owned property. (See electric plant instruction 5.)

102 Electric plant purchased or sold.

A. This account shall be charged with the cost of electric plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and shall be credited with the selling price of like property transferred to others pending the distribution to appropriate accounts in accordance with electric plant instruction 4.

B. Within six months from the date of acquisition or sale of property recorded herein, there shall be filed with the Commission the proposed journal entries to clear from this account the amounts recorded herein.

103 Electric plant in process of reclassification.

A. This account shall include temporarily the balance of electric plant as of the effective date of the prior system of accounts, which has not yet been reclassified as of the effective date of this system of accounts. The detail or primary accounts in support of this account employed prior to such date shall be continued pending reclassification into the electric plant accounts herein prescribed (301–399), but shall not be used for additions, betterments, or new construction.

B. No charges other than as provided in paragraph A, above, shall be made to this account, but retirements of such unclassified electric plant shall be credited hereto and to the supporting (old) fixed capital accounts until the reclassification shall have been accomplished.

104 Electric plant leased to others.

A. This account shall include the original cost of electric plant owned by the utility, but leased to others as operating units or systems, where the lessee has exclusive possession.

B. The property included in this account shall be classified according to the detailed accounts (301–399) prescribed for utility plant in service, and this account shall be maintained in such detail as though the property were used by the owner in its utility operations.

105 Electric plant held for future use.

A. This account shall include the original cost of property owned and held for future use in electric service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in electric service, but held for such service in the future under a definite plan, and property previously used by the utility in electric service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. The property included in this account shall be classified according to the detailed accounts (301–399) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, or normal spare capacity of plant in service shall not be included in this account.

107 Construction work in progress—Electric.

This account shall include the total of the balances of work orders for electric plant in process of construction but not ready for service at the date of the balance sheet.

110 Accumulated provision for depreciation and amortization of electric plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, to account 404, Amortization of Limited-Term Electric Plant, to account 405, Amortization of Other Electric Plant, to account 413, Expenses of Electric Plant Leased to Others, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for currently accruing depreciation and amortization.

(2) Amounts charged to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation or amortization.

(3) Amounts of depreciation applicable to electric properties acquired as operating units or systems. (See electric plant instruction 4.)

(4) Amounts chargeable to account 182, Extraordinary Property Losses, when authorized by the Commission.

(5) Amounts of depreciation applicable to electric plant donated to the utility.

B. At the time of retirement of electric plant, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance. When retirements, cost of removal and salvage are entered originally in retirement work orders, the net total of such work orders may be included in a separate subaccount hereunder. Upon completion of the work order, the proper distribution to subdivisions of this account shall be made as provided in the following paragraph.

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for depreciation. This account shall be subdivided to show the amount applicable to Electric Plant in Service, Electric Plant Leased to Others, and Electric Plant Held for Future Use. These subsidiary records shall show the current credits and debits to this account in sufficient detail to show separately for each subdivision, (1) the amount of accrual for depreciation or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage and (5) other items, including recoveries from insurance.

D. When transfers of plant are made from one electric plant account to another, or from or to nonutility property, the accounting shall be as provided in electric plant instruction 10.

E. The utility is restricted in its use of the accumulated provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

114 Electric plant acquisition adjustments.

A. This account shall include the difference between (a) the cost to the accounting utility of electric plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and (b) the original cost, estimated, if not known, of such property, less the amount or amounts credited by the accounting utility at the time of acquisition to accumulated provision for depreciation and amortization and contributions in aid of construction with respect to such property.

B. With respect to acquisitions after the effective date of this system of accounts, this account shall be subdivided so as to show the amounts included herein for each property acquisition and to electric plant in service, electric plant held for future use, and electric plant leased to others. (See electric plant instruction 4.)

C. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

116 Other electric plant adjustments.

A. This account shall include the difference between the original cost, estimated if not known, and the book cost of electric plant to the extent that such difference is not properly includible in account 114, Electric Plant Acquisition Adjustments.

B. Amounts included in this account shall be classified in such manner as to show the origin of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of electric plant.

118 Other utility plant.

This account shall include the balances in accounts for utility plant, other than electric plant, such as gas, railway, etc.

119 Accumulated provision for depreciation and amortization of other utility plant.

This account shall include the accumulated provision for depreciation and amortization applicable to utility property other than electric plant.

2. Other Property and Investments

121 Nonutility property.

A. This account shall include the book cost of land, structures, equipment or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in account 105, Electric Plant Held for Future Use.

B. This account shall be subdivided so as to show the amount of property used in operations which are nonutility in character but nevertheless constitute a distinct operating activity of the company (such as operation of an ice department where such activity is not classed as a utility) and the amount of miscellaneous property not used in operations. The records in support of each subaccount shall be maintained so as to show an appropriate classification of the property.

122 Accumulated provision for depreciation and amortization of nonutility property.

This account shall include the accumulated provision for depreciation and amortization applicable to nonutility property.

124 Other investments.

A. This account shall include the book cost of investments in securities issued or assumed by other companies, investment advances to such companies, and any investments not accounted for elsewhere. Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The cost of capital stock of the utility reacquired by it under a definite plan for resale pursuant to authorization by the Board of Directors may, if permitted by statutes, be included in a separate subdivision of this account. (See also account 207, Other Paid-in Capital, and account 217, Reacquired Capital Stock.)

C. The records shall be maintained in such manner as to show the amount of each investment and the investment advances to each person.

NOTE A: Securities owned and pledged shall be included in this account, but securities held in special deposits or in special funds shall be included in appropriate deposit or fund accounts. A complete record of securities pledged shall be maintained.

NOTE B: Securities held as temporary cash investments shall not be included in this account.

NOTE C: The utility may write down the cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded but a permanent impairment in the value of securities shall be recognized in the accounts. When securities are written off or written down, the amount of the adjustment shall be charged to account 435, Miscellaneous Debits to Surplus, or to an appropriate account for provisions for loss in value established as a separate subdivision of this account.

125 Special funds.

This account shall include the amount of cash and book cost of investments which have been segregated in special funds for bond retirements, property additions and replacements, insurance, employees' pensions, savings, relief, hospital, and other purposes not provided for elsewhere. A separate account, with appropriate title, shall be kept for each fund.

NOTE A: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employees benefits shall not be included in this account.

NOTE B: Licensees under the Federal Power Act which are required to establish an amortization fund under terms of the license shall provide a special subdivision of this account for the purpose of accounting for and identifying the cash, investments or other specific assets associated with account 264, Amortization Reserve—Federal.

3. Current and Accrued Assets

Current and accrued assets are cash, those assets which are readily convertible into cash or are held for current use in operations or construction, current claims against others, payment of which is reasonably assured, and amounts accruing to the utility which are subject to current settlement, except such items for which accounts other than those designated as current and accrued assets are provided. There shall not be included in the group of accounts designated as current and accrued assets any item, the amount or collectibility of which is not reasonably assured, unless an adequate provision for possible loss has been made therefor. Items of current character but of doubtful value may be written down and for record purposes carried in these accounts at nominal value.

131 Cash and working funds.

This account shall include the amount of cash on hand and in banks and cash advanced to officers, agents, employees, and others as petty cash or working funds. Special cash deposits for payment of interest, dividends or other special purposes shall be included in this account in separate subdivisions which shall specify the purpose for which each such special deposit is made.

NOTE: Special Deposits for more than one year, which are not offset by current liabilities, shall not be charged to this account but to account 125, Special Funds.

132 Temporary cash investments.

A. This account shall include the book cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

B. This account shall be so maintained as to show separately temporary cash investments in securities of associated companies and of others. Records shall be kept of any pledged investments.

141 Notes receivable.

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable and similar evidences (except interest coupons) of money due on demand or within one year from the date of issue, excepting, however, notes receivable from associated companies. (See account 132, Temporary Cash Investments, and account 145, Notes Receivable from Associated Companies.)

NOTE: The face amount of notes receivable, discounted, sold, or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

142 Customer accounts receivable.

A. This account shall include amounts due from customers for utility service, and for merchandising, jobbing and contract work. This account shall not include amounts due from associated companies.

B. This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing and contract work.

143 Other accounts receivable.

A. This account shall include amounts due the utility upon open accounts, other than amounts due from associated companies and from customers for utility services and merchandising, jobbing and contract work.

B. This account shall be maintained so as to show separately amounts due on subscriptions to capital stock and from officers and employees, but the account shall not include amounts advanced to officers or others as working funds. (See account 131, Cash and Working Funds.)

144 Accumulated provision for uncollectible accounts—Cr.

A. This account shall be credited with amounts provided for losses on accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto. Concurrent charges shall be made to account 904, Uncollectible Accounts, for amounts applicable to utility operations, and to corresponding accounts for other operations. Records shall be maintained so as to show the write-offs of accounts receivable for each utility department.

B. This account shall be subdivided to show the provision applicable to the following classes of accounts receivable:

Utility customers.
Merchandising, jobbing and contract work.
Officers and employees.
Other.

NOTE A: Accretions to this account shall not be made in excess of a reasonable provision against losses of the character provided for.

NOTE B: If provisions for uncollectible notes receivable or for uncollectible receivables from associated companies are necessary, separate subaccounts therefor shall be established under the account in which the receivable is carried.

145 Notes receivable from associated companies.

146 Accounts receivable from associated companies.

These accounts shall include notes and drafts upon which associated companies are liable, and which mature and are expected to be paid in full not later than one year from date of issue, together with any interest thereon, and debit balances subject to current settlement in open accounts with associated companies. Items which do not bear a specified due date but which have been carried for more than twelve months and items which are not paid within twelve months from due date shall be transferred to account 124, Other Investments.

NOTE A: On the balance sheet, accounts receivable from an associated company may be set off against accounts payable to the same company.

NOTE B: The face amount of notes receivable discounted, sold or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

150 Materials and supplies.

A. This account shall include the cost of fuel on hand and unapplied materials and supplies (except line transformers and meters). It shall include also the book cost of materials recovered in connection with construction, maintenance or the retirement of property, such materials being credited to construction, maintenance, or accumulated depreciation provision, respectively, and included herein as follows:

(1) Reusable materials consisting of large individual items shall be included in this account at original cost, estimated if not known. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(2) Reusable materials consisting of relatively small items, the identity of which (from the date of original installation to the final abandonment or sale thereof) cannot be ascertained without undue refinement in accounting, shall be included in this account at current prices new for such items. The cost of repairing such items shall be charged to the appropriate expense account as indicated by previous use.

(3) Scrap and nonusable materials included in this account shall be carried at the estimated net amount realized therefrom. The difference between the amounts realized for scrap and nonusable materials sold and the net amount at which the materials were carried in this account, as far as practicable shall be adjusted to the accounts credited when the materials were charged to this account.

B. Materials and supplies issued shall be credited hereto and charged to the appropriate construction, operating expense, or other account on the basis of a unit price determined by the use of cumulative average, first-in first-out, or such other method of inventory accounting as conforms with accepted accounting standards consistently applied.

C. Inventories of materials, supplies, fuel, etc., shall be taken at least annually and the necessary adjustments shall be made to bring this account into agreement with the actual inventories. In effecting the adjustments, large differences which can be assigned to important classes of materials shall be equitably adjusted among the accounts to which such classes of materials have been charged since the previous inventory. Other differences shall be equitably apportioned among the accounts to which materials have been charged.

ITEMS

1. Invoice price of materials less cash or other discounts.
2. Freight, switching or other transportation charges when practicable to include as part of the cost of particular materials to which they relate.
3. Customs duties and excise taxes.
4. Costs of inspection and special tests prior to acceptance.
5. Insurance and other directly assignable charges.

NOTE A: Where expenses applicable to materials purchased cannot be directly assigned to particular purchases, they may be charged to a stores expense clearing account and distributed therefrom to the appropriate account.

NOTE B: When materials and supplies are purchased for immediate use, they need not be carried through this account but may be charged directly to the appropriate utility plant or expense account.

165 Prepayments.

A. This account shall include the amount of rents, taxes, insurance, interest and like disbursements made in advance of the period to which they apply. As the periods covered by such prepayments expire, credit this account and charge the proper operating expense or other account with the amount applicable to the period.

B. This account shall be kept or supported in such manner as to disclose the amount of each class of prepayments.

170 Other current and accrued assets.

This account shall include the book cost of all other current and accrued assets, appropriately designated and supported so as to show the nature of each asset included herein.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.

A. This account shall include the total of the unamortized balance of discount and expense for all classes of long-term debt.

B. The discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be charged to account 428, Amortization of Debt Discount and Expense. The utility may, however, accelerate the writing off of discount and expense where the amounts are insignificant.

182 Extraordinary property losses.

A. When authorized or directed by the Commission, this account shall include extraordinary losses on property abandoned or otherwise retired from service which are not provided for by the accumulated provisions for depreciation or amortization and which could not reasonably have been foreseen and provided for, and extraordinary losses, such as unforeseen damages to property, which could not reasonably have been anticipated and which are not covered by insurance or other provisions.

B. The entire cost, less net salvage, of depreciable property retired shall be charged to accumulated provision for depreciation. If all, or a portion, of the loss is to be included in this account, the accumulated provision for depreciation shall then be credited and this account charged with the amount properly chargeable hereto.

C. Application to the Commission for permission to use this account shall be accompanied by a statement giving a complete explanation with respect to the items which it is proposed to include herein, the period over which, and the accounts to which it is proposed to write off the charges and other pertinent information.

183 Other deferred debits.

A. This account shall include the following classes of items:

(1) Expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of utility projects under contemplation. If construction results, this account shall be credited with the amount applicable thereto and the appropriate plant accounts shall be charged with an amount which does not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to plant. If the work is abandoned, the charge shall be to account 435, Miscellaneous Debits to Surplus, or to the appropriate operating expense accounts.

(2) Undistributed balances in clearing accounts at the date of the balance sheet. Balances in clearing accounts shall be substantially cleared not later than the end of the calendar year unless items held therein relate to a future period.

(3) Balances representing expenditures for work in progress other than on utility plant. This includes jobbing and contract work in progress.

(4) Other debit balances, the proper final disposition of which is uncertain, and unusual or extraordinary expenses, not included in other accounts, which are in process of being written off.

B. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each deferred debit included herein.

5. PROPRIETARY CAPITAL

201 Common capital stock.

204 Preferred capital stock.

A. These accounts shall include the par value or the stated value of stock without par value if such stock has a stated value, and if not, the cash value of the consideration received for such nonpar stock, of each class of capital actually issued, including the par or stated value of such capital stock in account 124, Other Investments, and account 217, Reacquired Capital Stock.

B. When the actual cash value of the consideration received is more or less than the par or stated value of any stock having a par or stated value, the difference shall be credited or debited, as the case may be, to the premium or discount account for the particular class and series.

C. When capital stock is retired, these accounts shall be charged with the amount at which such stock is carried herein.

D. A separate ledger account, with a descriptive title, shall be maintained for each class and series of stock. The supporting records shall show the shares nominally issued, actually issued, and nominally outstanding.

NOTE: When a levy or assessment, except a call for payment on subscriptions, is made against holders of capital stock, the amount collected upon such levy or assessment shall be credited to account 207, Other Paid-in Capital; provided, however, that the credit shall be made to account 213, Discount on Capital Stock, to the extent of any remaining balance of discount on the issue of stock.

207 Other paid-in capital.

This account shall include the balance of all other credits for paid-in capital not includible in the capital stock accounts, and shall be kept so as to show the source of the credits includible herein.

ITEMS

1. Premium received on original issues of capital stock.
2. Donations received from stockholders or reduction of debt of the utility, and the cash value of other assets received as a donation.
3. Reduction in par or stated value of capital stock.
4. Gain on resale or cancellation of reacquired capital stock.
5. Miscellaneous paid-in capital.

NOTE: Premium on capital stock shall not be set off against expenses. Further, a premium received on an issue of a certain class or series of stock shall not be set off against expense of another issue of the same class or series.

212 Installments received on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock the amount of installments received on capital stock on a partial or installment payment plan for subscribers who are not bound by legally enforceable subscription contracts.

B. As subscriptions are paid in full and certificates issued, this account shall be charged and the appropriate capital stock account credited with the par or stated value of such stock. Any discount or premium on an original issue shall be included in the appropriate discount or premium account.

213 Discount on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock all discount on the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, provided, however, that the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

214 Capital stock expense.

A. This account shall include in a separate subdivision for each class and series of stock all commissions and expenses incurred in connection with the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues. Expenses applicable to capital stock shall not be deducted from premium on capital stock.

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein; provided, however, that the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance carried in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

NOTE: Expenses in connection with the reacquisition or resale of the utility's capital stock shall not be included herein.

215 Appropriated earned surplus.

This account shall include the amount of earned surplus which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

216 Unappropriated earned surplus.

This account shall include the balance, either debit or credit, of unappropriated surplus arising from earnings. It shall not include items includible in any subaccount of account 207, Other Paid-in Capital.

217 Reacquired capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock, the cost of capital stock actually issued by the utility and reacquired by it and not retired or canceled, except, however, stock which is held by trustees in sinking or other funds.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-in Capital, provided, however, that debits shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

C. When reacquired capital stock is resold by the utility, the difference between the amount received on the resale of the stock, less expenses incurred in the resale, and the cost of the stock included in this account shall be accounted for as outlined in paragraph B.

NOTE A: See account 124, Other Investments, for permissive accounting treatment of stock reacquired under a definite plan for resale.

NOTE B: The accounting for reacquired stock shall be as prescribed herein unless otherwise specifically required by statute.

6. LONG-TERM DEBT

221 Bonds.

A. Separate accounts shall be maintained hereunder for unmatured bonds of each class and series. Each such account shall be subdivided so as to show, (1) the face value of the actually issued and unmatured bonds, which have not been retired or canceled; also the face value of such bonds issued by others, the payment of which has been assumed by the utility, (2) the face value of bonds actually issued or assumed by the utility and reacquired by it and not paid, retired, or canceled. The account for reacquired debt shall not include securities which are held by trustees in sinking or other funds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

223 Advances from associated companies.

A. This account shall include the face value of notes payable to associated companies and the amount of open book accounts representing advances from associated companies. It does not include notes and open accounts representing indebtedness subject to current settlement which are includible in account 233, Notes Payable to Associated Companies, or account 234, Accounts Payable to Associated Companies.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information concerning each note and open account.

224 Other long-term debt.

A. This account shall include, until maturity, all long-term debt not otherwise provided for. This covers such items as receivers' certificates, real estate mortgages executed or assumed, assessment for public improvement, notes and unsecured certificates of indebtedness now owned by associated companies, receipts outstanding for long-term debt, and other obligations maturing more than one year from date of issue or assumption.

B. Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class all details as to date of obligation, date of maturity, interest dates and rates, security for the obligation, etc.

NOTE: Miscellaneous long-term debt reacquired shall be accounted for in accordance with the procedure set forth in account 221, Bonds.

7. CURRENT AND ACCRUED LIABILITIES

Current and accrued liabilities are those obligations which have either matured or which become due within one year from the date thereof; except, how-

ever, bonds, receivers' certificates and similar obligations which shall be classified as long-term debt until date of maturity; accrued taxes, such as income taxes, which shall be classified as accrued liabilities even though payable more than one year from date; compensation awards, which shall be classified as current liabilities regardless of date due; and minor amounts payable in installments which may be classified as current liabilities. If a liability is due more than one year from date of issuance or assumption by the utility, it shall be credited to a long-term debt account appropriate for the transaction, except, however, the current liabilities previously mentioned.

231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue, to other than associated companies.

232 Accounts payable.

This account shall include all amounts payable by the utility within one year, which are not provided for in other accounts.

233 Notes payable to associated companies.

234 Accounts payable to associated companies.

These accounts shall include amounts owing to associated companies on notes, drafts, acceptances, or other similar evidences of indebtedness, and open accounts payable on demand or not more than one year from date of issue or creation.

NOTE: Exclude from these accounts notes and accounts which are includible in account 223, Advances from Associated Companies.

235 Customer deposits.

This account shall include all amounts deposited with the utility by customers as security for the payment of bills.

236 Taxes accrued.

A. This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known, the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet, shall be shown under account 165, Prepayments.

B. If accruals for taxes are found to be insufficient or excessive, correction therefor shall be made through current tax accruals. However, if such corrections are so large as to seriously distort current expenses, they shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Accruals for taxes shall be based upon the net amount payable after credit for any discounts and shall not include any amounts for interest on tax deficiencies or refunds. Interest received on refunds shall be credited to account 419, Interest and Dividend Income, and interest paid on deficiencies shall be charged to account 431, Other Interest Expense.

D. The records supporting the entries to this account shall be kept so as to show for each class of taxes, the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

237 Interest accrued.

This account shall include the amount of interest accrued but not matured on all liabilities of the utility not including, however, interest which is added to the principal of the debt on which incurred. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

238 Other current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere appropriately designated and supported so as to show the nature of each liability.

ITEMS

1. Dividends declared but not paid.
2. Matured long-term debt.
3. Matured interest.
4. Taxes collected through payroll deductions or otherwise pending transmittal to the proper taxing authority.

8. DEFERRED CREDITS

251 Unamortized premium on debt.

A. This account shall include the total of the unamortized balance of premium and expense for all classes of long-term debt, including receivers' certificates.

B. The premium and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be credited to account 429, Amortization of Premium on Debt—Credit.

252 Customer advances for construction.

This account shall include advances by customers for construction which are to be refunded either wholly or in part. When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 271, Contributions in Aid of Construction.

253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received.

9. OPERATING RESERVES

261 Property insurance reserve.

A. This account shall include amounts reserved by the utility for self-insurance against losses through accident, fire, flood, or other hazards to its own property or property leased from others. A schedule of risks covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. Charges shall be made to this account for losses covered by self-insurance. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

262 Injuries and damages reserve.

A. This account shall be credited with amounts charged to account 925, Injuries and Damages, or other appropriate accounts, to meet the probable liability, not covered by insurance, for deaths or injuries to employees and others, and for damages to property neither owned nor held under lease by the utility.

B. When liability for any injury or damage is admitted by the utility either voluntarily or because of the decision of a court or other lawful authority, such as a workmen's compensation board, the admitted liability shall be charged to this account and credited to the appropriate liability account. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

NOTE: Recoveries or reimbursements for losses charged to this account shall be credited hereto; the cost of repairs to property of others if provided for herein, shall be charged to this account.

263 Pensions and benefits reserve.

A. This account shall include provisions made by the utility and amounts contributed by employees for pensions, accident and death benefits, savings, relief, hospital and other provident purposes, where the funds represented by the reserve are included in the assets of the utility either in general or in segregated fund accounts.

B. Amounts paid by the utility for the purposes for which this reserve is established shall be charged hereto.

C. A separate account shall be kept for each kind of reserve included herein.

NOTE: If employee pension or benefit plan funds are not included among the assets of the utility but are held by outside trustees, payments into such funds, or accruals therefor, shall not be included in this account.

264 Amortization reserve—Federal.

A. This account shall be credited with such amounts as are appropriated or set aside by a licensee from earnings for amortization purposes in accordance with the requirements of a license; also interest or other income from investments of a special amortization fund established pursuant to license requirements. (See account 125, Special Funds.)

B. This account shall be debited with only such items or amounts as the Commission may require or approve.

265 Miscellaneous operating reserves.

A. This account shall include all operating reserves maintained by the utility which are not provided for elsewhere.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and amounts of the debits and credits thereto.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Earned Surplus.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

A. This account shall include donations or contributions in cash, services, or property from States, municipalities or other governmental agencies, individuals, and others for construction purposes.

B. The credits to this account shall not be transferred to earned surplus or to any other account without the approval of the Commission.

C. The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers and (d) others, and the amount applicable to each utility department.

D. This account shall be subdivided as follows:

Contributions in Aid of Construction—General.
Contributions in Aid of Construction—Federal.

Contributions in Aid of Construction—General shall include all the donations to the various utility departments except those which are made in respect to a licensed project. Contributions in Aid of Construction—Federal shall be kept only by licensees. There shall be included therein donations from States, municipalities, individuals or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U.S.C. 796(13). This treatment shall not affect the determination of actual legitimate original cost or net investment in accordance with the Act.

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

11. ACCUMULATED DEFERRED INCOME TAXES

Public utilities and licensees shall use the accounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the public utility or licensee shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Account 283 is provided for use of those public utilities and licensees which have obtained permission of the Commission for specific types of deferrals on taxes on income other than with respect to accelerated amortization or liberalized depreciation.

NOTE A: The text of the accounts below are designed primarily to cover deferrals of federal income taxes pursuant to provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Public Utilities and Licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below under subdivisions for each utility department.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code of 1954 (section 124A of previous Internal Revenue Code), as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411 Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified defense facilities instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed, shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement of such facility or predominant part thereof, be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise be applied as the Commission may authorize or direct.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for

each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

B. This account, when its use has been authorized by the Commission, shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise disposed of as the Commission may authorize or direct.

NOTE: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate such as situations (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

Electric Plant Accounts

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302 Franchises and consents.
303 Miscellaneous intangible plant.

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313 Engines and engine driven generators.
314 Turbogenerator units.
315 Accessory electric equipment.
316 Miscellaneous power plant equipment.

B. HYDRAULIC PRODUCTION

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333 Water wheels, turbines and generators.
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335 Miscellaneous power plant equipment.
336 Roads, railroads and bridges.

C. OTHER PRODUCTION

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341 Structures and improvements.
342 Fuel holders, producers and accessories.
343 Prime movers.
344 Generators.
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346 Miscellaneous power plant equipment.

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350 Land and land rights.
351 Clearing land and rights of way.
352 Structures and improvements.
353 Station equipment.
354 Towers and fixtures.
355 Poles and fixtures.
356 Overhead conductors and devices.
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358 Underground conductors and devices.
359 Roads and trails.

4. DISTRIBUTION PLANT

360 Land and land rights.
361 Structures and improvements.
362 Station equipment.
363 Storage battery equipment.
364 Poles, towers and fixtures.
365 Overhead conductors and devices.
366 Underground conduit.
367 Underground conductors and devices.
368 Line transformers.
369 Services.
370 Meters.
371 Installations on customers' premises.
372 Leased property on customers' premises.
373 Street lighting and signal systems.

5. GENERAL PLANT

389 Land and land rights.
390 Structures and improvements.
391 Office furniture and equipment.
392 Transportation equipment.
393 Stores equipment.
394 Tools, shop and garage equipment.
395 Laboratory equipment.
396 Power operated equipment.
397 Communication equipment.
398 Miscellaneous equipment.
399 Other tangible property.

Electric Plant Accounts

1. INTANGIBLE PLANT

301 Organization.

This account shall include all fees paid to federal or state governments for the privilege of incorporation and expenditures incident to organizing the corporation, partnership, or other enterprise and putting it into readiness to do business.

ITEMS

1. Cost of obtaining certificates authorizing an enterprise to engage in the public-utility business.
2. Fees and expenses for incorporation.
3. Fees and expenses for mergers or consolidations.
4. Office expenses incident to organizing the utility.
5. Stock and minute books and corporate seal.

NOTE A: This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds or other evidences of debt or expenses in connection with the authorization, issuance or sale of capital stock.

NOTE B: Exclude from this account and include in the appropriate expense account the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off. When charges are made to this account for expenses incurred in mergers, consolidations, or reorganizations, amounts previously included herein or in similar accounts in the books of the companies concerned shall be excluded from this account.

302 Franchises and consents.

A. This account shall include amounts paid to the federal government, to a State or to a political subdivision thereof in consideration for franchises, consents, water power licenses, or certificates, running in perpetuity or for a specified term of more than one year, together with necessary and reasonable expenses incident to procuring such franchises, consents, water power licenses, or certificates of permission and approval, including expenses of organizing and merging separate corporations where statues require, solely for the purpose of acquiring franchise.

B. If a franchise, consent, water power license, or certificate is acquired by assignment, the charge to this account in respect thereof shall not exceed the amount paid therefor by the utility to the assignor, nor shall it exceed the amount paid by the original grantee, plus the expense of acquisition to such grantee. Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 435, Miscellaneous Debits to Surplus.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

D. Records supporting this account shall be kept so as to show separately the book cost of each franchise or consent.

NOTE: Annual or other periodic payments under franchises shall not be included herein but in the appropriate operating expense account.

303 Miscellaneous intangible plant.

A. This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of utility operations and not specifically chargeable to any other account.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

C. This account shall be maintained in such a manner that the utility can furnish full information with respect to the amounts included herein.

2. PRODUCTION PLANT

A. STEAM PRODUCTION

310 Land and land rights.

This account shall include the cost of land and land rights used in connection with steam-power generation. (See electric plant instruction 6.)

311 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with steam-power generation. (See electric plant instruction 7.)

NOTE: Include steam production roads and railroads in this account.

312 Boiler plant equipment.

This account shall include the cost installed of furnaces, boilers, coal and ash handling and coal preparing equipment, steam and feed water piping, boiler apparatus and accessories used in the production of steam, mercury, or other vapor, to be used primarily for generating electricity.

ITEMS

1. Ash handling equipment, including hoppers, gates, cars, conveyors, hoists, sluicing equipment, including pumps and motors, sluicing water pipe and fittings, sluicing trenches and accessories, etc., except sluices which are a part of a building.
2. Boiler feed system, including feed water heaters, evaporator condensers, heater drain pumps, heater drainers, deaerators, and vent condensers, boiler feed pumps, surge tanks, feed water regulators, feed water measuring equipment, and all associated drives.
3. Boiler plant cranes and hoists and associated drives.
4. Boilers and equipment, including boilers and baffles, economizers, superheaters, soot blowers, foundations and settings, water walls, arches, grates, insulation, blow-down system, drying out of new boilers, also associated motors or other power equipment.
5. Breeching and accessories, including breeching, dampers, soot spouts, hoppers and gates, cinder eliminators, breeching insulation, soot blowers and associated motors.
6. Coal handling and storage equipment, including coal towers, coal lorries, coal cars, locomotives and tracks when devoted principally to the transportation of coal, hoppers, downtakes, unloading and hoisting equipment, skip hoists and conveyors, weighing equipment, magnetic separators, cable ways, housings and supports for coal handling equipment.
7. Draft equipment, including air preheaters and accessories, induced and forced draft fans, air ducts, combustion control mechanisms, and associated motors or other power equipment.
8. Gas-burning equipment, including holders, burner equipment and piping, control equipment, etc.
9. Instruments and devices, including all measuring, indicating, and recording equipment for boiler plant service together with mountings and supports.
10. Lighting systems.
11. Oil-burning equipment, including tanks, heaters, pumps with drive, burner equipment and piping, control equipment, etc.
12. Pulverized fuel equipment, including pulverizers, accessory motors, primary air fans, cyclones and ducts, dryers, pulverized fuel bins, pulverized fuel conveyors and equipment, burners, burner piping, priming equipment, air compressors, motors, etc.
13. Stacks, including foundations and supports, stack steel and ladders, stack brick work, stack concrete, stack lining, stack painting (first), when set on separate foundations, independent of substructure or superstructure of building.
14. Station piping, including pipe, valves, fittings, separators, traps, desuperheaters, hangers, excavation, covering, etc. for station piping system, including all steam, condensate, boiler feed and water supply piping, etc., but not condensing water, plumbing, building heating, oil, gas, air piping or piping specifically provided for in account 313.
15. Stoker or equivalent feeding equipment, including stokers and accessory motors, clinker grinders, fans and motors, etc.
16. Ventilating equipment.
17. Water purification equipment, including softeners and accessories, evaporators and accessories, heat exchangers, filters, tanks for filtered or softened water, pumps, motors, etc.
18. Water-supply systems, including pumps, motors, strainers, raw-water storage tanks, boiler wash pumps, intake and discharge pipes and tunnels not a part of a building.
19. Wood fuel equipment, including hoppers, fuel hogs and accessories, elevators and conveyors, bins and gates, spouts, measuring equipment and associated drives.

NOTE: When the system for supplying boiler or condenser water is elaborate, as when it includes a dam, reservoir, canal, pipe line, cooling ponds, or where gas or oil is used as a fuel for providing steam and is supplied through a pipe line system owned by the utility, the cost of such special facilities shall be charged to a subdivision of account 311, Structures and Improvements.

313 Engines and engine driven generators.

This account shall include the cost installed of steam engines, reciprocating or rotary, and their associated auxiliaries; and engine driven main generators, except turbogenerator units.

ITEMS

1. Air cleaning and cooling apparatus, including blowers, drive equipment, air ducts not a part of building, louvers, pumps, hoods, etc.
2. Belting, shafting, pulleys, reduction gearing, etc.
3. Circulating pumps, including connections between condensers and intake and discharge tunnels.
4. Cooling system, including towers, pumps, tank, and piping.
5. Condensers, including condensate pumps, air and vacuum pumps, ejectors, unloading valves and vacuum breakers, expansion devices, screens, etc.
6. Cranes, hoists, etc., including items wholly identified with items listed herein.
7. Engines, reciprocating or rotary.
8. Fire-extinguishing systems.
9. Foundations and settings, especially constructed for and not expected to outlast the apparatus for which provided.
10. Generators—main, A.C. or D.C., including field rheostats and connections for self-excited units, and excitation systems when identified with the generating unit.
11. Governors.
12. Lighting systems.
13. Lubricating systems, including gauges, filters, tanks, pumps, piping, motors, etc.
14. Mechanical meters, including gauges, recording instruments, sampling and testing equipment.
15. Piping—main exhaust, including connections between generator and condenser and between condenser and hotwell.
16. Piping—main steam, including connections from main throttle valve to turbine inlet.
17. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
18. Pressure oil system, including accumulators, pumps, piping, motors, etc.
19. Throttle and inlet valve.
20. Tunnels, intake and discharge, for condenser system, when not a part of a structure.
21. Water screens, motors, etc.

314 Turbogenerator units.

This account shall include the cost installed of main turbine driven units and accessory equipment used in generating electricity by steam.

ITEMS

1. Air cleaning and cooling apparatus, including blowers, drive equipment, air ducts not a part of building, louvers, pumps, hoods, etc.
2. Circulating pumps, including connections between condensers and intake and discharge tunnels.
3. Condensers, including condensate pumps, air and vacuum pumps, ejectors, unloading valves and vacuum breakers, expansion devices, screens, etc.
4. Generator hydrogen gas piping system and hydrogen detrainment equipment.
5. Cooling system, including towers, pumps, tanks, and piping.
6. Cranes, hoists, etc., including items wholly identified with items listed herein.
7. Excitation system, when identified with main generating units.
8. Fire-extinguishing systems.
9. Foundations and settings, especially constructed for and not expected to outlast the apparatus for which provided.
10. Governors.
11. Lighting systems.
12. Lubricating systems, including gauges, filters, water separators, tanks, pumps, piping, motors, etc.
13. Mechanical meters, including gauges, recording instruments, sampling and testing equipment.
14. Piping—main exhaust, including connections between turbogenerator and condenser and between condenser and hotwell.
15. Piping—main steam, including connections from main throttle valve to turbine inlet.
16. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
17. Pressure oil systems, including accumulators, pumps, piping, motors, etc.
18. Steelwork, specially constructed for apparatus listed herein.
19. Throttle and inlet valve.
20. Tunnels, intake and discharge, for condenser system, when not a part of structure, water screens, etc.
21. Turbogenerators—main, including turbine and generator, field rheostats and electric connections for self-excited units.
22. Water screens, motors, etc.
23. Moisture separators for turbine steam.
24. Turbine lubricating oil (initial charge).

315 Accessory electric equipment.

This account shall include the cost installed of auxiliary generating apparatus, conversion equipment, and equipment used primarily in connection with the control and switching of electric energy produced by steam power, and the protection of electric circuits and equipment, except electric motors used to drive equipment included in other accounts. Such motors shall be included in the account in which the equipment with which they are associated is included.

ITEMS

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.
2. Excitation system, including motor, turbine and dual-drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, generator field and exciter switch panels, exciter bus tie panels, generator and exciter rheostats, etc., special housing, protective screens, etc.
3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, etc., special housing, protective screens, etc.
4. Station buses, including main, auxiliary, transfer, synchronizing and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, resistors, starting transformers, current transformers, potential transformers, protective relays, storage batteries and charging equipment, isolated panels and equipment, conductors and conduit, special supports, special housings, concrete pads, general station grounding system, special fire-extinguishing system, and test equipment.
5. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalizing watt-meter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, batteries, special housing for batteries, protective screens, doors, etc.

NOTE A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electricity for the purpose of transmission or distribution.

NOTE B: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

316 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the steam generating plant devoted to general station use, and which is not properly includible in any of the foregoing steampower production accounts.

ITEMS

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.
2. Cranes and hoisting equipment, including cranes, cars, crane rails, monorails, hoists, etc., with electric and mechanical connections.
3. Fire-extinguishing equipment for general station use.
4. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.
5. Locomotive cranes not includible elsewhere.
6. Locomotives not includible elsewhere.
7. Marine equipment, including boats, barges, etc.
8. Miscellaneous belts, pulleys, countershafts, etc.
9. Miscellaneous equipment, including atmospheric and weather indicating devices, intrasite communication equipment, laboratory equipment, signal systems, callophones, emergency whistles and sirens, fire alarms, insect-control equipment, and other similar equipment.
10. Railway cars not includible elsewhere.
11. Refrigerating systems, including compressors, pumps, cooling coils, etc.
12. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.
13. Ventilating equipment, including items wholly identified with apparatus listed herein.

NOTE: When any item of equipment listed herein is wholly used in connection with equipment included in another account its cost shall be included in such other account.

B. HYDRAULIC PRODUCTION

330 Land and land rights.

This account shall include the cost of land and land rights used in connection with hydraulic power generation. (See electric plant instruction 7.)

331 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with hydraulic power generation. (See electric plant instruction 7.)

332 Reservoirs, dams and waterways.

This account shall include the cost in place of facilities used for impounding, collecting, storage, diversion, regulation, and delivery of water used primarily for generating electricity.

ITEMS

1. Bridges and culverts (when not a part of roads or railroads).
2. Clearing and preparing land.
3. Dams, including wasteways, spillways, flash boards, spillway gates with operating and control mechanisms, tunnels, gate houses, and fish ladders.
4. Dikes and embankments.
5. Electric system, including conductors, control system, transformers, lighting fixtures, etc.
6. Excavation, including shoring, bracing, bridging, refill, and disposal of excess excavated materials.
7. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.
8. Intakes, including trash racks, rack cleaners, control gates and valves with operating mechanisms, and intake house when not a part of station structure.
9. Platforms, railings, steps, gratings, etc., appurtenant to structures listed herein.
10. Power lines wholly identified with items included herein.
11. Retaining walls.
12. Water conductors and accessories, including canals, tunnels, flumes, penstocks, pipe conductors, forebays, tailraces, navigation locks and operating mechanisms, water-hammer and surge tanks, and supporting trestles and structures.
13. Water storage reservoirs, including dams, flashboards, spillway gates and operating mechanisms, inlet and outlet tunnels, regulating valves and valve towers, silt and mud sluicing tunnels with valve or gate towers, and all other structures wholly identified with any of the foregoing items.

333 Water wheels, turbines and generators.

This account shall include the cost installed of water wheels and hydraulic turbines (from connection with penstock or flume to tail-race) and generators driven thereby devoted to the production of electricity by water power or for the production of power for industrial or other purposes, if the equipment used for such purposes is a part of the hydraulic power plant works.

ITEMS

1. Exciter water wheels and turbines, including runners, gates, governors, pressure regulators, oil pumps, operating mechanisms, scroll cases, draft tubes, and draft-tube supports.
2. Fire-extinguishing equipment.
3. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
4. Generator cooling system, including air cooling and washing apparatus, air fans and accessories, air ducts, etc.
5. Generators-main, A.C. or D.C., including field rheostats and connections for self-excited units and excitation system when identified with the generating unit.
6. Lighting systems.
7. Lubricating systems, including gauges, filters, tanks, pumps, piping, etc.
8. Main penstock valves and appurtenances, including main valves, control equipment, bypass valves and fittings, and other accessories.
9. Main turbines and water wheels, including runners, gates, governors, pressure regulators, oil pumps, operating mechanisms, scroll cases, draft tubes, and draft-tube supports.
10. Mechanical meters and recording instruments.
11. Miscellaneous water-wheel equipment, including gauges, thermometers, meters, and other instruments.
12. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
13. Scroll case filling and drain system, including gates, pipe, valves, fittings, etc.
14. Water-actuated pressure-regulator system, including tanks and housings, pipes, valves, fittings and insulations, piers and anchorage, and excavation and backfill.

334 Accessory electric equipment.

This account shall include the cost installed of auxiliary generating apparatus, conversion equipment, and equipment used primarily in connection with the control and switching of electric energy produced by hydraulic power and the protection of electric circuits and equipment, except electric motors used to drive equipment included in other accounts, such motors being included in the account in which the equipment with which they are associated is included.

ITEMS

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.
2. Excitation system, including motor, turbine, and dual-drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, generator field and exciter switch panels, exciter bus tie panels, generator and exciter rheostats, etc., special housings, protective screens, etc.
3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, etc., special housings, protective screens, etc.
4. Station buses, including main, auxiliary, transfer, synchronizing, and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, resistors, starting transformers, current transformers, potential transformers, protective relays, storage batteries and charging equipment, isolated panels and equipment, conductors and conduit, special supports, special fire-extinguishing system, and test equipment.
5. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck type boards complete, cubicles, station supervisory control devices, frequency control equipment, master clocks, watt-hour meter, station totalizing watt-meter, storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, batteries, special housings for batteries, protective screens, doors, etc.

NOTE A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electricity for the purpose of transmission or distribution.

NOTE B: When any item of equipment listed herein is used wholly to furnish power to equipment, it shall be included in such equipment account.

335 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the hydroelectric generating plant which is devoted to general station use and is not properly includible in other hydraulic production accounts.

ITEMS

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.
2. Cranes and hoisting equipment, including cranes, cars, crane rails, monorails, hoists, etc., with electric and mechanical connections.
3. Fire-extinguishing equipment for general station use.
4. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
5. Locomotive cranes not includible elsewhere.
6. Locomotives not includible elsewhere.
7. Marine equipment, including boats, barges, etc.
8. Miscellaneous belts, pulleys, countershafts, etc.
9. Miscellaneous equipment, including atmospheric and weather indicating devices, intrasite communication equipment, laboratory equipment, insect control equipment, signal system, callophones, emergency whistles and sirens, fire alarms, and other similar equipment.
10. Railway cars, not includible elsewhere.
11. Refrigerating system, including compressors, pumps, cooling coils, etc.
12. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.
13. Ventilating equipment, including items wholly identified with apparatus listed herein.

NOTE: When any item of equipment, listed herein is used wholly in connection with equipment included in another account, its cost shall be included in such other account.

336 Roads, railroads and bridges.

This account shall include the cost of roads, railroads, trails, bridges, and trestles used primarily as production facilities. It includes also those roads, etc., necessary to connect the plant with highway transportation systems, except when such roads are dedicated to public use and maintained by public authorities.

ITEMS

1. Bridges, including foundations, piers, girders, trusses, flooring, etc.
2. Clearing land.
3. Railroads, including grading, ballast, ties, rails, culverts, hoists, etc.
4. Roads, including grading, surfacing, culverts, etc.
5. Structures, constructed and maintained in connection with items listed herein.
6. Trails, including grading, surfacing, culverts, etc.
7. Trestles, including foundations, piers, girders, trusses, flooring, etc.

NOTE A: Roads intended primarily for connecting employees' houses with the power plant shall not be included herein but in account 331, Structures and Improvements.

NOTE B: The cost of temporary roads, bridges, etc., necessary during the period of construction but abandoned or dedicated to public use upon completion of the plant, shall not be included herein but shall be charged to the accounts appropriate for the construction.

C. OTHER PRODUCTION

340 Land and land rights.

This account shall include the cost of land and land rights used in connection with other power generation. (See electric plant instruction 6.)

341 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with other power generation. (See electric plant instruction 7.)

342 Fuel holders, producers, and accessories.

This account shall include the cost installed of fuel handling and storage equipment used between the point of fuel delivery to the station and the intake pipe through which fuel is directly drawn to the engine, also the cost of gas producers and accessories devoted to the production of gas for use in prime movers driving main electric generators.

ITEMS

1. Blower and fans.
2. Boilers and pumps.
3. Economizers.
4. Exhauster outfits.
5. Flues and piping.
6. Pipe system.
7. Producers.
8. Regenerators.
9. Scrubbers.
10. Steam injectors.
11. Tanks for storage of oil, gasoline, etc.
12. Vaporizers.

343 Prime movers.

This account shall include the cost installed of Diesel or other prime movers devoted to the generation of electric energy, together with their auxiliaries.

ITEMS

1. Air-filtering system.
2. Belting, shafting, pulleys, reduction gearing, etc.
3. Cooling system, including towers, pumps, tanks, and piping.
4. Cranes, hoists, etc., including items wholly identified with apparatus listed herein.

5. Engines, Diesel, gasoline, gas or other internal combustion.
6. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.
7. Governors.
8. Ignition system.
9. Inlet valve.
10. Lighting systems.
11. Lubricating systems, including filters, tanks, pumps, and piping.
12. Mechanical meters, including gauges, recording instruments, sampling and testing equipment.
13. Mufflers.
14. Piping.
15. Starting systems, compressed air, or other, including compressors and drives, tanks, piping, motors, boards and connections, storage tanks, etc.
16. Steelwork, specially constructed for apparatus listed herein.
17. Waste heat boilers, antifluctuators, etc.

344 Generators.

This account shall include the cost installed of Diesel or other power driven main generators.

ITEMS

1. Cranes, hoists, etc., including items wholly identified with such apparatus.
2. Fire-extinguishing equipment.
3. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
4. Generator cooling system, including air cooling and washing apparatus, air fans and accessories, air ducts, etc.
5. Generators—main, A.C. or D.C., including field rheostats and connections for self-excited units and excitation system when identified with the generating unit.
6. Lighting systems.
7. Lubricating system, including tanks, filters, strainers, pumps, piping, coolers, etc.
8. Mechanical meters, and recording instruments.
9. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.

NOTE: If prime movers and generators are so integrated that it is not practical to separately classify as Prime Movers, the entire unit may be included in account 344, Generators.

345 Accessory electric equipment.

This account shall include the cost installed of auxiliary generating apparatus, conversion equipment, and equipment used primarily in connection with the control and switching of electric energy produced in other power generating stations, and the protection of electric circuits and equipment, except electric motors used to drive equipment included in other accounts. Such motors shall be included in the account in which the equipment with which it is associated is included.

ITEMS

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.
2. Excitation system, including motor, turbine and dual drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, generator field and exciter switch panels, exciter bus tie panels, generator and exciter rheostats, etc., special housings, protective screens, etc.
3. Generator main connections, including oil circuit breakers, and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, etc., special housing, protective screens, etc.
4. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, trunk-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature-recording devices, Frequency control equipment, master clocks, watt-hour meter, station totalizing watt-meter, storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, batteries, special housing for batteries, protective screens, doors, etc.
5. Station buses, including main, auxiliary, transfer, synchronizing and fault ground buses, including oil circuit breakers and accessories, disconnnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, reactors, starting transformers, current transformers, potential transformers, protective relays, storage batteries, and charging equipment, isolated panels and equipment, conductors and conduit, special supports, special housings, concrete pads, general station ground system, special fire-extinguishing system, and test equipment.

NOTE A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electric energy for the purpose of transmission or distribution.

NOTE B: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

346 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the other power generating plant, devoted to general station use, and not properly includible in any of the foregoing other power production accounts.

ITEMS

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.
2. Cranes and hoisting equipment, including cranes, cars, crane rails, monorails, hoists, etc., with electric and mechanical connections.
3. Fire-extinguishing equipment for general station use.
4. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
5. Miscellaneous equipment, including atmospheric and weather indicating devices, intrasite communication equipment, laboratory equipment, signal systems, callophones, emergency whistles and sirens, fire alarms, and other similar equipment.
6. Miscellaneous belts, pulleys, countershafts, etc.
7. Refrigerating system including compressors, pumps, cooling coils, etc.
8. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.
9. Ventilating equipment, including items wholly identified with apparatus listed herein.

NOTE: When any item of equipment, listed herein, is used wholly in connection with equipment included in another account, its cost shall be included in such other account.

3. TRANSMISSION PLANT

350 Land and land rights.

This account shall include the cost of land and land rights used in connection with transmission operations. (See electric plant instruction 6.)

351 Clearing land and rights of way.

This account shall include the cost of initial or original clearing of transmission land and rights of way.

NOTE: The cost of removing stumps, grading, excavating, etc., incident to the preparation of foundations for towers or other structures or to the construction of roads, trails, and bridges, shall not be included in this account but in the accounts directly benefited.

352 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with transmission operations. (See electric plant instruction 7.)

353 Station equipment.

This account shall include the cost installed of transforming, conversion, and switching equipment used for the purpose of changing the characteristics of electricity in connection with its transmission or for controlling transmission circuits.

ITEMS

1. Bus compartments, concrete, brick, and sectional steel, including items permanently attached thereto.
2. Conduit, including concrete and iron duct runs not part of a building.
3. Control equipment, including batteries, battery charging equipment, transformers, remote relay boards, and connections.
4. Conversion equipment, including transformers, indoor and outdoor, frequency changers, motor generator sets, rectifiers, synchronous converters, motors, cooling equipment, and associated connections.
5. Fences.
6. Fixed and synchronous condensers, including transformers, switching equipment, blowers, motors, and connections,
7. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
8. General station equipment, including air compressors, motors, hoists, cranes, test equipment, ventilating equipment, etc.
9. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
10. Primary and secondary voltage connections, including bus runs and supports, insulators, potheads, lightning arresters, cable and wire runs from and to outdoor connections or to manholes and the associated regulators, reactors, resistors, surge arresters, and accessory equipment.
11. Switchboards, including meters, relays, control wiring, etc.
12. Switching equipment, indoor and outdoor, including oil circuit breakers and operating mechanisms, truck switches, and disconnect switches.
13. Tools and appliances.

354 Towers and fixtures.

This account shall include the cost installed of towers and appurtenant fixtures used for supporting overhead transmission conductors.

ITEMS

1. Anchors, guys, braces.
2. Brackets.
3. Crossarms, including braces.
4. Excavation, backfill, and disposal of excess excavated material.
5. Foundations.
6. Guards.
7. Insulator pins and suspension bolts.
8. Ladders and steps.
9. Railings, etc.
10. Towers.

355 Poles and fixtures.

This account shall include the cost installed of transmission line poles, wood, steel, concrete, or other material, together with appurtenant fixtures used for supporting overhead transmission conductors.

ITEMS

1. Anchors, head arm and other guys, including guy guards, guy clamps, strain insulators, pole plates, etc.
2. Brackets.
3. Crossarms and braces.
4. Excavation and backfill, including disposal of excess excavated material.
5. Extension arms.
6. Gaining, roofing, stenciling, and tagging.
7. Insulator pins and suspension bolts.
8. Paving.
9. Pole steps.
10. Poles, wood, steel, concrete, or other material.
11. Racks complete with insulators.
12. Reinforcing and stubbing.
13. Settings.
14. Shaving and painting.

356 Overhead conductors and devices.

This account shall include the cost installed of overhead conductors and devices used for transmission purposes.

ITEMS

1. Circuit breakers.
2. Conductors, including insulated and bare wires and cables.
3. Ground wires and ground clamps.
4. Insulators, including pin, suspension, and other types.
5. Lightning arresters.
6. Switches.
7. Other line devices.

357 Underground conduit.

This account shall include the cost installed of underground conduit and tunnels used for housing transmission cables or wires. (See electric plant instruction 12.)

ITEMS

1. Conduit, concrete, brick or tile, including iron pipe, fiber pipe, Murray duct, and standpipe on pole or tower.
2. Excavation, including shoring, bracing, bridging, backfill, and disposal of excess excavated material.
3. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.
4. Lighting systems.
5. Manholes, concrete or brick, including iron or steel, frames and covers, hatchways, gratings, ladders, cable racks and hangers, etc., permanently attached to manholes.
6. Municipal inspection.
7. Pavement disturbed, including cutting and replacing pavement, pavement base and sidewalks.
8. Permits.
9. Protection of street openings.
10. Removal and relocation of subsurface obstructions.
11. Sewer connections, including drains, traps, tide valves, check valves, etc.
12. Sumps, including pumps.
13. Ventilating equipment.

358 Undergound conductors and devices.

This account shall include the cost installed of underground conductors and devices used for transmission purposes.

ITEMS

1. Armored conductors, buried, including insulators, insulating materials, splices, potheads, trenching, etc.
2. Armored conductors, submarine, including insulators, insulating materials, splices in terminal chambers, potheads, etc.
3. Cables in standpipe, including pothead and connection from terminal chamber of manhole to insulators on pole.
4. Circuit breakers.
5. Fireproofing, in connection with any item listed herein.
6. Hollow-core oil-filled cable, including straight or stop joints, pressure tanks, auxiliary air tanks, feeding tanks, terminals, potheads and connections, ventilating equipment, etc.
7. Lead and fabric covered conductors, including insulators, compound filled, oil filled, or vacuum splices, potheads, etc.
8. Lightning arresters.
9. Municipal inspection.
10. Permits.
11. Protection of street openings.
12. Racking of cables.
13. Switches.
14. Other line devices.

359 Roads and trails.

This account shall include the cost of roads, trails, and bridges used primarily as transmission facilities.

ITEMS

1. Bridges, including foundation piers, girders, trusses, flooring, etc.
2. Clearing land.
3. Roads, including grading, surfacing, culverts, etc.
4. Structures, constructed and maintained in connection with items included herein.
5. Trails, including grading, surfacing, culverts, etc.

NOTE: The cost of temporary roads, bridges, etc., necessary during the period of construction but abandoned or dedicated to public use upon completion of the plant, shall be charged to the accounts appropriate for the construction.

4. DISTRIBUTION PLANT

360 Land and land rights.

This account shall include the cost of land and land rights used in connection with distribution operations. (See electric plant instruction 6.)

NOTE: Do not include in this account the cost of permits to erect poles, towers, etc., or to trim trees. See account 364, Poles, Towers and Fixtures, and account 365, Overhead Conductors and Devices.

361 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with distribution operations. (See electric plant instruction 7.)

362 Station equipment.

This account shall include the cost installed of station equipment, including transformer banks, etc., which are used for the purpose of changing the characteristics of electricity in connection with its distribution.

ITEMS

1. Bus compartments, concrete, brick and sectional steel, including items permanently attached thereto.
2. Conduit, including concrete and iron duct runs not part of building.
3. Control equipment, including batteries, battery charging equipment, transformers, remote relay boards, and connections.
4. Conversion equipment, indoor and outdoor, frequency changers, motor generator sets, rectifiers, synchronous converters, motors, cooling equipment, and associated connections.
5. Fences.
6. Fixed and synchronous condensers, including transformers, switching equipment, blowers, motors, and connections.
7. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
8. General station equipment, including air compressors, motors, hoists, cranes, test equipment, ventilating equipment, etc.
9. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
10. Primary and secondary voltage connections, including bus runs and supports, insulators, potheads, lightning arresters, cable and wire runs from and to outdoor connections or to manholes and the associated regulators, reactors, resistors, surge arresters, and accessory equipment.
11. Switchboards, including meters, relays, control wiring, etc.
12. Switching equipment, indoor and outdoor, including oil circuit breakers and operating mechanisms, truck switches, disconnect switches.

NOTE: The cost of rectifiers, series transformers, and other special station equipment devoted exclusively to street lighting service shall not be included in this account, but in account 373, Street Lighting and Signal Systems.

363 Storage battery equipment.

This account shall include the cost installed of storage battery equipment for the purpose of supplying electricity to meet emergency or peak demands.

ITEMS

1. Batteries, including elements, tanks, tank insulators, etc.
2. Battery room connections, including cable or bus runs and connections.
3. Battery room flooring, when specially laid for supporting batteries.
4. Charging equipment, including motor generator sets and other charging equipment and connections, and cable runs from generator or station bus to battery room connections.
5. Miscellaneous equipment, including instruments, water stills, etc.
6. Switching equipment, including end-cell switches and connections, boards and panels, used exclusively for battery control, not part of general station switchboard.
7. Ventilating equipment, including fans and motors, louvers, and ducts not part of building.

NOTE: Storage batteries used for control and general station purposes shall not be included in this account but in the account appropriate for their use.

364 Poles, towers, and fixtures.

This account shall include the cost installed of poles, towers, and appurtenant fixtures used for supporting overhead distribution conductors and service wires.

ITEMS

1. Anchors, head arm, and other guys, including guy guards, guy clamps, strain insulators, pole plates, etc.
2. Brackets.
3. Crossarms and braces.
4. Excavation and backfill, including disposal of excess excavated material.
5. Extension arms.
6. Foundations.
7. Guards.
8. Insulator pins and suspension bolts.
9. Paving.
10. Permits for construction.
11. Pole steps and ladders.
12. Poles, wood, steel, concrete, or other material.
13. Racks complete with insulators.
14. Railings.
15. Reinforcing and stubbing.
16. Settings.
17. Shaving, painting, gaining, roofing, stenciling, and tagging.
18. Towers.
19. Transformer racks and platforms.

365 Overhead conductors and devices.

This account shall include the cost installed of overhead conductors and devices used for distribution purposes.

ITEMS

1. Circuit breakers.
2. Conductors, including insulated and bare wires and cables.
3. Ground wires, clamps, etc.
4. Insulators, including pin, suspension, and other types, and tie wire or clamps.
5. Lightning arresters.
6. Railroad and highway crossing guards.
7. Splices.
8. Switches.
9. Tree trimming initial cost including the cost of permits therefor.
10. Other line devices.

NOTE: The cost of conductors used solely for street lighting or signal systems shall not be included in this account but in account 373, Street Lighting and Signal Systems.

366 Underground conduit.

This account shall include the cost installed of underground conduit and tunnels used for housing distribution cables or wires.

ITEMS

1. Conduit, concrete, brick and tile, including iron pipe, fiber pipe, Murray duct, and standpipe on pole or tower.
2. Excavation, including shoring, bracing, bridging, backfill, and disposal of excess excavated material.
3. Foundations and settings specially constructed for and not expected to outlast the apparatus for which constructed.
4. Lighting systems.
5. Manholes, concrete or brick, including iron or steel frames and covers, hatchways, gratings, ladders, cable racks and hangers, etc., permanently attached to manholes.
6. Municipal inspection.
7. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
8. Permits.
9. Protection of street openings.
10. Removal and relocation of subsurface obstructions.
11. Sewer connections, including drains, traps, tide valves, check valves, etc.
12. Sumps, including pumps.
13. Ventilating equipment.

NOTE: The cost of underground conduit used solely for street lighting or signal systems shall be included in account 373, Street Lighting and Signal Systems.

367 Underground conductors and devices.

This account shall include the cost installed of underground conductors and devices used for distribution purposes.

ITEMS

1. Armored conductors, buried, including insulators, insulating materials, splices, potheads, trenching, etc.
2. Armored conductors, submarine, including insulators, insulating materials, splices in terminal chamber, potheads, etc.
3. Cables in standpipe, including pothead and connection from terminal chamber or manhole to insulators on pole.
4. Circuit breakers.
5. Fireproofing, in connection with any items listed herein.
6. Hollow-core oil-filled cable, including straight or stop joints, pressure tanks, auxiliary air tanks, feeding tanks, terminals, potheads and connections, etc.
7. Lead and fabric covered conductors, including insulators, compound-filled, oil-filled or vacuum splices, potheads, etc.
8. Lightning arresters.
9. Municipal inspection.
10. Permits.
11. Protection of street openings.
12. Racking of cables.
13. Switches.
14. Other line devices.

NOTE: The cost of underground conductors and devices used solely for street lighting or signal systems shall be included in account 373, Street Lighting and Signal Systems.

368 Line transformers.

A. This account shall include the cost installed of overhead and underground distribution line transformers and pole-type and underground voltage regulators owned by the utility, for use in transforming electricity to the voltage at which it is to be used by the customer, whether actually in service or held in reserve.

B. When a transformer is permanently retired from service, the original installed cost thereof shall be credited to this account.

C. The records covering line transformers shall be so kept that the utility can furnish the number of transformers of various capacities in service and those in reserve, and the location and the use of each transformer.

ITEMS

1. Installation, labor of (first installation only).
2. Transformer cut-out boxes.
3. Transformer, lightning arresters.
4. Transformers, line and network.
5. Capacitors.
6. Network protectors.

NOTE: The cost of removing and resetting line transformers shall not be charged to this account but to account 561, Line and Station Labor, or account 562, Line and Station Supplies and Expenses, as appropriate. The cost of line transformers used solely for street lighting or signal systems shall be included in account 373, Street Lighting and Signal Systems.

369 Services.

This account shall include the cost installed of all overhead and underground conductors leading from a point where wires leave the last pole of the overhead system or the distribution box or manhole, or the top of the pole of the distribution line, to the point of connection with the customer's outlet or wiring. Conduit used for underground service conductors shall be included herein.

ITEMS

1. Brackets.
2. Cables and wires.
3. Conduit.
4. Insulators.
5. Municipal inspection.
6. Overhead to underground, including conduit or standpipe and conductor from last splice on pole to connection with customer's wiring.
7. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
8. Permits.
9. Protection of street openings.
10. Service switch.
11. Suspension wire.

370 Meters.

A. This account shall include the cost installed of meters or devices and appurtenances thereto, for use in measuring the electricity delivered to its users, whether actually in service or held in reserve.

B. When a meter is permanently retired from service, the installed cost included herein shall be credited to this account.

C. The records covering meters shall be so kept that the utility can furnish information as to the number of meters of various capacities in service and in reserve as well as the location of each meter owned.

ITEMS

1. Alternating current watt-hour meters.
2. Current limiting devices.
3. Demand indicators.
4. Demand meters.
5. Direct current watt-hour meters.
6. Graphic demand meters.
7. Installation, labor of (first installation only).
8. Instrument transformers.
9. Maximum demand meters.
10. Meter badges and their attachments.
11. Meter boards and boxes.
12. Meter fittings, connections, and shelves (first set).
13. Meter switches and cut-outs.
14. Prepayment meters.
15. Protective devices.
16. Testing new meters.

NOTE A: This account shall not include meters for recording output of a generating station, substation meters, etc. It includes only those meters used to record energy delivered to customers.

NOTE B: The cost of removing and resetting meters shall be charged to account 566, Meter Expenses.

371 Installations on customers' premises.

This account shall include the cost installed of equipment on the customer's side of a meter when the utility incurs such cost and when the utility retains title to and assumes full responsibility for maintenance and replacement of such property. This account shall not include

leased equipment for which see account 372, Leased Property on Customers' Premises.

ITEMS

1. Cable vaults.
2. Commercial lamp equipment.
3. Foundations and settings specially provided for equipment included herein.
4. Frequency changer sets.
5. Motor generator sets.
6. Motors.
7. Switchboard panels, high or low tension.
8. Wire and cable connections to incoming cables.

NOTE: Do not include in this account any costs incurred in connection with merchandising, jobbing, or contract work activities.

372 Leased property on customers' premises.

This account shall include the cost of electric motors, transformers, and other equipment on customers' premises (including municipal corporation), leased or loaned to customers, but not including property held for sale.

NOTE A: The cost of setting and connecting such appliances or equipment on the premises of customers and the cost of resetting or removal shall not be charged to this account but to operating expenses, account 567, Customer Installations Expenses.

NOTE B: Do not include in this account any costs incurred in connection with merchandising, jobbing, or contract work activities.

373 Street lighting and signal systems.

This account shall include the cost installed of equipment used wholly for public street and highway lighting or traffic, fire alarm, police, and other signal systems.

ITEMS

1. Armored conductors, buried or submarine, including insulators, insulating materials, splices, trenching, etc.
2. Automatic control equipment.
3. Conductors, overhead or underground, including lead or farbric covered, parkway cables, etc., including splices, insulators, etc.
4. Lamps, arc, incandescent, or other types, including glassware, suspension fixtures, brackets, etc.
5. Municipal inspection.
6. Ornamental lampposts.
7. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
8. Permits.
9. Posts and standards.
10. Protection of street openings.
11. Relays or time clocks.
12. Series contactors.
13. Switches.
14. Transformers, pole or underground.

5. GENERAL PLANT

389 Land and land rights.

This account shall include the cost of land and land rights used for utility purposes, the cost of which is not properly includible in other land and land rights accounts. (See electric plant instruction 6.)

390 Structures and improvements.

This account shall include the cost in place of structures and improvements used for utility purposes, the cost of which is not properly includible in other structures and improvements accounts. (See electric plant instruction 7.)

391 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the utility and devoted to utility service, and not permanently attached to buildings, except the cost of such furniture and equipment which the utility elects to assign to other plant accounts on a functional basis.

ITEMS

1. Bookcases and shelves.
2. Desks, chairs, and desk equipment.
3. Drafting-room equipment.
4. Filing, storage, and other cabinets.
5. Floor covering.
6. Library and library equipment.
7. Mechanical office equipment, such as accounting machines, typewriters, etc.
8. Safes.
9. Tables.

392 Transportation equipment.

This account shall include the cost of transportation vehicles used for utility purposes.

ITEMS

1. Airplanes.
2. Automobiles.
3. Bicycles.
4. Electrical vehicles.
5. Motor trucks.
6. Motorcycles.
7. Repair cars or trucks.
8. Tractors and trailers.
9. Other transportation vehicles.

393 Stores equipment.

This account shall include the cost of equipment used for the receiving, shipping, handling, and storage of materials and supplies.

ITEMS

1. Chain falls.
2. Counters.
3. Cranes (portable).
4. Elevating and stacking equipment (portable).
5. Hoists.
6. Lockers.
7. Scales.
8. Shelving.
9. Storage bins.
10. Trucks, hand and power driven.
11. Wheelbarrows.

394 Tools, shop and garage equipment.

This account shall include the cost of tools, implements, and equipment used in construction, repair work, general shops and garages and not specifically provided for or includible in other accounts.

ITEMS

1. Air compressors.
2. Anvils.
3. Automobile repair shop equipment.
4. Battery charging equipment.
5. Belts, shafts and countershafts.
6. Boilers.
7. Cable pulling equipment.
8. Concrete mixers.
9. Drill presses.
10. Derricks.
11. Electric equipment.
12. Engines.
13. Forges.
14. Furnaces.
15. Foundations and settings specially constructed for and not expected to outlast the equipment for which provided.
16. Gas producers.
17. Gasoline pumps, oil pumps and storage tanks.
18. Greasing tools and equipment.
19. Hoists.
20. Ladders.
21. Lathes.
22. Machine tools.
23. Motor driven tools.
24. Motors.
25. Pipe threading and cutting tools.
26. Pneumatic tools.
27. Pumps.
28. Riveters.
29. Smithing equipment.
30. Tool racks.
31. Vises.
32. Welding apparatus.
33. Work benches.

395 Laboratory equipment.

This account shall include the cost installed of laboratory equipment used for general laboratory purposes and not specifically provided for or includible in other departmental or functional plant accounts.

ITEMS

1. Ammeters.
2. Current batteries.
3. Frequency changers.
4. Galvanometers.
5. Inductometers.
6. Laboratory standard millivolt meters.
7. Laboratory standard volt meters.
8. Meter-testing equipment.
9. Millivolt meters.
10. Motor generator sets.
11. Panels.
12. Phantom loads.
13. Portable graphic ammeters, voltmeters, and wattmeters.
14. Portable loading devices.
15. Potential batteries.
16. Potentiometers.
17. Rotating standards.
18. Standard cell, reactance, resistor, and shunt.
19. Switchboards.
20. Synchronous timers.
21. Testing panels.
22. Testing resistors.
23. Transformers.
24. Voltmeters.
25. Other testing, laboratory, or research equipment not provided for elsewhere.

396 Power operated equipment.

This account shall include the cost of power operated equipment used in construction or repair work exclusive of equipment includible in other accounts. Include, also, the tools and accessories acquired for use with such equipment and the vehicle on which such equipment is mounted.

ITEMS

1. Air compressors, including driving unit and vehicle.
2. Back filling machines.
3. Boring machines.
4. Bulldozers.
5. Cranes and hoists.
6. Diggers.
7. Engines.
8. Pile drivers.
9. Pipe cleaning machines.
10. Pipe coating or wrapping machines.
11. Tractors—Crawler type.
12. Trenchers.
13. Other power operated equipment.

NOTE: It is intended that this account include only such large units as are generally self-propelled or mounted on movable equipment.

397 Communication equipment.

This account shall include the cost installed of telephone, telegraph, and wireless equipment for general use in connection with utility operations.

ITEMS

1. Antennae.
2. Booths.
3. Cables.
4. Distributing boards.
5. Extension cords.
6. Gongs.
7. Hand sets, manual and dial.
8. Insulators.
9. Intercommunicating sets.
10. Loading coils.
11. Operators' desks.
12. Poles and fixtures used wholly for telephone or telegraph wire.
13. Radio transmitting and receiving sets.
14. Remote control equipment and lines.
15. Sending keys.
16. Storage batteries.
17. Switchboards.
18. Telautograph circuit connections.
19. Telegraph receiving sets.
20. Telephone and telegraph circuits.
21. Testing instruments.
22. Towers.
23. Underground conduit used wholly for telephone or telegraph wires and cable wires.

398 Miscellaneous equipment.

This account shall include the cost of equipment, apparatus, etc., used in the utility operations, which is not includible in any other account of this system of accounts.

ITEMS

1. Hospital and infirmary equipment.
2. Kitchen equipment.
3. Recreation equipment.
4. Radios.
5. Restaurant equipment.
6. Soda fountains.
7. Operators' cottage furnishings.
8. Other miscellaneous equipment.

NOTE: Miscellaneous equipment of the nature indicated above wherever practicable shall be included in the utility plant accounts on a functional basis.

399 Other tangible property.

This account shall include the cost of tangible utility plant not provided for elsewhere.

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.
Operating expenses:
401 Operation expense.
402 Maintenance expense.
403 Depreciation expense.
404 Amortization of limited-term electric plant.
405 Amortization of other electric plant.
406 Amortization of electric plant acquisition adjustments.
407 Amortization of property losses.
408 Taxes other than income taxes.
409 Income taxes.
410 Provision for deferred income taxes.
411 Income taxes deferred in prior years—Credit.
Total operating expenses.
Operating income.
412–413 Income from electric plant leased to others.
414 Other utility operating income.
Total operating income.

2. OTHER INCOME

415–416 Income from merchandising, jobbing and contract work.
417 Income from nonutility operations.
418 Nonoperating rental income.
419 Interest and dividend income.
421 Miscellaneous nonoperating income.
Total other income.
Total income.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.
426 Other income deductions.
Total income deductions.
Income before interest charges.

4. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt—Cr.
430 Interest on debt to associated companies.
431 Other interest expense.
432 Interest charged to construction—Cr.
Total interest charges.
Net income.

5. EARNED SURPLUS

216 Unappropriated earned surplus (at beginning of period).
433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
Net addition to earned surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
216 Unappropriated earned surplus (at end of period).

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

There shall be shown under this caption the total amount included in the electric operating revenue accounts provided herein.

401 Operation expense.

There shall be shown under this caption the total amount included in the electric operation expense accounts provided herein.

402 Maintenance expense.

There shall be shown under this caption the total amount included in the electric maintenance expense accounts provided herein.

403 Depreciation expense.

A. This account shall include the amount of depreciation expense for all classes of depreciable electric plant in service except such depreciation expense as is chargeable to clearing accounts or to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

B. The utility shall keep such records of property and property retirements as will reflect the service life of property which has been retired and aid in estimating probable service life by mortality, turnover, or other appropriate methods; and also such records as will reflect the percentage of salvage and cost of removal for property retired from each account, or subdivision thereof, for depreciable electric plant.

NOTE A: Depreciation expense applicable to property included in account 104, Electric Plant Leased to Others, shall be charged to account 413, Expenses of Electric Plant Leased to Others.

NOTE B: Depreciation expense applicable to transportation equipment, shop equipment, tools, work equipment, power operated equipment, and other general equipment may be charged to clearing accounts as necessary, in order to obtain a proper distribution of expenses between construction and operation.

404 Amortization of limited-term electric plant.

This account shall include amortization charges applicable to amounts included in the electric plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, and expenditures on leased property where the service life of the improvements is terminable by action of the lease. The charges to this account shall be such as to distribute the book cost of each investment as evenly as may be over the period of its benefit to the utility. (See account 110, Accumulated Provision of Depreciation and Amortization of Electric Plant.)

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electric plant in service which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. This account shall be supported in such detail as to show the amortization applicable to each investment being amortized, together with the book cost of the investment and the period over which it is being written off.

406 Amortization of electric plant acquisition adjustments.

This account shall be debited or credited, as the case may be, with amounts includible in operating expenses, pursuant to approval or order of the Commission, for the purpose of providing for the extinguishment of the amount in account 114, Electric Plant Acquisition Adjustments.

407 Amortization of property losses.

This account shall be charged with amounts credited to account 182, Extraordinary Property Losses, when the Commission has authorized the amount in the latter account to be amortized by charges to electric operations.

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, which are properly chargeable to electric operations, except income taxes.

B. This account shall be charged with the amount of taxes which is applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to this account shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in this account shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Taxes applicable to nonutility property or investments shall be charged to the account in which the income from the property or investments is included.

NOTE B: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE C: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE D: Taxes assumed by the utility on property leased from others for use in utility operations shall be charged to the appropriate rent expense or clearing account.

NOTE E: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE F: Social Security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

409 Income taxes.

A. This account shall include the amount of State and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to utility operations.

B. The accruals for income taxes shall be apportioned among utility departments and nonutility operations so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or nonutility operation the income from which gave rise to the tax.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Income taxes on income from electric plant leased to others shall be charged to account 413, Expenses of Electric Plant Leased to Others.

NOTE C: Where statutes or regulatory practices require that the profits or losses of merchandising, jobbing and contract work shall not be considered in arriving at rates to be charged for utility service, income taxes on income from merchandising, jobbing and contract work shall be charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

NOTE D: Income taxes on nonutility income shall be charged to the account in which the income is included. If the amount of nonutility income is relatively small, the allocation of income taxes thereto may be made annually.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

410 Provision for deferred income taxes.

This account shall be debited, and Accumulated Deferred Income Taxes shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282 and 283. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in account 411, Income Taxes Deferred in Prior Years—Credit.

411 Income taxes deferred in prior years—Credit.

This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the texts of accounts 281, 282, and 283. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in account 410, Provision for Deferred Income Taxes.

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

A. These accounts shall include, respectively, revenues from electric property constituting a distinct operating unit or system leased by the utility to others, and which property is properly includible in account 104, Electric Plant Leased to Others, and the expenses attributable to such property.

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes Other Than Income Taxes.
Income Taxes.

414 Other utility operating income.

A. This account shall include the revenues received and expenses incurred in connection with the operations of utility plant, the book cost of which is included in account 118, Other Utility Plant.

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, taxes, and insurance.

2. OTHER INCOME

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

A. These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission, and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

NOTE: Revenues and expenses of merchandising, jobbing and contract work shall be reported in these accounts, if a state regulatory body having jurisdiction over the utility requires the net income to be reported as other income; but the revenues and expenses shall be reported in accounts 914, Revenues from Merchandising, Jobbing and Contract Work, and 915, Costs and Expenses of Merchandising, Jobbing and Contract Work, if such regulatory body requires the net income to be reported as an operating income or expense item. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 914 and 915 at its option, in which case the practice of the utility must be consistent.

ITEMS

Account 415:
1. Revenues from sale of merchandise and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.
Account 416:
Labor—
1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.
2. Demonstrating and selling activities in sales rooms.
3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.
4. Installing wiring, piping, or other property work, on a jobbing on contract basis.
5. Preparing advertising materials for appliance sales purposes.
6. Receiving and handling customer orders for merchandise or for jobbing services.
7. Cleaning and tidying sales rooms.
8. Maintaining display counters and other equipment used in merchandising.
9. Arranging merchandise in sales rooms and decorating display windows.
10. Reconditioning repossessed appliances.
11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.
12. Supervising merchandise and jobbing operations.
Materials and Expenses—
13. Advertising in newspapers, periodicals, radio, television, etc.
14. Cost of merchandise sold and of materials used in jobbing work.
15. Stores expenses on merchandise and jobbing stocks.
16. Fees and expenses of advertising and commercial artists' agencies.
17. Printing booklets, dodgers, and other advertising data.
18. Premiums given as inducement to buy appliances.
19. Light, heat, and power.
20. Depreciation on equipment used primarily for merchandise and jobbing operations.
21. Rent of sales rooms or of equipment.
22. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.
23. Stationery and office supplies and expenses.
24. Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom.
25. Losses from uncollectible merchandise and jobbing accounts.

417 Income from nonutility operations.

A. This account shall include revenues and expenses applicable to operations which are nonutility in character but nevertheless constitute a distinct operating activity of the enterprise as a whole, such as the operation of an ice department where applicable statutes do

not define such operation as a utility, or the operation of a servicing organization for furnishing supervision, management, engineering, and similar services to others.

B. The expenses shall include all elements of costs incurred in such operations, and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes Other Than Income Taxes.
Income Taxes.

418 Nonoperating rental income.

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which is not used in operations covered by account 417.

B. The expenses shall include all elements of costs incurred in the ownership and rental of the property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes Other Than Income Taxes.
Income Taxes.

419 Interest and dividend income.

A. This account shall include interest revenues on securities, loans, notes, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received are carried as investments or included in sinking or other special fund accounts.

B. If any interest or dividends are required to be retained in a special fund and the fund is represented by a reserve, the amount of such accretion to the fund shall concurrently be credited to the appropriate reserve account and charged to account 436, Appropriations of Surplus.

C. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and the face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

D. Where significant in amount, expenses, including operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon shall be charged hereto.

NOTE: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility shall not be credited to this account.

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items properly includible in the income account and not provided for elsewhere.

ITEMS

1. Profit on sale of timber. (See electric plant instruction 6, C.)
2. Profits from operations of others realized by the utility under contracts.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program. Similar charges made irregularly without a definite program, or which are dependent upon the amount of net income shall be charged to account 435, Miscellaneous Debits to Surplus.

ITEMS

1. Amortization of utility plant acquisition adjustments, or of intangibles included in utility plant in service when not authorized to be included in utility operating expenses by the Commission.
2. Amortization of amounts in account 182, Extraordinary Property Losses, when not authorized to be included in utility operating expenses by the Commission.
3. Amortization of capital stock discount or expenses when in accordance with a systematic amortization program.

426 Other income deductions.

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

ITEMS

1. Donations for charitable, social or community welfare purposes.
2. Life insurance of officers and employees where utility is beneficiary (net premiums less increase in cash surrender value of policies).
3. Penalties or fines for violation of statutes pertaining to regulation.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

4. INTEREST CHARGES

427 Interest on long-term debt.

A. This account shall include the amount of interest on outstanding long-term debt issued or assumed by the utility, the liability for which is included in account 221, Bonds, or account 224, Other Long-Term Debt.

B. This account shall be so kept or supported as to show the interest accruals on each class and series of long-term debt.

NOTE: This account shall not include interest on nominally issued or nominally outstanding long-term debt, including securities assumed.

428 Amortization of debt discount and expense.

A. This account shall include the amortization of unamortized debt discount and expense on outstanding long-term debt. Amounts charged to this account shall be credited concurrently to account 181, Unamortized Debt Discount and Expense.

B. This account shall be so kept or supported as to show the debt discount and expense on each class and series of long-term debt.

429 Amortization of premium on debt—Cr.

A. This account shall include the amortization of unamortized net premium on outstanding long-term debt. Amounts credited to this account shall be charged concurrently to account 251, Unamortized Premium on Debt.

B. This account shall be so kept or supported as to show the premium on each class and series of long-term debt.

430 Interest on debt to associated companies.

A. This account shall include the interest accrued on amounts included in account 223, Advances from Associated Companies, and on all other obligations to associated companies.

B. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued.

431 Other interest expense.

This account shall include all interest charges not provided for elsewhere.

ITEMS

1. Interest on notes payable on demand or maturing one year or less from date and on open accounts, except notes and accounts with associated companies.
2. Interest on customers' deposits.
3. Interest on claims and judgments, tax assessments, and assessments for public improvements past due.
4. Income and other taxes levied upon bondholders of utility and assumed by it.

432 Interest charged to construction—Cr.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

5. EARNED SURPLUS

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

434 Miscellaneous credits to surplus.

This account shall include credits affecting earned surplus not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate non-operating income account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Delayed credits.
2. Profit on reacquisition and resale or retirement of utility's debt securities.
3. Profit on sale of property or investments.

435 Miscellaneous debits to surplus.

This account shall include amounts chargeable to earned surplus but not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be charged to this account is not significant with respect to net income determination for the year, it may be charged to the appropriate non-operating income deduction account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Decline in value of investments.
2. Delayed debits.
3. Loss on reacquisition and resale or retirement of utility's debt securities.
4. Provision for past accrued depreciation not provided for.
5. Long-term debt discount or expense written off.
6. Loss on sale of property or investments.
7. Write-off of utility plant acquisition adjustments or of intangibles when not done under an orderly systematic program indicating the propriety of inclusion of the annual charges in account 425, Miscellaneous Amortization.
8. Preliminary survey and investigation expenses on abandoned projects.
9. Income taxes, both state and federal, occasioned by items included in account 434, Miscellaneous Credits to Surplus.
10. Charges from retirement or resale of reacquired capital stock.

436 Appropriations of surplus.

This account shall include appropriations of earned surplus for purposes not provided for elsewhere.

ITEMS

1. Appropriations of income required under terms of mortgages, orders of courts, contracts or other agreements.
2. Appropriations of income required by action of regulatory authorities.
3. Miscellaneous appropriations of income made at option of utility for specified purposes.

437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

Operating Revenue Accounts

1. SALES OF ELECTRICITY

440 Residential sales.
442 Commercial and industrial sales.
444 Public street and highway lighting.
447 Sales for resale.
448 Interdepartmental sales.
449 Other sales.

2. OTHER OPERATING REVENUES

450 Forfeited discounts.
451 Miscellaneous service revenues.
453 Sales of water and water power.
454 Rent from electric property.
455 Interdepartmental rents.
456 Other electric revenues.

Operating Revenue Accounts

1. SALES OF ELECTRICITY

440 Residential sales.

A. This account shall include the net billing for electricity supplied for residential or domestic purposes.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received under each rate schedule shall be readily available.

NOTE: When electricity supplied through a single meter is used for both residential and commercial purposes, the total revenue shall be included in this account, or account 442, Commercial and Industrial Sales, according to the rate schedule which is applied. If the same rate schedules apply to residential as to commercial and industrial service, classification shall be made according to principal use.

442 Commercial and industrial sales.

A. This account shall include the net billing for electricity supplied to customers for commercial and industrial purposes.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received under each rate schedule shall be readily available. Records shall be maintained also so as to show separately the revenues from commercial and industrial customers (a) which have demands generally of 1000 kw or more, and (b) those which have demands generally less than 1000 kw. Reasonable deviations above or below the 1000 kw demand are permissible in order that transfers of customers between the two classes during the year may be minimized.

NOTE A: If the utility classifies large commercial and industrial customers and related revenues on a lesser basis than 1000 kilowatts of demand, or segregates industrial customers and related revenues according to a recognized definition of an industrial customer, such classifications are acceptable in lieu of those otherwise required by the text of this account on the basis of 1000 kilowatts of demand.

NOTE B: When electricity supplied through a single meter is used for both commercial and residential purposes, the total revenue shall be included in this account, or in account 440, Residential Sales, according to the rate schedule which is applied. If the same rate schedules apply to residential as to commercial and industrial service, classification shall be made according to the principal use.

444 Public street and highway lighting.

A. This account shall include the net billing for electricity supplied and services rendered for the purposes of lighting streets, highways, parks and other public places, or for traffic or other signal system service, for municipalities or other divisions or agencies of state or federal governments.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received from each customer shall be readily available. In addition, the records shall be maintained so as to show the revenues from (a) contracts which include both electricity and services, and (b) contracts which include sales of electricity only.

447 Sales for resale.

A. This account shall include the net billing for electricity supplied to other electric utilities or to public authorities for resale purposes.

B. Records shall be maintained so as to show the quantity of electricity sold and the revenue received from each customer. (See account 545, Purchased Power, for credits includible herein arising from exchange, pooling or interconnection arrangements.)

NOTE: Revenues from electricity supplied to other public utilities for use by them and not for distribution, shall be included in account 442, Commercial and Industrial Sales, unless supplied under the same contract as and not readily separable from revenues includible in this account.

448 Interdepartmental sales.

A. This account shall include amounts charged by the electric department at tariff or other specified rates for electricity supplied by it to other utility departments.

B. Records shall be maintained so that the quantity of electricity supplied each other department and the charges therefor shall be readily available.

449 Other sales.

A. This account shall include revenues for electricity supplied which are not provided for elsewhere.

B. Records shall be maintained so as to show the quantity of electricity sold and the revenues received from each customer.

2. OTHER OPERATING REVENUES

450 Forfeited discounts.

This account shall include the amount of discounts forfeited or additional charges imposed because of the failure of customers to pay their electric bills on or before a specified date.

451 Miscellaneous service revenues.

This account shall include revenues for all miscellaneous services and charges billed to customers which are not specifically provided for in other accounts.

ITEMS

1. Fees for changing, connecting or disconnecting service.

2. Profit on maintenance of appliances, wiring, piping or other installations on customers' premises.
3. Net credit or debit (cost less net salvage and less payment from customers) on closing of work orders for plant installed for temporary service of less than one year.
4. Recovery of expenses in connection with current diversion cases (billing for the electricity consumed shall be included in the appropriate electric revenue account).

453 Sales of water and water power.

A. This account shall include revenues derived from the sale of water for irrigation, domestic, industrial or other uses, or for the development by others of water power, or for headwater improvements; also, revenues derived from furnishing water power for mechanical purposes when the investment in the property used in supplying such water or water power is carried as electric plant in service.

B. The records for this account shall be kept in such manner as to permit an analysis of the rates charged and the purposes for which the water was used.

454 Rent from electric property.

A. This account shall include rents received for the use by others of land, buildings, and other property devoted to electric operations by the utility.

B. When property owned by the utility is operated jointly with others under a definite arrangement for apportioning the actual expenses among the parties to the arrangement, any amount received by the utility for interest or return or in reimbursement of taxes or depreciation on the property shall be credited to this account.

NOTE. Do not include in this account rents from property constituting an operating unit or system. (See account 412, Revenues from Electric Plant Leased to Others.)

455 Interdepartmental rents.

This account shall include rents credited to the electric department on account of rental charges made against other departments (gas, water, etc.) of the utility. In the case of property operated under a definite arrangement to allocate the costs among the departments using the property, any reimbursement to the electric department for interest or return and depreciation and taxes shall be credited to this account.

456 Other electric revenues.

This account shall include revenues derived from electric operations not includible in any of the foregoing accounts.

ITEMS

1. Commission on sale or distribution of electricity of others when sold under rates filed by such others.
2. Compensation for minor or incidental services provided for others such as customer billing, engineering, etc.
3. Profit or loss on sale of material and supplies not ordinarily purchased for resale and not handled through merchandising and jobbing accounts.
4. Sale of steam, but not including sales made by a steam-heating department or transfers of steam under joint facility operations.

Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

A. STEAM POWER GENERATION

Operation

500 Operation supervision and labor.
501 Fuel.
502 Operation supplies and expenses.
503 Steam from other sources.
504 Steam transferred—Cr.
505 Rents.

Maintenance

506 Maintenance of steam production plant.

B. HYDRAULIC POWER GENERATION

Operation

530 Operation supervision and labor.
531 Water for power.
532 Operation supplies and expenses.
533 Rents.

Maintenance

535 Maintenance of hydraulic production plant.

C. OTHER POWER GENERATION

Operation

538 Operation supervision and labor.
539 Fuel.
540 Operation supplies and expenses.
541 Rents.

Maintenance

543 Maintenance of other power production plant.

D. OTHER POWER SUPPLY EXPENSES

Operation

545 Purchased power.
546 Other expenses.

2. TRANSMISSION EXPENSES

Operation

550 Operation supervision and labor.
551 Operation supplies and expenses.
552 Rents.

Maintenance

553 Maintenance of transmission plant.

3. DISTRIBUTION EXPENSES

Operation

560 Operation supervision expenses.
561 Line and station labor.
562 Line and station supplies and expenses.
565 Street lighting and signal system expenses.
566 Meter expenses.
567 Customer installations expenses.
569 Miscellaneous distribution expenses.
570 Rents.

Maintenance

571 Maintenance of structures and equipment.
572 Maintenance of lines.
573 Maintenance of line transformers.
574 Maintenance of street lighting and signal systems.
575 Maintenance of meters.
576 Maintenance of miscellaneous distribution plant.

4. CUSTOMER ACCOUNTS EXPENSES

Operation

901 Meter reading labor.
902 Accounting and collecting labor.
903 Supplies and expenses.
904 Uncollectible accounts.

5. SALES EXPENSES

Operation

910 Sales expenses.
914 Revenues from merchandising, jobbing and contract work.
915 Costs and expenses of merchandising, jobbing and contract work.

6. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

920 Administrative and general salaries.
921 Office supplies and expenses.
922 Administrative expenses transferred—Cr.
923 Outside services employed.
924 Property insurance.
925 Injuries and damages.
926 Employee pensions and benefits.
927 Franchise requirements.
928 Regulatory commission expenses.
929 Duplicate charges—Cr.
930 Miscellaneous general expenses.
931 Rents.
933 Transportation expenses.

Maintenance

935 Maintenance of general plant.

Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

A. STEAM POWER GENERATION

Operation

500 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of steam power generating stations.

ITEMS

Boiler Room Labor:
1. Supervising steam production.
2. Operating fuel conveying, storage, weighing and processing equipment within boiler plant.
3. Operating boiler and boiler auxiliary equipment.
4. Operating boiler feed water purification and treatment equipment.
5. Operating ash collecting and disposal equipment located inside the plant.
6. Operating boiler plant electrical equipment.
7. Keeping boiler plant log and records and preparing reports on boiler plant operations.
8. Testing boiler water.
9. Testing, checking, and adjusting meters, gauges and other instruments in boiler plant.
10. Cleaning boiler plant equipment when not incidental to maintenance work.
11. Repacking glands and replacing gauge glasses where the work involved is of a minor nature and is performed by regular operating crews. Where the work is of a major character such as that performed on high pressure boilers the item should be considered as maintenance.

Electric Plant Labor:
12. Supervising electric production.
13. Operating turbines, engines, generators and exciters.
14. Operating condensers, circulating water systems and other auxiliary apparatus.
15. Operating generator cooling system.
16. Operating lubrication and oil control system, including oil purification.
17. Operating switchboards, switch gear and electric control and protective equipment.
18. Keeping electric plant log and records and preparing reports on electric plant operations.
19. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in electric plant.
20. Cleaning electric plant equipment when not incidental to maintenance work.
21. Repacking glands and replacing gauge glasses.

Miscellaneous Labor:
22. General clerical and stenographic work at plant.
23. Guarding and patrolling plant and yard.

24. Building service.
25. Care of grounds including snow removal, cutting grass, etc.
26. Miscellaneous labor.

501 Fuel.

A. This account shall include the cost of fuel used in the production of steam for the generation of electricity, including expenses in unloading fuel from the shipping media and handling thereof up to the point where the fuel enters the first boiler plant bunker, hopper, bucket, tank or holder of the boiler house structure. Records shall be maintained to show the quantity, B.T.U. content and cost of each type of fuel used.

B. The cost of fuel shall be charged initially to appropriate fuel accounts carried under account 150, Materials and Supplies, and cleared to this account on the basis of the fuel used. Fuel handling expenses may be charged to this account as incurred or charged initially to an appropriate subaccount of account 150, Materials and Supplies. In the latter event, they shall be cleared to this account on the basis of the fuel used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

ITEMS

Labor:
1. Supervising purchasing and handling of fuel.
2. All routine fuel analyses.
3. Unloading from shipping facility and putting in storage.
4. Moving of fuel in storage and transferring fuel from one station to another.
5. Handling from storage or shipping facility to first bunker, hopper, bucket, tank or holder of boiler house structure.
6. Operation of mechanical equipment, such as locomotives, trucks, cars, boats, barges, cranes, etc.

Materials and Expenses:
7. Cost of fuel including freight, switching, demurrage and other transportation charges.
8. Excise taxes, insurance, purchasing commissions and similar items.
9. Stores expenses to extent applicable to fuel.
10. Transportation and other expenses in moving fuel in storage.
11. Tools, lubricants, and other supplies.
12. Operating supplies for mechanical equipment.
13. Residual disposal expenses less any proceeds from sale of residuals.

NOTE: Abnormal fuel handling expenses occasioned by emergency conditions shall be charged to expense as incurred.

502 Operation supplies and expenses.

This account shall include the cost of materials used and expenses incurred in the operation of steam power generating stations.

ITEMS

1. Chemicals and boiler inspection fees.
2. Lubricants and control system oils.
3. Boiler feed water purchased and pumping supplies.
4. Generator cooling gases.
5. Circulating water purification supplies.
6. Cooling water purchased.
7. Motor and generator brushes.
8. General operating supplies, such as tools, gaskets, packing waste, gauge glasses, hose, indicating lamps, record and report forms, etc.
9. First-aid supplies and safety equipment.
10. Employees' service facilities expenses.
11. Building service supplies.
12. Communication service.
13. Miscellaneous office supplies and expenses, printing and stationery.
14. Transportation expenses.
15. Meals, traveling and incidental expenses.

503 Steam from other sources.

This account shall include the cost of steam purchased, or transferred from another department of the utility or from others under a joint facility operating arrangement, for use in prime movers devoted to the production of electricity.

NOTE: The records shall be so kept as to show separately for each company from which steam is purchased, the point of delivery, the quantity, the price, and the total charge. When steam is transferred from another department or from others under a joint operating arrangement, the utility shall be prepared to show full details of the cost of producing such steam, the basis of the charge to electric generation and the extent and manner of use by each department or party involved.

504 Steam transferred—Cr.

A. This account shall include credits for expenses of producing steam which are charged to others or to other utility departments under a joint operating arrangement. Include also credits for steam expenses chargeable to other electric accounts outside of the steam generation group. Full details of the basis of the determination of the cost of steam transferred shall be maintained.

B. If the charges to others or to other departments of the utility include an amount for depreciation, taxes and return on the joint steam facilities, such portion of the charge shall be credited, in the case of others, to account 454, Rent from Electric Property, and in the case of other departments of the utility, to account 455, Interdepartmental Rents.

505 Rents.

This account shall include all rents of property of others used, occupied or operated in connection with steam power generation. (See operating expense instruction 2.)

Maintenance

506 Maintenance of steam production plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of steam production plant the book cost of which is includible in plant accounts 311 to 316, inclusive. (See operating expense instruction 1.)

B. HYDRAULIC POWER GENERATION

Operation

530 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of hydraulic power generating stations.

ITEMS

Hydraulic Labor:
1. Supervising hydraulic operation.
2. Removing debris and ice from trash racks, reservoirs and waterways.
3. Patrolling reservoirs and waterways.
4. Operating intakes, spillways, sluiceways, and outlet works.
5. Operating bubbler, heater or other deicing systems.
6. Ice and log jam work.
7. Operating navigation facilities.
8. Operations relating to conservation of game, fish, forests, etc.
9. Insect control activities.

Electric Labor:
10. Supervising electric production.
11. Operating prime movers, generators and auxiliary equipment.
12. Operating generator cooling system.
13. Operating lubrication and oil control systems, including oil purification.
14. Operating switchboards, switchgear, and electric control and protection equipment.
15. Keeping plant log and records and preparing reports on plant operations.
16. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls, and other equipment in the plant.
17. Cleaning plant equipment when not incidental to maintenance work.
18. Repacking glands.

Miscellaneous Labor:
19. General clerical and stenographic work.
20. Guarding and patrolling plant and yard.
21. Building service.
22. Care of grounds, including snow removal, cutting grass, etc.
23. Snow removal from roads and bridges.
24. Miscellaneous labor.

531 Water for power.

This account shall include the cost of water used for hydraulic power generation.

ITEMS

1. Cost of water purchased from others, including water tolls paid reservoir companies.
2. Periodic payments for licenses or permits from any governmental agency for water rights, or payments based on the use of the water.
3. Periodic payments for riparian rights.
4. Periodic payments for headwater benefits or for detriments to others.
5. Cloud seeding.

532 Operation supplies and expenses.

This account shall include the cost of materials used and expenses incurred in the operation of hydraulic power generating stations.

ITEMS

1. Insect control materials.
2. Lubricants, packing, and other supplies used in operation of hydraulic equipment.
3. Supplies and expenses in conservation of game, fish, forests, etc.
4. Transportation expense.
5. Control system oils.
6. Motor and generator brushes.
7. General operating supplies, such as tools, gaskets, packing, waste hose, indicating lamps, record and report forms, etc.
8. First-aid supplies and safety equipment.
9. Employees' service facilities expenses.
10. Building service supplies.
11. Communication service.
12. Office supplies, printing and stationery.
13. Transportation expenses.
14. Fuel.
15. Meals, traveling and incidental expenses.

533 Rents.

This account shall include all rents of property of others used, occupied or operated in connection with hydraulic

power generation, including amounts payable to the United States for the occupancy of public lands and reservations for reservoirs, dams, flumes, forebays, penstocks, power houses, etc., but not including transmission right of way. (See operating expense instruction 2.)

Maintenance

535 Maintenance of hydraulic production plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of hydraulic production plant the book cost of which is includible in plant accounts 331 to 336, inclusive. (See operating expense instruction 1.)

C. OTHER POWER GENERATION

Operation

538 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of other power generating stations.

ITEMS

Generating Labor:
1. Supervising other power generation operation.
2. Operating prime movers, generators and auxiliary apparatus and switching and other electric equipment.
3. Keeping plant log and records and preparing reports on plant operations.
4. Testing, checking, cleaning, oiling and adjusting equipment.
Miscellaneous Labor:
5. General clerical and stenographic work.
6. Guarding and patrolling plant and yard.
7. Building service.
8. Care of grounds, including snow removal, cutting grass, etc.
9. Miscellaneous labor.

539 Fuel.

This account shall include the cost delivered at the station (see account 150, Materials and Supplies) of all fuel, such as gas, oil, kerosene, and gasoline used in other power generation.

540 Operation supplies and expenses.

This account shall include the cost of materials used and expenses incurred in the operation of other power generating stations.

ITEMS

1. Dynamo, motor, and generator brushes.
2. Lubricants and control system oils.
3. Water for cooling engines and generators.
4. Building service supplies.
5. First-aid supplies and safety equipment.
6. Communication service.
7. Employees' service facilities expenses.
8. Office supplies, printing and stationery.
9. Transportation expense.
10. Meals, traveling and incidental expenses.
11. Fuel for heating.
12. Water for fire protection or general use.
13. Miscellaneous supplies, such as hand tools, drills, saw blades, files, etc.

541 Rents.

This account shall include all rents of property of others used, occupied, or operated in connection with other power generation. (See operating expense instruction 2.)

Maintenance

543 Maintenance of other power production plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of other power generation plant, the book cost of which is includible in plant accounts 341 to 346, inclusive. (See operating expense instruction 1.)

D. OTHER POWER SUPPLY EXPENSES

Operation

545 Purchased power.

A. This account shall include the cost at point of receipt by the utility of electricity purchased for resale. It shall include, also, net settlements for exchange of electricity or power, such as economy energy, off-peak for on-peak energy, spinning reserve capacity, etc. In addition, the account shall include the net settlements for transactions under pooling or interconnection agreements wherein there is a balancing of debits and credits for energy, capacity, etc. Distinct purchases and sales shall not be recorded as exchanges and net amounts only recorded merely because debit and credit amounts are combined in the voucher settlement.

B. The records supporting this account shall show, by months, the demands and demand charges, kilowatt-hours and prices thereof, under each purchase contract and the charges and credits under each exchange or power pooling contract.

546 Other expenses.

A. This account shall be charged with any production expenses, including expenses incurred directly in connection with the purchase of electricity, which are not specifically provided for in other production expense accounts. Charges to this account shall be supported so that a description of each type of charge will be readily available.

B. Recoveries from insurance companies, under use and occupancy provisions of policies, of amounts in reimbursement of excessive or added production costs for which the insurance company is liable under the terms of the policy shall be credited to this account.

2. TRANSMISSION EXPENSES

Operation

550 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of the transmission system.

ITEMS

Load Dispatching Labor:
1. Directing switching.
2. Arranging and controlling clearances for construction, maintenance, test and emergency purposes.
3. Controlling system voltages.
4. Obtaining reports on the weather and special events.
5. Preparing operating reports and data for billing and budget purposes.
Station Labor:
6. Supervising station operation.
7. Adjusting station equipment where such adjustment primarily affects performance, such as regulating the flow of cooling water, adjusting current in fields of a machine or changing voltage of regulators, changing station transformer taps.
8. Inspecting, testing and calibrating station equipment for the purpose of checking its performance.
9. Keeping station log and records and preparing reports on station operation.
10. Operating switching and other station equipment.
11. Standing watch, guarding, and patrolling station and station yard.
12. Sweeping, mopping, and tidying station.
13. Care of grounds, including snow removal, cutting grass, etc.
Line Labor:
14. Supervising line operation.
15. Inspecting and testing lightning arresters, circuit breakers, switches, and grounds.
16. Load tests of circuits.
17. Routine line patrolling.
18. Routine voltage surveys made to determine the condition or efficiency of transmission system.
19. Transferring loads, switching and reconnecting circuits and equipment for operating purposes. (Switching for construction or maintenance purposes is not includible in this account.)
20. Routine inspection and cleaning of manholes, conduit, network and transformer vaults.
21. Electrolysis surveys.
22. Inspecting and adjusting line testing equipment such as voltmeters, ammeters, wattmeters, etc.
23. Regulation and addition of oil or gas in high voltage cable systems.
Miscellaneous Labor:
24. General records of physical characteristics of lines and stations, such as capacities, etc.
25. Ground resistance records.
26. Janitor work at transmission office buildings, including care of grounds, snow removal, cutting grass, etc.
27. Joint pole maps and records.
28. Line load and voltage records.
29. Preparing maps and prints.
30. General clerical and stenographic work.
31. Miscellaneous labor.

551 Operation supplies and expenses.

This account shall include the cost of materials used and expenses incurred in the operation of the transmission system.

ITEMS

1. Building service expenses.
2. Operating supplies, such as lubricants, commutator brushes, water, and rubber goods.
3. Station meter and instrument supplies, such as ink and charts.
4. Station record and report forms.
5. Communication service.
6. First-aid supplies.
7. Tool expense.
8. Transportation expenses.
9. Meals, traveling, and incidental expenses.

552 Rents.

This account shall include rents of property of others used, occupied, or operated in connection with the transmission system, including payments to the United States and others for use of public or private lands and reservations for transmission line rights of way. (See operating expense instruction 2.)

Maintenance

553 Maintenance of transmission plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of transmission plant the book cost of which is includible in plant accounts 351 to 359, inclusive. (See operating expense instruction 1.)

ITEMS

1. Work of the following character on poles, towers and fixtures:
a. Installing or removing additional clamps or strain insulators on guys in place.
b. Moving line or guy pole in relocation of the same pole or section of line.
c. Painting poles, towers, crossarms or pole extensions.
d. Readjusting and changing position of guys or braces.
e. Realigning and straightening poles, crossarms, braces and other pole fixtures.
f. Reconditioning reclaimed pole fixtures.
g. Relocating crossarms, racks, brackets, and other fixtures on poles.
h. Repairing or realigning pins, racks, or brackets.
i. Repairing pole supported platform.
j. Repairs by others to jointly owned poles.
k. Shaving, cutting rot, or treating poles or crossarms in use or salvaged for reuse.
l. Stubbing poles already in service.
m. Supporting fixtures and conductors and transferring them to new pole during pole replacement.
n. Maintenance of pole signs, stencils, tags, etc.
2. Work of the following character on overhead conductors and devices:
a. Overhauling and repairing line cutouts, line switches, line breakers, etc.
b. Cleaning insulators and bushings.
c. Refusing cutouts.
d. Repairing line oil circuit breakers and associated relays and control wiring.
e. Repairing grounds.
f. Resagging, retying, or rearranging position or spacing of conductors.
g. Standing by phones, going to calls, cutting faulty lines clear, or similar activities at times of emergencies.
h. Sampling, testing, changing, purifying, and replenishing insulating oil.
i. Repairing line testing equipment.
j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
k. Trimming trees and clearing brush.
l. Chemical treatment of right of way areas when occurring subsequent to construction of line.
3. Work of the following character on roads and trails:
a. Repairing roadway, bridges, etc.
b. Trimming trees and brush to maintain previous roadway clearance.
c. Snow removal from roads and trails.
d. Maintenance work on publicly owned roads and trails when done by utility at its expense.
4. Work of the following character on underground conduit:
a. Cleaning ducts, manholes, and sewer connections.
b. Minor alterations of handholes, manholes, or vaults.
c. Refastening, repairing, or moving racks, ladders, or hangers in manholes, or vaults.
d. Plugging and shelving or replugging ducts.
e. Repairs to sewers and drains, walls and floors, rings and covers.
5. Work of the following character on underground conductors and devices:
a. Repairing oil circuit breakers, switches, cutouts, and control wiring.
b. Repairing grounds.
c. Retraining and reconnecting cables in manhole, including transfer of cables from one duct to another.
d. Repairing conductors and splices.
e. Repairing or moving junction boxes and potheads.
f. Refireproofing of cables and repairing supports.
g. Repairing electrolysis preventive devices for cables.
h. Repairing cable bonding systems.
i. Sampling, testing, changing, purifying and replenishing insulating oil.
j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
k. Repairing line testing equipment.
l. Repairs to oil or gas equipment in high voltage cable system and replacement of oil or gas.

3. DISTRIBUTION EXPENSES

OPERATION

560 Operation supervision expenses.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of the distribution system. Direct supervision of specific activities, such as station operation, line operation, meter department operation, etc., shall be charged to the appropriate account.

561 Line and station labor.

This account shall include the cost of labor incurred in the operation of distribution lines and stations.

ITEMS

Line Labor:
1. Supervising line operation.
2. Changing line transformer taps.
3. Inspecting and testing lightning arrester, line circuit breakers, switches, and grounds.
4. Inspecting and testing line transformers for the purpose of determining load, temperature, or operating performance.
5. Patrolling lines.
6. Load tests and voltages surveys of feeders, circuits, and line transformers.
7. Removing line transformers and voltage regulators with or without replacement.
8. Installing line transformers or voltage regulators with or without change in capacity provided that the cost of first installation of these items is included in account 368, Line Transformers.
9. Voltage surveys, either routine or upon request of customers, including voltage tests at customer's main switch.
10. Transferring loads, switching and reconnecting circuits and equipment for operation purposes.
11. Electrolysis surveys.
12. Inspecting and adjusting line testing equipment.
Station Labor:
1. Supervising station operation.
2. Adjusting station equipment where such adjustment primarily affects performance, such as regulating the flow of cooling water, adjusting current in fields of a machine, changing voltage of regulators, or changing station transformer taps.
3. Keeping station log and records and preparing reports on station operation.
4. Inspecting, testing, and calibrating station equipment for the purpose of checking its performance.
5. Operating switching and other station equipment.
6. Standing watch, guarding and patrolling station and station yard.
7. Sweeping, mopping, and tidying station.
8. Care of grounds, including snow removal, cutting grass, etc.

562 Line and station supplies and expenses.

This account shall include the cost of materials used and expenses incurred in the operation of distribution lines and stations.

ITEMS

1. Building service expenses.
2. Operating supplies, such as lubricants, commutator brushes, water, and rubber goods.
3. Station meter and instrument supplies, such as ink and charts.
4. Station record and report forms.
5. Tool expense.
6. Transportation expense.
7. Meals, traveling, and incidental expenses.

565 Street lighting and signal system expenses.

This account shall include the cost of labor, materials used and expenses incurred in the operation of street lighting and signal system plant.

ITEMS

Labor:
1. Supervising street lighting and signal systems operation.
2. Replacing lamps and incidental cleaning of glassware and fixtures in connection therewith.
3. Routine patrolling for lamp outages, extraneous nuisances or encroachments, etc.
4. Testing lines and equipment including voltage and current measurement.
5. Winding and inspection of time switch and other controls.
Materials and Expenses:
6. Street lamp renewals.
7. Transportation and tool expense.
8. Meals, traveling, and incidental expenses.

566 Meter expenses.

This account shall include the cost of labor, materials used and expenses incurred in the operation of customer meters and associated equipment.

ITEMS

Labor:
1. Supervising meter operation.
2. Clerical work on meter history and associated equipment record cards, test cards, and reports.
3. Disconnecting and reconnecting, removing and reinstalling, sealing and unsealing meters and other metering equipment in connection with initiating or terminating services including the cost of obtaining meter readings, if incidental to such operation.
4. Consolidating meter installations due to elimination of separate meters for different rates of service.
5. Changing or relocating meters, instrument transformers, time switches, and other metering equipment.
6. Resetting time controls, checking operation of demand meters and other metering equipment, when done as an independent operation.
7. Inspecting and adjusting meter testing equipment.
8. Inspecting and testing meters, instrument transformers, time switches, and other metering equipment on premises or in shops excluding inspecting and testing incidental to maintenance.
Materials and Expenses:
9. Meter seals and miscellaneous meter supplies.
10. Transportation expenses.
11. Meals, traveling, and incidental expenses.
12. Tool expenses.

NOTE: The cost of the first setting and testing of a meter is chargeable to utility plant account 370, Meters.

567 Customer installations expenses.

This account shall include the cost of labor, materials used and expenses incurred in work on customer installations and in inspecting premises and in rendering services to customers of the nature of those indicated by the list of items hereunder.

ITEMS

Labor:
1. Supervising customer installations work.
2. Inspecting premises, including check of wiring for code compliance.
3. Investigating, locating, and clearing grounds on customers' wiring.
4. Investigating service complaints, including load tests of motors and lighting and power circuits on customers' premises; field investigations of complaints on bills or of voltage.
5. Installing, removing, renewing, and changing lamps and fuses.
6. Radio, television, and similar interference work including erection of new aerials on customers' premises and patrolling of lines, testing of lightning arresters, inspection of pole hardware, etc., and examination on or off premises of customers' appliances, wiring, or equipment to locate cause of interference.
7. Installing, connecting, reinstalling, or removing leased property on customers' premises.
8. Testing, adjusting, and repairing customers' fixtures and appliances in shop or on premises.
9. Cost of changing customers' equipment due to changes in service characteristics.
10. Investigation of current diversion including setting and removal of check meters and securing special readings thereon; special calls by employees in connection with discovery and settlement of current diversion; changes in customer wiring and any other labor cost identifiable as caused by current diversion.

Materials and Expenses:
11. Lamp and fuse renewals.
12. Materials used in servicing customers' fixtures, appliances and equipment.
13. Power, light, heat, telephone, and other expenses of appliance repair department.
14. Tool expense.
15. Transportation expense, including pickup and delivery charges.
16. Meals, traveling and incidental expenses.
17. Rewards paid for discovery of current diversion.

NOTE A: Amounts billed customers for any work, the cost of which is charged to this account, shall be credited to this account. Any excess over costs resulting therefrom shall be transferred to account 451, Miscellaneous Service Revenues.

NOTE B: Do not include in this account expenses incurred in connection with merchandising, jobbing and contract work.

569 Miscellaneous distribution expenses.

This account shall include the cost of labor, materials used and expenses incurred in distribution system operation not provided for elsewhere.

ITEMS

Labor:
1. General records of physical characteristics of lines and substations, such as capacities, etc.
2. Ground resistance records.
3. Joint pole maps and records.
4. Distribution system voltage and load records.
5. Preparing maps and prints.
6. Service interruption and trouble records.
7. General clerical and stenographic work except that chargeable to account 566, Meter Expenses.
8. Operating records covering poles, transformers, manholes, cables, and other distribution facilities. Exclude meter records chargeable to account 566, Meter Expenses, and station records chargeable to account 561, Line and Station Labor.
9. Janitor work at distribution office buildings including snow removal, cutting grass, etc.

Materials and Expenses:
10. Communication service.
11. Building service expenses.
12. Miscellaneous office supplies and expenses, printing, and stationery, maps and records and first-aid supplies.

570 Rents.

This account shall include rents of property of others used, occupied or operated in connection with the distribution system, including payments to the United States and others for the use and occupancy of public lands and reservations for distribution line rights of way. (See operating expense instruction 2.)

Maintenance

571 Maintenance of structures and equipment.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of structures, the book cost of which is includible in account 361, Structures and Improvements, account 362, Station Equipment, and account 363, Storage Battery Equipment. (See operating expense instruction 1.)

572 Maintenance of lines.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of distribution line facilities, the book cost of which is includible in account 364, Poles, Towers and Fixtures, account 365, Overhead Conductors and Devices, account 366, Underground Conduit, account 367, Underground Conductors and Devices, and account 369, Services. (See operating expense instruction 1.)

ITEMS

1. Work of the following character on poles, towers, and fixtures:
a. Installing additional clamps or removing clamps or strain insulators on guys in place.
b. Moving line or guy pole in relocation of pole or section of line.
c. Painting poles, towers, crossarms, or pole extensions.
d. Readjusting and changing position of guys or braces.
e. Realigning and straightening poles, crossarms, braces, pins, racks, brackets, and other pole fixtures.
f. Reconditioning reclaimed pole fixtures.
g. Relocating crossarms, racks, brackets, and other fixtures on pole.
h. Repairing pole supported platform.
i. Repairs by others to jointly owned poles.
j. Shaving, cutting rot, or treating poles or crossarms in use or salvage for reuse.
k. Stubbing poles already in service.
l. Supporting conductors, transformers, and other fixtures and transferring them to new poles during pole replacement.
m. Maintaining pole signs, stencils, tags, etc.

2. Work of the following character on overhead conductors and devices:
a. Overhauling and repairing line cutouts, line switches, line breakers, and capacitor installations.
b. Cleaning insulators and bushings.
c. Refusing line cutouts.
d. Repairing line oil circuit breakers and associated relays and control wiring.
e. Repairing grounds.
f. Resagging, retying, or rearranging position or spacing of conductors.
g. Standing by phones, going to calls, cutting faulting lines clear, or similar activities at times of emergencies.
h. Sampling, testing, changing, purifying, and replenishing insulating oil.
i. Transferring loads, switching, and reconnecting circuits and equipment for maintenance purposes.
j. Repairing line testing equipment.
k. Trimming trees and clearing brush.
l. Chemical treatment of right of way area when occurring subsequent to construction of line.

3. Work of the following character on underground conduit:
a. Cleaning ducts, manholes, and sewer connections.
b. Moving or changing position of conduit or pipe.
c. Minor alterations of handholes, manholes, or vaults.
d. Refastening, repairing or moving racks, ladders, or hangers in manholes or vaults.
e. Plugging and shelving ducts.
f. Repairs to sewers, drains, walls and floors, rings and covers.

4. Work of the following character on underground conductors and devices:
a. Repairing circuit breakers, switches, cutouts, network protectors, and associated relays and control wiring.
b. Repairing grounds.
c. Retraining and reconnecting cables in manhole including transfer of cables from one duct to another.
d. Repairing conductors and splices.
e. Repairing or moving junction boxes and potheads.
f. Refireproofing cables and repairing supports.
g. Repairing electrolysis preventive devices for cables.
h. Repairing cable bonding systems.
i. Sampling, testing, changing, purifying and replenishing insulating oil.
j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
k. Repairing line testing equipment.
l. Repairing oil or gas equipment in high voltage cable system and replacement of oil or gas.

5. Work of the following character on services:
a. Moving position of service either on pole or on customers' premises.
b. Pulling slack in service wire.
c. Retying service wire.
d. Refastening or tightening service bracket.
e. Cleaning ducts.

573 Maintenance of line transformers.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of distribution line transformers, the book cost of which is includible in account 368, Line Transformers. (See operating expense instruction 1.)

574 Maintenance of street lighting and signal systems.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant, the book cost of which is includible in account 373, Street Lighting and Signal Systems. (See operating expense instruction 1.)

575 Maintenance of meters.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of meters and meter testing equipment, the book cost of which is includible in account 370, Meters, and account 395, Laboratory Equipment, respectively. (See operating expense instruction 1.)

576 Maintenance of miscellaneous distribution plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant, the book cost of which is includible in account 371, Installations on Customers' Premises, and 372, Leased Property on Customers' Premises, and any other plant the maintenance of which is assignable to the distribution function and is not provided for elsewhere. (See operating expense instruction 1.)

ITEMS

1. Work of similar character to that listed in other distribution maintenance accounts.
2. Maintenance of office furniture and equipment used by distribution system department.

4. CUSTOMER ACCOUNTS EXPENSE OPERATION

901 Meter reading labor.

This account shall include the cost of labor incurred in reading customer meters and determining consumption when performed by employees engaged in reading meters.

ITEMS

1. Addressing forms for obtaining meter readings by mail.
2. Changing and collecting meter charts used for billing purposes.
3. Inspecting time clocks, checking seals, etc., when performed by meter readers and the work represents a minor activity incidental to regular meter reading routine.
4. Reading meters, including demand meters, and obtaining load information for billing purposes. Exclude and charge to account 566, Meter Expenses, or to account 902, Accounting and Collecting Labor, as applicable, the cost of obtaining meter readings, first and final, if incidental to the operation of removing or resetting, sealing, or locking, and disconnecting, or reconnecting meters.
5. Computing consumption from meter reader's book or from reports by mail when done by employees engaged in reading meters.
6. Collecting from prepayment meters when incidental to meter reading.
7. Maintaining record of customers' keys.
8. Computing estimated or average consumption when performed by employees engaged in reading meters.

902 Accounting and collecting labor.

This account shall include the cost of labor on customer applications, contracts, orders, credit investigations, billing and accounting, collections and complaints.

ITEMS

1. Receiving, preparing, recording and handling routine orders for service, disconnections, transfers or meter tests initiated by the customer, excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
2. Investigations of customers' credit and keeping of records pertaining thereto, including records of uncollectible accounts written off.
3. Receiving, refunding or applying customer deposits and maintaining customer deposit, line extension, and other miscellaneous records.
4. Checking consumption shown by meter readers' reports where incidental to preparation of billing data.
5. Preparing address plates and addressing bills and delinquent notices.
6. Preparing billing data.
7. Operating billing and bookkeeping machines.
8. Verifying billing records with contracts or rate schedules.
9. Preparing bills for delivery, and mailing or delivering bills.
10. Collecting revenues, including collection from prepayment meters unless incidental to meter reading operations.
11. Balancing collections, preparing collections for deposit, and preparing cash reports.
12. Posting collections and other credits or charges to customer accounts and extending unpaid balances.
13. Balancing customer accounts and controls.
14. Preparing, mailing, or delivering delinquent notices and preparing reports of delinquent accounts.
15. Final meter reading of delinquent accounts when done by collectors incidental to regular activities.
16. Disconnecting and reconnecting services because of nonpayment of bills.
17. Receiving, recording, and handling of inquiries, complaints, and request for investigations from customers, including preparation of necessary orders, but excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
18. Statistical and tabulating work on customer accounts and revenues, but not including special analyses for sales department, rate department, or other general purposes, unless incidental to regular customer accounting routines.
19. Preparing and periodically rewriting meter reading sheets.
20. Determining consumption and computing estimated or average consumption when performed by employees other than those engaged in reading meters.

NOTE: The cost of work on meter history and meter location records is chargeable to account 566, Meter Expenses.

903 Supplies and expenses.

This account shall include the cost of materials used and expenses incurred in meter reading and the handling of customer accounts.

ITEMS

1. Badges, lamps and uniforms.
2. Demand charts, meter books and binders and forms for recording readings, but not the cost of preparation.
3. Address plates and supplies.
4. Cash overages and shortages when written off.
5. Commissions or fees to others for collecting.
6. Payments to credit organizations for investigations and reports.
7. Postage.
8. Transportation of customer bills and meter books under centralized billing procedure.
9. Bank charges, exchange, and other fees for cashing and depositing customers' checks.
10. Forms for recording orders for services, removals, etc.
11. Rent of mechanical equipment.
12. Transportation, meals and incidental expenses.
13. Communication service.
14. Miscellaneous office supplies and expenses and stationery and printing.

904 Uncollectible accounts.

This account shall be charged with amounts sufficient to provide for losses from uncollectible utility revenues. Concurrent credits shall be made to account 144, Accumulated Provision for Uncollectible Accounts—Cr. Losses from uncollectible accounts shall be charged to account 144.

5. SALES EXPENSES

Operation

910 Sales expenses.

This account shall include the cost of labor and expenses incurred for the purpose of promoting the sale of electricity, other than merchandising, jobbing or contract work activities.

ITEMS

1. Advertising.
2. Demonstrating uses of utility service.
3. Home service activities.
4. Solicitation of new business.

914 Revenues from merchandising, jobbing and contract work.

915 Costs and expenses of merchandising, jobbing and contract work.

A. These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

NOTE: Revenues and expenses of merchandising, jobbing, and contract work shall be reported in this account, if a state regulatory body having jurisdiction over the utility requires such income to be reported as an operating expense item; but the revenues and expenses shall be reported in accounts 415 and 416, if such regulatory body requires such income to be reported as nonoperating income. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 415 and 416, at its option, in which case the practice of the utility must be consistent.

ITEMS

Account 914
1. Revenues from sale of merchandising and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 915
Labor:
1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.
2. Demonstrating and selling activities in sales rooms.
3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.
4. Installing wiring, piping, or other property work on jobbing or contract basis.
5. Preparing advertising materials for appliance sales purposes.
6. Receiving and handling customer orders for merchandise or for jobbing services.
7. Cleaning and tidying sales rooms.

8. Maintaining display counters and other equipment used in merchandising.
9. Arranging merchandise in sales rooms and decorating display windows.
10. Reconditioning repossessed appliances.
11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.
12. Supervising merchandise and jobbing operations.

Materials and Expenses:

13. Advertising in newspapers, periodicals, radio, television, etc.
14. Cost of merchandise sold and of materials used in jobbing work.
15. Stores expense on merchandise and jobbing stocks.
16. Fees and expenses of advertising and commercial artists' agencies.
17. Printing booklets, dodgers, and other advertising data.
18. Premiums given as inducement to buy appliances.
19. Light, heat and power.
20. Rent of sales rooms or of equipment.
21. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.
22. Stationery and office supplies and expenses.
23. Taxes directly assignable to merchandise and jobbing operations.
24. Losses from uncollectible merchandise and jobbing accounts.

6. Administrative and General Expenses

Operation

920 Administrative and general salaries.

A. This account shall include the compensation (salaries, bonuses, and other consideration for services, but not including directors' fees) of officers, executives, and other employees of the utility properly chargeable to utility operations and not chargeable directly to a particular operation function.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

921 Office supplies and expenses.

A. This account shall include office supplies and expenses incurred in connection with the general administration of the utility's operations which are assignable to specific administrative or general departments and are not specifically provided for in other accounts. This includes the expenses of the various administrative and general departments, the salaries and wages of which are includible in account 920.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

NOTE: Office expenses which are clearly applicable to any group of operating expenses other than the administrative and general group shall be included in the appropriate account in such group. Further, general expenses which apply to the utility as a whole rather than to a particular administrative function shall be included in account 930, Miscellaneous General Expenses.

ITEMS

1. Automobile service, including charges through clearing account.
2. Bank messenger and service charges.
3. Books, periodicals, bulletins and subscriptions to newspapers, newsletters, tax services, etc.
4. Building service expenses for customer accounts, sales, and administrative and general purposes.
5. Communication service expenses.
6. Cost of individual items of office equipment used by general departments which are of small value or short life.
7. Membership fees and dues in trade, technical, and professional associations paid by a utility for employees. (Company memberships are includible in account 930.)
8. Office supplies and expenses.
9. Payment of court costs, witness fees, and other expenses of legal department.
10. Postage, printing, and stationery.
11. Meals, traveling and incidental expenses.

922 Administrative expenses transferred—Cr.

This account shall be credited with administrative expenses recorded in account 920, and 921 which are transferred to construction costs or to nonutility accounts. (See electric plant instruction 3.)

923 Outside services employed.

A. This account shall include the fees and expenses of professional consultants and others for general services which are not applicable to a particular operating function or to other accounts. It shall include also the pay and expenses of persons engaged for a special or temporary administrative or general purpose in circumstances where the person so engaged is not considered an employee of the utility.

B. This account shall be so maintained as to permit ready summarization according to the nature of service and the person furnishing the same.

ITEMS

1. Fees, pay and expenses of accountants and auditors, actuaries, appraisers, attorneys, engineering consultants, management consultants, negotiators, public relations counsel, tax consultants, etc.
2. Supervision fees and expenses paid under contracts for general management services.

NOTE: Do not include inspection and brokerage fees and commissions chargeable to other accounts or fees and expenses in connection with security issues which are includible in the expenses of issuing securities.

924 Property insurance.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against losses and damages to owned or leased property used in its utility operations.

B. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

C. Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

ITEMS

1. Premiums payable to insurance companies, for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to account 261, Property Insurance Reserve for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.

NOTE A: The cost of insurance or reserve accruals capitalized shall be charged to construction either directly or by transfer to construction work orders from this account.

NOTE B: The cost of insurance or reserve accruals for the following classes of property shall be charged as indicated:

(1) Materials and supplies and stores equipment to stores expenses or to appropriate materials account.
(2) Transportation and garage equipment, to account 933, Transportation Expenses.
(3) Electric plant leased to others, to account 413, Expenses of Electric Plant Leased to Others.
(4) Nonutility property, to the appropriate nonutility income account.
(5) Merchandise and jobbing property, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or account 915, as appropriate.

925 Injuries and damages.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against injuries and damages claims of employees or others, losses of such character not covered by insurance, and expenses incurred in settlement of injuries and damages claims.

B. Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

ITEMS

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to account 262, Injuries and Damages Reserve for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries, or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Note A.)
8. Cost of safety, accident prevention and similar educational activities.

NOTE A: Payments to or in behalf of employees for accident or death benefits, hospital expenses, medical supplies or for salaries while incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, shall be charged to account 926, Employee Pensions and Benefits. (See also Note B of account 926.)

NOTE B: The cost of injuries and damages or reserve accruals capitalized shall be charged to construction directly or by transfer to construction work orders from this account.

NOTE C: Exclude herefrom the time and expenses of employees (except those engaged in injuries and damages activities) spent in attendance at safety and accident prevention educational meetings, if occurring during the regular work period.

NOTE D: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in injuries and damages activities may be included in accounts 920 and 921 as appropriate.

926 Employee pensions and benefits.

A. This account shall include pensions paid to or on behalf of retired employees, or accruals to provide for pensions, or payments for the purchase of annuities for this purpose, when the utility has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes, and payments for employee accident, sickness, hospital, and death benefits, or insurance therefor. Include, also, expenses incurred in medical, education or recreational activities for the benefit of employees.

B. The utility shall maintain a complete record of accruals or payments for pensions and be prepared to furnish full information to the Commission of the plan under which it has created or proposes to create a pension fund and a copy of the declaration of trust or resolution under which the pension plan is established.

C. There shall be credited to this account the portion of pensions and benefits expenses which is applicable to nonutility operations or which is charged to construction unless such amounts are distributed directly to the account involved and are not included herein in the first instance.

ITEMS

1. Payment of pensions under a nonaccrual or nonfunded basis.
2. Accruals for or payments to pension funds or to insurance companies for pension purposes.
3. Group and life insurance premiums (credit dividends received).
4. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
5. Payments for accident, sickness, hospital, and death benefits or insurance.
6. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, or in excess of statutory awards.
7. Expenses in connection with educational and recreational activities for the benefit of employees.

NOTE A: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in employee pension and benefit activities may be included in accounts 920 and 921, as appropriate.

NOTE B: Salaries paid to employees during periods of nonoccupational sickness may be charged to the appropriate labor account rather than to employee benefits.

927 Franchise requirements.

A. This account shall include payments to municipal or other governmental authorities, and the cost of materials, supplies and services furnished such authorities without reimbursement in compliance with franchise, ordinance, or similar requirements: *Provided, however,* That the utility may charge to this account at regular tariff rates, instead of cost, electric service furnished without charge under provisions of franchises.

B. When no direct outlay is involved, concurrent credit for such charges shall be made to account 929, Duplicate Charges—Cr.

C. The account shall be maintained so as to readily reflect the amounts of cash outlays, electric service supplied without charge, and other items furnished without charge.

NOTE A: Franchise taxes shall not be charged to this account but to account 408, Taxes Other Than Income Taxes.

NOTE B: Any amount paid as initial consideration for a franchise running for more than one year shall be charged to account 302, Franchises and Consents.

928 Regulatory commission expenses.

A. This account shall include all expenses (except pay of regular employees only incidentally engaged in such work) properly includible in utility operating expenses, incurred by the utility in connection with formal cases before regulatory commissions, or other regulatory bodies, or cases in which such a body is a party, including payments made to a regulatory commission for fees assessed against the utility for pay and expenses of such commission, its officers, agents, and employees, and also including payments made to the United States for the Administration of the Federal Power Act.

B. Amounts of regulatory commission expenses which by approval or direction of the Commission are to be spread over future periods shall be charged to account 183, Other Deferred Debits and amortized by charges to this account.

C. The utility shall be prepared to show the cost of each formal case.

ITEMS

1. Salaries, fees, retainers, and expenses of counsel, solicitors, attorneys, accountants, engineers, clerks, attendants, witnesses, and others engaged in the prosecution of, or defense against petitions or complaints presented to regulatory bodies, or in the valuation of property owned or used by the utility in connection with such cases.
2. Office supplies, and expenses, payments to public service or other regulatory commissions, stationery and printing, traveling expenses, and other expenses incurred directly in connection with formal cases before regulatory commissions.

NOTE A: Exclude from this account and include in other appropriate operating expense accounts, expenses incurred in the improvement of service, additional inspection, or rendering reports, which are made necessary by the rules and regulations, or orders, of regulatory bodies.

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Discount and Expense, or account 214, Capital Stock Expense.

929 Duplicate charges—Cr.

This account shall include concurrent credits for charges which may be made to operating expenses or to other accounts for the use of electric service from its own supply. Include, also, offsetting credits for any other charges made to operating expenses for which there is no direct money outlay.

930 Miscellaneous general expenses.

This account shall include the cost of labor and expenses incurred in connection with the general management of the utility not provided for elsewhere.

ITEMS

Labor:

1. Miscellaneous labor not elsewhere provided for.

Expenses:

2. Industry association dues for company memberships.
3. Contributions for conventions and meetings of the industry.
4. Experimental and general research work for the industry.
5. Communication service not chargeable to other accounts.
6. Trustee, registrar, and transfer agent fees and expenses.
7. Stockholder meeting expenses.
8. Dividend and other financial notices.
9. Printing and mailing dividend checks.
10. Directors' fees and expenses.
11. Publishing and distributing annual reports to stockholders.
12. Institutional or goodwill advertising.
13. Public notices of financial, operating, and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.

931 Rents.

This account shall include rents properly includible in utility operating expenses for the property of others used, occupied or operated in connection with the customer accounts, sales, and general administrative functions of the utility. (See operating expense instruction 2.)

933 Transportation expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in the operation and maintenance of general transportation equipment of the utility.

B. This account may be used as a clearing account in which event the charges hereto shall be cleared by apportionment to the appropriate operating expense, electric plant, or other accounts on a basis which will distribute the expenses equitably. Credits to this account shall be made in such detail as to permit ready analysis.

ITEMS

1. Supervision.
2. Building service.
3. Care of grounds, including snow removal, cutting grass, etc.
4. Utility services.
5. Depreciation of transportation equipment.
6. Fuel and lubricants for vehicles (including sales and excise taxes thereon).
7. Insurance on garage equipment and transportation equipment, including public liability and property damage.
8. Maintenance of transportation and garage equipment.
9. Compensation of drivers, mechanics, clerks, and other garage employees.
10. Rent of garage buildings and grounds, vehicles or equipment.
11. Replacement of tires, tubes, batteries, etc.
12. Direct taxes, licenses, and permits.
13. Miscellaneous garage supplies, tools, and equipment.

14. Miscellaneous office supplies and expenses, printing, and stationery.

15. Transportation, meals, and incidental expenses.

NOTE A: The pay of employees driving trucks or other transportation equipment incidental to their regular occupation, shall not be included herein but charged directly to the appropriate expense or other account.

NOTE B: Transportation expenses applicable to construction shall not be included in operating expenses.

Maintenance

935 Maintenance of general plant.

A. This account shall include the cost assignable to customer accounts, sales and administrative and general functions of labor, materials used and expenses incurred in the maintenance of property, the book cost of which is includible in account 390, Structures and Improvements, account 391, Office Furniture and Equipment, and other general equipment accounts (not including transportation equipment). (See operating expense instruction 1.)

B. Maintenance expenses on office furniture and equipment used elsewhere than in general, commercial and sales offices shall be charged to the following accounts:

Steam generation	Account 506.
Hydraulic generation	Account 535.
Other generation	Account 543.
Transmission	Account 553.
Distribution	Account 576.
Merchandise and jobbing	Account 416 or 915.
Garages, shops, etc	Appropriate general expense or clearing account.

NOTE: Maintenance of plant included in other general equipment accounts shall be included herein unless charged to clearing accounts or to the particular functional maintenance expense account indicated by the use of the equipment.

[F.R. Doc. 60-7352; Filed, Aug. 9, 1960; 8:45 a.m.]

[18 CFR Part 104]

[Docket No. R-185]

REVISION OF UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES SUBJECT TO PROVISIONS OF FEDERAL POWER ACT

Notice of Proposed Rulemaking

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to amend, effective January 1, 1961, Part 104—Application of Uniform System of Accounts to Class C and Class D Public Utilities and Licensees, of Subchapter C—Accounts, Federal Power Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations (CFR), to prescribe a revised Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class D), as set forth below.

3. Part 104, §§ 104.1–104.11, of said Title and Code correspond to, and appear at, pages 195–219 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, effective January 1, 1937 (effective January 1, 1938 as to Class C and Class D Public Utilities and Licensees), Revised to September 1, 1957, as amended by Orders Nos. 204 and 216 issued respectively May 29, 1958 (23 F.R. 4160, June 12, 1958) and October 22, 1959 (24 F.R. 8790, October 29, 1959).[1] The aforesaid Uniform System of Accounts was prescribed by Order No. 43 of December 31, 1936, effective January 1, 1938, and was contained in the codification and reissuance of the Commission's general rules promulgated by Commission Order No. 141, December 11, 1947, effective January 1, 1948 (12 F.R. 8461). The proposed revised System of Accounts does not follow the numbering system required for the Code of Federal Regulations but follows the numbering system (accounts, instructions, definitions, etc.) used in the Commission's pamphlet edition referred to above.

4. Important developments in the electric power industry since the adoption in 1936 of the Uniform System of Accounts effective January 1, 1938 and the experience of the Commission over the past 24 years indicate the need for the System of Accounts herein proposed.

5. Heretofore, the Commission has not had a separately issued Uniform System of Accounts for Class D Public Utilities and Licensees, as such. The accounting requirements presently effective for small utilities (Class C and Class D), consist of an abridgment of the accounts for large public utilities and licensees by means of account charts appearing as Appendix III of the pamphlet version of the Uniform System of Accounts. In these account charts, the condensed accounts applicable to the small utilities are indicated by bracketing related account titles applicable to Class A and Class B utilities. The result is that small utilities have had to work with an inordinate amount of textual materials designed for larger utilities. The objective of the proposed System of Accounts is to provide these small utilities with a simplified System of Accounts appropriate for the magnitude of their operations.

6. The proposed System of Accounts set forth below reflects the basic principles found in this Commission's recently issued revised Uniform System of Accounts for Class A and Class B Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, Docket No. R-173. The proposed System of Accounts introduces the following important improvements in this Commission's small utility accounting requirements:

a. New size classifications for electric utilities;

b. Certain necessary new accounts;

c. New arrangement of balance sheet and certain other accounts to make them more informative;

d. A reduced number of expense account classifications, mainly but not entirely by the discontinuance of segregations of numerous functional accounts as to labor and other expenses;

e. Expanded items lists of account texts and clearer description of such items according to their functional nature, to facilitate use and consistency of respective account classifications; and

f. Restatements of the accounting aspects of certain accounting interpretations issued in the past.

7. The System of Accounts herein proposed conforms basically to that for which a resolution was adopted at the convention of the National Association of Railroad and Utility Commissioners (NARUC) held in Phoenix, Arizona, on November 17, 1958, with a few modifications.

8. The System of Accounts proposed for adoption herein deviates from the NARUC system of accounts only to the extent necessary to make it more suitable to this Commission's accounting responsibilities but such deviations do not conflict with the basic principles of the NARUC system. The NARUC System of Accounts gives consideration to the fact that the State commissions, in addition to jurisdiction over electric utility operations, ordinarily have jurisdiction over gas and water utility operations of joint utilities. Consequently, the balance sheet classifications for plant and accumulated provisions for depreciation and amortization (reserves) are identified in the NARUC system as "utility" accounts. In the FPC System of Accounts these balance sheet accounts and related instructions are directed to "electric" operations and summary accounts provided for the plant and "reserves" of other utility departments. Likewise, in the FPC version utility operating income accounts are identified with the electric department and a special summary account provided for the operating income of other, non-electric, utility departments. Similar differences exist between present FPC and NARUC Systems of Accounts. The Commission's present report form, however, is coordinated for joint use by this and the State commissions and necessary summary information of other utility department operations is therein disclosed. It is expected that this reporting arrangement will continue.

The proposed FPC System of Accounts adheres to the NARUC System of Accounts, except as explained above and except for a few instances of notations in account texts and instructions which are of special significance to the FPC. These exceptions which do not disturb the basic conformity with the NARUC System of Accounts, are as follows:

a. Definition 5, which defines cost for the purpose of the Uniform System of Accounts, includes a clarifying phrase to assure caution in the manner of application of Definition 5 to merger and pooling of interest transactions.

b. General Instruction 6 is an instruction relating to separate records required for licensed project plant, depreciation and maintenance expenses for licensed projects. This instruction is solely applicable to the FPC System of Accounts.

c. Account 264, Amortization Reserve—Federal, is not shown in the NARUC system, this account specifies that entries to the account may be made only as authorized or required by the Commission. Since this account relates only to amortization reserves of licensed projects, this account was properly not included in the NARUC System of Accounts.

d. Account 271, Contributions in Aid of Construction, of the FPC System of Accounts provides for segregation of contributions related to licensed projects, a requirement not necessary for the purposes of the NARUC System of Accounts.

e. Instructions are included for Accumulated Deferred Income Taxes in the FPC's proposed System of Accounts whereas no comparable instructions are provided by the NARUC System of Accounts.

f. Account 403, Depreciation Expense of the FPC System of Accounts has been revised because the FPC instruction is addressed to electric utilities, whereas the NARUC system specified that the account be subdivided by utility departments.

9. The Commission recognizes that some burden and expense will have to be borne by the companies affected in connection with the transition from the present accounting requirements to the revised System of Accounts.

This problem was, however, kept in mind by the NARUC Committee on Statistics and Accounts which worked on the revision as well as by the staff of this Commission which participated in the work of that Committee. The Commission is of the opinion that the physical burden and monetary cost of the change-over is of minor importance when viewed in relation to the future benefits of the revised System of Accounts.

10. The appended proposed Uniform System of Accounts Prescribed for Pub-

[1] Insofar as the above sections are by their terms applicable to State and municipal licensees, that requirement was dispensed with by the Act of August 15, 1953, 67 Stat. 587.

lic Utilities and Licensees Subject to the Provisions of the Federal Power Act, (Class D) is proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly Sections 301, 304 and 309 thereof (49 Stat. 854, 855, and 858; 16 U.S.C. 825, 825c, and 825h).

11. Any interested person may submit to the Federal Power Commission not later than September 12, 1960, data, views, and comments in writing concerning the proposed revised System of Accounts. An original and nine copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed System of Accounts.

MICHAEL J. FARRELL,
Acting Secretary.

AUGUST 3, 1960.

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS D PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT

Definitions

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

3. "Book cost" means the amount at which property is recorded in these accounts without deduction of related provisions for accrued depreciation, amortization or for other purposes.

4. "Commission" means the Federal Power Commission.

5. "Cost" means the amount of money actually paid for property or services. When the consideration given is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of common stock in a merger or a pooling of interest, the value of such consideration shall be determined on a cash basis.

6. "Cost of removal" means the cost of demolishing, dismantling, tearing down or otherwise removing electric plant, including the cost of transportation and handling incidental thereto.

7. "Depreciation," as applied to depreciable electric plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of electric plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities.

8. "Investment advances" means advances, represented by notes or by book accounts only, with respect to which it is mutually agreed or intended between the creditor and debtor that they shall be settled by the issuance of securities or shall not be subject to current settlement.

9. "Licensee" means any person, or State, licensed under the provisions of the Federal Power Act and subject to the Commission's accounting requirements under the terms of the license.

10. "Minor items of property" means the associated parts or items of which retirement units are composed.

11. "Net salvage value" means the salvage value of property retired less the cost of removal.

12. "Original cost," as applied to electric plant, means the cost of such property to the person first devoting it to public service.

13. "Nonproject property" means the electric plant of a licensee which is not a part of the project property subject to a license issued by the Commission.

14. "Project" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

15. "Project property" means the property described in and subject to a license issued by the Commission.

16. "Property retired," as applied to electric plant, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been withdrawn from service.

17. "Public utility" means any person who owns or operates facilities subject to the jurisdiction of the Commission under the Federal Power Act. (See section 201(e) of said act.)

18. "Replacing" or "replacement," when not otherwise indicated in the context, means the construction or installation of electric plant in place of property retired, together with the removal of the property retired.

19. "Retirement units" means those items of electric plant which, when retired, with or without replacement, are accounted for by crediting the book cost thereof to the electric plant account in which included.

20. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recoverable is chargeable to materials and supplies, or other appropriate account.

21. "Service life" means the time between the date electric plant is includible in electric plant in service, or electric plant leased to others, and the date of its retirement. If depreciation is accounted for on a production basis rather than on a time basis, then service life should be measured in terms of the appropriate unit of production.

22. "Service value" means the difference between original cost and net salvage value of electric plant.

23. "State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

24. "Utility," as used herein and when not otherwise indicated in the context, means any public utility or licensee to which this system of accounts is applicable.

General Instructions

1. *Classification of Utilities.*

A. For the purpose of applying systems of accounts prescribed by the Commission, electric utilities and licensees are divided into four classes as follows:

Class A. Utilities having annual electric operating revenues of $2,500,000 or more.

Class B. Utilities having annual electric operating revenues of $1,000,000 or more but less than $2,500,000.

Class C. Utilities having annual electric operating revenues of $150,000 or more but less than $1,000,000.

Class D. Utilities having annual electric operating revenues of $25,000 or more but less than $150,000.

B. This system of accounts applies to Class D utilities. Those applicable to Classes A and B and to Class C utilities are issued separately.

C. The class to which any utility belongs shall originally be determined by the average of its annual electric operating revenues for the last three consecutive years. Subsequent changes in classification shall be made when the annual electric operating revenues for each of the three immediately preceding years shall exceed the upper limit, or be less than the lower limit, of the annual electric operating revenues of the classification previously applicable to the utility.

D. Any utility may, at its option, adopt the system of accounts prescribed by the Commission for any larger class of utilities.

2. *Records.*

A. Each utility shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit a ready identification, analysis, and verification of all facts relevant thereto.

B. In addition to prescribed accounts, clearing accounts, temporary or experimental accounts, and subdivisions of any account, may be kept provided the integrity of the prescribed accounts is not impaired.

C. Each utility shall keep its books on either a monthly or quarterly basis. Each utility shall close its books at the end of each calendar year unless otherwise authorized by the Commission.

3. *Item Lists.*

Lists of "items" appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The lists are intended to be representative, but not exhaustive. The appearance of an item in a list warrants the inclusion of the item in the account mentioned only when the text of the account also indicates inclusion inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts. In cases of doubtful interpretation, the matter shall be submitted to the Commission for decision.

4. *Distribution of Pay and Expenses of Employees.*

The charges to electric plant, operating expenses and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, such as construction, maintenance, and operations, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period.

5. *Functions and Accounts not Included.*

If the utility contemplates or is following accounting for deferred taxes on income (and is permitted by the Commission to practice such accounting) it shall use the accounts for deferred taxes on income prescribed for Classes A and B or Class C electric utilities and licensees and comply with the related instructions and account texts of such Class A and B or Class C Uniform System of Accounts as though such accounts and instructions were a part of this system of accounts.

6. *Separate Accounts or Records for Each Licensed Project.*

The accounts or records of each licensee shall be so kept as to show for each project under license:

(a) the actual legitimate original cost of the project, including the original cost (or fair value as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof, credits for property retired from service, and credits for related contributions in aid of construction, as determined under the Commission's regulations;

(b) the charges for operation and maintenance of the project property directly assignable to the project;

(c) the credits and debits to the depreciation reserve account, and the balance in such account;

(d) the credits and debits to operating revenue, income, and surplus accounts that can be identified with and directly assigned to the project.

NOTE: The purpose of this instruction is to insure that accounts or records are currently maintained by each licensee from which reports may be made to the Commission for use in determining the net investment in each licensed project. The instruction covers only the debit and credit items appearing in the licensee's accounts which may be identified with and assigned directly to any licensed project. In the determination of the net investment as defined in section 3 of the Federal Power Act, allocations of items affecting the net investment may be required where direct assignment is not practicable.

Electric Plant Instructions

1. *Electric Plant To Be Recorded at Cost.*

A. All amounts included in the accounts for electric plant acquired as an operating unit or system, except as otherwise provided in the texts of the intangible plant accounts, shall be stated at the cost incurred by the person who first devoted the property to utility service. All other electric plant shall be included in the accounts at the cost incurred by the utility. Where the term "cost" is used in the detailed plant accounts, it shall have the meaning stated in this paragraph.

B. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis (see, however, Definition 5). In the entry recording such transaction, the actual consideration shall be described with sufficient particularity to identify it. The utility shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than cash.

C. When property is purchased under a plan involving deferred payments, no charge shall be made to the electric plant accounts for interest, insurance or other expenditures occasioned solely by such form of payment.

D. Electric plant contributed to the utility or constructed by it from contributions to it of cash or its equivalent shall be charged to the electric plant accounts at cost of construction estimated if not known. There shall be credited to the accounts for accumulated depreciation and amortization the estimated amount of depreciation and amortization applicable to the property at the time of its contribution to the utility. The difference between the amounts included in the electric plant accounts and the accumulated depreciation and amortization shall be credited to account 271, Contributions in Aid of Construction.

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, interest during construction and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs.

3. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, water and water power rights, diversion rights, submersion rights, rights of way, and other like interest in land.

B. Where special assessments for public improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of public improvements is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

C. The cost of buildings and other improvements (other than public improvements) shall not be included in the land accounts. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to utility operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

D. When the purchase of land for utility operations requires the purchase of more land than needed for such purposes, the charge to the specific land account shall be based upon the cost of the land purchased, less the fair market value of that portion of the land which is not to be used in utility operations. The portion of the cost measured by the fair market value of the land not to be used shall be included in account 394, Property Held for Future Use, or account 121, Nonutility Property, as appropriate.

4. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land.

B. The cost of specially provided foundations not intended to outlast the machinery or apparatus for which provided, and the cost of angle irons, castings, etc., installed at the base of any item of equipment, shall be charged to the same account as the cost of the machinery, apparatus or equipment.

C. Where furnaces and boilers are used primarily for furnishing steam for some particular department and only incidentally for furnishing steam for heating a building and operating the equipment therein, the entire cost of such furnaces and boilers shall be charged to the appropriate plant account, and no part to the building account.

D. Where the structure of a dam forms also the foundation of the power plant building, such foundation shall be considered a part of the dam.

5. *Equipment.*

A. The cost of equipment chargeable to the electric plant accounts, unless otherwise indicated in the text of an

equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate.

B. Exclude from equipment accounts hand and other portable tools, which are likely to be lost or stolen or which have relatively small value or short life, unless the correctness of the accounting therefor as utility plant is verified by current inventories. Special tools acquired and included in the purchase price of equipment shall be included in the appropriate plant account. Portable drills and similar tool equipment when used in connection with the operation and maintenance of a particular plant or department, such as production, transmission, distribution, etc., or in "stores," shall be charged to the plant account appropriate for their use.

C. The equipment accounts shall include angle irons and similar items which are installed at the base of an item of equipment, but piers and foundations which are designed to be as permanent as the buildings which house the equipment, or which are constructed as a part of the building and which cannot be removed without cutting into the walls, ceilings, or floors, or without in some way impairing the building, shall be included in the building accounts.

6. *Electric Plant Retired.*

A. When depreciable electric plant is abandoned, destroyed, withdrawn or otherwise retired from service for any cause, the book cost of the plant shall be deducted from the electric plant accounts and charged to accumulated provision for depreciation. The cost of removing such plant (except customer meters and line transformers) shall be charged to accumulated provision for depreciation and the amount received for any materials recovered and sold, or salvage value if returned to stores, shall be credited to the accumulated provision for depreciation. It is not intended that the above procedure shall be followed in the replacement of minor items of plant, the replacement of which is charged to operating expense accounts.

B. The book cost of land retired shall be credited to the appropriate land account. If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate. If the land is not used in utility service but is retained by the utility, the book cost shall be charged to account 394, Electric Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

C. The book cost of electric plant retired shall be the amount at which such property is included in the electric plant accounts, including all components of construction costs. The book cost shall be determined from the utility's records and, if this cannot be done, it shall be estimated. When it is impracticable to determine the book cost of each unit, due to the relatively large number or small cost thereof, an appropriate average book cost of the units, with due allowance for any difference in size and character, shall be used as the book cost of the units retired.

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

100 Electric plant.
110 Accumulated provision for depreciation and amortization of electric plant.
118 Other utility plant.
119 Accumulated provision for depreciation and amortization of other utility plant.

2. OTHER PROPERTY AND INVESTMENTS

121 Nonutility property.
122 Accumulated provision for depreciation and amortization of nonutility property.
124 Other investments.
125 Special funds.

3. CURRENT AND ACCRUED ASSETS

131 Cash and working funds.
132 Temporary cash investments.
141 Notes receivable.
142 Customer accounts receivable.
143 Other accounts receivable.
144 Accumulated provision for uncollectible accounts—Cr.
150 Materials and supplies.
165 Prepayments.
170 Other current and accrued assets.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.
182 Extraordinary property losses.
183 Other deferred debits.

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

201 Common capital stock.
204 Preferred capital stock.
207 Other paid-in capital.
212 Installments received on capital stock.
213 Discount on capital stock.
214 Capital stock expense.
215 Appropriated earned surplus.
216 Unappropriated earned surplus.
217 Reacquired capital stock.
218 Non-corporate proprietorship.

6. LONG-TERM DEBT

221 Bonds.
223 Advances from associated companies.
224 Other long-term debt.

7. CURRENT AND ACCRUED LIABILITIES

231 Notes payable.
232 Accounts payable.
235 Customer deposits.
236 Taxes accrued.
237 Interest accrued.
238 Other current and accrued liabilities.

8. DEFERRED CREDITS

251 Unamortized premium on debt.
252 Customer advances for construction.
253 Other deferred credits.

9. OPERATING RESERVES

261 Property insurance reserve.
264 Amortization reserve—Federal.
265 Miscellaneous operating reserves.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

Balance Sheet Accounts

1. UTILITY PLANT

100 Electric plant.

A. This account shall include the book amount of electric plant, included in the plant accounts 301 to 397, inclusive, prescribed herein, and having an expectation of life in service of more than one year from date of installation, including such property owned by the utility but held by nominees.

B. The cost of additions to and betterments of property leased from others, which are includible in this account, shall be maintained in subdivisions separate and distinct from those relating to owned property.

110 Accumulated provision for depreciation and amortization of electric plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, to account 404, Amortization Expense, to account 413, Expenses of Electric Plant Leased to Others, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for currently accruing depreciation or amortization of plant.

(2) Amounts charged to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation or amortization.

(3) Amounts of depreciation applicable to electric properties acquired as operating units or systems.

(4) Amounts chargeable to account 182, Extraordinary Property Losses, when authorized by the Commission.

(5) Amounts of depreciation applicable to electric plant donated to the utility.

B. At the time of retirement of electric plant, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance.

C. The credits and debits to this account shall be so kept as to show separately: (1) the amount of accrual for depreciation or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage, and (5) other items, including recoveries from insurance.

D. The utility is restricted in its use of the accumulated provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

118 Other utility plant.

This account shall include the balances in accounts for utility plant, other than electric plant, such as gas, railway, etc.

119 Accumulated provision for depreciation and amortization of other utility plant.

This account shall include the accumulated provision for depreciation and amortization applicable to utility property other than electric plant.

2. OTHER PROPERTY AND INVESTMENTS

121 Nonutility property.

This account shall include the book cost of land, structures, equipment or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in account 394, Electric Plant Held for Future Use.

122 Accumulated provision for depreciation and amortization of nonutility property.

This account shall include the accumulated provision for depreciation and amortization applicable to property other than utility plant.

124 Other investments.

A. This account shall include the book cost of investments in securities issued or assumed by other companies, investment advances to such companies, and any investments not accounted for elsewhere. Include also the offsetting entry to the recording of amortization of discount or premium on interest-bearing investments. (See account 419, Interest and Dividend Income.)

B. The records shall be maintained in such manner as to show the amount of each investment and the investment advances to each person.

125 Special funds.

This account shall include the amount of cash and book cost of investments which have been segregated in special funds for bond retirements, property additions, and replacements, insurance, employees' pensions, savings, relief, hospital, and other purposes not provided for elsewhere. A separate account, with appropriate title, shall be kept for each fund.

NOTE A: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employees' benefits shall not be included in this account.

NOTE B: Licensees under the Federal Power Act which are required to establish an amortization fund under terms of the license shall provide a special subdivision of this account for the purpose of accounting for and identifying the cash, investments or other specific assets associated with account 264, Amortization Reserve—Federal.

3. CURRENT AND ACCRUED ASSETS

131 Cash and working funds.

This account shall include the amount of cash on hand and in banks and cash advanced to officers, agents, employees, and others as petty cash or working funds. Special cash deposits for payment of interest, dividends or other special purposes shall be included in this account in separate subdivisions which shall specify the purpose for which each such special deposit is made.

NOTE: Special deposits for more than one year, which are not offset by current liabilities, shall not be charged to this account but to account 125, Special Funds.

132 Temporary cash investments.

A. This account shall include the book cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

B. This account shall be so maintained as to show separately temporary cash investments in securities of associated companies and of others. Records shall be kept of any pledged investments.

141 Notes receivable.

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable and similar evidences (except interest coupons) of money due on demand or within one year from the date of issue.

NOTE: The face amount of notes receivable, discounted, sold, or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

142 Customer accounts receivable.

A. This account shall include amounts due from customers for utility service, and for merchandising, jobbing and contract work.

B. This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing and contract work.

143 Other accounts receivable.

A. This account shall include amounts due the utility upon open accounts, other than amounts due from customers for utility services and merchandising, jobbing and contract work.

B. This account shall be maintained so as to show separately amounts due on subscriptions to capital stock and from officers and employees, but the account shall not include amounts advanced to officers or others as working funds.

144 Accumulated provision for uncollectible accounts—Cr.

A. This account shall be credited with amounts provided for losses on accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto. Concurrent charges shall be made to account 590, Uncollectible Accounts, for amounts applicable to utility operations, and to corresponding accounts for other operations. Records shall be maintained so as to show the writeoffs of accounts receivable for each utility department.

B. This account shall be subdivided to show the provision applicable to the following classes of accounts receivable:

Utility Customers.
Merchandising, Jobbing and Contract Work.
Officers and Employees.
Other.

NOTE A: Accretions to this account shall not be made in excess of a reasonable provision against losses of the character provided for.

NOTE B: If provisions for uncollectible notes receivable are necessary, separate subaccounts therefor shall be established under account 141, Notes Receivable.

150 Materials and supplies.

A. This account shall include the cost of fuel on hand and unapplied materials and supplies (except line transformers and meters). It shall include also the book cost of materials recovered in connection with construction, maintenance or the retirement of property, such materials being credited to construction, maintenance, or accumulated depreciation provision, respectively, and included herein as follows:

(1) Reusable materials consisting of large individual items shall be included in this account at original cost, estimated if not known. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(2) Reusable materials consisting of relatively small items, the identity of which (from the date of original installation to the final abandonment or sale thereof) cannot be ascertained without undue refinement in accounting, shall be included in this account at current prices new for such items. The cost of repairing such items shall be charged to the appropriate expense account as indicated by previous use.

(3) Scrap and nonusable materials included in this account shall be carried at the estimated net amount realized therefrom. The difference between the amounts realized for scrap and nonusable materials sold and the net amount at which the materials were carried in this account, as far as practicable, shall be adjusted to the accounts credited when the materials were charged to this account.

B. Materials and supplies issued shall be credited hereto and charged to the appropriate construction, operating expense, or other account on the basis of a unit price determined by the use of cumulative-average, first-in-first-out, or such other method of inventory accounting as conforms with accepted accounting standards consistently applied.

C. Inventories of materials, supplies, fuel, etc. shall be taken at least annually and the necessary adjustments shall be made to bring this account into agreement with the actual inventories. In effecting the adjustments, large differences which can be assigned to important classes of materials shall be equitably adjusted among the accounts to which such classes of materials have been charged since the previous inventory. Other differences shall be equitably apportioned among the accounts to which materials have been charged.

ITEMS

1. Invoice price of materials less cash or other discounts.
2. Freight, switching or other transportation charges when practicable to include as part of the cost of particular materials to which they relate.
3. Customers duties and excise taxes.
4. Cost of inspection and special tests prior to acceptance.
5. Insurance and other directly assignable charges.

NOTE A: Where expenses applicable to materials purchased cannot be directly assigned to particular purchases, they may be

charged to a stores expense clearing account and distributed therefrom to the appropriate account.

NOTE B: When materials and supplies are purchased for immediate use, they need not be carried through this account but may be charged directly to the appropriate utility plant or expense account.

165 Prepayments.

A. This account shall include the amount of rents, taxes, insurance, interest and like disbursements made in advance of the period to which they apply. As the periods covered by such prepayments expire, credit this account and charge the proper operating expense or other account with the amount applicable to the period.

B. This account shall be kept or supported in such manner as to disclose the amount of each class of prepayments.

170 Other current and accrued assets.

This account shall include the book cost of all other current and accrued assets, appropriately designated and supported so as to show the nature of each asset included herein.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.

A. This account shall include the total of the unamortized balance of discount and expense for all classes of long-term debt.

B. The discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be charged to account 428, Amortization of Debt Discount and Expense. The utility may, however, accelerate the writing off of discount and expense where the amounts are insignificant.

182 Extraordinary property losses.

A. When authorized or directed by the Commission, this account shall include extraordinary losses on property abandoned or otherwise retired from service which are not provided for by the accumulated provisions for depreciation or amortization and which could not reasonably have been foreseen and provided for, and extraordinary losses, such as unforeseen damages to property, which could not reasonably have been anticipated and which are not covered by insurance or other provisions.

B. The entire cost, less net salvage, of depreciable property retired shall be charged to accumulated provision for depreciation. If all, or a portion, of the loss is to be included in this account, the accumulated provision for depreciation shall then be credited and this account charged with the amount properly chargeable hereto.

C. Application to the Commission for permission to use this account shall be accompanied by a statement giving a complete explanation with respect to the items which it is proposed to include herein, the period over which, and the accounts to which it is proposed to write off the charges, and other pertinent information.

183 Other deferred debits.

A. This account shall include the following classes of items:

(1) Expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of projects under contemplation. If construction results, this account shall be credited with the amount applicable thereto and the appropriate plant accounts shall be charged with an amount which does not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to plan. If the work is abandoned, the charge shall be to account 435, Miscellaneous Debits to Surplus, or to the appropriate operating expense account.

(2) Undistributed balances in clearing accounts at the date of the balance sheet. Balances in clearing accounts shall be substantially cleared not later than the end of the calendar year unless items held therein related to a future period.

(3) Balances representing expenditures for work in progress other than on utility plant. This includes jobbing and contract work in progress.

(4) Other debit balances, the proper final disposition of which is uncertain, and unusual or extraordinary expenses, not included in other accounts, which are in process of being written off.

B. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each deferred debit included herein.

5. PROPRIETARY CAPITAL

201 Common capital stock.

204 Preferred capital stock.

A. These accounts shall include the par value or the stated value of stock without par value if such stock has a stated value, and, if not, the cash value of the consideration received for such nonpar stock, of each class of capital stock actually issued, including the par or stated value of such capital stock in account 217, Reacquired Capital Stock.

B. When the actual cash value of the consideration received is more or less than the par or stated value of any stock having a par or stated value, the difference shall be credited or debited, as the case may be, to the premium or discount account for the particular class and series.

C. When capital stock is retired, these accounts shall be charged with the amount at which such stock is carried herein.

D. A separate ledger account, with a descriptive title, shall be maintained for each class and series of stock. The supporting records shall show the shares nominally issued, actually issued, and nominally outstanding.

NOTE: When a levy or assessment, except a call for payment on subscriptions, is made against holders of capital stock, the amount collected upon such levy or assessment shall be credited to account 207, Other Paid-In Capital: *Provided, however,* That the credit shall be made to account 213, Discount on Capital Stock, to the extent of any remaining balance of discount on the issue of stock.

207 Other paid-in capital.

This account shall include the balance of all other credits for paid-in capital not includible in the capital stock accounts, and shall be kept so as to show the source of the credits includible herein.

ITEMS

1. Premium received on original issues of capital stock.
2. Donations received from stockholders consisting of capital stock or reduction of debt of the utility, and the cash value of other assets received as a donation.
3. Reduction in par or stated value of capital stock.
4. Gain on resale or cancellation of reacquired capital stock.
5. Miscellaneous paid-in capital.

NOTE: Premium on capital stock shall not be set off against expenses. Further, a premium received on an issue of a certain class or series of stock shall not be set off against expense of another issue of the same class or series.

212 Installments received on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock the amount of installments received on capital stock on a partial or installment payment plan for subscribers who are not bound by legally enforceable subscription contracts.

B. As subscriptions are paid in full and certificates issued, this account shall be charged and the appropriate capital stock account credited with the par or stated value of such stock. Any discount or premium on an original issue shall be included in the appropriate discount or premium account.

213 Discount on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock all discount on the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital: *Provided, however,* That the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 435, Miscellaneous Debits to Surplus.

214 Capital stock expense.

A. This account shall include in a separate subdivision for each class and series of stock all commissions and expenses incurred in connection with the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues. Expenses applicable to capital stock shall not be deducted from premium on capital stock.

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein: *Provided, however,* That the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance carried in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

NOTE: Expenses in connection with the reacquisition or resale of the utility's capital stock shall not be included herein.

215 Appropriated earned surplus.

This account shall include the amount of earned surplus which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

216 Unappropriated earned surplus.

This account shall include the balance, either debit or credit, of unappropriated surplus arising from earnings. It shall not include items includible in any subaccount of account 207, Other Paid-In Capital.

217 Reacquired capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock, the cost of capital stock actually issued by the utility and reacquired by it and not retired or canceled, except, however, stock which is held by trustees in sinking or other funds.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-In-Capital, provided, however, that debits shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

C. When reacquired capital stock is resold by the utility, the difference between the amount received on the resale of the stock, less expenses incurred in the resale, and the cost of the stock included in this account shall be accounted for as outlined in paragraph B.

NOTE: The accounting for reacquired stock shall be as prescribed herein unless otherwise specifically required by statute.

218 Noncorporate proprietorship.

This account shall include the investment in an unincorporated utility by the proprietor thereof, and shall be charged with all withdrawals from the business by its proprietor. At the end of each calendar year the net income for the year, as developed in the income account, shall be transferred to this account. (See optional accounting procedure provided in Note C, hereunder.)

NOTE A: Amounts payable to the proprietor as just and reasonable compensation for services performed shall not be charged to this account but to appropriate operating expense or other accounts.

NOTE B: When the utility is owned by a partnership, a separate account shall be kept to show the net equity of each member therein and the transactions affecting the interest of each such partner.

NOTE C: This account may be restricted to the amount considered by the proprietor to be the permanent investment in the business, subject to change only by additional investment by the proprietor or the withdrawal of portions thereof not representing net income. When this option is taken, the earned surplus accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

6. LONG-TERM DEBT

221 Bonds.

A. Separate accounts shall be maintained hereunder for unmatured bonds of each class and series. Each such account shall be subdivided so as to show: (1) the face value of the actually issued and unmatured bonds, which have not been retired or canceled; also, the face value of such bonds issued by others, the payment of which has been assumed by the utility, (2) the face value of bonds actually issued or assumed by the utility and reacquired by it and not paid, retired, or canceled. The account for reacquired debt shall not include securities which are held by trustees in sinking or other funds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus as appropriate.

223 Advances from associated companies.

A. This account shall include the face value of notes payable to associated companies and the amount of open book accounts representing advances from associated companies. It does not include notes and open accounts representing indebtedness subject to current settlement.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information concerning each note and open account.

224 Other long-term debt.

A. This account shall include, until maturity, all long-term debt not otherwise provided for. This covers such items as receivers' certificates, real estate mortgages executed or assumed, assessments for public improvements, notes and unsecured certificates of indebtedness not owned by associated companies, receipts outstanding for long-term debt, and other obligations maturing more than one year from date of issue or assumption.

B. Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class all details as to date of obligation, date of maturity, interest dates and rates, security for the obligation, etc.

NOTE: Miscellaneous long-term debt reacquired shall be accounted for in accordance with the procedures set forth in account 221, Bonds.

7. CURRENT AND ACCRUED LIABILITIES

231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue.

232 Accounts payable.

This account shall incude all amounts payable by the utility within one year, which are not provided for in other accounts.

235 Customer deposits.

This account shall include all amounts deposited with the utility by customers as security for the payment of bills.

236 Taxes accrued.

A. This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known, the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be shown under account 165, Prepayments.

B. If accruals for taxes are found to be insufficient or excessive, correction therefor shall be made through current tax accruals. However, if such corrections are so large as to seriously distort current expenses, they shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Accruals for taxes shall be based upon the net amount payable after credit for any discounts and shall not include any amounts for interest on tax deficiencies or refunds. Interest received on refunds shall be credited to account 419, Interest and Dividend Income, and interest paid on deficiencies shall be charged to account 431, Other Interest Expense.

D. The records supporting the entries to this account shall be kept so as to show for each class of taxes, the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

237 Interest accrued.

This account shall include the amount of interest accrued but not matured on all liabilities of the utility, not including, however, interest which is added to the principal of the debt on which incurred. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

238 Other current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere appropriately designated and supported so as to show the nature of each liability.

ITEMS

1. Dividends declared but not paid.
2. Matured long-term debt.
3. Matured interest.
4. Taxes collected through payroll deductions or otherwise pending transmittal to the proper taxing authority.

8. DEFERRED CREDITS

251 Unamortized premium on debt.

A. This account shall include the total of the unamortized balance of premium and expense for all classes of long-term debt, including receivers' certificates.

B. The premium and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be credited to account 429, Amortization of Premium on Debt.—Cr.

252 Customer advances for construction.

This account shall include advances by customers for construction which are to be refunded either wholly or in part. When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 271, Contributions in Aid of Construction.

253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received.

9. OPERATING RESERVES

261 Property insurance reserve.

A. This account shall include amounts reserved by the utility for self-insurance against losses through accident, fire, flood, or other hazards to its own property or property leased from others. A schedule of risks covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. Charges shall be made to this account for losses covered by self-insurance. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

264 Amortization reserve—Federal.

A. This account shall be credited with such amounts as are appropriated or set aside by a licensee from earnings for amortization purposes in accordance with the requirements of a license; also the interest derived from the "Amortization Fund—Federal," or income from investments belonging to such fund.

B. This account shall be debited with only such items or amounts as the Commission may require or approve. (See account 125, Amortization Fund—Federal.)

265 Miscellaneous operating reserves.

A. This account shall include all operating reserves maintained by the utility which are not provided for elsewhere.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and amounts of the debits and credits thereto.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Earned Surplus.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

A. This account shall include donations or contributions in cash, services, or property from states, municipalities or other governmental agencies, individuals, and others for construction purposes.

B. The credits to this account shall not be transferred to earned surplus or to any other account without the approval of the Commission.

C. The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers and (d) others, and the amount applicable to each utility department.

D. This account shall be subdivided as follows:

Contributions in Aid of Construction—General.
Contributions in Aid of Construction—Federal.

Contributions in Aid of Construction—General shall include all the donations to the various utility departments except those which are made in respect to a licensed project. Contributions in Aid of Construction—Federal shall be kept only by licensees. There shall be included therein donations from States, municipalities, individuals or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U.S.C. 796(13). This treatment shall not affect the determination of actual legitimate original cost or net investment in accordance with the Act.

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

Electric Plant Accounts

1. INTANGIBLE PLANT

301 Organization.
302 Franchises and consents.
303 Miscellaneous intangible plant.

2. PRODUCTION PLANT

A. STEAM PRODUCTION

310 Land and land rights.
311 Structures and improvements.
312 Steam power equipment.

B. HYDRAULIC PRODUCTION

330 Land and land rights.
331 Structures and improvements.
332 Reservoirs, dams, and waterways.
333 Hydraulic power equipment.

C. OTHER PRODUCTION

340 Land and land rights.
341 Structures and improvements.
342 Other power equipment.

3. TRANSMISSION AND DISTRIBUTION PLANT

350 Land and land rights.
351 Structures and improvements.
352 Station equipment.
353 Overhead lines.
356 Underground lines.
358 Line transformers.
360 Meters.
361 Installations on customers' premises.
362 Leased property on customers' premises.
363 Street lighting and signal systems.

4. GENERAL PLANT

370 Land and land rights.
371 Structures and improvements.
372 Office furniture and equipment.
373 Transportation equipment.
379 Other general equipment.

5. OTHER ELECTRIC PLANT

390 Other tangible property.
391 Electric plant purchased or sold.
392 Electric plant in process of reclassification.
393 Electric plant leased to others.
394 Electric plant held for future use.
395 Construction work in progress—Electric.
396 Electric plant acquisition adjustments.
397 Other electric plant adjustments.

Electric Plant Accounts

1. INTANGIBLE PLANT

301 Organization.

This account shall include the cost of organizing and incorporating the utility and putting it into readiness to do business. This includes the cost of legal services, amounts paid for privileges of incorporation, office expenses, incident to organizing the company and stock and minute books and corporate seal.

NOTE: This account shall not include any discounts upon securities issued or assumed, nor shall it include any costs incident to negotiating loans, selling bonds, or other evidences of debt, or expenses in connection with the authorization, issuance or sale of capital stock.

302 Franchises and consents.

A. This account shall include amounts paid to the federal government, to a state or to a political subdivision thereof in consideration for franchises, consents, water power licenses, or certificates, running in perpetuity or for a specified term of more than one year, together with necessary and reasonable expenses incident to procuring such franchises, consents, water power licenses, or certificates of permission and approval, including expenses of organizing and merging separate corporations, where statutes require, solely for the purpose of acquiring franchises.

B. If a franchise, consent, water power license, or certificate is acquired by assignment, the charge to this account in respect thereof shall not exceed the amount paid therefor by the utility to the assignor, nor shall it exceed the amount paid by the original grantee, plus the expense of acquisition to such grantee. Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 435, Miscellaneous Debits to Surplus.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

D. Records supporting this account shall be maintained so as to show separately the book cost of each franchise or consent.

NOTE: Annual or other periodic payments under franchises shall not be included herein but in the appropriate operating expense account.

303 Miscellaneous intangible plant.

A. This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of utility operations and not specifically chargeable to any other account.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

C. This account shall be maintained in such a manner that the utility can furnish full information with respect to the amounts included herein.

2. PRODUCTION PLANT

A. STEAM PRODUCTION

310 Land and land rights.

This account shall include the cost of land and land rights used in connection with steam-power generation. (See electric plant instruction 3.)

311 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with steam-power generation. (See electric plant instruction 4.)

NOTE: Include steam production roads and railroads in this account.

312 Steam power equipment.

This account shall include the cost installed of equipment in steam production plants used in generating electricity, such as:

(1) Furnaces, boilers, coil and ash-handling equipment, steam and feed water piping, water supply and purification systems, boiler apparatus and accessories.

(2) Steam engines, reciprocating or rotary, and their associated auxiliaries; generators, engine driven and turbine driven.

(3) Accessory and other equipment in steam plants.

NOTE: This account shall not include boilers or steam pipes whose primary purpose is the heating of structures.

B. HYDRAULIC PRODUCTION

330 Land and land rights.

This account shall include the cost of land and land rights used in connection with hydraulic power generation. (See electric plant instruction 3.)

331 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with hydraulic power generation. (See electric plant instruction 4.)

332 Reservoirs, dams and waterways.

This account shall include the cost in place of facilities used for impounding, collecting, storage, diversion, regulation and delivery of water used primarily for generating electricity. This includes reservoirs, dams and waterways with all construction appurtenant thereto, such as spillways, flash boards, gates, canals, tunnels, gate houses, fish ladders, intakes, flumes, penstocks, forbays, tailraces, and all other construction identified therewith.

333 Hydraulic power equipment.

This account shall include the cost installed of equipment in hydraulic power plants used in generating electricity, such as:

(1) Water wheels and hydraulic turbines and generators driven thereby and their accessories.

(2) Accessory and other equipment in hydraulic power plants.

C. OTHER PRODUCTION

340 Land and land rights.

This account shall include the cost of land and land rights used in connection with other power generation. (See electric plant instruction 3.)

341 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with other power generation. (See electric plant instruction 4.)

342 Other power equipment.

This account shall include the cost installed of equipment in internal combustion engine and other power production plants used in generating electricity, such as:

(1) Fuel handling and storage equipment, and gas producers and accessories devoted to the production of gas for use in internal combustion engines driving electric generators.

(2) Diesel engines or other prime movers with their auxiliaries.

(3) Generators and their accessories.

(4) Accessory and other equipment in other power production plants.

3. TRANSMISSION AND DISTRIBUTION PLANT

350 Land and land rights.

This account shall include the cost of land and land rights used in connection with transmission and distribution operations. (See electric plant instruction 3.)

351 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with transmission and distribution operations. (See electric plant instruction 4.)

352 Station equipment.

This account shall include the cost installed of transforming, conversion, and switching equipment, including transformer banks, etc., used for the purpose of changing the characteristics of electricity in connection with its transmission or distribution, and equipment for controlling the electric circuits.

NOTE: The cost of rectifiers, series transformers and other special station equipment devoted exclusively to street lighting or signal system service shall not be included in this account, but in account 363, Street Lighting and Signal Systems.

353 Overhead lines.

A. This account shall include the cost installed of overhead transmission and distribution lines, including:

(1) Poles, towers, and appurtenant fixtures, such as anchors, guys, crossarms, brackets, guards, pins, pole steps, transformer racks, and platforms, pole plates, etc.

(2) Wire and cable, circuit breakers, insulators, clamps, lightning arresters and ground wires, switches and other line devices, except transformers.

(3) Services, i.e., conductors leading from last pole to the connection with customer's service outlet and wiring.

B. The costs chargeable to this account include also such items as permits, municipal inspection, protection of street openings, etc.

NOTE: The cost of plant used solely for street lighting or signal systems shall not be included in this account but in account 363, Street Lighting and Signal Systems.

356 Underground lines.

A. This account shall include the cost installed of underground transmission and distribution lines, including:

(1) Conduit, including foundations, manholes, lighting systems, sewer connections, ventilating equipment, etc.

(2) Wire and cable, circuit breakers, insulators, clamps, lightning arresters, switches, and other line devices, except transformers.

(3) Service, i.e., conductors, leading from distribution box or manhole to the connection with customer's service outlet or wiring.

B. The costs chargeable to this account include also such items as permits, municipal inspection, protection of street openings, etc.

NOTE: The cost of plant used solely for street lighting or signal systems shall not be included in this account but in account 363, Street Lighting and Signal Systems.

358 Line transformers.

A. This account shall include the cost installed of overhead and underground distribution line transformers and pole-type and underground voltage regulators

owned by the utility, for use in transforming electricity to the voltage at which it is to be used by the customer, and the cost of transformers held in reserves. The installation cost includible herein is the first installation only.

B. When a transformer is permanently retired from service, the installed cost thereof shall be credited to this account.

C. The records covering line transformers shall be so kept that the utility can furnish the number of transformers of various types and capacities in service and those in reserve, and the location and the use of each transformer.

ITEMS

1. Installation, labor of (first installation only).
2. Network protectors, installed.
3. Transformers, line and network.
4. Transformer cut-out boxes, installed.
5. Transformer lightning arrester, installed.
6. Voltage regulators.
7. Capacitors.

NOTE A: The cost of removing and resetting line transformers shall not be charged to this account but to account 550, Supervision and Labor.

NOTE B: The cost of line transformers used solely for street lighting or signal systems shall be included in account 363, Street Lighting and Signal Systems.

360 Meters.

A. This account shall include the cost installed of meters or devices and appurtenances thereto, for use in measuring the electricity delivered to its users, and the cost of meters held in reserve. The installation cost includible herein is the first installation only.

B. When a meter is permanently retired from service, the installed cost included herein shall be credited to this account.

C. The records covering meters shall be so kept that the utility can furnish information as to the number of meters of various types and capacities in service and in reserve as well as the location of each meter owned.

ITEMS

1. Meters.
2. Current limiting devices.
3. Demand indicators.
4. Instrument transformers.
5. Meter badges and their attachments, installed.
6. Testing new meters.
7. Installation, labor of (first installation only).
8. Meter boards and boxes, installed.
9. Meter fittings and materials used in installation.
10. Meter switches and cut-outs, installed.
11. Protective devices, installed.

NOTE A: This account shall not include meters for recording output of a generating station, substation meters, etc. It includes only meters for use to record energy delivered to customers.

NOTE B: The cost of removing and resetting meters shall be charged to account 550, Supervision and Labor.

361 Installations on customers' premises.

This account shall include the cost installed of equipment on the customers' side of a meter when the utility incurs such cost and when the utility retains title to and assumes full responsibility for maintenance and replacement of such property. This account shall not include equipment leased to customers. (See account 362, Leased Property on Customers' Premises.)

ITEMS

1. Cable vaults.
2. Commercial lamp equipment.
3. Foundations and setting specially provided for equipment included herein.
4. Frequency changer sets.
5. Motor generator sets.
6. Motors.
7. Switchboard panels, high or low tension.
8. Wire and cable connections to incoming cables.

NOTE: Do not include in this account any costs incurred in connection with merchandising, jobbing or contract work activities.

362 Leased property on customers' premises.

This account shall include the cost of electric motors, transformers, and other equipment on customers' premises (including municipal corporations), leased to customers, but not including property held for sale.

NOTE A: The cost of setting and connecting such appliances or equipment on the premises of customers and the cost of resetting or removal shall not be charged to this account but to operating expense account 550, Supervision and Labor.

NOTE B: Do not include in this account any costs incurred in connection with merchandising, jobbing, or contract work activities.

363 Street lighting and signal systems.

This account shall include the cost installed of equipment used wholly for public street and highway lighting or traffic, fire alarm, police and other signal systems.

ITEMS

1. Armored conductors, buried or submarine, including insulators, insulating materials, splices, trenching, etc.
2. Automatic control equipment.
3. Conductors, overhead or underground, including lead or fabric covered, parkway cables, etc., including splices, insulators, etc.
4. Conduit runs used solely for street lighting or signal systems, not including ducts in a bank, part of which is used or held for use for other purposes.
5. Lamps, arc, incandescent, or other types, including glassware, suspension fixtures, brackets, etc.
6. Municipal inspection.
7. Ornamental lamp posts.
8. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
9. Permits.
10. Poles and towers and appurtenant attachments.
11. Posts and standards.
12. Protection of street openings.
13. Relays or time clocks.
14. Series contactors.
15. Switches.
16. Transformers, pole or underground.
17. Transformers, rectifiers, and other special station equipment devoted exclusively to street lighting and signal systems.

4. GENERAL PLANT

370 Land and land rights.

This account shall include the cost of land and land rights used for utility purposes, the cost of which is not properly includible in other land and land rights accounts. (See electric plant instruction 3.)

371 Structures and improvements.

This account shall include the cost in place of structures and improvements used for utility purposes, the cost of which is not properly includible in other structures and improvements accounts. (See electric plant instruction 4.)

372 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the utility and devoted to utility service, and not permanently attached to buildings, except the cost of such furniture and equipment which the utility elects to assign to other plant accounts on a functional basis.

ITEMS

1. Bookcases and shelves.
2. Desks, chairs, and desk equipment.
3. Drafting-room equipment.
4. Filing, storage, and other cabinets.
5. Floor covering.
6. Library and library equipment.
7. Mechanical office equipment, such as accounting machines, typewriters, etc.
8. Safes.
9. Tables.

373 Transportation equipment.

This account shall include the cost of transportation vehicles used for utility purposes.

ITEMS

1. Airplanes.
2. Automobiles.
3. Bicycles.
4. Electrical vehicles.
5. Motor trucks.
6. Motorcycles.
7. Repair cars or trucks.
8. Tractors and trailers.
9. Other transportation vehicles.

379 Other general equipment.

This account shall include the cost installed of the following equipment:

(1) Equipment used for the receiving, shipping, handling and storage of materials and supplies when not an integral part of the housing structure.

(2) Equipment specially provided for general shops when such equipment is not an integral part of the housing structure.

(3) Laboratory equipment used for general laboratory purposes and not specially provided for or includible in other departmental or functional plant accounts.

(4) Tools, implements, and equipment used in construction or repair work exclusive of equipment includible in other equipment accounts.

(5) Other general equipment, apparatus, etc., used in the utility's electric operations, and which is not includible in any other account.

NOTE: General equipment of the nature indicated above whenever practicable shall be assigned to the electric plant accounts on a functional basis.

5. OTHER ELECTRIC PLANT

390 Other tangible property.

This account shall include the cost of tangible electric plant not provided for elsewhere.

391 Electric plant purchased or sold.

This account shall be charged with the cost of utility plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and shall be credited with the selling price of like property transferred to others pending the distribution to appropriate accounts as the Commission shall approve or direct.

392 Electric plant in process of reclassification.

A. This account shall include temporarily the balance of electric plant as of the effective date of the prior system of accounts, which has not yet been reclassified as of the effective date of this system of accounts. The detail or primary accounts in support of this account employed prior to such date shall be continued pending reclassification into the electric plant accounts herein prescribed (301–390), but shall not be used for additions, betterments, or new construction.

B. No charges other than as provided in paragraph A, above, shall be made to this account, but retirements of such unclassified electric plant shall be credited hereto and to the supporting (old) fixed capital accounts until the reclassification shall have been accomplished.

393 Electric plant leased to others.

A. This account shall include the original cost of electric plant owned by the utility, but leased to others as operating units or systems, where the lessee has exclusive possession.

B. The property included in this account shall be classified according to the detailed accounts (301–390) prescribed for electric plant in service, and this account shall be maintained in such detail as though the property were used by the owner in its utility operations.

394 Electric plant held for future use.

A. This account shall include the original cost of property owned and held for future use in electric service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in electric service, but held for such service in the future under a definite plan, and property previously used by the utility in electric service pending its reuse in the future, under a definite plan, in electric service.

B. The property included in this account shall be classified according to the detailed accounts (301–390) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

395 Construction work in progress—Electric.

This account shall include the total of the balances of work orders for electric plant in process of construction but not ready for service at the date of the balance sheet.

396 Electric plant acquisition adjustments.

A. This account shall include the difference between (a) the cost to the accounting utility of electric plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and (b) the original cost, estimated, if not known, of such property, less the amount or amounts credited by the accounting utility at the time of acquisition to accumulated provision for depreciation and amortization and contributions in aid of construction with respect to such property.

B. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

397 Other electric plant adjustments.

A. This account shall include the difference between the original cost, estimated if not known, and the book cost of electric plant to the extent that such difference is not properly includible in account 396, Electric Plant Acquisition Adjustments.

B. Amounts included in this account shall be classified in such manner as to show the origin of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of electric plant.

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.
Operating expenses:
401 Operation and maintenance expense.
403 Depreciation expense.
404 Amortization expense.
408 Taxes other than income taxes.
409 Income taxes.
Total operating expenses.
Operating income.
412–413 Income from electric plant leased to others.
414 Other utility operating income.
Total operating income.

2. OTHER INCOME

415–416 Income from merchandising, jobbing and contract work.
418 Nonoperating rental income.
419 Interest and dividend income.
421 Miscellaneous nonoperating income.
Total other income.
Total income.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.
426 Other income deductions.
Total income deductions.
Income before interest charges.

4. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt—Cr.
430 Interest on debt to associated companies.
431 Other interest expense.
432 Interest charged to construction—Cr.
Total interest charges.
Net income.

5. EARNED SURPLUS

216 Unappropriated earned surplus (at beginning of period).
433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
Net addition to earned surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
216 Unappropriated earned surplus (at end of period).

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

There shall be shown under this caption the total amount included in the electric operating revenue accounts provided herein and in similar accounts for other utility departments.

401 Operation and maintenance expense.

There shall be shown under this caption the total amount included in the electric operation and maintenance expense accounts provided herein and in similar accounts for other utility departments.

403 Depreciation expense.

This account shall include the amount of depreciation expense for all classes of depreciable electric plant in service except such depreciation expense as is chargeable to clearing accounts or to merchandising, jobbing and contract work activities.

404 Amortization expense.

This account shall include amortization charges applicable to amounts included in the electric plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, and expenditures on leased property where the service life of the improvements is terminable by action of the lease. The charges to this account shall be such as to distribute the book cost of each investment as evenly as may be over the period of its benefit to the utility. Include, also, when authorized by the Commission, amortization of extraordinary property losses. (See account 182, Extraordinary Property Losses.)

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, which are properly chargeable to electric operations, except income taxes.

B. This account shall be charged with the amount of taxes which is applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to this account shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kinds includible in this account shall be assigned directly to the utility department the

operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Taxes applicable to nonutility property or investments, including taxes on net income derived therefrom, shall be charged to the account in which the income from the property or investments is included.

NOTE B: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE C: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE D: Taxes assumed by the utility on property leased from others for use in utility operations shall be charged to the appropriate rent expense or clearing account.

NOTE E: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE F: Social Security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

409 Income taxes.

A. This account shall include the amount of state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to utility operations.

B. The accruals for income taxes shall be apportioned among utility departments and nonutility operations so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or nonutility operation the income from which gave rise to the tax.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Income taxes on income from electric plant leased to others shall be charged to account 413, Expenses of Electric Plant Leased to Others.

NOTE C: Where statutes or regulatory practices require that the profits or losses of merchandising, jobbing and contract work shall not be considered in arriving at rates to be charged for utility service, income taxes on income from merchandising, jobbing and contract work shall be charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

NOTE D: Income taxes on nonutility income shall be charged to the account in which the income is included.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

A. These accounts shall include, respectively, revenues from electric property constituting a distinct operating unit or system leased by the utility to others, and which property is properly includible in account 393, Electric Plant Leased to Others, and the expenses attributable to such property.

B. The detail of expense shall be kept or supported so as to show separately the following:

Operation and Maintenance.
Rents.
Depreciation.
Amortization.
Taxes Other Than Income Taxes.
Income Taxes.

414 Other utility operating income.

A. This account shall include the revenues received and expenses incurred in connection with the operations of utility plant, the book cost of which is included in account 118, Other Utility Plant.

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, taxes, and insurance.

2. OTHER INCOME

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission, and all expenses incurred in such activities.

NOTE: The revenues and expenses of merchandising, jobbing and contract work shall be reported in these accounts if a state regulatory body having jurisdiction over the utility requires the net income therefrom to be reported as other income; but the revenues and expenses shall be reported in accounts 592 and 593 if such regulatory body requires the net income to be reported as an operating income or expense item. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 592 and 593 at its option, in which case the practice of the utility must be consistent.

ITEMS

Account 415:
1. Revenues from sale of merchandise and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 416:
1. Cost of merchandise sold and materials used in jobbing work.
2. Labor and expenses incurred in merchandising and jobbing operations.

418 Nonoperating rental income.

This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property.

419 Interest and dividend income.

A. This account shall include interest revenues on securities, loans, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received are carried as investments or included in sinking- or other special-fund accounts.

B. If any interest or dividends are required to be retained in a special fund and the fund is represented by a reserve, the amount of such accretion to the fund shall concurrently be credited to the appropriate reserve account and charged to account 436, Appropriations of Surplus.

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items properly includible in the income account and not provided for elsewhere.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program. Similar charges made irregularly without a definite program, or which are dependent upon the amount of net income shall be charged to account 435, Miscellaneous Debits to Surplus.

ITEMS

1. Amortization of utility plant acquisition adjustments or of intangibles included in utility plant in service when not authorized to be included in utility operating expenses by the Commission.
2. Amortization of amounts in account 182, Extraordinary Property Losses, when not authorized to be included in utility operating expenses by the Commission.
3. Amortization of capital stock discount or expenses when in accordance with a systematic amortization program.

426 Other income deductions.

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

ITEMS

1. Donations for charitable, social or community welfare purposes.
2. Life insurance of officers and employees where utility is beneficiary (net premiums less increase in cash surrender value of policies).
3. Penalties or fines for violation of statutes pertaining to regulation.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

4. INTEREST CHARGES

427 Interest on long-term debt.

A. This account shall include the amount of interest on outstanding long-term debt issued or assumed by the utility, the liability for which is included in account 221, Bonds, or account 224, Other Long-Term Debt.

B. This account shall be so kept or supported as to show the interest accruals on each class and series of long-term debt.

NOTE: This account shall not include interest on nominally issued or nominally outstanding long-term debt, including securities assumed.

428 Amortization of debt discount and expense.

A. This account shall include the amortization of unamortized debt discount and expense on outstanding long-term debt. Amounts charged to this account shall be credited concurrently to account 181, Unamortized Debt Discount and Expense.

B. This account shall be so kept or supported as to show the debt discount and expense on each class and series of long-term debt.

429 Amortization of premium on debt—Cr.

A. This account shall include the amortization of unamortized net premium on outstanding long-term debt. Amounts credited to this account shall be charged concurrently to account 251, Unamortized Premium on Debt.

B. This account shall be so kept or supported as to show the premium on each class and series of long-term debt.

430 Interest on debt to associated companies.

A. This account shall include the interest accrued on amounts included in account 223, Advances from Associated Companies, and on all other obligations to associated companies.

B. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued.

431 Other interest expense.

This account shall include all interest charges not provided for elsewhere.

ITEMS

1. Interest on notes payable on demand, or maturing one year or less from date and on open accounts, except notes and accounts with associated companies.
2. Interest on customers' deposits.
3. Interest on claims and judgments, tax assessments, and assessments for public improvements past due.
4. Income and other taxes levied upon bondholders of utility and assumed by it.

432 Interest charged to construction—Cr.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

5. EARNED SURPLUS

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

434 Miscellaneous credits to surplus.

This account shall include credits affecting earned surplus not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate nonoperating income account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Delayed credits.
2. Profit on reacquisition and resale or retirement of utility's debt securities.
3. Profit on sale of property or investments.

435 Miscellaneous debits to surplus.

This account shall include amounts chargeable to earned surplus but not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be charged to this account is not significant with respect to net income determination for the year, it may be charged to the appropriate nonoperating income deduction account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Decline in value of investments.
2. Delayed debits.
3. Loss on reacquisition and resale or retirement of utility's debt securities.
4. Provision for past accrued depreciation not provided for.
5. Long-term debt discount and expense written off.
6. Loss on sale of property or investments.
7. Write off of utility plant acquisition adjustments or of intangibles when not done under an orderly systematic program indicating the propriety of inclusion of the annual charges in account 425, Miscellaneous Amortization.
8. Preliminary survey and investigation expenses on abandoned projects.
9. Income taxes, both State and Federal, occasioned by items included in account 434, Miscellaneous Credits to Surplus.
10. Charges from retirement or resale of reacquired capital stock.

436 Appropriations of surplus.

This account shall include appropriations of earned surplus for purposes not provided for elsewhere in this system of accounts.

ITEMS

1. Appropriations of income required under terms of mortgages, orders of courts, contracts or other agreements.
2. Appropriations of income required by action of regulatory authorities.
3. Miscellaneous appropriations of income made at option of utility for specified purposes.

437 Dividends declared—preferred stock.

This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

438 Dividends declared—common stock.

This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding common capital stock issued by the utility.

Operating Revenue Accounts

1. SALES OF ELECTRICITY

440 Residential sales.
442 Commercial and industrial sales.
444 Public street and highway lighting.
447 Sales for resale.
448 Interdepartmental sales.
449 Other sales.

2. OTHER OPERATING REVENUES

450 Forfeited discounts.
456 Other electric revenues.

Operating Revenue Accounts

1. SALES OF ELECTRICITY

440 Residential sales.

A. This account shall include the net billing for electricity supplied for residential or domestic purposes.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received under each rate schedule shall be readily available.

NOTE: When electricity supplied through a single meter is used for both residential and commercial purposes, the total revenue shall be included in this account, or account 442, Commercial and Industrial Sales, according to the rate schedule which is applied. If the same rate schedules apply to residential as to commercial and industrial service, classification shall be made according to principal use.

442 Commercial and industrial sales.

A. This account shall include the net billing for electricity supplied to customers for commercial and industrial purposes.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received under each rate schedule shall be readily available.

NOTE: When electricity supplied through a single meter is used for both commercial and residential purposes, the total revenue shall be included in this account, or in account 440, Residential Sales, according to the rate schedule which is applied. If the same rate schedules apply to residential as to commercial and industrial service, classification shall be made according to the principal use.

444 Public street and highway lighting.

A. This account shall include the net billing for electricity supplied and services rendered for the purposes of lighting streets, highways, parks and other public places, or for traffic or other signal system service, for municipalities or other divisions or agencies of state or federal governments.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received from each customer shall be readily available. In addition, the records shall be maintained so as to show the revenues from (a) contracts which include both electricity and services, and (b) contracts which include sales of electricity only.

447 Sales for resale.

A. This account shall include the net billing for electricity supplied to other electric utilities or to public authorities for resale purposes.

B. Records shall be maintained so as to show the quantity of electricity sold and the revenue received from each customer.

NOTE: Revenues from electricity supplied to other public utilities for use by them and not for distribution, shall be included in account 442, Commercial and Industrial Sales, unless supplied under the same contract as and not readily separable from revenues includible in this account.

448 Interdepartmental sales.

A. This account shall include amounts charged by the electric department at tariff or other specified rates for electricity supplied by it to other utility departments.

B. Records shall be maintained so that the quantity of electricity supplied each other department and the charges therefor shall be readily available.

449 Other sales.

A. This account shall include revenues for electricity supplied which are not provided for elsewhere.

B. Records shall be maintained so as to show the quantity of electricity sold and the revenue received from each customer.

2. OTHER OPERATING REVENUES

450 Forfeited discounts.

This account shall include the amount of discounts forfeited or additional charges imposed because of the failure of customers to pay their electric bills on or before a specified date.

456 Other electric revenues.

This account shall include revenues derived from electric operations not includible in any of the foregoing accounts.

ITEMS

1. Charges for maintenance of appliances, wiring, piping or other installations on customers' premises.
2. Commission on sale or distribution of electricity of others when sold under rates filed by such others.
3. Fees for changing, connecting or disconnecting service.
4. Minor or incidental management or supervision services charged to others.
5. Profit or loss on sale of material and supplies not ordinarily purchased for resale.
6. Rent from utility plant used in electric operations.
7. Interdepartmental rents.
8. Revenues from transmission of electricity for others.
9. Sales of steam, but not including sales made by a steam-heating department or transfers of steam under joint facility operations.
10. Sale of water and water power.

Operation and Maintenance Accounts

1. PRODUCTION EXPENSES

A. STEAM POWER GENERATION

500 Supervision and labor.
501 Fuel.
502 Supplies and expenses.
503 Steam from other sources.
504 Steam transferred—Cr.
506 Repairs of steam production plant.

B. HYDRAULIC POWER GENERATION

520 Supervision and labor.
521 Water for power.
522 Supplies and expenses.
524 Repairs of hydraulic production plant.

C. OTHER POWER GENERATION

530 Supervision and labor.
531 Fuel.
532 Supplies and expenses.
534 Repairs of other power production plant.

D. OTHER POWER SUPPLY EXPENSES

540 Purchased power.
549 Other expenses.

2. TRANSMISSION AND DISTRIBUTION EXPENSES

550 Supervision and labor.
552 Supplies and expenses.
555 Transportation expenses.

3. GENERAL EXPENSES

580 Administrative and general salaries.
581 Office supplies and expenses.
582 Outside services employed.
584 Insurance expense.
586 Employees pensions and benefits.
588 Regulatory commission expenses.
589 Miscellaneous general expenses.
590 Uncollectible accounts.
592 Revenues from merchandising, jobbing, and contract work.
593 Costs and expenses of merchandising, jobbing, and contract work.

Operation and Maintenance Accounts

1. PRODUCTION EXPENSES

A. STEAM POWER GENERATION

500 Supervision and labor.

This account shall include the cost of supervision and labor in the operation and maintenance of steam power generating stations.

ITEMS

1. Attending stokers.
2. Blowing flues.
3. Cleaning boilers.
4. Firing and operating furnaces.
5. Handling coal and ashes.
6. Janitor work.
7. Operating water pumps.
8. Operating machinery, switchboard, etc.
9. Repairing steam power plant.
10. Supervision of steam power operation and maintenance.
11. Testing steam meters.

501 Fuel.

This account shall include the cost delivered at stations of coal, oil, gas or other fuel used in the production of steam which is used in generating electricity. This includes the invoice cost of fuel plus freight, switching, hauling and all handling costs incurred in connection with the delivery of the fuel at the station or storage pile. It shall also include the net cost of, or amount realized from, the disposal of ashes.

502 Supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in the operation of steam power generating stations. It shall also include the cost of supplies used in pumping water for steam.

ITEMS

1. Boiler compounds.
2. Boiler inspection fees.
3. Fireroom tools.
4. Filter cleaning.
5. Log sheets and charts.
6. Lubricants for machinery.
7. Packing.
8. Pumping supplies.
9. Rents.
10. Tools.
11. Water for steam.
12. Water purchased for boilers, condensers and cooling engines.
13. Washers.
14. Wipers.

503 Steam from other sources.

This account shall include the cost of steam purchased or transferred from another department of the utility or from others under a joint facility operating arrangement for use in prime movers devoted to the production of electricity.

504 Steam transferred—Cr.

This account shall include credits for expenses of producing steam which are charged to others or to other utility departments under a joint operating arrangement. Include also credits for steam expenses chargeable to other electric accounts outside of the steam generation group. Full details of the basis of determination of the cost of steam transferred shall be maintained.

506 Repairs of steam production plant.

This account shall include the amount of bills from others for repairs made to steam production plant. It does not include the cost of labor of the utility's own plant operating force.

ITEMS

1. Contract work in plants and in rearranging or relocating plant not retired.
2. Repair parts and materials used in maintenance of steam production plant.

B. HYDRAULIC POWER GENERATION

520 Supervision and labor.

This account shall include the cost of supervision and labor in the operation and maintenance of the hydraulic power generating stations.

ITEMS

1. Attending generators.
2. Cleaning reservoirs and dams.
3. Janitor work.
4. Operating intakes.
5. Operating machinery and switchboards.
6. Patrolling flumes.
7. Repairing hydraulic power plant.
8. Supervision of hydraulic production operations.

521 Water for power.

This account shall include the cost of water used for hydraulic power generation.

ITEMS

1. Cost of water purchased from others, including water tolls paid reservoir companies.
2. Periodic payments for licenses or permits from any governmental agency for water rights, or payments based on the use of the water.
3. Periodic payments for riparian rights.
4. Periodic payments for headwater benefits or for detriments to others.

522 Supplies and expenses.

This account shall include the cost of supplies and expenses incurred in the operation of hydraulic generating stations.

ITEMS

1. Log sheets and charts.
2. Lubricants for machinery.
3. Materials to protect dam and gates.
4. Packing.

5. Rents.
6. Tools (hand).
7. Washers.
8. Wipers.

524 Repairs of hydraulic production plant.

This account shall include the amount of bills from others for repairs made to hydraulic production plant. It does not include the cost of labor of the utility's own plant operating force.

ITEMS

1. Contract work in repairing plant and in rearranging or relocating plant not retired.
2. Repair parts and materials used in maintenance of hydraulic production plant.

C. OTHER POWER GENERATION

530 Supervision and labor.

This account shall include the cost of supervision and labor incurred in the operation and maintenance of other power generating stations.

ITEMS

1. Attending generators.
2. Fueling engines.
3. Janitor work.
4. Operating machinery and switchboards.
5. Protective service.
6. Supervision of internal combustion engine production.

531 Fuel.

This account shall include the cost delivered at the station of all fuel, such as gas, oil, kerosene, and gasoline used in internal combustion engines or other prime movers. This includes the invoice cost of fuel plus freight, switching, hauling and all handling costs incurred in connection with the delivery of the fuel at the station. It shall also include the net cost of, or amount realized from, disposal of residuals.

532 Supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in the operation of internal combustion engine power generating stations.

ITEMS

1. Log sheets and charts.
2. Lubricants.
3. Packing, washers, etc.
4. Rents.
5. Tools (hand).

534 Repairs of other power production plant.

This account shall include the amount of bills from others for repairs made to other power production plant. It does not include the cost of labor of the utility's own plant operating force.

ITEMS

1. Contract work in repairing plant and in rearranging or relocating plant not retired.
2. Repair parts and materials used in maintenance of other power production plants.

D. OTHER POWER SUPPLY EXPENSES

540 Purchased power.

A. This account shall include the cost at the point of delivery to the utility of electricity purchased for resale, including net settlements for exchange of electricity or power.

B. The records shall be so kept as to show, by months, the demands and demand charges and kilowatt-hours and prices thereof under each purchase or interchange agreement.

549 Other expenses.

A. This account shall be charged with any production expenses, including expenses incurred directly in connection with the purchase of electricity, which are not specifically provided for in other production expense accounts. Charges to this account shall be supported so that a description of each type of charge will be readily available.

B. Recoveries from insurance companies, under use and occupancy provisions of policies, of amounts in reimbursements of excessive or added production costs for which the insurance company is liable under the terms of the policy shall be credited to this account.

2. TRANSMISSION AND DISTRIBUTION EXPENSES

550 Supervision and labor.

This account shall include the cost of supervision and labor in connection with the operation and maintenance of transmission and distribution plant. This includes the pay of employees engaged in the care and operation of transformers, conversion equipment, transmission and switching substations, transmission and distribution lines, structures, street lighting equipment and services on customers' premises.

ITEMS

1. Cutting and replacing pavement, pavement base and sidewalks, in connection with repairs.
2. Inspecting and testing lightning arresters.
3. Inspecting, testing, removing and resetting transformers or meters, but not including initial testing chargeable to utility plant.
4. Load dispatching.
5. Maintaining roads, trails and bridges.
6. Operating substations and switching stations.
7. Pulling up slack.
8. Patrolling, testing, etc.
9. Repairing customer installations and services.
10. Repainting towers and structures.
11. Repairing conductors and devices.
12. Repairing and maintaining transmission and distribution structures.
13. Repairing materials for reuse.
14. Rearranging and changing the location of property not retired.
15. Refusing transformer cut-outs.
16. Renewing oil, repainting and rewinding transformers.
17. Replacing minor items of plant.
18. Restoring the condition of property damaged by storm, flood, etc.
19. Straightening poles and crossarms.
20. Tightening guys and racking stubs.
21. Trimming trees, clearing brush, etc.
22. Testing for, locating and clearing trouble.
23. Tools and implements used.
24. Voltage surveys.

552 Supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in the operation and maintenance of transmission and distribution plant.

ITEMS

1. Distilled water for storage batteries.
2. Gloves.
3. Lamps and globes.
4. Lubricants.
5. Maps and records.
6. Material used in repair and maintenance, such as brushes for boosters and compensators, brackets, wire, paint, insulators, etc.
7. Rents of transmission and distribution facilities.
8. Tools.

555 Transportation expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in the operation and maintenance of general transportation equipment of the utility.

B. This account may be used as a clearing account in which event the charges hereto shall be cleared by apportionment to the appropriate operating expense, utility plant, or other accounts on a basis which will distribute the expenses equitably. Credits to this account shall be made in such detail as to permit ready analysis.

ITEMS

1. Depreciation of transportation equipment.
2. Insurance on transportation equipment.
3. License fees for vehicles and drivers.
4. Rents for equipment and garages.
5. Repairs of transportation equipment.
6. Supplies, such as gas, oil, tires, tubes, grease, etc.

NOTE: Transportation expenses applicable to construction shall not be included in operating expenses.

3. GENERAL EXPENSES

580 Administrative and general salaries.

This account shall include the cost of supervision and labor incurred in administrative, customer accounts, and sales activities.

ITEMS

1. Accounting and clerical work on customers accounts and on general records.
2. Meter reading.
3. Solicitation of business.
4. Stenographic work.
5. Supervision and administration.

581 Office supplies and expenses.

This account shall include office supplies and expenses incurred in connection with customer accounts, sales and general administration of the utility's operations.

ITEMS

1. Address plates and supplies.
2. Automobile service, including charges through clearing account.
3. Bank messenger and service charges.
4. Books, periodicals, bulletins and subscriptions to newspapers, newsletters, tax services, etc.
5. Building service expenses for customer accounts, sales, and administrative and general purposes.
6. Commissions or fees to others for collecting revenues.
7. Communication service expenses.
8. Cost of individual items of office equipment used by general departments which are of small value or short life.
9. Meals, traveling and incidental expenses.
10. Membership fees and dues in trade, technical, and professional associations paid

by utility for employees. (Company memberships are includible in account 589).
11. Meter books and binders.
12. Office supplies and expenses.
13. Payment of court costs, witness fees, and other expenses of legal department.
14. Postage, printing and stationery.
15. Rent of office equipment.
16. Repairs of office equipment.

582 Outside services employed.

A. This account shall include the fees and expenses of professional consultants and others for general services which are not applicable to a particular operation function nor to other accounts. It shall include also the pay and expenses of persons engaged for a special or temporary administrative or general purpose in circumstances where the person so engaged is not considered an employee of the utility.

B. This account shall be so maintained as to permit ready summarization according to the nature of service and the person furnishing the same.

ITEMS

1. Fees, pay and expenses of accountants and auditors, actuaries, appraisers, attorneys, engineering consultants, management consultants, negotiators, public relations counsel, tax consultants, etc.
2. Supervision fees and expenses paid under contracts for general management services.

NOTE: Do not include inspection and brokerage fees and commissions chargeable to other accounts or fees and expenses in connection with security issues which are includible in the expenses of issuing securities.

584 Insurance expense.

A. This account shall include the cost of insurance or of reserve accruals (1) to protect the utility against losses and damages to owned or leased property used in its utility operations and (2) to protect the utility against injuries and damages claims of employees or others, losses of such character not covered by insurance, and expenses incurred in settlement of injuries and damages claims.

B. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

C. Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

586 Employee pensions and benefits.

A. This account shall include pensions paid to or on behalf of retired employees, or accruals to provide for pensions, or payments for the purchase of annuities for the purpose, when the utility has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes, and payment for employee accident, sickness, hospital, and death benefits, or insurance therefor. Include, also, expenses incurred in medical, educational or recreational activities for the benefit of employees.

B. The utility shall maintain a complete record of accruals or payments for pensions and be prepared to furnish full information to the Commission of the plan under which it has created or proposes to create a pension fund and a copy of the declaration of trust or resolution under which the pension plan is established.

C. There shall be credited to this account the portion of pensions and benefits expenses which is applicable to nonutility operations or which is charged to construction unless such amounts are distributed directly to the accounts involved and are not included herein in the first instance.

588 Regulatory commission expenses.

A. This account shall include all expenses (except pay of regular employees only incidentally engaged in such work) properly includible in utility operating expenses, incurred by the utility in connection with formal cases before regulatory commissions, or other regulatory bodies, or cases in which such a body is a party, including payments made to a regulatory commission for fees assessed against the utility for pay and expenses of such commission, its officers, agents, and employees, and, also, including payments made to the United States for the administration of the Federal Power Act.

B. Amounts of regulatory commission expense which by approval or direction of the Commission are to be spread over future periods shall be charged to account 183, Other Deferred Debits, and amortized by charges to this account.

C. The utility shall be prepared to show the cost of each formal case.

589 Miscellaneous general expenses.

This account shall include the cost of expenses incurred in connection with the general management of the utility not provided for elsewhere.

ITEMS

1. Industry association dues for company memberships.

ITEMS—Continued

2. Contributions for conventions and meetings of the industry.
3. Experimental and general research work for the industry.
4. Communication service not chargeable to other accounts.
5. Trustee, registrar, and transfer agent fees and expenses.
6. Stockholders meeting expenses.
7. Dividend and other financial notices.
8. Printing and mailing dividend checks.
9. Directors' fees and expenses.
10. Publishing and distributing annual reports to stockholders.
11. Institutional or goodwill advertising.
12. Public notices of financial, operating, and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.
13. Rents for property used in customer accounts, sales or administrative and general functions.

590 Uncollectible accounts.

This account shall be charged with losses from uncollectible accounts or with accruals to provide for anticipated losses from uncollectible utility revenues. Such accruals shall be credited to account 144, Accumulated Provision for Uncollectible Accounts—CR. If the accrual method is used, losses from uncollectible accounts shall be charged to account 144.

592 Revenues from merchandising, jobbing, and contract work.

593 Costs and expenses of merchandising, jobbing, and contract work.

These accounts shall include respectively all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission, and all expenses incurred in such activities.

NOTE A: The revenues and expenses of merchandising, jobbing and contract work shall be reported in this account if a state regulatory body having jurisdiction over the utility requires the net income therefrom to be reported as an operating expense item; but the amounts shall be reported in accounts 415 and 416 if such regulatory body requires such income to be reported as nonoperating income. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 415 and 416, at its option, in which case the practice of the utility must be consistent.

NOTE B: See accounts 415 and 416 for list of items includible herein.

[F.R. Doc. 60-7353; Filed, Aug. 9, 1960; 8:45 a.m.]

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VOLUME 25 NUMBER 156

Washington, Thursday, August 11, 1960

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FEDERAL REGISTER

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (b)(2) of § 6.302 is revoked and paragraph (b)(8) is amended as set out below.

§ 6.302 Department of State.

* * * * *

(b) *Bureau of Security and Consular Affairs*

* * * * *

(8) Two Special Assistants to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-7492; Filed, Aug. 10, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 6]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

ELIGIBILITY REQUIREMENTS, DUTIES, AND SCOPE

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the FEDERAL REGISTER of November 2, 1956 (21 F.R. 8358), May 8, 1957 (22 F.R. 3222), November 1, 1957 (22 F.R. 8802), November 13, 1958 (23 F.R. 8775), December 10, 1958 (23 F.R. 9534), and December 29, 1959 (24 F.R. 10727) are amended as follows:

§ 7.15 [Amendment]

1. In § 7.15, paragraph (j) is deleted and paragraphs (k) and (l) are changed by redesignating such paragraphs as (j) and (k), respectively. This change is effective August 15, 1960.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d, 590h)

§ 7.20 [Amendment]

2. In § 7.20, the words "except in the State of Hawaii" are added in the first sentence between the words "and" and "the" thus making the sentence read as follows: "The county committee, subject to the general direction and supervision of the State committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, the acreage and conservation reserve programs under the Soil Bank Act, and except in the State of Hawaii the sugar program, formulated pursuant to the acts of Congress specified in § 7.3 and any other program assigned to it by the Secretary of Agriculture or the Congress."

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d, 590h)

3. Section 7.41 is amended to read as follows:

§ 7.41 Applicability.

The regulations in this subpart shall apply to the States of the Union.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d, 590h; sec. 8(a), P.L. 86-624; 74 Stat. 412)

Done at Washington, D.C. this 5th day of August 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-7484; Filed, Aug. 10, 1960; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 80—GENERAL RULES OF PROCEDURE ON APPLICATIONS FOR THE DETERMINATION OF REASONABLE ROYALTY FEE, JUST COMPENSATION OR GRANT OF AN AWARD FOR PATENTS, INVENTIONS OR DISCOVERIES

Miscellaneous Amendments

In order to permit the Patent Compensation Board to conduct its proceedings by panel pursuant to section 157a. of the Atomic Energy Act of 1954, as amended, two changes to the rules with respect thereto, 10 CFR Part 80, are promulgated by this notice. New § 80.8 is added to permit the Commission to designate a chairman of the Board and to provide for the designation by such chairman of panels to hear cases, consisting of three members of the Board. The definition of "Board" contained in § 80.2(b) of the regulations has been revised to include a panel of three members of the Board.

Because these amendments deal with matters relating to agency organization and procedure and effectiveness thereof will not adversely affect any person, the Commission has found that good cause exists why such amendments should be made effective 30 days after publication in the FEDERAL REGISTER. However, all interested persons who desire to submit written comments and suggestions with respect to these rules should send them to the United States Atomic Energy Commission, Washington 25, D.C., Attention: General Counsel.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Cong., 2d Sess., Title 10, Code of Federal Regulations, Part 80, is amended as follows, effective 30 days after publication in the FEDERAL REGISTER:

1. Section 80.2(b) is amended to read as follows:

§ 80.2 Definitions.

* * * * *

(b) "Board" means the Patent Compensation Board designated by the Commission pursuant to section 157a. of the Atomic Energy Act of 1954, as amended, or any three or more members thereof sitting as a panel pursuant to § 80.8.

2. Section 80.8 is added to read as follows:

§ 80.8 Chairman; designation of panels; quorum.

(a) The Chairman shall be designated by the Commission. The Chairman may, from time to time, with the concurrence of a majority of the members of the Board, divide the Board into two or more panels, each consisting of not less than three members. A majority of the number of members authorized to constitute the Board or a panel thereof shall constitute a quorum of the Board or panel, as the case may be.

(b) Panels shall sit at the times and places and hear the cases assigned as the Board directs and may make any order or render any decision which the Board would have been empowered to make or render if the matter had not been assigned to the panel. Every such order made or decision rendered by a panel shall be made as the order, or rendered as the decision, of the Board.

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Germantown, Md., this 3d day of August 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60-7453; Filed, Aug. 10, 1960; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Absorption of Exchange Charges

§ 217.117 Absorption of exchange charges.

(a) The Board has had occasion to consider whether certain practices involving the absorption of exchange charges constitute the payment by a Federal Reserve member bank of interest on demand deposits in violation of this Part 217 and section 19 of the Federal Reserve Act.

(b) One question was whether such absorption would constitute the payment of interest on demand deposits when the amounts absorbed by a member bank are claimed to be less than the cost of collecting them from depositors. Another question was whether a member bank would be paying interest on demand deposits if it maintained balances with another bank or banks in return for which such other bank or banks directly or indirectly would absorb for it exchange charges made by the drawee banks.

(c) Upon a careful review of the subject, the Board has concluded that both these practices should be deemed to be the payment of interest on demand deposits in violation of Part 217 and section 19 of the Federal Reserve Act. In other words, the payment of interest includes any direct or indirect payment or absorption of exchange charges by any device whatsoever, regardless of whether such payment or absorption is made directly by a member bank or indirectly through any other bank for a member bank or a depositor of such member bank. This principle will be applied hereafter by examiners for the Federal Reserve Banks in their examinations of State member banks and the Comptroller of the Currency has advised that it will be applied by national bank examiners in their examinations of national banks.

(d) In reaching this conclusion the Board has carefully reexamined earlier interpretations on the subject, and this interpretation supersedes all such earlier interpretations, including those published in the 1944 Federal Reserve Bulletin, p. 339, and 1945 Federal Reserve Bulletin, p. 564.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 4th day of August 1960.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60-7474; Filed, Aug. 10, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-190]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation and Revocation of Reporting Points

The purpose of these amendments to §§ 601.4014, 601.4015, 601.4017, 601.4107, and 601.5001 of the regulations of the Administrator is to revoke designated reporting points that the Federal Aviation Agency has determined are no longer required for air traffic management purposes and designate a new reporting point. Flight progress reports over designated locations, automatically initiated by pilots, will facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus the actions taken herein reflect this changing need on the part of air traffic control.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 601.4014 (24 F.R. 10592; 25 F.R. 2011), "the intersection of the southwest course of the Kansas City, Mo., radio range and the southeast course of the Forbes AFB, Kans., radio range;" is deleted.

2. In the text of § 601.4015 (24 F.R. 10592; 25 F.R. 4160), "the intersection of the northeast course of the Millville, N.J., radio range and the southeast course of the McGuire AFB, N.J., radio range;" is deleted.

3. In the text of § 601.4017 (24 F.R. 10593), "Fairbanks, Alaska, radio range station." is deleted and "Alder, Alaska, RBN; Fairbanks, Alaska, RR." is substituted therefor.

4. In the text of § 601.4107 (24 F.R. 10593; 25 F.R. 1240, 1988), "the intersection of the northeast course of the Hartford, Conn., radio range and the southeast course of the Chicopee Falls, Mass., radio range;" is deleted.

5. In the text of § 601.5001 (24 F.R. 10597), "Whidbey Island, Wash., Navy RR." is deleted.

These amendments shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 5, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7465; Filed, Aug. 10, 1960; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER V—TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS

PART 243—UTE TRIBE, UTAH; DISPOSITION OF INTERESTS IN TRIBAL ASSETS BY MIXED-BLOOD INDIANS

On pages 9785 through 9787 of the FEDERAL REGISTER of December 5, 1959, there was published a notice of intention to add a new part to Subchapter V, Title 25—Indians, Code of Federal Regulations, the purpose of which is to provide policies and procedures governing the disposition of interests in tribal assets by mixed-blood members of the Ute Indian Tribe of Utah acquired pursuant to the Act of August 27, 1954 (68 Stat. 868).

Interested persons were given an opportunity to submit their comments, suggestions, or objections in writing on the proposed amendment within 20 days of the date of publication of the notice in the FEDERAL REGISTER. During the 20-day period comments were received. These were thoroughly considered, but it has been determined that no change should be made.

The amendment to the regulations is hereby adopted and is set forth below. The amendment is effective 30 days from the date of publication in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 5,1960.

Sec.

243.1 Purpose of this part.
243.2 Definitions.
243.3 Disposal of interests prior to termination of Federal supervision.
243.4 Disposal of interests subsequent to termination of Federal supervision.
243.5 Offer.
243.6 Notice of offer.
243.7 Acceptance of offer.
243.8 Certificate of non-acceptance.
243.9 Re-offer.
243.10 Subsequent sale.
243.11 Sales by corporation.
243.12 Sales of stock in the corporations.

AUTHORITY: §§ 243.1 to 243.12 issued under sec. 27 of the Act of August 27, 1954 (68 Stat. 868; 25 U.S.C. 677aa).

§ 243.1 Purpose of this part.

The purpose of this part is to provide policies and procedures governing the disposition of corporate shares and certain real estate of the mixed-blood members of the Ute Indian Tribe of Utah acquired pursuant to the Act of August 27, 1954 (68 Stat. 868).

§ 243.2 Definitions.

As used in this part:

(a) "Full-blood member" means each person whose name appears on the final roll of full-blood members as published in the FEDERAL REGISTER on April 5, 1956 (21 F.R. 66), and such other persons as may be admitted to membership in the tribe after August 27, 1954, in the manner provided in the constitution and by-laws of the tribe.

(b) "Mixed-blood member" means each person whose name appears on the final roll of mixed-blood members as published in the FEDERAL REGISTER on April 5, 1956 (21 F.R. 66).

(c) "Member of the tribe" means all mixed-blood and full-blood members as defined in paragraphs (a) and (b) of this section.

(d) "The corporations" means: (1) Ute Distribution Corporation, a Utah Corporation; (2) Antelope-Sheep Range Company, a Utah Corporation; (3) Rock Creek Cattle Range Company, a Utah Corporation.

(e) "The Act" means the Act of August 27, 1954 (68 Stat. 868–878; 25 U.S.C. 677–677aa).

(f) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah.

(g) "Real Property" means any interest in land set apart to the mixed-blood group and thereafter acquired by mixed-blood members under the terms of the Act, and does not include lands described in section 9 of the Act (25 U.S.C. 677h).

(h) "Termination of Federal supervision" means termination of Federal supervision over the particular real estate involved by the issuance of a patent in fee or other similar title document, and does not mean termination of the wardship relationship between the Indian and the United States on the occasion of the issuance of a so-called "Termination Proclamation" (25 U.S.C. 677v).

§ 243.3 Disposal of interests prior to termination of Federal supervision.

Any mixed-blood member may dispose of his interest in any real property, as herein defined, after having first offered to the members of the tribe an opportunity to meet his sales price or to meet the highest acceptable bona fide offer received by him. The offer shall be made in accordance with the procedures set forth in §§ 243.5 through 243.10 of this Part 243, and, as far as practicable, with the methods of sales set forth in Part 121 of this chapter. Any contract for the sale of such property to be valid must be approved by the Secretary of the Interior or his authorized representative. The requirement of Secretarial approval shall no longer be applicable after termination of Federal supervision, as herein defined.

§ 243.4 Disposal of interests subsequent to termination of Federal supervision.

Subsequent to the termination of Federal supervision over the property of a mixed-blood member, as herein defined, and before August 27, 1964, any mixed-blood member may dispose of his interest in any real property, as herein defined, after having provided members of the tribe with an opportunity to meet his sales price or meet the highest bona fide offer received by him, which opportunity shall be referred to as a "right of first refusal" in members of the tribe. This shall be a covenant running with the land as to all mixed-blood members and shall be set forth in each deed or other instrument of conveyance in the following language:

Prior to August 27, 1964, the grantee hereunder shall not dispose of any interest in the property herein conveyed without first offering it to the members of the full-blood and mixed-blood groups of the Ute Indian Tribe of the Uintah and Ouray Reservation in accordance with regulations now or hereafter prescribed by the Secretary of the Interior pursuant to the Act of August 27, 1954 (68 Stat. 868). This provision shall also apply to any successor in interest of such grantee who is also a member of the mixed-blood group as defined in the act, it being the intention of this provision to effectuate the purpose of section 15 thereof.

§ 243.5 Offer.

Any mixed-blood member of the tribe desiring to dispose of his interest in real property, as herein defined, prior to termination of Federal supervision over such property, must notify the Superintendent of his desire to dispose thereof, and shall state the price and terms upon which the land is offered for sale or which constitute a bona fide offer to purchase.

§ 243.6 Notice of offer.

The Superintendent shall notify in writing the corporations and the tribal business committee of the tribe of any offer of sale, and shall post notices of the offer of sale in a conspicuous place in the Uintah and Ouray Agency Office at Fort Duchesne and in the Post Offices of the towns of Roosevelt, Whiterocks, Randelett, Myton, and Fort Duchesne, Utah, for a period of at least ten days. The notices shall specifically describe the terms upon which such sale is to be made and the final date for acceptance of offer from members of the tribe by submission of an appropriate bid.

§ 243.7 Acceptance of offer.

Upon receipt of an acceptance of the offering from any member of the tribe to purchase such land, the Superintendent shall immediately notify the mixed-blood member making the offer to sell such land and the sale may be completed in accordance with the offer and acceptance. In the event two or more members of the tribe submit an acceptance of the seller's offer, the Superintendent shall call for sealed bids from the parties submitting such acceptances and the sale shall be made to the highest bidder provided the highest bid equals or exceeds the seller's offering price.

§ 243.8 Certificate of non-acceptance.

If no acceptance is made by a member of the tribe to purchase such land, the Superintendent shall notify the mixed-blood member making such offer that no member of the tribe has accepted the offer to sell and the mixed-blood member may then sell such land at any time within six months thereafter to any person at the same or greater price and upon the same terms and conditions upon which it was offered to the members. The Superintendent shall furnish to such purchaser a certificate, properly acknowledged for recording, certifying that a proper offer at a price and on terms specified in the certificate was made to members of the tribe in accordance with law and the regulations of the Secretary.

§ 243.9 Re-offer.

If no sale is made, within a six months' period after the seller has been so notified by the Superintendent, then a new offer must be made to the members of the tribe in the manner set forth in § 243.5.

§ 243.10 Subsequent sale.

If, for any reason, a sale should not be consummated after an acceptance by a member of the tribe, as provided in § 243.7, a new offer to sell shall be made to the members of the tribe in the manner set forth in § 243.5.

§ 243.11 Sales by corporation.

In the event any of the corporations determine to dispose of any of the land acquired under the provisions of the Act, at any time prior to August 27, 1964, such corporation shall first offer the land to the members of the tribe in accordance with procedures set forth in §§ 243.5 through 243.10.

§ 243.12 Sale of stock in the corporations.

In the event any stockholder of the corporation determines to sell or dispose of any stock owned by him in any of the corporations prior to August 27, 1964, he shall first offer it to the members of the tribe in accordance with the provisions set forth in the Articles of Incorporation and in the certificate of stock of such corporation and in the manner provided in §§ 243.5 through 243.10, as far as practicable.

[F.R. Doc. 60-7477; Filed, Aug. 10, 1960; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs.; Amdt. 40]

PART 382—DENIAL OF EXPORT PRIVILEGES

Orders Currently in Effect

Section 382.51 *Supplement 1; Table of denial and probation orders currently in effect*, paragraph (b) *Table of denial and probation orders* is amended by adding the following entries:

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Chow, P. S., Alexandra House, 18 Chater Rd., Hong Kong.	6-29-60	6-29-61 (on probation from 6-30-61 to 6-29-62).[1]	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 6370, 7-7-60.
Commercial Appliance Co., 12 Wellington St., Hong Kong.	6-29-60	Duration	do	Do.
D'Acunto, Frank P., 276 5th Ave., New York, N.Y.	6-30-60	(On probation from 6-30-60 to 12-30-60).[1]	do	25 F.R. 6341, 7-6-60.
Greenbaum, Irving, 276 5th Ave., New York, N.Y.	6-30-60	do[1]	do	Do.
Marano & Co., Inc., A. V., 276 5th Ave., New York, N.Y.	6-30-60	do[1]	do	Do.
Office Appliance Co. (1955) Ltd., Alexandra House, 18 Chater Rd., Hong Kong.	6-29-60	12-29-60 (on probation from 12-30-60 to 6-29-62).[1]	do	25 F.R. 6370, 7-7-60.
Sung, W. W., 12 Wellington St., Hong Kong.	6-29-60	Duration	do	Do.

[1] Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Bureau of Foreign Commerce.

[F.R. Doc. 60-7488; Filed, Aug. 10, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

PART 1030—APPENDIXES TO THE AIR FORCE PROCUREMENT INSTRUCTIONS

§ 1030.2 Appendix B—Manual for control of Government property in possession of contractors.

Part I—Introduction

1. B-102 is revised to read as follows:

B-102 *Applicability of manual.* See § 30.2, Appendix B of this title.

2. In B-102.50, paragraph (c) is revised and paragraphs (d) to (h) are added, as follows:

B-102.50 *Exceptions.* • • •

(c) Government property furnished under base procurement contracts for repair and return to the shipping organization which are administered by the base procurement activity awarding the contract.

(1) Property shipped for repair and return will be controlled as a suspense item within the military property account from which shipped.

(2) In event parts or materials are furnished, they will be expended from the military account at time of shipment. Copies of shipping documents, indicating accountability terminated, will be furnished to the ACO by the shipping activity.

(3) The ACO will establish such controls as he deems expedient, considering the value of the parts and materials furnished, to insure the proper consumption of articles so furnished and the return of residual quantities of Government-furnished parts and materials and any consequential scrap to the shipping organization.

(d) Government property furnished in connection with the procurement of routine renovating and reconditioning services, such as laundry, dry cleaning, and shoe repair will be controlled as a suspense item within the military property account from which shipped, regardless of organizational level at which the procurement was awarded and will be administered.

(e) Government property, the repair of which may be accomplished through petty cash procedures, within the limitations established for petty cash procurement will be controlled as a suspense item within the military account from which shipped.

(f) Government-furnished cylinders which are delivered to a contractor for refilling and return to the shipping organization will be controlled as a suspense item within the military property account from which shipped. When refilling contracts provide for Government-furnished valves and valve parts for the repair of cylinders, they will be expended from the military property account at time of shipment. Copies of shipping documents, indicating accountability for such valves and valve parts terminated, will be forwarded by the shipping activity to the contracting officer administering the contract. The ACO will establish such controls as he deems expedient, considering the value of the expended items, to insure the proper consumption of the valves and valve parts furnished and the return of residual quantities thereof and any consequential scrap to the shipping organization.

(1) Exception to the above policy will be made when the refilling contractor has been authorized to retain a bank, or stock, of Government-owned cylinders, in lieu of refilling and returning the identical cylinders delivered by the shipping organization. In such instances, an industrial property account will be established and the Government-owned cylinders delivered to the contractor, as well as Government-furnished valves and valve parts, will be transferred to and controlled thereunder according to the provisions of the Manual.

(g) Government property furnished to contractors under base procurement contracts for construction, repair, rehabilitation, alteration, and maintenance of structures, ground facilities, or utilities at an AF activity, will be controlled and accounted for as provided in AFR 85-5.

(h) AF property furnished to other Governmental agencies for use in connection with procurements under the Economy Act of 1932, as amended (31 U.S.C. 686) will be transferred to and controlled by the using agency according to their established procedures.

3. B-102.51 is added as follows:

B-102.51 *Deviations.* While the procedures set forth in the Manual and contained in this Appendix B are considered the minimum necessary for effective surveillance over industrial property control systems established and maintained by AF contractors, it is recognized that exigencies of certain situations or circumstances may require property control procedures other than prescribed. When it is considered impractical to apply the provisions of the Manual and this Appendix B, the property administrator may submit a request for authority to deviate, supported by proper justification, to AMC (MCPK).

4. B-103.52 to B-103.54 are revised, and B-103.55 to B-103.57 are deleted.

B-103.52 *Individual item records.* As used in the Manual and this Appendix B, are interpreted as records upon which are recorded one unit of an item per record form, as differentiated from record upon which an accumulation of items having identical nomenclature are recorded on one card or form.

B-103.53 *Property records.* As used in the Manual and this Appendix B, are interpreted to be all-inclusive of records affecting the status of Government property, and are not restricted to stock records or other forms of an inventory record.

B-103.54 *AF representative.* See § 1013.-101-65 of this chapter.

Part II—General Provisions

1. In § 1030.2, B-200 to B-203 are added as follows:

B-200 *Scope of subpart.* See § 30.2, Appendix B of this title.

B-201 *Duties and responsibilities of the contract administrator with respect to the control of Government property.* Matters pertaining to control, custody, use, and consumption of Government property are specifically established as functional duties and responsibilities of the property administrator as the representative of the contract administrator. Thus the duties and responsibilities of the contract administrator in this area are primarily administrative in nature. This relationship necessitates a coordinated position on all decisions and agreements pertaining to the contractor system and methods of controlling Government property.

B-202 *Designation of property administrator.*

(a) *Designated for each Government contract involving Government property.* (1) *Representative of contracting officer.* The property administrator, as representative of the contract administrator, will be designated as set forth below. The ACO will not perform the duties of a property administrator without prior approval of the Contract Management Division (MCPK) Hq AMC.

(2) *Qualifications.* It is the responsibility of the cognizant commanders of AF procurement activities empowered through delegation as appointing authorities to have adequate and qualified individuals appointed as property administrators. In view of the responsibilities accompanying the appointment, individual qualifications should be carefully appraised.

B-203 *Duties and responsibilities of the property administrator.*

(a) The property administrator will be familiar with the functions of other AF personnel which may affect or relate to Government property in order that he may adequately perform his duties.

(b) As representative of the ACO the property administrator is authorized to take all actions relating to property matters which could lawfully be taken by the contracting officer to the extent not specifically prohibited by the terms of the contract and the specific limitations set forth in the appointing document. Actions pursuant to this authority will be coordinated with the ACO. In event of dispute or disagreement between the property administrator and the contractor pertaining to Government property and controls imposed by the Manual, the ACO will direct the contractor to comply with the contract requirements and the provisions of the Manual.

(c) The property administrator will conduct only such examinations necessary to determine the accuracy and completeness of the records. Exhaustive verification will not be performed in connection with records which are considered commercially sound. The property administrator will ascertain the extent to which records, data, and reports of audit activities can be used in determining adequacy and accuracy of the records. Ordinarily it will not be necessary for the property administrator to duplicate any examination(s) made for the staff of the Auditor General.

(d) The property administrator will utilize and rely on the assistance of other AF personnel to ascertain whether the contractor is using Government property for the purpose authorized by the contract, and whether the contractor is exercising the necessary degree of care in the handling of Government property.

(e) The property administrator will perform only those analyses necessary to determine reasonableness of usage. Records of the contractor and of other AF personnel, including but not limited to, plant clearance (property disposal), quality control, and Auditor General personnel will be used at all times to the extent that the property administrator will not prepare or maintain any records which are obtainable from the contractor or other AF personnel. Work papers will be kept to a minimum.

(1) Research and development projects, because of the nature of the work performed thereunder, are not readily adaptable to the utilization of a bill of materials or other normal measures of allowances as in production type contracts. In determining reasonableness of usage or consumption of Government property under such projects, the property administrator will depend largely upon visual and physical observation of the controls exercised in connection with Government property, methods of handling prior to usage, and the general conditions under which used.

(f) The property administrator will initially evaluate the contractor's internal controls, and will conduct tests and examinations necessary to determine whether the contractor's records properly reflect the status of Government property in the contractor's possession and/or custody. Exhaustive verification will not be performed in connection with those records which are considered commercially sound. The property administrator will review and consider the information of the examinations by other Government personnel. If he determines that such information and examinations are adequate to comply with the requirements of the Manual and this Appendix B, he will not duplicate the examinations but will make appropriate reference thereto in his work papers.

(g) See § 30.2, Appendix B of this title.

2. B-204 is revised and B-204.50 is deleted:

B-204 *Duties and responsibilities of the contractor.* See § 30.2, Appendix B of this title.

3. B-205.1 is revised to read as follows:

B-205.1 *Military installations or other contractors' plants.*

(a) Exception to the policy cited in § 1013.102 of this chapter has been authorized by the Director of Procurement and Production, Hq USAF, when it is determined that the shipment of any item of Government property to a contractor, when not specifically provided for in a contract, is in the best interests of the Air Force. Shipments anticipated under such authority are for the purpose of inspection, test, calibration, modification, replacement, and/or repair, at no cost to the Government. Government property may be furnished under this exception only with the prior approval of the Director of Procurement and Production, Hq AMC, or his designated representative, the Chief, Industrial Property Branch (MCPKI). When it is desired, for any reason, to furnish Government property to a contractor where there is no specific contractual provision therefor, the following procedures will be followed:

(1) Each requesting activity (the AF organization having possession, control or jurisdiction of the property) is responsible for determining whether shipment of the property to the contractor will be in the best interests of the Government after consideration of all factors involved.

(2) The requesting activity will first negotiate arrangements with the contractor regarding conditions for shipment, and the control and return of the property. Such arrangements should reflect specific agreement regarding the following: (i) The quantity and description of the property to be shipped (in usual cases when specific quantities cannot be stated at the outset, an agreed upon maximum quantity limitation will be established), (ii) if quantities of property are to be sent to the manufacturer in a series of shipments an agreed upon schedule of such shipments will be established, (iii) the exact nature and extent of work to be performed, (iv) an agreed upon date for the completion of the work and return of the property to the Government, and (v) the controls to be maintained by the contractor as anticipated by the Manual.

(3) The requesting activity, prior to furnishing any property in the absence of contractual authority, will submit a written request to AMC (MCPKI), furnishing complete and detailed data as to the urgency and nature of the desired shipment together with terms and conditions of shipment as set forth in subparagraph (2) of this section.

(4) MCPKI will review each request for shipment of Government property to a contractor without contractual coverage, and after consideration of the justification, will recommend approval or disapproval to the approving authority, or will itself approve or disapprove if authorized to do so according to paragraph (a) of this section. If the request is approved, MCPKI will advise the requesting activity of the authorization and will furnish the data and notations listed below to be included in the shipping instructions and which the shipping activity will enter on the shipping documents:

(i) The industrial property account number to which the shipment is to be made.

(ii) A statement that the property is shipped (for test, modification, etc.) at no cost to the Government under authority (exception control number).

(iii) Instructions to provide for the return shipment of the property upon completion of the work performed under the authorization, including disposition instructions for any residue which may not be in condition for return.

(iv) An indication of the agreed upon completion date of the work for which the property was furnished.

(v) A statement that the property will be controlled by the contractor according to the Manual, Appendix B, or Appendix C, as applicable.

(5) A copy of the authorization will be furnished to the property administrator having cognizance of the contractor to whom the shipment is to be made.

(6) The property administrator designated by the cognizant procurement activity will be responsible for the adequacy of controls that are exercised over the property by the contractor. In this connection, he will establish administrative record of each authorized transaction. The records related to each authorized transaction will be periodically reviewed to verify that the contractor's work is completed in reasonable approximation to the time limits agreed upon and that the property is correctly returned or otherwise properly disposed of.

(7) If question arises as to liability of the contractor for the loss, damage, or destruction of any property while in the possession of a contractor under the authorization issued according to subparagraph (4) of this paragraph, the chief, APD or AFPRO will be advised and requested to assign an ACO to evaluate the circumstances and make determination as to liability, if any, of the contractor.

(b) The power to authorize shipment of UR exhibits to contractors for evaluation and study at no cost to the Government, without benefit of contractual coverage, has been extended to the commanders of AMA's and AF depot (ConUS), with power of redelegation to and through the director of logistics support management and the AMA quality control office. The use of the extended authority will require administrative review by the AMA or depot director of logistics support management, or chief, quality control office, as appropriate, for justification and sufficiency of all requests for release of UR exhibits to a contractor; adherence to the requirements contained herein; and inclusion of record of shipment or other disposition of the exhibits in the materiel improvement project (MIP) file.

(1) Requests to release UR exhibits for shipment will be submitted to the appropriate authority designated in paragraph (b) of this section.

(2) All releases and shipments of UR exhibits under this authority will reference the AMC, MIP number for identification and control. Shipping instructions will provide for transfer of accountability to the appropriate industrial property account.

(3) A copy of each authorization will be forwarded to the APD or AFPRO, marked for the attention of the chief, industrial property division.

(4) Distribution of shipping documents will provide for a copy to be furnished for inclusion in the MIP file maintained by the authorizing activity upon completion of the evaluation and study and return or other disposition of the exhibits one copy of the document evidencing such action will be furnished to the authorizing activity for inclusion in the MIP file.

(5) Control of the exhibit while in the possession and custody of a manufacturer will be according to § 30.2, Appendix B of this title and this Appendix B. See subparagraph (7) of this paragraph for liability in connection with loss, damage, or destruction.

(6) The AF quality control representative of the APD or AFPRO assigned quality control cognizance over the prime equipment manufacturer's facility will be responsible for the following actions upon completion of evaluation and study of the UR exhibit by the contractor:

(i) Determine condition of the exhibit i.e., reparable or irreparable.

(ii) Ascertain whether the contractor is willing to replace or repair the exhibit at no cost to the Government, and if so, authorize such action. (Note, this authority to permit the repair or replacement of UR exhibits is limited to the exhibit only and does not extend to any other property of the Government which may be affected by the product deficiency.)

(iii) Advise the assigned property administrator of the property to be returned, or otherwise disposed of, and condition of same.

(7) Upon receipt of instructions from the quality control representative, the property administrator will advise the contractor as to disposition according to the following:

(i) If the condition is irreparable warranting local disposition, the manufacturer will be advised to accomplish disposition pursuant to locally approved procedure.

(ii) If the condition of the exhibit is serviceable, it will be shipped to the appropriate commodity class depot. Exhibits in reparable condition will be shipped to the applicable repair depot according to designation and instructions contained in T.O. 00-25-11.

(8) Under no circumstances will an exhibit be released without appropriate authorization and identification to the AMC MIP number.

(9) When a manufacturer states willingness to repair, modify, or replace Government-owned items in excess of that furnished as exhibit at no cost to the Government, a written statement of the contractor's willingness will be obtained and forwarded as attachment to the report furnished to the activity establishing the MIP. Subsequent shipment of such property to the manufacturer will be subject to the following:

(i) For items other than GFAE, the activity establishing the MIP will notify the appropriate commodity class, furnishing the contractor's statement of willingness to repair, modify, rework, or replace at no cost to the Government. Upon receiving the notification, the commodity class depot will determine quantity of items to be returned to the manufacturer and secure authorization from the authority cited in subparagraph (10) of this paragraph, prior to shipment or instruction to holding activities to ship.

(ii) In the case of GFAE exhibits originating at a contractor's plant, notification will be made to AMC Aeronautical Systems Center (LMESD). Upon receipt of notification, LMESD will determine quantity of items to be returned to the manufacturer and secure authorization from the authority cited in paragraph (a) of this section, prior to instruction to the holding activity to ship.

(10) The power to authorize shipment of Government-owned property to a manufacturer for repair, modification, rework, or replacement at no cost to the Government, to the extent that such action is the result of evaluation and study of a UR exhibit, is hereby delegated to the commanders of AMA's and depots (ConUS) with power of redelegation to and through the director of procurement and production to the staff office immediately subordinate thereto having responsibility for contract administration. The authority of each approving activity is limited to the prime commodity for which the AMA or depot has jurisdiction. The authorizing office will exercise controls over all shipments authorized.

(c) Government property shipped by a contractor after inspection and acceptance at source may be rejected by the receiving activity and such rejections will be reported by AF Form 672, "Report of Discrepancy," according to Subpart U, Part 13 of this chapter. When it is determined by the ACO that the satisfactory adjustment of the reported discrepancy necessitates the return of the property to the original shipping contractor for repair, rework, modification, or replacement at no cost to the Government, the contractor's written agreement to such a course of adjustment will be obtained. Such return shipments, being subject to the provisions of this general section, will require appropriate approval and in this connection, the authority to grant such approval is delegated to the contracting officer having administration of the contract under which the reported discrepant shipment was made.

4. B–205.2 to B–205.5 are added as follows:

B–205.2 *Direct purchase by the contractor.* See § 30.2, Appendix B of this title.

B–205.3 *Withdrawal from contractor-owned stores.* See § 30.2, Appendix B of this title.

B–205.4 *Contract provisions, terminations, contract changes.* See § 30.2, Appendix B of this title.

B–205.5 *Advance, progress, or partial payments.* See § 30.2, Appendix B of this title.

5. B–206 is revised to read as follows:

B–206 *Segregation or commingling of Government property and contractor's property.*

(a) Where a contractor is engaged in both CPFF and fixed-price Government contracts in one plant, such contractor, for the purposes of this paragraph, is not considered to be engaged solely in Government work.

(b) See § 30.2, Appendix B of this title.

(c) In connection with research and development contracts involving profit or fee, the ACO may permit commingling upon the written approval of Industrial Property Branch (MCPKI), Hq AMC. Approval will be granted on a case by case basis, where it can be demonstrated through the exercise of inventory controls, including the equitable apportionment of inventory losses, that such action is advantageous to the Government.

(d) Any other commingling may be permitted by the ACO upon the written approval of MCPKI, Hq AMC. Approval will be granted on a case by case basis, where it can be demonstrated through the exercise of inventory controls, including the equitable apportionment of inventory losses, that such action is advantageous to the Government.

Part III—Records To Be Maintained

In B–301, paragraph (a) is revised, and the last sentence of paragraph (b) is deleted. The remainder is unchanged.

B–301 *General.*

(a) The authority to grant exceptions to the policy that the contractor's records will be designated and used as the official contract records has been delegated as set forth in § 1013.103 of this chapter. Such exceptions, however, may be authorized, in writing, only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, a specific invitation for bid, or specific request for proposals, and must be covered by inclusion of the Property Records clause in § 1013.552 of this chapter, in the contract.

(1) When Government property is disclosed to be in the custody or control of a contractor but not contractually covered, the contractor will (i) Record such property according to the established property control system, and (ii) furnish the property administrator with all known circumstances and factual data pertaining to its receipt. When the anticipated utilization of the property can be associated with the performance of a particular contract, the property will be recorded in the official property records of that contract. (a) The property administrator, upon receipt of information that Government property is in the custody or control of a contractor without benefit of contractual instrument, or authorization as provided in § 1013.102 of this chapter, will (1) Establish a suspence control file, (2) investigate the circumstances and facts pertaining to the receipt and intended use of the property, and (3) report such information to the ACO for appropriate action. (b) The ACO, in instances cited in subdivision (a) of this subparagraph, will: (1) Initiate action to accomplish the return of the property to the shipping organization or (2) initiate a request for the preparation and execution of contractual instrument authorizing furnishing the property. Upon completion of the action necessary in subdivisions (1) and/or (2) of this subsection (b), the ACO will notify the property administrator, who will assure that the contractor's records properly reflect the transactions, thereby clearing the property from the suspense control file.

Part IV—Miscellaneous Provisions

1. In B–401.1(a)(3), the following sentence is added preceding the last sentence:

B–401.1 *Identification.*

(a) • • •

(3) Accessory or auxiliary equipment associated with a specific basic machine for normal operations and recorded on the official records for that machine, need not be marked with an identification number unless circumstances necessitate such marking to assure that the item of accessory and or auxiliary equipment will be returned to the Government with the basic machine with which they are associated.

2. B–403.3 is revised to read as follows:

B–403.3 *Approval of scrap procedure by the administrative contractual officer.* Where it is recognized that recording scrap data is impracticable, the requirement may be waived by the administrative contracting officer, provided it is determined that other established and approved controls are adequate and more feasible in protecting the interest of the Government. A determination of this nature will be accomplished in writing and placed in the pertinent contract control files.

3. B–403.4 is added as follows:

B–403.4 *Minimum essential requirements of contractor's scrap procedures.* See paragraph B–403.3 with respect to waiver of requirement for recording scrap data where such action is deemed impractical.

4. B–451 is revised to read as follows:

B–451 *Returnable containers.* Returnable containers are those containers title to which remains with the vendor necessitating return to the vendor by the Government within a specified time limit, or title is transferred to the Government under the terms of a contract and such containers may be returned to the vendor within a specified time, with reimbursement to the Government by the vendor.

(a) Returnable containers received at a contractor's facility as a result of procurement initiated by the contractor are the responsibility of the contractor. The ACO, in coordination with the property administrator and the cognizant auditor, will assure that the contractor's approved property control system provides an adequate record of all returnable containers, including a control procedure which will insure expeditious return of the containers to preclude demurrage charges or other unnecessary costs under the supplies contract. The procedure will be that which is normally used and acceptable to the segment of industry involved.

(b) Normally, contracts for AF procurement of products which involve returnable containers are administered by the contracting officer who negotiated or awarded the contract. If the contract provides for direct shipment of the product as Government-furnished property to an AF contractor, the procuring contracting officer will provide the office administering the supplies contract with complete instructions on the disposition of returnable containers, including the distribution of documents and disposition of proceeds arising from refunds or deposits, if any.

5. B–453 is added as follows:

B–453 *Procedure when Government property is to be removed from plants affected by bankruptcy, insolvency, or liquidation.* No special procedures are prescribed for removal of Government property from plants affected by bankruptcy, insolvency, or liquidation. In such cases where property is to be removed, standard procedures will be followed. However, all actions affecting any such removal, including where applicable the preparation and submission of termination inventory schedules, DD Forms 542–545 and AMC Forms 51, will be accomplished on a priority basis. The inventory schedules and forms will be forwarded to AMC (MCPR) or WRAMA (WRU), as appropriate, with a covering letter setting forth the circumstances and need for prompt disposition of the property. Instructions will be furnished expeditiously and where necessary electrical means of communication will be utilized.

(a) Any action having legal implications will be coordinated with the AMA staff judge advocate.

6. Part XX is deleted.

§ 1030.3 Appendix C—Manual for control of Government property in possession of non-profit research and development contractors.

Part I—Introduction

1. C–100 is added as follows:

C–100 *Scope of manual.* This Appendix implements § 30.3, Appendix C of this title, entitled "Manual for Control of Government Property in Possession of Non-Profit Research and Development Contractors," which is hereinafter referred to as the Manual.

2. C–102 is revised as follows:

C–102 *Applicability of manual.* See § 30.3, Appendix C of this title.

3. C–102.50 is added as follows:

C–102.50 *Deviations.* When it is considered impracticable to apply the provisions of the Manual and this Appendix C, the property administrator may submit a request for authority to deviate, supported by proper justification, through channels to AMC (MCPKI).

4. C–103.51 and C–103.52 are deleted.

5. C–103.53 to C–103.56 are redesignated C–103.51 to C–103.54 respectively.

Part II—Government Administrative Provisions

1. C–200 to C–203 are added as follows:

C–200 *Scope of part.* See § 1013.103(a) of this chapter regarding delegations of authority with respect to the control of Government-owned industrial property, etc.

C–201 *Duties and responsibilities of the contract administrator with respect to the control of Government property.* Matters pertaining to control, custody, use, and consumption of Government property are specifically established as functional duties and responsibilities of the property administrator as the representative of the contract administrator. Thus the duties and responsibilities of the contract administrator in this area are primarily administrative in nature. This relationship necessitates a coordinated position on all decisions and agreements pertaining to the contractor system and methods of controlling Government property.

C–202 *Designation of property administrator.*

(a) *Designation for each Government contract involving Government property.* (1) Property administrators serve in the capacity of an authorized representative of the ACO and will be designated according to procedures referred to in subparagraph (3) of this paragraph.

(2) The ACO will not perform the duties of the property administrator without prior approval of the Contract Management Division (MCPK), Hq AMC.

(3) It is the responsibility of the commanders of AF procurement activities empowered through delegation as appointing authorities to appoint adequate and qualified individuals as property administrators.

C–203 *Duties and responsibilities of the property administrator.*

(a) The property administrator will be familiar with the functions of other AF personnel which may affect or relate to Government property in order that he may adequately perform his duties.

(b) As representative of the ACO, the property administrator is authorized to take all actions relating to property matters which could lawfully be taken by the contracting officer, to the extent not specifically prohibited by the terms of the contract and the specific limitations set forth in the appointing document. Actions pursuant to this authority will be coordinated with the ACO. In event of dispute or disagreement between the property administrator and the contractor pertaining to Government property and controls imposed by the Manual, the ACO will direct the contractor to comply with the contract requirements and the provisions of the Manual.

(c) The property administrator will conduct only examinations necessary to determine the accuracy and completeness of records. Exhaustive verification will not be performed in connection with records which are considered commercially sound. The property administrator will ascertain the extent to which records, data, and reports of audit activities can be used in determining adequacy and accuracy of the records. Ordinarily, it will not be necessary for the property administrator to duplicate any examination(s) made for the staff of the Auditor General.

(d) The property administrator will perform only analyses necessary to determine reasonableness of usage. Records of the contractor, and of other AF personnel, including but not limited to, plant clearance (property disposal), quality control, and Auditor General personnel will be used at all times to the extent that the property administrator will not prepare or maintain any records which are obtainable from the contractor or other AF personnel. Work papers will be kept to a minimum.

(1) Research and development projects, because of the nature of the work performed, are not readily adaptable to the use of a bill of materials or other normal measures of allowances used for production type contracts. In determining reasonableness of usage or consumption of Government property under such projects, the property administrator will depend largely upon visual and physical observation of the controls exercised in connection with Government property, methods of handling prior to usage, and the general conditions under which used.

(e) The property administrator will initially evaluate the contractor's internal controls, and will conduct tests and examinations necessary to determine whether the contractor's records properly reflect the status of Government property in the contractor's possession and/or custody. Exhaustive verification will not be performed in connection with records which are considered commercially sound. The property administrator will review and consider the information from any examinations by other Government personnel. If he determines that such information and examination are adequate to comply with the requirements of the Manual and this Appendix C, he will not duplicate the examinations but will make appropriate reference thereto in his work papers.

(f) The findings and determination of an ACO with respect to a contractor's liability for loss, damage, destruction, or unreasonable use/consumption of Government property, are referred to as a "written advice". A letter of advice constitutes a valid credit to the industrial property account when properly supported and appropriately cross-referenced. It is not required to contain a statement of the amount of loss involved wherein it is determined no liability exists on the part of the contractor. If the ACO has determined that the contractor is liable, the written advice will contain: (1) Statement of the amount of liability, (2) statement to the effect that investigation has been made of the facts surrounding the particular case, and (3) the method and details of settlement of the liability selected from the procedures in Subpart F, Part 1058 of this chapter.

(i) The written advice need not restate the items lost, damaged, destroyed, or consumed in excess of requirements, if a copy of such listing is attached and appropriately referenced.

(ii) One copy of the written advice will be furnished to the contractor and one to the property administrator, which will be retained according to C–213.1(18) of the Manual.

(g) For adjustment of discrepancies incident to shipment of Government property, see Subpart U, Part 1013 of this chapter.

(h) and (i) See § 30.3, Appendix C of this title.

2. C–205.1 is revised to read as follows:

C–205.1 *Military installations or other contractors' plants.*

(a) Exception to the policy cited in § 1013.102 of this chapter has been authorized by the Director of Procurement and Production, Hq USAF, when it is determined that the shipment of any item of Government property to a contractor, when not specifically provided for in a contract, is in the best interest of the Air Force. Shipments anticipated under such authority are for the purpose of inspection, test, calibration, modification, replacement, and/or repair at no cost to the Government. Government property may be furnished under this exception only with the prior approval of the Director of Procurement and Production, Hq AMC, or his designated representative, the Chief, Industrial Property Branch (MCPKI). When it is desired, for any reason, to furnish Government property to a contractor where there is no specific contractual provision, the following procedures will be followed:

(1) Each requesting activity (the AF organization having possession or control of the property) will determine that the transaction will be in the best interest of the Government, considering all factors involved, including costs.

(2) The shipping activity (the AF organization responsible for preparing the shipping documents and making the shipment), upon receipt of instructions from the requesting activity to ship Government property to a contractor in the absence of contractual authority, will record on the shipping documents the data and notations as set forth herein.

(3) The property administrator designated by the cognizant procurement activity will be responsible for the adequacy of the con-

trols exercised over the property by the contractor.

(4) A requesting activity, prior to furnishing any Government property in the absence of contractual authority, will submit a written request to MCPKI, Hq AMC, furnishing complete and detailed data on the urgency and nature of the transaction, together with the terms or conditions under which shipment will be accomplished. No request will be submitted unless an agreement has been reached with the contractor on: (i) The exact nature and extent of work to be performed, (ii) date of return of the property to the Government, and (iii) the controls to be maintained by the contractor as anticipated by the Manual. If the request is approved, the shipping activity and the requesting activity will be furnished the data and notations as herein provided, which will be entered on the shipping documents.

(5) MCPKI will review each request for the shipment of Government property to a contractor without contractual coverage and, after consideration of the justification furnished by the requesting authority, will recommend approval or disapproval to the approving authority, or will itself approve or disapprove if authorized to do so according to this paragraph. If the request is approved, MCPKI will inform the requesting activity of the authorization directing the shipment of Government property without contractual coverage. The authorization will contain a control and identification number.

(6) Instructions regarding shipment will require that shipping documents contain the following notations:

(i) Industrial property account control and identification number.

(ii) Shipped for ---------- at
(Test, modification, etc.)
no cost to the Government. Authority:

(Exception control number)

(iii) Instructions for destination of the property upon completion of the work to be performed under the authorization.

(7) The contractor will maintain control of the property involved according to the Manual. Records may be identified as provided in the contractor's approved property control system.

3. In C–207.1, the instruction and paragraph (a) are revised as follows:

C–207.1 *General policy.* See § 30.3, Appendix C of this title.

(a) The authority to grant exceptions to the policy that the contractor's records will be designated and used as the official contract records has been delegated as set forth in § 1013.103(b) of this chapter. Such exceptions, however, may be authorized, in writing, only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, invitation for bid, or request for proposals and must be covered by inclusion in the contract of the Property Records clause in § 1013.552 of this chapter.

4. C–209 is revised as follows and C–209.1 is deleted.

C–209 *Identification.* See § 30.3, Appendix C of this title.

5. C–210 is added as follows:

C–210 *Segregation or commingling of Government property and contractor's property.* See § 30.3, Appendix C of this title.

6. In C–211.1, the following sentence is added thereto:

C–211.1 *Before termination or completion.* • • • If the property administrator and the contractor fail to reach an agreement, the property administrator will report the facts to the ACO for appropriate action.

7. C–212 to C–215 are added as follows:

C–212 *Control of scrap and salvage.* See § 30.3, Appendix C of this title.

C–213 *Records to be maintained by Government personnel.* The property administrator will not be required to duplicate records maintained by other Government personnel, but will rely on such records provided he has determined that such records comply with the provisions of the Manual, and the personnel responsible for maintaining the records have been informed by the property administrator in writing the requirements of the Manual.

C–213.1 *Records of specific contracts where property is involved.*

(a) See § 30.3, Appendix C of this title.

(b)(1) to (b)(11). See § 30.3, Appendix C of this title.

(12) Record of property audits and inspections may be maintained in a consolidated file, by contractor, provided: (i) The consolidated file identifies each contract included therein, and (ii) the records for each contract involved contain a cross-reference to the consolidated file.

(13) Records of property inspections during production and usage analyses may be maintained in a consolidated file, by contractor, provided: (i) The consolidated file identifies each contract included therein, and (ii) The records for each contract involved contain a cross-reference to the consolidated file. Records of examinations of property accounts and controls and analyses of property usage and/or consumption are usually developed in the form of detailed work papers. Although paragraph C–203 requires the holding of such work papers to a minimum, long term procurements can eventually result in a voluminous accumulation of this type of record. In such event the property administrator will develop adequate documentation by transferring the information contained in the work papers to a summary which will recapitulate the data in a form that will clearly indicate the degree and adequacy of property control maintained by the contractor and the extent of surveillance exercised by the property administrator. Thereupon, and subject to the following controls, the detailed work papers may be disposed of:

(a) Work papers will be retained for review by the auditor and will not be disposed of until after receipt of a report of audit for the period of time to which the work papers apply.

(b) In the event of receipt of a report of audit containing a citation of discrepancy or deficiency in property control, any work papers applicable to the cited deficiency will be retained until the condition has been cleared.

(c) The property administrator may retain any work papers which relate to an incident of importance that should be evidenced in the recorded history of the property account.

(d) Work papers which are classified will be disposed of according to §§ 805.1 to 805.17 of this chapter.

(14) Records of deficiencies found in property control and the corrective action taken may be maintained in a consolidated file, by contractor, provided: (i) The consolidated file identifies each contract included therein, and (ii) the records for each contract involved contain a cross-reference to the consolidated file.

(15) See § 30.3, Appendix C of this title.

(16) The written statement from the contractor listing the names of personnel authorized to receipt for Government property will contain the specimen signatures of such individuals. When contractor's normal practice provides for initials only, rather than full signature on receiving documents and the contractor furnishes the property administrator a signature list including authorized personnel's signature and initials, this practice may be accepted by the property administrator provided: (i) The contractor's written procedures recognize the use of initials for signatures as binding and such recognition is made a matter of record, (ii) the procedure is approved by the ACO or property administrator, and (iii) the initials appear on the list of specimen signatures in order that the property administrator has a positive means of identifying the individuals so authorized. This record may be contained in a consolidated file, by contractor, provided: (a) The consolidated file identifies each contract included therein, and (b) the records for each contract involved contain a cross-reference to the consolidated file.

(17) In lieu of maintaining a duplicate file of documents, evidencing receipt of Government-furnished or contractor-acquired property, title to which vests in the Government, the property administrator may rely upon files of such documents maintained by the contractor, provided such files are readily available to the property administrator and have been determined by him to be adequate to comply with the requirements of the Manual.

(18) The property administrator will maintain for each contract a file containing copies of the determinations made under the circumstances set forth in paragraph 303(e) of the Manual, whereby, the contract administrator has rendered a determination regarding the liability of the contractor. The property administrator will not be required to maintain duplicate copies of any instrument or instruments that the contract administrator may issue under the provisions of paragraph 303 (a) through (d) of the Manual, or such other instrument or instruments that are readily available in the files of the contractor or other Government personnel, such as plant clearance, quality control, and Auditor-General personnel.

C–213.2 *Control records to be maintained.* The type of file control maintained by the property administrator will be the minimum necessitated by individual circumstances to comply with the Manual and this Appendix C.

C–213.3 *Record of end items.* In lieu of maintaining a duplicate record of complete products produced under the contract, the property administrator may rely upon records maintained by the contractor, provided such records are readily available to the property administrator and are adequate to comply with the requirements of the Manual. Contractor's records of completed products used in lieu of such files, heretofore maintained by AF personnel, become a portion of the official contract records which are subject to audit and the terms of the appropriate contract with respect to retention and disposition of records.

C–213.50 *Records of transactions involving the furnishing of Government property to a contractor in the absence of contractual coverage.*

(a) Transactions involving the shipment or furnishing of Government property to a contractor in the absence of contractual provision will be subject to the approvals and authorities contained in C–205.1 of this Appendix and the paragraphs thereunder. In the event such a shipment is made to a contractor without due and prior authorization, the property administrator for the receiving contractor will act in liaison with the contractor and the shipper towards obtaining authorization according to existing procedure, or if such authorization cannot be obtained, arrange for the prompt return of the property to the Government.

(b) The property administrator assigned will maintain a record of each transaction of this nature. This record will contain the following minimum information:

(1) Name of the contractor and authorization number.

(2) The established or estimated completion date.

(3) Record of (i) audits and inspections, (ii) selective examinations and usage analysis, (iii) and deficiencies disclosed, and (iv) ultimate return and/or other authorized disposition.

C–214 *Numbering property accounts.* Property accounts will be assigned the same number as that of the prime contract. However, to expedite and insure proper distribution of documents and facilitate control of such accounts, each property account assigned to a single property administrator will be further identified through use of the identification number assigned to the property administrator.

C–215 *Auditing property accounts.* Audit of the property administrator's records, procedures, and controls (C–213, and C–213, § 30.3, Appendix C of this title) will be performed by the Auditor General, USAF. If the contractor's plant is under Army or Navy audit cognizance, the audit of the contractor's records (C–207, and C–207, § 30.3, Appendix C of this title) relating to the property administrator's records will be performed by the cognizant audit agency as an assist audit to the overall audit of the property account. In the event of revocation of the property administrator's assignment because no Government property was furnished or acquired under the contract, the related contract records established under the provisions of this general section may be retired without requirement for final audit by the Auditor General.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1051—SMALL BUSINESS

Subpart B—Defense Production Pools

Subpart B is deleted. Part 1051 is hereby Reserved.

PART 1052—PRE-AWARD SURVEYS

§ 1052.102 [Amendment]

In § 1052.102(c):

a. Question One (c) is revised as follows:

One: • • •

(c) *The delivery schedule.* The backlog and anticipated workload measured against the maximum capacity during the performance period. Past and current record of meeting delivery schedules insofar as related to any factor under questions "One" or "Two" of the FCR.

b. The second sentence of question Three is revised to read as follows:

Three: • • • Business practices encompass, but are not limited to, ethics, actual performance as to quality or delivery on previous or current Government contracts if such performance is not due to lack of "capacity" or "credit" (factors under questions "One" or "Two" of the FCR).

Subpart D—Management of the FCR

In § 1052.402–6, paragraph (h) is added as follows:

§ 1052.402–6 Plant survey arrangements.

• • • • •

(h) When a request for FCR involves a proposed contract for foods of animal origin and the bidder is not on the "List of Approved Sources of Food" (see AFM 160–7, paragraph 13, and § 1053.407–9(c) of this chapter), the U.S. Air Force or U.S. Army veterinarians responsible for the area in which the firm is located will be requested to conduct a sanitary inspection to determine the quality, type, class, and grade of food and sanitary conditions of processing, storage, packaging and handling and to furnish a written evaluation as a part of the FCR. If the inspection is favorable in all respects, the inspection officer will be requested to provide the "Certificate for Food Contract" (see § 1053.407–9(b) of this chapter), which the FCR monitor will assure is expeditiously furnished the contracting officer.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1053—CONTRACTS; GENERAL

Subpart A—Miscellaneous Requirements

§ 1053.101 [Deletion]

Section 1053.101 is deleted.

Subpart D—Administrative Requirements

1. Section 1053.404–2 is revised, as follows:

§ 1053.404–2 Definitions.

(a) *Office of administration.* The AF activity having overall responsibility for the administration of a contract as stipulated therein.

(b) *Air procurement district (APD).* A component of an air materiel area (AMA). It is responsible for surveillance of contractors within an assigned geographical area, excluding contractors at whose facilities AF plant representative offices are established. This includes administration of contracts, industrial property, production and industrial resources analyses, product quality and reliability assurance, industrial security, and accounting and disbursing.

(c) *AF plant representative office (AFPRO).* A component of an AMA. It is responsible for surveillance of a designated contractor at whose facility a plant residency is established and for other contractors as assigned within its area. This includes the functions and responsibilities as listed in paragraph (b) of this section.

(d) *Air procurement office.* A component of an APD or AFPRO. In a geographical area or for a number of assigned plants, the air procurement office is responsible for designated functions of the APD/AFPRO such as administration of contracts and industrial property, production and industrial resources analyses, product quality and reliability assurance, and industrial security.

(e) *Plant office.* A plant office is a component of the parent APD or AFPRO and is responsible for specified functions of the parent organization such as administration of contracts and industrial property, production and industrial resources analysis, product quality and reliability assurance, and industrial security. The plant office is responsible for surveillance of a designated AF contractor at whose facility it is established. The individual in charge of a plant office is the "Office in Charge"; except in a plant where only quality control inspectors are assigned, in which case the individual in charge is the "AF Quality Control Representative."

(f) *Home office.* The contractor's office which has authority to negotiate, submit bids or proposals, execute and administer AF contracts, and perform purchasing, billing, subcontracting, expending, and recording under AF contracts.

(g) *Secondary administration.* The performance of certain administrative responsibilities which have been delegated from the office of administration to another AF office of administration.

(h) *Accounting and Finance Officer.* The individual having the overall responsibility for paying or receiving all funds and moneys passing between the Government and the contractor according to the terms of the contract.

(i) *Acounting and Finance Division.* A component within an APD/AFPRO; (1) designated to make payments on certain contracts and (2) assigned fund accounting responsibility on AMC obligated central procurement contracts when administration is assigned to APDs/AFPROs.

(j) *AMC test site office (AMCTSO).* An AMC test site office is a component of the AMA in whose geographical area it is located. The AMCTSO is responsible for performing secondary contract administration at an AF test site as delegated by offices of primary administration (APDs/AFPROs).

(k) *AMC missile field office (AMCMFO).* An AMC missile field office is assigned to the AMA charged with logistic support management of the specific missile weapon system being installed and placed under the jurisdiction of the AFPRO of the prime missile contractor. The AMCMFO is located at the missile operational site and is responsible for performing secondary contract administration as delegated by offices of primary administration (APDs/AFPROs).

NOTE: The following apply to paragraphs (b) to (e) of this section, as appropriate:

(1) AF personnel on official business to APDs/AFPROs or to contractors facilities under the cognizance of these activities are required to give prior notice and/or report to one of the following (in order named): APD, AFPRO, air procurement office, AF officer in charge, or AF quality control representative for registering and coordinating the business to be conducted.

(2) AF personnel will address official correspondence intended for an AF contractor through the appropriate APD/AFPRO.

(3) Electrically transmitted messages may be addressed directly to the contractor with an information copy to the APD/AFPRO.

NOTE: The following apply to paragraphs (j) and (k) of this section, as appropriate:

(1) AF personnel on official business are required to give prior notice and report to AMCTSO/AMCMFO before visiting a contractor work site.

(2) AF personnel will address all official communications intended for the contractor at test and missile operational sites through the cognizant AMCTSO/AMCMFO.

2. Section 1053.404–5 is revised as follows:

§ 1053.404–5 Geographical areas of AMA's and APD's.

(a) *AMA's* (except Rome which has no geographical area).

• • • • •

(2) *Mobile (MOAMA).* The States of Indiana, Ohio, West Virginia, Kentucky, Tennessee, Mississippi, Alabama, and Michigan; that part of Florida west of the Apalachicola River; that part of Louisiana east of the Mississippi River; the Dominion of Canada; and the Caribbean area.

• • • • •

(4) *Oklahoma City (OCAMA).* The States of Oklahoma, Kansas, Nebraska, Arkansas, Missouri, Iowa, Minnesota, Illinois, and Wisconsin.

• • • • •

(b) *APD's.*

• • • • •

(2) *Atlanta Air Procurement District (WRAMA):* Georgia, South Carolina, and those portions of the States of Virginia and North Carolina located west of U.S. Highway 52, excluding any cities on that highway.

• • • • •

(8) *Detroit Air Procurement District (MOAMA):* Michigan and Dominion of Canada.

• • • • •

(11) *Milwaukee Air Procurement District (OCAMA):* Wisconsin and Minnesota.

• • • • •

§ 1053.405–2 [Amendment]

3. In § 1053.405–2, delete paragraph (b).

4. In § 1053.405–3, paragraph (b) is revised to read as follows:

§ 1053.405–3 Responsibility of vendors.

• • • • •

(b) Statements of costs which, by the terms of the contracts under which they are furnished, are required to be certified, must continue to be certified according to those contract terms unless and until amended.

5. Section 1053.406–6(b) is revised to read as follows:

§ 1053.406–6 Processing variations not permitted by the contract.

• • • • •

(b) *Underruns.* It is the responsibility of the contractor to deliver and of the Air Force to accept the quantities called for by the terms of the contract, unless the contract has been terminated according to the terms of the contract. If the contractor requests the Air Force to accept quantities less than those set forth in the contract or less than those permitted by the variation clause, the administrative contracting officer will carefully consider the reasons for the underrun as extended by the contractor and determine whether acceptance of the underrun is warranted. In those cases where acceptances appear justified, the ACO will submit the facts to the buyer, who will reply, stating the decision made and the action to be taken by the procuring contracting officer.

6. Section 1053.407–2 is revised to read as follows:

§ 1053.407–2 Citation of accounting and finance officer.

A citation of the accounting and finance officer designated to make payment will be made on all contracts.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1054—CONTRACT ADMINISTRATION

Subpart A—Administration of AF Contracts by Contracting Officers

1. Section 1054.102 is added as follows:

§ 1054.102 Application.

The rules stated in this subpart do not apply to:

(a) Action under contract provisions for decision as to termination at the convenience of the Government or for contractor's default. This action is covered under Part 8 of this title and Part 1008 of this chapter.

(b) Base procurement as defined in § 1001.201–51 of this chapter.

(c) Action under contract provisions for advance payments. Administration of such provisions is covered by Subpart AA, of this part, and Subpart G, Part 1058 of this chapter (to be superseded by § 1030.5, Appendix E of this chapter). Also see Subpart D, Part 82, Subchapter G of this title.

2. In § 1054.104, paragraphs (cc) and (dd) are added as follows:

§ 1054.104 Matters of contract administration to be handled by Administrative contracting officers.

• • • • •

(cc) When extenuating circumstances arise on contracts exempted from production surveillance, the ACO may request production surveillance as prescribed in AMCM 84–2.

(dd) When advised by the contractor according to § 1007.4053 of this chapter that an item being procured under any contract he is administering will contain radioactive materials, he will forward this information through channels and furnish an information copy of this same information to Director of Maintenance Engineering (SAMTSP), SAAMA.

Subpart B—Approval of Subcontracts

1. In § 1054.204, paragraphs (a) and (b) are revised as follows:

§ 1054.204 Approval of contractor's purchasing system.

(a) Reliance upon the contractor's purchasing system where it has been determined efficient is preferred to checking and approving individual subcontracts. Since the manner in which the approval of a subcontract is given is the prerogative of the Government, it will be considered proper for ACO's to substitute approval of the contractor's purchasing system for individual approvals, even though the prime contract does not contain a contract clause specifically providing for elimination of individual approval requirements based on approval of the contractor's purchasing system. The contracting officer may approve all or any part of the contractor's purchasing system and from time to time rescind or reinstate such approval. However, any approval granted should exclude cost-reimbursement, time-and-material, and labor-hour subcontracts which would involve an estimated amount in excess of $10,000. These types of subcontracts will be approved individually according to §§ 1054.213 or 1054.214.

(b) • • •

(1) Specifically and only as to contractors whose Defense Subcontracting Small Business Programs are within Air Force responsibility for review and determination of adequacy (see § 1.707–4 of this title, and § 1001.707–4 (a) and (d) of this chapter), the administrative contracting officer will call the contractor's attention to formats as shown in Figures 1 and 2 which have been approved by the Bureau of the Budget (BOB No. 21–R.183, expiring December 31, 1961) in accordance with the Federal Reports Act of 1942, and inform the contractor that his use of these formats and making them available for review and appraisal by the administrative contracting officer upon request would provide a ready means for determining the extent to which consideration is given to small business concerns. The contractor is authorized to reproduce the formats for his own use. The contractor's use of these formats will not be made a requirement by the administrative contracting officer. Contractors who accept the use of these formats may discontinue such use at their own discretion at any time or upon a determination by the ACO that the objectives of the program are being achieved in consideration of the type, volume and timing of the work, and the extent of opportunity afforded small business to participate.

2. In § 1054.206, paragraph (b)(2) is revised to read as follows:

§ 1054.206 Approving subcontracts under fixed-price prime contracts.

• • • • •

(b) • • •

(2) Individual approval by the contracting officer of all cost-reimbursement type, time-and-materials, and labor-hour subcontracts which would involve an estimated amount in excess of $10,000.

3. Section 1054.218 is revised to read as follows:

§ 1054.218 Coordination.

(a) *Make-or-buy policy.* ACO's will, in conforming with the prime contract clause, comply with all requirements for screening prime contractors' proposed make-or-buy structure for compliance with make-or-buy policy (see § 1003.902 of this chapter).

SUGGESTED SMALL BUSINESS CHECKLIST
AIR FORCE—INDUSTRY SMALL BUSINESS PROGRAM

BUDGET BUREAU APPROVAL NO. 21-R183 (Expires 31 December 1961)

The information on this checklist is to be recorded by the company buyer immediately upon award of any subcontract or purchase made in the interest of defense contracts held by the company.

PURCHASE ORDER NO. | AMOUNT ($) | DATE

1. ☐ AWARD MADE TO SMALL BUSINESS AND AWARD LESS THAN $10,000 *(If checked, no further entries will be made)*

2. AWARD MADE TO SMALL BUSINESS AND AWARD $10,000 OR MORE, AND:

A. ☐ 1 OR 2 SMALL BUSINESS COMPANIES SOLICITED
B. ☐ 3 TO 5 SMALL BUSINESS COMPANIES SOLICITED
C. ☐ 6 OR MORE SMALL BUSINESS COMPANIES SOLICITED

3. AWARD MADE TO LARGE BUSINESS AND NO SMALL BUSINESS WAS SOLICITED BECAUSE:

A. ☐ NO KNOWN SMALL BUSINESS SOURCE
B. ☐ KNOWN SMALL BUSINESS SOURCES RULED OUT FOR TECHNICAL, QUALITY, DELIVERY OR OTHER JUSTIFIABLE REASONS
C. ☐ THIS IS ADDITIONAL FUNDING ON MAJOR SUBASSEMBLIES
D. ☐ FOLLOW-ON BUSINESS

4. AWARD MADE TO LARGE BUSINESS AND THE FOLLOWING NUMBER OF SMALL BUSINESS CONCERNS WERE SOLICITED:

A. ☐ 1 OR 2
B. ☐ 3 TO 5
C. ☐ 6 OR MORE

5. SMALL BUSINESS CONCERNS WERE SOLICITED AND AWARD WAS MADE TO LARGE BUSINESS BECAUSE:

A. ☐ NO BIDS RECEIVED FROM SMALL BUSINESS
B. ☐ SMALL BUSINESS BIDS NOT COMPETITIVE
C. ☐ SMALL BUSINESS BID WAS LOW BUT DISQUALIFIED FOR AUTHORIZED REASONS

BUYER'S SIGNATURE

FIGURE 2

BUDGET BUREAU APPROVAL NO. 21-R183 (Expires 31 December 1961)

SUGGESTED QUARTERLY REPORT OF SMALL BUSINESS SUBCONTRACTING
AIR FORCE—INDUSTRY SMALL BUSINESS PROGRAM

TO: | FROM:

1. DATE OF REPORT | 2. PERIOD OF REPORT (Check one) CALENDAR YEAR ☐ JAN THRU MAR ☐ APR THRU JUN ☐ JUL THRU SEP ☐ OCT THRU DEC

3. THE FOLLOWING STATISTICS WERE DEVELOPED FROM PROCUREMENTS MADE IN THE INTEREST OF ALL DEFENSE WORK BEING PERFORMED BY THIS PLANT, DIVISION, COMPANY

	NUMBER	VALUE ($)
4. AWARDS TO SMALL BUSINESS		
A. NUMBER AND VALUE OF PURCHASES OF LESS THAN $10,000 AWARDED TO SMALL BUSINESS		
B. NUMBER AND VALUE OF PURCHASES OF $10,000 OR MORE AWARDED TO SMALL BUSINESS AND:		
(1) 1 OR 2 SMALL BUSINESS FIRMS SOLICITED		
(2) 3 TO 5 SMALL BUSINESS FIRMS SOLICITED		
(3) 6 OR MORE SMALL BUSINESS FIRMS SOLICITED		
(4) TOTAL IN THIS CATEGORY		
5. AWARDS TO LARGE BUSINESS		
A. NUMBER AND VALUE OF PURCHASES ON WHICH SMALL BUSINESS FIRMS WERE NOT SOLICITED BECAUSE:		
(1) NO KNOWN SMALL BUSINESS SOURCES		
(2) KNOWN SMALL BUSINESS SOURCES RULED OUT FOR TECHNICAL, QUALITY, DELIVERY OR OTHER JUSTIFIABLE REASONS		
(3) THIS IS ADDITIONAL FUNDING ON MAJOR SUBASSEMBLIES		
(4) FOLLOW-ON PROCUREMENTS		
(5) TOTAL IN THIS CATEGORY		
B. NUMBER AND VALUE OF PURCHASES FROM LARGE BUSINESS ON WHICH SMALL BUSINESS FIRMS WERE SOLICITED		
(1) 1 OR 2 SOLICITED		
(2) 3 TO 5 SOLICITED		
(3) 6 OR MORE SOLICITED		
(4) TOTAL IN THIS CATEGORY		
C. PURCHASES IN (B) ABOVE AWARDED TO LARGE BUSINESS BECAUSE:		
(1) NO SMALL BUSINESS FIRM BID		
(2) SMALL BUSINESS BIDS NOT LOW		
(3) SMALL BUSINESS BID LOW BUT DISQUALIFIED FOR JUSTIFIABLE REASONS		
(4) TOTAL IN THIS CATEGORY		

FIGURE 1

(b) *With European office, ARDC.* Prior to the placement of subcontracts with contractors located in the European Area to perform Research and Development work under prime contracts entered into either in the Con US or European theater, the assistance and recommendations of the European Office, ARDC, will be obtained relative to the subcontractors' capabilities of performance.

4. In § 1054.222, the following material is added to paragraph (b):

§ 1054.222 Affiliations between Air Force contractors and their subcontractors or suppliers.

• • • • • •

(b) • • • The extent to which and the manner in which such information should be requested should be determined by the contracting officer in the light of the circumstances of the particular case. Except in unusual cases, however, all inquiries should be made through such contractor (or through the cost-reimbursement subcontractor, as the case may be), and there should very rarely be any necessity for circularization, by the contractor or otherwise, of all employees or stockholders.

5. Section 1054.223 is deleted and the following substituted therefor:

§ 1054.223 Uniform rental rates.

In approving CPFF subcontracts for construction or architect-engineer services, the ACO will be guided by the provisions of Department of Defense Instruction 4105.2, August 9, 1956.

§ 1054.225 [Redesignation]

6. Section 1054.225 is redesignated § 1054.224.

7. A new § 1054.225 is added as follows:

§ 1054.225 Duty and customs.

To comply with Part 6 of this title and § 1006.602–6(b) of this Chapter, the ACO will require the prime contractor or subcontractor to furnish him a copy of each subcontract or purchase order covering supplies procured in Canada and other locations outside the United States in support of the prime contract. This copy will be made available to the ACO concurrently with placement of the procurement. The ACO will immediately review and determine if issuance of a duty-free entry certificate is required and if so, he will comply at once with § 1006.602–6(b) of this chapter.

Subpart C—Contract Change Notifications

1. Section 1054.302 is revised to read as follows:

§ 1054.302 Definition.

"Master serial number:" A number assigned for keeping a record of CCN's in consecutive order as issued.

§ 1054.303 [Deletion]

2. Section 1054.303 is deleted.

§ 1054.305 [Redesignation and revision]

3. Section 1054.305 is redesignated § 1054.303 and is revised to read as follows:

§ 1054.303 Use of CCN's.

(a) CCN's will be issued only when the urgency of the situation precludes negotiating and executing an appropriate supplemental agreement, and then only pursuant to the Changes clause of the contract or other contractual provision authorizing changes where the change affects any one of the following:

(5) [Deleted]

• • • • • •

(c) • • •

(1) Where the contract does not contain a Changes clause or other contractual provision permitting such unilateral action by a contracting officer.

(2) To effect any partial or total termination.

(3) To effect special price increases or reductions, either voluntary or resulting from a price redetermination provision of the contract.

(4) To add or delete contract clauses.

(5) To add or delete items from Spare Parts Lists.

(6) To effect additional procurement, except for additional work within the general scope of the contract, if provided by the Changes clause or other schedule provisions.

4. Section 1054.306 is revised to read as follows:

§ 1054.306 Procedure for issuance of CCN's.

(a) Before issuing a CCN, the PCO will obtain a master serial number from the contract distribution office or equivalent, of the appropriate Director of Procurement and Production or comparable local level. He will furnish the contract distribution office his name, organization code, the contract number, and name and address of the contractor for record purposes.

(b) Personnel designated to issue CCN's will not authorize contractors orally or in writing to make contract changes or proceed with work without contractual coverage except in the following instance. When an urgent change must be made immediately, the contracting officer will instruct the contractor and the ACO, in writing, to proceed with the change furnishing them the master serial number and the CCN number. This procedure will not be used unless all requirements for issuing a CCN according to this subpart have been fulfilled. The covering CCN will not deviate from the instruction previously furnished the contractor. Any additional amendment will require issuance of another CCN.

(c) Correction to a CCN will be made by issuance of another CCN rescinding the original and stating the intent. The definitized supplemental agreement will cite both the superseded and superseding CCN numbers to give recognition to completed price negotiations.

(d) CCN's will be issued by the PCO, unless authority to issue same has been delegated to the ACO and the contract so provides. In the latter case, no master serial number will be assigned. Before issuance of a CCN, the contracting officer will obtain the contractor's estimate of the change in contract price resulting from the change or, if the change is urgent, will make his own estimate and will take action to provide sufficient funds.

§ 1054.310 [Redesignation and revision]

5. Section 1054.310 is redesignated § 1054.307 and is revised to read as follows:

§ 1054.307 Quotations.

Within 60 days after issuance of a CCN (or such other time as the contract provides), the contractor will be required to submit a quotation to the ACO. (See § 3.807 of this title for price analysis procedures for quotations covering contractors' proposals). Whenever a change in price or cost is involved in a CCN, negotiations must commence, as soon as possible after issuance of the CCN, to supersede it by a supplemental agreement in the shortest possible time.

(a) The ACO is responsible for followup with the contractor to insure: (1) The expeditious curtailment of procurement or manufacture of parts made obsolete by approved changes, and (2) that quotations are promptly submitted. He is authorized to approve extensions of time, but he will exercise this authority sparingly and only upon a strong showing by the contractor that prompt submission of a reasonably accurate quotation is impossible or would have a demonstrably adverse effect on production.

(b) The ACO will insist that the contractor submit substantiating cost data in support of all costs even though no adjustment is indicated. The ACO will analyze each quotation and, if any of the adjustments proposed by the contractor appear unsatisfactory, will attempt to secure a satisfactory proposal. Contractor's proposal, as possibly revised, will be forwarded by the ACO, with written recommendation, to the appropriate procuring activity.

§ 1054.311 [Redesignation and revision]

6. Section 1054.311 is redesignated § 1054.308, and paragraph (a) is revised to read as follows:

§ 1054.308 Supplemental agreements with respect to changes ordered by CCN's.

(a) The PCO is responsible for promptly negotiating an agreement regarding the changes covered by all CCN's issued prior to pricing against any given contract, except as noted in § 1054.303(a) (1) and (2), unless the contract specifies otherwise. The supplemental agreement will identify all CCN's being superseded thereby and will show the change in contract price, cost and fee attributable to each. Any increase or decrease decided upon as a result of such negotiation will be incorporated into the contract by means of a supplemental agreement. If it is established, either as a result of negotiation or by reason of waiver thereof by contractor, that no change is required in contract price, or in the estimated cost and fixed fee, or in the delivery schedule, or time of performance, a supplemental agreement nevertheless will be issued to show for

record purposes that the changes specified by CCN's listed in the supplemental agreement necessitate no change in contract price, or in estimated cost and fixed fee, or in delivery schedule, or time of performance. The amount shown on the face of the supplemental agreement superseding a CCN will be the net increase or decrease over or under the amount of funds previously obligated under the CCN. The body of the supplemental agreement will contain a recapitulation of the final negotiated change in price, the amount previously obligated by CCN, and the net adjustment being made by the supplemental agreement. The requirement for manual approval will be based upon the final negotiated price shown in the recapitulation, and not the net adjustment effected by the supplemental agreement.

Subpart D—Reimbursement of Costs in Excess of Estimated Costs Incurred Under Cost-Reimbursement Type Prime Contracts and Subcontracts

1. Sections 1054.402 and 1054.403 are revised as follows:

§ 1054.402 General.

Reimbursement under a cost-reimbursement type contract for expenditures incurred is limited to the amount of funds obligated on the contract.

§ 1054.403 Action by the administrative contracting officer.

When the administrative contracting officer receives information to indicate that the actual cost may exceed estimated costs of performing the contract, he will:

(a) Notify the contractor to submit a request for additional allotment, citing:

(1) The contract item number(s) and amounts of each creating the overrun.

(2) The elements of costs which increased over the original estimate, i.e., labor, material, or overhead.

(3) The factors responsible for the increase, i.e., error in estimate, changed conditions, etc.

(b) Review the contractor's request to determine the reasonableness thereof, using Government auditor and other technical personnel, as necessary.

(c) Forward the request to the procuring contracting officer, with recommendations.

2. Section 1054.404 is added as follows:

§ 1054.404 Action by the procuring contracting officer.

Upon receipt of the contractor's request for additional funds and the ACO's recommendation, the PCO will:

(a) Ascertain from the initiator of the procurement whether the supplies and services in the quantities set forth in the contract are still required.

(b) Advise the ACO of the action in process.

(c) Issue an ACD, termination request, or notice to effect partial termination, as appropriate.

(d) If additional funds are to be provided, process an appropriate change order.

3. Sections 1054.405 and 1054.406 are revised to read as follows:

§ 1054.405 Effect of contract amendment by which additional funds are allocated.

Changes in fixed fee will be made only to reflect changes in the scope of work under the contract which justify an increase or decrease in the fixed fee.

§ 1054.406 Subcontracts.

Government reimbursement to prime contractors may be made for allowable costs paid to subcontractors, but not in excess of the aggregate funds obligated on the prime contract. When it appears that actual costs will exceed the estimated cost stated in the subcontract, the ACO will review the subcontract, and consult with the prime contractor to arrive at an agreement which will adequately protect the interests of the Government. In the event of disagreement between the prime contractor and the ACO, the matter should be referred to the chief, contract division, of the administering air procurement district or AF plant representative office.

Subpart E—Decisions and Appeals Under Disputes Clause

1. Section 1054.501 is added as follows:

§ 1054.501 Exception.

When the disputes clause in § 1007.4205–8 of this chapter is used, appeals are initially heard by an oversea command board of contract appeals. In such instances, the oversea command staff judge advocate, rather than the Staff Judge Advocate, Hq, AMC, will be the source of advice with regard to proposed decisions and will be the channel for forwarding data relating to appeals. Appropriate changes should be made in the suggested formats contained in §§ 1054.504 and 1054.505 when decisions are rendered pursuant to the disputes clause in § 1007.4205–8 of this chapter.

2. Delete §§ 1054.502, 1054.503 to 1054.503–4, and 1054.504 to 1054.504–2, and add the following:

§ 1054.502 Decisions.

§ 1054.502–1 Preparation.

Where mutual agreement proves impossible, a findings and decision must be prepared. This single document should contain a simple and concise statement of: (a) The claim, (b) the decision, and (c) the factual grounds which support the decision. The factual determination must be relevant to the issues and supported by documents or oral statements. See §§ 1054.504 or 1054.505.

§ 1054.502–2 Legal advice by Staff Judge Advocate, Hq AMC.

All written findings and decisions, except defaults and excess costs, will, prior to transmittal to the contractor be referred for comment to the Staff Judge Advocate, Hq AMC, together with pertinent documents and summaries of testimony of all Government witnesses. Default and excess costs findings and decisions will be submitted to the appropriate field staff judge advocate. When referrals are made, the accompanying file will be complete in all respects.

§ 1054.502–3 Transmittal to contractor.

After the referral described in § 1054.502–2 has been accomplished, the findings and decisions will be re-examined by the contracting officer in the light of the advice and comments proffered by the Staff Judge Advocate, Hq AMC. If, in the judgment of the contracting officer, re-examination reveals the propriety of modifications or additions, he will make the appropriate changes. After such re-examination, and changes if appropriate, he will transmit the findings and decision to the contractor in person, obtaining a receipt therefor, or by certified mail, return receipt requested.

§ 1054.502–4 Amendment after transmittal to contractor.

After a timely appeal has been taken to the Armed Services Board of Contract Appeals, the contracting officer who has rendered findings and a decision, or his successor, may for good cause recommend to the Board that the findings and decision be corrected or amended. Such recommendation will be forwarded through the Staff Judge Advocate, Hq AMC, together with pertinent documents and summaries of testimony of all Government witnesses.

§ 1054.503 Appeals.

See § 30.1, Appendix A of this title.

§ 1054.503–1 Processing.

(a) When a notice of appeal in any form has been received by the contracting officer from whose findings and decision the appeal is taken, he will comply with Rule 4, Part II, of § 30.1, Appendix A of this title. The envelope in which the notice of appeal was received will be forwarded with the notice, to the Board. Promptly thereafter, he will send the Staff Judge Advocate (MCJ), Hq AMC, a copy of the notice and other pertinent documents as required by Rule 4.

(b) If AF personnel other than the contracting officer involved receive the notice of appeal, they will:

(1) Note on the notice of appeal, the date of mailing or the date of receipt if otherwise filed.

(2) Forward to the Board within 10 days, the original notice of appeal together with the envelope in which the notice of appeal was received or any other documentary evidence of mailing or receipt of such notice.

(3) Notify the Staff Judge Advocate (MCJ), Hq AMC, that the notice of appeal has been forwarded to the Board. If two or more copies of the notice of appeal are furnished, all copies other than the original will be forwarded to MCJ. Otherwise, a copy of the notice of appeal should be made for MCJ, if practical. If not practical, then MCJ should be furnished the number of the contract and the name of the contractor.

(c) Upon receipt of information that a notice of appeal has been filed, MCJ or the appropriate field staff judge advocate will request the contracting officer to furnish the information required in paragraph (a) of this section. Two

copies of all requested documents will be furnished MCJ.

§ 1054.503–2 Contractor's compliance and withdrawal after appeal is filed.

Whenever the contractor, subsequent to filing an appeal with the Armed Services Board of Contract Appeals, elects nevertheless to accept fully the findings and decision from which appeal was taken and gives written notification of such full acceptance to the contracting officer concerned, the contracting officer will be responsible for promptly sending the contractor's notice of acceptance to the Staff Judge Advocate, Hq AMC. Upon receipt of the notice the Staff Judge Advocate in collaboration with the contractor will prepare and submit a joint motion of withdrawal to the Board. For action to be taken by the contracting officer in instances where the contractor, after filing an appeal with the Armed Services Board of Contract Appeals, in writing signifies partial acceptance with the findings and decision of the contracting officer, see § 1054.502–4.

§ 1054.503–3 Assistance in connection with pretrial conference and hearings.

At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Staff Judge Advocate, Hq AMC. Whenever an appeal is set for hearing, the contracting officer concerned, upon request of the Staff Judge Advocate, Hq AMC, will be responsible for arranging for the presence of essential Government witnesses and specified documentary evidence at both the pretrial conference and the hearing.

§§ 1054.505—1054.508 [Redesignation; amendment]

3. Sections 1054.505 to 1054.508 are redesignated 1054.504 to 1054.507, and in § 1054.507, the reference "§ 1054.503–2" is changed to "§ 1054.502–2."

Subpart F—Administration of Progress Payments

1. Section 1054.600 is revised to read as follows:

§ 1054.600 Scope of subpart.

This subpart sets forth policies, procedures, and responsibilities for the administration of progress payments. (See Subpart E, Part 82 of this title.)

2. Section 1054.602 is deleted and the following substituted therefor:

§ 1054.602 Administration procedures.

(a) When a contract containing a progress payments clause is received the administrative contracting officer will inform the contractor in writing that when he submits progress payment invoices, he should segregate and accumulate costs applicable to the progress payments clause of the contract according to an approved and acceptable accounting system. (See § 82.75, Subchapter G of this title.)

(b) Unless the contract clause specifically provides otherwise, the ACO will not approve progress payments based on costs attributable to any item completed and accepted by the Government and invoiced under the contract involved.

(c) The ACO in making the determinations required by this subpart or by the progress payments clause, will consult with, and use the services of production, quality control, the auditor general, financial, and other AF technical personnel, as necessary. These technical personnel will be consulted to determine:

(1) Progress of the contract.

(2) Efficiency of the contractor.

(3) Overall opinion of the contractor's operations.

(4) Financial condition of the contractor.

(5) Status of First Article as applicable.[1]

(d) Cognizant technical personnel are charged with the responsibility of advising the ACO of any occurrences of which they become aware and which may have a bearing on contract performance. See also § 82.30, Subchapter G of this title.

(e) Upon receipt of a request for a progress payment from a contractor who is on the Financial Control List (see § 82.26, Subchapter G of this title), the ACO should advise the facility advisory board that approved the FCR of such fact and request recommendations from the board regarding the approval of the request. The responsibility for deciding whether a progress payment should be approved under the circumstances rests with the ACO. In arriving at such decision, the ACO will be guided by the principles in § 82.93, Subchapter G of this title.

(f) The facility advisory board is available for advice in any case involving requests for progress payments in which the ACO has any doubts as to the advisability of approving an individual progress payment. See Subpart E, Part 1052 of this chapter, for the location and functions of such boards. (See also § 82.93, Subchapter G of this title.)

Subpart G—Contract Change Releases

1. Section 1054.702 is revised to read as follows:

§ 1054.702 Definitions.

(a) *Contract change release (CCR).* AFPI Form 47, a document issued to correct inaccuracies and omissions of stock or part numbers and item descriptions in active production contracts.

(b) *Logistic support manager (LSM) or commodity class manager (CCM).* As used herein the AMA or depot having the commodity class management responsibility for the end article under procurement.

2. Section 1054.704 is added as follows:

§ 1054.704 Responsibilities and procedures.

(a) When discrepancies described in § 1054.703(a) are discovered, the ACO exercising jurisdiction over the contract involved will be informed. The ACO will:

(1) Investigate to determine whether the discrepancy exists as reported.

(2) Determine the corrective action required.

(3) In case the ACO finds that delivery has been completed on an item subject to correction by a CCR or that the item has been cancelled before request for correction was received, inform the initiator and the provisioning control component of the LSM or CCM as appropriate of the circumstances which prevent the execution of the CCR.

(4) Notify the contractor of recommended corrections.

(5) Verify the correction with the appropriate provisioning control component of the LSM or CCM as appropriate before preparing the CCR. (Determination of which LSM or CCM is involved will be on an end item interest as provided for in § 1054.702(b).) For production contracts not involving initial spares support, verify correction with the appropriate commodity class before preparing CCR.

(6) Upon verification, prepare CCR's on AFPI Form 47, "Contract Change Release," and reflect all information applicable to the change that is to be effected, including the effectivity date.

(7) Assign CCR serial numbers to all CCR's issued, in separate numerical series for each contract under his jurisdiction. (Master serial numbers are no longer required.) Manually sign two copies of all CCR's issued. Furnish one of the manually signed copies to the contractor, and retain the other signed copy in his contract file as the official AF permanent record.

(b) When discrepancies in stock number, part number, or nomenclature exist as a direct result of official AF supply catalog changes (FSC changes), the provisioning control component of the LSM or CCM (or the appropriate commodity class of the FSC manager if a production contract not involving initial spares support) will notify the administrative contracting officer, who will issue a CCR after determining that the corrections are in order.

Subpart H—Contract Technical Services Contracts

A new Subpart H is added as follows:

Sec.
1054.800 Scope of subpart.
1054.801 Applicability of subpart.
1054.802 General.
1054.803 Responsibilities.
1054.804 Responsibilities of AMC contracting officers.

AUTHORITY: §§ 1054.800 to 1054.804 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.800 Scope of subpart.

This subpart sets forth procedures and guidelines for administering Contract Technical Services (CTS) contracts.

§ 1054.801 Applicability of subpart.

This subpart applies to all major air commands concerned with the administration of CTS contracts.

[1] If the contract contains a First Article clause which states that the contractor will not proceed with fabrication and/or production of items until approval of the first article, the ACO will confine his approval of progress payments to costs incurred in the fabrication of the first article.

§ 1054.802 General.

The Contract Technical Services Program has been established so that the Air Force may acquire, by contract, the technical assistance of industry to indoctrinate AF activities when new equipments are introduced into the inventory. Such technical assistance includes advising and instructing AF personnel in the techniques of installation, maintenance, supply support and operation of complex equipment. Procurement and contracting personnel will be designated ACO's according to § 1001.452 of this chapter. Responsibility for administering CTS contracts will not be assigned beyond the procuring activity which services the major command headquarters.

§ 1054.803 Responsibilities.

In addition to functions and responsibilities normally assigned, contracting officers administering CTS contracts will:

(a) Furnish the accounting and finance officer certain information to support the obligation of funds for services called for on applicable exhibits to CTS contracts.

(1) Each CTS contract contains an "effective date of contract" provisions specifying that the contract is not binding until funds have been obligated.

(2) The ACO or the office of primary interest of each command will prepare the AFPI Form 82, "Provisioning Order Obligation Document" (POOD) for obligating its funds to the CTS Program.

(3) Each "POOD No." will be preceded by the command code, such as ADC–1. Subsequent POOD's will be issued as amendments and will be numbered as follows: ADC–1–1, ADC–1–2, etc.

(4) One copy of the AFPI Form 82 will be distributed to each of the following offices:

(i) Contractor.

(ii) General Accounting Office.

(iii) The paying finance office.

(iv) The command accounting activity.

(v) The administrative contracting officer.

(vi) The command office of primary interest (DCS/M or equivalent).

(vii) AMC Aeronautical Systems Center (LMPGF) (Contract Files).

(b) Contractors' invoices will include, as attachments, certificates of service signed by authorized AF supervisory officers for each technical representative or contract technician who has provided services charged to applicable invoices. When invoices contain discrepancies or questionable items of billing, the ACO will indicate the items and amounts to which exception is taken and approve the balance of the invoice. The exceptions may be placed on supplementary billing when resolved. Questionable items on signed certificates of service which are authorized by the terms of the contract will be resolved within command channels in lieu of contracting contractors.

§ 1054.804 Responsibilities of AMC contracting officers.

Time spent in training at the contractor's plant by contract technical services personnel or time consumed while awaiting security clearances will be certified by contracting officers assigned to AFPRO's/APD's. Certifying such time will not require delegation from ACO's at the using commands.

Subpart I—Wage and Salary Acceptance

1. Sections 1054.900 to 1054.903 are revised to read as follows:

§ 1054.900 Scope of subpart.

This subpart prescribes the procedures for acceptance by ACO's of cost resulting from wages and salaries paid by AF contractors to their employees and allocable to applicable contracts.

§ 1054.901 Application.

This subpart applies to cost type prime contracts and subcontracts. Cost resulting from wages and salaries that are involved in cost analysis for redeterminable or incentive type contracts will not exceed those amounts accepted by the ACO under cost type contracts.

§ 1054.902 Definition.

Paragraphs (c) and (t) of § 15.204 of this title define "wages and salaries" as used in this subpart.

§ 1054.903 Accepting authority.

The ACO is designated as the authority for accepting costs resulting from wages and salaries initially established and from increases thereto. His acceptance will be based on: (a) His judgment that costs resulting from wages and salaries are fair and reasonable after first obtaining adequate justification when deemed necessary; (b) review of the contractor's rate system; (c) review of the contractor's policy for wage and salary increases, in relation to that of the industry and area concerned (see §§ 15.201 and 15.204 (c) and (t) of this title and §§ 1015.201 and 1015.204 (c) and (t) of this chapter); and (d) such considerations as the size and type of Government contracts held by the contractor, the nature of the services rendered by the employee, former rates of compensation, the frequency and amounts of increases, changes in scope and extent of services rendered by the employee, and any other pertinent facts.

2. Section 1054.904 is deleted and the following substituted therefor:

§ 1054.904 Wage and salary rates requiring special consideration.

(a) Except as otherwise provided below, costs of wages and salaries included in a final negotiated overhead rate will be subject to the review and acceptance procedures specified in § 1054.903.

(b) Where the total cost reimbursement and price redeterminable Government business amounts to only a small proportion of a corporation's over-all business, the ACO should, generally, accept the corporation's pay plan, and compliance with § 1054.905 will ordinarily not be necessary. In determining the applicability of this section, each division of a corporation will be considered individually.

(c) Where the total AF business represents a small proportion of applicable Government business with any specific contractor either at division or corporate level, the ACO should ordinarily accept the position taken by the service that has the largest amount of business with the contractor and compliance with paragraphs (a) and (b) of § 1054.905 will ordinarily not be necessary.

(d) Where a contractor submits a salary schedule containing ranges for specific positions, and a plan for changes within the range, the ACO may accept such schedule and plan. This is not applicable to salary schedules submitted in compliance with § 1054.905.

3. In § 1054.905 revise the introductory paragraph, paragraph (a), paragraph (b) (1), and subdivisions (a) and (b), as follows:

§ 1054.905 Costs resulting from salary and wage rates and adjustments subject to acceptance.

The costs resulting from all salary and wage rates and adjustments thereto within the applicability of this subpart may be made effective on cost type contracts after acceptance by the ACO. Costs on which acceptance is required will apply to:

(a) *Basic wage and salary schedules and adjustments or additions thereto.* The ACO in determining the acceptability of such costs will consider all remunerations, including bonuses and payments in any form in computing the total compensation of employee.

(b) • • •

(1) The ACO will examine each such salary following the criteria prescribed in § 1054.903. Before acting on such salaries, the ACO will consult with Hq AMC. The advice of Hq AMC is not required when current or future submissions by the contractor are not in excess of amount(s) previously accepted for position(s) established.

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Note [Deleted]

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(a) The amount paid to or set aside for the individual or the current cost to the contractor of funding the benefit if it is of the deferred type.

(b) Specify whether the plan providing these benefits has been approved by the Air Force and, if so, by whom.

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§ 1054.906 [Amendment]

4. In § 1054.906, the present paragraph (d) is deleted, and paragraphs (e) and (f) are redesignated paragraphs (d) and (e).

5. Sections 1054.910 and 1054.911 are revised to read as follows:

§ 1054.910 Union activities and labor-management disputes.

(a) Salaries and wages of employees of the contractor engaged in union activities during regular working hours

may properly be considered to be a part of the cost of performance of the cost type contract for purposes of reimbursement if:

(1) Specified in the provisions of a labor contract between the contractor and a labor union.

(2) An established practice or policy of the contractor exists at the plant or plants involved.

(3) A trade custom or practice exists in the locality of the contractor's plant.

(4) A custom or practice exists in the industry. Each case will be decided on its own merits.

(b) ACO's will not, under any circumstances, participate directly or indirectly in labor-management disputes, controversies, or negotiations.

§ 1054.911 Policy regarding elimination of incentive pay and excessive per diem for work or services at AF test bases.

(a) Additional pay has sometimes been given to contractor's employees at various AF test bases as a bonus for accepting such employment or because of the isolation and unfavorable environment of the locations. The additional pay is usually in the form of incentive pay or per diem for longer periods of time than are authorized because of travel or relocation status. Such conditions have resulted in increased costs to the Air Force.

(b) Where existing contracts provide for additional compensation to contractors' personnel to be paid as incentive or per diem over an extended period, active steps will be taken to eliminate such pay structures as soon as possible. Contracting officers will review existing wage and salary structures of AF contractors having contracts which fall within the scope of this chapter and, according to contract provisions, will withdraw authorization where incentive or excessive per diem is authorized in excess of 270 days from starting date.

(c) Contractors' wage and salary structures should adequately reflect total compensation for services without addition of per diem or incentive pay. Per diem will be limited to travel and relocation circumstances set forth in §§ 1015.204 and 1015.502(j) of this chapter. Contracting officers will carefully screen contractors' wage and salary schedules to assure that former incentive or per diem rates are not included as part of the overall pay structure. Such inclusion merely causes the basic rates to become unreasonable and the former inequalities in pay to continue.

(d) Unless otherwise stated in contract provisions, contracting officers will not accept wage and salary structures which include incentive pay or excessive per diem, except for key technical and supervisory personnel identified to the particular project. It must be emphasized that before acting on such exceptions, the ACO must carefully scrutinize each application for incentive pay or per diem granting such pay or per diem only where justified by all the circumstances and in such amounts as may be the minimum necessary for obtaining qualified, professional, or specially skilled personnel. It must be further emphasized that a frequent review of such acceptances must be made with prompt termination and modification as changing conditions warrant.

Subpart J—Notice of Transfer of Procurement Responsibilities for Existing Contracts

A new Subpart J is added as follows:

§ 1054.1002 General.

(a) When circumstances necessitate transferring procurement responsibility for a contract from one buyer to another or from one activity to another, the chief of the buying section receiving or retaining the contract will:

(1) Send a letter of notification in triplicate to the APD or AFPRO having administrative jurisdiction, advising of the contractor's name, contract number, and current buyer's name and organizational code.

(2) Furnish a copy of the letter, as applicable to: (i) AMCASC (LMPMG), (ii) AMCBMC (LBPC), (iii) AMA directorate of procurement and production, or (iv) AF depot directorate of procurement and production.

(3) The ACO will forward a copy of each such notice received to the contractor.

(b) Recipients under paragraph (a)(2) of this section, will correct their records from the information contained in the copy of the letter.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart K—Reporting Contractors Involved in Bankruptcy, Receivership, Assignment for the Benefit of Creditors, Other Types of Insolvency Proceedings and Probate Proceedings

A new Subpart K is added as follows:

Sec.
1054.1100 Scope of subpart.
1054.1101 Applicability of subpart.
1054.1102 Reporting institution of bankruptcy, receivership, insolvency, and probate proceedings.
1054.1103 Substantiating documents to support certificate of indebtedness.

AUTHORITY: §§ 1054.1100 to 1054.1103 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.1100 Scope of subpart.

This subpart covers procurement responsibilities in connection with the subject of this subpart.

§ 1054.1101 Applicability of subpart.

This subpart applies to all AF procurement activities.

§ 1054.1102 Reporting institution of bankruptcy, receivership, insolvency, and probate proceedings.

(a) Prompt notification is required if an AF contractor is involved in bankruptcy, receivership, assignment for the benefit of creditors, or any other type of insolvency or probate proceedings. Immediate transmission of information concerning the institution of such proceedings will insure that a proof of claim is filed by the Air Force within statutory time limitations.

(b) If a contracting officer is informed or is aware of the institution of bankruptcy, receivership, assignment for the benefit of creditors or other type of insolvency proceedings or probate proceedings involving an AF contractor, he will immediately send notice by electrically transmitted message of such proceedings directly to the Contract Financing Division, Directorate of Accounting and Finance, Hq USAF, and to Chief, Tax and Litigation Division, Office of the Judge Advocate General, Hq USAF, Washington, D.C. The notice will include the name of the contractor, address, type of proceedings, court in which proceedings are held, and contracts held by the contractor (see AFR 110–3). If information of such proceedings is first received by the accounting and finance office, that office will submit the above information directly to the Contract Financing Division, Directorate of Accounting and Finance, and to Chief, Tax and Litigation Division, Office of the Judge Advocate General. A copy of the notice will be forwarded to the contracting officer, accounting and finance office whose funds are cited in the contract, or the accounting and finance office cited to make payment, as appropriate.

§ 1054.1103 Substantiating documents to support certificate of indebtedness.

Immediately after submitting the notice prescribed in § 1054.1103 or receipt of a copy from the contracting officer, or accounting and finance office, the accounting and finance office whose funds are cited in the contract will submit to Contract Financing Division, Directorate of Accounting and Finance, Hq USAF, the following information and evidence to support certificates of indebtedness and for filing proof of claim. The appropriate contracting office and accounting and finance office will render assistance and cooperate closely so that a complete, accurate, and timely report will be furnished. In the specific cases listed below, the following data will be furnished:

(a) *Default in performance of Government contracts resulting in excess costs to the Government.* A complete report of the facts pertaining to the default including copies of pertinent correspondence, notice of termination, citation to the terminated and replacement contracts and all amendments thereto, citation to payment and transportation vouchers by number and date, name of the accounting and finance office and accounting and disbursing station symbol number, number of bills of lading, and name of carrier involved. If unnumbered contracts are involved, certified copies should be furnished.

(b) *Liquidated damages.* A complete report of the facts and circumstances pertaining to the indebtedness including a finding of fact by the contracting officer, citation to the contract involved, accounting and finance officer's vouchers covering payments under the contract, and a computation of the amount due as liquidated damages.

(c) *Price redetermination.* Citation to the contract involved including the modification or supplemental agreement covering such price redetermination. If the determination is unilateral, citation to all payment vouchers under the contract should be furnished. If the determination is bilateral, only a copy of the modification or supplemental agreement is necessary.

(d) *Overpayments.* (Under contracts such as, but not limited to, payments made for supplies which are subsequently rejected.) A complete report of the facts concerning the subject overpayment including citations to the contract involved, the accounting and finance officer's vouchers on which such payments were made, and transportation vouchers, if transportation costs were incurred in connection with shipment of such supplies.

(e) *Unliquidated progress payments.* A complete report of the facts concerning such indebtedness, citation to the contract involved, an itemized computation of amount due, and a complete citation to any transportation vouchers which cover any shipping costs incurred in connection therewith.

(f) *Rental of property and equipment.* An itemized computation of the unpaid rental as of the date of filing petition if such date is of record, and a separate statement if rental accrued thereafter; citation to the lease involved and a copy of the notice of termination if lease provided for handling; transportation or other costs by the debtor, a computation of such costs, with citation to any contract entered into such services and vouchers covering payment therefor should be furnished.

(g) *Excess usage of Government materials.* A complete report of the facts concerning indebtedness, citation to the contract involved, itemized computation of amount due, and a complete citation to any transportation vouchers which cover any shipping costs incurred in connection therewith.

(h) *Sale of Government property.* If a numbered contract is involved the contract number will be furnished. If sold under an unnumbered purchase order, a certified copy will be furnished together with copies of any invoices rendered in connection therewith.

(i) *Excessive profits.* (*Renegotiation indebtedness.*) If the indebtedness is based on an unilateral determination, a copy of the unilateral order by the Renegotiation Board together with copy of tax credit letter issued by Internal Revenue Service, Department of the Treasury, will be furnished. If the indebtedness is based on a Renegotiation Agreement, a citation to such contracts will be furnished together with copy of the tax credit letter involved.

Subpart N—Payment of Fixed Fee Under CPFF Contracts

1. Section 1054.1402 is revised to read as follows:

§ 1054.1402 General.

The fixed fee payable to contractors under CPFF contracts essentially represents profit without risk. The rate of fee that may be paid to contractors under Government contracts is limited by law, and is fixed when the other terms of the contract are negotiated and agreed upon. Most CPFF contracts provide that the Government will currently reimburse the contractor for expenditures that are made according to the contract as may be approved or ratified by the contracting officer. A specified percentage of the fixed fee due under the contract is also to be paid, as it accrues, in monthly installments based upon the percentage of completion of work as determined from estimates made and approved by the contracting officer. CPFF contracts also provide that upon completion of all the work, its final acceptance, and the execution and delivery of a release by the contractor, any unpaid balance of the fee to which the contractor may be entitled will be paid to him.

2. In § 1054.1403 revise the introductory text of paragraphs (a), subparagraph (1) (i) to (iii); delete chart following paragraph (a)(3)(ii)(a); and revise paragraph (b):

§ 1054.1403 Formulas for estimating percentage of completion of work and fixed fee due.

(a) *Supply contracts.* Upon request of a contractor, but not more often than once a month, the ACO will make an estimate of the percentage of completion of work accomplished using one of the formulas set forth below:

(1) • • •

(i) Fixed fee due for prime units completed and accepted under the contract will be computed by dividing the total fixed fee in the contract for these units by the total prime units and multiplying the resulting figure by the number of units completed and accepted under the contract during the period.

(ii) Fixed fee due for subsidiary items on the contract, such as spare parts, tool kits, ground handling equipment, etc., will be established by using one of the two following methods, whichever total the lesser: (a) The percentage expressed by the ratio of costs of accepted subsidiary items to the total estimated contract cost of subsidiary items multiplied by the total fee for subsidiary items, or (b) the percentage expressed by the ratio of elapsed months of the delivery period to the total months of the delivery period for the subsidiary items multiplied by the total fee for subsidiary items.

(iii) Total fee payable for a given period will be the total accrued fee for prime and subsidiary units, as computed above, less fee previously paid.

• • • • •

(b) *Research and development contracts.* Upon receipt of a voucher claiming fixed fee, the ACO assigned to administer the CPFF research and development contract will estimate the percentage of completion of work accomplished by the contractor during the billing period, using the formula set forth in this paragraph.

3. Section 1054.1406 is added as follows:

§ 1054.1406 Verification.

(a) The computation of the percentage of completion as determined by the ACO will be submitted for verification to the Government auditor, cost analyst, or other qualified personnel designated by the ACO. The person verifying the computation will notify the ACO, in writing, as to the result of the check.

(b) Where the percentage of completion cannot be resolved by means of formulas suggested in § 1054.1403, or otherwise by administrative field personnel, the advice and recommendation of the appropriate Government project engineer will be requested. Inquiries to the project engineer on any specific contract should be limited to 90-day intervals.

Subpart O—Preparation and Issuance of Shipping Instructions

A new Subpart O is added as follows:

Sec.
1054.1500 Scope of subpart.
1054.1501 Applicability of subpart.
1054.1502 Application.
1054.1503 Responsibilities.
1054.1504 Shipping instruction activities.
1054.1505 Contract administrative activities.
1054.1506 Initiators of AFPI Form 44.

AUTHORITY: §§ 1054.1500 to 1054.1506 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.1500 Scope of subpart.

This subpart sets forth procedures for preparing and issuing shipping instructions and amended shipping instructions.

§ 1054.1501 Applicability of subpart.

This subpart applies to the Directorate of Procurement and Production, Hq AMC, and AMC field procurement activities, AMC Aeronautical Systems Center and AMC Ballistic Missiles Center.

§ 1054.1502 Application.

(a) This subpart applies to movements of material and equipment, on contracts, from contractors' facilities to specified destinations, and pertains to:

(1) Contracts or purchase orders specifying shipping instructions to be issued later.

(2) Contracts or purchase orders containing no reference to shipping instructions and their issuance.

(3) Change of existing shipping instructions.

(4) Call or open contracts.

(5) Original and amended shipping instructions on AF procurement for the Navy, moving on AF bills of lading and not falling within the provisions of paragraph (b)(1) of this section.

(6) In cases of emergency only, items on letter contracts and notices of award and the methods of packaging thereof.

(7) Procedures relative to change of packaging occasioned by shipping instructions, and to release of Government routings or amended routings when supplies are procured f.o.b. carrier's equipment.

(b) The following are exceptions to the provisions of this subpart:

(1) AF contracts that include the following provisions and are written solely to procure material for the Navy.

(i) Original shipping instructions, if not contained in this contract, and amendments to existing shipping instructions for material on this contract may be issued direct to contractor by (unit symbol) of (applicable Navy bureau and/or Navy office).

(ii) The contractor will request Government Bills of Lading and Routings (where contract provides for shipment fob carrier's equipment) from the transportation activity shown in contract schedule. Contractor will attach a copy of communications from (applicable Navy bureau or office) to AMC Form 316, "Application for Government Bill of Lading."

(2) Shipping instructions for base procurement, as defined in § 1001.201–54 of this chapter.

(3) Shipping instructions for complete aircraft, missiles and target drones (excluding guided aircraft rockets) in Federal Supply Class 1410, 1510, 1520 and 1550, as listed in Appendix 9, AMCR 23–1, will be issued by the Aircraft and Missiles Branch (MCSDD), Directorate of Supply, Hq AMC, direct to AF plant representative office.

(4) Movement of all Government property (USAF) other than that material or equipment which is provided first movement transportation or the movement of material and equipment from plants of overhaul contractors to various destinations under the provisions of paragraph (a) of this section.

§ 1054.1503 Responsibilities.

(a) *Contracts executed at AMC Aeronautical Systems Center (LMG).* (1) Contracting officers of Shipping Instructions Section (LMESDS), will issue original and amended shipping instructions for GFAE end items and all other shipping instructions with the exception of those referred to in subparagraphs (2) and (3) of this paragraph, and paragraph (d) of this section.

(2) Designated contracting officers of the Inventory Management (end article) depot will accomplish the following for property for which Directorate of Materiel Management has distribution and storage responsibilities:

(i) Issue original consolidated shipping instructions for items provisioned on exhibits and amendments under airframe and missile contracts, which have not been designated weapon systems.

(ii) Issue original and amended shipping instructions for all items provisioned under contracts for GFAE, except amended shipping instructions on contracts with aeronautical equipment manufacturers listed under paragraph (d) of this section.

(iii) When specifically directed by LMESDS, issue original and amended shipping instructions on other AMCASC executed contracts.

(3) Designated contracting officers of the logistic support management depots will issue original and amended shipping instructions (except amended shipping instructions referred to under paragraph (d) of this section) for all items provisioned on contracts for airframe and missiles which have been designated "Weapon Systems" to be supported under "Weapon System Supply Procedures" according to Volume XX and XXIII, AFM 67–1.

(4) Designated contracting officers of inventory management depots will issue amended shipping instructions for their respective supply classes, provisioned under airframe and missile contracts which have not been designated weapon systems with the exception of those referred to in paragraph (d) of this section.

(b) *Contracts executed at AMA's or depots.* Designated contracting officers will issue original and amended shipping instructions (except amended shipping instructions referred to in paragraph (d) of this section) on:

(1) Contracts executed at prime AMA's and depots, (2) contracts assigned for complete buying and administrative jurisdiction, and (3) other AMCASC executed contracts as specifically directed by LMESDS.

(c) *Contracts executed by AMC ballistic missiles center (LBG).* Original and amended shipping instructions on these contracts will be issued by AMCBMC contracting officers or their duly designated representatives.

(d) *Administrative contracting officers of certain AFPRO's.* Administrative contracting officers of the following listed AFPRO's are authorized to: (1) Issue amended shipping instructions upon receipt of AFPI Form 44, "Request for Issuance of Shipping Instructions," from Logistic Support Manager on contracts referred to in subparagraph (4) of paragraph (a) of this section, (2) issue amended shipping instructions upon receipt of AFPI Form 44 from inventory management depots on other LMG aircraft-missile contracts, depot executed contracts and/or contracts assigned for complete buying and administrative jurisdiction and/or shipping instructions responsibility, (3) make whatever changes are deemed necessary in the AFPI Form 44 before issuing the shipping instructions, and (4) notify requester of changes made.

Lockheed Aircraft Corp., Burbank, Calif.
North American Aviation, Inc., Los Angeles, Calif.
Douglas Aircraft Co., Inc., Santa Monica, Calif.
NORAIR Division, Northrop Corp., Hawthorne, Calif.
Convair Division, General Dynamics Corp., San Diego, Calif.
Convair Division, General Dynamics Corp., Fort Worth, Tex.
Republic Aviation Corp., Farmingdale, L.I., N.Y.
Boeing Airplane Company, Wichita, Kans.
Boeing Airplane Company, Seattle, Wash.
Allison Division, General Motors Corp., Indianapolis, Ind.
General Electric Co., Evendale Plant, Cincinnati, Ohio.
Hughes Aircraft Co., Culver City, Calif.

§ 1054.1504 Shipping instruction activities.

(a) Shipping instructions may be issued by teletypes, telegrams, letters, and telephone calls by authorized personnel according to § 1054.1503. Shipping instructions furnished by means of telephone calls will be treated as formal instructions prior to receipt of written information. Contracting officers who are responsible for issuing shipping instructions will expedite written confirmation.

(b) Contracting officers responsible for issuing shipping instructions will issue Government routings or amended routings to contractors for supplies procured f.o.b. carrier's equipment at the request of cognizant transportation officer.

(c) Amended shipping instructions against open or call contracts will quote applicable production list or call number.

(d) Cancellation of items, reduction of quantities, or a substitution of items listed on calls may not be made pursuant to this subpart.

(e) Minimum information to be included in shipping instructions:

(1) Date and serial number.

(2) Prime contractor's name and address.

(3) Complete contract number including purchasing activity code, and (if applicable), number of supplemental agreement, change order, contract change notification, amendment, exhibit, call, or production list.

(4) Federal Supply Class and identity of affected items.

(5) Complete destination, including accountability.

(6) Deduction point (if applicable).

(7) Markings for packages.

(8) Type of packing and packaging.

(9) Distribution of shipping instructions.

(10) Signature of contracting officer.

(11) Distribution of DD Form 250 to monitoring activities (if applicable).

(f) Requirement schedules for material at destination, or order of shipment desired may be incorporated in the shipping instructions, or may be forwarded by wire or letter, without clearing through the contracting officer issuing shipping instructions. If incorporated in the shipping instruction, they may be changed by the component responsible for property distribution without issuance of amended shipping instructions when the total quantity for shipment to specific destinations remains as specified in the shipping instructions. Nothing contained herein authorizes the modification of contract delivery schedules through administrative action.

(g) Changes in packaging will be incorporated into shipping instructions by: (1) Transferring the pertinent packaging data to an MCP 71–163 (reproducible master) and indicating in the shipping instructions that packing and packaging will be in accord with the attached MCP 71–163. All copies of the shipping instructions distributed will have attached a copy of the reproduced packaging MCP 71–163, or (2) including the pertinent detail on the shipping instruction master, appropriately identified as "Packing" and "Packaging".

(h) The opinion stated by the packaging control officer as to increase and/or decrease in packaging costs of the contract will be suitably annotated on copies of the shipping instructions which are routed to the administrative contracting officer and on the record copy.

(i) Copies of shipping instructions will be distributed according to requirements of activities and will include copies for office of contract administration; three copies for initiator; one copy for the monitoring activity; one copy for consignee of the shipment, unless consignee is an MAP recipient country. When amended shipping instructions are issued on a contract which provides for acceptance at destination, internal procedures will be established between the issuing office and the applicable contract distribution office to insure that the consignee specified in the shipping instructions (except when consignee is another contractor) is furnished a copy of the applicable contract and appropriate changes. A copy of shipping instructions making packaging changes, and of all amended shipping instructions on fob destination deliveries will be routed to the cognizant administrative contracting officer by separate distribution from that of other copies forwarded to administrative activities.

§ 1054.1505 Contract administrative activities.

Contract administrative activities will:

(a) Cause release of shipments from contractors' plants according to existing shipping instructions, including shipping instructions furnished by telephone. When applicable, the order of assigned priority will be followed and shipments within the same triangle priority will be determined by precedence.

(b) If not otherwise specified, disposition of odd quantities of items, resulting from percentage shipping instructions, including those in contracts, will be to the prime inventory management depot.

(c) Obtain from the contractor a proposal for contract price adjustment for changed packaging requirements, or, in the case of fob destination procurements, for changed destinations resulting from amended shipping instructions. Except where the ACO has pricing responsibility according to § 1003.801–2(a) of this chapter, the ACO will forward the proposal for price change with his recommendation to the procuring contracting officer for contract amendment. The ACO will not delay shipment according to the revised shipping instructions pending completion and formalization of negotiations.

§ 1054.1506 Initiators of AFPI Form 44.

(a) When original or amended shipping instructions are required to be issued, initiators of procurement or activities responsible for property distribution will carefully prepare AFPI Form 44, "Request for Issuance of Shipping Instructions," in duplicate and direct it as necessary to comply with § 1054.1503. Where urgency requires, shipping instructions may be requested by telephone or electrically transmitted messages. If requested by telephone, a confirming AFPI Form 44 will be forwarded to the shipping instruction activity within 24 hours. Electrically transmitted requests will state "Request Shipping Instructions" or "Amended Shipping Instructions" and be arranged in paragraph form, each paragraph prefixed by the same number as the equivalent block on AFPI Form 44.

(b) Transportation officers will accomplish AMC Form 354A, "Transportation Instructions," as an attachment to AFPI Form 44, specifying the number of items, or the extent to which the routings apply, when requesting issuance of Government-Routing Instructions.

(c) All AFPI Forms 44 initiated for the purpose of providing destination or change of destination for supplies procured fob carrier's equipment will be routed through the cognizant transportation officer for attachment of AMC Form 354A covering the items for which shipping instructions are being requested.

(d) If packaging required by the contract must be revised when requesting shipping instructions, the AFPI Form 44 must be routed to the cognizant packaging control officer for inclusion of revised packaging instructions. AMC Form 163, "Preservation, Packaging and Packing Requirements," may be used for this purpose, or the packaging control officer may indicate on AFPI Form 44 the pertinent packaging data by rubber stamp with appropriate information checked as described in AMCM 71–1. The packaging control officer will state on AFPI Form 44, by stamp or otherwise, whether packaging costs included in the contract price will be changed by the revised packaging instructions.

(e) When distribution is controlled by Directorate of Materiel Management, AMA/depot, each AFPI Form 44, initiated to request amended shipping instructions, will:

(1) Include applicable supply priority and the precedence established for consignee activity according to Priorities of Programmed Units (PPU) documents, except AFPI Forms 44 covering instructions for:

(i) Direct shipments to storage sites.

(ii) Shipments to be made in order of priority listed.

(iii) Shipments to be made following the completion of shipping instructions on hand which carry a priority rating, 1 through ____ priority.

(2) Be limited to: (i) Requirements bearing triangle priorities 1, 2, 3, 6, 7, 8 and on which the contract authorizes or requires delivery within 45 days after release of shipping instructions, (ii) items which because of bulk or weight can be more economically shipped to final destination, or (iii) changes in destination brought about through transfer of storage and distribution responsibility.

(f) When copies of DD Forms 250 are required by monitoring activities assigned to special projects (other than prime inventory management), the activity will be identified as a monitoring activity (insert complete address) and a requirement stated on AFPI Form 44 for mailing of desired number of copies of DD Form 250.

(g) AFPI Forms 44 which refer to a previous request for shipping instruction will state the shipping instruction number (where known), the reference number of the previous request.

Subpart P—Administration of Flight Test or Other R&D Programs at Test Sites

1. Sections 1054.1600 to 1054.1602 are added as follows:

§ 1054.1600 Scope of subpart.

This subpart outlines responsibilities in connection with flight test and other research and development programs conducted under AF contracts at test sites. It also prescribes procedures for furnishing and controlling Government property to contractors at those sites.

§ 1054.1601 Applicability of subpart.

This subpart applies to all AF contracts requiring flight test or other research and development work to be performed at test sites.

§ 1054.1602 General.

AF contractors conducting tests at test sites occasionally require various materials (gasoline, fuel, oil, raw stock, etc.) and services (labor, direct and indirect) from the Government. This subpart prescribes procedures for: (a) Insuring that the Government receives adequate consideration for costs involved in furnishing contractors with such materials and supplies, and (b) securing and controlling Government property furnished contractors at the test sites.

2. Section 1054.1603 is revised to read as follows:

§ 1054.1603 Definition.

For the purpose of this subpart, a "test site" is a Government-owned and operated facility, such as Edwards AF Base, where aircraft are flight tested, or where other R&D projects are conducted by a contractor under the provisions of an AF contract.

3. In § 1054.1604, the present material is designated paragraph (a) and the following is added thereto:

§ 1054.1604 Responsibilities.

* * * * * *

(1) AMC ACO's are stationed at Edwards, Patrick, Holloman, Vandenberg, and Eglin AF Bases, to whom secondary administration will be transferred.

(2) If programs are to be conducted at other test sites, where there is no resident AMC ACO, the services of other resident AF contracting officers and/or a project officer will be employed in connection with specific duties and responsibilities by the office having primary administration responsibilities.

(b) If administrative responsibility is retained, the contracting officer assigned administration of the prime contract will:

(1) Request a project officer be designated as representative of the contracting officer for the specific contract(s) with specific duties, responsibilities, and actions to be accomplished under the designation. The project officer designated should be an engineer or other technically qualified person thoroughly cognizant with the test function.

(2) Through the designated project officer, furnish the appropriate base

supply officer: (i) Industrial property account identification and control number and address of the cognisant property administrator, (ii) lists of Government property to be furnished the contractor under the appropriate contract(s) or, if impossible to identify specific items required under the contract(s), state the type of aircraft or equipment to be involved in the program, and (iii) a copy of the contract when industrial property is involved.

(3) Furnish the designated project officer with a copy of the contract and other pertinent information regarding its terms and agreements.

(c) If secondary administration has been transferred, the contracting officer assigned secondary administration will take the action set forth in paragraph (b) (2) of this section. Appointment of a project officer, as stated in paragraph (b) (1) and (3) of this section normally will not be necessary.

(d) The project officer assigned specific duties at the test site will maintain continuous close surveillance of the test programs of the contractors, performing contractual duties authorized in writing by the ACO. These duties will normally be, but not limited to:

(1) Approve or disapprove requests of the contractor for Government property or other assistance, according to the terms of the contract(s).

(2) Maintain records and make reports to keep the contracting officer informed of the progress of the contractor's activities.

(3) Recommend to the contracting officer the amendment of contracts to provide for furnishing materials, equipment, or other assistance when it is determined that material, equipment, and assistance necessary for performance of the program are not covered by the existing contract(s).

(4) Process contractor requests for material and/or services which will be included in SF 1080 reimbursement vouchers. Where individual contractor requests are estimated to cost over the sum total of $5,000, the project officer will submit such requests to the AMC Test Site Office (AMCTSO) for appropriate action.

(e) Buyers will:

(1) Review all programs under which test or research and development programs have been or are being conducted at AF test sites to determine that contractual coverage is provided for materials, equipment, and services to be furnished by the Government during the program.

(2) Amend AF contracts where necessary to cover furnishing materials, equipment, and services to contractors during the programs.

(3) In negotiating future contracts or supplemental agreements requiring flight tests and other research and development programs at a test site, insure that the contract adequately covers specific materials, equipment, and services to be furnished by the Government and the contractor in the performance of such programs.

(4) Obtain concurrence from the test site prior to definitizing contracts or supplements thereto which obligate the site to support the contract requirements.

Subpart S—Performance Data on MPSA Contractors

1. The title of Subpart S is revised as shown above.

2. Sections 1054.1900, and 1054.1901 are added as follows:

§ 1054.1900 Scope of subpart.

This subpart prescribes procedures for compiling performance data on Military Petroleum Supply Agency (MPSA) contractors and furnishing this to the Renegotiation Board.

3. Section 1054.1902 is revised to read as follows:

§ 1054.1902 General.

To compile a complete performance report, it is necessary to supplement information available to the MPSA with that available to personnel having quality control jurisdiction over the contractor's plant.

4. Section 1054.1904 is revised to read as follows:

§ 1054.1904 Use of checklist.

The performance checklist in § 1054.1909 will be used by the air procurement district as a guide in determining performance data factors.

5. In § 1054.1905, paragraph (a) is revised to read as follows:

§ 1054.1905 Source of data.

(a) Prime contractor performance data will be compiled from AF records. In no instance should information concerning the prime contractor be obtained from prime contractor personnel.

§ 1054.1911 [Redesignation]

6. Section 1054.1911 is redesignated 1054.1909.

Subpart T—Supervision of Factory Training Courses

Section 1054.2003 is added as follows:

§ 1054.2003 Responsibility.

Where an Air Training Command officer is not assigned to exercise surveillance over the program, the AF plant representative or the AF officer in charge, in addition to administration of the AF contract will be responsible for performing the following functions:

(a) Ascertain that contractors conduct training programs for the period of time and the number of students specified by the contract terms.

(b) Maintain attendance records and, as a representative of each student's command, exercise such administrative supervision over students as is determined necessary to assure satisfactory attendance. This will include: (1) Authorizing all absences from training classes for sickness or other justifiable reasons, and (2) informing the activity having command jurisdiction over each student as to his attendance record.

Subpart U—Plant Seizure Program

Subpart U is deleted.

Subpart V—Debts Owed by Contractors; Deferred Payments

A new Subpart V is added as follows:

Sec.
1054.2200 Scope of subpart.
1054.2201 Applicability of subpart.
1054.2202 Determination of debt.
1054.2203 Cash payment.
1054.2204 Offset.
1054.2205 Determination of appropriate accounting and finance office.
1054.2206 Deferred payments; 90 days or less.
1054.2207 Deferred payments; unusual.
1054.2208 Reports; hold-up list.

AUTHORITY: §§ 1054.2200 to 1054.2208 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.2200 Scope of subpart.

This subpart covers procurement responsibilities in connection with ascertaining and arranging for collection of debts owed by contractors.

§ 1054.2201 Applicability of subpart.

This subpart applies to all AF procurement activities.

§ 1054.2202 Determination of debt.

(a) Debts referred to in this subpart include but are not limited to:

(1) Damages or excess costs incident to defaults in performance.

(2) Breach of contract obligations concerning progress payments, advance payments, or Government-furnished property.

(3) Delinquency in rentals.

(4) Expense of correcting defects.

(5) Overpayments incident to errors in quantity, deficiencies in quality, or errors in billing.

(6) Retroactive price reductions resulting from contract provisions for price redetermination or for determination of prices under incentive type contracts.

(7) Delinquencies in payment by charter and contract carriers for sale of aviation fuels and oil.

(b) The amount of any indebtedness of contractors to the Government must be ascertained promptly to minimize the possibility of loss from later inability to collect. Delays in determining amounts due or in obtaining timely payment are in effect extensions of credit to contractors.

(c) The amount of a debt due to the Government and the time it is established will vary according to type of contract involved.

(1) For example, in a price-redetermination type contract, the amount due may be determined by negotiation or fixed by a unilateral determination by the contracting officer and the debt will be established when demand is made upon the contractor for payment.

(2) On the other hand, the amount due and the date the debt is established may be governed by the terms of the contract itself, as in the case of a lease contract providing for a fixed rental rate payable at stated intervals.

(3) In any situation full and fair consideration will be given to the merits of the Government's claims and the merits of all known claims of the contractor, for adjustment or otherwise, that may be allowable to the contractor under the contract, and that would serve to reduce the amount to which the Government is fairly entitled.

(d) When it is necessary to negotiate or otherwise determine the amount of a debt, fixing the amount due the Government will not be held up or delayed because of uncertainties as to the allowability of other claims of the contractor, or uncertainty as to the amount of such claims. If there are such uncertainties, or if the contractor: (1) Is delinquent in furnishing pertinent information required to be furnished by him pursuant to the contract, (2) fails to negotiate expeditiously and in good faith according to any provision of the contract requiring such negotiations, or (3) fails to promptly execute a supplemental agreement reflecting the result of negotiations, the appropriate contracting officer will promptly make proper finding and determination, fixing the amount of the contractor's indebtedness, as permitted or not prohibited by the contract and supported by sufficient evidence.

(e) The contracting officer will promptly initiate the necessary action to process supplemental agreements when applicable. All contractual documents which provide for recoupment of money from the contractor will include a clause providing for a specific method of payment through a tender forthwith of check or offsetting credit, except to the extent deferral of payments is specifically authorized according to this subpart. In no case will an "either-or" clause providing for alternative methods of payment by the contractor be used. Whether by check in full, credit memoranda, or deferred payments, the contractual instrument will include a requirement that the contractor send copies of the transmittal letter, giving full details of the transaction, to the ACO and the appropriate accounting and finance office.

(f) A copy of all contractual instruments which relate to the amount and terms of an indebtedness will be furnished immediately and directly to the accounting and finance office(s) responsible for payment of contracts with such contractor and to each additional accounting and finance office(s) having funds cited in the contractual instrument. A copy will also be furnished to the ACO if he is not a party to the negotiations. Where a copy of basic contractual instrument or contractual modification is destined for the accounting and/or finance office(s) of the Army or Navy, route the document through the PR–MIPR management activity of the purchasing installation that has the responsibility for the involved basic contract rather than direct to the Army or Navy accounting and/or finance office(s).

§ 1054.2203 Cash payment.

(a) As a general rule, amounts due from contractors to the United States are expected to be repaid in cash, in one sum upon receipt of demand or invoice. The formal demand for immediate payment will be made on the contractor by the contracting officer as soon as the amount owed to the Government under a contract has been determined, and will contain notice that such payment will be sent to the appropriate accounting and finance office(s). (See § 1054.2205.) Invoices for amounts owed to the Government for supplies and services furnished from AF resources to accommodate contractors in the performance of contracts or scheduled recurring payments due from contractors such as those normally due under lease agreements or under approved deferred payment plans will be submitted to the contractor by the designated accounting and finance office. The invoice will contain a request that remittance be sent to the accounting and finance office. A copy of the invoice will be immediately furnished to the appropriate ACO.

(b) Upon formal demand for payment of an indebtedness, the appropriate contracting officer will promptly notify the responsible accounting and finance office(s) and, if appropriate, the ACO. The notice will indicate the date the contracting officer made demand on the contractor and except as stated in paragraph (c) of this section will advise the accounting and finance office to withhold payment from the contractor of any sums due the contractor pending receipt of such cash payment.

(c) If the contracting officer is reasonably satisfied that full payment will be made in cash within 30 days after demand or if not paid in cash within the 30-day period that the full amount can be recovered by offset of payments expected to be made on the contract within the next 60-day period, he may defer the withholding of payments for the first period of 30 days following demand for payment by so advising accounting and finance office. If a debt arises automatically at stated intervals by terms of the contract, such a determination will be made only if the contractor defaults in payment.

(d) Appeals by contractors will not suspend or delay action for withholding.

§ 1054.2204 Offset.

(a) Whether instructions to withhold payments under the specific contract under which the debt arose were issued or not, if within 30 days after maturity of a debt, whether the due date is established by the terms of the contract (e.g., rental contracts) or by formal demand for payment, full collection has not been made or a supplemental agreement has not been executed to provide for collection within not more than 90 days, the accounting and finance office will automatically apply payments under the contract to reduce the indebtedness. The amount withheld from payment, if any, and all future amounts becoming due under the contract will be offset until the indebtedness is satisfied.

(b) If the contractor within 30 days after formal demand for payment makes a definite proposal for unusual deferred payments (over 90 days), pending decision of the Deputy for Contract Financing, Office of the Assistant Secretary of the Air Force, the Financial Branch (MCPMF), Hq AMC, can issue instructions to the accounting and finance office to withhold or off-set payments under the contract or waive such action to the extent considered prudent and in the best interests of the United States.

(c) If the contractor fails to satisfy fully the debt within 30 days from demand or within that time fails to make arrangements for deferred payments, the accounting and finance office designated to make payment will immediately notify the accounting and finance office whose funds are cited in the contract, the procuring contracting officer, and the ACO. If the contractor fails to live up to the terms of an approved deferred arrangement, the accounting and finance office designated to make payments will notify MCPMF in addition to the other interested officers. The electrically transmitted message will contain the name and location of the accounting and finance office, name of the contractor, number of the contract, nature of indebtedness, amount of debt, and a citation of the appropriation to which collection is to be credited. If any of these offices have information, or can readily obtain information that the delinquent contractor has other contracts with the same or other installations of the Air Force, or the company has contracts with other departments or agencies of the Government that may lead to payments, such information will be immediately relayed to the appropriate accounting and finance office. If the accounting and finance office is satisfied that the full amount of the debt cannot be recovered by offset of payments expected to be made on the contract, an immediate request will be made directly to such department or agency, or accounting and/or finance office of such agency, if known, to withhold any payments to effect collection of the debt on the contract under which the contractor's indebtedness arose.

(d) Government personnel will cooperate and assist in the fulfillment of such requests, giving due regard to the effect of abrupt cessation of payments on the operations of the contractor, performance of the contracts, and the interest of the United States in such contracts. In all such cases the rights of assignees under the Assignment of Claims Act of 1940, as amended, and under contract provisions pursuant thereto, will be scrupulously respected.

(e) In making these requests and in complying with such requests, care will be taken at all times to avoid overcollection or duplicate collection. Checks to liquidate indebtedness pursuant to such requests will be drawn payable to the "(contractor's name or Treasurer of the United States)" and sent to the accounting and finance office designated to make payment on the contract under which the indebtedness arose, and will be accompanied by a statement sufficient to identify the indebtedness to which it is to be applied. The agency making the deduction will give appropriate notice of the accomplishment of the deduction to the contractor concerned and the accounting and finance office. The accounting and finance office, in turn, will

give notice to the ACO and the accounting and finance office(s) whose funds are cited in the contract.

§ 1054.2205 Determination of appropriate accounting and finance office.

The accounting and finance office to which the contracting officer will send copies of notices of demand for payment of a claim, will be the one whose station number is cited as an integral part of the accounting classification cited in the contract. The appropriate accounting and finance office is stated in the contract, except as follows: (Accounting and disbursing station numbers are contained in Chapter 11, AFM 170-7.)

(a) On contracts executed by one AF activity where the contents of the file or the citation of funds indicates that the contract was transferred to another AF activity, cite the accounting and finance office currently responsible for the fiscal administration of the contract.

(b) On contracts executed by one AF activity containing citation of funds of another AF activity, cite the accounting and finance office responsible for fiscal administration of the contract.

(c) On contracts where multiple funds are cited with more than one station number, cite the accounting and finance office whose station number is cited as a part of the accounting classification.

§ 1054.2206 Deferred payments; 90 days or less.

Under certain circumstances deferred payments not to exceed 90 days from the date of maturity of the debt may be permitted upon proper application by the contractor.

(a) A contractor desiring to pay an indebtedness over an extended time not to exceed 90 days must submit a request for such deferral within 30 days from the date of maturity. The contractor's request, whether directed to the contracting officer who issued demand for payment or to the accounting and finance office which submitted invoice for payment, will be sent immediately to AMC (MCPMF). If the request is received from other than the ACO, MCPMF will immediately notify him of the request.

(b) Prior to approval of a deferred payment arrangement, the Financial Branch (MCPMF) will request information according to appropriate instructions contained in §§ 82.27 and 82.28, Subchapter G of this title which supports an analysis of the contractor's financial condition, existing or available credit arrangements, production and purchasing schedules, defense contract backlog, cash resources and projected cash receipts and requirements, and the effect of full immediate payment on the contractor's operation.

(c) The information furnished by the contractor must be adequate to permit an evaluation of the above factors and to show to the satisfaction of MCPMF that immediate payment in full or complete offset of all future payments would seriously impair the contractor's ability to continue operations or jeopardize performance of the contractor of other contracts or subcontracts for the national defense, and that orderly collection can be effected fully within not more than 90 days from the date of the demand for payment.

(d) Subject to the provisions above, MCPMF may authorize a supplemental agreement with the contractor setting forth the terms and conditions for such deferred payments. After a decision on the contractor's request has been reached, MCPMF will immediately notify the contracting officer responsible for preparing the supplemental agreement. The supplemental agreement may provide for cash payments in stated installments, for offset of stated amounts or stated percentages from future payments, or for combined payments and offsets.

(e) A copy of the supplemental agreement will be furnished MCPMF after execution. MCPMF will be notified by the cognizant contracting officer of receipt of payments under the supplemental agreement.

§ 1054.2207 Deferred payments; unusual.

(a) Unusual situations may arise where the best interest of the Government may be served by deferring collection of contract indebtedness for a period longer than 90 days. A contractor will have up to 30 days after maturity of debt to make a definite proposal for payment over a period of more than 90 days from the due date of the debt for consideration by MCPMF, and to submit such information to support the proposal as MCPMF may request. Upon receiving a proposal where the ACO has not been a party to the transaction, MCPMF will promptly notify the ACO for his immediate comments, if any.

(b) The information must demonstrate to the reasonable satisfaction of MCPMF that:

(1) The contractor will be unable to pay the debt within 90 days from date of demand.

(2) Full payment within such 90-day period, if enforced, would either (i) Precipitate bankruptcy or insolvency of the contractor, with foreseeable loss of all or a part of the debt in question, or with other foreseeable loss on other claims or interests of the United States, or (ii) prevent performance of contracts or subcontracts deemed necessary to the national defense.

(3) Collection of the indebtedness in full is likely if the proposal for deferred payment is accepted.

(c) MCPMF will make an examination and analysis similar to that described in § 1054.2206(b) and paragraph (b) of this section and will submit through channels on a priority basis an evaluation of the contractor's proposal with the necessary supporting information and a recommendation to the Directorate of Accounting and Finance, Contract Financing Branch (AFAAF-6C), Hq USAF. The Director of Accounting and Finance will refer the case to the Deputy for Contract Financing, Office of the Assistant Secretary of the Air Force.

(d) Pending the decision of the Deputy for Contract Financing, (1) The requirement for submitting a report of the case according to § 1054.2208(b) will not apply, and (2) MCPMF may authorize the accounting and finance office to withhold or offset payments under the contract (in which instance the ACO will be immediately notified of the action) or MCPMF may waive such action.

(e) The Deputy for Contract Financing may deny the contractor's proposal, or approve it, or approve it upon prescribed conditions. Deferred payments for a period longer than 90 days which are approved by the Deputy for Contract Financing will be charged interest at the rate of 5 percent per annum unless a different rate is determined by the approving office.

(f) Agreements in this category will include such covenants and security as prudent and feasible under the circumstances of each case, will be limited to the shortest practicable maturities, and will be made only when found to meet the standards set forth in paragraph (b) of this section.

(g) A copy of the supplemental agreement will be furnished MCPMF after execution. The cognizant contracting officer will notify MCPMF of receipt of payments under the supplemental agreement.

§ 1054.2208 Reports; hold-up list.

(a) Except as provided in paragraph (b) of this section, the appropriate accounting and finance office having funds cited in the contract will submit, within 15 days after a debt becomes delinquent, a brief narrative report consisting of the name and address of the accounting and finance office designated to make payment, name and address of the contractor, contract number, nature and amount of debt involved, together with the complete case file concerning the delinquent debt to the Directorate of Accounting and Finance, Contract Financing Branch (AFAAF-6C), Hq USAF, for inclusion on the consolidated list of contractors indebted to the United States, commonly known as the "Hold-Up List".

(b) The name of a company which is delinquent in the payment of a debt need not be forwarded for inclusion on the Hold-Up List under the following circumstances:

(1) If the company becomes delinquent in connection with a debt which provided for payment in cash within 30 days, a report to Hq USAF is not required when the appropriate accounting and finance office is satisfied that collection will be completed by the offset of payments under the contract to be made within 90 days after the initial demand. However, if the anticipated payment is not received within the 90 days, a report must be submitted.

(2) No amounts less than $25 (unless due from carriers, in which case the minimum is $10) will be reported.

Subpart W—Scrap Control

Section 1054.2304 is revised to read as follows:

§ 1054.2304 Responsibilities.

The administrative contracting officer, in administering AF production contracts, will be supported by a Technical Assistance Group (TAG) appointed by authority of AMA directorates of procurement and production, and consisting of industrial property, quality control, production and audit personnel, which will operate under the chairmanship of its production representative. The ACO, supported by the TAG, in reviewing contractors' scrap control will:

(a) Review and evaluate the contractor's procedures and practice of scrap control and the results obtained from such control.

(b) Review rejection trends of the contractor and spot-check to satisfy himself that scrap controls as established by the contractor are actually being practiced.

(c) Determine that the contractor's controls pertaining to the generation of scrap, including procedures and records, are according to the generally accepted objectives of scrap control within the segment of the industry concerned and are adequate to protect the Government's interest. Advise the contractor and local cognizant AF personnel, in writing, of the determination. If corrective measures are necessary, advise the contractor so he may accomplish them. A copy of this correspondence will be sent to the cognizant AMA director of procurement and production.

(d) Advise the AMA director of procurement and production of any areas in which action by higher authority is necessary to resolve or clarify responsibility for scrap control matters that involve various functional elements of the Air Force.

Subpart Y—Losses, Damages, or Destruction of Government Property in Possession of Contractors Under Military Suspense Accounting

In § 1054.2503, paragraphs (a) and (b) are revised to read as follows:

§ 1054.2503 Responsibilities and procedures.

(a) In each instance of loss, damage, or destruction of Government property while in the possession of a contractor under service type contracts such as cited in § 1054.2500, DD Form 1150, "Request for Issue or Turn-In," will be prepared to establish circumstances under which the loss, damage, or destruction of the property occurred. The DD Form 1150 will be initiated and prepared by the officer responsible for the property, or such other individual having a primary interest in the property involved. The contractor's name, address, and pertinent contract number will be set forth in the statement of circumstances on the face of the form.

(1) Upon completion of DD Form 1150 by the individual responsible for its preparation, original and two copies will be immediately sent to the contracting officer for his action.

(2) One copy marked "Information Copy" will be sent to the military account maintaining suspense control over the property.

(b) The contracting officer will consider the factual data contained on the DD Form 1150 in determining the contractor's liability for loss, damage, or destruction of the property involved. Upon completing his investigation according to the terms of the contract, the contracting officer will record his findings of fact (written advice) on the reverse of DD Form 1150, or by exhibit thereto. One completed copy will be returned to the accountable property officer in whose account suspense control has been maintained for use as the valid credit voucher to such account.

Subpart Z—Interim Billing Prices and Refunds for Incentive and Price Redetermination Contracts

Subpart Z is revised as follows:

Sec.
1054.2600 Scope of subpart.
1054.2601 Definition.
1054.2602 General.
1054.2603 Interim refunds and adjustments.
1054.2604 Contract administration.

AUTHORITY: §§ 1054.2600 to 1054.2604 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1054.2600 Scope of subpart.

This subpart applies to the administration of incentive and price redetermination type contracts which include (or should be amended to include) the appropriate provisions on "Limitation on Payments" as set forth in §§ 7.108 and 7.109 of this title.

§ 1054.2601 Definition.

"Interim refunds" as used herein refer to refunds made in anticipation of final pricing, whether pursuant to contractual requirements or by mutual agreement.

§ 1054.2602 General.

All contracts with incentive or price redetermination provisions will contain the appropriate clause set forth in §§ 7.108 and 7.109 of this title. Each clause limits payments to be made to the contractor and provides for quarterly refunds to the Government of amounts in excess of such limitations.

§ 1054.2603 Interim refunds and adjustments.

(a) The administrative contracting officer (ACO) will promptly ascertain the amount of indebtedness to the Government arising on contracts pursuant to this subpart and will effect collection expeditiously.

(b) To expedite and control adjustments and refunds, a list of all Fixed-Price Redetermination (FPR) and Fixed-Price Incentive (FPI) contracts being administered will be established and maintained to indicate those which have and those which have not incorporated the appropriate clause.

(c) The ACO will systematically review all FPR and FPI type contracts with contractors statements at least every 3 months to obtain downward revised billing prices and/or prompt refunds, as appropriate.

(d) Revised billing prices proposed by contractors will be effective immediately and will be paid at the reduced amount, if otherwise proper, without awaiting contract amendments. The ACO will nevertheless comply with paragraph (f) of this section, to assure credit to the applicable appropriation for the contract item numbers involved. The reduced invoice or credit memorandum should bear the following wording:

This interim price reduction is tendered by the contractor and accepted by the Government without prejudice to the rights of any of the parties in negotiation of the final price of subject contract.

(e) Refunds will be made, accepted, and deposited without delay and without effecting accounting adjustments. Contractors will not be required to furnish adjusted bids concurrently or concurrent itemization of adjustments to be made on past billings, but may be requested immediately thereafter to furnish information essential for Government personnel to account for the adjustment.

(f) Clauses. (1) Interim refunds and revised billing prices made pursuant to contractual requirements when the contract contains one of the clauses in §§ 7.108 or 7.109 of this title will be evidenced by supplemental agreement containing the following clause modified if necessary to suit the circumstances:

Pursuant to authority of clause ------ of this contract the parties hereto agree to effect the following revised billing prices for items enumerated.

The adjusted billing prices agreed upon by the parties hereto are to be considered as interim prices for billing purposes and this revision is made without prejudice to the rights of either party in the negotiation of final prices of this contract.

(2) Where interim refunds and revised billing prices are made on contracts not containing the required clause the procuring contracting officer will be advised and requested to incorporate the clause by amendment. Pending amendment, the clause in subparagraph (1) of this paragraph will be modified by revising the first sentence to read:

By mutual agreement the parties hereto agree to effect the following revised billing prices for items enumerated.

§ 1054.2604 Contract administration.

(a) The contracting officer will exercise every effort to bring about prompt redetermination of prices and setting of firm target prices by vigilant and timely attention to the contract administration aspects of each contract.

(b) When progress payments have been made on contracts on which interim refunds are made, the unliquidated progress payment balance will be adjusted as required by Subpart F of this part.

(c) Certain tax credits in connection with contract price refunds are permitted by Section 1481 of the Internal Revenue Code of 1954 and Section 3806 of the Internal Revenue Code of 1939. The effect of these statutory tax credits will not be altered by the fact that the incentive or price redetermination clause in the contract does not contain provisions for deduction of tax credits. All incentive and price redetermination type contracts should be administered to allow the statutory tax credit whenever applicable under the circumstances. Whenever there is a "gross excess" under those contract provisions, the tax credit will be allowed in partial settlement of the gross excess, and only the remainder

of the excess, plus the refund due as a result of the reduction in price of the item, will be refunded by the contractor.

Subpart AA—Special Bank Accounts for Advance Payments

1. Section 1054.2700 is revised to read as follows:

§ 1054.2700 Scope of subpart.

This subpart sets forth procedures to be followed in the administration and supervision of special bank accounts. See Subpart G, Part 1058 of this chapter (to be superseded by § 1030, Appendix E, Part IV, of this chapter).

2. Sections 1054.2702, 1054.2703(b), and 1054.2706 are revised to read as follows:

§ 1054.2702 Definition.

For the purpose of this subpart the term "Financial Branch" means the Financial Branch (MCPMF), Hq AMC, or the Financial Section (RDSKC), Hq ARDC when applicable.

§ 1054.2703 Supervision of special bank accounts.

* * * * *

(b) *Requests for advance payment moneys by contractors.* The ACO will determine that requests for additional advances into the bank account from the contractor conform to requirements of Subpart G, Part 1058 of this chapter (to be superseded by § 1030, Appendix E, Part IV, of this chapter).

§ 1054.2706 Change in contractor's ability to perform contract.

The ACO will follow the procedures in § 82.30 Subpart G of this title with respect to any known change in the contractor's technical or financial ability to perform the contract.

3. In § 1054.2707, paragraph (a) is revised as follows:

§ 1054.2707 Use of advance payments under terminated contracts.

(a) The AF activity responsible for the issuance of notices of termination (for the convenience of the Government) (see Subpart B, Part 1008 of this chapter) will notify the ACO promptly of each partial or total termination of a contract under which advance payments are outstanding, so that the latter may be fully informed in connection with any further withdrawals. Withdrawals from special advance payment bank accounts under contracts terminated for contractor's default will be stopped immediately. The Financial Branch will notify the Contract Management Division (MCPKT) Hq AMC, and readjustment activities at the respective AMA's and depots of all contracts which have advance payments outstanding.

Subpart CC—Processing of Claims Under Cost-Reimbursement Type Contracts

In § 1054.2909, paragraph (c) is revised and a new paragraph (e) is added as follows:

§ 1054.2909 Inter-plant billings under cost-reimbursement type contracts exclusive of home office overhead.

* * * * *

(c) *Transmittal of inter-plant billings.* The primary ACO will request the contractor to transmit inter-plant billings to the receiving plant through the ACO at the originating plant (if such individual is assigned) and furnish two copies of completion billings to both the auditor having cognizance over the originating plant and to the secondary ACO. The contracting officer at the originating plant will examine the invoices and provisionally approve, according to § 1054.2905, the costs covered by the invoice which, in his judgment, are reasonable and necessary to the performance of the work for which the charge is made. A copy of the provisionally approved invoices will be furnished the cognizant auditor at the originating plant at the time the invoice is tranmitted to the receiving plant.

* * * * *

(e) When the inter-plant invoice is submitted to the receiving plant for reimbursement, the contracting officer at that plant is authorized to rely on the certification of the contracting officer at the originating or intermediate plant or plants for the facts stated therein as shown on the certified copy of the inter-plant invoice forwarded by the ACO at the originating plant. However, the contracting officer approving the Standard Form 1034 voucher or the commercial invoice covering such inter-plant billings must also be satisfied that under the specific terms of the cost reimbursement contracts or time and material contracts involved, such costs were incident to the performance of such contracts and reimbursable thereunder. (See § 15.502(e) of this title.)

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1055—SPARE PARTS

Subpart D—Approval of Spare Parts or Ground Support Equipment Exhibits and Issuance of Supplemental Agreements

In § 1055.402, paragraph (c) is revised to read as follows:

§ 1055.402 Procedures and responsibilities.

* * * * *

(c) The procuring contracting officer will designate in the contract a basic supplemental agreement number for each category of parts and equipment (i.e., spare parts, ground support equipment, training parts) to be provisioned under the contract. He will advise the contract distribution officer, by correspondence attached to the contract forwarded for distribution, the supplemental agreement numbers assigned. Once such numbers have been assigned, they will continue to be used to process priced exhibits of the category of parts and equipment for which assigned, throughout the life of the contract. However, to permit proper identification the second or subsequent time the number is used, the ACO will assign a numerical suffix beginning with the number 1. For example, Supplemental Agreement Number 5 may be the number obtained to process the first spare parts category. The next succeeding revision proposed to incorporate one or more exhibits to the same category will be Supplemental Agreement Number 5–1. The next supplemental agreement number to the same category will be 5–2, etc.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1057—REPORTS

Subpart G—Report of Profit on Air Force Contracts Under Vinson-Trammell Act

Subpart G is deleted and reserved.

Subpart T—Overtime Report

Subpart T is deleted and reserved.

Subpart W—Report of Effectiveness of Labor Law Enforcement on Air Force Contracts

Subpart W is added as follows:

Sec.
1057.2300 Scope of subpart.
1057.2301 Applicability of subpart.
1057.2302 Responsibilities.
1057.2303 Procedure.
1057.2304 Reports control symbol.

AUTHORITY: §§ 1057.2300 to 1057.2304 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1057.2300 Scope of subpart.

This subpart prescribes the preparation and submission of a monthly report of effectiveness of labor law enforcement on AF contracts as prescribed in § 1012.404 of this chapter.

§ 1057.2301 Applicability of subpart.

This subpart applies to all AF liaison offices designated in § 1012.404–51 of this chapter.

§ 1057.2302 Responsibilities.

(a) A monthly report will be prepared in letter form and submitted in duplicate by each AF liaison office to AMC (MCPP), within 2 working days after the last day of the month being reported. Negative reports are required.

(b) MCPP will prepare and submit a consolidated report as of the end of each quarter to reach Hq USAF (AFMPP-PR) not later than the 12th calendar day of the month following each quarterly period.

§ 1057.2303 Procedure.

The report submitted by the AF liaison office will list all unsettled cases received in prior months, all cases received during report month and all cases settled during report month. The information will be reported in the following format:

Docket No.	Base	Contract No.	Type of violation	Date received in AFLO	Date settled or forwarded to USAF	Willful, nonwillful, or criminal	Investigated by base AFLO	Status

In addition to the above, the following information will be included in the report for those cases on which actions by the AF liaison office have been completed during the month reported:

(a) *Costs.* (1) Average cost per case with breakdown as follows:

(i) Administrative, including communications.

(ii) Technical, including costs of field investigations.

(iii) Travel.

Note: The Department of Labor has developed cost data sheets which may be adapted for Air Force use.

(b) *Restitution.* (1) Amount of money paid to workers as restitution.

(2) Number of employees who received restitution.

(c) *Types of cases.* (1) Number of cases involving nonwillful violations $200 or less.

(2) Number of cases involving nonwillful violations over $200.00.

(3) Number of willful violations.

(4) Number of Congressional cases.

(5) Number of cases referred to Hq USAF for resolution with Department of Labor.

(6) Number of cases involving criminal violations and prosecution.

§ 1057.2304 Reports control symbol.

Reports Control Symbol RCS AF-XDL-Y2 has been assigned to this report.

Subpart KK—Financial Management Report

Subpart KK is added as follows:

Secs.
1057.3700 Scope of subpart.
1057.3701 Applicability.
1057.3702 Use of DD Form 1097, "Financial Management Report."
1057.3703 Coverage of the DD Form 1097.
1057.3704 General procedures related to both functions of the report.
1057.3705 Direction related specifically to the financial status of contract function.
1057.3706 Direction confined to the expenditure management function.

AUTHORITY: §§ 1057.3700 to 1057.3706 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1057.3700 Scope of subpart.

This subpart prescribes instructions for preparing, transmitting, and using DD Form 1097, "Financial Management Report," dated November 1, 1959. Bureau of Budget Approval Number 22-R180 (Expires May 31, 1964) applies. The revised reporting form and instructions contained herein will become effective with the March 31, 1960 reporting. Detailed instructions for completion are attached to each copy of the DD Form 1097. This form is designed as a dual purpose form to:

(a) Provide cost information for cost reimbursement contracts.

(b) Provide information for expenditure management on the status of expenditures and forecasts of future expenditures and billings under existing contracts and under planned programs.

§ 1057.3701 Applicability.

This subpart applies to Directorate of Procurement and Production, Hq AMC, AMC centers, AMC field procurement activities, and ARDC.

§ 1057.3702 Use of DD Form 1097, "Financial Management Report."

This report will be used for accomplishing the following objectives:

(a) To obtain earliest possible knowledge of an increase in the estimated cost (over-run) while developing forecasts of contractor-incurred commitments and contractor expenditures for cost reimbursement contracts. This is referred to as the "financial status" purpose of the form and covers in addition to the general items the specific items 7, 8, 11, 12, and 16 of the DD Form 1097. The term "Expenditures" in items 8 and 16 which refer to payments made by contractors for materials received by them or services rendered for them, is not to be confused with "Payments" of items 10 and 17 which refer to payments made or forecast to be made by the Government to contractors through Government finance offices.

(b) Manage Air Force expenditures: This is referred to as the "expenditure management" purpose of the report which in addition to the general items covers specifically items 9, 10, and 17, and involves the following:

(1) Development of expenditure forecasts for total AF business for each of the selected contractors covering at least 75 percent of the total procurement area which AMC has been made responsible to manage. Also involves forecasts for major individual contracts for anaylsis purposes. The selection of these largest contractors is made in compliance with AFR 70–13.

(2) Apprising appropriate AMC and ARDC staff activities and the Air Staff of projected goals with respect to expenditure of AF funds.

(3) Compare actual expenditures with expenditure targets and analyze deviations from the projected course. ACO's should keep records enabling them to explain, as required, instances where actual payments deviate substantially from the contractor's forecast.

§ 1057.3703 Coverage of the DD Form 1097.

(a) For financial status purpose all cost reimbursement type contracts with an uninvoiced dollar balance of $25,000 and over, regardless of contractor, will be reported. The one exception to this limitation is in connection with contracts with nonprofit (educational) institutions reporting is limited to contracts having an uninvoiced dollar balance of $100,000 or more. If determined necessary, the contracting officer may require reports submitted on such contracts with an uninvoiced dollar balance of less than $100,000 but not less than $25,000.

(b) For expenditure management purpose:

(1) A Summary Report from each of the selected contractors covering total AF business in the 3100/3200/3010/3020/3080/Joint 3600 appropriation areas will be required. Contractor units presently designated for expenditure control with respect to AF funds are set forth in § 1057.3706(g). Contractor units have been designated for expenditure control with respect to Army (A21 x 2030 P4051) funds and these are set forth in § 1057.3706(h). These lists of contractor units are subject to change as necessary but not more than once for each fiscal year, to provide submission from a minimum number of contractors and still account for 75–80 percent of the total unpaid balances on active contracts.

(2) Reports covering individual contracts are also required. Individual contract reporting is required from selected contractors only, is restricted to those contracts, regardless of type, with uninvoiced dollar balance of $1 million or over, and is limited to contracts for aircraft, missiles, propulsion, fire control and guidance systems, bomb navigation systems, and other electronic systems.

(c) When it is necessary to report both financial status (primarily items 7, 8, 11, 12, and 16) and expenditure management (items 9, 10, and 17), the information for both will be included on the same form. In other instances, as requirements demand, it may be necessary to prepare and submit a report covering only one or the other of the two functions.

(d) The clause entitled "Financial Management Report" reference §§ 1007.204–55 and 1007.404–17 of this chapter will be included in all cost type contracts in excess of $25,000 face value. ($100,000 limitation for nonprofit (educational) institutions.)

§ 1057.3704 General procedures related to both functions of the report.

(a) DD Form 1097 will be prepared quarterly by the contractors and generally submitted in from four to seven copies.

(b) ACO's administering contracts will be responsible for assuring that appropriate contractors submit the required reports. They will furnish the contractors a supply of DD Form 1097, will advise which specific reports are required, and will give necessary guidance based on this Subchapter.

(c) Individual contract reports will be submitted to the ACO involved not later than the 30th day of the month following the end of each calendar quarter. Summary reports will be submitted to the AFPRO/APD involved on the same date.

(d) Channeling of reports from the AFPRO/APD locations forward is covered separately for the two functions in §§ 1057.3705 and 1057.3706 and in the flow charts following.

(e) The ACO will be responsible for completing item 19 of the report, "Service Representative's Remarks and Authentication". Review and analysis will include, but not necessarily be lim-

ited to: A review of any estimated cost increases shown in the contractor's forecast, as well as a review of the contractor's forecast of billings to ascertain whether he has included all provisioning orders, work requests, facility item approvals, and similar contingency items which may be in possession of the ACO and have not been released to the contractor but which will affect the contractor's forecast. (In the case of the Summary Reports for Expenditure Management the AFPRO/APD/ARDC procurement activity, or similar office having primary contract administration responsibility will be responsible for completing item 19.)

(f) AF reporting will not complete items 4, 5, or 6.

(g) Program data pertaining to ballistic missiles will be released by AMCBMC. Program data pertaining to other areas will be released by the Programs and Analysis Office (LMFB), AMCASC, Wright-Patterson AFB, Ohio. This information is furnished to applicable AFPRO's/APD's by means of extracts from Program Planning Schedules.

§ 1057.3705 Direction related specifically to the financial status of contract function.

(a) The DD Form 1097 is required on all cost reimbursement type contracts with an uninvoiced dollar balance of $25,000 or more, with the exception of contracts with nonprofit institutions as indicated in § 1057.3703(a). The form, when financial status information only is included, will be submitted by the contractor to the ACO in four copies. It may, however, be combined with the individual report for Expenditure Control purposes (see § 1057.3706), in which event the words "Expenditure Management and Financial Status" will be typed immediately underneath the printed title of the form, and will be submitted in seven copies. Nothing in these instructions will be construed as relieving ballistic missiles contractors from reporting on ballistic missiles contracts directly to the AMC Ballistic Missiles Center according to WDD Exhibit 58–1. DD Form 1097 may be incorporated and made a part of WDD Exhibit 58–1 where the frequency and due dates of the two reports coincide.

(b) Air Force action and distribution: (1) By the ACO: If the report is for financial status use only, an advance copy of the report will be forwarded without comment immediately upon receipt from the contractor to the project officer of the ARDC activity on ARDC executed contracts or to the procuring contracting officer (PCO) on AMC executed contracts. The ACO, after completing item 19 according to § 1057.3704(e), will forward two copies to the PCO and retain one copy for followup action and file. If the form combines financial management and expenditure control reporting the ACO will retain one copy, and forward an advance copy to the ARDC project officer or the AMC PCO, as appropriate. Remaining copies after completion of item 19 will be distributed as follows: One copy to team captain, whose complete responsibilities are outlined in § 1057.3706. One copy to AMC (MCPA). Three copies to the PCO.

(2) Action by the Procuring Contracting Officer: Upon receipt of the advance copy of the report, the PCO will review it to determine whether he must immediately contact the project officer or the procurement initiator because of an impending deficiency in funds. Upon receipt of remaining copies of the DD Form 1097, the PCO will comment on the report in the same manner required of the ACO in § 1057.3704(e), by separate correspondence attached to each copy of the report. On those reports indicating an increase in the estimated cost, i.e., an overrun, he will within 5 days after receipt, contact the initiator of the procurement to determine whether the supplies and/or services are still required and whether there should be any change in quantity in view of the anticipated increase in costs. The PCO will then advise the ACO of the determination made. If the determination is to obtain the additional funds necessary to provide for the estimated increase, the procedures set forth in Subpart D, Part 1054 of this chapter, will be followed. On all ARDC executed contracts, the PCO will, within 5 days after receipt from the ACO, indicate in separate correspondence attached to the report his specific review, analysis, recommendations, and/or action comments, and obtain any necessary recommendations and comments from the cognizant project officer. In instances requiring determination or action by higher authority, a copy of the report will be forwarded to ARDC division or center offices and other higher echelons of ARDC having cognizant procuring, programming, project management, and funding authority in connection with the individual contract and project or system. The PCO will forward one copy of the report to the initiator of the procurement and retain one copy for followup and file.

(3) Action by the Procurement Initiator or Project Officer: The initiator or project officer will take prompt action on reports which indicate a need for additional funds to determine whether the funds are to be provided or the program is to be cut back. He will take appropriate action based on the decision made and will inform the PCO. On all other reports the intiator or project officer will evaluate the contractor data and comments of the contracting officers against the program's priority and budget to determine whether it will require review for additional funds or cut back in the foreseeable future.

(c) Items 9, 10, 13, 14, and 17 do not require completion when the report is for financial status use only.

§ 1057.3706 Direction confined to the expenditure management function.

(a) It is imperative that expenditure forecasts in item 17 be as accurate as possible since Hq USAF, the Department of Defense, and the Bureau of the Budget use these forecasts as a basis for making important financial management decisions. The forecasts should be within 3 percent of eventual actual expenditures.

(b) DD Form 1097 expenditure management reporting and distribution procedures: (1) Selected AF contractors will prepare and submit the following DD Form 1097 reports:

(i) A "summary" report covering all active AF contracts as well as planning programs. A planning program has been defined as a program not yet on contract but one which the contractor knows through official Hq USAF Aircraft and Missile (WA/WM) Production Schedule releases (distributed by Hq AMC or other means) is planned for his particular facility. It is preferable that the summary report be limited to just those items funded with 3010/3020/3080/Joint 3600 and the corresponding prior year funds. If the summary must include total AF funds, including such appropriations as 3300 and 3400, responsible team captains will apply a factor to remove the amounts not desired. At the time that 3010/3020/3080 funds are cited on a single citation 3600 contract, this contract falls into the category of those to be reported under the expenditure management plan. Contracts citing 3100/3200/3010/3020/3080 funds will be included in the reporting and if there are 3600 funds cited jointly the forecast should also include an estimate of payments against the 3600 funds. The actual payments reported against the forecast include payments against the jointly cited appropriation. "Single 600" citations will not be included in the forecasts or actual payment reporting. Summary reporting should be limited to that portion of the contractor's facilities assigned to the designated AFPRO/APD/ARDC procurement activity, or similar office, for administration. Where a single APD encompasses several contractor facilities or plants, the contractor may submit separate summary reports for each facility.

(ii) A separate DD Form 1097 for each individual contract with an uninvoiced dollar balance of over $1,000,000 as of the reporting date for aircraft, missiles, propulsion, fire control and guidance systems, bomb navigation systems, and other electronics systems. Some contractors will have no individual contract reports to prepare for the expenditure management purpose of the DD Form 1097 report.

(iii) A separate DD Form 1097 report for each planning program included in the summary report.

(iv) Item 17 on both the summary and individual DD Form 1097 reports will be a forecast of billings or payments and not a forecast of contractor capability. Such factors as progress payments, withholding due to 80/20 clause definitizations, accelerations, and slippages will be taken into consideration in developing the forecast.

(2) Entries under item 17 for summary, individual contract, and planning program reports will be as of the end of each of the next 3 months and the following 7 quarters. A final entry will be made for "To Completion of Contract". For example, the March 31, 1960 reports will be by month for April, May, and June 1960 and by quarter for the four quarters of FY 61 and by quarter for the first three quarters of FY 62 with a final entry in individual contract reporting for "To Completion of Contract".

(3) The due dates for contractor submission of summary and individual contract DD Form 1097 reports to the responsible AFPRO/APD and ACO's are listed in § 1057.3704.

(4) Individual contract report channeling: Responsible ACO's will review, analyze, and confirm or refute the expenditure management data listed by contractors on individual contract DD Form 1097 reports. ACO's will evaluate in item 19 the accuracy and completeness of the contractor's reporting. The following distribution will be made by ACO's within 5 days after receipt from the contractor:

(i) One copy of report to team captain location designated in paragraph (g) of this section.

(ii) One information copy of report directly to AMC (MCPA).

(iii) Three copies of report to appropriate PCO.

(iv) One copy retained for file and future reference.

(5) Summary report channeling: The AFPRO/APD will review the DD Form 1097 summary report in the same fashion as prescribed for ACO's on individual contract DD Form 1097 reports in subparagraph (4) of this paragraph. AFPRO/APD's will make the following distribution of reports within 5 working days after receipt from the contractor:

(i) Two copies of the report to the team captain location designated in paragraph (g) of this paragraph.

(ii) One information copy of report directly to AMC (MCPA).

(iii) One copy retained for file and future reference.

(6) Responsibility of the PCO in individual contract reporting: For reports in which financial status and expenditure management information are included on the same form, the detailed required action of the PCO is given in § 1057.3705(b)(2). He is also required to send one copy of the DD Form 1097 to the applicable team captain after adding any pertinent comments to the expenditure management program. For reporting in which expenditure management information only is included, the PCO will furnish a copy with proper analysis and comment to the team captain but will furnish no copies to the initiator of the procurement.

(7) With respect to DD Form 1097 reporting procedures for Department of Army contracts and selected contractors, the PCO's will not distribute a copy of individual contracts reports to MCPA, Hq AMC, but should forward one copy of the report to the fiscal station cited on the contract.

(8) The items which do not require completion when the report is for expenditure management only are items 7, 8, 11, 12, and 16.

(c) Team captain and center monitor functions in expenditure management: It is the responsibility of the team captain to analyze and adjust contractor forecasts and to analyze deviations from these forecasts. Generally each selected contractor is monitored by a separate team captain, who is located at the point of primary procurement administration responsibility for the selected contractor involved. The analysis and adjustment of contractor forecasts are accomplished on AFPI Form 89 (formerly AMC Form 265), "Analysis of DD Form 1097 Expenditure Forecast". The analysis of deviations is prepared within boundaries prescribed in paragraph (e) of this section and is forwarded by electrically transmitted message or letter to AMC (MCPA) or to the center or AMA expenditure monitor if applicable. For the analysis of deviations report RCS: AMC N65, which expires December 31, 1960, applies. In areas of responsibility such as the AMC Aeronautical Systems Center, where a considerable number of team captains are involved, a monitor will be assigned with the responsibility of establishing local operating policy to conform to Center financial administration objectives, to interpret policy uniformly, to insure accuracy and timeliness of reporting, and to perform required summarization.

(d) Instructions for preparing and submitting AFPI Form 89: (1) Description of items, AFPI Form 89:

(i) The contractor's DD Form 1097 Summary forecast for the current fiscal year, without adjustment, is entered in column B. The first forecast in a particular fiscal year starting with the month of July should begin with zero and accumulate the forecast to a fiscal year total. The AFPI Form 89 for the September 30 forecast should begin with actuals in column B and G for the first quarter and accumulate the forecast by month and by quarter for the remainder of the year. In no case will accumulated totals be carried forward from a prior fiscal year. Quarterly forecasts should be inserted on the form in the last month of the quarter involved.

(ii) The team captain's adjustment for the removal of funds other than P3100/3200/3010/3020/3080/Joint 3600 funds included in the contractor's forecast is entered in column C. This adjustment is based upon the ratio of funds other than the controlled funds to the total funds cited on contracts held by the contractor. The monthly Uninvoiced Dollar Balance Report is acceptable as a source of information for the development of this ratio. The ratio or percentage developed should be applied against the contractor's total forecast to arrive at the dollar amount to be placed in column C. This adjustment will not be necessary where contractors have no "other funds" included in forecasts or voluntarily limit forecasts to just those items funded within the controlled area.

(iii) The adjustment required to convert a forecast of billings to a forecast of payments will be entered in column D. Selected contractors have the option to forecast either billings or payments, and it is necessary to convert all billings forecasts to forecasts of payments. This adjustment can be made by slipping the billings forecast forward based on the average time lag between billings and payments indicated by the contractor on the DD Form 1097.

(iv) Any adjustments necessary to bring the forecast up to date with the latest directed and approved program will be entered in column E. All adjustments made by the team captain in this column should be identified by program document, program item, dollar amount, and reason for the adjustment on the reverse side of the form. Team captains will identify the production schedule on which the forecast is based. The amounts in the contractor's forecast for planning programs will be carefully reviewed, and all unrealistic or unapproved planning programs removed from the forecast. The planning program will appear on some program release document (such as a WA/WM USAF Production Schedule or procurement authorization) to qualify for inclusion in the contractor's forecast.

(v) The net total of columns C, D, and E will be placed in column F.

(vi) The team captain's forecast will be entered in column G. This is the contractor's unadjusted forecast shown in column B plus or minus the total team captain's adjustment shown in column F.

(vii) The team captain's recommendation, if any, of a percentage factor that should be applied against his forecast in column G based on past forecasting experience with the contractor involved will be entered in column H. This recommendation will be considered in arriving at the final experience factor adjustment and at the team captain's adjusted forecast.

(viii) Column I and J are for use by the MCPA Hq AMC, expenditure monitor only. The dollar amounts adjusted for experience will be entered in column I and the final adjusted forecast will be placed in column J.

(2) The team captain is responsible for preparing a summary AFPI Form 89 covering the selected contractor based on the contractor's DD Form 1097 summary report. It is recognized that in some cases an individual team captain will not have all the information necessary to analyze the contractor's forecast as a whole, since there will be some program areas over which the team captain will have no control or knowledge. However, the distribution procedure for the DD Form 1097 has been set up so that the team captain will receive all copies of individual contract reports submitted by the contractor, annotated by the ACO and PCO involved. The team captain will make maximum use of the ACO's and PCO's analyses on individual reports in analyzing the portion of the contractor's DD Form 1097 summary report which is outside his area of procurement responsibility.

(3) The summary AFPI Form 89 will be submitted in duplicate by team captains through the AMA or center expenditure monitors, if applicable, to AMC (MCPA) within 7 working days after receipt of the summary and individual contract DD Form 1097 reports from the AFPRO/APD. In all cases, reports from team captains will be forwarded in time to be in the hands of MCPA, Hq AMC, no later than 55 days after the "as of" date of the DD Form 1097 reports.

(4) Supply of forms: An initial supply of AFPI Form 89 will be furnished using

activities. Additional quantities required may be reproduced locally, according to Figure 1.

(e) Instructions for review and submission of analysis of deviations report: (1) Team captains will prepare and submit in writing an analysis of deviations between forecast and actual expenditures, showing at a minimum the following information:

(i) The team captain's summary forecast of expenditures for the selected contractor unit as a whole for the quarter being analyzed taken from the last quarterly AFPI Form 89 submitted.

(ii) The total actual payments (expenditures) made to the selected contractor unit from 3100/3200/3010/3020/3080/Joint 3600 funds for the quarter being analyzed as reported by the finance officer(s) on the AMC C–74 report.

(iii) An analysis of all significant deviations (i.e., 3 percent or more) between the contractor's summary forecast and actual expenditures for the quarterly period. This analysis should show as a minimum the contract numbers and program items which are the cause of the deviation from forecast. The specific reason for the deviation should be spelled out such as nondefinitization of a contract in the month anticipated by the contractor and team captain, or delivery schedule slippage. Either of these constitute satisfactory explanations of the contractor's inability to invoice and get paid as anticipated in his forecast. If the deviation is simply "fall out" due to overly optimistic forecasting by the contractor, it should be indicated. If the deviation at the end of the quarter indicates a trend, the anticipated cumulative effect of such a trend on the year-end forecast should be considered. Contractors' records, if in being, may be used by the team captain to assist in their analysis. Under no circumstances will contractors be required to maintain records or furnish specific data to prepare this report.

(2) The basis for the team captain's analysis of deviations report will be Part C of the AMC C–74 report which the AFPRO/APD is responsible for submitting to the team captain at the end of each quarter. This report will be forwarded in time to be in the hands of the team captains on the third working day after the end of the calendar quarter. The team captain's analysis of deviations report is due in MCPA, Hq AMC, through the AMA or center monitor, where applicable, not later than the seventh working day after the end of the calendar quarter. The first report under these revised procedures will be due in Hq AMC not later than April 11, 1960 and will cover an analysis of deviations for the third quarter of FY 60.

(f) A summary of the team captain locations appears below:

Location	*No. of team captains assigned*
AMC Aeronautical Systems Center----	23
AMC Ballistic Missile Center----------	10
Rome Air Materiel Area----------	4
Dayton Air Force Depot----------	1
Oklahoma City Air Materiel Area----	1
AMC Electronics Systems Center------	1

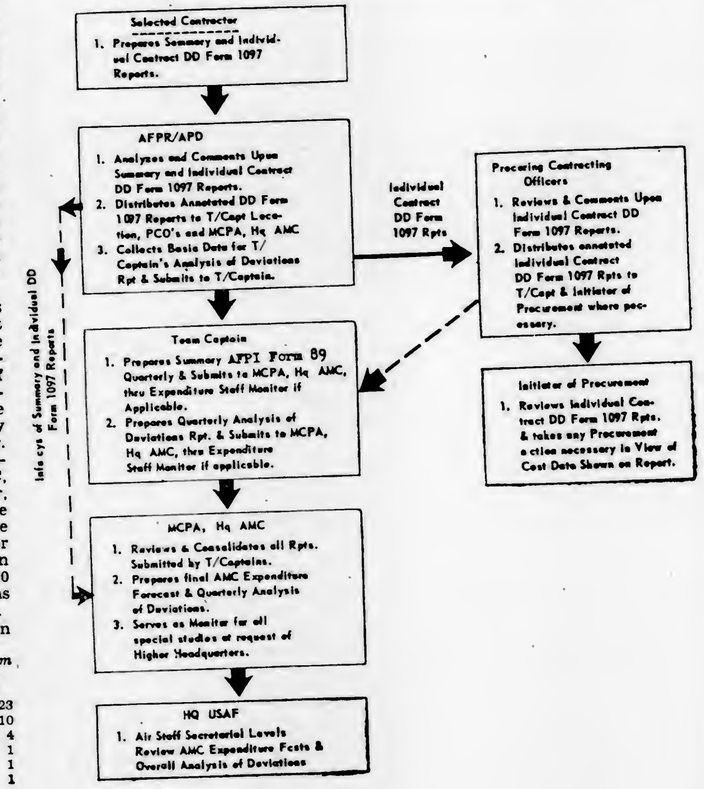
(g) Listing of Air Force selected contractor units and team captain locations for FY 60:

Company and location, office assigned contract administration responsibility, monitor and team captain location

Aerojet General, Nimbus, Calif.; AFPR, Sacramento, Calif.; AMCBMC.
AC Spark Plug, Milwaukee, Wis.; Milwaukee APD; AMCBMC.
Allison Division, GMC, Indianapolis; AFPR, Indianapolis; AMCASC (LMFB).
Arma Division, American Bosch, Garden City; New York APD; AMCASC (LMFB).
Avco Mfg., R and D, Everett and Lawrence, Mass.; Boston APD; AMCBMC.
Bendix Radio, Towson, Md.; Philadelphia APD; ROAMA.
Boeing Airplane Co., Seattle; AFPR, Seattle; AMCASC (LMFB).
Boeing Airplane Co., Wichita; AFPR, Wichita; AMCASC (LMFB).
Burroughs Corp., Detroit; Detroit APD; ROAMA.
Burroughs Corp., Paoli, Pa.; Philadelphia APD.; ROAMA.
Convair Astro, San Diego, Calif.; AFPR, San Diego; AMCBMC.
Convair, Ft. Worth, Tex.; AFPR, Ft. Worth; AMCASC (LMFB).
Convair, San Diego, Calif.; AFPR, San Diego; AMCASC (LMFB).
Douglas Aircraft Co., Long Beach and Santa Monica; AFPR, Long Beach; AMCBMC.
Douglas Aircraft Co., Tulsa, Okla.; AFPR, Tulsa; OCAMA.
Eclipse-Pioneer Division, Bendix Aviation, Teterboro, N.J.; Newark APD; AMCASC (LMFB).
General Electric, Evendale; AFPR, Cincinnati; AMCASC (LMFB).
General Electric, Philadelphia; Philadelphia APD; AMCBMC.
General Electric, Syracuse; AFPR, Syracuse; AMCBMC.
General Electric, Utica and Johnson City; Rochester APD; Dayton AFD.
Hughes Aircraft Co., Culver City, Calif.; AFPR, Culver City; AMCASC (LMFB).
Hughes Aircraft Co., Tucson, Ariz.; AFPR, Culver City; AMCASC (LMFB).
IBM Corp., Kingston, N.Y., New York APD; ROAMA.
IBM Corp., Oswego, N.Y.; Rochester APD; AMCASC (LMFB).
Lockheed Aircraft, Burbank, Calif.; AFPR, Burbank; AMCASC (LMFB).

FLOW CHART OF FINANCIAL MANAGEMENT DATA AND REPORTS

(Covering Expenditure Management Reporting alone or when combined with Financial Status)



ANALYSIS OF DD FORM 1097 EXPENDITURE FORECAST

F-3100/3200/3010/3020/3080/JOINT 3600 FUNDS

(All figures in millions to one decimal point. For example, $1,344,500 would read $1.3)

SELECTED CONTRACTOR | QUARTER ENDING | REPORTS CONTROL SYMBOL

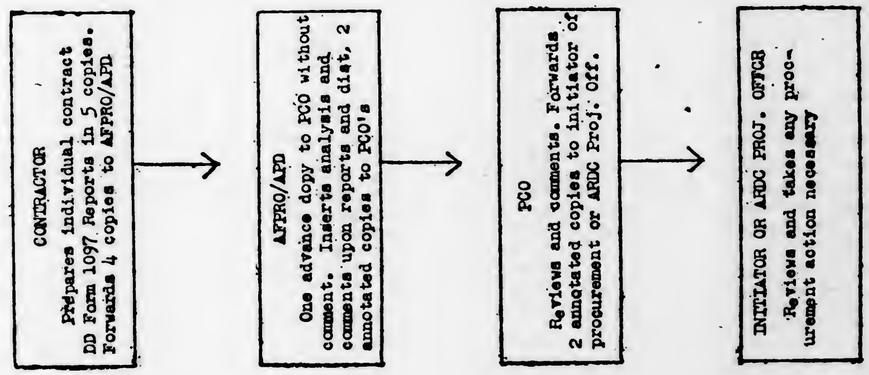
TEAM CAPTAIN | FISCAL YEAR

MONTH	A CONTRACTOR'S FORECAST (As shown on last AFPI Form 89)	B INCREASE OR DECREASE OVER/UNDER 3100/3010/3020/3080/JOINT 3600	C ADJUSTMENT OF OBLIGATIONS TO PAYMENTS	D PROGRAM ADJUSTMENTS (2)	E TOTAL TEAM CAPTAIN'S ADJUSTMENT	F TEAM CAPTAIN'S FORECAST	G RECONCILED EXPENDITURE & ADJUSTMENT	H EXPENDITURE MONITOR'S ADJUSTMENT	I EXPENDITURE MONITOR'S FINAL ADJUSTED FORECAST
JUL	INCREMENT								
	CUMULATIVE								
AUG	INCREMENT								
	CUMULATIVE								
SEP	INCREMENT								
	CUMULATIVE								
OCT	INCREMENT								
	CUMULATIVE								
NOV	INCREMENT								
	CUMULATIVE								
DEC	INCREMENT								
	CUMULATIVE								
JAN	INCREMENT								
	CUMULATIVE								
FEB	INCREMENT								
	CUMULATIVE								
MAR	INCREMENT								
	CUMULATIVE								
APR	INCREMENT								
	CUMULATIVE								
MAY	INCREMENT								
	CUMULATIVE								
JUN	INCREMENT								
	CUMULATIVE								

AFPI FORM 89 | REPLACES AMC FORM 989, JAN 59, WHICH IS OBSOLETE. | AF-WE-0-58 50 1 JAN

FLOW CHART OF FINANCIAL MANAGEMENT

(Covering Financial Status Reporting alone when not combined with Expenditure Management)



Lockheed Aircraft, Marietta, Ga.; AFPR, Marietta; AMCASC (LMFB).
Marquardt, Ogden, Utah, and Van Nuys, Calif.; Ogden AMA; AMCASC (LMFB).
Martin, Baltimore; AFPR, Baltimore; AMCASC (LMFB).
Martin, Denver; AFPR, Denver; AMCBMC.
McDonnell Aircraft, St. Louis; Ogden AMA; AMCASC (LMFB).
Minn-Honeywell Regulator Co., Minneapolis, Minn.; Milwaukee APD; AMCASC (LMFB).
North American Aviation, Columbus, Ohio, Inglewood and Canoga Park, Calif.; AFPR, Inglewood; AMCASC (LMFB).
Northrop Aircraft, Hawthorne, Calif. and Radioplane, Van Nuys, Calif.; AFPR, Hawthorne; AMCASC (LMFB).
Pratt and Whitney, Hartford, Conn.; BUWEPS, E. Hartford; AMCASC (LMFB).
RCA, Camden and Moorestown, N.J.; Philadelphia APD; AMCASC (LMFB).
Republic, Farmingdale, N.Y.; AFPR, Farmingdale; AMCASC (LMFB).
Sperry Gyroscope, Great Neck, Long Island; AFPR, Farmingdale; AMCASC (LMFB).
Thiokol Chemical, Brigham City, Utah; Ogden AMA; AMCBMC.
Western Electric, NYAPD, New York; New York APD; AMCBMC.
Western Electric, New York, N.Y.; AMC Electronics Systems Center; AMCESC.

(h) Contractor units selected for expenditure management (Dept. of Army funds—Appropriation A21x2030 P4051 only).

Company and office assigned contract administration responsibility

Aircooled Motors, Inc., Rochester APD.
AVCO Manufacturing Corp., Bridgeport, Lycoming Division, New York APD.
AVCO Manufacturing Corp., Lycoming-Spencer Division, Philadelphia APD.
Beech Aircraft Corp., AFPR, Wichita, Kans.
Bell Helicopter Corp., Dallas APD.
Cessna Aircraft Co., St. Louis APD.
Continental Motors, Inc., Detroit APD.
DeHavilland Aircraft of Canada, Limited, Canadian Commercial Corp., Detroit APD.
General Electric Co., Boston APD.
Sikorsky Aircraft Division, UAC, AFPR, Stratford, Conn.
Vertol Aircraft Corp., Philadelphia APD.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1058—CONTRACT FINANCING

Subpart F—Debts Owed by Contractors, Deferred Payments

Subpart F is deleted.

Subpart J—Funding of Supply Contract to Include Production Acceleration Capability and/or Production Compression Capability Projects

Subpart J is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1059—AIRCRAFT AND GFAE PROCUREMENT

Subpart E—Financing of Engineering and Development or "Product Improvement"

1. The title of Subpart E is revised as shown above.

2. Section 1059.502 is revised to read as follows:

§ 1059.502 Definition.

As used herein the term "product improvement" is a program of continuing engineering and development leading to improvement of weapons systems (airframes, engines, electronics and related equipments) and operational support equipment.

3. Section 1059.503 is added as follows:

§ 1059.503 Policy.

Production funds may be used for "product improvement" when the effort is in one or more of the following categories:

(a) *Service.* Improvement of function and performance of equipment to be produced, being produced or previously produced.

(b) *Increased producibility.* Redesign of equipment or its method of manufacture to result in an increase in the amount of equipment manufactured from an equal input of labor and material.

(c) *Small increases in performance.* Defined as model-to-model improvement, usually relatively minor improvements in function, performance, or reliability of the production article.

(d) *Large increase in performance.* Development of equipment which is different in major respects from equipment being produced, and giving large increases in performance, but which remains the same type or category of product.

NOTE: These categories will not be construed to permit basic development to be carried on as product improvement.

4. Section 1059.504 is revised to read as follows:

§ 1059.504 General.

(a) Product improvement may be included in an Air Force contract at time of initiation or later by contract supplement by specifying the principal engineering items and amounts of money required for each item, or it may be initiated by a separate contract.

(b) It is necessary to distinguish between costs of a product improvement program proper, and changes in unit costs resulting from a product improvement. An increase in price of an end article caused by an improvement to the article through a product improvement program is not chargeable to the product improvement proposal, but is charged to production costs.

Subpart F—Special Procurements

§ 1059.602 [Amendment]

1. In § 1059.602, paragraphs (c) and (d) are added, as follows:

* * * * *

(c) *Responsibilities.* (1) For new procurements:

(i) The AMC Aeronautical Systems Center (ASC) is responsible for monitoring procurement of new MTU's only.

(ii) Directorate of Supply and Services, Ogden AMA, is responsible for supply of GFP in connection with procurement of new MTU's only.

(2) For modifications:

(i) Aircraft/missiles prime maintenance AMA commanders are responsible for monitoring procurement of modifications of in-service MTU's only.

(ii) Directorate of supply and services at aircraft/missiles prime maintenance AMA is responsible for supply of GFP in connection with procurement of modifications of in-service MTU's only.

(d) *Procedures.* (1) The ASC will require airframe contractors to submit estimated cost of planned MTU's at the same time that estimated cost of the corresponding planned aircraft program is submitted to the ASC.

(2) The ASC will obtain proposals from contractors, as required to permit timely procurement action for MTU's directed for procurement. Contracting officers will require contractors to include the following information in proposals submitted:

(i) Detailed specifications for the MTU.

(ii) Separate cost quotations on each panel or trainer of the MTU.

(iii) Separate cost quotations on preparation of artwork for wall charts, transparencies, etc.

(3) The aircraft contract will provide, either initially or by subsequent amendment, that the contractor will produce an MTU which will accurately represent a specifically identified aircraft, and further provide that the MTU will be delivered 60 days in advance of the scheduled delivery date of the representative aircraft.

(4) Accomplishment of the detailed MTU specification will be contractually provided for as the complete responsibility of the contractor. Technical assistance in preparation of the detailed MTU specification may be requested from Aeronautical Accessories Laboratory (WCLE), WADC.

(5) The technical aspects of proposed detailed MTU specifications submitted by contractors will be approved by WCLE, WADC. Any detailed MTU specifications, as approved by WCLE, will be accepted by the ASC, insofar as technical composition is concerned, and will form the basis for necessary contractual coverage of the MTU.

Subpart G—Industry Preparedness Measures Contracts

Subpart G is deleted.

Subpart I—Termination of Second Sources

Subpart I is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

[SEAL] J. L. TARR,
Colonel, USAF,
Director of Administrative Services.

[F.R. Doc. 60–7360; Filed, Aug. 10, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—AREAS SUBJECT TO SPECIAL LAWS

[Circular No. 2049]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

Sale of Timber

On page 5697 of the FEDERAL REGISTER of June 22, 1960, there was published a notice of proposed rule making to issue amendments to the regulations implementing the provisions relating to timber sales and road use permits on the O. and C. and Coos Bay Wagon Road Grant Lands.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations. No comments, suggestions, or objections have been received. The proposed regulations are hereby adopted without change and are set forth below. In order that the public may promptly receive the benefits of the amendments, they shall become effective at the beginning of the calendar day on which they are published in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

AUGUST 5, 1960.

1. Paragraph (a) of § 115.21 is amended to read as follows:

§ 115.21 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber not exceeding an estimated volume of 100 M board feet, or if the timber is not measured in board feet, a quantity not exceeding $2,000 in appraised value, to or for the benefit of any one person, partnership, association or corporation in any period of twelve consecutive months.

2. Subparagraph (1) of paragraph (b) of § 115.28 is amended to read as follows:

§ 115.28 Payments.

* * * * *

(b) * * *

(1) Installment payments shall be determined by the authorized officer. For sales up to $100,000 installment payments shall be not less than 10 percent. For sales over $100,000 installment payments shall be not less than $10,000. For cruise sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of cutting operations: *Provided, however,* That prior to paying the second installment the authorized officer may permit the purchaser to cut and remove timber on the location over which a road must be constructed under this contract if the purchaser pays for such timber in advance. Each subsequent installment shall be due and payable without notice when the value of the timber cut, equals the sum of all the payments minus the first installment. The total amount of the purchase price must be paid prior to 60 days before the expiration of the contract. The purchaser shall not be entitled to a refund on a cruise sale even though the amount of timber cut, removed or designated for cutting may be less than the estimated total volume shown in the contract.

PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS

3. Subparagraph (3) of paragraph (a) of § 115.174 is amended to read as follows:

§ 115.174 Terms and conditions of permit.

(a) * * *

(3) To take adequate precaution to prevent forest, brush, and grass fires; to endeavor with all available personnel to suppress any fire originating on or threatening the right-of-way on which a road is being used or constructed by the permittee or any fire caused by the permittee; to do no burning on or near the right-of-way without State permit during the seasons that permits are required and in no event to set fire on or near the right-of-way that will result in damage to any natural resource or improvement.

[F.R. Doc. 60–7478; Filed, Aug. 10, 1960; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER K—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 182—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW HEADLESS SHRIMP [1]

On page 4114 of the FEDERAL REGISTER of May 7, 1960, there was published a notice and text of a proposed new Part 182 of Title 50, Code of Federal Regulations. The purpose of the new part is to issue United States Standards for Grades of Frozen Raw Headless Shrimp under the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e).

Interested persons were given until June 6, 1960, to submit written comments, suggestions or objections with respect to the proposed new part. Comments were received and considered and the proposed new part is hereby adopted with minor changes and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: August 5, 1960.

FRED G. AANDAHL,
Acting Secretary of the Interior.

PRODUCT DESCRIPTION, GRADES AND SIZES

Sec.
182.1 Product description.
182.2 Grades of frozen raw headless shrimp.
182.3 Sizes of frozen raw headless shrimp.

FACTORS OF QUALITY AND GRADE

182.11 Ascertaining the grade.

DEFINITIONS AND METHODS OF ANALYSIS

182.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

182.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

182.31 Score sheet for frozen raw headless shrimp.

AUTHORITY: §§ 182.1 to 182.31 issued under sec. 6(a), Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e), and sec. 205(b), Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1624(b)).

PRODUCT DESCRIPTION, GRADES AND SIZES

§ 182.1 Product description.

Frozen raw headless shrimp are clean, wholesome, headless, shell-on shrimp of the regular commercial species. They are sorted for size, packed, and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product.

§ 182.2 Grades of frozen raw headless shrimp.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen raw headless shrimp of a single commercial count that possess a good flavor and odor, that are of a reasonably uniform color, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 90 points.

(b) "U.S. Grade B" or "U.S. Good" is the quality of frozen raw headless shrimp of a single commercial count that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 80 points.

(c) "U.S. Grade C" or "U.S. Commercial" is the quality of frozen raw headless shrimp of a single commercial count that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 70 points.

(d) "Substandard" is the quality of frozen raw headless shrimp that fail to meet the requirements of "U.S. Grade C" or "U.S. Commercial."

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 182.3 Sizes of frozen raw headless shrimp.

The average weight and number of shrimp per pound (count) of frozen raw headless shrimp are not factors of quality in determining the grade of the product. However the degree of conformity of the weights of the individual shrimp to the average weight of shrimp in the sample is rated since it is a factor affecting the utility of the product. Descriptive size names are not recommended. The commercial count (number per pound) and descriptive size names, if used, shall conform to one of the following categories:

Commercial count—Number of shrimp per pound	Number of shrimp per pound (average)		Descriptive size name
	Over—	Not over—	
Under 10		9.9	Extra colossal.
10–15	9.9	15.0	Colossal.
16–20	15.0	20.0	Extra jumbo.
21–25	20.0	25.0	Jumbo.
26–30	25.0	30.0	Extra large.
31–35	30.0	35.0	Large.
36–42	35.0	42.0	Medium large.
43–50	42.0	50.0	Medium.
51–60	50.0	60.0	Small.
61–70	60.0	70.0	Extra small.
Over 70	70.0		Tiny.

Factors of Quality and Grade

§ 182.11 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards, the grade is ascertained by observing the product in the frozen, thawed, and cooked states and is evaluated by considering the following:

(1) *Factors rated by score points.* The quality of the product with respect to factors scored is expressed numerically. Factors rated by score points are: dehydration; deterioration; black spot on shell or loose membrane only; black spot on meat; broken, damaged and pieces of shrimp; legs, loose shell, and flippers; heads an unacceptable shrimp; extraneous materials; uniformity of size; and the texture of the cooked product. Cumulative point deductions from the maximum possible score of 100 are assessed for variations of quality for each factor in accordance with the schedule in Table I. The minimum score is 0.

(2) *Factor not rated by score points.* The factor of "flavor and odor" is evaluated organoleptically after the product has been cooked in a suitable manner, and is defined as follows:

(i) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the product has the good flavor and odor characteristic of freshly caught, chilled shrimp and is free from off-flavors and off-odors of any kind. The presence of iodoform-like flavor and odor is not to be construed as off-flavor and off-odor.

(ii) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of Grade B and Grade C products) means that the product may be somewhat lacking in the good flavor and odor characteristic of freshly caught, chilled shrimp but is free from objectionable off-flavors and objectionable off-odors of any kind.

Definitions and Methods of Analysis

§ 182.21 Definitions and methods of analysis.

(a) "Count," or number of shrimp per pound, is determined by dividing the number of shrimp in the package by the actual net weight in pounds of the shrimp.

(b) "Net weight" of the shrimp is determined as follows:

(1) *Equipment needed.* (i) Container, 4-gallon or more capacity;

(ii) Source of running water that can be maintained at 75°–85° F; with hose of sufficient length to reach the bottom of the container;

(iii) Balance accurate to 0.01 ounce, or 0.1 gram;

(iv) U.S. standard wire sieve, ASTM No. 20, 12-inch diameter.

(2) *Procedure.* Place the frozen shrimp in the 4-gallon container into which fresh water of a temperature from 75° to 85° F. is introduced from the bottom at a flow of approximately six gallons per minute. After any glaze has been removed and the shrimp separate easily, empty the contents of the container through the tared sieve, spreading the shrimp out evenly. Tilt the sieve at approximately a 45-degree angle to facilitate drainage; drain the shrimp for 2 minutes; and then weigh the sieve and contents. The net weight is the weight of the sieve and contents minus the weight of the sieve.

(c) "Cooked in a suitable manner" means that a thawed sample of the product has been cooked by the following method:

Place 2 to 4 ounces of peeled deveined and rinsed shrimp in a boilable plastic bag with ½-cup of salt solution (1 teaspoon salt dissolved in 1 pint or 2 cups of water). Add a 2-ounce stainless steel weight or snap a large clip on bottom of bag. Suspend the bag in a kettle of boiling water and return the water to a boil as rapidly as possible. (More than one sample may be cooked at a time, as long as the water will return to a boil within 2 minutes). After the water is boiling, cook according to the following timetable:

Count of shrimp—Number per pound	Cooking time (minutes)
Up to 15	12
16 to 35	9
Over 35	6

Remove from bag, drain, and cool to approximately room temperature (do not refrigerate) for evaluation of flavor and odor.

(d) "Dehydration" refers to the occurrence of a whitish area on the exposed ends of the shrimp, due to the drying of the affected area, and to a generally desiccated appearance of the meat after the shell is removed.

(e) "Deterioration" refers to any detectable change from the normal good quality of freshly caught shrimp. It is evaluated by noting deviations of the odor of the thawed product from the normal odor of freshly caught shrimp.

(1) "Slight deterioration" means that the shrimp lack the pleasant odor characteristic of freshly caught shrimp.

(2) "Moderate deterioration" means that the shrimp have slight off-odors.

(3) "Marked deterioration" means that the shrimp have definite off-odors, but are not spoiled.

(4) "Excessive deterioration" means that the shrimp have a definite odor of spoilage. Deductions in this category are made for individual shrimp which are affected.

(f) "Black spot on the shell or loose membrane only" refers to blackened areas at least moderately affecting the appearance of the shrimp.

(1) "Moderately affecting" means that the black spot which occurs at the shell joints extends at least one-third of the circumference of the shrimp at the particular location at which it occurs, and black spot which occurs as a circular area exceeds one-eighth inch in diameter for 31/35 count shrimp or is proportionately larger or smaller for respectively larger or smaller shrimp.

(g) "Black spot on the meat" refers to any darkened area that is present on the shrimp flesh.

(h) "Broken" refers to a shrimp having a break in the flesh greater than one-third of the thickness of the shrimp at the particular location at which it occurs.

(i) "Damaged" refers to a shrimp that is crushed or mutilated so as to materially affect its appearance.

(j) "Piece" refers to any portion of shrimp that contains less than five segments.

(k) "Legs" refers to walking legs only, not swimmerets, or to portions of the head (cephalothorax) with legs and which may be either loose or attached to a shrimp.

(l) "Loose shell" refers to any piece of shell which is completely detached from the shrimp except paper-thin shell from soft-shelled shrimp.

(m) "Flipper" refers to a tail fin, sometimes including the last shell segment but containing no meat.

(n) "Head" means any portion of head (cephalothorax) large enough to contain an eye and which may be either loose or attached to a shrimp.

(o) "Unacceptable shrimp" refers to abnormal or diseased shrimp.

(p) "Extraneous material" means any material in the package which is not shrimp material.

(q) "Uniformity of size" is evaluated by computing the actual count per pound of the shrimp in the sample, and then determining, by weighing individual shrimp, the number of shrimp that are slightly large, slightly small, exceedingly large, or exceedingly small for that particular count per pound.

(1) "Slightly large" means that a shrimp is more than 25 percent, but not more than 35 percent larger, by weight, than a shrimp of the actual count per pound.

(2) "Exceedingly large" means that a shrimp is more than 35 percent larger, by weight, than a shrimp of the actual count per pound.

(3) "Slightly small" means that a shrimp is more than 25 percent, but not more than 35 percent smaller, by weight, than a shrimp of the actual count per pound.

(4) "Exceedingly small" means that a shrimp is more than 35 percent smaller, by weight, than a shrimp of the actual count per pound. For use in computing the uniformity of size factor, weights of individual shrimp are given in Table II.

(r) "Texture" defect refers to an undesirable toughness and/or dryness and/or mushiness of the shrimp examined in the cooked state.

Lot Certification Tolerances

§ 182.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 170 of this chapter (regulations governing processed fishery products, 23 F.R. 5064, July 3, 1958).

With respect to conformance with the declared commercial count, the lot shall be considered to be of the declared count if the number of deviant units in the sample does not exceed the acceptance number prescribed for the sample size in Part 170 of this chapter. If a lot fails to meet the requirements of any specific commercial count, it shall be marked a mixed lot and shall not be graded.

Score Sheet

§ 182.31 Score sheet for frozen raw headless shrimp.

GENERAL

Label
Size and kind of container
Container mark or identification
Size of lot
Number of samples
Declared count per pound
Actual net weight (ounces)
Actual count per pound
Descriptive size name

Scored factors (table 1)	Deductions
Frozen and thawed:	
1. Dehydration	
Thawed:	
2. Deterioration	
3. Black spot on shell or loose membrane only	
4. Black spot on meat	
5. Broken, damaged, and pieces	
6. Legs, loose shell, and flippers	
7. Heads and unacceptable shrimp	
8. Extraneous material	
9. Uniformity of size	
Cooked:	
10. Texture	
Total deductions	
Rating for scored factors (100 minus total deductions)	
Flavor and odor	
Final grade	

Table I—Schedule of Deductions for Factors Rated by Score Points [1]

State	Factor	Description of quality variation			Deduct
		Dehydrated—exposed ends		Desiccation of meat	
		Frozen state	Thawed state	Thawed state	
Frozen and thawed	Dehydration	Up to 5 percent	None	None	0
		5.1–15.0 percent	Up to 2.0 percent	Slight	3
		Over 15.0 percent	2.1–5.0 percent	Moderate	6
			Over 5.0 percent	Marked	11
		(Percent by count of *total sample.*) Apply the one highest deduction only.			
Thawed	Deterioration	Off-odor, overall sample:			
		Slight			2
		Moderate			6
		Marked			21
		Any excessive, each 1 percent or fraction (percent by count)			5
	Black spot on shell or loose membrane only.	Shell affected, but not meat:			
		Not over 5 percent			0
		Each additional 5 percent, or fraction (percent by count)			1
	Black spot on meat	None			0
		Not over 3 percent			1
		3.1–5.0 percent			2
		Each additional 5 percent, or fraction (percent by count)			2
	Broken, damaged, and pieces.	Not over 1 percent			0
		1.1–3.0 percent			2
		Each additional 3 percent, or fraction (percent by weight)			2
	Legs, loose shell, and flippers.	Not over 3 percent			0
		Each additional 3 percent, or fraction (percent by count)			2
	Heads and unacceptable shrimp.	Not over 1 percent			2
		Each additional 1 percent, or fraction (percent by count)			3
	Extraneous material	1 piece			1
		2 pieces			2
		over 2 pieces			4
	Uniformity of size	Slightly large and slightly small: Each 3 percent, or fraction			1
		Exceedingly large and exceeding small: Each 3 percent, or fraction (percent by count—based on actual count per pound of sample).			2
Cooked	Texture	Tough, dry, or mushy:			
		Slight			2
		Moderate			4
		Excessive			11

[1] This schedule of point deductions is based on the examination of sample units composed of: (a) the contents of an entire package or (b) sufficient packages to provide a sample unit of 2 pounds or more, declared net weight.

TABLE II—WEIGHTS OF NON-UNIFORM SHRIMP

[Ounces]

Count per pound	Exceedingly large	Slightly large	Slightly small	Exceedingly small
	Over—	Over—	Under—	Under—
8	2.70	2.50	1.50	1.30
9	2.40	2.22	1.33	1.16
10	2.16	2.00	1.20	1.04
11	1.96	1.82	1.09	0.94
12	1.80	1.67	1.00	.87
13	1.66	1.54	0.92	.80
14	1.54	1.43	.86	.74
15	1.44	1.33	.80	.69
16	1.35	1.25	.75	.65
17	1.27	1.18	.71	.61
18	1.19	1.11	.67	.58
19	1.14	1.05	.63	.55
20	1.08	1.00	.60	.52
21	1.03	0.95	.57	.50
22	0.98	.91	.54	.47
23	.94	.87	.52	.45
24	.90	.83	.50	.43
25	.86	.80	.48	.42
26	.83	.77	.46	.40
27	.80	.74	.44	.38
28	.77	.71	.43	.37
29	.74	.69	.41	.36
30	.72	.67	.40	.35
31	.70	.64	.39	.34
32	.67	.62	.38	.32
33	.65	.61	.36	.32
34	.64	.59	.35	.30
35	.62	.57	.34	.30
36	.60	.56	.33	.29
37	.58	.54	.32	.28
38	.57	.53	.32	.27
39	.55	.51	.31	.27
40	.54	.50	.30	.26
41	.53	.49	.29	.25
42	.51	.48	.29	.25
43	.50	.47	.28	.24
44	.49	.46	.27	.24
45	.48	.44	.27	.23
46	.47	.44	.26	.23
47	.46	.42	.26	.23
48	.45	.42	.25	.22
49	.44	.41	.24	.21
50	.43	.40	.24	.21
51	.42	.39	.24	.20
52	.42	.38	.23	.20
53	.41	.38	.23	.20
54	.40	.37	.22	.19
55	.39	.36	.22	.19
56	.39	.36	.21	.18
57	.38	.35	.21	.18
58	.37	.34	.21	.18
59	.37	.34	.20	.18
60	.36	.33	.20	.17
61	.35	.33	.20	.17
62	.35	.32	.19	.17
63	.34	.32	.19	.16
64	.34	.31	.19	.16
65	.33	.31	.18	.16
66	.33	.30	.18	.16
67	.32	.30	.18	.16
68	.32	.29	.18	.15
69	.31	.29	.17	.15
70	.31	.28	.17	.15
71	.30	.28	.17	.15

ALTERNATE TABLE II—WEIGHTS OF NON-UNIFORM SHRIMP

[Grams]

Count per pound	Exceedingly large	Slightly large	Slightly small	Exceedingly small
	Over—	Over—	Under—	Under—
8	76.5	70.9	42.5	36.2
9	68.0	62.9	37.7	32.9
10	61.2	56.7	34.0	29.5
11	55.6	51.6	30.9	26.6
12	51.0	47.3	28.4	24.7
13	47.1	43.7	26.1	22.7
14	43.7	40.8	24.4	21.0
15	40.8	37.7	22.7	19.6
16	38.3	35.4	21.3	18.4
17	36.0	33.4	20.1	17.3
18	33.7	31.5	19.0	16.4
19	32.3	29.8	17.9	15.6
20	30.6	28.4	17.0	14.7
21	29.2	26.9	16.2	14.2
22	27.8	25.8	16.3	13.3
23	26.6	24.7	14.7	12.8
24	25.5	23.5	14.2	12.2
25	24.4	22.7	13.6	11.9
26	23.5	21.8	13.0	11.3
27	22.7	21.0	12.5	10.8
28	21.8	20.1	12.2	10.5
29	21.0	19.6	11.6	10.2
30	20.4	19.0	11.3	9.9
31	19.8	18.1	11.0	9.6
32	19.6	17.6	10.8	9.2
33	18.4	17.3	10.2	8.9
34	18.1	16.7	9.9	8.6
35	17.6	16.2	9.6	8.4
36	17.0	15.9	9.4	8.2
37	16.4	15.3	9.1	7.9
38	16.2	15.0	9.0	7.7
39	15.6	14.5	8.8	7.6
40	15.3	14.2	8.5	7.4
41	15.0	13.9	8.3	7.2
42	14.4	13.6	8.1	7.0
43	14.2	13.3	7.9	6.9
44	13.9	13.0	7.7	6.7
45	13.6	12.5	7.6	6.6
46	13.3	12.3	7.4	6.4
47	13.0	12.0	7.2	6.3
48	12.8	11.8	7.1	6.2
49	12.4	11.6	6.9	6.0
50	12.2	11.3	6.8	5.9
51	11.9	11.0	6.8	5.7
52	11.9	10.8	6.5	5.7
53	11.6	10.8	6.5	5.7
54	11.3	10.5	6.2	5.4
55	11.1	10.2	6.2	5.4
56	11.1	10.2	6.0	5.1
57	10.8	9.9	6.0	5.1
58	10.5	9.6	6.0	5.1
59	10.5	9.6	5.7	5.1
60	10.2	9.4	5.7	4.8
61	9.9	9.4	5.7	4.8
62	9.9	9.1	5.4	4.8
63	9.6	9.1	5.4	4.5
64	9.6	8.8	5.4	4.5
65	9.4	8.8	5.1	4.5
66	9.4	8.5	5.1	4.5
67	9.1	8.5	5.1	4.3
68	9.1	8.2	5.1	4.3
69	8.8	8.2	4.8	4.3
70	8.8	7.9	4.8	4.3
71	8.5	7.9	4.8	4.3

[F.R. Doc. 60-7476; Filed, Aug. 10, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 672, 673, 675, 677]

[Administrative Order 538]

INDUSTRY COMMITTEES NOS. 49–A, B, C, AND D

Resignation and Appointment of Employer Member

Mr. Lester C. Rogers of Chicago, Illinois, appointed as an employer representative on Industry Committees Nos. 49–A, B, C, and D, by Administrative Order No. 535 (25 F.R. 7189), has resigned because of illness.

Now, therefore, pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint Mr. F. Oliver Burnett, Jr., of Scottsdale, Arizona, to serve as an employer representative on Industry Committees Nos. 49–A, B, C, and D, replacing Mr. Lester C. Rogers.

Signed at Washington, D.C., this 5th day of August 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-7493; Filed, Aug. 10, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

HANDLING OF LIMES GROWN IN FLORIDA

Notice of Proposed Rule Making With Respect to an Increase of the Amount in the Reserve Fund

Notice is hereby given that the Secretary of Agriculture is considering the following proposals submitted by the Florida Lime Administrative Committee established under the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that to increase the amount of the reserve fund (§ 1001.204) to an amount not to exceed $10,000 (approximately one fiscal year's operational expenses) as authorized by § 1001.42 of the amended marketing agreement and order is appropriate for the maintenance and functioning of the said committee; and (2) that excess assessment funds from the fiscal year ended March 31, 1960, in the amount of $2,435.38 be placed in said reserve fund.

A reserve fund was established on April 11, 1958 in the amount of $4,500 (§ 1001.204; 23 F.R. 2373), and the proposed action contemplates an increase in this fund to a maximum of $10,000.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposals which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as given to the respective terms in said amended marketing agreement and order.

Dated: August 5, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7483; Filed, Aug. 10, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-53]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 59 presently extends from Gage, Okla., to Oklahoma City, Okla. The Federal Aviation Agency has under consideration the revocation of this airway. The Gage to Oklahoma City route appears to be adequately served by VOR Federal airway No. 17 which overlies Red 59. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, § 601.4259 relating to reporting points would also be revoked.

If this action is taken, Red Federal airway No. 59 and its associated control areas would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 5, 1960.

J. R. BAILEY,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 60-7469; Filed, Aug. 10, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-54]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 24 presently extends from Amarillo, Tex., to Oklahoma City, Okla. The Federal Aviation Agency has under consideration the revocation of this airway. The Amarillo to Oklahoma City route appears to be adequately served by VOR Federal airway No. 140 which closely parallels Red 24. Therefore, it appears that retention of this airway and its associated control areas is unjustified as an assignment of airspace, and the revocation thereof would be in the public interest. In addition, § 601.4224 relating to reporting points would also be revoked.

If this action is taken, Red Federal airway No. 24, its associated control areas and reporting point would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 5, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7470; Filed, Aug. 10, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-47]

CONTROL AREAS

Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control area extension at Allendale, S.C., to include the area southwest of Allendale VOR bounded on the north by VOR Federal airway No. 70, on the west by the Macon, Ga., control area extension, on the southwest by VOR Federal airway No. 5 east alternate, and on the southeast by VOR Federal airway No. 157. This control area extension would provide protection to aircraft operating under instrument flight rule conditions when departing Hunter Air Force Base, Savannah, Ga., via the Savannah VOR 269° True radial to the intersection of the Savannah VOR 269° and the Allendale VOR 231° True radials to the Allendale VOR.

If this action is taken, the Allendale, S.C., control area extension would be designated as that airspace southwest of the Allendale VOR bounded on the north by VOR Federal airway No. 70, on the west by the Macon, Ga., control area extension (§ 601.1020), on the southwest by VOR Federal airway No. 5 east alternate, and on the southeast by VOR Federal airway No. 157.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 4, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7466; Filed, Aug. 10, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-12]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Moses Point, Alaska, control zone is presently designated within a 5-mile radius of the Moses Point Airport. The Federal Aviation Agency has under consideration the modification of this control zone by designating a control zone extension 2 miles either side of the east course of the Moses Point radio range extending from the 5-mile radius zone to a point 12 miles east of the radio range. This modification would provide protection for aircraft conducting prescribed instrument approaches to the Moses Point Airport during instrument flight rule conditions.

If this action is taken, the Moses Point, Alaska, control zone would be designated within a 5-mile radius of the Moses Point Airport (Lat. 64°41'49" N, Long. 162°02'42" W), and within 2 miles either side of the east course of Moses Point radio range extending from the 5-mile radius zone to a point 12 miles east of the radio range. The Moses Point, Alaska, control zone would then be designated in a new section in Part 601, and deleted from § 601.1984, *Five mile radius zones.*

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 4, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7467; Filed, Aug. 10, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-16]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Unalakleet, Alaska, control zone is designated within a 5-mile radius of Unalakleet Airport. The Federal Aviation Agency has under consideration redesignation of this control zone within a 5-mile radius of Unalakleet Airport and within 2 miles either side of the west course of the Unalakleet radio range extending from the 5-mile radius zone to 12 miles west of the radio range station. This would provide protection to aircraft conducting prescribed instrument approaches to Unalakleet Airport.

If this action is taken, the Unalakleet, Alaska, control zone would be designated within a 5-mile radius of Unalakleet Airport (Lat. 63°53'10" N, Long. 160°47'30" W), and within 2 miles either side of the west course of the Unalakleet radio range extending from the 5-mile radius zone to 12 miles west of the radio range station. The Unalakleet, Alaska, control zone would then be designated in a new section in Part 601, and deleted from § 601.1984, *Five mile radius zones.*

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 4, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7468; Filed, Aug. 10, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Amendment of Petition

In re: Notice of filing of a petition for issuance of a regulation to provide for the use of 6,000 units of hygromycin B per pound and up to 0.05 gram of chlortetracycline per pound in medicated feed of swine for the prevention and treatment of bacterial swine enteritis, for maintenance of weight gain in the presence of atrophic rhinitis, and for reducing the incidence of cervical abscesses.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), a notice of filing of a petition in the above-identified matter was published on June 28, 1960 (25 F.R. 5939).

The petition as filed is amended to provide for use of the medicated feed as an aid in the control of infestation of large roundworms (Ascaris suis), nodular worm (Oesophagostemum dentatum), and whipworm (Trichuris suis).

Dated: August 5, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7490; Filed, Aug. 10, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Upjohn Company, Kalamazoo, Michigan, proposing the issuance of a regulation to establish the safe use of 350 grams of novobiocin activity in turkey feed for the treatment and prevention of staphylococcal synovitis or arthritis in turkeys.

Dated: August 5, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7491; Filed, Aug. 10, 1960; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AMENDMENT TO DELEGATION OF AUTHORITY TO EXECUTE CERTAIN DOCUMENTS AND ASSIGNMENT OF FUNCTIONS

Pursuant to the assignment of functions and the authority delegated to the undersigned (25 F.R. 436) the Delegation of Authority to Execute Certain Documents and Assignment of Functions issued on July 12, 1960 (25 F.R. 6932) is amended as follows:

1. Delete the words "execute an affidavit or certificate" as they appear in Paragraphs 1 (a), (b), and (c) and substitute therefor the following: "execute the determination."

Dated: August 5, 1960.

H. L. FOREST,
Director, Dairy Division, Agricultural Marketing Service.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7482; Filed, Aug. 10, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Order 89 Cancelled in its Entirety

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to the authority delegated to me by Bureau of Land Management Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, it is ordered that effective at 10:00 a.m. on August 10, 1960, Small Tract Classification Order No. 89 of December 1, 1954, affecting lands on Douglas Island, Alaska, is cancelled in its entirety.

R. PAUL RIGTRUP,
Acting Operations Supervisor, Juneau.

[F.R. Doc. 60-7494; Filed, Aug. 10, 1960; 8:49 a.m.]

[Notice 26]

ALASKA

Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

AUGUST 5, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4) (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED), APPROVED JUNE 29, 1960

SEWARD MERIDIAN

S 14-1, Ts. 13 to 16 N., Rs. 9 to 12 E.,
S 14-2, Ts. 13 to 16 N., Rs. 5 to 8 E.,
S 14-3, Ts. 13 to 16 N., Rs. 1 to 4 E.,
S 14-4, Ts. 9 to 12 N., Rs. 1 to 4 E.,
S 14-5, Ts. 9 to 12 N., Rs. 5 to 8 E.,
S 14-6, Ts. 9 to 12 N., Rs. 9 to 12 E.,
S 14-7, Ts. 5 to 8 N., Rs. 9 to 12 E.,
S 14-8, Ts. 5 to 8 N., Rs. 5 to 8 E.,
S 14-9, Ts. 5 to 8 N., Rs. 1 to 4 E.,
S 14-10, Ts. 1 to 4 N., Rs. 1 to 4 E.,
S 14-11, Ts. 1 to 4 N., Rs. 5 to 8 E.,
S 14-12, Ts. 1 to 4 N., Rs. 9 to 12 E.,
S 14-13, Ts. 1 to 3 N., Rs. 13 to 15 E.,
S 15-1, Ts. 1 to 4 S., Rs. 9 to 13 E.,
S 15-2, Ts. 1 to 3 S., Rs. 5 to 8 E.,
S 15-3, Ts. 1 to 4 S., Rs. 1 to 4 E.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60-7501; Filed, Aug. 10, 1960; 8:50 a.m.]

[Notice 27]

ALASKA

Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

AUGUST 5, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4) (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED), APPROVED JUNE 30, 1960

SEWARD MERIDIAN

S 21-1, Ts. 17 to 20 S., Rs. 49 to 52 W.,
S 21-2, Ts. 17 to 18 S., Rs. 53 to 55 W.,
S 21-3, Ts. 17 to 21 S., Rs. 57 to 61 W.,
S 21-4, Ts. 17 to 18 S., Rs. 65 to 68 W.,
S 21-5, Ts. 17 to 19 S., Rs. 69 to 72 W.,
S 21-6, Ts. 17 to 19 S., Rs. 73 to 78 W.,
S 21-7, Ts. 21 to 24 S., Rs. 49 to 51 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60-7502; Filed, Aug. 10, 1960; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

NATIONAL NAVAL MEDICAL CENTER

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that the National Naval Medical Center, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for a license authorizing construction and operation of a TRIGA tank-type nuclear reactor at the National Naval Medical Center site in Bethesda, Maryland. The reactor will be designed by the General Atomic Division of General Dynamics Corporation. Steady-state operation up to 100 kilowatts (thermal), 1000 kilowatt operation for periods not to exceed 10 minutes each and pulsed operation involving energy releases of about 20 megawatt seconds each are proposed. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 4th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7452; Filed, Aug. 10, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10900]

ALLEGHENY AIRLINES, INC.

Notice of Hearing

In the matter of Allegheny Airlines, Inc., no-reservation fare.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 29, 1960, at 10:00 a.m., e.d.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., August 5, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7500; Filed, Aug. 10, 1960; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13692, 13693; FCC 60-906]

EMPIRE COMMUNICATIONS CO. AND TELEPHONE ANSWERING SERVICE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Leslie F. Smith, Jr., d/b as Empire Communications Company, for construction permits to establish a new two-way communication service in the Domestic Public Land Mobile Radio Service at Salem, Oregon, Docket No. 13692, File Nos. 2233-C2-P-59, 2234-C1-P/L-59; Vincent W. Elliott, d/b as Telephone Answering Service, for construction permits to establish a new two-way communication service in the Domestic Public Land Mobile Radio Service at Salem, Oregon, Docket No. 13693, File Nos. 2639-C2-P-59, 1530-C1-P/L-60.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the respective above-entitled applications for construction permits to establish new two-way communication services in the Domestic Public Land Mobile Radio Service at Salem, Oregon; and

It appearing that operation of the proposed facilities on a co-channel basis would result in harmful interference between them; and

It further appearing that the 1950 population of Salem, Oregon was 43,140 and that, in the absence of a factual showing to the contrary, it may not be economically feasible for two services to compete successfully in an area of this size; and

It further appearing that § 21.504 of our rules prescribes a median field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for stations engaged in two-way communication service; and

It further appearing that the 37 dbu median field strength set forth in section 21.504 of our rules is based upon the Commission's Report No. T.R.R. 4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band"; and

It further appearing that the procedure set forth in the Commission's Report No. T.R.R. 4.3.8., and use of the F(50,50) and F(50,10) radio wave propagation charts therein, are proper for evaluation of the service contour and interference potential of the stations proposed in this proceeding; and

It further appearing that in accordance with § 21.100 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis; and

It further appearing that the Commission has advised each of the applicants, by letters dated June 15, 1959, November 16, 1959, and March 2, 1960, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why such applications cannot be granted without hearing, and replies have been received from each of the applicants and such replies have been considered; and

It further appearing that each of the applicants herein is legally, financially and technically qualified to be a licensee in this service;

It is ordered, That pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each of the applicants, including rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine, on the basis of the engineering standards set out above, whether any harmful co-channel interference would result to either of the proposed facilities within their respective 37 dbu contours, and, if so, in view of the nature of the service proposed, whether such interference would be undesirable or intolerable.

(c) To determine the area and population which may be expected to receive service from each of the proposed stations and the need for such service in the area proposed to be served.

(d) To determine the public need and economic justification for two like competing radio communication systems in the Domestic Public Land Mobile Radio Service at Salem, Oregon.

(e) To determine, in the light of the evidence adduced on all the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceedings herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: August 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7495; Filed, Aug. 10, 1960; 8:49 a.m.]

[Docket Nos. 13747, 13748; FCC 60-957]

OREGON TELEVISION, INC., AND WILLAMETTE-LAND TELEVISION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Oregon Television, Inc., Salem, Oregon, Docket No. 13747, File No. BPCT-2611; Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3, assigned to Salem, Oreg.; and

It appearing that the applications of Oregon Television, Inc., and Willamette-Land Television, Inc., are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that Oregon Television, Inc. and Willamette-Land Television, Inc., each propose to operate from transmitter sites which do not meet the adjacent channel mileage separation for television broadcast stations as required by § 3.610 of the Commission's rules with respect to the post office reference point for Channel 2 in Portland, Oregon; that the award of a construction permit to either of the applicants in the pending hearing for Channel 2 in Portland, Oregon (Dockets Nos. 12657 and 12658) would establish a new reference point which would be at more than the minimum required distance from the sites proposed by Oregon Television, Inc. and Willamette-Land Television, Inc.; that Oregon Television, Inc. and Willamette-Land Television, Inc. have requested waivers of § 3.610 of the rules on the basis of the above-described hearing; and that the Commission is unable to determine at this time whether a waiver would be justified; and

It further appearing that Willamette-Land Television, Inc. has requested a waiver of § 3.613(a) of the rules to locate its main studios outside of Salem, and has shown good cause for the requested waiver; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, Oregon Television, Inc. and Willamette-Land Television, Inc. were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing that Oregon Television, Inc. is also the licensee of Television Broadcast Station KPTV, Portland, Oregon, and that in the event the subject application were granted, the Grade A field intensity contour of the proposed station would overlap the Grade A field intensity contour of Station KPTV by approximately 13 miles and that Oregon Television, Inc. has requested a waiver of § 3.636 of the rules to permit the proposed overlap; and

It further appearing that Oregon Television, Inc. has requested that if the Commission should determine that its application is inconsistent with the provisions of § 3.636 of the rules and that a hearing issue is necessary on the question of compliance with the rules or

waiver thereof, that its contingent application (BPCT-2628) to modify its license for Television Broadcast Station KPTV, to eliminate substantially the overlap of Grade A field intensity contours of Station KPTV and the station here proposed, be considered with its application; and

It further appearing that since Oregon Television, Inc.'s contingent application is not part of its present application since it can not, by the terms of the contingency, be acted upon unless the subject application of Oregon Television, Inc. is granted, it cannot be considered at this time; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Willamette-Land Television, Inc. is legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to Issue "1" below; and that Oregon Television, Inc. is legally and financially, qualified to construct, own and operate the proposed television broadcast station, is technically so qualified except as to Issue "1" below, and is otherwise so qualified except as to Issue "2" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Oregon Television, Inc. and Willamette-Land Television, Inc. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether facts and circumstances exist to justify a waiver of § 3.610 of the rules for either Oregon Television, Inc. and/or Willamette-Land Television, Inc.

2. To determine whether a grant of the application of Oregon Television, Inc. would be consistent with the provisions of § 3.636(a) (1) of the Commission's rules and regulations, in view of the overlap of the area to be served by the proposed station with the area served by Television Station KPTV, Portland, Oreg.

3. To determine whether, if the answer to Issue 2 is in the negative, the Commission should grant Oregon Television, Inc. a waiver of § 3.636(a) (1) of the Commission's rules.

4. To determine whether Willamette-Land Television, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Oregon Television, Inc.'s request for consideration with its instant application of its contingent application (BPCT-2628) to modify the license of Television Broadcast Station KPTV is denied.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Oregon Television, Inc., and Willamette-Land Television, Inc., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7496; Filed, Aug. 10, 1960; 8:49 a.m.]

[Docket Nos. 13749-13753; FCC 60-962]

ROLLINS BROADCASTING, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Rollins Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; National Telefilm Associates, Inc., Wilmington, Delaware, Docket No. 13753, File No. BPCT-2769; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12, assigned to Wilmington, Delaware;

It appearing that the above-captioned applications are mutually exclusive in that operation by all the applicants as proposed would result in mutully destructive interference; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications were mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing that the Commission indicated in the above-mentioned letter to The Wilmington Television Co., Inc., that it could not, on the basis of the balance sheets of the stockholders and in the absence of a deferred credit agreement, determine without hearing that the applicant was financially qualified to construct and operate the proposed station; and

It further appearing that The Wilmington Television Co., Inc. amended its application in response to the above-mentioned letter to show that one of the stockholders, Richard Goodman, would supply all of the necessary funds for construction and initial operation in the amount of $397,338, and in support submitted a detailed balance sheet showing assets having a value of more than $2,700,000 in excess of all liabilities and a copy of an agreement with RCA to extend credit in the amount of $700,000, and that, therefore, The Wilmington Television Co., Inc., appears to be financially qualified; and

It further appearing that Metropolitan Broadcasting Corporation is the licensee of Stations WTTG (TV), Channel 5, Washington, D.C. and WNEW-TV, Channel 5, New York, N.Y. and that in the event the subject application were granted the proposed Grade B field intensity contour would overlap the WTTG (TV) Grade B field intensity contour by approximately 3 miles; that the proposed Grade A field intensity contour would overlap the WNEW-TV Grade B field intensity contour by approximately 17 miles; that the proposed Grade B field intensity contour would overlap the WNEW-TV Grade B field intensity contour by approximately 34 miles; and that the proposed Grade B field intensity contour would overlap the WNEW-TV Grade A field intensity contour by approximately 2 miles: and

It further appearing that National Telefilm Associates, Inc., owns 100 percent of the stock of the licensee of Station WNTA-TV, Channel 13, Newark, New Jersey; and that in the event the subject application were granted the proposed Grade B field intensity contour would overlap the WNTA-TV Grade A field intensity contour by approximately 13 miles and the proposed 77 dbu field intensity contour would overlap the WNTA-TV Grade B field intensity contour by approximately 6 miles; and

It further appearing that WHYY, Inc., has requested the enlargement of the standard comparative issue to permit the introduction of programming of other television broadcast stations serving the area; that such evidence is not normally encompassed within the standard comparative issue; and that the Commission believes that the requested enlargement is not justified because the subject matter is not relevant to a comparative determination; and

It further appearing that on July 20, 1960, the Commission sent a letter to the licensee of Station WNTA-TV, Channel 13, Newark, New Jersey, in connection with its pending applications for renewal of license (BRCT-329) raising questions with respect to whether, in the dealings with educational and other interests in New Jersey, said licensee has been guilty of bad faith and unfair dealings; as to whether substantial variances exist between program proposals set forth in broadcast applications filed by the licensee and the actual programming operations of the station; and as to whether misrepresentations were made to the Commission in connection with the licensee's replies to Commission correspondence relating to the allegations made by Rutgers University; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that WHYY, Inc. and The Wilmington Television Co., Inc., are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations; that Rollins Broadcasting, Inc., is, on the basis of the information presently before us, legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to issue "1" below; that Metropolitan Broadcasting Corporation is, on the basis of the information presently before us, legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified; that National Telefilm Associates, Inc., is, on the basis of the information presently before us, and subject to whatever further action which may be required as a result of the reply to the Commission's letter of July 20, 1960, to Station WNTA-TV, legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Rollins Broadcasting, Inc., The Wilmington Television Co., Inc., WHYY, Inc., Metropolitan Broadcasting Corporation, and National Telefilm Associates, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the antenna system and site proposed by Rollins Broadcasting, Inc., would constitute a hazard to air navigation.

2. To determine whether Metropolitan Broadcasting Corporation is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine whether a grant of the application of Metropolitan Broadcasting Corporation would be consistent with the provisions of § 3.636(a) (1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station with the area served by Station WTTG (TV) in Washington, D.C., and WNEW-TV, New York, N.Y.

4. To determine whether a grant of the application of Metropolitan Broadcasting Corporation would result in an undue concentration of control of broadcast stations and hence be contrary to the provisions of § 3.636(a)(2) of the Commission's rules, and inconsistent with the public interest, convenience and necessity, in view of the applicant's operation of television broadcast stations in Washington, D.C. (WTTG) and New York City (WNEW-TV).

5. To determine whether National Telefilm Associates, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

6. To determine whether a grant of the application of National Telefilm Associates, Inc., would be consistent with the provisions of § 3.636(a) (1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station with the area served by WNTA-TV, Newark, N.J.

7. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant difference between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

8. To determine in light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the request of WHYY, Inc., for enlargement of the standard comparative issue is denied.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Rollins Broadcasting, Inc., The Wilmington Television Co., Inc., WHYY, Inc., Metropolitan Broadcasting Corporation, and National Telefilm Associates, Inc., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7497; Filed, Aug. 10, 1960; 8:50 a.m.]

[Docket No. 13711-13736; FCC 60-942]

TRIANGLE PUBLICATIONS, INC. (WNHC) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Connecticut, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13711, File No. BP-12107; Charlottesville Broadcasting Corporation (WJMA), Orange, Virginia, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13712, File No. BP-12161; Independence Broadcasting Company, Inc. (WHAT), Philadelphia, Pennsylvania, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13713, File No. BP-12177; WKRZ, Inc. (WKRZ), Oil City, Pennsylvania, has: 1340 kc, 250 w, U, S.H. WSAJ, requests: 1340 kc, 250 w, 1 kw-LS, DA-Day, S.H.-WSAJ, Docket No. 13714, File No. BP-12231; WRAW, Inc. (WRAW), Reading, Pennsylvania, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13715, File No. BP-12251; WBRE Radio, Inc. (WBRE), Wilkes Barre, Pennsylvania, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13716, File No. BP-12340; C. M. Zinn and C. Leslie Golliday, d/b as Martinsburg Broadcasting Company (WEPM), Martinsburg, West Virginia, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13717, File No. BP-12375; William S. Halpern and Louis N. Seltzer, d/b as Greater Princeton Broadcasting Company, Princeton, New Jersey, requests: 1350 kc, 5 kw, DA-2, U, Docket No. 13718, File No. BP-12412; for construction permits.

E. Anthony & Sons, Inc. (WNBH), New Bedford, Massachusetts, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13719, File No. BP-12425; United Broadcasting Company, Inc. (WOOK), Washington, D.C., has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13720, File No. BP-12426; Community Broadcasting Service, Inc. (WWBZ), Vineland, New Jersey, has: 1360 kc, 1 kw, DA-N, U, requests: 1360 kc, 5 kw, DA-2, U, Docket No. 13721, File No. BP-12430; Community Broadcasting Corporation (WALL), Middletown, New York, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13722, File No. BP-12532; Eastern Broadcasting Corporation (WHAP), Hopewell, Virginia, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13723, File No. BP-12702; The New Jersey Broadcasting Company, Princeton, New Jersey, re-

quests: 1350 kc, 5 kw, DA-2, U, Docket No. 13724, File No. BP-12829; Mid-Atlantic Broadcasting Company (WMID), Atlantic City, New Jersey, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13725; File No. BP-12922; Greylock Broadcasting Company (WBRK), Pittsfield, Massachusetts, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13726, File No. BP-13056; Nassau Broadcasting Company, Princeton, New Jersey, requests: 1350 kc, 5 kw, DA-2, U, Docket No. 13727; File No. BP-13064; for construction permits.

WSTV, Inc. (WSTV), Steubenville, Ohio, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13728, File No. BP-13115; Fred Glosser, Isadore Glosser, Sydney Ossip and Herbert Sinberg, d/b as Gosco Broadcasters, Windber, Pennsylvania, requests: 1350 kc, 1 kw, Day, Docket No. 13729, File No. BP-13125; James N. Rodio and James Rodio, d/b as Rodio Radio, Hammonton, New Jersey, requests: 1320 kc, 500 w, DA, Day, Docket No. 13730, File No. BP-13426; Connellsville Broadcasters, Incorporated (WCVI), Connellsville, Pennsylvania, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 13731, File No. BP-13441; Norwalk Broadcasting Company, Incorporated (WNLK), Norwalk, Connecticut, has: 1350 kc, 500 w, Day, requests: 1350 kc, 500 w, 1 kw, DA-N, U, Docket No. 13732, File No. BP-13444; Cumberland Valley Broadcasting Corporation, Westernport, Maryland, requests: 1350 kc, 1 kw, Day, Docket No. 13733, File No. BP-13472; WKAP, Inc. (WKAP), Allentown, Pennsylvania, has: 1320 kc, 1 kw, DA-N, U, requests: 1320 kc, 1 kw, 5 kw-LS, DA-2, U, Docket No. 13734, File No. BP-13473; Harry A. Epperson, Sr., Luray, Virginia, requests: 1330 kc, 1 kw, Day, Docket No. 13735, File No. BP-13474; Dr. E. Z. Eperjessy, Louis Popp, and William H. Myers, d/b as Windber Community Broadcasting System, Windber, Pennsylvania, requests: 1350 kc, 1 kw, Day, Docket No. 13736, File No. BP-13475; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that, upon the basis of the information presently before the Commission, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 7, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the Commission's letter of January 7, 1960, requested the submission of measurement data by the Independence Broadcasting Company, Inc. (WHAT, BP-12177) to establish that the proposed WHAT 25 mv/m contour would not overlap the 25 mv/m contour of Station WCAM, Camden, New Jersey, and that, in response to said request, the Independence Broadcasting Company, Inc., filed measurement data on April 14, 1960, which show that no overlap of the WHAT and WCAM 25 mv/m contours would occur; and

It further appearing that by the Commission letter of January 7, 1960, Norwalk Broadcasting Company, Incorporated (BP-13444) was advised that its proposal would involve 2 and 25 mv/m contour overlap with the existing operation of Station WEVD, New York, New York, but that in an amendment filed February 18, 1960, Norwalk submitted measurement data made on WEVD, New York, New York, and the existing operation of WNLK; that on the basis of this data, it appears that the proposed operation of WNLK does not involve a problem of 2 and 25 mv/m overlap with Station WEVD; that, moreover, it appears that any interference caused to WEVD, or WPOW, New York, New York, due to an overlap of their normally protected 0.5 mv/m contours with the proposed 15 mv/m contour of WNLK occurs in an urbanized area where sufficient signal is not provided by WEVD or WPOW for service in accordance with the Commission's rules; and

It further appearing that the Commission letter of January 7, 1960, advised the WBRE Radio, Inc., that its proposal would involve 2 and 25 mv/m overlap with the existing operation of Station WSCR, Scranton, Pennsylvania, but that in an amendment filed March 16, 1960, WBRE submitted measurement data on their present operation and incorporated therein by reference the July, 1951 proof-of-performance measurements made on WSCR; that on the basis of this data, it appears that the proposed operation of WBRE does not involve a problem of 2 and 25 mv/m overlap with Station WSCR; and

It further appearing that on May 9, 1960, the United Broadcasting Company, Inc., amended its application (BP-12426) to specify a different transmitter site and that it has not yet been determined whether the antenna at the newly proposed site would constitute a hazard to air navigation; and

It further appearing that by the Commission's letter of January 7, 1960, the Community Broadcasting Service, Inc. (WWBZ) was requested to submit additional information regarding the feasibility of adjusting and maintaining the proposed nighttime directional antenna system and other data which would permit a determination as to whether nighttime interference would be caused to Station WDRC, Hartford, Connecticut, or any other nighttime station; but that the requested information has not been submitted; and that the licensees of Stations WDRC and Station WPPA, Pottsville, Pennsylvania, in letters dated January 21 and February 6, 1960, respectively, requested that the proposed WWBZ operation be designated for hearing because of interference that may be caused to their normally protected nighttime service areas; and

It further appearing that in an engineering statement submitted by WKAP, Inc. (BP-13473) it is stated that the proposed WKAP operation would cause less interference to the proposed operation of The Monocacy Broadcasting Company (File No. BP-11325, Docket No. 12477) than the present one kilowatt daytime nondirectional operation of WKAP; but that a study of the WKAP proposal indicates that slight new interference would be caused to the proposed operation of The Monocacy Broadcasting Company toward the eastern extremity of Monocacy's proposed primary service area and, therefore, The Monocacy Broadcasting Company must be made a party to the hearing on the WKAP application; and

It further appearing that by letter dated January 20, 1960, the licensee of Station WORK, York, Pennsylvania, requested a hearing on the application of the Nassau Broadcasting Company (BP-13064) because of expected interference to Station WORK; but that a study of the Nassau Broadcasting Company proposal indicates that no objectionable interference would be caused to Station WORK; and

It further appearing that by letter dated January 19, 1960, Station WTRN, Tyrone, Pennsylvania, requested that its pending application (BMP-8790) for an increase in power, should be consolidated in a hearing proceeding with Connellsville Broadcasters, Incorporated (BP-13441); but that said pending application was not timely filed and therefore is not entitled to comparative consideration with Connellsville Broadcasters, Incorporated proposal; and

It further appearing that by letter dated January 13, 1960 Station WMCK, McKeesport, Pennsylvania, objected to a grant of Connellsville Broadcasters application (BP-13441); that by Commission letter dated January 7, 1960, Connellsville was advised that there might be an overlap of the 2 and 25 mv/m contours between its proposal and WMCK's proposal (BP-12263), which was designated for hearing on February 3, 1959 (Docket No. 12754); but that a restudy based on measurements in the WMCK files indicates that no 2 and 25 mv/m contour overlap would occur between the WCVI proposal and WMCK; and

It further appearing that on October 28, 1959, Station WFBG, Altoona, Pennsylvania, was granted a construction permit to change from 1340 kilocycles to 1290 kilocycles (Docket No. 12899); and that in the event Martinsburg Broadcasting Company (BP-12375) or Connellsville Broadcasters, Incorporated (BP-13441) should be favored in hearing, the permittee shall not begin program tests until WFBG begins program tests on 1290 kilocycles and a license shall not be issued to the permittee until WFBG is licensed to operate on 1290 kilocycles; and

It further appearing that by petition dated February 1, 1960, Associated Broadcasters, Inc., licensee of Station WORK, York, Pennsylvania, requested that it be made a party to the hearing on the application of the Greater Princeton Broadcasting Company (BP-12412) because of the excessive daytime skywave interference that would be received by Station WORK from the proposal of Greater Princeton Broadcasting Company but that the Commission Rules do not provide protection to Class III stations on regional channels from daytime skywave interference; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive new primary service from each of the instant proposals for a broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by the interference from any of the instant proposals.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the following proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals and Existing Stations

BP-12107	WALL, Middletown, N.Y.
	WEVD, New York, N.Y.
	WNLK, Norwalk, Conn.
	WPOW, New York, N.Y.
BP-12161	WHAP, Hopewell, Va.
	WOOK, Washington, D.C.
BP-12177	WMID, Atlantic City, N.J.
	WRAW, Reading, Pa.
BP-12251	WBRE, Wilkes Barre, Pa.
	WHAT, Philadelphia, Pa.
BP-12340	WALL, Middletown, N.Y.
	WRAW, Reading, Pa.
	WSCR, Scranton, Pa.
	WWPA, Williamsport, Pa.
BP-12375	WCVI, Connellsville, Pa.
	WOOK, Washington, D.C.
BP-12412	WNLK, Norwalk, Conn.
BP-12425	WMID, Atlantic City, N.J.
	WNHC, New Haven, Conn.
BP-12426	WEPM, Martinsburg, W. Va.
	WJMA, Orange, Va.
BP-12430	WBAY, Green Bay, Wis.
	WDRC, Hartford, Conn.
	WPPA, Pottsville, Pa.
BP-12532	WBRE, Wilkes Barre, Pa.
	WBRK, Pittsfield, Mass.
	WEVD, New York, N.Y.
	WNHC, New Haven, Conn.
BP-12702	WJMA, Orange, Va.
	WKST, Richmond, Va.
BP-12829	WNLK, Norwalk, Conn.
BP-12922	WHAT, Philadelphia, Pa.
	WNBH, New Bedford, Mass.
	WNHC, New Haven, Conn.
BP-13056	WALL, Middletown, N.Y.
	WENT, Gloversville, N.Y.
	WHAZ, Troy, N.Y.
BP-13115	WADC, Akron, Ohio.
	WAMP, Pittsburgh, Pa.
	WCVI, Connellsville, Pa.
	WHAR, Clarksburg, W. Va.
	WKRZ, Oil City, Pa.
	WNOO, Ashland, Ohio.
	WSAJ, Grove City, Pa.
BP-13125	WKMC, Roaring Springs, Pa.
	WORK, York, Pa.
	WMCK, McKeesport, Pa.
BP-13441	WAMP, Pittsburgh, Pa.
	WEPM, Martinsburg, W. Va.
	WHAR, Clarksburg, W. Va.
	WKRZ, Oil City, Pa.
	WMCK, McKeesport, Pa.
	WSAJ, Grove City, Pa.
	WSTV, Steubenville, Ohio.
	WTRN, Tyrone, Pa.
BP-13444	WNHC, New Haven, Conn.
BP-13472	WORK, York, Pa.
BP-13473	The Monocacy Broadcasting Co., NEW, BP-11325, D-12477, Gettysburg, Pa.
BP-13475	WKMC, Roaring Springs, Pa.
	WORK, York, Pa.
	WMCK, McKeesport, Pa.

6. To determine whether the nighttime directional antenna system proposed by the Community Broadcasting Service, Inc. (BP-12430) can be adjusted and maintained as proposed, and, if not, whether the proposed operation of WWBZ would cause objectionable nighttime interference to WDRC, Hartford, Connecticut, to WPPA, Pottsville, Pennsylvania, or to any other existing standard broadcast station.

7. To determine whether the transmitter site proposed by each of the following applicants is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern:

Triangle Publications, Inc. (BP-12107).
WRAW, Inc. (BP-12251).
Mid-Atlantic Broadcasting Co. (BP-12922).
Greylock Broadcasting Co. (BP-13056).

8. To determine whether the roof-top antenna system proposed by WRAW, Inc. (BP-12251) is in compliance with § 3.188(d) of the rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

9. To determine whether the antenna system proposed by United Broadcasting Company, Inc. (BP-12426) would constitute a hazard to air navigation.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine on a comparative basis, in the event that Princeton, New Jersey or Windber, Pennsylvania, is or are, selected as having the greatest need pursuant to section 307(b) which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

12. To determine in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Debs Memorial Radio Fund, Inc. (WEVD).
WPOW, Inc. (WPOW).
Lackawanna Valley Broadcasting Co. (WSCR).
Williamsport Radio Broadcasting Association, Inc. (WWPA).
Norbertine Fathers (WBAY).
Radio Richmond, Inc. (WKST).
WENT Broadcasting Corp. (WENT).
Rensselaer Polytechnic Institute (WHAZ).
Allen T. Simmons, Inc. (WADC).
National Broadcasting Co., Inc. (WAMP).
Harrison Corp. (WHAR).
Cove Broadcasting Co., Inc. (WKMC).
Mon-Yough Broadcasting Co. (WMCK).
Associated Broadcasters, Inc. (WORK).
Monocacy Broadcasting Co. (BP-11325).
Radio Ashland, Inc. (WNCO).
A. V. Tidmore tr/as Pottsville Broadcasting Co. (WPPA).
Grove City College (WSAJ).
Cary H. Simpson tr/as Tyrone Broadcasting Co. (WTRN).
Buckley-Jaeger Broadcasting Corp. of Connecticut (WDRC).

It is further ordered, That the following licensees which are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Community Broadcasting Corp. (WALL).
Norwalk Broadcasting Co., Inc. (WNLK).
Eastern Broadcasting Corp. (WHAP).

United Broadcasting Co., Inc. (WOOK).
Mid-Atlantic Broadcasting Co. (WMID).
WRAW, Inc. (WRAW).
WBRE Radio, Inc. (WBRE).
Independence Broadcasting Co., Inc. (WHAT).
Connellsville Broadcasters, Inc. (WCVI).
Triangle Publications, Inc. (WNHC).
Greylock Broadcasting Co. (WBRK).
WKRZ, Inc. (WKRZ).
WSTV, Inc. (WSTV).
Martinsburg Broadcasting Co. (WEPM).
Charlottesville Broadcasting Corp. (WJMA).
E. Anthony & Sons, Inc. (WNBH).

It is further ordered, That, in the event of a grant of the application of C. M. Zinn and C. Leslie Golliday d/b as Martinsburg Broadcasting Company, the construction permit shall contain a condition that program tests will not be authorized until Station WFBG, Altoona, Pennsylvania, is authorized program tests on a frequency other than 1340 kilocycles; and a license to cover construction permit will not be issued until Station WFBG is licensed on a frequency other than 1340 kilocycles.

It is further ordered, That, in the event of a grant of the application of Connellsville Broadcasters, Incorporated, the construction permit shall contain a condition that program tests will not be authorized until Station WFBG, Altoona, Pennsylvania, is authorized program tests on a frequency other than 1340 kilocycles; and a license to cover construction permit will not be issued until Station WFBG is licensed on a frequency other than 1340 kilocycles.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7498; Filed, Aug. 10, 1960; 8:50 a.m.]

[FCC 60-979]

DELEGATION OF AUTHORITY TO A BOARD OF COMMISSIONERS TO INSTITUTE INVESTIGATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1960;

The Commission having under consideration its announcement of May 3, 1960, regarding its plans for one meeting and no hearings or oral arguments in August 1960; planned summer absences of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in section 0.213 of the Commission's Statement of Organization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing that a quorum of the Commission may not be present at times during the period from August 2, 1960 to September 9, 1960, inclusive;

It further appearing that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-specified period;

It is ordered, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, during the period from August 2, 1960 to September 9, 1960, inclusive, there is delegated to a Board of Commissioners, to be composed of all Commissioners present and able to act during said period, authority to institute investigations whenever a quorum of the Commission is not present.

Released: August 4, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7499; Filed, Aug. 10, 1960; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND CORPORATION

Notice of Receipt of Application Under Bank Holding Company Act

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by the Marine Midland Corporation, Buffalo, New York, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of the acquisition by that Corporation of all of the 50,200 voting shares of The First National Bank of Poughkeepsie, Poughkeepsie, New York.

In determining whether to approve this application the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) Their prospects; (3) The character of their management; (4) The convenience, needs, and welfare of the communities and the area concerned; and (5) Whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 4th day of August 1960.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60-7473; Filed, Aug. 10, 1960; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI60-447—RI60-456]

HUMBLE OIL & REFINING CO. ET AL.

Correction

AUGUST 1, 1960.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject To Refund, issued June 30, 1960 and published in the FEDERAL REGISTER on July 8, 1960 (25 F.R.; p. 6446-47-48): After "By the Commission." strike the present statement and insert in lieu thereof the following: "Commissioner Kline dissenting as to the suspension of the filings in Docket Nos. RI60-451, RI60-454 and RI60-456 and Supplement No. 5 to Humble Oil & Refining Company's FPC Gas Rate Schedule No. 33 in Docket No. RI60-447. He would reject the filings in Docket No. RI60-540."

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7471; Filed, Aug. 10, 1960; 8:46 a.m.]

[Docket No. RI60-435]

UNION PRODUCING CO.

Order Denying Motion for Reconsideration and Consolidation, and Amending Order

AUGUST 4, 1960.

On May 26, 1960, Union Producing Company (Union) tendered for filing Supplements Nos. 5 to its FPC Gas Rate Schedules Nos. 215 and 216. Said supplements propose rate increases from 18.75 cents per Mcf to 26.75 cents per Mcf [1] for natural gas sold to Union's affiliate, United Gas Pipe Line Company (United), from leases in Terrebonne Parish, Louisiana. By order issued June 24, 1960, we suspended the operation of those supplements and deferred the use of the proposed rates until December 1, 1960. Additionally, the order provided that a public hearing be held on September 7, 1960, concerning the lawfulness of the proposed increased rates.

On July 8, 1960, Union filed a motion which it termed a "Motion For Rehearing" but which is in fact a motion for reconsideration of our order of June 24, 1960, and a request that this proceeding be consolidated with the proceedings in Docket Nos. G-13811, et al.[2] In its motion, Union states that Docket No. G-13811 involves the same sales from the same leases as is involved in this proceeding. In Docket No. G-13811 Union proposes to increase the price of natural gas to United from 10 cents per Mcf to 17 cents per Mcf. Union avers that the "evidence and exhibits in the consolidated proceeding (Docket No. G-13811, et al.) are in its belief and judgment adequate and sufficient to cover and include all issues necessary to decision of any question which may arise in Docket No. RI60-435." Thus Union is now contending that the testimony and evidence it introduced to support an increased price of 17 cents per Mcf of gas should now be considered as support for an increased price of 26.75 cents per Mcf.

However, Union presented its testimony and evidence in Docket No. G-13811, et al., on June 23, 1959, and cross-examination of its witnesses was completed on October 16, 1959. The staff served its testimony and evidence on April 28, 1960, and cross-examination of the staff witnesses was completed on July 26, 1960. Upon completion of cross-examination of the staff witnesses, the Presiding Examiner recessed the consolidated proceeding until November 14, 1960, at which time cross-examination of witnesses for the interveners will begin. We believe that to interject the new proposed rate increase into the consolidated proceeding, in view of its present posture, would be disruptive and would accomplish no useful purpose. Additionally, we said in the order issued on June 24, 1960, in this proceeding, that this proceeding "should be heard forthwith at the earliest practicable date." Therefore, we shall amend said order to fix the procedure to be followed in the initial phase of this proceeding.

The Commission finds:

(1) For the reasons heretofore stated it is necessary in the public interest that the motion filed July 8, 1960, by Union for reconsideration and consolidation be denied.

(2) The order issued June 24, 1960, in this proceeding, should be amended to provide that Union shall serve its direct evidence on all parties to the proceeding on or before September 7, 1960, and thereafter, the public hearing provided for shall convene on September 19, 1960, at which time Union's witnesses shall adopt their testimony and be cross-examined thereon. Thereafter, the Examiner will grant such recesses as he deems necessary and proper, to enable the staff and other parties to expeditiously present such testimony and evidence as they deem necessary.

The Commission orders:

(A) The motion for reconsideration and consolidation filed on July 8, 1960, by Union Producing Company be and the same is hereby denied.

[1] Including 1.75 cents per Mcf Louisiana tax reimbursement.

[2] A motion or application for rehearing of an interlocutory order, such as is here involved, may not properly be filed, § 1.30(e) of the rules of practice and procedure (18 CFR § 1.30(e)).

(B) Ordering paragraph (A) of the order issued June 24, 1960, in this proceeding, is amended to read: Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I) Union Producing Company shall serve its direct evidence in support of its proposed increased rates and charges upon all parties to this proceeding on or before September 7, 1960, and thereafter a public hearing will be held on September 19, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., at which time Union Producing Company's witnesses shall adopt the testimony served upon the parties and shall be cross-examined thereon. Thereafter, the Examiner shall grant such recesses as he deems necessary and proper, to enable the staff and other parties to expeditiously present such testimony and evidence as they deem necessary.

(C) Except as amended by paragraph (B) above, the order issued June 24, 1960, in this proceeding, shall remain in effect.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7472; Filed, Aug. 10, 1960; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

VANADIUM ORES, CONCENTRATES AND PENTOXIDES HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 4,310 short tons of low-grade vanadium ore, approximately 2,950 short tons of lead vanadate concentrates and approximately 35,350 pounds of subgrade fused vanadium oxide (pentoxide) now held in the national stockpile.

The Office of Civil and Defense Mobilization and its predecessor agency, the Office of Defense Mobilization, have made revised determinations pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these materials. The revised determinations were based upon the finding that said low-grade vanadium ore, lead vanadate concentrates and subgrade fused vanadium oxide (pentoxide) are obsolescent for use in time of war.

General Services Administration proposes to transfer the vanadium ores, concentrates and pentoxides to other Government agencies, or to offer them for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 4, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-7475; Filed, Aug. 10, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1285]

COLORADO DIVERSIFIED INVESTMENT CO.

Notice of Filing of Application

AUGUST 4, 1960.

Notice is hereby given that Colorado Diversified Investment Co. ("Applicant"), a corporation organized under the laws of the State of Colorado, has filed an application and an amendment thereto pursuant to section 6(d) of the Investment Company Act of 1940 ("Act"), and Rule 6d-1 promulgated thereunder, for an order of the Commission exempting it from any or all provisions of the Act. Applicant has undertaken to effect compliance with such provisions of the Act as the Commission may, pursuant to section 6(e) of the Act, deem necessary or appropriate in the public interest or for the protection of investors, and with such conditions as the Commission may impose pursuant to section 6(d) of the Act.

The application makes the following representations:

Applicant, a closed-end, diversified management investment company, was organized on October 5, 1959. It has no operating or financial history. No securities of the company have been issued. It is proposed to offer 39,500 shares of capital stock at an offering price of $2.50 per share, for an aggregate offering price of $98,750, such offering to be made only to residents of the State of Colorado.

As the proceeds from the sale of such securities are received, the net portion thereof, 90 percent, will be placed in an escrow account until such time as all proceeds have been so received. Thereafter, applicant intends to invest such proceeds in common stocks with the objective of capital appreciation. Applicant does not intend to invest more than 10 percent of its assets in the securities of any one issuer.

Section 6(d) of the Act provides that the Commission shall exempt a closed-end investment company from any or all provisions of the Act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the

aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6(e) of the Act provides that if, in connection with any order exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemptions be granted Applicant from the following provisions of the Act and the respective rules and regulations promulgated under each of such provisions, and that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the Act and rules and regulations thereunder as though Applicant were a registered investment company:

Section 7; section 8(b), except the requirement to file the information required by Items 3, 4, and 5 of Form N–8B–1, and to report to the Commission any changes thereafter in respect thereof; section 14; section 20(a); section 23(c); section 30(a); section 30(b), except that the subject company shall, pursuant to section 30(b)(2), file with the Commission copies of all reports sent to stockholders pursuant to section 30(d), of which the annual reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30(e); section 30(f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32(a): *Provided*, That Applicant shall continue to comply with the provisions of sections 6(d)(1) and 6(d)(2) of the Act and shall at all times maintain its classification as a closed-end company as defined in section 5(a)(2) of the Act.

Notice is further given that any interested person may, not later than August 18, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7479; Filed, Aug. 10, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33434]

MIDDLE ATLANTIC AND NEW ENGLAND TERRITORY

Detention of Motor Vehicles

JULY 13, 1960.

By a petition filed April 29, 1960, the Middle Atlantic Conference, a non-profit corporation through which approximately 1,300 member motor common carriers of property publish and file their tariffs, prays that the Interstate Commerce Commission, upon its own motion, institute an investigation into charges for the detention of vehicles by consignors or consignees incident to the loading or unloading of truckload shipments, and the rules, regulations and practices in connection therewith, of all common carriers by motor operating in Middle Atlantic Territory and New England Territory (as defined in Ex Parte MC–20 and Ex Parte MC–22, 24 M.C.C. 501 at pages 631–633 and 8 M.C.C. 287 at pages 330 and 331).

The petitioner states that the present rules or lack of uniformity among the carriers with respect to detention charges has created chaos in the area. A detention rule (Rule 47) was established by the petitioner in its tariffs MF–I.C.C. Nos. A–919 and A–970 effective January 28, 1957, but because of "Flag-outs" never became effective at all for particular traffic and particular movements and particular carriers. Many shippers simply refuse to pay the applicable detention charges and the petitioner states that for the carriers not to be compensated for equipment and employees made idle by shippers and consignees is to jeopardize the financial condition of the carriers and consequently impair their ability to perform their duty to render adequate service. Petitioner asserts that to recover the expense of delays by increased rates is to force the shippers and receivers who do not delay equipment to pay for the delays of others, penalizes the efficient shippers and receivers, and aggravates the unlawful discrimination inherent in the absence of a fair and uniform detention rule fairly and uniformly applied.

The petitioner cites Class Rates, Middle Atlantic & New England Territories, 67 M.C.C. 741, decided August 2, 1956, wherein Division 3 concluded that the imposition of area and pier arbitraries at New York City and Philadelphia were not shown to be just and reasonable and further stated that "in the absence of the area and pier arbitraries, more carriers could be expected to apply the detention rule." Accordingly, the petitioner established the aforementioned tariff Rule 47. Finding the rule to be unworkable the petitioner now prays that the Commission, after an investigation, prescribe, pursuant to its authority under section 216(e) of the Interstate Commerce Act, the detention rule, set forth in the appendix hereto,[1] for application by all common carriers by motor, operating in the aforesaid territories, and grant petitioner such other and further relief as it deems meet in the premises.

A further request is that the Commission cause to be published in the FEDERAL REGISTER, pursuant to section 4(a) of the Administrative Procedure Act, notice of (a) the filing of the petition, (b) the order of investigation and the time and place of proceedings thereon, (c) the proposed rule, and (d) name as respondents in said investigation the approximately 1,825 common carriers by motor listed in an appendix to the petition, who are the majority of such carriers operating in Middle Atlantic Territory and between that territory and New England Territory.

The petitioner believes the proposed rule to be reasonable, workable and enforceable and is prepared to proceed to carry the burden of proving this as well as proving the need for the prescription of a general rule.

The petitioner points out that it has the support of the Eastern Industrial Traffic League, Inc., which urges that the Commission set this matter for investigation and public hearing, and upon the conclusion of those hearings take such action as the Commission deems necessary.

Any person or persons desiring to participate in this matter may file representations supporting or opposing the relief sought by September 16, 1960.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–7486; Filed, Aug. 10, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 8, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36470: *Phosphate rock—Idaho and Wyoming to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2138), for interested rail carriers. Rates on phosphate rock, in carloads, as described in the application, from specified points in Idaho and Wyoming, to points in western trunk-line territory.

[1] Filed as part of original document.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 137 to Western Trunk Line Committee tariff I.C.C. A–4123.

FSA No. 36471: *Alcohols—Louisiana points to St. Louis, Mo.* Filed by O. W. South, Jr., Agent (SFA No. A–4003), for interested rail carriers. Rates on alcohols, in carloads, as described in the application, from New Orleans, Baton Rouge and North Baton Rouge, La., to St. Louis, Mo.

Grounds for relief: Barge competition.

Tariff: Supplement 260 to Southern Freight Association tariff I.C.C. 400 (Marque series).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–7485; Filed, Aug. 10, 1960; 8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

JAMES F. BROWNLEE

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

July 1, 1960, purchased 200 shares White Stag Mfg. Co.

This amends statement published March 8, 1960 (25 F.R. 2000).

Dated: August 1, 1960.

JAMES F. BROWNLEE.

[F.R. Doc. 60–7454; Filed, Aug. 10, 1960; 8:45 a.m.]

PETER HENLE

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Additions:
American Telephone & Telegraph.
Chase Manhattan Bank.
Montana Power.
Owens-Illinois Glass.
Procter & Gamble.
Scott Paper Co.
Sears Roebuck.
Smith Kline and French.
Standard Brands.
Union Carbide.
U.S. Steel.
U.S. Playing Card.

This amends statement published February 16, 1960 (25 F.R. 1388).

Dated: August 1, 1960.

PETER HENLE.

[F.R. Doc. 60–7455; Filed, Aug. 10, 1960; 8:45 a.m.]

JOSEPH KEENAN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Bought: Valspar.

This amends statement published March 8, 1960 (25 F.R. 2000).

Dated: August 1, 1960.

JOSEPH KEENAN.

[F.R. Doc. 60–7456; Filed, Aug. 10, 1960; 8:45 a.m.]

GEORGE R. LeSAUVAGE

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change from previous statement, published March 17, 1960 (25 F.R. 2244).

Dated: August 1, 1960.

GEORGE R. LESAUVAGE.

[F.R. Doc. 60–7457; Filed, Aug. 10, 1960; 8:45 a.m.]

RUSSELL C. McCARTHY

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Same as previously listed with following changes:
Delete from original list:
Western Natural Gas.
Gerber Products.
Monsanto Chemical.
Grolier Inc.
Riley Stoker.
Colonial Energy.
Electronics Investment.
Add to list:
Standard Oil of New Jersey.
Food Fair Stores.
Union Carbide.
Rochester Gas & Electric.

This amends statement published February 16, 1960 (25 F.R. 1388).

Dated: August 1, 1960.

RUSSELL C. MCCARTHY.

[F.R. Doc. 60–7458; Filed, Aug. 10, 1960; 8:45 a.m.]

PHILIP N. POWERS

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Deletion: Internuclear Company.
Addition: Petrolite Corporation.

This amends statement published March 9, 1960 (25 F.R. 2036).

Dated: August 1, 1960.

DR. PHILIP N. POWERS.

[F.R. Doc. 60–7459; Filed, Aug. 10, 1960; 8:45 a.m.]

E. D. REEVES

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 18, 1960 (25 F.R. 1471).

Dated: August 1, 1960.

E. D. REEVES.

[F.R. Doc. 60–7460; Filed, Aug. 10, 1960; 8:45 a.m.]

STANLEY RUTTENBERG

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published March 1, 1960 (25 F.R. 1812).

Dated: August 1, 1960.

STANLEY RUTTENBERG.

[F.R. Doc. 60–7461; Filed, Aug. 10, 1960; 8:45 a.m.]

JOHN E. WARREN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Additions: Pepsi Cola, Plymouth Oil Co.
Deletions: Union Carbide Corporation.

This amends statement published March 1, 1960 (25 F.R. 1812).

Dated: August 1, 1960.

JOHN E. WARREN.

[F.R. Doc. 60–7462; Filed, Aug. 10, 1960; 8:45 a.m.]

WILLIAM WEBSTER

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Add: Rescon Electronics Corp. (investment).
Delete: The Rand Corporation—Trustee; The Narragansett Electric Co.—President (still a director).

This amends statement published February 18, 1960 (25 F.R. 1471).

Dated: August 1, 1960.

DR. WILLIAM WEBSTER.

[F.R. Doc. 60-7463; Filed, Aug. 10, 1960; 8:45 a.m.]

R. CARTER WELLFORD

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published February 16, 1960 (25 F.R. 1388).

Dated: August 1, 1960.

R. CARTER WELLFORD.

[F.R. Doc. 60-7464; Filed, Aug. 10, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LOUIS A. SCHLUETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No.
B. Additions: No.

This statement is made as of August 1, 1960.

LOUIS A. SCHLUETER.

AUGUST 1, 1960.

[F.R. Doc. 60-7480; Filed, Aug. 10, 1960; 8:47 a.m.]

MICHAEL SUISMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Edsam Metals, Inc.
B. Additions: Connecticut Life, Shoreham Motor Hotel.

This statement is made as of August 1, 1960.

MICHAEL SUISMAN.

AUGUST 1, 1960.

[F.R. Doc. 60-7481; Filed, Aug. 10, 1960; 8:47 a.m.]

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VOLUME 25 NUMBER 157

Washington, Friday, August 12, 1960

THE UNIVERSITY OF MICHIGAN
AUG 16 1960
MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815, Amdt. 1]

PART 815—ALLOTMENT OF THE DIRECT CONSUMPTION PORTION OF 1960 MAINLAND SUGAR QUOTA FOR PUERTO RICO

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of amending Sugar Regulation 815 (25 F.R. 2006), which established allotments of the direct-consumption portion of the 1960 mainland quota for Puerto Rico.

This amendment of S.R. 815 is necessary to: (1) Give effect to Amendment 4 of Sugar Regulation 811 (25 F.R. 7355) which established the direct-consumption portion of the 1960 mainland quota for Puerto Rico of 154,403 short tons, raw value, a quantity 15,242 tons greater than the 139,161 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) determine deficits in allotments and prorate such deficits to other allottees to the extent they are able to utilize additional allotments.

Pursuant to Finding (10) of Sugar Regulation 815 (25 F.R. 2006) notice was given to the Department by each allottee of his maximum ability to market direct-consumption sugar within the 1960 mainland quota for Puerto Rico as follows, in short tons, raw value: Central Aguirre Sugar Company, 0; Central Roig Refining Co., 22,000; Central San Francisco, 1,625; Puerto Rican American Sugar Refinery, Inc., 108,500; and Western Sugar Refining Company, 26,000. Each allottee released his right to any allotment in excess of such maximum ability.

Deficits in allotments were determined as follows: Central Aguirre Sugar Company 7,500 tons, Central Roig Refining Company 1,492 tons, and Central San Francisco 59 tons. Pursuant to Finding (11) of Sugar Regulation 815 allotments of such deficits totaling 9,051 tons were prorated to other allottees on the basis of allotments otherwise established, but limited to their ability, as follows: Puerto Rican American Sugar Refinery, Inc., 7,636 tons; and Western Sugar Refining Company 1,415 tons. Since the total of allotment deficits released by allottees can be fully utilized by other allottees, no quantity was allotted to the reserve for "All other persons".

Findings heretofore made by the Secretary in the course of this proceeding (25 F.R. 2006) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, it is hereby ordered that paragraph (a) of § 815.1 be amended to read as follows:

§ 815.1 Allotment of the direct-consumption portion of 1960 mainland sugar quota for Puerto Rico.

(a) *Allotments.* The direct-consumption portion of the 1960 sugar quota for Puerto Rico, amounting to 154,403 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment (short tons, raw value)*
Central Roig Refining Co	22,000
Central San Francisco	1,625
Puerto Rican American Sugar Rfy., Inc	104,778
Western Sugar Refining Co	26,000
All other persons	0
Total	154,403

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 9th day of August 1960.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 60-7548; Filed, Aug. 11, 1960; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 326]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1015 Grapefruit Regulation 326.

(a) *Findings.* 1. On July 26, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 7061) regarding a proposed limitation of shipments of grapefruit, grown in the production area, during the period August 15, 1960, through September 11, 1960, pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011). Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 24, 1960; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; a notice that consideration was being given to issuing the regulation recommended by the committee was published in the FEDERAL REGISTER, and interested persons were afforded an opportunity to submit their views; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* 1. Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same

meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

2. During the period beginning at 12:01 a.m., e.s.t., August 15, 1960, and ending at 12:01 a.m., e.s.t., September 12, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided*, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 1/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3 1/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Dated: August 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7544; Filed, Aug. 11, 1960; 8:49 a.m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice was published in the July 23, 1960, issue of the FEDERAL REGISTER (25 F.R. 7034) that consideration was being given to a proposed amendment of §§ 1003.145 and 1003.155 of the administrative rules and regulations, as amended (Subpart Administrative Rules and Regulations; §§ 1003.100–1003.165). Such rules and regulations are effective pursuant to, and for operations under, Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California (hereinafter referred to collectively as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". The proposed amendment was recommended by the Date Administrative Committee, established under the order.

The amendatory action is intended to assist handlers to develop export outlets for California dates. It approves, subject to certain restrictions and conditions, countries to which restricted dates may be exported, provides for the identification of the restricted dates which are to be exported, and specifies particular containers that may be used and quality requirements for the dates. The said notice afforded interested parties the opportunity to file written data, views, or arguments with respect to the proposal; and comments were received.

After consideration of all relevant matters presented, including the proposal set forth in the notice, it is hereby found that to amend, as hereinafter set forth, present §§ 1003.145 and 1003.155 of the administrative rules and regulations will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That §§ 1003.145(c)(1) and 1003.155(a) of the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations; §§ 1003.100–1003.165), shall be, and they hereby are, amended in the following respects:

1. Amend the provisions of § 1003.145 (c)(1)(i) by deleting the first word and substituting therefor: "Except for dates to be disposed of through exportation and which are identified in conformity to the requirements prescribed in subdivision (iv) of this subparagraph, each".

2. Amend the provisions of § 1003.145 (c)(1) by adding new subdivision (iv):

(iv) Each handler shall mark all shipping containers (not including subcontainers) of dates for export pursuant to § 1003.55 in such manner as to indicate the appropriate lot number, and, except for exports to Mexico, the name of the handler or distributor. Such markings on shipping containers shall be legible and not less than five-sixteenths (5/16) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (1/8) inch in height on all shipping containers of five pounds net weight or less. All shipping containers of dates to be exported to Mexico also shall be marked by the handler, "EXPORT MEXICO", and such markings shall be legible and not less than three-fourths (3/4) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (1/8) inch in height on all shipping containers of five pounds net weight or less. The marking shall be done prior to or at the time the dates are inspected. Prior to such marking, the handler shall remove, delete or obliterate from each such container any former identifying marks other than those herein authorized. Upon the dates being inspected and certified as meeting the applicable grade and size requirements prescribed in, or pursuant to, §§ 1003.39, 1003.40, and 1003.155, the shipping containers shall, except those of dates destined for Mexico, be marked or otherwise identified by, or under the supervision of, the inspection agency with the date of inspection, the insignia or name of inspection agency, and the words "103–EXPORT".

3. Amend the provisions of § 1003.155 (a) to read as follows:

(a) *By export.* (1) The export of restricted dates to the following countries is approved pursuant to § 1003.55: Mexico and, subject to the conditions herein specified, all other countries not included in the annual determination of trade demand pursuant to § 1003.34 and not specified in connection with the annual establishment of volume percentages pursuant to § 1003.44. Except for dates exported to Mexico, such dates shall be (i) inspected and certified prior to export as meeting all of the requirements pursuant to §§ 1003.39 and 1003.40 for free dates, (ii) packed prior to export in cartons, not including bags, each having a net weight content of eight, ten or twelve ounces, or in containers having a net weight content of not less than ten pounds, and (iii) clearly marked for export at the time of shipment and shall move directly from the handler to the country of destination. If the conditions in the foregoing sentence are not complied with, the export shipment of any dates to such countries other than Mexico shall be considered to be an export shipment of free dates and subject to requirements applicable to free dates. The provisions of this subparagraph shall not be construed as prohibiting the dates packed in the prescribed cartons or containers from being placed in larger shipping containers.

(2) Upon exporting dates to Mexico, each handler shall furnish to the committee, on DAC Form 11a, a certification to the committee and the United States Department of Agriculture that such dates will not re-enter the United States or be reshipped to Canada or any other country. Such certificate shall state: (i) The name of the handler; (ii) the date of shipment; (iii) the customs permit, passport or border crossing number of the person moving the dates into export; (iv) the quantity and variety of dates included in the shipment; (v) the number of the DAC Form No. 8 report covering the shipment as required by § 1003.164; (vi) the truck license number; (vii) the destination of the dates; (viii) the location of border crossing station through which such dates will be transported; and (ix) the name and address of the Mexican importer. The certificate shall be signed by the handler or by his authorized agent and the person moving the dates into export. It may constitute the proof of exportation which the handler is required to submit pursuant to § 1003.164. The original copy of the certificate shall be forwarded by the handler to the committee on the day of sale, the duplicate shall accompany the shipment and shall be surrendered to the United States Customs Service at the Mexican border, and the triplicate shall be retained by the handler.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) This action will permit the wider exportation of restricted dates; (2) it is necessary that this amendment become effective promptly so that it may be applicable to remaining supplies of restricted dates of the 1959 production; (3) handlers are aware that the proposed amendatory action permitting wider exportation of restricted dates has been under consideration; and (4) in such circumstances, handlers need no additional advance notice to prepare for operations thereunder. This amendment should, therefore, be made effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended: 7 U.S.C. 608c)

Dated: August 9, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7545; Filed, Aug. 11, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–312; Amdt. 1]

PART 295—TRANSATLANTIC CHARTER TRIPS

Charter Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August 1960.

The purpose of this amendment is to clarify § 295.33 of Part 295, Transatlantic Charter Trips (14 CFR Part 295).

Since the adoption of Part 295 on June 29, 1960, it has come to the Board's attention that there is some question as to the interpretation of § 295.33 with respect to (1) whether children under two years of age may be transported free on charter flights; and (2) whether Board approval must be obtained in order to permit transportation of children under twelve years of age at a charge less than the equally prorated charge.

The Board has reviewed § 295.33 and concludes that an amendment thereof should be adopted so as to clarify the Board intention in these respects.

Since this amendment is clarifying in nature and imposes no additional burden on any person, the Board finds that notice and public procedure are unnecessary and not in the public interest.

In consideration of the foregoing, the Civil Aeronautics Board amends § 295.33 of the Economic Regulations (14 CFR 295.33) effective September 9, 1960, to read as follows:

§ 295.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under twelve years of age may be transported at a charge less than the equally prorated charge; (2) children under two years of age may be transported free of charge. In case of any other unequal division of charges the application for exemption must contain a statement justifying the unequal division and prior approval thereof by the Board must be obtained.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 416(b), 72 Stat. 771; 49 U.S.C. 1386)

Effective: September 9, 1960.

Adopted: August 8, 1960.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60–7537; Filed, Aug. 11, 1960; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–WA–92]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas and Reporting Points

On June 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5155) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 5 between Jacksonville, Fla., and Chattanooga, Tenn.; designate the Baxley, Ga., intersection; and revoke Coffee, Ga., intersection as Domestic VOR reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. Section 600.6005 (25 F.R. 6517) is amended to read:

§ 600.6005 VOR Federal airway No. 5 (Jacksonville, Fla., to London, Ont.).

From the Jacksonville, Fla., VORTAC via the INT of the Jacksonville VORTAC 319° True and the Alma VOR 148° True radials; Alma, Ga., VOR, including a W alternate; Macon, Ga., VORTAC; McDonough, Ga., VOR, including an E alternate from the Jacksonville VORTAC to the McDonough VOR via the INT of the Jacksonville VORTAC 334° True and the Dublin VOR 137° True radials, the Dublin, Ga., VOR, and the INT of the Dublin VOR 330° True and the McDonough VOR 122° True radials; Chattanooga, Tenn., VORTAC, including an E alternate via the INT of the McDonough VOR 345° True and the Chattanooga VORTAC 118° True radials; Nashville, Tenn., VORTAC, including an E alternate via the INT of the Chattanooga VORTAC 333° True and the Nashville VORTAC 117° True radials; Bowling Green, Ky., VOR; New Hope, Ky., VOR, including an E alternate from the Nashville VORTAC to the New Hope VOR via the INT of the Nashville VORTAC 029° True and the New Hope VOR 202° True radials; Louisville, Ky., VORTAC; Cincinnati, Ohio, VORTAC; INT of the Cincinnati VORTAC 045° True and the Appleton VORTAC 244° True radials; Appleton, Ohio, VORTAC; Mansfield, Ohio, VORTAC; Cleveland, Ohio, VORTAC; to the London, Ont., VOR.

2. Section 601.6005 (25 F.R. 6517) is amended to read:

§ 601.6005 VOR Federal airway No. 5 control areas (Jacksonville, Fla., to London, Ont.).

All of VOR Federal airway No. 5 including a W alternate and E alternates, but excluding the airspace between the main airway and its E alternate from the Jacksonville, Fla., VORTAC to the McDonough, Ga., VOR.

§ 601.7001 [Amendment]

3. In the text of § 601.7001 (14 CFR 601.7001):

(a) "Coffee INT: The INT of the Jacksonville, Fla., VOR 334° T and the Alma, Ga., VOR 009° T radials." is deleted.

(b) "Baxley INT: The INT of the Jacksonville, Fla., VORTAC 334° True and the Alma, Ga., VOR 035° True radials." is added.

These amendments shall become effective 0001 e.s.t., December 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on August 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–7509; Filed, Aug. 11, 1960; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55195]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Collection of Duties on Personal Effects

Jewelry and similar articles of personal adornment having a value of $300 or more of a person who is not a returning resident and automobiles, trailers, etc., of such a person passed free of duty under paragraph 1798(b) (1) or (2), Tariff Act of 1930, as amended, and articles passed free of duty under the $300 exemption accorded returning residents under paragraph 1798(c)(2)(B), Tariff Act of 1930, as amended, are subject to the payment of the customs duties that would have been payable at the time of importation, when such articles are sold within certain periods after importation if the forfeiture of such articles (or their value) is to be avoided.

The regulations now provide that payment of duties must be made to the collector of customs at the port of importation.

To facilitate the payment of such duties, §§ 10.17(m) and 10.18(d), Customs Regulations, are amended to permit the payment of the duties to the collector of customs at the port most convenient to the person paying such duties.

The second sentence of § 10.17(m) is amended by substituting "a collector of customs" for "the collector of customs at the port of importation" so that the sentence will read as follows: "If any article admitted free of duty under the $300 exemption is sold within 3 years after the date of its importation without prior payment to a collector of customs of the duty which would have been payable at the time of entry if the article had been entered without the benefit of paragraph 1798(c)(2)(B), Tariff Act of 1930, as amended, such article, or its value (to be recovered from the importer), shall be subject to forfeiture."

The first sentence in § 10.18(d) is amended by substituting "a collector of customs" for "the collector of customs at the port of importation" so that the sentence will read as follows: "If any jewelry or similar articles of personal adornment having a value of $300 or more which have been exempted from duty under paragraph 1798(b)(1), Tariff Act of 1930, as amended, are sold within 3 years after the date of importation, or if any article which has been exempted from duty under paragraph 1798(b)(2), Tariff Act of 1930, as amended, is sold within 1 year after the date of importation, without prior payment to a collector of customs of the duty which would have been payable at the time of entry if the article had been entered without the benefit of the said paragraph 1798(b) (1) or (2), such article, or its value (to be recovered from the importer) shall be subject to forfeiture in accordance with the provisions of paragraph 1798(g), Tariff Act of 1930, as amended. 28b"

(Sec. 201 (par. 1798), 46 Stat. 683, as amended; 19 U.S.C. 1201 (par. 1798))

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 4, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7539; Filed, Aug. 11, 1960; 8:48 a.m.]

[T.D. 55194]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 13—EXAMINATION AND MEASUREMENT OF CERTAIN PRODUCTS

Wool and Hair of the Camel

Paragraph 1101(b) of the Tariff Act of 1930, as amended, provides for the entry free of duty of certain wool or hair to be used in the manufacture of the articles enumerated therein. Public Law 86-557, approved June 30, 1960, amended this provision to add "papermakers' felts" as an article which may be manufactured under bond from such imported wool or hair. Accordingly, the first sentence of § 10.91(b) and footnote 83 appended to § 10.91(a) are amended by inserting "papermakers' felts," immediately after "press cloth,".

(Sec. 1 (par. 1101), 46 Stat. 646, as amended; 19 U.S.C. 1001 (par. 1101))

Pursuant to Public Law 86-557, the foregoing amendments are effective with respect to papermakers' felts manufactured from imported wool or hair entered, or withdrawn from warehouse, for consumption on or after July 30, 1960.

Footnote 7 appended to § 13.16 quotes paragraph 1101(c)(5) of the tariff act. In conformance with an amendment of paragraph 1101(c)(5) by Public Law 86-557, footnote 7 is amended to read as follows:

[7] "The standards for determining grades of wools shall be those which are established from time to time by the Secretary of Agriculture pursuant to law and which are in effect on the date of importation of the wools." (Tariff Act of 1930, par. 1101(c)(5), as amended, 19 U.S.C. 1001, par. 1101(c)(5).)

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 4, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7538; Filed, Aug. 11, 1960; 8:48 a.m.]

[T.D. 55196]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Reimbursable Services; Reimbursement of Expenses

The purpose of this amendment is to provide in the Customs Regulations, § 24.17(a)(11), for uniform charges for customs supervision performed in accordance with §§ 15.2, 15.3(b) and 15.10 of these regulations.

Section 24.17(a)(11) is amended to read as follows:

(11) When a customs officer or employee is assigned to supervise examination, sampling, weighing, repacking, segregation, or other operation on merchandise in accordance with §§ 8.5(b), 15.2, 15.3(b) and 15.10 of this chapter, the compensation and other expenses of such officer or employee shall be reimbursed to the Government by the party-in-interest except when a warehouse proprietor is liable therefor.

(R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 140, 19 U.S.C. 66, 1624)

Notice of the proposed issuance of the foregoing amendment was published in the FEDERAL REGISTER on June 9, 1960 (25 F.R. 5153), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or arguments relating thereto were received. The amendments as set forth above are hereby adopted effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 4, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7540; Filed, Aug. 11, 1960; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[1960 Department Circular 1008, 1st Revision]

PART 338—REGULATIONS GOVERNING TREASURY SAVINGS STAMP AGENTS FOR THE SALE OF UNITED STATES SAVINGS STAMPS AT SCHOOLS [1]

AUGUST 5, 1960.

Department Circular No. 1008, dated April 25, 1958 (31 CFR Part 338) is hereby revised to read as follows:

Sec.
338.1 Authority for this part.
338.2 Eligibility for applying for agency.
338.3 Qualification of agents.
338.4 Responsibility of agents.
338.5 Scope of authority of Treasury Savings Stamp Agent.
338.6 Stamps may be obtained without prepayment.
338.7 Bases for agents obtaining stamps.
338.8 Accounting for stamps obtained without prepayment.
338.9 Records and reports, preparation, maintenance and destruction by agents.

[1] This is to facilitate the carrying out of the Treasury's School Savings Program as administered by the Savings Bonds Division of the Treasury Department.

Sec.
338.10 Losses in transportation.
338.11 Action by postmasters in connection with an agent's failure to account.
338.12 Termination of an agent's qualification.
338.13 Continuation of existing qualifications of stamp agents.
338.14 Miscellaneous.

AUTHORITY: §§ 338.1 to 338.14 issued under 49 Stat. 21, as amended, 31 U.S.C. 757c.

§ 338.1 Authority for this part.

The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended, 31 U.S.C. 757c), hereby prescribes the regulations in this part for the qualification and control of Treasury Savings Stamp Agents.

§ 338.2 Eligibility for applying for agency.

Any individual is eligible to apply for qualification as a Treasury Savings Stamp Agent to sell United States Savings Stamps (hereinafter referred to as stamps) at a specific school or schools in the United States, its territories and possessions and the Canal Zone, upon being recommended for qualification by (a) the principal or superintendent, or other person in charge of a school, (b) a duly constituted school board, or (c) with the consent of the appropriate school official or board to the sale of stamps at the subject school, an organization, association or a unit of a State or nationally federated civic, parents', parent-teachers', service, teachers', veterans', or women's organization.

§ 338.3 Qualification of agents.

An eligible applicant seeking to qualify as a Treasury Savings Stamp Agent shall file a duly completed Application-Agreement, Treasury Form PD 2949 (original and two copies), with the local State Director of the Treasury's U.S. Savings Bonds Division. The term "State Director" shall include any director appointed by the U.S. Savings Bonds Division for the District of Columbia or for any territory or possession of the United States or the Canal Zone. If such Application-Agreement is accepted, the State Director will certify it and distribute a copy bearing his certification to (a) the postmaster of the post office, branch or station designated in the application, and (b) the Treasury Savings Stamp Agent, hereinafter referred to as the agent. Upon receipt of such copies, the postmaster and the agent are authorized to perform the functions necessary to effect the sale of stamps as provided herein. An applicant is not authorized to act as or to represent himself to be a Treasury Savings Stamp Agent unless and until he receives a completed copy of his Application-Agreement bearing the certification of the State Director.

§ 338.4 Responsibility of agents.

Each agent will be responsible for the faithful performance of his duties and functions and for fully accounting for all stamps received without prepayment. All stamps obtained pursuant to the provisions of this part, including proceeds of sales thereof, are the property of the United States and shall be held in trust for it by the agent until duly accounted for pursuant to the provisions of this part.

§ 338.5 Scope of authority of Treasury Savings Stamp Agent.

An agent is authorized to sell stamps only at the school or schools designated in the agent's Application-Agreement, and in accordance with the provisions of this part. Agents may sell stamps only for cash and at their face value. Qualification as a Treasury Savings Stamp Agent does not authorize an individual to act in any other agency capacity for or on behalf of the Treasury Department.

§ 338.6 Stamps may be obtained without prepayment.

Each agent may, subject to the provisions of this part, obtain without prepayment an amount of stamps sufficient to meet his maximum sales requirements for any one stamp day. (The term "stamp day" means the day of the week designated by the appropriate school official as the day when U.S. Savings Stamps may be purchased by students served by the agent.) Such stamps shall be obtained by the agent from the post office, branch or station designated in the agent's Application-Agreement (hereinafter referred to as the post office) under one of the bases set forth in § 338.7.

§ 338.7 Bases for agents obtaining stamps.

(a) *General.* (1) If an agent's stamp requirements for a stamp day have been established by previous sales experience the agent may elect to obtain and account for his stamp supplies on one of two bases designated, (i) a consignment basis and (ii) a fixed credit basis; *Provided, however*, That the Treasury may place a limit on the amount of the fixed credit of any agent(s) and it may at any time, or from time to time, require any fixed credit agent(s) to render a full accounting or to change from a fixed credit to a consignment basis.

(2) If an agent's stamp requirements for a stamp day have not been satisfactorily established by previous sales experience the agent shall be required to obtain and account for his stamp supplies on a consignment basis until such sales experience is duly established at which time he may, as provided in subparagraph (1) of this paragraph, elect to change to a fixed credit basis.

(b) *Obtaining stamps on the consignment basis.* Under the consignment basis an agent shall (1) obtain a supply of stamps on each stamp day, or on the business day preceding such day, and (2) duly account in full (as provided in § 338.8) for all such stamps not later than the second business day following the day the stamps were to be sold.

(c) *Fixed credit basis.* An agent operating on the fixed credit basis shall (1) obtain a supply of stamps for any one stamp day and use the proceeds of sales thereof to replenish such supply for subsequent stamp day sales and (2) duly account in full for the amount of the stamps covered by the fixed credit, not later than the second business day following the last stamp day in each school semester; *Provided, however*, That the Treasury may at any time, or from time to time, limit or adjust the fixed credit of any agent, may require a full or partial accounting by a "fixed credit agent" and may require any "fixed credit agent" to change to a consignment basis for obtaining and accounting for stamps. A "fixed credit agent" may request a reduction or an increase (supported by evidence of need) of the stamps he may obtain on the fixed credit basis and he may elect to change to a consignment basis for obtaining stamps.

§ 338.8 Accounting for stamps obtained without prepayment.

(a) *Receipts given by agents for stamps obtained.* A receipt form, supplied by the post office, shall be signed by the agent to cover all stamps he actually obtains at any one time without prepayment. The agent shall be satisfied that the amount stated on the receipt is correct before signing it. These forms shall be retained by the post office until a full accounting for the stamps is made by the agent.

(b) *Full accounting for stamps.* Stamps obtained without prepayment must be accounted for in full at such time or times as are prescribed in § 338.7. Such accounting shall be in the form of unsold stamps or cash, or both, in the aggregate amount of the full value of stamps recorded on the related post office receipt form signed by the agent. When such accounting is made the postal employee receiving same will mark the related receipt form "canceled" and date and sign such notation. The form shall then be immediately given to the agent. Should such receipt form be unavailable at the time of such accounting the postal employee shall appropriately note the facts of the accounting and unavailability of the receipt and date and sign such notation on Treasury Form PD 2950 (see § 338.9(b)). The form should be retained by the agent.

(c) *Partial accounting for stamps.* This paragraph covers each situation where an agent renders any accounting for stamps and such accounting is for less than the full amount of stamps obtained without prepayment. However, it does not include transactions whereby stamps are purchased by "fixed credit agents" with proceeds of stamp sales for the purpose of replenishing supplies of stamps for sale on other stamp days. An accounting shall be in the form of unsold stamps or cash, or both. If an agent renders an accounting that is less than the total amount of the stamps obtained by him without prepayment, the postal employee to whom the accounting is made shall appropriately note and date the facts on the related receipt previously given by the agent and require the agent to endorse the notation. The receipt will be retained by the post office until a full accounting

is made. A similar notation, duly dated, shall be made and signed by the postal employee on Treasury Form PD 2950 which form shall be retained by the agent as prescribed in § 338.9. (When the stamps are fully accounted for the postal employee will date, cancel, sign and return the receipt to the agent as prescribed in the paragraph (b) of this section.) If the original related receipt form given by the agent is unavailable at the time of a partial accounting the postal employee shall appropriately date, note and sign the facts of the accounting and unavailability of the receipt on Treasury Form PD 2950 which form shall be retained by the agent (see § 338.9(b)).

§ 338.9 Records and reports, preparation, maintenance and destruction by agents.

(a) *Receipts by agents for stamps obtained without prepayment.* Section 338.8 covers the preparation and distribution of receipts for stamps obtained by agents without prepayment. A receipt duly canceled and returned to an agent shall be retained by him one calendar month after the month in which it is returned after which the agent may retain or destroy the receipt as he may elect.

(b) *Record of transportation of stamps and proceeds thereof to post office.* Each agent shall keep a record, in duplicate, by calendar month, of unsold stamps and/or the proceeds of stamp sales (including proceeds of sales used by "fixed credit agents" for the purchase of additional stamps) shipped or otherwise delivered during the month to the post office. A Treasury Form PD 2950 is provided for this purpose. Entries shall be made by the agent on Form PD 2950 at the time each shipment or delivery is made. The agent shall take the duplicate copy of Form PD 2950 with him each time he makes a full or partial accounting to the post office for stamps that he obtained without prepayment (this does not include purchases of additional stamps with the proceeds of stamp sales by "fixed credit agents"). The original and the duplicate copy of this form shall be retained one calendar month after the date of the last shipment recorded thereon, after which the agent may retain or destroy them: *Provided, however,* That when (1) unsold stamps or the proceeds of stamp sales are lost, stolen or destroyed in transit, or (2) the agent does not duly account for stamps (when and as required under the provisions of § 338.8 (b) or (c)), the Form PD 2950 (both copies) shall be retained by the agent until one calendar month after the deficiency is removed, unless the form is delivered to the Treasury; *And provided further,* That if a post office is unable to return to the agent his post office receipt form covering stamps obtained without prepayment at the time a full accounting therefor is made, the Form PD 2950 duly noted and signed by the postal employee shall be retained for three months after such accounting.

(c) *Other.* Other records prepared and maintained by and for the agent's own use may be disposed of at the discretion of the agent: *Provided, however,* That any records, affidavits, etc., that are prepared in connection with a loss which may be the subject of a claim to the Treasury for relief shall be retained as provided in § 338.10(d).

§ 338.10 Losses in transportation.

(a) *General.* The Government Losses in Shipment Act, as amended (5 U.S.C. 134–134h), provides protection against losses arising from shipments of valuables made at the risk of the United States, if the shipments are made in accordance with prescribed regulations. The term "shipment" as used herein is defined (in the same manner as provided in the Government Losses in Shipment Act, as amended) to mean "the transportation or the effecting of transportation of valuables without limitation as to the means or facilities used • • •." The transportation of stamps from the post office to the school and of unsold stamps and/or cash from the school to the post office by or in the possession of a Treasury Savings Stamp Agent acting in his official capacity are shipments of valuables at the risk of the United States. Accordingly, an agent may be relieved of his accountability for stamps if they are lost, stolen or destroyed in shipment (see paragraph (d) of this section).

(b) *Preparation for transportation.* The amount of stamps and/or proceeds thereof being transported from or to the post office must be established, prior to transportation, by actual count by the agent. The agent's receipt given at the post office for stamps obtained without prepayment will ordinarily constitute an adequate record of the amount of stamps being transported by the agent to the school.

(c) *Procedure for transportation and delivery.* An agent must transport and deliver the stamps and/or the proceeds thereof in person, using due care to prevent loss, theft or destruction in transit. The agent's trip may be made on foot or by private or public transportation facilities.

(d) *Report of losses and presentation of claims for relief.* Losses occurring during the transportation by an agent of stamps or the proceeds thereof shall be promptly reported by the agent to (1) the State Director who certified the agent's Application-Agreement and (2) the post office. Local police authorities should also be notified if the loss is occasioned by theft. If prompt recovery of the loss does not seem possible, the agent should supplement the report of loss by presenting his claim for relief to the State Director who, in turn, will present it for consideration by the Treasury Department. The agent's claim should be supported by the appropriate duplicate copy of Form PD 2950; the report of any investigation made; action taken or expected to be taken and of any results obtained or expected; statements by the agent as to the circumstances and cause of the loss; and, if available, statements or affidavits of any witnesses to the incident causing the loss. The foregoing data need not be furnished if it has previously been furnished to or obtained by the Treasury's Secret Service. Stamp agents should bear the foregoing requirements in mind so that in the event of a loss, they may be in a position to obtain data for justifying a claim for relief from the loss. Unless the records referred to herein have been turned over to the Treasury they should be retained, notwithstanding the provisions of § 338.9 hereof, until one calendar month after the claim is settled. An agent will be relieved of liability for a loss occurring during his transportation of stamps or the proceeds thereof, unless it arose as a result of his failure to comply with the provisions of this part and instructions issued hereunder.

§ 338.11 Action by postmasters in connection with an agent's failure to account.

Postmasters should promptly report any failure of an agent to account when due, in whole or in part, for stamps supplied to the agent without prepayment. Such reports should be made to the State Director of the U.S. Savings Bonds Division who certified the respective agent's Application-Agreement.

§ 338.12 Termination of an agent's qualification.

The Secretary of the Treasury, the Fiscal Assistant Secretary of the Treasury, the National Director or a State Director of the U.S. Savings Bonds Division may terminate the qualification of a Treasury Savings Stamp Agent at any time, by written notice to the agent, in which event a copy of such notice will be sent to the post office concerned. A qualified agent may withdraw from and discontinue his agency by giving an appropriate written notice to the office of the State Director of the U.S. Savings Bonds Division who certified the agent's Application-Agreement: *Provided, however,* That the agent will be obligated to make a full accounting for all stamps received by him without prepayment.

§ 338.13 Continuation of existing qualifications of stamp agents.

Any person who is a qualified agent at the effective date of the revision of this part may continue to act under such qualification subject to the terms and conditions of this revision.

§ 338.14 Miscellaneous.

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of the regulations of this part and to provide supplementary instructions for operations hereunder. Information as to any such actions shall be promptly furnished to agents concerned.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60–7542; Filed, Aug. 11, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86–139 as it Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the authority provided in Public Law 86–139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food and Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list previously published in § 120.35 is amended by adding thereto the following item:

§ 120.35 Extension of effective date of Public Law 86–139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

Sodium salt of β-naphthoxy acetic acid—on fruits and vegetables to enhance fruit set, prevent fruit drop, and stimulate growth.

Notice of public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86–139 (73 Stat. 288; 7 U.S.C. 135, et seq.))

Dated: August 8, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60–7532; Filed, Aug. 11, 1960; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

REPLACING TRADE NAMES WITH CHEMICAL NAMES

The following corrections are made in the order published in the FEDERAL REGISTER of March 17, 1960 (25 F.R. 2204) for the purpose of replacing trade names with chemical names:

1. Delete from paragraph (c) of § 121.87 the following items:

Butyl carbitol acetate.
Butyl cellosolve.
Carbitol.
Carbitol acetate.
Cellosolve.
Cellosolve acetate.
Methyl carbitol.
Methyl cellosolve.

2. Add to paragraph (c) of § 121.87 the following items:

Diethylene glycol monobutyl ether acetate.
Ethylene glycol monobutyl ether.
Diethylene glycol monoethyl ether.
Diethylene glycol monoethyl ether acetate.
Ethylene glycol monoethyl ether.
Ethylene glycol monoethyl ether acetate.
Diethylene glycol monomethyl ether.
Ethylene glycol monoethyl ether.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371. Interpret or applies 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: August 8, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60–7533; Filed, Aug. 11, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER G—MISCELLANEOUS RULES

PART 765—RULES APPLICABLE TO THE PUBLIC

Notarial Acts

Scope and purpose. Section 765.20(a) is revised to conform with Public Law 86–589 of July 5, 1960, dealing with the performance of notarial acts for persons serving with, employed by, or accompanying the Armed Forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

Section 765.20(a) is revised to read as follows:

(a) Article 136 of the Uniform Code of Military Justice (10 U.S.C. 936), entitled "Authority to administer oaths and to act as notary," lists several categories of persons who are granted authority as set forth in subsections (a) and (b) of the article. Subsections (a)(1) through (6) and (b)(1) through (5) list specific categories, and (a)(7) and (b)(6) provide that additional persons may be designated by regulations of the Armed Forces or by statute to exercise authority under the article. In accordance with the provisions of Article 136(a)(7) and (b)(6), the following officers of the Navy and Marine Corps on active duty, including retired and reserve officer, are authorized to administer oaths for the purpose of military administration, including military justice, and shall have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by members of the Armed Forces, wherever they may be; by persons serving with, employed by, or accompanying the Armed Forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands; and by other persons subject to the Uniform Code of Military Justice outside the United States, and to administer oaths necessary in the performance of their duties:

(1) Officers certified by the Judge Advocate General of the Navy under Articles 26 and 27 of the Uniform Code of Military Justice (10 U.S.C. 826 and 827); and

(2) Officers of the grade of Lieutenant Commander and Major, or above.

(10 U.S.C. 936, 5031, as amended)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Captain, U.S. Navy, Deputy and Assistant Judge Advocate General.

AUGUST 5, 1960.

[F.R. Doc. 60–7507; Filed, Aug. 11, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2173]

[Sacramento 050347]

CALIFORNIA

Power Site Restoration No. 554; Opening Lands From Power Withdrawals; (Power Projects Nos. 334 and 866; Power Site Reserves Nos. 201, 261, and 268)

1. In determinations hereinafter described, the Federal Power Commission vacated certain power withdrawals created by the filing of applications for preliminary permits under section 24 of the Federal Power Act of 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, as follows:

a. In DA–974 issued July 7, 1959, Project No. 866 of January 11, 1928, so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 9 E.,
Sec. 34, lot 4.
(41.48 acres)

b. In DA–950, issued July 9, 1958, Project No. 334 of August 2, 1922, so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 9 E.,
Sec. 1, lot 5.
(46.47 acres)

2. By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior, it is ordered as follows:

a. The Executive order of August 30, 1911, creating Power Site Reserve No. 201, is hereby revoked so far as it affects the following-described lands (DA–950):

MOUNT DIABLO MERIDIAN

T. 14 N., R. 9 E.,
Sec. 1, lot 5.
(46.47 acres)

b. The Executive order of April 19, 1912, creating Power Site Reserve No. 261, is hereby revoked so far as it affects the following-described lands (DA-965):

MOUNT DIABLO MERIDIAN

T. 6 N., R. 13 E.,
Sec. 1, NW¼ and SE¼;
Sec. 2, N½NE¼, SE¼NE¼, and E½SE¼.

The areas described aggregate 520 acres.

c. The Executive order of April 29, 1912, creating Power Site Reserve No. 268, is hereby revoked so far as it affects the following-described lands (DA-974):

MOUNT DIABLO MERIDIAN

T. 13 N., R. 9 E.,
Sec. 34, lot 4.
(41.48 acres)

d. The Executive order of August 22, 1919, creating Power Site Reserve No. 705, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 15 E.,
Sec. 10, NW¼SW¼NW¼.
(10 acres)

3. The areas described in this order total in the aggregate approximately 618 acres. The lands described in paragraph 2b have for the most part previously been opened to disposition under the public land laws, subject to section 24 of the Federal Power Act of 1920, supra. Some of the lands have been patented. The effect of this order, therefore, is to relieve the lands of the limitation prescribed by the said section 24.

4. Subject to any valid existing rights, and to the requirements of applicable law, the lands, including lands in paragraph 2b, not previously restored, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective date shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 10, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

5. The State of California has waived its preference rights of application under the act of August 27, 1958, and under section 24 of the Federal Power Act.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

AUGUST 5, 1960.

[F.R. Doc. 60-7517; Filed, Aug. 11, 1960; 8:46 a.m.]

[Public Land Order 2174]

[New Mexico 038148]

NEW MEXICO

Withdrawing Lands for Reclamation Purposes, Middle Rio Grande Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use by the Bureau of Reclamation, Department of the Interior, in connection with the Middle Rio Grande Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 1 E.,
Sec. 31, lots 12 and 13.
T. 4 S., R. 1 E.,
Sec. 5, lots 19 and 20;
Sec. 6, lot 1;
Sec. 8, lot 43;
Sec. 17, lot 19;
Sec. 21, lots 12, 13, 14, 17, and 18;
Sec. 28, lots 18 and 21;
Sec. 33, lots 13 and 14.

The areas described contain 134.76 acres.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

AUGUST 5, 1960.

[F.R. Doc. 60-7518; Filed, Aug. 11, 1960; 8:46 a.m.]

[Public Land Order 2175]

[New Mexico 059199]

NEW MEXICO

Withdrawing Lands for Use of the Department of the Air Force for a Housing Unit in Connection With Las Cruces Air Force Station

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in New Mexico, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Air Force for the construction of housing facilities in connection with the Las Cruces Air Force Station:

NEW MEXICO PRINCIPAL MERIDIAN

A tract of land situated in the S½SE¼NE¼ and the N½NE¼SE¼ of sec. 31, T. 23 S., R. 1 W., New Mexico Principal Meridian, described as follows:

Commencing at the quarter (¼) corner common to secs. 31 and 32, T. 23 S., R. 1 W., thence N. 62°23'56" W., 1,240.43 feet to a point on the existing south right-of-way line of United States Highway No. 70 and 80; thence S. 0°03'28" E., along the east right-of-way line of an existing access road, 585.84 feet to the northwest corner and the point of beginning of this survey; thence
N. 89°53'32" E., 608.00 feet to the northeast corner of this survey;
S. 0°03'28" E., 645.00 feet to the southeast corner of this survey;
S. 89°53'32" W., 608.00 feet to the southwest corner of this survey;
N. 0°03'28" W., 645.00 feet along the east right-of-way line of above mentioned access road, to the point of beginning.

The tract described contains approximately 9 acres. The lands herein described were acquired by the United States through the Resettlement Administration, and were transferred, with other lands, from the Department of Agriculture to the Department of the Interior for conservation purposes in connection with the administration of the Taylor Grazing Act, by Executive Order No. 7743 of November 19, 1937.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

AUGUST 5, 1960.

[F.R. Doc. 60-7519; Filed, Aug. 11, 1960; 8:46 a.m.]

[Public Land Order 2176]

[Blackfoot 043852]

IDAHO

Releasing Public Lands in American Falls Reservoir District No. 2 From Lien for Irrigation Charges

Whereas, pursuant to the provisions of section 3 of the Act of May 16, 1922 (42 Stat. 541; 43 U.S.C. 511), it is provided by Article 43 of a contract entered into on September 1, 1927, between the American Falls Reservoir District No. 2 and the United States of America, that all unentered public land and entered lands for which no final certificate had been issued, located within the District and designated in a statement marked "Exhibit G" attached thereto as subject to the provisions of the Act of August 11, 1916 (39 Stat. 506; 43 U.S.C. 621), and

Whereas, irrigation works have not been constructed on the hereinafter described public lands and water of such

District has not been made available for such lands, and

Whereas the District, in a Resolution of its Board of Directors adopted September 1, 1959, expressed its lack of objection to the exclusion of such lands from the said Exhibit G, and

Whereas, I find it to be in the public interest that the lands hereinafter described be made subject to the general operation of the public land laws, free of the lien for irrigation charges provided by the said Act of August 11, 1916.

Now, therefore, by virtue of the authority contained in section 3 of the said Act of August 11, 1916, the following-described public lands are hereby deleted from Exhibit G attached to and made a part of the contract of September 21, 1927, and the said contract and Exhibit G are amended accordingly, and the said lands shall no longer be subject to the provisions of the laws of the State of Idaho relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, and shall hereafter be subject to the general operation of the public land laws, subject to valid existing rights and the provisions of existing withdrawals.

BOISE MERIDIAN

T. 7 S., R. 18 E.,
Sec. 2, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 10, E½NE¼;
Sec. 11, W½NE¼, and NW¼;
Sec. 17, W½SE¼, and E½SW¼;
Sec. 20, E½, E½NW¼, and N½SW¼;
Sec. 21;
Sec. 27, E½W½, and W½E½;
Sec. 28, S½SW¼, and SE¼;
Sec. 31, NE¼;
Sec. 32, W½NE¼, NW¼, E½SW¼, and S½SE¼;
Sec. 33, N½, N½SW¼, and SE¼;
Sec. 34;
Sec. 35, W½W½.
T. 8 S., R. 18 E.,
Sec. 2, lot 4 and SW¼NW¼;
Sec 3, lots 1, 2, 3, S½NE¼, and SE¼NW¼;
Sec. 25, SW¼SW¼;
Sec. 26, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 35, E½NW¼, and NE¼SW¼.

The areas described aggregate 4,961.01 acres.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 5, 1960.

[F.R. Doc. 60-7520; Filed, Aug. 11, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

CUSTOMS ACCOUNTING AND FINANCIAL PROCEDURE

Salable Customs Forms

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that, under the authority of section 1, 37 Stat. 434, and R.S. 251 (19 U.S.C. 1, 66), it is proposed to amend § 24.14 of the Customs Regulations.

The purpose of the proposed amendment is to establish a uniform policy for the sale of customs forms which will permit (1) the designation as salable of certain customs forms which are now distributed free, and (2) the periodic adjustment in the price of salable customs forms as costs for printing and distribution change. The terms of the proposed amendment, in tentative form, are as follows:

Section 24.14 is deleted in its entirety and the following is substituted therefor:

§ 24.14 Salable customs forms.

(a) Customs forms for sale to the general public shall be designated by the Commissioner of Customs. Customs forms which are designated as salable shall meet the following conditions: (1) The form is distributed to private parties for use in completing customs transactions; (2) the quantity used nationwide annually is sufficient to justify the administrative costs involved in selling the form and accounting for the collections involved therein, or the form is primarily for the use of a special group; (3) distribution is or can generally be made in lots of 100 or more; (4) the form is normally distributed to commercial concerns (customhouse brokers, freight forwarders, vessel agents, carriers, regular commercial importers, etc.) rather than to or for the use of individuals or others (tourists, churches, schools, occasional importers, etc.) for noncommercial purposes.

(b) The price of each salable customs form shall be established by the Commissioner of Customs and shall be adjusted periodically as the varying costs of printing and distribution require. A list of salable customs forms showing the price at which each is sold shall be prominently posted in each customhouse in a location accessible to the general public.

(c) Customs forms for sale to the general public, except unusually large or otherwise unsuitable forms, shall normally be prepared in units containing 100 copies. If a completely prepared bill or receipt is presented by the purchaser at the time of the purchase, the collector's paid stamp shall be impressed thereon; otherwise, no receipt shall be given.

Prior to the adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. (MC 133.11)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 4, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7541; Filed, Aug. 11, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 103]

ENTRIES SUBJECT TO SECTION 24 OF FEDERAL POWER ACT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to issue regulations to simplify and complete the text of existing regulations, to include reference to the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621), and the regulations thereunder, and to require a $10 service charge for petitions for restoration. The proposed regulations are set forth below.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 103 is revised to read as follows:

Sec.
103.1 Statutory authority.
103.2 Lands considered withdrawn or classified for power purposes.
103.3 General determination.
103.4 Mining locations.
103.5 Petitions for restoration.

AUTHORITY: §§ 103.1 to 103.5 issued under R.S. 2478; 43 U.S.C. 1201.

CROSS REFERENCES: For applications and entries, Alaska, see Part 60 of this chapter. For rights-of-way for power projects and for power transmission lines, see Part 244 of this chapter. For regulations of the Federal Power Commission, see 18 CFR Chapter I. For rights-of-way over Indian lands; power projects; see Indians 25 CFR 161.27.

§ 103.1 Statutory authority.

(a) Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, provides that any lands of the United States included in an application for power development, under said Act, shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States, until otherwise directed by the Federal Power Commission or by Congress. It also provides that whenever the Commission shall determine that the value of any lands withdrawn or classified for power purposes will not be injured or destroyed for such purposes by location, entry or selection under the public land laws, the Secretary of the Interior shall declare such lands open to location, entry or selection under such restrictions as the Commission may determine, and subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy and use any or all of such lands for power purposes. Before the lands are declared open to location, entry or selection, the Secretary of the Interior must give notice of his intention to make such declaration, to the Governor of the State within which such lands are located, and the State shall have a preference for a period of 90 days from the date of such notice to file under any applicable law or regulation, an application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

(b) The act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621), opened lands withdrawn or classified for power purposes, with certain specified exceptions, to mineral location and development under certain conditions.

§ 103.2 Lands considered withdrawn or classified for power purposes.

The following classes of lands are considered as withdrawn or classified for power purposes for the purposes of section 24 of the Federal Power Act: Lands withdrawn for powersite reserves under the act of June 25, 1910 (36 Stat. 847) as amended by the act of August 24, 1912 (37 Stat. 497; 43 U.S.C. 141–143); lands included in an application for power development under the Federal Power Act; lands classified for powersite purposes under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31); lands designated as valuable for power purposes under the acts of June 20, 1910 (36 Stat. 557, 564, 575), June 9, 1916 (39 Stat. 218, 219), and February 26, 1919 (40 Stat. 1178, 1180); lands within final hydroelectric power permits under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959); and lands within transmission-line permits or approved rights-of-way under said act of 1901 or the act of March 4, 1911 (36 Stat. 1253; 16 U.S.C. 5, 420, 523; 43 U.S.C. 961).

§ 103.3 General determination.

On April 17, 1922, the Federal Power Commission made a general determination "that where lands of the United States have heretofore been, or hereafter may be, reserved or classified as powersites, such reservation or classification being made solely because such lands are either occupied by power transmission lines or their occupancy and use for such purposes has been applied for or authorized under appropriate laws of the United States, and such lands have otherwise no value for power purposes, and are not occupied in trespass, the commission determines that the value of such lands so reserved or classified or so applied for or authorized, will not be injured or destroyed for the purposes of power development by location, entry or selection under the public land laws, subject to the reservation of section 24 of the Federal Water Power Act."

§ 103.4 Mining locations.

The regulations governing mining locations on lands withdrawn or classified for power purposes, including lands restored under section 24 of the Federal Power Act, are contained in Subpart I of Part 185 of this chapter.

§ 103.5 Petitions for restoration.

(a) Petitions for restoration of lands withdrawn or classified for power purposes, under the provisions of section 24 of the Federal Power Act, must be filed, in duplicate, in the proper land office, or for lands in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that petitions for lands in North or South Dakota must be filed in the land office at Billings, Montana; for lands in Kansas or Nebraska in the land office at Cheyenne, Wyoming; and for lands for Oklahoma in the land office at Santa Fe, New Mexico. No particular form of petition is required, but it must be typewritten or in legible handwriting. Each petition must be accompanied by a service charge of $10 which is not returnable.

(b) Favorable action upon a petition for restoration will not give the petitioner any preference right or right to preferential treatment if or when the lands are finally restored.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 5, 1960.

[F.R. Doc. 60-7522; Filed, Aug. 11, 1960; 8:46 a.m.]

Fish and Wildlife Service

[50 CFR]

GENERAL REVISION OF FISH AND WILDLIFE REGULATIONS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the statutes cited individually below it is proposed to completely revise Title 50—Wildlife, of the Code of Federal Regulations.

The current bound version of Title 50 was published in 1949. It subsequently has been amended numerous times. The purpose of the proposed revision is to incorporate these amendments into the body of the regulations and to clarify and bring up-to-date the language of the several regulations. Some substantive changes are contemplated by this revision, and it is proposed to make extensive changes in the organization and form of the regulations.

The chapter contents have been rearranged in accordance with the reorganization of the Fish and Wildlife Service pursuant to the Fish and Wildlife Act of 1956 (70 Stat. 1119). Chapter I will be retitled Bureau of Sport Fisheries and Wildlife and will contain the regulations administered by that Bureau. Chapter II will be retitled Bureau of Commercial Fisheries and will contain the regulations administered by that Bureau. The current Chapter III, International Regulatory Agencies (Fishing and Whaling), is retained. A listing of the respective new and former part numbers is set forth below.

The following parts of Title 50 have been superseded by operation of the Alaska Statehood Act (Act of July 7, 1958; 72 Stat. 339), as amended, and will not appear in the revised edition:

Part 46—Protection of Game and Fur Animals, Birds and Game Fishes.
Part 47—Protection of walruses.
Part 101—Definitions.
Part 102—General Provisions.
Part 103—Arctic Area.
Part 104—Bristol Bay Area.
Part 105—Alaska Peninsula Area.
Part 106—Aleutian Islands Area.
Part 107—Chignik Area.
Part 108—Kodiak Area.
Part 109—Cook Inlet Area.
Part 110—Resurrection Bay Area.
Part 111—Prince William Sound Area.
Part 112—Copper River Area.
Part 113—Bering River—Yakataga Area.
Part 114—Yakutat Area.
Part 115—Southeastern Alaska Area.
Part 116—Southeastern Alaska Area, Yakutat District, Salmon Fisheries.
Part 117—Southeastern Alaska Area, Icy Strait District, Salmon Fisheries.
Part 118—Southeastern Alaska Area, Western District, Salmon Fisheries.
Part 119—Southeastern Alaska Area, Eastern District, Salmon Fisheries.
Part 120—Southeastern Alaska Area, Stikine District, Salmon Fisheries.
Part 121—Southeastern Alaska Area, Sumner Strait District, Salmon Fisheries.
Part 122—Southeastern Alaska Area, Clarence Strait District, Salmon Fisheries.
Part 123—Southeastern Alaska Area, South Prince of Wales Island District, Salmon Fisheries.
Part 124—Southeastern Alaska Area, Southern District, Salmon Fisheries.
Part 142—Protection of sea lions.
Part 201—Poisons.

It is proposed to revoke Part 17, which lists the individual field stations in the Bureau of Sport Fisheries and Wildlife. A new Part 2 will be added, listing the addresses and geographical jurisdictions of the six regional offices of that Bureau. These are the established places at which the public may secure information or make submittals or requests.

A new Part 201 will be added listing the addresses and geographical jurisdictions of the five regional offices and two area offices of the Bureau of Commercial Fisheries. The general public may secure information or make submittals or requests to these offices.

The title of the former Part 24, which will be renumbered Part 60, reflects the change in name of the Patuxent Research Refuge to the Patuxent Wildlife Research Center.

In view of the fact that there will be no change, other than renumbering of the sections, in Part 6—Migratory Birds, and Part 40—Restoration of Game Birds, Fish and Mammals, the text of these regulations has been omitted from this proposed rule making document although those regulations are retained and will appear in the revised Title 50 as Parts 10 and 80, respectively.

Other than with the addition of the new Part 201 at the present time, the text of the regulations applicable under the new Chapter II—Bureau of Commercial Fisheries shall remain the same as presently included in Title 50—Wildlife; Code of Federal Regulations; the Cumulative Pocket Supplement as of January 1, 1960; and additional amendments or changes for the period January 1 through June 30, 1960.

Existing delegations of authority, forms and other legal documents which refer to former part numbers of Title 50 will continue in effect and shall be construed to refer to the new part numbers, until modified or revoked.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed revision within fifteen days of the date of publication of this notice in the FEDERAL REGISTER. If the submission pertains to any matters contained in Chapter I of Title 50 it should be addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C. If the submission pertains to any matters contained in Chapters II or III of Title 50, it should be addressed to the Director, Bureau of Commercial Fisheries, Washington 25, D.C.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 6, 1960.

The following table lists the former part numbers and headings and indicates their position in reorganized Title 50:

Former Part No.		*New Part No.*
1	Definitions	1
--	Field organization	2
5	Transportation of game mammals to and from Mexico.	15
6	Migratory birds	10
7	Nonmigratory species	11
8	Proclamations designating areas closed to hunting.	12
9	Importation of foreign wild animals, and wild birds and their eggs.	13
10	Importation of wild bird feathers.	14
16	Definitions	25

Former Part No.		New Part No.
17	List of areas	--
18	General provisions	25, 26, 27, 28, 29, 30, 31
19	Fish cultural stations	70, 71
20	Game ranges	25, 26, 27, 28, 29, 30, 31
21	National wildlife refuges	25, 26, 27, 28, 29, 30, 31
22	Cooperative refuges	--
23	Wildlife management areas	--
24	Research refuges	60
31	Pacific region	28, 32, 33
32	Southwestern region	28, 32, 33
33	Central region	28, 32, 33
34	Southeastern region	28, 32, 33
35	Northeastern region	28, 32, 33
36	Alaska region	28, 32, 33
40	Restoration of game birds and mammals.	80
46	Protection of game and fur animals, birds, and game fishes.	--
47	Protection of walruses	--
101	Definitions	--
102	General provisions	--
103	Arctic area	--
104	Bristol Bay area	--
105	Alaska Peninsula area	--
106	Aleutian Islands area	--
107	Chignik area	--
108	Kodiak area	--
109	Cook Inlet area	--
110	Resurrection Bay area	--
111	Prince William Sound area	--
112	Copper River area	--
113	Bering River-Yakataga area	--
114	Yakutat area	--
115	Southeastern Alaska area	--
116	Southeastern Alaska area, Yakutat District, Salmon Fisheries.	--
117	Southeastern Alaska area, Icy Strait District, Salmon Fisheries.	--
118	Southeastern Alaska area, Western District, Salmon Fisheries.	--
119	Southeastern Alaska area, Eastern District, Salmon Fisheries.	--
120	Southeastern Alaska area, Stikine District, Salmon Fisheries.	--
121	Southeastern Alaska area, Sumner Strait District, Salmon Fisheries.	--
122	Southeastern Alaska area, Clarence Strait District, Salmon Fisheries.	--
123	Southeastern Alaska area, South Prince of Wales Island District, Salmon Fisheries.	--
124	Southeastern Alaska area, Southern District, Salmon Fisheries.	--
---	Field organization	---
130	North Pacific area	201
141	Administration of the Pribilof Islands.	210, 215
142	Protection of sea lions	---
151	Whaling provisions	230
155	Haddock and cod fisheries	240
160	Fisheries loan fund procedures	250
165	Fishing vessels mortgage insurance procedures.	255
170	Inspection and certification	260
171	United States standards for grades of frozen fried fish sticks.	261
172	United States standards for grades of frozen raw breaded shrimp.	262
173	United States standards for grades of frozen fish blocks.	263
174	United States standards for grades of frozen haddock fillets.	264
175	United States standards for grades of frozen halibut steaks.	265
176	United States standards for grades of frozen fish portions.	266
177	United States standards for grades of frozen cod fillets.	267
178	United States standards for grades of frozen salmon steaks.	268
201	Poisons	---
301	Pacific halibut fisheries	301
351	Whaling	351

Chapter I—Bureau of Sport Fisheries and Wildlife

Subchapter A—General Provisions

Part	
1	Definitions.
2	Field organization.
3–9	[Reserved for organization]

Subchapter B—Hunting and Possession of Wildlife

10	Migratory birds.
11	Bald eagles.
12	Areas closed to hunting.
13	Importation of wild mammals, and wild birds or their eggs.
14	Importation of feathers of wild birds.
15	Transportation of game mammals to and from Mexico.
16–24	[Reserved for management and enforcement regulations]

Subchapter C—The National Wildlife Refuge System

25	General provisions.
26	Restricted or prohibited acts.
27	Enforcement provisions.
28	Public access and use.
29	Land use management.
30	Range and feral animal management.
31	Wildlife species management.
32	Hunting.
33	Sport fishing.

Subchapter D—Management of Wildlife Research Areas

60	Patuxtent Wildlife Research Center.

Subchapter E—Management of Fisheries Conservation Areas

70	National fish hatcheries.
71	Hunting and fishing on national fish hatchery areas.

Subchapter F—Federal Aid to States in Fish and Wildlife Restoration

80	Restoration of game birds, fish and mammals.

Chapter II—Bureau of Commercial Fisheries

Subchapter A—General Provisions

201	Field organization.

Subchapter B—North Pacific Commercial Fisheries

210	North Pacific area.

Subchapter C—Aquatic Mammals Other Than Whales

215	Administration of the Pribilof Islands.

Subchapter D—Whaling

230	Whaling provisions.

Subchapter E—Northwest Atlantic Commercial Fisheries

240	Haddock and cod fisheries.

Subchapter F—Aid to Fisheries

250	Fisheries loan fund procedures.
255	Fishing vessels mortgage insurance procedures.

Subchapter G—Processed Fishery Products, Processed Products, Thereof, and Certain Other Processed Food Products

260	Inspection and certification.
261	United States standards for grades of frozen fried fish sticks.
262	United States standards for grades of frozen raw breaded shrimp.
263	United States standards for grades of frozen fish blocks.
264	United States standards for grades of frozen haddock fillets.
265	United States standards for grades of frozen halibut steaks.
266	United States standards for grades of frozen fish portions.
267	United States standards for grades of frozen cod fillets.
268	United States standards for grades of frozen salmon steaks.

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter A—International Pacific Halibut Commission

301	Pacific halibut fisheries.

Subchapter B—International Whaling Commission

351	Whaling.

Chapter I—Bureau of Sport Fisheries and Wildlife

SUBCHAPTER A—GENERAL PROVISIONS

PART 1—DEFINITIONS

Sec.
1.1 Meaning of terms.
1.2 Authorized representative.
1.3 Bureau.
1.4 Director.
1.5 Officer in charge.
1.6 Person.
1.7 Regional Director.
1.8 Secretary.
1.9 Take.
1.10 Wildlife.

AUTHORITY: §§ 1.1 to 1.10 issued under R.S. 161; 5 U.S.C. 22.

§ 1.1 Meaning of terms.

As used in this chapter, unless separately defined, terms shall have the meaning ascribed in this part.

§ 1.2 Authorized representative.

"Authorized representative" means the subordinate official to which a principal official has delegated authority to act on a particular matter or a class of matters. The Director, Bureau of Sport Fisheries and Wildlife is frequently the authorized representative of the Secretary of the Interior, as also may be a regional director or an officer in charge of a Bureau field installation.

§ 1.3 Bureau.

"Bureau" means the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior.

§ 1.4 Director.

"Director" means the Director, Bureau of Sport Fisheries and Wildlife or his authorized representative.

§ 1.5 Officer in charge.

"Officer in charge" means any person in charge of a national fish hatchery, national wildlife refuge area or wildlife research center, or his authorized representative.

§ 1.6 Person.

"Person" means an individual, club, association, partnership, corporation, or private or public body, any one or all, as the context requires.

§ 1.7 Regional director.

"Regional director" means the officer in charge of a region of the Bureau of Sport Fisheries and Wildlife, or his authorized representative.

§ 1.8 Secretary.

"Secretary" means the Secretary of the Interior or his authorized representative.

§ 1.9 Take.

"Take" means to hunt, kill, capture, or remove by any means or in any manner any wildlife. Whenever the taking of wildlife is permitted, reference is had to taking by lawful means and in lawful manner.

§ 1.10 Wildlife.

"Wildlife" means wild mammal, wild bird and nest and egg, crustacean, mollusk, fish, reptile, amphibian, and their eggs.

PART 2—FIELD ORGANIZATION

Sec.
2.1 Regional offices.
2.2 Locations of regional offices.

AUTHORITY: §§ 2.1 and 2.2 issued under R.S. 161; 5 U.S.C. 22.

§ 2.1 Regional offices.

The program operations of the Bureau of Sport Fisheries and Wildlife are performed in various types of field installations. They include national fish hatcheries, national wildlife refuges, game management agent districts, predator and rodent control districts and research laboratories. All field installations, except those engaged in research, are supervised by a regional director who has jurisdiction over Bureau activities in the States encompassed by his region. Unless otherwise stated for a particular matter in the regulations, all persons may secure from the regional offices information or make submittals or requests, as well as obtain forms and instructions as to the scope and contents of papers or reports required of the public.

§ 2.2 Locations of regional offices.

The addresses and geographic jurisdictions of the regional offices of the Bureau of Sport Fisheries and Wildlife are as follows:

(a) Pacific Region (Region 1—comprising States of Washington, Oregon, California, Idaho, Nevada, Montana and Hawaii) 1001 Northeast Lloyd Boulevard, Portland 14, Oreg.

(b) Southwest Region (Region 2—comprising States of Wyoming, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas) 517 Gold Street SW., Albuquerque, N. Mex.

(c) North Central Region (Region 3—comprising States of North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio) 1006 West Lake Street, Minneapolis 8, Minn.

(d) Southeast Region (Region 4—comprising States of Arkansas, Louisiana, Mississippi, Kentucky, Tennessee, Alabama, Maryland, Virginia, North Carolina, Georgia, South Carolina, Florida) 620A Peachtree-Seventh Building, Atlanta 5, Ga.

(e) Northeast Region (Region 5—comprising States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, West Virginia) 59 Temple Place, Boston 11, Mass.

(f) Alaska Region (Region 6—comprising State of Alaska) P.O. Box 2021, Juneau, Alaska.

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

(The text of Part 10 is omitted from this proposed rule making document as there will be no change in the wording of this part in connection with this revision of Title 50.)

PART 11—BALD EAGLES

Sec.
11.1 Bald Eagles protected, exceptions.
11.2 Collecting permits.
11.3 Depredation permits.
11.4 Application for permits.
11.5 Permit requirements.
11.6 Possession, transportation, and shipping.

AUTHORITY: §§ 11.1 to 11.6 issued under sec. 2, 54 Stat. 251; 16 U.S.C. 668a.

§ 11.1 Bald eagles protected, exceptions.

The taking, possession, and transportation of Bald eagles, or their nests or eggs is prohibited, except as permitted in this part.

§ 11.2 Collecting permits.

The Secretary may issue permits to capture Bald eagles alive or to collect their nests or eggs, or to kill such birds and possess and transport their skins or mounted specimens for scientific or exhibition purposes of public museums, scientific societies, or zoological parks, when he determines that such taking or collecting is compatible with the preservation of the species.

§ 11.3 Depredation permits.

The Secretary may issue permits to kill Bald eagles when he determines that Bald eagles have become seriously injurious to wildlife or to agricultural or other interests in any particular community in the United States or in any place subject to its jurisdiction, and that the injury complained of is substantial and can be abated only by killing some or all of the birds.

§ 11.4 Applications for permits.

(a) Applications for permits shall be addressed to the Regional Director at the Regional Office of the Bureau of Sport Fisheries and Wildlife having administrative supervision over Bureau functions in the State in which permit activities are proposed. (See Part 2 of this chapter for addresses of Regional Offices of the Bureau.)

(b) Applications must state the name and address of the applicant, his age, the State and locality in which Bald eagles or their nests or eggs are proposed to be taken or killed, and in the case of collecting permits, the name and address of the public museum, scientific society, or zoological park for which they are intended. The applicant must furnish such other information concerning justification for the permit and his fitness to be entrusted with a permit as may be requested by the Secretary.

§ 11.5 Permit requirements.

(a) Any permit issued shall contain information specifying the number of Bald eagles or their nests or eggs that may be taken thereunder, the person or persons by whom the birds may be taken, the places where, the time when, the means or methods by which they may be taken, and the disposition to be made of any birds, parts, nests, or eggs taken.

(b) Such permits shall provide that no Bald eagles, parts, nests or eggs thereof, or mounted specimens may be purchased, sold, traded, bartered, or offered for sale, trade, or barter in the United States or in any place subject to its jurisdiction.

(c) Such permits are not transferable and are revocable at any time in the discretion of the Secretary, and if revoked, shall be surrendered on demand. Immediately after the expiration date of any permit, it must be returned to the Regional Director accompanied by a report of activities thereunder.

(d) Such permits shall provide that the proposed taking, donation, possession, or transportation of Bald eagles, parts, or nests or eggs thereof, shall be subject to the laws of the State where activities under Federal permit are to take place.

§ 11.6 Possession, transportation, and shipping.

(a) Public museums, scientific societies, and zoological parks may, without a permit, possess and transport lawfully acquired Bald eagles, alive or dead, or any parts, nests or eggs thereof, for scientific or exhibition purposes, but no such birds, parts, nests, or eggs shall be taken without a permit.

(b) Bald eagles, alive or dead, or any parts, nests, or eggs thereof, lawfully acquired prior to June 8, 1940, may be possessed or transported without a Federal permit, but shipments containing such birds, parts, nests, or eggs, must be marked as provided in paragraph (c) of this section.

(c) Every package in which Bald eagles or parts, nests, or eggs thereof are shipped or transported by any means whatever, shall be plainly and clearly marked, labeled, or tagged, on the outside thereof, to show the names and addresses of the consignor and consignee, the contents of the package, and the number of the permit, where required, under authority of which it is possessed and transported, and that the specimens contained therein are for scientific or exhibition purposes.

PART 12—AREAS CLOSED TO HUNTING

§ 12.1 List of areas.

Proclamations and orders No.	Date	State	Land and waters within boundary and adjacent to, or in the vicinity of—	Citation
2325	Nov. 28, 1939 Mar. 21, 1939	Alabama Arkansas	Wheeler National Wildlife Refuge Big Lake National Wildlife Refuge	24 F.R. 9513. 3 CFR, Cum. Supp.; 4 F.R. 1309.
2274	Oct. 24, 1958 Mar. 15, 1939 Oct. 7, 1950	do do Delaware	Holla Bend National Wildlife Refuge White River National Wildlife Refuge Bombay Hook National Wildlife Refuge	23 F.R. 8429. 3 F.R. 591. 15 F.R. 6858.
2788	Oct. 22, 1953 Dec. 2, 1947	Florida do	St. Marks National Wildlife Refuge Sanibel National Wildlife Refuge	18 F.R. 6637. 3 CFR, 1947 Supp.; 12 F.R. 8039.
2339	Apr. 10, 1939	Georgia	Savannah National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 1595.
2748	Oct. 1, 1947	Illinois	Horseshoe Lake, Alexander County	3 CFR, 1947 Supp.; 12 F.R. 6521.
	Sept. 9, 1959 Oct. 2, 1956	do Iowa	do Upper Mississippi River Wild Life and Fish Refuge.	15 F.R. 5495. 3 CFR, 1958 Supp.; 23 F.R. 7825.
2022	Feb. 7, 1939	Louisiana	Lacassine National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 611.
2263	Jan. 24, 1940	Maryland	Susquehanna National Wildlife Refuge	3 CFR, Cum. Supp.; 5 F.R. 319.
2339	Dec. 9, 1941	do	do	3 CFR, Cum. Supp.; 6 F.R. 6347.
2617	Oct. 18, 1948	Massachusetts	Parker River National Wildlife Refuge	3 CFR, 1948 Supp.; 13 F.R. 6115.
2689	Sept. 21, 1943	Michigan	Lake St. Clair National Wildlife Refuge	3 CFR, 1943 Supp.; 8 F.R. 12993.
	Oct. 2, 1958	Minnesota	Upper Mississippi River Wild Life and Fish Refuge.	3 CFR, 1958 Supp.; 23 F.R. 7825.
2300	Oct. 7, 1936	Montana	Red Rock Lakes Migratory Waterfowl Refuge.	1 F.R. 1799.
2084 2126	May 9, 1935 July 18, 1935	North Carolina do	Pea Island National Wildlife Refuge Swanquarter National Wildlife Refuge	3 F.R. 912. 49 Stat. 3450.
2689	Oct. 20, 1949	Oregon	Malheur National Wildlife Refuge	3 CFR, 1949 Supp.; 14 F.R. 6625.
2000	Oct. 16, 1958 June 6, 1932 Oct. 14, 1955	do South Carolina do	do Cape Romain National Wildlife Refuge Santee National Wildlife Refuge	18 F.R. 6685. 47 Stat. 2513. 20 F.R. 7999.
2389	Apr. 10, 1939	do	Savannah National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 1595.
2870	Aug. 23, 1956 Oct. 16, 1930	Texas Virginia	Aransas National Wildlife Refuge Back Bay National Wildlife Refuge	21 F.R. 6513. 3 CFR, Cum. Supp.; 4 F.R. 4285.
2639	Aug. 13, 1954 Nov. 7, 1940	do Washington	Presquile National Wildlife Refuge Willapa National Wildlife Refuge	19 F.R. 5290. 3 CFR, Cum. Supp.; 5 F.R. 4443.
	Oct. 2, 1958	Wisconsin	Upper Mississippi River Wild Life and Fish Refuge.	3 CFR, 1958 Supp.; 23 F.R. 7825.

PART 13—IMPORTATION OF WILD MAMMALS, AND WILD BIRDS OR THEIR EGGS

Sec.
13.1 Meaning of terms.
13.2 Prohibited species of wild mammals.
13.3 Prohibited species of wild birds or their eggs.
13.4 Prohibited species of wild birds or their eggs; exceptions.
13.5 Importation of natural-history specimens.
13.6 Declaration of purpose of importation.
13.7 Compliance with other regulations.

AUTHORITY: §§ 13.1 to 13.7 issued under par. 1671, 46 Stat. 677; 19 U.S.C. 1201, par. 1671. Interpret or apply sec. 1, 62 Stat. 687, as amended; 18 U.S.C. 42.

§ 13.1 Meaning of terms.

As used in this part, terms shall have the meaning ascribed in this section.

(a) "Wild birds or mammals" refers to all birds or mammals that, whether raised in captivity or not, normally are found in a wild state.

(b) "Game birds" refers to those species of birds belonging to the following families of birds: Anatidae, Cracidae, Tetraonidae, Phasianidae, Meleagrididae, Gruidae, Rallidae, Haematopodidae, Charadriidae, Scolopacidae, Recurvirostridae, Phalaropodidae, and Columbidae.

(c) "Non-game birds" refers to all other species of wild birds not considered as game birds under paragraph (b) of this section.

(d) "Migratory birds" refers to those species of birds listed under § 10.1 of this chapter.

§ 13.2 Prohibited species of wild mammals.

Importation into the United States or any Territory or district thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the European rabbit (Lepus cuniculus), and the European hare (Lepus europaeus) is prohibited.

§ 13.3 Prohibited species of wild birds or their eggs.

Importation into the United States or any Territory or district thereof, of the English sparrow, the starling, or the eggs of such birds is prohibited.

§ 13.4 Prohibited species wild birds or their eggs; exceptions.

(a) Importation is prohibited of bird species of the genus Acridotheres classified as (1) tristis (commonly known as Common Myna, Indian Myna, or Common Ceylon Myna); (2) cristatellus (sometimes referred to as Acridotheres grandis or Acridotheres fuscus and commonly known as Chinese crested Myna, Siamese Yellow-billed Jungle Myna, Assam Yellow-billed Myna, Indian Jungle Myna, Jungle Myna, Malay Jungle Myna, or Buffalo Myna); (3) gingianus (commonly known as Bank Myna); (4) albocinctus (commonly known as Collared Myna): *Provided*, That such birds may be entered and used for scientific purposes under terms and conditions prescribed in permits issued by the Directors: *And provided, further*, That such birds may be entered, without a permit, only for exhibition in public zoological parks.

(b) Importation of all other wild birds or their eggs is prohibited except:

(1) Game birds and their eggs for propagating, stocking, or scientific purposes, or for exhibition in zoological parks may be entered without a permit.

(2) Non-game birds (other than those listed in paragraph (a) of this section) may be entered, without a permit, for scientific purposes, exhibition in public zoological parks, confinement in cages, or for introduction by State or Territorial wildlife conservation agencies when such agencies have obtained written permission from the Director.

(c) None of the provisions of paragraph (b) of this section shall apply to migratory birds or their eggs, the importation of which is governed by regulations in Part 10 of this subchapter.

§ 13.5 Importation of natural-history specimens.

Nothing in this part shall restrict the importation of natural-history specimens for museums or scientific collections.

§ 13.6 Declaration of purpose of importation.

With respect to the importations allowed in this part, the importer must file with the Collector of Customs a declaration to the effect that the birds or their eggs, or the natural-history specimens are to be imported and used for a purpose allowed in this part. However, no such declaration is required for birds of the psittacine family, the importation of which is governed by regulations prescribed by the United States Public Health Service. No such declaration is required for those birds or their eggs which must be imported under permits issued by the Director.

CROSS REFERENCE: For Public Health Service regulations, see 42 CFR 72.22. For Customs regulations, see 19 CFR 12.26.

§ 13.7 Compliance with other regulations.

Any importation permitted by this part is also subject to any applicable health, quarantine, agriculture, customs, or other requirements imposed by law or by regulations of duly authorized Federal, Territorial, or State agencies.

PART 14—IMPORTATION OF FEATHERS OF WILD BIRDS

Sec.
14.1 Applications for importation permits.
14.2 Filing dates for applications.
14.3 Allocation of quotas.
14.4 Issuance of importation permits.
14.5 Time periods covered by permits.
14.6 Compliance with other regulations.

AUTHORITY: §§ 14.1 to 14.6 issued under par. 1518, 46 Stat. 661, as amended; 19 U.S.C. 1001, par. 1518.

§ 14.1 Application for importation permits.

All persons desiring to share in the allocation of annual import quotas of

skins bearing feathers of the grey jungle fowl (Gallus sonneratii), the mandarin duck (Dendronessa galericulata), and the following species of pheasant: Lady Amherst pheasant (Chrysolophus amherstiae), golden pheasant (chrysolophus pictus), silver pheasant (Lophura nycthemera), Reeves pheasant (Syrmaticus reevesii), blue-eared pheasant (Crossoptilon auritum), and brown-eared pheasant (Crossoptilon mantchuricum), must apply during the periods specified in § 14.2 by letter addressed to the Director. The application must contain the following information:

(a) Name and address of applicant; nature of business, and the purpose for which feathers are required.

(b) Port at which entry has been or is to be made.

(c) Quantity of each species of bird skin or part thereof for which an importation permit is desired.

(d) Certification, that in the case of grey jungle fowl and mandarin duck, the skins are to be used only in the manufacture of fishing flies.

§ 14.2 Filing dates for applications.

Each application for a quota allocation must be postmarked during the dates set forth in paragraphs (a) and (b) of this section in order to be considered. Filing dates are as follows:

(a) Applicants desiring to participate in the allocation of calendar year quotas shall submit applications from September 1 through September 30 of the year preceding the calendar year for which quota allocations are to be made.

(b) Applicants desiring to participate in the reallocation of such portions of the established annual quotas as may become available, shall submit applications from July 1 through July 31 of the calendar year for which the unused portions of the quota allocations were originally made.

§ 14.3 Allocation of quotas.

All applications timely filled will be considered and tentative quotas allocated by the method set forth in paragraphs (a) through (e) of this section, as promptly as possible after the closing date for filing. For the purposes of this section, the six species of pheasant named in § 14.1 shall be grouped together and considered as one species.

(a) The number of eligible applicants for skins of grey jungle fowl, mandarin duck, and pheasants, respectively, shall be divided into the quotas of skins available for the ensuing calendar year for the respective species, to determine the number of skins of each species the several applicants would be entitled to import on an equal basis.

(b) Any applicant for an allocation in an amount equal to or less than the average quantity established for all applicants pursuant to paragraph (a) of this section is entitled to receive an allocation of the quantity for which he applied.

(c) After the allocations are made under paragraph (b) of this section, all remaining unallocated quantities of skins of the respective species shall be allocated equally among those applicants who applied for more than the average quantities determined under paragraph (a) of this section.

(d) Each applicant shall then be furnished a tabulation by Registered Mail, Return Receipt Requested, of the quantities of each species requested and the quantities proposed to be allocated to each applicant. Each applicant must then report by letter addressed to the Director, postmarked not later than 30 days after receipt of the notice of proposed allocations, that he accepts the proposed allocation. The letter must contain proof, safisfactory to the Director, that orders have been placed for the importing of his allocation of bird skins. Applicants failing to respond to the notice of proposed allocations shall be deemed to have abandoned their applications, and their proposed allocations shall become available for allocation among those applicants who have submitted the required showing. Applicants who submit the required showing by other than Registered Mail, do so at their own risk.

(e) Any quantities of bird skins of the respective species which become available for allocation through the failure of applicants to submit the proper showing as required in paragraph (d) of this section, shall promptly be allocated among those applicants whose requests were not satisfied in full; using the methods prescribed in paragraphs (a) through (c) of this section to determine the additional quantity of skins allowable to each such applicant.

§ 14.4 Issuance of importation permits.

As soon as practicable after the annual allocations have been determined, the quotas allocated to the successful applicants shall be evidenced by importation permits, issued in letter form, directed to the respective Collectors of Customs at the Ports of Entry specified in the applications. Such permits shall authorize the entry, or withdrawal from warehouse, of the quantities of bird skins allocated to each applicant. Until such time as it shall be found necessary to reduce the import quota established for pheasants, importation permits will not differentiate between the six species of pheasant named in § 14.1, but will authorize the importation of a stated number of pheasant skins in the aggregate, without specifying the species. A copy of the importation permit will be furnished each successful applicant as notice to him of his allocation. Importation permits are nontransferable and are subject to cancellation only if it is determined that the permit has been mistakenly issued, that the applicant has made a material misrepresentation in connection therewith, or if the permittee informs the Director that he will be unable to bring or import his quota of bird skins into the United States during the period specified in the permit. Permits are subject to the further conditions set forth in § 14.5.

§ 14.5 Time periods covered by permits.

Importation permits covering the calendar year quota allocations are issued as of January 1, and remain in effect through June 30 of the year of issue. No extension of time shall be granted on a permit and any portion of the quota allocations which become available through surrender or nonuse of a permit, in whole or in part, of permits expiring on June 30 of the year of issue, shall be reallocated among applicants who submit proper applications in accordance with § 14.2(b). The provisions of § 14.3 (a) through (c) do not apply to the reallocation of the quantities of bird skins found to be available after June 30 of each year, but the skins will be allocated equally, with regard to the species requested, among all applicants. If the quantities of the respective species are insufficient to permit equal reallocation among all applicants, preference shall be given to the applications bearing the earliest postmark. Importation permits showing the reallocations made pursuant to this section shall be issued as promptly as possible after July 31 and remain in effect through December 31 of the year of issue. No extension of time shall be granted on permits covering reallocations, and any portion of the quotas so reallocated which are not imported through surrender or nonuse of reallocation permits, in whole or in part, on or before December 31 of the year of issue, shall lapse and no further allocations thereof shall be made.

§ 14.6 Compliance with other regulations.

Any importation permitted by the regulations in this part is also subject to any applicable health, quarantine, customs, or other requirements imposed by law or by regulation of duly authorized Federal or State agencies and municipalities.

PART 15—TRANSPORTATION OF GAME MAMMALS TO AND FROM MEXICO

Sec.
15.1 Scope of regulations.
15.2 Transportation to Mexico.
15.3 Transportation from Mexico.

AUTHORITY: §§ 15.1 to 15.3 issued under sec. 4, 40 Stat. 755, as amended; 16 U.S.C. 705. E. O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp.

§ 15.1 Scope of regulations.

The regulations in this part govern the importation and exportation of those species of game mammals specified in the terms of the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936 (50 Stat. 1311). These species are antelope, mountain sheep, deer, bear, peccary, squirrel, rabbit, and hare.

§ 15.2 Transportation to Mexico.

Game mammals, dead or alive, or parts or products thereof, taken in and transported from the United States or any territory subject to its jurisdiction may be transported to Mexico, if the importation is not prohibited by Mexican law or regulation. The transporter must present to the Collector of Customs at the Port of Exit a certificate of an official, warden, agent, or other officer of the game department of the State or ter-

ritory, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired and are being transported in compliance with the laws and regulations of the State or territory.

§ 15.3 Transportation from Mexico.

Game mammals, dead or alive, or their parts or products, may be transported from Mexico into the United States if accompanied by a Mexican export permit. If alive, the mammals must also be accompanied by such permit as may be required under regulations of the Secretary of the Treasury (19 CFR 12.26), relating to the transportation of wild birds and other animals under humane and healthful conditions: *Provided*, That their possession in any State or territory of the United States shall be subject to the laws of such State or territory.

CROSS REFERENCE: For Bureau of Animal Industry regulations relating to importation of certain animals and poultry and certain animal and poultry products from Mexico, see 9 CFR Part 92.

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—GENERAL PROVISIONS

Sec.
25.1 Definitions.
25.2 Purpose.
25.3 State cooperation in wildlife refuge area management.
25.4 Joint administration.
25.5 Emergency closure.

AUTHORITY: §§ 25.1 to 25.5 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 315a.

§ 25.1 Definitions.

As used in the rules and regulations of this subchapter: "Big game" means large game mammals, including moose, elk, caribou (Rangifer), deer, mountain and Dall's sheep (Ovis), mountain goat, antelope (pronghorn), bear and peccary.

"Game range" means any area of public land administered jointly by the Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management for the protection and management of wildlife resources and for the grazing of domestic livestock under the terms of an Executive or Public Land Order establishing a specific area.

"Migratory game bird" means and refers to those species of birds listed under § 10.1 of this chapter.

"National wildlife refuge" means any of those areas, except game ranges, owned or controlled by the United States and administered for the benefit of wildlife by the Bureau of Sport Fisheries and Wildlife as a part of the National Wildlife Refuge System.

"Range animal" means any animal fenced and managed on any wildlife refuge area.

"Special regulations" means those regulations within this subchapter used to announce and regulate the annual public hunting and sport fishing activity on individual wildlife refuge areas.

"Upland game" means any small resident game mammal or any resident game bird.

"Wildlife refuge area" means any National Wildlife Refuge or game range.

§ 25.2 Purpose.

All wildlife refuge areas are maintained for the fundamental purpose of developing a national program of wildlife conservation and rehabilitation. These areas are dedicated to wildlife found thereon and for the restoration, preservation, development and management of wildlife habitat; for the protection and preservation of endangered or rare wildlife and their associated habitat; and for the management of wildlife, in order to obtain maximum production for perpetuation, distribution, dispersal, and utilization. This subchapter effectuates these primary objectives in accordance with the obligations of the United States under the treaties with Great Britain and the United Mexican States, and allows public enjoyment of wildlife refuge areas consistent with these objectives.

§ 25.3 State cooperation in wildlife refuge area management.

State cooperation may be enlisted in management programs including the regulation and operation of public hunting, fishing, and recreation programs on wildlife refuge areas. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for the purpose. Persons entering upon the wildlife refuge area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

§ 25.4 Joint administration.

The Bureau, in the development and management of conservation programs on wildlife refuge areas may cooperate with other Federal agencies under the terms of approved agreements. Wildlife refuge areas on lands jointly administered with another Federal agency shall be subject to the laws, rules, and regulations of that agency as well as of the Bureau.

§ 25.5 Emergency closure.

All or any part of a wildlife refuge area may be closed to public access and use in the event of an emergency endangering life or property.

PART 26—RESTRICTED OR PROHIBITED ACTS

Sec.
26.1 General.
26.2 Trespassing.
26.3 Entry and use.
26.4 Animal trespass.
26.5 Hunting.
26.6 Fishing.
26.7 Trapping.
26.8 Molesting, injuring and damaging plant and animal life.
26.9 Introduction of plant and animal life.
26.10 Destruction or removal of property.
26.11 Artificial lights.
26.12 Firearms and explosives.
26.13 Weapons other than firearms.
26.14 Vehicles.
26.15 Use of boats.
26.16 Field trials.
26.17 Fires.
26.18 Private structures.
26.19 Disposal of waste.
26.20 Disorderly conduct.
26.21 Interference with persons engaged in authorized activities.
26.22 Abandonment of property.
26.23 Advertising.
26.24 Private operations.
26.25 Gambling.
26.26 Begging.
26.27 Motion or sound pictures.
26.28 Search and removal of valued objects.
26.29 Prospecting and mining.
26.30 Audio equipment.
26.31 Tampering with equipment.
26.32 Operations of aircraft.

AUTHORITY: §§ 26.1 to 26.32 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 315a.

§ 26.1 General.

The prohibitions and restrictions enumerated in this part shall apply to all persons entering upon wildlife refuge areas and to their conduct thereon. These prohibitions and restrictions do not apply to official Federal operations nor to State operations permitted by the regulations in this subchapter, nor to persons engaged in performing these operations.

§ 26.2 Trespassing.

Trespassing on any wildlife refuge area is prohibited.

§ 26.3 Entry and use.

The entering, occupying, using, or being upon any wildlife refuge area is prohibited except as may be otherwise authorized in this subchapter or in other applicable Federal regulations.

§ 26.4 Animal trespass.

Cats, dogs, cattle, and other domestic animals shall not be permitted to enter upon any wildlife refuge area or to roam at large upon such an area, except as specifically authorized in this subchapter or in other applicable Federal regulations.

§ 26.5 Hunting.

Hunting, killing, capturing, taking, or attempting to hunt, kill, capture or take any animal on any wildlife refuge area is prohibited except as may be authorized under the provisions of Parts 28, 31, and 32 of this chapter.

§ 26.6 Fishing.

Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any wildlife refuge area is prohibited except as may be authorized under the provisions of Parts 28, 31, and 33 of this chapter.

§ 26.7 Trapping.

Trapping or attempting to trap animal life on any wildlife refuge area is prohibited except as may be authorized under the provisions of Parts 28 and 31 of this chapter.

§ 26.8 Molesting, injuring, and damaging plant and animal life.

Molesting, disturbing, injuring, spearing, poisoning, destroying or attempting to molest, disturb, injure, spear, poison or destroy any plant or animal life on any wildlife refuge area is prohibited.

§ 26.9 Introduction of plant and animal life.

Plant and animal life taken elsewhere shall not be introduced, liberated, or placed on any wildlife refuge area.

§ 26.10 Destruction or removal of property.

The destruction, injury, defacement, disturbance, or removal of any public property from any wildlife refuge area is prohibited.

§ 26.11 Artificial lights.

No person shall use or direct the rays of a spotlight or other artificial light, or automotive headlights for the purpose of spotting, locating or taking any animal within the boundaries of any wildlife refuge area or along rights-of-way for public or private roads within a wildlife refuge area.

§ 26.12 Firearms and explosives.

Carrying, possessing, or discharging firearms or explosives on any wildlife refuge area is prohibited except as may be authorized under the provisions of Part 28 of this chapter.

§ 26.13 Weapons other than firearms.

The possession or use of cross bows, bows and arrows, air guns, or other weapons on wildlife refuge areas is prohibited except that bows and arrows may be used in approved hunting and recreation programs when authorized under the provisions of this subchapter.

§ 26.14 Vehicles.

Travel in or use of vehicles is prohibited in wildlife refuge areas except on public highways and on roads, camp grounds and parking areas designated and posted for travel and public use by the officer in charge.

§ 26.15 Use of boats.

The use of boats in wildlife refuge areas is prohibited except as may be authorized under the provisions of Part 28 of this chapter.

§ 26.16 Field trials.

The conducting or operation of field trials for dogs on wildlife refuge areas is prohibited except as may be authorized by special permit.

§ 26.17 Fires.

On all wildlife refuge areas persons are prohibited from (a) setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material except as authorized by the officer in charge or at locations designated by him for that purpose within public-use areas; (b) building a campfire in such manner that it is likely to spread or be difficult to extinguish; (c) leaving a fire unattended or not completely extinguished; (d) throwing or placing a burning cigarette, match, or any other ignited substance in any place where it may start a fire; (e) discharging any kind of fireworks or explosive on any part of such areas; or (f) smoking on any lands including roads which have been designated and posted with no smoking signs.

§ 26.18 Private structures.

No person shall without proper authority construct, install, or maintain any building, log boom, pier, dock, fence, wall, pile, anchorage, or other structure or obstruction on any wildlife refuge area.

§ 26.19 Disposal of waste.

The dumping, disposing or littering in any manner of garbage, refuse, spoil, sludge, earth, rock, or other debris on any wildlife refuge area except at points designated by the officer in charge, or the draining or dumping of oil, acids, or poisons in, or otherwise polluting any waters, water holes, streams or other areas within any wildlife refuge area is prohibited.

§ 26.20 Disorderly conduct.

Disturbance of the peace or other disorderly conduct on any wildlife refuge area is prohibited. No person who is obviously intoxicated shall enter or remain upon any wildlife refuge area.

§ 26.21 Interference with persons engaged in authorized activities.

The disturbing, molesting, or interfering with any employee of the United States or of any local or State Government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any wildlife refuge area is prohibited.

§ 26.22 Abandonment of property.

Abandoning, discarding, or otherwise leaving any personal property in any wildlife refuge area is prohibited.

§ 26.23 Advertising.

Posting, distributing, or otherwise displaying private or public notices, advertisements, announcements or displays of any kind in any wildlife refuge area, other than business designations carried on private vehicles or boats, is prohibited.

§ 26.24 Private operations.

Soliciting business or conducting a commercial enterprise on any wildlife refuge area is prohibited unless properly authorized.

§ 26.25 Gambling.

Gambling in any form, or the operation of gambling devices, for money or otherwise, on any wildlife refuge area is prohibited.

§ 26.26 Begging.

Begging on any wildlife refuge area is prohibited. Soliciting of funds for the support or assistance of any cause or organization is also prohibited unless properly authorized.

§ 26.27 Motion or sound pictures.

The taking or filming of any motion or sound picture which needs a script, cast, schedule, or "props" on any wildlife refuge area is prohibited unless authorized under the provisions of 43 CFR Part 5.

§ 26.28 Search and removal of valued objects.

Persons are prohibited from searching for or removing from wildlife refuge areas objects of antiquity except as may be authorized by 43 CFR Part 3. Persons are prohibited from searching for buried treasure, treasure trove, valuable semiprecious rocks, stones or mineral specimens unless authorized by special permit.

§ 26.29 Prospecting and mining.

Prospecting for metal deposits or locating or filing mining claims on National Wildlife Refuges is prohibited. Prospecting or removal of minerals from wildlife refuge areas is prohibited except as may be authorized under the provisions of 43 CFR 192.9.

§ 26.30 Audio equipment.

The operation or use of radios, recording devices, loudspeakers or other sound or electrical equipment in a manner which disturbs animal life or annoys other persons on any wildlife refuge area is prohibited.

§ 26.31 Tampering with equipment.

No person shall operate or tamper with any motor vehicle, boat, equipment, machinery, or other implement on any wildlife refuge area unless he has been authorized to do so.

§ 26.32 Operations of aircraft.

The unauthorized operation of aircraft at low altitudes over, or the unauthorized landing of aircraft on a wildlife refuge area is prohibited, except in the event of emergency.

PART 27—ENFORCEMENT PROVISIONS

Sec.
27.1 Exhibition of permits.
27.2 Revocation of permits.
27.3 Impoundment of abandoned property.
27.4 Impounding of domestic animals.
27.5 Control of dogs and cats.
27.6 Traffic violations; penalties.
27.7 Boating violations; penalties.
27.8 Fires.
27.9 Timber trespass.
27.10 Penalties.

AUTHORITY: §§ 27.1 to 27.10 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 315a.

§ 27.1 Exhibition of permits.

Any person on a wildlife refuge area shall upon request by an authorized employee of the Department exhibit the required Federal or State permit or license authorizing his presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

§ 27.2 Revocation of permits.

If advantageous to the United States, a permit may be terminated at any time by agreement with the permittee; it may be revoked for noncompliance with the terms thereof or of the regulations in this subchapter, for nonuse, or for violation of any law, regulation, or order applicable to the area, or for violation of any

State or Federal wildlife conservation law; and it is at all times subject to discretionary revocation.

§ 27.3 Impoundment of abandoned property.

Any property abandoned or left unattended without authority on any wildlife refuge area for a period in excess of 72 hours is subject to removal. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 484m) and regulations issued thereunder. Former owners may apply within 3 years for reimbursement for such property, subject to disposal and storage costs and similar expenses, upon sufficient proof of ownership.

§ 27.4 Impounding of domestic animals.

(a) Any animal trespassing on the lands of any wildlife refuge area may be impounded and disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served in person with written receipt obtained or delivery by certified mail with return receipt requested. In the event of his failure to remove the impounded animal within five (5) days from receipt of such notice, it will be sold or otherwise disposed of as prescribed in this section.

(c) If the owner is unknown, no disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date a legal notice of the impounding has been posted at the county courthouse and in a newspaper of general circulation in the county in which the trespass took place.

(d) The notice shall state when and where the animal was impounded and shall describe it by brand or earmark, or distinguishing marks or by other reasonable identification. The notice shall specify the time and place the animal will be offered at public sale to the highest bidder, in the event it is not claimed or redeemed. The notice shall reserve the right of the official conducting the sale to reject any and all bids so received.

(e) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, impounding, advertising, care, forage and damage claims.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is an amount less than the claim of the United States, the animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States by order of the Secretary. Upon the sale of any animal in accordance with this section, the buyer shall be issued a certificate of sale.

(g) In determining the claim of the Government in all livestock trespass cases on wildlife refuge areas, the value of forage consumed shall be computed at the commercial unit rate prevailing in the locality for that class of livestock. In addition, the claim shall include damages to wildlife refuge area property injured or destroyed, and all the related expenses incurred in impounding, caring for and disposing of the animal. The salary of Bureau employees for the time spent in and about the investigations, reports, and settlement or prosecution of the case shall be pro rated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the Bureau of Sport Fisheries and Wildlife.

§ 27.5 Control of dogs and cats.

Dogs or cats running at large on a wildlife refuge area or found in the act of pursuing or molesting wildlife may be impounded pursuant to the provisions of § 27.4 or if necessary may be killed to protect wildlife.

§ 27.6 Traffic violations: penalties.

Persons on a wildlife refuge area violating Federal or State traffic laws or regulations may be required to remove themselves from the area. Such offenders may further be subject to the penalty provisions of § 27.10.

§ 27.7 Boating violations: penalties.

Persons on a wildlife refuge area violating Federal or State boating laws or regulations may be required to remove themselves from the area. Such offenders may further be subject to the penalty provisions of § 27.10.

§ 27.8 Fires.

Any person violating sections 1855–1856 of the Criminal Code (18 U.S.C. 1855–1856) as they pertain to fires on wildlife refuge area lands of the United States shall be subject to civil action and to the penalty provisions of the law.

§ 27.9 Timber trespass.

Any person violating sections 1852–1853 of the Criminal Code (18 U.S.C. 1852–1853) as they pertain to timber on wildlife refuge area lands of the United States shall be subject to civil action and to the penalty provisions of the law.

§ 27.10 Penalties.

Failure of any person, utilizing the resources of any wildlife refuge area or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this subchapter or to comply with any applicable provisions of Federal or State law may render such person liable to:

(a) The penalties as prescribed by law.

(b) Invalidation of permission to enter or be upon the area.

(c) Denial of future privileges on wildlife refuge areas.

PART 28—PUBLIC ACCESS AND USE

Sec.
- 28.1 Access to areas.
- 28.2 Access to headquarters.
- 28.3 Access when escorted.
- 28.4 Access for economic use privileges.
- 28.5 Recreational use.
- 28.6 Emergency shelter.
- 28.7 Use of roads and trails.
- 28.8 Operation of vehicles.
- 28.9 Recreational activities.
- 28.10 Operation of boats.
- 28.11 Water skiing.
- 28.12 Firearms.
- 28.13 Fires.
- 28.14 Scientific study.
- 28.15 Scientific specimens.
- 28.16 Archeological study.
- 28.17 Public safety.
- 28.18 Public sanitation.
- 28.19 Reporting of accidents.
- 28.20 Lost and found articles.

AUTHORITY: §§ 28.1 to 28.20 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

§ 28.1 Access to areas.

Entry to any wildlife refuge area shall be only under appropriate permit issued for the purpose, unless otherwise provided in this subchapter.

§ 28.2 Access to headquarters.

The headquarters office of any wildlife refuge area shall be open to public access and admission during regularly established hours of business.

§ 28.3 Access when escorted.

A permit is not required for access to any part of a wildlife refuge area by a person when accompanied by the officer in charge.

§ 28.4 Access for economic use privileges.

Access to and travel upon wildlife refuge areas by persons granted economic use privileges on wildlife refuge areas shall be in strict accordance with the provisions of their agreement, lease, or permit.

§ 28.5 Recreational use.

A permit is not required for entry and temporary use for recreational or other appropriate purposes of a campsite or other area specifically designated for the use of the public under such conditions as may be prescribed.

§ 28.6 Emergency shelter.

A permit is not required for access to any wildlife refuge area for temporary shelter or temporary protection in the event of emergency conditions.

§ 28.7 Use of roads and trails.

Entrance to, travel on, and exit from any wildlife refuge area is permitted on such roads, trails, footpaths, walkways, or other routes as are posted or otherwise designated for public use.

§ 28.8 Operation of vehicles.

Vehicles may operate within wildlife refuge areas, subject to the following operating requirements:

(a) The vehicles shall be mechanically safe and shall be operated in a safe and proper manner so as not to endanger life and property.

(b) The operation of vehicles within a wildlife refuge area shall conform to the laws of the State in which the area is located governing the operation of such vehicles except where further restricted by or under the provisions of this subchapter.

(c) No person shall operate any vehicle while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(d) Drivers of all vehicles operated within a wildlife refuge area shall comply with the directions of all official traffic signs posted on the area and with the directions of authorized Federal or State personnel.

(e) The speed of any vehicle being operated within a wildlife refuge area shall be kept within such limits as may be necessary to avoid accidents, or injury to wild animals or birds within the area. Vehicle speed limits are thirty-five miles an hour except where otherwise posted.

(f) Load and weight limitations, as may be necessary, shall be those prescribed and posted from time to time. Such limitations shall be complied with by the operators of all vehicles using the roads of the areas. Schedules showing load and weight limitations for the different roads within the areas are available at the wildlife refuge area headquarters.

(g) The parking or leaving unattended of any vehicle on any wildlife refuge area, or upon public roads where title to the land is vested in the United States, shall be limited to those places posted for that purpose.

§ 28.9 Recreational activities.

Picnicking, baseball, skating, camping, bathing, and similar activities may be conducted on such areas and under such conditions as are designated by posting.

§ 28.10 Operation of boats.

The use of boats may be permitted in accordance with public recreation, hunting and fishing programs on wildlife refuge areas. When the use of boats is permitted, the following operational requirements and limitations shall apply:

(a) A permit may be required before any boat is placed in or allowed to operate upon the waters of any wildlife refuge area.

(b) All boats operated on wildlife refuge area waters shall conform with the provisions of applicable Federal, State, and local laws and regulations, the provisions of this subchapter and the terms and conditions of boat and motor specifications and operation as posted or otherwise designated.

(c) No person shall operate any boat in a manner which shall unreasonably interfere with other boats or with the free and proper navigation of the waterways of the areas. Anchoring of boats in heavily traveled channels in main thoroughfares, or in any other place where they may constitute a hazard is prohibited.

(d) Government-owned docks, piers, and floats shall not be used for loading and unloading of boats, except in emergencies or unless specifically authorized.

(e) No person shall operate a boat so as to endanger the life or safety of any person.

(f) Boats shall be operated only at speeds which will permit the operator to exercise full control of the boat and to decrease speed or stop as may be necessary to avoid collision.

(g) No boat, except sailboats, shall be operated with any person riding or sitting on the gunwales or on the decking over the bow.

(h) No person shall operate any boat while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

§ 28.11 Water skiing.

(a) Water skiing, where authorized in a wildlife refuge area, is permitted only during daylight hours and on those waters of the area appropriately posted or otherwise designated.

(b) There must be two competent persons in the boat, with one acting as observer when a skier is in "tow."

(c) The direction of a tow boat when circling shall be counterclockwise.

(d) Skiers must wear lifejackets of a type that will support an unconscious person in water.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, within 100 feet of any person swimming outside a designated swimming area, and in any areas designated by posting or otherwise as closed to water skiing.

§ 28.12 Firearms.

The following persons may possess, use, or transport firearms on wildlife refuge areas in accordance with Federal and State law:

(a) Persons authorized to take specimens of wildlife for scientific purposes on any area when the use of firearms is necessary for such purposes.

(b) Persons authorized by special permit to possess or use firearms on areas for the protection of property, for field trials, and for other special purposes.

(c) Persons carrying unloaded firearms that are dismantled or cased over regularly established routes of travel.

(d) Persons commercially transporting weapons and explosives in accordance with State or Federal laws and regulations.

(e) Persons using firearms for public hunting under the provisions of Part 32 of this chapter.

§ 28.13 Fires.

The use of fires on wildlife refuge areas may be permitted in accordance with State or local law and approved recreational and management rules and procedures posted on wildlife refuge areas or as authorized in permits.

§ 28.14 Scientific study.

The use of wildlife refuge areas for scientific study is encouraged. Permits may be obtained without charge for entry onto refuge areas for scientific study and for similar purposes.

§ 28.15 Scientific specimens.

The collection of specimens of plant and animal life by recognized scientific institutions and Government agencies may be authorized under special permit.

§ 28.16 Archeological study.

Permits may be granted for archeological studies on wildlife refuge areas in accordance with the provisions of 43 CFR, Part 3.

§ 28.17 Public safety.

Persons using wildlife refuge areas shall comply with the safety regulations posted for each individual area, and with any safety clauses which may be included in use permits.

§ 28.18 Public sanitation.

Any person using a wildlife refuge area shall comply with the sanitary regulations posted for areas and with the sanitation clauses which may be included in permits.

§ 28.19 Reporting of accidents.

(a) Any accident of whatever nature occurring within the boundaries of any wildlife refuge area shall be reported as soon as possible by the persons involved, to the officer in charge, or other Federal personnel on duty at the wildlife refuge area headquarters.

(b) No motor vehicle involved in an accident shall be moved until an investigating officer arrives at the scene, unless it constitutes a traffic or safety hazard.

§ 28.20 Lost and found articles.

Lost articles or money found on a wildlife refuge area shall be turned in immediately to the nearest refuge office.

PART 29—LAND USE MANAGEMENT

Subpart A—General Rules

Sec.
- 29.1 Use of natural resources.
- 29.2 Cooperative land management.
- 29.3 Nonconforming uses.
- 29.4 Facilitating services.
- 29.5 Fees.

Subpart B—Rights-of-Way

- 29.21 Rights-of-way.
- 29.22 Fees.

Subpart C—Mineral Operations

- 29.31 Mineral ownerships in the United States.
- 29.32 Mineral rights reserved and excepted.

AUTHORITY: §§ 29.1 to 29.32 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

Subpart A—General Rules

§ 29.1 Use of natural resources.

Public or private economic use of the natural resources of any wildlife refuge area may be authorized in accordance with section 401 of the Act of June 15, 1935 (49 Stat. 383, 16 U.S.C., sec. 715s), where the use may contribute to or is related to the administration of the area. Economic use shall be authorized by appropriate permit only when the au-

thorized activity on a wildlife refuge area will not be incompatible with the purposes for which the refuge was established. Persons exercising economic privileges on refuge areas will be subject to the applicable provisions of this subchapter and of other applicable laws and regulations governing wildlife refuge areas. Permits for economic use will contain such terms and conditions as are determined to be necessary for the proper administration of the resources. Economic use in this section includes but is not limited to grazing livestock; harvesting hay and stock feed; removing timber, firewood or other natural products of the soil; removing shell, sand or gravel; cultivating areas; or engaging in operations that facilitate approved programs on wildlife refuge areas.

§ 29.2 Cooperative land management.

Cooperative agreements with persons for crop cultivation, haying, grazing, or the harvest of vegetative products, including plant life, growing with or without cultivation on wildlife refuge areas may be executed on a share-in-kind basis when such agreemnts are in aid of or benefit to the wildlife management of the area.

§ 29.3 Nonconforming uses.

Uses of wildlife refuge area lands that make no contribution to the primary objective of the program for any individual area or are in no way related to that objective are classed as nonconforming uses. Permission for such uses will be granted only when it is in the public interest to do so.

§ 29.4 Facilitating services.

Accommodations for the public may be provided through permit or contract with individual or public or private agencies on wildlife refuge areas that are open to public use. When required to facilitate the recreational enjoyment of the public, such contracts or permits may be executed where:

(a) There is a demonstrated need to facilitate hunting, fishing, and outdoor recreation, and

(b) Isolation and heavily concentrated public use demonstrates a genuine necessity for such things as lodging, boat rentals, food, drink, bait, and other services, and

(c) Facilities and services can be made available to the public without undue interference with the primary objectives for which the specific areas were established.

§ 29.5 Fees.

Fees and charges for the grant of privileges on wildlife refuge areas and for the sale of products taken therefrom, where not otherwise prescribed by law or regulation, shall be set at a rate commensurate with fees and charges for similar privileges and products made by private land owners in the vicinity or in accordance with their local value. Fees or rates of charge for products and privileges may be based either on a monetary exchange or on a share in kind of the resource or product.

Subpart B—Rights-of-Way

§ 29.21 Rights-of-way.

(a) Rights-of-way for various purposes on wildlife refuge areas are the subject of various Federal statutes and regulations, including provisions contained in 43 CFR Part 244. Rights-of-way on wildlife refuge lands may also be granted by revocable permit where such rights-of-way will not interfere with the operation of the refuge and are deemed to be in the public interest.

(b) Permits for rights-of-way shall require of the permittee that in the exercise of his privilege he will comply with all applicable Federal laws and regulations and that he will not interfere with the development, maintenance, or management of the refuge. In addition, the permit may contain such special terms and conditions, not inconsistent with law or with other applicable regulations, as may be deemed necessary by the Bureau or the Bureau of Land Management.

§ 29.22 Fees.

(a) Charges for rights-of-way on wildlife refuge areas, where not prescribed by law or by other regulations of the Department, shall be set at a rate commensurate with charges made for similar rights-of-way privileges by private landowners in the vicinity.

(b) Payment of fees may be either on an annual rental basis or by lump sum payments covering specified periods.

Subpart C—Mineral Operations

§ 29.31 Mineral ownerships in the United States.

Where mineral rights to lands in wildlife refuge areas are vested in the United States, the provisions of 43 CFR 191.6 and 192.9 govern.

§ 29.32 Mineral rights reserved and excepted.

Persons holding mineral rights in wildlife refuge lands by reservation in the conveyance to the United States and persons holding mineral rights in such lands which rights vested prior to the acquisition of the lands by the United States shall, to the greatest extent practicable, conduct all exploration, development, and production operations in such a manner as to prevent damage, erosion, pollution, or contamination to the lands, waters, facilities, and vegetation of the area. So far as is practicable, such operations must also be conducted without interference with the operation of the refuge or disturbance to the wildlife thereon. Physical occupancy of the area must be kept to the minimum space compatible with the conduct of efficient mineral operations. Persons conducting mineral operations on refuge areas must comply with all applicable Federal and State laws and regulations for the protection of wildlife and the administration of the area. Oil field brine, slag, and all other waste and contaminating substances must be kept in the smallest practicable area, must be confined so as to prevent escape as a result of rains and high water or otherwise, and must be removed from the area as quickly as practicable in such a manner as to prevent contamination, pollution, damage, or injury to the lands, waters, facilities, or vegetation of the refuge or to wildlife. Structures and equipment must be removed from the area when the need for them has ended. Upon the cessation of operations the area shall be restored as nearly as possible to its condition prior to the commencement of operations. Nothing in this section shall be applied so as to contravene or nullify rights vested in holders of mineral interests on refuge lands.

PART 30—RANGE AND FERAL ANIMAL MANAGEMENT

Subpart A—Range Animals

Sec.
30.1 Surplus range animals.
30.2 Disposition of surplus range animals.

Subpart B—Feral Animals

30.11 Control of feral animals.
30.12 Disposition of feral animals.

AUTHORITY: §§ 30.1 to 30.12 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 315a.

Subpart A—Range Animals

§ 30.1 Surplus range animals.

Range animals on fenced wildlife refuge areas, including buffalo, elk, and longhorn cattle, determined to be surplus to the needs of the conservation program may be planned and scheduled for disposal.

§ 30.2 Disposition of surplus range animals.

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of emergency conditions affecting the animals or their range. Surplus range animals may be disposed of subject to State and Federal health laws and regulations and to the following:

(a) Live animals may be:

(1) Sold on the open market.

(2) Donated to public agencies or institutions that are entirely tax supported, for scientific, exhibition, or propagation purposes.

(b) Butchered, dressed and processed animals shall be sold on the open market.

Subpart B—Feral Animals

§ 30.11 Control of feral animals.

(a) Feral animals, including horses, burros, cattle, swine, sheep, goats, reindeer, dogs, and cats, without ownership that have reverted to the wild from a domestic state may be taken by authorized Federal or State personnel or by private persons operating under permit in accordance with applicable provisions of Federal or State law or regulation.

§ 30.12 Disposition of feral animals.

Feral animals taken on wildlife refuge areas may be disposed of by sale on the open market, gift or loan to public or private institutions for exhibition or propagation, and as otherwise provided in section 401 of the Act of June 15, 1935 (49 Stat. 383, 16 U.S.C. 715s).

PART 31—WILDLIFE SPECIES MANAGEMENT

Subpart A—Surplus Wildlife

Sec.
31.1 Determination of surplus wildlife populations.
31.2 Methods of surplus wildlife population control and disposal.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

31.11 Donation and loan of wildlife specimens.
31.12 Sale of wildlife specimens.
31.13 Commercial harvest of fishery resources.
31.14 Official animal control operations.
31.15 Public hunting and fishing programs.
31.16 Trapping programs.
31.17 Disposal of furs and pelts.

AUTHORITY: §§ 31.1 to 31.17 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715l, 664, 715(b); 43 U.S.C. 315a.

Subpart A—Surplus Wildlife

§ 31.1 Determination of surplus wildlife populations.

The populations and requirements of wildlife species on wildlife refuge areas shall be determined by population census, habitat evaluation, and other means of ecological study.

§ 31.2 Methods of surplus wildlife population control and disposal.

Upon a determination that wildlife are surplus to a balanced conservation program on any wildlife refuge area, the surplus may be reduced or utilized in accordance with Federal and State law and regulation by:

(a) Donation or loan to public agencies and institutions.

(b) Sale to public or private agencies and institutions.

(c) Commercial harvest of fishery resources.

(d) Official wildlife control operations.

(e) Public hunting or fishing.

(f) Trapping.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

§ 31.11 Donation and loan of wildlife specimens.

Wildlife specimens may be donated or loaned to public institutions for purposes of propagation or exhibit. All costs incurred shall be charged to the recipient. Donation or loans of resident species of wildlife will not be made unless the recipient has secured the approval of the State.

§ 31.12 Sale of wildlife specimens.

Surplus wildlife specimens may be sold alive or butchered, dressed and processed subject to Federal and State laws and regulations and the provisions of this part.

§ 31.13 Commercial harvest of fishery resources.

Fishery resources of commercial importance on wildlife refuge areas may be taken under permit in accordance with Federal and State law and regulation.

§ 31.14 Official animal control operations.

(a) Animal species which are surplus or detrimental to the management program of a wildlife refuge area may be taken in accordance with Federal and State laws and regulations by Federal or State personnel or by permit issued to private individuals.

(b) Animal species which are damaging or destroying Federal property within a wildlife refuge area may be taken or destroyed by Federal personnel.

§ 31.15 Public hunting and fishing programs.

The privilege of hunting and fishing may be extended to the general public under the provisions of regulations cited in Parts 32 and 33 of this subchapter.

§ 31.16 Trapping programs.

Persons trapping animals on wildlife refuge areas where trapping has been authorized shall secure and comply with the provisions of a Federal permit issued for that purpose. This permit shall specify the terms and conditions of trapping activity and the rates of charge or the division of pelts, hides, and carcasses. The permittee also shall possess the required State license or permit and shall comply with the provisions of State laws and regulations.

§ 31.17 Disposal of furs and pelts.

The disposition of animals and the pelts or carcasses thereof accruing to the United States through the trapping programs shall be sold by public auction or on the open market unless required for official purposes.

PART 32—HUNTING

Subpart A—General Provisions

Sec.
32.1 Opening of wildlife refuge areas to hunting.
32.2 General provisions.
32.3 Procedure for publication of special regulations.

Subpart B—Migratory Game Bird Hunting

32.11 List of open areas; migratory game birds.
32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Subpart C—Resident Game Hunting

32.21 List of open areas; upland game.
32.22 Special regulations; upland game; for individual wildlife refuge areas.
32.31 List of open areas; big game.
32.32 Special regulations; big game; for individual wildlife refuge areas.

AUTHORITY: §§ 32.1 to 32.32 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 315a.

Subpart A—General Provisions

§ 32.1 Opening of wildlife refuge areas to hunting.

The opening of a wildlife refuge area to hunting will be dependent upon the provisions of law applicable to the area and upon a determination by the Secretary that the opening of the area to the hunting of migratory game birds, upland game, or big game will be compatible with the principles of sound wildlife management and will otherwise be in the public interest. The opening or closing of wildlife refuge areas to hunting shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011). Lands acquired pursuant to the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695) will be opened to hunting only after it has been determined that the major portion of the crops in the vicinity of the area involved have been harvested, that the period of susceptibility of such crops to wildfowl depredation has passed, or that the possibility of these crops being damaged by waterfowl is minor.

§ 32.2 General provisions.

The following provisions shall apply to each person while engaged in public hunting on a wildlife refuge area:

(a) Each person shall secure and possess the required State license.

(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.

(c) Each person shall comply with the applicable provisions of Federal law and regulations including this subchapter and the current Federal Migratory Bird Regulations.

(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access or use of the wildlife refuge areas.

(f) Each person shall comply with the provisions of any special regulations governing hunting on the wildlife refuge area. Such special regulations will be published in the FEDERAL REGISTER and will be available at the headquarters of the wildlife refuge area to which they relate. The special regulations in effect may be had upon request to the Director. A reference to special regulations governing hunting on wildlife refuge areas will be made in §§ 32.12, 32.22, and 32.32, but these special regulations will not be set forth in their entirety in the Code of Federal Regulations.

§ 23.3 Procedure for publication of special regulations.

(a) Special hunting regulations are issued only after determination and publication of the opening of an area to hunting for migratory game birds, upland game, or big-game animals.

(b) Special hunting regulations are issued only after the announcement of applicable annual State and Federal hunting regulations.

(c) Special hunting regulations may contain the following items:
(1) Wildlife species which may be hunted.
(2) Seasons.
(3) Bag limits.
(4) Methods of hunting.
(5) Description of areas open to hunting.
(6) Other provisions as required.
(d) Special hunting regulations will not liberalize existing State laws or regulations.
(e) Special regulations are limited to one season and are issued annually and are effective upon publication in the FEDERAL REGISTER or in as many days thereafter as it is practical to allow under the particular circumstances.
(f) Special regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.
(g) Special regulations are published in the daily issue of the FEDERAL REGISTER but are not codified in the Code of Federal Regulations.
(h) Special regulations may be amended as needed to meet management responsibility due to unpredictable seasonal variation in wildlife population, habitat conditions, and other changeable factors.

Subpart B—Migratory Game Bird Hunting

§ 32.11 List of open areas; migratory game birds.

The hunting of migratory game birds is authorized on the following wildlife refuge areas in accordance with the provisions of Subpart A of this part and § 32.12.

ALASKA

Aleutian Islands National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.
Nunivak National Wildlife Refuge.

ARIZONA

Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.

CALIFORNIA

Colusa National Wildlife Refuge.
Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.
Lower Klamath National Wildlife Refuge.
Merced National Wildlife Management Area.
Salton Sea National Wildlife Refuge.
Sutter National Wildlife Refuge.
Tule Lake National Wildlife Refuge.

COLORADO

Monte Vista National Wildlife Refuge.

FLORIDA

Chassahowitzka National Wildlife Refuge.
Loxahatchee National Wildlife Management Area.

IDAHO

Deer Flat National Wildlife Refuge.
Snake River National Wildlife Refuge.

ILLINOIS

Chautauqua National Wildlife Refuge.
Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA

Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KANSAS

Kirwin National Wildlife Management Area.

MINNESOTA

Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Yazoo Migratory Waterfowl Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.
Swan Lake National Wildlife Refuge.

MONTANA

Bowdoin National Wildlife Refuge.
Fort Peck Game Range.
Medicine Lake National Wildlife Refuge.
Red Rock Lakes Migratory Waterfowl Refuge.

NEVADA

Fallon National Wildlife Refuge.
Ruby Lake National Wildlife Refuge.
Stillwater Wildlife Management Area.

NEW JERSEY

Brigantine National Wildlife Refuge.

NEW MEXICO

Bitter Lake National Wildlife Refuge.

NORTH CAROLINA

Mattamuskeet National Wildlife Refuge.

NORTH DAKOTA

Lower Souris National Wildlife Refuge.

OKLAHOMA

Tishomingo National Wildlife Refuge.

OREGON

Lower Klamath National Wildlife Refuge.
Malheur National Wildlife Refuge.
Snake River National Wildlife Refuge.
Upper Klamath National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.

UTAH

Bear River Migratory Bird Refuge.
Fish Springs National Wildlife Refuge.

VERMONT

Missisquoi National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Willapa National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Subpart C—Resident Game Hunting

§ 32.21 List of open areas; upland game.

The hunting of upland game is authorized on the following wildlife refuge areas in accordance with the provisions of Subpart A of this part and § 32.22.

ALABAMA

Wheeler National Wildlife Refuge.

IOWA

Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KANSAS

Kirwin National Wildlife Management Area.

MINNESOTA

Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Yazoo Migratory Waterfowl Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.
Swan Lake National Wildlife Refuge.

MONTANA

Bowdoin National Wildlife Refuge.
Fort Peck Game Range.
Medicine Lake National Wildlife Refuge.
Red Rock Lakes Migratory Waterfowl Refuge.

NEVADA

Fallon National Wildlife Refuge.
Ruby Lake National Wildlife Refuge.
Stillwater Wildlife Management Area.

NEW JERSEY

Brigantine National Wildlife Refuge.

NEW MEXICO

Bitter Lake National Wildlife Refuge.

NORTH CAROLINA

Mattamuskeet National Wildlife Refuge.

NORTH DAKOTA

Lower Souris National Wildlife Refuge.

OKLAHOMA

Tishomingo National Wildlife Refuge.

OREGON

Lower Klamath National Wildlife Refuge.
Malheur National Wildlife Refuge.
Snake River National Wildlife Refuge.
Upper Klamath National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.

UTAH

Bear River Migratory Bird Refuge.
Fish Springs National Wildlife Refuge.

VERMONT

Missisquoi National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Willapa National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

Aleutian Islands National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.
Nunivak National Wildlife Refuge.

ARKANSAS

Big Lake National Wildlife Refuge.
White River National Wildlife Refuge.

CALIFORNIA

Colusa National Wildlife Refuge.
Lower Klamath National Wildlife Refuge.
Merced National Wildlife Management Area.
Sutter National Wildlife Refuge.
Tule Lake National Wildlife Refuge.

COLORADO

Monte Vista National Wildlife Refuge.

FLORIDA

St. Marks National Wildlife Refuge.

GEORGIA

Blackbeard Island National Wildlife Refuge.
Piedmont National Wildlife Refuge.

IDAHO

Deer Flat National Wildlife Refuge.
Snake River National Wildlife Refuge.

ILLINOIS

Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA

Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KANSAS

Kirwin National Wildlife Management Area.

KENTUCKY

Kentucky Woodlands National Wildlife Refuge.

MICHIGAN

Seney National Wildlife Refuge.

MINNESOTA

Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Noxubee National Wildlife Refuge.
Yazoo Migratory Waterfowl Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.

MONTANA

Fort Peck Game Range.

NEVADA

Fallon National Wildlife Refuge.
Sheldon National Antelope Range.
Stillwater Wildlife Management Area.

NEW MEXICO

Bitter Lake National Wildlife Refuge.

OKLAHOMA

Tishomingo National Wildlife Refuge.

OREGON

Lower Klamath National Wildlife Refuge.
McKay Creek National Wildlife Refuge.
Sheldon National Antelope Range.
Snake River National Wildlife Refuge.

SOUTH CAROLINA

Cape Romain National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.

TENNESSEE

Reelfoot National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Willapa National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

§ 32.31 List of open areas; big game.

The hunting of big-game is authorized on the following wildlife refuge areas in accordance with the provisions of Subpart A of this part and § 32.32.

ALASKA

Aleutian Islands National Wildlife Refuge.
Bering Sea National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.

ARIZONA

Kofa Game Range.

ARKANSAS

White River National Wildlife Refuge.

DELAWARE

Bombay Hook National Wildlife Refuge.

FLORIDA

St. Marks National Wildlife Refuge.

GEORGIA

Blackbeard Island National Wildlife Refuge.
Piedmont National Wildlife Refuge.

IDAHO

Camas National Wildlife Refuge.
Deer Flat National Wildlife Refuge.

ILLINOIS

Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA

DeSoto National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KENTUCKY

Kentucky Woodlands National Wildlife Refuge.

MAINE

Moosehorn National Wildlife Refuge.

MASSACHUSETTS

Parker River National Wildlife Refuge.

MICHIGAN

Seney National Wildlife Refuge.

MINNESOTA

Mud Lake National Wildlife Refuge.
Rice Lake National Wildlife Refuge.
Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Noxubee National Wildlife Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.

MONTANA

Fort Peck Game Range.
Medicine Lake National Wildlife Refuge.
Red Rock Lakes Migratory Waterfowl Refuge.

NEBRASKA

De Soto National Wildlife Refuge.

NEVADA

Desert Game Range.
Fallon National Wildlife Refuge.
Sheldon National Antelope Range.
Stillwater Wildlife Management Area.

NEW MEXICO

San Andres National Wildlife Refuge.

NEW YORK

Montezuma National Wildlife Refuge.

NORTH DAKOTA

Arrowwood National Wildlife Refuge.
Des Lacs National Wildlife Refuge.
Long Lake National Wildlife Refuge.
Lostwood National Wildlife Refuge.
Lower Souris National Wildlife Refuge.
Slade National Wildlife Refuge.
Snake Creek National Wildlife Refuge.
Tewaukon National Wildlife Refuge.
Upper Souris National Wildlife Refuge.

OREGON

Hart Mountain National Antelope Range.
Malheur National Wildlife Refuge.
Sheldon National Antelope Range.

SOUTH CAROLINA

Cape Romain National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.
Sand Lake National Wildlife Refuge.
Waubay National Wildlife Refuge.

VERMONT

Missisquoi National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Little Pend Oreille National Wildlife Refuge.
Willapa National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Necedah National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

WYOMING

Pathfinder National Wildlife Refuge.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

(Regulations under this section will be published periodically in the FEDERAL REGISTER.)

PART 33—SPORT FISHING

Sec.
33.1 Public fishing authorization.
33.2 General regulations.
33.3 Procedure for publication of special regulations.
33.4 List of open areas; sport fishing.
33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

AUTHORITY: §§ 33.1 to 33.5 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 46 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

§ 33.1 Public fishing authorization.

Wildlife refuge areas are opened to sport fishing except when a determination has been made that such activity is detrimental to the objectives for which the area was established. The opening or closing of wildlife refuge areas to sport fishing shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011).

§ 33.2 General regulations.

The following provisions shall apply to each person while engaged in public sport fishing on a wildlife refuge area:
(a) Each person shall secure and possess the required State license.
(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.
(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.
(d) Each person shall comply with the terms and conditions authorizing access and use of the wildlife refuge area.
(e) Each person shall comply with the provisions of any special regulations governing fishing on the wildlife refuge area. Such special regulations will be published in the FEDERAL REGISTER and will be available at the headquarters of the wildlife refuge area to which they relate. The special regulations in effect may be had upon request to the Director. A reference to special regulations governing fishing on wildlife refuge areas will be made in § 33.5, but these special regulations will not be set forth in their entirety in the Code of Federal Regulations.

§ 33.3 Procedure for publication of special regulations.

(a) Special fishing regulations are issued only after determination and publication of the opening of an area to fishing.
(b) Special fishing regulations are issued only after the announcement of the applicable annual State fishing regulations.
(c) Special fishing regulations may contain the following items:
(1) Species of fish which may be taken.
(2) Seasons.
(3) Creel limits.
(4) Methods of fishing.
(5) Description of areas open to fishing.
(6) Other provisions as required.
(d) Special fishing regulations will not liberalize existing State laws or regulations.
(e) Special regulations are limited to one season and are issued annually and are effective upon publication in the FEDERAL REGISTER or in as many days thereafter as it is practical to allow under the particular circumstances.
(f) Special regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.
(g) Special regulations are published in the daily issue of the FEDERAL REGISTER

but are not codified in the Code of Federal Regulations.

(h) Special regulations may be amended as needed to meet management responsibility due to unpredictable seasonal variation in wildlife population, habitat conditions, and other changeable factors.

§ 33.4 List of open areas; sport fishing.

Sport fishing is authorized on the following wildlife refuge areas in accordance with the provisions of §§ 33.1, 33.2, and 33.5.

ALASKA

Aleutian Islands National Wildlife Refuge.
Bering Sea National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.
Nunivak National Wildlife Refuge.

ARIZONA

Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.

ARKANSAS

Big Lake National Wildlife Refuge.
White River National Wildlife Refuge.

CALIFORNIA

Colusa National Wildlife Refuge.
Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.

COLORADO

Monte Vista National Wildlife Refuge.

FLORIDA

Loxahatchee National Wildlife Management Area.
St. Marks National Wildlife Refuge.

GEORGIA

Blackbeard Island National Wildlife Refuge.
Okefenokee National Wildlife Refuge.
Piedmont National Wildlife Refuge.
Savannah National Wildlife Refuge.

IDAHO

Deer Flat National Wildlife Refuge.
Minidoka National Wildlife Refuge.

ILLINOIS

Chautauqua National Wildlife Refuge.
Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA

De Soto National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Union Slough National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KANSAS

Kirwin National Wildlife Management Area.

KENTUCKY

Kentucky Woodlands National Wildlife Refuge.

LOUISIANA

Lacassine National Wildlife Refuge.
Sabine National Wildlife Refuge.

MAINE

Moosehorn National Wildlife Refuge.

MARYLAND

Chincoteaque National Wildlife Refuge.

MICHIGAN

Seney National Wildlife Refuge.

MINNESOTA

Rice Lake National Wildlife Refuge.
Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Noxubee National Wildlife Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.
Mingo National Wildlife Refuge.
Squaw Creek National Wildlife Refuge.
Swan Lake National Wildlife Refuge.

MONTANA

Fort Peck Game Range.
Medicine Lake National Wildlife Refuge.
Nine-Pipe National Wildlife Refuge.
Pablo National Wildlife Refuge.
Pishkun National Wildlife Refuge.
Red Rock Lakes Migratory Waterfowl Refuge.
Willow Creek National Wildlife Refuge.

NEBRASKA

Crescent Lake National Wildlife Refuge.
De Soto National Wildlife Refuge.
North Platte National Wildlife Refuge.
Valentine National Wildlife Refuge.

NEVADA

Desert Game Range.
Ruby Lake National Wildlife Refuge.
Sheldon National Antelope Range.
Stillwater National Wildlife Refuge.

NEW MEXICO

Bitter Lake National Wildlife Refuge.

NORTH CAROLINA

Mattamuskeet National Wildlife Refuge.

NORTH DAKOTA

Arrowwood National Wildlife Refuge.
Des Lacs National Wildlife Refuge.
Lake Ilo National Wildlife Refuge.
Long Lake National Wildlife Refuge.
Lower Souris National Wildlife Refuge.
Tewaukon National Wildlife Refuge.
Upper Souris National Wildlife Refuge.

OKLAHOMA

Salt Plains National Wildlife Refuge.
Tishomingo National Wildlife Refuge.
Wichita Mountains Wildlife Refuge.

OREGON

Cold Springs National Wildlife Refuge.
Hart Mountain National Antelope Range.
Malheur National Wildlife Refuge.
McKay Creek National Wildlife Refuge.
Sheldon National Antelope Range.
Upper Klamath National Wildlife Refuge.

SOUTH CAROLINA

Cape Romain National Wildlife Refuge.
Carolina Sandhills National Wildlife Refuge.
Santee National Wildlife Refuge.
Savannah National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.
Sand Lake National Wildlife Refuge.
Waybay National Wildlife Refuge.

TENNESSEE

Lake Isom National Wildlife Refuge.
Reelfoot National Wildlife Refuge.

TEXAS

Buffalo Lakes National Wildlife Refuge.
Hagerman National Wildlife Refuge.
Muleshoe National Wildlife Refuge.

UTAH

Bear River Migratory Bird Refuge.

VIRGINIA

Chincoteague National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Little Pend Oreille National Wildlife Refuge
McNary National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Necedah National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

WYOMING

National Elk Refuge.
Pathfinder National Wildlife Refuge.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

(Regulations under this section will be published periodically in the FEDERAL REGISTER.)

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Sec.
60.1 Public use policy.
60.2 Emergency closure.
60.3 Restricted or prohibited acts.
60.4 Enforcement provisions.
60.5 Public access and use.
60.6 Land use management.
60.7 Range and feral animal management.
60.8 Wildlife species management.
60.9 Public hunting in aid of research.
60.10 Public sport fishing in aid of research.

AUTHORITY: §§ 60.1 to 60.10 issued under sec. 10, 45 Stat. 1224, as amended; 16 U.S.C. 715i.

§ 60.1 Public use policy.

The primary purpose of the Patuxent Wildlife Research Center is to provide an outdoor laboratory and other facilities for conducting investigations, tests, and experiments on wildlife diseases, populations, and habitat as a means of providing a sound basis for the administration and management of wildlife resources. In general, public uses of the research center are restricted to those which will contribute to the projects being conducted thereon. Public hunting, fishing, trapping, and recreational activities not provided for in §§ 60.9 and 60.10, are considered to be detrimental to the fulfillment of the objectives of the center.

§ 60.2 Emergency closure.

All or any part of the Patuxent Wildlife Research Center may be closed to public access and use in the event of an emergency endangering life or property.

§ 60.3 Restricted or prohibited acts.

The restricted or prohibited acts enumerated in Part 26 of this chapter are equally applicable to the Patuxent Wildlife Research Center with the exception of §§ 26.5 and 26.6 of this chapter, relating to hunting and fishing, which are treated separately in this part.

§ 60.4 Enforcement provisions.

The enforcement provisions set forth in Part 27 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.5 Public access and use.

The public access and use provisions set forth in Part 28 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.6 Land use management.

The land use management provisions set forth in Part 29 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.7 Range and feral animal management.

The range and feral animal management provisions set forth in Part 30 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.8 Wildlife species management.

The wildlife species management provisions set forth in Part 31 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.9 Public hunting in aid of research.

The research center may be opened to public hunting, under such conditions and restrictions as may be required, when public hunting activities will facilitate the collection of reliable data for investigations, tests, or experiments. The hunting provisions set forth in Part 32 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.10 Public sport fishing in aid of research.

The research center may be opened to public sport fishing, under such conditions and restrictions as may be required, when public sport fishing activities will facilitate the collection of reliable data for investigations, tests, or experiments. The sport fishing provisions set forth in Part 33 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

PART 70—NATIONAL FISH HATCHERIES

Sec.
70.1 Purpose.
70.2 State cooperation in national fish hatchery area management.
70.3 Emergency closure.
70.4 Restricted or prohibited acts.
70.5 Enforcement provisions.
70.6 Public access and use.
70.7 Land use management.
70.8 Range and feral animal management.
70.9 Wildlife species management.

AUTHORITY: §§ 70.1 to 70.9 issued under R.S. 161, sec. 4, 48 Stat. 402, as amended; 5 U.S.C. 22; 16 U.S.C. 664.

PART 70—NATIONAL FISH HATCHERIES

§ 70.1 Purpose.

All national fish hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife.

§ 70.2 State cooperation in national fish hatchery area management.

State cooperation may be enlisted in management programs including public hunting, fishing and recreation. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for the purpose. Persons entering upon a national fish hatchery area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

§ 70.3 Emergency closure.

All or any part of a national fish hatchery area may be closed to public access and use in the event of an emergency endangering life or property.

§ 70.4 Restricted or prohibited acts.

(a) The restricted or prohibited acts enumerated in Part 26 of this chapter are equally applicable to national fish hatchery areas with the exception of §§ 26.5 and 26.6 of this chapter, relating to hunting and fishing, which are treated separately in this part.

(b) Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any national fish hatchery area is prohibited except as may be authorized under the provisions of Part 71 of this chapter.

(c) Hunting, killing, capturing, taking, or attempting to hunt, kill, capture, or take any animal on any national fish hatchery area is prohibited except as may be authorized in the provisions of Part 71 of this chapter.

(d) Distributing spawning fish or fish preparing to spawn in ponds, raceways, streams, lakes, traps, and below traps, ladders, fish screens, fishways and racks is prohibited.

§ 70.5 Enforcement provisions.

The enforcement provisions set forth in Part 27 of this chapter are equally applicable to national fish hatchery areas.

§ 70.6 Public access and use.

The public access and use provisions set forth in Part 28 of this chapter are equally applicable to national fish hatchery areas.

§ 70.7 Land use management.

The land use management provisions set forth in Part 29 of this chapter are equally applicable to national fish hatchery areas.

§ 70.8 Range and feral animal management.

The range and feral animal management provisions set forth in Part 30 of this chapter are equally applicable to national fish hatchery areas.

§ 70.9 Wildlife species management.

The wildlife species management provisions set forth in Part 31 of this chapter are equally applicable to national fish hatchery areas.

PART 71—HUNTING AND FISHING ON NATIONAL FISH HATCHERY AREAS

Subpart A—Hunting

Sec.
71.1 Opening of national fish hatchery areas to hunting.
71.2 General provisions.

Subpart B—Fishing

71.11 Opening of national fish hatchery areas to fishing.
71.12 General provisions.

AUTHORITY: §§ 71.1 to 71.12 issued under R.S. 161, sec. 4, 48 Stat 402, as amended; 5 U.S.C. 22, 16 U.S.C. 664.

Subpart A—Hunting

§ 71.1 Opening of national fish hatchery areas to hunting.

National fish hatchery areas may be opened to hunting wildlife when such activity is not detrimental to the propagation and distribution of fish or other aquatic wildlife.

§ 71.2 General provisions.

The following provisions shall apply to public hunting on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.

(c) Each person shall comply with the applicable provisions of Federal laws and regulations including this subchapter and the current Federal Migratory Bird regulations.

(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any hatchery is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(f) Each person shall comply with the provisions of any special notices governing hunting on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after the announcement of applicable annual State and Federal hunting regulations.

(2) Special notices may contain the following items:

(i) Wildlife species which may be hunted;

(ii) Seasons;

(iii) Bag limits;

(iv) Methods of hunting;

(v) Description of areas open to hunting;

(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

Subpart B—Fishing

§ 71.11 Opening of national fish hatchery area to fishing.

National fish hatchery areas may be opened to sport fishing when such activity is not detrimental to the propagation and distribution of fish or other aquatic animal life.

§ 71.12 General provisions.

The following provisions shall apply to public sport fishing on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.

(d) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(e) Each person shall comply with the provisions of any special notices governing fishing on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after announcement of the applicable annual State fishing regulation.

(2) Special notices may contain the following items:

(i) Species of fish which may be taken;

(ii) Seasons;

(iii) Creel limits;

(iv) Method of fishing;

(v) Description of areas open to fishing;

(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

(The text of Part 80 is omitted from this proposed rule making document as there will be no change in the wording of this part in connection with this revision of Title 50.)

Chapter II—Bureau of Commercial Fisheries

SUBCHAPTER A—GENERAL PROVISIONS

PART 201—FIELD ORGANIZATION

Sec.

201.1 Regional and Area Offices.

201.2 Locations of Regional and Area Offices.

AUTHORITY: §§ 201.1 and 201.2 issued under R.S. 161; 5 U.S.C. 22.

§ 201.1 Regional and Area Offices.

Program operations of the Bureau of Commercial Fisheries are performed at various field installations. Such installations provide activities relating to the following:

(a) *Marine fisheries.* The Bureau conducts biological research on commercially important species of fish, shellfish and mammals off all coasts of the United States, in the high seas and in waters adjacent to territories and possessions.

(b) *Inland fisheries.* The Bureau conducts programs for the maintenance of inland fisheries which are designed to discover ways and means, and make recommendations, on measures for developing the fisheries of the Great Lakes and inland waters in conjunction with the conservation and management of commercial fishery resources.

(c) *Services for commercial fisheries.* The Bureau provides the following services to aid commercial fisheries.

(1) Conducts a market news service for collection and publication of current market information of fishery commodities.

(2) Provides an educational service to encourage the flow of domestic fishery products in commerce.

(3) Provides economic research on cost, employment, labor and prices in the fishing industry.

(4) Collects data on the activities of fishery cooperatives to insure their conformity with the provisions of the Fishery Cooperative Marketing Act.

(5) Conducts surveys to collect, analyze, and disseminate statistics on production, processing, storage, and marketing of fishery products.

(6) Studies the composition, properties and nutritive value of fishery products, byproducts, and development of fish cookery and home-canning methods.

(7) Explores fishing operations to determine the character, extent and availability of resources and to test, devise and demonstrate most effective gear and vessel types.

(8) Conducts investigations to improve and develop methods for handling, processing, preserving, and transporting fishery products and byproducts and otherwise assisting the fishing industry in problems of production and distribution.

(9) Develops voluntary United States standards for fishery products and the performance of inspection services to determine adherance to the standards.

(10) Administers a fishery loan fund for the financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels.

(11) Administers a fishing vessel mortgage insurance program which provides for the insurance of loans and mortgages made in connection with the construction, reconstruction, or reconditioning of fishing vessels.

(12) Provides assistance in cooperation with the Department of Health, Education, and Welfare in the development of vocational training for the benefit of the fisheries industry.

(d) *International agreements and fur-sealing.* The Bureau is responsible for conducting activities relating to international agreements concerning fishery resources. The Bureau is also responsible for activities relating to whales and certain other sea mammals, including the fur-sealing operation, and activities relating to the administration of the Pribilof Islands and their native population.

(e) *Enforcement.* (1) The Bureau has responsibilities in connection with the administration and enforcement of the laws and regulations relating to international agreements.

(2) Field installations are supervised by either a Regional or Area Director who has jurisdiction over Bureau activities in the States encompassed by his Region or Area, unless otherwise stated for a particular matter in the regulations. All persons may secure from the Regional or Area Offices information or make submittals or requests as well as obtain forms and instructions as to the scope and content of papers or reports required of the public.

§ 201.2 Locations of Regional and Area Offices.

The addresses and geographic jurisdictions of the Regional and Area Offices of the Bureau of Commercial Fisheries are as follows:

(a) Pacific Region—Region 1 (comprising states of Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, and New Mexico).

Address: Regional Director, 6116 Arcade Building, 1319 Second Avenue, Seattle 1, Wash.

(b) Gulf and South Atlantic Region—Region 2 (comprising the States of Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, and North Carolina).

Address: Regional Director, Don Ce-Sar Federal Center, Box 6245, St. Petersburg Beach, Fla.

(c) North Atlantic Region—Region 3 (comprising the States of Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine).

Address: Regional Director, Post Office Building, Gloucester, Mass.

(d) Great Lakes and Central Region—Region 4 (comprising the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Tennessee, Kentucky, Indiana, Ohio, and Michigan).

Address: Regional Director, 920 North Main Street, Ann Arbor, Mich.

(e) Alaska Region—Region 5 (comprised of the State of Alaska).

Address: Regional Director, Juneau Dairies Building, Juneau, Alaska.

(f) California Area (comprised of the State of California).

Address: Area Director, California Area, 101 Seaside Avenue, Terminal Island, California.

(g) Hawaii Area (comprised of the State of Hawaii and waters of the Pacific Ocean).

Address: Area Director, Hawaii Area, Box 3830, Honolulu, Hawaii.

(c) North Atlantic Region—Region 3 (comprising the States of Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont and Maine).

Address: Regional Director, Post Office Building, Gloucester, Mass.

(d) Great Lakes and Central Region—Region 4 (comprising the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Tennessee, Kentucky, Indiana, Ohio, and Michigan).

Address: Regional Director, 920 North Main Street, Ann Arbor, Mich.

(e) Alaska Region—Region 5 (comprised of the State of Alaska).

Address: Regional Director, Juneau Dairies Building, Juneau, Alaska.

(f) California Area (comprised of the State of California).

Address: Area Director, California Area, 101 Seaside Avenue, Terminal Island, California.

(g) Hawaii Area (comprised of the State of Hawaii and waters of the Pacific Ocean).

Address: Area Director, Hawaii Area, Box 3830, Honolulu, Hawaii.

PARTS 210–351

(The text of the remainder of the parts in Chapter II—Bureau of Commercial Fisheries and Chapter III—International Regulatory Agencies, is omitted from this proposed rule making document as there will be no change in the wording of these parts in connection with this revision of Title 50. The affected parts may be identified by referring to the cross-reference table set forth earlier in this document.)

[F.R. Doc. 60–7489; Filed, Aug. 11, 1960; 8:45 a.m.]

[50 CFR Part 8]

CERTAIN WATERS WITHIN EXTERIOR BOUNDARY OF WHEELER NATIONAL WILDLIFE REFUGE, ALABAMA

Proposed Designation of Closed Area Under Migratory Bird Treaty Act

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior, it is proposed to designate an area closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Wheeler National Wildlife Refuge and to improve the effectiveness of the refuge for the purposes for which it was established by the United States.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the formulation of proposed rules. Accordingly, interested persons may submit their views, data, or arguments in writing to D. H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The text of the proposed designation is set forth below.

ARNIE J. SUOMELA,
Commissioner of Fish and Wildlife.

AUGUST 8, 1960.

By virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431), and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, I, Fred A. Seaton, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, said area being identified and described as follows:

All of the area of the bed of the Tennessee River as submerged and the waters thereof in Limestone, Madison, and Morgan Counties, Alabama, not owned by the United States, being the original channel of the River as presently embraced within the exterior boundary of the Wheeler National Wildlife Refuge in sections 22 through 28, 31 through 34, T. 5 S., R. 2 W.; Sections 4, 5, and 6, T. 6 S., R. 2 W.; Sections 28 through 36, T. 5 S., R. 3 W.; Sections 1 through 4, T. 6 S., R. 3 W.; Sections 8, 15, 16, 17, and 21 through 26, T. 5 S., R. 4 W.; more particularly described as follows:

Beginning at the intersection of the centerline of the original channel of the Tennessee River with the southeast right-of-way line of U.S. Highway 31 about ¼ mile northeasterly from the City of Decatur, thence northeasterly with the southeast right-of-way line of U.S. Highway 31 to a point on the original right bank of the Tennessee River, thence up and with the meanders of the original right bank of the Tennessee River in a southeasterly, easterly, and northeasterly direction, approximately 16¾ miles to a point about 1,300 feet east of the west line of Section 24, T. 5 S., R. 2 W., thence southerly to a point in the centerline of the original channel of the Tennessee River, thence upstream and with the said centerline in a southeasterly direction approximately 4,300 feet to a point in the east line of Section 24, T. 5 S., R. 2 W., as measured to the range line south of Wheeler Lake, thence southerly to a point on the left bank of the original channel of the Tennessee River, thence downstream and with the meanders of the left bank of the Tennessee River in a northwesterly, southwesterly, westerly, and northwesterly direction approximately 15 miles to the intersection of said left bank of the Tennessee River with the centerline of the original channel of Flint Creek, thence with the centerline of the original channel of Flint Creek northerly to a point where it intersects the centerline of the original channel of the Tennessee River, thence downstream and with the centerline of the original channel of the Tennessee River in a northwesterly direction approximately 3¼ miles to the point of beginning, containing 3,100 acres, more or less.

[F.R. Doc. 60–7516; Filed, Aug. 11, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO–10–A24]

MILK IN ST. LOUIS, MO., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis, Missouri, marketing area, which was issued July 28, 1960 (25 F.R. 7246), is hereby extended to September 1, 1960.

Dated: August 9, 1960, Washington, D.C.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60–7546; Filed, Aug. 11, 1960; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

SETTING UP, ADJUSTING, REPAIRING, OILING, OR CLEANING VARIOUS POWER DRIVEN MACHINES, AS OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS

Notice of Proposed Rule Making

Correction

In F.R. Document 60–7375, appearing in the issue for Tuesday, August 9, 1960, at page 7503, make the following changes.

1. In § 4.59, following paragraph (b) (2), a line of 5 asterisks should be inserted.

2. In § 4.61, following paragraph (a) (4), a line of 5 asterisks should be inserted.

3. In § 4.62, following paragraph (a) (1), a line of 5 asterisks should be inserted.

4. In § 4.63(b), following the paragraph heading *"Definitions"*, insert the subparagraph designation "(1)".

5. In § 4.63, following paragraph (b), insert a line of 5 asterisks.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Substances Generally Recognized as Safe; Synthetic Flavorings and Adjuncts

The Commissioner of Food and Drugs, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 701(a), 72 Stat. 1785, 52 Stat. 1055; 21 U.S.C. 348, 371(a)), and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), proposes to amend the food additive regulations to exempt certain food additives from the requirement of tolerances by adding to the list of substances generally recognized as safe (21 CFR 121.101) the following items:

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(f) Synthetic flavoring substances that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acetaldehyde (ethanal).
Acetoin (acetyl methylcarbinol).
Aconitic acid (equisetic acid, citridic acid, achilleic acid).
Anethole (parapropenyl anisole).
Benzaldehyde (benzoic aldehyde).
Brominated vegetable oils.
N-Butyric acid (butanoic acid).
d- or *l*-Carvone (carvol).
Cinnamaldehyde (cinnamic aldehyde).
Citral (2,6-dimethyloctadien-2,6-*al*-8, geranial, neral).
Decanal (*N*-decylaldehyde, capraldehyde, capric aldehyde, caprinaldehyde, aldehyde C-10).
Diacetyl (2,3-butandeione).
Ethyl acetate.
Ethyl butyrate.
3-Methyl-3-phenyl glycidic acid ethyl ester (ethyl-methyl-phenyl-glycidate, so-called strawberry aldehyde, C-16 aldehyde).
Ethyl vanillin.
Eugenol.
Geraniol (3,7-dimethyl-2,6 and 3,6-octadien-1-*ol*).
Geranyl acetate (geraniol acetate).
Glycerol (glyceryl) tributyrate (tributyrin, butyrin).
Limonene (*d*-, *l*-, and *dl*).
Linalool (linalol, 3,7-dimethyl-1,6-octadien-3-*ol*).
Linalyl acetate (bergamol).
l-Malic acid.
Methyl anthranilate (methyl-2-aminobenzoate).
Piperonal (3,4-methylenedioxy-benzaldehyde, heliotropin).
Vanillin.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal or any portion thereof. Such comments should be filed in triplicate.

Dated: August 8, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7535; Filed, Aug. 11, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-87]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 13 presently extends from Crystal Lake, Pa., to Providence, R.I. The Federal Aviation Agency has under consideration the revocation of this airway. The Crystal Lake to Providence route appears to be adequately served by a combination of VOR airways which closely parallel or overlie Red 13. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. In addition, § 601.4213 relating to reporting points would be revoked.

If this action is taken, Red Federal airway No. 13, its associated control areas and reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 8, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7512; Filed, Aug. 11, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-136]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification of Federal Airways and Associated Control Areas; Designation and Revocation of Domestic VOR Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6023, 600.6025, 600.6208, 601.6023, 601.6025, 601.6208 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the following actions:

1. VOR Federal airway No. 23 extends, in part, from the San Diego-Lindbergh Field, Calif., TVOR to the Oceanside, Calif., VOR. It is proposed to redesignate this airway segment and its associated control areas, from the San Diego VOR direct to the Oceanside VOR, excluding the portion below 2,000 feet MSL which lies outside the United States.

2. VOR Federal airway No. 25 extends, in part, from the San Diego-Lindbergh, Field, Calif., TVOR to the Los Angeles, Calif., VOR including an east alternate from the San Diego-Lindbergh Field TVOR to the Los Angeles VOR via the intersection of the Long Beach, Calif., VORTAC 186° True radial with the Los Angeles VOR direct radial to the San Diego-Lindbergh Field TVOR, the Long Beach VORTAC, the intersection of the Long Beach VORTAC 287° True radial with the Los Angeles VOR direct radial to the San Diego-Lindbergh Field TVOR. It is proposed to redesignate this segment of Victor 25 and its associated control areas, from the San Diego VOR direct to the Los Angeles VOR, including an east alternate from the intersection of the Los Angeles VOR 141° and the Long Beach VORTAC 186° True radials, via the Long Beach VORTAC to the intersection of the Long Beach VORTAC 287° and the Los Angeles VOR 141° True radials, excluding the portion below 2,000 feet MSL which lies outside the United States.

3. VOR Federal airway No. 208 extends, in part, from the Los Angeles Calif., VOR via the intersection of the Los Angeles VOR 185° and the Oceanside, Calif., VOR 280° True radials to the Oceanside VOR. It is proposed to redesignate this segment of Victor 208, and its associated control areas from the Los Angeles VOR via the intersection of the Los Angeles VOR 185° and the Santa Catalina, Calif., VOR 355° True radials; the Santa Catalina VOR; direct to the Oceanside VOR, excluding the portion below 2,000 feet MSL which lies outside the United States.

4. Concurrently with the above actions, it is proposed to designate the Santa Catalina VOR as a Domestic VOR reporting point and to revoke the Avalon Intersection as a Domestic VOR reporting point.

Realignment of Victor 23 and 25 and their associated control areas as proposed, would provide better enroute navigational guidance by using the San Diego VOR in lieu of the San Diego-Lindbergh Field TVOR. Realignment of Victor 208 and its associated control areas via the Santa Catalina VOR would provide better enroute navigational guidance. The proposed indirect alignment of Victor 208 between Los Angeles and Santa Catalina is necessary to avoid the holding pattern at the San Pedro, Calif., Intersection. Exclusion of those portions of the airways below 2,000 feet MSL which would lie outside the United States would permit the conduct of anti-submarine warfare and other defense exercises without causing interruption to operations along the airways.

If these actions are taken, the segments of VOR Federal airways No. 23, 25 and 208 under consideration and their associated control areas would be redesignated as follows:

1. VOR Federal airway No. 23 from the San Diego, Calif., VOR direct to the Oceanside, Calif., VORTAC, excluding the portion below 2000 feet MSL outside the United States.

2. VOR Federal airway No. 25 from the San Diego, Calif., VOR to the Los Angeles, Calif., VOR including an east alternate from the intersection of the Los Angeles VOR 141° and the Long Beach, Calif., VORTAC 186° True radials to the intersection of the Long Beach VORTAC 287° and the Los Angeles VOR 141° True radial via the Long Beach VORTAC, excluding the portion below 2000 feet MSL outside the United States.

3. VOR Federal airway No. 208 from the Los Angeles, Calif., VOR, via the intersection of the Los Angeles VOR 185° and the Santa Catalina, Calif., VOR 355° True radials; the Santa Catalina VOR; to the Oceanside, Calif., VORTAC, excluding the portion below 2000 feet MSL outside the United States.

The Santa Catalina, Calif., VOR would be designated as a Domestic VOR reporting point and the Avalon, Calif., intersection would be revoked as a Domestic VOR reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 8, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7513; Filed, Aug. 11, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-71]

CONTROL AREAS AND CONTROL ZONES

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Fort Bridger, Wyo., control area extension is designated within 5 miles either side of the 045° True radial of the Fort Bridger VOR extending from the VOR to a point 15 miles northeast and within 5 miles either side of the 346° True radial of the VOR extending from the VOR to a point 25 miles north. The Fort Bridger control zone is designated within a three-mile radius of the Federal Aviation Agency Intermediate Field and within 2 miles either side of the east course of the Fort Bridger radio range extending 10 miles from the radio range station. The Federal Aviation Agency has under consideration the revocation of both the control area extension and control zone.

In the past six years only one instrument approach has been recorded at the FAA Intermediate Field. The Flight Service Station at this location has been decommissioned, and weather reporting service is not available at this airport. The communications facilities, L/MF range and VOR are remotely controlled from the Rock Springs, Wyo., Flight Service Station. There are no scheduled air carrier operations into the Fort Bridger Airport and it is not used as an alternate. It would appear, therefore, that retention of the control area extension and control zone is unjustified as an assignment of airspace and that revocation thereof would be in the public interest.

If these actions are taken, the Fort Bridger, Wyo., control area extension (§ 601.1442), and the Fort Bridger, Wyo., control zone (§ 601.2049), would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 8, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7510; Filed, Aug. 11, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–FW–48]

CONTROL ZONES

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The San Antonio, Texas, control zone (Brooks Air Force Base), is presently designated as the airspace lying one mile west of and three miles east of and parallel to, lines bearing 001° True and 181° True from a point centered on Brooks Air Force Base north-south runway at Lat. 29°20'30" N., Long. 98°26'00" W., extending from this point to points four and one-half miles north and south.

The Department of Air Force has advised the Federal Aviation Agency that the Brooks Air Force Base, San Antonio, Texas, was closed to all flying activity on June 24, 1960, and the control zone will no longer be required for the protection of aircraft. Therefore, it appears that the retention of the control zone is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

If this action is taken, the San Antonio control zone (§ 501.2387), would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 8, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–7511; Filed, Aug. 11, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 172]

CERTAIN FOREIGN PASSPORTS

Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Austria (Reisepass only), Bolivia, Brazil, Canada, Ceylon, Chile, Colombia, Cuba, Dominican Republic, Ethiopia, Finland, Germany (Reisepass only), Greece (issued in Greece only), Guatemala, Honduras, Iceland, India, Ireland, Israel, Mexico, Monaco, The Netherlands, Pakistan, Peru, Portugal, Spain, Switzerland, United Kingdom, and Venezuela.

This notice supersedes Public Notice 167 of November 6, 1959 (24 F.R. 9348).

Dated: July 27, 1960.

HARRIS H. HUSTON,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 60–7523; Filed, Aug. 11, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SYLACAUGA STOCK YARDS ET AL.

Proposed Posting of Stockyards

The Director of the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Sylacauga Stock Yards, Sylacauga, Ala.
Searcy Auction Co., Searcy, Ark.
Estes Sales Co., Canton, Ill.
Ute Sale Barn, Ute, Iowa.
Cheyenne Livestock Auction, Cheyenne, Okla.
Easterlings Auction, Creswell, Oreg.
Middle Tennessee Livestock Sales, Lawrenceburg, Tenn.
Farmers and Ranchers Livestock Commission, Denton, Tex.
Palace Sale Barn, Plain, Wis.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of August 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60–7547; Filed, Aug. 11, 1960; 8:49 a.m.]

Commodity Stabilization Service

SUGARCANE

Notice of Hearing on Prices in Florida and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on September 1, 1960, beginning at 10:00 a.m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1960 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to prices for sugarcane.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Ward S. Stevenson and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 9th day of August 1960.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 60–7549; Filed, Aug. 11, 1960; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 881]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

Notice of Supplemental Order

The Federal Maritime Board, on July 29, 1960, entered the following fifth supplemental order, to the original order in this proceeding dated, January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364).

It appearing that by the original order, as amended, in Docket No. 881 served January 8, 1960, the Board instituted an investigation into and concerning the reasonableness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports on the one hand, and ports and points in Alaska on the other; and

It further appearing that said original order provides in part that "no change shall be made in the rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board;" and

It further appearing that on July 21, 1960, Puget Sound-Alaska Van Lines, Inc., filed Application No. 4 seeking authority to publish, post and file, on not less than one day's notice, consecutively numbered revised Page Nos. 43, 44 and 45 to Local and Joint Proportional Freight Tariff F.M.B.–F. No. 1 in order to publish reduced rates on "groceries" "Liquors, Alcoholic" and "Liquor, Malt" in Item Nos. 430, 435, 465, and 470.

It further appearing that the Board having found good cause therefor has on July 29, 1960, granted special permission to publish such change on not less than one day's notice under Special Permission No. 3859.

It is ordered, That the original order herein is modified to the extent necessary to permit publication and filing of the change covered by such Special Permission No. 3859; and

It is further ordered, That any rates, charges, regulations and practices set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedule cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Office of the Federal Maritime Board, and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: August 9, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7529; Filed, Aug. 11, 1960; 8:47 a.m.]

Office of the Secretary

WALLACE H. ADAMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 30, 1960.

Dated: July 30, 1960.

WALLACE H. ADAMSON.

[F.R. Doc. 60-7536; Filed, Aug. 11, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[Amdt. 28]

ORGANIZATION AND FUNCTIONS

Change in Address of Aircraft Engineering District Office

In accordance with the public information requirements of the Administrative Procedures Act, section 22(b) of the Organization and Functions of the Federal Aviation Agency as published on December 24, 1957 (22 F.R. 10499), is amended to revise the title of all Aircraft Engineering District Offices, to revise the address of an Aircraft Engineering District Office and to announce the closing of a General Safety District Office in Region One:

1. Revise the title of Aircraft Engineering Officials to read "Engineering and Manufacturing District Offices."

2. Region One, relocation of the Engineering and Manufacturing District Office at Wright Aeronautical Division, Bldg. 2-E-3, Wood-Ridge, New Jersey, to Teterboro Airport, Control Tower, 4th Floor, Teterboro, New Jersey.

3. Region One, the General Safety District Office formerly located at North Annex, Hangar #7, La Guardia Field, New York (P.O. Box 82, N.Y. Airport Station, Flushing, New York), will be discontinued as of September 1, 1960.

Issued in Washington, D.C., on August 8, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-7508; Filed, Aug. 11, 1960; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

CONTRACT POLICY REGARDING FOREIGN PATENTS

Notice of Proposed Revision

The Atomic Energy Commission, at present, acquires foreign and domestic rights in atomic energy inventions resulting from contract work. It is proposed to modify this policy with respect to inventions derived from work performed in privately owned and operated—as distinguished from Government owned or operated—facilities, by permitting the contractor title, with certain limited rights, in any foreign patent when the contractor files for such foreign patent at its own expense. The foreign patents of the contractor would be subject to the terms and conditions as hereinafter set forth in modified paragraph "b" of AEC Manual Chapter 9113.016.

Notice is hereby given that the adoption of the foregoing policy and attached instructions are contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed policy change and manual chapter instruction revision should send the same to the United States Atomic Energy Commission, Germantown, Maryland, attention: Assistant General Counsel for Patents, within 30 days after publication of this notice in the FEDERAL REGISTER.

The policy is embraced within the following instruction which is to be substituted for present paragraph "b" of AEC Manual Chapter 9113.016:

b. If the contract work is to be performed at contractor's own facilities (not Government or Commission owned or Government or Commission contractor operated facilities; where equipment employed in the research and development is Government or Commission owned, or where the facility is practically exclusively dependent upon AEC or Government research and development work, the facility may be considered to be a Government or AEC owned or operated facility), and the contractor, when reporting an invention, desires to undertake U.S. and foreign filings so as to acquire an irrevocable, non-exclusive, license for all purposes in any U.S. patent resulting therefrom and the title and rights in any resulting foreign patents, subject to the terms and conditions hereinafter provided, the following provisions may be inserted after the word "result" in line 8 of paragraph 1 of each of the foregoing provisions:

provided, however, that if the contractor when furnishing the complete information as to any invention or discovery advises the Commission that the contractor will file at its own expense, subject to security requirements and regulations, a U.S. patent application within six (6) months of reporting, and designated foreign patent applications on such invention or discovery, subject to security requirements and regulations, the contractor shall retain:

(1) A nonexclusive, irrevocable, paid-up license for all purposes in any such U.S. patent application filed by the contractor and any U.S. patent issued thereon, and

(2) The title and rights in any such foreign patent applications or foreign patents secured by the contractor, subject to:

(a) a nonexclusive, irrevocable, paid-up license to the U.S. Government for U.S. Governmental purposes and with the right of the U.S. Government to grant licenses to foreign governments for purposes of use by such foreign governments pursuant to a treaty or agreement with the U.S. Government.

(b) granting, upon request, nonexclusive, royalty-free licenses, to U.S. citizens, and to U.S. corporations when 75 percent of the voting interest is owned by U.S. citizens, for use in the production or utilization of special nuclear material or atomic energy and agreeing to grant to foreign users and purchasers of a U.S. licensee a license to use or sell at a reasonable royalty, and in any event at no greater royalty than contractor has charged its foreign licensees.

(c) the right of the contractor to grant such other licenses as contractor deems in the best national interest.

(i) provided that if the contractor grants any licenses other than as provided in b., above, the same shall be for reasonable royalties or compensation, and

(ii) provided further that if, after five years of the issuance of a particular foreign patent, contractor, its assignee of its licensees cannot demonstrate, upon Commission request, the practical application of the subject matter covered by such foreign patent, the contractor or its assignee shall, at the Commission's request, grant licenses on any such foreign patent to others at reasonable royalties.

Dated at Germantown, Maryland, this 4th day of August 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60-7503; Filed, Aug. 11, 1960; 8:45 a.m.]

AEC OWNED FOREIGN PATENTS

Notice of Proposed Policy To Charge Royalties

The Atomic Energy Commission has followed the traditional Government policy of granting free licenses to all on AEC owned U.S. patents. The AEC has granted royalty free licenses to U.S. citizens on AEC owned foreign patents.

The AEC proposes to establish a policy of granting licenses for royalties on AEC owned foreign patents to foreign corporations and foreign nationals in those countries where the foreign government either charges royalties of the U.S. Government or U.S. citizens, or has not established a policy. The royalty licenses to be granted by the AEC may be nonexclusive or exclusive for a period of three to five years (subject to free license grants to the U.S. Government and to U.S. nationals). The licensee would be authorized, with AEC approval, to maintain suits on foreign patents. The AEC policy of granting royalty free licenses to U.S. citizens on AEC owned foreign patents would remain unchanged.

Notice is hereby given that the adoption of the foregoing policy is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed policy should send them to the United States Atomic Energy Commission, Germantown, Maryland, Attention: Assistant General Counsel for Patents, within 30 days after publication of this notice in the FEDERAL REGISTER.

Dated at Germantown, Maryland, this 4th day of August 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60-7504; Filed, Aug. 11, 1960; 8:45 a.m.]

[Docket 50-158]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Termination of Facility License

Notice is hereby given that, as requested by the licensee, the Atomic Energy Commission has terminated License No. R-64, issued to American Radiator & Standard Sanitary Corporation, as set forth below.

Date of issuance: August 4, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

Pursuant to the request of the licensee, License No. R-64 issued to American Radiator and Standard Sanitary Corporation to operate a utilization facility at the Mountain View, California site prior to its export has been terminated effective as of this date. The Commission was notified by the licensee that the operation and testing authorized by the license has been completed and that the facility has been exported.

Dated at Germantown, Maryland, this 4th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7505; Filed, Aug. 11, 1960; 8:45 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that Philadelphia Electric Company, 1000 Chestnut Street, Philadelphia 5, Pennsylvania, under section 104.b of the Atomic Energy Act of 1954, as amended, has submitted an application for license authorizing construction and operation of a 40 megawatt (electrical) helium-cooled, graphite-moderated nuclear reactor at Peach Bottom, York County, Pennsylvania.

A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 4th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7506; Filed, Aug. 11, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10039]

LAKE CENTRAL AIRLINES, INC.; TEMPORARY INTERMEDIATE POINTS

Notice of Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 18, 1960, at 10:00 a.m., local time, in Hearing Room No. 3, Ohio Departments Building, 65 South Front Street, Columbus, Ohio, before Examiner Joseph L. Fitzmaurice.

A second session of the hearing will be held on August 22, 1960, at 10:00 a.m., local time, in the Senate Chambers, Indiana State House, Indianapolis, Indiana.

Dated at Washington, D.C., August 9, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7543; Filed, Aug. 11, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6954]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 4, 1960.

Take notice that on July 27, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana, and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of $20,000,000 in principal amount of First Mortgage Bonds. The aforesaid First Mortgage Bonds are to be issued and sold by Applicant under and pursuant to Applicant's presently existing Mortgage and Deed of Trust dated as of July 1, 1947 to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York) and Oliver R. Brooks (Wesley L. Baker, successor), as Trustees, as heretofore supplemented by ten supplemental indentures and as it is proposed to be further supplemented by an Eleventh Supplemental Indenture to be dated as of September 1, 1960. The First Mortgage Bonds are to be dated September 1, 1960, and will bear interest at the rate per annum to be fixed by competitive bidding and will mature on September 1, 1990. Applicant proposes to sell the aforesaid bonds at competitive bidding. Applicant states that said First Mortgage Bonds are to be issued and sold for the purpose of carrying forward its 1960 construction program and for the purpose of repaying all notes to be outstanding at the time of sale of the aforesaid bonds under a Credit Agreement dated as of September 17, 1959, between Applicant and certain banks.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 26th day of August 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7514; Filed, Aug. 11, 1960; 8:46 a.m.]

[Docket No. G-20388 etc.]

TENNESSEE GAS TRANSMISSION CO.

Order Permitting Intervention and Fixing Date of Hearing

AUGUST 5, 1960.

Tennessee Gas Transmission Company, Docket Nos. G-20388, G-20389, and G-1922.

Petitions seeking leave to intervene in all of the above-entitled consolidated proceedings were timely filed by the named petitioners on the dates indicated:

Petitioner and Date

Joint petition of The Manufacturers Light and Heat Company, The Ohio Fuel Gas Company, and United Fuel Gas Company—December 29, 1959.

Joint petition of Fuels Research Council, Inc., National Coal Association, United Mine Workers of America, and Anthracite Institute—May 10, 1960.

Joint petition of The East Ohio Gas Company, Hope Natural Gas Company, Lake Shore Pipe Line Co., New York State Natural Gas Corporation, and The Peoples Natural Gas Company—May 10, 1960.

On May 2, 1960, the Massachusetts Department of Public Utilities filed a

notice of intervention in Docket Nos. G–20388 and G–20389.

The Commission finds: It is desirable to allow the petitioners to intervene in this proceeding in order that the petitioners may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioners, be and they are hereby permitted to become interveners in the above-entitled proceedings as requested, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this consolidated proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, due notice of the applications and consolidation thereof having been given on April 18, 1960, it is further ordered that a hearing be held on September 19, 1960, at 10:00 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications filed in Docket Nos. G–20388, G–20389, and G–1922.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–7515; Filed, Aug. 11, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 9, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36472: *Coal—Ky., Va., and West Va., to South Carolina.* Filed by The Chesapeake and Ohio Railway Company (No. A–40), for interested rail carriers. Rates on coal, in carloads, from Kentucky, Virginia and West Virginia mine groups, as described in the application, to specified points in South Carolina.

Grounds for relief—Rate relationship with Pelzer, S.C.

Tariffs—Supplement 21 to The Chesapeake and Ohio Railway Company's tariff I.C.C. 13590, and Supplement 17 to Southern Freight Association tariff I.C.C. S–64.

FSA No. 36473: *Iron and steel articles—Hale and Tulsa, Okla., to Tex., and La., points.* Filed by Southwestern Freight Bureau, Agent (No. B–7867), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Hale and Tulsa, Okla., to specified points in Louisiana and Texas.

Grounds for relief: Rate relationship with Sand Springs, Okla.

Tariff: Supplement 119 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–7524; Filed, Aug. 11, 1960; 8:47 a.m.]

[Notice 363]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 9, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62699. By order of August 5, 1960, The Transfer Board approved the transfer to W. C. Hargis & Son, Inc., Terre Haute, Ind., of Certificate in No. MC 109786, issued March 21, 1949, to W. C. Hargis and Ralph E. Hargis, a partnership, doing business as W. C. Hargis & Son, Terre Haute, Ind., authorizing the transportation of: No. 4 fuel oil, No. 5 fuel oil, No. 6 fuel oil, liquid asphalts, creosote oils and liquid tar, in bulk, in tank vehicles, over irregular routes, between Robinson, Ill., on the one hand, and, on the other, points in various counties in Indiana; between Terre Haute, Ind., on the one hand, and, on the other, Mt. Vernon, Ill., and Louisville, Ky. Gilbert W. Gambill, Jr., Gambill, Cox, Zwerner & Gambill, 611–617 Merchants National Bank Building, Terre Haute, Ind., for applicants.

No. MC–FC 63409. By order of August 5, 1960, The Transfer Board approved the transfer to Dearborn's Motor Express, Inc., 69 Main Street, Exeter, N.H., of the operating rights authorized to Francis M. Walsh, doing business as Dearborn's Motor Express, 69 Main Street, Exeter, N.H., in Certificate No. MC 30508, issued December 30, 1949, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Milton, N.H., and Boston, Mass., between Newburyport, Mass., and Dover, N.H., between Exeter, N.H., and Haverhill, Mass., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Farmington, N.H., and Melvin Village, N.H., and between points in York County, Maine, and those in Rockingham and Strafford Counties, N.H., on the one hand, and, on the other, points within five miles of Boston, Mass., and those in Massachusetts on and east of Massachusetts Highway 28 between Boston and the Massachusetts-New Hampshire State line, and household goods, between points in Rockingham and Strafford Counties, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

No. MC–FC 63461. By order of August 5, 1960, The Transfer Board approved the transfer to Norman P. St. Germain, doing business as Hebron Trucking Co., 51 Hudson St., South Attleboro, Mass., of Certificate in No. MC 55488, issued March 13, 1941, to Hebron Warehouse & Processing Co., Inc., 169 Knight St., Hebronville, Mass., authorizing the transportation of: Cotton, rayon, and wool waste, cotton mill machinery, parts and supplies, over irregular routes, between points in Connecticut and Massachusetts and along the Massachusetts, Rhode Island, and Connecticut shore line to point of origin.

No. MC–FC 63464. By order of August 5, 1960, The Transfer Board approved the transfer to Williams Transfer Co., a corporation, Eugene, Oreg., of the operating rights authorized to Albert M. Bartzat, doing business as Williams Transfer, Eugene, Oregon, in Certificate No. MC 7156, issued November 1, 1950, authorizing the transportation over irregular routes, of household goods, between Eugene, Oreg., on the one hand, and, on the other, points in Washington, and of general commodities excluding household goods, commodities in bulk and other specified commodities, between points in Eugene, Oreg. Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–7525; Filed, Aug. 11, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Title 45, Revised, $3.75

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Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Pages 7707–7777

FEDERAL REGISTER

VOLUME 25 NUMBER 158

Washington, Saturday, August 13, 1960

THE UNIVERSITY OF MICHIGAN
AUG 1 1960
MAIN READING ROOM

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817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10883

TERMINATION OF THE AIR COORDINATING COMMITTEE

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The Air Coordinating Committee is hereby terminated.

2. Executive Order No. 10655 of January 28, 1956, relating to the Air Coordinating Committee, and Executive Order No. 10796 of December 24, 1958, amending that order, are hereby revoked.

3. The Administrator of the Federal Aviation Agency shall make such provisions as may be necessary for winding up any outstanding affairs of the Air Coordinating Committee, and such provisions may be made at any time after the date of this order.

4. Except as provided in paragraph 3, this order shall become effective on the sixtieth day following the date thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 11, 1960.

[F.R. Doc. 60-7648; Filed, Aug. 11, 1960; 4:41 p.m.]

Memorandum of August 11, 1960

[INTERAGENCY COORDINATION OF AVIATION MATTERS]

Memorandum for The Secretary of State, The Secretary of Defense, The Secretary of the Treasury, The Postmaster General, The Secretary of Commerce, The Administrator of the Federal Aviation Agency, The Chairman of the Civil Aeronautics Board, The Chairman of the Federal Communications Commission, The Director of the Bureau of the Budget, The Director of the Office of Civil and Defense Mobilization

I have today issued an Executive Order terminating the Air Coordinating Committee as of the sixtieth day after today.

Since its inception in 1946, the Air Coordinating Committee has made a significant contribution to the development and coordination of aviation policies and activities of Federal agencies. I wish to thank the members of the Committee, and all who have assisted the Committee, for their services.

It has become evident that a committee established by Presidential Executive Order and concerned with the coordination of both international and domestic aviation matters is no longer needed. In major part, this has resulted from the enactment of the Federal Aviation Act of 1958 which vested enlarged coordination responsibilities in the Administrator of the Federal Aviation Agency and also provided expressly for certain types of interagency coordination.

It is recognized, however, that suitable substitute methods of interagency coordination of aviation matters will be needed in the future. Any interagency arrangements needed for such coordination can be effected without relying on a Presidentially established committee. Accordingly, it is directed that the Administrator of the Federal Aviation Agency shall initiate such arrangements as may be appropriate to effect the needed interagency coordination and to meet the related requirements of the agencies concerned. The responsibilities of the Administrator for establishing such coordination arrangements pursuant to this memorandum will pertain primarily to matters in which agreement of two or more agencies is necessary by reason of either law or practical considerations; in other matters the agency having responsibility should adopt such means of obtaining the advice of and informing other agencies as may be appropriate.

In carrying out the responsibilities assigned to him by this memorandum the Administrator of the Federal Aviation Agency may, subject to law, cause to be established any committees, councils, working groups and liaison arrangements which he deems to be necessary or desirable. Participation in the activities of any such committee or other similar body should be limited to agencies having a substantial interest in subjects under consideration. Any secretariat services required in connection with any such committee or other body should be supplied by the Federal Aviation Agency except as other arrangements may be agreed to by the Administrator of the Federal Aviation Agency and the participating agencies.

The need for formalized interagency coordination, and therefore the need for coordination facilities provided upon the initiative of the Administrator of the Federal Aviation Agency, may be expected to be greatest in the international field. Without limiting the foregoing portions of this memorandum, I suggest that the Administrator of the Federal Aviation Agency cause to be established a new interagency group for the purpose of developing recommendations to the Secretary of State. The group should have only a small continuing membership, including, but not necessarily limited to, a representative of the Federal Aviation Agency, as chairman of the group, and representatives of the Department of State, the Department of Defense, the Department of Commerce and the Civil Aeronautics Board. Any other appropriate agency should participate in the activities of the new group when matters of substantial concern to the agency are under consideration. Any secretariat services for the group should be supplied by the Federal Aviation Agency except as other arrangements may be agreed upon by the Administrator of that Agency and the participating agencies.

The Secretary of State will continue to provide foreign policy guidance to the agencies concerned, to conduct all negotiations with foreign governments, and to appoint and instruct United States delegations to international conferences in this field.

In setting forth in this memorandum certain guidelines respecting arrangements for interagency coordination in the aviation field, it is not my intention to preclude the use of other or additional inter-agency arrangements permitted by law, with respect to that field.

This memorandum shall be published in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

[F.R. Doc. 60-7649; Filed, Aug. 11, 1960; 4:41 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 210]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.510 Valencia Orange Regulation 210.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was was held on August 11, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 14, 1960, and ending at 12:01 a.m., P.s.t., August 21, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7662; Filed, Aug. 12, 1960; 11:16 a.m.]

[Peach Order 1, Amdt. 3]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

(a) *Findings.* 1. Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh peaches grown in Washington.

(b) It is, therefore, ordered as follows:

The provisions in paragraph (b)(4) of § 934.301 (Peach Order 1; 25 F.R. 6260; 7238; 7428) are hereby amended to read as follows:

(4) *Pack requirements.* Such peaches in loose or jumble packs shall be in wooden containers of a capacity equal to or greater than that of the Western lugs (boxes with inside dimensions of 7 inches by 11½ inches by 18 inches) and shall contain not less than 26 pounds net weight of peaches: *Provided,* That containers of peaches having less than 26 pounds net weight of peaches may be handled if such containers are well filled. The term "well filled" shall have the same meaning as when used in the United States Standards for peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 9, 1960, to be effective on and after 12:01 a.m., P.s.t., August 10, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7579; Filed, Aug. 12, 1960; 8:48 a.m.]

[Lemon Reg. 859]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.966 Lemon Regulation 859.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other

available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 9, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 14, 1960, and ending at 12:01 a.m., P.s.t., August 21, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7632; Filed, Aug. 12, 1960; 8:59 a.m.]

[Avocado Order 20, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until August 9, 1960; a determination as to the time of maturity of the variety of avocados covered by this amendment was made at the meeting of said committee on August 9, 1960, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *It is, therefore, ordered* that the provisions of paragraph (b)(2) of § 969.320 (25 F.R. 5476), are hereby amended by revising the dates appearing in columns (2), (4), and (6) of Table 1, applicable to the Waldin variety of avocados, so that after such revision the portion of such table applicable to such variety shall read as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)M	Minimum weight or diameter (7)	Date (8)
Waldin	8–15–60	16 oz. 39/16 in.	8–29–60	14 oz. 35/16 in.	9–10–60		

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., August 15, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 10, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7601; Filed, Aug. 12, 1960; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

Exclusions From Retirement Coverage

Effective upon date of publication in the FEDERAL REGISTER, paragraph (c) is added to § 29.2 as set out below.

§ 29.2 Exclusions from retirement coverage.

* * * * *

(c) Members of the following boards and commissions of the District of Columbia government hereafter appointed are excluded from the Civil Service Retirement Act, except that this exclusion does not operate in the case of a present member reappointed upon expiration of term without a break in service or after a separation from service of three days or less:

Board of Accountancy.
Board of Examiners and Registrars of Architects.
Board of Barber Examiners.
Boxing Commission.
Board of Cosmetology.
Board of Dental Examiners.
Electrical Board.
Commission on Licensure to Practice the Healing Arts.
Board of Examiners in the Basic Sciences.
Board of Examiners in Medicine and Osteopathy.
Motion Picture Operators' Board.
Nurses' Examining Board.
Board of Optometry.
Board of Pharmacy.
Plumbing Board.
Board of Podiatry Examiners.
Board of Registration for Professional Engineers.
Real Estate Commission.
Refrigeration and Air Conditioning Board.
Steam and Other Operating Engineers' Board.
Undertakers' Committee.
Board of Examiners of Veterinarian Medicine.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60–7530; Filed, Aug. 12, 1960; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

[Amdt. 4]

SUBCHAPTER C—EXPORT PROGRAM

PART 481—RICE

Subpart—Rice Export Program Payment-in-Kind (GR–369)

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Rice Export Program—Payment-in-Kind (GR–369) (23 F.R. 9656), as amended (24 F.R. 4647), (24 F.R. 7807) and (25 F.R. 3835) are, with regard to any contract resulting from CCC's acceptance of an exporter's offer to export rice (milled, or brown, or both) which is submitted by such exporter on and after the date of publication of this Amendment 4 in the FEDERAL REGISTER, further amended as follows:

Section 481.105(a) is amended by changing the period to export rice from 90 to 120 days, so that the amended subsection shall read as follows:

(a) Persons desiring to participate in this program shall submit offers as provided in § 481.106 to export rice (milled, or brown, or both) during a period of 120 days following acceptance of the offer by CCC at the export payment rates applicable to the rice exported, determined in accordance with § 481.110, in effect on the date the offer is accepted.

Section 481.108(a) is amended by changing the export period from 90 to 120 days in the first paragraph so that the amended paragraph shall read as follows:

(a) The exporter shall export or cause exportation within a 120-day period beginning on the date of CCC's acceptance of the exporter's offer or within any extension thereof approved in writing by the Vice President, CCC, of milled rice or brown rice to an eligible country in accordance with his contract with CCC. If an extension of the 120-day export period is approved, it may be made subject to such reduction in the export payment rate as may be specified by the Vice President, CCC.

Section 481.108(b) is amended by changing "120 calendar days" to "150 calendar days" in the second sentence, so that the amended sentence shall read as follows: "The exporter shall promptly furnish to CCC evidence of exportation as specified in § 481.116. Failure to furnish evidence of exportation within 150 calendar days from the date of CCC's acceptance of the exporter's offer or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President, CCC, pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export."

Section 481.108(c) is amended by changing "90 calendar days" to "120 calendar days" in the second sentence of the second paragraph, so that the amended sentence shall read as follows: "For the purposes of assessing liquidated damages, an exportation which has not been made within a period of 120 calendar days beginning on the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all."

Section 481.110 is amended by changing "90-day periods" to "120-day periods" in two places in the second sentence of paragraph (b) and by changing "90-day period" to "120-day period" in two places in the third sentence of paragraph (b), so that the amended sentence shall read as follows: "Rates will be established for whole kernel milled rice of each class or variety and for the classes second heads, screenings and brewers milled rice. During 120-day periods each year, ending August 15 for varieties of rice produced in the Southern producing area and ending September 30 for varieties of rice produced in California, two subsidy rates will be in effect for rice of each class or variety and will be applicable to rice exported under contracts resulting from CCC's acceptance during such 120-day periods of offers to export rice under this program. As specified in the rate schedules, one rate established for each class or variety will apply to rice exported before the end of the 120-day period applicable to the class or variety exported and the second rate will apply to rice exported after the end of such 120-day period."

(Sec. 5, 62 Stat. 1072; U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1055, as amended; sec. 201(a), 70 Stat. 198; 7 U.S.C. 1427, 1851)

Issued this 9th day of August 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–7602; Filed, Aug. 12, 1960; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages; Counting of Currency and Coin

1. Effective as to member banks not in reserve and central reserve cities at opening of business on August 25, 1960, and as to member banks in reserve and central reserve cities at opening of business on September 1, 1960, § 204.5 [Supplement to Regulation D] is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a), but subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve or central reserve city:

(i) 5 percent of its time deposits, plus

(ii) 11 percent of its net demand deposits.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph):

(i) 5 percent of its time deposits, plus

(ii) 16½ percent of its net demand deposits.

(3) If in a central reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) or (2) of this paragraph):

(i) 5 percent of its time deposits, plus

(ii) 17½ percent of its net demand deposits.

(b) *Counting of currency and coin.* In partial compliance with the reserve requirements of paragraph (a) of this section, the amount of a member bank's currency and coin shall be counted to the extent that it exceeds 1 percent of the bank's net demand deposits in the case of a bank subject to the requirements for banks located in central reserve and reserve cities, and to the extent that it exceeds 2½ percent of the bank's net demand deposits in the case of a bank subject to the reserve requirements for banks not located in central reserve and reserve cities.

2. a. The purposes of these amendments are to permit member banks in central reserve cities to carry lower reserves against net demand deposits, and to permit all member banks to count a larger portion of their currency and coin

in partial compliance with their reserve requirements.

b. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act and the prior publication described in section 4(c) of such act are not followed in connection with these amendments for the reasons and good cause found as stated in § 262.2(e) of the Board's rules of procedure (Part 262) and especially because in connection with these amendments such procedures are unnecessary because they would not aid the persons affected and would serve no other useful purpose.

(Section 11, 38 Stat. 261, as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat. 270, as amended, sec. 19, 48 Stat. 54, as amended; 12 U.S.C. 461, 462, 462b, 464, 465; Public law 86-114, July 28, 1959)

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 60-7560; Filed, Aug. 12, 1960; 8:46 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 13733]

PART 523—MEMBERS OF BANKS

Holdings of Cash and Obligations of the United States

AUGUST 8, 1960.

Resolved that, notice and public procedure having been duly afforded (25 F.R. 2676) and all relevant matter presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of consideration by it of said matter and of the advisability of amendment of § 523.12 of the regulations for the Federal Home Loan Bank System (12 CFR 523.12) so as to increase the minimum amounts of cash and obligations of the United States of members of the Federal Home Loan Banks as set forth in said section, and for the purpose of effecting such increase as hereinafter set forth, hereby amends said § 523.12 as follows, effective September 13, 1960:

So much of § 523.12 aforesaid as precedes paragraph lettered (a) of said section is hereby amended to read as follows:

§ 523.12 Holdings of cash and obligations of the United States by members.

No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies, at any time when the aggregate of its cash and obligations of the United States is not at least equal to 6 percent of its policy reserve required by state law, and no other member shall make or purchase any loan, other than advances on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the obligation of the member on withdrawable accounts: *Provided*, That on and after March 1, 1961, the foregoing figures of 6 percent shall be 7 percent. For the purposes of this section:

(Secs. 5A, 17, 47 Stat. 727, 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60-7561; Filed, Aug. 12, 1960; 8:47 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 13734]

PART 545—OPERATIONS

Holdings of Cash and Obligations of the United States

AUGUST 8, 1960.

Resolved that, notice and public procedure having been duly afforded (25 F.R. 2676) and all relevant matter presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of consideration by it of said matter and of the advisability of amendment of § 545.8-2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8-2) so as to increase the minimum amounts of cash and obligations of the United States of Federal savings and loan associations as set forth in said section, and for the purpose of effecting such increase as hereinafter set forth, hereby amends said § 545.8-2 as follows, effective September 13, 1960:

So much of § 545.8-2 aforesaid as precedes paragraph lettered (a) of said section is hereby amended to read as follows:

§ 545.8-2 Cash and Government obligations.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the association's capital: *Provided*, That on and after March 1, 1961, the foregoing figure of 6 percent shall be 7 percent. For the purposes of this section:

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60-7531; Filed, Aug. 12, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 476; Reg. No. SR-441]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Issuance of Limited Flight Instructor Certificates to Civilian Flight Instructors Employed at U.S. Air Force Contract Primary Flight Schools; Special Civil Air Regulation

Part 20 of the Civil Air Regulations prescribes the requirements applicable to the issuance of flight instructor certificates. An applicant for original flight instructing privileges must first obtain a limited flight instructor certificate but after one year is eligible for the flight instructor certificate, provided he has trained at least 5 successful candidates for pilot certificates. In order to obtain the limited flight instructor certificate, an applicant is required to demonstrate in each category of aircraft in which he desires to give flight instruction his ability to teach the performance of such maneuvers and procedures as are necessary and appropriate for the safe piloting of that category of aircraft; and he must show that he is familiar with effective flight instruction methods and procedures as set forth in the FAA Flight Instructor's Handbook. These requirements are met by giving the applicant a written examination on (1) "fundamentals of flight instruction" and (2) "performance and analysis of flight training maneuvers," and a practical test consisting of a flight test and an oral examination.

For the past 9 years the U.S. Air Force has used a primary flight training program for its cadets established by contract arrangements with civilian owned and operated flight training schools. Such schools employ civilians as flight instructors who are required to hold at least a commercial pilot certificate. An FAA flight instructor certificate is not a requisite for such instruction.

Before qualifying as a flight instructor, each pilot is given intensive ground and flight training. Also, the instructors and students are under constant surveillance by both civilian and military supervisory flight personnel. These requirements have been found to produce a high degree of proficiency in flight instruction. Each civilian instructor is assigned 4 students of which a minimum of 3 usually complete the 6-month course. During this period each student receives a total of 132 flying hours resulting in each instructor accumulating at least 200 hours of instruction time each 6 months. Most of the instructors have been employed at the schools for several years and have a vast amount of instruction time and experience and are well qualified in this respect.

The 5 civilian schools utilized by the Air Force for giving primary flight training are to be closed by December 1960. Of the approximately 575 pilots employed as flight instructors at the 5 schools, many do not hold an FAA flight instructor certificate. It is anticipated that most of these pilots will apply for the limited flight instructor certificate.

In view of the qualifications of these pilots and the experience gained by instructing in a well supervised flight training program, no useful purpose would be served in requiring them to further demonstrate their ability and show that they are familiar with effective flight instruction methods. Some of them may have little experience with the Civil Air Regulations and procedures applicable to student pilots and should, therefore, show that they are familiar with the responsibilities of an FAA certificated flight instructor in this respect.

Accordingly, this Special Civil Air Regulation is issued to permit such pilots to be certificated as limited flight instructors without compliance with the practical test and written examination required by § 20.130 (b) and (c), provided they pass an FAA written examination on the Civil Air Regulations pertaining to the certification, privileges, limitations, and responsibilities of flight instructors.

Since this special regulation grants relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective August 15, 1960.

1. Contrary provisions of § 20.130 (b) and (c) of the Civil Air Regulations notwithstanding, an applicant who is, or has been within the preceding 12 months, a civilian flight instructor employed at a U.S. Air Force Contract Primary Flight School and has served in such capacity for a period of at least 6 months shall be deemed to have met the requirements of § 20.230 (b) and (c) for airplane ratings: *Provided*, That the applicant presents satisfactory evidence of such employment and passes an FAA written examination on the Civil Air Regulations pertaining to the certification, privileges, limitations, and responsibilities of flight instructors.

2. This Special Civil Air Regulation shall terminate on August 15, 1961, unless sooner superseded or rescinded.

(Sec. 313(a), 601, 602, 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on August 9, 1960.

JAMES T. PYLE, *Acting Administrator.*

[F.R. Doc. 60-7557; Filed, Aug. 12, 1960; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 284]

PART 501—REGISTRATION OF AIRCRAFT

Notice was given on February 26, 1960, (25 F.R. 1690) that the Federal Aviation Agency proposed to amend Part 501 of the regulations of the Administrator, to make editorial changes, minor clarifications and changes reflecting the enactment of the Federal Aviation Act of 1958. Only two changes of all those provided for in the notice of proposed rule making received comment.

1. Section 501.4(a)(3)(iii) provides for the retention of 1 to 3 digit, or 1 to 2 digit (followed by a letter) registration members for use on government aircraft. Many of the comments expressed fear of forfeiture of such numbers by those persons to whom they are assigned at present. Recognizing the expense that many have gone through to acquire such members, provisions have been inserted in the above section allowing persons already assigned these low numbers to keep them or to transfer them to another aircraft. Numbers that hereafter become available in the above groupings will, however, be reserved for government use. Although there were objections to the reservation by the government of numbers referred to above, it has been determined after weighing those objections, that it is in the interest of the government, overseas, as well as in the United States to have its aircraft so marked that they will be easily distinguishable from privately-owned aircraft.

2. The other change that received substantial comment was that in § 501.9 calling for display at all times of the registration certificate at the cockpit or cabin entrance. Although some noted that a problem of placement would be presented due to the fact that the Airworthiness Certificate must also be displayed, it was concluded after due deliberation that the problems of placement are small compared to the desirability of having the certificate in public view. Especially is this true when it is realized that the registration certificate is only 5½" x 4" and the Airworthiness Certificate is smaller.

Certain other material, explaining and carrying out certain international obligations, is provided, as well as other editorial and technical changes. Among the latter is the note to § 501.4(a)(3)(i) reflecting this Agency's residual power to review reservations of registration numbers for purpose of cancellation. All other changes are those reflected in the notice of proposed rule making.

In consideration of the foregoing, Part 501 of the regulations of the Administrator is hereby amended and is as follows:

Sec.
501.1 Basis and purpose.
501.2 Scope.
501.3 Application.
501.4 Issuance of certificate of registration.
501.5 Signatures.
501.6 Effective date.
501.7 Transferability.
501.8 Duration.
501.9 Display.
501.10 Invalidation.
501.11 Surrender.
501.12 Notice of change of ownership, registration, or address.

AUTHORITY: §§ 501.1 to 501.12 issued under secs. 313(a), 601, 1102, of the Federal Aviation Act of 1958, 72 Stat. 752, 771, 797; 49 U.S.C. 1354(a), 1401, 1502.

§ 501.1 Basis and purpose.

The basis for this part is found in sections 313, 501, and 1102 of the Federal Aviation Act of 1958. The purpose of this part is to prescribe the regulations under which persons may register aircraft in accordance with the requirements of section 501 of the Federal Aviation Act of 1958.[1]

§ 501.2 Scope.

Except as provided in Part 502 of this chapter with respect to Dealers' Aircraft Registration Certificates, the requirements for aircraft certificates of registration shall be as prescribed in this part.

§ 501.3 Application.

(a) *Form.* Application for the registration of an aircraft shall be made upon the Form FAA-500, Part B, furnished by the Administrator of the Federal Aviation Agency. The Form FAA-500 contains three parts: Part A, "Certificate of Registration"; Part B, "Application for Registration"; and Part C, "Bill of Sale." An applicant for a certificate of registration shall submit to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, the following:

(1) An original and a duplicate of Part A;

(2) The original of Part B, signed in ink;

(3) The original of Part C[2] or another bill of sale or other form of conveyance specified in § 501.4(b)(2), signed in ink and acknowledged;

(4) A registration fee of $4.00 in the form of a check or money order made payable to the Federal Aviation Agency. The name of the purchaser shall be identical on Parts A, B, and C. If a contract of conditional sale is submitted, an additional fee of $4.00 shall be enclosed to record it. The applicant shall retain the duplicate of Part B in the aircraft as a temporary registration pending receipt of the certificate of registration, Part A of Form FAA-500, and in the event a later notification from the Federal Aviation Agency authorizes continued operation of the aircraft pending receipt of such certificate of registration, the applicant shall also retain such notification in the aircraft.

§ 501.4 Issuance of certificate of registration.

(a) *New or previously unregistered aircraft.*—(1) *Application.* A certificate of registration will be issued by the Administrator of Federal Aviation Agency for aircraft owned by citizens of the United States[3] and not previously registered under the provisions of the Federal Aviation Act of 1958, if the applicant:

(i) Mails or delivers a duly executed application for registration, accompanied by the $4.00 registration fee, to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma; and

(ii) Submits with the application proof satisfactory to the Administrator of the Federal Aviation Agency that the applicant is the owner of such aircraft.

See footnotes at end of document.

(2) *Proof of ownership.* An aircraft will be registered only in the name of the owner. The applicant for registration of a new or a previously unregistered aircraft shall submit proof of his ownership. Part C of Form FAA–500, or its equivalent, may be used for this purpose. The owner of home-built aircraft or of an aircraft assembled from parts shall submit his affidavit setting forth that the aircraft was built from parts and that the affiant is the owner of all right, title, and interest therein.

(3) *Identification.* (i) Aircraft manufacturers and applicants for registration of aircraft which have not previously been assigned registration numbers shall obtain such numbers from the nearest Federal Aviation Agency inspector in the field, except that aircraft manufacturers may apply directly to the Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, for a series of consecutive numbers consisting of five digits or four digits followed by one letter. There are no fees for such numbers. If aircraft manufacturers request numbers other than a consecutive series consisting of five digits or four digits followed by one letter, such request should be accompanied by the required fee of $10.00 for each such special number requested.

NOTE: The Federal Aviation Agency reserves the right to review the necessity for continuing any unused reserved registration numbers after a reasonable period of time, and to cancel such reservation if such is deemed unnecessary.

In addition to the prefix "N", an aircraft identification number will not exceed five symbols, which may consist of 1 to 5 digits, or 1 to 4 digits followed by 1 letter or 1 to 3 digits followed by 2 letters, except that once a number followed by a specific letter has been assigned to an aircraft, that specific number and letter may not be assigned concurrently to another aircraft even with the addition of a further suffix letter; for example, if number N100A is assigned, then such number even with an addition of a further suffix, i.e., "N100AB," may not be concurrently assigned.

NOTE: Upon request, permission without charge will be given for the addition of a second suffix letter to an assigned 1 to 3 digit number followed by a letter.

(ii) If the owner of an aircraft desires the assignment of a number not available from the Federal Aviation Agency inspector, or if the owner desires to change the registration number originally assigned to the aircraft, he shall apply directly to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, and accompany his request with a check or money order made payable to the Federal Aviation Agency in the amount of $10.00 for the special number requested. All unassigned registration numbers consisting of 1 to 3 digits, and of 1 or 2 digits followed by a letter are reserved for use on Government owned aircraft, and on aircraft which will not accommodate a larger number. Any application for a 1 to 3 digit number, or a 1 or 2 digit number followed by a letter, for other than a Government owned aircraft, must be accompanied by a statement from a Federal Aviation Agency inspector verifying the fact that the aircraft will not accommodate a number of more than three symbols. The owner of an aircraft to which a 1 to 3 digit number, or a 1 or 2 digit number followed by a letter, had been assigned prior to the effective date of this regulation will not be required to surrender such number, and may, prior to his sale of the aircraft, request the Federal Aviation Agency, Aircraft and Airman Records Branch, to reassign such number to another aircraft or reserve such number for a stated reasonable time pending his acquisition of another aircraft; *Provided*, That prior to the sale of his aircraft the owner also applies to the Federal Aviation Agency, Aircraft and Airman Records Branch, and obtains a new registration number for the aircraft being sold. Such requests should be accompanied by the required fees ($10.00 for the assignment of a new registration number to the currently owned aircraft, and $10.00 for the reassignment or reservation of the 1 to 3 digit number, or 1 or 2 digit number followed by a letter, to the aircraft being acquired).

(b) *Previously registered aircraft.*— (1) *Application.* A certificate of registration will be issued by the Administrator of the Federal Aviation Agency for aircraft previously registered under federal law, if:

(i) The applicant submits a duly executed application for registration to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, accompanied by the registration fee of $4.00;

(ii) The applicant submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of this chapter and evidences the applicant's ownership of the aircraft; and

(iii) The conveyance submitted with the above application establishes, within the recordation system of the Administrator of Federal Aviation Agency, ownership to the aircraft in the applicant: *Provided*, That this requirement shall not be applicable to contracts of conditional sale, in which the seller is the legal owner of the aircraft, if the purchaser is granted the right of possession; and *Provided further*, That if for good reason an applicant for registration cannot comply with the provisions of subdivision (ii) of this subparagraph and this subdivision as specified in subparagraph (2) of this paragraph, title evidence satisfactory to the Administrator of the Federal Aviation Agency shall be submitted.[4]

(2) *Proof of ownership.* (i) If the applicant for registration purchased the aircraft from the last registered owner, he shall submit a conveyance executed by such person to him. If the applicant did not purchase the aircraft from the last registered owner, he shall submit documents acceptable to the Administrator showing consecutive transactions from the last registered owner, through all intervening owners, and thence to him. Part C of Form FAA–500 is a bill of sale which may be completed by the seller. Its use is not compulsory and any equivalent bill of sale is acceptable as proof of ownership provided it is acceptable for recording under the requirements outlined in § 503.1 of this chapter.

(ii) The purchaser of an aircraft under a contract of conditional sale who has possession of the aircraft is considered the owner for the purpose of registration and shall submit the contract of conditional sale as proof of ownership when applying for registration.[5] The contract of conditional sale shall meet the applicable requirements of Part 503 of this chapter. Where an equitable interest under a contract of conditional sale has been assigned, the assignee is the owner for the purpose of registration and shall submit the original contract of conditional sale (unless it has already been recorded with the Federal Aviation Agency), and an assignment from the original conditional purchaser to the applicant for registration. This assignment shall meet the applicable requirements of Part 503 of this chapter and there shall also be affixed the signature of the holder (conditional seller or his assignee) of the contract of conditional sale to show assent to the assignment of the equitable interest.

(iii) If an applicant for registration obtained the aircraft through repossession and/or foreclosure proceedings, he shall submit as evidence of his ownership:

(*a*) A certificate of repossession on Form FAA–909 or its equivalent, executed by the person legally entitled to repossess, stating that the aircraft has been repossessed or otherwise seized pursuant to the terms of the financing agreement involved and the pertinent local laws.

(*b*) The original or a certified true copy of the financing agreement under which the aircraft was repossessed, unless such financing agreement has been previously recorded by the Federal Aviation Agency.

(*c*) If the repossession was through foreclosure proceedings, then in addition to the foregoing, a bill of sale which meets the applicable requirements of Part 503 of this chapter, executed by the officer, sheriff, auctioneer, or other person responsible for the conduct of such sale.

(iv) Where the applicant for registration purchased the aircarft at a judicial sale or a sale to satisfy a lien, he shall submit as proof of his ownership a bill of sale from the officer, sheriff, auctioneer, or other person responsible for the conduct of such sale, which document shall state that the sale was conducted in accordance with the pertinent local laws.

(v) In any case where the title to an aircraft has been in controversy and ownership has been determined by a court, the applicant for registration shall submit a properly certified order of the court.

(vi) If the applicant for registration is the administrator or executor of the estate of the deceased former owner, he shall submit with application for registration a certified copy of the letters of administration or letters testamentary appointing the applicant administrator or executor. If the aircraft is sold to another party, the applicant for registration shall submit a bill of sale executed for the estate by the administrator or executor, together with a certified copy of the letters of administration or letters testamentary. When no executor or administrator has been or is to be appointed, the bill of sale shall be executed in the name of the estate of the former owner by the heir at law and shall be accompanied by an affidavit from the signer that no application has been made for the appointment of an executor or administrator ,that in so far as the applicant can determine, no such application will be made, and that he is the person entitled to the aircraft under the laws of the state having jurisdiction, or that under such laws he or she has the right to dispose of the aircraft.

(c) *Aircraft previously registered in foreign countries.*—(1) *Application.* A certificate of registration will be issued by the Administrator of the Federal Aviation Agency for aircraft which have been last registered under the laws of a foreign country if the applicant:

(i) Submits a duly executed application for registration and the $4.00 registration fee to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma; and

(ii) Submits with the application a bill of sale from the foreign seller or other proof satisfactory to the Administrator of the Federal Aviation Agency that the applicant is the owner of the aircraft; and

(iii) Submits evidence satisfactory to the Administrator of the Federal Aviation Agency,

(*a*) If the country of foreign registry has not ratified the Convention on International Recognition of Rights in Aircraft, that the foreign registry has terminated or is invalid,[6]

(*b*) If the country of foreign registry has ratified the Convention,[7] that

(*1*) The foreign registry has terminated or is invalid, and that all holders of recorded rights against the aircraft have been satisfied or have consented to the transfer of registry; [8] or

(*2*) That ownership in the country of export has been terminated by a sale in execution carried out in conformity with the provisions of the Convention.[9]

(2) *Identification.* A United States registration number will be assigned to an aircraft previously registered in a foreign country only after the foreign registration has been terminated or has been determined to be invalid. After clearance with the Aircraft and Airman Records Branch, the Federal Aviation Agency Inspector at the port of entry of the aircraft into the United States, or the FAA International Field Office may assign a registration number to such an aircraft.

If the purchaser desires the assignment of a number not available from the inspector or field office, he shall apply directly to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, and shall accompany his request with a check or money order made payable to the Federal Aviation Agency in the amount of $10.00 for the special number requested.

§ 501.5 **Signatures.**

All signatures on applications for registration and on conveyances shall comply with the following, where applicable:

(a) *Agent.* If an instrument is signed by an agent, the name of the person or firm for whom the agent is signing shall be shown above the signature. The agent shall indicate that he is signing as "agent" or "attorney in fact" and shall submit the signed and acknowledged power of attorney under which he is acting or a certified true copy thereof or other acceptable evidence of his authority.

(b) *Corporation.* The person signing on behalf of a corporation shall show his corporate title on the instrument. The signature of a person signing for a corporation other than the president, vice president, secretary, or treasurer, will not be accepted unless there is submitted a certified copy of the authority granted him by the Board of Directors of the corporation to act in that capacity.

(c) *Partnership.* Where one partner signs for the entire partnership, the person signing shall indicate that he is signing on behalf of the partnership by showing the word "partner" beneath his signature.

(d) *Cotenants.* A document executed in connection with aircraft owned by several persons as cotenants or tenants in common shall be signed by each of the individuals who have title to the aircraft under that form of ownership.

(e) *Trade name.* Documents for aircraft owned by an individual, a partnership, or unincorporated association, doing business under a trade name, may be executed in the trade name and the persons signing shall show the capacity (owner or partner) under which he executed the documents.

§ 501.6 **Effective date.**

An aircraft will be deemed to be registered upon the date the documents required by § 501.4(a), (b), or (c), whichever is applicable, are mailed or delivered directly to the Aircraft and Airman Records Branch, Federal Aviation Agency, Oklahoma City, Oklahoma.

§ 501.7 **Transferability.**

A certificate of registration is not transferable.

§ 501.8 **Duration.**

When an application for registration made upon the prescribed form, and the required proof of ownership have been mailed or delivered directly to the Federal Aviation Agency, an aircraft may be operated for the period pending registration, or for the period designated in a notice from the Federal Aviation Agency mailed to the applicant at the address shown on the application, whichever is shorter. Documents mailed or delivered to an agent for transmittal to the Federal Aviation Agency do not constitute mailing or delivery to the Administrator. The certificate of registration issued by the Administrator of the Federal Aviation Agency pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided*, That subject to the provisions of the International Convention on the Recognition of Rights in Aircraft,[3] such registration and certificate shall immediately expire on the date,

(a) The aircraft is registered under the laws of any foreign country; or

(b) The registration of the aircraft is cancelled at the written request of the owner; or

(c) The aircraft is totally destroyed or scrapped; or

(d) The ownership of the aircraft is transferred; or

(e) The registered owner of the aircraft loses United States citizenship.

§ 501.9 **Display.**

The certificate of registration issued for any aircraft shall be displayed at all times in such aircraft, permanently affixed, at the cabin or cockpit entrance in such a manner that is legible to passengers or crew, and shall be shown upon request to any duly authorized representative of the Administrator of the Federal Aviation Agency, or any State or municipal official charged with law enforcement. If a certificate of registration is lost, stolen or mutilated, the person to whom such certificate was issued may apply for a duplicate to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma. A fee of one dollar ($1.00) will be charged for the issuance of a duplicate certificate of registration. If a duplicate certificate has been requested and need for operation of the aircraft arises before the duplicate certificate of registration can be received, on request from the owner, the Aircraft and Airman Records Branch will issue a temporary certificate in the form of a telegram to be carried in the aircraft, which will be good for a period not to exceed ten days.

§ 501.10 **Invalidation.**

Any registration of an aircraft shall be null and void if at the time of registration:

(a) The aircraft was registered under the laws of a foreign country; or

(b) The person registered as owner was not the true and lawful owner of the aircraft; or

(c) The person registered as owner was not a citizen of the United States;[8] or

(d) The person registered as owner was a citizen of the United States but the interest of such person in the aircraft was created by a transaction not entered into in good faith, being made rather for the purpose of technical compliance with the citizenship requirements of Federal Law,[8] with or without the knowledge of the registered owner.

§ 501.11 **Surrender.**

Upon the suspension, revocation, expiration, or invalidation of a certificate of registration, the owner of the aircraft shall, upon request, surrender such certificate to any authorized representative of the Administrator.

See footnotes at end of document.

See footnotes at end of document.

§ 501.12 Notice of change of ownership, registration, or address.

Upon sale, destruction, scrapping, or permanent retirement of the aircraft, or registration of the aircraft under the laws of any foreign country, the reverse side of the certificate of registration, Part A of Form FAA–500, shall be appropriately completed and returned immediately to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma. The registered owner of any aircraft shall notify the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, immediately of any change of permanent mailing address.

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[1] The certificate of registration issued by the Federal Aviation Agency is issued only to the owner of an aircraft. However, section 901 of the Federal Aviation Act of 1958, states that "registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be in issue." The Federal Aviation Agency does not issue any certificate of ownership, nor is information with respect to ownership endorsed on certificates of registration. The records of aircraft ownership which are maintained by the Federal Aviation Agency are public records and are open for inspection at the Aircraft and Airman Records Branch, Oklahoma City, Oklahoma. Individuals interested in such information may make a personal search of the records or may avail themselves of the services of an agent or an attorney.

[2] A separate Part C (Bill of Sale) to Form FAA–500 has been provided for use when an additional bill of sale is required to complete the chain of ownership, or the execution of a new bill of sale is required to replace that submitted which did not meet the recording requirements of the Act or the Regulations of the Administrator. This form will also serve the aircraft manufacturers, dealers, distributors, and purchasers, who buy for immediate resale.

[3] As defined by section 101(13) of the Federal Aviation Act of 1958, "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or possession of the United States, of which the President and two-thirds or more of the Board of Directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

[4] Acceptable evidence might consist of an affidavit from the applicant for registration setting forth the circumstances of his inability to obtain the required documents and submitting therewith any available evidence he may have in support of the transaction.

[5] As defined by section 101(16) of the Federal Aviation Act of 1958, "Conditional Sale" means (a) any contract for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of an aircraft, aircraft engine, propeller, appliance, or spare part, by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract. The buyer, bailee, or lessee shall be deemed to be the person by whom any such contract is made or given.

[6] Such evidence will normally consist of a statement by the proper official of the country of foreign registry. However, consideration will also be given to a decree of a court of competent jurisdiction which vests title to the aircraft in the applicant and which finds that under the law of the country of foreign registry, that registry, has in fact become invalid.

[7] As of May 1, 1960, the Convention had come into effect between the United States and the following countries: Brazil, Pakistan, Norway, El Salvador, Chile, Argentina, Sweden, Laos, Ecuador, Republic of Germany, and The Netherlands. In addition, the Convention has been ratified by Mexico with reservations not recognized by the United States.

[8] Article IX of the Convention on the International Recognition of Rights in Aircraft, signed at Geneva on June 9, 1948 (4 U.S.T. 1830), provides that "Except in the case of a sale in execution in conformity with the provisions of Article VII, no transfer of an aircraft from the nationality register or the record of a contracting State to that of another Contracting State shall be made, unless all holders of recorded rights have been satisfied or consent to the transfer."

This revision shall become effective on September 19, 1960.

Issued in Washington, D.C., on August 8, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–7552; Filed, Aug. 12, 1960; 8:45 a.m.]

[Reg. Docket No. 284]

PART 502—DEALERS' AIRCRAFT REGISTRATION CERTIFICATES

Notice was given on February 26, 1960 (25 F.R. 1690), that the Federal Aviation Agency proposed to amend Part 502 of the regulations of the Administrator, to make editorial changes, minor clarifications and changes reflecting the enactment of the Federal Aviation Act of 1958.

Of the changes provided for in the above notice of proposed rule making only one has been received, objecting to the requirement in § 502.5(a) that a Dealers' Registration Certificate be displayed "at all times." However, the section provides that the Dealers' Registration Certificate need be displayed only when the aircraft is being operated. In consideration of the foregoing, Part 502 of the regulations of the Administrator is hereby amended and is as follows:

Sec.
502.1 Basis and purpose.
502.2 Application.
502.3 Requirements.
502.4 Limitations.
502.5 Rules.
502.6 Notice.

AUTHORITY: §§ 502.1 to 502.6 issued under sec. 313(a), 505 of the Federal Aviation Act of 1958, 72 Stat. 752, 774, 49 U.S.C. 1354(a), 1405.

§ 502.1 Basis and purpose.

The purpose of the regulations in this part is:

(a) To prescribe regulations for the registration of aircraft by persons engaged in the business of manufacturing, distributing, or selling of aircraft;

(b) To facilitate the operation, demonstration, and merchandising of aircraft moving in the ordinary trade channels from the manufacturer, distributor, or dealer to the ultimate purchaser without imposing upon the manufacturer, distributor, or dealer the burden of obtaining an individual certificate of registration for such aircraft with each transfer of ownership as required under the registration provisions of Part 501 of this chapter; and

(c) To permit manufacturers to conduct required production flight tests.

A dealer's aircraft registration certificate is an alternate form for the registration of civil aircraft to that prescribed by Part 501. Persons engaged in the business of manufacturing, distributing, or selling aircraft, upon application, may obtain one or more dealers' aircraft registration certificates issued under the provisions of this part. The basis for this part is found in section 505 of the Federal Aviation Act of 1958.

§ 502.2 Application.

Application for a dealer's aircraft registration certificate shall be made upon the Form FAA–1706 furnished by the Administrator of the Federal Aviation Agency and shall be submitted to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, with the required registration fee of $5.00 for the first certificate and $1.00 for each additional or subsequent certificate issued to the same dealer. An application containing current data shall be signed in ink and shall be submitted each time certificates are requested and may cover as many certificates as are desired at that time.

§ 502.3 Requirements.

To be eligible for a dealers' aircraft registration certificate an applicant shall be a citizen of the United States [1] with an established place of business located in the United States or any Territory or possession of the United States, engaged in the following activities:

(a) The manufacture of aircraft, or

(b) The distribution or sale of new aircraft under authority of a franchise, license, letter of authority, agreement, or other arrangement from the manufacturer or his authorized agent, or

(c) The distribution or sale of used aircraft to ultimate purchasers through ordinary trade channels.

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[1] As defined by section 101(13) of the Federal Aviation Act of 1958, "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any state, territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

§ 502.4 Limitations.

(a) *Operation.* (1) A dealers' aircraft registration certificate shall be valid for the navigation of an aircraft only by a person to whom such certificate was issued, his duly authorized agent or employee, or a prospective purchaser.

(2) A dealers' aircraft registration certificate is valid only for an aircraft owned by a person to whom such certificate was issued and which is being operated:

(i) In the ordinary trade channels between any two of the following persons: the manufacturer, the distributor, the dealer, or the purchaser from any of such persons, or

(ii) For demonstration purposes necessary to the sale of such aircraft. (Single place aircraft may be flown by prospective purchasers for sales demonstration purposes under the direct supervision and control of the person or his agent to whom the dealers' aircraft registration certificate was issued, provided the prospective purchaser is a properly certificated airman.) Charter flights or other flights which involve the carriage of passengers or property for hire are not permitted. The use of a dealers' aircraft registration certificate in an aircraft which is rented or leased under contract is prohibited, or

(iii) To conduct required production flight tests.

(3) A dealers' aircraft registration certificate is valid for an aircraft only while the aircraft is operated within the United States and the territories and possessions of the United States, including the territorial waters and the overlying air space thereof.

(b) *Transfer of ownership.* Whenever the ownership of an aircraft is transferred to a person who is not the possessor of a valid dealers' aircraft registration certificate, the purchaser shall make application for registration of the aircraft in his name in accordance with the provisions of Part 501 of this chapter prior to the operation of the aircraft. Aircraft distributors or dealers, who are operating under the terms of a dealers' aircraft registration certificate are not required to submit documentary evidence of their ownership of a particular aircraft prior to operation of the aircraft.[1]

§ 502.5 Rules.

(a) *Display.* The dealers' aircraft registration certificate shall be conspicuously displayed in the aircraft when operated by the person to whom the certificate was issued, or by his authorized agent or employee.

(b) *Duration.* A dealers' aircraft registration certificate shall expire one year from the date of issuance thereof.

(c) *Transferability.* A dealers' aircraft registration certificate is not transferable.

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[1] If a bill of sale is forwarded to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, by the dealer prior to the sale of the aircraft, it will be recorded under section 503 of the Federal Aviation Act of 1958, and thus be safeguarded from loss or destruction. There is no fee for the recording of such bill of sale.

§ 502.6 Notice.

The holder of a dealers' aircraft registration certificate shall notify the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma, immediately of any change which affects his status as a citizen of the United States as defined in section 101(13) of the Federal Aviation Act of 1958, or otherwise affects his eligibility for a dealers' aircraft registration certificate.

This revision shall become effective on September 19, 1960.

Issued in Washington, D.C., on August 8, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–7553; Filed, Aug. 12, 1960; 8:45 a.m.]

[Reg. Docket No. 284]

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

Notice was given on February 26, 1960 (25 F.R. 1690), that the Federal Aviation Agency proposed to amend Part 503 of the regulations of the Administrator to make editorial changes, minor clarifications, and changes reflecting the enactment of the Federal Aviation Act of 1958 and registration and recordation procedures.

No comments having been received, Part 503 of the regulations of the Administrator is hereby amended and is as follows:

Sec.
503.1 Basis and purpose.
503.2 Definitions.
503.3 Eligibility of conveyance.

AUTHORITY: §§ 503.1 to 503.3 issued under secs. 313(a), 503, 72 Stat. 752, 772; 49 U.S.C. 1354(a), 1403.

§ 503.1 Basis and purpose.

The purpose of this part is to prescribe regulations for the recordation of conveyances affecting title to, or any interest in, any aircraft registered under the provisions of section 501 of the Federal Aviation Act of 1958, and Part 501 or Part 502 of this chapter.[1] The basis for this part is found in sections 503 and 1102 of the Federal Aviation Act of 1958.

§ 503.2 Definitions.

As used in this part, "Conveyance" means:

(a) A bill of sale, contract of conditional sale, assignment of contract of conditional sale, or assignment of equitable interest under contract of conditional sale, mortgage, assignment of mortgage, lease, notice of tax lien or of other lien, or other instrument affecting title to, or any interest in, aircraft; and

(b) Any release, cancellation, invalidation, discharge, or satisfaction relating to any instrument recorded under this part.

§ 503.3 Eligibility of conveyance.

(a) A conveyance shall be eligible for recordation only if:

See footnotes at end of document.

(1) It is executed upon the form prescribed by the Administrator of the Federal Aviation Agency for such type of conveyance, or upon a form deemed appropriate by the Administrator, and is submitted to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma;

(2) It describes the aircraft by make and model, manufacturer's serial number and Federal Aviation Agency registration number, or by other detail sufficient to enable identification;

(3) It is the original document, an executed duplicate thereof with all signatures in ink which meets the requirements of Part 501.5 of this chapter, or if neither the original nor an executed duplicate is available, a true copy of a conveyance recorded under the laws of any state, territory, or possession of the United States, certified as such by the officer having custody of the records;[2]

(4) It affects an aircraft registered under the Federal Aviation Act of 1958;

(5) It is acknowledged by the signer or signers before a notary public or other officer authorized by the law of the United States, or of a State, territory or possession thereof, or the District of Columbia, to take acknowledgment of deeds;[3] and

(6) It is accompanied by the required recordation fee of $4.00 in the form of a check or money order made payable to the Federal Aviation Agency, for each aircraft covered by the conveyance, except that a fee is not required for the recordation of a bill of sale or bills of sale accompanied by a duly executed application for registration and registration fee of $4.00, or for the recordation of any release, cancellation, invalidation, discharge, or satisfaction of any conveyance executed for security purposes.

(b) Additional requirements:

(1) Where the seller is not shown on the records of the Federal Aviation Agency as being the owner of the aircraft, the bill of sale shall be accompanied by a bill or bills of sale or similar instruments showing consecutive transactions from the last registered owner through all intervening owners and thence to him.

(2) A contract of conditional sale shall be signed and acknowledged by both the conditional seller and the conditional purchaser. If the conditional seller is not shown on the records of the Federal Aviation Agency as being the owner of the aircraft, the contract of conditional sale shall be accompanied by a bill or bills of sale or other documents establishing the fact that the conditional seller is the owner.

(3) An assignment of a contract of conditional sale shall be executed by the conditional seller (assignor) and contain a description of the contract unless it is attached to, and is a part of the original contract of conditional sale.[4]

(4) An assignment of equitable interest under a contract of conditional sale shall contain a description of the original contract so as to permit identification; shall be signed and acknowledged by the assignor (conditional purchaser under the original contract) and also be signed by the holder (conditional seller or his assignee) of the contract of con-

ditional sale to show assent to the assignment of the equitable interest.[4]

(5) When the payments and conditions of the contract of conditional sale have been made or performed, the holder shall execute a release on the reverse side of Form FAA–818, which form is sent to the holder of the contract at the time of the recordation of the encumbrance, or its equivalent, and forward it for recordation.

(6) A chattel mortgage shall be eligible for recording if:

(i) It is signed by the mortgagor; and

(ii) The mortgagor is the registered owner of the aircraft,[5] or the mortgagor applies for registration as provided in Part 501 of this chapter; except that a chattel mortgage may be recorded without the submission of an application for registration and registration fee if the mortgagor is the holder of a valid Dealers' Aircraft Registration Certificate and submits the documents establishing his ownership as outlined in § 501.4 or if the mortgagor was the owner on the date of the execution of the mortgage and the documents recorded with this office establish that fact.

(7) An assignment of a chattel mortgage shall be signed by the mortgagee (assignor) and unless it is attached to, and made a part of, the original mortgage, it shall contain a description of the mortgage and be accompanied by the $4.00 recordation fee for each aircraft listed in the mortgage.[6]

(8) A supplement to a chattel mortgage which has been previously recorded by the Federal Aviation Agency shall meet all of the requirements for recording an original mortgage, which shall be described in the supplement in sufficient detail so as to permit identification, and shall be accompanied by a $4.00 recordation fee for each aircraft listed therein.[6]

(9) When a chattel mortgage has been satisfied or any of the mortgaged aircraft released from the terms of the mortgage, the holder of the mortgage shall execute the release on the reverse side of Form FAA–506 (which form is sent to the holder at the time of recordation of the mortgage) or its equivalent, and forward it for recordation. If the mortgage is secured by a number of aircraft and all of the collateral is released, it is not necessary that the collateral be described in detail in the release document. However, the mortgage shall be clearly identified through the names of the mortgagor, mortgagee, and/or assignee, the date of recording with the Federal Aviation Agency, and the document number thereof.

(c) Claims in respect of compensation due for salvage of aircraft, or for extraordinary expenses indispensable for the preservation of aircraft, pursuant to Article IV of the Convention on the International Recognition of Rights in Aircraft,[8] (4 U.S.T. 1830), may be noted on the record by filing with the Aircraft and Airman Records Branch within three months from the date of the termination of the salvage or preservation operations. Such claims need not be acknowledged before a notary public or other officer.[9]

[1] A recordable instrument is one which purports to be a "Conveyance" as that term is defined by Section 101(17) of the Federal Aviation Act. Recordation of an instrument does not mean the instrument does, in fact, affect the title to, or any interest in, an aircraft.

[2] When return of the original conveyance to the sender is desired, a certified true copy thereof shall be submitted with the original document. After recording, the certified true copy will be retained and the original will be returned to the sender stamped with the date and hour of recordation. A certified true copy of an original document is a document which is a complete copy of the original in all respects, including the dates, signatures, and acknowledgments, and to which is attached a certificate of a notary public stating that such officer has compared the copy with the original document and that it is a true and correct copy in all respects.

[3] A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable.

[4] The description of an original conveyance shall include the date of the conveyance, the names of the parties thereto, the date of recording by the Federal Aviation Agency, and the recorded document number.

[5] The name of a co-signer shall not appear in the body of the mortgage as a mortgagor (owner). If any person other than the registered owner of the aircraft signs the mortgage as a co-signer, he shall show the title "co-signer" beneath his signature.

[6] Under the Convention, salvage and preservation operations on an airplane of United States registry, in order to be noted as a charge or lien on United States records, must have been terminated outside the United States and within the territory of one of the other treaty contracting states. Such operation, if terminated in the United States, cannot be noted on United States records, but may be noted, if a lien arises, on the records of the foreign nation in which the aircraft is registered, if such nation is a party to the Convention. The law of the country wherein the operations of salvage or preservation are terminated determines whether a charge or lien arises due to such salvage or preservation operation. Such charges or liens take precedence over all other rights in the aircraft. These charges have priority in the inverse order of the dates in connection with which they have arisen. (Last is first in priority; next-to-last is second, etc.) If the charge is not noted within the three-month period and if no judicial action is commenced within such three-month period or if no amount is agreed to within such three-month period, the right cannot be recognized nor recorded. The law of the forum determines whether such three-month period has been interrupted or suspended in any particular case.

This revision shall become effective on September 19, 1960.

Issued in Washington, D.C., on August 8, 1960.

JAMES T. PYLE,
Acting Administrator.

[F. R. Doc. 60–7554; Filed, Aug. 12, 1960; 8:45 a.m.]

See footnotes at end of document.

[Reg. Docket No. 284]

PART 504—RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES AND PROPELLERS

Notice was given on February 26, 1960, (25 F.R. 1690) that the Federal Aviation Agency proposed to amend Part 504 of the regulations of the Administrator to make editorial changes, minor clarifications and changes reflecting the enactment of the Federal Aviation Act of 1958.

No comments having been received, Part 504 of the regulations of the Administrator is hereby amended and is as follows:

Sec.
504.1 Basis and purpose.
504.2 Definitions.
504.3 Eligibility of conveyances.

AUTHORITY: §§ 504.1 to 504.3 issued under sec. 313(a), 503, 72 Stat. 752; 772, 49 U.S.C. 1354(a), 1403.

§ 504.1 Basis and purpose.

The purpose of this part is to prescribe regulations for the recordation of conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated takeoff horsepower for each such engine or the equivalent of such horsepower, and any specifically identified aircraft propeller capable of absorbing seven hundred and fifty or more rated takeoff shaft horsepower. The basis for this part is found in section 503 of the Federal Aviation Act of 1958 as amended.

§ 504.2 Definitions.

As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated takeoff horsepower for each such engine or the equivalent of such horsepower, or any specifically identified aircraft propeller capable of absorbing seven hundred and fifty or more rated takeoff shaft horsepower; or

(b) Any assignment, amendment, or supplement of or to an instrument set forth in paragraph (a) of this section; or

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 504.3 Eligibility of conveyances.

(a) A conveyance shall be eligible for recordation only if:

(1) It affects an aircraft engine or propeller which is specifically identified by make, model, and manufacturer's serial number;

(2) It affects an aircraft engine of seven hundred and fifty or more rated takeoff horsepower or the equivalent of such horsepower, or an aircraft propeller capable of absorbing seven hundred and fifty or more rated takeoff shaft horsepower;

(3) It is accompanied by the required recordation fee of $2.00 in the form of a check or money order made payable to the Federal Aviation Agency, for each aircraft engine and propeller affected by the conveyance: *Provided*, That this paragraph shall not apply to any release, cancellation, invalidation, discharge, or satisfaction relating to any conveyance recorded under this part;

(4) It is signed in ink and submitted to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma; and

(5) It is acknowledged before a notary public or other officer authorized by the law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.[1]

(b) Release: A release of the collateral listed in the encumbrance, or any part thereof, shall be signed in ink and acknowledged by the holder of the encumbrance. This release shall be in form equivalent to the release Form FAA–1991, and shall contain a description of the encumbrance, the recording data furnished the holder at the time of its recording, and the collateral released. If a number of engines and/or propellers were listed in the encumbrance and all of that collateral is released, it will not be necessary to list the engines and/or propellers by serial number, but the release shall set forth that all of the engines and propellers encumbered have been released. The original recorded document shall be clearly identified by the names of the parties to the transaction, the date of recording with the Federal Aviation Agency, and the document number thereof.

This revision shall become effective on September 19, 1960.

Issued in Washington, D.C., on August 8, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–7555; Filed, Aug. 12, 1960; 8:45 a.m.]

[1] A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable.

[Reg. Docket No. 284]

PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, OR SPARE PARTS

Notice was given on February 26, 1960 (25 F.R. 1690) that the Federal Aviation Agency proposed to amend Part 505 of the regulations of the Administrator to make editorial changes, minor clarifications and changes reflecting the enactment of the Federal Aviation Act of 1958.

No comments having been received, Part 505 of the regulations of the Administrator is hereby amended and is as follows:

Sec.
505.1 Basis and purpose.
505.2 Definitions.
505.3 Eligibility of conveyances.

AUTHORITY: §§ 505.1 to 505.3 issued under sec. 313(a), 503, 72 Stat. 752; 772, 49 U.S.C. 1354(a), 1403.

§ 505.1 Basis and purpose.

The purpose of this part is to prescribe regulations for the recordation of conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof. The basis for this part is found in section 503 of the Federal Aviation Act of 1958.

§ 505.2 Definitions.

As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any aircraft engines, propellers, appliances or spare parts maintained by or on behalf of an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958; or

(b) Any assignment, amendment, or supplement of or to an instrument set forth in paragraph (a) of this section; or

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 505.3 Eligibility of conveyances.

(a) A conveyance shall be eligible for recordation if:

(1) It affects aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958;

(2) It contains or is accompanied by a statement by the mortgagor, conditional purchaser, lessee, etc., setting forth that the mortgagor, conditional purchaser, lessee, etc., is an air carrier certificated under section 604(b) of the Federal Aviation Act, and including therein information as to the pertinent part of the Civil Air Regulations under which the air carrier operating certificate was issued.

(3) It specifically describes the location or locations of the aircraft engines, propellers, appliances, or spare parts covered thereby;

(4) It is accompanied by the required recordation fee of $2.00 in the form of a check or money order made payable to the Federal Aviation Agency, for each location: *Provided*, That this paragraph shall not apply to any release, cancellation, invalidation, discharge, or satisfaction relating to any conveyance recorded under this part;

(5) It is signed in ink, and submitted to the Federal Aviation Agency, Aircraft and Airman Records Branch, Oklahoma City, Oklahoma; and

(6) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.[1]

(b) Release: A release of all of the collateral listed in the encumbrance or of all of the collateral at a particular location or locations, shall be signed in ink and acknowledged by the holder of the encumbrance releasing all of the collateral at the particular location or locations. This release shall be in form equivalent to the release Form FAA–1991, and shall contain a description of the encumbrance, the recording data furnished the holder at the time of its recording, and the location or locations of the released collateral. If the collateral at all of the locations listed in the encumbrance is released, it will not be necessary to list the locations, but the release shall set forth that all of the collateral at all of the locations listed in the encumbrance has been released. The original recorded document shall be clearly identified by the names of the parties to the transaction, the date of recording with the Federal Aviation Agency, and the document number thereof.

This revision shall become effective on September 19, 1960.

Issued in Washington, D.C., on August 8, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–7556; Filed, Aug. 12, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–LA–8]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation and Modification of Federal Airways and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1961) stating that the Federal Aviation Agency was considering

[1] A formal acknowledgment is required Neither an affidavit of good faith nor a jurat alone is acceptable.

amendments to §§ 600.6012, 600.6019, 600.6190, 601.6019, and 601.6190 of the regulations of the Administrator which would result in the following actions: modification of a segment of VOR Federal airway No. 12 between Winslow, Ariz., and Albuquerque, N. Mex.; modification of a segment of VOR Federal airway No. 19 between Socorro, N. Mex., and Santa Fe, N. Mex.; and modification of a segment of VOR Federal airway No. 190 between St. Johns, Ariz. (erroneously referred to as St. Johns, N. Mex., in the Notice), and Las Vegas, N. Mex.

As stated in the Notice, Victor 12 would be modified by revoking the north alternate from Winslow to Zuni, N. Mex., and the south alternate between Zuni and Albuquerque; and by designating a south alternate between Zuni and Grants, N. Mex., via the intersection of the Zuni VOR 108° and the Grants VOR 252° True radials. The associated control areas as so designated that they would automatically conform to this modified airway, and no amendment relating to such control areas would be necessary. Victor 19 would be modified by designating a west alternate from the Socorro VOR to the Albuquerque VOR via the intersection of the Socorro VOR 333° and the Albuquerque VOR 210° True radials, and the redesignation of Victor 19 from the Albuquerque VOR direct to the Santa Fe VOR, including a west alternate via the intersection of the Albuquerque VOR 026° and the Santa Fe VOR 253° True radials. Victor 190 would be modified by redesignating it from the St. Johns VOR via the Albuquerque VOR to the Las Vegas VOR including a north alternate via the intersection of the St. Johns VOR 053° and the Grants VOR 252° True radials; the Grants VOR; to the Albuquerque VOR.

The dual airway structure resulting from these actions will facilitate air traffic management by providing preferential inbound and outbound routings in the Albuquerque area. In addition, the realigned airways will provide the means for separating climbing and descending aircraft from traffic on the main airways. The west alternate to Victor 19 between Socorro and Albuquerque will traverse the Albuquerque Restricted Area (R–313). However, the restricted area is also designated as a control area and is normally available for use by air traffic during IFR weather conditions. The west alternate to Victor 19 between Albuquerque and Santa Fe will permit retention of the present 9000 foot MSL minimum en route altitude for unpressurized aircraft and aircraft destined for either terminal. The north alternate to Victor 12 between Winslow and Zuni is revoked, as the main airway segment and south alternate to Victor 12 provide adequate airway structure for VHF equipped aircraft operating between these points, and the north alternate is an unnecessary assignment of airspace, revocation of which is in the public interest.

The Notice stated that an amendment to § 601.6019 was to be considered, however, the control areas associated with Victor 19 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas will be necessary.

The Department of the Air Force commented objecting to the designation of a west alternate to Victor 19 between Socorro and Albuquerque for the reason that it will pass through Restricted Area (R–313). The Air Force states that it is believed that official designation of an airway through R–313 and consequent depiction of the airway on aeronautical charts would cause or support premature abolishment of the restricted area; that safety of private and military aircraft may be jeopardized by designating an airway through R–313; that despite the fact that aeronautical charts would show that prior ATC approval would be required, it is possible that operators of light civil aircraft would feel safe in flying along a published airway at low altitudes; and that with mission aircraft operating at 50 to 500 feet absolute altitude at speeds up to 600 knots indicated air speed, serious consequences could result.

The Notice stated that Restricted Area (R–313) is also designated as controlled airspace and, as noted by the Air Force, all aeronautical charts are plainly marked, "Prior ATC approval required for flights within R–313." R–313 is operated under the joint use concept, and when it is not in use by the controlling agency, it is released to the Albuquerque ARTC. During such periods, this area has been and is being used for the routing of IFR traffic. Designation of Victor 19 west will not change existing utilization of this area except to the extent that it will simplify the routing of air traffic. It is neither intended nor expected that designation and depiction of the airway will in any way influence the rescission of the restricted area. Nor does the Federal Aviation Agency consider that designation of the airway would, or should, to any degree relieve users of the airspace from their responsibility to acquaint themselves with and abide by the requirement to obtain prior ATC approval before traversing this restricted area. Therefore, in the interest of increased air traffic management efficiency, the Federal Aviation Agency is designating Victor 19 west as proposed.

The Air Transport Association expressed their full concurrence with the proposal. No other comments were received regarding the proposed amendment.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

§ 600.6012 [Amendment]

1. In the text of § 600.6012 (24 F.R. 10506; 25 F.R. 430, 632, 1991, 3756), "Zuni, N. Mex., VOR including a north alternate via the INT of the Winslow VOR 076° and the Zuni VOR 287° radials and also a south alternate via the INT of the Winslow VOR 109° and the Zuni VOR 252° radials; Grants, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station, including a south alternate from the Zuni omnirange station to the Albuquerque omnirange station via the point of intersection of the Zuni omnirange direct radial to the La Joya, N. Mex., omnirange with the Albuquerque omnirange 254° radial;" is deleted and "Zuni, N. Mex., VORTAC, including a S alternate via the INT of the Winslow VOR 109° True and the Zuni VORTAC 252° True radials; Grants, N. Mex., VOR, including a S alternate via the Zuni VORTAC 108° True and the Grants VOR 252° True radials; Albuquerque, N. Mex., VORTAC;" is substituted therefor.

§ 600.6019 [Amendment]

2. In the text of § 600.6019 (24 F.R. 10508; 25 F.R. 5876), "Socorro, N. Mex., VOR; INT of the Socorro VOR 015° and the Albuquerque VOR 160° radials; Albuquerque, N. Mex., VOR; INT of the Albuquerque VOR 026° and the Santa Fe VOR 253° radials; Santa Fe, N. Mex., VOR;" is deleted and "Socorro, N. Mex., VORTAC; INT of the Socorro VORTAC 015° True and the Albuquerque VORTAC 160° True radials; Albuquerque, N. Mex., VORTAC including a W alternate via the Socorro VORTAC 333° True and the Albuquerque VORTAC 210° True radials; Santa Fe, N. Mex., VORTAC, including a W alternate via the Albuquerque VORTAC 026° True and the Santa Fe VORTAC 253° True radials;" is substituted therefor.

§ 600.6190 [Amendment]

3. In the text of § 600.6190 (24 F.R. 10521; 25 F.R. 856, 3708), "St. Johns, Ariz., omnirange station; Grants, N. Mex., omnirange; intersection of the Grants omnirange 067° and the Santa Fe omnirange 253° radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station;" is deleted and "St. Johns, Ariz., VOR; Albuquerque, N. Mex., VORTAC including a N alternate via the INT of the St. Johns, VOR 053° True and the Grants VOR 252° True radials, and the Grants, N. Mex., VOR; Las Vegas, N. Mex., VOR;" is substituted therefor.

4. Section 601.6190 (24 F.R. 10602) is amended to read:

§ 601.6190 VOR Federal airway No. 190 control areas (Phoenix, Ariz., to Evansville, Ind.).

All of VOR Federal airway No. 190 including a N alternate.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–7558; Filed, Aug. 12, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 461; Amdt. 179]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or cancelled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedures hereon are impracticable and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1		
				C–d	500–1		
				C–n	500–1½		
				A–dn	800–2		

Procedure turn S side of crs, 101° Outbnd, 281° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 297—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, climb to 2600′ on W crs within 20 mi.
NOTE: Only aircraft having stall speeds of 65K or less authorized. N–S runway authorized only.
CAUTION: Mast 1172′ MSL, 0.5 mi N of final approach crs and 1270′ MSL unlighted stack 2.0 mi N of airport.

City, Chanute; State, Kans.; Airport Name, Municipal; Elev., 1001′; Fac. Class., SBRAZ; Ident., CU; Procedure No. 1, Amdt. 2; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 1; Dated, 14 Oct. 53

Oden FM	CP LFR	Direct	1400	T–dn	300–1	300–1	200–½
CRP VOR	CP LFR	Direct	1400	C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of NE crs, 039° Outbnd, 219° Inbnd, 1400′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 216°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, turn right and climb to 1800′ on SW (231°) crs within 20 miles or, when directed by ATC, turn left, climb to 1400′ on NE (039°) crs within 20 miles.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 43′; Fac. Class., SBMRLZ; Ident., CP; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 60, or upon cancellation of Amdt. 12, Cliff Maus Airport

Anchor Point Int	HOM–LFR (final)	061–28	1900	T–dn	400–1	400–1	400–1
Homer VOR	Homer LFR	Direct	2700	C–dn	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2

Procedure turn S side W crs, 241° Outbnd, 061° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, °068—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles, turn right, climb to 2500′ on W crs (241° outbnd) within 20 mi.
CAUTION: Terrain within 1 mi N and W rising to 1000′ and continuing to rise to 1900′ within 4 mi. All maneuvers prior to landing must be accomplished SE of airport. Turn right after takeoff Runway 3, turn left after takeoff Runway 21.
*Let-down from facility on magnetic crs 090 to minimums.

City, Homer; State, Alaska; Airport Name, Homer Airport; Elev., 80′: Fac. Class., SBRAZ; Ident., HH; Procedure No. 1, Amdt. 13; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 12; Dated, 5 May 56

Homer VOR	Homer LFR	Direct	2700	T–dn	400–1	400–1	400–1
				C–dn	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2

Procedure turn S side W crs, 241° Outbnd, 061° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs (see missed approach).
Crs and distance, facility to airport, 068—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles West of Homer LFR following procedure turn, turn right, climb to 2500′ on West crs (241° Outbnd) within 25 miles.
CAUTION: Hold "A" twilight on final approach to range station. Terrain within one mile North rising to 1000′ and continuing to rise to 1900′ within 4 miles. All maneuvers prior to landing must be performed SE of airport. Turn right after takeoff Runway 3, turn left after takeoff Runway 21.

City, Homer; State, Alaska; Airport Name, Homer; Elev., 80′; Fac. Class., SBRAZ; Ident., HH; Procedure No. 2, Amdt. 2; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 1; Dated, 10 Sept. 55

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–18	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of NE crs, 009° Outbnd, 189° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 183°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 1400′ on SW crs (187°) within 20 mi.

City, Kenai; State, Alaska; Airport Name, Kenai; Elev., 93′; Fac. Class., SBRAZ; Ident., KE; Procedure No. 1, Amdt. 9; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 8; Dated, 5 May 56

All directions	SPR–LFR	Direct	MEA	T–dn	300–1	300–1	200–½
				C–dn	700–1	700–1	700–1½
				S–dn–1	700–1	700–1	700–1
				A–dn*	NA	NA	NA

Procedure turn E side of crs, 189° Outbnd, 009° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 011°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Spragueville LFR, climb to 2600′ on N crs SPR–LFR within 20 mi.
NOTE: ADF approach NA.
*Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534′; Fac. Class., SMLZW; Ident., SPR; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug 60

All directions	PQ–LFR	Direct	MEA	T–dn	300–1	300–1	200–½
				C–dn	700–1	700–1	700–1½
				S–dn–19	700–1	700–1	700–1
				A–dn*	NA	NA	NA

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 190°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi after passing PQ–LFR, climb to 2700′ on S crs of PQ–LFR within 20 mi.
*Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather service at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534′; Fac. Class., SBRAZ; Ident., PQ; Procedure No. 2, Amdt. Orig.; Eff. Date, 27 Aug. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ADM VOR	ADM RBn	065°–5.5	2300	T–dn	300–1	300–1	200–½
				C–d	500–1	600–1	600–1½
				C–n	600–1	600–1	600–1½
				S–d–8	500–1	500–1	500–1
				S–n–8	600–1	600–1	600–1
				A–dn	*800–2	*800–2	*800–2

Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 076°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, climb to 2700′ on crs of 076° from ADM RBn within 20 mi.
NOTE: Weather not available to General Public.
*Alternate use for Air Carrier only.

City, Ardmore; State, Okla.; Airport Name, Ardmore Municipal; Elev., 762′; Fac. Class., BMH; Ident., ADM; Procedure No. 1, Amdt. 1; Eff. Date, 27 Aug. 60; Sup. Amdt. No. Orig.; Dated, 2 July 60

Charleston VOR	CW–LFR	Direct	2500	T–dn	800–2	1500–2	1500–2
Swiss Int	CW–LFR	Direct	3000	C–dn	1500–2	1500–2	1500–2
				A–dn	1500–2	1500–2	1500–2

Procedure turn North side of crs, 281° Outbnd, 101° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 113°—9.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a left turn and climb to 3000′ direct to the Charleston LOM.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981′; Fac. Class., SBRAZ; Ident., CW; Procedure No. 2, Amdt. 1; Eff. Date, 27 Aug. 60; Sup. Amdt. No. Orig.; Dated, 9 July 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
County Int	Cuyahoga County RBn	Direct	2500	T–dn	300–1		
Perry RBn	Cuyahoga County RBn	Direct	2500	C–dn	1000–1		
Fairport Int	Cuyahoga County RBn	Direct	2500	A–dn	NA		

Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 2300′ within 10 miles. Beyond 10 miles NA.
Facility on airport.
Minimum altitude over facility on final approach crs, 1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of OGF RBn, turn left, climb to 2500′ on crs of 060° within 10 miles. Return to OGF RBn. Hold in standard holding pattern 060° outbnd, 240° inbnd.
CAUTION: Airport bounded by trees East and Northeast.
NOTES: (1) No weather reporting service. (2) After 8 P.M. runway lights upon request through UNICOM or Cleveland Center. Facility owned and operated by Cuyahoga County Airport.

City, Cleveland; State, Ohio; Airport Name, Cuyahoga County; Elev., 855′; Fac. Class., MHW; Ident., CGF; Procedure No. 2, Amdt. 1; Eff. Date, 27 Aug. 60; Sup. Amdt. No. Orig.; Dated, 21 May 60

CRP VOR	LOM	Direct	1400	T–dn	300–1	300–1	200–½
CP LFR	LOM	Direct	1400	C–dn	400–1	500–1	500–1½
				S–dn–13	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 127°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, turn right, climb to 1800′ on CRP VOR R–263 within 20 miles or, when directed by ATC, turn left, climb to 1400′ direct to CRP VOR and proceed outbound on R–040 within 20 miles.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 43′; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 60 or on com. of fac.

All directions	LOM	Direct	MEA	T–dn	300–1	300–1	200–½
				C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
				S–dn–13	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach 2000′.
Crs and distance, facility to airport, 130°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, climb to 2700′ on 120° crs or, when directed by ATC, make left turn, climbing to 2500′ and proceed to LOM.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev., 980′; Fac. Class., LOM; Ident., JL; Procedure No. 1, Amdt. 3; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 2 (ADF portion Comb. ILS–ADF); Dated, 15 Dec. 56

Oklahoma City VOR	LOM	Direct	2400	T–dn	300–1	300–1	200–½
Oklahoma City LFR	LOM	Direct	2400	C–dn	400–1	500–1	500–1½
Bethany Int	LOM	Direct	2500	S–dn–35	400–1	400–1	400–1
Mustang FM	LOM	Direct	2400	A–dn	800–2	800–2	800–2
Newcastle Int	LOM (final)	Direct	2300				
*Radar terminal area transition altitudes:		Within:					
000	000	25 mi	2400				
090	180	25 mi	2500				
180	290	25 mi	2700				
230	295	35 mi	2500				
295#	360	25 mi	#2700				

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM inbnd final, 2300′.
Crs and distance, facility to airport, 350°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM, climb to 3000′ on 350° crs within 20 mi or, when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR, or direct to the OC LFR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar Control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of towers 2127′ msl and 2726′ msl 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., LOM; Ident., OK; Procedure No. 1, Amdt. 7; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 6; Dated, 9 July 60

Oklahoma City LFR	TWO RBn	Direct	2500	T–dn	300–1	300–1	200–½
Oklahoma City VOR	TWO RBn	Direct	2500	C–dn	400–1	500–1	500–1½
Oklahoma City LOM	TWO RBn	Direct	2400	S–dn–17	400–1	400–1	400–1
Mustang FM	TWO RBn	Direct	2500	A–dn	800–2	800–2	800–2
Bethany Int	TWO RBn (final)	Direct	2300				
Edmond Int	TWO RBn (final)	Direct	2300				
*Radar terminal area transition altitudes:		Within:					
000	090	25 mi	2400				
090	180	25 mi	2500				
180	230	25 mi	2700				
230	295	35 mi	2500				
295#	360	25 mi	#2700				

Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on 170° crs from TWO RBn within 20 mi or, when directed by ATC, turn right, climb to 2500′ direct to OKC–VOR or direct to OC–LFR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar Control will provide 1080′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of towers 2127′ msl and 2726′ msl 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., MHW; Ident., TWO; Procedure No. 2, Amdt. 5; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 4; Dated, 9 July 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	300–1
				C–dn	400–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

INSTRUMENT APPROACH TO BE CONDUCTED IN ACCORDANCE WITH USAF AL–1502–ADF.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise Point Barrow Radio of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted Point Barrow Radio, hold between facility and a point two minutes out on final approach course at least 1,000 feet above procedure turn altitude and 1,000 feet above previously reported traffic until advised that aircraft making approach has landed. Keep Point Barrow Radio advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.

City, Point Barrow; State, Alaska; Airport Name, Point Barrow Aerodrome; Elevation, 9'; Fac. Class., H; Ident., PBA; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ADM RBn	ADM VOR	Direct	2000	T–dn	300–1	300–1	200–½
				C–dn	*500–1	*600–1	*600–1½
				A–dn	**800–2	**800–2	**800–2

Procedure turn S side of crs, 234° Outbnd, 044° Inbnd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'; over Autry Int‡, 1500'.
Crs and distance, facility to airport, 044°—9.4 mi; fix to airport, 044°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 mi, climb to 2700' on ADM-VOR R-044 within 25 mi.
NOTES: Aircraft not equipped with ADF restricted to landing ceiling minimum of 700'. Weather not available to general public.
*Maintain 1500' until passing Autry Int. If Int not received, landing ceiling minimum is 700'.
**Alternate use for air carrier only.
‡Autry Int: Int ADM–VOR R–044 and brng 095° from ADM RBn.

City, Ardmore; State, Okla.; Airport Name, Ardmore Municipal; Elevation, 762'; Fac. Class., BVOR; Ident., ADM; Procedure No. 1, Amdt. 1; Eff. Date, 27 Aug. 60; Sup. Amdt. No. Orig.; Dated, 2 July 60

All directions	PQI VOR	Direct	MEA	T–dn	300–1	300–1	
				C–dn	1000–1	1000–1	
				S–dn	NA	NA	
				A–dn	1000–1	1000–1	

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 050°—6.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles, make a right climbing turn to the PQI-VOR at 2500'. Hold SW, one minute pattern, right turns.
CAUTION: 825' antenna within 1 mile NW of airport.

City, Caribou; State, Maine; Airport Name, Caribou Municipal; Elev., 623'; Fac. Class., BVOR; Ident., PQI; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 60

CP LFR	CRP VOR	Direct	1400	T–dn	300–1	300–1	200–½
				C–dn	700–1	700–1	700–1½
				S–dn	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 191°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles, turn right, climb to 1800' on R–227 CRP-VOR within 20 mi or, when directed by ATC, turn left, climb to 1400' on R–040 within 20 mi.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 43'; Fac. Class., BVORTAC; Ident., CRP; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 60, or upon cancellation of Amdt. 4, Cliff Maus Airport

All directions	PQI–VOR	Direct	MEA	T–dn	300–1	300–1	200–½
				C–dn	700–1	700–1	700–1½
				S–dn–19	700–1	700–1	700–1
				A–dn*	NA	NA	NA

Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 181°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, climb to 2700' on R–181 of PQI–VOR within 15 mi.
*Alternate weather minimums of 800–2 authorized for those who have an approved arrangement for weather at the airport.

City, Presque Isle; State, Maine; Airport Name, Presque Isle Municipal; Elev., 534'; Fac. Class., BVOR; Ident., PQI; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rockford Int	GEG–VOR	Direct	5500	T–dn	300–1	300–1	200–½
GG LFR	GEG–VOR	Direct	4000	C–d	500–1	500–1	500–1½
Pine City MH	GEG–VOR R–207	309°–14.2	4000	C–n	600–1	600–1	600–1½
Rollns Int	GEG–VOR R–207	347°–11.9	4000	S–dn–3	400–1	400–1	400–1
Harrington FM	GEG–VOR R–207	099° crs to PCD RBn.	4000	A–dn	800–2	800–2	800–2
Int GEG–VOR R–207 and 129° brng to PCD RBn.	GEG–VOR (final)	Direct	3700				

Radar transitions and vectoring utilizing Spokane RADAR authorized in accordance with approved RADAR patterns.
Procedure turn S side of crs, 207° Outbnd, 027° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 3700'.
Crs and distance, facility to airport, 027—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, make left climbing turn and climb to 4500' on R–360 within 20 miles—all turns on W side of R–360 or, when directed by ATC, make left climbing turn and climb to 4500' on R–300 within 20 miles—all turns W side R–300 or left climbing turn and return to VOR climbing to 4000'.
Major Change: Deletes transition from GEG LOM.

City, Spokane; State, Wash.; Airport Name, Geiger Field; Elev., 2372'; Fac. Class., BVORTAC; Ident., GEG; Procedure No. 1, Amdt. 7; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 6; Dated, 27 June 57

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BC LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
BFL VOR	LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Maricopa Int	LOM	Direct	3000	S–dn–30‡	200–½	200–½	200–½
Grapevine Int	LOM	Direct	5000	A–dn	800–2	800–2	800–2
Wheeler Ridge Int	LOM	Direct	6000				
Whitman Int	LOM	Direct	5000				

Procedure turn *S side SE crs, 119° Outbnd, 299° Inbnd, 2000' within 10 mi of OM. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 2000'.
Altitude of glide slope and distance to approach end of Runway at OM, 1967'—4.5 mi; at MM, 608'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on NW crs ILS within 20 miles or, when directed by ATC, (1) climb to 2000' on R–227 BFL within 15 mi; (2) climb to 2000' on SW crs BC LFR within 15 mi; (3) climb to 2500' on NW crs BC LFR within 20 mi.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25–30–34.
*Procedure turn S side for more favorable terrain.
‡400–¾ required with glide slope inoperative.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515'; Fac. Class., ILS; Ident., BFL; Procedure No. ILS–30, Amdt. 10; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 9; Dated, 26 Mar. 60

OXR–VOR	ILS W crs	057°–18	5000	T–dn*	300–1	300–1	300–1
Saugus Int	LOM	Direct	5000	C–d*	900–1½	900–1½	900–1½
Malibu Int	LOM	Direct	5000	C–n*	900–2	900–2	900–2
Pt. Dume Int	LOM	Direct	5000	S–dn–7	300–¾	300–¾	300–¾
Newhall LFR	ILS W crs	120°–13	5000	A–dn	900–2	900–2	900–2
Fillmore VOR	LOM	Direct	4600				
INT W crs ILS and Fillmore VOR R–120.	LOM (final)						

Radar transitions and vectoring using Burbank Radar authorized in accordance with approved Radar patterns.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 4600' within 10 miles of LOM. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 4600'.
Altitude of G.S. and distance to appr end of rnwy at OM, 4600'—11.9 mi; at MM, 1390'—1.7 mi; at LIM, 924'—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished immediate right turn, climbing to 4600' on W crs BUR ILS within 10 mi West of LOM or, when directed by ATC, climb to 3000' on SE crs BUR LFR, turn right, return to LFR climbing to 5000', or climb to 5000' on SE crs BUR LFR within 15 mi.
AIR CARRIER NOTES: Sliding scale prohibited below ¾ mi for takeoff on Rnwys 7, 15, 33, and for straight-in landing minima. Sliding scale NA for circling minima.
NOTES: All components of ILS system must be utilized. Nonstandard installation. Localizer antenna at approach end of runway.
CAUTION: High terrain NE and E of airport.
‡200–½ authorized for takeoff on Rnwy 25 only.
*Maneuvering NE and E of airport NA.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Terminal; Elev., 764'; Fac. Class., ILS; Ident., BUR; Procedure No. ILS–7, Amdt. 12; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 11; Dated, 7 Dec. 58

Int NW crs ILS and E crs CU LFR	LOM (final)	Direct	2500	T–dn	300–1	300–1	300–1
Int SE crs ILS and SW crs SF LFR	LOM	Direct	2700	C–d	400–1	500–1	500–1½
Int SE crs ILS and R–051 EOS VOR	LOM	Direct	2700	C–n	400–1½	500–1½	500–1½
				S–dn–13	300–¾	300–¾	300–¾
				A–dn	800–2	800–2	800–2

Procedure turn W side NW crs, 310° Outbnd, 130° Inbnd, 2500' within 10 miles.
Minimum altitude at G.S. int inbnd, 2200'.
Altitude of G.S. and distance to appr end of Rnwy at LOM, 2132'—3.8 mi; at LMM, 1158'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2700' on SE crs ILS within 20 mi or, when directed by ATC, make left turn, climbing to 2500' and proceed to LOM.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev 980'; Fac. Class., ILS; Ident., I–JLN; Procedure No. ILS–13, Amdt. 3; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 2 (ILS portion Comb. ILS–ADF); Dated, 15 Dec. 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Grandby Int*	Int# (final)	Direct	1800	T–dn	300–1	300–1	200–½
ILS–LOM	Int#	Direct	2700	C–d	500–1	500–1	500–1½
Int NW crs ILS and E crs CU–LFR	Int#	Direct	2700	C–n	500–1½	500–1½	500–1½
				S–dn–31	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side SE crs, 130° Outbnd, 310° Inbnd, 2300' within 10 miles of Int#.
No glide slope. Altitude over Int# 1800. No outer marker, altitude over Int# 1800—dist. 3.7; No middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Int#, climb to 2500' on NW ILS crs within 20 miles.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
*Int SW crs SF LFR and R-051 EOS VOR or SE crs JLN localizer.
#Int SE crs ILS and R-351 EOS.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev., 980'; Fac. Class., ILS; Ident., IJLN; Procedure No. ILS–31, Amdt. 3; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 2; Dated, 15 Dec. 56

Midland VOR	LMM	Direct	4200	T–dn	300–1	300–1	*200–½
Midland VOR	OM	Direct	4300	C–dn	400–1	500–1	500–1½
Midland LFR	OM	Direct	4000	S–dn–4**	200–½	300–½	200–½
Midland LFR	LMM	Direct	4000	A–dn	600–2	600–2	600–2
Watson Int#	OM	Direct	4400				

Procedure turn S side SW crs, 223° Outbnd, 043° Inbnd, 4400' within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int Inbnd, 4100'.
Altitude of glide slope and distance to approach end of rny at OM—4010—4.1; at MM—3070—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4400' on NE crs ILS (043) within 20 mi. or, when directed by ATC, turn right, climb to 4000' on R-150 within 20 mi. or, when directed by ATC, climb to 4000' on SE crs MF LFR within 20 mi.
#Int SW crs MAF–ILS and R-095 Wink VOR.
AIR CARRIER NOTE: 7300–1 required Runways 16L and 34R.
**400–¾ required when glide slope not utilized.

City, Midland; State, Tex.; Airport Name, Air Terminal; Elev., 2867'; Fac. Class., ILS; Ident., I-MAF; Procedure No. ILS–4, Amdt. 10; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 9; Dated, 25 Oct. 58

Oklahoma City LFR	TWO RBn	Direct	2500	T–dn	300–1	300–1	200–½
Oklahoma City VOR	TWO RBn	Direct	2500	C–dn	400–1	500–1	500–1½
Oklahoma City LOM	TWO RBn	Direct	2400	S–dn–17	300–1	300–1	300–1
Mustang FM	TWO RBn	Direct	2500	A–dn	800–2	800–2	800–2
Bethany Int	TWO RBn (final)	Direct	2300				
Edmond Int	TWO RBn (final)	Direct	2300				
*Radar terminal area transition altitudes:		Within:*					
000		25 mi	2400				
090		25 mi	2500				
180		25 mi	2700				
230		35 mi	2500				
295		25 mi	#2700				
360							

Procedure turn W side crs. 350° Outbnd, 170° Inbnd, 2500' within 10 mi. Beyond 10 mi NA.
No glide slope. Altitude over TWO RBn on final, 2300'.
Bearing and distance, TWO RBn to Rnwy 17, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400' on S crs ILS within 20 mi or on crs 170° from TWO within 20 mi, or when directed by ATC, turn right, climb to 2500' direct to OKC–VOR or direct to OC–LFR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar Control will provide 1000' vertical clearance within a 3-mi radius or 500' vertical clearance within a 3–5 mi (inclusive) radius of towers 2127' MSL and 2726' MSL 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284'; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS–17, Amdt. 5; Eff. Date, 27 Aug. 60; Sup. Amdt. No. 4; Dated, 9 July 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–7208; Filed, Aug. 12, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES; SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611) hereby authorizes the use in foods of the following substances under the conditions prescribed in this order:

Section 121.86 is amended by adding thereto the following items, under the heading Synthetic Flavoring Substances:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 1, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

(Used in accordance with good manufacturing practices)

Acetal (acetaldehyde diethylacetal).
Acetanisole (*p*-acetyl anisole, *p*-methoxy acetophenone).
Acetol acetate (1-acetoxy-2-propanone, hydroxy acetone acetate).
Acetophenone (phenyl methyl ketone).
Acetyl *N*-butyryl (hexan-2,3-dione).
Acetyl *iso*-butyryl (4-methyl-pentane-2,3-dione).
Acetyl *iso*-eugenol (*iso*-eugenol acetate, 3-methoxy-4-acetoxy-propenyl-1-benzene).
Acetylnonyryl (undecan-2,3-dione).
Acetyl propionyl (pentane-2,3-dione).
Acetyltributyl citrate.
Acetylvaleryl (heptan-2,3-dione).
Acetylvanillin.
Adipic acid.
Allyl anthranilate.
Allyl butyrate.
Allyl caproate (2-propenyl hexanoate, allyl hexanoate).
Allyl caprylate.
Allyl cinnamate.
Allyl cyclohexyl acetate.
Allyl cyclohexyl butyrate.
Allyl cyclohexyl caproate.
Allyl cyclohexyl propionate.
Allyl cyclohexyl valerate.
Allyl-2-ethyl butyrate.
Allyl furoate.
Allyl heptylate (allyl heptoate, allyl oenanthate, allyl heptanoate).
Allyl hexadienoate (allyl sorbate).
Allyl ionone.
Allyl mercaptan.
Allyl nonate (allyl pelargonate, allyl nonylate, allyl nonanoate).
Allyl phenoxyacetate.
Allyl phenylacetate.
Allyl propionate.
Allyl *iso*-thiocyanate (mustard oil).
Allyl tiglate.
Allyl undecylate.
Allyl *iso*-valerate.
Ambrettolide (hexadecen-6-olide).
Ammonium *iso*-valerate (ammonium valerianate).
iso-Amyl acetate (amyl acetate, *β*-methyl butyl acetate).
n-Amyl alcohol (1-pentanol).
iso-Amyl alcohol.
iso-Amyl benzoate.
iso-Amyl benzyl ether.
n-Amyl butyrate.
iso-Amyl butyrate.
n-Amyl caproate.
iso-Amyl caproate.
n-Amyl caprylate (*n*-amyl octoate).
iso-Amyl caprylate (*iso*-amyl octoate).
iso-Amyl cinnamate.
Amyl cinnamic aldehyde (*α*-*n*-amyl-*β*-phenylacrolein).
α-Amyl cinnamic aldehyde (dimethyl acetal).
α-(*n*-Amyl) cinnamyl acetate.
α-Amyl cinnamyl alcohol.
α-Amyl cinnamyl formate.
α-Amyl cinnamyl *iso*-valerate.
Amyl *p*-cresyl ether (amyl *p*-cresol).
iso-Amyl ether.
n-Amyl formate.
iso-Amyl formate.
α-*iso*-Amyl furfurylacetate.
α-*iso*-Amyl furfurylacrylate.
α-*iso*-Amyl furfurylpropionate.
Amyl furoate.
Amyl heptoate (amyl oenanthate, amyl heptylate).
iso-Amyl laurate.
iso-Amyl pelargonate (amyl nonylate, nonate).
iso-Amyl phenylacetate.
iso-Amyl propionate.
iso-Amyl pyruvate.
iso-Amyl salicylate (*iso*-amyl *o*-hydroxybenzoate, orchidae).
iso-Amyl *iso*-valerate.
Anisaldehyde (*p*-methoxybenzaldehyde, aubepine liquid).
Anisole (methylphenyl ether, methoxybenzene).
Anisyl acetate (*p*-methoxybenzyl acetate).
Anisyl alcohol (*p*-methoxybenzyl alcohol, anisic alcohol).
Anisyl *N*-butyrate.
Anisyl formate.
Anisyl propionate.
Benzaldehyde dimethyl acetal.
Benzaldehyde propylene glycol acetal.
Benzal glyceryl acetal.
Benzilidene methyl acetone (3-methyl-4-phenylbut-3-*en*-2-one).
Benzodihydropyrone (dihydrocoumarin).
Benzoin.
Benzophenone (diphenyl ketone, benzoylbenzene).
Benzyl acetate (benzyl ethanoate).
Benzyl acetoacetate (benzyl acetyl acetate).
Benzylacetone (benzilidene acetone, methyl styryl ketone).
Benzyl alcohol (phenyl carbinol).
Benzyl benzoate (benzyl benzene carboxylate, benzyl phenyl formate).
Benzyl butyrate (benzyl butanoate).
Benzyl *iso*-butyrate (benzyl 2-methyl propanoate).
Benzyl cinnamate (cinnamein, benzyl *β*-phenylacrylate).
Benzyl dipropyl ketone (morellone).
Benzylethyl alcohol.
Benzylethyl ether.
Benzyl *iso*-eugenol (*iso*-eugenol benzyl ether, 1-benzyloxy-2-methoxy-4-propenylbenzene).
Benzyl formate (benzyl methanoate).
Benzyl mercaptan.
Benzyl methoxyethyl acetal.
Benzyl methyl tiglate.
Benzyl phenylacetate.
Benzyl propionate (benzyl propanoate).
Benzylpropyl acetate (dimethyl benzyl carbinyl acetate).
Benzyl salicylate (benzyl *o*-hydroxybenzoate).
Benzyl *iso*-valerate (benzyl valerianate).
Borneol (bornyl alcohol, 2-hydroxy-camphane, borneocamphor).
iso-Borneol.
iso-Bornyl acetate.
Bornyl *iso*-valerate.
n-Butanol.
iso-Butanol.
Butter acids.
Butter esters.
n-Butyl acetate.
iso-Butyl acetate.
n-Butyl acetoacetate.
iso-Butyl acetoacetate
n-Butyl anthranilate.
iso-Butyl anthranilate.
iso-Butyl benzoate.
iso-Butyl benzyl carbinol.
Butyl benzyl ether.
n-Butyl butyrate.
iso-Butyl butyrate.
iso-Butyl *iso*-butyrate.
n-Butyl *iso*-butyrate.
Butyl butyryl lactate.
n-Butyl caproate.
iso-Butyl caproate.
n-Butyl cinnamate.
iso-Butyl cinnamate.
β-(*n*-Butyl) cinnamic aldehyde.
n-Butyl decylenate.
n-Butyl formate.
iso-Butyl formate.
iso-Butyl furyl propionate.
Butyl heptylate (butyl oenanthate).
Butyl *p*-hydroxybenzoate (butyl parasept).
n-Butyl lactate.
n-Butyl laurate.
n-Butyl levulinate.
p-*tert*-Butyl methyl phenylacetate.
Butyl oleate.
n-Butyl phenylacetate.
iso-Butyl phenylacetate.
n-Butyl propionate.
iso-Butyl propionate.
6-*iso*-Butyl quinoline.
tert-Butyl quinoline.
iso-Butyl salicylate.
Butyl stearate.
n-Butyl stearate.
Butyl undecylenate.
Butyl valerate.
n-Butyl *iso*-valerate.
n-Butyraldehyde (butanal).
iso-Butyraldehyde (2-methyl propanal).
iso-Butyric acid (2-methyl propanoic acid).
Butyroin.
Camphene (3,3-dimethyl-2-methylenenorcamphane).
Caryophyllene.
Carvacrol (2-hydroxy-*p*-cymene, 2-methyl-5-isopropylphenol, 2-*p*-cymenol, cymophenol).
Carveol.
Carvomenthol (hexahydrocarvacrol, tetrahydrocarveol).
Carvyl acetate.
Carvyl propionate.
Cedryl acetate.
Cinnamaldehyde ethyleneglycol acetal (cinncloval).
Cinnamic acid.
Cinnamyl acetate (3-phenyl-2-propenyl acetate, styrylacetate, *γ*-phenyl-allyl acetate).
Cinnamyl alcohol (cinnamic alcohol, styryl carbinol, 3-phenylpropen-2-ol-1).
Cinnamyl anthranilate.

Cinnamyl butyrate.
Cinnamyl iso-butyrate.
Cinnamyl cinnamate (styracin, phenylallyl cinnamate).
Cinnamyl formate.
Cinnamyl phenylacetate.
Cinnamyl propionate (γ-phenylallyl propionate, 3-phenyl-2-propenyl-propanoate).
Cinnamyl iso-valerate (cinnamyl valerianate).
Citraconic acid (cis-methyl butene dioic acid, methyl maleic acid).
Citral diethyl acetal.
Citral dimethyl acetal.
Citronellal (2,6-dimethyl-octen-2-al-8, rhodinol).
d-Citronellol (2,6-dimethyl-octene-1-ol-8).
l-Citronellol (2,6-dimethyl-octene-2-ol-8).
Citronellyl acetate (2,6-dimethyl-octen-(1 or 2)-ol-8-acetate).
Citronellyl butyrate (2,6-dimethyl-octen-(1 or 2)-ol-8-butyrate).
Citronellyl iso-butyrate.
Citronellyl formate (2,6-dimethyl-octen-(1 or 2)-ol-8-methanoate).
Citronellyl oxyacetaldehyde.
Citronellyl phenylacetate.
Citronellyl propionate.
Citronellyl valerate.
p-Cresol.
o-Cresyl acetate (o-tolyl acetate).
p-Cresyl acetate.
p-Cresyl isobutyrate.
m-Cresyl phenylacetate.
p-Cresyl phenylacetate.
m-Cresyl phenyl ether.
p-Cresyl salicylate.
Cuminal (p-isopropyl benzaldehyde, cuminic aldehyde).
Cuminic alcohol (cumin alcohol).
Cuminyl acetaldehyde.
Cyclamen aldehyde (methyl p-isopropyl phenylpropyl aldehyde, p-isopropyl α-methyl hydrocinnamic aldehyde, cyclamal).
iso-Cyclocitral.
Cyclohexyl acetate.
Cyclohexyl acetic acid.
Cyclohexyl anthranilate.
Cyclohexyl n-butyrate.
Cyclohexyl cinnamate.
Cyclohexylethyl acetate.
Cyclohexyl formate.
Cyclohexyl methyl ether.
Cyclohexyl propionate.
Cyclohexyl iso-valerate (cyclohexyl valerianate).
Cyclopentanone, acetylated.
Cyclopentenyl methyl acetate.
p-Cymene (cymene, cymol).
γ-Decalactone.
δ-Decalactone.
Decanal dimethyl acetal.
Decanoic acid (capric acid, n-decylic acid).
n-Decanol (n-decyl alcohol, decanol-1, decylic alcohol, alcohol C-10).
n-2-Decanal 1 (n-decene-2-al-1, n-1-decenaldehyde, n-1-decylenic aldehyde).
n-Decyl acetate (decanol acetate, acetate C-10).
iso-Decaldehyde (2,6-dimenthyl octanal).
Decyl n-butyrate.
n-Decyl propionate.
Diallyl disulfide (thioallyl ether).
Diacetyl monoxime (methyl iso-nitrosoethyl ketone).
Diallyl sulfide.
Dibenzyl ether.
Dibenzyl ketone.
Dibutyl butyrolactone.
Dibutyl sebacate (butyl sebacate).
Dibutyl sulfide.
Diethyl anthranilate.
Diethyl malate (ethyl malate).
Diethyl hydroquinone.
Diethyl maleate.
Diethyl malonate (malonic ester, ethyl malonate).
Diethyl sebacate.
Diethyl succinate (ethyl succinate).
Diglycol laurate (diethylene glycol monolaurate).
Dihydrocarveol (p-menth-8(9)-en-2-ol, 1-methyl-4-isopropenyl-cyclohexan-2-ol).
Dihydrocarveol acetate (p-menth-8(9)-en-2-ol-acetate, 1-methyl-4-isopropenyl-cyclohexan-2-ol-acetate).
1,4-Dimethoxybenzene (hydroquinone dimethyl ether).
Dimethyl acetophenone (2,4-dimethyl acetophenone).
Dimethyl anthranilate (2-methylamino methyl benzoate, N-methyl methyl anthranilate).
Dimethyl benzyl carbinol.
2,6-Dimethyl hepten-2-al-7.
Dimethylhydroquinone.
2,6-Dimethyl octanol-8 (geraniol tetrahydride).
Dimethyl phenylethyl carbinyl acetate.
Dimethyl resorcinol.
Dimethyl succinate.
Dimethyl sulfide (methyl sulfide).
Dipropyl ketone.
Ditetrahydrofurfuryl phthalate.
Δ-Dodecalactone.
n-Dodecanal (lauric aldehyde, aldehyde C-12).
2-Dodecanal-1 (n-2-dodecen-1-al, n-1-dodecenaldehyde, n-1-dodecylenic aldehyde, n-dodecene-2-al-1).
n-Dodecyl alcohol (dodecanol-1, lauryl alcohol, alcohol C-12).
p-Ethoxy benzaldehyde.
Ethyl abietate, purified.
Ethyl acetoacetate (acetoacetic ester).
Ethyl acrylate.
Ethyl n-amyl ketone (octanone-3).
Ethyl anisate.
Ethyl anthranilate.
Ethyl benzoate (ethyl bemzene-carboxylate).
Ethyl benzoylacetate.
Ethyl benzyl acetoacetate.
α-Ethyl-β-butyl acrolein.
Ethyl butyl ketone (heptanone-3).
Ethyl n-butyl malonate.
2-Ethyl butyraldehyde.
Ethyl iso-butyrate.
Ethylbutyro lactone.
Ethyl caprylate (ethyl octanoate).
Ethyl cinnamate (ethyl 3-phenyl propenoate).
Ethyl cyclohexyl glycidate.
Ethyl cyclohexyl propionate.
Ethyl decylate (ethyl caprate).
Ethyl iso-eugenol.
Ethyl formate.
α-Ethyl furyl acrolein.
Ethyl furylpropionate (ethyl furfuryl hydracrylate).
Ethyl guaiacol (1-ethyl-3-methoxy-4-hydroxybenzene).
Ethyl heptanoate (ethyl oenanthate, ethyl n-heptylate, ethyl oenanthylate).
Ethyl hexadienoate (ethyl sorbate).
Ethyl hexanoate (ethyl caproate, capronic ether absolute).
Ethyl hydrocinnamate (ethyl phenylpropionate).
Ethyl lactate.
Ethyl laurate.
Ethyl levulinate.
Ethyl α-methylacetoacetate.
Ethyl β-methyl-β-amyl glycidate.
Ethyl methyl anthranilate.
Ethyl methyl p-tolyl glycidate.
Ethyl myristate.
Ethyl nitrite spirit (spirit of nitrous ether, sweet spirit of nitre).
2-Ethyl γ-nonalactone (lactone 100230 Geneva).
Ethyl nonanoate (ethyl pelargonate, ethyl n-nonoate).
Ethyl oleate.
Ethyl oxyhydrate (rum ether, principal component ethyl n-butyrate (q.v.)).
Ethyl phenylacetate.
Ethylphenylbutyrate.
Ethylphenyl glycidate.
Ethyl propionate.
Ethyl pyruvate.
Ethyl salicylate.
Ethyl sebacate.
Ethyl stearate.
Ethyl p-tolyl gylcidate.
Ethyl undecylenate.
Ethyl iso-valerate (ethyl β-methylbutyrate, ethyl iso-valerianate).
Ethyl n-valerate.
Ethylene glycol monobutyl ether acetate.
Ethylene glycol monomethyl ether.
Eucalyptol (cineol).
iso-Eugenol (4-propenylguaiacol).
Eugenol acetate (acetyl eugenol).
Eugenol iso-amyl ether.
Eugenol benzoate.
Eugenol formate.
iso-Eugenol formate.
iso-Eugenol phenylacetate.
Farnesol.
d-Fenchone (d-1,3,3-trimethyl-2-norcamphanone).
Fenchyl alcohol.
Formic acid.
Furfuryl acetate.
Furfuryl alcohol (α-furyl carbinol).
Furfuryl mercaptan.
Furfurylidene acetone (furfural-acetone, 4 (2-furyl)-3-butene-2-one).
Furyl acetone.
Furyl acrolein.
Furyl ketone.
Fusel oil, refined (amyl alcohols).
Geranyl acetoacetate.
Geranyl benzoate.
Geranyl iso-butyrate.
Geranyl n-butyrate.
Geranyl caproate.
Geranyl ethylether.
Geranyl formate.
Geranyl phenylacetate.
Geranyl propionate.
Geranyl iso-valerate.
Glucose penta-acetate.
Glycol brassylate.
Glycolic acid (hydroxyacetic acid).
Guaiacol (o-methoxyphenol).
Guaiacyl phenylacetate.
Guaiol acetate.
Guaiol butyrate.
γ-Heptalactone.
n-Heptaldehyde (heptanal, n-heptyl aldehyde, oenanthaldehyde, aldehyde C-7).
n-Heptaldehyde-2,3-butylene glycol acetal.
Heptanone-2 (methyl n-amyl ketone, ketone C-7).
Heptyl acetate.
n-Heptyl alcohol (heptanol-1, alcohol C-7).
Heptyl n-butyrate.
Heptyl iso-butyrate.
Heptyl cinnamate (oenanthyl cinnamate).
Heptyl formate.
Heptyl octanoate (heptyl caprylate).
n-Hexanal (n-hexaldehyde, n-caproic aldehyde, n-hexoic aldehyde, caproaldehyde).
Hexanoic acid (n-caproic acid, n-hexoic acid).
n-Hexanol (n-hexyl alcohol).
2-Hexanal (2-hexen-1-al).
2-Hexen-1-ol.
3-Hexen-1-ol.
2-Hexenyl acetate.
Hexyl acetate.
Hexyl butyrate.
Hexyl caproate.
α-Hexyl cinnamic aldehyde.
Hexyl formate.
Hexyl furoate.
Hexyl octanoate (hexyl caprylate).
Hexyl propionate.
Hydratropic alcohol.
Hydratropic aldehyde dimethyl acetal.
Hydratropyl butyrate (α-phenylpropyl alcohol, butyric ester).
Hydrocinnamic acid (phenyl propionic acid).
p-Hydroxybenzylacetone.
Hydroxycitronellal.
Hydroxycitronellal diethyl acetal.
Hydroxycitronellal dimethyl acetal.

Hydroxycitronellal and methyl anthranilate (base product).
Hydroxycitronellol.
14-Hydroxytetradecanoic acid (cyclopentadecanolide).
Indole (benzopyrrole).
α-Ionone.
β-Ionone.
Irisone ketone (bis).
α-Irone (6-methyl ionone).
Isopropyl acetate.
p-Isopropyl acetophenone.
Isopropyl alcohol.
Isopropyl n-butyrate.
Isopropyl iso-butyrate.
Isopropyl caproate.
Isopropyl cinnamate.
Isopropyl formate.
Isopropyl phenylacetate.
Isopropyl propionate.
Isopropyl quinoline.
Isopropyl iso-valerate.
Lauric acid.
Lauryl acetate (n-dodecyl acetate, dodecanol acetate, acetate C-12).
Levulinic acid (acetopropionic acid).
Linalyl anthranilate.
Linalyl benzoate.
Linalyl butyrate.
Linalyl iso-butyrate.
Linalyl caprylate.
Linalyl cinnamate.
Linalyl formate.
Linalyl propionate.
Linalyl iso-valerate (linalyl valerianate).
Maleic acid.
Malonic acid.
Maltol (3-hydroxy-2-methyl-4-pyrone, 3-hydroxy-2-methyl-γ-pyrone, larixinic acid).
1,8-p-Menthadien-7-ol (1-hydroxy-methyl-4-isopropenyl-1-cyclohexene, perillyl alcohol).
Menthol (hexahydrothymol, 3-p-menthanol, 5-methyl-2-isopropyl-hexahydrophenol).
d-neo-Menthol (5-methyl-2-isobutyl-hexahydrophenol).
Menthone (p-menthanone).
Menthyl acetate.
Menthyl iso-valerate.
Methallyl butyrate.
o-Methoxy methyl benzoate.
2-Methoxy-4-methyl phenol (4-methyl guaiacol, creosol, 2-methoxy-p-creosol, 4-hydroxy-3-methoxy-1-methylbenzene).
1-(p-Methoxyphenyl)-2-propanone (anisyl methyl ketone, p-methoxy phenylacetone).
4-(p-Methoxyphenyl) butanone-2 (anisyl acetone).
1-(p-Methoxyphenyl) penten-1-one-3 (α methyl anisylidene acetone, ethone).
p-Methoxytoluene (1-cresyl methyl ether, 4-methoxytoluene, methyl benzyl ether).
Methyl acetate.
p-Methyl acetophenone (methyl p-tolyl ketone, p-acetyl toluene, 1-methyl-4-acetyl benzene).
Methyl anisate.
Methyl benzoate (oil of niobe).
Methyl benzyl acetate.
α-Methyl benzyl acetone.
p-Methyl benzyl acetone.
α-Methyl benzyl alcohol (methyl phenylcarbinol, 1-phenylethanol).
Methyl iso-butyl ketone.
2-Methyl butyraldehyde.
Methyl n-butyrate.
Methyl iso-butyrate.
Methyl cetine carbinate (methyl 2-heptadecenoate).
Methyl chavicol (chavicol methyl ether, p-methoxyallylbenzent, p-allylanisole, estragole, esdragol).
Methyl cinnamate.
α-Methyl cinnamic aldehyde.
3-Methyl coumarin.
6-Methyl coumarin.
Methyl o-cresyl ether (methyl o-tolyl ether, o-cresyl methyl ether, 2-methoxytoluene).
Methyl p-cresyl ether.
1-Methylcyclopentadione-2, 3 (methylcyclopentenolone).
1-Methyl-1-cyclopentene-2-ol-3-one butyrate (2-hydroxy 3-menthyl 2-cyclopenten-1-one butyrate).
1-Methyl-1-cyclopentene-2-ol-3-one isovalerate (2-hydroxy 3-methyl 2-cyclopentene-1-one isovalerate).
Methyl decyne carbonate (methyl 2-decynoate).
Methyl dihydroabietate.
6-Methyl benzodihydropyrone (6-methyl dihydrocoumarin, methyl melilotine).
Methyl-3, 4-dimethyl-2, 3-epoxy-4-hexenoate (strawberry aldehyde derivative).
4-Methyl-7-ethoxy-benzopyrone (4-methyl-7-ethoxycoumarin).
Methylethyl acetaledehyde (2-menthyl butanal-1).
Methylethyl ketone.
Methyl eugenol (eugenol methyl ether, 1-2-dimethoxy-4-allylbenzene).
Methyl iso-eugenol.
5-Methyl furfural.
Methyl furoate.
α-Methyl furyl acrolein.
Methyl heptenone (6-methyl-5-hepten-2-one).
Methyl heptine carbonate) methyl-2-heptyneoate).
Methyl heptylate (methyl oenanthate).
Methyl heptyl ketone (nonanone-2).
Methyl hexanoate (methyl caproate).
Methyl-2-hexenoate.
Methyl hexyl acetaldehyde.
Methyl hexyl ketone.
p-Methyl hydrotropic aldehyde.
Methyl p-hydroxybenzoate.
Methyl α-ionone (α-cetone).
Methyl-5-ionone.
Methyl-γ-ionone.
Methyl-δ-ionone.
α-Methyl iso-ionone.
Methyl laurate.
Methyl mercaptan.
Methyl-4-methyl-pentanoic acid (methyl-iso-caproate, methyl iso-butylacetate).
1-Methyl-4(4-methyl-3 pentenyl)-1,2,3,6-tetrahydrobenzaldehyde (1-methyl-4-isohexenyl-Δ-3-tetrahydrobenzaldehyde).
Methyl-β-methylthiopropionate (methyl-β-methyl mercaptopropionate).
Methyl myristate.
Methyl-α-naphthyl ketone.
Methyl-β-naphthyl ketone.
Methyl nonyl acetaldehyde (aldehyde C-12).
Methyl nonyl ketone (undecanone 2).
Methyl nonylen-2-ate.
Methyl octanoate (methyl caprylate).
Methyl octyne carbonate (methyl 2-octynoate).
Methyl pelargonate.
2-Methyl pentanoic acid.
Methyl phenylacetate (methyl-α-toluate).
Methyl phenyl butanone.
Methyl phenyl butyrate.
Methyl phenyl glycidate.
Methyl phenyl methyl glycidate.
Methyl phenyl propionate.
Methyl propionate.
Methyl N-propyl ketone.
p-Methyl quinoline.
β-Methylthiopropionaldehyde (methylmercaptopropionaldehyde, methional).
Methyl undecylenate.
Methyl undecyl ketone.
Methyl iso-valerate.
Methyl vanillyl ketone.
Methylol methyl amyl ketone (ketone alcohol).
Methylol methyl hexyl ketone acetate (ketone alcohol ester).
Musk ambrette (2,6-dinitro-1-methyl-4-tert-butyl-3-methoxy-benzene).
Musk ketone (4,6-dinitro-1,3-dimethyl-5-tert-butyl-2-acetyl benzene).
Musk tibetine (2,6-dinitro-3,4,5-trimethyl-1-tert-butyl benzene).
Musk xylol (2,4,6-trinitro-1,3-methyl-5-tert-butyl benzene).
Myrcene (7-methyl-3-methylene-1,6-octadiene).
β-Naphthyl anthranilate.
β-Naphthyl iso-butyl ether.
β-Naphthyl ethyl ether (nerolin, ethyl-2-naphthyl ether).
β-Naphthyl methyl ether (yara-yara).
Nerol.
Nerolidol.
Neryl acetate.
Neryl butyrate.
Neryl iso-butyrate.
Neryl formate.
Neryl propionate.
Neryl iso-valerate.
Nonanal (pelargonaldehyde, pelargonic aldehyde, aldehyde C-9).
Nonanediol 1,3-acetate, mixed esters (octyl crotonyl acetate, hexylene glycol diacetate, jasmonyl).
n-Nonoic acid (pelargonic acid, nonanoic acid).
n-Nonyl acetate (nonanol acetate, acetate C-9).
n-Nonyl alcohol (nonanol-1, alcohol C-9).
γ-Nonyl lactone (γ-n-amyl butyrolactone, aldehyde C-18).
Nonyl octanoate (nonyl caprylate).
n-Nonyl iso-valerate.
γ-Octalactone.
Octanal (caprylaldehyde, caprylic aldehyde, n-octaldehyde, aldehyde C-8).
Octanal dimethyl acetal (dimethoxy-octane, C-8 dimethylacetal).
Octanoic acid (caprylic acid, n-octoic acid).
1-Octanol (n-octanol, heptyl carbinol, pri-n-octyl alcohol, alcohol C-8).
2-Octanol (n-octyl alcohol, methyl hexyl carbinol, capryl alcohol).
n-Octyl acetate (2-ethyl hexyl acetate, acetate C-8).
n-Octyl butyrate.
n-Octyl iso-butyrate.
n-Octyl caprylate.
n-Octyl formate.
n-Octyl heptylate.
n-Octyl phenylacetate.
n-Octyl propionate.
n-Octyl salicylate.
n-Octyl iso-valerate.
n-Pelargonyl morpholide.
Pentadecanolide (angelica lactone).
iso-Pentaldehyde.
Perillyl acetate.
α-Phellandrene (p-menthadiene-1,5).
Phenoxyacetic acid.
Phenoxyethyl iso-butyrate.
Phenylacetaldehyde.
2,3-Butylene glycol acetal.
Phenylacetaldehyde dimethyl acetal.
Phenylacetic acid (α-toluic acid).
Phenyl dimethyl carbinyl iso-butyrate.
Phenylethyl acetate (β-phenylthyl acetate, benzyl carbinyl acetate).
Phenylethyl alcohol (β-phenylethyl alcohol, benzyl carbinol).
α-Phenylethyl alcohol (methyl phenyl carbinol).
Phenylethyl anthranilate.
Phenylethyl benzoate.
Phenylethyl butyrate.
Phenylethyl iso-butyrate.
Phenylethyl carbinol.
Phenylethyl cinnamate.
Phenylethyl dimethyl carbinyl iso-butyrate.
Phenylethyl formate.
β-Phenylethyl furoate.
Phenylethyl methyl carbinol.
Phenylethyl methyl carbinol acetate.
Phenylethyl methyl ethyl carbinol.
Phenylethyl phenyl acetate.
Phenylethyl propionate.
Phenylethyl n-propiy acetal.
Phenylethyl salicylate.
Phenylethyl tiglate.
Phenylethyl iso-valerate.
Phenyl methyl carbinol (styryl alcohol).
α-Phenylpropionaldehyde (hydratropyl aldehyde, α-methyl phenyl acetaldehyde, α-methyl tolualdehyde).
β-Phenylpropionaldehyde (phenyl propyl aldehyde, hydrocinnamaldehyde, hydrocinnamic aldehyde, benzylacetaldehyde).

Phenylpropyl acetate (hydrocinnamyl acetate).
Phenyl *n*-propyl alcohol (hydrocinnamic alcohol).
3-Phenylpropyl butyrate.
α-Phenylpropyl butyrate.
Phenylpropyl *iso*-butyrate.
Phenylpropyl caproate.
Phenylpropyl cinnamate.
Phenylpropyl formate.
Phenylpropyl propionate.
Phenylpropyl *iso*-valerate.
Phenyl salicylate.
Phthalide (1(3)-*iso*-benzofuranone, α-hydroxy-o-toluic acid lactone).
α-Pinene.
β-Pinene.
Piperine.
δ-Piperitone (1-p-menthen-3-one, 1-methyl-4-isopropyl-1-cyclohexene-3-one).
Piperonyl acetate (heliotropyl-acetate).
Piperonyl acetone.
Piperonyl *iso*-butyrate.
Polycyclic musk.
Propanal (propionic aldehyde).
Propenyl guaethol (hydroxymethyl anethole).
Propionaldehyde, hydrogen sulfide reaction product.
n-Propyl acetate.
n-Propyl alcohol.
p-Propyl anisole (dihydroanethole, propyl methoxybenzene).
n-Propyl benzoate.
n-Propyl butyrate.
n-Propyl *iso*-butyrate.
n-Propyl caproate.
n-Propyl cinnamate.
n-Propyl formate.
Propyl furoate.
Propyl furylacrylate.
n-Propyl heptylate
n-Propyl p-hydroxybenzoate.
Propyl mercaptan (propyl thiol).
n-Propyl phenylacetate.
Propyl propionate.
n-Propyl propionate.
n-Propyl *iso*-valerate.
Propylene glycol stearate.
iso-Pulegol.
iso-Pulegol acetate.
Pulegone (Δ-4(8)-p-menthen-3-one, 1-methyl-4-isopropylidene-cyclohexan-3-one).
iso-Pulegone (Δ-8(9)-p-menthen-3-one, 1-methyl-4-isopropenyl-cyclohexan-3-one).
Pyrazine.
Pyridine.
Pyruvic acid (pyro-racemic acid).
Pyruvic aldehyde (methyl glyoxal).
iso-Quinoline.
Resorcinol dimethyl ether (1,3-dimethoxybenzene).
Rhodinyl acetate.
Rhodinyl butyrate.
Rhodinyl *iso*-butyrate.
Rhodinyl formate.
Rhodinyl phenylacetate.
Rhodinyl propionate.
Rhodinyl *iso*-valerate.
Salicylic aldehyde (*o*-hydroxybenzaldehyde).
Santalol.
Santalyl acetate.
Santalyl phenylacetate.
Skatole (β-methylindole, 3-methylindole).
γ-Stearolactone.
Styralyl acetate (methyl phenylcarbinyl acetate).
Styralyl benzylic ether (methyl phenylcarbinyl benzylic ether).
Styralyl butyrate (methyl phenylcarbinyl butyrate).
Styralyl formate (methyl phenylcarbinyl formate).
Styralyl propionate (methyl phenylcarbinyl propionate).
Terpine-4-ol (1-p-menthen-4-ol, 1-methyl-4-isopropyl-1-cyclohexene-4-ol, terpineneol-(4)).
α-Terpineol (terpineol).
Terpinolene (1,4(8)-terpadiene).
Terpinyl acetate.
Terpinyl anthranilate.
Terpinyl butyrate.
Terpinyl *iso*-butyrate.
Terpinyl cinnamate.
Terpinyl formate.
Terpinyl propionate.
Terpinyl *iso*-valerate.
Tetradecanoic acid (myristic acid).
n-Tetradecyl aldehyde (myristinaldehyde, tetradecanal, aldehyde C-14).
Tetrahydrofurfuryl acetate.
Tetrahydrofurfuryl alcohol.
Tetrahydrofurfuryl butyrate.
Tetrahydrofurfuryl propionate.
Tetrahydro-*pseudo*-ionone.
Tetrahydrolinalool.
1,2,3,4-Tetrahydro-6-methylquinoline (tetrahydro p-toluquinoline, tetrahydro p-methylquinoline).
3,4,5,6-Tetrahydropyronyl-2-methyl acetate.
Thienyl mercaptan.
Thymol.
iso-Thymol.
Tolualdehydes, mixed, o, *m*, *p*.
Tolualdehyde glyceryl acetal, mixed, o, *m*, *p*.
Tricarballylic acid (1,2,3-propane tricarboxylic acid).
Trichloromethyl phenyl carbinyl acetate.
Triethyl citrate (ethyl citrate).
Triethyl o-formate.
2,6,6-Trimethyl-bicyclo-(1,1,3)-hepten-2-one-4 (verbenone).
Trimethyl cyclohexanol (3,3,5-trimethyl-cyclohexanol-1).
Trimethyl cyclohexanyl salicylate.
γ-Undecalactone (γ-undecyl lactone, γ-*n*-heptyl butyrolactone, aldehyde C-14, peach aldehyde).
Undecenyl acetate (10-hendecenyl acetate, undecene-1-ol-11-acetate, undecylenic acetate).
n-Undecyl alcohol (undecanol-1, undecylic C-11).
Undecylenic aldehyde (aldehyde C-11).
Undecylic aldehyde (undecanal).
Valeraldehyde.
Valeraldehyde and hydrogen sulfide, reaction product.
n-Valeric acid (pentanoic acid).
iso-Valeric acid (β-methyl butyric acid, valerianic acid, active valeric acid).
iso-Valeric aldehyde (2-methyl butanal-4).
γ-Valerolactone (3-methylbutyrolactone, 3-valerolactone).
-Valerolactone (4-valerolactone, tetrahydro-α-pyrone, tetrahydrocoumalin).
iso-Valerophenone (phenyl *iso*-butyl ketone).
Vanillylidene acetone.
Veratraldehyde (vanillin methyl ether).
Vetiverol (vetivenol, vetivol).
Vetiveryl acetate (vetivenyl acetate, vetiverol acetate, vetacetyl).
Vetiveryl formate.
Vetiveryl propionate.
Vetiveryl *iso*-valerate.
p-Vinyl guaiacol.
Zingerone (3-methoxy-4-hydroxybenzylacetone).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: August 8, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7534; Filed, Aug. 12, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[Regs. 118]

[T.D. 6487]

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

Extension of Period for Filing Claims for Credit or Refund of Overpayments of Income Taxes Arising as a Result of Renegotiation of Government Contracts

In order to conform Regulations 118 (26 CFR (1939) Part 39), relating to income taxes, to section 1(b) of the Act of September 16, 1959 (Public Law 86-280, 73 Stat. 564), such regulations are amended as follows:

PARAGRAPH 1. Section 39.321-322 is amended by revising subsection (b)(6) of section 322 and the historical note following section 322 to read as follows:

§ 39.321-322 Statutory provisions; overpayment of installment of tax; refunds and credits.

. . . . . .

SEC. 322. *Refunds and credits.* . . .
(b) *Limitation on allowance.* . . .
(6) *Special period of limitation with respect to net operating loss carry-backs and unused excess profits credit carry-backs.* If the claim for credit or refund relates to an overpayment attributable to a net operating loss carry-back or to an unused excess profits credit carry-back, in lieu of the three-year period of limitation prescribed in paragraph (1), the period shall be that period which ends with the expiration of the fifteenth day of the thirty-ninth month following the end of the taxable year of the net operating loss or the unused excess profits credit which results in such carry-back, or the period prescribed in paragraph (3) in respect to such taxable year, whichever expires later; except that, with respect to an overpayment attributable to the creation of or an increase in a net operating loss carry-back as a result of the elimination of excessive profits by a renegotiation (as defined in section 3806(a)(1)(A)), the period shall not expire before September 1, 1959, or the expiration of the twelfth month following the month in which the agreement or order for the elimination of such excessive profits becomes final, whichever is the later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in paragraph (2) or (3), whichever is applicable, to the extent of the amount of the overpayment attributable to such carry-back.

. . . . . .

[Sec. 322 as amended by secs. 169 and 172(e), Rev. Act 1942; secs. 2(b)(2) and (4)(a) and (b), Current Tax Payment Act 1943; secs. 6(b)(9) and (10) and 14(d), Individual Income Tax Act 1944; sec. (5)(a), (b), (c), and (d), Tax Adjustment Act 1945; sec. 122(e)(1), Rev. Act 1945; sec. 1, Pub. Law 716 (81st Cong.); sec. 206(b)(1), Social Security Act Amendments 1950; sec. 1(b), Act of Sept. 16, 1959 (Pub. Law 86-280, 73 Stat. 564)]

PAR. 2. Section 39.322-11 is amended to read as follows:

§ 39.322-11 Limitations upon crediting and refunding of taxes paid—overpayment on account of net operating loss carry-back and unused excess profits credit carry-backs.

(a) *Special period of limitation.* (1) If the claim for credit or refund relates to an overpayment attributable to a net operating loss carry-back, provided in section 122(b), or to an unused excess profits credit carry-back, provided in section 432(c), then in lieu of the 3-year period from the date the return was filed in which the claim may be filed or credit or refund allowed or made, as prescribed in § 39.322-7, the period shall be whichever of the following two periods expires later:

(i) The period which ends with the expiration of the fifteenth day of the thirty-ninth month following the end of the taxable year of the net operating loss which resulted in the carry-back; or

(ii) The period which ends with the expiration of the period prescribed in § 39.322-8 within which a claim for credit or refund may be filed with respect to the taxable year of the net operating loss which resulted in the carry-back;

except that, with respect to an overpayment attributable to the creation of or an increase in a net operating loss carry-back as a result of the elimination by a renegotiation (as defined in section 3806(a)(1)(A)) of excessive profits received or accrued for taxable years ending after December 31, 1952, the period shall not expire before September 1, 1959, or the expiration of the twelfth month following the month in which the agreement or order for the elimination of such excessive profits becomes final, whichever is the later

Because this Treasury decision makes only technical changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Secs. 62, 3791 of the Internal Revenue Code of 1939 (53 Stat. 32, 467; 26 U.S.C. 62, 3791))

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 9, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7608; Filed, Aug. 12, 1960; 8:51 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6486]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Net Operating Loss Deduction

On January 9, 1960, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 172 of the Internal Revenue Code of 1954 (relating to the net operating loss deduction) to reflect the changes made by sections 14 and 64(b) of the Technical Amendments Act of 1958 (72 Stat. 1611 and 1656) and section 203 of the Small Business Tax Revision Act of 1958 (72 Stat. 1678) was published in the FEDERAL REGISTER (25 F.R. 178). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as so published is hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Paragraph (g) of § 1.172-1 as set forth in paragraph 2(C) to the notice of proposed rule making is revised.

PAR. 2. Paragraph (a) of § 1.172-4 as revised in paragraph 4(a) to the notice of proposed rule making is further revised by adding a subparagraph (8):

PAR. 3. Section 1.172-5 as amended by paragraph 5 to the notice of proposed rule making is further amended by adding subparagraph (4) to paragraph (a).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 9, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to sections 14 and 64(b) of the Technical Amendments Act of 1958 (72 Stat. 1611 and 1656) and section 203 of the Small Business Tax Revision Act of 1958 (72 Stat. 1678), such regulations are hereby amended as set forth below. Except as otherwise expressly provided, these amendments shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954:

PARAGRAPH 1. Section 1.172 is revised to read as follows:

§ 1.172 Statutory provisions; net operating loss deduction.

SEC. 172. *Net operating loss deduction*—(a) *Deduction allowed.* There shall be allowed as a deduction for the taxable year an amount equal to the aggregate of (1) the net operating loss carryovers to such year, plus (2) the net operating loss carrybacks to such year. For purposes of this subtitle, the term "net operating loss deduction" means the deduction allowed by this subsection.

(b) *Net operating loss carrybacks and carryovers*—(1) *Years to which loss may be carried.* A net operating loss for any taxable year ending after December 31, 1957, shall be—

(A) A net operating loss carryback to each of the 3 taxable years preceding the taxable year of such loss, and

(B) A net operating loss carryover to each of the 5 taxable years following the taxable year of such loss.

(2) *Amount of carrybacks and carryovers.* Except as provided in subsection (i), the entire amount of the net operating loss for any taxable year (hereinafter in this section referred to as the "loss year") shall be carried to the earliest of the 8 taxable years to which (by reason of subparagraphs (A) and (B) of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other 7 taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed—

(A) With the modifications specified in subsection (d) other than paragraphs (1), (4), and (6) thereof; and

(B) By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter,

and the taxable income so computed shall not be considered to be less than zero.

(c) *Net operating loss defined.* For purposes of this section, the term "net operating loss" means (for any taxable year ending after December 31, 1953) the excess of the deductions allowed by this chapter over the gross income. Such excess shall be computed with the modifications specified in subsection (d).

(d) *Modifications.* The modifications referred to in this section are as follows:

(1) *Net operating loss deduction.* No net operating loss deduction shall be allowed.

(2) *Capital gains and losses of taxpayers other than corporations.* In the case of a taxpayer other than a corporation—

(A) The amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

(B) The deduction for long-term capital gains provided by section 1202 shall not be allowed.

(3) *Deduction for personal exemptions.* No deduction shall be allowed under section 151 (relating to personal exemptions). No deduction in lieu of any such deduction shall be allowed.

(4) *Nonbusiness deductions of taxpayers other than corporations.* In the case of a taxpayer other than a corporation, the deductions allowable by this chapter which are not attributable to a taxpayer's trade or business shall be allowed only to the extent of the amount of the gross income not derived from such trade or business. For purposes of the preceding sentence—

(A) Any gain or loss from the sale or other disposition of—

(I) Property, used in the trade or business, of a character which is subject to the allowance for depreciation provided in section 167, or

(II) Real property used in the trade or business,

shall be treated as attributable to the trade or business;

(B) The modifications specified in paragraphs (1), (2)(B), and (3) shall be taken into account; and

(C) Any deduction allowable under section 165(c)(3) (relating to casualty losses) shall not be taken into account.

(5) *Special deductions for corporations.* No deduction shall be allowed under section 242 (relating to partially tax-exempt interest) or under section 922 (relating to Western Hemisphere trade corporations).

(6) *Computation of deduction for dividends received, etc.* The deductions allowed by sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock of public utilities), and 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) (relating to limitation on aggregate amount of deductions); and the deduction allowed by section 247 (relating to dividends paid on certain preferred stock of public utilities) shall be computed without regard to subsection (a)(1)(B) of such section.

(e) *Law applicable to computations.* In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year. The preceding sentence shall apply with respect to all taxable years, whether they begin before, on, or after January 1, 1954.

(f) *Taxable years beginning in 1953 and ending in 1954.* In the case of a taxable year beginning in 1953 and ending in 1954—

(1) In lieu of the amount specified in subsection (c), the net operating loss for such year shall be the sum of—

(A) That portion of the net operating loss for such year computed without regard to this subsection which the number of days in the loss year after December 31, 1953, bears to the total number of days in such year, and

(B) That portion of the net operating loss for such year computed under section 122 of the Internal Revenue Code of 1939 as if this section had not been enacted which the number of days in the loss year before January 1, 1954, bears to the total number of days in such year.

(2) The amount of any net operating loss for such year which shall be carried to the second preceding taxable year is the amount which bears the same ratio to such net operating loss as the number of days in the loss year after December 31, 1953, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the reduction for the second taxable year preceding the loss year shall not exceed the portion of the net operating loss which is carried to the second preceding taxable year.

(3) The net operating loss deduction for such year shall be, in lieu of the amount specified in section 122(c) of the Internal Revenue Code of 1939, the sum of—

(A) That portion of the net operating loss deduction for such year, computed as if subsection (a) of this section were applicable to the taxable year, which the number of days in such year after December 31, 1953, bears to the total number of days in such year, and

(B) That portion of the net operating loss deduction for such year, computed under section 122(c) of the Internal Revenue Code of 1939 as if this paragraph had not been enacted, which the number of days in such year before January 1, 1954, bears to the total number of days in such year.

(4) For purposes of the second sentence of subsection (b)(2), the taxable income for such year shall be the sum of—

(A) That portion of the net income for such year, computed without regard to this paragraph, which the number of days in such year before January 1, 1954, bears to the total number of days in such year, and

(B) That portion of the net income for such year, computed—

(I) Without regard to paragraphs (1) and (2) of section 122(d) of the Internal Revenue Code of 1939, and

(II) By allowing as a deduction an amount equal to the sum of the credits provided in subsections (b) and (h) of section 26 of such Code,

which the number of days in such year after December 31, 1953, bears to the total number of days in such year.

(g) *Special transitional rules*—(1) *Losses for taxable years ending before January 1, 1954.* For purposes of this section, the determination of the taxable years ending after December 31, 1953, to which a net operating loss for any taxable year ending before January 1, 1954, may be carried shall be made under the Internal Revenue Code of 1939.

(2) *Losses for taxable years ending after December 31, 1953.* For purposes of section 122 of the Internal Revenue Code of 1939—

(A) The determination of the taxable years ending before January 1, 1954, to which a net operating loss for any taxable year ending after December 31, 1953, may be carried shall be made under subsection (b)(1)(A) of this section; and

(B) In determining the amount of the carryback to the first taxable year preceding the first taxable year ending after December 31, 1953, the portion of the net operating loss carried to such year shall be such net operating loss reduced by—

(i) The net income for the second preceding taxable year computed as if the second sentence of section 122(b)(2)(B) of the Internal Revenue Code of 1939 applied, or

(ii) If smaller, the portion of the net operating loss which by reason of subsection (f) of this section is carried to the second preceding taxable year.

(3) *Taxable years beginning after December 31, 1953, and ending before August 17, 1954.* In the case of a taxable year which begins after December 31, 1953, and ends before August 17, 1954—

(A) The net operating loss deduction for such year shall be computed as if subsection (a) of this section applied to such taxable year, and

(B) For purposes of the second sentence of subsection (b)(2), the taxable income for such taxable year shall be the net income for such taxable year, computed—

(i) Without regard to paragraphs (1) and (2) of section 122(d) of the Internal Revenue Code of 1939, and

(ii) By allowing as a deduction an amount equal to the sum of the credits provided in subsections (b) and (h) of section 26 of such Code.

(4) *Excess profits tax not affected.* For purposes of subchapter D of chapter 1 of the Internal Revenue Code of 1939, excess profits net income shall be computed as if this section had not been enacted and as if section 122 of such Code continued to apply to taxable years to which this subtitle applies.

(h) *Disallowance of net operating loss of electing small business corporations.* In determining the amount of the net operating loss deduction under subsection (a) of any corporation, there shall be disregarded the net operating loss of such corporation for any taxable year for which such corporation is an electing small business corporation under subchapter S.

(i) *Carryback of net operating loss for taxable years beginning in 1957 and ending in 1958.* In the case of a taxable year beginning in 1957 and ending in 1958, the amount of any net operating loss for such year which shall be carried to the third preceding taxable year is the amount which bears the same ratio to such net operating loss as the number of days in the loss year after December 31, 1957, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the reduction for the third taxable year preceding the loss year shall not exceed the portion of the net operating loss which is carried to the third preceding taxable year.

(j) *Cross references.* (1) For treatment of net operating loss carryovers in certain corporate acquisitions, see section 381.

(2) For special limitation on net operating loss carryovers in case of a corporate change of ownership, see section 382.

[Sec. 172 as amended by secs. 14 and 64(b), Technical Amendments Act 1958 (72 Stat. 1611, 1656); sec. 203, Small Business Tax Revision Act 1958 (72 Stat. 1678)]

§ 1.172–1 [Amendment]

PAR. 2. Section 1.172–1 is amended as follows:

(A) By striking out paragraph (e)(2) thereof and inserting in lieu thereof the following:

(2) *Special transitional rules.* See section 172(g) for special transitional rules with respect to (i) net operating losses sustained in taxable years ending before January 1, 1954, (ii) net operating losses sustained in taxable years ending after December 31, 1953, and (iii) the net operating loss deduction for taxable years beginning after December 31, 1953, and ending before August 17, 1954.

(B) By revising paragraph (f) thereof to read as follows:

(f) *Taxable years subject to the Internal Revenue Code of 1939*—(1) *In general.* For the computation of the net operating loss deduction for any taxable year (other than the taxable years described in subparagraphs (2) and (3) of this paragraph) which is subject to the Internal Revenue Code of 1939, see 26 CFR (1939) § 39.122–5 (Regulations 118) or the corresponding section of prior applicable regulations.

(2) *Taxable years beginning in 1953 and ending in 1954.* The net operating loss deduction for a taxable year beginning in 1953 and ending in 1954, shall be, in lieu of the amount specified in section 122(c) of the Internal Revenue Code of 1939 and in 26 CFR (1939) § 39.122–5 (Regulations 118), the sum of—

(i) That portion of the net operating loss deduction for such taxable year, computed in accordance with paragraph (b) of this section as though section 172(a) of the Code applied to such taxable year, which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year, and

(ii) That portion of the net operating loss deduction for such taxable year, computed in accordance with section 122(c) of the Internal Revenue Code of 1939 and as though section 172(f)(3) of the Internal Revenue Code of 1954 had not been enacted, which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year.

(3) *Taxable years beginning after December 31, 1953, and ending before August 17, 1954.* In the case of a taxable year which begins after December 31, 1953, and ends before August 17, 1954, the net operating loss deduction shall be computed in accordance with paragraph (b) of this section as though section 172(a) of the Code applied to such taxable year.

(4) *Statute of limitations, etc.; interest.* If a refund or credit of any overpayment resulting from the application of subparagraph (2) or (3) of this paragraph is prevented on September 2, 1958, or within six months after such date, by the operation of any law or rule of law other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed on or before March 2, 1959. No interest shall be paid or allowed on any overpayment resulting from the application of subparagraph (2) or (3) of this paragraph. See section 14(c) of the Technical Amendments Act of 1958 (72 Stat. 1611).

(C) By adding the following new paragraphs at the end thereof:

(g) *Electing small business corporations.* In determining the amount of the net operating loss deduction of any corporation, there shall be disregarded the net operating loss of such corporation for any taxable year for which such corporation was an electing small business corporation under subchapter S (section 1371 and following), chapter 1 of the Code. In applying section 172(b)(1) and (2) to a net operating loss sustained in a taxable year in which the corporation was not an electing small business corporation, a taxable year in which the corporation was an electing small business corporation is counted as a taxable year to which such net operating loss is carried back or over. However, the taxable income for such year as determined under section 172(b)(2) is treated as if it were zero for purposes of computing the balance of the loss available to the corporation as a carryback or carryover to other taxable years in which the corporation is not an electing small business corporation. See section 1374 and the regulations thereunder for allowance of a deduction to shareholders for a net operating loss sustained by an electing small business corporation.

(h) *Husband and wife.* The net operating loss deduction of a husband and wife shall be determined in accordance with this section, but subject also to the provisions of § 1.172–7.

§ 1.172–2 [Amendment]

PAR. 3. Section 1.172–2 is amended as follows:

(A) By striking "243" in subparagraph (2)(i) of paragraph (a) thereof and inserting in lieu thereof "243(a)".

(B) By striking "243" in the second sentence of the example in paragraph (b) thereof and inserting in lieu thereof "243(a)".

§ 1.172–4 [Amendment]

PAR. 4. Section 1.172–4 is amended as follows:

(A) By revising paragraph (a)(1) and adding paragraph (a)(8) which read as follows:

(a) *General provisions*—(1) *Years to which loss may be carried*—(i) *In general.* In order to compute the net operating loss deduction the taxpayer must first determine the part of any net operating losses for any preceding or succeeding taxable years which are carryovers or carrybacks to the taxable year in issue.

(ii) *Loss for taxable years ending after December 31, 1957.* A net operating loss sustained in a taxable year ending after December 31, 1957, shall be carried back to the three preceding taxable years and carried over to the five succeeding taxable years.

(iii) *Loss for taxable years ending after December 31, 1953, and before January 1, 1958.* A net operating loss sustained in a taxable year ending after December 31, 1953, and before January 1, 1958, shall be carried back to the two preceding taxable years and carried over to the five succeeding taxable years; this rule shall apply even though the loss year is otherwise subject to the Internal Revenue Code of 1939.

(iv) *Loss for taxable years beginning after December 31, 1949, and ending before January 1, 1954.* A net operating loss sustained in a taxable year beginning after December 31, 1949, and ending before January 1, 1954, shall be carried back to the first preceding taxable year and carried over to the five succeeding taxable years.

• • • • • •

(8) *Electing small business corporations.* For special rule applicable to corporations which were electing small business corporations under subchapter S (section 1371 and following), chapter 1 of the Code, during one or more of the taxable years described in section 172(b)(1), see paragraph (g) of § 1.172–1.

(B) By adding the following new subparagraph (2–a) after paragraph (b)(2) thereof:

(2–a) *Taxable years beginning in 1957 and ending in 1958.* (i) Notwithstanding subparagraph (1) of this paragraph, in the case of a net operating loss sustained in a taxable year which begins in 1957 and ends in 1958, the amount of such loss which shall be carried back to the third preceding taxable year is the amount which bears the same ratio to such net operating loss (as determined under section 172(c)) as the number of days in the loss year after December 31, 1957, bears to the total number of days in such year.

(ii) To determine the portion of the net operating loss for such a taxable year ending in 1958 which shall be carried to any taxable year subsequent to such third preceding taxable year there shall be substituted, in the application of subparagraph (1)(ii) of this paragraph, for the taxable income of such third preceding taxable year an amount equal to the portion of the net operating loss which is carried back to such third preceding taxable year in accordance with this subparagraph, if such amount is smaller than the taxable income of such third preceding taxable year as computed under paragraph (a) of § 1.172–5.

(C) By striking example (2) in paragraph (b)(4) thereof and inserting in lieu thereof the following new example:

Example (2). (i) A taxpayer who makes his tax returns on the basis of a fiscal year ending June 30 has a net operating loss (computed as provided in section 172(c)) for the taxable year which begins July 1, 1957, and ends June 30, 1958. The amount of the carryback from such taxable year to the taxable year ending June 30, 1955, the third preceding taxable year, is 181/365ths of the net operating loss. If such amount is not less than the taxable income (computed as provided in § 1.172–5) for the taxable year ending June 30, 1955, the amount of the carryback to the taxable year ending June 30, 1956, is the excess of the net operating loss over the taxable income so computed for the taxable year ending June 30, 1955; and the amount of the carryback to the taxable year ending June 30, 1957, is the excess of the net operating loss over the aggregate of the taxable incomes so computed for the taxable years ending June 30, 1955, and 1956. The amount of the carryovers to the taxable years ending June 30, 1959, 1960, 1961, 1962, and 1963 is the excess of the net operating loss over the aggregate of the taxable incomes (computed as provided in § 1.172–5) for the taxable years ending June 30, 1955, 1956, and 1957; 1955, 1956, 1957, and 1959; 1955, 1956, 1957, 1959, and 1960; 1955, 1956, 1957, 1959, 1960, and 1961; and 1955, 1956, 1957, 1959, 1960, 1961, and 1962, respectively.

(ii) If, however, the taxable income (computed as provided in § 1.172–5) for the taxable year ending June 30, 1955, exceeds the amount of the carryback to such taxable year (181/365ths of the net operating loss for the loss year), then the amount of the carryback to the taxable year ending June 30, 1956, is the excess of the net operating loss over the amount of the carryback to the taxable year ending June 30, 1955. The amount of the carryback to the taxable year ending June 30, 1957, is the excess of the net operating loss over the sum of the amount of the carryback to the taxable year ending June 30, 1955, and the taxable income (computed as provided in § 1.172–5) for the taxable year ending June 30, 1956. The amount of the carryovers to the taxable years ending June 30, 1959, 1960, 1961, 1962, and 1963 is the excess of the net operating loss over the sum of the amount of the carryback to the taxable year ending June 30, 1955, and the aggregate of the taxable incomes (computed as provided in § 1.172–5) for the taxable years ending June 30, 1956, and 1957; 1956, 1957, and 1959; 1956, 1957, and 1960; 1956, 1957, 1959, 1960, and 1961; and 1956, 1957, 1959, 1960, 1961, and 1962, respectively.

§ 1.172–5 [Amendment]

PAR. 5. Section 1.172–5 is amended by adding paragraph (a)(4) and revising paragraph (b) which read as follows:

(4) *Electing small business corporations.* For special rule applicable to cor-

porations which were electing small business corporations under subchapter S (section 1371 and following), chapter 1 of the Code, during one or more of the taxable years described in section 172 (b)(1), see paragraph (g) of § 1.172–1.

(b) *Taxable year subject to 1939 Code*—(1) *In general.* For the computation of the net income for any taxable year (other than the taxable years described in subparagraphs (2) and (3) of this paragraph) subject to the 1939 Code which is subtracted from the net operating loss for any other taxable year to determine the portion of such loss which is a carryback or a carryover to a particular taxable year, see 26 CFR (1939) § 30.122–4(c) (Regulations 118) or the corresponding section of prior applicable regulations.

(2) *Taxable years beginning in 1953 and ending in 1954.* The net income for any taxable year beginning in 1953 and ending in 1954 which is subtracted from the net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be the sum of—

(i) That portion of the net income for such taxable year, computed as provided in clauses (i) and (ii) of the first sentence of section 122(b)(2)(B) of the Internal Revenue Code of 1939, which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year, and

(ii) That portion of the net income for such taxable year, computed—

(a) As provided in clauses (i) and (ii) of the first sentence of section 122 (b)(2)(B) of the Internal Revenue Code of 1939 but without regard to the modifications provided in section 122(d) (1) and (2) of such Code, and

(b) By allowing as a deduction an amount equal to the sum of the credits allowable for such taxable year under section 26(b) (relating to credit for dividends received) and section 26(h) (relating to credit for dividends paid on certain preferred stock) of the Internal Revenue Code of 1939 in determining normal-tax net income,

which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year.

(3) *Taxable years beginning after December 31, 1953, and ending before August 17, 1954.* The net income for any taxable year beginning after December 31, 1953, and ending before August 17, 1954, which is subtracted from the net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be the net income for such taxable year, computed—

(i) As provided in clauses (i) and (ii) of the first sentence of section 122(b)(2)(B) of the Internal Revenue Code of 1939 but without regard to the modifications provided in section 122(d) (1) and (2) of such Code, and

(ii) By allowing as a deduction an amount equal to the sum of the credits allowable for such taxable year under section 26(b) (relating to the credit for dividends received) and section 26(h) (relating to the credit for dividends paid on certain preferred stock) of the Internal Revenue Code of 1939 in determining normal-tax net income.

(4) *Statute of limitations, etc.; interest.* If a refund or credit of any overpayment resulting from the application of subparagraph (2) or (3) of this paragraph is prevented on September 2, 1958, or within six months after such date, by the operation of any law or rule of law other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed on or before March 2, 1959. No interest shall be paid or allowed on any overpayment resulting from the application of subparagraph (2) or (3) of this paragraph. See section 14(c) of the Technical Amendments Act of 1958 (72 Stat. 1611).

PAR. 6. Section 1.172–6 is revised to read as follows:

§ 1.172–6 Illustration of net operating loss carrybacks and carryovers.

The application of § 1.172–4 may be illustrated by the following example:

(a) *Facts.* The books of the taxpayer, whose return is made on the basis of the calendar year, reveal the following facts:

Taxable year	Taxable income	Net operating loss
1954	$15,000	-------
1955	30,000	-------
1956	-------	($75,000)
1957	20,000	-------
1958	-------	(150,000)
1959	30,000	-------
1960	35,000	-------
1961	75,000	-------
1962	17,000	-------
1963	58,000	-------

The taxable income thus shown is computed without any net operating loss deduction. The assumption is also made that none of the other modifications prescribed in § 1.172–5 apply. There are no net operating losses for 1950, 1951, 1952, 1953, 1964, 1965, or 1966.

(b) *Loss sustained in 1956.* The portions of the $75,000 net operating loss for 1956 which shall be used as carrybacks to 1954 and 1955 and as carryovers to 1957, 1958, 1959, 1960, and 1961 are computed as follows:

(1) *Carryback to 1954.* The carryback to this year is $75,000, that is, the amount of the net operating loss.

(2) *Carryback to 1955.* The carryback to this year is $60,000, computed as follows:

Net operating loss		$75,000
Less:		
Taxable income for 1954 (computed without the deduction of the carryback from 1956)		15,000
Carryback		60,000

(3) *Carryover to 1957.* The carryover to this year is $30,000, computed as follows:

Net operating loss		$75,000
Less:		
Taxable income for 1954 (computed without the deduction of the carryback from 1956)	$15,000	
Taxable income for 1955 (computed without the deduction of the carryback from 1956 or the carryback from 1958)	30,000	
		45,000
Carryover		30,000

(4) *Carryover to 1958.* The carryover to this year is $10,000, computed as follows:

Net operating loss		$75,000
Less:		
Taxable income for 1954 (computed without the deduction of the carryback from 1956)	$15,000	
Taxable income for 1955 (computed without the deduction of the carryback from 1956 or the carryback from 1958)	30,000	
Taxable income for 1957 (computed without the deduction of the carryover from 1956 or the carryback from 1958)	20,000	
		65,000
Carryover		10,000

(5) *Carryover to 1959.* The carryover to this year is $10,000, computed as follows:

Net operating loss		$75,000
Less:		
Taxable income for 1954 (computed without the deduction of the carryback from 1956)	$15,000	
Taxable income for 1955 (computed without the deduction of the carryback from 1956 or the carryback from 1958)	30,000	
Taxable income for 1957 (computed without the deduction of the carryover from 1956 or the carryback from 1958)	20,000	
Taxable income for 1958 (a year in which a net operating loss was sustained)	0	
		65,000
Carryover		10,000

(6) *Carryover to 1960.* The carryover to this year is $0, computed as follows:

Net operating loss		$75,000
Less:		
Taxable income for 1954 (computed without the deduction of the carryback from 1956)	$15,000	
Taxable income for 1955 (computed without the deduction of the carryback from 1956 or the carryback from 1958)	30,000	
Taxable income for 1957 (computed without the deduction of the carryover from 1956 or the carryback from 1958)	20,000	
Taxable income for 1958 (a year in which a net operating loss was sustained)	0	
Taxable income for 1959 (computed without the deduction of the carryover from 1956 or the carryover from 1958)	30,000	
Taxable income for 1960 (computed without the deduction of the carryover from 1956 or the carryover from 1958)	35,000	
		130,000
Carryover		0

(7) *Carryover to 1961.* The carryover to this year is $0, computed as follows:

Net operating loss		$75,000
Less:		
Taxable income for 1954 (computed without the deduction of the carryback from 1956)	$15,000	
Taxable income for 1955 (computed without the deduction of the carryback from 1956 or the carryback from 1958)	30,000	
Taxable income for 1957 (computed without the deduction of the carryover from 1956 or the carryback from 1958)	20,000	
Taxable income for 1958 (a year in which a net operating loss was sustained)	0	
Taxable income for 1959 (computed without the deduction of the carryover from 1956 or the carryover from 1958)	30,000	
Taxable income for 1960 (computed without the deduction of the carryover from 1956 or the carryover from 1958)	35,000	
		130,000
Carryover		0

(c) *Loss sustained in 1958.* The portions of the $150,000 net operating loss for 1958 which shall be used as carrybacks to 1955, 1956, and 1957 and as carryovers to 1959, 1960, 1961, 1962, and 1963 are computed as follows:

(1) *Carryback to 1955.* The carryback to this year is $150,000, that is, the amount of the net operating loss.

(2) *Carryback to 1956.* The carryback to this year is $150,000, computed as follows:

Net operating loss		$150,000
Less:		
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryback to such year of $60,000 from 1956, the carryback from 1958 to 1955 not being taken into account)	$0	
Taxable income for 1956 (a year in which a net operating loss was sustained)	0	
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $30,000 from 1956, the carryback from 1958 to 1957 not being taken into account)	0	
		0
Carryback		150,000

(3) *Carryback to 1957.* The carryback to this year is $150,000, computed as follows:

Net operating loss		$150,000
Less:		
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryback to such year of $60,000 from 1956, the carryback from 1958 to 1955 not being taken into account)	$0	
Taxable income for 1956 (a year in which a net operating loss was sustained)	0	
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $30,000 from 1956, the carryback from 1958 to 1957 not being taken into account)	0	
Taxable income for 1959 (the $30,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1956, the carryover from 1958 to 1959 not being taken into account)	20,000	
		20,000
Carryover		130,000

(4) *Carryover to 1959.* The carryover to this year is $150,000, computed as follows:

Net operating loss		$150,000
Less:		
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryback to such year of $60,000 from 1956, the carryback from 1958 to 1955 not being taken into account)	$0	
Taxable income for 1956 (a year in which a net operating loss was sustained)	0	
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $30,000 from 1956, the carryback from 1958 to 1957 not being taken into account)	0	
		0
Carryback		150,000

(5) *Carryover to 1960.* The carryover to this year is $130,000, computed as follows:

Net operating loss		$150,000
Less:		
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryback to such year of $60,000 from 1956, the carryback from 1958 to 1955 not being taken into account)	$0	
Taxable income for 1956 (a year in which a net operating loss was sustained)	0	
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $30,000 from 1956, the carryback from 1958 to 1957 not being taken into account)	0	
Taxable income for 1959 (the $30,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1956, the carryover from 1958 to 1959 not being taken into account)	20,000	
		20,000
Carryover		130,000

(6) *Carryover to 1961.* The carryover to this year is $95,000, computed as follows:

Net operating loss		$150,000
Less:		
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryback to such year of $60,000 from 1956, the carryback from 1958 to 1955 not being taken into account)	$0	
Taxable income for 1956 (a year in which a net operating loss was sustained)	0	
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $30,000 from 1956, the carryback from 1958 to 1957 not being taken into account)	0	
Taxable income for 1959 (the $30,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1956, the carryover from 1958 to 1959 not being taken into account)	20,000	
Taxable income for 1960 (the $35,000 taxable income for such year reduced by the carryover to such year of $0 from 1956, the carryover from 1958 to 1960 not being taken into account)	35,000	
		55,000
Carryover		95,000

(7) *Carryover to 1962.* The carryover to this year is $20,000, computed as follows:

Net operating loss		$150,000
Less:		
Taxable income for 1955 (the $30,000 taxable income for such year reduced by the carryback to such year of $60,000 from 1956, the carryback from 1958 to 1955 not being taken into account)	$0	
Taxable income for 1956 (a year in which a net operating loss was sustained)	0	
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $30,000 from 1956, the carryback from 1958 to 1957 not being taken into account)	0	
Taxable income for 1959 (the $30,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1956, the carryover from 1958 to 1959 not being taken into account)	20,000	
Taxable income for 1960 (the $35,000 taxable income for such year reduced by the carryover to such year of $0 from 1956, the carryover from 1958 to 1960 not being taken into account)	35,000	
		55,000
Carryover		95,000

Less—Continued
Taxable income for 1961 (the $75,000 taxable income for such year reduced by the carryover to such year of $0 from 1956, the carryover from 1958 to 1961 not being taken into account)---------- $75,000 — $130,000

Carryover---------- 20,000

(8) *Carryover to 1963.* The carryover to this year is $3,000, computed as follows:

Net operating loss---------- $150,000
Less:
Taxable income for 1956 (the $30,000 taxable income for such year reduced by the carryback to such year of $60,000 from 1956, the carryback from 1958 to 1955 not being taken into account)-------- $0
Taxable income for 1956 (a year in which a net operating loss was sustained)---------- 0
Taxable income for 1957 (the $20,000 taxable income for such year reduced by the carryover to such year of $30,000 from 1956, the carryback from 1958 to 1957 not being taken into account)-------- 0
Taxable income for 1959 (the $30,000 taxable income for such year reduced by the carryover to such year of $10,000 from 1956, the carryover from 1958 to 1959 not being taken into account)-------- 20,000
Taxable income for 1960 (the $35,000 taxable income for such year reduced by the carryover to such year of $0 from 1956, the carryover from 1958 to 1960 not being taken into account) ---------- 35,000
Taxable income for 1961 (the $75,000 taxable income for such year reduced by the carryover to such year of $0 from 1956, the carryover from 1958 to 1961 not being taken into account) ---------- 75,000
Taxable income for 1962 (computed without the deduction of the carryover from 1958)------- 17,000 — 147,000

Carryover---------- 3,000

(d) *Determination of net operating loss deduction for each year.* The carryovers and carrybacks computed under paragraphs (b) and (c) of this section are used as a basis for the computation of the net operating loss deduction in the following manner:

Taxable year	Carryover		Carryback		Net operating loss deduction
	From 1956	From 1958	From 1956	From 1958	
1954			$75,000		$75,000
1955			60,000	$150,000	210,000
1957	$30,000			150,000	180,000
1959	10,000	$150,000			160,000
1960		130,000			130,000
1961		95,000			95,000
1962		20,000			20,000
1963		3,000			3,000

§ 1.172–7 [Amendment]

PAR. 7. Section 1.172–7 is amended as follows:

(A) By striking the last sentence of paragraph (f) thereof and inserting in lieu thereof the following new sentence: "If the husband and wife also file joint returns for the calendar years 1957, 1958, and 1959, having joint taxable income in 1957 and 1958 and a joint net operating loss in 1959, the joint net operating loss carrybacks to 1956, 1957, and 1958 from 1959 are computed on the basis of the joint net operating loss for 1959, since separate returns were not made for any taxable year involved in the computation of such carrybacks."

(B) By striking "it is assumed that reference to the modifications prescribed in § 1.172–5 is unnecessary", in the first sentence of paragraph (g) thereof, and inserting in lieu thereof "it is assumed that there are no items of adjustment under section 172(b)(2)(A)".

(C) By striking "but has a net operating loss of $200 for the fiscal year February 1, 1957, to January 31, 1958", in subdivision (i) of example (4) of paragraph (g) thereof, and inserting in lieu thereof "or for the fiscal year February 1, 1957, to January 31, 1958, but has a net operating loss of $200 for the fiscal year February 1, 1958, to January 31, 1959".

(D) By striking subdivision (iv) of example (4) of paragraph (g) thereof and inserting in lieu thereof the following new subdivision:

(iv) The net operating loss carryover of W from the fiscal year beginning February 1, 1958, to her next fiscal year is $200, that is, her net operating loss of $200 for the fiscal year beginning February 1, 1958, reduced by the sum of her $0 taxable income for 1956, her $0 taxable income for the taxable year January 1, 1957, to January 31, 1957 (a year in which she had neither income nor loss), and her $0 taxable income for the fiscal year February 1, 1957, to January 31, 1958 (also a year in which she had neither income nor loss). The $0 taxable income for 1956 is computed as follows:

(E) By striking "February 1, 1957" in subdivision (v) of example (4) of paragraph (g) thereof and inserting in lieu thereof "February 1, 1958".

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 60–7584; Filed, Aug. 12, 1960; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

Correction

In the document issuing Part 211 of Chapter I of Title 26 of the Code of Federal Regulations, published at 25 F.R. 5966, the following corrections are made: In paragraph 27 (§ 211.199) of the adoption document and in § 211.199(a) of the full text of the regulations, insert the word "laboratory" after the words "bona fide" and before the word "supply".

Treasury Decision No. 6474 (26 CFR Part 212) published at 25 F.R. 5987 is corrected by changing the spelling of the word "Benzine" to "Benzene" in the listing of denaturants in § 212.110.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 9, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 60–7610; Filed, Aug. 12, 1960; 8:52 a.m.]

[T.D. 6488]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Extension of Period for Filing Claims for Credit or Refund of Overpayments of Income Taxes Arising as a Result of Renegotiation of Government Contracts

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to section 1(a) of the Act of September 16, 1959 (Public Law 86–280, 73 Stat. 563), the regulations are amended as follows:

PARAGRAPH 1. Section 301.6511(d), as amended by Treasury Decision 6425, approved November 5, 1959, is further amended to read as follows:

§ 301.6511(d) Statutory provisions; limitations on credit or refund; special rules applicable to income taxes.

SEC. 6511. *Limitations on credit or refund.* • • •

(d) *Special rules applicable to income taxes.* • • •

(2) *Special period of limitation with respect to net operating loss carrybacks*—(A) *Period of limitation.* If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of the taxable year of the net operating loss which results in such carryback, or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later; except that, with respect to an overpayment attributable to the creation of or an increase in a net operating loss carryback as a result of the elimination of excessive profits by a renegotiation (as defined in section 1481(a)(1()(A)), the period shall not expire before September 1, 1959, or the expiration of the twelfth month following the month in which the agreement or order for the elimination of such excessive profits becomes final, whichever is the later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

• • • • •

[Sec. 6511(d) as amended by sec. 82(d), Technical Amendments Act 1958 (72 Stat. 1663); sec. 1(s), Act of Sept. 16, 1959 (Pub. Law 86–280, 73 Stat. 563)]

PAR. 2. Section 301.6511(d)–2, as amended by Treasury Decision 6425, approved November 5, 1959, is further amended to read as follows:

§ 301.6511(d)–2 Overpayment of income tax on account of net operating loss carrybacks.

(a) *Special period of limitation.* (1) If the claim for credit or refund relates to an overpayment of income tax attributable to a net operating loss carryback, provided in section 172(b), then in lieu of the 3-year period from the time the return was filed in which the claim may be filed or credit or refund allowed, as prescribed in section 6511 (a) or (b), the period shall be whichever of the following 2 periods expires later:

(i) The period which ends with the expiration of the fifteenth day of the fortieth month (or thirty-ninth month, in the case of a corporation) following the end of the taxable year of the net operating loss which resulted in the carryback; or

(ii) The period which ends with the expiration of the period prescribed in section 6511(c) within which a claim for credit or refund may be filed with respect to the taxable year of the net operating loss which resulted in the carryback;

except that, with respect to an overpayment attributable to the creation of or an increase in a net operating loss carryback as a result of the elimination of excessive profits by a renegotiation (as defined in section 1481(a)(1)(A)), the period shall not expire before September 1, 1959, or the expiration of the twelfth month following the month in which the agreement or order for the elimination of such excessive profits becomes final, whichever is the later.

• • • • •

Because this Treasury decision makes only technical changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 9, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 60–7609; Filed, Aug. 12, 1960; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Dickinson Bayou, Texas; and Corte Madera and Petaluma Creeks, California

AUGUST 9, 1960.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.535 governing the operation of the bridge of the Galveston, Harrisburg and San Antonio Railroad (Southern Pacific) across Dickinson Bayou at San Leon, Texas, is hereby revoked, as follows:

§ 203.535 Dickinson Bayou, Tex; bridge of Galveston, Harrisburg and San Antonio Railroad (Southern Pacific) at San Leon, Tex. [Revoked]

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.712 is hereby amended with respect to paragraph (e) to exclude the State of California highway bridge across Corte Madera Creek near Corte Madera, California, the bridge having been removed from the waterway, as follows:

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

• • • • •

(e) *Corte Madera Creek; The Northern Pacific Railroad Company bridge near Greenbrae.* On Saturdays, Sundays and holidays, at least 72 hours' advance notice required; on all other days at least 24 hours' advance notice required.

• • • • •

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (g) of § 203.712 is hereby amended to include the Northwestern Pacific Railroad Company bridge across Petaluma Creek near Haystack Landing, Petaluma, California, as follows:

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

• • • • •

(g) *Petaluma Creek.* (1) Northwestern Pacific Railroad Company bridges at Blackpoint and Haystack Landing. The owner of or agency controlling these bridges need not keep draw tenders in constant attendance except when the draws are closed for the passage of railroad traffic. At all other times the draws may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draws are in open position.

[Regs., July 27, 1960, 285/91–ENGCW–O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–7550; Filed, Aug. 12, 1960; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 75—DELEGATIONS OF AUTHORITY

Subpart C—Mistakes in Bids

§ 3–75.21 Procurement and Supply Management Branch, Division of General Services.

Authority is delegated to the Chief, Procurement and Supply Management Branch, Division of General Services, to make the determinations specified in § 1–2.406–3 of the Federal Procurement Regulations (41 CFR Part 1–2, 25 F.R. 1665) in connection with mistakes in bids.

(a) *Redelegation.* This delegation of authority cannot be redelegated.

(b) *Approval.* Each proposed determination shall be approved by the Office of General Counsel.

(41 CFR 1–2.406–3, 25 F.R. 1665)

Effective date: July 29, 1960.

Dated: August 9, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60–7575; Filed, Aug. 12, 1960; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter III—Saint Elizabeths Hospital, Department of Health, Education, and Welfare

PART 305—AUTOPSIES

Notice of proposed rule making having been published in the FEDERAL REGISTER on May 5, 1960 (25 F.R. 3899) and no suggestions or comments having been received, the addition to this part set out below is hereby adopted effective thirty days following publication.

Effective date. This addition shall become effective thirty days after publication in the FEDERAL REGISTER.

Chapter III of Title 42 of the Code of Federal Regulations is amended by addition of Part 305—Autopsies, as follows:

Sec.
305.1 Consent to autopsies.
305.2 Authorization for autopsies by Hospital superintendent.
305.3 Restrictions on autopsies.

AUTHORITY: §§ 305.1 to 305.3 issued under R.S. 161, as amended August 12, 1958, 72 Stat. 547, 5 U.S.C. 22.

§ 305.1 Consent to autopsies.

An autopsy may be performed on the body of a deceased patient by direction of the superintendent of the Hospital or of an officer or employee of the Hospital designated by him where consented to in writing (a) by the surviving spouse of the decedent; or, if none such, (b) by the next of kin in the order of their relation; *Provided*, That where consent is granted by a member of a class of relatives consisting of more than one person, the consent of all members of such class shall be obtained. Documents embodying consent shall be made a part of the clinical record.

§ 305.2 Authorization for autopsies by Hospital superintendent.

Where the person authorized to give consent under § 305.1 cannot be located after diligent search and the Hospital assumes responsibility for burial arrangements, the superintendent of the Hospital may authorize the performance of an autopsy. Such authorization shall be made a part of the clinical record.

§ 305.3 Restrictions on autopsies.

Restrictions or limitations on the performance of or extent of the autopsy imposed by the consenting person or persons or by the decedent during his lifetime shall be observed.

[SEAL] WINFRED OVERHOLZER,
Superintendent,
Saint Elizabeths Hospital.

Approved: August 9, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-7574; Filed, Aug. 12, 1960; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 24, 3d Rev.]

PART 284—VALUATION OF VESSELS FOR DETERMINING CAPITAL EMPLOYED AND NET EARNINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Correction

In F.R. Doc. 60-7425, appearing at page 7536 of the issue for Wednesday, August 10, 1960, the first section heading should read "§ 284.1 *Vessels included.*" instead of "§ 241.1 *Vessels included.*"

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Domestic Telegraph Speed of Service Studies

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of August 1960;

The Commission having under consideration proposals of The Western Union Telegraph Company to amend Subpart B of Part 64 of its rules and regulations governing domestic telegraph speed of service studies and also having under consideration the necessity of amending § 1.486 of its rules;

It appearing that amendments of Subpart B of Part 64 of the rules and of § 1.486 of the rules are desirable for the purpose of clarifying the application of certain requirements of the rules and to recognize certain changes made by Western Union in its procedures and operating practices;

It further appearing that Western Union is the only person subject to the amendments adopted herein; that such amendments have been agreed to by Western Union; that Western Union has requested that such amendments be made effective September 1, 1960; and, hence, that compliance with the public notice, procedural and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary;

It is ordered, That pursuant to sections 4(i) and 201(b) of the Communications Act of 1934, as amended, § 1.486 and Subpart B of Part 64 are amended, effective September 1, 1960, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 201, 48 Stat. 1070; 47 U.S.C. 201)

Released: August 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.486 is amended to read as follows:

§ 1.486 Reports regarding domestic telegraph speed of service.

The Western Union Telegraph Company shall furnish monthly reports under Subpart B of Part 64 of this chapter in regard to origin to destination speed of service on F.C.C. Form 338-B and any additional recurring monthly speed of service reports prepared by the telegraph company, together with copies of related instructions issued by the company to its field offices, in accordance with Part 64 of this chapter.

2. Section 64.202(b) is amended to read as follows:

§ 64.202 Time filed.

• • • • • •

(b) In the case of messages filed over manually terminated teleprinter tielines, the filing time shall be the acknowledgment or stamped received time, whichever is earlier. Where messages are filed over a telefax tieline, the filing time shall be the stamped received time placed on the message upon removal from the recorder. Where messages are filed over teleprinter tielines directly connected into switching centers, the filing time shall be the time placed on such telegrams by the patron or by automatic timing equipment, as the case may be. If the sender is called back to verify a questionable part of the message, the original filing time shall be used unless a correction is made by the sender, in which case a new filing time consisting of the time the correction is received shall be placed on the message.

• • • • • •

3. In § 64.203, the introductory text and paragraph (f) are amended and a new paragraph (g) is added as follows:

§ 64.203 Time delivered.

The time delivery of a telegram is completed to the addressee (or to a person authorized to receive the telegram for the addressee), except as otherwise provided in this section.

• • • • • •

(f) When delivery is made by messenger on routes on which all messages to be delivered are business messages, the time delivered or the time of the first attempt to deliver for each message on the route shall be the time routed out plus one-half the interval from the time routed out to the time returned. When messenger delivery routes comprise both business and social messages, the time delivered or the time of first attempt to deliver for each business message shall be the actual time of delivery to the addressee.

(g) In the case of Domestic Full Rate Money Orders, the time delivered shall be the time the money order is paid or the payee is notified, less ten minutes (allowance for banking operations at point of origin and destination).

4. In § 64.204, paragraphs (c) and (d) are amended to read as follows:

§ 64.204 First attempt.

• • • • • •

(c) In the case of messenger delivery, business messages returned to the office undelivered for any reason when first routed out are "first attempts." If such "first attempts" were on a route on which all messages to be delivered were business messages, the time of the first attempt to deliver shall be the time routed out plus one-half the interval from the time routed out to the time returned. If such "first attempts" were on a route comprised of both business and social messages, the time of the first attempt to deliver for each business message shall be the actual time physical delivery was attempted.

(d) In all such cases there shall be noted on the message and delivery sheet the "first attempt" time and the reason for non-delivery.

• • • • • •

§ 64.213 [Deletion]

5. Section 64.213 is deleted.

§ 64.221 [Amendment]

6. Section 64.221(a) is amended by changing "§§ 64.201 through 64.295" to read "§§ 64.201 through 64.291".

7. Section 64.227(b) is amended to read as follows:

§ 64.227 Suspension of tallying.

• • • • • •

(b) In the event of a serious and unusual communication emergency such as that caused by flood, earthquake, strike by respondent's employees, or fire, tallying may be suspended. In the event of suspension of tallies during an emergency, messages handled during the emergency need not be tallied.

8. In § 64.243, paragraphs (a) and (b)(2) are amended to read as follows:

§ 64.243 Selection of offices for tallying.

(a) Sampling for origin to destination speed of service in each method shall be limited to those offices in each city which deliver an average of 50 or more messages daily by telephone or by tieline, or deliver an average of 50 or more business messages daily by messenger: *Provided, however*, That if none of the offices in a city deliver 50 or more messages daily in a particular method of delivery, then each such office shall be considered as delivering an average of 50 messages per day in that method and as qualifying under this section for tallying.

(b) • • •

(2) Where the volume of traffic for a given delivery method in a city (all offices to be studied combined) calls for preparation of 3 cards or less, the preparation of such cards will not be required. In such cases if more than one delivery office is involved, the number of tallies at each such delivery office shall be in the same ratio as its load bears to the total delivery load of the city.

9. In § 64.244, paragraphs (c) (1) and (2) and (d) are amended to read as follows:

§ 64.244 Selection of messages for tallying.

• • • • • •

(c) • • •

(1) Where delivered messages are filed alphabetically, a card for each letter of the alphabet shall be prepared. The set of cards shall be shuffled face down and the deck cut. The top card shall be drawn after completion of the cut. The file shall be searched beginning with the letter of the alphabet drawn for individual messages of the types named in § 64.223 whose identifying wire number ends in the digit drawn. If, after complete search of the file for messages delivered between 9:00 a.m. and 6:00 p.m., local time, the quota for tallying is not obtained, the succeeding alphabet card or cards shall be drawn and used in the order of their appearance in the pack from the top down.

(2) Where delivered messages are filed in sent number sequence or in delivered time order or route records are filed in route out or return time order, a set of 9 cards shall be prepared, each card bearing one of the hours 9:00 a.m. to 10:00 a.m. through 5:00 p.m. to 6:00 p.m. The set of cards shall be shuffled face down and the deck cut. The top card shall be drawn after completion of the cut. The file shall be searched beginning with the hour drawn for individual messages whose identifying wire number ends in the digit drawn. If after complete search of the file for messages delivered between 9:00 a.m. and 6:00 p.m., local time, the quota for tallying is not obtained, another digit shall be selected in accordance with § 64.244(a)(2).

(d) Offices delivering business messages by messenger shall select individual messages of the types named in § 64.223 from route records in accordance with paragraphs (a) and (c)(2) of this section.

• • • • • •

10. In § 64.271, paragraph (c)(1) and (2) are amended to read as follows:

§ 64.271 Selection and tally.

• • • • • •

(c) • • •

(1) The name or designation of each outgoing line transmitter directly connected to a tieline within the city or in a distant city shall be entered on a list or on a set of consecutively numbered cards. The designation of these channels on the list cards shall be arranged so as to facilitate examination of the line transmitters.

(2) Each line transmitter at reperforator relay offices used to deliver telegrams directly to tieline customers shall be observed. Where a single tieline is associated with one line transmitter only, the first message of the types named in § 64.223 which it is possible to tally by time interval shall be tallied. Thereafter, the tally clerk shall move to the next tieline, observations continuing until the required number of messages has been tallied. If any tieline is observed for two minutes without tally, the clerk shall move to the next line transmitter concerned. If, after all listed tielines have been examined, an insufficient number of messages have been tallied, observations shall be continued starting with the first tieline observed that day. The last tieline examined on one observation shall be the first tieline examined on the next observation. Where several tielines are associated with one line transmitter, such as in the case of a five-station concentrated sending rack, a total number of messages equal to the number of tielines in the group shall be tallied. Where the rack is equipped with a monitor printer and an automatic time and date transmitter, the tally may be made from the monitor reel instead of the line transmitter.

• • • • • •

11. Section 64.291 is amended to read as follows:

§ 64.291 Origin to destination speed of service reports.

Reports of Origin to Destination speed of service sampling at each city designated in § 64.221 shall be summarized for all cities studied to show separately for each delivery method, telephone, tieline and messenger, the number of messages tallied, average speed of service in minutes, the percent delivered in the stated number of minutes, and a weighting factor for each of the seventy-five cities. The weighting factor shall be that proportion of the total delivered load (for the full month, including Saturdays, Sundays and holidays) in that method and city to the total delivered load (for the full month) in the same method for the seventy-five cities. The weighting factors shall be computed annually based on delivered loads for the month of March.

12. Section 64.295 is amended to read as follows:

§ 64.295 Additional speed of service reports required.

(a) The Western Union Telegraph Company shall file with the Commission for its information, not later than the 25th date of each succeeding month, reports in quadruplicate of any additional monthly recurring speed of service studies it may make.

(b) Two copies of all general instructions (and of any amendments thereto) issued to the field offices for the preparation of the studies required by this section shall be filed with the Commission upon issuance.

[F.R. Doc. 60-7599; Filed, Aug. 12, 1960; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 8—PROCLAMATIONS DESIGNATING AREAS CLOSED TO HUNTING

Certain Lands and Waters Adjacent to Martin National Wildlife Refuge, Maryland

On page 4751 of the FEDERAL REGISTER of May 28, 1960, there was published a notice and text of a proposed designation of an area closed to the hunting of migratory birds, under part 8 of Title 50, Code of Federal Regulations. The purpose of the designation is to aid administration of the Martin National Wildlife Refuge and to increase the effectiveness of the refuge for the purposes for which it was acquired by the United States.

Interested persons were given 30 days within which to submit written com-

ments, suggestions, or objections to the proposed designation. No comments, suggestions, or objectives have been received, and the proposed designation is hereby adopted without change and is set forth below. This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

The text of the designation is as follows:

By virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431), and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, Fred A. Seaton, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all of those areas of water and tidal flats lying within 300 yards of the natural shore abutting on lands of the Martin National Wildlife Refuge, situate on that part of Smith Island lying north of the Big Thorofare, Somerset County, Maryland, except that the above-described closed area shall not extend southwest of the medial line of the channel known as Little Thorofare.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 9, 1960.

[F.R. Doc. 60-7576; Filed, Aug. 12, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

DEFINITION OF PROPERTY

Notice of Proposed Rule Making

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under section 614 of the Internal Revenue Code of 1954 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for November 3, 1956 (21 F.R. 8452). Notice is hereby given that such proposed regulations are withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under section 614 of the Internal Revenue Code of 1954, as amended by section 37 of the Technical Amendments Act of 1958 (72 Stat. 1633), relating to the definition of property. Such regulations are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise provided.

§ 1.614 Statutory provisions; definition of property.

SEC. 614. *Definition of property*—(a) *General rule.* For the purpose of computing the depletion allowance in the case of mines, wells, and other natural deposits, the term "property" means each separate interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land.

(b) *Special rule as to operating mineral interests*—(1) *Election to aggregate separate interests.* If a taxpayer owns two or more separate operating mineral interests which constitute part or all of an operating unit, he may elect (for all purposes of this subtitle)—

(A) To form one aggregation of, and to treat as one property, any two or more of such interests; and

(B) To treat as a separate property each such interest which he does not elect to include within the aggregation referred to in subparagraph (A).

For purposes of the preceding sentence, separate operating mineral interests which constitute part or all of an operating unit may be aggregated whether or not they are included in a single tract or parcel of land and whether or not they are included in contiguous tracts or parcels. A taxpayer may not elect to form more than one aggregation of operating mineral interests within any one operating unit.

(2) *Manner and scope of election.* The election provided by paragraph (1) shall be made, for each operating mineral interest in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1953, or the first taxable year in which any expenditure for exploration, development, or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. Such an election shall be binding upon the taxpayer for all subsequent taxable years, except that the Secretary or his delegate may consent to a different treatment of the interest with respect to which the election has been made.

(3) *Operating mineral interests defined.* For purposes of this subsection, the term "operating mineral interest" includes only an interest in respect of which the costs of production of the mineral are required to be taken into account by the taxpayer for purposes of computing the 50 percent limitation provided for in section 613, or would be so required if the mine, well, or other natural deposit were in the production stage.

(4) *Termination with respect to mines.* Except in the case of oil and gas wells—

(A) An election made under the provisions of this subsection shall not apply with respect to any taxable year beginning after December 31, 1957, and

(B) If a taxpayer makes an election under the provisions of subsection (c)(3)(B) for any operating mineral interest which constitutes part or all of an operating unit, an election made under the provisions of this subsection shall not apply with respect to any operating mineral interest which constitutes part or all of such operating unit for any taxable year for which the election under subsection (c)(3)(B) is effective.

(c) *1958 Special rules as to operating mineral interests in mines*—(1) *Election to aggregate separate interests.* Except in the case of oil and gas wells, if a taxpayer owns two or more separate operating mineral interests which constitute part or all of an operating unit, he may elect (for all purposes of this subtitle)—

(A) To form an aggregation of, and to treat as one property, all such interests owned by him which comprise any one mine or any two or more mines; and

(B) To treat as a separate property each such interest which is not included within an aggregation referred to in subparagraph (A).

For purposes of this paragraph, separate operating mineral interests which constitute part or all of an operating unit may be aggregated whether or not they are included in a single tract or parcel of land and whether or not they are included in contiguous tracts or parcels. For purposes of this paragraph, a taxpayer may elect to form more than one aggregation of operating mineral interests within any one operating unit; but no aggregation may include any operating mineral interest which is a part of a mine without including all of the operating mineral interests which are a part of such mine in the first taxable year for which the election to aggregate is effective, and any operating mineral interest which thereafter becomes a part of such mine shall be included in such aggregation.

(2) *Election to treat a single interest as more than one property.* Except in the case of oil and gas wells, if a single tract or parcel of land contains a mineral deposit which is being extracted, or will be extracted, by means of two or more mines for which expenditures for development or operation have have been made by the taxpayer, then the taxpayer may elect to allocate to such mines, under regulations prescribed by the Secretary or his delegate, all of the tract or parcel of land and of the mineral deposit contained therein, and to treat as a separate property that portion of the tract or parcel of land and of the mineral deposit so allocated to each mine. A separate property formed pursuant to an election under this paragraph shall be treated as a separate property for all purposes of this subtitle (including this paragraph). A separate property so formed may, under regulations prescribed by the Secretary or his delegate, be included as a part of an aggregation in accordance with paragraphs (1) and (3), but the provisions of paragraph (4) shall not apply with respect to such separate property. The election provided by this paragraph may not be made with respect to any property which is a part of an aggregation formed by the taxpayer under paragraph (1) except with the consent of the Secretary or his delegate.

(3) *Manner and scope of election*—(A) *In general.* Except as provided in subparagraph (D), the election provided by paragraph (1) shall be made for each operating mineral interest, in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1957, or the first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. Except as provided in subparagraph (D), the election provided by paragraph (2) shall be made for any property, in accordance with regulations prescribed by the Secretary or his delegate, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1957, or the first taxable year in which expenditures for development or operation of more than one mine in respect of the property are made by the taxpayer after the acquisition of the property.

No election may be made pursuant to this subparagraph for any operating mineral interest which constitutes part or all of an operating unit if the taxpayer makes an election pursuant to subparagraph (B) with respect to any operating mineral interest which constitutes part or all of such operating unit.

(B) *Taxable years beginning before January 1, 1958.* The election provided by paragraph (1) may, at the election of the taxpayer, be made for each operating mineral interest, in accordance with regulations prescribed by the Secretary or his delegate, within the time provided in subparagraph (D), for whichever of the following taxable years is the later (not including any taxable year in respect of which an assessment of deficiency is prevented on the date of the enactment of the Technical Amendments Act of 1958 by the operation of any law or rule of law): The first taxable year of the taxpayer which begins after December 31, 1953, and ends after August 16, 1954, or the first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest. The election provided by paragraph (2) may, at the election of the taxpayer, be made for any property, in accordance with regulations prescribed by the Secretary or his delegate, within the time prescribed in subparagraph (D), for whichever of the following taxable years is the later (not including any taxable year in respect of which an assessment of deficiency is prevented on the date of the enactment of the Technical Amendments Act of 1958 by the operation of any law or rule of law): The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, or the first taxable year in which expenditures for development or operation of more than one mine in respect of the property are made by the taxpayer after the acquisition of the property.

(C) *Effect.* An election made under paragraph (1) or (2) shall be binding upon the taxpayer for all subsequent taxable years, except that the Secretary or his delegate may consent to a different treatment of any interest with respect to which an election has been made.

(D) *Election after final regulations.* Notwithstanding any other provision of this paragraph the time for making an election under paragraph (1) or (2) shall not expire prior to the first day of the first month which begins more than 90 days after the date of publication in the FEDERAL REGISTER of final regulations issued under the authority of this subsection.

(E) *Statute of limitations.* If the taxpayer makes an election pursuant to subparagraph (B) and if assessment of any deficiency for any taxable year resulting from such election is prevented on the first day of the first month which begins more than 90 days after the date of publication in the FEDERAL REGISTER of final regulations issued under authority of this subsection, or at any time within one year after such day, by the operation of any law or rule of law, such assessment may, nevertheless, be made if made within one year after such day. An election by a taxpayer pursuant to subparagraph (B) shall be considered as a consent to the assessment pursuant to this subparagraph of any such deficiency. If refund or credit of any overpayment of income tax resulting from an election made pursuant to subparagraph (B) is prevented on such day, or at any time within one year after such day, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after such day This subparagraph shall not apply to any taxable year in respect of which an assessment of a deficiency, or a refund or credit of an overpayment, as the case may be, is prevented by the operation of any law or rule of law on the date of the enactment of the Technical Amendments Act of 1958.

(4) *Special rule as to deductions under section 615(a) prior to aggregation.*—(A) *In general.* If an aggregation of operating mineral interests formed under paragraph (1) includes any interest or interests in respect of which exploration expenditures, paid or incurred after the acquisition of such interest or interests, were deducted by the taxpayer under section 615(a) for any taxable year all or any portion of which precedes the date on which such aggregation becomes effective, or the date on which such interest or interests become a part of such aggregation (as the case may be), then the tax imposed by this chapter for such taxable year shall be recomputed as provided in subparagraph (B). In the case of any taxable year beginning before January 1, 1958, this subparagraph shall apply to exploration expenditures deducted in respect of any interest or interests for such taxable year, only if such interest or interests constitute part or all of any operating unit with respect to which the taxpayer makes an election pursuant to paragraph (3)(B) which is applicable with respect to such taxable year.

(B) *Recomputation of tax.* A recomputation of the tax imposed by this chapter shall be made for each taxable year described in subparagraph (A) for which exploration expenditures were deducted as though, for each such year, an election had been made to aggregate the separate operating mineral interest or interests with respect to which such exploration expenditures were deducted with those operating mineral interests included in the aggregation formed under paragraph (1) in respect of which any expenditure for exploration, development, or operation had been made by the taxpayer before or during the taxable year to which such election would apply. A recomputation of the tax imposed by this chapter (or by the corresponding provisions of the Internal Revenue Code of 1939) shall also be made for taxable years affected by the recomputation described in the preceding sentence. If the tax so recomputed for any taxable year or years, by reason of the application of this paragraph, exceeds the tax liability previously determined for such year or years, such excess shall be taken into account in the first taxable year to which the election to aggregate under paragraph (1) applies and succeeding taxable years as provided in subparagraph (C).

(C) *Increase in tax.* The tax imposed by this chapter for the first taxable year to which the election to aggregate under paragraph (1) applies, and for each succeeding taxable year until the full amount of the excess described in subparagraph (B) has been taken into account, shall be increased by an amount equal to the quotient obtained by dividing such excess by the total number of taxable years described in subparagraph (A) in respect of which—

(i) Exploration expenditures were deducted by the taxpayer under section 615(a), and

(ii) The recomputation of tax described in the first sentence of subparagraph (B) results in an increase in tax or a reduction of a net operating loss.

If the taxpayer dies or ceases to exist, then so much of the excess described in subparagraph (B) as was not taken into account under the preceding sentence for taxable years preceding such death, or such cessation of existence, shall be taken into account for the taxable year in which such death, or such cessation of existence, occurs.

(D) *Basis adjustment.* If the tax liability of a taxpayer is increased by reason of the application of this paragraph, proper adjustments shall be made with respect to the basis of the aggregated property owned by such taxpayer, in accordance with regulations prescribed by the Secretary or his delegate, as though the tax liability of the taxpayer for the prior taxable year or years had been determined in accordance with the recomputation of tax described in subparagraph (B).

(5) *Operating mineral interests defined.* For purposes of this subsection, the term "operating mineral interest" has the meaning as assigned to it by subsection (b)(3).

(d) *1939 Code treatment with respect to operating mineral interests in case of oil and gas wells.* In the case of oil and gas wells, any taxpayer may treat any property (determined as if the Internal Revenue Code of 1939 continued to apply) as if subsections (a) and (b) had not been enacted. If any such treatment would constitute an aggregation under subsection (b), such treatment shall be taken into account in applying subsection (b) to other property of the taxpayer.

(e) *Special rule as to nonoperating mineral interests.*—(1) *Aggregation of separate interests.* If a taxpayer owns two or more separate nonoperating mineral interests in a single tract or parcel of land or in two or more adjacent tracts or parcels of land, the Secretary or his delegate shall, on showing by the taxpayer that a principal purpose is not the avoidance of tax, permit the taxpayer to treat (for all purposes of this subtitle) all such mineral interests in each separate kind of mineral deposit as one property. If such permission is granted for any taxable year, the taxpayer shall treat such interests as one property for all subsequent taxable years unless the Secretary or his delegate consents to a different treatment.

(2) *Nonoperating mineral interests defined.* For purposes of this subsection, the term "nonoperating mineral interests" includes only interests which are not operating mineral interests within the meaning of subsection (b)(3).

[Sec. 614 as amended by sec. 37, Technical Amendments Act, 1958 (72 Stat. 1633)]

Section 614 relates to the definition of property and to the various special rules by means of which taxpayers are permitted to aggregate separate properties. These rules are set forth in detail in §§ 1.614–1 through 1.614–6. Section 1.614–1 sets forth rules under section 614(a) relating to the definition of the term "property". Section 1.614–2 contains the rules relating to the election under section 614(b) to aggregate operating mineral interests. In the case of mines, the rules contained in § 1.614–2 are applicable only to taxable years beginning before January 1, 1958, to which the Internal Revenue Code of 1954 applies. In the case of oil and gas wells, the rules contained in § 1.614–2 are applicable for all taxable years to which the 1954 Code applies. In the case of oil and gas wells, the taxpayer may, however, treat any operating mineral interests as if section 614 (a) and (b) had not been enacted. If any operating mineral interests are so treated, the rules contained in § 1.614–2 are not applicable to such interests and such interests are subject to the rules set forth in § 1.614–4 relating to the 1939 Code treatment of separate operating mineral interests in the case of oil and gas wells. Section 1.614–3 prescribes the rules relating to the election under section 614(c)(1) permitting the aggregation of operating mineral interests in the cases of mines for taxable years beginning after December 31, 1957. Section 1.614–3 also sets forth rules relating to the election under section 614(c)(2) in the case of mines by means of which a taxpayer is permitted to treat a single operating mineral interest as more than one such interest for taxable years beginning after December 31, 1957. At the election of the taxpayer with respect to an operating unit, the rules contained in § 1.614–3 are also applicable to taxable years beginning before January 1, 1958, to which the 1954 Code applies. If the taxpayer makes such an election, the rules contained in § 1.614–2 are not applicable to any of the operating mineral interests which are part of the operating unit with respect to which the election described in § 1.614–3 is made. Section 1.614–5 sets forth the rules relating to the aggregation of nonoperating mineral interests. Section 1.614–6 contains the rules relating to basis, holding period, and abandonment and casualty losses where properties have been aggregated.

§ 1.614–1 Definition of property.

(a) *General rule.* (1) For purposes of subtitle A of the Internal Revenue Code of 1954, in the case of mines, wells, and other natural deposits, the term "property" means each separate interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land.

(2) The term "interest" means an economic interest in a mineral deposit. See paragraph (b) of § 1.611–1. The term includes working or operating interests, royalties, overriding royalties, production payments and net profits interests.

(3) The term "tract or parcel of land" is merely descriptive of the physical scope of the land to which the taxpayer's interest relates. It is not descriptive of the nature of his rights or interests in the land. All contiguous areas (even though separately described) included in a single conveyance or grant or in separate conveyances or grants at the same time from the same owner constitute a single separate tract or parcel of land. Areas included in separate conveyances or grants (whether or not at the same time) from separate owners are separate tracts or parcels of land even though the areas described may be contiguous. If the taxpayer's rights or interests within the same tract or parcel of land are dissimilar, then each such dissimilar interest constitutes a separate property. If the taxpayer's rights or interests (whether or not dissimilar) within the same tract or parcel of land relate to more than one separate mineral deposit, then his interest with respect to each such separate deposit is a separate property.

(4) The provisions of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer owns one tract of land under which lie three separate and distinct seams of coal. Therefore, the taxpayer owns three separate mineral interests each of which constitutes a separate property.

Example (2). A taxpayer conducts mining operations on eight tracts of land as a single unit. He acquired his interests in each of the eight tracts from separate owners. Even if each tract of land contains part of the same mineral deposit, the taxpayer owns eight separate mineral interests each of which constitutes a separate property.

Example (3). A taxpayer owns a tract of land under which lies one mineral deposit. The taxpayer operates a well on part of the tract and leases to another operator the mineral rights in the remainder retaining a royalty interest therein. The taxpayer thereafter owns two separate mineral interests each of which constitutes a separate property.

Example (4). In 1954, a taxpayer acquires from a single owner, in a single deed, three noncontiguous tracts of mineral land for a single consideration. Even if each tract contains part of the same mineral deposit, the taxpayer owns three separate mineral interests each of which constitutes a separate property.

Example (5). In 1954, taxpayer A simultaneously acquires in fee two contiguous tracts of mineral land from two separate owners. The same mineral deposit underlies both tracts. Thereafter, taxpayer A owns two separate mineral interests each of which constitutes a separate property.

Example (6). Assume that in 1955, taxpayer A, in example (5), leases the two contiguous tracts of mineral land that he acquired in 1954 to taxpayer B by means of a single lease. Thereafter, taxpayer B owns one mineral interest which constitutes a separate property for such time as the lease continues in existence.

Example (7). Assume that in 1955, taxpayer A, in example (5), transfers all the mineral land he acquired in 1954 to taxpayer B by means of a single conveyance. Thereafter, taxpayer B owns one mineral interest which constitutes a separate property.

Example (8). In 1954, taxpayer A simultaneously acquires two contiguous leasehold interests from two separate owners. The same mineral deposit underlies both tracts. Thereafter, taxpayer A owns two separate mineral interests each of which constitutes a separate property.

Example (9). In 1956, taxpayer A, in example (8), simultaneously assigns the two leases to taxpayer B. Thereafter, taxpayer B owns two separate mineral interests each of which constitutes a separate property.

(b) *Separation of interests treated as "single property" under prior regulations.* Each separate mineral interest which, in accordance with paragraph (a) of this section, is a separate property shall be so treated, notwithstanding the fact that the taxpayer under paragraph (i) of § 39.23(m)–1 of Regulations 118 (26 CFR (1939) 39.23(m)–1(i)) and corresponding provisions of prior regulations may have treated more than one of such interests as a "single property." The basis of each such separate property must be established by a reasonable method. See, however, section 614 (b), (c), (d), and (e) and §§ 1.614–2, 1.614–3, 1.614–4, and 1.614–5 for special rules relating to the treatment of two or more separate mineral interests as a single property.

(c) *Treatment of a waste bank or residue.* A waste bank or residue of prior mining, the extraction of ores or minerals from which is treated as mining under section 613(c)(3), shall not be considered to be a separate mineral deposit but is a part of the mineral deposit from which it was extracted. However, if the owner of such waste bank or residue has disposed of the deposit from which the waste bank or residue was accumulated, or if the waste bank or residue cannot practicably be attributed to a particular deposit of the owner, the waste bank or residue will be regarded as a separate deposit.

§ 1.614–2 Election to aggregate separate operating mineral interests under section 614(b).

(a) *General rule.* A taxpayer who owns two or more separate operating mineral interests, which constitute part or all of an operating unit, may elect under section 614(b) and this section to form one aggregation of any two or more of such operating mineral interests and to treat such aggregation as one property. Any operating mineral interest which the taxpayer does not elect to include within the aggregation shall be treated as a separate property. The aggregation of separate properties which results from exercising the election shall be considered as one property for all purposes of subtitle A of the Internal Revenue Code of 1954. The preceding sentence does not preclude the use of more than one account under a single method of computing depreciation or the use of more than one method of computing depreciation under section 167, if otherwise proper. Any reasonable and consistently applied method or methods of computing depreciation of the improvements made with respect to the separate properties aggregated may be continued in accordance with section 167 and the regulations thereunder. Operating interests in different minerals which comprise part or all of the same operating unit may be included in the aggregation. It is not necessary for purposes of the aggregation that the separate operating mineral interests be included in a single tract or parcel of land or in contiguous tracts or parcels of land so long as such interests are a part of the same operating unit. Under section 614(b), a taxpayer cannot elect to form more than one aggregation of separate operating mineral interests within one operating unit. For definitions of "operating mineral interest" and "operating unit" see respectively paragraphs (b) and (c) of this section.

(b) *Operating mineral interest defined.* The term "operating mineral interest" means a separate mineral interest as described in section 614(a), in respect of which the costs of production are required to be taken into account by the taxpayer for purposes of computing the limitation of 50 percent of the taxable income from the property in determining the deduction for percentage depletion computed under section 613, or such costs would be so required to be taken into account if the mine, well, or other natural deposit were in the production stage. The term does not include royalty interests or similar interests, such as production payments or net profits interests. "Costs of production" for purposes of this paragraph do not include intangible drilling and development costs, exploration expenditures under section 615, or development expenditures under section 616. Production taxes payable by holders of nonoperating interests are not considered costs of production for this purpose. A taxpayer may not aggregate operating mineral interests and nonoperating mineral interests such as royalty interests.

(c) *Operating unit defined.* (1) The term "operating unit" refers to the op-

erating mineral interests which are operated together for the purpose of producing minerals. An "operating unit" of a particular taxpayer must be determined on the basis of his own operations. It is recognized that operating units may not be uniform in the various natural resources industries or in any one of the natural resources industries, such as coal, oil and gas, and the like. As to a particular taxpayer, business reasons may require the formation of operating units that vary in size and content. The term "operating unit" refers to a producing unit, and not to an administrative or sales organization. Among the factors which indicate that mineral interests are operated together as a unit are—

(i) Common field or operating personnel,

(ii) Common supply and maintenance facilities,

(iii) Common processing or treatment plants, and

(iv) Common storage facilities.

However, operating mineral interests which are geographically widespread may not be treated as parts of the same operating unit merely because a single set of accounting records, a single executive organization, or a single sales force is maintained by the taxpayer with respect to such interests, or merely because the products of such interests are processed at the same treatment plant.

(2) An undeveloped operating mineral interest shall be aggregated only with those interests with which it will be operated as a unit when it reaches the production stage.

(3) While a taxpayer may operate an operating mineral interest through an agent, a coowner may aggregate only his operating mineral interests that are actually operated as a unit. For example, if A owned and actually operated the entire working interest in lease X and also owned an undivided fraction of lease Y in which B owned the remaining interest and which B actually operated as a unit with lease Z, A may not aggregate his interest in lease X with his undivided interest in lease Y, since they are not actually operated as a unit.

(4) The determination of the taxpayer as to what constitutes an operating unit is to be accepted unless there is a clear and convincing basis for a change in such determination.

(d) *Manner and scope of election*—(1) *Election; when made.* (i) Except as provided in subparagraph (2)(ii) of this paragraph, the election under section 614(b) and paragraph (a) of this section to treat an operating mineral interest as part of an aggregation shall be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof), for whichever of the following taxable years is the later:

(*a*) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, or

(*b*) The first taxable year in which any expenditure for exploration, development, or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest.

The election under section 614(b) may not be made with respect to any taxable year beginning after December 31, 1957, except in the case of oil and gas wells. See paragraph (e) of this section for rules with respect to the termination of the election under section 614(b) except in the case of oil and gas wells. If an expenditure has been made in respect of a separate operating mineral interest, it is immaterial whether or not any proven deposit has been discovered with respect to such interest when such expenditure has been made. The provisions of this subdivision may be illustrated by the following example:

Example. Taxpayer A is producing from an oil and gas horizon and in 1958 he drills for the purpose of locating a deeper horizon which will be operated in the same operating unit as the upper producing horizon. At the end of the taxable year 1958 he has expended $50,000 drilling for the purpose of locating a deeper horizon although at such time there is no assurance that such a horizon will be found. If taxpayer A desires to aggregate the deeper horizon, if found, with the upper horizon under section 614(b), he must elect to do so in his return for 1958. If the election to aggregate the upper and lower horizons as one property is made, the drilling expenditures with respect to the prospective lower horizon must be taken into account along with the income and expenses with respect to the upper producing horizon in computing the depletion allowance on the aggregated property.

However, where expenditures for development of, or production from, a particular mineral deposit result in the discovery of another mineral deposit, the election with respect to such other deposit shall be made for the taxable year in which it is discovered and not for the taxable year in which the expenditures were first made which resulted in such discovery.

(ii) Except in the case of oil and gas wells, if a taxpayer fails to make an election under section 614(b) to aggregate a particular operating mineral interest on or before the time prescribed for the making of such election, such interest will be treated as if an election had been made under section 614(b) to treat it as a separate property and it cannot be included in any aggregation within the operating unit of which it is a part unless the taxpayer obtains the consent of the Commissioner. However, where the taxpayer owns more than one property within an operating unit, but no aggregation has been made within such unit and another operating mineral interest is subsequently acquired, the latter may be aggregated with one of the existing separate properties within the operating unit but not with more than one of them since they cannot be validly aggregated with each other.

(iii) In the case of oil and gas wells, if the taxpayer fails to make an election under section 614(b) with respect to a particular operating mineral interest on or before the time prescribed for the making of such election, the taxpayer shall be deemed to have treated such interest under the provisions of section 614(d). See section 614(d) and § 1.614–4.

(iv) For purposes of section 614(b), the acquisition of an option to acquire an economic interest in minerals in place does not constitute the acquisition of a mineral interest. Thus, a taxpayer who makes expenditures for the exploration of minerals on a particular tract under an option to acquire an economic interest in minerals in place is not required to make an election with respect to such interest at that time. Furthermore, the election need not be made in the taxable year in which payments are made for the acquisition of a lease, such as the payment of a bonus, unless exploratory, development, or operation expenditures are made thereafter with respect to the property in that year.

(2) *Election; how made.* (i) The election under section 614(b) must be made by a statement attached to the income tax return of the taxpayer for the first taxable year for which the election is made. This statement shall indicate that the taxpayer is making an aggregation of separate operating mineral interests within an operating unit under section 614(b) and shall contain a description of the separate operating mineral interests forming the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. The statement shall also contain a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. See paragraph (c) of this section. The taxpayer shall maintain adequate records and maps in support of the above information. In the event expenditures are first made on an operating mineral interest within an operating unit after an election with respect to the aggregation of interests in that operating unit has been made, the taxpayer shall furnish only information describing such operating mineral interest, its location in the operating unit, and whether it is to be included within the aggregation.

(ii) If the taxpayer made or did not make the election under section 614(b) with respect to a particular operating mineral interest and the last day prescribed by law for filing the return (including extensions of time therefor) on which the election was required to be made falls on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, consent is hereby given to the taxpayer to make or change the election not later than the first day of such first month. Any such election or change of such election shall be effective with respect to the earliest taxable year to which the election is applicable in respect of which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from such election or change is not prevented by any law or rule of law on the date such election or change is made. An election or change of election made pursuant to this subdivision shall be binding upon the taxpayer for the first taxable year for which

it is effective and for all subsequent taxable years unless consent to a different treatment is obtained from the Commissioner. (See, however, paragraph (e) of this section for rules relating to the termination and nonapplicability of the election under section 614(b) except in the case of oil and gas wells.) Such election or change shall be made in the form of a statement setting forth the nature of the election or change, including information substantially the same as that required by subdivision (i) of this subparagraph, and shall be accompanied by an amended return or returns if necessary or, if appropriate, a claim for refund or credit. The appropriate documents must be filed on or before the first day of such first month with the district director for the district in which the original return was filed.

(3) *Election, when effective.* If a taxpayer has elected to aggregate an operating mineral interest, the date on which the aggregation becomes effective is the earliest date within the taxable year affected, on which the taxpayer incurred any expenditure for exploration, development, or operation of such interest. The application of this rule may be illustrated by the following examples:

Example (1). In 1953, a taxpayer owned and operated mineral interests Nos. 1, 2, and 3. All three interests form one operating unit. The taxpayer, who files his return on a calendar year basis, continued to own and operate these interests during the year 1954, and in his return for that year, filed on April 15, 1955, elected to aggregate these three interests. As the result of this election, the aggregation was effective for all purposes of subtitle A of the Internal Revenue Code of 1954 as of January 1, 1954.

Example (2). Assume that, on March 1, 1955, the taxpayer described in example (1) acquired operating mineral interest No. 4 which was also a part of the operating unit composed of operating mineral interests Nos. 1, 2, and 3, that he made his first expenditure for exploration with respect to operating mineral interest No. 4 on September 1, 1955, and that, in his return filed on April 15, 1956, he elected to aggregate operating mineral interest No. 4 with the aggregation consisting of Nos. 1, 2, and 3. As the result of that election, operating mineral interest No. 4 became a part of the aggregation for all purposes of subtitle A of the Internal Revenue Code of 1954 on September 1, 1955.

(4) *Election; binding effect.* A valid election made under section 614(b) and this section shall be binding upon the taxpayer for the taxable year for which made and all subsequent taxable years unless consent to make a change is obtained from the Commissioner. However, see paragraph (e) of this section for rules with respect to the termination of the election under section 614(b) except in the case of oil and gas wells. A taxpayer can neither include within the aggregation a separate operating mineral interest which he had previously treated apart from such aggregation, nor exclude from the aggregation a separate operating mineral interest previously included therein unless consent to do so is obtained from the Commissioner. However, since an aggregation can include only those operating mineral interests which are a part of the same operating unit, in any case in which the taxpayer's operations have changed so that an operating mineral interest included in an aggregation is no longer a part of the operating unit, the taxpayer cannot continue the aggregation but must either—

(i) Treat each operating mineral interest included in the aggregation as a separate property, or

(ii) Obtain consent from the Commissioner to form a new aggregation or aggregations.

A change in tax consequences alone is not sufficient to obtain consent to change the treatment of an operating mineral interest. Applications for consent shall be made in writing to the Commissioner of Internal Revenue, Attention: Special Technical Services Division, Engineering and Valuation Branch, Washington 25, D.C. The application must be accompanied by a statement furnishing the information required under subdivision (i) of subparagraph (2) of this paragraph, unless such information has been previously filed and is current.

(5) *Invalid aggregations*—(i) *In general.* In addition to aggregations which are invalid under section 614(b) because of the failure to make timely elections, aggregations may be invalid under such section in situations which may be divided into two general categories. The first category involves basic aggregations which were timely but otherwise initially invalid or which become invalid because the facts and circumstances of the operations of the taxpayer have changed the operating unit or units. The second category involves invalid additions of operating mineral interests to basic aggregations which additions became subject to the election in years subsequent to the year in which the initial basic aggregation or aggregations were formed.

(ii) *Invalid basic aggregations.* The term "invalid basic aggregations" refers to those aggregations which were initially invalid or which have become invalid because of changes in the operating unit or units of the taxpayer after the initial basic aggregations were made. Generally, such basic aggregations will be invalid because more than one aggregation has been formed within an operating unit or because operating mineral interests in two or more operating units have been improperly aggregated. During any year in which an invalid basic aggregation exists, each operating mineral interest included in such aggregation shall be treated for all purposes as a separate property unless consent is obtained from the Commissioner to treat any such interest in a different manner. Such invalid basic aggregations may be formed:

(*a*) When the taxpayer made his election under section 614(b)(1) for the first year for which such election was effective,

(*b*) In any year during which more than one operating mineral interest which is not part of any existing operating unit of the taxpayer is made the subject of an election, and

(*c*) In any year during which the taxpayer's operating unit or units have changed.

The following are examples of these three types of invalid basic aggregations:

Example (1). In 1953, taxpayer A owned six operating mineral interests, designated No. 1 through No. 6, and he continued to own and operate such interests during 1954. He acquired no other operating mineral interests during such year. All six of these operating mineral interests form one operating unit. Since the first year for which section 614(b) is effective is 1954, A must make his initial election to aggregate these operating mineral interests in his income tax return for that year. Assume that A elected under section 614(b) to aggregate operating mineral interests Nos. 1 through 3 into one aggregation and Nos. 4 through 6 into another aggregation. Since A has formed two aggregations in one operating unit, they are invalid basic aggregations. Therefore, interests Nos. 1 through 6 must be treated as separate properties for 1954 and all subsequent taxable years unless consent is obtained from the Commissioner to treat any of such interests in a different manner.

Example (2). Assume the same facts as in example (1) except that taxpayer B acquired these six operating mineral interests by purchase from A and commenced operations in 1956. B's initial elections under section 614(b) would have to be made in his return for that year. If B elected to aggregate operating mineral interests Nos. 1, 2, and 3 into one aggregation and Nos. 4, 5, and 6 into another aggregation, he would have made invalid basic aggregations. Therefore, interests Nos. 1 through 6 would have to be treated as separate properties for 1956 and all subsequent taxable years unless consent was obtained from the Commissioner to treat any of such interests in a different manner.

Example (3). Assume the same facts as in example (1) and assume also that, in his return for 1954, A correctly elected to aggregate all six operating mineral interests into one aggregation under section 614(b). Assume further that all these operating mineral interests continued to be in one operating unit for the years 1954, 1955, and 1956 but that, because of changes in the facts and circumstances of A's operations, in 1957 operating mineral interests Nos. 1, 2, and 3 became a part of one operating unit and Nos. 4, 5, and 6 became a part of another operating unit. Because of the change in operating units of A, the basic aggregation that A made for 1954 became an invalid basic aggregation in 1957. Therefore, interests Nos. 1 through 6 must be treated as separate properties for 1957 and all subsequent taxable years unless consent is obtained from the Commissioner to treat any of such interests in a different manner.

(iii) *Invalid additions.* The term "additions" refers to the additions that a taxpayer makes by electing to aggregate an operating mineral interest with an aggregation formed in a previous year. Such additions will be invalid where the taxpayer either elected to aggregate an operating mineral interest with an invalid basic aggregation or elected to aggregate an operating mineral interest which is part of one operating unit with an aggregation of operating mineral interests which is a part of another operating unit. An operating mineral interest which is invalidly added to either a valid basic aggregation or to an invalid basic aggregation shall be considered as a separate property unless consent is obtained from the Commissioner to treat such interest in a different manner. The following are examples of invalid additions:

Example (1). In 1953, taxpayer A owned six operating mineral interests designated

No. 1 through No. 6 and he continued to own and operate such interests during 1954. He acquired no other operating mineral interests during that year. Nos. 1 through 3 formed one operating unit and Nos. 4 through 6 formed another operating unit. In his return for 1954, A incorrectly elected to aggregate all six operating mineral interests into one aggregation under section 614(b). In 1955, A acquired and commenced development of operating mineral interest No. 7 which is correctly a part of the operating unit of which operating mineral interests Nos. 1, 2, and 3 are a part. A elected under section 614(b), for the year 1955, to aggregate operating mineral interest No. 7 with the invalid basic aggregation composed of Nos. 1 through 6. Since operating mineral interest No. 7 was aggregated with an invalid basic aggregation, it is an invalid addition and must be treated as a separate property unless consent is obtained from the Commissioner to treat it in a different manner.

Example (2). In 1953, taxpayer A owned nine operating mineral interests designated No. 1 through No. 9. During 1954, he continued to own and operate such interests and acquired no other operating mineral interest. Interests No. 1 through No. 3 form one operating unit, Nos. 4 through 6 form another operating unit, and Nos. 7 through 9 form a third operating unit. For the year 1954, A elected under section 614(b) to aggregate operating mineral interests Nos. 1, 2, 3, and 4 into one aggregation, to treat Nos. 5 and 6 as separate properties, and to aggregate Nos. 7, 8, and 9 into another aggregation. Assume that in 1955 A acquired and commenced development of operating mineral interest No. 10 which was a part of the operating unit composed of Nos. 1, 2, and 3. Assume further that he elected under section 614(b) to aggregate No. 10 with the aggregation composed of Nos. 7, 8, and 9. This would be an invalid addition to a valid basic aggregation since operating mineral interest No. 10 was not properly a part of the operating unit formed by Nos. 7, 8, and 9. Therefore, interest No. 10 must be treated as a separate property for 1955 and all subsequent taxable years unless consent is obtained from the Commissioner to treat it in a different manner. However, the valid basic aggregation composed of interests Nos. 7 through 9 is not affected by the invalid addition of interest No. 10.

Example (3). Assume the same facts as in example (2) except that A elected under section 614(b) in 1955 to aggregate No. 10 with the aggregation of Nos. 1 through 4. This would also be an invalid addition because the aggregation composed of Nos. 1 through 4 is an invalid basic aggregation since operating mineral interest No. 4 is not a part of the operating unit consisting of Nos. 1, 2, and 3. Therefore, interest No. 10 must be treated as a separate property for 1955 and all subsequent taxable years unless consent is obtained from the Commissioner to treat such interest in a different manner.

(e) *Termination of election—(1) Taxable years beginning after December 31, 1957.* Except in the case of oil and gas wells, the election provided for under section 614(b) and paragraph (a) of this section to form an aggregation of separate operating mineral interests shall not apply with respect to any taxable year beginning after December 31, 1957. Thus, if a taxpayer makes a binding election under section 614(b) to form an aggregation of separate operating mineral interests within an operating unit for taxable years beginning before January 1, 1958, he must make a new election for the first taxable year beginning after December 31, 1957, under section 614(c) within the time prescribed in § 1.614–3 if he wishes to aggregate any separate operating mineral interests within such operating unit. A new election must be made under section 614(c) notwithstanding the fact that the aggregation formed under section 614(b) would constitute a valid aggregation under section 614(c). Failure to make such an election within the time prescribed shall constitute an election to treat each separate operating mineral interest within the operating unit as a separate property for taxable years beginning after December 31, 1957.

(2) *Taxable years beginning prior to January 1, 1958.* An election made under section 614(b) and paragraph (a) of this section to form an aggregation of separate operating mineral interests within a particular operating unit shall not apply with respect to any taxable year beginning prior to January 1, 1958, for which the taxpayer makes an election under section 614(c)(3)(B) and paragraph (f)(2) of § 1.614–3 which is applicable to any separate operating mineral interest within the same operating unit. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). In 1953, taxpayer A owned six separate operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Operating mineral interests Nos. 1 through 5 comprise a mine, and operating mineral interest No. 6 represents one mineral deposit in a single tract of land which is being extracted by means of two mines. Taxpayer A previously made a binding election under section 614(b) to aggregate operating mineral interests Nos. 1 through 5 and to treat operating mineral interest No. 6 as a separate property. Under section 614(c) (2) and (3)(B) taxpayer A makes an election which is applicable for the taxable year 1954 and all subsequent taxable years to treat operating mineral interest No. 6 as two separate operating mineral interests. Therefore, the previous election of taxpayer A to aggregate operating mineral interests Nos. 1 through 5 under section 614(b) does not apply. Unless taxpayer A also makes an election to aggregate operating mineral interests Nos. 1 through 5 as one property under section 614(c) (1) and (3)(B) within the time prescribed in paragraph (f)(2) of § 1.614–3, he shall be deemed to have made an election to treat each of such interests as a separate property for 1954 and all subsequent taxable years.

Example (2). In 1953, taxpayer B owned six separate operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Operating mineral interests Nos. 1 through 3 comprise a mine and Nos. 4 through 6 comprise a second mine. Taxpayer B previously made a binding election under section 614(b) to aggregate operating mineral interests Nos. 1 through 3 and to treat Nos. 4 through 6 as separate properties. Under section 614(c) (1) and (3)(B) taxpayer B makes an election which is applicable for the taxable year 1954 and all subsequent taxable years to aggregate operating mineral interests Nos. 4 through 6 as one property. The previous election of the taxpayer under section 614(b) to aggregate operating mineral interests Nos. 1 through 3 does not apply even though such aggregation would constitute a valid aggregation if formed under section 614(c)(1). Therefore, if taxpayer B wishes to continue to treat operating mineral interests Nos. 1 through 3 as one property, he must also make an election to do so under section 614(c) (1) and (3)(B) within the time prescribed in paragraph (f)(2) of § 1.614–3.

(3) *Bases of separate operating mineral interests.* If an aggregation formed under section 614(b) is terminated by reason of the provisions of section 614(b)(4)(A), or is terminated under section 614(b)(4)(B) for any taxable year after the first taxable year to which the election under section 614(b) applies, the bases of the separate operating mineral interests included in such aggregation shall be determined in accordance with the rules contained in paragraph (a)(2) of § 1.614–6 as of the first day of the first taxable year for which the termination is effective. However, if by reason of the provisions of section 614(b)(4)(B), an election to aggregate under section 614(b) does not apply for any taxable year under the 1954 Code for which such election was made, the bases of the separate operating mineral interests included in the aggregation formed under section 614(b) shall be determined without regard to the election under section 614(b).

(f) *Alternative treatment of separate operating mineral interests in the case of oil and gas wells.* For rules relating to an alternative treatment of separate operating mineral interests in the case of oil and gas wells, see § 1.614–4.

§ 1.614–3 Rules relating to separate operating mineral interests in the case of mines.

(a) *Election to aggregate separate operating mineral interests—(1) General rule.* Except in the case of oil and gas wells, a taxpayer who owns two or more separate operating mineral interests, which constitute part or all of the same operating unit, may elect under section 614(c)(1) and this paragraph to form an aggregation of all such operating mineral interests which comprise any one mine or any two or more mines and to treat such aggregation as one property. The aggregated property which results from the exercise of such election shall be considered as one property for all purposes of subtitle A of the Internal Revenue Code of 1954. The preceding sentence does not preclude the use of more than one account under a single method of computing depreciation or the use of more than one method of computing depreciation under section 167, if otherwise proper. Any reasonable and consistently applied method or methods of computing depreciation of the improvements made with respect to the separate properties aggregated may be continued in accordance with section 167 and the regulations thereunder. It is not necessary for purposes of the aggregation that the separate operating mineral interests be included in a single tract or parcel of land or in contiguous tracts or parcels of land so long as such interests constitute part or all of the same operating unit. A taxpayer may elect to form more than one aggregation of separate operating mineral interests within one operating unit so long as each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines. Thus, no aggregation may include any separate operating mineral interest which is a part of a mine without including all of the separate operating mineral interests which comprise such mine in the first taxable year for which the election to aggregate is effective. Any separate operating mineral interest which becomes a part of such mine in a subsequent taxable year must also be included in such aggregation as of the taxable year that such interest becomes a part of such mine. The taxable year in which such interest becomes a part of such mine shall be determined upon the basis of the facts and circumstances of the particular case. If a taxpayer fails to make an election under this paragraph to aggregate a particular operating mineral interest (other than an interest which becomes a part of a mine with respect to which the interests have been aggregated in a prior taxable year) on or before the last day prescribed for making such an election, such interest shall be treated as if an election had been made to treat it as a separate property. For definitions of the terms "operating mineral interests", "operating unit", and "mine", see respectively paragraphs (c), (d), and (e) of this section.

(2) *Aggregation in subsequent taxable years.* If the taxpayer has made an election under section 614(c)(1) for a particular taxable year with respect to any operating mineral interest or interests within a particular operating unit, and if, for a subsequent taxable year, the taxpayer desires to make an election with respect to an additional interest within the same operating unit, then whether or not the taxpayer may elect to include such additional interest in an aggregation or treat it as a separate property depends upon the nature of such additional interest and of the taxpayer's previous elections. If the additional interest is a part of a mine with respect to which the other interests have been aggregated, the additional interest must be included in such aggregation. If the additional interest is a part of a mine with respect to which the other interests have been treated as separate properties, the additional interest must be treated as a separate property. If the additional interest is an entire mine, it may, at the election of the taxpayer, (i) be added to any aggregation within the same operating unit, (ii) be aggregated with any other single interest which is an entire mine provided both interests are within the same operating unit even though such single interest has previously been treated as a separate property, or (iii) be treated as a separate property.

(b) *Election to treat a single operating mineral interest as more than one property—(1) General rule.* Except in the case of oil and gas wells, a taxpayer who owns a separate operating mineral interest in a mineral deposit in a single tract or parcel of land may elect under section 614(c)(2) and this paragraph to treat such interest as two or more separate operating mineral interests if such mineral deposit is being developed or extracted by means of two or more mines. In order for this election to be applicable, there must be at least two mines with respect to each of which an expenditure for development or operation has been made by the taxpayer. The election under section 614(c)(2) may also be made with respect to a separate operating mineral interest formed by a previous election under section 614(c)(2) at such time as the mineral deposit previously allocated to such interest is being developed or extracted by means of two or more mines. If there is more than one mineral deposit in a single tract or parcel of land, an election under section 614(c)(2) with respect to any one of such mineral deposits has no application to the other mineral deposits. The election under section 614(c)(2) may not be made with respect to an aggregated property or with respect to any operating mineral interest which is a part of any aggregation formed by the taxpayer unless the taxpayer obtains consent from the Commissioner. Such consent will not be granted where the principal purpose for the request to make the election is based on tax consequences. Application for such consent shall be made in writing to the Commissioner of Internal Revenue, Attention: Special Technical Services Division, Engineering and Valuation Branch, Washington 25, D.C. The application must be accompanied by a statement setting forth in detail the reason or reasons for the request to exercise the election with respect to an aggregated property.

(2) *Allocation of mineral deposit.* If the taxpayer elects to treat a separate operating mineral interest in a mineral deposit in a single tract or parcel of land as more than one separate operating mineral interest, then all of such mineral deposit therein and all of the portion of the tract or parcel of land allocated thereto must be allocated to the newly formed separate operating mineral interests. A portion of such mineral deposit and such tract or parcel of land must be allocated to each such newly formed separate operating mineral interest. There must be at least one mine, with respect to which an expenditure for development or operation has been made by the taxpayer, with respect to each such portion. The extent of the portion to be allocated to each newly formed separate operating mineral interest is to be determined upon the basis of the facts and circumstances of the particular case.

(3) *Basis of newly formed separate operating mineral interests.* The adjusted basis of each of the separate operating mineral interests formed by the making of the election under section 614(c)(2) shall be determined by apportioning the adjusted basis of the separate operating mineral interest with respect to which such election was made between (or among) the newly formed separate operating mineral interests in the same proportion as the fair market value of each such newly formed interest (as of the date on which the election becomes effective) bears to the total fair market value of the interest with respect to which the election was made as of such date.

(4) *Aggregation of newly formed separate operating mineral interests.* Any separate operating mineral interest formed by the making of the election under section 614(c)(2) may be included as a part of an aggregation subject to the requirements of paragraph (a) of this section, provided that the time for making the election under section 614(c)(1) to include such separate operating mineral interest in such aggregation has not expired. See paragraph (f) of this section. The provisions of this subparagraph may be illustrated by the following example:

Example. In 1958, taxpayer A acquired two separate operating mineral interests designated No. 1 and No. 2. Each is an interest in a single mineral deposit in a single tract of land. In the same year, taxpayer A made his first development expenditure with respect to a mine on operating mineral interest No. 1 and a mine on operating mineral interest No. 2. Operating mineral interests Nos. 1 and 2 are operated as a unit. Taxpayer A did not elect to aggregate operating mineral interests Nos. 1 and 2 under section 614(c)(1) within the time prescribed for making such an election. In 1960 taxpayer A made his first development expenditure with respect to a second mine on operating mineral interest No. 2. Taxpayer A elected under section 614(c)(2) to treat operating mineral interest No. 2 as two separate operating mineral interests, designated as Nos. 2(a) and 2(b), for the taxable year 1960 and all subsequent taxable years. No. 2(a) contained the mine for which the first development expenditure was made in 1958, and No. 2(b) contained the mine for which the first development expenditure was made in 1960. If taxpayer A wishes to do so, he may elect to aggregate mineral interests Nos. 1 and 2(b) under section 614(c)(1) for the taxable year 1960 and all subsequent taxable years since the first development expenditure with respect to the mine on operating mineral interest No. 2(b) was made during the taxable year 1960. Taxpayer A may not elect to aggregate mineral interests Nos. 1 and 2(a) under such section since the time for making such an election has expired.

(c) *Operating mineral interest defined.* For the definition of the term "operating mineral interest" as used in this section, see paragraph (b) of § 1.614–2.

(d) *Operating unit defined.* For the definition of the term "operating unit" as used in this section, see paragraph (c) of § 1.614–2.

(e) *Mine defined.* For purposes of this section, the term "mine" means any excavation or other workings or series of related excavations or related workings, as the case may be, for the purpose of extracting any known mineral deposit except oil and gas deposits. For the purpose of the preceding sentence, the term "excavations" or "workings" includes quarries, pits, shafts, and wells (except oil and gas wells). The number of excavations or workings that constitute a mine is to be determined upon the basis of the facts and circumstances of the particular case such as the nature and position of the mineral deposit or deposits, the method of mining the mineral, the location of the excavations or other workings in relation to the mineral deposit or deposits, and the topography of the area. The determination of the taxpayer as to the composition of a mine is to be accepted unless there is a clear and convincing basis for a change in such determination.

(f) *Manner and scope of election—(1) Election to apply section 614(c) (1) and (2) for taxable years beginning after December 31, 1957.* Except as provided

in subparagraphs (2) and (3) of this paragraph, the election under section 614(c)(1) and paragraph (a) of this section to treat an operating mineral interest as part of an aggregation shall be made under section 614(c)(3)(A) not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(i) The first taxable year beginning after December 31, 1957, or

(ii) The first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest.

Except as provided in subparagraphs (2) and (3) of this paragraph, the election under section 614(c)(2) and paragraph (b) of this section to treat a single operating mineral interest as more than one operating mineral interest shall be made under section 614(c)(3)(A) not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(iii) The first taxable year beginning after December 31, 1957, or

(iv) The first taxable year in which expenditures for development or operation of more than one mine in respect of the separate operating mineral interest are made by the taxpayer after the acquisition of such interest.

However, if the latest time at which an election may be made under this subparagraph falls on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, such election may be made at any time on or before the first day of such first month.

(2) *Election to apply section 614(c)(1) and (2) for taxable years beginning before January 1, 1958.* In accordance with section 614(c)(3)(B), the election under section 614(c)(1) and paragraph (a) of this section to treat an operating mineral interest as part of an aggregation may, at the election of the taxpayer, be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(i) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, for which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from an election under section 614(c)(1), is not prevented on September 2, 1958, by the operation of any law or rule of law, or

(ii) The first taxable year in which any expenditure for development or operation in respect of the separate operating mineral interest is made by the taxpayer after the acquisition of such interest.

In accordance with section 614(c)(3)(B), the election under section 614(c)(2) and paragraph (b) of this section to treat an operating mineral interest as more than one operating mineral interest may, at the election of the taxpayer, be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for whichever of the following taxable years is the later:

(iii) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, for which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from an election under section 614(c)(2), is not prevented on September 2, 1958, by the operation of any law or rule of law, or

(iv) The first taxable year in which expenditures for development or operation of more than one mine in respect of the separate operating mineral interest are made by the taxpayer after the acquisition of such interest.

However, if the latest time at which an election may be made under this subparagraph falls on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, such election may be made at any time on or before the first day of such first month.

(3) *Limitation.* If the taxpayer makes an election under section 614(c)(1) or (2) in accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph with respect to any operating mineral interest which constitutes part or all of an operating unit, such taxpayer may not make any election under section 614(c)(1) or (2) in accordance with section 614(c)(3)(A) and subparagraph (1) of this paragraph with respect to any operating mineral interest which constitutes part or all of such operating unit. The provisions of this subparagraph may be illustrated by the following example:

Example: In 1953, taxpayer A owned six separate operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Operating mineral interests Nos. 1 through 5 comprise a mine, and operating mineral interest No. 6 represents one mineral deposit in a single tract of land which is being extracted by means of two mines. In accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph, taxpayer A elects under section 614(c)(2) to treat operating mineral interest No. 6 as two separate operating mineral interests for the taxable year 1954 and all subsequent taxable years. Unless taxpayer A also makes an election under section 614(c)(1) to aggregate operating mineral interests Nos. 1 through 5 for the taxable year 1954 and all subsequent taxable years in accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph, he shall be deemed to have made an election to treat each of such interests as a separate property. Taxpayer A may not elect, under section 614(c)(1) and (3)(A), to aggregate operating mineral interests Nos. 1 through 5 for the taxable year 1958 or any subsequent taxable year.

(4) *Statute of limitations.* If the taxpayer makes any election in accordance with section 614(c)(3)(B) and subparagraph (2) of this paragraph and if assessment of any deficiency for any taxable year resulting from such election is prevented on the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, or at any time within one year after such first day, by the operation of any law or rule of law, such assessment may, nevertheless, be made within one year after such first day. Any election by a taxpayer in accordance with section 614(c)(3)(B) shall constitute consent to the assessment of any deficiency resulting from any such election. If refund or credit of any overpayment of income tax resulting from any election made in accordance with section 614(c)(3)(B) is prevented on such first day, or at any time within one year after such first day, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed but only if claim therefor is filed within one year after such first day. This subparagraph shall not apply with respect to any taxable year of a taxpayer for which an assessment of a deficiency resulting from an election made in accordance with section 614(c)(3)(B) or a refund or credit of an overpayment resulting from any such election, as the case may be, is prevented by the operation of any law or rule of law on September 2, 1958.

(5) *Elections; how made*—(i) *General rule.* Except as provided in subdivision (ii) of this subparagraph, an election under section 614(c)(1) or (2) and paragraph (a) or (b) of this section must be made by a statement attached to the income tax return of the taxpayer for the first taxable year for which the election is made. The statement shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3)(A) or (B);

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the separate operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit in sufficient detail to identify the separate operating mineral interests that are to be included within each aggregation and to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first development expenditure was made by the taxpayer with respect to each separate operating mineral interest within the operating unit (if the first development expenditure has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election under this section is made, such information should also be included);

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) for any taxable year prior to the taxable year for which the election under section 614(c)(2) is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first development expenditure was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made.

The taxpayer shall maintain adequate records and maps in support of the above information. In the event that the first development expenditure with respect to a separate operating mineral interest is made by the taxpayer in a taxable year subsequent to the taxable year for which an election under this section has been made with respect to the operating unit of which such interest is a part, the taxpayer shall furnish information describing such interest in sufficient detail to identify it as a part of such operating unit, to show whether it is a part of a mine with respect to which the interests have previously been aggregated or have previously been treated as separate properties, and to indicate whether it is to be included within an aggregation.

(ii) *Special rule.* If the last day prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for the first taxable year for which an election under section 614(c)(1) or (2) is made falls before the first day of the first month which begins more than 90 days after the regulations under 614 are published in the FEDERAL REGISTER as a Treasury decision, the statement of election for such taxable year must be filed on or before the first day of such first month with the district director for the district in which such return was filed. The statement must contain the information as required in subdivision (i) of this subparagraph, must indicate the first taxable year for which the election contained therein is made, and shall be accompanied by an amended return or returns if necessary or, if appropriate, a claim for refund or credit.

(6) *Elections; when effective.* If the taxpayer has elected to form an aggregation under section 614(c)(1) and this section, the date on which the aggregation becomes effective is the first day of the first taxable year for which the election is made; except that if any separate operating mineral interest included in such aggregation was acquired after such first day, the date on which the inclusion of such interest in such aggregation becomes effective is the date of its acquisition. If the taxpayer elects to add another operating mineral interest to such aggregation for a subsequent taxable year, the date on which aggregation of the additional interest becomes effective is the first day of such subsequent taxable year or the date of acquisition of such interest, whichever is later. If an operating mineral interest is required to be included in the aggregation for a subsequent taxable year because such interest becomes a part of a mine which the taxpayer has previously elected to aggregate, the date on which the inclusion of such interest in the aggregation becomes effective is the first day of the subsequent taxable year or the date of acquisition of such interest, whichever is later. If the taxpayer has elected to treat a separate operating mineral interest as more than one such interest, the date on which the election becomes effective is the first day of the first taxable year for which the election is made or the earliest date on which the first expenditure for development or operation has been made by the taxpayer with respect to a mine on each newly formed separate operating mineral interest, whichever is later.

(7) *Elections; binding effect.* A valid election under section 614(c)(1) or (2) whether made in accordance with section 614(c)(3)(A) or (B) shall be binding upon the taxpayer for the taxable year for which made and for all subsequent taxable years unless consent to change the treatment of an operating mineral interest with respect to which an election has been made is obtained from the Commissioner. Thus, a taxpayer can neither include within an aggregation a separate operating mineral interest which he has previously elected to treat as a separate property, nor exclude from an aggregation a separate operating mineral interest which he has previously elected to include within such aggregation unless consent to do so is obtained from the Commissioner. However, since an aggregation can include only operating mineral interests which are within the same operating unit, in any case in which the taxpayer's operations have changed so that an operating mineral interest included in an aggregation is no longer within the operating unit, the taxpayer must change the treatment of such interest. A change in tax consequences alone is not sufficient to obtain consent to change the treatment of an operating mineral interest. Applications for consent shall be made in writing to the Commissioner of Internal Revenue, Attention: Special Technical Services Division, Engineering and Valuation Branch, Washington 25, D.C. The application must be accompanied by a statement indicating the reason or reasons for the change and furnishing the information required in subparagraph (5)(i) of this paragraph, unless such information has been previously filed and is current.

(8) *Invalid aggregations*—(i) *General rule.* In addition to aggregations which are invalid under this section because of the failure to make timely elections, aggregations may be invalid under this section in situations which may be divided into two general categories. The first category involves invalid basic aggregations. The second category involves invalid additions to basic aggregations.

(ii) *Invalid basic aggregations.* The term "invalid basic aggregations" refers to aggregations which are initially invalid. Generally, a basic aggregation is initially invalid because it does not include all the separate operating mineral interests which comprise a complete mine or mines or because it includes separate operating mineral interests which are not part of the same operating unit. If the taxpayer elects to form an invalid basic aggregation, each of the separate operating mineral interests included in such aggregation shall be treated as a separate property for the first taxable year for which the election is made and for all subsequent taxable years unless consent is obtained from the Commissioner to treat any such interest in a different manner. The provisions of this subdivision may be illustrated by the following examples:

Example (1). In 1958, taxpayer A owned ten operating mineral interests, designated No. 1 through No. 10, which he operated as a unit. Interests Nos. 1 through 5 comprised mine X, and interests Nos. 6 through 10 comprised mine Y. Taxpayer A had made his first development expenditure with respect to each of the ten interests before January 1, 1958. Taxpayer A elected under section 614(c)(1) and (3)(A) to aggregate interests Nos. 1 through 8 for 1958 and all subsequent taxable years. The aggregation formed by taxpayer A is an invalid basic aggregation because it does not include all the operating mineral interests which comprise a complete mine or mines. Therefore, interests Nos. 1 through 8 must be treated as separate properties for 1958 and all subsequent taxable years unless consent is obtained from the Commissioner to treat any of such interests in a different manner.

Example (2). In 1958, taxpayer B owned ten operating mineral interests designated No. 1 through No. 10. Interests Nos. 1 through 5 comprised mine X, and interests Nos. 6 through 10 comprised mine Y. Taxpayer B had made his first development expenditure with respect to each of the ten interests before January 1, 1958. Taxpayer B elected under section 614(c)(1) and (3)(A) to aggregate interests Nos. 1 through 10 for 1958 and all subsequent taxable years. Upon audit, it was determined that mines X and Y were in two separate operating units. Therefore, the aggregation formed by taxpayer B is invalid, and interests Nos. 1 through 10 must be treated as separate properties for 1958 and all subsequent taxable years unless consent is obtained from the Commissioner to treat any of such interests in a different manner.

(iii) *Invalid additions.* The term "invalid addition" refers to an operating mineral interest which is invalidly aggregated with an existing aggregation. Generally, an addition is invalid because it is a part of a mine and is aggregated with an aggregation which does not include other interests which are parts of the same mine, or because it is in one operating unit and is included as part of an aggregation which is in another operating unit. If an invalid addition is properly a part of a mine with respect to which other interests have been validly aggregated for a taxable year prior to the first taxable year for which the election to aggregate the invalid addition is made, then the invalid addition shall be included in the aggregation of which it is properly a part for such first taxable year and all subsequent taxable years.

Any other invalid addition shall be treated as a separate property for the first taxable year for which the election to aggregate such addition is made and for all subsequent taxable years unless consent is obtained from the Commissioner to treat any such interest in a different manner. The provisions of this subdivision may be illustrated by the following examples:

Example (1). In 1958, taxpayer A owned six operating mineral interests, designated No. 1 through No. 6, which he operated as a unit. Interests Nos. 1 through 3 comprised mine X, and interests Nos. 4 through 6 comprised mine Y. Taxpayer A had made his first development expenditure with respect to each of the six interests before January 1, 1958. Taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 through 3 for 1958 and all subsequent taxable years. He elected to treat interests Nos. 4 through 6 as separate properties for 1958 and all subsequent taxable years. In 1959, taxpayer A acquired and made his first development expenditure with respect to interest No. 7. Interest No. 7 was a part of the mine composed of interests Nos. 4 through 6. Taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interest No. 7 with the aggregation of interests Nos. 1 through 3 for 1959 and all subsequent taxable years. Interest No. 7 is an invalid addition and must be treated as a separate property for 1959 and all subsequent taxable years. It cannot be aggregated with interests Nos. 4 through 6 since taxpayer A has previously elected to treat such interests as separate properties. However, the valid basic aggregation composed of interests Nos. 1 through 3 is not affected by the invalid addition of interest No. 7.

Example (2). Assume the same facts as in example (1) except that taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 through 3 as one aggregation and interests Nos. 4 through 6 as another aggregation for 1958 and all subsequent taxable years. The aggregation of interest No. 7 with the aggregation consisting of interests Nos. 1 through 3 constitutes an invalid addition. Interest No. 7 must be included in the aggregation consisting of interests Nos. 4 through 6 for 1959 and all subsequent taxable years.

Example (3). In 1958, taxpayer B owned three operating mineral interests, designated No. 1 through No. 3, which comprised mine X. Taxpayer B had made his first development expenditure with respect to each of the three interests before January 1, 1958. Taxpayer B elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 through 3 for 1958 and all subsequent taxable years. In 1959, taxpayer B acquired interests Nos. 4 through 7 which comprised mine Y. Taxpayer B made his first development expenditure with respect to each of the four interests during 1959. Taxpayer B elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 4 through 6 and to aggregate interest No. 7 with the aggregation consisting of interests Nos. 1 through 3 for 1959 and all subsequent taxable years. The aggregation consisting of interests Nos. 4 through 6 is an invalid basis aggregation, and the aggregation of interest No. 7 is an invalid addition. Interests Nos. 4 through 7 must be treated as separate properties for 1959 and all subsequent taxable years unless consent is obtained from the Commissioner to treat such interests in a different manner.

(g) *Special rule as to deductions under section 615(a) prior to aggregation*—(1) *General rule.* If an aggregation of operating mineral interests under section 614(c)(1) and paragraph (a) of this section includes any interest or interests in respect of which exploration expenditures, paid or incurred after the acquisition of such interest or interests, were deducted by the taxpayer under section 615(a) for any taxable year which precedes the date on which such aggregation becomes effective, then the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year or years in which such exploration expenditures were so deducted shall be recomputed in accordance with the rules contained in this paragraph. If an operating mineral interest is added to such aggregation for a subsequent taxable year and exploration expenditures made with respect to such interest after its acquisition were deducted by the taxpayer under section 615(a) for any taxable year which precedes the date on which the aggregation of such additional interest becomes effective, then the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year or years in which such exploration expenditures were so deducted shall be recomputed. For purposes of this paragraph, such taxable year or years shall be referred to as the taxable year or years for which a recomputation is required to be made. See paragraph (f)(6) of this section for rules relating to the date on which an aggregation becomes effective or the date on which the aggregation of an additional interest to an aggregation becomes effective. See subparagraph (3) of this paragraph for rules relating to the method of recomputation of tax. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). In 1954, taxpayer A owned two operating mineral interests designated Nos. 1 and 2. Interest No. 1 was in the production stage prior to 1954. The first exploration expenditures with respect to interest No. 2 were made by taxpayer A in 1954 and were deducted under section 615 (a) on his return for that year. In 1955, taxpayer A made his first development expenditure with respect to interest No. 2, and thereafter it was operated with interest No. 1 as a unit. Taxpayer A elected under section 614(c)(1) and (3)(B) to form an aggregation of interests Nos. 1 and 2 for 1955 and all subsequent taxable years. Taxpayer A must recompute his tax for 1954 in accordance with this paragraph.

Example (2). Assume the same facts as in example (1) except that, in 1957, taxpayer A acquired another operating mineral interest, designated No. 3, made his first exploration expenditures with respect to such interest in that year, and deducted such expenditures under section 615(a) on his return for that year. In 1958, taxpayer A made his first development expenditure with respect to interest No. 3. Interest No. 3 was part of the same operating unit as interests Nos. 1 and 2. Taxpayer A elected under section 614(c)(1) and (3)(B) to add interest No. 3 to his aggregation of interests Nos. 1 and 2 for 1958 and all subsequent taxable years. Taxpayer A must recompute his tax for 1957 in accordance with this paragraph.

(2) *Exceptions*—(i) *Taxable years beginning before January 1, 1958.* In the case of exploration expenditures deducted by the taxpayer with respect to an operating mineral interest for any taxable year beginning before January 1, 1958, subparagraph (1) of this paragraph shall apply only if the taxpayer has made an election under section 614(c) (1) or (2) with respect to the operating unit of which such interest is a part and such election applies to the taxable year for which such exploration expenditures were deducted. Thus, if the taxpayer does not make an election with respect to the operating unit under section 614(c) (1) or (2) and (3)(B), subparagraph (1) of this paragraph does not apply in the case of exploration expenditures deducted with respect to any operating mineral interest which is a part of such operating unit for any taxable year beginning before January 1, 1958. The provisions of this subdivision may be illustrated by the following examples:

Example (1). In 1956, taxpayer A acquired two operating mineral interests designated Nos. 1 and 2. Interest No. 1 was in the production stage at that time. Taxpayer A made his first exploration expenditures with respect to interest No. 2 in 1956, 1957, and 1958 and deducted such expenditures under section 615(a) on his returns for such years. In 1959, taxpayer A made his first development expenditure with respect to interest No. 2. Interests Nos. 1 and 2 were operated as a unit. Taxpayer A elected under section 614(c) (1) and (3)(A) to aggregate interests Nos. 1 and 2 for 1959 and all subsequent taxable years. Only the exploration expenditures deducted by the taxpayer for 1958 must be taken into account for purposes of applying subparagraph (1) of this paragraph.

Example (2). In 1954, taxpayer B owned two operating mineral interests, designated Nos. 1 and 2, which he operated as a unit. Interest No. 1 was in the production stage at that time, and interest No. 2 represented one mineral deposit in a single tract of land which was being extracted by means of two mines. Under section 614(c) (2) and (3)(B), taxpayer B elects to treat interest No. 2 as two separate operating mineral interests, designated as Nos. 2(a) and 2(b), for 1954 and all subsequent taxable years. In 1955, taxpayer B acquired operating mineral interest No. 3. He made his first exploration expenditures with respect to interest No. 3 in 1955, 1956, and 1957 and deducted such expenditures under section 615(a) on his returns for such years. In 1958, taxpayer B made his first development expenditure with respect to interest No. 3, and thereafter it was operated with interests Nos. 1, 2(a), and 2(b) as a unit. Taxpayer B elects under section 614(c) (1) and (3)(B) to aggregate interests Nos. 1 and 3 for 1958 and all subsequent taxable years. The exploration expenditures deducted by the taxpayer for 1955, 1956, and 1957 must be taken into account for purposes of applying subparagraph (1) of this paragraph since the taxpayer has made an election under section 614(c)(2) with respect to the operating unit of which interest No. 3 is a part and such election applies to the taxable years 1955, 1956, and 1957.

(ii) *Interests formed pursuant to an election under section 614(c)(2).* In the case of exploration expenditures deducted with respect to an operating mineral interest which the taxpayer elects to treat as more than one such interest under section 614(c)(2) and paragraph (b) of this section, subparagraph (1) of this paragraph shall not apply. Thus, if the taxpayer deducts exploration expenditures with respect to an operating mineral interest, subsequently elects to treat such interest as more than one interest under section 614(c)(2), and includes one of the newly formed interests in an aggregation under section 614(c)(1), subparagraph (1) of this paragraph does not apply in the case of the exploration expenditures deducted with respect to the interest which the taxpayer elected to treat as more than one interest. The provisions of this subdivision may be illustrated by the following examples:

Example (1). In 1958, taxpayer A acquired two operating mineral interests, designated Nos. 1 and 2, which he operated as a unit. Each interest was an interest in a single mineral deposit in a single tract or parcel of land. There was a mine in the production stage on each or the two interests at that time. Taxpayer A elected under section 614(c)(1)(B) to treat interests Nos. 1 and 2 as separate properties. In 1959 and 1960, taxpayer A made exploration expenditures with respect to interest No. 2 for the purpose of extracting the mineral by means of a second mine, and he deducted such expenditures on his returns for such years. In 1961, taxpayer A made his first development expenditure with respect to a second mine on interest No. 2. Taxpayer A elected under section 614(c)(2) to treat interest No. 2 as two separate operating mineral interests, designated as Nos. 2(a) and 2(b), for 1961 and all subsequent taxable years. Interest No. 2(a) contained the producing mine and interest No. 2(b) contained the subsequently developed mine. In his return for 1961, taxpayer A also elected under section 614(c)(1)(A) to aggregate interests Nos. 1 and 2(b) for 1961 and all subsequent taxable years. The exploration expenditures deducted with respect to interest No. 2 prior to the effective date of the formation of interests Nos. 2(a) and 2(b) need not be taken into account for purposes of applying subparagraph (1) of this paragraph.

Example (2). In 1954, taxpayer B owned two operating mineral interests designated Nos. 1 and 2. Interest No. 1 was an interest in a single mineral deposit in a single tract of land which was being extracted by means of two mines. Taxpayer B elected under section 614(c) (2) and (3)(B) to treat interest No. 1 as two separate operating mineral interests, designated as Nos. 1(a) and 1(b), for 1954 and all subsequent taxable years. In 1955, 1956, and 1957, taxpayer B made exploration expenditures with respect to interest No. 2 and deducted such expenditures on his returns for such years. In 1958, taxpayer B made his first development expenditure with respect to interest No. 2, and, on his return for that year, taxpayer B elected to aggregate interests Nos. 1(a) and 2 under section 614(c)(1) for 1958 and all subsequent taxable years. The exploration expenditures deducted with respect to interest No. 2 for 1955, 1956, and 1957 shall be taken into account for purposes of applying subparagraph (1) of this paragraph since such exploration expenditures were deducted with respect to an interest to which this subdivision does not apply.

(3) *Recomputation of tax*—(i) *General rule.* In the case of an aggregation formed under section 614(c)(1) and paragraph (a) of this section in respect of which a recomputation of tax is required to be made under the provisions of subparagraphs (1) and (2) of this paragraph for any taxable year or years, the tax imposed by chapter 1 of the Internal Revenue Code of 1954 shall be recomputed for each such taxable year as if—

(*a*) The taxpayer had elected to form an aggregation for the taxable year for which the recomputation is required to be made, and

(*b*) Such aggregation had included all the interests included in the aggregation formed under section 614(c)(1) except those interests which the taxpayer did not own during the taxable year for which the recomputation is required to be made and those interests in respect of which the taxpayer had made no expenditures for exploration, development, or operation before or during the taxable year for which the recomputation is required to be made.

If a recomputation of tax is required to be made for any taxable year in the case of the aggregation of an additional interest to an existing aggregation under section 614(c)(1), such recomputation shall be made as if—

(*c*) The taxpayer had elected to form an aggregation for the taxable year for which the recomputation is required to be made, and

(*d*) Such aggregation had included all the interests included in the aggregation formed under section 614(c)(1) (including any interest which the taxpayer had disposed of prior to the date on which the aggregation of the additional interest becomes effective) except those interests which the taxpayer did not own during the taxable year for which the recomputation is required to be made and those interests in respect of which the taxpayer had made no expenditures for exploration, development, or operation before or during the taxable year for which the recomputation is required to be made.

For purposes of this paragraph, any aggregation which is treated as having been formed under (*a*) and (*b*) or under subdivisions (c) and (*d*) of this subdivision shall be referred to as the "constructed aggregated property".

(ii) *Recomputation of depletion allowance.* The taxpayer shall compute the depletion allowance with respect to the constructed aggregated property for the taxable year for which the recomputation is required to be made. In making this computation, cost depletion for such taxable year shall be computed with reference to the depletion unit for the constructed aggregated property. See paragraph (a) of § 1.611–2. Percentage depletion for such taxable year shall not exceed 50 percent of the taxable income from the constructed aggregated property computed in accordance with § 1.613–4. If a recomputation is required to be made for the same taxable year with respect to any other aggregation or aggregations formed by the taxpayer under section 614(c)(1), the depletion allowance with respect to the other constructed aggregated property or properties shall be similarly computed. If, for a taxable year in respect of which a recomputation is required, the sum of the depletion allowance or allowances as computed under this subdivision is less than the sum of the depletion allowance or allowances actually deducted for such taxable year with respect to all the properties required to be taken into account in making the computation under this subdivision, then the total depletion allowance deducted by the taxpayer for such taxable year shall be reduced by the difference. The taxable income or net operating loss of the taxpayer for such taxable year shall be adjusted to reflect such reduction for purposes of the recomputation of tax. However, if for a taxable year in respect of which a recomputation is required, the sum of the depletion allowance or allowances as computed under this subdivision exceeds the sum of the depletion allowance or allowances actually deducted for such taxable year with respect to all the properties required to be taken into account in making the computation under this subdivision, the recomputation of tax for such taxable year is disregarded for purposes of applying section 614 (c)(4) (B), (C), and (D).

(iii) *Effect of recomputation with respect to items based on amount of income.* In making the recomputation of tax under this subparagraph for any taxable year, any deduction, credit, or other allowance which is based upon the adjusted gross income or taxable income of the taxpayer for such year shall be recomputed taking into account the adjustment required under subdivision (ii) of this subparagraph. For example, if a corporate taxpayer's taxable income is increased under the provisions of such subdivision, then the amount of charitable contributions which may be deducted under the limitation contained in section 170(b)(2) shall be correspondingly increased for purposes of the recomputation. Moreover, the effect that the recomputation of any deduction, credit, or other allowance for a taxable year has on the tax imposed for any other taxable year shall also be taken into account for purposes of the recomputation of tax under this subparagraph.

(iv) *Effect of recomputation with respect to a net operating loss and a net operating loss deduction.* If the recomputation of tax under this subparagraph for the taxable year for which the recomputation is required to be made results in a reduction of a net operating loss for such year, then the taxpayer shall take into account the effect of such reduction on the tax imposed by chapter 1 of the Internal Revenue Code of 1954 (or by corresponding provisions of the Internal Revenue Code of 1939) for any taxable year affected by such reduction. If the recomputation of tax for the taxable year for which the recomputation is required to be made results in an increase in taxable income as defined in section 172(b)(2) for such year, then the taxpayer shall take into account the effect of such increase on the tax imposed by chapter 1 of the Internal Revenue Code of 1954 (or by corresponding provisions of the Internal Revenue Code of 1939) for any taxable year affected by such increase. Furthermore, in making the recomputation of tax for any taxable year for which the recomputation is required to be made, the taxpayer shall take into account any change in the net operating loss deduction for such year resulting from the recomputation of tax for any other taxable year for which a recomputation is required to be made. For provisions relating to the net operating loss deduction, see section 172 and the regulations thereunder.

(v) *Determination of increase in tax.* If the taxpayer elects to form an aggregation or aggregations for a taxable year under section 614(c)(1) and if a recomputation of tax is required to be made under this paragraph for any prior tax-

able year or years, then the taxpayer shall compute the difference between the tax as recomputed under this subparagraph for such prior taxable year or years (and other taxable years affected by the recomputation) and the tax liability previously determined (computed without regard to section 614(c)(4)) with respect to such prior taxable year or years (and other taxable years affected by the recomputation). If the taxpayer is subsequently required to make a recomputation with respect to any taxable year or years for which he has previously made a recomputation, then the taxpayer shall compute the difference between the tax as subsequently recomputed for such taxable year or years (and other taxable years affected by the subsequent recomputation) and the tax as previously recomputed for such taxable year or years (and other taxable years affected by the subsequent recomputation). For treatment of the increase in tax resulting from the recomputation of tax under this subparagraph, see subparagraph (4) of this paragraph.

(4) *Treatment of increase in tax*—(i) *General rule.* If the taxpayer elects to form an aggregation or aggregations for a taxable year under section 614(c)(1) and if a recomputation of tax is required to be made for any prior taxable year or years, then the total increase in tax resulting from such recomputation determined under subparagraph (3)(v) of this paragraph shall be taken into account in the first taxable year to which the election to form such aggregation or aggregations is applicable and in each succeeding taxable year until the full amount of such total increase in tax has been taken into account. The number of taxable years over which such total increase shall be taken into account shall be equal to the number of taxable years for which a recomputation of tax is required to be made under subparagraph (1) of this paragraph as limited by subparagraph (2) of this paragraph and for which such recomputation results in a reduction of the taxpayer's depletion allowance under subparagraph (3)(ii) of this paragraph. The amount of the increase in tax which is to be taken into account in a taxable year is determined by dividing the total increase in tax by the number of taxable years over which such total increase is to be taken into account. The tax imposed by chapter 1 of the Internal Revenue Code of 1954 for each of the taxable years over which the total increase in tax is to be taken into account shall be increased by the amount determined in accordance with the preceding sentence. However, such increase in tax for each of such taxable years shall have no effect upon the determination of the amount of any credit against the tax for any of such taxable years. For example, the amount of such increase shall not affect the computation of the limitation on the foreign tax credit under section 904. The amount of the increase in tax which is required to be taken into account by the taxpayer in a particular taxable year under section 614(c)(4)(C) shall be treated as a tax imposed with respect to such taxable years even though, without regard to section 614(c)(4) and this paragraph, such taxpayer would otherwise have no tax liability for such taxable year.

(ii) *Increase in tax not determinable as of first taxable year of aggregation.* If the recomputation of tax under subparagraph (3) of this paragraph, for any taxable year or years prior to the first taxable year to which the election to form an aggregation or aggregations under section 614(c)(1) applies, results in a reduction of any net operating loss carryover to a taxable year subsequent to such first taxable year, then the total increase in tax resulting from the recomputation is not determinable as of such first taxable year. In such case, the total increase in tax shall be taken into account in equal installments in the first taxable year for which such total increase is determinable and in each succeeding taxable year for which a portion of the increase in tax would have been taken into account under subdivision (i) of this subparagraph if the total increase had been determinable as of the first taxable year to which the election to form the aggregation or aggregations under section 614(c)(1) applies. The provisions of this subdivision may be illustrated by the following example:

Example. Assume that taxpayer A elects under section 614(c)(1) to form an aggregation for 1960 and all subsequent taxable years. Assume further that taxpayer A is required to recompute his tax for four prior taxable years under subparagraphs (1) and (2) of this paragraph and that the recomputation for each of such taxable years results in a reduction of taxpayer A's depletion allowance. Under subdivision (i) of this subparagraph, the total increase in tax resulting from the recomputation is to be taken into account in equal installments in 1960, 1961, 1962, and 1963. However, if the total increase in tax is not determinable until 1961 because the recomputation for the prior taxable years results in the reduction of a net operating loss carryover to 1961, then the total increase shall be taken into account in equal installments in 1961, 1962, and 1963. In like manner, if the total increase in tax is not determinable until 1962, it shall be taken into account in equal installments in 1962 and 1963.

(iii) *Death or cessation of existence of taxpayer.* If the taxpayer dies or ceases to exist, the portion of the increase in tax determined under subparagraph (3)(v) of this paragraph which has not been taken into account under subdivision (i) or (ii) of this subparagraph for taxable years prior to the taxable year of the occurrence of such death or such cessation of existence, as the case may be, shall be taken into account for the taxable year in which such death or such cessation of existence, as the case may be, occurs.

(5) *Adjustments to basis of aggregated property.* If the taxpayer elects to form an aggregated property or properties under section 614(c)(1) for a taxable year and if a recomputation of tax is required to be made for any taxable year which results in reduction of the depletion allowance previously deducted by the taxpayer for such year, then proper adjustments shall be made with respect to the adjusted basis of such aggregated property or properties. In such a case—

(i) If the sum of the depletion allowances actually deducted with respect to the interests included in a constructed aggregated property exceeds the depletion allowance computed under subparagraph (3)(ii) of this paragraph with respect to such constructed aggregated property, the adjusted basis of the aggregated property formed under section 614(c)(1) shall be increased by such excess, and

(ii) If the depletion allowance computed under subparagraph (3)(ii) of this paragraph with respect to a constructed aggregated property exceeds the sum of the depletion allowances actually deducted with respect to the interests included in such constructed aggregated property, the adjusted basis of the aggregated property formed under section 614(c)(1) shall be reduced (but not below zero) by such excess.

However, the adjusted basis of an aggregated property formed under section 614(c)(1) may be increased only to the extent such excess would have resulted in an increase in such adjusted basis if taken into account under paragraph (a) of § 1.614–6. Thus, if depletion previously allowed with respect to the separate operating mineral interests included in the aggregation formed under section 614(c)(1) exceeds the total of the unadjusted bases of such interests by $5,000, and if the recomputation of tax required to be made under this paragraph results in a depletion allowance which is $7,000 less than the depletion actually deducted with respect to such interests, then the adjusted basis of such aggregation may be increased by only $2,000. If, with respect to the same aggregated property formed under section 614(c)(1), adjustments to adjusted basis are required under this subparagraph as a result of recomputation of tax for two or more taxable years, the total or net amount of such adjustments shall be taken into account. Any adjustment to the adjusted basis of an aggregation required by this subparagraph shall be taken into account as of the effective date of the election to form such aggregation under section 614(c)(1) and shall be effective for all purposes of subtitle A of the Internal Revenue Code of 1954. For other rules relating to the determination of the adjusted basis of an aggregated property, see paragraph (a) of § 1.614–6.

§ 1.614–4 1939 Code treatment with respect to separate operating mineral interests in the case of oil and gas wells.

(a) *General rule.* In the case of oil and gas wells, a taxpayer may treat under section 614(d) and this section any property as if section 614 (a) and (b) had not been enacted. For purposes of this section, the term "property" means each separate operating mineral interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land. Separate tracts or parcels of land exist not only when areas of land are separated geographically, but also when areas of land are separated by means of the execution of conveyances or leases. If the taxpayer treats any property or properties under this section, the taxpayer must treat each such property as a separate property except that the taxpayer may treat any two or more properties that are included within the same tract or parcel of land as a single property provided such treatment is consistently followed. If the taxpayer treats two or more properties as a single property under this section, such properties shall be considered as a single property for all purposes of subtitle A of the Internal Revenue Code of 1954. The taxpayer may not make more than one combination of properties within the same tract or parcel of land. Thus, if the taxpayer treats two or more properties that are included within the same tract or parcel of land as a single property, each of the remaining properties included within such tract or parcel of land shall be treated as a separate property. If the taxpayer has treated two or more properties that are included within the same tract or parcel of land as a single property and subsequently discovers or acquires an additional mineral deposit within the same tract or parcel of land, he may include his interest in such deposit with the two or more properties which are being treated as a single property or he may treat his interest in such deposit as a separate property. If the taxpayer has treated each property included within a tract or parcel of land as a separate property and subsequently discovers or acquires an additional mineral deposit within the same tract or parcel of land, he may combine his interest in such deposit with any one of the separate properties included within the tract or parcel of land, but not with more than one of them since they cannot be validly combined with each other. The taxpayer may not combine properties which are included within different tracts or parcels of land under this section irrespective of whether such tracts or parcels of land are contiguous. The treatment of a property as a separate property or the treatment of two or more properties included within a single tract or parcel of land as a single property under this section shall be binding upon the taxpayer for the first taxable year for which such treatment is effective and for all subsequent taxable years. For provisions relating to the first taxable year for which treatment under this section becomes effective, see paragraph (d) of this section.

(b) *Treatment consistent with treatment for taxable years prior to 1954.* If the taxpayer has treated properties in a manner consistent with the rules contained in paragraph (a) of this section for taxable years to which the Internal Revenue Code of 1939 applies and if the taxpayer desires to treat such properties under section 614(d), then such properties must continue to be treated in the same manner. The provisions of this paragraph may be illustrated by the following examples:

Example (1). In 1950, taxpayer A owned two separate tracts of land designated No. 1 and No. 2. Each tract contained three mineral deposits. In the case of tract No. 1, taxpayer A treated the three mineral deposits as a single property. In the case of tract No. 2, taxpayer A treated the first mineral deposit as a separate property and treated the second and third mineral deposits as a single property. This treatment was consistently followed for the taxable years 1950, 1951, 1952, and 1953. Taxpayer A desires, for 1954 and subsequent taxable years, to treat the properties in tracts Nos. 1 and 2 as if section 614 (a) and (b) had not been enacted. For 1954 and subsequent taxable years, the three deposits in tract No. 1 must be treated as a single property; the first deposit in tract No. 2 must be treated as a separate property; and the second and third deposits in tract No. 2 must be treated as a single property.

Example (2). Assume the same facts as in example (1) except that, at the time the treatment under this section is adopted, assessment of any deficiency or credit or refund of any overpayment for the taxable years 1954 and 1955 resulting from the treatment of properties under this section is prevented by the operation of the statute of limitations. For 1956 and subsequent taxable years, the three deposits in tract No. 1 must be treated as a single property; the first deposit in tract No. 2 must be treated as a separate property; and the second and third deposits in tract No. 2 must be treated as a single property.

(c) *Bases of separate properties previously included in an aggregation under section 614(b).* If the taxpayer has made an election under section 614(b) to form an aggregation of operating mineral interests and if such taxpayer subsequently revokes such election for all taxable years for which it was made and treats the properties that are included within such aggregation under section 614(d) and this section by filing the statement required by paragraph (e) of this section, then the adjusted basis of each separate property (as defined in paragraph (a) of this section) that is a part of such aggregation shall be determined as if the taxpayer had made no election under section 614(b). However, if, at the time of the filing of the statement revoking the election under section 614(b), assessment of any deficiency or credit or refund of any overpayment, as the case may be, resulting from such revocation is prevented by the operation of any law or rule of law for any taxable year or years for which the election under section 614(b) was made, then the adjusted basis of each separate property that is a part of the aggregation shall be determined in accordance with the provisions contained in paragraph (a)(2) of § 1.614–6 as of the first day of the first taxable year for which the revocation is effective. After determining the adjusted basis of each separate property included within the aggregation, the taxpayer may treat such properties in any manner which is in accordance with paragraph (a) of this section. See, however, paragraph (b) of this section. The provisions of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer A owns two separate tracts of land, designated No. 1 and No. 2, each of which contains three mineral deposits. The interests in the two tracts of land constitute an operating unit as defined in paragraph (c) of § 1.614–2. Taxpayer A elects under section 614(b) to form an aggregation of all the interests in the operating unit for 1954 and all subsequent taxable years. Subsequently, taxpayer A revokes such election by filing a statement in accordance with paragraph (e) of this section. Such revocation is effective for 1956 and subsequent taxable years because, at the time of the filing of the statement of revocation, assessment of any deficiency or credit or refund of any overpayment for the taxable years 1954 and 1955 resulting from such revocation is prevented by the operation of the statute of limitations. The adjusted bases of the six properties that are included within the aggregation shall be determined in accordance with paragraph (a)(2) of § 1.614–6 as of the beginning of the taxable year 1956.

Example (2). Assume the same facts as in example (1) and, in addition, assume that for taxable years to which the Internal Revenue Code of 1939 is applicable, taxpayer A treated the three deposits in tract No. 1 as a single property and the three deposits in tract No. 2 as a single property. After determining the adjusted basis of each of the six properties as illustrated in example (1), the adjusted bases of the three properties in tract No. 1 must be combined and the adjusted bases of the three properties in tract No. 2 must be combined since the manner in which such properties were treated for taxable years to which the Internal Revenue Code of 1939 is applicable is consistent with the rules contained in paragraph (a) of this section.

(d) *Treatment; when effective.* If a taxpayer treats any property in accordance with this section, then such treatment shall be effective for whichever of the following taxable years is the later:

(1) The latest taxable year for which an election could have been made with respect to such property under section 614(b); or

(2) The first taxable year beginning after December 31, 1953, and ending after August 16, 1954, in respect of which assessment of a deficiency or credit or refund of an overpayment, as the case may be, resulting from the treatment of such property under this section, is not prevented by the operation of any law or rule of law on the date such treatment is adopted.

(e) *Manner of adopting the treatment of properties under this section.* If the taxpayer does not make an election under section 614(b) with respect to a property within the time prescribed for making such an election, then the taxpayer shall be deemed to have treated such property under this section. In such case, the manner in which such property is treated in filing the taxpayer's income tax return for the first taxable year for which the treatment of such property is effective under paragraph (d) of this section shall establish the treatment which must be consistently followed with respect to such property for subsequent taxable years. However, if the income tax return for such first taxable year is filed prior to the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, then the taxpayer may adopt the treatment provided for under this section with respect to the property by filing a statement at any time on or before the first day of such first month with the district director for the district in which the taxpayer's income tax return was filed for the first taxable year for which the treatment of such property is effective under paragraph (d) of this section. Such statement shall set forth the first taxable year for which the treatment of the

property under this section is effective, shall revoke any previous elections made with respect to such property under section 614(b), shall state the manner in which such property was treated for taxable years subject to the 1939 Code, shall state the manner in which such property is to be treated under this section, and shall be accompanied by an amended return or returns if necessary.

(f) *Certain treatment under this section precludes election to aggregate under section 614(b) with respect to the same operating unit.* If the taxpayer's treatment of any properties that are included within an operating unit (as defined in paragraph (c) of § 1.614–2) under section 614(d) and this section would constitute an aggregation under section 614(b) and if such taxpayer elects, or has elected, to form an aggregation within the same operating unit under section 614(b) for any taxable year for which the treatment under section 614(d) is effective, then the election made under section 614(b) shall not apply for any such taxable year.

§ 1.614–5 Special rules as to aggregating nonoperating mineral interests.

(a) *Aggregating nonoperating mineral interests for taxable years beginning before January 1, 1958.* Upon proper showing to the Commissioner, a taxpayer who owns two or more separate nonoperating mineral interests in a single tract or parcel of land, or in two or more contiguous tracts or parcels of land, shall be permitted to aggregate all such interests in each separate kind of mineral deposit and treat them as one property. Permission will be granted by the Commissioner only if the taxpayer establishes that he will sustain an undue hardship if such nonoperating mineral interests are not treated as one property. Such hardship may exist, for example, if it is impossible for the taxpayer to determine the boundaries, source, or costs of the separate interests, or if a taxpayer who owns a single royalty interest, production payment, or net profits interest cannot determine the separate deposits from which his payments will be derived. In no event shall undue hardship be deemed to exist solely by reason of tax disadvantage. The treatment of such interests as one property shall be applicable for all purposes of subtitle A of the Internal Revenue Code of 1954. In no event may nonoperating mineral interests in tracts or parcels of land which are not contiguous be treated as one property. The term "two or more contiguous tracts or parcels of land" means tracts or parcels of land which have common boundaries. Common boundaries include survey lines, public roads, or similar easements for the use of land without the existence of an intervening mineral right between the tracts or parcels of land. Tracts or parcels of land which touch only at a common corner are not contiguous. For the definition of "nonoperating mineral interests", see paragraph (g) of this section.

(b) *Manner and scope of election—(1) Time for filing application for permission to aggregate separate nonoperating mineral interests under paragraph (a) of this section.* The application for permission to aggregate separate nonoperating mineral interests under paragraph (a) of this section shall be filed at any time on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the Federal Register as a Treasury decision. Such application shall indicate the first taxable year for which the aggregation is to be formed. If, prior to such publication of the regulations under section 614, an application has been filed, the taxpayer need file only a supplemental application containing such additional information as is necessary to comply with the requirements of subparagraph (2) of this paragraph.

(2) *Contents of application and returns under permission.* The application for permission to aggregate nonoperating mineral interests under paragraph (a) of this section shall include a complete statement of the facts upon which the taxpayer relies to show the undue hardship which would result if such an aggregation were not permitted. Such application shall also include a description of all the nonoperating mineral interests owned by the taxpayer within the tract or tracts of land involved. If the Commissioner grants permission, a copy of the letter granting such permission shall be filed with the district director for the district in which the taxpayer's income tax return was filed for the first taxable year for which such permission applies, and shall be accompanied by an amended return or returns if necessary.

(3) *Election; binding effect.* The election to aggregate separate nonoperating mineral interests under paragraph (a) of this section shall be binding upon the taxpayer for the first taxable year for which made and all subsequent taxable years beginning before January 1, 1958, unless consent to make a change is obtained from the Commissioner. The application for consent to make a change must set forth in detail the reason or reasons for such change. Consent to a different treatment shall not be granted where the principal purpose for such change is due to tax consequences.

(4) *Aggregations under the 1939 Code.* An application for permission to aggregate nonoperating mineral interests under paragraph (a) of this section shall be submitted in accordance with the requirements of this paragraph notwithstanding the fact that the taxpayer may have aggregated such interests for taxable years to which the Internal Revenue Code of 1939 is applicable.

(c) *Termination of aggregation of nonoperating mineral interests—(1) General rule.* Any aggregation of nonoperating mineral interests formed under paragraphs (a) and (b) of this section shall not apply with respect to any taxable year beginning after December 31, 1957. Thus, if a taxpayer makes a binding election to form such an aggregation for taxable years beginning before January 1, 1958, then in order to form an aggregation with respect to any taxable year beginning after December 31, 1957, he must obtain permission in accordance with the rules prescribed in paragraphs (d) and (e) of this section.

(2) *Bases of separate nonoperating mineral interests.* If a taxpayer forms an aggregation of nonoperating mineral interests under paragraphs (a) and (b) of this section which is terminated under subparagraph (1) of this paragraph, the adjusted bases of the separate nonoperating mineral interests included in such aggregation shall be determined in accordance with paragraph (a)(2) of § 1.614–6.

(d) *Aggregating nonoperating mineral interests for taxable years beginning after December 31, 1957, or for earlier taxable years.* Upon proper showing to the Commissioner, a taxpayer who owns two or more separate nonoperating mineral interests in a single tract or parcel of land, or in two or more adjacent tracts or parcels of land, shall be permitted, under section 614(e), to form an aggregation of all of such interests in each separate kind of mineral deposit and treat such aggregation as one property. Permission shall be granted by the Commissioner only if the taxpayer establishes that a principal purpose in forming the aggregation is not the avoidance of tax. The fact that the aggregation of nonoperating mineral interests will result in a substantial reduction in tax is evidence that avoidance of tax is a principal purpose of the taxpayer. An aggregation formed under the provisions of this paragraph shall be considered as one property for all purposes of the Internal Revenue Code of 1954. In no event may nonoperating mineral interests in tracts or parcels of land which are not adjacent be aggregated and treated as one property. The term "two or more adjacent tracts or parcels of land" means tracts or parcels of land that are in reasonably close proximity to each other depending on the facts and circumstances of each case. Adjacent tracts or parcels of land do not necessarily have any common boundaries, and may be separated by intervening mineral rights. For the definition of "nonoperating mineral interests", see paragraph (g) of this section.

(e) *Manner and scope of election—(1) Time for filing application for permission to aggregate separate nonoperating mineral interests under section 614(e).* The application for permission to aggregate separate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall be made in writing to the Commissioner of Internal Revenue, Attention: Special Technical Services Division, Engineering and Valuation Branch, Washington 25, D.C. Such application shall be filed within 90 days after the beginning of the first taxable year beginning after December 31, 1957, for which aggregation is desired or within 90 days after the acquisition of one of the nonoperating mineral interests which is to be included in the aggregation, whichever is later. However, if the last day on which the application may be filed under this paragraph falls before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision, such application may be filed at any time on or before the first day of such first month. If, prior to such publication of the regulations under section 614, an application has been filed, the taxpayer need file only a supplemental application containing such additional information as is necessary to comply with subparagraph (4) of this paragraph.

(2) *Election to apply section 614(e) retroactively.* The application for permission to aggregate separate nonoperating mineral interests under section 614(e) and paragraph (d) of this section may be filed, at the election of the taxpayer, for any taxable year beginning before January 1, 1958, to which the Internal Revenue Code of 1954 is applicable. In such case, the application may be filed at any time on or before the first day of the first month which begins more than 90 days after the regulations under section 614 are published in the FEDERAL REGISTER as a Treasury decision. Such application shall designate the first taxable year for which the aggregation is to be formed. If, prior to such publication of regulations under section 614, an application has been filed, the taxpayer need file only a supplemental application containing such additional information as is necessary to comply with the requirements of subparagraph (4) of this paragraph.

(3) *Limitation.* If the taxpayer forms any aggregation of nonoperating mineral interests under subparagraph (2) of this paragraph, then any aggregation of nonoperating mineral interests formed under paragraphs (a) and (b) of this section shall not apply for any taxable year. The provisions of this subparagraph may be illustrated by the following example:

Example. In 1954, taxpayer A owns six separate nonoperating mineral interests designated No. 1 through No. 6. Interests Nos. 1 through 3 are royalty interests in contiguous tracts of land. Interests Nos. 4 through 6, which are located in an entirely different area from interests Nos. 1 through 3, are royalty interests in tracts of land which are not contiguous but which are adjacent to each other. In 1959 taxpayer A obtains permission and elects under section 614(e) and subparagraph (2) of this paragraph to form an aggregation of interests Nos. 4 through 6 for 1956 and all subsequent taxable years. Taxpayer A may not elect to form an aggregation of interests Nos. 1 through 3 under paragraphs (a) and (b) of this section for 1954 or any subsequent taxable year. If taxpayer A wishes to form an aggregation of interests Nos. 1 through 3, he must obtain permission under paragraph (d) of this section and this paragraph.

(4) *Contents of application and returns under permission.* The application for permission to aggregate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall include a complete statement of the facts upon which the taxpayer relies to show that avoidance of tax is not a principal purpose of forming the aggregation. Such application shall also include a description of the nonoperating mineral interests within the tract or tracts of land involved. If the Commissioner grants permission, a copy of the letter granting such permission shall be attached to the taxpayer's income tax return for the first taxable year for which such permission applies. If the taxpayer has already filed such return, a copy of the letter of permission shall be filed with the district director for the district in which such return was filed and shall be accompanied by an amended return or returns if necessary or, if appropriate, a claim for credit or refund.

(5) *Election; binding effect.* The election to aggregate separate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall be binding upon the taxpayer for the first taxable year for which made and for all subsequent taxable years unless consent to make a change is obtained from the Commissioner. The application for consent to make a change must set forth in detail the reason or reasons for such change. Consent to a different treatment shall not be granted where the principal purpose for such change is due to tax consequences.

(6) *Aggregations under the 1939 Code.* An application for permission to aggregate nonoperating mineral interests under section 614(e) and paragraph (d) of this section shall be submitted in accordance with the requirements of this paragraph notwithstanding the fact that the taxpayer may have aggregated such interests for taxable years to which the Internal Revenue Code of 1939 is applicable.

(f) *Elections, when effective.* If the taxpayer has elected to form an aggregation under either paragraph (a) or paragraph (d) of this section, the date on which the aggregation becomes effective is the first day of the first taxable year for which the election is made; except that if any separate nonoperating mineral interest included in such aggregation was acquired after such first day, the date on which the inclusion of such interest in such aggregation becomes effective is the date of its acquisition.

(g) *Definition of nonoperating mineral interests.* For purposes of this section, "nonoperating mineral interests" includes only those interests described in section 614(a) which are not operating mineral interests within the meaning of paragraph (b) of § 1.614–2. The taxpayer who holds the operating or working rights in a mineral deposit, but is not actually conducting operations with respect to such deposit, does not have a nonoperating mineral interest in such deposit notwithstanding the fact that he intends to transfer such operating rights at a later time.

§ 1.614–6 Rules applicable to basis, holding period, and abandonment losses where mineral interests have been aggregated.

(a) *Basis of property resulting from aggregation—(1) General rule.* When a taxpayer has aggregated as one property two or more interests under section 614 (b), (c), or (e), the unadjusted basis of such aggregated property shall be the sum of the unadjusted bases of the various mineral interests aggregated. The adjusted basis of the aggregated property on the effective date of the aggregation shall be the unadjusted basis of the aggregated property, adjusted by the total of all adjustments to the bases of the several mineral interests aggregated as required by section 1016 to the effective date of aggregation. Thereafter, the adjustments to basis required by section 1016 shall apply to the total adjusted basis of the aggregated property for all purposes of subtitle A of the Internal Revenue Code of 1954.

(2) *Bases upon disposition of part of, or termination of, or change in, an aggregated property.* (i) When a taxpayer has aggregated two or more separate mineral interests as one property under section 614 (b), (c), or (e) and thereafter sells, exchanges, or otherwise disposes of such property, the total adjusted basis of the property as of the date of sale, exchange, or other disposition must be apportioned to determine the adjusted basis of the part disposed of and the part retained for purposes of computing gain or loss, depletion, and for all other purposes of subtitle A of the Internal Revenue Code of 1954. Such adjusted basis shall be determined by apportioning the total adjusted basis of the property between the part of the property disposed of and the part retained in the same proportion as the fair market value of each part (as of the date of sale, exchange, or other disposition) bears to the total fair market value of the property as of such date. For determining gain or loss on the sale or exchange of any part of the aggregated property, the adjusted basis of the aggregated property (from which the adjusted basis of the part is determined) shall not be reduced below zero.

(ii) If, for any taxable year after the first taxable year for which an aggregation under section 614 (b), (c), or (e) is effective,

(a) Any such aggregation is terminated for any reason, or

(b) The treatment of any mineral interests in any such aggregation is changed after obtaining the consent of the Commissioner,

then the adjusted basis of the aggregated property as of the first day of the first taxable year for which such termination or change is effective shall be apportioned to determine the adjusted bases of the resultant separate mineral interests, as of such first day, for purposes of computing gain or loss, depletion, and for all other purposes of subtitle A of the Internal Revenue Code of 1954. The adjusted bases of such separate mineral interests shall be determined by apportioning the adjusted basis of the aggregated property (as of the first day of the first taxable year for which such termination or change is effective) between or among such interests in the same proportion as the fair market value of each such interest (as of such first day) bears to the total fair market value of the aggregated property as of such first day. For the purpose of determining the adjusted bases of the separate mineral interests, the adjusted basis of the aggregated property (from which the adjusted basis of each separate mineral interest is determined) shall not be reduced below zero.

(3) The application of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer owning three operating mineral interests, designated Nos. 1, 2, and 3, within a single operating unit,

tive date of aggregation. For the purpose of determining loss, the adjusted basis of the aggregated property on the effective date of aggregation shall be the sum of—

(iii) The unadjusted bases of those mineral interests acquired on or after March 1, 1913, plus

(iv) The cost of those interests acquired before March 1, 1913, adjusted for the period before March 1, 1913, and such sum shall be adjusted by the total of all adjustments to the bases of several mineral interests aggregated as required by section 1016 to the effective date of aggregation. Thereafter, the adjustments to basis required by section 1016 shall apply to the total adjusted basis of the aggregated property for all purposes of the Internal Revenue Code of 1954. Upon disposition of a part of the aggregated property or upon termination of the aggregation for any reason, or upon change in the treatment of any mineral interests in the aggregation with consent of the Commissioner, the adjusted basis for determining gain and the adjusted basis for determining loss with respect to each resultant part of the aggregated property shall be determined in accordance with subparagraph (2) of this paragraph. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). At the close of 1953 a taxpayer owned two operating mineral interests as follows:

$$\frac{\$20,000\ (\text{FMV of portion sold})}{\$24,000\ (\text{FMV of aggregated property})} \times \frac{\$18,000\ (\text{adjusted basis for gain})}{} = \frac{\$15,000\ (\text{adjusted basis of portion sold})}{}$$

Taxpayer's gain would then be computed as follows:

$20,000 amount received for portion sold	
Less: 15,000 adjusted basis of portion sold	
5,000 gain on portion sold	

The adjusted basis of the portion retained as of January 1, 1956, for the purpose of determining loss would be computed as follows:

$$\frac{\$5,000\ (\text{FMV of portion sold})}{\$10,000\ (\text{FMV of aggregated property})} \times \frac{\$12,000\ (\text{adjusted basis for loss})}{} = \frac{\$6,000\ (\text{adjusted basis of portion sold})}{}$$

Taxpayer's loss would then be computed as follows:

$5,000 amount received for portion sold	
Less: 6,000 adjusted basis of portion sold	
(1,000) loss on portion sold	

(b) *Holding period of aggregated properties.* Where a taxpayer sells or exchanges either a part or all of an aggregated property which includes part or all of a mineral interest which the taxpayer has held for six months or less, its adjusted basis must be determined at the time of sale with an adjustment for depletion to the date of sale. If the aggregated property is sold on the date of sale in example (1), except that a portion of the aggregated property is sold on June 1, 1956, for $15,000 which is also the fair market value of such portion on the date of sale. In order to determine the gain or loss from this sale as well as the adjusted basis of the retained property, an apportionment must be made. The aggregated property had a fair market value of $25,000 on the date of sale. From January 1, 1954, through May 31, 1956, $10,000 of depletion has been allowed with respect to the aggregated property. The adjusted basis of the portion sold is determined as follows:

$$\frac{\$15,000}{\$25,000} \times \$4,200\ (\text{adjusted basis of portion sold}) = \$2,520$$

$7,000 (adjusted basis of aggregated property) × $15,000 (FMV of portion sold) / $25,000 (FMV of aggregated property) = $4,200 (adjusted basis of portion sold)

Therefore, the gain on this sale of the portion sold is $10,800 ($15,000—$4,200). The adjusted basis of the property retained is $2,800 ($7,000—$4,200).

Example (3). Assume the same facts as in example (2), except that instead of selling, the taxpayer subleases one of the properties to aggregate such properties properly elects to aggregate such properties under section 614(b) for the calendar year 1954 in his income tax return filed on April 15, 1955. The unadjusted bases and adjustments under section 1016 for depletion through December 31, 1953, in respect of such properties are as follows:

	Unadjusted basis	Adjustments under Section 1016
No. 1	$25,000	$27,000
No. 2	18,000	10,000
No. 3	15,000	4,000
Total	58,000	41,000

$7,000 (adjusted basis of aggregated property) × $15,000 / $25,000 = $4,200 (adjusted basis of portion sold)

The adjusted basis of the aggregated property as of January 1, 1954, is $17,000 ($58,000—$41,000).

Example (2). Assume the same facts as in example (1), except that a portion of the aggregated property is sold on June 1, 1956, for $15,000 which is also the fair market value of such portion on the date of sale. In order to determine the gain or loss from this sale as well as the adjusted basis of the retained property, an apportionment must be made. The aggregated property had a fair market value of $25,000 on the date of sale. From January 1, 1954, through May 31, 1956, $10,000 of depletion has been allowed with respect to the aggregated property. The adjusted basis of the portion sold is determined as follows:

$$\frac{\$15,000}{\$25,000} \times \$4,200\ (\text{adjusted basis of portion sold}) = \$2,520$$

$7,000 (adjusted basis of aggregated property) × $15,000 (FMV of portion sold) / $25,000 (FMV of aggregated property) = $4,200 (adjusted basis of portion sold)

Therefore, the gain on this sale of the portion sold is $10,800 ($15,000—$4,200). The adjusted basis of the property retained is $2,800 ($7,000—$4,200).

Example (3). Assume the same facts as in example (2), except that instead of selling, the taxpayer subleases one of the properties for $3,000 a year. Under section 1016(a)(2) and (3), the adjusted basis of the aggregated property must be reduced by the amount of depletion sustained during the period of the sublease. Therefore, the gain on the sale of the portion sold is $10,800 ($15,000—$4,200). The adjusted basis of the property retained is $2,800 ($7,000—$4,200).

Example (4). In 1953, a taxpayer owned mineral interests Nos. 1, 2, and 3 which he operated as a unit. He owned no other operating interests during that year. The unadjusted bases of these properties were $10,000, $15,000, and $20,000, respectively, and depletion allowed through December 31, 1953, was $5,000 with respect to each property. The taxpayer operated these properties during the year 1954 and, in addition, operated as part of the unit mineral interest No. 4 which he acquired on July 1, 1954, on which date he made the first exploration expenditure with respect thereto. He paid $20,000 for No. 4. In his return for the calendar year 1954, the taxpayer elected under section 614(b) to aggregate all of these mineral interests. The taxpayer must compute cost depletion for the calendar year 1954 on the basis of an aggregated property with an adjusted basis of $50,000 ($45,000—$15,000) for the period from January 1 to June 30, and with an adjusted basis of $50,000 (less depletion for the first six months) for the period from July 1 to December 31. If applicable, the taxpayer must compute percentage depletion on the basis of gross income and taxable income from the aggregated property for the entire year, including the gross income and deductions with respect to operating mineral interest No. 4 for the period from July 1 to December 31. If a portion of the aggregated property is sold during the first six months, its adjusted basis must be determined at the time of sale with an adjustment for depletion to the date of sale. If the aggregated property is sold on the date of sale

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Proposed Salable and Surplus Percentages for 1960–61 Crop Year

Notice is hereby given that there is under consideration the proposed establishment of a salable percentage of 75 percent and a surplus percentage of 25 percent for California almonds during the 1960–61 crop year which began on July 1, 1960. The proposed percentages, which are based upon the recommendation of the Almond Control Board and other available information, would be established in accordance with the applicable provisions of amended Marketing Agreement No. 119 and Order No. 9 (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C., 601–674).

Consideration will be given to written data, views or arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following estimates (in terms of kernel weight) for the crop year beginning July 1, 1960: (1) Production of 54 million pounds; (2) trade demand for domestic almonds of 50 million pounds (based on a total trade demand of 50.5 million pounds less 500,000 pounds of imported almonds); (3) a handler carryover of 22.7 million pounds on July 1, 1960; (4) provision for a handler carryover of 13.2 million pounds on June 30, 1961; (5) total trade demand and carryover requirements for 1960 crop of 40.5 million pounds; and (6) a surplus supply of 13.5 million pounds.

The proposal is as follows:

§ 909.210 Salable and surplus percentages for almonds during the crop year beginning July 1, 1960.

The salable and surplus percentages during the crop year beginning July 1, 1960, applicable to the total kernel weight of almonds received by handlers for their own accounts shall be 75 percent and 25 percent, respectively.

Dated: August 10, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7600; Filed, Aug. 12, 1960; 8:49 a.m.]

[7 CFR Part 958]

[Area No. 1]

IRISH POTATOES GROWN IN COLORADO

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092) regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.233 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1961, will amount to $750.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7577; Filed, Aug. 12, 1960; 8:47 a.m.]

[7 CFR Part 958]

[Area No. 3]

IRISH POTATOES GROWN IN COLORADO

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092), regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.234 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and this part, as amended, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1961, will amount to $3,125.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97, as amended, and this part, as amended, shall be ($0.00125) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part, as amended (7 CFR Part 958, 25 F.R. 7092).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7578; Filed, Aug. 12, 1960; 8:47 a.m.]

Commodity Stabilization Service

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON; 1961 CROP

Notice of Determinations To Be Made With Respect to a National Marketing Quota; National, State, and County Allotments; Fixing of a Date for Holding a Referendum; and Formulation of Regulations Pertaining to Acreage Allotments

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1961 crop of extra long staple cotton (hereinafter referred to as "ELS cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1961 crop of ELS cotton and will issue regulations pertaining to acreage allotments for ELS cotton.

Section 347(b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of ELS cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of ELS cotton produced in the next calendar year.

Section 347(b) of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota which shall be an amount equal to (1) the estimated domestic consumption plus exports for the marketing year which begins in the next calendar year, less (2) the estimated imports, plus (3) such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

The national marketing quota for 1961 cannot be less than the larger of (1) 30,000 bales, (2) a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed, or (3) 90 per centum of the 1959 marketing quota for ELS cotton.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347(b) of the act, "total supply" of ELS cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carryover" of ELS cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for ELS cotton is the period August 1–July 31. For purposes of the supply determinations required to be made under section 347(b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island and Sealand cotton (United States and Puerto Rico), and to all similar types imported from Egypt, Sudan, and Peru.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for ELS cotton for 1961 is that acreage, based upon the national average yield per acre of ELS cotton for the four years 1956, 1957, 1958 and 1959, which is required to make available from such crop an amount of ELS cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1961 crop of ELS cotton, such allotment will be apportioned among the States, as provided by section 344(b) of the act, on the basis of the acreage planted to ELS cotton during the five calendar years 1955, 1956, 1957, 1958, and 1959, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U.S.C. 1801 et seq.) and the Great Plains Conservation Program provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(b)).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1961 crop of ELS cotton will be substantially the same as those issued for the 1960 crop and will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments and State and county reserves. However, consideration is being given to (a) clarification of the procedure for distribution of State reserves for correction of inequities and prevention of hardship to the end that farms with acreage diverted from the production of cotton under the conservation reserve program of the Soil Bank and the Great Plains program will receive equitable treatment, and (b) deletion of the provision for prevention of release of allotment by the holder of a real estate lien on the farm. In addition, the regulations will implement sections 377 and 344(f)(8) of the act with respect to farm acreage histories and farm base adjustments and sections 377 and 344(m)(2) of the act with respect to State and county acreage histories, as required by the amendment of such sections of the act by Public Law 86–172 (73 Stat. 393, approved August 18, 1959). The regulations will also establish the date and manner of conducting the referendum for the 1961 crop of ELS cotton.

Since allotments were in effect for the 1960 crop of ELS cotton, farm allotments for the 1961 crop are required to be established pursuant to the method in section 344(f)(8) of the act in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1961 crop of ELS cotton, it is expected that December 13, 1960, will be set as the date of the referendum in the regulations for the 1961 crop of ELS cotton.

Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to the States and the State allotments to the counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1961 crop of ELS cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Issued at Washington, D.C., this 9th day of August 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–7603; Filed, Aug. 12, 1960; 8:50 a.m.]

[7 CFR Part 722]

UPLAND COTTON; 1961 CROP

Notice of Determinations To Be Made With Respect to a National Marketing Quota; National, State and County Allotments; Fixing of a Date for Holding a Referendum; and Formulation of Regulations Pertaining to Acreage Allotments

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1961 crop of upland cotton (hereinafter referred to as "cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1961 crop of upland cotton and will issue regulations pertaining to acreage allotments for cotton.

Section 342 of the act provides that whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed

the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year.

Section 342 of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton (standard bales of five hundred pounds gross weight) adequate, together with (a) the estimated carryover at the beginning of the marketing year which begins in the next calendar year and (b) the estimated imports during such marketing year, to make available a normal supply of cotton: *Provided*, That such national marketing quota shall be not less than a number of bales equal to the estimated domestic consumption and estimated exports (less estimated imports) for the marketing year for which the quota is proclaimed, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below (1) one million bales less than the estimated domestic consumption and estimated exports for the marketing year for which such quota is being proclaimed, or (2) ten million bales, whichever is larger. Notwithstanding the foregoing, the national marketing quota shall be not less than the number of bales required to provide a national acreage allotment of sixteen million acres.

Section 342 of the act requires the proclamation of the national marketing quota to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carryover" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for cotton is the period August 1–July 31.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed under section 342 of the act, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for cotton for 1961 is that acreage, based upon the national average yield per acre of cotton for the 4 calendar years 1956, 1957, 1958, and 1959, which is required to make available from the 1961 crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1961 crop of cotton, such allotment will be apportioned among the States, as provided by section 344(b) of the act, on the basis of the acreage planted to cotton during the 5 calendar years 1955, 1956, 1957, 1958, and 1959, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U.S.C. 1801 et seq.), as amended, and the Great Plains Conservation Program provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 690p(b)).

Section 344(b) of the act provides for apportionment among the States of the 310,000 acre national reserve on the basis of their needs for additional acreage for establishing minimum farm allotments as determined or estimated by the Secretary. For the 1961 crop of cotton, it is planned that such needs for each State and each county therein will be estimated to be the same as the needs determined for the 1960 crop of cotton.

The regulations which the Secretary will issue pertaining to acreage allotments for the 1961 crop of cotton will be substantially the same as those issued for the 1960 crop, except for the Choice (B) allotment provisions which applied only to the 1959 and 1960 crops of cotton, and will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments and State and county reserves. In addition, the regulations will implement sections 377 and 344(f)(8) of the act with respect to farm acreage histories and farm base adjustments and sections 377 and 344(m)(2) of the act with respect to State and county acreage histories as required by the amendment of such sections by Public Law 86–172 (73 Stat. 393, approved August 18, 1959). The regulations will also establish the date of and the manner of conducting the referendum for the 1961 crop of cotton. Consideration is being given to (a) clarification of the procedure for distribution of State reserves for correction of inequities and prevention of hardship to the end that farms with acreage diverted from the production of cotton under the conservation reserve program of the Soil Bank and the Great Plains program will receive equitable treatment and (b) deletion of the provision for prevention of release of allotment by the holder of a real estate lien on the farm.

Since allotments were in effect for the 1960 crop of cotton, farm allotments for the 1961 crop are required to be established pursuant to the method in section 344(f)(8) of the act in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota provided for in section 342 of the act, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1961 crop of cotton, it is expected that December 13, 1960, will be set as the date of the referendum in the regulations for the 1961 crop of cotton.

Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment, shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to States and the State allotments to counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1961 crop of cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of postmark will be considered as the date of any submission.

Issued at Washington, D.C., this 9th day of August 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–7604; Filed, Aug. 12, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Regs.; Docket 11618]

CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Extension of Time for Filing Comments

AUGUST 11, 1960.

The Board, by circulation of a notice of proposed rule making dated July 12, 1960, and published in the FEDERAL REGISTER on July 15, 1960 (25 F.R. 6704),

gave notice that it had under consideration an amendment to Part 221 of the Board's Economic Regulations for the purpose of bringing all effective tariffs within the form requirements of this part.

In its notice, the Board requested interested parties to submit such comments as they might desire not later than August 15, 1960. Requests have been received by the Board asking for an extension of time in which to file comments.

The undersigned, acting under authority duly delegated to him by the Board finds that good cause has been shown and that it will be in the public interest to grant an extension of time for the filing of comments.

Therefore, pursuant to the authority delegated under section 7.3 of Public Notice PN 14, the undersigned hereby extends the time within which to file comments on EDR–15 until September 15, 1960.

(Sections 204(a) and 1001 of the Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

[SEAL] FRANKLIN M. STONE,
General Counsel.

[F.R. Doc. 60–7644; Filed, Aug. 12, 1960; 8:59 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 475; Draft Release 60–14]

CROSSWIND AND TAILWIND TAKEOFF AND LANDING LIMITATIONS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by October 17, 1960 will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

Present Civil Air Regulations with respect to transport category airplanes do not require an air carrier to adhere to the maximum demonstrated crosswind and tailwind components as found in the Airplane Flight Manual as a limiting value for airplanes operated in air carrier service unless the demonstrated values are also included in the limitation section of the Airplane Flight Manual.

Except for turbine-powered airplanes, the maximum tailwind component for transport category airplanes is shown in the performance section of the Airplane Flight Manual. The operating rules of the Civil Air Regulations require compliance with the performance data for takeoff and for dispatching to destination, but there is no limitation on the maximum tailwind component for the actual landing at the destination airport. For turbine-powered airplanes, the maximum tailwind component for takeoff and landing is contained in the limitation section of the Airplane Flight Manual and must be complied with.

With respect to crosswind limitations for turbine-powered and other transport category airplanes, § 4b.173 of Part 4b of the Civil Air Regulations requires the establishment of a cross component of wind velocity at which the airplane has been demonstrated to be safe to take off or land. Unless a crosswind limitation has been placed on the airplane, the crosswind component may be established at a value which is consistent with the safe handling characteristics of the airplane. Although the component is specified in the Airplane Flight Manual as a "demonstrated crosswind", the air carrier operating rules do not limit airplane operations to this component.

Even though air carriers generally treat the demonstrated tailwind and crosswind components as limiting values for takeoffs and landings, there have been several instances where airplanes were landed with tailwinds or crosswinds in excess of such values.

In order to provide a safe and uniform standard, the Civil Air Regulations should clearly set forth a requirement that the maximum demonstrated crosswind and tailwind components established by the applicant will be a limiting factor in air carrier service. Therefore, it is proposed, for airplanes certificated under the transport category rules, to limit tailwind and crosswind takeoffs and landings to those approved values contained in the Airplane Flight Manual.

With respect to large non-transport-category airplanes, it is proposed to limit the maximum tailwind component and the maximum crosswind component to an approved value which is not marginal with the handling characteristics of the airplane. Unless a greater value has been demonstrated and approved, the maximum crosswind takeoff and landing component shall be 20 knots and the maximum tailwind takeoff and landing component shall be 10 knots.

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations as follows:

1. By adding a new center heading and § 40.95 to read as follows:

WIND ACCOUNTABILITY

§ 40.95 Wind accountability.

No takeoff or landing shall be made if the reported wind velocity and direction results in a crosswind or tailwind component in excess of the maximum demonstrated crosswind and the maximum tailwind shown in the approved Airplane Flight Manual of the airplane; *Provided*, That for an airplane not having an approved Airplane Flight Manual the reported wind velocity shall not exceed a maximum of 20 knots crosswind and 10 knots tailwind unless greater values are demonstrated and approved for the particular type of airplane.

2. By adding a new § 41.37 to Part 41 and a new § 42.84 to Part 42 to read the same as the proposed § 40.95.

These amendments are proposed under the authority of sections 313(a), 601, 603, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1423, 1424).

Issued in Washington, D.C., on August 9, 1960.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 60–7551; Filed, Aug. 12, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55197]

FOREIGN CURRENCIES

Rates of Exchange for the Philippine Islands Peso

AUGUST 9, 1960.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Philippine Islands peso for the period between April 25, 1960, and June 10, 1960.

T.D. 55149 removed the Philippine Islands from the list of quarterly rate countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations, effective on June 11, 1960, the date on which T.D. 55149 was published in the FEDERAL REGISTER (25 F.R. 5222).

That Treasury decision also announced that the Federal Reserve Bank of New York has decided not to resume on a daily basis the certification of rates for the Philippine Islands peso, which the Bank suspended effective April 25, 1960, but intends to comply as circumstances permit with requests for the appropriate rate or rates of exchange for the specific dates requested.

The Bank, complying with a request for rates of exchange for the period beginning April 25, 1960, and ending June 10, 1960, the day before the effective date of T.D. 55149, has certified two rates designated "Official" and "Free".

The respective rates so certified pursuant to section 522(c) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)), for each business day of the period beginning April 25, 1960, and ending June 10, 1960, are herewith published together with instructions for their use:

Philippine Islands peso:	
Apr. 25, 1960, to	
June 10, 1960----------	$0.498166 Official
	.312500 Free

The rate of $0.312500 Free varies by 5 per centum or more from the single rate of $0.49770 first certified by the Bank for a date in the calendar quarter April–June 1960, as published in T.D. 55092. The rate of $0.498166 Official on the other hand does not so vary from such published rate. The laws and regulations of the Philippine Islands applicable to the settlement of export receipts provide for the conversion of foreign exchange receipts on the basis of a composite of 75 percent of the export receipts at the Official rate and 25 percent at the Free market rate.

Consistent with these facts, conversions of the Philippine Islands peso for customs purposes in connection with exportations occurring during the period beginning April 25, 1960, and ending June 10, 1960, shall reflect the use in the manner explained below of the $0.49770 rate first certified in the quarter, to the extent of 75 percent of the price or value being converted, and the use in the manner indicated of the $0.312500 Free rate to the extent of 25 percent of such price or value.

To obtain the result intended by instructions included in § 16.4(e)(3) of the Customs Regulations dealing with the application of two or more types of certified rates on a percentage basis, customs officers are required to make conversions involving the Philippine Islands peso according to a formula consistent with that set out in Bureau of Customs Circular Letter No. 2675 of October 19, 1949. An appropriate formula is as follows:

$$\text{Dollar value of merchandise} = \frac{\text{Invoice value (in currency of Philippine Islands)}}{\left(\frac{1}{.49770} \times \frac{75}{\text{percent}}\right) + \frac{1}{.312500} \times \frac{25}{\text{percent}}}$$

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-7606; Filed, Aug. 12, 1960; 8:51 a.m.]

Office of the Secretary

[AA 643.3]

MALLEABLE IRON PIPE FITTINGS FROM JAPAN

Determination of No Sales at Less Than Fair Value

AUGUST 8, 1960.

A complaint was received that malleable iron pipe fittings from Japan were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that malleable iron pipe fittings from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined that for fair value purposes, the comparison should be between the purchase price of the pipe fittings sold to the United States and the home market price at which similar pipe fittings are sold for home consumption in Japan.

In making the comparison, due allowance was made for differences in production, selling, and inland freight costs, which were higher in the case of the pipe fittings sold for home consumption than in the case of the pipe fittings sold for exportation to the United States. The allowance for selling costs was limited to pipe fittings imported prior to the effective date of the current Antidumping regulations, July 5, 1960. The difference in production costs was found to be due to the differences in the physical characteristics of the items compared and were allowed under the current regulations as a difference in the cost of manufacturing similar merchandise.

After making the required adjustments, it was found that purchase price was not lower than the home market price except in certain isolated instances. In these instances, there appeared to be a slight margin as to a relatively small proportion of the imported fittings. This was deemed to be not more than insignificant. Subsequently, the pricing arrangement which caused the occasional margin was changed by the sellers involved, which action eliminated all margins as to importations prior to July 5, 1960.

As to importations on and after July 5, 1960, it was found that with the disallowance of selling expenses, the purchase price was lower than the adjusted home market price by a slight margin as to one size of one item. The quantity and the amount involved were deemed to be not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7611; Filed, Aug. 12, 1960; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

August 1960 Monthly Sales List; Amendment

The price listing for the Commodity Credit Corporation Monthly Sales List for August 1960 is amended, effective August 1, 1960, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) by deleting the two paragraphs relating to milled rice under the heading "DOMESTIC—unrestricted use:" and the two paragraphs relating to rough rice under the heading "DOMESTIC—unrestricted use:" and by substituting the following:

Commodity	Sales price or method of sale
Rice, milled (as available)----	Domestic, unrestricted use: Market price but not less than the equivalent final 1960 loan rate for rough rice by varieties and grades, plus 5 percent, adjusted for milling, plus 11 cents per hundredweight, basis in store.
Rice, rough (as available)----	Domestic, unrestricted use: Market price but not less than the final applicable 1960 loan rate plus 5 percent, plus 13 cents per hundredweight, basis in store.

(sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: August 9, 1960.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-7605; Filed, Aug. 12, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-355]

INVESTIGATION OF ACCIDENT OCCURRING IN ATLANTA, GA.

Notice of Hearing

In the matter of investigation of Accident involving aircraft of United States Registry N 8804E, which occurred on May 23, 1960, in Atlanta, Georgia.

Notice is hereby given that an Accident Investigation Hearing on the above-styled matter will be held commencing on August 30, 1960, at 0930 (local time) in the Henry Grady Hotel, Atlanta, Georgia.

Dated this 29th day of July 1960.

[SEAL] REID C. TAIT,
Hearing Officer.

[F.R. Doc. 60-7585; Filed, Aug. 12, 1960; 8:48 a.m.]

[Order No. E-15638; Docket 11696]

DELTA AIR LINES, INC., AND EASTERN AIR LINES, INC.; JET SURCHARGES

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1960.

On July 15, 1960, on behalf of Eastern Air Lines, Inc., and Delta Air Lines, Inc., certain revisions, to become effective on August 14, 1960, were filed to C. C. Squire, Agent, Local and Joint Passenger Fares Tariff No. PF–5, C.A.B. No. 44. On July 27, 1960, Eastern Air Lines, Inc., filed certain revisions, pursuant to special tariff permission, to become effective August 14, 1960, to its Local and Joint Passenger Fares Tariff, C.A.B. No. 62.[1] Included among these revisions are (1) a proposal by Delta to institute a surcharge of $2.00 per one-way ticket for its first-class service between Baltimore and Philadelphia on flights operating with Convair 880 or DC–8 equipment, and (2) a proposal by Eastern to institute surcharges between Boston and Philadelphia of $4.00 per one-way ticket for first-class service and $3.00 per one-way ticket for its coach service, on flights operating with DC–8 equipment. No complaints have been filed against these proposals. The Board has decided that it will institute an investigation of these proposed jet surcharges between Baltimore and Philadelphia and between Boston and Philadelphia.

Pending hearing and decision on the lawfulness of these proposed surcharges, the Board concludes it will suspend the operation of such tariffs and defer the use thereof in interstate and overseas air transportation. The proposed jet surcharges on the Baltimore-Philadelphia and Boston-Philadelphia segments are higher than the range of surcharges which the Board has heretofore permitted to become effective in other markets. The proposed $2.00 first-class surcharge by Delta between Baltimore and Philadelphia is 23.5 percent of the regular first-class fare in that market, and Eastern's proposed surcharges of $4.00 for first-class and $3.00 for coach services on the Boston-Philadelphia segment amount to approximately 18 percent of the respective fares for piston equipment in that market. In other markets, jet surcharges which the Board has permitted to become effective have ranged from 5.6 percent to 10.4 percent of regular first-class fares for first-class service and from 7.2 percent and 12.4 percent of regular coach fares for coach service; the yield per passenger mile for jet surcharges heretofore permitted to become effective has ranged between .4 and .7 cents, whereas the jet surcharge proposed for Delta in Baltimore-Philadelphia service would yield 2.2 cents per passenger mile and the jet surcharges proposed for Eastern between Boston and Philadelphia would yield 1.4 cents in first-class service and 1.1 cents in coach service. Even though the jet surcharges presently in effect tend to produce the higher yields on the shorter segments, the surcharges proposed for the Baltimore-Philadelphia and the Boston-Philadelphia markets present a market disparity from the pattern of the jet surcharges which has evolved in other markets. On the other hand, jet surcharges of $1.00 per one-way ticket in the Baltimore-Philadelphia market and of $2.00 per one-way ticket in the Boston-Philadelphia market appear to be within the pattern of jet surcharges existing in other markets and would not be suspended if proposed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof; *It is ordered:*

1. That an investigation is instituted to determine whether the charges on 10th Revised Page 111 and 6th Revised Page 130–C of C. C. Squire, Agent, Local and Joint Passenger Fares Tariff No. PF–5, C.A.B. No. 44, together with subsequent revisions and reissues thereof, between Baltimore and Philadelphia and between Boston and Philadelphia, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, and to determine and prescribe the charges thereafter to be demanded, charged, collected, or received in lieu of any charges found to be unlawful; and to determine whether the charges on 9th Revised Page 10–A of Eastern Air Lines, Inc., Local and Joint Passenger Fares Tariff, C.A.B. No. 62, together with subsequent revisions and reissues thereof, between Boston and Philadelphia are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and to determine and prescribe the lawful charges thereafter to be demanded, charged, collected, or received in lieu of any charges found to be unlawful.

2. That, pending hearing and decision in such investigation, the charges on 10th Revised Page 111 and 6th Revised Page 130–C of C. C. Squire, Agent, Local and Joint Passenger Fares Tariff No. PF–5, C.A.B. No. 44, between Baltimore and Philadelphia and between Boston and Philadelphia, and the charges on 9th Revised Page 10–A of Eastern Air Lines, Inc., Local and Joint Passenger Fares Tariff, C.A.B. No. 62, between Boston and Philadelphia in overseas air transportation, are suspended and the use thereof deferred to and including November 11, 1960, and no changes shall be made therein during the period of suspension except by order or special tariff permission of the Board.

3. That this investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order shall be filed with the tariffs suspended, and shall be served upon Delta Air Lines, Inc., and Eastern Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-7586; Filed, Aug. 12, 1960; 8:48 a.m.]

[1] This tariff contains fares between the United States, on the one hand, and Bermuda, Mexico City, and San Juan, on the other, and the surcharges in question apply when such travel is via Boston-Philadelphia.

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86–587, the Civil Service Commission has determined that for the positions in the lists below there is a manpower shortage.

While the lists are arranged by occupational groups and series established under the Classification Act of 1949, as amended, comparable occupations not subject to the Classification Act are also included.

Any agency having positions in the occupations listed may pay travel and transportation costs of appointees to such positions in accordance with travel regulations issued by the Bureau of the Budget.

List A. Geographical coverage is nationwide—i.e., the fifty States and the District of Columbia.

Group or series code	Occupation
GS-015	Operations research.
GS-602	Medical officer.
GS-690	Industrial hygiene.
GS-800	All professional engineering series.
GS-1040	Architecture.
GS-1221	Patent advisor.
GS-1224	Patent examiner.
GS-1301	Physical science administration.
GS-1306	Health physics.
GS-1310	Physics.
GS-1313	Geophysics.
GS-1320	Chemistry.
GS-1321	Metallurgy.
GS-1330	Astronomy.
GS-1340	Meteorology.
GS-1350	Geology.
GS-1360	Oceanography.
GS-1372	Geodesy.
GS-1390	Technology (plastics, rubber, rubber and plastics, photographic equipment, packaging and preservation, industrial radiography, aviation survival equipment).
GS-1529	Mathematics.
GS-1530	Mathematical statistics.
GS-1815	Pharmacology.
GS-1061	Landscape architecture.
GS-1510	Actuary.
GS-1380	Forest products technology.
GS-020	Urban planning.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-7573; Filed, Aug. 12, 1960; 8:47 a.m.]

List B. Limited geographical coverage.

Group or series code	Occupation or position	Geographical coverage
GS-020	Military installation Planner	District Public Works Office, Twelfth Naval District, San Bruno, Calif.
	Inhalation Therapist, GS-7	Walter Reed Army Medical Center, Washington, D.C.
GS-802	Engineering aid and technician	California.
GS-816	Cartographic drafting	Do.
GS-817	Surveying technician	Do.
GS-818	Engineering drafting	St. Paul-Minneapolis area and in States of California and Utah.
GS-856	Electronic Technician	States of California, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Oregon, Washington, and Wyoming.
GS-1410-11	Technical librarian (administration-physical sciences and engineering) GS-11 (unique position).	U.S. Naval Ordnance Test Station, Pasadena Annex, Pasadena, Calif.
GS-1710	College instruction and administration (aerodynamics; chemistry; design; electrical engineering; engineering, general; mathematics; mechanics; metallurgy; physics; scientific and/or engineering).	Dayton, Ohio area.
	Faculty positions in engineering, physical science, and mathematics.	U.S. Naval Academy, Annapolis, Md., and Naval Postgraduate School, Monterey, Calif.
	Scientific director, U.S. Navy Medical Neuropsychiatric Research Unit, San Diego, Calif.	U.S. Navy Medical Neuro-psychiatric Research Unit, San Diego, Calif.
	Positions at grade GS-12 (or equivalent) and above which require services of an individual who qualifies as a physical, biological, or mathematical scientist.	National Science Foundation, Washington, D.C.
GS-1681	Aircraft pilot (flight test inspector)	Los Angeles, California, and Seattle, Wash., areas.
	Glass apparatus maker	Naval Ordnance Test Station, China Lake, Calif.
GS-610 & 615	Professional and public health nurse	Continental U.S. excluding Alaska.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13381, 13439; FCC 60M-1355]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13381; Regulations and charges for components of a distinctive tone and circuit assurance arrangement; American Telephone and Telegraph Company, et al., Docket No. 13439; Regulations and charges for certain equipment on an 82-B-1 type relay system for use in connection with private line, teletypewriter service.

The Hearing Examiner having under consideration a motion filed on August 3, 1960, by the Common Carrier Bureau, requesting that the prehearing conference presently scheduled for September 1, 1960, and the hearing presently scheduled for September 21, 1960 in the above-entitled proceeding, be continued indefinitely; and

It appearing that a "Motion to Dismiss the Proceeding", filed on July 12, 1960, by California Water and Telephone Company, will not be acted on by the Commission, due to the August recess, until at least early in September 1960, and, as a result, the parties hereto, in the event the Motion to Dismiss is denied, will not have sufficient time to exchange their direct cases prior to the hearings as now scheduled; and

It further appearing that counsel for all parties to the proceeding have stated they have no objection to the continuance requested;

It is ordered, This 8th day of August 1960, that the motion be and it is hereby granted; and the prehearing conference and hearing in the above-entitled proceeding, presently scheduled for September 1, 1960 and September 21, 1960, respectively, be and they are hereby continued, pending action by the Commission on the Motion to Dismiss referred to above, to a time to be specified in a subsequent order.

Released: August 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7587; Filed, Aug. 12, 1960; 8:48 a.m.]

[Docket No. 13484; FCC 60M-1364]

CANANDAIGUA BROADCASTING CO., INC.

Order Scheduling Hearing

In re application of Canandaigua Broadcasting Company, Inc., Canandaigua, New York, Docket No. 13484, File No. BP-13031; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 8th day of August 1960, that hearing heretofore continued without date is now scheduled for September 12, 1960, at 9:00 a.m., at the Commission's offices in Washington, D.C.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7588; Filed, Aug. 12, 1960; 8:48 a.m.]

[Docket No. 13676 etc.; FCC 60M-1359]

CIRCLE L, INC., ET AL.

Order for Prehearing Conference

In re applications of Circle L, Inc., Reno, Nevada, Docket No. 13676, File No. BPCT-2656; Electron Corporation, tr/as Reno Telecasting Co., Reno, Nevada, Docket No. 13677, File No. BPCT-2662; Sierra Television Co., Reno, Nevada, Docket No. 13678, File No. BPCT-2698; Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger, d/b as Rocky Mountain Tele Stations, Reno, Nevada, Docket No. 13679, File No. BPCT-2750; Nevada Broadcasters' Fund, Inc., Reno, Nevada, Docket No. 13680, File No. BPCT-2753; Comstock Telecasting Corporation, Reno, Nevada, Docket No. 13681, File No. BPCT-2754; for construction permits for new television broadcast stations (Channel 4).

A prehearing conference in the above-entitled proceeding will be held on Monday, September 19, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

Released: August 9, 1960.

It is so ordered, This the 8th day of August 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7589; Filed, Aug. 12, 1960; 8:48 a.m.]

[Docket No. 13758]

BERT CUBBEDGE

Order To Show Cause

In the matter of Bert Cubbedge, Edgewater, Florida, Docket No. 13758, order

to show cause why there should not be revoked the license for radio station WH-5889 aboard the vessel "Lou."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notices of Violation were mailed to the licensee on December 7, 1959, and April 14, 1960. Both of these notices alleged that on December 5, 1959, the licensee had violated § 8.156 of the Commission's rules in that he did not have an operator's license available for inspection.

It further appearing that the above-named licensee received said Official notices but did not make satisfactory reply thereto, whereupon the Commission, by letters dated January 7, and May 19, 1960, and sent by Certified Mail—Return Receipt Requested (Nos. 877816 and 877855, respectively) brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letters within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letters might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letters were acknowledged by the signature of the licensee's agent, Mrs. Bert Cubbedge, on Jan. 9, 1960 & May 21, 1960, respectively, to Post Office Department return receipts; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letters, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 8th day of August 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7590; Filed, Aug. 12, 1960; 8:48 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13540 etc.; FCC 60M-1358]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Scheduling Prehearing Conference

In re applications of Macon Broadcasting Company (WNEX), Macon, Georgia, Docket No. 13540, File No. BP-12261; Johnston Broadcasting Company (WJLD) (George Johnston, Jr., and Rose Hood Johnston, Partners), Homewood, Alabama, Docket No. 13541, File No. BP-12559; E. H. Eiland, Jr., Union Springs, Alabama, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy, and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zess, d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Docket No. 13545, File No. BP-13133; Elberton Broadcasting Company (WSGC), Elberton, Georgia, Docket No. 13546, File No. BP-13405; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 8th day of August 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., September 15, 1960, and the hearing heretofore scheduled for that date is continued to a date to be fixed at the prehearing conference.

Released: August 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7591; Filed, Aug. 12, 1960; 8:48 a.m.]

[Docket No. 13222 etc.; FCC 60M-1373]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Order Scheduling Prehearing Conference

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439; F. E. Lackey, Pierce E. Lackey and William Ellis Wilson, d/b as Richmond Broadcasting Company, Centerville, Indiana, Docket No. 13223, File No. BP-11625; Charles H. Chamberlain, Urbana, Ohio, Docket No. 13224, File No. BP-11736; Mt. Vernon Radio and Television Company (WMVK), Mt. Vernon, Illinois, Docket No. 13226, File No. BP-11829; M. M. Lawrence and Ruel O. Thomas, d/b as Lake Cumberland Broadcasting Company, Jamestown, Kentucky, Docket No. 13228, File No. BP-12213; Sam Kamin and James A. Howenstine, d/b as Citizens Broadcasting Company, Lima, Ohio, Docket No. 13230, File No. BP-12319; Virginia-Kentucky Broadcasting Company, Incorporated (WNRG), Grundy, Virginia, Docket No. 13231, File No. BP-12326; J. B. Crawley, R. L. Turner, W. B. Kelly and Dean Harden, d/b as Shelby Broadcasting Company, Shelbyville, Kentucky, Docket No. 13232, File No. BP-12352; Richard M. Pomeroy and Bessie M. Pomeroy, d/b as Radio 940, South Haven, Michigan, Docket No. 13233, File No. BP-12373; Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis and John B. Skelton, Jr., d/b as WCPC Broadcasting Company (WCPC), Houston, Mississippi, Docket No. 13235, File No. BP-12420; W.L.K.Y., Inc., Lexington, Kentucky, Docket No. 13237, File No. BP-12498; Miami Valley Christian Broadcasting Association, Incorporated, Miamisburg, Ohio, Docket No. 13239, File No. BP-12640; Charles F. Trivette and Herman G. Dotson, d/b as Western Ohio Broadcasting Co., Delphos, Ohio, Docket No. 13241, File No. BP-12779; Raymond I. Kandel and Gus Zaharis, Zanesville, Ohio, Docket No. 13242, File No. BP-12812; Continental Broadcasting Company, Cincinnati, Ohio, Docket No. 13246, File No. BP-13088; Clarence C. Moore, tr/as Fort Wayne Broadcasting Company, Fort Wayne, Indiana, Docket No. 13249, File No. BP-13120; Muskingum Broadcasting Company, Zanesville, Ohio, Docket No. 13654, File No. BP-13157; for construction permits.

The Hearing Examiner having under consideration the procedure for the

further hearing in the above-styled proceeding; and

It appearing that the hearing involving Group 2 in this proceeding had heretofore been continued pending designation by the Commission of the application of Muskingum Broadcasting Company, File No. BP-13157, Docket No. 13654, for hearing in this consolidated proceeding; and

It further appearing that the Commission, on July 7, 1960, made such designation;

It is ordered, This 9th day of August 1960, that a further hearing conference for Group 2 of the above-entitled proceeding will be held in the offices of the Commission at 9 a.m., on September 2, 1960, for the purpose of fixing a new schedule of hearing dates and to consider such other matters as may seem appropriate.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7592; Filed, Aug. 12, 1960; 8:48 a.m.]

[Docket No. 13757]

DON G. MORRISON

Order To Show Cause

In the matter of Don G. Morrison, 3309 Robbin Hood, Texarkana, Texas, Docket No. 13757, order to show cause why there should not be revoked the license for Citizens Radio Station 8W1013.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the above-named licensee on April 7, 1960, alleging that on March 30, 1960, the above-captioned radio station was found to be in violation of § 19.61(g) of the Commission's rules by failing to address its radio communications to a specific person or station.

It further appearing that the above-named licensee received said official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated May 27, 1960, and sent by Certified Mail—Return Receipt Requested (No. 125231), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Donna Morrison on May 31, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 5th day of August 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7593; Filed, Aug. 12, 1960; 8:48 a.m.]

[Docket No. 13660 etc.; FCC 60M-1353]

NORTH GEORGIA RADIO, INC. (WBLJ) ET AL.

Notice of Conference

In re applications of North Georgia Radio, Inc. (WBLJ), Dalton, Georgia, Docket No. 13660, File No. BP-12590; Woofum, Inc. (WFOM), Marietta, Georgia, Docket No. 13661, File No. BP-12617; Regional Broadcasting Corporation (WMMT), McMinnville, Tennessee, Docket No. 13662, File No. BP-13404; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 3:00 p.m. on Monday, September 19, 1960, in Washington, D.C.

Dated: August 8, 1960.

Released: August 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7594; Filed, Aug. 12, 1960; 8:49 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13579 etc.; FCC 60-997]

CHARLES P. B. PINSON, INC.

Order Continuing Hearing

In re applications of Charles P. B. Pinson, Inc., Docket No. 13579, File No. 683-C2-P-59; for a construction permit to change location and change antenna at existing licensed two-way station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida; Docket No. 13580, File No. 684-C2-P-59; for a construction permit to change location and change antenna at existing licensed one-way station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida; Docket No. 13581, File No. 785-C2-P-59; for a construction permit to establish a new one-way signaling facility in the Domestic Public Land Mobile Radio Service at Clearwater, Florida; Docket No. 13582, File No. 263-C2-MP-60; for a modification of construction permit to extend date of required completion of construction and change control point for station KIN652 in the Domestic Public Land Mobile Radio Service at Jacksonville, Florida; Docket No. 13583, File No. 207-C2-R-60; for renewal of the license for station KIB386 in the Domestic Public Land Mobile Radio Service at Tampa, Florida; Docket No. 13584, File No. 1069-C2-R-60; for renewal of the license for station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida; Docket No. 13585, File No. 1380-C2-R-60; for renewal of the license for station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of August 1960;

The Commission having under consideration the matters of record in the above-entitled proceeding; and

It appearing that hearing in the proceeding is scheduled to commence on September 12, 1960;

It further appearing that a Motion to Deny, in Part, and Strike, in Part, Portions of a Document Purporting to be a Notice of Appearance filed by the Common Carrier Bureau on July 8, 1960; and a Motion to Strike Notice of Appearance filed by Alan H. Rosenson, d/b/a All-Florida Communications Company on July 12, 1960, await the action of the Commission en banc, which pleadings should, in the interest of orderly procedure, be ruled on prior to the commencement of the proceeding;

It further appearing that it is improbable that the Commission en banc will have an opportunity to rule on the said interlocutory pleadings prior to September 12, 1960;

It is ordered, On the motion of the Commission, that the hearing now scheduled to commence on September 12, 1960, is continued to a date to be set by the Hearing Examiner subsequent to the disposal by the Commission en banc of the above-referenced interlocutory pleadings.

Released: August 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7595; Filed, Aug. 12, 1960; 8:49 a.m.]

[Docket Nos. 13318, 13319; FCC 60M-1374]

UNITED ELECTRONICS LABORATORIES, INC., AND KENTUCKIANA TELEVISION, INC.

Order Scheduling Hearing

In re applications of United Electronics Laboratories, Inc., Louisville, Kentucky, Docket No. 13318, File No. BPCT-2640; Kentuckiana Television, Incorporated, Louisville, Kentucky, Docket No. 13319, File No. BPCT-2652; for construction permits for new television broadcast stations (Channel 51).

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 9th day of August 1960, that the hearing herein, which was continued without date by order of July 12, 1960, is rescheduled for September 2, 1960, at 10:00 a.m.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7596; Filed, Aug. 12, 1960; 8:49 a.m.]

[Docket No. 13630; FCC 60M-1360]

UNIVERSAL COMMUNICATIONS CO.

Order for Prehearing Conference

In re application of Cecil M. Fox, d/b as Universal Communications Company, Docket No. 13630, File No. 3532-C2-R-60; for renewal of the license for Station KQA342; a two-way facility in the Domestic Public Land Mobile Radio Service at Toledo, Ohio.

A prehearing conference in the above-entitled proceeding will be held on Wednesday, September 14, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 8th day of August 1960.

Released: August 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7597; Filed, Aug. 12, 1960; 8:49 a.m.]

[Docket No. 13691; FCC 60M-1368]

THEODORE R. WELCH

Order Scheduling Hearing

In the matter of Theodore R. Welch, Spokane, Washington, Docket No. 13691, order to show cause why there should not be revoked the license for Citizens Radio Station 14W0184.

It is ordered, This 9th day of August 1960, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1960, in Washington, D.C.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7598; Filed, Aug. 12, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 364]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 10, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63457. By order of August 8, 1960, The Transfer Board approved the transfer to Syracuse Transfer, Inc., Mattydale, New York, of a certificate in No. MC 113881 Sub 1, issued March 1, 1960, to Edward A. DeBoer, Sr., doing business as DeBoer's Syracuse Transfer-Storage Co., Syracuse, New York, which authorizes the transportation of new furniture, uncrated, over irregular routes, from Syracuse and Fayetteville, N.Y., to New York, N.Y., New Haven, Conn., Boston and Springfield, Mass., Newark, Teaneck, and Rutherford, N.J., Philadelphia, Pittsburgh, Reading, Jacobus, Carlisle, Easterly, and Sunbury, Pa., Baltimore, Md., and Washington, D.C. Herbert M. Canter, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y., for applicants.

No. MC-FC 63460. By order of August 8, 1960, The Transfer Board approved the transfer to Joseph E. Shaver, doing business as Joe Shaver Transfer, 134 Lake Avenue, Salem, Virginia, of a Certificate in No. MC 74741, issued April 8, 1960, to Arnold's Transfer and Storage Co., Inc., 3218 Salem Turnpike NW., P.O. Box 6098, Roanoke, Virginia, which authorizes the transportation of household goods, as defined by the Commission, office furniture and equipment, and store fixtures, between Roanoke, Va., and points within 10 miles of Roanoke, on the one hand, and, on the other, points in North Carolina and West Virginia.

No. MC-FC 63468. By order of August 8, 1960, The Transfer Board approved the transfer to Charles H. McCreary, Inc., Newark, Ohio, of Certificate in No. MC 111851 Sub 1, issued September 19, 1958, to Charles H. McCreary, 605 Garfield Ave., Newark, Ohio, authorizing the transportation of: Commodities in bulk (other than liquids and except fly ash) in vehicles especially designed for the transportation of dry bulk commodities, and in bulk shipping containers which require the use of special equipment for loading and unloading, and returned empty containers used in the transportation of such commodities, between points in various counties in Ohio on the one hand, and, on the other, points in West Virginia, Pennsylvania, Kentucky, Indiana, and Michigan, subject to certain restrictions; limestone and limestone products from points in Wyandot County, Ohio, to points in Indiana, and West Virginia, and empty containers used in the transportation of the commodities specified immediately above, and dry bulk commodities used in the production of limestone products, from points in Indiana and West Virginia, to points in Wyandot County, Ohio.

No. MC-FC 63471. By order of August 8, 1960, The Transfer Board approved the transfer to TL, Inc., Staunton, Ill., of a Certificate in No. MC 33670, issued February 1, 1950, to Charles Holeschek, doing business as Staunton Transfer, Staunton, Ill., which authorizes the transportation, over regular routes, of calves, poultry, machinery and machinery parts, between Mt. Olive, Ill., and St. Louis, Mo., general commodities, excluding household goods and other specified commodities, from St. Louis, Mo., to Mt. Olive, Ill., and between Livingston, Ill., and St. Louis, Mo., and over irregular routes, livestock and agricultural commodities, from points in Macoupin County, Ill., and those in Madison County, Ill., on U.S. Highway 66 and Illinois Highway 112 to St. Louis, Mo., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from St. Louis, Mo., to points in Macoupin

County, Ill., and those in Madison County, Ill., on U.S. Highway 66 and Illinois Highway 112. Thomas A. Graham, 10 S. LaSalle Street, Chicago 3, Ill., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-7580; Filed, Aug. 12, 1960; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 121-A]

LONG ISLAND RAIL ROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 121 (The Long Island Rail Road Company) and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I.C.C. Order No. 121, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a.m., August 5, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 5, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-7581; Filed, Aug. 12, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20032 etc.]

BEN BOLT GATHERING CO. ET AL.

Notice of Applications, Consolidation, and Date of Hearing

AUGUST 10, 1960.

In the matter of Ben Bolt Gathering Company, Docket No. G-20032; Associated Oil & Gas Co., et al., Docket No. G-20058; Carrl Oil, Operator, Docket No. G-20331; East White Point Gathering Company, Docket No. G-20355; Engeo Gathering Company, Docket No. G-20356; Engeo Oil & Gas Company, Operator, Docket No. G-20357; Burdette Graham, Operator, Docket No. G-20360.

Take notice that applications for certificates of public convenience and necessity have been filed in the above-captioned proceedings, pursuant to section 7(c) of the Natural Gas Act, authorizing the respective applicants therein to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each of said applicants proposes to sell natural gas in interstate commerce for resale. Basic information concerning these applications and proposals is tabulated below.

Docket No.	Dates filed	Applicant and address	Source of gas	Purchaser	See below [1]
G-20360....	12-11-59	Burdette Graham, Operator, 804 Driscoll Building, Corpus Christi, Tex.	Midway Field Area, San Patricio County, Tex.	East White Point Gathering Co.	8.5 cents, No. 3.
G-20355....	12-10-59	East White Point Gathering Co.[2], 1801 Driscoll Building, Corpus Christi, Tex.	do (G-20360).	Ben Bolt Gathering Co.[3]	13.0 cents, No. 1.
G-20357....	12-11-59	Engeo Oil & Gas Co., Operator,[4] 1801 Driscoll Building, Corpus Christi, Tex.	Midway Field Area, San Patricio County, Tex.	Engeo Gathering Co.[5]	9.0 cents, No. 3.
G-20356....	12-10-59	Engeo Gathering Co., 1801 Driscoll Building, Corpus Christi, Tex.	do (G-20357).	Ben Bolt Gathering Co.[3]	13.0 cents, No. 1.
G-20058....	11-4-59	Associated Oil & Gas Co., et al,[6] 1410 Bank of the Southwest Building, Houston, Tex.	Various units leases and acreage, Jim Wells, Duval, and Nueces Counties, Tex.	do[3]	16.0 cents, No. 7.
G-20331....	12-8-59	Carrl Oil, et al., P.O. Box 576, Corpus Christi, Tex.	Papalote Field, Bee County, Tex.	do[3]	15.0 cents, No. 3.
G-20032....	10-30-59 12-21-59	Ben Bolt Gathering Co.[3], P.O. Box 458, Corpus Christi, Tex.	(G-20355) (G-20356). (G-20058). (G-20331).	Peoples Gulf Coast Natural Gas Pipeline Co.[7]	20.0 cents, No. 1.

[1] Base initial price in cents per Mcf and FPC gas rate schedule number.

[2] A partnership composed of S. A. Story, Jr., and Homer C. Easterwood.

[3] A Texas corporation, as assignee of Coastal States Gas Producing Co., under instrument of assignment executed Oct. 29, 1959.

[4] Application filed by S. A. Story, Jr., President.

[5] A partnership composed of John D. Cummins, Murphy L. Walker, and S. A. Story, Jr., as assignee of Coastal States Gas Producing Co., under instrument of assignment executed Oct. 29, 1959.

[6] A joint application on behalf of all signatory and non-signatory coowners filed by Associated Oil & Gas Co., Investors Syndicate of the Southwest, Inc., Gulf States Development Corp., H. J. Mosser, and Bank of the Southwest National Association, Houston, Trustee, each as an operator of different properties, and L. M. Fischer as a signatory coowner of certain other properties operated by Mosser-Fischer Gasoline Co., a non-signatory coowner.

[7] Successor in interest to Texas Illinois Natural Gas Pipeline Co. pursuant to order issued in Docket No. G-19963 on Dec. 8, 1959.

Each of the applicants also seeks authorization to construct and operate facilities.

In Docket No. G-20355, East White proposes to construct and operate, inter alia, approximately ½ mile of 2- and 3-inch line together with wellhead meters and, at the point of delivery to Ben Bolt, a two stage 250 H.P. Compressor and separator. These facilities will be used for the purpose of enabling East White to transport gas purchased at up to 600 lbs. psig.[1] from Graham (G-20360) at or near the wellhead to the point of delivery[2] to Ben Bolt at up to 1,000 lbs. psig.

In Docket No. G-20356, Engeo Gathering proposes to construct and operate, inter alia, approximately 1.8 miles of 2½-inch line, 1.7 miles of 3-inch line, and 1.5 miles of 4½-inch line together with wellhead meters and, at the point of delivery to Ben Bolt, a two stage 450 H.P. Compressor and separator. These facilities will be used for the purpose of enabling Engeo Gathering to transport gas purchased at up to some as yet unspecified[1] pressure from Engeo Oil & Gas (G-20357) at or near the wellhead to the point of delivery[2] to Ben Bolt at up to 1,000 lbs. psig.

As a part of its application in Docket No. G-20032, Ben Bolt proposes to construct and operate, inter alia, approximately 27 miles of 8-inch line extending in a northwesterly direction from points of connection with the proposed facilities of East White (G-20355) and Engeo Gathering (G-20356) at their proposed points of delivery to Ben Bolt in San Patricio County, Texas, as aforesaid, to a point of interconnection with Peoples Gulf Coast Natural Gas Pipeline Company's existing 26-inch line located in said San Patricio County. These facilities will be used for the purpose of enabling Ben Bolt to transport gas purchased by it from East White and Engeo Gathering for resale and delivery to Peoples. Ben Bolt also proposes to construct and operate, inter alia, apparently as an extension of its aforesaid line, approximately 11 miles of line extending northwesterly from the aforesaid point of interconnection of its proposed facilities with those of People's to a central point in the Papalote Field, Bee County, Texas. These facilities will be used for the purpose of enabling Ben Bolt to transport gas purchased by it from Carrl Oil (G-20331) in said field for resale and delivery to Peoples.

In Docket No. G-20058, Associated Oil and Gas proposes to construct and operate, inter alia, approximately 15.6 miles of 4, 6 and 8-inch line. These facilities will be used for the purpose of enabling Associated Oil & Gas to transport gas produced by it from various dedicated leases located in Duval and Jim Wells Counties, Texas, to a point of connection with the western terminus of one of Ben Bolt's proposed lines. As the remaining part of its application in Docket No. G-20032, Ben Bolt proposes to construct and operate approximately 38 miles of 8 and 10-inch line extending in an easterly direction from the aforesaid point of connection with Associated Oil & Gas Co's. proposed facilities to the South-Tex Corporation's Gasoline Plant, located in Agua Dulce Field, Nueces County, Texas, and thence about 1,000 yards to a point of interconnection with Peoples Gulf Coast Natural Gas Pipeline Company's existing 26-inch line located in said Nueces County. These facilities will be used for the purpose of enabling Ben Bolt to transport gas purchased and received at up to 1,000 lbs. psig from Associated Oil & Gas Company at the aforesaid point of delivery in Jim Wells County to South-Tex at not less than 800 lbs. psig for processing and thence to Peoples at up to 900 lbs. psig. Ben Bolt also proposes to operate South-Tex Corporation's existing 5.6 miles of 4-inch line extending northerly from a point of connection with the aforesaid proposed line of Ben Bolt at the outlet side of the aforesaid gasoline plant to a point north of Banquete. These facilities will be used for the purpose of enabling Ben Bolt to transport into its proposed line connecting with People's line, as aforesaid, compressed gas proposed to be sold by Associated Oil & Gas Company to Ben Bolt from production of the Bennett Unit #1 consisting of various leases situated in or adjoining the original Townsite of Banquete, Nueces County, Texas.

Except to the limited extent that the facilities proposed to be operated or constructed and operated may be fully and accurately indicated in whole or in part on certain exhibits, viz, small scale maps, to the applications, no description of these facilities is contained in the applications. The applications do not contain any estimates of the costs of construction with respect to the proposed facilities or indicate how such costs are to be financed. No information has been supplied with respect to any arrangements made or to be made with South-Tex Corporation. No data has been submitted reflecting revenues, operating expenses, debt service, net income and rate of return. Estimates of the volume of reserves to be attached have not been supplied. The discrepancy between the daily contract quantity of gas (10,000 Mcf) to be supplied by Ben Bolt to Peoples and the total daily contract quantity to be sold to Ben Bolt by the other applicants (24,000 Mcf) according to the estimated first month billing statements has not been explained. No data has been submitted in support of the various prices at which the gas is proposed to be sold particularly as proposed by Ben Bolt. Nor has any data been submitted in support of the various differentials in the prices at which the gas is to be purchased and sold as proposed by East White, Engeo Gathering and Ben Bolt, respectively. Among other questions, those of price, affiliation, and feasibility are raised by the instant applications.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 29, 1960.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-7583; Filed, Aug. 12, 1960; 8:48 a.m.]

[1] Pressure provision waived with respect to gas produced from one of the three dedicated leases, viz. the Champlin lease, and to become effective with respect to that lease upon cessation of sale and delivery of gas by Graham from the Champlin lease to Coastal States Gas Producing Company under contract dated December 1, 1956, as amended July 17, 1957.

[2] The point of delivery to Ben Bolt by East White in Docket No. G-20355 is approximately 0.4 mile south of the point of delivery to Ben Bolt by Engeo Gathering in Docket No. G-20356.

[2] See blank space on page 8 of Engeo Oil & Gas Co's. FPC Gas Rate Schedule No. 3. The Engeo Oil & Gas Co. contract, supplying gas to Engeo Gathering, contains an option permitting Engeo Gathering to charge Engeo Oil & Gas Co. 1.5 cents per Mcf for all gas compressed or taken into a lower pressure system by Engeo Gathering in the event the natural wellhead pressure of any of Engeo Oil & Gas Co's. wells is below the aforesaid unspecified pressure.

[Docket No. CP61-3]

ARKANSAS LOUISIANA GAS CO.

Notice of Application and Date of Hearing

AUGUST 5, 1960.

Take notice that on July 5, 1960, as supplemented on July 13, 1960, Consolidated Gas Utilities Corporation (now Arkansas Louisiana Gas Company)[1] (Applicant) filed in Docket No. CP61-3 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon two portable 225 horsepower compressor units and appurtanences, one located at Applicant's Pitsch Compressor Station and one located at Applicant's Twitty Compressor Station, both of which stations are in the Panhandle area of Wheeler County, Texas, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicant states that recent declines and anticipated further rapid declines in deliveries of natural gas from the Texas Panhandle Field make the two compressor units at these stations unnecessary. The horsepower capacity at Pitch would be reduced from 2, 175 to 1,950, and said capacity at Twitty would be reduced from 2,050 to 1,825.

Applicant further states that the subject compressor units are urgently needed on its intrastate system in Caddo County, Oklahoma, because of declining field pressures in that area, and it is proposed to move them to that location.

It is stated that the removal of these two compressor facilities from their present locations will not deprive any customer of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 6, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 26, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 60-7559; Filed, Aug. 12, 1960; 8:45 a.m.]

[1] Arkansas Louisiana Gas Company was authorized to acquire and operate all of the facilities of Consolidated Gas Utilities Corporation by Commission order issued July 27, 1960.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

AUGUST 9, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interests requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudu-

lent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 10, 1960, to August 19, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7565; Filed, Aug. 12, 1960; 8:46 a.m.]

[File No. 1-507]

F. E. MYERS AND BRO. CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 9, 1960.

In the matter of F. E. Myers & Bro. Company, common stock, File No. 1-507.

Midwest Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: "A liquidating dividend representing substantially all of the assets of the company has been paid and the issue is no longer considered suitable for the listed market."

Upon receipt of a request, on or before August 26, 1960 from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7566; Filed, Aug. 12, 1960; 8:46 a.m.]

[File No. 7-2076]

GENERAL MILLS, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 9, 1960.

In the matter of application of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: General Mills, Inc., File No. 7-2076.

Upon receipt of a request, on or before August 26, 1960 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7567; Filed, Aug. 12, 1960; 8:46 a.m.]

[File No. 812-1327]

OLIN MATHIESON SHIP FINANCING CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

AUGUST 8, 1960.

Notice is hereby given that Olin Mathieson Ship Financing Corporation ("Financing"), a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Financing from all the provisions of the Act.

The application states that Financing is a wholly-owned subsidiary of Olin Mathieson Shipping Corporation ("Shipping"), a Liberian corporation all of whose stock is owned by a Panamanian corporation, a wholly-owned subsidiary of Olin Mathieson Chemical Corporation ("Olin Mathieson"), a Virginia corporation engaged in manufacturing a wide range of products. Olin Mathieson has entered into an aluminum program whereby it will become an integrated producer and fabricator of aluminum and aluminum products. As part of this program, Olin Mathieson has participated in the formation of a Guinea corporation called Fria, Campagnie Internationale pour la Production de l'Alumine ("Fria") for the purpose of mining extensive bauxite deposits in Guinea. The bauxite will be refined into alumina for shipment to the founding shareholders of Fria, a group consisting of Olin Mathieson and French, Swiss and British aluminum companies.

It is stated further that in order to carry its share of the Fria alumina, Olin Mathieson has caused Shipping to enter into a construction contract with an Italian yard for the construction of a combination vessel ("Vessel"). Shipping will borrow the funds to pay for the construction of the Vessel from Financing, and will issue a demand note therefor. Financing will obtain the funds to be loaned to Shipping by the issuance of bonds to The Prudential Insurance Company of America in an aggregate principal amount not exceeding $9,500,000. The note issued by Shipping will be pledged by Financing with Bankers Trust Company as Trustee ("Trustee") under an Indenture with Financing. As additional security, all the issued and outstanding capital stock of Financing will be pledged by Shipping with the Trustee.

The application also states that Financing will serve only as a debt financing vehicle to facilitate the financing of Shipping's vessel. Financing will not trade in the Shipping notes and will not own or hold the securities of any other company. It will be organized in such a way that it receives only enough money to pay its operating expenses. It will not operate at a profit and will pay no dividends. Financing's sole asset, the Shipping note, will be pledged with the trustee and will be discharged by direct payments by Shipping to the trustee with such payments simultaneously discharging Financing's obligations under its notes. Financing will not deal with the Shipping note after the initial act of pledging them with the trustee. None of the outstanding securities of Financing will be held by the public.

Section 6(c) of the Act provides that the Commission, may conditionally or unconditionally, exempt any persons, securities or transactions, from any provision of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Financing urges that it is not necessary or appropriate in the public interest or consistent with the protection of investors that Financing be subject to the provisions of the Act since it will be merely a debt financing vehicle for one aspect of Olin Mathieson's activities, its only asset will be the demand note of Shipping which it does not intend to sell or trade and it will not own or trade in any other securities or have any of its own securities outstanding in the hands of the public.

Notice is further given that any interested person may, not later than August 19, 1960, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, application may be granted as provided in Rule 0-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7569; Filed, Aug. 12, 1960; 8:46 a.m.]

[File No. 1-1233]

McCORD CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 9, 1960.

In the matter of McCord Corporation, $2.50 Cumulative Preferred Stock, File No. 1-1233.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: "Only 8,700 shares remain in public hands, with only 165 holders of record."

Upon receipt of a request, on or before August 26, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7568; Filed, Aug. 12, 1960; 8:46 a.m.]

[File No. 70-3894]

SOUTHERN ELECTRIC GENERATING CO.

Notice of Filing of Application Regarding Proposed Issuance of Short-Term Notes to Banks

AUGUST 8, 1960.

Notice is hereby given that Southern Electric Generating Company ("SEGCO"), a direct public-utility subsidiary of Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), exempt holding companies and public-utility subsidiary companies of The Southern Company, a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the issuance and sale of up to $28,000,000 face amount of short-term notes to banks. SEGCO has designated section 6(b) of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

From time to time during the period from September 1, 1960, to July 1, 1961, SEGCO proposes to issue to the following named banks promissory notes up to the aggregate maximum amount indicated.

Banks	Percentages of each borrowing	Maximum amounts of notes to be issued
	Percent	
Bankers Trust Co., New York, N.Y.	8.0	$2,240,000
Birmingham Trust National Bank, Birmingham, Ala.	1.5	420,000
The Chase Manhattan Bank, New York, N.Y.	10.0	2,800,000
Chemical Bank New York Trust Co., New York, N.Y.	15.0	4,200,000
The Citizens & Southern National Bank, Atlanta, Ga.	5.5	1,540,000
The First National Bank of Atlanta, Atlanta, Ga.	5.5	1,540,000
The First National Bank of Birmingham, Birmingham, Ala.	2.5	700,000
The First National City Bank of New York, New York, N.Y.	20.0	5,600,000
The Fulton National Bank, Atlanta, Ga.	1.0	280,000
Irving Trust Co., New York, N.Y.	8.0	2,240,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	15.0	4,200,000
Trust Co. of Georgia, Atlanta, Ga.	4.0	1,120,000
United States Trust Co. of New York, New York, N.Y.	4.0	1,120,000
Total	100.0	28,000,000

The proposed notes will be unsecured, will mature in not more than twelve months from the date on which the first note is issued, and will bear interest at not in excess of the prime rate (presently 5 percent per annum) in effect at The First National City Bank of New York in New York City at each issue date. The notes may be prepaid in whole or in part, without penalty, upon twenty-four hours written notice.

It is stated in the application that the proceeds derived from the sale of the proposed notes will be used to continue the construction of the SEGCO No. 1 Steam Plant and that at or before maturity such notes will be paid in full from the proceeds of the public sale of debt securities of SEGCO and/or of the sale of additional common stock by SEGCO to Alabama and Georgia.

The application further states that no State commission, other than the Alabama Public Service Commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed issue of notes; and that no commissions, fees, expenses, remunerations, other than legal fees estimated at $1,250 and miscellaneous expenses estimated at $500, are to be paid in connection with the proposed issue of notes. It is expected that an order issued by the Alabama commission expressly authorizing the proposed transaction will be filed by amendment.

Notice is further given that any interested person may not later than August 25, 1960, request in writing that a hearing be held in respect of the application stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted, as provided in Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules and regulations under the Act, as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7570; Filed, Aug. 12, 1960; 8:46 a.m.]

[File No. 1-3854]

TEMCO AIRCRAFT CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 9, 1960.

In the matter of Temco Aircraft Corporation, Common Stock, File No. 1-3854.

Midwest Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated

thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: "Stockholders of the Company have authorized the sale of all of the property and assets of the Company to Ling-Temco Electronics, Inc. and approved dissolution of the Company."

Upon receipt of a request, on or before August 26, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7571; Filed, Aug. 12, 1960; 8:47 a.m.]

[File No. 1-3854]

TEMCO AIRCRAFT CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 9, 1960.

In the matter of Temco Aircraft Corp. Common Stock, File No. 1-3854.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: "Stockholders of the Company have authorized the sale of all of the property and assets of the Company to Ling-Temco Electronics, Inc. and approved dissolution of the Company."

Upon receipt of a request, on or before August 26, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7572; Filed, Aug. 12, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations §§ 522.1 to 522.11 are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; effective 7-27-60 to 7-26-61 (work shirts).

Bay Shore Togs, Locust Street, Keyport, N.J.; effective 7-27-60 to 7-26-61 (men's and boys' robes; children's pants, overalls, crawlers and pajamas).

Benton Industries, Inc., Colley Street, Benton, Pa.; effective 7-30-60 to 7-29-61 (men's and boys' sport shirts).

Bestform Foundations of Pennsylvania, Inc., Baumer and Cherry Streets, Johnstown, Pa.; effective 8-3-60 to 8-2-61 (brassieres and girdles).

Carbon Hill Manufacturing Corp., Carbon Hill, Ala.; effective 7-28-60 to 7-27-61 (men's and boys' dress slacks).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8-5-60 to 8-4-61 (men's sport shirts).

Delmeade Slacks, Inc., Gatlin Street, Okolana, Miss.; effective 7-21-60 to 7-20-61 (ladies' dress slacks).

Elder Manufacturing Co., Dexter, Mo.; effective 7-22-60 to 7-21-61 (men's and boys' shirts; boys' slacks).

Fox Knapp Manufacturing Co., Maple and Race Streets, Milton, Pa.; effective 7-27-60 to 7-26-61 (men's and boys' sportswear and outerwear).

Fox Knapp Manufacturing Co., Pine Grove, Pa.; effective 7-25-60 to 7-24-61 (men's and boys' mackinaws and jackets).

Fox Knapp Manufacturing Co., Laurel Street, Tremont, Pa.; effective 7-25-60 to 7-24-61 (men's and boys' mackinaws, etc.).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 7-29-60 to 7-28-61 (brassieres and girdles).

Hatley Sportswear, Inc., Hatley, Miss.; effective 8-12-60 to 8-11-61 (men's dress pants).

Helena Garment Co., Lepanto Division, Lepanto, Ark.; effective 7-23-60 to 7-22-61 (ladies' dresses).

Hortex Manufacturing Co., Inc., 100 South Cotton, El Paso, Tex.; effective 7-27-60 to 7-26-61 (boys' single pants).

Hunter-Sadler Co., Tupelo, Miss.; effective 7-29-60 to 7-28-61 (sport jackets).

Jane Sportswear Co., Mulberry Street, Lebanon, Ky.; effective 8-1-60 to 7-31-61. Learners may not be employed at special minimum wage rates in the production of separate skirts and lined jackets (ladies' slacks, shorts and unlined jackets).

Jeansco, Inc., 123 Pine Street, Petersburg, Va.; effective 7-29-60 to 7-28-61 (boys' and youths' western jeans).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 8-6-60 to 8-5-61 (boys' pants).

T. S. Lankford & Sons, 141 Walnut Street, Abilene, Tex.; effective 7-27-60 to 7-26-61 (Government utility trousers; work clothing).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S.C.; effective 7-23-60 to 7-22-61 (men's dress and sport shirts).

Linden Manufacturing Co., Birdsboro, Pa.; effective 8-7-60 to 8-6-61 (blouses).

Linden Manufacturing Co., Newmanstown, Pa.; effective 8-7-60 to 8-6-61 (blouses).

Linden Manufacturing Co., 845 North Ninth Street, Reading, Pa.; effective 8-7-60 to 8-6-61 (blouses).

Linden Manufacturing Co., 24 High Street, Womelsdorf, Pa.; effective 8-7-60 to 8-6-61 (blouses).

McMinnville Garment Co., McMinnville, Tenn.; effective 7-24-60 to 7-23-61 (men's and boys' single pants).

Martin Shirt Corp., Cookeville, Tenn.; effective 7-25-60 to 7-24-61 (men's and boys' dress and sport shirts).

Metro Pants Co., Bridgewater, Va.; effective 7-26-60 to 7-25-61 (boys' and juniors' pants).

The Moyer Co., Commerce and Walnut Streets, Youngstown, Ohio; effective 7-19-60 to 7-18-61 (men's slacks).

Patrician Frock Co., 30 Susquehanna Street, Jim Thorpe, Pa.; effective 7-20-60 to 7-19-61 (children's dresses).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa.; effective 8-3-60 to 8-2-61 (brassieres).

Roberts Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla.; effective 7-25-60 to 7-24-61 (boys', ladies', girls' and children's denim and twill jeans).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-60 to 7-21-61. Workers engaged in the production of woven sport shirts (sport shirts).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8-8-60 to 8-7-61 (men's and boys' dress trousers and outerwear shorts).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 8-1-60 to 7-31-61 (men's and boys' single pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-3-60 to 8-2-61 (men's and boys' single pants).

Sorrento Sportswear, Inc., 356 West Broad Street, Hazleton, Pa.; effective 7-27-60 to 7-26-61 (ladies' blouses, cardigans, slacks, shorts and pedal pushers).

Standard Shirt Co., McClure, Snyder Co., Pa.; effective 7-27-60 to 7-26-61 (women's pajamas).

Stapleton Garment Co., Stapleton, Ga.; effective 8-20-60 to 8-19-61 (men's and boys' cotton pants).

Tic Tac Co., Inc., Dicey Creek Road, R.F.D. No. 2, Camden, S.C.; effective 7-22-60 to 7-21-61 (children's outerwear).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-30-60 to 7-29-61 (ladies' rainwear).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; effective 7-26-60 to 7-25-61 (men's dress slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

ABC Manufacturing Co., Inc., 331 Main Street, Lilly, Pa.; effective 8-1-60 to 7-31-61; 10 learners (children's nightwear).

Badger Outerwear Manufacturing Co., 209-211 Franklin Street, Port Washington, Wis.; effective 8-7-60 to 8-6-61; five learners (men's jackets).

Barnwell Garment Co., Barnwell, S.C.; effective 7-29-60 to 7-28-61; 10 learners (ladies' robes and dresses).

Clayton Garment Co., Clayton, Ala.; effective 7-26-60 to 2-9-61; 10 learners (ladies' coveralls and blouses; boys' shirts) (replacement certificate).

Covington Manufacturing Co., 1019 Washington Street, Covington, Ind.; effective 7-27-60 to 7-26-61; 10 learners (men's blouse jackets, car and goal coats; boys' goal coats).

Dowling Textile Manufacturing Co., 179-185 Griffin Street, McDonough, Ga.; effective 7-29-60 to 7-28-61; 10 learners (hospital apparel for doctors, nurses and patients).

Dunmore Sewing Co., 105 Corner Street, Dunmore, Pa.; effective 7-21-60 to 7-20-61; 10 learners (children's dresses).

Fairmont Manufacturing Co., Inc., Fairmont, N.C.; effective 7-26-60 to 7-25-61; 10 learners (ladies' nightwear).

Jay Dee Manufacturing Co., 2308 North Albany Avenue, Tampa 7, Fla.; effective 7-21-60 to 7-20-61; 10 learners (boys' slacks, calypsos; men's walking shorts, etc.).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 7-29-60 to 7-28-61; 10 learners (leisure and work pants).

Mayville Co., Inc., Hillsville, Va.; effective 7-20-60 to 7-19-61; 10 learners (women's uniforms).

Michele Frocks, 210 North Main Avenue, Scranton, Pa.; effective 7-20-60 to 7-19-61; 10 learners (ladies' cotton dresses).

Mount Carmel Blouse Corp., 51 West Spruce Street, Mount Carmel, Pa.; effective 7-30-60 to 7-29-61; 10 learners (ladies' blouses).

Mount Vernon Corp., Mount Vernon, Ga.; effective 8-1-60 to 7-31-61; 10 learners (ladies' cotton house dresses and dusters).

Panola Inc. of Batesville, Linker Street, Batesville, Miss.; effective 8-5-60 to 8-4-61; 10 learners (girdles).

Pierro Manufacturing Co., 402 Pecan Avenue, Sanford, Fla.; effective 8-1-60 to 7-31-61; 10 learners (men's, ladies' and children's pajamas).

Rosemont Corp., 601 Lincoln Road, Oxford, Pa.; effective 8-3-60 to 8-2-61; 10 learners (ladies' dresses).

Wardensville Manufacturing Co., Wardensville, W. Va.; effective 7-26-60 to 7-25-61; 10 learners (infants' wear).

Wendell Garment Co., Inc., 91 North Pine Street, Wendell, N.C.; effective 8-3-60 to 8-2-61; 10 learners (men's knit shirts; women's cotton blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Cowden Manufacturing Co., Stanford, Ky.; effective 7-29-60 to 1-28-61; 30 learners (men's, boys', ladies' and girls' dungarees).

The Fordyce Apparel Co., Fordyce, Ark.; effective 8-8-60 to 2-7-61; 75 learners (men's and boys' single pants).

Gary Co., Inc., Gallatin, Tenn.; effective 7-29-60 to 1-28-61; 15 learners (men's dress shirts).

Heath Springs, Manufacturing Co., Inc., Heath Springs, S.C.; effective 8-1-60 to 1-31-61; 25 learners (children's jackets and crawlers).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 7-29-60 to 1-28-61; 75 learners (leisure and work pants).

Linda Sportswear Co., West Main Street, Lebanon, Ky.; effective 7-27-60 to 1-26-61; 10 learners (blouses).

The McKay Products Corp., St. Matthews, S.C.; effective 7-28-60 to 1-27-61; 25 learners (ladies' and misses' dresses, lingerie and sleepwear).

Martin Shirt Corp., Cookeville, Tenn.; effective 7-25-60 to 1-24-61; 25 learners (men's and boys' dress and sport shirts).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 7-29-60 to 1-28-61; 10 learners (boys' sport shirts).

Ottenheimer Bros. Manufacturing Co., Inc., Shirt Division, 1000 Spring Street, Little Rock, Ark.; effective 8-1-60 to 1-31-61; 25 learnera (women's, misses' and children's cotton blouses and jackets).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Coshocton, Ohio; effective 8-3-60 to 8-2-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (Canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N.C.; effective 8-1-60 to 7-31-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Parkdale Hosiery Mill, Catawba, N.C.; effective 7-20-60 to 7-19-61; five learners for normal labor turnover purposes (seamless).

Pittsburg Knitting Mills, Inc., 212 East First Street, South Pittsburg, Tenn.; effective 7-27-60 to 7-26-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless; knitted infants' anklets).

Stanly Knitting Mills, Inc., Oakboro, N.C.; effective 8-6-60 to 8-5-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned; seamless).

Wadesboro Hosiery Co., Wadesboro, N.C.; effective 7-21-60 to 1-20-61; 60 learners for plant expansion purposes (seamless; full fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Movie Star of Ellisville, Ellisville, Miss.; effective 7-30-60 to 7-29-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips).

Movie Star of Magnolia, Magnolia, Miss.; effective 7-27-60 to 7-26-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' gowns, pajamas, panties, etc.).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-60 to 7-21-61; 5 percent of the total number of factory production workers engaged in the production of men's and boys' undershorts for normal labor turnover purposes (men's and boys' woven shorts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 5th day of August 1960.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 60-7563; Filed, Aug. 12, 1960; 8:46 a.m.]

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VOLUME 25 NUMBER 159

Washington, Tuesday, August 16, 1960

THE UNIVERSITY OF MICHIGAN
AUG 18 1960
MAIN READING ROOM

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

Correction

In F.R. Doc. 60–7290, appearing at page 7479 of the issue for Tuesday, August 9, 1960, the following corrections are made:

1. In § 421.5047(b)(1), the first occurrence of the word "county" in the second sentence should read "country", so that the sentence begins with "Both farm-storage and country warehouse-storage loans,".

2. In the tabular material under § 421.5047(b)(2):

a. The rate for Gem County, Idaho, should read "1.63" instead of "1.59".

b. The rate for St. Clair County, Mo., should read "1.88" instead of "1.98".

c. In the list of counties under Tennessee, "Johnson", with a rate per bushel of "1.98", should be inserted in proper alphabetical order.

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—WAREHOUSE REGULATIONS

PART 102—GRAIN WAREHOUSES

Miscellaneous Amendments

On June 21, 1960, there was published in the FEDERAL REGISTER (25 F.R. 5581) a notice of proposed amendments of the regulations relating to grain warehouses (7 CFR Part 102) under the United States Warehouse Act, as amended (7 U.S.C. 241 et seq.). After due consideration of all relevant matters presented and under authority of section 28 of said Act (7 U.S.C. 268), said regulations are hereby amended as follows:

1. Section 102.18(b) is amended to read:

(b) Every receipt, whether negotiable or nonnegotiable, issued for grain stored in a warehouse shall specify a period, not exceeding one year, for which the grain is accepted for storage under the Act and the regulations in this part. Upon demand for issuance of a new receipt, surrender of the old receipt by the lawful holder thereof at or before the expiration of the period specified therein and an offer to satisfy the warehouseman's lien, the warehouseman, upon such lawful terms and conditions as may be granted by him to other depositors of grain in his warehouse, shall, in the absence of some lawful excuse, issue a new receipt for a further specified period, not exceeding one year.

2. Section 102.51 is amended to read:

§ 102.51 Stocks to be in balance by grades.

Warehousemen must keep stocks of grain in storage by grades in balance with the grades of grain represented by outstanding storage obligations for which receipts have been or are to be issued, except when the grain has unavoidably improved or deteriorated through natural causes. In case the grades of stored grain should get out of balance with grades represented by outstanding storage obligations for which receipts have been or are to be issued, the warehouseman shall effect proper adjustments.

The present § 102.18(b) of the regulations for grain warehouses under the United States Warehouse Act provides for reissuance of warehouse receipts on a permissive basis, provided it is actually determined by a licensed inspector that the grain has not deteriorated and that it is in proper condition for storage for another year. Since almost all grain is stored in bulk on a comingled, fungible basis, rather than identity preserved, the provision for determining that "the grain" represented by a particular receipt is in proper condition for continued storage and has not deteriorated is virtually impossible to observe. The new requirements for reissuance of receipts provide that the depositor must offer to satisfy the warehouseman's lien when demanding the issuance of a new receipt, and that the warehouseman, in the absence of some lawful excuse, shall, upon demand, issue a new receipt for a further specified period not exceeding one year. The object is to assure uniformity in the handling of requests for reissuance of receipts.

The present § 102.51 of the regulations provides that warehousemen must keep stocks of grain in storage by grades in balance with the grades of grain represented by outstanding receipts. At times, particularly during the harvest period, warehousemen have outstanding storage obligations for which receipts are to be, but for cogent reasons have not been, issued. The amendment is intended to clarify the meaning of this section and remove any doubt that such storage obligations are covered thereby.

The foregoing amendments shall become effective on September 16, 1960.

Done at Washington, D.C., this 11th day of August 1960.

GEORGE A. DICE,
Director, Special Services Division, Agricultural Marketing Service.

[F.R. Doc. 60–7650; Filed, Aug. 15, 1960; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Limitation of Shipments

§ 951.325 Tokay Grape Order 1.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 17, 1960. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 8, 1960; recommendation as to the need for, and the extent of, limitation of shipments was made at the meeting of said committee on August 8, 1960, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the De-

partment, and made available to growers and handlers; shipments of the current crop of such grapes are expected to begin on or about August 17, 1960, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* 1. During the period beginning at 12:01 a.m., P.s.t., August 17, 1960, and ending at 12:01 a.m., P.s.t., January 1, 1961, no shipper shall ship:

(i) Any Tokay grapes, grown in the production area, unless such grapes are mature and, when tested in accordance with the applicable provisions of section 802 of the Agricultural Code of California, the juice thereof contains soluble solids equal to or in excess of twenty-seven (27) parts to one (1) part of acid.

2. *Definitions.* As used herein, "handler," "shipper," "ship," and "production area," shall have the same meaning as when used in the amended marketing agreement and order, and "mature" shall have the same meaning as when used in the United States Standards for Table Grapes (§§ 51.880–51.911 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7632; Filed, Aug. 15, 1960; 9:22 a.m.]

[Lemon Reg. 858, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.965 (Lemon Regulation 858; 25 F.R. 7429) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7633; Filed, Aug. 15, 1960; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 282—PRINTING OF REENTRY PERMITS; FORMS FOR SALE TO PUBLIC

PART 299—IMMIGRATION FORMS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

§ 214.2 [Amendment]

1. The first sentence of paragraph (k) *Mexican agricultural workers* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the words "on Form AR–4" between the words "fingerprinting" and "be".

2. Section 282.2 is amended to read as follows:

§ 282.2 **Forms printed by the Public Printer.**

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by Subchapter B of this chapter: I–20, I–21, I–94, I–95, I–129B, I–130, I–131, and I–418.

§ 299.1 [Amendment]

3. The list of forms in § 299.1 *Prescribed forms* is amended in the following respects:

a. The following form and reference thereto is added in numerical sequence:

Form No.	*Title and description*
AR–4	Fingerprint chart.

b. The following form and reference thereto is deleted:

Form No.	*Title and description*
I–131A	Instructions for Executing Application for Permit to Reenter the United States.

4. Section 299.2 is amended to read as follows:

§ 299.2 **Forms available from the Superintendent of Documents.**

The following forms required for compliance with the provisions of Subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: I–20, I–21, I–94, I–95, I–129B, I–130, I–131, and I–418. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and management.

Dated: August 10, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60–7634; Filed, Aug. 15, 1960; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. J]

PART 210—CHECK CLEARING AND COLLECTION

Promulgation of Rules by Federal Reserve Banks

1. Effective August 10, 1960, § 210.6 is amended to read as follows:

§ 210.6 **Other rules and regulations.**

Each Federal Reserve bank may also promulgate rules not inconsistent with the terms of the law or of this regulation, governing the details of its operations in clearing and collecting checks and other cash items. Such rules may, among other things, prescribe the types of checks and other items that will be received as cash items under this regulation, classify cash items, require separate sorts and cash letters, and provide different closing times for the receipt of different types or classes of cash items. Such rules shall be set forth by the Federal Reserve bank in its letters of instruction to its member and nonmember clearing banks and shall be binding upon any member or nonmember clearing bank which sends any check or other cash item to such Federal Reserve bank for collection or to any other Federal Reserve bank for the account of such Federal Reserve bank for collection.

2a. The purpose of this amendment is to make it clear that the Reserve Banks may not be able to avoid the need for separate sorts and different closing times for checks handled as cash items that are not suitable for processing on the high-speed document handling equipment which is being used increasingly for handling checks.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this Amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply secs. 13, 16, 38 Stat. 263, 265, as amended; 12 U.S.C. 248(o), 342, 360)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60–7625; Filed, Aug. 15, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 477; Amdt. 190]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller UH–12D and UH–12E Helicopters

A fatigue failure has occurred in the main rotor blade spar of a Hiller UH–12E helicopter after 800 hours of operation. The crack had progressed through 95 percent of the spar. Since complete failure of the spar would result in loss of the blade with serious results, it is necessary that inspections be accomplished within the next ten hours' time in service and daily thereafter, with removal from service of blades found with cracks or separation.

In the interest of safety it has been found that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HILLER. Applies to all UH–12D and UH–12E helicopters.

Compliance required as indicated.

Due to fatigue cracking of a UH–12E metal main rotor blade, Parsons P/N 2253–1101–03, the following inspections shall be conducted within the next 10 hours' time in service and daily thereafter:

Perform visual inspection on all main rotor blades, P/N 2253–1101–03, with 250 or more hours' time in service. Inspect both the top and bottom surfaces of each blade in the area at the outboard end of the brazed steel leading edge spar root doubler (approximately 27 inches from the blade root end), for doubler separation or signs of cracks in the leading edge spar near the end of the doubler. To properly inspect the bottom side of the blade for cracks, the tip of the blade should be supported. Blades with cracks or separation in the areas described must be removed from service prior to further flight.

(Hiller Service Information Letter No. 3007 covers this subject.)

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 10, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60–7618; Filed, Aug. 15, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–AN–6]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 3, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4921) stating that the Federal Aviation Agency proposed to modify the Cordova, Alaska, control zone by reducing the width and increasing the length of the southeast and southwest extensions.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2239 (14 CFR, 601.2239) is amended to read:

§ 601.2239 **Cordova, Alaska, control zone.**

Within a 5-mile radius of the geographical center of the Cordova (Mile 13) Airport (Lat. 60°29′25″ N., Long. 145°29′00″ W.), within 2 miles either side of the SE course of the Cordova RR extending from the 5-mile radius zone to the INT of the SE course of the Cordova RR and the E course of the Hinchinbrook, Alaska, RR, and within 2 miles either side of the SW course of the Cordova RR extending from the 5-mile radius zone to the INT of the SW course of the Cordova RR and the E course of the Hinchinbrook RR.

This amendment shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 9, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–7619; Filed, Aug. 15, 1960; 8:46 a.m.]

[Airspace Docket No. 60–WA–126]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Revocation of Coded Jet Routes

On May 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4558) stating that the Federal Aviation Agency proposed the following actions relating to L/MF jet routes:

A. Revocation of the following L/MF jet routes in their entirety:

Jet Route 3–L from Oceanside, Calif., to Spokane, Wash.
Jet Route 4–L from Los Angeles, Calif., to Florence, S.C.
Jet Route 5–L from Los Angeles, Calif., to Seattle, Wash.
Jet Route 7–L from Oakland, Calif., to Red Bluff, Calif., and from Boise, Idaho, to Great Falls, Mont.
Jet Route 11–L from Phoenix, Ariz., to Prescott, Ariz.
Jet Route 13–L from El Paso, Tex., to Great Falls, Mont.
Jet Route 15–L from Wink, Tex., to Albuquerque, N. Mex., and from Salt Lake City, Utah, to Boise, Idaho.
Jet Route 16–L from Portland, Oreg., to Selfridge, Mich., and from Buffalo, N.Y., to Boston, Mass.
Jet Route 17–L from San Antonio, Tex., to Rapid City, S. Dak.
Jet Route 19–L from Garden City, Kans., to Omaha, Nebr.
Jet Route 24–L from Gila Bend, Ariz., to Garden City, Kans., and from Indianapolis, Ind., to Norfolk, Va.
Jet Route 25–L from San Antonio, Tex., to Tulsa, Okla.
Jet Route 28–L from Pueblo, Colo., to Wichita, Kans.
Jet Route 30–L from Sioux Falls, S. Dak., to Washington, D.C.
Jet Route 31–L from Amarillo, Tex., to Pueblo, Colo.
Jet Route 32–L from Elko, Nev., to Duluth, Minn.
Jet Route 33–L from Lake Charles, La., to Minneapolis, Minn.
Jet Route 36–L from Fargo, N. Dak., to Selfridge, Mich.
Jet Route 38–L from Phillipsburg, Pa., to New York, N.Y.
Jet Route 42–L from Dallas, Tex., to Norfolk, Va.
Jet Route 43–L from Key West, Fla., to Dayton, Ohio.
Jet Route 44–L from Las Vegas, Nev., to Prescott, Ariz.
Jet Route 46–L from Tampa, Fla., to West Palm Beach, Fla.
Jet Route 47–L from Charleston, S.C., to Dayton, Ohio.

Jet Route 46–L from Morgantown, W. Va., to Presque Isle, Maine.
Jet Route 51–L from Jacksonville, Fla., to Raleigh, N.C.
Jet Route 52–L from Birmingham, Ala., to Florence, S.C.
Jet Route 55–L from Key West, Fla., to Boston, Mass.
Jet Route 57–L from Greensboro, N.C., to Columbus, Ohio, and from Selfridge, Mich., to Sault Ste. Marie, Mich.
Jet Route 58–L from Sacramento, Calif., to Enterprise, Utah.
Jet Route 59–L from Philipsburg, Pa., to Syracuse, N.Y.
Jet Route 61–L from Baltimore, Md., to Buffalo, N.Y.
Jet Route 63–L from New York, N.Y., to Syracuse, N.Y.

B. Revocation of the following segments of L/MF jet routes:

Jet Route 10–L from Philipsburg, Pa., to New York, N.Y.
Jet Route 12–L from Pittsburgh, Pa., to Baltimore, Md.
Jet Route 20–L from Crestview, Fla., to Melbourne, Fla.
Jet Route 26–L from Kansas City, Mo., to Richmond, Va.
Jet Route 29–L from Dayton, Ohio., to Cleveland, Ohio, and from Buffalo, N.Y., to Presque Isle, Maine.
Jet Route 34–L from Dickinson, N. Dak., to Cleveland, Ohio.
Jet Route 37–L from New Orleans, La., to Biloxi, Miss., and from Albany, N.Y., to Burlington, Vt.

No adverse comments were received regarding the proposed amendments. However, the Department of the Air Force requested that the facilities now used to define these routes continue to be depicted on high altitude charts. These facilities will remain on the high altitude charts.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 602 (14 CFR Part 602) the *following sections are revoked:* § 602.103 *L/MF jet route No. 3 Oceanside, Calif., to Spokane, Wash.)* (14 CFR 602.103; 25 F.R. 3458); § 602.104 *L/MF jet route No. 4 (Los Angeles, Calif., to Florence, S.C.);* § 602.105 *L/MF jet route No. 5 (Los Angeles, Calif., to Seattle, Wash.);* § 602.107 *L/MF jet route No. 7 (Oakland, Calif., to Great Falls, Mont.);* § 602.111 *L/MF jet route No. 11 (Phoenix, Ariz., to Prescott, Ariz.);* § 602.112 *L/MF jet route No. 12 (Pittsburgh, Pa., to Baltimore, Md.)* (14 CFR 602.112; 25 F.R. 5692); § 602.113 *L/MF jet route No. 13 (El Paso, Tex., to Great Falls, Mont.);* § 602.115 *L/MF jet route No. 15 (Wink, Tex., to Boise, Idaho.);* § 602.18 *L/MF jet route No. 18 (Portland, Oreg., to Boston, Mass.);* § 602.117 *L/MF jet route No. 17 (San Antonio, Tex., to Rapid City, S. Dak.)* (14 CFR 602.117; 25 F.R. 584); § 602.119 *L/MF jet route No. 19 (Garden City, Kans., to Omaha, Nebr.);* § 602.124 *L/MF jet route No. 24 (Gila Bend, Ariz., to Norfolk, Va.);* § 602.125 *L/MF jet route No. 25 (San Antonio, Tex., to Tulsa, Okla.)* (14 CFR 602.125; 25 F.R. 584); § 602.128 *L/MF jet route No. 28 (Pueblo, Colo., to Wichita, Kans.);* § 602.130 *L/MF jet route No. 30 (Sioux Falls, S. Dak., to Washington, D.C.);* § 602.131 *L/MF jet route No. 31 (Amarillo, Tex., to Pueblo, Colo.);* § 602.132 *L/MF jet route No. 32 (Elko, Nev., to Duluth, Minn.);* § 602.133 *L/MF jet route No. 33 (Lake Charles, La., to Minneapolis, Minn.);* § 602.136 *L/MF jet route No. 36 (Fargo, N. Dak., to Selfridge, Mich.);* § 602.138 *L/MF jet route No. 38 (Philipsburg, Pa., to New York, N.Y.);* § 602.142 *L/MF jet route No. 42 (Dallas, Tex., to Norfolk, Va.);* § 602.143 *L/MF jet route No. 43 (Key West, Fla., to Dayton, Ohio);* § 602.144 *L/MF jet route No. 44 (Las Vegas, Nev., to Prescott, Ariz.);* § 602.146 *L/MF jet route No. 46 (Tampa, Fla., to West Palm Beach, Fla.);* § 602.147 *L/MF jet route No. 47 (Charleston, S.C., to Dayton, Ohio);* § 602.149 *L/MF jet route No. 49 (Morgantown, W. Va., to Presque Isle, Maine)* (14 CFR 602.149; 25 F.R. 2476); § 602.151 *L/MF jet route No. 51 (Jacksonville, Fla., to Raleigh, N.C.);* § 602.152 *L/MF jet route No. 52 (Birmingham, Ala., to Florence, S.C.);* § 602.155 *L/MF jet route No. 55 (Key West, Fla., to Boston, Mass.);* § 602.157 *L/MF jet route No. 57 (Greensboro, N.C., to Sault Ste. Marie, Mich.);* § 602.158 *L/MF jet route No. 58 (Sacramento, Calif., to Enterprise, Utah);* § 602.159 *L/MF jet route No. 59 (Philipsburg, Pa., to Syracuse, N.Y.);* § 602.161 *L/MF jet route No. 61 (Baltimore, Md., to Buffalo, N.Y.);* § 602.163 *L/MF jet route No. 63 (New York, N.Y., to Syracuse, N.Y.).*

2. Section 602.110 (25 F.R. 3708, 5438) is amended to read:

§ 602.110 L/MF jet route No. 10 (Kansas City, Mo., to Philipsburg, Pa.).

From the Kansas City, Mo., RR via the St. Louis, Mo., RR; Effingham, Ill., RR; Indianapolis, Ind., RR; Dayton, Ohio (Wright-Patterson), RR; Columbus, Ohio, RR; Pittsburgh, Pa., RR to the Philipsburg, Pa., RR.

3. In § 602.120 (14 CFR 602.120) the following changes are made:

(a) In the caption "*(Seattle, Wash., to Melbourne, Fla.)*." is deleted and "*(Seattle, Wash., to Crestview, Fla.)*." is substituted therefor.

(b) In the text "Crestview, Fla., RR; INT Dotham, Ga., RR southeast course and Tallahassee RR northwest course; Tallahassee, Fla., RR; Orlando, Fla., RR to the Melbourne, Fla., RR" is deleted and "to the Crestview, Fla., RR" is substituted therefor.

4. Section 602.126 (14 CFR 602.126) is amended to read:

§ 602.126 L/MF jet route No. 26 (El Paso, Tex., to Kansas City, Mo., and Richmond, Va., to Norfolk, Va.).

From the El Paso, Tex., RR via the INT of the El Paso RR east course and Roswell RR southwest course; Roswell, N. Mex., RR; Amarillo, Tex., RR; Wichita, Kans., RR; to the Kansas City, Mo., RR. From the Richmond, Va., RR to the Norfolk, Va. (Langley), RR.

5. Section 602.129 (14 CFR 602.129) is amended to read:

§ 602.129 L/MF jet route No. 29 (Alice, Tex., to Memphis, Tenn.).

From the Alice, Tex., RR via the Palacios, Tex., RR, Houston, Tex., RR; Lufkin, Tex., RBN; Shreveport, La., RR to the Memphis, Tenn., RR.

6. Section 602.134 (14 CFR, 602.134) is amended to read:

§ 602.134 L/MF jet route No. 34 (Cleveland, Ohio, to Baltimore, Md.).

From the Cleveland, Ohio RR; via the Pittsburgh, Pa., RR to the Baltimore, Md., RR.

7. Section 602.137 (14 CFR, 602.137, 24 F.R. 9843) is amended to read:

§ 602.137 L/MF jet route No. 37 (Biloxi, Miss., to Albany, N.Y.).

From the Biloxi, Miss. (Keesler AFB) RR via the Montgomery, Ala. (Maxwell AFB), RR; Atlanta, Ga., RR; Spartanburg, S.C., RR; Richmond, Va., RR; Tappahannock, Va., RR; INT of Tappahannock RR NE course and Washington (Andrews AFB), RR SE course; Washington, D.C. (Andrews AFB), RR; Washington, D.C., RR; Baltimore, Md., RR; Allentown, Pa., RR to the Albany, N.Y., RR.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–7620; Filed, Aug. 15, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

REPLACING TRADE NAMES WITH CHEMICAL NAMES

Correction

In F.R. Doc. 60–7533, appearing at page 7677 of the issue for Friday, August 12, 1960, the word "monoethyl" in the last entry under item 2 should read "monomethyl", so that the line reads "Ethylene glycol monomethyl ether.".

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER H—ECONOMIC ENTERPRISES

PART 89—COMMERCIAL FISHING ON RED LAKE INDIAN RESERVATION

On page 4750 of the FEDERAL REGISTER of May 28, 1960, there was published a Notice of Intention to amend Part 89 of Title 25, Code of Federal Regulations. The purpose of this amendment is to revise the regulations in regard to commercial fishing on the Red Lake Indian Reservation, Minnesota. The principal revisions in the regulations include application of a maximum annual quota to walleye pike, the main species, rather than to all game fish; and prohibits the taking of walleye and northern pike during their spawning season except for propagation purposes. The remaining revisions are primarily for the purpose of clarification and to eliminate functions of the Red Lake Fsheries Association from the regulations.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received and the proposed amendment is hereby adopted without change as set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Sec.
89.1 Definitions.
89.2 Authority to engage in commercial fishing.
89.3 Authority to operate.
89.4 Fishing.
89.5 Disposition of unmarketable fish.
89.6 Spawning season.
89.7 Suspension.
89.8 Penalty.
89.9 Quotas.
89.10 Fishing equipment limitations.
89.11 Royalty.
89.12 Authority to lease.

AUTHORITY: §§ 89.1 to 89.12 issued under 25 U.S.C. 2, 5 U.S.C. 22.

§ 89.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Council" means the General Council of the Red Lake Band of the Chippewa Indians as recognized by the Secretary of the Interior.

(c) "Association" means the Red Lake Fisheries Association, incorporated under the laws of the State of Minnesota, and whose articles of incorporation and by-laws and any amendments thereto have been approved by the Council and the Secretary of the Interior.

(d) "Member of Association" means as defined in the Association By-Laws.

(e) "Commercial Fishing" means the catching of any fish for sale directly or indirectly to others than Indians on the reservations or licensed traders on the reservation for resale to Indians.

§ 89.2 Authority to engage in commercial fishing.

No person shall engage in commercial fishing in the waters of the Red Lakes on the Red Lake Indian Reservation in the State of Minnesota except the Red Lake Fisheries Association, a corporation organized and incorporated under the laws of Minnesota, and its members, and then only in accordance with the regulations in this part. The authority hereby granted to the Association and its members to engage in commercial fishing may, at any time, be cancelled and withdrawn and these regulations may be modified and amended.

§ 89.3 Authority to operate.

The association may conduct commercial fishing operations on the reservation under authority of its articles of incorporation and by-laws only in accordance with the regulations in this part.

§ 89.4 Fishing.

(a) Enrolled members of the Red Lake Band of Chippewa Indians may take fish at any time except as prohibited by § 89.6 from waters of the Red Lakes on the Red Lake Indian Reservation for their own use and for sale to: (1) Other Indians on the reservation and (2) licensed traders on the reservation for resale to Indians.

(b) Fish may be taken for commercial purposes only by the Association through members of the Association in residence on the reservation during the fishing season which shall be May 15 to November 15 inclusive. All fish taken for such purposes shall be marketed through the Association.

(c) In connection with commercial fishing, Association member fishermen may be assisted only by Indians who are members of the Red Lake Band.

§ 89.5 Disposition of unmarketable fish.

All unmarketable live fish taken under authority of these regulations must be returned to the water, and all unmarketable dead fish taken must be buried by the person taking the same.

§ 89.6 Spawning season.

Walleye and northern pike (or pickerel) shall not be taken during their spawning season except for propagation purposes.

§ 89.7 Suspension.

All commercial fishing operations may be suspended by order of the Secretary at any time.

§ 89.8 Penalty.

Any Indian violating the provisions of §§ 89.4 and 89.6 shall forfeit his right to take fish for any purpose for a period of three months.

§ 89.9 Quotas.

The Secretary may set such commercial quotas as he may find desirable, based on available biological and other information, on the amount of fish which may be taken under authority of the regulations in this part in any one season. Until otherwise determined by the Secretary, not more than 650,000 pounds of walleyes may be taken in any one fishing season.

§ 89.10 Fishing equipment limitations.

(a) Any variety of fish may be taken by enrolled members of the Band from any waters on the reservation by hook and line, and from Upper and Lower Red Lakes by gill net or entrapment gear for noncommercial use only.

(b) For commercial fishing each member of the Association shall be limited to eight gill nets of 300 feet in length and six feet in depth, of which not to exceed six of such nets may be of nylon and other synthetic material.

(c) Gill nets for taking pike shall have a mesh of not less than 3½ inches extension measure.

(d) Gill nets for taking white fish shall have a mesh of not less than 5½ inches extension measure.

(e) Entrapment gear may only be used by members of the Association for taking fish of any variety for commercial purposes or propagation, in accordance with such specifications and directions as the manager of the Association may provide.

(f) All nets used in Red Lake Reservation waters must be marked with appropriate tags to be furnished by the Association.

§ 89.11 Royalty.

The Association shall pay five percent of the gross receipts from the sale of fish by the Association to the designated collection officer of the Bureau of Indian Affairs, which shall be deposited to the credit of the Band in the Treasury of the United States.

§ 89.12 Authority to lease.

The Band, with the approval of the Secretary, may execute a lease or permit on its fisheries plant and hatchery at Redby, Minnesota, to the Association.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 9, 1960.

[F.R. Doc. 60–7627; Filed, Aug. 15, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER G—REGULATIONS UNDER TAX CONVENTIONS

[T.D. 6489]

PART 510—NORWAY

Release of excess tax withheld, and exemption from, or reduction in rate of, withholding of United States tax at source in the case of residents of Norway and of Norwegian corporations or other entities, as affected by the income tax convention between the United States and Norway of June 13, 1949, as amended.

Sec.
510.1 Text of convention.
510.2 Interest.
510.3 Dividends paid by a Norwegian corporation.
510.4 Dividends paid by a United States corporation.
510.5 Dividends received by Norwegian addressee who is not the owner of the capital stock.
510.6 Patent and copyright royalties and film rentals.
510.7 Private pensions and life annuities.
510.8 Beneficiaries of a domestic estate or trust.
510.9 Release of excess tax withheld at source.
510.10 Information to be furnished to Norway in ordinary course.
510.11 Applicability of regulations.

AUTHORITY: §§ 510.1 to 510.11 issued under sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805; Article XXI of the convention.

§ 510.1 Text of convention.

(a) *Pertinent articles.* The income tax convention between the United States and Norway of June 13, 1949, as modified and supplemented by the convention of July 10, 1958, referred to in §§ 510.1 to 510.11 as the convention, provides as follows:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income tax, including surtaxes.

(b) In the case of Norway: The National and the communal income taxes, including the old age pension tax, the war pension tax, the tax on bank deposits and the seamen's tax.

(2) The present Convention shall also apply to any other income taxes of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Norway" means the Kingdom of Norway; the provisions of the Convention shall not, however, extend to Svalbard and Jan Mayen, nor do they apply to the Norwegian dependencies outside Europe.

(c) The term "permanent establishment" means a branch office, factory, workshop, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Norwegian enterprise".

(e) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(f) The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a partnership, corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(g) The term "Norwegian enterprise" means an enterprise carried on in Norway by a resident of Norway or by a Norwegian corporation or other entity; the term "Norwegian corporation or other entity" means a partnership, corporation or other entity created or organized in Norway or under Norwegian laws.

(h) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; and in the case of Norway, the Ministry of Finance and Customs.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

ARTICLE III

(1) An enterprise of one of the contracting States shall not be subject to taxation in the other contracting State in respect of its industrial and commercial profits unless it is engaged in trade or business in such other State through a permanent establishment situated therein. If it is so engaged such other State may impose its tax upon such profits of the enterprise from sources within such other State.

(2) In determining the industrial or commercial profits from sources within the territory of one of the contracting States of an enterprise of the other contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former contracting State by such enterprise.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment and the profits so attributed shall, subject to the law of such other contracting State, be deemed to be income from sources within the territory of such other contracting State.

(4) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises, but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

(1) Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft shall be exempt from taxation in the other contracting State.

(2) The provisions of this Article shall be deemed to suspend the arrangement between the United States and Norway providing for relief from double income taxation on shipping profits, effected by exchanges of notes dated November 26, 1924, January 23, 1925, and March 24, 1925.[1]

[1] Executive Agreement Series 15; 47 Stat. 2617.

ARTICLE VI

Interest on bonds, securities, notes, debentures, or on any other form of indebtedness derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

ARTICLE VI-A

(1) The rate of United States tax on dividends received from a United States corporation by a resident or corporation or other entity of Norway, not engaged in trade or business in the United States through a permanent establishment therein at any time during the taxable year, shall not exceed 15 percent. The rate shall, however, not exceed 5 percent in the case of such dividends received by a Norwegian corporation if (a) during the part of the United States corporation's taxable year preceding the payment of the dividend and during the whole of the prior taxable year, such Norwegian corporation either alone or in association with not more than three other Norwegian corporations owned more than 50 percent of the voting stock of the United States corporation, provided each Norwegian corporation owned at least 10 percent of the voting stock of the United States corporation, and (b) not more than 25 percent of the gross income of the United States corporation for the taxable year immediately preceding the payment of the dividend is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

(2) The provisions of the preceding paragraph shall apply mutatis mutandis, in the case of dividends received from a Norwegian corporation by a resident or corporation or other entity of the United States.

(3) Dividends paid by a Norwegian corporation shall be exempt from United States tax except where the recipient is a citizen, resident or corporation of the United States.

(4) Dividends paid by a United States corporation shall be exempt from Norwegian tax except where the recipient is a resident or corporation of Norway.

ARTICLE VII

Royalties and other amounts derived, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trade-marks and other like property (including rentals and like payments in respect of motion picture films), from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State: Provided, That each of the contracting States reserves the right according to the principles of Article IV to deny a deduction to the payor thereof for such royalty or any portion thereof as is not considered by the revenue authorities of such State to be reasonable consideration for the right to use the property referred to in this Article.

ARTICLE VIII

(1) Income from real property (not including interest derived from mortgages and bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation of one of the contracting States deriving any such income from sources within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State, on a net basis, as if such resident or corporation were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

ARTICLE IX

Gains derived from the sale or exchange of real property shall be taxable only in the contracting State in which such property is situated.

ARTICLE X

(1) A resident of Norway shall be exempt from United States tax upon compensation for labor or personal services (including the practice of the liberal and artistic professions) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) his compensation is received for labor or personal services performed as an employee, or under contract with, a resident, or corporation or other entity of Norway, or

(b) his compensation received for labor or personal services does not exceed $10,000.

(2) The provisions of paragraph (1) of this Article shall apply mutatis mutandis, to a resident of the United States with respect to compensation for such labor or personal services performed in Norway.

(3) The provisions of paragraphs (1) and (2) of this Article shall have application to directors' fees representing reasonable compensation for services rendered whether or not the recepient of such fees has been present at any time during the taxable year in the contracting State from which payment of such fees has been made.

(4) The provisions of this Article shall have no application to the income to which Article XI (1) relates.

ARTICLE XI

(1) (a) Wages, salaries and similar compensation, and pensions paid by the United States or by the political subdivisions or territories thereof to an individual (other than a Norwegian citizen who is not also a citizen of the United States) shall be exempt from Norwegian tax.

(b) Wages, salaries and similar compensation, and pensions paid either directly by, or from funds or institutions created by, Norway or Norwegian communities or counties (fylker) to an individual (other than a United States citizen who is not also a citizen of Norway) shall be exempt from United States tax.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII

A professor or teacher, a resident of one of the contracting States, who temporarily visits the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

ARTICLE XIII

A student or apprentice, a resident of one of the contracting States, who temporarily visits the other contracting State exclusively for the purposes of study or for acquiring business or technical experience shall not be taxable in the latter State in respect of remittances received by him from abroad for the purposes of his maintenance or studies.

ARTICLE XIV

(1) It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining its taxes specified in Article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this Convention, deduct from its taxes the amount of Norwegian taxes specified in Article I of this Convention.

(b) Norway in determining its taxes specified in Article I of this Convention in the case of its residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of Norway as if the Convention had not come into effect. Norway shall, however, deduct from the taxes so calculated that portion of such tax liability which the taxpayer's income from sources in the United States (not exempt from United States tax under this Convention) bears to his entire income. The competent authority of Norway may, however, decide that the deduction shall not exceed the United States tax on income taxable in the United States.

(2) The provisions of this Article shall not be construed to deny the exemptions from United States tax or Norwegian tax, as the case may be, granted by Article XI (1) of this Convention.

ARTICLE XV

With a view to the more effective imposition of the taxes to which the present Convention relates, each of the contracting States undertakes, subject to reciprocity, to furnish such information in the matter of taxation, which the authorities of the State concerned have at their disposal or are in a position to obtain under their own law, as may be of use to the authorities of the other State in the assessment of the taxes in question and to lend assistance in the service of documents in connection therewith. Any information so exchanged shall be treated as secret and shall only be disclosed to persons (including a court) concerned with the assessment, determination and collection of the taxes which are the subject of the present Convention, or the determination of appeals in relation thereto. No information shall be exchanged which would disclose a trade, business, industrial or professional secret. Information and correspondence relating to the subject matter of this Article shall be exchanged between the competent authorities of the contracting States in the ordinary course or on request.

ARTICLE XVI

In accordance with the preceding Article and insofar as may be found to be practicable, the competent authorities of each contracting State shall forward to the competent authorities of the other contracting State as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all addressees within such other State deriving from sources within the former State dividends, interest, royalties, pensions, annuities, wages, salares, rents, or other fixed or determinable annual or periodical income, showing the amount of such income with respect to each addressee.

ARTICLE XVII

(1) The contracting States undertake to lend assistance and support to each other in the collection of the taxes which are the subject of the present Convention, together with interest, costs, and additions to the taxes.

(2) In the case of applications for enforcement of taxes, revenue claims of each of the contracting States which have been finally determined may be accepted for enforcement by the other contracting State and may be collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes.

(3) Any application shall include a certification that under the laws of the State making the application the taxes have been finally determined.

(4) The assistance provided for in this Article shall not be accorded with respect to the citizens, corporations, or other entities of the State to which application is made.

["It is understood that the application of Article XVII of the convention shall be confined and limited as granting authority to each Contracting State to collect only such taxes imposed by the other Contracting State as will insure that the exemption or reduced rate of tax granted under the present convention by such other State, shall not be enjoyed by persons not entitled to such benefits." Protocol of Exchange signed December 11, 1951, 2 UST 2351].

ARTICLE XVIII

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it except that such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial or professional secret.

ARTICLE XIX

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted, or will result, in double taxation contrary to the provisions of the present Convention, he shall be entitled to lodge a claim with the State of which he is a citizen or, if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State shall undertake to come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

ARTICLE XX

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XXI

(1) The competent authorities of the two contracting States may prescribe regulations necessary to carry into effect the present Convention within the respective States. With respect to the provisions of this Convention relating to exchange of information, service of documents, and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, costs of collection, minimum amounts subject to collection and related matters.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XXII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

(b) *Meaning of terms.* As used in §§ 510.1 to 510.11, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

§ 510.2 Interest.

(a) *Exemption from United States tax—(1) Requirements for obtaining exemption.* Interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States and its instrumentalities and on mortgages and bonds secured by real property, which is derived from sources within the United States in a taxable year beginning on or after January 1, 1960, by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity, shall be exempt from United States tax under the provisions of Article VI of the convention if such alien, corporation, or other entity does not have a permanent establishment in the United States at any time during the taxable year in which the interest is derived.

(2) *Personal services.* If a nonresident alien individual who is a resident of Norway were to perform personal services within the United States during the taxable year but not to have a permanent establishment in the United States at any time during the year, he would be entitled to the exemption from United States tax with respect to interest granted by Article VI of the convention even though under the provisions of section 871(c) of the Internal Revenue Code of 1954 he had engaged in trade or business within the United States during that year by reason of his having performed personal services therein.

(b) *Exemption from withholding of United States tax—(1) Coupon bond interest—(i) Form to use.* To avoid withholding of United States tax at source on or after January 1, 1960, in the case of coupon bond interest to which paragraph (a) of this section applies, the nonresident alien individual who is a resident of Norway, or the Norwegian corporation or other entity, shall, for each issue of bonds, file Form 1001–NO in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, or by his trustee or agent, and shall show the information required by § 1.1461–1(d) of the Income Tax Regulations (26 CFR 1.1461–1(d)). Form 1001–NO shall contain a statement that the owner (a) is a resident of Norway, or is a Norwegian corporation or other entity, and (b) has no permanent establishment in the United States.

(ii) *Exemption applicable only to owner.* The exemption from United States tax granted by Article VI of the convention is applicable only to the owner of the interest. The person presenting the interest coupon, or on whose behalf it is presented, shall, for the purpose of the exemption from withholding of United States tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001–NO, shall be executed.

(iii) *Disposition of Form 1001–NO.* The original and duplicate of Form 1001–NO shall be forwarded by the withholding agent to the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., in accordance with § 1.1461–2(b)(2) of the Income Tax Regulations (26 CFR 1.1461–2(b)(2)).

(2) *Interest on noncoupon bonds—(i) Use of letter of notification.* To avoid withholding of United States tax at source on or after January 1, 1960, in the case of interest (other than coupon bond interest) to which paragraph (a) of this section applies, the nonresident alien individual who is a resident of Norway, or the Norwegian corporation or other entity, shall notify the withholding agent by letter in duplicate that the interest is exempt from United States tax under the provisions of Article VI of the convention. The letter of notification shall be signed by the owner of the interest, or by his trustee or agent, and shall show the name and address of the obligor and the name and address of the owner of the interest. The letter shall contain a statement (a) that the owner is neither a citizen nor a resident of the United States but is a resident of Norway, or, in the case of a corporation or other entity, the owner is a Norwegian corporation or other entity, and (b) that the owner has not had a permanent establishment in the United States at any time during the current taxable year. The letter shall also indicate the dates on which the current taxable year of the taxpayer begins and ends.

(ii) *Use of letter for release of excess tax withheld.* If the letter of notification is also to be used as authorization for the release, pursuant to § 510.9(a)(3), of excess tax withheld from the interest, it shall also contain a statement (a) that, at the time when the interest was derived from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of Norway, or, in the case of a corporation or other entity, the owner was a Norwegian corporation or other entity, and (b) that the owner did not have a permanent establishment in the United States at any time during the taxable year in which the interest was derived. The dates of the beginning and ending of the taxable year of the taxpayer in which the interest was derived shall also be indicated.

(iii) *Manner of filing letter of notification.* The letter of notification, which shall constitute authorization for the payment of the interest without withholding of United States tax at source, shall be filed with the withholding agent for each successive 3-calendar-year period during which the interest is paid. Each letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once a letter has been filed in respect of any 3-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax granted by Article VI of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(iv) *Disposition of the letter of notification.* Each letter of notification filed pursuant to this subparagraph, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C.

§ 510.3 Dividends paid by a Norwegian corporation.

Dividends which are paid by a Norwegian corporation and are received from sources within the United States in a taxable year beginning on or after January 1, 1960, by a recipient who is not a citizen or resident or corporation of the United States shall be exempt from United States tax under the provisions of Article VI–A of the convention. No withholding of United States tax is required in the case of dividends paid by a Norwegian corporation if, in accordance with the preceding sentence, the dividends are exempt from United States tax.

§ 510.4 Dividends paid by a United States corporation.

(a) *Reduction in rate of United States tax—(1) Rate of 15 percent—(i) Requirements for obtaining reduced rate.* The rate of United States tax imposed upon dividends received from a domestic corporation in a taxable year beginning on or after January 1, 1960, by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity, shall not exceed 15 percent under the provisions of Article VI–A of the convention if such alien, corporation, or other entity has not, at any time during the taxable year in which the dividend is received, engaged in trade or business within the United States through a permanent establishment situated therein. This subparagraph does not apply to dividends falling within the scope of subparagraph (2) of this paragraph.

(ii) *Personal services.* If a nonresident alien individual who is a resident of Norway were to perform personal services within the United States during the taxable year in which a dividend is received from a domestic corporation, but not to have a permanent establishment in the United States at any time during the year, he would be entitled to the 15-percent rate of United States tax granted by Article VI–A of the convention even though under the provisions of section 871(c) of the Internal Revenue Code of 1954 he had engaged in trade or business within the United States during that year by reason of his having performed personal services therein.

(2) *Rate of 5 percent—(i) Conditions for obtaining reduced rate.* The rate of United States tax imposed upon dividends received from a domestic corporation in a taxable year beginning on or after January 1, 1960, by a Norwegian corporation shall not exceed 5 percent under the provisions of Article VI–A of the convention if—

(a) During the part of the domestic corporation's taxable year preceding the payment of the dividend and during the whole of its prior taxable year, the Norwegian corporation, either alone or in association with not more than three other Norwegian corporations, owned more than 50 percent of the voting stock of the domestic corporation; and

(b) During such period preceding the payment of the dividend each such Norwegian corporation owned 10 percent or more of the voting stock of the domestic corporation; and

(c) Not more than 25 percent of the gross income of the domestic corporation for its taxable year immediately preceding the taxable year in which the dividend is paid was derived from interest and dividends (other than interest and dividends received from its subsidiary corporations, if any); and

(d) The Norwegian corporation receiving the dividend has not, at any time during its taxable year in which the dividend is received, engaged in trade or business within the United States through a permanent establishment situated therein.

(ii) *Information to be filed with Commissioner when claiming the reduced rate.* Any domestic corporation which claims or contemplates claiming that dividends paid or to be paid by it on or after January 1, 1960, are subject to United States tax at the rate of 5 percent shall file the following information with the Commissioner of Internal Revenue, Washington 25, D.C., as soon as practicable:

(a) The date and place of its organization;

(b) The number of outstanding shares of stock of the domestic corporation having voting power and the voting power thereof;

(c) The person or persons beneficially owning such stock of the domestic corporation and their relationship to the Norwegian corporation;

(d) The amount of the gross income of the domestic corporation for its taxable year immediately preceding the taxable year in which the dividends are paid, of the interest and dividends included in such gross income, and of such interest and dividends received by the domestic corporation from its own subsidiary corporations, if any; and

(e) The relationship between the domestic corporation and the Norwegian corporation receiving the dividends.

(iii) *Notification by Commissioner.* As soon as practicable after such information is filed, the Commissioner will determine whether the dividends concerned qualify under Article VI–A of the convention for the reduced rate of 5 percent and will notify the domestic corporation of his determination. If the dividends do qualify for such reduced rate, this notification may also authorize the release, pursuant to § 510.9(a)(1)(ii), of excess tax withheld from the dividends concerned.

(b) *Withholding of tax from dividends—(1) Reduced rate of 15 percent—(i) Reduction based on address in Norway.* Withholding of United States tax at source on or after January 1, 1960, from dividends received from a domestic corporation by a nonresident alien (including a nonresident alien individual, fiduciary, or partnership) or by a foreign corporation or other entity, whose address is in Norway, shall, to the extent withholding of United States tax is required, be at the reduced rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that the reduced rate of withholding shall not apply. This subparagraph does not apply to dividends falling within the scope of subparagraph (2) of this paragraph.

(ii) *Effect of address in Norway.* For the purposes of withholding of United States tax pursuant to this subparagraph, every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in Norway shall be deemed by United States withholding agents to be a nonresident alien individual who is a resident of Norway not engaged in trade or business in the United States through a permanent establishment situated therein; and every foreign corporation or other entity whose address is in Norway shall be deemed by such withholding agents to be a Norwegian corporation or other entity not engaged in trade or business in the United States through a permanent establishment situated therein.

(iii) *Reduced rate of 15 percent applicable only to owner of capital stock.* This subparagraph is based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived. As to action by a Norwegian addressee who is not the owner of the capital stock, see § 510.5.

(2) *Reduced rate of 5 percent.* If, in accordance with paragraph (a)(2)(iii) of this section, the Commissioner of Internal Revenue has notified the domestic corporation that the dividends qualify under Article VI–A of the convention for the reduced rate of 5 percent, the reduced withholding rate of 5 percent, to the extent withholding of United States tax is required, shall apply on or after January 1, 1960, to any dividends subsequently paid by such corporation and received by the Norwegian corporation, unless the stock ownership of the domestic corporation, or the character of its income, materially changes. If such a change occurs, the domestic corporation shall promptly notify the Commissioner of Internal Revenue of the then existing facts with respect thereto. The continued application of the reduced withholding rate of 5 percent is also dependent upon the continued fulfillment of the condition contained in paragraph (a)(2)(i)(d) of this section.

(3) *Evidence of rate of tax withheld.* The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which §§ 510.1 to 510.11 are published in the FEDERAL REGISTER to any person whose address is in Norway at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 510.5 Dividends received by Norwegian addressee who is not the owner of the capital stock.

(a) *Additional United States tax to be withheld in Norway—(1) By a nominee or representative.* The recipient in Norway of any dividend from which United States tax has been withheld at the reduced rate of 15 percent pursuant to § 510.4(b)(1), who is a nominee or representative through whom the dividend is received by a person other than one described in § 510.4(a)(1) as being entitled to the reduced rate, shall withhold an additional amount of United States tax equivalent to the United States tax

which would have been withheld if the convention had not been in effect (30 percent as of the date of approval of §§ 510.1 to 510.11) minus the 15 percent which has been withheld at the source.

(2) *By a fiduciary or partnership.* A fiduciary or a partnership with an address in Norway which receives, otherwise than as a nominee or representative, a dividend from which United States tax has been withheld at the reduced rate of 15 percent pursuant to § 510.4(b)(1) shall withhold an additional amount of United States tax from the portion of the dividend included in the gross income from sources within the United States of any beneficiary or partner, as the case may be, who is not entitled to the reduced rate of tax in accordance with § 510.4(a)(1). The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) *Withholding additional United States tax from amounts released.* If any amount of United States tax is released pursuant to § 510.9(a)(1)(i) by the withholding agent in the United States with respect to a dividend received by such a person (nominee, representative, fiduciary, or partnership) with an address in Norway, the recipient shall withhold from such released amount any additional amount of United States tax, otherwise required to be withheld from the dividend by the provisions of subparagraphs (1) and (2) of this paragraph, in the same manner as if at the time of payment of the dividend United States tax at the rate of only 15 percent had been withheld at source therefrom.

(b) *Return of United States tax by Norwegian withholding agents.* The amounts of United States tax withheld pursuant to paragraph (a) of this section by any withholding agent in Norway should be deposited, without converting the amounts into United States dollars, with the Norwegian Ministry of Finance and Customs on or before the 15th day after the close of the quarter of the calendar year in which the withholding in Norway occurs. The withholding agent making the deposit should render therewith such appropriate Norwegian form as may be prescribed by the Ministry of Finance and Customs. The amounts so deposited should be remitted by the Ministry of Finance and Customs by draft in United States dollars, on or before the end of the calendar month in which the deposit is made, to the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., U.S.A. The remittance should be accompanied by copies of such Norwegian forms as may be required to be rendered by the withholding agent in Norway in connection with the deposit.

§ 510.6 Patent and copyright royalties and film rentals.

(a) *Exemption from United States tax.* Royalties and other amounts derived from sources within the United States in a taxable year beginning on or after January 1, 1960, by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trade-marks, and other like property (including rentals and like payments in respect of motion picture films) shall be exempt from United States tax under the provisions of Article VII of the convention if such alien, corporation, or other entity does not have a permanent establishment in the United States at any time during the taxable year in which such royalties are derived.

(b) *Exemption from withholding of tax*—(1) *Use of letter of notification.* To avoid withholding of United States tax on or after January 1, 1960, from a royalty or other amount which is exempt from United States tax in accordance with paragraph (a) of this section, the nonresident alien individual who is a resident of Norway, or the Norwegian corporation or other entity, shall notify the withholding agent by letter in duplicate that the royalty or other amount is exempt from United States tax under the provisions of Article VII of the convention.

(2) *Manner of filing letter of notification.* The provisions of § 510.2(b)(2) relating to the execution, filing, effective period, and disposition of the letter of notification prescribed therein, including its use for the release of excess tax withheld, shall also apply to the letter of notification prescribed in this paragraph.

§ 510.7 Private pensions and life annuities.

(a) *Exemption from United States tax*—(1) *Requirements for obtaining exemption.* Any private pension or life annuity derived from sources within the United States and paid in a taxable year beginning on or after January 1, 1960, to a nonresident alien individual who is a resident of Norway shall be exempt from United States tax under the provisions of Article XI(2) of the convention.

(2) *Definitions of terms.* As used in this section, the term "pension" means a periodic payment made in consideration for services rendered or by way of compensation for injuries received, and the term "life annuity" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

(b) *Exemption from withholding of tax*—(1) *Use of letter of notification.* To avoid withholding of United States tax on or after January 1, 1960, from pensions or life annuities which are exempt from United States tax in accordance with paragraph (a) of this section, the nonresident alien individual who is a resident of Norway shall notify the withholding agent by letter in duplicate that the pensions or annuities are exempt from United States tax under the provisions of Article XI(2) of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Norway. The letter shall also indicate the dates on which the current taxable year of the taxpayer begins and ends.

(2) *Use of letter for release of excess tax withheld.* If the letter of notification is also to be used as authorization for the release, pursuant to § 510.9(a)(3), of excess tax withheld from the pensions or life annuities, it shall also contain a statement that the owner was, at the time when the income was paid from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Norway. The dates of the beginning and ending of the taxable year of the taxpayer in which the pensions or annuities were paid shall also be indicated.

(3) *Manner of filing letter of notification.* The letter of notification shall constitute authorization for the payment of the pensions or life annuities without withholding of United States tax at the source unless the Commissioner of Internal Revenue notifies the withholding agent thereafter to withhold the tax from such items of income. If, after filing a letter of notification, the owner of the income ceases to be eligible under the convention for the exemption from the United States tax on such items of income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(4) *Disposition of the letter of notification.* Each letter of notification filed pursuant to this paragraph, or the duplicate thereof, shall be forwarded immediately by the withholding agent to the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C.

§ 510.8 Beneficiaries of a domestic estate or trust.

A nonresident alien individual who is a resident of Norway and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VI, VI–A, and VII of the convention with respect to interest, dividends, and patent and copyright royalties, to the extent that (a) any amount paid, credited, or required to be distributed by the estate or trust to the beneficiary is deemed to consist of those items and (b) the items so deemed to be included in such amount would, without regard to the convention, be includible in his gross income: *Provided, however,* That the beneficiary otherwise satisfies the requirements for exemption or reduction specified in the respective articles concerned. To obtain the exemption from, or reduction in the rate of, withholding of United States tax in such a case, the beneficiary must, where applicable, execute and submit to the fiduciary of the estate or trust in the United States the appropriate letter of notification prescribed in § 510.2(b)(2) or § 510.6(b)(1).

§ 510.9 Release of excess tax withheld at source.

(a) *Amounts to be released*—(1) *Tax withheld from dividends*—(i) *Dividends subject to 15 percent rate.* If United States tax has been withheld at the statutory rate on or after January 1, 1960, from dividends described in § 510.4(a)(1) received from a domestic corporation by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or by a foreign corporation or other entity, whose address at the time of payment was in Norway, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 510.4(b)(1).

(ii) *Dividends subject to 5 percent rate.* If United States tax has been withheld at the statutory rate on or after January 1, 1960, from dividends which qualify for the reduced rate of 5 percent under § 510.4(a)(2)(i), the withholding agent shall, if so authorized in accordance with § 510.4(a)(2)(iii), release and pay over to the corporation from which the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to § 510.4(b)(2).

(iii) *Dividends exempt from tax.* If United States tax at the statutory rate has been withheld on or after January 1, 1960, from dividends paid by a Norwegian corporation to a recipient other than a citizen or resident or corporation of the United States, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(2) *Tax withheld from coupon bond interest*—(i) *Substitute ownership certificate.* In the case of every taxpayer who furnishes to the withholding agent Form 1001–NO clearly marked "Substitute" and executed in accordance with § 510.2(b)(1)(i), where United States tax has been withheld at the statutory rate on or after January 1, 1960, from coupon bond interest, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld from such interest derived by the taxpayer in a taxable year beginning on or after January 1, 1960, if the taxpayer also attaches to the form a letter in duplicate, signed by the owner, or by his trustee or agent, and containing the following:

(a) The name and address of the obligor;

(b) The name and address of the owner of the interest from which the excess tax was withheld;

(c) A statement that, at the time when the interest was derived from which the excess tax was withheld, the owner was neither a citizen nor a resident of the United States but was a resident of Norway, or, in the case of a corporation or other entity, the owner was a Norwegian corporation or other entity;

(d) A statement that the owner did not have a permanent establishment in the United States at any time during the taxable year in which the interest was derived; and

(e) The dates of the beginning and ending of the taxable year of the taxpayer in which the interest was derived.

(ii) *Manner of filing substitute ownership certificate.* One substitute Form 1001–NO shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which the excess is released.

(iii) *Disposition of substitute ownership certificate.* The original and duplicate of substitute Form 1001–NO (and letter) shall be forwarded by the withholding agent to the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., in accordance with § 1.1461–2(b) of the Income Tax Regulations (26 CFR 1.1461–2(b)).

(3) *Tax withheld from interest on noncoupon bonds, patent and copyright royalties, and private pensions and life annuities.* If a taxpayer furnishes to the withholding agent the authorization for release prescribed in § 510.2(b)(2)(ii), § 510.6(b)(2), or § 510.7(b)(2) and United States tax has been withheld at the statutory rate on or after January 1, 1960, from the interest, patent royalties, copyright royalties, film rentals, and private pensions and life annuities in respect to which such authorization is prescribed, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld from such private pensions and life annuities paid to, and from such interest, royalties, and rentals derived by, the taxpayer in a taxable year beginning on or after January 1, 1960.

(b) *Amounts not to be released.* The provisions of this section do not apply to any excess tax withheld at the source which has been paid by the withholding agent to the Director, International Operations Division.

(c) *Statutory rate.* As used in this section, the term "statutory rate" means the rate prescribed by chapter 3 (relating to the withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds) of the Internal Revenue Code of 1954 as though the convention has not come into effect.

§ 510.10 Information to be furnished to Norway in ordinary course.

For provisions relating to the exchange of information under Articles XV and XVI of the convention, see § 1.1461–2(d) of the Income Tax Regulations (26 CFR 1.1461–2(d)).

§ 510.11 Applicability of regulations.

(a) *Effective date; applicability of prior regulations.* The provisions of §§ 510.1 to 510.11 shall be effective with respect to taxable years beginning after December 31, 1959, and for such taxable years §§ 510.1 to 510.11 supersede the provisions of Treasury Decision 5956, approved December 9, 1952 (26 CFR (1939) 7.100 through 7.109), except that §§ 510.1 to 510.11 shall not be construed to require the renewal of any document filed by a taxpayer pursuant to Treasury Decision 5956 in respect of any taxable year beginning after December 31, 1959.

(b) *Fiscal years beginning in 1960.* Since the provisions of Article VI–A of the convention, relating to the exemption from or reduction in the rate of United States tax on dividends, are effective for taxable years beginning on or after January 1, 1960, the fact that the exemption from or reduction in the rate of withholding of United States tax on dividends authorized by §§ 510.1 to 510.11 are made effective beginning January 1, 1960, is not a determination in itself that the dividends concerned are entitled to the benefit of the exemption from or reduced rate of United States tax granted by the convention.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release of excess tax withheld, and exemption from, or reduction in rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] DANA LATHAM,
Commission of Internal Revenue.

Approved: August 10, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60–7647; Filed, Aug. 15, 1960; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations of Industry Committee

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 534 (25 F.R. 5296), appointed and convened Industry Committee No. 48–C and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6 of the Act to employees in the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico, as defined in the said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the aforesaid notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are are hereby published in this order revising 29 CFR Part 609, effective September 1, 1960, to read as follows:

Sec.
609.1 Definition of the industry.
609.2 Wage rates.
609.3 Notices.

AUTHORITY: §§ 609.1 to 609.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 609.1 Definition of the industry.

The women's and children's underwear and women's blouse and neckwear industry in Puerto Rico is defined as follows: The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6X and under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarves (excluding square scarves): *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (Part 614 of this chapter); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 609.2 Wage rates.

(a) *Hand-sewing classification.* Wages at a rate of not less than 64 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the hand-sewing classification of the industry, which is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative efforts: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are wholly machine-sewn or machine-knit shall not be included.

(b) *Other operations classification.* Wages at a rate of not less than 79 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the other operations classification of the industry, which is defined as all operations in the industry, other than those operations in the hand-sewing classification.

§ 609.3 Notices.

Every employer subject to the provisions of § 609.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 609.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 11th day of August 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60–7645; Filed, Aug. 15, 1960; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 716—DEATH GRATUITY

Service Without Pay

Scope and purpose. Section 716.3(a) is revised to conform with current Departmental regulations.

Section 716.3(a) is revised to read as follows:

(a) *Service without pay.* Any member of a Reserve component who performs active duty, active duty for training, or inactive-duty training without pay shall, for purposes of a death gratuity payment, be considered as being entitled to basic pay, including special pay and incentive pay if appropriate, while performing such duties.

(R.S. 161, 5 U.S.C. 22; 70A Stat. 278, 72 Stat. 1452, 10 U.S.C. 1475–1480, 5031)

[SEAL] ROBERT D. POWERS, JR.,
Captain, U.S. Navy, Acting Judge Advocate General of the Navy.

AUGUST 9, 1960.

[F.R. Doc. 60–7617; Filed, Aug. 15, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

Gulf of Mexico off Alabama Coast

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (40 Stat. 1147; 33 U.S.C. 419), § 205.33 establishing and governing the use of a dumping ground in the Gulf of Mexico off the Alabama coast is hereby revoked, effective upon publication in the FEDERAL REGISTER, as follows:

§ 205.33 Gulf of Mexico off Alabama Coast. [Revoked]

[Regs., Aug. 3, 1960, 285/91 (Gulf of Mexico, Ala.)–ENGCW–O] (Sec. 4, 40 Stat. 1147; 33 U.S.C. 419)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 60–7616; Filed, Aug. 15, 1960; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Effect of Admission of the State of Hawaii Into the Union on Payment of Burial Benefits

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1548 as follows:

§ 3.1548 Effect of admission of the State of Hawaii into the Union on payment of burial benefits.

(a) *Provisions of the law.* Section 25(b), Public Law 86–624, amends section 903 of Title 38, United States Code, on the subject "Death in Veterans' Administration facility", by revising subsection (b) to read as follows:

In addition to the foregoing, when such a death occurs in the continental United States or Hawaii, the Administrator shall transport the body to the place of burial in the continental United States or Hawaii. Where such a death occurs in a Territory, a Commonwealth, or a possession of the United States, the Administrator shall transport the body to the place of burial within such Territory, Commonwealth, or possession.

(b) *Effect of the act.* Section 903(b) of Title 38, United States Code, relates to the authority of the Veterans Administration to transport the bodies of veterans who have died in Veterans Administration facilities. Prior to enactment of Public Law 86–624 this section provided that when a death occurred in the continental United States (this included Alaska but excluded Hawaii) transportation of the body could be provided to the place of burial in the continental United States. There was no explicit provision included for transportation of the bodies of deceased veterans from Hawaii to the other States or from the other States to Hawaii. Public Law 86–624 removes the statutory distinctions between Hawaii and the other States and accords Hawaii the same treatment as the other States.

(c) *Adjudication procedure.* There may be paid in addition to the actual cost of funeral and burial (not to exceed $250) the cost of transporting the body to the place of burial within the continental limits of the United States or Hawaii if the death of a veteran occurs:

(1) While traveling under prior authorization and at Veterans Administration expense to or from a specified place for the purpose of examination, treatment, or care; or

(2) While properly hospitalized by the Veterans Administration; or

(3) While receiving domiciliary care from the Veterans Administration.

(d) *Effective date.* Section 25(b) of this law became effective on the date of enactment, July 12, 1960. Therefore, it applies where the veteran died on or after that date. (Instruction 1, 38 U.S.C. 903(b), Public Law 86–624.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 16, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60–7651; Filed, Aug. 15, 1960; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 113—TREATMENT OF OUTGOING POSTAL UNION MAIL

PART 131—AIR SERVICE

PART 135—SPECIAL DELIVERY (EXPRESS)

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 113—Treatment of Outgoing Postal Union Mail, as published in Federal Register document 60–1246, 25 F.R. 1095, make the following changes:

A. Section 113.2 *Shortpaid and unpaid,* is amended to show the treatment to be accorded certain shortpaid and unpaid outgoing postal union mail. As so amended, § 113.2 reads as follows:

§ 113.2 Shortpaid and unpaid.

(a) *At mailing office.* Mailing office shall return shortpaid and unpaid articles to the sender for deficient postage, except the following:

(1) *Special-delivery.* Dispatch to appropriate exchange office, by surface or air, unless deficiency can be obtained without delaying the article.

(2) *Letter mail and post cards with return address at an office other than the mailing office.* Dispatch to appropriate exchange office, by surface or air, for handling.

(3) *Articles without return address.* Send to proper dead letter branch for treatment, except letter mail and post cards. These are dispatched to appropriate exchange office, by surface or air, for handling.

(b) *At transit offices.* Transit offices shall not intercept shortpaid articles, but will allow such articles to go forward to the exchange office.

(c) *Credit for postage already affixed.* Credit is allowed for postage already affixed in figuring correct amount on articles returned to senders for deficient postage.

(d) *POD Form 2947–A.* If the deficiency is to be collected from the sender, POD Form 2947–A, "Notice to mailer of irregularities in international mail", is sent requesting that the deficiency be supplied to the exchange office.

NOTE: The corresponding Postal Manual section is 223.2.

B. In § 113.3 *Improperly prepaid,* paragraph (b) is amended for the purpose of clarification to read as follows:

§ 113.3 Improperly prepaid.

* * * * *

(b) *Oversized post cards.* Post offices will return oversized post cards (those exceeding 6 x 4½ inches) to senders, if known, unless they qualify as prints or are paid at letter rates. If sender is not known, dispatch oversized cards to the exchange office for handling as letter mail.

NOTE: The corresponding Postal Manual section is 223.32.

C. In § 113.4 *Forwarding,* paragraph (b) is amended by inserting "United States" preceding "postage" in the last sentence therein. As so amended, paragraph (b) reads as follows:

§ 113.4 Forwarding.

* * * * *

(b) *Domestic.* Unregistered letters (except those which appear to contain merchandise) and post cards are the only domestic mail articles permitted to be redirected to another country. They are forwarded by surface means without prepayment of additional postage. Credit is allowed for the postage already on the articles, and only the deficiency is collected on delivery. Articles are forwarded by air only if the required additional United States postage is prepaid.

NOTE: The corresponding Postal Manual section is 223.42.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. In Part 131—Air Service, as published in Federal Register document 60–1246, 25 F.R. 1095, make the following changes:

A. Section 131.3 *Prepayment* is amended for the purpose of clarification to read as follows:

§ 131.3 Prepayment.

(a) *How paid.* See § 26.4 of this chapter. See § 111.2(c) of this chapter concerning articles intended for air transmission received from foreign flag vessels and prepaid with foreign postage stamps.

(b) *Full payment necessary.* Postage on airmail must be fully paid to assure dispatch without delay. See § 113.2 of this chapter for information on treatment of shortpaid and unpaid airmail.

NOTE: The corresponding Postal Manual section is 241.3.

B. Section 131.4 *Marking* is amended as a result of the consolidation of airmail labels 19 and 55; and to show that accepting clerks are required to place an airmail label "Par Avion" on air parcels and on the dispatch note if that form is required to the country of address. As so amended, § 131.4 reads as follows:

§ 131.4 Marking.

(a) *Postal Union mail.* Articles to be sent by air must bear in the upper left corner, immediately below the sender's return card, the words "Par Avion" in blue color. Senders may use the revised official airmail label 19 bearing the words "Par Avion", or those words may be printed, stamped, or written on the articles. Post offices must not return articles to senders because of failure to affix a "Par Avion" label or failure to endorse those words on the articles.

(b) *Parcel post.* Accepting clerks will place an airmail label 19 on the address side of each parcel to be sent by air. Paste the label below and to the right of the name of the country of destination. If a dispatch note, Form 2972, is required the airmail label shall be placed on that form also.

NOTE: The corresponding Postal Manual section is 241.4.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

III. In § 135.3 *Payment,* as published in Federal Register document 60–1246, 25 F.R. 1095, paragraph (c) is amended to eliminate the provision for marking shortpaid special delivery mail "Not in special-delivery mail" and dispatching it as ordinary mail; and to show that the revised regulations now appear in § 113.2 (a) (1) of this chapter. As so amended, paragraph (c) reads as follows:

§ 135.3 Payment.

* * * * *

(c) *Shortpayment.* See § 113.2(a)(1) of this chapter.

NOTE: The corresponding Postal Manual section is 245.33.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60–7642; Filed, Aug. 15, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2177]

[Utah 06124]

UTAH

Revoking Public Land Orders No. 1187 and No. 1219

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1187 of July 11, 1955, which was revoked in part by Public Land Order No. 1554 of November 19, 1957, and Public Land Order No. 1219

of September 13, 1956, withdrawing public lands for materials sites, are hereby revoked. The following described lands are released by this order:

a. Public Land Order No. 1187:

SALT LAKE MERIDIAN

T. 6 N., R. 5 W.,
Sec. 6, lot 7 and SE¼SW¼;
Sec. 19, lots 3, 4, and E½SW¼.
T. 6 N., R. 6 W.,
Sec. 1, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 12, W½W½ and NE¼NW¼;
Sec. 13, NW¼NW¼ and W½SW¼;
Sec. 24, NW¼.

The areas described aggregate 916.90 acres.

b. Public Land Order No. 1219:

SALT LAKE MERIDIAN

T. 6 N., R. 5 W.,
Sec. 7, NW¼;
Sec. 18, NW¼.
T. 6 N., R. 6 W.,
Sec. 12, NE¼ and SE¼NW¼.

The areas described aggregate 450.89 acres.

2. The lands are situated at the southern end of Promontory Point, 30 to 32 miles west of Ogden, Utah. Topography is steep and rough.

3. No application for the lands may be allowed under the homestead, desert land, small tract, or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands released by this order are hereby opened to application, petition, location, and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m., on February 14, 1961, the State of Utah shall have a preferred right of application to select the lands described in paragraph 1b, of this order in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, other than from the State for lands described in paragraph 1b, presented prior to 10:00 a.m. on September 15, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, begining at 10:00 a.m. on September 15, 1960, as to the lands described in paragraph 1a, hereof, and at 10:00 a.m. on February 14, 1961, as to the lands described in paragraph 1b.

5. The State of Utah has waived its preference right of application granted by the act of August 27, 1958, supra, as to the lands described in paragraph 1a of this order.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 10, 1960.

[F.R. Doc. 60-7626; Filed, Aug. 15, 1960; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER A—RULES OF PRACTICE

PART 500—APPEARANCE AND PRACTICE BEFORE THE COMMISSION

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Miscellaneous Amendments

1. Section 500.2(c) is hereby amended to read as follows:

(c) The total remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim falling within Title I and Title IV of the Act shall not exceed ten per centum of the total amount paid on account of such claim.

(Sec. 4, 64 Stat. 13, as amended; 22 U.S.C. 1623 and 72 Stat. 527, 22 U.S.C. 1642 Note)

2. Section 531.1 is hereby amended by adding a new paragraph as follows:

(c) Claims under Title I of the Act (Polish claims) shall be filed with the Commission on or before September 30, 1961.

(Sec. 4, 64 Stat. 13, as amended; 22 U.S.C. 1623)

3. Section 531.2 is hereby amended by adding the following paragraphs after paragraph (c):

(d) FCSC Form 709 (Claim Against the Government of the Polish People's Republic).

(e) Notice to the Foreign Claims Settlement Commission, the Department of State, or any other governmental office or agency, prior to the enactment of the statute authorizing a claims program or the effective date of a lump-sum claims settlement agreement, of an intention to file a claim against a foreign country, shall not be considered as a timely filing of a claim under the statute or agreement.

(f) Any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period therefor, shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period.

(Sec. 3, 64 Stat. 13, as amended; 22 U.S.C. 1622 and 72 Stat. 527, 22 U.S.C. 1642 Note)

4. Paragraph (g) of § 531.5 is hereby amended to read as follows:

(g) Upon the expiration of 20 days for Title IV (Czechoslovakian) and 60 days for Title I (Polish) claims, after such service or receipt of notice, if no objection under this section has in the meantime been filed, such proposed decision shall, without further order or decision of the Commission, become the Commission's final determination and decision on the claim.

(Sec. 3, 64 Stat. 13, as amended; 22 U.S.C. 1622 and 72 Stat. 527, 22 U.S.C. 1642 Note)

These amendments shall become effective as of the date of filing with the office of the Federal Register.

Dated: August 11, 1960.

MRS. STANLEY D. PACE,
Chairman, Foreign Claims Settlement Commission of the United States.

[F.R. Doc. 60-7643; Filed, Aug. 15, 1960; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on April 8, 1960 (25 F.R. 3037), the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., on or before June 27, 1960, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State game departments, and from other sources, the several State game departments, Puerto Rico, and the Virgin Islands were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1960–61 seasons on band-tailed pigeons, gallinules, mourning doves, rails, white-winged doves, Wilson's snipe, woodcock, and on waterfowl and coots in Alaska. The State game departments, Puerto Rico, and the Virgin Islands were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the shooting hours and season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

Accordingly, each State game department, Puerto Rico, and the Virgin Islands having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it has been determined that §§ 6.4, 6.41, 6.46, 6.51, and 6.52 shall be amended as indicated below.

1. Section 6.4(a) is amended to read as follows:

§ 6.4 Open seasons, limits, and other provisions.

(a) Migratory game birds may be taken during the open seasons and hours prescribed in the schedules hereinafter provided in this part.

2. Section 6.41 is amended to read as follows:

§ 6.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1960 and January 15, 1961, as follows:

(a) *Mourning doves—Eastern Dove Management Unit.*

Daily bag limit	12
Possession limit	24
Shooting hours	See footnote 1.
Seasons in:	
Alabama	Oct. 1–Oct. 31.
Connecticut	Dec. 1–Jan. 8.
Delaware	Closed season.
District of Columbia	Sept. 9–Oct. 29.
Florida [2]	Nov. 18–Dec. 6.
Georgia	Closed season.
Illinois	See footnote 2.
Indiana	Sept. 15–Oct. 1.
Kentucky	Nov. 23–Jan. 14.
Louisiana	Sept. 1–Nov. 9.
Maine	Closed season.
Maryland	Sept. 1–Oct. 31.
Massachusetts	Dec. 1–Dec. 9.
Michigan	Sept. 3–Sept. 20.
Mississippi	Nov. 12–Jan. 2.
New Hampshire	Closed season.
New Jersey	Sept. 12–Oct. 31.
New York	Dec. 17–Jan. 5.
North Carolina	Closed season.
Ohio	Do.
Pennsylvania	Do.
Rhode Island	Sept. 9–Oct. 3.
South Carolina	Dec. 2–Jan. 15.
Tennessee	Closed season.
Vermont	Do.
Virginia	Do.
West Virginia	Sept. 10–Oct. 15.
Wisconsin	Dec. 12–Jan. 14.
	Closed season.
	Sept. 1–Nov. 9.
	Oct. 24–Dec. 31.
	Sept. 15–Oct. 8.
	Nov. 30–Jan. 14.
	Sept. 1–Oct. 22.
	Dec. 15–Jan. 1.
	Closed season.
	Sept. 15–Nov. 23.
	Oct. 1–Dec. 9.
	Closed season.

[1] Shooting hours are from 12 o'clock noon until sunset (Standard time).

[2] Florida: In the counties of Collier, Hardee, De Soto, Charlotte, Glades, Okeechobee, Escambia, Santa Rosa, Okaloosa, Walton, and that portion of Holmes county west of the Choctawhatchee River, Nov. 24–Jan. 9; in the rest of the State Oct. 15–Nov. 6 and Nov. 24–Jan. 9.

(b) *Mourning doves—Central Dove Management Unit.*

Daily bag limit	15
Possession limit	30
Shooting hours	See footnote 1.
Seasons in:	
Arkansas	Sept. 1–Oct. 8.
	Dec. 20–Jan. 10.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 10.
	Nov. 10–Nov. 29.
Montana	Closed season.
Nebraska	Do.
New Mexico [2]	Sept. 1–Oct. 30.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Closed season.
Texas [3]	See footnote 3.
Wyoming	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time) in all States except Texas. In Texas, shooting hours are 12 o'clock noon until sunset (Standard time) on all days except Sept. 9, 10, and 11 when shooting hours are from 2 p.m. until sunset (Standard time).

[2] In New Mexico, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 20 may be white-winged doves. In Texas, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 10 may be white-winged doves.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1–Oct. 30; in the rest of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 7–Dec. 5, in these latter counties Sept. 9, 10, and 11 and Oct. 7–Dec. 2.

(c) *Mourning doves—Western Dove Management Unit.*

Daily bag limit	10
Possession limit	20
Shooting hours	See footnote 1.
Seasons in:	
Arizona [2]	Sept. 1–Sept. 25.
	Dec. 10–Jan. 3.
California [2]	Sept. 1–Sept. 30.
Idaho	Sept. 1–Sept. 16.
Nevada	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
Utah	Sept. 1–Sept. 25.
Washington	Sept. 1–Sept. 30.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time).

[2] In Arizona the daily bag and possession limit is 10 mourning doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds.

(d) *White-winged doves.*

Daily bag and possession limits	See footnote 2.
Shooting hours	See footnote 1.
Seasons in:	
Arizona [2]	Sept. 1–Sept. 25.
	Dec. 10–Jan. 3.
California:	
Counties of: [2]	
Imperial, Riverside, San Bernardino	Sept. 1–Sept. 30.
Remainder of State	Closed season.
New Mexico [2]	Sept. 1–Oct. 30.
Texas:	
Counties of: [2]	
Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, Zapata	Sept. 9, 10, and 11.
Remainder of State	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time) in Arizona, New Mexico, and the open counties in California. In Texas, the shooting hours are from 2 p.m. until sunset (Standard time) in the open counties.

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 20 may be white-winged doves. In Texas, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 10 may be white-winged doves.

(e) *Band-tailed pigeons.*

Daily bag limit	5
Possession limit	9
Shooting hours	See footnote 1.
Seasons in:	
California:	
Counties of:	
Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity	Oct. 1–Oct. 30.
Remainder of State	Dec. 17–Jan. 15.
Oregon	Sept. 1–Sept. 30.
Washington	Sept. 1–Sept. 30.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time).

(b) *Mississippi Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Alabama	Nov. 24–Jan. 8		Dec. 12–Jan. 14	
Arkansas	Sept. 1–Oct. 30		Do.	
Illinois	Nov. 10–Jan. 9		Nov. 19–Dec. 26	
Indiana	Sept. 1–Oct. 30		Oct. 28–Dec. 6	
Iowa	Closed season		See footnote 1.	
Kentucky	Nov. 17–Jan. 5		Nov. 17–Dec. 26	
Louisiana	Closed season		Dec. 3–Jan. 1	
Michigan: [1] [2]	Oct. 1–Nov. 19		Dec. 7–Jan. 15	
Zone 1 and 2	See footnote 2		See footnote 1.	
Zone 3 [1]				
Minnesota [1]	Sept. 1–Oct. 30		Oct. 1–Nov. 9	
Mississippi	Oct. 1–Nov. 19		Oct. 30–Nov. 9	
Missouri	Sept. 1–Oct. 30		Oct. 1–Nov. 9	
Ohio	do		Nov. 19–Dec. 28	
Tennessee	Nov. 23–Jan. 10		Oct. 1–Nov. 10	
Wisconsin [1] [2]	See footnote 2		See footnote 1.	
Zone 1 [1]	Oct. 1–Nov. 9		Oct. 1–Nov. 9	
Zone 2 [1]	Sept. 1–Oct. 30		Sept. 17–Jan. 15	
Zone 3 [1]	Oct. 1–Nov. 19		Nov. 20–Dec. 28	
Zone 4 [1]	Sept. 1–Oct. 30		Oct. 1–Nov. 9	

[1] Seasons on Wilson's snipe in States indicated will be prescribed when the waterfowl seasons are selected.
[2] Seasons on rails and gallinules in States indicated will be prescribed when the waterfowl seasons are selected.

(c) *Central Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Colorado	Sept. 1–Oct. 20		Closed season	Oct. 26–Nov. 24.
Kansas	do		Oct. 1–Nov. 9	Sept. 15–Oct. 14.
Montana	Closed season		Closed season	Closed season.
Nebraska	Oct. 8–Nov. 26		do	Oct. 8–Nov. 6.
New Mexico	Sept. 15–Nov. 3		do	Sept. 15–Oct. 14.
North Dakota [1]	do		do	See footnote 1.
Oklahoma	Sept. 11–Oct. 30		Nov. 23–Jan. 1	Oct. 1–Oct. 30.
South Dakota	Closed season		Closed season	Do.
Texas	Sept. 1–Oct. 20		Dec. 7–Jan. 15	Dec. 3–Jan. 1.
Wyoming	Closed season		Closed season	Closed season.

[1] Season on Wilson's snipe in North Dakota will be prescribed when the waterfowl season is selected.

3. Section 6.46 is amended to read as follows:

§ 6.46 Seasons and limits on gallinules, rails, woodcock, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1960 and January 15, 1961 for rails, gallinules, and Wilson's snipe, and between October 1, 1960 and January 15, 1961 for woodcock as follows:

(a) *Atlantic Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	30	8	8
Shooting hours [1]	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Connecticut	Sept. 1–Oct. 20		Oct. 22–Nov. 26	Oct. 22–Nov. 20.
Delaware	Sept. 1–Nov. 9		Nov. 18–Dec. 27	Nov. 18–Dec. 17.
District of Columbia	Closed season		Closed season	Closed season.
Florida	Sept. 23–Nov. 30		Dec. 17–Jan. 15	Dec. 17–Jan. 15.
Georgia	Sept. 6–Nov. 14		Dec. 6–Jan. 14	Dec. 6–Jan. 4.
Maine	Oct. 1–Nov. 9		Oct. 1–Nov. 9	Oct. 1–Oct. 30.
Maryland	Sept. 1–Oct. 20		Nov. 15–Dec. 24	Nov. 20–Dec. 19.
Massachusetts	Oct. 20–Dec. 28		Oct. 20–Nov. 28	Oct. 20–Nov. 18.
New Hampshire	Sept. 1–Nov. 9		Oct. 1–Nov. 9	Oct. 1–Oct. 30.
New Jersey	do		Oct. 17–Nov. 25	Nov. 1–Nov. 10.
New York [1]	do			Oct. 10–Nov. 4.
Counties of:				
Nassau			Nov. 1–Nov. 18	
Suffolk			do	
Remainder of State			Oct. 10–Nov. 18	Nov. 24–Dec. 23.
North Carolina	Sept. 1–Nov. 9		Nov. 24–Jan. 2	Oct. 1–Oct. 20.
Pennsylvania	do		Oct. 15–Nov. 23	Oct. 24–Nov. 22.
Rhode Island	Oct. 24–Dec. 31		Dec. 6–Jan. 14	Dec. 16–Jan. 14.
South Carolina	Sept. 1–Dec. 9		Oct. 1–Nov. 9	Oct. 1–Oct. 30.
Vermont	Sept. 1–Oct. 31		Nov. 21–Dec. 30	Nov. 21–Dec. 20.
Virginia	Oct. 1–Dec. 9		Oct. 25–Dec. 3	Oct. 25–Nov. 23.

[1] In New York, shooting hours on woodcock are from 9 a.m. until 6 p.m. on the first day of the respective open seasons and from 7 a.m. until 6 p.m. on each day thereafter.

(d) *Pacific Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Arizona [1] [2]	See footnote 2	Closed season		See footnote 1.
California [2]	do	do		Dec. 3–Jan. 1.
Idaho [1]	do	do		Nov. 1–Nov. 30.
Nevada [1]	do	do		Do.
Oregon [1]	do	do		Oct. 29–Nov. 27.
Utah [1]	do	do		Oct. 15–Nov. 13.
Washington [1] [2]	do	do		See footnote 1.

[1] Seasons on Wilson's snipe in States indicated will be prescribed when the waterfowl seasons are selected.
[2] Seasons for taking gallinules in States indicated will be prescribed when the waterfowl and coot seasons are selected.

4. Section 6.51 is amended to read as follows:

§ 6.51 Seasons and limits on waterfowl, coot, and on Wilson's snipe in Alaska.

Subject to the provisions of the preceding sections of this part, the areas open to hunting, respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of waterfowl and on coot and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1960 and January 8, 1961 as follows:

(a) *Alaska.*

	Duck [1]	Geese [2]	Coot	Brant	Wilson's snipe
Daily bag limits	5	5	15	3	8
Possession limits	10	10	15	3	8
Season dates	Sept. 1–Dec. 3				Sept. 1–Oct. 15.
Shooting hours	One-half hour before sunrise until sunset (Standard time) on all species.				

[1] Ducks: In addition to the daily bag and possession limits prescribed in the above table, a daily bag limit of 10, and a possession limit of 20, singly or in the aggregate of the following species are permitted: scoter, elder, harlequin, old-squaw, and American and red-breasted mergansers.
[2] Geese: The daily bag limit of 5 and the possession limit of 10 may not include more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate, of white-fronted geese and Canada geese or subspecies of Canada geese or white-fronted geese.

(b) *Eider, old-squaw, and scoter ducks—Atlantic Flyway.*

Daily bag limit	7 (Singly or in the aggregate, in addition to other ducks.) [1]
Possession limit	14 (Singly or in the aggregate, in addition to other ducks.) [1]
Shooting hours: Sunrise until sunset (Standard time).	
Special season in open coastal water only, beyond outer harbor lines in: [2]	Oct. 1–Jan. 8. [2]
Connecticut	
Maine	
Massachusetts	
New Hampshire	
New York	
Rhode Island	

[1] In the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, the season for taking eider, old-squaw, and scoter ducks beyond outer harbor lines is from October 1 through January 8. In areas other than those beyond outer harbor lines in these States, and in all other States in the Atlantic Flyway, eider, old-squaw, and scoter ducks may be taken only during the open season for other ducks.
[2] During the open season in all States in the Atlantic Flyway, in addition to the bag limit on other ducks, a daily bag limit of 7 and a possession limit of 14 elder, old-squaw, and scoter ducks, singly or in the aggregate of these species, are permitted.

5. Section 6.52 is amended to read as follows:

§ 6.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

Subject to the provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1960 and February 12, 1961 as follows:

(a) *Seasons and limits on doves, gallinules, and rails in Puerto Rico and the Virgin Islands.*

	Doves (all species) (singly or in the aggregate) [1]	Gallinules and rails (except coot) (singly or in the aggregate)
Daily bag limits	10	15
Possession limits	10	30
Seasons	Sept 1–Oct. 30	Dec. 15–Feb. 12.
Shooting hours	Sunrise until sunset (Standard time).	

[1] No open season is prescribed for any species of pigeon.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757)

The taking of migratory game birds is presently prohibited. The foregoing amendments will serve to permit the taking of designated species of such birds within specified periods of time beginning as early as September 1, as has been the case in prescribing hunting seasons in past years. The hunting public has over the years become accustomed to a September 1 opening date in many areas on certain species of migratory game birds and many hunters make hunting reservations well in advance of such date. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), if hunting is to be permitted on September 1 and the public to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication and since these amendments serve to relieve existing restrictions, the provisions of the exceptions provided in section 4(c) of the Administrative Procedure Act of June 11, 1946, are hereby invoked and the amendments shall become effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 8, 1960.

[F.R. Doc. 60–7527; Filed, Aug. 15, 1960; 8:45 a.m.]

SUBCHAPTER F—NORTH PACIFIC COMMERCIAL FISHERIES

PART 130—NORTH PACIFIC AREA

Salmon Fisheries

On page 5153 of the FEDERAL REGISTER of June 9, 1960, there was published a notice of intention to amend Part 130 of Title 50, Code of Federal Regulations. The purpose of the amendment is to extend the boundaries of the area on the high seas of the North Pacific Ocean where it is prohibited to fish for, or take, salmon with any net; to define the term North Pacific Area; and to retitle Subchapter F.

Interested persons were given 30 days within which to submit their written comments, suggestions or objections with respect to the proposed amendment. No written comments, suggestions or objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

The heading for Subchapter F of Title 50, Code of Federal Regulations, is amended to read: Subchapter F—North Pacific Commercial Fisheries.

Part 130 is amended to read as follows:

Sec.
130.1 Definition.
130.10 Salmon fishing prohibited; exception.

AUTHORITY: §§ 130.1 and 130.10 issued under sec. 1, 68 Stat. 698, as amended; 16 U.S.C. 1021 et seq.

§ 130.1 Definition.

For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48 degrees 30 minutes north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

§ 130.10 Salmon fishing prohibited, exception.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided*, That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

Dated: August 9, 1960.

FRED A. SEATON,
Secretary of the Interior.

[F.R. Doc. 60-7626; Filed, Aug. 15, 1960; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Parts 13, 31, 47, 48]

UNDELIVERABLE THIRD- AND FOURTH-CLASS MAIL

Procedure for Handling and Disposal

It is proposed to amend the Post Office Department regulations relating to the procedure for handling and disposing of undeliverable third- and fourth-class mail.

The present procedure for handling third-class mail which is undeliverable as addressed is complicated and costly. In order to simplify the procedure and reduce the costs, it is proposed to discontinue the use of Form 3547; discontinue delivering pieces of no obvious value to a new local address or forwarding them to other post offices; and dispose of as waste pieces of no obvious value for which return is not requested.

Mailers who indicate by the prescribed endorsement that they desire the return of undeliverable pieces of third- or fourth-class mail will be furnished the new address, if known, or if the new address is not known, the reason for nondelivery. A charge of five cents or postage at the third- or fourth-class rates, whichever is higher will be made for the return of each piece.

Although the regulations relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to present written views concerning the proposed regulations. Accordingly, such written views may be submitted to Mr. E. A. Riley, Director, Postal Services Division, Bureau of Operations, Room 4426, Post Office Department, Washington 25, D.C., at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

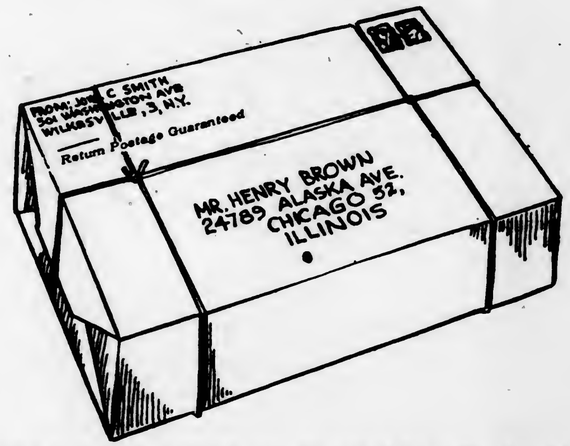
The proposed amendments are as follows:

In Part 13—Addresses:

I. Section 13.3 *Where to put handling instructions* is amended to read as follows:

§ 13.3 Where to put pledge to pay return postage.

Below the return address of the sender as illustrated. (Only on second-, obvious value third-, and fourth-class matter.)



NOTE: The corresponding Postal Manual section is 123.3.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 610; 5 U.S.C. 22, 369; 39 U.S.C. 278a)

In Part 31—Stamps, Envelopes, and Postal Cards:

§ 31.3 [Amendment]

II. In § 31.3 *Printed stamped envelopes (special request)* make the following changes in paragraph (c) *Return address requirement:*

A. In subparagraph (2), amend subdivision (i) to read as follows:

(i) A request to return after a specified number of days (not less than 3 and not more than 30).

B. In subparagraph (4), amend the first style illustration in subdivision (ii) to read as follows:

(ii) For third-class mail—

Richard Roe
1234 Ninth Avenue
Chicago 2, Illinois
Return Requested

(If sender desires return of undeliverable mail only of obvious value.)

NOTE: The corresponding Postal Manual sections are 141.32a and 141.334b.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 210; 5 U.S.C. 22, 369; 39 U.S.C. 278a)

In Part 47—Forwarding Mail:

§ 47.3 [Amendment]

III. In § 47.3 *Postage for forwarding* make the following changes:

A. Amend paragraph (a) to read as follows:

(a) *Change in local address.* If a change is made to an address served by the same post office, all first-, second-, and fourth-class mail and third-class mail of obvious value will be delivered as directed and additional postage will not be required. (See § 25.2(b)(4) of this chapter for local delivery.)

B. In paragraph (b) *change to another post office*, amend subparagraph (4) to read as follows:

(4) Third-class mail is subject to collection of additional postage at the single-piece rate when forwarded. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value. Mail of no obvious value will be disposed of as undeliverable mail. (See § 48.2 (d) of this chapter.)

NOTE: The corresponding Postal Manual sections are 157.31 and 157.32d.

IV. Section 47.6 *Reforwarding* is amended to read as follows:

§ 47.6 Reforwarding.

The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-, third-class of obvious value, or fourth-class mail, and airmail weighing over 8 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

NOTE: The corresponding Postal Manual section is 157.6.

V. Section 47.7 *Guarantee to pay forwarding postage* is amended to read as follows:

§ 47.7 Pledge to pay forwarding postage.

When the addressee has moved to a new post office address, he should file a Change of Address Order, POD Form 3575, which will pledge the payment of forwarding postage for second-, third-,

and fourth-class parcels of obvious value and for newspapers and magazines mailed by publishers. The payment of forwarding postage may not be pledged by the mailer. When the addressee refuses to pay the postage due, the postmaster at the new address must send Notice to Change Forwarding Order, POD Form 3546, to the postmaster at the old address, requesting him to discontinue forwarding the mail.

NOTE: The corresponding Postal Manual section is 157.7.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 278a)

In Part 48—Undeliverable Mail:

VI. In § 48.2 *Treatment by classes*, amend paragraphs (d) and (e) to read as follows:

§ 48.2 Treatment by classes.

* * * * *

(d) *Third-class mail.* (1) Undeliverable third-class mail of obvious value or bearing request for return, will be returned to sender endorsed to show the addressee's new address legibly printed, or reason for nondelivery and postage at the single piece third-class rate or 5 cents whichever is higher, will be collected on delivery. (See § 24.1 of this chapter.) Third-class mail having no obvious value, and without request for return will be treated as waste.

(2) Third-class mail having no obvious value will not be returned unless the sender:

(i) Prominently prints or handstamps in the upper left corner, "Return Requested," and shows his name and return address. (See § 48.3(d).)

(ii) Accepts and pays the charge for each returned piece.

(e) *Fourth-class mail.* (1) Undeliverable fourth-class mail will be returned to the sender or sender's representative, unless parcel is marked by sender "Treat as Abandoned", and postage at the fourth-class rate will be collected on delivery. (See § 25.1 of this chapter.) Before dispatch, compute and mark the amount of postage on each piece at the applicable rate between the office of last address and the office to which returned.

(2) When a piece which has been forwarded is undeliverable, return it to the sender. Collect from the sender postage for return plus any additional charges due.

(3) If addressee of an ordinary fourth-class parcel refuses to accept it, return the parcel immediately to sender, rated for collection of return postage plus any additional charges due, unless it bears instructions of the sender for other disposition.

(4) If effort has been made to deliver a piece addressed for local delivery, do not return it to the sender without payment of return postage.

(5) When fourth-class mail bearing a postage meter stamps or postmark is received unaddressed and without return address, open it to obtain the name and address of addressee or sender, if possible. If delivery is not made return the parcel to the mailing office, provided it bears a postage meter stamp affixed by a private meter user who can be identified by the meter number or if the name of the sender has been ascertained.

(6) Undeliverable fourth-class mail having the words "Return Requested" printed or handstamped thereon will be returned to the sender endorsed to show the addressee's new address or reason for nondelivery and fourth-class postage will be collected on delivery. (See § 25.1 of this chapter.)

NOTE: The corresponding Postal Manual sections are 158.24 and 158.25.

VI. Section 48.3 *Return address required* is amended to read as follows:

§ 48.3 Return address required.

The return address of the sender must be shown on the address side of mail to secure its return. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On second-class mail the sender must print "Return Postage Guaranteed" on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address.

(b) The sender may in his return address request that mail be held for not less than 3 days or more than 30 days. Examples:

Return in 30 days to	Return in 3 days to
Frank B. White	Frank B. White
2416 Front Street	2416 Front Street
St. Louis 25, Mo.	St. Louis 25, Mo.

(c) Requests to lengthen or shorten retention periods specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not addressee's request.

(d) On third-class mail the sender must place "Return Requested" above or below the return address. Example:

Frank B. White
Company
2416 Front Street
St. Louis 25, Mo.
Return Requested

NOTE: The corresponding Postal Manual section is 158.3.

VII. Section 48.4 *Notice to sender on third- and fourth-class mail* is deleted; and §§ 48.5, 48.6, 48.7, and 48.8 are redesignated as §§ 48.4, 48.5, 48.6, and 48.7.

NOTE: The corresponding Postal Manual sections are 158.4, 158.5, 158.6, 158.7.

VIII. In the new designated § 48.5 *Disposal of undeliverable mail*, amend paragraph (d) to read as follows:

§ 48.5 Disposal of undeliverable mail.

* * * * *

(d) Third-class mail of no obvious value and not bearing "Return Requested" is disposed of as waste.

NOTE: The corresponding Postal Manual section is 158.5.

(R.S. 161, as amended, 396, as amended; secs. 1, 2, 64 Stat. 210, sec. 12, 65 Stat. 676, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 246f, 278a, 278b)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-7564; Filed, Aug. 15, 1960; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Part 602]

SYMBOL OF IDENTIFICATION FOR STATE EMPLOYMENT SERVICES

Notice of Proposed Rule Making

Pursuant to authority contained in section 12, 48 Stat. 117, as amended, 29 U.S.C. 49k, it is proposed that paragraph (a) of § 602.12 be amended as set forth below. The purpose of the amendment is to substitute a uniform symbol for use on official signs, stationery, and documents identifying the cooperating state employment service with the national system of employment offices in lieu of the present requirement of a literal expression of affiliation with the United States Employment Service. The proposal is based on a reappraisal, in the light of administrative experience, of the relative efficacy of the two devices to achieve their purposes.

It is also proposed that this amendment shall become effective one month after final notice of its adoption appears in the FEDERAL REGISTER.

Any person interested in the proposed amendment may file a written statement of data, views, or arguments with the Secretary of Labor within 15 days after this proposal is published in the FEDERAL REGISTER.

§ 602.12 Organization.

(a) *Official identification.* The official name of the statewide system of public employment offices and the name on all official signs, stationery, and documents used in connection with the statewide system of public employment offices shall be "———— State Employment Service". To associate the State Employment Service and its local offices with the nationwide public employment service system in each instance where this name appears on official signs, stationery, and documents, there shall also appear (in appropriate size) the following symbol of identification:



Signed at Washington, D.C., this 6th day of August 1960.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60-7562; Filed, Aug. 15, 1960; 8:45 a.m.]

Division of Public Contracts

[41 CFR Part 50-202]

ELECTRON TUBES AND RELATED PRODUCTS INDUSTRY

Tentative Determination of Prevailing Minimum Wages

A complete record of proceedings under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 45a) to determine the prevailing minimum wages for persons employed in the electron tubes and related products industry has been certified by the hearing examiner. The record, including findings of fact, conclusions of law and supporting arguments proposed by the parties, has been fully considered. A tentative decision, including a statement of findings and conclusions, as well as the reasons and basis therefor, on all material issues of fact, law, or discretion presented on the record, and any proposed wage determination is now appropriate under the rules of practice, 41 CFR 50-203.21(b), and the Administrative Procedure Act (5 U.S.C. 1007(b)).

Definition. The notice of hearing defined the electron tubes and related products industry as that industry which manufactures or furnishes electron tubes and related products, including the following products and/or parts specially designed for incorporation therein: Radio and television receiving type tubes, including cathode ray tubes manufactured from re-worked glass envelopes; transmitting, industrial, and special-purpose tubes, including high vacuum and vapor rectifier modulated tubes, thyratrons, magnetrons, klystrons, velocity modulated tubes, photo tubes, cathode ray tubes, and geiger-mueller tubes; and solid-state semiconductor devices. The following products are specifically excluded: (1) Gas-filled tubes used for illumination, such as glow lamps and strobotrons; (2) X-ray tubes and rectifier tubes specially designed for use in X-ray equipment; and (3) the following types of parts: metal stampings, getters, lead wires, and any part made exclusively of glass, plastics, germanium, silicon, ceramics, mica, graphite, or rubber.

Certain amendments to this proposed definition were recommended at the hearing in order to express the intendment more accurately. The word "modulated" appearing after the word "rectifier" is deleted so that this phrase reads, "including high vacuum and vapor rectifier tubes". The word "modulated" has no proper place in identifying these types of tubes. In the same sentence, the comma following the word "klystrons" is deleted and the words "and other" substituted, so that this phrase reads, "thyratrons, magnetrons, klystrons and other velocity modulated tubes". This substitution is made because a klystron tube is another velocity modulated tube. Finally, the exclusionary clause is changed to read: "(1) Gas-filled tubes used for illumination; (2) glow lamps and strobotrons; (3) X-ray tubes and rectifier tubes specially designed for use in X-ray equipment; and (4) the following types of parts: Metal stampings, getters, lead wires, and any part made exclusively of glass, plastics, germanium, silicon, ceramics, mica, graphite, or rubber." A separate group is made of "glow lamps and strobotrons," because they are used in testing and indicating devices, rather than for illumination.

The only area of substantial controversy regarding the definition which has developed in these proceedings concerns television picture tubes. The labor groups support the definition as proposed, but had reservations concerning the inclusion of rebuilt tubes. The management group would either exclude all of them, because there has been no showing of purchases of them subject to the Act or include those manufactured from re-worked glass envelopes if the new ones are included.

Generally, the mere fact that the Government has not yet purchased one group of the products of an industry in sufficient quantity to result in contracts subject to the Act has not been regarded as adequate reason to exclude them from the industry for which a determination is to be made, particularly after wage data have been collected. Here, however, a determination for television picture tubes would require resolution of the unusually difficult question whether those made from reworked glass envelopes should be included. The reworked ones differ from new ones in almost every characteristic which is significant in the process of prevailing minimum wage determination under the Act. They are made in many small establishments whereas new ones are made in a few large establishments. The minimum wages paid in the establishments where they are made average much lower than the minimum wages in establishments making the new ones. Their distribution is confined to relatively small areas surrounding the plant of manufacture, whereas there is industry-wide competition in marketing the new ones. On the other hand, the ones made from re-worked glass envelopes are in strong competition with the new ones in the very substantial picture tube replacement market.

The form of the wage data in evidence here permits the separation of those relating to the manufacture of television picture tubes from the remainder. Such manufacture is also segregated in a four digit industry code number in the Standard Industrial Classification Manual, separate from the remainder of the industry as it is defined here. In view of the extraordinarily difficult question relating to the reworked glass envelopes that would have to be resolved in any determination for television picture tubes here, the relative unimportance of any such determination in the administration of the Act, the fact that the data in evidence permit determination for the remainder of this industry with these products excluded, and the fact that this may be accomplished without departure from standard industrial classification, I have decided to omit all television picture tubes from this tentative determination.

Product division. The next controversy encountered in proceeding to a determination of prevailing minimum wages for this industry results from the contention of the management group that separate determination be made for solid-state semiconductor devices and the contention of the labor groups that there be no product division.

The solid-state semiconductors are competitive with the receiving type electron tubes in the broad sense that a complete receiving device may be made of either. They are not competitive, however, in that one may not be substituted for another in an existing circuit. They are classified in separate four digit industry code numbers in the Standard Industrial Classification Manual. Though there was conflicting evidence concerning skills required in the lowest labor grade, I find that greater skill is required in assembling electron tubes. This finding is based on the uncontroverted facts (1) that most of the test failures of electron tubes are occasioned by human error in manufacture, whereas hardly any of such failures in semiconductors are so occasioned, and (2) the parts which must be assembled in the manufacture of electron tubes are observably very fragile, whereas those assembled in the manufacture of solid-state semiconductor devices, though small, are more rigid. There is a substantial overlap in employment in the manufacture of different types of electron tubes, whereas there is relatively little such overlap in employment between tubes and solid-state semiconductor devices. Finally, there is a substantial difference in the level of minimum wages prevalent in the manufacture of electron tubes and solid-state semiconductor devices. A balance of these several considerations leads me to conclude that the purpose of these proceedings would be better served by separate determinations for electron tubes and solid-state semiconductor devices.

Locality. The notice of hearing informed interested persons that they could appear at the hearing and submit evidence, views and arguments as to whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry. The management group proposes regional determinations, while the labor groups oppose any geographic division.

The Wage and Hour and Public Contracts Divisions of this Department prepared tables reflecting distribution of bids for, and awards of, unclassified government contracts for the purchase of electron tubes and related products in excess of $10,000. These data clearly indicate that competition is industry-wide, both for electron tubes and solid-state semiconductor devices. The tables analyze shipments to the government on contracts of the Air Force, Army, Navy and other agencies. The invitations to bid obliged the successful bidder to deliver to any point or points within the continental United States that may be designated by the procuring agency during the term of the contract without any adjustment in the contract price. As

the government destinations used were distributed all over the nation, and as the bids and awards are made without binding specification concerning place of delivery, no manufacturer's location would exclude him from the competition. Table 2 of the exhibit, based on files of Gentile Air Force Base and Navy Great Lakes Electronic Supply Office, shows that both for electron tubes and solid-state semiconductor devices, during the fiscal year 1958 chosen for examination, successful bids were received from each of the four geographical areas into which the table divides the country, for delivery into all of these four areas. For example, of New England's 1232 successful bids, approximately 12 percent were destined for New England; while the Middle Atlantic received 13 percent; the West, 33 percent; and the "rest of the United States", 42 percent.

Industry has attacked this exhibit on such grounds as the absence of a showing of dollar value of awards, the fact that bids for shipment from one region to another may be explained by the use of a multi-region bidding system, and th use of a central delivery point by one of the government agencies. Whatever the precise reasons which made for inter-regional competition, it cannot be denied that such competition is indeed widely across regional boundaries. This same method of tabulating the bids by numbers of successful bids rather than by dollar value was used in the textile, woolen and worsted, and electric lamp determinations, each of which withstood the test of judicial review challenging its industry-wide characteristic.

Under all these circumstances, separate determinations for separate geographic areas would not accord with the purposes of the Act, and I find that the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under contracts subject to the Act in the electron tubes and related products industry is all that area in which the industry has its establishments.

Prevailing minimum wages. The Bureau of Labor Statistics conducted a survey of the establishments within the industry for the payroll period nearest June 30, 1958. Questionnaires were sent to 420 establishments thought possibly to operate within this industry, based on lists obtained from the state unemployment compensation agencies, public contracts awards for calendar year 1956, and the Electronic Industries Association. After receiving responses, it was determined that 100 establishments were actually within the scope of the survey, excluding those specializing in television picture tubes. These establishments employed 78,911 workers, 54,595 of whom were "covered", because they would be entitled to the protection of any determination made here when engaged in work subject to the Act.

Before making minimum wage determinations, it is necessary to decide whether a tolerance will be provided for beginners. If one is to be provided, the prevailing minimum wages for other employees should be determined from the tables which exclude beginners. If no tolerance is provided for beginners, however, the prevailing minimum wages for application to all covered employees must be found in the data which include the wages paid all covered employees.

Separate wage data were obtained in the Bureau of Labor Statistics' survey for workers classified as beginners or probationary workers, defined as new plant employees hired at rates lower than those established for a specific job during the period of time required to receive orientation or initial training for that job. Only 22 establishments in the electron tubes group employed 325 workers so classified, while semiconductor establishments employed 107 workers as beginners during the payroll period surveyed. Both the labor and management groups agree there should be no tolerance for beginners and probationary workers due to the scarcity of employment of such workers at special wage rates. This concurrence of the parties appears to be soundly based, and no tolerance for beginners and probationary workers will be provided. Apprentices and handicapped workers may, of course, be employed at special rates as provided in the general regulations (41 CFR 50–202.1102 and 50–202.1103).

The management group would have me base the determinations on the lowest established rate tables, whereas the labor groups favor the tables of lowest wages actually paid. Management has emphasized, correctly, that the lowest rate actually paid in a particular plant may fluctuate from one period to another, according to whether any person has been hired in the lowest labor grade within the period required for an employee to complete his service at the lowest wage rate in that grade. Such a plant may have legitimate use for a lower wage rate for persons to be employed than it was actually paying at the time of the wage survey without reducing its existing wage structure. But even if the prevailing wages were determined from a table of lowest established wages, some plant would presumably find itself in precisely the situation to which the management group calls attention. The problem then is which table presents minimum wages at a level more nearly representative of the industry as a whole at any one time. The industry expert testifying to this point conceded that the established minimum wage tables present wages at a lower level than are likely to characterize the wages actually paid in the industry at any one time. In view of this fact, and the additional fact that some of the established wages which are lower than wages actually paid are not shown to have been paid sufficiently recently to give reasonable assurance that they will actually be used in future employments, this tentative determination will endeavor to identify the prevailing minimum wages from the tables presenting data as to wages actually paid in the industry.

The actual rates which the parties recommend from the Bureau of Labor Statistics tables are not particularly enlightening at this point, in view of the tentative decision deviating from the management group's recommendations concerning established minimum wages and geographic divisions and the labor groups' recommendation concerning the definition of the industry and the question of product divisions. Basically, however, a conflict remains on the question of the statistical technique which should be used on any of the several tables of minimum wages to identify the prevailing one. As no particular minimum wage in any of the tables is paid by a sufficient portion of the industry to have substantially superior force or influence on that account alone, each of the contending groups recommends a statistical approach which is a measure of the central tendency of all of the minimum wages on the table to which it addresses itself. There is substantial merit in each of the approaches recommended, and they are not far apart.

The tables each list the several minimum wages in order from the lowest to the highest and indicate for each the number of plants and the total covered worker employment in the plants which observe that minimum wage. The industry group divides the industry on such a list evenly both by number of plants and plants weighted in accordance with their employment. It finds two prevailing minimum wages according to these two types of divisions, and takes the position that the "indicated" prevailing minimum wage based on standards used in previous determinations is at the midpoint between the two. This approach indicates a determination of $1.44½ per hour as the prevailing minimum wage for the electron tubes branch and $1.33 per hour as the prevailing minimum wage for the solid-state semiconductor branch. The labor groups restrict their analysis to the division of the plants in accordance with their employment, which yields $1.49 for the electron tubes branch and $1.35 for the solid-state semiconductor branch. As no plant in the solid-state semiconductor branch has a minimum wage at any point between the two criteria which the industry group finds significant, I am inclined to adopt the recommendation of the union groups for this branch and find the prevailing minimum wage from the Bureau of Labor Statistics survey to be $1.35 per hour. No plant in the electron tubes branch has a minimum wage exactly at the midpoint recommended by the management group, but minimum wages are found at $1.42 and $1.45. As the question whether to determine the minimum wages separately for these two groups necessitated a choice between opposing considerations, I am inclined to favor the $1.42 rate as the one which minimizes the discrepancy required by my choice.

There remains for consideration the question whether the evidence justifies an adjustment for wage changes since the June 1958 survey date. The Bureau of Labor Statistics supplemented the original survey with data concerning changes from June 1958 to September 1958. There were increases ranging from 0.5 cent an hour through 20 cents an hour. Out of a total of 72 establishments with 42,212 covered workers in the electron tubes branch, 63.9 percent of the plants with 58 percent of the covered workers reported no wage increase during this period. Of the semiconductor branch, with 28 establishments and 12,383 covered workers, 64.3 percent of the establishments with 71 percent of the covered workers did not report a wage increase during this period. The unions submitted lists totaling some thirty-odd wage increases, but less than one-third of them were legitimate additions to the list of 36 in the Bureau of Labor Statistics supplementary wage survey. An examination of the average hourly earnings in the manufacture of radio receiving and transmitting tubes (S.I.C. 3662) from June 1958 through February 1959 shows an increase of 7 cents. This classification includes television picture tubes which I have found it appropriate to exclude from this determination, and excludes other products which are included by the definition of this industry. I do not find that the evidence presented by the unions and the Bureau of Labor Statistics' supplementary survey establishes that there has been a wage increase in the majority of plants or the plants employing a majority of the employees. The average hourly earnings series, due to its incomparability to this industry either as to the separate products determinations or on a combined basis, does not present an adequate substitute. I, therefore, find that the prevailing minimum wage for persons employed in the electron tubes branch of this industry is $1.42 an hour, and the prevailing minimum wage for persons employed in the semiconductor devices branch of this industry is $1.35 an hour.

Proposed determination. Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., sec. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 50–202, by the addition of § 50–202.58 (41 CFR Part 50–202) to read as follows:

§ 50.202–58 Electron tubes and related products industry.

(a) *Definition.* The electron tubes and related products industry is defined as that industry which manufactures or furnishes electron tubes and related products including the following products and/or parts specially designed for incorporation therein: Radio and television receiving type tubes; transmitting, industrial, and special-purpose tubes, including high vacuum and vapor rectifier tubes, thyratrons, magnetrons, klystrons and other velocity modulated tubes, photo tubes, cathode ray tubes, and geiger-mueller tubes; and solid-state semiconductor devices. The following products are specifically excluded: (1) Gas-filed tubes used for illumination; (2) glow lamps and strobotrons; (3) X-ray and rectifier tubes specially designed for use in X-ray equipment; (4) the following types of parts: Metal stampings, getters, lead wires, and any part made exclusively of glass, plastics, germanium, silicon, ceramics, mica, graphite, or rubber; and (5) television receiving type cathode ray tubes.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of solid-state semiconductor devices under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.35 per hour arrived at either on a time or piece rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the electron tubes and related products industry, except solid-state semiconductors, under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.42 per hour arrived at either on a time or piece rate basis.

(c) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the day of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to this tentative decision. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 10th day of August 1960.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60–7630; Filed, Aug. 15, 1960; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Sodium o-Phenylphenate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 15 parts per million for residues of sodium o-phenylphenate expressed as o-phenylphenol, in or on sweetpotatoes.

The analytical method proposed in the petition for determining residues of o-phenylphenol is a modification of that described in the FEDERAL REGISTER of November 13, 1959 (24 F.R. 9240), involving steam distillation of an acidified sample and the colorimetric determination of o-phenylphenol content by the 4-aminoantipyrine method.

Dated: August 9, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60–7640; Filed Aug. 15, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Disposal at Sea

The following proposed amendment would establish design and packing criteria for containers used for disposal into the sea of licensed low-level waste byproduct, source and special nuclear materials. The proposed criteria published below are in general agreement with the criteria previously used in evaluating applications for licenses to dispose of waste radioactive materials in the oceans. Notice is hereby given that adoption of the following amendment is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 60 days after publication of this notice in the FEDERAL REGISTER. The following new § 20.306 is added:

§ 20.306 Disposal at sea.

(a) No licensee shall dispose of licensed material at sea except as specifically approved by the Commission pursuant to § 20.302 and paragraph (b) of this section.

(b) No license shall be issued for the disposal of licensed material at sea unless, in addition to the information required pursuant to § 20.302 and any other relevant rule, regulation or order of the Commission, there has been submitted information sufficient to provide reasonable assurance that the proposed sea disposal containers when prepared for disposal:

(1) Will have an average density of at least 10 pounds per gallon to give assurance that the container will sink in sea water;

(2) Will maintain their integrity and prevent the escape of licensed materials in descending to a depth of at least 1,000 fathoms;

(3) Will be filled so as to eliminate the existence of voids, as far as possible. Where significant void spaces are unavoidable, containers shall be equipped with suitable pressure equalization de-

vices to allow water to enter but not to allow waste materials to escape during descent.

(c) The requirements of paragraph (b) of this section shall not be applicable to the disposal of radioactive metal when it is shown that the metal will sink to 1,000 fathoms.

(d) The Commission may issue orders to persons holding licenses authorizing the ocean disposal of radioactive wastes requiring them to take appropriate steps to assure that their activities under such licenses comply with requirements of this section.

Dated at Germantown, Md., this 8th day of August 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60-7614; Filed, Aug. 15, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-55]

EQUIPMENT, INSTALLATIONS, OR MATERIALS AND CHANGE IN ADDRESS OF MANUFACTURER

Approvals and Termination of Approvals

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), and R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections, 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, section 3, 54 Stat. 346, as amended, and section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), and section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I:

It is ordered, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because the approvals have expired. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

d. The change in address of a manufacturer shall be made as indicated in Part III of this document.

PART I—APPROVALS OF EQUIPMENT INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/5/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Noble Products Co., Box 327, Caldwell, Ohio. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.004/6/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Noble Products Co., Box 327, Caldwell, Ohio. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/37/1, 30-inch balsa wood ring life buoy, dwg. No. 5-10-51, revised April 15, 1955, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N.Y. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/28/1, M-S-A O_2 Mask with Cleartone Speaking Diaphragm, Part No. B-75500, or M-S-A O_2 Mask with Clearvue Facepiece Assembly and Cleartone Speaking Diaphragm, Part No. B-83816, self-contained one-half hour compressed oxygen breathing apparatus, at least one extra fully charged cylinder of oxygen to be included as part of the complete unit, Bureau of Mines Approval No. BM-1309, MSA assembly dwg. Nos. B-75500, Rev. 3 dated January 7, 1960, or B-83816, Rev. 5 dated April 11, 1960, manufactured by Mine Safety Appliances Co., 201 N. Braddock Ave., Pittsburgh 8, Pa. (Supersedes Approval No. 160.011/28/0 published in FEDERAL REGISTER December 17, 1959.)

Approval No. 160.011/29/1, M-S-A Air Mask with Cleartone Speaking Diaphragm, Part No. 75196, or M-S-A Air Mask with Clearvue Facepiece Assembly and Cleartone Speaking Diaphragm, Part 83815, self-contained one-half hour compressed air breathing apparatus, at least one fully charged cylinder of breathing air to be included as part of the complete unit, Bureau of Mines Approval No. BM-1310, MSA assembly dwg. Nos. B-75196, Rev. 3 dated January 7, 1960, or B-83815, Rev. 5 dated April 4, 1960, manufactured by Mine Safety Appliances Co., 201 N. Braddock Ave., Pittsburgh 8, Pa. (Supersedes Approval No. 160.011/29/0 published in FEDERAL REGISTER December 17, 1959.)

WINCHES, LIFEBOAT

Approval No. 160.015/82/0, Type P-62-S lifeboat winch for use with Type G-62-P davit; approval is limited to mechanical components only and for a maximum working load of 6,250 pounds pull at the drums (3,125 pounds per fall), identified by sectional view dwg. No. 3785-3, Rev. A, dated April 29, 1960, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/33/0, Container for emergency provisions, dwg. No. 113, dated April 13, 1960, and Specifications Nos. 113 C & 113 S.C., dated April 13, 1960, manufactured by Ash Jon Corporation, 257 Water St., Brooklyn 1, N.Y.

DAVITS

Approval No. 160.032/42/2, gravity davit, type 135, approved for maximum working load of 44,000 pounds per set (22,000 pounds per arm; 17,650 pounds taken by falls and 4,350 pounds taken by davit head) using 2-part falls, identified by arrangement dwg. No. 2227-35 dated April 24, 1952 and revised April 27, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.032/164/0, gravity davit, Type G-62-P, for use with Type P-62-S lifeboat winch, approved for a maximum working load of 12,500 pounds per set (6,250 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. 3785, Rev. A, dated April 29, 1960, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

LIFEBOATS

Approval No. 160.035/31/2, 12.0' x 4.42' x 1.92' steel oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 3127 dated June 3, 1954, and revised May 31, 1960, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Reinstates and supersedes Approval No. 160.035/31/1 terminated in FEDERAL REGISTER, December 17, 1959.)

Approval No. 160.035/262/1, 26.0' x 8.33' x 3.54' steel, oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement dwg. No. 26-6 dated February 3, 1949, and revised March 2, 1955, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/23/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.047/24/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa, for Hawkeye Sporting Goods Co., P.O. Box 613, Des Moines, Iowa. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.047/25/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.047/26/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress St., Boston 10, Mass. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.047/27/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress St., Boston 10, Mass. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.047/28/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress St., Boston 10, Mass. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.047/29/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.047/30/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.047/31/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.047/32/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa, for Hawkeye Sporting Goods Co., P.O. Box 613, Des Moines, Iowa. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.047/33/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.047/34/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa, for Hawkeye Sporting Goods Co., P.O. Box 613, Des Moines, Iowa. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.047/423/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Allgood Products Co., 824 West Eighth, Little Rock, Ark.

Approval No. 160.047/424/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Allgood Products Co., 824 West Eighth, Little Rock, Ark.

Approval No. 160.047/425/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Allgood Products Co., 824 West Eighth, Little Rock, Ark.

Approval No. 160.047/426/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Herter's Inc., Waseca, Minn.

Approval No. 160.047/427/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Herter's Inc., Waseca, Minn.

Approval No. 160.047/427/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/435/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., 5550 Paramount Blvd., Long Beach 5, Calif.

Approval No. 160.047/436/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., 5550 Paramount Blvd., Long Beach 5, Calif.

Approval No. 160.047/437/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., 5550 Paramount Blvd., Long Beach 5, Calif.

Approval No. 160.047/442/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Polyco, Inc., 312 Dobbs St., Marietta, Ga.

Approval No. 160.047/443/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Polyco, Inc., 312 Dobbs St., Marietta, Ga

Approval No. 160.047/444/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Polyco, Inc., 312 Dobbs St., Marietta, Ga.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/3/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.048/4/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4(c)(1)(ii), manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.048/6/0, special approval for 14" x 19" x 2" rectangular ribbed-type kapok buoyant cushion, 24 oz. kapok, dwg. Nos. A–15 and B–245, dated February 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.048/5/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, dwg. Nos. A–16 and B–245, dated February 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.048/7/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.048/8/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Iowa Fibre Products, Inc., 2425 Dean Ave., Des Moines 17, Iowa, for Hawkeye Sporting Goods Co., P.O. Box 613, Des Moines, Iowa. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.048/76/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Ben-Sun Products Corp., 8th & Spring Garden Sts., Philadelphia, Pa. (Supersedes Approval No. 160.048/76/0 published in Federal Register July 17, 1956.)

Approval No. 160.048/148/1, special group approval for 15" x 2" x various lengths rectangular kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Tex. (Supersedes Approval No. 160.048/148/0 published in FEDERAL REGISTER June 21, 1960.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/2/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 160.049/3/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y. (Extension of the Approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 160.049/32/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Frontier Upholstering Co., Manistee, Mich.

LIFE RAFTS, INFLATABLE

Approval No. 160.051/1/0, inflatable life raft, 4-person capacity, identified by general arrangement dwg. No. SEC/MN/4001, Alt. 3, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

Approval No. 160.051/2/0, inflatable life raft, 6-person capacity, identified by general arrangement dwg. No. SEC/MN/6001, Alt. 3, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

Approval No. 160.051/3/0, inflatable life raft, 8-person capacity, identified by general arrangement dwg. No. SEC/MN/8001, Alt. 4, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

Approval No. 160.051/4/0, inflatable life raft, 10-person capacity, identified by general arrangement dwg. No. SEC/MN/10001, Alt. 4, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

Approval No. 160.051/5/0, inflatable life raft, 15-person capacity, identified by general arrangement dwg. No. SEC/MN/15001, Alt. 3, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

Approval No. 160.051/6/0, inflatable life raft, 25-person capacity, identified by general arrangement dwg. No. SEC/MN/25001, Alt. 2, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

Approval No. 160.051/10/0, inflatable life raft, 12-person capacity, identified by general arrangement dwg. No. SEC/MN/12001, Alt. 1, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

Approval No. 160.051/11/0, inflatable life raft, 20-person capacity, identified by general arrangement dwg. No. SEC/MN/20001, Alt. 1, dated May 2, 1960, manufactured by Survival Equipment Corp., 27 Main St., San Francisco 5, Calif.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/8/0, unicellular plastic foam work vest as per Military Specification MIL–L–17653A and U.S.C.G. Specification Subpart 160.053, manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati 22, Ohio.

Approval No. 160.053/9/0, unicellular plastic foam work vest as per Military Specification MIL–L–17653A and U.S.C.G. Specification Subpart 160.053, manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Safety First Supply Co., 425 Magee St., Pittsburgh 19, Pa.

KITS, FIRST AID (FOR INFLATABLE LIFE RAFTS)

Approval No. 160.054/4/0, Model No. M–3 first aid kit for inflatable life rafts, dwg. dated February 13, 1960, manufactured by E. D. Bullard Co., 2680 Bridgeway, Sausalito, Calif.

FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/2/0, DETECT-A-FIRE, Type 27020, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F., for use with approved closed-circuit type Fire Indicating and Alarm Systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that the overhead on each side of beams over 12 inches in depth shall be considered as separate areas for the purpose of this space limitation; identified by drawing 27020–2, Rev. J/3 dated September 28, 1959, manufactured by Fenwal, Inc., Ashland, Mass.

Approval No. 161.002/3/0, DETECT-A-FIRE, Type 27021, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F., and 225° F., for use with approved open-circuit type Fire Indicating and Alarm Systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that the overhead on each side of beams over 12 inches in depth shall be considered as separate areas for the purpose of this spacing limitation; identified by drawing 27021–2, Rev. J/4 dated September 28, 1959, manufactured by Fenwal, Inc., Ashland, Mass.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/12/1, Sound powered telephone station, selective ringing, common talking, 19 station maximum, bulkhead mounting, splashproof, with internal hand generator bell, dwg. No. 1, Alt. 3, Type A, Model W, manufactured by Hose-McCann Telephone Co., Inc., 25th St. and 3rd Ave., Brooklyn 32, N.Y. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective March 25, 1960.)

Approval No. 161.005/15/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, waterproof, with attached 3" or 4" hand generator bell, dwg. No. 5, Alt. 3, Type A, Model W.T., manufactured by Hose-McCann Telephone Co., Inc., 25th St. and 3rd Ave. Brooklyn 32, N.Y. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective May 10, 1960.)

Approval No. 161.005/16/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, waterproof, with separately mounted 6" or 8" hand generator bell, dwg. No. 6, Alt. 3, Type A, Model W.T., manufactured by Hose-McCann Telephone Co., Inc., 25th St. and 3rd Ave., Brooklyn 32, N.Y. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective May 10, 1960.)

Approval No. 161.005/17/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, pedestal mounting, waterproof, with attached 6" or 8" hand generator bell, dwg. No. 8, Alt. 3, Type A, Model W.T.P., manufactured by Hose-McCann Telephone Co., Inc., 25th St. and 3d Ave., Brooklyn 32, N.Y. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective May 10, 1960.)

Approval No. 161.005/19/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, pedestal mounting, waterproof, with attached 6" or 8" hand generator bell, dwg. No. 12, Alt. 3, Type A, Model W.T.P.-1, manufactured by Hose-McCann Telephone Co., Inc., 25th St. and 3d Ave., Brooklyn 32, N.Y. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective May 10, 1960.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/14/1, Alfite Speedex 5, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X-1934 dated March 15, 1955, nameplate No. 28X-2134 on dwg. No. 28X-2130, Alt. M. dated June 29, 1949 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by American LaFrance, Division of Sterling Precision Corp., Elmira, N.Y. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 162.005/47/0, Kidde Fyre-Freez Model 15F, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. MS870369, Rev. A dated June 20, 1950, nameplate dwg. No. 270194, Rev. B dated March 9, 1951 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Company, Inc., Belleville 9, N.J. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 162.005/48/0, Kidde-Freez Model 10F, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS870811, Rev. A dated June 10, 1952, name plate dwg. No. 270286, Rev. A dated June 11, 1952 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Company, Inc., Belleville 9, N.J. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 162.005/49/0, Kidde Fyre-Freez Model 5F, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS870390, Rev. A dated September 6, 1950, name plate dwg. No. 270204, Rev. C dated March 9, 1951 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Company, Inc., Belleville, N.J. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 162.005/135/0, Power-Pak Model T-100 (Symbol GEN), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 10AKR-12281 dated May 17, 1960, name plate dwg. No. 10AKR-13061 dated May 3, 1960 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Rd., Northbrook, Ill., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

Approval No. 162.005/136/0, Power-Pak Model No. T-150 (Symbol GEN), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 15AKR-12925 dated May 17, 1960, name plate dwg. No. 15AKR-13062 dated May 3, 1960 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by The Fire Guard Corp., 1685 Shermer Rd., Northbrook, Ill., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/61/0, Model SA-25 (Symbol GE, GEC, GEN, or GEP) 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. 301, Rev. A dated May 1, 1957, name plate dwg. No. 6833 dated June 19, 1959 (Coast Guard Classification: Type A, Size II), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE OPERATED OR STORED PRESSURE TYPE

Approval No. 162.009/18/1, Elk-Air Model EASS, 2½-gal. stored pressure water type hand portable fire extinguisher, assembly dwg. No. C42787, Rev. A dated August 19, 1959, name plate dwg. No. B41410, Rev. D dated April 22, 1959 (Coast Guard Classification: Type A, Size II), manufactured by Elkhart Brass Mfg. Co., Inc., 1302 West Beardsley Ave., Elkhart, Ind.

Approval No. 162.009/39/0, Ansul Model WS-2½ (Symbol EL), 2½-gal. stored pressure water type hand portable fire extinguisher, assembly dwg. No. 5298, Rev. 1 dated July 7, 1959, name plate dwg. Nos. 5211, Rev. 2 dated March 26, 1958, and 5271, Rev. 1 dated April 2, 1958 (Coast Guard Classification: Type A, Size II), manufactured by Elkhart Brass Mfg. Co., Inc., 1302 W. Beardsley Ave., Elkhart, Ind., for Ansul Chemical Co., Marinette, Wis.

Approval No. 162.009/41/0, Kidde Model WSGC (Symbol GEP), 2½-gal. water cartridge operated type hand portable fire extinguisher, assembly dwg. No. IW-500-501, Rev. C dated July 7, 1958, name plate dwg. No. IW-500-5474, Rev. D dated April 13, 1960 (Coast Guard Classification: Type A, Size II), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., for Walter Kidde & Co., Inc., Belleville 9, N.J.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY CHEMICAL TYPE

Approval No. 162.010/60/0, Redi-Flo Model DC-4C, 4-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC4C-0-57 dated June 10, 1958, name plate dwg. No. DC4C-11-57 revised December 1959 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (mailing address: P.O. Box 9, Monmouth Junction, N.J.)

Approval No. 162.010/61/0, Redi-Flo Model DC-5C, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC5C-0-57 dated June 10, 1958, name plate dwg. No. DC5C-11-57, revised December 1959 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (mailing address: P.O. Box 9, Monmouth Junction, N.J.)

Approval No. 162.010/62/0, Redi-Flo Model DC10C, 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC10C-01-57 dated December 12, 1957, name plate dwg. No. DC10C-18-57, Rev. A dated April 28, 1960 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (mailing address: P.O. Box 9, Monmouth Junction, N.J.)

Approval No. 162.010/63/0, Redi-Flo Model DC-15C, 15-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC10C-01-57 dated December 12, 1957, name plate dwg. No. DC15C-18-57 dated June 25, 1958 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (mailing address: P.O. Box 9, Monmouth Junction, N.J.)

Approval No. 162.010/64/0, Redi-Flo Model DC-20C, 20-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC10C-01-57 dated December 12, 1957, name plate dwg. No. DC20C-18-57 dated June 25, 1958 (Coast Guard Classification: Type B, Size III; and Type C, Size III), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (mailing address: P.O. Box 9, Monmouth Junction, N.J.)

Approval No. 162.010/65/0, Redi-Flo Model DC-25C, 25-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC10C-01-57 dated December 12, 1957, name plate dwg. No. DC25C-18-57 dated June 25, 1958 (Coast Guard Classification: Type B, Size III; and Type C, Size III), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (mailing address: P.O. Box 9, Monmouth Junction, N.J.)

Approval No. 162.010/78/0, Ansul Model 5, 5-lb. dry chemical cartridge operated type hand portable fire extinguisher, assembly dwg. No. 6621, Rev. 10 dated May 11, 1960, name plate dwg. Nos. 6603 dated June 11, 1958, 6604, Rev. 4 dated July 21, 1959, and 7022 dated August 10, 1959 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Ansul Chemical Co., Marinette, Wis.

Approval No. 162.010/90/0, Redi-Flo Model DC-30C, 30-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC10C-01-57 dated December 12, 1957, name plate dwg. No. DC30C-18-57 dated June 25, 1957 (Coast Guard Classification: Type B, Size IV; and Type C, Size IV), manufactured by Stop-Fire, Inc., New Brunswick, N.J. (mailing address: P.O. Box 9, Monmouth Junction, N.J.)

Approval No. 162.010/164/0, Model 2½ DCP (Symbol KI), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 872799, Rev. A dated March 9, 1960, name plate dwg. No. 271590, Rev. C dated April 12, 1960 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J., for American Fire Alarm Co., Inc., 909 NE. Davis St., Portland 12, Oreg.

Approval No. 162.010/166/0, Model CM-5 (Symbol GE, GEC, GEN, or GEP), 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 5284, Rev. C dated June 5, 1958, name plate dwg. No. 6829 dated June 22, 1959 (Coast Guard Classification: Type B, Size I; and Type C Size I), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

Approval No. 162.010/167/0, Model CM-10 (Symbol GE, GEC, GEN, or GEP), 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP-10-5401, Rev. B dated March 1958, name plate dwg. No. 6830 dated June 22, 1959 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

Approval No. 162.010/168/0, Model CM-20 (Symbol GE, GEC, GEN, or GEP), 20-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP-20-5396, Rev. B dated March 1958, name plate dwg. No. 6831 dated June 22, 1959 (Coast Guard Classification: Type B, Size III; and Type C, Size III), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

Approval No. 162.010/169/0, Model CM-30 (Symbol GE, GEC, GEN, or GEP), 30-lb. dry chemical stored pressure type hand portable fire extinguisher assembly dwg. No. CP-30-5397, Rev. B dated March 1958, name plate dwg. No. 6832 dated June 22, 1959 (Coast Guard Classification: Type B, Size V; and Type C, Size V), manufactured by The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif., for Power-Pak Products, Inc., 43 Pearl St., Buffalo 2, N.Y.

Approval No. 162.010/170/0, Model V-2½ (Symbol RA), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 5305, Rev. 1, dated May 3, 1960, name plate dwg. No. 5376, Rev. 1 dated June 9, 1960 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Randolph Laboratories, Inc., 1450 Frontage Road, Northbrook, Ill., for Merlite Industries, Inc., 114 East 32d St., New York 16, N.Y.

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/79/0, Figure No. CG-AL-120, pressure only relief and spill valve, atmospheric pattern, weight-loaded poppets, aluminum alloy body and stainless steel poppets and fittings, dwg. No. CG-AL-120, dated March 2, 1955, approved for sizes 3", 4", 6" and 8", manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N.Y. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.017/80/0, Figure No. CG-AL-130, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, aluminum alloy body and stainless steel poppets and fittings, dwg. No. CG-AL-130, dated March 2, 1955, approved for sizes 3", 4", 5", and 6", manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N.Y. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.017/88/0, Type AZ 150 pressure vacuum relief valve, enclosed pattern, fitted with pressure and vacuum unloader, weight-loaded poppets, bronze parts except monel screen, 6" inlet, 6" outlet, dwg. No. CN 7006, manufactured by Chr. Nielsens Eftf., Hoegh-Guldbergsgade 14, Horsens, Denmark.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/32/1, Style JO-25, safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 150 p.s.i. primary service pressure rating, dwg. No. HV-60, dated September 3, 1954, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

Approval No. 162.018/33/1, Style JO-35 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. HV-61, dated September 3, 1954, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER June 22, 1955, effective June 22, 1960.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/28/2, Magic Chef Model No. GC-10 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/29/2, Magic Chef Model GC-11 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/30/2, Magic Chef Model No. GC-16 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/42/2, Magic Chef Model No. GC-12 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-9.901 and Supplement Serial No. 7, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/43/2, Magic Chef Model No. GC-14 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/44/2, Magic Chef Model No. GC-15 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-9.901 and Supplement Serial No. 7, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/46/1, Magic Chef Model No. GC-17 roast oven for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-28.901 and Supplement Serial No. 3, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/91/0, Magic Chef Model GR-28 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1-689-3.801, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/92/0, Magic Chef Model No. GC-29A deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 13-(18-1.0 and -1.1) .001, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/93/0, Magic Chef Model No. GC-29-AS deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 13-(18-1.0 and -1.1) .001, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

Approval No. 162.020/94/0, Magic Chef Model No. GC-26 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11-22-5.901 and Supplement Serial Nos. 12 and 13, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Extension of the approval published in FEDERAL REGISTER May 7, 1955, effective May 7, 1960.)

FIRE EXTINGUISHERS, SEMIPORTABLE, DRY CHEMICAL TYPE

Approval No. 162.032/3/0, C-O-Two Type DCHU-150, 150-lb. dry chemical type semiportable fire extinguisher, Parts List No. 17 revised April 1, 1960, instruction plate dwg. No. C-5762, Rev. 5 dated May 18, 1960 (Coast Guard Classification: Type B, Size V; and Type C, Size V), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio. (Newark Plant, P.O. Box 750, Newark 1, N.J.)

Approval No. 162.032/4/0, C-O-Two Type DCHU-300, 300-lb. dry chemical type semiportable fire extinguisher, Parts List No. 17 revised April 1, 1960, instruction plate dwg. No. C-5762, Rev. 5 dated May 18, 1960 (Coast Guard Classification: Type B, Size V; and Type C, Size V), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio. (Newark Plant, P.O. Box 750, Newark 1, N.J.)

Approval No. 162.032/5/0, C-O-Two Type DCHU-500, 500-lb. dry chemical type semiportable fire extinguisher, Parts List No. 17 revised April 1, 1960, instruction plate dwg. No. C-5764, Rev. 4 dated May 17, 1960 (Coast Guard Classification: Type B, Size V; and Type C, Size V), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio. (Newark Plant, P.O. Box 750, Newark 1, N.J.)

Approval No. 162.032/6/0, Kidde Model 200 DCPS, 200-lb. dry chemical stored pressure type semiportable fire extinguisher (P/N 891383 with 50' of hose; P/N 891384 with 100' of hose), assembly dwg. No. 891386, Rev. B dated February 24, 1960, name plate dwg. No. 271384, revised May 9, 1960 (Coast Guard Classification: Type B, Size V; and Type C, Size V), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J.

Approval No. 162.032/7/0, Kidde Model Dual 200 DCPS, 400-lb. dry chemical stored pressure type semiportable fire extinguisher (P/N 890549 with 50' hose; P/N 890554 with 100' of hose), assembly dwg. No. 890549, Rev. B dated July 27, 1959, name plate dwg No. 271420, revised May 9, 1960 (Coast Guard Classification: Type B, Size V; and Type C, Size V), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J.

STRUCTURAL INSULATION

Approval No. 164.007/31/0, "Cafco Blaze-Shield", sprayed asbestos fiber type structural insulation identical to that described in Underwriters Laboratories, Inc., Reports Nos. Retardant 3749-3 and 3749-4, dated May 8, 1958, Underwriters Laboratories of Canada Report No. Canadian Retardant 193, dated October 31, 1958, and National Bureau of Standards Test Report No. TG10210-2053; FP3550, dated March 10, 1960, approved for use without other insulating material to meet Class A-60 requirements in a 2" thickness and not less than 12 pounds per cubic foot density, manufactured by Columbia Acoustics and Fireproofing Co., Stanhope, N.J.

BULKHEAD PANELS

Approval No. 164.008/41/0, NAVILITE 42, TYPE K, asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test Report No. 6860, Project No. 1002-30-10628, dated June 1, 1960, approved as meeting Class B-15 requirements in a 7/8-inch thickness, 42 pounds per cubic foot density, manufactured by Dansk Eternit-Fabrik A/S, Aalborg, Denmark.

Approval No. 164.008/43/0, NAVILITE 36, TYPE Z, asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test Report No. 6860, Project No. 1002-30-10628, dated June 1, 1960, approved as meeting Class B-15 requirements in a 7/8-inch thickness, 36 pounds per cubic foot density, manufactured by Dansk Eternit-Fabrik A/S, Aalborg, Denmark.

Approval No. 164.008/45/0, NAVILITE 36, TYPE V, both sides HARD TOP veneered, asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test No. 6860, Project No. 1002-30-10628, dated June 1, 1960, approved as meeting Class B-15 requirements in a 3/4-inch thickness inclusive of veneers, manufactured by Dansk Eternit-Fabrik A/S, Aalborg, Denmark.

Approval No. 164.008/47/0, NAVILITE 48, TYPE K, asbestos cement board type bulkhead panel, identical to that described in National Bureau of Standards Test Report No. 6860, Project No. 1002-30-10628, dated June 1, 1960, approved as meeting Class B-15 requirements in a 7/8-inch thickness, 48 pounds per cubic foot density, manufactured by Dansk Eternit-Fabrik A/S, Aalborg, Denmark.

INCOMBUSTABLE MATERIALS

Approval No. 164.009/61/0, 'Cafco Heat-Shield", sprayed asbestos fiber type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2053: FP3550, dated March 10, 1960, approved in a density of not less than 9 pounds per cubic foot, manufactured by Columbia Acoustics and Fireproofing Co., Stanhope, N.J.

Approval No. 164.009/62/0, "Cafco Sound-Shield", sprayed asbestos fiber type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2053:FP3550, dated March 10, 1960, approved in a density of not less than 20 pounds per cubic foot, manufactured by Columbia Acoustics and Fireproofing Co., Stanhope, N.J.

FIRE EXTINGUISHING SYSTEMS, FIXED

"General" Carbon Dioxide Marine Fire Extinguishing Systems, typical installation dwg. No. M 5810, Rev. A dated March 28, 1960, parts list dwg. No. M-5810-1 revised April 21, 1960, manufactured by The Fire Guard Corp., 1685 Shermer Rd., Northbrook, Ill., for The General Fire Extinguisher Corp., 8740 Washington Blvd., Culver City, Calif.

National Aer-O-Foam Marine Foam Fire Extinguishing Systems with 6% Foam Liquids, Instruction Sheet No. 620A revised June 6, 1960, manufactured by National Foam Systems, Inc., Union and Adams Sts., West Chester, Pa. (Supersedes Approval No. unnumbered, published in FEDERAL REGISTER December 17, 1959.)

PART II—TERMINATION OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/27/2, Type B172N lifeboat winch; approval is limited to mechanical components and for a maximum working load of 18,000 pounds pull at the drums (9,000 pounds per fall), identified by General arrangement dwg. No. 2114-N dated December 1, 1941, and revised December 9, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER June 22, 1955. Termination of approval effective June 22, 1960.)

BOILERS, HEATING

Termination of Approval No. 162.003/162/0, Model No. 16 cast iron hot water heater boiler, dwg. No. 122054A, maximum pressure 15 p.s.i., approval limited to bare boiler, manufactured by Elisha Webb & Son Co., 136 South Front St., Philadelphia 6, Pa. (Approved FEDERAL REGISTER May 7, 1955. Termination of approval effective May 7, 1960.)

Termination of Approval No. 162.003/163/0, Model No. 350A cast iron hot water heating boiler, dwg. No. 122154A, maximum pressure 15 p.s.i., approval limited to bare boiler, manufactured by Elisha Webb & Son Co., 136 South Front St., Philadelphia 6, Pa. (Approved FEDERAL REGISTER May 7, 1955. Termination of approval effective May 7, 1960.)

PART III—CHANGE IN ADDRESS OF MANUFACTURER

The address of Mariner Laminates, Inc., 501 Atlantic Ave., Freeport, N.Y., has been changed to 100 Lambert Ave., Copiague, L.I., N.Y., for Approval Nos. 160.010/51/0 & 160.010/52/0 for buoyant apparatus published in the FEDERAL REGISTER of 28 July 1959; 160.033/55/0 for mechanical disengaging apparatus published in the FEDERAL REGISTER of 27 September 1958; and 160.035/378/0 for lifeboat published in FEDERAL REGISTER of 17 December 1959.

Dated: August 8, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-7646; Filed, Aug. 15, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service has filed an application, Serial Number J-011213 for the withdrawal of the lands described below, from all forms of appropriation including the mining laws, the mineral leasing laws and laws pertaining to the disposition of materials. The applicant desires the land for an administrative site and recreation area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

AUKE BAY AREA, JUNEAU

Beginning at M.C. 6, U.S.S. 1504;
thence east 1.53 chns. to Corner 5 U.S.S. 1504;
thence in a northerly direction along the Glacier Highway for a distance of approximately 6.00 chns. to Corner 3, U.S.S. 2664;
thence south 31°22' west 3.245 chns. to M.C. 4 U.S.S. 2664;
thence meandering in a southerly direction along the line of mean high tide of the waters of Auke Bay a distance of approximately 3.50 chns. to M.C. 6, U.S.S. 1504 and the point of beginning to contain approximately 1.5 acres.

R. PAUL RIGTRUP,
Acting Operations Supervisor.

[F.R. Doc. 60-7629; Filed, Aug. 15, 1960; 8:47 a.m.]

Office of the Secretary

OUTER CONTINENTAL SHELF; ATLANTIC COAST AREA OFF GEORGIA

Geological and Geophysical Explorations

Pursuant to the notice issued by the Secretary of the Interior on September 17, 1953, concerning geological and geophysical explorations in the Outer Continental Shelf (18 F.R. 5667), a cooperative agreement has been entered into with the State Mineral Leasing Commission of the State of Georgia covering the protection and conservation of aquatic life. In accordance with the provisions of the said notice as supplemented by the cooperative agreement, any person, as defined in section 2(d) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), is hereby authorized to conduct geological and geophysical explorations in that part of the Outer Continental Shelf seaward of the submerged lands of the State of Georgia upon condition (1) that his operations shall be confined to such area or areas as may be designated and approved by the Regional Oil and Gas Supervisor of the United States Geological Survey, (2) that he has obtained appropriate permission for such explorations from the Corps of Engineers, Department of the Army, and (3) that, for the protection and conservation of aquatic life, he files with the said Regional Oil and Gas Supervisor and with the State Mineral Leasing Commission his stipulation agreeing to comply with the requirements of the regulations of the said Commission governing the methods and inspection of and restrictions upon geological and geophysical explorations in the submerged lands of the State of Georgia, which regulations are hereby adopted as the regulations of the Secretary of the Interior applicable to that part of the Outer Continental Shelf seaward of the submerged lands of the State of Georgia.

The enforcement of the regulations hereby adopted is delegated to the Regional Oil and Gas Supervisor of the United States Geological Survey, and he may accept the assistance of the State of Georgia in any enforcement of the said regulations. This general authorization to conduct geological and geophysical explorations does not include the right to conduct core or other exploratory drilling and is subject to termination upon not less than 60 days' notice published in the FEDERAL REGISTER, and the authorization to conduct such explorations may be terminated as to any person upon reasonable notice.

Dated: August 5, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

[F.R. Doc. 60-7521; Filed, Aug. 15, 1960; 9:22 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PIONEER LINE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8322-1, between American Pioneer Line (United States Lines Company) and Pacific Far East Line, Inc., modifies a through billing arrangement between the carriers (No. 8322) in the trade from U.S. Atlantic ports to Wake Island, with transshipment at Honolulu, Hawaii. The purpose of the modification is to (1) include Midway, Kwajalein, and Eniwetok Islands within the scope of the agreement, (2) establish rates for handling at the aforementioned islands, and (3) increase the handling charge at Wake Island from $3.50 to $5.00 per ton.

(2) Agreement No. 8514, between Robin Line, Division of Moore-McCormack Lines, Inc., and Compagnie Des Messageries Maritime, covers a through billing arrangement in the trade between U.S. Atlantic ports and Madagascar, Mauritius, Reunion and the Comores Islands, with transshipment at Tamatave, Mombasa, Dar-es-Salaam or Durban.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 11, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7635; Filed, Aug. 15, 1960; 8:48 a.m.]

SCHENKERS INTERNATIONAL, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 733, 46 U.S.C. 814):

	Agreement No.
Schenkers International, Inc., Chicago, Ill., with—	
R. G. Hobelmann & Co., Inc. (Baltimore)	8515
Wolf & Gerber (New York)	8517
Markley Export Corp. (Philadelphia)	8518
J. S. Lipinski Co. (Toledo, Ohio)	8519
Schenkers International Forwarders, Inc. (New York)	8522

Under these five agreements Schenkers International, Inc. will perform the necessary freight forwarding services on shipments moving through Chicago referred to it by the other party to the respective agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 11, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7636; Filed, Aug. 15, 1960; 8:48 a.m.]

PAN AMERICAN SHIPPING CO. AND HENRY VILA, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 735, 46 U.S.C. 814):

Agreement No. 8521 between Pan American Shipping Co., of New Orleans, Louisiana and Henry Vila, Inc., of New York, New York, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested persons may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 11, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7637; Filed, Aug. 15, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-9]

INDUSTRIAL WASTE DISPOSAL CORP.

Notice of Issuance of Byproduct Material License

Please take notice that pursuant to the "Opinion and Final Decision" of the Atomic Energy Commission dated June 22, 1960, in the matter of Industrial Waste Disposal Corporation, the Atomic Energy Commission has this date issued Byproduct Material License No. 42-4230-1 authorizing Industrial Waste Disposal Corporation, 5420 Calhoun Street, Houston, Texas, to receive, possess and store byproduct material and to transfer said material to Oak Ridge National Laboratory, Oak Ridge, Tennessee or to the National Reactor Testing Station, Idaho Falls, Idaho, for burial.

Dated at Germantown, Md., August 10, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7615; Filed, Aug. 15, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4843 etc.]

ALBUQUERQUE ASSOCIATED OIL CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 8, 1960.

Albuquerque Associated Oil Company, Docket No. G-4843; American Petrofina Incorporated, and American Petrofina Company of Texas, Docket No. G-10496; Wasatch Corporation, Airfleets, Inc., San Diego Corporation and Albuquerque Associated Oil Company, Docket No. G-10497; American Petrofina Company of Texas, Docket Nos. G-11506, G-14548 and G-14614.

The above applications have been filed pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity, authorizing the sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and amended for the substitution of parties, as hereinafter described, all as more fully represented in the respective applications, as amended, which are on file with the Commission and open to public inspection.

The application in Docket No. G-10496 was filed by Petro-Atlas Corporation (Petro-Atlas), for authorization to continue various sales of natural gas formerly made by Wasatch Corporation (Wasatch), Airfleets, Inc., (Airfleets), San Diego Corporation (San Diego) and Albuquerque Associated Oil Company (Albuquerque) (Wasatch, et al.), Petro-Atlas' predecessors in interest.

In Docket No. G-10497 Wasatch, et al., seeks permission and approval to abandon such sales.

Docket No. G-11506 is an application by Petro-Atlas for certificate authorization to continue various sales of gas heretofore made by Albuquerque to El Paso Natural Gas Company (El Paso) in San Juan and Rio Arriba Counties, New Mexico. Albuquerque has applied for certificate authorization for only one of such sales, which application is still pending in Docket No. G-4843 and included herein for disposition. It is this sale for which Albuquerque seeks abandonment authorization as one of the applicants in Docket No. G-10497. Also, this sale is included in Petro-Atlas' certificate application in Docket No. G-10496.

The application in Docket No. G-14548 was filed by Petro-Atlas for authorization to make two sales to El Paso from acreage in San Juan and Rio Arriba Counties, New Mexico. The application filed by Petro-Atlas in Docket No. G-14614 covers (a) a sale of additional gas to El Paso from acreage in San Juan and Rio Arriba Counties, New Mexico, dedicated by three amendments to a contract dated November 22, 1955 and (b) a sale to Pacific Northwest Pipeline Corporation (Pacific) in Rio Arriba County, New Mexico. Pacific later merged into El Paso.

On October 6, 1958, Petrofina, Inc., in Docket Nos. G-11506, G-14548 and G-14614, and said company jointly with Petrofina in Docket No. G-10496, filed motions to be substituted for Petro-Atlas as applicants in said dockets, reflecting (a) the merger on July 22, 1958, of Petro-Atlas into Petrofina, Inc., with the latter the surviving corporation, and (b) the further transfer, by assignment from Petrofina, Inc., to Petrofina dated July 31, 1958, of the interest formerly held by Petro-Atlas in the acreage dedicated under one of the contracts covered in Docket No. G-10496, namely, a contract dated August 4, 1952, with Tennessee Gas Transmission Company.

On September 28, 1959, Petrofina filed motions to be substituted as applicant in place of Petrofina, Inc., in Docket Nos. G-11506, G-14548 and G-14614, reflecting the transfer to Petrofina, by various assignments dated October 1, 1958, of all Petrofina, Inc.'s interests in gas producing properties in the State of New Mexico and related gas sales contracts, including those involved in the aforesaid dockets.

On November 9, 1959, Petrofina filed two amendments to the application in Docket No. G-14614, one to reflect an acreage correction and the other to include additional acreage dedicated to the November 22, 1955, contract with El Paso by supplemental agreements dated November 12, 1958, and October 19, 1959.

Since the identical service proposed to be abandoned by Wasatch, et al. in Docket No. G-10497 will be continued by Petrofina, no abandonment authorization is necessary and said application is subject to dismissal. The application in Docket No. G-4843, for reasons heretofore set forth is also subject to dismissal.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 14, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 29, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7621; Filed, Aug. 15, 1960; 8:46 a.m.]

[Docket No. 12264 etc.]

EAST TENNESSEE NATURAL GAS CO.

Order Consolidating Proceedings, Setting Date of Hearing, Providing for Submittal of Testimony and Exhibits and Cross Examination Thereof

AUGUST 9, 1960.

East Tennessee Natural Gas Company, Docket Nos. G-12264, G-17330 and G-20072.

By orders issued March 21, 1957, December 24, 1958, and November 6, 1959, in Docket Nos. G-12264, G-17330 and G-20072, respectively, the Commission suspended and deferred the use of certain revised tariff sheets to East Tennessee Natural Gas Company's FPC Gas Tariff, Third Revised Volume No. 1, with the provision that a public hearing thereon be held at a later date. It would appear appropriate that said proceedings should be heard on a consolidated record at the time herein stated to the end that they may be disposed of as promptly as possible. To expedite said matters, East Tennessee should be directed to serve the prepared testimony and exhibits which it proposes to offer as its case-in-chief in advance of hearing so that such testimony and exhibits may be tested by cross-examination as hereinafter provided.

The Commission orders:

(A) The proceedings in Docket Nos. G-12264, G-17330 and G-20072 are hereby consolidated for purpose of hearing.

(B) Pursuant to the prior orders of the Commission in each of the above-entitled proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing on October 17, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in the proceedings hereby consolidated.

(C) On or before October 3, 1960, East Tennessee shall serve upon all parties of record (including five copies to the Secretary of the Commission), the prepared testimony and exhibits which it proposes to offer as its case-in-chief at the hearing herein ordered so that cross-examination thereof may follow immediately without recess at that time.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7622; Filed, Aug. 15, 1960; 8:46 a.m.]

[Docket No. CP60-125]

LOUISIANA NEVADA TRANSIT CO. AND ARKANSAS LOUISIANA GAS CO.

Notice of Application and Date of Hearing

AUGUST 10, 1960.

Take notice that on June 20, 1960 Louisiana Nevada Transit Company (Louisiana Nevada), a Nevada corporation with its principal place of business in Ada, Oklahoma, and Arkansas Louisiana Gas Company (Arkansas Louisiana), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed a joint application as supplemented on June 29, 1960, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing an exchange of natural gas between the applicants at three proposed points of interconnection between their respective main transmission systems in Hempstead, Lafayette and Howard counties, all in Arkansas. In addition, applicants seek authority to construct and operate metering and interconnecting facilities at the proposed points of interconnection.

Louisiana Nevada and Arkansas Louisiana have entered into an exchange arrangement providing for Louisiana Nevada to take deliveries of gas on a temporary basis while it is effecting repairs and replacements on its pipeline system. It is anticipated that this exchange will involve delivery to Louisiana Nevada of approximately 340,500 Mcf of natural gas at a pressure base of 15.2 pounds and will cover a period of from 30 to 90 days. The application recites that Louisiana Nevada will return equivalent volumes of natural gas to Arkansas Louisiana as soon as practical and upon completion of such redeliveries the facilities will be disconnected.

The estimated cost of the temporary interconnections will be approximately $3,500 which will be paid by Louisiana Nevada.

Applicants were granted temporary authorization by the Commission by letter dated July 14, 1960 to exchange gas as proposed and to construct and operate the facilities required to effectuate such exchange of gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 14, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 29, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7623; Filed, Aug. 15, 1960; 8:46 a.m.]

[Docket No. G-18696]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

AUGUST 10, 1960.

Take notice that on June 3, 1959, Texas Eastern Transmission Corporation (Applicant) filed an application, as supplemented on August 3 and August 24, 1959, for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to install and operate a compressor station of approximately 7500 horsepower on its 24-inch pipeline at the existing station site of Applicant's Compressor Station No. 1, near Longview, Texas, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant asserts that this new compressor station is necessary because United Gas Pipe Line Company (United), from which company Applicant receives gas, intends to reduce the delivery pressure of its gas, and the volumes of gas being delivered to Applicant by United cannot be handled through the existing station at the reduced pressures.

The cost of the proposed compressor station is estimated at $2,504,000 which Applicant proposes to finance out of funds on hand.

Temporary authorization to construct and operate the proposed facilities was issued by the Commission by letter dated September 21, 1959.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 13, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 1, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7624; Filed, Aug. 15, 1960; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-528-4]

RESIDENTIAL ALUMINUM SIDING INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Residential Aluminum Siding Industry will be held under the auspices of the Federal Trade Commission on Friday, September 9, 1960, commencing at 10 a.m. (c.d.t.), in the Gold Coast Room, Drake Hotel, Lake Shore Drive and Upper Michigan Avenue, Chicago, Illinois.

The conference will be held under the general supervision of the Honorable Robert T. Secrest, a Federal Trade Commissioner, and will constitute the first step in the proceedings authorized by the Commission for the establishment of trade practice rules for this industry.

All persons, firms, corporations, and organizations engaged in the manufacture, sale, or offering for sale, of residential aluminum siding are cordially invited to attend this conference and participate in the proceedings.

NOTE: Those invited include the primary manufacturers of aluminum; manufacturers or fabricators of residential aluminum siding; jobbers, wholesalers, and retailers of residential aluminum siding; contractors and applicators who sell and install residential aluminum siding; and manufacturers and marketers of prefabricated homes having aluminum siding. As here used "residential aluminum siding" includes panels and boards of various sizes and patterns which are of aluminum composition and are suitable for use as the exterior of walls of existing or new residential structures. The term includes aluminum boards and panels designed for such use regardless of whether an insulation material has been affixed to the underside thereof, or whether painted, or not.

At the conference any industry member may submit for consideration different or additional trade practice rules, and may propose amendments, deletions, or additions, to the draft submitted by this Association. In the interest of an adequate and effective set of rules it is proposed that certain provisions contained in the draft of the Aluminum Siding Association should be made more specific and that rules on additional subjects be considered. It is suggested that rules on the following additional subjects, among others, be considered: Deceptive use of the model home theme; false "gift" offers in sales promotion plans; bait advertising; misrepresentation as to character of business; misuse of terms "custom-made," "custom-built," etc.; misuse of terms "close-outs," "discontinued lines," "special bargains," etc.; use of the word "free"; enticing away employees, sales representatives, dealers or distributors of competitors; deceptive invoicing; exclusive dealing; prohibited forms of trade restraints (unlawful price fixing, etc.); and prohibited discrimination in price, advertising, and promotional allowances.

After the conference on September 9, 1960, and before any rules are finally approved by the Commission a draft of proposed rules in appropriate form will be made available to all affected or interested parties including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: August 12, 1960.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-7528; Filed, Aug. 15, 1960; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

RUTH KAUFMANN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ruth Kaufmann, Oss, The Netherlands; $33.74 in the Treasury of the United States.

Rosina Hes, Laren, The Netherlands; $44.98 in the Treasury of the United States.

Rosina Pels, Nijmegen, The Netherlands; $22.49 in the Treasury of the United States.

Samu Hes, Oss, The Netherlands; $22.49 in the Treasury of the United States.

Simon Kurt van Os, Oss, The Netherlands; $11.25 in the Treasury of the United States.

Claim No. 60982. Vesting Order No. 17836.

Executed at Washington, D.C., on August 10, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 60-7641; Filed, Aug. 15, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-225]

VALLEY GAS CO. ET AL.

Order Approving Plan

AUGUST 10, 1960.

In the matter of Valley Gas Company, Blackstone Valley Gas and Electric Company, Eastern Utilities Associates; File No. 54-225.

Eastern Utilities Associates ("EUA"), a registered holding company, Blackstone Valley Gas and Electric Company ("Blackstone"), an electric and gas utility subsidiary company of EUA, and Valley Gas Company ("Valley"), a newly organized subsidiary company of Blackstone, having filed a plan and amendments thereto ("Plan"), consisting of two steps, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), Step 1 of which plan provides, among other things, for the sale and transfer by Blackstone of all of its gas properties and certain other assets to Valley, and the receipt by Blackstone of securities of Valley in exchange for the properties; and

A public hearing having been held after appropriate notice, at which hearing all interested persons were afforded an opportunity to be heard, and at which hearing the Public Utility Administrator of the State of Rhode Island participated as a party, and a stockholder of Blackstone, pursuant to leave granted, filed a brief in opposition; and

EUA, Blackstone, and Valley having requested the Commission to approve Step 1 of the Plan and, pursuant to section 11(e) and Section 18(f) of the Act, to apply to an appropriate court to enforce and carry out the terms and provisions of said Step 1 of the Plan; and that the issue and sale of first mortgage bonds and 15-year unsecured promissory notes by Valley be excepted from the competitive bidding requirements of Rule 50 promulgated under the Act; and

The Commission having considered the record and having this day filed its Findings and Opinion herein, finding that Step 1 of the Plan is necessary to effectuate the provisions of section 11(b) of the Act and is fair and equitable to the persons affected thereby;

It is ordered, On the basis of said Findings and Opinion, pursuant to section 11(e) and other applicable provisions of the Act, that Step 1 of the Plan be, and it hereby is, approved, and the issue and sale of $4,500,000 principal amount of first mortgage bonds and $1,500,000 face amount of 15-year unsecured promissory notes of Valley be, and hereby are, excepted from the competitive bidding requirements of Rule 50 promulgated under the Act.

It is further ordered, That this order shall not become operative to authorize the consummation of the transactions contemplated by Step 1 of the Plan until a court of competent jurisdiction shall, upon application thereto by the Commission, enter an order enforcing said Step 1 of the Plan.

It is further ordered, That jurisdiction is hereby specifically reserved with respect to: (a) Step 2 of the Plan; and (b) the prices to be received for, the interest rates on, and the terms and provisions of, the first mortgage bonds and 15-year unsecured promissory notes to be issued by Valley.

It is further ordered, That jurisdiction is reserved: (a) to determine, approve, award, allow and allocate all fees, expenses and remuneration in connection with the Plan and the transactions incidental thereto, and (b) to entertain such further proceedings, make such further findings, enter such further orders, and to take such further action as the Commission may deem appropriate in connection with the Plan, the transactions incidental thereto and the consummation thereof.

It is further ordered and recited, That the transactions, as specified and itemized below, proposed in said Plan, are necessary or appropriate to the integration of the holding-company system of which EUA and its subsidiary companies are members, and are necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935:

1. The purchase by Blackstone for $30 cash, at the par value of $10 each, of the 3 shares of Valley common stock now outstanding.

2. The retirement, by purchase or redemption, of all of the outstanding Blackstone Bonds of the following issue:

First Mortgage and Collateral Trust Bonds, 4⅛% Series due 1988.

and of part of either or both of the outstanding Blackstone Bonds of the following issues:

First Mortgage and Collateral Trust Bonds, 3% Series due 1973.

First Mortgage and Collateral Trust Bonds, 4⅛% Series due 1983.

3. The conveyance by Blackstone to Valley of Blackstone's released gas properties, together with its unmortgaged gas properties and related assets including working capital which, at April 30, 1960, would have been as follows:

	Book Value 4-30-60
Gas properties under mortgage	$7,383,000
Gas properties not under mortgage	557,000
Inventories	356,000
Rented appliance installations	389,000
Miscellaneous	50,000
Unamortized natural gas conversion cost	677,000
Total assets, other than cash	9,412,000
Less—tax liability to be assumed by Valley	70,000
Net assets, other than cash	9,342,000
Cash	658,000
	10,000,000

and the issuance in exchange therefor of $4,000,000 par value of Valley common stock and either (a) $4,500,000 face amount of Valley First Mortgage Bonds and $1,500,000 face amount of Valley 15-year notes, plus Valley short-term notes in such further amount, if any, as may be necessary to cover the excess of the book value over $10,000,000 of the gas properties and other assets conveyed to Valley, or (b) Valley short-term notes, in the face amount of $6,000,000 plus such further amount, if any, as may be necessary to cover the excess of net book value over $10,000,000 as described in (a) above, the foregoing to be effected with such preliminary transactions as are required by the mortgage indenture for release of the mortgaged gas properties.

4. In case $6,000,000 Valley short-term notes are issued under the second alternative of Item 3 above, the subsequent exchange of said short-term notes by Blackstone for $4,500,000 face amount of Valley First Mortgage Bonds and $1,500,000 face amount of Valley 15-year notes.

5. In case additional Valley short-term notes are issued under either the first or second alternative of Item 3 above, the subsequent sale of such notes by Blackstone to banks, or the payment of such notes by Valley from its own funds obtained by bank loans.

6. The sale by Blackstone to institutional investors of $4,500,000 face amount of Valley First Mortgage Bonds and $1,500,000 face amount of Valley 15-year notes.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc 60-7631; Filed, Aug. 15, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36474: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 389), for interested rail carriers. Rates on glycol, polypropylene, chocolate coating, lime slurry or liquid lime, roofing pitch, rust preventive, etc., starch and dextrine, etc., in carloads, between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate competition and maintenance of rates from and to points in other States not subject to the same competition.

Tariff: Supplement 106 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

FSA No. 36476: *T.O.F.C. service—Chicago, Ill., to New Castle, Pa.* Filed by Erie Railroad Company (No. LW 1-60). Rates on candy and confectionery, also iron and steel articles, loaded in trailers and transported on railroad flat cars, from Chicago, Ill., and points grouped therewith to New Castle, Pa.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 37 to Erie Railroad Company tariff I.C.C. 21211.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36475: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 390), for interested rail carriers. Rates on clothing, cotton, etc., pipe, etc., caustic soda, in carloads, or tank-carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 106 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7638; Filed, Aug. 15, 1960; 8:48 a.m.]

[Notice 365]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63473. By order of August 9, 1960, The Transfer Board approved the transfer to T. A. Kirchner, Lohman, Mo., of Certificate in No. MC 117071, issued March 19, 1958, to Palmer Goldammer and Howard Hendrickson, a partnership, doing business as G. & H. Truck Service, Lohman, Mo., authorizing the transportation of: Livestock and poultry from Lohman, Mo., to National Stock Yards, Ill., serving the intermediate points of St. Louis, Mo., and East St. Louis, Ill., and intermediate and off-route points within 15 miles of Lohman; and general commodities, excluding household goods, commodities in bulk, and other specified commodities from National Stock Yards, Ill., to Lohman, Mo., serving the intermediate points of East St. Louis, Ill., and St. Louis, Mo., and intermediate and off-route points within 15 miles of Lohman.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7639; Filed, Aug. 15, 1960; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

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Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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PART II

FEDERAL REGISTER

VOLUME 25 NUMBER 159

Washington, Tuesday, August 16, 1960

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 990, 996, 999, 1019]

[Docket Nos. AO–14–A30; AO–302–A2; AO–203–A12; AO–204–A11; AO–305–A1]

MILK IN GREATER BOSTON, MASS.; SOUTHEASTERN N E W ENGLAND; SPRINGFIELD, MASS.; WORCESTER, MASS.; AND CONNECTICUT MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Boston, Massachusetts; Providence, Rhode Island; Hartford, Connecticut; and Worcester, Massachusetts; on September 9 to October 8, 1959, pursuant to notice thereof issued on August 19, 1959 (24 F.R. 6847).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 15, 1960 (25 F.R. 5488) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Extension of the Boston, Southeastern New England and Worcester marketing areas.
2. Modification of the pooling provisions under the five orders.
3. Revisions in the definitions and treatment of producer-handlers.
4. Modification of the exempt milk provisions.
5. Revisions in the accounting, classification and assignment provisions.
6. Class I price under the Southeastern New England and Connecticut orders.
7. The level of Class II price.
8. Pricing of diverted milk under the Connecticut order.
9. Review of the need and basis for compensatory payments.
10. Modification of the "take-out payback" seasonal pricing plan under the Connecticut order.
11. Nearby farm location differentials.
12. Payment dates.
13. Marketing service program under the Boston order.
14. Administrative assessment.
15. Other miscellaneous issues.

Findings and Conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of the Boston, Southeastern New England and Worcester marketing areas.* The Greater Boston marketing area should be extended to include the cities and towns of Ashland, Ayer, Burlington, Holliston, Hopkinton, Littleton, Marlborough, North Reading, Sherborn and Wilmington in Middlesex County, the town of Lynnfield in Essex County, the towns of Hingham and Hull in Plymouth County, the towns of Avon, Canton, Cohasset, Dover, Holbrook, Medfield, Norwood, Randolph, Sharon, Stoughton, Walpole and Westwood in Norfolk County and the town of Southborough in Worcester County.

Until July 1, 1959, the towns of Burlington, Lynnfield, North Reading and Wilmington constituted a narrow corridor separating the Boston and Merrimack Valley marketing areas. The area was served almost exclusively by Boston and/or Merrimack Valley regulated handlers. With the consolidation of the Boston and Merrimack Valley orders the four towns now constitute an unregulated corridor within the Boston marketing area.

Within the past year a Boston handler has established gallon jug stores supplied exclusively with unregulated milk in the towns of Burlington and North Reading. This milk is procured, for the most part, from unregulated sources in northern New England at prices closely reflecting the Boston blend price, and is processed in the handler's unregulated Woonsocket, Rhode Island, plant. It is estimated that such milk is obtained at a price advantage of approximately $1.00 to $1.20 per hundredweight below the Class I price regulated handlers are required to pay under the order.

The four-town area in 1950 had a population of approximately 19,000 and there has been a continued population growth since that time. Regulated handlers have lost about 10 percent of the sales in this area since the gallon stores have opened. In addition the stores draw considerable patronage from the surrounding regulated towns. Proponents testified that a random check made just prior to the hearing indicated that about 50 percent of the cars stopping at those gallon jug stores were registered in cities and towns presently included in the marketing area.

The four-town area in question, because of location, constitutes a natural extension of the marketing area. Regulated handlers, who are the principal suppliers, are at a disadvantage in competing for sales, and they have lost and are continuing to lose sales to unregulated milk. It is proper, therefore, that these towns be consolidated into the marketing area.

The towns of Ayer and Littleton, having a civilian population of 8,000 in 1950, include the military establishment of Fort Devens. The civilian population is presently served by seven Boston or Worcester regulated handlers and five unregulated dealers. Regulated handlers make about 60 percent of the civilian sales. At least one of the unregulated dealers will become fully regulated by virtue of extension of the Worcester marketing area hereinafter proposed. The civilian population obviously will depend primarily on regulated milk and these towns should be added to the Boston area on this basis.

The primary intent in requesting regulation of milk marketing in these two towns, however, was to bring within regulation milk supplied to the military installation. Fort Devens is served on the basis of contract bids and the total sales on the basis of current staffing approximate six million pounds annually. The installation was once served primarily by regulated handlers using regulated milk, but in recent years it has been served almost exclusively with unregulated milk. This unregulated milk in reality is usually a part of the

New England regulated milk supply. But when a handler obtains the contract at the installation he removes the milk from regulation and when the contract is terminated the milk is returned to regulation. This has had an unstabilizing effect upon marketing channels and upon producer returns.

The towns of Hingham, Hull and Cohasset form a small unregulated pocket at the southeast corner of the Boston marketing area and the northeast corner of the Southeastern New England marketing area. According to the 1950 census the combined population of the three-town area was 17,731, exclusive of summer residents who move in from the nearby metropolitan area during the vacation months and increase Class I sales significantly. The area is preponderantly served by Boston handlers, though to some extent it is also served by Southeastern handlers. While there has been no significant competition from unregulated milk, nevertheless, by location and by virtue of its extensive coverage by Boston handlers' routes, it is an integral part of the Boston marketing area.

The towns of Hingham and Hull were initially excluded from the Southeastern New England marketing area because of their integral relationship to the Boston market. The town of Cohasset, not initially proposed for regulation under the Southeastern New England order, is also integrally related to the Boston market. The inclusion of these towns will not significantly affect the status of any person presently doing business there. Potentially, however, the area presents an opportunity for unregulated handlers to establish retail stores and create a situation similar to that which occurred in the towns of Burlington and North Reading, as previously discussed. It is appropriate, therefore, that Hingham and Hull be included in the marketing area at this time.

The cities and towns of Ashland, Holliston, Hopkinton, Marlborough, Sherborn and Southborough are contiguous to the western boundary of the existing marketing area and are preponderantly served by presently regulated handlers. Ten of the 19 handlers doing business there are Boston handlers and two are Worcester handlers. Approximately 70 percent of the business in these six towns is done by regulated handlers.

Approximately 50 percent of the total population of this six-town area resides within the city of Marlborough. While the remaining five towns are significantly less densely populated, nevertheless their location relative to Marlborough and the presently regulated area under the Boston and Worcester orders affords opportunity for exploiting unregulated milk and regulated handlers in recent years have met with increasing competition from such milk. Continuing technological improvements in the processing and distribution of milk have made the specialized milk store a practical and efficient method of retailing milk. A single, unregulated plant can supply a chain of stores widely scattered over southern New England, and in this way it has become practical for unregulated handlers to serve scattered concentrations of population. Several supply plants have been withdrawn from regulation to supply unregulated milk for such operations here and in other areas herein proposed for regulation. To preserve the integrity of regulation, it is necessary, therefore, to extend the marketing area to cover this territory in which regulated handlers are the primary distributors.

The situation in that part of Norfolk County which is not now regulated or hereinbefore recommended for regulation (Cohasset) is substantially similar to that in the six-town area previously discussed. The situation has been further accentuated by the fact that certain regulated handlers, in an effort to meet unregulated competition, have adjusted their operations, by use of the exempt milk provisions of the orders, to enable them to serve unregulated areas with unregulated milk. Changes in the exempt milk provisions hereinafter proposed would tend to deter these exempt milk operations. As previously pointed out, however, it is now desirable to extend the area of regulation to cover that territory in which regulated handlers are the primary handlers. The problem concerning the presently unregulated parts of Norfolk County is one of determining what segment should most appropriately be added to Boston and what segment should be added to Southeastern New England.

The Norfolk County towns hereinbefore set forth are served primarily by handlers regulated under the Boston or Southeastern New England orders and by one other substantial distributor who would be brought under full regulation by the revision in the exempt milk provisions hereinafter proposed. While it cannot be concluded definitely for each of these towns that Boston handlers, rather than Southeastern New England handlers, do the preponderance of the business, the area, by location, represents an appropriate extension of the Boston marketing area. The provisions of the two orders, as herein proposed to be amended, are so integrated that there should be no serious consequence if it develops that one or more of these towns is in fact served primarily by Southeastern rather than Boston handlers.

The towns of Pepperell and Dunstable in Middlesex County were also proposed for addition to the Boston marketing area. These towns are substantially rural in character. They had a combined population in 1950 of only 3200 and there is no evidence of significant population growth since that time. While the regulated handlers doing business here do meet substantial competition from unregulated handlers, it was not established that this competitive situation has resulted in market disorder of such magnitude as to warrant regulation.

The Southeastern marketing area should be extended to include the towns of Bellingham, Foxborough, Franklin, Medway, Millis, Norfolk, Plainville and Wrentham in Norfolk County and the towns of Blackstone, Hopedale, Mendon, Milford and Millville in Worcester County. These towns are served primarily by handlers presently regulated under the Southeastern New England order and by handlers who would be brought under that regulation by the charges in the exempt milk provision hereinafter discussed. The situation relative to the use of unregulated milk is identical to that in the adjacent areas hereinbefore proposed for addition to the Boston area, and extension of regulation is necessary for the same reason. The question in the case of the Norfolk County towns and the town of Milford in Worcester County is whether regulation under Boston or Southeastern New England would be more appropriate. It is concluded that these towns are more closely associated with the Southeastern New England market and, therefore, should be included in that marketing area.

Regulation should not be extended to include the towns of Northbridge, Uxbridge, or Douglas. The town of Northbridge was at one time regulated under the Worcester order, but it was removed following an amendment hearing in which it was established that the preponderance of business in the town was done by a large number of producer-handlers located either in Northbridge or in Uxbridge. This situation continues to exist. Regulated handlers do little business in these two towns. Regulation was opposed by those producer-handlers who historically have held virtually an exclusive market.

The town of Douglas is largely taken up by a State park. It was proposed for regulation under the Southeastern order, but in fact there are no Southeastern handlers operating in the town.

The Worcester marketing area should be extended to add the cities of Fitchburg, Gardner, and Leominster and the towns of Charlton, Dudley, Lancaster, Lunenburg, Northborough, Oxford, Princeton, Southbridge, Sterling, Sutton, Upton, Webster, Westborough, and Westminster—all in Worcester County.

The cities of Fitchburg, Gardner, and Leominster, commonly referred to as the Tri-city area, are situated to the north of the present Worcester marketing area. In 1950 they had a combined population of more than 87,000, which was nearly 45 percent as large as that of the city of Worcester, which is the hub of the present marketing area. While about one-fourth of the business in these three towns is done by presently regulated dealers, 35 to 40 percent of the business is done by dealers who are using unregulated milk purchased from sources outside the State of Massachusetts but within the procurement area of the New England federally regulated markets. In recent years more and more handlers have been dropping local producers to use unregulated milk. There now is only one large dealer who still buys from local producers.

Unless the area is placed under regulation many of the remaining nearby Massachusetts producers will lose their local market and be forced to look to the adjacent Federal order markets as outlets for their milk.

As previously indicated, the cost advantage of using unregulated milk over federally regulated milk is approximately a dollar per hundredweight, and since the price established under the State order for this area is slightly in excess of the Federal order price the cost advantage of unregulated milk over State controlled milk is even greater. The cost advantage of unregulated milk therefore is a substantial inducement for handlers to increase their purchases of such milk and to develop unregulated Class I sales operations in the area. Regulated handlers using regulated milk obviously cannot compete effectively with such operations.

While regulation of Gardner, Fitchburg, and Leominster will greatly relieve the disorderly marketing situation in northern Worcester County, an even greater degree of market stability will be achieved by regulating also the immediately adjacent towns of Westminster, Lunenburg, Princeton, Sterling, and Lancaster. These towns are preponderantly served by presently regulated handlers and by handlers who will be brought under regulation by inclusion of the Tri-city area. For the most part, they also are ideally situated for the extension of unregulated milk operations which would tend to draw sales from the present marketing area and/or the Tri-city area. The towns of Princeton and Sterling are served almost exclusively by presently regulated handlers.

The towns of Ashburnham, Ashby, Templeton, Hubbardston, and Townsend should not be added to the Worcester marketing area. They are substantially rural in character and they are less favorably situated for gallon jug store operations than the towns herein proposed for regulation. These towns are served largely by dealers who do the preponderance of their business in other unregulated areas.

The towns of Northborough, Westborough and Upton form a narrow corridor between the present Worcester marketing area and the marketing areas of Boston and Southeastern New England as hereinbefore proposed to be extended. Handlers regulated under these orders now have approximately 80 percent of the Class I sales here, and extension of the Worcester regulation will prevent repetition of the previously discussed store situation which has developed in other unregulated corridors.

The towns of Charlton, Oxford, Sutton, Southbridge, Dudley, and Webster are located adjacent to and between the present Connecticut and Worcester marketing areas. Worcester handlers have the preponderance of business in the towns of Charlton, Oxford, and Sutton and also have substantial sales in the remaining three towns. A substantial Connecticut handler operates a bottling plant in the town of Dudley and has general distribution in that town and in the adjacent towns of Webster and Southbridge. In addition, other Connecticut handlers also have distribution here. It is concluded that Worcester and Connecticut regulated handlers do the preponderance of business in these three towns, and that orderly marketing will be enhanced by their inclusion in the Worcester marketing area.

Extension of regulation to include the six-town area was proposed by certain Worcester handlers who testified that they operated at a serious competitive disadvantage in competition with unregulated operations in the area. They further pointed out that the present disorderly marketing conditions created by the presence of unregulated milk could be increased by the establishment of store outlets in the area. The six-town area has a population in excess of 50,000 and is served by an excellent transportation network. It thus represents an excellent opportunity for unregulated milk operations similar to those which have sprung up in other unregulated corridors. It is appropriate, therefore, that this six-town area be added to the Worcester marketing area.

The towns of Sturbridge and Northbridge should not be included in such marketing area. The Northbridge situation was previously discussed under the extension of the Southeastern New England marketing area and its inclusion in the Worcester area at this time is inappropriate for the reason stated when its inclusion in the Southeastern area was denied. The town of Sturbridge presently is served by only one regulated handler in competition with five small unregulated dealers. There is no indication of market disorder which would require its regulation at this time.

The towns of Barre, Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Ware, and West Brookfield are served extensively by presently regulated handlers. There is no indication that unregulated milk in any way has been a disruptive factor in these nine towns. Regulation was requested to eliminate the possibility of gallon jug stores being established on the perimeter of the marketing area from which unregulated milk sales would provide disadvantageous competition for regulated milk. The towns in question are primarily rural in character and there is no indication, other than in the town of Ware, that regulated Worcester handlers have had any competitive problems. The competition complained of in the town of Ware was from a fully regulated handler under the Springfield order, and it is not apparent how regulation of this town would in any way alter this competitive situation.

2. *Pool plant provisions.* The provisions of the several New England orders should be revised to provide generally for regulation of a plant under the order for that market in which it disposes of the greater proportion of its Class I milk on routes or, in the case of supply plants, that market to which the greater proportion of its shipments are made.

Virtually all the milk in the New England area is qualified for disposition as fluid milk in one or all of the Federal order markets in New England. While there are technical differences in the several health ordinances in effect and in their application, nevertheless, the markets draw milk from a generally common supply area. Producers and/or plant operators have a broad choice of markets and milk can be expected to associate with that market which, in the judgment of the individuals or companies concerned, offers the most attractive financial remuneration.

Prior to the advent of regulation in Southeastern New England and Connecticut, the Boston pool carried most of the reserve supplies for the entire New England area. In order to hold the Class I sales for which the pool carried the reserve supply, it was desirable to maintain low pooling requirements and to pool any plant meeting such requirements, even though such plant by performance might be more closely associated with one of the regulated secondary markets (Merrimack Valley, Springfield and Worcester).

The advent of regulation in the Southeastern New England and Connecticut markets has changed substantially the supply situation in the New England area. Most of the manufacturing plants which process milk in excess of Class I needs are now, and will undoubtedly continue to be, associated with the Boston pool. Nevertheless, it is expected that the two new orders will carry their own market reserves. In the interest of orderly marketing, the provisions of the respective orders must be drafted to facilitate the movement of milk as between markets and to promote alignment of blended prices as between markets. This can best be accomplished by providing more uniform basic plant definitions and pooling requirements. It is concluded, therefore, that the plant and receiving plant definitions under the Southeastern New England order should be revised to conform with such definitions under the three older New England orders, and that the plant definition under each of these four orders should be further modified in conformity with the provisions of the Connecticut order to make clear that the definition does not include separate facilities used to hold or store packaged fluid milk products or other milk products in finished form in transit on routes.

The present plant and receiving plant definitions under the Southeastern New England order are identical to those of the Boston order in effect prior to April 1, 1959. These provisions were modified effective April 1, 1959, to conform more closely to the conditions of bulk tank handling and to permit the pricing of milk at country transfer points, which are substantial facilities operated by bona fide handlers with financial responsibility. The present definitions of the three oldest orders are equally appropriate for the Southeastern New England order, for the identical reasons stated in the Assistant Secretary's decision of March 24, 1959 (24 F.R. 2441), in proposing their adoption in the Boston and secondary markets.

The plant and receiving plant definitions under the Connecticut order do not need to be modified with respect to the maintenance of holding facilities. No evidence was submitted to show that, in terms of the situation in this market, these definitions have not operated satisfactorily.

The three oldest New England orders presently use Class I disposition (both to plants and on routes) in the market area as one criterion for pooling distributing plants. The Connecticut and Southeastern New England orders use "route" disposition. It is concluded that route disposition in the marketing area

should be used as a uniform standard for distributing plants under each of the several orders. It is appropriate that route sales include all disposition of fluid milk products classified as Class I, other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition. Bulk movements as between plants should be treated as plant transfers as should packaged movements to plants which are also packaging plants. Class I disposition from any such transferee plant properly should be considered as route disposition of such plant. Packaged sales to nonpackaging plants are no different than sales to other peddlers or vendors and sales from such plants, as in the case of sales by vendors, should be counted as route sales of the packaging plant.

In conjunction with this conclusion, it is proposed that the handler definition be extended to include peddlers, bobtailers and similar persons. As nonpool handlers, such persons will be required to file reports with the market administrator relative to their receipts and disposition of milk in order that he may ascertain where the milk is disposed of.

The plant definition, as hereinbefore provided, excludes buildings and facilities used primarily to store packaged fluid milk products in transit on routes. This is intended to make clear that routes emanating from distribution depots are to be considered as routes of the originating plant, whether such depots are operated by the same handler, or by bobtailers, vendors, peddlers or similar distributors. This treatment is presently prescribed under the existing Connecticut order language.

Under the present provisions of the Southeastern New England order, a receiving plant with route distribution must dispose of 10 percent of its dairy farmer receipts as Class I milk in the marketing area on routes, and at least 50 percent of such receipts as Class I, to qualify for pooling. Under the Connecticut order, such a plant must dispose of 10 percent of its dairy farmer receipts as Class I milk in the marketing area on routes and 50 percent of its total receipts as Class I to qualify for pooling. Under the three oldest orders such a plant must dispose of 10 percent of its overall receipts as Class I milk in the marketing area to qualify for pooling. A plant located in excess of a prescribed distance from the market is termed a country plant and must meet different requirements. These three latter orders also prevent pooling of a distributing plant during certain months of the year which did not operate as a pool plant during other prescribed months of the year. A distributing plant meeting the requirements of the Boston order and of any other order presently is regulated under the Boston order, even though it might do the greater proportion of its business in another market.

With virtually all the concentrated area of sales under regulation, it is appropriate and desirable that distributing plants be regulated in that market in which they do the greater proportion of their Class I business. This result can best be accomplished by providing identical pooling standards under each of the respective orders. The language of the Connecticut order is most appropriate for this purpose. Since all distributing plants presently pooled under the several orders are primarily Class I operations, it is not expected that any plant presently pooled will be denied pooling status because of these modifications. Nevertheless, should the adoption of this language result in nonpool status for any plant presently pooled, such result is concluded appropriate. A distributing plant which utilizes less than 50 percent of its fluid milk receipts in Class I obviously cannot be considered as primarily associated with a fluid market, and the pooling of such a plant would adversely affect returns to producers for the fluid market. A plant which has less than 10 percent of its producer receipts disposed of in any marketing area should not be considered as substantially associated with such local market. Full regulation of plants with only a minor part of their distribution in the local market is not necessary and might well have the result of placing such plants at a competitive disadvantage in supplying the market with which they are primarily associated.

With the requirement that a distributing plant must have at least a 50 percent Class I utilization to qualify for pooling, it is no longer necessary to retain the flush season exclusion for distributing plants, since a plant entering the market for the first time during the flush months should not have a detrimental effect on the pool. Hence, there need be no concern of pool riding.

It is recognized that because of the close geographical relationship of the several marketing areas some plants, as a result of losses or gains in sales as between markets, might occasionally shift from one pool to another. This situation most likely could occur in the case of some of the smaller handlers operating in areas where two or more of the marketing areas adjoin. While such a situation might be disconcerting to the plant operator, it would have no significant effect on him, his producers, or any supply plants shipping to such plant, since class prices are identical as between markets and blended prices will be closely aligned. The pooling requirements for distributing plants as herein proposed are identical under each of the orders, and provision is made whereby supply plants which meet the pooling requirements under any of the New England orders in each of the months of July through November have automatic pooling status under any such order during the flush production months.

It is desirable that the principle of regulating a distributing plant in that market in which it has the greater proportion of its route sales be preserved. Any modification of this principle would tend to enhance or deflate the Class I sales in one pool to the disadvantage or advantage of the other. It is unlikely that there will be any significant occurrence of plant shifts as a result of this conclusion. Nevertheless, should any plant exist which has approximately equal route sales in two markets, and such plant is shifted between pools on the basis of minor losses or gains in route sales in one market as compared to another, such result must be concluded to be appropriate.

The present "city" and "country" plant definitions in the three oldest orders, in conjunction with the pooling provisions, establish different pooling requirements for distributing plants solely on the basis of location. The continued application of this principle would tend to deter the intent to pool distributing plants in the market in which they do the greater proportion of their Class I business. Plants performing similar functions should be accorded similar treatment, and distance should reflect only difference in prices as between plants. It is concluded, therefore, that distance from market should not be a factor in pooling requirement.

The pooling requirements for supply plants under each of the respective orders should be modified to provide, (1) more uniform shipping requirements, (2) greater flexibility for plants to move from one pool to another, and (3) assurance of pooling status under some order during the flush for any plant which was pooled under any of these orders in each of the short production months.

Under the existing provisions of the Boston order a supply plant must meet specified performance requirements in each month in the case of city plants, while country plants must ship 10 percent of their producer receipts in the month of August and make at least token shipments every other month thereafter. Any plant meeting the pooling requirements in any month is pooled in such month unless the operator thereof requests nonpool status. A plant operated as a nonpool plant in any month of July through March cannot hold pooling status in the months of April through June if operated by the same handler or an affiliate.

With respect to supply plants the Worcester and Springfield orders provide 50 and 30 percent shipping requirements, respectively, and a plant pooled in each of the months of October through February has automatic pooling status in the months of March through September. As in the case of the Boston order, any plant operated as a nonpool plant during any of the short production months cannot be pooled during the flush if operated by the same handler or an affiliate.

In the case of the Connecticut order a supply plant must qualify for pooling in each of the months of July through November to hold automatic pooling status in the following months of December through June, but any plant is qualified for pooling in any month in which it meets the 30 percent shipping requirement. The Southeastern New England order also provides a 30 percent shipping requirement for supply plants in the months of July through November but, similar to the three oldest orders, denies pooling status during the flush to a plant which held nonpool status in any of the short months and is operated by the same handler or an affiliate. The Connecticut and Southeastern New England orders exempt from pooling any plant which met the pooling requirements but was a pool plant under another Federal order. Such nonpool status in any month for any qualified supply plant does not deter automatic pooling during the flush months. Similarly, the Springfield and Worcester orders defer to each other and to the Boston order but do not recognize the Southeastern New England or Connecticut orders.

The varied requirements for supply plants presently contained in the several orders deter the orderly movement of plants from one order to another in response to market needs and resulting price incentives. Handlers' efforts to assure reasonable alignments of blends through movements of plants and/or milk within the limits provided in the orders have not necessarily accommodated the situation, and have provoked considerable dissatisfaction on the part of affected producers.

It is concluded that with respect to supply plants the months of July through November should be adopted under each of the orders as the qualifying months for automatic pooling during the subsequent months of December through June. The months of July through November, presently used in the Southeastern New England and Connecticut orders, also generally represent the months of shortest production and/or greatest need in the New England area as a whole. It is appropriate, therefore, that such months be adopted as the qualifying months for automatic pooling in the remaining months to provide continuity of pooling provisions as among the several orders.

Pooling qualification for supply plants should be contingent on meeting specified shipping requirements to pool distributing plants, or to other plants not regulated under another Federal order which utilize at least 50 percent of their total receipts of fluid milk products in Class I and dispose of not less than 10 percent of such receipts as Class I milk in the marketing area on routes. This requirement is generally applicable under the Southeastern New England and Connecticut orders, but no distinction is made as to whether the transferee plant is regulated under another Federal order. As a result, certain handlers with distribution in both the Boston and Southeastern New England markets have pooled their bottling and distributing plants under the Boston order and their supply plants have been moved back and forth between the two pools. It is concluded that market stability in the area will be enhanced if with only specified exceptions hereinafter discussed, supply plants are required to pool under that order regulating the distributing plant(s) to which qualifying shipments are made.

It is proposed that the shipping requirement under the Worcester order be reduced from 50 to 30 percent to conform with the provisions of the Springfield, Connecticut and Southeastern New England markets. Worcester is a small market and the bulk of the receipts are direct receipts from nearby producers. It is not expected that the lower shipping requirement will result in any additional plants being pooled under this order. Nevertheless, should such result obtain, it cannot be considered inappropriate. While it is not intended that shipping requirements be so low as to attract milk primarily associated with manufacturing outlets, too high a shipping requirement may tend to deter an appropriate sharing of market supply, particularly if lower requirements are provided in surrounding Federal orders.

The Boston market is substantially different in structure than the other four markets, in that here the great majority of the milk moves to market through supply plants. Handlers have generally concentrated their manufacturing operations in particular plants, and have maintained other plants primarily as reserve supplies. The multiplicity of ownerships involved and plant associations which have been made under the existing order provisions would be seriously disrupted, and pool supply plants of long standing might be denied pooling status, if the performance requirements were established at the same level provided in the other four markets. Nevertheless, some more stringent requirements are necessary and desirable to deter plants from associating with the Boston pool solely because of the ease of pooling. It is concluded, therefore, that a supply plant under the Boston order should be required to ship 15 percent of its producer receipts in any month of July through November to hold pooling status in such month. However, provision should be made whereby, in the case of two or more supply plants operated by the same handler, such plants may be considered as a system and after the first month in which the 15 percent shipment from each individual plant therein is met, the performance of the system would then determine qualification of all of the plants therein.

Requirement that the individual plant meet the prescribed shipping percentage in the first month of pooling is necessary to demonstrate such plant's right to association with the pool and is consistent with the present pooling provisions. Since the multiple plant handler has considerable flexibility in his operations he could, if he continues to qualify his plants as a system, also qualify each plant therein individually. Provision for system pooling, however, will serve to minimize uneconomic and unnecessary transportation and/or receiving costs on the part of the handler to assure pooling status for each of his supply plants.

Notwithstanding the privilege of system pooling, it is intended that the actual shipping performance of each individual plant shall determine under which order such plant shall be regulated. Hence, any plant included in a system under the Boston order, which plant makes sufficient shipments to one of the other orders to qualify as a pool plant under such other order, would be regulated under that order in any month when such shipments exceeded its shipments to the Boston market.

Any plant which a handler might later wish to add to his system should be required to meet the 15 percent shipping requirement apart from the remainder of the system in the first month in which it is associated with the market. Such requirement is similar to that placed on other system plants in the pool and serves to establish a bona fide association with the market.

Most of the manufacturing plants in the New England area are now, and will continue to be, associated with the Boston pool. Milk in excess of fluid requirements in the other four markets, by and large, is disposed of through Boston pool plants. Under normal circumstances, for most economical handling such milk is moved to Boston bottling plants, and an equivalent amount of Boston pool milk is held upcountry for manufacture. A plant normally pooled under one of the other four orders might well ship a greater quantity of milk to a Boston distributing plant and, under a rigid rule of regulation in that market to which the greater shipments were made, would necessarily be regulated under the Boston order. This would force onto the Boston pool most of the surplus for the entire New England area. At the same time the utilization in the other markets would be held relatively high. Under such circumstances Boston handlers would likely be unwilling to handle such milk moving from other markets. It is appropriate, therefore, that the Boston pooling provisions be so drafted that a supply plant meeting the pooling requirements could, nevertheless, hold nonpool status during any of the months of July through November by notification to the market administrator that such plant is to be considered a nonpool plant, if such nonpool status would result in full regulation under another of the New England orders and no milk received from such plant by a Boston pool plant were assigned to Class I under the provisions of the Boston order. This procedure will implement the orderly disposition of the reserve supply of the five-market area.

It is neither necessary nor appropriate to require plants which have had a bona fide association with a market during each of the short production months to make shipments during the flush season to retain pooling status. During the months of flush production, supplies of milk received at plants located in or near the marketing area may be sufficient to supply the market's fluid needs. In such case, it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. It is provided therefore that each of the respective orders shall provide automatic pooling status during the flush production months for any supply plant which met the pooling requirements under such order in each of the short production months. Without specific direction from the operator thereof, any plant which met the applicable pooling requirements under two or more orders in each of the short production months would be pooled during the flush production months under that order under which the greatest proportion of its producer receipts was pooled during the short production months. However, such plant, would have, in fact, estab-

lished a bona fide association with each of the markets for which it met the pooling requirements. It is deemed appropriate, therefore, that the operator thereof be permitted to choose pooling under any of the orders, for which the plant has qualified, on a month-to-month basis during the flush months by requesting nonpool status in his normal market.

A plant which continuously met the pooling requirements under the several orders in each of the short production months, but not continuously under any one order, should have automatic pooling status under some order during the flush months, since it would have demonstrated amply its association with the regulated markets of New England. Such automatic pooling status appropriately should be available under that order under which the greatest proportion of its producer receipts were pooled during the preceding short production months. Should the operator of such plant not wish to pool his plant in this manner it is desirable that he be permitted to request nonpool status for such plant. In that event the plant would be eligible to pool under one of the other orders by meeting the applicable shipping requirements in such month. Such plant would not have qualified for automatic pooling on the basis of shipments to any single market, and should the operator thereof later elect to return to that market in which he was initially provided automatic pooling status, the plant should appropriately be pooled only if it meets the current shipping requirements.

In any situation where a plant acquires automatic pooling status in a market in which it did not meet the pooling requirements in each of the short production months, but nevertheless met the pooling requirements in another market in each of the preceding short months, the operator thereof should be permitted to elect pooling status in such latter market by proper notification to the respective market administrators. As in the previous situation, the plant should be permitted to return to the market in which it was initially provided automatic pooling only by meeting the current shipping requirements.

Any plant which qualifies for automatic pooling status under one or more of the several orders, but nevertheless elects not to be pooled under any order during any flush production month, should be considered to have forfeited automatic pooling status, and such plant should be permitted to pool in any subsequent month of such period only by meeting the current shipping requirements. It is unlikely that any plant would elect nonpool status in any flush month unless the milk received there was intended for use in an outside Class I market. It would be inappropriate to permit a plant to withdraw from the pool to supply an outside market and to return to automatic pooling status when such outlets were no longer available. It is appropriate, therefore, that any plant withheld from pooling under all of the orders during any flush month shall forfeit its automatic pooling status and be permitted to pool during any remaining months of such period only by meeting the current shipping requirements.

Except as hereinbefore provided, any supply plant which was a nonpool plant under all of the New England Federal orders during any of the months of July through November should not be permitted pool plant status in any of the immediately following months of December through June in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler. It would be inappropriate to permit a plant to hold pooling status under any of these orders during the flush months of production if the milk regularly received there is withdrawn from regulation during the short production months (when such milk would be most needed by the local regulated markets) to supply outside Class I markets.

The pooling provisions of the three oldest orders condition pooling eligibility on plant licenses and individual producer permits issued pursuant to the Massachusetts General Laws. The pooling provisions herein recommended prescribe performance requirements which plants must meet. Any plant meeting such requirements has sufficiently demonstrated its association with the market and its right to participate in the equalization pool. Hence, it will not be necessary to rely upon health approvals under the recommended amendments.

Since the months of July through November are established as the qualifying months for pooling status during the months of December through June and it is not feasible to invoke the order provisions on a retroactive basis, it is necessary that provision be made to accommodate the situation during the period through June 1961. This appropriately can be accomplished by providing that for the period from the effective date of the amending orders through June 1961 all of the terms and conditions applicable to the months of July through November relative to plant pooling, and the "producer" and "dairy farmer for other markets" definitions shall be administered on the basis of performance during the period from the effective date of the amending orders through November 1960.

The need for modification of the pooling provisions in light of the prospective effective date of the order was generally recognized by interested parties in their exceptions and the modifications herein provided are generally consistent with the suggestions of exceptors.

Each of the orders other than Connecticut now make provision for the pooling of plants within specified locations which are operated by an association of producers. Such provision was adopted in recognition of the fact that only very limited manufacturing facilities were available near these markets, and that much of the burden of handling local milk in excess of fluid needs would likely fall upon the several cooperatives with membership among the nearby producers. Such cooperatives operate surplus handling facilities at plants within each of the respective marketing areas and except in the case of Connecticut, milk received at such plants otherwise would not be eligible for pooling since the plants involved have no route sales and could not under normal circumstances meet the shipping requirements for supply plants.

It is intended that any plant qualifying under this provision should be functioning solely as a balancing and surplus disposal plant. Nevertheless, the orders other than Boston are not specific in this regard, and in the case of Southeastern New England at least one plant qualified under this provision has received no milk from producers and has no processing facilities. It is concluded that, except for Connecticut, the respective orders should be modified to specifically provide pooling status for a receiving plant located in the marketing area and operated by a cooperative association if the quantity of Class I milk disposed of on routes from such plant does not exceed two percent of its total receipts of fluid milk products. The two-percent tolerance is necessary to protect a plant's pooling status in the event of minor route sales through error or accident. Without some tolerance, such accidental disposition would result in forfeiture of pooling status for the milk involved and if this situation occurred in any of the months of July through November, the plant would also be disqualified for pooling in the following months of December through June.

No change is proposed in the Connecticut order since the existing order provisions have accommodated the pooling of the cooperative's surplus manufacturing plant in that market.

One cooperative association with several supply plants presently pooled under the Connecticut order proposed that automatic pooling status be granted to their plant at Great Barrington, Massachusetts, on the grounds that such plant was a balancing plant for the Connecticut market. The plant in question has no manufacturing facilities and virtually all of the milk received there from producers is shipped to plants in the marketing area. There is no basis for distinguishing this plant from any other supply plant associated with the market and it should therefore be pooled only so long as it meets the regular pooling requirements of the order.

The proponent cooperative association excepted to this conclusion, pointing out that the Connecticut market is in relatively short supply and suggesting that more liberal pooling provisions should be provided to encourage association of additional milk supplies with the market. While exceptor concede that the changes recommended in point of pricing for diverted milk will provide greater equity in returns among producers and reduce the costs incurred in handling diverted milk, they suggest that automatic pooling status for their Great Barrington plant and extension of marketing area pricing, as requested, would further implement the association of additional milk supplies with the Connecticut market. These proposals, however, are not adpoted for reasons previously and hereinafter set forth.

3. *Modification of producer-handler definition.* The producer-handler definition in the Boston, Springfield and

Worcester orders should be modified more nearly to conform with the present definition in the Southeastern New England order. Small producer-handlers whose own-farm production or route sales of Class I milk (whichever is less) does not exceed an average of 1,000 quarts per day during the month should be permitted to purchase fluid milk products (packaged or bulk) from fully regulated plants under any of the New England Federal orders without restriction. A small tolerance should be provided whereby large producer-handlers can obtain minor quantities of specialty items or balancing supplies without affecting their status as producer-handlers.

The Boston order presently defines a producer-handler as a dairy farmer who operates a plant from which he disposes of Class I milk (from his own farms located within 80 miles of Boston) and who receives no milk from other dairy farmers, except other producer-handlers. The Springfield and Worcester definitions are essentially the same but with no mileage limitation on farm location.

Hence, under the three oldest orders a dairy farmer operating a processing plant, and who receives no milk from other dairy farmers, is exempted from pooling his own milk regardless of the extent to which he relies upon the pool for balancing supplies. This is a significant advantage to producer-handlers in that it allows them to realize a Class I return on virtually all of their own milk production. This advantage can be translated into unstabilized marketing conditions for all milk in the market. There has been considerable incentive for dairy farmers in close proximity to the market to develop producer-handler type operations.

Typically, a producer-handler conducts a small family-type operation, processing, bottling and distributing only his own farm production. Full regulation of such individuals provides considerable administrative difficulties. Normally, exemption from regulated status is made in a Federal order for such individuals on the grounds that such businesses are so small that they have little or no effect upon the pool. When such operations become substantial and rely upon the pool to carry their supplemental supplies and necessary surplus, the normal basis for exempting their own production from pricing and pooling no longer exists. It is provided therefore that the three oldest orders be amended to provide (except in the case of an individual whose receipts of milk of his own production, or his Class I milk disposed of on his own routes, whichever is less, do not exceed 2,150 pounds on a daily average basis during the month) that producer-handler status may be maintained only so long as the individual involved relies only on own farm production as a source of supply.

To provide some accommodation for the purchase of specialty items and for protection against unanticipated shortages, a small tolerance should be provided whereby such a handler can in any month purchase fluid milk products, either packaged or bulk, from fully regulated plants under any of the New England Federal orders in an amount not to exceed two percent of the receipts from his own production without affecting his status. A two percent tolerance is presently provided to certain distributing plants to prevent inclusion or exclusion from the pool because of accidental or inadvertent sales in the market. A similar percentage tolerance is appropriate in the purchase of fluid milk products by producer-handlers.

Under existing circumstances it is unlikely that a small operator with no more than 2,150 pounds of own farm production or route sales on a daily basis could be a disruptive factor in these markets. Accordingly, it is proposed that such an individual be permitted to make unlimited purchases, either in packaged form or in bulk, from fully regulated plants under any of the New England Federal orders, without affecting his status as a producer-handler. This provision will serve to accommodate the small producer-handler and at the same time facilitate administration of the order.

In order to maintain producer-handler status, it is provided that the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk shall be the personal enterprise of and the personal risk of the person involved. These standards are intended to distinguish the family-type operation normally involved, and to bring under full regulation operations which attempt to masquerade as those of producer-handlers in their normal concept through leases, rental arrangements, and other devices designed to circumvent regulation by the order.

Large operations which receive milk from their own farm production, but no milk directly from dairy farmers, and which rely on other plants for substantial supplemental supplies either in bulk or packaged form, are not significantly different from the operations of regular handlers. In addition, such individuals do not assume the risk or cost of providing a full supply. If they are accorded producer-handler status, the pool does not receive the benefits of their Class I sales but acts as a supply balance and carries their necessary surplus. Such operators should not be considered as producer-handlers, but should be accorded status similar to that of any other handler receiving milk directly from farms. If they sell a sufficient proportion of their milk in the marketing area, they would attain pool status and participate in the equalization pool.

The receipt of milk by a handler from a person who is a producer-handler under any Federal order should be regarded as a receipt of unregulated milk, since such milk will not be priced or pooled at the producer-handler's plant. Under the proposed amended definition of a producer-handler in the three oldest orders, it no longer would be possible for a person to retain such status if he received milk from another producer-handler.

The producer-handler definition under the Southeastern New England order appears to have accommodated the situation in that market. Nevertheless, because of the close interrelationship of the Southeastern New England, Boston and Worcester markets it is desirable that identical definition and treatment of producer-handlers be provided under each of these orders. In line with the conclusions previously reached in regard to producer-handlers under the three oldest orders, it is appropriate that the size limitation on small producer-handlers be increased from 500 quarts to 1,000 quarts and such individual should be permitted to receive unlimited quantities of supplemental fluid milk products from fully regulated plants under any of the New England orders in either packaged or bulk form, rather than only in packaged form from Southeastern New England pool plants as presently provided. It is also appropriate that large producer-handlers be permitted a total two percent tolerance for purchasing fluid milk products from fully regulated plants under any of the New England orders in the same manner proposed for the three older orders. These changes will tend to permit producer-handlers under the Southeastern New England order greater flexibility of operation without significant effect to the pool, and will facilitate the operations of producer-handlers doing business in both the Southeastern New England and Boston (or Worcester) markets. Unless similar treatment is provided it is possible that a person doing business in any of the oldest markets and in the Southeastern New England market might meet the producer-handler definition in such older market but nevertheless be required to pool under the Southeastern order.

No change should be made in the definition or treatment of producer-handlers under the Connecticut order. This matter was carefully considered by the Assistant Secretary in his decision of February 9, 1959 (24 F.R. 1049) and, except for the fact that the gallon jug has since been legalized in Connecticut, there were no additional facts offered which were not previously considered. While it is possible that the institution of the gallon jug may have a substantial impact in the Connecticut market, particularly as it relates to producer-handler type operations, it cannot be concluded on the basis of this record that producer-handlers there should be more strictly regulated at this time.

Producer-handlers in Connecticut proposed that the order provision be liberalized to permit them to buy supplemental milk from each other as well as from pool sources. Such individuals already enjoy a preferential market in that they are not required to equalize their Class I sales through the pool. A producer-handler buying milk from another producer-handler is, in fact, buying from another dairy farmer. This is no different than any other handler buying milk from dairy farmers and hence no different treatment should be provided.

4. *Modification of the exempt milk provisions.* The exempt milk provisions of the Boston, Connecticut, Southeastern New England, Springfield and Worcester orders should be modified to restrict their application to the handling of milk dur-

ing temporary periods when the plant in which the milk is normally processed and packaged cannot be used because of extraordinary circumstances beyond the plant operator's control. In addition, the exempt milk provision of each of the New England orders should be extended to include certified milk. However, no change should be made in this provision under the Connecticut order as it relates to the handling of milk between State institutions.

The exempt milk provisions, originally designed to accommodate customs of the local New England markets, have been subject to increasing abuse since early 1956. The three oldest orders were amended on May 1, 1957, to restrict to prescribed emergency situations the privilege of a regulated plant to package milk for an unregulated plant as exempt milk. This action was taken after certain handlers had used the exempt milk provision as a mechanism for influencing blended price relationships between regulated markets and for using unregulated milk for out-of-area Class I sales which otherwise would have accrued to the pool.

The three oldest orders now recognize three categories of milk movements under the exempt milk provisions. The first grants exemption to milk received at a regulated plant from a dairy farmer which is packaged and returned to the dairy farmer. The second permits milk to be received at a regulated plant from an unregulated plant for packaging and returned to the unregulated plant during periods when the unregulated plant cannot operate because of extraordinary circumstances beyond the dealer's control. The third exemption covers milk received at a regulated plant from an unregulated plant as packaged fluid milk products in return for an equivalent quantity of bulk milk.

The Southeastern New England order recognizes only the latter two categories, as does the Connecticut order. However, the Connecticut order also exempts certain movements between State institutions.

While it is probable that certain regulated handlers have used the exempt milk provisions to meet unregulated competition in the surrounding unregulated areas, milk distributed by regulated handlers as exempt milk has been an important factor contributing to the unstable marketing conditions in the areas hereinbefore proposed to be brought under regulation. While the privilege was originally granted to give regulated handlers greater flexibility in procuring special packaging, it has generally been used for an entirely different purpose and has resulted in substantial losses of Class I sales to the regulated markets.

It is recognized that damage caused by storm, fire, flood, and the like may render a plant temporarily unusable and a dealer may have to devise an emergency program for handling milk during such situation. While the orders should not deter the handling of milk under such circumstances, they also should not promote practices which lead to loss of Class I sales by the pool. It is concluded, therefore, that the application of the exempt milk provision as it applies to the processing of milk for regulated plants at unregulated plants should be placed on the same basis now applicable to the processing of milk for unregulated plants at regulated plants i.e., only when a plant is rendered nonoperative under extraordinary circumstances entirely beyond the handler's control. However, the provision should not be applicable in case of ordinary plant breakdown or work stoppages involving situations which are clearly the usual risk of any handler. These are readily distinguishable from extraordinary circumstances which are completely beyond the handler's control.

The exempt milk provisions of the three oldest orders, as they apply to the processing and packaging of milk and return thereof to the dairy farmer who produced it, have also tended to weaken the effectiveness of the Federal order program and should be eliminated. Many dairy farmers distributing their own milk have had complete freedom in utilizing the facilities of regulated plants for custom processing and packaging of their own milk which is then distributed both inside and outside the regulated areas in direct competition with regulated milk. Such transactions in earlier years were inconsequential, but in recent years they have clearly illustrated the inequality of this provision. In the past few years, for example, one dairy farmer has developed a chain of 15 dairy stores which are supplied largely by his own milk under the exempt milk provisions. He enjoys a preferential Class I market without carrying the burden of surplus associated therewith. When he needs supplemental milk he purchases it from the processing handler and his excess milk is delivered as pool milk. He thus enjoys a significant cost advantage over other regulated handlers without substantial investment in processing facilities of any kind. In May 1959 there were 62 dairy farmers, of varying size, utilizing the exempt milk provisions in this manner.

A dairy farmer-distributor should not be permitted to maintain a preferential Class I market outside the scope of regulation. The production resources which he maintains are the same as those of any other producer, and he has no additional investment in processing facilities which entitles him to a preferential return over other producers. His milk is received at pool plants in the same manner as that from other producers, and it should be priced and pooled in the same manner and under the same rules as other producer milk is priced and pooled.

The exempt milk provisions of each of the orders should be extended to include milk which is received, processed and disposed of as certified milk.

A proposal for such exemption under the Boston order was made by a handler now operating as a producer-handler who distributes both certified and regular milk. The milk which he disposes of as certified milk is produced on his own farm and processed in his own plant in accordance with requirements promulgated by the American Association of Medical Commissions. His production in excess of his certified milk requirements is supplemented by purchases from other handlers, and this milk is also processed through his plant after his certified milk is processed and is distributed on his own routes along with his certified milk.

Insofar as can be ascertained from the record, there are only two producers of certified milk in the federally regulated markets of New England, both being in the Boston market. The largest producer of such milk, a multiple plant handler, has been required to pool his certified milk operation since the inception of the Boston order. Notwithstanding this fact, certified milk is a very specialized product, the production requirements for which are far more rigid than for other fluid milk. Certified milk sells for a price substantially higher than that for other milk and it is sold under conditions not generally competitive with other milk. The circumstances under which certified milk is produced and marketed are such that an expansion in its production sufficient to be a disturbing factor in the market appears extremely remote. To the contrary, it has over the years become increasingly of lesser importance volumewise.

Since certified milk is clearly not a competitive product and because of its minor importance and high cost of production it is appropriate that milk produced and disposed of as packaged certified milk or packaged certified skim milk be exempted from pricing and pooling. If certified milk is to be considered as exempt milk under the Boston pool, it is equally appropriate that it have freedom of transfer between plants in the Boston market as well as to plants in other New England markets. The assignment provisions of the several orders as presently constituted, and as hereinafter proposed to be modified, accommodate such movements. However, if Boston handlers are free to move certified milk into the other markets, it is also equally appropriate that handlers in outside markets, federally regulated or unregulated, be provided the same freedom. It is necessary, to implement this conclusion, that the assignment provision of the several orders be modified to permit receipts of packaged certified milk and skim milk to be deducted from Class I prior to the assignment of producer receipts.

Exemption from pooling and filing reports under the Southeastern New England order was requested for charitable and educational institutions which have own farm production and processing facilities. The proponent of this proposal offered no appropriate standards by which it could be determined what institutes or establishments might properly qualify as "charitable" or "educational", and had no specific knowledge of the number or type of institutions which might be involved. While certain exemptions are provided in the Connecticut order they are specifically applicable only to State owned and operated institutions or establishments. These exemptions would not appropriately cover the institution to which proponent's request was directed.

Since the specific institution in question is now operating in the status of a producer-handler and there was no indication of contemplated change in status, there is no apparent need for further exemption from pooling. Exemption from reporting could not appropriately be granted under any circumstances. The order now provides that each nonpool handler shall make reports at such time and in such manner as the market administrator may prescribe. The market administrator thus has discretion as to the type and extent of reports which proponent and handlers in similar status must make, but under any circumstances must require reports at such time and in such detail as is necessary to satisfy himself of the continuing status of the nonpool handler.

It was also proposed that the Southeastern New England order be amended to provide that any dairy farmer, pool handler, producer-handler, or producer with own farm production who used part of such milk, either raw or processed for his family, employees or livestock be exempted from reporting such milk up to a specified limit. A producer-handler is exempted from pricing and pooling under the present provision of the order and makes only such reports as the market administrator may require to determine his continuing status. In the case of a producer, only that milk which is actually delivered to a pool handler is regulated. Hence, the requested exemption would have no substantive value in the case of either producer-handlers or producers; it would have significance only to pool handlers.

The integrity of the Federal regulation is dependent on the requirement that each handler shall be required to make a full accounting of his receipts and utilization in the class in which the milk is utilized and at the specified prices. Milk disposed of for livestock feed is presently classified and priced in the lowest use classification. Milk which is used by the family or given or sold to employees is no different than any other disposition for fluid consumption and properly should be classified and priced in Class I. Producers should not be expected to take a lesser return for their milk simply because the handler wishes to consume it himself or give it to employees.

5. *Revision of the classification, assignment and accounting provisions.* The classification provisions of the Boston order should be revised to provide that bulk fluid milk products moved from a regulated plant of a pool handler or a buyer-handler to fully regulated plants under the Connecticut, Southeastern New Engand, or New York-New Jersey orders shall be classified in the class in which assigned in the transferee market.

Under the present order provisions such transfers are Class I up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk in the transferee plant. This provision is generally applicable to transfers to any plant not regulated under the Boston order.

The existing transfer provisions were drafted to accommodate a situation when much of the New England area was not under Federal regulation and were necessary because the Boston pool carried the reserve supply for the entire New England area. It was appropriate therefore, that the pool obtain a Class I return on milk supplied to surrounding markets. With the advent of regulation in Connecticut and Southeastern New England, the situation has substantially changed. These markets are expected to generally carry their own reserve supplies and the respective orders for these markets are so constructed that, during the season when supplemental supplies would most likely be needed, for fluid uses, milk obtained from any other Federal order market would be assigned to Class I. The mandatory Class I classification under the Boston order tends to deter movements of Boston milk to the two newer markets because of the possible cost to the transferee handler resulting from incompatible classification as between orders. The Connecticut and Southeastern New England orders defer to Boston in the classification of milk moving to Boston and it is equally appropriate that Boston defer in the case of reverse movements. Occasionally, milk has been moved from Boston pool plants to manufacturing plants in the New York-New Jersey market, which carries its own reserve supplies. Such milk should be classified in Class I only to the extent it is assigned to Class I there. Milk normally does not move beyond New York-New Jersey and is not likely to so move unless required for Class I use. Milk moved to such distant markets should be classified as Class I milk.

No change should be made in the procedure for classification of fluid milk products moved from Boston plants to Springfield and Worcester or to unregulated markets. The Springfield and Worcester markets are small markets and carry only limited reserve supplies. They have historically relied upon the Boston pool for balancing supplies and there is no reason to expect that this situation will change. It is appropriate, therefore, that the Boston pool receive a Class I credit on transfers to these markets. This conclusion is equally applicable in the case of transfers to unregulated markets.

Any fluid milk products which a regulated handler transfers to the plant of a producer-handler should be classified as Class I and should not be subject to reclassification. In view of the fact that producer-handlers are accorded special status as to their own production it is only equitable that when such a handler obtains milk from the pool that it be classified as Class I milk. This is necessary to prevent the producer-handler from assigning his own surplus to the pool.

The classification provisions of the Springfield and Worcester orders also should be amended to provide, in the case of fluid milk products transferred to the Connecticut or Southeastern New England markets, that such transfers be classified in the class in which assigned in the transferee market. This procedure is followed in the case of transfers between the Worcester and Springfield markets and to the Boston or New York-New Jersey markets and it is appropriate to extend its application to movements to the two newer markets.

Packaged fluid milk products moved to any plant obviously are intended for Class I utilization and should be so classified on the basis of such movement.

The assignment provisions of the Boston order should be revised to provide general priority of assignment of producer receipts to Class I. Priority of assignment to Class II utilization should be given to receipts from unregulated sources and then to receipts from other Federal order sources. No change should be made, however, in the present procedure under which receipts of packaged fluid milk products from other Federal order plants and receipts of exempt milk are assigned to Class I.

Under the existing order provisions, receipts of outside milk which include Federal order bulk receipts (with specified exceptions for milk originating in the New York-New Jersey market), are assigned to Class II, regardless of the extent of actual Class II utilization in the receiving plant. Each handler accounts to the pool for the utilization value of his total disposition at the appropriate class prices and is credited at the Class II price for all receipts of outside milk. To the extent that Class I utilization exceeds pool receipts, the handler thus makes a compensatory payment on the volume of such excess Class I utilization regardless of the classification and pricing of such milk in the originating market in the case of receipts from other Federal order markets. While the adjacent New England orders defer to the Boston assignment, thus precluding the possibility of a compensatory charge, this would not be true in the case of Federal order receipts from outside the New England area. While there is no indication that milk has been received at Boston pool plants from Federal order markets outside of New England or the New York-New Jersey area or that such milk, if received, was in fact subject to an improper compensatory charge, nevertheless the possibility does exist and should therefore be eliminated.

Under the existing order provisions, bulk receipts of Order 27 pool milk are assigned to Class I during the months of August through March, if classified and priced as Class I under that order, and in the remaining months such receipts are assigned to Class II, in each case regardless of actual use. Under the revisions herein proposed, no differentiation is made between receipts of Order 27 milk and receipts of other Federal order milk. All other Federal order milk is assigned to the highest available use class in the transferee plant after the assignment of producer milk and receipts from regulated plants.

Where importations of other Federal order milk are needed for Class I use, opportunity should be provided whereby the originating market can retain the Class I value of such milk. Since the advent of regulation in Southeastern New England, substantial volumes of pool milk from that market have moved to Boston regulated plants, which milk has been processed there and distributed as Class I milk in both the Southeastern

New England and Boston marketing areas. The Class I utilization value of such milk has in all cases accrued to the Boston pool. In some situations this Southeastern milk was actually needed for Class I use and in other cases the movements were made as the most efficient means of handling milk surplus to the Southeastern New England market. The latter milk displaced Boston producer milk which in turn was held at upcountry points for manufacturing uses.

Southeastern New England interests contend that the present assignment procedure is unfair and that Southeastern New England producers should share in the Class I utilization of any milk moved to Boston plants and utilized in Class I. However, it cannot be concluded that adoption of their views would tend to promote equities as between markets in all situations. It is appropriate in situations where the Boston handler's producer receipts are insufficient to cover his Class I utilization, that other Federal order receipts be credited with the residual Class I sales. Where the movement to Boston plants represents a surplus disposal and the milk involved, in reality, merely displaces available Boston producer receipts, however, the exporting Federal order market has no valid claim to Class I disposition. The modifications in the assignment procedure hereinafter set forth will implement these conclusions.

Situations may arise in which milk is received from several other Federal order markets and the problem becomes one of determining which milk shall be credited with the residual Class I use. In such cases a pro rata assignment provides equitable treatment. However, in cases where the transferee plant has route sales in the originating market, the transfers from such market should take priority of assignment to such residual Class I use up to the equivalent volume of route sales into such market from the transferee plant.

Certain Order 27 interests excepted to the recommended assignment provisions of the Boston order. They suggested that the procedure for assigning receipts from Order 27 plants will tend to increase the incidence of noncompatibility of classification on such receipts as between Order 27 and the Boston order and will tend to deter the movement of milk from Order 27 plants.

As previously indicated the assignment provisions are intended to give priority of Class I assignment to local producers who are the regular suppliers of the market. Under normal circumstances, if Order 27 milk is needed for Class I use it is likely that it would be so assigned under the proposed assignment provisions. Further, this would be true also during the months of April through July, whereas the existing order provisions would provide a mandatory Class II assignment on such milk during these months.

There is no apparent reason why Order 27 receipts should take priority of assignment over receipts from other Federal order markets. The several New England orders, as proposed to be amended, would classify bulk transfers between Federal order markets in the class in which assigned in the transferee market, thus assuring compatibility of assignment of transfers as between the New England markets and other Federal order markets. This modification is expected to materially implement the movement of milk among the New England markets.

The existing assignment provisions of the Boston order are drafted to minimize the transportation costs borne by the pool. No change was proposed in this regard and no change is herein recommended. The general procedure for computing each pool handler's obligation for producer milk received is unchanged.

The assignment provisions of the Springfield and Worcester orders should also be revised to provide that bulk receipts from other Federal order plants except Boston shall be assigned to the highest remaining use class after the prior assignment of local pool receipts. Receipts of Boston pool milk should continue to be assigned to Class I to the extent to which such receipts are classified as Class I under the Boston order, for reasons previously stated. While under the existing assignment procedure receipts from Order 27 pool plants are assigned to Class I and receipts from Worcester regulated plants are assigned by agreement, it is appropriate that such receipts be treated in the same manner as receipts from other Federal order markets except Boston.

Under the modification of the compensatory payment provision hereinafter proposed, no payment would be applicable to other Federal order milk properly classified and priced in the originating market in accordance with its actual use. Accordingly, unless producer milk is first assigned to the highest use value, there can be no assurance that milk from outside markets would not be used to displace producer milk in Class I whenever it was advantageous to the purchasing handler. If the order permitted handlers to obtain such milk for Class I use when it was advantageous to do so while producer milk was utilized in Class II, the order would not be effective in carrying out the purposes of the Act and the market would be deprived of a dependable supply of milk.

The allocation provisions of the Southeastern New England and Connecticut orders should be revised to better implement the intent expressed in the respective decisions of the Secretary (23 F.R. 8205; 24 F.R. 1049) in providing for the assignment of a specified percentage of producer milk to Class II, prior to the assignment of bulk receipts from other Federal order plants. In addition, provision should be made for the clearing of inventories each month by specific assignment of opening inventory to final disposition in the current month.

The milk from producers who are the regular suppliers of milk for the regulated market should be given priority in the assignment of Class I utilization at pool plants. Milk which is received from other sources should be assigned to the lowest available use classification. Notwithstanding, it must be recognized that during the months of shortest production and greatest demand regulated handlers may find it necessary to procure supplemental supplies from adjacent Federal order markets in order to meet their full Class I needs, even though their total producer receipts equal or exceed their total Class I disposition during the month. This situation could exist as the result of day-to-day variations in receipts and sales. While it is not intended that milk from other markets shall displace local producer milk in Class I, nevertheless if producer milk is not available at the time when needed, local producers cannot expect to receive a Class I credit at such times.

The present allocation procedure was intended to implement the procurement of necessary supplemental milk from other Federal order markets without penalty to the handler procuring such supplies. In addition, the Southeastern New England order also provides for a five percent assignment of producer milk to Class II prior to the assignment of other Federal order receipts in other than the months of shortest production and greatest demand. This procedure was provided in recognition of the fact that many smaller handlers had long standing arrangements with Boston pool handlers for procuring certain specialty items or balancing supplies and similarly, this, as in other months, was intended to permit continuation of these relationships to the extent necessary, without penalty to the local handler.

Notwithstanding the intent of these allocation procedures, they have not fully accomplished the intended result. While specified percentages of producer milk are allocated to Class II in the current month, closing inventories have expanded Class II utilization so that significant quantities of necessary purchases from other Federal order markets, particularly Boston, have been assigned to Class II. The procedure for reclassification of opening inventory assigned to Class I in the immediately succeeding month gives priority to producer milk in Class II in the preceding month, including the producer milk specifically assigned to Class II prior to the allocation of other Federal order milk. Accordingly, much of the necessary other Federal order purchases, classified as Class I in the originating market, have nevertheless been assigned to Class II in the transferee market.

Various proposals considered at the hearing would revise the allocation procedures. The intent of all such proposals was freer movement of milk as between markets and greater equities in the classification of other Federal order receipts.

The dissatisfaction with the present provisions stem, in part, from the fact that the three oldest orders generally provide a mandatory Class I classification on milk moving to either Connecticut or Southeastern New England. The classification of bulk milk moving between the several orders in the class in which assigned in the transferee market, as hereinbefore proposed, will relieve the burden which has resulted from incompatible classification of milk moving between orders. Nevertheless, handlers in other markets may be reluctant to sell milk for other than Class I use and it is therefore desirable that the present procedure of reserving specified percentages of producer milk in Class II prior to the assignment of other Federal order milk be preserved. The intent of this procedure, however, will be implemented, if wherever possible, other Federal order receipts are assigned to Class II only to the extent of remaining Class II use, exclusive of closing inventory. In addition, a similar procedure should be followed in the assignment of opening inventories. These changes will simplify the problem of inventory reclassification adjustments by generally permitting final classification of all other Federal order receipts and opening inventories in the current month.

It must be recognized, however, that under some circumstances purchases from other Federal order plants may be so extensive in relation to producer receipts that some Federal order milk is necessarily assigned to closing inventory. Should such inventory be reclassified in the following month a reclassification charge would be necessary on any such milk not classified and priced as Class I in the originating market.

The revisions hereinbefore proposed in the classification provisions of the several orders would provide that milk moving between the local markets be classified in accordance with its classification in the transferee market. Hence, under normal circumstances any other Federal order milk in opening inventory would have been classified in the originating market in Class II. Theoretically, any reclassification resulting from a Class I assignment of other Federal order milk in opening inventory should be returned as a credit to the originating market. However, administratively this would be a complicated procedure and the amounts involved would not appear to justify such procedure. It is concluded therefore that all inventory reclassification credits should accrue to the local pool.

With respect to the Connecticut and Southeastern New England orders, where inventories represent only unpriced other source or producer milk receipts in the immediately preceding month, the computation of each handler's obligations for inventory reclassification should provide for the payment of the difference between the previous month's applicable Class II price and the current month's applicable Class I price, at the nearest plant location from which an equivalent amount of Class II milk was received in the previous month. A similar procedure should apply on any other Federal order milk on which a reclassification charge is required.

The Deputy Administrator concluded that the changes recommended in the allocation procedure, and in the computation of each pool handler's obligation, would accommodate the intent of the various proposals for amendment of these provisions and at the same time generally preserve the principle of priority of Class I assignment for local producer milk. Exceptors pointed out that the proposed changes do not accommodate handler's request for a Class I location differential on Class II milk moved from country plants to plants in the marketing area. They suggested that failure to provide for the application of such differential tends to deter the association of necessary additional milk with the market because of the costs which handlers must bear in moving needed milk to the market which is nevertheless assigned to Class II. They further suggested that this situation has encouraged the procurement of other Federal order milk in lieu of procurement of milk from country pool supply sources.

It is not intended that the order provision shall encourage the movement of milk to the market for Class II use. Milk not needed in the market for Class I use can be handled most economically through manufacturing plants in the country and producers should not be required to bear the costs involved in moving milk from country plants to the market for Class II use. Nevertheless, it is apparent that a handler operating only a fluid milk business must necessarily have available at his bottling plant some milk in excess of his actual Class I utilization. Such reserve is needed to offset unanticipated fluctuations in day-to-day requirements, route returns and normal plant shrinkage. Since such usage is directly associated with the fluid milk business and the milk therefore must be moved to the bottling plant, it is appropriate that a Class I location differential credit is allowed.

The record does not provide a precise basis for determining the volume of milk in excess of Class I usage which must be moved to bottling plants. However, experience in other fluid milk markets indicates that an amount equal to five percent of actual Class I utilization is reasonable and such percentage is considered to be appropriate for this market. It is provided therefore that in the application of zone price differentials an amount of Class II utilization not in excess of five percent of actual Class I utilization in the transferee plant shall be first assigned to direct producer receipts at such plant. This procedure will permit a comparable amount of Class I utilization to be assigned to supply plants and thus increase the volume of transfers on which the handler may recover a Class I location price credit.

No change should be made in the method of accounting required under the Connecticut and Southeastern New England orders. Each of these orders presently provide that milk and milk products shall be accounted for on a skim milk and butterfat basis and priced in accordance with the form in which or the purpose for which such skim milk and butterfat is used or disposed of as either Class I milk or Class II milk. The reasons therefor were fully set forth in the decisions of the Secretary issued in connection with the promulgation of these two orders and there were no new facts presented not previously considered in reaching these decisions.

The classification provisions of the Connecticut and Southeastern New England orders should be amended to provide a specific Class II classification for skim milk and butterfat in the form of fluid milk products lost under circumstances completely beyond the control of the handler or any employee or agent who might be involved. Such classification should be applicable only in the case of plant or truck damage or destruction by fire, flood or other similar catastrophe in which the milk involved was physically destroyed and such loss can be substantiated by records satisfactory to the market administrator. Loss in this manner is not presently provided for under these orders and accordingly, except insofar as covered by the shrinkage allowance, presently would be classified in Class I. The handler, under the circumstances, obviously would realize no return on milk so lost except as he might be covered by insurance. Nevertheless, producers should not be involved and must be remunerated for all the milk which the handler has received from them. A Class II value is concluded to be appropriate under these circumstances.

It is not intended that this provision shall be applicable to milk lost through faulty pipe connections, opened or leaking valves, broken hoses, contamination and similar accidents which must be considered normal business hazards. Milk lost in such manner is part of the normal shrinkage experience in any milk operation and such losses are adequately provided for under the shrinkage provisions.

Under the terms of these orders skim milk and butterfat processed into other than fluid milk products is accounted for as a Class II disposition when such products are made. Losses of such products would not affect the classification of the milk if the loss can be substantiated to the satisfaction of the market administrator.

The classification provisions of the Southeastern New England order should be amended to provide a Class II classification for both skim milk and butterfat contained in any fluid milk product dumped if prescribed conditions are met. The present requirement of six hours notice to the market administrator prior to dumping should be deleted and provision should be made for advance notice of intent to dump at the request of and in accordance with instructions of the market administrator. No change should be made in the requirement for filing reports following dumping under this order or under the Connecticut order.

The present provisions of the Southeastern New England order provide for a Class II classification only for skim milk dumped. Under normal circumstances the butterfat content of any fluid milk product is salvageable for use in ice cream and certain other nonfluid products, and it is unlikely that any handler would find it necessary to dump any significant quantity of butterfat. Nevertheless, should such dumping occur it is appropriate that a Class II classification be provided since cream is a Class II product under this order. Verification of actual quantities dumped is very difficult. Therefore, it is appropriate that the market administrator be given opportunity to witness any dumping operation. The present rigid six hours' notice requirement, however, may be excessive

in some situations and may be insufficient in other situations. Accordingly, it is concluded that the manner and extent of advance notice should be left to the discretion of the market administrator. No change, however, should be made in the two-day reporting requirement on any dumping not witnessed by the market administrator or his agent. Verification of such dumping necessarily must be largely on the basis of records, and it would be a relatively simple matter for a handler to simulate dumping on the basis of constructed records intended to cover excess shrinkage experience or incomplete accounting. Such procedure would be greatly simplified if dumpage reports were not required until after summary reports were completed. It is therefore appropriate that unwitnessed dumping continue to be reported as it occurs.

No change should be made in the basis of allocating shrinkage under the Connecticut order. The order now provides a maximum allowance of two percent on producer milk and in cases involving transfer of bulk milk between plants one-half percent is alloted to the receiving plant and one and one-half percent to the transferee plant. Handlers proposed that the shrinkage provisions be changed to conform with those of the other New England orders which generally provide a two percent shrinkage allowance on the total milk handled.

Under normal circumstances it would not be expected that milk would pass through more than two plants in its movement from the farm where produced to its ultimate disposition as fluid milk on routes or in nonfluid products. Furthermore, a 2 percent total shrinkage allowance is a reasonable allowance on any particular volume of milk. This was established in the original hearing as indicated by the Secretary in his decision of February 9, 1959 and was reaffirmed on the record of this hearing. It is therefore unnecessary and would be inappropriate to permit a handler a greater percentage shrinkage allowance in Class II. The problem appears to rest in the distribution of this shrinkage allowance as between plants. The alternative would be to limit the shrinkage allowance to the original receiving plant or to permit agreement between handlers on each load of milk transferred as to who would take the shrinkage or how it should be prorated. This latter procedure would create unnecessary administrative problems and would accomplish no more than can be accomplished under the present provision. The allowance of one-half percent of shrinkage to the original receiving plant is concluded to be a reasonable allowance for receiving operations and gives assurance to the operator thereof that he will be able to account for his actual shrinkage experience, within this limit, as Class II milk. It also assures the transferee handler of a reasonable share of the total allowable shrinkage. Notwithstanding, should the parties involved be proprietary handlers and agree that a different proration would be more equitable between them, appropriate adjustments would be made in the price at which such milk is transferred. Should the transferor-handler be a cooperative, however, any such adjustment of the shrinkage allowance would not be permissible if it resulted in a price less than that provided by the order.

No change should be made in the Connecticut order in the classification of fluid milk products sold to bakeries or in the classification of and accounting for nonfat dry milk used to produce concentrated milk, half-and-half and reconstituted or fortified skim milk. It was proposed that sale of fluid milk products to bakeries be Class I rather than Class II and that nonfat dry milk used to produce or fortify such specified products be accounted for on a volume rather than skim milk equivalent basis. The reasons for the present procedure were fully set forth in the Secretary's decision of February 9, 1959 (24 F.R. 1049), and no new facts were presented not previously considered in adapting the present procedures.

No change should be made in the classification of ending inventory of fluid milk products under the Southeastern New England order. Such inventory is presently classified as Class II in the current month. A reclassification charge of the difference between the previous month's Class II price and the current month's Class I price is made on any opening inventory which is assigned to Class I in the current month. This procedure tends to assure equal product cost among handlers for milk disposed of in Class I. Since the Class I price may change substantially on a month-to-month basis, the classification of ending inventory as Class I would provide substantial opportunity for handlers to speculate by either building or depleting inventories from month-to-month for the purpose of gaining a cost advantage and producers would not receive the full use value for their milk.

6. *Class I price revisions.* The Class I price under the Southeastern New England order should be established at the identical level presently provided under the other four New England Federal orders in lieu of the seven-cent higher price presently provided. This present price level was established on the basis that Boston handlers dispose of substantial quantities of milk into the Southeastern area, both directly on routes and by bulk shipments to regulated plants, and the seven-cent differential was intended to reflect the transportation cost of moving milk between Boston and Providence. In addition, since the Southeastern New England market was a deficit market a higher price would encourage the association of additional milk supplies, and thus contribute to a general alignment of blended prices as between markets.

While blended prices have tended to equate, largely through the application of the pool plant, transfer, and classification provisions, the Southeastern pool has lost increasing volumes of Class I sales to the Boston pool. Many areas of the Southeastern market are as favorably located in relation to Boston as to Providence and accordingly the present seven-cent differential is not a true measurement of transportation costs. Multiple plant handlers, with plants in both the Boston and Southeastern pools, have tended to increase their Boston distribution in the Southeastern area because of the price differential. Other handlers have adjusted their business to assure regulation under the Boston rather than under the Southeastern order. Still other handlers have disposed of their local producers in favor of Boston pool purchases; and finally, handlers buying supplemental milk have increased their procurement of Boston pool milk.

The manner in which handlers have adjusted their business since the initiation of regulation in Southeastern New England clearly demonstrates that the higher price in this market has generally operated to the detriment of local producers. Recent shifts and projected shifts in distribution operation of the larger handlers point up the need for an identical Class I price level as between the New England markets. Further, the area extensions hereinbefore recommended will substantially increase the interrelationship of the two markets and unless identical price levels are established, the Southeastern pool will undoubtedly lose substantial Class I sales as fringe area handlers adjust their procurement programs to eliminate the advantage which their Boston competitors now enjoy.

No change should be made in the Class I pricing provision of the Connecticut order relative to packaged fluid milk products sold on routes in the Order 27 marketing area or to the Order 27 pool plants.

One Connecticut handler with route sales into the Order 27 marketing area contended that he operates at a competitive disadvantage with Order 27 handlers wherever the Order 27 Class I price is less than the Connecticut Class I price. He proposed that the possibility of this situation occurring be eliminated by requiring him to account for his Class I sales in the Order 27 area at the applicable Order 27 price.

The classified pricing plan in effect in the Connecticut order, and generally applicable in all orders issued by the Secretary, establishes one level of price for milk which is sold as fluid milk products for fluid consumption and another, lower price, or prices, for the necessary surplus of the market which is disposed of in lower valued manufactured products. It is intended that the price level effective under the Connecticut order shall bring forth an adequate supply to meet the fluid demand of the marketing area, but not necessarily a quantity to fulfill the requirements of outside markets at prices different from the price established for milk sold in the marketing area. Producer milk sold for fluid uses outside the Connecticut marketing area has the same characteristics of bulk and perishability, is produced under identical conditions and costs, and is subject to the same transportation costs of moving from the farm to the handlers' pool plant, as is milk disposed of inside the marketing area. Different health and sanitation requirements in

the New York-New Jersey market might result in somewhat different costs of producing milk for this market only, but would have no effect on cost of producing milk sold to Connecticut handlers.

Class prices in the New York-New Jersey market may be either higher or lower than such prices in the Connecticut market. Under usual circumstances the variation in basic price for milk of similar quality and use in the various Federal order markets reflect differences in transportation costs only. These basic prices may be adjusted to reflect differences in seasonality of production and the local supply-demand situation. The New York-New Jersey and New England order Class I prices generally have been maintained at very nearly the same level over the longer term. While the New England prices have been somewhat higher than the Order 27 prices during the past year, this is a temporary situation, largely the result of new regulation in Southeastern New England and Connecticut.

7. *Class II price.* No change should be made in the level of the Class II price under the several orders. The Class II price under each of the orders is presently established by an identical formula and basically at the same level. The Class II location differentials reflect the cost of moving fluid cream from each zone to the market. In addition, the Boston order provides a butter-cheese adjustment applicable to milk disposed of in butter and hard cheeses during the months of April, May, June, and July under specified circumstances when the Class II price is computed on the basis of cream and nonfat dry milk quotations.

It was proposed that Class II price at plants in the marketing area be increased by an amount reflecting the cost of moving nonfat dry milk to the market from the 201–210 mile zone and that the location differentials be increased to reflect such transportation costs. It was also proposed that the Class II price under the Connecticut order be increased by 10 cents during the months of July and August, and that a butter-cheese adjustment be provided in that order to be effective during the flush production months.

As has been previously indicated in this decision, a large proportion of the surplus manufacturing facilities in the New England area are associated with the Boston pool and Boston pool milk not needed for fluid use is held upcountry for manufacture. Much of the surplus in the other markets is moved to Boston bottling plants where it replaces an equivalent amount of Boston pool milk for Class I use, which is in turn held upcountry for manufacturing uses. This procedure tends to minimize transportation charges for moving milk and results in maximum savings to the pools and to producers. The bulk of the Class II disposition in the marketing area represents milk of local producers processed through manufacturing facilities maintained by cooperative associations. In large measure, the milk processed at such plants represents the seasonal surplus and reserve supplies of smaller handlers, and, except for the existence of these facilities, some producers in the nearby areas would be left without a market for their milk.

The basic Class II price is directly related to values for milk utilized in manufactured products which compete in a national market. Cooperative associations operating plants in the marketing area would be placed at a competitive disadvantage with a higher marketing area Class II price, and it is likely that the milk of local producers in excess of Class I needs would be left without a regular market.

A higher marketing area Class II price would apply to only a small fraction of the total milk supply in the New Enland markets, and would not materially affect the cost of Class II milk for multiplant handlers. Handlers operating only country plants would not be affected at all by such increased Class II price. Accordingly, no change should be made in the marketing area Class II price or the Class II location differentials on the basis of this record.

An increase in the Connecticut Class II price during the months of July and August without a corresponding increase in the Class II price in the adjacent Federal order markets would tend to deter the association of milk with the Connecticut pool during these months. The months of July and August are the initial qualifying months for automatic flush season pooling in Connecticut and are proposed herein to be such under each of the New England orders. Under the revised pooling provisions herein recommended, plants could retain pooling status under one of the other New England orders during July and August to benefit from a lower Class II price and still qualify for automatic pooling status under the Connecticut order during the flush months. This procedure would tend to produce greater disparities in producer prices as between markets during July and August to the detriment of producers in adjacent markets. Such a situation would not tend to promote orderly marketing in the area.

Exceptors pointed out that the Class II price under the Connecticut order is 1.2 cents below the Boston Class II price at the 201–210 mile zone and that adoption of their proposed 10-cent increase in the Connecticut Class II price during the months of July and August would have equated more nearly the Boston and Connecticut Class II prices at up country plants on an annual basis. They further suggested that the "pay-back" under the fall incentive pricing plan during the months of July and August should tend to encourage association of additional milk with the Connecticut market during those months and would offset any incentive handlers might have to associate milk with other New England markets during those months because of a higher Connecticut Class II price.

The "pay-back" under the fall incentive pricing plan does not affect handlers' costs for milk during such months since such monies have been withheld from the pool in previous "take-out" months. Under usual circumstances the Boston blended price is the competitive price which non-Boston handlers must meet to hold producers at upcountry points. Accordingly, notwithstanding the position of exceptors it is likely that a higher Class II price under the Connecticut order during the months of July and August would provide substantial inducement for handlers to disassociate with the Connecticut pool during those months.

Existing manufacturing facilities in the Connecticut market and available in the adjacent Federal order markets are sufficient to handle any prospective market surplus. No consequential volumes of milk have been processed into butter or cheese and it would be inappropriate to encourage such disposition when adequate facilities exist for processing milk into higher valued manufactured products.

8. *Pricing of diverted milk under the Connecticut order.* The Connecticut order should be revised to provide for the pricing of diverted milk at the location of the pool plant from which such milk was diverted. The number of days of diversion permitted should be revised to 8 days during the months of July through September and 12 days during the months of October through March, with unlimited diversion permitted during the months of April through June. However, diversion privileges during any month of April through June from a given plant location should be permitted only for the milk of those dairy farmers who held producer status during the entire two immediately preceding months at a plant(s) in the same zone location as the plant from which diversion is claimed.

Under the existing order provisions, diverted milk is priced at the location of the plant to which diverted, and producers are paid for such milk on the basis of the same location. Twelve days of diversion are permitted in any of the months of July through November and unlimited diversion is permitted in the months of December through June.

Unlike the other New England orders, which deter handlers from withholding milk from the market during the short months of production and then receiving it as producer milk during the flush production months when outside Class I markets may not be available, the Connecticut order was drafted so as to facilitate free entry of producers to the market at any time. Liberal diversion provisions were included to assure orderly disposition of milk in excess of fluid needs. It was recognized, however, that under such provisions, handlers might associate with plants in the marketing area milk which was not intended essentially for fluid milk consumption in the market, but rather for the purpose of drawing the marketing area blended price, notwithstanding the fact, that such milk was received on a regular basis at upcountry manufacturing plants. To deter this result, it was provided that diverted milk should be priced at the plant to which the diversion was made.

Producers contend that the present pricing provisions do not provide for equitable returns among all producers and that the varying prices returned to individual producers whose milk may be diverted part of the month creates con-

fusion and dissatisfaction in the production area.

It is concluded that milk which has a bona fide association with the local market, but which is diverted when not needed for fluid uses, should be priced at the plant from which diverted. However, to protect the integrity of regulation more limited diversion privileges are needed to establish more clearly what milk is, in fact, sufficiently associated with the market to justify participation in the pool. During those months of greatest need and lowest production there is little need for diversions except to assure the orderly disposition of weekend and other short-run surplus. Diversions on 8 days (4 days in the case of every-other-day delivery) during the months of July through September and 12 days (6 days in the case of every-other-day delivery) during the months of October through March will accommodate this situation.

The Deputy Administrator in his recommended decision concluded that no restriction on diversion privileges to nonpool plants was necessary during the months of April through June. He pointed out that these months were the months of "take-out" under the seasonal incentive pricing plan and that it would be unlikely that any substantial additional supplies would associate with the market during these months unless there was a prospective outlet for such milk during the "pay-back" months.

Exceptors contend that the above inclusion is not valid since the order prices at plants not subject to zone location differentials is substantially in excess of 15 cents higher than prices at upcountry plants. They suggest that there would be a real incentive to associate upcountry milk with plants in the marketing area, on the basis of brief delivery, for the purpose of drawing the market area price during the April–June period. They further suggest that this incentive would exist both for milk not previously associated with the market as well as for milk regularly associated with upcountry pool plants.

It is concluded that some safeguards are needed to deter pool riding during the April–June period and to deter changes in point of pricing in the case of producers normally associated with upcountry plants. This can best be accomplished by providing that producer milk may be diverted to nonpool plants during any month of the April–June period only if the dairy farmer producing such milk held producer status during the entire two months immediately preceding the month in which the diversion is claimed at a pool plant(s) in the same zone location as the plant from which diversion is claimed.

This restriction in diversion privileges will not deter producers from entering the market during the April–June period if the milk is needed for fluid uses. It also will not preclude producers, previously associated with more distant plants, from associating with plants nearer, or in the marketing area, if such milk is regularly received at such nearer plants. It will, however, discourage association of distant producers with nearby plants during the April–June period if the milk is not needed since it is likely that such milk would merely replace other producer milk which would then have to be diverted. The cost to the handler of diverting nearby milk would leave little incentive for adding producers or shifting the point of receipt.

9. *Compensatory payments.* No change should be made in the application of the compensatory payment provisions under the Southeastern New England and Connecticut orders. The need for and basis of making such payments was clearly established in the respective decisions of the Secretary (23 F.R. 8205; 24 F.R. 1049) in the promulgation of these orders and no evidence was presented at this hearing which was not considered in reaching the conclusions set forth in those decisions.

The compensatory payment provisions of the Boston, Springfield and Worcester orders should be revised to eliminate such payments on receipts from other Federal order markets which were classified and priced as Class I in the originating market. The amount of compensatory payment on unregulated milk used in Class I, in all cases, should be the difference between the applicable Class I and Class II prices at the location of the originating plant. The compensatory payment on unregulated milk from the States of Connecticut, Massachusetts, Rhode Island, and Maine no longer should be computed on a different basis.

The minimum class prices established under each of these orders apply only on producer milk received at plants subject to full regulation under such order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation. Such unregulated plants may sell milk in bulk form to fully regulated plants that in turn use it in supplying their Class I outlets or they may sell Class I milk directly on routes in the marketing area, including sales to government installations.

The role of the compulsory classification system and the minimum prices as set forth in a Federal order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the classified pricing plan of an order is applicable only to fully regulated plants, it is necessary, in order to provide continued stability in the market, to remove any advantage an unregulated plant may attain with respect to sales in the regulated market. Such plants have a real financial incentive to find a means to sell excess milk at prices somewhat less than current Class I levels so long as the price is higher than its value when used in manufactured dairy products. If unregulated plant operators were allowed to dispose of their surplus milk for Class I purposes in the regulated market without some compensatory or neutralizing provision in the order, the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the regulated market. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of maintaining reasonable prices to the producers for the regulated market, would be defeated.

Provisions for compensatory payments are necessary in each of the respective orders to insure against the displacement of producer milk for the purpose of cost advantage and to thereby preserve the integrity of the classified pricing programs of such orders.

Provision for partial regulation through compensatory payments makes it possible for a handler operating outside the regulated market to use the facilities of fully regulated plants for disposing of surplus milk not needed for his outside market without imposing the financial burden of such surplus on producers of the regulated market. Compensatory payments also make it possible for a handler outside the regulated market to maintain small amounts of regular sales in the regulated market without subjecting his greater outside sales to full regulation.

Requiring such outside handler to be fully regulated would mean that he would be required to account to the pool at the full Class I price for all of the milk sold outside the regulated market which is in competition with milk not subject to regulation. Such a requirement for a dealer with little business within the regulated market could readily induce him to abandon his sales in the regulated market. Permitting a handler to continue to sell milk to customers in the regulated market without any form of price regulation would give such handler a competitive advantage as compared to the handler whose primary business is within the regulated market and who consequently is subject to full regulation.

There are a number of local dealers in the area immediately adjacent to the regulated markets who now have direct distribution in the several regulated markets, some of whom maintain unregulated status under the present orders. The area extensions, hereinbefore recommended, may change the status of some of these handlers. In addition, however, other local handlers, not presently doing business in any of the regulated markets, under the amended orders, will have sales in the regulated markets but will operate in unregulated status. Also, there are a number of substantial dealers in the adjacent unregulated areas, many of whom could readily extend their distribution routes into the regulated markets and by preserving their unregulated status could operate with a substantial price advantage over regulated handlers. The compensatory payment provisions prevent such unregulated milk from having a price advantage over regulated milk.

The compensatory payment applicable to unpriced other source milk disposed of in the regulated markets from distributing plants which do not acquire pool status should be the same as those applicable to other source milk distributed from pool plants. It would not be possible to maintain market stability in the New England regulated markets under the classified pricing programs in effect, and as herein proposed to be amended,

if nonpool handlers were allowed to distribute unpriced milk in the marketing area without compensatory payments. Handlers distributing such unpriced milk in the regulated markets have the same opportunities to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. In addition, however, the operator of a nonpool plant would undoubtedly have surplus milk in his own plant which he would willingly dispose of on any basis that would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the regulated markets by bidding for large contracts such as hospitals, defense establishments and other types of institutions. With surplus outlets as the alternative, and no compensatory payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. Providing for some method of compensating for, or neutralizing the effect of, the advantage created by unregulated milk, therefore, is an essential and necessary provision of the order.

The rate of compensatory payment on outside milk should be the difference between the Class I price and the value of milk for manufacturing uses at the zone location of the originating plant. Class I milk under the New England orders is priced at the plant where the milk is received from producers. Hence, the compensatory payment on outside milk which is assigned to Class I milk should be computed at the same stage of marketing process to be directly comparable. No allowances are made under the orders for costs or profits of handlers in moving producer milk in subsequent stages of marketing. Neither should they be made for outside milk.

The Class II price established under the orders is considered a fair and economic measure of the value of milk in manufacturing uses in New England and hence represents an appropriate value for outside milk not sold in a Class I outlet.

No compensatory payment should be applicable on other source milk which has been classified and priced as Class I in the originating Federal order market.

The Secretary has, in fact, determined that the Class I price applicable on such milk at the originating plant was appropriate under similar price criteria, and it is intended that such milk shall be free to move into whatever market it finds an outlet, without further pricing. The Class I prices under Federal orders are established at levels which are intended to bring forth an adequate, but not excessive supply of milk for the regulated market and prices as between markets are generally aligned, reflecting only differences to compensate for transportation costs involved in moving milk between markets and the supply-demand situation in the local market. Normally, the price in any particular market will not be higher than the cost of purchasing alternative supplies. If a price does become misaligned the remedy is not to impose a compensatory payment but rather to adjust the price.

A unique situation exists in the opportunity available to handlers to move certain fluid milk products from the New York-New Jersey market (Order 27) into the New England markets at considerable cost advantage over similar products priced under the New England orders. This situation provides an opportunity for handlers in the New England markets to purchase such products for Class I disposition from Order 27 plants at prices which reflect only manufacturing milk values. This is not a problem of price alignment as previously discussed, but a difference in classification. This situation best can be dealt with by the application of compensatory payments to remove any cost advantage in the use of such products from Order 27 plants. Such payment should be at the difference between the Class I price and the Class II price under the respective New England orders for the zone location of the originating plant.

10. *Take-out pay-back plan.* No change should be made in the seasonal incentive pricing plan presently provided under the Connecticut order. The seasonality of pricing in the Class I pricing formula under the Connecticut order is identical to that under the other New England orders. In addition, the order now provides for a deduction of 15 cents per hundredweight from the amounts otherwise payable to each producer during the months of April, May and June, and one-third of the aggregate amount of such deduction is paid to producers on a hundredweight basis in each of the months of July, August and September. Producers proposed that the amount of the "take-out" be increased to 25 cents while handlers proposed elimination of the plan.

A "take-out and pay-back" plan was operated under the State milk order in the Connecticut market for a number of years and such plan was effective in promoting a more even production pattern in the market. With the advent of Federal regulation in April 1959, the Secretary concluded that such a plan would complement the seasonality of pricing set forth in the pricing formula in encouraging a more even seasonal pattern of production.

The order has not been in effect a sufficient time to appraise the effectiveness of the present pricing mechanism in achieving its intended result. It cannot be concluded therefore that elimination of the take-out-pay-back plan is desirable or necessary. Neither is it apparent that a higher take-out is desirable. The Connecticut price generally has been favorable in relation to the prices paid in adjacent competing markets and the greatest differences have occurred in the pay-back months of July, August and September. The amount by which the Connecticut price has exceeded the price in adjacent markets during these months should be sufficient to attract an adequate milk supply. Therefore, no change should be made in the plan at this time.

11. *Nearby farm location differentials.* No change should be made in the nearby farm location differential provisions in the Connecticut order. The present provisions provide for the deduction from the pool of sufficient funds to return to producers in specified nearby areas 46 and 23 cents, respectively, in excess of the applicable uniform price. The present 46-cent nearby location differential area includes all of the State of Connecticut, that portion of New York State lying east of the Hudson River and south of the New York State Extension of the Massachusetts Turnpike, and that portion of Massachusetts lying south of the Massachusetts Turnpike. The present 23-cent nearby location differential area includes that portion of New York State east of the Hudson River, north of the New York State extension of the Massachusetts Turnpike, and south of the northern boundaries of North Greenbush, Sand Lake and Stephentown townships in Rensselaer County.

Various proposals considered at the hearing would eliminate the nearby location differential, extend the 46-cent area, and extend the 23-cent area.

As stated in the Secretary's decision of February 9, 1959 (24 F.R. 1049), the present provisions were established in recognition of the higher Class I utilization, and higher returns that nearby producers had customarily received over more distant producers. In addition, the use of a nearby differential was expected to implement price alignments with adjacent Federal order markets and thus assure Connecticut handlers of the ability to compete in the purchase of milk on reasonable terms with dealers in adjacent markets.

Notwithstanding the intent of the nearby location differentials nearby producers in the Connecticut market have, in fact, gained only slightly from such differentials. More than 90 percent of the total milk in the pool has been subject to these differentials and accordingly nearby producers in the 46-cent area have paid from 40 to 43 cents to gain 46 cents. Although the Connecticut blend prices have been substantially in excess of the New York-New Jersey price in competing areas, this situation would not have been changed appreciably in the absence of a nearby location differential provision. Perhaps a more restricted area might have implemented price alignment to a greater extent in Columbia County, New York. The record of this hearing, however, does not provide an adequate basis for revising the existing areas.

Proponents for extension of the nearby differential area contended that adoption of their proposals would make all the direct delivery milk eligible for the farm location differential and would eliminate price differences presently existing between neighboring farms delivering milk to the same plants. While this would result, it must be recognized that further extensions would merely increase the presently existing price disparities between Connecticut and New York-New Jersey in parts of Columbia and Rensselaer Counties. In addition, the territory of proposed extension is also a Boston supply area. Any increase in the Connecticut price at this point would create further procurement problems for Boston handlers operating here. Therefore that extension of the existing area would not accommodate the situation.

Complete elimination of the nearby farm location differential would improve slightly the price disparities existing in the Dutchess County and Columbia County areas now in the 46-cent area and would not significantly affect returns to producers in Connecticut. It would, however, increase the price to producers in the existing 23-cent area by about 17 cents and the price to upcountry producers by about 42 cents, where Connecticut prices already exceed prices in competing markets. Hence, elimination of the nearby differential would merely extend the problem of disparate prices as between markets in a common supply area.

On the basis of this hearing record it is concluded, therefore, that no changes should be made in the nearby farm location differential provision of the Connecticut order.

The nearby differential area under the Worcester order should be extended to include the towns of New Ipswich, Greenville, Mason, Brookline, and Hollis, New Hampshire. These towns are presently in the location differential zone under the Boston order. Handlers who would be brought under regulation by the extension of the Worcester order as hereinbefore proposed buy milk from producers in the towns of New Ipswich, Greenville, and Mason. Unless these towns are included, it is likely that these producers will seek an outlet with Boston handlers to take advantage of the higher price paid producers in the nearby area. At least one Worcester producer is located in the town of Hollis and it is likely that additional supplies would be procured from this area if the Boston and Worcester prices were better aligned at this point. Brookline, which lies between Hollis and Mason, should be included in the same differential areas as these two towns.

Extension of the marketing areas as hereinbefore proposed would step-up competition for milk supplies in the immediately adjacent local areas. For competitive reasons it is desirable that producers qualifying for the nearby differential under the Boston order should likewise be in a position to qualify under the Worcester order.

No change should be made in the nearby location differentials presently provided under the Boston, Worcester, Springfield, and Southeastern New England orders. The existing rates have provided appropriate competitive price alignment between the nearby and upcountry areas and among Federal order markets.

12. *Revision of payment dates.* The Greater Boston, Springfield and Worcester orders should be revised to provide for final payment to producers by the 20th day of the succeeding month. No change should be made in dates of payment to producers under the Southeastern New England order. However, the date for making payments to the administrative and marketing service funds should be advanced from the 20th to the 16th day after the end of the month to correspond with the date for making payment to the producer-settlement fund.

The three oldest orders presently require final payment to producers by the 25th day of the succeeding month while the Southeastern New England order requires payment by the 20th day. Bargaining cooperatives with producer members under the three oldest orders proposed advancement of the payment date to the 20th while operating cooperatives generally opposed the proposal. Handlers under the Southeastern New England order proposed moving the payment date provided in that order to the 25th day.

It is desirable that producers be paid as promptly as possible after the end of each pooling period. Under the existing payment schedule of the three oldest orders handlers actually may retain monies due producers for 40 days in the case of deliveries made on the 1st and 16th of the month and a maximum of 25 days in the case of deliveries made on the 15th and the 30th of the month. This appears to be an unreasonably long time to require producers to extend credit to handlers. Since the uniform price is announced on the 12th day of the succeeding month requirement of payment by the 20th should provide adequate time in which to clear the pool, prepare producer payrolls, and issue individual producer checks. This can be accomplished by requiring payments to the pool on the 18th of the month and payments from the pool on the 20th of the month.

Payments to the administrative fund and the marketing service fund should be required on the 18th, when payments are due the producer-settlement fund.

With the advancement of final payment to the 20th, it is appropriate that the advance payment date for milk received during the first fifteen days of the preceding month be advanced to the 5th of the month. The existing provision which waives the advance payment if final payment is made by the 17th should be deleted. All other payment dates are being advanced five days. This date cannot be so advanced because handlers could not be required to make final payment on the day that the blended price is announced.

While handlers who have not previously made payment before the 25th will necessarily have to make adjustments in order to make payments by the 20th, the benefits to producers of earlier payments necessarily outweigh any additional cost to handlers. Some of the large handlers operating in the three markets customarily have paid by the 20th of each month and many Federal orders require final settlement by the 15th day after the end of the month. Requirement of final payment by the 20th is therefore reasonable and appropriate.

No change should be made in the date on which handlers are required to file reports with the market administrator. Sufficient time must be provided for processing individual handler reports preparatory to the announcement of the blended price, clearing of the pool, and payment of producers. No additional time can be provided if this schedule is to be met.

Under each of the five New England orders the date on which the interest charges on overdue accounts accrue should be changed to the day following the clearance date of the producer-settlement fund. The Greater Boston, Springfield and Worcester orders now specify the 11th day of the month following that in which payment is due for the addition of interest charges, while the Southeastern New England and Connecticut orders provide for computing such interest charges from the first day of the following month.

The effect of the interest charges on overdue accounts is to encourage timely payment of obligations. Prompt payment of obligations is important to effect clearance of the producer-settlement fund and to assure that sufficient funds are available to complete payment to creditor handlers.

Certain handlers under the three oldest markets have found that payments to the producer-settlement fund can be delayed under the present orders until the 10th day of the following month without penalty and they consistently delay payments until such date. If all handlers were to avail themselves of this opportunity, the pool would become bankrupt before clearance could be made each month unless a substantially larger cash reserve were to be retained by the market administrator.

When credit is extended it is only good business practice for the creditor to be remunerated with appropriate interest and such interest should begin to accrue promptly when any obligation becomes overdue.

13. *Marketing service provision in the Boston order.* Provision should be made in the Boston order for performing marketing services for producers, such as verifying the weights and tests of producer milk and dissemination of market information. The services should be provided by the market administrator and the cost should be borne by the producers receiving the services. Where a cooperative association is actually performing for its member producers the services which the market administrator would otherwise provide under this provision, such producers who are members of such an association would not be subject to the marketing service deduction.

While a market service provision has not been included in the Boston order in recent years, a similar provision is provided in each of the other New England orders. Necessarily, because of the importance of the Boston market in the New England area, the marketing information disseminated by the respective market administrators of the other New England orders has generally covered the highlights of the Boston market. Such information, compiled and disseminated at the cost of nonmember producers in the adjacent markets, has been generally available to Boston producers on direct request or through the medium of the State Universities, extension agencies, and local newspapers. Accordingly, Boston producers should stand their proportionate share of the cost of such work.

In addition, the States from which Boston draws its milk supply have in the past conducted extensive butterfat testing programs and have supervised adequately the checking of scales at country plants. With the advent of bulk tank handling, however, the situation has changed significantly. The samples for butterfat testing must be taken, and checking weights of producer milk must be done at the farm rather than at the plant in the case of producers with farm tanks. Hence the work previously done at less than a hundred country plants must now be carried out at hundreds of farms which have no cooperative affiliation. The respective States have neither the personnel nor the funds to carry out an adequate check testing and weight verification program. It is desirable, therefore, that funds be available to supplement the State work to the extent necessary.

Provision should be made for a maximum deduction of two cents per hundredweight on receipts of milk from all nonmember producers. This rate of deduction appears reasonable in view of the substantial number of producers involved, and should provide the necessary funds to support an adequate marketing service program. Should experience indicate that such service can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of calling a hearing to consider the matter.

No change should be made in the maximum rate of the marketing service deduction allowable under the Southeastern New England order. This is a maximum rate and provision is made whereby it can be reduced should it be determined that the services can be performed for a lesser rate.

Under usual circumstances the determination of a lesser rate than the maximum prescribed by an order is the responsibility of the Secretary. However, the Southeastern New England, Springfield, and Worcester orders each provide that this determination shall be made by the market administrator. It is desirable that this responsibility be retained by the Secretary since he has the responsibility of determining which cooperatives are qualified associations and which associations actually are performing adequate marketing services. Because of the general overlapping of the supply areas for the New England markets it is desirable that generally compatible marketing services be performed by each market administrator. This can best be accomplished if the decision is left to the Secretary as to the amount of funds necessary.

14. *Administrative assessment.* No change should be made in the maximum rate of the administrative assessment prescribed under the Southeastern New England order. The rate of 5 cents per hundredweight set forth in the order is a maximum rate and provision is made whereby such assessment may be reduced by the Secretary at any time he determines that a lesser amount would provide sufficient funds for the administration of the order. Official notice is taken of the fact that effective December 1, 1959 the rate of assessment was reduced from 5 to 4½ cents per hundredweight. The proposed change to 2 cents per hundredweight would not provide adequate administrative funds.

The administrative assessment should not be extended to cover producer-handlers. The order is intended to exempt producer-handlers except for the filing of reports as required by the market administrator to permit ascertainment of continuing status as producer-handlers. Except for intermittent verification of reports no substantial time or money would be involved in administration of the order as it applies to producer-handlers, and it is therefore neither necessary nor appropriate that they be required to contribute to the administrative assessment fund.

As has been previously indicated, it is intended that the orders shall permit free movement of milk as among regulated markets. In line with this conclusion, it is desirable that there be no administrative assessment on receipts from other Federal order markets. Such milk is subject to administrative assessment in the originating market, and the assessment rate may be more or less than the rate in the transferee market. Since primary responsibility for audit of the originating handler's books and records would rest with the market administrator in the originating market, the local market administrator would incur little expense in connection with such milk. Accordingly, the administrative assessment provisions of each of the New England orders, except Connectiout, should be revised to implement this conclusion.

15. *Miscellaneous.* The handler definitions under the Southeastern New England order should not be revised to include the operator of a plant located in the marketing area from which no fluid milk products are disposed of directly or indirectly in the marketing area.

The existing provision defines a handler as any person who operates a plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area. This definition is sufficiently broad to include any plant operator who could conceivably have any monetary obligation to the pool.

Proponents argued that their proposal would simplify the problem of order administration by requiring a report from any plant located in the marketing area, which plants could conceivably have disposition in the marketing area.

Any plant with marketing area Class I disposition must report under the existing provisions of the order. The proposed change would in no way alter such handler's obligations under the order. It would, however, place an additional burden on certain plants for which reports would serve no useful purpose.

The "dairy farmer for other markets" definition under each of the orders, other than Connecticut, should be modified to exclude a dairy farmer whose milk is delivered to a pool plant during the flush months of December through June but who was not a producer during each of the months of July through November because the plant to which he now delivers was a pool plant under another Federal order.

With the greater flexibility provided for plants to move between pools it is essential that the dairy farmer regularly delivering to a plant retain producer status in the same market in which such plant is currently pooled. Unless this is accomplished dairy farmers who have held producer status on a month-to-month basis throughout the short production months, but not necessarily in the same market, would be denied such status during the flush, notwithstanding the fact that the plant to which they have customarily shipped currently held pool plant status. This result would defeat the purpose of the liberalized pooling requirements since plants would be deterred from shifting from one market to another because of the prospective loss of producer status by their regular shippers during the flush months.

Subparagraph (1) of the "dairy farmer for other markets" definition in the three oldest orders, which deals with the dairy farmer whose milk is purchased by a dealer who does not operate a regulated plant but whose milk is moved to a regulated plant directly from the farm should be revised to exclude an individual who is a producer under another Federal order. The Secretary's decision of March 24, 1959 (24 F.R. 2441) clearly established that it was not intended that this definition should include a dairy farmer who was a producer under another Federal order but whose milk was diverted to a regulated plant. The amendatory language, while implementing this conclusion as it relates to a situation where only one handler is involved, did not cover the situation where the unregulated plant is operated by a different handler. While no situation has thus far arisen involving this sort of transaction, it was proposed at this hearing that the revision be made to conform with the intent of the aforementioned decision.

The "dairy farmer for other markets" definition under the Southeastern New England order should also be further modified to exclude a dairy farmer who is a producer under another Federal order and whose milk is received at a fully regulated plant as diverted milk.

It is intended that handlers have the privilege of diverting producer milk in bulk under one order to a plant regulated under another order. Under many circumstances this represents the most efficient means of handling bulk tank milk and it is unnecessary to require physical receipt at the transferring handler's plant. Milk so diverted should be treated as an interorder transfer and classified and priced in the class assigned to the transferee market.

The "dairy farmer" definition under the Southeastern New England order should be clarified by changing the reference "bulk" milk to "milk delivered in other than packaged form". The term "bulk" milk, as now generally used refers to milk moved via bulk tank as contrasted to cans. In order that there can be no question of meaning, it is appropriate that the reference to bulk milk be deleted.

With the advent of bulk tank handling the dairy farmer under normal circumstances loses control of his milk when it is transferred at the farm from his farm

bulk tank to the handler's pickup tanker: In some instances milk actually picked up by the handler at the farm may be lost through accident enroute to the plant. In such event the milk cannot be received at a plant and the present provision of the order would not require the handler to account for it. In such situations the handler has, in fact, taken over responsibility for the milk and he should be held responsible for it. This can be accomplished by revising the producer milk definition in the Southeastern New England order to include milk actually picked up at the farm but not delivered to any plant, if milk was received at the handler's pool plant from such dairy farmer during the same month as producer milk.

The producer definition under the Southeastern New England order should be revised to permit diversion to another pool plant of the same handler provided that no location differential is involved.

Diversions are presently permitted to pool plants of other handlers or to the plant of buyer-handlers. At least one handler operates two pool bottling plants in the Southeastern New England marketing area. The present order language would appear to preclude diversions between such plants, whereas, in fact, such procedure could have no detrimental effect on the pool. This would not be true in the case of diversion between plants located in different zones. If such diversions were permitted a handler could associate milk with his marketing area plant and yet regularly receive it at his country plant. The net savings in transportation would more than compensate him for the higher price at which he would be required to account to the pool, and the producers involved would receive returns higher than justified based on the location of the plant of actual receipt, to the detriment of other producers in the market.

No change should be made in the procedure for computing the producer butterfat differential under the Connecticut order. The existing procedure is identical with that prescribed in the other New England orders except for rounding to the nearest full cent. A handler proposal would eliminate the rounding to provide for an identical differential in each of the several orders, while a producer proposal would revise the procedure of computation by elimination of the use of the cream quotation and providing for the use of current New York butter quotations.

As has been previously pointed out, the several New England markets draw from a generally common supply area. A different butterfat differential is a source of confusion to producers who have alternative markets. Ideally, the procedure of computation should be identical, and if simplification of the procedure is desirable, it should be accomplished in all of the orders at the same time. The present procedure has proven satisfactory in the three oldest New England orders over an extended period of time, and no change could be made in these orders or in the Southeastern New England order on the basis of this record.

While rounding to the nearest full cent, as provided under the Connecticut order, does result in a different differential than that used in the adjacent orders, Connecticut producers have been accustomed to payment on this basis and generally opposed change. It is concluded, therefore, that no change should be made on the basis of this record.

Provision should be made in the Connecticut order for written notice of butterfat tests to producers whose milk is purchased on the basis of composite tests, within 7 days of the end of each sampling period. The State laws require that handlers hold their composite samples for ten days after the end of the sampling period. Unless a producer has knowledge of his test before the samples are disposed of, he has no basis for further check even though he believes the test reported to be in error. Handlers now customarily advise producers of their test in the statement which accompanies their checks issued not later than the 22d day after the end of the month. Since ten-day composites are the practice in the market, the samples would have been disposed of before the producer has knowledge of his test. It is appropriate, therefore, that handlers who buy on the basis of composite tests be required to notify producers within 7 days after each test. Such a requirement is not necessary in the case of handlers buying on the basis of daily samples. The testing in such cases is done by the State and producers are notified of their tests by the State.

The area in which there are no plant location differentials under the Connecticut order should not be extended.

A cooperative association which operates a receiving plant at Great Barrington, Massachusetts, proposed that the plant location differential applicable there be eliminated so that no adjustment would apply to the Class I price for the cost of moving milk to the market.

The Connecticut order provides zoning adjustments which recognize the principle that milk similarly used and located should be similarly priced. Milk originating nearest the market should command a higher price than milk located at greater distances. This higher price ordinarily should be based on the difference in cost for moving such milk to the marketing area. The rates presently provided as adjustments for location in the Class I and uniform price are 33 cents per hundredweight for milk received at a plant located outside Connecticut or an adjacent town in Massachusetts and Rhode Island and 50 to 60 miles from Hartford. The Great Barrington plant is located in the 50–60 mile zone from Hartford, and the handler's obligations to the pool and the prices returned to his producers reflects the location differential applicable for this zone.

Although the Great Barrington plant is unique in that it performs in a nearby location a market supply function which is ordinarily performed by more distant plants, there is no valid basis for extension of the no-location-differential zone to include such plant. It performs as a supply plant for the Connecticut market, receiving and assembling milk, and at additional transportation cost moving it to handlers as required. The additional cost of transporting milk received at this plant to its final destination at the distributing plants must be recognized in the Class I and uniform price.

The provisions of the Connecticut order relating to "start" and "stop" notices should be revised to require prompt notices only for those producers whose milk is not directed to or from a handler's plant by a cooperative association.

The Connecticut order presently requires a handler to file with the market administrator a "start" notice on every producer from whom the handler receives milk within 20 days of the first delivery to the plant. A "stop" notice must be filed within 15 days after the fifth consecutive day of no delivery. The Southeastern New England order presently requires notification within five days after a producer first starts delivery and, in the case of cessation of deliveries for five consecutive days, prompt notification to the market administrator is required.

The primary purpose of "start" and "stop" notices is to assist the market administrator and cooperative associations in their marketing service programs. However, in many situations in the Connecticut market, the cooperative association moves its member's milk from plant to plant as needed on a day-to-day basis. In such cases the cooperative is fully aware of where its members' milk is being delivered and notice by the receiving handler serves no useful purpose.

Where the producer negotiates directly with the handler for a market or leaves a handler on his own initiative, his cooperative association may not have knowledge of where his milk is currently delivered. This information can be obtained from the market administrator if the handler is required to give notice thereof. Where the producer is not a member of a cooperative association, his location of current delivery is essential if the market administrator is to perform the marketing service for which such producer is paying. Prompt notice is therefore essential and accordingly the 20-day requirement presently provided in the Connecticut order should be reduced to 5 days to conform with similar requirements in the Southeastern New England order.

Certain of the information presently supplied to the market administrator in the "start" and "stop" notices is needed promptly following the close of each month to facilitate preaudit work in the market administrator's office. It is provided therefore that for those producers whose milk is directed to or from the handler's plant by a cooperative association, the handler shall, in lieu of the present start or stop notice, supply such of the information as the market administrator shall require on or before the 8th day after the end of the month.

The payment provisions of the Southeastern New England order should be revised to delete the present requirement that all deductions must be authorized in writing. However, it should be made clear that the burden for proving that any deduction is authorized shall rest with the handler.

Handlers contend that the present requirement is unreasonable and impractical particularly as it relates to supplies which producers customarily purchase through the handler by way of the trucker. It is concluded that written authorization need not be required to maintain the integrity of regulation. However, the handler must be held responsible to prove to the satisfaction of the market administrator that any deduction made was, in fact, authorized and was properly chargeable to the producer.

The date for adjusting errors in payments under both the Southeastern New England and Connecticut orders should be revised to provide that such adjustments shall be paid on the date for making payments for the month in which notification is given. The orders presently provide that such adjustments are due on the date for making payments for the month following that in which notification is given. It is intended that obligations incurred under the orders shall be paid promptly. There is no reason why adjustment billings issued by the market administrator following verification of a handler's reports, books, records or accounts should not be paid as promptly as the original billings. Under the present Connecticut order language, for example, adjustment payments due producers would not be due for as long as 83 days in the case of billing made on the 1st day of the month. The proposed revision would reduce this time by 30 days.

The Connecticut order should not be amended to provide specifically, in the case of bulk tank milk, that the handler shall be held accountable for the volume of milk which his agent picked up at the farm. Under normal circumstances it is expected that the market administrator would consider that the volume of milk which the handler or his agent picked up at the farm, as indicated on the slips left with the producers was, in fact, delivered to his plant and the burden of proof to the contrary necessarily rests with the handler. Since the producer has full opportunity to read the stick measurement prior to pickup or concurrently with the hauler at the time of pickup, stick readings are the final and only valid measurement of each producer's milk. It is likely that the handler would necessarily have to pay the producer the blended market price or have to contend with an unhappy producer. Thus, the existing order language does not present any substantial administrative problem.

Since a very high proportion of the milk received by Connecticut handlers is milk of cooperative association members which is picked up at the farm by haulers contracted for or employed by the cooperative, the situation is somewhat different than in the other New England markets. While the cooperative takes the position that their driver is, in fact, the agent of the handler it is not clear that this is true. It would be desirable in situations where the cooperative is actually the responsible handler of the milk that it be held accountable to the pool for such milk. Such position meets neither the approval of the cooperative nor of the proprietary handlers. Since no serious problem appears to have arisen to date, and any dissatisfaction in regard to weights and tests have thus far been satisfactorily adjusted between the cooperative and the handler, it is concluded that no change should be made on the basis of this record. If a change is desired the problem should be given more complete consideration at a future hearing.

Other changes in the orders as hereinafter proposed involve elimination of obsolete language or are conforming changes to implement the intent of the proposed order revision hereinbefore discussed.

Except for the purpose of implementing the modifications hereinbefore set forth relative to the applicable zone price differentials under the Connecticut order, the changes which have been made in the language of the respective orders from that set forth in the recommended decision are only those which will add clarity and specificity to the orders and do not change the intended meaning.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested persons in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

The general objection and motion on behalf of several exceptors to strike from the record all hearsay testimony offered by proponents of proposals one and eleven as set forth in the notice of hearing is hereby overruled and denied on the grounds that such objection, under the applicable rules of practice and the Administrative Procedure Act, does not constitute a valid and persuasive reason for rejecting such testimony; the additional exception to the findings with respect to such proposals on the basis of res adjudicata is likewise overruled for the reason that such doctrine does not apply to decisions of administrative officers and boards, particularly in rule-making proceedings.

Marketing agreements and orders. Annexed hereto and made a part hereof are ten documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Southeastern New England Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Springfield Massachusetts, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Connecticut Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Connecticut Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Referendum orders; determination of representative period; and designation of referendum agents. It is hereby directed that referenda be conducted to determine whether the issuance of the attached orders amending the orders regulating the handling of milk in the Greater Boston, Massachusetts; Southeastern New England; Springfield, Massachusetts; Worcester, Massachusetts; and Connecticut marketing areas, respectively, are approved or favored by the producers, as defined under the terms of the respective orders, as hereby proposed to be amended, and who during the representative period, were engaged in the production of milk for sale within the aforesaid respective marketing areas.

The month of April 1960 is hereby determined to be the representative period for the conduct of such referenda.

R. D. Aplin is hereby designated agent of the Secretary to conduct such referenda in the Greater Boston, Massachusetts; Springfield, Massachusetts; and Worcester, Massachusetts; marketing areas, Robert W. Cherry is hereby designated agent of the Secretary to conduct such referendum in the Southeastern New England marketing area, and D. O. Hammerberg is hereby designated agent of the Secretary to conduct such referendum in the Connecticut marketing area, such referenda to be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 10th day of August 1960.

TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

Sec.

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§ 904.0 Findings and determinations.

The findings and determination hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, three cents per hundredweight or such amount not to exceed three cents per hundredweight as the Secretary may prescribe, with respect to all of the handler's receipts, during the month, of milk from producers, of outside milk, of exempt milk processed at a regulated plant and to the quantity of his route disposition subject to payments under § 904.65(b).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 904.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Greater Boston, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Merrimac.
Arlington.	Methuen.
Ashland.	Milton.
Avon.	Nahant.
Ayer.	Natick.
Bedford.	Needham.
Belmont.	Newton.
Beverly.	North Andover.
Billerica.	North Reading.
Boston.	Norwood.
Braintree.	Peabody.
Brookline.	Quincy.
Burlington.	Randolph.
Cambridge.	Reading.
Canton.	Revere.
Chelmsford.	Salem.
Chelsea.	Saugus.
Cohasset.	Sharon.
Dedham.	Sherborn.
Dover.	Somerville.
Dracut.	Southborough.
Everett.	Stoneham.
Framingham.	Stoughton.
Groveland.	Swampscott.
Haverhill.	Tewksbury.
Hingham.	Tyngsborough.
Holbrook.	Wakefield.
Holliston.	Walpole.
Hopkinton.	Waltham.
Hull.	Watertown.
Lawrence.	Wayland.
Lexington.	Wellesley.
Littleton.	Westford.
Lowell.	West Newbury.
Lynn.	Weston.
Lynnfield.	Westwood.
Malden.	Weymouth.
Marblehead.	Wilmington.
Marlborough.	Winchester.
Medfield.	Winthrop.
Medford.	Woburn.
Melrose.	

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 904.15(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the routes of the plant where such fluid milk products are packaged.

(d) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

§ 904.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraph (1), (2) or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order. However, in the application of this subparagraph to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November referred to in this subparagraph.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who during the month, operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means (1) any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any handler who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph, who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person, and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area: (1) His own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or (2) his only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not to exceed two percent of his own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph, any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person, shall be considered as a part of such person's supply of fluid milk products.

§ 904.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products: *Provided*, That this definition shall not include any separate building, premises, equipment and facilities used primarily to hold or store packaged fluid milk products in finished form in transit on routes.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(b) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(c) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 904.20 and 904.21, except a pool plant under another Federal order, the plant of a producer-handler under any Federal order, or a plant from which emergency milk is received.

(f) "Distributing plant" means any processing and packaging plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and route disposition in the marketing area amounting to not less than 10 percent of such receipts or of receipts from dairy farmers.

(g) "Regulated plant" means: (1) Any pool plant, or (2) any distributing plant (other than the plant of a producer-handler under any Federal order) in any month in which the quantity of its route disposition in the marketing area is in excess of its route disposition in any other New England Federal marketing area.

(h) "Supply plant" means any receiving plant (other than a pool plant under the provisions of this or any other Federal order on the basis of its route disposition) from which fluid milk products are shipped to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this part but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 904.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk or emergency milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

(l) "Emergency milk" means fluid milk products received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

MARKET ADMINISTRATOR

§ 904.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 904.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 904.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay out of the funds provided by § 904.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 904.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16 and 904.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 904.16 Classification of fluid milk products moved to other plants.

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which assigned under §§ 904.25 and 904.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under the Connecticut, Southeastern New England, or New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under the Boston, Connecticut, Southeastern New England, or New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 904.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 904.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section. However, in the application of paragraph (d) of this section to operations prior to December 1, 1960, each of the months previous to December but subsequent to the month in which the amended order becomes effective shall be substituted for the period of August through November referred to in that subparagraph.

(a) It is a distributing plant with a greater quantity of its route disposition in the marketing area than in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the route disposition from the plant does not exceed two percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 15 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to regulated distributing plants.

(d) For any month of August through November, it is one of a group of supply plants:

(1) From which the handler ships at least 15 percent of the combined total receipts of milk from dairy farmers as fluid milk products to regulated distributing plants; and

(2) For which the market administrator has received, on or before the 16th day of the month, the handler's written request for continuation of supply-type pool plant status which such plant held under his operation in the preceding month.

(e) It is a supply plant which would otherwise fail to qualify as a pool plant under any Federal order and from which at least 15 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to distributing plants, other than plants of producer-handlers.

§ 904.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any month in the period of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant in each of the preceding months of July through November, or if it would have been a supply-type pool plant in each of such months had it not been a pool plant under another New England Federal order and the market administrator has received the handler's written request for such automatic status for the plant on or before the 16th day of the month unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this order;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this order than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for the month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it either has automatic pool plant status under another New England Federal order or makes a greater quantity of qualifying shipments of fluid milk products to reg-

ulated plants under another New England Federal order than to regulated plants under this order and meets all of the other applicable conditions and requirements for pool plant status under such other order.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant which would otherwise have automatic pool plant status for the month shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

(f) A supply plant shall be a nonpool plant in any month for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month if:

(1) All of the fluid milk products received at regulated plants from such plant during the month are assigned to Class II milk pursuant to § 904.26; and

(2) The plant meets all of the conditions and requirements for pool plant status under another New England Federal order in such month.

(g) In the application of the supplementary pooling provisions for supply plants contained in this section to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November in each instance in which the latter period is referred to in this section.

ASSIGNMENT OF RECEIPTS

§ 904.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts of emergency milk eligible for assignment to Class I milk pursuant to § 904.27;

(c) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(d) Receipts from other handlers' regulated plants of packaged fluid milk products;

(e) Receipts from other handlers' regulated plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers;

(g) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraph (e) of this section;

(h) Receipts from other Federal order plants of bulk fluid milk products classified and priced as Class I milk under the other Federal order, or subject to such classification and pricing if assigned to Class I milk under this order. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has route disposition in an originating market, the receipts from such market shall take priority of assignment to any residual Class I use up to the total quantity of route disposition in such market by the handler;

(i) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (c) and (h) of this section;

(j) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Boston according to their zone locations; and

(k) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 904.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 904.25 shall be assigned to Class II milk.

§ 904.27 Emergency milk eligible for assignment to Class I milk.

Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this section, the handler's total Class II milk and total volume handled shall be the total of the respective quantities beginning on the first day on which emergency milk is received by the handler during the month and extending through the last such day in the month. If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity otherwise assigned to Class II milk pursuant to this section, such greater quantity shall be assigned to Class II milk. Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

REPORTS OF HANDLERS

§ 904.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products and cream at each plant from any other handler, assigned to classes pursuant to §§ 904.25 to 904.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 904.15 to 904.17.

§ 904.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products and cream. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 904.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 904.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 904.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 904.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 904.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 904.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 904.38 Outside cream purchases.

Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

MINIMUM CLASS PRICES

§ 904.40 Class I price.

The Class I price per hundredweight at plants located in zone 21 shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48.

§ 904.41 Class II price.

The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f.o.b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk for human consumption, in carlots, f.o.b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in zone 21.

Month:	*Amount (cents)*
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month in which the amount determined pursuant to this paragraph is greater than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in zone 21.

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	*Amount (cents)*	Month:	*Amount (cents)*
January	+13	July	+08
February	+12	August	+17
March	−05	September	+14
April	−09	October	+16
May	−12	November	+17
June	−11	December	+17

§ 904.42 Zone price differentials.

The prices determined pursuant to §§ 904.40, 904.41, and 904.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) Each city plant shall be in the "City Plant" zone.

(b) The zone location of each country plant shall be based upon its highway mileage distance to Boston as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Boston and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table:

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Distance to Boston (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II Price differentials (cents per hundredweight)
Within 40	City plant	+54.0	+5.8
41 to 60	6	+37.0	+3.8
61 to 70	7	+16.8	+3.7
71 to 80	8	+15.6	+3.5
81 to 90	9	+14.4	+3.2
91 to 100	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+0.8
181 to 190	19	+2.4	+0.4
191 to 200	20	+1.2	+0.1
201 to 210	21	(1)	(1)
211 to 220	22	−1.0	−0.6
221 to 230	23	−2.0	−0.7
231 to 240	24	−3.0	−0.9
241 to 250	25	−4.0	−0.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.3
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.6
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 to 410	41	−20.0	−3.5
411 to 420	42	−21.0	−3.5
421 to 430	43	−22.0	−3.5
431 to 440	44	−23.0	−3.5
441 to 450	45	−24.0	−3.5
451 and over	46 and over	(2)	−3.5

[1] No differential.

[2] Class I and blended price differentials applicable to plants located more than 450 miles from Boston shall be obtained by extending the table at the rate of one cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 904.43 Determination of zone locations of receipts from producers assigned to Class I milk.

For the purpose of determining the respective quantities of receipts from producers which are subject to the various zone price differentials, each pool handler's receipts from producers assigned to Class I milk pursuant to § 904.25(f) shall be considered to have originated at sources in the sequence and to the extent set forth in this section:

(a) Receipts from producers at the handler's city plant;

(b) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of:

(1) As route disposition in Maine, New Hampshire, and Vermont; and

(2) To unregulated plants from which no fluid milk products were disposed of as Class I milk, either directly or indirectly, outside the States of Maine, New Hampshire, and Vermont.

(c) Remaining receipts from producers at the handler's country pool plants, receipts of bulk fluid milk products from other Federal order plants, and receipts of outside milk in the form of fluid milk products not assigned to Class I milk pursuant to § 904.28(j), all in the order of the nearness of the originating plants to Boston according to their zone locations. The quantity determined for the zone location of any of the handler's country pool plants shall be the lesser of its receipts from producers or its shipments of fluid milk products reduced by its shipments of fluid milk products to plants located in the States of Maine, New Hampshire, Vermont, or New York for which utilization as Class II milk is established. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered.

§ 904.44 Butter and cheese adjustment.

During the months of April, May, June, and July, in which the Class II price is computed pursuant to § 904.41(c), the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Subtract from the price computed pursuant to § 904.41(c), the price computed pursuant to § 904.41(d) and divide by 3.7. The result is the butter and cheese differential.

(b) Determine the pounds of butterfat in Class II milk received from producers which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(c) Subtract such portion of the quantity determined in paragraph (b) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(d) Multiply the remaining pounds of butterfat determined pursuant to paragraph (c) of this section by the butter and cheese differential determined pursuant to paragraph (a) of this section.

§ 904.45 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 904.46 Announcement of class prices and differentials.

The market administrator shall make public announcements of class prices and differentials as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisors to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base Class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	5[illegible].7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the economic index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

§ 904.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 904.25, at zone locations as determined pursuant to § 904.43, by the prices pursuant to §§ 904.40 and 904.42;

(b) Multiply the quantities of milk received from producers at plants in each zone, less the quantities priced in each zone pursuant to paragraph (a) of this section, by the prices pursuant to §§ 904.41 and 904.42;

(c) Add together the resulting value of each class; and

(d) Adjust the value determined in paragraph (c) of this section as provided in § 904.44.

§ 904.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk computed pursuant to § 904.50 and the payments required pursuant to § 904.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61(b) and 904.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.65, and 904.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in zone 21, shall be known as the basic blended price.

§ 904.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the Act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 904.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Distance to Boston (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II Price differentials (cents per hundredweight)
Within 60	City plant	+54.0	+5.8
61 to 70	6	+37.0	+3.8
71 to 80	7	+16.8	+1.7
81 to 90	8	+15.6	+3.5
91 to 100	9	+14.4	+3.2
	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.8
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+0.8
181 to 190	19	+2.4	+0.4
191 to 200	20	+1.2	+0.1
201 to 210	21	(1)	(1)
211 to 220	22	−1.0	−0.5
221 to 230	23	−2.0	−0.7
231 to 240	24	−3.0	−0.9
241 to 250	25	−4.0	−0.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.3
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 to 410	41	−20.0	−3.5
411 to 420	42	−21.0	−3.5
421 to 430	43	−22.0	−3.5
431 to 440	44	−23.0	−3.5
441 to 450	45	−24.0	−3.5
451 and over	46 and over	(2)	−3.5

[1] No differential.
[2] Class I and blended price differentials applicable to plants located more than 450 miles from Boston shall be obtained by extending the table at the rate of one cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 904.43 Determination of zone locations of receipts from producers assigned to Class I milk.

For the purpose of determining the respective quantities of receipts from producers which are subject to the various zone price differentials, each pool handler's receipts from producers assigned to Class I milk pursuant to § 904.25(f) shall be considered to have originated at sources in the sequence and to the extent set forth in this section:

(a) Receipts from producers at the handler's city plant;

(b) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of:

(1) As route disposition in Maine, New Hampshire, and Vermont; and

(2) To unregulated plants from which no fluid milk products were disposed of as Class I milk, either directly or indirectly, outside the States of Maine, New Hampshire, and Vermont.

(c) Remaining receipts from producers at the handler's country pool plants, receipts of bulk fluid milk products from other Federal order plants, and receipts of outside milk in the form of fluid milk products not assigned to Class I milk pursuant to § 904.25(j), all in the order of the nearness of the originating plants to Boston according to their zone locations. The quantity determined for the zone location of any of the handler's country pool plants shall be the lesser of its receipts from producers or its shipments of fluid milk products reduced by its shipments of fluid milk products to plants located in the States of Maine, New Hampshire, Vermont, or New York for which utilization as Class II milk is established. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered.

§ 904.44 Butter and cheese adjustment.

During the months of April, May, June, and July, in which the Class II price is computed pursuant to § 904.41(c), the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Subtract from the price computed pursuant to § 904.41(c), the price computed pursuant to § 904.41(d) and divide by 3.7. The result is the butter and cheese differential.

(b) Determine the pounds of butterfat in Class II milk received from producers which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(c) Subtract such portion of the quantity determined in paragraph (b) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(d) Multiply the remaining pounds of butterfat determined pursuant to paragraph (c) of this section by the butter and cheese differential determined pursuant to paragraph (a) of this section.

§ 904.45 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 904.46 Announcement of class prices and differentials.

The market administrator shall make public announcements of class prices and differentials as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisors to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base Class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	57.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the economic index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $14.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

§ 904.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 904.25, at zone locations as determined pursuant to § 904.43, by the prices pursuant to §§ 904.40 and 904.42;

(b) Multiply the quantities of milk received from producers at plants in each zone, less the quantities priced in each zone pursuant to paragraph (a) of this section, by the prices pursuant to §§ 904.41 and 904.42;

(c) Add together the resulting value of each class; and

(d) Adjust the value determined in paragraph (c) of this section as provided in § 904.44.

§ 904.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk computed pursuant to § 904.50 and the payments required pursuant to § 904.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61(b) and 904.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.65, and 904.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in zone 21, shall be known as the basic blended price.

§ 904.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the Act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 904.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during

the first 15 days of such month. In no event shall advance payment be at a rate less than the Class II price for such month.

§ 904.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to §§ 904.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 904.63 and 904.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 904.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 904.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 904.61(b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 904.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f.o.b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

§ 904.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 904.61(a) shall be subject to the differential set forth in Column C of the table in § 904.42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from both the State House in Boston and the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 904.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 904.25 (i) or (j), at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 904.25(k) at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the handler's regulated plant nearest to Boston.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant with route disposition in the marketing area shall make payment at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset route disposition in this marketing area and in any other Federal marketing area.

§ 904.66 Deductions from payments to producers.

(a) In making payments to producers as required by §§ 904.60 and 904.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

(b) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer listed authorizing the claimed deduction. Such deductions shall be made by the handler in accordance with the association's claim, and shall be paid by the handler to the association on or before the 20th day after the end of each month with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made.

§ 904.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 904.61, 904.62, and 904.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 904.68 Statements to producers.

In making the payments to producers prescribed by § 904.61(a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 904.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 904.66 and 904.70 together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 904.70 Marketing service deductions.

In making payments to producers pursuant to § 904.61(a), each handler with respect to all milk received from each producer except himself and except any producer who is a member of an association of producers which the Secretary determines is performing the services set forth in this section, shall deduct 2 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such monies shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

ADMINISTRATION EXPENSE

§ 904.72 Payments of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 3 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition in the marketing area which is subject to payments under § 904.65(b).

OBLIGATIONS

§ 904.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month, during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 904.80 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 904.81.

§ 904.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 904.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 904.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area

§ 990.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight or such amount not to exceed five cents per hundredweight as the Secretary may prescribe, as follows: (i) By each pool handler with respect to (a) receipts of producer milk including such handler's own production, (b) receipts of exempt milk, and (c) receipts of other source milk classified as Class I except receipts from fully regulated plants under another Federal order; (ii) by each handler operating a regulated plant other than a pool plant with respect to receipts of other source milk in his plant which are classified as Class I except receipts from fully regulated plants under another Federal order; and (iii) by each nonpool handler with respect to any disposition of Class I milk in the marketing area on routes in excess of his receipts of pool milk or milk from fully regulated plants under another Federal order and classified and priced as Class I.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete paragraph (b) of § 990.1 and substitute therefor the following:

(b) "Southeastern New England marketing area", hereinafter referred to as the "marketing area", means all of the territory included within the boundary lines of the State of Rhode Island (excluding Block Island), the Massachusetts counties of Barnstable, Bristol, Dukes County and Plymouth (excluding the towns of Hingham and Hull); the towns of Bellingham, Foxborough, Franklin, Medway, Millis, Norfolk, Plainville, and Wrentham in Norfolk County, and the towns of Blackstone, Hopedale, Mendon, Milford, and Millville in Worcester County, together with all piers, docks and wharves connected therewith and craft moored thereat and including all territory within such boundaries occupied by Government (municipal, state or Federal) installations, institutions, or other establishments.

2. Delete paragraph (c) of § 990.1 and substitute therefor the following:

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 990.21(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

3. Delete paragraph (c) of § 990.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

4. Delete paragraph (d) of § 990.2 and substitute therefor the following:

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by a handler or dealer shall be considered as having been performed by such handler or dealer.

5. Delete paragraph (e) of § 990.2 and substitute therefor the following:

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, any person holding producer-handler status under any Federal order or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted in accordance with subparagraphs (1) through (5) of this paragraph if the handler, in filing his monthly report pursuant to § 990.30 reports the milk as receipts from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month:

(1) To the regulated plant of another handler;

(2) To a regulated plant of the same handler in the same plant zone;

(3) To an unregulated plant during any month of July through September on not more than 8 days (4 days in the case of every-other-day delivery) during such month;

(4) To an unregulated plant during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery) during such month; or

(5) To an unregulated plant during any month of April through June.

6. Delete paragraph (g) of § 990.2 and substitute therefor the following:

(g) "Handler" means (1) any person who during the month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

7. Delete paragraph (i) of § 990.2 and substitute therefor the following:

(i) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph, who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk in the marketing area on routes: *Provided*, That the maintenance, care, and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area: (1) Whose own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or (2) whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not to exceed two percent of own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph, any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person, shall be considered as a part of such person's supply of fluid milk products.

8. Delete paragraphs (j) and (k) of § 990.2 and substitute therefor a new paragraph (j) as follows:

(j) "Dealer" means any person who during the month operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

9. Delete paragraph (a) of § 990.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products: *Provided*, That this definition shall not include any separate building, premises, equipment or facilities used primarily to hold or store packaged fluid milk products in transit on routes.

10. Delete paragraph (b) of § 990.3 and substitute therefor the following:

(b) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

11. Delete paragraph (c) of § 990.3 and substitute therefor the following:

(c) "Pool plant" means:

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of during the month within the marketing area on routes and not less than 50 percent of its total receipts of fluid milk products is disposed of during the month as Class I milk, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area.

(2) Any receiving plant located in the marketing area and operated by an association of producers in any month in which the quantity of Class I milk disposed of on routes from such plant does not exceed two percent of its total receipts of fluid milk products, or

(3) Except as provided in subdivisions (i) to (iv) of this subparagraph any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which not less than 30 percent of its receipts of milk directly from dairy farmers is shipped during the month as fluid milk products to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant other than a pool plant.

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order, or in any month in which it qualifies for pooling under another Federal order on the basis of shipments, which exceed the shipments qualifying such plant for pooling pursuant to this subparagraph unless such greater shipments are made to Boston regulated plants and the plant is designated as a nonpool plant under the Boston order for such month.

(ii) Any plant which was a pool plant pursuant to this subparagraph in each of the months of July through November or which held comparable supply-type pool plant status under one or another of the New England Federal orders in each month of such period but had the greater proportion of its producer receipts pooled under this part during such period shall be a pool plant in the immediately succeeding months of December through June, unless the operator thereof gives written notice to the market administrator on or before the 16th day of any such month that the plant is a nonpool plant for such month: *Provided*, That any such plant which was a nonpool plant in any of the months of July through November and for which nonpool status is requested for any month of December through June or any plant which was a pool plant in each of such months of July through November but which is operated as a nonpool plant under all of the New England Federal orders in any of the months of December through June shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph.

(iii) Any plant which was not a pool plant under this part during each of the months of July through November but which met the pooling requirements pursuant to this subparagraph in each of such months shall be a pool plant in any of the months of December through June, if written request for pooling status is made to the market administrator on or before the 16th day of such month and such plant is not a pool plant under another Federal order in such month, except that if such plant was a nonpool plant under all of the New England orders in any of the months of December through June, it shall be a pool plant in any subsequent months of such period only if it meets the shipping requirements pursuant to this subparagraph.

(iv) Any plant which was a nonpool receiving plant under all of the New England orders during any of the months of July through November shall not be a pool plant in any of the months of December through June in which it is operated by the same handler, an affiliate or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler plant.

12. Add a new paragraph (d) at the end of § 990.3 to read as follows:

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater proportion of its Class I milk in another marketing area on routes.

13. Delete from paragraph (a) of § 990.4 the phrase "at a plant".

14. Delete paragraph (f) of § 990.4 and substitute therefor the following:

(f) "Producer milk" means only that skim milk and butterfat contained in milk received at a pool plant directly from producers, including milk diverted from such pool plant in accordance with the conditions set forth in § 990.2(e): *Provided*, That in instances where it can be established to the satisfaction of the market administrator that milk was transferred, by a handler or his agent, from the producer's farm tank into a tank truck during the month, and such milk was not delivered to any plant because of loss or destruction by accident or faulty equipment en route to the plant, such milk shall be accounted for as a receipt of producer milk at the pool plant of the handler where milk from the same farm was received as producer milk during the month.

15. Delete the language of § 990.4(g) following the semicolon at the end of subparagraph (1) and substitute therefor the following:

(2) Received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month, if such receipt and return occurs during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm,

or similar extraordinary circumstances completely beyond the dealer's control; or

(3) In milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

16. Add a new paragraph (i) at the end of § 990.4 to read as follows:

(i) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

16a. In § 990.12(k) delete the words "actual or potential".

17. Delete subparagraph (3) of § 990.21 (b) and substitute therefor the following:

(3) Contained in fluid milk products dumped if the conditions of § 990.31(e) are met by the handler;

18. Delete the word "and" and immediately preceding subparagraph (5) of § 990.21(b) and add a new subparagraph (6) immediately after subparagraph (5) of § 990.21(b) as follows: "and (6) contained in fluid milk products lost under extraordinary circumstances completely beyond the control of the handler, if such loss is substantiated by records satisfactory to the market administrator."

19. Delete § 990.22(b) and substitute therefor the following:

(b) As Class I milk if moved to the plant of a producer-handler under this or any other Federal order.

19a. In § 990.22(e) add immediately following the words "except the plant of a producer-handler" the words "under any Federal order".

20. Delete § 990.24 and substitute therefor the following:

§ 990.24 Assignment of skim milk and butterfat classified.

(a) For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 990.30 and shall compute the total pounds of skim milk and butterfat in each class for such handler: *Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

(b) Skim milk shall be assigned in the following manner:

(1) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk received during the month in packaged fluid milk products from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in the form of fluid milk products other than from fully regulated plants under the provisions of another Federal order.

(5) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(6) (i) During the months of July through September, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or to 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(ii) During the months of October through June, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or to 5 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(7) Subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(8) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(9) Add to the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph.

(10) Subtract from the remaining pounds of skim milk in each class, beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (7) of this paragraph.

(11) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(12) Assign to the remaining pounds of skim milk in each class, beginning with Class I milk, the pounds of skim milk in:

(i) Receipts of fluid milk products from pool plants of other handlers not subject to a zone price differential;

(ii) Receipts of producer milk at the handler's pool plants not subject to a zone price differential;

(iii) Receipts of producer milk at the handler's pool plants to which a zone price differential is applicable equal to the pounds of skim milk disposed of in fluid milk products directly from these plants as Class I milk on routes outside the marketing area;

(iv) Receipts of fluid milk products from pool plants of other handlers not assigned pursuant to subdivision (i) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations; and

(v) Receipts of producer milk at the handler's pool plants, not assigned pursuant to subdivisions (ii) and (iii) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations.

(13) Any remaining pounds of skim milk in each class not assigned shall be known as "overage".

(c) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add the pounds of skim milk and butterfat in each class, pursuant to paragraphs (b) and (c) of this section.

21. Delete the proviso in § 990.30.

22. Delete paragraph (e) of § 990.31 and substitute therefor the following:

(e) Each regulated handler dumping pursuant to § 990.21(b)(3) shall give the market administrator such advance notice of intention to dump as the market administrator may require. For each dumping not witnessed by the market administrator or his agent each handler shall mail or deliver to the market administrator within 48 hours following such dumping a report in writing as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the product and the person authorized to sign reports for the handler made pursuant to § 990.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or superintendent shall be made on the report).

23. Delete paragraph (a) of § 990.40 and substitute therefor the following:

(a) *Class I price.* The Class I price shall be the New England basic Class I price per hundredweight determined pursuant to § 990.41 plus 54 cents.

24. In § 990.45 change the reference "§ 990.20" to "§ 990.22" and delete the period (.) at the end of the section and add the words "under any Federal order".

25. In paragraph (a) of § 990.46 change the reference "§ 990.24(b)(1)" to "§ 990.24 (b)(3) or (c)".

26. Delete paragraph (b) of § 990.46 and substitute therefor the following:

(b) Each pool handler who received other source milk (other than from a regulated plant) which is allocated to Class I pursuant to § 990.24 (b)(4) or (c) shall make payment on the quantity so allocated at the difference between the Class I and Class II price computed pursuant to § 990.40 for the zone location of the nonpool plant from which such milk was received: *Provided*, That for the purposes of this paragraph, other source milk received from dairy farmers for other markets shall be considered as received from the nonpool plant to which they ordinarily delivered.

27. Delete paragraph (c) of § 990.46 and substitute therefor the following:

(c) Each pool handler who receives other source milk which is allocated to Class I pursuant to § 990.24(b) (2) or (10) and the corresponding steps of (c) which milk is not classified and priced as Class I under the originating order shall make payment on the volume of such milk so allocated at the difference between the Class I price and the Class II price computed pursuant to § 990.40 for the zone location of the plant from which such other source milk was received.

28. Delete paragraph (d) of § 990.46 and substitute therefor the following:

(d) Each nonpool handler (except a producer-handler under any Federal order), operating an unregulated plant, who disposes of fluid milk products (other than certified milk or certified skim milk) in the marketing area on routes shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of such disposition which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order: *Provided*, That the same receipts of priced milk shall not be used to offset Class I sales in both this market and any other Federal order market.

29. Delete paragraph (e) of § 990.46 and substitute therefor the following:

(e) Each handler operating a regulated plant other than a pool plant shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of his Class I utilization (other than exempt milk) which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order.

30. Add a new § 990.47 to read as follows:

§ 990.47 Other Federal order plants.

Any plant qualifying for pooling under this and any other Federal order and which is fully regulated under such other Federal order notwithstanding its status under this order shall be exempt from the provisions of this order except as provided in §§ 990.30(b), 990.32 and 990.33.

30a. Add a new § 990.48 to read as follows:

§ 990.48 Pooling provisions for the period from the effective date of this amending order through June 1961.

During the period from the effective date of this amending order through June 1961 all of the conditions of pooling (plant, producer and dairy farmer for other markets) applicable to the period July through November shall be considered to have been met if such conditions are met for the period from the effective date of this amending order through November 1960.

31. In paragraph (c) of § 990.50 change the reference "§ 990.24(b)(10)" to "§ 990.24(b)(13)."

32. Delete paragraph (d) of § 990.50 and substitute therefor the following:

(d) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat, respectively, was allocated to Class II in the preceding month by the hundredweight of skim milk and butterfat, respectively, subtracted from Class I milk pursuant to § 990.24 (b)(8) and (c) for the month which is in excess of the hundredweight of skim milk and butterfat, respectively, allocated to Class II milk pursuant to § 990.24 (b)(10) and (c) during the preceding month and classified and priced as Class I under the provisions of another Federal order.

33. Delete the proviso as it appears in subparagraph (1) of § 990.60(a).

34. Delete subparagraph (2) of § 990.60 (a) and substitute therefor the following:

(2) On or before the 20th day after the end of each month, for the quantity of milk received during the month, at not less than the basic blended price per hundredweight computed pursuant to § 990.51 subject to the differentials provided in §§ 990.61, 990.62, and 990.63 less payments made to such producer pursuant to subparagraph (1) of this paragraph: *Provided*, That with respect to each deduction for hauling or for any other purpose made from such payment, the burden shall rest upon the handler making the deduction to prove that each deduction is authorized and properly chargeable to the producer: *And provided further*, That if by such date such handler has not received full payment from the market administrator pursuant to § 990.66 for such milk, he may reduce pro rata his payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date next following for making payment pursuant to this paragraph after receipt of the balance due from the market administrator.

35. In § 990.64 insert after the phrase "all payments made by handlers" the words "of monies due producers".

36. Delete the words "following that" as they appear near the end of paragraph (c) of § 990.67.

37. Delete § 990.68 and substitute therefor the following:

§ 990.68 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to § 990.46; and § 990.65 to § 990.70 shall be increased one-half of one percent on the 19th day of the month and on the same day of each month thereafter until such obligation is paid.

38. Delete the words "market administrator" as they first appear in paragraph (a) of § 990.69 and substitute therefor the word "Secretary".

39. Delete the word "20th" as it appears in paragraph (a) of § 990.69 and substitute therefor the word "16th".

40. Delete the phrase "as determined by the Secretary, which" as it appears in paragraph (b) of § 990.69 and substitute therefor the phrase "which the Secretary determines".

41. Delete the word "20th" as it appears in paragraph (b) of § 990.69 and substitute therefor the word "18th".

42. Delete the word "20th" as it appears in § 990.70 and substitute therefor the word "16th".

43. Delete paragraphs (a), (b) and (c) of § 990.70 and substitute therefor the following:

(a) Each pool handler shall make such payment with respect to all: (1) Receipts of producer milk including such handler's own production; (2) receipts of exempt milk; and (3) receipts of other source milk classified as Class I except receipts from fully regulated plants under another Federal order.

(b) Each handler operating a regulated plant other than a pool plant shall make such payment with respect to receipts of other source milk in his plant which are classified as Class I except receipts from fully regulated plants under another Federal order.

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make such payment with respect to any disposition of Class I milk in the marketing area on routes in excess of his receipts of pool milk or milk from fully regulated plants under another Federal order and classified and priced as Class I.

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MARKETING SERVICES

996.70 Marketing service deduction; nonmembers of an association of producers.
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ADMINISTRATION EXPENSE

996.72 Payment of administration expense.

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996.73 Termination of obligations.

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996.80 Effective time.
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AUTHORITY: §§ 996.0 to 996.84 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 996.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to all of the handler's receipts, during the month, of milk from producers, of outside milk, of exempt milk processed at a regulated plant and to the quantity of his route disposition subject to payment under § 996.65(b).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 996.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Springfield, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Agawam.	Northampton.
Chicopee.	South Hadley.
Easthampton.	Springfield.
East Longmeadow.	Westfield.
Holyoke.	West Springfield.
Longmeadow.	Wilbraham.
Ludlow.	

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I pursuant to § 996.15(a) other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

§ 996.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2) or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order. However, in the application of this subparagraph to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November referred to in this subparagraph.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who during the month, operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means: (1) Any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any person who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph who is both a dairy farmer and a handler processing milk from his own production and distributing all or a portion of such milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area.

(1) His own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or

(2) His only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not in excess of two percent of own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph, any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person, shall be considered as a part of such person's supply of fluid milk products.

§ 996.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products, except that this definition shall not include any separate building, premises, equipment and facilities used primarily to hold or store packaged fluid milk products in transit on routes.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 996.20 and 996.21, except a pool plant under another Federal order or the plant of a producer-handler under any Federal order.

(f) "Distributing plant" means any processing and packaging plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and route disposition in the marketing area amounting to not less than 10 percent of such receipts or of receipts from dairy farmers.

(g) "Regulated plant" means: (1) Any pool plant, or (2) any distributing plant (other than the plant of a producer-handler under any Federal order) in any month in which the quantity of its route disposition in the marketing area is in excess of its route disposition in any other New England Federal marketing area.

(h) "Supply plant" means any receiving plant (other than a pool plant under the provisions of this or any other Federal order on the basis of its route disposition) from which fluid milk products are shipped to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this part but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 996.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the opera-

tor of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

Market Administrator

§ 996.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 996.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 996.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 996.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

Classification

§ 996.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 996.16 and 996.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 996.16 Classification of fluid milk products moved to other plants.

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which it is assigned under §§ 996.25 and 996.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under another New England Federal order or the New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 996.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

Determination of Pool Plant Status

§ 996.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section.

(a) It is a distributing plant with a greater quantity of its route disposition in the marketing area than in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the Class I route disposition from the plant does not exceed 2 percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 30 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to regulated distributing plants.

§ 996.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any month in the period December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant in each of the preceding months of July through November, or if it would have been a supply-type pool plant in each of such months had it not been a pool plant under another New England Federal order and the market administrator has received the handler's written request for such automatic status for the plant on or before the 16th day of the month, unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this order;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this order than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for the month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it either has automatic pool plant status under another New England Federal order or makes a greater quantity of qualifying shipments of fluid milk products to regulated plants under another New England Federal order than to regulated plants under this order and meets all of the other applicable conditions and requirements for pool plant status under such other order.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant which would otherwise have automatic pool plant status for the month shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

(f) In the application of the supplementary pooling provisions for supply plants contained in this section to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period July through November in each instance in which the latter period is referred to in this section.

Assignment of Receipts to Classes

§ 996.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(c) Receipts from other handlers' regulated plants of packaged fluid milk products;

(d) Receipts from regulated plants under the Boston order of bulk fluid milk products classified as Class I milk under the Boston order;

(e) Receipts from other handlers' regulated city plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of outside the marketing area without being received at a city plant;

(g) Receipts from producers at the handler's city plant;

(h) Receipts from other handlers; regulated country plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers, in the order of the nearness of the originating plants to Springfield according to their zone locations;

(i) Receipts from producers at the handler's country plants not assigned pursuant to paragraph (f) of this section, in the order of the nearness of the plants to Springfield according to their zone locations;

(j) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraphs (e) and (h) of this section, in the order of the nearness of the originating plants to Springfield according to their zone locations;

(k) Receipts from other Federal order plants of bulk fluid milk products not assigned to Class I milk under paragraph (d) of this section, but classified and priced as Class I milk under the other Federal order or subject to such classification and pricing if assigned to Class I milk under this order. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has route disposition in an originating market, the receipts from such market shall take priority of assignment to any residual Class I use up to the total quantity of route disposition in such market by the handler;

(l) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (b), (d), and (k) of this section;

(m) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Springfield according to their zone locations; and

(n) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 996.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 996.25 shall be assigned to Class II milk.

Reports of Handlers

§ 996.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 996.25 and 996.26;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 996.15 through 996.17.

§ 996.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 996.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has

failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 996.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 996.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 996.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 996.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 996.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

Minimum Class Prices

§ 996.40 Class I price at city plants.

The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 54 cents.

§ 996.41 Class II price at city plants.

The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 996.42 Country plant zone price differentials.

In the case of receipts at country plants, the prices determined pursuant to §§ 996.40, 996.41, and 996.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Springfield as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Springfield and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Springfield, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

Country Plant Zone Price Differentials

A Distance to Springfield (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−70.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Springfield shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 996.44 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 996.45 Announcement of class prices.

The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

New England Basic Price Formula

§ 996.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.96

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

Blended Prices to Producers

§ 996.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 996.25 by the applicable prices pursuant to §§ 996.40 and 996.42;

(b) Multiply the quantities of milk received from producers assigned to Class II milk pursuant to § 996.26 by the applicable prices pursuant to §§ 996.41 and 996.42; and

(c) Add together the resulting value of each class.

§ 996.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 996.50 and the payments required pursuant to § 996.65 for each handler from whom the market admin-

istrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 996.61(b) and 996.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 996.61, 996.62, 996.65, and 996.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 996.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 996.61 and 996.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 996.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the Act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 996.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 996.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month.

§ 996.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 996.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§996.63 and 996.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 996.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 996.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 996.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61(b) and 996.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 996.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of this chapter.

§ 996.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 996.61(a) shall be subject to the differentials set forth in Column C of the table in § 996.42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following cities or towns, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

MASSACHUSETTS

Becket.	Sandisfield.
Florida.	Savoy.
Hinsdale.	Washington.
Otis.	Windsor.
Peru.	

NEW HAMPSHIRE

Chesterfield.	Westmoreland.

VERMONT

Brattleboro.	Newfane.
Dover.	Putney.
Dummerston.	Wilmington.
Marlboro.	

(b) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, or Worcester Counties in Massachusetts, or in any of the following cities or towns, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

CONNECTICUT

Ellington.	Somers.
Enfield.	Stafford.
Granby.	Suffield.

NEW HAMPSHIRE

Hinsdale.	Winchester.

VERMONT

Guilford.	Vernon.
Halifax.	Whitingham.
Readsboro.	

§ 996.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 996.25 (l) or (m), at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 996.25(n) at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the handler's regulated plant nearest to Springfield.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant with route disposition in the marketing area shall make payment at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset route disposition in this marketing area and in any other Federal marketing area.

§ 996.66 Deductions from payments to producers.

In making payments to producers as required by §§ 996.60 and 996.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 996.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 996.61, 996.62, and 996.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 996.68 Statements to producers.

In making the payments to producers prescribed by § 996.61(a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 996.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 996.66, 996.70, and 996.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 996.70 Marketing service deduction; nonmembers of an association of producers.

In making payments to producers pursuant to § 996.61(a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 996.71, deduct 3 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such monies shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 996.71 Marketing service deduction; members of an association of producers.

In the case of producers who are members of an association of producers which the Secretary determines is actually performing the services set forth in § 996.70, each handler shall, in lieu of the deductions specified in § 996.70, make such deductions from payments made pursuant to § 996.61(a) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 996.72 Payment of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition in the marketing area which is subject to payments under § 996.65(b).

OBLIGATIONS

§ 996.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 996.80 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 996.81.

§ 996.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 996.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 996.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his

control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected, pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 996.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Order[1] *Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area*

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AUTHORITY: §§ 999.0 to 999.84 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 999.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition subject to payments under § 999.65(b).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 999.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Worcester, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Auburn.	Oxford.
Boylston.	Paxton.
Charlton.	Princeton.
Clinton.	Rutland.
Dudley.	Worcester.
Fitchburg.	Shrewsbury.
Gardner.	Southbridge.
Grafton.	Spencer.
Holden.	Sterling.
Lancaster.	Sutton.
Leicester.	Upton.
Leominster.	Webster.
Lunenburg.	Westborough.
Millbury.	West Boylston.
Northborough.	Westminster.

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I pursuant to § 999.15(a) other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

§ 999.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraph (1), (2) or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order. However, in the application of this subparagraph to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November referred to in this subparagraph.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who, during the month, operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means (1) Any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any handler who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph who is both a dairy farmer and a handler, processing milk from his own production and distributing all or a portion of such milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person, and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area:

(1) His own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or

(2) His only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not in excess of two percent of own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person shall be considered as a part of such person's supply of fluid milk products.

§ 999.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products, except that this definition shall not include any separate building, premises, equipment and facilities used primarily to hold or store packaged fluid milk products in transit on routes.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 999.20 and 999.21, except a pool plant under another Federal order, or the plant of a producer-handler under any Federal order.

(f) "Distributing plant" means any processing and packaging plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and route disposition in the marketing area amounting to not less than 10 percent of such receipts or of receipts from dairy farmers.

(g) "Regulated plant" means: (1) any pool plant, or (2) any distributing plant (other than the plant of a producer-handler under any Federal order) in any month in which the quantity of its route disposition in the marketing area is in excess of its route disposition in any other New England Federal marketing area.

(h) "Supply plant" means any receiving plant (other than a pool plant under the provisions of this or any other Federal order on the basis of its route disposition) from which fluid milk products are shipped to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this order but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 999.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstance completely beyond the handler's control, or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(l) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

Market Administrator

§ 999.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 999.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 999.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 999.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of his loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

Classification

§ 999.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 999.16 and 999.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 999.16 Classification of fluid milk products moved to other plants.

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which it is assigned under §§ 999.25 and 999.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under another New England Federal order or the New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 999.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

Determination of Pool Plant Status

§ 999.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section.

(a) It is a distributing plant with a greater quantity of its route disposition in the marketing area than in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the Class I route disposition from the plant does not exceed 2 percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 30 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to regulated distributing plants.

§ 999.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any month in the period December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant in each of the preceding months of July through November, or if it would have been a supply-type pool plant in each of such months had it not been a pool plant under another New England Federal order and the market administrator has received the handler's written request for such automatic status for the plant on or before the 16th day of the month, unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this order;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this order than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for the month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it either has automatic pool plant status under another New England Federal order or makes a greater quantity of qualifying shipments of fluid milk products to regulated plants under another New England Federal order than to regulated plants under this order and meets all of the other applicable conditions and requirements for pool plant status under such other order.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant which would otherwise have automatic pool plant status for the month shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

(f) In the application of the supplementary pooling provisions for supply plants contained in this section to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period July through November in each instance in which the latter period is referred to in this section.

Assignment of Receipts to Classes

§ 999.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(c) Receipts from other handlers' regulated plants of packaged fluid milk products;

(d) Receipts from regulated plants under the Boston order of bulk fluid milk products classified as Class I milk under the Boston order;

(e) Receipts from other handlers' regulated city plants of bulk fluid milk products, for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of outside the marketing area without being received at a city plant;

(g) Receipts from producers at the handler's city plant;

(h) Receipts from other handlers' regulated country plants of bulk fluid milk products, for which classification as Class II milk has not been requested by both handlers, in the order of the nearness of the originating plants to Worcester according to their zone locations;

(i) Receipts from producers at the handler's country plants not assigned pursuant to paragraph (f) of this section, in the order of the nearness of the plants to Worcester according to their zone locations;

(j) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraphs (e) and (h) of this section, in the order of the nearness of the originating plants to Worcester according to their zone locations;

(k) Receipts from other Federal order plants of bulk fluid milk products not assigned to Class I milk under paragraph (d) of this section, but classified and priced as Class I milk under the other Federal order or subject to such classification and pricing if assigned to Class I milk under this order. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has Class I route disposition in an originating market, the receipts from such market shall take priority of

assignment to any residual Class I use up to the total quantity of Class I route disposition in such market by the handler;

(l) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (b), (d), and (k) of this section;

(m) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Worcester according to their zone locations; and

(n) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 999.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 999.25 shall be assigned to Class II milk.

REPORTS OF HANDLERS

§ 999.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 999.25 and 999.26;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 999.15 through 999.17.

§ 999.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 999.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to, starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 999.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 999.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 999.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 999.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 999.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

§ 999.40 Class I price at city plants.

The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 54 cents.

§ 999.41 Class II price at city plants.

The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 999.42 Country plant zone price differentials.

In the case of receipts at country plants, the prices determined pursuant to §§ 999.40, 999.41 and 999.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Worcester as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Worcester and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Worcester, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Worcester (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Worcester shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 999.44 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for any other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 999.45 Announcement of class prices.

The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 999.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210 mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $0.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	*Base Class I percentage*
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	58.7
July	69.2
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	*Supply-demand adjustment factor*
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 999.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 999.25 by the applicable prices pursuant to §§ 999.40 and 999.42;

(b) Multiply the quantities of milk received from producers assigned to Class II milk pursuant to § 999.26 by the applicable prices pursuant to §§ 999.41 and 999.42; and

(c) Add together the resulting value of each class.

§ 999.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to §§ 999.50 and the payments required pursuant to § 999.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 999.61(b) and 999.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 999.61, 999.62, 999.65, and 999.67;

(c) Deduct the amount of the plus differentials, and add the amount to the minus differentials, which are applicable pursuant to § 999.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 999.61 and 999.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 999.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended prices by the differentials pursuant to § 999.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 999.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month.

§ 999.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 999.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 999.63 and 999.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 999.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 999.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 999.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61(b) and 999.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 999.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of this chapter.

§ 999.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 999.61(a) shall be subject to the differentials set forth in Column C of the table in § 999.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk Counties in Massachusetts, or in the towns of Brookline, Greenville, Hinsdale, Hollis, Mason, and New Ipswich in New Hampshire, or Vernon, Vermont, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 999.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 999.25 (l) or (m), at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 999.25(n) at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the handler's regulated plant nearest to Worcester.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant from which there is Class I route disposition in the marketing area shall make payment at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset Class I route disposition in this marketing area and in any other Federal marketing area.

§ 999.66 Deductions from payments to producers.

In making payments to producers as required by §§ 999.60 and 999.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 999.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 999.61, 999.62 and 999.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of one percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 999.68 Statements to producers.

In making the payments to producers prescribed by § 999.61(a), each pool handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 999.61(a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 999.66, 999.70 and 999.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 999.70 Marketing service deduction; nonmembers of an association of producers.

In making payments to producers pursuant to § 999.61(a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 999.71, deduct 3 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such monies shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 999.71 Marketing service deduction; members of an association of producers.

In the case of producers who are members of an association of producers which the Secretary determines is performing the services set forth in § 999.70, each handler shall, in lieu of the deductions specified in § 999.70, make such deductions from payments made pursuant to § 999.61(a) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 999.72 Payment of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition in the marketing area which is subject to payments under § 999.65(b).

OBLIGATIONS

§ 999.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is

claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 999.80 Effective time.

The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 999.81.

§ 999.81 Suspension or termination.

The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 999.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 999.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 999.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Order[1] *Amending the Order Regulating the Handling of Milk in the Connecticut Marketing Area*

§ 1019.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, to insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete paragraph (c) of § 1019.1 and substitute therefor the following:

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 1019.21(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

2. Delete paragraph (e) of § 1019.2 and substitute therefor the following:

(e) "Producer" means any dairy farmer (except a producer-handler under any Federal order a dairy farmer with respect to exempt milk delivered, or a dairy farmer who is a producer under another Federal order) who produces milk which is received during the month at a pool plant, or is diverted by a pool handler from a pool plant to a nonpool plant in accordance with subparagraph (1), (2) or (3) of this paragraph, if such pool handler, in filing the report required pursuant to § 1019.30, reports such milk as received from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted during any month of July through March, inclusive, on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(1) To a nonpool plant during any month of July through September on not more than 8 days (4 days in the case of every-other-day delivery) during such month.

(2) To a nonpool plant during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery) during such month.

(3) To a nonpool plant during any month of April through June if the dairy farmer producing such milk held producer status throughout the two months immediately preceding such month and delivering all his pool milk to a pool plant(s) in the same zone location as the plant from which diversion is claimed: *Provided*, That this requirement shall not be applicable in the case of a dairy farmer whose milk is moved from the farm in a tank truck in which it is commingled with milk from other producers, the majority of which meet such requirement.

3. Delete paragraph (g) of § 1019.2 and substitute therefor the following:

(g) "Handler" means (1) any person who during the month operates a pool plant or any other plant from which fluid milk products are disposed of directly or indirectly in the marketing area, (2) any person in his capacity as a subdealer, vendor or peddler selling fluid milk products on routes from such plants, or (3) any association of producers with respect to the milk of any producer which it causes to be diverted to a nonpool plant for the account of such association under the conditions of § 1019.2(e).

3a. Insert immediately preceding the colon (:) at the end of the first proviso of § 1019.2(i) the words "and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area.

4. Insert the word "separate" immediately before the word "building" in the proviso of § 1019.3(a) and delete the words "or other milk products in finished form" as they appear in subparagraph (1) of such proviso.

5. Delete § 1019.3(c) and substitute therefor the following:

(c) "Pool plant" means (1) any receiving plant (except the plant of a producer-handler under any Federal order) from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of during the month within the marketing area on routes and not less than 50 percent of its total receipts of fluid milk products is disposed of during the month as Class I milk, unless the market administrator determines that such plant disposed of a greater porportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area;

(2) Except as provided in subdivision (i) through (iv) of this subparagraph any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which not less than 30 percent of its receipts of milk directly from dairy farmers is shipped during the month as fluid milk products to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant other than a pool plant:

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order or in any month in which it qualifies for pooling under another Federal order on the basis of shipments which exceed the shipments qualifying such plant for pooling pursuant to this subparagraph, unless such greater shipments are made to Boston regulated plants and the plant is designated as a nonpool plant under the Boston order for such month.

(ii) Any plant which was a pool plant pursuant to this subparagraph in each of the months of July through November or which held comparable supply-type pool plant status under one or another of the New England Federal orders in each month of such period but had the greater proportion of its producer receipts pooled under this order during such period shall be a pool plant in the immediately succeeding months of December through June, unless the operator thereof gives written notice to the market administrator on or before the 16th day of any such month that the plant is a nonpool plant for such month: *Provided*, That any such plant which was a nonpool plant in any of the months of July through November and for which nonpool status is requested for any month of December through June, or any plant which was a pool plant in each of such months of July through November, but which is operated as a nonpool plant under all of the New England Federal orders in any of the months of December through June shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph;

(iii) Any plant which was not a pool plant under this order during each of the months of July through November but which met the pooling requirements pursuant to this subparagraph in each of such months shall be a pool plant in any of the months of December through June, if written request for pooling status is made to the market administrator on or before the 16th day of such month and such plant is not a pool plant under another Federal order in such month, except that if such plant was a nonpool plant under all of the New England orders in any of the months of December through June it shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph;

(iv) Any plant which was a nonpool receiving plant under all of the New England orders during any of the months of July through November shall not be a pool plant in any of the months of December through June in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler plant.

6. Add a new paragraph (d) at the end of § 1019.3 to read as follows:

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater percentage of its Class I milk in another marketing area on routes.

7. Delete paragraph (g)(2) of § 1019.4 and substitute therefor the following:

(2) Received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month, if such receipt and return occurs during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control.

8. Delete the word "or" immediately preceding subparagraph (3) of § 1019.4 (g) and add the word "or" immediately following subparagraph (3) together with a new subparagraph (4) as follows:

(4) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

9. Delete paragraph (i) of § 1019.4 and substitute therefor the following:

(i) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

9a. In § 1019.12(k) delete the words "actual or potential".

10. Delete the word "and" immediately preceding subparagraph (b)(6) of § 1019.21 and add a new subparagraph (b)(7) immediately after subparagraph (b)(6) of § 1019.21 as follows: "and (7) contained in fluid milk products lost under extraordinary circumstances completely beyond the control of the handler, if such loss is substantiated by records satisfactory to the market administrator."

11. Insert at the end of § 1019.22(b) the words "under this or any other Federal order".

11a. In § 1019.22(e) add immediately following the words "except the plant of a producer-handler" the words "under any Federal order".

12. Delete § 1019.24(b) and substitute therefor the following:

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk received during the month in packaged fluid milk products from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk shrinkage allocated pursuant to § 1019.21(b)(5).

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(5) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in other source milk in the form of fluid milk products received during the month from other than fully regulated plants under the provisions of another Federal order.

(6) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(7) During the months of July through November, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(8) Subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(9) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(10) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(11) Subtract from the remaining pounds of skim milk in each class beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (8) of this paragraph.

(12) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (7) of this paragraph.

(13) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class.

(14) Add to the pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph.

(15) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in the producer milk of such handler subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in sequence beginning with Class II milk.

12a. Add a new paragraph (c) to § 1019.30 to read as follows:

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make reports at such time and in such manner as the market administrator may prescribe.

13. Delete subparagraphs (1) and (2) of § 1019.31(a), renumber subparagraph (3) as subparagraph (4), and substitute therefor the following:

(1) Within 5 days after a producer moves from one farm to another, starts or resumes delivery to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, in the case of a producer whose milk was directed to such pool plant by other than an association of producers, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries;

(2) Promptly after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, in the case of a producer whose milk was directed to such pool plant by other than an association of producers, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries;

(3) On or before the 8th day after the end of each month, with respect to other producers from whom milk was received during the month, such of the information specified in subparagraphs (1) and (2) of this paragraph as the market administrator shall request;

14. Delete § 1019.32 and substitute therefor the following:

§ 1019.32 Notices to producers.

(a) Within 7 days after the end of each sampling period for which a composite butterfat test of a producer's milk was determined, each pool handler shall give the producer written notice of such composite test.

(b) In making payments to producers prescribed in § 1019.60(a) each pool handler shall furnish each producer with a supporting statement of the information set forth in subparagraph (1) through (6) of this paragraph in such form that it may be retained by the producer: *Provided*, That in the case of producers for whom the handler makes payment to a cooperative association pursuant to § 1019.60(b), the information specified in subparagraphs (1), (2), and (5) of this paragraph shall be furnished by the handler to such cooperative association on or before the 14th day after the end of the month for which such payment is due:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of § 1019.60 (a);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

15. Delete the language of paragraph (b) of § 1019.42 preceding the table and substitute therefor the following:

(b) The zone price differentials for each plant shall be those applicable to its zone location as shown in the table at the end of this paragraph. For purposes of applying such zone price differentials, transfers of fluid milk products in bulk between pool plants shall be first assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1019.24(b) (1) to (12) and the comparable step in § 1019.24(c), for such plant: *Provided*, That where the transferee plant is not subject to a zone price differential such remaining Class II milk shall be reduced by an amount equal to five percent of Class I utilization at such plant or remaining Class II use, whichever is less, and any amount so subtracted shall be assigned to available direct receipts of producer milk at such transferee plant and then to transferor plants in sequence beginning with the plants nearest to Hartford. The assignment of remaining Class II milk to transferor plants shall be made in sequence according to the zone price differential applicable at each plant, beginning with the plant most distant from Hartford.

15a. Insert immediately preceding the period (.) at the end of § 1019.45 the words "under any Federal order".

16. In § 1019.46(a) change the reference "§ 1019.24(b)(2)" to "§ 1019.24(b)(4)".

17. In § 1019.46(b) insert immediately following the words "other source milk" the parenthetical phrase "(other than from a regulated plant)" and change the reference "§ 1019.24(b)(3)" to "§ 1010.24(b)(5)".

18. Delete paragraph (c) of § 1019.46 and substitute therefor the following:

(c) Each pool handler who receives other source milk which is allocated to Class I pursuant to § 1019.24(b) (2) or (11) and the corresponding steps of (c), which milk is not classified and priced as Class I under the originating order, shall make payments on the volume of such milk so allocated at the difference between the Class I price and the Class II price compiled pursuant to § 1019.40 for the zone location of the plant from which such other source milk was received.

19. Delete § 1019.46(d) and substitute therefor the following:

(d) Each handler (except a producer-handler under any Federal order) operating an unregulated plant who disposes of fluid milk products in the marketing area on routes from such plant shall make payment by the 19th day of the following month at the difference between the Class I price and the Class II price computed pursuant to § 1019.40 for the zone location of his plant on the amount of such disposition (except packaged certified milk or packaged certified skim milk) which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order: *Provided*, That the same receipts of priced milk shall not be used to offset Class I sales in both this market and any other Federal order market.

19a. Add a new paragraph (e) to § 1019.46 to read as follows:

(e) Each handler operating a regulated plant other than a pool plant shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of his Class I utilization (other than exempt milk) which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order.

20. Delete § 1019.47 and substitute therefor §§ 1019.47 and 1019.48 to read as follows:

§ 1019.47 Other Federal order plants.

Any plant qualifying for pooling under this and any other Federal order and which is fully regulated under such other Federal order notwithstanding its status under this order shall be exempt from the provisions of this order except as provided in §§ 1019.30(b), 1019.33, and 1019.34.

§ 1019.48 Pooling provisions for the period from the effective date of this amending order through June 1961.

During the period from the effective date of this amending order through June 1961 all of the conditions of pooling (plant and producer) applicable to the period July through November shall be considered to have been met if such conditions are met for the period from the effective date of this amending order through November 1960.

21. In § 1019.50(c) change the reference "§ 1019.24(b)(12)" to "§ 1019.24(b)(15)".

22. Delete paragraph (d) of § 1019.50 and substitute therefor the following:

(d) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat respectively, was allocated to Class II in the preceding month, by the hundredweight of skim milk and butterfat respectively, subtracted from Class I milk pursuant to § 1019.24 (b)(9) and (c) for the month which is in excess of the hundredweight of skim milk and butterfat respectively, allocated to Class II milk pursuant to § 1019.24 (b)(11) and (c) during the preceding month and classified and priced as Class I under the provisions of another Federal order.

23. Delete the words "following that" as they appear near the end of § 1019.67.

24. Delete § 1019.68 and substitute therefor the following:

§ 1019.68 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1019.46, 1019.65, 1019.69, and 1019.70 shall be increased one-half of one percent effective the 22d day of such month and on the 22d day of each month thereafter until such obligation is paid.

[F.R. Doc. 60-7612; Filed, Aug. 15, 1960; 8:45 a.m.]

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VOLUME 25 NUMBER 160

Washington, Wednesday, August 17, 1960

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AUG 22 1960
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Telephone WOrth 2-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BY PRODUCT MATERIAL

Exempt Concentrations

On October 31, 1958, the Commission issued for public comment a proposed amendment to "Licensing of Byproduct Material," 10 CFR Part 30, which would exempt byproduct material from licensing requirements when contained in products in specified low concentrations. The amendment published below retains the substantive provisions set forth in the proposed rule although changes have been made in the text and concentration values to reflect recent information from the National Committee on Radiation Protection and is consonant with the Radiation Protection Guide approved by the President on May 13, 1960.

The exemption is intended to facilitate the distribution of products subjected to control procedures involving the use of byproduct material. With the exception of the person who introduces the byproduct material into a product, a license will not be required in order to receive, use, transfer, or dispose of such products. The licensee who introduces byproduct material into a product may transfer the byproduct material only if the transfer is made in accordance with a license issued pursuant to § 30.24(h) of the amendment. This limitation, however, would not restrict the transfer to a duly licensed person of byproduct material intended for analytical or laboratory purposes or for waste disposal.

The license-exempt concentrations in § 30.73 *Schedule C*, of the following amendment are equal to the lowest value for each byproduct material given in Table I of National Bureau of Standards Handbook 69 for continuous occupational exposure (168-hour week). The values selected are those for soluble forms which in general are lower than for insoluble forms. The products in which license-exempt concentrations would be permitted are items such as oil, gasoline, plastics, and similar commercial or industrial items where inhalation or ingestion is unlikely. In addition, while the concentration values in NBS 69 are based on continuous exposure for a whole lifetime, such exposure from the products involved here is highly unlikely. It is highly improbable, therefore, that any member of the public will receive an organ dose in excess of a small fraction of 0.5 rem, the Radiation Protection Guide for members of the general population recommended by the President in his memorandum dated May 13, 1960. The proposed exempt concentrations are high enough to make quality control applications feasible from the measurement standpoint and low enough to assure safety of the public.

The values set forth in the following amendment are established as concentrations which the Commission considers may be exempted from licensing requirements to the extent provided in this amendment. However, applicants for licenses pursuant to § 30.24(h) of the amendment will be required to show that, for their particular purpose, lower concentrations than those specified in § 30.73 are not feasible. The Commission does not propose to license the distribution of products containing byproduct material under this amendment if it is likely that such products will be ingested or inhaled.

Persons licensed under this amendment to distribute products containing byproduct material would be required to file an annual report describing the products transferred and the total amount of each byproduct material in such products transferred during the year. This will keep the Commission informed of the total amount of activity transferred in such concentrations and provide a basis for a continuing evaluation of the addition of radioactivity to the environment.

The scheduled concentrations pertain to the parent activity in those cases where a radioisotope disintegrates into other radioactive isotopes or daughter products. The proposed exemption does not extend to imports of byproduct material. Requirements for the issuance of a license authorizing the transfer of products or materials containing byproduct material are separately stated in § 30.24(h) of the amendment published below.

The Commission has found that the exemption set forth in this amendment will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Section 274 of the Atomic Energy Act of 1954, as amended, establishes, among other things, procedures and criteria for the discontinuance of certain of the Commission's regulatory responsibilities with respect to byproduct, source, and special nuclear materials, and the assumption thereof by the states. Notwithstanding any agreement between the Commission and any state for the assumption of regulatory responsibilities previously exercised by the Commission, the Commission is authorized under subsection 274c. to require, by rule or order, "that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission."

Prior to executing any agreement providing for assumption of regulatory responsibilities by a state, the Commission will consider exercising the authority conferred on it by subsection 274c with respect to distribution of products covered by the following amendments.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d session, Title 10, Chapter I, Part 30, "Licensing of Byproduct Material," is amended as follows, effective thirty days after publication in the FEDERAL REGISTER:

1. Add a new § 30.9 to read as follows:

§ 30.9. Exempt concentrations.

(a) Except as provided in § 30.32(f), any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing byproduct material in concentrations not in excess of those listed in § 30.73.

(b) This section shall not be deemed to authorize the import of byproduct material or products containing byproduct material.

§ 30.24 [Amendment]

2. Add a new § 30.24(h) to read as follows:

(h) *Licensing the transfer of products containing exempt concentrations of byproduct material.* (1) An application for a specific license to transfer possession or control of products or materials containing exempt concentrations of byproduct material which the transferor has introduced into the product or material will be approved if the applicant:

(i) Satisfies the general requirements specified in § 30.23;

(ii) Submits a description of the product or material into which the byproduct material will be introduced, intended use of the byproduct material and the product into which it is introduced, method of introduction, initial concentration of the byproduct material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioisotope in the product or material at the time of transfer by the licensee; and

(iii) Provides reasonable assurance that the concentrations of the byproduct material at the time of transfer will not exceed the concentrations in § 30.73, that reconcentration of the byproduct material in concentrations exceeding those in § 30.73 is not likely, that the product or material is not likely to be inhaled or ingested, and that use of lower concentrations is not feasible.

(2) Each person licensed under this paragraph shall file an annual report with the Director, Division of Licensing

and Regulation, describing the kinds and quantities of products transferred, the concentration of byproduct material contained and the quantity of byproduct material transferred during the reporting period. Each report shall be filed as of June 30 and shall be filed within 30 days thereafter.

§ 30.32 [Amendment]

3. Add a new § 30.32(f) to read as follows:

(f) Notwithstanding the provisions of §§ 30.9 and 30.32(c) of this part, no person licensed by the Commission pursuant to the regulations in this part shall transfer possession or control of any product or material containing concentrations of byproduct material not exceeding those specified in § 30.73 which he has introduced into the product or material unless the transferor has received a license from the Commission pursuant to § 30.24(h) authorizing such transfer. The provisions of this paragraph (f) shall not apply to transfers to duly licensed persons of products or materials containing byproduct material for analytical, laboratory, or waste disposal purposes. This paragraph shall not be deemed to modify any authority granted to any person in a specific license issued by the Commission prior to the effective date of this paragraph.

4. Add a new § 30.73 to read as follows:

§ 30.73 Schedule C.

Element (atomic number)	Isotope	Column I Gas concentration uc/ml [1]	Column II Liquid and solid concentration uc/ml [2]
Antimony (51)	Sb 122	----------	3×10^{-4}
	Sb 124	----------	2×10^{-4}
	Sb 125	----------	1×10^{-3}
Argon (18)	A 37	1×10^{-3}	----------
	A 41	4×10^{-7}	----------
Arsenic (33)	As 73	----------	5×10^{-3}
	As 74	----------	5×10^{-4}
	As 76	----------	2×10^{-4}
	As 77	----------	8×10^{-4}
Barium (56)	Ba 131	----------	2×10^{-3}
	Ba 140	----------	3×10^{-4}
Beryllium (4)	Be 7	----------	2×10^{-3}
Bismuth (83)	Bi 206	----------	4×10^{-4}
Bromine (35)	Br 82	4×10^{-7}	3×10^{-4}
Cadmium (48)	Cd 109	----------	2×10^{-3}
	Cd 115m	----------	3×10^{-4}
	Cd 115	----------	3×10^{-4}
Calcium (20)	Ca 45	----------	9×10^{-4}
	Ca 47	----------	8×10^{-4}
Carbon (6)	C 14	1×10^{-4}	3×10^{-3}
Cerium (58)	Ce 141	----------	9×10^{-4}
	Ce 143	----------	4×10^{-4}
	Ce 144	----------	1×10^{-4}
Cesium (55)	Cs 131	----------	2×10^{-3}
	Cs 134m	----------	6×10^{-3}
	Cs 134	----------	9×10^{-4}
Chlorine (17)	Cl 38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr 51	----------	2×10^{-3}
Cobalt (27)	Co 57	----------	5×10^{-4}
	Co 58	----------	1×10^{-3}
	Co 60	----------	3×10^{-4}
Copper (29)	Cu 64	----------	3×10^{-3}
Dysprosium (66)	Dy 165	----------	4×10^{-3}
	Dy 166	----------	4×10^{-4}
Erbium (68)	Er 169	----------	9×10^{-4}
	Er 171	----------	1×10^{-3}
Europium (63)	Eu 152 (T/2=9.2 Hrs)	----------	6×10^{-4}
	Eu 155	----------	2×10^{-3}
Fluorine (9)	F 18	2×10^{-4}	8×10^{-4}
Gadolinium (64)	Gd 153	----------	2×10^{-3}
	Gd 159	----------	8×10^{-4}
Gallium (31)	Ga 72	----------	4×10^{-4}
Germanium (32)	Ge 71	----------	2×10^{-3}
Gold (79)	Au 196	----------	2×10^{-3}
	Au 198	----------	5×10^{-4}
	Au 199	----------	2×10^{-3}
Hafnium (72)	Hf 181	----------	7×10^{-4}
Hydrogen (1)	H 3	5×10^{-6}	3×10^{-2}
Indium (49)	In 113m	----------	1×10^{-3}
	In 114m	----------	2×10^{-4}
Iodine (53)	I 126	3×10^{-9}	2×10^{-3}
	I 131	3×10^{-9}	2×10^{-3}
	I 132	8×10^{-8}	6×10^{-4}
	I 133	1×10^{-8}	7×10^{-3}
	I 134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir 190	----------	2×10^{-3}
	Ir 192	----------	4×10^{-4}
	Ir 194	----------	3×10^{-4}
Iron (26)	Fe 55	----------	8×10^{-3}
	Fe 59	----------	6×10^{-4}
Krypton (36)	Kr 85m	1×10^{-6}	----------
	Kr 85	3×10^{-6}	----------
Lanthanum (57)	La 140	----------	2×10^{-4}
Lead (82)	Pb 203	----------	4×10^{-3}
Lutetium (71)	Lu 177	----------	1×10^{-3}
Manganese (25)	Mn 52	----------	3×10^{-4}
	Mn 54	----------	1×10^{-3}
	Mn 56	----------	1×10^{-3}
Mercury (80)	Hg 197m	----------	2×10^{-3}
	Hg 197	----------	3×10^{-3}
	Hg 203	----------	2×10^{-4}
Molybdenum (42)	Mo 99	----------	2×10^{-3}
Neodymium (60)	Nd 147	----------	6×10^{-4}
	Nd 149	----------	3×10^{-3}
Nickel (28)	Ni 65	----------	1×10^{-3}
Niobium (Columbium) (41)	Nb 95	----------	1×10^{-3}
	Nb 97	----------	9×10^{-4}
Osmium (76)	Os 185	----------	7×10^{-4}
	Os 191m	----------	3×10^{-3}
	Os 191	----------	2×10^{-3}
	Os 193	----------	6×10^{-4}
Palladium (46)	Pd 103	----------	3×10^{-3}
	Pd 109	----------	9×10^{-4}
Phosphorus (15)	P 32	----------	2×10^{-4}
Platinum (78)	Pt 191	----------	1×10^{-3}
	Pt 193m	----------	1×10^{-3}
	Pt 197m	----------	1×10^{-3}
	Pt 197	----------	1×10^{-3}
Potassium (19)	K 42	----------	3×10^{-3}
Praseodymium (59)	Pr 142	----------	3×10^{-4}
	Pr 143	----------	5×10^{-4}
Promethium (61)	Pm 147	----------	2×10^{-3}
	Pm 149	----------	4×10^{-4}
Rhenium (75)	Re 183	----------	6×10^{-4}
	Re 186	----------	9×10^{-4}
	Re 188	----------	6×10^{-4}
Rhodium (45)	Rh 103m	----------	1×10^{-1}
	Rh 105	----------	1×10^{-3}
Rubidium (37)	Rb 86	----------	7×10^{-4}
Ruthenium (44)	Ru 97	----------	4×10^{-3}
	Ru 103	----------	8×10^{-4}
	Ru 105	----------	1×10^{-3}
	Ru 106	----------	1×10^{-4}
Samarium (62)	Sm 153	----------	8×10^{-4}
Scandium (21)	Sc 46	----------	4×10^{-4}
	Sc 47	----------	9×10^{-4}
	Sc 48	----------	3×10^{-4}
Selenium (34)	Se 75	----------	3×10^{-3}
Silicon (14)	Si 31	----------	9×10^{-3}
Silver (47)	Ag 105	----------	1×10^{-3}
	Ag 110m	----------	3×10^{-4}
	Ag 111	----------	4×10^{-4}
Sodium (11)	Na 24	----------	2×10^{-3}
Strontium (38)	Sr 89	----------	1×10^{-3}
	Sr 91	----------	7×10^{-4}
	Sr 92	----------	7×10^{-4}
Sulfur (16)	S 35	9×10^{-4}	6×10^{-3}
Tantalum (73)	Ta 182	----------	4×10^{-4}
Technetium (43)	Tc 96m	----------	1×10^{-1}
	Tc 96	----------	1×10^{-3}
Tellurium (52)	Te 125m	----------	2×10^{-3}
	Te 127m	----------	6×10^{-4}
	Te 127	----------	3×10^{-3}
	Te 129m	----------	3×10^{-4}
	Te 131m	----------	6×10^{-4}
	Te 132	----------	3×10^{-4}
Terbium (65)	Tb 160	----------	4×10^{-4}
Thallium (81)	Tl 200	----------	4×10^{-3}
	Tl 201	----------	3×10^{-3}
	Tl 202	----------	1×10^{-3}
	Tl 204	----------	1×10^{-3}
Thulium (69)	Tm 170	----------	5×10^{-4}
	Tm 171	----------	5×10^{-3}
Tin (50)	Sn 113	----------	9×10^{-4}
	Sn 125	----------	2×10^{-3}
Tungsten (Wolfram) (74)	W 181	----------	4×10^{-3}
	W 187	----------	7×10^{-4}
Vanadium (23)	V 48	----------	3×10^{-4}
Xenon (54)	Xe 131m	4×10^{-6}	----------
	Xe 133	3×10^{-6}	----------
	Xe 135	1×10^{-6}	----------
Ytterbium (70)	Yb 175	----------	1×10^{-3}
Yttrium (39)	Y 90	----------	2×10^{-4}
	Y 91m	----------	3×10^{-3}
	Y 91	----------	3×10^{-3}
	Y 92	----------	6×10^{-4}
	Y 93	----------	3×10^{-4}
Zinc (30)	Zn 65	----------	1×10^{-3}
	Zn 69m	----------	7×10^{-4}
	Zn 69	----------	2×10^{-3}
Zirconium (40)	Zr 95	----------	6×10^{-4}
	Zr 97	----------	2×10^{-4}
Beta and/or gamma emitting byproduct material not listed above with half-life less than 3 years.		1×10^{-10}	1×10^{-4}

See footnotes at end of table.

NOTE 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Schedule C, the activity stated is that of the parent isotope and takes into account the daughters.

NOTE 2: For purposes of § 30.9 where there is involved a combination of isotopes, the limit for the combination should be derived as follows:

Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule C for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

Example:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} \leq 1$$

[1] Values are given only for those materials normally used as gases.

[2] uc/gm for solids.

Dated at Germantown, Md., this 8th day of August 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60-7613; Filed, Aug. 16, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7106 o.]

PART 13—PROHIBITED TRADE PRACTICES

Arnold Constable Corp.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Arnold Constable Corporation, New York, N.Y., Docket 7106, June 24, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City department store with violating the Fur Products Labeling Act by failing to comply with labeling, invoicing, and advertising requirements.

The false advertising charges having previously been dismissed, the Commission on June 24 issued its own findings and order to cease and desist setting aside the initial decision and holding the misbranding charges unproven.

The order to cease and desist, together with order requiring compliance therewith, is as follows:

It is ordered, That Arnold Constable Corporation, a corporation, doing business as Arnold Constable, or trading under any other name or names, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped or received in commerce, as "commerce", "fur", and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on the invoices required information in abbreviated form.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 24, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-7654; Filed, Aug. 16, 1960; 8:45 a.m.]

[Docket 7562 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kadiak Fisheries Co. Et Al.

Subpart—Discriminating in price under sec. 2, Clayton Act—PAYMENT OR ACCEPTANCE OF COMMISSION, BROKERAGE OR OTHER COMPENSATION UNDER 2(c): § 13.817 *Decreased brokerage.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Kadiak Fisheries Company et al., Seattle, Wash., Docket 7562, July 13, 1960]

In the Matter of Kadiak Fisheries Company, a Corporation, and Chignik Fisheries Company, a Corporation, and Leo T. Krielsheimer, Individually and as an Officer of Said Corporations

The complaint in this case charged Seattle packers of canned salmon and other sea food products with violating section 2(c) of the Clayton Act by such practices as giving reductions in price to certain buyers or their agents which were offset in whole or in part by reduction of either the primary or field broker's commission earned on such sales.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Kadiak Fisheries Company, a corporation, and its officers, Chignik Fisheries Company, a corporation and its officers, and Leo T. Krielsheimer, named in the complaint as Leo T. Krielsheimer, individually and as an officer of said respondent corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of seafood products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of seafood products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Kadiak Fisheries Company, a corporation, and Chignik Fisheries Company, a corporation, and Leo T. Krielsheimer, named in the complaint as Leo T. Krielsheimer, individually and as an officer of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-7655; Filed, Aug. 16, 1960; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations

CORRECTION

In F.R. Doc. 60-7260, on page 7307 of the issue for Thursday, August 4, 1960, the following correction has been made:

In § 51.37(a) line 22, delete "$18.00" and substitute in lieu thereof "$8.00".

Dated: August 12, 1960.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 60-7683; Filed, Aug. 16, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Capsules Tetracycline Phosphate Complex-Amphotericin B

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended as follows:

1. Part 141c is amended by adding the following new section:

§ 141c.260 Capsules tetracycline phosphate complex-amphotericin B.

(a) *Potency*—(1) *Tetracycline phosphate complex content.* Proceed as directed in § 141c.204(a) for tetracycline phosphate complex capsules. Its potency is satisfactory if it contains the equivalent of not less than 85 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

(2) *Amphotericin B content.* Prepare the sample for assay by placing a representative number of capsules in a blending jar with sufficient dimethyl sulfoxide to give a stock solution of convenient concentration. Blend for 2 minutes in a high-speed blender, then dilute an aliquot with sufficient dimethyl sulfoxide to give a concentration of 20 micrograms per milliliter (estimated). Further dilute this solution with 0.2*M* phosphate buffer, pH 10.5, to give a concentration of 1.0 microgram per milliliter. Proceed as directed in § 141c.257(c). Its content of amphotericin B is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) or § 141a.26(e) of this chapter.

§ 146c.257 [Amendment]

2. In § 146c.257 *Tetracycline-amphotericin B for oral syrup x x x,* paragraph (a) is amended by changing the words "10 percent" in the seventh sentence to read "15 percent".

3. Part 146c is amended by adding the following new section:

§ 146c.260 Capsules tetracycline phosphate complex-amphotericin B.

Tetracycline phosphate complex-amphotericin B capsules are capsules that conform to all the requirements and procedures prescribed by § 146c.204 for tetracycline phosphate complex capsules, except that:

(a) Each capsule contains not less than 25 milligrams of amphotericin B. The amphotericin B used conforms to the requirements prescribed for amphotericin B by § 146c.257(a).

(b) Its moisture content is not more than 6.3 percent.

(c) In addition to the labeling prescribed for tetracycline phosphate complex capsules, each package shall bear on its label or labeling the number of milligrams of amphotericin B in each capsule of the batch. The expiration date of the drug shall be 12 months, except that the date that is 18 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time.

(d) In addition to complying with the requirements of § 146c.204(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and date of the latest tests and assays of the amphotericin B used in making the batch for potency, toxicity, pH, moisture, identity, and amphotericin A content. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the amphotericin B used in making the batch.

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (d) of this section shall be:

(1) $1.00 for each capsule.

(2) $4.00 for each immediate container of the amphotericin B used in making the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of this new antibiotic drug.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 10, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7674; Filed, Aug. 16, 1960; 8:48 a.m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed Containing Antibiotic Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500; 25 F.R. 5611), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 C.F.R. 146.26) are amended as follows:

In § 146.26 *Animal feed containing penicillin* • • •, paragraph (b)(7) is amended by designating the present text of subparagraph (7) as (7)(i) and adding the following new subdivisions thereto:

(7) • • •

(ii) It is also intended for use in the prevention and control of coccidiosis in chickens caused by E. tenella and E. necatrix; its labeling bears adequate directions and warnings for such use (including the directions and warnings required by subdivision (i) of this subparagraph), and it contains, per ton of feed, 200 grams of chlortetracycline and 0.8 percent of dietary calcium.

(iii) It is also intended for use in the treatment of coccidiosis in chickens caused by E. tenella and E. necatrix; its labeling bears adequate directions and warnings for such use (including the directions and warnings required by subdivision (i) of this subparagraph); and it contains, per ton of feed, 200 grams of chlortetracycline and 0.4 percent to 0.55 percent of dietary calcium.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it relaxes existing requirements and since it would be contrary to public interest to delay providing for the amendment incorporated in this order.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502(*l*) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1050, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: August 10, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7673; Filed, Aug. 16, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2178]

[51263]

LOUISIANA

Transferring Jurisdiction of the Oil and Gas Deposits in Certain Lands Owned by the United States; Amending Public Land Order Nos. 701, 884, and 1807

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising a portion of the Barksdale Air Force Base East Reservation, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Air Force to the Department of the Interior:

LOUISIANA MERIDIAN

T. 17 N., R. 12 W.
Secs. 1, 2, 3, 4 and 9;
Sec. 10, N½ and SW¼.
T. 18 N., R. 12 W.
Sec. 22, S½ (that part lying south of the south right-of-way line of the Illinois Central Railway Company);
Sec. 25, S½;
Sec. 26, S½;
Sec. 27;
Sec. 28, E½;
Sec. 33, E½;
Secs. 34, 35 and 36.

The areas described aggregate approximately 7,840 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force over the lands for Air Force purposes.

4. Prior to advertisement for bids the Department of the Air Force shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

5. Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Air Force shall be obtained to assure that there is no interference with the primary use of Barksdale Air Force Base.

6. Public Land Orders No. 701 of February 21, 1951, No. 884 of February 5, 1953, and No. 1807 of February 27, 1959, are hereby amended to delete paragraphs No. 4 of each order, prohibiting surface use of the following-described lands:

PUBLIC LAND ORDER NO. 701

T. 17 N., R. 11 W.,
Sec. 6, W½W½;
Sec. 7, W½NW¼.
T. 18 N., R. 11 W.,
Sec. 31, W½.
T. 17 N., R. 12 W.,
Sec. 10, NE¼SE¼, NE¼SE¼SE¼, W½SE¼SE¼ and W½SE¼;
Sec. 11, N½ and NW¼SW¼;
Sec. 12, N½.

PUBLIC LAND ORDER NO. 884

T. 18 N., R. 12 W.,
Sec. 30, SW¼NW¼ and W½SW¼.
T. 18 N., R. 12 W.
Sec. 25, S½N½;
Sec. 26, S½NE¼.

PUBLIC LAND ORDER NO. 1807

T. 18 N., R. 12 W.,
Sec. 26, NW ¼.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 10, 1960.

[F.R. Doc. 60-7658; Filed, Aug. 16, 1960; 8:45 a.m.]

Title 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Section 13 of the Whaling Convention Act of 1950 (64 Stat. 425; 16 U.S.C. 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in October 1959, and January 1960. The whaling regulations, as last amended on October 5, 1959, and January 3, 1960, have been edited to conform in numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 23 F.R. 3063, May 8, 1958, and as amended in 24 F.R. 5645, July 14, 1959, are amended and republished to read as hereinafter set forth.

Sec.
351.1 Inspection.
351.2 Killing of gray or right whales prohibited.
351.3 Killing of calves or suckling whales prohibited.
351.4 Operation of factory ships limited.
351.5 Closed area for factory ships in Antarctic.
351.6 Limitations on the taking of humpback whales.
351.7 Closed seasons for pelagic whaling for balcen and sperm whales.
351.8 Catch quota for baleen whales.
351.9 Minimum size limits.
351.10 Closed seasons for land stations.
351.11 Use of factory ships in waters other than south of 40° South Latitude.
351.12 Limitations on processing of whales.
351.13 Prompt processing required.
351.14 Remuneration of employees.
351.15 Submission of laws and regulations.
351.16 Submission of statistical data.
351.17 Factory ship operations within territorial waters.
351.18 Definitions.

AUTHORITY: §§ 351.1 to 351.18 issued under article V, 62 Stat. 1718. Interpret or apply secs. 2-14, 64 Stat. 421-425; 16 U.S.C., 916 et seq.

§ 351.1 Inspection.

(a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship: *Provided*, That inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or for the feeding of animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 Killing of gray or right whales prohibited.

It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 Killing of calves or suckling whales prohibited.

It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 Operation of factory ships limited.

(a) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24 February 1965.[1]

(a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 Closed area for factory ships in Antarctic.

It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8 November 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from 8 November 1958, and again as a result of the eleventh meeting in London was rendered inoperative for a period of three years from 8 November 1959.

§ 351.6 Limitations on the taking of humpback whales.

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8 November 1964.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on 8 November 1964.

(3) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to

[1] This paragraph was objected to within the prescribed period ending October 4, 1959 by the Government of Iceland. The objection was not withdrawn and the paragraph came into force on January 3, 1960 but is not binding on Iceland.

kill humpback whales in any waters south of 40° South Latitude except for four days commencing on 20th January in any year.

§ 351.7 Closed seasons for pelagic whaling for baleen and sperm whales.

(a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from December 28, to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 1st February in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d), and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided*, That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted; *Provided*, That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto:

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 Catch quota for baleen whales.

(a) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue whale units in any one season.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500, notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7, of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40°-South Latitude.[2]

§ 351.9 Minimum size limits.

(a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

[2] Section 351.8, paragraph (e), in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on September 12, 1952. Original paragraph (f) consequently becomes paragraph (e).

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76 feet 6 inches precisely shall be logged at 77 feet.

§ 351.10 Closed seasons for land stations.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.[3]

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 Use of factory ships in waters other than south of 40° South Latitude.

It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 Limitations of processing of whales.

(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of § 351.2, 351.4, 351.5, 351.6, 351.7, 351.8, or 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcases of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 Prompt processing required.

(a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as it is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 Remuneration of employees.

Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 Submission of laws and regulations.

Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 Submission of statistical data.

Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) cencerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in paragraphs (a) and (c) of this section shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information, there shall be specified:

(1) The name and gross tonnage of each factory ship;

(2) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horsepower of whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 Factory ship operations within territorial waters.[4]

(a) A factory ship which operates solely within territorial waters in one of

[3] Section 351.10, paragraph (c), came into force as from February 21, 1952 in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not, therefore, binding on the Commonwealth of Australia.

[4] Section 351.17 (a), (b), and (c) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11 January 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which read as follows:

§ 351.17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa; (b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

Section 351.17(c)(4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on October 5, 1959 as regards all Contracting Governments.

the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

§ 351.18 Definitions.

(a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale-bone in the mouth, i.e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 12, 1960.

[F.R. Doc. 60-7666; Filed, Aug. 16, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 48]

RETAILERS EXCISE TAX ON DIESEL FUEL AND SPECIAL MOTOR FUEL

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) set forth below are hereby prescribed under subchapter E of chapter 31 of the Internal Revenue Code of 1954, as amended, and in effect on and after January 1, 1959, relating to the retailers excise tax on the sale or use of diesel fuel and special motor fuel.

Subpart F—Special Fuels

Sec.

48.4041 Statutory provisions; imposition of tax.
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48.4041-8 Exemption for farm use.
48.4041-9 Exemption for use as supplies for vessels or aircraft.
48.4041-10 Other exemptions.
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RETAILERS EXCISE TAX

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§ 48.4041 Statutory provisions; imposition of tax.

SEC. 4041. *Imposition of tax*—(a) *Diesel fuel.* There is hereby imposed a tax of 3 cents a gallon upon any liquid (other than any product taxable under section 4081)—

(1) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle; or

(2) Used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under paragraph (1).

In the case of a liquid taxable under this subsection sold for use or used as a fuel in a diesel-powered highway vehicle (A) which (at the time of such sale or use) is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a diesel-powered highway vehicle owned by the United States, is not used on the highway, the tax imposed by paragraph (1) or by paragraph (2) shall be 2 cents a gallon. If a liquid on which tax was imposed by paragraph (1) at the rate of 2 cents a gallon by reason of the preceding sentence is used as a fuel in a diesel-powered highway vehicle (A) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a diesel-powered highway vehicle owned by the United States, is used on the highway, a tax of 1 cent a gallon shall be imposed under paragraph (2).

(b) *Special motor fuels.* There is hereby imposed a tax of 3 cents a gallon upon benzol, benzene, naphtha, liquefied petroleum gas, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or subsection (a) of this section)—

(1) Sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion of such motor vehicle, motorboat, or airplane; or

(2) Used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane unless there was a taxable sale of such liquid under paragraph (1).

In the case of a liquid taxable under this subsection sold for use or used otherwise than as a fuel for the propulsion of a highway vehicle (A) which (at the time of such sale or use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a highway vehicle owned by the United States, is used on the highway, the tax imposed by paragraph (1) or by paragraph (2) shall be 2 cents a gallon. If a liquid on which tax was imposed by paragraph (1) at the rate of 2 cents a gallon by reason of the preceding sentence is used as a fuel for the propulsion of a highway vehicle (A) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a highway vehicle owned by the United States, is used on the highway, a tax of 1 cent a gallon shall be imposed under paragraph (2).

(c) *Rate reduction.* On and after July 1, 1972—

(1) The taxes imposed by this section shall be 1½ cents a gallon; and

(2) The second and third sentences of subsections (a) and (b) shall not apply.

(d) *Exemption for farm use*—(1) *Exemption.* Under regulations prescribed by the Secretary or his delegate—

(A) No tax shall be imposed under subsection (a)(1) or (b)(1) on the sale of any liquid sold for use on a farm for farming purposes, and

(B) No tax shall be imposed under subsection (a)(2) or (b)(2) on the use of any liquid used on a farm for farming purposes.

(2) *Use on a farm for farming purposes.* For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

(e) *Exemption for use as supplies for vessels.* Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under subsection (b) in the case of any fuel sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221(d)(3)).

(f) *Temporary increases in tax.* On and after October 1, 1959, and before July 1, 1961—

(1) If (without regard to this subsection) the tax imposed by subsection (a) or (b) is 3 cents a gallon, the tax imposed by such subsection shall be 4 cents a gallon, and

(2) If (without regard to this subsection) the tax imposed under paragraph (2) of subsection (a) or (b) is 1 cent a gallon, the tax imposed under such paragraph shall be 2 cents a gallon.

[Sec. 4041 as amended and in effect Jan. 1, 1959, and as amended by sec. 201(b), Federal-Aid Highway Act 1959 (73 Stat. 613)]

§ 48.4041-1 Tax on diesel fuel and special motor fuel.

Section 4041, in general, imposes an excise tax at the retail level on the sale of diesel fuel for use as a fuel in a diesel-powered highway vehicle and on the sale of special motor fuel for use as a fuel for the propulsion of a motor vehicle, motorboat, or airplane. A tax is also imposed when such liquids are purchased tax free and subsequently used for one of the above-mentioned purposes, or when such liquids are purchased at one rate of tax and a higher rate of tax applies as a result of the type of use made of the liquids.

§ 48.4041-2 Application of tax on sale of diesel fuel.

(a) *In general.* The tax imposed by paragraph (1) of section 4041(a) applies to the sale of diesel fuel by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such vehicle. The tax applies on diesel fuel sold for use in a diesel-powered highway vehicle, whether the vehicle actually is employed in highway or off-highway use.

(b) *Liability for tax.* The tax on the sale of diesel fuel is payable by the person who sells such fuel to the owner, lessee, or other operator of a diesel-powered highway vehicle.

(c) *Rate of tax.* Tax is imposed on the sale of diesel fuel at the rate applicable on the date on which the diesel fuel is sold.

(1) *Registered highway vehicles.* Following are the rates applicable to the sale on or after January 1, 1959, of diesel fuel for use as a fuel in a diesel-powered highway vehicle which at the time of the sale is registered or required to be registered for highway use or in a diesel-powered highway vehicles owned by the United States which is used on the highway:

Diesel fuel sold	Cents per gallon
(i) January 1, 1959 to September 30, 1959, inclusive	3
(ii) October 1, 1959 to June 30, 1961, inclusive	4
(iii) July 1, 1961 to June 30, 1972, inclusive	3
(iv) On and after July 1, 1972	1½

(2) *Nonregistered highway vehicles.* Following are the rates applicable to the sale on and after January 1, 1959, of diesel fuel for use in a diesel-powered highway vehicle which at the time of the sale is not registered and is not required to be registered for highway use (including a diesel-powered highway vehicle owned by the United States which is not used on the highway):

Diesel fuel sold	Cents per gallon
(i) January 1, 1959 to June 30, 1972, inclusive	2
(ii) On and after July 1, 1972	1½

(3) *Tax rate to be applied.* The test of taxability at a rate specified in subparagraph (1) of this paragraph (other than in the case of United States-owned vehicles) is whether the vehicle in which the fuel is to be used is registered, or required to be registered, for highway use under the laws of any State or foreign country at the time of sale. Tax at a rate specified in subparagraph (1) of this paragraph applies to all fuel sold for use in a diesel-powered highway vehicle which is registered, or required to be registered, for highway use under the laws of any State or foreign country even though the vehicle is seldom or never used on the highway and regardless of the proportion of the fuel used off the highway as compared to total fuel consumption.

(d) *Example.* Application of the tax to the sale of diesel fuel may be illustrated by the following example: The M Corporation is engaged in the construction of a power dam at a site removed from all public highways. Part of its construction equipment consists of diesel-powered shovels, bulldozers, and highway type dump trucks. Some of the trucks are registered for highway use and are used both on and off the public roads. Others are not registered and under the applicable State law are not required to be registered for highway use inasmuch as they are used entirely on the construction site. The diesel fuel sold for use in the registered dump trucks is all subject to tax at the rate specified in paragraph (c)(1) of this section, even though a portion of it is used off the public highway. The fuel sold for use in the nonregistered trucks, which are operated entirely off the highway, is taxable at the rate specified in paragraph (c)(2) of this section. No tax is payable with respect to the diesel fuel sold for use in the power shovels and bulldozers, since they are not vehicles which may be operated in general use over a public highway.

(e) *Cross references.* (1) See § 48.4041–5 for the tax applicable in certain cases based on the use of diesel fuel as a fuel in a diesel-powered highway vehicle.

(2) See paragraphs (a), (b), (e), and (h) of § 48.4041–7 for definition of the terms "highway", "highway vehicle", "diesel fuel", and "registered".

(3) For exemption from tax with respect to diesel fuel sold for use on a farm for farming purposes, see § 48.4041–8.

§ 48.4041–3 Application of tax on sale of special motor fuel.

(a) *In general.* The tax imposed by paragraph (1) of section 4041(b) applies to the sale of special motor fuel by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane, for use as a fuel for the propulsion of such motor vehicle, motorboat, or airplane.

(b) *Liability for tax.* The tax on the sale of special motor fuel is payable by the person who sells such fuel to the owner, lessee, or other operator of a motor vehicle, motorboat, or airplane.

(c) *Rate of tax.* Tax is imposed on the sale of special motor fuel at the rate applicable on the date on which the special motor fuel is sold.

(1) *Registered highway vehicles.* Following are the rates applicable to the sale on or after January 1, 1959, of special motor fuel for use as a fuel for the propulsion of a motor vehicle which at the time of the sale is registered or required to be registered for highway use or in a motor vehicle owned by the United States which is used on the highway:

Special motor fuel sold	Cents per gallon
(i) January 1, 1959 to September 30, 1959, inclusive	3
(ii) October 1, 1959 to June 30, 1961, inclusive	4
(iii) July 1, 1961 to June 30, 1972, inclusive	3
(iv) On and after July 1, 1972	1½

(2) *Motorboats, airplanes, and nonregistered motor vehicles.* Following are the rates applicable to the sale on and after January 1, 1959, of special motor fuel for use as a fuel for the propulsion of a motorboat or airplane, or of a motor vehicle which at the time of the sale is not registered and is not required to be registered for highway use (including a motor vehicle owned by the United States which is not used on the highway):

Special motor fuel sold	Cents per gallon
(i) January 1, 1959 to June 30, 1972, inclusive	2
(ii) On and after July 1, 1972	1½

(3) *Tax rate to be applied.* In the case of the sale of special motor fuel for use as a fuel for the propulsion of a motor vehicle the test of taxability at a rate specified in subparagraph (1) of this paragraph (other than in the case of United States-owned vehicles) is whether the vehicle in which the fuel is to be used is registered, or required to be registered, for highway use under the laws of any State or foreign country at the time of sale. Tax at a rate specified in subparagraph (1) of this paragraph applies to special motor fuel sold for use in a motor vehicle which is registered, or required to be registered, for highway use under the laws of any State or foreign country even though the vehicle is seldom or never used on the highway and regardless of the proportion of the fuel used off the highway as compared to total fuel consumption. Tax at a rate specified in subparagraph (2) of this paragraph applies in any case of the sale of special motor fuel for use in the propulsion of a motorboat or airplane or a motor vehicle which is not registered and is not required to be registered for highway use under the laws of any State or foreign country.

(d) *Example.* Application of the tax to the sale of special motor fuels may be illustrated by the following example: The N Company is engaged in the manufacture of ceramic products. It has a vehicle which is used to haul clay from the clay pit to its factory. This vehicle has not been registered for highway use and under the applicable State law is not required to be registered for highway use inasmuch as none of the hauling of clay is done on public highways. The N Company also uses a ditch digging machine in the vicinity of the clay pit for the construction of drains. A fork lift truck is used to move cartons of merchandise from place to place inside the company's warehouse and to assist in the loading of merchandise onto the company's highway trucks for delivery to purchasers. The highway trucks are registered by the State for use on highways. Special motor fuel is used for the operation of all of these items of equipment. The special motor fuel sold for use as a fuel for the propulsion of the registered highway trucks is subject to tax at the rate specified in paragraph (c)(1) of this section. The special motor fuel sold for use as a fuel for the propulsion of the truck used to haul clay from the pit to the factory and for the propulsion of the fork lift truck is subject to tax at the rate specified in paragraph (c)(2) of this section. No tax is payable with respect to the special motor fuel sold for use as a fuel in the ditch digging machine since that machine is not a motor vehicle.

(e) *Cross references.* (1) See § 48.4041–5 for the tax applicable in certain cases based on the use of special motor fuel as a fuel for the propulsion of a motor vehicle.

(2) See paragraphs (a), (c), (f), and (h) of § 48.4041–7 for definition of the terms "highway", "motor vehicle", "special motor fuel", and "registered".

(3) For exemption from tax with respect to special motor fuel sold for use on a farm for farming purposes or as supplies for vessels or aircraft, see §§ 48.4041–8 and 48.401–9, respectively.

§ 48.4041–4 Sales of diesel and special motor fuel; rules of general application.

(a) *Taxability of liquid delivered into purchasers' tanks.* The sale of diesel fuel to an owner, lessee, or other operator of a diesel-powered highway vehicle, or of special motor fuel to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane shall be considered a taxable sale of such liquid (1) if the liquid is delivered by the seller into the fuel supply tank of the vehicle, motorboat, or airplane, or (2) where not so delivered, the purchaser indicates in writing to the seller prior to or at the time of the sale that the entire quantity of the liquid covered by the sale is for use by him for a taxable purpose as a fuel in such a vehicle, motorboat, or airplane. If such a written statement is not furnished by the purchaser, he shall be liable for the tax at the applicable rate on that quantity of the liquid which is used by him as fuel in such a vehicle, motorboat, or airplane (see § 48.4041–5), or which is sold by him in a taxable transaction.

(b) *Sales for resale and to consignees.* (1) A sale to a dealer for resale is not subject to tax even though it is known at the time of the sale that the liquid will be resold by such dealer for use as a fuel in a diesel-powered highway vehicle, or in a motor vehicle, motorboat, or airplane.

(2) The tax is payable by the person who makes the taxable sale. Where a taxable liquid is consigned to a person for sale and the consignor retains ownership in such liquid until it is disposed of by the consignee, the consignor is the person liable for the tax when a taxable sale of the liquid is made by the consignee. In the event the consignor does not retain ownership in the taxable liquid, the consignee is the person liable for the tax upon the taxable sale of such liquid. See paragraph (d) of § 48.4041–7 for definition of the term "taxable liquid".

§ 48.4041–5 Application of tax on use of taxable liquid.

(a) *In general—(1) Diesel fuel.* If a person acquires any diesel fuel by any means other than through a transaction subject to tax under section 4041(a)(1) and uses it for any of the uses described in paragraph (c) (1) or (2) of § 48.4041–2, he shall be liable for a tax under section 4041(a)(2) on the quantity of diesel fuel so used at the appropriate rate set forth in paragraph (b) of this section. If a person acquires any diesel fuel through a transaction which is subject to tax at the rate set forth in paragraph (c)(2) of § 48.4041–2 and uses it for a use described in paragraph (c)(1) of § 48.4041–2, he shall be liable for an additional tax under section 4041(a)(2) on the quantity of diesel fuel so used. See paragraph (b)(1) of this section for the applicable rate of tax.

(2) *Special motor fuel.* If a person acquires any special motor fuel by any means other than through a transaction subject to tax under section 4041(b)(1) and uses it for any of the uses described in paragraph (c) (1) or (2) of § 48.4041–3, he shall be liable for a tax under section 4041(b)(2) on the quantity of special motor fuel so used at the appropriate rate set forth in paragraph (b) of this section. If a person acquires any special motor fuel through a transaction which is subject to a tax at the rate set forth in paragraph (c)(2) of § 48.4041–3 and uses it for a use described in paragraph (c)(1) of § 48.4041–3, he shall be liable for an additional tax under section 4041(b)(2) on the quantity of special motor fuel so used. See paragraph (b)(1) of this section for the applicable rate of tax.

(b) *Rate of tax.* Tax is imposed on the use of taxable liquid at the rate applicable on the date on which the taxable liquid is used.

(1) *Registered highway vehicles.* Following are the rates applicable to the use on and after January 1, 1959, of taxable liquid as a fuel in a diesel-powered highway vehicle, or for the propulsion of a motor vehicle (i) which at the time of such use is registered or required to be registered for highway use, or (ii) in the case of such a vehicle owned by the United States which is used on the highway:

Taxable liquid used	Cents per gallon
(a) January 1, 1959 to September 30, 1959, inclusive, and no tax was imposed with respect to the sale of such liquid	3
(b) January 1, 1959 to September 30, 1959, inclusive, and tax at the rate of 2 cents per gallon was imposed with respect to the sale of such liquid	1
(c) October 1, 1959, to June 30, 1961, inclusive, and no tax was imposed with respect to the sale of such liquid	4
(d) October 1, 1959 to June 30, 1961, inclusive, and tax at the rate of 2 cents per gallon was imposed with respect to the sale of such liquid	2
(e) July 1, 1961 to June 30, 1972, inclusive (and no tax was imposed with respect to the sale of such liquid	3
(f) July 1, 1961 to June 30, 1972, inclusive, and tax at the rate of 2 cents per gallon was imposed with respect to the sale of such liquid	1
(g) On and after July 1, 1972, and no tax was imposed with respect to the sale of such liquid	1½

(2) *Motorboats, airplanes, and nonregistered vehicles.* Following are the rates applicable to the use on or after January 1, 1959, of taxable liquid as a fuel—

(i) For the propulsion of a motorboat or airplane,

(ii) In a diesel-powered highway vehicle, or for the propulsion of a motor vehicle, which at the time of such use is not registered and is not required to be registered for highway use, or

(iii) In a diesel-powered highway vehicle, or for the propulsion of a motor vehicle, owned by the United States which is not used on the highway:

Taxable liquid used	Cents per gallon
(a) January 1, 1959 to June 30, 1972, inclusive, and no tax was imposed with respect to the sale of such liquid	2
(b) On and after July 1, 1972, and no tax was imposed with respect to the sale of such liquid	1½

(c) *Bulk purchases by users.* Taxpayers who purchase taxable liquid in bulk delivered into storage tanks or other containers and use it for various purposes, both taxable and nontaxable, or in both registered and nonregistered vehicles, must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and of any credits, refunds, or exemptions claimed.

§ 48.4041–6 Dual use of taxable liquid.

Tax applies to all taxable liquid sold for use or used as a fuel in the motor which is used to propel a diesel-powered highway vehicle or in the motor used to propel a motor vehicle, motorboat, or airplane, even though the motor is also used for a purpose other than the propulsion of the vehicle. Thus, where the motor of a diesel-powered highway vehicle or of a motor vehicle, motorboat, or airplane operates special equipment by means of a power take-off, tax applies to all taxable liquid sold for such use or so used, whether or not the special equipment is mounted on the vehicle. For example, tax applies to diesel fuel sold to operate the mixing unit on a concrete mixer truck if the mixing unit is operated by means of a power take-off from the motor of the vehicle. Similarly, tax applies to all taxable liquid sold for use or used in a motor propelling a fuel oil truck even though the same motor is used to operate the pump (whether or not mounted on the truck) for discharging the fuel into customers' storage tanks. However, tax does not apply to liquid sold for use or used in a separate motor to operate special equipment (whether or not the equipment is mounted on the vehicle). If the taxable liquid used in a separate motor is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used.

§ 48.4041–7 Definitions.

For purposes of the regulations in this subpart, unless otherwise expressly indicated:

(a) *Highway.* The term "highway" includes any road (whether a Federal highway, State highway, city street, or otherwise) in the United States which is not a private roadway.

(b) *Highway vehicle.* The term "highway vehicle" has reference to the type of vehicle and not to the use which is made of the vehicle. The term means any motor vehicle, whether powered by diesel fuel or special motor fuel which is of the type used for transportation on the highways. It includes automobile trucks, buses, highway tractors, trolley

buses, and other similar type vehicles. The term "highway vehicle" does not include any vehicle, which, although propelled by means of its own motor, is of a type not used for highway transportation, that is, of a type designed and manufactured for a purpose other than highway transportation. For example, vehicles such as earth movers, power shovels, trench diggers, and bulldozers, which are designed and manufactured as self-propelled units for "off-the-road" operations, are not highway vehicles. Neither are such motorized vehicles as road graders or rollers, which are designed and manufactured for construction or maintenance of roads, considered to be highway vehicles. The same is true of farm tractors, cotton pickers, and other motorized agricultural implements of a similar nature. However, the fact that equipment or machinery having a specialized use (as for example, an air compressor, crane, or specialized oil-field machinery) is mounted on a vehicle which, apart from such equipment or machinery, is of a type used for highway transportation will not remove such vehicle from classification as a highway vehicle.

(c) *Motor vehicle.* The term "motor vehicle" includes all types of vehicles propelled by motor which are designed for carrying loads from one place to another, regardless of the type of load or material carried and whether or not the vehicle is registered or required to be registered for highway use, such as fork lift trucks used to carry loads at railroad stations, industrial plants, warehouses, etc. The term does not include farm tractors, trench diggers, power shovels, bulldozers, road graders or rollers, and similar equipment which does not carry a load; nor does it include any vehicle which moves exclusively on rails.

(d) *Taxable liquid.* The term "taxable liquid" means any liquid which is—

(1) Diesel fuel as defined in paragraph (e) of this section, or

(2) Special motor fuel as defined in paragraph (f) of this section.

(e) *Diesel fuel.* The term "diesel fuel" means any liquid (other than a product taxable as gasoline under the provisions of section 4081) which is sold for use or used as a fuel in a diesel-powered highway vehicle.

(f) *Special motor fuel.* (1) The term "special motor fuel" includes any of the following sold for use or used as a fuel for the propulsion of a motor vehicle, motorboat, or airplane:

(i) Liquefied petroleum gases (such as propane, butane, or pentane, or mixtures of the same), or

(ii) Benzol, benzene, naphtha, or any other liquid, whether a refined, partly refined, or unrefined product, 10 percent of which has been recovered when the thermometer reads 347° F. (175° C.) or 95 percent of which has been recovered when the thermometer reads 464° F. (240° C.) when subjected to distillation in accordance with the "Standard Method of Test for Distillation of Gasoline, Naphtha, Kerosene, and Similar Petroleum Products" (A.S.T.M. designation: D86) of the American Society for Testing Materials, regardless of the trade name under which sold.

(2) The term "special motor fuel" does not include diesel fuel or any product taxable under the provisions of section 4081 nor does it include "kerosene, gas oil, or fuel oil", as defined in paragraph (g) of this section.

(g) *Kerosene, gas oil, or fuel oil.* (1) The term "kerosene, gas oil, or fuel oil" means any product (i) 10 percent of which has not been recovered when the thermometer reads 347° F. (175° C.), and (ii) 95 percent of which has not been recovered when the thermometer reads 464° F. (240° C.), when subjected to distillation in accordance with the "Standard Method of Test for Distillation of Gasoline, Naphtha, Kerosene, and Similar Petroleum Products" (A.S.T.M. designation: D86) of the American Society for Testing Materials.

(2) Products designated as kerosene, gas oil, or fuel oil which do not fall within the specifications of both subdivisions (i) and (ii) of subparagraph (1) of this paragraph are taxable as special motor fuel if sold or used as a fuel for the propulsion of a motor vehicle, motorboat, or airplane.

(h) *Registered.* The term "registered" when used with reference to a highway vehicle means—

(1) Registered for highway use under the laws of any State, District of Columbia, or foreign country, or

(2) Required to be registered for highway use under the law of the State, District of Columbia, or foreign country in which it is operated or situated.

Any highway vehicle which is operated under a dealer's tag, license, or permit is considered to be registered. A highway vehicle is not considered to be registered solely by reason of the fact that there has been issued a special permit for operation of the vehicle at particular times and under specified conditions.

§ 48.4041–8 Exemption for farm use.

(a) *In general.* The tax imposed by section 4041 does not apply to diesel fuel or special motor fuel sold for use or used on a farm in the United States for farming purposes. The tax applies in the case of diesel fuel delivered into the fuel supply tank of a highway vehicle, or special motor fuel delivered into the fuel supply tank of a motor vehicle, motorboat, or airplane, even though it is known that the liquid is to be used on a farm for farming purposes. Credit or refund of the tax paid in such case may be claimed as provided by section 6416(b)(2)(G) and the regulations thereunder contained in Subpart O of this part upon proof that the taxable liquid was used on a farm for farming purposes. The terms "used on a farm for farming purposes", "farm", and "farming purposes", and related terms, shall have the same meaning for purposes of the exemption in section 4041 (d) and the regulations in this section as such terms are defined in paragraphs (1), (2), and (3) of section 6420(c) and the regulations contained in § 48.6420 (c)–1.

(b) *Application of exemption.* The exemption referred to in paragraph (a) of this section does not apply with respect to diesel fuel or special motor fuel sold for use or used for nonfarming purposes, or diesel fuel or special motor fuel sold for use or used off a farm regardless of the nature of such use. If a vehicle is used both on a farm and off the farm or if it is used on a farm both for farming and nonfarming purposes, the exemption applies only with respect to that portion of the diesel fuel or special motor fuel which is sold for use or used "on a farm for farming purposes". For purposes of this exemption it is immaterial whether or not the vehicle is registered for highway use. However, the actual use of the vehicle and the place where it is used are material. For example, if a truck used on a farm for farming purposes is also used on the highways (even though in connection with operating the farm), tax applies to that portion of the diesel fuel or special motor fuel which is sold for use or used in operating the truck on the highways, since such fuel was used off the farm.

§ 48.4041–9 Exemption for use as supplies for vessels or aircraft.

(a) *Application of exemption.* The tax imposed by section 4041(b) does not apply to special motor fuel which is sold for use or used as supplies for vessels or aircraft within the meaning of section 4221(a)(3) and section 4221(d)(3) and the regulations thereunder contained in subpart N of this part. See section 6416(b)(2)(B) and the regulations thereunder contained in Subpart O of this part for credit or refund of tax paid on special motor fuel which has been sold or used as supplies for vessels or aircraft.

(b) *Evidence required to establish exemption.* (1) In order to establish exemption from tax in the case of a sale of special motor fuel for use as supplies for vessels or aircraft, it is necessary that the seller obtain from the owner, charterer, or authorized agent of the vessel or aircraft and retain in his possession a properly executed exemption certificate in the form prescribed by paragraph (c) of this section. If special motor fuel is sold tax free for use as supplies for civil aircraft employed in foreign trade or in trade between the United States and any of its possessions, the exemption certificate must show the name of the country in which the aircraft is registered.

(2) Where only occasional sales of special motor fuel are made to a purchaser for a use which is exempt from tax as provided in this section, a separate exemption certificate shall be furnished for each order. However, where sales are regularly or frequently made to a purchaser for such exempt use, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be kept for inspection by the district director as provided in section 6001. If a seller's records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, tax is payable by the seller on such sale.

(c) *Acceptable form of exemption certificate.* The following form of exemption certificate will be acceptable for the purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchasers of special motor fuel for use as supplies for certain vessels or aircraft (section 4041(e) of Internal Revenue Code of 1954).)

---------- 19 --
(Date)

The undersigned purchaser hereby certifies that he is the----------
----
(Owner, charterer, or authorized agent of owner or charterer)

of ---------- and that the
(Name of company and vessel)

special motor fuel specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only as fuel supplies for a vessel belonging to one of the following classes of vessels to which section 4041(e) of the Internal Revenue Code applies:

(Check class to which vessel belongs)

(1) Vessels engaged in foreign trade.
(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.
(3) Vessels engaged in trade between the United States and any of its possessions.
(4) Vessels employed in the fisheries or whaling business.
(5) Vessels of war of the United States or a foreign nation.

If the special motor fuel is purchased for use as fuel for the propulsion of civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the country in which the aircraft is registered----------

The undersigned understands that if the special motor fuel is sold or used otherwise than as stated above and for a taxable purpose specified in section 4041(b) of the Internal Revenue Code, he will be liable for the tax upon such sale or use. It is understood that this certificate may not be used in purchasing special motor fuel for use as fuel for the propulsion of pleasure vessels, or of any type of aircraft except (i) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and (ii) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof.

The undersigned understands that the fraudulent use of this certificate to secure exemption will subject him and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the special motor fuel and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with the costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the purpose for which the special motor fuel purchased under this certificate was used.

(Signature)

(Address)

(d) *Exemption certificate not obtained prior to filing of seller's excise tax return.* If the exemption certificate is not obtained prior to the time the seller files a return covering taxes due for the period during which the sale was made, the seller must include the tax on such sale in his return for that period. However, if the certificate is later obtained, a claim for refund of the tax paid on such sale may be filed on Form 843, or a credit for such amount may be taken upon a subsequent return, as provided by section 6416(b)(2)(B) and the regulations thereunder contained in Subpart O of this part.

(e) *Liability of purchaser.* The person who purchases special motor fuel tax free as provided in this section shall be liable for the tax imposed by section 4041(b) if he sells or uses the special motor fuel as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, and if such sale or use is not exempt under any provision of law.

§ 48.4041–10 Other exemptions.

For other provisions relating to tax-free sales or use of diesel fuel and special motor fuel, see—

(a) Section 4055, relating to sales for the exclusive use of any State or any political subdivision of a State, or the District of Columbia, or relating to use by any of the foregoing;

(b) Section 4056, relating to sales for export or for shipment to a possession of the United States; and

(c) Section 4057, relating to sales for the exclusive use of a nonprofit educational organization, or relating to use by such organization;

and the regulations thereunder contained in Subpart G of this part.

§ 48.4041–11 Other credits or refunds.

(a) *In general.* For provisions relating to credit or refund of tax paid on taxable liquid resold by the purchaser, or used otherwise than as a fuel for the propulsion of a diesel-powered highway vehicle, motor vehicle, motorboat, or airplane, see section 6416(b)(2)(G)(i) and the regulations thereunder contained in Subpart O of this part.

(b) *Taxable liquid used by local transit systems.* For provisions relating to credit or refund in the case of taxable liquid used in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, see section 6416(b)(2)(H) and the regulations thereunder contained in Subpart O of this part.

[F.R. Doc. 60–7681; Filed, Aug. 16, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 977]

[Docket No. AO–183–A7]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Paducah, Kentucky, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Paducah, Kentucky, on July 12, 1960, pursuant to notice thereof which was issued June 22, 1960 (25 F.R. 5883).

The material issues of the record relate to: (1) Expansion of the marketing area, (2) Class I price, (3) provision for marketing service deduction and (4) miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The Paducah, Kentucky, marketing area should be expanded to include Christian County, Kentucky (except that portion within the Fort Campbell Military Reservation). Christian County is contiguous to the present Paducah marketing area and forms an integral part of the sales area of regulated handlers. The health requirements in the county, as they pertain to the distribution of Grade A milk, are similar to those in effect in the present marketing area.

Expansion of the marketing area was requested by the Paducah Graded Milk Producers' Association and by two handlers with plants in Christian County which handlers would be the only two affected by the expansion. It is expected that their plants would become fully regulated. The proponent unregulated handlers distribute milk in competition with handlers regulated by the Paducah and Ohio Valley milk orders and are partially regulated by both of such orders.

Although the primary distribution area of these unregulated handlers is Christian County, they both distribute substantial quantities of fluid milk in the present marketing area. Distribution by one of these handlers, the Model Pure Milk Company, is such that a small decrease in such handler's plant receipts or a small increase in his distribution in the present marketing area would subject him to full regulation by the Paducah order. As partially regulated handlers under the Paducah and Ohio Valley orders, and in a situation where minor changes in their marketing practices may subject them to full regulation, these two proponent handlers do not have the assurance of stabilized pricing and orderly marketing as is provided fully regulated handlers. The expansion

of the marketing area to Christian County would subject their entire operation to full regulation and would provide the same stabilized prices and marketing conditions as are provided fully regulated handlers.

The expansion of the marketing area was also favored by the Paducah Graded Milk Producers' Association which cooperative supplies fluid milk to the two Christian County handlers as well as to presently regulated handlers. The proposal was unopposed at the hearing.

2. The Class I price should be increased 10 cents per hundredweight in each of the months August through November provided such price does not exceed the St. Louis Class I price at city plants by more than 10 cents.

Paducah, Kentucky, is located midway between St. Louis, Missouri and Memphis, Tennessee. Paducah draws its milk supply from several Kentucky and Tennessee Counties where farms supplying the Memphis market are located. Therefore, when the Memphis price is high relative to the Paducah price, the milk supply tends to shift from Paducah to Memphis.

A change this year in the seasonal pattern of pricing in the Memphis market has created a wide difference in certain months between prices paid producers in that market and prices paid Paducah producers. Although there were no instances of actual transfers from Paducah to Memphis reported at the time of the hearing, the continuation of present price differences probably will induce some producers to change to Memphis. Some such transfers are expected to take place September 1 when new producers may begin making bases on the Memphis market.

All of the producers now associated with the Paducah market (or a source of milk in an equivalent amount) are needed to supply the fluid milk product sales of handlers in that market. In 1959 more than 90 percent of all milk delivered by producers was classified in Class I in each month except May and June when the percentage dropped only to 89.

The relatively high percentage of producer milk in Class I is due to the large quantity of Class I sales made by Paducah handlers both inside and outside the marketing area. The loss of any part of such Class I sales would reduce the prices paid Paducah producers since milk produced to supply such fluid uses would become surplus and return only the Class II price.

Paducah producers can lose some of their Class I sales through two means. Handlers buying from them may reduce their purchases and supply out-of-market sales from other sources. Handlers who do not purchase milk from Paducah producers may increase their sales in the Paducah marketing area. The incentive for actions by handlers which would bring about such loss of sales is provided by relative levels of Class I prices. Therefore, although it is important to consider Memphis prices as they affect the competition in the procurement of milk in the areas between Paducah and Memphis, it is even more important to consider the alternatives which handlers may have in supplying the Class I market which Paducah producers now supply.

Alternative supplies of milk for this Class I market are located primarily in markets to the north of Paducah. The Suburban St. Louis market is particularly important in this respect. Therefore the Class I price in the Paducah market must be kept in line with the price in Suburban St. Louis.

The Suburban St. Louis Class I price is established by a formula which adds $1.30 (annual average) to a basic formula value and the resulting price is adjusted also to reflect levels of supply relative to Class I sales in the St. Louis and in the Chicago markets. The combination of such supply-demand adjusters resulted in an 8-cent reduction in the Suburban St. Louis Class I price in July 1960.

The Class I price formula in the Paducah order now provides for adding $1.30 (annual average) to the basic formula value. The Paducah price formula contains no supply-demand adjuster.

There are plants which are subject to the Suburban St. Louis order which are located within 70 to 130 miles of Paducah which could be used to supply the Paducah market. If the average annual level of milk prices in Paducah were to rise more than about 10 cents above the Suburban price, certain handlers would find it more advantageous to purchase Class I milk in the Suburban St. Louis market rather than in Paducah. The St. Louis market which also draws milk from the same area supports a price 10 cents higher than the Suburban price. Therefore, even with the supply-demand adjuster reducing the Suburban St. Louis Class I price by 8 cents the Paducah price is not too high presently relative to that price. In fact, a small increase is appropriate.

The seasonal pattern of prices varies in Paducah as compared to Suburban St. Louis. The Paducah market had had a highly variable Class I price to encourage levelling of milk production and to make the price close to the cost of importing milk in the short production months. Milk purchased last year from outside sources to supplement the Paducah supply amounted to 11 million pounds. Additional milk will also be required this fall.

It is expected that the additional milk needed in Paducah during the months August–November will not be available at points nearer than Wisconsin or Iowa. The cost of such milk delivered at Paducah will be at least $1.60 over the basic formula price. Therefore, the small increase needed to align the Paducah Class I price with Suburban St. Louis should be effected by raising the differential from $1.50 to $1.60 during August–November. This will accomplish a 3 cents annual rate of increase.

An increase in the differential added to the basic formula from $1.50 to $1.60 in the months August through November will provide the necessary adjustment without potential loss of sales under most circumstances. However, since the Suburban St. Louis and the St. Louis Class I prices are modified by supply-demand adjusters, it is possible for prices in those markets to be reduced to the point where handlers might be induced to drop Paducah milk and obtain supplies in those markets. Therefore, the 10-cents increase in the Paducah price should not apply to the extent that such price would exceed the St. Louis city plant price in any month by more than 10 cents. Although the price alignment between Paducah and the Suburban St. Louis market is more important, the formula ceiling factor based on the St. Louis price will achieve the same result since the Suburban St. Louis price is related by a fixed amount to the St. Louis price.

3. The rate of marketing service charge should be raised from 5 to 6 cents per hundredweight. These charges are for services which the market administrator performs for producers who are not members of a cooperative association. The market administrator uses the funds obtained to verify weights and the butterfat content of the milk of such producers and to provide them with marketing information.

The market administrator testified that the present rate would not provide him sufficient funds for performing the minimum services required by the order if he were to perform such services through his own staff. Because there are relatively few nonmember producers in the market (34 at the present time) it has been the practice of the market administrator to designate the Paducah Graded Milk Producers' Association as his agent for the performance of such services. The association manager testified at the hearing that the association is unable to perform marketing services to nonmember producers for 5 cents. He proposed that the maximum deduction for marketing services be increased from 5 to 8 cents.

The cooperative manager pointed out that it has been their practice to perform the same services for the nonmember producers as they perform for their own members. Some of these services such as cooperative hauling and the marketing of excess milk are not required of the market administrator in servicing nonmember producers. Therefore, the cost of such services cannot be collected under the mandatory provision of the order.

The small increase in rate herein proposed should provide adequate funds to provide the minimum services required by the order.

4. Clarifying changes should be made in the provision which permits handlers who have relatively small sales in the Paducah marketing area, in lieu of being subjected to the complete pricing and pooling provisions of the order, to make certain compensatory payments. The provision should specify the method of accounting and determining which payments made to dairy farmers are to be included in the credit allowed handlers under certain circumstances.

One basis of computing such compensatory charges is to require a payment by the handler into the pool of any amount by which his total payments to dairy farmers are less than the total amount he would have been required to pay for such milk at the class prices established under the Paducah order. The order should specify that all payments to dairy farmers made by a stated date be recognized for this purpose. Deductions for services and goods which are customarily provided by handlers for producers and which are properly authorized by producers should also be recognized as payments.

Since a handler may become subject to two or more Federal orders under this compensatory provision he might be required to pay administrative assessments under two or more orders on the same quantity of milk. The order should provide exemption from such assessment to the extent of payments made under another order on the same quantity of milk.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Paducah, Kentucky, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 977.5 and substitute therefor:

§ 977.5 Paducah, Ky., marketing area.

"Paducah, Kentucky, marketing area" means all of the territory within the boundaries of the Kentucky Counties of McCracken, Ballard, Marshall, Graves, Calloway, Livingston, Lyon, Caldwell, Carlisle, Hickman, Trigg and Christian (except that portion of these counties contained in the Fort Campbell military reservation).

§ 977.51 [Amendment]

2. Delete § 977.51(a) and substitute therefor:

(a) *Class I milk price.* The price of Class I milk for the month shall be the basic formula price for the preceding month plus $0.90 in April, May and June, $1.20 in July and March, $1.50 in December, January and February, and $1.60 in August, September, October, and November. *Provided,* That the price so determined for the months of August, September, October and November shall be reduced by any amount by which such price exceeds the price for Class I milk of 3.5 percent butterfat content at plants located 30 airline miles or less from the City Hall in St. Louis, Missouri, for the same month as determined pursuant to Part 903 of this chapter regulating the handling of milk in the St. Louis, Missouri marketing area, plus 10 cents.

§ 977.87 [Amendment]

3. In § 977.87(a) delete the words "5 cents" and substitute therefor the words "6 cents".

§ 977.62 [Amendment]

4. Delete § 977.62(b) and substitute therefor:

(b) The following amounts, at the times specified:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 977.70 for milk received from Grade A dairy farmers at such plant for such month if such plant had been a pool plant: *Provided,* That in determining classification of transfers made to pool plants and the allocation to classes of receipts from pool plants the classification at such nonpool plant shall be in accordance with the classification which was assigned at the pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the 15th of the month following the month in which such milk was delivered, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 25th day after the end of the month, as his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 977.88 had such plant been a pool plant, except that such amount shall be reduced by the amount of any payment of administrative assessment charge applicable to the same milk under another order issued pursuant to this part.

Issued at Washington, D.C., this 12th day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60–7685; Filed, Aug. 16, 1960; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

WRECKING, DEMOLITION, AND SHIPBREAKING OPERATIONS AS OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS

In accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 4, Subpart D), an investigation has been conducted for the purpose of ascertaining which occupations in wrecking, demolition, and shipbreaking operations are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and thus constitute oppressive child labor as defined in section 3(l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.).

A report of the investigation, entitled "Occupational Hazards to Young Workers, Report No. 15, Wrecking and Demolition Operations," has been submitted. The report concludes that all occupations in wrecking, demolition, and shipbreaking operations are particularly hazardous for the employment of minors between 16 and 18 years of age and detrimental to their health and well-being. Copies of this report are available to interested persons upon request to the Bureau of Labor Standards, United States Department of Labor, Washington 25, D.C.

On the basis of such conclusions and pursuant to authority conferred by section 3(l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.) and Reorganization Plan No. 2 (60 Stat. 1095) effective July 16, 1946, it is proposed to issue a finding and order in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held September 14, 1960, commencing at 2:00 p.m., in Room 2325, United States Department of Labor Building, 14th Street and Con-

stitution Avenue, Northwest, Washington 25, D.C., before a presiding officer to be hereafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file a written comment or brief with the Secretary of Labor not later than the day prior to the hearing in order that it may be made a part of the record at the hearing.

PROPOSED FINDING AND ORDER

§ 4.64 Occupations involved in wrecking, demolition, and shipbreaking operations.

(a) ***Finding and declaration of fact.*** All occupations in wrecking, demolition, and shipbreaking operations are particularly hazardous for the employment of minors between 16 and 18 years of age and detrimental to their health and well-being.

(b) ***Definition.*** The terms "wrecking, demolition, and shipbreaking operations" shall mean all work, including cleanup and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel.

(c) ***Higher standards.*** This section shall not justify non-compliance with a Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

Signed at Washington, D.C., this 9th day of August 1960.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60-7660; Filed, Aug. 16, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sodium Chloride; Notice of Proposal To Declare Such Substance as Safe

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 348(e)) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611) proposes to amend the regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.2) as follows:

It is proposed to amend § 120.2 *Pesticide chemicals considered safe*, by adding "sodium chloride" to the list of pesticide chemicals therein. As amended, paragraph (a) will read as follows:

(a) As a general rule, pesticide chemicals other than ferrous sulfate, sulfur, lime, lime-sulfur, potassium polysulfide, sodium carbonate, sodium chloride, and sodium polysulfide are not, for the purposes of section 408(a) of the act, generally recognized as safe for use.

Any interested person may, within 30 days from the date of the publication of this notice in the FEDERAL REGISTER, file, in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., written views or comments on this proposal.

Dated: August 10, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7672; Filed, Aug. 16, 1960; 8:47 a.m.]

[21 CFR Part 146a]

CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Penicillin-Streptomycin (or Dihydrostreptomycin) Ointment

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), proposes to amend the regulations for the certification of penicillin-streptomycin (or dihydrostreptomycin) ointment and mineral oil suspension (21 CFR 146a.54) as hereinafter set forth. The Commissioner hereby offers an opportunity to all interested persons to submit their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Views and comments should be submitted in quintuplicate.

It is proposed to amend § 146a.54 *Penicillin-streptomycin ointment (penicillin-streptomycin mineral oil suspension); penicillin-dihydrostreptomycin ointment (penicillin-dihydrostreptomycin mineral oil suspension.)* in the following manner:

1. By changing the period at the end of paragraph (a)(3) to a semicolon and adding the following clause: "; and if it is packaged and labeled solely for use as an aid in the treatment of Vibrio fetus in carrier bulls, or for intrauterine infusion in cows, it may contain 20 milligrams of diethylstilbestrol per dose as recommended in its labeling."

2. By designating the present text of paragraph (b) of § 146a.54 as subparagraph (1), by inserting the words ", or diethylstilbestrol" after the word "papain", and by adding a new subparagraph. As amended, paragraph (b) would read as follows:

(b)(1) In lieu of the labeling prescribed for penicillin ointment by § 146a.26(c)(1)(ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of each salt of penicillin per gram and the number of milligrams of streptomycin or dihydrostreptomycin per gram, and if it contains cobalt, preservatives, sulfonamides, papain, or diethylstilbestrol, the quantity of each.

(2) In addition to the labeling prescribed by § 146a.26(c), if it is intended solely for veterinary use and it contains diethylstilbestrol, each package shall bear on its label the statement: "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

Dated: August 10, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7671; Filed, Aug. 16, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Notice of Proposed Rule Making

The following proposed amendment prescribes a standard transfer and receipting form to be used by persons holding licenses issued pursuant to the regulations in Part 70, Chapter 1, Title 10, Code of Federal Regulations, in initiating and receipting shipments of special nuclear material.

The prescribed transfer and receipting form, Form AEC-388, would replace Forms AEC-459-A and AEC-459-B, which have been used heretofore for similar purposes. Whereas Form AEC-459-A has been used previously, among other things, as a document for obtaining AEC approval of transfers of financial responsibility, the new Form AEC-388 will provide a means of receipting such shipments but will not, on the form itself, establish the terms and conditions under which the receiving licensee assumes financial responsibility to the Commission for the material shipped. Such terms and conditions will be reflected in a separate document, designated the Lease Agreement, referred to in the Commission's announcement published in the FEDERAL REGISTER on December 16, 1959.

Notice is hereby given that adoption of the following amendment to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments and suggestion for consideration in connection with the proposed amendment should send them to the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 60 days after publication of this notice in the FEDERAL REGISTER. Copies of Form AEC-388 referred to in the proposed amendment will be furnished upon request.

§§ 70.55, 70.56 [Redesignation]

1. Redesignate §§ 70.54 and 70.55 as §§ 70.55 and 70.56, respectively.

2. Add the following new § 70.54:

§ 70.54 Material transfer reports.

Each licensee who transfers and each licensee who receives special nuclear material shall submit to the Commission on Form AEC-388, in accordance with the instructions set out therein, reports concerning each transfer of special nuclear material which has been distributed by the Commission pursuant to section 53 of the Act. Such reports shall be transmitted to the Commission promptly after the transfer takes place.

Dated at Germantown, Md., this 8th day of August 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60-7653; Filed, Aug. 16, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

AUGUST 10, 1960.

1. A plat of survey of the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on September 14, 1960:

T. 18 N., R. 12 E., of Copper River Meridian, Alaska. Sections 1 through 36, excepting Section 18, which is not approved.

The area is formed of flat to gently rolling terrain, lying south and west of Tok Junction along the Alaska Highway, and the Slana-Tok Highway. The land is composed of gravel, overlain by a thin layer of topsoil. The greater part of the cover consists of Spruce, Aspen, Cottonwood, and indigenous softwoods. A portion of the lands described is suitable for agricultural use.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraph (1) above presented prior to 10:00 a.m. on November 8, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Applications for these lands which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60-7659; Filed, Aug. 16, 1960; 8:45 a.m.]

Fish and Wildlife Service

ADMINISTRATION; PERSONNEL

Amendment to Delegations of Authority

On page 6655 of the FEDERAL REGISTER of July 14, 1960, there were published delegations of authority with respect to personnel for the Bureau of Commercial Fisheries. In an amendment to such delegations, as set forth below, the Office of the Commissioner of Fish and Wildlife is included in the personnel management function of the Headquarters Office.

As so amended 2311.3A(1) reads as follows.

SERIES 2000—ADMINISTRATION

TITLE 2300—PERSONNEL

Chapter 2310—Policy and Delegations of Authority

* * * * * *

2311.3 *Personnel management.* * * *

A. The following are the specific delegations for personnel management:

(1) *Headquarters Office.* Assistant Director, Chief, Division of Administration, all of the authority stated herein for the Bureau of Commercial Fisheries and the Office of the Commissioner of Fish and Wildlife.

(Commissioner's Order No. 3 (22 F.R. 8126))

DONALD L. MCKERNAN,
Acting Director.

AUGUST 11, 1960.

[F.R. Doc. 60-7657; Filed, Aug. 16, 1960; 8:45 a.m.]

Office of the Secretary

RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICTS I–IV

Maximum Level of Imports

Pursuant to paragraph (e) section 2 of Presidential Proclamation 3279, as amended, the maximum level of imports into Districts I–IV of residual fuel oil to be used as fuel shall be 415,000 barrels daily for the allocation period October 1, 1960 through December 31, 1960. This action constitutes an adjustment upward of the maximum level (250,000 barrels daily) now in effect in those Districts. Neither the present level nor the adjusted level includes residual fuel oil withdrawn from bonded warehouse for ships' supplies or for exportation.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 15, 1960.

[F.R. Doc. 60-7770; Filed, Aug. 16, 1960; 10:23 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

JAMES L. FITZGERALD AND JAMES L. FITZGERALD CO., INC.

Order Revoking Export Licenses and Denying Export Privileges

In the matter of James L. Fitzgerald and James L. Fitzgerald Co., Inc., 68 Nassau Street, New York 38, New York, Respondents, Case No. 275.

The respondents, James L. Fitzgerald and James L. Fitzgerald Co., Inc., having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, were duly served with the charging letter and appeared herein by attorney, admitting the allegations which constitute the findings of fact hereinafter set forth and denying all other allegations.

Because certain of the allegations, those denied by these respondents, involved facts identical to those contained in allegations set forth in another charging letter issued against Wassmer & Cie., an exporter-importer in Zurich, Switzerland (decided herewith), both cases were consolidated for hearing of the common issues. The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and the evidence and arguments submitted on behalf of the respondents in opposition thereto, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, United States Department of Commerce, his written report, which contained findings of fact, as admitted by the respondents herein, and a conclusion that the evidence in support of the allegations denied was not sufficient for a finding of violation with respect thereto. In accordance with Section 382.9 of the Regulations, that charge contained in the charging letter which the Compliance Commissioner has found is not supported by the evidence, is hereby dismissed. He has recommended that the respondents be denied export privileges in the manner and in accordance with the qualifications hereinafter set forth.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all time hereinafter mentioned, James L. Fitzgerald was engaged in the export business in the City of New York, and he conducted that business as an officer, director, and principal owner of James L. Fitzgerald Co., Inc. (The use of the word, respondents, or of the name, Fitzgerald, hereafter is intended to include both Fitzgerald and the corporation.)

2. In February, March, April, and August of 1957, respondents made shipments (one in each month) of goods from the United States under and pursuant to export declarations in which they certified that the good being exported were being exported under and pursuant to a General License, either GLV or GRO.

3. The exportation in February 1957 was described by them as consisting of two cases of voltmeters valued at $600, when in fact an oscillograph and a transformer of a value of $1,192 were contained therein. A validated export license was necessary to support this exportation, but they failed and omitted to apply for and obtain the same.

4. In March 1957, they exported a quantity of grinders, quills, spindles, and bearings which they described in the export declaration as being two post grinders valued at $355 and a case of quills valued at $180, for the purpose of claiming that the exportation was authorized under General License GLV. The true value of the quills was $1,779.20, and the true value of the bearings was $147.50. Validated export licenses were required for the exportation of quills having a value in excess of $500, and for the exportation of bearings having a value in excess of $100. Respondents failed to apply for and did not obtain the required validated export licenses authorizing these exportations.

5. In April 1957, respondents exported electronic tubes aggregating in value the sum of $2,082.32 and, in the export declaration supporting that exportation, they certified that the goods being exported were mechanical filters valued at $560, subject to General License GRO. The tubes so exported were on the Positive List and, being of a value in excess of $50, were subject to validated export license requirements. The respondents failed to apply for and did not obtain the necessary validated export license for this exportation.

6. Respondents failed to disclose in the said declaration that they were the exporters and instead stated therein that another company of New York was.

7. In August 1957, respondents exported from the United States cathode ray oscillographs and a cathode ray oscillograph recording camera valued in the aggregate at $3,900, but described them in the export declaration supporting said exportation as electric recording equipment valued at $363, subject only to General License GRO. The oscillographs and camera were subject to validated export license requirements and the respondents failed and omitted to apply for and obtain the necessary validated export licenses in support of said exportation.

And from the foregoing, I have concluded that the said respondents:

A. Knowingly exported Positive List commodities from the United States without licenses authorizing the exportations, in violation of §§ 370.2 and 372.3 of the Export Regulations.

B. Used export control documents, namely, shipper's export declarations, for the purpose of and in connection with facilitating and effecting exportations other than those set forth in said documents, in violation of § 381.8 of the Export Regulations.

C. Knowingly made false representations to, and concealed material facts from, the Collector of Customs and the BFC, in connection with the preparation, submission and use of export control documents, for the purpose of and in connection with effecting exportations from the United States, in violation of § 381.5 of the Export Regulations.

In connection with his findings requiring that one of the charges be dismissed, the Compliance Commissioner said:

> Fitzgerald is not charged with soliciting a violation. He is charged with acting in concert with Wassmer to violate the export control law and regulations and with having attempted to bring about a violation of certain sections contrary to section 381.3 of the Regulations. While it is quite clear that Fitzgerald freely gave Wassmer whatever information he requested and indicated a willingness, if a way could be found, to export the pulpstones under conditions which would have constituted a violation, I find nothing in his entire course of conduct which actually constituted a violation of the law or regulations, nor can I fit anything that Fitzgerald did into the context of section 381.3 as it read at the time of the happening of the events herein * * *.
>
> There is, nevertheless, much in the way Fitzgerald acted to merit severe censure. He exhibited a complete lack of understanding of his responsibility as an exporter. He made no effort to ascertain to where the pulpstones actually were to go. He never informed Wassmer of his assumption that they were to go to Formosa. He never had a genuine basis for believing that they were to go to Formosa and picked that place only because he knew no validated license would be issued for Communist China. He was unable to see any distinction between a shipment to Switzerland and a shipment to Formosa. He gave the impression of willingness to be a party to a shipment which would constitute a violation. He knew that Wassmer was maneuvering to procure a shipment in violation of the regulations. He conceded that the intention would have been to transship. This sort of conduct could have been cause for proceedings under Section 384.2 of the Regulations.

In explaining his recommendation that the remedial action be as herein provided, the Compliance Commissioner said, in part:

> I had the opportunity to observe Mr. Fitzgerald during about two days that he spent on the witness stand, and I have formed additional impressions about him from my reading of the voluminous correspondence exchanged between him and Wassmer. I have come to the conclusion that any remedial action against him, even though seemingly moderate, will have a severe effect, from which recovery will be difficult. In my opinion, the remedial action to be taken against him should be of a nature which will protect him against himself and against his anxiety to develop his export business in this very competitive field. It is for this reason that I have concluded that a long period of suspended denial on probation, coupled with a relatively short period of effective denial, would be the fairest and most effective remedial action to be taken to achieve enforcement of the law.

Now, after careful consideration of the entire record and being of the opinion that the recommendation of the Compliance Commissioner is fair and just and that this order is necessary to achieve effective enforcement of the law, it is hereby ordered:

I. All outstanding validated export licenses in which James L. Fitzgerald and James L. Fitzgerald Co., Inc. appear or participate as applicant, purchaser, party in interest, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. For two years from the date hereof, except as qualified in Part IV hereof, the respondents James L. Fitzgerald and James L. Fitzgerald Co., Inc. hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by either such respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each respondent, but also to any person, firm, corporation, or business organization with which either of them may be now or hereafter related by ownership, control, position of

responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or service connected therewith.

IV. Three months after the date hereof, without further order of the Bureau of Foreign Commerce, James L. Fitzgerald and James L. Fitzgerald Co., Inc. shall have their export privileges restored to them conditionally, the condition for such restoration being that during two years following the date hereof the said respondents shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. The privileges so conditionally permitted to James L. Fitzgerald and James L. Fitzgerald Co., Inc. under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that either such respondent has knowingly failed to comply with the conditions set forth therein, in which event Part II hereof shall then be and become effective for twenty-one months following the date of the order making such finding or until two years from the date hereof, whichever shall be the later, without thereby precluding the Bureau of Foreign Commerce from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are aggrieved thereby shall have the right to appeal therefrom, as provided in the Export Regulations.

VI. During any time when the respondents and any party related to them are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, or other business organization, whether in the United States or elsewhere, on behalf of or in any association with them, or any of them, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which such respondents or a related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: August 12, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-7675; Filed, Aug. 16, 1960; 8:48 a.m.]

EUGENE E. WASSMER

Order Denying Export Privileges

In the matter of Eugene E. Wassmer, doing business under the firm name and style of Wassmer & Cie., Morgentalstrasse 10, Zurich-2/38, Switzerland, Respondent. Case No. 274.

Eugene E. Wassmer, an exporter and importer of Zurich, Switzerland, doing business under the firm name and style of Wassmer & Cie., the respondent herein, was charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder. He appeared and answered in person and, during the pendency of this proceeding, was represented by counsel.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports findings of violation and has recommended that the respondent be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answer and other evidence submitted by or on behalf of the respondent, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, the respondent, Eugene E. Wassmer, was engaged in the export and import business in Zurich, Switzerland, under the firm name and style of Wassmer & Cie.

2. Beginning in May 1957 and continuously during that month and in June, Wassmer wrote a number of letters to an exporter in the City of New York, stating his interest in acquiring various chemical and electronic materials to be exported from the United States. In the said letters, he suggested various methods and devices whereby he solicited that exporter to export to him the goods desired by him without complying with various requirements of the export control regulations of the United States and in contravention thereof.

3. During the various exchanges of correspondence, the American exporter had advised him in clear and precise statements of the applicable provisions and requirements of the export control regulations. Having so advised him, it refused to accede to his requests and informed him that "• • • instead of supplying all the pertinent information • • • requested, you have merely suggested several ways in which our export license regulations could be circumvented. We must bluntly state that we cannot cooperate with you along these lines, regardless of how much we would like to do business with you."

4. Thereafter, following conferences in Switzerland with affiliates of a certain New York forwarding company, respondent advanced funds to the New York forwarding company and requested it to purchase for him, to be exported to him, certain of the electronic materials which had been the subject of the correspondence between him and the New York exporter who had refused to do business with him.

5. Respondent ordered from the forwarding company in New York numerous electronic items, including 50 Philco transistors having a value of $287.50. Although the first New York exporter had advised him that a validated license was necessary but that an import certificate was not required for Finland, respondent either sought to have these tubes exported from New York to Finland pursuant to General License or designated Finland as the country of destination because he had been informed that no import certificate was required for that country. The New York forwarder ascertained, however, and informed him that a validated export license was necessary.

6. In order to induce the said exportation and in response to inquiries from the New York forwarding company, respondent stated and represented to it that the purchaser of the goods was a named firm in Helsingfors, Finland, and that the goods were intended for hearing aids to be manufactured in Finland, the country of ultimate destination.

7. The firm named by the respondent as the purchaser in Finland was not the purchaser and had had no communication with the respondent; and respondent's true customer and the true destination of the said transistors have never been ascertained.

8. In reliance on the statements and representations made by the respondent to it, the New York forwarder applied for and the Bureau of Foreign Commerce issued a validated export license authorizing the exportation of the said 50 Philco transistors to the said named consignee in Finland. Thereafter, in August 1957, they were exported from the United States under and pursuant to the authority of the said export license for delivery to the named consignee in Finland, after receipt by a forwarder in Holland as authorized intermediate consignee.

9. The respondent obtained possession of the said transistors after the forwarder at his request had placed the same in storage in Amsterdam, Holland, for transit purposes; and, after obtaining such possession, respondent delivered the same in Amsterdam, Holland, to a person other than the named consignee. The transistors never were delivered to the named consignee.

10. In another transaction whereby the respondent sought to obtain pulpstones having a value of approximately $20,000, more or less, he wrote numerous letters to his supplier in New York, soliciting the exportation thereof pursuant to General License, accompanied by bill of lading not bearing the required destination control statement restricting delivery of the goods to authorized destinations only; as an alternative, solicited the supplier to have the goods shipped to Montreal for exportation abroad to the end that the applicable export control regulations thereby might be averted; suggested numerous alternate destinations in Europe to which respondent hoped the pulpstones might be shipped in a manner to lessen or avert the impact of the export control regulations, and solicited the New York exporter to export the pulpstones to one of those places if his other suggestions and requests were not acceptable or accomplished.

11. During all the negotiations and representations for the purchase of the said pulpstones, respondent at no time disclosed to his supplier in New York the name of the true purchaser thereof or the country of ultimate destination.

12. Respondent made substantial payments to his supplier in New York on account of the purchase price for said pulpstones and made arrangements for final payment to be made at the time of the exportation, but none of the said pulpstones was at any time exported from the United States, by reason of intervention by the United States Treasury Department, which caused all negotiations having anything to do with the intended exportation to be halted.

And from the foregoing, it is my conclusion that respondent Eugene E. Wassmer knowingly:

A. Disposed of and diverted licensed United States origin commodities to unauthorized destinations, contrary to prior representations and to prior notification that such actions were prohibited, thereby violating § 381.6 of the Export Control Regulations.

B. Made false and misleading statements and concealed material facts, contrary to § 381.5 of the Export Control Regulations.

C. Counselled, sought to induce, and solicited exporters in the United States to do acts prohibited by the Export Control Regulations, thereby violating §§ 381.2 and 381.3 thereof, as then in effect.

In summing up his impression of Wassmer's conduct, and in connection with his recommendation that the remedial action be as herein provided, the Compliance Commissioner said, in part:

> It is quite apparent to me [that in Wassmer's numerous letters to an American supplier] • • • [he] was not seeking information for the purpose of finding ways to comply with the law, but was seeking information and used and intended to use such information as he did receive for the purpose of devising methods and means to violate the law in ways or manners not susceptible of easy detection. He was as bad a conniver as any that have come before me in the past.
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> • • • • • •
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> This respondent is deserving of no consideration whatsoever. He connived in every way possible to have goods exported to him from the United States without complying with the requirements of the export control regulations. It may easily be inferred that the goods he sought were for persons and destinations for whom and for which he well knew export licenses would not be approved. He was not content to confine his nefarious activities to himself, but sought most assiduously to pervert and make violators of the American exporters with whom he did business. It is my recommendation that he be denied all export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law, it is hereby ordered:

I. So long as export controls shall be in effect, the said respondent, his agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with the respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which the respondent may have any interest of any kind or nature.

Dated: August 12, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-7676; Filed, Aug. 16, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-154]

MARTIN CO.

Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPCX-17 set forth below. The amendment extends to December 1, 1960, as requested by the applicant, the latest date for completion of construction of the liquid fluidized bed reactor critical experiments facility to be located near Middle River, Maryland.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment to the construction permit upon receipt of a request therefor from the permittee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see the application for amendment dated July 22, 1960, submitted by The Martin Company.

Dated at Germantown, Md., this 10th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing & Regulation.

[Construction Permit No. CPCX-17; Amdt. 1]

Paragraph 3.A. of Construction Permit No. CPCX-17 is hereby amended by changing the second sentence thereof to read as follows:

The latest date for completion of the facility is December 1, 1960.

This amendment is effective as of the date of issuance.

Date of issuance: August 10, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7652; Filed, Aug. 16, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13605-13607; FCC 60M-1371]

ABILENE RADIO AND TELEVISION CO. ET AL.

Order Setting Prehearing Conference

In re applications of Abilene Radio and Television Company, San Angelo, Texas, Docket No. 13605, File No. BPCT-2639; E. C. Gunter, San Angelo, Texas, Docket No. 13606, File No. BPCT-2663; Dornita Investment Corp., San Angelo, Texas, Docket No. 13607, File No. BPCT-2714; for construction permits for new television broadcast stations (Channel 3).

It is ordered, This 9th day of August 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of

§ 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9:00 a.m., September 12, 1960.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7686; Filed, Aug. 16, 1960; 8:49 a.m.]

[Docket No. 13758; FCC 60M-1385]

BERT CUBBEDGE

Order Scheduling Hearing

In the matter of Bert Cubbedge, Edgewater, Florida, Docket No. 13758; order to show cause why there should not be revoked the License for Radio Station WH-5889 aboard the vessel "Lou".

It is ordered, This 10th day of August 1960, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 20, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7687; Filed, Aug. 16, 1960; 8:49 a.m.]

[Docket Nos. 13694-13707; FCC 60M-1384]

EAST ARKANSAS BROADCASTERS, INC. (KWYN) ET AL.

Order Scheduling Hearing

In re applications of East Arkansas Broadcasters, Inc. (KWYN), Wynne, Arkansas, Docket No. 13694, File No. BP-12327; et al., Docket Nos. 13695, 13696, 13697, 13698, 13699, 13700, 13701, 13702, 13703, 13704, 13705, 13706, 13707; for construction permits.

It is ordered, This 10th day of August 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 7, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7688; Filed, Aug. 16, 1960; 8:49 a.m.]

[Docket Nos. 13692, 13693; FCC 60M-1370]

EMPIRE COMMUNICATIONS CO. AND TELEPHONE ANSWERING SERVICE

Order Scheduling Hearing

In re applications of Leslie F. Smith, Jr., d/b as Empire Communications Company, docket No. 13692, File Nos. 2233-C2-P-59, 2234-C1-P/L-59, for construction permits to establish a new two-way communication service in the Domestic Public Land Mobile Radio Service at Salem, Oregon; Vincent W. Elliott, d/b as Telephone Answering Service, Docket No. 13693, File Nos. 2639-C2-P-59, 1530-C1-PL-60, for construction permits to establish a new two-way communication service in the Domestic Public Land Mobile Radio Service at Salem, Oregon.

It is ordered, This 9th day of August 1960, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 19, 1960, in Washington, D.C.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7689; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket No. 13757; FCC 60M-1386]

DON G. MORRISON

Order Scheduling Hearing

In the matter of Don G. Morrison, 3309 Robbin Hood, Texarkana, Texas, Docket No. 13757; order to show cause why there should not be revoked the License for Citizens Radio Station 8W1013.

It is ordered, This 10th day of August 1960, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 19, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7690; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket No. 12731 etc.; FCC 60M-1369]

RADIO STATION WAYX, INC. (WAYX) ET AL.

Order Setting Prehearing Conference

In re applications of Radio Station WAYX, Inc. (WAYX), Waycross, Georgia, Docket No. 12731, File No. BP-12295; Radio Gainesville, Inc. (WGGG), Gainesville, Florida, Docket No. 13634, File No. BP-12391; Middle South Broadcasting Company (WBML), Macon, Georgia, Docket No. 13635, File No. BP-12459; Fisher Broadcasting Company, Inc. (WSOK), Savannah, Georgia, Docket No. 13636, File No. BP-12726; Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, Docket No. 13637, File No. BP-13063; Radio South, Inc. (WXLI), Dublin, Georgia, Docket No. 13638, File No. BMP-8559; for construction permits.

It is ordered, This 9th day of August 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9:00 a.m., September 13, 1960.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7693; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket No. 13744; FCC 60M-1377]

MOUNTAIN EMPIRE RADIO CO.

Order Scheduling Hearing

In re application of James B. Childress and James E. Reed d/b as Mountain Empire Radio Company, Clinton, Tennessee, Docket No. 13744, File No. BP-12925, for construction permit.

It is ordered, This 10th day of August 1960, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7691; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket Nos. 13747, 13748; FCC 60M-1382]

OREGON TELEVISION, INC., AND WILLAMETTE-LAND TELEVISION, INC.

Order Scheduling Hearing

In re applications of Oregon Television, Inc., Salem, Oregon, Docket No. 13747, File No. BPCT-2611; Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permits for new television broadcast stations (Channel 3).

It is ordered, This 10th day of August 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 19, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7692; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket Nos. 13745, 13746; FCC 60M-1380]

RADIO STATION WHCC (WHCC) AND ALUMINUM CITIES BROADCASTING CO. (WGAP)

Order Scheduling Hearing

In re applications of Kenneth D. Fry and Margaret F. Fry, d/b as Radio Station WHCC (WHCC), Waynesville, North Carolina, Docket No. 13745, File No. BP-12615; Harry C. Weaver and Frank H. Corbett, a Limited Partnership, d/b as Aluminum Cities Broadcasting Company (WGAP), Maryville, Tennessee, Docket No. 13746, File No. BP-12642; for construction permits.

It is ordered, This 10th day of August 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7694; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket No. 13743; FCC 60M-1376]

S & S BROADCASTING CO. (WTAQ)

Order Scheduling Hearing

In re application of S & S Broadcasting Co. (WTAQ), La Grange, Illinois, Docket No. 13743, File No. BP-12781; for construction permit.

It is ordered, This 10th day of August 1960, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7697; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket Nos. 13749-13753; FCC 60M-1381]

ROLLINS BROADCASTING, INC., ET AL.

Order Scheduling Hearing

In re applications of Rollins Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; National Telefilm Associates, Inc., Wilmington, Delaware, Docket No. 13753, File No. BPCT-2769; for construction permits for new television broadcast stations (Channel 12).

It is ordered, This 10th day of August 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7696; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket No. 9186 etc.; FCC 60M-1383]

MRS. JANE RASCOE ET AL.

Order Scheduling Hearing

In re applications of Mrs. Jane Rascoe, Corpus Christi, Texas, Docket No. 9186, File No. BP-6784; Uvalde Broadcasters, Inc., Port Lavaca, Texas, Docket No. 13738, File No. BP-9365; Lewis O. Seibert, Port Lavaca, Texas, Docket No. 13739, File No. BP-13832; for construction permits.

It is ordered, This 10th day of August 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7695; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket Nos. 13711-13736; FCC 60M-1378]

TRIANGLE PUBLICATIONS, INC. (WNHC) ET AL.

Order Scheduling Hearing

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Connecticut, Docket No. 13711, File No. BP-12107; et al., Docket Nos. 13712, 13713, 13714, 13715, 13716, 13717, 13718, 13719, 13720, 13721, 13722, 13723, 13724, 13725, 13726, 13727, 13728, 13729, 13730, 13731, 13732, 13733, 13734, 13735, 13736; for construction permits.

It is ordered, This 10th day of August 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 7, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7698; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket Nos. 13740-13742; FCC 60M-1379]

WBIZ, INC. (WBIZ) ET AL.

Order Scheduling Hearing

In re applications of WBIZ, Incorporated (WBIZ), Eau Claire, Wisconsin, Docket No. 13740, File No. BP-12458; Northwest Broadcasting Company (KVFD), Fort Dodge, Iowa, Docket No. 13741, File No. BP-12679; Franklin Broadcasting Company (WMIN), St. Paul, Minnesota, Docket No. 13742, File No. BP-13270; for construction permits.

It is ordered, This 10th day of August 1960, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 1, 1960, in Washington, D.C.

Released: August 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7699; Filed, Aug. 16, 1960; 8:50 a.m.]

[Docket Nos. 13225 etc.; FCC 60M-1367]

WPET, INC. (WPET) ET AL.

Order Scheduling Prehearing Conference

In re applications of WPET, Incorporated (WPET), Greensboro, North Caroline, Docket No. 13225, File No. BP-11742; Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Radio Virginia, Incorporated (WXGI), Richmond, Virginia, Docket No. 13229, File No. BP-12228; The Tidewater Broadcasting Company, Inc., Smithfield, Virginia, Docket No. 13243, File No. BP-12814; Caba Broadcasting Corporation, Baltimore, Maryland, Docket No. 13245, File No. BP-12962; Rossmoyne Corporation, Lebanon, Pennsylvania, Docket No. 13247, File No. BP-13110; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP-13114; Mary Cobb and Richard S. Cobb d/b as Tenth District Broadcasting Company, McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

The Hearing Examiner having under consideration the further procedure in the above-styled proceeding; and

It appearing that the applications above named were severed from a larger consolidated proceeding by Memorandum Opinion and Order of the Commission dated July 27, 1960;

It is ordered, This 9th day of August 1960, that a hearing conference will be held at the offices of the Commission in Washington, D.C., at 9 a.m., on September 1, 1960, to discuss the procedure to be followed in the further hearing in this proceeding and to consider such other matters as may seem appropriate.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7700; Filed, Aug. 16, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11129]

FRONTIER AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held on August 24, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan. This investigation is limited to

issues bearing directly on the question of deletion of segment 13 from Frontier's route 73 and the addition of Columbus, Nebraska as an intermediate point on Frontier's segment 12. See Order No. E–15636.

Dated at Washington, D.C., August 12, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60–7679; Filed, Aug. 16, 1960; 8:48 a.m.]

[Docket 11183]

SEABOARD & WESTERN AIRLINES, INC.; ENFORCEMENT

Notice of Postponement of Hearing

In the matter of the complaint of Trans World Airlines, Inc. v. Seaboard & Western Airlines, Inc.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore scheduled to be held on August 23, 1960, is assigned to be held on October 13, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., August 11, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60–7680; Filed, Aug. 16, 1960; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Notice of Receipt of Application

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by The Marine Corporation, Milwaukee, Wisconsin, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of the acquisition by that Corporation of 80 percent or more of the voting shares of Wisconsin State Bank, Milwaukee, Wisconsin.

In determining whether to approve this application the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 11th day of August 1960.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60–7656; Filed, Aug. 16, 1960; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region II (Philadelphia), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

This redelegation supersedes the redelegation effective May 14, 1960 (25 F.R. 4337, May 14, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] CHESTER H. KNOWLES,
Regional Administrator, Region II.

[F.R. Doc. 60–7663; Filed, Aug. 16, 1960; 8:46 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region II (Philadelphia), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works or facilities.

This redelegation supersedes the redelegation effective May 14, 1960 (25 F.R. 4337, May 14, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] CHESTER H. KNOWLES,
Regional Administrator, Region II.

[F.R. Doc. 60–7664; Filed, Aug. 16, 1960; 8:46 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region II (Philadelphia), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

This redelegation supersedes the redelegation effective May 14, 1960 (25 F.R. 4337, May 14, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960)

Effective as of the 1st day of July 1960.

[SEAL] CHESTER H. KNOWLES,
Regional Administrator, Region II.

[F.R. Doc. 60–7665; Filed, Aug. 16, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 12, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36477: *Substituted service—T&NO for Herrin Transportation Company.* Filed by J. D. Hughett, Agent (No. 28), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Dallas, Tex., on the one hand, and Beaumont and Houston, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Southwestern Motor Freight Bureau tariff MF–I.C.C. 321.

FSA No. 36478: *Substituted service—T&NO for Lee Way Motor Freight, Inc.* Filed by J. D. Hughett, Agent (No. 29), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Dallas, Tex., and Houston, Tex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Southwestern Motor Freight Bureau tariff MF–I.C.C. 321.

FSA No. 36479: *Substituted service—CRI&P for Riss & Company, Inc.* Filed by J. D. Hughett, Agent (No. 30), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Oklahoma City, Okla., and Dallas, Tex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Southwestern Motor Freight Bureau tariff MF–I.C.C. 321.

FSA No. 36480: *Plaster and related articles—Alameda and Albuquerque, N. Mex., to the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7864), for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, in carloads, as described in the application, from Alameda and Albuquerque, N. Mex., to points in southwestern territory, also Mississippi River crossings.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 96 to Southwestern Freight Bureau tariff I.C.C. 4149.

FSA No. 36481: *Substituted service—CRI&P for T.I.M.E., Incorporated.* Filed by J. D. Hughett, Agent (No. 31), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Memphis, Tenn., and Oklahoma City, Okla., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Southwestern Motor Freight Bureau tariff MF–I.C.C. 321.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–7667; Filed, Aug. 16, 1960; 8:46 a.m.]

[Notice 134]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 12, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–879 (Deviation No. 2), SERVICE LINES, INC., 514 South Fourth Street, St. Louis 2, Mo., filed August 4, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Kentucky Highway 85 and U.S. Highway 41–A over Kentucky Highway 85 to Providence, Ky., thence over Kentucky Highway 109 to Hopkinsville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction of Kentucky Highway 85 and U.S. Highway 41–A to Madisonville, Ky., thence over U.S. Highway 41 to Hopkinsville, and return over the same route.

No. MC–2229 (Deviation No. 3), RED BALL MOTOR FREIGHT, INC. P.O. Box 3148, Dallas, Tex., filed August 5, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Dallas, Tex., over U.S. Highway 77 to junction Texas Highway 24 near Denton, Tex., thence over Texas Highway 24 to Decatur, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas over Texas Highway 114 to Rhome, Tex., thence over U.S. Highway 287 to Decatur, and return over the same route.

No. MC–2306 (Deviation No. 6), STRICKLAND MOTOR FREIGHT LINES, INC., P.O. Box 5689 Dallas 2, Tex., filed July 25, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 42, thence over U.S. Highway 42 to Delaware, Ohio, and junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 71 (near Berkshire, Ohio), thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U.S. Highway 21, and thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 to Gilman, Ill., thence over U.S. Highway 24 to Napoleon, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, and return over the same route.

No. MC–2894 (Deviation No. 3), RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit 9, Mich., filed August 4, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio over U.S. Highway 75 to junction U.S. Highway 25 and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Toledo over U.S. Highways 24 and 25 to Detroit, Mich., and return over the same routes.

No. MC–8902 (Deviation No. 4), THE WESTERN EXPRESS COMPANY, 1277 East 40th Street, Cleveland 14, Ohio, filed July 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Interstate Highway 90 (New York Thruway, Pennsylvania Thruway, Ohio North-South Freeway) to junction Euclid Spur, thence over Euclid Spur to junction Ohio Highway 2, thence over Ohio Highway 2 to Cleveland, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cleveland, Ohio over Ohio Highway 85 (now U.S. Highway 6) to junction Ohio Highway 91, thence over Ohio Highway 91 to junction Ohio Highway 84, thence over Ohio Highway 84 to Madison, Ohio, thence over Ohio Highway 166 to junction Ohio Highway 307, thence over Ohio

Highway 307 to Austinburg, Ohio, thence over Ohio Highway 45 to Munson Hill, Ohio, thence over unnumbered highway to Ashtabula, Ohio, thence over Ohio Highway 84 to Kingsville, Ohio, thence over Ohio Highway 90 to North Kingsville, thence over U.S. Highway 20 via Erie, Pa., to Alden, N.Y.; from junction U.S. Highways 20 and 62 near Big Tree, N.Y. over U.S. Highway 62 to Niagara Falls, N.Y.; from Cleveland to Erie as specified above, thence over Pennsylvania Highway 5 to Pennsylvania-New York State Line, thence over New York Highway 5 to junction U.S. Highway 20; from Cleveland over U.S. Highway 20 to North Kingsville, Ohio; and from Cleveland over Ohio Highway 2 to Willoughby, Ohio and return over the same routes.

No. MC–10761 (Deviation No. 5), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed July 28, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio over Interstate Highway 71 to its junction with Ohio Highway 18 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio over U.S. Highway 23, to Delaware, Ohio, and thence over U.S. Highway 42 to Medinas, Ohio, and thence over Ohio Highway 18 to Akron, Ohio, and return over the same route.

No. MC–10761 (Deviation No. 6), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 75 to its junction with U.S. Highways 24 and 25 and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Toledo over U.S. Highways 24 and 25 to Detroit, Mich., and return over the same routes.

No. MC–10928 (Deviation No. 7), SOUTHERN-PLAZA EXPRESS INC., P.O. Box 10572, Dallas 7, Texas, filed August 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Centerville, Tex., over Texas Highways 7 and 103 to Lufkin, Tex., thence over U.S. Highway 69 to Beaumont, Tex., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Centerville over U.S. Highway 75 to Houston, Tex., thence over U.S. Highway 90 to Beaumont, and return over the same route.

No. MC–13123 (Deviation No. 9), WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, filed July 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Cincinnati, Ohio over Interstate Highway 75 to Dayton, Ohio; (B) from Kirkersville, Ohio over Interstate Highway 70 (also designated U.S. Highway 40) to Brownsville, Ohio; (C) from the junction of Interstate Highway 75 and U.S. Highway 36, one mile east of Piqua, Ohio, over Interstate Highway 75, to junction U.S. Highway 25 and Ohio Highway 66, approximately 3½ miles south of Troy, Ohio; (D) from the junction of Ohio Highway 444 and Interstate Highway 70, near Medway, Ohio, over Interstate Highway 70 to junction U.S. Highway 25, approximately two miles south of Vandalia, Ohio, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cincinnati over U.S. Highway 25 to Dayton; from Cincinnati over Ohio Highway 4 to Dayton; from Cincinnati over U.S. Highway 42 to Zenia, Ohio, and thence over U.S. Highway 35 to Dayton; from Kirkersville over Ohio Highway 440 to Brownsville; from junction U.S. Highway 25 and Ohio Highway 66 over Ohio Highway 66 to Piqua, and thence over U.S. Highway 36 to its junction with Interstate Highway 75; and from junction of Ohio Highway 444 and Interstate Highway 70 over Ohio Highway 444 to Dayton, and thence over U.S. Highway 25 to junction Interstate Highway 70 and return over the same routes.

No. MC–29859 (Deviation No. 3), BRINKER TRUCK LINE, INC., 210 Poplar Street, St. Louis, Mo., filed August 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Quincy, Ill., over Illinois Highway 57 to Pittsfield, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the deviation points over a pertinent service route as follows: From Quincy over Illinois Highway 96 to Junction U.S. Highway 36, thence over U.S. Highway 36 to Pittsfield, and return over the same route.

No. MC–30311 (Deviation No. 3), FREIGHT INC., 1350 Kelly Avenue, Akron, Ohio, filed August 4, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the Ohio-Indiana State line over Indiana Toll Road to Hammond, Ind., thence over Hammond city streets to Chicago, Ill., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the Ohio-Indiana State line over U.S. Highway 30 to Valparaiso, Ind., thence over Indiana Highway 130 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route.

No. MC–30605 (Deviation No. 5), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago 4, Ill., filed August 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to junction U.S. Highway 6 west of Lincoln, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 77 via Beatrice, Nebr., to Randolph, Kans., thence over Kansas Highway 13 to Manhattan, Kans., thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to South Haven, Kans., thence over U.S. Highway 177 to junction U.S. Highway 77, and thence over U.S. Highway 77 to Oklahoma City, Okla., and return over the same route.

No. MC–32474 (Deviation No. 1) KEESHIN TRANSPORT SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio, filed August 5, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Interstate Highway 90 to Cleveland, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cleveland over U.S. Highway 20 to Buffalo; from Cleveland over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, and thence over the above specified routes to Buffalo; from Cleveland over U.S. Highway 20 to junction Pennsylvania Highway 5, thence over Pennsylvania Highway 5 to the Pennsylvania-New York-State line, and thence over New York Highway 5 to Buffalo, and return over the same routes.

No. MC–65660 (Deviation No. 1), WARNER & SMITH MOTOR FREIGHT, INC., Walnut and Shenango Streets, Sharpsville, Pa., filed July 28, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Painesville, Ohio over Ohio Highway 44 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 19, and thence over U.S. Highway 19 to Erie, Pa., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland, Ohio over U.S. Highway 20 to North Kingsville, Ohio, and thence over U.S. Highway 20 to Erie, and return over the same routes.

No. MC–104004 (Deviation No. 11), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed July 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 60 and Virginia Highway 42 over Virginia Highway 42 to junction Virginia Highway 254, and thence over Virginia Highway 254 to Staunton and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 60 and Virginia Highway 42 over U.S. Highway 60, to Lexington, Va., thence over U.S. Highway 11 to Staunton, and return over the same route.

No. MC–106943 (Deviation No. 2), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., filed July 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio over Ohio Highway 3 to Sunbury, Ohio, thence over Ohio Highway 61 to Mt. Gilead, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, thence over By-Pass U.S. Highway 30 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction U.S. Highway 30, thence over U.S. Highway 30 to Canton, Ohio, thence over U.S. Highway 62 to junction Ohio Highway 164, thence over Ohio Highway 164 to junction Ohio Highway 7, thence over Ohio Highway 7 to North Lima Interchange of the Ohio Turnpike, thence over the Ohio Turnpike and the Pennsylvania Turnpike to the Carlisle Interchange, thence over U.S. Highway 11 to Harrisburg, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lafayette, Ohio over U.S. Highway 40 via Cambridge, Ohio to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., also from Cambridge over U.S. Highway 22 to Steubenville, Ohio, thence over Ohio Highway 7 to East Liverpool, Ohio, thence over Ohio Highway 39 to Ohio-Pennsylvania State Line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, and thence over U.S. Highway 22 to Harrisburg, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC–1501 (Deviation No. 54) THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed July 26, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* over a deviation route as follows: From Columbus, Ohio over Interstate Highway 71 to junction U.S. Highway 62 and Ohio Highway 3, approximately two miles north of Harrisburg, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Columbus over U.S. Highway 62 to Washington Court House, Ohio, thence over U.S. Highway 22 to Cincinnati, Ohio; from the junction of Old U.S. Highway 62 and relocated U.S. Highway 62, approximately one-half mile north of Harrisburg, over relocated U.S. Highway 62 to junction Old U.S. Highway 62, approximately one-half mile south of Harrisburg, and return over the same routes.

No. MC–102676 (Deviation No. 1), WORCESTER BUS CO., INC., 287 Grove Street, Worcester, Mass. Carrier's representative Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route as follows: From the above-named carrier's terminal in Worcester, Mass., over city streets to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to junction with Massachusetts Turnpike in Framingham, Mass., thence over Massachusetts Turnpike to its terminus in Weston, Mass., or its junction with Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction U.S. Highway 1 in Lynnfield, Mass., thence over U.S. Highway 1 to junction Interstate Highway 95 near Danvers, Mass., thence over Interstate Highway 95 to the Massachusetts-New Hampshire State Line, thence over Interstate Highway 95 to Exit No. 1 (Hampton, N.H.), thence over New Hampshire Highway 101–E to junction U.S. Highway 1–A, thence over U.S. Highway 1–A to Hampton Beach, N.H., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers in special operations in round trip service during the season extending from the first of May to the thirtieth day of September both inclusive of each year over pertinent service routes as follows: Beginning and ending at Worcester, Mass., and extending to Hampton Beach, N.H., as follows: From Worcester over Massachusetts Highway 110 to Lowell, Mass., thence over Massachusetts Highway 133 to junction Massachusetts Highway 125, thence over Massachusetts Highway 125 to Haverhill, Mass., thence over Massachusetts Highway 110 to junction U.S. Highway 1, thence over U.S. Highway 1 to Hampton, N.H., thence over New Hampshire Highway 101–E to junction New Hampshire Highway 1–A, thence over New Hampshire Highway 1–A to Hampton Beach, and return with no pickup or discharge of passengers en route.

No. MC–109598 (Deviation No. 2), No. MC–110595 (Sub-No. 4) (Deviation No. 1) CAROLINA SCENIC STAGES, COASTAL STAGES CORPORATION, 217 North Converse Street, Spartanburg, S.C., filed July 28, 1960. Carriers propose to operate as *common carriers*, by motor vehicle of *passengers* over a deviation route as follows: From Fort Jackson, S.C. over South Carolina Highway 760 to junction U.S. Highway 76, thence over U.S. Highway 76 to junction U.S. Highway 521 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carriers are jointly transporting passengers over pertinent service routes as follows: (Carolina Scenic Stages) From Fort Jackson over South Carolina Highway 12 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 1, thence over U.S. Highway 1 to Camden, S.C.; (Coastal Stages Corporation) from Camden, S.C. over U.S. Highway 521 to junction South Carolina Highway 12, thence over South Carolina Highway 12 to junction South Carolina Highway 26, thence over South Carolina Highway 26 to junction South Carolina Highway 38, thence over South Carolina Highway 38 to junction South Carolina Highway 43, thence over South Carolina 43 to junction U.S. Highway 521, thence over U.S. Highway 521 to junction U.S. Highway 76, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7668; Filed, Aug. 16, 1960; 8:47 a.m.]

[Notice 337]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 12, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 10), filed July 28, 1960. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mitchell, Ind. and Louisville, Ky., (a) From Mitchell, Ind. over Indiana Highway 60 to junction U.S. Highway 31W, thence over U.S. Highway 31W to Louisville, Ky., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. (b) From Mitchell, Ind. over Indiana Highway 60 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Louisville, Ky., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. (c) From Mitchell, Ind., over Indiana Highway 60 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Applicant states it presently holds authority to operate between Indianapolis, Ind. and Louisville, Ky., and between Louisville, Ky. and Evansville, Ind., and that New Albany and Jeffersonville, Ind. are present points of service. Applicant also states no duplicate authority is sought.

HEARING: September 23, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 155.

No. MC 4405 (Sub No. 358), filed June 6, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, other than those designated to be drawn by passenger automobiles, in initial truckaway service, and (b) *tank shells* and *tank bodies*, from Uniontown, Pa., to all points in the United States, including Alaska, but excluding Hawaii.

HEARING: October 3, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 5470 (Sub No. 14), filed July 18, 1960. Applicant: ERSKINE & SONS, INC., R.D. No. 1, Lowellville, Ohio. Applicant's attorney: Donald F. Billett, 718 Union National Bank Building, Youngstown, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, in dump trucks, from Allegheny County, Pa., to all points in Ohio.

HEARING: October 3, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 7746 (Sub No. 104) (CORRECTION), filed May 12, 1960, published FEDERAL REGISTER, issue of July 20, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products, dairy products, articles distributed by meat packing houses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Nampa, Boise, Caldwell, and Twin Falls, Idaho and points within 17 miles of Twin Falls, on the one hand, and, on the other, points in California.

NOTE: The purpose of this republication is to add to the territorial description the portion reading "and points within 17 miles of Twin Falls", inadvertently omitted from previous publication.

HEARING: Remains as assigned September 22, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner James A. McKiel.

No. MC 8989 (Sub No. 195), filed August 3, 1960. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets, NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck chassis, mixer bodies*, in initial movements by the driveaway and truckaway methods from the site of the Willard Concrete Machinery Company within the Commercial Zone of Los Angeles, Calif. to all points in the United States, including Alaska, but excluding Hawaii.

HEARING: September 27, 1960, at the Federal Building, Los Angeles, Calif., before Examiner William E. Messer.

No. MC 9071 (Sub No. 3), filed June 28, 1960. Applicant: NATHAN STEINMAN, DAVID STEIN, Administrator, AND DAVID STEINMAN, a partnership, doing business as N. STEINMAN TRUCKING COMPANY, 310–312 Franklin Avenue, Scranton, Pa. Applicant's attorney: Emanuel Laster, Connell Building, Scranton 3, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *articles of unusual value, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, but excluding Classes A and B explosives, between Scranton, Pa., and Dunmore, Cresco, and Wilkes-Barre, Pa., as follows: (1) from Scranton over city streets to Dunmore; (2) from Scranton over U.S. Highway 611 to Mount Pocono, Pa., thence over Pennsylvania Highway 196 to Paradise Valley, Pa., and thence over Pennsylvania Highway 90 to Cresco; and (3) from Scranton over U.S. Highway 11 via Wyoming, Pa., to Kingston, Pa., thence over U.S. Highway 309 to Wilkes-Barre, and return over the above routes, serving all intermediate points. RESTRICTIONS: The service to be authorized herein will be subject to the following conditions: (a) The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service to The Delaware, Lackawanna and Western Railroad Company, hereinafter called the railroad. (b) Said carrier shall not serve any points not a station on a rail line of the railroad. (c) The shipments transported by said carrier by motor vehicle shall be limited to those which move under a through railroad bill of lading covering, in addition to the herein authorized movement by motor vehicle, an immediately prior or immediately subsequent movement by rail.

HEARING: September 12, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles J. Murphy.

No. MC 20783 (Sub No. 51) filed July 25, 1960. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles distributed by meat packing houses*, as described in Subdivision A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209(706), from Whitehall and La Crosse, Wis., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Louisiana, Tennessee, and Mississippi.

Hearing: October 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 29886 (Sub No. 172) filed August 1, 1960. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 4000 West Sample Street, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers and parts* thereof, when moving in the same shipment, from Berks, Cambria, Chester, Lebanon, Monroe, Montgomery, and York Counties, Pa., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

HEARING: October 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 30844 (Sub No. 42), filed March 25, 1960. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *frozen foods*, from Lawton and Decatur, Mich., to points in Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 42487 (Sub No. 466), filed June 27, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: J. G. Dail, Jr. (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds, agricultural insecticides and bichromate of soda*, in bulk, in tank vehicles, from Painesville, Ohio and Des Moines, Iowa to points in Washington, Oregon, and California.

HEARING: October 5, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 52657 (Sub No. 598), filed August 3, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* (other than those designed to be drawn by passenger automobile), in initial truckaway service, from Uniontown, Pa., to all points in the United States, including Alaska, but excluding Hawaii, and (2) *Tank shells and tank bodies*, from Uniontown, Pa., to points in the United States, including Alaska, but excluding Hawaii.

HEARING: October 3, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 52709 (Sub No. 113), filed June 13, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Woods Cross, Utah, to points in Arizona, California, Colorado, New Mexico, Oregon, Utah, and Washington.

HEARING: October 25, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Richard H. Roberts.

No. MC 52709 (Sub No. 114), filed June 23, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Tallows and greases*, edible or inedible, *meat and bone products*, and *dried blood*, in bulk, in tank vehicles, from Denver, Colo., to points in Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Illinois, Iowa, Missouri, Nebraska, and Ohio.

HEARING: October 31, 1960, at the New Customs House, Denver, Colo., before Examiner Richard H. Roberts.

No. MC 52709 (Sub No. 118), filed July 5, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle, same address as applicant. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Culbertson, Mont., to points in Iowa, Missouri, Illinois, Michigan, Ohio, Pennsylvania, New Jersey, New York, Massachusetts, Texas, Louisiana, Oklahoma, Kansas, Arkansas, Tennessee, Georgia, Florida, Nebraska, Colorado, Kentucky, Alabama, Mississippi, Maryland, West Virginia, Virginia, Washington, D.C., Indiana, Wisconsin, Minnesota, Connecticut, Vermont, New Hampshire, Maine, North Carolina, South Carolina, Delaware, New Mexico, North Dakota, South Dakota, Wyoming, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

HEARING: November 1, 1960, at the New Customs House, Denver, Colo., before Examiner Richard H. Roberts.

No. MC 55236 (Sub No. 45), filed June 10, 1960. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's attorney: Robert W. Smith, 204 South Hamilton Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Lemont, Ill., and points within a radius of five (5) miles thereof, to points in Indiana, Iowa, Michigan, Ohio and Wisconsin, and *damaged or rejected shipments* of the above-specified commodity on return.

HEARING: October 4, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 61592 (Sub No. 8), filed May 18, 1960. Applicant: K & A TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm equipment, machinery*, and *farm equipment* and *machinery parts*, from Gwinner, N. Dak., to points in Arkansas, California, Colorado, Iowa, Indiana, Illinois, Idaho, Kentucky, Kansas, Missouri, Michigan, Montana, Minnesota, Nebraska, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Tennessee, Utah, Washington, Wisconsin, and Wyoming, and *defective, rejected* or *damaged shipments* of the above specified commodities, on return.

NOTE: Applicant states there will be no intent to transport full truckloads of the parts by themselves.

HEARING: October 10, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC-76032 (Sub No. 157), filed July 18, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, and excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving the plant site of Southwest Forest Industries, Inc., located approximately 21 miles south of Holbrook, Ariz., and 15 miles west of Snowflake, Ariz., as an off-route point in connection with carrier's regular route operations.

HEARING: September 20, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 87730 (Sub No. 22), filed August 1, 1960. Applicant: R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore, Md. Applicant's attorney: Donald E. Cross, 919 Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable food* and *perishable foodstuffs*, in vehicles equipped with mechanical refrigeration; (1) between Baltimore, Md. and Washington, D.C., and (2) from Baltimore, Md. and Washington, D.C., on the one hand, and, on the other, points in Virginia on and south of U.S. Highway 60.

HEARING: October 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 95540 (Sub No. 339), filed July 8, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *meats, meat products, meat by-products* and *articles* distributed by meat packing houses as described in Subdivision A and C Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (766), from points in Colorado to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia.

HEARING: November 2, 1960, at the New Customs House, Denver, Colo., before Examiner Richard H. Roberts.

No. MC 95540 (Sub No. 340), filed July 22, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainsville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *frozen juices*, from Bridgeton, Vineland, and Swedesboro, N.J., to points in Maine, Vermont, and New Hampshire.

NOTE: Common control may be involved.

HEARING: October 11, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heineman.

No. MC 95540 (Sub No. 341), filed July 25, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainsville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing houses*, as described in Sub-division A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (766); from Whitehall and LaCrosse, Wis., to points in Alabama, California, Florida, Georgia, Tennessee, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, Texas, New York, North Carolina, Pennsylvania, South Carolina, and Virginia.

NOTE: Common control may be involved.

HEARING: October 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 103051 (Sub No. 99), filed August 1, 1960. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1424 C and S Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Bibb County, Ga. to points in Jefferson County, Ala.

HEARING: September 20, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 106398 (Sub No. 162), filed June 22, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1915 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements in truckaway service, from points in Oklahoma (except from the site of Spartan factory near Tulsa; El Reno trailer plant approximately eight (8) miles south of El Reno, Okla., and from Lawton and Chickasha, Okla.), to all points in the United States, excluding Alaska and Hawaii.

HEARING: September 29, 1960, at the Mayo Hotel, Tulsa, Okla., before Examiner James O'D Moran.

No. MC 106965 (Sub No. 139), filed July 26, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to Norfolk, Va.

NOTE: (1) Applicant has pending in MC-112563 and Sub 1, thereunder, application for contract authority, therefore, dual operations may be involved. (2) Common control may be involved.

HEARING: October 3, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 106965 (Sub No. 140), filed July 26, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Emlenton and Farmers Valley, Pa., to Washington, D.C.

NOTE: (1) Applicant has pending in MC-112563 and Sub 1, thereunder, application for contract authority, therefore, dual operations may be involved. (2) Common control may be involved.

HEARING: October 4, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald P. Colfer.

No. MC 109637 (Sub No. 161), filed August 2, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Boyd County, Ky. (excluding Ashland, Ky.), to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Lousiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, points in Tennessee, on and west of U.S. Highway 27, Vermont, points in Virginia on and east of U.S. Highway 15, Wisconsin, and the District of Columbia, and *rejected shipments*, on return.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 109772 (Sub No. 18), filed July 11, 1960. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson, Los Angeles, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, from Chrysler Corporation in Maywood, Calif., to points in New Mexico, and Farwell, Tex., and *rejected or damaged vehicles*, on return.

HEARING: September 14, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109947 (Sub No. 29), filed June 13, 1960. Applicant: WARSAW TRUCKING CO., INC., R.R. No. 5, Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings and stampings*, from the plant site of Dalton Foundries located at Warsaw, Ind., to points in Alabama, Arizona, Georgia, Kansas, Louisiana, Minnesota, Mississippi, New Jersey, New Mexico, Oregon, Washington, Wisconsin, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, Utah, Nevada, Idaho, Montana, Wyoming, Colorado, South Dakota, North Dakota, and Delaware; and *Materials and supplies*, used in connection with the manufacture of metal castings and stampings, from points in New York, Ohio, Illinois, Michigan, West Virginia, Kentucky, and Wisconsin to the plant site of Dalton Foundries at Warsaw, Ind.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109947 (Sub No. 22), to determine whether applicant's status is that of a common or contract carrier.

HEARING: October 5, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 111159 (Sub-No. 115), filed August 1, 1960. Applicant: MILLER TRANSPORTERS, LTD. (a corporation), P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Steavens, Suite 700, Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete plasticizers and concrete curing compounds*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Mississippi, and Missouri.

HEARING: October 3, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D Moran.

No. MC 111611 (Sub No. 14), filed July 27, 1960. Applicant: NOERR MOTOR FREIGHT, INC., 1000 South Main Street, Lewistown, Pa. Applicant's attorney: Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rayon strapping equipment and supplies*, from Lewistown, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

NOTE: Applicant presently has authority to transport rayon and rayon yarn from Lewistown, Pa., to the specified destination States.

HEARING: October 7, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 112330 (Sub No. 5), filed August 3, 1960. Applicant: A. G. OGDEN, P.O. Box 236, Naranja, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Insecticides, fungicides and fertilizers*, in containers, from Baltimore, Md. to points in Florida.

HEARING: October 4, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 112595 (Sub No. 18), filed July 27, 1960. Applicant: FORD BROTHERS, INC., P.O. Box 419, 2940 South Third Street., Ironton, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Boyd County, Ky. (excluding Ashland, Ky.), to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except points in Tennessee on and east of U.S. Highway 27), Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *refused or rejected shipments*, on return.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No MC 112617 (Sub No. 70), filed June 20, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from West Memphis, Ark., to points in Alabama, Georgia, Illinois, Kentucky, Mississippi, and Tennessee, and *rejected shipments*, on return.

HEARING: October 4, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D Moran.

No. MC 112617 (Sub No. 73), filed July 27, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Boyd County, Ky. (excluding Ashland, Ky.), to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee on and west of U.S. Highway 27, Vermont, Virginia, on and east of U.S. Highway 15, Wisconsin, and the District of Columbia, and *rejected shipments*, on return.

NOTE: Applicant will surrender all existing authorities which might be duplicated by the granting of this application.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 112750 (Sub No. 50), filed August 4, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222-17 North Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Sundial House, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies*, and *advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between points in the Pittsburgh, Pa. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Erie, Warren, Crawford, Mercer, Venango, Forest, Elk, Lawrence, Butler, Armstrong, Jefferson, Clearfield, Beaver, Indiana, Cambria, Allegheny, Westmoreland, Washington, Greene, Fayette, Somerset, McKean, Clarion, and Bedford Counties, Pa.

HEARING: October 3, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 113584 (Sub No. 12), filed July 15, 1960. Applicant: SHIPPERS SERVICE, INC., P.O. Box 1016, Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, used in the manufacture of animal and poultry drugs and remedies, from Lock Haven, Pa., to Charles City, Iowa. (Service to be performed under a continuing contract with Dr. Salisbury's Laboratories, of Charles City, Iowa.), (2) *Poultry and livestock drugs and remedies*, from Charles City, Iowa to Guntersville, Ala., Hayward, Los Angeles, Oakland, Ontario, Pasadena, Petaluma, Richmond, Rio Linda, Sacramento, Santa Rosa, Stockton, and Yuba City, Calif., Delmar and Millsboro, Del., Gainesville, Ga., Jackson, Miss., Mocksville, N.C., Camp Hill, Lancaster, Lemoyne, Shiremanstown, and York, Pa., Chattanooga and Memphis, Tenn., and Brattleboro, Vt.

NOTE: Shipments transported under the authority sought herein from Charles City to the points specified above would be limited to delivery of portion of a shipment from Charles City and destined to a point or points which applicant is presently authorized to serve. (Dual operations may be involved.)

HEARING: October 12, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 114364 (Sub No. 49), filed July 11, 1960. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Ovid, Colo., and points within five (5) miles thereof, to points in Kansas, Oklahoma, points in that part of Missouri on and south of U.S. Highway 54 from the Kansas-Missouri State line to Preston, Mo., and on and west of U.S. Highway 65 from Preston, Mo., to the Missouri-Arkansas State line, and Kansas City, Mo., and points in Arkansas on and west of U.S. Highway 65 from the Missouri-Arkansas State line to Little Rock, Ark., and on and west of U.S. Highway 67 from Little Rock, Ark., to Texarkana, Ark.; and (2) from Mitchell, Scottsbluff, Gering, and Bayard, Nebr., and points within five (5) miles of each, to points in Kansas, Oklahoma, points in that port of Missouri on and south of U.S. Highway 54 from the Kansas-Missouri State line to Preston, Mo., and on and west of U.S. Highway 65 from Preston, Mo., to the Missouri-Arkansas State line, and points in Arkansas on and west of U.S. Highway 65 from the Missouri-Arkansas State line to Little Rock, Ark., and on and west of U.S. Highway 67 from Little Rock, Ark., to Texarkana, Ark.

NOTE: Common control may be involved.

HEARING: November 4, 1960, at the New Customs House, Denver, Colo., before Examiner Richard H. Roberts.

No. MC 114364 (Sub No. 50), filed July 11, 1960. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Worland, Wyo., and points within 5 miles thereof, to points in Kansas and Oklahoma, and in that part of Missouri on and south of U.S. Highway 54 from the Kansas-Missouri State line to Preston, Mo.; and on and west of U.S. Highway 65 from Preston, Mo., to the Missouri-Arkansas State line, and Kansas City, Mo.; and points in Arkansas on and west of U.S. Highway 65 from the Missouri-Arkansas State line, to Little Rock, Ark., and on and west of U.S. Highway 67, from Little Rock, Ark., to Texarkana, Ark. and (2) from Hardin, Mont., and points within 5 miles thereof, to points in Kansas, Oklahoma, points in that part of Missouri on and South of U.S. Highway 54 from the Kansas-Missouri State line to Preston, Mo., and on and west of U.S. Highway 65 from Preston, Mo., to the Missouri-Arkansas State line, and points in Arkansas on and west of U.S. Highway 65 from the Missouri-Arkansas State line to Little Rock, Ark., and on and west of U.S. Highway 67 from Little Rock, Ark., to Texarkana, Ark.

HEARING: November 3, 1960, at the New Customs House, Denver, Colo., before Examiner Richard H. Roberts.

No. MC 115523 (Sub No. 72), filed June 14, 1960. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 North Beck Street, Salt Lake City 10, Utah. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, and *contaminated or rejected shipments*, between Saline and Silsbee, Utah and points within 10 miles thereof, and Salt Lake City, Utah, on the one hand, and, on the other, points in Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, California, Nevada, Oregon, and Washington.

HEARING: October 26, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Richard H. Roberts.

No. MC 115523 (Sub-No. 73), filed June 15, 1960. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 North Beck Street, Salt Lake City 10, Utah. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 800, San Francisco 8, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *dry calcium carbonate, dry calcium carbonate products, and trade name materials composed of such products*, from points in Tooele County, Utah, to points in Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, California, Nevada, Oregon, and Washington, (2) *Dry fertilizers, dry fertilizer ingredients, and dry fertilizer compounds* used in the manufacture of commercial fertilizers, from points in Lincoln County, Wyo., to points in Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, California, Nevada, Oregon, and Washington, and *contaminated or rejected shipments*, on return.

HEARING: October 27, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Richard H. Roberts.

No. MC 115732 (Sub No. 4), filed April 22, 1960. Applicant: FRANK C. MARTIN, doing business as MARTIN PROPANE TRANSPORT, 517 North Chancery Street, McMinnville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the Interstate Petroleum Company plant and the site of a plant to be operated by the Pure Oil Company for its owners, and which sites are located at or near West Memphis, Ark., to points in Mississippi on and north of U.S. Highway 84, points in Alabama on and north of U.S. Highway 80, points in Georgia on and north and west of U.S. Highway 411, points in Tennessee on and west of U.S. Highway 27, points in Kentucky on and west of U.S. Highway 31E, and those in Indiana and Illinois on and south of U.S. Highway 460.

HEARING: September 20, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 116205 (Sub No. 9), filed June 14, 1960. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 430, Charles City, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, (not including tractors with vehicle beds, bed frames or fifth wheels), *agricultural machinery and implements*, and *parts and attachments for the above-described commodities* when incidental to and moving at the same time as said commodities, from Charles City, Iowa, to points in Michigan, West Virginia, Tennessee, Kentucky, Ohio, and those in Pennsylvania on and west of U.S. Highway 219, and *damaged, rejected or returned shipments of tractors, agricultural machinery and implements, and parts thereof*, from the destination points described above, to Charles City, Iowa.

HEARING: October 6, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 116273 (Sub No. 4), filed June 8, 1960. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero 50, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt modifier*, in tank vehicles, from Whiting, Ind. to Chattanooga, Tenn. (2) *Asphalt, asphalt cut-back, road oils*, and *tar*, in bulk, in tank vehicles, from Whiting, Ind. to points in Michigan. (3) *Returned and rejected shipments* of the commodities specified in (1) and (2) from the respective destination points to the respective origin points.

HEARING: October 3, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 116858 (Sub No. 1), filed July 18, 1960. Applicant: J & M LEASING CORP., 646 East 12th Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is distributed by a premium stamp redemption center in redemption of premium stamps, and, in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, from the warehouse site of Sperry & Hutchinson Co., in Metuchen, N.J., to store sites of Sperry & Hutchinson Co., located at points in Westchester, Putnam, Dutchess, Orange, Rockland, Sullivan, and Ulster Counties, N.Y., and Fairfield, New Haven, Litchfield, Hartford, and Middlesex Counties, Conn., and *returned shipments* of the commodities specified above, and *premium stamp books with stamps attached*, on return. RESTRICTION: The operations proposed herein are to be limited to a transportation service to be performed under a continuing contract with Sperry & Hutchinson Co., Metuchen, N.J.

NOTE: Common control and dual operations may be involved.

HEARING: October 11, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 117169 (Sub No. 2), filed January 25, 1960. Applicant: B. BEASLEY, doing business as BEASLEY'S HOT SHOT SERVICE, 712 Laplata Drive, Farmington, N. Mex. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield tools, equipment and supplies*, with each individual shipment restricted to not more than 12,000 pounds, between points in San Juan County, N. Mex., on the one hand, and, on the other, points in Arizona, Colorado, Utah, and that part of Wyoming lying on and south of U.S. Highway 26.

HEARING: November 7, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Richard H. Roberts.

No. MC 117615 (Sub No. 4), filed July 13, 1960. Applicant: BOYER VALLEY COMPANY, a corporation, Iowa Theatre Building, Denison, Iowa. Applicant's attorney: Albert L. Feldman, Suite 924, City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal blood*, in bulk, in tank vehicles, from Denison, Iowa, to Omaha, Nebr., and *rejected or contaminated shipments* on return.

HEARING: October 14, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 118746 (Sub No. 3), filed July 25, 1960. Applicant: NOEL E. TIDWELL, doing business as CULLMAN BANANA SUPPLY, 104 East First Avenue, Cullman, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight or in mixed shipments with *certain exempt commodities*, from New Orleans, La. and Mobile, Ala., to Los Angeles and San Francisco, Calif.

NOTE: Applicant states it proposes to transport *exempt commodities* on return.

HEARING: September 14, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 119219 (Sub No. 3), filed July 1, 1960. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING COMPANY, 935 Florida, SE. Albuquerque, N. Mex. Applicant's representative: L. C. Cypert, Room 2, 1115½ Central Avenue N.E., Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts*, and *dairy products*, as listed in Sections A, B and C of Appendix I of the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, from Albuquerque, N. Mex. to points in New Mexico, (1) From Albuquerque, over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, through Santa Fe, to Las Vegas, N. Mex., serving all intermediate points. (2) From Albuquerque, N. Mex. over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 64 to Taos, N. Mex., serving the off-route points of Espanola and Los Alamos, N. Mex. (3) From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 285 to Espanola, thence over unnumbered New Mexico Highway to junction New Mexico Highway 4, thence over New Mexico Highway 4 to junction unnumbered New Mexico Highway, thence over unnumbered New Mexico Highway to Los Alamos, N. Mex., serving all intermediate points. (4) From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to Aztec, N. Mex., thence over U.S. Highway 550 to Shiprock, N. Mex. (5) From Albuquerque, N. Mex., over U.S. Highway 66 to Gallup, N. Mex., serving all intermediate points. (6) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to their respective origin point.

NOTE: Applicant states the proposed operations to points on the above-described routes will be delivery service only, on traffic originating outside of New Mexico.

HEARING: November 10, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 119630 (Sub No. 3), filed July 5, 1960. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, Fifth and Grand, Pittsburg, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer compounds*, in bulk, and in bags when moving with shipments in bulk, from Tulsa, Okla., to points in Missouri, Arkansas, Louisiana, and Texas. (2) *Dry muriate of potash*, in bags and in bulk, from points in New Mexico, to Tulsa, Okla. (3) *Dry crude sulphur*, in bulk, from points in Louisiana, Texas, and New Mexico, to Tulsa, Okla., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1), (2), and (3), above.

NOTE: Applicant has authority in MC-115036 to conduct operations as a contract carrier, therefor, dual operations under section 210 may be involved.

HEARING: September 29, 1960, at the Mayo Hotel, Tulsa, Okla., before Examiner James O'D Moran.

No. MC 119775, filed May 16, 1960. Applicant: BLOOMSDALE EXCAVATING COMPANY, INCORPORATED, Bloomsdale, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, in bulk and in bags, from points in Ste. Genevieve County, Mo., to Arkansas, Illinois, Indiana, Iowa, Kentucky and Tennessee, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 19, 1960, at the Missouri Hotel, Jefferson City, Mo., before Examiner James O'D Moran.

No. MC 119847, filed June 13, 1960. Applicant: LEO GOODALE, doing business as GOODALE TRUCK LINE, Smith Center, Kans. Applicant's attorney: Hollis B. Logan, 512 New England Building, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feeds*, in packages and in bulk, and *exempt commodities*, between Omaha, Nebr., and St. Joseph and Kansas City, Mo., on the one hand, and, on the other, points in Ellis, Norton, Rooks, Osborne, and Smith Counties, Kans.

HEARING: September 27, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 140, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 119848, filed June 13, 1960. Applicant: KENISON TRUCKING, INC., P.O. Box 324 (413 South Second West), Salt Lake City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, and *foods* and *ingredients* used in the manufacture thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Washington, Oregon, Montana, North Dakota, South Dakota, California, Nevada, Idaho, Utah, Wyoming, Colorado, Nebraska, Kansas, Arizona, New Mexico, Iowa, and Missouri.

NOTE: Applicant has contract carrier authority and pending applications under MC 115504 and Sub Numbers thereunder. Dual authority under section 210 may be involved. Applicant indicates it proposes to transport empty containers or other such incidental facilities on return movements.

HEARING: October 24, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Richard H. Roberts.

No. MC 119850, filed June 13, 1960. Applicant: CARL MAYR, doing business as POPLAR AUTO PARTS, 436 West 12th Street, Erie, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, from points in Illinois to points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, and New York.

NOTE: Applicant states he proposes to transport the above-specified vehicles from point of disablement to point of repair by wrecker vehicle, such transportation not being incidental to repairs made by applicant. Applicant further states he proposes to return empty or tow disabled vehicles back to point of repair with his wrecker equipment.

HEARING: October 4, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 119856, filed June 15, 1960. Applicant: THEODORE POPEK, doing business as COLONIAL EXPRESS, 714 Center Street, Jim Thorpe, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated from the plant site of Lehighton Furniture Corp., Lehighton, Pa., to points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Vermont, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, Ohio, Illinois, Indiana, North Carolina, Michigan, and South Carolina, and (2) *such merchandise* as is dealt in by the Furniture Company and in connection therewith *equipment, materials* and *supplies* used in the conduct of such business, from points in the aforementioned States to Lehighton, Pa.

HEARING: September 12, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles J. Murphy.

No. MC 119883, filed June 27, 1960. Applicant: JOE R. WELCH, 801 North Avenue L, Portales, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, green or dry, rough or finished, from points in Arizona, Colorado, and New Mexico, to points in Texas on and west of U.S. Highway 75, and *exempt commodities*, on return.

HEARING: November 9, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Richard H. Roberts.

No. MC 119898, filed July 5, 1960. Applicant: W. G. McCARTY, 300 Locust Street, Trumann, Ark. Applicant's attorney: Glenn M. Elliott, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewing machine desks, cabinets, carrying cases, tables and parts thereof, woodwork, stools and chairs*, from the plant site of Poinsett Lumber and Manufacturing Company in Trumann, Ark., to the warehouses of Singer Sewing Machine Company in Chamblee, Ga., Dallas, Tex., and Moberly, Mo., traversing Arkansas, Alabama, Mississippi, and Tennessee, for operating convenience only, and *empty containers, pallets, and other such incidental facilities*, used in transporting the above-described commodities, and *damaged and rejected shipments*, on return.

HEARING: October 4, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D Moran.

No. MC 119933, filed July 19, 1960. Applicant: TERMINAL DELIVERY SERVICE, INC., Union Station, Washington, D.C. Applicant's attorney: Wallace L. Schubert, 217 Southern Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express and baggage*, between

points in the Washington, D.C., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in the Baltimore, Md., Commercial Zone, as defined by the Commission.

HEARING: October 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 119943, filed July 22, 1960. Applicant: HENRY L. BORTOLI, FRANK BORTOLI, AND ADRIAN D. STILTZ, doing business as HANK & FRANK DRAYAGE CO., 85 Arcadia Avenue, Santa Clara, Calif. Applicant's representative: Norman R. Moon, 4264 Lakeshore Avenue, Oakland 10, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and rice flour*, between points in that part of California bounded by a line beginning at San Bruno, Calif., and extending southeasterly along U.S. Highway 101 By-Pass to San Mateo, Calif., thence easterly along unnumbered highway via the San Mateo Bridge and Mt. Eden, Calif., to Hayward, Calif., thence southerly and easterly along California Highway 9 to junction California Highway 17 at Fremont, Calif., thence southerly along California Highway 17 to San Jose, Calif., thence southerly along U.S. Highway 101 By-Pass and U.S. Highway 101 to Gilroy, Calif., thence easterly along California Highway 25 to Hollister, Calif., thence westerly along California Highway 156 to junction U.S. Highway 101 near San Juan Bautista, Calif., thence southerly along U.S. Highway 101 to a point approximately two (2) miles south of Salinas, Calif., thence westerly along unnumbered highway via Spreckels to Monterey, Calif., thence southerly along California Highway 1 to Carmel, Calif., thence northerly and westerly along the shore line of Monterey Bay and the Pacific Ocean to Davenport, Calif., thence easterly along California Highway 1 to Santa Cruz, Calif., thence northerly along California Highway 9 to junction California Highway 5, approximately seven (7) miles west of Saratoga, Calif., thence northerly and westerly along California Highway 5 to point of beginning (San Bruno), including all points on the highways and boundary lines described above.

HEARING: October 5, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 119948, filed July 26, 1960. Applicant: A. L. POSTERARO, Box 626, Levittown, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut and prefabricated lumber*, on specially constructed and on flat bed vehicles, from Delanco, N.J., to Bel Air Estates at or near Bowie, Md., and *returned or rejected shipments*, on return.

HEARING: October 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner Samuel Horwich.

MOTOR CARRIERS OF PASSENGERS

No. MC 115758 (Sub No. 1), filed April 25, 1960. Applicant: ORVILLE RICE, doing business as RICE BUS SERVICE, Melvern, Kans. Applicant's attorney: Leonard W. McAnarney, Buffon Building, Lyndon, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points along U.S. Highway 75 between Topeka, Kans., and junction U.S. Highways 56 and 75 (approximately two (2) miles south of Carbondale, Kans.), including Topeka, and extending to points in the United States, including Alaska, but excluding Hawaii; and (2) *Passengers and their baggage*, in round-trip, special service, (a) beginning and ending at Melvern, Kans., and points within twenty (20) miles thereof, and extending to points in the United States, including Alaska, but excluding Hawaii; and (b) beginning and ending at points along U.S. Highway 75, between Topeka, Kans., and junction U.S. Highways 56 and 75 (approximately two (2) miles south of Carbondale, Kans.), including Topeka, and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 27, 1960, at the Hotel Kansan, Topeka, Kans., before Examiner James O'D. Moran.

No. MC 119414 (Sub No. 1), filed July 15, 1960. Applicant: JAMES ENCAPERA AND THOMAS ENCAPERA, doing business as GREATER CHARLEROI BUS LINES, South McKean Avenue, Donora, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from Donora, California, Monongahela, Charleroi, Bentleyville, North Charleroi, Speers, Dunlevy, Allenport, Stockdale, Roscoe, Elco, West Brownsville, and Cokesburg, all in Washington County, Pa., the Townships of West Pike Run, Fallowfield, Somerset, and Carroll, all in Washington County, Pa., Monessen and North Belle Vernon, in Westmoreland County, Pa., the Township of Rostraver in Westmoreland County, Pa., Fayette City, Belle Vernon, and Brownsville, in Fayette County, Pa., and Washington and Jefferson Townships, in Fayette County, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 119919 (Sub No. 1), filed July 20, 1960. Applicant: BLAINE ALBERT WILLETTS, Route 1, Box 1A4, Frostburg, Md. Applicant's attorney: Miller Bowen, Liberty Trust Building, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending in Allegany County, Md. and extending to points in Maryland, Virginia, Pennsylvania, West Virginia and the District of Columbia.

HEARING: October 11, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 119970, filed August 4, 1960. Applicant: GEORGE KESSLER, doing business as HILL TOP BUS LINE, Third and Wilson Streets, Monessen, Pa. Applicant's attorney: James W. Hager, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending in Monessen, Pa., and points within ten miles thereof, excluding points in Allegheny County, Pa., and extending to points in the United States, except Hawaii.

HEARING: September 13, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Edith H. Cockrill.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 185), filed August 4, 1960. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, P.O. Box 958, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sheldon, Iowa, and junction Minnesota Highway 60 and Minnesota Highway 15, south of Madelia, Minn., from Sheldon over Iowa Highway 33 to junction Minnesota Highway 60, thence over Minnesota Highway 60 to junction Minnesota Highway 15, south of Madelia, Minn., and return over the same route serving no intermediate points, but serving the termini points for the purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 8600 (Sub No. 17), filed August 8, 1960. Applicant: WERNER TRANSPORTATION CO., 2601 32d Avenue South, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between Cleveland, Ohio and the site of a motor carrier terminal located approximately 2.7 miles south of the Ohio Turnpike, near West Richfield, Ohio, over U.S. Highway 21, serving no intermediate points.

NOTE: Applicant states authority sought for the purpose of interchange of shipments moving under present authority granted under the Certificate No. MC 109564, which certificate authorizes the transportation of general commodities, with exceptions, and various other specified commodities between points in the States of New York, Ohio, Pennsylvania, and West Virginia.

No. MC 35484 (Sub No. 43), filed August 8, 1960. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis 2, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, loose bulk commodities, commodities requiring special equipment, and those injurious or contaminating to other lading, between Paducah, Ky., and Nashville, Tenn., from Paducah, Ky. over U.S. Highway 68 to junction U.S. Highway Alternate 41a at Hopkinsville, Ky., thence over U.S. Highway Alternate 41a to Nashville, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations between Paducah, Ky. and Nashville, Tenn.

No. MC 66562 (Sub No. 1706), filed August 9, 1960. Applicant: RAILWAL EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Paris, Tenn. and Dresden and Huntingdon, Tenn., from Paris over Tennessee Highway 54 to Dresden, thence over Tennessee Highway 22 to Huntingdon, thence over Tennessee Highway 77 to Paris, and return over the same route, serving the intermediate points of Dresden, Huntingdon and Gleason, Tenn. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. (2) The shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of air or rail express service of applicant.

No. MC 104340 (Sub No. 139), filed August 5, 1960. Applicant: LEAMAN TRANSPORTATION COMPANY, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorneys: Chester A. Zyblut and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lubricating oils*, in bulk, in tank vehicles, from Coraopolis, Pa., to Sand Fork, W. Va., and *rejected shipments*, on return.

NOTE: Common control may be involved.

No. MC 107496 (Sub No. 173), filed August 8, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsion*, in bulk, in tank vehicles, from Alton, Iowa, to points in and south of Big Stone, Stevens, Pope, Stearns, Sherburne, Isanti and Chisago Counties, Minn.

NOTE: Common control may be involved.

No. 112070 (Sub No. 5), filed July 28, 1960. Applicant: GRAY MOVING & STORAGE, INC., 1255 South Pearl Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Texas.

NOTE: Applicant states it presently holds authority to transport household goods between points Colorado and points in Texas, by tacking through Oklahoma, at a point within ninety (90) miles of Enid, Okla. The purpose of this application is to remove this required gate-way, which will permit a more direct service to approximately the western one-third (⅓) of Texas.

No. MC 114194 (Sub No. 30), filed August 1, 1960. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, corn products and blends thereof*, in bulk, between Granite City, Ill., on the one hand, and, on the other, points in the United States, excluding Alaska and Hawaii (*except* caramel coloring from Granite City, Ill. to points in New York, Pennsylvania, Connecticut, Massachusetts and New Jersey, and corn syrup to points in that part of Ohio north and west of a line beginning at Cleveland and extending along U.S. Highway 42, through Mansfield to Delaware, thence along U.S. Highway 23 to Columbus, thence along U.S. Highway 42 through Xenia to Cincinnati; to points in that part of Michigan south of U.S. Highway 16; to points in that part of Texas east of U.S. Highway 81; and to points in that part of Wisconsin south of U.S. Highway 60).

NOTE: Applicant states it presently holds authority to transport corn products, such as corn syrup, caramel coloring, starch, steepwater, etc., to many points in the United States and the purpose of the application is to perform a complete service in this line of commodities.

No. MC 116465 (Sub No. 2), filed August 5, 1960. Applicant: YODER & FREY, INC., Archbold, Ohio. Applicant's representative: Earl J. Thomas, Thomas Buildings, 5844–5840 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts* as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except those requiring special equipment, between the site of Yoder & Frey, Inc. auction yard located approximately one and one-quarter miles northwest of Archbold, Ohio on an unnumbered county road, on the one hand, and, on the other, points in Illinois, Pennsylvania, and Wisconsin.

No. MC 119317 (Sub No. 3), filed August 1, 1960. Applicant: GROSS AND SONS TRANSPORT COMPANY, a corporation, 1706 Arlington Street, Independence, Mo. Applicant's attorney: William Taylor, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, sherbert, ice, milk and frozen confections*, pursuant to a continuing contract with National Dairy Products Corporation (Sealtest Foods Division) from Omaha, Nebr., to Kirksville, Mo., and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application, and *rejected, outdated and damaged shipments* of the above commodities, on return.

No. MC 119846 (Sub No. 1), filed June 27, 1960. Applicant: CHARLES W. TOWSLEE, Manchester Depot, Vt. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lumber*, from points in Bennington County, Vt. to points in Berkshire, Franklin, Worcester, Hampshire, and Hampden Counties, Mass.; points in Rensselaer, Albany, Schoharie, Greene, Columbia, Schenectady, Montgomery Counties, and points in those parts of Washington, Saratoga, Fulton, Herkimer and Oneida Counties, N.Y., on and south of New York Highway 313, extending from the New York-Vermont State line to Greenwich, N.Y.; and from Greenwich, extending westerly, points on and south of New York Highway 29, and *refused or damaged shipments* of lumber, on return.

NOTICE OF FILING OF PETITIONS

No. MC 20876 (PETITION FOR CLARIFICATION AND MODIFICATION OF CERTIFICATE PURSUANT TO RULE 1.102), dated July 1, 1960. Petitioner: FREEMAN PACK AND DAN PACK, doing business as PACK TRUCK LINES, Route No. 1, Ammon Road, Idaho Falls, Idaho. Petitioner's attorney: Kenneth G. Bell, 203 McCarty Building, Boise, Idaho. Certificate No. MC 20876 authorizes, among other things, the transportation of *building materials*, feed, seed, salt, machinery, and agricultural commodities, between Idaho Falls, Idaho

and Salt Lake City, Utah, from Idaho Falls over U.S. Highway 91 to Downey, Idaho, thence over U.S. Highway 191 to junction U.S. Highway 305, thence over U.S. Highway 30 south to Brigham City, Utah (also from Downey over U.S. Highway 91 to Brigham City, Utah), thence over U.S. Highway 91 to Salt Lake City, and return over these routes. The subject petition requests waiver of § 1.101(e) of the general rules of practice, and states that under the term "building materials" above, petitioner has transported "pipes of all types", and prays the Commission clarify and modify Certificate No. MC 20876 to include the term pipe of all types and description. Any person or persons desiring to oppose the relief sought may file an appropriate pleading within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 115519 (PETITION FOR REOPENING, RECONSIDERATION AND SETTING ASIDE ORDER OF REVOCATION DATED MARCH 25, 1958), dated August 1, 1960. Petitioner: RUSSELL E. EGLOFF, Plymouth, Mich. Petitioner's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. A Permit issued in the above docket number authorized the transportation as a contract carrier, over irregular routes, of *concrete floor slabs* and *concrete roof slabs*, from Livonia, Mich., to points in Ohio on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 30 to Mansfield, Ohio, thence along U.S. Highway 30N to Delphos, Ohio, and thence along U.S. Highway 30 to the Ohio-Indiana State line; and *Damaged or returned shipments* of concrete floor slabs and concrete roof slabs, from points in the above-specified destination territory to Livonia, Mich. By letter dated March 12, 1958, petitioner requested the Commission as follows: "I wish to retire my ICC permit at the present time. This is No. MC 115519." An Order of the Commission dated March 25, 1958, revoked the Permit No. MC 115519. The subject petition requests (1) That the provisions of § 1.101(e) of the general rules of practice relating to the filing of Petitions for Reconsideration within thirty (30) days after the date of service of an order be waived; (2) That this Commission reopen and reconsider its Order dated March 25, 1958, revoking the subject operating authority; and (3) That, upon such reopening and reconsideration, the Order of this Commission dated March 25, 1958, insofar as it is applicable in this proceeding be set aside and held for naught. Any person or persons desiring to oppose the relief sought may file an appropriate pleading within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 13806 (Sub No. 23), filed August 5, 1960. Applicant: VIRGINIA HAULING COMPANY, a corporation. Mailing address: P.O. Box 9525, Lakeside Station, Richmond, Va. Office address: Mountain Road, Glen Allen, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire bound box material, wooden pallets*, and *pallet parts*, from Richmond, Va., to Greensburg, Creighton, and Ford City, Pa., and *damaged shipments* of the commodities specified in this application, on return.

NOTE: This matter is directly related to MC-F 7511, and is filed for the purpose of having the contract carrier rights sought to be acquired converted to those of a common carrier.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7586 (WEST NEBRASKA EXPRESS, INC.—PURCHASE—CARL J. FORSSTROM), published in the July 13, 1960, issue of the FEDERAL REGISTER on page 6596. Supplement filed July 27, 1960, to show joinder of CLARK N. WILLIAMS, 2109 Fourth Avenue, Scottsbluff, Nebr., and CHESTER H. FLIESBACH, R.F.D. No. 1, Scottsbluff, Nebr., as the persons controlling vendee.

No. MC-F 7597 published in the August 3, 1960, issue of the FEDERAL REGISTER on page 7301. Amendment filed August 4, 1960, to substitute DON WARD, INC., P.O. Box 1488, Durango, Colo., as vendee in lieu of VERL HARVEY, INC., doing business as DON WARD & CO., and for acquisition by DON WARD, 241 West 56th Avenue, Denver, Colo., and BOYD E. RICHNER, P.O. Box 1488, Durango, Colo., of control of the operating rights of KERK TRUCKING CO. through the purchase. DON WARD, INC., is authorized to operate as a *common carrier* in Utah, Colorado, and New Mexico.

No. MC-F 7604 (correction) (WILLIAM F. CARTWRIGHT—PURCHASE (PORTION)—EL RENO TRANSFER AND STORAGE CO.), published in the August 10, 1960, issue of the FEDERAL REGISTER on page 7561. Vendee's name was erroneously shown as WILLIAM F. CARTRIGHT.

No. MC-F 7617. Authority sought for purchase by H & S, INC., 2911 St. Clair Street, Jacksonville, Fla., of the operating rights and certain property of FLORIDA HIGHWAY EXPRESS, INC., Madison & Busch Streets, Tampa 1, Fla. Applicants' attorney: George A. Pierce, 103 Law Exchange Building, Jacksonville, Fla. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between Jacksonville, Tampa, St. Petersburg, Clearwater, Tarpon Springs, Palmetto, Bradenton, Manatee, Sarasota, Venice, Arcadia, Punta Gorda, Fort Myers, Avon Park, Sebring, Frostproof, Plant City, Mulberry, Bushnell, Brooksville, Dade City, Inverness, Haines City, Dundee, Lake Wales, Winter Haven, Auburndale, Zephyrhills, Lakeland, Bartow, Fort Meade, and Wauchula, Fla. Vendee is authorized to operate as a *contract carrier* in Florida, Georgia and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7618. Authority sought for purchase by WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga., of the operating rights of MYLES LOUIS MILLER, 2714 Decatur Street, New Orleans, La., and for acquisition by BILL WATKINS, also of Thomasville, of control of such rights through the purchase. Applicants' representatives: Bill Watkins, President, Watkins Motor Lines, Inc., Cassidy Road, Thomasville, Ga., Joseph H. Blackshear, Attorney at Law, 205 Jackson Building, Gainesville, Ga., and Myles Louis Miller, 2714 Decatur Street, New Orleans, La. Operating rights sought to be transferred: Those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958, which amended section 203(b)(6) of the Act, viz, *frozen fruits*, and *bananas*, as a *common carrier* over irregular routes, from New Orleans, La., to points in Louisiana, Mississippi, Arkansas, Tennessee, Missouri, Illinois, Minnesota, Iowa, South Dakota, Kansas, Nebraska, Oklahoma, Wisconsin, Ohio and Michigan. Vendee is authorized to operate as a *common carrier* in Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, Ohio, Tennessee, Florida, Alabama, Connecticut, Iowa, Massachusetts, South Carolina, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Nebraska, Rhode Island, Texas, Arizona, California, New Mexico, Maine, South Dakota, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7619. Authority sought for purchase by JACK TURNER, JACK E. TURNER, AND E. E. TURNER, doing business as TURNER BROS. TRUCKING CO., 5501 South Hattie, P.O. Box 4626, Oklahoma City, Okla., of a portion of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P.O. Box 18104, Houston, Tex. Applicants' attorneys: James W. Hightower, 122 Wynnewood Professional Building, Dallas 24, Tex., and Joe C. Fender, 1421 Melrose Building, Houston, Tex. Operating rights sought to be transferred: *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmissions, and distribution of sulphur and its products, and *materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and

distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing, and processing plant) sites, or storage sites, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and, on the other, certain points in North Dakota; *machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, between points in Mississippi, Alabama, Georgia, and Florida; *oilfield commodities*, between points in Texas, on the one hand, and, on the other, certain points in North Dakota and South Dakota. Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, Illinois, Nebraska, South Dakota, Missouri, Oklahoma, Kansas, Texas, Louisiana, New Mexico, and Mississippi. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7620. Authority sought for purchase by HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, 1300—40th Street, Kenosha, Wis., of the operating rights of GORDON N. CAVES, doing business as CAVES TRUCKING CO., P.O. Box 56, Wild Rose, Wis. Applicants' attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Operating rights sought to be transferred: *Fertilizer, slag*, expanded, (construction material aggregate), *shipping containers, box shooks, pallets, lime, feed, metal battery carriers, materials, supplies, and equipment* used in the manufacture of metal battery carriers, *brick, cement, farm machinery and parts, seed, laminated wooden rafters and accessories, livestock, poultry* (live and dressed), *dressed meats, parts of ready-built houses*, in truckloads, minimum 10,000 pounds, *tile, washing and sterilizing tanks and equipment*, and *washing and sterilizing tanks and equipment*, except those which, because of their size or weight, require the use of special equipment, as a *common carrier* over irregular routes, from, to or between points and areas, varying with the commodity transported, in Minnesota, Wisconsin, Illinois, Iowa, Indiana, Missouri, Michigan, Ohio and Nebraska. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Indiana, Minnesota, Iowa, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7621. Authority sought for control and merger by QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass., of the operating rights and property of W. A. STACKPOLE MOTOR TRANSPORTATION, INC., 476 Valley Street, Manchester, N.H., and for acquisition by THOMAS J. LYONS, also of Brockton, of control of such rights and property through the transaction. Applicants' attorneys: Mary E. Kelley, 10 Tremont Street, Boston, Mass., and Kenneth F. Graf and Arthur A. Greene, Jr., both of Forty Stark Street, Manchester, N.H. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Trenton, N.J., and New York, N.Y., serving all intermediate and certain off-route points; *general commodities*, excepting, among others, commodities in bulk but not excepting household goods, between Boston, Mass., on the one hand, and, on the other, Milton and Dover, N.H., and Newburyport, Mass., between Haverhill, Mass., and Rochester, N.H., and between Rochester, N.H., and Milton, N.H., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Manchester, N.H., and points within 20 miles of Manchester, on the one hand, and, on the other, New York, N.Y., Newark, N.J., and Boston, Mass., and points in Massachusetts within 15 miles of the State House in Boston; *malt beverages*, from Albany, Rochester, and Utica, N.Y., Newark, N.J., Cranston, Providence, and Warwick, R.I., Boston, Fall River, Lowell, and Springfield, Mass., Waterbury and West Haven, Conn., to Manchester, N.H., and points within 20 miles of Manchester, and to Keene, Newmarket, Portsmouth, and Rochester, N.H., and from New York, N.Y., to Keene, Newmarket, Portsmouth, and Rochester, N.H.; *petroleum products*, in containers, from Providence, R.I., and points within three miles of Providence, to Manchester, N.H., and points within 20 miles of Manchester; *lumber*, from points in New Hampshire on and south of U.S. Highway 302 to Hartford, Conn., Newark, and Fayson Lake, N.J., points in the NEW YORK, N.Y., COMMERCIAL ZONE, as defined by the Commission, and those in Massachusetts and Rhode Island, from Portsmouth and Providence, R.I., Boston, Mass., and points within 15 miles of the State House in Boston, to points in New Hampshire on and south of U.S. Highway 302 and those in Vermont on and south of U.S. Highway 7, and from points in York County, Maine, to Rochester, N.H., and points in Massachusetts and Rhode Island; *box shooks*, from Rochester, N.H., to Newark and Jersey City, N.J., points in New York east of the Hudson River, and those in Connecticut, Massachusetts, Rhode Island, and Vermont, and from Manchester and Nashua, N.H., to Jersey City, N.J., points in New York east of the Hudson River (except New York City), points in Connecticut, Rhode Island, and Vermont, and those in Massachusetts except Boston and points within 15 miles of the State House in Boston; *applies*, from Manchester, N.H., and points within 20 miles of Manchester, to Red Hook, N.Y. QUINN FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Maryland, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Virginia, Delaware, New Hampshire, Maine, Vermont and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7622. Authority sought for purchase by TOM'S EXPRESS, INC., 3550 Main Street, Cove Station, Weirton, W. Va., of the operating rights and property of JOE DAVIS (JOHN BENDER, ADMINISTRATOR), 3423 Elm Street, Hollidays Cove, W. Va. Applicants' representative: Guido Sessi, Secretary, Tom's Express, Inc., 3550 Main Street, Weirton, W. Va. Operating rights sought to be transferred: *Steel*, and *machinery, materials, supplies*, and *equipment* incidental to or used in the operation and maintenance of steel mills, as a *common carrier* over irregular routes, between points in Brooke and Hancock Counties, W. Va., on the one hand, and, on the other, points in Columbiana and Jefferson Counties, Ohio. Vendee is authorized to operate as a *common carrier* in West Virginia, New York, Michigan, Ohio and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7623. Authority sought for control by WARD TRANSFER, INC., Northeast North Street, Anoka, Minn., of JANSSEN TRANSFER, INC., Pine City, Minn., and for acquisition by JOHN E. WARD, 530 Van Buren Street, Anoka, Minn., WILLIAM J. WARD, Anoka, Minn., ADRIAN A. WARD, 1168 Fremont, Anoka, Minn., JAMES EDWARD WARD, 2321 North Ferry, Anoka, Minn., FORREST D. WARD, Route #2, Box 64, Osseo, Minn., DAVID P. WARD, 916 Fremont, Anoka, Minn., and ELIZABETH WARD GLICK, 890 River Lane, Anoka, Minn., of control of JANSSEN TRANSFER, INC., through the acquisition by WARD TRANSFER, INC. Applicant's attorney: L. D. Cutter, 316 East Main Street, Anoka, Minn. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a)(1), Interstate Commerce Act, covering the transportation, in the State of Minnesota, of *freight*, as a *common carrier* over regular routes, from the Twin Cities and South St. Paul to Hinckley, Beroun, Pine City, Rock Creek and Rush City over Highways 8 and 61, between Rush City, Rock Creek, Pine City, Beroun and Hinckley to Duluth via Highway 61, from South St. Paul, St. Paul and Minneapolis via Highway 61 to Beroun, Hinckley, Friesland, Sandstone, Rutledge, Willow River, Sturgeon Lake, Moose Lake and Pine City, and from Hinckley via Highways 23 and 48 to St. Croix Park and via State Aid Road #30 to Duxbury and return. AH of the foregoing rights are subject to the following restrictions: (1) that applicant shall not transport, or accept for transportation, property or shipments moving between Minneapolis, St. Paul and the Twin Cities metropolitan area and Duluth, West Duluth and any municipality adjacent to either; (2) that applicant shall not transport, or accept for transportation from any connecting carrier or by interchange, at any terminal or intermediate point, any property or shipments originating in or moving from or through Minneapolis, St. Paul and the Twin Cities metropolitan area destined to Duluth, West Duluth or any municipality adjacent to either; (3) that applicant shall not transport, or accept for transportation from any connecting carrier or by interchange, at any terminal or intermediate point, any property or shipments originating in or moving from or through Duluth, West Duluth, or any municipality adjacent to either, which

property or shipments are destined to Minneapolis, St. Paul or the Twin Cities metropolitan area. WARD TRANSFER, INC., is authorized to operate as a *common carrier* in Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7624. Authority sought for purchase by THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman Street, P.O. Box 56, Wichita, Kans., of a portion of the operating rights and certain property of SANTA FE TRANSPORTATION COMPANY, 1100 South San Pedro Street, Los Angeles, Calif., and for acquisition by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, 80 East Jackson Boulevard, Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Fresno, Calif., and Porterville, Calif., between Fresno, Calif., and Cutler, Calif., and between Oceanside, Calif., and Escondido, Calif., serving all intermediate points on the above-specified routes which are on the lines of The Atchison, Topeka & Santa Fe Railway Company; *general commodities*, including mail and express, and except live animals and commodities in bulk, between Los Angeles, Calif., and San Bernardino, Calif., between San Bernardino, Calif., and Fontana, Calif., between San Bernardino, Calif., and Highland, Calif., between Redlands, Calif., and Yucaipa, Calif., between Redlands, Calif., and Mentone, Calif., and between Highland Calif., and San Bernardino, Calif., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between specified points in California, serving certain intermediate points and subject to the following restrictions: (1) In Certificates Nos. MC 55223 and MC 55223 Sub 8(a) the service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of train service of The Atchison, Topeka and Santa Fe Railway Company, hereinafter called the railway, (b) all contractual arrangements between carrier and the railway shall be reported to the Commission and shall be subject to revision if and as the Commission finds it necessary in order that such arrangements shall be fair and equitable to the parties, and (c) such further specific conditions as the Commission in the future may find necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, rail service, (2) in No. MC 55223 only, shipments transported by said carrier shall be limited to those which it receives from or delivers to the Railway under a through bill of lading covering, in addition to movement by said carrier, an immediately prior or immediately subsequent movement by rail; (3) in No. MC 55223 Sub 8 only (a) carrier shall not serve any point not a station on the rail lines of the railway, (b) shipments transported by carrier shall be limited to those which move under a through bill of lading, covering, in addition to a movement by carrier's trucks, an immediately prior or immediately subsequent movement by rail, and (c) shipments transported by carrier shall be limited to those moving under rail billing and under applicable rail less-than-carload rates; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Santa Ana, Calif., on the one hand, and, on the other, the U.S. Army Air Corps Replacement Center approximately six miles southwest of Santa Ana (subject to restrictions 1 and 2 above pertaining to MC 55223 only), and between points in Los Angeles, Calif., and those in the Los Angeles Harbor district as defined by the Commission; *general commodities*, between San Bernardino, Calif., and the sites of the United States Advanced Quartermaster's Depot and the United States Air Corps Maintenance and Replacement Depot, located near San Bernardino. Vendee is authorized to operate as a *common carrier* in Nebraska, Oklahoma, Kansas, Missouri, Arkansas, Colorado, New Mexico, and Texas. Application has not been filed for temporary authority under section 210a(b).

NOTE: Vendor is retaining all passenger operations.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-7669; Filed, Aug. 16, 1960; 8:47 a.m.]

[Notice 366]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 12, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63279. By order of August 8, 1960, Division 4, Acting as an Appellate Division, approved the transfer to Donald Rufener and Eldon Showalter, a partnership, doing business as Dakota Film Service, Lake Benton, Minn., of a portion of Certificate No. MC 83217 Sub 10, issued February 13, 1959, to Dakota Express, Inc., Sioux Falls, South Dakota, authorizing the transportation of films, and articles associated with the exhibition of motion pictures, over regular routes, between specified points in South Dakota; between specified points in South Dakota and Minnesota; between specified points in Minnesota; between specified points in Minnesota and North Dakota; and between specified points in South Dakota and North Dakota. Dakota Express, Inc., Wilson Terminal Building, P.O. Box 533, Sioux Falls, South Dakota, for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-7670; Filed, Aug. 16, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LOS ANGELES LIVESTOCK MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting	
CALIFORNIA	
Los Angeles Livestock Market, City of Industry.	July 7, 1960
Producers Livestock Marketing Association, Artesia.	July 7, 1960
GEORGIA	
Kite Stockyards, Kite	July 15, 1960
IDAHO	
Cambridge Sale Yard, Cambridge.	June 1, 1960
ILLINOIS	
Canton Livestock Inc., Canton	Apr. 27, 1960
KENTUCKY	
Olive Hill Livestock Co., Olive Hill.	May 12, 1960
LOUISIANA	
Rayville Livestock Auction, Inc., Rayville.	July 13, 1960
MICHIGAN	
Kings Dairy Replacement Auction, Kingston.	June 20, 1960
MINNESOTA	
Austin Livestock Sales Barn Co., Austin.	July 14, 1960
MISSISSIPPI	
Gulfport Livestock Yards, Gulfport.	June 7, 1960
NEVADA	
Midwest Livestock Commission Co., Fallon.	July 8, 1960
NEW YORK	
Miller's Livestock Market Argyle.	June 30, 1960
Owego Livestock Sales, Owego	July 11, 1960
NORTH DAKOTA	
Stanley Livestock Market, Stanley.	June 11, 1960
PENNSYLVANIA	
Old Tattersall, Inc., Oxford	June 7, 1960
TEXAS	
Cen-Tex Livestock Commission Co., Giddings.	July 11, 1960
Bosque County Commission Co., Meridian.	July 11, 1960
VIRGINIA	
Russell County Cooperative, Inc., Lebanon.	May 26, 1960

Done at Washington, D.C., this 12th day of August 1960.

HOWARD J. DOGGETT, *Director, Packers and Stockyards Division, Agricultural Marketing Service.*

[F.R. Doc. 60-7684; Filed, Aug. 16, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-221]

LOUISIANA GAS SERVICE CO. ET AL.

Order Approving Amendments to Plan

AUGUST 11, 1960.

In the matter of Louisiana Gas Service Company, Louisiana Power & Light Company, Middle South Utilities, Inc., File No. 54-221.

Louisiana Power & Light Company ("Louisiana Power"), a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed amendments to a plan, heretofore approved by the Commission (Holding Company Act Release No. 13606, November 22, 1957), and ordered enforced by the United States District Court for the Eastern District of Louisiana (Civil No. 7316, January 14, 1958). The amendments have been joined in by Middle South and by Louisiana Gas Service Company, a subsidiary company of Louisiana Power; and

Due notice of the filing of the amendments to the plan having been given, affording all interested persons an opportunity to be heard (Holding Company Act Release No. 14246), and no hearing having been requested of or ordered by the Commission; and

The Commission having been requested; pursuant to section 11(e) and section 18(f) of the Act, that the Commission apply to a court to enforce and carry out the terms and provisions of the amendments to the plan and that this order contain appropriate recitals conforming to the requirements of sections 1081-1083, inclusive, and section 4382(2) of the Internal Revenue Code; and

The Commission having considered the record, and having this day filed its Findings and Opinion; on the basis of such findings and opinion:

It is ordered, That the amendments to the plan be, and hereby are, approved.

It is further ordered, That the sale of the shares of common stock of Louisiana Gas to the shareholders of Middle South, be, and hereby is, excepted from the requirements of paragraph (b) of Rule 50 promulgated under the Act.

It is further ordered, That this order shall not become operative to authorize the consummation of the transactions proposed in the amendments to the plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing the amendments to the plan.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to (a) the fees and expenses incurred and to be incurred in connection with the transactions proposed in the amendments to the plan, and their allocation; (b) the subscription price for the shares of common stock of Louisiana Gas to be sold to the shareholders of Middle South; and (c) the composition of the board of directors of Louisiana Gas at the time the shares of its common stock are offered for sale to the shareholders of Middle South.

It is further ordered, That jurisdiction be, and the same hereby is, reserved to entertain such further proceedings, to make such further findings, to enter such further orders, and to take such further action, as the Commission may deem appropriate in connection with the amendments to the plan, the transactions incidental thereto, and the consummation thereof.

It is further ordered and recited, That the distribution by Louisiana Power and Louisiana Gas to the stockholders of Middle South of rights to purchase 670,000 shares of common stock of Louisiana Gas owned by Louisiana Power and not more than 40,000 shares of common stock of Louisiana Gas to be issued by Louisiana Gas as may be needed to satisfy the supplemental right under the Primary Subscription Right, the issuance of not more than 40,000 shares of common stock of Louisiana Gas, the sale and transfer of 670,000 shares of common stock of Louisiana Gas by Louisiana Power and the sale and transfer of not more than 40,000 shares of common stock of Louisiana Gas pursuant to the exercise of such rights are necessary or appropriate to the integration or simplification of the holding company system of which Louisiana Power and Louisiana Gas are members, and are necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of sections 1081 to 1083, and section 4382(b)(2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 60-7661; Filed, Aug. 16, 1960; 8:46 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 25 NUMBER 160

Washington, Wednesday, August 17, 1960

Uniform Systems of Accounts for Class C and Class D Natural Gas Companies

FEDERAL POWER COMMISSION

[18 CFR Part 204]

[Docket No. R-186]

REVISION OF UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES SUBJECT TO PROVISIONS OF NATURAL GAS ACT

Notice of Proposed Rulemaking

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to amend, effective January 1, 1961, Part 204—Application of Uniform System of Accounts to Class C and Class D Natural Gas Companies, of Subchapter F—Accounts, Natural Gas Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations (CFR), to prescribe a revised Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class C), as set forth below.

3. Part 204 §§ 204.1–204.8, of said Title and Code correspond to, and appear at, pages 179–200 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, Effective January 1, 1940, with amendments effective January 1, 1954, as amended by Order No. 203 issued May 29, 1958 (23 F.R. 4164, June 12, 1958). The aforesaid Uniform System of Accounts was prescribed by Commission Order No. 69 of November 3, 1939, effective January 1, 1940, and was contained in the codification and reissuance of the Commission's general rules promulgated by Commission Order No. 141, December 11, 1947, effective January 1, 1948 (12 F.R. 8461). The proposed revised System of Accounts does not follow the numbering system required for the Code of Federal Regulations but follows the numbering system (accounts, instructions, definitions, etc.) used in the Commission's pamphlet edition referred to above.

4. Important developments in the natural gas industry since the adoption in 1939 of the Uniform System of Accounts effective January 1, 1940, and the experience of the Commission over the past 21 years indicate the need for the System of Accounts herein proposed.

5. Heretofore, the Commission has not had a separately issued Uniform System of Accounts for Class C Natural Gas Companies, as such. The accounting requirements presently effective for small utilities (Class C and Class D), consist of an abridgment of the accounts for large natural gas companies by means of account charts appearing as Appendix II of the pamphlet version of the Uniform System of Accounts. In these account charts, the condensed accounts applicable to small utilities are indicated by bracketing related account titles applicable to Class A and Class B utilities. The result is that small utilities have had to work with an inordinate amount of textual materials designed for larger utilities. The objective of the proposed System of Accounts is to provide these smaller utilities with a simplified System of Accounts appropriate for the magnitude of their operations.

6. The proposed System of Accounts set forth below reflects the basic principles found in this Commission's recently issued revised Uniform System of Accounts for Class A and Class B Natural Gas Companies Subject to the Provisions of the Natural Gas Act, Docket No. R–174. The proposed System of Accounts introduces the following important improvements in this Commission's small utility accounting requirements:

a. New size classifications for gas utilities;

b. Simple plant and expense classifications for manufactured gas;

c. Certain necessary new accounts;

d. New arrangement of balance sheet and certain other accounts to make them more informative;

e. A reduced number of expense account classifications, mainly but not entirely, by the discontinuance of segregations of numerous functional accounts as to labor and other expenses;

f. Expanded items lists of account texts and clearer description of such items according to their functional nature, to facilitate use and consistency of respective account classifications; and

g. Restatements of the accounting aspects of certain accounting interpretations issued in the past.

7. The System of Accounts herein proposed conforms basically to that for which a resolution was adopted at the convention of the National Association of Railroad and Utility Commissioners (NARUC) held in Phoenix, Arizona, on November 17, 1958, with a few modifications.

8. The System of Accounts proposed for adoption herein deviates from the NARUC system of accounts only to the extent necessary to make it more suitable to this Commission's accounting responsibilities but such deviations do not conflict with the basic principles of the NARUC system. The NARUC system of accounts gives consideration to the fact that the State commissions, in addition to jurisdiction over gas utility operations, ordinarily have jurisdiction over electric and water utility operations of joint utilities. Consequently, the balance sheet classifications for plant and accumulated provisions for depreciation, depletion and amortization (reserves) are identified in the NARUC system as "utility" accounts. In the FPC System of Accounts these balance sheet accounts and related instructions are directed to "natural gas" operations and summary accounts provided for the plant and "reserves" of other utility departments. Likewise, in the FPC version utility operating income accounts are identified with the natural gas department and a special summary account provided for the operating income of other, non-gas, utility departments. Similar differences exist between present FPC and NARUC Systems of Accounts. The Commission's present report form, however, is coordinated for joint use by this and State commissions and necessary summary information of other utility department operations is therein disclosed. It is expected that this reporting arrangement will continue.

The proposed FPC System of Accounts adheres to the NARUC system of accounts, except as explained above and except for a few instances of notations in account texts and instructions which are of special significance to the FPC. These exceptions which do not disturb the basic conformity with the NARUC system of accounts, are as follows:

a. Definition 8, which defines cost for the purpose of the Uniform System of Accounts, includes a qualifying phrase to assure caution in the manner of application of Definition 8 to merger and pooling of interest transactions.

b. General Instruction 3C is modified for FPC purposes to require account numbers to be parts of account titles, and to require ledger accounts to be identified with prescribed account numbers where the utility adopts a special numbering system for machine accounting purposes. The staff believes these identifications are necessary in order to preserve the integrity of the prescribed System of Accounts for reporting, auditing, and citation purposes.

c. Gas Plant Account Instruction 4B (2), which relates to accumulated provisions for depreciation, depletion and amortization to be considered in accounting for gas plant purchased, is simplified in the FPC System of Accounts by the deletion of certain qualifying phrases which appear in the NARUC system. These deletions will, in the opinion of the staff, avoid administrative ambiguities.

d. Accounts 281, 282, 283, Accumulated Deferred Income Taxes, are included in the FPC's proposed System of Accounts whereas no comparable accounts are provided by the NARUC system of accounts. Complementing these accounts are Accounts 410 and 411, added to the income accounts as authorized by this Commission's Order No. 203 amending the present System of Accounts.

e. Account 403, Depreciation and Depletion Expense, of the FPC's proposed System of Accounts has been revised because the FPC instruction is addressed to natural gas companies, whereas the NARUC system specified that the account be subdivided by utility departments.

9. The Commission recognizes that some burden and expense will have to be borne by the companies affected in connection with the transition from the present accounting requirements to the revised System of Accounts.

This problem was, however, kept in mind by the NARUC Committee on Statistics and Accounts which worked on the revision as well as by the staff of this Commission which participated in the work of the NARUC Committee. The Commission is of the opinion that the physical burden and monetary cost of the changeover is of minor importance when viewed in relation to the future benefits of the new System of Accounts.

10. The appended proposed Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class C) is proposed to be issued under the authority granted to the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, and 830; 15 U.S.C. 717g, 717i, and 717o).

11. Any interested person may submit to the Federal Power Commission not later than September 19, 1960, data, views, and comments in writing concerning the proposed revised System of Accounts. An original and nine copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed System of Accounts.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

AUGUST 12, 1960.

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS C NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT

Definitions

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued," as applied to securities issued or assumed by the utility, means those which have been sold to bona fide purchasers for a valuable consideration, those issued as dividends on stock and those which have been issued in accordance with contractual requirements direct to trustees of sinking funds.

3. "Actually outstanding," as applied to securities issued or assumed by the utility, means those which have been actually issued and are neither retired nor held by or for the utility; provided, however, that securities held by trustees shall be considered as actually outstanding.

4. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

5. A. "Associated companies" means companies or persons that, directly or indirectly, through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting company.

B. "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trust, associated companies, contract or any other direct or indirect means.

6. "Book cost" means the amount at which property is recorded in these accounts without deduction of related provisions for accrued depreciation, depletion, amortization, or for other purposes.

7. "Commission" means the Federal Power Commission.

8. "Cost" means the amount of money actually paid for property or services. When the consideration given is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of common stock in a merger or a pooling of interest, the value of such consideration shall be determined on a cash basis.

9. "Cost of removal" means the cost of demolishing, dismantling, tearing down or otherwise removing gas plant, including the cost of transportation and handling incidental thereto.

10. "Debt expense" means all expenses in connection with the issuance and initial sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

11a. "Depletion," as applied to natural gas producing land and land rights, means the loss in service value incurred in connection with the exhaustion of the natural resource in the course of service.

11b. "Depreciation," as applied to depreciable gas plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of gas plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities, and, in the case of natural gas companies, the exhaustion of natural resources.

12. "Discount" as applied to the securities issued or assumed by the utility, means the excess of the par (stated value of no-par stocks) or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

13. "Investment advances" means advances, represented by notes or by book accounts only, with respect to which it is mutually agreed or intended between the creditor and debtor that they shall be settled by the issuance of securities or shall not be subject to current settlement.

14. "Minor items of property" means the associated parts or items of which retirement units are composed.

15. "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas.

16. "Natural gas company" means a person engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale.

17. "Net salvage value" means the salvage value of property retired less the cost of removal.

18. "Nominally issued," as applied to securities issued or assumed by the utility, means those which have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the utility, but which have not been sold, or issued direct to trustees of sinking funds in accordance with contractual requirements.

19. "Nominally outstanding," as applied to securities issued or assumed by the utility, means those which, after being actually issued, have been reacquired by or for the utility under circumstances which require them to be considered as held alive and not retired: *Provided, however,* That securities held by trustees shall be considered as actually outstanding.

20. "Original cost," as applied to gas plant, means the cost of such property to the person first devoting it to public service.

21. "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or any organized group of persons, whether incorporated or not, or any receiver or trustee.

22. "Premium," as applied to securities issued or assumed by the utility, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face value and interest or dividends accrued at the date of sale.

23. "Property retired," as applied to gas plant, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been withdrawn from service.

24. "Replacing" or "replacement," when not otherwise indicated in the context, means the construction or installation of gas plant in place of property retired, together with the removal of the property retired.

25. "Retirement units" means those items of gas plant which, when retired, with or without replacement, are accounted for by crediting the book cost thereof to the gas plant account in which included.

26. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recoverable is chargeable to materials and supplies, or other appropriate account.

27. "Service life" means the time between the date gas plant is includible in gas plant in service, or gas plant leased to others, and the date of its retirement. If depreciation is accounted for on a production basis rather than on a time basis, then service life should be measured in terms of the appropriate unit of production.

28. "Service value" means the difference between original cost and net salvage value of gas plant.

29. "Utility," as used herein and when not otherwise indicated in the context, means any natural gas company to which this system of accounts is applicable.

General Instructions

1. *Classification of Utilities.*

A. For the purpose of applying systems of accounts prescribed by the Commission, natural gas companies are divided into four classes, as follows:

Class A. Natural gas companies having annual gas operating revenues of $2,500,000 or more.

Class B. Natural gas companies having annual gas operating revenues of $1,000,000 or more but less than $2,500,000.

Class C. Natural gas companies having annual gas operating revenues of $150,000 or more but less than $1,000,000.

Class D. Natural gas companies having annual gas operating revenues of $25,000 or more but less than $150,000.

B. This system of accounts applies to Class C utilities. Those applicable to Classes A and B and to Class D utilities are issued separately.

C. The class to which any utility belongs shall originally be determined by the average of its annual gas operating revenues for the last three consecutive years. Subsequent changes in classification shall be made when the annual gas operating revenues for each of the three immediately preceding years shall exceed the upper limit, or be less than the lower limit, of the annual gas operating revenues of the classification previously applicable to the utility.

D. Any utility may, at its option, adopt the system of accounts prescribed by the Commission for any larger class of utilities.

2. *Records.*

A. Each utility shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

B. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful in developing the history of or facts regarding any transaction.

C. No utility shall destroy any such books or records unless the destruction thereof is permitted by rules and regulations of the Commission.

D. In addition to prescribed accounts, clearing accounts, temporary or experimental accounts, and subdivisions of any account, may be kept, provided the integrity of the prescribed accounts is not impaired.

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals for by the utility in excess of just and reasonable charges shall be included in account 426, Other Income Deductions.

F. The arrangement or sequence of the accounts prescribed herein shall not be controlling as to the arrangement or sequence in report forms which may be prescribed by the Commission.

3. *Numbering System.*

A. The account numbering plan used herein consists of a system of three-digit whole numbers as follows:

100–199	Assets and other debits.
200–299	Liabilities and other credits.
300–399	Plant accounts.
400–439	Income accounts.
480–499	Revenue accounts.
700–799	Production, transmission and distribution expenses.
900–949	Customer accounts, sales and general administrative expenses.

B. In certain instances, numbers have been skipped in order to allow for possible later expansion or to permit better coordination with the numbering system for other utility departments.

C. The numbers prefixed to account titles are to be considered as part of the titles. Each utility, however, may adopt for its own purposes a different system of account numbers (See also general instruction 2D) provided that the numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and in the various sources of original entry; however, if a utility uses a different group of account numbers and it is not practicable to show the prescribed account numbers in the various sources of original entry, such reference to the prescribed account numbers may be omitted from the various sources of original entry. Moreover, each utility using different account numbers for its own purposes shall keep readily available a list of such account numbers which it uses and a reconciliation of such account numbers with the account numbers provided herein. It is intended that the utility's records shall be so kept as to permit ready analysis by prescribed accounts (by direct reference to sources of original entry to the extent practicable) and to permit preparation of financial and operating statements directly from such records at the end of each accounting period according to the prescribed accounts.

4. *Accounting Period.*

Each utility in Class C shall keep its books on a monthly basis so that for each accounting period all transactions applicable thereto, as nearly as may be ascertained, shall be entered in the books of the utility. Each utility shall close its books at the end of each calendar year unless otherwise authorized by the Commission.

5. *Submittal of Questions.*

To maintain uniformity of accounting, utilities shall submit questions of doubtful interpretation to the Commission for consideration and decision.

6. *Item Lists.*

Lists of "items" appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The lists are intended to be representative, but not exhaustive. The appearance of an item in a list warrants the inclusion of the item in the account mentioned only when the text of the account also indicates inclusion inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

7. *Accounting To Be on Accrual Basis.*

A. The utility is required to keep its accounts on the accrual basis. This requires the inclusion in its accounts of all known transactions of appreciable amount which affect the accounts. If bills covering such transactions have not been received or rendered, the amounts shall be estimated and appropriate adjustments made when the bills are received.

B. When payments are made in advance for items such as insurance, rents, taxes, or interest, the amount applicable to future periods shall be charged to account 165, Prepayments, and spread over the periods to which applicable by credits to account 165, and charges to the accounts appropriate for the expenditure.

8. *Distribution of Pay and Expenses of Employees.*

The charges to gas plant, operating expense and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, such as construction, maintenance, and operations, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period.

9. *Payroll Distribution.*

Underlying accounting data shall be maintained so that the distribution of the cost of labor charged direct to the various accounts will be readily available. Such underlying data shall permit a reasonably accurate distribution to be made of the cost of labor charged initially to clearing accounts so that the total labor cost may be classified among construction, cost of removal, gas operating functions (production, storage, transmission, distribution, etc.) and nonutility operations.

10. *Operating Reserves.*

Accretions to operating reserve accounts made by charges to operating expenses shall not exceed a reasonable provision for the expense. Material balances in such reserve accounts shall not be diverted from the purpose for which provided unless the permission of the Commission is first obtained.

11. *Accounting for Other Departments.*

If the utility also operates other utility departments, such as electric, water, etc., it shall keep such accounts for the other departments as may be prescribed by proper authority and in the absence of prescribed accounts, it shall keep such accounts as are proper or necesary to reflect the results of operating each such department. It is not intended that proprietary and similar accounts which apply to the utility as a whole shall be departmentalized.

12. *Gas Well Records.*

Each utility with natural gas operations shall maintain operating or accounting records for each well showing (a) acreage on which drilled, (b) dates of drilling period, (c) cost of drilling, (d) depth of well, (e) particulars and depth of each stratum drilled through, (f) geological formation from which gas is obtained, (g) initial rock pressure and open flow capacity, (h) sizes of casing used and lengths of each size, (i) total cost of well as recorded in gas plant accounts, (j) date well abandoned, for wells once productive, (k) date transferred to underground storage plant, for wells converted to storage use, and (l) date drilling discontinued, for wells determined to be nonproductive. The foregoing data, as appropriate, shall also be maintained for each subsequent change in the depth of each well.

Gas Plant Instructions

1. *Gas Plant To Be Recorded at Cost.*

A. All amounts included in the accounts for gas plant acquired as an operating unit or system, except as otherwise provided in the texts of the intangible plant accounts, shall be stated at the cost incurred by the person who first devoted the property to utility service. All other gas plant shall be included in the accounts at the cost incurred by the utility. Where the term "cost" is used in the detailed plant accounts, it shall have the meaning stated in this paragraph.

B. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis. (See, however, definition 8.) In the entry recording such transaction, the actual consideration shall be described with sufficient particularity to identify it. The utility shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than cash.

C. When property is purchased under a plan involving deferred payments, no charge shall be made to the gas plant accounts for interest, insurance, or other expenditures occasioned solely by such form of payment.

D. Gas plant contributed to the utility or constructed by it from contributions to it of cash or its equivalent shall be charged to the gas plant accounts at cost of construction, estimated if not known. There shall be credited to the accounts for accumulated depreciation, depletion and amortization the estimated amount of depreciation and amortization applicable to the property at the time of its contribution to the utility. The difference between the amounts included in the gas plant accounts and the accumulated depreciation, depletion and amortization shall be credited to account 271, Contributions in Aid of Construction.

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, interest during construction and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs.

3. *Overhead Construction Costs.*

A. All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction engineering and supervision by others than the accounting utility, law expenses, insurance, injuries and damages, relief and pensions, taxes and interest, shall be charged to particular jobs or units on the basis of the amounts of such overheads reasonably applicable thereto, to the end that each job or unit shall bear its equitable proportion of such costs and that the entire cost of the unit, both direct and overhead, shall be deducted from the plant accounts at the time the property is retired.

B. As far as practicable, the determination of payroll charges includible in construction overheads shall be based on timecard distributions thereof. Where this procedure is impractical, special studies shall be made periodically of the time of supervisory employees devoted to construction activities to the end that only such overhead costs as have a definite relation to construction shall be capitalized. The addition to direct construction costs of arbitrary percentages or amounts to cover assumed overhead costs is not permitted.

4. *Gas Plant Purchased or Sold.*

A. When gas plant constituting an operating unit or system is acquired by purchase, merger, consolidation, liquidation, or otherwise, after the effective date of this system of accounts, the costs of acquisition, including expenses incidental thereto properly includible in utility plant, shall be charged to account 102, Gas Plant Purchased or Sold.

B. The accounting for the acquisition shall then be completed as follows:

(1) The original cost of plant, estimated if not known, shall be credited to account 102, Gas Plant Purchased or Sold, and concurrently charged to the appropriate utility plant in service accounts and to account 104, Gas Plant Leased to Others, account 105, Gas Plant Held for Future Use, and account 107, Construction Work in Progress—Gas, as appropriate.

(2) The depreciation, depletion and amortization applicable to the original cost of the properties purchased, shall be charged to account 102, Gas Plant Purchased or Sold, and concurrently credited to the account for accumulated provision for depreciation, depletion and amortization.

(3) The cost to the utility of any property includible in account 121, Nonutility Property, shall be transferred thereto.

(4) The amount of contributions in aid of construction applicable to the property acquired shall be charged to account 102, Gas Plant Purchased or Sold, and concurrently credited to account 271, Contributions in Aid of Construction, unless otherwise authorized by the Commission.

(5) The amount remaining in account 102, Gas Plant Purchased or Sold, shall then be closed to account 114, Gas Plant Acquisition Adjustments.

C. If property acquired in the purchase of an operating unit or system is in such physical condition when acquired that it is necessary substantially to rehabilitate it in order to bring the property up to the standards of the utility, the cost of such work, except replacements, shall be accounted for as a part of the purchase price of the property.

D. When any property acquired as an operating unit or system includes duplicate or other plant which will be retired by the accounting utility in the reconstruction of the acquired property or its consolidation with previously owned property, the proposed accounting for such property shall be presented to the Commission.

E. In connection with the acquisition of gas plant constituting an operating unit or system, the utility shall procure, if possible, all existing records relating to the property acquired, or certified copies thereof, and shall preserve such records in conformity with regulations or practices governing the preservation of records of its own construction.

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate gas plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments, and the amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus. (See account 102, Gas Plant Purchased or Sold.)

NOTE: In cases where existing utilities merge or consolidate because of financial or operating reasons or statutory requirements rather than as a means of transferring title of purchased properties to a new owner, the accounts of the constituent utilities, with the approval of the Commission, may be combined. In the event original cost has not been determined, the resulting utility shall proceed to determine such cost as outlined herein.

5. *Expenditures on Leased Property.*

A. The cost of substantial initial improvements (including repairs, rearrangements, additions and betterments) made in the course of preparing for utility service property leased for a period of more than one year, and the cost of subsequent substantial additions, replacements, or betterments to such property, shall be charged to the gas plant account appropriate for the class of property leased. If the service life of the improvements is terminable by action of the lease, the cost, less net salvage, of the improvements shall be spread over the life of the lease by charges to

account 404, Amortization of Limited-Term Gas Plant. However, if the service life is not terminated by action of the lease but by depreciation proper, the cost of the improvements, less net salvage, shall be accounted for as depreciable plant.

B. If improvements made to property leased for a period of more than one year are of relatively minor cost, or if the lease is for a period of not more than one year, the cost of the improvements shall be charged to the account in which the rent is included, either directly or by amortization thereof.

6. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, rights of way, natural gas rights, and other like interests in land.

B. Where special assessments for public improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of public improvements is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

C. The net profit from the sale of timber, cord wood, or other property acquired with rights of way or other lands shall be credited to the appropriate land and land rights or clearing land account. Where land is held for a considerable period of time and timber on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the timber) from the sales of timber or its products shall be credited to account 421, Miscellaneous Nonoperating Income.

D. Separate entries shall be made for the acquisition, transfer or retirement of each parcel of land, and each land right (except rights of way for distribution lines), or water right, having a life of more than one year. A record shall be maintained showing the nature of ownership, full legal description, area, map reference, purpose for which used, city, county, and tax district in which situated, from whom purchased or to whom sold, payment given or received, other costs, contract date and number, date of recording of deed, and book and page of record. Entries transferring or retiring land or land rights shall refer to the original entry recording its acquisition.

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate, unless a reserve therefor has been authorized and provided. Appropriate adjustments of the accounts shall be made with respect to any structures or improvements located on land sold.

F. The cost of buildings and other improvements (other than public improvements) shall not be included in the land accounts. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to utility operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

G. When the purchase of land for gas operations requires the purchase of more land than needed for such purposes, the charge to the specific land account shall be based upon the cost of the land purchased, less the fair market value of that portion of the land which is not to be used in utility operations. The portion of the cost measured by the fair market value of the land not to be used shall be included in account 105, Gas Plant Held for Future Use, or account 121, Nonutility Property, as appropriate. Regarding land and land rights held for the production of natural gas, account 101, Gas Plant in Service shall include (1) the cost of lands owned in fee upon which producing natural gas wells are located or land owned in fee which are being drained through the operation by the utility of wells on the other land, and (2) the first cost of lands held under lease upon which the utility pays royalties for the natural gas obtained therefrom. The cost of all other land and land rights held for the production of natural gas under a definite plan for such use shall be included in account 105, Gas Plant Held for Future Use.

NOTE: In addition to the accounting records prescribed herein, supplemental records of land and land rights held for future use shall be kept in such manner as to permit the segregation within a reasonable time of the land and land rights constituting (1) productive but nonproducing fields, (2) unproven or undeveloped fields, and (3) storage fields, and to show the following data with respect to each natural gas lease, regardless of the accounting treatment accorded the lease costs: (a) name of lessor, (b) location of leasehold and number of other identification assigned thereto, (c) date and period of lease agreement, (d) first cost of lease including details of the elements of such cost, (e) annual rental provisions, (f) date and cost of drilling, (g) date gas determined to exist, (h) date of completion of first well drilled by the utility in each pool of gas, (i) royalty provisions, (j) amortization and depletion provisions, and (k) date of abandonment of lease.

H. Provision shall be made for amortizing amounts carried in the accounts for limited-term interests in land, so as to apportion equitably the cost of each interest over the life thereof. For the purposes of amortization of natural gas rights, separate intersts in land which comprise an interest in a production area may be grouped to form a depletion unit. (See account 403, Depreciation and Depletion Expense, and account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, for the accounting for depletion of producing natural gas lands and land rights. See also account 722, Abandoned Leases, for the accounting for abandonments of natural gas leases which have never been productive.)

I. The items of cost to be included in the accounts for land and land rights are as follows:

1. Bulkheads, buried, not requiring maintenance or replacement.
2. Cost, first, of acquisition including mortgages and other liens assumed (but not subsequent interest thereon).
3. Clearing (first cost) the land of brush, trees, and debris.
4. Condemnation proceedings, including court and counsel costs.
5. Consents and abutting damages, payment for.
6. Conveyancers' and notaries' fees.
7. Fees, commissions, and salaries to brokers, agents and others in connection with the acquisition of the land or land rights.
8. Grading the land, except when directly occasioned by the building of a structure.
9. Leases, cost of voiding upon purchase to secure possession of land.
10. Removing, relocating, or reconstructing property of others such as buildings, highways, railroads, bridges, cemeteries, churches, telephone and power lines, etc., in order to acquire quiet possession.
11. Retaining walls unless identified with structures.
12. Special assessments levied by public authorities for public improvements on the basis of benefits for new roads, new bridges, new sewers, new curbing, new pavements, and other public improvements, but not taxes levied to provide for the maintenance of such improvements.
13. Surveys in connection with the acquisition, but not amounts paid for topographical surveys and maps where such costs are attributable to structures or plant equipment erected or to be erected or installed on such land.
14. Taxes assumed, accrued to date of transfer of title.
15. Title, examining, clearing, insuring and registering in connection with the acquisition and defending against claims relating to the period prior to the acquisition.
16. Appraisals prior to closing title.
17. Cost of dealing with distributees or legatees residing outside of the State or county, such as recording power of attorney, recording will or exemplification of will, recording satisfaction of State tax.
18. Filing satisfaction of mortgage.
19. Documentary stamps.
20. Photographs of property at acquisition.
21. Fees and expenses incurred in the acquisition of water rights and grants.
22. Cost of fill to extend bulkhead line over land under water, where riparian rights are held, which is not occasioned by the erection of a structure.
23. Sidewalks and curbs constructed by the utility on public property.
24. Labor and expenses in connection with securing rights of way, where performed by company employees and company agents.

7. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land.

B. The cost of specially provided foundations not intended to outlast the machinery or apparatus for which provided, and the cost of angle irons, castings, etc., installed at the base of any item of equipment, shall be charged to the same account as the cost of the machinery, apparatus, or equipment.

C. Minor buildings and structures shall be considered a part of the facility in connection with which constructed or operated and the cost thereof accounted for accordingly when the nature of the structure and facility indicates the correctness of such accounting.

D. Where furnaces and boilers are used primarily for furnishing steam for some particular department and only incidentally for furnishing steam for heating a building and operating the equipment therein, the entire cost of such furnaces and boilers shall be charged to the appropriate plant account, and no part to the building account.

E. The cost of disposing of materials excavated in connection with construction of structures shall be considered as a part of the cost of such work, except as follows: (a) When such material is used for filling, the cost of loading, hauling, and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used; (b) When such material is sold, the net amount realized from such sales shall be credited to the work in connection with which the removal occurs. If the amount realized from the sale of excavated materials exceeds the removal costs and the costs in connection with the sale, the excess shall be credited to the land account in which the site is carried.

F. Lighting or other fixtures temporarily attached to buildings for purposes of display or demonstration shall not be included in the cost of the building but in the appropriate equipment account.

G. The items of cost to be included in the accounts for structures and improvements are as follows:

1. Architects' plans and specifications including supervision.
2. Athletic field structures and improvements.
3. Boilers, furnaces, piping, wiring, fixtures, and machinery for heating, lighting, signaling, ventilating, and air conditioning systems, plumbing, vacuum cleaning systems, incinerator and smoke pipe, flues, etc.
4. Bulkheads, including dredging, riprap fill, piling, decking, concrete, fenders, etc., when exposed and subject to maintenance and replacement.
5. Coal bins and bunkers.
6. Commissions and fees to brokers, agents, architects and others.
7. Conduit (not to be removed) with its contents.
8. Damages to abutting property during construction.
9. Drainage and sewerage systems.
10. Elevators, cranes, hoists, etc., and the machinery for operating them.
11. Excavation, including shoring, bracing, bridging, refill, and disposal of excess excavated material, cofferdams around foundation, pumping water from cofferdam during construction, test borings.
12. Fences and fence curbs (not including protective fences isolating items of equipment, which shall be charged to the appropriate equipment account).
13. Fire protection systems when forming a part of a structure.
14. Foundations and piers for machinery, constructed as a permanent part of a building or other item listed herein.
15. Grading and clearing when directly occasioned by the building of a structure.
16. Intrasite communication system, poles, pole fixtures, wires and cables.
17. Landscaping, lawns, shrubbery, etc.
18. Leases, voiding upon purchase to secure possession of structures.
19. Leased property, expenditures on.
20. Lighting fixtures and outside lighting system.
21. Painting, first cost.
22. Permanent paving, concrete, brick, flagstone, asphalt, etc., within the property lines.
23. Permits and privileges.
24. Platforms, railings and gratings when constructed as a part of a structure.
25. Retaining walls except when identified with land.
26. Roadways, railroads, bridges, and trestles intrasite, except railroads provided for in equipment accounts.
27. Sidewalks, culverts, curbs and streets constructed by the utility on its property.
28. Stacks—brick, steel, or concrete, when set on foundation forming part of general foundation and steel work of a building.
29. Storage facilities constituting a part of a building.
30. Subways, areaways, and tunnels, directly connected to and forming part of a structure.
31. Tanks, constructed as part of a building or as a distinct structural unit.
32. Temporary shanties and other facilities used during construction (net cost).
33. Tunnels, intake and discharge, when constructed as part of a structure, including sluice gates, and those constructed to house mains.
34. Vaults constructed as part of a building.
35. Water basins or reservoirs.
36. Wharves.

NOTE: Structures and Improvements accounts shall be credited with the cost of coal bunkers, stacks, foundations, subways, tunnels, etc., the use of which has terminated with the removal of the equipment with which they are associated even though they have not been physically removed.

8. *Equipment.*

A. The cost of equipment chargeable to the gas plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate.

B. Exclude from equipment accounts hand and other portable tools, which are likely to be lost or stolen or which have relatively small value (for example, $50 or less) or short life, unless the correctness of the accounting therefor as gas plant is verified by current inventories. Special tools acquired and included in the purchase price of equipment shall be included in the appropriate plant account. Portable drills and similar tool equipment when used in connection with the operation and maintenance of a particular plant or department, such as production, transmission, distribution, etc., or in "stores," shall be charged to the plant account appropriate for their use.

C. The equipment accounts shall include angle irons and similar items which are installed at the base of an item of equipment, but piers and foundations which are designed to be as permanent as the buildings which house the equipment, or which are constructed as a part of the building and which cannot be removed without cutting into the walls, ceilings or floors or without in some way impairing the building, shall be included in the building accounts.

D. The equipment accounts shall include the necessary costs of testing or running a plant or part thereof during an experimental or test period prior to becoming available for service. The utility shall furnish the Commission with full particulars of and justification for any test or experimental run extending beyond a period of thirty days.

E. The cost of efficiency or other tests made subsequent to the date equipment becomes available for service shall be charged to the appropriate expense accounts, except that tests to determine whether equipment meets the specifications and requirements as to efficiency, performance, etc., guaranteed by manufacturers, made after operations have commenced and within the period specified in the agreement or contract of purchase, may be charged to the appropriate gas plant account.

9. *Additions and Requirements of Gas Plant.*

A. For the purpose of avoiding undue refinement in accounting for additions to and retirements and replacements of gas plant, all property shall be considered as consisting of (1) retirement units and (2) minor items of property. Each utility shall use such list of retirement units as is in use by it at the effective date hereof or as may be prescribed by the Commission, with the option, however, of using smaller units, provided the utility's practice in this respect is consistent.

B. The addition and retirement of retirement units shall be accounted for as follows:

(1) When a retirement unit is added to gas plant, the cost thereof shall be added to the appropriate gas plant account, except that when units are acquired in the acquisition of any gas plant constituting an operating system, they shall be accounted for as provided in gas plant instruction 4.

(2) When a retirement unit is retired from gas plant, with or without replacement, the book cost thereof shall be credited to the gas plant account in which it is included, determined in the manner set forth in paragraph D, below. If the retirement unit is of a depreciable class, the book cost of the unit retired and credited to gas plant shall be charged to the accumulated provision for depreciation applicable to such property. The cost of removal and the salvage shall be charged or credited, as appropriate, to such depreciation account.

C. The addition and retirement of minor items of property shall be accounted for as follows:

(1) When a minor item of property which did not previously exist is added to plant, the cost thereof shall be accounted for in the same manner as for the addition of a retirement unit, as set forth in paragraph B(1), above, if a substantial addition results, otherwise the charge shall be to the appropriate maintenance expense account.

(2) When a minor item of property is retired and not replaced, the book cost thereof shall be credited to the gas plant account in which it is included; and, in the event the minor item is a part of depreciable plant, the account for accumulated provision for depreciation shall be charged with the book cost and cost of removal and credited with the salvage. If, however, the book cost of the minor item retired and not replaced has been or will be accounted for by its inclusion in the retirement unit of which it is a part when such unit is retired, no separate credit to the property account is required when such minor item is retired.

(3) When a minor item of depreciable property is replaced independently of the retirement unit of which it is a part, the cost of replacement shall be charged to the maintenance account appropriate for the item, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity), the excess cost of the replacement over the estimated cost at current prices of replacing without betterment shall be charged to the appropriate gas plant account.

D. The book cost of gas plant retired shall be the amount at which such property is included in the utility plant accounts, including all components of construction costs. The book cost shall be determined from the utility's records and if this cannot be done, it shall be estimated. When it is impracticable to determine the book cost of each unit, due to the relatively large number or small cost thereof, an appropriate average book cost of the units, with due allowance for any differences in size and character, shall be used as the book cost of the units required.

E. The book cost of land retired shall be credited to the appropriate land account. If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amoritization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate. If the land is not used in utility service but is retained by the utility, the book cost shall be charged to account 105, Gas Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

F. The book cost less net salvage of gas plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant. Any amounts which, by approval or order of the Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant.

10. *Transfers of Property.*

When property is transferred from one gas plant account to another, from one utility department to another, such as from gas to electric, from one operating division or area to another, to or from Gas Plant in Service, Gas Plant Leased to Others, Gas Plant Held for Future Use, and Nonutility Property, the transfer shall be recorded by transferring the original cost thereof from one account, department, or location to the other. Any related amounts carried in the accounts for accumulated provision for depreciation, depletion or amortization shall be transferred in accordance with the segregation of such accounts.

11. *Common Utility Plant.*

A. If the utility is engaged in more than one utility service such as electric, gas, and water, and any of its utility plant is used in common for several utility services or for other purposes to such an extent and in such a manner that it is impracticable to segregate it by utility services currently in the accounts, such property, with the approval of the Commission, may be designated and classified as "common utility plant."

B. The book amount of utility plant designated as common plant shall be included in account 118, Other Utility Plant, and if applicable in part to gas department, shall be segregated and accounted for in subaccounts as gas plant is accounted for in accounts 101 to 107, inclusive, and gas plant adjustments in account 116; any amounts classifiable as common plant acquisition adjustments or common plant adjustments shall be subject to disposition as provided in paragraph C and B of accounts 114 and 116, respectively, for amounts classified in those accounts. The original cost of common utility plant in service shall be classified according to detailed utility plant accounts appropriate for the property.

C. The utility shall be prepared to show at any time and to report to the Commission annually, or more frequently, if required, and by utility plant accounts (301 to 399) the following: (1) The book cost of common utility plant, (2) the allocation of such cost to the respective departments using the common utility plant, and (3) the basis of the allocation.

D. The accumulated provision for depreciation and amortization of the utility shall be segregated so as to show the amount applicable to the property classified as common utility plant.

E. The expenses of operation, maintenance, rents, depreciation, and amortization of common utility plant shall be recorded in the accounts prescribed herein, but designated as common expenses, and the allocation of such expenses to the departments using the common utility plant shall be supported in such manner as to reflect readily the basis of allocation used.

12. *Transmission and Distribution Plant.*

For the purposes of this system of accounts:

A. "Transmission System" means the land, structures, mains, valves, meters, boosters, regulators, tanks, compressors and their driving units and appurtenances, and other equipment used primarily for transmitting gas from a production plant, delivery point of purchased gas, gathering system, storage area, or other wholesale source of gas, to one or more distribution areas. The transmission system begins at the outlet side of the valve at the connection to the last equipment in a manufactured gas plant, the connection to gathering lines or delivery point of purchased gas, and includes the equipment at such connection that is used to bring the gas to transmission pressure, and ends at the inlet side of the equipment which meters or regulates the entry of gas into the distribution system or into a storage area. It does not include storage land, structures or equipment. Pipe line companies, however, shall include city gate and main line industrial measuring and regulating stations in the transmission function, except that where pipe line companies measure deliveries of gas to their own distribution systems they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts.

B. "Distribution System" means the mains which are provided primarily for distributing gas within a distribution area, together with land, structures, valves, regulators, services and measuring devices, including the mains for transportation of gas from production plants or points of receipt located within such distribution area to other points therein. The distribution system begins at the inlet side of the equipment which meters or regulates the entry of gas into the distribution system and ends with and includes property on the customer's premises. It does not include storage land, structures, or equipment.

C. "Distribution Area" as used herein means a metropolitan area or other urban area comprising one or more adjacent or nearby cities, villages or unincorporated areas, including developed areas contiguous to main highways.

Operating Expense Instructions

1. *Maintenance.*

A. The cost of maintenance chargeable to the various operating expense and clearing accounts includes labor, materials, overheads and other expenses incurred in maintenance work. A list of work operations applicable generally to utility plant is included hereunder. Other work operations applicable to specific classes of plant are listed in functional maintenance expense accounts.

B. Materials recovered in connection with the maintenance of property shall be credited to the same account to which the maintenance cost was charged.

C. If the book cost of any property is carried in account 102, Gas Plant Purchased or Sold, the cost of maintaining such property shall be charged to the accounts for maintenance of property of the same class and use, the book cost of which is carried in other gas plant in service accounts. Maintenance of property leased from others shall be treated as provided in operating expense instruction 2.

ITEMS

1. Direct field supervision of maintenance.
2. Inspecting, testing, and reporting on condition of plant specifically to determine the need for repairs, replacements, rearrangements and changes and inspecting and testing the adequacy of repairs which have been made.
3. Work performed specifically for the purpose of preventing failure, restoring serviceability or maintaining life of plant.
4. Rearranging and changing the location of plant not retired.
5. Repairing for reuse materials recovered from plant.
6. Testing for, locating and clearing trouble.
7. Net cost of installing, maintaining, and removing temporary facilities to prevent interruptions in service.
8. Replacing or adding minor items of plant which do not constitute a retirement unit. (See gas plant instruction 9.)

2. *Rents.*

A. The rent expense accounts provided under the several functional groups of expense accounts shall include all rents, including taxes paid by the lessee on leased property, for property used in utility operations, except (1) minor amounts paid for occasional or infrequent use of any property or equipment and all amounts paid for use of equipment that, if owned, would be includible in plant accounts 391 to 398, inclusive, which shall be treated as an expense item and included in the appropriate functional account and (2) rents which are chargeable to clearing accounts, and distributed therefrom to the appropriate account. If rents cover property used for more than one function, such as production and transmission, or by more than one department, the rents shall be apportioned to the appropriate rent expense or clearing accounts of each department on an actual, or, if necessary, an estimated basis.

B. When a portion of property or equipment rented from others for use in connection with utility operations is subleased, the revenue derived from such subleasing shall be credited to the rent revenue account in operating revenues; provided, however, that in case the rent was charged to a clearing account, amounts received from subleasing the property shall be credited to such clearing account.

C. The cost, when incurred by the lessee, of operating and maintaining leased property, shall be charged to the accounts appropriate for the expense if the property were owned.

D. The cost incurred by the lessee of additions and replacements to gas plant leased from others shall be accounted for as provided in gas plant instruction 5.

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102 Gas plant purchased or sold.
103 Gas plant in process of reclassification.
104 Gas plant leased to others.
105 Gas plant held for future use.
107 Construction work in progress—Gas.
110 Accumulated provision for depreciation, depletion, and amortization of gas plant.
114 Gas plant acquisition adjustments.
116 Other gas plant adjustments.
118 Other utility plant.
119 Accumulated provision for depreciation and amortization of other utility plant.

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282 Accumulated deferred income taxes—Liberalized depreciation.
283 Accumulated deferred income taxes—Other.

Balance Sheet Accounts

1. UTILITY PLANT

101 Gas plant in service.

A. This account shall include the original cost of gas plant, included in the plant accounts prescribed herein, owned and used by the utility in its gas operations, and having an expectation of life in service of more than one year from date of installation, including such property owned by the utility but held by nominees.

B. The cost of additions to and betterments of property leased from others, which are includible in this account, shall be maintained in subdivisions separate and distinct from those relating to owned property. (See gas plant instruction 5.)

102 Gas plant purchased or sold.

A. This account shall be charged with the cost of gas plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and shall be credited with the selling price of like property transferred to others pending the distribution to appropriate accounts in accordance with gas plant instruction 4.

B. Within six months from the date of acquisition or sale of property recorded herein, there shall be filed with the Commission the proposed journal entries to clear from this account the amounts recorded herein.

103 Gas plant in process of reclassification.

A. This account shall include temporarily the balance of gas plant as of the effective date of the prior system of accounts, which has not yet been reclassified as of the effective date of this system of accounts. The detail or primary accounts in support of this account employed prior to such date shall be continued pending reclassification into the gas plant accounts herein prescribed (301–399), but shall not be used for additions, betterments, or new construction.

B. No charges other than as provided in paragraph A, above, shall be made to this account, but retirements of such unclassified gas plant shall be credited hereto and to the supporting (old) fixed capital accounts until the reclassification shall have been accomplished.

104 Gas plant leased to others.

A. This account shall include the original cost of gas plant owned by the utility, but leased to others as operating units or systems, where the lessee has exclusive possession.

B. The property included in this account shall be classified according to the detailed accounts (301–399) prescribed for gas plant in service, and this account shall be maintained in such detail as though the property were used by the owner in its utility operations.

105 Gas plant held for future use.

A. This account shall include the original cost of property owned and held for future use in gas service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in gas service, but held for such service in the future under a definite plan, and property previously used by the utility in utility service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service. This includes land and land rights held to insure a future supply of natural gas.

B. The property included in this account shall be classified according to the detailed accounts (301–399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: Materials and supplies, meters and transformers held in reserve, or normal spare capacity of plant in service shall not be included in this account.

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason excepting seasonal excess capacity or governmental proration requirements or for repairs.

107 Construction work in progress—Gas.

This account shall include the total of the balances of work orders for utility plant in process of construction but not ready for service at the date of the balance sheet.

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation and Depletion Expense, to account 404, Amortization of Limited-Term Gas Plant, to account 405, Amortization of Other Gas Plant, to account 413, Expenses of Gas Plant Leased to Others, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for currently accruing depreciation, depletion, and amortization.

(2) Amounts charged to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation, depletion or amortization.

(3) Amounts of depreciation, depletion or amortization applicable to gas properties acquired as operating units or systems. (See gas plant instruction 4.)

(4) Amounts chargeable to account 182, Extraordinary Property Losses, when authorized by the Commission.

(5) Amounts of depreciation applicable to gas plant donated to the utility.

B. At the time of retirement of gas plant, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance. When retirements, cost of removal and salvage are entered originally in retirement work orders, the net total of such work orders may be included in a separate subaccount hereunder. Upon completion of the work order, the proper distribution to subdivisions of this account shall be made as provided in the following paragraph.

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for depreciation. The account shall be subdivided to show the amount, applicable to Gas Plant in Service, Gas Plant Leased to Others, and Gas Plant Held for Future Use. These subsidiary records shall show the current credits and debits to this account in sufficient detail to show separately for each subdivision, (1) the amount of accrual for depreciation or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage and (5) other items, including recoveries from insurance. The utility also shall maintain subsidiary records in accordance with these provisions for accumulated depletion and amortization provisions for natural gas lands and land rights in service.

D. When transfers of plant made from one gas plant account to another, or from or to nonutility property, the accounting shall be as provided in gas plant instruction 10.

E. The utility is restricted in its use of the accumulated provision for depreciation, depletion and amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

114 Gas plant acquisition adjustments.

A. This account shall include the difference between (a) the cost to the accounting utility of gas plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and (b) the original cost, estimated if not known, of such property, less the amount or amounts credited by the accounting utility at the time of acquisition to accumulated provision for depreciation, depletion and amortization and contributions in aid of construction with respect to such property.

B. With respect to acquisitions after the effective date of this system of accounts, this account shall be subdivided so as to show the amounts included herein for each property acquisition and to gas plant in service, gas plant held for future use and gas plant leased to others. (See gas plant instruction 4.)

C. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

116 Other gas plant adjustments.

A. This account shall include the difference between the original cost, estimated if not known, and the book cost of gas plant to the extent that such difference is not properly includible in account 114, Gas Plant Acquisition Adjustments.

B. Amounts included in this account shall be classified in such manner as to show the origin of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of gas plant.

118 Other utility plant.

This account shall include the balance in accounts for utility plant, other than gas plant, such as electric, railway, etc.

119 Accumulated provision for depreciation and amortization of other utility plant.

This account shall include the accumulated provision for depreciation and amortization applicable to utility property other than gas plant.

2. OTHER PROPERTY AND INVESTMENTS

121 Nonutility property.

A. This account shall include the book cost of land, structures, equipment or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in account 105, Gas Plant Held for Future Use.

B. This account shall be subdivided so as to show the amount of property used in operations which are nonutility in character but nevertheless constitute a distinct operating activity of the company (such as operation of an ice department where such activity is not classed as a utility) and the amount of miscellaneous property not used in operations. The records in support of each subaccount shall be maintained so as to show an appropriate classification of the property.

122 Accumulated provision for depreciation and amortization of nonutility property.

This account shall include the accumulated provision for depreciation and amortization applicable to nonutility property.

124 Other investments.

A. This account shall include the book cost of investments in securities issued or assumed by other companies, investment advances to such companies, and any investments not accounted for elsewhere. Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The cost of capital stock of the utility reacquired by it under a definite plan for resale pursuant to authorization by the Board of Directors may, if permitted by statutes, be included in a separate subdivision of this account. (See also account 207, Other Paid-in Capital, and account 217, Reacquired Capital Stock.)

C. The records shall be maintained in such manner as to show the amount of each investment and the investment advances to each person.

NOTE A: Securities owned and pledged shall be included in this account, but securities held in special deposits or in special funds shall be included in appropriate deposit or fund accounts. A complete record of securities pledged shall be maintained.

NOTE B: Securities held as temporary cash investments shall not be included in this account.

NOTE C: The utility may write down the cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded but a permanent impairment in the value of securities shall be recognized in the accounts. When securities are written off or written down, the amount of the adjustment shall be charged to account 435, Miscellaneous Debits to Surplus, or to an appropriate account for provisions for loss in value established as a separate subdivision of this account.

125 Special funds.

This account shall include the amount of cash and book cost of investments which have been segregated in special funds for bond retirements, property additions and replacements, insurance, employees' pensions, savings, relief, hospital, and other purposes not provided for elsewhere. A separate account, with appropriate title, shall be kept for each fund.

NOTE: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employees' benefits shall not be included in this account.

3. CURRENT AND ACCRUED ASSETS

Current and accrued assets are cash, those assets which are readily convertible into cash or are held for current use in operations or construction, current claims against others, payment of which is reasonably assured, and amounts accruing to the utility which are subject to current settlement, except such items for which accounts other than those designated as current and accrued assets are made therefor. There shall not be included in the group of accounts designated as current and accrued assets any item, the amount or collectibility of which is not reasonably assured, unless an adequate provision for possible loss has been provided. Items of current character but of doubtful value may be written down and for record purposes carried in these accounts at nominal value.

131 Cash and working funds.

This account shall include the amount of cash on hand and in banks and cash advanced to officers, agents, employees, and others as petty cash or working funds. Special cash deposits for payment of interest, dividends or other special purposes shall be included in this account in separate subdivisions which shall specify the purpose for which each such special deposit is made.

NOTE: Special deposits for more than one year, which are not offset by current liabilities, shall not be charged to this account but to account 125, Special Funds.

132 Temporary cash investments.

A. This account shall include the book cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

B. This account shall be so maintained as to show separately temporary cash investments in securities of associated companies and of others. Records shall be kept of any pledged investments.

141 Notes receivable.

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable and similar evidences (except interest coupons) of money due on demand or within one year from the date of issue, excepting, however, notes receivable from associated companies. (See account 132, Temporary Cash Investments, and account 145, Notes Receivable from Associated Companies.)

NOTE: The face amount of notes receivable, discounted, sold, or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

142 Customer accounts receivable.

A. This account shall include amounts due from customers for utility service, and for merchandising, jobbing and contract work. This account shall not include amounts due from associated companies.

B. This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing and contract work.

143 Other accounts receivable.

A. This account shall include amounts due the utility upon open accounts, other than amounts due from associated companies and from customers for utility services and merchandising, jobbing and contract work.

B. This account shall be maintained so as to show separately amounts due on subscriptions to capital stock and from officers and employees, but the account shall not include amounts advanced to officers or others as working funds. (See account 131, Cash and Working Funds.)

144 Accumulated provision for uncollectible accounts—Cr.

A. This account shall be credited with amounts provided for losses on accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto. Concurrent charges shall be made to account 904, Uncollectible Accounts, for amounts applicable to utility operations, and to corresponding accounts for other operations. Records shall be maintained so as to show the write-offs of accounts receivable for each utility department.

B. This account shall be subdivided to show the provision applicable to the following classes of accounts receivable:

Utility Customers.
Merchandising, Jobbing and Contract Work.
Officers and Employees.
Other.

NOTE A: Accretions to this account shall not be made in excess of a reasonable provision against losses of the character provided for.

NOTE B: If provisions for uncollectible notes receivable or for uncollectible receivables from associated companies are necessary, separate subaccounts therefor shall be established under the account in which the receivable is carried.

145 Notes receivable from associated companies.

146 Accounts receivable from associated companies.

A. These accounts shall include notes and drafts upon which associated companies are liable, and which mature and are expected to be paid in full not later than one year from date of issue, together with any interest thereon, and debit balances subject to current settlement in open accounts with associated companies. Items which do not bear a specified due date but which have been carried for more than twelve months and items which are not paid within twelve months from due date shall be transferred to account 124, Other Investments.

NOTE A: On the balance sheet, accounts receivable from an associated company may be set off against accounts payable to the same company.

NOTE B: The face amount of notes receivable discounted, sold or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

150 Materials and supplies.

A. This account shall include the cost of fuel on hand and unapplied materials and supplies (except meters and house regulators). It shall include also the book cost of materials recovered in connection with construction, maintenance or the retirement of property, such materials being credited to construction, maintenance, or accumulated depreciation provision, respectively, and included herein as follows:

(1) Reusable materials consisting of large individual items shall be included in this account at original cost, estimated if not known. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(2) Reusable materials consisting of relatively small items, the identity of which (from the date of original installation to the final abandonment or sale thereof) cannot be ascertained without undue refinement in accounting, shall be included in this account at current prices new for such items. The cost of repairing such items shall be charged to the appropriate expense account as indicated by previous use.

(3) Scrap and nonusable materials included in this account shall be carried at the estimated net amount realized therefrom. The difference between the amounts realized for scrap and nonusable materials sold and the net amount at which the materials were carried in this account, as far as practicable shall be adjusted to the accounts credited when the materials were charged to this account.

B. Materials and supplies issued shall be credited hereto and charged to the appropriate construction, operating expense, or other account on the basis of a unit price determined by the use of

cumulative average, first-in-first-out, or such other method of inventory accounting as conforms with accepted accounting standards consistently applied.

C. Inventories of materials, supplies, fuel, etc., shall be taken at least annually and the necessary adjustments shall be made to bring this account into agreement with the actual inventories. In effecting the adjustments, large differences which can be assigned to important classes of materials shall be equitably adjusted among the accounts to which such classes of materials have been charged since the previous inventory. Other differences shall be equitably apportioned among the accounts to which materials have been charged.

ITEMS

1. Invoice price of materials less cash or other discounts.
2. Freight, switching or other transportation charges when practicable to include as part of the cost of particular materials to which they relate.
3. Customs duties and excise taxes.
4. Costs of inspection and special tests prior to acceptance.
5. Insurance and other directly assignable charges.

NOTE A: Where expenses applicable to materials purchased cannot be directly assigned to particular purchases, they may be charged to a stores expense clearing account and distributed therefrom to the appropriate account.

NOTE B: When materials and supplies are purchased for immediate use, they need not be carried through this account but may be charged directly to the appropriate gas plant or expense account.

164 Gas stored underground.

A. This account shall include the cost of gas purchased or produced by the utility which is stored in depleted or partially depleted gas or oil fields, or other underground reservoirs, and held for use in meeting service requirements of the utility's customers.

B. Gas stored during the year shall be priced at cost according to generally accepted methods of cost determination consistently applied from year to year. Transmission expenses for facilities of the utility used in moving the gas to the storage area and expenses of storage facilities shall not be included in the inventory of gas except as may be authorized or directed by the Commission.

C. Withdrawals of gas may be priced according to the first-in-first-out, last-in-first-out, or weighted average cost method, in connection with which a "base stock" may be employed provided the method adopted by the utility is used consistently from year to year and the inventory records are maintained in accordance therewith. Approval of the Commission must be obtained for any other pricing method, or change in the pricing method adopted by the utility.

D. Amounts debited to this account for gas placed in storage shall be credited to account 734, Gas Delivered to Underground Storage—Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to account 733, Gas Withdrawn from Underground Storage—Debit.

E. Adjustments for inventory losses due to cumulative inaccuracies of gas measurements, or from other causes, shall be charged to account 741, Gas Losses. In the operation of storage projects the utility shall maintain such procedures of verification as will disclose and result in prompt accounting recognition of significant losses.

NOTE A: The utility at balance sheet dates shall reduce this account by such significant amount as does not represent a current asset according to conventional rules of current asset classification. Such reduction shall be offset by a special account, Gas Stored Underground—Noncurrent, to be reported in the balance sheet among other accounts under the caption for utility plant.

NOTE B: If with respect to any storage reservoir, the utility determines that a portion of the stored gas included in this account will not eventually be fully recovered, it may submit for consideration of the Commission, a plan to create a reserve to provide for such anticipated gas losses.

165 Prepayments.

A. This account shall include the amount of rents, taxes, insurance, interest and like disbursements made in advance of the period to which they apply. As the periods covered by such prepayments expire, credit this account and charge the proper operating expense or other account with the amount applicable to the period.

B. This account shall be kept or supported in such manner as to disclose the amount of each class of prepayments.

170 Other current and accrued assets.

This account shall include the book cost of all other current and accrued assets, appropriately designated and supported so as to show the nature of each asset included herein.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.

A. This account shall include the total of the unamortized balance of discount and expense for all classes of long-term debt.

B. The discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be charged to account 428, Amortization of Debt Discount and Expense. The utility may, however, accelerate the writing off of discount and expense where the amounts are insignificant.

182 Extraordinary property losses.

A. When authorized or directed by the Commission, this account shall include extraordinary losses on property abandoned or otherwise retired from service which are not provided for by the accumulated provision for depreciation or amortization and which could not reasonably have been foreseen and provided for, and extraordinary losses, such as unforeseen damages to property, which could not reasonably have been anticipated and which are not covered by insurance or other provisions.

B. The entire cost, less net salvage, of depreciable property retired shall be charged to accumulated provision for depreciation. If all, or a portion of the loss is to be included in this account, the accumulated provision for depreciation shall then be credited and this account charged with the amount properly chargeable hereto.

C. Application to the Commission for permission to use this account shall be accompanied by a statement giving a complete explanation with respect to the items which it is proposed to include herein, the period over which, and the accounts to which it is proposed to write off the charges, and other pertinent information.

183 Other deferred debits.

A. This account shall include the following classes of items:

(1) Expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of projects under contemplation. If construction results, this account shall be credited with the amount applicable thereto and the appropriate plant accounts shall be charged with an amount which does not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to plant. If the work is abandoned, the charge shall be to account 435, Miscellaneous Debits to Surplus, or to the appropriate operating expense accounts.

(2) Expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of acquiring land and land rights to provide a future supply of natural gas. If such land or land rights are acquired, this account shall be credited and the appropriate gas plant account (see gas plant instruction 6G) charged with the amount of expenditures related to such acquisition. Such preliminary survey and investigation charges transferred to gas plant shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to gas plant. If the project is abandoned, the expenditures related thereto shall be charged to account 723, Other Exploration.

(3) Undistributed balances in clearing accounts at the date of the balance sheet. Balances in clearing accounts shall be substantially cleared not later than the end of the calendar year unless items held therein relate to a future period.

(4) Balances representing expenditures for work in progress other than on utility plant. This includes jobbing and contract work in progress.

(5) Other debit balances, the proper final disposition of which is uncertain, and unusual or extraordinary expenses, not included in other accounts, which are in process of being written off.

B. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each deferred debit included herein. The records supporting entries for preliminary natural gas surveys and investigations shall be so kept that the utility can furnish, for each investigation, complete information as to identification and location of the territory investigated, the number or other identification assigned to the land tract or leasehold

acquired, and the nature and respective amounts of the charges.

5. PROPRIETARY CAPITAL

201 Common capital stock.

204 Preferred capital stock.

A. These accounts shall include the par value or the stated value of stock without par value if such stock has a stated value, and if not, the cash value of the consideration received for such nonpar stock, of each class of capital stock actually issued, including the par or stated value of such capital stock in account 124, Other Investments, and account 217, Reacquired Capital Stock.

B. When the actual cash value of the consideration received is more or less than the par or stated value of any stock having a par or stated value, the difference shall be credited or debited, as the case may be, to the premium or discount account for the particular class and series.

C. When capital stock is retired, these accounts shall be charged with the amount at which such stock is carried herein.

D. A separate ledger account, with a descriptive title, shall be maintained for each class and series of stock. The supporting records shall show the shares nominally issued, actually issued, and nominally outstanding.

NOTE: When a levy or assessment, except a call for payment on subscriptions, is made against holders of capital stock, the amount collected upon such levy or assessment shall be credited to account 207, Other Paid-In Capital; provided, however, that the credit shall be made to account 213, Discount on Capital Stock, to the extent of any remaining balance of discount on the issue of stock.

207 Other paid-in capital.

This account shall include the balance of all other credits for paid-in capital not includible in the capital stock accounts, and shall be kept so as to show the source of the credits includible herein.

ITEMS

1. Premium received on original issues of capital stock.
2. Donations received from stockholders or reduction of debt of the utility, and the cash value of other assets received as a donation.
3. Reduction in par or stated value of capital stock.
4. Gain on resale or cancellation of reacquired capital stock.
5. Miscellaneous paid-in capital.

NOTE: Premium on capital stock shall not be set off against expenses. Further, a premium received on an issue of a certain class or series of stock shall not be set off against expense of another issue of the same class or series.

212 Installments received on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock the amount of installments received on capital stock on a partial or installment payment plan for subscribers who are not bound by legally enforceable subscription contracts.

B. As subscriptions are paid in full and certificates issued, this account shall be charged and the appropriate capital stock account credited with the par or stated value of such stock. Any discount or premium on an original issue shall be included in the appropriate discount or premium account.

213 Discount on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock all discount on the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital: *Provided, however*, That the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 435, Miscellaneous Debits to Surplus.

214 Capital stock expense.

A. This account shall include in a separate subdivision for each class and series of stock all commissions and expenses incurred in connection with the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues. Expenses applicable to capital stock shall not be deducted from premium on capital stock.

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein: *Provided, however*, That the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

NOTE: Expenses in connection with the reacquisition or resale of the utility's capital stock shall not be included herein.

215 Appropriated earned surplus.

This account shall include the amount of earned surplus which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

216 Unappropriated earned surplus.

This account shall include the balance, either debit or credit, of unappropriated surplus arising from earnings. It shall not include items includible in any subaccount of account 207, Other Paid-In Capital.

217 Reacquired capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock, the cost of capital stock actually issued by the utility and reacquired by it and not retired or canceled, except, however, stock which is held by trustees in sinking or other funds.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-In Capital, provided, however, that debits shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

C. When reacquired capital stock is resold by the utility, the difference between the amount received on the resale of the stock, less expenses incurred in the resale, and the cost of the stock included in this account shall be accounted for as outlined in paragraph B.

NOTE A: See account 124, Other Investments, for permissive accounting treatment of stock reacquired under a definite plan for resale.

NOTE B: The accounting for reacquired stock shall be as prescribed herein unless otherwise specifically required by statute.

6. LONG-TERM DEBT

221 Bonds.

A. Separate accounts shall be maintained hereunder for unmatured bonds of each class and series. Each such account shall be subdivided so as to show, (1) the face value of the actually issued and unmatured bonds, which have not been retired or canceled; also the face value of such bonds issued by others, the payment of which has been assumed by the utility, (2) the face value of bonds actually issued or assumed by the utility and reacquired by it, not paid, retired, or canceled. The account for reacquired debt shall not include securities which are held by trustees in sinking or other funds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

223 Advances from associated companies.

A. This account shall include the face value of notes payable to associated companies and the amount of open book accounts representing advances from associated companies. It does not include notes and open accounts representing indebtedness subject to current settlement which are includible in account 233, Notes Payable to Associated Com-

panies, or account 234, Accounts Payable to Associated Companies.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information concerning each note and open account.

224 Other long-term debt.

A. This account shall include, until maturity, all long-term debt not otherwise provided for. This covers such items as receivers' certificates, real estate mortgages executed or assumed, assessments for public improvements, notes and unsecured certificates of indebtedness not owned by associated companies, receipts outstanding for long-term debt and other obligations maturing more than one year from date of issue or assumption.

B. Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class all details as to date of obligation, date of maturity, interest dates and rates, security for the obligation, etc.

NOTE: Miscellaneous long-term debt reacquired shall be accounted for in accordance with the procedure set forth in account 221, Bonds.

7. CURRENT AND ACCRUED LIABILITIES

Current and accrued liabilities are those obligations which have either matured or which become due within one year from the date thereof; except, however, bonds, receivers' certificates and similar obligations which shall be classified as long-term debt until date of maturity; accrued taxes, such as income taxes, which shall be classified as accrued liabilities even though payable more than one year from date; compensation awards, which shall be classified as current liabilities regardless of date due; and minor amounts payable in installments which may be classified as current liabilities. If a liability is due more than one year from date of issuance or assumption by the utility, it shall be credited to a long-term debt account appropriate for the transaction, except, however, the current liabilities previously mentioned.

231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue, to other than associated companies.

232 Accounts payable.

This account shall include all amounts payable by the utility within one year, which are not provided for in other accounts.

233 Notes payable to associated companies.

234 Accounts payable to associated companies.

These accounts shall include amounts owing to associated companies on notes, drafts, acceptances, or other similar evidences of indebtedness, and open accounts payable on demand or not more than one year from date of issue or creation.

NOTE: Exclude from these accounts notes and accounts which are includible in account 223, Advances from Associated Companies.

235 Customer deposits.

This account shall include all amounts deposited with the utility by customers as security for the payment of bills.

236 Taxes accrued.

A. This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known, the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet, shall be shown under account 165, Prepayments.

B. If accruals for taxes are found to be insufficient or excessive, correction therefor shall be made through current tax accruals. However, if such corrections are so large as to seriously distort current expenses, they shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Accruals for taxes shall be based upon the net amount payable after credit for any discounts and shall not include any amounts for interest on tax deficiencies or refunds. Interest received on refunds shall be credited to account 419, Interest and Dividend Income, and interest paid on deficiencies shall be charged to account 431, Other Interest Expense.

D. The records supporting the entries to this account shall be kept so as to show for each class of taxes, the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

237 Interest accrued.

This account shall include the amount of interest accrued but not matured on all liabilities of the utility not including, however, interest which is added to the principal of the debt on which incurred. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

238 Other current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere appropriately designated and supported so as to show the nature of each liability.

ITEMS

1. Dividends declared but not paid.
2. Matured long-term debt.
3. Matured interest.
4. Taxes collected through pay roll deductions or otherwise pending transmittal to the proper taxing authority.

8. DEFERRED CREDITS

251 Unamortized premium on debt.

A. This account shall include the total of the unamortized balance of premium and expense for all classes of long-term debt, including receivers' certificates.

B. The premium and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be credited to account 429, Amortization of Premium on Debt—Credit.

252 Customer advances for construction.

This account shall include advances by customers for construction which are to be refunded either wholly or in part. When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 271, Contributions in Aid of Construction.

253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received.

9. OPERATING RESERVES

261 Property insurance reserve.

A. This account shall include amounts reserved by the utility for self-insurance against losses through accident, fire, flood, or other hazards to its own property or property leased from others. A schedule of risks covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. Charges shall be made to this account for losses covered by self-insurance. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

262 Injuries and damages reserve.

A. This account shall be credited with amounts charged to account 925, Injuries and Damages, or other appropriate accounts, to meet the probable liability, not covered by insurance, for deaths or injuries to employees and others, and for damages to property neither owned nor held under lease by the utility.

B. When liability for any injury or damage is admitted by the utility either voluntarily or because of the decision of a court or other lawful authority, such as a workmen's compensation board, the admitted liability shall be charged to this account and credited to the appropriate liability account. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

NOTE: Recoveries or reimbursements for losses charged to this account shall be credited hereto; the cost of repairs to property of others if provided for herein, shall be charged to this account.

263 Pensions and benefits reserve.

A. This account shall include provisions made by the utility and amounts contributed by employees for pensions, accident and death benefits, savings, relief, hospital and other provident purposes, where the funds represented by the reserve are included in the assets of the utility either in general or in segregated fund accounts.

B. Amounts paid by the utility for the purposes for which this reserve is established shall be charged hereto.

C. A separate account shall be kept for each kind of reserve included herein.

NOTE: If employee pension or benefit plan funds are not included among the assets of the utility but are held by outside trustees, payments into such funds, or accruals therefor, shall not be included in this account.

265 Miscellaneous operating reserves.

A. This account shall include all operating reserves maintained by the utility which are not provided for elsewhere.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and amounts of the debits and credits thereto.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Earned Surplus.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

A. This account shall include donations or contributions in cash, services, or property from states, municipalities or other governmental agencies, individuals, and others for construction purposes.

B. The credits to this account shall not be transferred to earned surplus or to any other account without the approval of the Commission.

C. The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) states, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department.

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

11. ACCUMULATED DEFERRED INCOME TAXES

NOTE A: The text of accounts below are designed primarily to cover deferrals of Federal income taxes arising under provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Natural Gas Companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below under subdivisions for each utility department.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by Section 168 of the Internal Revenue Code of 1954 (Section 124A of previous Internal Revenue Code), as compared to the depreciation (deduction) otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior year of accelerated (5-year) amoritization of certified defense facilities instead of nonaccelerated depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility which, in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement from service of such facility or predominant part thereof, be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise be applied as the Commission may authorize or direct.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property, such accounting shall not be discontinued on that property without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed or, upon re-

tirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be credited and account 410, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

B. This account when its use has been authorized by the Commission, shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the accounts or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise disposed of as the Commission may authorize or direct.

NOTE: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate, such as situations (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

Gas Plant Accounts

1. INTANGIBLE PLANT

301 Organization.
302 Franchises and consents.
303 Miscellaneous intangible plant.

2. PRODUCTION PLANT

A. MANUFACTURED GAS PRODUCTION PLANT

304 Land and land rights.
305 Structures and improvements.
306 Boiler plant equipment.
307 Other power equipment.
308 Coke ovens.
309 Producer gas equipment.
310 Water gas generating equipment.
311 Liquefied petroleum gas equipment.
312 Oil gas generating equipment.
313 Generating equipment—other processes.
314 Coal, coke, and ash handling equipment.
315 Catalytic cracking equipment.
316 Other reforming equipment.
317 Purification equipment.
318 Residual refining equipment.
319 Gas mixing equipment.
320 Other equipment.

B. NATURAL GAS PRODUCTION PLANT

B 1. NATURAL GAS PRODUCTION AND GATHERING PLANT

325.1 Producing lands.
325.2 Producing leaseholds.
325.3 Gas rights.
325.4 Rights-of-way.
325.5 Other land and land rights.
326 Gas well structures.
327 Field compressor station structures.
328 Field measuring and regulating station structures.
329 Other structures.
330 Producing gas wells—Well construction.
331 Producing gas wells—Well equipment.
332 Field lines.
333 Field compressor station equipment.
334 Field measuring and regulating station equipment.
335 Drilling and cleaning equipment.
336 Purification equipment.
337 Other equipment.

B 2. PRODUCTS EXTRACTION PLANT

340 Land and land rights.
341 Structures and improvements.
342 Extraction and refining equipment.
343 Pipe lines.
344 Extracted products storage equipment.
345 Compressor equipment.
346 Gas measuring and regulating equipment.
347 Other equipment.

3. STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

350.1 Land.
350.2 Leaseholds.
350.3 Storage rights.
350.4 Rights-of-way.
350.5 Gas rights.
351 Structures and improvements.
352 Wells.
353 Lines.
354 Compressor station equipment.
355 Measuring and regulating equipment.
356 Purification equipment.
357 Other equipment.

B. LOCAL STORAGE PLANT

360 Land and land rights.
361 Structures and improvements.
362 Gas holders.
363 Other equipment.

4. TRANSMISSION PLANT

365.1 Land and land rights.
365.2 Rights-of-way.
366 Structures and improvements.
367 Mains.
368 Compressor station equipment.
369 Measuring and regulating station equipment.
370 Communication equipment.
371 Other equipment.

5. DISTRIBUTION PLANT

374 Land and land rights.
375 Structures and improvements.
376 Mains.
377 Compressor station equipment.
378 Measuring and regulating station equipment—General.
379 Measuring and regulating station equipment—City gate check stations.
380 Services.
381 Meters.
382 Meter installations.
383 House regulators.
384 House regulator installations.
385 Industrial measuring and regulating station equipment.
386 Other property on customers' premises.
387 Other equipment.

6. GENERAL PLANT

389 Land and land rights.
390 Structures and improvements.
391 Office furniture and equipment.
392 Transportation equipment.
393 Stores equipment.
394 Tools, shop and garage equipment.
395 Laboratory equipment.
396 Power operated equipment.
397 Communication equipment.
398 Miscellaneous equipment.
399 Other tangible property.

Gas Plant Accounts

1. INTANGIBLE PLANT

301 Organization.

This account shall include all fees paid to Federal or State governments for the privilege of incorporation and expenditures incident to organizing the corporation, partnership, or other enterprises and putting it into readiness to do business.

ITEMS

1. Cost of obtaining certificates authorizing an enterprise to engage in the public utility business.
2. Fees and expenses for incorporation.
3. Fees and expenses for mergers or consolidations.
4. Office expenses incident to organizing the utility.
5. Stock and minute books and corporate seal.

NOTE A: This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds or other evidences of debt, or expenses in connection with the authorization, issuance, or sale of capital stock.

NOTE B: Exclude from this account and include in the appropriate expense account the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off. When charges are made to this account for expenses incurred in mergers, consolidations, or reorganizations, amounts previously included herein or in similar accounts in the books of the companies concerned shall be excluded from this account.

302 Franchises and consents.

A. This account shall include amounts paid to the Federal Government, to a State or to a political subdivision thereof in consideration for franchises, consents, or certificates, running in perpetuity or for a specified term of more than one year, together with necessary and reasonable expenses incident to procuring such franchises, consents, or certificates of permission and approval, including expenses of organizing and merging separate corporations, where statutes require, solely for the purpose of acquiring franchises.

B. If a franchise, consent, or certificate is acquired by assignment, the charge to this account in respect thereof shall not exceed the amount paid therefor by the utility to the assignor, nor shall it exceed the amount paid by the original grantee, plus the expense of acquisition to such grantee. Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 435, Miscellaneous Debits to Surplus.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

D. Records supporting this account shall be kept so as to show separately the book cost of each franchise or consent.

NOTE: Annual or other periodic payments under franchises shall not be included herein but in the appropriate operating expense account.

303 Miscellaneous intangible plant.

A. This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of the utility's gas operations and not specifically chargeable to any other account.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

C. This account shall be maintained in such a manner that the utility can furnish full information with respect to the amounts included herein.

2. PRODUCTION PLANT

A. MANUFACTURED GAS PRODUCTION PLANT

304 Land and land rights.

This account shall include the cost of land and land rights used in connection with manufactured gas production. (See gas plant instruction 6.)

305 Structures and improvements.

This account shall include the cost of structures and improvements used in connection with manufactured gas production. (See gas plant instruction 7.)

NOTE: Include relief holders in this account.

306 Boiler plant equipment.

This account shall include the cost installed of furnaces, boilers, steam and feed water piping, boiler apparatus, and accessories used in the production of steam at gas production plants.

ITEMS

1. Accumulators.
2. Air preheaters, including fans and drives, and ducts not part of building.
3. Ash disposal equipment, including sluiceways not part of a building, pumps and piping, crane, ash bucket conveyor and drives, ash cars, etc.
4. Belt conveyors, including drives.
5. Blast gate valves.
6. Blow-down tanks and piping.
7. Boilers, including valves attached thereto, casings, safety valves, soot blowers, soot hoppers, superheaters, and feed water regulators.
8. Cinder and dust catcher system, including mechanical and electric types.
9. Coal and coke handling equipment, including hoppers, lorries, etc., used wholly for boilers.
10. Combustion control system, including all apparatus installed for the regulation and control of the supply of fuel or air to boilers.
11. Control apparatus.
12. Cranes, hoists, etc., wholly identified with apparatus listed herein.
13. Desuperheaters, and reducing valves.
14. Draft apparatus, including forced, induced, and other draft systems, with blowers, fans, and ducts not part of building.
15. Economizers.
16. Emergency lighting systems, not part of building, keep-a-lite systems, etc.
17. Emergency signal systems, in connection with boiler operation.
18. Feed water heaters, including primary and stage.
19. Flues, uptakes, and breeching, whether or not stacks are included in this account.
20. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
21. Furnaces.
22. Gas firing system, including gas lines, burners, etc., for gas fired boilers.
23. Injectors.
24. Mechanical stoker and feeding systems, clinker grinders, including drives.
25. Meters, gauges, recording instruments, etc.
26. Oil burning equipment, including tanks, heaters, pumps with drives, burner equipment, piping, and conditioning apparatus.
27. Painting, first cost.
28. Panels, control (for operating apparatus listed herein).
29. Piping system, steam header and exhaust header, including accessory pipe hangers, steam traps, etc., make-up water, feed water, drip, blow-off, water pipe lines used for steam plant, and valve control system.
30. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
31. Pulverizing equipment.
32. Pumps and driving units, for feed water, heater condensate, condenser water, and drip.
33. Stacks—brick, steel, and concrete, when set on separate foundations independent of substructure or superstructure of building.
34. Steam reheaters.
35. Steelwork, especially constructed for apparatus listed herein.
36. Tanks, including surge, weighing, return, blow-off, feed water storage.
37. Tar burning equipment for utilization of tar as boiler fuel, including tanks, pumps, burner equipment, piping, etc.
38. Waste heat boilers and accessories—stack valve and stack irrespective of location.
39. Water treatment system, including purifiers, setting tanks, filters, chemical mixing and dosing apparatus, etc.

NOTE A: This account shall not include boilers or steam pipes whose primary purpose is the heating of buildings.

NOTE B: When the system for supplying boiler or condenser water is elaborate, as when it includes a dam, reservoir, canal, or pipe line, the cost shall not be charged to this account but to a special subdivision of account 305, Structures and Improvements—Manufactured Gas.

307 Other power equipment.

A. This account shall include the cost installed of electric generating and accessory equipment used for supplying electricity in gas production plants.

B. This account shall also include the cost installed of miscellaneous power equipment at gas production plants which is not included in any other account.

ITEMS

1. Acid proofing of battery rooms.
2. Air duct runs in battery rooms.
3. Air pump, steamjet.
4. Batteries for control and general station use.
5. Belts, pulleys, hangers, shafts, and countershafts.
6. Cables between generators and switchboards.
7. Cabinets, control.
8. Compartments, including busses, connections and items permanently attached.
9. Enclosure equipment not an integral part of building.
10. Engines, including steam rotary or reciprocating, steam turbines, and internal combustion engines.
11. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
12. Generators, A.C. or D.C., including excitation system.
13. Ground connections, for main station ground.
14. Lightning arresters.
15. Motor generators, frequency changers, and converters.
16. Overhead power lines, including poles, crossarms, insulators, conductors, etc.
17. Panels, control, including supports and instruments.
18. Piping applicable to apparatus listed herein.
19. Reactors.
20. Rectifiers.
21. Safety equipment, including rubber mats, remote closing devices, glove cabinets.
22. Switchboards, including frames, panels, meters, and instruments.
23. Switching equipment, including oil circuit breakers, disconnecting switches, and connections.
24. Synchronous converters.
25. Transformers, including transformer platforms.
26. Underground conduit system, including manholes and conductors.

NOTE: When any unit of equipment listed herein is wholly used to furnish power to

equipment included in another single account, its cost shall be included in such account.

308 Coke ovens.

This account shall include the cost installed of coke ovens used for the production of gas.

ITEMS

1. Apparatus for placing coal in ovens.
2. Bins, if not part of a building.
3. Cabinets, control.
4. Calorimeters.
5. Cars, quenching.
6. Charging lorry.
7. Clay mixers.
8. Coke guide.
9. Coke and pusher benches.
10. Collecting mains.
11. Control apparatus.
12. Conveyor, flight.
13. Cover lifting machinery.
14. Door handling machine.
15. Door luting machine.
16. Driving units for coke oven machinery.
17. Enclosures for machinery.
18. Engines, when not an integral part of the driven equipment.
19. Firing equipment.
20. Flues, uptakes, and breeching.
21. Foundations.
22. Fuel handling equipment used exclusively for coal to be carbonized in ovens.
23. Fuel systems under ovens.
24. Hot coke wharves.
25. Hot coke cars.
26. Instruments or meters, electrical.
27. Locomotives.
28. Mud mill.
29. Motor control equipment.
30. Ovens.
31. Panel, control.
32. Piping, including ascension pipes, hydraulic main, liquor flushing decanter tank, liquor pump, and return line to hydraulic main.
33. Pushers, including tracks and driving equipment.
34. Quenching station including structure, tank, well, piping, etc.
35. Quenching towers, piping, etc.
36. Regenerator, from bottom of oven floor tile to battery foundation.
37. Reversing machine, with enclosure.
38. Scale, platform.
39. Signal system.
40. Skip hoist.
41. Stacks.
42. Steel and iron work supports, platforms, stairways, etc.
43. Switches and switchboards.

309 Producer gas equipment.

This account shall include the cost installed of equipment used for the production of producer gas.

ITEMS

1. Ash handling equipment, used exclusively for producers.
2. Blast apparatus, including blowers, driving units, and blast mains.
3. Control apparatus.
4. Coolers and scrubbers.
5. Driving apparatus for producers.
6. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
7. Fuel handling equipment, used exclusively for producers.
8. Humidifiers.
9. Piping—air, steam (commencing at steam header), water (inside of building), and producer gas (up to outlet of final piece of apparatus in building).
10. Producer boosters, including driving units.
11. Producers.
12. Water separators.

310 Water gas generating equipment.

This account shall include the cost installed of equipment used in the generation of water gas.

ITEMS

1. Automatic operation equipment.
2. Back-run installations.
3. Blast equipment, including blowers and driving units, piping and supports.
4. Bridge, coal shed to generator house.
5. Carburetors.
6. Charging equipment, fuel.
7. Circulating water pumps.
8. Concrete or brick pits, including cover, not part of building.
9. Control apparatus.
10. Conveyors.
11. Dust collectors.
12. Enclosures for equipment (barriers, fire walls, guards, housings, screens, etc.).
13. Flow meters.
14. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
15. Fuel handling equipment used exclusively for fuel for this account.
16. Gauges, indicating and recording.
17. Generators.
18. Hot valves.
19. Hydraulic operation equipment.
20. Instruments and meters, electrical.
21. Oil handling and storage apparatus used solely for water gas apparatus (tanks, pumps and oil lines, oil heaters, manholes, valve pits, regulators, strainers, etc.).
22. Oil spray.
23. Operating floors and supports, stairways, etc.
24. Piling under foundations.
25. Piping and valves—steam (commencing at steam header), tar (to decanter), water (inside of building), and gas (up to outlet of final pieces of apparatus in building).
26. Pressure regulators.
27. Scales, when used in connection with items in this account.
28. Seal pots.
29. Superheaters and superheater stacks.
30. Tanks, hydraulic pressure.
31. Valve operating mechanisms.
32. Wash boxes.

311 Liquefied petroleum gas equipment.

A. This account shall include the cost installed of equipment used for the production of gas from petroleum derivatives, such as propane, butane, or gasoline.

B. Subdivisions of this account shall be maintained for each producing process for which this account is provided. A separate subaccount shall be maintained also for bottling equipment included herein.

ITEMS

1. Blowers.
2. Boilers.
3. Calorimixer.
4. Carbureting equipment.
5. Compression equipment.
6. Controller.
7. Control apparatus.
8. Enclosures and protective fences.
9. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
10. Heat exchanger.
11. Gauges and instruments.
12. Mixing or proportioning equipment.
13. Motors, not an integral part of driven equipment.
14. Odorizing equipment.
15. Oil separator.
16. Piping—steam (commencing at steam header), water (inside of building), oil (from supply tank), and gas (up to outlet of final piece of apparatus in building).
17. Pits.
18. Prime movers.
19. Pumps, including driving units.
20. Regulator.
21. Stairs, platforms, and ladders.
22. Storage equipment, tanks, etc.
23. Superheater.
24. Traps.
25. Valves—regulating and check.
26. Vaporizing equipment.

312 Oil gas generating equipment.

This account shall include the cost installed of equipment used for generating oil gas.

ITEMS

1. Air blast equipment, including blowers and driving units, piping and supports.
2. Air inlet louvres and filters.
3. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
4. Generating equipment, including automatic cycle controls, generators, operating floor, superheaters and wash boxes.
5. Instruments and instrument boards, complete with signal lights and thermo couples and including gauge board, pressure gauges and pyrometers.
6. Meters and regulators, such as air flow meter, generator oil meter, steam flow meter and steam regulator.
7. Piping and valves, air, steam (commencing at steam header), water (inside building) and oil gas (up to outlet of final piece of apparatus in building).
8. Pumps, hydraulic and oil.
9. Tanks, hydraulic accumulator, hydraulic return, oil and steam accumulator.

313 Generating equipment—Other processes.

This account shall include, with subdivisions for each type of gas produced, the cost installed of generating equipment which is not included in any of the foregoing accounts, such as benches and retorts for the production of coal gas, equipment used for generating acetylene gas, etc.

ITEMS

As to coal gas production equipment:
1. Benches.
2. Charging and drawing machines.
3. Control apparatus.
4. Equipment for steaming retorts.
5. Flues, uptakes and breeching, whether or not stacks are included in this account.
6. Foundations.
7. Fuel handling equipment used exclusively for retorts, including weight lorries, tracks, etc., and grinders, breakers and screens located in retort house.
8. Fuel system under retorts, including built-in producers.
9. Piping, including ascension pipes, hydraulic main, liquor flushing decanter tank, liquor pump, and return line to hydraulic main.
10. Primary atmospheric condensers.
11. Retorts.
12. Stacks—brick, steel, and concrete when set on separate foundations independent of substructure or superstructure of buildings, including lightning arresters.

314 Coal, coke, and ash handling equipment.

This account shall include the cost installed of structures or equipment used for the transportation, storage, washing, and treatment of coal, coke, and ashes, when used for general gas plant operations.

ITEMS

1. Bins—mixing, refuse, storage, etc.
2. Boom operating mechanism.
3. Breaker equipment.
4. Bridges, bridge track, and machinery.
5. Bucket conveyors and supports.
6. Capstan.
7. Cars.
8. Chutes.
9. Circuit breakers.
10. Coal loaders.
11. Coal preparation machinery, including washing and drying equipment.
12. Conduit, electrical.
13. Conveyors and supports.
14. Crane, caterpillar.
15. Driving apparatus for equipment listed herein.
16. Elevators.
17. Enclosure equipment.
18. Engines, not an integral part of driven equipment.
19. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
20. Gravity swing unloader.
21. Hoppers.
22. Instruments or meters, electrical.
23. Ladders, fixed.
24. Loading towers and equipment.
25. Locomotives.
26. Motor generators used only for equipment in this account.
27. Panel, control.
28. Pits.
29. Pulverizing equipment.
30. Railroad sidings and yard tracks.
31. Sampling equipment.
32. Scales.
33. Screens.
34. Sheds and fencing.
35. Shuttle boom.
36. Signal system equipment.
37. Silo.
38. Skip hoist.
39. Stairs, railings, etc.
40. Transfer cars and trucks.
41. Trestles.
42. Turntable.
43. Unloaders.
44. Weighometer.

315 Catalytic cracking equipment.

This account shall include the cost installed of equipment used for producing gas by the catalytic cracking process.

ITEMS

1. Caloric meters.
2. Catalytic furnace, including catalyst and foundation.
3. Combustion air blowers.
4. Compressors, air.
5. Control equipment.
6. Cooling coils, including foundations.
7. Cooling towers, including foundations.
8. Enclosures.
9. Fractionalizing units.
10. Piping and valves.
11. Preheaters.
12. Pressure regulators.
13. Proportioning controls.
14. Tanks.
15. Vaporizers.

316 Other reforming equipment.

This account shall include the cost installed of equipment, other than catalytic cracking equipment, used primarily for reforming gas with resultant changes in its chemical composition and calorific value.

ITEMS

1. Blast equipment, including blowers and driving units, piping, and supports.
2. Control apparatus.
3. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
4. Fuel and ash handling equipment, used wholly in reforming gas.
5. Oil gas apparatus, used for reforming gas.
6. Piping—steam (commencing at steam header), water (inside of building), and gas (up to outlet of final piece of apparatus in building).
7. Pumps and driving units.
8. Purifiers for gas to be reformed.
9. Regulators.
10. Water gas generators, used primarily for reforming gas.

317 Purification equipment.

This account shall include the cost installed of apparatus used for the removal of impurities from gas and apparatus for conditioning gas, including pumps, wells, and other accessory apparatus.

ITEMS

1. Blowers for revivifying.
2. Blowers for activators.
3. Condensers and washer coolers.
4. Control apparatus—conduit, cable, cabinets, switchboards, etc.
5. Crane or cover lifting equipment, not part of the structure.
6. Dehydrators.
7. Engines, not an integral part of driven equipment.
8. Foundations and settings, specially constructed for and not intended to outlast the equipment for which provided.
9. Instruments and meters, electric.
10. Lubricators.
11. Naphthalene and light oil scrubbers.
12. Other accessory equipment such as coolers, spray ponds, pumps, platforms, railings, stairs.
13. Oxide elevators and pits, platforms, tables, and trenches.
14. Piping—air, steam, water, gas, condensate, liquor, tar, etc. from inlet valve of first piece of apparatus to outlet valve of final piece of apparatus (or, in building, from entrance to building to exit from building).
15. Precipitators.
16. Purifiers—iron oxide or liquid, including first filling.
17. Recording gauges and thermometers.
18. Revivifying air ducts.
19. Saturator with auxiliary equipment.
20. Scrubbers.
21. Seal and drip pots.
22. Signal system identified with equipment herein.
23. Sulphur removal apparatus.
24. Tar extractors and Cottrell precipitators.
25. Tar pumps and tanks.
26. Track runs for cranes and hoists.
27. Wash boxes.
28. Water meters, for cooling water.

318 Residual refining equipment.

This account shall include the cost installed of apparatus used in refining and handling of residuals except where the apparatus is necessary for the operation of property included in account 317, Purification Equipment.

ITEMS

1. Ammonia stills, condensers, saturators, etc.
2. Apparatus for removal of residuals from purifier liquids.
3. Coke filter.
4. Coke handling and storage facilities, used solely for coke held for sale.
5. Condensers.
6. Control apparatus.
7. Coolers.
8. Decanters.
9. Foundations specially constructed for and not intended to outlast the apparatus for which provided.
10. Gauges.
11. Heating equipment for apparatus included in this account.
12. Instruments.
13. Light oil stills, washers, etc.
14. Piping and pumps.
15. Platforms, stairs, and ladders.
16. Separators.
17. Storage tanks.
18. Supports.
19. Tar dehydrators, stills, etc.

319 Gas mixing equipment.

This account shall include the cost installed of equipment used for mixing manufactured and natural gas, or the mixing of other gases incident to delivery of such mixed gases to the distribution system.

ITEMS

1. Alcohol units.
2. Automatic mixing controls.
3. Btu adjustor.
4. Calorimeter.
5. Calorimixer.
6. Compressor.
7. Gas heater.
8. Gas scrubber (air filter, dust cleaner).
9. Gauges and instruments.
10. Meters.
11. Mixing chambers.
12. Odorizing equipment.
13. Oil pump units.
14. Panel and control equipment.
15. Piping and valves.
16. Regulators, pressure and ratio.
17. Safety alarm equipment.

320 Other equipment.

This account shall include the cost installed of equipment used in the production of gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Cabinet, control.
2. Compressed air system.
3. Fire hose carts.
4. First aid room equipment.
5. Foamite system.
6. Foundations and settings specially constructed for and not intended to outlast the apparatus for which provided.
7. Gasoline pumps.
8. Hand pumps.
9. Machine shop equipment, such as lathes, pipe cutting and threading machines, vise grinders, power saw, shop motors, shafting and belting, drill press, shapers, milling machines, planes, etc.
10. Odorizing equipment.
11. Office furniture and equipment.
12. Oil foggers.
13. Panel, control.
14. Piping—yard, when not includible in other accounts.
15. Pits.
16. Platforms.
17. Portable scaffolds, ladders, etc.
18. Power shovels.
19. Production laboratory equipment.
20. Scales, not associated with other equipment.
21. Special signal equipment.
22. Tractors for general plant use.
23. Works exhauster including driving unit and governor.
24. Works station meters, including gauges, piping and accessories.

B. NATURAL GAS PRODUCTION PLANT

B 1. NATURAL GAS PRODUCTION AND GATHERING PLANT

325.1 Producing lands.

This account shall include the cost of lands held in fee on which producing natural gas wells are located, and lands held in fee which are being drained of natural gas through the operation by the utility of wells on other land. (See gas plant instruction 6–G.)

325.2 Producing leaseholds.

A. This account shall include the cost of acquiring leaseholds on which the utility pays royalties for natural gas obtained therefrom. (See gas plant instruction 6–G.)

B. Exclude from this account rents paid periodically for rights obtained under leases. Exclude also from this account the cost of leaseholds which terminate in one year or less after they become effective.

325.3 Gas rights.

This account shall include the cost of natural gas rights used in producing natural gas, whereby the utility obtains ownership in gas underlying land not owned or leased by the utility. It does not provide for gas rights which are leased and which are properly chargeable to account 325.2, Producing Leaseholds.

325.4 Rights-of-way.

This account shall include the cost of all interests in land which terminate more than one year after they become effective and on which are located gathering pipe lines, telephone pole lines, and like property used in connection with the production of natural gas.

325.5 Other land and land rights.

This account shall include the cost of land and land rights used in connection with the production of natural gas, when not properly assignable to any of the foregoing accounts.

326 Gas well structures.

This account shall include the cost of well structures and improvements used in connection with the housing of permanent bailers and other equipment necessary to keep the wells in operation. (See gas plant instruction 7.)

327 Field compressor station structures.

This account shall include the cost of structures and improvements used in connection with the housing of compressor station equipment used to raise the pressure of natural gas before it is conveyed to the terminus of the field lines. (See gas plant instruction 7.)

328 Field measuring and regulating station structures.

This account shall include the cost of structures and improvements used in connection with the housing of meters, regulators, and appurtenant appliances for measuring and regulating natural gas before the point where it enters the transmission or distribution system. (See gas plant instruction 7.)

329 Other structures.

This account shall include the cost of structures and improvements used in connection with natural gas production and gathering not provided for elsewhere. (See gas plant instruction 7.)

330 Producing gas wells—Well construction.

This account shall include the cost of drilling producing gas wells.

ITEMS

1. Clearing well site.
2. Hauling, erecting, dismantling, and removing boilers, portable engines, derricks, rigs, and other equipment and tools used in drilling.
3. Drilling contractors' charges.
4. Drive pipe.
5. Fuel or power.
6. Labor.
7. Rent of drilling equipment.
8. Water used in drilling, obtained either by driving wells, piping from springs or streams, or by purchase.
9. Hauling well equipment.
10. Shooting, fracturing, acidizing.

331 Producing gas wells—Well equipment.

This account shall include the cost of equipment in producing gas wells.

ITEMS

1. Bailing equipment.
2. Boilers and drives permanently connected.
3. Casing.
4. Derrick.
5. Fence, when solely an enclosure for equipment.
6. Fittings, including shut-in valves, bradenheads and casing heads.
7. Packing.
8. Tank, oil or water, etc.
9. Tubing.

332 Field lines.

This account shall include the cost installed of field lines used in conveying natural gas from the wells to the point where it enters the transmission or distribution system.

ITEMS

1. Gathering lines, including pipe, valves, fittings, and supports.
2. Cathodic protection equipment.
3. Creek crossings, suspension bridges and other special construction.
4. Line drips and separators.

333 Field compressor station equipment.

This account shall include the cost installed of compressor station equipment and associated appliances used to raise the pressure of natural gas before it is conveyed to the terminus of the field lines.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as heating boilers, steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

334 Field measuring and regulating station equipment.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring and regulating natural gas collected in field lines before the point where it enters the transmission or distribution system.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separtors, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

335 Drilling and cleaning equipment.

This account shall include the cost of implements and equipment used in drilling and cleaning natural gas wells.

ITEMS

1. Bailers.
2. Bits and other drilling tools.
3. Boilers.
4. Derricks.
5. Drilling cables.
6. Drilling machines.
7. Engines.
8. Motors.
9. Pulling machines.
10. Pumps.
11. Rigs.
12. Tanks.

336 Purification equipment.

This account shall include the cost installed of apparatus used for the removal of impurities from gas and apparatus for conditioning gas.

ITEMS

1. Condensers and washer coolers.
2. Dehydrators.
3. Foundations and settings, specially constructed for and not intended to outlast the equipment for which provided.
4. Other accessory equipment, such as coolers, spray ponds, pumps, platforms, railings, stairs.
5. Piping, from inlet valve of first piece of apparatus to outlet valve of final piece of apparatus (or, in building, from entrance to building to exit from building).
6. Scrubbers.
7. Sulphur removal apparatus.
8. Water supply system.

NOTE: In general this account shall include all dehydrators located in or adjacent to production areas which are used to remove water and other stray liquids from gas produced by the utility or purchased in or adjacent to production areas. In some instances such dehydrators may be located some distance from the production sources of the gas. Where, however, the utility has no production and gathering facilities with respect to any of the gas passing through the dehydrators, such as at the purchase point at the head of a transmission pipe line company, the dehydrators may be included in account 368, Compressor Station Equipment, or account 367, Mains, whichever is the most practicable and reasonable under the circumstances. Dehydrators which are an adjunct to products extraction operations shall be included in account 342, Extraction and Refining Equipment. Dehydrators used in connection with underground gas storage operations shall be included in account 356, Purification Equipment.

337 Other equipment.

This account shall include the cost installed of equipment used in the production and gathering of natural gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Calorimeter.
2. Control installation.
3. Crane.
4. Laboratory equipment.
5. Odorizing unit.
6. Office furniture and equipment.
7. Oil fogger.

B 2. PRODUCTS EXTRACTION PLANT

340 Land and land rights.

This account shall include the cost of land and land rights used in connection with the processing of natural gas for removal of gasoline, butane, propane, or other salable products. (See gas plant instruction 6.)

341 Structures and improvements.

This account shall include the cost of structures and improvements used in connection with the processing of natural gas for removal of gasoline, butane, propane, or other salable products. (See gas plant instruction 7.)

342 Extraction and refining equipment.

This account shall include the cost installed of equipment used for the extraction from natural gas of gasoline, butane, propane, or other salable products and for the refining of such products.

ITEMS

1. Boiler plant equipment, including boiler, boiler setting, heat exchangers, etc.
2. Compressed air system, including air compressor, air storage tank, etc.
3. Cooling equipment such as coolers, cooling tower and accessories for gas, extracted products, etc.
4. Cranes, trolleys, and hoists.
5. Electrical system, including generator and driving unit, power lines, transformers, switchboard, yard lighting system, etc.
6. Extraction and refining equipment, such as absorbers, reabsorbers, stills dephlegmators, fractionating towers, stabilizing columns, control apparatus.
7. Foundations and structural supports for equipment items not intended to outlast the equipment for which provided.
8. Fuel regulating and measuring equipment.
9. Gasoline blending equipment including dye pot, eductor pumps, lead storage tanks, weighing device, etc.
10. Gauges and instruments.
11. Loading racks and associated other equipment.
12. Lubricating oil system.
13. Pumps of various types, such as boiler feed water pumps, loading and transfer pumps, drip still pumps, oil pumps, skimmer basin pumps, etc.
14. Tanks of various types such as accumulator and dewatering tanks, separator tanks, gasoline feed tanks, compressed air tanks, oil surge tanks, etc., except tanks classifiable as storage equipment, account 344.
15. Water supply system including water well, water tank and supports, water softener or purification apparatus, traveling water screen and drive.
16. Yard piping, gas, water, steam, compressed air, fuel, vapor, extracted products, including headers, valves, etc., but not including off-site lines includible in account 343, Pipe Lines.

343 Pipe lines.

This account shall include the cost installed of gas and liquids pipe lines used in connection with the processing of natural gas for the removal of gasoline, butane, propane, or other salable products, exclusive of runs of pipe appropriately includible in other equipment accounts, embracing principally off-site gas, gasoline gathering, and loading lines not includible as yard piping in account 342, Extraction and Refining Equipment.

ITEMS

1. Gas lines, off-site, relating solely to extraction operations.
2. Gasoline gathering lines connecting with off-site sources.
3. Gathering line drips.
4. Instruments, indicating and recording.
5. Loading lines connecting with remote off-site loading racks or storage facilities.
6. Pumps and driving units.

344 Extracted products storage equipment.

This account shall include the cost installed of storage tanks and associated equipment used in the storing, prior to sale, of gasoline, butane, propane, and other salable products extracted from natural gas.

ITEMS

1. Foundations.
2. Instruments.
3. Regulators.
4. Storage tanks for partially or fully processed products.
5. Valves.

345 Compressor equipment.

This account shall include the cost installed of compressor equipment and associated appliances used in connection with the receipt, processing, and return of natural gas processed for removal of gasoline, butane, propane, or other salable products.

ITEMS

(See account 333 for items.)

346 Gas measuring and regulating equipment.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring or regulating natural gas received and/or returned from processing for removal of gasoline, butane, propane, or other salable products.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

347 Other equipment.

This acount shall include the cost installed of equipment used in processing natural gas and refining gasoline, butane, propane, and other salable products extracted from natural gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Fire fighting equipment.
2. Laboratory and testing equipment.
3. Miscellaneous equipment, such as first-aid cabinet, gasoline dispensing pump, heating boiler, incinerator, lawn mower, warehouse truck.
4. Office furniture and equipment.
5. Shop tools and equipment.

3. STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

350.1 Land.

This account shall include the cost of lands held in fee on which underground storage wells are located, and other lands held in fee within an area utilized for the underground storage of gas. (See gas plant instruction 6–G.)

350.2 Leaseholds.

A. This account shall include the cost of acquiring leaseholds on lands within an area of underground gas storage operations. (See gas plant instruction 6–G.)

B. Exclude from this account rents paid periodically for rights obtained under leases.

350.3 Storage rights.

A. This account shall include the cost of rights obtained from others for use of lands for the underground storage of gas.

B. Exclude from this account rents or other charges paid periodically for use of lands for underground gas storage purposes.

350.4 Rights-of-way.

This account shall include the cost of all interests in land which do not terminate until more than one year after they become effective and on which are located underground storage lines, telephone pole lines, and like property used in connection with underground gas storage operations.

350.5 Gas rights.

This account shall include the cost of natural gas rights whereby the utility

obtains ownership in gas underlying land within an underground gas storage area but not owned or leased by the utility. It does not provide for gas rights which are leased and which are properly chargeable to account 360.2, Leaseholds.

351 Structures and improvements.

A. This account shall include the cost in place of structures and improvements used wholly or predominantly in connection with underground storage of natural gas. (See gas plant instruction 7.)

B. This account shall be subdivided as follows:

351.1 Well structures.
351.2 Compressor station structures.
351.3 Measuring and regulating station structures.
351.4 Other structures.

352 Wells.

This account shall include the drilling cost of wells used for injection and withdrawal of gas from underground storage projects, including wells kept open and used for observation.

ITEMS

Drilling:
1. Clearing well site.
2. Hauling, erecting, dismantling, and removing boilers, portable engines, derricks, rigs, and other equipment and tools used in drilling.
3. Drilling contractors' charges.
4. Drive pipe.
5. Fuel or power.
6. Labor.
7. Rent of drilling equipment.
8. Water used in drilling, obtained either by driving wells, piping from springs or streams, or by purchase.
9. Hauling well equipment.
10. Shooting, fracturing, acidizing.
Equipment:
11. Baling equipment.
12. Boilers and drives permanently connected.
13. Casing.
14. Derrick.
15. Fence, when solely an enclosure for equipment.
16. Fittings, including shut-in valves, bradenheads and casing heads.
17. Packing.
18. Tank, oil or water, etc.
19. Tubing.

353 Lines.

This account shall include the cost installed of gas pipe lines used wholly or predominantly for conveying gas from point of connection with transmission or field lines to underground storage wells and from underground storage wells to the point where the gas enters the transmission or distribution system.

ITEMS

1. Cathodic protection equipment.
2. Creek crossings, suspension bridges and other special construction.
3. Lines, including pipe, valves, fittings, and supports.
4. Line drips and separators.

354 Compressor station equipment.

This account shall include the cost installed of compressor station equipment used wholly or predominantly for the purpose of raising the pressure of gas for delivery to underground storage or to raise the pressure of gas withdrawn from underground storage for delivery to the transmission or distribution system.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guardrails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

355 Measuring and regulating equipment.

This account shall include the cost installed of equipment used wholly or predominantly for the purpose of measuring and regulating deliveries of gas to underground storage and withdrawals of gas from underground storage.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

356 Purification equipment.

This account shall include the cost installed of apparatus used wholly or predominantly for the removal of impurities from and the conditioning of, gas delivered to or removed from underground storage fields.

ITEMS

1. Condensers and washer coolers.
2. Dehydrators.
3. Foundations and settings, specially constructed for and not intended to outlast the equipment for which provided.
4. Other accessory equipment, such as coolers, spray ponds, pumps, platforms, railings, stairs.
5. Piping, from inlet valve of first piece of apparatus to outlet valve of final piece of apparatus (or, in building, from entrance to building to exit from building).
6. Scrubbers.
7. Sulphur removal apparatus.
8. Water supply system.

357 Other equipment.

This account shall include the cost installed of equipment used wholly or predominantly in connection with underground storage of gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Calorimeter.
2. Control installation.
3. Crane.
4. Odorizing unit.
5. Office furniture and equipment.
6. Oil fogger.

B. LOCAL STORAGE PLANT

360 Land and land rights.

This account shall include the cost of land and land rights used in connection with local storage of gas in holders within or adjacent to distribution areas. (See gas plant instruction 6.)

361 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with local storage of gas within or adjacent to distribution areas. (See gas plant instruction 7.)

362 Gas holders.

This account shall include the cost installed of holders and associated appliances used in the storage of gas above ground, or in underground receptacles installed for local storage purposes.

ITEMS

1. Alarm systems.
2. Buried piping, tanks or other underground construction for gas storage.
3. Flood and fire control equipment.
4. Foundations.
5. Holder pistons.
6. Holders—waterless, including elevators, tar apparatus, and inlet and outlet connections.
7. Holders—waterseal, including oil skimmer, heating equipment, drips, and inlet and outlet connections.
8. Hortonspheres and high pressure tanks, including inlet and outlet connections, access equipment, etc.
9. Lighting.
10. Pumps.
11. Ventilating equipment.
12. Walkways.

NOTE A: If the utility stores gas by the liquefaction process the holders for such liquids, whether above or below ground, shall be included in a separate subaccount hereunder.

NOTE B: Relief holders used in connection with manufactured gas operations shall be included in account 305, Structures and Improvements.

363 Other equipment.

This account shall include the cost installed of other equipment used in connection with the storage of gas within or adjacent to distribution areas.

ITEMS

1. Complete inlet and outlet connections.
2. Compressor.
3. Foundation.
4. Gauges and instruments.
5. Regulating apparatus.

4. TRANSMISSION PLANT

365.1 Land and land rights.

This account shall include the cost of land and land rights except rights-of-way used in connection with transmission operations. (See gas plant instruction 6.)

365.2 Rights-of-way.

This account shall include the cost of rights-of-way used in connection with transmission operations. (See gas plant instruction 6.)

366. Structures and improvements.

A. This account shall include the cost in place of structures and improvements used in connection with transmission operations. (See gas plant instruction 7.)

B. This account shall be subdivided as follows:

366.1 Compressor Station Structures.
366.2 Measuring and Regulating Station Structures.
366.3 Other Structures.

367 Mains.

A. This account shall include the cost installed of transmission system mains.

B. The records supporting this account shall be so kept as to show separately the cost of mains of different sizes and types and of each tunnel, bridge, or river crossing.

ITEMS

1. Anti-freeze lubricating equipment.
2. Automatic valve operating mechanisms, including pressure tanks, etc.
3. By-pass assembly.
4. Caissons, tunnels, trestles, etc., for submarine mains.
5. Cathodic protection equipment.
6. Drip lines and pots.
7. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
8. Foundations.
9. Gas cleaners, scrubbers, etc. when not part of compressor station or measuring and regulating equipment.
10. Leak clamps. (See gas plant instruction 9–C (1).)
11. Linewalkers' bridges.
12. Manholes.
13. Municipal inspection.
14. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
15. Permits.
16. Pipe coating.
17. Pipe and fittings.
18. Pipe laying.
19. Pipe supports.
20. Protection of street openings.
21. River, highway, and railroad crossings, including revetments, pipe anchors, etc.
22. Valves.
23. Welding.

368 Compressor station equipment.

This account shall include the cost installed of compressor station equipment and associated appliances used in connection with transmission operations.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

369 Measuring and regulating station equipment.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring or regulating gas in connection with transmission system operations.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

NOTE: Pipe line companies shall include in the transmission functional classification city gate and main line industrial measuring and regulating stations, except that where pipe line companies measure deliveries of gas at entry points to their own distribution systems, they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts.

370 Communication equipment.

This account shall include the cost installed of radio, telephone, microwave, and other equipment used wholly or predominantly in connection with the operation and maintenance of the gas transmission system. (See also account 397, Communication Equipment.)

ITEMS

1. Carrier terminal equipment including repeaters, power supply equipment, transmitting and receiving sets.
2. Microwave equipment, including power supply equipment, transmitters, amplifiers, paraboloids, towers, reflectors, receiving equipment, etc.
3. Radio equipment, fixed and mobile, including antenna, power equipment, transmitters and receivers, and portable receiver-transmitter units.
4. Telephone equipment including switchboards, power and testing equipment, conductors, pole lines, etc.

371 Other equipment.

This account shall include the cost installed of equipment used in transmission system operations, when not assignable to any of the foregoing accounts.

5. DISTRIBUTION PLANT

374 Land and land rights.

This account shall include the cost of land and land rights used in connection with distribution operations. (See gas plant instruction 6.)

375 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with distribution operations. (See gas plant instruction 7.)

376 Mains.

A. This account shall include the cost installed of distribution system mains.

B. The records supporting this account shall be so kept as to show separately the cost of mains of different sizes and types and of each tunnel, bridge, or river crossing.

ITEMS

1. Caissons, tunnels, trestles, etc. for submarine mains.
2. Clamps, leak (bell and spigot) when installed at time of construction; when clamps are installed subsequent to construction, the accounting shall be in accordance with gas plant instruction 9, paragraph (C) 1.
3. Drip lines and pots.
4. Electrolysis tests, in connection with new construction.
5. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
6. Hauling, unloading, and stringing pipe.
7. Lamping and watching new construction.
8. Municipal inspection.
9. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
10. Permits.
11. Pipe coating.
12. Pipe and fittings.
13. Pipe laying.
14. Pipe supports.
15. Protection of street openings.
16. Relocating city storm and sanitary sewers, catch basins, etc., or protecting same in connection with new construction.
17. Replacement of municipal drains and culverts in connection with new construction.
18. Roadway boxes.
19. Shifting excavated material due to traffic conditions in connection with new construction.
20. Sleeves and couplings.
21. Special crossovers, bridges and foundations for special construction.
22. Surveying and staking lines.
23. Valves where not installed in pits including manholes or pits not associated with pumping or regulating equipment.
24. Welding.
25. Wood blocking.

377 Compressor station equipment.

This account shall include the cost installed of compressor station equipment and associated appliances used in connection with distribution system operations.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units,

power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

378 Measuring and regulating station equipment—general.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring and regulating gas in connection with distribution system operations other than the measurements of gas deliveries to customers.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas Cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice, or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

NOTE: By-passes outside governor pits are includible in account 376, Mains.

379 Measuring and regulating station equipment—city gate check stations.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring and regulating the receipt of gas at entry points to distribution systems.

NOTE: Pipe line companies shall include in the transmission functional classification city gate and main line industrial measuring and regulating stations, except that where pipe line companies measure deliveries of gas at entry points to their own distribution systems, they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts.

ITEMS

(See account 378 for items.)

380 Services.

A. This account shall include the cost installed of service pipes and accessories leading to the customers' premises.

B. A complete service begins with the connection on the main and extends to but does not include the connection with the customer's meter. A stub service extends from the main to the property line, or the curb stop.

C. Services which have been used but have become inactive shall be retired from utility plant in service immediately if there is no prospect for reuse, and, in any event, shall be retired by the end of the second year following that during which the service became inactive unless reused in the interim.

ITEMS

1. Curb valves and curb boxes.
2. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
3. Landscaping, including lawns, shrubbery, shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
4. Municipal inspection.
5. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
6. Permits.
7. Pipe and fittings, including saddle, T, or other fitting on street main.
8. Pipe coating.
9. Pipe laying.
10. Protection of street openings.
11. Service drips.
12. Service valves, at head of service, when installed or furnished by the utility.

NOTE: When a customer pays all or a part of the cost of the service and such cost is properly includible in this account, the amount borne or contributed by the customer shall be credited to account 271, Contributions in Aid of Construction.

381 Meters.

A. This account shall include the cost installed of meters or devices and appurtenances thereto, for use in measuring gas delivered to users, whether actually in service or held in reserve.

B. When a meter is permanently retired from service, the installed cost included herein shall be credited to this account.

C. The records of meters shall be so kept that the utility can furnish information as to the number of meters of each type and capacity in service and in reserve as well as the location of each meter.

ITEMS

1. Meters, including badging and initial testing.
Meter installations:
2. Cocks.
3. Labor.
4. Locks.
5. Meter bars.
6. Pipe and fittings.
7. Seals.
8. Shelves.
9. Swivels and bushings.
10. Transportation.

NOTE A: At the option of the utility, costs of meter installations may be accounted for separately from the cost of meters in accordance with the provisions of account 382, Meter Installations. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

NOTE B: The cost of removing and resetting meters shall be charged to account 763, Meter and House Regulator Expenses.

382 Meter installations.

A. This account shall include the cost of labor and materials used, and expenses incurred in connection with the original installation of customer meters.

B. When a meter installation is permanently retired from service, the cost thereof shall be credited to this account.

ITEMS

1. Cocks.
2. Locks.
3. Labor.
4. Meter bars.
5. Pipe and fittings.
6. Seals.
7. Shelves.
8. Swivels and bushings.
9. Transportation.

NOTE: At the option of the utility, meter installations may be accounted for as part of the cost installed of meters, in accordance with the provisions of account 381, Meters. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

383 House regulators.

A. This account shall include the cost installed of house regulators when actually in service or held in reserve.

B. When a house regulator is permanently retired from service, the installed cost thereof shall be credited to this account.

ITEMS

1. House regulator.
House regulator installations:
2. Cocks.
3. Labor.
4. Locks.
5. Pipe and fittings.
6. Regulator vents.
7. Swivels and bushings.
8. Transportation.

NOTE: At the option of the utility, costs of house regulator installations may be accounted for separately from the cost of house regulators in accordance with the provisions of account 384, House Regulator Installations. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

384 House regulator installations.

A. This account shall include the cost of labor and materials used and expenses incurred in connection with the original installation of house regulators.

B. When a house regulator installation is permanently retired from service, the cost thereof shall be credited to this account.

ITEMS

1. Cocks.
2. Labor.
3. Locks.
4. Pipe and fittings.
5. Regulator vents.
6. Swivels and bushings.
7. Transportation.

NOTE: At the option of the utility, house regulator installations may be accounted for as part of the cost installed of house regulators in accordance with the provisions of account 383, House Regulators. The practice, however, shall be consistent from year to year and throughout the utility's system.

385 Industrial measuring and regulating station equipment.

This account shall include the cost of special and expensive installations of measuring and regulating station equipment, located on the distribution system, serving large industrial customers.

ITEMS

(See account 378 for items.)

NOTE A: Do not include in this account measuring and regulating station equipment serving main line industrial customers. (See account 369.)

NOTE B: By-passes outside of governor pits are includible in account 376, Mains.

386 Other property on customers' premises.

This account shall include the cost, including first setting and connecting, of equipment owned by the utility installed on customer premises which is not includible in other accounts.

387 Other equipment.

This account shall include the cost installed of all other distribution system equipment not provided for in the foregoing accounts, including street lighting equipment.

ITEMS

1. Carbon monoxide tester and indicator.
2. Explosimeters.
3. Fire extinguisher.
4. Gas masks.
5. Lockers.
6. Portable pump.
7. Recording gauges.
8. Street lighting equipment.
9. Test meters.
10. Watchmen's clocks.

6. General Plant

389 Land and land rights.

This account shall include the cost of land and land rights used for utility purposes, the cost of which is not properly includible in other land and land rights accounts. (See gas plant instruction 6.)

390 Structures and improvements.

This account shall include the cost in place of structures and improvements used for utility purposes, the cost of which is not properly includible in other structures and improvements accounts. (See gas plant instruction 7.)

391 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the utility and devoted to utility service, and not permanently attached to buildings, except the cost of such furniture and equipment which the utility elects to assign to other plant accounts on a functional basis.

ITEMS

1. Book cases and shelves.
2. Desks, chairs, and desk equipment.
3. Drafting-room equipment.
4. Filing, storage, and other cabinets.
5. Floor covering.
6. Library and library equipment.
7. Mechanical office equipment such as accounting machines, typewriters, etc.
8. Safes.
9. Tables.

392 Transportation equipment.

This account shall include the cost of transportation vehicles used for utility purposes.

ITEMS

1. Airplanes.
2. Automobiles.
3. Bicycles.
4. Electrical vehicles.
5. Motor trucks.
6. Motorcycles.
7. Repair cars or trucks.
8. Tractors and trailers.
9. Other transportation vehicles.

393 Stores equipment.

This account shall include the cost of equipment used for the receiving, shipping, handling and storage of materials and supplies.

ITEMS

1. Chain falls.
2. Counters.
3. Cranes (portable).
4. Elevating and stacking equipment (portable).
5. Hoists.
6. Lockers.
7. Scales.
8. Shelving.
9. Storage bins.
10. Trucks, hand and power driven.
11. Wheelbarrows.

394 Tools, shop, and garage equipment.

This account shall include the cost of tools, implements, and equipment used in construction, repair work, general shops and garages and not specifically provided for or includible in other accounts.

ITEMS

1. Air compressors.
2. Anvils.
3. Automobile repair shop equipment.
4. Battery charging equipment.
5. Belts, shafts and countershafts.
6. Boilers.
7. Cable pulling equipment.
8. Concrete mixers.
9. Derricks.
10. Drill presses.
11. Electric equipment.
12. Engines.
13. Forges.
14. Foundations and settings specially constructed for equipment in this account and not expected to outlast the equipment for which provided.
15. Furnaces.
16. Gas producers.
17. Gasoline pumps, oil pumps, and storage tanks.
18. Greasing tools and equipment.
19. Hoists.
20. Ladders.
21. Lathes.
22. Machine tools.
23. Motor driven tools.
24. Motors.
25. Pipe threading and cutting tools.
26. Pneumatic tools.
27. Pumps.
28. Riveters.
29. Smithing equipment.
30. Tool racks.
31. Vises.
32. Welding apparatus.
33. Work benches.

395 Laboratory equipment.

This account shall include the cost installed of laboratory equipment used for general laboratory purposes and not specially provided for or includible in other departmental or functional plant accounts.

ITEMS

1. Balances and scales.
2. Barometers.
3. Calorimeters—bomb, flow, recording types, etc.
4. Electric furnaces.
5. Gas burning equipment.
6. Gauges.
7. Glassware, beakers, burettes, etc.
8. Humidity testing apparatus.
9. Laboratory hoods.
10. Laboratory tables and cabinets.
11. Muffles.
12. Oil analysis apparatus.
13. Piping.
14. Specific gravity apparatus.
15. Standard bottles for meter prover testing.
16. Stills.
17. Sulphur and ammonia apparatus.
18. Tar analysis apparatus.
19. Thermometers—indicating and recording.
20. Any other item of equipment for testing gas, fuel, flue gas, water, residuals, etc.

396 Power operated equipment.

This account shall include the cost of power operated equipment used in construction or repair work exclusive of equipment includible in other accounts; it shall include, also, the tools and accessories acquired for use with such equipment and the vehicle on which such equipment is mounted.

ITEMS

1. Air compressors, including driving unit and vehicle.
2. Back filling machines.
3. Boring machine.
4. Bulldozers.
5. Cranes and hoists.
6. Diggers.
7. Engines.
8. Pile drivers.
9. Pipe cleaning machine.
10. Pipe coating or wrapping machines.
11. Tractors—crawler type.
12. Trenchers.
13. Other power operated equipment.

NOTE: It is intended that this account include only such large units as are generally self-propelled or mounted on movable equipment.

397 Communication equipment.

This account shall include the cost installed of telephone, telegraph and wireless equipment for general use in connection with the utility's gas operations. (See account 370 for communication equipment used wholly or predominantly in connection with operation and maintenance of the transmission system.)

ITEMS

1. Carrier terminal equipment including repeaters, power supply equipment, transmitting and receiving sets.
2. Microwave equipment, including power supply equipment, transmitters, amplifiers, paraboloids, towers, reflectors, receiving equipment, etc.
3. Radio equipment, fixed and mobile, including antenna, power equipment, transmitters and receivers, and portable receiver-transmitter units.
4. Telephone equipment including switchboards, power and testing equipment, conductors, pole lines, etc.

398 Miscellaneous equipment.

This account shall include the cost of equipment, apparatus, etc., used and useful in gas operations, which is not includible in any other account.

ITEMS

1. Hospital and infirmary equipment.
2. Kitchen equipment.
3. Operator's cottage furnishings.
4. Radios.
5. Recreation equipment.
6. Restaurant equipment.
7. Soda fountains.
8. Other miscellaneous equipment.

NOTE: Miscellaneous equipment of the nature indicated above wherever practicable

shall be assigned to the utility plant accounts on a functional basis.

399 Other tangible property.

This account shall include the cost of tangible utility plant not provided for elsewhere.

Income Accounts

1. Utility Operating Income

400 Operating revenues.
Operating expenses:
401 Operation expense.
402 Maintenance expense.
403 Depreciation and depletion expense.
404 Amortization of limited-term gas plant.
405 Amortization of other gas plant.
406 Amortization of gas plant acquisition adjustments.
407.1 Amortization of property losses.
407.2 Amortization of conversion expenses.
408 Taxes other than income taxes.
409 Income taxes.
410 Provision for deferred income taxes.
411 Income taxes deferred in prior years—credit.
Total operating expenses.
Operating income.
412, 413 Income from gas plant leased to others.
414 Other utility operating income.
Total operating income.

2. Other Income

415, 416 Income from merchandising, jobbing, and contract work.
417 Income from nonutility operations.
418 Nonoperating rental income.
419 Interest and dividend income.
421 Miscellaneous nonoperating income.
Total other income.
Total income.

3. Miscellaneous Income Deductions

425 Miscellaneous amortization.
426 Other income deductions.
Total income deductions.
Income before interest charges.

4. Interest Charges

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt—Cr.
430 Interest on debt to associated companies.
431 Other interest expense.
432 Interest charged to construction—Cr.
Total interest charges.
Net income.

5. Earned Surplus

216 Unappropriated earned surplus (at beginning of period).
433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
Net addition to earned surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
216 Unappropriated earned surplus (at end of period).

Income Accounts

1. Utility Operating Income

400 Operating revenues.

There shall be shown under this caption the total amount included in the gas operating revenue accounts provided herein.

401 Operation expense.

There shall be shown under this caption the total amount included in the gas operation expense accounts provided herein.

402 Maintenance expense.

There shall be shown under this caption the total amount included in the gas maintenance expense accounts provided herein.

403 Depreciation and depletion expense.

A. This account shall include the amount of depreciation expense for all classes of depreciable gas plant in service except such depreciation expense as is chargeable to clearing accounts or to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work. It shall also include depletion and amortization expense with respect to producing natural gas lands and land rights.

B. The utility shall keep such records of property and property retirements as will reflect the service life of property which has been retired, and also such records as will reflect the percentage of salvage and cost of removal for property retired.

C. The charges to this account for amortization and depletion of producing natural gas land and land rights shall be made in such manner as to distribute the cost of producing natural gas land and land rights over the period of their benefit to the utility, based upon the exhaustion of the natural gas deposits recoverable from such land and land rights.

Note A: Depreciation expense applicable to property included in account 104, Gas Plant Leased to Others, shall be charged to account 413, Expenses of Gas Plant Leased to Others.

Note B: Depreciation expense applicable to transportation equipment, shop equipment, tools, work equipment, power operated equipment, and other general equipment may be charged to clearing accounts as necessary, in order to obtain a proper distribution of expenses between construction and operation.

404 Amortization of limited-term gas plant.

This account shall include amortization charges applicable to amounts included in the gas plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land other than land rights held for the production of natural gas, and expenditures on leased property where the service life of the improvements is terminable by action of the lease. The charges to this account shall be such as to distribute the book cost of each investment as evenly as may be over the period of its benefit to the utility. (See account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant.)

405 Amortization of other gas plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas plant in service which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. This account shall be supported in such detail as to show the amortization applicable to each investment being amortized, together with the book cost of the investment and the period over which it is being written off.

406 Amortization of gas plant acquisition adjustments.

This account shall be debited or credited, as the case may be, with amounts includible in operating expenses, pursuant to approval or order of the Commission, for the purpose of providing for the extinguishment of the amount in account 114, Gas Plant Acquisition Adjustments.

407.1 Amortization of property losses.

This account shall be charged with amounts credited to account 182, Extraordinary Property Losses, when the Commission has authorized the amount in the latter account to be amortized by charges to gas operating expenses.

407.2 Amortization of conversion expenses.

This account shall be charged with amortization of amounts authorized by the Commission to be included in account 183, Other Deferred Debits, for expenses incurred in the conversion of distribution plant from manufactured gas service to natural gas service.

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, which are properly chargeable to gas operations, except income taxes.

B. This account shall be charged with the amount of taxes which is applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to this account shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in this account shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

Note A: Taxes applicable to nonutility property or investments including taxes on net income derived therefrom shall be charged to the account in which the income from the property or investments is included.

Note B: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

Note C: Taxes specifically applicable to construction shall be included in the cost of construction.

Note D: Taxes assumed by the utility on property leased from others for use in utility operations shall be charged to the appropriate rent expense or clearing account.

Note E: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

Note F: Social Security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

409 Income taxes.

A. This account shall include the amount of state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to utility operations.

B. The accruals for income taxes shall be apportioned among utility departments and nonutility operations so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or nonutility operation the income from which gave rise to the tax.

Note A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

Note B: Income taxes on income from gas plant leased to others shall be charged to account 413, Expenses of Gas Plant Leased to Others.

Note C: Where statutes or regulatory practices require that the profits or losses of merchandising, jobbing and contract work shall not be considered in arriving at rates to be charged for utility service, income taxes on income from merchandising, jobbing and contract work shall be charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

Note D: Income taxes on nonutility income shall be charged to the account in which the income is included. If the amount of nonutility income is relatively small, the allocation of income taxes thereto may be made annually.

Note E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

410 Provision for deferred income taxes.

This account shall be debited, and Accumulated Deferred Income Taxes shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282, and 283. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in account 411, Income Taxes Deferred in Prior Years—Credit.

411 Income taxes deferred in prior years—Credit.

This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the texts of accounts 281, 282, and 283. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in account 410, Provision for Deferred Income Taxes.

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

A. These accounts shall include, respectively, revenues from gas property constituting a distinct operating unit or system leased by the utility to others, and which property is properly includible in account 104, Gas Plant Leased to Others, and the expenses attributable to such property.

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Rents.
Depreciation and Depletion.
Amortization.
Taxes Other Than Income Taxes.
Income Taxes.

414 Other utility operating income.

A. This account shall include the revenues received and expenses incurred in connection with the operations of utility plant, the book cost of which is included in account 118, Other Utility Plant.

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, taxes, and insurance.

2. Other Income

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

A. These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission, and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

Note: Revenues and expenses of merchandising, jobbing and contract work shall be reported in these accounts, if a state regulatory body having jurisdiction over the utility requires the net income to be reported as other income; but the amount shall be reported in accounts 914, Revenues from Merchandising, Jobbing and Contract Work, and 915, Costs and Expenses of Merchandising, Jobbing and Contract Work, if such regulatory body requires the net income to be reported as an operating income or expense item. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 914 and 915 at its option, in which case the practice of the utility must be consistent.

Items

Account 415:
1. Revenues from sale of merchandise and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 416:
Labor—
1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.
2. Demonstrating and selling activities in sales rooms.
3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.
4. Installing piping, or other property work, on a jobbing or contract basis.
5. Preparing advertising materials for appliance sales purposes.
6. Receiving and handling customer orders for merchandise or for jobbing services.
7. Cleaning and tidying sales rooms.
8. Maintaining displays and equipment used in merchandising.
9. Arranging merchandise in sales rooms and decorating display windows.
10. Reconditioning repossessed appliances.
11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.
12. Supervising merchandise and jobbing operations.

Materials and Expenses—
13. Advertising in newspapers, periodicals, radio, television, etc.
14. Cost of merchandise sold and of materials used in jobbing work.
15. Stores expenses on merchandise and jobbing stocks.
16. Fees and expenses of advertising and commercial artists' agencies.
17. Printing booklets, dodgers, and other advertising data.
18. Premiums given as inducement to buy appliances.
19. Light, heat, and power.
20. Depreciation on equipment used primarily for merchandise and jobbing operations.
21. Rent of sales rooms or of equipment.
22. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.
23. Stationery and office supplies and expenses.
24. Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom.
25. Losses from uncollectible merchandise and jobbing accounts.

417 Income from nonutility operations.

A. This account shall include revenues and expenses applicable to operations which are nonutility in character but nevertheless constitute a distinct operating activity of the enterprise as a whole, such as the operation of an ice department where applicable statutes do not define such operation as a utility, or the operation of a servicing organization for furnishing supervision, management, engineering, and similar services to others.

B. The expenses shall include all elements of costs incurred in such operations, and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

418 Nonoperating rental income.

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which is not used in operations covered by account 417.

B. The expenses shall include all elements of costs incurred in the ownership and rental of the property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

419 Interest and dividend income.

A. This account shall include interest revenues on securities, loans, notes, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received are carried as investments or included in sinking or other special fund accounts.

B. If any interest or dividends are required to be retained in a special fund and the fund is represented by a reserve, the amount of such accretion to the fund shall concurrently be credited to the appropriate reserve account and charged to account 496, Appropriations of Surplus.

C. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and the face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

D. Where significant in amount, expenses, including operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon, shall be charged hereto.

NOTE: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility shall not be credited to this account.

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items properly includible in the income account and not provided for elsewhere.

ITEMS

1. Profit on sale of timber. (See gas plant instruction 6, C.)
2. Profits from operations of others realized by the utility under contracts.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program. Similar charges made irregularly without a definite program, or which are dependent upon the amount of net income shall be charged to account 435, Miscellaneous Debits to Surplus.

ITEMS

1. Amortization of utility plant acquisition adjustments, or of intangibles included in utility plant in service when not authorized to be included in utility operating expenses by the Commission.
2. Amortization of amounts in account 182, Extraordinary Property Losses, when not authorized to be included in utility operating expenses by the Commission.
3. Amortization of capital stock discount or expenses when in accordance with a systematic amortization program.

426 Other income deductions.

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

ITEMS

1. Donations for charitable, social or community welfare purposes.
2. Life insurance of officers and employees where utility is beneficiary (net premiums less increase in cash surrender value of policies).
3. Penalties or fines for violation of statutes pertaining to regulation.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

4. INTEREST CHARGES

427 Interest on long-term debt.

A. This account shall include the amount of interest on outstanding long-term debt issued or assumed by the utility, the liability for which is included in account 221, Bonds, or account 224, Other Long-Term Debt.

B. This account shall be so kept or supported as to show the interest accruals on each class and series of long-term debt.

NOTE: This account shall not include interest on nominally issued or nominally outstanding long-term debt, including securities assumed.

428 Amortization of debt discount and expense.

A. This account shall include the amortization of unamortized debt discount and expense on outstanding long-term debt. Amounts charged to this account shall be credited concurrently to account 181, Unamortized Debt Discount and Expense.

B. This account shall be so kept or supported as to show the debt discount and expense on each class and series of long-term debt.

429 Amortization of premium on debt—Cr.

A. This account shall include the amortization of unamortized net premium on outstanding long-term debt. Amounts credited to this account shall be charged concurrently to account 251, Unamortized Premium on Debt.

B. This account shall be so kept or supported as to show the premium on each class and series of long-term debt.

430 Interest on debt to associated companies.

A. This account shall include the interest accrued on amounts included in account 223, Advances from Associated Companies, and on all other obligations to associated companies.

B. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued.

431 Other interest expense.

This account shall include all interest charges not provided for elsewhere.

ITEMS

1. Interest on notes payable on demand or maturing a year or less from the date and on open accounts, except notes and accounts with associated companies.
2. Interest on customers' deposits.
3. Interest on claims and judgments, tax assessments, assessments for public improvements past due.
4. Income and other taxes levied upon bondholders of utility and assumed by it.

432 Interest charged to construction—Cr.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

5. EARNED SURPLUS

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

434 Miscellaneous credits to surplus.

This account shall include credits affecting earned surplus not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate nonoperating income account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Delayed credits.
2. Profit on reacquisition and resale or retirement of utility's debt securities.
3. Profit on sale of property or investments.

435 Miscellaneous debits to surplus.

This account shall include amounts chargeable to earned surplus but not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be charged to this account is not significant with respect to net income determination for the year, it may be charged to the appropriate nonoperating income deduction account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Decline in value of investments.
2. Delayed debits.
3. Loss on reacquisition and resale or retirement of utility's debt securities.
4. Provision for past accrued depreciation not provided for.
5. Long-term debt discount or expense written off.
6. Loss on sale of property or investments.
7. Write-off of utility plant acquisition adjustments or of intangibles when not done under an orderly systematic program indicating the propriety of inclusion of the annual charges in account 425, Miscellaneous Amortization.
8. Preliminary survey and investigation expenses on abandoned projects.
9. Income taxes, both state and federal, occasioned by items included in account 434, Miscellaneous Credits to Surplus.
10. Charges from retirement or resale of reacquired capital stock.

436 Appropriations of surplus.

This account shall include appropriations of earned surplus for purposes not provided for elsewhere.

ITEMS

1. Appropriations of income required under terms of mortgages, orders of courts, contract or other agreements.
2. Appropriations of income required by action of regulatory authorities.
3. Miscellaneous appropriations of income made at option of utility for specified purposes.

437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

Operating Revenue Accounts

1. SALES OF GAS

480 Residential sales.
481 Commercial and industrial sales.
483 Sales for resale.
484 Interdepartmental sales.

2. OTHER OPERATING REVENUES

487 Forfeited discounts.
488 Miscellaneous service revenues.
489 Revenues from transportation of gas of others.
490 Sales of products extracted from natural gas.
491 Revenues from natural gas processed by others.
492 Incidental gasoline and oil sales.
493 Rent from gas property.
494 Interdepartmental rents.
495 Other gas revenues.

Operating Revenue Accounts

1. SALES OF GAS

480 Residential sales.

A. This account shall include the net billing for gas supplied for residential or domestic purposes.

B. Records shall be maintained so that the quantity of gas sold and the revenues received under each rate schedule shall be readily available.

NOTE: When gas supplied through a single meter is used for both residential and commercial purposes, the total revenue shall be included in this account or account 481, Commercial and Industrial Sales, according to the rate schedule which is applied. If the same rate schedules are applicable to both residential and commercial service, classification shall be according to principal use.

481 Commercial and industrial sales.

A. This account shall include the net billing for gas supplied to commercial and industrial customers.

B. Records shall be maintained so that the quantity of gas sold and revenue received under each rate schedule shall be readily available.

NOTE: When gas supplied through a single meter is used for both commercial and residential purposes, the total revenue shall be included in this account or in account 480, Residential Sales, according to the rate schedule which is applied. If the same rate schedules are applicable to both residential and commercial service, classification shall be according to principal use.

483 Sales for resale.

A. This account shall include the net billing for gas supplied to other gas utilities or to public authorities for resale purposes.

B. Records shall be maintained so that there shall be readily available the revenues for each customer under each revenue schedule and the billing determinants, as applicable, i.e., volume of gas (actual and billing), contract demand, maximum actual demand, billing demand, and Btu adjustment factor.

NOTE: Revenues from gas supplied to other public utilities for use by them and not for distribution, shall be included in Account 481, Commercial and Industrial Sales, unless supplied under the same contract as and not readily separable from revenues includible in this account.

484 Interdepartmental sales.

A. This account shall include amounts charged by the gas department at tariff or other specified rates for gas supplied by it to other utility departments.

B. Records shall be maintained so that the quantity of gas supplied each other department and the charge made therefor shall be readily available.

2. OTHER OPERATING REVENUES

487 Forfeited discounts.

This account shall include the amount of discounts forfeited or additional charges imposed because of the failure of customers to pay gas bills on or before a specified date.

488 Miscellaneous service revenues.

This account shall include revenues from all miscellaneous services and charges billed to customers which are not specifically provided for in other accounts.

ITEMS

1. Fees for changing, connecting, or disconnecting service.
2. Profit on maintenance of appliances, piping, gas firing and other utilization facilities, or other installations on customers' premises.
3. Net credit or debit (cost less net salvage and less payment from customers) on closing work orders for plant installed for temporary service of less than one year.
4. Recovery of expenses in connection with gas diversion cases. (Billing for the gas consumed shall be included in the appropriate gas revenue account.)
5. Services performed for other gas companies for testing and adjusting meters, changing charts, etc.

489 Revenues from transportation of gas of others.

This account shall include revenues from transporting gas for other companies through the production, transmission, and distribution lines, or compressor stations of the utility.

490 Sales of products extracted from natural gas.

A. This account shall include revenues from sales of gasoline, butane, propane, and other products extracted from natural gas, net of allowances, adjustments, and discounts, including sales of similar products purchased for resale.

B. Records shall be maintained so that the quantity, sales price, and revenues for each type of product sold to each purchaser shall be readily available.

491 Revenues from natural gas processed by others.

A. This account shall include revenues from royalties and permits, or other bases of settlement, for permission granted others to remove products from natural gas of the utility.

B. The records supporting this account shall be so maintained that full information concerning determination of the revenues will be readily available concerning each processor of gas of the utility, including as applicable (a) the Mcf of gas and approximate average Btu content thereof per cubic foot delivered to such other party for processing, (b) the Mcf of gas and approximate average Btu content thereof per cubic foot of gas received back from the processor, (c) the field, general production area, or other source of the gas processed, (d) Mcf of gas used for processing fuel, etc., which is chargeable to the utility, (e) total gallons of each product recovered by the processor and the utility's share thereof, (f) the revenues accruing to the utility, and (g) the basis of determination of the revenues accruing to the utility. Such records shall be maintained even though no revenues are derived from the processor.

492 Incidental gasoline and oil sales.

This account shall include revenues from natural gas gasoline produced direct from gas wells or recovered from drips or obtained in connection with purification or dehydration processes, and revenues from oil obtained from wells which produce oil and gas, the investment in which is carried in account 330, Producing Gas Wells—Well Construction, and 331, Producing Gas Wells—Well Equipment.

493 Rent from gas property.

A. This account shall include rents received for the use by others of land, buildings, and other property devoted to gas operations by the utility.

B. When property owned by the utility is operated jointly with others under a definite arrangement for sharing the actual expenses among the parties to the arrangement, any amount received by the utility for interest or return or in reimbursement of taxes or depreciation on the property shall be credited to this account.

NOTE: Do not include rent from property constituting an operating unit or system in this account. (See account 412, Revenues from Gas Plant Leased to Others.)

494 Interdepartmental rents.

This account shall include credits for rental charges made against other departments of the utility. In the case of property operated under a definite arrangement to allocate actual costs among the departments using the property, any allowance to the gas department for interest or return and depreciation and taxes shall be credited to this account.

495 Other gas revenues.

This account shall include revenues derived from gas operations not includible in any of the foregoing accounts.

ITEMS

1. Commission on sale or distribution of gas of others when sold under rates filed by such others.
2. Compensation for minor or incidental services provided for others such as customer billing, engineering, etc.
3. Profit or loss on sale of material and supplies not ordinarily purchased for resale and not handled through merchandising and jobbing accounts.
4. Sales of steam, water, or electricity, including sales or transfers to other departments of the utility.
5. Service charges for storing gas of others.
6. Miscellaneous royalties received.
7. Revenues from dehydration and other processing of gas of others, except products extraction where products are received as compensation and sales of such are includible in account 490, Sales of Products Extracted from Natural Gas, and except compression of gas of others, revenues from which are includible in account 489, Revenues from Transportation of Gas of Others.

Operation and Maintenance Expense Accounts

1. MANUFACTURED GAS PRODUCTION

OPERATION

700 Operation supervision and labor.
701 Fuel.
702 Raw materials.
703 Operation supplies and expenses.
704 Residuals produced—Credit.
705 Rents.

MAINTENANCE

706 Maintenance of production plant.

2. NATURAL GAS PRODUCTION GATHERING

OPERATION

710 Operation supervision and labor.
711 Compressor station fuel and power.
712 Extracted products supplies and expenses.
713 Other supplies and expenses.
714 Gas well royalties.
715 Rents.

MAINTENANCE

716 Maintenance of gas wells.
717 Maintenance of field lines.
718 Maintenance of products extraction plant.
719 Maintenance of other plant.

3. EXPLORATION AND DEVELOPMENT

OPERATION

720 Delay rentals.
721 Nonproductive well drilling.
722 Abandoned leases.
723 Other exploration.

4. OTHER GAS SUPPLY EXPENSES

OPERATION

730 Natural gas purchases.
731 Other gas purchases.
732 Purchased gas expenses.
733 Gas withdrawn from underground storage—Dr.
734 Gas delivered to underground storage—Cr.
735 Gas used in utility operations—Cr.
736 Other gas supply expenses.

5. STORAGE EXPENSES

OPERATION

740 Operation supervision and labor.
741 Gas losses.
742 Operation supplies and expenses.
743 Storage well royalties.
744 Rents.

MAINTENANCE

745 Maintenance of wells.
746 Maintenance of other underground storage plant.
747 Maintenance of local storage plant.

6. TRANSMISSION EXPENSES

OPERATION

750 Operation supervision and labor.
751 Compressor station fuel and power.
752 Operation supplies and expenses.
753 Transmission and compression of gas by others.
754 Rents.

MAINTENANCE

755 Maintenance of mains.
756 Maintenance of compressor station equipment.
757 Maintenance of other plant.

7. DISTRIBUTION EXPENSES

OPERATION

760 Supervision.
761 Mains and services labor.
762 Mains and services supplies and expenses.
763 Meter and house regulator expenses.
764 Customer installations expenses.
765 Miscellaneous distribution expenses.
766 Rents.

MAINTENANCE

767 Maintenance of lines.
768 Maintenance of meters and house regulators.
769 Maintenance of other plant.

8. CUSTOMER ACCOUNTS EXPENSES

OPERATION

901 Meter reading labor.
902 Accounting and collecting labor.
903 Supplies and expenses.
904 Uncollectible accounts.

9. SALES EXPENSES

OPERATION

910 Sales expenses.
914 Revenues from merchandising, jobbing and contract work.
915 Costs and expenses of merchandising, jobbing and contract work.

10. ADMINISTRATIVE AND GENERAL EXPENSES

920 Administrative and general salaries.
921 Office supplies and other expenses.
922 Administrative expenses transferred—Cr.
923 Outside services employed.
924 Property insurance.
925 Injuries and damages.
926 Employee pensions and benefits.
927 Franchise requirements.
928 Regulatory commission expenses.
929 Duplicate charges—Cr.
930 Miscellaneous general expenses.
931 Rents.
933 Transportation expenses.

MAINTENANCE

935 Maintenance of general plant.

Operation and Maintenance Expense Accounts

1. MANUFACTURED GAS PRODUCTION

700 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of manufactured gas production plants.

ITEMS

1. Supervising.
2. Operating or attending equipment and controls including boiler plant, power equipment, and other auxiliaries.
3. Cleaning, lubricating, and oiling equipment and auxiliaries.
4. Loading and unloading and other handling of coal, coke, other fuels, raw materials, residuals, waste materials, etc.
5. Observing, testing, checking and adjusting meters, gauges, and other instruments and equipment.
6. Keeping plant logs and other records and preparing reports on plant operation.
7. Cleaning boiler room, other buildings, and yards.
8. Repacking glands and replacing gauge glasses and other similar work if work is of a minor nature and performed by regular operating crews. Where work is of a major character, such as that performed on high pressure boilers, the work shall be considered maintenance.
9. Testing water, etc.
10. Janitor, messenger, watchmen, and similar services.
11. Clerical and stenographic work at plant.

701 Fuel.

A. This account shall include the cost, delivered alongside works, of coal, oil, gas, or other fuel used in manufactured gas processes, and for making steam or generating electricity. It shall also include the net cost of, or the amount realized from, the disposal of ashes. (See account 150, Materials and Supplies.)

B. Records shall be maintained to show the quantity and cost of each type of fuel used.

702 Raw materials.

A. This account shall include the cost, delivered alongside works, of coal, oil, liquefied petroleum gas, gas enricher, and other materials used as raw materials in the manufacture of gas, including raw materials for manufacture of gas by reforming. (See account 150, Materials and Supplies.)

B. Records shall be maintained to show the quantity and cost of each type of raw material used.

703 Operation supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in manufactured gas production operations not includible in any of the foregoing accounts.

ITEMS

1. Lubricants, packing, waste, etc.
2. Water purchased.
3. Water purification supplies and expenses.
4. Tools, hand.
5. Gas purification supplies and expenses.
6. Oil for oil fogging process.
7. Royalties for purification process, etc.
8. Building service, communication service, transportation.

704 Residuals produced—Credit.

A. This account shall be credited and account 150, Materials and Supplies, debited monthly with the estimated value of residuals and other by-products obtained in connection with the production of manufactured gas, whether intended for sale or for use in operations.

B. If the net amount realized from the sale of residuals is greater or less than the amount at which they were originally credited hereto, an adjusting entry shall be made crediting or debiting this account and charging or crediting account 150, Materials and Supplies, with the difference.

705 Rents.

This account shall include rents for property of others used, occupied, or operated in connection with manufactured gas production operations. (See operating expense instruction 2.)

706 Maintenance of production plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of manufactured gas production plant the book cost of which is includible in plant accounts 305 to 320, inclusive. (See operating expense instruction 1.)

2. NATURAL GAS PRODUCTION AND GATHERING

710 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of gas wells, lines, compressors and other equipment of the natural gas production and gathering system including miscellaneous labor such as care of grounds, building service, and general clerical and stenographic work at field offices.

ITEMS

1. Supervising.
2. Geological activities in connection with gas production.
3. Rights-of-way activities and supervision, not in connection with construction or retirement work or storage.
4. Gas well labor: turning wells on and off, bailing, swabbing, blowing wells, etc.
5. Preparing and maintaining production maps and land records, including surveys.
6. Gas depletion and gas reserve studies.
7. Field line labor: patrolling, attending and lubricating valves and other equipment, blowing and cleaning lines and drips, taking line pressures, etc.
8. Field compressor station labor: operating, attending, lubricating and servicing equipment, recording pressures, replacing charts, etc.
9. Measuring and regulating labor: recording pressures, changing charts, calculating gas volumes except for purchased gas and sales, adjusting and calibrating measuring equipment, taking gas samples and testing gas, inspecting and pumping drips, dewatering manholes and pits, etc.
10. Purification labor: attending and servicing purification apparatus, emptying, cleaning and refilling purifier boxes, unloading and storing glycol, etc.
11. Inspecting and testing equipment, not specifically to determine necessity for repairs or replacement of parts.
12. Lubricating equipment, valves, etc.
13. Hauling operating employees, materials, supplies, etc.
14. Moving equipment, minor structures, etc., not in connection with construction, retirement, or maintenance work.
15. Keeping log and other operating records, preparing reports of operations, etc.
16. Cleaning structures, cutting grass and weeds, and minor grading around stations.
17. Cleaning debris, cutting grass and weeds on rights-of-way.
18. Cleaning and repairing tools.
19. Building and repairing gate boxes, foot bridges, stiles, tool boxes, etc.
20. Janitor, watchmen, and messenger services.
21. Clerical and stenographic work.

711 Compressor station fuel and power.

A. This account shall include the cost of gas, coal, oil, or other fuel, or electricity, used for the operation of field compressor stations.

B. Records shall be maintained to show the quantity of each type of fuel consumed or electricity used at each compressor station, and the cost of such fuel or power.

NOTE: The cost of fuel, except gas, shall be charged initially to account 150, Materials and Supplies, and cleared to this account on the basis of fuel used.

712 Extracted products supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in operation of plants for the extraction of salable products from natural gas.

NOTE: If the products extraction operations of the utility are other than a relatively minor part of the utility's natural gas business, the utility shall use the accounts for products extraction expenses of the Uniform System of Accounts for Classes A and B Gas Utilities with the respective accounts prescribed therein identified as subaccounts to this account.

713 Other supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in producing and gathering natural gas not includible in any of the foregoing accounts.

ITEMS

1. Scrubber oil.
2. Gas, gasoline, and oil, in pumping, bailing, heating, and swabbing.
3. Well swabs.
4. Lumber, nails, and other materials used for upkeep of fences, making signs, etc.
5. Material for upkeep of roads, etc.
6. Hand tools.
7. Lubricants, wiping rags, waste, etc.
8. Gas used in field line operations.
9. Charts and printed forms.
10. Gauge glasses.
11. Water tests and treatment by other than employees.
12. Gas purifying supplies.
13. Geological and gas reserve services by others than employees in connection with gas production.
14. Office supplies, stationery, drafting materials, etc.
15. Janitor, washroom, landscaping, first aid supplies, etc.
16. Employees' transportation and travel expense.
17. Freight, express, parcel post, trucking, and other transportation.
18. Utility services: light, water, telephone.

714 Gas well royalties.

A. This account shall include royalties paid for natural gas produced by the utility from wells on land owned by others.

B. Records supporting the entries to this account shall be so kept that the utility can furnish the name of the parties to each contract involving royalties, the terms of each contract, the location of the property involved, the method of determining the royalties, and the amounts payable.

715 Rents.

This account shall include rents for property of others used, occupied or operated in connection with the production and gathering of natural gas, other than rentals on land and land rights held for the supply of natural gas. (See operating expense instruction 2.)

NOTE: See account 720, Delay Rentals, for rentals paid on lands held for the purpose of obtaining a supply of gas in the future.

716 Maintenance of gas wells.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of gas wells and equipment the book cost of which is includible in accounts 330, Producing Gas Wells—Well Construction, and 331, Producing Gas Wells—Well Equipment. (See operating expense instruction 1.)

717 Maintenance of field lines.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of field lines the book cost of which is includible in account 332, Field Lines. (See operating expense instruction 1.)

ITEMS

1. Electrolysis and leak inspections (not routine).
2. Installing and removing temporary lines, when necessitated by maintenance.
3. Lamping and watching while making repairs.
4. Lowering and changing location of portion of lines, when the same pipe is used.
5. Protecting lines from fires, floods, land slides, etc.
6. Rocking creek crossings.

718 Maintenance of products extraction plant.

This account shall include the cost of labor, materials and supplies used and expenses incurred in the maintenance of plant the book cost of which is includible in accounts 341 to 347, inclusive. (See operating expense instruction 1.)

719 Maintenance of other plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of plant the book cost of which is includible in natural gas production and gathering plant, except accounts 330, 331, and 332. (See operating expense instruction 1.)

3. EXPLORATION AND DEVELOPMENT EXPENSES

720 Delay rentals.

A. This account shall be charged with the amount of rents paid periodically on natural gas lands in order to hold natural gas land and land rights for the purpose of obtaining a supply of gas in the future.

B. Include also in this account the cost of obtaining natural gas leases for a period of one year or less.

C. Records supporting this account shall be so kept that the utility can furnish complete details of the charges made for each natural gas leasehold. (See note to gas plant instruction 6–G.)

721 Nonproductive well drilling.

This account shall include the net cost of drilling nonproductive wells.

NOTE: Records in support of the charges to this account shall conform, as appropriate, to General Instruction 12, Gas Well Records.

722 Abandoned leases.

This account shall be charged with losses on abandonment of natural gas leases included in account 105, Gas Plant Held for Future Use, which have never been productive, unless otherwise authorized or directed by the Commission. (See account 182.)

723 Other exploration.

This account shall be charged with the cost of abandoned projects on which preliminary expenditures were made for the purpose of determining the feasibility of acquiring acreage to provide a future supply of natural gas. (See account 183, Other Deferred Debits.)

4. OTHER GAS SUPPLY EXPENSES

730 Natural gas purchases.

A. This account shall include the cost at point of receipt by the utility of natural gas purchased for resale.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and each point of receipt, the quantity of gas, basis of charges, and the amount paid for the gas.

731 Other gas purchases.

A. This account shall include the cost, at point of receipt by the utility, of manufactured gas, refinery gas, or any gas other than natural gas, or other than any mixed gas in which the natural gas is an important portion of the mixture.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and each point of receipt, the kind and quantity of gas, Btu content, basis of the charges, and the amount paid for the gas.

732 Purchased gas expenses.

A. This account shall include expenses incurred directly in connection with the purchase of gas for resale.

B. The utility shall not include as purchased gas expense, segregated or apportioned expenses of operating and maintaining gathering system plant whether such plant is devoted solely or partially to purchases of gas, except that the utility shall include the cost of turning on and off purchase gas wells and operating measuring stations devoted exclusively to measuring purchased gas.

C. In general, it is intended that this account include only the expenses directly related to purchased gas, including the expenses of computing volumes of gas purchased, and special items directly related to gas purchases which are not includible in other accounts.

733 Gas withdrawn from underground storage—Debit.

A. This account shall include debits for the cost of gas withdrawn from underground storage during the year. Contra credits for entries to this account shall be made to account 164, Gas Stored Underground.

B. Withdrawal of gas from storage shall not be netted against deliveries to storage. (See account 734.)

NOTE: Adjustments for gas inventory losses due to cumulative inaccuracies in gas measurement, or from other causes, shall be entered in account 741, Gas Losses. If, however, any adjustment is substantial and related predominantly to prior years, it shall be charged to account 435, Miscellaneous Debits to Surplus.

734 Gas delivered to underground storage—Credit.

A. This account shall include credits for the cost of gas delivered to underground storage during the year. Contra debits for entries to this account shall be made to account 164, Gas Stored Underground.

B. Deliveries of gas to storage shall not be netted against withdrawals from storage. (See account 733.)

735 Gas used in utility operations—Credit.

This account shall include concurrent credits for charges which are made to operating expenses or other accounts of the gas department for gas from the common system supply used for compressor station fuel or other purposes. (See account 484, Interdepartmental Sales, for gas supplied to departments other than the gas utility department.)

736 Other gas supply expenses.

This account shall include the cost of labor and materials used and expenses incurred in connection with gas supply functions not provided for in any of the above accounts.

5. STORAGE EXPENSES

740 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of storage facilities including underground storage gas wells, lines, compressors and other equipment of the underground storage system, and the labor and expense of preparing and maintaining storage maps and land records.

ITEMS

1. Operation of local storage facilities.
2. Operation of underground storage system. (See account 710.)

741 Gas losses.

This account shall include the amounts of inventory adjustments representing the cost of gas lost or unaccounted for in underground storage operations due to cumulative inaccuracies of gas measurements or other causes. If, however, any adjustment is substantial and relates predominantly to prior years, it shall be charged to account 435, Miscellaneous Debits to Surplus.

742 Operation supplies and expenses.

This account shall include the cost of supplies used and expense incurred in connection with storage operating functions not provided for in any of the above accounts, including power and fuel for compressor stations used in underground storage operations.

ITEMS

1. Supplies used in operation of local storage facilities.
2. Supplies used in operation of underground storage system. (See account 713.)

743 Storage well royalties.

A. This account shall include royalties, rents, and other payments includible in operating expenses for gas wells and gas land acreage located within and comprising underground storage projects of the utility. (See operating expense instruction 2.)

B. The records supporting this account shall be so maintained that information will be readily available for each storage project, names of the parties to each contract, basis of the charges, and location of wells to which the royalties or rents of each contract relate.

744 Rents.

This account shall include rents for property of others used in connection with the storage of gas, other than rents and royalties paid with respect to storage wells and gas lands utilized for the holding of gas in underground storage. (See operating expense instruction 2.)

745 Maintenance of wells.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of gas wells and equipment the book cost of which is includible in account 352, Wells. (See operating expense instruction 1.)

746 Maintenance of other underground storage plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of plant the book cost of which is includible in accounts 351 to 357, inclusive, except account 352. (See operating expense instruction 1.)

747 Maintenance of local storage plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of plant the book cost of which is includible in accounts 361 to 363, inclusive. (See operating expense instruction 2.)

6. TRANSMISSION EXPENSES

750 Operation supervision and labor.

This account shall include the cost of supervision and labor in the operation of lines, compressor stations, and other equipment of the transmission system.

ITEMS

1. Load dispatching labor.
2. Transmission communication system labor.
3. Compressor station labor.
4. Mains labor.
5. Measuring and regulating station labor.
6. Miscellaneous labor.

751 Compressor station fuel and power.

A. This account shall include the cost of gas, or other fuel or electricity, used for the operation of transmission compressor stations.

B. Records shall be maintained to show the Mcf of gas or quantity of each other type of fuel consumed or electricity used at each compressor station, and the cost of such fuel or power.

752 Operation supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in connection with transmission system operating functions not provided for in any of the above accounts.

ITEMS

1. Consultants' fees and expenses.
2. Payments to others for transmission communications services.
3. Telephone batteries, radio tubes, radio crystals, etc.
4. Scrubber oil.
5. Charts and printed forms.
6. Gauge glasses.
7. Water treatment chemicals.
8. Water tests and treatment other than by employees.
9. Line markers and warning signs.
10. Lumber, nails, etc., used in building and repairing gate boxes, foot bridges, stiles, etc.
11. Lubricants, wiping rags, waste, etc.
12. Hand tools.
13. Freight, express, parcel post, trucking and other transportation.
14. Employees' transportation and travel expenses.
15. Janitor and washroom supplies, first aid supplies, etc.
16. Utility services; light, water, telephone.

753 Transmission and compression of gas by others.

A. This account shall include amounts paid to others for the transmission and compression of gas of the utility.

B. Records supporting this account shall be so maintained that there shall be readily available for each agreement, name of other party, Mcf of gas delivered to the other party for transmission or compression and the Mcf of gas received back by the utility after transmission or compression, points of delivery to and receipt of gas from other party, amount and basis of charges for the transmission or compression service.

NOTE: If in connection with any gas delivered to another for transmission or compression such other party also processes the gas for extraction of gasoline or other salable products, credits attributable to the products so extracted shall be made to account 491, Revenues from Natural Gas Processed by Others, to the end that amounts recorded in this account shall only be charges for transportation or compression service.

754 Rents.

This account shall include rents for property of others used, occupied or operated in connection with the operation of the transmission system. Include herein rentals paid for regulator sites, railroad crossings, rights-of-way, annual payments to governmental bodies and others for use of public or private lands, and reservations for rights-of-way. (See operating expense instruction 2.)

755 Maintenance of mains.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of mains, the book cost of which is includible in account 367, Mains. (See operating expense instruction 1.)

ITEMS

1. Supervising.
2. Electrolysis and leak inspections.
3. Installing and removing temporary lines, when necessitated by maintenance.
4. Lamping and watching while making repairs.
5. Lowering and changing location of lines, when the same pipe is used.
6. Protecting lines from fires, floods, land slides, etc.
7. Rocking creek crossings.

756 Maintenance of compressor station equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 368, Compressor Station Equipment. (See operating expense instruction 1.)

757 Maintenance of other plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures and equipment, the book cost of which is includible in accounts 366, 369, 370, and 371. (See operating expense instruction 2.)

7. DISTRIBUTION EXPENSES

760 Supervision.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of distribution system operations. Direct supervision of specific activities such as main operations, removing and resetting meters, etc., shall be charged to the appropriate account.

761 Mains and services labor.

This account shall include the cost of labor incurred in operating distribution system mains and services and related equipment.

ITEMS

1. Mains and services labor.
2. Pumping station labor.
3. Measuring and regulating station labor.

762 Mains and services supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in operating distribution system mains and services and related equipment.

ITEMS

1. Line markers and warning signs.
2. Lumber, nails, etc., used in building and repairing gate boxes, etc.
3. Charts and printed forms.
4. Scrubber oil.
5. Hand tools.
6. Lubricants, wiping rags, waste, etc.
7. Oil for fogging.
8. Lubricants, wiping rags, waste.
9. Freight, express, parcel post, trucking and other transportation.

763 Meter and house regulator expenses.

This account shall include the cost of labor, materials used and expenses incurred in connection with removing, resetting, changing, testing, and servicing customer meters and house regulators.

ITEMS

Labor:
1. Removing, reinstalling, and changing or exchanging customer meters and house regulators.
2. Turning on and shutting off meters, except for failures of customers to pay bills.
3. Clerical work on meter history and associated equipment record cards, test cards, and reports.
4. Handling and recording meters and house regulators for stock.
5. Inspecting and testing meters and house regulators.
6. Inspecting and adjusting testing equipment.
7. Driving trucks used in meter operations.

Materials and expenses:
8. Meter locks and seals.
9. Lubricants, wiping rags, waste, etc.
10. Freight, express, parcel post, trucking, and other transportation.
11. Utility services: light, water, telephone, heating.
12. Office supplies, stationery and printing.
13. Employees' transportation expenses.
14. Janitor, washroom, first aid supplies, etc.

NOTE: The cost of the first setting of a meter or house regulator shall be charged to account 382, Meter Installations, or account 384, House Regulator Installations, as appropriate.

764 Customer installations expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in work on customer premises other than expenses includible in account 763, including the cost of servicing customer-owned appliances when the cost of such work is borne by the utility.

B. Damage to customer equipment by employees of the utility whether incidental to the work or the result of negligence, shall be charged to the job on which the employee was engaged at the time of damage.

ITEMS

Labor:
1. Investigating and correcting pressure difficulties, leaks, or stoppages in customer-owned piping.

2. Inspecting new installations to determine that the customers' equipment and piping are properly installed and connected.
3. Consolidating meter installations, without change of size, due to elimination of separate meters for different service classifications.
4. Gas load surveys including the incidental preparations and replacement of meters.
5. Installing demand or test meters.
6. Inspecting, cleaning, repairing, and adjusting customer-owned appliances for domestic, industrial, or commercial use, including house heating furnaces and other space heating appliances, hotel and restaurant appliances.

Materials and Expenses:

7. Lubricants, wiping rags, waste, etc.
8. Replacement parts for appliances.
9. Janitor, washroom, first aid supplies, etc.
10. Employees' transportation and travel expenses.
11. Utility services: light, water, telephone.

NOTE: Amounts billed customers for any work, the cost of which is charged to this account, shall be credited to this account. Any excess over costs resulting therefrom shall be transferred to account 488, Miscellaneous Service Revenues.

765 Miscellaneous distribution expenses.

This account shall include the cost of labor, materials used and expenses incurred, general distribution office work, preparation and maintenance of distribution maps and records, and other expenses not provided for elsewhere, including expenses of operating any street lighting systems.

766 Rents.

This account shall include rents for property of others used, occupied or operated in connection with the operation of the distribution system. Include herein rentals paid for regulator sites, railroad crossings, rights-of-way, annual payments to governmental bodies and others for use of public or private lands, and reservations for rights-of-way. (See operating expense instruction 2.)

767 Maintenance of lines.

This account shall include the cost of labor, materials and supplies used and expenses incurred in the maintenance of plant the book cost of which is includible in accounts 376, 377, 378, 379, 380, and 385. (See operating expense instruction 1.)

ITEMS

Mains:

1. Trenching, backfilling, and breaking and restoring pavement in connection with the installation of leak or reinforcing clamps.
2. Work performed as the result of municipal improvements such as street widening, sewers, etc., where the gas mains are not retired.
3. Municipal inspections relating to maintenance work.
4. Other work of the following character:
a. Locating leaks incident to maintenance.
b. Cutting off mains without replacement. (Minor cuts not retired.)
c. Repairing broken mains, leaking joints, leaking drip riser, etc.
d. Bringing main valve box, main drip riser box, valve test pipe box, or pressure pipe roadway box up to grade.
e. Cleaning, repainting, coating, and wrapping exposed mains.
f. Repacking main valves.
g. Lowering and changing location of mains.
h. Trenching, backfilling, cutting-in or removal of pipe not retired in connection with the installation of leak clamps, valves, or drips.
i. Restoration of permanent pavement in connection with work chargeable to maintenance.
j. Emergency stand-by time associated with maintenance.
k. Repairing sewers, drains, walls, etc., when damaged by maintenance work.
l. Making electrolysis tests to maintain life of plant.
m. Repairing property of others damaged by maintenance work.

Compressor station equipment: (See operating expense instruction 1.)

Measuring and regulating station equipment: (See operating expense instruction 1.)

Services:

5. Testing pipe for leaks, stoppage, or other trouble and making necessary repairs.
6. Reporting on the condition of gas services to determine the need for repairs.
7. Rearranging and changing the location of services not retired.
8. Repairing service valves for reuse.
9. Lowering and raising curb boxes to grade.
10. Replacing less than a complete service, when not retired.
11. Installing fittings, valves, drips, frost protection devices, or replacing similar items on existing services.
12. Cutting and replacing pavement, pavement base and sidewalks in connection with maintenance work.
13. Restoring condition of services damaged by fire, storm, leakage, flood, accident, or other casualties.
14. Repairing property of others damaged by maintenance work.
15. Transferring services in connection with the installation of new mains.
16. Installing, maintaining, and removing temporary facilities to prevent the interruption of service.
17. Converting low pressure gas distribution service to medium or high pressure service.
18. Relocating and rerouting gas service temporarily during alterations of buildings.
19. Performing work resulting from municipal improvements, such as street widening, sewers, etc.
20. Replacing service valve box or drip riser box.
21. Installing, removing or replacing service valve, drip pot, or drip riser.
22. Repacking service valve.

768 Maintenance of meters and house regulators.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of meters and house regulators, the book cost of which is includible in accounts 381, Meters, and 383, House Regulators. (See operating expense instruction 1.)

ITEMS

1. Inspecting and testing meters and house regulators on customers' premises or in shops in connection with repairs.
2. Cleaning, repairing, and painting meters, house regulators, and accessories and equipment.
3. Repairing testing equipment.
4. Rebuilding and overhauling meters without changing their rated capacities.
5. Resealing house regulators with mercury, replacing diaphragms, springs and other defective or work parts.
6. Replacing or adding any item not constituting a retirement unit.

769 Maintenance of other plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, and all other distribution system plant not provided for elsewhere, the book cost of which is includible in accounts 375, 386, and 387. (See operating expense instruction 1.)

ITEMS

1. Work of similar character to that listed in other distribution maintenance accounts.
2. Maintenance of office furniture and equipment used by distribution system department.

8. CUSTOMER ACCOUNTS EXPENSE

901 Meter reading labor.

This account shall include the cost of labor incurred in reading customer meters and determining consumption when performed by employees engaged in reading meters.

ITEMS

Labor:

1. Addressing forms for obtaining meter readings by mail.
2. Changing and collecting meter charts used for billing purposes.
3. Checking meter seals, etc., when performed by meter readers and the work represents a minor activity incidental to regular meter reading routine.
4. Meter reading—small consumption, and obtaining load information for billing purposes. (Exclude and charge to account 763, Meter and House Regulator Expenses, or to account 902, Accounting and Collecting Labor, as applicable, the cost of obtaining meter readings, first and final, if incidental to the operation of removing or resetting, sealing or locking, and disconnecting, or reconnecting meters.)
5. Measuring gas—large consumption, including reading meters, changing charts, calculating charts, estimating lost meter registrations, determining specific gravity, etc., for billing purposes.
6. Computing consumption from meter reader's book or from reports by mail when done by employees engaged in reading meters.
7. Collecting from prepayment meters when incidental to meter reading.
8. Maintaining record of customers' keys.
9. Computing estimated or average consumption when performed by employees engaged in reading meters.

902 Accounting and collecting labor.

This account shall include the cost of labor in work on customer applications, contracts, orders, credit investigations, billing and accounting, collections and complaints.

ITEMS

1. Receiving, preparing, recording and handling routine orders for service, disconnections, transfers or meter tests initiated by the customer, excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
2. Investigating customers' credit and keeping records pertaining thereto, including records of uncollectible accounts written off.
3. Receiving, refunding or applying customer deposits and maintaining customer deposit, line extension, and other miscellaneous records.
4. Checking consumption shown by meter readers' reports where incidental to preparation of billing data.
5. Preparing address plates and addressing bills and delinquent notices.
6. Preparing billing data.
7. Operating billing and bookkeeping machines.
8. Verifying billing records with contracts or rate schedules.

9. Preparing bills for delivery, and mailing or delivering bills.
10. Collecting revenues, including collection from prepayment meters unless incidental to meter reading operations.
11. Balancing collections, preparing collections for deposit, and preparing cash reports.
12. Posting collections and other credits or charges to customer accounts and extending unpaid balances.
13. Balancing customer accounts and controls.
14. Preparing, mailing, or delivering delinquent notices and preparing reports of delinquent accounts.
15. Final meter reading of delinquent accounts when done by collectors incidental to regular activities.
16. Disconnecting and reconnecting services because of nonpayment of bills.
17. Receiving, recording, and handling of inquiries, complaints, and request for investigations from customers, including preparation of necessary orders, but excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
18. Statistical and tabulating work on customer accounts and revenues, but not including special analyses for sales department, rate department, or other general purposes, unless incidental to regular customer accounting routines.
19. Preparing and periodically rewriting meter reading sheets.
20. Determining consumption and computing estimated or average consumption when performed by employees other than those engaged in reading meters.

NOTE: The cost of work on meter history and meter location records is chargeable to account 763, Meter and House Regulator Expenses.

903 Supplies and expenses.

This account shall include the cost of materials used and expenses incurred in meter reading and the handling of customer accounts.

ITEMS

1. Badges, lamps and uniforms.
2. Meter charts, meter books and binders and forms for recording readings, but not the cost of preparation.
3. Address plates and supplies.
4. Cash overages and shortages when written off.
5. Commissions or fees to others for collecting.
6. Payments to credit organizations for investigations and reports.
7. Postage.
8. Transportation of customer bills and meter books under centralized billing procedure.
9. Bank charges, exchange, and other fees for cashing and depositing customers' checks.
10. Forms for recording orders for services, removals, etc.
11. Rent of mechanical equipment.
12. Transportation, meals and incidental expenses.
13. Communication service.
14. Miscellaneous office supplies and expenses and stationery and printing.

904 Uncollectible accounts.

This account shall be charged with amounts sufficient to provide for losses from uncollectible utility revenues. Concurrent credits shall be made to account 144, Accumulated Provision for Uncollectible Accounts—Cr. Losses from uncollectible accounts shall be charged to account 144.

9. SALES EXPENSES

910 Sales expenses.

This account shall include the cost of labor and expenses incurred for the purpose of promoting the sale of gas, other than merchandising, jobbing, or contract work activities.

ITEMS

1. Advertising.
2. Demonstrating uses of utility service.
3. Home service activities.
4. Solicitation of new business.

914 Revenues from merchandising, jobbing and contract work.

915 Costs and expenses of merchandising, jobbing and contract work.

A. These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

NOTE: Revenues and expenses of merchandising, jobbing, and contract work shall be reported in this account, if a state regulatory body having jurisdiction over the utility requires such income to be reported as an operating expense item; but the revenues and expenses shall be reported in accounts 415 and 416, if such regulatory body requires such income to be reported as nonoperating income. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 415 and 416, at its option, in which case the practice of the utility must be consistent.

ITEMS

Account 914

1. Revenues from sale of merchandising and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 915

Labor:

1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.
2. Demonstrating and selling activities in sales rooms.
3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.
4. Installing piping, or other property work on a jobbing or contract basis.
5. Preparing advertising materials for appliances sales purposes.
6. Receiving and handling customer orders for merchandise or for jobbing services.
7. Cleaning and tidying sales rooms.
8. Maintaining displays and equipment used in merchandising.
9. Arranging merchandise in sales rooms and decorating display windows.
10. Reconditioning repossessed appliances.
11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.
12. Supervising merchandise and jobbing operations.

Materials and Expenses:

13. Advertising in newspapers, periodicals, radio, television, etc.
14. Cost of merchandise sold and of materials used in jobbing work.
15. Stores expense on merchandise and jobbing stocks.
16. Fees and expenses of advertising and commercial artists' agencies.
17. Printing booklets, dodgers, and other advertising data.
18. Premiums given as inducement to buy appliances.
19. Light, heat and power.
20. Rent of sales rooms or of equipment.
21. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.
22. Stationery and office supplies and expenses.
23. Taxes directly assignable to merchandise and jobbing operations.
24. Losses from uncollectible merchandise and jobbing accounts.

10. ADMINISTRATIVE AND GENERAL EXPENSES

920 Administrative and general salaries.

A. This account shall include the compensation (salaries, bonuses, and other consideration for services, but not including directors' fees) of officers, executives, and other employees of the utility properly chargeable to utility operations and not chargeable directly to a particular operation function.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

921 Office supplies and expenses.

A. This account shall include office supplies and expenses incurred in connection with the general administration of the utility's operations which are assignable to specific administrative or general departments and are not specifically provided for in other accounts. This includes the expenses of the various administrative and general departments, the salaries and wages of which are includible in account 920.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

NOTE: Office expenses which are clearly applicable to any group of operating expenses other than the administrative and general group shall be included in the appropriate account in such group. Further, general expenses which apply to the utility as a whole rather than to a particular administrative function shall be included in account 930, Miscellaneous General Expenses.

ITEMS

1. Automobile service, including charges through clearing account.
2. Bank messenger and service charges.
3. Books, periodicals, bulletins and subscriptions to newspapers, newsletters, tax services, etc.
4. Building service expenses for customer accounts, sales, and administrative and general purposes.
5. Communication service expenses.
6. Cost of individual items of office equipment used by general departments which are of small value or short life.
7. Membership fees and dues in trade, technical, and professional associations paid by utility for employees. (Company memberships are includible in account 930.)
8. Office supplies and expenses.
9. Payment of court costs, witness fees, and other expenses of legal department.

10. Postage, printing, and stationery.
11. Meals, traveling and incidental expenses.

922 Administrative expenses transferred—Cr.

This account shall be credited with administrative expenses recorded in account 920, and 921 which are transferred to construction costs or to nonutility accounts. (See utility plant instruction 3.)

923 Outside services employed.

A. This account shall include the fees and expenses of professional consultants and others for general services which are not applicable to a particular operating function or to other accounts. It shall include, also, the pay and expenses of persons engaged for a special or temporary administrative or general purpose in circumstances where the person so engaged is not considered an employee of the utility.

B. This account shall be so maintained as to permit ready summarization according to the nature of service and the person furnishing the same.

ITEMS

1. Fees, pay and expenses of accountants and auditors, actuaries, appraisers, attorneys, engineering consultants, management consultants, negotiators, public relations counsel, tax consultants, etc.
2. Supervision fees and expenses paid under contracts for general management services.

NOTE: Do not include inspection and brokerage fees and commissions chargeable to other accounts or fees and expenses in connection with security issues which are includible in the expenses of issuing securities.

924 Property insurance.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against losses and damages to owned or leased property used in its utility operations.

B. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

C. Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

ITEMS

1. Premiums payable to insurance companies, for fire, storm, burglary, explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to account 261, Property Insurance Reserve for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.

NOTE A: The cost of insurance or reserve accruals capitalized shall be charged to construction either directly or by transfer to construction work orders from this account.

NOTE B: The cost of insurance or reserve accruals for the following classes of property shall be charged as indicated:

(1) Materials and supplies and stores equipment to stores expenses or to appropriate materials account.
(2) Transportation and garage equipment, to account 933, Transportation Expenses.
(3) Gas plant leased to others, to account 413, Expenses of Gas Plant Leased to Others.
(4) Nonutility property, to the appropriate nonutility income account.
(5) Merchandise and jobbing property, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or account 915, as appropriate.

925 Injuries and damages.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against injuries and damages claims of employees or others, losses of such character not covered by insurance, and expenses incurred in settlement of injuries and damages claims.

B. Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

ITEMS

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to account 262, Injuries and Damages Reserve for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries, or resulting from claims of others.
6. Compensation payments under workmens' compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Note A.)
8. Cost of safety, accident prevention and similar educational activities.

NOTE A: Payments to or in behalf of employees for accident or death benefits, hospital expenses, medical supplies or for salaries while incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, shall be charged to account 926, Employee Pensions and Benefits. (See also Note B of account 926.)

NOTE B: The cost of injuries and damages or reserve accruals capitalized shall be charged to construction directly or by transfer to construction work orders from this account.

NOTE C: Exclude herefrom the time and expenses of employees (except those engaged in injuries and damages activities) spent in attendance at safety and accident prevention educational meetings, if occurring during the regular work period.

NOTE D: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in injuries and damages activities may be included in accounts 920 and 921 as appropriate.

926 Employee pensions and benefits.

A. This account shall include pensions paid to or on behalf of retired employees, or accruals to provide for pensions, or payments for the purchase of annuities for this purpose, when the utility has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes, and payments for employee accident, sickness, hospital, and death benefits, or insurance therefor. Include, also, expenses incurred in medical, education or recreational activities for the benefit of employees.

B. The utility shall maintain a complete record of accruals or payments for pensions and be prepared to furnish full information to the Commission of the plan under which it has created or proposes to create a pension fund and a copy of the declaration of trust or resolution under which the pension plan is established.

C. There shall be credited to this account the portion of pensions and benefits expenses which is applicable to nonutility operations or which is charged to construction unless such amounts are distributed directly to the account involved and are not included herein in the first instance.

ITEMS

1. Payment of pensions under a nonaccrual or nonfunded basis.
2. Accruals for or payments to pension funds or to insurance companies for pension purposes.
3. Group and life insurance premiums (credit dividends received).
4. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
5. Payments for accident, sickness, hospital, and death benefits or insurance.
6. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, or in excess of statutory awards.
7. Expenses in connection with educational and recreational activities for the benefit of employees.

NOTE A: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in employee pension and benefit activities may be included in accounts 920 and 921, as appropriate.

NOTE B: Salaries paid to employees during periods of nonoccupational sickness may be charged to the appropriate labor account rather than to employee benefits.

927 Franchise requirements.

A. This account shall include payments to municipal or other governmental authorities, and the cost of materials, supplies and services furnished such authorities without reimbursement in compliance with franchise, ordinance, or similar requirements; provided, however, that the utility may charge to this account at regular tariff rates, instead of cost, gas service furnished without charge under provisions of franchises.

B. When no direct outlay is involved, concurrent credit for such charges shall be made to account 929, Duplicate Charges—Cr.

C. The account shall be maintained so as to readily reflect the amounts of cash outlays, utility service supplied without charge, and other items furnished without charge.

NOTE A: Franchise taxes shall not be charged to this account but to account 408, Taxes Other Than Income Taxes.

NOTE B: Any amount paid as initial consideration for a franchise running for more than one year shall be charged to account 302, Franchises and Consents.

928 Regulatory commission expenses.

A. This account shall include all expenses (except pay of regular employees only incidentally engaged in such work) properly includible in utility operating expenses, incurred by the utility in connection with formal cases before regulatory commissions, or other regulatory bodies, or cases in which such a body is a party, including payments made to a regulatory commission for fees assessed against the utility for pay and expenses of such commission, its officers, agents, and employees.

B. Amounts of regulatory commission expenses which by approval or direction of the Commission are to be spread over future periods shall be charged to account 183, Other Deferred Debits, and amortized by charges to this account.

C. The utility shall be prepared to show the cost of each formal case.

ITEMS

1. Salaries, fees, retainers, and expenses of counsel, solicitors, attorneys, accountants, engineers, clerks, attendants, witnesses, and others engaged in the prosecution of, or defense against petitions or complaints presented to regulatory bodies, or in the valuation of property owned or used by the utility in connection with such cases.
2. Office supplies and expenses, payments to public service or other regulatory commissions, stationery and printing, traveling expenses, and other expenses incurred directly in connection with formal cases before regulatory commissions.

NOTE A: Exclude from this account and include in other appropriate operating expense accounts, expenses incurred in the improvement of service, additional inspection, or rendering reports, which are made necessary by the rules and regulations, or orders, of regulatory bodies.

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Discount and Expense, or account 214, Capital Stock Expense.

929 Duplicate charges—Cr.

This account shall include concurrent credits for charges which may be made to operating expenses or to other accounts for the use of gas service from its own supply. Include, also, offsetting credits for any other charges made to operating expenses for which there is no direct money outlay.

930 Miscellaneous general expenses.

This account shall include the cost of labor and expenses incurred in connection with the general management of the utility not provided for elsewhere.

ITEMS

Labor:
1. Miscellaneous labor not elsewhere provided for.

Expenses:
2. Industry association dues for company membership.
3. Contributions for conventions and meetings of the industry.
4. Experimental and general research work for the industry.
5. Communication service not chargeable to other accounts.
6. Trustee, registrar, and transfer agent fees and expenses.
7. Stockholders meeting expenses.
8. Dividend and other financial notices.
9. Printing and mailing dividend checks.
10. Directors' fees and expenses.
11. Publishing and distributing annual reports to stockholders.
12. Institutional or goodwill advertising.
13. Public notices of financial, operating, and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.

931 Rents.

This account shall include rents properly includible in utility operating expenses for the property of others used, occupied or operated in connection with the customer accounts, sales, and general administrative functions of the utility. (See operating expense instruction 2.)

933 Transportation expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in the operation and maintenance of general transportation equipment of the utility.

B. This account may be used as a clearing account in which event the charges hereto shall be cleared by apportionment to the appropriate operating expense, gas plant, or other accounts on a basis which will distribute the expenses equitably. Credits to this account shall be made in such detail as to permit ready analysis.

ITEMS

1. Supervision.
2. Building service.
3. Care of grounds, including snow removal, cutting grass, etc.
4. Utility services.
5. Depreciation of transportation equipment.
6. Fuel and lubricants for vehicles (including sales and excise taxes thereon.)
7. Insurance on garage equipment and transportation equipment, including public liability and property damage.
8. Maintenance of transportation and garage equipment.
9. Compensation of drivers, mechanics, clerks, and other garage employees.
10. Rent of garage buildings and grounds, vehicles or equipment.
11. Replacement of tires, tubes, batteries, etc.
12. Direct taxes, licenses, and permits.
13. Miscellaneous garage supplies, tools, and equipment.
14. Miscellaneous office supplies and expenses, printing, and stationery.
15. Transportation, meals, and incidental expenses.

NOTE A: The pay of employees driving trucks or other transportation equipment incidental to their regular occupation, shall not be included herein but charged directly to the appropriate expense or other account.

NOTE B: Transportation expenses applicable to construction shall not be included in operating expenses.

935 Maintenance of general plant.

A. This account shall include the cost assignable to customer accounts, sales and administrative and general functions of labor, materials used and expenses incurred in the maintenance of property, the book cost of which is includible in account 390, Structures and Improvements, account 391, Office Furniture and Equipment, and other general equipment accounts (not including transportation equipment). (See operating expense instruction 1.)

B. Maintenance expenses on office furniture and equipment used elsewhere than in general, commercial and sales offices shall be charged to the following accounts:

Manufactured gas production	Account 706.
Natural gas production and gathering	Account 719.
Storage	Account 746 or 747.
Transmission	Account 757.
Distribution	Account 769.
Merchandise and jobbing	Account 416 or 915.
Garages, shops, etc	Appropriate general expense or clearing account.

NOTE: Maintenance of plant included in other general equipment accounts shall be included herein unless charged to clearing accounts or to the particular functional maintenance expense accounts indicated by the use of the equipment.

[F.R. Doc. 60-7677; Filed, Aug. 16, 1960; 8:45 a.m.]

[18 CFR Part 204]

[Docket No. R-187]

REVISION OF UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES SUBJECT TO PROVISIONS OF NATURAL GAS ACT

Notice of Proposed Rulemaking

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to amend, effective January 1, 1961, Part 204—Application of Uniform System of Accounts to Class C and Class D Natural Gas Companies, of Subchapter F—Accounts, Natural Gas Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations (CFR), to prescribe a revised Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class D), as set forth below.

3. Part 204, §§ 204.1–204.8, of said Title and Code correspond to, and appear at, pages 179–200 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, effective January 1, 1940, with amendments effective January 1, 1954, as amended by Order No. 203 issued May 29, 1958 (23 F.R. 4164, June 12, 1958). The aforesaid Uniform System of Accounts was prescribed by Commission Order No. 69 of November 3, 1939, effective January 1, 1940, and was contained in the codification and reissuance of the Commission's general rules promulgated by Commission Order No. 141, December 11, 1947, effective January 1, 1948 (12 F.R. 8461). The proposed revised System of Accounts does not follow the numbering system required for the Code of Federal Regulations but follows the numbering system (accounts, instructions, definitions, etc.) used in the Commission's pamphlet edition referred to above.

4. Important developments in the natural gas industry since the adoption in 1939 of the Uniform System of Accounts effective January 1, 1940, and the experience of the Commission over the past 21 years indicate the need for the System of Accounts herein proposed.

5. Heretofore, the Commission has not had a separately issued Uniform System of Accounts for Class D Natural Gas Companies, as such. The accounting requirements presently effective for small utilities (Class C and Class D), consist of an abridgment of the accounts for large natural gas companies by means of account charts appearing as Appendix II of the pamphlet version of the Uniform System of Accounts. In these account charts the condensed accounts applicable to small utilities are indicated by bracketing related account titles applicable to Class A and Class B utilities. The result is that small utilities have had to work with an inordinate amount of textual materials designed for larger utilities. The objective of the proposed System of Accounts is to provide these smaller utilities with a simplified System of Accounts appropriate for the magnitude of their operations.

6. The proposed System of Accounts set forth below reflects the basic principles found in this Commission's recently issued revised Uniform System of Accounts for Class A and Class B Natural Gas Companies Subject to the Provisions of the Natural Gas Act, Docket No. R-174. The proposed System of Accounts introduces the following important improvements in this Commission's small utility accounting requirements:

a. New size classifications for gas utilities;

b. Simple plant and expense classifications for manufactured gas;

c. Certain necessary new accounts;

d. New arrangement of balance sheet and certain other accounts to make them more informative;

e. A reduced number of expense account classifications, mainly but not entirely by the discontinuance of segregations of numerous functional accounts as to labor and other expenses;

f. Expanded items lists of account texts and clearer description of such items according to their functional nature, to facilitate use and consistency of respective account classifications; and

g. Restatements of the accounting aspects of certain accounting interpretations issued in the past.

7. The System of Accounts herein proposed conforms basically to that for which a resolution was adopted at the convention of the National Association of Railroad and Utility Commissioners (NARUC) held in Phoenix, Arizona, on November 17, 1958, with a few modifications.

8. The System of Accounts proposed for adoption herein deviates from the NARUC system of accounts only to the extent necessary to make it more suitable to this Commission's accounting responsibilities but such deviations do not conflict with the basic principles of the NARUC system. The NARUC system of accounts gives consideration to the fact that the State commissions, in addition to jurisdiction over gas utility operations, ordinarily have jurisdiction over electric and water utility operations of joint utilities. Consequently, the balance sheet classifications for plant and accumulated provisions for depreciation, depletion and amortization (reserves) are identified in the NARUC system as "utility" accounts. In the FPC System of Accounts these balance sheet accounts and related instructions are directed to "natural gas" operations and summary accounts provided for the plant and "reserves" of other utility departments. Likewise, in the FPC version utility operating income accounts are identified with the natural gas department and a special summary account provided for the operating income of other, non-gas, utility departments. Similar differences exist between present FPC and NARUC Systems of Accounts. The Commission's present report form, however, is coordinated for joint use by this and the State commissions and necessary summary information of other utility department operations is therein disclosed. It is expected that this reporting arrangement will continue.

The proposed FPC System of Accounts adheres to the NARUC system of accounts, except as explained above and except for a few instances of notations in account texts and instructions which are of special significance to the FPC. These exceptions which do not disturb the basic conformity with the NARUC system of accounts, are as follows:

a. Definition 5, which defines cost for the purpose of the Uniform System of Accounts, includes a qualifying phrase to assure caution in the manner of application of definition 5 to merger and pooling of interest transactions.

b. Instructions are included for Accumulated Deferred Income Taxes, in the FPC's proposed System of Accounts whereas no comparable instructions are provided by the NARUC System of Accounts.

c. Account 403, Depreciation & Depletion Expense, revises Paragraph A in the FPC's proposed System of Accounts because the FPC instruction is addressed to natural gas companies, whereas the NARUC system specified that the account be subdivided by utility departments.

9. The Commission recognizes that some burden and expense will have to be borne by the companies affected in connection with the transition from the present accounting requirements to the revised System of Accounts.

This problem was, however, kept in mind by the NARUC Committee on Statistics and Accounts which worked on the revision as well as by the staff of this Commission which participated in the work of the NARUC Committee. The Commission is of the opinion that the physical burden and monetary cost of the changeover is of minor importance when viewed in relation to the future benefits of the new System of Accounts.

10. The appended proposed Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class D), is proposed to be issued under the authority granted to the Federal Power Commission by the Natural Gas Act, as amended, particularly Sections 8, 10, and 16 thereof (52 Stat. 825, 826, and 830; 15 U.S.C. 717g, 717i, and 717o).

11. Any interested person may submit to the Federal Power Commission not later than September 19, 1960, data, views, and comments in writing concerning the proposed revised System of Accounts. An original and nine copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed System of Accounts.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

AUGUST 12, 1960.

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS D NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT

Definitions

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

3. "Book cost" means the amount at which property is recorded in these accounts without deduction of related provisions for accrued depreciation, amortization or for other purposes.

4. "Commission," means the Federal Power Commission.

5. "Cost" means the amount of money actually paid for property or services. When the consideration given is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of common stock in a merger or a pooling of interest, the value of such consideration shall be determined on a cash basis.

6. "Cost of removal" means the cost of demolishing, dismantling, tearing down or otherwise removing gas plant, including the cost of transportation and handling incidental thereto.

7a. "Depletion," as applied to natural gas producing land and land rights, means the loss in service value incurred in connection with the exhaustion of the natural resource in the course of service.

7b. "Depreciation," as applied to depreciable gas plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of gas plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities, and, in the case of natural gas companies, the exhaustion of natural resources.

8. "Investment advances" means advances, represented by notes or by book accounts only, with respect to which it is mutually agreed or intended between the creditor and debtor that they shall be settled by the issuance of securities or shall not be subject to current settlement.

9. "Minor items of property" means the associated parts or items of which retirement units are composed.

10. "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas.

11. "Natural gas company" means a person engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale.

12. "Net salvage value" means the salvage value of property retired less the cost of removal.

13. "Original cost," as applied to gas plant, means the cost of such property to the person first devoting it to public service.

14. "Property retired," as applied to gas plant, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been withdrawn from service.

15. "Replacing" or "replacement," when not otherwise indicated in the context, means the construction or installation of gas plant in place of property retired, together with the removal of the property retired.

16. "Retirement units" means those items of gas plant which, when retired, with or without replacement, are accounted for by crediting the book cost thereof to the gas plant account in which included.

17. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recoverable is chargeable to materials and supplies, or other appropriate account.

18. "Service life" means the time between the date gas plant is includible in gas plant in service, or gas plant leased to others, and the date of its retirement. If depreciation is accounted for on a production basis rather than on a time basis, then service life should be measured in terms of the appropriate unit of production.

19. "Service value" means the difference between original cost and net salvage value of gas plant.

20. "Utility," as used herein and when not otherwise indicated in the context, means any natural gas company to which this system of accounts is applicable.

General Instructions

1. *Classification of Utilities.*

A. For the purpose of applying systems of accounts prescribed by the Commission, natural gas companies are divided into four classes as follows:

Class A. Natural gas companies having annual gas operating revenues of $2,500,000 or more.

Class B. Natural gas companies having annual gas operating revenues of $1,000,000 or more but less than $2,500,000.

Class C. Natural gas companies having annual gas operating revenues of $150,000 or more but less than $1,000,000.

Class D. Natural gas companies having annual gas operating revenues of $25,000 or more but less than $150,000.

B. This system of accounts applies to Class D utilities. Those applicable to Classes A and B and to Class C utilities are issued separately.

C. The class to which any utility belongs shall originally be determined by the average of its annual gas operating revenues for the last three consecutive years. Subsequent changes in classification shall be made when the annual gas operating revenues for each of the three immediately preceding years shall exceed the upper limit, or be less than the lower limit, of the annual gas operating revenues of the classification previously applicable to the utility.

D. Any utility may, at its option, adopt the system of accounts prescribed by the Commission for any larger class of utilities.

2. *Records.*

A. Each utility shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit a ready identification, analysis, and verification of all facts relevant thereto.

B. In addition to prescribed accounts, clearing accounts, temporary or experimental accounts, and subdivisions of any account, may be kept provided the integrity of the prescribed accounts is not impaired.

C. Each utility shall keep its books on either a monthly or quarterly basis. Each utility shall close its books at the end of each calendar year unless otherwise authorized by the Commission.

3. *Item Lists.*

Lists of "items" appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The lists are intended to be representative, but not exhaustive. The appearance of an item in a list warrants the inclusion of the item in the account mentioned only when the text of the account also indicates inclusion inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts. In cases of doubtful interpretation, the matter shall be submitted to the Commission for decision.

4. *Distribution of Pay and Expenses of Employees.*

The charges to gas plant, operating expenses and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, such as construction, maintenance, and operations, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period.

5. *Gas Well Records.*

Each utility with natural gas operations shall maintain operating or accounting records for each well showing (a) acreage on which drilled, (b) dates of drilling period, (c) cost of drilling, (d) depth of well, (e) particulars and depth of each stratum drilled through, (f) geological formation from which gas obtained, (g) initial rock pressure and open flow capacity, (h) size of casing used and the lengths of each size, (i) total cost of well as recorded in gas plant accounts, (j) date well abandoned, for wells once productive, (k) date transferred to underground storage use, for wells converted to storage use, and (l) date drilling discontinued, for wells determined to be nonproductive. The foregoing data, as appropriate, shall also be maintained for each subsequent change in the depth of each well.

6. *Functions and Accounts Not Included.*

A. If the utility is a Class D utility for the purposes of this system of accounts but derives the major portions of its revenues from the extraction of gasoline or other products from natural gas, it shall incorporate in its accounting classifications the accounts of the Class C system of accounts for these functions as follows:

Plant: Accounts 340 to 347, as appropriate.
Revenues: Account 490, Sales of Products Extracted from Natural Gas.
Expenses: Account 712, Extracted Products Supplies and Expenses, and Account 718, Maintenance of Products Extraction Plant.

B. If the utility has underground gas storage operations but is a Class D utility for the purposes of this system of accounts, it shall account for the inventory of gas stored underground and the inputs to and withdrawals from storage in accordance with the provisions of the accounts relating thereto of the Class C system of accounts. It is not required, however, that Class D utilities utilize the Class C plant and expense accounts for underground storage operations unless underground gas storage is a major activity or unless required by the Commission for other reasons.

C. If the utility contemplates or is following accounting for deferred taxes on income it shall use the accounts for deferred taxes on income prescribed for Classes A and B or Class C natural gas companies and comply with the related instructions and account texts of such Class A and B or Class C Uniform System of Accounts as though such accounts and instructions were a part of this system of accounts.

Gas Plant Instructions

1. *Gas Plant To Be Recorded at Cost.*

A. All amounts included in the accounts for gas plant acquired as an operating unit or system, except as otherwise provided in the texts of the intangible plant accounts, shall be stated at the cost incurred by the person who first devoted the property to utility service. All other gas plants shall be included in the accounts at the cost incurred by the utility. Where the term "cost" is used in the detailed plant accounts, it shall have the meaning stated in this paragraph.

B. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis. (See, however, Definition 5.) In the entry recording such transaction, the actual consideration shall be described with sufficient particularity to identify it. The utility shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than cash.

C. When property is purchased under a plan involving deferred payments, no charge shall be made to the gas plant accounts for interest, insurance, or other expenditures occasioned solely by such form of payment.

D. Gas plant contributed to the utility or constructed by it from contributions to it of cash or its equivalent shall be charged to the gas plant accounts at cost of construction, estimated if not known. There shall be credited to the accounts for accumulated depreciation, depletion, and amortization the estimated amount of depreciation, depletion, and amortization applicable to the property at the time of its contribution to the utility. The difference between the amounts included in the gas plant accounts and the accumulated depreciation, depletion, and amortization shall be credited to account 271, Contributions in Aid of Construction.

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, interest during construction and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs.

3. *Land and Land Rights.*

A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, rights-of-way, natural gas rights, and other like interests in land.

B. Where special assessments for public improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of public improvements is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

C. The cost of buildings and other improvements (other than public improvements) shall not be included in the land accounts. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to utility operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

D. When the purchase of land for gas operations requires the purchase of more land than needed for such purposes, the charge to the specific land account shall be based upon the cost of the land purchased, less the fair market value of that portion of the land which is not to be used in utility operations. The portion of the cost measured by the fair market value of the land not to be used shall be included in account 394, Gas Plant Held for Future Use, or account 121, Nonutility Property, as appropriate. Regarding land and land rights held for the production of natural gas, account 100, Gas Plant, shall include (1) the cost of the lands owned in fee upon which producing natural gas wells are located or lands owned in fee which are being drained through the operation by the utility of wells on other land, and (2) the first cost of lands held under lease upon which the utility pays royalties for the natural gas obtained therefrom. The cost of all other land and land rights held for the production of natural gas under a definite plan for such use shall be included in account 394, Gas Plant Held for Future Use.

NOTE: In addition to the accounting records prescribed herein, supplemental records of land and land rights held for future use shall be kept in such manner as to permit the segregation within a reasonable time of the land and land rights constituting (1) productive but nonproducing fields, (2) unproven or undeveloped fields, and (3) storage fields, and to show the following data with respect to each natural gas lease, regardless of the accounting treatment accorded the lease costs: (a) name of lessor, (b) location of leasehold and number of other identification assigned thereto, (c) date and period of lease agreement, (d) first cost of lease including details of the elements of such cost, (e) annual rental provisions, (f) date and cost of drilling, (g) date gas determined to exist, (h) date of completion of first well drilled by the utility in each pool of gas, (i) royalty provisions, (j) amortization and depletion provisions, and (k) date of abandonment of lease.

E. Provision shall be made for amortizing amounts carried in the accounts for limited-term interests in land, so as to apportion equitably the cost of each interest over the life thereof. For the purposes of amortization of natural gas rights, separate interests in land which comprise an interest in a production area may be grouped to form a depletion unit. (See account 403, Depreciation and Depletion Expense, and account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Utility Plant, for the accounting for depletion of producing natural gas lands and land rights. See also account 722, Abandoned Leases, for the accounting for abandonments of natural gas leases which have never been productive.)

4. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land.

B. The cost of specially provided foundations not intended to outlast the machinery or apparatus for which provided, and the cost of angle irons, castings, etc., installed at the base of any item of equipment, shall be charged to the same account as the cost of the machinery, apparatus or equipment.

C. Where furnaces and boilers are used primarily for furnishing steam for some particular department and only incidentally for furnishing steam for heating a building and operating the equipment therein, the entire cost of such furnaces and boilers shall be charged to the appropriate plant account, and no part to the building account.

5. *Equipment.*

A. The cost of equipment chargeable to the gas plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchases, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate.

B. Exclude from equipment accounts hand and other portable tools, which are likely to be lost or stolen or which have relatively small value or short life, unless the correctness of the accounting therefor as gas plant is verified by current inventories. Special tools acquired and included in the purchase price of equipment shall be included in the appropriate plant account. Portable drills and similar tool equipment when used in connection with the operation and maintenance of a particular plant or department, such as production, transmission, distribution, etc., or in "stores," shall be charged to the plant account appropriate for their use.

C. The equipment accounts shall include angle irons and similar items which are installed at the base of an item of equipment, but piers and foundations which are designed to be as permanent as the buildings which house the equipment, or which are constructed as a part of the building and which cannot be removed without cutting into the walls, ceilings, or floors, or without in some way impairing the building, shall be included in the building accounts.

6. *Gas Plant Retired.*

A. When depreciable gas plant is abandoned, destroyed, withdrawn or otherwise retired from service for any cause, the book cost of the plant shall be deducted from the gas plant accounts and charged to accumulated provision for depreciation. The cost of removing such plant (except customers' meters and house regulators) shall be charged to accumulated provision for depreciation and the amount received for any materials recovered and sold, or salvage value if returned to stores, shall be credited to the accumulated provision for depreciation. It is not intended that the above procedure shall be followed in the replacement of minor items of plant, the replacement of which is charged to operating expense accounts.

B. The book cost of land retired shall be credited to the appropriate land account. If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion, or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate. If the land is not used in utility service but is retained by the utility, the book cost shall be charged to account 394, Gas Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

C. The book cost of gas plant retired shall be the amount at which such property is included in the gas plant accounts, including all components of construction costs. The book cost shall be determined from the utility's records and, if this cannot be done, it shall be estimated. When it is impracticable to determine the book cost of each unit, due to the relatively large number or small cost thereof, an appropriate average book cost of the units, with due allowance for any differences in size and character, shall be used as the book cost of the units retired.

Balance Sheet Accounts

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100 Gas plant
110 Accumulated provision for depreciation, depletion, and amortization of gas plant.
118 Other utility plant.
119 Accumulated provision for depreciation and amortization of other utility plant.

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122 Accumulated provision for depreciation and amortization of nonutility property.
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132 Temporary cash investments.
141 Notes receivable.
142 Customer accounts receivable.
143 Other accounts receivable.
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LIABILITIES AND OTHER CREDITS

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207 Other paid-in capital.
212 Installments received on capital stock.
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231 Notes payable.
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236 Taxes accrued.
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251 Unamortized premium on debt.
252 Customer advances for construction.
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261 Property insurance reserve.
265 Miscellaneous operating reserves.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

100 Gas plant.

A. This account shall include the book amount of gas plant, included in the plant accounts 301 to 397, inclusive, prescribed herein, and having an expectation of life in service of more than one year from date of installation, including such property owned by the utility but held by nominees.

B. The cost of additions to and betterments of property leased from others, which are includible in this account, shall be maintained in subdivisions separate and distinct from those relating to owned property.

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation and Depletion Expense, to account 404, Amortization Expense, to account 413, Expense of Gas Plant Leased to Others, to account 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work, or to clearing accounts for currently accruing depreciation, depletion, or amortization of plant.

(2) Amounts charged to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation, depletion, or amortization.

(3) Amounts of depreciation, depletion, or amortization, applicable to gas properties acquired as operating units or systems.

(4) Amounts chargeable to account 182, Extraordinary Property Losses, when authorized by Commission.

(5) Amounts of depreciation, depletion, or amortization applicable to gas plant donated to the utility.

B. At the time of retirement of gas plant, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance.

C. The credits and debits to this account shall be so kept as to show separately: (1) The amount of accrual for depreciation, depletion, or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage, and (5) other items, including recoveries from insurance.

D. The utility is restricted in its use of the accumulated provision for depreciation, depletion, and amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

E. Subsidiary records shall be maintained in accordance with the provisions of this account for accumulated deple-

tion and amortization provisions for natural gas lands and land rights in service.

118 Other utility plant.

This account shall include the balance in accounts for utility plant, other than gas plant, such as electric, railway, etc.

119 Accumulated provision for depreciation and amortization of other utility plant.

This account shall include the accumulated provision for depreciation and amortization applicable to utility property other than gas plant.

2. Other Property and Investments

121 Nonutility property.

This account shall include the book cost of land, structures, equipment or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in account 394, Gas Plant Held for Future Use.

122 Accumulated provision for depreciation and amortization of nonutility property.

This account shall include the accumulated provision for depreciation and amortization applicable to nonutility property.

124 Other investments.

A. This account shall include the book cost of investments in securities issued or assumed by other companies, investment advances to such companies, and any investments not accounted for elsewhere. Include, also, the off-setting entry to the recording of amortization of discount or premium on interest-bearing investments owned by the utility. (See account 419, Interest and Dividend Income.)

B. The records shall be maintained in such manner as to show the amount of each investment and the investment advances to each person.

125 Special funds.

This account shall include the amount of cash and book cost of investments which have been segregated in special funds for bond retirements, property additions, and replacements, insurance, employees' pensions, savings, relief, hospital, and other purposes not provided for elsewhere. A separate account, with appropriate title, shall be kept for each fund.

Note: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employees' benefits shall not be included in this account.

3. Current and Accrued Assets

131 Cash and working funds.

This account shall include the amount of cash on hand and in banks and cash advanced to officers, agents, employees, and others as petty cash or working funds. Special cash deposits for payment of interest, dividends or other special purposes shall be included in this account in separate subdivisions which shall specify the purpose for which each such special deposit is made.

Note: Special deposits for more than one year, which are not offset by current liabilities, shall not be charged to this account but to account 125, Special Funds.

132 Temporary cash investments.

A. This account shall include the book cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

B. This account shall be so maintained as to show separately temporary cash investments in securities of associated companies and of others. Records shall be kept of any pledged investments.

141 Notes receivable.

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable and similar evidences (except interest coupons) of money due on demand or within one year from the date of issue..

Note: The face amount of notes receivable, discounted, sold, or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

142 Customer accounts receivable.

A. This account shall include amounts due from customers for utility service, and for merchandising, jobbing, and contract work.

B. This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing, and contract work.

143 Other accounts receivable.

A. This account shall include amounts due the utility upon open accounts, other than amounts due from customers for utility services and merchandising, jobbing, and contract work.

B. This account shall be maintained so as to show separately amounts due on subscriptions to capital stock and from officers and employees, but the account shall not include amounts advanced to officers or others as working funds.

144 Accumulated provision for uncollectible accounts—Cr.

A. This account shall be credited with amounts provided for losses on accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto. Concurrent charges shall be made to account 778, Uncollectible Accounts, for amounts applicable to utility operations, and to corresponding accounts for other operations. Records shall be maintained so as to show the writeoffs of accounts receivable for each utility department.

B. This account shall be subdivided to show the provision applicable to the following classes of accounts receivable:

Utility customers.
Merchandising, jobbing, and contract work.
Officers and employees.
Other.

Note A: Accretions to this account shall not be made in excess of a reasonable provision against losses of the character provided for.

Note B: If provisions for uncollectible notes receivable are necessary, separate subaccounts therefor shall be established under account 141, Notes Receivable.

150 Materials and supplies.

A. This account shall include the cost of fuel on hand and unapplied materials and supplies (except meters and house regulators). It shall include also the book cost of materials recovered in connection with construction, maintenance or the retirement of property, such materials being credited to construction, maintenance, or accumulated depreciation provision, respectively, and included herein as follows:

(1) Reusable materials consisting of large individual items shall be included in this account at original cost, estimated if not known. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(2) Reusable materials consisting of relatively small items, the identity of which (from the date of original installation to the final abandonment or sale thereof) cannot be ascertained without undue refinement in accounting, shall be included in this account at current prices new for such items. The cost of repairing such items shall be charged to the appropriate expense account as indicated by previous use.

(3) Scrap and nonusable materials included in this account shall be carried at the estimated net amount realizable therefrom. The difference between the amounts realized for scrap and nonusable materials sold and the net amount at which the materials were carried in this account, as far as practicable, shall be adjusted to the accounts credited when the materials were charged to this account.

B. Materials and supplies issued shall be credited hereto and charged to the appropriate construction, operating expense, or other account on the basis of a unit price determined by the use of cumulative-average, first-in-first-out, or such other method of inventory accounting as conforms with accepted accounting standards consistently applied.

C. Inventories of materials, supplies, fuel, etc., shall be taken at least annually and the necessary adjustments shall be made to bring this account into agreement with the actual inventories. In effecting the adjustments, large differences which can be assigned to important classes of materials shall be equitably adjusted among the accounts to which such classes of materials have been charged since the previous inventory. Other differences shall be equitably apportioned among the accounts to which materials have been charged.

Items

1. Invoice price of materials less cash or other discounts.
2. Freight, switching or other transportation charges when practicable to include as part of the cost of particular materials to which they relate.
3. Customs duties and excise taxes.
4. Costs of inspection and special tests prior to acceptance.
5. Insurance and other directly assignable charges.

Note A: Where expenses applicable to materials purchased cannot be directly assigned to particular purchases, they may be charged to a stores expense clearing account and distributed therefrom to the appropriate account.

Note B: When materials and supplies are purchased for immediate use, they need not be carried through this account but may be charged directly to the appropriate gas plant or expense account.

165 Prepayments.

A. This account shall include the amount of rents, taxes, insurance, interest and like disbursements made in advance of the period to which they apply. As the periods covered by such prepayments expire, credit this account and charge the proper operating expense or other account with the amount applicable to the period.

B. This account shall be kept or supported in such manner as to disclose the amount of each class of prepayments.

170 Other current and accrued assets.

This account shall include the book cost of all other current and accrued assets, appropriately designated and supported so as to show the nature of each asset included herein.

4. Deferred Debits

181 Unamortized debt discount and expense.

A. This account shall include the total of the unamortized balance of discount and expense for all classes of long-term debt.

B. The discount and expenses shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be charged to account 428, Amortization of Debt Discount and Expense. The utility may, however, accelerate the writing off of discount and expense where the amounts are insignificant.

182 Extraordinary property losses.

A. When authorized or directed by the Commission, this account shall include extraordinary losses on property abandoned or otherwise retired from service which are not provided for by the accumulated provisions for depreciation, depletion, or amortization and which could not reasonably have been foreseen and provided for, and extraordinary losses, such as unforeseen damages to property, which could not reasonably have been anticipated and which are not covered by insurance or other provisions.

B. The entire cost, less net salvage, of depreciable property retired shall be charged to accumulated provision for depreciation. If all, or a portion of the loss is to be included in this account, the accumulated provision for depreciation shall then be credited and this account charged with the amount properly chargeable hereto.

C. Application to the Commission for permission to use this account shall be accompanied by a statement giving a complete explanation with respect to the items which it is proposed to include herein, the period over which, and the accounts to which it is proposed to write off the charges, and other pertinent information.

183 Other deferred debits.

A. This account shall include the following classes of items:

(1) Expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of projects under contemplation. If construction results, this account shall be credited with the amount applicable thereto and the appropriate plant accounts shall be charged with an amount which does not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to plant. If the work is abandoned, the charge shall be to account 435, Miscellaneous Debits to Surplus, or to the appropriate operating expense account.

(2) Expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of acquiring land and land rights to provide a future supply of natural gas. If such land or land rights are acquired, this account shall be credited and the appropriate gas plant account (see gas plant instruction 3) charged with the amount of expenditures related to such acquisition. Such preliminary survey and investigation charges transferred to gas plant shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to gas plant. If the project is abandoned, the expenditures related thereto shall be charged to account 723, Other Exploration.

(3) Undistributed balances in clearing accounts at the date of the balance sheet. Balances in clearing accounts shall be substantially cleared not later than the end of the calendar year unless items held therein relate to a future period.

(4) Balances representing expenditures for work in progress other than on gas plant. This includes jobbing and contract work in progress.

(5) Other debit balances, the proper final disposition of which is uncertain, and unusual or extraordinary expenses, not included in other accounts, which are in process of being written off.

B. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each deferred debit included herein. The records supporting entries for preliminary natural gas surveys and investigations shall be so kept that the utility can furnish, for each investigation, complete information as to identification and location of the territory investigated, the number or other identification assigned to the land tract or leasehold acquired, and the nature and respective amounts of the charges.

5. Proprietary Capital

201 Common capital stock.

204 Preferred capital stock.

A. These accounts shall include the par value or the stated value of stock without par value if such stock has a stated value, and, if not, the cash value of the consideration received for such nonpar stock, of each class of capital stock actually issued, including the par or stated value of such capital stock in account 217, Reacquired Capital Stock.

B. When the actual cash value of the consideration received is more or less than the par or stated value of any stock having a par or stated value, the difference shall be credited or debited, as the case may be, to the premium or discount account for the particular class and series.

C. When capital stock is retired, these accounts shall be charged with the amount at which such stock is carried herein.

D. A separate ledger account, with a descriptive title, shall be maintained for each class and series of stock. The supporting records shall show the shares nominally issued, actually issued, and nominally outstanding.

Note: When a levy or assessment, except a call for payment on subscriptions, is made against holders of capital stock, the amount collected upon such levy or assessment shall be credited to account 207, Other Paid-In Capital; provided, however, that the credit shall be made to account 213, Discount on Capital Stock, to the extent of any remaining balance of discount on the issue of stock.

207 Other paid-in capital.

This account shall include the balance of all other credits for paid-in capital not includible in the capital stock accounts, and shall be kept so as to show the source of the credits includible herein.

Items

1. Premium received on original issues of capital stock.
2. Donations received from stockholders or reduction of debt of the utility, and the cash value of other assets received as a donation.
3. Reduction in par or stated value of capital stock.
4. Gain on resale or cancellation of reacquired capital stock.
5. Miscellaneous paid-in capital.

Note: Premium on capital stock shall not be set off against expenses. Further, a premium received on an issue of a certain class or series of stock shall not be set off against expense of another issue of the same class or series.

212 Installments received on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock the amount of installments received on capital stock on a partial or installment payment plan for subscribers who are not bound by legally enforceable subscription contracts.

B. As subscriptions are paid in full and certificates issued, this account shall be charged and the appropriate capital stock account credited with the par or stated value of such stock. Any discount or premium on an original issue shall be included in the appropriate discount or premium account.

213 Discount on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock all discount on the original issuance and sale of capital

stock, including additional capital stock of a particular class or series as well as first issues.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital, provided, however, that the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 435, Miscellaneous Debits to Surplus.

214 Capital stock expense.

A. This account shall include in a separate subdivision for each class and series of stock all commissions and expenses incurred in connection with the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues. Expenses applicable to capital stock shall not be deducted from premium on capital stock.

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein: *Provided, however,* That the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

NOTE: Expenses in connection with the reacquisition or resale of the utility's capital stock shall not be included herein.

215 Appropriated earned surplus.

This account shall include the amount of earned surplus which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

216 Unappropriated earned surplus.

This account shall include the balance, either debit or credit, of unappropriated surplus arising from earnings. It shall not include items includible in any subaccount of account 207, Other Paid-In Capital.

217 Reacquired capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock, the cost of capital stock actually issued by the utility and reacquired by it and not retired or canceled, except, however, stock which is held by trustees in sinking or other funds.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-In Capital: *Provided, however,* That debits shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that they exceed the balance of gains on resale or cancellation or reacquired stock included in account 207.

C. When reacquired capital stock is resold by the utility, the difference between the amount received on the resale of the stock, less expenses incurred in the resale, and the cost of the stock included in this account shall be accounted for as outlined in paragraph B.

NOTE: The accounting for reacquired stock shall be as prescribed herein unless otherwise specifically required by statute.

218 Noncorporate proprietorship.

This account shall include the investment in an unincorporated utility by the proprietor thereof, and shall be charged with all withdrawals from the business by its proprietor. At the end of each calendar year the net income for the year, as developed in the income account, shall be transferred to this account. (See optional accounting procedure provided in Note C, hereunder.)

NOTE A: Amounts payable to the proprietor as just and reasonable compensation for services performed shall not be charged to this account but to appropriate operating expense or other accounts.

NOTE B: When the utility is owned by a partnership, a separate account shall be kept to show the net equity of each member therein and the transactions affecting the interest of each such partner.

NOTE C: This account may be restricted to the amount considered by the proprietor to be the permanent investment in the business, subject to change only by additional investment by the proprietor or the withdrawal of portions thereof not representing net income. When this option is taken, the surplus accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

6. LONG-TERM DEBT

221 Bonds.

A. Separate accounts shall be maintained hereunder for unmatured bonds of each class and series. Each such account shall be subdivided so as to show: (1) the face value of the actually issued and unmatured bonds, which have not been retired or canceled; also, the face value of such bonds issued by others, the payment of which has been assumed by the utility, (2) the face value of bonds actually issued or assumed by the utility and reacquired by it, not paid, retired, or canceled. The account for reacquired debt shall not include securities which are held by trustees in sinking or other funds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

223 Advances from associated companies.

A. This account shall include the face value of notes payable to associated companies and the amount of open book accounts representing advances from associated companies. It does not include notes and open accounts representing indebtedness subject to current settlement.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information concerning each note and open account.

224 Other long-term debt.

A. This account shall include, until maturity, all long-term debt not otherwise provided for. This covers such items as receivers' certificates, real estate mortgages executed or assumed, assessments for public improvements, notes and unsecured certificates of indebtedness not owned by associated companies, receipts outstanding for long-term debt, and other obligations maturing more than one year from date of issue or assumption.

B. Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class all details as to date of obligation, date of maturity, interest dates and rates, security for the obligation, etc.

NOTE: Miscellaneous long-term debt reacquired shall be accounted for in accordance with the procedures set forth in account 221, Bonds.

7. CURRENT AND ACCRUED LIABILITIES

231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue.

232 Accounts payable.

This account shall include all amounts payable by the utility within one year, which are not provided for in other accounts.

235 Customer deposits.

This account shall include all amounts deposited with the utility by customers as security for the payment of bills.

236 Taxes accrued.

A. This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known, the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be shown under account 165, Prepayments.

B. If accruals for taxes are found to be insufficient or excessive, correction therefor shall be made through current tax accruals. However, if such corrections are so large as to seriously distort current expenses, they shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Accruals for taxes shall be based upon the net amount payable after credit for any discounts and shall not include any amounts for interest on tax deficiencies or refunds. Interest received on refunds shall be credited to account 419, Interest and Dividend Income, and interest paid on deficiencies shall be charged to account 431, Other Interest Expense.

D. The records supporting the entries to this account shall be kept so as to show for each class of taxes, the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

237 Interest accrued.

This account shall include the amount of interest accrued but not matured on all liabilities of the utility, not including, however, interest which is added to the principal of the debt on which incurred. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

238 Other current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere appropriately designated and supported so as to show the nature of each liability.

ITEMS

1. Dividends declared but not paid.
2. Matured long-term debt.
3. Matured interest.
4. Taxes collected through pay roll deductions or otherwise pending transmittal to the proper taxing authority.

8. DEFERRED CREDITS

251 Unamortized premium on debt.

A. This account shall include the total of the unamortized balance of premium and expense for all classes of long-term debt, including receivers' certificates.

B. The premium and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be credited to account 429, Amortization of Premium on Debt—Cr.

252 Customer advances for construction.

This account shall include advances by customers for construction which are to be refunded either wholly or in part. When a customer is refunded the entire amount to which he is entitled, according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 271, Contributions in Aid of Construction.

253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received.

9. OPERATING RESERVES

261 Property insurance reserve.

A. This account shall include amounts reserved by the utility for self-insurance against losses through accident, fire, flood, or other hazards to its own property or property leased from others. A schedule of risks covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. Charges shall be made to this account for losses covered by self-insurance. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

265 Miscellaneous operating reserves.

A. This account shall include all operating reserves maintained by the utility which are not provided for elsewhere.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and amounts of the debits and credits thereto.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Earned Surplus.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

A. This account shall include donations or contributions in cash, services, or property from states, municipalities or other governmental agencies, individuals, and others for construction purposes.

B. The credits to this account shall not be transferred to earned surplus or to any other account without the approval of the Commission.

C. The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) states, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department.

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. Such advances shall be credited to account 252, Customer Advances for Construction.

Gas Plant Accounts

1. INTANGIBLE PLANT

301 Organization.
302 Franchises and consents.
303 Miscellaneous intangible plant.

2. MANUFACTURED GAS PRODUCTION PLANT

310 Land and land rights.
311 Structures and improvements.
312 Coal gas equipment.
313 Water gas equipment.
314 Petroleum gas equipment.
315 Production equipment—Other processes.

3. NATURAL GAS PRODUCTION AND GATHERING

320 Producing gas lands, leaseholds, and gas rights.
321 Other land and land rights.
322 Structures and improvements.
323 Producing gas wells.
324 Gathering lines and equipment.
325 Drilling and cleaning equipment.
326 Other production equipment.

4. TRANSMISSION AND DISTRIBUTION PLANT

330 Land and land rights.
331 Structures and improvements.
332 Mains.
333 Pumping and regulating equipment.
334 Services.
335 Meters.
336 Meter installations.
337 House regulators.
338 House regulator installations.
339 Property on customers' premises.
340 Other equipment.

5. GENERAL PLANT

370 Land and land rights.
371 Structures and improvements.
372 Office furniture and equipment.
373 Transportation equipment.
379 Other general equipment.

6. OTHER GAS PLANT

390 Other tangible property.
391 Gas plant purchased or sold.
392 Gas plant in process of reclassification.
393 Gas plant leased to others.
394 Gas plant held for future use.
395 Construction work in progress—Gas.
396 Gas plant acquisition adjustments.
397 Other gas plant adjustments.

Gas Plant Accounts

1. INTANGIBLE PLANT

301 Organization.

This account shall include the cost of organizing and incorporating the utility and putting it into readiness to do business. This includes the cost of legal services, amounts paid for privileges of incorporation, office expenses, incident to organizing the company and stock and minute books and corporate seal.

NOTE: This account shall not include any discounts upon securities issued or assumed, nor shall it include any costs incident to negotiating loans, selling bonds, or other evidences of debt, or expenses in connection with the authorization, issuance or sale of capital stock.

302 Franchises and consents.

A. This account shall include amounts paid to the federal government, to a state or to a political subdivison thereof in consideration for franchises, consents, or certificates, running in perpetuity or for a specified term of more than one year, together with necessary and reasonable expenses incident to procuring such franchises, consents, or certificates of permission and approval.

B. If a franchise, consent, or certificate is acquired by assignment, the charge to this account in respect thereof shall not exceed the amount paid therefor by the utility to the assignor, nor shall it exceed the amount paid by the original grantee, plus the expense of acquisition to such grantee. Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 435, Miscellaneous Debits to Surplus.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or to account 110, Accumulated Provision for

Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

D. Records supporting this account shall be maintained so as to show separately the book cost of each franchise or consent.

NOTE: Annual or other periodic payments under franchises shall not be included herein but in the appropriate operating expense account.

303 Miscellaneous intangible plant.

A. This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of utility operations and not specifically chargeable to any other account.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

C. This account shall be maintained in such a manner that the utility can furnish full information with respect to the amounts included herein.

2. MANUFACTURED GAS PRODUCTION PLANT

NOTE: If the utility produces gas in two or more plants, separate production plant accounts shall be kept for each plant; when more than one kind of gas is produced at a single plant, the equipment used in common, if any, shall be kept in separate subdivisions and the extent of use for each process shall be indicated.

310 Land and land rights.

This account shall include the cost of land and land rights used in connection with gas production. (See gas plant instruction 3.)

311 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with manufactured gas production. This includes relief and storage holders when located at the production plant. (See gas plant instruction 4.)

312 Coal gas equipment.

This account shall include the cost installed of plant and equipment used for the production and purification of coal gas.

ITEMS

1. Power equipment, such as furnaces, boilers, internal combustion engines and other driving equipment; accessory equipment, such as fuel and ash handling and storage equipment, piping and accessories, etc.
2. Benches and retorts, coke ovens, and accessory equipment.
3. Producer gas equipment and accessories.
4. Purification equipment and accessories.
5. Residual refining equipment and accessories.
6. Other production and accessory equipment, such as gas mixing equipment, tanks, odorizing equipment, oil foggers, piping and accessories, works exhauster, works station meters and gauges, production laboratory equipment, etc.

NOTE: This account shall not include boilers or steam pipes whose primary purpose is the heating of structures.

313 Water gas equipment.

This account shall include the cost installed of equipment used in the generation and purification of water gas.

ITEMS

1. Power equipment, such as furnaces, boilers, internal combusion engines and other driving equipment; accessory equipment such as fuel and ash handling and storage equipment, piping and accessories, etc.
2. Water gas generating equipment, such as generators, carburetors, superheaters, and equipment accessory thereto.
3. Purification equipment and accessories.
4. Residual refining equipment and accessories.
5. Other production and accessory equipment, such as gas mixing equipment, tanks, odorizing equipment, oil foggers, piping and accessories, works exhauster, works station meters and gauges, production laboratory equipment, etc.

NOTE: This account shall not include boilers or steam pipes whose primary purpose is the heating of structures.

314 Petroleum gas equipment.

This account shall include the cost installed of equipment used for the production of gas from petroleum derivatives, such as propane, butane or gasoline.

ITEMS

1. Carbureting equipment and accessories.
2. Compression equipment including pumps and accessories.
3. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
4. Mixing or proportioning equipment.
5. Piping, including valves.
6. Storage equipment other than holders.
7. Vaporizing equipment.

315 Production equipment—other processes.

This account shall include the cost installed of production equipment for processes other than those provided for in preceding accounts, such as for the production of oil, gas, acetylene gas, etc., for producer gas when not for use in the manufacture of coal gas, and equipment for making or reforming gas by the catalytic cracking process.

3. NATURAL GAS PRODUCTION AND GATHERING

320 Producing gas lands, leaseholds and gas rights.

A. This account shall include the cost of (a) lands held in fee on which producing gas wells are located, and lands held in fee which are being drained of gas through the operation by the utility of wells on other land, (b) leaseholds on which the utility pays royalties for natural gas obtained therefrom, and (c) natural gas rights used in producing natural gas, whereby the utility obtains ownership in gas underlying land not owned or leased by the utility. (See gas plant instruction 3.)

B. Exclude from this account rents paid periodically for rights obtained under leases. Exclude also from this account the cost of leaseholds which terminate in one year or less after they become effective.

321 Other land and land rights.

This account shall include the cost of rights-of-way for gathering pipe lines and other lands and land rights used in connection with natural gas production operations except producing gas lands, leaseholds, and gas rights. Do not include in this account any payments with respect to rights-of-way or other land rights which terminate less than one year after they become effective. Any such payments, as well as annual or other periodic payments for use of land, should be charged to account 713, Operation Supplies and Expenses. (See gas plant instruction 3.)

322 Structures and improvements.

This account shall include the cost of structures and improvements used in connection with natural gas production and gathering operations. (See gas plant instruction 4.)

323 Producing gas wells.

This account shall include the cost of productive gas wells.

ITEMS

1. Casing.
2. Clearing site for drilling.
3. Drive pipe.
4. Fittings, including shut-in valve, separators, and drips.
5. Fuel or power used in drilling, cost of.
6. Packing.
7. Pumps and drives permanently connected.
8. Tubing.
9. Rent of drilling equipment.
10. Roads to well site, cost of making, clearing, etc.
11. Cost of hauling, erecting, dismantling, and removing boilers, portable engines, derricks, rigs and other equipment and tools used in drilling.
12. Water used in drilling obtained either by driving wells, piping from springs or streams, or by purchase.

NOTE: Cost of drilling, etc., incurred in connection with dry holes shall be charged as provided in account 721, Nonproductive Well Drilling.

324 Gathering lines and equipment.

This account shall include the cost installed of pipe lines and equipment used in conveying natural gas from the wells to the point of storage or compression, or where it enters the transmission or distribution system.

ITEMS

1. Boosters.
2. Drip traps.
3. Driving units.
4. Gathering lines, including pipe, valves, fittings, and supports.
5. Instruments, meters, pressure gauges, etc.
6. Pressure regulators.
7. Pumps.

325 Drilling and cleaning equipment.

This account shall include the cost of implements and equipment used in drilling and cleaning natural gas wells.

ITEMS

1. Bailers.
2. Boilers.
3. Derricks.
4. Drilling cables.
5. Drilling machines.
6. Engines.
7. Motors.
8. Pulling machines.
9. Rigs.

326 Other production equipment.

This account shall include the cost installed of equipment used in the production of gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Natural gas purification equipment.
2. Odorizing equipment.
3. Oil foggers.
4. Production laboratory equipment.

4. TRANSMISSION AND DISTRIBUTION PLANT

330 Land and land rights.

This account shall include the cost of land and land rights used in connection with transmission or distribution operations. (See gas plant instruction 3.)

331 Structures and improvements.

A. This account shall include the cost in place of structures and improvements used in connection with transmission or distribution operations. (See gas plant instruction 4.)

B. This includes storage holders and accessory equipment when located on the transmission or distribution system. Storage holders and accessory equipment located at the production plant shall be included in account 311, Structures and Improvements.

332 Mains.

This account shall include the cost installed of transmission and distribution system mains.

ITEMS

1. Drip lines and pots.
2. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
3. Municipal inspection.
4. Pavement disturbed, including cutting and replacing pavement, pavement base and sidewalks.
5. Permits.
6. Pipe coatings.
7. Pipe and fittings.
8. Pipe laying.
9. Pipe supports.
10. Protection of street openings.
11. Surveys made for main construction.
12. Valves (including manholes or pits), not associated with pumping or regulating equipment.

333 Pumping and regulating equipment.

This account shall include the cost installed of pumping, regulating, and measuring equipment, including minor structures which house such equipment.

ITEMS

1. After-cooling equipment and accessories.
2. Boosters.
3. Compressors.
4. Driving units for items listed herein.
5. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
6. Foundations and vaults for items listed herein.
7. Governors or regulators for pressure in mains.
8. Manholes or pits used to house equipment included in this account.
9. Meters located on mains.
10. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
11. Piping and fittings for equipment.
12. Pressure indicators.
13. Pressure regulating devices.
14. Valves associated with pumping or regulating equipment.

334 Services.

A. This account shall include the cost installed of service pipes and accessories leading to the customers' premises.

B. A complete service begins with the connection on the main and extends to but does not include the connection with the customer's meter. A stub service extends from the main to the property line, or the curb stop.

C. Services which have been used but have become inactive shall be retired from utility plant in service immediately if there is no prospect for reuse, and, in any event, shall be retired by the end of the second year following that during which the service became inactive unless reused in the interim.

ITEMS

1. Curb valves and curb boxes.
2. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
3. Landscaping, including lawns, shrubbery, shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
4. Municipal inspection.
5. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
6. Permits.
7. Pipe and fittings, including saddle, T, or other fitting on street main.
8. Pipe coating.
9. Pipe laying.
10. Protection of street openings.
11. Service drips.
12. Service valves, at head of service, when installed or furnished by the utility.

NOTE: When a customer pays all or a part of the cost of the service and such cost is properly includible in this account, the amount borne or contributed by the customer shall be credited to account 271, Contributions in Aid of Construction.

335 Meters.

A. This account shall include the cost installed of meters or devices and appurtenances thereto, for use in measuring gas delivered to users, whether actually in service or held in reserve.

B. When a meter is permanently retired from service, the installed cost thereof shall be credited to this account.

C. The records of meters shall be so kept that the utility can furnish information as to the number of meters of each type and capacity in service and in reserve as well as the location of each meter.

ITEMS

1. Meters, including badging and initial testing.

Meter installations:

2. Cocks.
3. Labor.
4. Locks.
5. Meter bars.
6. Pipe and fittings.
7. Seals.
8. Shelves.
9. Swivels and bushings.
10. Transportation.

NOTE A: At the option of the utility, costs of meter installations may be accounted for separately from the cost of meters in accordance with the provisions of account 336, Meter Installations. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

NOTE B: The labor cost of removing and resetting meters shall be charged to account 760, Supervision and Labor, and supplies used or other expense incurred charged to account 761, Operation Supplies and Expenses.

336 Meter installations.

A. This account shall include the cost of labor and materials used, and expenses incurred in connection with the original installation of customer meters.

B. When a meter installation is permanently retired from service, the cost thereof shall be credited to this account.

ITEMS

1. Cocks.
2. Locks.
3. Labor.
4. Meter bars.
5. Pipe and fittings.
6. Seals.
7. Shelves.
8. Swivels and bushings.
9. Transportation.

NOTE: At the option of the utility, meter installations may be accounted for as part of the cost installed of meters, in accordance with the provisions of account 335, Meters. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

337 House regulators.

A. This account shall include the cost installed of house regulators whether actually in service or held in reserve.

B. When a house regulator is permanently retired from service, the installed cost thereof shall be credited to this account.

ITEMS

1. House regulator.

House regulator installations:

2. Cocks.
3. Labor.
4. Locks.
5. Pipe and fittings.
6. Regulator vents.
7. Swivels and bushings.
8. Transportation.

NOTE: At the option of the utility, cost of house regulator installations may be accounted for separately from the cost of house regulators in accordance with the provisions of account 338, House Regulator Installations. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

338 House regulator installations.

A. This account shall include the cost of labor and materials used and expenses incurred in connection with the original installation of house regulators.

B. When a house regulator installation is permanently retired from service, the cost thereof shall be credited to this account.

ITEMS

1. Cocks.
2. Labor.
3. Locks.
4. Pipe and fittings.
5. Regulator vents.
6. Swivels and bushings.
7. Transportation.

NOTE: At the option of the utility, house regulator installations may be accounted for as part of the cost installed of house regulators in accordance with the provisions of account 337, House Regulators. The prac-

tice, however, shall be consistent from year to year and throughout the utility's system.

339 Property on customers' premises.

This account shall include the cost, including first setting and connecting, of equipment owned by the utility installed on customer premises which is not includible in other accounts.

340 Other equipment.

This account shall include the cost installed of all other transmission and distribution equipment not provided for in the foregoing accounts, including street lighting equipment.

ITEMS

1. Carbon monoxide tester and indicator.
2. Explosimeters.
3. Fire extinguisher.
4. Gas masks.
5. Lockers.
6. Portable pump.
7. Recording gauges.
8. Street lighting equipment.
9. Test meters.
10. Watchmen's clocks.

5. GENERAL PLANT

370 Land and land rights.

This account shall include the cost of land and land rights used for utility purposes, the cost of which is not properly includible in other land and land rights accounts. (See gas plant instruction 3.)

371 Structures and improvements.

This account shall include the cost in place of structures and improvements used for utility purposes, the cost of which is not properly includible in other structures and improvements accounts. (See gas plant instruction 4.)

372 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the utility and devoted to utility service, and not permanently attached to buildings, except the cost of such furniture and equipment which the utility elects to assign to other plant accounts on a functional basis.

ITEMS

1. Bookcases and shelves.
2. Desks, chairs, and desk equipment.
3. Drafting-room equipment.
4. Filing, storage, and other cabinets.
5. Floor covering.
6. Library and library equipment.
7. Mechanical office equipment, such as accounting machines, typewriters, etc.
8. Safes.
9. Tables.

373 Transportation equipment.

This account shall include the cost of transportation vehicles used for utility purposes.

ITEMS

1. Automobiles.
2. Bicycles.
3. Electrical vehicles.
4. Motor trucks.
5. Motorcycles.
6. Repair cars or trucks.
7. Tractors and trailers.
8. Other transportation vehicles.

379 Other general equipment.

This account shall include the cost installed of the following equipment:

(1) Equipment used for the receiving, shipping, handling, and storage of materials and supplies when not an integral part of the housing structure.

(2) Equipment specially provided for general shops when such equipment is not an integral part of the housing structure.

(3) Laboratory equipment used for general laboratory purposes and not specially provided for or includible in other departmental or functional plant accounts.

(4) Tools, implements, and equipment used in construction or repair work exclusive of equipment includible in other equipment accounts.

(5) Other general equipment, apparatus, etc., used in the utility's gas operations, and which is not includible in any other account.

NOTE: General equipment of the nature indicated above whenever practicable shall be assigned to the gas plant accounts on a functional basis.

6. OTHER GAS PLANT

390 Other tangible property.

This account shall include the cost of tangible gas plant not provided for elsewhere.

391 Gas plant purchased or sold.

This account shall be charged with the cost of gas plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and shall be credited with the selling price of like property transferred to others pending the distribution to appropriate accounts as the Commission shall approve or direct.

392 Gas plant in process of reclassification.

A. This account shall include temporarily the balance of gas plant as of the effective date of the prior system of accounts, which has not yet been reclassified as of the effective date of this system of accounts. The detail or primary accounts in support of this account employed prior to such date shall be continued pending reclassification into the gas plant accounts herein prescribed (301–390), but shall not be used for additions, betterments, or new construction.

B. No charges other than as provided in paragraph A, above, shall be made to this account, but retirements of such unclassified gas plant shall be credited hereto and to the supporting (old) fixed capital accounts until the reclassification shall have been accomplished.

393 Gas plant leased to others.

A. This account shall include the original cost of gas plant owned by the utility, but leased to others as operating units or systems, where the lessee has exclusive possession.

B. The property included in this account shall be classified according to the detailed accounts (301–390) prescribed for gas plant in service, and this account shall be maintained in such detail as though the property were used by the owner in its utility operations.

394 Gas plant held for future use.

A. This account shall include the original cost of property owned and held for future use in gas service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in gas service, but held for such service in the future under a definite plan, and property previously used by the utility in gas service pending its reuse in the future, under a definite plan, in gas service. This includes land and land rights held to insure a future supply of natural gas.

B. The property included in this account shall be classified according to the detailed accounts (301–390) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason excepting seasonal excess capacity or governmental proration requirements or for repairs.

395 Construction work in progress—Gas.

This account shall include the total of the balances of work orders for gas plant in process of construction but not ready for service at the date of the balance sheet.

396 Gas plant acquisition adjustments.

A. This account shall include the difference between (a) the cost to the accounting utility of gas plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and (b) the original cost, estimated if not known, of such property, less the amount or amounts credited by the accounting utility at the time of acquisition to accumulated provision for depreciation, depletion and amortization and contributions in aid of construction with respect to such property.

B. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

397 Other gas plant adjustments.

A. This account shall include the difference between the original cost, estimated if not known, and the book cost of gas plant to the extent that such difference is not properly includible in account 396, Gas Plant Acquisition Adjustments.

B. Amounts included in this account shall be classified in such manner as to show the origin of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of gas plant.

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.
Operating expenses:
401 Operation and maintenance expense.
403 Depreciation and depletion expense.

404 Amortization expense.
408 Taxes other than income taxes.
409 Income taxes.
Total operating expenses.
Operating income.
412–413 Income, from gas plant leased to others.
414 Other utility operating income.
Total operating income.

2. OTHER INCOME

415–416 Income from merchandising, jobbing, and contract work.
418 Nonoperating rental income.
419 Interest and dividend income.
421 Miscellaneous nonoperating income.
Total other income.
Total income.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.
426 Other income deductions.
Total income deductions.
Income before interest charges.

4. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt—Cr.
430 Interest on debt to associated companies.
431 Other interest expense.
432 Interest charged to construction—Cr.
Total interest charges.
Net income.

5. EARNED SURPLUS

216 Unappropriated earned surplus (at beginning of period).
433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
Net addition to earned surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
216 Unappropriated earned surplus (at end of period).

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

There shall be shown under this caption the total amount included in the gas operating revenue accounts provided herein.

401 Operation and maintenance.

There shall be shown under this caption the total amount included in the gas operation and maintenance expense accounts provided herein.

403 Depreciation and depletion expense.

A. This account shall include the amount of depreciation expense for the period covered by the income statement for all classes of depreciable gas plant in service except such depreciation expense as is chargeable to clearing accounts or to merchandising, jobbing and contract work activities. It shall also include depletion and amortization expense with respect to producing natural gas lands and land rights.

B. The charges to this account for amortization and depletion of producing natural gas land and land rights shall be made in such manner as to distribute the cost of producing natural gas land and land rights over the period of their benefit to the utility, based upon the exhaustion of the natural gas deposits recoverable from such land and land rights.

404 Amortization expense.

This account shall include amortization charges applicable to amounts included in the gas plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, other than land rights held for production of natural gas, and expenditures on leased property where the service life of the improvements is terminable by action of the lease. The charges to this account shall be such as to distribute the book cost of each investment as evenly as may be over the period of its benefit to the utility. Include also, when authorized by the Commission, amortization of extraordinary property losses. (See account 182, Extraordinary Property Losses.)

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, which are properly chargeable to gas operations, except income taxes.

B. This account shall be charged in each accounting period with the amount of taxes which is applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to this account shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in this account shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Taxes applicable to nonutility property or investments, including taxes on net income derived therefrom, shall be charged to the account in which the income from the property or investments is included.

NOTE B: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE C: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE D: Taxes assumed by the utility on property leased from others for use in utility operations shall be charged to the appropriate rent expense or clearing account.

NOTE E: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE F: Social Security and other forms of so-called pay roll taxes shall be destributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

409 Income taxes.

A. This account shall include the amount of state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to utility operations.

B. The accruals for income taxes shall be apportioned among utility departments and nonutility operations so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or nonutility operation the income from which gave rise to the tax.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Income taxes on income from gas plant leased to others shall be charged to account 413, Expenses of Gas Plant Leased to Others.

NOTE C: Where statutes or regulatory practices require that the profits or losses of merchandising, jobbing and contract work shall not be considered in arriving at rates to be charged for utility service, income taxes on income from merchandising, jobbing and contract work shall be charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

NOTE D: Income taxes on nonutility income shall be charged to the account in which the income is included.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expenses, as appropriate.

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

A. These accounts shall include, respectively, revenues from gas property constituting a distinct operating unit or system leased by the utility to others, and which property is properly includible in account 393, Gas Plant Leased to Others, and the expenses attributable to such property.

B. The detail of expense shall be kept or supported so as to show separately the following:

Operation and maintenance.
Rents.
Depreciation and depletion.
Amortization.
Taxes other than income taxes.
Income taxes.

414 Other utility operating income.

A. This account shall include the revenues received and expenses incurred in connection with the operations of utility plant, the book cost of which is included in account 118, Other Utility Plant.

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, taxes, and insurance.

2. OTHER INCOME

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission, and all expenses incurred in such activities.

NOTE: The revenues and expenses of merchandising, jobbing and contract work shall be reported in these accounts if a State regulatory body having jurisdiction over the utility requires the net income therefrom to be reported as other income; but the amounts shall be reported in accounts 780 and 781 if such regulatory body requires the net income to be reported as an operating income or expense item. In the absence of a requirement by a State regulatory body, the utility may use these accounts or accounts 780 and 781 at its option, in which case the practice of the utility must be consistent.

ITEMS

Account 415:

1. Revenues from sale of merchandise and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 416:

1. Cost of merchandise sold and materials used in jobbing work.
2. Labor and expenses incurred in merchandising and jobbing operations.

418 Nonoperating rental income.

This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property.

419 Interest and dividend income.

A. This account shall include interest revenues on securities, loans, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received are carried as investments or included in sinking- or other special-fund accounts.

B. If any interest or dividends are required to be retained in a special fund and the fund is represented by a reserve, the amount of such accretion to the fund shall concurrently be credited to the appropriate reserve account and charged to account 436, Appropriations of Surplus.

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items properly includible in the income account and not provided for elsewhere.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program. Similar charges made irregularly without a definite program, or which are dependent upon the amount of net income shall be charged to account 435, Miscellaneous Debits to surplus.

ITEMS

1. Amortization of utility plant acquisition adjustments or of intangibles included in utility plant in service when not authorized to be included in utility operating expenses by the Commission.
2. Amortization of amounts in account 182, Extraordinary Property Losses, when not authorized to be included in utility operating expenses by the Commission.
3. Amortization of capital stock discount or expenses when in accordance with a systematic amortization program.

426 Other income deductions.

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

ITEMS

1. Donations for charitable, social or community welfare purposes.
2. Life insurance of officers and employees where utility is beneficiary (net premiums less increase in cash surrender value of policies).
3. Penalties or fines for violation of statutes pertaining to regulation.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

4. INTEREST CHARGES

427 Interest on long-term debt.

A. This account shall include the amount of interest on outstanding long-term debt issued or assumed by the utility, the liability for which is included in account 221, Bonds, or account 224, Other Long-Term Debt.

B. This account shall be so kept or supported as to show the interest accruals on each class and series of long-term debt.

NOTE: This account shall not include interest on nominally issued or nominally outstanding long-term debt, including securities assumed.

428 Amortization of debt discount and expense.

A. This account shall include the amortization of unamortized debt discount and expense on outstanding long-term debt. Amounts charged to this account shall be credited concurrently to account 181, Unamortized Debt Discount and Expense.

B. This account shall be so kept or supported as to show the debt discount and expense on each class and series of long-term debt.

429 Amortization of premium on debt—Cr.

A. This account shall include the amortization of unamortized net premium on outstanding long-term debt. Amounts credited to this account shall be charged concurrently to account 251, Unamortized Premium on Debt.

B. This account shall be so kept or supported as to show the premium on each class and series of long-term debt.

430 Interest on debt to associated companies.

A. This account shall include the interest accrued on amounts included in account 223, Advances from Associated Companies, and on all other obligations to associated companies.

B. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued.

431 Other interest expense.

This account shall include all interest charges not provided for elsewhere.

ITEMS

1. Interest on notes payable on demand, or maturing one year or less from date and on open accounts, except notes and accounts with associated companies.
2. Interest on customers' deposits.
3. Interest on claims and judgments, tax assessments, and assessments for public improvements past due.
4. Income and other taxes levied upon bondholders of utility and assumed by it.

432 Interest charged to construction—Cr.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

5. EARNED SURPLUS

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

434 Miscellaneous credits to surplus.

This account shall include credits affecting earned surplus not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate non-operating income account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Delayed credits.
2. Profit on reacquisition and resale or retirement of utility's debt securities.
3. Profit on sale of property or investments.

435 Miscellaneous debits to surplus.

This account shall include amounts chargeable to earned surplus but not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be charged to this account is not significant with respect to net income determination for the year, it may be charged to the appropriate non-operating income deduction account. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Decline in value of investments.
2. Delayed debits.
3. Loss on reacquisition and resale or retirement of utility's debt securities.
4. Provision for past accrued depreciation not provided for.
5. Long-term debt discount and expense written off.
6. Loss on sale of property or investments.
7. Write off of utility plant acquisition adjustments or of intangibles when not done under an orderly systematic program indicating the propriety of inclusion of the annual charges in account 425, Miscellaneous Amortization.
8. Preliminary survey and investigation expenses on abandoned projects.
9. Income taxes, both state and federal, occasioned by items included in account 434, Miscellaneous Credits to Surplus.
10. Charges from retirement or resale of reacquired capital stock.

436 Appropriations of surplus.

This account shall include appropriations of earned surplus for purposes not provided for elsewhere in this system of accounts.

ITEMS

1. Appropriations of income required under terms of mortgages, orders of courts, contracts or other agreements.
2. Appropriations of income required by action of regulatory authorities.
3. Miscellaneous appropriations of income made at option of utility for specified purposes.

437 Dividends declared—Preferred stock.

This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

438 Dividends declared—Common stock.

This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding common capital stock issued by the utility.

Operating Revenue Accounts

1. SALES OF GAS

480 Residential sales.
481 Commercial and industrial sales.
483 Sales for resale.
484 Interdepartmental sales.

2. OTHER OPERATING REVENUES

487 Forfeited discounts.
488 Miscellaneous service revenues.
489 Revenues from transportation of gas of others.
491 Revenues from natural gas processed by others.
492 Incidental gasoline and oil sales.
493 Rent from gas property.
494 Interdepartmental rents.
495 Other gas revenues.

Operating Revenue Accounts

1. SALES OF GAS

480 Residential sales.

A. This account shall include the net billing for gas supplied for residential or domestic purposes.

B. Records shall be maintained so that the quantity of gas sold and the revenues received under each rate schedule shall be readily available.

NOTE: When gas supplied through a single meter is used for both residential and commercial purposes, the total revenue shall be included in this account or account 481, Commercial and Industrial Sales, according to the rate schedule which is applied. If the same rate schedules are applicable to both residential and commercial service, classification shall be according to principal use.

481 Commercial and industrial sales.

A. This account shall include the net billing for gas supplied to commercial and industrial customers.

B. Records shall be maintained so that the quantity of gas sold and revenue received under each rate schedule shall be readily available.

NOTE: When gas supplied through a single meter is used for both commercial and residential purposes, the total revenue shall be included in this account or in account 480, Residential Sales, according to the rate schedule which is applied. If the same rate schedules are applicable to both residential and commercial service, classification shall be according to principal use.

483 Sales for resale.

A. This account shall include the net billing for gas supplied to other gas utilities or to public authorities for resale purposes.

B. Records shall be maintained so that there shall be readily available the revenues for each customer under each revenue schedule and the billing determinants, as applicable, i.e., volume of gas (actual and billing), contract demand, maximum actual demand, billing demand, and Btu adjustment factor.

NOTE: Revenues from gas supplied to other public utilities for use by them and not for distribution, shall be included in account 481, Commercial and Industrial Sales, unless supplied under the same contract as and not readily separable from revenues includible in this account.

484 Interdepartmental sales.

A. This account shall include amounts charged by the gas department at tariff or other specified rates for gas supplied by it to other utility departments.

B. Records shall be maintained so that the quantity of gas supplied each other department and the charge made therefor shall be readily available.

2. OTHER OPERATING REVENUES

487 Forfeited discounts.

This account shall include the amount of discounts forfeited or additional charges imposed because of the failure of customers to pay gas bills on or before a specified date.

488 Miscellaneous service revenues.

This account shall include revenues from all miscellaneous services and charges billed to customers which are not specifically provided for in other accounts.

ITEMS

1. Fees for changing, connecting, or disconnecting service.
2. Profit on maintenance of appliances, piping, gas firing and other utilization facilities, or other installations on customers' premises.
3. Net credit or debit (cost less net salvage and less payment from customers) on closing work orders for plant installed for temporary service of less than one year.
4. Recovery of expenses in connection with gas diversion cases. (Billing for the gas consumed shall be included in the appropriate gas revenue account.)
5. Services performed for other gas companies for testing and adjusting meters, changing charts, etc.

489 Revenues from transportation of gas of others.

This account shall include revenues from transporting gas for other companies through the production, transmission, and distribution lines, or compressor stations of the utility.

491 Revenues from natural gas processed by others.

A. This account shall include revenues from royalties and permits, or other bases of settlement, for permission granted others to remove products from natural gas of the utility.

B. The records supporting this account shall be so maintained that full information concerning determination of the revenues will be readily available concerning each processor of gas of the utility, including as applicable (a) the Mcf of gas and approximate average Btu content thereof per cubic foot delivered to such other party for processing, (b) the Mcf of gas and approximate average Btu content thereof per cubic foot of gas received back from the processor, (c) the field, general production area, or other source of the gas processed, (d) Mcf of gas used for processing fuel, etc., which is chargeable to the utility, (e) total gallons of each product recovered by the processor and the utility's share thereof, (f) the revenues accruing to the utility, and (g) the basis of determination of the revenues accruing to the utility. Such records shall be maintained even though no revenues are derived from the processor.

492 Incidental gasoline and oil sales.

This account shall include revenues from natural gas gasoline produced direct from gas wells or recovered from drips or obtained in connection with purification or dehydration processes, and revenues from oil obtained from wells which produce oil and gas, the investment in which is carried in account 323, Producing Gas Wells.

493 Rent from gas property.

A. This account shall include rents received for the use by others of land, buildings, and other property devoted to gas operations by the utility.

B. When property owned by the utility is operated jointly with others under a definite arrangement for sharing the actual expenses among the parties to the arrangement, any amount received by the utility for interest or return or in reimbursement of taxes or depreciation on the property shall be credited to this account.

NOTE: Do not include rent from property constituting an operating unit or system in this account. (See account 412, Revenues from Gas Plant Leased to Others.)

494 Interdepartmental rents.

This account shall include credits for rental charges made against other departments of the utility. In the case of property operated under a definite arrangement to allocate actual costs among the departments using the property, any allowance to the gas department for interest or return and depreciation and taxes shall be credited to this account.

495 Other gas revenues.

This account shall include revenues derived from gas operations not includible in any of the foregoing accounts.

ITEMS

1. Commission on sale or distribution of gas of others when sold under rates filed by such others.
2. Compensation for minor or incidental services provided for others such as customer billing, engineering, etc.
3. Profit or loss on sale of material and supplies not ordinarily purchased for resale and not handled through merchandising and jobbing accounts.
4. Sales of steam, water, or electricity, including sales or transfers to other departments of the utility.
5. Service charges for storing gas of others.
6. Miscellaneous royalties received.
7. Revenues from dehydration and other processing of gas of others, except compression of gas of others, revenues from which are includible in account 483, Revenues from Transportation of Gas of Others.

Operation and Maintenance Expense Accounts

1. MANUFACTURED GAS PRODUCTION

700 Supervision and labor.
701 Fuel and raw materials.
703 Operation supplies and expenses.
706 Repairs of manufactured gas production plant.

2. NATURAL GAS PRODUCTION AND GATHERING

710 Supervision and labor.
713 Operation supplies and expenses.
714 Gas well royalties.
720 Delay rentals.
721 Nonproductive well drilling.
722 Abandoned leases.
723 Other exploration.
725 Repairs of production and gathering plant.

3. PURCHASED GAS

730 Purchased gas.

4. TRANSMISSION AND DISTRIBUTION

760 Supervision and labor.
761 Operation supplies and expenses.
762 Repairs of transmission and distribution plant.
765 Transportation expenses.

5. GENERAL EXPENSE

770 Administrative and general salaries.
771 Office supplies and expenses.
772 Outside services employed.
773 Insurance expense.
775 Employees pensions and benefits.
776 Regulatory commission expenses.
777 Miscellaneous general expenses.
778 Uncollectible accounts.
780 Revenues from merchandising, jobbing, and contract work.
781 Costs and expenses of merchandising, jobbing, and contract work.

Operation and Maintenance Expense Accounts

1. MANUFACTURED GAS PRODUCTION

700 Supervision and labor.

This account shall include the cost of supervision and labor in the operation and maintenance of manufactured gas production plants including miscellaneous labor such as care of grounds, building service, etc.

ITEMS

1. Operating and attending gas making equipment and auxiliaries.
2. Cleaning, lubricating and oiling gas making equipment and auxiliaries.
3. Unloading and other handling of coal or other fuel, residuals, waste materials, etc.
4. Keeping plant logs, and other records and preparing reports on plant operations.

701 Fuel and raw materials.

A. This account shall include the cost delivered at works, including freight, switching, etc., of coal, oil, liquefied petroleum gas, enriching materials, and any other fuel and raw materials used in the manufacture of gas. This account also shall include the net cost of, or amount realized from, the disposal of ashes.

B. Records shall be kept to show the quantity and cost of each type of fuel and raw material used.

703 Operation supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in connection with the operation of manufactured gas production plant.

ITEMS

1. Lubricants.
2. Packing.
3. Power or steam purchased.
4. Purification supplies.
5. Tools, hand.
6. Water purchased.
7. Waste.
8. Rents.

706 Repairs of manufactured gas production plant.

This account shall include the cost of repair parts and materials, and amounts of bills from others for repairs made to steam production plant. It shall not, however, include the cost of labor of the utility's own plant operating force.

ITEMS

1. Contract work for repairs and for rearrangement or relocation of plant not retired.
2. Repair parts and materials for repairs of manufactured gas production plant.

2. NATURAL GAS PRODUCTION AND GATHERING

710 Supervision and labor.

This account shall include the cost of supervision and labor in the operation and maintenance of gas wells, field lines, compressors, measuring and regulating equipment, drilling and cleaning equipment, and other plant of the natural gas production and gathering system.

ITEMS

1. Turning on and shutting off gas wells, bailing, swabbing, blowing gas wells, etc.
2. Patrolling field lines, attending and lubricating valves and other equipment, blowing and cleaning drips, taking line pressures, etc.
3. Operating field booster stations.
4. Attending measuring and regulating stations, recording pressures, changing charts, adjusting equipment, inspecting and pumping drips, etc.
5. Attending and servicing purification apparatus.
6. Moving equipment, minor structures, etc. not in connection with construction.
7. Cutting grass and weeds on rights-of-way or around equipment, etc.
8. Cleaning and repairing tools.
9. Building and repairing gate boxes, foot bridges, stiles, etc.

713 Operation supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in the operation and maintenance of natural gas production and gathering plant.

ITEMS

1. Fuel.
2. Lubricants.
3. Meter charts and supplies.
4. Odorizing material.
5. Oil for oil fogging.
6. Power.
7. Pressure charts and supplies.
8. Purification supplies.
9. Tools, hand.
10. Transportation.
11. Waste.
12. Scrubber oil.
13. Well swabs.
14. Geological and gas reserve services by others than employees in connection with gas production.

714 Gas well royalties.

A. This account shall include royalties or other amounts paid for natural gas produced by the utility from wells on land owned by others.

B. Records supporting the entries to this account shall be so kept that the utility can furnish the name of the parties to each contract involving royalties, the terms of each contract, the location of the property involved, the method of determining the royalties, and the amounts payable.

720 Delay rentals.

A. This account shall be charged with the amount of rents paid periodically on natural gas lands in order to hold natural gas land and land rights for the purpose of obtaining a supply of gas in the future.

B. Include, also, in this account the cost of obtaining natural gas leases for a period of one year or less.

C. Records supporting this account shall be so kept that the utility can furnish complete details of the charges made for each natural gas leasehold. (See note to paragraph D of gas plant instruction 3.)

721 Nonproductive well drilling.

This account shall include the net cost of drilling wells which prove to be nonproductive.

NOTE: Records in support of the charges to this account shall conform, as appropriate, to note of general instruction 5, Gas Well Records.

722 Abandoned leases.

This account shall be charged with losses on abandonment of natural gas leases included in account 394, Gas Plant Held for Future Use, which have never been productive, unless otherwise authorized or directed by the Commission.

723 Other exploration.

This account shall be charged with the cost of abandoned projects on which preliminary expenditures were made for the purpose of determining the feasibility of acquiring acreage to provide a future supply of natural gas. (See account 183, Other Deferred Debits.)

725 Repairs of production and gathering plant.

This account shall include the cost of repair parts and materials and amounts of bills from others for repairs to natural gas production and gathering plant, including payments to others for repairs of well equipment and conditioning and cleaning of wells. It shall not, however, include the cost of labor of the utility's own plant operating force.

ITEMS

1. Contract work for cleaning and conditioning wells, repairing well equipment and rearranging, relocating, and repairing field lines, measuring and regulating equipment and other plant not retired.
2. Repair parts and materials for repairs of natural gas production and gathering plant.

3. PURCHASED GAS

730 Purchased gas.

A. This account shall include the cost at point of receipt by the utility of gas purchased for resale.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and each point of receipt, the quantity of gas, basis of charges, and the amount paid for the gas.

NOTE: If any gas is used as fuel or raw materials in a manufactured gas process, the cost of such gas shall first be charged to this account and a separate entry made crediting this account and charging account 701, Fuel and Raw Materials, with the cost of the gas so used.

4. TRANSMISSION AND DISTRIBUTION EXPENSES

760 Supervision and labor.

This account shall include the cost of supervision and labor in the operation and maintenance of the transmission and distribution system including work on customers' premises.

ITEMS

1. Supervising and directing the operation and maintenance of transmission and distribution facilities.
2. Operating and servicing compressor station equipment.
3. Patrolling lines, cleaning debris, cutting grass and weeds, changing charts, taking pressures, attending and servicing regulating and measuring equipment, storage facilities, etc.
4. Cleaning and repairing tools.
5. Blowing and cleaning lines and drips, draining water from lines, taking line pressures, changing charts, attending and lubricating valves, locating and inspecting valve boxes, service lines, mains, etc.
6. Keeping logs and records.
7. Distribution office clerical and stenographic services.
8. Cutting and replacing pavement and sidewalks in connection with repairs.
9. Repairing materials for reuse.
10. Labor on customers' premises for inspecting, testing, repairing, removing and resetting or changing the location of meters or house regulators and necessary equipment on customers' premises, investigating service complaints, adjustments in connection with change in Btu content of gas, pressure, and other work on customers' premises.

NOTE: The cost of the first installation at a location of a meter or a house regulator shall not be charged to this account but to gas plant account 335, Meters, or 337, House Regulators.

761 Operation supplies and expenses.

This account shall include the cost of supplies used and expenses incurred in the operation and maintenance of transmission and distribution plant.

ITEMS

1. Transmission and compression of gas by others.
2. Consultants' fees and expenses for transmission and distribution operations.
3. Scrubber oil.
4. Charts and printed forms.
5. Lubricants, wiping rags, etc.
6. Small hand tools.
7. Compressor station fuel and power.
8. Meter locks and seals.
9. Rents.

762 Repairs of transmission and distribution plant.

This account shall include the cost of repair parts and materials and amounts of bills from others for repairs made to transmission and distribution plant. It shall not, however, include the cost of labor of the utility's own plant operating forces.

ITEMS

1. Contract work for repairs and for rearrangement or relocation of plant not retired.
2. Repair parts and materials for repairs of transmission and distribution plant.

765 Transportation expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in the operation and maintenance of general transportation equipment of the utility.

B. This account may be used as a clearing account in which event the charges hereto shall be cleared by apportionment to the appropriate operating expense, utility plant, or other accounts on a basis which will distribute the expenses equitably. Credits to this account shall be made in such detail as to permit ready analysis.

ITEMS

1. Depreciation of transportation equipment.
2. Insurance on transportation equipment.
3. License fees for vehicles and drivers.
4. Rents for equipment and garages.
5. Repairs of transportation equipment.
6. Supplies, such as gas, oil, tires, tubes, grease, etc.

NOTE: Transportation expenses applicable to construction shall not be included in operating expenses.

5. GENERAL EXPENSES

770 Administrative and general salaries.

This account shall include the cost of supervision and labor incurred in administrative, customer accounts, and sales activities.

ITEMS

1. Accounting and clerical work on customers' accounts and on general records.
2. Meter reading.
3. Solicitation of business.
4. Stenographic work.
5. Supervision and administration.

771 Office supplies and expenses.

This account shall include office supplies and expenses incurred in connection with customer accounts, sales and general administration of the utility's operations.

ITEMS

1. Address plates and supplies.
2. Automobile service, including charges through clearing account.
3. Bank messenger and service charges.
4. Books, periodicals, bulletins and subscriptions to newspapers, newsletters, tax services, etc.
5. Building service expenses for customer accounts, sales, and administrative and general purposes.
6. Commissions or fees to others for collecting revenues.
7. Communication service expenses.
8. Cost of individual items of office equipment used by general departments which are of small value or short life.
9. Meals, traveling and incidental expenses.
10. Membership fees and dues in trade, technical, and professional associations paid by utility for employees. (Company memberships are includible in account 777.)
11. Meter books and binders.
12. Office supplies and expenses.
13. Payment of court costs, witness fees, and other expenses of legal department.
14. Postage, printing and stationery.
15. Rent of office equipment.
16. Repairs of office equipment.

772 Outside services employed.

A. This account shall include the fees and expenses of professional consultants and others for general services which are not applicable to a particular operation function nor to other accounts. It shall include, also, the pay and expenses of persons engaged for a special or temporary administrative or general purpose in circumstances where the person so engaged is not considered an employee of the utility.

B. This account shall be so maintained as to permit ready summarization according to the nature of service and the person furnishing the same.

ITEMS

1. Fees, pay and expenses of accountants and auditors, actuaries, appraisers, attorneys, engineering consultants, management consultants, negotiators, public relations counsel, tax consultants, etc.
2. Supervision fees and expenses paid under contracts for general management services.

NOTE: Do not include inspection and brokerage fees and commissions chargeable to other accounts or fees and expenses in connection with security issues which are includible in the expenses of issuing securities.

773 Insurance expense.

A. This account shall include the cost of insurance or reserve accruals (1) to protect the utility against losses and damages to owned or leased property used in its utility operations, and (2) to protect the utility against injuries and damages claims of employees or others, losses of such character not covered by insurance and expenses incurred in settlement of injuries and damages claims.

B. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

C. Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

775 Employee pensions and benefits.

A. This account shall include pensions paid to or on behalf of retired employees, or accruals to provide for pensions, or payments for the purchase of annuities for this purpose, when the utility has definitely, by contract committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes, and payment for employee accident, sickness, hospital, and death benefits, or insurance therefor. Include, also, expenses incurred in medical, educational or recreational activities for the benefit of employees.

B. The utility shall maintain a complete record of accruals or payments for pensions and be prepared to furnish full information to the Commission of the plan under which it has created or proposes to create a pension fund and a copy of the declaration of trust or resolution under which the pension plan is established.

C. There shall be credited to this account the portion of pensions and benefits expenses which is applicable to nonutility operations or which is charged to construction unless such amounts are distributed directly to the accounts involved and are not included herein in the first instance.

776 Regulatory commission expenses.

A. This account shall include all expenses (except pay of regular employees only incidentally engaged in such work) properly includible in utility operating expenses, incurred by the utility in connection with formal cases before regulatory commissions, or other regulatory bodies, or cases in which such a body is a party, including payments made to a regulatory commission for fees assessed against the utility for pay and expenses of such commission, its officers, agents, and employees.

B. Amounts of regulatory commission expense which by approval or direction of the Commission are to be spread over future periods shall be charged to account 183, Other Deferred Debits, and amortized by charges to this account.

C. The utility shall be prepared to show the cost of each formal case.

777 Miscellaneous general expenses.

This account shall include the cost of expenses incurred in connection with the general management of the utility not provided for elsewhere.

ITEMS

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2. Contributions for conventions and meetings of the industry.
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8. Printing and mailing dividend checks.
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10. Publishing and distributing annual reports to stockholders.
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12. Public notices of financial, operating, and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.
13. Rent for property used in customers' accounts, sales or administrative and general functions.

778 Uncollectible accounts.

This account shall be charged with amounts sufficient to provide for losses from uncollectible utility revenues. Concurrent credits shall be made to account 144, Accumulated Provision for Uncollectible Accounts—Cr. Losses from uncollectible accounts shall be charged to account 144.

780 Revenues from merchandising, jobbing and contract work.

781 Costs and expenses of merchandising, jobbing, and contract work.

These accounts shall include all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission and all expenses incurred in such activities.

NOTE A: The revenues and expenses of merchandising, jobbing and contract work shall be reported in this account if a state regulatory body having jurisdiction over the utility requires the net income therefrom to be reported as an operating expense item; but the amounts shall be reported in accounts 415 and 416 if such regulatory body requires such income to be reported as nonoperating income. In the absence of a requirement by a state regulatory body, the utility may use this account or accounts 415 and 416, at its option, in which case the practice of the utility must be consistent.

NOTE B: See accounts 415 and 416 for list of items includible herein.

[F.R. Doc. 60-7678; Filed, Aug. 16, 1960; 8:45 a.m.]

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FEDERAL REGISTER

VOLUME 25 NUMBER 161

Washington, Thursday, August 18, 1960

THE UNIVERSITY OF MICHIGAN
AUG 22 1960
MAIN READING ROOM

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FEDERAL REGISTER
Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Corn Loan and Purchase Agreement Program

SETTLEMENT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3920 and 5563, and containing the specific requirements for the 1960-crop corn price support program are hereby amended as follows:

1. Section 421.5146(a)(1) is being amended to provide that the appropriate CSS commodity office shall determine the market discounts for loan corn which upon delivery grades No. 3 or better containing in excess of 14 percent moisture; and for corn grading below No. 3 (except for corn grading No. 4 on test weight only); so that the amended subparagraph reads as follows:

§ 421.5146 Settlement.

(a) *Settlement value*—(1) *Nonrecourse farm-storage loans.* In the case of corn delivered to CCC under nonrecourse farm-storage loans grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better and containing not in excess of 14 percent moisture, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate so determined shall be for the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. The settlement value for corn which upon delivery grades No. 3 or better containing in excess of 14 percent moisture; and for corn grading below No. 3 (except for corn grading No. 4 on test weight only) shall be arrived at by deducting from the applicable basic county support rate for No. 3 corn (without reference to any premiums and discounts) the market discounts, if any, as determined by the appropriate CSS commodity office. Such discounts shall be the amount, if any, the market price of the quality of the corn delivered is less than the market price of corn grading No. 3 with 14 percent moisture: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price. If upon delivery to CCC the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, in which event the settlement value shall be the same as the sales price if so sold, or the settlement value shall be the market value, as determined by CCC, as of the date of delivery, if CCC is unable to sell such corn for such uses.

2. Section 421.5146(a)(3)(i) is being amended to provide that the appropriate CSS commodity office shall determine the market discounts for corn delivered under purchase agreement which grades No. 3 or better containing in excess of 14 percent moisture; and for corn grading below No. 3 (except for corn grading No. 4 on test weight only); so that the amended subdivision reads as follows:

(3) *Purchase agreements*—(i) *Delivered from farm storage.* Settlement for corn delivered to CCC from farm storage and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade, and other quality factors determined by a reinspection at the time of delivery. Settlement for eligible corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better and containing not in excess of 14 percent moisture and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate for the county where produced subject to the "Schedule of Premiums and Discounts" contained in the 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. Settlement for eligible corn grading No. 3 or better containing in excess of 14 percent moisture; for corn grading No. 4 on the basis of factors other than test weight; for eligible corn grading No. 5; and for eligible corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be arrived at by deducting from the applicable basic county support rate (without reference to any premiums or discounts) the market discounts, if any, as determined by the appropriate CSS commodity office. Such discounts shall be the amount, if any, the market price of the quality of the corn delivered is less than the market price of corn grading No. 3 with 14 percent moisture: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price. If upon delivery to CCC the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, in which event the settlement value shall be the same as the sales price if so sold, or the settlement value shall be the market value, if any, as determined by CCC as of the date of delivery if CCC is unable to sell such corn for such uses.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 12th day of August, 1960.

FOREST W. BEALL,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-7744; Filed, Aug. 17, 1960; 8:51 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960 Crop Grain Sorghums Loan and Purchase Agreement Program

SUPPORT RATE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3920, 4894, 5132 and 5215 and containing the specific requirements for the 1960-crop grain sorghums price support program are hereby amended as follows:

Section 421.5237(b) is amended by adding the following basic county support rate:

IOWA

County	*Rate per hundredweight*
Dickinson	$1.47

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 12th day of August 1960.

FOREST W. BEALL,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-7746; Filed, Aug. 17, 1960; 8:51 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Rice Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Com-

modity Stabilization Service (25 F.R. 4532) with respect to rice produced in 1960 which contain specific requirements for the 1960-Crop Rice Price Support Program are hereby amended as follows:

Section 421.5345(a) is amended to include the final value factors for head and broken rice so that the amended paragraph reads as follows:

§ 421.5345 Support rates.

(a) *Basic rates.* The basic support rate per 100 pounds of rough rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	0.0884	0.0354
II	Blue Bonnet, Nira, and Rexark.	.0804	.0354
III	Century Patna, Toro, Fortuna, R.N., and Edith.	.0729	.0354
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Gulfrose, Magnolia, Zenith (including the varieties Gold Zenith and Golden Rose), Prelude, and Lady Wright.	.0729	.0354
V	Calrose, Lacrosse, and Nato.	.0704	.0354
VI	Pearl, Early Prolific, Calady, and other varieties.	.0679	.0354

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 302, 72 Stat. 988; 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued at Washington, D.C., this 12th day of August 1960.

FOREST W. BEALL,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-7745; Filed, Aug. 17, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.12]

PART 876—SUGARCANE; HAWAII

1960 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii on May 5, 1960, the following determination is hereby issued:

§ 876.12 Fair and reasonable prices for the 1960 crop of Hawaiian sugarcane.

A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1960 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing	Delivery point
	Percent	
Puna Sugar Co., Ltd.	36	Mill.
Kohala Sugar Co.	33	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Hilo Sugar Co., Ltd.	45	Do.[1]
Onomea Sugar Co.	45	Do.[1]
Pepeekeo Sugar Co.	45	Do.[1]
Hakalau Sugar Co., Ltd.	45	Do.[1]
Paauhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

[1] Where flumes are used to transport sugarcane from the field to the mill, the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing association herein referred to as C & H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing established in this subparagraph for sugarcane of the producer shall cover (*a*) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (*c*) the costs of weighing, sampling, and taring such sugarcane; (*d*) the cost of general weed and rodent control other than in the sugarcane fields of producers and alongside the roads adjacent thereto; (*e*) the cost of all research and experimental work applicable to the production and processing of such sugarcane; and (*f*) in the case of Hilo Sugar Company, Ltd., if sugarcane of the producer is cut by hand because equipment was not available to mechanically harvest his sugarcane, and the Supplement to the Processing and Agency Contract between the processor and such producer is applicable to such sugarcane, the rate for processing shall also cover the additional costs of handling and transporting the sugarcane as provided by such Supplement.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent of the producer, shall handle and deliver to C & H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

(b) *Purchase agreements.* (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(2) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Company shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(3) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1960 crop shall be limited to the same items as for the 1959 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the Hawaii State Agricultural Stabilization and Conservation Office, Honolulu, Hawaii, (herein referred to as "State Office") determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) *Sugarcane trash and quality determination.* The processor shall determine the net weight and quality of the sugarcane received from the producer and allocate sugar and molasses recoveries to the producer in accordance with methods customarily used by the processor, or as may be agreed upon between the processor and the producer, which will reflect the true weight, quality, and quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished producers.* If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, and transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. Charges for such overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the State Office.

(e) *Reporting requirements.* The processor shall submit to the State Office a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payments under the act, by a producer who processes sugarcane of the 1960 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing.* A representative of the Hawaiian Sugar Industry, stated that actual savings in freight costs on 1959 crop sugar amounted to $2.98 per ton of sugar as compared to the original estimate of $2.45 per ton given at the prior hearing. He stated that the shipping company was placing in operation larger vessels specially designed for the handling of bulk raw sugar and had filed with the Federal Maritime Board a proposed revised tariff (Freight Tariff 12–A) to become effective by the end of July 1960, which was different in a number of important respects. He further stated that Tariff 12–A, a so-called "free-in-and-out" tariff, provided for a rate of $4.18 per ton of sugar compared to the current rate of $6.07 per ton; that under the proposed tariff the rate did not include loading or unloading costs whereas the present tariff rate included the unloading costs; that the unloading of the new type ships was estimated at $1.60 per ton compared to $1.97 per ton for the old type ships; that excess storage costs at Hawaiian ports were expected to be higher; and that a net saving in total shipping costs of approximately 10 cents per ton of sugar was expected under the new tariff.

Puna Sugar Company (formerly Olaa Sugar Company): The representative of this company recommended a processing rate of 38 percent and continuation of the five percent profit charge on services furnished to growers. An alternative recommendation was made that if the processing rate remained at 36 percent the profit on services furnished to growers be increased to 10 percent. He stated, however, that for the 1960 crop the company was limited to a processing rate of 36 percent by agreement with producers. The witness stated that the maintenance of the distribution of profits resulting from the processing rates provided in the 1959 determination is considered to be both unfair and unreasonable. He pointed out that the processors final estimates of producers costs for 1959 were $4.40 less per ton of sugar than such costs estimated by the processor at the prior hearing. The witness maintained that if the final estimate of 1959 production costs had been available at that time the 1959 crop processing rate should have been increased from 36 percent to 38 percent. He said that overhead charges on services furnished to producers were based on the costs for the previous year and adjusted at the end of the current year when actual costs became known. The witness stated he saw no reason to continue in the determination the alternative method of basing overhead charges for the current year on the actual ratio of overhead to direct costs applicable during the previous calendar year.

The representative of producers at Puna, as in recent hearings, recommended that the delivery point for producers' sugarcane be in trucks instead of at the mill. The witness stated that the costs of hauling and road maintenance were controlled by the processor and it was unfair to have the grower pay such costs when he is forced to buy that service from the company. He also recommended a processing rate of 32.4 percent, but stated that even that processing rate would favor the processor because the company receives additional revenue in the form of agency fees and the 5 percent profit on services furnished to producers. The witness presented data indicating that growers' costs of production were higher than estimates made by the processor of such costs.

Kohala Sugar Company: The representative of this processor stated that although processing costs are continuing to increase in comparison to production costs, no increase in the processing rate for the 1960 crop was recommended. He stated that because of contractual agreements with producers Kohala did not put into effect the higher processing rate fixed by the 1959 crop determination. He pointed out that the 1960 crop processing and agency contract had been amended to provide for a processing rate of 30 percent or such other percentage as the Department of Agriculture shall determine for the contract year. The witness stated that anticipated savings in marketing costs from the operation of a new bulk sugar loading terminal did not materialize because of a strike which prevented the operation of the terminal. When the terminal begins operations they expect further savings in marketing costs which will be of direct benefit to the growers.

A representative of the growers in this company area testified that a processing rate of 33 percent was too high. He stated that producing and processing costs had increased in recent years and recommended that the processing rate not be increased and, if possible, that it be decreased.

C. Brewer and Company (representing Hilo, Onomea, Pepeekeo, Hakalau, Paauhau, Hawaiian Agricultural, and Hutchinson sugar companies): The representative of these companies recommended a processing rate of 48.5 percent although he stated the companies would charge a rate of only 45 percent for processing growers cane under Processing and Agency contracts for the 1960 crop; that the price factor provided in Independent Grower Cane Purchase Agreements at Hawaiian Agricultural Company be determined fair and reasonable for 1960; that the five percent profit charge on services furnished to growers be continued; and that overhead charges on services furnished growers be adjusted to actual costs at the end of the calendar year only if by so doing at any company would revise aggregate annual billings to growers as a group more than three percent. The witness stated that the cost ratio method of calculating the processing rate resulted in increases in the processing rate from 44.05 percent in 1956 to 48.53 percent in 1959 and that this trend is expected to continue in 1960; that analysis of sugarcane production costs showed a marked downward trend; and that anticipated improvements in the future in varieties, cultural practices, sugar recoveries, and in harvesting methods will tend to reduce producing costs in greater degree than processing costs.

The representative of producers at Hilo, Onomea, Pepeekeo and Hakalau Sugar Companies recommended that the delivery point for mechanically harvested sugarcane be charged from "in trucks" to "at slings and at windrows", and that profit on services furnished growers by the processor be eliminated. The witness stated that growers' returns and costs for the 1959 crop showed a loss averaging 94 cents per ton of sugar.

Laupahoehoe Sugar Company: The representative of this company stated that 1958 and 1959 were high unit cost years for both producing and processing, and the same situation would exist in 1960 since production still remained below average. He said that 1959 costs and estimates for 1960 indicated a fair and reasonable processing rate of 47.15 and 48.06 percent, respectively, but since these costs were influenced by unusual circumstances they were not recommending an increase in the processing rate. He stated that all overhead charges to growers were adjusted to actual costs at the end of the year and that the alternative method of basing overhead charges on the actual ratio of overhead to direct costs applicable during the preceding calendar year was not used.

(d) *1960 price determination.* This determination continues without change the provisions of the 1959 determination, except that the option allowing processors to base overhead expenses for labor, material, or services furnished to the producer on the actual ratio of overhead to direct costs during the previous calendar year has been discontinued. A provision is included establishing the price payable for sugarcane purchased under cultivating agreements at Laupahoehoe Sugar Company.

Consideration has been given to the recommendations and information submitted at the public hearing; to supplemental briefs filed since the hearing; and to the returns, costs, and profits of producing and processing sugarcane obtained by the Department in a field study during 1958. These cost data have been recast in terms of prospective conditions for the 1960 crop.

The processing rates were increased 3 percentage points for all processors by the 1959 determination. These increases were warranted primarily by a reduction in the costs of marketing producers' raw sugar which resulted from lower freight rates on shipments to the west coast. Changes had also occurred in other cost relationships which tended to reduce the producers' share and increase the processors' share of the total costs of producing and processing sugarcane. Estimates of the returns, costs and profits for the 1960 crop have been based upon anticipated production yields for 1960. Consideration has also been given to such data based on more normal production and yield estimates to reflect long term conditions. Analysis of all pertinent factors does not indicate a basis for a change in the processing rates for the 1960 crop.

The 1959 determination provided that overhead expenses on services furnished producers by processors be based on (1) the ratio of overhead to direct costs of labor, material or services during the calendar year 1957, or (2) on estimated current budgets adjusted at the end of the year to actual costs. All processor representatives testified that they had followed option (2) and preferred this method. They stated that there was no objection to deleting the option which permitted the use of the cost ratio for a prior year. Accordingly, that option is discontinued in this determination. Since the total direct and overhead charges represents a substantial part of producers' costs of production, the use of a 3 percent tolerance as recommended by one processor could result in a substantial increase in producers' costs and, thus, the recommendation has not been adopted.

This determination includes a specific provision establishing the basis of payment for sugarcane purchased by Laupahoehoe Sugar Company from producers under a "cultivation contract". Although this contract is in the nature of a leasing arrangement, the terms of the agreement provide that the company purchase the landlords' share of the sugarcane. The provision serves to clarify the fair price requirements with respect to this type of contract.

The recommendations of producers and processors for changes in the rate of profit charge by processors on services furnished to producers and for changes in the delivery point for sugarcane have again been reconsidered. However, it is believed that the provisions relating to these items are equitable under the circumstances and, therefore, the recommendations have not been adopted.

On the basis of an analysis and consideration of all the pertinent factors involved, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies Sec. 301, 61 Stat. 929 as amended; 7 U.S.C. 1131)

Issued this 15th day of August 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60-7747; Filed, Aug. 17, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Manifest Report and Certificate of Assignment of Allotment

Notice was published in the FEDERAL REGISTER issue of July 29, 1960 (25 F.R. 7189), that the Department was giving consideration to a proposed amendment to the rules and regulations (Subpart—Lemon Administrative Committee Rules and Regulations; 7 CFR 953.100 et seq.), currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Lemon Administrative Committee (established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof), it is hereby found that the amendment, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and the said rules and regulations (7 CFR 953.100 et seq.) are hereby amended as follows:

Delete the provisions of paragraphs (c) and (e) of § 953.170 and substitute in lieu thereof a revised paragraph (c) as follows:

(c) *Manifest Report and Certificate of Assignment of Allotment (LAC Form 203-6).* Within twenty-four hours after any shipment of lemons is made to points within the continental United States or to Alaska or Canada, the handler thereof shall furnish to the committee a manifest report (sections (1), (3), and (4), on LAC Form 203-6) of the lemons shipped. Such report shall show the rail car number (if shipment is by rail) and the number of cartons (or carton equivalents) of each size of lemons shipped. If the shipment was made under a size exemption certificate (LAC Form 201), the certificate number shall also be shown. If the shipment was made by truck, section (2) of LAC Form 203-6, the certificate of assignment of allotment covering such shipment shall also be completed at the time of sale or transfer of such lemons. Each such certificate shall cover the total quantity of lemons shipped and shall show: (1) The date the lemons were actually shipped; (2) the handler's invoice number; (3) the name of the consignee (purchaser or receiver); (4) the destination (address of consignee); (5) truck driver's name, address and signature; (6) the date of loading; and (7) if loose fruit, the net weight of the lemons and the equivalent number of cartons shipped. Each Daily Manifest and Certificate of Assignment of Allotment shall be signed by the handler or his authorized agent, and shall contain the handler's address and a certification to the United States Department of Agriculture and the Lemon Administrative Committee that the lemons listed on such form are covered by an allotment issued during the applicable regulation period, under the provisions of the order, and the rules and regulations of the Lemon Administrative Committee.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 12, 1960, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7730; Filed, Aug. 17, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-215]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

The purpose of this amendment to § 601.2014 of the regulations of the Administrator is to redefine the Norfolk, Va., Municipal Airport control zone.

The Norfolk control zone is presently designated within a 5-mile radius of the Norfolk Municipal Airport and within 2 miles either side of the southwest course of the Norfolk radio range extending to the Deep Creek, Va., fan marker. The Norfolk radio range is to be decommissioned in September of 1960, and it will, therefore, be necessary to redescribe the control zone extension. Consequently, the Norfolk control zone is redesignated within a 5-mile radius of the Norfolk Municipal Airport and within two miles northwest of the 221° True radial of the Norfolk VOR and 2 miles southeast of the Norfolk ILS localizer southwest course extending from the 5-mile radius zone to six miles southwest of the ILS outer marker.

Since this action is minor in nature and merely redefines an existing control zone without substantially altering the airspace now designated, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2014 (24 F.R. 10571) is amended as follows:

§ 601.2014 Norfolk, Va., control zone (Municipal Airport).

Within a 5-mile radius of the geographical center of the Norfolk Municipal Airport (Lat. 36°53'45" N., Long. 76° 12'15" W.), including the airspace bounded by a line 2 miles NW and parallel to the 221° True radial of the Norfolk VOR and a line 2 miles SE and parallel to the Norfolk ILS SW course extending from the 5-mile radius zone to a point 6 miles SW of the ILS OM.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 11, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7709; Filed, Aug. 17, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-25]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas, Designated Reporting Points, and Control Area Extension

On June 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4999) stating that the Federal Aviation Agency proposed to revoke the segment of Amber Federal airway No. 7, and its associated control areas, from Richmond, Va., to Philadelphia, Pa., to modify the caption to § 601.4107, and to redesignate the Wilmington, Del., control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

§ 601.4107 [Amendment]

1. In § 600.107 (14 CFR 600.107; 25 F.R. 1988), the following changes are made:

(a) In the caption "*(Miami, Fla., to Daytona Beach, Fla., and Florence, S.C., to United States-Canadian Border).*" is deleted and "*(Miami, Fla., to Daytona Beach, Fla.; Florence, S.C., to Richmond, Va.; and Philadelphia, Pa., to the United States-Canadian Border).*" is substituted therefor.

(b) In the text "Richmond, Va., RR; Washington, D.C., RR; the intersection of the northeast course of the Washington, D.C., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N.J., radio range station;" is deleted and "to the Richmond, Va., RR. From the Philadelphia, Pa., RR via the Newark, N.J., RR;" is substituted therefor.

2. Section 601.107 (14 CFR 601.107; 25 F.R. 1988) is amended to read:

§ 601.107 Amber Federal airway No. 7 control areas (Miami, Fla., to Daytona Beach, Fla.; Florence, S.C., to Richmond, Va.; and Philadelphia, Pa., to the United States-Canadian Border).

All of Amber Federal airway No. 7.

3. Section 601.1378 (14 CFR 601.1378) is amended to read:

§ 601.1378 Control area extension (Wilmington, Del.).

The airspace S of Wilmington bounded on the N by VOR Federal airway No. 123, on the E by the New York control area extension (601.1066), and on the S and SW by the arc of a circle, with a 30-mile radius, centered on the New Castle County Airport (Lat. 39°40'42" N., Long. 75°36'27" W.), and the airspace W of Wilmington bounded on the E by the New York control area extension (601.1066), on the S by VOR Federal airway No. 123, on the W by VOR Federal airway No. 93 and on the N by VOR Federal airway No. 3.

§ 601.4107 [Amendment]

4. In the caption of § 601.4107 (14 CFR 601.4107; 25 F.R. 1240, 1988) "*(Miami, Fla., to Daytona Beach, Fla., and Florence, S.C., to United States-Canadian Border).*" is deleted and "*(Miami, Fla., to Daytona Beach, Fla.; Florence, S.C., to Richmond, Va.; and Philadelphia, Pa., to the United States-Canadian Border).*" is substituted therefor.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 11, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7710; Filed, Aug. 17, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7734 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Rayco Manufacturing Co., Inc., and Joseph Weiss

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance;* § 13.430 *To enhance, maintain or unify prices;* § 13.475 *To restrict competition in buying.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670-10 *Clayton Act,*

Sec. 3; § 13.670–20 *Federal Trade Commission Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 3, 38 Stat. 731; 15 U.S.C. 45, 14) [Cease and desist order, Rayco Manufacturing Company, Inc., et al., Paramus, N.J., Docket 7734, July 9, 1960]

In the Matter of Rayco Manufacturing Company, Inc., a Corporation, and Joseph Weiss, Individually and as an Officer of Said Corporation

The complaint in this case charged one of the nation's largest suppliers of automobile seat covers, convertible tops, mufflers, and related products with entering into exclusive-dealing contracts or illegal price-fixing agreements with its independent retail dealers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Rayco Manufacturing Company, Inc., a corporation, and its officers, and respondent Joseph Weiss, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automobile seat covers, convertible tops, mufflers and any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such products on the condition, agreement, or understanding, expressed or implied, that the purchaser thereof shall not use, or deal in, or sell, or shall not advertise or otherwise promote the sale of any such products supplied by any competitor or competitors of respondents, or of products supplied by any others; or that the purchaser thereof shall not use, or deal in, or sell, or shall not advertise or otherwise promote the sale of, any such products supplied by any competitor or competitors of respondents, or of products supplied by any others, without the prior consent of respondents;

2. Selling or making any contract or agreement for the sale of any such products on any conditions, agreement, or understanding, expressed or implied, which in any manner or to any extent shall limit the freedom of the purchaser thereof to use or deal in or sell or advertise or otherwise promote the sale of any such products supplied by any competitor or competitors of respondents, or of products supplied by any others;

3. Selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding, expressed or implied, that the purchaser thereof shall not advertise, offer for sale, or sell, any such products at prices and discounts other than those specified or fixed by the respondents;

4. Entering into, cooperating in or carrying out any planned common or concerted course of action, or any understanding, agreement or conspiracy with independent dealers in any such products, or with any others, to fix, establish or maintain the prices, discounts, terms or conditions of sale of any such products;

5. Selling, or making any contract or agreement for the sale of, any such products on the condition, agreement or understanding, expressed or implied, that the purchaser thereof shall be required to: (a) Carry a full line of respondents' products; or (b) Carry such specified quantities of respondents' several products as may be determined by respondents; or (c) Refrain from the independent advertising of any such products, or any other products, or of the prices thereof; or (d) Enter into cooperative advertising of prices with other purchasers thereof; or (e) Accept or acquiesce in any and all advertising of prices undertaken on his behalf by respondents; or (f) Make payments to the respondents, or at the direction of the respondents, to defray the costs of any advertising where done in furtherance of any of the acts and practices from which respondents are required to cease and desist by this paragraph and paragraphs 1, 2, 3, and 4 hereof;

6. Entering into any contract, agreement or understanding which will permit respondents to cancel, or cancelling, or, directly or by implication, threatening to cancel, any contract, franchise or selling agreement with purchasers of any such products because of the failure or refusal of such purchasers to comply with any of the conditions, agreements or understandings referred to in paragraphs 1, 2, 3, or 5 hereof;

7. Entering into any contract, agreement or understanding which enjoins, or by any means enjoining or attempting to enjoin, any purchasers of any such products from engaging in the business of buying and selling any such products for a period of five years following the termination of any contract, agreement or understanding with respondents, or for any other period; provided, however, that nothing contained herein shall be construed so as to prevent purchasers of any such products from respondents from voluntarily terminating any such contract subject to such reasonable restrictions concerning their re-entry into business as may be lawful within the jurisdiction in which any such purchaser is located;

8. Policing, enforcing or continuing in operation or effect any condition, agreement, understanding, act or practice from which respondents are ordered to cease and desist by the foregoing sections hereof;

9. Performing any act of intimidation or coercion through statements, oral or written, made by representatives of respondents, either at the time when a purchaser agrees to purchase any such products from respondents or during the course of any calls made upon such purchasers at their places of business or at any other place, or using any other plan, practice, system or method of doing business, for the purpose or with the effect of intimidating, coercing, or requiring purchasers of any such products from respondents to do anything which respondents are ordered to cease and desist from requiring such purchasers to do by any of the foregoing paragraphs hereof.

Provided, however, That nothing herein contained shall be construed to limit or otherwise affect any resale price maintenance contracts which respondents may enter into in conformity with section 5 of the Federal Trade Commission Act as amended by the McGuire Act (15 U.S.C. Sec. 45).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60–7722; Filed, Aug. 17, 1960; 8:48 a.m.]

[Docket 7537 o.]

PART 13—PROHIBITED TRADE PRACTICES

Ann J. Wacksman et al.

Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1425 *Government connection.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ann J. Wacksman trading as Allied Information Service, etc., Washington, D.C., Docket 7537, June 30, 1960]

In the Matter of Ann J. Wacksman, an Individual, Trading and Doing Business as Allied Information Service, and National Deposit System

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Washington, D.C., with obtaining current information of delinquent debtors through such subterfuges as representing falsely that debtor recipients of her questionnaires would receive a substantial sum of money after filling them out and returning them, and that an agency of the U.S. Government was requesting the information.

Rejecting respondent's appeal from the initial decision, the Commission, on June 30, adopted it with slight modification as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Ann J. Wacksman, an individual, trading and doing business as Allied Information Service and National Deposit System, or trading and doing business under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms or other materials, for use in obtaining information concerning delinquent debtors, or in the collection of, or attempting to collect accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names "National Deposit System" and "Deposit System Certificate", or any other name of similar import to designate, describe, or refer to respondent's business.

2. Representing, directly or by implication, that money has been deposited with them for persons from whom information is requested unless or until the money has in fact been so deposited, and then only when the amount so deposited is clearly and expressly stated.

3. Representing, directly or by implication, that request for information concerning delinquent debtors is from the United States Government or any agency, or branch thereof, or that their business is in any way connected with the United States Government.

4. Using, or placing in the hands of others for use, any forms, questionnaires or other materials, printed or written, which do not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent, Ann J. Wacksman, shall, within sixty (60) days after service upon her of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which she has complied with the order contained in said initial decision.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60–7721; Filed, Aug. 17, 1960; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

PART 161—RIGHTS-OF-WAY OVER INDIAN LANDS

Reduction of Map Requirements Increase in Tenure for Oil and Gas Pipelines

On page 9146 of the FEDERAL REGISTER of November 10, 1959, there was published a notice of intention to amend portions of Part 161 of 25 CFR. It is the purpose of this amendment to eliminate the requirement for filing with the Bureau of Land Management certain records pertaining to rights-of-way across Indian lands and to correspondingly reduce the number of maps that must be submitted by an applicant for a right-of-way. The term of tenure for grants of rights-of-way for oil and gas pipelines is being enlarged from twenty (20) years to fifty (50) years. Section 161.26(b) is being republished to correct an interior cross-reference.

Interested persons were given an opportunity to submit their comments, suggestions, or objections in writing on the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period several comments, suggestions, and objections were received. These were thoroughly considered and discussed, and as a result of such consideration and discussions, a change has been made as set forth below:

In § 161.19 the words: "and water control projects including but not limited to dams, reservoirs, flowage easements, ditches and canals" have been added to the classes of rights of way which may be granted without limitation on duration.

The proposed amendment to the regulations, as so changed, is hereby adopted, and is set forth below. The amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

ELMER F. BENNETT, *Acting Secretary of the Interior.*

AUGUST 12, 1960.

1. Section 161.8(a) is amended to read as follows:

§ 161.8 Maps.

(a) Each application for a right-of-way must be accompanied by maps of definite location consisting of an original on linen tracing or other permanent and reproducible material and three reproductions thereof. Two originals shall be filed if the applicant desires the return of an original showing the approved right-of-way. The field notes shall accompany the application, as provided in § 161.9. The width of the right-of-way shall be clearly shown on the original map.

2. Section 161.16 is amended to read as follows:

§ 161.16 Action on application.

Upon satisfactory compliance with the regulations in this part, the Superintendent is authorized to approve the application by endorsing his approval on the map of definite location. Upon approval of the application, the Superintendent shall promptly notify the applicant, and thereafter the applicant may proceed with the construction work, if such permission has not been obtained under § 161.5. The approved original right-of-way map bearing the written signature of the Superintendent shall be transmitted to the Commissioner.

3. Section 161.19 is amended to read as follows:

§ 161.19 Tenure of approved right-of-way grants.

All rights-of-way granted under the regulations in this part shall be in the nature of easements or permits for the periods stated therein. They are terminable upon abandonment or discontinuance of the use for which granted. Rights-of-way for railroads, telephone lines, telegraph lines, public highways, and water control projects including but not limited to dams, reservoirs, flowage easements, ditches and canals shall be without limitation as to term of years. Rights-of-way for all other purposes shall be for a period of not to exceed 50 years, as fixed by the Secretary and stated in the grant, and shall be subject to renewal for a like term upon compliance with the applicable regulations.

4. Section 161.26(b) is amended to read as follows:

§ 161.26 Telephone and telegraph lines; radio, television and other communications facilities.

* * * * *

(b) Applicants engaged in the general telephone and telegraph business may apply for additional land for office sites. The maps showing the location of proposed office sites shall be filed separately from those showing the line of route, and shall be drawn to a scale of 50 feet to an inch. Such maps shall show enough of the line of route to indicate the position of the tract with reference thereto. The tract shall be located with respect to the public survey as provided in § 161.10, and all buildings or other structures shall be platted on a scale sufficiently large to show clearly their dimensions and relative positions.

[F.R. Doc. 60–7723; Filed, Aug. 17, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2179]

[Montana 028124]

MONTANA

Partially Revoking Certain Stock Driveway Withdrawals

By virtue of the authority vested in the Secretary of the Interior by section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of March 30, 1932, and September 14, 1932, establishing Stock Driveway Withdrawals Nos. 229, Montana No. 14, and 233, Montana No. 16, and the order of the Bureau of Land Management of April 18, 1952, as amended July 9, 1952, establishing Stock Driveway Withdrawal Montana No. 18, are hereby revoked so far as they affect the following-described lands:

PRINCIPAL MERIDIAN

Stock Driveway Withdrawal No. 233, Montana No. 16

T. 23 N., R. 18 E.,
Sec. 2, W½E½ and E½W½;
Sec. 11, W½E½, E½W½, and SE¼SE¼;
Sec. 13, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 14, N½NE¼ and SE¼NE¼;
Sec. 24, lots 1, 2, and NE¼NE¼.
T. 23 N., R. 19 E.,
Sec. 19, lots 4 and 5.

Montana No. 18

T. 23 N., R. 22 E.,
Sec. 20, lot 2;
Sec. 21, lots 1, 3, and 4.

Stock Driveway Withdrawal No. 229, Montana No. 14

T. 30 N., R. 39 E.,
Sec. 2, SE¼NW¼ and SW¼;
Sec. 3, E½SE¼;
Sec. 10, NE¼SE¼ and NE¼;
Sec. 11, SW¼;
Sec. 14, NW¼NE¼ and E½W½.

The areas described aggregate 1,355.16 acres.

2. Lots 1, 2, and NE¼NE¼ of sec. 24, T. 23 N., R. 18 E., are patented lands. Lot 1 of sec. 21, T. 23 N., R. 22 E., is within Power Site Reserve No. 757 of February 7, 1922.

3. The following lands will remain in Power Site Classification No. 301 of August 31, 1937:

T. 23 N., R. 18 E.,
Sec. 24, lots 1, 2, and N½NE¼.
T. 23 N., R. 19 E.,
Sec. 19, lots 4 and 5.
T. 23 N., R. 22 E.,
Sec. 20, lot 2;
Sec. 21, lots 1, 3, and 4.

4. The lands are located in Blaine and Valley Counties. The topography is rolling to rough and broken. The soils range from loams to shallow and deep clays. The land supports a native vegetative cover of grass and sagebrush.

5. Subject to any valid existing rights, the provisions of existing withdrawals, including power withdrawals, and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on February 10, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 16, 1960, except from the State, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the United States mining laws. Provisions of the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621), will continue to apply to the lands in power withdrawals.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts revelant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 11, 1960.

[F.R. Doc. 60-7724; Filed, Aug. 17, 1960; 8:48 a.m.]

[Public Land Order 2180]

[Colorado 031895]

COLORADO

Partly Revoking Certain Reclamation Withdrawals (Colorado Big Thompson Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of March 7, 1935; July 24, 1937, and August 20, 1937, which withdrew lands for reclamation purposes in the first form, in connection with the Colorado Big Thompson Project, Colorado, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 75 W.,
Sec. 1, W½NW¼, SW¼, and SW¼SE¼;
Secs. 2, 3, and 4;
Sec. 5, lot 1, SE¼NE¼, W½, and E½SE¼;
Secs. 6 and 7;
Sec. 8, SW¼NE¼, W½, and W½SE¼;
Sec. 9, N½, NE¼SW¼, and N½SE¼;
Sec. 10, E½, NW¼, E½SW¼, and NW¼SW¼;
Sec. 11, N½, SW¼SE¼, and N½SE¼;
Sec. 12, W½NE¼ and NW¼;
Sec. 14, NW¼NE¼;
Sec. 15, NE¼SW¼ and NE¼SE¼;
Secs. 17 to 20, incl.;
Sec. 21, S½;
Sec. 22, S½ and S½N½;
Sec. 24, W½NE¼ and SW¼SW¼;
Sec. 26, NW¼SE¼, NW¼, N½SW¼, and SW¼SW¼;
Secs. 27 to 30, incl.;
Sec. 31, N½, SW¼, and N½SE¼;
Sec. 32;
Sec. 33, NE¼NE¼, N½NW¼, and S½S½;
Sec. 34, SE¼NE¼ and SW¼SW¼.
T. 2 N., R. 75 W.,
Sec. 19, E½;
Sec. 20;
Sec. 26, W½NE¼, W½, S½SE¼, and NW¼SE¼;
Secs. 27 to 30, incl.;
Sec. 31, lots 3 and 4, N½NE¼, SE¼NE¼, SE¼SW¼, and S½SE¼;
Sec. 32, NE¼, N½NW¼, S½SW¼, and E½SE¼;
Secs. 33 to 36, incl.
T. 1 N., R. 76 W.,
Sec. 10, S½SE¼;
Sec. 26, E½NE¼, NW¼NE¼, and NE¼SE¼;
Sec. 36.
T. 2 N., R. 76 W.,
Sec. 25, NE¼SW¼.
T. 1 S., R. 76 W.,
Sec. 19, E½NE¼, SW¼NE¼, SW¼NW¼, and S½;
Sec. 20, SW¼;
Sec. 25, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 26, S½N½ and S½;
Sec. 27, SE¼NE¼, W½NW¼, and S½;
Sec. 28, E½E½;
Sec. 33, E½E½;
Secs. 34 to 36, incl.
T. 2 S., R. 76 W.,
Secs. 3 to 10, incl.;
Secs. 15 to 21, incl.;
Secs. 28 to 33, incl.
T. 2 N., R. 77 W.,
Sec. 24, NW¼SW¼.
T. 3 N., R. 77 W.,
Sec. 25, SW¼SE¼.
T. 1 S., R. 77 W.,
Sec. 26, N½NW¼;
Sec. 27, W½ and SE¼;
Sec. 28, E½, E½W½, and NW¼NW¼;
Sec. 29, NE¼NE¼ and SE¼;
Secs. 30 to 33, incl.;
Sec. 34, W½ and SE¼.
T. 2 S., R. 77 W.,
Secs. 1 to 29, incl.;
Sec. 30, NE¼, N½NW¼, SE¼NW¼, E½SW¼, E½SW¼SE¼, SE¼SE¼, and N½SE¼;
Sec. 31, lots 4 to 8, and 10 to 13, incl.;
Secs. 32 to 36, incl.

The areas described including both public and nonpublic lands, total in the aggregate approximately 66,835 acres. The lands are for the most part withdrawn for the Arapaho National Forest, patented, or State-owned. A complete and accurate statement of the status of any parcel of land affected by this order may be obtained from the Land Office Manager mentioned below.

2. The land in sections 10 and 26, T. 1 N., R. 76 W., consist of extremely rough terrain at an elevation of about 8,500 feet along the east side of the canyon of the Fraser River. There is no known access. The 40-acre tract in section 24, T. 2 N., R. 77 W., lies at an elevation of 8,400 feet, about 3 miles northwest of Granby, Colorado.

3. Subject to valid existing rights, to existing withdrawals, and the requirements of applicable law, lands are hereby opened to filing of applications, selections, and locations in accordance with the following, the national forest lands being opened to such forms of disposition as may by law be made of such lands:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on February 11, 1961, the State of Colorado shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on February 11, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and some of them have heretofore been opened to mining location. The remainder shall be open to mining location at 10:00 a.m. on February 11, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

AUGUST 12, 1960.

[F.R. Doc. 60-7725; Filed, Aug. 17, 1960; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-50]

INSPECTION OF PASSENGER VESSELS (INCLUDING PUBLIC NAUTICAL SCHOOL SHIPS) USING GROSS TONNAGE CRITERION

The basic purpose of the passenger vessel-inspection laws administered by the Coast Guard is to promote safety of life and property. The regulations in this document are intended to clarify the application to passenger vessels of the vessel-inspection regulations in this chapter. These laws and regulations take into account the passenger vessel's physical size, construction, and equipment, as well as its intended service on routes or waters on which it is desired to be operated or navigated, which are indications of the hazards to which such vessel may be subjected. The Commandant's determinations in this respect for a particular passenger vessel are stipulated in a certificate of inspection which states certain terms and conditions governing such vessel when in operation.

The extent and scope of certain requirements are determined by the use of gross tonnage as an indication of vessel size and specific conditions are applicable when a vessel is over specific gross tonnages. Therefore, the gross tonnage of a passenger vessel is one criterion for invocation of safety requirements, including manning. Relative size has been found to have definite importance when safety standards must be applied.

On occasion the gross tonnages of passenger vessels have been drastically reduced by placement of openings or hatches in the sides and decks, by declaring certain spaces to be "water ballast spaces," by cutting of openings in deckhouses, or by other devices so that the final gross register tonnages as assigned by the Bureau of Customs, Department of the Treasury, no longer reflect true descriptions of the physical sizes of such vessels. Where this occurs, the intent of the passenger vessel regulations is vitiated and their purpose is frustrated. In one recent case a steam vessel with a normal gross tonnage of over 1,000 was converted to diesel power, and through the adaption of certain spaces with piping, pumps, and so forth, and a claim that such spaces were "water ballast spaces," together with the cutting of openings in deckhouses, the owner was enabled to reduce the vessel's gross register tonnage to below 90. Obviously, for the purpose of safety, the application of passenger vessel requirements must be according to the relative physical size of the vessel rather than such an artificially contrived gross register tonnage.

The Commandant has a responsibility and a duty to obtain a correct and uniform administration of the vessel-inspection regulations (R.S. 4403, as amended, 46 U.S.C. 372). The passenger vessel regulations in Subchapters H (Passenger Vessels), P (Manning of Vessels), R (Nautical Schools), or T (Small Passenger Vessels) in 46 CFR Chapter I, as well as referenced requirements in other subchapters, are applied in accordance with a concept of safety of a passenger vessel as applicable to a particular vessel of a relative size. For a passenger vessel where reduction of gross tonnage is attained so that the final gross register tonnage as assigned by the Bureau of Customs is no longer a valid criterion for the invocation of safety requirements based on the relative physical size of the vessel, the Commandant will consider such vessel to be of a size as if such reductions had not been granted. The determination that the gross register tonnage of a passenger vessel does not reflect the correct relative physical size of the passenger vessel shall be initially decided by the Commandant. The parties involved will be informed of this determination. The Commandant will direct that such a passenger vessel subject to Coast Guard certification, before being permitted to operate, shall comply with the requirements of the regulations for vessels of its relative size. Reference to such requirements may be also made by appropriate endorsements or notations placed on and made a part of such vessel's certificate of inspection so that such vessel will be in compliance and maintained in accord with the concept of safety of passenger vessels as expressed in the vessel-inspection laws and implementing regulations for passenger vessels.

This Coast Guard policy shall apply to passenger vessels subject to certification by the Coast Guard. It is not intended to apply this policy to passenger vessels currently holding valid certificates of inspection until one of the following changes may occur: (1) At the time plans or drawings are submitted for approval for a material alteration to an existing vessel, or for conversion of a vessel to a passenger vessel; or (2) at the time the vessel is readmeasured; or (3) at the time a request is submitted for the changing of service or route of a passenger vessel when such change increases or modifies the general requirements or increases the hazards to which it might be subjected. A determination as to the applicable regulations will be made at the time plans or drawings are submitted for approval of new construction as well.

Because the regulations in this document describe a Coast Guard policy with respect to the application of vessel-inspection and navigation laws and implementing regulations to passenger vessels, and in order to have a uniform administration of passenger vessel requirements, it is hereby found that the provisions of the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) do not apply.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 7605), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall be in effect on and after September 1, 1960:

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

Subpart 70.05—Application

Subpart 70.05 is amended by adding a new § 70.05-20 reading as follows:

§ 70.05-20 Gross tonnage as a criterion for requirements.

(a) The regulations in this subchapter, as well as referenced requirements in other subchapters in this chapter, take into account the passenger vessel's size, construction, and equipment, as well as its intended service on the routes or waters on which it is desired to be operated or navigated, which are indications of the hazards to which such vessel may

be subjected. The Commandant's determinations in this respect for a particular passenger vessel are stipulated in a certificate of inspection, which states certain terms and conditions governing such vessel when in operation.

(b) In applying the laws and regulations to passenger vessels, one criterion for invocation of safety standards is the description of passenger vessels by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular passenger vessel, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the passenger vessel regulations for a vessel of such physical size, the Commandant shall prescribe the regulations to be made applicable to such vessel.

(c) When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such passenger vessel, and before being permitted to operate such vessel, compliance therewith shall be required. Endorsements or notations on the passenger vessel's certificate of inspection may be made as appropriate.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4403, as amended, 4417, as amended, 4426, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, sec. 2, 45 Stat. 1492, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 372, 391, 404, 481, 395, 85a, 88a, 369, 367, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER P—MANNING OF VESSELS

PART 157—MANNING REQUIREMENTS

Subpart 157.15—Manning Requirements

Section 157.15–1 is amended by adding a new paragraph (b) reading as follows:

§ 157.15–1 Complement required by certificate of inspection.

• • • • •

(b) One of the criteria used for invocation of manning standards is the description of passenger vessels and public nautical school ships by relative sizes in gross tonnages. When it is determined under § 70.05–20 or § 167.01–8 of this chapter that a particular vessel has a Bureau of Customs' assigned gross register tonnage which is not indicative of the relative physical size of the vessel, the manning shall be that applicable to a vessel of the greater relative size.

(R.S. 4438, as amended, 4463, as amended; 46 U.S.C. 224, 222)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.01—General Provisions

Subpart 167.01 is amended by inserting a new § 167.01–8 reading as follows:

§ 167.01–8 Inspection of school ships using gross tonnage criterion.

(a) One of the criteria used for invocation of safety standards is the description of school ships by relative sizes in gross tonnages. When it is determined in accordance with § 70.05–20 of this chapter that a particular school ship has a Bureau of Customs' assigned gross register tonnage which is not indicative of the relative physical size of the vessel, the requirements in this part and the manning shall be that applicable to a vessel of the greater relative size.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1–21, 54 Stat. 163–167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406–412, 239, 481, 489, 368, 367, 526–526u, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 175—GENERAL PROVISIONS

Subpart 175.05 is amended by adding a new § 175.05–15 reading as follows:

§ 175.05–15 Gross tonnage as a criterion for requirements.

(a) The regulations in this subchapter, as well as referenced requirements in other subchapters in this chapter, take into account the passenger vessel's size, construction, and equipment, as well as its intended service on the routes or waters on which it is desired to be operated or navigated, which are indications of the hazards to which such vessel may be subjected. The Commandant's determinations in this respect for a particular passenger vessel are stipulated in a certificate of inspection, which states certain terms and conditions governing such vessel when in operation.

(b) In applying the laws and regulations to passenger vessels, one criterion for invocation of safety standards is the description of passenger vessels by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular passenger vessel, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the passenger vessel regulations for a vessel of such physical size, the Commandant shall prescribe the regulations to be made applicable to such vessel.

(c) When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such passenger vessel, and before being permitted to operate such vessel, compliance therewith shall be required. Endorsements or notations on the passenger vessel's certificate of inspection may be made as appropriate.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

Dated: August 9, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60–7733; Filed, Aug. 17, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Life Insurance Companies

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an oportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 801, 802, 804, 805, and 806 of the Internal Revenue Code of 1954 to the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112), such regulations are amended as follows:

PARAGRAPH 1. Section 1.801 is amended to read as follows:

DEFINITION; TAX IMPOSED

§ 1.801 Statutory provisions; life insurance companies; definition of life insurance company.

SEC. 801. *Definition of life insurance company*—(a) *Life insurance company defined.* For purposes of this subtitle, the term "life insurance company" means an insurance company which is engaged in the business of issuing life insurance and annuity contracts (either separately or combined with health and accident insurance), or noncancellable contracts of health and accident insurance, if—

(1) Its life insurance reserves (as defined in subsection (b)), plus

(2) Unearned premiums, and unpaid losses (whether or not ascertained), on noncancellable life, health, or accident policies not included in life insurance reserves,

comprise more than 50 percent of its total reserves (as defined in subsection (c)).

(b) *Life insurance reserves defined*—(1) *In general.* For purposes of this part, the term "life insurance reserves" means amounts—

(A) Which are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest, and

(B) Which are set aside to mature or liquidate, either by payment or reinsurance, future unaccrued claims arising from life insurance, annuity, and noncancellable health and accident insurance contracts (including life insurance or annuity contracts combined with noncancellable health and accident insurance) involving, at the time with respect to which the reserve is computed, life, health, or accident contingencies.

(2) *Reserves must be required by law.* Except—

(A) In the case of policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation,

(B) In the case of policies issued by an organization which meets the requirements of section 501(c)(9) other than the requirement of subparagraph (B) thereof, and

(C) As provided in paragraph (3), in addition to the requirements set forth in paragraph (1), life insurance reserves must be required by law.

(3) *Assessment companies.* In the case of an assessment life insurance company or association, the term "life insurance reserves" includes—

(A) Sums actually deposited by such company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and

(B) Any funds maintained, under the charter or articles of incorporation or association (or bylaws approved by a State insurance commissioner) of such company or association, exclusively for the payment of claims arising under certificates of membership or policies issued on the assessment plan and not subject to any other use.

For purposes of this part, the rate of interest assumed in calculating the reserves described in subparagraphs (A) and (B) shall be 3 percent.

(4) *Deficiency reserves excluded.* The term "life insurance reserves" does not include deficiency reserves. For purposes of this subsection and subsection (c), the deficiency reserve for any contract is that portion of the reserve for such contract equal to the amount (if any) by which—

(A) The present value of the future net premiums required for such contract, exceeds

(B) The present value of the future actual premiums and consideration charged for such contract.

(5) *Amount of reserves.* For purposes of this subsection, subsection (a), and subsection (c), the amount of any reserve (or portion thereof) for any taxable year shall be the mean of such reserve (or portion thereof) at the beginning and end of the taxable year.

(c) *Total reserves defined.* For purposes of subsection (a), the term "total reserves" means—

(1) Life insurance reserves,

(2) Unearned premiums, and unpaid losses (whether or not ascertained), not included in life insurance reserves, and

(3) All other insurance reserves required by law.

The term "total reserves" does not include deficiency reserves (within the meaning of subsection (b)(4)).

(d) *Adjustments in reserves for policy loans.* For purposes only of determining under subsection (a) whether or not an insurance company is a life insurance company, the life insurance reserves, and the total reserves, shall each be reduced by an amount equal to the mean of the aggregates, at the beginning and end of the taxable year, of the policy loans outstanding with respect to contracts for which life insurance reserves are maintained.

(e) *Guaranteed renewable contracts.* For purposes of this part, guaranteed renewable life, health, and accident insurance shall be treated in the same manner as noncancellable life, health, and accident insurance.

(f) *Burial and funeral benefit insurance companies.* A burial or funeral benefit insurance company engaged directly in the manufacture of funeral supplies or the performance of funeral services shall not be taxable under this part but shall be taxable under section 821 or section 831.

(g) *Variable annuities*—(1) *In general.* For purposes of this part, an annuity contract includes a contract which provides for the payment of a variable annuity computed on the basis of recognized mortality tables and the investment experience of the company issuing the contract.

(2) *Adjusted reserves rate; assumed rate.* For purposes of this part—

(A) The adjusted reserves rate for any taxable year with respect to annuity contracts described in paragraph (1), and

(B) The rate of interest assumed by the taxpayer for any taxable year in calculating the reserve on any such contract,

shall be a rate equal to the current earnings rate determined under paragraph (3).

(3) *Current earnings rate.* For purposes of this part, the current earnings rate for any taxable year with respect to annuity contracts described in paragraph (1) is the current earnings rate determined under section 805(b)(2) with respect to such contracts, reduced by the percentage obtained by dividing—

(A) The amount of the actuarial margin charge on all annuity contracts described in paragraph (1) issued by the taxpayer, by

(B) The mean of the reserves for such contracts.

(4) *Increases and decreases in reserves.* For purposes of subsections (a) and (b) of section 810, the sum of the items described in section 810(c) taken into account as of the close of the taxable year shall, under regulations prescribed by the Secretary or his delegate, be adjusted—

(A) By subtracting therefrom an amount equal to the sum of the amounts added from time to time (for the taxable year) to the reserves for annuity contracts described in paragraph (1) by reason of appreciation in value of assets (whether or not the assets have been disposed of), and

(B) By adding thereto an amount equal to the sum of the amounts subtracted from time to time (for the taxable year) from such reserves by reason of depreciation in value of assets (whether or not the assets have been disposed of).

(5) *Companies issuing variable annuities and other contracts.* In the case of a life insurance company which issues both annuity contracts described in paragraph (1) and other contracts, under regulations prescribed by the Secretary or his delegate—

(A) The policy and other contract liability requirements shall be considered to be the sum of—

(i) The policy and other contract liability requirements computed by reference to the items which relate to annuity contracts described in paragraph (1), and

(ii) The policy and other contract liability requirements computed by excluding the items taken into account under clause (i); and

(B) Such additional separate computations, with respect to such annuity contracts and such other contracts, shall be made as may be necessary to carry out the purposes of this subsection and this part.

(6) *Termination.* Paragraphs (1), (2), (3), (4), and (5) shall not apply with respect to any taxable year beginning after December 31, 1962.

[Sec. 801 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 36); sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 112)]

PAR. 2. There are inserted immediately after § 1.801–1 the following new sections:

§ 1.801–2 Taxable years affected.

Section 1.801–1 is applicable only to taxable years beginning after December 31, 1953, and before January 1, 1955, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.801–3 through 1.801–7 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

§ 1.801–3 Definitions.

For the purposes of part I, subchapter L, chapter 1 of the Code, this section defines the following terms, which are to be used in determining if a taxpayer is a life insurance company (as defined in section 801(a) and paragraph (b) of this section):

(a) *Insurance company.* (1) The term "insurance company" means a company whose primary and predominant business activity during the taxable year is the issuing of insurance or annuity contracts or the reinsuring of risks underwritten by insurance companies. Thus, though its name, charter powers, and subjection to State insurance laws are significant in determining the business which a company is authorized and intends to carry on, it is the character of the business actually done in the taxable year which determines whether a company is taxable as an insurance company under the Internal Revenue Code.

(2) Insurance companies include both stock and mutual companies, as well as mutual benefit insurance companies. A voluntary unincorporated association of employees (including an association fulfilling the requirements of section 801(b)(2)(B)) formed for the purpose of relieving sick and aged members and the dependents of deceased members is an insurance company, whether the fund for such purpose is created wholly by membership dues or partly by contributions from the employer. A corporation which merely sets aside a fund for the insurance of its employees is not an insurance company, and the income from such fund shall be included in the return of the corporation.

(b) *Life insurance company.* (1) The term "life insurance company", as used in subtitle A of the Code, is defined in section 801(a). For the purpose of determining whether a company is a "life insurance company" within the meaning of that term as used in section 801(a), it must first be determined whether the company is taxable as an insurance company (as defined in paragraph (a) of this section). An insurance company shall be taxed as a life insurance company if it is engaged in the business of issuing life insurance and annuity contracts (either separately or combined with health and accident insurance), or noncancellable contracts of health and accident insurance, and its life insurance reserves (as defined in section 801(b) and § 1.801–4), plus unearned premiums, and unpaid losses (whether or not ascertained), on noncancellable life, health, or accident policies not included in life insurance reserves, comprise more than 50 percent of its total reserves (as defined in section 801(c) and § 1.801–5). For purposes of determining whether it satisfies the percentage requirements of the preceding sentence, a company shall first make any adjustments to life insurance reserves and total reserves required by section 806(a) (relating to adjustments for certain changes in reserves and assets) and then as required by section 801(d) (relating to adjustments in reserves for policy loans). For examples of the adjustments required under section 806(a), see paragraph (b)(4) of § 1.806–3. For an example of the adjustments required under section 801(d), see paragraph (c) of § 1.801–6. Furthermore, if an insurance company which computes its life insurance reserves on a preliminary term basis elects to revalue such reserves on a net level premium basis under section 818(c), such revalued basis shall be disregarded for purposes of section 801.

(2) An insurance company writing only noncancellable life, health, or accident policies and having no "life insurance reserves" may qualify as a life insurance company if its unearned premiums, and unpaid losses (whether or not ascertained), on such policies comprise more than 50 percent of its total reserves.

(3) Section 801(f) provides that a burial or funeral benefit insurance company engaged directly in the manufacture of funeral supplies or the performance of funeral services shall not be taxable under section 802 but shall be taxable under section 821 or section 831 as an insurance company other than life.

(c) *Noncancellable life, health, or accident insurance policy.* The term "noncancellable life, health, or accident insurance policy" means a contract which the insurance company is under an obligation to renew or continue at a specified premium and with respect to which a reserve in addition to the unearned premiums (as defined in paragraph (e) of this section) must be carried to cover that obligation. Such policy shall be considered noncancellable even though it states a termination date at a stipulated age, if such age termination date is 60 or over. However, such a policy shall not be considered to be noncancellable after the age termination date stipulated in the policy has passed. Furthermore, a term life insurance policy shall not be considered noncancellable even though it states an age termination date of 60 or over unless such life policy is combined with health or accident insurance which is not terminable until age 60 or over.

(d) *Guaranteed renewable life, health, and accident insurance policy.* The term "guaranteed renewable life, health, and accident insurance policies" means contracts which are not cancellable by the company but under which the company reserves the right to adjust premium rates by classes in accordance with its experience under the type of policy involved, and with respect to which a reserve in addition to the unearned premiums (as defined in paragraph (e) of this section) must be carried to cover that obligation. Section 801(e) provides that such policies shall be treated in the same manner as noncancellable life, health, and accident insurance policies. See paragraph (c) of this section.

(e) *Unearned premiums.* The term "unearned premiums" means those amounts which shall cover the cost of carrying the insurance risk for the period for which the premiums have been paid in advance. Such term includes all unearned premiums, whether or not required by law.

(f) *Life insurance reserves.* For the definition of the term "life insurance reserves", see section 801(b) and § 1.801–4.

(g) *Unpaid losses (whether or not ascertained).* The term "unpaid losses (whether or not ascertained)" means a reasonable estimate of the amount of the losses (based upon the facts in each case and the company's experience with similar cases)—

(1) Reported and ascertained by the end of the taxable year but where the amount of the loss has not been paid by the end of the taxable year,

(2) Reported by the end of the taxable year but where the amount thereof has not been either ascertained or paid by the end of the taxable year, or

(3) Which have occurred by the end of the taxable year but which have not been reported or paid by the end of the taxable year.

(h) *Total reserves.* For the definition of the term "total reserves", see section 801(c) and § 1.801–5.

(i) *Amount of reserves.* For purposes of subsections (a), (b), and (c) of section 801 and this section, section 801(b)(5) provides that the amount of any reserve (or portion thereof) for any taxable year shall be the mean of such reserve (or portion thereof) at the beginning and end of the taxable year.

§ 1.801–4 Life insurance reserves.

(a) *Life insurance reserves defined.* For purposes of part I, subchapter L, chapter 1 of the Code, the term "life insurance reserves" (as defined in section 801(b)) means those amounts—

(1) Which are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest;

(2) Which are set aside to mature or liquidate, either by payment or reinsurance, future unaccrued claims arising from life insurance, annuity, and noncancellable health and accident insurance contracts (including life insurance or annuity contracts combined with noncancellable health and accident insurance) involving, at the time with respect to which the reserve is computed, life, health, or accident contingencies; and

(3) Which, except as otherwise provided by section 801(b)(2) and paragraphs (b) and (c) of this section, are required by law. For the meaning of the term "reserves required by law", see paragraph (b) of § 1.801–5.

For purposes of determining life insurance reserves, only those amounts shall be taken into account which must be reserved either by express statutory provisions or by rules and regulations of the insurance department of a State, Territory, or the District of Columbia when promulgated in the exercise of a power conferred by statute. Moreover, such amounts must actually be held by the company during the taxable year for which the reserve is claimed. However, reserves held by the company with respect to the net value of risks reinsured in other solvent companies (whether or not authorized) shall not be included in life insurance reserves. Generally, life insurance reserves, as in the case of level premium life insurance, are held to supplement the future premium receipts when the latter, alone, are insufficient to cover the increased risk in the later years. For examples of reserves which qualify as life insurance reserves, see paragraph (d) of this section. For examples of reserves which do not qualify as life insurance reserves, see paragraph (e) of this section. For the treatment of amounts received as deposit administration funds, see paragraph (f) of this section.

(b) *Certain reserves which need not be required by law.* Section 801(b)(2) sets forth certain reserves which, though not required by law, may still qualify as life insurance reserves, provided, however, that they first satisfy the requirements of section 801(b)(1)(A) and (B) and paragraph (a)(1) and (2) of this section. Thus, reserves need not be required by law—

(1) In the case of policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation, and

(2) In the case of policies issued by an organization which meets the requirements of section 501(c)(9) other than the requirement of subparagraph (B) thereof.

(c) *Assessment companies.* Section 801(b)(3) provides that in the case of an assessment life insurance company or association, the term "life insurance reserves" includes—

(1) Sums actually deposited by such company or association with officers of a State or Territory pursuant to law as guaranty or reserve funds, and

(2) Any funds maintained, under the charter or articles of incorporation or association of such company or association (or bylaws approved by the State insurance commissioner) of such company or association, exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use.

For purposes of Part I, subchapter L, chapter 1 of the Code, the reserves described in this paragraph shall be included as life insurance reserves even though such reserves do not meet the requirements of section 801(b) and paragraph (a) of this section. However, for such reserves to be included as life insurance reserves, they must be deposited or maintained to liquidate future unaccrued claims arising from life insurance, annuity, or noncancellable health and accident insurance contracts (including life insurance or annuity contracts combined with noncancellable health and accident insurance) involving, at the time with respect to which the reserve is deposited or maintained, life, health, or accident contingencies. The rate of interest assumed in calculating the reserves described in this paragraph shall be 3 percent, regardless of the rate of interest (if any) specified in the contract in respect of such reserves.

(d) *Reserves which qualify as life insurance reserves.* The following reserves, provided they meet the requirements of section 801(b) and paragraph (a) of this section, are illustrative of reserves which shall be included as life insurance reserves:

(1) Reserves held under life insurance contracts.

(2) Reserves held under annuity contracts (including reserves held under variable annuity contracts as described in section 801(g)(1)).

(3) Reserves held under noncancellable health and accident contracts (as defined in paragraph (c) of § 1.801–3) and reserves held under guaranteed renewable life, health, and accident insurance contracts (as defined in paragraph (d) of § 1.801–3).

(4) Reserves held either separately or combined under contracts described in subparagraphs (1), (2), or (3) of this paragraph.

(e) *Reserves and liabilities which do not qualify as life insurance reserves.* The following are illustrative of reserves and liabilities which do not meet the requirements of section 801(b) and paragraph (a) of this section and, accordingly, shall not be included as life insurance reserves:

(1) Liability for supplementary contracts not involving at the time with respect to which the liability is computed, life, health, or accident contingencies.

(2) In the case of cancellable health and accident policies and similar cancellable contracts, the unearned premiums and unpaid losses (whether or not ascertained).

(3) The unearned premiums, and unpaid losses (whether or not ascertained), on noncancellable life, health, or accident policies. (However, such amounts shall be taken into account under section 801(a)(2) for purposes of determining whether an insurance company is a life insurance company.)

(4) The deficiency reserve (as defined in section 801(b)(4)) for each individual contract, that is, that portion of the reserve for such contract equal to the amount (if any) by which—

(i) The present value of the future net premiums required for such contract, exceeds

(ii) The present value of the future actual premiums and consideration charged for such contract.

(5) Reserves required to be maintained to provide for the ordinary operating expenses of a business which must be currently paid by every company from its income if its business is to continue, such as taxes, salaries, and unpaid brokerage.

(6) Liability for premiums received in advance.

(7) Liability for premium deposit funds.

(8) The net value of risks reinsured in other solvent companies (whether or not authorized).

(9) Liability for annual and deferred dividends declared or apportioned.

(10) Liability for dividends left on deposit at interest.

(11) Liability for accrued but unsettled policy claims whether known or unreported.

(12) A mandatory securities valuation reserve.

(f) *Deposit administration plans.* For purposes of part I, subchapter L, chapter 1 of the Code, the term "deposit administration plan" includes a group plan entered into between a life insurance company and an employer whereby a deposit administration fund (the adequacy of which is assumed by the employer) is created by the periodical contributions of the employer (or of the employer and his employees, as the case may be) for the purpose of purchasing, under and by the terms of the plan, an immediate annuity for employees upon retirement. Generally, the liability of a life insurance company for amounts received as deposit administration funds shall not be included as life insurance reserves as the periodical contributions creating such fund do not meet the requirements of section 801(b) and paragraph (a) of this section. For example, under certain plans the periodical contributions creating the deposit administration fund are not based upon mortality tables within the meaning of the requirements of section 801(b)(1)(A) and paragraph (a)(1) of this section. Interest credited upon such funds by a life insurance company may be included as interest paid if it meets the requirements of section 805(e) and § 1.805–8.

§ 1.801–5 Total reserves.

(a) *Total reserves defined.* For purposes of section 801(a) and § 1.801–3, the term "total reserves" is defined in section 801(c) as the sum of—

(1) Life insurance reserves (as defined in section 801(b) and § 1.801–4),

(2) Unearned premiums (as defined in paragraph (e) of § 1.801–3), and unpaid losses (whether or not ascertained) (as defined in paragraph (g) of § 1.801–3), not included in life insurance reserves, and

(3) All other insurance reserves required by law.

The term "total reserves" does not, however, include deficiency reserves (within the meaning of section 801(b)(4) and paragraph (e)(4) of § 1.801–4), even though such deficiency reserves are required by State law. In determining total reserves, a company is permitted to make use of the highest aggregate reserve required by any State or Territory or the District of Columbia in which it transacts business, but the reserve must have been actually held during the taxable year for which the reserve is claimed. For example, during the taxable year 1958 a life insurance company sells life insurance and annuity contracts in States A and B. State A requires reserves of 10 against the life and 5 against the annuity business. State B requires reserves of 9 against the life and 7 against the annuity business. Assuming the company actually holds these reserves during the taxable year 1958, its highest aggregate reserve for such taxable year is the 16 required by State B. Thus, the company is not permitted to compute its highest aggregate reserve by taking State A's requirement of 10 against its life insurance business and adding it to State B's requirement of 7 against its annuity business.

(b) *Reserves required by law defined.* For purposes of part I, subchapter L, chapter 1 of the Code, the term "reserves required by law" means the amount of reserves as calculated according to the legal minimum standards of valuation prescribed either by express statutory provisions or by rules and regulations of the insurance department of a State, Territory, or the District of Columbia when promulgated in the exercise of a power conferred by statute. However, if a company holds reserves in excess of the amount calculated according to the legal minimum standards of valuation prescribed, and such additional amounts are needed to meet the nonforfeiture benefits guaranteed in contracts issued by the company, the term "reserves required by law" shall mean the amount of reserves as calculated by use of the same assumptions employed by the company in determining the nonforfeiture benefits guaranteed in such contracts, less any surrender charge made by the company.

(c) *Information to be filed.* In any case where reserves are claimed, sufficient information must be filed with the return to enable the district director to determine the validity of the claim. See section 6012 and paragraph (c) of § 1.6012–2.

(d) *Illustration of principles.* The provisions of section 801 relating to the percentage requirements for qualification as a life insurance company may be illustrated by the following example:

Example. The books of Y, an insurance company, selling life insurance, noncancellable health and accident insurance, and cancellable accident and health insurance, reflect (after adjustment under sections 806(a) and 801(d)) the following facts for the taxable year 1958:

	Jan. 1	Dec. 31	Mean of year
1. Life insurance reserves	$3,000	$5,000	$4,000
2. Unearned premiums, and unpaid losses (whether or not ascertained), on noncancellable accident and health insurance not included in life insurance reserves	400	600	500
3. Unearned premiums, and unpaid losses (whether or not ascertained), on cancellable accident and health insurance	1,800	2,200	2,000
4. All other insurance reserves required by law	900	1,100	1,000
5. Total reserves			7,500

The rules provided by section 801 require that the sum of the mean of the year figures in items 1 and 2 comprise more than 50 percent of the mean of the year figure in item 5 for an insurance company to qualify as a life insurance company. Thus, Y would qualify as a life insurance company for the taxable year 1958 as the sum of the mean of the year figures in items 1 and 2 ($4,500) comprise 60 percent of the mean of the year figure in item 5 ($7,500).

§ 1.801–6 Adjustments in reserves for policy loans.

(a) *In General.* Section 801(d) provides that for purposes only of determining whether or not an insurance company is a life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801–3), the life insurance reserves (as defined in section 801(b) and § 1.801–4), and the total reserves (as defined in section 801(c) and paragraph (a) of § 1.801–5), shall each be reduced by an amount equal to the mean of the aggregates, at the beginning and end of the taxable year, of the policy loans outstanding with respect to contracts for which life insurance reserves are maintained. Such reduction shall be made after any adjustments required under section 806(a) and § 1.806–3 have been made.

(b) *Policy loans defined.* The term "policy loans" includes loans made by the insurance company, by whatever name called, for which the reserve on a contract is the collateral.

(c) *Illustration of principles.* The provisions of section 801(d) and this section may be illustrated by the following example:

Example. The books of T, an insurance company, selling only life insurance and cancellable accident and health insurance, reflect (after adjustment under section 806(a)) the following facts for the taxable year 1958:

	Jan. 1	Dec. 31	Mean of year
1. Life insurance reserves	$1,000	$2,000	$1,500
2. Policy loans	50	850	450
3. Life insurance reserves less policy loans			1,050
4. Unearned premiums, and unpaid losses (whether or not ascertained), on cancellable accident and health insurance	900	1,600	1,250
5. Total reserves adjusted for policy loans (item 3 plus item 4)			2,300

As the rules provided by section 801 (a) and (d) require that the figure in item 3 ($1,050) be more than 50 percent of the mean of the year figure in item 5 ($2,300) for an insurance company to qualify as a life insurance company, T would not qualify as a life insurance company for the taxable year 1958.

§ 1.801–7 Variable annuities. [Reserved]

PAR. 3. Section 1.802(b) is amended to read as follows:

§ 1.802 Statutory provisions; life insurance companies; tax imposed; life insurance company taxable income defined.

SEC. 802. *Tax imposed*—(a) *Tax imposed*—(1) *In general.* A tax is hereby imposed for each taxable year beginning after December 31, 1957, on the life insurance company taxable income of every life insurance company. Such tax shall consist of—

(A) A normal tax on such income computed at the rate provided by section 11(b), and

(B) A surtax, on so much of such income as exceeds $25,000, computed at the rate provided by section 11(c).

(2) *Tax in case of capital gains.* If for any taxable year beginning after December 31, 1958, the net long-term capital gain of any life insurance company exceeds the net short-term capital loss, there is hereby imposed a tax equal to 25 percent of such excess.

(3) *Special rule for 1959 and 1960.* If any amount is subtracted from the policyholders surplus account under section 815(c)(3) for a taxable year beginning in 1959 or 1960 on account of a distribution in 1959 or 1960 (not including any distribution treated under section 815(d)(2)(B) as made in 1959 or 1960), the tax imposed for such taxable year on the life insurance company taxable income shall be the amount determined under paragraph (1) reduced by the following percentage of the amount by which the tax imposed by paragraph (1) is (without regard to this paragraph) increased, on account of the amount so subtracted, by reason of section 802(b)(3)—

(A) In the case of a taxable year beginning in 1959, 66⅔ percent; and

(B) In the case of a taxable year beginning in 1960, 33⅓ percent.

The preceding sentence shall not apply with respect to any payment treated as a distribution under section 815(d)(3).

(b) *Life insurance company taxable income defined.* For purposes of this part, the term "life insurance company taxable income" means the sum of—

(1) The taxable investment income (as defined in section 804) or, if smaller, the gain from operations (as defined in section 809),

(2) If the gain from operations exceeds the taxable investment income, an amount equal to 50 percent of such excess, plus

(3) The amount subtracted from the policyholders surplus account for the taxable year, as determined under section 815.

[Sec. 802 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 38); sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 115)]

PAR. 4. There are inserted immediately after § 1.802(b)–1 the following new sections:

§ 1.802–2 Taxable years affected.

Section 1.802(b)–1 is applicable only to taxable years beginning after December 31, 1953, and before January 1, 1955, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.802–3 through 1.802–5 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

§ 1.802–3 Tax imposed in life insurance companies.

(a) *In general.* For taxable years beginning after December 31, 1957, section 802(a)(1) imposes a tax on the life insurance company taxable income (as defined in section 802(b) and paragraph (a) of § 1.802–4) of every life insurance company (including a foreign life insurance company carrying on a life insurance business within the United States if with respect to its United States business it would qualify as a life insurance company under section 801(a)). The tax imposed by section 802(a)(1) is payable upon the basis of returns rendered by the life insurance companies liable thereto. See subchapter A, chapter 61 (section 6001 and following) of the Code.

(b) *Tax imposed.* The tax imposed by section 802(a)(1) consists of a normal tax and a surtax, computed at the regular corporate normal tax and surtax rates provided by section 11 (b) and (c), respectively. The normal tax and the surtax are both computed upon the life insurance company taxable income (as defined in section 802(b)) of the life insurance company for the taxable year.

(c) *Normal tax.* The normal tax is computed by applying to the life insurance company taxable income the regular corporate normal tax rate (as in effect for the taxable year) provided by section 11(b).

(d) *Surtax.* The surtax is computed by applying to the life insurance company taxable income, in excess of $25,000, the regular corporate surtax rate (as in effect for the taxable year) provided by section 11(c). However, in certain circumstances the $25,000 exemption from surtax may be disallowed in whole or in part. See sections 269 and 1551, and the regulations thereunder.

(e) *Special rule for 1959 and 1960.* See section 802(a)(3) and paragraph (a) of § 1.802–5 for a transitional rule applicable in certain cases in determining tax liability for the taxable years 1959 and 1960 by reason of the operation of section 802(b)(3).

(f) *Tax imposed in case of certain capital gains.* For taxable years beginning after December 31, 1958, if the net long-term capital gain (as defined in section 1222(7)) of any life insurance company exceeds its net short-term capital loss (as defined in section 1222(6)), section 802(a)(2) imposes a separate tax equal to 25 percent of such excess. This separate 25 percent tax rate applies whether or not there is life insurance company taxable income, taxable investment income, or a gain or loss from operations for the taxable year. For taxable years beginning after December 31, 1958, only the excess (if any) of net short-term capital gain (as defined in section 1222(5)) over net long-term capital loss (as defined in section 1222(8)) shall be taken into account in computing taxable investment income and gain or loss from operations. See sections 804(b) and 809(b). Except as modified by section 817 (rules relating to certain gains and losses), the general rules of the Code relating to gains and losses (such as the rules for determining the amount, characterization, and treatment thereof) shall apply with respect to life insurance companies.

(g) *Foreign life insurance companies.* Foreign life insurance companies not carrying on an insurance business within the United States are not taxable under section 802, but are taxable as other foreign corporations. See section 881.

(h) *Assessment and collection of tax imposed.* All provisions of the Internal Revenue Code and of the regulations in this part not inconsistent with the specific provisions of sections 801 to 820, inclusive, are applicable to the assessment and collection of the tax imposed by section 802(a), and life insurance companies are subject to the same penalties as are provided in the case of returns and payment of income tax by other corporations. The return shall be on Form 1120L.

(i) *Illustration of principles.* The provisions of section 802(a), other than paragraph (3) thereof, and this section may be illustrated by the following example:

Example. For the taxable year 1959, T, a life insurance company, has life insurance company taxable income of $300,000 (including $25,000 of net short-term capital gain) and $80,000 of net long-term capital gain. The tax of T under section 802(a) for 1959 is $170,500 ($90,000 normal tax, $60,500 surtax, and $20,000 capital gains tax) computed as follows:

COMPUTATION OF NORMAL TAX

Life insurance company taxable income	$300,000
Normal tax (30% of $300,000)	90,000

COMPUTATION OF SURTAX

Life insurance company taxable income	$300,000
Less: Exemption from surtax	25,000
Excess of life insurance company taxable income subject to surtax	275,000
Surtax (22% of $275,000)	60,500

COMPUTATION OF CAPITAL GAINS TAX

Excess of net long-term capital gain over net short-term capital loss	$80,000
Capital gains tax (25% of $80,000)	20,000

§ 1.802–4 Life insurance company taxable income.

(a) *Life insurance company taxable income defined.* Section 802(b) defines the term "life insurance company taxable income", for purposes of part I, subchapter L, chapter 1 of the Code, as the sum of—

(1) The taxable investment income (as defined in section 804), or, if smaller, the gain from operations (as defined in section 809),

(2) If the gain from operations exceeds the taxable investment income, an amount equal to 50 percent of such excess, plus

(3) The amount subtracted from the policyholders surplus account for the taxable year, as determined under section 815.

If for any taxable year there is a loss from operations (as defined in section 809(b)(2)), the amount taken into account under paragraphs (1) and (2) of section 802(b) and subparagraphs (1) and (2) of this paragraph shall be zero. However, even in such a case, there may still be an amount includible in life insurance company taxable income (and hence an amount subject to tax) by reason of an amount includible under section 802(b)(3) and subparagraph (3) of this paragraph.

(b) *Illustration of principles.* The provisions of section 802(b) and this section may be illustrated by the following examples:

Example (1). For the taxable year 1959, Y, a life insurance company, has taxable investment income of $250,000, and a gain from operations of $175,000. Y made no subtractions from the policyholders surplus account during such taxable year. For the taxable year 1959, Y has life insurance company taxable income of $175,000.

Example (2). The facts are the same as in example (1) except that for the taxable year 1959, Y has a gain from operations of $400,000. For the taxable year 1959, Y has life insurance company taxable income of $325,000, computed by adding taxable investment income ($250,000) and 50 percent ($75,000) of the amount ($150,000) by which the gain from operations ($400,000) exceeds the taxable investment income ($250,000).

Example (3). For the taxable year 1959, W, a life insurance company, has taxable investment income of zero (0) and a gain from operations of $90,000. W made no subtractions from the policyholders surplus account during such taxable year. For the taxable year 1959, W has life insurance company taxable income of $45,000, computed by adding taxable investment income (0) and 50 percent ($45,000) of the amount ($90,000) by which the gain from operations ($90,000) exceeds the taxable investment income (0).

Example (4). For the taxable year 1961, Z, a life insurance company, has taxable investment income of $100,000, a policyholders surplus account of $50,000 as of the beginning of such taxable year, a loss from operations (as defined in section 809(b)(2)) of $25,000, and subtractions from the policyholders surplus account in the amount of $20,000. For the taxable year 1961, Z has life insurance company taxable income of $20,000, as only the amount ($20,000) subtracted from the policyholders surplus account is taken into account.

§ 1.802–5 Special rule for 1959 and 1960.

(a) *Transitional rule.* Section 802(a)(3) provides a transitional rule for the determination of the tax liability of a life insurance company for the taxable years 1959 and 1960 by reason of the operation of section 802(b)(3). Except as limited by section 802(a)(3) and paragraph (b) of this section, any increase in a life insurance company's tax that is attributable to the operation of section 802(b)(3) is taken into account only to the extent of one-third and two-thirds for the taxable years 1959 and 1960, respectively. To the extent there is an increase in a life insurance company's tax that is attributable to the

operation of section 802(b)(3) which is not taken into account for the taxable years 1959 and 1960 because of the transitional rule provided by section 802(a)(3) and this paragraph, such amounts shall be included in "other accounts" under section 815(a)(3). For taxable years commencing after December 31, 1960, the full amount of any increase in tax due to the operation of section 802(b)(3) shall be imposed without any further transitional reduction.

(b) *Limitations.* The transitional rule provided by section 802(a)(3) is limited solely to an increase in tax under section 802(b)(3) that is occasioned by the operation of section 815(c)(3) (relating to subtractions from the policyholders surplus account by reason of distributions to shareholders). This rule is further limited to actual distributions that are made by life insurance companies in 1959 or 1960 and does not extend to other distributions that are treated under section 815(d)(2)(B) as made by life insurance companies in 1959 or 1960. Furthermore, section 802(a)(3) shall not apply to any increase in tax under section 802(b)(3) that is attributable to other subtractions from the policyholders surplus account by reason of the operation of the special rules contained in section 815(d). However, the transitional rule provided by section 802(a)(3) does apply in the case of a distribution to which section 815(e)(1)(B)(ii) applies.

(c) *Illustration of principles.* The provisions of section 802(a)(3) and this section may be illustrated by the following example:

Example. For the taxable year 1960, X, a life insurance company, had taxable investment income of $9,000, gain from operations of $27,000, and subtractions from the policyholders surplus account of $22,000. Based upon these figures, X had life insurance company taxable income of $40,000 for 1960, of which $18,000 was includible under section 802(b)(1) and (2) and $22,000 under section 802(b)(3). Applying the tax imposed by section 802(a)(1) (at rates as in effect for 1960), without regard to the transitional rule of section 802(a)(3), X would have a tax liability of $15,300 ($40,000 multiplied by 52 percent, less $5,500). However, applying the transitional rule of section 802(a)(3), the actual tax liability of X, for 1960, would be $12,000, computed as follows:

(1) Total tax liability (without regard to sec. 802(a)(3))		$15,300
(2) Life insurance company taxable income	$40,000	
(3) Amount subtracted from policyholders surplus account	22,000	
(4) Item (2) less item (3)	18,000	
(5) Tax on amount includible under sec. 802(b)(1) and (2) (30% of $18,000)		5,400
(6) Tax attributable to sec. 802(b)(3) (item (1) less item (5))		9,900
(7) Less: 33⅓ percent of tax attributable to sec. 802(b)(3) (⅓ of $9,900)		3,300
(8) Tax liability for 1960 after application of sec. 802(a)(3) (item (1) less item (7))		12,000

PAR. 5. Section 1.803 is amended to read as follows:

§ 1.803 Statutory provisions; life insurance companies; income and deductions.

SEC. 803. *Income and deductions*—(a) *Application of section.* The definitions and rules contained in this section shall apply only in the case of life insurance companies.

(b) *Gross investment income.* For purposes of this part, the term "gross investment income" means the sum of the following:

(1) The gross amount of income received or accrued from—

(A) Interest, dividends, rents, and royalties,

(B) The entering into of any lease, mortgage, or other instrument or agreement from which the life insurance company derives interest, rents, or royalties, and

(C) The alteration or termination of any instrument or agreement described in subparagraph (B).

(2) The gross income from any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner. In computing gross income under this paragraph, there shall be excluded any item described in paragraph (1).

In computing gross investment income under this subsection, there shall be excluded any gain from the sale or exchange of a capital asset, and any gain considered as gain from the sale or exchange of a capital asset.

(c) *Net investment income defined.* The term "net investment income" means the gross investment income less the following deductions:

(1) *Tax-free interest.* The amount of interest received or accrued during the taxable year which under section 103 is excluded from gross income.

(2) *Investment expenses.* (A) Investment expenses paid or accrued during the taxable year.

(B) If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed—

(i) One-fourth of 1 percent of the mean of the book value of the invested assets held at the beginning and end of the taxable year, plus

(ii) One-fourth of the amount by which the net investment income (computed without any deduction for investment expenses allowed by this paragraph, or for tax-free interest allowed by paragraph (1)) exceeds 3¾ percent of the book value of the mean of the invested assets held at the beginning and end of the taxable year.

(3) *Real estate expenses.* Taxes (as provided in section 164), and other expenses, paid or accrued during the taxable year exclusively on or with respect to the real estate owned by the company. No deduction shall be allowed under this paragraph for any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property.

(4) *Depreciation.* The depreciation deduction allowed by section 167.

(5) *Depletion.* The deduction allowed by section 611 (relating to depletion).

(6) *Trade or business deductions.* The deductions allowed by this subtitle (without regard to this part) which are attributable to any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner; except that for purposes of this paragraph—

(A) There shall be excluded losses from—

(i) Sales or exchanges of capital assets,

(ii) Sales or exchanges of property used in the trade or business (as defined in section 1231(b)), and

(iii) The compulsory or involuntary conversion (as a result of destruction, in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property used in the trade or business (as so defined).

(B) Any item, to the extent attributable to the carrying on of the insurance business, shall not be taken into account.

(C) The deduction for net operating losses provided in section 172, and the special deductions for corporations provided in part VIII of subchapter B, shall not be allowed.

(d) *Rental value of real estate.* The deduction under subsection (c) (3) and (4) on account of any real estate owned and occupied in whole or in part by a life insurance company shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this subsection) as the rental value of the space not so occupied bears to the rental value of the entire property.

(e) *Amortization of premium and accrual of discount.* The gross investment income, the deduction for wholly-exempt interest allowed by subsection (c)(1), and the deduction allowed by section 242 (relating to partially tax-exempt interest) shall each be decreased to reflect the appropriate amortization of premium and increased to reflect the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such amortization and accrual shall be determined—

(1) In accordance with the method regularly employed by such company, if such method is reasonable, and

(2) In all other cases in accordance with regulations prescribed by the Secretary or his delegate.

[Sec. 803 as amended by Sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 39)]

PAR. 6. There are inserted immediately after § 1.803–6 the following new sections:

§ 1.803–7 Taxable years affected.

Sections 1.803–1 through 1.803–6 are applicable only to taxable years beginning after December 31, 1953, and before January 1, 1955, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments.

INVESTMENT INCOME

§ 1.804 Statutory provisions; life insurance companies; taxable investment income.

SEC. 804. *Taxable investment income*—(a) *In general*—(1) *Exclusion of policyholders' share of investment yield.* The policyholders' share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) of any life insurance company shall not be included in taxable investment income. For purposes of the preceding sentence, the policyholders' share of any item shall be that percentage obtained by dividing the policy and other contract liability requirements by the investment yield; except that if the policy and other contract liability requirements exceed the investment yield, then the policyholders' share of any item shall be 100 percent.

(2) *Taxable investment income defined.* For purposes of this part, the taxable investment income for any taxable year shall be an amount (not less than zero) equal to the sum of the life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received), reduced by—

(A) The sum of—

(i) The life insurance company's share of interest which under section 103 is excluded from gross income,

(ii) The deduction for partially tax-exempt interest provided by section 242 (as modified by paragraph (3)) computed with respect to the life insurance company's share of such interest, and

(iii) The deductions for dividends received provided by sections 243, 244, and 245 (as modified by paragraph (5)) computed with respect to the life insurance company's share of the dividends received; and

(B) The small business deduction provided by paragraph (4).

For purposes of the preceding sentence, the life insurance company's share of any item shall be that percentage which, when added to the percentage obtained under the second sentence of paragraph (1), equals 100 percent.

(3) *Partially tax-exempt interest.* For purposes of this part, the deduction allowed by section 242 shall be an amount which bears the same ratio to the amount determined under such section without regard to this paragraph as (A) the normal tax rate for the taxable year prescribed by section 11, bears to (B) the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

(4) *Small business deduction.* For purposes of this part, the small business deduction is an amount equal to 10 percent of the investment yield for the taxable year. The deduction under this paragraph shall not exceed $25,000.

(5) *Application of section 246(b).* In applying section 246(b) (relating to limitation on aggregate amount of deductions for dividends received) for purposes of this subsection, the limit on the aggregate amount of the deductions allowed by sections 243 (a), 244, and 245 shall be 85 percent of the taxable investment income computed without regard to the deductions allowed by such sections.

(6) *Exception.* If it is established in any case that the application of the definition of taxable investment income contained in paragraph (2) results in the imposition of tax on—

(A) Any interest which under section 103 is excluded from gross income,

(B) Any amount of interest which under section 242 (as modified by paragraph (3)) is allowable as a deduction, or

(C) Any amount of dividends received which under sections 243, 244, and 245 (as modified by paragraph (5)) is allowable as a deduction, adjustment shall be made to the extent necessary to prevent such imposition.

(b) *Gross investment income.* For purposes of this part, the term "gross investment income" means the sum of the following:

(1) *Interest, etc.* The gross amount of income from—

(A) Interest, dividends, rents, and royalties,

(B) The entering into of any lease, mortgage, or other instrument or agreement from which the life insurance company derives interest, rents, or royalties, and

(C) The alteration or termination of any instrument or agreement described in subparagraph (B).

(2) *Short-term capital gain.* In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net short-term capital gain exceeds the net long-term capital loss.

(3) *Trade or business income.* The gross income from any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner. In computing gross income under this paragraph, there shall be excluded any item described in paragraph (1).

Except as provided in paragraph (2), in computing gross investment income under this subsection, there shall be excluded any gain from the sale or exchange of a capital asset, and any gain considered as gain from the sale or exchange of a capital asset.

(c) *Investment yield defined.* For purposes of this part, the term "investment yield" means the gross investment income less the following deductions—

(1) *Investment expenses.* Investment expenses for the taxable year. If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed the sum of—

(A) One-fourth of one percent of the mean of the assets (as defined in section 805(b)(4)) held at the beginning and end of the taxable year,

(B) The amount of the mortgage service fees for the taxable year, plus

(C) Whichever of the following is the greater:

(i) One-fourth of the amount by which the investment yield (computed without any deduction for investment expenses allowed by this paragraph) exceeds 3¾ percent of the mean of the assets (as defined in section 805(b)(4)) held at the beginning and end of the taxable year, reduced by the amount described in subparagraph (B), or

(ii) One-fourth of one percent of the mean of the value of mortgages held at the beginning and end of the taxable year for which there are no mortgage service fees for the taxable year.

(2) *Real estate expenses.* The amount of taxes (as provided in section 164), and other expenses, for the taxable year exclusively on or with respect to the real estate owned by the company. No deduction shall be allowed under this paragraph for any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property.

(3) *Depreciation.* The deduction allowed by section 167. The deduction under this paragraph and paragraph (2) on account of any real estate owned and occupied for insurance purposes in whole or in part by a life insurance company shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this sentence) as the rental value of the space not so occupied bears to the rental value of the entire property.

(4) *Depletion.* The deduction allowed by section 611 (relating to depletion).

(5) *Trade or business deductions.* The deductions allowed by this subtitle (without regard to this part) which are attributable to any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner; except that in computing the deduction under this paragraph—

(A) There shall be excluded losses—

(i) From (or considered as from) sales or exchanges of capital assets,

(ii) From sales or exchanges of property used in the trade or business (as defined in section 1231(b)), and

(iii) From the compulsory or involuntary conversion (as a result of destruction, in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property used in the trade or business (as so defined).

(B) Any item, to the extent attributable to the carrying on of the insurance business, shall not be taken into account.

(C) The deduction for net operating losses provided in section 172, and the special deductions for corporations provided in part VIII of subchapter B, shall not be allowed.

[Sec. 804 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 41); amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 115)]

§ 1.804–1 Taxable years affected.

Sections 1.804–2 through 1.804–4 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

§ 1.804–2 Taxable investment income.

(a) *In general.* Section 804 provides the rules for determining the taxable investment income of a life insurance company, which amount is necessary to determine life insurance company taxable income. In order to determine taxable investment income, a life insurance company must first determine its gross investment income (as defined in section 804(b) and § 1.804–3). After making such determination, the next step is to determine its investment yield (as defined in section 804(c) and § 1.804–4). After determining its investment yield, a company shall then determine the policyholders' share of each and every item of its investment yield (as computed under section 804(a)(1) and paragraph (b) of this section), as this share is excluded from taxable investment income (as defined in section 804(a)(2) and paragraph (d) of this section). Thus, only the life insurance company's share of the items comprising investment yield (less certain reductions) shall be taken into account in computing taxable investment income.

(b) *Exclusion of policyholders' share of investment yield.* Section 804(a)(1) provides that the policyholders' share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) of any life insurance company shall not be included in taxable investment income. For this purpose, the percentage used in determining the policyholders' share of each of these items comprising the investment yield shall be determined by dividing the policy and other contract liability requirements (as defined in section 805(a) and paragraph (b) of § 1.805–4) by the investment yield. The percentage thus obtained is then applied to each and every item of the investment yield so that the policyholders' share of each and every item of investment yield may be excluded from taxable investment income. However, if in any case the policy and other contract liability requirements exceed the investment yield, then the policyholders' share of any item shall be 100 percent.

(c) *Computation of life insurance company's share of investment yield.* Section 804(a)(2) provides that the percentage used in determining the life insurance company's share of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received) shall be the percentage obtained by subtracting the percentage obtained under paragraph (b) of this section from 100 percent. Only the life insurance company's share of the items comprising investment yield (less certain reductions specified in section 804(a)(2) and paragraph (d)(1) of this section) shall be taken into account in computing taxable investment income. For example, if the policyholders' percentage (as determined under section 804(a)(1) and paragraph (b) of this section) is 80 percent, then the life insurance company's share is 20 percent (100 percent minus 80 percent). In such a case, if the amount of a particular item is $1,000, then the life insurance company's share of such item included in determining taxable investment income is $200 ($1,000 multiplied by 20 percent) and the policyholders' share of such item (which is excluded from taxable investment income) is $800 ($1,000 multiplied by 80 percent).

(d) *Taxable investment income of a life insurance company*—(1) *Definition.* Section 804(a)(2) defines the term "taxable investment income" for any taxable year, for purposes of part I, subchapter L, chapter 1 of the Code, as an amount (not less than zero) equal to the sum of the life insurance company's share (as determined under paragraph (c) of this section) of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received), reduced by the sum of—

(i) The life insurance company's share of interest which under section 103 is excluded from gross income,

(ii) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3) and subparagraph (2)(i) of this paragraph) computed with respect to the life insurance company's share of such interest,

(iii) The deductions for dividends received provided by sections 243, 244, and 245 (as modified by section 804(a)(5) and subparagraph (2)(ii) of this paragraph) computed with respect to the life insurance company's share of the dividends received, and

(iv) The small business deduction provided by section 804(a)(4). For purposes of part I, such small business deduction shall be an amount equal to 10 percent of the investment yield for the taxable year (but not to exceed $25,000).

(2) *Modifications*—(i) *Partially tax-exempt interest.* For purposes of part I, the deduction allowed by section 242 (relating to partially tax-exempt interest) shall be determined by applying to the life insurance company's share of such interest the ratio which the normal tax rate (as prescribed by section 11) for the taxable year bears to the sum of the normal tax rate and the surtax rate (as prescribed by section 11) for the taxable year. For example, if for the taxable year 1959 the life insurance company's share of partially tax-exempt interest is $104, the deduction provided by section 804(a)(2)(A)(ii) (as modified by this subdivision) is $60 (thirty fifty-seconds of such partially tax-exempt interest).

(ii) *Application of section 246(b).* The sum of the deductions allowed by sections 243(a) (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations) shall be limited to 85 percent of the taxable investment income (as defined in subparagraph (1) of this paragraph) of the company. The taxable investment income of the company for this purpose shall be computed without regard to the deductions provided in sections 243(a), 244, and 245.

(e) *Exceptions.* (1) If it is established in any case to the satisfaction of the Commissioner, or by a determination of The Tax Court of the United States, or of any other court of competent jurisdiction, which has become final, that the application of the definition of taxable investment income contained in section 804(a)(2) results in the imposition of tax on—

(i) Any interest which under section 103 is excluded from gross income,

(ii) Any amount of interest which under section 242 (as modified by section 804(a)(3)) is allowable as a deduction, or

(iii) Any amount of dividends received which under sections 243, 244, and 245 (as modified by section 804(a)(5)) is allowable as a deduction, section 804(a)(6) provides that adjustment shall be made to the extent necessary to prevent such imposition.

(2) For the date upon which a decision by the Tax Court becomes final, see section 7481. For the date upon which a judgment of any other court becomes final, see paragraph (c) of § 1.1313(a)-1.

(f) *Illustration of principles.* The provisions of section 804(a) and this section may be illustrated by the following example:

Example. For the taxable year 1958, R, a life insurance company, had investment yield of $1,000,000, including $200,000 of dividends received from domestic corporations subject to taxation under chapter 1 of the Code, $16,800 of wholly tax-exempt interest, and $33,200 of partially tax-exempt interest. For such taxable year, the policyholders' share of each and every item of investment yield was 75 percent and the company's share of each and every item of investment yield was 25 percent. Based upon these figures, R had taxable investment income of $166,300 for the taxable year 1958, computed as follows:

	Col. 1 Total	Col. 2 (75% × Col. 1) Policyholders' share	Col. 3 (25% × Col. 1) Company's share
Interest wholly tax-exempt	$16,800	$12,600	$4,200
Interest partially tax-exempt	83,200	62,400	20,800
Dividends received	200,000	150,000	50,000
Other items of investment yield	700,000	525,000	175,000
Investment yield	1,000,000	750,000	250,000
Less:			
Company's share of interest wholly tax-exempt	$4,200		
30/52 of company's share of interest partially tax-exempt (30/52 × $20,800)	12,000		
85% of company's share of dividends received (but not to exceed 85% of taxable investment income computed without regard to this deduction) (85% × $50,000)	42,500		
Small business deduction (10% of investment yield, not to exceed $25,000)	25,000		83,700
Taxable investment income			166,300

§ 1.804–3 Gross investment income of a life insurance company.

(a) *Gross investment income defined.* For purposes of part I, subchapter L, chapter 1 of the Code, section 804(b) defines the term "gross investment income" of a life insurance company as the sum of the following:

(1) The gross amount of income from—

(i) Interest (including tax-exempt interest and partially tax-exempt interest), as described in § 1.61–7. Interest shall be adjusted for amortization of premium and accrual of discount in accordance with the rules prescribed in section 818(b)(1) and the regulations thereunder.

(ii) Dividends, as described in § 1.61–9.

(iii) Rents and royalties, as described in § 1.61–8.

(iv) The entering into of any lease, mortgage, or other instrument or agreement from which the life insurance company may derive interest, rents, or royalties.

(v) The alteration or termination of any instrument or agreement described in subdivision (iv) of this subparagraph.

For example, gross investment income includes interest attributable to the payment of premiums on other than the annual basis (that is, on a monthly, quarterly, etc., basis), amounts received as commitment fees, as a bonus for the entering into of a lease, or as a penalty for the early payment of a mortgage.

(2) In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net short-term capital gain (as defined in section 1222(5)) exceeds the net long-term capital loss (as defined in section 1222(8)), and

(3) The gross income from any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner.

(b) *No double inclusion of income.* In computing the gross income from any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner, any item described in section 804(b)(1) and paragraph (a)(1) of this section shall not be considered as gross income arising from the conduct of such trade or business or partnership, but shall be taken into account under section 804(b)(1) and paragraph (a)(1) of this section.

(c) *Exclusion of net long-term capital gains.* Any net long-term capital gains from the sale or exchange of a capital asset (or any gain considered to be from the sale or exchange of a capital asset under applicable law) shall be excluded from the gross investment income of a life insurance company. However, section 804(b)(2) and paragraph (a)(2) of this section provide that the amount (if any) by which the net short-term capital gain exceeds the net long-term capital loss shall be included in the gross investment income of a life insurance company.

§ 1.804–4 Investment yield of a life insurance company.

(a) *Investment yield defined.* Section 804(c) defines the term "investment yield" of a life insurance company for purposes of part I, subchapter L, chapter 1 of the Code. Investment yield means gross investment income (as defined in section 804(b) and paragraph (a) of § 1.804–3), less the deductions provided in section 804(c) and paragraph (b) of this section for investment expenses, real estate expenses, depreciation, depletion, and trade or business (other than an insurance business) expenses. However, such expenses are deductible only to the extent that they relate to investment income and the deduction of such expenses is not disallowed by any other provision of subtitle A of the Code. For example, investment expenses are not allowable unless they are ordinary and necessary expenses within the meaning of section 162, and under section 265, no deduction is allowable for interest on indebtedness incurred or continued to purchase or carry obligations the interest on which is wholly exempt from taxation under chapter 1 of the Code. A deduction shall not be permitted with respect to the same item more than once.

(b) *Deductions from gross investment income*—(1) *Investment expenses.* (i) Section 804(c)(1) provides for the deduction of investment expenses by a life insurance company in determining investment yield. "Investment expenses" are those expenses of the taxable year which are fairly chargeable against the production of gross investment income. For example, investment expenses include salaries and expenses paid exclusively for work in looking after investments, and amounts expended for printing, stationery, postage, and stenographic work incident to the collection of interest. An itemized schedule of such expenses shall be attached to the return.

(ii) Any assignment of general expenses to the investment department of a life insurance company for which a deduction is claimed under section 804(c)(1) subjects the entire deduction for investment expenses to the limitation provided in that section and subdivision (iii) of this subparagraph. As used in section 804(c)(1), the term "general expenses" means any expense paid or incurred for the benefit of more than one department of the company rather than for the benefit of a particular department thereof. For example, if real estate taxes, interest on a mortgage on a home office building, depreciation, or other expenses attributable to office space owned by the company and utilized by it in connection with its investment function are assigned to investment expenses, such items shall be deductible as general expenses assigned to or included in investment expenses and as such shall be subject to the limitation of section 804(c)(1) and subdivision (iii) of this subparagraph. Similarly, if an expense, such as a salary, is attributable to more than one department, including the investment department, such expenses may be properly allocated among these departments. If such expenses are allocated, the amount properly allocable to the investment department shall be deductible as general expenses assigned to or included in investment expenses and as such shall be subject to the limitation of section 804(c)(1) and subdivision (iii) of this subparagraph. If general expenses are in part assigned to or included in investment expenses, the maximum allowance (as determined under section 804(c)(1)) shall not be granted unless it is shown to the satisfaction of the district director that such allowance is justified by a reasonable assignment of actual expenses. The accounting procedure employed is not conclusive as to whether any assignment has in fact been made. Investment expenses do not include Federal income and excess profits taxes, if any. In cases where the investment expenses allowable as deductions under section 804(c)(1) exceed the limitation contained therein, see section 809(d)(9).

(iii) If any general expenses are in part assigned to or included in investment expenses, the total deduction under section 804(c)(1) shall not exceed the sum of—

(*a*) One-fourth of one percent of the mean of the assets (as defined in section 805(b)(4) and paragraph (a)(4) of § 1.805–5) held at the beginning and end of the taxable year,

(*b*) The amount of the mortgage service fees for the taxable year, plus

(*c*) Whichever of the following is the greater:

(*1*) One-fourth of the amount by which the investment yield (computed without any deduction for investment expenses allowed by section 804(c)(1)) exceeds 3¾ percent of the mean of the assets (as defined in section 805(b)(4)) held at the beginning and end of the taxable year, reduced by the amount of the mortgage service fees for the taxable year, or

(*2*) One-fourth of one percent of the mean of the value of mortgages held at the beginning and end of the taxable year for which there are no mortgage service fees for the taxable year. For purposes of the preceding sentence, the term "mortgages held" refers to mortgages, and other similar liens, on real property which are held by the company as security for "mortgage loans".

For purposes of section 804(c)(1)(B) and (C)(*1*) and (*b*) and (c)(*1*) of this subdivision, the term "mortgage service fees" includes mortgage origination fees. Such fees are not deductible in full in the year incurred but shall be amortized in accordance with the rules prescribed in section 818(b)(1) and the regulations thereunder.

(iv) The operation of the limitation contained in section 804(c)(1) and subdivision (iii) of this subparagraph may be illustrated by the following example:

Example. The books of S, a life insurance company, reflect the following items for the taxable year 1958:

Investment expenses (including general expenses assigned to or included in investment expenses)	$125,000
Mean of the assets held at the beginning and end of the taxable year	20,000,000
Mortgage service fees	25,000
Investment yield computed without regard to investment expenses	1,200,000
Mean of the value of mortgages held at the beginning and end of the taxable year for which there are no mortgage service fees	6,000,000

In order to determine the limitation on investment expenses, S would make up the following schedule:

1. Mean of the assets held at the beginning and end of the taxable year		$20,000,000
2. One-fourth of 1 percent of item 1 (¼ of 1% of $20,000,000)		50,000
3. Mortgage service fees		25,000
4. The greater of (a) or (b):		
(a)(i) Investment yield computed without regard to investment expenses	$1,200,000	
(ii) Three and three-fourths percent of item 1 (3¾% × $20,000,000)	750,000	
(iii) Excess of (i) over (ii) ($1,200,000 minus $750,000)	450,000	
(iv) One-fourth of (iii) (¼ × $450,000)	112,500	
(v) Less: Mortgage service fees (item 3)	25,000	

4. The greater of (a) or (b)—Con.	
(vi) Excess of (iv) over (v) ($112,500 minus $25,000)	$87,500
(b) One-fourth of 1 percent of the mean of the value of mortgages held at the beginning and end of the taxable year for which there are no mortgage service fees (¼ of 1% × $6,000,000)	15,000
5. The greater of item 4 (a) or (b)	$87,500
6. Limitation on investment expenses (items 2, 3, and 4(a))	162,500

As the investment expenses (including general expenses assigned to or included in investment expenses) of S for the taxable year 1958 ($125,000) do not exceed the limitation on such expenses ($162,500), S would be entitled to deduct the entire $125,000 under section 804(c)(1).

(2) *Real estate expenses and taxes.* The deduction for expenses and taxes under section 804(c)(2) includes taxes (as defined in section 164), interest on a mortgage attributable to real property (or portion thereof) which is used for the production of gross investment income (as defined in section 804(b)), and other expenses for the taxable year exclusively on or with respect to real estate owned by the company. For example, no deduction shall be allowed under section 804(c)(2) for amounts allowed as a deduction under section 164(e) (relating to taxes of shareholders paid by a corporation). No deduction shall be allowed under section 804(c)(2) for any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. An itemized schedule of such taxes and expenses shall be attached to the return. See subparagraph (4) of this paragraph for limitation of such deduction.

(3) *Depreciation.* The deduction allowed for depreciation is, except as provided in section 804(c)(3) and subparagraph (4) of this paragraph, identical to that allowed other corporations by section 167. Such amount allowed as a deduction from gross investment income in determining investment yield is limited to depreciation sustained on the property used, and to the extent used, for the purpose of producing the income specified in section 804(b). An election with respect to any of the methods of depreciation provided in section 167 shall not be affected in any way by the enactment of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112). However, in appropriate cases, the method of depreciation may be changed with the consent of the Commissioner. See section 167(e) and § 1.167(e)–1. See subparagraph (4) of this paragraph for limitation of such deduction. See section 809(d)(12) and the regulations thereunder for the treatment of depreciable property used in the operation of a life insurance business.

(4) *Limitation on deductions allowable under section 804 (c)(2) and (c)(3).* Section 804(c)(3) provides that the amount allowable as a deduction for taxes, expenses, and depreciation on or with respect to any real estate owned and occupied for insurance purposes in whole or in part by a life insurance company shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this limitation) as the rental value of the space not so occupied bears to the rental value of the entire property. For example, T, a life insurance company, owns a twenty-story downtown home office building which is subject to a mortgage. The rental value of each floor of the building is identical. T rents nine floors to various tenants, one floor is utilized by it in operating its investment department, and the remaining ten floors are occupied by it in carrying on its insurance business. Since floor space equivalent to eleven-twentieths or 55 percent, of the rental value of the entire property is owned and occupied for insurance purposes by the company, the deductions allowable under section 804 (c)(2) and (3) for taxes, interest on the mortgage, depreciation, and other real estate expenses shall be limited to nine-twentieths, or 45 percent, of the taxes, mortgage interest, depreciation, and other real estate expenses on account of the entire property. However, the portion of such allowable deductions attributable to the operation of the investment department (one-twentieth, or 5 percent) may be deductible as general expenses assigned to or included in investment expenses and as such shall be subject to the limitations of section 804(c)(1). Where a deduction is claimed as provided in this section, the parts of the property occupied and the parts not occupied by the company in carrying on its insurance business, together with the respective rental values thereof, must be shown in a schedule accompanying the return.

(5) *Depletion.* The deduction for depletion (and depreciation) provided in section 804(c)(4) is identical to that allowed other corporations by section 611. The amount allowed by section 611 in the case of a life insurance company is limited to depletion (and depreciation) sustained on the property used, and to the extent used, for the purpose of producing the income specified in section 804(b). See section 611 and § 1.611–5 for special rules relating to the depreciation of improvements in the case of mines, oil and gas wells, other natural deposits, and timber.

(6) *Trade or business deductions.* (i) Under section 804(c)(5), the deductions allowed by subtitle A of the Code (without regard to this part) which are attributable to any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner are, subject to the limitations in subdivisions (ii), (iii), and (iv) of this subparagraph, allowable as deductions from the gross investment income of a life insurance company in determining its investment yield. Such deductions are allowable, however, only to the extent that they are attributable to the production of income which is included in the life insurance company's gross investment income by reason of section 804(b)(3). However, since any interest, dividends, rents, and royalties received by any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner, is included in the life insurance company's gross investment income by reason of section 804(b)(1) and paragraph (b) of § 1.804–3, any expenses fairly chargeable against the production of such income may be deductible under section 804(c)(1), (2), (3), or (4). The allowable deductions may exceed the gross income from such business.

(ii) In computing the deductions under section 804(c)(5), there shall be excluded losses—

(*a*) From (or considered as from) sales or exchanges of capital assets,

(*b*) From sales or exchanges of property used in the trade or business (as defined in section 1231(b)), and

(*c*) From the compulsory or involuntary conversion (as a result of destruction, in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property used in the trade or business (as so defined).

(iii) Any item, to the extent attributable to the carrying on of the insurance business, shall not be taken into account. For example, if a life insurance company operates a radio station primarily to advertise its own insurance services, a portion of the expenses of the radio station shall not be allowed as a deduction. The portion disallowed shall be an amount which bears the same ratio to the total expenses of the station as the value of advertising furnished to the insurance company bears to the total value of services rendered by the station.

(iv) The deduction for net operating losses provided in section 172, and the special deductions for corporations provided in part VIII, subchapter B, chapter 1 of the Code, shall not be allowed.

PAR. 7. Section 1.805 is amended to read as follows:

§ 1.805 Statutory provisions; life insurance companies; policy and other contract liability requirements.

SEC. 805. *Policy and other contract liability requirements*—(a) *In general.* For purposes of this part, the term "policy and other contract liability requirements" means, for any taxable year, the sum of—

(1) The adjusted life insurance reserves, multiplied by the adjusted reserves rate,

(2) The mean of the pension plan reserves at the beginning and end of the taxable year, multiplied by the current earnings rate, and

(3) The interest paid.

(b) *Adjusted reserves rate and earnings rates*—(1) *Adjusted reserves rate.* For purposes of this part, the adjusted reserves rate for any taxable year is the average earnings rate or, if lower, the current earnings rate.

(2) *Current earnings rate.* For purposes of this part, the current earnings rate for any taxable year is the amount determined by dividing—

(A) The taxpayer's investment yield for such taxable year, by

(B) The mean of the taxpayer's assets at the beginning and end of the taxable year.

(3) *Average earnings rate*—(A) *In general.* For purposes of this part, the average earnings rate for any taxable year is the average of the current earnings rates for such taxable year and for each of the 4 taxable years immediately preceding such taxable year (excluding any of such 4 taxable years for which the taxpayer was not an insurance company).

(B) *Special rules.* For purposes of subparagraph (A)—

(i) The current earnings rate for any taxable year beginning before January 1, 1958, shall be determined as if this part (as in effect for 1958) and section 381(c)(22) applied to such taxable year, and

(ii) The current earnings rate for any taxable year of any company which, for such year, is an insurance company (but not a life insurance company) shall be determined as if this part applied to such company for such year.

(4) *Assets.* For purposes of this part, the term "assets" means all assets of the company (including non-admitted assets), other than real and personal property (excluding money) used by it in carrying on an insurance trade or business. For purposes of this paragraph, the amount attributable to—

(A) Real property and stock shall be the fair market value thereof, and

(B) Any other asset shall be the adjusted basis (determined without regard to fair market value on December 31, 1958) of such asset for purposes of determining gain on sale or other disposition.

(c) *Adjusted life insurance reserves*—(1) *Adjusted life insurance reserves defined.* For purposes of this part, the term "adjusted life insurance reserves" means—

(A) The mean of the life insurance reserves (as defined in section 801(b)), other than pension plan reserves, at the beginning and end of the taxable year, multiplied by

(B) That percentage which equals 100 percent—

(i) Increased by that percentage which is 10 times the average rate of interest assumed by the taxpayer in calculating such reserves, and

(ii) Reduced by that percentage which is 10 times the adjusted reserves rate.

(2) *Average interest rate assumed.* For purposes of this part, the average rate of interest assumed in calculating reserves shall be computed—

(A) By multiplying each assumed rate of interest by the means of the amounts of such reserves computed at that rate at the beginning and end of the taxable year, and

(B) By dividing (i) the sum of the products ascertained under subparagraph (A), by (ii) the mean of the total of such reserves at the beginning and end of the taxable year.

(d) *Pension plan reserves*—(1) *Pension plan reserves defined.* For purposes of this part, the term "pension plan reserves" means that portion of the life insurance reserves which is allocable to contracts—

(A) Purchased under contracts entered into with trusts which (as of the time the contracts were entered into) were deemed to be (i) trusts described in section 401(a) and exempt from tax under section 501(a), or (ii) trusts exempt from tax under section 165 of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws;

(B) Purchased under contracts entered into under plans which (as of the time the contracts were entered into) were deemed to be plans meeting the requirements of section 401(a) (3), (4), (5), and (6), or the requirements of section 165(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1939;

(C) Provided for employees of the life insurance company under a plan which, for the taxable year, meets the requirements of section 401(a) (3), (4), (5), and (6); or

(D) Purchased to provide retirement annuities for its employees by an organization which (as of the time the contracts were purchased) was an organization described in section 501(c)(3) which was exempt from tax under section 501(a) or was an organization exempt from tax under section 101(6) of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws.

(2) *Special transitional rule.* For purposes of this part, the amount taken into account as pension plan reserves shall be—

(A) In the case of a taxable year beginning after December 31, 1957, and before January 1, 1959, zero;

(B) In the case of a taxable year beginning after December 31, 1958, and before January 1, 1960, 33⅓ percent of the amount thereof (determined without regard to this paragraph);

(C) In the case of a taxable year beginning after December 31, 1959, and before January 1, 1961, 66⅔ percent of the amount thereof (determined without regard to this paragraph); and

(D) In the case of a taxable year beginning after December 31, 1960, 100 percent of the amount thereof.

(e) *Interest paid.* For purposes of this part, the interest paid for any taxable year is the sum of—

(1) *Interest on indebtedness.* All interest for the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations the interest on which is wholly exempt from taxation under this chapter.

(2) *Amounts in the nature of interest.* All amounts in the nature of interest, whether or not guaranteed, for the taxable year on insurance or annuity contracts (including contracts supplementary thereto) which do not involve, at the time of accrual, life, health, or accident contigencies.

(3) *Discount on prepaid premiums.* All amounts accrued for the taxable year for discounts in the nature of interest, whether or not guaranteed, on premiums or other consideration paid in advance on insurance or annuity contracts.

(4) *Interest on certain special contingency reserves.* Interest for the taxable year on special contingency reserves established pursuant to section 8(d) of the Federal Employees' Group Life Insurance Act of 1954 (5 U.S.C. 2097(d)).

[Sec. 805 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 43); sec. 2 Life Insurance Company Income Tax Act 1959 (73 Stat. 118)]

PAR. 8. There are inserted immediately after § 1.805–2 the following new sections:

§ 1.805–3 Taxable years affected.

Sections 1.805–1 and 1.805–2 are applicable only to taxable years beginning after December 31, 1953, and before January 1, 1955, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.805–4 through 1.805–8, except as otherwise provided therein, are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

§ 1.805–4 Policy and other contract liability requirements.

(a) *Introduction.* Section 805 relates to the determination of the policy and other contract liability requirements of a life insurance company. This determination furnishes the numerator of a fraction to be used in determining the policyholders' share of each and every item of the investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received). The denominator of this fraction is the investment yield (as determined under section 804(c) and § 1.804–4). The percentage obtained from this fraction is used in determining the policyholders' share of each and every item of the investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received), which shall not be included in taxable investment income (as determined under section 804(a)(2) and paragraph (d) of § 1.804–2).

(b) *Policy and other contract liability requirements defined.* Section 805(a) defines the term "policy and other contract liability requirements" of a life insurance company, for any taxable year, for purposes of part I, subchapter L, chapter 1 of the Code, as the sum of—

(1) The adjusted life insurance reserves (as defined in section 805(c)(1)), multiplied by the adjusted reserves rate (as defined in section 805(b)(1)),

(2) The mean of the pension plan reserves (as defined in section 805(d)(1)) at the beginning and end of the taxable year, multiplied by the current earnings rate (as defined in section 805(b)(2)), and

(3) The interest paid (as defined in section 805(e)).

§ 1.805–5 Adjusted reserves rate and earnings rates.

(a) *In general.* For purposes of part I, subchapter L, chapter 1 of the Code, section 805(b) defines the terms "adjusted reserves rate", "current earnings rate", "average earnings rate", and "assets". These terms, with such meaning ascribed to them, are to be used in computing the policy and other contract liability requirements (as determined under section 805(a)). For the meaning of the term "current earnings rate" in the case of variable annuity contracts, see section 801(g)(3). The terms "adjusted reserves rate", "current earnings rate", "average earnings rate", and "assets" are defined as follows:

(1) *Adjusted reserves rate.* For any taxable year, the term "adjusted reserves rate" means the average earnings rate (as defined in section 805(b)(3) and subparagraph (3) of this paragraph), or, if lower, the current earnings rate (as defined in section 805(b)(2) and subparagraph (2) of this paragraph).

(2) *Current earnings rate.* For any taxable year, the term "current earnings rate" means the amount determined by dividing—

(i) The taxpayer's investment yield (as determined under section 804(c)) for such taxable year, by

(ii) The mean of the taxpayer's assets (as defined in section 805(b)(4) and subparagraph (4) of this para-

graph) at the beginning and end of such taxable year.

(3) *Average earnings rate*—(i) *Definition.* For any taxable year, the term "average earnings rate" means the average of the current earnings rate for such taxable year and the current earnings rate for each of the 4 taxable years immediately preceding such taxable year (excluding any of such 4 taxable years for which the taxpayer was not an insurance company).

(ii) *Special rules.* For purposes of computing the 5-year average earnings rate under section 805(b)(3)(A) and subdivision (i) of this subparagraph, the following special rules are to be applied—

(a) The current earnings rate for any taxable year beginning before January 1, 1958, shall be determined as if part I (as in effect for 1958) and section 381(c)(22) applied to such taxable year;

(b) The current earnings rate for any taxable year of any company which, for such year, is an insurance company (but not a life insurance company as defined in section 801(a)) shall be determined as if part I applied to such company for such year; and

(c) A fractional part of a year which is a taxable year under sections 441(b) and 7701(a)(23) shall be a preceding taxable year for the purpose of determining the first, second, third, or fourth preceding taxable year. For the determination of the current earnings rate for such short taxable year, see section 818(d) and the regulations thereunder.

(4) *Assets*—(i) *Definition.* Section 805(b)(4) defines the term "assets" as meaning all assets of the life insurance company (including nonadmitted assets), other than real and personal property (excluding money) used by the life insurance company in carrying on an insurance trade or business. For purposes of the preceding sentence, the term "money" includes cash, currency, bank deposits (including time deposits) whether or not interest bearing, share accounts in savings and loan associations, checks (whether or not certified), drafts, money orders, and any other item of similar nature. The following items are the only ones to be excluded from the term "assets" as being considered "used by the life insurance company in carrying on an insurance trade or business":

(a) The home office and branch office buildings (including land) owned and occupied by the life insurance company;

(b) Furniture and equipment owned by the life insurance company and used in the home office and branch office buildings occupied by the life insurance company;

(c) Supplies, stationery, and printed matter used in the operations conducted in the home office and branch office buildings occupied by the life insurance company where for tax purposes such items are inventoried; and

(d) Automobiles and other depreciable personal property used in connection with the operations conducted in the home office and branch office buildings occupied by the life insurance company. However, if any item, or portion thereof, of property falls within one of the above-listed groups and also is an "investment asset" (an asset from which gross investment income, as defined in section 804(b), is derived), such item, or portion thereof, shall not be excluded from the term "assets". Any item, or portion thereof, excluded from the definition of the term "assets" shall not be taken into account in computing the denominator used in determining the current earnings rate under section 805(b)(2) and subparagraph (2) of this paragraph. Conversely, any item or portion thereof, included in the term "assets" shall be taken into account in computing the denominator used in determining the current earnings rate.

(ii) *Illustration of principles.* The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). Included in the statement of assets of P, a life insurance company, are the following items: Bonds; stocks; mortgages; home office and branch office buildings owned and wholly occupied by the company; furniture and equipment owned by the company and used in the home office and branch office buildings occupied by the company; agents' debit balances; premiums deferred and uncollected and premiums due and unpaid; bank deposits (including time deposits); and share accounts in savings and loan associations. For purposes of section 805(b)(4) and this subparagraph, the home office and branch office buildings owned and wholly occupied by the company, and the furniture and equipment owned by the company and used by it in connection with the operations conducted in the home office and branch office buildings occupied by the company, shall be excluded from the term "assets" since such items are the only ones considered as being used by P in carrying on an insurance trade or business. Accordingly, since bonds, stocks, mortgages, agents' debit balances, premiums deferred and uncollected and premiums due and unpaid, bank deposits (including time deposits), and share accounts in savings and loan associations are not considered as being used by P in carrying on an insurance trade or business, they are included within the term "assets" and, therefore, shall be taken into account by P in determining its current earnings rate.

Example (2). M, a life insurance company, owns an eleven-story downtown home office building, the ground flóor of which it rents to various tenants and the remaining ten floors of which are occupied by it in carrying on its insurance business and operating its investment department. Under the provisions of section 805(b)(4) and this subparagraph, the ten floors occupied by M in carrying on its insurance business and operating its investment department shall be excluded from the term "assets". However, the ground floor rented to various tenants is an "investment asset" and as such shall be included within the term "assets" and, therefore, shall be taken into account by M in determining its current earnings rate.

(iii) *Valuation of assets.* For purposes of section 805(b)(4)—

(a) The amount attributable to real property and to stock shall be the fair market value thereof, and

(b) The amount attributable to any other asset shall be the adjusted basis (determined without regard to fair market value on December 31, 1958) of such asset for purposes of determining gain on sale or other disposition.

In applying the provisions of section 805(b)(4) and this subdivision, the fair market value or the adjusted basis (as the case may be) shall be determined without reduction for any incumbrance, lien, mortgage, etc.

(iv) *Special rules.* (a) All items included within the term "assets" shall be valued at the beginning and end of the taxable year. If, during the taxable year, there is a change in life insurance reserves (either increases or decreases) attributable to the transfer between the taxpayer and another person of liabilities under contracts taken into account in computing such reserves, the mean of the assets shall be appropriately adjusted, on a daily basis, to reflect the amounts involved in such transfer. See section 806(a) and paragraph (b)(3) and (4) of § 1.806–3.

(b) In the case of real property, under appropriate circumstances the fair market value may be determined on the basis of a reasonable approximation of fair market value as shown to the satisfaction of the district director, rather than on the basis of an annual reappraisal.

(c) In determining the fair market value of stocks, any reasonable valuation method may be used. Such methods include the valuation methods described in § 20.2031–2 of this chapter (Estate Tax Regulations).

(b) *Illustration of principles.* The provisions of section 805(b) and paragraph (a) of this section may be illustrated by the following examples. For purposes of these examples, it is assumed that all computations have been carried out to a sufficient number of decimal places to insure substantial accuracy and to eliminate any significant error in the resulting tax liability.

Example (1). For the taxable year 1958, T, a life insurance company (as defined in section 801(a)) organized in 1951, had the following current earnings rate history:

Taxable year:	Current earnings rate
1951	3.1
1952	3.3
1953	3.2
1954	3.3
1955	3.5
1956	3.8
1957	3.6
1958	3.8

For the taxable year 1958, T would have an average earnings rate of 3.6 percent, computed by taking into account only the current earnings rates for the taxable year 1958 and each of the 4 taxable years immediately preceding such taxable year. The adjusted reserves rate for such taxable year would be 3.6 percent since the average earnings rate of 3.6 percent is lower than the 1958 current earnings rate of 3.8 percent.

Example (2). The facts are the same as in example (1) except that the taxable year in issue is 1959, and the current earnings rate for such taxable year was 2.8 percent. For the taxable year 1959, T would have an average earnings rate of 3.5 percent, computed by taking into account only the current earnings rates for the taxable year 1959 and each of the 4 taxable years immediately preceding such taxable year. The adjusted reserves rate for such taxable year would be 2.8 percent since the current earnings rate of 2.8 percent for 1959 is lower than the average earnings rate of 3.5 percent.

Example (3). For the taxable year 1959, P, a life insurance company (as defined in section 801(a)) organized in 1957, had the following current earnings rate history:

Taxable year:	Current earnings rate
1957	3.1
1958	3.3
1959	3.8

For the taxable year 1959, P would have an average earnings rate of 3.4 percent. Since P has been in existence for only 3 years, the average earnings rate is computed on the basis of the current earnings rate for the taxable year 1959 and the 2 taxable years immediately preceding such taxable year. The adjusted reserves rate for such taxable year would be 3.4 percent.

Example (4). Y was organized as an insurance company (other than life) in 1954. In 1957, Y qualified as a life insurance company (as defined in section 801(a)) and has remained a life insurance company since that date. Since its formation, Y has had the following current earnings rate history:

Taxable year:	Current earnings rate
1954	3.1
1955	3.3
1956	3.5
1957	3.4
1958	3.6
1959	3.7

For the taxable year 1959, Y would have an average earnings rate of 3.5 percent, computed by taking into account the current earnings rate for the year 1959 and the 4 taxable years immediately preceding such taxable year. The taxable years 1956 and 1955 are included in this computation since Y was an insurance company (though not a life insurance company) during such taxable years. The adjusted reserves rate for such taxable year would be 3.5 percent.

Example (5). The facts are the same as in example (4) except that prior to becoming a life insurance company in 1957, Y was an ordinary corporation. For the taxable year 1959, Y would have an average earnings rate of 3.57 percent, computed by taking into account only the current earnings rates for those taxable years during which Y was a life insurance company (1957, 1958, 1959). The adjusted reserves rate for such taxable year would be 3.57 percent.

§ 1.805–6 Adjusted life insurance reserves.

(a) *Adjusted life insurance reserves defined.* For purposes of part I, subchapter L, chapter 1 of the Code, section 805(c)(1) defines the term "adjusted life insurance reserves" as—

(1) The mean of the life insurance reserves (as defined in section 801(b)), other than pension plan reserves (as defined in section 805(d)), at the beginning and end of the taxable year, multiplied by

(2) That percentage which equals 100 percent—

(i) Increased by that percentage which is 10 times the average rate of interest assumed by the taxpayer (as determined under section 805(c)(2) and paragraph (b) of this section) in calculating such reserves, and

(ii) Reduced by that percentage which is 10 times the adjusted reserves rate (as defined in section 805(b)(1) and paragraph (a)(1) of § 1.805–5).

(b) *Average rate of interest assumed defined.* For purposes of part I, section 805(c)(2) defines the term "average rate of interest assumed" by the company in calculating reserves, as the rate determined by—

(1) Multiplying each assumed rate of interest by the means of the amounts of such reserves computed at that rate at the beginning and end of the taxable year, and

(2) Dividing the sum of the products ascertained under subparagraph (1) of this paragraph by the mean of the total of such reserves at the beginning and end of the taxable year.

(c) *Special rule.* For purposes of section 805(c) and this section, the amount of life insurance reserves taken into account shall be adjusted first as required by section 818(c) (relating to an election with respect to life insurance reserves computed on a preliminary term basis), and then as required by section 806(a) (relating to adjustments for certain changes in reserves and assets). However, no adjustment shall be made under section 806(b) (relating to change in basis in computing reserves) for the year in which the change occurs, since such adjustment is not taken into account until the beginning of the next taxable year.

(d) *Illustration of principles.* The provisions of section 805(c) and this section may be illustrated by the following examples:

Example (1). The books of R, a life insurance company, reflect the following:

Mean of the life insurance reserves (other than pension plan reserves)	$800,000
Company's current earnings rate	4%
Company's average earning rate (for the current and 4 prior years)	3.5%
Company's average assumed rate (as defined in section 805(c)(2))	2.5%

In order to determine the amount of its adjusted life insurance reserves, R would first determine its adjusted reserves rate. This rate would be 3.5 percent since R's average earnings rate (3.5 percent) is lower than its current earnings rate (4 percent). R would then make up the following schedule:

1. Mean of the life insurance reserves (other than pension plan reserves)		$800,000
2. Item 1 multiplied by:		
(a) That percentage which equals	100%	
(b) Increased by 10 times the average rate of interest assumed (10×2.5%)	25%	
(c) Total	125%	
(d) Less: 10 times the adjusted reserves rate (10×3.5%)	35%	
(e) Item 2(c) minus item 2(d) (125% minus 35%)		90%
3. Adjusted life insurance reserves ($800,000 multiplied by 90%)		720,000

Example (2). The books of S, a life insurance company, reflect the following items:

Col. 1 Reserves at beginning of year	Col. 2 Reserves at end of year	Col. 3 Means of reserves	Col. 4 Assumed rate of interest	Col. 5 (Col. 3 × Col. 4) Product
			Percent	
$850,000	$1,150,000	$1,000,000	2	20,000
750,000	1,250,000	1,000,000	2.5	25,000
300,009	500,000	400,000	2.25	9,000
Total		2,400,000		54,000

For purposes of section 805(c), the average rate of interest assumed for the taxable year would be 2.25 percent (54,000÷2,400,000).

§ 1.805–7 Pension plan reserves.

(a) *In general.* One of the elements to be taken into account in computing the amount of the policy and other contract liability requirements (as defined in section 805(a) and paragraph (b) of § 1.805–4) of a life insurance company is the investment income attributable to pension plan reserves (as defined in section 805(d)(1) and paragraph (b) of this section). The amount of this element to be included in the policy and other contract liability requirements shall be determined by multiplying the mean of such pension plan reserves at the beginning and end of the taxable year by the current earnings rate (as defined in section 805(b)(2)) of the company. However, the amount of such reserves taken into account must be adjusted first as required by section 818(c) (relating to an election with respect to life insurance reserves computed on a preliminary term basis) and then as required by section 806(a) (relating to adjustments for certain changes in reserves and assets) before applying the current earnings rate thereto. Any amounts held by a life insurance company under deposit administration plans shall not be included in pension plan reserves as such amounts do not qualify as life insurance reserves under section 801(b).

(b) *Pension plan reserves defined.* For purposes of part I, subchapter L, chapter 1 of the Code, section 805(d)(1) defines the term "pension plan reserves" as that portion of the life insurance reserves (as defined in section 801(b)) which is allocable to contracts—

(1) Purchased under contracts entered into with trusts which (as of the time the contracts were entered into) were deemed to be trusts described in section 401(a) and exempt from tax under section 501(a) of the Internal Revenue Code of 1954, or trusts exempt from tax under section 165 of the Internal Revenue Code of 1939 (prior to, or after, the 1942 amendments) or the corresponding provisions of prior revenue laws;

(2) Purchased under contracts entered into under plans which (as of the time the contracts were entered into) were deemed to be plans meeting the requirements of section 401(a)(3), (4), (5), and (6) of the Internal Revenue Code of 1954, or the requirements of

section 165(a), (3), (4), (5), and (6) of the Internal Revenue Code of 1939;

(3) Provided for employees of the life insurance company under a plan which, for the taxable year, meets the requirements of section 401(a) (3), (4), (5), and (6). For this purpose, the term "employees" includes full-time life insurance salesmen treated as employees under section 7701(a)(20); or

(4) Purchased to provide retirement annuities for the employees of an organization which (as of the time the contracts were purchased) was an organization described in section 501(c)(3) which was exempt from tax under section 501(a) or was an organization exempt from tax under section 101(6) of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws. The definition of pension plan reserves described in section 805(d)(1)(D) and this subparagraph includes only life insurance reserves held under contracts purchased by those organizations described in section 501(c)(3) and exempt from tax under section 501(a), and does not include life insurance reserves held under contracts purchased by organizations described under any other provision of section 501(c). Accordingly, the reserves held under contracts purchased by such other exempt organizations, or by entities not subject to Federal income tax (such as a State, municipality, etc.), shall not be treated as pension plan reserves unless they qualify as such under section 805(d)(1)(A), (B), or (C).

(c) *Special transitional rule.* For purposes of part I, section 805(d)(2) provides a special transitional rule for the treatment of pension plan reserves. Such rule provides that—

(1) For a taxable year beginning after December 31, 1957, and before January 1, 1959, the pension plan reserves shall be included with life insurance reserves in determining the policy and other contract liability requirements under section 805(a)(1);

(2) For a taxable year beginning after December 31, 1958, and before January 1, 1960, two-thirds of the pension plan reserves shall be taken into account under section 805(a)(1) as life insurance reserves and one-third shall be taken into account under section 805(a)(2) as pension plan reserves;

(3) For a taxable year beginning after December 31, 1959, and before January 1, 1961, one-third of the pension plan reserves shall be taken into account under section 805(a)(1) as life insurance reserves and two-thirds shall be taken into account under section 805(a)(2) as pension plan reserves; and

(4) For a taxable year beginning after December 31, 1960, the entire amount of the pension plan reserves shall be taken into account under section 805(a)(2) as pension plan reserves.

(d) *Illustration of principles.* The provisions of section 805(d)(2) and paragraph (c) of this section may be illustrated by the following example:

Example. For each of the taxable years 1958, 1959, 1960, and 1961, the mean of the life insurance reserves of Y, a life insurance company, is $100,000, including $30,000 allocable to contracts described in section 805(d)(1). In determining its policy and other contract liability requirements for the taxable year 1958, Y shall treat the entire $100,000 as life insurance reserves and no part of such amount shall be treated as pension plan reserves. For the taxable year 1959, Y shall treat $90,000 as life insurance reserves and $10,000 (⅓ of $30,000) as pension plan reserves in determining its policy and other contract liability requirements for such taxable year. For the taxable year 1960, Y shall treat $80,000 as life insurance reserves and $20,000 (⅔ of $30,000) as pension plan reserves in determining its policy and other contract liability requirements for such taxable year. For the taxable year 1961, Y shall treat $70,000 as life insurance reserves and $30,000 as pension plan reserves in determining its policy and other contract liability requirements for such taxable year.

§ 1.805–8 Interest paid.

(a) *In general.* Section 805(e) provides four categories of interest items the sum of which constitutes the "interest paid" for any taxable year. Interest paid is one of the elements of the policy and other contract liability requirements of a life insurance company. The policy and other contract liability requirements is used in determining the policyholders' share of each and every item of investment yield which is not included in taxable investment income. Thus, the interest paid that is required to be included in the computation of the policy and other contract liability requirements relates only to interest incurred on, or in connection with, insurance or annuity contracts. Interest which does not meet the requirements of section 805(e) may be allowable under section 804(c)(1) if it meets the requirements of investment expenses, under section 804(c)(2) if it meets the requirements of real estate expenses, under section 804(c)(5) if it meets the requirements of trade or business deductions, or under section 809(d)(12). However, in no event may the same item be included under more than one of these sections.

(b) *Interest paid defined.* For purposes of part I, subchapter L, chapter 1 of the Code, the term "interest paid" as used in section 805(e) means the sum of—

(1) All interest for the taxable year on indebtedness incurred in connection with an insurance or annuity contract. As used in section 805(e)(1) and this paragraph, the term "indebtedness" means an obligation, absolute and not contingent, to pay on demand or within a given time, in cash or another medium, a fixed amount. Indebtedness does not include reserves such as life insurance reserves, as defined in § 1.801–4, nor does it include deferred dividends. Examples of items which meet the requirement of indebtedness as well as the requirement of being incurred in connection with insurance or annuity contracts are deferred policy and contract benefit funds, premium deposit funds (or premiums paid in advance), deposit administration funds, and dividends held on deposit. For purposes of section 805(e)(1) and this paragraph, the term "interest" means guaranteed interest. For purposes of the preceding sentence, interest is guaranteed only if the interest is accrued pursuant to an agreement under which the amount of the interest is fixed or determinable, and if, at the time of accrual, there is an unconditional obligation to accrue such interest. Guaranteed interest does not include an amount which is payable entirely within the discretion of the company. Any interest on indebtedness incurred in connection with an insurance or annuity contract shall not be included as interest paid if such indebtedness is incurred or continued by the company in order to purchase or carry obligations the interest on which is wholly exempt from tax under chapter 1 of the Code.

(2) All amounts in the nature of interest, whether or not guaranteed, for the taxable year on insurance or annuity contracts which do not involve, at the time of accrual, life, health, or accident contingencies. For purposes of the preceding sentence, the term "insurance or annuity contracts" includes supplementary contracts. A supplementary contract is a contract which is issued upon the termination of an original benefit contract in full or partial settlement of the amount then payable thereunder. Amounts in the nature of interest include so-called excess-interest dividends as well as guaranteed interest accrued within the taxable year on such contracts. A contract to pay insurance benefits in installments over a specified period, for example, a contract to pay the insurance benefit in 10 annual installments, is considered as a supplementary contract not involving life contingencies. It is immaterial whether the optional mode of settlement specified in the insurance or annuity contract arises from an option exercised by the insured during his or her lifetime or from an option exercised by either the insured or a beneficiary after the policy has matured. Thus, no distinction is made based on the person choosing the method of payment, and the full amount of the interest accrued, and not merely the guaranteed interest, is considered as interest paid. Amounts in the nature of interest include amounts credited to annuity contracts which provide for a given income for a specified number of years the payment of which is not dependent upon the survivorship of the insured or a beneficiary. Amounts in the nature of interest do not include amounts credited to deposit administration funds since deposit administration fund contracts are not insurance or annuity contracts (or contracts supplementary thereto) within the meaning of section 805(e)(2) and this paragraph. However, the guaranteed interest credited to such funds may be deductible under section 805(e)(1). See subparagraph (1) of this paragraph.

(3) All amounts accrued for the taxable year for discounts in the nature of interest, whether or not guaranteed, on premiums or other consideration paid in advance on insurance or annuity contracts. Such accrual shall be determined in accordance with the rules prescribed in section 818(b)(1) and the regulations thereunder. For example, if in the taxable year 1958 a life insurance company granted a discount in the nature of interest of $40 as the result of the prepayment of life insurance premiums for 5 years, the company may, under the straight line method, accrue $8 in 1958 and each of the four succeeding taxable years ($40÷5=$8) and include this $8 as interest paid for each such taxable year.

(4) Interest for the taxable year on special contingency reserves established pursuant to section 8(d) of the Federal Employees' Group Life Insurance Act of 1954 (5 U.S.C. 2097(d)).

PAR. 9. Section 1.806 is amended to read as follows:

§ 1.806 Statutory provisions; life insurance companies; certain changes in reserves and assets.

SEC. 806. *Certain changes in reserves and assets*—(a) *Adjustments to means for certain transfers of liabilities.* For purposes of this part, if, during the taxable year, there is a change in life insurance reserves attributable to the transfer between the taxpayer and another person of liabilities under contracts taken into account in computing such reserves, then, under regulations prescribed by the Secretary or his delegate, the means of such reserves, and the mean of the assets, shall be appropriately adjusted, on a daily basis, to reflect the amounts involved in such transfer. This subsection shall not apply to reinsurance ceded to the taxpayer or to another person.

(b) *Change of basis in computing reserves.* If the basis for determining the amount of any item referred to in section 810(c) as of the close of the taxable year differs from the basis for such determination as of the beginning of the taxable year, then for purposes of this subpart the amount of such item—

(1) As of the close of the taxable year shall be computed on the old basis, and

(2) As of the beginning of the next taxable year shall be computed on the new basis.

[Sec. 806 as amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 120)]

PAR. 10. There are inserted immediately after § 1.806–1 the following new sections:

§ 1.806–2 Taxable years affected.

Section 1.806–1 is applicable only to taxable years beginning after December 31, 1953, and before January 1, 1955, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, before amendments. Sections 1.806–3 and 1.806–4 are applicable only to taxable years beginning after December 31, 1957, and all references to sections of part I, subchapter L, chapter 1 of the Code are to the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112).

§ 1.806–3 Certain changes in reserves and assets.

(a) *In general.* For purposes of part I, subchapter L, chapter 1 of the Code, section 806(a) provides that if there is a change in life insurance reserves (as defined in section 801(b)), during the taxable year, which is attributable to the transfer between the taxpayer and another person of liabilities under contracts taken into account in computing such life insurance reserves, then the means of such reserves, and the mean of the assets, shall be appropriately adjusted to reflect the amounts involved in such transfer. For example, the adjustments required under section 806(a) are applicable to transfers in which one life insurance company purchases or acquires a part or all of the business of another life insurance company under an arrangement whereby the purchaser or transferee becomes solely liable on the contracts transferred. This provision shall apply in the case of assumption reinsurance but not in the case of indemnity reinsurance or reinsurance ceded. Thus, no adjustments shall be required under section 806(a) when, in the ordinary course of business, an indemnity reinsurance contract is entered into with another company (on a yearly renewable term basis, on a coinsurance basis, or otherwise) whereby there is a sharing of risks under one or more individual contracts. It will be necessary for each life insurance company participating in a transfer described in section 806(a) to make the adjustments required by such section. Such adjustments shall be made without regard to whether or not the transferor of the liabilities was the original insurer.

(b) *Manner in which adjustments shall be made*—(1) *Daily basis.* The means of the life insurance reserves, and the mean of the assets, shall be appropriately adjusted, on a daily basis, to reflect the amounts involved in a transfer described in section 806(a) and paragraph (a) of this section. The transferor and the transferee shall be treated as having held such life insurance reserves and assets for a fraction of the year in which the transfer occurs.

(2) *Determination of period held.* In determining the fraction which represents the fractional year that such reserves and assets were held, the numerator shall be the number of days during the taxable year which such reserves and assets were actually held, and the denominator shall be the number of days in the calendar year of the transfer. In computing the period held for purposes of the numerator, the day on which such reserves and assets are transferred is included by the transferor and excluded by the transferee.

(3) *Adjustments to the means of life insurance reserves and assets not transferred.* All life insurance reserves and assets transferred during the taxable year, within the meaning of section 806(a), shall be excluded from the beginning and end of the taxable year balances of the transferor and transferee, respectively. The amount of assets to be excluded from the beginning of the taxable year balance of the transferor shall be an amount equal to the value of such reserves at the beginning of the taxable year. The amount of assets to be excluded from the end of the taxable year balance of the transferee shall be an amount equal to the value of such reserves at the end of the taxable year. The means of the life insurance reserves and assets not so transferred shall be determined in the ordinary manner, that is, the arithmetic means. There shall be added to these means an amount to appropriately adjust them, on a daily basis, for the life insurance reserves and assets that were transferred during the taxable year. This adjustment shall be determined by multiplying (i) the mean of the transferred life insurance reserves (or assets, as the case may be) at the beginning of the taxable year (or, if acquired later, at the beginning of the period held as defined in subparagraph (2) of this paragraph) and the end of the period held as defined in subparagraph (2) of this paragraph (or at the end of the taxable year, if held at such time) by (ii) the fraction determined under subparagraph (2) of this paragraph.

(4) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). On March 14, 1958, the M Company, a life insurance company, transferred to the N Company, a life insurance company, pursuant to an assumption reinsurance agreement, all of its life insurance reserves, and related assets, on one block of policies. The reserves (and assets) for this block were held by the M Company on January 1, 1958, and totaled $60,000; on March 14, the reserves (and assets) totaled $64,000. The M Company had life insurance reserves of $1,000,000 at the beginning of 1958 (including those subsequently transferred) and $1,040,000 at the end of 1958. The M Company had assets of $1,300,000 at the beginning of 1958 (including those subsequently transferred) and $1,280,000 at the end of 1958. The mean of M's life insurance reserves for the taxable year 1958 is computed as follows:

Reserves at 1–1–58		$1,000,000
Exclude reserves (at beginning of year) on contracts transferred to N	60,000	
Recomputed amount at 1–1–58		$940,000
Reserves at 12–31–58		1,040,000
Sum		1,980,000
Mean		990,000
Adjustment for reserves transferred on 3–14–58:		
Reserves at 1–1–58 on contracts transferred to N	60,000	
Reserves at 3–14–58 on such contracts	64,000	
Sum	124,000	
Mean	62,000	
Fraction taken into account	73/365	
Adjustment (73/365 x $62,000)		12,400
Mean of M's life insurance reserves after section 806(a) adjustment		1,002,400

Example (2). Assuming the facts to be the same as in example (1), the mean of M's assets for the taxable year 1958 is computed as follows:

Assets at 1–1–58		$1,300,000
Exclude assets (at beginning of year) on contracts transferred to N	60,000	
Recomputed amount at 1–1–58		$1,240,000

Assets at 12–31–58		$1,380,000
Sum		2,620,000
Mean		1,310,000
Adjustments for assets transferred on 3–14–58:		
Assets at 1–1–58 on contracts transferred to N	$60,000	
Assets at 3–14–58 on such contracts	64,000	
Sum	124,000	
Mean	62,000	
Fraction taken into account	73/365	
Adjustment ($\frac{73}{365}\times\$62,000$)		12,400
Mean of M's assets after section 806(a) adjustment		1,322,400

Example (3). Assume the facts are the same as in example (1). At the end of 1958, N Company had life insurance reserves (and assets) of $80,000 on the contracts transferred on March 14, 1958. The N Company had life insurance reserves of $6,000,000 at the beginning of 1958 and $6,400,000 at the end of 1958 (including those transferred). The N Company had assets of $6,800,000 at the beginning of 1958 and $7,300,000 at the end of 1958 (including those on the contracts transferred). The mean of N's life insurance reserves for the taxable year 1958 is computed as follows:

Reserves at 1–1–58		$6,000,000
Reserves at 12–31–58	$6,400,000	
Exclude reserves (at end of year) on contracts transferred from M	80,000	
Recomputed amount at 12–31–58		6,320,000
Sum		12,320,000
Mean		6,160,000
Adjustment for reserves transferred on 3–14–58:		
Reserves at 3–14–58 on contracts transferred from M	$64,000	
Reserves at 12–31–58 on such contracts	80,000	
Sum	144,000	
Mean	72,000	
Fraction taken into account	$\frac{292}{365}$	
Adjustment ($\frac{292}{365}\times\$72,000$)		57,600
Mean of N's life insurance reserves after section 806(a) adjustment		6,217,600

Example (4). Assuming the facts to be the same as in example (3), the mean of N's assets for the taxable year 1958 is computed as follows:

Assets at 1–1–58		$6,800,000
Assets at 12–31–58	$7,300,000	
Exclude assets (at end of year) on contracts transferred from M	80,000	
Recomputed amount at 12–31–58		7,220,000
Sum		14,020,000
Mean		7,010,000
Adjustments for assets transferred on 3–14–58:		
Assets at 3–14–58 on contracts transferred from M	$64,000	
Assets at 12–31–58 on such contracts	80,000	
Sum	144,000	
Mean	72,000	
Fraction taken into account	$\frac{292}{365}$	
Adjustment ($\frac{292}{365}\times\$72,000$)		$57,600
Mean of N's assets after section 806(a) adjustment		7,067,600

Example (5). The facts are the same as in example (1), except that on October 19, 1958, company N transfers to company P, a life insurance company, all of the life insurance reserves, and related assets, on the block of policies it had received from company M on March 14, 1958. The reserves (and assets) for this block totaled $76,000 on October 19, 1958. The means of company M's life insurance reserves and assets, as computed in examples (1) and (2), respectively, would be unchanged by the transfer of October 19, 1958. Since company N did not own this block of policies at either the beginning or end of the taxable year, it would not have to recompute its beginning or end of the taxable year reserves or assets. Company N will, however, have to adjust (or increase) the mean of its life insurance reserves and assets on account of the policies it received from company M. This adjustment will be $42,000, which is determined by multiplying the means of the life insurance reserves (or assets) on these policies as of March 15, 1958, and October 19, 1958, $70,000 ($64,000+$76,000=$140,000÷2) by the fraction $\frac{219}{365}$ (the numerator of 219 is determined by excluding the day of the transfer to N, March 14, 1958, and including the day of the transfer from N to P, October 19, 1958). Company P will have to recompute its end of the year life insurance reserves and assets (in the same manner as illustrated in examples (3) and (4)). Assuming the end of the year reserves (and assets) on this block of policies is $80,000, company P will have an adjustment under section 806 (a) of $15,600, which is determined by multiplying the means of the reserves on these policies as of October 20, 1958, and December 31, 1958, $78,000 ($76,000+$80,000=$156,000÷2) by the fraction $\frac{73}{365}$.

§ 1.806–4 Change of basis in computing reserves.

(a) *In general.* For purposes of subpart B, part I, subchapter L, chapter 1 of the Code, section 806(b) provides that if the basis for determining the amount of any item referred to in section 810(c) (relating to items taken into account) as of the close of the taxable year differs from the basis for such determination as of the beginning of the taxable year, then in determining taxable investment income the amount of the item as of the close of the taxable year shall be the amount computed on the old basis, and the amount of the item as of the beginning of the next taxable year shall be the amount computed on the new basis. For purposes of the preceding sentence, an election under section 818(c) shall not be treated as a change in basis for determining the amount of an item referred to in section 810(c). A change of basis in computing any of the items referred to in section 810(c) is not a change of accounting method requiring the consent of the Secretary or his delegate under section 446(e).

(b) *Illustration of change of basis in computing reserves.* The application of section 806(b) and paragraph (a) of this section may be illustrated by the following examples:

Example (1). Assume that the life insurance reserves of Y, a life insurance company, at the beginning of the taxable year 1959 are $100 and that during such taxable year a portion of the reserves is strengthened (by reason of a change in mortality or interest assumptions, or otherwise), so that at the end of the taxable year 1959 the reserves (computed on the new basis) are $130 but computed on the old basis would be $120. Assume further that at the close of the next taxable year, 1960, the reserves (computed on the new basis) are $142. Under the provisions of section 806(b) and paragraph (a) of this section, the mean of such reserves for the taxable year of the reserve strengthening, namely 1959, is $110 (the mean of $100, the balance at the beginning of the taxable year 1959, and $120, the balance at the end of the taxable year 1959 computed on the old basis). The mean of such reserves for the next taxable year, 1960, is $136 (the mean of $130, the balance at the beginning of the taxable year 1960 computed on the new basis, and $142, the balance at the end of the taxable year 1960 computed on the new basis).

Example (2). The life insurance reserves of S, a life insurance company, computed with respect to contracts for which such reserves are determined on a recognized preliminary term basis amount to $50 on January 1, 1959, and $80 on December 31, 1959. For the taxable year 1959, S elects to revalue such reserves on a net level premium basis under section 818(c). Such reserves computed under section 818(c) amount to $60 on January 1, 1959, and $96 on December 31, 1959. Under the provisions of paragraph (a) of this section, the mean of such reserves for the taxable year 1959 is $78 (the mean of $60, the balance at the beginning of the taxable year 1959 computed under section 818(c), and $96, the balance at the end of the taxable year 1959 computed under section 818(c)).

[F.R. Doc. 60–7734; Filed, Aug. 17, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO–309–A2]

MILK IN GREAT BASIN MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at South Salt Lake, Utah, on May 10–12, 1960, pursuant to notice thereof issued on April 15, 1960 (25 F.R. 3420).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on July 19, 1960 (25 F.R. 6981; Doc. 60–6877) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Extension of the marketing area;
2. Limitation of diversion to nonpool plants by a cooperative association;
3. Requirements for producer-handler status;
4. Base-excess payments to producers;
5. Classification of transfers to nonpool plants;
6. Pool plant requirements;
7. Accounting for frozen cream;
8. Shrinkage allowance on milk received in bulk tanks for which a cooperative association is the handler;
9. Advance payments to producers; and
10. Allocation provisions applicable to receipts of packaged sour cream priced under another order.

No evidence was offered with respect to a proposal in the hearing notice to modify the provisions applicable to plants regulated under other orders operating routes in the marketing area. The record presents no issue with respect to this proposal.

This decision is concerned with issues number 4 and 10 and that portion of issue number 5 related to the distance that bulk cream may be moved for manufacturing use as Class II milk. Decision with respect to all other issues is reserved for future decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Base-excess payments.* A base and excess plan should be used in this market as a method of distributing returns to producers.

About 90 percent of the producers on the market are presently receiving payment for milk on a base and excess plan. Each of the three proponent cooperative associations has used this system of distributing payments among its members for a number of years to provide the incentive needed to induce local dairymen to strive for more even milk production throughout the year.

During the period of order operation greater seasonality of production has been shown by producers not operating under a base plan than by the members of the proponent cooperatives. Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries and such a plan applied to all producers, by being incorporated in the attached order, will play an essential part in encouraging the trend toward more even production seasonally.

The base-excess plan proposed by the producers is modeled after a similar plan used by Order 25, for the Puget Sound marketing area, and includes provision for a twelve-month base paying period. The plans used by proponent cooperative associations have included base-excess payments in all months of the year.

The type of base plan recommended herein will adopt, with minor exceptions, most of the features of the plan proposed by the producers. The base-forming period proposed at the hearing differed only with respect to the inclusion of January. Producer proponents of the base-excess plan would include the months of August through January of each year as the base-forming period with the base to become effective for the 12-month period beginning with February next following and ending January 31 of the next succeeding year. Bases so computed would be recomputed each year.

The base-excess plan recommended herein would provide that the base-forming period shall be the months of August through December with the base to be effective for the 12-month period beginning with the following February 1.

The exclusion of January from the proposed base-earning period will result in the continuation of the use of the old base for one month after the new base-forming period to permit the market administrator time in which to compute the bases and make the required notices of such new bases prior to February 1, the effective date of the new bases. There is no evidence in the record to show that the exclusion of January from the base-forming period will materially alter the effectiveness of the plan recommended.

For each month separate uniform prices would be computed for base milk and for excess milk for the purpose of allocating Class I sales first to base milk. Base milk would be that quantity of milk delivered by a producer each month which is not in excess of his average daily base multiplied by the number of days in the month, less any days such producer was degraded. Any milk delivered by such producer in excess of the base is excess milk. The excess price would be the Class II price except in any month when total Class I sales exceed the total quantity of base milk. During such a month, the excess price would be a blend of the actual Class I and Class II utilization of excess milk. Producer location adjustments, where applicable, would affect only base milk and adjustments to maintain a producer-settlement fund reserve would be made in the computation of the base milk price only. In view of the lesser volume to which the reserve adjustment applies, the rate, presently 4 to 5 cents, is increased 1 cent so that it will be 5 to 6 cents.

Plants may become newly qualified as pool plants in any month of the year. In such event the producers supplying the new plant should have their bases computed from their deliveries to such plant during the previous base-making period rather than being paid base price for a percentage of monthly deliveries as provided for producers entering the market individually. The essential difference is that the shippers to the new pool plant would have become Great Basin producers by handler action whereas single new shippers at established pool plants become producers by their own choice. It would be necessary in such cases that the plant furnish a record of deliveries during the preceding base-earning period. This provision is also extended to include a producer who has relinquished his status as producer-handler.

Provision should be made for new producers entering the market to be paid for a portion of their deliveries at the base milk price without waiting until they have delivered milk during an entire base-earning period. Such a provision should also be consistent with the primary purpose of the base plan which is to encourage an even seasonal flow of milk to the market.

Since new producers have no prior fall deliveries from which the seasonality of their deliveries may be measured it is necessary that their base payments be determined somewhat arbitrarily as contrasted with producers with established bases who are paid on the basis of their individual performance. Producer proponents have proposed a seasonally varied schedule of percentages for each month which would allot a new producer a certain percentage of his production each month as base milk until such time as the producer has established an earned base. The percentage option would also be applicable to any regular baseholder who might elect to relinquish his earned base in favor of a base computed from such percentages. It is desirable therefore, that the base provisions for new producers be such as to encourage them to enter the market when their supplies will not increase seasonal variation and likewise will not be such as to invite substantial numbers of old producers to relinquish their bases.

In view of the lack of evidence in the record as to the operation of the various base plans in the market the percentages proposed by the producers and modified somewhat to include the considerations set forth above are considered to be reasonable and equitable, at least at the outset of the plan. The recommended percentages are: January, 70; February, 65; March, 60; April, 55; May, 45; June, 50; July, 55; August, 65; and 80 September through December.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. The order should permit the producers to transfer an earned base with the sale or lease of the herd to a producer who continues to produce milk on the same farm. It is reasonable to assume that a herd so obtained and kept normally would continue to produce for a period of several months following the transfer in close alignment with the production pattern already established by the transferor.

Provision is also made that when a base is transferred subsequent to August 1 of any year all of the milk produced on the farm whether by the transferor or the transferee during the base-earning period, will be used in allotting a new base for the succeeding year. The burden of proof would be upon the transferor and transferee to establish to the satisfaction of the market administrator that the transfer was bona fide and not for the purpose of evading any provision of the order. It should be provided that a base may be transferred to a member of a baseholder's immediate family and in case of a baseholder's death the base

may be transferred to another person upon transfer of the herd, even though production is not continued on the same farm. Only one base may be established with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly owned and operated and if a producer operates more than one farm he shall establish separate bases with respect to producer milk delivered from each such farm.

2. *Cream transfers.* Some revision should be made in the transfer provisions of the order.

The present provisions of the order classify as Class I, any skim milk or butterfat moved in bulk in the form of skim milk or cream to a nonpool plant located 225 miles or more from the City Hall in Salt Lake City, Utah. Producers proposed changing the mileage limitation, with respect to bulk cream of 30 percent or more butterfat, to 525 miles and proposed to continue using the 225 mile limitation as it may apply to bulk shipments of whole milk or skim milk.

Substantial cream sales for manufacturing use have been made in the past from this market to Denver, Colorado; Las Vegas, Nevada; Grand Junction, Colorado; and Rawlins and Riverton, Wyoming, all of which are included in the proposed 525 mile area. Due to its concentrated nature, cream can move longer distances for manufacturing use than can milk or skim milk.

For the purpose of effective administration of the order some limitations must be set on the requirements upon the market administration to determine final disposition of producer milk in other than Class I use. The mileage limitation of the transfer provision was adopted to cut the costs of administrative expenses in verifying the utilization of milk shipped beyond the limits within which one might reasonably be expected to ship milk for manufacturing. Since the proposed 525 mile area limitation for cream sales includes markets (enumerated above) which are and have been regular manufacturing cream sales outlets for the Great Basin market, it is concluded that this limitation should apply uniformly to all bulk movements of milk, skim milk, and cream. It is probable that shipments of milk and skim milk to the expanded area will be limited in number because of the transportation costs involved. It will be administratively feasible to verify the end use of the milk within this radius.

Other proposals to modify the rules for classification of milk transferred to nonpool plants will be considered in a future decision.

3. *Packaged sour cream.* Sour cream manufactured from milk subject to the pricing and pooling provisions of Order No. 41 for the Chicago marketing area should be allocated directly to Class I at pool plants under the Great Basin order when such cream is received, handled and distributed in the same consumer or institutional size packages in which it was received.

A proposal to this effect was presented by a handler regulated under the Chicago Order No. 41 who has been engaged in the movement of packaged sour cream from the Chicago market to a handler in Salt Lake City area on a regular weekly or bi-weekly basis since November 1957.

Present provisions of the Great Basin order give priority of all Class I utilization to producer milk. Receipts of sour cream priced and pooled under Order No. 41 are allocated to Class II to the extent possible. While all cream products under the Chicago order are classified as Class II, under the accounting and pricing system of the Chicago order this class is the equivalent of the Class I classification and pricing under the accounting system of the Great Basin order. With allowance for transportation cost from Chicago raw material cost equals or exceeds that under the Great Basin order. Inasmuch as the Class I price in the Great Basin marketing area will be generally aligned with prices under other Federal orders, there is little chance that handlers in the Chicago market can achieve a substantial competitive advantage with respect to sales of packaged sour cream in this area over handlers under this order.

The movement of packaged sour cream from the Chicago sources to the Salt Lake City handler is of sufficiently long standing to establish that the seasonal and daily reserves necessary to supply the exact quantities so moving were carried by the Chicago producers. Yet under current provisions of the Great Basin order the seasonal and daily excess of producer milk in the market is assigned to Class I to the extent of receipts of packaged sour cream from the Chicago market.

The handler receiving the packaged sour cream went on record as supporting in part the proposal made by the Chicago handler to the extent that such packaged sour cream should be permitted direct assignment to Class I utilization under the Great Basin order.

It is accordingly concluded that receipt of sour cream priced as Class II under Order No. 41 and disposed of in the same consumer or institutional size packages as received should be allocated to the Class I utilization of the receiving handler. Such allocation should be provided only when sour cream is not processed or packaged in the plant during the month. While the Great Basin handler proposed a provision applicable to all packaged Class I products and all orders, all testimony was directed to the allocation of packaged sour cream priced under Order No. 41. No basis exists on the record to provide for movement of other products or from other orders.

In opposing the proposed allocation it was the suggestion of the three producer associations that it would be preferable for sour cream to be classified under the order as a Class II product. The health regulations of the Great Basin market require the same Grade A health standards for sour cream as is required for fluid milk. It is appropriate, therefore, that all the products required to be made from Grade A milk be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for Grade A milk. The suggested change is therefore not adopted on the basis of this record.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Amended hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Great Basin marketing area", and "Order amending the order regulating the handling of milk in the Great Basin marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Great Basin marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 15th day of August 1960.

TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area

§ 963.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Add the following as § 963.18 (to be effective February 1, 1961):

§ 963.18 Base milk.

"Base milk" means the quantity of producer milk delivered by a producer each month which is not in excess of his daily base computed pursuant to § 963.65 multiplied by the number of days in the month, less any days such producer was degraded.

2. Add the following as § 963.19 (to be effective 2–1–61):

§ 963.19 Excess milk.

"Excess milk" means producer milk delivered by a producer in excess of base milk.

§ 963.22 [Amendment]

3. In § 963.22(k)(3) (to be effective 2–1–61) delete the phrase "uniform price for producer milk" and substitute therefor the following "uniform prices for base milk and excess milk".

§ 963.30 [Amendment]

4. Delete § 963.30(a)(1)(i) (to be effective 2–1–61) and substitute therefor the following:

(i) Producer milk received at the plant or diverted therefrom by the handler and the aggregate quantities of base milk and excess milk, respectively:

§ 963.30 [Amendment]

5. Change the period at the end of § 963.30(b)(2) to a semicolon (;), insert "and" and add the following as § 963.30 (b)(3) (to be effective 2–1–61):

(3) The aggregate quantities of base milk and excess milk involved.

§ 963.42 [Amendment]

6. Delete § 963.42(c)(1) and substitute therefor the following:

(1) The transferee plant is located less than 525 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance as determined by the market administrator.

§ 963.44 [Amendment]

7. Delete § 963.44(a)(4) and substitute therefor the following:

(4) Subtract the pounds of skim milk in fluid milk products received from plants regulated under another order issued pursuant to the Act, as specified:

(i) Subtract, if sour cream was not processed or packaged in the pool plant during the month, from the pounds of skim milk in Class I milk the pounds of skim milk in sour cream packaged in consumer or institutional size packages, classified and priced as Class II milk pursuant to Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area (Part 941 of this chapter), and disposed of in the same packages in which it is received;

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II; the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s).

8. Following § 963.63 add the following:

DETERMINATION OF BASE

§ 963.65 Computation of producer bases.

Subject to the rules set forth in § 963.66 the market administrator shall compute bases for producers as follows:

(a) (1) A daily base shall be computed for each producer delivering 90 days or more milk production during the months of August through December of each year by dividing the total producer milk delivered during this period by such producer by the number of days' production delivered, the number of days from the date of first delivery during the period through December 31, or 120, whichever is greatest. Such base shall be effective for the 12-month period beginning the following February 1.

(2) Any dairy farmer for whom information concerning deliveries during the base earning period is available to the market administrator and who becomes a producer as a result of (i) the plant to which his milk was delivered during the base earning period subsequently qualifying as a pool plant, or (ii) relinquishment of status as a producer-handler, shall have a daily base computed pursuant to this paragraph.

(b) Any producer for whom no base can be computed pursuant to paragraph (a) of this section, or any producer who chooses to relinquish such base pursuant to § 963.66(b) shall have a monthly base computed by multiplying his deliveries to handlers during the month by the appropriate monthly percentage in the following table, except that no such monthly base shall be computed if such producer or a member of his immediate family has transferred a base pursuant to § 963.66(a) (1) or (2) within the preceding twelve months:

January	70	July	55
February	65	August	65
March	60	September	80
April	55	October	80
May	45	November	80
June	50	December	80

§ 963.66 Base rules.

The following rules shall be observed in determination of base:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer but under the following circumstances only: If a producer who

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

earned a base pursuant to § 963.65(a) sells, leases, or otherwise conveys his herd to another person who is or becomes a producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to § 963.65(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all producer milk delivered to a handler(s) between August 1 and the last day of the period as specified in § 963.65(a), inclusive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to § 963.65(a).

(3) The burden shall be upon the transferee and transferor to establish to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraph (1) of this paragraph but in compliance with subparagraphs (2) and (3) of this paragraph;

(i) A base, whether earned pursuant to § 963.65(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 963.65 (a) by the baseholder or by a member of his immediate family may be further transferred to another person: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to another person.

(b) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 963.65(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 963.65(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 963.65(a), for which such base was computed.

(c) As soon as bases computed by the market administrator are allotted notice of the amount of each producers' base shall be given by the market administrator to the handler receiving such producer's milk and the producer or the cooperative association of which the producer is a member.

(d) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only producers as defined in § 963.7 may establish or earn a base pursuant to the provisions of § 963.65 and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and/or equipment used are jointly owned or operated.

9. Delete § 963.71 and substitute therefor the following (to be effective 2–1–61):

§ 963.71 Computation of uniform prices.

The market administrator shall compute the uniform price per hundredweight of base milk and of excess milk, each of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 5 cents nor more than 6 cents from the rate pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk.

§ 963.72 [Amendment]

10. In § 963.72 (to be effective 2–1–61) delete "price" and substitute therefor "prices".

§ 963.73 [Amendment]

11. In § 963.73 (to be effective 2–1–61) delete the term "prices to be paid for producer milk" and substitute therefor the term "prices to be paid for base milk".

§ 963.74(b) [Amendment]

12. In § 963.74(b) (to be effective 2–1–61) delete "price" and substitute therefor "prices".

§ 963.80(a)(1) [Amendment]

13. In § 963.80(a)(1) (to be effective 2–1–61) delete "price" and substitute therefor "prices".

[F.R. Doc. 60–7742; Filed, Aug. 17, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60–FW–55]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6289 and 601.6289 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 289 and its associated control areas presently extends from Beaumont, Tex., to Texarkana, Tex. The Federal Aviation Agency is considering extending Victor 289 direct from the Texarkana VORTAC to the Fort Smith, Ark., VORTAC. This would provide a direct route for aircraft operating between these terminals during the times that the Fort Chaffee, Ark., Restricted Area (R–215), is not being used for its designated purpose.

If this action is taken, VOR Federal airway No. 289 and its associated control areas would be extended from Texarkana, Tex., to Fort Smith, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 12, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–7708; Filed, Aug. 17, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

AUGUST 12, 1960.

1. Pursuant to authority delegated by B.L.M. Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plat of survey (1) sheet, accepted December 24, 1958, of T. 34 N., R. 20 W., N.M.P.M., Colorado, including lands hereinafter described, will be officially filed in the Land Office, Denver, Colorado, effective at 10:00 a.m., on the 35th day after the date of this notice:

T. 34 N., R. 20 W., N.M.P.M.
Secs. 1, 2, 3.
Secs. 10, 11, 12.

The areas described aggregate 2,938.92 acres of public land.

The lands are within the exterior boundaries of the Ute Mountain Indian Reservation, ceded to the United States by Treaty with the Ute Indians on March 2, 1868, as amended, accepted and ratified by the Act of June 15, 1880 (21 Stat. 199).

The area is under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, and is not available for disposal under the Public Land Laws, General Mining Regulations, the Mineral Leasing Act of February 25, 1920, or other acts administered by the Bureau of Land Management.

All inquiries concerning the exterior boundaries described in this notice should be addressed to the Manager, Colorado Land Office, Bureau of Land Management, 371 New Custom House, P.O. Box 1018, Denver 1, Colorado.

LOWELL M. PUCKETT,
State Supervisor.

AUGUST 12, 1960.

[F.R. Doc. 60-7726; Filed, Aug. 17, 1960; 8:48 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 11, 1960.

The U.S. Forest Service has filed an application, Serial Number J-011940 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws. The applicant desires the land for administrative site purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: Alaska, Tongass National Forest.

NORTH DOUGLAS ADMINISTRATIVE SITE

Beginning at a point (Corner No. 4 of this survey), N. 10°29' E., 102.81 chains from Corner No. 2 U.S. Survey 1555, thence N. 9° E. 9.96 chains to a point at mean high water, thence with the meanders of mean high water S. 58° W. 2.19 chains, S. 66° W. 2.00 chains, S. 78° W. 2.00 chains, S. 87° W. 2.00 chains to Corner No. 2, thence South 8.04 chains to Corner No. 3, thence East 8.00 chains to the point of beginning, containing 6.86 acres, more or less.

R. PAUL RIGTRUP,
Acting Operations Supervisor.

[F.R. Doc. 60-7738; Filed, Aug. 17, 1960; 8:50 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 11, 1960.

Department of Health, Education, and Welfare has filed an application Serial Number J-011801 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for hospital site purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SITKA AREA

All of Harbor Island (unsurveyed) in Sitka Harbor, Alaska, at approximate Latitude 57°02'45" North, Longitude 135°20'35" West, and containing approximately 2 acres.

R. PAUL RIGTRUP,
Acting Operations Supervisor.

[F.R. Doc. 60-7739; Filed, Aug. 17, 1960; 8:50 a.m.]

ALASKA

Small Tract Classification Orders Nos. 47, 101, and 108 Cancelled In Their Entirety

AUGUST 11, 1960.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended and pursuant to the authority delegated me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), as amended, it is ordered that, effective at 10:00 a.m. on August 15, 1960, Small Tract Classification Orders No. 47 of January 3, 1952, No. 101 of June 24, 1955, as amended, and No. 108 of August 30, 1955, as amended, are cancelled in their entirety.

This order affects 48 tracts aggregating 117.653 acres.

R. PAUL RIGTRUP,
Acting Operations Supervisor, Juneau.

[F.R. Doc. 60-7740; Filed, Aug. 17, 1960; 8:50 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The United States Department of Commerce has filed an application, Serial Number F-026404 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for the use of the Federal Aviation Agency as an aid-to-navigation site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 516 Second Avenue, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.
Sec. 29: SW¼NW¼, SE¼SE¼NW¼NW¼, Lots 2 and 3.

Containing 46.25 acres.

RICHARD L. QUINTUS,
Operations Supervisor.

[F.R. Doc. 60-7748; Filed, Aug. 17, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Order Designating Hearing

Commonwealth Edison Company, Chicago, Illinois (Edison) on August 3, 1960, filed a report concerning the full power operation of the Dresden Nuclear Power Station, and requested hearing.

The Presiding Officer orders:

1. The hearing shall be held concerning the report of the full power operation of the Dresden Nuclear Power Station filed by Commonwealth Edison, on the 26th day of September 1960, at 10:30 a.m. in the auditorium of the headquarters of the Atomic Energy Commission, Germantown, Maryland.

2. Public notice of this order shall be given by 30 days advance publication in the FEDERAL REGISTER.

Issued: August 9, 1960, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 60-7701; Filed, Aug. 17, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PACKERS AND STOCKYARDS DIVISION

Delegation of Authority

Pursuant to authority (25 F.R. 436; 25 F.R. 6218) delegated to the Director of the Packers and Stockyards Division:

1. The Chief of the Packer Branch of the Packers and Stockyards Division is hereby delegated authority, by virtue of the provisions of section 402 of the Packers and Stockyards Act, 1921 (7 U.S.C. 222), to issue general and special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) and to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50).

2. The Chief of the Stockyards Branch of the Packers and Stockyards Division is hereby delegated authority to perform the following duties and to exercise the following functions and powers:

(a) By virtue of the provisions of section 402 of the Packers and Stockyards Act, 1921 (7 U.S.C. 222), to issue general and special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) and to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50);

(b) To perform all acts, functions, and duties relating to reparation proceedings pursuant to sections 202.3 and 202.39–202.43 of the Rules of Practice Governing Proceedings Under the Packers and Stockyards Act (9 CFR 202.3, 202.39–202.43).

3. The Chief of the Rates and Registration Branch of the Packers and Stockyards Division is hereby delegated authority to perform all acts, functions, and duties with respect to the posting and de-posting of stockyards pursuant to the provisions of section 302(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 202(b)).

4. The District Supervisors of the Packers and Stockyards Division are hereby delegated authority, by virtue of the provisions of section 402 of the Packers and Stockyards Act (7 U.S.C. 222), to issue general or special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) requiring persons subject to the jurisdiction of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to file annual reports.

No delegation made herein shall preclude the Director of the Packers and Stockyards Division from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Director.

Done at Washington, D.C., this 12th day of August 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-7743; Filed, Aug. 17, 1960; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11699]

UNITED AIR LINES, INC. AND CAPITAL AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the application of United Air Lines, Inc., and Capital Airlines, Inc., under section 408 and such other sections of the Federal Aviation Act of 1958 as may be applicable, for approval of the merger of Capital Airlines, Inc., into United Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled proceeding is assigned for September 15, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., August 15, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7741; Filed, Aug. 17, 1960; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JAMES B. COOK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 8, 1960.

Dated: August 8, 1960.

JAMES B. COOK, JR.

[F.R. Doc. 60-7735; Filed, Aug. 17, 1960; 8:50 a.m.]

HOWARD C. HOLMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1960.

Dated: August 2, 1960.

HOWARD C. HOLMES.

[F.R. Doc. 60-7736; Filed, Aug. 17, 1960; 8:50 a.m.]

ARTHUR W. WINSTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1960.

Dated: August 1, 1960.

ARTHUR W. WINSTON.

[F.R. Doc. 60-7737; Filed, Aug. 17, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

DIRECTOR, BUREAU OF AIR TRAFFIC MANAGEMENT

Delegation of Additional Airspace Authorities

1. *Purpose.* The notice published in 24 F.R. 4530 delegated to the Director of the Bureau of Air Traffic Management certain authorities of the Administrator under Title III of the Federal Aviation Act relating to the making of rules, regulations, and orders providing for the use of airspace and the granting of exemp-

tions thereto. This notice adds thereto authority with respect to Restricted Areas.

2. *Background.* Section 303(d) of the Federal Aviation Act of 1958 authorizes the Administrator to delegate the performance of any function under the Act to any officer, employee, or administrative unit under his jurisdiction.

Section 307(a) of the Act authorizes the Administrator to assign by rule, regulation, or order the use of navigable airspace under such terms, conditions, and limitations as he may deem necessary to assure the safety of aircraft and the efficient utilization of such airspace.

Section 307(d) of the Act provides that the Administrator shall be subject to the provisions of the Administrative Procedure Act in the exercise of rule making authority under section 307(a).

Section 307(e) authorizes the Administrator to grant exemption from the requirements of any rule or regulation prescribed under Title III of the Act if he finds such action would be in the public interest.

3. *Delegation.* Final authority to make, amend, and issue rules, regulations, and orders under section 307(a) and subject to all provisions of Section 307(d) of the Federal Aviation Act of 1958 and to grant exemptions thereto relating to Restricted Areas is hereby delegated to Mr. David D. Thomas, Director of the Bureau of Air Traffic Management. The authority herein delegated to Mr. Thomas shall be exercised consistently with any airspace plans and policies approved by the Administrator.

4. *Redelegation.* This authority may not be redelegated.

5. *Effective date.* This notice is effective upon publication in the FEDERAL REGISTER.

(Sec. 313(a), 303(d), 72 Stat. 752, 747; 49 U.S.C. 1354, 1344)

Issued in Washington, D.C., on August 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-7711; Filed, Aug. 17, 1960; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-63]

COLORADO-WYOMING GAS CO.

Notice of Application

AUGUST 12, 1960.

Take notice that on March 21, 1960, Colorado-Wyoming Gas Company (Applicant), a natural gas pipeline company, filed an application in Docket No. CP60-63, as supplemented on April 28, 1960, for a certificate of public convenience and necessity, pursuant to sections 7(b) and 7(c) of the Natural Gas Act (Act), to purchase, construct, operate and retire certain facilities within its existing service area, as hereinafter described.

Applicant proposes the following additions and retirements:

(1) Purchase of a meter station and 20,843 feet of 18-inch line, referred to as the Leyden Transmission Line, from Public Service Company of Colorado (Public Service Co.).

(2) Purchase 13,076 feet of 6-inch line, referred to as the Westminster Lateral Line, from Public Service Co.

(3) Construct one new major meter station.

(4) Enlarge the Leyden Meter Station as required.

(5) Revamp the Westminster Meter Station.

(6) Relocate the Ideal Cement Plant Meter Station.

(7) Rebuild 11 Farm Tap Stations into Small Group and Large Group Stations.

(8) Retire the National Alfalfa Milling Company Tap at Johnstown, Colorado.

(9) Retire 500 feet of 6-inch lateral line running to the Ideal Cement Plant.

The total estimated cost of all facilities proposed in the instant application is $281,942 which Applicant proposes to finance from its working funds. Total retirements amount to $5,835.

Applicant's purpose in purchasing the Leyden 18-inch pipeline and meter station is, initially, to supply gas to the Leyden Coal Mine near Denver which will be used to determine if the mine can be converted into a natural gas storage reservoir. Eventually, Applicant contends, the 18-inch line will become a part of a plan to serve the rapidly growing West Denver fringe and the Golden area. The enlargement of the Leyden Meter Station is required to enable the measurement of gas volumes injected and withdrawn from the Leyden mine during testing operations.

The purpose of the acquisition of the 6-inch Westminster Lateral Line is to supplement Applicant's existing 3-inch line so as to provide the necessary capacity to meet the requirements of Public Service Co. in that area. The enlargement of the Westminster Meter Station is necessary for the rendition of adequate service to Public Service Co.'s rapidly expanding Westminster residential area.

The proposed new meter station facilities to be constructed at West 44th and McIntyre on the 8-inch Arvada-South Golden line is necessary to supply natural gas to a new industrial customer of Public Service Co.

The Ideal Cement Plant at La Porte, Colorado has requested Applicant to move its meter station to a less congested area on the plant lot. Such relocation requires a new meter station and the abandonment of approximately 500 feet of 6-inch pipeline and the original meter station.

Applicant proposes to rebuild 11 main line farm tap stations into 10 small group and 1 large group installations. Originally, these farm tap connections were made for customers of Public Service Co. when service for less than 10 customers was desired. A small group tap costing $1,050 will serve from 10 to 50 customers. A large group tap will serve in excess of 50 customers when a town border facility is not required.

The National Alfalfa Milling Company at Johnstown, Colorado, went out of business in 1958. No gas having been sold there since, permission is herein being requested to abandon that tap.

Any person desiring to be heard or to make any protest with reference to matter or matters contained in said application should, on or before the 7th day of September 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7712; Filed, Aug. 17, 1960; 8:46 a.m.]

[Docket No. G-16235 etc.]

EL PASO NATURAL GAS CO. ET AL.

Order Fixing Date for Oral Argument

AUGUST 11, 1960.

El Paso Natural Gas Company, Docket No. G-16235; Pacific Northwest Pipeline Corporation, Docket No. G-16237; Colorado Interstate Gas Company, Docket No. G-16904; Plateau Natural Gas Company, Docket No. G-18280; Pueble Gas & Fuel Company, Docket No. G-19216; Public Service Company of Colorado, Docket No. G-19225.

Exceptions have been filed to the decision of the presiding examiner issued on July 15, 1960, in the above-captioned consolidated proceedings and it is appropriate that oral argument be held thereon.

The Commission orders:

(A) Oral argument shall be held before the Commission on September 27, 1960 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the exceptions to the aforesaid decision.

(B) Parties to these proceedings who intend to participate in the oral argument shall notify the Secretary of the Commission in writing on or before September 12, 1960 of such intention and of the length of time requested for presentation of their arguments.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7713; Filed, Aug. 17, 1960; 8:46 a.m.]

[Docket No. CP60-104]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

AUGUST 11, 1960.

Take notice that on May 17, 1960, Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business in Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the acquisition and operation of a gas transmission pipeline 95.04 miles in length, extending from a point near Petrolia, Clay County, Texas, in a southeasterly direction to its southern terminal north of Ft. Worth in Tarrant County, Texas. The pipeline referred to is presently owned by the United States of America but has been operated by Applicant as part of its certificated interstate system under terms of a lease agreement with the United States Government.

Applicant proposes to use the line for the same service it now renders from the line. No abandonment of facilities or service will result from the proposed acquisition.

The application recites that in January of 1960 the Government, acting by and through the General Services Administration, advertised the subject facilities for sale and Applicant then submitted its bid of $315,544. The Government advised the company that its bid had been accepted subject to "antitrust clearance by the Department of Justice as provided in section 207 of the Federal Property and Administrative Services Act of 1949, as amended."

Applicant states that the original cost of the facilities proposed for acquisition is not now available and therefore estimates such cost at $1,118,580.51 based on its experience and records in constructing similar pipelines during 1918. In operating this line since 1929, Applicant has added and retired facilities at costs of $114,028.33 and $76,465.53, respectively. Applicant has further estimated the net depreciated present value of the subject line to be $315,544 and its bid for that amount was accepted conditionally.

Applicant proposes to finance the entire cost of acquisition of the facilities out of funds currently on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a hearing will be held on September 15, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 4'1 G Street NW., Washington, D.C., respecting the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7714; Filed, Aug. 17, 1960; 8:46 a.m.]

[Docket No. CP60-89]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application and Date of Hearing

AUGUST 11, 1960.

Take notice that on April 26, 1960, as supplemented on June 10, 1960, Mountain Fuel Supply Company (Applicant) filed in Docket No. CP60-89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional mainline facilities to enable Applicant to increase firm deliveries of natural gas to existing customers, all served at retail, mainly in the vicinity of Salt Lake City, Utah, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The proposed facilities consist of:

(a) An additional 20.20 miles of 20-inch pipeline in Unitah County, Wyoming, to further loop two existing 18-inch main pipelines between Salt Lake City, Utah, and Green River, Wyoming;

(b) A new compressor station, housing two 1,320 horsepower compressors, to be located on Applicant's main pipeline at Kanda Junction, Wyoming;

(c) 6.74 miles of 24-inch pipeline extending eastward from Sunnyside Gate Station at Salt Lake City, to replace a portion of the present 16-inch line which has been in service since 1929; and

(d) 6.36 miles of 20-inch pipeline extending from Kanda Junction to Green River, to replace the present 18-inch line which has also been in service since 1929.

The estimated total cost of the proposed facilities is $3,125,000 to be financed from funds on hand and short term bank loans.

The additional deliveries of natural gas through these facilities are intended to meet the normal growth in requirements of Applicant's system.

Applicant states that the present capacity of its main interstate transmission system is 240,770 Mcf per day, plus 56,000 Mcf interstate gas received at Orem, Utah, from Utah Natural Gas Company, giving a maximum overall system delivery capacity of approximately 297,000 Mcf per day. Under the present application, Applicant expects to increase its interstate pipeline capacity to 260,410 Mcf per day, but deliveries from Utah Natural Gas Company are expected to decline to 52,000 Mcf, indicating an overall system delivery of 312,410 Mcf per day which Applicant states will meet its anticipated firm peak day demand for the winter of 1960-61.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 13, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 2, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7715; Filed, Aug. 17, 1960; 8:47 a.m.]

[Docket No. CI60-333 etc.]

STANDARD OIL COMPANY OF CALIFORNIA ET AL.

Notice of Applications, Consolidation and Date of Hearing

AUGUST 11, 1960.

Standard Oil Company of California, Docket No. CI60-333; Dorsey Buttram, Docket No. CI60-442; George P. Caulkins, Jr., Docket No. CI60-560; Gulf Oil Corporation, Docket No. CI60-636.

Take notice that applications for certificates of public convenience and necessity have been filed in the above-captioned proceedings, pursuant to section 7(c) of the Natural Gas Act, authorizing the applicants therein to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Notice of the filing of the application in Docket No. CI60-333, together with its consolidation for hearing and disposition along with certain other proceedings not here relevant, has heretofore been given by notice issued on May 20, 1960, in H. R. Smith, et al., and Southwestern Oil & Refining Company, Operator, et al., Docket No. G-11495, et al., and published in the FEDERAL REGISTER on May 26, 1960 (25 F.R. 4660). By further notice issued on June 17, 1960, and published in the FEDERAL REGISTER on June 23, 1960 (25 F.R. 5789), the proceedings in Docket No. CI60-333 were severed from those proceedings with which it had theretofore been consolidated.

Applicants respectively propose to sell natural gas in interstate commerce at a base initial price of 18.5 cents per Mcf at 15.025 psia to El Paso Natural Gas Company for resale. The gas involved will be produced from Red Wash Unit, Red Wash Field, Uintah County, Utah. Temporary authority to make the proposed sales at a price not to exceed 15.0 cents per Mcf at 15.025 psia was granted in Docket No. CI60–333 on April 15, 1960, and in the remaining dockets on July 15, 1960, respectively. Basic information concerning these applications is tabulated below.

Docket No.; Date Filed; Applicant and Address; and FPC Gas Rate Schedule No.

CI60–333; March 17, 1960; Standard Oil Company of California, 225 Bush Street, San Francisco 20, Calif.; 2.
CI60–442; April 6, 1960; Dorsey Buttrum, 2909 First National Bank Building, Oklahoma City, Okla.; 1.
CI60–560; May 3, 1960; George P. Caulkins, Jr., Denver, Colo.; 1.
CI60–636; May 20, 1960; Gulf Oil Corporation, P.O. Drawer 2100, Houston 1, Tex.; 198.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 5, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by applications:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 2, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7717; Filed, Aug. 17, 1960; 8:47 a.m.]

[Docket No. CP60–28]

NATURAL GAS STORAGE COMPANY OF ILLINOIS

Notice of Application and Date of Hearing

AUGUST 11, 1960.

Take notice that on February 8, 1960, Natural Gas Storage Company of Illinois (Applicant) filed an application, as supplemented on February 26, 1960, in Docket No. CP60–28, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate certain storage field facilities at the Herscher and Cooks Mills Storage Fields in Kankakee, Coles and Douglas Counties, Illinois, and a new 36-inch crossing of the Illinois River in Grundy County, Illinois, all as more fully set forth in the application and supplement on file with the Commission and open to public inspection.

The additional facilities required for the proposed operation are:

1. Two injection-withdrawal wells in the Galesville reservoir, including meter stations.

2. Three-tenths mile of 10-inch gathering lines to tie in the two proposed Galesville reservoir wells.

3. One additional dehydration absorber.

4. A 36-inch crossing of the Illinois River at the terminus of Applicant's 36-inch pipeline in Grundy County, Illinois.

5. Additional cushion gas in the Mt. Simon reservoir in the amount of 4,346,875 Mcf.

The total cost of Applicant's proposed facilities is estimated at $2,049,330. Applicant states that this total cost is to be financed primarily through temporary borrowings from Natural Gas Pipeline Company of America (Natural) owner of 50 percent of Applicant's outstanding common capital stock. However, Applicant reserves the right to raise all or some portion of the funds required through the issuance and sale of its common stock.

The application states further that the 36-inch crossing of the Illinois River is proposed in order to give additional protection to market areas served by Applicant. Presently, the 36-inch storage discharge line terminates on the south bank of the Illinois River where it ties into the facilities of Peoples Gulf Coast Natural Gas Pipeline Company (Peoples Gulf). The application shows that the remaining facilities will be used to increase the maximum daily withdrawal from storage by 75,000 Mcf of natural gas to a total of 650,000 Mcf of natural gas by using all three reservoirs; namely, the Galesville and Mt. Simon at Herscher Field and the Cooks Mills Field. Such gas will be stored for the accounts of existing customers of Natural and Peoples Gulf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 13, 1960, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW. Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7716; Filed, Aug. 17, 1960; 8:47 a.m.]

[Docket No. CP60–22 etc.]

TRUNKLINE GAS CO.

Notice of Applications and Date of Hearing

AUGUST 12, 1960.

Trunkline Gas Company, Docket Nos. CP60–22, CP60–61; Mississippi River Transmission Corporation, Docket No. CP60–95; Richardson & Bass (Operator), Docket No. CI60–209; The California Company, Docket No. CI60–215; Humble Oil & Refining Company, Docket No. CI60–259; Richardson & Bass, (Operator), Docket No. CI60–291.

Take notice that each of the above applicants have filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities to receive, transport and sell natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented by the respective applications and amendments thereto, which are on file with the Commission and open to public inspection.

Trunkline Gas Company (Trunkline) by its application in Docket No. CP60–22, seeks authority to construct and operate certain facilities and to make initial deliveries and sales of gas, purchased from various new sources in Southern Louisiana, as well as from existing sources in Louisiana and Texas, to Mississippi River Transmission Corporation (Transmission), Northern Indiana Public Service Company (NIPSCO), Central Illinois Electric and Gas Company and The City of Rensselaer, Indiana. Trunkline also proposes to deliver additional volumes of gas to certain of its existing customers, namely, Central Illinois Public Service Company, Citizens Gas Company, United Cities Gas Company and the City of McLeansboro, Illinois.

In its second amendment to its application in Docket No. CP60–22 filed on July 11, 1960, Trunkline suggests that consideration of the proposed sale of approximately 130,000 Mcf per day to Panhandle Eastern Pipeline Company (Panhandle), as described in its original application in the above docket, be deferred until the Commission is prepared to proceed with Panhandle's pending application in Docket No. CP60–60. This notice, therefore, relates only to those services herein described that do not involve Panhandle.

Trunkline by its application in Docket No. CP60–22, as amended, now proposes to construct and operate only a portion of those facilities as described in its original application as first amended. Trunkline presently proposes to install 154.5 miles of main line loop and 74.6 miles of supply lateral, measuring stations and other appurtenances to render the above described services.

Trunkline estimates the total capital cost of the proposed facilities at $25,450,000. Trunkline proposes to finance this construction by issuing $20,000,000 in long-term securities represented by $15,000,000 in bonds and $5,000,000 in preferred stock. The remainder of necessary financing will be through the sale of $5,400,000 in common stock which is to be purchased by Trunkline's parent, Panhandle.

Trunkline, by its application in Docket No. CP60–61, also proposes to construct and operate a sales metering station near the mid point of its existing transmission line between Tuscola and South Bend, Indiana in order to deliver and sell natural gas to the city of Rensselaer, Indiana for use in its municipal electric power plant.

Transmission, a newly formed and non-operating subsidiary of Mississippi River Fuel Corporation (Mississippi), by its application in Docket No. CP60–95, proposes to construct and operate approximately 94 miles of pipeline extending from a point on Trunkline's system in Clay County, Illinois, approximately 10 miles north of its Johnsonville compressor station near Johnsonville, Illinois, to the greater St. Louis area and to transport and sell 50,000 Mcf per day of natural gas to be purchased from Trunkline. Transmission proposes to sell 42,500 Mcf per day of this volume to the Laclede Gas Company (Laclede) and 7,500 Mcf per day to the Illinois Power Company (Illinois Power).

Transmission also proposes in conjunction with the above-mentioned service, to acquire, develop and utilize certain geological reservoirs in the St. Jacob Field area, Madison and St. Clair Counties, Illinois, for natural gas storage. In connection with this storage reservoir, Transmission proposes to construct and operate: (1) Ten wells to be used for injection and withdrawal of gas and for observation; (2) 2.6 miles of 4-inch well line to connect the proposed 18-inch transmission line and the storage area; (3) one 550 horsepower compressor unit, to be located within the storage area; (4) appurtenant facilities for metering, instrumentation, etc.

Transmission has agreed to make 25 percent of the capacity of the storage field available to Mississippi. In conjunction with this agreement, Transmission proposes to sell to Mississippi for injection into the reservoir quantities aggregating 25 percent of the volumes required for cushion or base storage gas. Transmission, therefore also seeks authority to transport natural gas in interstate commerce for sale to Mississippi to provide base storage gas in the St. Jacob storage field. The participations in the total capacity of the reservoir are proposed as follows: Laclede—63.25 percent, Illinois Power—12.75 percent, Mississippi—25 percent.

Transmission estimates the total capital cost of the proposed facilities at $9,118,925, which will be financed by the issuance of approximately $7,500,000 of debt and $2 500,000 of equity securities. Of the equity securities, approximately 150,000 shares are proposed to be sold publicly and approximately 150,000 shares will be issued to (Mississippi) for cash and (Mississippi's) interests in the St. Jacob field.

The respective producer applicants propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location; and Producer

CI60–209; Riceville Field and South Mermenteau Field Areas, Vermillion and Acadia Parishes, La.; Richardson & Bass, (Operator).
CI60–215; Riceville Field and South Mermenteau Field Areas, Vermillion and Acadia Parishes, La.; The California Co.
CI60–259; Bayou Sale Field, St. Mary's Parish, La.; Humble Oil & Refining Co.
CI60–291; South Scott Field Area, Lafayette Parish, La.; Richardson & Bass (Operator).

These related matters should be heard on a consolidated record under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 7, 1960, at 10:00 a.m., d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7718; Filed, Aug. 17, 1960; 8:47 a.m.]

[Project No. 2125]

NATIONAL YOUTH FOUNDATION

Notice of Application for License

AUGUST 10, 1960.

Public notice is hereby given that National Youth Foundation, of Taylorsville, California, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for license for proposed water-power Project No. 2125, designated by applicant as "Lights Creek Power Project," to be located on Lights Creek, certain of its tributaries including Moonlight Creek, all ultimately tributary to North Fork of Feather River, in Plumas County, California, in the vicinity of Taylorsville, Crescent Mills and Greenville, California, affecting lands of the United States within the Plumas National Forest and to consist of Upper Lights Creek Dam and Reservoir—an earth-fill dam across Lights Creek approximately 1½ miles upstream from mouth of China Gulch, about 150 feet high with gated spillway in right abutment, impounding a reservoir with gross storage capacity of 6,200 acre-feet at normal maximum water surface elevation 4400; Moonlight Creek Dam and Reservoir—an earth-fill dam across Moonlight Creek approximately 4¾ miles upstream from its confluence with Lights Creek, about 130 feet high with ungated spillway in left abutment, impounding a reservoir with gross storage capacity of 6,520 acre-feet at normal maximum water surface elevation 5470; Intercepting Canal—a canal approximately 3 miles long to convey to Moonlight Creek reservoir the run-off from a portion of the upper part of West Branch Lights Creek drainage area; Lower Lights Creek Dam and Reservoir—an earth-fill dam across Lights Creek approximately ¼ mile downstream from the confluence of Moonlight Creek, about 160 feet high with gated spillway in right abutment, impounding a reservoir with gross storage capacity of 15,250 acre-feet at normal maximum water surface elevation 3800; Upper Lights Creek-Moonlight Creek Powerhouse—a powerhouse located on right bank of Lights Creek approximately 1½ miles upstream from the site of Lower Lights Creek dam, with generator rated at 3,400 kilowatts direct-connected to two water wheels, one supplied from Upper Lights Creek reservoir by 17,000-foot tunnel and 1,000-foot penstock, the other supplied from Moonlight Creek reservoir by 7,800-foot tunnel, 5,000-foot conduit, and 3,800-foot penstock; and Lower Lights Creek Powerhouse—a powerhouse located on right bank of Lights Creek a short distance below the toe of Lower Lights Creek dam, with generating unit rated 1,360 kilowatts supplied by 1,500-foot tunnel and 800-foot penstock and discharging through a canal into Lights Creek about 4,000 feet downstream from powerhouse.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 15, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7719; Filed, Aug. 17, 1960; 8:47 a.m.]

[Project No. 2126]

NATIONAL YOUTH FOUNDATION

Notice of Application for License

AUGUST 10, 1960.

Public notice is hereby given that National Youth Foundation, of Taylorsville, California, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for license for proposed water-power Project No. 2126, designated by applicant as "East Branch of North Fork of Feather River Power Project", to be located on the East Branch of North Fork of Feather River and its tributaries Indian Creek and Spanish

Creek, in Plumas County, California, in the region of Crescent Mills, Paxton, Keddie, Virgilia and Belden, California, affecting lands of the United States within the Plumas National Forest and to consist of Indian Creek Dam and Reservoir—a concrete gravity dam across Indian Creek approximately ¾ mile upstream from its confluence with Spanish Creek, about 60 feet high with gated central ogee spillway creating a reservoir with gross storage capacity of 520 acre-feet at normal maximum water surface elevation 3,485 feet; Spanish Creek Dam and Reservoir—an earth and rock-fill dam across Spanish Creek approximately 4.4 miles upstream from its confluence with Indian Creek, about 175 feet high with gated spillway in left abutment creating a reservoir with gross storage capacity of 15,900 acre-feet at normal maximum water surface elevation 3,100 feet; East Branch Dam and Reservoir—a concrete gravity dam across East Branch of the North Fork of Feather River approximately 1¼ miles downstream from the town of Twain, about 60 feet high with gated ogee spillway creating a reservoir with gross storage capacity of 2,200 acre-feet at normal maximum water surface elevation 2,810 feet; Mill Creek Dam and Reservoir—an earth and rock-fill dam across East Branch of the North Fork of Feather River approximately one mile upstream from its confluence with North Fork of Feather River, about 140 feet high with gated spillway in left abutment creating a reservoir with gross storage capacity of 9,600 acre-feet at normal maximum water surface elevation 2,430 feet; Indian Creek-Spanish Creek Powerhouse—a powerhouse located on the right bank of Spanish Creek approximately ½ mile downstream from the site of Spanish Creek dam with two generating units, one rated 20,000 kilowatts supplied from Indian Creek reservoir by 12,700-foot tunnel, 1,700-foot conduit, and 700-foot penstock, the other rated 4,600 kilowatts supplied from Spanish Creek reservoir by 2,400-foot tunnel; East Branch Powerhouse—a powerhouse located on the left bank of East Branch of North Fork of Feather River approximately 2½ miles upstream from the site of Mill Creek dam with generating unit rated 16,500 kilowatts supplied from East Branch Reservoir by 35,000-foot tunnel and 1,200-foot penstock; and Mill Creek Powerhouse—a powerhouse located on the left bank of North Fork of Feather River approximately one mile downstream from confluence of East Branch of North Fork of Feather River with generating unit rated 17,500 kilowatts supplied from Mill Creek Reservoir by 9,600-foot tunnel.

Pursuant to Section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 15, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7720; Filed, Aug. 17, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36482: *Cinders—Laramie, Wyo., to Colorado points.* Filed by the Union Pacific Railroad Company (No. 120), for itself and interested rail carriers. Rates on cinders, clay or shale, in carloads, as described in the application, from Laramie, Wyo., to points in Colorado.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 111 to Union Pacific Railroad Company's tariff I.C.C. 5332.

FSA No. 36483: *Liquefied petroleum gas—Southwest to WTL territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7869), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from points in southwestern territory on the lines of specified rail carriers, to points in western trunk line territory on the lines of specified rail carriers.

Grounds for relief: Pipe line competition, short-line distance formula and grouping.

Tariff: Supplements 154 and 156 to Southwestern Freight Bureau tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-7731; Filed, Aug. 17, 1960; 8:49 a.m.]

[Notice 367]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 15, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35350. By order of August 11, 1960, The Transfer Board approved the lease to Utley Wholesale, Inc., York, Ala., of the "grandfather" operating rights claimed to have been performed by Time Distributors, Inc., Kenner, La., under Section 7 of the Transportation Act of 1958 (72 Stat. 574), for which a certificate is sought in Docket No. MC 118230, for the transportation of frozen fruits, from points in California, Washington, Illinois, Michigan, Tennessee, Texas and Oklahoma, to points in Louisiana, New York, Oklahoma, Tennessee and Texas, frozen berries, from points in Arkansas, California, Illinois, Louisiana, Michigan, Oklahoma, Tennessee, Texas, and Washington, to points in Louisiana, New York, Oklahoma, Tennessee and Texas; frozen vegetables, from points in Arkansas, California, Idaho, Illinois, Michigan, Oklahoma, Tennessee, Texas, Washington, and Louisiana, to points in Louisiana, New York, Oklahoma, Tennessee and Texas, and bananas, in straight and in mixed loads with certain exempt commodities, from points in Alabama, Florida, Louisiana, Mississippi, New York, South Carolina, Texas, and Virginia, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, the District of Columbia, and Ports of Entry on the boundary between the United States and Canada, also cocoanuts and nuts and fresh fruits and vegetables which often move in the same vehicle with bananas. Harold Ainsworth, 1650 National Bank of Commerce Building, New Orleans 12, La., for transferor. Edward G. Grogan, 1500 Commerce Title Building, Memphis 3, Tenn., for transferee.

No. MC-FC 63003. By order of August 12, 1960, The Transfer Board approved the transfer to Fuller Motor Delivery Co., a corporation, Cincinnati, Ohio, of Permits Nos. MC 74857 and MC 74857 Sub 1, issued August 28, 1942 and November 19, 1948, respectively, to Harry Fuller, Jr., doing business as Fuller Motor Delivery, Cincinnati, Ohio, authorizing the transportation of: Such bulk commodities as are transported in dump trucks, between Lawrenceburg and Richmond, Ind., points in Hamilton County, Ohio, and those in that part of Kentucky within 12 miles of the southern limits of Cincinnati, Ohio; cements, from points in Clark County, Ind., to points in Hamilton, Clermont, Butler, and Warren Counties, Ohio, and Boone, Kenton, and Campbell Counties, Ky.; concrete brick, concrete block, and cinder block, from points in Hamilton County, Ohio, to points in Dearborn, Ohio, and Switzerland Counties, Ind., and Boone, Kenton, and Campbell Counties, Ky.; and building contractors' supplies, not including machinery, heavy equipment, and such articles as become a part of finished construction, between points in Ohio and Kentucky and those in that part of Indiana on and south of U.S. Highway 40. Transferee is also authorized to be substituted in lieu of transferor in Nos. MC 74857 Sub 3TA and MC 74857 Sub 4. Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio, for applicants.

No. MC-FC 63479. By order of August 10, 1960, The Transfer Board approved the transfer to Leo A. Koretz, Edward Koretz and Sidney Koretz, doing business as Koretz Bros. Express, Brockton, Mass., of Certificate in No. MC 77156, issued November 14, 1940, to Archie J. Powers, doing business as Powers Express, Brockton, Mass., authorizing the transportation of: General Commodities, excluding household goods, commodities in bulk, and other specified commodities between Brockton, Mass., and Lynn, Mass. Theodore E. Shasta, attorney for transferor, 1 Court St., Boston 8, Mass., and Marshall M. Dranetz, Attorney for transferee, 18 Tremont St., Boston, Mass.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-7732; Filed, Aug. 17, 1960; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OKLAHOMA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 15, 1960, reading in part as follows:

I hereby determine the damage in the various areas of the State of Oklahoma, adversely affected by recent tornadoes, hail, torrential rains, and floods, beginning on or about May 5, 1960, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1960:

The counties of: Choctaw, Creek, Grady, Haskell, Hughes, Latimer, Oklahoma, Okmulgee, Pittsburg.

Dated: August 9, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-7703; Filed, Aug. 17, 1960; 8:45 a.m.]

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 15, 1960, reading in part as follows:

I hereby determine the damage in the various areas of the State of Texas, adversely affected by recent and current torrential rains, hail, floods, and tornadoes beginning on or about June 5, 1960, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Texas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1960:

The counties of: Bailey, Calhoun, Castro, Childress, Collingsworth, Crosby, Deaf Smith, Donley, Floyd, Hale, Hall, Hockley, Lamb, Lubbock, Parmer, Swisher.

Dated: August 9, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-7704; Filed Aug. 17, 1960; 8:45 a.m.]

VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Deletion From Membership

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the following deletions from the list of companies which have accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply," dated May 8, 1956. The request and original list of acceptances were published in 21 F.R. 5703, July 28, 1956; and additional acceptances were published in 21 F.R. 6687, Sept. 5, 1956; 21 F.R. 6964, Sept. 14, 1956; 21 F.R. 7640, Oct. 4, 1956; 22 F.R. 1162, Feb. 27, 1957; and 25 F.R. 4937, June 3, 1960.

DELETIONS

Creole Petroleum Corporation, 1230 Avenue of the Americas, New York 20, N.Y.

Sinclair Venezuelan Oil Company (formerly Venezuelan Petroleum Co.), 600 Fifth Avenue, New York 20, N.Y.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Supp. 2158; E.O. 10480, Aug. 14, 1953; 18 F.R. 4939; Reorg. Plan No. 1 of 1958; 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: August 10, 1960.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 60-7702; Filed, Aug. 17, 1960; 8:45 a.m.]

GEOFFREY BAKER

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published March 8, 1960 (25 F.R. 2000).

Dated: August 8, 1960.

GEOFFREY BAKER.

[F.R. Doc. 60-7705; Filed, Aug. 17, 1960; 8:45 a.m.]

HAROLD S. BLACKMAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published March 8, 1960 (25 F.R. 2000).

Dated: August 1, 1960.

HAROLD S. BLACKMAN.

[F.R. Doc. 60-7706; Filed, Aug. 17, 1960; 8:45 a.m.]

DAVID C. HOLUB

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published March 24, 1960 (25 F.R. 2507).

Dated: August 1, 1960.

DAVID C. HOLUB.

[F.R. Doc. 60-7707; Filed, Aug. 17, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1331]

BROAD STREET INVESTING CORP.

Notice of Filing of Application

AUGUST 10, 1960.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Linden Associates ("Linden") on the bases set forth below.

Shares of Broad Street, a Maryland Corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent upon

the amount purchased. As of June 30, 1960, the net assets of Broad Street amounted to $203,561,187.

Linden, a Massachusetts trust organized in 1925, is an investment company with sixteen shareholders which engages in the business of investing and reinvesting its funds. Linden is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Broad Street and Linden, substantially all of the cash and securities owned by Linden, with a value of approximately $2,981,418 as of June 30, 1960, will be transferred to Broad Street in exchange for shares of the latter's capital stock. The shares acquired by Linden are to be distributed to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Broad Street to be delivered to Linden will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value of the Linden assets to be exchanged.

The value of Linden's assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Broad Street's shares. Since the exchange will be tax free for Linden and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from Linden will be the same as for Linden, rather than the price actually paid by Broad Street for the assets.

Of the assets to be acquired from Linden, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value of $2,349,757 as of June 30, 1960. Of this amount, $1,850,281, or approximately 62.1 percent, represented net unrealized appreciation as compared to net unrealized appreciation on Broad Street's portfolio securities of $57,214,602, or approximately 28.1 percent of their value as of the same date. The realized but undistributed long-term capital gain of Broad Street on the same date amounted to $1,961,652, or approximately 1.0 percent of its assets. Approximately $401,661 of the securities acquired from Linden will be sold by Broad Street. The net unrealized appreciation on such securities as of June 30, 1960, amounted to $254,490. Since Broad Street will acquire these securities at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of Broad Street. In respect of the securities of Linden that Broad Street presently intends to sell on acquisition and the resulting artificial capital gain thereon, there shall be subtracted from Linden assets an amount equal to 12½ percent of the difference between net unrealized taxable capital gain on said securities and the portion of the realized but undistributed taxable long-term capital gain of Broad Street allocable to the aggregate shares of Broad Street to be issued to Linden. In respect of the securities of Linden that Broad Street presently intends to hold following acquisition, there shall be subtracted from Linden assets an amount equal to 12½ percent of the difference between net unrealized taxable capital gain on said securities and the portion of the Broad Street unrealized appreciation applicable to the aggregate shares of Broad Street to be issued to Linden determined on a pro forma basis. The adjustment is intended to offset the adverse impact on Broad Street's investors of a possible capital gains tax on artificial gains should Broad Street hereafter sell the securities being acquired.

If the valuation under the agreement had taken place on June 30, 1960, Linden would have received 226,012 shares of Broad Street.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Linden. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of Linden.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Broad Street are to be issued to Linden at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.22 percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 26, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7727; Filed, Aug. 17, 1960; 8:48 a.m.]

[File No. 70–3897]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Execution of Surety Bond by Holding Company for Public Utility Subsidiary

AUGUST 11, 1960.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Amere Gas Utilities Company ("Amere"), a wholly-owned gas utility subsidiary company of Columbia, has filed with the Public Service Commission of West Virginia ("West Virginia Commission"), an application for increased gas rates estimated to produce increased annual revenues of approximately $83,200. The West Virginia Commission, by order issued on April 28, 1960, suspended collection of Amere's proposed rates until September 2, 1960 when, under applicable West Virginia law, Amere may commence collection of the higher rates provided for in the rate filing subject to the obligation to refund with interest, any portion of the higher rates which may ultimately be determined to be excessive. The West Virginia Commission may, and customarily does, require the posting of a bond as security for the obligation to refund and it has indicated its willingness to accept Columbia as surety. Columbia, therefore, proposes to act as surety on a bond not to exceed $100,000 without fee or other charges to Amere in order to relieve Amere of paying the customary fee of an insurance company. In the event any portion of the increased rates should ultimately be determined to be excessive Amere will make refunds in the ordinary course of business out of its general corporate funds.

It is estimated that the fees and expenses to be incurred in connection with the proposed transaction will be limited to $100 for services of the Columbia Gas System Service Corporation rendered primarily in connection with the present filing.

The declaration states that, other than for the acceptance of the proposed surety bond by the West Virginia Commission, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 29, 1960, at 5:30 p.m., request this Commission in writing that a hearing be held

in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7728; Filed, Aug. 17, 1960; 8:49 a.m.]

[File No. 1–3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

AUGUST 12, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 14, 1960 to August 23, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7729; Filed, Aug. 17, 1960; 8:49 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45);•Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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VOLUME 25 NUMBER 162

Washington, Friday, August 19, 1960

THE UNIVERSITY OF MICHIGAN
AUG 22 1960
MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Title 3—THE PRESIDENT

Executive Order 10884

AMENDMENT OF EXECUTIVE ORDER NO. 10560,[1] PROVIDING FOR THE ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10560 of September 9, 1954, as amended, providing for the administration of the Agricultural Trade Development and Assistance Act of 1954, as amended, be, and it is hereby, further amended by deleting therefrom sections 1 and 5 and by inserting in lieu thereof the following sections 1 and 5, respectively:

"SECTION 1. *Department of Agriculture.* (a) Except as otherwise provided in this order, the functions conferred upon the President by Titles I and IV of the Agricultural Trade Development and Assistance Act of 1954, as amended, are hereby delegated to the Secretary of Agriculture.

"(b) The administration on behalf of the United States of the credit provisions of agreements entered into pursuant to Title IV of the Act (including the receiving of payments under agreements) shall be performed by such Federal agency or agencies as shall hereafter be designated therefor by the President.

"SEC. 5. *Reservation of functions to the President.* There are hereby reserved to the President the functions conferred upon him by section 108 of the Act (including that section as affected by section 406 of the Act), with respect to making reports to the Congress."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 17, 1960.

[F.R. Doc. 60–7808; Filed, Aug. 17, 1960; 2:25 p.m.]

[1] 19 F.R. 5927; 3 CFR, 1954 Supp., p. 70.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1961–62 Marketing Year

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.1109 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1961, through June 30, 1962, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a national marketing quota for wheat for the 1961–62 marketing year (25 F.R. 4313). The Secretary announced (25 F.R. 4331) that a referendum would be held on July 21, 1960, to determine whether or not wheat producers were in favor of or opposed to marketing quotas for the marketing year, July 1, 1961, through June 30, 1962. Since the only purpose of this proclamation is to announce results of the referendum,[1] it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.1109 Proclamation of the results of the wheat marketing quota referendum for the marketing year 1961–62.

In a referendum of farmers who will be subject to quotas on the 1961 crop of wheat held on July 21, 1960, 178,718 eligible farmers voted. Of those voting 156,134 or 87.4 percent favored quotas for the marketing year beginning July 1, 1961. Therefore, wheat marketing quotas will be in effect for the 1961–62 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Issued at Washington, D.C., this 16th day of August 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-7778; Filed, Aug. 18, 1960; 8:49 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

Subpart—1961

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 86–532, the provisions of §§ 1104.900 to 1104.949 (24 F.R. 8162) as amended, shall be effective for the 1961 Agricultural Conservation Program for Alaska for the period September 1, 1960, through December 31, 1961, except for the following changes and such other changes as may hereafter be made:

1. For purposes of the 1961 program, references to the years 1957, 1958, 1959, and 1960 shall be construed as references to the years 1958, 1959, 1960, and 1961, respectively.

2. Paragraph (b) of § 1104.901 is amended, for purposes of the 1961 program, to read:

§ 1104.901 Funds.

* * * * *

(b) $64,000 will be available for program purposes exclusive of the amount set aside for administrative expenses and the increase in small Federal cost-shares in § 1104.928. The proportion of this fund initially allocated to any county for the 1961 program shall not be reduced from the distribution of such fund for a program year to be specified by amendment to this paragraph.

§ 1104.928 [Amendment]

3. The proviso in the first sentence of § 1104.928 is deleted for purposes of the 1961 program.

4. Paragraph (c) of § 1104.931 is amended, for purposes of the 1961 program, to read:

§ 1104.931 Forbidden actions or practices.

* * * * *

(c) *Filing of false claims.* If the State Committee finds that any person has knowingly supplied false information or has knowingly filed a false claim, including a claim for payment of the Federal cost-share under the program for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1961 program and shall refund all amounts that may have been paid to him under the 1961 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

5. Section 1104.936 is amended, for purposes of the 1961 program, to read:

§ 1104.936 Practice 1: Diversion ditches, dikes, or terraces.

(a) *Purpose.* These structures are for diverting and removing excess water from snow melting in the spring, or from seeps, springs, or other ground water to protected outlets, to protect cropland or potential cropland below.

(b) *Requirements.* In all cases the structures must be staked by a qualified technician. Capacities will depend on the area drained. The structures must be provided with a proper outlet such as a sodded waterway (see practice 2 (§ 1104.937)). Where structures are built to protect cropland that is now subject to water erosion, a higher cost-share will be paid.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* ACP Practice Guide Sheet for Diversion Ditches, Dikes, or Terraces.

Maximum Federal cost-share. (1) 70 percent of the cost when constructed to protect cropland.

(2) 50 percent of the cost when constructed to protect other than cropland.

§ 1104.939 [Amendment]

6. The maximum Federal cost-share paragraph of § 1104.939 is amended, for purposes of the 1961 program, to read: "50 percent of the cost of land preparation, seed, seeding, and the minimum required application of commercial fertilizer."

§ 1104.941 [Amendment]

7. Paragraph (b) of § 1104.941 is amended, for purposes of the 1961 program, by adding the following at the end thereof: "The farmer may not sell irrigation equipment on which he has received cost-sharing under this program for five years following date of purchase, unless the equipment is sold with the farm."

§ 1104.947 [Amendment]

8. Paragraph (b) of § 1104.947 is amended, for purposes of the 1961 program, by deleting the third and fourth sentences, which read: "Downstream slopes shall be not less than 3 feet horizontal to 1 foot vertical. Upstream slopes shall not be less than 4 feet horizontal to 1 foot vertical."

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g–590q)

Done at Washington, D.C., this 15th day of August 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-7773; Filed, Aug. 18, 1960; 8:48 a.m.]

[Bulletin NSCP-250.]

PART 1106—NAVAL STORES CONSERVATION

Subpart G—1961

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1961 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1957 season, except as provided under § 1106.1218.

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AUTHORITY: §§ 1106.1201 to 1106.1234 issued under sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590g–590q.

GENERAL PROVISIONS

§ 1106.1201 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.1215, 1106.1216, and 1106.1218. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.1202 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1961 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1961 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches d.b.h. in any tract or drift cupped under the provisions of §§ 1106.1209, 1106.1210, 1106.1211, 1106.1212, or 1106.1214 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1961 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1961 program to faces which were installed and met the eligible face requirements during the 1957, 1958, 1959, or 1960 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1961 and those installed in 1961 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(f) *Practices under §§ 1106.1209, 1106.1210, 1106.1211, 1106.1212, 1106.1213, 1106.1214, 1106.1215, or 1106.1217 which require more than one year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 1106.1203 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 1106.1204 Fire protection.

Each producer shall during the 1961 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.1205 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1961 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back

[1] Filed as part of the original document.

face installed prior to 1961. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.1206 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP–1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.1209 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 1106.1215 is used.

§ 1106.1210 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face: This component is not applicable where § 1106.1215 is used.

§ 1106.1211 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face: This component is not applicable where § 1106.1215 is used.

§ 1106.1212 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1202(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face: This component is not applicable where § 1106.1215 is used.

§ 1106.1213 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face: This component is not applicable where § 1106.1215 is used.

§ 1106.1214 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided*, That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face: If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.1209, 1106.1210, 1106.1211, or 1106.1212.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face: This component is not applicable where § 1106.1215 is used.

§ 1106.1215 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.1209, 1106.1210, 1106.1211, 1106.1212, 1106.1213, 1106.1214, and 1106.1217 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Components of practice and rates of cost-sharing—(1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1961 season or faces upon which the cups and tins are elevated for the first time during the 1961 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 1106.1216 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1959 or 1960 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1961 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the Forest Service to meet the eligible face requirements of § 1106.1209. Only producers who did not participate in the 1959 or 1960 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing—(1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 1106.1209.

§ 1106.1217 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practices and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.1209.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.1210, 1106.1211, 1106.1212, 1106.1213, and 1106.1214.

§ 1106.1218 Practice 10: Hardware removal.

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1960 or 1961 on which no subsequent work will be done and from which all hardware is removed by December 31, 1961.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of black-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISION RELATING TO FEDERAL COST-SHARING

§ 1106.1219 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	Increase in cost-shares
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60

Amount of cost-shares computed—Con.	Increase in cost-shares
$20.00 to $20.99	$8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1106.1220 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by §§ 1106.1202(e) or 1106.1221. The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control.

§ 1106.1221 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current non-working areas) on which costs have been

or would be shared under this or the 1957, 1958, 1959, or 1960 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1957, 1958, 1959, 1960, or 1961 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1964.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 30 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1956 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1956 in the tracts or drifts in which such installation occurs.

§ 1106.1222 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1106.1223 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13, Subtitle A, of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1106.1223 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1961 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1961, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter), witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 1106.1224 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1106.1225 Maximum Federal cost-shares limitation.

The total of all cost-shares under the 1961 Naval Stores Conservation and the 1961 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 1106.1226 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 1106.1225.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 1106.1227 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1961 turpentine season, which were installed during or after the 1957 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 1106.1228 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 31, 1962, on the prescribed form (NSCP-1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 1106.1229 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 1106.1230 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 9/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal stripes of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY AND AVAILABILITY OF FUNDS APPLICABILITY AND ADMINISTRATION

§ 1106.1231 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1961.

§ 1106.1232 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1962.

(c) If the total estimated earnings under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 1106.1233 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.1234 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D.C., this 16th day of August 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-7777; Filed, Aug. 18, 1960; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Definition of Public Offering in Case of Small Business Investment Company Under Certain Circumstances

The Securities and Exchange Commission has amended Rule 151 (§ 230.151) under the Securities Act of 1933 and Rule 3c-1 (§ 270.3c-1) under the Investment Company Act of 1940 which define the term "public offering" to exclude under certain conditions the offering of the stock of small business investment companies to small business concerns pursuant to the requirements of the Small Business Investment Act of 1958.

Under the former section 304(d) of the Small Business Investment Act, whenever a small business investment company provided capital to a small business concern, the small business investment company was required to offer, and the small business concern was required to purchase, a certain amount of stock of the small business investment company. Under the provisions of section 304(c) of the Act, as amended by Public Law 86-502, a small business concern has the right to acquire such stocks when capital is provided, but the exercise of such right is optional with the small business concern. The purpose of the amendments to Rules 151 and 3c-1 is to conform the

provisions of those rules to the amended provisions of the Act.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly section 19(a) thereof, and the Investment Company Act of 1940, particularly section 38(a) thereof.

The rules as amended read as follows:

§ 230.151 Definition of certain terms used in section 4(1) of the Act.

The term "transactions by an issuer not involving any public offering" as used in section 4(1) of the Act, shall be deemed to include the offer or sale by a small business investment company, licensed under the Small Business Investment Act of 1958, of its capital stock to a small business concern pursuant to the provisions of section 304(c) of such Act, provided that—

(a) The offer or sale is made only in connection with the providing of capital to the small business concern by the small business investment company;

(b) The amount of capital stock so offered or sold does not exceed the amount which the small business concern has the right to acquire, with respect to the particular transaction, under the provisions of section 304(c) of such Act and the rules and regulations thereunder; and

(c) The capital stock acquired by the small business concern in connection with the offer and sale is purchased for investment and not with a view to the distribution thereof.

§ 270.3c–1 Definition of certain terms used in section 3(c)(1) of the Act.

The term "public offering" as used in section 3(c)(1) of the Act shall not be deemed to include the offer or sale by a small business investment company, licensed under the Small Business Investment Act of 1958, of its capital stock to a small business concern pursuant to the provisions of section 304(c) of such Act, provided that—

(a) The offer or sale is made only in connection with the providing of capital to the small business concern by the small business investment company;

(b) The amount of capital stock so offered or sold does not exceed the amount which the small business concern has the right to acquire, with respect to the particular transaction, under the provisions of section 304(c) of such Act and the rules and regulations thereunder; and

(c) The capital stock acquired by the small business concern in connection with the offer and sale is purchased for investment and not with a view to the distribution thereof.

Since Rules 151 and 3c–1 are interpretative rules, the foregoing amendments thereto shall become effective upon publication August 15, 1960.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 15, 1960.

[F.R. Doc. 60–7768; Filed, Aug. 18, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 468; Amdt. 191]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S-58 Helicopters

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on July 29, 1960, and made effective immediately because of the safety emergency involved, as to all known operators of Sikorsky S–58 helicopters by individual telegrams dated July 29, 1960. This directive required that main rotor blades with 1,400 or more hours' time in service must be retired, that daily X-ray inspections be made of main rotor blades with 1,000 or more hours' time in service, that repaired blades involving removal of bonding material and blades that have experienced excessive overload be X-ray inspected prior to the next flight and daily thereafter, and replacement of blades prior to further flight where cracks are found. On August 3, 1960, it was determined that further restrictions were necessary. Accordingly, an airworthiness directive was adopted on August 3, 1960, and made effective immediately as to all known operators of Sikorsky S–58 helicopters by individual telegrams dated August 3, 1960, amending the directive of July 29, 1960, by decreasing the hours of time in service for retirement of main rotor blades to 1,000, and by specifying new inspection intervals and procedures on other main rotor blades.

For the reasons stated above it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making the airworthiness directives effective immediately by individual directives to all known operators of Sikorsky S–58 helicopters. Since these conditions still exist, the airworthiness directive adopted on July 29, 1960, as amended by the airworthiness directive adopted August 3, 1960, is hereby published as an amendment to § 507.10 (a) (14 CFR Part 507) and shall become effective upon the date of publication in the FEDERAL REGISTER as to all other persons:

SIKORSKY. Applies to all S–58 helicopters.

Compliance required as indicated.

As a result of a fatigue failure of the main rotor blade spar the following must be accomplished:

(a) All main rotor blades, P/N S1615–20100, with 1,000 or more hours' time in service must be removed from service prior to further flight.

(b) An X-ray inspection covering the complete cross sectional area of the spar from the root section to the tip of the blade must be conducted for cracks, internal flaws or inclusions in the material of the spar on all main rotor blades, P/N S1615–20100, within the following time specified:

(1) All main rotor blades with 800 or more hours' time in service, prior to the next flight.

(2) All main rotor blades with less than 800 hours' time in service, within the next 100 hours' time in service except no rotor blade shall exceed 800 hours' time in service before X-ray inspection is conducted.

(c) Pending completion of the X-ray inspection in paragraph (b)(2), a daily visual inspection must be conducted on the spar of all blades with 500 or more hours' time in service as follows:

(1) Using a magnifying glass of not less than 8-power, inspect the external surface of the spar from the root section to the tip of the blade for cracks.

(2) Inspection of the upper surface of the spar must be conducted with the blade in normal static position.

(3) Inspection of the lower surface of the spar must be conducted by disconnecting the pitch controls and rotating the blade 180 degrees in pitch so that the surface being inspected is in tension due to the blades own dead weight.

(d) If any cracks, internal flaws or inclusions are found in the spar material the blade must be replaced prior to further flight.

This amendment shall become effective on the date of publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated August 3, 1960.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 15, 1960.

OSCAR BAKKE, *Director, Bureau of Flight Standards.*

[F.R. Doc. 60–7752; Filed, Aug. 18, 1960; 8:45 a.m.]

[Reg. Docket No. 426; Amdt. 192]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Model 1049E Aircraft

A proposal to amend Part 507 of the regulations of the Administrator by amending Amendment 132 (25 F.R. 3207), to include Lockheed Model 1049E aircraft was published in 25 F.R. 5786.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is hereby amended as follows:

Amendment 132, Lockheed Model 1049, 1049C, 1049D, 1049F, 1049G, 1049H, and 1649A aircraft, as it appeared in 25 F.R. 3207, is amended by revising the applicability statement to read as follows:

Applies to all Lockheed 1049 Series and 1649A aircraft.

This amendment shall become effective 30 days after date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 15, 1960.

OSCAR BAKKE, *Director, Bureau of Flight Standards.*

[F.R. Doc. 60–7753; Filed, Aug. 18, 1960; 8:45 a.m.]

[Reg. Docket No. 428; Amdt. 193]

PART 507—AIRWORTHINESS DIRECTIVES

Aeroproducts Propellers

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive requiring inspection and balancing of Aeroproducts propeller blades A6441FN–606 was published in 25 F.R. 5787.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AEROPRODUCTS. Applies to A6441FN–606 propellers installed on Lockheed 188 Series aircraft.

Compliance required as indicated.

As a result of investigations, it has been determined that the following must be accomplished to minimize the possible occurrence of propeller roughness and/or failures:

Not later than November 1, 1960, the thrust member thickness must be determined per Allison Propeller Bulletin 63–127. All blades that do not meet thrust member thickness as prescribed in Allison Propeller Bulletin 63–127 must be removed from service prior to further flight. Concurrently with this inspection all blades shall be classified aerodynamically per Allison Propeller Bulletin 63–125.

(Allison telegram to all operators dated May 19, 1960, and Allison Propeller Bulletins Nos. 63–125 and 63–127 cover this same subject.)

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 15, 1960.

OSCAR BAKKE, *Director, Bureau of Flight Standards.*

[F.R. Doc. 60–7754; Filed, Aug. 18, 1960; 8:45 a.m.]

[Reg. Docket No. 480; Amdt. 194]

PART 507—AIRWORTHINESS DIRECTIVES

Bell Helicopters

Reexamination of data shows that the requirements of Amendment 146, 25 F.R. 4132, as amended by 25 F.R. 6686, should apply to additional Bell Model 47G–2 serial numbers. Accordingly, Amendment 146 is being amended to incorporate the additional serial numbers with a compliance date of September 2, 1960, applicable to these numbers. Since the same possibility of an unsafe condition exists in regard to these helicopters as for those covered in the original amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 146, Bell helicopters, as it appeared in 25 F.R. 4132 is amended:

1. By adding the following Serial Numbers to the applicability statement: 47G–2 Serial Numbers 2451, 2452, 2457, 2459 through 2467, 2469, 2470, 2472 through 2477, 2556 through 2558.

2. By changing the compliance statement to read as follows:

Compliance required as indicated except Model 47G–2 Serial Numbers 2451, 2452, 2457, 2459 through 2467, 2469, 2470, 2472 through 2477, 2556 through 2558, for which compliance date is September 2, 1960.

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 15, 1960.

OSCAR BAKKE, *Director, Bureau of Flight Standards.*

[F.R. Doc. 60–7755; Filed, Aug. 18, 1960; 8:45 a.m.]

[Reg. Docket No. 481; Amdt. 195]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Series Aircraft

Further investigation of failures of the Boeing 707 main landing gear trunnion support has shown that the forward bearing support fitting and all flange areas on the inboard and outboard side of the main landing gear trunnion support rib must also be included in the inspections required by Amendment 129 (25 F.R. 3066). Accordingly, Amendment 129 is being amended to incorporate these new inspections.

Since it is necessary in the interest of safety to require inspection and repair of the affected area to avoid the possibility of further failures of the main landing gear trunnion support, the Administrator finds that notice and public procedures hereon are impracticable and that good cause exists for making this amendment effective within ten days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is amended as follows:

Amendment 129, Boeing 707 Series aircraft, as it appeared in 25 F.R. 3066 is amended by deleting present paragraph (c) and by adding new paragraphs (c) and (d) to read as follows:

(c) In addition to the inspections required under paragraph (a), at the next 300-hour inspection required under paragraph (a) and thereafter at every 300 hours time in service clean all flange areas on the inboard and outboard side of the 220,000 to 240,000 p.s.i., heat treat steel main landing gear trunnion support rib and conduct a visual inspection for evidence of cracks. Clean the forward trunnion support fitting and visually or radiographically inspect for evidence of cracks on the forward and aft side in the region of the bearing collar. If evidence of cracks is found, conduct more detail inspections using fluorescent dye penetrant at temperatures of 50° F. or above, X-ray, or equivalent.

(d) If cracks are found during inspections (a), (b) and (c), the affected components must be replaced or repaired in accordance with Boeing/FAA approved procedures prior to further flight.

This amendment shall become effective 10 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 15, 1960.

OSCAR BAKKE, *Director, Bureau of Flight Standards.*

[F.R. Doc. 60–7756; Filed, Aug. 18, 1960; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 478; Amdt. 180]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 3 SEPTEMBER 1960, OR ON CLOSING OF AIRPORT.

City, Corpus Christi; State, Tex.; Airport Name, Cliff Maus; Elev., 42'; Fac. Class., SBMRLZ; Ident., CRP; Procedure No. 1, Amdt. 12; Eff. Date, 27 July 57; Sup. Amdt. No. 11; Dated, 28 July 56

Rockford FM/Int	GG-LFR	Direct	5500	T-dn	300-1	300-1	200-½
Pine City FM or Pine City "H"	GG-LFR (final)	Direct	4200	C-dn	900-1	900-1	900-1½
GEG-VOR	GG-LFR	Direct	4000	A-dn	1000-2	1000-2	1000-2
Rodna Int	GG-LFR	Direct	4300				

Radar transitions and vectoring using Fairchild AFB Radar authorized in accordance with approved radar patterns.
Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 4700' within 10 mi.
Minimum altitude over facility on final approach crs, 4200'.
Crs and distance, facility to airport, 294°—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climbing right turn, and climb to 4500' on N crs (all turns on W side) within 20 mi of GG-LFR or, when directed by ATC, climbing left turn and climb to 4000' on W crs (all turns S side) within 20 mi of GG-LFR.
CAUTION: Fairchild AFB 3½ miles W. Radio tower 3188' 6½ miles E of airport.
Major Change. Deletes transition from GEG-LOM.

City, Spokane; State, Wash.; Airport Name, International; Elev., 2372'; Fac. Class., SBRAZ; Ident., GG; Procedure No. 1, Amdt. 12; Eff. Date, 3 Sept. 60; Sup. Amdt. No. 11; Dated, 26 Mar. 55

PROCEDURE CANCELLED, EFFECTIVE 3 SEPTEMBER 1960.

City, Spokane; State, Wash.; Airport Name, Geiger Field; Elev., 2372'; Fac. Class., SBRAZ; Ident., GEG; Procedure No. 2, Amdt. 3; Eff. Date, 30 Apr. 55; Sup. Amdt. No. 2; Dated, 30 June 54

PBI VOR	PI LFR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 270° Outbnd, 090° Inbnd, 1200' within 10 mi.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 090°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 1300' on E crs within 20 miles.

City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19'; Fac. Class., SBRA; Ident., PI; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Sept. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

Brookville Int	DUJ RBn	065°—11.5	3500	T-dn	300-1	300-1	200-½
Rockton Int	DUJ RBn	335°—11	3500	C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn North side of crs, 063° Outbnd, 243° Inbnd, 3500' within 10 mi.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 243°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn to 3000', return to the facility.

City, DuBois; State, Pa.; Airport Name, DuBois-Jefferson; Elev., 1810'; Fac. Class., HW; Ident., DUJ; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Sept 60

All directions	MHT RBn	Direct	MEA	T-d	500-1	500-1	
				C-d	1000-1	1000-1	
				S-dn	NA	NA	
				A-dn	NA	NA	

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 237°—7.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles, make an immediate right climbing turn to Manchester RBn at 2000'. Hold on 057° bearing from MHT RBn one minute pattern, left turns.
NOTES: No weather reporting available. Facility owned and operated by State of New Hampshire.

City, Nashua; State, N.H.; Airport Name, Boire Field; Elev., 193'; Fac. Class., MHW; Ident., MHT; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Sept 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

GEG VOR	LOM	Direct	4500	T-dn	300-1	300-1	200-½
GG LFR	LOM	Direct	4500	C-dn	500-1	500-1	500-1½
Rockford Int	LOM	Direct	5500	S-dn-21	400-1	400-1	400-1
Hayden Lake Int	LOM	Direct	6000	A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Fairchild AFB Radar authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 025° Outbnd, 205° Inbnd, 4500' within 10 mi. NA beyond 10 mi.
Shuttle to 4500' NE of LOM on 205° brng to LOM, right turns, 1 min.
Minimum altitude over facility on final approach crs, 3600'.
Crs and distance, facility to airport, 205°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climbing right turn and return to LOM climbing to 4500' or, when directed by ATC, climb straight ahead to VOR and climb to 4000' on R-210 within 10 miles of VOR.
CAUTION: High terrain N and E of airport. 3188' tower 4.7 mi NE of GG LFR.

City, Spokane; State, Wash.; Airport Name, International; Elev., 2372'; Fac. Class., LOM; Ident., GE; Procedure No. 1, Amdt. 1; Eff. Date, 3 Sept. 60; Sup. Amdt. No. Orig. (ADF portion Comb. ILS-ADF); Dated, 22 Feb. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 3 SEPTEMBER 1960, OR ON CLOSING OF AIRPORT.

City, Corpus Christi; State, Tex.; Airport Name, Cliff Maus; Elev., 42'; Fac. Class., BVOR; Ident., CRP; Procedure No. 1, Amdt. 4; Eff. Date, 27 July 57; Sup. Amdt. No. 3; Dated, 28 July 56

All directions	MHT VOR	Direct	MEA	T-d	500-1	500-1	NA
				C-d	1000-1	1000-1	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn North side of crs, 065°, Outbnd, 245° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 245°—8.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles, make an immediate right climbing turn to the Manchester VOR at 2000'. Hold on R-065 MHT-VOR, one minute pattern, left turns.

City, Nashua; State, N.H.; Airport Name, Boire Field; Elev., 193'; Fac. Class., BVOR; Ident., MHT; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Sept. 60

PX LFR	PHX VOR	Direct	4000	T-dn	300-1	300-1	200-½
Perryville FM/Int	Valley Int	Direct	3000	C-dn	800-1	800-1	800-1½
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of crs, 258° Outbnd, 078° Inbnd, 4000' within 10 mi of Valley Int.
Minimum altitude over Valley Int on final approach crs, 3000'.
Crs and distance, Valley Int to airport, 078°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi of Valley Int, climb to 4000' on R-080 PHX VOR within 10 mi of VOR.
CAUTION: 4500' terrain 10 mi S of final approach crs.

City, Phoenix; State, Ariz.; Airport Name, Sky Harbor Municipal; Elev., 1124'; Fac. Class., BVORTAC; Ident., PHX; Procedure No. 2, Amdt. 2; Eff. Date, 3 Sept. 60; Sup. Amdt. No. 1; Dated, 11 Apr. 59

Covington Int	SSU-VOR	Direct	5900	T-d	1600-1	1600-1	1600-1
Natural Well Int	SSU-VOR	Direct	5300	T-n	NA	NA	NA
Frankford Int	SSU-VOR	Direct	5300	C-d	2100-2	2100-2	2100-2
				C-n	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn North side of crs, 128° Outbnd, 308° Inbnd, 4900' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 3900'.
Crs and distance, facility to airport, 301°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, make an immediate climbing left turn to 4900' on SSU-VOR R-128 within 10 mi.

City, White Sulphur Springs; State, W. Va.; Airport Name, Greenbrier; Elev., 1795'; Fac. Class., BVOR; Ident., SSU; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Sept. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ETP "H"	OZR VOR	Direct	1600	T-dn	300-1	300-1	200-½
DHN VOR	OZR VOR	Direct	1700	C-dn	400-1	500-1	500-1½
OKB RBn	OR LFR (final)	Direct	800	S-dn-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 243° Outbnd, 063° Inbnd, 1600' within 10 mi; Teardrop Procedure turn, R-261 Outbnd, R-063 Inbnd, 1600' within 10 mi.
Minimum altitude abeam OR-LFR on final approach crs, 800'; over facility, 700'*.
Crs and distance, facility to airport, 063°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and climb to 1600' on R-280 OZR VOR within 20 miles.
NOTE: Airport closed to all civil air traffic except in an emergency or when given special authorization by U.S. Army.
*If unable to check abeam OR-LFR, descent below 800' not authorized.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class., VOR; Ident., OZR; Procedure No. Ter VOR-6, Amdt. 3; Eff. Date, 3 Sept. 60; Sup. Amdt. No. 2; Dated, 8 Aug. 59

Jessey Int	MVY-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	1000-1	1000-1	1000-1½
				S-dn-33	1000-1	1000-1	1000-1½
				A-dn	NA	NA	NA

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 1300' within 10 mi.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 326°—0.43 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, make left climbing turn to 1300', intercept and hold on R-196 MVY-VOR, one minute pattern, left turns.
NOTE: Alternate weather minimums of 1000-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68'; Fac. Class., VOR; Ident., MVY; Procedure No. Ter VOR-33, Amdt. Orig.; Eff. Date, 3 Sept. 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AY-LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Vineland Int	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Atlantic City VOR	LOM	Direct	1500	S-dn-13	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn South side of crs, 308° Outbnd, 128° Inbnd, 1500' within 10 mi.
Minimum altitude at glide slope interception inbnd, 1300'.
Altitude of glide slope and distance to approach end of Runway at OM, 1300'—4.3 mi; at MM, 270'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a right climbing turn and proceed direct to the LOM at 1500'.

City, Atlantic City; State, N.J.; Airport Name, Nat'l Aviation Facilities Experimental Center; Elev., 68'; Fac. Class., ILS; Ident., ACY; Procedure No. ILS-13, Amdt. 1; Eff. Date, 3 Sept. 60; Sup. Amdt. No. Orig.; Dated, 11 July 59

GEG-VOR	LOM	Direct	4500	T-dn	300-1	300-1	200-½
GG-LFR	LOM	Direct	4500	C-dn	500-1	500-1	500-1½
Rockford FM/Int	LOM	Direct	5500	S-dn-21	200-½	200-½	200-½
Hayden Lake Int	LOM	Direct	6000	A-dn	600-2	600-2	600-2

Radar transitions and vectoring using Fairchild AFB Radar authorized in accordance with approved radar patterns.
Procedure turn N side of NE crs, 025° Outbnd, 205° Inbnd, 4500' within 10 mi. Beyond 10 mi NA.
Shuttle to 4500' NE of LOM on NE crs of localizer, right turns, 1 min.
Minimum altitude at G.S. Int inbnd, 3600'.
Altitude of glide slope and distance to approach end of Runway at LOM, 3510'—3.9 mi; at LMM, 2500'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to the GEG-VOR and climb to 4000' on R-210 within 10 mi of GEG-VOR or, when directed by ATC, (1)Make a climbing right turn and climb to 4500' on R-271 within 20 mi; (2) Make a climbing left turn to 331° and climb to 4500' in a standard holding pattern on the N crs of the GG LFR; (3) Make a climbing right turn, return to the LOM at 4500'.
CAUTION: High terrain N and E of airport. 3188' tower 4.7 mi NE of GG-LFR.

City, Spokane; State, Wash.; Airport Name, International; Elev., 2372'; Fac. Class., ILS; Ident., I-GEG; Procedure No. ILS-21, Amdt. 1; Eff. Date, 3 Sept. 60; Sup. Amdt. No. Orig. (ILS portion Comb. ILS-ADF); Dated, 22 Feb. 58

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 15, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-7757; Filed, Aug. 18, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7768 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

Ideal Record Products, Inc., et al.

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, Ideal Record Products, Inc., et al., New York, N.Y., Docket 7768, June 23, 1960; Lou Fargo trading as Fargo Records, New York, N.Y., Docket 7784, June 22, 1960; King Records, Inc., et al., Cincinnati, Ohio, Docket 7792, June 22, 1960; Eric Distributing Company et al., San Francisco, Calif., Docket 7796, July 16, 1960; W. S. F., Inc., et al., New York, N.Y., Docket 7827, June 23, 1960; Southern Record Distributors, Inc., et al., Nashville, Tenn., Docket 7828, June 22, 1960; and Field Music Sales, Inc., et al., San Francisco, Calif., Docket 7831, June 28, 1960]

In the Matters of Ideal Record Products, Inc., a Corporation, Ideal Record Products of New Jersey, Inc., a Corporation, and Alfred Levine, and Samuel Keenholtz, Individually, and as Officers of Said Corporations; Lou Fargo, an Individual, Trading as Fargo Records; King Records, Inc., a Corporation, and Sidney Nathan, and John S. Kelley, Jr., Individually, and as Officers of Said Corporation; Eric Distributing Company, a Corporation, and Irving Pinensky, Individually, and as an Officer of Said Corporation; W.S.F., Inc., a Corporation, and Jack Waltzer and Monte Freed, Individually, and as Officers of Said Corporation; Southern Record Distributors, Inc., a Corporation, and John Richbourg, Individually, and as an Officer of Such Corporation; and Field Music Sales, Inc., a Corporation, and Richard Field, Individually and as an Officer of Said Corporation

These seven proceedings were heard by hearing examiners on complaints of the Commission charging record manufacturers and distributors with paying concealed "payola" to television and radio disc jockeys to have their records broadcast day after day in order to increase sales.

Accepting agreements for consent orders, the hearing examiners made their initial decisions and orders to cease and desist, all of which became in due season the decisions of the Commission.

The orders to cease and desist, combining all of the respondents included in these seven cases, are as follows:

It is ordered, That respondents Ideal Record Products, Inc., a corporation, and Ideal Record Products of New Jersey, Inc., a corporation, and their officers; Lou Fargo, an individual, trading as Fargo Records, or under any other name or names; King Records, Inc., a corporation, and its officers, and Sydney Nathan (erroneously designated in the complaint as Sidney Nathan), and John S. Kelley, Jr., individually, and as officers of said corporation; Eric Distributing Company, a corporation, and its officers, and Irving Pinensky, individually, and as an officer of said corporation; W.S.F., Inc., a corporation, and its officers, and respondents Jack Waltzer and Monte Freed, individually and as officers of said corporation; Southern Record Distributors, Inc., a corporation, and its officers, and respondent John Richbourg, individually and as an officer of said corporation; and Field Music Sales, Inc., a corporation, and its officers, and respondent Richard Field, individually and as an officer of said corporation; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record, when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly, received by him or his employer.

By separate "Decision of the Commission", etc., in each of these seven proceedings, reports of compliance were required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: June 24, 1960 (Dockets 7768, 7784, 7792, 7827, 7828); June 28, 1960 (Docket 7831); June 30, 1960 (Docket 7796).

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-7761; Filed, Aug. 18, 1960; 8:46 a.m.]

[Docket 7542 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Procter & Gamble Co. and Procter and Gamble Distributing Co.

Subpart—Advertising falsely or misleadingly: § 13.90 *History of product or offering;* § 13.110 *Indorsements, approval and testimonials.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330–57 *Manufacturers, well-known.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670–20 *Federal Trade Commission Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Procter & Gamble Company et al., Cincinnati, Ohio, Docket 7542, June 30, 1960]

In the Matter of The Procter & Gamble Company, a Corporation, and The Procter & Gamble Distributing Company, a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer and its wholly owned subsidiary, together constituting the leading producer in the United States of soap and detergent products, among other things, with entering into unlimited exclusive "free sampling" contracts with manufacturers of automatic washing and dishwashing machines to pack samples of its soaps, detergents, or bleaches in the appliances, and entering into similar free sampling agreements with distributors, demonstrators, and dealers, to whom they paid 75 cents or $1.00 for using their products in a demonstration and for recommending only such product to the prospective purchaser; and with representing falsely in advertising that manufacturers of aforesaid appliances recommended and inserted free samples of respondents' detergents in their machines because they were better than competitive products, that they desired respondents' said products to be used exclusively in their machines, recommended them as the best in the market, and voluntarily selected them to be placed in their respective machines.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which—after denial of respondents' motion to delete language not included in said agreement but which the Commission concluded was fully justified by other statements and ad-

missions included therein—became on June 30 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, The Procter & Gamble Company and The Procter & Gamble Distributing Company, corporations, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, distribution or sampling of soap, detergent or bleach products, including the detergent products known as Tide, Dash and Cascade, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into contracts, agreements, or understandings with manufacturers or marketers of appliances for washing clothes or dishes, whereby the right is acquired, directly or by implication, to pack or have packed respondents' soap, detergent or bleach products in said appliances to the exclusion of the products of other soap, detergent or bleach manufacturers, except that with respect to a new product and to a single product in each product classification (e.g., high sudser, low sudser, light duty, dishwasher and bleach) respondent may have a single commitment of exclusivity within a calendar year when the duration of such commitment is ninety days or less;

2. Representing, or causing the representation to be made, in any advertisement or commercial in any medium that any manufacturer or marketer of appliances for washing clothes or dishes packs any of respondents' soap, detergent, or bleach products in its appliances unless said advertisement or commercial also includes, clearly and conspicuously, an explicit disclosure that the product samples and/or the advertisement or commercial, as the case may be, are supplied by respondents, pursuant to an agreement with the appliance manufacturer or marketer, in every instance in which there is an agreement, express or implied, to feature or mention said appliances in advertisements or commercials or to provide cash consideration in lieu thereof;

3. Failing to reveal plainly on the packages of respondents' soap, detergent or bleach products placed in appliances for washing clothes or dishes that such products are supplied free for such placing by and at the initiative of respondents in cooperation with the manufacturer or marketer of such appliances, if such is the fact;

4. Paying or agreeing to pay any party for using or recommending the use of respondents' soap, detergent or bleach products in demonstrations of appliances for washing clothes or dishes, unless the party so demonstrating said appliances discloses at the time of said demonstration that it was made by said party in cooperation with respondents.

The term "respondents" as used herein is intended to include either or both The Procter & Gamble Company and The Procter & Gamble Distributing Company, whether acting separately or jointly.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, The Procter & Gamble Company and The Procter & Gamble Distributing Company, corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F.R. Doc. 60-7762; Filed, Aug. 18, 1960; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 534 (25 F.R. 5296), appointed and convened Industry Committee No. 48–A and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6 of the Act to employees in the Needlework and Fabricated Textile Products Industry in Puerto Rico, as defined in the said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the aforesaid notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR Part 612, effective September 3, 1960, to read as follows:

Sec.
612.1 Definition of the industry.
612.2 Wage rates.
612.3 Notices.

AUTHORITY: §§ 612.1 to 612.3 issued under section 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 612.1 Definition of the industry.

The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however*, That the industry shall not include any product or activity included in the artificial flower, decoration, and party favor industry in Puerto Rico (Part 688 of this chapter), the button, jewelry, and lapidary work industry in Puerto Rico (Part 616 of this chapter), the corsets, brassieres, and allied garments industry in Puerto Rico (Part 614 of this chapter), the fabric and leather glove industry in Puerto Rico (Part 603 of this chapter), the hosiery industry in Puerto Rico (Part 687 of this chapter), the men's and boys' clothing and related products industry in Puerto Rico (Part 615 of this chapter), the shoe and related products industry in Puerto Rico (Part 601 of this chapter), the straw, hair, and related products industry in Puerto Rico (Part 613 of this chapter), the textile and textile products industry in Puerto Rico (Part 699 of this chapter), the handkerchief, square scarf, and art linen industry in Puerto Rico (Part 608 of this chapter), the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (Part 609 of this chapter), the children's dress and related products industry in Puerto Rico (Part 610 of this chapter), and the sweater and knit swimwear industry in Puerto Rico (Part 611 of this chapter), as defined in the wage orders for these industries.

§ 612.2 Wage rates.

(a) *Crocheted slippers, leather handbags, and other operations on knit gloves classification.* Wages at a rate of not less than 76 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the crocheted slippers, leather handbags, and other operations on knit gloves classification, which is defined as the manufacture of slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process, and women's, misses', and girls' leather handbags and purses; and any operation on knit or crocheted gloves and mittens other than hand-embroidery operations.

(b) *Hand-crocheting and hand-embroidery of crocheted hats and infants' booties and hand-embroidery of knit gloves classification.* Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who also is engaged in the hand-crocheting and hand-embroidery of crocheted hats and infants' bootees and hand-embroidery of knit gloves classification, which is defined as the operations of hand-crocheting, hand-knitting, and hand-embroidering of crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, and of crocheted or knitted bootees for infants, and the hand-embroidery of knit or crocheted gloves and mittens, other than by a crochet beading process, or with bullion thread, and operations immediately incidental thereto.

(c) *Dungarees, slacks, and related products and other operations on crocheted hats and infants' bootees classification.* Wages at a rate of not less than 82 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is also engaged in the dungarees, slacks, and related products and other operations on crocheted hats and infants' bootees classification, which is defined as the manufacture of dungarees, slacks, pedal pushers, culottes, shorts, and similar apparel for women, misses, and girls; and any operation on crocheted or knitted headwear for women, misses, girls, and infants three years of age or under, or on crocheted or knitted bootees for infants other than hand-crocheting, hand-knitting, and hand-embroidering.

(d) *General classification.* Wages at a rate of not less than 83 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the general classification, which is defined as the manufacture from any material of all apparel and apparel furnishings and accessories, and all textile products and like articles in which a synthetic material in sheet form is the basic component, which are not included in any other classification of the needlework and fabricated textile products industry in Puerto Rico; the outlining or embroidery of lace by machine and embroidery of any article or trimming on a bonnaz embroidery machine, or by a crochet beading process, or with bullion thread, and all operations immediately incidental thereto.

§ 612.3 Notices.

Every employer subject to the provisions of § 612.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 612.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 16th day of August 1960.

CLARENCE T. LUNDQUIST, *Administrator*.

[F.R. Doc. 60-7776; Filed, Aug. 18, 1960; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Miscellaneous Amendments

On page 5700 of the FEDERAL REGISTER of June 22, 1960, there was published a notice and text of a proposed amendment of §§ 301.3, 301.5, and 301.15 of Title 30, Code of Federal Regulations. The purpose of this amendment is to make additional types of asbestos and beryllium ores eligible for exploration assistance offered under these regulations and to clarify the provisions for filing applications and the provisions for disposition of property belonging to the operator and the Government jointly.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No written comments, suggestions or objections have been received, but numerous favorable comments have been expressed verbally to several OME officials, and the proposed amendment is hereby adopted without change and is set forth below.

Inasmuch as this amendment imposes no additional obligations on the public, and since it makes additional types of ores eligible for exploration assistance and clarifies other provisions of the regulations, it is of mutual benefit to the public and to the Government that this amendment become effective on the date of publication in the FEDERAL REGISTER.

ELMER F. BENNETT, *Acting Secretary of the Interior*.

AUGUST 12, 1960.

1. Section 301.3 is amended to read as follows:

§ 301.3 Eligible minerals or mineral products.

The following are eligible for financial assistance:

Antimony.
Asbestos.
Bauxite.
Beryllium.
Cadmium.
Chromite.
Cobalt.
Columbium.
Copper.
Corundum.
Diamond (industrial).
Fluorspar.
Graphite (crucible flake).
Kyanite (strategic).
Lead.
Manganese.
Mercury.
Mica (strategic).
Molybdenum.
Monazite.
Nickel.
Platinum group metals.
Quartz Crystal (piezoelectric).
Rare Earths.
Rutile—Brookite.
Selenium.
Talc (block steatite).
Tantalum.
Thorium.
Tin.
Uranium.
Zinc.

2. Section 301.5 is amended to read as follows:

§ 301.5 Form and filing.

An application for Federal financial assistance must be submitted in quadruplicate on forms which may be obtained from and filed with either:

Office of Minerals Exploration,
Department of the Interior,
Washington 25, D.C.

or Field Officers, Office of Minerals Exploration. The regions which they serve and their Post Office addresses are as follows:

Region I: Alaska, Idaho, Montana, Oregon, and Washington—Office of Minerals Exploration, South 157 Howard Street, Spokane 4, Washington. Applicants for Alaska projects may file applications with the United States Bureau of Mines, P.O. Box 2688, Juneau, Alaska, for forwarding to the Field Officer, Region I.

Region II: California and Nevada—Office of Minerals Exploration, Room 420 Custom House, 555 Battery Street, San Francisco 11, California.

Region III: Arizona, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming—Office of Minerals Exploration, Federal Center, Denver 25, Colorado.

Region IV: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—Office of Minerals Exploration, Room 11, Post Office Building, Knoxville 2, Tennessee.

3. Section 301.15 is amended to read as follows:

§ 301.15 Title to and disposition of property.

Facilities, buildings, fixtures, equipment, or other items or groups of items (such as pipe, rail, steel, etc.), costing more than $50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contributions to the extent set forth in the contract. The exploration contract shall make suitable provisions also for their disposal for the joint account of the operator and the Government.

[F.R. Doc. 60-7764; Filed, Aug. 18, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Parts 602, 604]

UNITED STATES EMPLOYMENT SERVICE

Indefinite Postponement of Proceedings on Referral of Agricultural Workers in Labor Dispute Situations

On July 16, 1960, notice was published in the FEDERAL REGISTER (25 F.R. 6806) of a proceeding on a proposal by agricultural employers to amend 20 CFR 602.2(b) and 604.1(i) concerning the referral by the United States Employment Service of agricultural workers in labor dispute situations.

These agricultural employers have requested a postponement of the proceeding until the end of the present harvest season. As the representatives of their employees are content with the regulations without amendment, the requested postponement is hereby granted. Proceedings will be resumed only after further notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 13th day of August 1960.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60-7765; Filed, Aug. 18, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

EXTENSION OF TIME FOR SUBMITTING COMMENTS ON PROPOSED RULE 155

Notice of Proposed Rule Making

The Securities and Exchange Commission today announced an extension of time from September 1, 1960 to October 1, 1960, within which comments on proposed Rule 155 under the Securities Act of 1933 may be submitted. The purpose of the proposed rule is to make clear that a public offering of convertible securities which, at the time, are immediately convertible into another security of the same issuer, by persons who purchased the convertible securities from the issuer in a private placement, or a public offering of the securities received by such persons in the conversion, may be subject to the registration provisions of the Securities Act.

The extension was granted at the request of persons who desire additional time to study the proposed rule and submit comments thereon.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 15, 1960.

[F.R. Doc. 60-7767; Filed, Aug. 18, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 60-NY-82]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6030 and 600.6072 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 30 presently extends in part from Akron, Ohio, to Clarion, Pa., via Youngstown, Ohio. VOR Federal airway No. 72 presently extends in part from Attica, Ohio, to Youngstown, Ohio, via Cleveland, Ohio. The Federal Aviation Agency is considering modifying these airways as follows:

1. Realign Victor 30 from the Akron VOR to the Clarion VOR via the intersection of the Akron VOR 092° and the Clarion VOR 265° True radials. This would facilitate air traffic management by providing a bypass route around the Youngstown terminal area for use by eastbound departures from Cleveland.

2. Realign Victor 72 from the Attica VOR to the Youngstown VOR via the Akron VOR. This would facilitate air traffic management by providing east and northeast bound en route traffic a bypass route south of the Cleveland terminal area.

The control areas associated with Victor 30 and Victor 72 are so designated that they would automatically conform to the modified airways. Accordingly, no amendment relating to such control areas would be necessary.

If these actions are taken, the segment of VOR Federal airway No. 30 under consideration would be redesignated from the Akron, Ohio, VOR, via the intersection of Akron VOR 092° and the Clarion, Pa., VOR 265° True radials to the Clarion VOR. The segment of VOR Federal airway No. 72 under consideration would be redesignated from the Attica, Ohio, VOR, via the Akron, Ohio, VOR to the Youngstown, Ohio, VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on August 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7749; Filed, Aug. 18, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-5]

FEDERAL AIRWAY AND CONTROL AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R 3449), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6212 and 601.6212 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 212 and associated control areas presently extends in part from Williams, Calif., to Reno., Nev., via the intersection of the Williams VOR 104° and the Sacramento, Calif., VOR 055° True radials, and the intersection of the Sacramento VOR 055° and the Reno VOR 230° True radials. The Federal Aviation Agency has under consideration the revocation of this segment of Victor 212. The Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1958, through June 30, 1959, shows no aircraft movements on this segment of Victor 212. On the basis of the survey, it appears that the retention of this segment of Victor 212 and associated control areas is unjustified as an assignment of airspace and the revocation thereof would be in the public interest.

If this action is taken, the segment of VOR Federal airway No. 212 and associated control areas from Williams, Calif., to Reno, Nev., would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7751; Filed, Aug. 18, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-199]

JET ROUTE

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.577 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 77 presently extends in part from the Bangor, Maine, VOR to the intersection of the Bangor VOR 060° True radial and the United States-Canadian border. The Federal Aviation Agency has under consideration the modification of this segment of Jet Route 77-V by realigning it from the Bangor VOR to the intersection of the Bangor VOR 058° True radial and the United States-Canadian border. This modification would correspond with the Canadian High Level airway which is planned from a VOR to be commissioned during September, 1960, by the Canadian Government near Fredericton, New Brunswick at Lat. 45°53'43" N., Long. 66°25'10" W., to the United States-Canadian border.

If this action is taken the segment of VOR/VORTAC jet route No. 77 from Bangor, Maine, to the United States-Canadian border, would be redesignated from the Bangor VOR to the intersection of the Bangor VOR 058° True radial and the United States-Canadian border.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7750; Filed, Aug. 18, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MINING CLAIMS

Temporary Deferments in Annual Assessment Work

AUGUST 12, 1960.

Notice is hereby given that pursuant to the Act of June 21, 1949, 63 Stat. 214, 30 U.S.C. 28(b–e) and the regulations in 43 CFR 185.94–185.99, the Managers of land offices are authorized to grant temporary deferments in the performance of annual assessment work on mining claims on public lands, including lands in national forests, in those instances where access to the claims has been denied because of critical fire conditions or where due to the extreme dry weather and critical fire conditions, the performance of the annual assessment work is considered to be extremely hazardous and conducive to additional fire potential.

Petitions for deferment of such assessment work must be filed with the appropriate Land Office Manager in accordance with the regulations in 43 CFR 185.96.

EDWARD WOOZLEY,
Director.

[F.R. Doc. 60–7763; Filed, Aug. 18, 1960; 8:47 a.m.]

Office of the Secretary

HONEY LAKE WATERFOWL MANAGEMENT AREA, CALIFORNIA

Preliminary Approval of Agreement

Notice is hereby given that, in accordance with the regulations 43 CFR 192.9, approved January 8, 1958, representatives of the Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife of this Department, and of the California Department of Fish and Game, have agreed that the public lands described below which are situated within the Honey Lake Waterfowl Management Area, California, shall not be subject to oil and gas leasing, such activities being incompatible with the management thereof for wildlife purposes:

CLOSED AREA

T. 28 N., R. 14 E., Mount Diablo Meridian,
Sec. 11, SE¼;
Sec. 12, SE¼;
Sec. 13, lots 1, 2, and 3;
Sec. 14, lots 1, 2, 3, and 4;
Sec. 15, lot 1, and NE¼NW¼.

1. The above-described lands, together with other public lands totaling 858.83 acres, were withdrawn for the Honey Lake Waterfowl Management Area by Public Land Orders 759 and 1449, dated October 22, 1951, and July 25, 1957, respectively. The Honey Lake Area is one of outstanding waterfowl areas along the Pacific Flyway. The area, aggregating 4,819 acres, has been acquired and developed by the California Department of Fish and Game at a cost approximating $200,000. Many species of ducks as well as large numbers of Canada geese nest in this area each year.

2. The balance of the public lands withdrawn for the Honey Lake Area have been classified as subject to oil and gas leasing under the provisions of the Mineral Leasing Act of 1920, as amended (41 Stat. 437, 30 U.S.C. 181), and the regulations thereunder as prescribed in 43 CFR, Parts 191 and 192. All offers to lease must comply with the requirements of the regulations in § 192.42 and must be accompanied by a $10 filing fee and the first year's annual rental at the rate of 50 cents per acre or fraction thereof.

3. As set forth in § 192.9, lease offers for lands which are open to leasing will not be accepted for filing until the tenth day after the final approval of the agreement is noted on the records of the land office of the Bureau of Land Management at Sacramento, California. All lease offers filed in that office on that day and until 10 a.m. on the tenth day thereafter will be treated as having been simultaneously filed. The priorities of all offers which conflict in whole or in part will be determined in accordance with the procedure outlined in 43 CFR 295.8.

4. All leases issued pursuant to the regulations in § 192.9 will be subject to the conditions contained in the standard wildlife stipulations (Form 4–1383) to assure full protection of the wildlife values of the leased lands.

5. All interested persons may submit written comments, suggestions, or objections with respect to the confirmation of the agreement of classification referred to herein, to the Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice. Thereafter consideration will be given to the final approval of the agreement, which will be republished in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 15, 1960.

[F.R. Doc. 60–7771; Filed, Aug. 18, 1960; 8:48 a.m.]

TOPAZ LAKE AND TOWER HOUSE SPRINGS WILDLIFE AREAS IN CALIFORNIA

Preliminary Approval of Agreements

Notice is hereby given that, in accordance with the regulations 43 CFR 192.9, approved January 8, 1958, representatives of the Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife of this Department, and of the California Department of Fish and Game, have agreed that the public lands hereinafter described shall be available for oil and gas leasing, as exploration, development, and subsequent operational activities under such leases would result in little or no damage to the upland game and other wildlife in these areas.

1. Public Land Order 1252 of November 15, 1955, withdrew the following described lands, aggregating 200.40 acres, in connection with the Topaz Lake Public Fishing Area:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 22 E.,
Sec. 2, W½NW¼, NW¼SW¼.
T. 10 N., R. 22 E.,
Sec. 34, SW¼NE¼, NW¼SE¼.

Topaz Lake supports an important trout fishery managed jointly by California and Nevada and is utilized by anglers from both States.

2. Public Land Order 1451 of July 30, 1957, withdrew the following described lands, aggregating 570 acres, in connection with the Tower House Springs Upland Game Management Area:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 7 W.,
Sec. 34, N½, N½SW¼, N½SE¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼, NW¼SE¼, NE¼NE¼SE¼, W½E½SE¼, N½SW¼SE¼, N½S½SW¼SE¼.

The Tower House Springs area contains a salt mineral spring located on an important flyway for migratory band-tailed pigeons, and each year is used as a stopping place for several thousands of these birds. This site has also been used as a banding station by the Department of Fish and Game in connection with a research project financed largely from Federal aid funds.

3. The public lands described herein have been classified as subject to oil and gas leasing under the provisions of the Mineral Leasing Act of 1920, as amended (41 Stat. 437, 30 U.S.C. 181), and the regulations thereunder as prescribed in 43 CFR, Parts 191 and 192. All offers to lease involving these lands must comply with the requirements of the regulations in § 192.42 and must be accompanied by a $10 filing fee and the first year's annual rental at the rate of 50 cents per acre or fraction thereof.

4. As set forth in § 192.9, lease offers for these lands will not be accepted for filing until the tenth day after the final approval of the agreements are noted on the records of the land office of the Bureau of Land Management at Sacramento, California. All lease offers filed in that office on that day and until 10 a.m. on the tenth day thereafter will be treated as having been simultaneously filed. The priorities of all offers which conflict in whole or in part will be determined in accordance with the procedure outlined in 43 CFR 295.8.

5. All leases issued pursuant to the regulations in Sec. 192.9 will be subject to the conditions contained in the standard wildlife stipulations (Form 4–1383) to assure full protection of the wildlife values of the leased lands.

6. All interested persons may submit written comments, suggestions, or objections with respect to the confirmation of the agreements of classification referred to herein, to the Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice. Thereafter consideration will be given to the final approval of these agreements, which will be republished in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 15, 1960.

[F.R. Doc. 60–7772; Filed, Aug. 18, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E–15658]

[Docket 11385]

BALAIR AG

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of August 1960.

In the matter of the application of Balair Ag, for issuance of a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

On May 11, 1960, Balair Ag (Balair), of Basel, Switzerland, also known as Balair, Ltd., and as Air Charter Company of Switzerland, filed its application for a permit to engage in foreign air transportation in its own aircraft of passengers, property and mail under charter agreement between it and Swissair, Swiss Air Transport Company Limited (Swissair), a foreign air carrier operating under permit issued by the Board pursuant to section 402 of the Act.[1] The application is limited to the routes, and between the points, authorized to receive service, as specified in the Swissair permit (as amended) and subject to any conditions and limitations applicable to Swissair. Balair further restricts its application to air transportation of property as to which air waybills have been issued by or on behalf of Swissair; to passengers holding tickets by or on behalf of Swissair; and, to mail which has been delivered to Swissair by any postal authority for carriage in foreign air transportation. Passengers and shippers under arrangements with Swissair would be notified that any particular flight was being operated for Swissair by Balair, thus affording them an opportunity to cancel their contracts for transportation. Balair would not hold itself out to the general public as conducting any individually ticketed or waybilled service.

In addition, Balair requests authorization to conduct in its own right charter trips in foreign air transportation carrying passengers or property or both, not to exceed six flights in each direction in any calendar year, subject to the conditions of Part 212 of the Board's Economic Regulations. It is requested that all such flights of Balair which are not under charter to Swissair shall be considered "off-route" for the purposes of consideration under Part 212. Balair has submitted exhibits in support of its application.[2]

Swissair holds 40 percent of the share capital of Balair and has advised the Board that it concurs in and supports the application of Balair, its affiliate. The Swiss Government, in an Aide Memoire, states that it has a special interest in the granting of the Balair application and requests that action thereon be expedited. Copies of the application were transmitted to the President of the United States pursuant to the requirements of section 801 of the Act.

Having in mind the Swiss Government's request for expedition, and the circumstances that the application is merely subordinate to the foreign air carrier permit, as amended, of Swissair heretofore granted by the Board after full hearings, and approved by the President of the United States,[3] the Board will issue its tentative decision herein and provide a limited period within which interested parties may file objections thereto.

The application is governed by sections 402, 801 and 1102 of the Act. Paragraph (b) of section 402 empowers the Board to issue a permit to a foreign air carrier if it finds that the carrier is fit, willing, and able properly to perform the foreign air transportation to be authorized, and to conform to the provisions of the Act, and the rules, regulations and requirements of the Board thereunder, and that such transportation will be in the public interest. Section 801 provides, in part, that the issuance of, and the terms, conditions and limitations contained in any permit issuable to any foreign air carrier under section 402 shall be subject to the approval of the President. Section 1102 provides in part that the Board shall exercise its powers and perform its duties under the Act in a manner consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force with a foreign country.

The foreign air carrier permit, as amended, issued pursuant to Order E–11250, authorizes Swissair to engage in foreign air transportation with respect to persons, property and mail as follows:

1. Between a point or points in Switzerland, the intermediate points Cologne, Germany; Manchester, England; Shannon, Eire; Santa Maria, The Azores; Gander, Newfoundland, Canada; and the terminal point New York, New York.

2. Between a point or points in Switzerland, the intermediate points Lisbon, Portugal; Santa Maria, The Azores; Gander, Newfoundland, Canada; and the terminal point New York, New York.

Since the application of Balair seeks authority to perform air transportation by agreement with Swissair solely over Swissair's routes, without Balair's soliciting the public for business, the grant of a permit will not result in a duplication of routes, adversely affect Swissair's traffic potential, or require a modification of the Swissair tariffs.

The Air Transport Agreement in force between the United States and Switzerland provides for the designation by Switzerland of Swiss air carriers to operate the routes referred to therein.[4] While Balair has not been so designated, Switzerland's Aide Memoire states that "as a matter of policy Switzerland does not desire to do this because of the exceptional and exclusively supplemental character of the services Balair will conduct," but points out that it has over the past years granted the privilige of common carrier and charter flights to non-designated United States flag carriers and asks for reciprocal treatment. Swissair, in supporting the application of Balair, has stated that unless it can utilize the facilities of Balair, it may inconvenience Swissair customers, especially when Swissair's sole cargo plane, a Douglas DC–6A, is placed in periodic overhaul. In these circumstances, the grant of a foreign air carrier permit to Balair for service supplemental to that of Swissair would not be inconsistent with the provisions of section 1102 of the Act and would be in the public interest.[5]

In the proceedings conducted by the Board in connection with the granting of the Swissair permit, and the amendments thereto, which proceedings are incorporated herein by this reference, the Board found a community of interest to exist between Switzerland and the United States,[6] resulting in a substantial flow of passenger, cargo and mail traffic between the two countries which has continued to grow since that time.

With respect to fitness and ability to perform the transportation for which application is made, the following facts are pertinent. Balair is a stock corporation, founded in 1953, organized under the Swiss code of obligations of 1911 (Schweiz. Obligationen—Recht 1911) and is registered under the name Balair AG in the Register of Commerce of the Canton of Basel-Stadt (Handels-register des Kanton Basel-Stadt). Its share capital in the amount of Swiss Francs 4,000,000 divided into 16,000 shares of Swiss Francs 250 each, is owned by Swiss governmental bodies or by Swiss citizens. Forty percent is owned by Swissair; twenty-two percent by the Government of Canton Basel-Stadt and Canton Basel-Land. The remaining

[1] Order E–11250, adopted April 1, 1957. For prior authorizations, see footnote 3, *infra*.

[2] These exhibits are open for public inspection.

[3] The proceedings related to the Swissair permit and the amendments thereto are: 8 C.A.B. 626; 14 C.A.B. 801; 19 C.A.B. 371; Opinion and Order E–11089, February 12, 1957, Docket 8172; Opinion and Order E–11250, April 1, 1957, Docket 8517.

[4] Air Transport Agreement between the United States of America and Switzerland as embodied in an exchange of notes dated August 3, 1945, as amended by exchanges of notes signed at Bern, May 13, 1949.

[5] Linea Aeropostal Venezolana, Foreign Air Carrier Permit, 11 C.A.B. 130, 135 (1950); "It is apparent that the need for reciprocity between our country and another in which our carriers are permitted to operate is one of the facts bearing on public interest which we must and do consider in these cases, and this is true whether or not there is in existence an air transport agreement for the service in question." (Citing opinions of the CAB.)

[6] Proceedings cited above, footnote 3.

thirty-eight percent is owned by Swiss nationals, principally Swiss banks and industrial firms. It is regulated by the Federal Air Office, Bundeshaus-Nord, Bern, Switzerland, which is the competent air transport regulatory agency of Switzerland.

Balair's balance sheet as of December 31, 1959 shows current assets of approximately 4,384,445 (Swiss francs), with current liabilities of 374,166 (Swiss francs).[1] Net profits for 1959 operations amounted to approximately 8,781 (Swiss francs). In 1959, Balair flew approximately 3,890 hours, carried 37,545 passengers and 314,420 kilograms of cargo.

In 1957, Balair started operations with one 36-seat Vickers Viking. It has since increased its fleet to two Douglas DC-4's, two Vickers Vikings and one De Havilland Dove. The pilots in Balair's employment are experienced and their competence established by the appropriate Switzerland authority.

We turn again to Balair's application for independent charter service. Balair's request is for authority to apply to the Board for permission to perform charter trips for persons other than Swissair not to exceed six in any calendar year. As Balair will not be granted points for any route or authority to engage in individually ticketed or waybilled services, it would not, unless specifically authorized, be eligible to apply for off-route charter authority.[2] We do not believe that the request for "off-route" charter authority to the extent here indicated is excessive or contrary to the public interest. In this connection, we take note of the fact that foreign flag operators not holding foreign air carrier permits have in the past been authorized, under the provisions of section 1108(b) of the Act, or its predecessors, to operate only a slightly smaller quantum of charter service. Consequently, Balair's application does not, in our judgment, raise any substantial policy question with respect to the extent to which nonscheduled foreign flag operators should be granted the right to solicit and carry charter traffic originating in the United States. Accordingly, in addition to and separate from its operations to be performed under agreement with Swissair, Balair will be authorized to apply for Statements of Authorization[3] to conduct air transportation of passengers and property on a charter basis not in excess of six flights to and from the United States in any calendar year, subject to and under the provisions of Part 212 of the Economic Regulations, for which purpose such flights shall be defined as "off-route charters."

On the basis of the foregoing, the Board finds that the granting of Balair's application is in the public interest and is consistent with the obligations assumed by the United States under its bilateral agreement with Switzerland, and that within the meaning of section 402 of the Act, Balair is fit, willing and able to perform such transportation and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder.

Now therefore, it is ordered:

1. That Balair and all other persons having an interest herein show cause why the tentative decision herein shall not become final, and why a foreign air carrier permit, substantially in the form set forth below, shall not be issued;

2. That any interested person desiring to file a protest, memorandum of opposition or exceptions to the proposed findings and conclusions of this tentative decision or to the issuance of the proposed foreign air carrier permit shall file such objections within 10 days from the date hereof; and that such objections specify by separately numbered paragraphs the part of the tentative decision or permit excepted to and state the grounds thereof, including the citation of the statutory provisions or principal authorities in support thereof; and such objections shall be accompanied by a petition to intervene in the form prescribed by Rule 15 of the rules of practice;

3. That any objection to the tentative decision or the proposed foreign air carrier permit not excepted to within the 10-day period or in the form specified herein shall be deemed waived;

4. That, on the expiration of the 10-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an Examiner of this Board, and the hearing shall be limited to consideration of issues raised by the objections filed; and

5. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] ROBERT C. LESTER,
Secretary.

PROPOSED PERMIT TO FOREIGN AIR CARRIER

Balair Ag, also known as Balair, Ltd., and Air Charter Company of Switzerland is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, as amended, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

By and only by charter agreement with Swissair, Swiss Air Transport Company, Ltd. (Swissair), to transport in its own aircraft property as to which air waybills have been issued by or on behalf of Swissair; passengers holding tickets issued by or on behalf of Swissair; and mail which has been delivered to Swissair by any postal authority for carriage in foreign air transportation over routes specified, and between the points authorized to receive service by Swissair in permits issued by the Board and approved by the President.

The holder hereof shall only carry traffic which can lawfully be carried by Swissair between the same points, at the same fares or charges and under conditions and limitations applicable to Swissair in the permit or any amendment thereof heretofore issued to it by the Board.

The holder hereof shall not hold itself out to the public as conducting any individually ticketed or waybilled service in air transportation. The holder hereof shall notify passengers and shippers when any particular flight is being made by it on behalf of Swissair, thus affording them an opportunity to cancel their contracts for transportation.

The holder hereof shall also be authorized to engage in charter trips, in foreign air transportation, not in excess of six flights to and from the United States in any calendar year, subject to the terms, conditions, and limitations prescribed in Part 212 of the Board's Economic Regulations, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board. For the purpose of this paragraph "charter trips" shall not be deemed to include those for Swissair over Swissair's route.

The holder hereof shall conform to the airworthiness and airman competency requirements prescribed by the Government of Switzerland for Swiss international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit, as amended, remains in effect, to which the United States and the Government of Switzerland shall be parties.

The exercise of the privileges granted hereby shall be subject to such reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall be effective from the date of its approval by the President of the United States.

If the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement, to which the United States and the Government of Switzerland are or shall have become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the

[SEAL] ----------,
Chairman.

Attest:

----------,
Secretary.

THE WHITE HOUSE

Approved:

[F.R. Doc. 60-7806; Filed, Aug. 18, 1960; 8:50 a.m.]

[1] There is a possible claim of Swissair according to the Purchase Agreement of April 8, 1959 of 800,000 Swiss francs.

[2] See definition of "charter trip" in section 212.1(a), and of "off-route charter trip" in § 212.1(c) of the Economic Regulations.

[3] Under § 212.5 of the Economic Regulations.

FEDERAL POWER COMMISSION

[Docket No. CP60-67 etc.]

HOPE NATURAL GAS CO.

Notice of Applications and Date of Hearing

AUGUST 15, 1960.

Take notice that on March 25, 1960, as supplemented on April 27 and June 13, 1960, Hope Natural Gas Company (Applicant) filed in Docket No. CP60-67 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate certain natural gas facilities replacing portions of Applicant's pipelines extending from its Kennedy storage area in Lewis County to the City of Parkersburg, Wood County, all in the State of West Virginia, as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought hereunder consist of about 11 miles of 20-inch pipeline to replace the equivalent existing 11 miles of 52-year-old 12-inch pipeline between Ellenboro Junction and Schultz Junction in Ritchie and Pleasants Counties, and about 9 miles of 20-inch pipeline to replace the equivalent existing 9 miles of 52-year-old pipeline between the Kennedy and Fink Storage Pools and Applicant's Sweeney Compressor Station in Lewis County.

The estimated total cost of the project, including removal of the existing deteriorated pipeline, is $2,097,100.

The purpose of the proposed construction and replacement herein is to increase deliveries of natural gas from storage to the expanding markets in the Parkersburg area and also to major customer affiliates in Ohio and Pennsylvania.

On April 21, 1960, Applicant filed a motion for amendment of the outstanding authorizations which it holds in Docket Nos. G-2412 and G-10264, so as to raise existing limitations on the storage pressure and the maximum proposed storage inventory of the Fink and Kennedy Storage Fields as set forth in said motion, which is also on file and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application and motion: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 130(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 5, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7774; Filed, Aug. 18, 1960; 8:48 a.m.]

[Docket Nos. RI61-34—RI61-38]

SINCLAIR OIL AND GAS CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates[1]

AUGUST 12, 1960.

Sinclair Oil & Gas Company, Docket No. RI61-34; Paul J. Ottis, et al., Docket No. RI61-35; Kerr-McGee Oil Industries, Inc., Docket No. RI61-36; Caroline Hunt Trust Estate, Docket No. RI61-37; Sun Oil Company, Docket No. RI61-38.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date[4] unless suspended	Date suspended until—	Cents per Mcf[5] Rate in effect	Cents per Mcf[5] Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-34	Sinclair Oil & Gas Co.	[2] 197	-------	United Gas Pipe Line Co. (Gibson Field, Terrebonne Parish, La.)	6-20-60	7-14-60	8-14-60	1-14-61	[3]	23.3	----------
		197	1	do	7-13-60	7-14-60	8-14-60	1-14-61	[4]	23.3	----------
RI61-35	Paul J. Ottis, et al	1	6	Panhandle Eastern Pipe Line Co. (Greenwood Field, Morton County, Kans.)	7- 7-60	7-15-60	8-15-60	1-15-61	[6] 15.0	16.0	----------
RI61-36	Kerr-McGee Oil Industries, Inc.	11	13	Phillips Petroleum Co. (West Panhandle and Hugoton Fields, Sherman and Moore Counties, Tex.)	7-13-60	7-15-60	8-25-60	[9] 1-25-61	[6] 12.7624 [8] 11.84003 [7] 12.8164 [8] 11.89403	13.49647 12.49683 13.55047 12.55083	G-18569
RI61-37	Caroline Hunt Trust Trust.	3	3	Tennessee Gas Transmission Co. (Seeligson Field, Jim Wells County, Tex.)	Undated	7-18-60	8-18-60	1-18-61	12.12268	17.24347	----------
RI61-38	Sun Oil Co.	42	11	Texas Gas Pipe Line Corp. (Nome Field, Jefferson County, Tex.)	7- 7-60	7-18-60	8-18-60	1-18-61	15.25	16.25	G-19944

[1] The stated effective dates are those requested by respondent or the first day after expiration of the required 30 days' notice.

[2] The rate of Sinclair Oil & Gas Company is at a pressure base of 15.025 psia. The other rates are at 14.65 psia.

[3] Sinclair Oil & Gas Company's proposed FPC Gas Rate Schedule No. 197 supersedes its Rate Schedule No. 100, as amended. The present effective rate under Rate Schedule No. 100 is 10.497 cents per Mcf.

[4] Subject to Btu adjustment.

[5] For sweet gas resold to El Paso Natural Gas Company.

[6] For sour gas resold to El Paso Natural Gas Company.

[7] For sweet gas resold to Michigan-Wisconsin Pipe Line Company.

[8] For sour gas resold to Michigan-Wisconsin Pipe Line Company.

[9] Or until five months after the rates suspended in the proceeding in Docket No. RP60-3 are made effective, if later.

In support of its proposed renegotiated increased rate, Sinclair Oil & Gas Company (Sinclair) tenders its renegotiated contract,[2] designated Sinclair's FPC Gas Rate Schedule No. 197. Sinclair further states the contract was negotiated at arm's length, the pricing provisions were an integral part of the negotiations, and the proposed rate is in line with prices under comparable contracts in the area.

The contract of Kerr-McGee Oil Industries, Inc. (Kerr-McGee) provides for a price increase if El Paso Natural Gas Company (El Paso) receives a general rate increase. In support of its proposed increased rates, Kerr-McGee cites its contract and a proposed rate increase of El Paso, suspended in the proceeding in Docket No. RP60-3 until August 25, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Kerr-McGee also states that the contract was negotiated in good faith at arm's length, the proposed rate is designed to compensate for costs, and the increase is necessary to encourage further investments of risk capital.

In support of its proposed favored-nation increased rate, Caroline Hunt Trust Estate (Hunt) cites a triggering

[2] To supersede Sinclair's FPC Gas Rate Schedule No. 100.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

price increase and states that denial of its contractual right to the increase would be a deprivation of property without due process of law. Hunt further states that the pricing provisions of the contract were essential consideration, providing for rising costs and declining production.

The contract of Sun Oil Company (Sun) presently provides for a rate of 17.25 cents per Mcf less a credit to the purchaser of 1 cent for compression and 1 cent for amortization of gathering facilities. Sun and its purchaser recently agreed to cancel the compression credit, thereby effecting an increase in Sun's price. In support of its proposed increased rate Sun cites its contract and the letter agreement.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and Sinclair's FPC Gas Rate Schedule No. 197 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements and Sinclair's FPC Gas Rate Schedule No. 197.

(B) Pending hearing and decision thereon, each of the aforementioned supplements and Sinclair's FPC Gas Rate Schedule No. 197 is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements nor rate schedule hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the related period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 26, 1960.

By the Commission. Commissioner Kline dissenting.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7759; Filed, Aug. 18, 1960; 8:46 a.m.]

[Docket Nos. RI61-39—RI61-42]

SOCONY MOBIL OIL CO., INC. ET AL.

Order Permitting Filings, Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject to Refund [1]

AUGUST 12, 1960.

Socony Mobil Oil Company, Inc., Docket No. RI61-39; Gulf Oil Corporation, Docket No. RI61-40; Home-Stake Production Company, Docket No. RI61-41; L. D. Crumly, Jr., Docket No. RI61-42.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of Gulf Oil Corporation which is sold at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-39	Socony Mobil Oil Co., Inc.	147	25	Warren Petroleum Co. (Panhandle Field, Wheeler County, Tex.).	7-28-60	7-29-60	8-29-60	8-30-60	11.7518	[2] (11.3057)	G-20606
RI61-39	do	148	27	do	7-28-60	7-29-60	8-29-60	8-30-60	11.7518	[3] (11.3507)	G-20606
RI61-40	Gulf Oil Corp.	[4] 201		United Gas Pipe Line Co. (Abbeville Field, Vermilion Parish, La.).	7-26-60	7-29-60	8-29-60	1-29-61	10.797		G-15831
RI61-40	do	[4] 201	1	do	7-27-60	7-29-60	8-29-60	1-29-61			
RI61-40	do	201	2	do	Undated	7-29-60	8-29-60	1-29-61	10.797	20.25	G-15831
RI61-41	Home-Stake Production Co.	2	1	Northern Natural Gas Co. (Dower Field, Beaver County, Okla.).	4-12-60	[5] 7-15-60	8-15-60	1-15-61	15.5	16.5	
RI61-42	L. D. Crumly, Jr.	1	4	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.).	Undated	8- 1-60	9- 1-60	2- 1-60	10.5	15.70925	G-20530

[1] The stated effective date is the first day after expiration of the required thirty days' notice.
[2] Rate decrease based on the average market price determined in the Panhandle Field by the Texas Railroad Commission.
[3] Supersedes Gulf Oil Corporation's FPC Gas Rate Schedule No. 75, as amended.
[4] Letter, dated July 27, 1960.
[5] Filing completed 8-3-60.

Socony Mobil Oil Company, Inc.'s (Socony) previously redetermined rates of 11.7518 cents per Mcf are in effect subject to refund. Its now proposed redetermined decrease in rates to 11.3057 cents per Mcf (as determined by the Texas Railroad Commission on May 16, 1960, for sweet gas) should be suspended for one day from August 29, 1960, the date of expiration of the thirty days statutory notice in each instance.

Gulf Oil Corporation (Gulf), in support of its renegotiated rate increase, states that the contract was entered into as a result of arm's-length bargaining and that the price is just and reasonable. Gulf also lists several high initial rates to United Gas Pipe Line Company for sales from various fields in Vermilion Parish and states that it is entitled to a similar rate. Inasmuch as Gulf is nonsignatory to the contract comprising its Rate Schedule No. 75, such rate schedule is subject to rejection pursuant to § 154.91(d) of the Commission's regulations under the Natural Gas Act. However, since Gulf has filed a new contract, to which it is a signatory party, covering this sale and such contract is suspended herein for five months, it is believed that the requirement of § 154.91(d) of the Commission's regulations under the Natural Gas Act should be waived to allow Gulf to continue its sales under its Rate Schedule No. 75 for the duration of the suspension period.

Home-Stake Production Company's (Home-Stake) proposed renegotiated rate increase is provided for by an amendatory agreement dated April 12, 1960, wherein Northern Natural Gas Company agrees to increase the contract price by 1.0 cent per Mcf in consideration for Home-Stake's relinquishing its rights to construct a plant and process its gas for the removal of liquid hydrocarbons. In support of its proposed increased rate, Home-Stake states that a similar change in rate was accepted by the Commission under Sunray Mid-Continent Oil Company's FPC Gas Rate Schedule No. 152.

L. D. Crumley, Jr., submits no statements in support of his proposed renegotiated rate increase.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that the requirement of § 154.91(d) of the Commission's regulations under the Natural Gas Act relating to the filings by non-signatories be waived with respect to Gulf's filings to allow Gulf to continue its sales under its present rate schedule.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

(3) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplements Nos. 25 and 27 to Socony's FPC Gas Rate Schedules Nos. 147 and 148, respectively, be allowed to take effect as of August 30, 1960, subject to refund upon the timely filing of its respective agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) The requirement of § 154.91(d) of the Commission's regulations under the Natural Gas Act is hereby waived with respect to Gulf's rate filings, and Gulf is hereby allowed to continue sales under its present rate schedule.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated rate schedule and supplements.

(C) Pending hearings and decisions thereon, said rate schedule and each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the rate schedule or supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Supplements Nos. 25 and 27 to Socony's FPC Gas Rate Schedules Nos. 147 and 148, respectively, shall be effective as of August 30, 1960: *Provided, however*, That within 20 days from the date of the issuance of this order, Socony shall execute and file under Docket No. RI61-39 with the Secretary of the Commission its respective agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A), signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Socony is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall me deemed to have been accepted.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 26, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7760; Filed, Aug. 18, 1960; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 16, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36484: *T.O.F.C. Service—Commodity rates in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7865), for interested rail carriers. Rates on fertilizer and fertilizer materials moving on commodity rates, loaded in or on trailers and transported on railroad flat cars between points in southwestern territory.

Grounds for relief: Private motor-truck competition.

Tariff: Supplement 12 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36485: *T.O.F.C. Service—Frozen shrimp from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7866), for interested rail carriers. Rates on frozen shrimp, breaded or not breaded, moving on commodity rates, loaded in or on trailers and transported on railroad flat cars, from specified points in Louisiana and Texas, to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, also Memphis, Tenn., and Natchez, Miss.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 12 and 3 to Southwestern Freight Bureau tariffs I.C.C. 4353 and 4362, respectively.

FSA No. 36486: *Sugar—Western points to Illinois, Indiana and Missouri.* Filed by Western Trunk Line Committee, Agent (No. A-2139), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, from points in Trans-Continental and western trunk line territories, also Montana, to points in Illinois, Indiana and Missouri.

Grounds for relief: Market competition.

Tariffs: Supplement 69 to Western Trunk Line Committee tariff I.C.C. A-4099, and other schedules named in the application.

FSA No. 36487: *Scrap or waste paper—IFA territory to southern territory.* Filed by Illinois Freight Association, Agent (No. 108), for interested rail carriers. Rates on paper, scrap or waste, in carloads, from points on the CRI&P, L&N, St. L-SF, and Southern Railway in IFA territory, to points in Southern Freight Association territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 16 to Illinois Freight Association tariff I.C.C. 938.

FSA No. 36488: *Lumber—Wyoming points to WTL territory.* Filed by the Chicago, Burlington & Quincy Railroad Company (No. 63), for itself and interested rail carriers. Rates on lumber and related articles, in carloads, from Clearmont, Parkman, Ranchester and Sheridan, Wyo., to points in western trunk line territory.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 38 to the Chicago, Burlington & Quincy Railroad Company's tariff I.C.C. 20452.

FSA No. 36489: *Liquid caustic soda to Lowland, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A4004), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, subject to an aggregate minimum of 480 tons of 2,000 pounds, from specified points in Kentucky, Louisiana, Tennessee and West Virginia, to Lowland, Tenn.

Grounds for relief: Market competition.

Tariffs: Supplements 10 and 11 to Southern Freight Association tariffs I.C.C. S-116 and S-89, respectively, and supplement 19 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-102.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-7775; Filed, Aug. 18, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3895]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of $16,000,000 Principal Amount of Bonds and $10,000,000 Aggregate Par Value of Preferred Stock

AUGUST 12, 1960.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and a public-utility company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), in respect of a proposal to issue and sell bonds and preferred stock, designating section 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the trans-

actions therein proposed, which are summarized as follows:

Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $16,000,000 principal amount of First Mortgage Bonds, ____ percent Series due 1990. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be received for the bonds (which price, exclusive of accrued interest, shall be not less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated December 1, 1943, as heretofore supplemented, and as to be further supplemented by a Twelfth Supplemental Indenture, dated September 1, 1960.

Utah also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, 400,000 shares of its authorized but unissued $25 par value preferred stock, designated $____ Cumulative Preferred Stock, Series A. The annual dividend rate (which shall be a multiple of 4 cents) and the price, exclusive of accrued dividends, to be received for the preferred stock (which shall be not less than $25 nor more than $25.70 per share) are to be determined by competitive bidding.

A part of the proceeds from the sale of the bonds and preferred stock will be used to pay $19,000,000 face amount of notes payable to banks on or before September 30, 1960. The balance of such proceeds, together with cash generated in the business, will be applied to the payment of the cost of Utah's construction program for 1960, estimated at $16,600,000.

The declaration states that the Public Service Commission of Wyoming and the Idaho Public Utilities Commission have jurisdiction over the proposed issuance and sale of securities, and appropriate orders of those commissions are to be obtained and made a part of the record by amendments. It is further stated that no other State commission, and no Federal commission, other than this Commission has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by the company in connection with the transactions are estimated at an aggregate of $90,750, consisting of Federal issue stamp tax $27,600, printing and engraving expenses $27,900, trustee's fees $6,350, registrar and transfer agents' fees $2,300, auditor's fees and expenses $3,200, counsel fees and expenses $11,300, Blue Sky fees $2,908, filing fees $2,692, service company fees and expenses $6,500. The fees and expenses of independent counsel, to be paid by the purchasers of the bonds and stock, are estimated at $9,250.

Notice is further given that any interested person may, not later than September 1, 1960, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7769; Filed, Aug. 18, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8-7-60 to 8-6-61 (blouses).

Clyde Shirt Co., Northampton, Pa.; effective 8-11-60 to 8-10-61 (women's, children's blouses).

Dickson Manufacturing Co., Plant No. 1, Highway 46 and Walnut Street, Dickson, Tenn.; effective 8-8-60 to 8-7-61 (work shirts).

Doyle Shirt Manufacturing Corp., Doyle, Tenn.; effective 8-8-60 to 8-7-61 (men's sport shirts).

Elder Manufacturing Co., Ste. Genevieve, Mo.; effective 8-4-60 to 8-3-61 (boys' shirts and jackets).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; effective 8-10-60 to 8-9-61 (women's wash dresses).

Samuel Meltzer, d/b/a The Liberty Co., East Front Street, Dyer, Tenn.; effective 8-6-60 to 8-5-61 (men's and boys' pajamas and robes).

Louisiana Industrial Garment Manufacturing Co., Marchand Lane, Gonzales, La.; effective 8-6-60 to 8-5-61 (men's dress and work pants).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 8-27-60 to 8-26-61 (blouses).

Salant and Salant, Inc., Marked Tree, Ark.; effective 8-5-60 to 8-4-61 (boys' cotton sport shirts).

Salem Garment Co., Inc., Salem, S.C.; effective 8-22-60 to 8-21-61 (women's wash dresses).

Selmer Manufacturing Co., Inc., Selmer, Tenn.; effective 8-4-60 to 8-3-61 (men's sport shirts).

Toby Manufacturing Co., Inc., 620-6 Franklin Avenue, Essex, Baltimore, Md.; effective 8-4-60 to 8-3-61 (work pants).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-60 to 8-18-61 (work shirts and jackets).

Whiteville Garment Manufacturing Co., Inc., Wilmington Rd., Whiteville, N.C.; effective 8-25-60 to 8-24-61 (men's and boys' denim dungarees).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; effective 8-4-60 to 8-3-61 (men's dress trousers, men's and boys' Ivy League trousers; women's and children dungarees).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Columbia Apparel, Inc., 1014 Adeline Drive, Columbia, S.C.; effective 8-8-60 to 8-7-61; 10 learners (children's dresses).

New Castle Manufacturing Co., Inc., New Castle, Va.; effective 8-8-60 to 8-7-61; 10 learners (pajamas and gowns).

Rose Marie, Inc., 117½ South Waco Street, Hillsboro, Texas; effective 8-10-60 to 8-9-61; five learners (women's dresses and blouses).

Schoolhouse Togs, Inc., Route 1, Rockport, Maine; effective 8-8-60 to 8-7-61; 10 learners (girls' blouses).

Sportcraft Inc., 125 South Tamaqua Street, McAdoo, Pa.; effective 8-8-60 to 8-7-61; 10 learners (women's sportswear, odd outerwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eileen Hope, Inc., Halifax, Pa.; effective 8-4-60 to 2-3-61; 10 learners (women's dresses).

Lonesome Pine Garment Co., Appalachia, Va.; effective 8-10-60 to 1-9-61; 40 learners (replacement certificate) (boys' cotton pants).

Mara Manufacturing Co., 128 Broadway, Nanticoke, Pa.; effective 8-8-60 to 2-7-61; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses).

Nelly Don, Inc., Nevada, Mo.; effective 8-5-60 to 2-4-61; 20 learners (women's dresses).

Samson's Manufacturing Co., 525 East Fifth Street, Washington, N.C.; effective 8-3-60 to 2-2-61; 100 learners (men's sport shirts).

Selmer Manufacturing Co., Inc., Selmer, Tenn.; effective 8-8-60 to 2-7-61; 50 learners (men's sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-60 to 8-5-61; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Broadway Hosiery Mill, Inc., 53 Burton Street, West Asheville, N.C.; effective 8-18-60 to 8-17-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellis Hosiery Mills, Inc., Hickory, N.C.; effective 8-7-60 to 8-6-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Niota Textile Mills Co., Inc., Niota, Tenn.; effective 8-2-60 to 8-1-61; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Rt. 601, Jerome, Pa.; effective 8-19-60 to 8-18-61; five learners for normal labor turnover purposes (women's sleepwear).

Shadowline Inc., Boone, N.C.; effective 8-13-60 to 8-12-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knit lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill.; effective 8-29-60 to 2-28-61; five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (caps).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 12th day of August 1960.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 60-7766; Filed, Aug. 18, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

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Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Dept. of Agriculture

[Valencia Orange Reg. 211]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.511 Valencia Orange Regulation 211.

(a) *Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was was held on August 18, 1960.

(b) *Order.* 1. The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 21, 1960, and ending at 12:01 a.m., P.s.t., August 28, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 19, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7881; Filed, Aug. 19, 1960; 11:29 a.m.]

[Lemon Reg. 860]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.967 Lemon Regulation 860.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 16, 1960.

(b) *Order.* 1. The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 21, 1960, and ending at 12:01 a.m., P.s.t., August 28, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 302,250 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 18, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7829; Filed, Aug. 19, 1960; 8:50 a.m.]

[Avocado Order 21, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados grown in south Florida.

It is, therefore, ordered, That paragraph (a) (1) of § 969.321 (Avocado Order 21, 25 F.R. 7522) is hereby amended by adding at the end thereof the following:

(ix) During the period beginning at 12:01 a.m., e.s.t., August 22, 1960, and ending at 12:01 a.m., e.s.t., September 12, 1960, handlers may handle any variety of avocados in (a) containers with inside dimensions 11½ x 15¾ x 3¼ inches, (b) containers with inside dimensions 11½ x 15¾ x 3¾ inches, and (c) containers with inside dimensions 11½ x 15¾ x 4¼ inches.

(x) With respect to the containers prescribed in subdivision (ix) of this subparagraph, the net weight of avocados of any variety other than the Fuchs variety in any such container shall be not less than 11½ pounds and the net weight of avocados of the Fuchs variety in any such container shall be not less than 10½ pounds: *Provided,* That, when such containers are packed with more than 16 avocados of any variety other than the Fuchs variety, the net weight of such avocados shall be not less than 11 pounds: *And provided further,* That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

The provisions of this amendment to § 969.321 (Avocado Order 21, 25 F.R. 7522) shall become effective at 12:01 a.m., e.s.t., August 22, 1960, concurrently with the effective date of § 969.321 (Avocado Order 21, 25 F.R. 7522).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 16, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7804; Filed, Aug. 19, 1960; 8:48 a.m.]

[Prune Reg. 1]

PART 1030—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Shipments

§ 1030.301 Prune Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 130 (7 CFR Part 1030; 25 F.R. 6914), regulating the handling of fresh prunes grown in designated counties in Idaho, and in Malheur County, Oregon, effective July 21, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, as hereinafter set forth, pursuant to the provisions of § 1030.52(a)(2) of the marketing agreement and order will tend to effectuate such orderly marketing of such prunes as will be in the public interest; will tend to effectuate the declared policy of the act, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 21, 1960. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee until August 16, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on August 16, 1960, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes will begin on or about August 20, 1960, and this section should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., m.s.t., August 21, 1960, and ending at 12:01 a.m., m.s.t., January 1, 1961, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements:

(1) *Minimum maturity requirement.* Such prunes shall be mature as defined in § 51.1530 of this title (United States Standards for Fresh Plums and Prunes; §§ 51.1520–51.1537 of this title).

(2) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 1030.41 and 1030.55.

(3) Except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7865; Filed, Aug. 19, 1960; 8:54 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Establishment of Registers of Eligibles

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 2.203 is amended to change the dividing line salary from $1,700 to $2,000. As amended, paragraph (c) reads as follows:

§ 2.203 Establishment of registers of eligibles.

* * * * *

(c) *Special register of eligibles for certain fourth-class postmaster positions.* (1) When a vacancy occurs or is about to occur in a postmaster position in a fourth-class post office for which the annual compensation is less than $2,000, a representative of the Post Office Department shall visit the locality and, after due public notice has been given, accept applications from interested persons. The representative shall establish a register of eligibles based on the qualifications and suitability of each applicant and on his ability to provide proper facilities for transacting the business of the office. The Post Office Department shall submit to the Civil Service Commission for post audit one copy of the representative's report showing the qualifications of all applicants, the basis for ranking the eligibles, and the selection of an appointee from the register. The report shall be accompanied by the applications of all applicants. A person selected for appointment from such a register of eligibles may not be appointed after the date the annual compensation of the office is advanced to $2,000 or more except upon prior approval of the Commission.

(2) Selection of an appointee from such a register of eligibles shall be made in accordance with § 2.205.

(3) When the Commission, after holding two examinations, is unable to secure a complete certificate of three eligibles, for offices where the annual compensation is $2,000 or more, it may authorize the establishment of a register of eligibles and selection therefrom in accordance with subparagraphs (1) and (2) of this paragraph.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60–7807; Filed, Aug. 19, 1960; 8:48 a.m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.444]

PART 301—ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

Subpart E—Unhealthful Posts

Pursuant to section 853 of the Foreign Service Act of 1946, as amended, and section 503 of Executive Order 10261 dated June 27, 1951, as amended, the following changes in the list of unhealthful places in § 301.61 established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, Executive Order No. 10000 of September 16, 1948, as amended, and Departmental Regulations 108.149 of March 13, 1952; 108.224 of June 1, 1954; 108.295 of August 15, 1956; 108.322 of July 5, 1957; 108.367 of July 3, 1958; and 108.437 of June 14, 1960 are made, effective as of the signature date of this regulation:

1. The following places are designated as unhealthful:

Conakry, Guinea.
Freetown, Sierra Leone.
Kaduna, Nigeria.
Katmandu, Nepal.
Lome, Togo.
Peshawar, Pakistan.
Taiz, Yemen.

2. (a) The designations of the following places as unhealthful are cancelled:

Asuncion, Paraguay.
Camaguey, Cuba.
Mazatlan, Mexico.
Samsun, Turkey.

(b) The cancellation of the designations of the above four posts as unhealthful shall not affect any credit which has accrued for service at these posts prior to the date of this order.

(Secs. 303, 443, 853, 60 Stat. 1002, 1006, 1024, sec. 207, 62 Stat. 194, 1205; 22 U.S.C. 843, 888, 1093, 5 U.S.C. 118h)

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

AUGUST 9, 1960.

[F.R. Doc. 60–7799; Filed, Aug. 19, 1960; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Returning Residents

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 211.1 is amended to read as follows:

§ 211.1 Visas.

A valid unexpired immigrant visa shall be presented by each arriving immigrant alien except an immigrant who (a) was born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad in any places except Albania and Communist portions of China, Korea, and Viet-Nam (1) not exceeding one year and presents a Form I–151 alien registration receipt card duly issued to him, or (2) and presents a valid unexpired reentry permit duly issued to him, or (3) and is the spouse or child of, and has been residing abroad with, a member of the Armed Forces of the United States stationed abroad pursuant to official orders, or (4) and satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver shall be made on Form I–193.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is contrary to the public interest in this instance because the amendment prescribed by the order affects the internal security of the United States.

Dated: August 16, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60–7805; Filed, Aug. 19, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–WA–357]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Correction of Amendment

On July 8, 1960, there was published in the FEDERAL REGISTER (25 F.R. 6416) an amendment to § 600.6149 of the regulations of the Administrator. This amendment, to be effective January 12, 1961, modified the segment of VOR Federal airway No. 149 between Binghamton, N.Y., and Utica, N.Y., via a VOR to be commissioned approximately December 15, 1960, near Georgetown, N.Y.

In the text of this amendment the segment of Victor 149 between Allentown, Pa., and Binghamton, N.Y., is described in part as "via the INT of the Allentown, VORTAC 329° True and the Binghamton, N.Y., VORTAC 167° True radials;". This is incorrect and should read "via the Thornhurst, Pa., VOR;" as it is presently designated. It is necessary, therefore, to correct herein the text of this amendment.

Since this amendment corrects an error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–WA–357, is hereby modified as follows: "via the INT of the Allentown VORTAC 329° True and the Binghamton, N.Y., VORTAC 167° True radials;" is deleted and "via the Thornhurst, Pa., VOR;" is substituted therefor.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–7788; Filed, Aug. 19, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-116]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification and Revocation of Control Area Extensions

On May 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4085) stating that the Federal Aviation Agency was proposing an amendment to Part 601 and § 601.1454 of the regulations of the Administrator which would modify the Miami, Fla., control area extension and revoke the West Palm Beach, Fla., control area extension.

As stated in the notice, the Miami control area extension is presently designated to include the airspace bounded on the north by VOR Federal airway No. 293, on the east by VOR Federal airway No. 3, and on the south and west by VOR Federal airway No. 51 and Blue Federal airway No. 19. The West Palm Beach control area extension is presently designated to include the airspace northwest of West Palm Beach bounded on the south by VOR Federal airway No. 293, on the east by VOR Federal airway No. 3, and on the west and northwest by VOR Federal airway No. 51 and Blue Federal airway No. 19. This modification to the Miami control area extension will enlarge it to encompass the West Palm Beach control area extension and to include six small triangular segments of uncontrolled airspace between airways northwest of Miami. The additional control areas are within surveillance coverage of air traffic control radar and the designation of these areas as controlled airspace will assist in expediting the movement of aircraft into and out of the Miami terminal area.

This action will result in the Miami control area extension being redesignated as the area bounded on the west and northwest by VOR Federal airway No. 225, on the east by VOR Federal airway No. 3, on the south by VOR Federal airway No. 51, and on the southwest by a line from a point on the north edge of Victor 51 at Long. 80°48'30" W, to a point on the east edge of Victor 225 at Lat. 26°05'45" N. The West Palm Beach control area extension (§ 601.1022) will be revoked.

Three comments were received regarding the proposed amendments. One of the comments was from the Aircraft Owners and Pilots Association which opposed the extension of the Miami control area extension, without floors, as proposed in the Notice. The AOPA stated that portions of this control area extension would be 80 to 100 miles from the air traffic control radar units located at Miami and near Tampa-MacDill AFB, Florida, and at such distances from any radar unit the exercise of effective traffic control of aircraft is believed questionable below 5,000 feet. The AOPA stated further that it believed the advantages of radar vectoring would still be realized if a floor of about 5,000 feet for the expanded control area extension was established in accordance with Civil Air Regulations Amendment 60-14 effective January 1, 1960, and urged the Federal Aviation Agency to continue the program of implementing CAR Amendment 60-14 in this manner. Civil Air Regulation Amendments 60-14 and 60-14A were rescinded effective June 30, 1960 (25 F.R. 6015) and therefore the designation of control area must be in accordance with Part 601 of the regulations of the Administrator.

The Department of the Air Force interposed no objection and the Air Transport Association of America strongly endorsed the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 (24 F.R. 10530) and § 601.1454 (24 F.R. 10570) are amended as follows:

1. Section 601.1454 is amended to read:

§ 601.1454 Control area extension (Miami, Fla.).

The airspace bounded on the W and NW by VOR Federal airway No. 225, on the E by VOR Federal airway No. 3, on the S by VOR Federal airway No. 51 and on the SW by a line from a point on the N edge of VOR Federal airway No. 51 at Long. 80°48'30" W, to a point on the E edge of VOR Federal airway No. 225 at Lat. 26°05'45" N.

§ 601.1022 [Revocation]

2. Section 601.1022 *Control area extension (West Palm Beach, Fla.)*, is revoked.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7785; Filed, Aug. 19, 1960; 8:45 a.m.]

[Airspace Docket No. 59-NY-64]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On March 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2086) stating that the Federal Aviation Agency proposed to designate a control zone within a 5-mile radius of the Mercer County Airport, Trenton, N.J.

Subsequent to the publication of the notice, it has been determined that a time of designation limitation is indicated. Weather reporting service is not available for the Mercer County Airport from 0001 to 0800 hours daily and traffic does not require an extension of this service on a 24-hour basis. Therefore, the Trenton control zone is being designated with a time limitation of from 0800 to 2400 hours daily.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (24 F.R. 10530) is amended by adding the following section:

§ 601.2427 Trenton, N.J., control zone.

Within a 5-mile radius of the geographical center of the Mercer County Airport (Lat. 40°16'33" N, Long. 74°48'55" W) from 0800 to 2400 hours, local time, daily, excluding the portion which coincides with the North Philadelphia, Pa., control zone (§ 601.2202).

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7786; Filed, Aug. 19, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-20]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5306) stating that the Federal Aviation Agency proposed to modify the Houston, Texas, control zone by reducing the size of the control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (2 F.R. 4530) and for the reasons stated in the notice, § 601.2031 (25 F.R. 2476) is amended to read:

§ 601.2031 Houston, Tex., control zone.

Within a 5-mile radius of the geographical center of the Houston International Airport (Lat. 29°38'40" N, Long. 95°16'30" W), within a 5-mile radius of the geographical center of Ellington Air Force Base (Lat. 29°36'25" N, Long. 95°09'20" W), within 2 miles either side of the SE course of the Houston RR extending from the Houston International Airport 5-mile radius zone to a point 12 miles SE of the RR, and within 2 miles either side of the 043° True bearing from the Pearland RBN extending from the Ellington 5-mile radius zone to the RBN.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7787; Filed, Aug. 19, 1960; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

Payments To Include Other Charges

In § 243.14 paragraph (b) is amended to read as follows:

§ 243.14 Payments to include other charges.

* * * * *

(b) Mortgages involving an original principal obligation not in excess of $9,000 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Issued at Washington, D.C., August 16, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-7809; Filed, Aug. 19, 1960; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 534 (25 F.R. 5296), appointed and convened Industry Committee No. 48-D and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the children's dress and related products industry in Puerto Rico, as defined in Administrative Order No. 534, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949-1953 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR, Part 610, effective September 4, 1960, to read as follows:

Sec.
610.1 Definition.
610.2 Wage rates.
610.3 Notices.

AUTHORITY: §§ 610.1 to 610.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 610.1 Definition.

The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 610.2 Wage rates.

(a) Wages at a rate of not less than 59 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the children's dress and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the hand-embroidery classification which is defined as the operations of hand-embroidering, hand-embellishing, ornamental stitching, and other hand-sewing operations involving decorative effects.

(b) Wages at a rate of not less than 76 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the children's dress and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the other operations classification which is defined as all operations in the children's dress and related products industry in Puerto Rico, other than those operations in the hand-embroidery classification of this industry.

§ 610.3 Notices.

Every employer subject to the provisions of § 610.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 610.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 17th day of August 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-7813; Filed, Aug. 19, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico and Mississippi Sound, Mississippi

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.155 governing the use and navigation of a danger zone in the Gulf of Mexico and Mississippi Sound in the vicinity of Horn Island, Mississippi is hereby revoked, effective on publication in the FEDERAL REGISTER, as follows:

§ 204.155 Gulf of Mexico and Mississippi Sound in vicinity of Horn Island, Miss.; area for conducting of experimental field tests, Chemical Warfare Service. [Revoked]

[Regs., Aug. 5, 1960, 285/91 (Gulf of Mexico, Miss.)-ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 60-7780; Filed, Aug. 19, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2181]

ALASKA

Revoking Public Land Order Nos. 713 and 752 in Their Entirety, and No. 735 in Part

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26,1952, it is ordered as follows:

1. Public Land Order No. 713 of April 16, 1951, withdrawing the following-described public lands for classification is hereby revoked:

COPPER RIVER MERIDIAN

[58803]

T. 28 S., R. 58 E., partly unsurveyed.
Sec. 10, E½SE¼;
Sec. 11, W½SW¼;
Sec. 15, E½NE¼.

Containing 240 acres, of which lots 1 and 26 in U.S.S. 3431 have been patented.

2. Public Land Order No. 735 of July 26, 1951, reserving lands under jurisdiction of the Secretary of the Interior, is hereby revoked so far as it affects the following-described lands:

COPPER RIVER MERIDIAN

[59657]

T. 28 S., R. 56 E.,
Sec. 30, lot 7.

Containing 39.70 acres.

3. Public Land Order No. 752 of September 7, 1951, reserving the following-described lands under jurisdiction of the Bureau of Land Management as a timber reserve is hereby revoked:

COPPER RIVER MERIDIAN

[57592]

T. 28 S., R. 53 E.,
Sec. 14, lots 4, 5, and E½SE¼.

Containing 145.95 acres.

4. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to settlement under the homestead and Alaska homesite laws, and to filing applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to such forms of application, selection and location as are allowable for unsurveyed lands:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on November 16, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with an subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 399).

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws, other than from the State of Alaska, presented prior to 10:00 a.m. on September 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and those in Public Land Order No. 713 to location for metalliferous minerals. They will all be fully opened to location under the mining laws and to settlement under the Homestead and Alaska Homesite laws at 10:00 a.m. on November 16, 1960, subject to the regulation in 43 CFR 76.16.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of the applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Juneau, Alaska.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

AUGUST 16, 1960.

[F.R. Doc. 60–7793; Filed, Aug. 19, 1960; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

PART 400—AVAILABILITY OF RECORDS AND INFORMATION

PART 401—ADMISSION AND OUT-PATIENT TREATMENT

Charges for Transcripts of Medical Records, In-patient Treatment and Special Services

Notice of proposed rule making having been published and no public comments having been received, the proposed amendments to the regulations establishing charges for transcripts of medical records of Freedmen's Hospital and amending the rates charged for inpatient treatment and special services at Freedmen's Hospital as set forth and published with said notice of proposed rule making on June 25, 1960 in 25 F.R. 5885 are hereby adopted and issued. These amendments shall become effective on August 22, 1960, it having been determined that an early effective date would increase the revenue available to the Hospital: *Provided, however,* That the amendments to Part 401 shall not be applicable to patients admitted to the Hospital prior to the effective date of the amendment.

1. Part 400 is amended by adding a new § 400.3 which reads as follows:

§ 400.3 Fees for transcripts.

(a) The following fees will be charged for transcripts of medical records furnished pursuant to § 400.2(b):

(1) Transcripts, standard one page	$3.00
(2) Narrative Summaries	5.00

(b) The Superintendent may waive any part or all of the fees for transcripts of medical records if he determines that they have been requested for the purpose of further medical treatment.

(R.S. 2038, as amended, 65 Stat. 290, 5 U.S.C. 140)

2. Subparagraphs (1) and (3) of paragraph (c) and the introductory paragraph of paragraph (c) of § 401.7 and paragraph (c) of § 401.11 of Part 401 are amended to read as follows:

§ 401.7 In-patient rates, full and part-pay patients.

• • • • •

(c) There shall be the following extra charges for all full-pay patients excluding tuberculosis patients hospitalized in the tuberculosis hospital.

(1) New and special drugs not regularly listed in the Hospital formulary at rates which the Superintendent determines are reasonable but not less than the purchase price paid by the Hospital.

• • • • •

(3) Blood or blood derivatives at purchase price paid by the Hospital.

§ 401.11 Rates for X-ray, laboratory, and other special services.

• • • • •

(c) *Special services.*

Basal metabolism	$5.00
Bronchoscopic examination	5.00
Cystoscopic examination	5.00
Electro-cardiography	5.00
Use of plaster room	10.00
Pneumothorax	1.00
Electroencephalogram	25.00

(R.S. 2038, as amended, 37 Stat. 172 as amended; 59 Stat. 366, as amended; 32 D.C. Code 317, 318, 318a)

Dated: August 9, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: August 17, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60–7822; Filed, Aug. 19, 1960; 8:50 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 59–LA–9]

CONTROL AREA

Modification of Proposed Redesignation

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59–LA–9 on June 14, 1960 (25 F.R. 5307), it was stated that the Federal Aviation Agency was considering a proposal by the Department of Navy to redesignate the Fallon, Nev., control area extension to provide protection for aircraft executing TACAN approach and missed approach procedures at NAAS Fallon. A VOR is to be installed, approximately November 15, 1960, near Fallon at Lat. 39°30'58" N, Long. 118°59'47" W. An approach procedure to NAAS Fallon has been developed to utilize this VOR. In addition to the control area extension proposed in the original notice (Airspace Docket No. 59–LA–9), the Federal Aviation Agency is considering the designation of a control area extension at Fallon within 5 miles either side of the Fallon VOR 116° True radial extending from NAAS Fallon to the VOR. This would provide protection to aircraft executing VOR approach procedures to NAAS Fallon.

If this action is taken, the Fallon, Nev., control area extension would be redesignated within 5 miles either side of the 146° True radial of the NAAS Fallon TACAN, extending from the TACAN to 20 miles southeast; within 6 miles southwest and 10 miles northeast of the 146° True radial of the NAAS Fallon TACAN, extending from 20 miles southeast of the TACAN to 54 miles southeast; within 5 miles either side of the 037° True radial of the NAAS Fallon TACAN, extending from the TACAN to 29 miles northeast, and within 5 miles either side of the Fallon VOR 116° True radial extending from NAAS Fallon to the VOR, excluding those portions which coincide with Restricted Areas R–268 and R–270.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to September 7, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (Part 409.13, 24 F.R. 3499), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 59–LA–9 is extended to September 7, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division No. 4, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, California.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1954).

Issued in Washington, D.C., on August 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–7781; Filed, Aug. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–WA–131]

CONTROL AREA

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1070 of the regulations of the Administrator, the substance of which is stated below.

The Charlottesville, Va., control area extension is presently designated as that airspace bounded on the northwest by VOR Federal airway No. 140, on the northeast by VOR Federal airway No. 156, and on the south by VOR Federal airway No. 16. The Federal Aviation Agency has under consideration modification of the Charlottesville, Va., control area extension to include additional airspace northeast of the Charlottesville-Albemarle Airport, which would be bounded on the northwest by VOR Federal airway No. 140, on the east by VOR Federal airway No. 39, and on the southwest by VOR Federal airway No. 156. This modification to increase the Charlottesville control area extension would provide protection to aircraft operating under IFR conditions when arriving and departing the Charlottesville-Albemarle Airport.

If this action is taken, the Charlottesville, Va., control area extension would be redesignated as the airspace bounded on the northwest by VOR Federal airway No. 140, on the east by VOR Federal airway No. 39 and on the south by VOR Federal airway No. 16 north.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–7782; Filed, Aug. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–KC–5]

CONTROL AREA

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1259 of the regulations of the Administrator, the substance of which is stated below.

The Huron, S. Dak., control area extension is presently designated within a 15-mile radius of the Huron VOR. The Federal Aviation Agency has under consideration modifying this control area extension by redesignating it within a 20-mile radius of the Huron VOR from the 170° True radial clockwise to the 310° True radial and within a 15-mile radius from the 310° True radial clockwise to the 170° True radial. This modification would provide protection for aircraft arriving and departing Huron Airport, Huron, S. Dak., under instrument flight rule weather conditions.

If this action is taken, the Huron S. Dak., control area extension would be designated within a 20-mile radius of the Huron VOR from the 170° True radial clockwise to the 310° True radial and within a 15-mile radius from the 310° True radial clockwise to the 170° True radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communi-

cations received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7783; Filed, Aug. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-75]

CONTROL ZONE

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Millville, N.J., within a 5-mile radius of the Millville Airport excluding that area northeast of a line parallel to and 2 miles northeast of the 135° True bearing from the Millville radio range station. The Millvile control zone would provide protection for aircraft executing the present prescribed standard instrument approach to the Millville Airport. In addition, the area being excluded would provide sufficient uncontrolled area for VFR operations at the adjacent Vineland, N.J., Airport.

If this action is taken, the Millville, N.J., control zone would be designated within a 5-mile radius of the Millville Airport (Lat. 39°22'00" N, Long. 75°04' 45" W), excluding that area northeast of a line parallel to and 2 miles northeast of the 135° True bearing from the Millville radio range station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7784; Filed, Aug. 19, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 1]

WHEAT FOR 1961 CROP YEAR IN CERTAIN COUNTIES AND STATES

Notice of Date of Termination of Insurance Contracts

Pursuant to the authority contained in subsection 15(a) of the Policy shown in § 401.11 of title 7 (24 F.R. 8877), notice is hereby given that any contract of insurance on wheat for the 1961 crop year to be grown in a following named county (as defined in subsection 21(b) of the policy shown in such § 401.11) or state is terminated on August 19, 1960, if on such date under any such contract either (1) any amount due the Corporation for insurance on that crop remains unpaid, except the premium due on a crop normally harvested in the calendar year in which the termination date for indebtedness occurs, or (2) the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the premium for the following crop year.

KANSAS

Barber.	Lane.
Clark.	Meade.
Edwards.	Ness.
Finney.	Pawnee.
Ford.	Pratt.
Grant.	Rush.
Gray.	Scott.
Greeley.	Seward.
Hamilton.	Stafford.
Haskell.	Stanton.
Hodgeman.	Stevens.
Kearney.	Wallace.
Kiowa.	Wichita.

WYOMING

Goshen.	Platte.
Laramie.	

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 60-7814; Filed, Aug. 19, 1960; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is hereby further amended by adding to subsection 8.20(a) a new subparagraph (5) as follows:

(5) Authority vested in the Secretary by P.L. 86-571 with the exception of the issuances of regulations under section 1 (d)(2). (In exercising this authority, the Commissioner works with the Surgeon General, PHS, and the Superintendent, Saint Elizabeths Hospital, in arranging for appropriate use of their resources to provide the most effective and economical administration of this Law.)

Dated: August 15, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-7812; Filed, Aug. 19, 1960; 8:49 a.m.]

Social Security Administration

EL SALVADOR

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by El Salvador relating to the social insurance or pension system of such country, from which evidence it appears that El Salvador does not have in present effect a social insurance or pension system which pays periodic benefits or the actuarial equivalent thereof on account of old age, retirement or death.

Accordingly, it is hereby determined and found that El Salvador does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: August 11, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-7802; Filed, Aug. 19, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

UNIVERSITY OF ILLINOIS

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on July 29, 1960, the Atomic Energy Commission has issued License No. R-69 authorizing The University of Illinois to possess and operate a TRIGA Mark II nuclear reactor at power levels up to 100 kilowatts (thermal) on its campus in Urbana, Illinois. Notice of the proposed action was published in the FEDERAL REGISTER on August 2, 1960, 25 F.R. 7264.

Dated at Germantown, Md., this 16th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7779; Filed, Aug. 19, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2126]

EAST BRANCH NORTH FORK FEATHER RIVER POWER PROJECT; NATIONAL YOUTH FOUNDATION

Notice of Modification of Land Withdrawal; California

AUGUST 16, 1960.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, this Commission on May 12, 1953, gave notice to the Bureau of Land Management of the reservation of approximately 6,179.68 acres of United States lands pursuant to the filing of an application for preliminary permit on February 24, 1953, by Robert P. Wilson of Taylorsville, California, for Project No. 2126.

On May 31, 1960, Robert P. Wilson, President, National Youth Foundation, Taylorsville, California, filed an application for license on behalf of said organization, for Project No. 2126, supported by revised map exhibits delimiting additional lands of the United States proposed to be occupied by the East Branch North Fork Feather River Power Project located on the East Branch North Fork Feather River and its tributaries, Indian Creek and Spanish Creek, in Plumas County, California.

Therefore, in accordance with the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby

given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in the aforesaid power project and are from the date of filing of completed application for license, on May 31, 1960, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress. This notice supplements the notice of May 12, 1953, in connection with Project No. 2126.

MOUNT DIABLO MERIDIAN—CALIFORNIA

All portions of the following described subdivisions lying within the project boundaries as delimited on map Exhibit "K" (F.P.C. No. 2126–8), entitled "National Youth Foundation, East Branch North Fork Feather River Power Project, Project Area Map," filed in the Federal Power Commission May 31, 1960.

T. 25 N., R. 7 E.,
Sec. 8: SW¼SE¼;
Sec. 14: SE¼SE¼;
Sec. 19: Lot 10;
Sec. 20: NW¼NE¼;
Sec. 21: Lot 9;
Sec. 23: S½NE¼, NW¼NW¼;
Sec. 24: Lot 2, SW¼NE¼, S½NW¼.
T. 25 N., R. 8 E.,
Sec. 19: Lot 4, S½SE¼;
Sec. 20: S½S½;
Sec. 21: SW¼SW¼;
Sec. 24: N½NW¼NE¼.
T. 25 N., R. 9 E.,
Sec. 8: S½S½SW¼;
Sec. 17: NW¼SW¼NW¼;
Sec. 18: S½NW¼NE¼, S½NE¼NW¼, W½NW¼SE¼.
T. 26 N., R. 9 E.,
Sec. 34: E½NE¼.

The area of additional United States lands reserved pursuant to the filing of this application is approximately 979.89 acres, all within the Plumas National Forest. Approximately 538.62 acres of these lands have been previously reserved for power purposes in connection with Power Site Classification No. 179 and Projects No. 444, 737, 1258, 1297, 1352, and 2126.

Copies of map Exhibits "J" (FPC No. 2126–7), "K" (FPC No. 2126–8), and "K" 1, 2, 3, 4 (FPC Nos. 2126–9, 10, 11, 12) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7810; Filed, Aug. 19, 1960; 8:49 a.m.]

[Docket Nos. G–9520 etc.]

GULF OIL CORP. ET AL.

Order Terminating Proceeding

AUGUST 15, 1960.

Gulf Oil Corporation, Docket Nos. G–9520, G–11335, G–11444, G–11847, G–12315, G–12955, G–12956, G–13495, G–13518, G–13519, G–13526, G–13581, G–13772, G–13841, G–13983, G–13984, G–14092, G–14262, G–14410, G–14416, G–14929, G–15127, G–16334, G–16657, G–16658, G–16660, G–16696, G–17290, G–17813, G–8516; Gulf Oil Corporation (Operator), et al., Docket Nos. G–13100, G–13494, G–16659, G–16730, G–16898, G–16959, G–16960.

On June 6, 1960, Gulf Oil Corporation (Gulf) filed a motion to terminate the suspension proceeding in Docket No. G–14416, which is part of the above-entitled consolidated proceedings, and involves Supplement No. 1 to Gulf's FPC Gas Rate Schedule No. 129, which supplement was made effective subject to refund on June 15, 1958. The sale in Docket No. G–14416 is made to Hernigan & Morgan Transmission Company, which, in turn, resells to Cities Service Gas Company.

The contract between Gulf and Jernigan & Morgan provides that Gulf shall receive 2.0 cents per Mcf less than Hernigan & Morgan receive from Cities Service. Jernigan & Morgan's proposed price increase from 10.0 cents to 11.0 cents per Mcf, originally suspended in Docket No. G–13927, is now being collected without obligation to refund as the result of termination of the proceeding in Docket No. G–13927. Thus it appears that Gulf's related proposed increase in Docket No. G–14416 of from 8.0 cents to 9.0 cents per Mcf should be collected without obligation to refund because the proceeding in Docket No. G–13927 has been terminated. This result is analogous to the termination of Docket Nos. G–11106, G–12634, G–15169 and G–11851, all formerly part of these consolidated proceedings, by order granting and denying petitions to terminate proceedings issued herein on May 24, 1960.

The Commission finds: The proceeding in Docket No. G–14416 should be terminated and the supplement suspended therein should be allowed to continue in effect without obligation to refund and Gulf should be discharged from the existing refund obligation applicable to that docket.

The Commission orders:

(A) The proceeding in Docket No. G–14416 be and is hereby terminated.

(B) The rates and charges set forth in Supplement No. 1 to Gulf Oil Corporation's FPC Gas Rate Schedule No. 129 are hereby continued in effect without refund obligation and Gulf is hereby discharged from its existing obligations to refund excess charges under such supplement.

(C) Gulf's request that the increased rate contained in the subject supplement be made effective as of the effective date provided therein is hereby denied.

(D) This order shall not be construed as constituting approval of any rate, charge, classification or any rule, regulation or practice affecting such rates or service contained in the rate filings made by Gulf in the terminated proceeding.

(E) This order is without prejudice to any findings or orders which have been, or may hereafter be made by the Commission in the consolidated proceeding herein, Docket Nos. G–9520, et al., or any proceeding now pending or hereafter instituted by or against Gulf.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7789; Filed, Aug 19, 1960; 8:46 a.m.]

[Docket No. CP60–118]

PEOPLES GULF COAST NATURAL GAS PIPELINE CO.

Notice of Application and Date of Hearing

AUGUST 15, 1960.

Take notice that on June 10, 1960 Peoples Gulf Coast Natural Gas Pipeline Company (Applicant), a Delaware corporation having its principal place of business in Chicago, Illinois, filed an application, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity seeking authorization to construct and operate a side tap on its existing 30-inch transmission pipeline, 400 feet of 2-inch lateral from the proposed tap to the facilities of Monarch Gas Company (Monarch) and a meter and regulator station at the terminus of Applicant's proposed lateral, all in Effingham County, Illinois, for the sale and delivery of natural gas to Monarch and local distribution by the latter in Beecher City, Illinois.

It appears from the application that Monarch has secured the necessary local franchise and will construct and operate a distribution system in Beecher City. Further, the application discloses that it has received the necessary authorization from the Illinois Commerce Commission.

Applicant estimates the cost of the proposed facilities at $15,800 which cost will be met from funds on hand.

Monarch proposes to serve Beecher City from the quantities of natural gas which Applicant has heretofore been authorized to sell and deliver to Monarch and the sale and delivery by Applicant to Monarch will be made pursuant to and in accordance with Applicant's FPC Gas Tariff Original Volume No. 1 and executed service agreement dated December 16, 1959.

Monarch estimates Beecher City's Gas requirements as follows:

	Volumes in Mcf		
	1st year	2d year	3d year
Annual requirements	5,870	13,940	23,160
Peak day requirements	54	132	214

Applicant was granted temporary authorization by the Commission by letter dated July 7, 1960 to construct and operate the facilities as proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7790; Filed, Aug. 19, 1960; 8:46 a.m.]

[Project No. 2197]

YADKIN, INC.

Notice of Application for Amendment of License

AUGUST 16, 1960.

Public notice is hereby given that Yadkin, Inc., of Badin, North Carolina, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for amendment of the license for water-power Project No. 2197, located on the lower Yadkin stretch of the Yadkin-Pee Dee River in Stanly, Montgomery, Davidson, and Rowan Counties, North Carolina, to effect the following changes in the project works: Tuckertown Development—Relocation of proposed powerhouse from the right bank to the left bank with the powerhouse being remotely controlled from Badin rather than from High Rock; change in ratings of turbines from 18,300 horsepower to 17,000 horsepower and ratings of generators from 16,607 kva, 0.8 power factor to 15,555 kva, 0.9 power factor; and minor changes in the dam and powerhouse equipment; and Falls Development—Replacement of Units 2 and 3 in the existing powerhouse with new larger units—the old turbines are rated at 9,660 horsepower and the new ones at 15,000 horsepower and the old generators are rated at 7,000 kva, 0.95 power factor and the new ones at 12,500 kva, 0.9 power factor; and installation of new step-up transformers and removal of existing 13.2 kv transmission lines between the Falls and Badin, as no longer being necessary to the operation of the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is September 22, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–7811; Filed, Aug. 19, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–743]

RESOURCE FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 15, 1960.

Notice is hereby given that Resource Fund, Inc. (Applicant), a registered, open-end investment company, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company.

The application states that Applicant, a Maryland corporation, was dissolved pursuant to a vote of its stockholders at a Special Meeting thereof, held on October 24, 1958. The Articles of Dissolution of Applicant, dated February 10, 1959, were filed with the State Tax Commission of Maryland on April 6, 1959 whereupon the Applicant was dissolved.

It is further stated that on October 24, 1958, and thereafter, the Applicant had eleven (11) stockholders holding 9,710 shares of its common stock which were all of the issued and outstanding shares thereof. On that date the Applicant had total assets amounting to $200,471.79 and liabilities totalling $1,431.87. As of September 30, 1959, the Applicant had distributed all but $301.75 of such assets to its stockholders which balance has been retained to provide for the final expenses of liquidation and this amount is held by Empire Trust Company.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 1, 1960 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–7794; Filed, Aug. 19, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–I–17]

CHIEF, LOAN LIQUIDATION SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by the Deputy Regional Director by Delegation No. 30–I–10 (24 F.R. 6556), there is hereby redelegated to the Chief, Loan Liquidation Section, the authority:

A. *Financial assistance.* 1. To take all necessary action in connection with the liquidation of partially or fully disbursed loans, other obligations and acquired property.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve travel for employees under his supervision.

C. *Correspondence.* 1. To sign all non-policy making correspondence originating in the Loan Liquidation Section, except Congressional correspondence, correspondence with the Washington office, and letters to borrowers or guarantors containing any threat of legal actions.

II. The authority delegated in subsections I. A. and B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

Effective date: June 29, 1960.

BERNARD F. O'NEIL,
Chief, Financial Assistance Division, Boston Regional Office.

[F.R. Doc. 60–7795; Filed, Aug. 19, 1960; 8:47 a.m.]

[Delegation of Authority 30–I–12 (Revision 1)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by the Deputy Regional Director by Delegation No. 30–I–10 (24 F.R. 6556), there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To approve amendments and modifications of Loan Authorizations for loans that have been fully disbursed.

2. To take all necessary action in connection with the servicing, administration and collection of partially or fully disbursed loans.

3. Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mort-

gages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve travel for employees under his supervision.

C. *Correspondence.* 1. To sign all nonpolicy making correspondence originating in the Loan Administration Section, Except Congressional correspondence with the Washington Office and letters to borrowers or guarantors containing any threat of legal action.

II. The authority delegated in subsections I. A. and B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: June 29, 1960.

BERNARD F. O'NEIL,
Chief, Financial Assistance Division, Boston Regional Office.

[F.R. Doc. 60-7796; Filed, Aug. 19, 1960; 8:47 a.m.]

[Delegation of Authority 30-II-13 (Revision 1)]

SUPERVISORY FINANCIAL SPECIALIST, HARTFORD, CONN.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Branch Manager, Hartford Branch Office, by Delegation No. 30-II-5 (Revision 3), dated March 31, 1960, there is hereby redelegated to the Supervisory Financial Specialist, Hartford Branch Office, the authority:

A. *Financial assistance.* To take all necessary actions in connection with the administration, servicing and collection of all loans with an unpaid balance of less than $25,000, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers.

B. *Correspondence.* To sign all nonpolicymaking correspondence relating to Financial Assistance functions except (1) Congressional correspondence, (2) correspondence which includes a decision that an applicant is ineligible for financial assistance, and (3) letters to borrowers or guarantors containing any threat of legal action.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Supervisory Financial Specialist.

IV. All previous authority delegated by the Branch Manager, Hartford Branch Office, to the Supervisory Financial Specialist, Hartford Branch Office, is hereby rescinded without prejudice to the actions taken under such delegations prior to the date hereof.

Effective date: March 31, 1960.

CHARLES C. FOSTER,
Branch Manager, Hartford Branch Office.

[F.R. Doc. 60-7797; Filed, Aug. 19, 1960; 8:47 a.m.]

[Declaration of Disaster Area 290]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the months of July and August, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Florida;

Whereas, the Small Business Administration has investigated and has received reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Hernando, Hillsborough, Orange, Osceola, Pasco, Pinellas and Polk (flood occurring on or about July 25 through Aug. 3, 1960).

Offices: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga. Small Business Administration Branch Office, Huntington Building, Room 301, 168 Southeast First Street, Miami 32, Fla.

2. Temporary field offices will be established at Orlando and Tampa, Florida, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1961.

Dated: August 8, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7798; Filed, Aug. 19, 1960; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 64]

APPROVAL OF CONVEYANCES EXECUTED BY INDIAN DEVISEES OF THE FIVE CIVILIZED TRIBES

Redelegation of Authority

Order 551, as amended, is further amended by the addition of a new section under the heading "Functions Relating to Indian Lands and Minerals" to read as follows:

SEC. 36. *Approval of Conveyances Executed by Indian Devisees of the Five Civilized Tribes.* The approval of conveyances, including oil and gas leases, executed by Indian devisees of the Five Civilized Tribes under wills providing for such approval, involving interests in land which are subject to the provisions of the Act of August 4, 1947 (61 Stat. 731), and which have been approved by a county court of Oklahoma pursuant to that act.

H. REX LEE,
Acting Commissioner.

AUGUST 16, 1960.

[F.R. Doc. 60-7791; Filed, Aug. 19, 1960; 8:46 a.m.]

[Bureau Order 551, Amdt. 65]

TRADING WITH INDIANS IN ALASKA

Redelegation of Authority

Order 551, as amended, is further amended by the addition of a new section under the heading "Functions Relating to Trading with Indians" to read as follows:

SEC. 171. *Trading with Indians in Alaska.* The approval of trade for personal use by Government employees in Alaska with Indians pursuant to 25 CFR 251.5(a) in such cases where the amount involved exceeds $250.00. This authority is limited to purchases made by employees from or through the Alaska Native Industries Cooperative Association, the Alaska Native Arts and Crafts Cooperative Association, and purchases made by employees from stores operated by Native villages.

H. REX LEE,
Acting Commissioner.

AUGUST 16, 1960.

[F.R. Doc. 60-7792; Filed, Aug. 19, 1960; 8:46 a.m.]

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Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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VOLUME 25 NUMBER 164

Washington, Tuesday, August 23, 1960

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 5]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for 1959 and Subsequent Crops

I. *Basis and purpose.* (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515; 24 F.R. 2677, 6803, 9611; 25 F.R. 897) to amend, (1) §§ 729.1011(k)(5)(iv), 729.1011(l), and 729.1011(p) to revise the definitions of "farm peanut acreage", "farm peanut history acreage" and "marketing cards", (2) to add § 729.1011(hh) giving a definition of "Federally-owned land", (3) § 729.1021(c) to change the amount of the national reserve for new farm allotments, (4) § 729.1024 to prohibit under some circumstances the release and reapportionment of farm allotments, (5) § 729.1043 to amend the conditions under which marketing cards are issued to farms, and (6) § 729.1050 to prescribe the rate of marketing quota penalty for the 1960 crop.

(b) It is essential that the changes made by this amendment become effective as soon as possible as it is applicable to excess peanuts of the 1960 crop and the marketing of such crop has commenced in the southernmost parts of the peanut-producing areas of the United States. It is therefore hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003), are impracticable and contrary to the public interest and this amendment shall be effective upon the filing of this document with the Director, Division of the Federal Register.

II. The Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515; 24 F.R. 2677, 6803, 9611; 25 F.R. 897), as amended, are hereby amended as follows:

A. Paragraphs (k)(5)(iv), (l), and (p) of § 729.1011 are amended to read as follows:

§ 729.1011 Definitions.

• • • • • •

(k) • • •

(5) • • •

(iv) The disposition is approved by the county committee.

(l) (1) "Farm peanut history acreage" for each year beginning with 1957 shall be an acreage equal to the farm allotment; *Provided*, That beginning with the 1960 crop, except for federally-owned land, the current farm allotment shall not be preserved as history acreage under provisions of this sentence unless for the current year, or either of the two preceding years, the sum of the final acreage of peanuts and the acreage regarded as devoted to peanuts under the Soil Bank Act or the Great Plains Program is equal to 75 percent or more of the farm acreage allotment (after deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations in a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply). In the event an erroneous notice of acreage allotment, coming within the exception contained in § 729.1011(h), is not corrected until after the peanut crop is planted on the farm for which such notice was issued, the smaller of the erroneous allotment or the corrected allotment (after deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations in a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply) shall be used in determining whether the 75 percent requirement is met. The final acreage in any year on a farm for which a zero allotment was established or for which no allotment was established shall not be taken into account in determining whether the 75 percent requirement is met. For 1960 and each subsequent year in which farm peanut history acreage is not preserved under the provisions of the three preceding sentences the farm peanut history acreage shall be the sum of (i) the final acreage (adjusted to compensate for abnormal conditions affecting acreage if the county committee determines that such action is necessary to maintain equitable allotments), (ii) the acreage diverted from the production of peanuts under provisions of the Soil Bank Act or the Great Plains Program, (iii) acreage temporarily released to the county committee under provisions of § 729.1024, and (iv) the amount of any reduction in the current year allotment made pursuant to the provisions of § 729.1023. Notwithstanding any other provision of this part and subject only to any limitation imposed by the provisions of section 377 of the Act, the peanut history acreage for each year of the base period shall be zero unless in one or more years of the base period there is acreage in the peanut history acreage of a kind other than acreage released to the county committee or acreage reduction(s) for the violation of marketing quota regulations. The farm peanut history acreage for any year shall not exceed the farm peanut allotment for the farm for such year.

(2) In the determination of "farm peanut history acreage" under provisions of this paragraph, acreage regarded as devoted to peanuts under the Soil Bank Act and the Great Plains Program means:

(i) Under the Soil Bank Act, if peanuts is the only commodity for which an allotment is established for the farm, the acreage placed in the Conservation Reserve at the regular rate, not to exceed the amount by which the farm allotment[1] exceeds the final acreage of peanuts. If the farm has an allotment for peanuts and allotments for one or more other commodities and the acreage placed in the Conservation Reserve at the regular rate on the farm is less than the sum of the amounts by which the respective allotments[1] exceed the acreage actually planted (final acreage in the case of peanuts) to each allotment crop on the farm, the acreage placed in the Conservation Reserve at the regular rate shall be prorated and credited to each allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments[1] exceed the acreage actually planted (final acreage in the case of peanuts) to each allotment crop on the farm shall be obtained. This total shall then be divided into the amount by which the peanut allotment[1] exceeds the final acreage of peanuts. The percentage thus obtained shall be applied to the acreage on the farm under the Conservation Reserve at the regular rate. The result shall be the acreage regarded as devoted to peanuts under the Conservation Reserve of the Soil Bank Act.

(ii) Under the Great Plains Program, the acreage diverted from the production of peanuts in order to carry out the provisions of a contract under such program as determined by the county committee after consultation with the producer and the work unit conservationist of the Soil Conservation Service. Such acreage shall not exceed the amount by which the farm peanut allotment[1] exceeds the sum of the final peanut acreage and the acreage regarded as devoted to peanuts under a Conservation Reserve Contract.

• • • • • •

(p) "Marketing cards" means the following:

(1) "Excess penalty card". Form MQ-77—Peanuts, Peanut Excess Penalty Markting Card, will be issued for farms for which it is determined that the final acreage is in excess of the effective farm

[1] After deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations in a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply.

allotment and, in the case of Federally-owned land, will be issued if the final acreage is in excess of the effective farm allotment or the acreage permitted under the terms of the lease or other agreement. Each lot of peanuts identified at the time of marketing by an excess penalty card is subject to a marketing penalty at the rate shown on such card.

(2) "Within quota card". Form MQ–76—Peanuts, Peanut Within Quota Marketing Card, will be issued for farms for which it is determined that the final acreage is not in excess of the smaller of the effective farm allotment or, in the case of Federally-owned land, the acreage permitted under the terms of the lease or other agreement. A within quota card authorizes the marketing of all peanuts produced on the farm without payment at the time of marketing of the penalty prescribed in § 729.1050.

B. A new § 729.1011(hh) is added reading as follows:

§ 729.1011 Definitions.

* * * * *

(hh) "Federally-owned land" means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

C. The introductory text of (c) of § 729.1021 is amended to read:

§ 729.1021 Allotments for new farms.

* * * * *

(c) Beginning with the 1961 crop year, one-tenth of one percent of the national peanut acreage allotment shall be reserved for establishing allotments for new farms and, if the total of the acreage required to establish allotments and reserves hereunder for old farms in any State is less than the State allotment for such farms, the balance shall upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms, as determined pursuant to this section, after deducting acreage available for such farms which was originally allotted for old farms exceeds the acreage reserved for new farm allotments, the acreage reserved for new farms shall be apportioned to the States for establishing new farm allotments as follows:

* * * * *

D. Section 729.1024 is amended by adding a new paragraph (e).

§ 729.1024 Release and reapportionment.

* * * * *

(e) *Exception.* Notwithstanding the foregoing provisions of this section, the county committee shall not accept the release of any allotment acreage from a farm acquired by an agency having the right of eminent domain and held under a lease or other agreement by the former owner; neither shall the county committee reapportion any released acreage to any such farm.

E. Paragraphs (a), (d), and (e) of § 729.1043 are amended to read:

§ 729.1043 Issuance of marketing cards.

(a) A marketing card shall be issued to the operator of each farm on which peanuts are produced in the current year for use by any producer for marketing his share of the peanuts produced on the farm, unless the county office manager finds that all of the peanuts produced on the farm will be sold to persons who are not engaged in the business of buying peanuts for movement into regular channels as described in the proviso in § 729.1049(a). If the county office manager finds that it will serve a useful purpose, additional marketing cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more producers on the farm. Notwithstanding the foregoing provisions of this paragraph, if the farm operator does not share in the peanuts produced on the farm, the marketing card(s) may be issued to the person(s) sharing in such peanuts without entering thereon the name of the farm operator.

* * * * *

(d) Within quota card: A farm is eligible for a within quota card under either of the following conditions:

(1) The final acreage is not in excess of the effective farm allotment and, in the case of Federally-owned land, is not in excess of the effective farm allotment or the acreage permitted by the lease or other agreement;

(2) The acreage planted to peanuts on the farm is in excess of the effective farm allotment but an agreement on Form MQ–92—Peanuts is executed and approved in accordance with § 729.1054.

(e) Excess penalty card: An excess penalty card shall be issued for a farm if the final acreage exceeds the effective farm allotment and the farm is not eligible for a within quota card under paragraph (d) of this section. In the case of Federally-owned land an excess penalty card showing "zero" as the converted penalty rate shall be issued if the final acreage on the farm is not in excess of the effective farm allotment but is in excess of the acreage permitted by the lease or operating agreement.

F. Section 729.1050(a) is amended by adding a sentence thereto reading: "The basic support price for peanuts for the marketing year beginning August 1, 1960, and ending July 31, 1961, is $201.24 per ton or 10.06 cents per pound and, therefore, the basic penalty rate for the 1960 crop of peanuts is 7.5 cents per pound."

AUTHORITY: Secs. 358, 359, 375, 377, 378, 55 Stat. 88, 90, as amended, 55 Stat. 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1358, 1359, 1375, 1377, 1378.

Done at Washington, D.C., this 17th day of August 1960.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–7833; Filed, Aug. 22, 1960; 8:47 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Docket SH 186]

PART 813—ALLOTMENT OF SUGAR QUOTAS

Domestic Beet Sugar Area, 1960

This finding and determination by the Secretary of Agriculture is issued pursuant to and in accordance with section 205(a) of the Sugar Act of 1948, as amended, and the applicable rules of practice and procedure (7 CFR 801.1 et seq.), to conclude the proceeding for the allotment of the 1960 sugar quota for the Domestic Beet Sugar Area, Docket SH 186.

Basis and consideration. At the time the notice of hearing instituting this proceeding was published on February 27, 1960 (25 F.R. 1734), which notice included a preliminary finding that the allotment of the 1960 sugar quota for the Domestic Sugar Area was necessary the effective 1960 Domestic Beet Sugar Area quota was 2,043,480 short tons, raw value. The quota has since been increased to 2,514,945 tons under regulations contained in Part 811 of this chapter (S.R. 811, 25 F.R. 6741 dated July 16, 1960; 25 F.R. 6913 dated July 21, 1960; 25 F.R. 7355 dated August 5, 1960) which quantity includes a proration of part of the deficits in quotas for offshore domestic areas. The record of the hearing discloses that official notice would be taken of any changes in Sugar Regulation 811.

A larger proration of the deficits of domestic areas could have been prorated to the Domestic Beet Sugar Area. However, the quota for the Area has been limited to 2,514,945 tons which was considered adequate to permit processors to market sugar in 1960 to the maximum of their abilities. Data in the record of the proceeding for the allotment of the 1960 Domestic Beet Sugar Area quota discloses that 1,223,359 tons of sugar were held in inventories of processors on January 1, 1960; that approximately 480,000 tons of 1958 and 1959 crop sugar will be processed in 1960; and that marketings of new crop sugar in short tons, raw value, were 536,241 in 1957; 571,138 in 1958; and 602,795 in 1959. After allowing for an increase in new crop marketings in 1960 over those in 1959 and on the basis of the foregoing information the total marketings of sugar in the Domestic Beet Sugar Area in 1960 are not expected to exceed the quota of 2,514,945 tons.

Accordingly, it is hereby found and determined that allotment of the 1960 sugar quota for the Domestic Beet Sugar Area is not necessary to fulfill or to meet the objectives stated in section 205(a) of the Sugar Act of 1948, as amended.

Effective date. Since this finding and determination imposes no allotment restrictions on marketings of sugar and no such restrictions are presently in effect, the determination and finding made herein shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies sec. 205, 61 Stat. 926, as amended, 7 U.S.C. 1115)

Done at Washington, D.C., this 17th day of August 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60–7834; Filed, Aug. 22, 1960; 8:47 a.m.]

[Docket SH 187]

PART 814—ALLOTMENT OF SUGAR QUOTAS

Mainland Cane Sugar Area, 1960

This finding and determination by the Secretary of Agriculture is issued pursuant to and in accordance with section 205(a) of the Sugar Act of 1948, as amended, and the applicable rules of practice and procedure (7 CFR 801.1 et seq.), to conclude the proceeding for the allotment of the 1960 quota for the Mainland Cane Sugar Area, Docket SH 187.

Basis and Consideration. At the time the notice of hearing instituting this proceeding was published on March 24, 1960 (25 F.R. 2495), which notice included a preliminary finding that the allotment of the 1960 sugar quota for the Mainland Cane Sugar Area was necessary, the effective 1960 Mainland Cane Sugar Area quota was 628,799 short tons, raw value. The quota has since been increased to 773,873 tons under regulations contained in Part 811 of this Chapter (S.R. 811, 25 F.R. 6741 dated July 16, 1960; 25 F.R. 6913 dated July 21, 1960; 25 F.R. 7355 dated August 5, 1960) which quantity includes a proration of part of the deficits in quotas for offshore domestic areas. The record discloses that official notice would be taken of any changes in Sugar Regulation 811.

A larger proration of the deficits of domestic areas could have been prorated to the Mainland Cane Sugar Area. However, the quota for the Area has been limited to 773,873 tons, which was considered adequate to permit processors to market sugar in 1960 to the maximum of their abilities. Data in the record of the proceeding for the allotment of the 1960 Mainland Cane Sugar Area quota disclose that 59,683 tons of sugar were held in inventories of processors on January 1, 1960; that 116,258 tons of 1959 crop sugar were processed in 1960; and that marketings of new-crop sugar in short tons, raw value, were 286,408 in 1957; 438,183 in 1958; 437,512 in 1959. After allowing for an increase in new-crop marketings in 1960 over those in 1959 and on the basis of the foregoing information the total marketings of sugar in the Mainland Cane Sugar Area in 1960 are not expected to exceed the quota of 773,873 tons.

Accordingly, it is hereby found and determined on the basis of the record that allotment of the 1960 sugar quota for the Mainland Cane Sugar Area is not necessary to fulfill or to meet the objectives stated in section 205(a) of the Sugar Act of 1948, as amended, and that due and timely execution of the Secretary's functions under the Act imperatively and unavoidably require the omission of the procedure for an Administrator's recommended decision.

Effective date. Since this finding and determination imposes no allotment restrictions on marketings of sugar and no such restrictions are presently in effect, the determination and finding made herein shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies sec. 205, 61 Stat. 926, as amended, 7 U.S.C. 1115)

Done at Washington, D.C., this 17th day of August 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60–7835; Filed, Aug. 22, 1960; 8:47 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.122, Amdt. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1960 Crop

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.122 of this chapter (24 F.R. 10611, 25 F.R. 3574, 4427, 7357) is hereby amended in the following respects:

1. Paragraph (d) is amended to read as follows:

(d) *Proportionate shares.* The proportionate share of the 1960 crop of sugar beets for a farm shall be the acres established for the farm pursuant to this section within the allocation and redistribution of acreage made under paragraph (b) of this section to the State in which the farm is located, as determined in accordance with Part 842 of this chapter (23 F.R. 6784).

2. The following sentence is substituted for the last two sentences of paragraph (f):

"If, after the expiration of a reasonable time for the acceptance of requests generally following the closing date, the total acreage requested in any State does not exceed the allocation or redistribution of acreage for the State, or the total acreage requested in any allotment area within a State does not exceed the acreage allotted or distributed to such area, the proportionate shares for both old and new producer farms in such State or allotment area may be established by the State committee so as to coincide with the requested acreages without carrying out the detailed procedures otherwise required under paragraphs (g), (i), and (j) of this section; and in furtherance thereof, any unused acreage in any allotment area shall be made available to other allotment areas within the State."

3. The first sentence of paragraph (k) is revised to read as follows:

"Revisions in proportionate shares may be made within the State acreage allocation in accordance with procedures established by the State Committee to offset underplanting and failure to plant, and acreage made available to a State under paragraph (b) (3) and (4) of this section shall be utilized by the State Committee to revise or establish 1960-crop proportionate shares, including proportionate shares redetermined under paragraph (n) or other provisions of this section, for old and new producer farms where such acreage may be used to cover overplantings of proportionate shares or new plantings of 1960-crop sugar beets in California."

Statement of bases and considerations. This amendment to the determination of 1960-crop sugar beet proportionate shares prescribes several detailed changes which are needed to implement amendment 3, as issued August 1, 1960. That amendment provided that unused acreages within State allocations might be made available under certain conditions for utilization in increasing or establishing individual farm shares in other States.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies section 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Issued this 17th day of August 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60–7836; Filed, Aug. 22, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1, Amdt. 4]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

(a) *Findings.* 1. Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the Amendment to the limitation of shipments regulation, in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date

when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh peaches grown in Washington.

Order. In § 934.301 (Peach Order 1, 25 F.R. 6260; 7238, 7428, 7711) delete subparagraphs (3) and (4) of paragraph (b) and substitute in lieu thereof new subparagraphs (3) and (4) as set forth below.

§ 934.301 Peach Order 1.

* * * * *

(b) * * *

(3) *Minimum size requirements.* Such peaches shall measure at least 2¼ inches in diameter: *Provided,* That any lot of peaches shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent, by count, of the peaches in such lot are smaller than 2¼ inches in diameter, or (ii) such peaches are not smaller than a size that will pack in accordance with the requirements prescribed for standard pack, 72 peaches in a standard peach box, 70 peaches in a cascade lug box, or 72 peaches in a L.A. lug box. The term "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); the term "standard peach box" shall mean a wooden container with inside dimensions of 4½ to 5 by 11½ by 16 inches; the term "cascade lug box" shall mean a wooden container with inside dimensions of 6 by 11½ by 18 inches; the term "L.A. lug box" shall mean a wooden container with inside dimensions of 5¾ by 13½ by 16⅛ inches.

(4) *Pack requirements.* Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of the western lugs (boxes with inside dimensions of 7 inches by 11½ inches by 18 inches) and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight of peaches may be handled if such containers are well filled. The term "well filled" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 17, 1960, to be effective on and after 12:01 a.m., P.s.t., August 18, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7831; Filed, Aug. 22, 1960; 8:47 a.m.]

[Lemon Reg. 859, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.966 (Lemon Regulation 859; 25 F.R. 7711) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7832; Filed, Aug. 22, 1960; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

[Amendment 8]

Chapter I—Small Business Administration

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

There was published in the FEDERAL REGISTER on June 18, 1960 (25 F.R. 5544), a proposal to amend §§ 107.102–1(d) (2), 107.103–1, paragraph six, definition of operating territory, 107.201–5(c), 107.305–1(b), and 107.306–1 (a), (b), (c), relating to the changing of the reference in such sections from convertible debentures to equity securities; and § 107.304–1, relating to the provisions whereby small business investment companies shall provide a source of equity capital for incorporated small business concerns in accordance with regulations of the Small Business Administration. The above amendments to the regulation would necessitate an amendment in the index to the regulations relating to § 107.304–1 of said index.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto, to the Investment Division, Small Business Administration, Washington 25, D.C., within 30 days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendments, the amendments of the regulations as so proposed are hereby adopted as set forth below.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, as amended by the Small Business Investment Act Amendments of 1960, the subject amendments of the regulations shall become effective upon publication thereof in the FEDERAL REGISTER.

The Small Business Investment Company Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316, 5374, 5478, 5825, 7276), is hereby further amended by:

1. Deleting the words "convertible debenture bonds" from § 107.102–1(d) (2) and inserting, in lieu thereof, the words "Equity Securities as defined in § 107.304–1."

As amended § 107.102–1(d) (2) reads as follows:

§ 107.102–1 Statement.

* * * * *

(d) * * *

(2) Private corporations will be chartered under State law or by SBA, for the specific purpose of providing funds to small business concerns (as defined by SBA) through the purchase of Equity Securities as defined in § 107.304–1 of such concerns and through the disbursement of long-term loans to such concerns. Such corporations will be authorized to provide consulting and advisory services to small business concerns on a fee basis for such services actually rendered. All of said activities will be subject to regulations prescribed by SBA. The corporations will be examined by SBA and will make reports as and when required by SBA.

2. Deleting the words "convertible debenture bonds" from § 107.103–1, paragraph six, definition of operating territory or area, and inserting, in lieu thereof, the words "Equity Securities as defined in § 107.304–1."

As amended § 107.103–1, paragraph six, reads as follows:

§ 107.103–1 Definitions.

* * * * *

Operating territory or area. "Operating territory," "area in which operations are to be carried on," "areas in which Licensee operates," and similar terms, mean the territorial area or areas in which a Licensee is authorized by the terms of its License to purchase Equity Securities as defined in § 107.304–1 from, to make loans to, and to provide consulting and advisory services to any small business concern (regardless of the residence, domicile, place of business, or location of the property of such small business concern) so long as such purchase, loan or service does not constitute or involve doing business in any State not included in said territorial area or areas so as to require the Licensee to register or otherwise comply with the laws of such State as a foreign corporation.

3. Deleting the words "debenture bonds" from § 107.201–5(c) and inserting, in lieu thereof, the words "Equity Securities as defined in § 107.304–1."

As amended § 107.201–5(c) reads as follows:

§ 107.201–5 Prerequisites for issuance of License.

* * * * *

(c) Submitted evidence satisfactory to SBA that it has a paid-in capital and surplus equal to at least $300,000 in cash (exclusive of organizational expenses) on hand or in escrow contingent solely on the issuance of a License, as required by section 302(a) of the act (including any commitment of SBA as described under § 107.302–1); except that in the case of an investment or development company converted pursuant to subsections (a) and (b) of section 401 of the act, the net value, as determined by SBA, of any assets of such company consisting of Equity Securities as defined in § 107.304–1 of or loans to small business concerns (not in excess of the limitations specified in section 306 of the act) which SBA determines are qualified under sections 304 and 305 of the act, shall satisfy such cash requirement to the extent of such valuation.

4. Deleting the words "convertible debentures" and "stock" from § 107.305–1(b) and inserting, in lieu thereof, the words "Equity Securities as defined in § 107.304–1."

As amended § 107.305–1(b) reads as follows:

§ 107.305–1 Long-term loans by Licensee to small business concerns.

* * * * *

(b) Any such loan made by a Licensee to a small business concern shall provide for a maturity of not less than five years, and no Licensee shall make a loan to any small business concern if the purpose of such loan is to furnish a small business concern with financing of less than five years' duration: *Provided, however,* That loans for terms of less than five years may be made to a borrower which has previously received a long-term loan or has issued Equity Securities as defined in § 107.304–1 to such Licensee, when necessary to protect the interests of the Licensee in such long-term loan or Equity Securities.

5. Deleting § 107.306–1(a) and inserting, in lieu thereof, a new § 107.306–1(a).

As amended § 107.306–1(a) reads as follows:

§ 107.306–1 Investment and loan limitations.

(a) Without the prior written approval of SBA, the aggregate amount of loan obligations and Equity Securities of any single small business concern held, or for which commitments may be made, by any Licensee, shall not exceed twenty percent of the combined capital and surplus of such Licensee (including in such Licensee's capital and surplus the outstanding amount of its SBA loan under section 302(a) of the act).

6. Deleting the words "convertible debentures" from § 107.306–1(b) and inserting, in lieu therof, the words "Equity Securities as defined in § 107.304–1."

As amended § 107.301–1(b) reads as follows:

* * * * *

(b) Self-dealing to the prejudice of SBA or the Licensee's shareholders is prohibited. Without the prior approval of SBA, a Licensee shall not purchase Equity Securities, as defined in § 107.304–1, of, or make a loan to, an officer, director, or owner of 10 or more percent of the stock of said Licensee, or any close relative of such officer, director, or owner, or any company in which such officer or director or owner or his close relative is an officer or director or owns 10 or more percent of the stock, or is a partner: *Provided,* That nothing herein contained is intended to preclude a Licensee from permitting an officer, employee or representative from serving as a director, officer, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in, or loan to, such concern.

7. Deleting the words "convertible debentures" from § 107.306–1(c) and inserting, in lieu thereof, the words "Equity Securities as defined in § 107.304–1."

As amended §107.306–1(c) reads as follows:

* * * * *

(c) Without prior approval of SBA, no Licensee, nor any officer or director thereof, shall borrow money from a small business concern or from any officer, director or owner thereof, which has sold Equity Securities, as defined in § 107.304–1, to, or has borrowed money from, said Licensee.

8. Deleting § 107.304–1 and inserting, in lieu thereof, a new § 107.304–1.

As amended § 107.304–1 reads as follows:

§ 107.304–1 Equity capital for incorporated small business concerns.

(a) Each Licensee shall constitute a source of Equity Capital for incorporated small business concerns; which capital shall be supplied in a manner and under terms consistent with regulations of the Administration.

(b) "Equity Capital" means funds received by an incorporated small business concern from a Licensee as the consideration for the issuance of Equity Securities by such concern to such Licensee.

(c) "Equity Securities" means:

(1) Certificates of stock of any class; *Provided, however,* That whenever any such stock contains a right to convert to another class of stock or contains rights or privileges therein in the nature of stock warrants or options, no further stock purchase warrants, options or conversion rights shall be issued in connection therewith; and

(2) Instruments which evidence a debt and which provide either an option to convert all or any portion of the outstanding principal amount of such debt into stock of the small business concern, or provide nondetachable or detachable stock purchase warrants or options.

(d) Equity Securities which evidence a debt may be secured by collateral.

(e) Equity Securities which evidence a debt shall have stated maturities of not less than five years. Further, Equity Securities which evidence a debt shall not be amortized during the first five years thereof at a rate greater than the equivalent of five years' straight-line amortization.

(f) A Licensee shall not purchase or acquire any type of Equity Securities if the purpose of such purchase or acquisition is to furnish the small business concern with financing for a period of less than five years' duration: *Provided,* That Equity Securities may be purchased or acquired by a Licensee for less than five years' duration when necessary to protect the interest of the Licensee in previously issued long-term Equity Securities: *Provided, further,* That the identical conditions and privileges covering the long-term Equity Securities shall otherwise apply thereto.

(g) Equity Securities which evidence a debt shall be callable on such terms as may be negotiated at the time of issuance of such Equity Securities in whole or in part, by the issuer on any interest payment date, upon three months' notice: *Provided,* That any right to convert the debt may be exercised prior to the effective date of such call.

Certificates of stock which provide for redemption shall provide for redemption by the issuer on such terms as may be negotiated at the time of issuance thereof, in whole or in part, upon three months' notice: *Provided,* That any such stock which contains conversion rights may be converted prior to the effective date of such redemption.

(h) Equity Securities which are converted into stock shall be converted at a price or series of prices per share not less than the sound book value of such stock as determined at the time of the issuance of said securities. "Sound book value," for the purposes hereof, shall be determined through consideration of all pertinent factors including the actual value of the assets of the small business concern and the relationship of the earnings of such concern to its invested capital.

(i) Stock purchase warrants or options issued in connection with Equity Securities shall expire not later than two years after the stated maturity date of such Equity Securities but in no event more than ten years from the date of the issuance of such Equity Securities.

(j) The purchase price per share of shares available under warrants or options acquired in connection with the purchase of Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the warrant or option is issued, and the total cost of such shares shall not exceed the amount of Equity Capital provided by the securities with which the warrant or option was issued, except as the warrant or option may provide for successive increases in the price per share of optioned shares.

(k) Two or more Licensees may participate in the purchase of Equity Securities provided that a single Licensee does not exceed the limitations imposed by § 107.306.

(l) Wherever Equity Securities involve debt, any Licensee may require small business concerns to refinance any or all of its outstanding indebtedness so that the Licensee is the only holder of any indebtedness of such concern.

(m) Wherever Equity Securities involve debt, any Licensee may require a small business concern to agree not to incur any additional indebtedness without first securing the approval of the Licensee and giving the Licensee the first opportunity to finance such additional indebtedness; *Provided, however,* That the Licensee shall allow appropriate exceptions for open account or other short-term credit.

(n) Whenever a Licensee purchases or acquires Equity Securities of a small business concern, such concern shall have the right, exercisable in whole or in such part as such concern may elect, at the time of the issuance of such Equity Securities, to become a stockholder-proprietor by investing in the capital stock of the Licensee in an amount not more than five per centum of the Equity Securities purchased or acquired by the Licensee. The price of such stock sold by the Licensee to the small business concern under this section shall not be more than the higher of (1) the book value determined in conformity with generally accepted accounting principles, or (2) the fair market value. Factors which may be taken into consideration in determining fair market value may include, among others, market quotations, recent public or private sales, and the liquidating value, earnings, and dividend record of the Licensee's stock.

(o) The rate of interest stated in Equity Securities which evidence a debt purchased or acquired by a Licensee from a small business concern shall not exceed the maximum rate, if any, applicable under local law. In the event such a maximum rate does not exist, the maximum rate of interest to be stated in such Equity Securities shall be established by such Licensee and set forth in the License Application Approved by SBA.

Dated: August 17, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-7879; Filed, Aug. 22, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-313]

PART 223—TARIFFS OF AIR CARRIERS: FREE AND REDUCED-RATE TRANSPORTATION

Transportation for Technical In-Flight Observation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1960.

A notice of proposed rule making was published in the FEDERAL REGISTER on April 14, 1960 (25 F.R. 3214) and circulated to the industry under Docket 11283, dated April 11, 1960, proposing an amendment to Part 223 of the Economic Regulations.

The proposed rule would permit air carriers and foreign air carriers to provide free transportation for technical in-flight observation by representatives of companies engaged in the development, testing and/or manufacture of aircraft or aircraft equipment. A report of such transportation was also to be required from the carriers.

Currently, air carriers and foreign air carriers, which desire to provide free transportation to technical employees of companies engaged in the development, testing and/or manufacture of aircraft or aircraft equipment, for the purpose of in-flight observation of aircraft or equipment operated by the carrier or for the purpose of providing necessary transportation incidental thereto may apply for special authority from the Board.

Individual applications for such free transportation are granted by means of exemptions pursuant to sections 204(a) and 416(b) of the Act or by special approvals pursuant to Part 223 of the Economic Regulations.

Technical in-flight inspection and observation of aircraft and equipment normally serve the important objectives of promoting the safety, efficiency and reliability of air transportation services. Under present procedures a substantial burden is placed on the air carriers in preparing, and on the Board in processing, the numerous applications which are required to authorize a grant of the free transportation necessary to accomplish these objectives, and rarely do such applications present any substantive issues for the Board's consideration. This burden is not deemed warranted in view of the nature and extent of the authorizations involved. Further, transportation of this kind is peculiarly related to the operations of a particular carrier and does not involve the normal elements of public convenience and necessity that apply to the transportation of persons generally. Under these circumstances, the Board finds that enforcement of the provisions of the Act and the Board's regulations thereunder which would otherwise require air carriers to obtain specific authority in this type of case would be an undue burden on them by reason of the limited extent of, or unusual circumstances affecting, their operations and is not in the public interest. These same considerations of burden and public interest apply equally to the domestic and international operations of air carriers and to operations conducted by foreign air carriers.

Therefore, as a means of facilitating the provision of necessary free transportation for in-flight inspection and observation, and necessary air transportation incidental thereto, this rule granting a blanket authorization for these purposes is hereby issued. In order, however, to assure that the free transportation is limited to that which has been authorized and to guard against possible abuses, the Board is imposing an appropriate reporting requirement. The report filed must state the name of each person provided such free transportation, his company affiliation, the dates, flights and points between which such free transportation was provided and must state specifically, the nature of the observation made, the particular equipment or component of the aircraft observed and the reason in-flight observation was deemed necessary. Such reports are to be filed on a monthly basis. However, it should be noted that the carriers will be required to file said monthly reports only if such free transportation has been provided.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

One carrier recommended that transportation incidental to an observation flight not be authorized. It is the carrier's view that it would be difficult to determine whether the "in-transit" transportation was incidental to in-flight observation, or incidental to other purposes possibly of greater importance than in-flight observation. The carrier felt that administrative awkwardness would occur in obtaining subsequent payment from the manufacturer for transportation, or in refunding charges to the manufacturer, depending upon whether in-flight observation was performed. These problems have been considered previously by the Board and though the carrier's view was at an earlier date consistent with Board policy, that policy has been broadened over the past several years and currently is as embodied in this regulation.

Another carrier requested that the regulation authorize free air transportation for necessary transit incidental to technical on-the-ground observation of aircraft and equipment. The Board believes that no exigency exists at this time which would call for this change and feels that sufficient justification has not been presented to warrant this substantial broadening of the regulation.

A further suggestion was made that the reporting of such free transportation be on a quarterly rater than a monthly basis. The Board believes that the monthly requirement will keep its staff currently informed without undue burden on the carriers, particularly in view of the fact that the carriers will be required to file said monthly reports only if such free transportation has been provided.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 223.2 of Part 223 of the Economic Regulations (14 CFR Part 223) effective September 21, 1960, to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

Any carrier may furnish free or reduced-rate transportation to those classes of persons as hereinafter set forth:

(a) Any carrier may provide free or reduced-rate transportation to any or all classes of persons as specifically mentioned in section 403(b) of the Act;

(b) Any carrier engaged in overseas or foreign air transportation may provide free or reduced-rate overseas or foreign air transportation to:

(1) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in the list of affiliates filed by such carrier pursuant to § 223.7;

(2) Directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mail by air, or conducting transportation by air, in a foreign country; and

(3) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest.

(c) Any carrier authorized to carry persons in overseas or foreign air transportation may provide such authorized transportation, free of charge to bona fide technical representatives of companies which have been engaged in the manufacture and/or development and/or testing of a particular type of aircraft or aircraft equipment, on condition that:[1]

(1) Such transportation is for purposes of technical in-flight observation of such aircraft or equipment necessary in the interest of safety and/or improved efficiency and reliability of the operation of such aircraft or equipment;

(2) Such transportation is provided only when such representatives are engaged in specific technical in-flight observation of the carrier's aircraft or equipment or is provided by the same carrier for the purpose of necessary transit incidental to such duty; and

(3) Such transportation is reported in a statement addressed to the attention of the Bureau of Air Operations, Civil Aeronautics Board, Washington 25, D.C., and forwarded so as to be received by the Board within ten (10) days after the end of the calendar month in which such transportation took place. Such statement shall list the name of each person provided such free transportation, his company affiliation, the specific nature of the observations made, the particular equipment or component of the aircraft observed, the reasons in-flight observation was deemed necessary, and the dates, flights and points between which such free transportation was provided.

(d) Any air carrier authorized to engage in interstate transportation is hereby exempted from section 403 of the Act to the extent necessary to enable it to provide such transportation free of charge for the persons and purposes described in paragraph (c) of this section in accordance with the conditions and requirements set forth therein.[2]

(e) Any air carrier not otherwise authorized to carry persons is hereby exempted from the provisions of section 401 of the Act to the extent necessary to enable it to carry persons in accordance with paragraphs (c) and/or (d) of this section.[2]

(Section 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply Secs. 403, 407 and 416, 72 Stat. 759, 766, and 771; 49 U.S.C. 1373, 1377, and 1386)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-7850; Filed, Aug. 22, 1960; 8:50 a.m.]

[1] Every carrier providing such transportation should also comply with applicable regulations of the Federal Aviation Agency (e.g., Civil Air Regulations pertaining to admission of persons to the aircraft flight deck).

[2] See footnote 1.

[2] See footnote 1.

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 436; Amdt. 196]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive for Vickers Viscount 745D and 810 Series aircraft superseding AD 58-9-4, Amendment 8, 23 F.R. 4725, was published in 25 F.R. 6214.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount 745D and 810 Series aircraft.

Compliance required as indicated. (It will be necessary for operators to maintain a record of flights to ascertain compliance with this AD. If past records are unavailable, the number of flights prior to this AD may be estimated.)

As a result of failures of the trunnion attaching the nose gear retraction jack to the oleo leg, it is necessary to limit the time in service of the various parts forming the attachments of the retraction jack. The following parts must be replaced upon accumulating the specified total time in service:

Part	Retirement time	
	745D aircraft flights	810 series aircraft flights
Trunnion P/N 60926-525	300	(1)
Trunnion P/N 70126-97	20,000	20,000
Trunnion P/N 70126-531	15,000	15,000
Trunnion P/N 70126-661	20,000	20,000
Trunnion P/N 74426-25	300	300
Pin P/N 60926-529	4,000	4,000
Pin P/N 70026-25	20,000	20,000
Pin P/N 70126-659	20,000	20,000
Attachment Bolt P/N 70126-137	1,000	(1)
Attachment Bolt P/N 70126-187	20,000	20,000
Attachment Bolt P/N 74426-23	20,000	20,000
Cylinder P/N 70026-1	20,000	(1)
Cylinder P/N 70726-41	20,000	20,000
Ram P/N 70026-5	20,000	20,000
Fork End P/N 70026-7	20,000	20,000
End Nut P/N 70026-9	20,000	20,000

[1] Not applicable.

(Vickers-Armstrongs Co. PTL 161 Issue 5 (for 700 Series) and PTL 22 Issue (800/810 Series) cover this subject.)

This supersedes AD 58-9-4, Amendment 8, 23 F.R. 4725.

This amendment shall become effective 30 days after date of its publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 17, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-7815; Filed, Aug. 22, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-39]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On June 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4999) stating that the Federal Aviation Agency proposed to revoke, in its entirety, Blue Federal airway No. 22, its associated control areas, and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR 600, 601) are amended as follows:

1. Section 600.622 *Blue Federal airway No. 22 (Delta, Utah, to Malad City, Idaho).*, is revoked.

2. Section 601.622 *Blue Federal airway No. 22 control areas (Delta, Utah, to Malad City, Idaho).*, is revoked.

3. Section 601.4622 *Blue Federal airway No. 22 (Delta, Utah, to Malad City, Idaho).*, is revoked.

These amendments shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7819; Filed, Aug. 22, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-10]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification and Designation of Control Zones

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5542) stating that the Federal Aviation Agency proposed to modify the Columbus, Ga., control zone and designate a separate control zone for Lawson Army Airfield, Ga.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. Section 601.2286 (14 CFR 601.2286) is amended to read:

§ 601.2286 Columbus, Ga., (Muscogee County Airport) control zone.

Within a 5-mile radius of the Muscogee County Airport (Lat. 32°30'55" N., Long. 84°56'25" W.); within 2 miles either side of the Columbus VOR 149° True radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the 054° True bearing from the Columbus OM extending from the 5-mile radius zone to the OM, excluding that portion which coincides with the Fort Benning, Ga., Restricted Area (R-129).

2. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.2479 Columbus, Ga., (Lawson AAF) control zone.

Within a 5-mile radius of Lawson AAF (Lat. 32°20'20" N., Long. 84°59'35" W.), and within 2 miles either side of the Columbus RR SW course extending from the RR to a point 12 miles SW, excluding that portion which coincides with the Fort Benning Restricted Area (R-129).

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7817; Filed, Aug. 22, 1960; 8:46 a.m.]

[Airspace Docket No. 60-AN-14]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 17, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5456) stating that the Federal Aviation Agency proposed to modify the Northway, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 601 (14 CFR 601), § 601.2478 is added to read:

§ 601.2478 Northway, Alaska, control zone.

Within a 5-mile radius of the geographical center of the Northway Airport (Lat. 62°57'43" N., Long. 141°55'27" W.) and within 2 miles either side of the Northway RR NW course extending from the 5-mile radius zone to a point 12 miles NW of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (14 CFR 601.1984) "Northway, Alaska: Northway Airport." is deleted.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7818; Filed, Aug. 22, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-135]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On June 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5190) stating that the Federal Aviation Agency proposd to modify VOR/VORTAC jet route No. 16 by extending it from the Pullman, Mich., VOR via the Peck, Mich., VOR and the Peck VOR 100° True radial to the United States-Canadian Border; and from the United States-Canadian Border via the Buffalo, N.Y., VOR 274° True radial to the Buffalo VOR.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 602.516 (25 F.R. 2388) is amended as follows:

1. In the caption "*(Portland, Oreg., to Pullman, Mich., and Buffalo, N.Y., to Boston, Mass.).*" is deleted and "*(Portland, Oreg., to Boston, Mass.).*" is substituted therefor.

2. In the text, "to the Pullman, Mich., VOR. From the Buffalo, N.Y., VORTAC via the Albany, N.Y., VORTAC;" is deleted and "Pullman, Mich., VOR; Peck, Mich., VOR; via the Peck VOR 100° True radial to the United States-Canadian Border. From the United States-Canadian Border to the Buffalo, N.Y., VORTAC via the Buffalo VORTAC 274° True radial; Albany, N.Y., VORTAC;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management

[F.R. Doc. 60-7816; Filed, Aug. 22, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-25]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas, Designated Reporting Points, and Control Area Extension

Correction

In F.R. Doc. 60-7710, appearing at page 7977 of the issue for Thursday, August 18, 1960, the bold-face amendment heading immediately preceding item 1 should read "§ 600.107 [Amendment]" instead of "§ 601.4107 [Amendment]".

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 55203]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

In-Transit Shipments

Sections 5.11(c) and 24.13 (b), (c), and (f), Customs Regulations, relating to in-transit merchandise and baggage and in-transit seals, amended.

Due to difficulty in obtaining a sufficient quantity of green automatic metal in-transit seals from the manufacturer, Canadian customs officials desire to use uncolored automatic metal in-transit seals instead of green ones to seal commercial travelers' samples in transit between Canadian ports through the United States in bond. The Bureau of Customs has no objection to this change. To authorize the change, the Customs Regulations are hereby amended as follows:

Section 5.11(c) is amended by substituting "uncolored" for "bright green" in the first sentence.

(Sec. 553, 46 Stat. 742, as amended; 19 U.S.C. 1553)

Section 24.13 is amended as follows:

The first and second sentences of paragraph (b) are amended by deleting "except that bright green seals shall be used to seal carload or truckload shipments of merchandise or" and substituting "except that (1) bright green seals shall be used to seal carload or truckload shipments of merchandise and (2) uncolored seals shall be used to seal" in the first sentence and by deleting the second "those" and substituting "the uncolored seals" in the second sentence, so that the two sentences will read: "In-bond seals used for sealing imported merchandise shipped between ports in the United States shall be colored red and stamped 'U.S. Customs in Bond.' except that (1) bright green seals shall be used to seal carload or truckload shipments of merchandise and (2) uncolored seals shall be used to seal containers of commercial travelers' samples moving in-transit between Canadian ports through the United States in bond as provided for by § 5.11 (b) and (c) of this chapter. Such green seals used on railroad cars shall be stamped

CAN. CUSTOMS,
U.S. TRANSIT

those used on trucks stamped H.W.

CAN. CUSTOMS,
U.S. TRANSIT

and the uncolored seals used on containers of commercial travelers' samples stamped CANADA-UNITED STATES CUSTOMS."

The sixth sentence of paragraph (b) is amended by deleting "or" and substituting "and uncolored in-transit seals", so that the sentence will read: "All seals (except green in-transit seals for use on trucks and uncolored in-transit seals on containers of commercial travelers' samples) shall be stamped with the name of the port for which they are ordered."

The first sentence of paragraph (c) is amended by inserting "and uncolored in-transit" after "green" in the parenthetical matter so that the sentence will read: "Carriers of merchandise or their commercial associations or comparable representatives approved by the collector (see paragraph (f) of this section) shall purchase quantity supplies of in-bond and in-transit seals from the manufacturers of approved seals, but their orders for said seals (except the aforesaid green and uncolored in-transit seals) shall be submitted to the collector of customs at the headquarters port of the customs district for authorization, assignment of numbers and symbols, and forwarding to the manufacturer."

The fourth sentence of paragraph (c) is amended by deleting "in-bond" and substituting "or uncolored in-transit", so that the sentence will read: "An order for green or uncolored in-transit seals shall be submitted to the office of the Director of Customs-Excise Inspection, Ottawa, Canada, for approval and forwarding to the manufacturer."

The third sentence of paragraph (f) is amended by changing the initial letter in the first word to lower case and by inserting "Except for uncolored in-transit seals," at the beginning of the sentence, so that the sentence will read: "Except for uncolored in-transit seals, uncolored customs seals may not be purchased by private interests and shall be furnished by collectors of customs for authorized use without charge."

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 15, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7847; Filed, Aug. 22, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Potassium Permanganate Preparations as Prescription Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), the following statement of policy is issued:

§ 3.7 Potassium permanganate preparations as prescription drugs.

(a) There have been a number of reports in the medical literature of serious injuries to women resulting from the misuse of potassium permanganate in an effort to induce abortion. Reports from physicians who have treated such cases show that the injuries are commonly caused by introducing tablets or crystals of potassium permanganate into the vagina. Experience with these cases shows that such use of potasium permanganate is not effective in producing abortion, but that instead the drug produces serious and painful injury to the walls of the vagina, causing ulcers, massive hemorrhage, and infection. Such dangerous and useless employment of potassium permanganate is apparently encouraged among the misinformed by the mistaken idea that the vaginal bleeding caused by the corrosive action of the drug indicates a termination of pregnancy, which it does not.

(b) Potassium permanganate is a strong oxidizing agent, a highly caustic, tissue-destroying chemical, and a poison. There are no circumstances under which crystals and tablets of potassium permanganate constitute safe dosage forms for use in self-medication. It is the consensus of informed medical opinion that the only dosage forms of potassium permanganate known to be safe for use in self-medication are aqueous solutions containing not more than 0.04 percent potassium permanganate. Such solutions are safe for use in self-medication only by external application to the skin.

(c) In view of the very real potentiality for harmful effect, and the actual injuries caused by the misuse of potassium permanganate, the Food and Drug Administration believes that in order adequately to protect the public health:

(1) Potassium permanganate and potassium permanganate tablets intended for human use are drugs subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act and should be restricted to prescription sale. Such drugs will be regarded as misbranded if at any time prior to dispensing the label

fails to bear the legend, "Caution: Federal law prohibits dispensing without prescription."

(2) Potassium permanganate labeled for use as a prescription component under the exemption provided in § 1.106(k) of this chapter or labeled for manufacturing use under the exemption provided in § 1.106(l) will be regarded as misbranded unless the label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

(3) These drugs will be regarded as misbranded when intended for veterinary use unless the label bears the legend, "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(4) Any preparation of potassium permanganate intended for over-the-counter sale for use internally or by application to any mucous membranes or for use in the vagina will be regarded as misbranded under the provisions of section 502(f) (1) and (2) and section 502(j) of the act.

(5) Any other preparation of potassium permanganate intended for over-the-counter sale will be regarded as misbranded under section 502(f) (1) and (2) and section 502(j) of the act unless, among other things, all the following conditions are met:

(i) It is an aqueous solution containing not more than 0.04 percent potassium permanganate.

(ii) The label and labeling bear, in juxtaposition with adequate directions for use, clear warning statements designated as "Warning," and to the effect: "Warning—For external use on the skin only. Severe injury may result from use internally or as a douche. Avoid contact with mucous membranes."

(d) The labeling or dispensing of any potassium permanganate preparations intended for drug use within the jurisdiction of the Federal Food, Drug, and Cosmetic Act contrary to this statement after 60 days from the date of its publication in the FEDERAL REGISTER may be made the subject of regulatory proceedings.

(Secs. 701(a), 705(b), 52 Stat. 1055, 1058; 21 U.S.C. 371(a), 375(b). Interpret or apply secs. 502(f), (1), (2), (j), 503(b)(1), 52 Stat. 1050, 1051, 1052, as amended; 21 U.S.C. 352 (f) (1), (2), (j), 353(b)(1)).

Dated: August 15, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7801; Filed, Aug. 22, 1960; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Potassium Permanganate Solutions for External Use

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 5611), Part 131 is amended by adding to § 131.15 *Drugs for human use; recommended warning and caution statements* the following item, in alphabetical order:

POTASSIUM PERMANGANATE AQUEOUS SOLUTIONS (CONTAINING NOT MORE THAN 0.04 PERCENT POTASSIUM PERMANGANATE) (See § 3.7 of this chapter.)

Warning—For external use on the skin only. Severe injury may result from use internally or as a douche. Avoid contact with mucous membranes.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 502(f), 52 Stat. 1050; 21 U.S.C. 352(f))

Dated: August 15, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7800; Filed, Aug. 22, 1960; 8:45 a.m.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

Perishable Matter

The regulations of the Post Office Department in § 15.3 *Perishable matter*, as amended by Federal Register document 60-7141, 25 F.R. 7244-7245, are further amended for the purpose of clarification to read as follows:

§ 15.3 Perishable matter.

(a) *Time factor.* Live animals that are otherwise mailable, and perishable foods and game, may not be sent through the mail unless there is sufficient time in ordinary transit for them, after mailing, to reach their destinations in good condition. Certain perishable foods may be shipped at the mailer's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Airmail, special handling, or special delivery services are advisable.

(b) *Highly perishable food and game.* (1) Crates, boxes, baskets, or other containers used to ship highly perishable goods should be so constructed as to protect the contents and to prevent their escape.

(2) Berries, fruits and vegetables are not mailable unless presented in dry condition.

(3) Water ice used as a refrigerant must be packed as though it were a liquid, in accordance with § 15.2(b). Dry ice (carbon dioxide solid) is acceptable when wrapped securely in heavy paper. Dry ice must not be packed in glass, metal or other air-tight containers. Sufficient insulation is necessary if a fiberboard box is used, in order to prevent condensation and wetting of the shipping carton.

(c) *Live day-old poultry.* Live day-old chicks, ducks, geese, guinea fowl and turkeys are acceptable in the continental surface mails under the following conditions:

(1) They must be presented for mailing in the original unopened hatchery box from the hatchery of origin.

(2) The date and hour of hatching must be noted on the box by a representative of the hatchery who has personal knowledge thereof (in the case of COD shipments made by a hatchery for the accounts of others the name or initials and address of the hatchery, or the post office box number and address of the hatchery shall be prominently shown in connection with this requirement).

(3) They must not be over 24 hours old.

(4) The box must be properly ventilated and of proper construction and strength to bear safe transmission in the mail. (These boxes may be stacked 10 high in cars.)

(5) They can be delivered to the addressee within 60 hours of the time of hatching regardless of whether the addressee resides in town or on a rural or star route.

(6) They must be mailed sufficiently early in the week to avoid receipt at the office of address, in case of missed connections, on a Sunday, national holiday or on the afternoon preceding a Sunday or holiday.

(7) Shipments shall not be forwarded to the addressee from the office of original address nor returned to mailer if delivery cannot be made to either the addressee or sender within 60 hours of the time of hatching, but will be disposed of in accordance with § 48.2(h) of this chapter. Shipments that are delayed beyond the 60-hour limit by washouts, snow blockades, wrecks, and the like, will be disposed of by postmasters in accordance with instructions in § 48.2(h) of this chapter.

(8) If a shipment is received at the office of address and it is not promptly accepted by the addressee, it will be held for delivery until the expiration of the 60-hour period from the time of hatching, if there is a possibility that delivery may be made within that period. If, at the expiration of the 60-hour period, the shipment has not been accepted, it will be sold. Such shipments will not be sold to the original addressee unless paid for in full. If the parcel is sent collect-on-delivery, the COD charges plus the money order fee will show the minimum amount which may be accepted from the addressee, which is the amount that would have been collected from the addressee had the parcel been accepted when originally offered for delivery. If the parcel is sent as ordinary or insured mail and the price is not known to the postmaster, the addressee will not be permitted to buy the chicks after refusing to accept them but the shipment will be disposed of in accordance with § 48.2(h) of this chapter.

(9) Boxes of day-old poultry of approximately the same size which are securely fastened together to prevent their becoming separated in transit may be accepted for mailing as a single parcel provided such parcel does not exceed 100 inches in length and girth combined.

(10) Day-old poultry originally shipped by air express or air cargo and then presented for mailing must be in first-class condition and be prepared in accordance with subparagraphs (1) through (5) of this paragraph. They must not be over 24 hours old at time of mailing.

(11) The shipments must bear special delivery or special handling postage in addition to regular postage.

(12) Day-old poultry vaccinated with Newcastle Disease (live virus) are nonmailable.

(13) Each box should bear, in addition to the address label on top, another address label on the side, or the narrow end, if the box is rectangular in shape, to eliminate unnecessary handling when boxes are stacked.

(d) *Insects.* (1) Queen bees and honey bees are acceptable in the continental surface mails, and queen bees only in airmail, when shipped in accordance with Federal and State regulations to assure that they are free of disease. Packages of honey bees must bear special delivery or special handling postage.

(2) Other live, nonpoisonous and nondisease-conveying insects may be sent through the mail when properly prepared and packaged and when shipped in accordance with regulations of the U.S. Department of Agriculture.

(e) *Live scorpions.* Live scorpions which are to be used for purposes of medical research or for the manufacture of antivenin will be accepted in the continental surface mail when packaged in a double mailing container, both parts of which are closed or fastened in such a manner as to prevent escape of the scorpions. The inner container shall be of material which cannot be punctured by the scorpions and shall be plainly marked "Live Scorpions". Cushioning material must be used when necessary to prevent shifting of the inner container. The outer container shall be of sufficient strength to prevent crushing of the package or exposure of the contents during normal handling in the mails, and also shall be plainly marked "Live Scorpions". Packages containing live scorpions may not be sent by air.

(f) *Meats and meat products.* Interstate shipments of meats and meat products may be sent through the mail only if they conform with regulations of the U.S. Department of Agriculture under Federal statutes. Each shipment must be accompanied with a certificate submitted by the mailer on Form 3583, "Certificate of Shipper and Mail Shipment of Meat or Meat-Food Products". The form is designed for use by all shippers of meat or meat-food products subject to the inspection regulations of the U.S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment. The original copies of all certificates must be kept in the post office for 1 year. Certificates one and two must be completed in duplicate and the duplicates must be sent daily in an official post office penalty envelope to the address of the U.S. Department of Agriculture printed on the form.

(g) *Dead wild animals.* The dead bodies, or parts thereof, of any wild animals, wild birds or their eggs, are acceptable for mailing only when they have been lawfully killed or taken and their shipment is not prohibited by law of the United States or of the State, Territory, district or foreign country or subdivision thereof in which killed or taken or offered for shipment. Mailing of fresh game is also subject to requirements of this section.

(h) *Furs, hides, skins or pelts.* Parcels containing furs, hides, skins or pelts of wild animals are mailable when properly dried or cured; have no offensive odor; and are plainly marked, labeled, or tagged on the outside with the names and addresses of the shipper and the addressee together with such other endorsement, if any, as may be required by the game laws of the State, Territory, or district in which mailed. Hides and pelts shall be wrapped when necessary to prevent damage to other mail.

NOTE: The corresponding Postal Manual section is 125.3. (R.S. 161, as amended, 396, as amended; sec. 24, 20 Stat. 361; 5 U.S.C. 22, 369; 39 U.S.C. 250)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-7866; Filed, Aug. 22, 1960; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.2—Solicitation of Bids

1. Section 1-2.201(a)(12) is revised as follows:

§ 1-2.201 Preparation of invitations for bids.

* * * * *

(12) Bid guarantee, performance and payment bond requirements, if any. If a bid guarantee is required, see instructions in section 1-10.102-2.

Subpart 1-2.4—Opening of Bids and Award of Contract

2. Section 1-2.404-2(f) is revised as follows:

§ 1-2.404-2 Rejection of individual bids.

* * * * *

(f) Where a bid guarantee is required and a bidder fails to furnish it in accordance with the requirements of the invitation for bids, the bid shall be rejected except as otherwise provided in section 1-10.102-5.

PART 1-10—BONDS AND INSURANCE

Part 1-10 is added to the part table of contents to read as set forth below:

1-10 Bonds and insurance.

A new Subpart 1-10.1 is added, as follows:

Subpart 1-10.1—Bonds

Sec.
1-10.101 Definitions.
1-10.101-1 Bid guarantee.
1-10.101-2 [Reserved].
1-10.101-3 [Reserved].
1-10.101-4 [Reserved].
1-10.101-5 [Reserved].
1-10.101-6 Construction contract.
1-10.102 Bid guarantees in construction contracts.
1-10.102-1 Applicability to negotiated procurements.
1-10.102-2 Prohibition against use.
1-10.102-3 Amount required.
1-10.102-4 Invitation for bids provisions.
1-10.102-5 Failure to submit proper bid guarantee.

Subpart 1-10.1—Bonds

§ 1-10.101 Definitions.

As used in this subpart, the following terms have the meanings set forth in this § 1-10.101.

§ 1-10.101-1 Bid guarantee.

"Bid guarantee" means a form of security accompanying a bid as assurance that the bidder:

(a) Will not withdraw his bid within the period specified therein for acceptance; and

(b) Will execute a written contract and furnish such bonds as may be required within the period specified in the bid (unless a longer period is allowed) after receipt of the prescribed forms.

§ 1-10.101-2 through 1-10.101-5 [Reserved]

§ 1-10.101-6 Construction contract.

"Construction contract" means any contract for the construction, alteration, or repair of any public building or public work of the United States.

§ 1-10.102 Bid guarantees in construction contracts.

§ 1-10.102-1 Applicability to negotiated procurement.

This § 1-10.102 is applicable both to negotiated and formally advertised procurements. In its application to negotiated procurements, the terms "bid" and "invitation for bids" used in this subpart shall be construed to include their counterparts, i.e., "proposal" and "request for proposals," and the substitution of the latter terms whenever appropriate is authorized.

§ 1-10.102-2 Prohibition against use.

Bid guarantees shall not be required in connection with construction contracts unless the invitation for bids specifies that the contract must be supported by a performance bond or by performance and payment bonds. In no event shall a bid not in excess of $2,000 be required to be supported by a bid guarantee (see § 1-10.102-4(a)(1)).

§ 1-10.102-3 Amount required.

(a) Whenever a bid guarantee is deemed necessary, the contracting officer shall determine the percentage (or amount) which in his best judgment, when applied to the bid price, will produce a bid guarantee amount adequate

to protect the Government from loss should the successful bidder fail to furnish the required performance bond or performance and payment bonds. The percentage determined shall be not less than 20 percent of the bid price except that the maximum amount required shall be $3,000,000.

(b) The penal sum of a bid bond may be expressed as a specified percentage of the bid price. In this fashion, the bid bond may be written by the surety before the bidder's final determination of his bid price.

§ 1–10.102–4 Invitation for bids provisions.

(a) Where a bid guarantee is determined to be necessary, the invitation for bids shall contain:

(1) A statement requiring that a bid guarantee be submitted with any bid in excess of $2,000 and containing such details as are necessary to enable bidders to determine the proper amount of bid guarantee to be submitted; and

(2) The following provision:

BID GUARANTEE

Failure to furnish a required bid guarantee in the proper amount, by the time set for opening of bids, may be cause for rejection of the bid.

A bid guarantee may be in the form of a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (1) to unsuccessful bidders as soon as practicable after the opening of bids, and (2) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

If the successful bidder withdraws his bid within the period specified therein for acceptance (60 days if no period is specified) or, upon acceptance thereof by the Government, fails to enter into the contract and give bonds within the time specified (10 days if no period is specified) after the forms are presented to him, he shall be liable for any difference by which the cost of procuring the work exceeds the amount of his bid, and the bid guarantee shall be available toward offsetting such difference.

(b) The provision set forth in § 1–10.102–4(a)(2) is made a part of Standard Form 22, Instructions to Bidders (Construction Contracts), and the requirement of that section is met when Standard Form 22 is furnished to bidders.

§ 1–10.102–5 Failure to submit proper bid guarantee.

Where an invitation for bids requires that bids be supported by a bid guarantee, noncompliance with such requirement will require rejection of the bid. However, pursuant to the bid guarantee provision of the invitation for bids (see § 1–10.102–4(a)(2)), rejection of the bid is not required in these situations:

(a) Where only a single bid is received. In such cases the Government may or may not require the furnishing of the bid guarantee before award.

(b) Where the amount of the bid guarantee submitted, though less than the amount required by the invitation for bids, is equal to or greater than the difference between the price stated in the bid and the price stated in the next higher acceptable bid.

(c) Where the bid guarantee is received late and the late receipt may be waived under the rules established in § 1–2.303 for consideration of late bids.

(d) Where an otherwise adequate bid guarantee becomes inadequate as a result of the correction of a mistake in bid under § 1–2.406, if the bidder will increase the amount of the bid guarantee in proportion to the authorized bid correction.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401(e) is revised as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(e) Instructions to Bidders (Construction Contract) (Standard Form 22, March 1953 edition). (The changes specified in sections 1–2.201(a)(23) and 1–10.102–4(a)(2) shall be made when using this form.)

Effective date. These regulations are effective December 1, 1960, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 16, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60–7839; Filed, Aug. 22, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Station Identification by Television Broadcast Translator Stations

On July 27, 1960, the Commission adopted a Report and Order in Docket No. 12116, amending Part 4, Subpart G of the Commission rules to provide for the licensing of television broadcast translator stations on VHF television channels 2–13.

Section 4.783 of the rules which relates to station identification, contains a paragraph (c) which describes the manner in which call signs will be formed. Briefly, the call sign would be formed with an initial letter, K or W, followed by the channel number assigned to the translator and a two-letter suffix. This is the procedure which has been followed for UHF translator call signs.

It has been brought to the attention of the Commission that the call signs assigned to television broadcast translators operating on Channels 2 through 9 would be similar to call signs assigned to Amateur Radio Stations and would, in fact, duplicate such call signs.

In order to avoid such duplication of call signs, the call signs assigned to television broadcast translator stations will in all cases consist of an initial letter, K or W, followed by two digits designating the channel assigned to the translator and followed by a two-letter suffix. The channel designator portion of the call sign for television broadcast translator stations operating on Channels 2 through 9 will use a zero before the channel number as one of the digits. For example, the first VHF translator authorized to operate on Channel 2 and located east of the Mississippi River will be assigned the call sign W02AA.

Therefore, § 4.783 of the rules should be appropriately amended to set forth clearly the procedure for the formation of call signs for television broadcast translator stations.

The amendment adopted herein pertains to the administrative function of the Commission in the assignment of call signs to radio stations and may be accomplished and made effective without compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act.

Authority for the amendment herein is contained in sections 4(i) and 303(o) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information.

Accordingly, it is ordered, Effective September 7, 1960, That § 4.783(c) of the Commission rules and regulations is amended by adding a new sentence. The paragraph as amended will read as follows:

§ 4.783 Station identification.

* * * * *

(c) Call signs for television broadcast translator stations will be made up of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally follow the pattern used in the broadcast service, i.e., stations west of the Mississippi River will be assigned an initial letter K and those east of the Mississippi River the letter W. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered. The channel number designator for Channels 2 through 9 will be incorporated in the vall sign as a two-digit number, i.e., 02, 03, 04, 05, 06, 07, 08, or 09, to avoid similarities with call signs assigned to Amateur Radio Stations.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: August 16, 1960.

Released: August 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7852; Filed, Aug. 22, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1031]

[Docket No. AO–320]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN TEXAS

Decision With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Weslaco, Texas, May 24–26, 1960, after notice thereof published in the FEDERAL REGISTER (25 F.R. 3828), on a proposed marketing agreement and order for regulating the handling of oranges, grapefruit, and tangerines grown in Texas, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the Acting Deputy Administrator, Marketing Services, Agricultural Marketing Service, on July 21, 1960, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 60–6952; 25 F.R. 7061). Within the time prescribed for the filing of exceptions to the recommended decision, two exceptions were filed by Mr. Sid L. Hardin, Attorney, Edinburg, Texas—one on behalf of the A. W. Beaurline Company and the other on behalf of TexaSweet Citrus, Inc. Each point in the exceptions was given careful consideration, in conjunction with the evidence of record pertaining thereto, in arriving at the findings and conclusions set forth herein.

Rulings. Exception is taken to the findings in the recommended decision that membership on the administrative committee should be limited to residents of the production area. Also, it is argued that notice of the hearing on the proposed marketing agreement and order was not given to "non-resident" growers of citrus fruits and such growers were not afforded opportunity to appear and be heard at such hearing. Notice of the hearing was given in accordance with the requirements of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). Furthermore, publicity relating to consideration of a proposal for a marketing agreement program for Texas citrus fruits was carried in newspapers and by other news media in the production area for several months prior to announcement of the hearing; and copies of the hearing notice was mailed to all known growers and handlers of Texas citrus fruits, including Mr. A. W. Beaurline, Lyons, Illinois, and a substantial number of other growers in the Middlewestern States, principally Iowa, Illinois, and Michigan. Adequate notice of the hearing was given and this argument is without merit. The evidence of record pertaining to the composition of the administrative committee supports the finding that all members of the committee should be residents of the production area so as to assure that such members would generally be available to carry out the duties of the committee. No evidence was presented to indicate that "non-resident" growers would be available for such purpose. This exception is, therefore, denied.

Exception is taken to finding that the Secretary, upon termination of the order, may dispose of any funds remaining after paying liquidation costs in any manner he may determine to be appropriate in the circumstances. It is contended that any surplus funds should, after liquidation, be prorated to handlers or turned over to the "Texas State-Federal Inspection Service" for use in the administration of that service. The recommended decision clearly states, and the recommended order provides, that any such surplus funds shall, to the extent practical, be returned prorata to the handlers from whom collected. Only in the event that the remaining funds are so small, or the expense of determining handler equities would be so great, that the costs of returning such funds to handlers would not be warranted could the surplus be disposed of in any other manner. There is no authority, nor was there any suggestion at the hearing, to provide that any such funds shall be given to the Federal-State Inspection Service. To the extent that this exception is at variance to the recommended decision, it is denied.

Exception is taken to the failure to include, in the provisions of the recommended order relating to maturity regulations, specific terms stating that such regulations may be undertaken only in the event that appropriate State maturity requirements are no longer in effect. It is argued that although such a finding is included in the recommended decision, it "cannot have any force or effect unless * * * incorporated into and made a part of the proposed order." The decision issued in connection with a marketing order provides the scope and limitations within which the administration of the order must operate. Hence, it does not appear necessary to provide further in the order that maturity regulations are authorized only in the event appropriate maturity requirements are not in effect under State authority. On the other hand, there should be no objection to including such a provision in the order; and this exception is granted.

Exception is taken to § 1031.40 of the recommended order on the grounds that the provisions of this section authorize regulation of all exports. It is contended that "the Secretary failed to carry forward into and make a part of such order his finding and conclusion that authority to regulate exports, other than exports to Canada and Mexico, should not be included in the order at this time." This contention is incorrect. The term "handle" is defined in § 1031.7 of the recommended order as meaning "to transport or sell fruit, or in any other way to place fruit, in the current of commerce between the production area and any point outside thereof in the United States, Canada, or Mexico." Only fruit that is "handled" would be subject to regulation under the order. Since fruit that is exported to destinations other than in Canada and Mexico is not handled, the regulations would not apply to any such exports.

Exception is taken to the findings and conclusions pertaining to the production area and to the citrus fruits to be covered by the order. The Agricultural Marketing Agreement Act of 1937, as amended, requires each marketing order to be limited to the smallest regional production area, or regional marketing area, or both, which is practicable, consistently with carrying out the declared policy of the act. Testimony presented at the hearing shows that, at this time, it is not necessary to the effective operation of the program to include within the production area to be covered by the order those counties designated as District 4 in the proposal upon which the hearing was held. The production of citrus fruits in such counties was shown to be of relatively small volume. A portion of this volume is produced by growers with small acreage and it is admitted in the exception that shipments by such individuals are in such small quantities they could very well be exempt from regulation. The proponents of the proposed order withdrew their proposal that District 4 be included in the order after information on the volume of production in such district became available to them. In testimony objecting to such withdrawal it was stated, in effect, that there was a provision in the proposal for separate regulations by districts and that regulation in District 4 would not be used until the volume of production was sufficient to justify such regulation. It was contended in the exception that the volume of production of citrus fruits in the proposed District 4 is many times that of Willacy County and that it is not consistent to exclude District 4 from coverage under the order without also excluding Willacy County. The evidence of record shows that in 1955 there were approximately 232,000 orange and grapefruit trees in Willacy County as com-

pared to approximately 33,000 in the counties of proposed District 4. These trees would constitute the current acreage of bearing trees. Hence, it is apparent that the production of citrus fruits in Willacy County greatly exceeds that of District 4. With respect to the elimination of tangerines from the citrus fruits to be regulated under the order, the evidence of record shows that during the 1959–60 season the equivalent of 12 carloads, or only about 6,000 standard boxes, of Texas tangerines were inspected for shipment, in loads made up wholly of tangerines, from Cameron, Hidalgo, and Willacy Counties. In addition, there were 12,075 standard boxes of Texas tangerines inspected for shipment from such counties in loads of mixed citrus fruits. These inspections include tangerines grown in counties other than Cameron, Hidalgo, and Willacy and brought into the recommended production area for packing and shipment to market. Inasmuch as the equivalent of 186 carloads, or nearly 100,000 standard boxes, of tangerines produced in Mexico were inspected for shipment from the production area, it is apparent that the major portion of the tangerine shipments from the recommended production area are not produced in such area. Furthermore, tangerine shipments are small in relation to the total volume of 4,923,975 standard boxes of citrus fruits shipped from the production area. The exception is, therefore, denied.

Exceptions are taken to some of the other findings and conclusions contained in the recommended decision. To the extent that the exceptions, including all contentions made therein, are at variance with the findings and conclusions of this decision, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 60–6952; 25 F.R. 7061) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas," and "Order Regulating the Handling of Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: August 17, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Regulating the Handling of Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas

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1031.0 Findings and determinations.

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AUTHORITY: §§ 1031.0 to 1031.62, inclusive, issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1031.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Weslaco, Texas, May 24–26, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of oranges, grapefruit, and tangerines grown in Texas. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of oranges and grapefruit grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of oranges or grapefruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of oranges and grapefruit grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of oranges and grapefruit grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1031.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1031.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1031.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1031.4 Production area.

"Production area" means all territory in the counties of Cameron, Hidalgo, and Willacy in the State of Texas.

§ 1031.5 Fruit.

"Fruit" means either or both of the following citrus fruits grown in the production area: (a) Citrus grandis, Osbeck, commonly called grapefruit, and (b) Citrus sinensis, Osbeck, commonly called oranges.

§ 1031.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of fruit owned by another person) who handles fruit or causes fruit to be handled.

(a) *Independent handler.* "Independent handler" means any handler other than a handler that is a cooperative marketing organization.

§ 1031.7 Handle.

"Handle" or "ship" means to transport or sell fruit, or in any other way to place fruit, in the current of commerce between the production area and any point outside thereof in the United States, Canada, or Mexico.

§ 1031.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of fruit for market.

(a) *Independent producer.* "Independent producer" means any producer who does not market his fruit through a handler that is a cooperative marketing organization.

§ 1031.9 Grade and size.

"Grade" means any one of the established grades of fruit and "size" means any one of the established sizes of fruit as defined and set forth in the applicable U.S. Standards for fruit (§§ 51.680–51.717 and §§ 51.620–51.654) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1031.10 Pack.

"Pack" means the specific grade, quality, size, or arrangement of fruit in a particular container or containers.

§ 1031.11 Maturity.

"Maturity" means various degrees of ripeness for fruit as established by the committee with approval of the Secretary.

§ 1031.12 Container.

"Container" means any box, bag, crate, hamper, basket, package, bulk carton, or any other type of receptacle used in the packaging, transportation, sale, or other handling of fruit.

§ 1031.13 Variety or varieties.

"Variety or varieties" means any one or more of the following groupings or classifications of fruit: (a) Navel oranges; (b) Early and Midseason oranges, except Navel oranges; (c) Valencia and similar late type oranges; (d) white seeded grapefruit; (e) white seedless grapefruit; (f) pink and red seeded grapefruit; and (g) pink and red seedless grapefruit.

§ 1031.14 Committee.

"Committee" means the Texas Valley Citrus Committee, established pursuant to § 1031.18.

§ 1031.15 Fiscal period.

"Fiscal period" means the period beginning August 1 and ending July 31 following; or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1031.16 District.

"District" means any of the geographic divisions of the production area initially established pursuant to § 1031.20 or as re-established pursuant to § 1031.21.

COMMITTEE

§ 1031.18 Establishment and membership.

(a) The Texas Valley Citrus Committee, consisting of fifteen (15) members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Nine members shall be producers who produce fruit in the district which they represent and are residents of the production area. Two of the producer members shall be producers who market their fruit through cooperative marketing organizations, and seven of the producer members shall be independent producers. Producer members shall not have a proprietary interest in or be employees of a handler organization: *Provided*, That members of a cooperative marketing organization shall not be considered as having a proprietary interest in a handler organization because of such membership.

(c) Six members shall be handlers who are residents of the production area. One handler member shall represent cooperative marketing organizations; five handler members shall represent independent handlers.

§ 1031.19 Term of office.

(a) The term of office of committee members and their respective alternates shall be for three years beginning August 1 and ending July 31: *Provided*, That the term of office of one-third of the initial producer members and alternates and one-third of the initial handler members and alternates shall end July 31, 1961, and the term of office of an identical number of such committee members and alternates shall end July 31, 1962. No member or alternate member shall succeed himself.

(b) Members and alternates shall serve in that capacity during the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

§ 1031.20 Districts.

For the purpose of determining the basis for selecting producer committee members the following districts of the production area are hereby initially established:

District No. 1—The county of Cameron in the State of Texas;
District No. 2—The county of Hidalgo in the State of Texas; and
District No. 3—The county of Willacy in the State of Texas.

§ 1031.21 Redistricting.

The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, the reapportionment of members between grower and handler members representing cooperative marketing organizations and independent grower and independent handler members, and the re-establishment of districts within the production area. In recommending such changes, the committee shall give consideration to: (a) Shifts in production; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) changes in amount of fruit handled by cooperative marketing organizations in relation to fruit handled by independent handlers; and (e) other relevant factors. No changes in districting or in apportionment of members may become effective in less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1031.22 Selection.

(a) From District No. 1 the Secretary shall select initially two producer members and their alternates representing independent producers. From District No. 2 the Secretary shall select initially two producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations, and four producer members and their respective alternates representing independent producers. From District No. 3 the Secretary shall select initially one producer member and his alternate representing independent producers.

(b) From the production area the Secretary shall select initially six handler members and their respective alternates. One handler member shall represent cooperative marketing organizations and five handler members shall represent independent handlers.

§ 1031.23 Nominations.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting of producers who are members of cooperative marketing organizations and a meeting of independent producers shall be held for each district having both cooperative and independent producer members and alternates to elect nominees for such positions. For all other districts, meetings of all producers shall be held for such

pared to approximately 33,000 in the counties of proposed District 4. These trees would constitute the current acreage of bearing trees. Hence, it is apparent that the production of citrus fruits in Willacy County greatly exceeds that of District 4. With respect to the elimination of tangerines from the citrus fruits to be regulated under the order, the evidence of record shows that during the 1959–60 season the equivalent of 12 carloads, or only about 6,000 standard boxes, of Texas tangerines were inspected for shipment, in loads made up wholly of tangerines, from Cameron, Hidalgo, and Willacy Counties. In addition, there were 12,075 standard boxes of Texas tangerines inspected for shipment from such counties in loads of mixed citrus fruits. These inspections include tangerines grown in counties other than Cameron, Hidalgo, and Willacy and brought into the recommended production area for packing and shipment to market. Inasmuch as the equivalent of 186 carloads, or nearly 100,000 standard boxes, of tangerines produced in Mexico were inspected for shipment from the production area, it is apparent that the major portion of the tangerine shipments from the recommended production area are not produced in such area. Furthermore, tangerine shipments are small in relation to the total volume of 4,923,975 standard boxes of citrus fruits shipped from the production area. The exception is, therefore, denied.

Exceptions are taken to some of the other findings and conclusions contained in the recommended decision. To the extent that the exceptions, including all contentions made therein, are at variance with the findings and conclusions of this decision, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 60–6952; 25 F.R. 7061) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas," and "Order Regulating the Handling of Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: August 17, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] *Regulating the Handling of Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas*

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AUTHORITY: §§ 1031.0 to 1031.62, inclusive, issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1031.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Weslaco, Texas, May 24–26, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of oranges, grapefruit, and tangerines grown in Texas. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of oranges and grapefruit grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of oranges or grapefruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of oranges and grapefruit grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of oranges and grapefruit grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1031.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1031.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1031.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1031.4 Production area.

"Production area" means all territory in the counties of Cameron, Hidalgo, and Willacy in the State of Texas.

§ 1031.5 Fruit.

"Fruit" means either or both of the following citrus fruits grown in the production area: (a) Citrus grandis, Osbeck, commonly called grapefruit, and (b) Citrus sinensis, Osbeck, commonly called oranges.

§ 1031.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of fruit owned by another person) who handles fruit or causes fruit to be handled.

(a) *Independent handler.* "Independent handler" means any handler other than a handler that is a cooperative marketing organization.

§ 1031.7 Handle.

"Handle" or "ship" means to transport or sell fruit, or in any other way to place fruit, in the current of commerce between the production area and any point outside thereof in the United States, Canada, or Mexico.

§ 1031.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of fruit for market.

(a) *Independent producer.* "Independent producer" means any producer who does not market his fruit through a handler that is a cooperative marketing organization.

§ 1031.9 Grade and size.

"Grade" means any one of the established grades of fruit and "size" means any one of the established sizes of fruit as defined and set forth in the applicable U.S. Standards for fruit (§§ 51.680–51.717 and §§ 51.620–51.654) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1031.10 Pack.

"Pack" means the specific grade, quality, size, or arrangement of fruit in a particular container or containers.

§ 1031.11 Maturity.

"Maturity" means various degrees of ripeness for fruit as established by the committee with approval of the Secretary.

§ 1031.12 Container.

"Container" means any box, bag, crate, hamper, basket, package, bulk carton, or any other type of receptacle used in the packaging, transportation, sale, or other handling of fruit.

§ 1031.13 Variety or varieties.

"Variety or varieties" means any one or more of the following groupings or classifications of fruit: (a) Navel oranges; (b) Early and Midseason oranges, except Navel oranges; (c) Valencia and similar late type oranges; (d) white seeded grapefruit; (e) white seedless grapefruit; (f) pink and red seeded grapefruit; and (g) pink and red seedless grapefruit.

§ 1031.14 Committee.

"Committee" means the Texas Valley Citrus Committee, established pursuant to § 1031.18.

§ 1031.15 Fiscal period.

"Fiscal period" means the period beginning August 1 and ending July 31 following; or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

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"District" means any of the geographic divisions of the production area initially established pursuant to § 1031.20 or as re-established pursuant to § 1031.21.

COMMITTEE

§ 1031.18 Establishment and membership.

(a) The Texas Valley Citrus Committee, consisting of fifteen (15) members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Nine members shall be producers who produce fruit in the district which they represent and are residents of the production area. Two of the producer members shall be producers who market their fruit through cooperative marketing organizations, and seven of the producer members shall be independent producers. Producer members shall not have a proprietary interest in or be employees of a handler organization: *Provided,* That members of a cooperative marketing organization shall not be considered as having a proprietary interest in a handler organization because of such membership.

(c) Six members shall be handlers who are residents of the production area. One handler member shall represent cooperative marketing organizations; five handler members shall represent independent handlers.

§ 1031.19 Term of office.

(a) The term of office of committee members and their respective alternates shall be for three years beginning August 1 and ending July 31: *Provided,* That the term of office of one-third of the initial producer members and alternates and one-third of the initial handler members and alternates shall end July 31, 1961, and the term of office of an identical number of such committee members and alternates shall end July 31, 1962. No member or alternate member shall succeed himself.

(b) Members and alternates shall serve in that capacity during the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

§ 1031.20 Districts.

For the purpose of determining the basis for selecting producer committee members the following districts of the production area are hereby initially established:

District No. 1—The county of Cameron in the State of Texas;
District No. 2—The county of Hidalgo in the State of Texas; and
District No. 3—The county of Willacy in the State of Texas.

§ 1031.21 Redistricting.

The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, the reapportionment of members between grower and handler members representing cooperative marketing organizations and independent grower and independent handler members, and the re-establishment of districts within the production area. In recommending such changes, the committee shall give consideration to: (a) Shifts in production; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) changes in amount of fruit handled by cooperative marketing organizations in relation to fruit handled by independent handlers; and (e) other relevant factors. No changes in districting or in apportionment of members may become effective in less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1031.22 Selection.

(a) From District No. 1 the Secretary shall select initially two producer members and their alternates representing independent producers. From District No. 2 the Secretary shall select initially two producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations, and four producer members and their respective alternates representing independent producers. From District No. 3 the Secretary shall select initially one producer member and his alternate representing independent producers.

(b) From the production area the Secretary shall select initially six handler members and their respective alternates. One handler member shall represent cooperative marketing organizations and five handler members shall represent independent handlers.

§ 1031.23 Nominations.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting of producers who are members of cooperative marketing organizations and a meeting of independent producers shall be held for each district having both cooperative and independent producer members and alternates to elect nominees for such positions. For all other districts, meetings of all producers shall be held for such

purpose. A meeting of handlers representing cooperative marketing organizations and a meeting of independent handlers shall be held in the production area to elect nominees for handler members and alternates. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart.

(b) At each such meeting at least one nomination shall be designated for each position as member and alternate.

(c) Nominations for committee members and alternates following the initial committee shall be supplied to the Secretary not later than July 1 each year.

(d) In districts having both cooperative and independent producer members, only producers who market their fruit through cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative producers; and only independent producers may participate in designating nominees for members and alternates representing independent producers. In all other districts, all producers may participate in designating the nominees for producer members and alternates. Only handlers representing cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative handlers; and only independent handlers may participate in designating nominees for members and alternates representing independent handlers. In the event that a person is engaged in producing fruit in more than one district such person shall elect the district within which he may participate, as aforesaid, in designating nominees.

(e) Regardless of the amount of fruit handled by a handler or the number of districts in which a person produces fruit, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled. Votes must be cast in person at all nomination meetings.

§ 1031.24 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1031.23, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in § 1031.20 through § 1031.22, inclusive.

§ 1031.25 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1031.26 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district and group involved, or from nominations made in the manner specified in § 1031.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of representation provided for in § 1031.20 through § 1031.22 inclusive.

§ 1031.27 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1031.28 Procedure.

Ten members of the committee shall be necessary to constitute a quorum, six of whom shall be producer members. Ten affirmative votes shall be required to pass any motion or approve any committee action. All votes shall be cast in person.

§ 1031.29 Expenses and compensation.

The members of the committee, and alternates, shall serve without compensation; but they may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1031.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1031.31 Duties.

It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select sub-committees, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To require adequate fidelity bonds for all persons handling funds;

(f) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to fruit;

(g) To prepare a marketing policy;

(h) To recommend marketing regulations to the Secretary;

(i) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee; and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative; and minutes of each committee meeting shall be promptly submitted to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request (the report of each such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each report shall be made available at the principal office of the committee for inspection by producers and handlers); and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1031.32 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of fruit handled by him as the first handler thereof during a fiscal period and the total quantity of fruit handled by all handlers as first handlers thereof during such fiscal period.

§ 1031.33 Budget.

At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee shall recommend the rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its estimates and recommendations.

§ 1031.34 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this sub-part. Each handler who first handles fruit shall, with respect to the fruit so handled by him, pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) The rate of assessment may be increased at any time by the Secretary if he finds such increase is necessary in order that the money collected shall be adequate to cover the committee's expenses during a given fiscal period. Such increase shall be applicable to all fruit handled during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions of this part are suspended or become inoperative.

§ 1031.35 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom collected.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses; (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses; (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative; and (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this sub-part, or during any period or periods when regulations are not in effect, and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

§ 1031.37 Research and development.

The committee, with the approval of the Secretary may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expenses of such projects shall be paid from funds collected pursuant to § 1031.34, and shall not exceed 10 percent of the total expenses of the committee during the initial fiscal period nor exceed 25 percent of such expenses during any subsequent fiscal period.

REGULATION

§ 1031.38 Marketing policy.

Prior to or at the same time as initial recommendations are made pursuant to § 1031.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping fruit from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to fruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of fruit, including prices by grade, size, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of fruit, by grade, size, and quality in the production area, and in other production areas, including foreign production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting fruit prices; and

(e) Other relevant factors.

§ 1031.39 Recommendations for regulations.

The committee, upon complying with the requirements of § 1031.38, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this sub-part, will tend to effectuate the declared policy of the act. The committee shall give notice to handlers of any such recommendation at the same time such recommendation is submitted to the Secretary.

§ 1031.40 Issuance of regulations.

The Secretary shall limit the handling of fruit whenever he finds from the recommendation and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulations may:

(a) Limit the handling of particular grades, sizes, qualities, maturities, or packs of any or all varieties of fruit during a specified period or periods: *Provided*, That specific maturity requirements applicable to the handling of any variety may be prescribed under this section only in the event that appropriate maturity requirements for such variety are not in effect under State authority.

(b) Limit the handling of particular grades, sizes, qualities, or packs of fruit differently for different varieties, for different containers, for different purposes specified in § 1031.42, or any combination of the foregoing, during any period.

(c) Limit the handling of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of fruit.

(e) Prohibit the handling (1) of any fruit which does not have marked on each container the grade or the registered grade label of the fruit contained therein; (2) of any grapefruit which does not have marked on each fruit the word "Texas" or other words implying Texas origin, except that the committee may recommend and the Secretary establish a tolerance for grapefruit in any container or lot not so marked; and (3) of any container fruit which is misbranded as to variety.

(f) No regulations may be issued under the provisions of this sub-part which allots to individual handlers the quantity of fruit which each handler may ship during any regulation period.

§ 1031.41 Gift fruit shipments.

The handling to any person of gift packages of fruit individually addressed to such person, in quantities aggregating not more than 500 pounds and not for resale, are exempt from the provisions of §§ 1031.34, 1031.40, and 1031.45, and the regulations issued thereunder, but shall conform to such safeguards as may be established pursuant to § 1031.43.

§ 1031.42 Shipments for special purposes.

Upon the basis of recommendations and information submitted by the com-

mittee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1031.34, 1031.40, 1031.45, or any combination thereof, in order to facilitate the handling of fruit:

(a) For relief or for charity;

(b) For processing or for manufacture or conversion into specified products; and

(c) In such minimum quantities and for such other purposes as may be specified by the committee with the approval of the Secretary.

§ 1031.43 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1031.44 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent the handling of fruit pursuant to §§ 1031.41 or 1031.42 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of certificates of privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship fruit pursuant to §§ 1031.41 and 1031.42.

(2) Handlers shall obtain inspection provided by § 1031.45, or pay the assessment levied pursuant to § 1031.34, or both, in connection with shipments made under § 1031.42: *Provided*, That such inspection and assessment requirements shall not apply to fruit handled for canning or freezing.

(3) Handlers shall obtain certificates of privilege from the committee to handle fruit affected or to be affected under the provisions of §§ 1031.41 and 1031.42.

(b) The committee may rescind or deny certificates of privilege to any handler if proof is obtained that fruit handled by him for the purposes stated in §§ 1031.41 and 1031.42 was handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of fruit covered by such applications, the number of such applications denied and certificates granted, the quantity of fruit handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1031.45 Inspection and certification.

(a) During any period in which handling of a variety of a type of fruit is regulated pursuant to §§ 1031.34, 1031.40, 1031.42, or any combination thereof, no handler shall handle any variety of such type of fruit which has not been inspected by an authorized representative of the Federal or Federal-State Inspection Service, unless such handling is relieved from such requirements pursuant to § 1031.41 or § 1031.42, or both;

(b) Regrading, resorting, or repacking any lot of fruit shall invalidate any prior inspection insofar as the requirements of this section are concerned. No handler shall handle fruit after it has been regraded, resorted, repacked, or in any other way prepared for market, unless each lot of fruit is inspected by an authorized representative of the Federal or Federal-State Inspection Service: *Provided*, That the committee, with the approval of the Secretary, may provide for waiving inspection requirements on any fruit in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such fruit meets the applicable quality and other standards then in effect;

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary;

(d) When fruit is inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service;

(e) The committee may recommend and the Secretary may require that any fruit handled or transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

REPORTS

§ 1031.51 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of fruit received by a handler;

(2) The quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation;

(3) The date of each such disposition and the identification of the carrier transporting such fruit;

(4) Identification of the inspection certificates, and the certificates of privilege, if any, pursuant to which the fruit was handled, together with the destination of each lot of fruit handled pursuant to § 1031.41.

(b) All such reports shall be held under appropriate protective classification and custody of the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the fruit received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1031.52 Compliance.

Except as provided in this subpart, no handler shall handle fruit, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations issued thereunder, and no handler shall handle fruit except in conformity to the provisions of this part.

§ 1031.53 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1031.54 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1031.55 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of fruit for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such fruit produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1031.56 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall, for the purpose of liquidating the affairs of the committee continue as joint trustees of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1031.57 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1031.58 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1031.59 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1031.60 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1031.61 Personal liability.

No member or alternate of the committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for act of dishonesty, willful misconduct, or gross negligence.

§ 1031.62 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

[F.R. Doc. 60-7830; Filed, Aug. 22, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[426.853]

TELLUROMETERS

Prospective Classification of Tellurometers

AUGUST 17, 1960.

It appears probable that a correct interpretation of paragraph 360, Tariff Act of 1930, requires that Tellurometers, devices used in surveys for precise measurement of distances on the earth's surface by means of a microwave system which measures the travel time of an electrical signal, be classified under the provision of such paragraph for surveying instruments with duty at the rate of 35 percent ad valorem a rate higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing unform practice of classifying such devices as articles, not specially provided for, having as an essential feature an electrical element or device, under paragraph 353, Tariff Act of 1930, with duty at the rate of 13¾ percent ad valorem, is under review by the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60–7848; Filed, Aug. 22, 1960; 8:49 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1960 Rev. Supp. 1]

BENEFICIAL FIRE AND CASUALTY INSURANCE CO.

Acceptable Surety on Federal Bonds

AUGUST 18, 1960.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $143,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1961. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in which incorporated, name of company, and location of principal executive office

CALIFORNIA

Beneficial Fire and Casualty Insurance Co., Los Angeles, Calif.

[SEAL] JULIAN B. BAIRD,
Secretary of the Treasury.

[F.R. Doc. 60–7849; Filed, Aug. 22, 1960; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 5713, etc.]

PIEDMONT LOCAL SERVICE AREA INVESTIGATION (NORFOLK SERVICE PROPOSALS)

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on September 21, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 18, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60–7851; Filed, Aug. 22, 1960; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Proposed Withdrawal and Reservation of Lands

AUGUST 12, 1960.

The Bureau of Reclamation has filed an application, Serial No. Montana–039301, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws.

The applicant desires the land for use in connection with Clark Canyon Dam, Reservoir, and relocations of railroad, utilities, and highways, East Bench Unit, Missouri River Basin Project, Montana.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 10 W.
Sec. 11: Lots 3, 5, and 6
Sec. 31: Lots 6 and 7
Sec. 32: N½NE¼, SE¼SE¼
Sec. 33: SW¼NW¼, W½SW¼
T. 10 S., R. 10 W.
Sec. 5: SW¼NE¼, N½SE¼
Sec. 6: SE¼NW¼, NE¼SW¼
Sec. 19: NW¼SW¼, S½SW¼
T. 10 S., R. 11 W.
Sec. 11, Lot 3

Total Area: 797.3 acres.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 60–7823; Filed, Aug. 22, 1960; 8:46 a.m.]

[85751]

WISCONSIN

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

AUGUST 11, 1960.

The plat of survey of the land described below will be officially filed in the Eastern States Land Office, effective on September 23, 1960.

FOURTH PRINCIPAL MERIDIAN

T. 37 N., R. 10 E.

Sec. 12:	Acres
Lot 6	11.43
Lot 7	8.06
Lot 8	41.75
Lot 9	23.37
Lot 10	30.64
Total	115.25

The survey represented on the plat was undertaken as an administrative measure to identify certain lands found to have been omitted from the original survey pursuant to an application filed by claimants thereto.

The land omitted from the original survey and included in this survey is rolling upland and level swamp land. The soil is a sandy loam with some stone; there is some muck in the swamp. The land reaches to approximately 30 feet above the water level of Stella Lake. The timber consists of poplar, birch, balsam, maple, hemlock, oak, and basswood, with spruce, cedar, ash and tamarack in the swamps. The timber ranges in size from 4 to 30 inches in diameter. Improvements consist of a field in the SW part of the area, and a road leading to the lake. All lots in the area surveyed are over 50 percent upland in character.

Upon the effective date hereof, the land recited herein will become subject to the operation of and disposition under the public land laws.

No application may be allowed for the land under the homestead or small tract or any of the other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any such application that is filed will be considered on its merit. The land will not be subject to occupancy or disposition until it has been classified.

Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior, valid, existing and maintained settlement rights; preference rights conferred by existing laws; or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support thereof. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. September 23, 1960 will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour and date will be governed by the time of filing.

All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60–7824; Filed, Aug. 22, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 149]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

AUGUST 4, 1960.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
		730 kilocycles				
CKDM	Dauphin, Manitoba	10 kw D/5 kw N	DA-N	U	II	NIO with increased power.
		800 kilocycles				
CHAB	Moose Jaw, Saskatchewan	10 kw	DA-N	U	II	Do.
		920 kilocycles				
CKCY (PO: 1400 kc, 0.25 kw, ND, IV).	Sault Ste. Marie, Ontario	10 kw D/5 kw N	DA-2	U	III	EIO 8–1–61.
		950 kilocycles				
CKBB	Barrie, Ontario	10 kw D/2.5 kw N	DA-2	U	III	NIO with increased daytime power.
		980 kilocycles				
CKNW	New Westminster, British Columbia.	10 kw D/5 kw N	DA-1	U	III	NIO with increased power.
CKGM	Montreal, Province of Quebec.	10 kw	DA-1	U	III	NIO.
CFPL	London, Ontario	10 kw D/5 kw N	DA-2	U	III	NIO with increased daytime power.
		1150 kilocycles				
CHSJ	Saint John, New Brunswick.	10 kw D/5 kw N	DA-2	U	III	Do.
		1260 kilocycles				
CFRN	Edmonton, Alberta	10 kw	DA-N	U	III	NIO with increased power.
		1320 kilocycles				
CKEC (PO: 1320 kc, 1 kw D/0.25 kw N).	New Glasgow, Nova Scotia.	5 kw	DA-N	U	III	EIO 8–1–61.
		1340 kilocycles				
CFSL	Weyburn, Saskatchewan	1 kw D/0.25 kw N	ND	U	IV	NIO with increased daytime power.
		1530 kilocycles				
CBH	Halifax, Nova Scotia	0.10 kw	ND	U	IV	Delete assignment—Vide 1340 kc.
		1540 kilocycles				
CBH°	do	0.10 kw	ND	U	IV	NIO on new frequency.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[SEAL]

[F.R. Doc. 60–7854; Filed, Aug. 22, 1960; 8:50 a.m.]

[Docket Nos. 13397–13407; FCC 60M–1416]

YORK COUNTY BROADCASTING CO. (WRHI) ET AL.

Memorandum Opinion and Order Continuing Hearing

In re applications of James S. Beaty, Jr., William C. Beaty and Harper S. Gault, d/b as York County Broadcasting Company (WRHI), Rock Hill, South Carolina, et al., Docket Nos. 13397–13407, File No. BP–12178; for construction permits.

1. Clearwater Radio, Inc. (Docket No. 13407) filed a petition for extension of schedule dates on July 27, 1960. Clearwater is the licensee of Station WTAN in Clearwater, Florida, and is one of the applicants in Group A of the above-entitled proceeding. An opposition to the request was filed by Duane F. McConnell on August 8, 1960.

2. The following dates have heretofore been established for the preliminary matters and for the hearing itself: (a) August 8 for exchange of engineering exhibits and 307(b) data; (b) August 22 for notification as to witnesses for cross-examination; and (c) September 19 for commencement of hearing. In a Memorandum Opinion and Order dated August 4, the Hearing Examiner changed the first two of these dates for certain practical reasons which were set forth in the opinion. The basis for the request by Clearwater is found in the ambiguous situation which exists with respect to its application because of certain interlocutory matters now pending before the Commission. The details as to these matters are not pertinent and need not be recited but because of the doubt which has existed and which still exists in the minds of all the parties as to precisely when they will be expected to go to hearing there appears to be need for some continuance. The Hearing Examiner is of the opinion that it would be completely inequitable to grant an indefinite continuance solely for the convenience of Clearwater but he feels that under the circumstances now obtaining it would be beneficial to all parties if a new schedule of dates were established, one that, in the light of all factors now known, should be adhered to.

3. Taking this view of the situation it seems proper to establish the following schedule: The date for exchange of engineering exhibits will be continued from August 17 (which was established by the Memorandum Opinion and Order of August 4) to September 16, and the parties will make their requests for witnesses on cross-examination not later

than September 28. With the establishment of these new dates it will, of course, be necessary to have a continuance of the hearing date from September 19, to October 4, 1960.

Accordingly, it is ordered, This 16th day of August 1960, that the request for extension of scheduled dates filed by Clearwater Radio, Inc. is granted to the extent shown above and is denied in all other respects; and

It is further ordered, That the date for exchange of engineering exhibits in Group A is continued from August 17 to September 16; the date for notification as to witnesses is continued from August 31 to September 28; and the date for commencement of hearing is continued from September 19 to October 4, 1960.

Released: August 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7864; Filed, Aug. 22, 1960; 8:51 a.m.]

[Docket No. 13527; FCC 60M-1372]

BABYLON-BAY SHORE BROADCASTING CORP. (WBAB)

Order Scheduling Hearing

In re application of Babylon-Bay Shore Broadcasting Corp. (WBAB), Babylon, New York, Docket No. 13527, File No. BP-12538; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 9th day of August, 1960, that the hearing herein, which was continued without date by order of July 12, 1960, is rescheduled for September 16, 1960, at 10:00 a.m.

Released: August 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7853; Filed, Aug. 22, 1960; 8:50 a.m.]

[Docket Nos. 13694-13707; FCC 60M-1412]

EAST ARKANSAS BROADCASTERS, INC. (KWYN), ET AL.

Order for Prehearing Conference

In re applications of East Arkansas Broadcasters, Inc. (KWYN), Wynne, Arkansas, et al., Docket Nos. 13694-13707, File No. BP-12327; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Thursday, September 22, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 12th day of August 1960.

Released: August 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7855; Filed, Aug. 22, 1960; 8:50 a.m.]

[Docket Nos. 13622, 13623; FCC 60M-1418]

ELEVEN TEN BROADCASTING CORP.

Order Continuing Hearing

In re applications of Eleven Ten Broadcasting Corporation, Pasadena, California, Docket No. 13622, File No. BR-1189; for renewal of license of standard broadcast station KRLA & Aux., Docket No. 13623, File No. BL-7701; for license to cover construction permit (BP-11700).

The Hearing Examiner having under consideration a petition by the Commission's Broadcast Bureau, filed August 11, 1960, that hearing in the above-entitled proceeding be continued from September 26, 1960, to October 31, 1960;

It appearing that the petition is supported by a showing of good and sufficient cause and is not opposed by the applicant;

It is ordered, This 16th day of August 1960, that the petition is granted and that hearing in the above-entitled proceeding is hereby continued from September 26, 1960, to October 31, 1960.

Released: August 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7856; Filed, Aug. 22, 1960; 8:50 a.m.]

[Docket Nos. 13622, 13623; FCC 60M-1417]

ELEVEN TEN BROADCASTING CORP.

Order Changing Place of Hearing

In re applications of Eleven Ten Broadcasting Corporation, Pasadena, California, Docket No. 13622, File No. BR-1189; for renewal of license of standard broadcast station KRLA & Aux., Docket No. 13623, File No. BL-7701; for license to cover construction permit (BP-11700).

It is ordered, This 16th day of August 1960, with the consent of both parties to the proceeding, that the place of hearing in the above-entitled proceeding is changed from Pasadena, California, to Los Angeles, California.

Released: August 17, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7857; Filed, Aug. 22, 1960; 8:50 a.m.]

[Docket No. 13744; FCC 60M-1399]

MOUNTAIN EMPIRE RADIO CO.

Notice of Prehearing Conference

In re application of James B. Childress and James E. Reed d/b as Mountain Empire Radio Company, Clinton, Tennessee, Docket No. 13744, File No. BP-12925; for construction permit.

There will be a prehearing conference, under § 1.111, on Wednesday, September 21, 1960 at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 12, 1960.

Released: August 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7858; Filed, Aug. 22, 1960; 8:50 a.m.]

[Docket No. 13657, 13658; FCC 60M-1405]

SKYLINE BROADCASTERS, INC., AND EARL McKINLEY TRABUE

Order Setting Prehearing Conference

In re applications of Skyline Broadcasters, Inc., Klamath Falls, Oregon, Docket No. 13657, File No. BP-12509; Earl McKinley Trabue, Myrtle Creek, Oregon, Docket No. 13658, File No. BP-13596; for construction permits.

It is ordered, This 12th day of August 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9 a.m., September 14, 1960, for the purpose of considering, but not limited to, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses; and

(5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: August 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7859; Filed, Aug. 22, 1960; 8:51 a.m.]

[Docket Nos. 13639, 13640; FCC 60M-1404]

SOUTHEASTERN BROADCASTING SYSTEM, INC. (WMJM), AND WASHINGTON BROADCASTING CO. (WSNT)

Order Scheduling Prehearing Conference

In re applications of Southeastern Broadcasting System, Inc. (WMJM), Cordele, Georgia, Docket No. 13639, File No. BP-12389; Washington Broadcasting Company, Inc. (WSNT), Sandersville, Georgia, Docket No. 13640, File No. BP-13105; for construction permits.

On the Examiner's own motion: *It is ordered,* This 12th day of August 1960, that a prehearing conference in the above-entitled matter will be held in the offices of the Commission, Washington, D.C., on September 9, 1960, at 10:00 a.m.

Released: August 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7860; Filed, Aug. 22, 1960; 8:51 a.m.]

[Docket Nos. 13663-13666; FCC 60M-1406]

NORMAN A. THOMAS ET AL.

Order Scheduling Prehearing Conference

In re applications of Norman A. Thomas, Greeneville, Tennessee, Docket No. 13663, File No. BP-12729; Greene County Broadcasting Company, Inc., Greeneville, Tennessee, Docket No. 13664, File No. BP-13271; Wilkes Broadcasting Company (WATA), Boone, North Carolina, Docket No. 13665, File No. BP-13451; Radio Hendersonville, Inc. (WHKP), Hendersonville, North Carolina, Docket No. 13666, File No. BP-13487; for construction permits.

On the Examiner's own motion: *It is ordered,* This 12th day of August 1960, that a prehearing conference in the above-entitled matter will be held in the offices of the Commission, Washington, D.C., on September 14, 1960, at 10:00 a.m.

Released: August 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7861; Filed, Aug. 22, 1960; 8:51 a.m.]

[Docket Nos. 13740-13742; FCC 60M-1407]

WBIZ, INC. (WBIZ), ET AL.

Order Scheduling Prehearing Conference

In re applications of WBIZ, Incorporated (WBIZ), Eau Claire, Wisconsin, Docket No. 13740, File No. BP-12458; Northwest Broadcasting Company (KVFD), Fort Dodge, Iowa, Docket No. 13741, File No. BP-12679; Franklin Broadcasting Company (WMIN), St. Paul, Minnesota, Docket No. 13742, File No. BP-13270; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 12th day of August 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., September 14, 1960.

Released: August 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7863; Filed, Aug. 22, 1960; 8:51 a.m.]

[Docket Nos. 13711-13736; FCC 60M-1400]

TRIANGLE PUBLICATIONS, INC. (WNHC), ET AL.

Order Scheduling Prehearing Conference

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Connecticut, et al., Docket Nos. 13711-13736, File No. BP-12107; for construction permits.

Pursuant to the provisions of § 1.111 of the Commission's rules: *It is ordered,* This 12th day of August 1960,[1] that a prehearing conference in the above-entitled proceeding be convened at the Commission's Offices, Washington, D.C., Friday, September 16, 1960, at 10 a.m.

Released: August 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7862; Filed, Aug. 22, 1960; 8:51 a.m.]

[1] Recognizing the extensive time lapse between the issuance of this order and the date of the prehearing conference the Hearing Examiner requests that each party in this multi-party proceeding be prepared fully at the prehearing conference to subscribe to a plan of procedure—and to put forward practicable suggestions in such regard—directed to the elimination of unessentials and to the orderly and expeditious conduct of the hearing. Further, it is anticipated that preparation, particularly of draft engineering exhibits, will not be deferred until after the prehearing conference but will proceed with reasonable dispatch with the presently scheduled hearing date (November 7) in mind. The Examiner does not propose to sanction delays in the commencement of the hearing, or interruptions in its progress, so that any party may be afforded time to obtain measurement data which should have been obtained earlier.

FEDERAL POWER COMMISSION

[Docket No. CP60-108]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

AUGUST 16, 1960.

Take notice that on May 23, 1960, as supplemented on July 1, 1960, Cities Service Gas Company (Applicant) filed in Docket No. CP60-108 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to enable Applicant to sell additional gas to its existing customer, The Gas Service Company (Gas Service), for resale in and near the towns of Troy, Wathena and Elwood in Kansas, across the Missouri River from St. Joseph, Missouri, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The proposed facilities consist of approximately 6 miles of 8-inch pipeline extending from Applicant's existing town border meter station at St. Joseph northward along the western edge of the city and across the Missouri River into Kansas to connect with facilities proposed to be built by Gas Service for transportation and distribution to the area of the three towns. Applicant also plans to install an additional town border meter station on this line to increase flexibility of operation and service by Gas Service in and about St. Joseph.

The estimated natural gas requirements of Gas Service for the new area to be served are:

	1st year	2d year	3d year
Peak day (Mcf)	1,738	1,800	2,020
Annual (Mcf)	128,300	137,500	146,948

The estimated cost of Applicant's facilities proposed to be constructed under this application is $170,000, which will be defrayed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 20, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 9, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7820; Filed, Aug. 22, 1960; 8:46 a.m.]

[Docket No. G-20621]

COLORADO INTERSTATE GAS CO.

Order Fixing Date of Hearing and Prescribing Procedure

AUGUST 16, 1960.

By order issued December 31, 1959, the Commission pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act suspended Colorado Interstate Gas Company's (Colorado Interstate) FPC Gas Tariff, First Revised Volume No. 1 and Second Revised Volume No. 2 until June 1, 1960 and ordered a public hearing to be held concerning the lawfulness of the rates, charges, classifications and services contained in the aforementioned proposed revised tariffs. The proposed tariff revisions in principal part relate to a change in Colorado Interstate's G-1 and P-1 rate schedules to a "standard form of contract demand," and to inclusion of an SG rate schedule for small distribution companies. Because of the settlement of Docket No. G-13541,[1] the proposed tariffs represent a filing relating only to rate form, not to rate level.

By order issued June 14, 1960, the Commission permitted the substitution of Colorado Interstate's FPC Gas Tariff Second Revised Volume No. 2 filed on April 28, 1960, for the identically styled tariff filed on December 21, 1959, and suspended it as indicated above, until June 1, 1960. The order also permitted First Revised Volume No. 1 and Second Revised Volume No. 2 to become effective upon the filing of an undertaking to assure refund of any excess charges which may subsequently be determined.

Almost all of the Colorado Interstate's jurisdictional customers affected by the filing herein have indicated some objection to the proposed change in rate form.

The Commission finds: It is appropriate, reasonable, and in the public interest, in carrying out the provisions of the Natural Gas Act that a public hearing be held in this proceeding as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held commencing September 21, 1960, at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved and issues presented by the proposed tariff revisions as set forth in Commission orders issued in this proceeding on December 31, 1959, and June 14, 1960.

(B) In order to facilitate cross-examination, and to expedite the proceeding, Colorado Interstate and interveners appearing in favor of the proposed changes herein involved, who propose to present evidence thereon, shall submit a copy of the direct testimony and exhibits comprising their respective cases-in-chief to be served on the parties and Commission staff counsel (5 copies) on or before September 7, 1960.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7821; Filed, Aug. 22, 1960; 8:46 a.m.]

[1] A rate proceeding instituted by the filing of a rate increase application on September 19, 1957, which was subsequently settled by agreement of the parties approved by order issued December 31, 1959. Among other things, the settlement maintained the agreed upon rate levels in 1960.

[Docket No. E-6816 etc.]

PUBLIC SERVICE CO. OF OKLAHOMA AND GRAND RIVER DAM AUTHORITY

Order Fixing Date for Oral Argument and Consolidating Proceedings for Purposes of Hearing Oral Argument

AUGUST 16, 1960.

In the matter of Public Service Company of Oklahoma, Docket No. E-6816; Grand River Dam Authority, Project No. 2183.

The Commission finds it necessary and appropriate for the purposes of the Federal Power Act that the currently pending proceedings in the above-docketed matters be set for oral argument; and that for purposes of hearing such oral argument the two proceedings be consolidated, all as hereinafter ordered.

Request for the opportunity to present oral argument before the Commission was made upon behalf of Public Service Company of Oklahoma and Grand River Dam Authority in their joint exceptions filed July 15, 1960, in Docket No. E-6816, and August 1, 1960, in Project No. 2183; and upon behalf of Kamo Electric Cooperative et al. in its exceptions filed August 1, 1960, in Project No. 2183.

The Commission orders:

(A) Oral argument in the above proceedings be held before the Commission on September 13, 1960, at 10 a.m., e.d.s.t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters involved in, and the issues presented by, exceptions to the initial decisions of the presiding examiner (issued May 11, 1960, Docket No. E-6816; issued June 21, 1960, Project No. 2183), filed upon behalf of Public Service Company, Grand River Dam Authority, Kamo Electric Cooperative, et al. and staff, respectively.

(B) For purposes of hearing such oral argument, only, the above-docketed matters are hereby consolidated.

(C) Requests for time for the presentation of oral argument by the foregoing parties, including the Commission's staff, shall be filed with the Secretary of the Federal Power Commission on or before August 31, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7841; Filed, Aug. 22, 1960; 8:48 a.m.]

[Docket No. CP60-91]

SOUTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 17, 1960.

Take notice that on April 29, 1960, Southern Natural Gas Company (Applicant) filed in Docket No. CP60-91 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time during the 12-month period commencing August 7, 1960, at a total cost not in excess of $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 20, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 9, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7842; Filed, Aug. 22, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2568]

HOLIDAY MINES, INC.

Notice and Order for Hearing

AUGUST 17, 1960.

I. Holiday Mines, Inc. (issuer), a Washington corporation, filed with the Commission on December 31, 1958 a notification on Form 1-A and an offering circular relating to an offering of 100,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 30, 1960 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard in the Offices of the United States Attorney, United States Courthouse and Post Office Building, Sacramento, California, at 10:00 a.m., P.s.t., September 19, 1960 with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

Whether there is reasonable cause to believe that the issuer has failed to cooperate with the Commission in connection with its proposed offering under Regulation A in that the issuer did not respond to letters from the Commission's staff with respect to amendment of the filed notification and offering circular.

III. *It is further ordered,* That Arthur Leff or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Holiday Mines, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before September 17, 1960 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7825; Filed, Aug 22, 1960; 8:46 a.m.]

[File No. 70-3896]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Filing of Declaration Regarding Proposed Issuance of Short-Term Notes to Banks

AUGUST 16, 1960.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan"), a public-utility subsidiary of American Natural Gas Company, a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding its proposal to issue and sell up to $18,000,000 of short-term notes to banks; and has designated Sections 6(a) and 7 of the Act and Rules 50(a)(2) and 70(b)(2) as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Michigan proposes to issue said notes, from time to time, up to the aggregate maximum face amounts and to the banks set forth below:

The First National City Bank of New York, New York, N.Y.	$6,000,000
The Hanover Bank, New York, N.Y.	6,000,000
National Bank of Detroit, Detroit, Mich.	6,000,000
Total	18,000,000

The proposed notes will be unsecured; will mature August 31, 1961; and will bear interest at not in excess of the prime rate in effect at The First National City Bank of New York, New York, New York, on the date of issuance and such interest rate will be adjusted to the prime rate in effect at said bank at the beginning of each 90-day period subsequent to the date upon which the first note is issued. Said notes may be prepaid, in whole or in part, without penalty. The proceeds from these notes will be used to pay for construction expenditures and it is stated that they will be paid off in 1961 from the proceeds of permanent financing.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction; and that no commissions, fees, expenses, or remuneration, other than miscellaneous expenses, legal fees, and the costs of services of American Natural Gas Service Company, estimated in the aggregate not to exceed $1,500, will be paid in connection with the proposed transaction.

Notice is further given that any interested person may not later than September 6, 1960, request in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may permit the declaration, as filed or as it may be amended, to become effective, as provided in Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules and regulations under the Act, as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7826; Filed, Aug. 22, 1960; 8:46 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 109-53]

AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN

Registration as a Communist Front Organization

William P. Rogers, Attorney General of the United States, Petitioner v. American Committee for Protection of Foreign Born, Respondent.

Upon hearings duly held by the Board on a petition filed by the Attorney General of the United States, acting pursuant to section 13(g) of the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, 64 Stat. 987, et seq.), the Board on June 27, 1960 issued and caused to be served on the parties of record, an order reading as follows:

Having this day issued its Report in which, after a hearing upon a petition filed under subsection (a) of section 13 of the Subversive Activities Control Act of 1950, as amended, the Board finds that the American Committee for Protection of Foreign Born, respondent, is a Communist-front organization under the provisions of said Act:

It is ordered, That the respondent herein, American Committee for Protection of Foreign Born, shall register as a Communist-front organization pursuant to the said Act.

By the Board.

(Signed) Dorothy McCullough Lee, Chairman, (Signed) Francis A. Cherry, Member, (Signed) James R. Duncan, Member, (Signed) Thomas J. Donegan, Member.

Washington, D.C.
June 27, 1960.

And, on motion and affidavit of respondent to vacate the above order and reopen the proceeding, and opposition and affidavit on behalf of petitioner, the Board after due consideration, issued on August 16, 1960, and caused to be served

on the parties an order reading as follows:

We find that no adequate basis for vacating our order and reopening the proceeding has been shown.

It is, therefore, *ordered*, That respondent's "Motion to Vacate Order of the Board and to Reopen for Further Proceedings," filed July 15, 1960, should be and the same is hereby denied.

By the Board.

(Signed) Dorothy McCullough Lee, Chairman, (Signed) Francis A. Cherry, Member, (Signed) Thomas J. Donegan, Member, (Signed) James R. Duncan, Member, (Signed) Edward C. Sweeney, Member.

Washington, D.C.
August 16, 1960.

DOROTHY MCCULLOUGH LEE,
Chairman.

AUGUST 17, 1960.

[F.R. Doc. 60-7827; Filed, Aug. 22, 1960; 8:47 a.m.]

TARIFF COMMISSION

BICYCLES

Tariff Commission Reports to the President

AUGUST 18, 1960.

The U.S. Tariff Commission today submitted to the President its fourth periodic report on the developments in the trade in bicycles since the "escape clause" action, on August 19, 1955, modifying the concession granted thereon in the General Agreement on Tariffs and Trade. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its fourth report to the President under Executive Order 10401 with respect to bicycles, the Commission advised the President that the conditions of competition between imported and domestic bicycles had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in bicycles do not warrant a formal inquiry into the question of whether a reduction in the duties on bicycles could be made without resulting in serious injury to the domestic bicycle industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, 8th and E Streets, NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-7846; Filed, Aug. 22, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 369]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 18, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63106. By order of August 15, 1960, The Transfer Board approved the transfer to Earl J. Milliman, Jr., doing business as E. J. Milliman & Son, 216 East Kansas, Liberty, Mo., of Certificate No. MC 69105, issued April 18, 1955, to Augusta Milliman and Earl J. Milliman, Jr., a partnership, doing business as E. J. Milliman & Son, 216 East Kansas, Liberty, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, and other specified commodities, over regular routes, between Liberty, Mo., and Kansas City, Kans., with certain specified restrictions, and over irregular routes, feed, from Leavenworth, Kans., to Liberty, Mo., agricultural implements and parts, between Kansas City, Mo., on the one hand, and, on the other, points in a specified portion of Kansas, and household goods, between Liberty, Mo., and points in Missouri, within 20 miles thereof, on the one hand, and, on the other, points in Kansas.

No. MC-FC 63174. By order of August 15, 1960, The Transfer Board approved the transfer to William Rispo, Delair, N.J., of a portion of the certificate in No. MC 93313, issued December 23, 1955, to Louis Marianni, doing business as Lomar Transportation Co., Philadelphia, Pa., authorizing the transportation of: Green hides and skins, salted, from, and to, specified points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, New York, Ohio, Tennessee, Wisconsin, Pennsylvania, and New Jersey. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 63303. By order of August 15, 1960, The Transfer Board approved the transfer to Bloom-Meyers Company, Inc., Houston, Tex., of the operating rights authorized in the Report of the Commission, Division 1, decided January 21, 1960, in No. MC 117944, in the name of O. J. Carter, Houston, Tex., covering the transportation of: Bananas, from Galveston, Tex., to Phoenix and Tucson, Ariz., Los Angeles, Calif., and El Paso, Tex. Edmund L. Cogburn, 505 Bettes Building, Houston 2, Tex., for applicants.

No. MC-FC 63487. By order of August 16, 1960, The Transfer Board approved the transfer to Oressey, Inc., Scranton, Pennsylvania, of a portion of Certificate in No. MC 42605, issued April 18, 1951, to Alvin A. Roth, Bowmanstown, Pennsylvania, which authorizes the transportation of coal, over irregular routes, between points in Lackawanna County, Pennsylvania, on the one hand, and, on the other, points in Morris, Somerset, Essex, and Middlesex Counties, New Jersey. William J. Dempsey, 400 Scranton Life Building, Scranton, Pa., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7828; Filed, Aug. 22, 1960; 8:47 a.m.]

[Notice 368]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62011. By order of August 11, 1960, Division 4, acting as an Appellate Division, approved the transfer to Pan American Van Lines, Inc., Bellerose, N.Y., of a portion of Certificate No. MC 111154, issued February 3, 1956, to G. H. Wolter, doing business as P. & W. Truck Line, Albia, Iowa, authorizing the transportation of: Emigrant movables, between points in Iowa, as specified on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Illinois, Wisconsin, Minnesota, and South Dakota; and household goods, between points in Monroe County, Iowa, on the one hand, and, on the other, points in Nebraska, Michigan, and Minnesota, between points in Monroe County, Iowa, on the one hand, and, on the other, points in Wisconsin, Illinois, Missouri, and Kansas, and between Albia, Iowa, and points within 25 miles thereof, on the one hand, and, on the other, points in Illinois, Iowa, and Missouri. Edward M. Alfano, 36 West 44th Street, New York 36, N.Y., for applicants.

No. MC-FC 62019. By order of August 11, 1960, Division 4, acting as an Appellate Division, approved the transfer to Scott's Transportation Service, Incorporated, Oxford, Iowa, of a portion of Certificate No. MC 111154, issued February 3, 1956, to G. H. Wolter, doing business as P. & W. Truck Line, Albia, Iowa, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Quincy, Ill., and Shelbyville, Mo., serving all intermediate points on the highways specified, and the off-route points of Maywood, Monticello, and Leonard, Mo.; and such merchandise as is dealt in by wholesale grocery business houses, in truckload lots, from Quincy, Ill., over specified routes to Moberly, Mo., serving the intermediate point of Hannibal, Mo.; machinery and farm equipment and parts thereof, from Canton, Moline, East Moline, Rock Falls, and Rock Island, Ill., to points in Iowa as specified; hardware and agricultural machinery and parts thereof, from Rock Island, Moline, East Moline, Silvis, and Canton, Ill., St. Paul and Minneapolis, Minn., Kansas City and St. Louis, Mo., and Kansas City, Kans., to points in Iowa as specified; bakery supplies and equipment, from Moline, Ill., to Oskaloosa, Iowa; petroleum products, in containers, from Rock Island, Moline, and Keithsburg, Ill., to Oskaloosa, Iowa; malt beverages, from Minneapolis, Minn., to Albia, Iowa, and from Chicago and Peoria, Ill., to Albia, Chariton, and Oskaloosa, Iowa; fencing, from Fort Madison, Iowa, to points in Illinois and Nebraska; washing machines and parts therefor, and materials used in the manufacture thereof, from Fairfield, Iowa, to Alliance, Galion, and Warren, Ohio; washing machine parts and materials used in the manufacture of washing machines and parts therefor, from Alliance, Galion, and Warren, Ohio, to Fairfield, Iowa; furniture, from Chicago, Ill., to Ottumwa, Iowa; new and old furniture, and commodities such as are dealt in by retail furniture stores, from Chicago, Ill., to Albia, Iowa; and livestock, feed, wool, twine, agricultural commodities, feederstock, hides, rendering plant products, seed, soy beans, chicken and pig brooders, poultry nests, poultry and livestock feeders, water tanks, tank heaters, agricultural and poultry hand utensils, farm supplies, coal, peaches, watermelons, and junk, from and to, or between, points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Wisconsin, as specified. Kenneth R. Hummer, P.O. Box 135, Oxford, Iowa, for transferee. Edward M. Alfano, 36 West 44th Street, New York 36, N.Y., for transferor.

No. MC-FC 63161. By order of August 11, 1960, Division 4, acting as an Appellate Division, approved the transfer to Intercity Express, Inc., Fort Dodge, Iowa, of the operating rights authorized to Ronald Giesler, doing business as Giesler Truck Line, Humboldt, Iowa, in Certificates Nos. MC 115575 and MC 115575 Sub 2, issued March 22, 1957, and June 6, 1960, respectively, authorizing the transportation, over irregular routes, of fertilizer, from Humboldt, Iowa, to points in that part of Minnesota on and south of U.S. Highway 14 (except points in Fillmore, Houston, Olmsted, and Winona Counties, Minn.), and fertilizer, other than liquid, from Humboldt, Iowa, to points in that part of Minnesota north of U.S. Highway 12. William A. Landau, P.O. Box 1634, Des Moines, Iowa, for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7803; Filed, Aug. 19, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SCHENKERS INTERNATIONAL, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8526, between Schenkers International, Inc., Chicago, Ill., and A. E. Nydegger & Co., New York, N.Y.

Agreement No. 8527, between Schenkers International, Inc., Chicago, Ill., and Natural, Nydegger Transport Corp., New York, N.Y.

Under these two agreements Schenkers International, Inc., will perform the necessary freight forwarding services on shipments moving through Chicago referred to it by the other party to the respective agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 17, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7843; Filed, Aug. 22, 1960; 8:48 a.m.]

Maritime Administration

[Docket No. S-116]

MOORE-McCORMACK LINES, INC.

Application and Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS Robin Kirk," which is under time charter to States Marine Lines to engage in one intercoastal voyage commencing at United States North Pacific ports on or about September 20, 1960, to load a cargo of lumber and/or lumber products for discharge at United States Atlantic ports. This application may be inspected by interested parties in the Office of Hearing Examiners, Maritime Administration, Washington, D.C.

A hearing on the application has been set before the Maritime Administrator for September 13, 1960, at 9:30 a.m. e.d.t., in Room 4458, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on September 12, 1960, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on September 12, 1960, will not be granted in this proceeding.

Dated: August 17, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7844; Filed, Aug. 22, 1960; 8:49 a.m.]

Office of the Secretary

JOHN J. STAHL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Adams Millis Corporation.
B. Additions: Tri Continental Corporation.

This statement is made as of August 1, 1960.

JOHN J. STAHL.

AUGUST 9, 1960.

[F.R. Doc. 60-7837; Filed, Aug. 22, 1960; 8:48 a.m.]

ROBERT JOSEPH WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Jostens, Storer Broadcasting Company.
B. Additions: No change.

This statement is made as of July 30, 1960.

ROBERT JOSEPH WILLIAMS.

AUGUST 8, 1960.

[F.R. Doc. 60-7838; Filed, Aug. 22, 1960; 8:48 a.m.]

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.445]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts*, is amended as follows, effective on the dates indicated.

1. Effective as of July 10, 1960, paragraph (a) is amended by the deletion of the following:

Belgian Congo (including Ruanda-Urundi), all posts except Elisabethville and Leopoldville.

2. Effective as of the beginning of the first pay period following August 20, 1960, paragraph (a) is amended by the deletion of the following:

Guadeloupe, F.W.I.
Martinique, French West Indies
Pakse, Laos
Savannakhet, Laos
Vientiane, Laos.

3. Effective as of the beginning of the first pay period following August 20, 1960, paragraph (b) is amended by the deletion of the following:

Iran, all posts except Chehel-Dokhtar, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Naudeh, Rezaiyeh, Sanandaj, Sari, Shahabad, Shiraz, Tehran and Zirab.

4. Effective as of July 10, 1960, paragraph (c) is amended by the deletion of the following:

Leopoldville, Belgian Congo.

5. Effective as of the beginning of the first pay period following August 20, 1960, paragraph (c) is amended by the deletion of the following:

Asuncion, Paraguay.

6. Effective as of July 10, 1960, paragraph (a) is amended by the addition of the following:

Belgian Congo (including Ruanda-Urundi), all posts.

7. Effective as of the beginning of the first pay period following August 20, 1960, paragraph (a) is amended by the addition of the following:

Ajabshahr, Iran
Katubarahang, Iran
Kushi, Iran
Laos, all posts
Marand, Iran
Rehneh, Iran.

8. Effective as of the beginning of the first pay period following March 19, 1960, paragraph (b) is amended by the addition of the following:

Dominica, T.W.I.

9. Effective as of the beginning of the first pay period following August 20, 1960, paragraph (b) is amended by the addition of the following:

Guadeloupe, F.W.I.
Iran, all posts except Ajabshahr, Chehel-Dokhtar, Dezful, Firuzkuh, Isfahan, Katubarahang, Kerman, Khaneh, Kushi, Manjil, Marand, Naudeh, Rehneh, Rezaiyeh, Sanandaj, Sari, Shahabad, Shiraz, Tehran and Zirab.
Martinique, F.W.I.

10. Effective as of the beginning of the first pay period following August 20, 1960, paragraph (d) is amended by the addition of the following:

Asuncion, Paraguay.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: August 9, 1960.

For the Secretary of State.

[SEAL] LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-7895; Filed, Aug. 23, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 822, Terminated]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended; and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this regulation is based became available and the time when the regulation must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restrictions on the handling of such lemons.

Order. The provisions of Lemon Regulation 822 (§953.929; 24 F.R. 9708) are hereby terminated effective at 12:01 a.m., P.s.t., August 21, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7882; Filed, Aug. 23, 1960; 8:47 a.m.]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Reserve Fund

Notice was published in the August 5, 1960, issue of the FEDERAL REGISTER (25 F.R. 7403) that consideration was being given to a proposal regarding the establishment of a reserve fund to provide for the maintenance and functioning of the Washington Apricot Marketing Committee in accordance with the provisions of the marketing agreement and Order No. 120 (7 CFR Part 1020) regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Washington Apricot Marketing Committee, established pursuant to the said marketing agreement and order, it is hereby determined that:

§ 1020.205 Reserve fund.

The establishment of a reserve fund in the amount of $5,765.09 is appropriate and necessary to the maintenance and functioning of the Washington Apricot Marketing Committee. The committee is hereby authorized to carry forward in the aforesaid reserve $5,769.09 which are excess assessment funds from the fiscal period ended March 31, 1960. Such reserve shall be used in accordance with the provisions of § 1020.42 of the said marketing agreement and order.

Terms used herein shall have the same meaning as given to the respective term in said marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7883; Filed, Aug. 23, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 435; Amdt. 197]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspections of the brake accumulator systems on Vickers Viscount 745D and 810 Series aircraft was published in 25 F.R. 6213.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all 745D and 810 Series aircraft.

Compliance required as indicated.

Conduct inspections of the brake accumulator systems as specified in Vickers Preliminary Technical Leaflet (PTL) 222 (700 Series) and PTL 87 (800/810 Series) within the next 300 hours' time in service and at subsequent periodic intervals of 800 hours' time in service. These inspections are not mandatory when filters, Dunlop ACM 18308 or equivalent, are installed in accordance with Vickers Modification Bulletins D.2994 (700 Series) and FG 1796 (800/810 Series).

This amendment shall become effective 30 days after date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 18, 1960.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 60-7870; Filed, Aug. 23, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-134]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas

On June 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5156) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 454 between Evergreen, Ala., and Fort Mill, S.C.; extend VOR Federal airway No. 66 from McDonough, Ga., to Fort Mill; and revoke VOR Federal airway No. 476 between McDonough and Fort Mill.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6454 (14 CFR 600.6454; 25 F.R. 1939) is amended to read:

§ 600.6454 VOR Federal airway No. 454 (Evergreen, Ala., to Lawrenceville, Va.).

From the Evergreen, Ala., VOR via the INT of the Evergreen VOR 075° True and the Columbus VOR 219° True radials; Columbus, Ga., VOR; McDonough, Ga., VOR; Greenwood, S.C., VOR; INT of the Greenwood VOR 060° True and the Fort Mill VOR 227° True radials; Fort Mill, S.C., VOR; Liberty, N.C., VOR; to the Lawrenceville, Va., VOR.

§ 601.6454 [Amendment]

2. In the text of § 601.6454 (14 CFR 601.6454; 25 F.R. 1939), "All of VOR Federal airway No. 454 including a north alternate," is deleted and "All of VOR Federal airway No. 454." is substituted therefor.

§ 600.6066 [Amendment]

3. In § 600.6066 (14 CFR 600.6066; 25 F.R. 4278, 6686), the following changes are made:

(a) In the caption "*(San Diego, Calif., to Sulphur Springs, Tex., and Tuscaloosa, Ala., to McDonough, Ga.)*" is deleted and "*(San Diego, Calif., to Sulphur Springs, Tex., and Tuscaloosa, Ala., to Fort Mill, Ga.)*" is substituted therefor.

(b) In the text "to the McDonough, Ga., VOR" is deleted and "McDonough, Ga., VOR; INT of the McDonough VOR 036° True and the Athens VOR 241° True radials; Athens, Ga., VOR; INT of the Athens VOR 062° True and the Fort Mill VOR 242° True radials; to the Fort Mill, S.C., VOR" is substituted therefor.

§ 601.6066 [Amendment]

4. In the caption of § 601.6066 (14 CFR 601.6066; 25 F.R. 4278), "*(San Diego, Calif., to Sulphur Springs, Tex., and Tuscaloosa, Ala., to McDonough, Ga.)*" is deleted and "*(San Diego, Calif., to Sulphur Springs, Tex., and Tuscaloosa, Ala., to Fort Mill, S.C.)*" is substituted therefor.

5. In Parts 600 (14 CFR Part 600) and 601 (14 CFR Part 601), the following changes are made:

§ 600.6476 [Revocation]

(a) Section 600.6476 *VOR Federal airway No. 476 (McDonough, Ga., to Fort Mill, S.C.).* is revoked.

§ 601.6476 [Revocation]

(b) Section 601.6476 *VOR Federal airway No. 476 control areas (McDonough, Ga., to Fort Mill, S.C.).*" is revoked.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on August 22, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7907; Filed, Aug. 23, 1960; 8:49 a.m.]

[Airspace Docket No. 60-WA-105]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

PART 608—RESTRICTED AREAS

Modification of Federal Airway and Associated Control Areas, Designation of Control Zone, Designation of Control Area Extension and Modification of Restricted Area

On May 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4483) stating that the Federal Aviation Agency was considering amendments to Part 601 and §§ 600.6128, 601.6128, and 608.43 of the regulations of the Administrator which would result in the following: Modification of VOR Federal airway No. 128; designation of a control zone at Wilmington, Ohio; designation of a control area extension at Wilmington, Ohio; and modification of the Wilmington Restricted Area (R-109).

As stated in the notice, these amendments will result in the following actions:

1. Modification of Victor 128 by designating a north alternate from the Cincinnati, Ohio, VOR to the York, Ky., VOR via the intersection of the Cincinnati VOR 090° True and the York VOR 301° True radials which would provide an additional arrival and departure route for the Cincinnati terminal area. Victor 128 N would be utilized when the Wilmington Restricted Area (R-109) is not being used for its designated purpose.

2. Designation of a control zone at Wilmington, Ohio, within a 5-mile radius of the Clinton County Air Force Base with a 12-mile extension to the northeast based on a bearing of 037° True from the Clinton County, Ohio, radio beacon. The designation of this control zone would afford protection for aircraft conducting IFR approaches and IFR departures at Clinton County AFB. The portion of this control zone which coincides with Restricted Area (R-109) would be utilized when the restricted area is not being used for its designated purpose.

3. Designation of a control area extension at Wilmington, Ohio, which would encompass the area within and adjacent to the Wilmington Restricted Area (R-109), bounded on the east and northeast by the Columbus, Ohio, control area extension (601.1042), on the south by VOR Federal airway No. 128, on the west by the Cincinnati, Ohio, control area extension (601.1089), on the northwest by VOR Federal airway No. 5. The designation of this control area extension would permit optimum use of the area for air traffic management when Restricted Area (R-109) is not in use and would provide protection to aircraft conducting instrument jet approaches to the Wright-Patterson AFB, Dayton, Ohio.

4. Modification of the Wilmington, Ohio, Restricted Area (R-109) by designating the Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center as the Controlling Agency.

The Aircraft Owners and Pilots Association concurred in the designation of a north alternate to Victor 128 but objected to the Wilmington control area extension, pending establishment of appropriate floors for the area. The AOPA also agreed with the designation of a 5-mile radius control zone but questioned the need for the 12 mile extension to the northeast.

Since Civil Air Regulation Amendments 60-14 and 60-14A were rescinded effective June 30, 1960 (25 F.R. 6015), the designation of control areas must be in accordance with Part 601 of the Regulations of the Administrator which does not provide for the establishment of floors. In determining the requirement for an extension to a control zone, consideration must be given to the location of the navigational aid serving the approach to the airport. The Clinton County radio beacon is located 3.1 nautical miles northeast of the Clinton County AFB. This necessitates a crossing altitude below 1,000 feet above the surface of the airport at the radio beacon, as the criteria establishing instrument approach procedures authorize a maximum rate of descent of 300 feet per nautical mile for distances up to 4 miles from the airport. In accordance with the current jet penetration procedure for Clinton County AFB, the penetration turn is completed within 15 nautical miles of the radio beacon at 1,700 feet MSL, which is only 628 feet above the surface of the airport. The Department of the Air Force has agreed to modify this procedure whereby a control zone extension of 12 statute miles will afford the necessary protection to aircraft flying below 1,000 feet above the surface while conducting instrument approaches to Clinton County AFB. Therefore, the Federal Aviation Agency considers the extension of the control zone to the northeast to be necessary.

The Department of the Air Force and the Air Transport Association of America concurred with the proposed amendments. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following actions are taken:

§ 600.6128 [Amendment]

1. In the text of § 600.6128 (24 F.R. 10517) "Cincinnati, Ohio, omnirange station; York, Ky., omnirange station, including a south alternate via the intersection of the Cincinnati omnirange 120° True with the York omnirange direct radial to the Falmouth, Ky., omnirange station; to the Charleston, W. Va., omnirange station." is deleted and "Cincinnati, Ohio, VORTAC; York, Ky., VOR, including a N alternate and also a S alternate via the INT of the Cincinnati VORTAC 120° True and the York VOR direct radial to the Falmouth, Ky., VOR; to the Charleston, W. Va., VORTAC." is substituted therefor.

2. In Part 601 (24 F.R. 10530) the following sections are added:

§ 601.1096 Control area extension (Wilmington, Ohio).

The airspace bounded on the NW by VOR Federal airway No. 5, on the N and E by the Columbus, Ohio, control area extension (§ 601.1042), on the S by VOR Federal airway No. 128, and on the W by the Cincinnati, Ohio, control area extension (601.1089).

§ 601.2429 Wilmington, Ohio, control zone.

Within a 5-mile radius of the geographical center of the Clinton County Air Force Base (Lat. 39°26'00" N, Long. 83°48'00" W), within 2 miles either side of a line bearing 037° True from the Clinton County RBN extending from the 5-mile radius zone to a point 12 miles NE of the RBN.

§ 601.6128 [Amendment]

3. In the text of § 601.6128 (24 F.R. 10601) "including a south alternate." is deleted and "including a N and a S alternate." is substituted therefor.

§ 608.43 [Amendment]

4. In § 608.43 *Ohio*, the Wilmington, Ohio, Restricted Area (R-109) (Huntington Chart) (23 F.R. 8586) is amended by deleting "Wright Air Development Center, Wright-Patterson AFB, Dayton, Ohio." and substituting therefor "Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center."

These amendments shall become effective 0001 e.s.t. October 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on August 18, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-7873; Filed, Aug. 23, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-178]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1021 of the regulations of the Administrator is to modify the Belleville, Ill., control area extension.

The Belleville control area extension is presently designated as all of the area within a 40-mile radius of the Scott AFB radio range station.

Since the Department of the Air Force proposes to decommission the Scott AFB radio range in the near future, action is taken herein to eliminate reference to this facility in the description of the Belleville control area extension.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1021 (24 F.R. 10548) is amended to read:

§ 601.1021 Control area extension (Belleville, Ill.).

The airspace within a 40-mile radius of Scott Air Force Base (Lat. 38°32'32" N., Long. 89°51'30" W.).

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 18, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7871; Filed, Aug. 23, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-21]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On June 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5187) stating that the Federal Aviation Agency proposed to designate a control zone at Champaign, Ill.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2475 Champaign, Ill., control zone.

Within a 5-mile radius of the geographical center of the University of Illinois Airport (Lat. 40°02'24" N., Long. 88°16'36" W.), within two miles either side of the 123° True radial of the Champaign VORTAC extending from the 5-mile radius zone to 12 miles SE of the VORTAC, and within 2 miles either side of the 233° True radial of the Champaign VORTAC extending from the 5-mile radius zone to 12 miles SW. of the VORTAC.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 18, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7872; Filed, Aug. 23, 1960; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950-)

Rights and Benefits Based on Disability

Subpart P of Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1501), is revised to read as follows:

§ 404.1501 Disability defined.

(a) *For purposes of entitlement to benefits based on disability.* For purposes of entitlement to disability insurance benefits, or to child's insurance benefits after attainment of age 18, "disability" means inability to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time, or to result in death.

(b) *For purposes of establishment of a period of disability.* For purposes of entitlement to the establishment of a period of disability, "disability" means:

(1) Inability to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time, or to result in death; or

(2) Blindness, without regard to ability to engage in any substantial gainful activity. "Blindness," for the purposes of this subparagraph, means central visual acuity of 5/200 or less in the better eye with the use of a correcting lens. An eye in which the visual field is reduced to five degrees or less concentric contraction shall be considered for the purpóses of this subparagraph as having a central visual acuity of 5/200 or less. The condition described in this subparagraph is referred to as "statutory blindness."

§ 404.1502 Evaluating disability.

(a) Whether or not an impairment in a particular case constitutes a disability, as defined in § 404.1501 (a) and (b) (1) is determined from all the facts of that case. Primary consideration is given to the severity of the individual's impairment. Consideration is also given to such other factors as the individual's age, education, training and work experience. However, medical considerations alone may justify a finding that the individual is not under a disability where the only impairment is a slight neurosis, slight impairment of sight or hearing, or similar abnormality or combination of slight abnormalities. Also, medical considerations alone (including the physiological and phychological manifestations of aging) may justify a finding that the individual is under a disability where his impairment is one, as shown by the following examples, which would ordinarily be considered as preventing substantial gainful activity, except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity. Examples of such impairments are:

(1) Loss of the use of two limbs.

(2) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease.

(3) Diseases of heart, lungs or blood vessels, which have resulted in major loss of heart or lung reserves, as evidenced by X-ray, electrocardiogram or other objective findings so that, despite medical treatment, it produces breathlessness, pain or fatigue on slight exertion, such as walking several blocks, using public transportation or doing small chores.

(4) Cancer which is inoperable and progressive.

(5) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation or memory.

(6) Mental disease (e.g., psychosis or severe psychoneurosis) requiring continued institutionalization or constant supervision of the affected individual.

(7) Loss or diminution of vision to the extent that the affected individual has central visual acuity of no better than 20/200 in the better eye after best correction, or has an equivalent concentric contraction of his visual fields.

(8) Permanent and total loss of speech.

(9) Total deafness uncorrectible by a hearing aid.

(b) The existence of one of the impairments (or an impairment of greater severity) described in paragraph (a) (1) through (9) of this § 404.1502 will not in and of itself always permit a finding that an individual is under a disability as defined in § 404.1501 (a) and (b) (1). Conditions which fall short of the levels of severity indicated must also be evaluated in terms of whether they do in fact prevent the individual from engaging in any substantial gainful activity taking into account his age, education, training and work experience. It must be established by medical evidence, and where necessary by appropriate medical tests, that the claimant's impairment or impairments or those of the individual on whose earnings record benefits are claimed result in such a lack of ability to perform significant functions—such as moving about, handling objects, hearing or speaking, or, in a case of mental impairment, reasoning or understanding—that such individual cannot, with his age, training, education and work experience, engage in any kind of substantial gainful activity. It must be established not only that the individual is incapable of performing his prior, usual or regular work or work commensurate with his education, training, experience and skills (i.e., equal to his previous type of work in amount of earnings or utilization of capacities) but also that he does not have the capacity to engage in any other kind of substantial gainful work, taking into account his age, education, experience and skills. Evidence of unsuccessful efforts by the individual to secure or continue to do work is not of itself controlling in determining whether or not the individual has the capacity to engage in any substantial gainful activity. The physical or mental impairment must be the primary reason for the individual's inability to engage in substantial gainful activity. Where, for instance, an individual remains unemployed for a reason or reasons not due to his physical or mental impairment but because of the hiring practices of certain employers, technological changes in the industry in which he has worked, or local or cyclical economic conditions, such individual may not be considered under a disability as defined in § 404.1501 (a) and (b) (1).

(c) Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments and, considering his age, education and vocational background is unable to engage in lighter work, such individual may be found to be under a disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his impairment or impairments (except where such work is sporadic or is medically contraindicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he has the training or past work experience which qualifies him for substantial gainful work in another occupation consistent with his impairment, either on a full-time or a reasonably regular part-time basis.

(d) When used in this section for evaluating "disability," the term "age" refers to chronological age and the extent to which it affects the individual's capacity to engage in work in competition with others. An individual unemployed primarily because of age, however, shall not be deemed unable to engage in substantial gainful activity by reason of a medical impairment.

(e) When used in this section for evaluating "disability," the term "education" is used in the following sense: Education and training are factors in determining the employment capacity of an individual. Lack of formal schooling, however, is not necessarily proof that the individual is an uneducated person. The kinds of responsibilities he carried when working may indicate ability to do more than unskilled work, even though his formal education has been limited.

(f) Under the law, an impairment must also be expected either to continue for a long and indefinite period or to result in death. Indefinite is used in the sense that it cannot reasonably be anticipated that the impairment will, in the foreseeable future, be so diminished as no longer to prevent substantial gainful activity. Thus, for example, an individual who suffers a bone fracture that has prevented him from working for an extended period of time will not be considered under a disability if his recovery can be expected in the foreseeable future.

(g) An individual will be deemed not under a disability if, with reasonable effort and safety to himself, the impairment can be diminished to the extent that the individual will not be prevented by the impairment from engaging in any substantial gainful activity.

(Sec. 205(a), 53 Stat. 1368, as amended, sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Interprets or applies sec. 202, 49 Stat. 623, as amended, sec. 216(1) 68 Stat. 1080, as amended, sec. 223, 70 Stat. 815, as amended; 42 U.S.C. 402, 416(1), 423)

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: August 9, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-7892; Filed, Aug. 23, 1960; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55206]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

AUGUST 17, 1960.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), a new customs port of entry to be known as Kodiak, Alaska, is hereby designated in Customs Collection District No. 31 (Alaska).

Section 1.1(c) of the Customs Regulations is amended by adding "Kodiak, Alaska (T.D. 55206)." in the column headed "Ports of entry" in District No. 31 (Alaska).

In order to correctly reflect the addresses of the customs laboratories and the collection districts they serve, the listing of customs offices in § 1.7 of the Customs Regulations is amended to read as follows:

Address	Customs collection districts
408 Atlantic Ave., Boston, Mass.	1, 2, 4, and 5.
201 Varick St., New York, N.Y.	6, 7, 8, 9, 10, 49, and 51.
Branch Laboratory: Customhouse, San Juan, Puerto Rico.	11, 12, and 41.
Customhouse, Philadelphia, Pa.	13, 14, 15, 42, and 43.
103 South Gay St., Baltimore, Md.	16, 17, and 18.
Customhouse, Savannah, Ga.	19, 20, 21, 22, and 23.
Customhouse, New Orleans, La.	24, 25, 26, 27, and 50.
531 Mateo St., Los Angeles, Calif.	28, 29, 30, 31, 32, 33, and 47.
630 Sansome St., San Francisco, Calif.	34, 35, 36, 37, 38, 39, 40 and 45.
Customhouse, Chicago, Ill.	

(R.S. 161, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

Notice of the proposed designation of Kodiak as a customs port of entry was published in the FEDERAL REGISTER of July 9, 1960 (25 F.R. 6483), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections to this action were received. It is considered in the best interest of the public that this action be put in effect as soon as possible. For this reason it is found that compliance with the effective date limitations of section 4(c) of that Act serves no good purpose. This Treasury decision shall, therefore, be effective upon publication in the FEDERAL REGISTER.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7894; Filed, Aug. 23, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 2,3-p-Dioxanedithiol-S, S-Bis (O,O-Diethylphosphorodithioate)

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington 99, Delaware, requesting the establishment of tolerances for residues of 2,3-*p*-dioxanedithiol-*S*,*S*-bis(*O*,*O*-diethylphosphorodithioate) containing approximately 70 percent cis and trans isomers and approximately 30 percent related compounds, in or on raw agricultural commodities, as follows:

2.1 parts per million in or on grapes.

1 part per million in or on the fat of meat from cattle, goats, hogs, and sheep.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.171) are amended by changing § 120.171 to read as follows:

§ 120.171 Tolerances for residues of 2, 3-*p*-dioxanedithiol-*S*,*S*-bis (*O*,*O*-diethylphosphorodithioate).

Tolerances for residues of 2,3-*p*-dioxanedithiol-*S*-*S*-bis (*O*,*O*-diethylphosphorodithioate) in or on raw agricultural commodities incurred from the use of a pesticide chemical composed of a mixture of approximately 70 percent of the cis and trans isomers of 2,3-*p*-dioxanedithiol-*S*-*S*-bis (*O*-*O*,diethylphosphorodithioate) and approximately 30 percent of related compounds are established as follows:

(a) 2.8 parts per million in or on grapefruit, lemons, limes, oranges, tangelos, tangerines.

(b) 2.1 parts per million in or on grapes.

(c) 1 part per million in or on fat of meat from cattle, goats, hogs, and sheep.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 17, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7880; Filed, Aug. 23, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—MILITARY PERSONNEL

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

Miscellaneous Amendments

The following miscellaneous amendments to this Part 56 have been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

§ 56.1–3 [Amendment]

1. Section 56.1–3(j)(8) has been reworded to read as follows: (8) *Adjuncts to medical care.* Prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports or aids.

§ 56.3–2 [Amendment]

2. The sixth sentence in § 56.3–2(e) has been revised; § 56.3–2(e), as amended, now reads as follows:

(e) In lieu of the restrictions described in paragraphs (c) and (d) of this section, the Secretary of Defense may specify a date as of which the restrictions described below will be effective. On and after the specified date, a restriction on freedom of choice shall be effective as to dependents in the United States and Puerto Rico, who are eligible for civilian medical care, who reside with their sponsors, or in an area to which their sponsor is assigned, who require care authorized under this Part 56 from civilian sources but have not commenced receiving such care from civilian sources on the aforesaid specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), and who reside in an area where adequate medical facilities of a uniformed service are available for such dependents. No restriction on freedom of choice will be imposed on such dependents residing in areas where adequate medical facilities of a uniformed service are not available. However, in order that the restriction may be appropriately administered, each dependent who resides with the sponsor, or in an area to which the sponsor is assigned, and who requires care authorized under this Part 56 from civilian sources but has not commenced receiving such care from civilian sources on the specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), will be required to contact a uniformed services installation. For those residing in areas where an adequate medical facility of a uniformed service is not available, DD Form 1251, "Nonavailability Statement", authorizing care from civilian sources at Government expense will be issued. Such a statement may also be issued to a dependent residing with the sponsor, or residing in an area to which the sponsor is assigned, when the capability does not exist in the medical facility (or facilities) of the uniformed services in the area to provide the required care because of lack of necessary staff, facilities, or space. The DD Form 1251, issued in the manner described above, shall be evidence of entitlement of the dependent to care authorized under this Part 56 from civilian sources at Government expense. In determining whether a dependent covered under this paragraph (e) is residing in an area where adequate medical facilities of a uniformed service are available, the criteria outlined in paragraphs (c) and (d) of this section shall apply. Detailed procedures concerning the format of the DD Form 1251 and the manner in which it is to be issued may be set forth in the Joint Regulations. Spouses and children are considered to be residing with their sponsor if they reside in the area to which the sponsor is assigned, in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the area to which he is assigned, the permanent duty station or his home port or home yard respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty order.

3. A new § 56.3–4 has been added to read as follows:

§ 56.3–4 Between civilian medical facilities and uniformed services facilities outside the United States and Puerto Rico.

Dependents eligible for civilian medical care who are not residing with their sponsors, or in an area to which their sponsor is assigned, shall have free choice between uniformed services medical facilities and professionally acceptable local civilian sources. Where medical facilities of the uniformed services are available within the area and are capable of providing the required care, spouses and children outside the United States and Puerto Rico who are residing with their sponsors, or in an area to which their sponsor is assigned, will utilize these facilities for such care. In areas where medical facilities of the uniformed services are nonexistent or incapable of providing adequate medical care, spouses and children who are residing with their sponsors, or in an area to which their sponsor is assigned, may be authorized civilian medical care from professionally acceptable local sources in accordance with this Part 56.

§ 56.4–3 [Amendment]

4. Section 56.4–3(c) has been revised to read as follows:

(c) When a hospitalized dependent patient requires care beyond the capabilities of the medical facility, the commanding officer or officer-in-charge of the facility is authorized to:

(1) Transfer the patient to the nearest medical facility of the uniformed services where the required treatment is available. Government transportation may be utilized to effect such transfer; or

(2) Procure from civilian sources the necessary supplemental material and professional and personal services required for the proper care and treatment of the patient in his facility.

The authorization provided by this paragraph (c) is applicable after admission of the patient when the patient's condition so requires.

§ 56.4–5 [Amendment]

5. Section 56.4–5(a)(3) has been amended to read as follows:

(3) Outside the United States, and in remote areas within the United States as designated by the Secretary of the Army, Navy, or Air Force and approved by the Secretary of Defense where adequate civilian dental facilities are not available to personnel at or near military installations; or as designated by the Surgeon General, U.S. Public Health Service, and approved by the Secretary of Health, Education, and Welfare for those facilities over which jurisdiction is provided in § 56.1–4(b).

6. A new § 56.4–9 has been added to read as follows:

§ 56.4–9 Transportation of patients.

Commercial or civilian transportation to move dependent patients to medical facilities of the uniformed services, between medical facilities of the uniformed services, or from a civilian medical facility to a medical facility of the uniformed services is not authorized at Government expense.

§ 56.5–2 [Amendment]

7. The last sentence of § 56.5–2(g) has been revised; § 56.5–2(g), as amended, now reads as follows:

(g) Treatment in a hospital for an acute emotional disorder is authorized provided that such disorder is considered to constitute an emergency which is a threat to the life or health of a patient. In general, care will be provided for an acute emotional disorder under this section only until the disorder subsides, until arrangements are made for care elsewhere, or until the end of 21 days of hospitalization, whichever occurs earliest. Under procedures to be established by the Executive Agent, or his representative, within the United States and Puerto Rico, and by the Secretaries of the uniformed services, or their representatives, outside the United States and Puerto Rico, extension beyond 21 days may be granted on a case-by-case basis where the member or the dependent, or the representative of either, shows that, due to absence (e.g. overseas assignment when dependent is in the United States), the member was unable to make arrangements for care elsewhere within the 21-day period. With special exceptions, as authorized by the Surgeon General of a uniformed service, additional care for an acute emotional disorder in a hospital of the uniformed services on a space available basis may be provided in accordance with § 56.4–4(b). The commanding officer of a uniformed services hospital, or the Surgeon General of a uniformed service having jurisdiction over a hospital, may authorize transfer of any patient, hospitalized in a civilian hospital under any of the above subparagraphs, to that uniformed services medical facility on the basis of space, facility, and personnel availability. (See §§ 56.4–2 and 56.4–3.) In cases covered by the two preceding sentences, Government transportation may be utilized to effect transfer to a uniformed services hospital.

§ 56.5–3 [Amendment]

8. A parenthetical note has been added following heading of § 56.5–3(a); the introduction to § 56.5–3(a), as amended, now reads:

(a) *Applicable terms.* (NOTE: These terms are primarily for use in the United States and Puerto Rico and may be modified in other areas.)

9. A sentence has been added to § 56.5–3(d)(1)(ii); § 56.5–3(d)(1)(ii), as amended, now reads as follows:

(ii) All diagnostic and therapeutic tests and procedures authorized by the attending physician and accomplished during a period of hospitalization are authorized for payment by the Government. In those instances during the period of hospitalization when treatment by the use of X-ray, radium or radioisotopes is prescribed, such treatment may be continued or carried out on an outpatient status.

§ 56.5–4 [Amendment]

10. In § 56.5–4(g), the cross-references have been deleted and a positive statement concerning transportation has been added; § 56.5–4(g), as amended, now reads:

(g) Ambulance service, or other civilian transportation used for movement of spouses or children to or between civilian medical facilities or from a civilian medical facility to a medical facility of the uniformed services.

11. A new § 56.5–4(h) has been added to read as follows:

(h) Adjuncts to medical care (See § 56.1–3(j)(8)).

§ 56.5–5 [Amendment]

12. The second sentence of § 56.5–5(e)(1) has been revised; § 56.5–5(e)(1), as amended, now reads as follows:

(1) Spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or the same episode which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits, subject to space, facilities, and personnel availability. Government transportation may be utilized to effect transfer to a uniformed services hospital. The cost of medical and hospital care authorized from civilian sources (see § 56.5–2) which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in § 56.5–6, but not after the date on which feasible arrangements for transfer have been made.

§ 56.5–6 [Amendment]

13. An introductory clause has been added to § 56.5–6(d); § 56.5–6(d), as amended, now reads as follows:

(d) Except as provided in paragraph (b)(3) of this section, if hospital care in a private room is provided in a hospital which has only private rooms, the Government will pay 90 percent of the daily hospital charges for the room provided the dependent, or $15.00 per day, whichever is the lesser. The patient will be required to pay the hospital the greater of subparagraph (1) or (2), and in addition subparagraph (3) of this paragraph:

§ 56.5–7 [Amendment]

14. Section 56.5–7(c)(1) has been deleted; § 56.5–7(c)(2) has been revised to become § 56.5–7(c) as follows:

(c) *Care in civilian facilities outside the United States and Puerto Rico.* The Secretary of a uniformed service is authorized, with authority to redelegate such responsibilities as appropriate, to contract or provide for payment for authorized civilian medical care for spouses and children outside the United States and Puerto Rico. (See § 56.3–4.) The responsibilities of the uniformed services, where appropriate, shall be the same as those listed for the Executive Agent in § 56.5–7(b).

15. The fourth sentence of § 56.5–8 has been revised; § 56.5–8, as amended, now reads as follows:

§ 56.5–8 Hospitalization beyond period of 365 days.

When a spouse or child, who is a dependent, requires a period of hospitalization in excess of 365 days, the hospital shall notify the contractor who shall forward a copy of this notification to the Executive Agent or his representative. This notification normally will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed service if this is determined to be feasible. Government transportation may be utilized to effect transfer to a uniformed services hospital. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized subject to the Joint Regulations.

(Secs. 101–103, 201–204, 301–305, 70 Stat. 250–254; 37 U.S.C. 401–403, 411–414, 421–423, 404–405)

MAURICE W. ROCHE,
Administrative Secretary.

Approved: August 15, 1960.

FRANK B. BERRY,
Assistant Secretary of Defense (Health and Medical).

Approved: August 9, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-7893; Filed, Aug. 23, 1960; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 890—MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES

A new Part 890 is added as follows:

Sec.
890.1 Purpose.
890.2 Definitions.
890.3 Care authorized from civilian sources.
890.4 For whom authorized.
890.5 Personal responsibility.
890.6 By whom authorized.
890.7 When not authorized.
890.8 Eye refractions obtained by individuals.
890.9 Surgical and orthopedic appliances.
890.10 How to request authorizations.
890.11 Veterinary care.
890.12 Bills for veterinary service.
890.13 Medical care in other Government facilities.
890.14 Payment of accounts to other Government agencies.
890.15 Preparing and approving statements and vouchers.
890.16 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.

AUTHORITY: §§ 890.1 to 890.16 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 672(d), 8721–8723, 9385.

SOURCE: AFR 160–53, February 3, 1960.

§ 890.1 Purpose.

Sections 890.1 to 890.16 tell how to authorize and reimburse at Air Force expense for the following:

(a) Essential medical and dental care from civilian sources for Air Force members on active duty where Government facilities are unavailable;

(b) Supplemental medical care necessary for uniformed service members on active duty while under treatment at Air Force medical treatment facilities; and

(c) Veterinary service for Air Force-owned animals when Government veterinary service is unavailable.

§ 890.2 Definitions.

For the purpose of §§ 890.1 to 890.16, the following terms will apply:

(a) *Civilian medical care.* Physical examination, professional advice, and treatment provided by a civilian physician or civilian medical agency to sick or injured military personnel. The term includes nursing, hospital care, medicine, whole blood or blood derivatives, laboratory and X-ray services, physical therapy, etc.

(b) *Civilian physician.* Any person legally qualified and licensed without limitation to administer drugs and to perform surgical procedures in the geographic area where such service is provided.

(c) *Civilian dentist.* Any person legally qualified and licensed without limitation in the geographic area concerned to administer drugs and to perform all procedures related to the teeth, jaws, and structures contiguous to one or the other.

(d) *Elective care.* Medical, surgical, or dental care desired or requested by the individual or the physician or dentist but, in the opinion of cognizant medical authority, not required. Examples are surgery of cosmetic purposes, vitamins without a therapeutic basis, etc.

(e) *Emergency care.* Medical or dental care required to save life, limb, or sight and to prevent undue suffering. This does not include treatment, surgery, or prosthetic techniques which, in the opinion of cognizant medical authority, can be scheduled at another time or place; e.g., hemorrhoidectomy, dental prosthetic devices (bridges), orthopedic appliances.

(f) *Uniformed services.* The Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(g) *Member of a uniformed service.* A person appointed, enlisted, inducted, called, ordered, or conscripted in a uniformed service who is serving on active duty or active duty for training pursuant to a call or order that does not specify a period of 30 days or less.

§ 890.3 Care authorized from civilian sources.

Medical and dental care from civilian sources at Air Force expense is limited to that which would be provided by Air Force medical or dental facilities if they were available. Such care is authorized at Air Force expense as follows:

(a) When an Air Force member within the meaning of § 890.4 requires essential medical or dental care and there is neither an Air Force medical or dental facility nor any other Government medical or dental facility available.

(b) When an Air Force medical or dental facility is unable to provide an essential medical or dental service for a uniformed service member due to a limitation of the facility or its staff.

(c) Civilian ambulance service at Air Force expense is authorized to move an Air Force member who is absent without leave or in desertion to a civilian medical facility or place of treatment or to a Government medical facility, if the Air Force member is returned to military control or custody during or directly after such transportation or treatment.

§ 890.4 For whom authorized.

Medical and dental care from civilian sources in the absence of Air Force or other Government medical facilities is authorized at Air Force expense for the following Air Force personnel:

(a) Active duty military personnel of the Air Force, including Air Force Academy cadets and aviation cadets, on a duty status or in authorized absence, i.e., leave, pass or authorized travel.

(b) Members of the Air Force Reserve who are injured or contract a disease in line of duty while on active duty, or who are injured in line of duty while performing inactive duty training or while voluntarily participating in an aerial flight in a Government-owned aircraft under proper authority and as an incident of training. Rehospitalization may be authorized under the provisions of this section for the same condition for which hospitalization at Air Force expense was initially required, until no improvement will derive from further treatment.

(c) Members of the Air National Guard who are injured or become ill in line of duty when on active duty for the purpose of performing Air Force directed missions such as ferrying aircraft, runway alert, or such other duties as the Secretary of the Air Force may direct on competent Air Force orders. (Air National Guard members who are on active duty for training or inactive duty training are also eligible for medical and dental care from civilian sources in accordance with Air National Guard directives at Air National Guard expense. Such hospitalization may be authorized by the Air National Guard organization or Air Force base commander. This does not preclude admission and treatment of Air National Guard members at Air Force medical facilities.

(d) Members of Air Force Reserve Officers Training Corps (AFROTC) who are injured or become ill in line of duty while en route to or from or while participating in summer encampments only. An AFROTC member is not entitled to medical service from civilian sources at Air Force expense beyond the training period specified in his training orders.

§ 890.5 Personal responsibility.

Civilian medical service provided to Air Force members absent without leave or in desertion is a personal responsibility of the individual Air Force member. Civilian medical service obtained by Air Force Reserve, Air National Guard, and AFROTC members which is not in conformity with § 890.4 is a personal responsibility of the individual member receiving the medical service.

§ 890.6 By whom authorized.

Authority to approve civilian medical and dental attendance at Air Force expense is the responsibility:

(a) *In emergencies,* of the commander of the Air Force base or his authorized representative nearest the civilian medical facility providing the medical care. Emergency medical service will not be delayed pending approval (see § 890.10).

(b) *In other than emergencies,* of the Air Force base commander or his authorized representative under whose jurisdiction the member requiring medical care is assigned, or the commander of the unit to which a member is assigned in cases where the member's organization is not at an Air Force base.

(c) *For supplemental care,* of the director of base medical services.

§ 890.7 When not authorized.

Civilian medical or dental care at Air Force expense is not authorized for:

(a) Persons other than those stated in § 890.4.

(b) Elective treatment.

(c) Treatment when adequate medical or dental service is available from an Air Force or other Government medical or dental facility.

(d) Retired or discharged members of the Air Force: (An exception will be made for periodic examination, in whole or in part, of Air Force members temporarily retired for disability (TDRL) when ordered by competent authority to civilian medical facilities for such examination.)

(e) Air Force military personnel absent without leave or in desertion: (Charges incurred for civilian medical care when absent without authority are the sole responsibility of the individual concerned. Payment of charges for civilian medical care obtained after return of the individual to military control may be made from Air Force funds. Return to military control is effected when an absentee or deserter surrenders to, is delivered to, or is apprehended by an agent of the Armed Forces authorized to apprehend.) For ambulance service see § 890.3(c).

§ 890.8 Eye refractions obtained by individuals.

In the absence of an Air Force medical facility, and when eye refraction cannot be obtained from other Government agencies, refractive examinations necessary for the fitting of spectacles may be obtained from a civilian physician or licensed optometrist at Air Force expense by Air Force personnel on active duty only.

(a) *Authority.* Eye refraction under this section must be approved by the authority in § 890.6 (a) or (b). Exception: Prior authority will not be required for refractions for Air Force personnel on duty in foreign countries away from a uniformed service unit.

(b) *Authority withheld.* Authority will not be granted to obtain the services of a civilian physician or optometrist for refractions for personnel who are under orders to report in the near future to an installation where capable Government medical facilities are available or who are temporarily absent for short periods from their proper installations.

(c) *Prescribing lenses.* Civilian physicians or optometrists performing refractions for Air Force personnel will be requested to prescribe lenses to the closest ¼ diopter.

(d) *Charges.* Eye refraction provided under this section will be charged to the open allotment for medical care in non-Air Force medical facilities. Vouchers will be prepared and submitted in accordance with §§ 890.15 and 890.16.

(e) *Costs.* The charge for refraction should be at local rates and should include the adjustment of frames and fitting of spectacles when delivered.

(f) *Procuring spectacles.* Procurement of spectacles from civilian physicians or optometrists who perform refractions is not authorized at Government expense.

§ 890.9 Surgical and orthopedic appliances.

Items authorized for base procurement may be provided by the civilian medical facility in connection with treatment and services otherwise authorized by §§ 890.1 to 890.16.

§ 890.10 How to request authorization.

(a) *Emergency.* Emergency civilian medical or dental care at Air Force expense may be obtained by or in behalf of Air Force members for whom authorized in § 890.4 without prior authority. Emergency dental care is limited to relief of pain, treatment of acute septic conditions, or essential correction of dental injuries requiring immediate correction.

(b) *Other than emergency.* In other than emergency, requests by the Air Force member for authority to engage civilian medical or dental care will be made in writing to the approving authority. The request for medical or dental care will include:

(1) Name, grade, service number and organization.

(2) The character and extent of the injury or disease for which civilian care is required.

(3) Origin or cause of disease or injury when known, and, if due to external violence, what the violence was and when it occurred.

(4) The professional procedures considered necessary.

(5) An estimate of the time required to correct the condition and the probable cost.

(6) A statement of what action has been taken to obtain the required medical service from a Government medical facility. If no action has been taken, state the reasons.

(7) A statement of the Air Force member's duties.

(8) If on duty, the probable length of tour at the present location.

(9) Present status, whether duty, leave, or pass. If not on duty, the exact period of leave or pass.

(10) Professional opinion of the civilian physician or dentist indicating whether or not transfer of the patient to an Air Force, Army, or other Government hospital for the necessary treatment would be practicable.

§ 890.11 Veterinary care.

(a) *Definitions.* (1) Civilian veterinary service: Treatment, surgery, or hospitalization by a civilian veterinarian. This term includes surgical appliances and medicine where indicated.

(2) Civilian veterinarian: Any person legally qualified and licensed without limitation to practice veterinary medicine where the veterinary service is performed.

(3) Veterinary care authorized: Veterinary care is limited to that which would be available from an Air Force veterinarian if he were available. Civilian veterinary care for Government-owned animals assigned to Air Force units only is authorized at Air Force expense within the limitations of §§ 890.1 to 890.16.

(b) *By whom authorized.* (1) Veterinary care for sentry dogs: The commander or designated representative of the Air Force base or unit to which sentry dogs are attached or assigned is authorized to approve civilian veterinary care for these dogs.

(2) Veterinary care for other Government animals: The Air Force base or unit commander or his designated representative under whom Government animals are attached or assigned is authorized to approve civilian veterinary care for these animals.

(c) *When authorized.* Civilian veterinary care is authorized only in an emergency where the services of a military veterinarian are not economically available.

§ 890.12 Bills for veterinary service.

(a) List each service rendered such as X-rays, laboratory service, hospitalization, medical treatment, splints, pins, etc., and the charge for each.

(b) Indicate on the vouchers if veterinary care was provided in an emergency.

§ 890.13 Medical care in other Government facilities.

Civilian medical and dental attendance for Air Force military personel at public expense is authorized only when the required treatment cannot be obtained from available facilities of the Air Force or other Government agencies such as Army, Navy, Veterans Administration, U.S. Public Health Service, or Indian Service.

§ 890.14 Payment of accounts to other Government agencies.

Settlement of bills incurred by Air Force personnel treated at medical facilities of other Government agencies will be adjusted between the Surgeon General, USAF, and the Government agency concerned. (Medical care authorized in Army or Navy medical facilities to members of the Air National Guard on active duty for training or inactive duty training will be paid for by the Chief, Air Force Division, National Guard Bureau, Washington 25, D.C. The Veterans Administration, Public Health Service, or civilian medical facilities which furnish medical or dental care and treatment for Air National Guard personnel will be reimbursed from funds in the Air National Guard appropriation by the United States Property and Fiscal Officer of the State concerned, or the Assistant United States Property and Fiscal Officer assigned to an Air National Guard base. See § 890.4(c).

§ 890.15 Preparing and approving statements and vouchers.

(a) Vouchers will ordinarily be prepared by the director of base medical services nearest the civilian facility which provided the medical care and will be processed through the local accounting and finance officer for payment. Approving authority, see § 890.6, or certifying officers, will prepare vouchers at locations where there is no director of base medical services. Vouchers for veterinary service will be approved by the authority designated in § 890.11(b). This will expedite processing of bills. It is intended that a bill payable under the open allotment will be processed and paid by the first Air Force base commander who receives it except where a delay can be avoided by forwarding it to a closer Air Force base.

(b) Bills received from civilian sources will be processed immediately upon receipt. If there is a delay, the hospital or physician will be advised at regular intervals of the status of the account.

(c) When bills present unusual or difficult aspects, a query or request for advice may be made direct to the Surgeon General, USAF.

(d) When charges appear excessive, and itemized statement will be obtained from the doctor or hospital before payment is made. The itemized statements should be submitted to the local medical society or referred to the next Air Force echelon of command for evaluation. This will avoid placing the Air Force medical facility commander in a position of controversy with doctors or hospitals.

(e) If satisfactory identification of an individual as an Air Force member, former Air Force member, or his unit of assignment cannot be obtained, inquiry should be sent to Hq USAF (AFCAS–60), Washington 25, D.C.

(f) When civilian medical or dental care is furnished military personnel at Government expense, a summary of the illness and treatment will be entered in the Individual Health Record. When indicated, requirements for preparing and submitting of a DD Form 481, "Clinical Record Cover Sheet," will be met. The director of base medical services preparing vouchers will provide a copy to the unit commander of the uniformed service member if the member's Individual Health Record is not available.

§ 890.16 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.

(a) *Hospital service.* (1) Hospitalization charges at the daily or weekly rate will be shown with applicable dates.

(2) Charges for services not included in the daily or weekly rate including dates of such charges as, use of operating room, laboratory service, X-ray, medicine, ambulance service, etc., will be shown as follows:

(i) X-rays: Aggregate.

(ii) Routine laboratory tests: Aggregate.

(iii) Special laboratory tests by name.

(iv) Medicines: Aggregate.

(v) First aid or emergency treatment: State the exact nature of the services.

(vi) Ambulance service: Show the mileage involved and the flat rate or rate per mile, as the case may be. See § 890.3(c).

(vii) Long distance telephone call or telegram charges: Must be accompanied by certificate or copy of telegram.

(viii) Use of operating room: Indicate if this includes administration of anesthetic and if administered by a member of hospital staff. If not, show the charge separately in the name of the person administering the anesthetic. If the hospital has paid anesthetist, charge may be listed on hospital voucher, but must be accompanied by receipted bill from the anesthetist showing payment by hospital.

(ix) Items incident to treatment: List and itemize separately, crutches, special therapy, etc.

(x) Physician and nurses: Include only those regularly employed on a salary basis by the hospital and for whose services payments are due to the hospital. If this is the case, state that nurse or physician is a salaried member of hospital staff. If the hospital has paid physicians and nurses who are not salaried members of the staff, such charge may be included in the hospital bill but must be accompanied by a receipted bill showing payment by the hospital.

(b) *Bills for physicians' or surgeons' services.* (1) Visits: Show where visits were made, i.e., hospital, doctor's office, patient's home, etc. List date and charge for each visit chronologically. If two or more visits are made on any one day, enter the number for each day and mark them "first visit" and "second visit," etc. List date and charge for operations separately. List chronologically the date of each visit after the operation and itemize the charges and the services rendered.

(2) Other services (such as X-rays, laboratory services, and medicines): Aggregate.

(3) Medicines: Aggregate. If furnished from physician's own stock, certify on the voucher that they were furnished from his stock, charges, etc.

(c) *Special nursing service.* Indicate place where service was rendered, the hour it began and ended, the number of hours served each day or night, the rate per day or night, and the number of days or nights served.

Note: If a nurse went on duty at 11:00 p.m. on one day and went off duty at 7:00 a.m. the next day, only one night will be counted, although two dates are involved.

(d) *Dental services.* (1) Show each service rendered, such as extraction, filling, etc., and the charge for each. Identify each tooth involved. Show the number of tooth surfaces involved and filling material used.

(2) Filling operations, treatment of chronic lesions, prosthetic replacements, dental repair, and prolonged or extensive procedures, such as those required following the relief of immediate emergency, require prior approval of the authority cited in § 890.6.

R. J. PUGH,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 60-7868; Filed, Aug. 23, 1960; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Consolidated Renegotiation of Related Group; When Granted

Section 1464.4 *Request for consolidated renegotiation of related group; when granted* is amended by deleting paragraph (b) in its entirety and inserting in lieu thereof the following:

(b) Each of such persons who participated in a consolidated renegotiation for a prior fiscal year and whose fiscal year differed from the fiscal year of the related group in that renegotiation has, before the close of the renegotiation proceeding for the related group's fiscal year under review, adopted under the Internal Revenue Code a fiscal year in conformity with the related group's fiscal year; *Provided, however,* That this requirement may be waived by the Board, in its discretion, in the case of any contractor who for any reason has ceased to engage in renegotiable business before the close of the renegotiation proceeding for the related group's fiscal year under review.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 19, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-7900; Filed, Aug. 23, 1960; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.2—Solicitation of Bids

BID SAMPLES AND DESCRIPTIVE LITERATURE

1. The table of contents is amended to include new section 1-2.202-4, *Bid samples,* and new section 1-2.202-5 *Descriptive literature,* as follows:

Sec.
1-2.202-4 Bid samples.
1-2.202-5 Descriptive literature.

2. Section 1-2.201(b)(11) is revised to read as follows:

§ 1-2.201 Preparation of invitations for bids.

* * * * *

(11) Any applicable requirements for samples or descriptive literature (see sections 1-2.202-4 and 1-2.202-5).

3. New sections 1-2.202-4 and 1-2.202-5 are added as follows:

§ 1-2.202-4 Bid samples.

(a) *Definition.* The term "bid sample" means a sample required by the invitation for bids to be furnished by a bidder as a part of his bid to show the characteristics of a product offered in his bid. The term does not include any type of sample submitted after bid opening such as one submitted to evidence a manufacturer's ability to produce.

(b) *Policy.* Bidders shall not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure procurement of an acceptable product. It may be appropriate to require bid samples, for example, where the procurement is of products that must be suitable from the standpoint of balance, facility of use, general "feel," color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable specifications. However, where more than a minor portion of the characteristics of the product cannot be adequately described in the specification, the product should be procured by negotiation in accordance with section 1-3.210.

(c) *Justification.* The reasons why acceptable products cannot be procured without the submission of bid samples shall be set forth and filed in the case file, except where such submission is required by the formal specifications (Federal, military, departmental, etc.) applicable to the procurement.

(d) *Requirements of invitation for bids.* When bid samples are required, the invitation for bids shall (1) state the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required, (2) state clearly the purpose for which the samples are needed and the requirements against which they will be tested or evaluated, and (3) include a provision in accordance with (e) below. Where samples are not considered necessary and a waiver of the sample requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, samples will not be required.

(e) *Invitation for bids provision.* When bid samples are required, a provision substantially as follows (modified, if appropriate, in accordance with (f) below) shall be included in the invitation for bids:

BID SAMPLES

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be evaluated to determine compliance with the specifications or other requirements of this Invitation for Bids.

(b) Failure of samples to conform to the requirements of this Invitation for Bids will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except that a late sample transmitted by mail may be considered under the provision for considering late bids, as set forth elsewhere in this Invitation for Bids.

(c) Products delivered under any resulting contract shall conform to the approved sample as to the characteristics for which the sample was required and shall conform to the specifications as to all other characteristics.

(f) *Waiver of requirement for bid samples.*

(1) The provision prescribed in (e) above may be modified to provide that the requirement for furnishing samples may be waived as to a bidder who offers a product previously or currently being procured or tested by the procuring activity and found to comply with specification requirements conforming in every material respect with those in the current invitation for bids so that further evaluation or testing would not add to the Government's knowledge of the acceptability of the product. When provision is to be made for such waiver, the invitation for bids provision in (e) above shall be modified by adding substantially the following at the end of paragraph (b) thereof:

However, the requirement for furnishing samples may be waived as to a bidder if (1) the bidder states in his bid that the product he is offering to furnish is the same as a product he has offered to the [*] on a previous procurement and (2) the Contracting Officer determines that such product was previously procured or tested by the [*] and found to comply with specification requirements conforming in every material respect to those in this Invitation for Bids.

*Contracting officer shall insert "procuring activity" or such other designation as may be provided by agency procedures.

(2) Where considered necessary because of the nature of the product, the provision in (f)(1) above may be limited to provide for waiving the requirement only if the product offered is produced at the same plant at which the product previously procured or tested was produced.

(g) *Unsolicited samples.* If bid samples are not required by the invitation for bids, but samples are furnished with a bid, they will not be considered as qualifying the bid, and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention so to qualify the bid.

(h) *Disposition of samples.* Samples, if not destroyed in testing, shall be returned to bidders at their request and expense, unless otherwise specified in the invitation for bids. See paragraph 2(b) of the Terms and Conditions of the Invitation for Bids of Standard Forms 30 and 33, which are illustrated in Subpart 1-16.9.

§ 1-2.202-5 Descriptive literature.

(a) *Definition.* As used in this section 1-2.202-5, the term "descriptive literature" means information, such as cuts, illustrations, drawings and brochures, which show the characteristics or construction of a product or explain its operation, furnished by a bidder as a part of his bid to describe the products offered in his bid. The term includes only information required to determine acceptability of the product, and excludes other information such as that furnished in connection with the qualifications of a bidder or for use in operating or maintaining equipment.

(b) *Policy.* Bidders shall not be required to furnish descriptive literature as a part of their bids unless the contracting agency deems that such literature is needed to enable it to determine before award whether the products offered meet the specification requirements of the invitation for bids and to establish exactly what the bidder proposes to furnish. It may be appropriate to require descriptive literature in the procurement of highly technical or specialized equipment, or where considerations such as design or style are important in determining acceptability of the product.

(c) *Justification.* The reasons why acceptable products cannot be procured without the submission of descriptive literature shall be set forth and filed in the case file, except where such submission is required by the formal specifications (Federal, military, departmental, etc.) applicable to the procurement.

(d) *Requirements of invitation for bids.* When descriptive literature is required, the invitation for bids shall clearly state what descriptive literature is to be furnished, the purpose for which it is required, the extent to which it will be considered in the evaluation of bids, and the rules which will apply if a bidder fails to furnish it before bid opening or if the literature furnished does not comply with the requirements of the invitation for bids. Where descriptive literature is not considered necessary and a waiver of the literature requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, descriptive literature will not be required.

(1) Except as provided in (2) below, if bidders are to furnish descriptive literature as a part of their bids, a provision substantially as follows (modified, if appropriate, in accordance with (e)(1) below) shall be included in the invitation for bids:

REQUIREMENT FOR DESCRIPTIVE LITERATURE

(a) Descriptive literature as specified in this Invitation for Bids must be furnished as a part of the bid and must be received before the time set for opening bids. The literature furnished must be identified to show the item in the bid to which it pertains. The descriptive literature is required to establish, for the purposes of bid evaluation and award, details of the products the bidder proposes to furnish as to [*].

(b) Failure of descriptive literature to show that the product offered conforms to the specifications and other requirements of this Invitation for Bids will require rejection of the bid. Failure to furnish the descriptive literature by the time specified in the Invitation for Bids will require rejection of the bid, except that if the material is transmitted by mail and is received late, it may be considered under the provisions for considering late bids, as set forth elsewhere in this Invitation for Bids.

*Contracting officer shall insert significant elements such as design, materials, components, or performance characteristics; or methods of manufacture, construction, assembly, or operation, as appropriate.

(2) When brand name or equal purchase descriptions are used, the requirements of this section 1-2.202-5 are met by inserting in the invitation for bids the brand names provision set forth in section 1-1.307-6.

(e) *Waiver of requirements for descriptive literature.*

(1) The provision prescribed in (d)(1) above may be modified to provide that the requirements for furnishing descriptive literature may be waived as to a particular bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product previously or currently being furnished to the procuring activity and (ii) it is determined by the contracting officer that such product complies with the specification requirements of the current invitation for bids. When provision is to be made for such waiver, the invitation for bids provision in (d)(1) above shall be modified by adding substantially the following at the end of paragraph (b) thereof:

However, the requirements for furnishing descriptive literature may be waived as to a bidder if (1) the bidder states in his bid that the product he is offering to furnish is the same as a product he has previously furnished to the [*] under a prior contract and the bidder identifies the contract, and (2) the Contracting Officer determines that such product meets the requirements of this Invitation for Bids.

*Contracting officer shall insert "procuring activity" or such other designation as may be provided by agency procedures.

(2) If the invitation for bids contains a provision for waiver in accordance with (e)(1) above, a bidder may submit his bid either on the basis of the descriptive literature to be furnished or on the basis of a previously procured product. If he elects to submit his bid on one basis, he is precluded from having his bid considered on the alternative basis after bids are opened.

(f) *Unsolicited descriptive literature.* If the furnishing of descriptive literature is not required by the invitation for bids, but such literature is furnished with a bid, it will not be considered as qualifying the bid, and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention so to qualify the bid.

(g) See section 1–2.404–4 for requirements with respect to restrictions on the public disclosure of descriptive literature submitted by a bidder.

Subpart 1–2.4—Opening of Bids and Award of Contract

1. The table of contents is amended to revise the present section 1–2.404–4 to read as follows:

Sec.
1–2.404–4 Restrictions on disclosure of descriptive literature.

2. Section 1–2.402(c) is revised to read as follows:

§ 1–2.402 Opening of bids.

• • • • •

(c) Examination of bids by interested persons shall be permitted if it does not interfere unduly with the conduct of Government business. However, original bids shall not be allowed to pass out of the hands of a Government official unless duplicate copies of such bids are not available for public inspection. In such cases, the original bids may be examined by the public only under the immediate supervision of a Government official and under conditions which preclude possibility of a substitution, addition, deletion, or alteration in the bids. However, see section 1–2.404–4 with respect to public disclosure of descriptive literature submitted by a bidder on a restrictive basis.

3. New section 1–2.404–4 is added as follows:

§ 1–2.404–4 Restrictions on disclosure of descriptive literature.

(a) When a bid is accompanied by descriptive literature (as defined in section 1–2.202–5(a)), and the bidder imposes a restriction that such literature may not be publicly disclosed, such restriction renders the bid nonresponsive if it prohibits the disclosure of sufficient information to permit competing bidders to know the essential nature and type of the products offered or those elements of the bid which relate to quantity, price and delivery terms. The provisions of this paragraph (a) do not apply to unsolicited descriptive literature submitted by a bidder if such literature does not qualify the bid (see section 1–2.202–5(f)).

(b) Descriptive literature restricted by a bidder against public disclosure shall not be disclosed in a manner which would contravene the restriction without permission of the bidder.

Effective date. These regulations are effective December 1, 1960, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 17, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60–7840; Filed, Aug. 23, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2182]

[76985]

[2092920]

MONTANA

Withdrawal for Reclamation Purposes, Missouri River Basin Project; Opening Lands in Power Site Cancellation No. 124, and Lands Released From Reclamation Withdrawal by Public Land Order No. 1799

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and otherwise, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation in connection with the Tiber Reservoir, Lower Marias Unit, Marias Division, Missouri River Basin Project:

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 5 E.,
Sec. 20, NW¼SE¼.
Containing 40 acres.

2. Power Site Classification No. 376 of September 14, 1945, was canceled by Power Site Cancellation No. 124 of September 17, 1957, and Public Land Order No. 1799 of February 19, 1959, vacated the reclamation withdrawal order of March 15, 1946, so far as those orders affected the following-described lands, or any of them, among others:

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 1 E.,
Sec. 8, SE¼NE¼ and NE¼NW¼;
(Sec. 10, NE¼SW¼;)
(Sec. 14, SE¼SE¼;)
Sec. 15, N½SW¼ and NE¼SE¼;
Sec. 18, SE¼NE¼;
Sec. 25, NE¼SE¼, S½SE¼, and SE¼NE¼.
T. 30 N., R. 2 E.,
Sec. 18, NE¼SW¼;
(Sec. 24, SW¼SE¼;)
Sec. 25, W½W½;
Sec. 26, E½SE¼;
Sec. 27, S½NE¼ and W½;
Sec. 29, NW¼NE¼;
(Sec. 30, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.)
T. 30 N., R. 3 E.,
(Sec. 11, N½SW¼;)
(Sec. 12, NE¼SW¼, N½SE¼, and SE¼SE¼;)
(Sec. 19, lot 13 and SE¼SW¼;)
(Sec. 20, SW¼SE¼;)
Sec. 26, NE¼SW¼ and (SE¼SW¼);
Sec. 27, SE¼SW¼;
Sec. 28, SW¼;
Sec. 29, E½SE¼;
Sec. 30, lots 1, 3, 4, NE¼NE¼, E½SW¼ and W½SE¼.
T. 31 N., R. 3 E.,
Sec. 13, W½SW¼;
Sec. 15, SW¼SE¼;
Sec. 22, SE¼NE¼.
T. 30 N., R. 4 E.,
Sec. 7, E½NW¼;
(Sec. 11, NE¼NE¼;)
Sec. 13, NW¼NE¼;
Sec. 18, NE¼SE¼;
(Sec. 19, lot 11;)
Sec. 28, N½NW¼.
T. 31 N., R. 4 E.,
Sec. 29, E½NE¼ and NE¼SE¼;
Sec. 35, NE¼NW¼ and (SE¼SW¼).

Containing approximately 3,350 acres.

3. The following-described lands were not affected by Power Site Cancellation No. 124:

T. 30 N., R. 3 E.,
Sec. 19, lot 13, SE¼SW¼;
Sec. 20, SW¼SE¼.

Containing 188.05 acres.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on February 17, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2), and the regulations in 43 CFR. Until 10:00 a.m. on February 17, 1961, the State may also apply for the reservation to it or to any of its political subdivisions, under any law or regulations applicable thereto, of any of the lands required for rights-of-way or materials sites in accordance with the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, *Provided, however,* That such preference right under the act of June 10, 1920, shall not apply to the lands described in paragraph 3 of this order, which were not withdrawn for power purposes, and *provided further,* That the State's preference right of application under the act of August 27, 1958, supra, shall not apply to the lands described in brackets, since such right has already been afforded the State by Public Land Order No. 1799 of February 19, 1959.

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 23, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

5. Persons claiming preference rights must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1960.

[F.R. Doc. 60–7874; Filed, Aug. 23, 1960; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 60-WA-192]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 94 between Oakland, Calif., and Boston, Mass. This jet route in conjunction with other jet routes would provide a dual route structure for the high volume of jet traffic operating between the San Francisco, Calif., and Chicago, Ill., terminal areas. In addition it would provide a single numbered route for use by jet aircraft operating between the West Coast and New England terminal areas. The segment of this proposed route between Rock Springs, Wyo., and O'Neill, Nebr., is not within radar coverage thus precluding continuous radar flight following. However, adequate air traffic control service would be provided aircraft operating on this segment, of which a portion is coincident with the Dept. of Air Force "High Life" high altitude refueling area, through the application of non-radar air traffic management procedures.

If this action is taken, VOR/VORTAC jet route No. 94 would be established from the Oakland, Calif., VORTAC to Boston, Mass., VORTAC via the Sacramento, Calif., VORTAC; Reno, Nev., VOR; intersection of the Reno VOR 060° and the Elko, Nev., VOR 255° True radials; Elko, Nev., VOR; Bonneville, Utah, VOR; Salt Lake City, Utah, VORTAC; Rock Springs, Wyo., VORTAC; Scottsbluff, Nebr., VORTAC; O'Neill, Nebr., VORTAC; Mason City, Iowa, VORTAC; Milwaukee, Wis., VORTAC; intersection of the Milwaukee VORTAC 088° and the Peck, Mich., VOR 269° True radials; Peck, Mich., VOR; thence via the Peck VOR 100° True radial to the United States/Canadian border. From the United States/Canadian border at its point of intersection with the Buffalo, N.Y., VORTAC 274° True radial via Buffalo, N.Y., VORTAC; Albany, N.Y., VORTAC to Boston, Mass., VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 17, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7869; Filed, Aug. 23, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Fixing of the Rate of Assessment for 1960-61 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $37,577.17 are likely to be incurred by said committee during the fiscal period beginning July 1, 1960, and ending June 30, 1961, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles pears shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid period, the rate of assessment at nine and one-half mills ($0.0095) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

Consideration will be given to written data, views, or arguments submitted in connection with the aforesaid proposals which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as given to the respective term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 19, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7899; Filed, Aug. 23, 1960; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 51]

[File No. 21-530]

TRADE PRACTICE RULES FOR FLUOROCARBONS INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Fluorocarbons Industry, to present to the Commission their views concerning said rules including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than September 15, 1960. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a.m., e.d.t., September 15, 1960, in the West Room, of the Biltmore Hotel, Forty-Third Street and Madison Avenue, New York, New York, to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations and organizations engaged in the manufacture, fabrication, processing and sale of finished or semi-finished products which are composed in whole or substantial part of fluorocarbon resins, and also those engaged in the sale and distribution of such products although the same are manufactured, fabricated, or processed by others. The products mentioned include, but are not limited to, wire and cable designed for transmission of electricity which utilize fluorocarbon resins for insulation; gaskets, bearings, rods, tubes, hose, sheets, and machinery parts coated with, or composed in whole or substantial part, of such resins.

These proceedings were instituted pursuant to industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in New York, New York, at which proposed rules suggested by industry members were considered and discussed. The announced hearing constitutes a further step in the proceedings.

Issued: August 24, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-7845; Filed, Aug. 23, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 16, 1960.

The Fish and Wildlife Service has filed an application, Serial Number J-011927 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land as a location for fishing research facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

A tract of unsurveyed land located along Auke Creek at the outlet of Auke Lake about 12 miles northwest of Juneau more particularly described as: Starting at Corner 1, U.S.S. 2291; thence S. 45°26' E. 0.95 chns. to Corner 3, U.S.S. 1500; thence South 2.70 chns. to M.C. 2, U.S.S. 1500; thence across Auke Creek or along the meanders of Auke Bay to a point on the southeast bank of Auke Creek or the shore of Auke Bay and continuing southwesterly along the meanders of Auke Bay or Auke Creek to M.C. 1, U.S.S. 2593; thence S. 88°06' E. through Corner 2, U.S.S. 2593 to the approximate centerline of Fritz Cove Road; thence northwesterly along the approximate centerline of Fritz Cove Road to a point common with the intersection with the Glacier Highway, said point being approximately over the culvert whereby Auke Creek passes under Glacier Highway; thence northeasterly to the line of mean high water of Auke Lake; thence along the meanders of Auke Lake to M.C. 15, U.S.S. 3404; thence S. 33°10' W. 2.027 chns. to Corner 1, U.S.S. 3404; thence along the southeasterly boundaries of Lots T and M of the U.S.S. 2391 to Corner 4, U.S.S. 2391; thence S. 60°54' W. 5.32 chns. to Corner 1, U.S.S. 2291 and point of beginning, excluding therefrom that area under application, J-011606, by the Territorial Sportsmen Inc. and subject to the rights-of-way for the Glacier Highway, Fritz Cove Road and the access road leading into Auke Lake. The tract comprises approximately five acres of land.

R. PAUL RIGTRUP,
Acting Operations Supervisor.

[F.R. Doc. 60-7886; Filed, Aug. 23, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-75]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. CX-13 issued to National Aeronautics and Space Administration. The amendment authorizes the licensee to conduct, in its homogeneous zero power research reactor located at the Lewis Research Center in Cleveland, Ohio, a series of reactivity measurement experiments, as described in its applications for license amendment dated May 27, 1960, and July 15, 1960.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details, see (1) the amendments to the license application dated May 27, 1960, and July 15, 1960, submitted by National Aeronautics and Space Administration and (2) a hazards analysis of the conduct of the experiments prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 17th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[License No. CX-13; Amdt. 2]

License No. CX-13, as amended, issued to National Aeronautics and Space Administration, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. CX-13, as amended, National Aeronautics and Space Administration is authorized to conduct, in its homogeneous zero power research reactor located at the Lewis Research Center in Cleveland, Ohio, a series of reactivity measurement experiments as described in its applications for license amendment dated May 27, 1960, and July 15, 1960. The conduct of the experiments shall be in accordance with the procedures and subject to the limitations contained in the applications for license amendment dated May 27, 1960, and July 15, 1960, and License No. CX-13, as amended.

2. Paragraph 4.B. of License No. CX-13 is hereby amended to read as follows:

B. None of the following experiments may be conducted in the reactor unless an application for license amendment, including a hazards summary report, shall have been submitted to the Commission and the Commission shall have specifically authorized the experiment by license amendment:

(1) Any experiment in which any material other than water or air is to be used as a reflector, or

(2) Any experiment in which the loading, assuming that all poisons, voids, etc. were accidentally removed, would produce a reactor period shorter than ten milliseconds; except that for the experiments described in the applications for license amendment dated May 27, 1960, and July 15, 1960, such reactor period shall not be less than five milliseconds.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 17th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7867; Filed, Aug. 23, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11728 etc.; Order No. E-15672]

DOMESTIC AIR FREIGHT RATE INVESTIGATION

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of August, 1960, in the matter of the Domestic Air Freight Rate Investigation, Docket 11728, Dockets 1705, et al., 1705-8, 1705-10, 1705-12.

By this order we institute an investigation to determine whether the existing minimum air freight rate orders should be modified or revoked and, if modified, in what manner. The order herein requests any interested person to submit a statement of position upon this question and a summary of data and arguments in support thereof. We also invite the views of such persons as to whether public hearing should go forward at this time or be deferred in order to obtain the benefit of actual experience of air carriers with new turbine-powered all-cargo aircraft expected to be introduced in 1961. Further procedures will be prescribed herein following the date set for receipt of the requested comments.

The first minimum rate order was issued by the Board in 1948 and prescribed minimum rates of 16 cents per ton-mile for the first one thousand ton-miles of any one shipment, and 13 cents per ton-mile for all additional ton-miles. Air Freight Rate Investigation, Docket 1705, 9 CAB 340. Numerous orders supplementing and modifying the minimum rate order have been issued since 1948, including orders prescribing lower rates on a directional basis,[1] and for deferred air freight.[2] Model rules were prescribed for Accumulation, Assembly, and Distribution Service,[3] and by the Tenth Supplemental Order Modifying Prescribed Minimum Rates, minimum rates were increased by 25 percent in 1953.[4] In 1958 the Board determined not to impose the minimum rate order on air freight forwarders.[5]

In addition to the changes in the prescribed minimum air freight rates, the Board has received requests to consider modification of such orders. In 1957, Slick Airways, Inc. petitioned for an investigation of the air freight rates to determine a more rational rate structure in line with costs incurred in rendering the service.[6] Theodor Manufacturing Company has complained against the Board's minimum freight rate Order E-4048 and the carriers' cargo rates, particularly with respect to the rate relationships on cargo moving directly to the South and Southeast from Los Angeles as compared with that moving through Chicago and St. Louis.[7] The Flying Tiger Line, Inc. has expressed its opinion that lower rates are needed and that the minimum rate orders should be reconsidered,[8] and has recently joined with air freight forwarders requesting authority to hold conferences regarding new concepts in the cargo rate structure alleged to be necessary with the introduction of the CL-44 turbine-powered aircraft.[9]

More than 12 years have passed since the issuance of the original minimum rate order. That order was based on findings that the then present competition had resulted in unduly low, depressed, and noncompensatory rates and charges for the transportation of freight by air resulting in unsound economic conditions in the air freight industry. We do not know whether or not the continued maintenance of Board prescribed minimum rates is essential at this time to prevent unsound economic conditions. As indicated, the Board has determined not to impose minimum rates on air freight forwarders, and there are now pending proceedings to determine whether the prescribed minimum accessorial charges should be rescinded as to air freight forwarders or as to air freight forwarders and direct air carriers in Docket 1705-11 et al.

We note that the industry is planning the introduction at an early date of new turbine-powered all-cargo aircraft which are expected to introduce new efficiencies in air cargo operations. The faster development of air freight may have been retarded at the existing cargo rates and lower rates may be dependent upon more efficient all-cargo aircraft.[10] The changed competitive situations within the air freight industry, the passage of more than 12 years since the record was made with respect to the competitive necessity for minimum air freight rates, the imminent introduction of newer types of cargo turbine-powered aircraft, the restricted development to date of the air freight industry, and our belief that suitable cargo aircraft, cargo rates, and the movement of traffic may be, to a considerable degree, interdependent, all combine to support our conclusion that we should institute this investigation at this time.

As stated, the purpose of this investigation is to ascertain whether the existing freight rate orders should be modified or revoked and, if modified, in what manner. Any modification of such orders may involve issues as to both the rate level and structure to be established by regulation. To the extent that any modification of such orders conflicts with existing rates or charges, the lawfulness of such presently published interstate air freight rates and charges (except those to or from points in Alaska or Hawaii) is in issue herein.

The Board's minimum rates and charges were prescribed for the interstate transportation of property by air (except for property carried in the air express servcie) prior to the admission of Alaska or Hawaii as states. These minimum rate orders have not been considered applicable to air freight between the 48 contiguous states and Alaska or Hawaii subsequent to their statehood,[11] nor did the record in earlier proceedings include such air transportation. Since our concern in initiating this investigation at this time is primarily to reexamine the need for modifying or revoking the existing minimum rate orders, and since such orders are not applicable to interstate air transportation involving points in Alaska or Hawaii, the lawfulness for the presently published air freight rates or the prescription of rate orders involving points in Alaska or Hawaii are not in issue herein.

In the first minimum rate orders we provided that the record in Docket 1705 would be held open and that any party in interest may petition for reconsideration or modification thereof.[12] Subsequent pleadings, documents, hearings, and orders in Docket 1705 and subsidiary dockets have combined many aspects of air freight rate regulation over a long period of time with a resulting voluminous file therein. It will be more conductive to the orderly dispatch of the Board's business to institute this proceeding as a new case and to dismiss all other portions of Docket 1705, except that the investigation currently pending in Docket 1705-11, Investigation of Minimum Assembly and Distribution Charge Rules, will not be affected by this order. There are presently pending three petitions requesting a revision of minimum rates upon which the Board has not formally acted; the petition of Slick in Docket 1705-10 and the petition of Theodor in Docket 1705-12 referred to above, as well as a petition of Flying Tiger to modify the minimum rate order, Docket 1705-8. To the extent that the investigation here instituted encompasses the issues presented by such petitioners, they will be provided the forum requested to consider changes in the minimum rate orders. To the extent that petitioners may have requested a broader inquiry, their request is denied, without prejudice to renewing such request upon a showing of reasonable grounds that modification or revocation of the Board's minimum rate orders will not provide them lawful rates and charges.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the existing minimum freight rate orders shall be modified or revoked and, if modified, in what manner, and assigned Docket 11728.

2. Any interested person is requested to submit a statement of position as to the issues included in ordering paragraph 1 above, and a summary of data and arguments in support thereof. We also invite the views of any person as to whether public hearing should go forward at this time. An original and 19 copies of each such submittal shall be filed with the Docket Section of the Board no later than October 14, 1960.

3. The petitions in Dockets 1705-8, 1705-10, 1705-12 are dismissed without prejudice. Except that the investigation currently pending in Investigation of Minimum Assembly and Distribution

[1] Air Freight Rate Investigation—Directional Rates, 11 CAB 228 (1950).

[2] Petition of American Airlines to Modify the Minimum Rate Order, Order E-10020, Feb. 20, 1956. Deferred air freight rates were extended indefinitely in Deferred Air Freight Renewal Case, Docket 1705-9, Order E-13140, Nov. 6, 1958.

[3] Investigation of Accumulation, Assembly and Distribution Rules, 12 CAB 337 (1950).

[4] 18 CAB 22.

[5] Airfreight Rate Case—Minimum Rates for Air Freight Forwarders, Docket 1705-6, Order E-12143, Jan. 28, 1958.

[6] Docket 1705-10.

[7] Docket 1705-12.

[8] Letter to the Chairman of the Board, dated August 26, 1959.

[9] Agreement CAB 14356, filed June 28, 1960.

[10] See the Annual Report of Civil Aeronautics Board, pp. 7 and 8. The dependence of lower cargo rates upon more efficient aircraft has been recognized by Congress in connection with legislation to provide government guarantees of loans to certain air carriers. Hearings before the Subcommittee on Aviation, Committee on Interstate and Foreign Commerce on S. 2774, 86th Cong., 2nd Sess., page 4, transcript of hearings on February 8, 1960.

[11] Such orders have not been considered applicable to transportation between places in Alaska or Hawaii through air space over any place outside thereof.

[12] See Orders E-1415 of April 21, 1948 and E-1639 of June 2, 1948.

Charge Rules, Docket 1705–11, is continued, the proceedings in Docket 1705 et al. are all dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60–7896; Filed, Aug. 23, 1960; 8:48 a.m.]

[Docket 7984, etc.]

SOUTHERN TRANSCONTINENTAL SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on September 26, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 19, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60–7897; Filed, Aug. 23, 1960; 8:48 a.m.]

[Docket 11569]

WIEN ALASKA AIRLINES, INC., AND INTERIOR AIRWAYS, INC.; ENFORCEMENT PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held in Fairbanks, Alaska on September 20, 1960 before Examiner William J. Madden. The room location and time of hearing will be announced later.

Dated at Washington, D.C., August 19, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60–7898; Filed, Aug. 23, 1960; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

SILK NOILS HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,450,000 pounds of silk noils now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said 1,450,000 pounds of silk noils. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said 1,450,000 pounds of silk noils are in excess of mobilization requirements for silk noils for use in time of war.

Since the revised determination is not by reason of obsolescence of silk noils for use in time of war, the proposed disposition of said 1,450,000 pounds of silk noils from the national stockpile is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said silk noils to other Government agencies, or to offer them for sale on a competitive basis, upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later. The quantity offered for sale at any one time will range between 100,000 pounds and 300,000 pounds (clean basis) and there will be an interval of at least 60 days between offerings.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 18, 1960.

FRANKLIN FLOETE, *Administrator.*

[F.R. Doc. 60–7884; Filed, Aug. 23, 1960; 8:47 a.m.]

SILK WASTE HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,768,539 pounds of silk waste now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said silk waste. The revised determination related to 1,950,000 pounds of silk waste, and was based upon the finding of the Office of Civil and Defense Mobilization that silk waste is obsolescent for use in time of war. Since said determination, 181,461 pounds of the silk waste have been disposed of in accordance with then existing statutory authority for the sale, without replacement, of excess stockpile materials to avoid deterioration.

General Services Administration proposes to transfer said 1,768,539 pounds of silk waste to other Government agencies, or to offer it for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER. The quantity offered for initial sale will range in weight between 500,000 pounds and 1,000,000 pounds (clean basis). At periodic intervals of not less than sixty days following the initial offering, the remaining silk waste will be offered for sale. Each offering, following the first, will be in quantities of not less than 200,000 pounds nor more than 500,000 pounds (clean basis).

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 18, 1960.

FRANKLIN FLOETE, *Administrator.*

[F.R. Doc. 60–7885; Filed, Aug. 23, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–4965]

AIRCRAFT DYNAMICS INTERNATIONAL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 18, 1960.

I. Aircraft Dynamics International Corp. (issuer), a Delaware corporation, filed with the Commission on September 25, 1959 a notification on Form 1–A and an offering circular relating to the proposed stock offering of 99,000 shares of 10 cent par value common stock at $3 per share or $297,000 in the aggregate for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering circular omits to state a material fact necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, that the underwriter occupies a portion of the issuer's office space and pays no rental therefor.

B. Terms and conditions of this regulation have not been complied with in that:

1. Securities which were part of the offering were sold to persons in states which were not listed in Item 8 of Form 1–A as jurisdictions in which securities were proposed to be offered through underwriters, dealers or salesmen;

2. A written communication sent to more than ten persons was not filed with the Commission pursuant to Rule 258.

C. The offering is being made in violation of section 17 of the Act.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7875; Filed, Aug. 23, 1960; 8:46 a.m.]

[File No. 94D–6]

AMERICAN OIL AND MINERALS, INC.

Notice and Order for Hearing

AUGUST 18, 1960.

I. American Oil and Minerals, Inc. (issuer), a Utah corporation, 613 Dooly Building and/or 1405 Walker Bank Building, Salt Lake City, Utah, on October 9, 1959, filed with the Commission a notification on Form 1–F and sales material relating to a proposed assessment of 2 cents per share on 2,750,000 shares of its outstanding stock for an aggregate of $55,000, and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation F promulgated thereunder.

II. The Commission on June 24, 1960, issued an order pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation F and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 656(b). A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the Salt Lake City Branch Office of the Commission, Room 1119, 10 Exchange Place, Salt Lake City, Utah, at 10:00 a.m., m.s.t., September 12, 1960, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation F have not been complied with in that:

1. Use has been made of sales material without its first having been filed with the Commission pursuant to Rule 654 of Regulation F;

2. Use has been made of sales material which failed to comply with the requirements of Rule 653 of Regulation F;

3. The notification failed to reflect accurately the purposes for which the proceeds from the assessment and from the forfeiture sale were to be used;

4. The notification failed to reflect appropriately information regarding unregistered securities theretofore issued or sold as required by Item 5 thereof.

B. Whether the sales material filed pursuant to Regulation F contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose to the issuer's stockholders that certain persons, including officers and directors, have been and would be given preferred treatment of their assessments;

2. The failure to disclose that a certain portion of the proceeds to be received from the assessment would be used to pay the salary of the president;

3. The failure to disclose the violation of state law concerning the levying of and collection of assessments and the contingent liability resulting therefrom;

4. The failure to reflect a contingent liability resulting from the sales of securities in violation of the Securities Act of 1933, as amended.

C. Whether the offering has been made in violation of Section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Arthur Leff or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to American Oil and Minerals, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before September 10, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7876; Filed, Aug. 23, 1960; 8:46 a.m.]

[File No. 94D–10]

AMERICAN OIL AND MINERALS, INC.

Notice and Order for Hearing

AUGUST 18, 1960.

I. American Oil and Minerals, Inc. (issuer), a Utah corporation, 1405 Walker Bank Building and/or 613 Dooly Building, Salt Lake City, Utah, on March 31, 1960, filed with the Commission a notification on Form 1–F and sales material relating to a proposed assessment of 2¢ per share on 2,750,000 shares outstanding stock for an aggregate of $55,000 and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation F, promulgated thereunder.

II. The Commission on June 24, 1960, issued an order pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation F and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 656(b). A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the Salt Lake City Branch Office of the Commission, Room 1119, 10 Exchange Place, Salt Lake City, Utah, at 10:00 a.m., m.s.t., September 12, 1960, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation F have not been complied with in that:

1. The notification failed to reflect unregistered securities theretofore issued or sold as required by Item 5 thereof;

2. The notification failed to reflect accurately the total amount realized from prior assessments and sales within the past year, as required by Item 4 thereof.

B. Whether the sales material filed pursuant to Rule 654 contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose to the issuer's stockholders that certain persons, in-

cluding officers and directors, had been given preferred treatment in the payment of their assessments;

2. The failure to disclose the violations of state law concerning the levying of and collection of assessments and the contingent liability resulting therefrom;

3. The failure to reflect a contingent liability resulting from the sale of securities in violation of the Securities Act of 1933, as amended.

C. Whether the offering, if made on the basis of the material filed, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Arthur Leff or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to American Oil and Minerals, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before September 10, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7877; Filed, Aug. 23, 1960; 8:46 a.m.]

[File No. 24D-2331]

CRYOGENIC ENGINEERING CO.

Notice and Order for Hearing

AUGUST 18, 1960.

I. Cryogenic Engineering Company (issuer), a Colorado corporation, 200 West 48th Avenue, Denver, Colorado, filed with the Commission on September 22, 1958, a notification on Form 1-A and an offering circular relating to a proposed public offering of 150,000 shares of its 10¢ par value common stock at $2 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 21, 1960, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colorado, at 10:00 a.m., m.s.t., September 7, 1960, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether Regulation A was unavailable to the issuer in that the aggregate offering price of the issuer's securities and the aggregate gross proceeds of the sales made exceeded a $300,000 limitation prescribed by Rule 254.

B. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The issuer has offered and sold substantial amounts of its securities in States other than those named in the filing contrary to the requirements of Regulation A;

2. The issuer had made offers and sales of the securities without the use of an offering circular as required by Rule 256 of Regulation A.

C. Whether the notification and offering circular contained untrue statements of material facts and omit to state material facts necessary, in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The fact that securities being sold in the State of California were sold in violation of California law;

2. The failure to disclose the contingent liability arising from the sale of securities in the State of California in violation of California law;

3. The statement in the offering circular that the offering price of the securities was $2 per share when in fact the stock was offered to the public at higher prices by a number of persons purchasing from the underwriters with a view to distribution and who in fact did so distribute the stock;

4. The failure to disclose properly and adequately all underwriting commissions;

5. The failure to name all underwriters of the securities to be offered.

D. The report of sales on Form 2-A filed on January 15, 1960, contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The date on which the offering was completed pursuant to Item 4(b) of Form 2-A;

2. The total amount received from the public from the offering in response to Item 6(a) of Form 2-A;

3. The underwriting discount allowed on the offering pursuant to Item 6(b) of Form 2-A;

4. The statement that the offering had been discontinued pursuant to Item 9 of Form 2-A.

III. *It is further ordered*, That Arthur Leff or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Cryogenic Engineering Company; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before September 5, 1960 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7878; Filed, Aug. 23, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 19, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36490: *Liquefied petroleum gas—Southwest to Colorado and Wyoming.* Filed by Southwestern Freight Bureau, Agent (No. B-7871), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas to points in Colorado and Wyoming.

Grounds for relief: Market competition, short-line distance formula, and destination level.

Tariff: Supplement 150 to Southwestern Freight Bureau tariff I.C.C. 4066.

FSA No. 36491: *Petroleum and petroleum products—Southwest to southern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7872), for interested rail carriers. Rates on petroleum and petroleum products, in carloads or tank-car loads, from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas to points in southern territory, also points in Virginia and West Virginia, Evansville, Ind., Louisville, Ky., and Cincinnati, Ohio.

Grounds for relief: Market competition.

Tariffs: Supplements 52 and 222 to Southwestern Freight Bureau tariffs I.C.C. 4334 and 4150, respectively.

FSA No. 36492: *Substituted service—ACL, RF&P and PRR for Alterman Transport Lines, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 34), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kearny, N.J., and Philadelphia, Pa., on the one hand, and Jacksonville, Sanford, Orlando, Lakeland and Tampa, Fla., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Southern Motor Carriers Rate Conference tariff I.C.C. 33, MF-I.C.C. 1071.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7887; Filed, Aug. 23, 1960; 8:47 a.m.]

[Notice 370]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 19, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63367. By order of August 18, 1960, The Transfer Board approved the transfer to Gilbert Storage and Transfer Corporation, Lynchburg, Va., of Certificate No. MC 4194, issued April 22, 1949, as amended August 10, 1960, to Gilbert Realty Corporation, Lynchburg, Va., authorizing the transportation, over irregular routes, of household goods, between points in Virginia, on the one hand, and, on the other, points in Kentucky, North Carolina, South Carolina, Tennessee, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, and the District of Columbia, and paper and paper products, between Lynchburg, Va., and Raleigh, N.C.

F. G. Davidson, Jr., 925 Church Street, Lynchburg, Va., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7889; Filed, Aug. 23, 1960; 8:47 a.m.]

[No. MC-C-3]

CHICAGO, ILL., COMMERCIAL ZONE

Notice of Assignment of Petitions for Hearing

AUGUST 19, 1960.

By petition filed April 6, 1959, the Village of Elk Grove, Cook County, Ill., seeks reopening for the purpose of including the Village of Elk Grove within the limits of the Commercial Zone of Chicago, Ill., as defined by the Commission. By petition dated June 17, 1960, the Villages of Bridgeview and Hickory Hills, Cook County, Ill., and Watson Bros. Transportation Co., Inc., and Cooper-Jarrett, Inc., seeks inclusion of Bridgeview and Hickory Hills, within the limits of the Commercial Zone of Chicago, Ill., as defined by the Commission. By Order dated August 15, 1960, division 1 ordered that the above-entitled petitions be referred to Examiner C. Evans Brooks, for oral hearing on the 10th day of October, A.D., 1960, at 9:30 o'clock a.m., United States standard time, (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), at The Pick-Congress Hotel, Chicago, Ill., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7890; Filed, Aug. 23, 1960; 8:47 a.m.]

[Notice 338]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 19, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub No. 29), filed July 25, 1960. Applicant: MIDWEST MOTOR EXPRESS, INC., doing business as "MIDWEST", 1205 Front Avenue, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Minneapolis-St. Paul, Minn. and Minot, N. Dak., from Minneapolis-St. Paul, Minn., over combined U.S. Highways 10 and 52 to Bismarck, N. Dak., thence over U.S. Highway 83 to Minot, N. Dak., and return over the same route, serving all intermediate points. (2) Between Minneapolis-St. Paul, Minn. and Minot, N. Dak., from Minneapolis-St. Paul, Minn., over National Interstate Highway 94 to junction U.S. Highways 10 and 52 at Fargo, N. Dak., thence over combined U.S. Highways 10 and 52 and National Interstate Highway 94 to Bismarck, N. Dak., thence over U.S. Highway 83 to Minot, N. Dak., and return over the same route, serving all intermediate points.

NOTE: Applicant states it has, in addition to other authority, regular route authority to transport general commodities from Minneapolis-St. Paul, Minn. to Bismarck, N. Dak., and also has irregular route authority to transport general commodities, with exceptions, from Bismarck, N. Dak., to points in North Dakota within 100 miles of Bismarck, the city of Minot is located within this 100 mile radial area, and applicant proposes to convert service to this point to regular route operation. Transportation to other points within the radial area and elsewhere will not be affected. Applicant also states it will continue to serve other points within the radial area in accordance with existing authority.

HEARING: November 1, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 4405 (Sub No. 359) filed June 20, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick, Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers in initial truckaway service, from the plant site of the Ford Motor Company in Cook County, Chicago, Ill., to points in Pennsylvania, Virginia, West Virginia, Kentucky, Alabama, Mississippi, Tennessee (other than Memphis, Tenn.), and points in Ohio south of U.S. Highway 40.

HEARING: October 25, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 10761 (Sub No. 98), filed July 1, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Rm. 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite for buildings*, from North Chelmsford, Mass., to points in the State of New York, and *damaged or rejected shipments of granite, and items included in Ex Parte No. MC-53*, on return.

HEARING: October 11, 1960, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Samuel Horwich.

No. MC 16007 (Sub No. 25), filed July 13, 1960. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Conn. Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer, (fertilizer compounds)*, and *urea*, dry, in bags, and in bulk, from Columbus, Kans., to points in Arkansas, Oklahoma, Nebraska, and points in Missouri south of U.S. Highway 50.

HEARING: November 2, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John B. Mealy.

No. MC 20783 (Sub No. 50), filed June 24, 1960. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* (fresh, frozen, cooked, or cured), *lard, lard compounds or substitutes*, and *vegetable oil shortenings* (except those in bulk, in tank vehicles), from Evansville, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except points in the Memphis, Tenn., Commercial Zone).

NOTE: Applicant presently is authorized to transport the above-named commodities from Evansville, Ind., to the territory sought herein, subject to the following restrictions: (1) The authority granted herein shall not be joined directly or indirectly with any other authority otherwise held by carrier for the purpose of performing any through service. (2) The service herein authorized is restricted against the transportation of shipments (a) received from other carriers at Evansville, Ind., or points within the Evansville, Ind., Commercial Zone, or (b) delivered to other carriers for movement to destinations outside of Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, or to destination within the Memphis, Tenn., Commercial Zone. By this application, applicant herein seeks to remove said restrictions.

HEARING: October 6, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 20793 (Sub No. 34), filed July 11, 1960. Applicant: WAGNER TRUCKING CO., INC., Jobstown, N.J. Applicant's representative: G. Donald Bullock, 211 East 51st Street, 10–C, New York 22, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, other than fire brick, from the site of the Washington Brick Co. plant, Prince Georges County, Md., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: October 4, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner John L. York.

No. MC 22254 (Sub No. 27), filed June 13, 1960. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled passenger or property carrying golf buggies*, or *commercial adaptations thereof*, uncrated, weighing not more than 1,500 pounds, and *parts and accessories* therefor when accompanying said machines, between points in the United States, including Alaska and Hawaii.

HEARING: October 27, 1960, in Room 852, U.S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner John B. Mealy.

No. MC 23939 (Sub No. 95), filed August 12, 1960. Applicant: ASBURY TRANSPORTATION CO., 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and liquefied gases* (other than propane and butane), in shipper-owned trailers, and *empty shipper-owned trailers;* (1) between points in Wyoming, on the one hand, and, on the other, points in South Dakota; and (2) between points in South Dakota.

HEARING: September 13, 1960, at the Wyoming Public Service Commission, Cheyenne, Wyo., before Joint Board No. 183.

No. MC 29886 (Sub No. 173), filed August 8, 1960. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck cranes and truck crane excavators, with or without attachments*, in initial and secondary driveaway service; from Escanaba, Mich., and points within a five mile radius thereof, to all points in the United States, including the District of Columbia, Alaska and Hawaii.

NOTE: Common control may be involved.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Michael B. Driscoll.

No. MC 30378 (Sub No. 52), filed August 2, 1960. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Highway 66, Hazelwood, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks* and *new chassis*, in initial movements, in truckaway service, and *new automobile parts and accessories* incidental to the vehicles transported, moving at the same time and in the same vehicle with automobiles etc., from the plant site of the Ford Motor Company in Claycomo, Mo. to points in Michigan, Ohio, Pennsylvania, West Virginia, North Carolina, South Carolina and Virginia, and *damaged or rejected shipments* of the above-specified commodities, on return.

HEARING: November 2, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John B. Mealy.

No. MC 30518 (Sub No. 3) (REPUBLICATION), filed March 1, 1960, published in the FEDERAL REGISTER, issue of March 30, 1960. Applicant: CARLOS A. STILLWELL, doing business as STILLWELL TRUCK SERVICE, Detroit, Ill. Applicant's attorney: Grover C. Hoff, 408 Ridgely Building, Springfield, Ill. By application filed March 1, 1960, applicant sought authority to transport specified commodities, from, to and between points in nine states, under contract for a specified shipper. A correct summary of the application as filed was published in the FEDERAL REGISTER, except that the published summary omitted one of the commodities, namely, *buttermilk, dried*, in containers or in bulk. At the hearing held June 10, 1960, before Examiner Maurice S. Bush, the application was amended to correct the omission and evidence was received pertaining to the need for service in the transportation of that commodity. The Examiner, in a report and order, served July 6, 1960, finds that among other authority, applicant should be authorized to transport *buttermilk, dried*, in containers or in bulk, between Pittsfield and Dundee, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Minnesota, Missouri, Ohio, Wisconsin, Kentucky, and Tennessee. Any person or persons who may have been prejudiced by the error in the first-published notice of filing, and the subsequent amendment to rectify the error, may, within 30 days from this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 42261 (Sub No. 43) filed July 1, 1960. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Marcus Hook, Pa., to points in Missouri, North Dakota, South Dakota, Nebraska, Kansas, Illinois, Wisconsin, Minnesota, and Iowa, and *returned or rejected shipments of liquid wax*, in bulk, in tank vehicles, on return.

HEARING: October 12, 1960, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC 42487 (Sub No. 462), filed April 25, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: J. G. Dail, Jr., 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to the plant site of Thiokol Chemical Corporation near Corrine, Utah.

HEARING: November 7, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner John B. Mealy.

No. MC 49326 (Sub No. 2), filed July 18, 1960. Applicant: WILLIAM GEIS TRUCKING CORP., 42–15 11th Street, Long Island City 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spiral conduit pipe of galvanized steel*, 23 gauge or thinner, for air-handling purposes, uncrated, and *refused, rejected or returned shipments*, between New York, N.Y. and points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania and the District of Columbia.

HEARING: September 28, 1960, at 346 Broadway, New York, N.Y., before Examiner Walter R. Lee.

No. MC 52917 (Sub No. 42), filed July 12, 1960. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and other foodstuffs*, moving in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in Bergen, Hudson, Essex and Union Counties, N.J. and New Brunswick, N.J. to Baltimore, Md. and Washington, D.C.

HEARING: October 11, 1960, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC 55811 (Sub-No. 65), filed June 13, 1960. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in packages, in mixed shipments with salt, provided that the pepper does not exceed ten (10) percent of the truckload weight, from Cleveland, Ohio; Manistee, St. Clair and Marysville, Mich., and points within five miles thereof, to points in Indiana; Illinois; Ohio; Michigan; points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley and South Connellsville, Pa., and points within ten miles thereof; points in Brook, Hancock, and Ohio Counties, W. Va., and points in that part of West Virginia within ten miles of the West Virginia-Ohio State Line, Louisville and Covington, Ky.; St. Louis, Mo. and Davenport, Iowa, *damaged and rejected shipments* on return.

NOTE: Applicant presently holds authority to transport salt from the above origins to the above destinations and seeks authority to transport pepper and salt in mixed loads.

HEARING: October 25, 1960, in Room 852, U.S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner John B. Mealy.

No. MC 55878 (Sub No. 9), filed June 28, 1960. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, and *conduits*, and *fittings, and attachments therefor*, between points in Atlantic County, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Ohio, Vermont, and West Virginia.

HEARING: October 7, 1960, at the Governor Clinton Hotel, 31st & 7th Avenue, New York, N.Y., before Examiner Samuel Horwich.

No. MC 60109 (Sub No. 3), filed July 25, 1960. Applicant: APPLE TRANSPORTATION COMPANY, a corporation, 3647 Race Street, Philadelphia 39, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* and *immigrant moveables*, (1) from Philadelphia, Pa. to Bangor, Maine, or (2) between Philadelphia, Pa., and Jacksonville, Fla., (3) between points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Georgia, Florida and Alabama, and *empty containers*, on return, in connection with (1), (2) and (3) above.

HEARING: October 5, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner John L. York.

No. MC 61592 (Sub No. 7) filed May 18, 1960. Applicant: K & A TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm equipment, machinery*, and *farm equipment and machinery parts*, from Manning, Iowa to points in Arkansas, California, Colorado, Iowa, Indiana, Illinois, Idaho, Kentucky, Kansas, Missouri, Michigan, Montana, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Tennessee, Utah, Washington, Wisconsin and Wyoming, and *defective, rejected*, or *damaged shipments* of the above specified commodities, on return.

NOTE: Applicant states there will be no interest to transport full truckloads of the parts by themselves.

HEARING: October 10, 1960, in Room 401, Old Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 65527 (Sub No. 13), filed July 27, 1960. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper-type vehicles, and in bags, between points in Montgomery, Lehigh, Northampton, York, and Berks Counties, Pa., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 65527 (Sub No. 11) to determine whether applicant's status is that of a common or contract carrier. Applicant states it presently holds authority for a portion of the authority requested.

HEARING: October 6, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner John L. York.

No. MC 67419 (Sub No. 1), filed June 1, 1960. Applicant: PHILIP STINGER, INC., 3300 Moore Street, Philadelphia, Pa. Applicant's attorney: Raymond A. Thistle, Jr., 226 South Sixteenth Street, Suite 601, Philadelphia 2, Pa. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to report in Description in Motor Carrier Certificates, 61 MCC–209, except bulk commodities in tank or dump vehicles, and *supplies and materials used in the installation and manufacture thereof*, between Wilmington, Del., on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: October 5, 1960, at the Governor Clinton Hotel, 31st & 7th Avenue, New York, N.Y., before Examiner Samuel Horwich.

No. MC 72126 (Sub No. 2), filed August 1, 1960. Applicant: ALBERT HARDECOPF, Dolliver, Iowa. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mills or machines*, feed processing, mixing and grinding; from Armstrong, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: October 24, 1960, in Room 926, Metropolitan Bldg., Second Ave., South and Third, Minneapolis, Minn., before Examiner Armin G. Clement.

No. MC 92983 (Sub No. 382), filed August 4, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky and Maine to Burlington, Iowa and points within 10 miles thereof.

HEARING: September 23, 1960, in Room 401, Old Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 95540 (Sub No. 333), filed May 31, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (1) from Walton, N.Y., to points in the District of Columbia, Maryland, Virginia, North Carolina and South Carolina, and (2) from New York, N.Y., to points in the District of Columbia, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida, restricted to shipments of dairy products which originate at Walton, N.Y. and are stopped in New York City, N.Y. for completion of loading.

HEARING: October 4, 1960, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Samuel Horwich.

No. MC 95540 (Sub No. 334), filed June 2, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and West Virginia.

NOTE: Common control may be involved.

HEARING: October 31, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John B. Mealy.

No. MC 95876 (Sub No. 20), filed July 15, 1960. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and manufactured granite, marble, slate, and stone*, from points in Georgia, to points in Washington, Oregon, Idaho, Montana, and Wyoming.

HEARING: September 26, 1960, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 95876 (Sub No. 21), filed August 11, 1960. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, stone, marble, and slate;* from points in Georgia, to points in Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, and New York.

HEARING: September 26, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James I. Carr.

No. MC 101126 (Sub No. 134), filed April 18, 1960. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of Soda*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Jefferson County, Ala., and *rejected shipments* on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier * * *. In No. MC 101126 (Sub No. 86).

HEARING: October 11, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Robert A. Joyner.

No. MC 102616 (Sub No. 692), filed August 12, 1960. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank and specialized equipment, from Calvert City, Ky., and points within ten (10) miles thereof, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, and *rejected shipments* of the above-specified commodities, on return.

HEARING: September 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 103435 (Sub No. 95), filed May 9, 1960. Applicant: BUCKINGHAM FREIGHT LINES, a corporation, 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, including *Classes A and B explosives*, serving the Big Bend Dam Site, approximately 42 miles southeast of Pierre, S. Dak., and points within five (5) miles thereof, as off-route points in connection with applicant's authorized regular route operations over U.S. Highways 14 and 16.

HEARING: November 10, 1960, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230, or, if the Joint Board waives its right to participate, before Examiner Armin C. Clement.

No. MC 103721 (Sub No. 8), filed July 15, 1960. Applicant: ORVILLE SICKELS TRUCKING, INC., R.D. No. 1, Palmerton, Pa. Applicant's attorney: Russell P. Chaplinsky, 180 South First Street, Lehighton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Schuylkill County, Pa., to site of Seaview Hospital, Staten Island, N.Y.

HEARING: October 12, 1960, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC 103880 (Sub No. 206), filed June 24, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Crossville, Ill., to points in Kentucky, Tennessee, and those in Ohio on and east of U.S. Highway 23.

HEARING: October 26, 1960, in Room 852, U.S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner John B. Mealy.

No. MC 104523 (Sub No. 18), filed July 5, 1960. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, Friend, Nebr. Applicant's representative: C. A. Ross, 1004–1008 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, and *salt compounds*, from Grand Saline, Tex. and points within a radius of two miles thereof, to points in Kansas, Missouri, Nebraska, and South Dakota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant states he will also transport some exempt commodities, on return.

HEARING: October 3, 1960, at the Rome Hotel, Omaha, Nebr., before Examiner Charles B. Heineman.

No. MC 105045 (Sub No. 5), filed June 27, 1960. Applicant: R. L. JEFFERIES TRUCKING CO., INC., 201 Southeast First Street, Evansville, Ind. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron or steel silos*, glass enameled or galvanized, knocked down or in sections. (B) *Component parts of iron or steel silos*, including *silo loading and unloading devices*, and, *materials incidental to the erection and completion of silos*, when moving in connection with such silos, between Kankakee, Ill., and points in the Kankakee Commercial Zone on the one hand, and, on the other points in Indiana, Kentucky, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: October 24, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 105556 (Sub No. 35), filed July 5, 1960. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Sheridan, Daniels, Roosevelt, McCone, Valley, Richland, Dawson, Prairie, Fallon, Custer, Powder River, Wibaux and Carter Counties, Mont. to Williston, N. Dak. and points within 10 miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: October 31, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Armin C. Clement.

No. MC 105556 (Sub No. 36), filed July 5, 1960. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) Between Williston, N. Dak. and points within 10 miles thereof, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, in Montana and North Dakota. (2) From Williston, N. Dak. and points within 10 miles thereof, to points in Minnesota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from points in Minnesota to Williston, N. Dak.

HEARING: October 31, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 224, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 105813 (Sub No. 42), filed August 8, 1960. Applicant: BELFORD TRUCKING CO., INC., 1299 NW., 23d Street, P.O. Box 183, Allapattah Station, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, (1) from points in Florida to Chicago, Ill., St. Louis, Mo., and points in Indiana, Kentucky and Ohio. (2) Between points in Florida.

NOTE: Applicant states the purpose of this application is to remove the vehicle description as described in portions of Certificate MC 105813 (Sub No. 1), (namely in vehicles equipped with mechanical refrigeration).

HEARING: September 22, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 106965 (Sub No. 142), filed July 26, 1960. Applicant: M. I. O'BOYLE & SON, doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alum*, in bulk, in tank or hopper vehicles, from Baltimore, Md., to Norfolk, Va.

NOTE: (1) Applicant has pending in MC 112563 and Sub 1 thereunder, application for contract authority, therefore, dual operations may be involved. (2) Common control may be involved.

HEARING: October 4, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 226.

No. MC 106965 (Sub No. 143), filed August 10, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6. D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiting talc*, dry, in bulk, in tank or hopper vehicles, from York, Pa., to Baltimore, Md.

HEARING: October 6, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 107107 (Sub No. 152), filed May 26, 1960. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described by the Commission, from New York, N.Y., to points in South Carolina on and within five (5) miles of U.S. Highway 17 between the North Carolina State line and Winyah Bay, and Brunswick and Sea Island, Ga.

HEARING: October 3, 1960, at the Governor Clinton Hotel, 31st & 7th Avenue, New York, N.Y., before Examiner Samuel Horwich.

No. MC 107403 (Sub No. 313), filed August 10, 1960. Applicant: E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and Chemicals*, in bulk, in tank and specialized equipment, from Calvert City, Ky., and points within 10 miles thereof, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, and *rejected shipments* on return.

NOTE: Applicant is authorized to conduct operations as a contract carrier, therefore, dual operations may be involved.

HEARING: September 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 108392 (Sub No. 1), filed June 27, 1960. Applicant: EDWARD LOFTY, doing business as DISTRIBUTORS SERVICE COMPANY, 30 Edgewood Park Drive, Parkersburg, W. Va. Applicant's attorney: Theodore H. Ghiz, Suite 6, Phillips Building, 411 "D" Street, South Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Akron, Ohio, to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (2) from Columbus, Ohio, to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (3) from Baltimore, Md., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (4) from Cumberland, Md., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (5) from Louisville, Ky., to points in West Virginia on and east of West Virginia Highway 2; (6) from St. Louis, Mo., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (7) from Milwaukee, Wis., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (8) from Peoria, Ill., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (9) from Detroit, Mich., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (10) from Newark, N.J., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2; (11) from Pittsburgh, Pa., to points in West Virginia on and east of West Virginia Highway 2; (12) from Cleveland, Ohio, to points in West Virginia on and east of West Virginia Highway 2; (13) from Cincinnati, Ohio, to points in West Virginia on and east of West Virginia Highway 2; and (14) from Newport, Ky., to Parkersburg, W. Va., and to points in West Virginia on and east of West Virginia Highway 2, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities on return, in connection with (1) through (14) above.

HEARING: October 4, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Robert A. Joyner.

No. MC 109385 (Sub No. 32), filed June 9, 1960. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets* and *carpeting*, from Chattanooga, Tenn., and Dalton and Calhoun, Ga., to points in Pennsylvania, Ohio, Michigan, Indiana, Missouri, Illinois, Wisconsin, and Minnesota.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant's status is that of a common or contract carrier. Applicant has a pending common carrier application (BOR 1) under MC 117883 and a pending common carrier application (BOR 2) under MC 117883 (Sub No. 1). Dual authority under section 210 may be involved.

HEARING: October 13, 1960, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Robert A. Joyner.

No. MC 109637 (Sub No. 153), filed May 25, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Jefferson County, Ala., and *rejected shipments* of the above-described commodity, on return.

HEARING: October 11, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Robert A. Joyner.

No. MC 109637 (Sub-No. 154), filed June 9, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, oils and greases, and Tallow*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Alabama and Tennessee.

HEARING: October 7, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 109637 (Sub No. 156), filed June 20, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, *rejected shipments of whiskey*, between points in Indiana, on the one hand, and, on the other, points in Illinois, Maryland, Massachusetts, New York, Ohio, and Pennsylvania.

HEARING: October 10, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Robert A. Joyner.

No. MC 109637 (Sub No. 158), filed July 18, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Crossville, Ill., to points in Kentucky, Ohio and Tennessee and *rejected shipments* on return.

HEARING: October 26, 1960, in Room 852, U.S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner John B. Mealy.

No. MC 110479 (Sub No. 17), filed June 30, 1960. Applicant: DUDLEY HARPER, doing business as HARPER TRUCK SERVICE, 1230 North Eighth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Broadway at Seventeenth, Box 1282–Avandale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and *malt liquors*, from St. Joseph, Mo., to Paducah, Ky., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: October 7, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 110525 (Sub No. 419), filed May 25, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Florida, except polyvinyl acetate to Tampa, Fla., and *rejected shipments* of chemicals, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 117507; therefore, dual operations may be involved.

HEARING: October 12, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Robert A. Joyner.

No. MC 110525 (Sub No. 422), filed June 14, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styrene*, in bulk, in tank vehicles, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Ohio and Wisconsin, and *rejected shipments* on return.

HEARING: October 3, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 110698 (Sub No. 142), filed August 9, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, in tank vehicles; from points in Twiggs, Wilkinson, Washington, and Bibb Counties, Ga., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Florida, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Common control may be involved.

HEARING: October 6, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 111238 (Sub No. 6), filed June 15, 1960. Applicant: DOLLISON TRUCK LINES, 1000 Pennsylvania Avenue, Charleston 2, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals*, and *magazine parts and sections*, and *pocketbooks*, and *patterns*, between Cincinnati, Ohio (excluding points in said commercial zone which are located in Kentucky) and points in West Virginia on and south of U.S. Highway 60.

HEARING: October 6, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 112567 (Sub No. 4), filed June 6, 1960. Applicant: ARTHUR B. McRAY, doing business as McRAY TRUCK LINE, Springfield, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B, Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Springfield, Ky., to points in Alabama, Florida, Georgia, Indiana (except Clarksville, Jeffersonville and New Albany), Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia and the District of Columbia, and *supplies* used in the manufacture and processing of the above-described commodities, and *damaged, refused or rejected shipments* thereof, on return.

HEARING: October 3, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 112617 (Sub No. 67), filed April 22, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, (1) from Jeffersonville, Ind., to points in Kentucky, Tennessee, Alabama, Mississippi, Georgia, North Carolina, South Carolina and West Virginia. (2) From points in Maury County, Tenn. to points in Kentucky, Alabama, Mississippi, Georgia, North Carolina, South Carolina, West Virginia, Indiana, Illinois, Ohio and Missouri.

HEARING: November 7, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner John B. Mealy.

No. MC 112617 (Sub No. 71), filed July 18, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Styrene*, in bulk, in tank vehicles, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, and *rejected shipments*, on return.

HEARING: October 5, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 112750 (Sub No. 51), filed August 4, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevois Building, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* (except coin, currency, bullion and negotiable securities) (1) between Baltimore, Md., Pittsburgh, Pa., Washington, D.C. and points in Jefferson, Berkeley, Morgan, Allegheny, Hampshire, Hardy, Pendleton, Randolph, Webster, Nicholas, Braxton, Roane, Calhoun, Jackson, Wirt, Word, Ritchie, Gilmer, Lewis, Upshur, Barbour, Grant, Tucker, Mineral, Preston, Marion, Monongalia, Harrison, Taylor, Pleasants and Doddridge Counties, W. Va. (2) Between Richmond, Va., on the one hand, and, on the other, New York, N.Y. (3) From Philadelphia, Pa. to points in Washington and Wicomico Counties, Md.

HEARING: October 4, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 113681 (Sub No. 22), filed June 22, 1960. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223—410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract* or *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, except frozen and unleavened bakery products, from Brooklyn, N.Y., to Bridgeport, New Haven and Waterbury, Conn., and Springfield, Mass., and *empty containers or other such incidental facilities, etc.*, and *stale, damaged, refused and nonsalable shipments* of the above-described commodities, on return, under a continuing contract or contracts with General Baking Company, New York, N.Y.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier • • •. In No. MC 113681 (Sub No. 12).

HEARING: October 7, 1960, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Samuel Horwich.

No. MC 114091 (Sub No. 26), filed June 6, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South 7th Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, including whiskey*, in bulk, in tank vehicles, between points in Indiana, Maryland and Pennsylvania.

HEARING: October 4, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 114091 (Sub No. 27), filed June 6, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South 7th Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, including whiskey*, in bulk, in tank vehicles, between points in Kentucky, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Massachusetts, New York, Ohio, Pennsylvania, and Tennessee.

HEARING: October 4, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 114377 (Sub No. 1), filed June 13, 1960. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route 2, Huron, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* and *clay products*, from Milan, Ohio, to points in Indiana, the lower peninsula of Michigan and Pennsylvania, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: October 14, 1960, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Robert A. Joyner.

No. MC 114378 (Sub No. 2), filed July 13, 1960. Applicant: JAMES J. GALLERY, INC., 73 Stanley Avenue, Watertown 72, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, (1) between points within the territory bounded by a line beginning at Boston, Mass., and extending along the Atlantic Coast to Hampton Beach, N.H., thence west through Hampton to Manchester, N.H., thence in a southwesterly direction through New Boston and Peterboro to East Jaffrey, N.H., thence south through Winchendon, Mass., to East Templeton, Mass., thence in a southeasterly direction to East Princeton, Mass., thence south through Holden, Worcester, Auburn, North Oxford and Oxford to Webster, Mass., thence east through Douglas to Mansfield, Mass., thence in a southeasterly direction through Taunton to New Bedford, Mass., and thence along the Atlantic Coast to Boston, Mass., including points named and points on Cape Cod.; and (2) Between points in the above-specified territory, on the one hand, and, on the other, Springfield, Mass., Providence, R.I., and Portland, Maine.

NOTE: The purpose of this application is to remove the restriction in applicant's present permit to enable applicant to meet changing demands of shippers resulting from changed methods of distributing foods, particularly small lots of frozen foods.

HEARING: October 12, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

No. MC 114569 (Sub No. 35), filed July 28, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel and component parts thereof, and accessories therefor*, and (2) *material, supplies, machinery, and machinery parts*, when used in the manufacture, production, and sales of wearing apparel, between Ephrata, Pa., on the one hand, and, on the other, Tempe, Ariz.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 55813 (Sub No. 5) to determine whether applicant's status is that of a common or contract carrier. Applicant also has contract carrier authority under MC 55813. Dual authority under section 210 may be involved.

HEARING: October 7, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner John L. York.

No. MC 114569 (Sub No. 36), filed July 29, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, and *vinegar* in containers, from Timberville and Winchester, Va., and Martinsburg, W. Va., to points in Tennessee on and west of U.S. Highway 27.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 55813 (Sub No. 5) to determine whether applicant's status is that of a common or contract carrier. Applicant also has contract carrier authority under MC 55813. Dual authority under section 210 may be involved.

HEARING: October 6, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 249, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 115915 (Sub No. 2), filed June 23, 1960. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: Ervin A. Hutchison, 420 Security Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packing house products* enumerated under Items A, B and C in the APPENDIX to the Report in Ex Parte No. 3846 MCC 23, (1) from Omaha, Nebr., to points in Iowa and Illinois, bounded on the south by U.S. Highway 36 east to Intersection U.S. Highway 36 and U.S. Highway 45 then north on U.S. Highway 45 to the Illinois, Wisconsin State line and bounded on the north by the Wisconsin, Illinois state line to Intersection with the Mississippi River and bounded on the west by the Mississippi River back to point at beginning at intersection Mississippi River and Illinois or U.S. Highway 36 including all points on said described boundary lines and (2) between Omaha, Nebr., and Julesburg, Colo., and *rejected shipments, dairy products, eggs and dressed poultry*, on return, in connection with (1) and (2) above.

HEARING: October 12, 1960, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Charles B. Heineman.

No. MC 115915 (Sub No. 3), filed June 23, 1960. Applicant: FRED S. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: Ervin A. Hutchison, 420 Security Bank Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products*, and *meat by-products, dairy products* and *articles distributed by meat* packing houses, as described in Sections A, B, and C of Appendix 1, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., and Sioux City, Iowa, to (1) points in South Dakota, and North Dakota, and those points in Nebraska located on and north of U.S. Highway 20, and points in Iowa beginning at Sioux City, Iowa, and extending east on U.S. Highway 20 to intersection U.S. Highway 71, thence north on U.S. Highway 71 to intersection Iowa Highway 18, thence west on Iowa Highway 18 to the Iowa-South Dakota State line to Sioux City, Iowa, and return, serving points within said area, and said described boundary lines; (2) from Omaha, Nebr., to Sioux City, Iowa, as a gateway only, via Omaha, Nebr., to Council Bluffs, Iowa, and thence to all points described in (1) above, in Iowa, Nebraska, South Dakota, and North Dakota and *returned shipments* of the above-described commodities, on return.

HEARING: October 4, 1960, at the Rome Hotel, Omaha, Nebr., before Examiner Charles B. Heineman.

No. MC 115955 (Sub No. 6), filed August 9, 1960. Applicant: HARRY J. SCARI, doing business as SCARI'S DELIVERY SERVICE, 409 North Harrison

Street, Wilmington, Del. Applicant's attorney: Albert P. Beitel, American Security Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Philadelphia International Airport, the North Philadelphia Airport, near Philadelphia, Pa., and the New Castle County Airport, near New Castle, Del., on the one hand, and, on the other, Philadelphia, Pa., Newark, Del. and Elkton, Md.

NOTE: Applicant states the proposed operations shall be restricted to shipments moving on an air bill of lading and having an immediately prior or immediately subsequent movement by air. Applicant has pending application in MC 109907 (Sub No. 4) for contract carrier authority; therefore, dual operations under section 210 may be involved.

HEARING: October 6, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 117119 (Sub No. 8), filed July 15, 1960. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *frozen poultry*, from Fayetteville, Fort Smith, Dardanelle, Clarksville, Johnson, Berryville, Bentonville, Little Rock, Rodgers, Siloam Springs, and Springdale, Ark., and Carthage and Marionville, Mo., to points in Rhode Island, Delaware, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) on return.

HEARING: September 16, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Leo M. Pellerzi.

No. MC 117355 (Sub No. 3), filed July 5, 1960. Applicant: JESSE A. KRONINGER, INC., Mertztown R.D. No. 1, Pa. Applicant's attorney: John W. Dry, 541 Penn Street, Reading, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk from points in Gloucester and Cumberland Counties, N.J., to points in Berks and Lehigh Counties, Pa.

HEARING: October 4, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner John L. York.

No. MC 117565 (Sub No. 1), filed June 8, 1960. Applicant: JOHN R. HAFNER, doing business as MOTOR SERVICE COMPANY, 235 South Fifth Street, Coshocton, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Galion, Ohio, to points in Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Kentucky, New York, Pennsylvania, West Virginia, Virginia, New Jersey, Vermont, New Hampshire, Connecticut, Rhode Island, Delaware, Maine, and Maryland.

HEARING: October 14, 1960, at the Ohio Public Utilities Commission, Columbus, Ohio, before Examiner Robert A. Joyner.

No. MC 118959 (Sub No. 3), filed July 15, 1960. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground equipment, lawn furniture, sand boxes and ping pong tables*, from Breese, Jacksonville and Springfield, Ill., and St. Louis, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and *exempt commodities* on return.

HEARING: November 1, 1960, at the U.S. Court House and Custom House, 1114 Market St., St. Louis, Mo., before Examiner John B. Mealy.

No. MC 119053 (Sub No. 1), filed June 7, 1960. Applicant: PETER BAUER, JR., Pollock, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Unprocessed cheese*, from Pollock, S. Dak. to New Ulm, Minn., as follows: From Pollock, S. Dak. over unnumbered highway to junction U.S. Highway 83, thence south over U.S. Highway 83 to junction U.S. Highway 12, thence east over U.S. Highway 12 to junction U.S. Highway 77, thence south over U.S. Highway 77 to junction U.S. Highway 212, thence east over U.S. Highway 212 to junction Minnesota Highway 15, thence south over Minnesota Highway 15 to New Ulm, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return. Serving no intermediate or off-route points.

HEARING: November 4, 1960, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 119293 (Sub No. 2), filed May 6, 1960. Applicant: GEORGE A. HANSON, 2226 Irving Avenue North, Minneapolis, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated, burial cases (caskets or coffins)* and *uncrated casket shells*, from Duluth, Minn., and the Minneapolis-St. Paul, Minn., Commercial Zone to points in Iowa, North Dakota, South Dakota, and Wisconsin, and (2) *uncrated casket shells* from Elgin, Ill., to the Minneapolis-St. Paul, Commercial Zone, when transported in vehicles specially equipped with permanent racks and protected by padded cloth jackets and blankets, and *rejected* or *damaged uncrated burial cases* (caskets or coffins) and *uncrated casket shells* on return.

HEARING: October 24, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Armin G. Clement.

No. MC 119698, Filed April 18, 1960. Applicant: W. E. GENE KNIGHT, doing business as KNIGHT'S TRANSFER, P.O. Box 647, Lewisburg, W. Va. Applicant's attorney: J. A. Bibby, Jr., Suite 504, Security Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from Louisville, Ky., Columbus, Cleveland, Cumberland, Ohio, and Baltimore, Md., to Greenbrier County, W. Va., and (2) *Fertilizer*, in bags, and in bulk, from Richmond, Va., to Greenbrier, Monroe and Nicholas Counties, W. Va., and *empty containers* or other such incidental facilities used in transporting the commodities as described in (1) and (2) above on return.

HEARING: October 4, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Robert A. Joyner.

No. MC 119747 (CORRECTION), filed May 9, 1960, published FEDERAL REGISTER issue of July 13, 1960. Applicant: CHARLES J. SCOTT, Washington, Ga. Applicant's attorney: Walton Hardin, Washington, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green lumber*, except plywood and veneer, from points in that part of Georgia on and east of U.S. Highway 441, and on and north of U.S. Highway 278 to points in that part of Florida on and north of Florida Highway 70, and points in Alabama and South Carolina and points in Macomb, Oakland, Wayne, and Monroe Counties, Mich., and *green lumber* and *green bulk* on return.

NOTE: The above transportation will be performed under a continuing contract or contracts with Jackson Mill and Lumber Company, Washington, Ga. The purpose of this republication is to show the proposed operations correctly as contract carrier authority sought, and to correct the spelling of Macomb County.

HEARING: Remains as assigned September 29, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 119748, filed May 9, 1960. Applicant: HAROLD LEIDOLF, doing business as LEIDOLF TRUCKING, 2603 Shell Lane, New Albany, Ind. Applicant attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *House component parts*, (2) *lumber and millwork*, and (3) *wood core* and *wood dimension stock*, in shipper-owned

trailers, from Louisville, Ky., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia, and (4) *supplies* used in the manufacture of the above-described commodities, in shipper-owned trailers, *damaged, refused or rejected shipments thereof* and *empty shipper-owned trailers*, on return.

HEARING: October 3, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 119793, filed May 16, 1960. Applicant: DEWEY WILFONG, FOREST G. WETZEL, RALPH ROY, BLAINE NESTOR, AND ERNEST NESTOR, A Partnership, doing business as WWRN COMPANY, 7 North Main Street, Philippi, W. Va. Applicant's attorney: Paul B. Ware, Philippi, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores, from points in Fayette County, Pa., to points in Barbour, Randolph and Tucker Counties, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant's attorney advises that the carrier proposes to transport canned, fresh and dried vegetables and fruits, boxed cooking materials, tobacco and tobacco products, spices, soaps and detergents, and cleaning powders, brooms, mops, scrub buckets, pails and other cleaning equipment, kitchen utensils and wares, cosmetics and medicines, canned and dried meats, and any and all other similar products which are usually sold in a grocery store.

HEARING: October 7, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Robert A. Joyner.

No. MC 119797 (Sub No. 3), filed July 20, 1960. Applicant: MOBILE HOME BROKERS, INC., 1266 Hudson Road, St. Paul 6, Minn. Applicant's representative: A. R. Fowler, Tariff Publishing Agent, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-built homes and houses*, in set-up sections, complete with electric wiring and fixtures, plumbing fixtures, cabinets and other equipment installed; stoves, refrigerators, and other miscellaneous furniture and furnishings packed inside the sections, from points in Johns County, Fla.; Sullivan County, Ind.; Saginaw County, Mich. and King County, Wash. to points in the United States, including Alaska, but excluding Hawaii.

HEARING: October 28, 1960, in Room 926, Metropolitan Building, Second Ave., South and Third, Minneapolis, Minn., before Examiner Armin G. Clement.

No. MC 119811, filed May 25, 1960. Applicant: MURRAY MOLTZ, 97 Boxwood Road, Yonkers, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foam rubber* and *plastic foam*, from New York, N.Y., to points in Bergen, Essex, Hudson, Passaic, Middlesex, Morris and Union Counties, N.J., Kingston, Newburgh and Beacon, N.Y. and Danbury, Conn., and *damaged, refused or returned shipments* of foam rubber and plastic foam on return.

NOTE: Applicant states the proposed operations will be limited to service under a continuing contract or contracts with General Foam Corporation, New York, N.Y.

HEARING: October 5, 1960, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Samuel Horwich.

No. MC 119828, filed May 31, 1960. Applicant: LEWIS E. FITCH, Philip, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *livestock feed*, and *poultry feed*, (b) *Salt*, in blocks and in bags, and (c) *livestock* and *grain*, on return, from Sioux City, Iowa, and South Sioux City, Nebr., to points in that part of South Dakota beginning at Philip and extending south along U.S. Highway 16 to its junction with South Dakota Highway 40 and U.S. Highway 16, thence east along those combined highways to Kadoka, thence south along South Dakota Highway 73 to the banks of the White River, thence west along the banks of the White River to U.S. Highway 18, continuing west along U.S. Highway 18, to the Wyoming-South Dakota State Line, thence north along the State line to South Dakota Highway 24, thence along South Dakota Highway 24 to the banks of the Cheyenne River, thence along the banks of the Cheyenne River to the eastern boundary of the Stanley County line, thence south along such line to its junction with the eastern boundary of the Jones County line, continuing south along such County line to U.S. Highway 16, at or near Draper, S. Dak. thence west along U.S. Highway 16, to junction South Dakota Highway 40 and U.S. Highway 16, and thence north along U.S. Highway 16 to point of origin.

HEARING: November 4, 1960, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 185, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 119838, filed June 9, 1960. Applicant: JANEY WOLFE, Dothan, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, equipment and supplies, plumbing materials, equipment and supplies*, and *such commodities* as are dealt in by wholesale and retail hardware stores, between points in Fayette County, W. Va., on the one hand, and, on the other, points in West Virginia, Virginia, Ohio, and Kentucky.

NOTE: Applicant states the transportation of the above-specified commodities will be performed for Lowes of Oak Hill, Inc.

HEARING: October 7, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Robert A. Joyner.

No. MC 119859, filed June 16, 1960. Applicant: HAROLD L. WISE AND G. J. SCHLADWEILER, a partnership, doing business as LPG TRANSPORT SERVICE, 1500 West Sixth Street, Mitchell, S. Dak. Applicant's attorney: H. T. Fuller, Morgan & Fuller, Mitchell, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia nitrogen fertilizer*, from La Platte and Aurora, Nebr. to points in South Dakota.

HEARING: November 7, 1960, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 184, or, if the Joint Board waives its right to participate before Examiner Armin G. Clement.

No. MC 119859 (Sub No. 1), filed June 27, 1960. Applicant HAROLD L. WISE AND G. J. SCHLADWEILER, doing business as LPG TRANSPORT SERVICE, 1500 West Sixth, Mitchell, S. Dak. Applicant's attorney: Harry T. Fuller, Mitchell, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, (1) from points in Sioux and O'Brien Counties, Iowa to points in South Dakota on and east of U.S. Highway 83; and (2) from Sheldon, Iowa, on U.S. Highway 18 to points in South Dakota, including Canton.

HEARING: November 3, 1960, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 148, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 119877, filed June 24, 1960. Applicant: MISSOURI VALLEY TRANSPORTATION CO., INC., 202 Francis Building, Sioux City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *meats, meat products and meat by-products* as described in Appendix I(A) Descriptions in Motor Carrier Certificates, 61 MCC 209, as amended, and (2) *refused, rejected and exempt commodities*, between Sioux City, Iowa and points in the United States, including Washington, D.C., Alaska, and ports of entry located on the International boundary line between the United States and Canada and the United States and Mexico, under a continuing contract or contracts with Sioux City Dressed Beef Co., Division of Needham Packing Co., Inc., and Sioux City Dressed Pork, Inc., both of Sioux City, Iowa.

HEARING: October 10, 1960, at the Sheraton-Warrior Hotel, Sioux City, Iowa, before Examiner Charles B. Heineman.

No. MC 119891, filed June 30, 1960. Applicant: STEVE WILLIAMS and ORVAL NEWBY, Newby's Trailer Court, Fort Pierre, S. Dak. Applicant's attorney: Ramon A. Roubideaux, Fort Pierre, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Mobile Homes*, between points in Brule, Buffalo, Hyde, Hughes, Lyman, Potter, and Stanley Counties, S. Dak., on the one hand, and, on the other, all points in the United States, including Alaska, but excluding Hawaii.

HEARING: November 9, 1960, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Examiner Armin G. Clement.

No. MC 119916, filed July 13, 1960. Applicant: ASSOCIATED MILK HAULERS CO., INC., Hillsdale, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* and *ice cream mix*, in bulk, in tank vehicles, from points in Dutchess, Columbia, Rensselaer, Washington, Montgomery, Schenectady, Albany, and Otsego Counties, N.Y., to points in Connecticut, Massachusetts, and Rhode Island; and (2) *Liquid sugar*, in bulk, in tank vehicles, from Boston, Mass., to points in Connecticut, Rhode Island, and New York.

HEARING: October 10, 1960, at 346 Broadway, New York, N.Y., before Examiner John L. York.

No. MC 119937 (Sub No. 1), filed August 8, 1960. Applicant: B & L PERISHABLE SERVICE, INC., 540 South 10th Street, Kansas City, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, juices* and *concentrates*, between points in the Kansas City, Mo-Kans. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Kansas, Missouri, Iowa, Nebraska and Oklahoma.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 119965, filed August 2, 1960. Applicant: HARRY E. MERRELL, doing business as MERRELL'S WRECKER SERVICE, 1113 Putnam Howe Drive, Belpre, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, or stolen vehicles*, between Belpre, Ohio, and points in Wood County, W. Va.

HEARING: October 5, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 119989, filed August 12, 1960. Applicant: OWEN V. HALL, doing business as OWEN HALL TRUCK LINE, 2210 Coggin Avenue, Brownwood, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable concrete batching machines, together with component parts and related equipment*, when moving in conjunction with said machines, in a towaway service, from Brownwood, Tex., to all points in the United States, except Hawaii, and *damaged or rejected shipments* of the above-specified commodities, on return.

HEARING: September 28, 1960, at the Hotel Texas, Fort Worth, Tex., before Examiner Leo M. Pellerzi.

MOTOR CARRIERS OF PASSENGERS

No. MC 119556 (Sub No. 1), filed July 22, 1960. Applicant: ROUND HILL LIMOUSINE SERVICE, INC., 93 Arch Street, P.O. Box 574, Greenwich, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, and cargo*, having an immediate or subsequent movement by air, between Danbury, Conn., and New York Idlewild International Airport as follows: Originating at Graham Wagensell Travel Service, 8 Liberty Street, Danbury, Conn., via Danbury City Streets to U.S. Highway 6, thence over U.S. Highway 6 to its intersection with New York Highway 22; thence over New York Highway 22 to its intersection with New York Highway 35, thence over New York Highway 35 to its intersection with New York Highway 117; thence over New York Highway 117, to Mt. Kisco, N.Y., and over Mt. Kisco City Streets to New York Highway 128; thence over New York Highway 128 to its intersection with New York State Route 22; thence via New York State Route 22 to White Plains, and over White Plains City Streets to the Roger Smith Hotel in White Plains, and over White Plains City Streets to Mamaroneck Avenue; thence Mamaroneck Avenue to the New England Thruway; thence via the New England Thruway, Whitestone Bridge, Throgsneck Bridge, Triborough Bridge, New York City Streets, Avenues, expressways, and boulevards, to LaGuardia Airport, and to the New York International Airport (Idlewild), and return over the same routes, serving the intermediate points of New Haven, Conn., Mt. Kisco, White Plains and LaGuardia Airport, N.Y.

HEARING: October 10, 1960, at the U.S. Court Rooms, Hartford, Conn., before Examiner Samuel Horwich.

No. MC 119855, filed June 15, 1960. Applicant: RAYMOND G. PERRY, doing business as QUEBEC TRAILWAYS REG'D, 4855 Cote St. Luc Road, Montreal, Quebec, Canada. Applicant's attorneys: LaFleur & Gagnon, Edifice Aldred Building, 507, Place D'Armes, Montreal, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between the International Boundary line between the United States and Canada at or near Champlain, N.Y. to New York, N.Y.: From Champlain, N.Y., over U.S. Highway 9 (also over the new Northway Highway) to Albany, thence over the New York State Thruway to the Suffern Exit No. 15, to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence easterly over New Jersey Highway 3 to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y., and return over the same route, serving all intermediate points restricted to passengers travelling in foreign commerce.

HEARING: October 13, 1960, at 346 Broadway, New York, N.Y., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner John L. York.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12650 (Sub No. 1), filed March 2, 1960. Applicant: OLYMPIC SKI TOURS, INC., 1116 Cortelyou Road, Brooklyn 18, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Brooklyn, N.Y., Nassau, Suffolk, and Westchester Counties, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in round-trip all expense ski tours, beginning and ending at New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut.

HEARING: October 6, 1960, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Samuel Horwich.

No. MC 12735, filed June 13, 1960. Applicant: EMILIO DE TURRIS, doing business as EMILIO'S SKI WAYS, 112-32 Queens Boulevard, Forest Hills 75, New York, N.Y. Applicant's attorney: Arnold S. Greene, 32 Broadway, New York 7, N.Y. Authority sought to operate as a *Broker* (*BMC 5*), at New York, N.Y., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage*, in round-trip, all-expense package tours, for ski and other sports activities groups, beginning and ending at points in New York, N.Y., and extending to points in New York, Massachusetts, Vermont and New Hampshire.

HEARING: October 6, 1960, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Samuel Horwich.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 46054 (Sub No. 75), filed August 15, 1960. Applicant: BROWN EXPRESS, INC., 434 South Main Avenue, San Antonio, Tex. Applicant's attorney: Mert Starnes, 401 Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, serving the site of the Nike Launching Base located approximately five miles west of Austin, Tex., and the site of the Nike Launching Base located approximately twelve miles southeast of Austin, Tex., as off-route points in connection with applicant's authorized regular routes contained in Certificate No. MC 46054.

No. MC 107403 (Sub No. 314), filed August 15, 1960. Applicant: E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles; from Lima, Ohio, to Toledo and Cleveland, Ohio, and Kankakee, Ill.

NOTE: Applicant presently holds contract authority in MC-117637, therefore, dual operations may be involved.

No. MC 119212 (Sub-No. 1), filed August 2, 1960. Applicant: MICHAEL BOTEK, 350 Line Street, Minersville, Schuylkill County, Pa. Applicant's attorney: Isadore E. Krasno, 20 South Center Street, Pottsville, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Schuylkill County, Pa., to Brooklyn, N.Y., under a continuing contract with Julius Packman, Brooklyn, N.Y.

No. MC 119986, filed August 11, 1960. Applicant: LESLIE KUJALA, 401 Beech Street, Kingsford, Mich. Applicant's attorney: Howard Vielmetti, Norway, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned wax and green beans, peas, potatoes, red kidney beans, sauerkraut, fish, and pet food*, from canneries in Norway and Gladstone, Mich., to Bay City, Flint, Saginaw, Detroit, Sault Ste. Marie, Grand Rapids and Lansing, Mich.; Green Bay, Appleton, Milwaukee, Wisconsin Rapids and Madison, Wis.; Chicago, Ill.; Gary, South Bend, and Muncie, Ind.; Minneapolis, St. Paul, Thief River Falls, Duluth, Little Falls and New Ulm, Minn., and *empty containers* (*new cans*) used in transporting the above-specified commodities, from Milwaukee, Wis., to canneries in Gladstone and Norway, Mich.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 99494 (Sub No. 1), filed August 15, 1960. Applicant: CHESTER H. FLIESBACH AND CLARK N. WILLIAMS, a Partnership, doing business as OREGON TRAIL CARTAGE CO., P.O. Box 553, 717 Mill Drive, Scottsbluff, Nebr. Applicant's attorney: Russell E. Lovell, 2112 Broadway, P.O. Box 419, Scottsbluff, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those requiring special equipment other than refrigeration, (1) from Bridgeport, Nebr. to Scottsbluff, Nebr., from Bridgeport over Nebraska Highway 86 to Scottsbluff, and return over the same route, serving the intermediate and off-route points of Minatare, Bayard and Northport. (2) From Bridgeport, Nebr. to Lewellen, Nebr., from Bridgeport over U.S. Highway 26 to Lewellen, and return over the same route, serving the intermediate points of Broadwater, Lisco and Oshkosh.

NOTE: This application is directly related to MC-F 7586. Applicant conducts operations under the second proviso of section 206(a)(1). Applicant states they are the sole stockowners and control West Nebraska Express, Inc., MC 85465 and Subs thereunder. Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7594 (LAS VEGAS-TONOPAH-RENO STAGE LINE, INC.—PURCHASE—THERON W. DRANEY) published in the July 27, 1960, issue of the FEDERAL REGISTER on page 7119. Supplement filed August 15, 1960, to show joinder of SEBASTIAN F. MIKULICH, MARY MIKULICH, FRANK S. MIKULICH, SEBASTIAN S. MIKULICH, AMELIA MIKULICH SMITH, ALICE MIKULICH GARTH and ANDREW J. MIKULICH, all of 917 Stewart Street, Las Vegas, Nev., as the persons controlling vendee.

No. MC-F 7625. Authority sought for control by McMAKEN TRANSPORTATION COMPANY, 933 North 24th Street, Omaha, Nebr., of INDEPENDENT TRUCKERS, INC., 4684 Leavenworth Street, Omaha, Nebr., and for acquisition by FRED McMAKEN, also of Omaha, of control of INDEPENDENT TRUCKERS, INC., through the acquisition by McMAKEN TRANSPORTATION COMPANY. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and liquid commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Pueblo, Colo., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Lincoln, Nebr., and Fremont, Nebr., serving all intermediate points. McMAKEN TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Nebraska, Iowa, Kansas and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7626. Authority sought for purchase by J. H. ROSE TRUCK LINE, INC., 3804 Jensen Drive, P.O. Box 16037, Houston 22, Tex., of a portion of the operating rights of STANTON TRANSPORTATION CO., 300 Yampa Street, Craig, Colo., and for acquisition by J. H. ROSE, JR., also of Houston, of control of such rights through the purchase. Applicants' attorneys: Charles D. Mathews, P.O. Box 858, Austin 65, Tex., Thomas E. James, 1016 Esperson Building, Houston, Tex., Marion F. Jones, 526 Denham Building, Denver 2, Colo., and Thomas F. Kilroy, 1000 Connecticut Avenue, N.W., Suite 610, Washington 6, D.C. Operating rights sought to be transferred: *Oilfield commodities*, as a *common carrier* over irregular routes, between points in Washington and Oregon, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, New Mexico, South Dakota, Colorado, Wyoming, Utah, and Nevada. Vendee is authorized to operate as a *common carrier* in Arkansas, California, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Arizona, Colorado, Utah, Wyoming, Montana, Idaho, North Dakota, South Dakota, Nebraska and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7627. Authority sought for control and merger by DOHRN TRANSFER COMPANY, Robinson Building, Rock Island, Ill., of the operating rights and property of CHICAGO-DUBUQUE MOTOR TRANSPORTATION COMPANY, 51-59 Main Street, Dubuque, Iowa, and for acquisition by CHARLES H. DOHRN and ARTHUR H. LORENZEN, both of Rock Island, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., and Francis J. O'Connor, 555 Fischer Building, Dubuque, Iowa. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Dubuque, Iowa, and Chicago, Ill., between La Crescent, Minn., and Dubuque, Iowa, between Readstown, Wis., and Lancaster, Wis., between Minneapolis, Minn., and Hastings, Minn., between St. Paul, Minn., and Hastings, Minn., between Newport, Minn., and Hastings, Minn., between Minneapolis, Minn., and La Crosse, Wis., between Fennimore, Wis., and Dubuque, Iowa, between junction U.S. Highway 61 and Wisconsin Highway 35 (approximately five miles northeast of Dubuque, Iowa) and junction Wisconsin Highway 35 and Wisconsin Highway 11, between Prairie du Chien, Wis., and Darlington, Wis., between Highland, Wis., and junction Wisconsin Highways 80 and 81, approximately four miles north of Cuba City, between Hollandale, Wis., and Belmont, Wis., between Prairie du Chien, Wis., and Lancaster, Wis., between Patch Grove, Wis., and Dubuque, Iowa, between Patch Grove, Wis., and East Dubuque, Ill., between Darlington, Wis., and Jordan, Wis., between Argyle, Wis., and Hollandale, Wis., and between Belmont, Wis., and Dubuque, Iowa, serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, excepting, among others, commodities in bulk but not excepting household goods, between Dubuque, Iowa, and junction Wisconsin Highways 11 and 35, and between Platteville, Wis., and Dubuque, Iowa, serving certain intermediate points; *general commodities*, between Lancaster, Wis., and Prairie du Chien, Wis., and between Potosi, Wis., and junction Wisconsin Highway 35 and unnumbered highway south of Bloomington, serving certain intermediate points; *general commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between Minneapolis, St. Paul, South St. Paul, and Newport, Minn. DOHRN TRANSFER COMPANY is authorized to operate as a

common carrier in Illinois, Iowa, Missouri, Michigan, Indiana, Ohio, Kentucky and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7628. Authority sought for purchase by SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, NE., Atlanta 8, Ga., of a portion of the operating rights of TURNER TRANSFER, INC., 3201 High Point Road, P.O. Box 3426, Greensboro, N.C., and for acquisition by R. Q. BLACK, also of Atlanta, of control of such rights through the purchase. Applicants' attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Operating rights sought to be transferred: *Commodities requiring special equipment and handling by reason of size or weight*, and *machinery*, as a *common carrier* over irregular routes, between points in North Carolina, on the one hand, and, on the other, points in Georgia, South Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts and Rhode Island; *empty machinery cases* (wooden boxes), from points in North Carolina to Reading, Pa.; *empty containers, skids*, and *rejected or damaged shipments*, from and to the above-specified points in either direction; *knitting machinery*, the transportation of which requires the use of special equipment, between points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia. Vendee is authorized to operate as a *common carrier* in South Carolina, Tennessee, Georgia, Alabama, Florida, Louisiana, Mississippi, North Carolina, Arkansas, Texas, Virginia and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7629. Authority sought for control and merger by COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio, of the operating rights and property of FLETCHER FREIGHT LINES, INC., 520 Ogontz Street, Sandusky, Ohio, and for acquisition by E. DeMARIA, also of Columbus, of control of such rights and property through the transaction. Applicants' representative: R. L. Ratchford, Secretary and General Counsel, Commercial Motor Freight, Inc., 525 Cleveland Avenue, Columbus 3, Ohio. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Cleveland, Ohio, and Port Clinton, Ohio, between Oak Harbor, Ohio, and Marblehead, Ohio, between Camp Perry, Ohio, and junction Ohio Highway 358 and Ohio Highway 163, and between Sandusky, Ohio, and the Plum Brook Ordnance Works, near Bogart, Ohio, serving certain intermediate points and the off-route point of Lakeside, Ohio. COMMERCIAL MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Indiana, West Virginia, Kentucky and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7630. Authority sought for purchase by NORWALK TRUCK LINES, INC., 180 Milan Road, Norwalk, Ohio, of the operating rights and certain property of ROYAL TRANSIT, INC., 735 South 39th Street, Milwaukee 15, Wis. Applicants' attorneys: Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., and Eugene L. Cohn, 1 North LaSalle Street, Chicago 2, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Milwaukee, Wis., and Chicago, Ill., between Kenosha, Wis., and Chicago, Ill., between Sylvania, Wis., and Racine, Wis., between Rosecrans, Ill., and Zion, Ill., between Milwaukee, Wis., and Dixon, Ill., between Burlington, Wis., and Chicago, Ill., between Menomonee Falls, Wis., and Milwaukee, Wis., and between Chicago, Ill., and Freeport, Ill., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Chicago, Ill., and Kewaskum, Wis., serving all intermediate and certain off-route points; *sauerkraut* and *pickles*, over regular and irregular routes, from Union Grove, Wis., to Chicago, Ill., serving no intermediate points; *empty containers for the above-specified commodities*, from Chicago, Ill., to Union Grove, Wis., serving no intermediate points; *groceries*, between Chicago, Ill., and points within 15 miles of Burlington, Wis., except Wheatland, Honey Creek, Lake Beulah, Silver Lake, Camp Lake and Trevor, Wis., serving no intermediate points; *machinery, machine parts, contractor equipment and supplies*, and *commodities* requiring specialized handling or rigging because of weight or bulk, between points in Sheboygan, Ozaukee, Milwaukee, Racine, Kenosha, Washington, and Waukesha Counties, Wis., on the one hand, and, on the other, points in Illinois and Indiana. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, Michigan, Pennsylvania, New York and West Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 60–7888; Filed, Aug. 23, 1960; 8:47 a.m.]

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1960–61 Edition

(Revised through June 1)

Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 534 (25 F.R. 5296), appointed and convened Industry Committee No. 48–E and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the sweater and knit swimwear industry in Puerto Rico, as defined in Administrative Order No. 534, who are engaged in commerce or the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949–1953 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR, Part 611, effective September 9, 1960, to read as follows:

Sec.
611.1 Definition of the industry.
611.2 Wage rates.
611.3 Notices.

AUTHORITY: §§ 611.1 to 611.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 611.1 Definition of the industry.

The sweater and knit swimwear industry in Puerto Rico, to which this part shall apply is defined as the manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 611.2 Wage rates.

Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sweater and knit swimwear industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 611.3 Notices.

Every employer subject to the provisions of § 611.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 611.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 18th day of August 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60–7928; Filed, Aug. 24, 1960; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.4—Opening of Bids and Award of Contracts

PROTESTS AGAINST AWARD

1. The table of contents is amended to add § 1–2.407–8 as follows:

1–2.407–8 Protests against award.

2. New section 1–2.407–8 is added as follows:

§ 1–2.407–8 Protests against award.

(a) *General.* Contracting officers shall consider all protests or objections to the award of a contract, whether submitted before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest.

(b) *Protests before award.* If award has not been made, the contracting officer may require that written confirmation of an oral protest be submitted by a specified time and inform the protester that award will be withheld until the specified time. If the written protest is not received by the time specified, the oral protest may be disregarded and award may be made in the normal manner unless the contracting officer, upon investigation, finds that remedial action is required, in which event such action shall be taken.

(1) In appropriate cases, notice of a protest will be given to bidders affected thereby. For example, when a protest against the making of an award is received and the contracting officer determines to withhold the award pending disposition of the protest, the bidders whose bids might become eligible for award should be informed of the protest and requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance (with consent of sureties, if any) in order to avoid the need for readvertisement. In the event of failure to obtain such extension of bids, then consideration should be given to proceeding with award under (b)(3) below.

(2) Where a protest has been lodged with the procuring agency, the views of the Office of the Comptroller General regarding the protest should be obtained before award whenever such action is considered to be desirable. Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination to make award under (b)(3) below must be approved at an appropriate level above that of the contracting officer, in accordance with agency procedures. While award need not be withheld pending final disposition by the Comptroller General of a protest, a notice of intent to make award in such circumstances shall be furnished the Comptroller General, and formal or informal advice should be obtained concerning the current status of the case prior to making the award.

(3) Where a written protest against the making of an award is received, award shall not be made until the matter is resolved, unless the contracting officer determines that:

(i) The items to be procured are urgently required; or

(ii) Delivery or performance will be unduly delayed by failure to make award promptly; or

(iii) A prompt award will otherwise be advantageous to the Government.

If award is made under (i), (ii) or (iii) above, the contracting officer shall document the file to explain the need for an immediate award, and shall give written notice of the decision to proceed with the award to the protester and, as appropriate, to others concerned.

(c) *Protests after award.* A protest received after award shall be handled in accordance with agency procedures.

Effective date. These regulations are effective December 1, 1960, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 18, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60–7891; Filed, Aug. 24, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 479; Amdt. 181]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or cancelled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedures hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Alameda "H"	AQ-LFR	Direct	6600	T-dn	300-1	300-1	200-½
Peralta FM (final)	AQ-LFR	Direct	6000	C-dn	400-1	500-1	500-1½
ABQ VOR	AQ-LFR	Direct	8000	S-dn-35	400-1	400-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 175° Outbnd, 355° Inbnd, 7000′ within 10 mi. (Nonstandard due to high terrain E side.)
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 355°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, make a left climbing turn, climb to 8000′ on the N crs of AQ-LFR to Alameda MHW or, when directed by ATC, (1) make left climbing turn, climb to 8000′ on 260° crs direct to ABQ VOR, (2) turn left and climb to 8000′ on W crs AQ-LFR within 20 miles, (3) aircraft will be vectored to MEA in accordance with approved radar patterns.
CAUTION: Terrain exceeding 8000′ in E quadrants; make all turns on W side of North and South courses of LFR.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352′; Fac. Class., SBRAZ; Ident., AQ; Procedure No. 1, Amdt. 10; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 9; Dated, 4 July 59

MOT VOR	MT LFR	Direct	3000	T-dn	300-1	300-1	200-½
Logan Int	MT LFR (final)	Direct	2400	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2
				The following minimums apply for aircraft receiving Minot VOR, after passing MOT VOR R-222:			
				C-dn*	500-1	500-1	500-1½
				S-dn-30*	400-1	400-1	400-1

Procedure turn E side of SE crs, 122° Outbnd, 302° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 305—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles of MT LFR or within 1.5 miles after passing MOT VOR R-222, make left climbing turn to 4200′. Hold on the SW crs of MT LFR within 20 miles.
NOTE: ADF approach not authorized.
CAUTION: 2045′ MSL antenna 1.6 mi West of MT LFR. 1900′ MSL water tower 1.0 mi West of airport.
*Int SE crs MT LFR and MOT VOR R-155.
*Descent below 2300′ NA until after passing MOT VOR R-222.

City, Minot; State, N. Dak.; Airport Name, International; Elev., 1723′; Fac. Class., BMRLZ; Ident., MT; Procedure No. 1, Amdt. 7; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 6; Dated, 30 May 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dyersburg VOR	DYR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn, N side of crs, 060° Outbnd, 270° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 0.0 mile, make immediate left turn, climbing to 1600′ on crs of 070° from DYR RBn within 10 mi.

City, Dyersburg; State, Tenn.; Airport Name, Municipal; Elev., 337′; Fac. Class., BMH; Ident., DYR; Procedure No. 1, Amdt. 4; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 3; Dated, 17 Dec. 54

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MIA VOR	FLL RBn	Direct	1300	T-dn	300-1	300-1	200-½
MIA RBn	FLL RBn	Direct	1300	C-dn	600-1	600-1	600-1½
Wagner Int	FLL RBn (final)	Direct	1000	S-dn-13	500-1	500-1	500-1
Oakland VOR Int	FLL RBn (final)	Direct	1000	A-dn#	800-2	800-2	800-2
Radar Terminal area transition altitude	Radar site	Within 25 mi	*1500				

Procedure turn East side of crs, 314° Outbnd, 134° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 134°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left turn to a heading of 030°, climbing to 1300′ and intercept the 090° crs from FLL RBn and proceed to Haney LF Int (090° Brng from FLL RBn/345° Brng to PI LFR) or, when directed by ATC, make left climbing turn to 1300′ returning direct to FLL RBn.
AIR CARRIER NOTE: Procedure may be authorized only for air carriers having approval of their arrangements for weather service at this airport.
#NOTE: Limited weather information available to public. Alternate usage authorized for air carriers only.
*Radar control will provide 1000′ vertical clearance within a 3 mile radius or 500′ vertical clearance within a 3 to 5 mile (inclusive) radius of TV towers 999′ and 997′ 5.0 miles and 6.5 miles SSW of airport.

City, Fort Lauderdale; State, Fla.; Airport Name, International; Elev., 10′; Fac. Class., MHW; Ident., FLL; Procedure No. 1, Amdt. 2; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 1; Dated, 5 Sept. 59

Glens Falls RBn	Rutland RBn	Direct	5500	T-d	2500-2	2500-2	2500-2
Glens Falls VOR	Rutland RBn	Direct	5500	T-n	NA	NA	NA
Benson VOR	Rutland RBn	Direct	5500	C-d	2500-2	2500-2	2500-2
				C-n	NA	NA	NA
				A-d	NA	NA	NA
				A-n			

Procedure turn West side of crs, 353° Outbnd, 173° Inbnd, 4500′ within 10 mi.
Shuttle to 4500′ on crs of 353° from the facility within 10 miles. All turns to the West.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 173°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles, make an immediate climbing right (West) turn to Rutland MH-FM and continue climb to 4500′ on crs of 353° within 10 miles of Rutland MH-FM.
Climb-out Procedure: After takeoff, climb VFR to 3300′ and proceed on crs of 353° within 10 miles of Rutland MH-FM to 4500′, Eastbound flight 6000′, before proceeding on crs. 1000–2 authorized for takeoff on Rnwy 1 without VFR climb restriction.
CAUTION: 1. High ridge Southeast of airport. 2. Expect turbulence with East or West winds across valley during approach.
NOTE: Alternate weather minimums of 4000–2 authorized for those who have an approved arrangement for weather service at the airport.
Facility owned and operated by the State of Vermont.

City, Rutland; State, Vt.; Airport Name, Municipal; Elev., 787′; Fac. Class., MH-FM; Ident., RUT; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Sept. 60

Shell Rock Int	LOM (final)	Direct	2300	T-dn	300-1	300-1	200-½
Stout Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Horton Int	LOM	Direct	2300	S-dn-12	400-1	400-1	400-1
ALO VOR	LOM	Direct	2300	A-dn	800-2	800-2	900-2

Procedure turn South side of crs, 302° Outbnd, 122° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 122°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left climbing turn to 2500′ on 102° crs from LOM within 20 miles or, when directed by ATC, (1) climb to 2500′ on ALO-VOR R-141 within 20 miles, (2) climb to 2500′ on ALO-VOR R-094 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Municipal; Elev., 870′; Fac. Class., LOM; Ident., AL; Procedure No. 1, Amdt. 2; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 1; Dated 13 Dec. 58

Thornhurst VOR	CYE RBn	252°—7.5	3500	T-dn*	600-1	600-1	600-1
				C-d	1200-1	1200-1½	1200-2
				C-n	1300-2	1300-2	1300-2
				S-d-4	1200-1	1200-1½	1200-2
				S-n-4	1200-2	1200-2	1200-2
				A-d	1200-2	1200-2	1200-2
				A-n	1600-3	1600-3	1600-3

Procedure turn West side of crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 miles.
Minimum altitude over CYE RBn on final approach crs, 3000′; over LOM, 2600′.
Crs and distance, CYE RBn to airport, 043°—8.5 mi; LOM to airport, 043°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3500′ on crs 043°, then proceed direct to Wilkes-Barre LFR at 3500′.
CAUTION: Descent below 2600′ not authorized if OM not received after passing CYE "H". High terrain to East, Southeast, and South of airport within 2.5 mi.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or day with day minimums below 1 mile for 65 knots or less air carrier and 1½ miles for more than 65 knots air carrier.
*Takeoff minimums for Runways 10 and 16, Day 600–2, Night 800–2.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., MHW; Ident., CYE; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Sept. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dyersburg MH	DYR-VOR	Direct	1500	T-dn C-dn A-dn	300-1 400-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 253°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, turn left, climb to 1600′, return to DYR VOR and contact ATC for further clearance.

City, Dyersburg; State, Tenn.; Airport Name, Municipal; Elev., 337′; Fac. Class., BVORTAC; Ident., DYR; Procedure No. 1, Amdt. 4; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 3; Dated, 17 Dec. 54

				T-dn* C-dn S-dn A**	800-1 900-1 900-1 NA	800-1 900-1 900-1 NA	NA NA NA NA

Procedure turn S side crs, 297° Outbnd, 117° Inbnd 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 117°—10.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles from facility, climb to 2000′ on R-117 TBD-VOR within 10 mi and contact NEW ARTC.
NOTES: Runway lights on request. Air Carrier use NA.
*Aircraft must remain VFR until clearance received from ATC.
**No weather service available.

City, Houma; State, La.; Airport Name, Houma; Elev., 11′; Fac. Class., BVOR; Ident., TBD; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Sept. 60

Taft Int HSV VOR	HSV VOR Factory Int§ (final)	Direct Direct	2000 1400	T-dn C-dn S-dn A-dn	800-1 800-1½ *700-1 1000-2	800-1 900-1½ *700-1 1000-2	800-1½ 900-2 *700-1 1000-2

Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′ VOR; Factory Int§ 1400′.
Crs and distance, facility to airport, 156—6.0 from VOR; 156—3.9 from Factory Int§.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles of HSV VOR climb to 3500 on R-158 within 20 miles.
§*Factory Int:* HSV-VOR R-158, HUA-VOR R-030, or 256° brng to HUA RBn.
*If §Factory Int not received, descent below 1400′ NA and straight-in landing minima are 800′.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., BVOR; Ident., HSV; Procedure No. 1, Amdt. 5; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 4; Dated, 29 Dec. 56

RM LFR	RDM VOR	Direct	6500	T-dn C-dn A-dn	300-1 700-1 800-2	300-1 700-1 800-2	200-½ 700-1½ 800-2

Procedure turn North side of crs, 249° Outbnd, 069° Inbnd, 6500′ within 10 mi. Beyond 10 mi NA due terrain.
Minimum altitude over facility on final approach crs, 4639′.
Crs and distance, facility to airport, 069°—6.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, climb to 6200 on R-058 within 20 mi of VOR. Execute procedure turn North and return to VOR climbing to 6500′.
CAUTION: All turns North side of crs. High terrain South.

City, Redmond; State, Oreg.; Airport Name, Roberts Field; Elev., 3077′; Fac. Class., BVOR; Ident., RDM; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Sept. 60

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
0 mi fix R-352 13 mi fix R-352	13 mi fix R-352 16.1 mi fix R-352 (final-apt)	Direct Direct	1800 1600	T-dn C-dn A-dn	300-1 800-1 NA	300-1 800-1 NA	200-½ 800-1½ NA

Radar terminal area transition altitudes: 0°-360° within 25 mi, 3000′; 070°-290° within 15 mi, 2200′.
All bearings are from the radar antenna site with sector azimuths progressing clockwise. Antenna site is on Atlanta Airport.
*Procedure turn NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climbing to 2300′, return to ATL VOR or as directed by ATL approach control within Radar area.
CAUTION: 2040′ tower 8 miles E and 1261 tower 2 miles SE of airport.
*NOTE: Approach authorized only during hours that Control Tower is in operation and only when ATL Approach Control Radar is in operation for vector to final approach course. No weather reporting facilities available.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class. and Ident., BVOR-DME-ATL; Procedure No. VOR-DME-APT, Amdt. 1; Eff. Date, 10 Sept. 60; Sup. Amdt. No. Orig.; Dated, 3 Sept. 55

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Aden Int Weller Int Peralta Int South Int**	North Int.* North Int. (final) North Int North Int	Direct Direct Direct Direct	8000 7000 8000 8000	T-dn C-d C-n S-d-17 S-n-17 A-dn	300-1 500-1 500-2 500-1 500-2 800-2	300-1 500-1 500-2 500-1 500-2 800-2	200-½ 500-1½ 500-2 500-1½ 500-2 800-2

Procedure turn W side of N crs 350° Outbnd; 170° Inbnd. 8000′ within 10 mi of North Int.
Minimum altitude over North Int. on final approach—7000′.
No glide slope.
Course and distance, North Int. to airport, 170°—6.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing North Int, climb straight ahead to 7000′ to AQ LFR or, when directed by ATC, (1) climb straight ahead to 7000′ on ABQ ILS localizer to ABQ LOM; (2) make right climbing turn, climb to 8000′ on 260° crs direct to ABQ VOR; (3) aircraft will be vectored to MEA in accordance with approved radar patterns.
CAUTION: Terrain exceeding 8000′ E of ILS localizer; all turns to be made W of crs.
NOTE: This procedure authorized only for aircraft equipped with ILS and VOR receivers. Narrow localizer course—4°.
*N crs ABQ ILS and R-044 ABQ VOR.
**S crs ABQ ILS and R-147 ABQ VOR.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352′; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-17, Amdt. 3; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 2; Dated, 2 Jan. 60

Albuquerque LFR Albuquerque VOR Aden Int (via N crs ABQ ILS) Peralta Int-FM Weller Int Kirtland Int Int 090 R ABQ VOR and ILS S crs Int 107 R ABQ VOR and ILS S crs Belen MHW *South Int (via S crs ABQ Loc.) South Int La Joya VOR Mooney Int Roundhouse Int Dalies Int Dalies Int Bacaville VOR Mark Int**	LOM LOM LOM LOM (final) LOM LOM LOM LOM LOM LOM Peralta Int LOM Peralta Int/FM South Int Roundhouse Int Belen MHW Belen MHW LOM Mark Int** LOM (final)	Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct Direct	7000 7000 6400 7000 7000 7000 7000 7000 7000 7000 8000 12,000 8000 8000 8000 7000 6400	T-dn C-dn S-dn-35 A-dn	300-1 400-1 200-½ 600-2	300-1 500-1 200-½ 600-2	200-½ 500-1½ 500-1½ 600-2

Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000′ within 10 mi.
Minimum altitude at G.S. int inbnd 6400.
Altitude of G.S. and distance to appr end of rny at OM 6400—3.8, at MM 5530—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 8000′ on N crs AQ LFR to Alameda MHW or, when directed by ATC, (1) make left climbing turn, climb to 8000′ on 260° crs direct to ABQ VOR, (2) turn left and climb to 8000′ on W crs AQ-LFR within 20 miles, (3) aircraft will be vectored to MEA in accordance with approved radar patterns.
CAUTION: Terrain exceeding 8000′ E of ILS localizer—all turns to be made W of localizer crs.
NOTE: Narrow localizer crs—4°.
*Int R-147 ABQ VOR and ABQ ILS South crs.
**R-020 Bacaville VOR and S crs ABQ ILS.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352′; Fac. Class., ILS; Ident., ABQ; Procedure No. ILS-35, Amdt. 18; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 17; Dated, 2 Jan. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
CRP-VOR	LOM	Direct	1400	T-dn	300–1	300–1	200–½
CP-LFR	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
				S-dn-13	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Altitude of glide slope and distance to approach end of Rnwy at LOM, 1400′—4.8 mi, at LMM, 244′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 1800′ on CRP-VOR R-263 within 20 mi or, when directed by ATC, turn left, climb to 1400′ direct to CRP-VOR and proceed outbound on R-040 within 20 mi.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 43′; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS-13, Amdt. Orig.; Eff. Date, 10 Sept. 60, or upon com. of facility

SP LFR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
SPA-VOR	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Buffalo Int	LOM	Direct	2000	S-dn-4	200–½	200–½	200–½
Mauldin Int	LOM	Direct	2100	A-dn	600–2	600–2	600–2
Woodruff Int	LOM	Direct	2000				

Procedure turn East side SW crs, 223° Outbnd, 043° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of Rnwy at OM, 2245′—4.4 mi; at MM, 1037′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2300′ on crs of 043° from LOM within 20 miles or, when directed by ATC, climb to 2300′ on crs of 043° from LOM, then turn left and proceed direct to SPA VOR.
CAUTION: Tower 1338′ 3 mi NW of airport and tower 1070′ 3 mi NE of airport. Back course of ILS unusable.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev., 816′; Fac. Class., ILS; Ident., I-SPA; Procedure No. ILS-4, Amdt. Orig.; Eff. Date, 10 Sept. 60

Shell Rock Int	LOM (final)	Direct	2300	T-dn	300–1	300–1	200–½
Stout Int	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Horton Int	LOM	Direct	2300	S-dn-12	200–½	200–½	200–½
ALO-VOR	LOM	Direct	2300	A-dn	600–2	600–2	600–2

Procedure turn South side of NW crs, 302° Outbnd, 122° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2300′.
Altitude of glide slope and distance to appr end of Rnwy at LOM, 2239′—4.5 mi; at LMM, 1060′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.5 miles after passing LOM, climb to 2500′ on the ALO-VOR R-094 within 20 miles or, when directed by ATC, (1) climb to 2500′ on the ALO-VOR R-141 within 20 miles, (2) climb to 2500′ on SE crs of ILS within 10 miles.

City, Waterloo; State, Iowa; Airport Name, Waterloo Municipal; Elev., 870′; Fac. Class., ILS; Ident., I-ALO; Procedure No. ILS-12, Amdt. Orig.; Eff. Date, 10 Sept. 60

Thornhurst VOR	CYE RBn	252°—7.5	3500	T-dn*	600–1	600–1	600–1
				C-d	1000–1	1000–1½	1000–2
				C-n	1300–2	1300–2	1300–2
				S-dn-4	1000–1	1000–1½	1000–1½
				A-d	1200–2	1200–2	1200–2
				A-n	1600–3	1600–3	1600–3

Procedure turn West side of crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 mi of CYE RBn.
Minimum altitude over CYE RBn on final approach crs, 3000′; over OM, 2600′; over MM 1900′.
Crs and distance, CYE RBn to airport, 043°—8.5 mi; OM to airport, 043°—3.9 mi; MM to airport, 043°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3500′ on 043° crs from CYE-RBn within 20 miles, then direct to AVP-VOR.
NOTES: 1. After passing CYE RBn, if OM is not received, do not descend below 2600′. 2. This procedure is for use without a glide slope.
AIR CARRIER NOTES: Provisions for reduced visibility not authorized at night or day with day minimum below 1 mile for 65 knots or less air carrier and 1½ miles for more than 65 knots air carrier.
CAUTION NOTE: High terrain to East, Southeast, and South of airport within 2.5 mi.
*Takeoff minimums for Rnwys 10 and 16, Day 600–2, Night 800–2.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev. 956′; Fac. Class., MHW; Ident., CYE; Procedure No. ILS-4, Amdt. 9; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 8; Dated, 9 July 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
Radar terminal area maneuvering sectors and altitudes.				S-dn-35, 17, 8, and 3.	400–1	400–1	500–1½
				A-dn	800–2	800–2	400–1
				Precision approach			800–2
				S-dn-35	200–½	200–½	500–1½
				A-dn	600–2	600–2	600–2

All bearings are from radar site with sector azimuths progressing clockwise:
Within 5 miles: All sectors 7500′.
Within 10 miles: 360–060 Unusable; 060–135 9000′; 135–360 7500′.
Within 15 miles: 360–060 Unusable; 060–105 10,000′; 105–140 9000′; 140–360 7500′.
Within 20 miles: 360–060 Unusable; 060–105 10,000′; 105–150 12,000′; 150–285 8000′; 285–360 14,000′.
Within 25 miles: 360–105 Unusable; 105–150 12,000′; 150–300 11,000′; 300–360 14,000′.
Within 30, 35, and 40 miles: 360–150 Unusable; 150–300 11,000′; 300–360 14,000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 35, 8, and 3: Turn left and climb to 8000′ on N crs ABQ LFR to Alameda MHW, or when directed by ATC, (1) turn left and climb to 8000′ on W crs ABQ LFR within 20 miles; (2) turn left and proceed to ABQ VOR on R-077, climbing to 8000′.
Runway 17: Climb straight ahead to ABQ LFR to 7000′ or, when directed by ATC, (1) turn right, climb to 8000′ on W crs ABQ LFR within 20 mi; (2) make right climbing turn, climb to 8000′ on 260° crs direct to ABQ VOR.
CAUTION: Terrain exceeding 8000′ in E quadrants ABQ LFR; all turns to be made West of North & South courses of LFR.

City, Albuquerque; State, N. Mex.: Airport Name, Kirtland AFB/Mun.; Elev., 5352′; Fac. Class., Kirtland; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 10 Sept. 60; Sup. Amdt. No. 2; Dated, 4 July 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 15, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-7758; Filed, Aug. 24, 1960; 8:45 a.m.]

[Reg. Docket No. 485; Amdt. 182]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or cancelled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedures hereon are impracticable and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Fargo VOR	FG-LFR	Direct	2300	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of E crs, 086° Outbnd, 266° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 266°—0.9.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0.9 mile, climb to 2700′ on W crs of FG-LFR within 10 miles.
CAUTION: Radio Tower 1075′ MSL 1.0 mile SSE of airport.
Major Change: Deletes transition from Glyndon FM.

City, Fargo; State, N.Dak.; Airport Name, Hector Field; Elev., 900′; Fac. Class., SBRAZ; Ident., FG; Procedure No. 1, Amdt. 10; Eff. Date, 17 Sep. 60; Sup. Amdt. No. 9; Dated, 30 Jan. 60

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Arcola Int	HU-LFR	Direct	1500	T-dn	300-1	300-1	200-½
Houston VOR	HU-LFR	Direct	1300	C-dn	400-1	500-1	500-1½
Houston FM	HU-LFR	Direct	1300	A-dn	800-2	800-2	800-2
Radar vectoring position	HU-LFR	310°—5.0					

Radar terminal transition altitude 1500′ within 20 miles. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1232′ TV tower 11 mi. SSE, 1051′ TV tower 11 mi SW, 756′ TV tower 11 mi WNW, 753′ TV tower 5½ mi NW, 610′ structure 7 mi NE of airport. Radar may be used to position aircraft for a final approach, within 5 miles of LFR, with elimination of a procedure turn.
Procedure turn E side SE crs, 120° Outbnd, 310° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 310°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 mi climb to 1800′ on NW crs within 20 mi or, when directed by ATC, turn right, climb to 1600′ on NE crs within 20 mi.
Major Change: Deletes straight-in minimums.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., SBRAZ; Ident., HU; Procedure No. 1, Amdt. 20; Eff. Date, 17 Sept. 60; Supt. Amdt. No. 19; Dated, 30 Apr. 60

Cordova VOR	MI-LFR	Direct	2600	T-dn	300-1	300-1	200-½
				C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of W crs, 265° Outbnd, 085° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 140°—9.5.
If visual contact not established upon descent to authorized landings minimums or if landing not accomplished within 0 miles of MI-LFR, climb to 2400′ on E crs within 20 miles.
CAUTION: Radio Tower 1068 MSL 6 miles NW of airport. Radio tower 1067′ MSL 5 miles NE of airport. Radio tower 1049′ MSL 7 miles NNE of airport.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., SBMRAZ; Ident., MI; Procedure No. 1, Amdt. 7; Eff. Date, 17 Sept, 60; Sup. Amdt. No. 6; Dated, 6 Feb. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FAR-VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
FG-LFR	LOM	Direct	2300	C-dn	500-1	500-1	500-1½
Rice Int*	LOM (final)	Direct	1800	S-dn-36	500-1	500-1	500-1
FAR-VOR	Int VOR R-025 and CRS 351 to LOM	025°—3.0	2300	A-dn	800-2	800-2	800-2
Int VOR R-025 and CRS 351	LOM (final)	351°—2.6	1800				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 mi.
Minimum altitude over LOM on final approach crs, 1800′.
Crs and distance, facility to airport, 351°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing LOM, climb on crs 351 from LOM to 2300 within 10 mi or when directed by ATC: 1. Make left climbing turn, climb to 2700 on W crs Fargo LFR within 20 mi. 2. Make left climbing turn to intercept FAR-VOR R-281, climb to 2800 on R-281 within 20 mi of FAR-VOR.
CAUTION: Unpainted smoke stack 1075′ MSL 1.0 mi SSE of airport. 969′ MSL stack 0.8 mi S of approach end of Runway 35.
Major Change: Deletes transition from Glyndon FM.
*Int FAR-VOR R-116 and Brng 351° to LOM.

City, Fargo; State, N. Dak.; Airport Name, Hector Field; Elev., 900′; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 13; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 12; Dated, 30 Jan. 60

Moline VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Moline LFR	LOM	Direct	2100	C-dn	600-1	600-1	600-1½
Int S crs MI-LFR and Brng 086° to LOM	LOM	Direct	1900	S-dn-9	600-1	600-1	600-1
Iowa City VOR via R-096 and Brng 086° to LOM	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Int R-096 IOW-VOR and Brng 086° to LOM	LOM (final)	Direct	1400				
CVA-VOR	LOM	Direct	2600				

Procedure turn South side of W crs, 268° Outbnd, 086° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 086°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, climb to 2100′ on crs of 086° within 20 mi or, as directed by ATC: (1) Make left climbing turn, climb to 2600′ and proceed to E crs MI-LFR; (2) or to MLI-VOR.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., LOM; Ident., ML; Procedure No. 1, Amdt. 7; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 6 (ADF portion Comb. ILS-ADF); Dated, 18 Feb. 56

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-32	500-1	500-1	500-1
				S-n-32	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 123° Outbnd, 303° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 303°—6.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles, make right turn, climb to 1900′ and return to OTM-VOR via R-123.

City, Ottumwa; State, Iowa; Airport Name, Ottumwa Municipal; Elev., 845′; Fac. Class., BVORTAC; Ident., OTM; Procedure No. 1, Amdt. 4; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 3; Dated, 5 Aug. 54

BJ LFR	BFF VOR	Direct	5600	T-dn	300-1	300-1	*200-½
				C-dn	500-1	500-1	500-1½
				S-dn-23	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 5600′ within 10 miles.
Minimum altitude over facility on final approach crs, 4900′.
Crs and distance, facility to airport, 246°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, turn right and climb to 6000′ on R-265 within 20 miles.
CAUTION: 5144′ MSL tower 7.6 miles NW of airport.
*AIR CARRIER NOTE: 300-1 required Rnwy 23.

City, Scottsbluff; State, Nebr.; Airport name, Scottsbluff Municipal; Elev., 3965′; Fac. Class., BVORTAC; Ident., BFF; Procedure No. 1, Amdt. 1; Eff. Date, 17 Sept. 60; Sup. Amdt. No. Orig.; Dated, 13 Dec. 58

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cleveland LFR	LOM	Direct	2200	T-dn	300-1	300-1	%200-½
Fairview Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Berea Int	LOM	Direct	2200	S-dn-5L%*	200-½	200-½	200-½
Cleveland VOR	Int SW crs ILS	R-102	2200	A-dn	600-2	600-2	600-2
Int CLE R-102 and SW crs ILS	LOM (final)	Direct	2080				

Radar transitions and vectoring authorized in accordance with approved Radar patterns.
Procedure turn S side SW crs, 234° Outbnd, 054° Inbnd, 2200′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2200′.
Altitude of G.S. and distance to approach end of Rnwy at OM, 2080′—3.9 mi; at MM, 1020′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, make a right climbing turn, climb to 3000′ on N# side E crs Cleveland LFR to Parkman Int or, when requested by ATC:
1. Make right# climbing turn, proceed to LOM at 2600 or,
2. Climb to 2500′ on NE crs ILS within 15 mi.
* 400-¾ required with glide slope inoperative.
CAUTION: 1670′ TV towers approximately 6 mi ESE of airport.
%*Runway 5L Only:* Runway Visual Range (RVR) 2600′ for takeoff and landing on Rnwy 5L provided all components of the ILS or PAR, high intensity runway lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 989′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds. When RVR inoperative ILS minimums apply.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-5L, Amdt. 17; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 16; Dated, 30 June 60

Appleton VOR	E crs ILS (final)	Direct	2500	T-dn	300-1	300-1	%200-½
Radar terminal area transition altitudes:		Within:		C-dn	500-1	500-1	500-1½
	Radar Site	25 mi.	2500	S-dn-27%*	200-½	200-½	200-½
	Radar Site	35 mi.	3000	A-dn	600-2	600-2	600-2
	Radar Site	40 mi.	4000				

Procedure turn N side E crs, 096° Outbnd, 276° Inbnd, 2500′ within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope int inbnd, 2500′.
Altitude of glide slope and distance to appr end of Rnwy at OM, 2606′—5.4 mi; at MM, 1093′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on back crs ILS within 15 mi.
*When glide slope inoperative, 500-¾ will apply.
%*Runway 27 Only:* Runway Visual Range (RVR) 2600′ for takeoff and landing on Rnwy 27 provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 1016′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds. When RVR inoperative ILS minimums apply.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., ILS; Ident., I-CMH; Procedure No. ILS-27, Amdt. 9; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 8 (ILS portion Comb. ILS-ADF); Dated, 5 May 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
EO-LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
EUG-VOR	LOM	Direct	2000	C-dn	500-1	500-1½	600-1½
Cottage Grove FM	LOM	Direct	3100	S-dn-16	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of N crs, 226° Outbnd, 158° Inbnd, 3000′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of G.S. and distance to appr end of rny at LOM, 1480′—2.7 mi; at LMM, 570′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn right and climb to 2000′ on N crs of Eugene LFR within 10 miles or, when directed by ATC, turn right and climb to 2000′ on R-355 EUG-VOR within 10 miles.
NOTES: All turns to be made on the East side of the course; high terrain to West.

City, Eugene; State, Oreg.; Airport Name, Mahlon Sweet Field; Elev., 365′; Fac. Class., ILS; Ident., I-EUG; Procedure No. ILS-16, Amdt. 14; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 13; Dated, 21 Feb. 59

Fargo VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Fargo LFR	LOM	Direct	2300	C-dn	500-1	500-1	500-1½
Rice Int.**	LOM (final)	Direct	2100	S-dn-35°	200-½	200-½	200-½
FAR-VOR	Int VOR R-025 and IFAR Localizer	025°—3.0	2300	A-dn	600-2	600-2	600-2
Int VOR R-025 and IFAR Localizer	LOM (final)	351°—3.6	2100				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2100′.
Altitude of G.S. and distance to approach end of rny at OM 2092—4.1, at MM 1105—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on N crs Fargo ILS to 2300 within 10 mi or when directed by ATC: 1. Make left climbing turn, climb to 2700′ on W crs Fargo LFR within 20 miles. 2. Make left climbing turn to intercept FAR-VOR R-281, climb to 2800 within 20 mi. of FAR-VOR.
CAUTION: Unpainted smoke stack 1075 MSL 1.0 mi. SSE of airport. 969 MSL stack 0.2 mi. S of MM.
NOTE: Narrow localizer course ±4°.
Major Change: Deletes transition from Glyndon FM.
*400-¾ required when glide slope inoperative; 400-1 when only localizer and OM or compass locator can be received.
**Int FAR-VOR R-116 and IFAR ILS.

City, Fargo; State, N. Dak.; Airport Name, Hector Field; Elev., 900′; Fac. Class., ILS; Ident., IFAR; Procedure No. ILS-36, Amdt. 14; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 13; Dated, 30 Jan. 60

Moline VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Moline LFR	LOM	Direct	2100	C-dn	600-1	600-1	600-1½
Int S crs MI-LFR and W crs ILS	LOM	Direct	1900	S-dn-9*	200-½	200-½	200-½
Iowa City VOR via R-096	W crs ILS	Direct	2000	A-dn	600-2	600-2	600-2
Int R-096 IOW and W crs ILS	LOM (final)#	Direct	1900				
Int R-202 CVA-VOR and E crs ILS	LOM	Direct	2100				
Cordova VOR	LOM	219°—22.6	2600				

Procedure turn S side W crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM 1807—4.4; at MM 774—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi after passing LOM, climb to 2100′ on crs of 086° within 30 mi or, when directed by ATC, make left climbing turn, climb to 2600′ and proceed to E crs MI-LFR or to MLI-VOR.
Major Change: Transition from Int E crs MLI-LFR and 225° brng to LOM deleted.
*200-1 required when glide slope inoperative.
#Holding Not Authorized at Int.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class. ILS; Ident., MLI; Procedure No. ILS-9, Amdt. 7; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 6 (ILS portion Comb. ILS-ADF); Dated, 18 Feb. 56

Cordova VOR	Green River Int*	Direct	2100	T-dn	300-1	300-1	200-½
Int R-202 CVA-VOR and E crs ILS	Green River Int*	Direct	2100	C-dn	600-1	600-1	600-1½
Moline LFR	Green River Int*	Direct	2000	S-dn-27	500-1	500-1	500-1
Polo VOR	Annawan Int**	Direct	2100	A-dn	800-2	800-2	800-2
Annawan Int	Green River Int* (final)	Direct	2100				
Moline VOR	Green River Int*	Direct	2200				
Int CVA R-195 and MLI R-130	Green River Int*	Direct	2800				

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2100′ within 10 mi of Green River Int*.
No glide slope or markers. Alt. over Green River Int* on final, 1600′; brng and distance to Rny 27, 266°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi after passing Green River Int*, climb to 2000′ and proceed to MLI-LOM.
*Green River Int: Int R-195 CVA-VOR and E crs ILS.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., ILS; Ident., MLI; Procedure No. ILS-27, Amdt. 2; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 1; Dated, 6 Feb. 60

Verdi Int	Reno RBn	Direct	9500	T-dn*	800-1½	800-1½	800-1½
Wadsworth FM	Reno RBn	Direct	9300	C-dn	1000-2	1000-2	1000-2
Steamboat Int**	Reno RBn	Direct	8500	S-dn-16#	1000-2	1000-2	1000-2
RNO VOR	Reno RBn	Direct	8500	A-dn	1500-3	1500-3	1500-3
RO-LFR	Reno RBn	Direct	8500				

No procedure turn authorized. Descend to 8500′ in a one-minute right turn pattern, 343° Outbnd, 163° Inbnd, within 10 miles north of Reno RBn. Not authorized beyond 10 miles.
Minimum altitude over facilities and intersection, and distance to approach end Rny 16 on final approach: Reno RBn, 8000′—11.1 mi; Int N crs ILS and RNO VOR R-306, 7150′—8.4 mi; OM, 6300′—5.8 mi; MM/LFR, 5400′—2.3 mi.
If visual contact not established at the MM/LFR, climb to 6000′ on S crs ILS within 5 mi of MM/LFR, then right climbing turn and return to MM/LFR: shuttle climb to 8000′ on N crs ILS between MM/LFR and Reno (ACE) MHW (all shuttle turns E side N crs ILS) or, when directed by ATC, climb on S crs ILS to cross Steamboat Int at 8000′ or above, continue climb to 9000′ within 15 mi of MM/LFR, turn left and return to VOR at 9000′.
CAUTION: All provisions of this procedure must be strictly adhered to. Precipitous terrain all quadrants. Do not proceed beyond the MM/LFR on final approach unless landing is assured.
AIR CARRIER NOTE: Sliding scale not authorized.
*Authorized for Rwys 16, 34, and 25. All other runways require 1000-2.
**Steamboat Int: S crs ILS and R-191 RNO VOR.
#No approach lights or glide slope. All other components of ILS are required for this procedure except the Int of the N crs ILS and RNO VOR R-313 may be substituted for the Reno RBn for aircraft equipped to receive ILS and VOR simultaneously.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411′; Fac. Class., ILS; Ident., I-RNO; Procedure No. ILS-16, Amdt. 2; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 1; Dated, 21 May 60

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except: when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 20 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes													Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
360	040	10	1900	20	2200									T-dn	200-1	200-1	200-½
040	095	10	1900	17	2200	20	2700							C-dn#	400-1	400-1	400-1½
095	122	10	1900	12	2200	20	2300							S-dn#	400-1	400-1	400-1
122	220	10	1900	12	2200	20	1900							A-dn	800-2	800-2	800-2
220	295	10	2000	20	2200												
295	360	10	1900	16	2200	20	2800										

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 23L, 23R, 27R, 27L, 14, and 18, climb to 2200′ and proceed to YIP LOM. Runways 5L, 5R, 9L, 36, and 32, climb to 2500, proceed to 8VM VOR on 170R or when directed by ATC, (1) climb to 2200′, proceed via W crs DET LFR to the DET LFR. Approaches to 9R NA due to antenna location and ground clutter.
#Runways 9L, 23L-R, 5L-R, 36, 18, 27L-R, 14, 32. Surveillance approaches to runway 9R NA due to antenna location and ground clutter.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., Willow Run; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 17 Sept. 60; Sup. Amdt. No. 2; Dated, 31 May 56

Radar terminal area maneuvering sectors and altitudes													Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.		Condition	2-engine or less		More than 2-engine, more than 65 knots
														65 knots or less	More than 65 knots	
													Precision approach			
All sectors		20	3000									Rnwy 28	T-dn	200-1	200-1	200-½
												Rnwy 28	C-dn	500-1	500-1	500-1½
												Rnwy 28	S-dn	200-½	200-½	200-½
												Rnwy 28	A-dn	600-2	600-2	600-2

Transitions to final approach area by ASR vector or procedure turn within 10 miles North side of East crs of GPB ILS localizer.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on crs 277° to Clinton RBn within 20 miles.
CAUTION: 2049′ tower 8.5 mi East of airport.
NOTE: PAR approach to Runway 28 is coincident to ILS approach to Runway 28.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1165′; Fac. Class., Pittsburgh; Ident., Radar; Procedure No. 2, Amdt. Orig.; Eff Date, 17 Sept 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 19, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-7908; Filed, Aug. 24, 1960; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 975]

PART 975—MILK IN NORTHEASTERN OHIO MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Northeastern Ohio marketing area (7 CFR Part 975), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act:

(1) Sections 975.16, 975.17, 975.22(k), 975.60, 975.61, 975.72 and 975.73;

(2) In § 975.22(j)(2) the provision "and for April, May, and June the price for ineligible milk and the price for eligible milk, computed pursuant to §§ 975.72 and 975.73, respectively,";

(3) In § 975.30(a)(1) the provision "and for the months specified in § 975.60 the aggregate quantities of eligible milk";

(4) In § 975.32(a) the provisions "for the months of July, through March," and "and for the months of April through June, the pounds of eligible milk, and the percentage of butterfat contained therein, received from each producer;";

(5) In § 975.74(b) the provision "975.-72, and 975.73";

(6) In § 975.80(a) the provisions "(s)" and "or §§ 975.72 and 975.73"; and

(7) In § 975.81 the provision "with respect to eligible milk received from producers during the months specified in § 975.60 and";

(b) To provide 30 days notice of effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The termination order should be made effective August 25, 1960, in order that producers may receive advance notice that their deliveries of milk during the months of October through December of 1960 will not be used as a basis for computing payments during the months of April through June 1961.

(4) Seven cooperative associations representing more than two-thirds of the producers in the Northeastern Ohio marketing area have requested termination of the eligible-ineligible provisions of the order. Producers not members of a cooperative association expressing views on this matter also favored termination of these provisions. Since inauguration of the eligible-ineligible plan to encourage producers to deliver a more even supply of milk seasonally, cooperative associations have acquired additional facilities to process the market's excess supply of milk. Cooperative associations now process large quantities of milk and have facilities to handle additional supplies.

(5) The seasonal pattern of receipts from producers during the past four years has not changed significantly. Under the present marketing conditions cooperative associations can now handle major portions of the markets' excess supplies of milk. Moreover, certain administrative difficulties have developed which are undermining the effectiveness of the plan and which will be eliminated by the termination of these provisions.

(6) This termination affects only the distribution of returns to producers and does not affect the level of class prices payable by handlers.

(7) Based on a request for the termination of the eligible-ineligible payment plan to producers and supported by seven cooperative associations, representing more than two-thirds of the producers supplying the market, a notice of proposed termination was issued July 19, 1960 (25 F.R. 6984), to which interested parties were given opportunity to submit written views, data and arguments. Views in opposition to the proposed termination were received from a producer and from handlers. These views were fully considered in arriving at the conclusion that the present eligible-ineligible provisions in the order do not effectuate the declared policy of the Act.

Therefore, good cause exists for making this order effective August 25, 1960.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated effective August 25, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 19th day of August 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–7927; Filed, Aug. 24, 1960; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Ethion

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, requesting the establishment of tolerances for residues of ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on apples, grapes, peaches, pears, plums, and prunes.

The data before the Commissioner does not show that this pesticide chemical, when included in the feed of animals, would not result in residues in meat and milk. Residues of ethion in pomace from treated apples would make such pomace unsuitable for livestock feed, and the proposed usage does not contemplate that it will be used for that purpose. There is no basis for fixing a tolerance for the pesticide in milk or meat at a level higher than zero.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by changing § 120.173 to read as follows:

§ 120.173 Tolerances for residues of ethion.

Tolerances for residues of ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on raw agricultural commodities are established as follows:

(a) 1 part per million in or on apples, beans, grapes, melons, onions, peaches, pears, plums, prunes, strawberries, tomatoes.

(b) Zero part per million in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 19, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60–7924; Filed, Aug. 24, 1960; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2183]

[Arizona 023731]

ARIZONA

Withdrawing Public Lands for Use of the Department of the Army for Military Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but not the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Army for military purposes:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 9 W.,
Unsurveyed
Sec. 23, SE¼;
Sec. 24, SW¼;
Sec. 25, NW¼;
Sec. 26, NE¼.

The areas described aggregate approximately 640 acres.

Grazing administration of the lands shall remain with the Bureau of Land Management. Grazing leases or permits, however, shall be subject to such conditions as may be prescribed by the Department of the Army to assure minimal interference with the purposes of this withdrawal. Existing leases, licenses or permits may be modified or cancelled in accordance with the regulations in 43 CFR, but no modification or cancellation shall be effective against the lessee or permittee prior to the expiration of 180 days from date of notification of such lessee or permittee.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1960.

[F.R. Doc. 60–7911; Filed, Aug 24, 1960; 8:46 a.m.]

[Public Land Order 2184]

[84254]

MONTANA

Restoring Lands to Tribal Ownership of the Fort Belknap Indian Community

Whereas, pursuant to authority contained in section 5 of the act of March 3, 1921 (41 Stat. 1355, 1356), the townsite of Lodge Pole was established on the Fort Belknap Indian Reservation in Montana, and

Whereas, there are a number of undisposed lots within the townsite which are desired by the Indians and in which there appears to be little public interest, and

Whereas, the Tribal Council, the Superintendent of the Fort Belknap Reservation, and the Commissioner of Indian Affairs have recommended restoration of the lands involved to tribal ownership,

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984), I hereby find that restoration to tribal ownership of the following-described townsite lots will be in the public interest and the said lots are hereby restored to tribal ownership for the use and benefit of the Fort Belknap Indian Community of the Fort Belknap Indian Reservation, Montana, and are added to and made a part of the existing reservation, subject to any valid existing rights:

LODGE POLE TOWNSITE

Block 1, lots 1 and 2;
Block 2, lots 5 and 6;
Block 3, lots 1, 2, 3, 4, and 6;
Block 4, lots 2 to 6 incl.;
Block 5, lots 1 to 6 incl.;
Block 6, lots 1 to 6 incl.;
Block 7, lots 1 to 6 incl.;
Block 8, lots 1 and 2;
Block 9, lots 1 to 6 incl.;
Block 10, lots 1 to 12 incl.;
Block 11, lots 1 to 12 incl.;
Block 12, lots 1 to 12 incl.;
Block 13, lots 1 to 12 incl.;
Block 14, lots 1, 2, 3, 4, 5, 6, 7, and 12;
Block 15, lots 2 to 11 incl.;
Block 16, lots 1 to 6 incl.;
Block 17, lots 1 to 6 incl.;
Block 19, lots 1 to 12 incl.;
Block 21, lots 1 to 12 incl.;
Block 22, lots 1 to 12 incl.;
Block 24, lots 1 to 6 incl.;
Block 25, lots 1 to 6 incl.;
Block 26, lots 1 to 12 incl.;
Block 27, lots 1 to 12 incl.;
Block 28, lots 1 to 12 incl.;
Block 29, lots 1 to 12 incl.;
Block 30, lots 1 to 12 incl.;
Block 31, lots 1 to 12 incl.;
Block 32, lots 1 to 6 incl.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1960.

[F.R. Doc. 60–7912; Filed, Aug. 24, 1960; 8:46 a.m.]

[Public Land Order 2185]

[1947165]

NEW MEXICO

Partially Revoking Public Land Order No. 105 of March 29, 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 105 of March 29, 1943, withdrawing public lands for use of the War Department as a practice bombing range, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 3 W.,
Sec. 24, S½;
Sec. 25, All.

The areas described aggregate 960 acres.

2. The lands are located in Dona Ana County, New Mexico, 17 miles west of Las Cruces, New Mexico. The topography is gently rolling to hilly. The soils are sandy in character and shallow to rocky. Vegetation consists chiefly of creosote bush, mesquite, black brush, snakeweed and some grasses.

3. The State of New Mexico has waived the preference right granted to it by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections and locations under the public land laws in accordance with the following:

(a) Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager named below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claims or rights. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on September 24, 1960, will be considered as filed simultaneously at that hour. Rights under such applications and selections filed after that hour and date will be governed by the time of filing.

(b) The lands shall be open to location under the United States Mining laws at 10:00 a.m. on September 24, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1251, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1960.

[F.R. Doc. 60–7913; Filed, Aug. 24, 1960; 8:46 a.m.]

[Public Land Order 2186]

[Montana 034596]

MONTANA

Reserving Lands for Use of the Department of the Air Force for Military Purposes, Additional to Those Withdrawn by Public Land Order No. 1758 (Lewistown Air Force Station)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Air Force for a communication facility:

PRINCIPAL MERIDIAN

T. 17 S., R. 20 E.,
Sec. 20, NE¼NE¼, that part described as follows:
Tract No. F, Part 1: Beginning at a point north 44°22'00" east 5986.83 feet from the southwest corner of said section 20; thence
N. 8°16'30" W., 296.00 feet;
N. 81°43'30" E., 796.60 feet;
S. 8°16'30" E., 320.00 feet;
S. 81°43'30" W., 496.60 feet;
S. 8°16'30" E., 100.00 feet;
S. 81°43'30" W., 300.00 feet;
N. 8°16'30" W., 122.00 feet to the point of beginning.

Containing 6.54 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1960.

[F.R. Doc. 60-7914; Filed, Aug. 24, 1960; 8:46 a.m.]

[Public Land Order 2187]

[Montana 035395]

MONTANA

Revoking the Executive Order of June 10, 1879. Amending Executive Orders No. 4503 of September 2, 1926 and No. 10403 of November 5, 1952 (Fort Missoula Wood and Timber Reservation)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of June 10, 1879, reserving an irregular tract described by metes and bounds and lying within the following sections, as a timber reservation for the use of the military post of Fort Missoula, is hereby revoked:

MONTANA PRINCIPAL MERIDIAN

T. 12 N., R. 18 W.,
Secs. 6 and 7.
T. 13 N., R. 18 W.,
Sec. 31.
T. 12 N., R. 19 W.,
Secs. 1, 2, 10, 11, and 12.
T. 13 N., R. 19 W.,
Sec. 36.

The order describes the tract as containing 1,577.41 acres. Subsequent surveys show the true area as 1,523.24 acres.

2. The provisions for concurrent jurisdiction of lands between the Secretary of Agriculture and the Secretary of War, contained in Executive Orders No. 4503 of September 2, 1926, and No. 10403 of November 5, 1952, are hereby revoked so far as they pertain to the lands described in paragraph 1 of this order. The said Executive orders respectively created and made additions to the Fort Missoula District of the Missoula National Forest, now the Lolo National Forest.

3. The lands described in paragraph 1 hereof, shall remain national forest lands, subject to the laws, rules and regulations applicable to the national forest of which they are a part. At 10:00 a.m. on September 24, 1960, they shall be open to such forms of disposition as may by law be made of national forest lands.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1960.

[F.R. Doc. 60-7915; Filed, Aug. 24, 1960; 8:46 a.m.]

[Public Land Order 2188]

[1941468]

ALASKA

Amending Public Land Order No. 1621 of April 18, 1958 Which Amended Public Land Order No. 82 of January 22, 1943 (Northern Alaska)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1621 of April 18, 1958, modifying Public Land Order No. 82 of January 22, 1943, to the extent necessary to permit locations and entries under the mining laws and the issuance of mineral leases pursuant to the act of February 25, 1920, affecting certain lands in Northern Alaska described in the order, is hereby amended to permit the issuance of prospecting permits and leases for coal pursuant to section 2 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 438), as amended by the acts of June 3, 1948, and September 9, 1959 (62 Stat. 289; 73 Stat. 490; 30 U.S.C. 201-209).

Applications received at or before 10:00 a.m. on September 24, 1960, will be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1960.

[F.R. Doc. 60-7916; Filed, Aug. 24, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 905, 987, 1014]

[Docket Nos. AO-297-A-1; AO-252-A-6; AO-304-A-1]

MILK IN THE MISSISSIPPI DELTA, CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Mississippi Delta, Central Mississippi and Mississippi Gulf Coast marketing areas, which were issued August 2, 1960 (25 F.R. 7391), is hereby extended to August 27, 1960.

Dated: August 19, 1960, Washington, D.C.

ORIS V. WELLS,
Administrator.

[F.R. Doc. 60-7925; Filed, Aug. 24, 1960; 8:47 a.m.]

[7 CFR Part 949]

[Docket No. AO-232-A8-RO1]

MILK IN THE SAN ANTONIO, TEXAS MARKETING AREA

Notice of Supplemental Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the San Antonio, Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at San Antonio, Texas, on July 22, 1959, pursuant to notice thereof issued July 13, 1959 (24 F.R. 5742), and at a reopened session at San Antonio on June 27, 1960, pursuant to notice thereof issued May 25, 1960 (25 F.R. 4753).

The material issues on the record of the hearing relate to:

1. Providing for year-round Class II-A classification and pricing of milk used to produce Cheddar Cheese;

2. Classifying cultured sour cream and frozen storage cream as Class II milk products;

3. Permitting a cooperative association to become a handler with respect to deliveries to handlers of milk in bulk tanks directly from farms of its members and modifying the shrinkage provision;

4. Revising the pool plant provisions and providing for location adjustments;

5. Revising the rate and the application of compensatory payments;

6. Converting skim milk solids used to fortify fluid milk products to their skim milk equivalent for accounting purposes;

7. Revising certain definitions and making certain administrative and conforming changes; and

8. The addition of a definition of "dairy farmers for other markets".

Findings and conclusions. A recommended decision was issued February 1, 1960 (25 F.R. 977) containing findings and conclusions on the above listed material issues numbered 1 through 7, and containing also recommended terms and provisions of an amended order in its entirety. The above numbered issue No. 8 involves a proposal first considered at the reopened session of the hearing on June 27, 1960. This reopened session of the hearing was limited (in addition to issue No. 8) to the consideration of proposals (Nos. 4, 12, 20, 21, and 22) relating only to above listed issues numbered 4 and 5.

Accordingly, the following findings and conclusions in this supplemental recommended decision relate only to material issues numbered 4, 5 and 8, and are based on evidence presented both at the initial and reopened sessions of the hearing and the record thereof:

Issue No. 4. The following findings and conclusions on this issue are in addition to, and in no way a substitute for, those set forth in the recommended decision of February 1, 1960, relating to this issue:

It was proposed that a plant which is operated by a cooperative association and which is an approved source of milk for distribution as Grade A milk in the marketing area be qualified as a pool plant in any month in which 50 percent or more of the producer milk of members is received during the month at pool plants of other handlers, or is transferred to such plants from the plant of the cooperative association.

Under the pool plant definition currently in effect (§ 949.7) and as contained in the recommended decision of February 1, 1960 (§ 949.8), such a plant is a pool plant only if 75 percent or more of the milk is received at pool plants of other handlers or transferred to such plants from the plant of the cooperative.

The cooperative association plant in San Antonio functions as a balancing operation which receives the reserve supplies of milk not needed for fluid use at distributing plants and from which milk is transferred to distributing plants when it is needed. During some months more than 25 percent of the receipts from members of the cooperative is delivered or transferred to a single handler. This was the situation in nine months of the twelve-month period May 1959 through April 1960. Rejection of member milk by such a handler would result in exclusion of the cooperative plant from the pool under the 75 percent requirement.

Provision is made in the recommended decision of February 1, 1960 (and not modified herein) for making a "supply plant" eligible for pooling in all months if not less than 50 percent of its receipts from farmers is shipped to a distributing plant in each of the months of July through February. In this connection it was found that "any plant which ships more than half of its milk to this market is more particularly associated with this market than with any other XXX", and appropriately demonstrates association of the plant with the market. This standard should be equally applicable to the cooperative plant in San Antonio in view of its location and the functions performed. Accordingly, it is concluded that the proposed change in requirements for pooling a plant operated by the cooperative association should be adopted.

Issue No. 5. The following findings and conclusions are in addition to, and are not a substitute for, those contained in the recommended decision of February 1, 1960:

At the reopened hearing the proponent failed to demonstrate that the present provisions of the order with respect to compensatory payments are inadequate and should be changed to make such payments applicable during the entire year. It was not shown that other source milk is available to San Antonio handlers during the September-December period at less than the local Class I price. Neither was it shown that producer milk has been displaced to any significant amount by other source milk.

As noted in the recommended decision of February 1, 1960, San Antonio is a market in short supply. In many months, producer receipts have been less than Class I utilization. Since the order became effective in July 1952, there has not been a single month during the September-December period when producer receipts equaled as much as 110 percent of Class I utilization and the smallest percent of producer milk allocated to Class I usage during the September-December period was 90 percent in December 1960 (exclusive of September and October 1958 when the market was disrupted by a dispute between producers and handlers over the payment of premiums above the order price).

The order should be clarified to eliminate the possibility of an additional compensatory payment on milk which has already been assessed a compensatory payment under another order.

Issue No. 8. The definition of the term "producer" should be changed so that it will not include, during the months of March through June, a dairy farmer from whom milk is received at a supply plant by a handler if milk from the same farm and dairy farmer was received by the same handler as other than producer milk during any of the preceding months of July through February.

Such a provision is a reasonable and desirable safeguard against the possibility of flush-season pooling of milk not actually associated with the market. Need for the provision arises at this time in view of, and in connection with, the revised definition of "supply plant" as set forth in the recommended decision of February 1, 1960. It was demonstrated that opportunity would exist, under the recommended supply plant definition, for the shifting of flush season production to a supply plant from a nearby nonpool plant of the same handler.

The change in the producer definition herein provided, however, was not shown to be necessary with respect to receipts from dairy farmers at pool plants other than supply plants as defined in the recommended decision of February 1, 1960. It was proposed to include in the order a definition of "dairy farmer for other markets" as a means of achieving the purposes herein set forth. However, since reference to such term would be necessary only in the definition of the term producer, the purpose is more appropriately effectuated as herein provided.

Ruling on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following changes in provisions of the order regulating the handling of milk in the San Antonio, Texas, marketing area, as such provisions are set forth in the recommended decision issued on February 1, 1960 (25 F.R. 977), are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

§ 949.8 [Amendment]

1. Amend paragraph (c) of § 949.8 (definition of the term "pool plant") by changing the phrase "75 percent or more" to read "50 percent or more".

§ 949.11 [Amendment]

2. Amend § 949.11 (definition of the term "producer") by changing the last sentence to read as follows: "This definition shall not include any person with respect to milk produced by him which is received by a handler partially exempt pursuant to § 949.60, and shall not include any dairy farmer during the months of March through June from whom milk is received by a handler at a supply plant if milk from the same farm and dairy farmer was received at a nonpool plant operated by the same handler as other than producer milk during any of the preceding months of July through February."

3. Amend § 949.61 *Handlers operating nonpool plants,* to read as follows:

§ 949.61 Handler operating nonpool plants.

Each handler who operates a nonpool plant from which there is disposed of in the marketing area on routes, milk which is not subject to the Class I pricing provisions of another order or has not been subject to a compensatory payment under another order issued pursuant to the Act, shall report as required pursuant to § 949.30, reporting receipts from dairy farmers in lieu of such information with respect to producers, shall allow verification of such reports, and on or before the 13th day of each month shall pay to the market administrator an amount computed by multiplying the total volume of such Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payment computed pursuant to § 949.65.

Issued at Washington, D.C., this 19th day of August 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-7926; Filed, Aug. 24, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13340; FCC 60-1001]

VHF TELEVISION CHANNEL ASSIGNMENTS AND TELEVISION ENGINEERING STANDARDS

Order Re Submission of Comments

In the matter of Interim Policy on VHF Television Channel Assignments and amendment of Part 3 of the rules concerning Television Engineering Standards; Docket No. 13340.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of August 1960;

The Commission having under consideration a request filed August 11, 1960, by the Association of Maximum Service Telecasters, Inc., for leave to file printed comments in the above-entitled rule making proceeding; and

It appearing that it is desirable to waive §§ 1.215 and 1.52 of the Commission's rules to permit petitioner, as well as any other persons, to file printed comments in this proceeding if they so wish in lieu of typewritten comments or those prepared by mechanical processing methods, as § 1.52 of the rules requires;

It is therefore ordered, That the above-mentioned request of the Association of Maximum Service Telecasters, Inc., is granted, and that §§ 1.215 and 1.52 of the Commission's rules are waived insofar as they disallow the submission of comments, pleadings, or other data in printed form by any person in the above-entitled proceeding.

Released: August 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7930; Filed, Aug. 24, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-55]

EQUIPMENT, INSTALLATION, OR MATERIALS AND CHANGE IN ADDRESS OF MANUFACTURER

Approval and Termination of Approvals; Correction

In Federal Register Document 60-7646, appearing at page 7805 of the issue for Tuesday, August 16, 1960, the Approval numbered "160.047/427/0, Type I, Model CKS-1" in the second column of page 7806, is corrected to read "160.047/428/0, Type I, Model CKS-1".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice No. 28]

ALASKA

Filing of Protraction Diagram, Anchorage Land District

AUGUST 18, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)
APPROVED JULY 12, 1960

SEAWARD MERIDIAN

S 18-1, Ts. 1 to 4 S., Rs. 33 to 36 W.;
S 18-2, Ts. 1 to 4 S., Rs. 37 to 40 W.;
S 18-3, Ts. 1 to 4 S., Rs. 41 to 44 W.;
S 18-4, Ts. 1 to 4 S., Rs. 45 to 48 W.;
S 18-5, Ts. 5 to 8 S., Rs. 45 to 48 W.;
S 18-6, Ts. 5 to 8 S., Rs. 41 to 44 W.;
S 18-7, Ts. 5 to 8 S., Rs. 37 to 40 W.;
S 18-8, Ts. 5 to 8 S., Rs. 33 to 36 W.;
S 18-9, Ts. 9 to 12 S., Rs. 33 to 36 W.;
S 18-10, Ts. 9 to 12 S., Rs. 37 to 40 W.;
S 18-11, Ts. 9 to 12 S., Rs. 41 to 44 W.;
S 18-12, Ts. 9 to 12 S., Rs. 45 to 48 W.;
S 18-13, Ts. 13 to 16 S., Rs. 45 to 48 W.;
S 18-14, Ts. 13 to 16 S., Rs. 41 to 44 W.;
S 18-15, Ts. 13 to 16 S., Rs. 37 to 40 W.;
S 18-16, Ts. 13 to 16 S., Rs. 33 to 36 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager, Anchorage Land Office.

[F.R. Doc. 60-7917; Filed, Aug. 24, 1960; 8:46 a.m.]

MONTANA

Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1960.

The United States Forest Service, Department of Agriculture, has filed an application, Serial Number Montana-034538 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN MONTANA

KOOTENAI NATIONAL FOREST

Raven Ranger Station Administrative Site

T. 26 N., R. 29 W.,
Sec. 2, SW¼ Lot 9, E½ Lot 10, N½ Lot 16.
Total area 50 acres.

Libby Ranger Station Administrative Site

T. 31 N., R. 31 W.,
Sec. 34, NE¼SE¼, S½S½NE¼.
Total area 80 acres.

Murphy Lake Recreation Area

T. 34 N., R. 25 W.,
Sec. 5, SE¼ Lot 5, Lot 8.
Total area 28.28 acres.

North Dickey Lake Recreation Area

T. 34 N., R. 25 W.,
Sec. 9, Lot. 2.
Total area 18.25 acres.

East Dickey Lake Recreation Area

T. 34 N., R. 25 W.,
Sec. 14, Lot 3.
Total area 7.62 acres.

South Dickey Lake Recreation Area

T. 34 N., R. 25 W.,
Sec. 15, Lot 4.
Total area 16.08 acres.

Pleasant Valley Recreation Area

T. 26 N., R. 29 W.,
Sec. 2, SE¼ Lot 16.
Total area 10 acres.

Big Creek Recreation Area

T. 34 N., R. 29 W.,
Sec. 2, all national forest land in the S½S½NW¼SW¼.
Total area 9 acres.

Caribou Creek Recreation Area

T. 37 N., R. 30 W.,
Sec. 21, S½ Lot 5;
Sec. 22, W½SW¼SW¼SW¼;
Sec. 28, NE¼NE¼, (Lot 1).
Total area 12.65 acres.

Turner Recreation Area

T. 33 N., R. 31 W.,
Sec. 21, N½SW¼SW¼.
Total area 20 acres.

West Bull Lake Recreation Area

T. 28 N., R. 33 W.,
Sec. 4, Lot 1, Lot 5.
Total area 27.30 acres.

Upper Therriault Lake Recreation Area

T. 37 N., R. 25 W.,
Unsurveyed but when surveyed will probably be:
Sec. 29, SE¼SE¼SW¼;
Sec. 32, E½NE¼NW¼.
Total area 27 acres.

Lower Therriault Lake Recreation Area

T. 37 N., R. 25 W.,
Unsurveyed but when surveyed will probably be:
Sec. 30, S½SE¼NE¼.
Total area 13 acres.

Whitetail Creek Recreation Area

T. 35 N., R. 33 W.,
Unsurveyed but when surveyed will probably be:
Sec. 1, N½N½SE¼.
Total area 40 acres.

Pete Creek Recreation Area

T. 35 N., R. 32 W.
Unsurveyed, but when surveyed will probably be:
Sec. 5, S½NE¼NE¼.
Total area 20 acres.

Loon Lake Recreation Area

T. 33 N., R. 32 W.
Unsurveyed, but when surveyed will probably be:
Sec. 25, SW¼NE¼NE¼.
Total area 10 acres.

Red Top Creek Recreation Area

T. 35 N., R. 33 W.
Unsurveyed, but when surveyed will probably be:
Sec. 31, E½NE¼NE¼.
Total area 20 acres.

Upper Spar Lake Recreation Area

T. 29 N., R. 34 W.
Unsurveyed, but when surveyed will probably be:
Sec. 16, S½SE¼SE¼.
Total area 15 acres.

Lower Spar Lake Recreation Area

T. 29 N., R. 34 W.
Unsurveyed, but when surveyed will probably be:
Sec. 22, NW¼NE¼SE¼.
Total area 10 acres.

Ross Creek Cedar Natural Area

T. 28 N., R. 34 W.
Unsurveyed, but when surveyed will probably be:
Sec. 12, SW¼NE¼, SE¼NW¼, N½NE¼SW¼.
Total area 100 acres.

HELENA NATIONAL FOREST

Telegraph Creek Campground

T. 9 N., R. 6 W.,
Sec. 33, S½SW¼SE¼SW¼.
Total area 5.00 acres.

Total of areas described in this order aggregates 539.18 acres.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 60-7918; Filed, Aug. 24, 1960; 8:47 a.m.]

[No. 61-1]

OREGON

Small Tract Opening

AUGUST 15, 1960.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), as amended, I hereby open the following described revested Oregon and California Railroad lands, which were classified by Classification Order No. 56-1, dated May 31, 1956 (21 F.R. 4050), to application, for home site lease only, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

WILLAMETTE MERIDIAN, OREGON

T. 39 S., R. 3 E.,
Sec. 11: Portions of SW¼NE¼, NW¼SW¼, designated as Tract B, Lots 1, 2, and 11.

2. The lots listed in paragraph 1 are located near the head of Keene Creek of the Klamath River drainage, about twenty-one miles east of Ashland, Oregon, via seven miles of dirt road going north from State Highway No. 66 at Greensprings Summit. The lots are situated on the east shore of Hyatt Reservoir. The topography is a gentle slope to the west, with steeper slopes east of the tracts. The elevation is approximately 5,025 feet above sea level. The soil is a gray-brown silt loam. The vegetation consists of Douglas fir and associated species, with an undercover of various brush types and native grasses.

3. Domestic water may be developed by wells. The area is remote from city schools, stores, and other facilities. Rural schools and country stores are available within a radius of ten miles. The snowfall is heavy and generally the land is inaccessible by ordinary means of travel during the winter and early spring months. There is no evidence of metallic or nonmetallic minerals on the land.

4. The three lots have been marked on the ground and vary in size from 0.52 to 0.75 acre. A plat showing the location of each of the lots can be secured for $1.00 from the Manager, Land Office, 809 NE Sixth Avenue, Portland 12, Oregon, or from the District Manager, Bureau of Land Management, 1133 S. Riverside, Medford, Oregon. The annual rental of each lot is $62.00. After the third year the rental for the remainder of the lease period may be paid in a lump sum at the present worth of annual rental per annum at five percent. Rights-of-way for access to the lots will be reserved on adjoining public land. All minerals on the land will be reserved to the United States, which also reserves for itself, its contractors and permittees, the right to enter on the leased lots to administer the land for sustained-yield timber management purposes under the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a).

TRACT B

Lot	Acres	Advance rental—2 years
1	0.74	$124
2	.52	124
11	.75	124

5. Leases will be issued for a term of ten years. All lots have improvements placed thereon by special land-use permittees. The improvements on Lot 1 are owned by Elmer A. Rockstead; those on Lot 2 by J. H. Candler; and those on Lot 11 by Robert G. Harper. In the event these named parties are not the successful applicants for the respective lots, they will be allowed a reasonable period of time from notice to them of the results of the August 15, 1960, opening within which to negotiate with the successful applicants of the lots for the disposition of the improvements thereon. Messrs. Rockstead, Candler, and Harper have the right either to remove any improvements that can be removed without substantial damage to the land or to sell them to the successful applicants.

The successful applicants will be required to pay the respective owners listed above a price mutually agreed upon with them for any improvements which they may decide to leave on the land and which are of value to the successful applicants. Proof of such agreement and payment must be filed within a reasonable time with the Land Office Manager, Bureau of Land Management, 809 NE Sixth Avenue, Portland 12, Oregon.

Upon a showing of inability to agree, the Bureau of Land Management will determine the fair and reasonable value of the improvements to be left upon the lots for which compensation must be paid. Failure of any successful applicant within a reasonable time to file proof of full compensation to any owner, as herein provided, will lead to rejection of the application and a lease will be offered to the next alternate drawee for compliance with the provisions of this section.

To maintain their rights under their leases, lessees will be required to construct and/or maintain substantial improvements on the land leased, in accordance with 7 below. Failure to do so within the first three years of the lease period will result in cancellation of the lease, unless the lessee can make a satisfactory showing that his failure to meet the requirements of the lease is justified under the circumstances and that cancellation of the lease would work an extreme hardship on the lessee. Leases will be renewable for periods up to 20 years at the discretion of the Bureau of Land Management and the renewal of leases will be subject to such terms and conditions as are deemed necessary in light of the circumstances and the regulations existing at the time of renewal.

6. Persons who have previously acquired a tract under the Small Tract Act, either by lease or sale, are not qualified to lease any of the lots unless they can make a showing satisfactory to the Bureau of Land Management that a lease of another tract is warranted in the circumstances.

7. Upon allowance of an application and prior to construction of any improvements, plans for development of the lot and specifications of the improvements must be submitted to the District Manager for his written approval. The improvements referred to in paragraph 5 above must meet the following requirements:

(a) Buildings must be placed on a permanent foundation consisting of concrete, brick, pumice blocks, or stone masonry. Pitch of the roof and the size and spacing of rafters and ceiling joists must be adequate to withstand heavy snow packs. Chimneys must be constructed from ground level, and shall consist of pumice or concrete blocks, bricks, stone masonry, or comparable fire-resistant materials.

(b) All buildings must be constructed in a workmanlike manner of attractive, properly finished materials in harmony with surroundings.

(c) Every dwelling must have a floor space of not less than 500 square feet and have at least two doors as a means of access.

(d) All dwellings must be provided with sanitation facilities in accordance with or better than required by the laws of the State of Oregon. Exterior latrines must be constructed to meet the specifications and approval of the Oregon State Board of Health, and to provide precautions against pollution of domestic water and the Hyatt Reservoir. All lessees must comply with laws of the State of Oregon as to fire protection, building construction, and public health. In addition, each dwelling must be provided with a 50-gallon barrel containing water for fire protection.

(e) Without special written authorization from the District Manager, no building shall be placed closer than fifteen feet from the boundaries of the leased lot area.

(f) No green trees may be cut without approval of the District Manager.

(g) No burning of debris may be done during the closed fire season without authority of permit from the Southwest Oregon District, Oregon State Board of Forestry.

(h) The grounds and buildings shall be maintained in a neat and orderly manner.

(i) Garbage shall be disposed of only at dumps established for such purpose or in closed garbage pits constructed for use by a lessee and approved by the Jackson County Health Department.

8. Applicants must file, in duplicate, with the Manager, Portland Land Office, 809 NE. Sixth Avenue, Portland 12, Oregon, Application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be obtained from the above-named official.

The applications must specify the tract and lot number applied for and must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

9. Lots 1, 2 and 11 in Tract B are now open to filing of applications for lease under the Small Tract Act. All valid applications filed after August 15, 1960, and prior to 10 a.m., September 21, 1960, will be considered as simultaneously filed at that time. All valid applications filed after September 21, 1960, will be considered in the order of filing.

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, 809 NE. Sixth Avenue, Portland 12, Oregon.

TOM D. CONKLIN,
Acting State Supervisor.

[F.R. Doc. 60-7919; Filed, Aug. 24, 1960; 8:47 a.m.]

National Park Service

YOSEMITE NATIONAL PARK, CALIFORNIA

[Order No. 3]

Assistant Superintendent et al.; Delegation of Authority To Execute and Approve Certain Contracts

1. Assistant Superintendent and Administrative Officer: The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

2. Procurement and Property Management Officer: The Procurement and Property Management Officer many execute and approve contracts not in excess of $50,000 for construction, supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

3. Purchasing Agent: The Purchasing Agent may execute and approve contracts not in excess of $10,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

4. Revocation. This order supersedes Order No. 2, issued September 12, 1957.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2. Region Four Order No. 3 of February 17, 1956)

Dated: July 12, 1960.

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F.R. Doc. 60-7920; Filed, Aug. 24, 1960; 8:47 a.m.]

Office of the Secretary

FLATHEAD INDIAN RESERVATION, MONTANA

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

Pursuant to the act of August 15, 1953 (Public Law 277, 83rd Congress, 1st Session), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Flathead Indian Reservation, Montana, was adopted on July 1, 1960, by a tribal council meeting of the Confederated Salish and Kootenai Tribes of the Flathead Reservation which has jurisdiction over the area of Indian country included in the ordinance:

SEC. 2. It shall be legal and permissible from this date henceforth to possess, transport and use intoxicating liquors, beer and other malt beverages, and wine (collectively or separately referred to herein as "liquor and beer"), within the boundaries of the Flathead Indian Reservation subject to such restrictions as may be provided by Tribal Ordinance and the laws of the State of Montana.

SEC. 3. The laws of the State of Montana and the regulations of the Montana Liquor Control Board in regard to the retail sale of liquor within the boundaries of the State of Montana are hereby adopted and made applicable to the territory within the boundaries of the Flathead Indian Reservation, with the further provision that anyone wishing to engage in the retail sale of liquor and beer within the boundaries of the Flathead Indian Reservation must first make application to the Flathead Tribal Council and pay a fee which shall be one-fourth of the fee charged by the State of Montana for such licenses and secure the approval of the Tribal Council. The Tribal Council must approve such applicant as to character and proposed location, and issue a permit to such applicant to engage in the business of the retail sale of liquor and beer within the boundaries of the Reservation before he may engage in said business or receive a license to do so from the State of Montana. No permittee shall transfer his permit to another save with approval of the Tribal Council.

SEC. 4. All persons receiving permits or licenses to engage in the retail liquor and beer business within the boundaries of the Flathead Indian Reservation shall at their own expense engage some suitable person to maintain law and order in and about said premises, which person shall be approved by the Flathead Tribal Council as a person of good moral character to be deputized and appointed an Indian policeman; and if the premises licensed are within an incorporated city or town, such person shall also be approved by the governing body of the incorporated city or town in which said retail liquor business may be located so that he may be appointed as such policeman by said city or town. If such retail liquor and beer establishment is outside of the boundaries of an incorporated city or town, then in lieu of approval by the city or town, such person must be approved by the sheriff of the county in which such retail liquor or beer establishment is located for appointment as deputy sheriff. Failure to furnish such suitable person for maintenance of law and order shall be grounds and reason for revocation of the permit or license to engage in the retail liquor and beer business within the boundaries of the Flathead Indian Reservation.

SEC. 5. Once a permit or license is granted by the Flathead Tribal Council, such permit or license may be revoked only for cause and upon a hearing, with notice being mailed by registered mail to the owner of such permit or license ten days prior to such hearing, provided that loss of license under the laws of the State of Montana shall constitute a prima facie cause for revocation of the Tribal permit or license. "Cause" shall mean the violation of tribal ordinances duly passed, or the laws of the State of Montana adopted in this ordinance.

SEC. 6. The Flathead Tribal Council may adopt such ordinances for the maintenance of law and order on the Flathead Indian Reservation and regulation of the retail liquor and beer business conducted on said Reservation as are not inconsistent with the laws of the State of Montana and the rules and regulations of the Montana Liquor Control Board; but such ordinances shall not become effective until thirty days after their passage and the mailing of a copy of such ordinance by registered mail to each permittee or licensee engaged in the retail liquor and beer business on the Flathead Indian Reservation.

SEC. 7. This ordinance is adopted pursuant to the provisions of section 2 of the Act of August 15, 1953, Chapter 502, 67 Stat. 586, 18 U.S.C. par. 1161, and pursuant to Art. 6, par. 1 (c) (i) (k) (l) and (n) of the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

SEC. 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1960.

[F.R. Doc. 60-7921; Filed, Aug. 24, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

BRUCELLOSIS

Notice of Specific Approval of Stockyards and Slaughtering Establishments

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*Atmore Truckers Association, Inc., Atmore.
*East Alabama Stockyards, Opelika.
*Farmers Cooperative Market, Frisco City.
*Florence Trading Post, Florence.
*Geneva Stockyard, Geneva.
*Hartford Livestock Co., Hartford.
*Henry County Livestock Association, Inc., Abbeville.
*Hooper Stockyards, Montgomery.
*King and Mewbourn Stockyards, Florence.
*Livingston Stock Yard, Livingston.
*Madison County Stockyards, Inc., Huntsville.
*Montgomery Auction Market, Montgomery.
*Perry County Stock Yards, Marion.
*Ramsey and Sons Stockyards, Dothan.
*Roanoke Stockyards, Roanoke.
*Robertsdale Livestock Auction, Inc., Robertsdale.
*Selma Stockyards, Selma.
*Stokes Stock Yards, M. V., Andalusia.
*Tri-County Stockyards, Hurtsboro.
*Triple S Stockyards, Montgomery.
*Union Stock Yards, Eufaula.
*West Alabama Stockyard, Eutaw.
*White and Sons Livestock Commission Co., Birmingham.

ARIZONA

Arizona Livestock Auction, Phoenix.
Central Arizona Livestock Auction, Casa Grande.
Paynes Livestock Auction, Inc., Tucson.
Wentz Brothers Livestock Auction, Tucson.
Yuma Livestock Auction Co., Yuma.

ARKANSAS

*Ash Flat Sale Barn, Ash Flat.
*Beebe Auction Co., Beebe.
*Benton County Sales, Rogers.
*Bentonville Community Sales, Bentonville.
*Brown and Lewis Sale Barn, Conway.
*Camden Stockyards, Camden.
*Carroll County Livestock Auction, Berryville.
*Cartwright Livestock Auction, Bruce, Magnolia.
*Chaney Sales Barn, Roy, Morrilton.
*Clark County Livestock Auction, Arkadelphia.
*Clarksville Auction Co., Clarksville.
*Corning Sales Co., Corning.
*County Line Sale, Ratcliff.
*Crawford County Livestock Auction, Van Buren.
*Delta Livestock Auction, Pine Bluff.
*DeQueen Livestock Auction, DeQueen.
*Drew County Auction Co., Monticello.
*Eudora Sales Barn, Eudora.
*Eureka Springs Sales Co., Eureka Springs.
*Farmers Livestock Auction, Harrison.
*Farmers Livestock Auction, Springdale.
*Flippin Sales Co., Flippin.
*Gentry Sales Barn, Gentry.
*Glenn Edgar Livestock Commission Co., Batesville.
*Glenwood Livestock Exchange, Glenwood.
*Glover Livestock Commission Co., Pine Bluff.
*Gravette Community Sales, Gravette.
*Green County Commission and Auction Co., Paragould.
*Harrison Sales Co., Harrison.
*Hartford Community Sale, Hartford.
*Huntsville Livestock Auction, Huntsville.
*Izard County Sales Barn, Melbourne.
*Kelly and Holmes Auction Sale, Heber Springs.
*Lafayette County Auction, Lewisville.
*Malvern Commission Co., Malvern.
*Mammoth Spring Sale Barn, Mammoth Spring.
*McGehee Cattle Auction, McGehee.
*Moler Livestock Auction Sale, Danville.
*Montgomery County Auction, Mt. Ida.
*Morrilton Livestock Auction, Morrilton.
*Mountain Home Livestock Auction, Mountain Home.
*Nettleton Stockyards and Auction Co., Jonesboro.
*Newport Auction, Newport.
*North Arkansas Livestock Auction, Green Forest.
*Ola Auction Sale, Ola.
*Pocahontas Sales Co., Pocahontas.
*Polk County Auction, Mena.
*Producers Stockyards, Inc., North Little Rock.
*Randolph County Sale Co., Pocahontas.
*Rector Auction, Rector.
*Russellville Livestock Sales, Russellville.
*Salem Livestock Auction, Salem.
*Scott County Livestock Auction, Waldron.
*Searcy County Auction Co., Marshall.
*Siloam Springs Sale Barn, Siloam Springs.
*Stone County Auction Company, Mountain View.
*Sutton Livestock Commission, Hope.
*Tri-County Auction, Fordyce.
*Van Buren County Auction Sale, Clinton.
*Wall's Sales Barn, Hiram, Booneville.
*Washington County Sale Barn, Fayetteville.
*Yellville Sale Barn, Yellville.

CALIFORNIA

*Bakersfield Livestock Auction Co., Bakersfield.
*Farm Bureau Sales Yard, Visalia.
*Los Angeles Livestock Market, City of Industry.
*Modoc Auction Yards, Alturas.
*Oakdale Livestock Auction Yard, Oakdale.
*Producers Livestock Marketing Association, Artesia Dairy Valley.
*Stockton Union Stockyards, Stockton.
*Red Bluff Farm Bureau Sales Yard, Red Bluff.
*Roseville Livestock Auction Yard, Roseville.
*Zinn Bros. Commission Co., El Centro.

COLORADO

*Alsbury Sales Pavilion, Glenwood Springs.
*Arkansas Valley Sales Co., Lamar.
*Basin Livestock Commission Co., Durango.
*Brush Livestock Commission Co., Brush.
*Burlington Livestock Sales Co., Burlington.
*Cortez Sales Barn, Cortez.
*Craig Livestock Auction, Craig.
*Delta Sales Yard, Delta.
*Elizabeth Livestock Auction, Elizabeth.
*Farmer and Rancher Commission Co., Fort Collins.
*Farmers Livestock Commission Co., Wray.
*Fort Collins Sales Yard, Fort Collins.
*Fowler Auction Co., Fowler.
*Grand Junction Livestock Auction, Grand Junction.
*H & G Livestock Commission Co., Montrose.
*Haxtun Co-op Livestock Exchange, Haxtun.
*Hess Livestock Commission Co., Pueblo.
*La Junta Livestock Commission Co., La Junta.
*Limon Livestock Commission Co., Limon.
*Longmont Sales Yard, Longmont.
*Rifle Sales Yard, Rifle.
*Salida Livestock Commission Co., Inc., Salida.
*Shultz Sales Yard, Grand Junction.
*Sterling Livestock Commission Co., Sterling.
*Stratton Sale Barn, Stratton.
*Sunset Sales Yard, Greeley.
*Trinidad Livestock Commission Co., Trinidad.
*Valley Livestock Auction Co., Grand Junction.
*Weld County Livestock Commission Co., Greenley.
*Winter Livestock Commission Co., La Junta.
*Wray Sales Barn, Wray.
*Yuma Livestock Auction, Yuma.

DELAWARE

*Carroll Sales Co., Dover.
*Goldinger Bros., Inc., Dupont Highway.
*Harris Sales Corp., Odessa.
*Rudnick Live Stock Sales Co., Dover.
*Sullivan Bros., Inc., Townsend.

FLORIDA

*Jay Livestock Auction Market, Jay.
*Madison Stockyards, Madison.
*Paxton Livestock Cooperative Market, Florala (Stella Route).
*Tindel-Williams Livestock Auction Market, Graceville.

GEORGIA

*Augusta Livestock Market, Augusta.
*Bainbridge Stockyards, Bainbridge.
*Bartow Livestock Commission Co., Cartersville.
*Carroll County Livestock Sales Barn, Carrolton.
*Chandler Livestock Market, Metter.
*Chatham County Stockyard, Savannah.
*Columbus Stockyard Co., Columbus.
*Coffee County Livestock Co., Douglas.
*Cordele Livestock Co., Cordele.
*Dublin Livestock Commission Co., Dublin.
*Duvall-Wheeler Livestock Co., Greensboro.
*Elberton Livestock Auction Barn, Elberton.
*Farmer's Livestock Auction, Sylvania.
*Flint River Livestock Auction, Bainbridge.
*Georgia Livestock Terminal Market, Macon.
*Georgia Farm Products Sale Corp., Thomaston.
*Hasty Auction Co., Atlanta.
*Hudson-Troup Auctions, Fitzgerald.
*Jepeway-Craig Commission Co., Dublin.
*Jesup Stock Yard, Jesup.
*La Grange Stockyards, Inc., La Grange.
*McClure-Burnett Commission Co., Rome.
*McClure-Burnett Commission Co., Atlanta.
*Metter Livestock Auction, Metter.
*Mitchell County Stockyards, Inc., Camilla.
*Moultrie Livestock Co., Moultrie.
*Muscogee Livestock Co., Columbus.
*Northeast Georgia Livestock Auction, Inc., Athens.
*Pelham Stockyards, Inc., Pelham.
*Peoples Livestock Market, Inc., Duthbert.
*Pulaski Stockyard, Hawkinsville.
*Queen City Livestock Auction Co., Gainesville.
*Ragsdale-Long Commission Co., Quitman.
*Seminole Livestock Auction Market, Donalsonville.

*Shuman Stockyards, Hagan.
*Smith Stock Yard Company No. 1, Augusta.
*Smith Stock Yard Company No. 3, Thamson.
*Sumter Livestock Association, Inc., Americus.
*Sutton Livestock Co., Sylvester.
*Swainsboro Stockyards, Swainsboro.
*Sylvania Stockyards, Sylvania.
*Toccoa Livestock Auction, Toccoa.
*Tri-County Livestock Co., Social Circle.
*Union Stock Yards, Albany.
*Valdosta Livestock Co., Inc., Valdosta.
*Waycross Livestock Market, Waycross.
*Wilkes County Stockyard, Washington.

IDAHO

*Blackfoot Livestock Commission Co., Blackfoot.
*Burley Livestock Commission Co., Inc., Burley.
*Cache Valley Livestock Auction, Preston.
*Cattlemen's Livestock Auction, Inc., Nampa.
*Coeur d'Alene Livestock Commission Yards, Coeur d'Alene.
*Cottonwood Sales Yard, Cottonwood.
*Davis Livestock Auction, Caldwell.
*Emmett Livestock Commission Co., Emmett.
*Gooding Livestock Commission Co., Gooding.
*Hays Salesyard, Nampa.
*Jerome Livestock Commission Co., Jerome.
*Meridian Salesyard, Meridian.
*Nampa Livestock Commission Co., Nampa.
*Pocatello Livestock Auction Co., Inc., Pocatello.
*Rexburg Livestock Auction, Inc., Rexburg.
*Salmon Sales Yard, Salmon.
*Sandpoint Livestock Auction Co., Sandpoint.
*Shoshone Salesyard, Inc., Shoshone.
*Stockgrowers Commission Co., Twin Falls.
*Twin City Salesyards, Lewiston.
*Valley Livestock Commission Co., Rupert.
*Weiser Livestock Commission Co., Weiser.
*W.I.M. Livestock Commission Co., Bonner Ferry.

ILLINOIS

Carthage Community Sale Co., Carthage.
Danville Livestock Commission Co., Danville.
Kankakee County Livestock Marketing Center, Bourbonnais.
La Salle County Livestock Marketing Center, Ottawa.
Milford Sales and Commission Co., Milford.
Paris Livestock Sales Co., Paris.
*Peoria Union Stock Yards, Peoria.
Rock Island Auction Sales, Inc., Rock Island.
*Springfield Stockyards, Springfield.
Sullivan Sale Barn, Sullivan.
Winslow Sale Barn, Winslow.
Woodford County Livestock Sale, Inc., El Paso.

INDIANA

*Boswell Livestock Commission, Boswell.
*Fort Wayne Livestock Auction, Fort Wayne.
*Fountain County Livestock Commission, Veedersburg.
*Marshall County Community Sale, Plymouth.
*Producers Marketing Association, Centerville.
*Producers Marketing Association, Montpelier.
*Producers Marketing Association, Terre Haute.
*Producers Marketing Association, Vincennes.
*Reynolds Sales Barn, Reynolds.
*Shipshewana Livestock Auction, Shipshewana.
*Valparaiso Community Sale, Valparaiso.

IOWA

Ackley Sales Pavilion, Ackley.
Adams County Auction Co., Corning.
Adel Sales Pavilion, Adel.
Anita Auction Co., Anita.
Algona Sale Co., Algona.
Ankeny Sales Pavilion, Ankeny.
Aplington Sales Pavilion, Aplington.
Avoca Auction Co., Avoca.
Baxter Sale Co., Baxter.
Belle Plaine Livestock Commission Co., Belle Plaine.
Bingley Sales Co., Knoxville.
Boone Sales Co., Boone.
Bowman Cattle Co., Maquoketa.
Chariton Sales Co., Chariton.
Cherokee Livestock Auction Co., Inc., Cherokee.
Clear Lake Auction Co., Clear Lake.
Coggon Livestock Sales Co., Coggon.
DeVries Auction Co., Buffalo Center.
Dunlap Sale Co., Dunlap.
Eldora Livestock Sales, Eldora.
Farmers Livestock Exchange, Waukon.
Farmers Sale Co., Carroll.
Garner Sales Co., Garner.
Grinnell Livestock Exchange, Grinnell.
Hampton Sales Co., Hampton.
Harlan Auction Co., Harlan.
Humboldt Livestock Auction, Humboldt.
Humeston Sale Barn, Humeston.
Kalona Sales Barn, Kalona.
Knickman Livestock Sales Co., Council Bluffs.
Lamoni Sale Corp., Lamoni.
Le Mars Sales Co., Le Mars.
Madison County Auction, Winterset.
Marshalltown Livestock Auction, Marshalltown.
Marvel Sales Co., Webster City.
Montezuma Sales Pavilion Co., Montezuma.
Moorhead Sale Barn, Moorhead.
Mount Ayr Livestock Market, Mount Ayr.
New Sharon Sale Co., Inc., New Sharon.
Newton Sale Co., Newton.
Nishna Valley Sales Co., Shenandoah.
Northeast Iowa Sales Commission, Decorah.
Northside Sales Co., Sibley.
North West Iowa Livestock Exchange, Alta.
Northwood Sales Co., Inc., Northwood.
Ogden Sale Barn, Ogden.
Oskaloosa Sales Co., Oskaloosa.
Perry Sales Pavilion, Perry.
Rock Valley Sales Co., Rock Valley.
Russell Sales Co., Russell.
Saint Ansgar Sale Barn, Saint Ansgar.
Sheldon Sales Co., Sheldon.
Sioux Center Sales Co., Sioux Center.
Spencer Dairy Cattle Exchange, Spencer.
Spencer Livestock Sales, Spencer.
Storm Lake Auction Co., Storm Lake.
Story City Auction Sales, Story City.
Tabor Sales Barn, Tabor.
Thompson Livestock Commission Co., Lamoni.
Traer Sales Barn, Traer.
Tripoli Sales Co., Tripoli.
Ute Sale Barn, Ute.
Waukon Sales Commission, Waukon.
Waverly Sales Co., Waverly.
Wehrheim Commission Firm (V. H.), Webster City.
Winneshiek Coop Sales Commission, Decorah.
Witthauer Auction, Council Bluffs.

KANSAS

*A. C. Sale Co., Arkansas City.
*Abilene Livestock Sales Co., Abilene.
*Allen County Livestock Auction, Gas City.
*Anthony Livestock Co., Anthony.
*Ashland Sales Co., Ashland.
*Atchison County Auction Co., Atchison.
*AT and SF Stockyards, Emporia.
*Atwood Sale Barn, Atwood.
*Belleville Sale Co., Belleville.
*Bronson Community Sale, Bronson.
*Caldwell Community Sale, Caldwell.
*Cedar Vale Sales Co., Cedar Vale.
*Central Livestock Sales Co., S. Hutchinson.
*Chandler Sales Co., Smith Center.
*Chanute Sale Pavilion, Chanute.
*Clay Center Sale Co., Clay Center.
*Clemence-Morrison Livestock Commission, Salina.
*Cloud County Livestock Commission Co., Concordia.
*Coffeyville Livestock Commission Co., Coffeyville.
*Colby Sale Barn, Colby.
*Coldwater Sales Co., Coldwater.
*Concordia Sales Co., Concordia.
*Council Grove Livestock Auction, Council Grove.
*Dickinson County Livestock Co., Abilene.
*Dighton Livestock Market, Dighton.
*Dodge City Livestock Commission Co., Dodge City.
*Douglass Sale Co., Douglass.
*Downs Sales Co., Downs.
*Dumler Bros. Livestock Commission Co., Russell.
*Effingham Auction Co., Effingham.
*El Dorado Livestock, El Dorado.
*Emporia Livestock Sale Co., Emporia.
*Flint Hills Livestock Sales, Inc., Florence.
*Ft. Scott Sale Co., Fort Scott.
*Franklin County Sales Co., Ottawa.
*Fredonia Sales Co., Fredonia.
*Garden City Sale Co., Garden City.
*Gassaway Sale Co., Plainville.
*Giger Sales Co., Emporia.
*Goodland Livestock Commission Co., Goodland.
*Hansen Livestock Auction, Beloit.
*Harper Livestock Sale Co., Harper.
*Hays Livestock Community Sales, Hays.
*Herington Livestock Auction Co., Herington.
*Hiawatha Livestock Auction, Hiawatha.
*Hill City Sale Barn, Hill City.
*Holton Community Sale, Holton.
*Holton Livestock Exchange, Holton.
*Hoxie Livestock Sale, Hoxie.
*Hugoton Livestock Commission Co., Hugoton.
*Hutchinson Livestock Sale Pavilion, Hutchinson.
*Kinsley Livestock Sales Co., Kinsley.
*Kiowa Sales Co., Kiowa.
*Koenig Sale Barn, Manhattan.
*Lawrence Livestock Sales Co., Lawrence.
*Leavenworth Community Sale, Leavenworth.
*Lenexa Community Sale, Lenexa.
*Leoti Livestock Sales Co., Leoti.
*Liberal Livestock Sales Co., Liberal.
*Lincoln Sales Co., Lincoln.
*Lindsborg Livestock Commission, Lindsborg.
*Lyons Sale Pavilion, Lyons.
*Mankato Sales Co., Mankato.
*Marysville Livestock and Commission Co., Marysville.
*McKinley-Winter Livestock Commission Co., Dodge City.
*Meade Livestock Commission Co., Meade.
*Medicine Lodge Sales Co., Medicine Lodge.
*Minneapolis Sales Pavilion, Minneapolis.
*Natoma Sale Co., Natoma.
*Ness City Livestock Commission Co., Ness City.
*Newton Livestock Auction Market, Newton.
*Norton Livestock Commission Co., Norton.
*Oakley Livestock Sales Co., Oakley.
*Oberlin Sale Barn, Oberlin.
*Osborne Livestock Commission Co., Osborne.
*Ottawa Market Sale, Ottawa.
*Paola Market Sale, Paola.
*Phillipsburg Livestock Commission Co., Phillipsburg.
*Pratt Livestock Commission Co., Pratt.
*Quinter Sale Barn, Quinter.
*Rush County Sales Co., La Crosse.
*St. Francis Livestock Commission Co., St. Francis.
*Schooler and Son, Frankfort.
*Southeastern Kansas Sales Co., Stockton.
*Stockton Livestock Commission Co., Stockton.
*Stockyards Commission Co., Great Bend.
*Sylvan Sales Co., Sylvan Grove.
*Syracuse Sale Co., Syracuse.
*Tri-State Sale, Elkhart.
*Valley Falls Livestock Auction, Valley Falls.
*WaKeeney Livestock Commission Co., WaKeeney.
*Washington Sale Barn, Washington.
*Wellington Sales Co., Wellington.
*Wilson Livestock Auction, Salina.

•Winfield Sales Co., Winfield.
•Zima Livestock Sales Co., Emmett.

KENTUCKY

Adair County Stockyards, Columbia.
•Albany Stockyards, Albany.
•Berry and Son Stockyards, R. B., Clinton.
Berry and Whitford Stockyard, Mayfield.
•Blue Grass Stockyards Co., Lexington.
•Bowling Green Livestock Market, Inc., Bowling Green.
•Boyle County Stockyards Co., Danville.
•Brown and Whayne Stockyards, Clinton.
•Burkesville Stockyards, Burkesville.
•Carlisle Stockyards, Carlisle.
•Catlettsburg Live Stock Sales Co., Catlettsburg.
•Christian County Livestock Market, Inc., Hopkinsville.
•Clay-Gentry, Lexington.
•Cynthiana Stockyards, Cynthiana.
•Edmonton Livestock Market, Edmonton.
•Farmers Commission Co., Inc., Tompkinsville.
Farmers Livestock Auction, Mayfield.
•Farmers Livestock Market, Inc., Somerset.
•Farmers Livestock Market, London.
Farmers Livestock Market, Louisa.
•Farmers Stockyard, Flemingsburg.
•Farmers Stockyards Co., Inc., Mt. Sterling.
•Franklin Livestock Market, Inc., Franklin.
•Garrard County Stockyards, Lancaster.
•Glasgow Livestock Market, Glasgow.
Green County Stockyards, Greensburg.
Hopkinsville Livestock Co., Hopkinsville.
Horse Cave Stockyard, Horse Cave.
•Hutcherson Livestock Market, Glasgow.
•Kentucky-Tennessee Livestock Market, Guthrie.
•Lebanon Stockyards, Inc., Lebanon.
Lincoln County Stockyards, Inc., Stanford.
•Logan County Livestock Co., Inc., Russellville.
•Madison Sales Co., Richmond.
•Maysville Stockyards, Maysville.
•Middlesboro Auction Co., Middlesboro.
Murray Livestock Co., Murray.
•O.K. Stockyard, Maysville.
•Olive Hill Livestock Co., Olive Hill.
Paintsville Livestock Market, Paintsville.
•Paris Stockyards, Paris.
Russell County Stockyards, Russell.
•Science Hill Stockyards, Science Hill.
•Sparta Stockyards Co., Sparta.
•Thompkinsville Livestock Market, Thompkinsville.
•Winchester Stockyards, Winchester.

LOUISIANA

•Abbeville Commission Co., Abbeville.
•Amite Livestock Auction, Inc., Amite.
•Avoyelles Livestock Commission, Mansura.
•Bastrop Livestock Auction, Bastrop.
•Brabham Livestock Commission Market, Leesville.
•Calhoun Livestock Commission, Mansfield.
•Clark Commission Co., Benton.
•Coltharp's Livestock Market, De Ridder.
•Delhi Livestock Auction, Delhi.
•Dominique's Cow Palace, Bossier City.
•Dominique's Inc., Opelousas.
•Dominique's Livestock Auction, Alexandria.
•Dominique's Stockyards, Baton Rouge.
•Dominique's Stockyards, Lafayette.
•Farmer and Stockman Auction, Clarence.
•Franklin Livestock Auction, Winnsboro.
•Franklinton Stock Yards, Inc., Franklinton.
•Grand Cane Livestock Commission, Grand Cane.
•Hodges and Co., W. H., Crowley.
•Hodges and Co., W. H., Alexandria.
•Hodges and Co., W. H., New Roads.
•Hodges and Co., W. H., Tallulah.
•Homer Livestock Auction, Homer.
•Jennings Commission Barn, Opelousas.
•Jennings Stockyards, Baton Rouge.
•Kentwood Stockyard, Kentwood.
•Lum Brothers Stockyards, Inc., Ferriday.
•Micelle's Commission Barn, Lake Charles.
•Micelle's Commission Yard, Lacassine.
•Oak Grove Livestock Auction, Oak Grove.
•Lake Charles Commission Co., Lake Charles.
•Raceland Stockyards, Raceland.
•Rayville Livestock Market, Inc., Rayville.
•Red River Livestock Auction, Coushatta.
•Ruston Stockyards, Inc., Ruston.
•Tate Commission Barn, Joe, Ville Platte.
•Voiron's Stockyards, Thibodaux.
•Welsh Stockyards, Welsh.
•West Monroe Livestock Auction, West Monroe.
•Zachary Stockyards, Zachary.

MARYLAND

•Aberdeen Sales Co., Aberdeen.
•Caroline Sales Co., The, Denton.
•Cumberland Stock Yard, Inc., Cumberland.
•Eyler's Live Stock Market, Thurmont.
•Farmers Live Stock Exchange, Inc., Boonsboro.
•Four States' Livestock Sales, Inc., Hagerstown.
•Frederick Livestock Auction, Inc., Frederick.
•Friend Stock Yard, Inc., Accident.
•Grantsville Auction Market, Grantsville.
•Rudnick Live Stock Sales, Harry, Galena.
•Western Maryland Stock Yards, Inc., Westminster.
•Woodsboro Livestock Sale, Inc., Walkersville.

MASSACHUSETTS

•Brighton Stock Yards Co., Brighton.
Deveno Livestock Commission, Southwick.
•Michelson's Cattle Auction, South Easton.
Northampton Coop. Auction, Northampton.

MICHIGAN

•Adrian Livestock Auction, Adrian.
•Cass Livestock Sale, Cassopolis.
•Coldwater Livestock Auction, Coldwater.
•Dixon Bros. Livestock Auction, Jackson.
•Dundee Livestock Auction, Dundee.
•Howell Livestock Auction, Howell.
•Linsmeier Livestock Auction, Menominee.
•Marlette Livestock Approved, Marlette.
•Napoleon Livestock Auction, Napoleon.
•Sturgis Livestock Auction Sale, Sturgis.

MISSISSIPPI

•Amory Commission Co., Amory.
•Batesville Livestock Auction, Batesville.
•Billingsley Auction Sale, Doc, Senatobia.
•Booneville Commission Co., Booneville.
•Bryan Brothers Stockyards, West Point.
•Case Stock Yards, Bude.
•Chickasaw Commission Co., Houston.
•Clarksdale Livestock Sales Co., Clarksdale.
•Clay County Stockyards, Inc., West Point.
•Columbus Livestock Commission Co., Columbus.
•Corinth Livestock Auction Co., Corinth.
•Decatur Stockyard, Decatur.
•Deer Creek Stockyards, Hollandale.
•Dixie Stockyard, Meridian.
•Felders Livestock Sales Co., Summit.
•George County Stock Yards, Lucedale.
•Graves Livestock Co., Winona.
•Grenada Livestock Exchange, Grenada.
•Gulfport Stockyards, Gulfport.
•Hattiesburg Stockyards, Inc., Hattiesburg.
•Henderson Sales Co., Corinth.
•Hernando Auction Co., Hernando.
•Hinds County Commission Sales, Inc., Edwards.
•Hodges and Sons, W. H., Liberty.
•Jackson County Stockyards, Pascagoula.
•Jefferson County Stock Yards, Fayette.
•Kosciusko Stock Yards Co., Kosciusko.
•L and S Community Sales, Columbia.
•Laurel Stock Yards, Laurel.
•Leake County Commission Co., Carthage.
•Lexington Sales Co., Lexington.
•Lincoln County Livestock Commission Co., Brookhaven.
•Lipscomb Commission Co., Como.
•Livestock Producers Association, Tylertown.
•Lum Bros. Stockyards, Natchez.
•Lum Commission Co., Vicksburg.
•Meridian Stockyards, Inc., Meridian.
•Mid-South Order Buyers, Inc., Jackson.
•Mississippi Livestock Producers Association (North Yard), Jackson.
•Mississippi Livestock Producers Association (South Yard), Jackson.
•Moore and Woods Commission Co., Macon.
•Neshoba County Stockyards, Philadelphia.
•New Albany Sales Company, New Albany.
•Olive Branch Sales Co., Oliva.
•Owen Bros. Stockyard, Meridian.
•Owen Bros. Stockyards, Hattiesburg.
•Peelers Livestock Sales, Kosciusko.
•Prentiss Auction Sale, Prentiss.
•Pontotoc Sales Co., Pontotoc.
•Richton Stock Yards, Richton.
•Ripley Sales Co., Ripley.
•Shaw and Gray Commission Co., Oxford.
•Starkville Livestock Commission Co., Starkville.
•Stiles Livestock Commission Co., Sturgis.
•Tri-State Stock Yards, Inc., Greenville.
•Tupelo Livestock Auction, Tupelo.
•Union Stock Yards, Jackson.
•Waynesboro Livestock Yards, Waynesboro.
•Wilson and Jackson Commission Co., Pontotoc.
•Winston County Community Sales, Louisville.

MISSOURI

Adair County Sale Barn, Kirksville.
Alton Sales Co., Alton.
Ava Sales Co., Ava.
Baker, Roy Sales Co., Butler.
Beebe Brothers Salesbarn, Warrenburg.
Bowling Green Auction Co., Bowling Green.
Brunswick Sale Co., Brunswick.
Buffalo Sale Barn, Buffalo.
Butler Community Sale, Butler.
Cabool Livestock Market, Cabool.
Callaway Stock Sales Association, Fulton.
Carrollton Livestock Auction, Carrollton.
Central Missouri Livestock Auction, Mexico.
Central Missouri Sales Co., Sedalia.
Charleston Autlon Co., Charleston.
Clark County Sales Co., Kahoka.
Clawson Auction Co., Eldorado Springs.
Columbia Livestock Auction, Inc., Columbia.
Cox Auction Sale, Noel, Ozark.
Crocker Sales Barn, Crocker.
Davis-Johnston Patrick's Sales and Commission Co., Boonville.
Doniphan Auction Sales Co., Doniphan.
Douglas County Livestock Auction, Ava.
Drexel Community Sale, Drexel.
Edina Sale Co., Edina.
Fairground Sale Co., Maryville.
Fairplay Sales Co., Fairplay.
Farmers and Traders Commission Co., Inc., Palmyra.
Farmington Auction Co., Inc., Farmington.
Fraley Sale Pavilion, Chillicothe.
Fredericktown Auction Co., Inc., Fredericktown.
Gainesville Sale Barn, Gainesville.
Gallatin Livestock Auction, Gallatin.
Graham Auction, Mansfield.
Grant City Sale Barn, Grant City.
Green City Auction Co., Green City.
Halsey-Riley Sales Co., Inc., Marshall.
Hannibal Sale Co., Inc., Hannibal.
Hinds Sale Co., Memphis.
Joplin Friday Sales Day, Joplin.
Kennett Sales Co., Inc., Kennett.
Kirksville Community Sale, Kirksville.
Lewis County Auction Co., Lewistown.
Lexington Livestock Auction, Lexington.
Licking Auction Sales Co., Licking.
Linn County Auction Co., Brookfield.
Lockwood Community Sales, Inc., Lockwood.
Lolli Sales Pavilion, Macon.
Malden Sale Co., Malden.
Marshfield Auction Sale, Marshfield.
Maryville Auction Co., Maryville.
McDonald County Sale Co., Goodman.
Mexico Stockyards Co., Mexico.
Milan Auction Co., Milan.
Moberly Livestock Auction, Moberly.
Monett Sale Co., Monett.

Montgomery County Auction Company, Wellsville.
Mountain Grove Livestock Auction, Mountain Grove.
Munn Sale Barn, New Cambria.
Neosho Community Sale, Neosho.
Nevada Sale Co., Nevada.
New Palmyra Sale Co., Palmyra.
Odessa Community Sale, Odessa.
Olean Sale Co., Olean.
P and M Cattle Auction, Sikeston.
Pasley Auction Co., C. M., Osceola.
Payne Auction Sales, Lebanon.
Platte County Sales Co., Platte City.
Poplar Bluff Sales Co., Poplar Bluff.
Potosi Auction Co., Potosi.
Princeton Sale Co., Princeton.
Rhodes Commission Co., Advance.
Robert's Brothers Auction, Bolivar.
Robertson's Community Sale, Bethany.
Rockport Sales Pavilion, Inc., Rockport.
Salem Auction Co., Salem.
Schuyler Sales Association, Lancaster.
Seneca Community Sale, Inc., Seneca.
Shelbina Auction Co., Shelbina.
Sikeston Auction Co., Sikeston.
St. James Auction Co., St. James.
St. Joseph Live Stock Auction, St. Joseph.
Stewart's Sales Pavilion, Cameron.
Summersville Auction Sale, Summersville.
Taney County Auction Barn, Forsyth.
Thayer Sales Co., Thayer.
Trenton Livestock Market, Trenton.
Unionville Auction Co., Unionville.
Van Meter Auction Co., Kingsville.
Vernon County Sales Co., Nevada.
Versailles Auction Co., Versailles.
Warsaw Sales Co., Warsaw.
Welty Bros. Sales Pavilion, Nevada.
Wentzville Auction Co., Wentzville.
West Plains Livestock Auction, West Plains.
Wheaton Community Sale, Wheaton.
Windsor Auction Co., Windsor.

MONTANA

•Billings Livestock Commission Co., Billings.
•Glendive Auction Co., Inc., Glendive.
•Miles City Livestock Auction Co., Miles City.
•Yellowstone Livestock Commission Co., Sidney.

NEBRASKA

•Ainsworth Sale Yard, Ainsworth.
•Albion Sales Pavilion, Albion.
•Alliance Livestock Commission Co., Alliance.
•Alma Sale Barn, Alma.
•Ashland Sale Barn, Ashland.
•Atkinson Livestock Market, Atkinson.
•Augustin Brothers Sale Yard, Shelby.
•Aurora Sale Pavilion, Aurora.
•Bassett Livestock Sales Co., Bassett.
•Beatrice Sales Pavilion, Beatrice.
•Beaver Valley Sale Barn, Beaver City.
•Benkelman Sales Co., Benkelman.
•Blue Hill Sales Co., Blue Hill.
•Burwell Livestock Market, Burwell.
•Butte Livestock Market, Butte.
•Bloomfield Community Market, Bloomfield.
•Central Nebraska Commission Co., Broken Bow.
•Chadron Sales Co., Chadron.
•Chappell Livestock Commission Co., Chappell.
•Christensen Livestock Commission Co., Fullerton.
•Columbus Sales Pavilion, Columbus.
•Community Sale, Central City.
•Crawford Sales Co., Inc., Crawford.
•Creighton Livestock Market, Creighton.
•Deshler Livestock Commission Co., Deshler.
•Dooley Auction Market, Wahoo.
•Dovel Sale Barn, Auburn.
•Elkhorn Valley Cattle Co., Norfolk.
•Ericson Livestock Market, Ericson.
•Ewing Livestock, Ewing.
•Fairbury Livestock Co., Fairbury.
•Falls City Auction Co., Falls City.
•Farmers Livestock Sales Co., Benkelman.
•Friend Sale Barn, Friend.
•Gordon Sales Co., Gordon.
•Hebron Livestock Commission Co., Hebron.
•Imperial Sales Co., Imperial.
•Kearney Livestock Commission Co., Kearney.
•Kimball Livestock Auction, Kimball.
•Laurel Sales Co., Laurel.
•Lexington Livestock Commission Co., Lexington.
•Lincoln Livestock Commission Co., Lincoln.
•Lockwood Livestock Auction Co., South Sioux City.
•McCook Livestock Commission Co., McCook.
•McKee Sales Co., Superior.
•Minden Livestock Sales Co., Minden.
•Morrison Livestock Commission Co., Scottsbluff.
•Neligh Livestock Commission Co., Neligh.
•Newman Grove Sales Co., Newman Grove.
•Nebraska City Sales Barn, Nebraska City.
•Nebraska Livestock Commission Co., Hastings.
•Nebraska Livestock Sales, Inc., Lincoln.
•Nollett Livestock Sales, Valentine.
•Norfolk Livestock Sales Co., Norfolk.
•North Bend Auction Co., North Bend.
•O and O Commission Co., Kearney.
•O'Neill Livestock Market, O'Neill.
•Ogallala Livestock Commission Co., Ogallala.
•Ord Livestock Market, Ord.
•Oshkosh Livestock Commission Co., Oshkosh.
•Oxford Livestock Commission Co., Oxford.
•Pawnee Livestock Co., Pawnee City.
•Pender Livestock Sales Co., Pender.
•Plattsmouth Sale Barn, Plattsmouth.
•Red Cloud Sales Co., Red Cloud.
•Republican Valley Livestock Auction, Franklin.
•Seward Sales Barn, Seward.
•Sheridan Livestock Commission Co., Rushville.
•Sidney Livestock Sales Pavilion, Sidney.
•Sioux County Auction Co., Harrison.
•Spalding Livestock Market, Spalding.
•Stickelman Livestock Commission Co., Gothenburg.
•Superior Sales Co., Inc., Superior.
•Sutton Sales Pavilion, Sutton.
•Syracuse Sales Pavilion Co., Syracuse.
•Tecumseh Livestock Market, Tecumseh.
•Thedford Livestock Sales Co., Thedford.
•Third City Livestock Commission Co., Grand Island.
•Tilden Livestock Market, Tilden.
•Tri-State Livestock Commission Co., McCook.
•Union Livestock Commission Co., Scottsbluff.
•Valentine Livestock Auction Co., Valentine.
•Verdigre Livestock Auction Market, Inc., Verdigre.
•Wayne Sales Co., Wayne.
•Webb Livestock Commission Co., Grand Island.
•Wells Commission Co., Fremont.
•West Point Sales Co., West Point.
•Western Livestock Auction Co., North Platte.
•Wisner Livestock Sales Co., Wisner.
•York Livestock Commission Co., York.
•Zimmerman Stockyards, Blair.

NEVADA

•Elko Livestock Sales, Elko.
•Lovelock Livestock Commission Co., Lovelock.
•Midwest Livestock Commission Co., Fallon.
•Nevada Livestock Commission Co., Sparks.

NEW JERSEY

•Community Livestock Auction, Woodstown.
•Flemington Auction Market, Flemington.
•Harris Sales Co., Woodstown.
•Jaeger's Auction Market, Sussex.
•Livestock Cooperative Auction Market Association, of North Jersey, Inc., Hackettstown.
•Ziotkin Auction, Henry, Freehold.

NEW MEXICO

•Monroe Branding and Cattle Co., Clovis.
•New Mexico Livestock Exchange, Inc., Albuquerque.
•New Mexico Livestock, Inc., Artesia.
•Portales Livestock Commission Co., Portales.
•Roswell Livestock Commission Co., Roswell.
•South Second Street Commission Co., Albuquerque.
•Williams-Bokey Cattle Co., Clovis.

NEW YORK

Adams Commission Sales, Spike, Granville.
Amsterdam Livestock Sales, Inc., Amsterdam.
Burton Livestock Exchange, Vernon.
Cambridge Valley Livestock Market, Cambridge.
Chambers and Sons, Inc., D.R., Unadilla.
Chatham Area Auction Coop., Inc., Chatham.
Dansville Commission Auction, Dansville.
DiBello Commission Sales, Ben, Hannibal.
Dupont's Commission Auction, Little Falls.
Dupont's Commission Auction, Fort Plain.
Empire Livestock Marketing Cooperative, Inc., Bath.
Empire Livestock Marketing Cooperative, Inc., Bullville.
Empire Livestock Marketing Cooperative, Inc., Caledonia.
Empire Livestock Marketing Cooperative, Inc., Dryden.
Empire Livestock Marketing Cooperative, Inc., Gouverneur.
Empire Livestock Marketing Cooperative, Inc., Greene.
Empire Livestock Marketing Cooperative, Inc., Oneonta.
Empire Livestock Marketing Cooperative, Inc., Watertown.
Empire Livestock Marketing Cooperative, Inc., West Winfield.
Farmer's Livestock Market, Bath.
Gentner Livestock Commission Market, Raymond, Springville.
Hillsdale Farmers Auction, Inc., Hillsdale.
Horseheads Livestock Market, Horseheads.
Hudson Valley Live Stock Market, Waterford.
N. Johncox Sons Livestock Auction, Palmyra.
Kaplan and Son, Inc., J. M., Millerton.
Kimball Stand Commission Sales, Jamestown.
Luthers' Livestock Commission Market, Wassaic.
Maplehurst Livestock Market, Hinsdale.
Milford Commission Sales Stables, Inc., Milford.
Miller's Livestock Market, Argyle.
Neverett, H. L., and Sons, Chazy.
Neverett, H. L., and Sons, Malone.
Norvel Reed, Sherman.
Norwich Commission Sale, Norwich.
Owego Livestock Sales, Owego.
Pavilion Livestock Market, Pavilion.
Southern Cayuga Commission Sales, Moravis.
Southern Tier Livestock Market, Whitney Point.
Stilson Tweedie, Walton.
Sullivan Bros., Utica.
Sunny Acres Livestock Market, Bombay.
Wallkill Livestock Market, Walden.
Wickham's Commission Auction, Ovid.

NORTH DAKOTA

•Beulah Livestock Auction Sales, Beulah.
•Dobler Livestock Sales Co., Ashley.
•Edgeley Livestock Sales Co., Edgeley.
•Ellendale Livestock Sales Co., Ellendale.
•Harrington Bros., Mayville.
•Harrington Bros., Minot.
•Harrington Bros., Valley City.
•Harvey Livestock Sales Pavilion, Harvey.
•Hettinger Livestock Sales Co., Hettinger.
•Home Base Auction Co., Bowman.
•Jamestown Sales Co., Jamestown.
•J. K. L. Cattle Co., Williston.
•Kamrath Sales Pavilion, Mott.
•Lake Region Livestock Auction Co., Devil's Lake.
•Linton Livestock Sales Co., Linton.

•Mandan-Bismarck Livestock Commission Co., Mandan.
•Minot Livestock Auction, Minot.
•Missouri Slope Auction Sales, Inc., Bismarck.
•Napoleon Livestock Auction, Inc., Napoleon.
•Park River Livestock Sales Co., Park River.
•Schnell Livestock Auction, Dickinson.
•Stanley Sales Ring, Stanley.
•Stockmen's Livestock Auction, Ellendale.
•Western Livestock Co., Inc., Dickinson.
•Williston Livestock Commission Co., Williston.
•Wishek Livestock Market, Wishek.

OHIO

•Athens Livestock Sales Co., Athens.
•Bloomfield Livestock Auction, North Bloomfield.
•Canfield Livestock Auction, Canfield.
•Carrollton Livestock Auction, Carrollton.
•Creston Livestock Sales, Creston.
•Damascus Livestock Auction, Damascus.
•Delta Livestock Auction, Delta.
•Dorset Livestock Auction, Dorset.
•Elkton Auction, Elkton.
•Farmers' Livestock Auction, Inc., Marietta.
•Geauga Livestock Commission, Middlefield.
•Gibsonburg Livestock Auction, Gibsonburg.
•Kidron Auction Co., Kidron.
•Lugbill Bros., Inc., Archbold.
•Marietta Livestock Market, Inc., Marietta.
•Oak Harbor Livestock Sales, Oak Harbor.
•Ohio Valley Livestock Co., Gallipolis.
•Peoples Livestock Exchange, Greenville.
•Pickaway Livestock Co-op Association, Circleville.
•Producers Livestock Association, Bucyrus.
•Producers Livestock Association, Chillicothe.
•Producers Livestock Association, Columbus.
•Producers Livestock Association, Coshocton.
•Producers Livestock Association, Findlay.
•Producers Livestock Association, Hicksville.
•Producers Livestock Association, Hillsboro.
•Producers Livestock Association, Lancaster.
•Producers Livestock Association, Marion.
•Producers Livestock Association, Mt. Vernon.
•Producers Livestock Association, Wapakoneta.
•Producers Livestock Association, Washington C.H.
•Producers Livestock Association, Wilmington.
•Putnam County Livestock Association, Columbus Grove.
•Tiffin Livestock Sales Co., Tiffin.
•Union Stockyards, Hillsboro.
•Warren County Sales Barn, Lebanon.
•Washington C.H. Union Stockyards, Washington C.H.
•Wheelersburg Livestock Sales Co., Wheelersburg.

OKLAHOMA

•Beaver Livestock Sale, Beaver.
•Bluestem Sales, Inc., Dewey.
•Buffalo Livestock Commission Co., Buffalo.
•Cherokee Sales Co., Cherokee.
•Community Auction Sale, Vinita.
•Durant Livestock Commission Co., Durant.
•Elk City Livestock Sale, Elk City.
•Farmers Livestock Commission Co., Enid.
•Grove Sales Co., Grove.
•Guymon Livestock Commission Co., Guymon.
•Holton Brothers Stockyards, Hugo.
•Hominy Sale Co., Hominy.
•Hugo Livestock Exchange, Hugo.
•Idabel Livestock Commission Co., Idabel.
•Jay Sale, Jay.
•Locust Grove Sale, Locust Grove.
•Maxon Sales Co., Inc., South Coffeyville.
•Maxon Sales Co., Inc., Welch.
•Selling Sales Association, Inc., Selling.
•Shawnee Sale Barn, Shawnee.
•Stigler Livestock Auction, Stigler.
•Texhoma Livestock Commission Co., Inc., Texhoma.
•Vinita Stockyards Auction Co., Vinita.
•Woodward Livestock Commission Co., Woodward.

OREGON

•Coos-Curry Livestock Auction, Bandon.
•Dalles Livestock Commission, The Dalles.
•Douglas Livestock Market, Wilbur.
•Enterprise Livestock Auction Co., Enterprise.
•Hermiston Livestock Commission Co., Hermiston.
•Klamath Cattle Sales, Klamath Falls.
•Klamath Stockmen's Commission, Inc., Klamath Falls.
•Madras Livestock Auction Market, Madras.
•McMinnville Auction Yard, McMinnville.
•Midway Auction Co., Medford.
•Northwestern Livestock Commission Co., Hermiston.
•Redmond Auction Yard, Redmond.
•Schricker and Inda Livestock Auction, Sutherlin.
•South Oregon Livestock Auction Co., Medford.
•Union Livestock Commission Co., Nyssa.
•Vale Livestock Commission Co., Vale.
•Valley Livestock Sale, Lebanon.

PENNSYLVANIA

Belknap Auction Sales, Dayton.
Belleville Livestock Market, Inc., Belleville.
Carlisle Livestock Market, Carlisle.
Chambersburg Livestock Sales, Chambersburg.
Chesley's Livestock Market, North East.
Coudersport Livestock Market, Coudersport.
Danville Livestock Market, Inc., Danville.
Dewart Livestock Market, Dewart.
Eighty-four Auction Sales, Inc., Eighty-four.
Enon Valley Community Sales, Enon Valley.
Farmers Livestock Market, Ephrata.
Farmers' Tri-County Auction, Scenery Hill.
Fayette Stockyard Co., Uniontown.
Gilbertsville Sales Stables, Gilbertsville.
Greencastle Livestock Market, Greencastle.
Greenville Livestock Market, Inc., Greenville.
Hatfield Fairgrounds Bazaar, Hatfield.
Hickory Auction and Sales, Hickory.
Indiana Livestock Market, Inc., Homer City.
Knoxville Sales, Inc., Knoxville.
Lebanon Valley Livestock Market, Inc., Fredericksburg.
Leesport Livestock Market, Leesport.
Mason-Dixon Livestock Market, Inc., Stewartstown.
Meadville Livestock Auction, Saegerstown.
Middleburg Auction Sales, Inc., Middleburg.
Montague Livestock Auction, Union City.
Morrison Cove Livestock Market, Martinsburg.
New Holland Sales Stables, Inc., New Holland.
New Wilmington Livestock Auction, New Wilmington.
Nicholson Sales Co., Nicholson.
Payne's Livestock Market, Jamestown.
Penns Valley Sales Barn, Centre Hall.
Pennsylvania Livestock Auction, Inc., Waynesburg.
•Pennsylvania Stockyards Co., Philadelphia.
Perkiomenville Sales Stables, Perkiomenville.
Showalter, G. Q., Duncansville.
Silver Springs Livestock Market, Mechanicsburg.
Tri-County Livestock Auction, Brockway.
Troy Sales Cooperative, Troy.
Valley Stock Yards, Inc., Athens.
Vintage Sales Stables, Inc., Paradise.
Wayne County Livestock Exchange, Inc., Honesdale.
Westmoreland Auction Barn, Norvelt.
Whitford Sales Co., Whitford.
Wyalusing Sales Co., Wyalusing.
York Livestock Market, Inc., Thomasville.

SOUTH CAROLINA

•Bruce and Co., P. L., Greenville.
•Chesnee Livestock Co., Chesnee.
•Conder Co., J. W., Columbia.
•Edgefield County Stock Yards, Edgefield.
•Florence Auction Market, Florence.
•Greenwood Stock Yard, Greenwood.
•Hallman Livestock Market, Neeses.
•Harper Livestock Co., Estill.
•Herndon Stock Yards, Ehrhardt.
•Hutto Stock Yard, Inc., Holly Hill.
•Johnston Stockyard, Honea Path.
•Lenox Stock Yards, Bennettsville.
•Pageland Livestock Barn, Pageland.
•Peoples Livestock Market, Orangeburg.
•Pickens Auction Market, Pickens.
•Rock Hill Sales Barn, Rock Hill.
•Saluda County Stockyard, Inc., Saluda.
•Smith Stock Yard Co. No. 2, Columbia.
•Spartansburg Livestock Yards, Spartansburg.
•Springfield Stockyards, Springfield.
•Taylor Stockyards, John C., Anderson.
•Union County Stock Yard, Union.
•Walterboro Stockyards Co., Walterboro.
•Williams Livestock Yard, Tabor City.
•York County Stockyards, Inc., York.

SOUTH DAKOTA

•Aberdeen Livestock Sales Co., Aberdeen.
•Anderson Livestock Sales Yard., Yankton.
•Belle Fourche Livestock Exchange., Belle Fourche.
•Burke Livestock Auction Co., Burke.
•Britton Sales Pavilion, Inc., Britton.
•Campbell County Livestock Auction, Herreid.
•Canton Livestock Sales Co., Canton.
•Chamberlain Livestock Sales., Inc., Chamberlain.
•Cresbard Sales Co., Cresbard.
•Edgemont Livestock Sales Co., Inc., Edgemont.
•Eureka Livestock Sales Co., Inc., Eureka.
•Hub City Livestock Sales Pavilion, Aberdeen.
•Kimball Livestock Auction, Kimball.
•Lemmon Livestock Sales Co., Lemmon.
•Leola Livestock Sales Co., Leola.
•Martin Livestock Sales, Inc., Martin.
•McLaughlin Commission Co., McLaughlin.
•Philip Livestock Auction, Philip.
•Sisseton Livestock Sales Co., Sisseton.
•Sioux Falls Livestock Auction Co., Sioux Falls.
•Stockmans Commission Co., Inc., Rapid City.
•Sturgis Livestock Exchange, Inc., Sturgis.
•Timber Lake Livestock Sales Co., Timber Lake.
•Webster Livestock Exchange, Inc., Webster.
•Yankton Livestock Sales, Inc., Yankton.

TENNESSEE

•Athens Livestock Co., Athens.
•Beasley Community Auction, Franklin.
•Botts-Evans Livestock Co., Union City.
•Boyce Brothers Stockyards, Unionville.
•Bryan Brothers Livestock Market, Decherd.
•Chattanooga Union Stockyards, Chattanooga.
•Clinton Livestock Market, Clinton.
•Clarksville Livestock Market, Clarksville.
•Cleveland Livestock Auction, Cleveland.
•Coffee County Livestock Market, Manchester.
•Collierville Auction Co., Collierville.
•Cookeville Livestock Co., Cookeville.
•Covington Sales Barn, Covington.
•Cross Roads Sales Barn, Middleton.
•Cumberland City Auction Co., Cumberland City.
•Davis and Son Stockyard, W. B., South Fulton.
•Davis Livestock Auction, Hartsville.
•Dayton Livestock Co., Dayton.
•De Kalb County Commission Co., Alexandria.
•Farmers Auction Co., Fayetteville.
•Farmers Commission Co., Carthage.
•Farmers Livestock Commission Co., Camden.
•Farmers Livestock Exchange, Union City.
•Farmers Livestock Market, Greeneville.
•Farmers Stockyard, Newport.
•Fayetteville Stockyards, Fayetteville.
•Franklin Auction Market, Franklin.
•Gallatin Livestock Market, Gallatin.
•Giles County Stockyard, Pulaski.

•Greeneville Livestock Co., Greeneville.
•Halls Stockyards, Inc., Crossville.
•Hardin County Stockyards, Savannah.
•Henderson Sale Co., Henderson.
•Jackson Packing Co., Jackson.
•Jackson County Commission Co., Gainesboro.
•Jamestown Stockyards, Jamestown.
•Johnson City Livestock Market, Johnson City.
•Kenneth-Murray-Latta, Fulton.
•Kingsport Livestock Market, Kingsport.
•Cleveland Livestock Auction Co., Cleveland.
•Lawrence Couny Stockyards, Lawrenceburg.
•Lewis County Stockyards, Hohenwald.
•Lexington Livestock Sales Co., Lexington.
•Logan and Hicks, South Fulton.
•Logan and Hicks, Union City.
•Macon County Livestock Market, Lafayette.
•Madisonville Livestock Auction Co., Madisonville.
•Mid-South Livestock Commission Co., Columbia.
•Morristown Stockyards, Morristown.
•Murfreesboro Livestock Market, Murfreesboro.
•Newbern Sales Co., Newbern.
•Newport Livestock Auction Co., Newport.
•New Tazewell Stockyards, New Tazewell.
•Nichols Brothers Livestock Market, Thompson Station.
•O'Neal Auction, Sam, Chattanooga.
•Paris Livestock Commission Co., Paris.
•Patterson and McCaleb Livestock Market, Bradford.
•Peoples Livestock Co., Cookeville.
•Pulaski Stockyards, Pulaski.
•Richardson Livestock Co., E. L., Dyer.
•Rogersville Livestock Market, Rogersville.
•Scotts Hill Auction Co., Scotts Hill.
•Shelbyville Livestock Market, Shelbyville.
•Smith County Commission Co., Carthage.
•Smithville Stockyards, Smithville.
•Southwestern Sales Co., Huntington.
•Sparta Livestock Market, Sparta.
•Thompson Livestock Co., Obion.
•Thompson and Oliver Livestock Dealers, Union City.
•Trenton Livestock Sales Co., Trenton.
•Tri-County Stockyards, McKenzie.
•Trousdale County Livestock Market, Hartsville.
•Union Livestock Yards, Knoxville.
•Viola Livestock Co., Viola.
•Warren County Livestock, McMinnville.
•West Tennessee Auction Co., Martin.
•White County Livestock Co., Sparta.
•Wilson County Livestock Market, Lebanon.
•Wilson's Livestock Market, Lewisburg.

TEXAS

•Amarillo Livestock Auction Co., Amarillo.
•Bonham Livestock Commission Co., Bonham.
•Brownwood Cattle Auction, Brownwood.
•Dalhart Auction Co., Dalhart.
•Farmers and Ranchers Livestock Commission Co., Paris.
•Gainesville Livestock Auction Co., Gainesville.
•Lometa Commission Company, Lometa.
•Mason Auction Company, Mason.
•Morris Commission Co., J. C. (Po Boy), Douglassville.
•North Texas Livestock Commission Co., Bonham.
•Owen Brothers Livestock Commission Co., Texarkana.
•Paris Livestock Commission Co., No. 1, Paris.
•Paris Livestock Commission Co., No. 2, Paris.
•Producer Livestock Auction Co., San Angelo.
•Quanah Livestock Commission Co., Quanah.
•Vernon Stockyards Co., Vernon.
•Western Livestock Commission Co., San Angelo.
•Wichita Falls Stockyards, Wichita Falls.

UTAH

•Delta Livestock Auction Co., Delta.
•Richfield Auction Market, Richfield.
•Salina Auction, Salina.
•Spanish Fork Livestock Auction Co., Spanish Fork.
•Smithfield Livestock Auction, Inc., Smithfield.
•Southern Utah Auction, Cedar City.
•Uintah Sales Barn, Roosevelt.
•Utah Valley Auction, Spanish Fork.
•Vernal Livestock Auction Co., Vernal.

VERMONT

•Chickering Livestock Corp., Westminster.
•East Thetford Commission Sale, East Thetford.
•Gallerani Commission Sale, Bradford.
•Vergennes Livestock Commission Sale, Vergennes.

VIRGINIA

•Abingdon Livestock Market, Abingdon.
•Bedford Livestock Market, Inc., Bedford.
•Christiansburg Livestock Market, Inc., Christiansburg.
•Covington Stockyards, Inc., Covington.
•Danville Livestock Auction Market, Danville.
•Farmers Livestock Exchange, Winchester.
•Farmers Livestock Market, Ewing.
•Farmers Livestock Market, Inc., Bristol.
•Front Royal Livestock Market, Front Royal.
•Galax Livestock Market, Galax.
•Giles County Stockyards, Inc., Narrows.
•Highland County Livestock Market, Inc., Monterey.
•Lee Farmers Livestock Market, Inc., Jonesville.
•Loudoun County Livestock Market, Leesburg.
•Lynchburg Stockyards, Inc., Lynchburg.
•Norton Livestock Market, Norton.
•Orange Livestock Market, Orange.
•Phenix Livestock Market, Phenix.
•Pulaski Livestock Market, Dublin.
•Roanoke Livestock Market, Inc., Roanoke.
•Rockbridge Livestock Market, Inc., Buena Vista.
•Rockingham Livestock Sales, Inc., Harrisonburg.
•Shenandoah Valley Livestock Market, Inc., Harrisonburg.
•Smithfield Livestock Market, Inc., Smithfield.
•South Boston Livestock Market, South Boston.
•South Hill Stockyards, South Hill.
•Southside Stockyards, Petersburg.
•Staunton Livestock Market, Inc., Staunton.
•Staunton Union Stockyards, Inc., Staunton.
•Tazewell Livestock Market, Tazewell.
•Virginia Livestock Market, Winchester.
•Woodstock Livestock Market, Inc., Woodstock.
•Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

•Davenport Livestock Auction, Davenport.
•Grange Commission and Livestock Co., Auburn.
•Grange Interstate Livestock Co., Moses Lake.
•Pasco Central Stockyards, Pasco.
•Prosser Sales Yard, Inc., Prosser.
•Toppenish Sales Yard, Toppenish.
•Twin City Sale, Centralia.
•Walla Walla Livestock Commission Co., Walla Walla.
•Wink-Goldendale Sale Yard, Inc., Goldendale.

WEST VIRGINIA

•Alderson Livestock Market, Alderson.
•Beckley Livestock Market Beckley.
•Bluegrass Market, Inc., Lewisburg.
•Blueridge Livestock Sales, Inc., Charles Town.
•Bridgeport Live Stock Sales Co., Inc., Bridgeport.
•Buckhannon Livestock Sales, Inc., Buckhannon.
•Evans, E. S. Stockyard, Inc., Terra Alta.
•Evans Stock Yards, Inc., Elkins.
•Gassaway Livestock Market, Inc., Gassaway.
•Greenbrier Valley Stock Yards, Inc., Ronceverte.
•Hess Livestock Market, Inc., Andy, Morgantown.
•Huntington Livestock Sales Co., Huntington.
•Moundsville Livestock Auction Co., Moundsville.
•West Alexander Livestock Auction Market, West Alexander.
•Weston Livestock Sales Co., Inc., Weston.
•Jackson County Livestock Market, Inc., Ripley.
•Pt. Pleasant Livestock Co., Point Pleasant.
•Pocahontas Producers Cooperative Association, Inc., Marlinton.
•South Branch Stockyard, Inc., Moorefield.
•Spencer Live Stock Exchange, Inc., Spencer.
•Union Livestock Sales Co., Parkersburg.

WYOMING

•Gillette Livestock Exchange, Gillette.
•Greybull Livestock Commission Co., Greybull.
•Lusk Livestock Commission Co., Lusk.
•Torrington Livestock Commission Co., Torrington.
•Lander Livestock Commission Stockyards, Lander.
•Riverton Livestock Auction, Riverton.
•Sheridan Livestock Commission Co., Sheridan.
•Wheatland Livestock Commission Co., Wheatland.
•Worland Livestock Commission Co., Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of slaughtering establishment and location

ALABAMA

Bartel's Frozen Foods, Atmore.
•Beesley Packing Co., Andalusia.
•Brewton Abattoir, Brewton.
Brock-Mosley Packing Co., Loxley.
•Blue Bell Packing Co., Decatur.
•East Alabama Frozen Foods and Provision Co., Opelika.
Florence Packing Co., Florence.
Florence Frozen Foods, Florence.
Greensboro Packing Co., Inc., Greensboro.
•Hass-Davis Packing Co., Inc., Mobile.
Hinote Packing Plant, Loxley.
•Kimbrell Slaughtering Establishment, Saraland.
•Leeds Packing Co., Inc., Leeds.
Morgan Packing Co., Tuscaloosa.
Valley Pride Packing Co., Inc., Huntsville.
Williams Packing Co., Gadsden.
•Zeigler, Inc., R. L., Selma.
•Zeigler, Inc., R. L. Tuscaloosa.

ARIZONA

Arizona Meat Packers, Tucson.
Beverly Meat Co., Tucson.
•C and C Packing Co., Phoenix.
•Herseth Meat Packing Co., Phoenix.
Maricopa Packing Co., Phoenix.
•OK Wholesale Meat Co., Phoenix.
O.K. Meat Co., Scottsdale.
Paramount Packing Co., Casa Grande.
Safford Packing Co., Safford.
Southwest Meat Co., Yuma.
Stone and Randall Meat Company., Mesa.
•Tempe Meat Packing Co., Inc., Tempe.

ARKANSAS

Adams Market, Dewitt.
Barnetts Slaughter House, Crossett.
Boswell Wholesale and Retail, R. O., Camden.
Brawner Packing Co., Wynne.
Broadway Packing Co., Jonesboro.
Brown Calhoun General Merchandise, Monticello.
*Brown Wholesale Meats, Kelton, Little Rock.
*Brown Packing Company, Inc., Little Rock.
*Burton Wholesale Meats, Roy, North Little Rock.
Butcher Wholesale Meats, Camden.
Carroll Packing Co., Paragould.
Charleston Frosen Foods, Charleston.
Columbia Packing Co., Magnolia.
*Cooper Packing Co., Melbourne.
Drew County Frosen Foods, Monticello.
Dunn Slaughter House, De Queen.
Finks Meat Co., Springdale.
Finn Slaughter House, Rogers.
Fletcher Beef Company, Jim, Fayetteville.
Frey and Son, Philip, Ivan.
Gude Packing Co., Blytheville.
*Hightower Packing Co., Newport.
*Heim Bros., Little Rock.
Hi-Lo Provision Co., El Dorado.
Hoover's Slaughter House, Jack, Murfreesboro.
Hot Springs Packing Company, Inc., Hot Springs.
Huber Slaughter Plant, Subiaco.
Huckaby Super Market, Benton.
*Hughes Sausage Co., North Little Rock.
Hunt, Leo, Pine Bluff.
Hylton Slaughter, Springdale.
Kents Wholesale Meats, Hamburg.
Kierre and Sons, North Little Rock.
Kindervater and Sons Market, R., Little Rock.
Kranc Meat Market, Ozark.
*Kruse Packing Co., Alexander.
Lawhon Meat Co., C. L., North Little Rock.
Lawton Wholesale Meats, Warren.
*Little Rock Packing Co., Little Rock.
Linaker Co., C. A., McGehee.
Lowell Packing Co., Lowell.
*Lowery Bros., North Little Rock.
*Malone Packing Co., Texarkana.
McKeiver's Wholesale Meats, Monticello.
*Meacham Meat Market, Batesville.
Mhoon Beef Co., Fayetteville.
Morrilton Packing Co., Morrilton.
Morris Packing Co., Hope.
Newport Packing Co., Newport.
*North Side Packing Co., North Little Rock.
*Northwest Arkansas Packing Co., Rogers.
Owens Wholesale Butcher and Slaughtering, O. E., Pearcy.
*Person Provision Co., Jacksonville.
Phillips Packing Co., Magnolia.
Pitchford Market, Hartford.
Polk County Locker Plant, Mena.
Prairie Grove Locker Plant, Prairie Grove.
*Prickett Packing Co., Batesville.
Pruett Meat Market, Batesville.
*Ralph Montgomery Grocery and Market, Hope.
Ranch House Market, Van Buren.
Redd Slaughter House, Harrisburg.
*Reed Packing Co., Pine Bluff.
Reeder Meat Co., Arkadelphia.
Robertson Packing Co., Booneville.
Russellville Packing Co., Russellville.
*Ryburn and Glover Meat Co., Pine Bluff.
Saint Scholastica, Fort Smith.
Schelle Slaughter House, Paris.
Southwestern Packing Co., Hope.
Stafford's Quality Meats, Walnut Ridge.
*Steed Packing Co., Judsonia.
Taylor Bros. Wholesale Meats, Gurdon.
Turners Grocery and Market, Rison.
Ward Packing Co., Stamps.
*Webb Packing Co., Helena.
*Western Meat Packers, Inc., Little Rock.
*White County Packing Co., Search.
Whites Slaughter House, Warren.
Williams Slaughter, Nashville.

CALIFORNIA

*Allen's Meat Products, San Francisco 24.
*Alpha Beta Packing Co., Huntington Beach.
*Alta Meat Co., Dinuba.
*Arnopole Meat Co., Modesto.
*Atwater Meat Co., Atwater.
*Avila Meat Co., Newman.
*Brennan Meat Co., Tulare.
*Canziani, N., San Rafael.
*Chico Meat Co., Inc., Chico.
*Christie, A. W., Blue Lake.
*Circle Bar Meat Farm, Elk Grove.
*Crum Meat Co., McArthur.
*Cuyamaca Meats, Inc., El Cajon.
*Diamond Meat Co., Kerman.
*Elk Grove Meat Co., Elk Grove.
*Evart Meat Co., Thomas G., Healdsburg.
*Felder and Son, Joe, Sonoma.
*Ferrara Meat Co., San Jose.
*Fresno Meat Packing Co., Fresno.
*Hill Top Meat Co., Roseville.
*Hohener, Ernest, San Leandro.
*Johnson, Inc., J. G., San Francisco.
*K and E Meat Co., Auburn.
*Keller Bros. Meat Co., St. Helena.
*Kern Valley Packing Co., Bakersfield.
*Klapp's Package House Market, Ontario.
*Klubnikin Packing Co., Los Angeles 58.
*Langer and Kretner, Eureka.
*Lewis and McDermott, Berkeley.
*Marysville Meat Packing Co., Marysville.
*Modesto Meat Co., Modesto.
*Moller and Sons, H., Pleasanton.
*Naylor, S. E., Soledad.
*Nelson Meat Co., Coyote.
*Northwestern Packing Co., Cottonwood.
*Orvis and Clinger, Inc., Stockton.
*Pacific Packing Co., Gazelle.
*Palace Market, Fresno.
*Palo Verde Meat Package House, Blythe.
*Panizzera, C. V., Occidental.
*Port Stockton Sausage Co., Oakdale.
*Prime Meat Products, Ukiash.
*Redwood Meat Co., Eureka.
*Rosen Meat Package Co., Inc., Vernon.
*Russ Meat Co., Eureka.
*San Luis Meat Co., San Luis Obispo.
*San Miguel Meat Co., San Miguel.
*Santa Ana Packing Co., Santa Ana.
*Santa Maria Meat Co., Santa Maria.
*Scotia Packing Co. and Locker, Scotia.
*Sebastopol Meat Co., Petaluma.
*Smith Packing Co., San Bernardino.
*Sonoma Meat Co., Sonoma.
*Stoeven Bros., Dixon.
*Stornetta Bros., Point Arena.
*Susanville Meat Co., Susanville.
*Taafe, William A., Co., Inc., San Francisco.
*Talone Packing Co., Escondido.
*Temecula Meat Packing Co., Temecula.
*Turlock Meat Co., Turlock.
*Ventura Meat Packing Co., Saticoy.
*Walker's Markets, Inc., Upland.
*Walnut Creek Meat Co., Walnut Creek.
*West Coast Meat Co., Alvarado.
*Wright Packing Co., National City.
*Yettner Bros., Fort Bragg.
*Zeff & Co., B., Modesto.

COLORADO

*A and C Packing Co., La Salle.
*Altburger, Louis, Denver.
*Arvada Packing Co., Arvada.
Basin Livestock Commission Co., Durango.
*Colorado Packing Co., Inc., La Junta.
Cortez Packing Co., Cortez.
*Loveland Packing Co., Inc., Loveland.
Mountain Packing Co., Dolores.
Ovid Locker Plant, Ovid.
Pavetti Sausage Co., Trinidad.
*Samett Packing Co., Denver.

CONNECTICUT

Andrychowski, Emil and John, Willimantic.
*Belt Bros., Norwich.
Block, Benjamin, Shelton.
*Bridgeport Municipal Abattoir, Bridgeport.
*Clark, L. W., Danbury.
*Connecticut Packing Co., Bloomfield.
Dan-Brook Packing Co., Brookfield.
*Double A Packing Co., Beacon Falls.
*Forte, J. F., Branford.
*Freeman, Myer, New London.
Goldberg, Daniel, Colchester.
*Hartford Provision Co., Hartford.
*Hertz Bros., Norwich.
*Home Pride Provisions Co., Stafford Springs.
*Longhi, Edward, Torrington.
*Manchester Beef Co., Manchester.
*New Haven Rendering Co., West Haven.
*Novak, Abe, Danbury.
*Omaha Beef Co., Danbury.
*Shore Line Packing Co., East Haven.
Southington Packing Co., Southington.
*Waterbury Butchering Co., Waterbury.
*Zeffiro, Frank, New Hartford.

DELAWARE

Goldberg Bros., Inc., Wilmington.
Hendler, Sidney, Wilmington.
Kemps Meats, Wyoming.
Kosters Frozen Food Lockers, Laurel.
Messina, Anthony G., Wilmington.
Platt, Isadore, Wilmington.
Poore's Meat Market, Smyrna.
Torbert Bros., Felton.
Townsend Locker Plant, Townsend.
White Packing Co., Lewes.
Woerner and Souder, New Castle.

FLORIDA

*Beesley Packing Co. of Florida, Pensacola.
*Central Packing Co., Center Hill.
*Copeland Sausage Co., Inc., Alachua.
*Dirr Gold Seal Meats, Inc., Miami.
*Florida Sausage Co., Pensacola.
*Gold Merit Packing Co., Inc., Jacksonville.
*Gotham Provision Co., Inc., Miami Springs.
*Hawkins Wholesale Meats, E. M., East Palatka.
*Hickory Hill Meat Packers, Inc., Tampa.
*Jackson Packing Co., Marianna.
*Jones-Chamblias Co., Jacksonville.
*Loeb and Gottfried, Hialeah.
*Lykes Bros., Inc., Tampa.
*Meat Supply Co., Pensacola.
Register Meat Co., Establishment No. 6, Cottondale.
Suwannee Packing Co., Live Oak.
*Tinsley Meat Slaughtering Establishment, Jacksonville.
*Tobias Packing Co., Chipley.

GEORGIA

Akridge Sausage Co., Rome.
Avera Provision Co., Augusta.
Bearden Provision Co., Calhoun.
*Beavers Packing Co., Newman.
Brooks County Packing Co., Inc., Quitman.
Carroll Packing Co., Valdosta.
*City Abattoir, Albany.
*Cochran Provision Co., Dublin.
Duffey Sausage Co., Inc., Carrollton.
Evans Locker Plant, Evans.
Grady Packing Co., Cairo.
Harrell Sausage Co., Bainbridge.
Levinson Bros., Rome.
*Lowell Packing Co., Fitzgerald.
*Meddin Packing Co., Savannah.
*McEver Packing Co., R. H., Talmo.
*Pioneer Provision Co., Atlanta.
Rome Provision Co., Inc., Rome.
*Scott Meat Packers, Augusta.
Quitman Abattoir, Quitman.
*Shores Packing Co., Savannah.
*Simpson Provision Co., Inc., Fayetteville.
*Southern Foods, Inc., Columbus.
*United Butchers Abattoir, Inc., Atlanta.
Union Provision Co., Dalton.
Valdosta Abattoir, Valdosta.
Wiggers Packers, Columbus.

IDAHO

Anketell Slaughterhouse, Nampa.
*Boise Valley Packing Co., Eagle.
Bratcher Meat Pack, Payette.
*Bryant Packing Co., Burley.
*Carter Packing Co., Buhl.

City Meat Market, Wallace.
*City Packing Co., Salmon.
*Custom Meat Co., Boise.
Dahmen Food Lockers, Lewiston.
*Davis Packing Co., Boise.
*Goodby and Sons Meat Co., Sandpoint.
*Grimes Packing Co., Nampa.
*Idaho Falls Meat Co., Idaho Falls.
Ideal Slaughtering Establishment, Eagle.
*Independent Meat Co., Inc., Twin Falls.
Independent Meat Co., Weiser.
*Johnson Packing Co., Blackfoot.
Johnston Bros., Caldwell.
*Knudson Packing Co., Preston.
*Kooken Slaughter Plant, Pocatello.
*Liberty Meat Packers, Eagle.
*Miller Packing Co., Douglas, Rupert.
*McKibben Custom Butchering, Idaho Falls.
Meridian Meat Packers, Meridian.
*Moscow Meat Co., Moscow.
*Nampa Packing Co., Nampa.
*Owyhee Meat Packers, Homedale.
Penguin Lockers, New Plymouth.
*Peoples Market Plant, Pocatello.
*Taylor Meat Co., Idaho Falls.
*Wallace Meat Co., Wallace.
Williams Custom Service, Council.
*Y-J Packing Co., Coeur d'Alene.
*York Packing Co., Twin Falls.
*Zweigart Packing Corp., Pocatello.

ILLINOIS

Al's Packing Plant, Warrenville.
Bartlow Bros., Inc., Rushville.
Behrman Market, Okawville.
Bergman Meat Packing Co., Inc., Pittsfield.
Brighton Locker Plant, Brighton.
Burnside and Sons, L., Marengo.
Calihan and Co., Peoria.
Chrisman Food Lockers, Chrisman.
Covemaker Packing Co., Moline.
Cowperthwaite Super Market, Bushnell.
Curby's Butcher Shop, Beaverville.
Dintelmann's Wye Market, Marissa.
Ducey and Son, Mike, Pittsfield.
DuQuoin Packing Co., DuQuoin.
Eckert Orchard Association, Belleville
Edgar County Locker Service, Paris.
Elmwood Locker Service, Elmwood.
Eversgerd, Henry J., Germantown.
Foremost Packing Co., East Moline.
Goble, Howard, Danville.
Hamilton Locker Service, Hamilton.
Hansen's Meat Processing Plant, Freeport.
Hartrich Meat Processing Plant, St. Maries.
Hauffe's Meat Market, Lincoln.
Hill Packing Co., Danville.
Houchlei Meat Market, Sorento.
Humphrey Packing Co., Lawrenceville.
Ingalls Frozen Food Center, Milford.
Jones, Marshall E., Springfield.
Jones Packing Co., Harvard.
Johannes Market, Quincy.
Kabrick Locker Plant, Plainville.
Knab Meat Market, New Athens.
Kunkel Packing and Provision Co., C., Quincy.
L and M Slaughter House, Georgetown.
Landolt, Harold, Alhambra.
Lewistown Locker, Lewistown.
Lord, C. R., Olney.
Lyetta Meats, Inc., Coulterville.
Madison Packing Co., Madison.
Magelli Bros., Inc., Marseilles.
Margolin Packing Co., Danville.
McLain's Locker Plant, Warren.
Metamora Abattoir, Metamora.
Mounds Locker Service, Mounds.
Noble Locker, Noble.
Pasquo Podeschi, Taylorville.
Parks Processing Plant, Warren.
Petroff Packing Co., Benton.
Quincy Beef and Veal Co., Quincy.
Raber Packing Co., Peoria.
Raleigh Packing Co., Raleigh.
Richard Locker and Processing Plant, Homer.
Rock River Provision Co., Rock Falls.
Rocke's Cold Storage, Morton.
Rossville Food Lockers, Rossville.
Ruff Locker Service, Quincy.
Shanks Packing Co., Mattoon.
Smith Packing Co., Harrisburg.
Streck Packing Co., Belleville.
Stone Meat Packing, Chicago Heights.
Ursa Cooperative Locker Service, Ursa.
Virginia Packing Co., Virginia.
Wessel Bros., Inc., Belleville.
West Frankfort Packing Co., West Frankfort.
Weyhaupt Brothers Packing Co., Belleville.
Wunderlich Packing Co., Sharon.
Tuscola Locker Service, Tuscola.
Y and T Packing Co., Springfield.
Young's Packing Co., Inc., Decatur.

INDIANA

Albany Frozen Food Locker, Albany.
All Valley Meat Supply, Terre Haute.
Allen's Monticello Packing Co., Monticello.
B and B Packing, Gary.
B and B Processing Plant, Boonville.
Berne Locker Storage, Berne.
Betulius Slaughterhouse, Haubstadt.
Blinzinger's Market, Tell City.
Bloomington Packing Co., Inc., Bloomington.
Bobay's Slaughter House, Fort Wayne.
Boone County Packing Co., Lebanon.
Bowman's Butchering House, Peru.
Boyer Lockers, New Washington.
Brook Locker Plant, Brook.
Buchanan Processing Plant, Mt. Vernon.
City Meat Market, Boonville.
Clark and Moore Processing Plant, Monticello.
Cole Packing Company, Mark, Sharpsville.
Collins, Raymond, Poland.
Corbin Food Lockers, Brownsburg.
Coussens, Camiel, Granger.
Covington Food Lockers, Covington.
Daniels Bros., Inc., Columbus City.
Denny and Barker, Inc., Huntington.
Dewig Brothers Packing Co., Haubstadt.
Dishman, Felix, Peru.
Ditzler Locker Co., Peru.
Eel River Packing Co., Jamestown.
Elkhart Packing Corp., Elkhart.
Fender, Russell Ted, Spencer.
Fisher Packing Co., Portland.
Fitzsimons Market, Roachdale.
Frankfort Provision Co., Frankfort.
Franklin Slaughter House, Wabash.
Freeman and Son Locker Plant, Worthington.
Frozen Food Service, Inc., Salem.
Fults and Sons, E. C., Indianapolis.
Gilbert Slaughter House, Van Buren.
Godfrey's Plant, R. R. 3, Brazil.
Goff, Inc., Pendleton.
Grater Meats, Connersville.
Greenfield Abattoir, Inc., Greenfield.
Greenwood Food Lockers, Greenwood.
Green Valley Slaughterhouse, Brownsburg.
Grundhoefer and Sons Packing Co., Dale.
Gustin Slaughter House, Antwerp.
Gutzweiler Packing Co., Jasper.
Hamilton Locker Plant, Hamilton.
Hand Slaughter House, Kenneth, Angola.
Hand's Market, Angola.
Harris Packing Co., Sam, Crawfordsville.
Hastings Slaughter House, Martinsville.
Helm Market, Forest, Winchester.
Hickory Hills Processing Plant, Spencer.
Hill Top Packing Co., Huntingburg.
Hitch Packing Co., Princeton.
Hockney Packing Co., Thayer.
Hollar Market, Nappanee.
*Hoosier Abattoir, Indianapolis.
Ingram's Meatland, Goshen.
Janert Packing Co., Inc., Indianapolis.
Johnson County Farm Bureau Co-op Association, Inc., Franklin.
Jones Custom Butchering, Zionsville.
Kaiser Meat Market, Cedar Grove.
Kentland Locker Plant, Kentland.
Klinedinst Packing Co., Walkerton.
Knight's Frozen Food Locker, Edinburg.
Kucan Food Shop, Gary.
Kuiper Packing, Christ, Lowell.
Laurents Packing Co., Guy, Fort Wayne.
Lengerich Slaughter House, Monroe.
Lennons Custom Butchering, Hartford City.
Lester Packing Co., Linton.
Livengood Meat Shop, Lebanon.
Long Slaughterhouse, Winslow.
Lutz Packing Co., Indianapolis.
Marburger Abattoir, Peru.
Merkely and Sons, Inc., Jasper.
Mishler Packing Co., Lagrange.
Monon Locker Plant, Monon.
Moore Packing, Gary.
Mooresville Packing Co., Mooresville.
Morocco Locker Plant, Morocco.
Ness and Sons Packing Plant, J. E., North Judson.
Nicely, I. G. A., Fowler.
Ossian Locker Plant, Ossian.
Parrot Packing Co., Fort Wayne.
Price's Abattoir, Walter, Plymouth.
Rahe and Sons, William J., Muncie.
Riverside Packing Co., Goshen.
Rockville Packing Co., Rockville.
Roos Packing Co., Indianapolis.
Rose City Packing Co., Inc., New Castle.
Rowe and Sons, A., Terre Haute.
Roy's Packing Plant, Elkhart.
Sanitary Main Meat Market, Brookville.
Schmitt Locker Service, H.P., Decatur.
Schneiker Slaughter House, New Haven.
Schuler Packing Co., Ferdinand.
Sellersburg Locker Co., Sellersburg.
Schackelford, W. E., Owensville.
Sievers, Lester, Vincennes.
Sievers, Louis, Vincennes
Snelly's, Angola.
Sniders Country Market, Muncie.
Snyders Market, Angola.
South Side Butchers, Indianapolis.
Stahley's Slaughterhouse, Milan.
Standard Packing Co., Kokomo.
Straub and Smith Packing Co., Indianapolis.
Summers Packing Co., North Liberty.
Vale City Packing Co., Valparaiso.
Valentine Co., Inc., Terre Haute.
Van Wagner Bros., Angola.
Van Wagner, Dick, Orland.
Vetter Meat Co., Kokomo.
Vietti Bros. Packing Co., Clinton.
*Wabnitz and Deters, Indianapolis.
Warrick County Frozen Food Lockers, Boonville.
Weiler Packing Co., Batesville.
Wenning Packing Co., Inc., New Salisbury.
West's Locker and Slaughter House, Amo.
Whisler and Sons, Inc., J. L., Elkhart.
Wilcox Bros., North Liberty.
Williams and Son, Inc., J. B., Walkerton.
Wolf Meat Market, New Albany.
Wright Packing Co., Chandler.
Wyatt Packing Co., Wyatt.
Young Bros. Market, Ladoga.
Young Packing Co., Noblesville.
Zaring Processing Plant, Greencastle.

IOWA

Bruhn's Freezer Meats of Cedar Rapids, Inc., Norway.
Bruhn's Freezer Meats of Davenport, Inc., Davenport.
Bruhn's Freezer Meats of Des Moines, Inc., Booneville.
Hawkeye Pack, Sioux City.
Marshalltown Packing Co., Marshalltown.
Meyer Packing Co., Sioux City.
Nissen and Son Packing Co., Inc., G. B., Webster City.
Richard and Sons., Inc., C. W., Muscatine.
Smit and Son, Inc., Boyden.
Smith Packing Co., Sioux City.
Steele Packing Co., George H., Centerville.
Younie Processing Plant, Hawarden.

KANSAS

A and H Butchers, Arkansas City.
*Abilene Packing Co., Abilene.
*Adams Bros. Packing Plant, Coby.
Addington Slaughtering Establishment, Elkhart.
Anthony Meat, Anthony.
Ayers Packing Plant, Greenleaf.
Barnes Dressed Beef Co., Parsons.

Beattie Lockers, Beattie.
Beverly Meat and Locker, Inc., Salina.
Biceimeyer Slaughterhouse, Kansas City.
Brooks Locker Service, Blue Rapids.
Burd Locker and Grocery, Atwood.
Butcher Packing Co., Coffeyville.
Cody Slaughtering Establishment, Claude, Osborne.
*Colby Locker, Colby.
Coldwater Lockers, Coldwater.
Columbus Wholesale and Retail Meats, Columbus.
Comanche Meat Co., Wichita.
Community Locker Service, Medicine Lodge.
Cramer Food Bank, Washington.
Davenport Meat Plant, Lawrence.
DeGraeve Slaughtering Establishment, Lorene, Bucyrus.
*Dunn Packing Co., Wichita.
Dye Slaughterhouse, Meade.
Economy Lockers, Sharon Springs.
Emporia Packing Co., Emporia.
*Fanestil Packing Co., Emporia.
Fisher Grocery and Locker, Bird City.
*Fredonia Packing Co., Fredonia.
*Fort Scott Packing Co., Fort Scott.
*Gallagher Processing Co., Concordia.
Garden City Packing Co., Garden City.
Gardner Packing Co., Hutchinson.
Gettle and Sons Lockers, Wichita.
Glenn's Frozen Food Service, Dighton.
*Griffith Provision Co., Inc., Downs.
Grinnell Locker, Grinnell.
Haag Locker Plant, Fairview.
Haddam Locker, Haddam.
Harrell Packing Co., Hugoton.
Herrmann Locker, Waterville.
Hentzler Packing Co., Topeka.
Herndon and Sons, Syracuse.
Hoseney's Dressed Beef, Coffeyville.
Howard Packing Co., Howard.
Howell's Market, St. Francis.
Independent Slaughter Establishment, Salina.
Jesco Meat Packers, Caldwell.
Jones Packing Co., Dodge City.
K–12 Meat Co., Baxter Springs.
Kanes Packing Plant, Meade.
Katches Packing Co., Wichita.
Kaw Valley Packing Co., Kansas City.
Kier Grocery and Market, Mankato.
Kimmal Packing Co., Norton.
Kiowa Locker System, Kiowa.
Liberal Packing Co., Liberal.
Louis' Zero Lockers, Girard.
*M and M Packing Co., Iola.
Mathes Meat Co., W. A., Kansas City.
*McArthur Meats, Inc., Hutchinson.
McFerron Bros. Wholesale Meats, Lawton.
Menghini Packing Co., Frontenac.
*McLeon Packing Co., Valley Falls.
Miller Locker System, Erie.
Miller Packing Co., Wilson.
Modern Market and Lockers, Winona.
*Moore's Packing House Market, Parsons.
*O. K. Packing Co., Gooding.
Oberlin Locker, Oberlin.
Old Fashioned Meat Market, De Soto.
Palace Market, St. Francis.
*P and B Packing Co., Hays.
Phillips Slaughterhouse, Hill City.
Phillipsburg Lockers, Phillipsburg.
Pratt Frozen Food Locker, Pratt.
Ragsdale Slaughtering Establishment, Liberal.
Rindt Slaughtering Co., Galena.
Schnelle's Wholesale Meats, Greensburg.
Snow's Locker Plant, Kansas City.
Stoney Bros. Slaughterhouse, Herndon.
*Sunflower Packing Co., Wichita.
Swim Lockers Service, Marysville.
Synovec Grocery and Locker, Morrowville.
*Thies Packing Co., Great Bend.
Tonganoxie Frozen Foods Locker, Tonganoxie.
Valley Vista Locker Service, Topeka.
Vlach and Sons, Joseph, Hanover.
Washburn Packing Co., Hutchinson.
Welch's Frozen Food Center, Frankfort.
Wiley and Green Packing Co., Leavenworth.
Wilkerson Meat Co., Pittsburg.
*Winchester Packing Co., Hutchinson.
Winkler's Slaughterhouse, Liberal.
*Woody's Wholesale Meats, St. Marys.

KENTUCKY

Alford and Son, J. W., Alexandria.
Ashland Meat Co., Ashland.
Boone's Abattoir, Bardstown.
Brown Thompson's and Son, Fancy Farm.
Campbell Co., S. M., Gray.
*Dawson-Apatz Packing Co., Inc., Louisville.
Eckert Packing Co., Henderson.
Emory Gillum Wholesale Meats, Inc., Ashland.
Field Packing Co., Bowling Green.
*Field Packing Co., Inc., Owensboro.
*Fleischaker Co., Louisville.
Frosty Foods Locker, Taylorsville.
Henderson Slaughtering, Henderson.
Jones Packing Co., Paducah.
*Klarer Provision Co., Louisville.
*Koch Beef Co., Louisville.
*Louisville Beef Co., Louisville.
Metzger Bros., Paducah.
*Mount Sterling Packing Co., Mount Sterling.
*Quality Packing Co., Lexington.
Rice Packing Co., C., Covington.
Riddell Meat Market, Warsaw.
Riverside Packing Co., Paducah.
Robb Packing Co., Lexington.
Schneider and Son, Inc., J. F., Middlesboro.
Shroat Meat Market, Murray.
Waldrup Packing Co., Blackey.
*Spring Packing Co., Louisville.
Wiman Packing Co., Madisonville.

LOUISIANA

Adams' Slaughter House, Amite.
Allen Super Market, Kentwood.
*Angola Packing House, Angola.
*Arabi Packing Co., Inc., Arabi.
*Austin Packing Co., Inc., Houma.
Bahm's Meat Plant, Wallace, Loranger.
*Barnes Packing Co., R. L., Lake Charles.
*Berry Slaughter House, H. O., Bastrop.
Bobby's Market and Slaughter House, Sulphur.
Bossier Frozen Foods, Bossier City.
*Britt Packing Co., Shreveport.
Brown-Edwards Packing Co., Alexandria.
Brown and Son Packing House, C., Ragley.
Byrd and Son, Joseph W., Many.
*C and L Packing Co., Tallulah.
Caldwell Packing Company, West Monroe.
Caroll Slaughter House, Wisner.
Catalano's Meat Market, Independence.
Chasson Meat Market, Arthur, Lockport.
Chesson Slaughter House, Vinter.
*City Abattoir, Inc., Baton Rouge.
Coleman Slaughter House, Fields.
Courville Slaughter House, Lafayette.
Crawford's Super Market, Covington.
Crain Slaughter House, J. A., Franklinton.
Crain Slaughter House, L. V., Varnado.
Crumpler's Packing House, DeRidder.
Cutrer's Slaughter House, Frank, Kentwood.
Davis Slaughter House, John A., Nonesville.
Delcambre Slaughter House, E. J., New Iberia.
Dufrene Slaughter and Packing Co., Allemands.
*Fontenot Sausage Kitchen, Frank, Villa Platte.
*Frey and Sons, Inc., L. A., Lafayette.
*Fuselier Packing Plant, Ville Platte.
Fontenot Slaughter House, Wilson, Ville Platte.
Green Slaughterhouse, Edward, Bastrop.
Goodman Slaughter House, Winnsboro.
Grant Slaughter House, Kurthwood.
Guy Merchandise and Market, H and H, Angie.
*H and S Packing Co., Baton Rouge.
*Harris and Co., Ed, Ferriday.
Hyde's Slaughter House, Jessie, Robert.
Jagneaux Sausage Kitchen, Opelousas.
Johnson Slaughter House, Opelousas.
Kennedy Bros. Meat Products, Bogalusa.
Knight Slaughter House, S. A., Bogalusa.
Knight Slaughter House, W. E., Franklinton.
Knight Slaughter House, W. W., Franklinton.
Ledoux Slaughter House, Layton, Opelousas.
Ledoux Slaughter House, Boo, Eunice.
Liste's Meat Market, Patterson.
Luke Packing Co., Centerville.
*McManus Abattoir and Market, Eunice.
*Micelle Packing Plant, Lake Charles.
*Monroe Packing Co., Monroe.
Morris Slaughter House, Kentwood.
Mougeot Slaughter House, New Roads.
Nash Slaughter House, DeRidder.
*New Orleans Butchers Abattoir, New Orleans.
Northside Packing House, Lake Charles.
*Peltier Packing Co., Inc., Thibodaux.
*Old South Packing Co., Baton Rouge.
*Port City Packing Plant, Scotandville.
Olla Meat Co., Olla.
Pickett's Slaughter House, Delhi.
Pizzolatto Slaughter House, Lewis, Crowley.
Prather's City Abattoir, Crowley.
Prejean Wholesale Meat, Carencro.
Quin Packing Co., T. R., Ceyka.
Ravia's Slaughter House, Sulphur.
*Rapides Packing Co., Alexandria.
Rodrigue's Meat Market, Allen, Thibodaux.
Sances Slaughter House, Ned, Bogalusa.
*Shreveport Packing Co., Inc., Shreveport.
Stanley Locker Plant, Logansport.
*Stevens Meat Co., Inc., Gonzales.
Strohe Slaughter House, Welsh.
*Tallulah Slaughter House, Tallulah.
Thigpen Packing Co., R. E., Mansfield.
*Theriot and Daigle, Houma.
Veasey Slaughter House, Abbeville.
Walker Slaughter House, White Castle.
Watson Slaughter House, Jonesboro.
Wesley Market, Amite.
Wiggins Wholesale and Retail Meats, Winnsboro.
Wiltz Robichaux Slaughter House, Crowley.
Wood Slaughter House, L. E., Franklintown.
Up-to-Date Market and Slaughter House, Sulphur.

MAINE

Augusta Abattoir, Augusta.
Boston Bros., North Berwick.
Boynton, Lawrence, Bridgton.
Chasse and Son, Ralph, Sanford.
Hansen and Smith, Inc., St. Albans.
Penley, E. W., Auburn.
Stearns, Inc., Auburn.

MARYLAND

Bauerlien, Edward C., Hampstead.
Benson Meat Products Co., Fallston.
Blessing, Frank I., Deymar.
Bollingers Meat Market, Emmitsburg.
Boyle, B. H., Emmitsburg.
Burger, Samuel B., Williamsport.
Brewer's, H. W., Williamsport.
Brook Meadow Provision Co., Hagerstown.
Bullock, G. Winston, Westminster.
Cecil Provision Co., Elkton.
Clopper, Charles W., Clear Spring.
County Butchers, Inc., Granite.
Crystal Ice and Cold Storage Co., Cambridge.
Dutterer's of Manchester, Inc., Manchester.
Eagle Meat and Sea Foods, Knoxville.
Eby, Irvin E., Hagerstown.
Engle Bros., Froetburg.
Fogle, Theodore A., New Windsor.
Fraley, J. Austin, Thurmont.
Gaithersburg Locker Service, Gaithersburg.
Gladhill Meat Market, Damascus.
Glosser, John E., Hagerstown.
*Hahn Bros., Inc., Westminster.
Harden's Meat Market, Eckart Mines.
Harsch, M. D., Sr., Williamsport.
Hatfield's Meat Market, New Windsor.
*Heil, Henry, Baltimore.
Hemp and Sons, R. D., Jefferson.
Hoffman and Son, Roy L., Hagerstown.
Holsinger, C. M., Hagerstown.
Howard County Meat Mart, Inc., Ellicott City.
Hurd and Son, C. G., Hagerstown.
*Joska Bros., Baltimore.

Kilsheimer Bros., Inc., Washington, D.C.
Late, Howard F., Thurmont.
Lotz's Wholesale Meats, Frostburg.
Main and Sons, C. F., Middletown.
Martin and Son, Edward T., Joppa.
*Maryland Beef and Provision Co., Baltimore.
Metz, Walter M., Williamsport.
*Meyers, William F. and Sons, Westminster.
Miller, Charles, Manchester.
Montgomery Bros., Rising Sun.
Moser, Weaver F., Boonsboro.
Mt. Airy Locker Co., Mount Airy.
Murphy, John G., Butcher, Fallston.
Nichols and Smith Meat Market, Federalsburg.
*Reid, George L., Baltimore.
*Ruppersberger and Sons., George G., Baltimore.
*Schmidt, A. W. and Son, Inc., Baltimore.
*Schmidt and Company, Charles J., Baltimore.
Shallcross, H. E., Rising Sun.
Shaum, F. E., Taneytown.
Shuff, Harry William, Thurmont.
Thompson's Food Market, Maryland Line.
Treuth and Sons., J. W., Catonsville.
Welty's Market, Emmitsburg.
Whitehall Lockers, Gambrills.
Will, Weldon W., Sykesville.
Wolfe's Slaughter House, Cumberland.
Yingling Brothers, Union Bridge.
Yoders Locker Plant, Grantsville.

MASSACHUSETTS

Arena and Sons, A., Hopkinton.
Axler, Abraham (Hatfield Beef Co.), Hatfield.
Bickford's, Cheshire.
Blood and Son, E. L., West Groton.
Bonanno and Sons, Rocco, Methuen.
Budnick and Son, E., Boxford.
Cohen Beef Co., Inc., Jacob, Brighton.
Cook, Edric, Hyden.
Cramers, Louis, North Adams.
Goldberg, Morris, Great Barrington.
Grasso, Angelo, Agawam.
Harris Slaughterhouse, George A., Winchendon.
Hurlburt Slaughterhouse, Ronald, West Orange.
Independent Packing Co., Brockton.
Johnson, Lewis, Templeton.
Judkins, F. H., Athol.
Kabatchnick, Mark Sidney, Chester.
Levine, Louis, Great Barrington.
Mason, Frank F., Williamstown.
McAdoo, Harold A., Bolton.
Miller and Son, Ira G., Milford.
Pekarski, T. Walter, South Deerfield.
Reynolds Slaughterhouse, Shelburne.
Robbins, Richard, Ashby.
Santos Company, Charles, Tewksbury.
Scibelli, Anthony J., Southwick.
Sciebelli, George A., Southwick.
Sheinhit, Jacob, Peabody.
Stearns, Ed, Charlton.
Strecter Slaughter House, Bernardston.
Strycharz Slaughterhouse, Blackstone.
Suprenant, Peter, Leverett.
Szala Slaughtering Establishment, Hadley.
Wiegert Company, George, Worcester.
Wilbur, Joseph H., South Easton.
Wohrle's, Inc., Pittsfield.

MICHIGAN

Allen Packing Co., Charlotte.
*Allendale Beef Co., Allendale.
Anderson Packing Co., Inc., J. S., Muskegon.
*Arensen Packing Co., Grand Rapids.
Besbris and Sons, Inc., Max, Kalamazoo.
*Bettinger and Barnett Beef Co., Detroit, Clare Packing Co., Clare.
*Cohen and Levenberg, Detroit.
*Costello Packing Co., Detroit.
Cox Slaughterhouse, Hudson.
*Double Jay Packing Corp., Dutton.
*Dykstra Bros., Grand Rapids.
Edson, Inc., Lee, Hudsonville.
Fillmore Beef Co., Holland.
*Gemmen and Son, Albert, Allendale.
Goose and Co., Jack, Detroit.
Hazekamp and Sons, Bert, Muskegon.
Heaters Fresh Meat, Dowagiac.
Hillsdale County Meats, Hudson.
Hudson Locker Service, Hudson.
*Huler Abattoirs, Inc., Detroit.
Independent Packing Co., Menominee.
*Johnson Slaughtering Establishment, Carl R., Kalamazoo.
Kalamazoo Packing Co., Vicksburg.
Kappler Packing Co., Ann Arbor.
Lengel Meat Packers, Inc., Temperance.
*Loewnstein and Son, S., Detroit.
Lytle and Sons, W. E., Coldwater.
Marshall Packing Co., Bruce T., Bay City.
*Merritt Packing Co., Carrollton.
Meyer Provision Co., Iron River.
Midway Farm Market, Cassopolis.
*Midway Packing Co., Wayland.
*Monarch Packing Co., Detroit.
Moor Slaughtering Establishment, Don, Homer.
*Morris Snow and Co., Detroit.
*Nathan Rubin, Inc., Detroit.
Newsom Slaughter House, Niles.
*Nichols-Foss Packing Co., Bay City.
Park-Way Meat Co., Flatrock.
Parsell Beef Co., Flint.
Paulsen and Son, Inc., Max, Muskegon.
*Peet Packing Co., Bay City.
*Peet Packing Co., Chesaning.
*Peet Packing Co., Grand Rapids.
Perry Packing Co., J., Hart.
Pleasant Valley Packing Co., Schoolcraft.
Primeat Packing Co., Detroit.
Reznik Packing Plant, South Haven.
Riverside Packing Co., Jackson.
Rountree Packing Co., Hanover.
Schmidt Packing Co., Niles.
Shaw Wholesale Meats, R. I., Casanovia.
Simpson's Country Market, Galien.
*Smallegan, Arthur, Forest Grove.
Smith Packing Co., Hubert H., Muskegon.
Smith Packing Plant, H. A., Fort Huron.
Snyder Farms, Byron Center.
*Standard Beef, Inc. (east), Detroit.
*Standard Beef, Inc. (west), Detroit.
Steeb Bros., Ann Arbor.
*Tamaren Beef Co., Isaac, Detroit.
*Tannehill and De Young, Inc., Traverse City.
Telfer Packing Co., Owosso.
Terrill Super Market, Marcellus.
Thompson Beef Co., Hamtramck.
Van Alstine, William, East Lansing.
*Vander Boon Bros., Ada.
*Victory Beef Co., Detroit.
*Vogt Packing Co., Flint.
*Wall Packing Co., Sturgis.
*Wayne Packing Co., Detroit.
*Zandbergen Slaughterhouse, Grandville.

MINNESOTA

Caldwell Packing Co., Windom.

MISSISSIPPI

Archer, B. F., Mathieston.
Barnett Sausage Co., North Biloxi.
Beck Packing Co., Byram.
Belmont Packing Co., Belmont.
Betbeze Bros. Packing Co., Meridian.
Bryant's Super Market, Winona.
Burks Slaughter House, Carriere.
*Central Packing Co., Hattiesburg.
Cochran Frozen Food Locker, Waynesboro.
Columbus Packing Co., Columbus.
Columbus Provision Co., Columbus.
Counce Curing Plant, H. R., Corinth.
*Delta Packing Co., Clarksdale.
Davis Bros., West Point.
*Dedeaux Packing Co., Gulfport.
Delta and Pineland Co., Scott.
Fortenberry, Kearney E., Sandy Hook.
*Gilbert Slaughter House, B. J., McComb.
Happy Acres, Petal.
*Hickman, H. J., Gulfport.
Isbell and Sons Meat Curing Plant, A. H., Corinth.
Isbell Distributing Co., Corinth.
Jackson Packing Co., Jackson.
Fortenberry, Ben, Carriere.
*John R. Bounds Slaughtering Establishment, Picayune.
Jones Slaughter House, Brookhaven.
Lamey's Slaughter House, Biloxi.
Lauderdale Cold Storage, Meridian.
*Mallett, F. S., North Biloxi.
McBride Curing Plant, Iuka.
Michel Packing Co., C., Meridian.
Orman's Sausage Co., Ellisville.
*Owen Bros. Packing Co., Meridian.
Ole Hickory Sausage Plant, Magnolia.
Passbach Slaughtering House, Natchez.
*Pioneer Provisions Co., Grenada.
Robinson Bros. Packing Co., Batesville.
Sam's Slaughter House, Waynesboro.
Stringer Slaughter House, Columbia.
*Valley Farm Packing Co., Laurel.
Van Norman Slaughtering Establishment, McComb.
Waller Slaughter House, Waynesboro.
*West Packing Co., Indianola.
Wise and Wise Packing Co., Greenville.

MISSOURI

Alewel Bros. Locker Plant, Concordia.
Anderman Slaughter Establishment, Edward, Hickman Mills.
Asel's Slaughter House, Washington.
Baker Packing Co., Mexico.
Barton County Packing Co., Inc., Lamar.
Baum Packing Co., Dan, St. Louis.
Bouchaert Packing Co., St. Louis.
Central Packing Co., Cape Girardeau.
*Cloud Packing Co., Ned, Springfield.
Coleman Packing Plant, Holden.
Copes' Slaughter Co., Palmyra.
Crandal's Frozen Food Lockers, Warrensburg.
Cummins Custom Butchery, Webb City.
Delaloye and Sons, Troy.
Dexter Packing Co., Dexter.
Evans and Sons Slaughtering Establishment, E. S., Carthage.
Frick's Super Market, Inc., Washington.
Frick Slaughter Service, Union.
General Meat Co., St. Louis.
Grand Packing Co., Imperial.
Grote, T. J., Imperial.
Herrod Packing Co., Inc., Joplin.
Hester Packing Co., A. L., Bernie.
Kornbelt Packing Co., St. Louis.
Lebanon Packing Co., Lebanon.
*Le Duc Packing Co., Springfield.
Liberty Locker Co., Liberty.
M. F. A. Packing Division, Springfield.
Manning Dressed Beef, Springfield.
Maryville Packing Co., Maryville.
McGee's Home Killed Meats, Mexico.
Moberly Packing Plant, Moberly.
Modlin, Jack, Webb City.
Mueller's Meat Market, Altenburg.
Nenninger Packing Co., Cape Girardeau.
Ogden Slaughtering Establishment, Cottle P., Vandalia.
Paris Lockers and Abattoir, Inc., Paris.
Pemiscot Packing Co., Wardell.
Pipkin, Boyd Neal Packing Co., Cape Girardeau.
Poplar Bluff Packing Co., Poplar Bluff.
Raders, Inc., Columbia.
Reinhardt Packing Co., St. Louis.
Reitz Meat Products, Raytown.
Roseville Packing Co., Springfield.
Salem Auction Co., Salem.
Schneider Packing Co., St. Louis.
Sikeston Food Lockers, Sikeston.
Stanley Meat Co., Affton.
Twin City Packing Co., Festus.
United Meat Co., Inc., St. Louis.
Urbana Locker, Urbana.
Volz Packing Co., St. Louis.
Welsh Packing Co., Springfield.
Wicks Slaughter House, Walter, Pierce City.
Westerman, John, Troy.
Wuestling Packing Co., St. Louis.
Yentz Packing Co., Tipton.

MONTANA

Blastock Wholesale Meats, Butte.
Miles City Packing Co., Miles City.
City Meat Co., Wolf Point.
*Montana Meat Co., Helena.
New Butte Butchering Co., Butte.

Oljar Meat Co., Glendive.
Rahr, John, Glendive.
Sidney Locker and Creamery Co., Sidney.
Valley Meat Co., Sidney.

NEBRASKA

Brauer Packing Co., Chappell.
Bridgmon Wholesale, Tecumseh.
Community Locker Center, Fullerton.
Consumers Packing Co., Superior.
Custom Pack, Hastings.
Deerson Meat Packing Plant, Elkhorn.
Dundy County Processors, Benkelman.
F and S Sausage Co., Cozad.
Farmers Union Co-op Gas and Oil Co., Big Springs.
•Flicker Packing Co., Scottsbluff.
Ford Packing Co., Grand Island.
H and B Packing Co., Scottsbluff.
•Hersch Packing Co., Scottsbluff.
Hollstein's Packing Co., Rushville.
Ideal Market, Gordon.
Jurgens Meat Service, Big Springs.
Kauf Packing Co., Hastings.
Nebraska Ice and Locker Service, Falls City.
North Platte Packing, Inc., North Platte.
Osborn's I. G. A. Store, Hay Springs.
Red Cloud Packing Co., Red Cloud.
Roode Packing Co., Inc., Fairbury.
Roman Packing Co., Norfolk.
Sanitary Market, Mitchell.
Saum Lockers, Davenport.
Shald Market, Gordon.
Snyder Packing Co., Red Cloud.
Standard Market, Hebron.
Sterling Packing Co., Sidney.
Superior Locker, Superior.
Swayze Packing Co., S. E., Edison.
•Vanderheiden's Slaughter House, Valentine.

NEVADA

Bybee Slaughtering Establishments, M. B., Ely.
Dangberg Meat Co., Gardnerville.
•Hecks Market, Fallon.
•Horloacher Meat Co., Fallon.
•Mori Slaughter House, Fallon.
•Mori Meat Co., Fallon.
•Nevada Meat Packing Co., Reno.
•People's Packing Co., Yerlington.
•Ruby Mountain Packing Co., Elko.

NEW HAMPSHIRE

Edwards, George, Walpole.
French Brothers Beef Co., Inc., Hooksett.
Hoffman, Fred, Hooksett.
Langelier, Lucien, Rochester.
Satzow, Samuel, Claremont.
Taylor, George, Dover.

NEW JERSEY

Brummel, Louis, Trenton.
Dealaman, George, Plainfield.
Delaware Packing Co., Trenton.
De Vries, John, Newton.
Carteret Abattoir, Carteret.
Dielmann, Fritz, Oak Ridge.
Earruaso, Joseph, Whippany.
Fisher Brothers, Bridgeton.
Haskell Packing Co., Haskell.
Mareska's, Stockton.
Monmouth County Abattoir, Asbury Park.
Moonlight Hog Farms, Flemington.
Preziosi, George, New Village.
Rome, Clarence, Sussex.
Salem Packing Co., Salem.
Schein, Inc., Hopelawn.
Singer, Philip L., Sussex.
Tindnik Son's, John, Trenton.
Trenton Packing Co., Trenton.
Vineland Dressed Beef Co., Vineland.
Wagner Provision Co., Gibbstown.
Young, A. A., Phillipsburg.

NEW MEXICO

Addington Locker Plant, Clayton.
Aztec Locker Plant, Aztec.
Belen Locker and Slaughter Pen, Belen.
Ben's Slaughterhouse, Las Vegas.
Dean Wholesale Meat Co., T. M., Hobbs.
Deming Packing Co., Deming.
Dick's Slaughtering House, Clovis.
Glover Packing Co., Roswell.
Hatch Packing Co., Portales.
Houk's Custom Slaughter Service, Clovis.
Las Cruces Meat Co., Las Cruces.
New Mexico Packing Co., Inc., Carlsbad.
Palmer Packing Co., Albuquerque.
Rancho Packing Co., Clovis.
Raton Packing Co., Raton.
Rayjax Packing Co., Fort Sumner.
Rollins Packing Co., Inc., Clovis.
66 Packing Co., Tucumcari.
Snell Packing Co., Inc., Clovis.
Starkey Packing Co., Clovis.
Stephens Packing Co., Albuquerque.
Schwartzman Packing Co., Albuquerque.
Taos Locker Plant, Inc., Taos.
Tularosa Packing Co., Tularosa.
Valley Packing House, Albuquerque.
Valley Packing Co., Fairview.
Valley Packing Co., Farmington.
Williams Slaughter House, Socorro.
Wofford Slaughtering Establishment, Santa Fe.
Zero Locker Plant, Portales.

NEW YORK

Acer, Inc., Buffalo.
Ahl, Charles F., Warsaw.
Archie and Sons, Inc., E. J., Buffalo.
Aronson and Milton Aronson, Jerome, Queensbury.
Aronson, William, Glens Falls.
Aust, A. J., Otto.
Baldwin Slaughterhouse, Orval W., Ripley.
Behr, Moritz, Catskill.
Bernacki Bros., Depew.
Bertch's Slaughter House and Meat Processing Plant, Almond.
Bieser, Frederick, Whitesville.
Booth, Harry L., Freedom Plains.
Brennan, P., Buffalo.
Brown's Slaughter House, Otto.
Cheektowaga Packing Co., Depew.
C. J. D. Packing Co., Inc., Buffalo.
Conti Packing Co., Henrietta.
Cuomo, Neil, Schenectady.
Dean's Slaughter House, Goshen.
Dembo's, Troy.
DeVita, James and Gino, Endicott.
Dover Plains Packing, Dover Plains.
Eckman, Albert M., Frewsburg.
F. K. and Son, Inc., Buffalo.
Fairbank Farms, Ashville.
Farber Meat Packing Corp., Liberty.
Fargnoli, Sam and John, Endicott.
Ford, E. D., West Valley.
Frank Bros., Poughkeepsie.
Frear, Leroy Carl, Endicott.
Goebel Packing Co., Buffalo.
Goshen Packing Co., Howells.
Hans, Edward, Buffalo.
Harrison, W.W., Corning.
Hokan's Slaughterhouse, Angola.
Horlein and Son, Inc., E. C., Buffalo.
Kamery, John Wendell, Olean.
Kingston Beef Corp., Kingston.
Kittle, Nicholas A., Hudson.
Klinck Brothers, Inc., Buffalo.
Klinck and Schaller, Inc., Buffalo.
Kross-Ahl, West Albany.
Kusler, Benjamin, Elmira.
Legters Bros., Clymer.
Levine, Abraham, Ellenville.
Liepshutz Market, Hudson.
Ludington Bros., Maine.
Maple Brook Slaughterhouse, Binghamton.
Maple Grove Farms, Syracuse.
Marbot, Frank, Troy.
McGuire, Frank B., Granville.
Medina Provision Co., Inc., Medina.
Meat Packing Co., William G., Strykersville.
Morandi Packing Co., Hillsdale.
Moses, Norbert, Norwich.
Neckers, Norman C., Clymer.
Norman's Wholesale Meats, Buffalo.
Parker's Slaughter House, Schaghticoke.
Polyniak, Victoria, Newark Valley.
Poughkeepsie Beef Co., Inc., Poughkeepsie.
Rausch and Son, Inc., Frank, Buffalo.
Rosenblum Bros., Cohoes.
Scott, Herbert R., Brocton.
Selected Meat Packers, Inc., Schenectady.
Shapiro Wholesale Meats, M., Jamestown.
Shappee and Sheive, Pine City.
Smith, Bernard G., Troy.
Smith, Harold J., Pine Plains.
Syracuse Packing and Provision Co., Camillus.
Staffeld and Sons, R. W., Buffalo.
Sussman, Louis, Cohoes.
Tog Packing Co., Inc., Buffalo.
Utica Veal Co., Inc., Marcy.
Valentine's Slaughtering Establishment, Kennedy.
Waldenmaier and Sons, George, Feura Bush.
Wallens Byrne Packing Corp., Buffalo.
Wand Co., Slate Hill.
Wieberg, James N., Pine City.
Ziff, Herbert M., Elmira.

NORTH CAROLINA

•Aberdeen Packing Co., Aberdeen.
Asheville Packing Co., West Asheville.
Boyd and Sons, John, Gastonia.
Bryant Packing Corp., Asheville.
Caldwell Packing Co., Cramerton.
•Carolina Packers, Smithfield.
Chadbourn Packing Co., Chadbourn.
Circle "F" Abattoir, Lexington.
City Abattoir, Shelby.
Cook's Packing Co., Inc., Concord.
•Curtis Packing Co., Greensboro.
Draughon's Abattoir, Fayetteville.
Edward's Abattoir, Leaksville.
•Elliott Packing Co., Inc., Goldsboro.
Fritz Packing Co., Inc., Lexington.
Greenville Packing Co., Greenville.
•Hickory Packing Co., Hickory.
•Jones Abattoir Co., Garner.
Land's Slaughterhouse, Spray.
Martin's Abattoir, Godwin.
McDaniel's Abattoir, Fayetteville.
Moricle Abattoir, Reidsville.
Mount Airy Abattoir, Mount Airy.
•New Bern Provision Co., New Bern.
•Piedmont Packing Co., Hillsboro.
Randolph Packing Co., Asheboro.
Skeen Packing Co., High Point.
Statesville Packing Co., Inc., Statesville.
Stewart's Abattoir, Mount Airy.
Whicker Packing Co., William A., Mocksville.
White Packing Co., Inc., Salisbury.
Wilmington Packing Co., Inc., Wilmington.
Yadkin Valley Packers, Inc., Elkin.

NORTH DAKOTA

Bean, Lloyd, Williston.
Delaney Packing Co., Williston.
Williston Meat Co., Williston.

OHIO

Barnes Provision, Inc., Alliance.
Berry S. P., Winchester.
Boll and Son, John, Ironton.
Braun Bros. Packing Co., Troy.
Buchy Packing Co., Charles G., Greenville.
Bussard Slaughter House, Germantown.
Busse and Sons, L. W., Fort Laramie.
Canton Provision Co., Canton.
•Ciralsky Packing Co., Toledo.
•Copley Packing Co., Copley.
Country Pork House, Cincinnati.
•Davies, David, Inc. (616 West Mound St.), Columbus.
•Davies, David, Inc. (1340 Jackson Pike), Columbus.
•Davies, David, Inc., Zanesville.
DiCillo and Sons, Inc., A., Cleveland.
Donelson Packing Co., Carey.
Duma Packing Co., Clinton.
•Eckert Packing Co., Defiance.
Egley's Slaughtering Establishment, Convoy.
•Evans Packing Co., Gallipolis.
Fairmount Provision Co., Alliance.
Falter, Herman Packing Co., Columbus.
Fidel Bros. Packing Co., Unionville.
Findlay Provision Co., Findlay.
Fink and Heine Co., Springfield.
Finley Packing Plant, Inc., McConnelsville.
Fletchner Bros. Packing Co., Inc., Fostoria.

Frame Slaughtering Establishment, Myron, Manchester.
Focke's Sons, William, Dayton.
Gertenlager Meats, Inc., Creston.
Gils, K. C., Cleveland.
Goldsberry Slaughtering Establishment, Ripley.
•Hall Brothers, Inc., Olmsted Falls.
Hasselback and Son, E. E., Fremont.
•Henry Packing Co., Lime City.
Hermann, C., and Son Slaughtering Establishment, Portsmouth.
Hostetter Meats, Apple Creek.
Jacoby, Hal C., West Unity.
Kent Provision Co., Inc., Kent.
Krugh's Slaughtering Establishment, Wren.
Liber and Co., John, Alliance.
Lloyd Packing Co., Youngstown.
•Marks and Sons, Inc., Cleveland.
Martin Farm Slaughter House, Fremont.
Matthews, J. H. and Son, Sardinia.
Meloni's Meat, Kinsman.
Myers and Son, Archbold.
New Cooperative Co., Dillonvale.
Ohio Packing Co., Columbus.
•Pacer Packing Co., Toledo.
Peters Slaughter House, E. L., Lewisburg.
Piper and Son Provision, Dorset.
Pride of Lima Provision Co., Lima.
Rittenberger Bros., Zanesville.
Ross Abattoir Co., Springfield.
•Routh Packing Co., Tiffin.
•Sandusky Dressed Beef, Sandusky.
•Schmidt Provision Co., Toledo.
Scioto Provision Co., Neward.
Sear's Meat Market, Greenville.
Seaman Sons, A. C., Versailles.
Sigi Samuel Slaughter House, Jefferson.
Sturgis Packing Co., Kenton.
Sugardale Provision Co., Canton.
Superior Provision Co., Massillon.
Suter's Meat Market, Greenville.
Tanks Meats, Elmore.
Teufel Co., Howard A., Cleveland.
•Waldock Packing Co., Sandusky.
Walter and Sons, Wapakoneta.
Webb Beef Co., Cleveland.
•Weber Packing Co., Marietta.
Wellsville Packing Company, Wellsville.
Williman's Slaughtering Establishment, Van Wert.
Winner Sons, Robert F., Osgood.

OKLAHOMA

•Akins and Fincannon, Sand Springs.
Antler's Slaughter House, Antlers.
B and B Packing Co., Inc., Oklahoma City.
Banfield Packing Co., Enid.
Braden's Slaughtering Establishment, Ponca City.
•Brooks Packing Co., Tulsa.
Brown's Slaughtering Establishment, Joe S., Tulsa.
Butcher Slaughtering Establishment, Bartlesville.
Butcher Packing Co., W. H., Oklahoma City.
•Canadien Valley Slaughtering Establishment, Oklahoma City.
•Central Packing Co., Muskogee.
City Packing Co., Shawnee.
Clarks Meats Slaughtering Establishment, Perry.
Cleveland Lockers, Cleveland.
Coly's, H. H., Boise City.
Cone Wholesale Market, Miami.
•Cornett Slaughtering Establishment, Oklahoma City.
Crosby and Crosby Slaughtering Establishment, Wright City.
Cushing Packing and Provision Co., Cushing.
•Custom Slaughtering, Inc., Tulsa.
•Daack Packing Co., Ponca City.
Dudley Tucker Slaughter, Durant.
Elkins Market, Waurika.
•Enid Packing Co., Enid.
Fairview Packing Plant, Fairview.
Fraser Packing Co., Aline.
Fraser Wholesale Meat Co., Ardmore.
Groceteria Slaughtering Establishment, Texhoma.
Halstead Slaughtering Establishment, Fairview.
Hamilton Slaughtering Establishment, Midford.
Harris Meat and Produce Co., Oklahoma City.
Harrison's Meat House, Oklahoma City.
Hutchinson Slaughtering Establishment, W. R., Waynoka.
Jackson Slaughtering Establishment, Earl, Pawhuska.
Jones Market, Madill.
•Lawton Meat Supply, Lawton.
•Little Dixie Packing Co., McAlester.
McCreary Packing Co., Enid.
•Miller Packing Co., Sapulpa.
Miller Slaughtering Establishment, Elmer, Covington.
Montgomery Bros., Hugo.
Morris Slaughtering Establishment, J. C., Stilwell.
•Oklahoma Packing Co., Oklahoma City.
•Okmulgee Packing Co., Okmulgee.
•O'Brien Meat Co., Tulsa.
•O. K. Packing Co., Tecumseh.
Osage County Packing Co., Fairfax.
Ponca City Packing Co., Ponca City.
Puckett Packing Co., Sayre.
Redwine's Slaughter House, Hugo.
•Reeves Packing Co., W. E., Ada.
Riber Custom Slaughtering Establishment, Hominy.
Ridley Packing Co., Duncan.
•Santa Fe Packing Co., Muskogee.
•Shalloup Slaughtering Establishment, Alva.
•Southeastern Slaughtering Establishment No. 91, Durant.
Thomas, Earl C., Moore.
Tri-State Super Market, Guymon.
•Tulsa Beef and Provision Co., Tulsa.
Turner Bros., Nowata.
Turner Slaughtering Establishment, Fred, Chandler.
•Turvey, Inc., Oklahoma City.
•Turvey Packing Co., Blackwell.
Union Packing Co., Hartshorne.
Van Cleve, C. L., Tulsa.
Ward Slaughter Establishment, John, Woodward.
Willburn Meat Market, Madill.
Whitten Slaughter House, Broken Bow.
Whittet, Billy W., Dacoma.
•Wickham Packing Co., Ada.
•Wickham Packing Co., Sapulpa.
Wiley Brewer Slaughtering Establishment, Seiling.
•Williams Packing and Storage Co., Miami.
Woods, Lloyd, Westville.
Woodward Packing Co., Woodward.

OREGON

Ab's Slaughterhouse, Sherwood.
Alpine Meat Co., Grants Pass.
•Arrow Meat Co., Cornelius.
•Associated Meat Packers, Portland.
Bevins Packing Co., Madras.
Bond Bros., Lakeview.
Boston Beef House, Ontario.
Boyer Meat, Roseburg.
•Bruce Packing Co., Sublimity.
Cannon Meat Co., R. C., Salem.
Cedar Point Packing Co., Coquille.
Cinder Butte Packing Co., Redmond.
Clover Leaf Packing Co., Drain.
•Crooked River Meat Co., Prineville.
Dalles City Pack, Dalles.
Eldridge Packing Co., La Grande.
Erdman Packing Co., Bandon.
Farmers Packing Co., Medford.
Folett Meat Co., Hermiston.
Gardner Midway Meats, Donald R., Medford.
Garrison, R. O., Lebanon.
Grants Pass Provision Co., Grants Pass.
H and M Meat Co., Union.
Heppner Slaughter House, Heppner.
Hill Meat Co., Pendleton.
•Hopkin's Wholesale Meats, Nyssa.
Independent Meat Co., Ken and Thomas, Ashland.
Jacobmuhlen, John, Cornelius.
•Kenton Packing Co., Portland.
Lewis Bros. Secion Lime and Kine Road, Gresham.
Eastside Abattoir, Ashland.
Medford Meat Co., Medford.
Merrill Meat Co., Merrill.
•Midway Meat Co., Medford.
Montgomery's Killing Plant, Silverton.
Mount Angel Meat Co., Mount Angel.
Myers Cold Storage Lockers, Don, Elgin.
Myers Packing Co., Bend.
Myrtle Packing Co., Coquille.
•Nebergall Meat Co., Inc., D. E., Albany.
Ontario Meat Packing, Ontario.
•Pioneer Meat Packers, Ontario.
Rogue Valley Packing Co., Myrtle Creek.
•Silver Falls Packing Co., Portland.
Steen Bros., Albany.
Super Packing Co., Klamath Falls.
•T. P. Packing Co., Klamath Falls.
Stanfield Meat, Stanfield.
Troutman's Market, North Plains.
Van Dine Meat Co., Myrtle Creek.
Western Meats, Milton-Freewater.
Yocum Meat Co., Coos Bay.

PENNSYLVANIA

Ahrens and Sons, Inc., E. F., York.
Alba, Saverio, and William, Norristown.
Albert Packing Co., Washington.
Alfery's Sausage Co., Greensburg.
Alinikoff's and Son, Harry, Wilkes-Barre.
Anspach, Charles C., Womelsdorf.
Anderson, Roy, East Berlin.
Arena Dressed Beef Co., Norristown.
Attig Bros., Schrewsbury.
Baker's Meat Market, Biglerville.
Baker, Luther, Millville.
Balderston Bros., Newton.
Baringer, Wilmer, Richlandtown.
Barnes, T. William, Waynesburg.
Baum, Daniel S., Elizabethtown.
Baumgardner Packing Co., Finleyville.
Beatty Farm Meat Products, Turtle Creek.
Beaver Valley Packing Co., New Brighton.
Berwick Packing Co., Berwick.
Bethlehem Packing Co., Bethlehem.
Biderman and Moss, Inc., Philadelphia.
Bilski, Joseph, Waterford.
Bingman Packing Co., Berlin.
Bloomfield Packing Co., Pittsburgh.
Blouse Meat Market, Glen Rock.
Bonaccurso and Sons, S., Philadelphia.
Bongiorni Bros., Slovan.
Border, Carlos R., Dalmatia.
Bovalina Packing Co., Inc., Slovan.
Bowders and Son, H. C., Waynesboro.
Bowman, Mark, Hegins.
Boyer, Kenneth L., Klingerstown.
Brand, William, Pipersville.
Breauchy, Harry H., Sharon.
Brenzovich's Meat Market, Jefferson.
Brillhart's Meat Market, Hanover.
Bristol Beef Co., Bristol.
•Brizer Beef Co., Dunmore.
Brown Brothers and Sons, Inc., Fairview.
Brown's Slaughter House, Smethport.
Bryan, John J., Dushore.
Bubbenmoyer, C. W., Bernville.
Burkee's Food Market, McSherrytown.
Burkholder Bros., Lebanon.
Bush, G. D., Jamestown.
Butler Packing Co., Butler.
Bull Run Packing Co., Homestead.
Cappuccio and Carbonaro, Philadelphia.
Carpenter Packing Co., Rex, Townville.
Carpenter, Simon T., Sheridan.
Cary, William L., Harrison Valley.
Castle Provision Co., Darraugh.
Charles Meat Market, Liverpool.
Clark Packing Co., Paxinos.
Cohick's Meat Market, Salladasburg.
Crissman Bros., Castanea.
Cunningham Turkey Farm, Sand Patch.
Daily and Sons, Vanderbilt.
Daisyfield Packing Co., Daisytown.
Danko, Matthew, Latrobe.
Darling, Lester W., La Plume.
Davidek, M. J., Breckenridge.
De Franco, Nick, Bangor.

De Franco, Philip, North Bangor.
Delfrate Packing Co., Slovan.
Delta Farm Products Co., Delta.
Denholm Packing Co., Pittsburgh.
Detwiler's Abattoir, Pottstown.
Devault Packing Co., Devault.
Ditzler Brothers Meat Market, Pine Grove.
Donnie's Food Market, East Berlin.
Dorshimer, David E., Brodheadsville.
Dressler, Paul, Exeter.
East Carson Packing Co., Pittsburgh.
Ebling's Meat Market, Myerstown.
Elizabethville Abattoir, Elizabethville.
Engle Bros., Markleysburg.
Engle and Schantz, East Greenville.
Eremic, George N., Monroeville.
Esposito, Attilio, Philadelphia.
Falk, Karl, Erie.
Feder Co., M., Allentown.
Fehl Co., C. J., Blooming Glen.
Fetterolf, Joseph I., Hegins.
Fisher, Harry D., Lewisburg.
Fischer and Sons, Inc., J. Fred, York.
Fisher, W. J., Winfield.
Flagler, John, Raubsville.
Fox, Augustus, Soudertown.
Fox, Henry J., Mertztown.
Freed's Store, Gilbertsville.
Froehlich Packing Co., Johnstown.
Frigid-Freeze Lockers, Riegelsville.
Galvanek, Edward and Joseph, Freeport.
Gartner-Harf, Waterford.
Gashel, Lee, Claysville.
Gehman, Warren B., Norwood.
Gensemer's, Bloomsburg.
Gentzler, Wilfert N., Dover.
Gertner, Joseph and Stephen, Easton.
Ginter, Urban, St. Mary's.
Giorgio, J., Philadelphia.
Giunta and Sons, Joseph L., Philadelphia.
Glick Bros., Packing Co., Mt. Pleasant.
Godfrey Bros., Felton.
Godfrey, M. Melvin, York.
Godshall, Marvin K., Telford.
Goetz, Robert M., Greencastle.
Goldberg Provision Co., Greensburg.
Good, Incorporated, Carl, Denver.
Good's Market, Quincy.
Goraki, Frank, Hatfield.
Gourley, James P., New Bethlehem.
Grande Brother Packing, Farrell.
Grecek, Frank, Portage.
Green and Son, A., Berwick.
Great Valley Meat Market, Howellville.
Green Valley Packing Co., Claysville.
Greenville Packing Co., Greenville.
Grettler's Market, Girard.
Grissinger Bros., McConnellsburg.
Gum, Russell M., Pen Argyl.
Gurgacz, Mike P., New Castle.
Haas, Raymond, Weissport (East).
Hager's Meat Market, Quakertown.
Hahn Packing Co., Edward, Johnstown.
Haibach Bros., Erie.
Hale and Son, R. B., Halifax.
Hanover Provision Co., Hanover.
Hartman, Paul E., New Tripoli.
Hawkeye Meat Market, Scottdale.
Heckel and Ferian, Pittsburgh.
Helm, Ralph E., Waynesboro.
Heinnickel, Sylvester and Alquin, Crabtree.
Herring, Paul A., Pitman.
Hervits Packing Co., Harrisburg.
Hess Meats, Bob G., Winfield.
*Hickory Packing Co., Scranton.
Hill-n-Dale Farm Meat Co., Dowington.
Hippey, Samuel W., Willow Street.
Hoffer, Frank L., Carlisle.
Hoffman Estate, J. E., Williamstown.
Hollinger, J. Lloyd, Lancaster.
Hollinger Meat Products, Inc., Mechanicsburg.
Homestead Provision and Packing Co., Pittsburgh.
Honsaker Bros., Roaring Springs.
Hooversville Supply Co., Hooversville.
Hostoffer and Sons, E. B., Mount Pleasant.
Huffman, H. M., Vandergrift.
Huffman, Ralph L., Latrobe.
Hunsberger, Joseph J., Royersford.
Hutchison's Custom Butchering, Hydetown.
Hurbs and Chack, Pittsburgh.
Hynes Abattoir, O. J., Cedars.
Imgrund, D. E., New Baltimore.
Imler, Roy S., Altoona.
Imperial Packing Co., Imperial.
Innerst Bros., Dallastown.
Ishman, Robert J., Worthington.
J. T. Provision Co., McKeesport.
Johnson Wholesale Meats, H. T., Northumberland.
Joseph Packing Co., Connellsville.
Juniata Packing Co., Tyrone.
Keefer, C. F., Mercersburg.
Keeney, H. Z., Hungerford.
Keaselring, J. R., Greencastle.
*Kessler, Inc., Lemoyne.
Kipp, Harvey A., Bethlehem.
Kirkpatrick's Meat Market, Scotland.
Klein Provision Company, F. A., Pitcairn.
Kline Bros., Hollidaysburg.
Kling, Arthur C., Landisburg.
Knapp and Son, Lee, Albion.
Knight, Emerson, Penryn.
Kolansky, Abe, Wymart.
Kolb, Samuel, Spring City.
Kottcamp, Homer S., York.
Kovacevic Brothers, Sewickley.
Kratzer, Beulah M., Selinsgrove.
Kreisl Bros., Hazleton.
*Kreisl Brothers, Inc., Shamokin.
Kressler, Herbert H., Quakertown.
Kudasik, Andy, Central City.
Kunzler and Co., Inc., Lancaster.
Landis, Abram A., Harleysville.
Landis, Edgar M., Franconia.
Landis, T. M., Mainland.
Lawrence and Son, H. M., Albion.
Leali Bros. Meats, Sharon.
Lesnett's Green Top Farm, Greenville.
Lepidi and Sons, Inc., M., Jeannette.
Levchik, Mike, Hooversville.
Lichliter and Co., J. C., Salisbury.
Liddiard, Richard W., South Waverly.
Livezey, Merill, Sugar Grove.
Little and Son, L. D., Hanover.
Locustdale Packing Co., Locustdale.
Lofstead, Frank E., Beallsville.
Lonczynski, Thaddeus, Hazleton.
Loutsion Packing Co., Cannonsburg.
Lower's Store, Biglerville.
Luckenbill, Curtis T., Kutztown.
Lukon Meats, Burgettstown.
Lux, Joseph H., Jeannette.
Madrigale, Frank, Bristol.
Magdovitz Packing Co., Connellsville.
Mamula, Pete, Aliquippa.
Manieri, Inc., Philadelphia.
Markle, Clair R., Hanover.
Martin, Charles G. and Leon, East Earl.
Martin, Ezra W., Lancaster.
Marvin, Russell T., Covington.
Martocci, Anthony, Roseto.
McCall Packing Co., Rimersburg.
McClure Locker Plant, McClure.
McGee, G. Fred, Connellsville.
McLoughlin and Fickes, Fayetteville.
Meadow Valley Abattoir, Inc., Gettysburg.
*Medford's Inc., Chester.
Meoli, Peter, Berwyn.
Mitman, Vernon K., Nazareth.
Moatz, C. A. J., Topton.
Moccio and Son, Angelo J., Allentown.
Moore, Amos, Sr., Montgomeryville.
Mount Rose Food Market, York.
Mowry and McKean Super Market, Sandy Lake.
Moyer Bros., Reinholds.
Moyer, Company, C. D., Silverdale.
Moxham Packing Co., Johnstown.
Munger's Locker Plant, North East.
Myers Bros., Spring Mills.
Myers Meat Market, Codorus.
Nace, Melvin M., Hanover.
Nell, C. R. and W. M., East Berlin.
Ness, P. H., York.
New Castle Packing Co., New Castle.
New Holland Meat Market, New Holland.
Newman, Raymond H., Hanover.
Newman's Market, Fairfield.
Northside Packing Co., Pittsburgh.
Northup, Gerry C., North East.
Oswald and Hess Co., Pittsburgh.
Palgon Bros., Tarentum.
Patterson's Meat Market, Littlestown.
Pennsylvania State University, University Park.
Peluso, John M., New Castle.
Peters Brothers Meat Market, Lenhartsville.
*Peters, William E., Inc., Harrisburg.
Pettello, Charles A., Keiser.
Petruzzi's Abattoir, Drums.
Pemmer Bros., Ashley.
Pieniazek, Walter, Waterford.
Pleasant Unity Packing Co., Pleasant Unity.
Prim Packing Co., McDonald.
Princs, August, Mars.
Pudliner, Charles John, Jr., Johnstown.
Putnak, Robert L., Monongahela.
Quakertown Packing Co., Quakertown.
Rebuck, J. E., Rebuck.
Reed, Jay, Latrobe.
Rehrig Slaugher House, Ashfield.
Reichelderfer and Sons, E. H., East Greenville.
Reichert, Melvin N., Bechtelsville.
Reimold, Ed, Transfer.
Reits, Maynard M., Winfield.
Reliable Provision Co., Scranton.
Rendulic, Frank D., McKeesport.
Rhodes, Glen J., Martinsburg.
Ritter, Charles D., Boyertown.
Riverside Meat Packing Co., New Castle.
Roble Meat Packing, Inc., Erie.
Rosen, Max, Pittsburgh.
Rosen, Meyer, Creighton.
Roth and Son, C. R., Shiremanstown.
Roth, Ivan J., Shiremanstown.
Rothermel, Wellington A., Danville.
Rouman, Abram, Lansdale.
Rudy, Harry E., Landisville.
Rupert, Edgar B., Sr., Chambersburg.
Sabatasse Packing Co., Slovan.
Salsburg's Abattoir, Shillington.
Shaffer, Arthur L., New Cumberland.
Schantz, Clifford G., East Greenville.
Schrickram, Franklin, Port Clinton.
Schlegal, Irving J., Hegins.
Shaffer, Fred, Hooversville.
*Shamokin Packing Co., Shamokin.
Shaw Bros., Newry.
Shively Bros., Mifflinburg.
Shober, Roy L., Denver.
Sicilia, Frank, New Kensington.
Silver Lake Packing Co., Dunmore.
Silverberg Meats, Bradford.
Slagle's Packing House, Kittanning.
Smalstig, Fred, Pittsburgh.
Smelko Bros., Mt. Pleasant.
Smith's Quality Super Market, Glen Rock.
Smithgall and Ging, Trout Run.
Snowberger, Bros., East Freedom.
Snyder, Lloyd J., Fleetwood.
Somerset Packing Co., Bentleyville.
Spidle's Meat Market, Lancaster.
Spitzler's Meat Products, Inc., Uniontown.
Sprecher, Chester A., Fleetwood.
Spungin's Abattoir, Inc., Harrisburg.
Stairs, James, Confluence.
Stambaugh's Food Market, Spring Grove.
Steely, Harry N., Lewisberry.
Stehle, Julius, Eightyfour.
Steinkirchner, George, Jennerstown.
Stepniak, William, Hop Bottom.
Sterner's Grocery, Inc., Hanover.
Stockton's Wholesale Meats, Columbus.
Strunk Bros., Hereford.
Stuebgen's Meat Market, Saxonburg.
Taddlo, Fred, Monaca.
Taylor Company, J. V., Wyalusing.
Tavernini, Alex, Portage.
Thome, Paul, Saxonburg.
Thompson Packing Co., Jersey Shore.
Thornton, Howard J., Erie.
Triolo Brothers Food Market, Philadelphia.
Troutman Bros., Klingerstown.
Troutman, N. S. and C. H., Freeburg.
Troy Meat Plant, Inc., South of Troy.
Union Provision and Packing Co., Pittsburgh.
United Home Dressed Meat Co., Altoona.
Utz, Raymond R., Hanover.
Varano-Troutman, Kulpmont.

Venezia, Carl, Conshohocken.
Venezia, Joseph, Norristown.
Venuto, Joseph, Philadelphia.
Waddington, Howard C., New Castle.
Waddington, R. L., Wampum.
Walborn, R. A., Hershey.
Waltman, Donald E., Allenwood.
War, Prosper, Conshohocken.
Warrington Packing Co., Inc., Chalfont.
Waynesburg Packing Co., Waynesburg.
Weaver Brothers, Wellsville.
Wehry, William S., Klingerstown.
Weiss, Milton, Large.
Weiss Packing Co., Donora.
*Weller and Sons, Frank, Plymouth Meeting.
Wenrich, Earl S., Sinking Spring.
Werry, H. W., Scottdale.
West Apollo Packing House, West Apollo.
Western Provision, Inc., Erie.
Wilcox, Gilbert, Milan.
Wildasin's Meat Market, Hanover.
*Wilkes-Barre Abattoir, Wilkes-Barre.
*Williamson's, G.W., Turbotville.
Willrich and Son, Thomas B., Edinboro.
Winbrook Farms, Paul-Winnick, New Castle.
Winner Packing Co., Lock Haven.
Winters, Walter W., Mahoningtown.
Wisnieski, Steve, New Castle.
Wolfe, Thomas F. and Lawrence H., Herdon.
Worthington, Warren H., Pennsdale.
Wright, Sharp B., Fombell.
Yambrovich, Steve., Sharpsville.
Yakubik, Frank, New Castle.
Yoder, Kermit C., Hollsopple.
Yoder's Meat Market, Shoemakersville.
Yoder Sons, C. M., Telford.
York Springs Meat Market, York Springs.
Yost, C. B., Logansville.
Roth, Ivan J., Shiremanstown.
Youndt, John E., Adamstown.
Youndt, Robert L., Denver.
Zeller, Alfred., Cedars.
Zitman, C. B., Mercersburg.

Rhode Island

A. B. C. Beef and Veal Co., Johnston.
Bruno's Slaughterhouse, Westerly.
Burchard's Slaughterhouse, Foster.
Concord Dressed Beef and Veal Co., Pawtucket.
Cory's Slaughterhouse, Tiverton.
De Santis, John, Westerly.
Diamond Hill Packing Co., Cumberland.
Johnston Dressed Beef and Veal Co., Inc., Johnston.
Parrillo, Inc., Anthony, Johnston.
Ricci Packing Co., J., Johnston.
Russo's Slaughterhouse, Bristol.
Sacco's Market, Westerly.

South Carolina

*Brown Packing Co., Greer.
*Carolina Abattoir, Columbia.
*Caughman's Meat Plant, Inc., Lexington.
Cheraw Packing Plant, Cheraw.
*Cherokee Packing Co., Inc., Gaffney.
Fairview Abattoir, Greenville.
Harmon Provision Co., Saluda.
Hill Packing Co., Camden.
Hodges Sales Co., Abbeville.
Hughey's Market, Easley.
*Kimmerlins Wholesale Meat Packing Plant, Orangeburg.
Lancaster Frozen Foods, Inc., Lancaster.
Oconee Abattoir, Seneca.
*Old Fort Packing Co., Walterboro.
Rick's Meat Packers, Aiken.
*Roddey Packing Co., Inc., Columbia.
*Southland Provision Co., Orangeburg.
*Spartanburg Abattoir, Spartanburg.
*Truesdale Wholesale Meat Co., West Columbia.
*Turner's Abattoir, T. M., Woodruff.

South Dakota

*Cimpl Packing Co., Yankton.
*Dean Packing Co., Vermillion.
*Flanery Sausage Co., Milbank.
Trumbull Packing Co., Sioux Falls.

Tennessee

*Baker's Processing Co., McKenzie.
Baltz Brothers Packing Co., Nashville.
Barnett's Grocery, Huntingdon.
Bill's Processing Plant, Dyersburg.
Brantley and Tillet, Shelbyville.
*Bridwell Packing Co., Kingsport.
Brothers Seafood, Winchester.
Bryson Packing Co., Somerville.
Carey Packing Co., Morristown.
Carthage Grocery and Locker, Carthage.
Castellaw's Slaughterhouse, Alamo.
Charlie's Slaughterhouse, Trenton.
*Chattanooga Sausage Co., Chattanooga.
Cook's Slaughterhouse, Dyersburg.
Cribb's Sausage Co., Memphis.
Dixie Sausage Co., Lebanon.
Duck River Sausage Co., Manchester.
Fayette Packing Co., Eads.
Pineberg Packing Co., Memphis.
*Fletcher Bros., Lenoir City.
Follis Slaughterhouse, Roy, Gadsden.
Foutch Grocery and Market, Cookeville.
Glasgow's Market, Dresden.
*Hackett's Meat Co., Carthage.
Hartsville Locker (McDonald Meats), Hartsville.
Hendon's Slaughterhouse, Milan.
Hickory Valley Packing Co., Hickory.
Hill's Wholesale Meats, Dayton.
Hyde, Ed., Gallatin.
*Jackson Packing Co., Jackson.
*Jacobs Packing Co., Nashville.
Lingo Packing Co., Jonesboro.
Lewis Benton Slaughter House, Hixon.
*Loomis Frozen Food Co., Inc., Sweetwater.
McMinnville Meat Co., McMinnville.
Moore, John L., Fayetteville.
Morrissey Meats and Provisions, Nashville.
*Morton Bros., Johnson City.
Napier, W. B., Celina.
*Norman's Packing Co., Covington.
Penn's Market, Trenton.
*Powell Wholesale Meats, Charles J., Chattanooga.
*Purity Packing Co., Powell.
Rakes Slaughterhouse, Watertown.
Randolph Produce Co., Crossville.
Savannah Process and Locker, Savannah.
*Sell Meat Co., Johnson City.
Smith Packing Co., Nashville.
Smith's Market, Gallatin.
*Southern Provision Co., Chattanooga.
Stephen's Slaughter House, Savannah.
Summer's Slaughterhouse, Hollow Rock.
Sunnydale Meat Products, Inc., Nashville.
Tennessee Valley Packing Co., Columbia.
Thompson and Groce Provision Co., Fayetteville.
*Wade Bullo, Johnson City.
Wilkerson Slaughter House, Selmer.

Texas

*Alice Meat Co., Alice.
A.B.C. Packing Co., Wichita Falls.
Alamo Braun Beef Co., San Antonio.
*Allen's Wholesale Meats, McKinney.
Amarillo Packing Co., Amarillo.
Anderson Slaughtering and Processing Plant, Sherman.
Apache Packing Co., San Antonio.
Auge Packing Co., Ed., San Antonio.
Azle Food Locker Corp., Azle.
Berryhill Packing Co., Inc., Levelland.
Big 4 Packing Co., Perryton.
Brown's Slaughter House, Annona.
Burliston Packing Co., Wichita Falls.
Burton Bros. Public Abattoir, Houston.
Cash Bros. Packing Co., Inc., Dallas.
Central Packing Co., Wichita.
Chief Packing Co., Quanah.
*City Custom Packing, Inc., Houston.
Collins Packing Co., Morton.
Columbia Packing Co., Dallas.
*Crow Packing Co., Pecos.
*Dallas City Packing Co., Dallas.
*Dixon Packing Co., Inc., Houston.
*Ehrdsman Bros. Packing Co., Plainview.
Estes Bros. Packing Co., Fort Worth.
*Freedman Packing Co., Houston.
Gee and Gafford Slaughter House, Phillips.
Glover Packing Co. of Amarillo, Amarillo.
Golden Spread Packing Co., Amarillo.
Graham Packing Co., Graham.
*H and R Meat Co., Vernon.
Haley's Food Locker, Crowley.
Hereford Meat Co., Hereford.
*High Grade Packing Co., Inc., Galveston.
Jackson Wholesale Meats, O. B., Plainview.
Lamesa Meat Co., Lamesa.
Locker, Floyd, Spearman.
Lubbock Packing Co., Lubbock.
Jefferson Packing Co., Beaumont.
*Montes Packing Co., El Paso.
*Newsom Packing Co., Mount Vernon.
*Newsom Packing Co., Mount Pleasant.
P and H Packing Co., Dallas.
Pace Packing Co., Inc., Sweetwater.
Panhandle Packing Co., Inc., Pampa.
*Pen Meat Packers, McKinney.
Perryton Packing Co., Perryton.
Pickering Abattoir (P and S Meats), Texarkana.
Pinkney Packing Co., Inc., Amarillo.
Pitner and Hensley, Denton.
Plains Beef Co., Amarillo.
Plains Beef Co., Borger.
*Pratt Packing Co., Inc., Sulphur Springs.
Quality Packing Co., San Antonio.
Queen's Custom Slaughter, Bovina.
Richards Slaughter House, Bovina.
*Roberts Wholesale Beef, Van Horn.
Select Meat Co., San Antonio.
*Smith's Frozen Foods Plant, Atlanta.
*Southern Packing Co., Denison.
Steuernagel Packing Co., San Antonio.
Shamrock Slaughtering Plant, Shamrock.
Stratford Frozen Food Lockers, Stratford.
Swindell's Country Sausage Plant, Quanah.
*Texall Packing Co., Houston.
Tyler Packing Co., Tyler.
Watkins Packing Co., Dalhart.
*West Texas Packing Co., San Angelo.
Wickham Packing Co., Inc., Longview.
*W.R. Packing Co., Orange.
*Wilburn and Miller Wholesale Meats, Denison.
Wolff Meat Co., San Antonio.
*Wright Packing Co., Vernon.
Zuma Meat Co., Beaumont.

Utah

*Blue Mountain Meats, Monticello.
*Ellis Packing Co., Brigham City.
*Granite Meat and Livestock Market, Murray.
*Langston Packing Co., Hurricane.
*Midvale Packing Co., Midvale.
*Ogden Dressed Meat Co., Ogden.
*Parke and Son, William C., Ogden.
*Tri-Miller Packing Co., Hyrum.

Vermont

Delairs Slaughtering Establishment, East Montpelier.
Gibbs Slaughtering Establishment, John A., Bradford.
Quinn Slaughtering Establishment, T. Gerald, Poultney.

Virginia

*Danville Meat Supply, Inc., Danville.
*Green Hill, Inc., Elliston.
Isom's Slaughter House, Galax.
*Orndorff, Charles, Abattoir, Winchester.
*Fleet & Co., Inc., Winchester.
*Harrell Bros., St. Brides.
Harrisonburg Wholesale Meat Co., Harrisonburg.
*McKenna, Inc., Lynchburg.
*Perlin Packing Co., Norfolk.
Rhymer and Coleman, Bristol.
Rosenbaum Slaughterhouse, Clyde, Glade Springs.
Snodgrass Brothers, Inc., Pennington Gap.
*Southern Packing Corp., Norfolk.
*Suffolk Packing Co., Inc., Suffolk.
Union Abattoir, Richmond.
*Perry's Abattoir, Winchester.
*Woodstock Wholesale Meats, Woodstock.

WASHINGTON

Chambers Packing Co., Tumwater.
Colfax Meat Co., Colfax.
*Curcio Packing No. 76, Walla Walla.
DeJong Packing Company No. 14, Lynden.
Evergreen Packing Co., Vancouver.
Farmers Meat Co. No. 50, Sumas.
Federal Packing Co., Everett.
*Federal Meat Co., Tacoma.
Ferry Bros., Inc., Puradale.
Fischer Packing Co. No. 85, Issaquah.
Florence Packing Co. No. 6, East Stanwood.
*Grandview Packing Co., Grandview.
Gray's Harbor Meat Co., Hoquiam.
*Henry, James Packing No. 2, Seattle.
Johansen's Meats No. 41, Enumclaw.
Kenmore Packing Co., Bothell.
*Knight Packing Co. No. 21, Henry, Woodinville.
Kratzig Meat Co., Bellingham.
*Lewis River Meat Co. No. 118, Woodland.
*Longview Meat Co. No. 87, Longview.
McInroy Meat Co., Wilbur.
Methow Valley Meat Co., Twisp.
*Miller Packing Co., Seattle.
Monroe Packing Co., Monroe.
Mount Vernon Meat Co., Mount Vernon.
Moses Lake Meat Co., Moses Lake.
Norman Wirta No. 67, Chehalis.
*Pacific Meat Co., Puyallup.
Pasco Meat Packers, Inc., Pasco.
*Reichert's Meat Packing Co., No. 39, Longview.
Rosalia Packing Co., Rosalia.
Rice Meat Packing Co., No. 103, Veradale.
Schoner Meat Co. No. 30, Sliverdale.
Shelton Meat Co., Shelton.
Sierk Meat Co., No. 55, Hams, Wenatchee.
Snohomish Packing Co., Snohomish.
*Valley Packing Co., Tacoma.
Weber and Rittner Co., Inc., No. 20, Sumner.
*Wenatchee Packing Co., Wenatchee.

WEST VIRGINIA

Balls Wholesale Meat Co., Kenova.
Bell Market, M. J., Blacksburg.
Bluegrass Market, Inc., Lewisburg.
Bridwell Packing House, Bluefield.
Brumfield, Jake, Huntington.
Camp Packing Co., Parkersburg.
Coleman, M. E., Packing Co., Oak Hill.
Crowgey Sausage Co., Kellysville.
Cissel Packing Co., Inc., Huntington.
Elm Grove Packing Co., Wheeling.
Ennis Slaughter House, Ulfington.
Gamble and Son Market, Moundsville.
Hatton Wholesale Meat Co., Huntington.
Holy Sons Company, P. E., Charleston.
Hoverson Heights Packing Co., Pollansbee.
Independent Dressed Beef Co., Morgantown.
Jenkins, Frank M., Martinsburg.
Lambert and Beavers, Squire.
Lee's Modern Market, Osage.
Logan Packing Co., S. S., Huntington.
Mauk's Meat Market, Romney.
McClowen and Sons Co., L. M., Charleston.
Miller Bros., Martinsburg.
Morlang, Henry, Inc., Parkersburg.
Niebergall and Martini, Inc., Wheeling.
Peerless Packing Co., Beckley.
Places Butchering Quarters, Martinsburg.
Smith Packing House, Parkersburg.
Smittle Packing, Paden City.
Solomon's Establishment, Frank, Fairview.
Staggs Meat Market, Burlington.
Stuart, Nate and Sons, Inc., Mt. Clare.
Thompson Bros. Packing Co., Bluefield.
Wade's Slaughter House, Mount Morris (Penna.)
Weimer Packing Co., Wheeling.
Wenzel Co., John, Wheeling.
Whitehall Packing Co., Watson.
Young and Stout, Inc., Clarksburg.
Rupert Meat and Poultry Supply, Rupert.

WISCONSIN

Bohrer's Packing Co., Muskego.
*Born and Son, August, Milwaukee.
Bruhn's Freeze Meats, Barton.
Brutnama, Casey, Union Grove.
Clinton Packing, Inc., Clinton.
Curless Meat Plant, Brodhead.
Dabratz Meat Market, Shawano.
Falls Locker Service, Menominee Falls.
Faust and Sons, Ry, Mayville.
Green Bay Packing Co., Green Bay.
Holland's Food and Locker, Juda.
*Jansen Meat Market, Oostburg.
Kenosha Packing Co., Kenosha.
*Luck, Inc., M., Milwaukee.
Luedke Bros. Slaughtering Establishment, Sheboygan.
Marchant, Willard J., Brussels.
Meier Slaughtering, Alfred, Monroe.
Merridith Corrigan, Saxon.
*Midwest Packing Co., Milwaukee.
*Quality Packing House, New London.
*Richberg and Son, N., Manitowoc.
Sawyer and Walter, East Troy.
Schaefer Sausage Co., Inc., Oshkosh.
Schams Slaughtering, John, LaCrosse.
Shubert Market, Oshkosh.
*South Side Packing Co., Milwaukee.
*Stoppenbach Sausage Co., Jefferson.
Sykes Packing Co., Canton.
Tarlton Co., Lyman, Athelstane.
*Thielman Sausage Co., Elkhart Lake.
Thomson Packing Co., West De Pere.
*Valley Meat Service, Appleton.
Valley Packing Co., Kaukauna.
Van Vonderen, Fred, Seymour.
Weinstein Slaughter Establishment, Superior.
*Wolf River Sausage Co., Inc., Weyauwega.
*Zitron Brothers, Inc., Milwaukee.
Hagert's Locker, Siren.

WYOMING

K and B Cold Storage Co., Afton.
Ranchester Slaughtering Service, Ranchester.
*Rocky Mountain Packing Co., Casper.
*S and S Packing Co., Cheyenne.
Shy-Ann Packing Co., Cheyenne.
Torrington Packing Co., Inc., Torrington.
Triangle Packing Co., Worland.

The following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

Stockyards

ALABAMA

Arab Stockyard, Arab.
Limestone County Stockyard, Athens.
Washington County Stockyard, Chatom.

ARIZONA

Willcox Livestock Commission Co., Willcox.

ARKANSAS

Arkansas National Stockyards, North Little Rock.
Brewer Auction Co., Mountain View.
Columbia County Livestock Auction, Magnolia.
Decatur Sales Co., Decatur.
El Dorado Sales Barn, El Dorado.
Hensley Sale Barn, Fayetteville.
Magnolia Sales Barn, Magnolia.
Mena Auction Yards, Mena.
Nevada County Livestock Auction, Prescott.
Nettleton Stockyards and Auction, Nettleton.
Northwest Arkansas Livestock Auction, Fayetteville.
Union Stockyards, Pine Bluff.
Weldon Auction Sale Barn, Weldon.

CALIFORNIA

Los Angeles Union Stockyards, Los Angeles.
Mariposa Commission Salesyard, Stockton.
South San Francisco Union Stockyards, San Francisco.
Stock Growers Commission Co., Stockton.

GEORGIA

Byram Auction Company, G. N., Newnan.
Coosa Valley Livestock Co., Rome.
Bleckley Livestock Auction, Cochran.
Fitzgerald Stockyards, Fitzgerald.
Gordon Roberts Livestock Co., Inc., Baxley.
Ragsdale-McClure Commission Co., Rome.
Troup Livestock Sales Co., Inc., LaGrange.

IDAHO

Bonner Ferry Salesyard, Bonner Ferry.
Shoshone Livestock Auction Co., Shoshone.

ILLINOIS

Anderson, Winlow, Andover.
Antioch Sales and Commission, Antioch.
Arnold Livestock Co., Gibson City.
Arnold Cattle Co., Silvis.
Arthur Auction Co., Arthur.
Atkinson Livestock Co., Atkinson.
Bailey Stockyards, Claude, Princeton.
Bainbridge Cattle Co., Byron.
Barrick Cattle Co., Dixon.
Bloomington Livestock Sale Pavilion, Bloomington.
Bothe-Dickey Cattle Co., Woosung.
Breed's Livestock Sales, Elisabeth.
Brennan Cattle Co., Kirkland.
Brennan Company, J. P., Princeton.
Brennan Cattle Co., Lanark.
Bristol Livestock Sales, Bristol Station.
Brookville Consignment Sale, Polo.
Brown County Sales Association, Mt. Sterling.
Brown and Stripe Cattle Co., Little York.
Bruington Cattle Company, George, Monmouth.
Burnidge and Son, Stanley, Hampshire.
Bunting and Sons, Robert, Albion.
Carrollton Auction Sales, Carrollton.
Champaign County Livestock Marketing Association, Urbana.
Charleston Livestock Auction, Charleston.
Chaudoin, Joe, Wapella.
Chicago Producers Commission Association, Montgomery.
Chicago Producers Commission Association, Malta.
Chicago Producers Commission Association, Princeton.
Clinton Livestock Sales, Clinton.
Colchester Sales Association, Colchester.
D.B.D. Livestock Co., Lyndon.
Dalrumple and Son, W. P., El Paso.
Darling and Heller, Washington.
Davis Cattle Co., Loren, Elburn.
Drehman, Robert, Genesseo.
Duplan and Rowand Livestock Commission, Chicago.
Emge Packing Co., Palestine.
Farley, H. L., Leland.
Feller Livestock Sales, Cissna Park.
Flanagan Livestock Auction, Flanagan.
Falley Stock Farm, Ray, O'Fallon.
Franklin County Livestock and Commission Co., Sesser.
Freehill Cattle Co., Melvin.
Gast, Ervin, Earlville.
Genesseo Sales Co., Genesseo.
Genesseo Cattle Co., Genesseo.
Greentop Farm Cattle Sales, Milledgeville.
Gudema, Herman, Shannon.
Halbert Cattle Co., J. C., Carbon Cliff.
Hays Cattle Co., Polo.
Haack, Hilbert M., Forreston.
Hartwig, W. C., Rockford.
Hennessey and Smith, Paris.
Hilltop Sales Barn, Alton.
Howard Cattle Co., Peoria.
Hunter, Frank, DeKalb.
Hutchison and Obrecht Cattle Co., Cambridge.
Illinois Auction Commission Co., Paris.
Jefferson County Sale Barn, Mt. Vernon.
Jennings Sales Co., Macomb.
Johnson, Paul, Waterman.
Kays, John and Edith, Ottawa.
Kenyon and Sons, Jack, Maple Park.
Kearney, Kenneth, Mason.
Knoxville Community Sale Co., Inc., Knoxville.
Landes Cattle Co., Paris.
Lazarus, Sam, Polo.
Leuer and Sons, Peter, Sugar Grove.
Livestock Service, Ine., Ohio.
Ludwig Cattle Co., Genoa.

Ludwig Cattle Co., Sycamore.
Macon County Sales Barn, Decatur.
Manshoit, Allan, Staunton.
Manshoit, Chester, Alhambra.
Mendota Livestock Auction, Mendota.
Meredith, Les, Elburn.
Midwest Cattle Co., Forrest.
Mitchell Cattle Co., Earlville.
Montgomery, L. F., Somonauk.
Morgan, Armour, Tilton.
Morton Sales Barn, Morton.
Neal Livestock, Don, Paris.
Olney Livestock Commission Co., Inc., Olney.
Palmyra Sale Co., Palmyra.
Peoria Livestock Marketing Co., Peoria.
Pecatonica Livestock Exchange, Pecatonica.
Penfield Community Sale, Penfield.
Perry Livestock Sales, Lostant.
Peterson Sale Barn, Wyoming.
Phillips Livestock, Urbana.
Pittsfield Community Sales, Pittsfield.
Plowman, Kenneth, Lakewood.
Pontiac Livestock Sales, Pontiac.
Potomac Stockyards, Potomac.
Preston Brothers Livestock Dealers, Baldwin.
Pullin Auction, Metropolis.
Price Cattle Co., Shelbyville.
Princeton Sale Barn, Princeton.
Princeville Livestock Sales, Princeville.
Quincy Sales Co., Quincy.
Richardson, Leo, Earlville.
Richardson Cattle Co., Marshall.
Richardson Cattle Co., Sheldon.
Roe's Consignment Sale, Chana.
Rumle, Lavern, Burlington.
Russell Cattle Co., Tiskilaw.
Ryan, T. H., Martinsville.
Savanna Livestock Sales, Savanna.
Seward Livestock Co., Seward.
Sheldon Livestock Co., Sheldon.
Shoemaker Livestock, Colfax.
Simpson, Russell, Tower Hill.
Slater Sale Pavilion, Pana.
Smart, Max, and Krug, A. W., Ashton.
Smith Livestock Dealers, Walter, Wyoming.
Southwestern Cattle Co., Shirley.
Steele and Company, Henry, Montgomery.
Stephens Livestock, Hutsonville.
Stilley Livestock Co., Marion.
Stoutenborough Auction, Springfield.
Sullivan and Sons, Elburn.
Tallula Cattle Co., Tallula.
Vermilion County Livestock Marketing Association, Danville.
Viola Auction Co., Viola.
Waldee Order Buyer, Lloyd B., Waterman.
Walnut Sale Co., Walnut.
Warren and Sons, Russell, Ottowa.
Wertheimer Cattle Co., Inc., Galesburg.
Wertheimer Cattle Co., Montgomery.
Werthwein Cattle Sales, Burlington.
Western Cattle Co., Mendota.
Western Cattle Co., Elmwood.
White, Lyle, Washburn.
Wier Cattle Co., Galesburg.
Wilson Sale Co., Fairview.
Wolf and Sons, W. F., Canton.
Woodson Sale Barn, Woodson.
Worrell Cattle Co., Artie, Milledgeville.
Wyss, William, Danforth.

IOWA

Albia Sales Co., Albia.
Allerton Sale Co., Allerton.
Ames Sales Co., Ames.
Anamosa Livestock Auction, Anamosa.
Armstrong Sale Co., Armstrong.
Atlantic Auction Co., Atlantic.
Audubon Auction Co., Audubon.
Belmond Sales Pavilion, Belmond.
Bonaparte Community Sale, Bonaparte.
Bradley Live Stock Auction, Red Oak.
Bull Cattle Co., Wilson, Clinton.
Cedar Valley Livestock Exchange, Vinton.
Centerville Sales Co., Centerville.
Charles City Livestock Exchange, Charles City.
Clarinda Auction Co., Clarinda.
Colfax Sales Co., Colfax.
Corning Auction Co., Corning.
Coryndon Sale, Coryndon.
Cowan Sale Co., Roy, Sioux City.
Cresco Livestock Market, Cresco.
Davis County Sales Co., Bloomfield.
Creston Auction Co., Creston.
DeWitt Sale Barn, DeWitt.
Donnellson Commission Exchange, Donnellson.
Dows Sale Pavilion, Dows.
Dyersville Sale Barn, Dyersville.
Eastern Iowa Livestock Commission Co., Mechanicsville.
Eldora Livestock Sales, Eldora.
Elkader Sales Barn, Elkader.
Emmetsburg Sales Co., Emmetsburg.
Estherville Auction Co., Estherville.
Fairfield Livestock Commission Co., Fairfield.
Fonda Sales Barn, Fonda.
Forest City Auction Co., Forest City.
Henderson Auction, Henderson.
Hi Dollar Sale Co., Sigourney.
Holbert Cattle Co., J. C., Washington.
Hopkinton Sales Pavilion, Hopkinton.
Humboldt Livestock Auction, Humboldt.
Iowa City Sales Co., Iowa City.
Iowa Falls Sales Pavilion, Iowa Falls.
Iowa-Nebraska Sale Yards, Council Bluffs.
Independence Sales Co., Independence.
Jefferson Livestock Market, Jefferson.
Keosauqua Sale Co., Inc., Keosauqua.
Kimballton Auction Co., Kimballton.
Laurens Livestock Sales Co., Laurens.
LaPorte City Sale Barn, LePorte City.
Lawn Hill Livestock Sale Co., New Providence.
Lawton Sale Barn, Lawton.
Lenox Livestock Auction, Lenox.
Leon Sale, Leon.
Leonard's Auction Sale, Manchester.
Live Stock Auction, Denison.
Lizer's Sale, Gowrie.
Low Moor Sales Co., Low Moor.
Marengo Sales Barn, Marengo.
McCreary Sale Co., Centerville.
McDonald Sales Co., Sumner.
McIntosh Livestock Auction Co., Ida Grove.
Mahaska Sales Co., Oskaloosa.
Mapleton Sales Co., Inc., Mapleton.
Maquoketa Livestock Sales Co., Maquoketa.
Middletown Sale Co., Middletown.
Midway Sales Co., Columbus Junction.
Milford Livestock Exchange, Milford.
New Liberty Sale Barn, New Liberty.
Northeast Iowa Sales Co., Decorah.
Osceola Sale Co., Osceola.
Oelwein Livestock Exchange, Oelwein.
Onawa Sale Barn, Onawa.
Orient Sale Co., Inc., Orient.
Oxford Sales Barn, Inc., Oxford.
Paulina Sale Co., Paulina.
Petersen Cattle Co., Clinton.
Petersen Cattle Co., Mount Vernon.
Petersen Cattle Co., Schaller.
Petersen Cattle Co., Spencer.
Petersen Cattle Co., Washington.
Peterson Sheep and Cattle Co., Des Moines.
Pocahontas Livestock Sales, Inc., Pocahontas.
Postville Co-op Sales Barn, Postville.
Riceville Sales Pavilion, Riceville.
Sac County Auction, Inc., Sac City.
Sales Company of Hawarden, Hawarden.
Selfried-Trenary, Pocahontas.
Sheldon Sales Co., Sheldon.
Stanton Auction Co., Stanton.
Strand and Son, Oswald, Manly.
Stuart Sales Co., Stuart.
Sweetland Sales Co., Muscatine.
Tama Sale Co., Tama.
Uhlenhopp Sales, Aplington.
Umstead Livestock Auction, Eagle Grove.
Wadena Livestock Exchange, Wadena.
Wapello Livestock Auction, Wapello.
Washington Livestock Sales Co., Washington.
Wenger Sales Commission, West Union.
Wayland Sales Co., Inc., Wayland.
West Union Auction Exchange, West Union.
Westra Sales Co., Orange City.
Westrope Auction Co., Harlan.
Winneshiek Co-op Association, Decorah.

KANSAS

Burdett Livestock Sales Co., Burdett.
Fred Doll Livestock Sales, Larned.
Hesston Sale Co., Hesston.
McIntosh Auction, Peabody.
Rexford Livestock Commission Co., Meade.

KENTUCKY

Graves County Stockyards, Mayfield.
Monticello Stockyards, Monticello.
Ratliff Stockyards, Mt. Sterling.
Walton Sale Barn, Walton.
Washington County Stockyards, Springfield.

LOUISIANA

Barnes Commission Co., Lake Charles.
Coltharp's Commission Barn, De Ridder.
Community Auction Barn, De Quincy.
DeQuincy Cattle Sales, Inc., DeQuincy.
Eunice Stockyards, Eunice.
Farmerville Livestock Auction, Farmerville.
Harris and Stutson Commission Co., Ferriday.
Micelle's Commission Co., Lake Charles.
Miller and Dominique Stockyard, Lake Charles.
Miller and Dominique Stockyard, Elton.
Oak Grove Livestock Auction, Oak Grove.

MASSACHUSETTS

Beverly Sales Stables, Inc., Seekonk.

MISSISSIPPI

Hinds County Livestock Sales, Edwards.
Marshall County Stockyards, Holly Springs.
North Mississippi Sales Co., Grenada.
Producer's Livestock Auction, Ruleville.
Raymond F. Stiles, Sturgis.
Spicer-Lipscomb Commission Co., Senatobia.
State Line Auction Co., Walnut.

MISSOURI

Cassville Livestock Auction, Cassville.
Clinton Community Sale, Clinton.
Excelsior Springs Sale Barn, Liberty.
Haisey and Riley Sale Co., Marshall.
Kelly and Holmes Auction Sale, Heber Springs.
Perry Sales Barn, Inc., Perry.
Prairie Center Sale Co., King City.
Ray County Sale Company, Richmond.
Rolla Auction Co., Rolla.
Stone County Auction Co., Mountain View.
Thornton Sales and Auction Co., Springfield.
Troy Sales Co., Inc., Troy.
Van Buren County Auction Sale, Clinton.

NEBRASKA

Colorado-Montana Cattle Co., Lincoln.
Holdrege Livestock Commission Co., Holdrege.
Plainview Sales Pavilion, Plainview.
Ravenna Livestock Commission Co., Ravenna.
Scottsbluff Livestock Commission Co., Scottsbluff.

NEVADA

B and M Livestock, Fallon.
Fallon Salesyard, Fallon.

NEW JERSEY

Boyer Sales, Inc., New Egypt.

NEW MEXICO

Clayton Cattle Auction, Inc., Clayton.
Clovis Branding Co., Clovis.

NEW YORK

Aggett and Law Commission Market, Ischua.
Apulia Station Livestock Sales, Apulia Station.
Cable's Cattle Market, Roxbury.
Dryden Livestock Sales, Dryden.
Neverett, H. L. and Sons, Ellenburg Depot.
Kessler and Gentner, Springville.
Sququoit Valley Livestock Exchange, Cassville.
Tully Valley Livestock Market, Aquilla Station.

NORTH DAKOTA

Harrington Bros. Livestock Market, Williston.
Lake Region Livestock Auction Co., Devils Lake.

OHIO

Bowling Green Livestock Sales, Bowling Green.
Columbus Union Stockyards, Columbus.
Farmers Livestock Association, Wooster.
Muskingum Livestock Sales Co., Zanesville.
Orrville Livestock Auction, Orrville.
Rothchild Livestock Co., Stony Ridge.
Sugar Creek Livestock Auction, Sugar Creek.
Union Stockyards, Dayton.
Zanesville Community Sales Co., Zanesville.

OKLAHOMA

Hugo Sales Commission Co., Hugo.
Muskogee Stockyards and Livestock Auction, Inc., Muskogee.
Osage County Sale Ring, Fairfax.
Pawhuska Auction Sale, Pawhuska.
Roy Akard Commission Co., Idabel.
Sparkman Livestock Sale, Elk City.
Tahlequah Sale Barn, Tahlequah.
Tecumseh Community Sale, Tecumseh.
Waurika Auction Co., Waurika.

OREGON

Brahs Auction Market, Corvallis.
Forest Grove Auction, Forest Grove.
Ontario Livestock Commission Co., Ontario.

PENNSYLVANIA

Barnsley Sales, Oxford.
Exton Livestock Auction, Exton.
Farmers Market and Auction, Ephrata.
Greenfield Livestock Auction, Northeast.
Hoskin Auction Barn, Turtle Creek.
Kennett Auction Co., Inc., Kennett Square.
Leesport Livestock Market, Leesport.
Krumsville Livestock Auction, Krumsville.
Mt. Cobb Auction Sales, Lake Ariel.
Penn Central Livestock Market, Williamsport.
Quakertown Sales Co., Quakertown.
Teel and Bunnell Auction Sales, Tunkhannock.

SOUTH DAKOTA

Bowdle Livestock Commission Co., Bowdle.
Herreid Livestock Commission Co., Herreid.
Mobridge Commission Co., Inc., Mobridge.
Selby Livestock Sales Co., Inc., Selby.
Tri-County Commisison Co., Inc., Faith.

TENNESSEE

Farmer's Livestock Exchange, Tiptonville.
Kirk Auction Co., Coltewah.
Tigret Stockyard, Tigret.
Troy Stockyards, Troy.

TEXAS

Hereford Livestock Auction Co., Hereford.
Llano Sales Company, Llano.
Mid West Feed Yards, San Angelo.
San Angelo Livestock Auction Co., San Angelo.

VIRGINIA

Big Stone Gap Stockyards, Big Stone Gap.

WASHINGTON

Hank and Dans Livestock Commission Co., Cheney.
Columbia Basin Livestock Commisison Co., Moses Lake.

Slaughtering establishments

ALABAMA

Hansen Packing Co., Whistler.

ARIZONA

Crescent Packing Co., Scottsdale.
Town and Country Packing Co., Mesa.

ARKANSAS

City Abattoir, Fort Smith.
Finkbeiner Packing Co., Pine Bluff.
Melbourne Locker Plant, Melbourne.
Mo-Ark Packing Co., Harrison.
Monroe Ryburn, Pine Bluff.
Nielsen Meat Co., Fayetteville.
Saline Packing Co., Benton.
Stephens Meat Co., Pine Bluff.
Sutherlan Slaughter House, Springdale.
Wards Packing Co., Herbert, Texarkana.

CALIFORNIA

Palace Market, Gazelle.
Sierra Dressed Meat Co., Auburn.

DELAWARE

Harry Wessel, Wyoming.

FLORIDA

Brock and Burdeshaw Packing Co., Pensacola.
Carpenter Slaughter House, Bristol.
Farris and Co., Jacksonville.
Gertner Co., Harold R., Gainesville.
Hendry Brothers Packing Co., Inc., Tampa.
Hygrade Food Products Corp., Hialeah.
Meat Supply Co., Pensacola.
Oakland Meat Packing, Fort Lauderdale.

GEORGIA

Bainbridge Meat Co., Bainbridge.
Bullards Sausage Plant, Summerville.
Powell Meat Co., Bainbridge.
Wofford Abattoir, Gainesville.

IDAHO

B and M Packing Co., Burley.
Tiffany Meat Packers, Nampa.

ILLINOIS

Prairie Packing Co., Carlinville.
Prairie Packing Co., Marion.

INDIANA

Auburn Packing Plant, Auburn.
Bailey Slaughterhouse, Fort Wayne.
Beutler Locker Service, Otterbein.
Beckmeier and Son, Brookville.
Columbia Packing Co., Hammond.
DeKoch Super Market, DeMotte.
Denver Locker Plant, Denver.
Dimitt Packing Co., Kokomo.
Endres Packing Co., New Albany.
Frankton Provision Co., Inc., Frankton.
Gerber Super Market, Decatur.
Hunter Locker Plant, Converse.
Ludwig's Food Town, Dunkirk.
Martin Bros., Meatland, Goshen.
Mast Market, Angola.
Mock, G. F., Leavenworth.
Neal Packing Co., Crawfordsville.
Orth Slaughterhouse, Mt. Vernon.
Puckett's Abattoir, Winchester.
Shinn Slaughterhouse, Mentone.
Stahl Packing Co., Evansville.
Quick Freeze Locker Service, Madison.
Westfield Frozen Food Lockers, Westfield.
Wolf Packing Co., LaPorte.
Zeimer Packing Co., Harlan.

IOWA

Hilleman's Packing Plant, Marshalltown.
Lamoni Packing Co., Lamoni.

KANSAS

B and W Packing Plant, Colby.
Houlton Packing Co., Abilene.
Jarvis Slaughter House, Marion.
Wyler Packing Co., Howard.

KENTUCKY

Layer Packing Co., C. W., Louisville.

LOUISIANA

Cutrer's Grocery and Market, Ponchatoula.
Jennings Meat Products, Baton Rouge.
Port City Packing Co., Baton Rouge.
Smiley's Packing Co., Inc., Baton Rouge.
West and Ellender, Inc., Sulphur.

MARYLAND

Berlett and Sons, Edward G., Inc., Baltimore.
Howard County Farmer's Coop., Ellicott City.
Tiedman, Robert O., Owings Mills.

MASSACHUSETTS

Bowman Co., Frank B., Brighton.
Hutchinson's Slaughterhouse, Lunenburg.
Shapiro Beef Co., A., Brighton.
Streeter, Herman, Bernardston.
U.S. Beef and Provision Corp., Pittsfield.

MICHIGAN

Myaard and Son, J., Hudsonville.
Young Bros., Hudson.

MISSISSIPPI

Hinds Packing Co., Byram.
Huff, Otis, Corinth.
Quin's Slaughtering House, Osyka.

NEVADA

B & L Packing Co., Elko.
Ramsey Packing Co., Elko.
Truckee Meadows Packing Co., Reno.

NEW JERSEY

Burtch, William L., Vineland.
Gaskills Frosted Food Locker Plant, Elmer.
Gottlieb and Sons, Inc., Camden.
Hartman, J. H. and H. E., Trenton.
Irell Packing Co., Monroeville.
Miller Bros., Camden.
Perth Amboy Packing, Perth Amboy.
Struble, O. W., Newton.

NEW MEXICO

Frontier Packing Co., Albuquerque.
Karler Packing Co., Albuquerque.

NEW YORK

Arm Packing, Buffalo.
Bender, Elmer and Son, Buffalo.
Cukerstein, Sam and Son, Hudson.
Dunning's Slaughterhouse, Howell.
Golde Packing Co., Tonawanda.
Green Brothers Slaughterhouse, Schenectady.
Kwiatskowski Bros., Buffalo.
Malecki, Joseph, Inc., Buffalo.
Seven Valley Beef Co., Cortland.
Obler and Sorensen, Horseheads.
Olean Cold Storage Co., Inc., Olean.
Samlof, David and Sons (Dunn Bros.), Albany.
Schmitt, J. J. and Co., Inc., Buffalo.
West Company, R. B., Inc., Buffalo.

NORTH CAROLINA

City of Winston-Salem Abattoir, Winston-Salem.
Morris Packing Co., Shelby.

OHIO

Arend, E. J., Toledo.
Folger Packing Co., Toledo.
Hygrade Food Products, Corp., Youngstown.
Lima Packing Co., Lima.
McMahon Packing Co., Marysville.
Samler Packing Co., Dayton.
Sandusky Dressed Beef, Springfield.
Springfield Meat, Springfield.
Zeimmer Packing Co., Antwerp.

OKLAHOMA

Box, Durwood, Valliant.
Ross, Paul, Boswell.
Southeastern Packing Co., Durant.
White, E. W., Stigler.

OREGON

Community Market, Enterprise.
Culver Meat Plant, Bandon.
Culver Packing Co., Culver.
Heppner Slaughter House, Heppner.
La Grande Market, La Grande.
Lamonta Packing Co., Prineville.
McVay, Archie, Brookings.
Peterson, Gerald, North Powder.
Polar Cold Co., Medford.
Roseburg Meat Co., Roseburg.
Valley Sausage Co., La Grande.

PENNSYLVANIA

Baum's Meat Packing Co., Lansdale.
Benzak, Anthony L., Bethlehem.
Brest Packing Co., Shamokin.
Campo, James, Philadelphia.
Fried and Reineman Packing Co., Pittsburgh.
Greas Bros., Center Valley.
Hanas, George, Daleytown.
Kern and Son, Lee G., Slatington.
Lancaster Packing Co., Lancaster.
Moyer and Sons, A. F. Souderton.
Nasers Home Dressed Meats, Greensburg.
Shaffer Slaughter Shop, Guy, Hooversville.
Stoltz, Harvey L., Jr., Bernville.
West Branch Beef and Provision Co., Williamsport.
Weaver, M. C., Wellsville.
E. A. Koons, Millersburg.
Punxsutawney Beef and Provision Co., Punxsutawney.

RHODE ISLAND

Pezza Slaughter House, Johnston.

TEXAS

Circle B Packing Co., Dallas.
Goode Slaughtering, Denison.

UTAH

Harper Packing Co., Brigham City.

WASHINGTON

A and W Packing Co., Moses Lake.
Colfax Market, Colfax.
Excel Sausage and Meat Co., Spanaway.
H and H Packing Co., Yakima.
Hibbs Packing Co., Ellensburg.
Kelly Packing Co., Chehalis.
Martin's Meat and Livestock, Goldendale.
Meats, P. D. and J., Kent.
Newport Packing Co., Newport.
Pasco Central Stockyards, Pasco (added to stockyards).
Stolls Packing Plant, Rosalia.
Valley Meat Co., Chimacum.

WEST VIRGINIA

Fischer and Fisher, Charleston.
Simmons and Sons, H. L., Moundsville.
Tabron, George, Shinnston.
United Packing Co., Wheeling.

WISCONSIN

Dalfin and Lloyd Janisee, Oostburg.
Host Bros., Lake Geneva.
Muskego Packing Co., Muskego.
Vere Ferries, Ontario.
Polar Locker, LaCrosse.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of August 1960.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 60-7933; Filed, Aug. 24, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13759]

FLORIDA MARINE CORP.

Order To Show Cause

In the matter of Florida Marine Corporation, P.O. Box 91, 704 North Jefferson Street, Perry, Florida and 233 East Brooks Street, Fort Walton Beach, Florida, Docket No. 13759; Order to show cause why there should not be revoked the licenses for Citizens Radio Stations 7W1133 at Perry, Florida, and 7W1443 at Fort Walton Beach, Florida.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed on January 18, 1960, to the licensee at its above-captioned address at Perry, Florida, alleging that on January 3, 1960, radio station 7W1133 was found to be in violation of § 19.33 of the Commission's rules in that it transmitted signals outside of the specified frequency tolerance; and in violation of §§ 19.1 and 19.61(c) of said rules in that communications were conducted beyond normal ground-wave range and that they were not purposeful or substantive.

It further appearing that the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission by letter dated June 10, 1960, and sent by Certified Mail—Return Receipt Requested (No. 97144), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Lawrence H. L'abbe on June 14, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 18th day of August 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Stations should not be revoked, and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7931; Filed, Aug. 24, 1960; 8:48 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 12919, 12920; FCC 60M-1425]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Scheduling Hearing

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

It is ordered, This 18th day of August 1960, that the following schedule shall govern:

September 15, 1960—Exchange of affirmative written cases, frozen as of this date.

September 30, 1960—Notification of witnesses desired for cross-examination.

October 6, 1960 (Thursday)—at 10 a.m.—Hearing, in the offices of the Commission, Washington, D.C.

Released: August 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7932; Filed, Aug. 24, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-357]

ACCIDENT OCCURRING IN FOREST PARK, ILL.

Notice of Hearing

In the matter of Investigation of Accident Involving Aircraft of United States Registry N 879, which occurred on July 27, 1960, in Forest Park, Illinois; Docket No. SA-357.

Notice is hereby given that an Accident Investigation Hearing on the above-styled matter will be held commencing on September 16, 1960, at 9:00 a.m. (local time) in the Del Prado Hotel, Chicago, Illinois.

Dated this 22d day of August 1960.

[SEAL] VAN R. O'BRIEN,
Acting Hearing Officer.

[F.R. Doc. 60-7929; Filed, Aug. 24, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

AUGUST 19, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 20, 1960 to August 29, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7922; Filed, Aug. 24, 1960; 8:47 a.m.]

[File No. 70-3898]

UNION ELECTRIC CO.

Notice of Proposed Issuance and Sale of $50,000,000 Principal Amount of Bonds at Competitive Bidding

AUGUST 18, 1960.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company and a public-utility company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said declaration, as amended, for a statement of the proposed transaction which is summarized below.

Union proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $50,000,000 principal amount of a new series of First Mortgage Bonds (— percent Series due 1990), to be dated September 1, 1960, and to mature September 1, 1990. The new bonds are to be issued under Union's Mortgage and Deed of Trust dated June 15, 1937, to St. Louis Union Trust Company, Trustee, as heretofore amended and as to be further amended by a Supplemental Indenture to be dated as of September 1, 1960.

The interest rate on the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Union (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding.

The proceeds from the sale of the new bonds, after repayment of bank loans which are expected to aggregate approximately $31,000,000, together with cash to be derived from operations will provide in part for construction in 1960; however, cash requirements for construction and other purposes during the latter part of 1960 and in 1961 will require interim short-term borrowings or some other form of financing, the type and amount of which have not been determined. Approximately $71,600,000 of construction expenditures are budgeted for the year 1960, and for the two years 1960-61 such expenditures are expected to aggregate approximate $124,900,000.

The declaration states that the Public Service Commission of Missouri and the Illinois Commerce Commission have jurisdiction over the proposed transaction and that copies of the orders of these State commissions authorizing the transaction will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The declaration also states that the fees and expenses to be incurred by Union in connection with the proposed transaction are as follows:

Filing fee for registration statement	$5,200
Fee payable to Missouri Public Service Commission	15,500
Fee payable to Illinois Commerce Commission	*13,695
Federal tax on original issue	55,000
Printing of registration statement, prospectus, exhibits, bidding and other papers, and printing and engraving of bonds	*48,600
Charges of Trustee for authentication of new bonds	*15,500
Fees and expenses of counsel for the company (Keefe, Schlafly, Griesedieck & Ferrell, St. Louis, Missouri; Boyd, Walker & Concannon, Keokuk, Iowa)	*9,500
Fees and expenses of accountants (Price Waterhouse & Co.)	*9,500
Advertising expenses	*2,000
Out-of-pocket expenses of underwriters to be reimbursed by company (maximum)	*1,000
Title expenses and recording of supplemental indenture	*19,500
Miscellaneous expenses, including certain payroll expense, postage, telephone and telegraph charges, traveling expense, and other miscellaneous expense paid or to be paid by the company	*7,500
Total	*202,495

* Estimated.

The fee and disbursements of Messrs. Cahill, Gordon, Reindel & Ohl, counsel for the purchasers, which amounts are to be furnished by amendment, will be paid by the purchasers of the new bonds.

Notice is further given that any interested person may, not later than September 9, 1960, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7923; Filed, Aug. 24, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI60-447 etc.]

HUMBLE OIL AND REFINING CO. ET AL.

Correction

AUGUST 17, 1960.

Humble Oil & Refining Company et al., Docket Nos. RI60-447, et al., Union Oil Company of California, Agent et al., RI60-451.

In the Order Providing For Hearings On And Suspension Of Proposed Changes In Rates, And Allowing Increased Rates To Become Effective Subject To Refund, issued June 30, 1960 and published in the FEDERAL REGISTER on July 8, 1960 (25 F.R.; p. 6446-47-48): Under column headed "Supp. No." change West Lake Natural Gasoline Company's "Supp. 1" to read "Supp. No. 2".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7909; Filed, Aug. 24, 1960; 8:45 a.m.]

[Docket No. RI61-51 etc.]

PIONEER OIL AND GAS CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 17, 1960.

Pioneer Oil and Gas Company, Inc. (Operator), et al., Docket No. RI61-51; Union Oil Company of California, Docket No. RI61-52; Pan American Petroleum Corporation (Operator), Docket No. RI61-53; Leland Davison et al., Docket No. RI61-54; Sunray Mid-Continent Oil Company, Docket No. RI61-55; Sinclair Oil & Gas Company, Docket No. RI61-56; Delaney Oil Company (Operator), et al., Docket No. RI60-458.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the natural gas is produced at 14.65 psia, with the exception of Pioneer Oil and Gas Company which is produced at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.—
RI61-51	Pioneer Oil and Gas Co., Inc. (operator), et al.	5	4	United Gas Pipe Line Co. (Mazie-Pistor Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.).	7-14-60	7-18-60	8-18-60	1-18-61	20.0	24.0	----------
RI61-52	Union Oil Co. of California.	20	3	Kansas-Nebraska Nat. Gas Co., Inc. (Camrick Field, Beaver, and Texas Counties, Okla.).	7-18-60	7-20-60	9-1-60	2-1-61	16.4	16.6	G-19151
RI61-53	Pan American Petroleum Corp. (operator).	18	9	El Paso Natural Gas Co. (Slaughter Field, Hockley County, Tex.).	7-20-60	7 21-60	8-21-60	1-21-61	15.8758	17.00788	G 20006
RI61-53	do	21	10	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.).	7-20-60	7-21-60	8-21-61	1-21-61	15.878	17.00968	G-19998
RI61-53	do	23	12	El Paso Natural Gas Co. (South Fullerton Field, Andrews County, Tex.).	7-20-60	7-21-60	8-21-60	1-21-61	15.8757	17.00768	G 20006
RI61-54	Leland Davison, et al	4	13	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.).	7 19 60	7-22-60	8-22-60	1-22-61	11.1056	17.2295	----------
RI61-54	do	5	13	do	7-19-60	7-22-60	8-22-60	1-22-61	11.1056	17.2295	----------
RI61-54	do	6	12	do	7-19-60	7-22-60	8-22-60	1-22-61	11.1056	17.2295	----------
RI61-54	do	7	2	do	7-19-60	7-22-60	8-22-60	1-22-61	11.0	17.2295	----------
RI61-55	Sunray Mid-Continent Oil Co.	83	6	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.).	7-22-60	7-25-60	9-13-60	9-14-60	9.0773	9.5507	G-19286
RI61-56	Sinclair Oil & Gas Co.	155	14	Barnhart Hydrocarbon Corp. (Barnhart Field, Reagan County, Tex.).	7-22-60	7-25-60	8-25-60	8-26-60	7.46906	9.37804	G-20580
RI61-56	do	115	1	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.).	7-22-60	7-25-60	8-25-60	1-25-61	15.5	16.6	----------
RI60-458	Delaney Oil Co. (operator), et al.	1	1 to 3	Tennessee Gas Transmission Co. (North Government Wells Field, Duval County, Tex.).	7-13-60	7-18-60	[2] 7-7-60	12-7-60	15.0953	17.24347	* G-20556

[1] The stated effective dates are those requested by respondents, or the first day after the expiration of statutory notice, whichever is later.
[2] The date indicated is the date of the original filing of Supplement No. 3 which is corrected by the present filing of Supplement No. 1 to Supplement No. 3 to Delaney's FPC Gas Rate Schedule No. 1. This correction is explained on page 4 of this order.

In support of its renegotiated increases, Leland Davison et al., states that the amendments were arrived at by arm's length bargaining, the favored-nation clause has been deleted and a more definite pricing provision substituted therefor which will be in the public interest.

Pan American in support of its three favored-nation increased rates states that such rates are matters of contractual obligation arising from written contracts negotiated at arm's length in a competitive market, that such rates are an integral part of the initial rate filing, and that the price of gas is below the price of competing fuels.

Pioneer Oil and Gas Company, Inc. (Operator), et al., proposes a redetermined rate increase and in support states that the contractual provisions were negotiated at arm's length and that such pricing provisions are necessary to maintain economic equality with the initial price. It further states that the proposed rate does not exceed the market value of gas in the area and that the increase is necessary to encourage exploration and development.

Union Oil Company of California proposes a periodic rate increase and in support states that the contract was negotiated at arm's length and the proposed rate does not exceed the value of gas in the area.

Sunray Mid-Continent Oil Company proposes a revenue-sharing rate increase for gas sold to Phillips Petroleum Company under the rate schedules involved herein. In support of its increase, Sunray states that its contract was entered into at arm's length and that it has been the practice of the industry to include into long-term contracts pricing provisions which will assure the seller a price which approximates the market value of gas and that the proposed rate is in line with field prices being paid for gas in the same general area.

Sinclair Oil & Gas Company proposes a revenue-sharing rate increase for gas sold to El Paso Natural Gas Company under the rate schedules involved herein. In support of its proposed increase Sinclair cites the contractual provisions and

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

argues that this is a percentage sale, and requests that any suspension period should be limited to one day.

In support of its proposed renegotiated rate increase for sales to Northern Natural Gas Company under the rate schedule involved herein Sinclair states that the subject amendment brings the contract into line with similar contracts negotiated at approximately the same time and that the Commission has certificated numerous sales in the same area at 16.5 cents per Mcf under contracts where the seller does not retain the processing rights.

Delaney Oil Company (Operator) et al. has submitted a correction to a favored-nation rate increase from 12.12 cents to 17.24 cents per Mcf under its FPC Gas Rate Schedule No. 1, covering gas sales to Tennessee Gas Transmission Company. This rate increase was suspended in Docket No. RI60-458 until December 7, 1960. By the Commission's letter dated June 28, 1960, Delaney was advised that it should file a motion to make the 15.09 cents rate effective which was previously suspended in Docket No. G-20556 and to correct the present filing to reflect an increase from 15.09 cents to 17.24 cents per Mcf in lieu of an increase from 12.12 cents to 17.24 cents per Mcf. The required motion was tendered for filing on June 5, 1960, and the subject correction was received on July 18, 1960.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 30, 1960.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-7910; Filed, Aug. 24, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JAMES A. BRANDT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: Newport News Shipbuilding & Dry Dock Co.

This statement is made as of July 27, 1960.

JAMES A. BRANDT.

JULY 27, 1960.

[F.R. Doc. 60-7905; Filed, Aug. 24, 1960; 8:45 a.m.]

JAMES F. REID, SR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 9, 1960.

JAMES F. REID, SR.

AUGUST 9, 1960.

[F.R. Doc. 60-7906; Filed, Aug. 24, 1960; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

FLORIDA

Amendment to Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated August 9, 1960, reading in part as follows:

I hereby determine the damage in various areas within the State of Florida caused by severe weather conditions beginning on or about July 22, 1960, to be of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

Therefore, under authority of Public Law 875, 81st Congress, as amended, I hereby amend my declaration of "major disaster" in the State of Florida, dated March 23, 1960, to include such additional damage.

I do hereby determine the following counties in the State of Florida to have been adversely affected by the catastrophe declared a major disaster by the President in his amendment of August 9, 1960:

The counties of:

Hillsborough	Polk
Orange	Seminole
Pasco	Sumter
Pinellas	

Dated: August 15, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60-7902; Filed, Aug. 24, 1960; 8:45 a.m.]

ARKANSAS

Amendment to Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated August 6, 1960, reading in part as follows:

I hereby determine the damage in various areas within the State of Arkansas caused by heavy rains and floods, beginning on or about June 26, 1960, to be of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

Therefore, under authority of Public Law 875, 81st Congress, as amended, I hereby amend my declaration of "major disaster" in the State of Arkansas, dated May 28, 1960, to include such additional damage.

I do hereby determine the following counties in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his amendment of August 6, 1960:

The counties of:

Arkansas	Monroe
Faulkner	

I do hereby determine the following county in the State of Arkansas, in addition to those contained in my June 20, 1960, Notice of Major Disaster (25 F.R. 6155), to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 28, 1960: Carroll County.

Dated: August 15, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60-7901; Filed, Aug. 24, 1960; 8:45 a.m.]

LEROY LUTES

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

As retired Vice President of Mansfield Tire and Rubber Co., I act as consultant in certain overseas enterprises. Currently the only project is assistance to a private industry in Madras, India. Control of this company is in hands of Indian personnel.

Stocks held by me currently are in:
Fairbanks-Whitney Co.—common and preferred.
Socony Oil.
Transcontinental Pipe Line.
Oeford Insurance Co.

This amends statement published February 18, 1960 (25 F.R. 1471).

Dated: August 5, 1960.

LEROY LUTES.

[F.R. Doc. 60-7903; Filed, Aug. 24, 1960; 8:45 a.m.]

ERNEST A. TUPPER

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

American Can Company.

This amends statement published February 18, 1960 (25 F.R. 1471).

Dated: August 14, 1960.

ERNEST A. TUPPER.

[F.R. Doc. 60-7904; Filed, Aug. 24, 1960; 8:45 a.m.]

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Washington, Friday, August 26, 1960

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Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, 4445, 4894, and 5263, and containing the specific requirements for the 1960-crop barley price support program are hereby amended as follows:

1. Section 421.5078(c)(1) is amended to make barley grading No. 5 eligible for price support so that the amended subparagraph reads as follows:

§ 421.5078 Eligible barley.

* * * * * * *

(c) * * *

(1) The barley must be of any class grading No. 5 or better (or No. 5 "Garlicky" or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel.

2. Section 421.5080(c) is amended by extending the schedule therein to apply to barley testing as low as 36 pounds per bushel so that the amended paragraph reads as follows:

§ 421.5080 Determination of quantity.

* * * * * * *

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentage of the quantity determined for 48-pound barley. For barley testing:

	Percent
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Issued this 19th day of August 1960.

FOREST W. BEALL,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-7953; Filed, Aug. 25, 1960; 8:47 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, 4445, 4894, and 5263, and containing the specific requirements for the 1960-crop barley price support program are hereby amended as follows:

Section 421.5087(c) is amended to provide a discount for barley grading No. 5 so that the amended paragraph reads as follows:

§ 421.5087 Support rates.

* * * * * * *

(c) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, for No. 4, 6 cents per bushel, and for No. 5, 18 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the classes Barley and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 19th day of August 1960.

FOREST W. BEALL,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-7952; Filed, Aug. 25, 1960; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 27—IMPORTED PRODUCTS

Eligibility of Foreign Countries for Importation of Product into the United States

Pursuant to the authority conferred by section 306 of the Tariff Act of June 17, 1930 (19 U.S.C. 1306), and after public notice (25 F.R. 5582) and due consideration of all relevant material presented, for the purpose of adding Austria to the list of countries specified in 9 CFR 27.2(b), as amended, from which meat, meat by-product, and meat food product may be imported into the United States as provided in the regulations, said § 27.2(b), as amended, of the Meat Inspection Regulations (9 CFR 27.2(b)), issued under said section 306 of the Tariff Act, is hereby amended to read as follows:

§ 27.2 Eligibility of foreign countries for importation of product into the United States.

* * * * * * *

(b) It has been determined that product from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in Part 94 of this chapter, is eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 to 29 of this subchapter.

Argentina.
Australia.
Austria.
Belgium.
Brazil.
Canada.
Costa Rica.
Cuba.
Czechoslovakia.
Denmark.
Dominican Republic.
England and Wales.
Finland.
France.
Germany (Federal Republic).
Honduras.
Iceland.
Ireland (Eire).
Italy.
Luxembourg.
Madagascar.
Mexico.
Netherlands.
New Zealand.
Nicaragua.
Northern Ireland.
Norway.
Panama.
Paraguay.
Poland.
Scotland.
Spain.
Sweden.
Switzerland.
Uruguay.
Venezuela.
Yugoslavia.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89; 19 F.R. 74, as amended)

Since the foregoing amendment of § 27.2(b) of the regulations relieves restrictions, it may be made effective, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), less than 30 days after its publication in the FEDERAL REGISTER.

The amendment shall become effective on August 26, 1960.

Done at Washington, D.C., this 22d day of August 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-7950; Filed, Aug. 25, 1960; 8:47 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Areas in Florida Regulated

Pursuant to the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121), § 72.5a(a) of Part 72, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 72.5a Area regulated in Florida.

(a) The following portions of the State of Florida are regulated: Hillsborough County, Martin County, Palm Beach County, and the following described areas in Indian River County and Osceola County:

(1) *Indian River County.* Secs. 1 through 26 and secs. 35 and 36, Township 32, South Range 35 east, lying north of State Road Number 60; and all of Township 31, South Range 35 east.

(2) *Osceola County.* Secs. 13, 14, 15, 16, 22, 23; 24, 25, 26, 34, 35, and 36, Township 31, South Range 34 east, lying east of State Road Number 15; secs. 1, 2, 3, 10, 11, 12, Township 32, South Range 34 east, lying east of State Road Number 15; secs. 13, and 14, Township 32, South Range 34 east, lying north of State Road Number 60; secs. 16 through 22 and secs. 26 through 34, Township 31, South Range 34 east, lying west of State Road Number 15; secs. 3, 4, 5, 6, 9, 10, Township 32, South Range 34 east, lying west of State Road Number 15 and north of State Road Number 16; secs. 1, 2, 3, Township 32, South Range 33 east, lying north of State Road Number 60; secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 31, South Range 33 east, lying east of grade road commonly known as Pea Vine Road.

(Secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 4–7, 23 Stat. 32, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125)

Effective date. The foregoing amendment shall become effective upon issuance.

Hereafter, all of the provisions of this part and Part 71 which are applicable to quarantined areas shall apply to such regulated areas in the same manner and to the same extent as if they were quarantined.

The amendment imposes certain further restrictions necessary to prevent the spread of splenetic or tick fever. It must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of August 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-7951; Filed, Aug. 25, 1960; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Percentage Limitation on Acquisition by Bank Holding Company of Stock of Small Business Investment Company

§ 222.114 Percentage limitation on acquisition by bank holding company of stock of small business investment company.

(a) The Board has considered the question whether, in view of the amendment of June 11, 1960, to section 302(b) of the Small Business Investment Act, the total amount that may be invested in a small business investment company by a bank holding company and its subsidiary banks is limited to one percent of the capital and surplus of the holding company.

(b) In § 222.111 the Board pointed out that section 4 of the Bank Holding Company Act relates to "direct or indirect ownership or control" of shares of a company that is not a bank. Shares owned or controlled by a subsidiary of a holding company are indirectly owned or controlled by the holding company itself. Consequently, the Board concluded, if a holding company directly owned shares of a small business investment company in an amount equal to one percent of the holding company's capital and surplus, and its subsidiary banks also owned shares of such company, the holding company would have "direct or indirect ownership or control" of stock of the small business investment company in an amount exceeding one percent of the holding company's capital and surplus, which is the maximum permitted by section 4(c)(4) of the Holding Company Act in conjunction with the applicable provisions of the Small Business Investment Act.

(c) The recent amendment of section 302(b) of the Small Business Investment Act simply inserted the words "Notwithstanding the provisions of section 6(a)(1) of the Bank Holding Company Act". Section 6(a)(1) does not govern, or relate to, the maximum amount of stock in a small business investment company that a holding company may own; that matter is controlled by section 4(c)(4). The amendment to section 302(b) of the Small Business Investment Act was intended to overrule by statute the latter part of an interpretation which related to the applicability of section 6 of the Bank Holding Company Act. The language of the amendment to section 302(b) carries out this purpose, and there is nothing in the language of that amendment to indicate an intention to amend also section 4 of the Bank Holding Company Act to permit a holding company to acquire and retain "direct or indirect ownership or control" of stock of a small business investment company in an amount exceeding one percent of the holding company's capital and surplus, the maximum permitted by section 4(c)(4) of the Holding Company Act and the relevant provision of the Small Business Investment Act.

(d) Accordingly, it is the Board's conclusion that, under provisions of present law, the total amount that may be invested in a small business investment company by a bank holding company and its subsidiary banks is limited to one percent of the capital and surplus of the holding company.

(Sec. 5(b), 70 Stat. 137; 12 U.S.C. 1844)

Dated at Washington, D.C., this 18th day of August 1960.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60-7943; Filed, Aug. 25, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Reg. Docket No. 486; Amdt. 406-14]

SUBCHAPTER A—PROCEDURAL REGULATIONS

PART 406—CERTIFICATION PROCEDURES

Subpart C—Medical Records

Recently, this Agency prepared a uniform application form to be used by applicants for any class of medical certificate (Form FAA-1004). The form included a declaration to be signed by applicants (Item 24) which reads as follows in pertinent part:

I hereby authorize any physician or any other person who has or may have attended me to make a full disclosure to the Administrator of Federal Aviation or his medical representative of any information in his knowledge or possession concerning my medical history. Further, I expressly waive any rights which preclude the disclosure of such information to the Administrator of Federal Aviation or his medical representative.

This declaration had for some years previously been used on a trial basis in applications for Third-class medical certificates. It was approved on a permanent basis for all classes of medical certificates and was included in the new form to make it uniformly applicable to all classes of medical certificates. The requirement for such authorizations has been a long-established practice in connection with applications for insurance, fully understood and acquiesced in by the general public. The grant or denial of the privilege of engaging as pilot, particularly in air carrier or other commercial operations, involves a greater responsibility in terms of the public interest and safety than that involved in the decision of an insurance company whether or not to issue an insurance policy.

As in the case with respect to Third-class medical certificates, it was the continuing intention that the Agency would avail itself of the authorization and waiver only where medical history or known medical defects in an individual case are such that a true and meaningful medical examination could not be accomplished without supplemental data or discussions with physicians who had attended the person involved. This is a basic need and essential in such cases to evaluation of the individual's medical condition. Access to complete medical data has in some cases satisfactorily explained what otherwise appeared to be disqualifying medical defects and in some cases established or confirmed the existence of disqualifying defects.

After a limited distribution of the form was made, comments were received from interested persons that the declaration is broader than the situation requires. It was also urged that it would be sufficient to the needs of the Agency if the authorization were written so as to be operable only when a request is made for medical history rather than as an automatic and blanket authorization in advance. Inasmuch as the changes suggested would comport with the actual practice of the Agency in the past under such declarations contained in applications for Third-class medical certificates, there are no objections to making the changes. To accomplish this, the language of the declaration quoted above will be eliminated from the form and, in lieu thereof, Part 406 is being amended to provide the necessary authorization. The waiver provision is not included and the authorization is restricted to situations in which additional medical history is found necessary and the person involved has been requested to give the authorization. Since failure to obtain a full medical history could preclude a proper evaluation of the medical condition of such person, the amendment further provides that refusal or failure to provide the authorization when requested may be cause for denial, suspension, modification or revocation of the medical certificate.

Since the provisions in this amendment are procedural and relieve a restriction contained in Form FAA-1004, notice and public procedure hereon are unnecessary and it may be made effective immediately.

Accordingly, Part 406 of the Civil Air Regulations (14 CFR Part 406) is hereby amended effective on the date of publication in the FEDERAL REGISTER by adding a new Subpart C consisting of § 406.31 to read as follows:

Subpart C—Medical Records

§ 406.31 Availability of medical history.

If the Administrator or his authorized representative finds that additional medical history is necessary to determine whether any person who applies for or holds a medical certificate meets the physical standards therefor, such person will be requested to authorize any clinic, hospital, doctor or other person to release to the Administrator of his authorized representative any available information or records concerning such medical history. Refusal or failure to provide the requested authorization may be cause for denial, suspension, modification, or revocation of the medical certificate.

(Secs. 313(a), 602, 609, 72 Stat. 752, 776, 779; 49 U.S.C. 1354(a), 1422, 1429)

Issued in Washington, D.C., on August 22, 1960.

JAMES T. PYLES,
Acting Administrator.

[F.R. Doc. 60-7938; Filed, Aug. 25, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-KC-23]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone and Control Area Extension

On May 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4089) stating that the Federal Aviation Agency was considering amendments to §§ 601.1429 and 601.2408 of the regulations of the Administrator which would modify the time of designation of the Camp Douglas, Wis., control zone and control area extension.

As stated in the notice, the Camp Douglas control zone and control area extension are presently designated during the period beginning at 0001 c.s.t., May 30 to 0001 c.s.t., September 6, 1959, and annually thereafter. Air National Guard units conduct field training at Volk Field, Camp Douglas during the months of May through September, annually. The field training schedules generally begin and end on a Saturday, which results in a different calendar beginning and ending date each year. To provide for the effective period of the Camp Douglas control zone and control area extension to coincide with the annual schedule of activation and deactivation of the Air Base, which schedule changes from year to year depending on the requirements of the Air National Guard training program, the Federal Aviation Agency is modifying the Camp Douglas control zone and control area extension by redesignating them to be effective annually during May through September with specific dates for each annual period to be published in advance in a notice to Airmen. The dimensions of the control zone and control area extension will remain as presently described.

Although not mentioned in the notice, a curtailment of the hours of designation of the Camp Douglas control zone is indicated. It has been determined that the activity at this location is not sufficient to meet the minimum control zone criteria on a continuous basis during its period of designation. Therefore, the control zone is further modified by limiting the time of designation to 0600 to 2400 local standard time daily during the annual period of designation.

Two comments were received regarding the proposed amendment. The Air Transport Association endorsed the proposed modification. The Aircraft Owners and Pilots Association objected to the redesignation of the Camp Douglas control zone of the same dimensions as the existing zone; specifically the control zone extension. A review of presently published instrument approach procedures for Volk Field is now being conducted, and if results prove the action feasible, a further modification of the Camp Douglas control zone, limiting the control zone extension, will be proposed. Since Air National Guard summer activities are now in progress at Volk Field, the time element is critical, and it is necessary to adopt the amendments as contained herein as soon as possible.

For the reasons stated above, the Administrator finds that good cause exists for making these amendments effective immediately.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1429 (14 CFR 601.1429) and § 601.2408 (14 CFR 601.2408) are amended to read as follows:

§ 601.1429 Control area extension (Camp Douglas, Wis.).

The airspace within a 30-mile radius of the geographical center of Volk Field, Camp Douglas (Lat. 43°56'25" N, Long. 90°15'20" W), N of Lat. 43°39'00" N, excluding the portion below 26,000 feet MSL, within the Camp McCoy Restricted Area R-200 and excluding the portion below 12,000 feet MSL within the Volk Field Restricted Area R-468, shall be designated a control area extension during the period May through September annually, with specific dates on which the designation begins and ends for each

annual period to be established in advance by a Notice to Airmen.

§ 601.2408 Camp Douglas, Wis., control zone.

The airspace within a 5-mile radius of the geographical center of Volk Field, Camp Douglas (Lat. 43°56'25" N, Long. 90°15'20" W), and within 2 miles either side of lines bearing 090° True and 270° True from the Volk Field RBN extending from the 5-mile radius zone to a point 12 miles E of the RBN shall be designated a control zone from 0600 to 2400 local standard time daily during the period May through September annually, with specific dates on which the designation begins and ends for each annual period to be established in advance by a Notice to Airmen.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 22, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7939; Filed, Aug. 25, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-152]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 16, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5541) stating that the Federal Aviation Agency proposed to modify the Louisville, Ky., control zone by reducing the size of the control zone extension to the south and southeast.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, § 601.2111 (14 CFR 601.2111) is amended to read:

§ 601.2111 Louisville, Ky., control zone.

Within a 5-mile radius of the geographical center of Standiford Field (Lat. 38°10'33" N, Long. 85°44'12" W), within a 5-mile radius of the geographical center of Bowman Field (Lat. 38°13'-40" N, Long. 85°39'45" W), within 2 miles either side of the Standiford Field ILS localizer NE course extending from the Standiford 5-mile radius zone to the INT of the localizer NE course and the Louisville VOR 328° True radial, within 2 miles either side of the Standiford Field ILS localizer SW course extending from the Standiford 5-mile radius zone to the ILS OM, within 2 miles either side of the 301° True radial of the Louisville VOR extending from the Standiford 5-mile radius zone to the VOR, and within 2 miles either side of the 331° True radial of the Louisville VOR extending from the Bowman Field 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 22, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7940; Filed, Aug. 25, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-68]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5188) stating that the Federal Aviation Agency proposed to modify the South Bend, Ind., control zone by extending the west control zone extension and revoking the north and east extensions.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2123 (14 CFR 601.2123) is amended to read:

§ 601.2123 South Bend, Ind., control zone.

Within a 5-mile radius of the St. Joseph County Airport (Lat. 41°42'15" N., Long. 86°18'50" W.) and within 2 miles either side of the South Bend RR W. course extending from the 5-mile radius zone to a point 12 miles W. of the RR.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 22, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7941; Filed, Aug. 25, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-51]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to designate an additional control zone at Rochester, Minn.

The present Rochester control zone is designated within a 5-mile radius of Lobb Field extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station, and extending 2 miles either side of the 222° and 042° True radials of the Rochester omnirange from the Rochester Airport control zone to a point 10 miles southwest of the omnirange station. As a result of the relocation of the Rochester VOR, an amendment, effective August 25, 1960, was published in the FEDERAL REGISTER (25 F.R. 5452) which modified the Rochester control zone as within a 5-mile radius of the geographical center of Lobb Field (latitude 44°00'00" N, longitude 92°27'-00" W) and within 2 miles either side of the south course of the radio range extending from the 5-mile radius zone to a point 12 miles south of the radio range.

A new airport, the Rochester Municipal Airport, has been constructed at Rochester, and all airline and civil aircraft operations, the Federal Aviation Agency Control Tower and Flight Service Station, and the U.S. Weather Bureau office, will be moved from Lobb Field to the Rochester Municipal Airport on or about September 15, 1960, instead of October or November, 1960, as originally planned. Therefore, it is necessary that a control zone be designated for the Rochester Municipal Airport concurrent with this scheduled transfer of activities so that air traffic control service may be exercised to provide protection for instrument approaches to the new airport. However, it would not be possible to assure that this move will be accomplished by a certain time on a specific date. For this reason, it is necessary to designate the additional, and in part coinciding, control zone for the Rochester Municipal Airport while retaining, for an interim period, the presently designated zone. This will afford the required service and protection to any continuation of operations into Lobb Field which might be occasioned by any unavoidable delay in accomplishing the move. The existing Rochester control zone based on Lobb Field shall be revoked following completion of the move.

The new Rochester control zone is designated within a 5-mile radius of the Rochester Municipal Airport (Lat. 43°54'33" N, Long. 92°29'42" W); within 2 miles either side of the ILS localizer SE course extending from the 5-mile radius zone to the ILS OM (Lat. 43°51'23" N, Long. 92°24'49" W); and within 2 miles either side of the Rochester VOR (Lat. 43°46'58" N, Long. 92°35'48" W) 030° True radial extending from the 5-mile radius zone to the VOR. This control zone, with extensions to accommodate the ILS and VOR instrument approach procedures, will encompass considerably less airspace than the existing zone.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (14 CFR 601) is amended by adding:

§ 601.2430 Rochester, Minn., control zone (Rochester Municipal Airport).

Within a 5-mile radius of Rochester Municipal Airport (Lat. 43°54'33" N, Long. 92°29'42" W); within 2 miles either side of the ILS localizer SE course extending from the 5-mile radius zone to the ILS OM (Lat. 43°51'23" N, Long. 92°24'49" W); and within 2 miles either side of the Rochester VOR 030° True radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., September 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 23, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7971; Filed, Aug. 25, 1960; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Deduction of Insurance Premiums From Compensation, Retirement Pay, or Pension

1. In Part 6, § 6.20(a) is amended to read as follows:

§ 6.20 Deduction of insurance premiums from compensation, retirement pay, or pension.

* * * * *

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and, whenever practicable on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 3202(f) of Title 38, United States Code and § 13.57 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and, in appropriate cases, by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

2. In Part 8, § 8.8(a) is amended to read as follows:

§ 8.8 Deduction of insurance premiums from compensation, retirement pay, or pension.

* * * * *

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and, whenever practicable, on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 3202(f) of Title 38, United States Code, and § 13.57 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and in appropriate cases by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective August 26, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-7969; Filed, Aug. 25, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2189]

[Wyoming 093599]

WYOMING

Partial Revocation of Reclamation Withdrawals (Shoshone Reclamation Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of April 21, 1903, July 25, 1905, December 11, 1908, August 2, 1913, October 21, 1913, May 2, 1919, and August 2, 1929, reserving lands for reclamation purposes in connection with the Shoshone Project are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 56 N., R. 97 W.,
Sec. 20, lots 3, 4 and W½SW¼.
T. 51 N., R. 103 W.,
Lots 55, 56, 60-D and 65-A.
T. 52 N., R. 104 W.,
Sec. 13, lots 17, 19, 22;
Sec. 14, lots 17, 19 and 23.

Containing 277.88 acres, of which lots 55, 56 and 65-A have been patented.

2. The lands are grazing lands situated near Cody and Lovell, Wyoming.

3. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Until 10:00 a.m. on February 21, 1961, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

b. Other applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 27, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands have been open to applications and offers under the mineral leasing laws, and those in section 20, in second form withdrawals, to location under the mining laws. The remainder shall be open to location under the United States mining laws at 10:00 a.m. on February 21, 1961.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 22, 1960.

[F.R. Doc. 60-7944; Filed, Aug. 25, 1960; 8:46 a.m.]

[Public Land Order 2190]

[7968]

CALIFORNIA

Restoration Under Section 24 of Federal Power Act (Power Site Reserve No. 729)

1. By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to DA–953 issued June 24, 1958, the following-described lands are hereby opened to filing applications, selections and locations under the public land laws, subject to the provisions of said section 24, and to the further condition that in the event the land is required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development, at no cost to the United States, its permittees or licensees:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 9 W.,
Sec. 5, NE¼SE¼.

Containing 40 acres.

2. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than from those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 27, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. The State has waived the preference right of application granted to it by Section 24 of the Federal Power Act and the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

5. Persons claiming preference rights must furnish evidence of their entitlement.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 22, 1960.

[F.R. Doc. 60–7945; Filed, Aug. 25, 1960; 8:46 a.m.]

[Public Land Order 2191]

[1900824]

[Washington 02853]

WASHINGTON

Order Providing for Opening of Public Lands (Power Site Classification No. 349)

1. An order of the Acting Director of the Geological Survey dated August 27, 1953 (18 F.R. 5372), canceled Power Site Classification No. 349 of June 22, 1944, so far as that classification affects the following-described lands:

WILLAMETTE MERIDIAN

T. 29 N., R. 26 E.,
Sec. 9, SW¼SW¼ and SW¼SE¼.
T. 30 N., R. 27 E.,
Sec. 28, SW¼NW¼.
T. 30 N., R. 28 E.,
Sec. 14, NE¼SW¼ and NW¼SE¼;
Sec. 21, N½NW¼.

The areas described aggregate 280 acres. The NW¼SE¼, section 14, and the NW¼NW¼, section 21, T. 30 N., R. 28 E., are withdrawn by Public Land Order No. 1356 of November 5, 1956, for flood control purposes.

2. The lands are situated near the Columbia River. Topography varies from flat to rough and rocky. Vegetation consists of browse-grass, sagebrush, cheat grass, and the like.

3. Subject to valid existing rights and the requirements of applicable law, the unreserved, unappropriated lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on February 21, 1961, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During this period the State may also apply, under any statute or regulation applicable thereto, for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 27, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 22, 1960.

[F.R. Doc. 60–7946; Filed, Aug. 25, 1960; 8:46 a.m.]

[Public Land Order 2192]

[84716]

WASHINGTON

Power Site Cancellation No. 148; Opening Lands in Power Withdrawals, in Part Subject to Section 24 (Project No. 2145; Power Site Classification No. 349)

By virtue of the authority contained in the Act of March 8, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, and pursuant to determination DA–169–Washington of the Federal Power Commission, issued February 15, 1960, it is ordered as follows:

1. The departmental order of June 22, 1944, creating Power Site Classification No. 349, is hereby cancelled so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 24 N., R. 20 E.,
Sec. 26, NW¼NE¼.

2. In DA–169–Washington, the Federal Power Commission vacated the withdrawals created by the filing of applications for a preliminary permit and a license for Project No. 2145, for the following-described lands:

WILLAMETTE MERIDIAN

T. 24 N., R. 20 E.,
Sec. 26, NE¼SW¼.

3. In DA–169–Washington, the Federal Power Commission determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and subject further to the prior rights of licensee for Project No. 2145 and its successors to use the lands for project purposes as provided by the license for the said project:

WILLAMETTE MERIDIAN

T. 24 N., R. 20 E.,
Sec. 26, lot 1, E½NE¼ and NE¼SE¼.

4. The areas described total in the aggregate 238.75 acres. The E½NE¼ and NE¼SE¼ have been classified for disposal under the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended. This land, therefore, will not be subject to disposal under any other public land law in the absence of a revision of this classification. The lands are situated approximately seven and one-half miles north of Wenatchee, Washington. Topography for the most part is steep, rough, and mountainous. Soils are mostly rocky loam, with vegetation consisting of cheatgrass, sagebrush, and annual weeds.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following, the opening of the lands described in paragraph 3 of this order being further subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights of the licensee for Project No. 2145 and its successors recited in that paragraph:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on February 21, 1961, the State of Washington shall have a preferred right of application to select the lands described in paragraphs 1 and 2 of this order in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto, of any of the lands described in this order required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act, supra.

(3) All valid applications and selections under the nonmineral public land laws, other than from the State, presented prior to 10:00 a.m. on Setpember 27, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been opened to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 22, 1960.

[F.R. Doc. 60–7947; Filed, Aug. 25, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

PART 1—GENERAL PROVISIONS

PART 2—PROCUREMENT BY FORMAL ADVERTISING

PART 3—PROCUREMENT BY NEGOTIATION

PART 5—INTERDEPARTMENTAL PROCUREMENT

PART 6—FOREIGN PURCHASES

PART 7—CONTRACT CLAUSES

PART 8—TERMINATION OF CONTRACTS

PART 9—PATENTS, COPYRIGHTS AND TECHNICAL DATA

PART 10—BONDS AND INSURANCE

PART 11—FEDERAL, STATE, AND LOCAL TAXES

PART 13—GOVERNMENT PROPERTY

PART 14—INSPECTION AND ACCEPTANCE

PART 16—PROCUREMENT FORMS

Miscellaneous Amendments

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Supply and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated 11 March 1959 (24 F.R. 2260) and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. Sections 1.201–2, 1.308, 1.1309, and 2.407–8 are revised to read as follows:

§ 1.201–2 Contract modification.

Contract modification means any written alteration in the specification, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of an existing contract, whether accomplished by unilateral action in accordance with a contract provision, or by mutual action of the parties to the contract. It includes (a) bilateral actions such as supplemental agreements, and (b) unilateral actions such as change orders, administrative changes, notices of termination, and notices of the exercise of a contract option.

§ 1.308 Records of contract actions.

(a) Each contract file shall contain documentation of actions taken with respect to the contract, including final disposition, sufficient to constitute a full history of the transaction, to permit ready reconstruction of all of the stages of the transaction to (1) support actions taken by various personnel in the procurement cycle, (2) provide information for reviews conducted by the Department concerned, the Department of Defense, the General Accounting Office, or others, (3) supply data for use in preparing replies to Congressional inquiries, and (4) furnish essential facts in the event of litigation. To the extent that retained copies of documents do not represent all actions taken, suitable memoranda or summary statements of undocumented actions should be prepared promptly and be retained in the contract file in chronological order.

(b) Each contract file shall include the following data, if applicable:

(1) A copy of the procurement directive or request;

(2) On negotiated procurement, a copy of the Determination and Findings statement and Request for Authority to Negotiate (see Subpart C, Part 3 of this chapter);

(3) The list of sources solicited or justification for limiting such sources;

(4) Any small business or labor surplus set-aside determinations (see §§ 1.706 and 1.804);

(5) A copy of the Invitation for Bids or the Request for Proposals, including the drawings and specifications or an identifiable reference thereto;

(6) The Security Requirements Check List (DD Form 254) (see § 16.811 of this chapter);

(7) All bids or proposals received, together with an abstract thereof;

(8) The bidders' Statements of Contingent Fees (see § 16.802 of this chapter);

(9) All pre-award surveys (see § 1.905–4);

(10) Selection of the successful contractor, including:

(i) The reasons for selection,

(ii) The contracting officer's determination of the contractor's responsibility (see § 1.904–1);

(iii) Any Small Business Administration Certificate of Competency (see § 1.705–6);

(11) All price and cost data submitted or used;

(12) A full record of negotiations, including but not limited to: participants; dates of meetings or phone calls; Government-furnished materials or facilities provided; subcontracting; terms and conditions agreed to; deviations, if any, from prescribed contract clauses; technical recommendations; and justification for final price;

(13) Justification for type of contract used (see § 3.304 of this chapter);

(14) Any exceptions or exemptions from the Buy American Act or appropriations act restrictions (see Part 6 of this chapter);

(15) A copy of contract or award;

(16) Required approvals of award;

(17) A copy of Individual Procurement Action Report (DD Form 350) (see § 16.807 of this chapter);

(18) A copy of Statement and Certificate of Award (SF 1036) (see § 16.801 of this chapter);

(19) All pertinent correspondence;

(20) Copies of all change orders, and supplements, with supporting documents;

(21) Comprehensive termination data;

(22) Copies of royalty reports received (see § 16.806 of this chapter);

(23) Final release upon completion of the contract; and

(24) Any additional documents reflecting actions peculiar to a specific activity or service.

(c) This section does not apply in the case of small purchases (see § 3.609 of this chapter).

§ 1.1309 Rates and volume shipments.

Procurements involving planned volume movements, as defined in the Military Traffic Management Regulation (AR 55–355 c.s.; OPNAVINST 4600.8; AFM 75–2, as amended; and NAVMC 1175) shall be referred at the earliest practicable time to the appropriate military traffic management office for a determination of the reasonableness of applicable current rates and when appropriate, for negotiation of adjusted or modified rates. Generally, carriers are required by both Federal and State laws to charge all shippers equally for like transportation and associated services. However, when Government traffic possesses more favorable transportation characteristics (greater volume, heavier loading, less likelihood of damage, etc.) than commercial traffic between the same origins and destinations, freight rates are often lower for the Government traffic, as in the case of quotations under section 22 of the Interstate Commerce Act (49 U.S.C. 22) and similar tenders. Rate information necessary to properly evaluate offers shall be obtained from the appropriate military traffic office.

§ 2.407–8 Purchase of patented items when a patent indemnity clause is to be included in the contract.

When a patent indemnity clause is to be included in a contract, in accordance with the provisions of § 9.103 of this chapter, award of the contract shall not be refused to the low bidder merely because he is not the owner of or a licensee under any of the patent rights which may be involved. (See Decision B–136916, dated October 6, 1958, of the Comptroller General.) See § 10.106 of this chapter for policy concerning requirement for patent infringement bond.

2. Subpart E of Part 2 is revised to read as follows:

Subpart E—Two-Step Formal Advertising

§ 2.501 General.

Two-step formal advertising is a method of procurement conducted in two phases. The first step consists of the request, submission, evaluation, and, if necessary, discussion of a technical proposal, without pricing, to determine the acceptability of the supplies or services offered. The second step consists of a formally advertised procurement, confined to those offerors who submitted an acceptable technical proposal in step one. This method of procurement requires that the contracting officer work closely with technical personnel and rely on their specialized knowledge in determining the technical requirements of the procurement and the criteria to be used in evaluating technical proposals, and in making such evaluation. An objective of the two-step procedure is to permit the development of a sufficiently descriptive statement of the Government's requirement so that subsequent procurements may be made by straight formal advertising.

§ 2.502 Conditions for use.

The two-step formal advertising method of procurement may be used when its use has been approved at a level higher than the contracting officer and when all of the following conditions are present:

(a) Available specifications or purchase descriptions are not sufficiently definite or complete to permit full and free competition without engineering evaluation and any necessary discussion of the technical aspects of the requirement to insure mutual understanding between each source and the Government;

(b) Definite criteria exist for evaluating technical proposals, such as (1) applicable design and performance requirements, (2) special requirements for operational suitability and ease of maintenance, (3) necessary background experience in development and production engineering in the general scientific and engineering areas involved, and (4) need for special skills or facilities;

(c) More than one technically qualified source is expected to be available both initially and after technical evaluation; and

(d) A firm fixed-price contract or a fixed-price contract with escalation will be used.

§ 2.503 Procedures.

§ 2.503–1 Step one.

(a) *Requests for technical proposals.* A request for technical proposals shall be distributed to qualified sources in accordance with § 1.302–2 of this chapter. In addition, the request shall be synopsized in accordance with Subpart J, Part 1 of this chapter. The request may be in the form of a letter and shall contain, as a minimum, the following information:

(1) The best practicable description of the supplies or services required;

(2) Notification of the intent to conduct the procurement in two steps and the actions involved;

(3) The requirements of the technical proposal, i.e., the necessary details such as drawings, data, presentations, etc., to be submitted;

(4) The criteria for evaluating the technical proposal (§ 2.502(b));

(5) A statement that the technical proposals shall not include prices or pricing information;

(6) The date by which the proposal must be received and a statement substantially as follows:

Late Technical Proposals. The Government reserves the right to consider technical proposals or modifications thereof received after the date specified for receipt.

(7) A statement that the Government may discuss the technical aspects of the proposal with the concern submitting the proposal;

(8) A statement that in the second step of the procurement only bids based upon technical proposals determined to be acceptable, either initially or as a result of discussions, will be considered for award; and

(9) A statement that sources submitting unacceptable technical proposals will be so notified upon completion of the technical evaluation.

(b) *Receipt and evaluation of technical proposals.* The following actions will be taken with respect to receipt and evaluation of technical proposals:

(1) Every precaution shall be taken to safeguard technical proposals against disclosure to unauthorized persons.

(2) Technical proposals submitting date marked in accordance with § 3.100 of this chapter will be accepted and handled in accordance with § 3.109(a) of this chapter.

(3) Any references to price or cost will be removed.

(4) Technical evaluation of the proposals will be based upon the criteria contained in the request for technical proposals.

(5) Technical proposals will be categorized as acceptable or unacceptable. Proposals should not be categorized as unacceptable when a reasonable effort on the part of the Government could bring the proposals to an acceptable status and increase competition. The contracting officer shall arrange for any necessary discussions with sources submitting technical proposals for the purpose of obtaining additional information or clarification which may be required. When, after discussion and submission of necessary information and clarification, technical proposals are determined to be acceptable, they will be so categorized. If, however, it is determined at any time that a technical proposal is not reasonably susceptible to being made acceptable, it should be classified as unacceptable and no discussions of it need thereafter be initiated.

(6) Upon final determination that a technical proposal is unacceptable, the contracting officer shall notify the source submitting the proposal of that fact. Upon request, the source will be given the reasons why his technical proposal is not acceptable, including a statement of whether rejection was based on failure to furnish sufficient information or on an unacceptable engineering approach.

(c) *Discontinuance.* If, as a result of the evaluation of technical proposals, it appears necessary to discontinue the two-step advertising method of procurement, the full facts and circumstances will be set forth in writing and submitted to the office which originally approved the method of procurement. If that office approves the discontinuance, each source will be notified in writing of the discontinuance and the reasons therefor.

§ 2.503–2 Step two.

Upon completion of Step One, a formally advertised procurement in accordance with Subparts B, C, and D of this part will be conducted, except that invitations for bids:

(a) Will be issued only to those sources whose technical proposals have been evaluated and determined to be acceptable under Step One;

(b) Will include the following statement:

This invitation for bids is issued pursuant to two-step formal advertising in Part 5 of Section II of the Armed Services Procurement Regulation. Bids will be accepted and considered only from those firms who have submitted acceptable technical proposals pursuant to the first step of such procedures, as initiated by ----------. (Identify the Request for Technical Proposals) (Jul. 1960)

(c) Will prominently state that the supplies or services to be procured will be in accordance with the specifications and the bidder's technical proposal, as finally accepted, under the request for technical proposals. This may be accomplished in the Schedule item description by a provisions substantially in the form of the following example:

Radio Antenna, in accordance with Exhibit No. ---- dated ---------- (use other description of specifications as appropriate) and your Technical Proposal ----------, (insert specific identification of the bidder's proposal including any revision thereof as finally accepted) incorporated herein by reference. Nothing contained in said Technical Proposal shall constitute a waiver of any of the provisions of said Exhibit (or specifications).

(d) Will not be synopsized (see Subpart J, Part 1 of this chapter) or publicly posted (see § 2.203–2).

3. In § 3.106–3, revise paragraph (a)(1), and add §§ 3.107 through 3.107–8, as follows:

§ 3.106–3 Award information to unsuccessful offerors.

(a) *Notice to unsuccessful offerors.* (1) Promptly after making all awards in any procurement in excess of $10,000, the contracting officer shall give written notice to the unsuccessful offerors that their proposals were not accepted, except that such notice need not be given where the contract is exclusively for experimental, development, or research work, or for subsistence, or is negotiated pursuant to 10 U.S.C. 2304(a) (4), (5), or (6) (see §§ 3.204, 3.205, or § 3.206); or is negotiated with a foreign supplier when only foreign sources of supplies or services have been solicited. Such notice shall also include:

(i) The number of prospective contractors solicited;

(ii) The number of proposals received;

(iii) The name and address of each offeror receiving an award;

(iv) The items, quantities, and unit prices of each award: *Provided,* That, where the number of items or other factors makes the listing of unit prices impracticable, only the total contract price need be furnished; and

(v) A statement that additional information may be requested from the contracting officer.

* * * * *

§ 3.107 Selection of research and development contractors.

§ 3.107–1 General.

Through its research and development programs, the Department of Defense must seek the best possible equipment, weapons, and weapon systems that can be devised and produced. This means two things. First, it means seeking the best scientific and technological sources. Second, it means unremitting efforts to increase the number of sources, and to encourage participation by small business concerns, as well as others, in Defense research and development. For the most part, the general principles and procedures which are set forth elsewhere in this subchapter apply to research and development procurement. But the objectives of research and development require a different emphasis on certain aspects of the procurement process. Some of these aspects are covered in §§ 3.107 through 3.107–8.

§ 3.107–2 Small business sources.

(a) Contracting officers, technical personnel, and small business specialists shall cooperatively seek and develop information on the technical competence of small business concerns for research and development contracts. Small business specialists shall regularly bring to the attention of contracting officers and technical personnel descriptive data, brochures, and other information as to small business concerns that are apparently competent to perform research or development work in fields in which the purchasing activity is interested.

(b) In order to cooperate with the Small Business Administration in carrying out its responsibility of assisting small business concerns to obtain contracts for research and development, contracting officers, technical personnel and small business specialists shall, upon request, provide to authorized SBA representatives information necessary to understand the Government's needs concerning research and development programs under consideration for specific future procurement actions. The SBA may provide pertinent information concerning potential small business sources developed through its investigation of the capabilities of specific firms in the particular field of research and development covered by the programs. Full evaluation shall be given to any such information in selecting qualified sources.

§ 3.107–3 Selection of sources for solicitation.

(a) Recommendations as to which potential sources are technically qualified shall be made by cognizant technical personnel after review of the data obtained in accordance with paragraph (b) of this section and, as appropriate, on the basis of discussion with potential sources (either singly or in a group), correspondence, or suitable surveys.

(b) The Departments shall continually search for and develop information on sources (including small business concerns) competent to perform research and development. Advance publicity, including use of Department of Commerce Synopsis (see § 1.1003–2 of this chapter) to the fullest extent practicable, shall be given for this purpose. The search should include (1) a review of relevant data or brochures furnished by sources seeking research and development work and (2) a cooperative effort by technical personnel, small business specialists, and contracting officers to obtain information and recommendations with respect to potential sources and to consider the desirability of seeking additional sources by advance publication of proposed procurements.

§ 3.107–4 Solicitation.

(a) In order to minimize the preparation of technical proposals, which can be both costly and wasteful of scientific or engineering manpower, contracting officers should request proposals only from sources which have been technically evaluated and found qualified to perform research and development in the specific field of science or technology involved. Where there is no substantial question as to the choice of the source, as where only one source is found fully qualified as a result of thorough technical evaluation, solicitation may be limited to a single source. Where several sources are found fully qualified technically, proposals generally shall be solicited from each such source.

(b) In addition to paragraph (a) of this section, exploratory requests may be used to determine the existence of ideas or prior work in specific fields of research. However, the request for such information should clearly state that it does not impose any obligation on the Government or signify a firm intention of the Government to enter into a contract.

§ 3.107–5 Conduct of negotiations.

See § 3.804. The contracting officer should make certain that each prospective contractor fully understands the details of the various phases of the Government's requirement, especially the statement of work. This may be best accomplished by conferences between a prospective contractor, the contracting officer, and appropriate technical personnel particularly where there is doubt that a work statement is understood or will be interpreted correctly by prospective contractors.

§ 3.107–6 Evaluation for award.

(a) Generally, research and development contracts should be awarded to those organizations, including educational organizations, which have the highest competence in the specific field of science or technology involved. However, awards should not be made for research and development capabilities that exceed those needed for the successful performance of the work.

(b) Before determining the technical competence of prospective contractors, and recommending to the contracting officer the concern or concerns that they consider most technically competent, cognizant technical personnel shall consider the following:

(1) The contractor's understanding of the scope of the work as shown by the scientific or technical approach proposed;

(2) Availability and competence of experienced engineering, scientific, or other technical personnel;

(3) Availability, from any source, of necessary research, test, and production facilities;

(4) Experience or pertinent novel ideas in the specific branch of science or technology involved; and

(5) The contractor's willingness to devote his resources to the proposed work with appropriate diligence.

(c) In determining to whom the contract shall be awarded, the contracting officer shall consider not only technical competence, but also all other factors including management capabilities, weighing each factor in accordance with the requirements of the particular procurement.

§ 3.107–7 Cost and price estimates.

While cost or price should not be the controlling factor in choosing a contractor for a research or development contract (see § 3.805–1(d)), cost or price should not be disregarded in the choice of the contractor. It is important to determine the soundness of a proposed contractor's cost or price estimate, not only to determine whether the estimate is reasonable, but also to determine his understanding of the project and ability to organize and perform the contract. (See also § 3.805–2.)

§ 3.107–8 Documentation.

Contract files for research and development procurement shall be fully documented to include the basis and reasons for the selection of the sources solicited and for the award. Such documentation should be adequate to justify the selection of the contractor over others whose proposals, from the standpoint of some single factor (such as lower estimated costs or shorter performance time), might appear more advantageous to the Government.

4. In § 3.210–2, revise paragraphs (a) and (b); revise § 3.805–2; and in § 3.902, revise paragraphs (a) and (c)(7), as follows:

§ 3.210–2 Application.

The following are illustrative of circumstances with respect to which the authority of §§ 3.210—3.210–3 may be used:

(a) When supplies or services can be obtained from only one person or firm ("sole source of supply");

(b) When competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw material, or similar circumstances. However, the mere existence of such rights or circumstances does not in and of itself justify the use of the authority of §§ 3.210—3.210–3);

* * * * *

§ 3.805–2 Cost-reimbursement type contracts.

In selecting the contractor for a cost-reimbursement type contract, estimated costs of contract performance and proposed fees should not be considered as controlling, since in this type of contract advance estimates of cost may not provide valid indicators of final actual costs. There is no requirement that cost-reimbursement type contracts be awarded on the basis of either (a) the lowest proposed cost, (b) the lowest proposed fee, or (c) the lowest total estimated cost plus proposed fee. The award of cost-reimbursement type contracts primarily on the basis of estimated costs may encourage the submission of unrealistically low estimates and increase the likelihood of cost overruns. The cost estimate is important to determine the prospective contractor's understanding of the project and ability to organize and perform the contract. The agreed fee must be within the limits prescribed by law and regulation and appropriate to the work to be performed (see § 3.808 of this subpart). Beyond this, however, the primary consideration in determining to whom the award shall be made is: which contractor can perform the contract in a manner most advantageous to the Government.

§ 3.902 Review of "make or buy" program.

(a) A "make or buy" program is that part of a contractor's written plan for the production of an end item which outlines the major components, assemblies, subassemblies, and parts to be manufactured (including testing, treating, and assembling) in his own facilities and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the contractor or his affiliate, subsidiary, or division.

* * * * *

(c) * * *

(7) whether the contractor proposes to ask the Government to furnish additional facilities to do the work in-plant for which there is capacity elsewhere which is competitive in quality, delivery, and overall cost, and is acceptable as a source to the contractor; and

5. Paragraph (e) is added to § 3.903–3; revise §§ 6.103–5, 6.104–5, 6.104–6, and add new §§ 6.103–6, 6.203–3 and 6.204–6, as follows:

§ 3.903–3 Approval of purchasing system.

* * * * *

(e) Prior to conduct of a survey of the contractor's purchasing system, the contracting officer or responsible activity shall ascertain in accordance with Departmental procedures whether other Department of Defense activities have conducted surveys of the purchasing system. In this connection, pertinent information relating to the most recent survey and the results thereof (including any updating accomplished) shall be requested and shall be furnished expeditiously by the activity performing such review. Maximum use will be made of the past evaluation in order to prevent needless multiplicity of surveys.

§ 6.103–5 Canadian supplies.

(a) *Listed.* The Secretaries of the Departments have determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act with respect to certain supplies, which have been determined to be of a military character or involved in programs of mutual interest to the United States and Canada, where such supplies are mined, produced, or manufactured in Canada and either (1) are Canadian end products or (2) are incorporated in end products manufactured in the United States. Each Department maintains a list of these supplies, which is approved by the Secretary concerned. (The Departmental lists provide that end equipment parts for listed supplies are considered to be included in the lists, even though not separately listed, when they are procured under a contract that also calls for listed supplies.)

(b) *Not listed.* The Secretaries of the Departments have also determined that it would be inconsistent with the public interest to apply the restrictions of the Buy Amercian Act (1) to the acquisition of any unlisted Canadian end product that is offered by a bid or proposal which is the lowest acceptable bid or proposal after any applicable duty (whether or not a duty-free entry certificate may be issued) is included for evaluation purposes, and (2) with respect to any supplies mined, produced, or manufactured in Canada that are incorporated in end products manufactured in the United States.

(c) *Application of Canadian exception.* The effect of paragraphs (a) and (b) of this section may be summarized as follows:

(1) As to any end product that is manufactured in the United States, all Canadian components are treated as components mined, produced, or manufactured in the United States for the purpose of determining whether the end product is a domestic source end product.

(2) Listed Canadian end products are treated as domestic source end products and neither duty nor the evaluation factors prescribed by § 6.104–4 shall be used for evaluation.

(3) Unlisted Canadian end products are evaluated by including any applicable duty, whether or not a duty-free entry certificate may be issued.

(d) *Limitations.* The above exceptions from the provisions of the Buy American Act which are applicable solely with respect to Canadian supplies, and the special procedures relating thereto which are set forth in this subpart, do not apply to, or affect determinations made with respect to (1) items contained in the list set forth in § 6.105 or (2) the purchase of supplies for civil works acquired with funds appropriated for Civil Functions, Department of the Army.

§ 6.103–6 Panamanian supplies for use in the Canal Zone.

In accordance with the Memorandum of Understandings ancillary to the Treaty with the Republic of Panama signed January 25, 1955, the Secretaries have determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to articles, materials, or supplies that are mined, produced, or manufactured in Panama and are purchased for use in the Canal Zone.

§ 6.104–5 Contract clause.

The clause set forth below shall be inserted in all contracts for supplies and, when applicable, in contracts for services; except that it need not be inserted in contracts exclusively for articles, materials, or supplies for use outside the United States.

BUY AMERICAN ACT (JULY 1960)

(a) In acquiring end products, the Buy American Act (41 U.S.C. 10a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "end products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) a "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States or Canada exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b)(ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) which are for use outside the United States;

(ii) which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) as to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) as to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

In contracts for civil works acquired with funds appropriated for Civil Functions, Department of the Army, delete the words "or Canada" in paragraph (a)(iii)(B) of the clause in this section.

§ 6.104–6 Contract administration.

In appropriate cases, the contracting officer should advise the contractor of the effect of exceptions to the Buy American Act on the contractor's obligations under the clause required by § 6.104–5. For example, in furtherance of mutual Canadian-American interests as described in § 6.504, the contracting officer may advise the contractor that all components of Canadian manufacture will be treated as manufactured in the United States for purposes of the Buy American Act clause.

§ 6.203–3 Panamanian materials for use in the Canal Zone.

In accordance with the Memorandum of Understandings ancillary to the Treaty with the Republic of Panama signed January 25, 1955, articles, materials, and supplies that are mined, produced, or manufactured in Panama and are purchased for use in the Canal Zone are excepted from the Buy American Act.

§ 6.204–6 Canal Zone contracts.

In accordance with § 6.203–3, with respect to contracts for construction in the Canal Zone, the following will be inserted in (a) the space providing for listing excepted supplies following paragraph (a) of the provision in § 6.204–2 and (b) the space following the clause in § 6.204–4:

Panamanian Materials. Any construction material or component that is mined, produced, or manufactured in the Republic of Panama. (Any such component shall be considered to be a United States component for the purpose of the "Buy American Act" clause.) (JUL. 1960)

6. Revise §§ 6.504, 6.605–1, 6.605–2, and 6.605–3, and add § 6.605–4 as follows:

§ 6.504 Mutual Canadian-American interests.

Because of the close geographical proximity of the United States and Canada and of the mutual interest of both nations in the defense of North America, various steps have been taken during and since World War II to coordinate their economic efforts in the common defense, so as to achieve:

(a) Greater integration of military production,

(b) Greater standardization of military equipment,

(c) Wider dispersal of production facilities,

(d) Establishment of supplemental sources of supply, and

(e) Greater flow of defense supplies and equipment between the two countries.

Accordingly, it is Department of Defense policy to seek the best possible coordination of the materiel programs of Canada and the United States and to assure Canada a fair opportunity to share in the production of military equipment and materiel involving programs of mutual interest to Canada and the United States and in the research and development connected therewith. Accomplishment of these purposes required the alleviation of the restrictions of the Buy American Act with respect to procurements for public use of supplies mined, produced, or manufactured in Canada in the manner prescribed in Subpart A of this part. This policy is not applied in any way inconsistently with DOD policies such as those respecting mobilization base requirements, small business concerns, or labor surplus area concerns.

§ 6.605–1 Policy.

(a) In keeping with the policy to enhance economic cooperation with Canada in the interests of continental defense (§ 6.504), duty-free entry should generally be accorded Canadian supplies that constitute, or that are directly or indirectly incorporated in, end items included in the Departmental lists of supplies maintained pursuant to § 6.103–5(a). (These Departmental lists include supplies of a military character or which are involved in programs of mutual interest to the United States and Canada. Parts and equipment for listed supplies, even though not separately listed, are considered to be included in the lists when they are procured under a contract that also calls for listed supplies.) Duty-free entry should be accorded such supplies by the issuance of duty-free entry certificates in accordance with §§ 6.605 through 6.605–3 and, in particular, as provided in the contract clause prescribed in § 6.605–2.

(b) In connection with contracts with United States prime contractors for the procurement of end items that are not included in the Departmental lists maintained pursuant to § 6.103–5(a) of this part, Canadian supplies that are themselves listed and are specifically identified in the contract as supplies that will be directly or indirectly incorporated in such unlisted end items, should be accorded duty-free entry as provided in § 6.605–3.

§ 6.605–2 Contract clause.

Every contract in excess of $10,000, except construction contracts, that includes the procurement of end items contained in the list maintained by the Department concerned pursuant to § 6.103–5(a) of this part shall include the following clause unless it is reasonably certain that no supplies will be imported from Canada by the contractor or any first- or lower-tier subcontractor in connection with the performance of the contract. The clause will be included in invitations for bids or requests for proposals that are expected to lead to such a contract.

DUTY-FREE ENTRY—CANADIAN SUPPLIES (JULY 1960)

(a) Except as otherwise approved by the Contracting Officer and except with respect to individual shipments on which the duty is $50 or less, no amount is or will be included in the contract price on account of duty with respect to—

(i) all end items which constitute "Canadian end products" (as defined in paragraph 6–101 of the Armed Services Procurement Regulation) to be delivered under this contract; and

(ii) all supplies (including, without limitation, raw materials, components and intermediate assemblies) produced or made in Canada which are to be incorporated in the end items to be delivered under this contract; provided, that such end items are made in the United States or Canada; except supplies imported into the United States prior to the date of this contract, or, in the case of supplies imported by a first- or lower-tier subcontractor hereunder, prior to the date of its subcontract.

(b) All shipping documents submitted to Customs, covering such Canadian end products or supplies for which duty-free entry is to be claimed, shall bear the notation "UNITED STATES (insert name of Military Department)—DUTY FREE ENTRY TO BE CLAIMED under 10 U.S.C. 2383. Collector of Customs kindly notify (insert name and address of Government official and office) upon arrival of shipment at port of entry." The notation will also identify this contract by its contract number.

(c) The Contractor warrants that all such Canadian supplies, for which such duty-free entry is to be claimed, are to be delivered to the Government or incorporated in the end items to be delivered under this contract, and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof, are not delivered to the Government or incorporated in such end items or disposed of pursuant to the provisions of this contract.

(d) The Government agrees to execute duty-free entry certificates and to afford such assistance as appropriate in order to obtain the duty-free entry of Canadian end products or supplies as to which the shipping documents bear the notation specified in paragraph (b) above, except as the Contractor may otherwise agree and except with respect to individual shipments on which the duty is $50 or less.

(e) The Contractor agrees to insert the substance of this clause, including this paragraph (e), in all subcontracts for supplies hereunder that exceed $5,000. Each such subcontract shall require the subcontractor to identify this contract by its contract number on any shipping documents submitted to Customs covering supplies for which duty-free entry is to be claimed pursuant to this clause. If the procurement covers both listed and unlisted end items, the foregoing clause should be modified so as to limit its application to the listed end items.

§ 6.605–3 Listed supplies for unlisted end items.

In connection with negotiated contracts in excess of $10,000 with United States prime contractors for the procurement of end items that are not included in the Departmental lists maintained pursuant to § 6.103–5(a), if the prospective contractor specifically identifies listed Canadian supplies that will be directly or indirectly incorporated in such unlisted end items and if the contract price does not include any amount on account of duty with respect to such supplies, the contract should provide for the duty-free entry of such supplies by including provisions substantially as follows. The Schedule should identify the particular listed Canadian supplies that are to be accorded duty-free entry. The contract should include a clause like that in § 6.605–2, but modified so as to cover only the particular Canadian supplies that are specifically identified in the Schedule. Thus, the clause may be modified by:

(a) In paragraph (a), deleting (i) and (ii) and substituting the words "those supplies that are specifically identified in the Schedule as Canadian supplies to be accorded duty-free entry."

(b) In paragraph (b) of the clause, deleting the words "end products or,"

(c) In paragraph (d) of the clause, deleting the words "Canadian end products or supplies" and substituting a reference to the particular Canadian listed supplies, as in paragraph (a) of this section, and

(d) As to paragraph (e) of the clause, limiting the "flowdown" provision to subcontracts for supplies specifically identified in the Schedule, or, if appropriate, deleting the provision.

§ 6.605–4 Amending existing contracts.

Any existing contract may be amended so as to be made consistent with § 6.605–2 or § 6.605–3; provided that, in the case of a fixed-price type contract, the contract price is reduced by the amount of the applicable duty. Under any cost-reimbursement type contract that has not been so amended, duty-free entry shall be accorded Canadian supplies to the extent permitted by § 6.602 except with respect to individual shipments on which the duty is $50 or less.

7. In § 7.103–12, revise the introductory portion of paragraph (b); and add new §§ 7.104–28 and 7.105–8, as follows:

§ 7.103–12 Disputes.

* * * * *

(b) In procurements to be performed outside the United States, its possessions and Puerto Rico, where it is anticipated that the contractor will be a foreign firm, either the clause in (a) above will be used after modifying it to insert "United States" before "court of competent jurisdiction" or the following clause will be inserted:

* * * * *

§ 7.104–28 Quality Control System.

In all contracts for complex supplies other than (a) standard commercial items and (b) items being purchased under specifications which in themselves contain adequate inspection and quality control provisions, insert the following clause:

QUALITY CONTROL SYSTEM (JULY 1960)

The Contractor shall provide and maintain a quality control system acceptable to the Government for the supplies covered by this contract. The system of quality control shall be in accordance with Military Specification MIL–Q–9858.

The last sentence of the foregoing clause may be omitted if the application of Military Specification MIL–Q–9858 would be incompatible with the technical objective of the contract, required procurement, management flexibility, or military urgency: *Provided*, That when it is so omitted, the control shall provide by specification, exhibit, or otherwise, that the contractor shall maintain quality control measures for all manufacturing processes and documentation pertinent to quality, testing and inspection, fabrication, and delivery.

§ 7.105–8 Stop work orders.

(a) *Use of clause.* The clause set forth in paragraph (c) of this section is authorized for use in any negotiated fixed-price type contract under which work stoppage may be required for reasons such as advancements in the state of the art, production or engineering break-throughs, or realignment of programs.

(b) *Use of orders.* (1) Inasmuch as stop work orders may result in increased costs to the Government by reason of standby costs, such orders will be issued only with prior approval at a level above the contracting officer. Generally, use of a stop work order will be limited to those situations where it is advisable to suspend work pending a decision by the Government and a supplemental agreement providing for such suspension is not feasible. Although a stop work order may be used pending a decision to terminate for convenience, it will not be used pending a decision to terminate for default, nor will it be used in lieu of the issuance of a termination notice after a decision to terminate has been made.

(2) Stop work orders should include (i) a clear description of the work to be suspended, (ii) instructions as to the issuance of further orders by the contractor for material or services, (iii) guidance as to action to be taken on subcontracts, and (iv) other suggestions to the contractor for minimizing costs. Promptly, after issuance, stop work orders should be discussed with the contractor and should be modified, if necessary, in the light of such discussions.

(3) As soon as feasible after a stop work order is issued, (i) the contract will be terminated; or (ii) the stop work order will either be canceled or—if necessary and if the contractor agrees—be extended beyond the period specified in the order. In any event, this must be done before the specified stop work period expires. Where an extension of the stop work order is necessary, it shall be evidenced by a supplemental agreement. Any cancellation of a stop work order shall be subject to the same approvals as were required for the issuance of the order.

(c) *Clause.*

STOP WORK ORDER (JULY 1960)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of ninety (90)* days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90)* days after a stop work order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(i) cancel the stop work order, or

(ii) terminate the work covered by such order as provided in the "Termination for Convenience" clause of this contract.

(b) If a stop work order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule or contract price, or both, and the contract shall be modified in writing accordingly, if—

(1) the stop work order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) the Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage; provided that, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) If a stop work order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the stop work order shall be allowed in arriving at the termination settlement.

*The clause may provide for less than ninety days.

8. In § 7.108, add new paragraph (j) (4) to the incentive price revision clause; add new paragraph (i) (4) to the price redetermination clause in § 7.109–2(b); and add new paragraph (l) (4) to the price redetermination clause in § 7.109–3(b), as follows:

§ 7.108 Incentive price revision clause.

* * * * *

(j) *Limitation on payments.* * * *

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4) modified as outlined in (i) above.

§ 7.109–2 Prospective periodic price redetermination at stated intervals.

* * * * *

(b) *Clause.*

PRICE REDETERMINATION (TYPE A) (JULY 1960)

* * * * *

(i) *Limitation on payments.* * * *

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4) modified as outlined in (i) above.

§ 7.109–3 Prospective price redetermination on request.

* * * * *

(b) *Clause.*

PRICE REDETERMINATION (TYPE B) (JULY 1960)

* * * * *

(l) *Limitation on payments.* * * *

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

9. Add new paragraph (h) (4) to the price redetermination clause in § 7.109–4 (b); add new paragraph (h) (4) to the price redetermination clause in § 7.109–5 (b); add new paragraph (h) (4) to the price redetermination clause in § 7.109–6 (b); and in § 7.203–8, add new paragraph (g) to the subcontracts clause, as follows:

§ 7.109–4 Retroactive and prospective price redetermination at a stated time prior to completion.

* * * * *

(b) *Clause.*

PRICE REDETERMINATION (TYPE C) (JULY 1960)

* * * * *

(h) *Limitation on payments.* * * *

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

§ 7.109–5 Retroactive and prospective price redetermination including further prospective redetermination on request.

* * * * *

(b) *Clause.*

PRICE REDETERMINATION (TYPE D) (JULY 1960)

* * * * *

(h) *Limitation on payments.* * * *

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

§ 7.109–6 Retroactive price redetermination after completion.

* * * * *

(b) *Clause.*

PRICE REDETERMINATION (TYPE E) (JULY 1960)

* * * * *

(h) *Limitation on payments.* * * *

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this "Limitation on Payments" provision, including this subparagraph (4), modified as outlined in (i) above.

§ 7.203–8 Subcontracts.

SUBCONTRACTS (JULY 1960)

* * * * *

(g) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" provision set forth in paragraph (j) of the clause prescribed by paragraph 7–108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

10. Add new §§ 7.204–10, 7.205–7 and 7.303–15, and revise § 7.304–6, as follows:

§ 7.204–10 Quality Control System.

In accordance with the instructions in § 7.104–28 of this part, insert the contract clause set forth therein.

§ 7.205–7 Stop work orders.

The clause set forth in § 7.105–8 of this part, if modified by changing (a) the words "the 'Termination for Convenience' clause of this contract" to "the 'Termination' clause of this contract" and (b) the words "an equitable adjustment shall be made in the delivery schedule or contract price, or both" to "an equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected," is authorized for use in any cost-reimbursement type contract under the criteria and in accordance with the instructions in § 7.105–8.

§ 7.303–15 Quality Control System.

In accordance with the instructions in § 7.104–28 of this part, insert the contract clause set forth therein.

§ 7.304–6 Stop work orders.

The clause set forth in § 7.105–8 of this part is authorized for use under the criteria and in accordance with the instructions in § 7.105–8.

11. Add new paragraph (c) (4) to the Allowable Cost, Fixed-Fee, and Payment Clause in § 7.402–3(c); and add paragraph (g) to the Subcontracts Clause in § 7.402–8(a), as follows:

§ 7.402–3 Allowable cost, fixed fee, and payment.

* * * * *

(c) * * *

ALLOWABLE COST, FIXED FEE, AND PAYMENT (FEB. 1959)

• • • • • •

(c) • • •

(4) In the event of complete termination of the work remaining to be performed under this contract or in the event of cessation of performance pursuant to the clause of this contract entitled "Limitation of Cost," the Government shall, subject to the provisions of paragraph (d) below, pay the balance of the gross withheld payments amount to the Contractor within sixty (60) days from the effective date of termination or date of written notice to the Government that performance has been discontinued pursuant to the clause entitled "Limitation of Cost," as the case may be.

• • • • • •

§ 7.402–8 Subcontracts.

(a) • • •

SUBCONTRACTS (JULY 1960)

• • • • • •

(g) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" provision set forth in paragraph (j) of the clause prescribed by paragraph 7–108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

• • • • • •

12. Add new § 7.403–15 and revise §§ 7.403–5, 7.404–5, and 7.404–6, as follows:

§ 7.403–5 Excusable delays.

In all contracts containing the Termination clause set forth in § 8.702 of this chapter, insert the contract clause set forth in § 8.708 of this chapter. In contracts containing the Termination clause set forth in § 8.704 of this chapter, the contract clause set forth in § 8.708 of this chapter may be inserted.

§ 7.403–15 Quality control system.

In accordance with the instructions in § 7.104–28, insert the contract clause set forth therein.

§ 7.404–5 Stop work orders.

The clause set forth in § 7.105–8, if modified as prescribed in § 7.205–7, is authorized for use under the criteria and in accordance with the instructions in § 7.105–8.

§ 7.404–6 Reports of work.

REPORTS OF WORK (JULY 1960)

(a) The contractor shall submit reports making full disclosure of all work done and the results thereof, in the manner, at the times, and to the extent set forth in the Schedule; provided that, unless otherwise specified in the Schedule, the Contractor shall submit such reports in triplicate from time to time as requested and upon completion (or earlier termination) of the work. Except as may be otherwise specified in the Schedule, or unless the Contractor is otherwise instructed, the Contractor shall, upon completion (or earlier termination) of the work, deliver any working drawings and specifications of any prototypes as may have been developed.

(b) If the Contractor becomes unable to complete the contract work and to deliver at the time specified in the Schedule because of technical difficulties, notwithstanding the exercise of good faith and diligent efforts in performance of the work, he shall give the Contracting Officer written notice of the anticipated delays with reasons therefor, not less than forty-five (45) days before the completion date specified in the Schedule or within such time as the Contracting Officer deems sufficient. When notice is so required, the Contracting Officer may, in his discretion, extend the time specified in the Schedule for such period as he deems advisable.

In the above clause, the words "Task Order" or other appropriate designation may be substituted for the word "Schedule," as appropriate. Paragraph (a) may be used without paragraph (b). The last sentence of paragraph (b) may be omitted.

13. Revise introductory portion of § 8.708, and add a cross reference to § 9.103(a), as follows:

§ 8.708 Excusable delays clause for cost-reimbursement type contracts.

The following clause shall be used in all cost-reimbursement type supply contracts as defined in § 7.202 of this chapter and in all cost-reimbursement type research and development contracts that contain the Termination clause in § 8.702. It may be used in contracts that contain the Termination clause in § 8.704.

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§ 9.103 Patent indemnification of Government by contractor.

• • • • • •

(a) • • • (see § 2.407–8 of this chapter); or

• • • • • •

14. Add a new § 10.104–3; revise introductory portion of § 11.401–1; revise § 11.401–2; and add new §§ 11.403, 11.403–1, 11.403–2 and 11.404, as follows:

§ 10.104–3 Furnishing information to subcontractors and suppliers.

It is Department of Defense policy to furnish subcontractors or suppliers only general information with respect to the status of work and of payments made to prime contractors. Where a payment bond has been required, a subcontractor or supplier, after satisfying the contracting officer that he is a bona fide subcontractor or supplier and stating that he has not been paid for work performed or supplies delivered, may be furnished the name and address of the surety furnishing the required bonds on the contract in question. In addition, subcontractors and suppliers may be furnished general information on such matters as the progress of the work, the accomplishment of payments as of certain dates, and the estimated percentage of completion.

§ 11.401–1 Clause for advertised and certain negotiated contracts.

Except in contracts to be performed entirely outside the United States, its possessions, and Puerto Rico, the following clause shall be inserted in (a) all formally advertised contracts (other than construction contracts not in excess of $10,000), and (b) negotiated fixed-price type contracts in excess of $10,000 where the contracting officer is satisfied that the contract price, by virtue of competition or otherwise, excludes contingencies for State and local taxes. In negotiated fixed-price type contracts in excess of $2,500 but not in excess of $10,000, the clause may, in the discretion of the contracting officer, be inserted.

• • • • • •

§ 11.401–2 Alternate clause for certain negotiated contracts.

(a) *Use of clause.* (1) Except in contracts to be performed entirely outside the United States, its possessions, and Puerto Rico, the clause set forth in paragraph (b) of this section shall be inserted in all negotiated fixed-price type contracts in excess of $10,000 where the contracting officer is not satisfied that the contract price, by virtue of competition or otherwise, excludes contingencies for State and local taxes. Guidelines for using the clause are set forth below.

(2) Subparagraphs (d)(1) and (d)(2) of the clause, respectively, provide for upward and downward escalation for certain taxes. Subparagraph (d)(4) prohibits upward and downward escalation for social security, income, franchise, excess profit, capital stock, unemployment compensation and property taxes, except:

(i) Income and franchise taxes levied on or measured by (a) sales or receipts from sales, or (b) the contractor's possession of, interest in, or use of Government-owned property; and

(ii) Property taxes allocable to the contract which are assessed on completed supplies covered by the contract, or on the contractor's possession of, interest in, or use of property title to which is in the Government.

(3) Paragraph (e) of the clause provides for the furnishing by the Government of evidence of exemption from taxes which the contractor warrants were excluded from the contract price. Evidence of exemption shall be issued only where there is a reasonable basis therefor.

(4) Paragraph (f)(1) of the clause obligates the contractor to notify the contracting officer of any tax matters (e.g., unexpected tax assessments or new legislation) which reasonably may be expected to result in an increase or decrease in the contract price. Paragraph (f)(2) obligates the contractor to follow instructions of the contracting officer when an adjustment in the contract price may be required, and provides for adjustment of the contract price to cover the costs of such action.

(5) Paragraph (b) of the clause furnishes criteria for determining the taxes included in the contract price. However, the contract may provide for the exclusion of a specific tax from the contract price. Where the contracting officer has doubt as to the applicability or allocability of any tax, language appropriate to the particular circumstances should be included in the contract after obtaining any approval required by the Department concerned. Special consideration should be accorded taxes assessed on the contractor's possession of, interest in, or use of Government-owned real and personal property. In accordance with Departmental procedures, the following provision may be inserted in any contract under which the contractor has possession of property to which the Government has title on the tax assessment date, pursuant to progress payment clauses or otherwise:

All property taxes assessed on the Contractor's possession of, interest in, or use of property title to which is in the Government are excluded from the contract price.

(6) Where Government property is furnished under a facilities contract, the contracting officer shall review the facilities contract when negotiating a subsequent supply contract to assure that the contractor is not reimbursed twice for the same taxes.

(b) *Clause.*

FEDERAL, STATE, AND LOCAL TAXES (JULY 1960)

(a) As used throughout this clause, the term "contract date" means the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(b) Except as may be otherwise provided in this contract, the contract price includes, to the extent allocable to this contract, all Federal, State, and local taxes which, on the contract date:

(i) by Constitution, statute, or ordinance, are applicable to this contract, or to the transactions covered by this contract, or to property or interests in property; or

(ii) pursuant to written ruling or regulation, the authority charged with administering any such tax is assessing or applying to, and is not granting or honoring an exemption for, a contractor under this kind of contract, or the transactions covered by this contract, or property or interests in property.

(c) Except as may be otherwise provided in this contract, duties in effect on the contract date are included in the contract price, to the extent allocable to this contract.

(d)(1) If the Contractor is required to pay or bear the burden—

(i) of any tax or duty which either was not to be included in the contract price pursuant to the requirements of paragraphs (b) and (c), or of a tax or duty specifically excluded from the contract price by a provision of this contract; or

(ii) of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price; or

(iii) of any interest or penalty on any tax or duty referred to in (i) or (ii) above; the contract price shall be increased by the amount of such tax, duty, interest, or penalty allocable to this contract; provided, that the Contractor warrants in writing that no amount of such tax, duty, or rate increase was included in the contract price as a contingency reserve or otherwise; and provided further, that liability for such tax, duty, rate increase, interest or penalty was not incurred through the fault or negligence of the Contractor or his failure to follow instructions of the Contracting Officer.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, interest, or penalty which:

(i) was to be included in the contract price pursuant to the requirements of paragraphs (b) and (c);

(ii) was included in the contract price; or

(iii) was the basis of an increase in the contract price; the contract price shall be decreased by the amount of such relief, refund, or drawback allocable to this contract, or the allocable amount of such relief, refund, or drawback shall be paid to the Government, as directed by the Contracting Officer. The contract price also shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden, or does not obtain a refund or drawback of any such tax, duty, interest, or penalty. Interest paid or credited to the Contractor incident to a refund of taxes shall inure to the benefit of the Government to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government for such taxes.

(3) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (d) shall set forth the amount thereof as a separate item and shall identify the particular tax or duty involved.

(4) This paragraph (d) shall not be applicable to social security taxes; income and franchise taxes, other than those levied on or measured by (i) sales or receipts from sales, or (ii) the Contractor's possession of, interest in, or use of property, title to which is in the Government; excess profits taxes; capital stock taxes; unemployment compensation taxes; or property taxes, other than such property taxes, allocable to this contract, as are assessed either on completed supplies covered by this contract, or on the Contractor's possession of, interest in, or use of property, title to which is in the Government.

(5) No adjustment of less than $100 is required to be made in the contract price pursuant to this paragraph (d).

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f)(1) The Contractor shall promptly notify the Contracting Officer of all matters pertaining to Federal, State, and local taxes, and duties, that reasonably may be expected to result in either an increase or decrease in the contract price.

(2) Whenever an increase or decrease in the contract price may be required under this clause, the Contractor shall take action as directed by the Contracting Officer, and the contract price shall be equitably adjusted to cover the costs of such action, including any interest, penalty, and reasonable attorneys' fees.

§ 11.403 Foreign tax exemption clauses.

§ 11.403–1 General.

(a) *Use of clauses.* Tax agreements have been made with Belgium, Denmark, France, Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, Norway, the Philippines, Portugal, Spain, Turkey, the United Kingdom, and Yugoslavia, under which the United States expenditures for the common defense are exempt from certain specified taxes of the countries in which these expenditures are made. The clauses in § 11.403–2 shall be included in all contracts to be performed by contractors or by foreign governments in those foreign countries with which such tax agreements have been made. However, such clauses need not be included in contracts under $1,000 if the contracting officer determines that the administrative burden of securing relief from such taxes would be out of proportion to the relief obtained; provided, that such clauses shall be included in all contracts in support of NATO infrastructure programs involving the expenditure of funds under section 104 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1814).

(b) *Exclusion of specific taxes from the contract price.* The contracting officer, at the time of negotiation of a contract that is to contain one of the clauses in § 11.403–2, shall obtain and make a part of the contract file detailed information concerning the specific taxes and amounts, normally applicable to the transaction, from which the Government of the United States is exempt under the provisions of applicable tax agreements.

§ 11.403–2 Contract clauses.

In accordance with § 11.403–1 and except as provided therein, the appropriate one of the clauses in paragraphs (a) through (d) of this section shall be included in each contract to which a tax agreement is relevant.

(a) *Fixed-price type contracts with foreign contractors other than foreign governments.*

TAXES (JULY 1960)

(a) The contract price, including the prices in any subcontracts hereunder, does not include any tax or duty which the Government of the United States and the Government of ---------- have agreed shall not be applicable to expenditures made by the United States in ----------, or any tax or duty from which the Contractor, or any subcontractor hereunder, is exempt under the laws of ----------. If any such tax or duty has been included in the contract price, through error or otherwise, the contract price shall be correspondingly reduced.

(b) If for any reason after the contract date, the Contractor is relieved in whole or in part from the payment or the burden of any tax or duty included in the contract price, the contract price shall be correspondingly reduced.

(b) *Fixed-price type contracts with foreign governments.*

TAXES (JULY 1960)

(a) The contract price, including the prices in any subcontracts hereunder, does not include any tax or duty which the Government of the United States and the Government of ---------- have agreed shall not be applicable to expenditures made by the United States in ----------, or any tax or duty not applicable to this contract or any subcontracts hereunder, pursuant to the laws of ----------. If any such tax or duty has been included in the contract price through error or otherwise, the contract price shall be correspondingly reduced.

(b) If, after the contract date, the Government of the United States and the Government of ---------- shall agree that any tax or duty included in the contract price shall not be applicable to expenditures by the

United States in _____, the contract price shall be reduced accordingly.

(c) *Cost-reimbursement type contracts with foreign contractors other than foreign governments.*

TAXES (JULY 1960)

Any tax or duty from which the United States Government is exempt by agreement with the Government of _____, or from which the Contractor or any subcontractor hereunder is exempt under the laws of _____, shall not constitute an allowable cost under this contract.

(d) *Cost-reimbursement type contracts with foreign governments.*

TAXES (JULY 1960)

Any tax or duty from which the United States Government is exempt by agreement with the Government of _____, or from which any subcontractor hereunder is exempt under the laws of _____, shall not constitute an allowable cost under this contract.

§ 11.404 Clause for use where foreign tax agreements do not apply.

The following clause may be used in lieu of the clauses in § 11.401 where contract performance will be entirely in a foreign country with which the United States does have a tax agreement.

TAXES (JULY 1960)

The contract price includes any and all applicable taxes.

15. Revise Part 14 to read as follows:

PART 14—INSPECTION AND ACCEPTANCE

Sec.

14.000 Scope of part.

Subpart A—Inspection

14.100 Definitions.
14.100–1 Inspection.
14.100–2 Testing.
14.101 General.
14.102 Activities responsible for inspection.
14.103 Inspection interchange agreements.
14.104 Contractor responsibility.
14.105 Places of inspection.
14.105–1 General.
14.105–2 Inspection at source.
14.105–3 Inspection at destination.
14.106 Inspection of small purchases.
14.107 Rejection of nonconforming supplies or services.
14.108 Government inspection under subcontracts.
14.109 Inspection for foreign governments.

Subpart B—Acceptance

14.201 General.
14.202 Delivery under F.O.B. origin contracts.
14.203 Point of acceptance.
14.204 Responsibility for acceptance.
14.205 Acceptance of supplies or services not conforming with contract requirements.

AUTHORITY: §§ 14.000 to 14.205 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 14.000 Scope of part.

This part deals with inspection and acceptance under contracts for supplies (other than construction contracts or services).

Subpart A—Inspection

§ 14.100 Definitions.

§ 14.100–1 Inspection.

Inspection means the examination (including testing) of supplies and services (including, when appropriate, raw materials, components, and intermediate assemblies) to determine whether the supplies and services conform to contract requirements, including all applicable drawings, specifications, and purchase descriptions.

§ 14.100–2 Testing.

Testing is an element of inspection and generally denotes the determination by technical means of the physical and chemical properties or elements of materials, supplies, or components thereof, involving not so much the element of personal judgment as the application of established scientific principles and procedures.

§ 14.101 General.

(a) Inspection on behalf of the Government shall be conducted in all cases prior to acceptance, except as permitted by § 14.204. Inspection shall be accomplished by or under the supervision of Government personnel. Except as otherwise provided in the contract, test requirements may be performed in the contractor's or subcontractor's laboratory or any other commercial laboratory acceptable to the Government. The contractor may be required under the terms of the contract to establish and maintain an acceptable inspection or quality control system to assure compliance with contract specifications with a minimum of Government inspection supervision. A manufacturer's certificate or other statement of quality or quantity may be considered in determining whether supplies or services are in conformity with the contract; but no provision of the contract shall preclude the Government from performing inspection.

(b) The type and extent of inspection needed depend on the particular procurement. For example, on items which would involve small losses in the event of defects and which would probably be replaced by suppliers without contest, inspection may consist only of checks for identity, quantity, and shipping damage.

§ 14.102 Activities responsible for inspection.

Inspection, or the arrangement therefor, is the responsibility of the contracting activity. Where a department or activity uses the inspection services of another department or activity, the department or activity performing such inspection has primary inspection cognizance and its inspection determinations are binding on the department or activity for which the inspection services are performed. In coordinated or interdepartmental procurements, where Government inspection is to be made at the source, it generally will be made by inspectors of the contracting agency; but this general rule does not alter inspection interchange agreements or preclude the use of inspections of another department or activity located at or servicing the contractor's plant. Where Government inspection at destination is required in coordinated or interdepartmental procurements, the requiring agency or activity may be requested to arrange for the inspection.

§ 14.103 Inspection interchange agreements.

By appropriate inspection interchange agreements, departments and activities shall provide for the use of inspection services of other departments or Government agencies to assure the most economical and effective inspection consistent with the best interest of the Government. Wherever there are multiple Government inspection assignments in a supplier's plant, each of the activities involved shall arrange for the interchange of inspection services, except that contracts involving special requirements may be exempted in accordance with policies established by the Department of Defense. Inspection interchange agreements should be designed to eliminate duplication, overlapping, or multiple assignments of Government inspection activities in any one plant. Departmental procedures generally should permit detailed inspection interchange agreements to be initiated and completed at the operating level. Inspection interchange agreements shall be in accordance with the following:

(a) When inspection is to be made by other military procuring activities or military departments, such inspection shall be performed without reimbursement except to the extent that reimbursement in kind is practicable;

(b) When inspection is to be made by or for other Government agencies, such inspection will be on a mutually acceptable basis; and

(c) All agreements shall include specific provisions for: (1) Use of the practices, records, and forms of the activity performing inspection, unless the use of others is mutually agreeable; (2) channels of communication; and (3) designation of source and delivery date of any Government inspection equipment to be supplied.

§ 14.104 Contractor responsibility.

The standard inspection clauses in Part 7 of this chapter require the contractor to maintain an inspection system acceptable to the Government and records of all inspection work performed by the contractor. The contractor's inspection system should be such as to provide reasonable assurance that the supplies subject to inspection will conform to contract requirements and should include any quality control procedures necessary to this end. Contracts for complex supplies shall include the Quality Control System clause in § 7.104–28 of this chapter. This clause specifically requires contractors to maintain a quality control system acceptable to the Government. In this regard the Contracting Officer, or his representatives, shall assure that the contractor maintains quality control measures for all manufacturing processes and documentation pertinent to quality, testing and inspection, fabrication, and delivery. Government inspection activities shall

plan and conduct systematic evaluation and verification of suppliers' inspection systems, quality control systems, and supplies, for the purpose of obtaining the maximum assurance of quality consistent with efficient use of Government and contractor manpower and facilities. In any case, when Military or Federal specifications are used to establish requirements in the contract, the supplier shall be required to perform all examinations and tests called for by the specifications except those which the Government is expressly required to make.

§ 14.105 Places of inspection.

§ 14.105–1 General.

Each contract shall designate the place or places of inspection. Inspection of supplies and services shall be made at such times and places (including any stage at the period of manufacture, and including subcontractors' plants) as are necessary to determine that the supplies and services conform to contract requirements. Where the contract provides for inspection at source, shipment prior to inspection may be authorized if it is determined to be in the best interest of the Government. In such cases, to the extent appropriate, the contract should be modified prior to shipment with respect to (a) risk of loss in transit and (b) shipping and other expenses incurred in the event of rejection at destination.

§ 14.105–2 Inspection at source.

Supplies and services shall be inspected at source where:

(a) Inspection at any other point would require uneconomical disassembly or destructive testing;

(b) Considerable loss would result from the manufacture and shipment of unacceptable supplies or from the delay in making necessary corrections;

(c) Special instruments, gauges, or facilities required for inspection are available only at source;

(d) Inspection at any other point would destroy or require the replacement of costly special packing and packaging;

(e) Quality control and inspection are closely related to production methods;

(f) Supplies requiring technical inspection are destined for points of embarkation for oversea shipment; or

(g) Otherwise determined to be in the best interest of the Government.

§ 14.105–3 Inspection at destination.

Supplies and services shall be inspected at destination where:

(a) Deliveries of supplies purchased "off the shelf" are made from a point other than that of manufacture;

(b) Necessary testing equipment is located only at destination;

(c) Biologicals being purchased are processed under direct control of the National Institutes of Health or the Federal Food and Drug Administration;

(d) Perishable subsistence supplies are purchased within the United States, except that perishable subsistence supplies destined for oversea shipment will normally be inspected for condition and quantity at points of embarkation;

(e) Brand name items are purchased for authorized resale, except that where supplies are destined for direct overseas shipment, inspection (and acceptance) will be made by the contracting officer or the official charged with such responsibility on the basis of a tally sheet evidencing receipt of shipment signed by the port transportation officer or other designated official at the transshipment point; or

(f) Otherwise determined to be in the best interest of the Government.

§ 14.106 Inspection of small purchases ($2,500 or less).

(a) This section applies to all small purchases, including items described in Federal and Military specifications, and qualified products. In determining the type and extent of Government inspection to be required on small purchases, the smallness of possible losses and the likelihood of uncontested replacement of defective articles shall be considered.

(b) Generally, inspection of small purchases shall be at destination. Purchasers, users, and installers may be considered inspectors for small purchase inspection purposes.

(c) Unless detailed technical inspection is necessary, inspection shall consist of examination of (1) type and kind, (2) quantity, (3) damage, (4) operability, if readily determinable, and (5) packaging and marking, if applicable.

(d) Detailed technical inspection shall be performed if special specifications are involved or if defective supplies can harm personnel or equipment.

(e) Detailed technical inspection may be limited to a check of characteristics that require separate specifications and of those likely to cause harm. Such inspection may be limited to inspection of occasional purchases of the same item from the same manufacturing source when there is good reason to rely upon the integrity of the manufacturer because of known safeguards and a significant history of defect-free purchases.

(f) Adjustments for short shipments or defective supplies shall be requested from suppliers when recovery will benefit the Government.

§ 14.107 Rejection of nonconforming supplies or services.

Contractors ordinarily shall be given an opportunity to correct or replace nonconforming supplies or services if this can be done within the required delivery schedule. Unless the contract provides otherwise, such correction or replacement shall be without additional cost to the Government. Notices of rejection of nonconforming supplies or services need not be in writing unless (a) the supplies have been delivered to a point other than the contractor's plant, (b) the contractor persists in offering nonconforming supplies or services for acceptance, or (c) delivery or performance is overdue without excusable cause. The reasons for rejection normally shall be stated, and the contractor may be given any suggestions that might help in eliminating the cause of rejection. If timely notice of rejection is not furnished to the contractor, acceptance may in certain cases be implied as a matter of law from such omission. Therefore, notices of rejection should be furnished promptly to contractors whenever rejection is intended.

§ 14.108 Government inspection under subcontracts.

Government inspection of subcontracted supplies shall be made only when required in the interest of the Government. The primary purpose of subcontract inspection is to assist the Government inspector at the prime contractor's plant in determining the conformance of supplies with contract requirements. It does not relieve the prime contractor of any of his responsibilities under the contract. Supplies that do not qualify under the criteria in § 14.105–2 for Government inspection at source shall not be inspected by the Government at the subcontractor's plant. Supplies for which certificates, records, reports, and similar evidence of quality are available at the prime contractor's plant shall not be Government inspected at the subcontractor's plant except occasionally to verify such evidence. However, Government inspection shall be performed at a subcontractor's plant whenever the Government contract requires. All oral and written statements and contract provisions relating to the inspection of subcontracted supplies shall be worded as not to (a) affect the contractual relationship between the prime contractor and the Government or between the prime contractor and the subcontractor, (b) establish a contractual relationship between the Government and the subcontractor or (c) constitute a waiver of the Government's right to inspect or reject supplies.

§ 14.109 Inspection for foreign governments.

Inspection will be performed only for friendly foreign governments or international agencies and shall be administered in accordance with the foreign policy and security objectives of the United States. Such inspection will be provided only where consistent with or required by legislation, executive orders, or Department of Defense or Departmental policies concerning mutual security programs, setting forth foreign policy and security objectives. When inspection is performed outside the United States, the levels of technical capability and the administrative procedures not already prescribed in existing laws, Executive Orders, or Department of Defense policies will be in accordance with arrangements suitable and acceptable to United States country teams or commanders of unified and special commands, as appropriate.

Subpart B—Acceptance

§ 14.201 General.

As used in Department of Defense contracts, "acceptance" generally means the act of an authorized representative of the Government by which the Government assents to ownership by it of existing and identified supplies, or approves specific services rendered, as partial or complete performance of the contract. Except as provided in § 14.205, and subject to other terms and condi-

tions of the contract, the Government thereby acknowledges that the supplies or services are in conformity with contract requirements, including those of quality, quantity, packaging, and marking. Depending upon the provisions of the contract, acceptance may be effected prior to, at the time of, or after delivery. However, supplies and services shall not be accepted prior to inspection, except as permitted in § 14.204. Acceptance shall ordinarily be accomplished by execution of an acceptance certificate on the applicable inspection and receiving report form (for example, DD Form 250, DD Form 1155, or Standard Form 44). Where acceptance is accomplished at a point other than destination, supplies shall not be reinspected at destination for acceptance purposes.

§ 14.202 Delivery under F.O.B. origin contracts.

(a) Satisfactory evidence of delivery is required before payment other than progress or advance payments may be made under fixed-price supply contracts. Under contracts calling for deliveries F.O.B. origin, the contracting officer or his authorized representative, in certifying that delivery has been made, may in his discretion rely on the contractor's signed statement on his invoice that delivery has been made on a specified date to a named carrier or to a representative of the Government. When necessary to protect the Government's interest, the contracting officer may require either that the contractor furnish a receipted copy of the bill of lading or postal receipt, or that a representative of the Government certify as to actual delivery on the applicable inspection and receiving report form. Invoicing instructions to F.O.B. origin contractors shall require that the contractor state on all invoices (1) the date of shipment, name of carrier, and bill of lading number, or (2) the name and title of the Government representative to whom delivery was made and date of such delivery.

(b) Where payment has been made on the basis of a certificate, and the supplies have not been received at destination, prompt follow-up and remedial action will be initiated.

§ 14.203 Point of acceptance.

Each contract shall specify the point of acceptance. Contracts which provide for delivery F.O.B. destination shall provide for acceptance at destination whether inspection is to occur at destination or at origin. Contracts which provide for delivery F.O.B. origin shall ordinarily provide for acceptance (and inspection) at origin.

§ 14.204 Responsibility for acceptance.

(a) Acceptance is the responsibility of the contracting officer, or his authorized representative. Where an activity uses services of another activity or Department for the purpose of acceptance, acceptance by the other activity or Department is binding on the activity for which the services are performed.

(b) A supplier's certificate of conformance with requirements may be considered a proper element incident to acceptance of supplies or services. A contractor's certificate may be used for Government acceptance prior to inspection. At the discretion of the contracting officer, a clause may be inserted in contracts requiring the contractor to certify that supplies comply with contract requirements. Where acceptance precedes inspection, however, a clause will be used to reserve the Government's right after acceptance to inspect the supplies within a reasonable time after delivery and to reject defective items. Certificates of conformance shall be required by the contract when the value of supplies or the condition of purchase, delivery, receipt, or use thereof make it desirable to have additional assurance that supplies conform to contract requirements.

§ 14.205 Acceptance of supplies or services not conforming with contract requirements.

When supplies or services tendered for acceptance do not conform with contract requirements, the applicable contract provisions shall govern the action to be taken. See § 14.107. For reasons of economy or the urgency of the requirement, acceptance of supplies or services which do not meet all contract requirements may occasionally be desirable. Prior to such acceptance, the contracting officer shall obtain the approval of the requiring activity where the nonconformity with contract requirements (a) affects matters such as safety, durability, performance, or interchangeability of parts or assemblies, (b) results in material increases in weight, where weight is a significant consideration, or (c) affects the basic objectives of the specifications. Acceptance of these types of nonconforming supplies or services shall be covered by an appropriate modification of the contract. Acceptance of other types of nonconforming supplies and services shall be covered by contract modification if determined necessary by the contracting officer.

16. Revise § 16.206 and add new §§ 16.206–1, 16.206–2, 16.206–3, 16.815, 16.815–1, and 16.815–2, as follows:

§ 16.206 Cost and Price Analysis Forms (DD Forms 633, 633–1, 633–2, and 633–3).

§ 16.206–1 General.

DD Forms 633, 633–1, 633–2 and 633–3 are designed for submission of cost data by contractors. Contractor reproduction of these forms is authorized.

§ 16.206–2 DD Form 633 (Cost and Price Analysis).

This form ordinarily shall be used whenever price analysis is required, except:

(a) The contractor may submit necessary data in a format acceptable to the contracting officer where the contractor's accounting system makes the use of this form impracticable;

(b) Other forms authorized by the Department concerned if approved by the Office of the Assistant Secretary of Defense (Comptroller) (See DOD Instruction No. 7760.1, dated September 30, 1955) may be used; or

(c) The Special Cost and Price Analysis Forms referenced in § 16.206–3 may be used.

§ 16.206–3 DD Forms 633–1, 633–2, and 633–3.

The following forms may be used as appropriate:

(a) DD Form 633–1 (Cost and Price Analysis—Technical Personnel Services Procurement);

(b) DD Form 633–2 (Cost and Price Analysis—Contract Negotiations for Technical Publications Preparation); or

(c) DD Form 633–3 (Cost and Price Analysis—Motion Picture Procurement).

§ 16.815 Contract modification forms.

Sections 16.815—16.815–2 prescribe forms for the modification of contracts for the procurement of supplies or services.

§ 16.815–1 Change Order (DD Form 1319).

This form shall be used for any change order issued pursuant to the Changes clause of a contract and for any other contract modification for which the contractor's agreement is clearly not required. Examples of the latter include the correction of typographical mistakes, changes in the paying office, and changes in accounting and appropriation data.

§ 16.815–2 Supplemental Agreement (DD Form 1320).

This form shall be used for supplemental agreements, as defined in § 1.201–19 of this chapter.

17. Internal cross references in this subchapter are changed to read as indicated in the following tabulation:

Location of reference	From—	To—
§ 1.301	Parts 4 and 5	Part 5.
§ 1.302–3	§ 1.201–9	§ 1.201–18.
§ 1.305–2	§ 1.306	Subpart M of this part.
§ 1.305–2	§ 1.313	§ 1.310.
§ 1.701–2	§ 1.201–9	§ 1.201–18.
§ 1.701–3	§ 1.201–9	§ 1.201–18.
§ 1.701–4	§ 1.201–9	§ 1.201–18.
§ 1.702	§ 2.201(d)	§ 1.1203.
§ 1.707–4	§ 4.101–2(b)	§ 5.1100–2(b).
§ 1.803(a)	§ 2.204–5	§ 2.205–4.
§ 1.903–1	§ 1.201–9	§ 1.201–18.
§ 1.903–2	§ 2.201(c)(17)	§ 2.201(a)(23).
§ 1.903–4	§ 2.201(c)(17)	§ 2.201(a)(23).
§ 1.905–1	§ 1.314	§ 1.303.
§ 1.905–3	§ 2.201(c)(17)	§ 2.201(a)(23).
§ 1.905–3	§ 2.206	§ 1.1003.
§ 1.906	§ 1.603–1(d)	§ 1.903(c).
§ 1.1003–1	§ 1.318	§ 1.313.
§ 1.1003–7	§ 1.305–3	§ 1.1203.
§ 2.201(a)	§ 1.305	Subpart L, Part 1 of this chapter.
§ 2.201(a)	§ 1.315	§ 1.305.
§ 2.201(a)	§ 1.305–7	§ 1.1207.
§ 2.201(a)	§ 1.305–3	§ 1.1203.
§ 2.201(b)	§ 1.306	Subpart M, Part 1 of this chapter.
§ 2.404–1	§ 1.305–3	§ 1.1203.
§ 2.407–5	§ 1.306	Subpart M, Part 1 of this chapter.
§ 3.101(d)	§ 1.306	Subpart M, Part 1 of this chapter.
§ 3.101(d)	§ 1.315	§ 1.305.
§ 3.109	§ 2.410	§ 2.404–4.
§ 3.110	§ 1.312	§ 1.309.
§ 3.215–2	§ 2.403	§ 1.111.
§ 3.306	§ 4.101–1	§ 5.1100–1.
§ 3.306	§ 4.206–2	§ 5.1106–2.
§ 3.403–3(b)(6)	Paragraph (c) or (d) of this section.	Subparagraph (3) or (4) of this paragraph.
§ 5.700	Part 4 or the preceding subparts of this part.	Other subparts of this part.
§ 5.701	§ 1.312	§ 1.309.
§ 7.104–18	§ 1.308–2	§ 1.307–2.

Location of reference	From—	To—
§ 7.104–19	§ 1.309(d)(2)	§ 1.1404.
§ 7.105–5	§ 1.313	§ 1.310.
§ 7.204–15	§ 1.308–2	§ 1.307–2.
§ 7.204–17	§ 1.309(d)(2)	§ 1.1404(b).
§ 7.303–6	§ 1.308–2	§ 1.307–2.
§ 7.403–7	§ 1.308–2	§ 1.307–2.
§ 8.101–14	§ 1.201–6	§ 1.201–5.
§ 8.101–23	§ 1.201–6	§ 1.201–5.
§ 8.503–5	§ 8.302(a)(1)(i)(b).	§ 15.205–42.
§ 8.806–1	§ 1.201–6	§ 1.201–5.
§ 8.806–2	§ 1.201–6	§ 1.201–5.
§ 8.806–3	§ 1.201–6	§ 1.201–5.
§ 8.806–4	§ 1.201–6	§ 1.201–5.
§ 10.305	Paragraph (f)(iii).	Paragraph (f)(3).
§ 13.504	§ 13.302(b)(1)	§ 13.302(b).
§ 16.504	§ 2.202–4	§ 1.1005.
§ 16.600	Part 4	Subpart K, Part 5.
§ 16.601	Part 4	Subpart K, Part 5.
§ 16.801	§ 2.406–5	§ 2.407–7.
§ 16 810–1	§ 2.204	§ 2.205.

[ASPR, Rev. No. 1, July 22, 1960] (R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133, 10 U.S.C. 2301–2314.)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60–7935; Filed, Aug. 25, 1960; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION IN PUBLIC SCHOOLS

Federal Payment Procedures

The following amendments are hereby made to Part 141, 45 CFR (24 F.R. 11099, December 31, 1959, as amended by 25 F.R. 3257, April 15, 1960), issued pursuant to title III of the National Defense Education Act of 1958, as amended (72 Stat. 1588) 20 U.S.C. 441–444:

§ 141.18 [Amendment]

1. Subparagraph (2) of paragraph (a) of § 141.18, dealing with the submission by the State agency to the Commissioner of annual estimates of expenditures to be made for activities under a State plan, is hereby amended to provide for a revised procedure for making such estimates. Subparagraph (2) as so amended reads as follows:

(2) A statement of estimated total annual expenditures for activities under the plan, indicating the estimated expenditures for each semi-annual fiscal period and the amount of funds available to pay the non-Federal share of the amount estimated.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

2. Section 141.21, dealing with the request for payment of Federal funds, is hereby amended to provide for a revised procedure by which State educational agencies request payment of Federal funds based upon anticipated disbursements for activities under a State plan. Section 141.21 as so amended reads as follows:

§ 141.21 Request for payment of Federal funds.

For each semi-annual fiscal period the State agency shall submit to the Commissioner upon official forms a request for funds equal to the Federal share of the amount of anticipated disbursements for program activities at the State level and for transfer either in advance or as reimbursement, in accordance with § 141.16, for program activities by local educational agencies or other school authorities.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

Dated: August 12, 1960.

[SEAL] L. G. DERTHICK,
U.S. Commissioner of Education.

Approved: August 22, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60–7967; Filed, Aug. 25, 1960; 8:49 a.m.]

PART 143—GUIDANCE, COUNSELING, AND TESTING: IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS—STATE PROGRAMS

Federal Payment Procedures

The following amendments are hereby made to Part 143, 45 CFR (24 F.R. 11104, December 31, 1959, as amended by 25 F.R. 3258, April 15, 1960), issued pursuant to title V of the National Defense Education Act of 1958, as amended (72 Stat. 1592) 20 U.S.C. 481–484:

§ 143.18 [Amendment]

1. Subparagraph (2) of paragraph (a) of § 143.18, dealing with the submission by the State agency to the Commissioner of annual estimates of expenditures to be made for activities under a State plan, is hereby amended to provide for a revised procedure for making such estimates. Subparagraph (2) as so amended reads as follows:

(2) A statement of estimated total annual expenditures for activities under the plan, indicating the estimated expenditures for each semi-annual fiscal period and the amount of funds available to pay the non-Federal share of the amount estimated.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

2. Section 143.21, dealing with the request for payment of Federal funds, is hereby amended to provide for a revised procedure by which State educational agencies request payment of Federal funds based upon anticipated disbursements for activities under a State plan. Section 143.21 as so amended reads as follows:

§ 143.21 Request for payment of Federal funds.

For each semi-annual fiscal period the State agency shall submit to the Commissioner upon official forms a request for funds equal to the Federal share of the amount of anticipated disbursements for program activities at the State level and for transfer either in advance or as reimbursement, in accordance with § 143.16, for program activities by local educational agencies or other school authorities.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

Dated: August 12, 1960.

[SEAL] L. G. DERTHICK,
U.S. Commissioner of Education.

Approved: August 22, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60–7968; Filed, Aug. 25, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Griffith Laboratories, Inc., 855 Rahway Avenue, Union, New Jersey, proposing the issuance of a regulation to establish a tolerance of 200 parts per million (0.02 percent) of monoglyceride citrate in antioxidant formulations for fats.

Dated: August 22, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7961; Filed, Aug. 25, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Kelco Company, 8225 Aero Drive, San Diego 11, California, proposing the issuance of a regulation to provide for the safe use of propylene glycol alginate in confectionery.

Dated: August 22, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7962; Filed, Aug. 25, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the use of polyoxyethylene (20) sorbitan monostearate and sorbitan monostearate in coatings for cookies and confectionery at levels not to exceed 0.5 percent for polyoxyethylene (20) sorbitan monostearate alone, 1.0 percent for sorbitan monostearate alone, or 1.0 percent total when both are used.

Dated: August 22, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7963; Filed, Aug. 25, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Central Soya Company, Inc., 1825 North Laramie Avenue, Chicago 39, Illinois, proposing the issuance of a regulation to provide for the safe use of hydroxylated lecithin in food.

Dated: August 22, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7964; Filed, Aug. 25, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., proposing the issuance of a regulation to provide for the safe use of oxidized starch as a component of food and as a sizing or coating for food containers.

Dated: August 22, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7965; Filed, Aug. 25, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Hagan Chemicals and Controls, Inc., P.O. Box 1346, Pittsburgh 30, Pennsylvania, has withdrawn its petition proposing the issuance of a regulation to permit the use of octadecylamine at levels of not more than 3.0 parts per million (0.0003 percent) in steam, notice of filing of which was published in the FEDERAL REGISTER of April 1, 1960 (25 F.R. 2774).

The withdrawal of this petition is without prejudice to a future filing.

Dated: August 22, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7966; Filed, Aug. 25, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A25]

MILK IN CINCINNATI, OHIO, MARKETING AREA AND 15 NORTHERN KENTUCKY COUNTIES

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. Although the record of the hearing on proposed amendments, which was conducted at Cincinnati, Ohio, on July 12–15, 1960, pursuant to notice thereof which was issued on June 22, 1960 (25 F.R. 5882), was concerned with numerous issues, this decision is confined to a consideration of

that one relating to seasonal incentive payments by handlers operating pool plants. It was requested at the hearing that this issue be considered separately so that any amendment action which might be taken could be made effective during the fall months of 1960. Accordingly, an earlier date was set for the filing of briefs on this issue than on the remaining issues. This issue will be considered herein and consideration of the other material issues of record will be deferred.

Findings and conclusions. The following findings and conclusions on this material issue are based on evidence presented at the hearing and the record thereof:

Seasonal incentive payments by handlers operating pool plants. The order provides a fall production incentive plan whereby certain amounts of money are deducted in computing uniform prices for flush production months and distributed to all producers, during short production months, through the mechanism of the uniform price computation. It was proposed that the order be amended to require that a handler who operates a plant which is a nonpool plant during the months when amounts are deducted and which becomes a pool plant during the subsequent fall months shall pay into the producer-settlement fund an amount equal to that portion of the uniform prices paid to producers delivering to his plant which represents the fall incentive "add-back".

The fall incentive plan must be regarded as having marketwide implications. It is not a method of distributing returns to producers as individuals delivering to a given plant; rather, it is a market-wide production incentive technique whereby certain amounts are deducted in the computation of uniform prices for flush months and added back in the computation of such prices for short production months. The amounts so deducted and added are not identified with the deliveries of individual producers or plants, but are an intrinsic part of the method of computing uniform prices for spring and fall months. Likewise, the fall incentive plan cannot be used to impose additional product cost on some pool plant operators as opposed to others. If the participation of all producers and payments by all pool handlers were not computed on the same basis, the result would be different seasonal patterns of prices for different groups of producers and different product costs for different groups of pool handlers. Accordingly, the proposed amendment is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Issued at Washington, D.C., this 23d day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-7976; Filed, Aug. 25, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-186]

FEDERAL AIRWAY AND CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas, Reporting Points and Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600, 601 and § 601.1179 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 12 (Hawaiian Islands) is presently designated from the intersection of the south course of the Hilo, Hawaii, radio range, and a point 37 miles south of the Hilo radio range station, via the Hilo radio range station to the intersection of the north course of the Hilo radio range, and the southeast course of the Maui, Hawaii, radio range. The Federal Aviation Agency has under consideration the revocation of this airway. The Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1958 through June 30, 1959 shows no aircraft movements on this airway. On the basis of this survey, it appears that retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. In addition, Amber 12 forms a part of the boundary of the Hilo, Hawaii, control area extension (§ 601.1179). Therefore, it is proposed to modify a part of the control area extension to eliminate reference to low frequency airways as boundaries to the control area extension. The modified control area would encompass essentially the same area as shown in the present description.

If this action is taken, Amber Federal airway No. 12 (Hawaiian Islands) and associated control areas would be revoked. Also, § 601.4112, relating to reporting points, would be revoked. In addition, the Hilo, Hawaii, control area extension would be designated as the area northeast of the Hilo VOR, within a 25-mile radius of the VOR, extending from the northeast edge of Hawaiian VOR Federal airway No. 2 clockwise to the north edge of Victor 2; and the area lying east of Hilo bounded by a line beginning at Lat. 19°39'30" N, Long. 154°30'20" W, thence extending clockwise along the arc of a circle centered at Lat. 19°39'30" N, Long. 154°46'00" W, to Lat. 19°25'30" N, Long. 154°41'00" W, thence to Lat. 19°34'00" N, Long. 154°55'00" W, thence to Lat. 19°39'30" N, Long 154°56'00" W, thence to point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7936; Filed, Aug. 25, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-57]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Point

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 88 presently extends from Albuquerque, N. Mex., to Hobbs, N. Mex. The Federal Aviation Agency is considering revoking this airway. The Albuquerque to Hobbs route appears to be adequately served by VOR airways which closely parallel or overlie Red 88. Therefore, it appears that the retention of this airway and its asso-

ciated control area is unjustified as an assignment of airspace, and that revocation thereof would be in the public interest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7937; Filed, Aug. 25, 1960; 8:45 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Dockets 9523, 11211; Order No. E-15676]

PAN AMERICAN WORLD AIRWAYS, INC.; PROPOSED INCREASES IN NEW YORK-SAN JUAN THRIFT CLASS FARE

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of August 1960.

On July 27, 1960, Pan American World Airways, Inc. (Pan American), filed a tariff revision, marked to become effective August 26, 1960, proposing to increase its passenger fares in thrift class service between New York and San Juan, Puerto Rico, from $47.15 to $52.50 one-way and from $94.30 to $105.00 round-trip.[1]

The Commonwealth of Puerto Rico filed a complaint on August 11, 1960 (Docket 11700) against this proposal and requested its suspension.

The instant revision is within the scope of the pending investigation of Puerto Rico fares in Dockets 9523 and 11211. Pending investigation we shall suspend the effectiveness of this revision. This proposal would amount to an increase in Pan American's thrift class fares between New York and San Juan of 11.3 percent in addition to the recently-effected increase in these fares which amounted to 4.8 percent. The carrier has not made a showing of emergency need for an increase of such magnitude pending investigation of the lawfulness of its proposal. The Board has no basis for concluding that Puerto Rico fare increases beyond the 2.5 percent plus $1.00 recently authorized are warranted at this time. We find, therefore, that Pan American's instant proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. Pending investigation, hearing, and decision by the Board, the Class R fares between New York, N.Y., U.S.A., and San Juan, P.R., appearing on 32d Revised Page 51 of Agent R. C. Lounsbury's C.A.B. No. 258, be and hereby are suspended and their use deferred to and including November 23, 1960, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

2. The complaint in Docket 11700 be consolidated with the proceedings in Dockets 9523 and 11211.

3. A copy of this order be filed with the aforesaid tariff and a copy be served upon Pan American World Airways, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-7977; Filed, Aug. 25, 1960; 8:50 a.m.]

[1] C.A.B. No. 258.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13065 etc.; FCC 60M-1434]

CONSOLIDATED BROADCASTING INDUSTRIES, INC., ET AL.

Order Scheduling Hearing

In re applications of Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and the matter of rescheduling the hearing herein which was continued without date by order of July 5, 1960;

It is ordered, This 22d day of August 1960, that the further hearing herein is scheduled to begin at 10 a.m. on September 27, 1960.

Released: August 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7972; Filed, Aug. 25, 1960; 8:50 a.m.]

[Docket Nos. 13747, 13748; FCC 60M-1433]

OREGON TELEVISION, INC., AND WILLAMETTE-LAND TELEVISION, INC.

Order Scheduling Prehearing Conference

In re applications of Oregon Television, Inc., Salem, Oregon, Docket No. 13747, File No. BPCT-2611; Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permits for new television broadcast stations (Channel 3).

It is ordered, This 18th day of August, 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., September 8, 1960, in the Commission's offices in Washington, D.C.

Released: August 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7973; Filed, Aug. 25, 1960; 8:50 a.m.]

[Docket Nos. 13415, 13416; FCC 60M-1431]

TBC, INC., AND BAY VIDEO, INC.

Order Continuing Hearing

In re applications of TBC, Inc., Panama City, Florida, Docket No. 13415, File No. BPCT-2635; Bay Video, Inc., Panama City, Florida, Docket No. 13416, File No. BPCT-2635; for construction permits for new Television Broadcast Stations (Channel 13).

The Hearing Examiner having under consideration a Motion for Continuance and Rescheduling of Certain Dates, filed on August 19, 1960, by TBC, Inc.; and

It appearing that all other parties have waived the requirements of § 1.43 of the Commission's rules and have also informally stated that they have no objection to a grant of the motion; and

It further appearing that good cause has been shown for the grant of the motion;

It is, therefore, ordered, That the instant petition be and the same is hereby granted and the hearing in this proceeding is continued to October 31, 1960, at 10 a.m., in Washington, D.C.

It is further ordered, That exhibits will be exchanged on October 10, 1960; requests, if any, for additional information will be made on October 20, 1960; notification as to witnesses desired for cross-examination will be made on October 20, 1960; and the date for cross-examination of witnesses will be fixed at the time of the direct hearing on the case.

Dated: August 19, 1960.

Released: August 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7974; Filed, Aug. 25, 1960; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPRR-40 set forth below. The amendment extends to March 1, 1961, as requested by the applicant, the latest date for completion of construction of the University of Washington Training Reactor to be located on the University's campus in Seattle, Washington.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment to the construction permit upon receipt of a request therefor from the permittee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see the application for amendment dated August 10, 1960, submitted by University of Washington, on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 19th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director,
Division of Licensing and Regulation.

[Construction Permit No. CPRR-40; Amdt. 1]

Paragraph 3.A. of Construction Permit No. CPRR-40 is hereby amended by changing the second sentence thereof to read as follows: The latest date for completion of the reactor is March 1, 1961.

This amendment is effective as of the date of issuance.

Date of Issuance: August 19, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7934; Filed, Aug. 25, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9262 etc.]

HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMISSION CORP.

Correction

AUGUST 17, 1960.

Houston Texas Gas and Oil Corporation, Docket Nos. G-9262 and RP61-3; Coastal Transmission Corporation, Docket Nos. G-9960 and RP61-4.

In the Order Granting Rehearing, Waiving Conditions In Order Issuing Certificates Of Public Convenience And Necessity, Permitting The Filing Of And Suspending Proposed Tariff Sheets And Providing For Hearing, issued July 28, 1960 and published in the FEDERAL REGISTER on August 4, 1960 (25 F.R.; p. 7342): After "September 20, 1960" in the ordering paragraph (C) add the following: "at 10:00 a.m. (e.d.s.t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.,".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7942; Filed, Aug. 25, 1960; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 387]

SECRETARY OF THE SMITHSONIAN INSTITUTION

Delegation of Authority

1. Pursuant to authority vested in me by the provisions of Section 15 of the Public Buildings Act of 1959, 40 U.S.C. 614, authority is hereby delegated to the Secretary of the Smithsonian Institution to construct temporary prefabricated storage sheds, estimated to cost $96,000, on the property yard of the Institution located at Silver Hill, Maryland.

2. The Secretary of the Smithsonian Institution may redelegate this authority to any officer or employee of the Institution.

3. The authority hereby delegated shall be exercised in accordance with all applicable laws and regulations in effect on the date of such exercise.

4. Reports with respect to the construction of buildings under this Delegation shall be furnished to the Administrator of General Services at his request.

5. This delegation of authority is effective immediately.

Dated: August 22, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-7970; Filed, Aug. 25, 1960; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Pursuant to the Housing and Home Finance Administrator's delegation of authority to Regional Administrators, effective as of April 1, 1960 (25 F.R. 3438, April 20, 1960), the following officers of Region I are hereby designated to act in the place and stead of the Regional Administrator for Region I, with the title of "Acting Regional Administrator," and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness or other cause:

1. Assistant to the Regional Administrator.
2. Regional Counsel.
3. Regional Director of Urban Renewal.
4. Regional Director of Community Facilities Activities.
5. Deputy Regional Director of Urban Renewal.

The designations made herein supersede those made in designation document effective July 20, 1960, which is hereby revoked.

Effective as of the 12th day of August 1960.

[SEAL] LESTER EISNER, JR.,
Regional Administrator,
Region I.

[F.R. Doc. 60-7954; Filed, Aug. 25, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24C-2263]

ALLSTATE CONSOLIDATED, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 22, 1960.

I. Allstate Consolidated, Inc. (issuer), a corporation incorporated under the laws of the State of Michigan on February 3, 1960, with offices at 1800 David Stott Building, Detroit, Michigan, filed with the Commission on July 20, 1960 a notification on Form 1-A, an offering circular and other material pertaining to a proposed offering by the issuer of 100,000 shares of its common stock, no par value, at $3 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the exemption provided by Regulation A is not available for the securities proposed to be offered, in that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The identification and background of the promoters of the issuer;
2. The identification and shareholdings of the officers and directors of the issuer;
3. The method by which the issuer proposes to offer its securities;
4. The failure to set forth adequately in the forepart of the offering circular certain factors regarding the speculative nature of the issuer's proposed business;
5. The failure to disclose adequately in the forepart of the offering circular certain factors affecting the value of the securities being offered;
6. The statement in the offering circular that the stock held in the issuer by First Prudential Corporation has been escrowed for a period of no less than one year;
7. The statement in the offering circular that the first $175,000 of proceeds from the sale of the securities being offered will be escrowed and that in the event less than said amount is so received, stockholders will have their investments returned;
8. The statement in the offering circular that Michael and Sylvia Taines have no connection with the issuer other than holding, through First Prudential Corporation, 125,000 shares of the issuer's stock;
9. The statements in the offering circular under the heading "Use of Proceeds";
10. The statement in the offering circular that officers and directors of the issuer other than Paul L. Silverstein will serve without compensation until such time as the issuer is financially able to pay salaries commensurate with their positions.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The aggregate offering price of the securities to be offered, as computed in accordance with Rules 254 and 253(c), will exceed $300,000;
2. The notification fails to disclose all the affiliates of the issuer;
3. The notification and offering circular fail to disclose all the promoters of the issuer;
4. The consent of counsel for the issuer was not filed as an exhibit to the notification;
5. The offering circular does not describe the method by which the securities are proposed to be offered as required by Item 5 of Schedule I;
6. The offering circular does not adequately or accurately describe the physical properties held or to be held by the issuer, as required by Item 8C(b) of Schedule I;
7. The offering circular does not contain the statement required by Item 9(d) of Schedule I.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7948; Filed, Aug. 25, 1960; 8:46 a.m.]

[File No. 24A-1244]

MARKET IMPROVEMENT CO.

Order Vacating Order of Suspension

AUGUST 22, 1960.

Market Improvement Company (issuer), a Florida corporation, 6695 NW. 36th Avenue, Miami, Fla., filed with the Commission on January 2, 1959 a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 222 shares of Class A common voting stock and 1,663 shares of Class B common non-voting stock at $100 per share aggregating $188,500 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

The Commission on June 30, 1960 ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that a Form 2-A report of sales as required by Rule 260 had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report has been filed and complies with the requirements of Rule 260.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors,

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7949; Filed, Aug. 25, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DONALD B. FITZPATRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 16, 1960.

D. FITZPATRICK.

AUGUST 16, 1960.

[F.R. Doc. 60-7958; Filed, Aug. 25, 1960; 8:47 a.m.]

CAESAR F. FIORE

Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Caesar F. Fiore.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 15, 1960.
4. Title of position: Assistant Director for Mobilization Planning (Communications Industries).
5. Name of private employer: International Telephone and Telegraph Corporation, 67 Broad Street, New York, New York.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 5, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding ap-

pointment has owned, any similar interest.

International Telephone & Telegraph Corp.
Boeing Airplane
Cameloc, Inc.
One Hour Valet, Inc.
Vanadium Corp. of America
Cary Chemical, Inc.
Air Springs, Inc.
Firth Sterling, Inc.
American Electronics, Inc.
Bank deposits

CAESAR F. FIORE.

AUGUST 19, 1960.

[F.R. Doc. 60-7957; Filed, Aug. 25, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 23, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36493: *Iron and steel articles—Granite City, Ill., to Jackson, Miss.* Filed by O. W. South, Jr., Agent (No. A4005), for and on behalf of the Illinois Central Railroad Company. Rates on plate or sheet, NOIBN, iron or steel and strip steel, in carloads, from Granite City, Ill., to Jackson, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 111 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 36494: *Iron and steel articles—Illinois and Missouri points to Cedars, Miss.* Filed by O. W. South, Jr., Agent (No. A4006), for and on behalf of the Illinois Central Railroad Company and the Illinois Terminal Railroad Company. Rates on plate or sheet, iron or steel and strip steel, in carloads, from Alton, Federal, Granite City, and East St. Louis, Ill., and St. Louis, Mo., to Cedars, Miss.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 111 to Southern Freight Association tariff I.C.C. 1592.

FSA 36495: *Iron or steel articles—Baltimore, Md., to Savannah, Ga.* Filed by O. W. South, Jr., Agent (No. A4007), for and on behalf of the Atlantic Coast Line Railroad Company and the Baltimore Steam Packet Company. Rates on iron or steel articles, in carloads, as described in the application, from Baltimore, Md., to Savannah, Ga.

Grounds for relief: Water competition.

Tariff: Supplement 111 to Southern Freight Association tariff I.C.C. 1592.

FSA 36496: *Lime: From points in Ohio to southern territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (C.T.R. No. 2443), for interested rail carriers. Rates on lime, in carloads, as described in the application, from specified points in Ohio to points in southern territory.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Traffic Executive Association-Eastern Railroads tariff I.C.C. C-166.

FSA No. 36497: *Substituted service—IC for Ellis Trucking Co., Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 24), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Indianapolis, Ind., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Central and Southern Motor Freight Tariff Association tariff MF-I.C.C. 224.

FSA 36498: *Iron and steel articles—From Georgia and Tennessee points to Texas and Louisiana Gulf Ports.* Filed by Southwestern Freight Bureau, Agent (No. B-7870), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from points in Georgia and Tennessee to Texas and Louisiana Gulf ports.

Grounds for relief: Market competition.

Tariff: Supplement 121 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA 36499: *Substituted Service—PRR et al., for Eastern Express, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 151), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between points in Ill., Ind., and Ohio, on the one hand, and points in Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA 36500: *Substituted service—Erie, et al., for Eastern Express, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 152), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and East Cambridge, Holyoke and Worcester, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA 36501: *Substituted service—PRR for Atlantic Freight Lines, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 153), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Dayton, Ohio, on the one hand, and Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA 36502: *Substituted service—PRR for Super Service Motor Freight Company, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 154), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between East St. Louis, Ill., on the one hand, and Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA 36503: *Substituted service—Wabash, et al., for Liberty Motor Freight Lines, Incorporated, et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 156), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and specified points in Conn., Mass., and R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA 36504: *Substituted service—Wabash, et al., for Chicago Express, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 150), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and Baltimore, Md., Kearny, N.J., Harrisburg and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA 36505: *Substituted service—Wabash, et al., for Liberty Motor Freight Lines, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 155), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and East Cambridge, Holyoke and Worcester, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7955; Filed, Aug. 25, 1960; 8:47 a.m.]

[Rev. S. O. 562, Taylor's I.C.C. Order 122]

UNION RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Union Railroad Company (Pittsburgh, Pa.) is unable to transport traffic routed over its lines, because of work stoppage.

It is ordered, That:

(a) Rerouting traffic: The Union Railroad Company (Pittsburgh, Pa.) and its connections being unable to transport traffic in accordance with shippers' routing because of work stoppage, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., August 18, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 18, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-7956; Filed, Aug. 25, 1960; 8:47 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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VOLUME 25 NUMBER 168

Washington, Saturday, August 27, 1960

THE UNIVERSITY OF MICHIGAN
AUG 30 1960
MAIN READING ROOM

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1960–61 Edition

(Revised through June 1)

Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Telephone WOrth 3-3261

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Florida Oranges and Tangelos [1]

On July 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6576) regarding a proposed revision of United States Standards for Florida Oranges and Tangelos.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Florida Oranges and Tangelos are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Florida Oranges and Tangelos which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following change:

(1) In § 51.1153, application of tolerances, (b) at the end of the sentence, after the words "en route or at destination not more than 10 percent of the packages may have more than" the words "two fruits" have been deleted and the words "one fruit" inserted therein.

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51.1178 Method of juice extraction.

AUTHORITY: §§ 51.1140 to 51.1178 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GENERAL

§ 51.1140 General.

The standards contained in this subpart apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo"—a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit or pomelo (C. paradisi and C. grandis). Separate U.S. Standards apply to tangerines. The standards for internal quality contained in §§ 51.1175 through 51.1178 apply only to common sweet oranges (citrus sinensis (L) Osbeck).

GRADES

§ 51.1141 U.S. Fancy.

"U.S. Fancy" consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and are free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)

(b) If any lot of U.S. Fancy fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1142 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. Bright fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1143 U.S. No. 1.

"U.S. No. 1" consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Oranges of the early and mid-season varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)

(d) If any lot of U.S. No. 1 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1144 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Golden fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State Laws and regulations.

specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1145 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration, and more than 30 percent, by count, of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit must be of rust mite type. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Bronze fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1146 U.S. No. 1 Russet.

The requirements of this grade are the same as for U.S. No. 1 except that more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by any type of discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Russet fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1147 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 2 Bright fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1148 U.S. No. 2.

"U.S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)

(c) If any lot of U.S. No. 2 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1149 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 2 Russet fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1150 U.S. No. 3.

"U.S. No. 3" consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness, or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.1152.)

(b) If any lot of U.S. No. 3 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

UNCLASSIFIED

§ 51.1151 Unclassified.

"Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1152 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) *U.S. No. 1 grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(c) *U.S. No. 1 Bright grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(d) *U.S. No. 1 Golden and U.S. No. 1 Bronze grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentages specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) *U.S. No. 1 Russet grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(f) *U.S. No. 2 and U.S. No. 2 Bright grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(g) *U.S. No. 2 Russet grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(h) *U.S. No. 3 grade.* 15 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.1153 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less, shall have not more than four times the tolerances specified, except that at least two defective fruits may be permitted: *Provided,* That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package; and in addition, en route or at destination not more than 10 percent of the packages may have more than one fruit or more than 6 percent (whichever is the larger amount) affected by decay.

STANDARD PACK

§ 51.1154 Standard pack.

(a) Fruit shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes, fruit shall be arranged according to the approved and recognized methods and shall meet the applicable standard size requirements of this section. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard 1⅗ bushel nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(d) "Standard size" means that not more than 10 percent, by count, of the fruits in any container are below the minimum diameters given in the applicable one of the following Tables 1, 2, 3 and 4 for the various packs, types of fruit, and size of boxes:

TABLE 1

Oranges other than Temples, packed in 1⅗ bushel boxes:

Size and count:	*Minimum diameter in inches*
96's	3$^{6}/_{16}$
125's or 126's	3$^{3}/_{16}$
150's	3
175's or 176's	2$^{13}/_{16}$
216's	2$^{10}/_{16}$
252's	2$^{8}/_{16}$
288's or 294's	2$^{6}/_{16}$
324's	2$^{4}/_{16}$

TABLE 2

Temple oranges and tangelos packed in ⅘ bushel regular, wirebound boxes:

Size and count:	*Minimum diameter in inches*
56's	3$^{7}/_{16}$
64's	3$^{5}/_{16}$
72's	3$^{1}/_{16}$
80's	3
96's	2$^{12}/_{16}$
125's	2$^{9}/_{16}$
150's	2$^{7}/_{16}$
175's	2$^{5}/_{16}$

TABLE 3

Temple oranges and tangelos packed in ⅘ bushel flat, wirebound boxes:

Size and count:	*Minimum diameter in inches*
54's	3$^{6}/_{16}$
66's	3$^{2}/_{16}$
80's	3
90's	2$^{14}/_{16}$
100's	2$^{13}/_{16}$
108's	2$^{11}/_{16}$
120's	2$^{9}/_{16}$
130's	2$^{8}/_{16}$
156's	2$^{5}/_{16}$

TABLE 4

Temple oranges and tangelos packed in ⅘ bushel half-strap boxes:

Size and count:	*Minimum diameter in inches*
48's	3$^{6}/_{16}$
60's	3$^{4}/_{16}$
76's	3$^{1}/_{16}$
90's	2$^{14}/_{16}$
106's	2$^{11}/_{16}$
120's	2$^{9}/_{16}$
144's	2$^{7}/_{16}$
168's	2$^{5}/_{16}$

(e) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Five-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Six-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(f) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Four-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Five-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(g) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.1155 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.1156 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1157 Firm.

"Firm" as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1158 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1159 Mature.

(a) "Mature," for other than Temple oranges, shall have the same meaning currently assigned that term in sections 601.19 and 601.20 of the Florida Citrus Code of 1949, as amended (Ch. 25149, Laws of Florida, 1949) or as the definition of such term may hereafter be amended;

(b) "Mature" for Temple oranges, shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (Ch. 26492, Laws of Florida, 1951) or as the definition of such term may hereafter be amended; and,

(c) "Mature" for tangelos shall have the same meaning currently assigned that term in sections 601.231 and 601.232 of the Florida Citrus Code of 1949, as amended (Ch. 29757, Laws of Florida, 1955) or as the definition of such term may hereafter be amended.

§ 51.1160 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1161 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as injury:

(a) Green spots or oil spots when more than slightly detracting from the appearance of the individual fruit;

(b) Rough and excessively wide or protruding navels when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(c) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.1162 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1163 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1164 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Creasing when causing the skin to be materially weakened;

(c) Dryness or mushy condition when affecting all segments of the fruit more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on an orange 3 inches in diameter;

(e) Scab when it cannot be classed as discoloration, or materially detracts from the shape or texture;

(f) Scale when occurring as a blotch and its size exceeds the area of a circle five-eighths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch five-eighths inch in diameter on an orange 3 inches in diameter;

(g) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Split or rough or protruding navels when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(i) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is materially flattened, dry, darkened, or hard;

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1165 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.1166 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate.

§ 51.1167 Fairly firm.

"Fairly firm" as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1168 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1169 Slightly rough texture.

"Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1170 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(c) Creasing when so deep or extensive that the skin is seriously weakened;

(d) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots when seriously detracting from the appearance of the individual fruit;

(f) Scab when it cannot be classed as discoloration, or when seriously detracting from the shape or texture;

(g) Scale when it seriously detracts from the appearance of the individual fruit;

(h) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(i) Split or rough or protruding navels when any split is unhealed, or one well-healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(j) Sprayburn which seriously detracts from the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(l) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches, when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments in navel oranges when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1171 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.1172 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1173 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Creasing when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(h) Scab when aggregating more than 25 percent of the surface of the fruit;

(i) Scale when covering more than 20 percent of the surface of the fruit;

(j) Split navels when not healed or the fruit is seriously weakened;

(k) Sprayburn when seriously affecting more than one-third of the fruit surface;

(l) Sunburn when seriously affecting more than one-third of the fruit surface;

(m) Thorn punctures when not healed or the fruit is seriously weakened; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1174 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1175 U.S. Grade AA Juice (Double A).

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1177.

§ 51.1176 U.S. Grade A Juice.

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1177.

§ 51.1177 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table 5 together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE 5

Total soluble solids (average percent)	Maximum anhydrous citric acid (average percent)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50–1
9.1	.963	9.45–1
9.2	.979	9.40–1
9.3	.995	9.35–1
9.4	1.011	9.30–1
9.5	1.027	9.25–1
9.6	1.043	9.20–1
9.7	1.060	9.15–1
9.8	1.077	9.10–1
9.9	1.094	9.05–1
10.0	1.111	9.00–1
10.1	1.128	8.95–1
10.2	1.146	8.90–1
10.3	1.164	8.85–1
10.4	1.182	8.80–1
10.5	1.200	8.75–1
10.6	1.218	8.70–1
10.7	1.237	8.65–1
10.8	1.256	8.60–1
10.9	1.275	8.55–1
11.0	1.294	8.50–1
11.1	1.306	8.50–1
11.2	1.318	8.50–1
11.3	1.329	8.50–1
11.4	1.341	8.50–1
11.5	1.353	8.50–1
11.6	1.365	8.50–1
11.7	1.376	8.50–1
11.8	1.388	8.50–1
11.9	1.400	8.50–1
12.0	1.412	8.50–1
12.1	1.424	8.50–1
12.2	1.435	8.50–1
12.3	1.447	8.50–1
12.4	1.459	8.50–1
12.5	1.471	8.50–1
12.6	1.482	8.50–1
12.7	1.494	8.50–1
12.8	1.506	8.50–1
12.9	1.517	8.50–1
13.0	1.530	8.50–1
13.1	1.541	8.50–1
13.2	1.553	8.50–1
13.3	1.565	8.50–1
13.4	1.576	8.50–1
13.5	1.588	8.50–1
13.6	1.600	8.50–1
13.7	1.612	8.50–1
13.8	1.624	8.50–1
13.9	1.635	8.50–1
14.0	1.647	8.50–1
14.1	1.659	8.50–1
14.2	1.671	8.50–1
14.3	1.682	8.50–1
14.4	1.694	8.50–1
14.5	1.705	8.50–1
14.6	1.718	8.50–1
14.7	1.729	8.50–1
14.8	1.741	8.50–1
14.9	1.753	8.50–1
15.0	1.765	8.50–1
15.1	1.776	8.50–1
15.2	1.788	8.50–1
15.3	1.800	8.50–1
15.4	1.812	8.50–1
15.5	1.824	8.50–1
15.6 or more		

§ 51.1178 Method of juice extraction.

The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer

or by hand, and shall be strained through a double thickness of cheese cloth of sufficiently fine mesh to prevent the passage through it of juice cells, pulp or seeds.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond September 15, 1960 (5 U.S.C. 1001–1011), in that: (1) The 1960 packing and shipping season for Florida Oranges and Tangelos is near at hand and it is in the interest of the public and the industry that the standards be placed in effect before the start of the season; and (2) no special preparation is required for compliance with the standards on the part of the members of the Florida Orange and Tangelo industry or of others.

The United States Standards for Grades of Florida Oranges and Tangelos contained in this subpart shall become effective September 15, 1960, and will thereupon supersede the United States Standards for Florida Oranges and Tangelos which have been in effect since September 21, 1957 (7 CFR §§ 51.1140 to 51.1186).

Dated: August 23, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-8007; Filed, Aug. 26, 1960; 8:49 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Florida Tangerines [1]

On July 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6581) regarding a proposed revision of United States Standards for Florida Tangerines.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Florida Tangerines are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Florida Tangerines which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following change:

(1) In § 51.1819, (b), delete all of the sub-paragraph after the word *Provided*, and substitute the following: "That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.
51.1810 U.S. Fancy.
51.1811 U.S. No. 1.
51.1812 U.S. No. 1 Bronze.
51.1813 U.S. No. 1 Russet.
51.1814 U.S. No. 2.
51.1815 U.S. No. 2 Russet.
51.1816 U.S. No. 3.

UNCLASSIFIED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.

APPLICATION OF TOLERANCES

51.1819 Application of tolerances.

STANDARD PACK

51.1820 Standard pack.

DEFINITIONS

Sec.
51.1821 Mature.
51.1822 Firm.
51.1823 Well formed.
51.1824 Damage.
51.1825 Highly colored.
51.1826 Discoloration.
51.1827 Fairly well colored.
51.1828 Bronzed russeting.
51.1829 Fairly firm.
51.1830 Fairly well formed.
51.1831 Serious damage.
51.1832 Reasonably well colored.
51.1833 Very serious damage.
51.1834 Diameter.

AUTHORITY: §§ 51.1810 to 51.1834 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.1810 U.S. Fancy.

"U.S. Fancy" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than one-tenth of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1818.)

§ 51.1811 U.S. No. 1.

"U.S. No. 1" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be fairly well colored.

(b) In this grade not more than one-third of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1818.)

§ 51.1812 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: *Provided*, That no discoloration that exceeds the amount allowed in the U.S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See § 51.1818.)

§ 51.1813 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected by discoloration. (See § 51.1818.)

§ 51.1814 U.S. No. 2.

"U.S. No. 2" consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be reasonably well colored.

(b) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See § 51.1818.)

§ 51.1815 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected by light brown discoloration. (See § 51.1818.)

§ 51.1816 U.S. No. 3.

"U.S. No. 3" consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skin-breaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See § 51.1818.)

UNCLASSIFIED

§ 51.1817 Unclassified.

"Unclassified" consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy, U.S. No. 1, U.S. No. 1 Bronze, U.S. No. 1 Russet, U.S. No. 2 and U.S. No. 2 Russet grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

(b) *U.S. No. 3 grade.* 15 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

APPLICATION OF TOLERANCES

§ 51.1819 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less shall have not more than four times the tolerance specified, except that at least two defective fruits may be permitted: *Provided*, That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1820 Standard pack.

The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size". Containers which are not so marked shall not be regarded as meeting requirements of "standard pack".

(a) Fruit in each container shall be of a size not less than the minimum diameters specified in Table 1 for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

Pack:	Diameter in inches (minimum)
100	2 15/16
120	2 11/16
150	2 8/16
176	2 6/16
210	2 4/16
246	2 2/16
294	2

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I.

DEFINITIONS

§ 51.1821 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (Ch. 26492, Laws of Florida, 1951) or as the definition of such term may hereafter be amended.

§ 51.1822 Firm.

"Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1823 Well formed.

"Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1824 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation when it is not speck-type similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade;

(b) Creasing when it materially detracts from the appearance or shipping quality of the fruit;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occuring in any portion of the fruit;

(d) Green spots or oil spots when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting when materially detracting from the appearance or shipping quality of the individual fruit;

(f) Scale when occuring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discolored area caused by scale;

(g) Sprayburn when causing the skin to become hard or when it materially detracts from the appearance of the fruit;

(h) Sunburn when causing the skin to become hard or when it materially detracts from the appearance of the fruit;

(i) Unsightly discoloration when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;

(j) Buckskin when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U.S. No 1 grade is not permitted in the U.S. No 1 Bronze grade;

(l) Scars when not smooth, or when causing any noticeable depression, or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade; and,

(m) Scab when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U.S. No 1 grade is not permitted in the U.S. No 1 Bronze grade.

§ 51.1825 Highly colored.

"Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1826 Discoloration.

"Discoloration" includes discoloration caused by rust mite, melanose, scars,

scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area: *Provided*, That no discoloration may detract from the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U.S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U.S. No. 1 grade. (§ 51.1328.)

§ 51.1827 Fairly well colored.

"Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle 1¼ inches in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush.

§ 51.1828 Bronzed russeting.

"Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc., are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U.S. No. 1 grade and are not permitted in the U.S. No. 1 Bronze grade.

§ 51.1829 Fairly firm.

"Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1830 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1831 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(b) Creasing when it causes the skin to be seriously weakened;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting when seriously detracting from the appearance or shipping quality of the fruit;

(f) Scale when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(g) Sprayburn when it has caused the skin to become hard, or when it seriously detracts from the appearance of the fruit;

(h) Sunburn when it has caused the skin to become hard or when it seriously detracts from the appearance of the fruit;

(i) Unsightly discoloration when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(j) Buckskin when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(l) Scars when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U.S. No. 2 or U.S. No. 2 Russet grades; and,

(m) Scab when not fairly smooth or when it materially detracts from the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1832 Reasonably well colored.

"Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1833 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

(a) Ammoniation when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;

(b) Creasing when causing the skin to be seriously weakened;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Pitting when it very seriously detracts from the appearance or the shipping quality of the fruit;

(e) Scale when it very seriously detracts from the appearance of the fruit;

(f) Sprayburn when it very seriously detracts from the appearance of the fruit;

(g) Sunburn when it very seriously detracts from the appearance of the fruit;

(h) Unsightly discoloration when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(i) Melanose when caked to the extent that the appearance of the fruit is very seriously affected;

(j) Scars when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(k) Scab when it causes the fruit to be very seriously injured.

§ 51.1834 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond September 15, 1960 (5 U.S.C. 1001–1011), in that: (1) The 1960 packing and shipping season for Florida Tangerines is near at hand and it is in the interest of the public and the industry that the standards be placed in effect before the start of the season; and (2) no special preparation is required for compliance with the standards on the part of the members of the Florida Tangerine industry or of others.

The United States Standards for Grades of Florida Tangerines contained in this subpart shall become effective September 15, 1960, and will thereupon supersede the United States Standards for Florida Tangerine which have been in effect since September 12, 1955 (7 CFR §§ 51.1810 to 51.1836).

Dated: August 23, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-8006; Filed, Aug. 26, 1960; 8:50 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Florida Grapefruit [1]

On July 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6572) regarding a proposed revision of United States Standards for Florida Grapefruit.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Florida Grapefruit are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Florida Grapefruit which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference.

GRADES

Sec.
51.750 U.S. Fancy.
51.751 U.S. No. 1.
51.752 U.S. No. 1 Bright.
51.753 U.S. No. 1 Golden.
51.754 U.S. No. 1 Bronze.
51.755 U.S. No. 1 Russet.
51.756 U.S. No. 2.
51.757 U.S. No. 2 Bright.
51.758 U.S. No. 2 Russet.
51.759 U.S. No. 3.

UNCLASSIFIED

51.760 Unclassified.

TOLERANCES

51.761 Tolerances.

APPLICATION OF TOLERANCES

51.762 Application of tolerances.

STANDARD PACK

51.763 Standard Pack.

DEFINITIONS

51.764 Similar varietal characteristics.
51.765 Well colored.
51.766 Firm.
51.767 Well formed.
51.768 Mature.
51.769 Smooth texture.
51.770 Injury.
51.771 Discoloration.
51.772 Fairly well colored.
51.773 Fairly smooth texture.
51.774 Damage.
51.775 Fairly firm.
51.776 Slightly misshapen.
51.777 Slightly rough texture.
51.778 Serious damage.
51.779 Slightly colored.
51.780 Misshapen.
51.781 Slightly spongy.
51.782 Very serious damage.
51.783 Diameter.

AUTHORITY: §§ 51.750 to 51.783 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

§ 51.750 U.S. Fancy.

"U.S. Fancy" consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.751 U.S. No. 1.

"U.S. No. 1" consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin, or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-third of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.752 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that the fruit may have not more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.761.)

§ 51.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.754 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration, and more than 30 percent, by count, of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit must be of rust mite type. (See § 51.761.)

§ 51.755 U.S. No. 1 Russet.

The requirements of this grade are the same as for U.S. No. 1 except that more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by any type of discoloration. (See § 51.761.)

§ 51.756 U.S. No. 2.

"U.S. No. 2" consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks and free from serious damage, caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness, or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) In this grade not more than one-half of the surface in the aggregate, may be affected by discoloration. (See § 51.761.)

§ 51.757 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.761.)

§ 51.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.759 U.S. No. 3.

"U.S. No. 3" consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.761.)

UNCLASSIFIED

§ 51.760 Unclassified.

"Unclassified" consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 3½ percent, or a total

of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) *U.S. No. 1 and U.S. No. 1 Bright Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(c) *U.S. No. 1 Golden and U.S. No. 1 Bronze Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(d) *U.S. No. 1 Russet Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) *U.S. No. 1 Bronze Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(f) *U.S. No. 2 Russet Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(g) *U.S. No. 3 Grade.* 15 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

Application of Tolerances

§ 51.762 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less, shall have not more than four times the tolerances specified, except that at least two defective fruits

Standard Pack

§ 51.763 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in standard nailed boxes, each box shall have a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only have a bulge of 1½ inches. When packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container are outside the ranges of diameters given in the following table for various packs:

TABLE I—DIAMETER IN INCHES

Pack	Minimum	Maximum
36's	5	5⅝
45's or 46's	4 11/16	5⅛
54's or 56's	4⅝	4 13/16
64's	4⅜	4 13/16
70's or 72's	3 15/16	4⅝
80's	3 13/16	4⅝
96's	3⅝	4⅜
112's	3⅝	4
125's or 126's	3 9/16	3 15/16

(d) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than 9/16 inch in diameter.

54 size and larger—not more than 9/16 inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

Definitions

§ 51.764 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.765 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.766 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.767 Well formed.

28090 and 29760, Laws of Florida, 1953 and 1955) or as the definition of such term may hereafter be amended.

§ 51.769 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.770 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as injury:

(a) Green spots or oil spots when more than slightly detracting from the appearance of the fruit.

(b) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches when the injury is not slight, not well healed, or more unsightly than the discoloration allowed in the grade.

§ 51.771 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.772 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.773 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.774 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. [illegible] than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots when more than materially detracting from the appearance of the fruit;

(d) Scab when it cannot be classed as discoloration or materially detracts from the shape or texture;

(e) Scale when occurring as a blotch and its size exceeds the area of a circle ¾ inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1¼ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch ¾ inch in diameter or a ring 1⅛ inches in diameter on a 70-size grapefruit;

(f) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(g) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is materially flattened, dry, darkened or hard; and,

(h) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregated area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.775 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.776 Slightly misshapen.

"Slightly misshapen" means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 51.777 Slightly rough texture.

"Slightly rough texture" means that the skin may be slightly thick but not excessively thick, materially ridged or grooved.

§ 51.778 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or [illegible]

(b) Buckskin when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed;

(c) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle one inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(e) Scab when it cannot be classed as discoloration, or when seriously detracting from the shape or texture;

(f) Scale when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1½ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch one inch in diameter or a ring 1½ inches in diameter on a 70-size grapefruit;

(g) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Sprayburn which seriously detracts from the appearance of the fruit, or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.779 Slightly colored.

"Slightly colored" means that except for two inches in the aggregate of green

scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area: *Provided*, That no discoloration may detract from the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U.S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U.S. No. 1 grade. (§ 51.1828.)

§ 51.1827 Fairly well colored.

"Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle 1¼ inches in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush.

§ 51.1828 Bronzed russeting.

"Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc., are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U.S. No. 1 grade and are not permitted in the U.S. No. 1 Bronze grade.

§ 51.1829 Fairly firm.

"Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1830 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1831 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(b) Creasing when it causes the skin to be seriously weakened;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting when seriously detracting from the appearance or shipping quality of the fruit;

(f) Scale when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(g) Sprayburn when it has caused the skin to become hard, or when it seriously detracts from the appearance of the fruit;

(h) Sunburn when it has caused the skin to become hard or when it seriously detracts from the appearance of the fruit;

(i) Unsightly discoloration when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(j) Buckskin when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(l) Scars when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U.S. No. 2 or U.S. No. 2 Russet grades; and,

(m) Scab when not fairly smooth or when it materially detracts from the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1832 Reasonably well colored.

"Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1833 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

(a) Ammoniation when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;

(b) Creasing when causing the skin to be seriously weakened;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Pitting when it very seriously detracts from the appearance or the shipping quality of the fruit;

(e) Scale when it very seriously detracts from the appearance of the fruit;

(f) Sprayburn when it very seriously detracts from the appearance of the fruit;

(g) Sunburn when it very seriously detracts from the appearance of the fruit;

(h) Unsightly discoloration when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(i) Melanose when caked to the extent that the appearance of the fruit is very seriously affected;

(j) Scars when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(k) Scab when it causes the fruit to be very seriously injured.

§ 51.1834 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond September 15, 1960 (5 U.S.C. 1001–1011), in that: (1) The 1960 packing and shipping season for Florida Tangerines is near at hand and it is in the interest of the public and the industry that the standards be placed in effect before the start of the season; and (2) no special preparation is required for compliance with the standards on the part of the members of the Florida Tangerine industry or of others.

The United States Standards for Grades of Florida Tangerines contained in this subpart shall become effective September 15, 1960, and will thereupon supersede the United States Standards for Florida Tangerine which have been in effect since September 12, 1955 (7 CFR §§ 51.1810 to 51.1836).

Dated: August 23, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-8008; Filed, Aug. 26, 1960; 8:50 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Florida Grapefruit [1]

On July 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6572) regarding a proposed revision of United States Standards for Florida Grapefruit.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Florida Grapefruit are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Florida Grapefruit which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference.

GRADES

Sec.
51.750 U.S. Fancy.
51.751 U.S. No. 1.
51.752 U.S. No. 1 Bright.
51.753 U.S. No. 1 Golden.
51.754 U.S. No. 1 Bronze.
51.755 U.S. No. 1 Russet.
51.756 U.S. No. 2.
51.757 U.S. No. 2 Bright.
51.758 U.S. No. 2 Russet.
51.759 U.S. No. 3.

UNCLASSIFIED

51.760 Unclassified.

TOLERANCES

51.761 Tolerances.

APPLICATION OF TOLERANCES

51.762 Application of tolerances.

STANDARD PACK

51.763 Standard Pack.

DEFINITIONS

51.764 Similar varietal characteristics.
51.765 Well colored.
51.766 Firm.
51.767 Well formed.
51.768 Mature.
51.769 Smooth texture.
51.770 Injury.
51.771 Discoloration.
51.772 Fairly well colored.
51.773 Fairly smooth texture.
51.774 Damage.
51.775 Fairly firm.
51.776 Slightly misshapen.
51.777 Slightly rough texture.
51.778 Serious damage.
51.779 Slightly colored.
51.780 Misshapen.
51.781 Slightly spongy.
51.782 Very serious damage.
51.783 Diameter.

AUTHORITY: §§ 51.750 to 51.783 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

§ 51.750 U.S. Fancy.

"U.S. Fancy" consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.751 U.S. No. 1.

"U.S. No. 1" consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin, or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-third of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.752 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that the fruit may have not more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.761.)

§ 51.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.754 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration, and more than 30 percent, by count, of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit must be of rust mite type. (See § 51.761.)

§ 51.755 U.S. No. 1 Russet.

The requirements of this grade are the same as for U.S. No. 1 except that more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by any type of discoloration. (See § 51.761.)

§ 51.756 U.S. No. 2.

"U.S. No. 2" consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks and free from serious damage, caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness, or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) In this grade not more than one-half of the surface in the aggregate, may be affected by discoloration. (See § 51.761.)

§ 51.757 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.761.)

§ 51.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.759 U.S. No. 3.

"U.S. No. 3" consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.761.)

UNCLASSIFIED

§ 51.760 Unclassified.

"Unclassified" consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total

of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) *U.S. No. 1 and U.S. No. 1 Bright Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(c) *U.S. No. 1 Golden and U.S. No. 1 Bronze Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(d) *U.S. No. 1 Russet Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) *U.S. No. 2 and U.S. No. 2 Bright Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(f) *U.S. No. 2 Russet Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(g) *U.S. No. 3 Grade.* 15 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.762 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less, shall have not more than four times the tolerances specified, except that at least two defective fruits may be permitted: *Provided*, That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package; and in addition, en route or at destination not more than 10 percent of the packages may have more than one fruit affected by decay.

STANDARD PACK

§ 51.763 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in standard nailed boxes, each box shall have a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only have a bulge of 1½ inches. When packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container are outside the ranges of diameters given in the following table for various packs:

TABLE I—DIAMETER IN INCHES

Pack	Minimum	Maximum
36's	5	5⅝
45's or 46's	4 11/16	5⅛
54's or 56's	4⅝	4 15/16
64's	4 3/16	4 7/16
70's or 72's	3 15/16	4⅛
80's	3 13/16	4⅛
96's	3⅝	4⅛
112's	3 7/16	4
125's or 126's	3⅜	3 13/16

64 size and smaller—not more than 5/16 inch in diameter.

54 size and larger—not more than 5/16 inch in diameter.

(d) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.764 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.765 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.766 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.767 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.768 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.16, 601.17 and 601.18 of the Florida Citrus Code of 1949, as amended (Ch. 28090 and 29760, Laws of Florida, 1953 and 1955) or as the definition of such term may hereafter be amended.

§ 51.769 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.770 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as injury:

(a) Green spots or oil spots when more than slightly detracting from the appearance of the fruit.

(b) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches when the injury is not slight, not well healed, or more unsightly than the discoloration allowed in the grade.

§ 51.771 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.772 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.773 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.774 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots when more than materially detracting from the appearance of the fruit;

(d) Scab when it cannot be classed as discoloration or materially detracts from the shape or texture;

(e) Scale when occurring as a blotch and its size exceeds the area of a circle ¾ inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1¼ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch ¾ inch in diameter or a ring 1¼ inches in diameter on a 70-size grapefruit;

(f) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(g) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is materially flattened, dry, darkened or hard; and,

(h) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregated area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.775 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.776 Slightly misshapen.

"Slightly misshapen" means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 51.777 Slightly rough texture.

"Slightly rough texture" means that the skin may be slightly thick but not excessively thick, materially ridged or grooved.

§ 51.778 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and aggregating more than one-half inch in diameter, or when light colored and aggregating more than one inch in diameter;

(b) Buckskin when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed;

(c) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle one inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(e) Scab when it cannot be classed as discoloration, or when seriously detracting from the shape or texture;

(f) Scale when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1½ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch one inch in diameter or a ring 1½ inches in diameter on a 70-size grapefruit;

(g) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Sprayburn which seriously detracts from the appearance of the fruit, or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.779 Slightly colored.

"Slightly colored" means that except for two inches in the aggregate of green color, the remainder of the fruit surface shows some yellow color.

§ 51.780 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed, or flat sided.

§ 51.781 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.782 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked.

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(g) Scab when aggregating more than 25 percent of the surface;

(h) Scale when covering more than 20 percent of the surface;

(i) Sprayburn when seriously affecting more than one-third of the fruit surface;

(j) Sunburn when seriously affecting more than one-third of the fruit surface; and,

(k) Thorn punctures when not healed or the fruit is seriously weakened.

§ 51.783 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond September 15, 1960 (5 U.S.C. 1001–1011), in that: (1) The 1960 packing and shipping season for Florida Grapefruit is near at hand and it is in the interest of the public and the industry that the standards be placed in effect before the start of the season; and (2) no special preparation is required for compliance with the standards on the part of the members of the Florida Grapefruit industry or of others.

The United States Standards for Grades of Florida Grapefruit contained in this subpart shall become effective September 15, 1960, and will thereupon supersede the United States Standards for Florida Grapefruit which have been in effect since September 14, 1952. (7 CFR §§ 51.750 to 51.790).

Dated: August 23, 1960.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 60–8009; Filed, Aug. 26, 1960; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

Extension of Date for Disposition of 1959–60 Surplus Almonds

Section 909.66(e) of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California, provides that any surplus almonds remaining unsold as of September 1 shall be disposed of by the Almond Control Board as soon as practicable through the most readily available surplus outlets. Such date is also involved in §§ 909.67 and 909.68 in connection with the disposition of surplus almonds by agent handlers, and the delivery of surplus almonds to, and disposition by, the Almond Control Board (the administrative agency established under said marketing agreement and order). This action, which is based on a recommendation of the Almond Control Board and other available information, is in accordance with the applicable provisions of said amended marketing agreement and order, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Section 909.67 provides for the expiration, as of September 1 of a crop year, of the authorization for particular handlers to act as agents of the Board in disposing of surplus almonds of the prior crop year. Section 909.68(a) specifies: August 31 as the last date for deliveries of surplus almonds to the Board for disposition under Pool No. 2; and September 1 as the date on which surplus almonds held by the Board in Pools Nos. 1 and 2 and not disposed of prior to such date are transferred to Pool No. 3. In each of the aforesaid sections, provision is made for automatic, comparable extensions of the August 31 and September 1 dates upon extension of the September 1 date in § 909.66(e).

As of August 1, 1960, 1.7 million pounds of surplus almonds (including 0.3 million pounds of unsold almonds) withheld during the 1959–60 crop year remained to be exported or otherwise disposed of. Part of this surplus consists of sizes that are more desirable for use in the domestic market. By extending the date for surplus disposition beyond September 1, 1960, it may be possible to exchange surplus almonds of the 1959 crop with 1960 crop almonds and thereby make most effective distribution of the combined range of sizes available. Disposition of surplus almonds is made, pursuant to § 909.67, by handlers acting as agents of the Board; and such method of surplus disposition generally provides greater returns to growers than if disposition were made by the Board. Almonds of the 1960 crop are currently being harvested, and it is expected that there should be available a sufficient quantity of almonds eligible to meet the requirements of § 909.58 for exchange purposes within the near future. For these reasons, the Board has unanimously recommended extending to October 1, 1960, the date specified in § 909.66(e) for disposition of the surplus almonds.

Therefore, for surplus almonds of the 1959–60 crop year, the "September 1" date set forth in § 909.66(e) is hereby extended to "October 1, 1960."

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and defer the effective date of this action later than the time of its publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) for the reasons that: (1) Preparations for surplus disposal after September 1, by either the Board or by agent handlers must be made as soon as possible and depend on the knowledge of who is authorized to make such disposition; (2) certain surplus disposal plans now pending with agent handlers cannot be completed until the results of this action are known; and (3) this action relieves restrictions on the time for surplus disposition and should, therefore, be made effective and made known as soon as practical so that interested persons may arrange their operations accordingly.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1960, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division.

[F.R. Doc. 60–8005; Filed, Aug. 26, 1960; 8:49 a.m.]

[Valencia Orange Reg. 212]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.512 Valencia Orange Regulation 212

(a) *Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 25, 1960.

(b) *Order.* 1. The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 28, 1960, and ending at 12:01 a.m., P.s.t., September 4, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600,000 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 26, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8063; Filed, Aug. 26, 1960; 11:23 a.m.]

[Peach Order 1, Amdt. 5]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

(a) *Findings.* 1. Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments regulation, in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh peaches grown in Washington.

Order. In § 934.301 (Peach Order 1, 25 F.R. 6260; 7201, 7428, 7711, 8067) delete subdivision (iii) of subparagraph (1) of paragraph (b) and substitute in lieu thereof a new subdivision (iii) of subparagraph (1) as set forth below.

§ 934.301 Peach Order 1.

(b) • • •

(1) • • •

(iii) Such peaches of any variety which are damaged but not seriously damaged by hail injury or enlarged suture growth may be shipped if they otherwise grade at least U.S. No. 1. The terms "hail injury," "damage," and "serious damage" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1960, to be effective on and after 12:01 a.m., P.s.t., August 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8006; Filed, Aug. 26, 1960; 8:49 a.m.]

[Lemon Reg. 861]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.968 Lemon Regulation 861.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 23, 1960.

(b) *Order.* 1. The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 28, 1960, and ending at 12:01 a.m., P.s.t., September 4, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 279,000 cartons;
(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8026; Filed, Aug. 26, 1960; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Folic Acid

A number of comments have been received in response to the notice of proposed rule making published in the FEDERAL REGISTER on July 14, 1960 (25 F.R. 6633) with respect to folic acid.

In addition to comments which favored the proposed statement of policy, some manufacturers recommended that it be amended to permit the sale, without prescription, of preparations supplying more than 0.4 milligram of folic acid daily for use solely as a dietary supplement to be taken during pregnancy. Scientific literature with respect to the incidence of megaloblastic anemia in pregnancy was cited in support of the theory that the usefulness of such a preparation for sale without prescription would outweigh the hazards to victims of undiagnosed pernicious anemia.

The evidence pertinent to these comments was considered by the committee of experts appointed by the Commissioner on June 30, 1960. After consideration of these and other data, the panel made its recommendation that "the amount of folic acid to be permitted in multivitamin preparations be limited at present to 400 micrograms per day for preparations to be sold without prescription." Nothing is presented in the comments on the proposed policy statement that would justify overruling the expert committee's recommendation.

A number of firms made requests for time in which to bring their products into compliance with the proposed policy statement. Various periods of time were suggested. The need for time to permit the orderly relabeling of stocks of folic acid-containing preparations that require it was recognized in the proposal, and is recognized in this final order.

Two firms recommended that preparations already manufactured which contain 0.5 milligram of folic acid be given a period of time before the proposed policy statement becomes effective, so that stock materials now in regular and usual trade channels might be used up in the normal course of marketing. In support of this proposal, the firms pointed out that they are unable to find scientific data that would support a thesis that 0.5 milligram of folic acid per day is unsafe and therefore detrimental to the public health. However, it is also true that the expert committee and others consulted by the Food and Drug Administration were unable to find scientific data to establish that 0.5 milligram of folic acid per day is safe. In view of this fact, there is no basis for ignoring the recommendation of the expert committee.

One person recommended that it would seem wise to permit no folic acid in preparations to be sold without prescription. The available evidence does show the need for additional data, but all the facts that have been considered by the Food and Drug Administration, including the recommendation of the expert committee, lead to the conclusion that there will be no undue risk to the public health from allowing over-the-counter preparations supplying no more than 0.4 milligram of folic acid to remain on the market (through appropriate extension of the effective date of the food additives amendment for these materials) until March 5, 1961. This will allow manufacturers who wish to continue the manufacture of such preparations to present additional evidence of safety through the filing of a food additive petition. The action taken in this order does not make ultimate disposition of the recommendation discussed in this paragraph.

Additional comments were filed, and each of these was considered carefully. On the basis of all the available evidence, and under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), the following statement of policy is issued with respect to folic acid-containing preparations:

§ 3.42 Status of folic acid in foods for special dietary use and as a drug.

(a) Preparations supplying over 0.4 milligram of folic acid in the daily dosage recommended or suggested are regarded as drugs that should only be used under medical supervision. Among other things, these drugs should be labeled with a statement, "Caution: Federal law prohibits dispensing without prescription," and their labeling should bear adequate information for their use by physicians, including information about the possible harmful effect of administering folic acid to patients who may have pernicious anemia.

(b) At the point of manufacture or labeling, the change to the prescription legend should be accomplished before further shipments are made. The orderly relabeling of stocks of such drugs in the channels of distribution should proceed as promptly as possible. Regulatory actions will be initiated against any products not properly relabeled after a reasonable time has passed.

(c) Folic acid in a preparation the labeling of which clearly limits the daily dosage to a quantity that supplies 0.4 milligram of folic acid per day or less, and labeled for sale without prescription, is regarded as a food additive. Such preparations may be legally marketed within the jurisdiction of the Federal Food, Drug, and Cosmetic Act on and after March 6, 1961, only if a food additive regulation is in effect stating allowable conditions for their marketing. Firms that wish to promote folic acid preparations for sale to the public without prescription should supply evidence to support such a regulation.

In an order published in the FEDERAL REGISTER simultaneously with this statement, the effective date of the food additives amendment to the statute for folic acid is being extended by amending § 121.86.

Effective date. This order is effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371. Interpret or apply secs. 403(j), 409, 502(f), (j), 52 Stat. 1048, 1051; 72 Stat. 1786; 21 U.S.C. 343(j), 348, 352(f), (j))

Dated: August 22, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-7959; Filed, Aug. 26, 1960; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR FOLIC ACID PREPARATIONS

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611) hereby authorizes the use of folic acid preparations under the conditions prescribed in this order:

Section 121.86 is amended by adding thereto the following item:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
• • •	• • •	• • •
Folic acid preparations.	0.4 milligram folic acid per day.	Dietary supplement.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order becomes effective on the date of the signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1088; 21 U.S.C., note under sec. 342)

Dated: August 22, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-7960; Filed, Aug. 26, 1960; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISTILLED ACETYLATED MONOGLYCERIDES; CORRECTION

In F.R. Doc. 60-6745, published in the FEDERAL REGISTER of July 20, 1960 (25 F.R. 6878), the section number "§ 121.-210" should read "§ 121.1018", so that the section heading reads "§ 121.1018 *Distilled acetylated monoglycerides*".

Dated: August 19, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-7996; Filed, Aug. 26, 1960; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY

Wage Order Giving Effect to Recommendations of Industry Committee

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 534 (25 F.R. 5296), appointed and convened Industry Committee No. 48-B and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6 of the Act to employees in the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico, as defined in the said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the aforesaid notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR Part 608, effective September 11, 1960, to read as follows:

SEC.
608.1 Definition of the industry.
608.2 Wage rates.
608.3 Notices.

AUTHORITY: §§ 608.1 to 608.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 608.1 Definition of the industry.

The manufacture of plain, scalloped, or ornamented handkerchiefs and square scarves; the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

§ 608.2 Wage rates.

(a) *Hand-sewing classification.* Wages at a rate of not less than 28 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the hand-sewing classification of that industry, which is defined as the operations of hand-sewing as well as hand-embroidering, hand-embellishing, ornamental stitching, and similar operations involving decorative effects: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are otherwise wholly machine-sewn shall not be included.

(b) *Other operations classification.* Wages at a rate of not less than 54 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the other operations classification of that industry, which is defined as all operations in the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico, other than operations in the hand-sewing classification of the industry.

§ 608.3 Notices.

Every employer subject to the provisions of § 608.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 608.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 24th day of August 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-8000; Filed, Aug. 26, 1960; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PERMISSIBILITY; FEES

[Bureau of Mines Schedule 2F]

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT, JUNCTION BOXES AND OTHER ACCESSORY EQUIPMENT

Requirements for Portable Cables

On page 5884 of the FEDERAL REGISTER of June 25, 1960, there was published a notice and text of a proposed amendment of the regulations of Subchapter D of Title 30, Code of Federal Regulations, covering the requirements for portable cables.

The proposed amendment included: (1) Change in the definition of a portable cable to clarify the portable characteristic; (2) maximum permissible length of cable not restricted to 500 feet but may be longer under certain prescribed conditions; (3) in no instance more than five well-made temporary splices permitted in a single length of cable; and (4) short-circuit protection specified for cables more than 500 feet in length.

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections concerning the proposed amendment. Several comments were received, one of which was valid and well taken. It suggested that inasmuch as the normal-current-carrying capacity

for portable (trailing) cable as given in Table 4 corresponded identically with all values in Table 3 (referred to in § 18.36 of this subchapter) for 2-conductor, flat or round cables, except the 3/0 B and S cable, the value for "normal-current-carrying capacity" of the 3/0 B and S cable in Table 4 also should conform with Table 3. Accordingly the value for "normal-current-carrying capacity at 60° C. (amps.)" for the 3/0 B and S cable is revised to 175 amperes. Inasmuch as "normal-current-carrying capacity at 60° C. (amps.)" affects the calculated values for "power loss at normal current capacity (watts)" and "heat dissipation, watts per square inch cable surface," these two latter values for 3/0 B and S cable are revised to 4,746 watts and 0.850 watt per square inch, respectively.

The amendment of the regulations with the above changes is hereby adopted and is set forth below. Because of the safety and economic considerations it is deemed in the public interest that this amendment of the regulations shall be effective on the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director.

Approved: August 23, 1960.

FRED A. SEATON,
Secretary of the Interior.

1. The thirteenth definition under § 18.1 is amended to read as follows:

Portable (trailing) cable. A flexible cable or cord by means of which portable, semi-portable, or mobile mine equipment may be connected to a source of electrical energy. The portable (trailing) cable is that portion of the power-supply system between the last overcurrent protective device on the system and the mobile equipment for which the cable furnishes electric power.

2. In § 18.20, paragraph (a), the second sentence—The length shall not exceed 500 feet—is deleted.

3. In § 18.20, paragraphs (b), (c), (d), (e), and (f) are redesignated paragraphs (c), (d), (e), (f), and (g), respectively; and a new paragraph (b) is inserted after paragraph (a) to read as follows:

(b) Ordinarily the length of a portable (trailing) cable shall not exceed 500 feet, and such cables shall contain not more than five well-made temporary splices. Where the method of mining is such that it is necessary to have the length of a portable (trailing) cable more than 500 feet, such length of cable shall be permitted only under the following prescribed conditions:

(1) The lengths of portable (trailing) cable shall not exceed those specified in the accompanying table, titled "Permissible Lengths and Other Specifications of Portable (Trailing) Cables." (Table 4.)

(2) Not more than five well-made temporary splices shall be permitted in a single length of portable (trailing) cable that exceeds 500 feet.

(3) Short-circuit protection shall be provided by an overcurrent protective device with an instantaneous trip setting as near as practicable to the maximum starting-current-inrush value, but the setting shall not exceed the trip value specified in the Bureau of Mines approval for the equipment for which the portable (trailing) cable furnishes electric power.

TABLE 4—PERMISSIBLE LENGTHS AND OTHER SPECIFICATIONS FOR PORTABLE (TRAILING) CABLES

Size of cable	Permissible length of portable cable (feet)	Normal current-carrying capacity at 60° C. (amps)	Resistance of permissible length of cable at 60° C. (ohms)[1]	Power loss at normal current capacity (watts)	Heat dissipation, watts per square inch cable surface (approx.)
No. 6 B & S	550	50	0.5975	1,493	0.0944
No. 4 B & S	600	70	.4090	2,004	.0889
No. 3 B & S	650	80	.3520	2,253	.0876
No. 2 B & S	700	95	.3050	2,752	.0888
No. 1 B & S	750	110	.2555	3,091	.0885
No. 1/0 B & S	800	130	.2160	3,650	.0885
No. 2/0 B & S	850	150	.1820	4,095	.0881
No. 3/0 B & S	900	175	.1550	4,746	.0850
No. 4/0 B & S	1,000	200	.1346	5,384	.0858

[1] Resistance corrected for temperature — $Rt = R25\ (1+0.00385\ (t-25))$.

[F.R. Doc. 60-7992; Filed, Aug. 26, 1960; 8:47 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

Fort Gulick Army Reservation, Fort Randolph Army Reservation, and Coco Solo Navy Reservation

CROSS REFERENCE: For amendment to the tabulation in §§ 21.3 and 21.4, insofar as it relates to Fort Gulick Army Reservation, Fort Randolph Army Reservation, and Coco Solo Navy Reservation, see Canal Zone Order 54 in Appendix to this chapter, *infra*.

APPENDIX—CANAL ZONE ORDER

[Order No. 54]

FORT GULICK ARMY RESERVATION, FORT RANDOLPH ARMY RESERVATION, AND COCO SOLO NAVY RESERVATION

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the Act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946 (11 F.R. 7329), as amended by Executive Order No. 10595 of February 7, 1955 (20 F.R. 819); and after consultation with the Secretary of Navy in the case of Coco Solo Navy Reservation and with the Secretary of Air Force in regard to the abolition of France Air Force Base, it is ordered as follows:

SECTION 1. *Setting apart of reservations; boundaries.* The areas of the land in the Canal Zone hereinafter described as Fort Gulick Army Reservation, Fort Randolph Army Reservation, and Coco Solo Navy Reservation, are hereby set apart and assigned as follows (all improvements thereon not already transferred to be transferred simultaneously by separate document): Fort Gulick and Fort Randolph to the uses and purposes of Army Reservations, and to be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 3 of this order; Coco Solo Navy Reservation to the use and purposes of a Navy Reservation, and to be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 3 of this order.

Fort Gulick Army Reservation

PARCEL NO. 1

The area comprising this parcel is situated southeasterly of Mount Hope on the western shore of the Quebrada Ancha Arm of Gatun Lake, and includes Banana Island and the Egronal Islands which are situated in Gatun Lake, and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a 1½-inch galvanized iron pipe set in concrete, located on the continuous 92-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the geodetic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°18' N., plus 2,418.6 feet and longitude 79°52' W., plus 3,280.0 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 23°08'00" W., 359.9 feet, to monument No. 1A, which is a 1½-inch galvanized iron pipe;

N. 23°12'30" W., 297.4 feet, through monument No. 1B, which is a 1½-inch galvanized iron pipe, to monument No. 2, which is a 2½-inch galvanized iron pipe, the distances being 202.7 feet and 94.7 feet, successively, from the beginning of the course;

N. 73°07'30" W., 369.8 feet, to monument No. 3, which is a 1½-inch galvanized iron pipe;

N. 72°56'30" W., 998.8 feet, through monuments Nos. 4, NF14 and 5 (monument No. 4 is a 2½-inch galvanized iron pipe; monument No. NF14 is a concrete post 8 inches square; monument No. 5 is a 1½-inch galvanized iron pipe) to monument No. 6 which is a concrete post 8 inches square, the distances being 284.8 feet, 453.6 feet, 114.1 feet, and 146.3 feet successively from beginning of the course;

N. 45°58'00" W., 118.2 feet, to monument No. 7, which is a 1½-inch galvanized iron pipe;

N. 46°13'30" W., 315.5 feet, to monument No. 8, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 456.1 feet, to monument No. 9, which is a 2½-inch galvanized iron pipe;

N. 46°02'00" W., 400.0 feet, to monument No. 10, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 463.0 feet, to monument No. 11, which is a 2½-inch galvanized iron pipe;

N. 46°01'30" W., 205.1 feet, to monument No. 12, which is a 2½-inch galvanized iron pipe;

N. 46°01'00" W., 1,141.6 feet, through monuments Nos. 13 and 14, which are 2½-inch galvanized iron pipes, to monument No. 15, which is a concrete post, 8 inches square, the distances being 389.8 feet, 394.9 feet, and 356.9 feet, successively, from beginning of the course;

(From monument NF-14 to monument No. 15, the above-described line follows the northeasterly boundary of the Gatun Tank Farm Naval Reservation);

N. 00°01'00" W., 2,515.4 feet, through monuments Nos. 16 to 21 inclusive, which are 2½-inch galvanized iron pipes, to monument No. 22, which is a 1½-inch galvanized iron pipe, the distances being 249.8 feet, 193.4 feet, 470.0 feet, 525.0 feet, 520.6 feet, 406.0 feet, and 150.6 feet, successively, from beginning of the course.

N. 54°57'00" W., 470.7 feet, to monument No. 23, which is a 1½-inch galvanized iron pipe;

N. 53°41'30" E., 52.9 feet, to monument No. 23-A, which is a 2-inch galvanized iron pipe, located 50 feet southwesterly from the centerline of the Fort Gulick Road;

N. 54°56'00" W., 175.6 feet, to monument No. 23-X, which is a 2-inch galvanized iron pipe, located 50 feet southwesterly from the centerline of the Fort Gulick Road;

N. 35°04'00" E., 100.0 feet, through monument No. 23-Y, which is a ½-inch brass plug located on the centerline of the Fort Gulick Road, to monument No. 23-D, which is a 1½-inch galvanized iron pipe, the distances being 49.9 feet and 50.1 feet, successively, from the beginning of the course;

N. 89°06'30" E., 342.2 feet, through monument No. 23-E, which is a 2-inch galvanized iron pipe, to monument No. 24, which is a 1½-inch galvanized iron pipe, the distances being 186.1 feet and 156.1 feet, successively, from the beginning of the course.

N. 10°13'30" W., 75.6 feet, to monument No. 24-A, which is a 1½-inch galvanized iron pipe;

N. 10°16'30" W., 715.2 feet, to monument No. 24-B, which is a 1½-inch galvanized iron pipe;

N. 10°18'00" W., 431.3 feet to monument No. 24-C, which is a 1½-inch galvanized iron pipe;

N. 10°12'00" W., 236.0 feet, to monument No. 24-D, which is a 1½-inch galvanized iron pipe;

N. 10°15'30" W., 192.8 feet, to monument No. 24-E, which is a concrete post 8 inches square;

Due east, 239.4 feet, to monument No. 24-F, which is a 1½-inch galvanized iron pipe;

N. 89°59'30" E., 140.8 feet, to monument No. 25, which is a 2½-inch galvanized iron pipe;

N. 00°01'00" W., 370.0 feet, to monument No. 26, which is a concrete post 8 inches square;

S. 50°31'00" E., 1,522.2 feet, through monuments Nos. 27 and 28, which are 2½-inch galvanized iron pipes, to monument No. 29, which is a concrete post 8 inches square, the distances being 501.6 feet, 563.0 feet, and 457.6 feet, successively, from beginning of the course;

N. 85°14'00" E., 432.9 feet, through monuments Nos. 30 and 31, which are 2½-inch galvanized iron pipes, to monument No. 32, which is a 1½-inch galvanized iron pipe, the distances being 180.6 feet, 62.4 feet, and 189.9 feet, successively, from beginning of the course;

N. 43°47'30" E., 1,037.4 feet, parallel to and 50 feet southeasterly of the centerline of the Fort Gulick-France Field Road, to monument No. 33, which is a 1½-inch galvanized iron pipe;

On a curve to the left, with a radius of 1,011.3 feet, 422.3 feet to monument No. 34, which is a 1½-inch galvanized iron pipe (the direct bearing and distance between monuments Nos. 33 and 34 is N. 31°49'30" E., 419.4 feet);

N. 19°50'00" E., 1,345.0 feet, parallel to and 50 feet easterly of the centerline of the Fort Gulick-France Field Road, to monument No. 35, which is a 1½-inch galvanized iron pipe;

S. 24°59'30" E., 626.4 feet, to monument No. 36, which is a 1½-inch galvanized iron pipe;

Due east, 9,122.1 feet, through monuments Nos. 37 to 43 inclusive, which are 1½-inch galvanized iron pipes, and 47 to 74 inclusive, which are 2½-inch galvanized iron pipes, to monument No. 75, which is a concrete post 8 inches square, located on the continuous 100-foot contour of the west shore of the Quebrada Ancha Arm of Gatun Lake, the distances being 374.3 feet, 125.1 feet, 254.1 feet, 335.2 feet, 254.4 feet, 224.3 feet, 335.1 feet, 156.6 feet, 325.0 feet, 161.0 feet, 400.0 feet, 400.0 feet, 300.0 feet, 227.0 feet, 173.0 feet, 264.0 feet, 517.4 feet, 307.0 feet, 134.0 feet, 340.4 feet, 137.2 feet, 203.0 feet, 300.0 feet, 332.0 feet, 92.0 feet, 342.0 feet, 180.0 feet, 73.0 feet, 262.0 feet, 440.8 feet, 113.0 feet, 347.0 feet, 334.0 feet, 126.0 feet, 125.0 feet, and 107.2 feet, successively, from beginning of the course.

Due east, 100 feet, more or less, to an unmarked point on the continuous 87-foot contour of the shoreline of Gatun Lake;

In a general southwesterly direction, along the 87-foot contour of the shoreline of Gatun Lake, as it meanders, to an unmarked point, from which the bearing and distance to the above-mentioned monument No. 1, is N. 23°08'00" W., 15 feet, more or less;

N. 23°08'00" W., 15 feet, more or less, to the point of beginning.

In addition to the above-described area, there shall be included within this parcel all land above the 87-foot contour, consisting of islands known as the Egronal Islands and Banana Island, located in Gatun Lake within the boundaries described as follows:

Beginning at an unmarked point called "A" on the drawing, located on the shore of the Quebrada Ancha Arm of Gatun Lake where longitude 79°51' plus 4,975.0 feet intersects the 87-foot contour;

Thence from said initial point by metes and bounds:

Due south, 4,300 feet, more or less, to an intersection with latitude 9°17' plus 4,200 feet, to an unmarked point called "B" on the drawing;

Due west, 2,000 feet, to an unmarked point called "C" on the drawing;

Northwesterly, 3,550 feet, more or less, to an unmarked point called "D" on the drawing, located at a point on the shore of Gatun Lake where longitude 79°52' plus 2,200 feet intersects the 87-foot contour on the shore of Quebrada Ancha Arm of Gatun Lake;

In a general northeasterly and southeasterly direction, following the 87-foot contour of the shore of Gatun Lake, to an unmarked point called "A" on the drawing, the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of this parcel, from monument No. 1 to monument No. 23-A inclusive, and from monument No. 23-D to monument No. 75 inclusive, was surveyed by the Surveys Branch, The Panama Canal, in January and February 1940 and December 1946, and the boundary from monument No. 23-A to monument No. 23-D was surveyed by said Surveys Branch in April 1950.

PARCEL NO. 2 (AT COCO SOLO)

The area comprising this parcel is situated on the easterly shore of Manzanillo Bay, westerly from Randolph Road and southerly and adjacent to Parcel No. 1 of Coco Solo Navy Reservation and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a 1½-inch iron pipe, located 41.5 feet westerly from the centerline of the 30-foot wide concrete pavement of Randolph Road and 1.5 feet easterly from the corner of a cyclone fence, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°21' N, plus 3,529.9 feet and longitude 79°52' W, plus 5,052.4 feet. Monument No. 1 is also S. 31°45'10" E., 18.93 feet from Precise Bench Mark "A".

S. 03°31'20" E., 139.7 feet, along the outside of the above-mentioned cyclone fence and parallel to and 41.5 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument No. 2, which is a 1½-inch iron pipe;

S. 24°34'40" E., 15.8 feet, along the outside of the above-mentioned cyclone fence to monument No. 3, which is a 1½-inch iron pipe, located 35.8 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road;

S. 03°31'25" E., 37.6 feet, along the outside of the above-mentioned cyclone fence, along a line parallel to and 35.8 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument No. 4, which is a 1½-inch iron pipe;

S. 05°23'45" W., 20.5 feet, along the outside of the above-mentioned cyclone fence to monument No. 5, which is a 1½-inch iron pipe, located 39.1 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road.

S. 03°32'20" E., 1184.0 feet, along the outside of the above-mentioned fence, along a line parallel to and 39.1 feet westerly from the centerline of the above-mentioned concrete pavement of Randolph Road to monument No. 6, which is a monel plug located in the northwesterly edge of the concrete pavement of a taxiway;

S. 44°20'05" W., 148.5 feet, along the northwesterly edge of the above-mentioned concrete taxiway, to monument No. 7, which is a monel plug located in the edge of the above-mentioned taxiway, at the easterly prolongation of the southerly curb of a parking lot;

S. 75°08'20" W., 133.7 feet, along the prolongation of and the back of a curb on the southerly side of a parking area to monument No. 8 which is a monel plug located at the end of the curb at the southwesterly corner of the above-mentioned parking area;

N. 15°44'55" W., 31.5 feet, along the edge of the pavement on the westerly side of the above-mentioned parking area to monument No. 9, which is a monel plug, located in the edge of the pavement on the southeasterly side of Smith Road;

S. 75°04'35" W., 621.9 feet, following the back of the curb on the southerly side of Smith Road to monument No. 10, which is a monel plug, located in the easterly edge of the pavement extending in a southerly direction;

S. 02°40'55" E., 163.4 feet, along the easterly edge of the above-mentioned pavement, to monument No. 11, which is a monel plug, located at the easterly edge of the above-mentioned pavement;

S. 79°57'35" W., 1,797.7 feet, more or less, through monument No. 12, which is an iron

rod in concrete, located in the center of a wind compass, and monument No. 13, which is a 1½-inch iron pipe, to an unmarked point called No. 14, located at the mean low water line on the shore of Manzanillo Bay, the distances being 1,110.3 feet, 601.4 feet and 86.0 feet, more or less, successively, from the beginning of the course. The geodetic position of monument No. 13 is in latitude 9°21′ N. plus 1,404.4 feet and longitude 79°53′ W. plus 1,492.5 feet;

In a general northerly, easterly and northerly direction, following the mean low water line along the shore of Manzanillo Bay to an unmarked point called B–1, located on the southerly side of a drainage ditch at the southwesterly corner of Parcel No. 1 of Coco Solo Navy Reservation;

S. 89°59′35″ E., 844.6 feet, more or less, through monument "B", which is an 8-inch square concrete monument and monument "A", which is a 4-inch cast iron pipe (Precise Bench Mark "A"), to unmarked point called "X", which is located N. 89°59′35″ W., 27.5 feet, from a monel reference plug, set in the westerly edge of Randolph Road; the distances being 315 feet, more or less, 520.6 feet and 9.0 feet, successively, from the beginning of the course.

S. 03°31′20″ E., 16.1 feet, to monument No. 1, the point of beginning.

There shall also be included in the above-described reservation all land and water within a zone extending 100 yards out from the mean low water line on all shores of the reservation bordering on Manzanillo Bay: *Provided, however,* That in any area where such 100 yard zone would overlap any similar zone, included within Coco Solo Navy Reservation, Parcel No. 1, the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The directions of the lines refer to the true meridian.

The boundary of this parcel was surveyed by the Surveys Branch, The Panama Canal, in January and February 1959.

The reservation contains a total area of 1,901.9 acres, more or less (at Gulick—mainland 1,755.8 acres and islands 85.3 acres; Parcel No. 2 at Coco Solo—area above mean low water line 60.75 acres, more or less), and is as shown on Canal Zone Government drawing No. M–6118–44 entitled "Map Showing Boundary of Fort Gulick Army Reservation," scale 1:10,000, dated January 20, 1958 (Revision No. 1 dated February 20, 1959), on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

Fort Randolph Army Reservation

Beginning at monument No. 1, which is a brass plug, located in the concrete pavement, on the easterly side of Randolph Road, and northerly from the junction of Galeta Road, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22′ N. plus 4,566.3 feet and longitude 79°52′ W. plus 5,664.3 feet from Greenwich. Monument No. 1 is S. 32°39′00″ E., 133.1 feet from Precise Bench Mark "C";

Thence from said initial point by metes and bounds:

Due west, 80.4 feet, crossing Randolph Road, to monument No. 2, which is a brass plug, located on the westerly lip of a concrete drainage ditch, at the easterly side of a cyclone fence;

N. 12°14′20″ W., 249.9 feet, along the easterly side of the above-mentioned cyclone fence and along the westerly side of the above-mentioned concrete drainage ditch, to monument No. 3, which is a brass plug located in the center of a concrete seawall;

N. 12°14′20″ W., 2 feet, more or less, to an unmarked point called No. 4, located on the mean low water line of Margarita Bay, on the northerly side of the above-mentioned seawall;

Due east, 9 feet, more or less, crossing the mouth of the above-mentioned concrete drainage ditch, to an unmarked point called No. 5, located on the mean low water line of Margarita Bay, on the westerly side of Randolph Road;

In a general northwesterly direction, following the mean low water line of Margarita Bay, along the shore of Margarita Island (except where drainage ditches extend inland from the shoreline) to an unmarked point called No. 6, where a North-South line crosses the East Breakwater, said North-South line being westerly 15.0 feet, from the most westerly point of the concrete seawall on the western shore of Margarita Island.

Due north, 450 feet, more or less, crossing the East Breakwater to an unmarked point called No. 7, located on the mean low water line of the Caribbean Sea;

In a general northerly, easterly, southerly and easterly direction, following the mean low water line of the Caribbean Sea, along the shore of Margarita Island, and the left bank of the Rio Coco Solo (except where drainage ditches extend inland from the shore line), to an unmarked point called No. 8, located 50 feet northerly from the centerline of the Galeta Road, the geodetic position of which is in latitude 9°22′ N. plus 4,817.0 feet and longitude 79°52′ W. plus 5,021.9 feet;

S. 65°25′30″ W., 284.3 feet, to monument No. 9, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

S. 75°40′10″ W., 260.2 feet, to monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

S. 62°40′40″ W., 148.2 feet, to monument No. 1, the point of beginning.

There shall also be included within the above-described parcel all land and water within a zone extending a distance of 100 yards out from the mean low water line on all shores of the parcel lying west of longitude 79°52′ W. plus 5,780.0 feet: *Provided, however,* That in any area where such 100-yard zone would overlap any similar zone included within Coco Solo Navy Reservation (Parcel No. 2), the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The above-described boundary from monument No. 1 to unmarked point called No. 4, and from longitude 79°52′ W. plus 5,780.0 feet, through unmarked point called No. 8, monument No. 9 and monument No. 10, to monument No. 1, is common with a part of the westerly boundary of the Coco Solo Navy Reservation (Parcel No. 2).

The directions of the lines refer to the true meridian.

The total area of Fort Randolph Army Reservation, above the mean low water line is 233 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6121–6, entitled "Map Showing United States Army and Navy Reservations, Fort Randolph and Coco Solo, Canal Zone," scale 1:10,000, dated February 20, 1959, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

Coco Solo Navy Reservation

PARCEL NUMBER 1

Beginning at monument B–12, which is a monel plug, located in the back of a curb on the southwesterly side of Johnston Avenue, at its intersection with the southwesterly prolongation of the southeasterly curb of Fulton Road, near the southeasterly corner of Building No. 5, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22′ N. plus 2,291.3 feet and longitude 79°53′ W. plus 525.2 feet from Greenwich;

Thence from said initial point by metes and bounds:

S. 34°20′00″ E., 179.6 feet, along the back of the curb on the southwesterly side of Johnston Avenue to monument B–12–1, which is a monel plug;

S. 11°30′30″ E., 58.6 feet, to monument B–12–2, which is a monel plug in the pavement at the intersection of Johnston Avenue, Maile Street and Molten Avenue;

S. 11°18′45″ W., 899.0 feet, through monument B–12–3, which is a monel plug, located in the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–4, which is a monel plug located in the back of the curb on the northwesterly side of Molten Avenue, the distances being 106.9 feet and 792.1 feet, successively, from beginning of the course;

S. 13°57′15″ W., 158.9 feet, to monument B–12–5, which is a monel plug, located on the southeasterly side of an island at the intersection of Molten Avenue and Maile Street;

S. 14°43′30″ W., 252.3 feet, to monument B–12–6, which is a monel plug, located at the back of the curb on the northwesterly side of Molten Avenue between quarters "E" and "F";

Southwesterly, following the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–7, which is a monel plug, located between quarters "D" and "E" (the direct bearing and distance from monument B–12–6 to B–12–7 is S. 24°56′45″ W., 223.4 feet);

S. 20°08′30″ E., 778.8 feet, through monument B–12–8, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue to monument B–12–9, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue, the distances being 474.1 feet and 304.7 feet, successively, from beginning of the course;

S. 20°51′30″ E., 425.7 feet, to monument B–12–10, which is a monel plug, located in the back of the curb on the southwesterly side of Molten Avenue opposite the southwesterly prolongation of the southeasterly curb of Conley Street;

N. 69°31′45″ E., 117.5 feet, to monument B–12–11, which is a monel plug, located in the back of the curb on the southeasterly side of Conley Street at its intersection with Bernhard Street;

On a curve to the right, following the back of the curb at the above-named intersection to monument B–12–12, which is a monel plug, located in the back of the curb on the southwesterly side of Bernhard Street (the direct bearing and distance from monument B–12–11 to B–12–12 is S. 65°32′40″ E., 21.1 feet);

S. 20°13′15″ E., 332.2 feet, following the back of the curb, on the southwesterly side of Bernhard Street to monument B–12–13, which is a monel plug located in the northwesterly side of the concrete taxiway to landing strip;

N. 67°25′45″ E., 252.3 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–14, which is a monel plug, located near the southwesterly intersection of Maile Street;

N. 74°21′15″ E., 588.6 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–15, which is a monel plug, located near the northeasterly intersection with McEwen Street;

N. 03°37′30″ W., 413.6 feet, along the prolongation of and the back of the curb on the easterly side of McEwen Street, to monument B–12–16, which is a monel plug, located in the back of the curb;

N. 86°27′30″ E., 131.1 feet, to monument B–12–17, which is a 1½-inch iron pipe, located 1.5 feet, more or less, easterly from a cyclone fence and 60.6 feet westerly from the centerline of Randolph Road;

Southerly, 1,883.8 feet, along a line parallel to and 60.6 feet westerly from the centerline of Randolph Road and along the easterly side of the above-mentioned cyclone fence, to monument B–12–23, which is a 1½-inch iron pipe, located near the northwesterly corner of Building No. 1119. The geodetic position of monument B–12–23 is in latitude 9°21′ N. plus 4,038.3 feet and longitude 79°52′ W. plus 5,103.5 feet;

N. 86°08′00″ E., 28.0 feet, to monument B–12–24, which is a monel plug in a concrete pavement;

S. 03°41′30″ E., 114.1 feet, to monument B–12–25, which is a monel plug in a concrete pavement;

S. 86°16′30″ W., 30.3 feet, to an unmarked point called B–12–26, located 1.5 feet, more or less, easterly from a cyclone fence, the geodetic position of which is in latitude 9°21′ N. plus 3,924.3 feet and 79°52′ W. plus 5,098.4 feet;

S. 03°36′00″ E., 379.0 feet, to unmarked point called A–1, located on the northern boundary of Fort Gulick Army Reservation, Parcel No. 2 (at Coco Solo) and N. 89°59′35″ W., 12.2 feet, from old monument "A" (Precise Bench Mark "A"). The geodetic position of unmarked point called A–1 is in latitude 9°21′ N. plus 3,546.0 feet and longitude 79°52′ W. plus 5,074.6 feet;

N. 89°59′35″ W., 823.4 feet, more or less, along the northern boundary of the above-mentioned Parcel No. 2 (at Coco Solo), on the northerly side of a cyclone fence and the southerly side of a drainage ditch, through monument "B", which is an 8-inch square concrete monument, to an unmarked point called B–1, located on the mean low water line of Manzanillo Bay, the distances being 508.4 feet and 315 feet, more or less, successively, from beginning of the course;

Due north, 23 feet, more or less, to an unmarked point called B–1a, located on the face of a concrete seawall at the mean low water line of Manzanillo Bay;

In a general northerly direction, following the mean low water line of Manzanillo Bay (except where drainage ditches extend inland from the shore line) to an unmarked point called B–7–2b, located on the northwesterly side of Pier No. 2 beneath the eave line on the southwesterly side of Building No. 7 and N. 34°16′15″ W., 2.0 feet, from monument B–7–3 (not on boundary), which is a monel plug in the concrete pavement of the above-mentioned Pier No. 2. The geodetic position of unmarked point called B–7–2b is in latitude 9°22′ N. plus 2,714.1 feet and longitude 79°52′ W. plus 1,064.7 feet;

N. 34°16′15″ W., 320.3 feet, following the eave line on the southwesterly side of Building No. 7, to monument B–7–2, which is a monel plug, located in the pavement of Pier No. 1 and 7.3 feet northwesterly from its southeasterly face;

N. 55°37′00″ E., 207.3 feet, along the northwesterly sides of Buildings No. 7 and No. 4, to monument B–7–1, which is a monel plug located in the pavement near the northeasterly corner of Building No. 4;

S. 34°17′15″ E., 541.2 feet, along the prolongation of and the back of the curb on the southwesterly side of Johnston Avenue to monument B–8, which is a monel plug located in the concrete pavement on the southwesterly side of Johnston Avenue;

S. 55°40′45″ W., 102.6 feet, along the northwesterly side of Building No. 3 to monument B–9, which is an iron rod set in concrete, located near the northwesterly corner of the above-mentioned Building No. 3;

S. 34°33′00″ E., 185.4 feet, along the southwesterly side of the above-mentioned Building No. 3, to monument B–10 which is a 1½-inch pipe, located near the southwesterly corner of the above-mentioned Building No. 3;

N. 55°34′15″ E., 101.8 feet, along the southeasterly side of the above-mentioned Building No. 3, to monument B–11, which is a monel plug, located in the back of the curb on the southwesterly side of Johnston Avenue;

S. 34°17′15″ E., 247.8 feet, along the back of the curb on the southwesterly side of Johnston Avenue, to monument B–12, the point of beginning.

There shall also be included in the above-described reservation all land and water within a zone extending 100 yards out from the mean low water line on all shores of the reservation bordering on Manzanillo Bay: *Provided, however,* That in any area where such 100 yard zone would overlap any similar zone included within Fort Gulick Army Reservation, Parcel No. 2 (at Coco Solo), the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations. In addition, the Department of the Navy will have jurisdiction over that water area extending 100 yards southeasterly and southwesterly from the southeasterly side and southwesterly end of Pier No. 1 (bounded on the northeast by a line extending N. 79°00′ W., from the extreme northwesterly corner of Pier No. 1.

PARCEL NO. 2.

Beginning at monument No. 1, which is a brass plug, located in the concrete pavement, on the easterly side of Randolph Road, and northerly from the junction of Galeta Road, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22′ N. plus 4,566.3 feet and longitude 79°52′ W. plus 5,664.3 feet from Greenwich. Monument No. 1 is S. 32°39′00″ E., 133.1 feet from Precise Bench Mark "C".

Thence from said initial point by metes and bounds:

N. 62°40′40″ E., 148.2 feet, to monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

N. 75°40′10″ E., 260.2 feet, to monument No. 9, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

N. 65°25′30″ E., 284.3 feet, to an unmarked point called No. 8, located 50 feet northerly from the centerline of Galeta Road, on the mean low water line of the Caribbean Sea on the left bank of the Rio Coco Solo;

In a general westerly and northerly direction, following the mean low water line of the Caribbean Sea, along the left bank of the Rio Coco Solo and the shore of Margarita Island (except where drainage ditches extend inland from the shore line) to an unmarked point called No. 7–A, located on longitude 79°52′ W., plus 5,780.0 feet;

The above-described boundary from monument No. 1 to unmarked point called No. 7–A, is common with a part of the southern and all of the eastern boundary of Fort Randolph Army Reservation.

Due north, 130 feet, more or less, to an unmarked point called No. 7–B, located on the mean low water line of the Caribbean Sea, on the southerly side of an unnamed island southeast from Palma Media Island;

In a general northerly and easterly direction, following the mean low water line of the Caribbean Sea, along the seaward side of all mainland and islands (two unnamed islands south of Palma Media Island, Palma Media Island, Galeta Islands, Pena Guapa Island, an unnamed Island east of Pena Guapa Island and the western part of Largo Remo Island) to an unmarked point called No. 7–1, located on the northerly side of Largo Remo Island and N. 00°32′00″ E., 850 feet, more or less, from monument No. 0 of the original Canal Zone–Republic of Panama Five Mile Boundary Line;

N. 00°14′50″ E., 100 feet, more or less, to an unmarked point called No. 7–J, located on the Canal Zone-Republic of Panama boundary and the extreme low water line of the Caribbean Sea;

In a general easterly, southerly, and westerly direction following the Canal Zone-Republic of Panama boundary line along the extreme low water line of the Caribbean Sea, along the shore line of Largo Remo Island, Droque Island, and two small islands to the north and adjacent to Droque Island, to an unmarked point called No. 7–K, located on the southerly side of Largo Remo Island;

S. 00°32′00″ W., 3,350 feet, more or less, along the Canal Zone-Republic of Panama boundary line to monument No. 1, which is a 4-inch iron pipe with a cap, the geodetic position of which is in latitude 9°23′ N. plus 137.2 feet and longitude 79°50′ W. plus 5,620.6 feet;

Thence, following the Canal Zone-Republic of Panama boundary line to monument No. 5–1, as follows:

S. 00°32′00″ W., 2,260.7 feet, through monument No. 1–1, which is a 1½-inch iron pipe to monument No. 2, which is a 4-inch iron pipe with a cap, the distances being 816.0 feet and 1,444.7 feet, successively, from beginning of the course;

S. 00°33′00″ W., 2,920.3 feet, through monuments Nos. 2–1 and 2–2, which are 1½-inch iron pipes, and monument No. 3, which is a 4-inch iron pipe with a cap, to monument No. 3–1, which is a 2-inch iron pipe, the distances being 496.2 feet, 1,142.3 feet, 835.1 feet and 446.7 feet, successively, from beginning of the course;

S. 00°35′50″ W., 363.5 feet, through monument No. 3–2, which is a 1½-inch iron pipe, to monument No. 3–3, which is a 1½-inch iron pipe, the distances being 141.0 feet and 222.5 feet, successively, from beginning of the course;

S. 00°33′00″ W., 382.6 feet, through monument No. 3–4, which is a 1½-inch iron pipe, to monument No. 3–5, which is a 1½-inch iron pipe, the distances being 108.6 feet and 274.0 feet, successively, from beginning of the course;

S. 00°32′50″ W., 467.1 feet, through monument No. 3–6, which is a 2-inch iron pipe, to monument No. 3–7, which is a 2½-inch iron pipe, the distances being 260.0 feet and 207.1 feet, successively, from beginning of the course;

S. 00°33′20″ W., 824.7 feet, through monument No. 4, which is a 4-inch iron pipe with a cap, to monument No. 4–1, which is a 1½-inch iron pipe, the distances being 446.0 feet and 378.7 feet, successively, from beginning of the course;

S. 00°32′00″ W., 627.8 feet, to monument No. 4–2, which is a 1½-inch iron pipe;

S. 00°32′50″ W., 843.0 feet, through monuments Nos. 4–3 and 4–4, which are 2-inch iron pipes, monument No. 4–5, which is a 1½-inch iron pipe, to monument No. 4–6, which is a 1½-inch iron pipe, the distances being 381.2 feet, 190.8 feet, 167.6 feet and 103.4 feet, successively, from beginning of the course;

S. 00°33′20″ W., 350.5 feet, to monument No. 4–7, which is a 2-inch iron pipe;

S. 00°32′30″ W., 372.7 feet, through monument No. 5, which is a 4-inch iron pipe with a cap, to monument No. 5–1, which is a 2-

inch iron pipe, located on the northern boundary of the Colon Corridor, the distances being 363.8 feet and 8.9 feet, successively, from beginning of the course;

Southwesterly, along the northern boundary of the Colon Corridor, to monument N.H. 1, which is a 2-inch iron pipe, located at the southeasterly corner of the Coco Solo Hospital area, the geodetic position of which is in latitude 9°21' N. plus 720.3 feet and longitude 79°51' W., plus 3,813.9 feet;

Thence following the boundary of the Coco Solo Hospital area, to monument N.H. 9–1, as follows:

N. 16°58'20" W., 477.5 feet, to monument N.H. 16, which is a 2-inch iron pipe;

N. 56°03'30" W., 1,047.0 feet, through monuments N.H. 15 and N.H. 14, which are 2-inch iron pipes, to monument N.H. 13, which is a 2-inch iron pipe, the distances being 209.5 feet, 448.1 feet and 389.4 feet, successively, from beginning of the course;

S. 55°45'15" W., 983.1 feet, through monuments N.H. 12 and N.H. 11, which are 2-inch iron pipes, to monument N.H. 10, which is a 2-inch iron pipe, located on the right bank of the Rio Coco Solo, the distances being 500.0 feet, 200.0 feet and 283.1 feet, successively, from beginning of the course. The geodetic position of monument N.H. 10 is in latitude 9°21' N., plus 1,208.3 feet and longitude 79°51' W. plus 5,634.5 feet;

In a general southerly direction, along the right bank of the Rio Coco Solo, to monument N.H. 9–1, which is a 2-inch iron pipe, located on the northern boundary of the Colon Corridor, the geodetic position of which is in latitude 9°20' N. plus 5,973.0 feet and longitude 79°51' W. plus 5,128.4 feet;

Southwesterly, along the northern boundary of the Colon Corridor, to monument "S"–2, which is a scribed brass plug, located in the easterly edge of the concrete pavement of the R–16 Road;

S. 78°16'45" W., 60.5 feet, following the northern boundary of the Colon Corridor, through monument "S"–1, which is a scribed brass plug, located in the westerly edge of the concrete pavement of the above-mentioned R–16 Road, to monument "S", which is a 2-inch iron pipe, located 50.0 feet westerly from the centerline of the pavement of the above-mentioned R–16 Road, the distances being 21.0 feet and 39.5 feet, successively, from the beginning of the course. The geodetic position of monument "S" is in latitude 9°20' N., plus 3,537.3 feet and longitude 79°52' W. plus 2,537.2 feet;

Northerly, along a line parallel to and 50.0 feet westerly from the centerline of the concrete pavement of the above-mentioned R–16 Road, through monument "R", which is a 10-inch square concrete post, to monument F–32, which is a 2-inch iron pipe. The geodetic position of monument "R" is in latitude 9°20' N. plus 6,043.5 feet and longitude 79°52' W., plus 3,162.9 feet and the geodetic position of monument "F"–32 is in latitude 9°21' N. plus 757.7 feet and longitude 79°52' W. plus 3,782.2 feet;

N. 66°00'30" E., 575.6 feet, through monument F–31, which is a brass plug, located near the westerly edge of the concrete pavement of the above-mentioned R–16 Road and monument F–30, which is a 2-inch iron pipe, to monument F–29, which is a 2-inch iron pipe, the distances being 40.6 feet, 448.5 feet and 86.5 feet, successively, from beginning of the course;

N. 25°27'40" W., 478.2 feet, through monument F–28, which is a 2-inch iron pipe, to monument F–27, which is a 3-inch iron pipe, the distances being 218.0 feet and 260.2 feet, successively, from beginning of the course;

N. 64°53'25" E., 1,449.1 feet, through monument F–26, which is a 2-inch iron pipe, monument F–25, which is a 2½-inch iron pipe, monument F–24, which is a 2-inch iron pipe, monument F–23, which is a brass plug in a concrete slab of a barbeque pit, to monument F–22, which is a 2-inch iron pipe, the distances being 337.1 feet, 370.7 feet, 240.5 feet, 347.8 feet and 153.0 feet, successively, from beginning of the course;

N. 19°08'50" W., 717.5 feet, along a line parallel to and 160.0 feet southwesterly from the centerline of a concrete taxi strip, through monument F–21, which is a 2-inch iron pipe, to monument F–20, which is a 3-inch iron pipe, the distances being 142.7 feet and 574.8 feet, successively, from beginning of the course;

N. 55°05'35" W., 202.8 feet, through monument F–19, which is a 2½-inch iron pipe, to monument F–18, which is a 2-inch iron pipe, the distances being 105.7 feet and 97.1 feet, successively, from beginning of the course;

S. 56°48'40" W., 243.8 feet, to monument F–17, which is a 2-inch iron pipe;

S. 08°30'10" W., 279.2 feet, through monument F–16, which is a 2-inch iron pipe, to monument F–15, which is a 2-inch iron pipe, the distances being 164.5 feet, and 114.7 feet, successively, from beginning of the course;

S. 09°58'05" E., 234.5 feet, to monument F–14, which is a 2-inch iron pipe;

S. 64°48'55" W., 319.3 feet, to monument F–13, which is a 2-inch iron pipe;

S. 44°09'40" W., 281.5 feet, through monument F–12, which is a 2½-inch iron pipe, to monument F–11, which is a 2-inch iron pipe, the distances being 100.8 feet and 160.7 feet, successively, from beginning of the course;

From monument F–12 to monument F–4 the boundary follows parallel to and approximately 1.5 feet from the outside of a cyclone fence;

S. 53°48'55" W., 151.4 feet, to monument F–10, which is a 2-inch iron pipe;

N. 76°14'05" W., 491.5 feet, to monument F–9, which is a 2-inch iron pipe;

S. 86°18'25" W., 98.9 feet, to monument F–8, which is a 2-inch iron pipe;

S. 33°54'25" W., 150.0 feet, to monument F–7, which is a 2-inch iron pipe;

S. 86°13'40" W., 331.5 feet, to monument F–6, which is a 2-inch iron pipe;

S. 03°12'35" E., 106.9 feet, to monument F–5, which is a 2-inch iron pipe;

S. 85°37'25" W., 498.6 feet, to monument F–4, which is a 2-inch iron pipe, located on the northerly side of France Road and the easterly side of Randolph Road;

N. 03°46'35" W., 400.0 feet, along the westerly side of a cyclone fence on the easterly side of Randolph Road, to monument F–3, which is a brass plug located in the easterly lip of a concrete ditch;

N. 03°33'45" W., 1,569.6 feet, along a line which is parallel to and 43.5 feet easterly from the centerline of the 30.0 foot wide pavement of Randolph Road to monument F–2, which is a 2-inch iron pipe;

N. 81°59'55" E., 16.5 feet, to monument F–1, which is a 2-inch iron pipe, located 60.0 feet easterly from the centerline of the pavement of the above-mentioned Randolph Road;

Northerly, 3,493.8 feet, along a line parallel to and 60.0 feet, more or less, easterly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument 81–1, which is a 2-inch iron pipe;

S. 89°59'45" E., 17.1 feet, to monument No. 81–A, which is a 1¼-inch iron pipe, located near the southwesterly corner of a cyclone fence;

N. 03°34'00" W., 1,947.5 feet, along a line parallel to and 77.3 feet easterly from the centerline of the above-mentioned Randolph Road pavement, along the westerly side of a cyclone fence, to monument B–14, which is a 1¼-inch iron pipe;

Thence following along a line parallel to and approximately 1.5 feet westerly from the above-mentioned cyclone fence, on the easterly side of Randolph Road, to monument B–16, as follows:

N. 07°45'00" W., 254.4 feet, to monument B–15, which is a 2-inch iron pipe;

N. 12°13'30" W., 849.6 feet, to monument B–16, which is a 2-inch iron pipe;

S. 86°46'30" W., 200.4 feet, crossing Randolph Road, to monument B–17, which is a 2-inch iron pipe;

N. 87°51'45" W., 562.0 feet, to monument B–18, which is a 2-inch iron pipe, located northeasterly from quarters No. 334;

N. 14°14'00" W., 763.2 feet, more or less, through monument B–19 which is a brass plug in a top of a concrete seawall, to an unmarked point called B–20, on the northerly face of the above-mentioned seawall at the intersection of the mean low water line of Margarita Bay, the distances being 760.7 feet and 2.5 feet, more or less, successively, from beginning of the course;

Easterly, following the mean low water line of Margarita Bay, along the northerly side of the above-mentioned concrete seawall to an unmarked point called No. 4, located N. 12°14'20" W., 2 feet, more or less, from monument No. 3, which is a brass plug in the center of the above-mentioned seawall;

S. 12°14'20" E., 2 feet, more or less, to the above-mentioned monument No. 3, the geodetic position of which is in latitude 9°22' N. plus 4,810.6 feet and longitude 79°52' W. plus 5,797.7 feet;

S. 12°14'20" E., 249.9 feet, along the easterly side of a cyclone fence and along the westerly side of a concrete drainage ditch to monument No. 2, which is a brass plug located in the lip of the above-mentioned drainage ditch;

Due east, 80.4 feet, crossing Randolph Road, to monument No. 1, the point of beginning.

There shall be included within the above-described reservation all land and water within a zone extending a distance of 100 yards out from the mean low water line on all shores of the Reservation lying West of a line extended through unmarked points called 7–J and 7–K;

Provided, however, That in any area where such 100 yard zone would overlap any similar zone included within Fort Randolph Army Reservation, the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The above-described boundary from unmarked point called No. 4 to monument No. 1 is common with that part of the southern and western boundary of Fort Randolph Army Reservation.

The directions of the lines refer to the true meridian.

The total area of Coco Solo Navy Reservation (Parcel No. 1 and Parcel No. 2), above the mean low water line or above the extreme low water line is 5,779 acres, more or less (Parcel No. 1 is 136.7 acres, more or less, and Parcel No. 2 is 5,642 acres, more or less), and is as shown on Canal Zone Government drawing No. 6121–6, entitled "Map Showing United States Army and Navy Reservations, Fort Randolph and Coco Solo, Canal Zone", scale 1:10,000, dated February 20, 1959, on file in the office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

SEC. 2. *Parcels subject to recapture by Navy.* The two parcels of land hereinafter described, shown on Canal Zone Government drawing No. 6121–6 as Recapture Parcels A and B, and the removal of which from Coco Solo Navy Reservation is effected by this order, shall in the event and for the period of any emergency requiring active utilization of the Naval Station, Coco Solo, certified by the Secretary of the Navy or his authority, revert to and form a part of Coco Solo Navy Reservation:

Recapture Parcel "A"

Beginning at monument B–3, which is a brass plug, located in a concrete sidewalk, northwesterly from Building No. 8 on Pier No. 1, the geodetic position of which referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 2,936.2 feet and longitude 79°53' W. plus 1,774.3 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 55°43'45" E., 507.7 feet, to monument B–4, which is a 2-inch iron pipe;

S. 34°16'15" E., 125.8 feet, to monument B–5, which is an iron reinforcing rod in concrete;

N. 55°43'30" E., 134.5 feet, to monument B–6, which is a brass plug in a concrete curb on the westerly side of Johnston Avenue;

S. 49°37'15" E., 50.5 feet, to monument B–7, which is a brass plug in pavement, located on the northerly extension of the back of the curb on the westerly side of Johnston Avenue;

S. 42°36'30" E., 88.9 feet, to monument B–7–1, which is a monel plug in the pavement near the northeasterly corner of Building No. 4 and is the extreme northeasterly corner of Parcel No. 1 of the Coco Solo Navy Reservation;

S. 55°37'00" W., 207.3 feet, following the boundary of the above-mentioned Parcel No. 1, along the northwesterly sides of Buildings No. 4 and No. 7 to monument B–7–2, which is a monel plug in the concrete slab of Pier No. 1, located near the northwesterly corner of the above-mentioned Building No. 7;

S. 34°16'15" E., 8.8 feet, following the above-mentioned boundary of Parcel No. 1, to an unmarked point called B–7–2a, located on the outside edge of the fender of Pier No. 1;

Southwesterly, northwesterly and northeasterly, following along the outside edge of any pier fender on the southeasterly side, southwesterly end and northwesterly side of Pier No. 1, to an unmarked point called B–7-2c, located where the prolongation of the above-mentioned line intersects the mean low water line of Manzanillo Bay, on the northwesterly side of Pier No. 1;

Northeasterly, following the mean low water line of Manzanillo Bay, to an unmarked point called B–2, located on the westerly face of a concrete seawall and S. 55°43'45" W., 4.6 feet, more or less, from monument B–3;

N. 55°43'45" E., 4.6 feet, more or less, to monument B–3, the point of beginning.

There shall be included within the above-described parcel all land and water within a zone extending a distance of 100 yards out from the northwesterly side of Pier No. 1 (bounded on the southwest by a line extending N. 79°00' W., from the extreme northwesterly corner of Pier No. 1) and 100 yards out from the mean low water line along the northwesterly side of Pier No. 1.

The directions of the lines refer to the true meridian.

The land and pier area of the above-described parcel is 10.5 acres, more or less, and is as shown on Canal Zone Government drawing No. 6121–6, entitled "United States Army and Navy Reservations, Fort Randolph and Coco Solo, Canal Zone," scale 1:10,000, dated February 20, 1959, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

Recapture Parcel "B"

Beginning at monument B–12, which is a monel plug, located on the easterly boundary of Coco Solo Navy Reservation, Parcel No. 1, in the back of a curb on the southwesterly side of Johnston Avenue, at its intersection with the southwesterly prolongation of the southeastern curb of Fulton Road, near the southeasterly corner of Building No. 5, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 2,291.2 feet and longitude 79°53' W. plus 525.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

Following the easterly and northerly boundary of Coco Solo Navy Reservation, Parcel No. 1, through monuments B–12–1 to B–12–17 as follows:

S. 34°20'00" E., 179.6 feet, along the back of the curb on the southwesterly side of Johnston Avenue to monument B–12–1, which is a monel plug;

S. 11°30'30" E., 58.6 feet, to monument B–12–2, which is a monel plug in the pavement at the intersection of Johnston Avenue, Maile Street and Molten Avenue;

S. 11°18'45" W., 899.0 feet, through monument B–12–3, which is a monel plug, located in the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–4, which is a monel plug located in the back of the curb on the northwesterly side of Molten Avenue, the distances being 106.9 feet and 792.1 feet, successively, from beginning of the course;

S. 13°57'15" W., 158.9 feet, to monument B–12–5, which is a monel plug, located on the southeasterly side of an island at the intersection of Molten Avenue and Maile Street;

S. 14°43'30" W., 252.3 feet, to monument B–12–6, which is a monel plug, located at the back of the curb on the northwesterly side of Molten Avenue between Quarters "E" and "F";

Southwesterly, following the back of the curb on the northwesterly side of Molten Avenue, to monument B–12–7, which is a monel plug, located between quarters "D" and "E" (the direct bearing and distance from monument B–12–6 to B–12–7 is S. 24°56'45" W., 223.4 feet);

S. 20°08'30" E., 778.8 feet, through monument B–12–8, which is a monel plug located in the back of the curb on the southwesterly side of Molten Avenue to monument B–12–9, which is a monel plug, located in the back of the curb on the southwesterly side of Molten Avenue, the distances being 474.1 feet and 304.7 feet, successively, from beginning of the course;

S. 20°51'30" E., 425.7 feet, to monument B–12–10, which is a monel plug, located in the back of the curb on the southwesterly side of Molten Avenue, opposite the southwesterly prolongation of the southeasterly curb of Conley Street;

N. 69°31'45" E., 117.5 feet, to monument B–12–11, which is a monel plug, located in the back of the curb on the southeasterly side of Conley Street, at its intersection with Bernhard Street;

On a curve to the right, following the back of the curb at the above-named intersection, to monument B–12–12, which is a monel plug, located in the back of the curb on the southwesterly side of Bernhard Street. The direct bearing and distance from monument B–12–11 to B–12–12 is S. 65°32'40" E., 21.1 feet;

S. 20°13'15" E., 332.2 feet, following the back of the curb, on the southwesterly side of Bernhard Street to monument B–12–13, which is a monel plug, located in the northwesterly side of the concrete taxiway to the landing strip;

N. 67°25'45" E., 252.3 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–14, which is a monel plug, located near the southwesterly intersection of Maile Street;

N. 74°21'15" E., 588.6 feet, along the northwesterly side of the above-mentioned taxiway to monument B–12–15, which is a monel plug, located near the northeasterly intersection with McEwen Street;

N. 03°37'30" W., 413.6 feet, along the prolongation of and the back of the curb on the easterly side of McEwen Street, to monument B–12–16, which is a monel plug, located in the back of the curb;

N. 86°27'30" E., 131.1 feet, to monument B–12–17, which is a 1½-inch iron pipe, located 1.5 feet, more or less, easterly from a cyclone fence and 60.6 feet westerly from the centerline of Randolph Road;

N. 03°34'00" W., 2,105.2 feet, along a line parallel to and 60.6 feet westerly from the centerline of the 30.0 foot wide pavement of Randolph Road to monument B–12–18, which is a 1½-inch iron pipe, located 1.5 feet, more or less, easterly from a corner of a cyclone fence;

N. 14°52'30" E., 36.0 feet, to monument B–12–19, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 03°27'30" W., 666.9 feet, to monument B–12–20, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 15°13'45" E., 36.0 feet, to monument B–12–21, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 03°35'00" W., 199.0 feet, to monument B–12–22, which is a 1½-inch iron pipe, located easterly from a corner of the above-mentioned cyclone fence;

N. 68°07'00" W., 26.1 feet, to monument B–13–1, which is a 1½-inch iron pipe, located on the outside of the above-mentioned cyclone fence and 60.1 feet westerly from the centerline of the concrete pavement of the above-mentioned Randolph Road;

S. 81°08'00" W., 269.8 feet, to monument B–13, which is a brass plug, located in the back of the curb on the southeasterly side of Fulton Road;

S. 55°42'30" W., 1,031.6 feet, along the back of the curb on the southeasterly side of the above-mentioned Fulton Road and its southwesterly extension, to monument B–12, the point of beginning.

The directions of the lines refer to the true meridian.

The area of the above-described parcel is 102.5 acres, more or less, and is as shown on Canal Zone Government drawing No. 6121–6, entitled "United States Army and Navy Reservations, Fort Randolph and Coco Solo, Canal Zone", scale 1:10,000, dated February 20, 1959, on file in the Office of the Governor, Balboa Heights, Canal Zone. There shall be no construction within the above-described parcel beyond the line entitled "limit of construction" which is shown on drawing No. 6121–6.

SEC. 3. *Conditions and limitations.* The reservations established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The areas comprising these reservations shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) The Canal Zone Government and the Panama Canal Company, their agents, employees, contractors, licensees, and permittees shall enjoy access to the reserved areas in carrying out the oper-

ations of such agencies, subject, however, to necessary security measures.

(c) No sanitary sewage originating within the developed sections of Fort Gulick Army Reservation shall be permitted to discharge into the drainage basin of Gatun Lake.

SEC. 4. *Orders superseded.* This order supersedes Canal Zone Order No. 31 of June 30, 1953 (18 F.R. 4100), as amended by Canal Zone Order No. 50 of November 26, 1958 (23 F.R. 9451), and Canal Zone Order No. 49 of July 8, 1958 (23 F.R. 5438). France Air Force Base is hereby abolished and any lands included within the boundaries of Fort Gulick Army Reservation, Fort Randolph Army Reservation, Coco Solo Navy Reservation and France Air Force Base as set out by said previous orders and not included within the boundaries of the reservations established by section 1 of this order are hereby released and returned to the jurisdiction and control of the Canal Zone Government.

WILBER M. BRUCKER,
Secretary of the Army.

AUGUST 22, 1960.

[F.R. Doc. 60-7980; Filed, Aug. 26, 1960; 8:45 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 13690]

LAND TRANSPORTATION RADIO SERVICES

Eligibility; Permissible Locations of Base Stations in Taxicab Radio Service

ORDER EXTENDING TIME FOR FILING COMMENTS

The Commission has before it a petition filed by the American Taxicab Association, Inc., and the National Association of Taxicab Owners, Inc., on August 19, 1960, jointly requesting extension of the September 1, 1960, date for filing comments in the above-entitled proceeding.

In support of their request, the petitioners state that both associations are in the process of obtaining information and data on which to base their comments on the proposal, but that it is doubtful that such information and data can be obtained in time for comments to be filed on September 1, 1960. Therefore, it is requested that the time be extended to September 15, 1960. In light of the considerations advanced by the petitioners, the Commission feels that an extension of the comment period would be in the public interest.

Accordingly, pursuant to section 0.291 (b)(4) of the Commission's rules: *It is ordered*, this 23d day of August 1960, that the time for filing original comments in the above-entitled proceeding is extended from September 1, 1960 to September 15, 1960, and the time for reply comments to September 26, 1960.

Released: August 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7975; Filed, Aug. 26, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses of Prune Administrative Committee for 1960–61 Crop Year, and Rate of Assessment for Such Crop Year

Notice is hereby given that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), there are under consideration proposed expenses of the Prune Administrative Committee, established under the order, for the 1960–61 crop year and a rate of assessment for that crop year, as unanimously recommended by the committee and hereinafter set forth.

Consideration will be given to any data, views, or arguments pertaining to the proposals which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the seventh day after publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 993.311 Expenses of the Prune Administrative Committee and rate of assessment for the 1960–61 crop year.

(a) *Expenses.* Expenses in the amount of $75,350 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1960, and ending July 31, 1961, for its maintenance and functioning, and for such purposes as the Secretary may pursuant to the provisions of this part determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.50(e) of Marketing Agreement No. 110, as amended, and Order No. 93, as amended, as such handler's pro rata share of the aforesaid expenses, an assessment of 55 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1960, and ending July 31, 1961; and such rate of assessment is hereby fixed for such crop year.

Dated: August 24, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8003; Filed, Aug. 26, 1960; 8:49 a.m.]

[7 CFR Part 986]

MILK IN RED RIVER VALLEY MARKETING AREA

Notice of Proposed Suspension of a Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a provision of the order regulating the handling of milk in the Red River Valley marketing area is being considered.

The provision proposed to be suspended is § 986.63(d). The Central Oklahoma Milk Producers Association which represents more than half of the producers supplying milk to the Red River Valley market has requested suspension of the provision which limits the period during which milk of a producer may be diverted from the market during the months September–December and have the producer retain his right to share in the market pool. The cooperative association contends that emergency conditions which affect the marketing of milk in this market may make it necessary to divert milk for more days during these months than is permitted under the present provision.

Timely action on the request can be accomplished through suspension of the provision cited. Opportunity is hereby afforded all interested parties to submit written data, views and arguments with respect to the proposed suspension.

All persons who desire to submit written data, views or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Issued at Washington, D.C., this 24th day of August 1960.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-8004; Filed, Aug. 26, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 488]

AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of pressure relief overflow valves in fuel tanks of Lockheed 188 Series aircraft. This modification when accomplished will provide a permanent safeguard to prevent structural damage from possible overpressurization

of the fuel tanks without the special surveillance which is required at present.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 27, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all 188 aircraft.

Compliance required by January 1, 1962.

To provide protection against possible overpressurization of fuel tanks during refueling, the following modification is required unless already accomplished:

Install pressure relief overflow valves in each fuel tank. Lockheed overflow valves P/N 634114–9 are satisfactory for this purpose.

Issued in Washington, D.C., on August 23, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60–7981; Filed, Aug. 26, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 489]

AIRWORTHINESS DIRECTIVES

Grumman G–159 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the Godfrey cabin supercharger installed on Grumman G–159 Series aircraft. This modification consisting of replacement of the ball bearing assembly will preclude failures which have resulted in supercharger heat damage and engine gear box oil contamination.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 27, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

GRUMMAN. Applies to all G–159 Series aircraft having Godfrey Cabin Superchargers Type 15 Mk11S2A, P/N 139115 installed.

Compliance required within fifty hours' time in service from the effective date of this directive.

To preclude cabin supercharger damage due to ball bearing assembly failures, the following must be accomplished:

Modify the type 15 Mk11S2A, P/N 139115 cabin supercharger by replacing the Godfrey ball bearing assembly P/N 50727 with Godfrey ball bearing assembly P/N 9053.

(Godfrey modification #359 and Grumman Aircraft Engineering Corporation Aircraft Service Change #65 cover this same subject.)

Issued in Washington, D.C., on August 23, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60–7982; Filed, Aug. 26, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–LA–7]

CONTROL AREAS

Modification of Proposed Redesignation

In a notice of proposed rule making published as Airspace Docket No. 60–LA–7 in the FEDERAL REGISTER on June 17, 1960 (25 F.R. 5455), it was stated that the Federal Aviation Agency proposed to redesignate the Mountain Home, Idaho, control area extension (§ 601.1306). The description of the control area extension as proposed in the Docket excluded the area bounded on the northeast by a line 5 miles southwest of and parallel to the Twin Falls, Idaho, VOR 298° True radial, on the south by a line 5 miles north of and parallel to the Twin Falls VOR 269° True radial, on the west by a line 5 miles east of and parallel to the Mountain Home TVOR 178° True radial and on the northwest by the arc of a circle with a 35-mile radius of Mountain Home AFB.

Notice is hereby given that the original proposal is amended to include the above described area. This would add approximately 268 square miles to the proposed control area extension and would provide protection to aircraft arriving and departing Mountain Home AFB utilizing prescribed TACAN procedures.

If this action is taken, the Mountain Home, Idaho, control area extension (§ 601.1306) would be redesignated as follows:

Within 5 miles either side of the 178° and 208° True radials of the Mountain Home TVOR extending from the TVOR to points 61 miles south and southwest, and that area south, southeast and west of Mountain Home bounded by a line beginning at the intersection of the southwest boundary of VOR Federal airway No. 253 and a line 5 miles south of and parallel to the Twin Falls, Idaho, VOR 269° True radial, thence west along this line to its intersection with a line 5 miles northwest of and parallel to the Mountain Home TVOR 208° True radial, thence northeast along this line to its intersection with the arc of a circle with a 35-mile radius of Mountain Home AFB (Lat. 43°02'30'' N., Long. 115°51'50'' W.), thence clockwise along this arc to its intersection with the southwest boundary of VOR Federal airway No. 253, thence southeast along this boundary to the point of beginning. The portion of this control area extension which coincides with the Sailor Creek, Idaho, Restricted Area (R–254) will be used only after obtaining prior approval from Federal Aviation Agency Air Traffic Control.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to September 30, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60–LA–7 is extended to September 30, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C., 1346, 1354).

Issued in Washington, D.C., on August 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–7983; Filed, Aug. 26, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–WA–214]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1099 of the regulations of the Administrator, the substance of which is stated below.

The Indianapolis, Ind., control area extension is presently designated from the Weir Cook Municipal Airport, Indianapolis, Ind., ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles southwest of the ILS outer marker and all that area within a 15-mile radius of the Indianapolis VOR. The Federal Aviation Agency has under consideration the modification of this control area extension by redesignating it within a 15-mile radius of the Indianapolis VORTAC; within 5 miles either side of the Weir Cook Airport ILS localizer southwest course extending from the 15-mile radius area to 20 miles southwest of the ILS outer marker; and including the area northwest of Indianapolis bounded on the east by VOR Federal airway No. 11 west alternate, on the south and southeast by VOR Federal airway No. 14 north alternate; on the west by VOR Federal airway No. 7 and on the north by the arc of a circle 25 miles in radius centered on Purdue University Airport and the arc of a circle 25 miles in radius centered on Bunker Hill AFB, Peru, Ind. This additional control area would be used primarily for radar vectoring of aircraft. It would provide protection for southwest-bound aircraft being radar vectored from VOR Federal airway No. 53 into the arrival sequence at the Weir Cook Municipal Airport. In addition, it would provide protection for northwest bound aircraft being radar vectored to VOR Federal airway No. 97.

If this action is taken, the Indianapolis, Ind., control area extension would be designated within a 15-mile radius of the Indianapolis, Ind., VORTAC, within 5 miles either side of the Weir Cook Municipal Airport ILS localizer southwest course extending from the 15-mile radius area to 20 miles southwest of the ILS outer marker including the area beginning at the intersection of the north boundary of VOR Federal airway No. 14 north alternate and the Indianapolis 15-mile radius control area extension, extending west and southwest along the north and northwest boundary of Victor 14 north to the east boundary of VOR Federal airway No. 7; thence north along the east boundary of this airway to a 25-mile radius arc centered on the Purdue University Airport, Lafayette, Ind. (Lat. 40°24'45'' N, Long. 86°55'57'' W), thence counterclockwise along this 25-mile radius arc to Lat. 40°23'30'' N, Long. 86°27'30'' W; thence counterclockwise along a 25-mile radius arc centered on Bunker Hill Air Force Base, Peru, Ind. (Lat. 40°39'38'' N, Long. 86°08'31'' W), to the northwest edge of VOR Federal airway No. 11 west alternate; thence southwest along the northwest edge of Victor 11 west to the Indianapolis 15-mile radius control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–7984; Filed, Aug. 26, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–WA–67]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Kalamazoo, Mich., during the period from 0600 hours to 2200 hours Eastern Standard Time, Monday through Saturday and from 0900 hours to 2200 hours Eastern Standard Time Sunday, within a 5-mile radius of the Kalamazoo Airport (Lat. 42°14'07'' N, Long. 85°33'10'' W), within 2 miles either side of the 039° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles northeast of the VOR and within 2 miles either side of the 143° True radial of the Kalamazoo VOR extending from the 5-mile radius zone to 12 miles southeast of the VOR. This designation would provide protection for aircraft executing the prescribed instrument approach procedures based on the VOR during the period that weather reporting service is available.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–7985; Filed, Aug. 26, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–WA–129]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2134 of the regulations of the Administrator, the substance of which is stated below.

The Charleston, S.C., control zone is presently designated within a 5-mile radius of the Charleston Municipal Airport; within 2 miles either side of the Charleston radio range northwest course extending to the Summerville fan marker; and within 2 miles either side of the Charleston VOR 341° True radial extending to a point 10 miles northwest of the VOR.

The Federal Aviation Agency has under consideration the following modifications to the Charleston control zone:

1. Modify the extension based on the northwest course of the Charleston radio range by lengthening it to 12 miles northwest of the radio range. This modification would provide protection for aircraft executing revised instrument approach procedures based on the Charleston radio range.

2. Redesignate the northwest extension based on the Charleston VORTAC to extend within 2 miles either side of the 334° True radial extending from the 5-mile radius zone to 12 miles northwest

of the VORTAC. This would provide protection for aircraft executing the VOR instrument approach procedure based on the 324° True radial of the Charleston VORTAC.

3. Designate extensions based on the 016°, 146° and the 210° True radials of the Charleston VORTAC extending from the 5-mile radius zone to 7 miles northeast, southeast and southwest. This would provide protection for aircraft executing the approach procedures based on the Charleston VORTAC.

If these actions are taken, the Charleston, S.C., control zone would be designated within a 5-mile radius of the Charleston AFB/Municipal Airport (Lat. 32°53'56" N, Long. 80°02'18" W); within 2 miles either side of the northwest course of the Charleston radio range extending from the 5-mile radius zone to 12 miles northwest of the radio range; within 2 miles either side of the Charleston VORTAC 334° True radial extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles either side of the Charleston VORTAC 016°, 146° and 210° True radials extending from the 5-mile radius zone to 7 miles northeast, southeast and southwest of the VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 22, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7986; Filed, Aug. 26, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-90]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Westfield, Mass., control zone (§ 601.1984) is presently designated within a 5-mile radius of the Barnes Airport (Lat. 42°09'35" N, Long. 72°42'55" W). The Federal Aviation Agency is considering modifying this control zone by redesignating it to be effective during the period from 0700 to 2300 hours daily, e.s.t., within a 5-mile radius of the Barnes Airport, within 2 miles either side of the south course of the Westfield, Mass., radio range extending from the 5-mile radius zone north to the radio range station, and excluding that portion which would coincide with the Westover Air Force Base, Mass., control zone. These modifications would provide protection for aircraft executing the prescribed instrument approach procedure to the Barnes Airport during instrument flight rule conditions. In addition, the modifications would coincide with the hours of control tower operation and the availability of aviation weather reporting service.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7987; Filed, Aug. 26, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55210]

IMPORTED ALCOHOLIC BEVERAGES

Refund of Internal-Revenue Tax

AUGUST 22, 1960.

In the case of Hulse Import Co. v. United States, the United States Customs Court held in a decision dated May 31, 1960, published as C.D. 2182, that the internal-revenue tax on imported beer deposited at the time of entry should be treated as a customs duty for the purpose of section 558(a)(2), Tariff Act of 1930, as amended (19 U.S.C. 1558(a)(2)), and directed that the tax on imported beer released from customs custody and thereafter exported pursuant to a law of the United States should be refunded.

The Court seems to view section 528 of the Tariff Act of 1930 (19 U.S.C. 1528) as not barring the application of section 558 to internal-revenue tax refunds in a situation where refund of duty under section 558 is permissible. To arrive at such view the Court indicated that it felt section 528 was not intended to effect changes in the practice of applying to internal-revenue taxes on imports the tariff administrative provisions and regulations governing the determination, collection, and refund of duties. The Court also interpreted § 24.36(d)(7), Customs Regulations, to be administrative recognition that, for the purpose of section 558, internal-revenue taxes are to be treated as a customs duty.

The principle involved in this decision is important. The decision is contrary to the uniform administrative interpretation and application of the underlying principle of law involved. Additionally, the Court's interpretation of § 24.36(d), Customs Regulations, appears to overlook the stated purpose and effect of paragraph (d) of such section under the adopting document, T.D. 54896 (1959). Subparagraph (7) of paragraph (d) is merely an example, or description, of one of the types of situations to which section 6423, Internal Revenue Code (26 U.S.C. 6423), is deemed not to apply.

The effect of T.D. 54896 was twofold; it listed the types of cases excepted from the application of section 6423 thereby clarifying for collectors of customs that in such situations there was no transfer of authority to the Commissioner of Internal Revenue by Treasury Department Order No. 165-2, Amendment 1, published as T.D. 54803 (1959), and it made clear that in such a situation collectors of customs retained authority to deny a refund of tax as well as to make a refund of tax collected by them when authority to make such a refund specifically exists elsewhere.

In the specific case, involving imported beer, in view of section 5057 of the Internal Revenue Code of 1954, entitled "Refund and Credit of Tax, or Relief from Liability", authority to refund tax was specifically limited to "beer produced in the United States." However, with respect to tax on imported tobacco products section 5705(a) of Chapter 52 of that Code relates to refund of any tax imposed by such chapter, which would include the tax on imported tobacco products.

If applied to other cases, the principle of C.D. 2182 would be disruptive of proper administrative practices. Accordingly, you are instructed to limit the application of the decision published as C.D. 2182 to the importations covered thereby.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-7999; Filed, Aug. 26, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 109 (Rev.); Amdt. 1]

BUREAU OF PUBLIC ROADS

Organization and Functions

The material appearing in 22 F.R. 1301-1303 of March 1, 1957 is hereby amended as follows:

Department Order No. 109 (Revised) of January 23, 1957 is hereby amended by adding the following sentence to section 3.01:

SEC. 3. *Delegation of authority.* 1 • • • The Federal Highway Administrator is designated to exercise the authority of the Secretary of Commerce derived from Public Law 86-660 "An Act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked."

Date of issuance: August 10, 1960.

Effective date: August 10, 1960.

[SEAL] FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-7979; Filed, Aug. 26, 1960; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-150]

OHIO STATE UNIVERSITY

Notice of Issuance of Amendment to Construction Permit No. CPRR-49

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPRR-49 set forth below. The amendment extends to October 1, 1960, as requested by the applicant, the latest date for completion of construction of the pool-type nuclear reactor to be located on the University's campus in Columbus, Ohio.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment to the construction permit upon receipt of a request therefor from the permittee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see the application for amendment dated August 12, 1960, submitted by The Ohio State University, on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 22d day of August 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Construction Permit No. CPRR-49; Amdt. 1]

Paragraph 2.A. of Construction Permit No. CPRR-49 is hereby amended by changing the second sentence thereof to read as follows:

The latest date for completion of the reactor is October 1, 1960.

This amendment is effective as of the date of issuance.

Date of issuance: August 22, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7978; Filed, Aug. 26, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 11482, 11486]

OZARK AIR LINES, INC., AND AMERICAN AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the application of Ozark Air Lines, Inc. for amendment or alteration of its certificate to make permanent the temporary authority of Ozark to operate one-stop service between Chicago, Illinois, and St. Louis, Missouri, making a stop at either Springfield, Illinois, or Peoria, Illinois, Docket 11482.

In the matter of the application of American Airlines, Inc. for the termination or suspension of its authority to serve Peoria, Illinois, and Springfield, Illinois, Docket 11486.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 8, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., August 24, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8001; Filed, Aug. 26, 1960; 8:48 a.m.]

[Docket 10917]

PASSENGER CREDIT PLANS INVESTIGATION

Notice of Hearing

In the matter of the passenger credit plans participated in by the certificated air carriers and foreign air carriers.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204 (a), 403, 404, 411, 412, and 1002 thereof, that the above-entitled proceeding is hereby assigned for hearing on September 13, 1960, at 10 a.m., in room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following matters:

1. Whether the practices of extending passenger credit in connection with interstate, overseas, or foreign air transportation under any type of plan operated or participated in by a certificated air carrier or foreign air carrier, or agreements pertaining thereto, or tariff rules, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise unlawful, or adverse to the public interest.

2. What lawful rules, regulations, or practices should be determined and prescribed.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered herein, the documents filed by the parties, the examiner's report of prehearing conference served December 11, 1959, and the supplemental report of prehearing conference served February 12, 1960, all of which are on file with the Docket Section, Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before September 7, 1960, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., August 23, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8002; Filed, Aug. 26, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6900]

APPALACHIAN POWER CO.

Notice of Postponement of Hearing

AUGUST 19, 1960.

Upon consideration of the request filed August 18, 1960 by Staff Counsel for postponement of the hearing now scheduled for September 12, 1960, in the above-designated matter;

The hearing now scheduled for September 12, 1960 is hereby postponed to September 19, 1960, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7988; Filed, Aug. 26, 1960; 8:46 a.m.]

[Docket No. CP60-111]

EQUITABLE GAS CO.

Notice of Application and Date of Hearing

AUGUST 22, 1960.

Take notice that Equitable Gas Company (Applicant), a Pennsylvania corporation, having its principal office at 420 Boulevard of the Allies, Pittsburgh 19, Pennsylvania, filed on June 2, 1960, an application pursuant to section 7 of the Natural Gas Act for a Certificate of Public Convenience and Necessity authorizing the installation and operation of an additional 300 horsepower compressor at its Comet Compressor Station in Taylor County, West Virginia, in order to lengthen the storage withdrawal season at its Comet Underground Gas Storage Pool. Said application also requests authority to abandon one 300 horsepower compressor at its Glenville Compressor Station in Gilmer County, West Virginia, no longer required because of the continuing depletion of gas production in the area served by said compressor station. The compressor to be removed from Glenville Station will be installed, after alteration, at Comet Station.

The cost of the alterations to and the installation of the proposed facilities is estimated at $95,000. The estimated cost of removal of facilities to be retired is $1,500. Such costs will be paid from general funds. No special financing will be required.

Said application is on file with the Commission and open for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1960, 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 7, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

HARRY J. TRAINOR,
Acting Secretary.

[F.R. Doc. 60-7990; Filed, Aug. 26, 1960; 8:46 a.m.]

[Docket No. CP60-121]

DAYTON POWER AND LIGHT CO.

Notice of Application

AUGUST 22, 1960.

Take notice that Dayton Power and Light Company (Dayton), filed on June 13, 1960, an application for an order pursuant to section 7(a) of the Natural Gas Act directing the Ohio Fuel Gas Company (Ohio Fuel) to establish connection of its facilities with those which Dayton proposes to construct and to sell and deliver to Dayton volumes of natural gas for retail distribution in and near the unincorporated community of Hardin, Shelby County, Ohio. The town presently has no gas service.

Dayton presently distributes natural gas on a retail basis in 13 counties in the southwestern portion of Ohio. It purchases the major portion of its supply for these towns from Ohio Fuel.

Dayton proposes to construct and operate approximately 868 fet of 2-inch pipeline extending from a connection with Ohio Fuel's 10-inch line at the southern edge of Hardin. Estimated cost of the supply line is $1,604. Dayton also proposes to construct and operate a distribution system within the town at an estimated cost of $11,464. It proposes to finance the total investment of $13,068 from construction funds on hand. Should the Commission grant the request of Dayton, it will be necessary for Ohio Fuel to construct measuring and regulating facilities at the main line tap.

The application states that the town of Hardin has a total of 32 potential residential and commercial customers. The largest customer will be a school which will purchase nearly 50 percent of Dayton's annual sendout beginning in the second year of operation. The estimated peak day and annual requirements are:

Year of service	Total requirements (Mcf)		Requirements of the school (Mcf)	
	Peak day	Annual	Peak day	Annual
1	29.3	2,724	None	None
2	36.0	6,689	0.9	3,400
3	39.8	7,069	.9	3,400

On June 27, 1960, Ohio Fuel filed its answer to the application stating that its existing transmission facilities possess sufficient capacity to deliver the volumes of natural gas requested by Dayton and that it has no objection to establishing a connection on its main line with the facilities proposed by Dayton. Ohio Fuel further states that no additional transmission facilities other than said physical connection and tap need be constructed by Ohio Fuel to effect such deliveries and that the sale and delivery by Ohio Fuel to Dayton of the volumes requested would not adversely affect either Ohio Fuel's gas supply or its ability to render adequate service to its existing customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

HARRY J. TRAINOR,
Acting Secretary.

[F.R. Doc. 60-7989; Filed, Aug. 26, 1960; 8:46 a.m.]

[Docket No. CP60-132]

WASHINGTON GAS LIGHT CO.

Notice of Application and Date of Hearing

AUGUST 19, 1960.

Take notice that on June 28, 1960, as supplemented on July 15, 1960, Washington Gas Light Company (Applicant) filed in Docket No. CP60-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to enable Applicant to deliver additional volumes of gas to the metropolitan Washington area, all as more fully described in the application and exhibits which are on file with the Commission and open to public inspection.

The proposed construction and operation is as follows:

(1) Approximately 15.8 miles of 24-inch O.D. pipeline extending from the end of Applicant's existing 24-inch pipeline at Hybla Valley, near Alexandria, Virginia, across the Potomac River by means of two submerged 24-inch steel pipes, each approximately 1.3 miles long, into Prince Georges County, Maryland, and connecting with Applicant's 24-inch main line near the Maryland-District of Columbia boundary;

(2) Approximately 1,400 feet (0.27 mile) of 16-inch O.D. pipeline connecting Applicant's 16-inch main line from Rockville, Maryland, at 28th and M Streets NW., to an existing 16-inch pipeline of Applicant at 29th and K Streets NW., all in the District of Columbia; and

(3) The operation as a transmission line rather than a distribution line of an existing 16-inch O.D. pipeline extending approximately 5.36 miles from an existing 16-inch line at Bailey's Cross Roads, Virginia, southeast along Route No. 7 through the City of Alexandria to Franconia Road, at which point it connects with an existing transmission system extending from Dranesville, Virginia.

The total estimated cost of the facilities in (1) above is $3,770,000, and that of (2) above is $60,000.

Applicant states that rapid expansion of the entire metropolitan Washington area has resulted in increasing demands for gas which require increased capacity to assure continuity of supply. Item (1) of the present proposal is designed to extend the capacity of the existing 24-inch pipeline between Dranesville Station and Hybla Valley, in Virginia, to deliver gas into the Maryland and eastern District of Columbia areas. It will complete a major loop of Applicant's main transmission system between the Dranesville and Rockville metering stations.

The facilities proposed in Item (2) of this application are required because of extensive interstate highway, tunnel and bridge construction which will eliminate Applicant's present West Station site in the Georgetown area of Washington as a distribution center and will result in the abandonment of some 2,200 feet of existing 16-inch pipeline previously certificated to Applicant in Docket No. G-727 without detriment to service.

Under Item (3) of this application, Applicant proposes to operate an existing distribution main at higher pressures as a transmission facility to permit a more assured continuity of supply of gas between the District of Columbia and nearby Virginia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7991; Filed, Aug. 26, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 371]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 24, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62915. By order of August 22, 1960, The Transfer Board approved the transfer to Ernest Ulrich and Ruth Ulrich, doing business as Ulrich Freight Lines, Olney, Ill., of Certificates Nos. MC 89611 and MC 89611 Sub 7, issued March 25, 1960 and May 26, 1960, respectively, to Ernest Ulrich, Olney, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between St. Louis, Mo., and Lawrenceville, Ill., serving the intermediate point of O'Fallon, Ill., and points between O'Fallon and Lawrenceville, on the routes specified, and the off-route points of Centralia, Iuka, Louisville, Cisne, Mount Erie, Bone Gap, Calhoun, Samsville, West Salem and Parkersburg, Ill.; household goods, between points in Richland, Lawrence, Wabash, Edwards, Wayne, Clay, Jasper, and Crawford Counties, Ill., on the one hand, and, on the other, points in Arkansas, Indiana, Kentucky, Ohio, Missouri, and Tennessee; farm machinery and sawmill equipment, from Marion, Ohio, and Indianapolis and Mt. Vernon, Ind., to points in Illinois as specified, and between Olney, Ill., on the one hand, and, on the other, points in Indiana; canned goods, from points in Indiana and Illinois, to Little Rock, Ark.; rice, from Stuttgart and Carlisle, Ark., to points in Indiana and Illi-

nois; fresh fruits, from points in Illinois as specified, to Indianapolis, Ind.; sand and gravel, from Vincennes, Ind., to points in Richland County, Ill.; Alum, soda ash, lime, carbon, chlorine, and other chemicals, from St. Louis, Mo., to the water purification plant at Olney, Ill.; Vinegar, from Olney, Ill., to points in Indiana, Kentucky, and Tennessee, as specified, and from the site of the Alton Vinegar Co., at Olney, Ill., to points in Scott, Miami, Grant, Henry, and Jay Counties, Ind., and Wood and Hancock Counties, Ohio; empty vinegar containers, from the destination points named above, to the destination points specified; and denatured alcohol No. 18, in bulk, in tank trucks, from Terre Haute, Ind., to Olney, Ill.

No. MC–FC 63469. By order of August 22, 1960, The Transfer Board approved the transfer to Armand A. Hansen, doing business as A. A. Hansen, Foxhome, Minn., of the operating rights authorized to Carl A. Hansen, doing business as C. A. Hansen & Sons, Foxhome, Minnesota, in Corrected Certificate No. MC 100300 Sub 2, issued August 20, 1956, authorizing the transportation, over irregular routes, of used bluegrass stripping machines, during the season extending from June 1, to July 31, both inclusive, of each year, between points in described portions of Iowa, Minnesota, Missouri, Nebraska, and South Dakota, and bags for bluegrass strippings and seeds, during the season extending from June 1 to July 31, both inclusive, of each year, from Kansas City, Mo., to the said described points in Minnesota and South Dakota, except Minneapolis, Minn., and Sioux Falls, S. Dak., and from Barnesville, Minn., to points in the said described South Dakota Territory. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC–FC 63481. By order of August 22, 1960, The Transfer Board approved the transfer to Ambrose Refrigerated Service, a Corporation, Butte, Montana, of the operating rights authorized to Bostwick Freight Lines, Inc., in Certificate No. MC 99580 Sub 1, issued December 10, 1958, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Butte, Mont., and Idaho Falls, Idaho. Francis J. McGan, 204 Professional Building, Butte, Mont., for applicants.

No. MC–FC 63497. By order of August 22, 1960, The Transfer Board approved the transfer to Escro Storage & Cartage, Inc., Buffalo, N.Y., of Certificates Nos. MC 46421, MC 46421 Sub 1, MC 46421 Sub 2, MC 46421 Sub 4, issued April 27, 1942, August 9, 1941, August 7, 1947, and December 21, 1954, respectively, to C. T. Villa Carting Co., Inc., Buffalo, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Buffalo, N.Y., to Lockport, N.Y., over specified routes; cheese, butter, chili con carne, and meat, from Buffalo, N.Y., to Newfane, Medina, Lancaster, Niagara Falls, and Rochester, N.Y., over specified routes, serving the intermediate point of Batavia, and the off-route point of Depew, N.Y., for delivery only; meat and packing-house products, from Buffalo, N.Y., to points in New York within 75 miles of Buffalo; commodities classified as (a) meat, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat-packing houses, from Buffalo, N.Y., to Bradford and Eldred, Pa., and to New York, N.Y., and from Buffalo, N.Y., to Sayre and Towanda, Pa., and to points in Broome, Chemung, Cortland, Oneida, Onondaga, Ontario, and Steuben Counties, N.Y., except those within 75 miles of Buffalo, limited to a service for the transportation of such commodities which have had an immediately prior movement in rail pool cars. Charles H. Trayford, 155 East 40th Street, New York, N.Y., for applicants.

No. MC–FC 63498. By order of August 22, 1960, The Transfer Board approved the transfer to Leroy Luth, doing business as Utica Transfer, Utica, Nebraska, of a Certificate in No. MC 62360, issued January 15, 1952, to Leroy Luth and Eugene Luth, a partnership, doing business as Utica Transfer, which authorizes the transportation of general commodities, except household goods, as defined by the Commission, commodities in bulk, and other specific commodities, over regular routes, between Omaha, Nebr., and Utica, Nebr., serving the intermediate and off-route points of Lincoln, Milford, Beaver Crossing, and Goehner, Nebr. Ivan A. Blevens, McKillip, Barth & Vlevens, Seward, Nebr., for applicants.

No. MC–FC 63504. By order of August 22, 1960, The Transfer Board approved the transfer to Union Cartage Company, a Corporation, 60 Quinsigamond Avenue, Worcester, Mass., of the operating rights authorized to Highland Trucking Service, Incorporated, 8 Vincent Road, Highland, N.Y., in Certificate No. MC 26046, issued March 19, 1942, authorizing the transportation, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between New York, N.Y., and Albany, N.Y., and between Highland, N.Y., and Albany, N.Y., and over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Orange, Ulster, Greene, and Delaware Counties, N.Y., and between Highland, N.Y., on the one hand, and, on the other, points in Dutchess and Putnam Counties, N.Y.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–7997; Filed, Aug. 26, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

AUGUST 23, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 24, 1960 to September 2, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7993; Filed, Aug. 26, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–IV–18 (Rev. 1)]

BRANCH MANAGER, WASHINGTON, DISTRICT OF COLUMBIA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Branch Manager, Washington Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000; and

b. Participation business loans in an amount not exceeding $100,000.

2. To approve or decline disaster loans not exceeding $50,000.

3. To approve or decline limited loan participation loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To disburse approved loans.

6. To execute loan authorizations for Washington and Regional Office approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By ----------
(Name)
Manager, Washington Branch Office.

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

B. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

2. To determine the need for representation at procurement and disposal centers.

3. To develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

C. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

D. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The Authority delegated herein may not be redelegated, except I.B. which may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Washington, D.C., Branch Office.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Washington, D.C., is hereby rescinded without prejudice to actions taken under all other delegations of authority prior to the date hereof.

Effective date: August 9, 1960.

CLARENCE P. MOORE, *Regional Director, Richmond Regional Office.*

[F.R. Doc. 60–7995; Filed, Aug. 26, 1960; 8:47 a.m.]

[Delegation of Authority No. 30–IV–7 (Rev. 2)]

BRANCH MANAGER, CHARLOTTE, NORTH CAROLINA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Branch Manager, Charlotte Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000; and

b. Participation business loans in an amount not exceeding $100,000.

2. To approve or decline disaster loans not exceeding $50,000.

3. To approve or decline limited loan participation loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To disburse approved loans.

6. To execute loan authorizations for Charlotte and Regional Office approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By----------
(Name)
Manager, Charlotte Branch Office.

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

10. To take all necessary actions in connection with the Administration, servicing and collection of current and problem loans.

11. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of $20,000 or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

2. To determine the need for representation at procurement and disposal centers.

3. To develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

D. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The authority delegated herein may not be redelegated, except I.B. which may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Charlotte, N.C., Branch Office.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Charlotte, N.C., is hereby rescinded without prejudice to actions taken under all other delegations of authority prior to the date hereof.

Effective Date: August 17, 1960.

CLARENCE P. MOORE, *Regional Director, Richmond Regional Office.*

[F.R. Doc. 60–7994; Filed, Aug. 26, 1960; 8:47 a.m.]

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Fees and Charges

1. Section 26.74 of the regulations pursuant to sections 6 and 8 of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) is hereby revised to read as follows:

§ 26.74 Fees and charges.

The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $9.00 per car;

(b) For bulk or sacked grain in trucks and trailers, $5.50 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, $2.25 per thousand bushels or fraction thereof, with a minimum of $5.00 per lot;

(d) For a submitted sample or package of grain, $3.50 per sample or package;

(e) For all lots of grain other than those referred to in paragraphs (a), (b), (c), and (d) of this section, $2.25 per thousand bushels or fraction thereof, with a minimum fee of $5.00 per lot.

(f) Charges for overtime, night, or holiday work performed by employees of the Department on account of an appeal or a dispute shall be determined at the rate of $6.40 per manhour per employee and shall include the following: A minimum charge of two hours shall be made for an unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, provided such commuted travel is performed solely on account of such overtime duty. The amount of this commuted travel time period, determined to be necessary to cover the time spent in reporting to and returning from the place at which the employee performs overtime duty, is hereby established as one hour. The charges for overtime shall be in addition to the fees prescribed in paragraphs (a) to (e) of this section, and shall be paid in all cases, whether the appeal be sustained or not sustained.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than September 1, 1960 (see sec. 4 of the Administrative Procedure Act: 5 U.S.C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) Legislation provides for charging fees and Federal policy requires that fees charged shall as nearly as possible cover the cost of services rendered; (2) the cost of such service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to more nearly cover such cost, including but not limited to increased salaries to Federal employees, required by recent legislation; (3) it is imperative that the increase in fees become effective at the earliest practicable date; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The foregoing schedule shall become effective at 12:01 a.m. September 1, 1960, with respect to all services thereafter rendered in connection with appeal inspections of grain under the provisions of section 6 of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.).

(7 U.S.C. 84)

Done at Washington, D.C. this 24th day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-8029; Filed, Aug. 29, 1960; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 2]

PART 902—MILK IN THE WASHINGTON, D.C., MARKETING AREA

Order Amending Order

§ 902.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Administrator of the Agricultural Marketing Service was issued June 17, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 26, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more

than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 902.22, delete the word "10th" in paragraph (j)(2) and substitute therefor "11th".

2. In § 902.84, delete the word "11th" and substitute therefor "12th".

3. In § 902.85, delete the word "12th" and substitute therefor "13th".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 24th day of August 1960, to be effective on and after the 1st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–8027; Filed, Aug. 29, 1960; 8:47 a.m.]

[Milk Order No. 98]

PART 998—MILK IN THE CORPUS CHRISTI, TEXAS, MARKETING AREA

Order Amending Order

§ 998.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Amend § 998.15 to read as follows:

§ 998.15 Producer-handler.

"Producer-handler" means any person who (a) produces milk and also operates an approved plant; (b) receives no milk from other dairy farmers; and (c) provides proof satisfactory to the market administrator that the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 24th day of August 1960, to be effective on and after the 1st day of October 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–8028; Filed, Aug. 29, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–LA–25]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

PART 608—RESTRICTED AREAS

Revocation of Restricted Area; Modification of Federal Airways, Associated Control Areas and Control Area Extensions

The purpose of these amendments to Part 608 and §§ 601.1418, 601.1331, 601.1283, 600.6027 and 600.6204 of the regulations of the Administrator is to revoke the Olympic Peninsula, Wash., Restricted Area (R–241) (Seattle Chart), and to modify the description of the Hoquiam, Wash., Tacoma, Wash., and Toledo, Wash., control area extensions and VOR Federal airways Nos. 27 and 204.

The United States Department of the Air Force has stated that it no longer has a requirement for Restricted Area R–241. Therefore, this area is unjustified as an assignment of airspace and revocation thereof is in the public interest. Concurrent with this action, it will be necessary to delete all reference to Restricted Area R–241 in the description of the Hoquiam, Tacoma and Toledo control area extensions and Victor 27 and 204.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary, and they may be made effective immediately.

In consideration of the foregoing, the following actions are taken:

§ 608.55 [Amendment]

1. In § 608.55, the Olympic Peninsula, Wash., Restricted Area (R–241) (Seattle Chart) (23 F.R. 8589) is revoked.

§ 601.1418 [Amendment]

2. In the text of § 601.1418 (14 CFR 601.1418) "Warning Area W–460 and excluding the portion above 14,500 feet which lies beneath and conflicts with restricted area R–241" is deleted and "Warning Area W–460." is substituted therefor.

§ 601.1331 [Amendment]

3. In the text of § 601.1331 (14 CFR 601.1331) "excluding the portion above 14,500 feet MSL which lies within the geographic limits of the Olympic Peninsula Restricted Area (R–241) during the restricted area's time of designation; and" is deleted.

§ 601.1283 [Amendment]

4. In the text of § 601.1283 (14 CFR 601.1283) "25 miles west, excluding the portion which overlaps restricted areas" is deleted and "25 miles west." is substituted therefor.

§ 600.6027 [Amendment]

5. In the text of § 600.6027 (14 CFR 600.6027, 25 F.R. 108) "The portion of this airway above 14,500 feet mean sea level which lies within the geographic limits of the Olympic Restricted Area (R–241) is excluded during its designated time of use." is deleted.

6. The text of § 600.6204 (14 CFR 600.6204) is amended to read:

§ 600.6204 VOR Federal airway No. 204 (Hoquiam, Wash., to Olympia, Wash.).

From the Hoquiam, Wash., VOR to the Olympic, Wash., VOR.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1960.

E. R. QUSADA,
Administrator.

[F.R. Doc. 60–8015; Filed, Aug. 29, 1960; 8:45 a.m.]

[Airspace Docket No. 60–WA–65]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Positive Control Areas

On May 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4653) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator which would:

1. Change the caption to Part 601.

2. Modify Subpart A by adding:

(a) The phrase "positive control areas" in § 601.1.

(b) An explanation of the terms "positive control area" and "flight level" in § 601.2.

3. Add Subart J—Designated Positive Control Areas.

4. Add under Subpart J, § 601.9001 *Positive control areas* and § 601.9010 *Positive control area (Wilmington, Ohio).*

Subsequent to publication of the notice, the Federal Aviation Agency has determined that a minor modification to the northern boundary of the Wilmington positive control area is necessary. This area will be reduced by approximately 138 square miles to avoid the Lockbourne AFB, Ohio, high altitude jet penetration procedures. Such action is taken herein.

No adverse comments were received regarding the proposed amendments.

However, the Air Transport Association, while concurring with the proposed action, suggested a revision to the definition of positive control area. This recommendation was to delete the phrase "within the continental control area" from the definition of positive control area. The ATA further stated that this recommendation was based upon their feeling that, in the future, the Administrator of the Federal Aviation Agency may wish to designate positive control areas in other portions of the airspace outside of the continental control area. The Federal Aviation Agency has the ATA recommendation under consideration. However, it is not considered appropriate or timely at present to change the positive control area definition as proposed in the notice. In light of the equipment requirements and techniques necessary for providing positive control on an area basis, it is deemed most feasible at present to contain positive control areas within the continental control area. Then, as previously stated by the Agency in the preamble to SR 424C (25 F.R. 7181), through a continuing evaluation and modification of procedures or operations, and in close coordination with all users, an orderly and practical expansion of the concept will be accomplished.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended as follows:

I. Part 601 caption is amended to read as follows: Part 601—Designation of the Continental Control Area, Control Areas, Control Zones, Reporting Points, Positive Control Route Segments and Positive Control Areas.

II. In Subpart A—Introduction:

A. Section 601.1 *Basis and purpose* is amended to read as follows:

§ 601.1 Basis and purpose.

The basis of this part is found in sections 307 and 313 of the Federal Aviation Act of 1958, as amended, and Part 60 of this title. The purpose of this part is to designate the continental control area, control areas, control zones, reporting points, positive control route segments and positive control areas in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

§ 601.2 [Amendment]

B. In § 601.2 *Explanation of terms* the following is added:

(gg) "Positive control area" shall mean the airspace, within the continental control area, as designated in Subpart J of this part, within which air traffic is controlled in accordance with the provisions of Special Civil Air Regulation No. SR424–C of Part 60 of this title.

(hh) "Flight Level" shall mean a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury expressed in three digits representing hundreds of feet. For example, flight level 250 is equivalent to an altimeter indication of 25,000 feet and flight level 265 to 26,500 feet.

III. Subpart J is added as follows:

Subpart J—Designated Positive Control Areas

§ 601.9001 Positive control areas.

Those areas with vertical and lateral dimensions designated by the Administrator within the continental control area wherein positive control of aircraft is exercised.

§ 601.9010 Positive control area (Wilmington, Ohio).

That airspace within the continental control area, from 24,000 feet MSL to flight level 600, adjacent to and east of the Wilmington, Ohio, Restricted Area (R–109) bounded by a line beginning at—

Lat. 39°30'00" N., long. 83°02'00" W., thence to lat. 39°25'00" N., long. 82°00'00" W., thence to lat. 38°48'30" N., long. 82°00'00" W., thence to lat. 38°48'30" N., long. 83°02'00" W., thence to point of beginning.

These amendments shall become effective 0001 e.s.t., October 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–8012; Filed, Aug. 29, 1960; 8:45 a.m.]

[Airspace Docket No. 60–LA–74]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Santa Maria, Calif., control area extension (§ 601.1332).

This control area extension is now entirely encompassed by the Lompoc, Calif., control area extension (§ 601.1466, 25 F.R. 2098) and its designation is no longer required.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to

me by the Administrator (24 F.R. 4530), the following action is taken:

In Part 601 (14 CFR Part 601), § 601.1332 *Control area extension (Santa Maria, Calif.)*, is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8013; Filed, Aug. 29, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-12]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification of Control Zone

On June 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4831) stating that the Federal Aviation Agency proposed to modify the Gulfport, Miss., control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2344 (14 CFR 601.2344) is amended to read:

§ 601.2344 Gulfport, Miss., control zone.

Within a 5-mile radius of the geographical center of the Gulfport Municipal Airport (Lat. 30°24'25" N, Long. 89°04'20" W) and within 2 miles either side of the Gulfport VOR 325° True radial extending from the 5-mile radius zone to a point 12 miles NW of the Gulfport VOR, excluding the portion which coincides with the Biloxi, Miss., control zone (§ 601.2132).

This amendment shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 23, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8014; Filed, Aug. 29, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-328]

PART 152—HOSIERY INDUSTRY

Promulgation of Revised Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of August 30, 1960.

Statement by the Commission. Amended trade practice rules for the Hosiery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the Hosiery Industry promulgated by the Commission on May 15, 1941, and supersede the 1941 rules.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations (including manufacturers, wholesalers, jobbers, importers, retailers, etc.) engaged in the sale, offering for sale, or distribution, in commerce, of hosiery for men, women and children, including all types and kinds of hose, stockings, socks, anklets, and other related products of the Hosiery Industry.

The rules are directed to the prevention and elimination of various unfair trade practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Amendment of certain provisions of the 1941 trade practice rules for this industry is necessary because of the enactment of the Textile Fiber Products Identification Act which became effective on March 3, 1960. Other amendments of the rules have been effected so as to provide more adequate and definitive coverage of practices and variations of practices which have developed in the industry since promulgation of the 1941 rules. The proceedings to amend the rules were instituted pursuant to an industry application.

During the proceedings, proposed amended rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, two public hearings were held, the first on April 22, 1960 and the second on May 17, 1960. All matters then presented, or otherwise received in the proceeding, were duly considered.

Following such hearings, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Group I. The unfair trade practices embraced in the Group I rules (§§ 152.1 to 152.14) herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Group II. Compliance with trade practice provisions embraced in Group II rules (§ 152.101) is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, per se, constitute violation of law. Where, however, the practice of not complying with any such Group II rules (§ 152.101) is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules (§§ 152.1 to 152.14).

NOTE: Nothing in these rules is to be construed as relieving anyone of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 or the requirements of the Textile Fiber Products Identification Act or with the rules and regulations issued under such Acts.

Sec.
152.0 Definitions.

GROUP I

152.1 Scope of rules; imports and exports.
152.2 Deception (general).
152.3 "Lisle."
152.4 "Irregulars," or "seconds".
152.5 Removal, obliteration, or alteration of marks.
152.6 Misrepresentation as to character of business.
152.7 Deceptive price representations.
152.8 Substitution of products.
152.9 Size markings and designations.
152.10 Commercial bribery.
152.11 Exclusive deals.
152.12 Guarantees, warranties, etc.
152.13 Push-money.
152.14 Prohibited discrimination.

GROUP II

152.101 Information as to treatment and care of products.

AUTHORITY: §§ 152.0 to 152.101 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 152.0 Definitions.

As used in this part the terms "industry member" and "industry products" shall have the following meaning:

(a) *Industry member.* Any person, firm, corporation, or organization (including manufacturers, wholesalers, jobbers, importers, retailers, etc.) engaged in the sale, offering for sale, or distribution, in commerce, of industry products as defined below.

(b) *Industry products.* Hosiery for men, women and children, including all types and kinds of hose, stockings, socks, anklets, and other related products of the Hosiery Industry.

GROUP I

§ 152.1 Scope of rules; imports and exports.

(a) *Applicability.* Except where otherwise required by law, the rules in this part shall apply to all hosiery produced in the United States or offered for sale, sold or distributed in the American market.

(b) *Imports.* Imported hosiery is subject to the rules in this part (and the marking requirements herein specified) the same as domestic hosiery, irrespective of whether the hosiery was originally manufactured in the United States and exported and thereafter imported; or whether it was manufactured in a foreign country and imported from such foreign country or another country into the United States; or whether the hosiery, foreign or domestic, was introduced into the American market in any other way.

(c) *Exports.* Hosiery produced in the United States for export to a foreign country need not be marked in accordance with the requirements of the rules in this part, except:

(1) Where such hosiery, although intended for export, or actually exported, is subsequently offered for sale or sold for use, consumption or resale within the United States or place subject to its jurisdiction; or

(2) Where such hosiery manufactured in the United States for export, or sold for export, is marked, sold or exported in such manner or under such conditions as to involve fraud or deception, or an unfair method of competition against an American competitor engaged in export trade, or a matter otherwise contrary to the public policy of the United States; or

(3) Where required by the Wool Products Labeling Act or by other provisions of law. [Rule 1]

§ 152.2 Deception (general).

It is an unfair trade practice to sell, offer for sale, or distribute industry products by any method, or under any representation, description, circumstance or condition which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the grade, character, construction, origin, denier, size, style, fashion, gauge, twist of yarn, quality, quantity, value, price, serviceability, resistance to snagging or the development of runs, holes or breaks in the fabric, strength, stretch, length, color, finish, manufacture, or distribution of any product of the industry or component part of such product, or in any other material respect. [Rule 2]

§ 152.3 "Lisle."

(a) It is an unfair trade practice to use the term "lisle" or word, term, or representation of similar import, as descriptive of hosiery or any part thereof, under any condition having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. For purposes of this section the term "lisle" as descriptive of hosiery, or part thereof, is considered as representing that such hosiery is made of yarn composed of two or more ply of combed long staple cotton fiber, the ply twist of which is not less than the turns per inch indicated in the following table:

Count	2-ply		3-ply		4-ply	
	Minimum twist	Approximate twist multiplier	Minimum twist	Approximate twist multiplier	Minimum twist	Approximate twist multiplier
30	16	4¼	13	4⅛	11	4
40	19	4½	15	4⅛	13	4
50	21	4⅝	17	4⅛	14	4
60	23	4⅝	18	4⅛	15	4
70	25	4⅝	20	4½	17	4
80	27	4⅝	21	4⅝	18	4
90	28	4⅛	23	4⅝	19	4
100	29	4¼	24	4⅝	20	4
120	31	4¼	26	4⅝	22	4
140 and higher	33	4¼	28	4⅝	24	4

NOTE: The minimum twist of intermediate counts not given should be in proportion to those given in the table. The average results of tests for number of turns of twist in a yarn shall be reported to the nearest whole number.

Yarns having more than 4 plies shall have not less than the number of turns given for the 4-ply yarn, minus 1 turn for each additional ply above 4; that is, for each additional ply above 4, 1 turn per inch may be deducted from the minimum number of turns given for the 4-ply yarn.

(b) The term "long staple cotton fiber" as used in this section is understood to mean cotton fiber which is not less than 1⅛" in length of staple: *Provided, however*, That nothing in this section shall be construed as prohibiting the use of cotton fiber which is not less than 1 1/16" in length of staple for the counts of 35 and less above referred to. [Rule 3]

§ 152.4 "Irregulars," or "seconds".

(a) It is an unfair trade practice to fail to disclose on industry products and in all advertising and promotional material relating thereto that such products are "irregulars" or "seconds," when such is the case.

(b) It is an unfair trade practice to cause any industry products to be falsely or deceptively marked, advertised, described or otherwise represented, either as not being or as being "irregulars" or "seconds," when such is not the fact.

(c) For the purpose of this section "irregulars" shall be considered as including all hosiery which is not of first quality but which contains only minor imperfections limited to irregularities in dimensions, size, color or knit, and without the presence of any obvious mends, runs, tears or breaks in the fabric or any substantial damage to the yarn or fabric itself. "Seconds" shall be considered as including all hosiery which is not of first quality, does not qualify as "irregulars" and which contains runs, obvious mends, irregularities, substantial imperfections, or defects in material, construction or finish.

(d) The marking of hosiery under this section shall be made in a conspicuous and non-deceptive manner with sufficient permanency or indelibility to carry through the channels of trade to the ultimate consumer in a clearly legible condition. The words "irregulars" or "seconds" as the case may be shall be set out distinctly by transfer or other marking on the fabric of each stocking, sock or other unit, whether sold in pairs, threes or otherwise. In addition, if the hosiery is packaged in any manner so as to conceal the disclosures required by this section then such disclosures shall also be made on such packaging in a conspicuous and non-deceptive manner. The required disclosures in advertising and other promotional material that industry products are "irregulars" or "seconds," must also be made in a conspicuous and non-deceptive manner. [Rule 4]

§ 152.5 Removal, obliteration, or alteration of marks.

It is an unfair trade practice for any manufacturer, converter, processor, dyer, finisher, distributor, dealer, importer or vendor, or person acting for or in collusion with any concern or vendor, (a) to remove, obliterate, deface, change, alter, conceal, or make illegible any information required by the rules in this part to be disclosed on industry products, without replacing the same before sale, resale or distribution for sale with a proper mark meeting the requirements of the rules in this part; or (b) to sell, resell, or distribute any industry product without its being marked and described in accordance with the requirements of the rules in this part.

NOTE: Hosiery which has been redyed shall be re-marked in accordance with the requirements of the rules in this part. Hosiery found to contain a false or deceptive mark, or a mark contrary to the requirements of the rules in this part, shall be re-marked in accordance with the rules in this part.

[Rule 5]

§ 152.6 Misrepresentation as to character of business.

It is an unfair trade practice for any member of the industry to represent, di-

rectly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer, producer, or importer of industry products, or that he is the owner or operator of a mill or factory manufacturing them, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 6]

§ 152.7 Deceptive price representations.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for an industry member to make any representation concerning the price at which an industry product is, or will be, offered for sale which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On October 2, 1958, the Commission adopted "Guides Against Deceptive Pricing"[1] which appear in the October 15, 1958, issue of the FEDERAL REGISTER as a notice at pages 7965–7966 and which are set forth as an appendix to the rules in this part. They supply specific guidance respecting pricing representations (particularly regarding represented savings) and are to be considered as supplementing this section.

[Rule 7]

§ 152.8 Substitution of products.

It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, by (a) shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or (b) falsely representing the reason for making a substitution. [Rule 8]

§ 152.9 Size markings and designations.[2]

In connection with the sale or offering for sale of industry products, it is an unfair trade practice:

(a) To mark or otherwise represent any industry product as being of a certain size which is not in fact the true and normal size thereof; or

(b) To alter the true and normal size of industry products by stretching or manipulation so as to deceive purchasers or prospective purchasers as to such size; or

(c) To fail to disclose on industry products the true and normal size thereof when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the size of such products.

NOTE: So-called "stretch" hose (which is represented as being suitable for more than one size foot) should be marked so as to clearly disclose the minimum and the maximum sizes for which such hose is in fact suitable, and the range should be limited to the sizes which such hose will comfortably fit without undue looseness or tension.

[Rule 9]

§ 152.10 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products imported, manufactured, or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 152.11 Exclusive deals.

It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 11]

§ 152.12 Guarantees, warranties, etc.

(a) It is an unfair trade practice to represent, in advertising or otherwise, that any industry product is "guaranteed" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligations of the guarantor.

(b) It is also an unfair trade practice to use, or cause to be used, any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty.

NOTE: The "guarantees" and "warranties" to which this section relates do not include the "guaranty" provided for in the Wool Products Labeling Act of 1939, the Textile Fiber Products Identification Act, or in the rules and regulations issued under such Acts.

[Rule 12]

§ 152.13 Push money.

It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2(d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under an agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act.

[Rule 13]

§ 152.14 Prohibited discrimination.[3]

(a) Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use.

NOTE: *Purchases by the U.S. Government.* In an opinion submitted to the Secretary of War under date of December 26, 1936, the U.S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.)

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE 1: *Cost justification to be based on net savings in cost of manufacture, sale or delivery.* Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

NOTE 2: *Credit or refund for returned goods.* In determining whether a price differential based on cost savings under subparagraph (2) of this paragraph is warranted there shall be taken into account any portion of the goods involved which are returned by the customer-purchaser to the seller for credit or refund. See also paragraph (e)(2) of this section.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE 1: An industry member cannot justify a price differential under subparagraph (5) of this paragraph if his lowered price is part of his general pricing system and is not made in response to an individual competitive demand.

NOTE 2: Subsection (b) of Section 2 of the Clayton Act, as amended, reads as follows:

"Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination; *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

NOTE 3: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use,[4] and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a)(2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a)(4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a)(5) of this section):

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example No. 3. Terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5% instead of a 2% discount when making payment to the industry member within the time prescribed.

Example No. 4. An industry member sells goods to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference solely on the fact that the goods sold at the lower price bear the private brand name of customers.

Example No. 5. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

Example No. 6. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether the goods sold at the lower price are classified by the industry member as "seconds," "secondary line," rejects," or are otherwise represented by the industry member as inferior, if the goods are in fact of like grade and quality as the goods sold at the higher price.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

(c) Prohibited brokerage and commissions: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) Prohibited advertising or promotional allowances, etc.: It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

[1] Copies available at the Federal Trade Commission.

[2] Commercial Standard CS 46–49, "Hosiery Lengths and Sizes" is recognized as a proper method to follow in determining measurements and sizes of hosiery.

[3] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

[4] See also Note under paragraph (a)(1) of this section.

Note 1: Industry members giving allowances for advertising or sales promotion must, in addition to according same to all competing customers on proportionally equal terms, exercise precaution and diligence in seeing that all such allowances are used by the customers for such purpose. Customers receiving such allowances must not use same for any other purpose.

When an allowance is made ostensibly for advertising or sales promotion of products and is not in fact used for that purpose the practice may constitute a price discrimination. In such case, the party giving the allowance may violate paragraph (a) of this section and the party receiving same may violate paragraph (f) of this section.

Note 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) Prohibited discriminatory services or facilities: It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

Note 1: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in paragraph (a) (5) Note No. 2 of this section.

Note 2: Among the practices inhibited by this paragraph is that of an industry member according to one or more customers the privilege of returning for credit or refund any or all of the goods purchased by them and failing to accord the same privilege to another or other competing customers on proportionally equal terms. In this connection see also paragraph (a) (2) Note No. 2 of this section.

Note: Paragraphs (d) and (e) of this section are based on subsections (d) and (e) of section 2 of the Clayton Act, as amended. The Commission, on May 19, 1960, adopted Guides relating to the requirements of these statutory subsections which are of value to members of the industry in avoiding violations of such requirements in giving or receiving promotional allowances, including advertising or special services for promoting the sale of industry products. Copies of these Guides will be mailed to industry members upon request.

(f) Inducing or receiving an illegal discrimination in price: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by provisions of this section.

Note: This section is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

[Rule 14]

§ 152.15 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 15]

GROUP II

§ 152.101 Information as to treatment and care of products.

The practice, by producers, manufacturers, distributors and vendors, of furnishing and disseminating, through tags, labels, advertisement, or other publicity, accurate information as to the proper treatment, care and washing of hosiery products is approved and recommended as a desirable practice to follow in the interest of enabling consumers to obtain and enjoy full benefit of the desirable qualities and service of such products.

NOTE: This section is not to be construed as relieving anyone of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 or the requirements of the Textile Fiber Products Identification Act or with the rules and regulations issued under such Acts.

[Rule A]

Issued: August 25, 1960.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-7996; Filed, Aug. 29, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES; CORRECTION

The item "Boron" included in the list published in the FEDERAL REGISTER of August 4, 1960 (25 F.R. 7314) is changed to read as follows:

Product	Limits	Specified uses or restrictions
• • •	• • •	• • •
Boron (from sodium borate, boric acid)	0.134 milligram boron per day.	Do.
• • •		

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: August 19, 1960.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 60-8024; Filed, Aug. 29, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

PART 1054—CONTRACT ADMINISTRATION

Miscellaneous Amendments

1. Instruction No. 4 (25 F.R. 7636, August 11, 1960) is amended to read: "4. Section 1054.306 is redesignated § 1054.304 and now reads as follows:".

2. Section 1054.1901 was omitted (25 F.R. 7638, August 11, 1960) and is added as follows:

§ 1054.1901 Applicability of subpart.

This subpart applies to the air materiel areas.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

R. J. PUGH, *Colonel, U.S. Air Force, Deputy Director of Administrative Services.*

[F.R. Doc. 60-8011; Filed, Aug. 29, 1960; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Issuance of Subpenas and Paid Advertising

1. In § 2.1, paragraph (b) is amended to read as follows:

§ 2.1 Delegation of authority to employees to issue subpenas, etc.

• • • • •

(b) Designated positions: Assistant Administrator for Appraisal; Director, Investigation Service; Managers of district offices, regional offices, and centers having district office and/or regional office activities.

• • • • •

2. Section 2.4 is revised to read as follows:

§ 2.4 Delegation of authority to order paid advertising for use in recruitment for competitive service positions.

Paid advertisements may be used in recruitment for competitive service positions to the extent authorized by Civil Service Commission instructions. Authority to order such advertising is hereby delegated to the Chief Benefits Director, Chief Insurance Director, Chief Medical Director, Area Medical Directors, and the Assistant Administrator for Personnel, pursuant to 5 U.S.C. 22a. Field station Managers are delegated authority, pursuant to 5 U.S.C. 22a, to order such advertising in media having only local circulation. Department of Insurance and Department of Veterans Benefits field station Managers must secure prior approval of their respective department heads, and Department of Medicine and Surgery field station Managers must secure prior approval of the appropriate Area Medical Director, to order such advertising in media having national circulation. Department heads will establish such control over the exercise of this authority by subordinate officials as necessary to insure conformance with applicable instructions, regulations and statutory requirements. The authority delegated in this section may not be redelegated.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective August 30, 1960.

[SEAL] BRADFORD MORSE, *Deputy Administrator.*

[F.R. Doc. 60-8043; Filed, Aug. 29, 1960; 8:49 a.m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. Sections 13.200, 13.211, 13.222, 13.233, 13.235, 13.236, 13.238, 13.245, 13.251, 13.263, 13.266, 13.267, 13.268, 13.270, 13.271, 13.274, 13.275, 13.277, 13.282, 13.290, 13.291, 13.293, 13.294, 13.295, 13.296, 13.300, 13.301, 13.305, 13.310, 13.311, 13.313, 13.314, 13.315, 13.316, 13.317, 13.320, 13.321, 13.322, 13.324, 13.325, 13.326, 13.327, 13.328, 13.330, 13.331, 13.332, 13.333, 13.334, 13.339, 13.340, 13.343, 13.344, 13.347, 13.348, 13.352, 13.355, 13.363, 13.365, 13.366, 13.367, 13.368 and 13.369 are revoked.

2. The centerheads "Recognition of Legal Custodian, Appointment of a Guardian for a Minor or Mentally Incompetent Beneficiary, and the Making of Institutional Awards", "Commitment of Mentally Incompetent Beneficiaries, Appointment of Guardians for Incompetent and Minor Beneficiaries, and Payment of Expenses in Connection with Such Appointment", "Supervision of Custodians, Guardians, etc. and Chief Officers of Institutions", "Removal of Legal Custodians", "Removal and Discharge of Guardians" and "Legal Services (Other than Guardianship)" immediately preceeding §§ 13.200, 13.223, 13.282, 13.355, 13.363 and 13.400 respectively are hereby deleted.

3. Sections 13.100 through 13.111 are added as follows:

§ 13.100 Supervision of fiduciaries.

(a) In any case where a fiduciary fails to render a satisfactory account or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are illegal or inequitable or in excess of those allowed by law, or has failed to use Veterans Administration funds for the benefit of the ward or his dependents, or has otherwise failed or neglected to properly execute the duties of his trust, the Chief Attorney may have all Veterans Administration payments suspended. The Chief Attorney may appear in the court of appointment or in any court having original, concurrent, or appellate jurisdiction, and make proper presentation relating to the foregoing matters. His authority includes but is not limited to:

(1) Petitioning the court to cite a guardian to account;

(2) Filing exceptions to accountings;

(3) Requiring guardians to file bonds or make any necessary adjustments;

(4) Requiring investments;

(5) Filing petitions to vacate or modify court orders;

(6) Appearing or intervening in any State court as attorney for the Administrator of Veterans Affairs in litigation instituted by the Administrator or otherwise affecting money paid to such fiduciary by the Veterans Administration;

(7) Incurring necessary court costs and other expenses, including witness fees, appeal bonds, advertising in any newspaper or other publication, preparing briefs or transcripts, purchase of records of trial or other records;

(8) Instituting any other action necessary to secure proper administration of the estate of a Veterans Administration beneficiary, such as filing petitions for the removal of guardians, removal of legal custodians, and certifying successor fiduciaries;

(9) Taking appropriate action to recover funds improperly disbursed.

(b) Unless a trial is de novo, no appeal shall be taken to an appellate court and no costs incurred in connection therewith without the prior approval of the Chief Benefits Director or his designee.

(c) When the evidence shows a prima facie case of misappropriation, embezzlement or violation of the Federal statutes, the Chief Attorney shall refer the case to the United States Attorney.

§ 13.101 Management and use of estates of minors.

Veterans Administration benefits payable in behalf of minors should be used for their exclusive benefit. Such funds should be expended only to the extent the person or persons responsible for their needs are unable to provide for them, except those derived from payments under 38 U.S.C. Ch. 35.

§ 13.102 Annual report of custodian.

(a) A written annual report from the legal custodian will be required. Such report will be secured by the Chief Attorney of the regional office in whose area the custodian resides and will contain a statement showing the facts establishing the continuance of the custodianship, and, in addition, will set forth the total amount received, disbursed, balance on hand, and bond, if any.

(b) In cases where income or total estate is a factor in benefit entitlement, a report shall be obtained annually from the legal custodian setting forth the ward's income for the preceding year; the corpus of the estate at the end of that year and the estimate for the then current year of the total income he expects to receive and any expected increase of the corpus of the estate. A revised report must be promptly filed whenever there is a material change in the estimated annual income or in the corpus of the estate.

(c) Annual accounts will not be required, in the discretion of the Chief Attorney, (1) when the custodian and beneficiary permanently reside in a jurisdiction other than a State of the United States, the District of Columbia, Puerto Rico or the Republic of the Philippines, or (2) when the total estate is less than $200 and monthly payments do not exceed $15.

§ 13.103 Investments by legal custodians.

The Chief Attorney will instruct legal custodians to invest all funds received from the Veterans Administration not needed for the current or contemplated support of the beneficiary in United States savings bonds. To avoid necessity for a corporate surety, bonds should be registered only in this form:

(Ward's name), a minor, under custodianship by designation of the Veterans Administration. (Ward's address).

The Chief Attorney will not object to investment of surplus funds by a legal custodian in interest or dividend paying accounts in State or federally insured banks, building and loan associations, or savings and loan associations. In such cases, when a corporate surety bond would otherwise be required by Veterans Administration regulations, the legal custodian may be authorized, in lieu of furnishing such bond, to make arrangements with the bank, building and loan association, or savings and loan association, whereby the funds so invested may be withdrawn only with the written approval of the Chief Attorney.

§ 13.104 Accounts of guardians.

(a) Where the State laws permit, accountings will be required at least once a year and arrangements will be made with the courts whereby notices of filing of all petitions, accounts, etc., and of hearings on same, relative to guardianship cases wherein the Veterans Administration is interested, will be sent to the Chief Attorney. If this is done, the court will be notified in due time whether the Veterans Administration has any objections to offer.

(b) In cases of corporate fiduciaries, annual accounts may be waived and accounts called for in accordance with State laws.

(c) Annual accounts will not be required, in the discretion of the Chief Attorney, in cases (1) when the fiduciary and ward reside in and the appointment is made in a foreign country, except the Republic of the Philippines and the Commonwealth of Puerto Rico, or (2) when the total estate is less than $200 and monthly payments do not exceed $15.

(d) In cases where income or total estate is a factor in benefit entitlement, a report shall be obtained annually setting forth the ward's income for the preceding year; the corpus of his estate at the end of that year and the estimate for the then current year for the total income he expects to receive and any increase of the corpus of the estate. A revised report must be promptly filed whenever there is a material change in the estimated annual income or a change in the corpus of the estate.

§ 13.105 Surety bonds.

(a) It is the policy of the Veterans Administration to require, where possible under State laws and rules of the court, corporate surety bonds in all guardianship cases where the fiduciary is an individual and the estate is sufficient to justify the expense of procuring a corporate surety bond. Corporate bonds may be required of corporate fiduciaries in accordance with State laws. In cases wherein guardians neglect or refuse to furnish corporate bonds, as requested by the Chief Attorney, the Chief Attorney may decline to continue or open payments to such guardians and take necessary court action.

(b) The Chief Attorney is authorized to accept bonds with at least two personal sureties upon receipt of evidence that each such surety owns real property, over and above all liens, exemptions, and encumbrances, at least equal in value to the penal sum of the bond and qualifies in accordance with the requirements of the State law, where it is not practical or feasible for a fiduciary to obtain a corporate bond. In such instances the fiduciary will be required to furnish with each accounting evidence as to the financial status of the personal sureties. Where any question arises as to the ability of such personal sureties to meet any probable liability, the Chief Attorney will investigate their responsibility. Where such responsibility is found to be insufficient, the Chief Attorney will promptly authorize suspension of payments until sureties of sufficient financial responsibility have been provided.

(c) Additional or increased bonds will be required at each accounting period commensurate with the value of the estate. The Chief Attorney will take court action, if necessary, to assure that an adequate bond with good surety or sureties is in effect.

(d) If any surety company is placed in receivership or ceases to do business in the particular State, the Chief Attorney will take the necessary action to have proper bonds substituted in each case. In the case of receivership, bankruptcy, or other proceedings to conserve the assets, or wind up the affairs of a corporate surety, the Chief Attorney will ascertain the termination date for filing claims with local and general receivers or other designated officials and see that all adjudicated and contingent claims are filed in time to receive proper classification and allowances.

(e) The Chief Attorney shall require a corporate surety bond in custodianship cases where the amount in the estate for one or more wards exceeds $500, unless the provisions of § 13.103 are in effect.

§ 13.106 Investments by court-appointed fiduciaries.

(a) The Chief Attorney will recommend investments in United States Government bonds. He will insist that funds held by court-appointed fiduciaries be invested in accordance with State law. If requested, he will inform the fiduciary as to legal investments under appropriate State law.

(b) No preference shall be given to any bond dealer, or investment broker, nor any recommendation made with reference thereto.

(c) The Chief Attorney will advise fiduciaries or the courts with respect to any known doubtful or undesirable characteristics of any legal investment which might jeopardize the safety of the beneficiary's estate.

(d) The Chief Attorney will require the investment of surplus funds and shall obtain from the fiduciary, preferably prior to investment, evidence identifying the type of investment. If the investment is not proper or legal, or not for the best interests of the beneficiary, the Chief Attorney will so advise the fiduciary and take the necessary action, under the State law, to prevent or object to the investment.

§ 13.107 Accounts of Chief Officers of private or State hospitals.

(a) The Chief Officer of an institution, other than a Federal institution, shall render an account annually to the Veterans Administration for funds received from the Veterans Administration on account of an incompetent beneficiary. The Chief Attorney will require an accounting annually of such institutions for such funds only, and may assign Veterans Administration personnel to assist in the rendition of such accountings.

(b) The Chief Attorney shall obtain annually from the Chief Officers of the aforementioned institutions a statement of all of the income received for the current year and the total assets held for account of the incompetent.

§ 13.108 Estate $1,500; incompetent veteran, without wife or minor or helpless children, hospitalized by the United States or a political subdivision thereof.

(a) Where an incompetent veteran, without wife or minor or helpless children, is hospitalized in a public institution other than a Veterans Administration institution or has a fiduciary and is hospitalized in a Veterans Administration institution, and his estate equals or exceeds $1,500, the Chief Attorney shall immediately notify the adjudication activity so that payments, other than insurance, may be discontinued. In those cases in which the payment has been discontinued, the Chief Attorney shall, when such estate has been reduced to $500, immediately notify the adjudication activity of that fact.

(b) In any case in which a veteran, without wife or child, is hospitalized by the United States or a political subdivision thereof and his award of compensation, pension or emergency officers' retirement pay has been discontinued because his estate equals or exceeds $1,500, an apportionment of the award otherwise payable may nevertheless be made to a dependent parent, if any, based upon actual need as determined by the Chief Attorney. So much of any monthly remainder of the discontinued payments as equals the amount charged to the veteran for his current care and maintenance in the institution in which treatment or care is furnished, but not more than the amount determined by the Chief Attorney to be the proper charge as fixed by statute or valid administrative regulation, may be paid to the institution. The Chief Attorney shall recommend to the adjudication activity the amount of either award.

(c) In the event of the incompetent veteran's death in other than a Veterans Administration institution, the Chief Attorney should make certain that the provisions of the pertinent laws are applied as to the gratuitous benefits in Personal Funds of Patients.

§ 13.109 Report of income and assets.

(a) *Valuation of estate.* Except as stated in subparagraph (4) of this paragraph, all funds, including accumulated social security and amounts on deposit in Funds Due Incompetent Beneficiaries and to the veteran's credit in Personal Funds of Patients at Veterans Administration regional offices, hospitals, State institutions, hospitals or institutions of any nature whatsoever, as well as other property, both personal and real (which is capable of being liquidated), and interest therein owned by the veteran, will be included in arriving at the value of the veteran's estate.

(1) The value of real and personal property, including any interest therein, will be established at the estimated net price the veteran's equity in the property will bring at forced sale after payment of all costs incident to liquidation.

(2) United States savings bonds, war bonds, adjusted service bonds, and other appreciation bonds, the current value, including accrued interest, will be used.

(3) Bonds and stocks, the current price listed on recognized stock exchange or by over-the-counter dealers will be the value to be used. In the absence of either, other reliable evidence of value may be used.

(4) The following will not be included as assets:

(i) Adjusted service certificate.

(ii) Insurance policy having cash surrender or loan value.

(iii) Dividend credits on National Service life insurance and United States Government life insurance policies.

(iv) Personal property, such as furniture and household equipment, working tools, livestock and jewelry, which are included under State exemption statutes.

NOTE: Cash in the estate will be considered, notwithstanding it was derived from any of the above excluded items.

§ 13.110 Escheat; post fund.

In the event of the death of the beneficiary under guardianship, the Chief Attorney will secure from the guardian a final account showing the amount, if any, of funds held by the guardian derived from payment of benefits under laws administered by the Veterans Administration for the purpose of determining the amount of any funds which may escheat to the United States pursuant to 38 U.S.C. 3202(e), or which may vest in the General Post Fund pursuant to 38 U.S.C. 5220(a). The Chief Attorney will ascertain whether administration will be had on the estate of the deceased beneficiary and, also, whether there are any heirs capable of inheriting. If there are no such heirs, he will report the fact to the appropriate adjudication activity and, in the case of an institutional award, to the Chief Officer of the institution. In such cases the Chief Attorney will endeavor to effect the return of the estate in the hands of the particular fiduciary to the United States, in connection with the final accounting of the fiduciary, or in any manner which may be possible under local procedure and practice, without litigation. If unsuccessful in this effort, a complete report will be submitted to the General Counsel.

§ 13.111 Claims of creditors.

Under 38 U.S.C. 3101(a), payments made to or on account of a beneficiary under any of the laws relating to veterans are exempt, either before or after receipt by the beneficiary, from the claims of creditors and State and local taxation. The fiduciary should invoke this defense where applicable. If he does not do so, the Chief Attorney will raise the issue by a proper plea unless the amount involved is inconsequential, or if he deems it inequitable. The Chief Attorney will protect the record for possible appeal.

4. Sections 13.400, 13.401 and 13.402 are revised to read as follows:

§ 13.400 Legal services (other than guardianship) by Chief Attorneys.

The Chief Attorney, as an employee of the Department of Veterans Benefits, is the legal adviser to the Manager of the office to which assigned and may render other legal services as prescribed by Veterans Administration regulations. He is further authorized to render legal advice, oral or written, and formal legal opinions to Managers of regional offices, centers, hospitals, domiciliaries, or district offices within the territory allocated to the regional office, on matters as to which there is a governing Veterans Administration issue or opinion of the General Counsel, or of a predecessor. If no applicable governing Veterans Administration issue or opinion of the General Counsel, or of a predecessor, be available, the Chief Attorney may prepare a tentative opinion or submit the question, through channels, for consideration of the General Counsel. (See §§ 13.401 and 13.402.)

§ 13.401 Legal advice or assistance on general law, State law, real and personal property law, guaranty or insurance of loans, personnel, fiscal matters, etc.

Written or oral requests for legal advice or assistance from the appropriate Chief Attorney are authorized to be made by Managers of hospitals, domiciliaries, district or regional offices, and by chiefs of divisions, provided, however, the inquiry shall be in writing, if the Chief Attorney so requests. Except as to questions of State law, the Chief Attorney will confine his advice and opinions to matters covered by Veterans Administration precedents and opinions of the General Counsel, or his predecessors, will be governed thereby, and will not go beyond the scope thereof. Subject to the stated exceptions, if no applicable opinion or precedent is found, a Chief Attorney may prepare a tentative opinion and forward a copy thereof, through the Manager of the station, requesting advice, to the Chief Benefits Director, the Chief Insurance Director, or the Chief Medical Director, as may be appropriate, which official will be responsible for forwarding it to the General Counsel for review. If approved by the General Counsel, the opinion will be returned through the same channels and may be released; otherwise, appropriate opinion will be prepared by the General Counsel, addressed to the staff officer concerned or to the Administrator if requiring his consideration. No such tentative opinion will be released or acted upon unless approved by the General Counsel. In lieu of preparing such tentative opinion, the Chief Attorney, in his discretion, is authorized to submit the question, through the same channels, for consideration of the General Counsel, with appropriate comments and citations of statutes or cases readily accessible to the Chief Attorney. The above does not apply to advice and opinions involving litigation, tort claims or emergency situations in which direct contact with the General Counsel's office is necessary.

§ 13.402 Domestic relations questions, restoration to rolls, and conflict of laws.

(a) Subject to the provisions of paragraph (b), (c) and (d) of this section, the Chief Attorney is authorized to prepare and release legal opinions on all questions submitted relating to the validity and legal effect of marriages, ceremonial or otherwise, divorces, annulments (void or voidable), ostensible marriages and remarriages, adoptions and legitimacy.

(b) In the following instances the Chief Attorney may refer the request to the General Counsel, through channels, or shall prepare a tentative opinion, forwarding same for consideration of the General Counsel as provided in § 14.501 (b) of this chapter:

(1) Issues as to discontinuing gratuity payments by reason of ostensible marriage or remarriage.

(2) Where there is doubt as to whether the remarriage of the widow was void.

(3) Cases involving domestic relations in which there are contesting claims.

(4) Conflict of law questions arising from the entry of inconsistent judgments in two or more jurisdictions.

(5) Unusual situations involving the law of two or more jurisdictions, or of a foreign country.

(6) Cases involving difference of opinions between Chief Attorneys.

(c) Veterans Administration determinations of validity of marriage for the purposes of §§ 3.49 and 4.64 of this chapter will be based on the entire record, including evidence of conduct and reputation and applicable presumptions, as well as any available public records. Recognition of the finality ordinarily attaching to court decrees as determinative of status will not preclude independent determination respecting eligibility under Federal law. A "void marriage" is a purported marriage which, under the law of the applicable jurisdiction, and notwithstanding the form of marriage, is not a valid marriage. A "voidable marriage" is one which comes into existence under circumstances that entitle one of the parties to disavow the contract for cause recognized under the law of the applicable jurisdiction, but which, in the absence of formal disavowal and decree of annulment, continues in the status of valid marriage.

(d) The Chief Attorney will forward to the General Counsel, without opinion, questions relating to the resumption of benefits in the following types of annulment cases:

(1) Where the remarriage of a widow was voidable and a decree of annulment was received by the Veterans Administration on or before December 31, 1957.

(2) Where the marriage of a child was void or voidable.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 30, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-8042; Filed, Aug. 29, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2193]

[1249795]

ALASKA

Revoking Executive Order No. 4592 of February 21, 1927, Affecting Lands at Curry

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 4592 of February 21, 1927, which was revoked in part by Public Land Order No. 720 of May 15, 1951, is hereby revoked in its entirety. The lands affected by this revocation are described as follows:

Beginning at a point six miles due north of the Government hotel at Curry, Alaska, thence east one mile, thence south seven miles, thence west two miles, thence north seven miles, thence east one mile to the place of beginning.

The tract described contains approximately 8,960 acres.

2. Of the lands described, approximately 2,400 acres in the southerly portion are withdrawn by Executive Order No. 2578 of April 4, 1917, which withdrew lands for the Alaska Railroad and Public Land Order No. 669 of September 1, 1950, which withdrew lands for use of the Alaska Railroad for recreational purposes and for the protection of hydroelectric power facilities.

3. The vacant public lands, aggregating 6,560 acres, are isolated from access from the Alaska Railroad by the Susitna River. The river at this point is broad and cannot be forded by usual means. There are no roads in the area and few trails. The area contains no lakes suitable for float-plane landing. The land

is rough and rises sharply from an elevation of approximately 500 feet at the river to known elevations of 2,700 feet or more. The winter climate in this area is severe and of long duration. The snow blanket accumulates to an excessive depth. Much of the area is heavily vegetated with spruce, birch, aspen and related types. The land is nonagricultural and has no known recreational values of significance.

4. In accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), the State of Alaska shall be entitled until 10:00 a.m. on November 22, 1960, to a preferred right to select the lands.

5. Subject to valid existing rights, to preference rights conferred by existing laws, to equitable claims subject to allowance and confirmation, and to the State's preference right of selection, the vacant public lands shall at 10:00 a.m. on November 22, 1960, be open to settlement and to filing of such applications, selections, and locations under the nonmineral public land laws as are allowable on unsurveyed lands.

a. Applications filed at or before 10:00 a.m. on November 22, 1960, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

6. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on November 22, 1960.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1960.

[F.R. Doc. 60-8020; Filed, Aug. 29, 1960; 8:46 a.m.]

[Public Land Order 2194]

[1433125]

NEVADA

Partly Revoking Reclamation Withdrawal Orders (Colorado River Storage Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of October 16, 1931, and October 23, 1936, reserving lands for reclamation purposes in connection with the Colorado River Storage Project, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 33 S., R. 65 E.,
Secs. 1, 2, 3, 10, 11, 12, and 13;
Secs. 15 and 22;
Secs. 24 to 27, incl.;
Secs. 34, 35, and 36.
T. 32 S., R. 65 E.,
E½ of Township.
T. 32 S., R. 66 E.,
Secs. 19 and 20.

The areas described aggregate approximately 19,050 acres.

2. The land is in Clark County, about 75 miles southeast of Las Vegas. Vegetation consists of yucca, burrsage, galleta grass and Joshua trees.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections and locations under the public land laws except the Small Tract Act in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager named below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on September 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

4. The lands shall be open to location under the United States mining laws at 10:00 a.m. on September 29, 1960.

5. Sections 1, 12, 13, 24, and 25 of T. 33 S., R. 65 E., and E½ of sec. 21, T. 32 S., R. 66 E., were segregated from all forms of entry under the public land laws of the United States pursuant to section 2 of the Act of April 22, 1960 (74 Stat. 74) by an order of the Director of the Bureau of Land Management dated May 11, 1960 (25 F.R. 4397). These lands are not, therefore, subject to the opening provisions of this order. In addition, all public lands in Clark County are closed to filings under the Small Tract Act. Any such applications will be returned to the applicant without further action.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1960.

[F.R. Doc. 60-8021; Filed, Aug. 29, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

FIRE-CURED TOBACCO

Standard Grades

Notice is hereby given that the United States Department of Agriculture is considering a modification, as hereinafter proposed, of Official Standard Grades for Fire-cured Tobacco, U.S. Types 22 and 23, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

This proposed modification will apply only to Types 22 and 23 tobaccos. It will supersede Official Standard Grades for Fire-cured Tobacco, U.S. Types 22, 23, and 24 (7 CFR §§ 29.201–29.282). Official standard grades for Type 21 have been heretofore modified (7 CFR §§ 29.2251–29.2432). This proposal will revoke the official standard grades for Type 24 fire-cured tobacco which is extinct.

These modified standards for Types 22 and 23 fire-cured tobaccos are basically the same as those under §§ 29.201–29.282. They present a slight change in format and terminology to conform with the standard grades for all U.S. tobacco types. This proposal (1) indicates Short Leaf or Tip grades by a size instead of a separate group; (2) adds, deletes, and clarifies some definitions and rules; (3) deletes grades that do not appear in sufficient volume to justify their use; (4) designates the combination color symbol VF for greenish, medium-brown tobacco of the third, fourth, and fifth qualities of B, C, and X groups; (5) treats Nondescript and Scrap as standard groups; and (6) incorporates an elements of quality table, a U.S. standard tobacco 4-inch sizes chart, a summary of standard grades, and a key to standard grademarks.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposed modification of Types 22 and 23 official standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Under Subpart C delete "Official Standard Grades for Fire-cured Tobacco (U.S. Types 21, 22, 23, and 24)" and §§ 29.201–29.282 inclusive and substitute therefor immediately after § 29.2432 the following:

OFFICIAL STANDARD GRADES FOR FIRE-CURED TOBACCO (U.S. TYPES 22 AND 23)

DEFINITIONS

Sec.
29.2501 Definitions.
29.2502 Air-dried.
29.2503 Body.
29.2504 Brown colors.
29.2505 Class.
29.2506 Clean.
29.2507 Color.
29.2508 Color intensity.
29.2509 Color symbols.
29.2510 Combination color symbol.
29.2511 Condition.
29.2512 Crude.
29.2513 Cured.
29.2514 Damage.
29.2515 Dirty.
29.2516 Elasticity.
29.2517 Elements of quality.
29.2518 Fiber.
29.2519 Finish.
29.2520 Fire-cured.
29.2521 Foreign matter.
29.2522 Form.
29.2523 Grade.
29.2524 Grademark.
29.2525 Green (G).
29.2526 Greenish.
29.2527 Group.
29.2528 Injury.
29.2529 Leaf scrap.
29.2530 Leaf structure.
29.2531 Leaf surface.
29.2532 Length.
29.2533 Lot.
29.2534 Maturity.
29.2535 Mixed color (M).
29.2536 Nested.
29.2537 No grade.
29.2538 Offtype.
29.2539 Order (case).
29.2540 Package.
29.2541 Packing.
29.2542 Quality.
29.2543 Raw.
29.2544 Resweated.
29.2545 Rework.
29.2546 Semicured.
29.2547 Side.
29.2548 Size.
29.2549 Sound.
29.2550 Special factor.
29.2551 Steam-dried.
29.2552 Stem.
29.2553 Stemmed.
29.2554 Strength.
29.2555 Strips.
29.2556 Subgrade.
29.2557 Sweated.
29.2558 Sweating.
29.2559 Tobacco.
29.2560 Tobacco products.
29.2561 Type.
29.2562 Type 22.
29.2563 Type 23.
29.2564 Undried.
29.2565 Uniformity.
29.2566 Unsound (U).
29.2567 Unstemmed.
29.2568 Variegated.
29.2569 Wet (W).
29.2570 Width.

ELEMENTS OF QUALITY

29.2601 Elements of quality and degrees of each element.

SIZES

Sec.
29.2606 U.S. standard tobacco 4-inch sizes.

RULES

29.2616 Rules.
29.2617 Rule 1.
29.2618 Rule 2.
29.2619 Rule 3.
29.2620 Rule 4.
29.2621 Rule 5.
29.2622 Rule 6.
29.2623 Rule 7.
29.2624 Rule 8.
29.2625 Rule 9.
29.2626 Rule 10.
29.2627 Rule 11.
29.2628 Rule 12.
29.2629 Rule 13.
29.2630 Rule 14.
29.2631 Rule 15.
29.2632 Rule 16.
29.2633 Rule 17.
29.2634 Rule 18.
29.2635 Rule 19.
29.2636 Rule 20.
29.2637 Rule 21.
29.2638 Rule 22.
29.2639 Rule 23.

GRADES

29.2661 Wrappers (A Group).
29.2662 Heavy Leaf (B Group).
29.2663 Thin Leaf (C Group).
29.2664 Lugs (X Group).
29.2665 Nondescript (N Group).
29.2666 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.2686 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.2696 Key to standard grademarks.

DEFINITIONS

§ 29.2501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.2502 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.2503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality.)

§ 29.2504 Brown colors.

A group of colors ranging from a reddish brown to yellowish brown. These colors vary from low to medium saturation and from very low to medium brilliance. As used in these standards, the range is expressed as light brown (L), medium brown (F), and dark brown (D).

§ 29.2505 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.2506 Clean.

Tobacco is described as clean when it contains only a normal amount of sand

or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stock positions. (See rule 4.)

§ 29.2507 Color.

The third factor of a grade based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.2508 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except greenish and green. (See Elements of Quality.)

§ 29.2509 Color symbols.

As applied to Types 22 and 23, Fire-cured tobacco, single color symbols are L—light brown, F—medium brown, D—dark brown, M—mixed, and G—green.

§ 29.2510 Combination color symbol.

In Types 22 and 23, the combination color symbol VF designates greenish, medium-brown tobacco. (See rule 18.)

§ 29.2511 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.2512 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from firekill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude. (See rule 20.)

§ 29.2513 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.2514 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 21.)

§ 29.2515 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 23.)

§ 29.2516 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See Elements of Quality.)

§ 29.2517 Elements of quality.

Elements of quality and the degrees used in the specifications of the official standard grades of Fire-cured, Types 22 and 23, are shown in § 29.2601. Words have been selected to describe the degrees of each element. Some of the words are almost synonymous in their meaning; yet, they are sufficiently different to represent steps within the range of the elements of quality to which they are applied.

§ 29.2518 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color. In some types fiber size and fiber color are treated as elements of quality. In Fire-cured they are not of great importance, except where a fine distinction must be made between several lots of high quality or between sides of the same lot.

§ 29.2519 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. Descriptive terms range from dull to bright. (See Elements of Quality.)

§ 29.2520 Fire-cured.

Tobacco cured under artificial atmospheric conditions by the use of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

§ 29.2521 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. Abnormal amounts of dirt or sand also are included. (See rules 23.)

§ 29.2522 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.2523 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.2524 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, third quality, and dark brown color.

§ 29.2525 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See rule 19.)

§ 29.2526 Greenish.

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its leaf surface may be described as greenish. (See rule 18.)

§ 29.2527 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Fire-cured, Types 22 and 23, are: Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

§ 29.2528 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage, § 29.2514.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burned, hail-cut, torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, barn-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 15.)

§ 29.2529 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.2530 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See Elements of Quality.)

§ 29.2531 Leaf surface.

The roughness or smoothness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers. (See Elements of Quality.)

§ 29.2532 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See U.S. Standard Tobacco Sizes.)

§ 29.2533 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.2534 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development. The extremes are expressed as immature and mellow. (See Elements of Quality.)

§ 29.2535 Mixed color (M).

Distinctly different colors of the type mingled together. (See rule 17.)

§ 29.2536 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; and (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See rule 23.)

§ 29.2537 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, rework, or semicured, tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See rule 23.)

§ 29.2538 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Fire-cured, Types 22 and 23. (See rule 23.)

§ 29.2539 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.2540 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.2541 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.2542 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality in tobacco.

§ 29.2543 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.2544 Resweated.

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.2545 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See rule 23.)

§ 29.2546 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See rule 23.)

§ 29.2547 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.2548 Size.

The length of tobacco leaves. (See U.S. Standard Tobacco Sizes.)

§ 29.2549 Sound.

Free of damage.

§ 29.2550 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 10.)

§ 29.2551 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.2552 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.2553 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.2554 Strength.

The stress a tobacco leaf can bear without tearing. (See Elements of Quality.)

§ 29.2555 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.2556 Subgrade.

Any grade modified by a special factor symbol.

§ 29.2557 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.2558 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.2559 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.2560 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.2561 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.2562 Type 22.

That type of fire-cured tobacco, known as Eastern District Fire-cured, produced principally in a section east of the Tennessee River in southern Kentucky and northern Tennessee.

§ 29.2563 Type 23.

That type of fire-cured tobacco, known as Western District Fire-cured or Dark-fired, produced principally in a section west of the Tennessee River in Kentucky and extending into Tennessee.

§ 29.2564 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.2565 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See rule 14.)

§ 29.2566 Unsound (U).

Damaged under 20 percent. (See rule 21.)

§ 29.2567 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.2568 Variegated.

Any leaf of which 20 percent or more of its leaf surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type or group. (See rules 16 and 17.)

§ 29.2569 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 22.) (For extremely wet or watered tobacco see rule 23.)

§ 29.2570 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of Quality.)

ELEMENTS OF QUALITY

§ 29.2601 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade. In each case the first and last degrees represent the full range for the element.

Elements	Degrees				
1 Body		Thin	Medium	Heavy	
2 Maturity	Immature	Underripe	Mature	Ripe	Mellow.
3 Leaf structure		Close	Firm	Open	
4 Leaf surface		Rough	Crepy	Smooth	
5 Elasticity		Inelastic	Semielastic	Elastic	
6 Strength		Weak	Normal	Strong	
7 Finish		Dull	Clear	Bright	
8 Color intensity		Pale	Moderate	Deep	
9 Width		Narrow	Normal	Spready	
10 Uniformity		(1)	(1)	(1)	
11 Injury tolerance		(1)	(1)	(1)	

[1] Expressed in percentage.

SIZES

§ 29.2606 U.S. standard tobacco 4-inch sizes.[1]

Inches	U.S. size	Approximate centimeters
32		80
28	47	70
24	46	60
20	45	50
16	44	40
12	43	30
8	42	20
4	41	10
0	40	0

RULES

§ 29.2616 Rules.

The application of these official standard grades shall be in accordance with the following rules:

§ 29.2617 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.2618 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.2619 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than six inches from the top of the package and one not more than six inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.2620 Rule 4.

All standard grades must be clean.

§ 29.2621 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

§ 29.2622 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.2623 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.2624 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.2625 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.2626 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.2627 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

§ 29.2628 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.2629 Rule 13.

Length shall be stated in connection with each grade of the A, B, and C groups and may be stated in connection with the grades of other groups. For this purpose, the regular 4-inch series of U.S. standard tobacco sizes shall be used.

§ 29.2630 Rule 14.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitations established by other rules.

§ 29.2631 Rule 15.

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.2632 Rule 16.

Any lot of tobacco containing over 30 percent of variegated leaves shall be described as "variegated" and designated by the color symbol "M." Variegated leaves may be included in any group to the following extent: In the third quality, 10 percent; in the fourth quality, 20 percent; and in the fifth quality, 30 percent.

§ 29.2633 Rule 17.

Any lot of tobacco of the B, C, or X groups which contains 30 percent or more of a color distinctly different from the major color shall be classified as "mixed" and designated by the color symbol "M."

§ 29.2634 Rule 18.

Any lot of tobacco containing 20 percent or more of greenish leaves or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the combination color symbol "VF."

§ 29.2635 Rule 19.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.2636 Rule 20.

Crude leaves shall not be included in any grade of any color except the fourth and fifth qualities of B, C, and X groups in green color. Any lot containing 20 percent or more of crude leaves shall be designated as Nondescript.

§ 29.2637 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated as "No-G."

§ 29.2638 Rule 22.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated as "No-G."

§ 29.2639 Rule 23.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to type.

GRADES

§ 29.2661 Wrappers (A Group).

This group consists of leaves from the Heavy and Thin Leaf groups. Cured leaves of this group are elastic and show a low percentage of injury affecting wrapper yield.

U.S. grades	Grade Names and Specifications
A1F	Choice Medium-brown Wrappers Thin to medium body, ripe, firm, crepy to smooth, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1.
A2F	Fine Medium-brown Wrappers Thin to medium body, ripe, firm, crepy to smooth, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2.
A3F	Good Medium-brown Wrappers Thin to medium body, ripe, firm, crepy to smooth, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.
A1D	Choice Dark-brown Wrappers Medium to heavy body, ripe, firm, crepy to smooth, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1.
A2D	Fine Dark-brown Wrappers Medium to heavy body, ripe, firm, crepy to smooth, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2.
A3D	Good Dark-brown Wrappers Medium to heavy body, ripe, firm, crepy to smooth, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.

§ 29.2662 Heavy Leaf (B Group).

This group consists of leaves which are medium to heavy in body.

U.S. grades	Grade Names and Specifications
B1F	Choice Medium-brown Heavy Leaf Medium body, ripe, firm, smooth, elastic, strong, bright finish, deep color intensity, normal to spready width, 95 percent uniform, and 5 percent injury tolerance.
B2F	Fine Medium-brown Heavy Leaf Medium body, ripe, firm, crepy to smooth, elastic, strong, clear to bright finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Medium-brown Heavy Leaf Medium body, ripe, firm, crepy, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4F	Fair Medium-brown Heavy Leaf Medium body, mature, close, rough to crepy, inelastic, weak, dull to clear finish, pale color intensity, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
B5F	Low Medium-brown Heavy Leaf Medium body, mature, close, rough, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1D	Choice Dark-brown Heavy Leaf Heavy, ripe, firm, smooth, elastic, strong, bright finish, deep color intensity, normal to spready width, 95 percent uniform, and 5 percent injury tolerance.
B2D	Fine Dark-brown Heavy Leaf Heavy, ripe, firm, crepy to smooth, elastic, strong, clear to bright finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3D	Good Dark-brown Heavy Leaf Heavy, ripe, firm, crepy, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D	Fair Dark-brown Heavy Leaf Heavy, mature, close, rough to crepy, inelastic, weak, dull to clear finish, pale color intensity, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
B5D	Low Dark-brown Heavy Leaf Heavy, mature, close, rough, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M	Good Mixed Color Heavy Leaf Medium to heavy body, ripe, firm, crepy, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Mixed Color Heavy Leaf Medium to heavy body, mature, close, rough to crepy, inelastic, weak, dull to clear finish, pale color intensity, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Mixed Color Heavy Leaf Medium to heavy body, mature, close, rough, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3VF	Good Greenish Medium-brown Heavy Leaf Medium body, underripe, firm, crepy, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4VF	Fair Greenish Medium-brown Heavy Leaf Medium body, underripe, close, rough to crepy, inelastic, weak, dull to clear finish, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
B5VF	Low Greenish Medium-brown Heavy Leaf Medium body, underripe, close, rough, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G	Good Green Heavy Leaf Heavy, immature, firm, crepy, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G	Fair Green Heavy Leaf Heavy, immature, close, rough to crepy, inelastic, weak, dull to clear finish, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
B5G	Low Green Heavy Leaf Heavy, immature, close, rough, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2663 Thin Leaf (C Group).

This group consists of leaves that are thin in body.

U.S. grades	Grade Names and Specifications
C1L	Choice Light-brown Thin Leaf Thin, ripe, firm, smooth, semielastic, normal strength, bright finish, deep color intensity, normal to spready width, 95 percent uniform, and 5 percent injury tolerance.
C2L	Fine Light-brown Thin Leaf Thin, ripe, firm, crepy to smooth, semielastic, normal strength, clear to bright finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3L	Good Light-brown Thin Leaf Thin, ripe, firm, crepy, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L	Fair Light-brown Thin Leaf Thin, mature, close, rough to crepy, inelastic, weak, dull to clear finish, pale color intensity, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
C5L	Low Light-brown Thin Leaf Thin, mature, close, rough, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1F	Choice Medium-brown Thin Leaf Thin, ripe, firm, smooth, semielastic, normal strength, bright

[1] Regular 4-inch sizes are used to state length when this factor is not sufficiently important to use 1- or 2-inch sizes. Seventy-five percent of the leaves in a lot or package of any 4-inch size must fall within the range for that size. For example: If a lot or package of tobacco is represented to be of U.S. size 44, then 75 percent of the leaves of such lot or package must be between 16 and 20 inches (or 40 and 50 centimeters) in length.

U.S. grades	Grade Names and Specifications
	finish, deep color intensity, normal to spready width, 95 percent uniform, and 5 percent injury tolerance.
C2F	Fine Medium-brown Thin Leaf Thin, ripe, firm, crepy to smooth, semielastic, normal strength, clear to bright finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3F	Good Medium-brown Thin Leaf Thin, ripe, firm, crepy, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Medium-brown Thin Leaf Thin, mature, close, rough to crepy, inelastic, weak, dull to clear finish, pale color intensity, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
C5F	Low Medium-brown Thin Leaf Thin, mature, close, rough, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1D	Choice Dark-brown Thin Leaf Thin, ripe, firm, smooth, semielastic, normal strength, bright finish, deep color intensity, normal to spready width, 95 percent uniform, and 5 percent injury tolerance.
C2D	Fine Dark-brown Thin Leaf Thin, ripe, firm, crepy to smooth, semielastic, normal strength, clear to bright finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3D	Good Dark-brown Thin Leaf Thin, ripe, firm, crepy, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4D	Fair Dark-brown Thin Leaf Thin, mature, close, rough to crepy, inelastic, weak, dull to clear finish, pale color intensity, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
C5D	Low Dark-brown Thin Leaf Thin, mature, close, rough, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Mixed Color Thin Leaf Thin, ripe, firm, crepy, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Mixed Color Thin Leaf Thin, mature, close, rough to crepy, inelastic, weak, dull to clear finish, pale color intensity, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Mixed Color Thin Leaf Thin, mature, close, rough, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3VF	Good Greenish Medium-brown Thin Leaf Thin, underripe, firm, crepy, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4VF	Fair Greenish Medium-brown Thin Leaf Thin, underripe, close, rough to crepy, inelastic, weak, dull to clear finish, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
C5VF	Low Greenish Medium-brown Thin Leaf Thin, underripe, close, rough, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Green Thin Leaf Thin, immature, firm, crepy, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Green Thin Leaf Thin, immature, close, rough to crepy, inelastic, weak, dull to clear finish, narrow to normal width, 70 percent uniform, and 30 percent injury tolerance.
C5G	Low Green Thin Leaf Thin, immature, close, rough, inelastic, weak, dull finish, narrow, 60 percent uniform and 40 percent injury tolerance.

§ 29.2664 Lugs (X Group).

This group consists of leaves that normally grow at the bottom of the stalk. Leaves of the X group usually have a high degree of maturity and show ground injury characteristic of the group.

U.S. grades	Grade Names and Specifications
X1L	Choice Light-brown Lugs Thin, mellow, firm to open, crepy, inelastic, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Light-brown Lugs Thin, mellow, firm to open, rough to crepy, inelastic, weak, dull to clear finish, pale to moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Light-brown Lugs Thin, ripe, firm, rough, inelastic, weak, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Light-brown Lugs Thin, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Light-brown Lugs Thin, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Medium-brown Lugs Medium body, mellow, firm to open, crepy, inelastic, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Medium-brown Lugs Medium body, mellow, firm to open, rough to crepy, inelastic, weak, dull to clear finish, pale to moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Medium-brown Lugs Medium body, ripe, firm, rough, inelastic, weak, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Medium-brown Lugs Thin to medium body, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Medium-brown Lugs Thin to medium body, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1D	Choice Dark-brown Lugs Heavy, mellow, firm to open, crepy, inelastic, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D	Fine Dark-brown Lugs Heavy, mellow, firm to open, rough to crepy, inelastic, weak, dull to clear finish, pale to moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D	Good Dark-brown Lugs Heavy, ripe, firm, rough, inelastic, weak, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4D	Fair Dark-brown Lugs Medium to heavy body, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5D	Low Dark-brown Lugs Thin to heavy, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3M	Good Mixed Color Lugs Thin to heavy, ripe, firm, rough, inelastic, weak, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4M	Fair Mixed Color Lugs Thin to heavy, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 70 percent uniform and 30 percent injury tolerance.
X5M	Low Mixed Color Lugs Thin to heavy, mature, close to open, rough, inelastic, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3VF	Good Greenish Medium-brown Lugs Medium body, underripe, firm, rough, inelastic, weak, dull finish, 80 percent uniform, and 20 percent injury tolerance.
X4VF	Fair Greenish Medium-brown Lugs Thin to medium body, underripe, close to open, rough, inelastic, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
X5VF	Low Greenish Medium-brown Lugs Thin to medium body, underripe, close to open, rough inelastic, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.
X3G	Good Green Lugs Heavy, immature, firm, rough, inelastic, weak, dull finish, 80 percent uniform, and 20 percent injury tolerance.

U.S. grades	Grade Names and Specifications
X4G	Fair Green Lugs Medium to heavy body, immature, close to open, rough, inelastic, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
X5G	Low Green Lugs Thin to heavy, immature, close to open, rough, inelastic, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2665 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group.

U.S. grades	Grade Names and Specifications
N1L	First Quality Light Colored Nondescript Thin to medium body and 60 percent injury tolerance.
N1D	First Quality Dark Colored Nondescript Medium to heavy body and 60 percent injury tolerance.
N1G	First Quality Crude Green Nondescript 60 percent crude leaves or injury tolerance.
N2	Substandard Nondescript Nondescript of any group or color; over 60 percent crude leaves or injury tolerance.

§ 29.2666 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grades	Grade Name and Specifications
S	Scrap Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.2686 Summary of standard grades.

6 Grades of Wrappers

A1F A1D
A2F A2D
A3F A3D

19 Grades of Heavy Leaf

B1F	B1D				
B2F	B2D				
B3F	B3D	B3M	B3VF	B3G	
B4F	B4D	B4M	B4VF	B4G	
B5F	B5D	B5M	B5VF	B5G	

24 Grades of Thin Leaf

C1L	C1F	C1D			
C2L	C2F	C2D			
C3L	C3F	C3D	C3M	C3VF	C3G
C4L	C4F	C4D	C4M	C4VF	C4G
C5L	C5F	C5D	C5M	C5VF	C5G

24 Grades of Lugs

X1L	X1F	X1D			
X2L	X2F	X2D			
X3L	X3F	X3D	X3M	X3VF	X3G
X4L	X4F	X4D	X4M	X4VF	X4G
X5L	X5F	X5D	X5M	X5VF	X5G

4 Grades of Nondescript

N1L N1D N1G
N2

1 Grade of Scrap

S

Special factors "U" and "W" may be applied to all grades.

Tobacco not covered by the standard grades is designated as No-G.

U.S. Standard sizes applicable

A1-A2	45, 46
A3	45, 46, 47
B1-B2	44, 45, 46
B3-B5	43, 44, 45, 46, 47
C1-C2	44, 45, 46
C3-C5	43, 44, 45, 46, 47

KEY TO STANDARD GRADEMARKS

§ 29.2696 Key to standard grademarks.

Groups	Qualities	Colors
A—Wrappers	1—Choice	L—Light brown
B—Heavy Leaf	2—Fine	F—Medium brown
C—Thin Leaf	3—Good	D—Dark brown
X—Lugs	4—Fair	M—Mixed
N—Nondescript	5—Low	VF—Greenish medium brown
S—Scrap		G—Green

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 24th day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-8030; Filed, Aug. 29, 1960; 8:47 a.m.]

[7 CFR Part 918]

MILK IN THE MEMPHIS, TENN., MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Memphis, Tennessee, marketing area is being considered.

The provisions proposed to be terminated are §§ 918.72, 918.80, 918.81, 918.82, and 918.83, and in § 918.91(b) the provision "for such handler for the months of August through February, and such payments to be for base and excess milk at not less than the uniform base and excess prices, respectively, computed pursuant to § 918.72 for such handler for other months."

The Mid-South Milk Producers Association and Madison County Milk Producers Association who represent approximately 90 percent of the producers supplying the market have requested that the base-excess plan of the order be terminated. The plan has no effect on minimum prices required to be paid by handlers. It establishes a method of distributing the total payments by handlers among producers according to their different seasonal patterns of milk production. Timely action on the request can be accomplished through termination of the provisions cited. Opportunity is hereby afforded all interested parties to submit written data, views and arguments with respect to the proposed termination.

All persons who desire to submit written data, views or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Issued at Washington, D.C., this 24th day of August 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8031; Filed, Aug. 29, 1960; 8:48 a.m.]

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Establishing Free, Restricted, and Withholding Percentages for the 1960–61 Crop Year

Notice is hereby given that the establishment of free, restricted, and withholding percentages is being considered for the 1960–61 crop year beginning August 1, 1960. The proposed percentages, for application to marketable dates of the Deglet Noor, Zahidi and Khadrawy varieties, would be established in accordance with the provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed percentages were recommended by the Date Administrative Committee, established under the amended marketing agreement and order.

Consideration will be given to any written data, views, or arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER. Such material should be submitted in triplicate.

The proposed percentages are based on the following estimates of the Date Administrative Committee:

[1,000 pounds]

Factors	Deglet Noor	Zahidi	Khadrawy
1. Uncertified handler carryover (July 31, 1960)	7,038	63	35
2. Production of marketable dates (1960–61 crop year)	32,400	650	1,330
3. Total available supply of marketable dates subject to regulation	39,438	713	1,365
4. Trade demand [1]	25,500	650	1,300
5. Plus: Desirable handler carryover (July 31, 1961)	8,000	100	100
6. Less: Certified handler carryover (July 31, 1960)	5,335	63	2
7. Requirements for free dates	28,165	687	1,398
8. Marketable dates in excess of requirements for free dates (item 3 minus item 7)	11,273	26	−33

[1] The Date Administrative Committee included the following countries in its determination of trade demand: Austria, Belgium, British Isles, Canada, Denmark, France, Germany, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United States, and Venezuela.

The indicated free poundage of Deglet Noor dates is 71.42 percent of the estimated total available supply of such variety of dates subject to regulation. The committee unanimously recommended that the free percentage be rounded to 72 percent, making the restricted percentage 28 percent and the withholding percentage 38.9 percent.

The estimates for the Zahidi and Khadrawy varieties of dates do not indicate the need for establishing the respective free percentages for marketable dates of such varieties at a percentage less than 100 percent. As a result, the volume of dates of such varieties would not be restricted.

The proposal is as follows:

§ 1003.208 Free, restricted, and withholding percentages.

The free percentage, restricted percentage, and withholding percentage of marketable dates for each variety shall be, for the crop year beginning August 1, 1960, and ending July 31, 1961, as follows: (a) Deglet Noor variety dates: Free percentage, 72 percent; restricted percentage, 28 percent; and withholding percentage 38.9 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent; and (c) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent.

Dated: August 24, 1960.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-8032; Filed, Aug. 29, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Orders 82, 85, and 111 Cancelled in Their Entirety

AUGUST 22, 1960.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to the authority delegated to me by Bureau of Land Management Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended it is hereby ordered that effective at 10:00 a.m. on August 24, 1960, the following Small Tract Classification Orders are cancelled in their entirety:

(a) No. 82 of May 14, 1954;
(b) No. 85 of June 30, 1954;
(c) No. 111 of May 28, 1956.

This order affects 138 tracts aggregating approximately 503.49 acres.

WARNER T. MAY,
Operations Supervisor,
Juneau.

[F.R. Doc. 60-8025; Filed, Aug. 29, 1960; 8:47 a.m.]

[W-068665]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 23, 1960.

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 068665, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for campgrounds, and other recreational areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

MEDICINE BOW NATIONAL FOREST

Battle Creek Campground

T. 15 N., R. 87 W.,
Sec. 15, NW¼NE¼SE¼, SE¼NW¼SE¼, S½NE¼SE¼.

Bottle Creek Campground

T. 14 N., R. 85 W.,
Sec. 13, SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 24, NE¼NE¼NW¼, NW¼NW¼NE¼.

Deep Creek Campground

T. 17 N., R. 79 W.,
Sec. 9, S½SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼.

Jack Creek Campground

T. 15 N., R. 87 W.,
Sec. 12, W½NE¼SE¼, NW¼SE¼SE¼.

Lincoln Park Campground

T. 16 N., R. 81 W.,
Sec. 8, NE¼NE¼;
Sec. 9, W½NW¼NW¼.

Little Sandstone Campground

T. 14 N., R. 87 W.,
Sec. 33, S½SE¼NW¼, N½NE¼SW¼.

Lost Creek Campground

T. 14 N., R. 86 W.,
Sec. 33, SW¼NE¼NW¼, SE¼NW¼NW¼, SW¼NW¼, W½SE¼NW¼.

Pickaroon Campground

T. 13 N., R. 80 W.,
Sec. 6, Lot 5, NW¼SE¼NW¼.

Pike Pole Campground

T. 14 N., R. 80 W.,
Sec. 31, E½SE¼SW¼, W½SW¼SE¼, NE¼SW¼SE¼.

Six Mile Gap Campground

T. 12 N., R. 80 W.,
Sec. 4, SW¼NW¼NW¼;
Sec. 5, N½NE¼NE¼, SE¼NE¼NE¼.

Containing 475.82 acres more or less.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 60-8022; Filed, Aug. 29, 1960; 8:46 a.m.]

Southwestern Power Administration

CONTRACTS FOR PROCUREMENT AND DISPOSAL OF PROPERTY AND RELATED MATTERS

Delegations of Authority

The following material is a portion of the Administration's General Order Manual and the numbering system is that of the Manual:

SPA General Order No. 195

SECTION 1. *Revocation.* SPA General Orders No. 109-A (19 F.R. 5991); No. 136 (20 F.R. 7615); and No. 171 (23 F.R. 7826), are hereby revoked.

SEC. 2. *Authority.* This order is issued pursuant to the authority granted by the Secretary of the Interior in Order No. 2509, as amended (17 F.R. 6793; 19 F.R. 433; 19 F.R. 7417); Order No. 2642, as amended (16 F.R. 6318; 19 F.R. 7417); Order No. 2830 (23 F.R. 7127); 200 DM 3.2 (25 F.R. 324); and 205 DM 5.1.

SEC. 3. *Purpose.* To delegate authority for the execution of contracts for the procurement of supplies, services, or construction; for the acquisition of real property and interests in real property; for the lease of physical facilities; and for the disposal of surplus real and personal property.

SEC. 4. *Contracts.* The Chief, Division of Administrative Services; the Chief, Branch of Office Services; the Supply Officer; and the Procurement Assistant, shall act as Contracting Officers and are authorized to:

(a) Enter into and terminate contracts for supplies, services, or construction; for the acquisition of real property and interests in real property; for lease of physical facilities; and for the disposal of surplus real and personal property.

(b) Issue work orders to initiate work, and issue change orders to modify contracts, except that change orders to a contract involving an estimated increase of more than twenty-five hundred dollars ($2500) requires the written approval of the Administrator.

(c) Issue orders for publication of advertisements, notices, or proposals pursuant to section 3828 of the Revised Statutes (44 U.S.C. 324).

SEC. 5. *Purchases.* Foremen, Clerks (maintenance depot), the Chief Dispatcher, and Construction Engineers, are authorized to purchase supplies and nonpersonal services, in amounts not to exceed five-hundred dollars ($500), through utilization of U.S. Government Purchase Order-Invoice-Voucher (S.F. 44), or blanket purchase arrangements.

SEC. 6. *Limitation.* The authorities delegated herein may not be redelegated.

DOUGLAS G. WRIGHT,
Administrator.

AUGUST 23, 1960.

[F.R. Doc. 60-8041; Filed, Aug. 29, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WASHINGTON

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Spokane County, Washington, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance

and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of August 1960.

E. T. BENSON,
Secretary of Agriculture.

[F.R. Doc. 60-8040; Filed, Aug. 29, 1960; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11714]

PHILIPPINE AIR LINES, INC.

Notice of Prehearing Conference

In the matter of the application of Philippine Air Lines for a foreign air carrier permit to operate between the Philippines and San Francisco via Tokyo and Honolulu.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be heard on September 7, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., August 25, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8039; Filed, Aug. 29, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-11]

NUCLEAR-CHEM DISPOSAL CORP.

Proposed Issuance of Byproduct and Source Material License

Please take notice that Nuclear-Chem Disposal Corporation, 811 West Merrick Road, Valley Stream, Long Island, New York, has applied for a license to receive and store byproduct and source material waste only at their facility at the foot of Strickland Avenue, Brooklyn, New York, and to transfer said material to Oak Ridge National Laboratory, Oak Ridge, Tennessee, for land burial. Under the requested license Nuclear-Chem Disposal Corporation would not possess more than 100 curies of any byproduct material having atomic numbers between 3 and 83, 2,000 curies of hydrogen 3 and 1,000 pounds of source material at any one time.

The AEC has reviewed the application and proposes to grant the license subject to appropriate limitations, including limiting to 1,000 curies the amount of hydrogen 3 to be possessed at any one time, unless within fifteen (15) days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing is filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter 1, Part 2, Rules of Practice.

For further details see (1) the application submitted by the Nuclear-Chem Disposal Corporation and amendments thereto and (2) a memorandum prepared by the Division of Licensing and Regulation summarizing the considerations evaluated prior to the proposed issuance of the license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., August 23, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Licensing and Regulation.

[F.R. Doc. 60-8010; Filed, Aug. 29, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13536; FCC 60M-1436]

PHILIP D. BOOTHROYD

Order Continuing Hearing

In the matter of Philip D. Boothroyd, RD No. 1, Box 142G, Sparta, New Jersey, Docket No. 13536; application for renewal of radiotelephone first class operator license No. P1-2-7801.

The Hearing Examiner having under consideration the above-entitled proceeding and the matter of re-scheduling the hearing herein which was continued without date by order of July 13, 1960;

It appearing that all parties herein desire the proceeding to be continued further without date, pending final determination of litigation in the matter of Morton Borrow v. Federal Communications Commission; [1]

It is ordered, This 23d day of August 1960, that the hearing is further continued without date and counsel herein for the Commission are directed to notify the Hearing Examiner as soon as the above litigation has been finally determined in order that a new date may be scheduled.

Released: August 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8037; Filed, Aug. 29, 1960; 8:48 a.m.]

[Docket No. 13288; FCC 60M-1435]

EVANSTON CAB CO.

Order Continuing Hearing

In re application of Evanston Cab Company, Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

[1] Case No. 15473 in the United States Court of Appeals for the District of Columbia Circuit.

The Hearing Examiner having under consideration a "Petition for Change in Hearing Date" filed on August 22, 1960, by applicant Evanston Cab Company, requesting that the dates heretofore scheduled for the commencement of hearing and the exchange of exhibits (September 13 and September 7, 1960, respectively) be continued to dates to be specified by the Examiner at a hearing conference to be held in mid-September, 1960, or subsequent thereto, consistent with the Examiner's docket;

It appearing that on July 25, 1960, the Commission released a notice of proposed rule making in Docket No. 13690 proposing, in fact, to limit the establishment of base stations in the Taxicab Radio Service to those areas within which the taxicab units of an applicant would be permitted both to pick up and discharge passengers; and

It further appearing that in the event the proposed rule making is adopted, there would be substantial question as to whether it would be construed to prevent the establishment of the base station involved in the instant proceeding, and therefore the action of the Commission would have a direct effect upon whether the application should be pursued at all; and

It further appearing that Evanston Cab Company will participate in Docket No. 13690 and present comments to the Commission in connection with the matters raised therein, and that it would be desirable to defer the commencement of the hearing until the comments in Docket No. 13690 have been received and considered; and

It further appearing that the counsel for the Commission's Safety and Special Radio Services Bureau has consented to the request of applicant as set forth in the above-described petition, and that good cause has been shown for granting said petition;

Accordingly, it is ordered, This 23d day of August 1960, that the "Petition for Change in Hearing Date" of Evanston Cab Company is granted, and the dates heretofore scheduled for the exchange of exhibits and commencement of the hearing are continued, pending Commission action in Docket No. 13690, to later dates to be specified by the Hearing Examiner at an appropriate future time.

Released: August 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8038; Filed, Aug. 29, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-50 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 23, 1960.

In the matter of Transwestern Pipeline Company, Docket No. CP60-50; Charles P. Miller, Docket No. CI60-297; H. J. Mosser, Operator, Docket No. CI60-404; G. D. Putnam, Operator, Docket No. CI60-411; Texas Crude Oil Company, Docket No. CI60-473.

Take notice that the above Applicants have filed applications pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the sales of natural gas and the construction and operation of facilities for receiving and transporting natural gas in interstate commerce as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

On March 7, 1960, as supplemented April 4, 1960, Transwestern Pipeline Company (Transwestern) filed in Docket No. CP60-50 an application for a certificate of public convenience and necessity authorizing the construction and operation of (1) approximately 7 miles of 6-inch lateral pipeline, together with appurtenances, extending in a northwesterly direction from a point of connection with its existing 24-inch Panhandle lateral to a point in the Newmill Field, Chaves County, New Mexico, in order to purchase and receive natural gas produced by Charles P. Miller (Miller) and (2) approximately 18.6 miles of 4-inch lateral supply pipeline extending in a northeasterly direction from a point of connection with its existing 20-inch West Texas lateral to a point in the Putnam and Chenot Fields, Pecos County, Texas in order to purchase and receive natural gas produced by H. J. Mosser (Mosser), G. D. Putnam (Putnam) in the Putnam Field, and Texas Crude Oil Company (Texas Crude) in the Chenot Field. The total cost of both laterals is estimated at $372,000, which cost will be financed out of presently available capital.

Miller, Mosser, Putnam and Texas Crude, on March 8, 1960, March 30, 1960, March 31, 1960, and April 13, 1960, respectively filed applications to sell natural gas to Transwestern as described above. The respective contracts provide for an initial price of 16.0 cents per Mcf at 14.65 psia subject to a downward Btu adjustment.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: Provided, however, that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8017; Filed, Aug. 29, 1960; 8:45 a.m.]

[Docket No. RI60-435]

UNION PRODUCING CO.

Correction

AUGUST 24, 1960.

In the Order Providing for Hearing on and Suspension of Proposed Changes in Rates, issued June 24, 1960: In the second full paragraph on page two (F.R. Doc. 60-6094; 25 F.R. 6226, sixth paragraph) delete all references to "Docket No. G-18634" and insert in lieu thereof "Docket No. G-18354."

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8018; Filed; Aug. 29, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3899]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

Notice of Proposed Renewal of Promissory Note

AUGUST 24, 1960.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard Gas and also a registered holding company, has filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,065,000 which will mature on September 10, 1960. The renewal note, in the same principal amount, will bear interest at the prime interest rate prevailing for short-term commercial bank loans at the date of the new note, and will mature September 10, 1961, with the right of the issuer to anticipate at any time without penalty the payment of all or any part of the principal thereof.

The filing states that no State commission and no Federal regulatory commission, other than this Commission, has jurisdiction over the proposed transaction.

It is also stated that no fees or commissions will be paid or incurred in connection with the proposed transaction and that the expenses, if any, will be nominal in amount.

Notice is further given that any interested person may, not later than September 8, 1960, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date said joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8023; Filed, Aug. 29, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 25, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36506: *Phosphate rock—Florida Mines to Hamilton, Ont.* Filed by O. W. South, Jr., Agent (SFA No. A4008), for interested rail carriers. Rates on crude phosphate rock, other than ground, in carloads, from Bartow, Fla., and other Florida producing points, to Hamilton, Ont., Canada.

Grounds for relief: Rail-water competition.

Tariff: Supplement 164 to Southern Freight Association tariff I.C.C. 1514.

FSA No. 36507: *Asphalt—Montana points to Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 371), for interested rail carriers. Rates on asphalt, in tank-car loads, as described in the application, from Billings, East Billings, Great Falls and Laurel, Mont., to specified points in Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 79 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 36508: *Iron or steel scrap—Josephtown, Pa., to Calvert, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER 2554), for interested rail carriers. Rates on iron or steel scrap, in carloads, as described in the application, from Josephtown, Pa., to Calvert, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 172 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A–1079 (Boin series).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8033; Filed, Aug. 29, 1960; 8:48 a.m.]

[Notice 372]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63083. By order of August 19, 1960, Division 4, acting as an Appellate Division, approved the transfer to Carney Bros. Trucking, Inc., Brocton, Massachusetts, of a portion of Corrected Certificate in No. MC 55898, issued June 1, 1954, to Harry A. Decato and Eugene J. Decato, a partnership, doing business as Decato Bros. Trucking Co., Lebanon, New Hampshire, which authorizes the transportation of wooden poles and wooden piling, over irregular routes, from points in New Hampshire, not including points in Grafton County, N.H., to points in Massachusetts and Rhode Island. Francis E. Barrett, 7 Water Street, Boston 9, Mass.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8034; Filed, Aug. 29, 1960; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATIONS OF FINAL AUTHORITY

Section II, Delegations of Final Authority, is amended as follows:

1. Paragraph E3 is amended by changing the semi-colon following the word "advertisements" to a period and deleting the clause "and to issue Government Bills of Lading (Standard Form 1103)."

2. Paragraph E4 is added as follows:

4. To issue Government Bills of Lading (Standard Form 1103).

Assistant Commissioner for Administration.
Director of the Office Services Branch.
Chief, General Supply and Reproduction Section.
Regional Directors.
Chiefs of the Office Services Sections.

Approved: August 19, 1960.

BRUCE SAVAGE, *Commissioner.*

[F.R. Doc. 60–8019; Filed, Aug. 29, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN A. CLAUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 23, 1960.

JOHN A. CLAUSSEN.

AUGUST 23, 1960.

[F.R. Doc. 60–8035; Filed, Aug. 29, 1960; 8:48 a.m.]

JAMES P. WHITLOCK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of July 30, 1960.

JAMES P. WHITLOCK.

AUGUST 19, 1960.

[F.R. Doc. 60–8036; Filed, Aug. 29, 1960; 8:48 a.m.]

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1960–61 Edition

(Revised through June 1)

Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3364

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1960

By the President of the United States of America

A Proclamation

WHEREAS it is in the American tradition to help others to help themselves; and

WHEREAS, by hiring the physically handicapped, we reaffirm our faith in the fundamental values of our free enterprise system and demonstrate the effective use of our manpower; and

WHEREAS equal opportunity for employment is basic to our belief in human dignity and should never be denied to any person because of physical impairment; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week and has requested the President to issue a suitable proclamation each year:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 2, 1960, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Physically Handicapped in carrying out the program for employment of the handicapped.

I also urge the Governors of States, mayors of cities, and other public officials, as well as leaders of industry, educational and religious groups, labor, civic, veterans', agricultural, women's, scientific, professional, and fraternal organizations, and all other interested organizations and individuals, including the handicapped themselves, to participate actively in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of August in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-8131; Filed, Aug. 29, 1960; 2:13 p.m.]

Proclamation 3365

MODIFICATION OF TRADE AGREEMENT CONCESSIONS ON COTTON TYPEWRITER-RIBBON CLOTH

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1351), the President on October 30, 1947, entered into a trade agreement with certain foreign countries, which consists of the General Agreement on Tariffs and Trade, including a schedule of United States concessions (hereinafter referred to as Schedule XX-1947) and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (pts. 5 and 6) A7, A11, and A2051), and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out such trade agreement, and that proclamation was amended by Proclamation No. 2790 of June 11, 1948 (62 Stat. (pt. 2) 1515);

2. WHEREAS such General Agreement has been supplemented by an agreement consisting of the Protocol of Terms of Accession of Japan to the General Agreement on Tariffs and Trade dated June 7, 1955 (6 UST (pt. 5) 5833), which includes a supplementary schedule of United States concessions (hereinafter referred to as Schedule XX-1955), and the President, by Proclamation No. 3105 of July 22, 1955 (69 Stat. c44), proclaimed such modifications of existing duties as would be required or appropriate to carry out such supplemental agreement, and that proclamation was supplemented by a notification by the President to the Secretary of the Treasury dated August 22, 1955 (20 F.R. 6211);

3. WHEREAS United States tariff concessions on cotton cloth provided for in subparagraphs (a), (b), and (c) of paragraph 904 of the Tariff Act of 1930 were granted in the trade agreements referred to in the first and second recitals of this proclamation, as set forth in items 904(a) [first and second], 904(b), and 904(c) in Part I of the said Schedule XX-1947 and in Part I of the said Schedule XX-1955;

4. WHEREAS the current United States duties applicable to

"cotton cloth suitable for making typewriter ribbon, classifiable under subparagraph (a), (b), or (c) of paragraph 904 of the Tariff Act of 1930, containing yarns the average number of which exceeds No. 50 but not No. 140, the total thread count of which per square inch (counting warp and filling), is not less than 240 and not more than 340, and in which the thread count of either the warp or filling does not exceed 60 percent of the total thread count of the warp and filling"

(hereinafter sometimes referred to as cotton typewriter-ribbon cloth) reflect the tariff concessions granted in items 904(a) [first and second], 904(b), and 904(c) referred to in the third recital of this proclamation;

5. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350(a) of the Tariff Act of 1930, as amended, the President on January 9, 1936, entered into a trade agreement with the Swiss Federal Council (49 Stat. (pt. 2) 3918), and by proclamation of January 9, 1936 (49 Stat. (pt. 2) 3917), proclaimed such agreement, and that proclamation has been supplemented by a proclamation of May 7, 1936 (49 Stat. (pt. 2) 3959), and a proclamation of November 28, 1940 (54 Stat. (pt. 2) 2461);

6. WHEREAS item 904(b)(c) in the United States schedule of tariff concessions included in the trade agreement referred to in the fifth recital of this proclamation includes a tariff concession on certain cotton cloth provided for in subparagraphs (b) and (c) of paragraph 904 of the Tariff Act of 1930;

7. WHEREAS the United States has accepted the Declaration for Provisional Accession of the Swiss Confederation to the General Agreement on Tariffs and Trade, done at Geneva November 22, 1958 (TIAS 4461), and the Government of the United States and the Government of the Swiss Confederation, by an Exchange of Notes signed March 29, 1960, relating to the said Declaration, entered into certain understandings with regard to the actions that may be taken pursuant to Article XIX of the General Agreement on Tariffs and Trade in the case of a product subject to a concession under the trade agreement referred to in the fifth recital of this proclamation and also to a concession under such General Agreement (TIAS 4447);

8. WHEREAS the United States Tariff Commission has submitted to me a report of its Investigation No. 7-85 under section 7 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1364), on the basis of which investigation, and a hearing held in connection therewith, the Commission has found that, as a result in part of the duties reflecting the concessions granted thereon in the trade agreements referred to in the first and second recitals of this proclamation, cotton typewriter-ribbon cloth is being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like products, and that in order to remedy such serious injury it is necessary to increase the duties on cotton typewriter-ribbon cloth to the rates originally established in subparagraphs (a), (b), and (c) of paragraph 904 of the Tariff Act of 1930;

9. WHEREAS upon the modification of various items in Part I of Schedule XX-1947 and Part I of Schedule XX-1955 as hereinafter proclaimed, the rates of duty on cotton typewriter-ribbon cloth originally established in subparagraphs (a), (b), and (c) of paragraph 904 of the Tariff Act of 1930 will apply to such cloth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350(a) of the Tariff Act of 1930, as amended, and by section 7(c) of the Trade Agreements Extension Act of 1951, as amended, and in accordance with the provisions of Article XIX of the General Agreement on Tariffs and Trade, do proclaim that, effective after the close of business on September 22, 1960, and until the President otherwise proclaims:

A. Items 904(a) [first and second], 904(b), and 904(c) in Part I of the said Schedule XX-1947 and item 904(a) [second] in Part I of the said Schedule XX-1955, are modified by inserting in each such item, immediately after the matter in the column headed "Description of Products", the following:

"*Provided*, that this item shall not apply to cotton cloth suitable for making typewriter ribbon, containing yarns the average number of which exceeds No. 50 but not No. 140, the total thread count (treating ply yarns as single threads) of which per square inch, counting warp and filling, is not less than 240 and not more than 340, and in which the thread count of either the warp or filling does not exceed 60 per centum of the total thread count of the warp and filling."

B. Items 904(a) [first], 904(b), and 904(c) in Part I of Schedule XX-1955 are modified by inserting in each such item, immediately after the matter in the column headed "Description of Products", the following:

"*Provided*, that this item shall not apply to cotton cloth suitable for making typewriter ribbon, containing yarns the average number of which exceeds No. 50, the total thread count (treating ply yarns as single threads) of which per square inch, counting warp and filling, is not less than 240 and not more than 340, and in which the thread count of either the warp or filling does not exceed 60 per centum of the total thread count of the warp and filling."

C. The proclamations referred to in the first and second recitals of this proclamation shall be applied to items 904(a) [first and second], 904(b), and 904(c) in Part I of Schedule XX-1947 and in Part I of Schedule XX-1955 as modified by paragraphs (A) and (B) of this proclamation.

D. The proclamations referred to in the fifth recital of this proclamation shall be suspended insofar as they apply to cotton typewriter-ribbon cloth included in item 904(b)(c) of Schedule II of the trade agreement referred to in such recital.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of August in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-8130; Filed, Aug. 29, 1960; 2:13 p.m.]

Proclamation 3366

TERMINATION OF THE IRANIAN TRADE AGREEMENT PROCLAMATIONS

By the President of the United States of America

A Proclamation

1. WHEREAS, under the authority vested in him by section 350(a) of the Tariff Act of 1930, as amended by the act of June 12, 1934, entitled "An Act To Amend the Tariff Act of 1930", 48 Stat. 943, and the joint resolutions of Congress approved March 1, 1937, 50 Stat. 24, and April 12, 1940, 54 Stat. 107, the President entered into a trade agreement with His Imperial Majesty the Shah-in-Shah of Iran on April 8, 1943, 58 Stat. 1322, and proclaimed such trade agreement by proclamation dated March 31, 1944 (58 Stat. 1322), and the effective date thereof by proclamation dated May 29, 1944 (58 Stat. 1356);

2. WHEREAS the Government of the United States of America and the Imperial Government of Iran have agreed to terminate such trade agreement as of August 25, 1960; and

3. WHEREAS paragraph (6) of section 350(a) of the Tariff Act of 1930, as amended, authorizes the President to terminate, in whole or in part, any proclamation carrying out a trade agreement entered into under such section:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 350(a)(6) of the Tariff Act of 1930, as amended, do hereby proclaim that the proclamations dated March 31, 1944, and May 29, 1944, specified in the first recital of this proclamation, shall terminate as of the close of August 25, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of August in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-8133; Filed, Aug. 29, 1960; 2:13 p.m.]

Proclamation 3367

VETERANS DAY, 1960

By the President of the United States of America

A Proclamation

WHEREAS the men and women who have served in our armed forces have contributed immeasurably to the preservation of America's freedom and to the advancement of the goal of world peace; and

WHEREAS the Nation is eternally grateful to our veterans for these contributions; and

WHEREAS it is fitting that we set aside a special day each year to honor our veterans and give nationwide expression of our esteem for them; and

WHEREAS the Congress by an act approved May 13, 1938 (52 Stat. 351), as amended by an act approved June 1, 1954 (68 Stat. 168), has declared November 11 of each year to be a legal holiday and has designated it as Veterans Day in honor of our veterans and as a day dedicated to the cause of world peace:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon all of our citizens to observe Friday, November 11, 1960, as Veterans Day. Let us celebrate that day with appropriate ceremonies not only in tribute to our veterans but also in rededication to the cause of peace with honor throughout the world.

I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of August in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-8134; Filed, Aug. 29, 1960; 2:13 p.m.]

Proclamation 3368

NATIONAL FARM-CITY WEEK, 1960

By the President of the United States of America

A Proclamation

WHEREAS the science and practice of American agriculture is vital to the well-being of our people, to the strength of our Nation, and to the peace of the world; and

WHEREAS the products of our farms and ranches are used by vast segments of our industry, business, and commerce; and

WHEREAS agriculture, industry, business, and commerce working together bring to each of us an abundant supply of food and fiber when, where, and in the forms we need them; and

WHEREAS it is important that there be continued mutual understanding among those who produce this bountiful supply of farm products, those who process and distribute them, and those who consume them:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 18 through November 24, 1960, as National Farm-City Week, and I call upon the people throughout the country to participate fully in the observance of that week.

I request the Department of Agriculture, the land-grant universities and colleges, the cooperative extension services, and all other appropriate agencies and officials of the Government to cooperate with National, State, and local farm organizations and other groups in preparing and carrying out programs for the appropriate observance of National Farm-City Week, including public meetings, discussions, exhibits, pageants, and press, radio, and television features, with special emphasis on the interdependence of producers, processors, distributors, and consumers of agricultural products.

I also request urban groups to join in this observance along with farm groups, as evidence of America's appreciation of all those on the farms and in the cities who provide us with our daily bread and other necessities of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of August in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-8132; Filed, Aug. 29, 1960; 2:13 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Hospital Administration Residents

Effective September 4, 1960, the maximum stipend prescribed under § 27.2 for the position listed below is amended as follows:

§ 27.2 Maximum stipends prescribed.

* * * * * *

Hospital administration residents, second year approved postgraduate training	$3,000

(61 Stat. 727; 5 U.S.C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8092; Filed, Aug. 30, 1960; 8:51 a.m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Clinical Psychology Interns and Residents

Effective September 1, 1960, the maximum stipends prescribed under § 27.2 for the positions listed below are amended as follows:

§ 27.2 Maximum stipends prescribed.

* * * * * *

Department of Health, Education, and Welfare

Clinical psychology interns:	
Second year approved postgraduate training (predoctoral)	$3,400
Third year approved postgraduate training (predoctoral)	3,600
Fourth year approved postgraduate training (predoctoral)	4,000
Clinical psychology residents:	
First year approved postdoctoral training	6,000
Second year approved postdoctoral training	7,000

Government of the District of Columbia

Clinical psychology interns:	
Third year approved postgraduate training (predoctoral)	3,600
Fourth year approved postgraduate training (predoctoral)	4,000
Clinical psychology residents: First year approved postdoctoral training	6,000

(61 Stat. 727; 5 U.S.C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8093; Filed, Aug. 30, 1960; 8:52 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 11—SALES OF AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

Subpart A—Regulations Governing the Financing of Commercial Sales of Surplus Agricultural Commodities for Foreign Currencies

Miscellaneous Amendments

Basis and purpose of amendment 1 (*§ 11.4(d)(8)*). Section 11.4(d)(8) of the regulations specifies the provisions which are deemed to be included in each purchase authorization issued for the financing of ocean freight cost separately from commodity price. The purpose of this amendment is to provide that the importing country (charterer) is required to include in each contract (charter party) covering such movements a provision that the charterer shall be entitled to advance funds to enable completion of a voyage, such expenses to be deducted from freight to be earned under the contract, and notwithstanding any assignment made by the owners or operators of the vessel. From the proceeds of a letter of credit or freight refund bond Commodity Credit Corporation will reimburse the charterer for such expenses not to exceed 90 percent of the value of the charter party provided that Commodity Credit Corporation has accepted a letter of credit or freight refund bond covering the voyage. The charter party shall also provide that the supplier of the ocean transportation shall promptly release a copy of the on board ocean bill of lading to the commodity supplier when loading is completed. The importing country is responsible for prompt release of a notice of arrival of the vessel at the first port of discharge. The amendment also changes the order and designation of § 11.4(d)(8)(iv) (*a*) and (*b*) for purposes of clarification.

Basis and purpose of amendment 2 (*§ 11.9(b)*). Section 11.9(b) of the regulations specifies the documents required to be presented in support of requests for reimbursement for amounts paid to suppliers of ocean transportation covering the cost of ocean freight where financed separately from the commodity price. This amendment provides that a notice of arrival must be submitted when required by the terms of the CCC Form 106-2. For commodities moving under charter parties the CCC Form 106-2 will require a notice of arrival unless a satisfactory letter of credit or freight refund bond acceptable to and in favor of CCC has been furnished by the supplier of the ocean transportation. Where CCC Form 106-2, Advice of Vessel Approval, indicates that notice of arrival is required and the supplier of ocean transportation at a later date furnishes an acceptable letter of credit or freight refund bond, the Controller, Commodity Credit Corporation, will waive the requirement for the notice of arrival as a condition for reimbursement of 90 percent of the cost of ocean freight.

The Regulations Governing the Financing of Commercial Sales of Surplus Agricultural Commodities for Foreign Currencies (24 F.R. 8825) are hereby amended as follows:

Section 11.4(d)(8) is amended to read as follows:

(8) *Ocean transportation financed separately from the commodity price.* This subparagraph applies only where the cost of ocean freight is financed separately from the commodity price pursuant to a specific authorization in the applicable purchase authorization.

(i) Reimbursement will not be made for demurrage incurred in excess of dispatch earnings. Amounts earned for dispatch shall be credited first against demurrage, if any, incurred in connection with the same voyage; the balance, if any, shall be deducted from the amount of the final request for reimbursement when presented to CCC. Discharge costs may be for the account of the vessel only when in accordance with trade custom.

(ii) Contracts for ocean transportation shall not be eligible for financing by CCC if the supplier of the ocean transportation is also the supplier of the commodity or is an affiliate of such supplier of the commodity, unless the supplier of ocean transportation is the owner of the vessel named in CCC Form 106, or is the operator of such vessel by time charter, and the ocean freight rate for which reimbursement is claimed is not in excess of the rate originally contracted for with the importer.

(iii) If the charter party or liner booking contract provides for more than one rate because of optional port loading or discharge, alternate routes, or any other option arising from ocean transportation, CCC will finance the lowest of such rates. Increased amounts (if any) due be-

cause of the use of the higher rated port, route, or other option, will be financed by CCC when reimbursement is requested therefor in accordance with the provisions of § 11.9(b)(6).

(iv) Notwithstanding the foregoing provisions of this subparagraph, if the option is exercised conclusively prior to the issuance of ocean bills of lading, and such exercise of option is clearly reflected in such ocean bills of lading, the rate applicable to the option so exercised will be financed by CCC.

(v) Each charter party shall provide:

(a) That if there is any failure on the part of the supplier of ocean freight to perform the contract after the vessel tendered at the loading port, the charterer shall be entitled to incur all expenses which in the judgment of the Administrator are required to enable the vessel to undertake and carry out her obligations under the charter party, including but not limited to expenses for lifting any liens asserted against the vessel;

(b) That such expenses may be deducted from the freight earned under the charter party notwithstanding any prior assignments of freight made by the owner or operator; and

(c) That the supplier of ocean transportation shall release a copy of the ocean bill of lading to the supplier of the commodity promptly upon completion of loading of the vessel.

(vi) A notice of arrival when required by § 11.9(b)(2) must be furnished promptly by the importing country or its designated agent and must include name of vessel, purchase authorization number, name of first port of discharge and date of arrival.

Section 11.9(b)(2) is amended to read as follows:

(2) One copy of the ocean bill of lading, and, if required by the related CCC Form 106–2, a notice of arrival at the first port of discharge of the vessel named in the CCC Form 106–2, except that a notice of arrival will not be required in the event the vessel is lost or unable to proceed to destination after completion of loading because of damage caused by perils of the sea or other waters, collisions, stranding, jettison, wreck, fire from any cause, Act of God, public enemies or pirates, or by arrest or restraint of princes, rulers or peoples without the fault of the supplier of the ocean transportation, wars, public disorders, captures or detention by public authority in the interest of public safety, provided the owner or operator supplies evidence satisfactory to Commodity Credit Corporation of such disability.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER as to purchase authorizations issued on and after the date of such publications. Purchase authorizations originally issued prior to such date of publication shall continue to be subject to the provisions of this subpart applicable thereto prior to these amendments unless such purchase authorizations contain the provisions of these amendments, or these amendments are made applicable to such purchase authorizations by amendment or modification of such purchase authorizations.

Done at Washington, D.C., this day of August 26, 1960.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60-8091; Filed, Aug. 30, 1960; 8:51 a.m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Subpart B—Standards

REVISION OF OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR MIXED GRAIN

On June 14, 1960, there was published in the FEDERAL REGISTER (25 F.R. 5297) notice of a proposal to revise the Official Grain Standards of the United States for Mixed Grain (7 CFR 26.451–26.453) promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 74). No public hearings were held but interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal.

Consideration has been given to information received in writing and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information, the Official Grain Standards of the United States for Mixed Grain (7 CFR 26.451–26.453) are hereby revised to read as follows:

Official Grain Standards of the United States for Mixed Grain [1]

Sec.
26.451 Terms defined.
26.452 Principles governing the application of the standards.
26.453 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 26.451 to 26.453 issued under section 8, 39 Stat. 485; 7 U.S.C. 84.

§ 26.451 Terms defined.

For the purposes of the Official Grain Standards of the United States for Mixed Grain:

(a) *Mixed grain.* Mixed grain shall be any mixture of grains for which standards have been established under the United States Grain Standards Act, or any mixture of such grains and wild oats, or wild oats, provided that such mixture does not come within the requirements of any of the standards for such grains, and that such mixture or wild oats does not contain more than 50 percent of foreign material.

(b) *Grades.* Grades shall be "Mixed Grain," "No. 1 Mixed Feed Oats," "No. 2 Mixed Feed Oats," "Sample grade Mixed Grain," and special grades provided for in § 26.453.

(c) *Wild oats.* Wild oats shall be the seeds of Avena fatua and A. sterilis.

(d) *Cultivated oats.* Cultivated oats shall be the seeds of Avena sativa and A. byzantina.

(e) *Mixed feed oats.* Mixed feed oats shall be any Mixed Grain which contains not less than 75 percent of wild oats, or not less than 75 percent of wild oats and cultivated oats in combination, which combination shall include more than 25 percent of wild oats; and which contains not more than 7.0 percent of foreign material, not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels; and which has a test weight per bushel of not less than 29 pounds.

(f) *Foreign material.* Foreign material shall be all matter except wild oats and grains for which standards have been established under the United States Grain Standards Act.

(g) *Damaged kernels.* Damaged kernels shall be all kernels and pieces of kernels of wild oats and grains for which standards have been established under the United State Grain Standards Act, which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(h) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of wild oats and grains for which standards have been established under the United States Grain Standards Act, which have been materially discolored and damaged by heat.

(i) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.452 Principles governing application of standards.

The following principles shall apply in the determination of the grades for mixed grain:

(a) *Basis of determination.* All determinations shall be on the basis of the grain as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. The percentage of each kind of grain, including wild oats, and foreign material shall be stated in terms of whole percents.

(c) *Moisture.* Moisture shall be determined by the air-oven method prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcement No. 147 (1959 revision) issued by the Agricultural Marketing Service for the kind of grain which predominates in the mixture or determined by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture as described in Circular No. 921, issued June 1953, or as determined by any method which gives equivalent results.

§ 26.453 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for Mixed Grain.* (See also paragraph (c) of this section.)

(1) *Mixed Grain (Grade).* The grade "Mixed Grain" shall be mixed grain with not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels, and which otherwise does not meet the requirements for mixed feed oats, or the requirements for the grade "Sample grade Mixed Grain."

(2) *No. 1 Mixed Feed Oats.* The grade No. 1 Mixed Feed Oats shall be mixed grain which meets the requirements for mixed feed oats; which contains not more than 5.0 percent of foreign material, not more than 10.0 percent of damaged kernels, and not more than 2.0 percent of heat-damaged kernels; which has a test weight per bushel of not less than 32 pounds; and which otherwise does not meet the requirements for the grades Mixed Grain, No. 2 Mixed Feed Oats, or Sample grade Mixed Grain.

(3) *No. 2 Mixed Feed Oats.* The grade No. 2 Mixed Feed Oats shall be mixed grain which meets the requirements for mixed feed oats; which contains not more than 7.0 percent of foreign material, not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels; which has a test weight per bushel of not less than 29 pounds; and which otherwise does not meet the requirements for the grades Mixed Grain, No. 1 Mixed Feed Oats, or Sample grade Mixed Grain.

(4) *Sample grade Mixed Grain.* The grade "Sample grade Mixed Grain" shall be mixed grain which does not meet the requirements for mixed feed oats, or the requirements for the grade Mixed Grain; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which is otherwise of distinctly low quality.

(b) *Grade designations for Mixed Grain.* The grade designation for mixed grain shall include the words "Mixed Grain," "No. 1 Mixed Feed Oats," "No. 2 Mixed Feed Oats," or "Sample grade Mixed Grain," as the case may be, and the name of each applicable special grade. In the case of "Mixed Grain (Grade)" and "Sample grade Mixed Grain" the grade designation shall also include the name and approximate percentage of each kind of grain, including wild oats, which constitutes 10 percent or more of the mixture, in the order of predominance and, when applicable, the words "other grains" followed by a statement of the percentage of the combined quantity of those kinds of grains, including wild oats, each of which is present in a quantity less than 10 percent; and the words "Foreign Material" together with a statement of the percentage thereof.

(c) *Special grades, special grade requirements and special grade designations for mixed grain*—(1) *Tough mixed grain*—(i) *Requirements.* Tough mixed grain shall be mixed grain which contains more than 14.0 percent but not more than 16.0 percent of moisture.

(ii) *Grade designation.* Tough mixed grain shall be graded according to the grade requirements of the standards applicable to such mixed grain if it were not tough, and there shall be added to and made a part of the grade designation the word "Tough."

(2) *Smutty mixed grain*—(i) *Requirements.* Smutty mixed grain shall be (a) mixed grain in which wheat or rye predominates, and which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 14 balls of average size in 250 grams of mixed grain, or (b) any other mixed grain which has the kernels covered with smut spores, or which contains smut masses and/or smut balls in excess of 0.2 percent.

(ii) *Grade designation.* Smutty mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not smutty, and there shall be added to and made a part of the grade designation, the word "Smutty."

(3) *Ergoty mixed grain*—(i) *Requirements.* Ergoty mixed grain shall be mixed grain which contains ergot in excess of 0.3 percent.

(ii) *Grade designation.* Ergoty mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not ergoty, and there shall be added to and made a part of the grade designation, the word "Ergoty."

(4) *Garlicky mixed grain*—(i) *Requirements.* Garlicky mixed grain shall be (a) mixed grain in which wheat or rye predominates, and which contains 2 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of mixed grain; or (b) mixed grain in which grains other than wheat and rye predominate, and which contains 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of mixed grain.

(ii) *Grade designation.* Garlicky mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not garlicky, and there shall be added to and made a part of the grade designation, the word "Garlicky."

(5) *Weevily mixed grain*—(i) *Requirements.* Weevily mixed grain shall be mixed grain which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not weevily, and there shall be added to and made a part of the grade designation, the word "Weevily."

(6) *Blighted mixed grain*—(i) *Requirements.* Blighted mixed grain shall be mixed grain in which barley predominates and which, as a whole, contains more than 4 percent of barley damaged or materially discolored by blight and/or mold.

(ii) *Grade designation.* Blighted mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not blighted, and there shall be added to and made a part of the grade designation, the word "Blighted."

(7) *Treated mixed grain*—(i) *Requirements.* Treated mixed grain shall be mixed grain which has been scoured, limed, washed, sulfured, or treated in such a manner that its true quality is not reflected by the grade "Mixed Grain," "No. 1 Mixed Feed Oats," "No. 2 Mixed Feed Oats," or "Sample grade Mixed Grain."

(ii) *Grade designation.* Treated mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not treated, and there shall be added to and made a part of the grade designation, a statement indicating the kind of treatment.

The foregoing standards supersede the present Official Grain Standards of the United States for Mixed Grain, and shall become effective December 1, 1960.

Done at Washington, D.C., this 26th day of August 1960.

S. T. WARRINGTON,
Acting Deputy Administrator.

[F.R. Doc. 60-8065; Filed, Aug. 30, 1960; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders) Department of Agriculture

[Milk Order No. 4]

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Order Amending Order

Sec.
904.0 Findings and determinations.

DEFINITIONS

904.1 General definitions.
904.2 Definitions of persons.
904.3 Definitions of plants.
904.4 Definitions of milk and milk products.

MARKET ADMINISTRATOR

904.10 Designation of market administrator.
904.11 Powers of market administrator.
904.12 Duties of market administrator.

CLASSIFICATION

904.15 Classes of utilization.
904.16 Classification of fluid milk products moved to other plants.
904.17 Responsibility of handlers in establishing the classification of milk.

DETERMINATION OF POOL PLANT STATUS

904.20 Basic pooling requirements.
904.21 Supplementary pooling provisions for supply plants.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ASSIGNMENT OF RECEIPTS

Sec.
904.25 Assignment of receipts at regulated plants to Class I milk.
904.26 Assignment of receipts of regulated plants to Class II milk.
904.27 Emergency milk eligible for assignment to Class I milk.

REPORTS OF HANDLERS

904.30 Pool handlers' reports of receipts and utilization.
904.31 Reports of nonpool handlers.
904.32 Reports regarding individual producers.
904.33 Reports of payments to producers.
904.34 Maintenance of records.
904.35 Verification of reports.
904.36 Retention of records.
904.37 Notices to producers.
904.38 Outside cream purchases.

MINIMUM CLASS PRICES

904.40 Class I price.
904.41 Class II price.
904.42 Zone price differentials.
904.43 Determination of zone locations of receipts from producers assigned to Class I milk.
904.44 Butter and cheese adjustment.
904.45 Use of equivalent factors in formulas.
904.46 Announcement of class prices and differentials.

NEW ENGLAND BASIC PRICE FORMULA

904.48 Computation of New England basic Class I price.

BLENDED PRICES TO PRODUCERS

904.50 Computation of value of milk received from producers.
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AUTHORITY: §§ 904.0 to 904.84 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 904.0 Findings and determinations.

The findings and determination hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, three cents per hundredweight or such amount not to exceed three cents per hundredweight as the Secretary may prescribe, with respect to all of the handler's receipts, during the month, of milk from producers, of outside milk, of exempt milk processed at a regulated plant and to the quantity of his route disposition subject to payments under § 904.65(b).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 15, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued August 10, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 904.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Greater Boston, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.
Arlington.
Ashland.
Avon.
Ayer.
Bedford.
Belmont.
Beverly.
Billerica.
Boston.
Braintree.
Brookline.
Burlington.
Cambridge.
Canton.
Chelmsford.
Chelsea.
Cohasset.
Dedham.
Dover.
Dracut.
Everett.
Framingham.
Groveland.
Haverhill.
Hingham.
Holbrook.
Holliston.
Hopkinton.
Hull.
Lawrence.
Lexington.
Littleton.
Lowell.
Lynn.
Lynnfield.
Malden.
Marblehead.

Marlborough.
Medfield.
Medford.
Melrose.
Merrimac.
Methuen.
Milton.
Nahant.
Natick.
Needham.
Newton.
North Andover.
North Reading.
Norwood.
Peabody.
Quincy.
Randolph.
Reading.
Revere.
Salem.
Saugus.
Sharon.
Sherborn.
Somerville.
Southborough.
Stoneham.
Stoughton.
Swampscott.
Tewksbury.
Tyngsborough.
Wakefield.
Walpole.
Waltham.
Watertown.
Wayland.
Wellesley.
Westford.
West Newbury.
Weston.
Westwood.
Weymouth.
Wilmington.
Winchester.
Winthrop.
Woburn.

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 904.15(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the routes of the plant where such fluid milk products are packaged.

(d) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

§ 904.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraph (1), (2) or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order. However, in the application of this subparagraph to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November referred to in this subparagraph.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who during the month, operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means (1) any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any handler who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph, who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person, and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area: (1) His own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or (2) his only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not to exceed two percent of his own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph, any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person, shall be considered as a part of such person's supply of fluid milk products.

§ 904.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products: *Provided*, That this definition shall not include any separate building, premises, equipment and facilities used primarily to hold or store packaged fluid milk products in finished form in transit on routes.

(b) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(c) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in

cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 904.20 and 904.21, except a pool plant under another Federal order, the plant of a producer-handler under any Federal order, or a plant from which emergency milk is received.

(f) "Distributing plant" means any processing and packaging plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and route disposition in the marketing area amounting to not less than 10 percent of such receipts or of receipts from dairy farmers.

(g) "Regulated plant" means: (1) Any pool plant, or (2) any distributing plant (other than the plant of a producer-handler under any Federal order) in any month in which the quantity of its route disposition in the marketing area is in excess of its route disposition in any other New England Federal marketing area.

(h) "Supply plant" means any receiving plant (other than a pool plant under the provisions of this or any other Federal order on the basis of its route disposition) from which fluid milk products are shipped to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this part but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 904.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk or emergency milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

(l) "Emergency milk" means fluid milk products received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

Market Administrator

§ 904.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 904.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 904.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties

execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay out of the funds provided by § 904.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

Classification

§ 904.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16 and 904.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 904.16 Classification of fluid milk products moved to other plants

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which assigned under §§ 904.25 and 904.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under the Connecticut, Southeastern New England, or New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under the Boston, Connecticut, Southeastern New England, or New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 904.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

Determination of Pool Plant Status

§ 904.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section. However, in the application of paragraph (d) of this section to operations prior to December 1, 1960, each of the months previous to December but subsequent to the month in which the amended order becomes effective shall be substituted for the period of August through November referred to in that subparagraph.

(a) It is a distributing plant with a greater quantity of its route disposition in the marketing area than in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the route disposition from the plant does not exceed two percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 15 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to regulated distributing plants.

(d) For any month of August through November, it is one of a group of supply plants:

(1) From which the handler ships at least 15 percent of the combined total receipts of milk from dairy farmers as fluid milk products to regulated distributing plants; and

(2) For which the market administrator has received, on or before the 16th day of the month, the handler's written request for continuation of supply-type pool plant status which such plant held under his operation in the preceding month.

(e) It is a supply plant which would otherwise fail to qualify as a pool plant under any Federal order and from which at least 15 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to distributing plants, other than plants of producer-handlers.

§ 904.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any month in the period of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant in each of the preceding months of July through November, or if it would have been a supply-type pool plant in each of such months had it not been a pool plant under another New England Federal order and the market administrator has received the handler's written request for such automatic status for the plant on or before the 16th day of the month unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this order;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this order than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for the month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it either has automatic pool plant status under another New England Federal order or makes a greater quantity of qualifying shipments of fluid milk products to reg-

ulated plants under another New England Federal order than to regulated plants under this order and meets all of the other applicable conditions and requirements for pool plant status under such other order.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant which would otherwise have automatic pool plant status for the month shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

(f) A supply plant shall be a nonpool plant in any month for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month if:

(1) All of the fluid milk products received at regulated plants from such plant during the month are assigned to Class II milk pursuant to § 904.26; and

(2) The plant meets all of the conditions and requirements for pool plant status under another New England Federal order in such month.

(g) In the application of the supplementary pooling provisions for supply plants contained in this section to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November in each instance in which the latter period is referred to in this section.

ASSIGNMENT OF RECEIPTS

§ 904.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts of emergency milk eligible for assignment to Class I milk pursuant to § 904.27;

(c) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(d) Receipts from other handlers' regulated plants of packaged fluid milk products;

(e) Receipts from other handlers' regulated plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers;

(g) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraph (e) of this section;

(h) Receipts from other Federal order plants of bulk fluid milk products classified and priced as Class I milk under the other Federal order, or subject to such classification and pricing if assigned to Class I milk under this order. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has route disposition in an originating market, the receipts from such market shall take priority of assignment to any residual Class I use up to the total quantity of route disposition in such market by the handler;

(i) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (c) and (h) of this section;

(j) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Boston according to their zone locations; and

(k) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 904.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 904.25 shall be assigned to Class II milk.

§ 904.27 Emergency milk eligible for assignment to Class I milk.

Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this section, the handler's total Class II milk and total volume handled shall be the total of the respective quantities beginning on the first day on which emergency milk is received by the handler during the month and extending through the last such day in the month. If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity otherwise assigned to Class II milk pursuant to this section, such greater quantity shall be assigned to Class II milk. Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

REPORTS OF HANDLERS

§ 904.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products and cream at each plant from any other handler, assigned to classes pursuant to §§ 904.25 to 904.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 904.15 to 904.17.

§ 904.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products and cream. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 904.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 904.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 904.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 904.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 904.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 904.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 904.38 Outside cream purchases.

Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

MINIMUM CLASS PRICES

§ 904.40 Class I price.

The Class I price per hundredweight at plants located in zone 21 shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48.

§ 904.41 Class II price.

The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f.o.b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk for human consumption, in carlots, f.o.b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in zone 21.

Month:	*Amount (cents)*
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month in which the amount determined pursuant to this paragraph is greater than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in zone 21.

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	*Amount (cents)*	Month:	*Amount (cents)*
January	+13	July	+08
February	+12	August	+17
March	−05	September	+14
April	−09	October	+16
May	−12	November	+17
June	−11	December	+17

§ 904.42 Zone price differentials.

The prices determined pursuant to §§ 904.40, 904.41, and 904.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) Each city plant shall be in the "City Plant" zone.

(b) The zone location of each country plant shall be based upon its highway mileage distance to Boston as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Boston and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table:

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C	D
Distance to Boston (miles)	Zone	Class I and blended price differentials (cents per hundredweight)	Class II Price differentials (cents per hundredweight)
Within 40	City plant	+54.0	+5.6
41 to 60	6	+37.0	+3.8
61 to 70	7	+16.8	+3.7
71 to 80	8	+15.6	+3.5
81 to 90	9	+14.4	+3.2
91 to 100	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+0.6
181 to 190	19	+2.4	+0.4
191 to 200	20	+1.2	+0.1
201 to 210	21	(1)	(1)
211 to 220	22	−1.0	−0.6
221 to 230	23	−2.0	−0.7
231 to 240	24	−3.0	−0.9
241 to 250	25	−4.0	−0.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.3
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 to 410	41	−20.0	−3.5
411 to 420	42	−21.0	−3.5
421 to 430	43	−22.0	−3.5
431 to 440	44	−23.0	−3.5
441 to 450	45	−24.0	−3.5
451 and over	46 and over	(2)	−3.5

[1] No differential.
[2] Class I and blended price differentials applicable to plants located more than 450 miles from Boston shall be obtained by extending the table at the rate of one cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 904.43 Determination of zone locations of receipts from producers assigned to Class I milk.

For the purpose of determining the respective quantities of receipts from producers which are subject to the various zone price differentials, each pool handler's receipts from producers assigned to Class I milk pursuant to § 904.25(f) shall be considered to have originated at sources in the sequence and to the extent set forth in this section:

(a) Receipts from producers at the handler's city plant;

(b) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of:

(1) As route disposition in Maine, New Hampshire, and Vermont; and

(2) To unregulated plants from which no fluid milk products were disposed of as Class I milk, either directly or indirectly, outside the States of Maine, New Hampshire, and Vermont.

(c) Remaining receipts from producers at the handler's country pool plants, receipts of bulk fluid milk products from other Federal order plants, and receipts of outside milk in the form of fluid milk products not assigned to Class I milk pursuant to § 904.25(j), all in the order of the nearness of the originating plants to Boston according to their zone locations. The quantity determined for the zone location of any of the handler's country pool plants shall be the lesser of its receipts from producers or its shipments of fluid milk products reduced by its shipments of fluid milk products to plants located in the States of Maine, New Hampshire, Vermont, or New York for which utilization as Class II milk is established. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered.

§ 904.44 Butter and cheese adjustment.

During the months of April, May, June, and July, in which the Class II price is computed pursuant to § 904.41(c), the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Subtract from the price computed pursuant to § 904.41(c), the price computed pursuant to § 904.41(d) and divide by 3.7. The result is the butter and cheese differential.

(b) Determine the pounds of butterfat in Class II milk received from producers which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(c) Subtract such portion of the quantity determined in paragraph (b) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(d) Multiply the remaining pounds of butterfat determined pursuant to paragraph (c) of this section by the butter and cheese differential determined pursuant to paragraph (a) of this section.

§ 904.45 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 904.46 Announcement of class prices and differentials.

The market administrator shall make public announcements of class prices and differentials as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisors to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $0.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base Class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the economic index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 904.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 904.25, at zone locations as determined pursuant to § 904.43, by the prices pursuant to §§ 904.40 and 904.42;

(b) Multiply the quantities of milk received from producers at plants in each zone, less the quantities priced in each zone pursuant to paragraph (a) of this section, by the prices pursuant to §§ 904.41 and 904.42;

(c) Add together the resulting value of each class; and

(d) Adjust the value determined in paragraph (c) of this section as provided in § 904.44.

§ 904.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk computed pursuant to § 904.50 and the payments required pursuant to § 904.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61(b) and 904.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.65, and 904.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in zone 21, shall be known as the basic blended price.

§ 904.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the Act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 904.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during

the first 15 days of such month. In no event shall advance payment be at a rate less than the Class II price for such month.

§ 904.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 904.63 and 904.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 904.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 904.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 904.61(b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 904.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f.o.b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

§ 904.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 904.61(a) shall be subject to the differential set forth in Column C of the table in § 904.42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from both the State House in Boston and the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 904.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 904.25 (i) or (j), at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 904.25(k) at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the handler's regulated plant nearest to Boston.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant with route disposition in the marketing area shall make payment at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset route disposition in this marketing area and in any other Federal marketing area.

§ 904.66 Deductions from payments to producers.

(a) In making payments to producers as required by §§ 904.60 and 904.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

(b) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer listed authorizing the claimed deduction. Such deductions shall be made by the handler in accordance with the association's claim, and shall be paid by the handler to the association on or before the 20th day after the end of each month with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made.

§ 904.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 904.61, 904.62, and 904.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 904.68 Statements to producers.

In making the payments to producers prescribed by § 904.61(a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 904.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 904.66 and 904.70 together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 904.70 Marketing service deductions.

In making payments to producers pursuant to § 904.61(a), each handler with respect to all milk received from each producer except himself and except any producer who is a member of an association of producers which the Secretary determines is performing the services set forth in this section, shall deduct 2 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such monies shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

ADMINISTRATION EXPENSE

§ 904.72 Payments of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 3 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition in the marketing area which is subject to payments under § 904.65(b).

OBLIGATIONS

§ 904.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month, during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 904.80 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 904.81.

§ 904.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 904.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 904.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D.C., this 26th day of August 1960, to be effective on and after the 1st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8085; Filed, Aug. 30, 1960; 8:50 a.m.]

[Milk Order No. 63]

PART 963—MILK IN THE GREAT BASIN MARKETING AREA

Order Amending Order

§ 963.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk

in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960, except for specified amendments to be effective February 1, 1961. Any delay beyond these specified dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Acting Deputy Administrator of the Agricultural Marketing Service was issued July 19, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order was issued August 15, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, except for specified amendments to be effective February 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Add the following as § 963.18 (to be effective February 1, 1961):

§ 963.18 Base milk.

"Base milk" means the quantity of producer milk delivered by a producer each month which is not in excess of his daily base computed pursuant to § 963.65 multiplied by the number of days in the month, less any days such producer was degraded.

2. Add the following as § 963.19 (to be effective 2–1–61):

§ 963.19 Excess milk.

"Excess milk" means producer milk delivered by a producer in excess of base milk.

§ 963.22 [Amendment]

3. In § 963.22(k)(3) (to be effective 2–1–61) delete the phrase "uniform price for producer milk" and substitute therefor the following "uniform prices for base milk and excess milk".

§ 963.30 [Amendment]

4. Delete § 963.30(a)(1)(i) (to be effective 2–1–61) and substitute therefor the following:

(i) Producer milk received at the plant or diverted therefrom by the handler and the aggregate quantities of base milk and excess milk, respectively;

§ 963.30 [Amendment]

5. Change the period at the end of § 963.30(b)(2) to a semicolon (;), insert "and" and add the following as § 963.30 (b)(3) (to be effective 2–1–61):

(3) The aggregate quantities of base milk and excess milk involved.

§ 963.42 [Amendment]

6. Delete § 963.42(c)(1) and substitute therefor the following:

(1) The transferee plant is located less than 525 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance as determined by the market administrator.

§ 963.44 [Amendment]

7. Delete § 963.44(a)(4) and substitute therefor the following:

(4) Subtract the pounds of skim milk in fluid milk products received from plants regulated under another order issued pursuant to the Act, as specified:

(i) Subtract, if sour cream was not processed or packaged in the pool plant during the month, from the pounds of skim milk in Class I milk the pounds of skim milk in sour cream packaged in consumer or institutional size packages, classified and priced as Class II milk pursuant to Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area (Part 941 of this chapter), and disposed of in the same packages in which it is received;

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II; the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s).

8. Following § 963.63 add the following:

DETERMINATION OF BASE

§ 963.65 Computation of producer bases.

Subject to the rules set forth in § 963.66 the market administrator shall compute bases for producers as follows:

(a) (1) A daily base shall be computed for each producer delivering 90 days or more milk production during the months of August through December of each year by dividing the total producer milk delivered during this period by such producer by the number of days' production delivered, the number of days from the date of first delivery during the period through December 31, or 120, whichever is greatest. Such base shall be effective for the 12-month period beginning the following February 1.

(2) Any dairy farmer for whom information concerning deliveries during the base earning period is available to the market administrator and who becomes a producer as a result of (i) the plant to which his milk was delivered during the base earning period subsequently qualifying as a pool plant, or (ii) relinquishment of status as a producer-handler, shall have a daily base computed pursuant to this paragraph.

(b) Any producer for whom no base can be computed pursuant to paragraph (a) of this section, or any producer who chooses to relinquish such base pursuant to § 963.66(b) shall have a monthly base computed by multiplying his deliveries to handlers during the month by the appropriate monthly percentage in the following table, except that no such monthly base shall be computed if such producer or a member of his immediate family has transferred a base pursuant to § 963.66(a) (1) or (2) within the preceding twelve months:

January	70	July	55
February	65	August	65
March	60	September	80
April	55	October	80
May	45	November	80
June	50	December	80

§ 963.66 Base rules.

The following rules shall be observed in determination of base:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer but under the following circumstances only: If a producer who earned a base pursuant to § 963.65(a) sells, leases, or otherwise conveys his herd to another person who is or becomes a producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to § 963.65(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all producer milk delivered to a handler(s) between August 1 and the last day of the period as specified in § 963.65(a), inclu-

sive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to § 963.65(a).

(3) The burden shall be upon the transferee and transferor to establish to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraph (1) of this paragraph but in compliance with subparagraphs (2) and (3) of this paragraph;

(i) A base, whether earned pursuant to § 963.65(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 963.65 (a) by the baseholder or by a member of his immediate family may be further transferred to another person: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to another person.

(b) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 963.65(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 963.65(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 963.65(a), for which such base was computed.

(c) As soon as bases computed by the market administrator are allotted notice of the amount of each producers' base shall be given by the market administrator to the handler receiving such producer's milk and the producer or the cooperative association of which the producer is a member.

(d) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only producers as defined in § 963.7 may establish or earn a base pursuant to the provisions of § 963.65 and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and/or equipment used are jointly owned or operated.

9. Delete § 963.71 and substitute therefor the following (to be effective 2–1–61):

§ 963.71 Computation of uniform prices.

The market administrator shall compute the uniform price per hundredweight of base milk and of excess milk, each of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 5 cents nor more than 6 cents from the rate pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk.

§ 963.72 [Amendment]

10. In § 963.72 (to be effective 2–1–61) delete "price" and substitute therefor "prices".

§ 963.73 [Amendment]

11. In § 963.73 (to be effective 2–1–61) delete the term "prices to be paid for producer milk" and substitute therefor the term "prices to be paid for base milk".

§ 963.74(b) [Amendment]

12. In § 963.74(b) (to be effective 2–1–61) delete "price" and substitute therefor "prices".

§ 963.80(a)(1) [Amendment]

13. In § 963.80(a)(1) (to be effective 2–1–61) delete "price" and substitute therefor "prices".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C. this 26th day of August 1960, to be effective on and after the 1st day of September 1960 with respect to amendments to §§ 963.42 and 963.44, and the addition of §§ 963.65 and 963.66; and on and after February 1, 1961 with respect to addition of §§ 963.18 and 963.19 and amendments to §§ 963.22, 963.30, 963.71, 963.72, 963.73, 963.74, and 963.80.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc 60–8064; Filed, Aug. 30, 1960; 8:50 a.m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Determination Relative to Increase in Amount of Reserve Fund

Notice was published in the August 10, 1960, issue of the FEDERAL REGISTER (25 F.R. 7539) that consideration was being given to proposals regarding an increase in the amount of the reserve fund (§ 969.205 *Reserve fund;* 7 CFR 969.205) established in accordance with the provisions of the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). It was proposed that:

(1) The Secretary of Agriculture finds that to increase the amount of the reserve fund to an amount not to exceed $10,000 (approximately one fiscal year's operational expense) as authorized by § 969.42 of the amended marketing agreement and order is appropriate for the maintenance and functioning of the said committee, and

(2) That excess assessment funds from the fiscal year ended March 31, 1960, in the amount of $2,102.91 be placed in said reserve fund.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), the said proposals are hereby approved.

Order. Section 969.205 (7 CFR § 969.205) is amended by substituting "$10,000" for the amount "$4,500" and changing the second sentence thereof to read as follows: "The committee is hereby authorized to carry forward in such reserve fund not to exceed $4,500 of excess assessment funds from the fiscal year ended March 31, 1958, and not to exceed $2,102.91 of excess assessment funds from the fiscal year ended March 31, 1960."

As so amended, § 969.205 reads as follows:

§ 969.205 Reserve fund.

(a) The establishment of a reserve fund not to exceed the amount of $10,000 is appropriate and necessary to the maintenance and functioning of the Avocado Administrative Committee. The committee is hereby authorized to carry forward in such reserve fund not to exceed $4,500 of excess assessment funds from the fiscal year ended March 31, 1958, and not to exceed $2,102.91 of excess assessment funds from the fiscal year ended March 31,

1960. Such reserve shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

(b) Terms used in said amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order (§§ 969.1 to 969.71).

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 26, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8081; Filed, Aug. 30, 1960; 8:49 a.m.]

[Milk Order No. 90]

PART 990—MILK IN THE SOUTHEASTERN NEW ENGLAND MARKETING AREA

Order Amending Order

§ 990.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight or such amount not to exceed five cents per hundredweight as the Secretary may prescribe, as follows: (i) By each pool handler with respect to (a) receipts of producer milk including such handler's own production, (b) receipts of exempt milk, and (c) receipts of other source milk classified as Class I except receipts from fully regulated plants under another Federal order; (ii) by each handler operating a regulated plant other than a pool plant with respect to receipts of other source milk in his plant which are classified as Class I except receipts from fully regulated plants under another Federal order; and (iii) by each nonpool handler with respect to any disposition of Class I milk in the marketing area on routes in excess of his receipts of pool milk or milk from fully regulated plants under another Federal order and classified and priced as Class I.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 15, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued August 10, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c) Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

1. Delete paragraph (b) of § 990.1 and substitute therefor the following:

(b) "Southeastern New England marketing area", hereinafter referred to as the "marketing area", means all of the territory included within the boundary lines of the State of Rhode Island (excluding Block Island), the Massachusetts counties of Barnstable, Bristol, Dukes County and Plymouth (excluding the towns of Hingham and Hull); the towns of Bellingham, Foxborough, Franklin, Medway, Millis, Norfolk, Plainville, and Wrentham in Norfolk County, and the towns of Blackstone, Hopedale, Mendon, Milford, and Millville in Worcester County, together with all piers, docks and wharves connected therewith and craft moored thereat and including all territory within such boundaries occupied by Government (municipal, state or Federal) installations, institutions, or other establishments.

2. Delete paragraph (c) of § 990.1 and substitute therefor the following:

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 990.21(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

3. Delete paragraph (c) of § 990.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

4. Delete paragraph (d) of § 990.2 and substitute therefor the following:

(d) "Dairy farmer for other markets" means any person described in subparagraphs: (1), (2), or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a regulated plant during the month and which milk

is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by a handler or dealer shall be considered as having been performed by such handler or dealer.

5. Delete paragraph (e) of § 990.2 and substitute therefor the following:

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, any person holding producer-handler status under any Federal order or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted in accordance with subparagraphs (1) through (5) of this paragraph if the handler, in filing his monthly report pursuant to § 990.30 reports the milk as receipts from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month:

(1) To the regulated plant of another handler;

(2) To a regulated plant of the same handler in the same plant zone;

(3) To an unregulated plant during any month of July through September on not more than 8 days (4 days in the case of every-other-day delivery) during such month;

(4) To an unregulated plant during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery) during such month; or

(5) To an unregulated plant during any month of April through June.

6. Delete paragraph (g) of § 990.2 and substitute therefor the following:

(g) "Handler" means (1) any person who during the month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

7. Delete paragraph (i) of § 990.2 and substitute therefor the following:

(i) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph, who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk in the marketing area on routes: *Provided*, That the maintenance, care, and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area: (1) Whose own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or (2) whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not to exceed two percent of own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph, any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person, shall be considered as a part of such person's supply of fluid milk products.

8. Delete paragraphs (j) and (k) of § 990.2 and substitute therefor a new paragraph (j) as follows:

(j) "Dealer" means any person who during the month operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

9. Delete paragraph (a) of § 990.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products: *Provided*, That this definition shall not include any separate building, premises, equipment or facilities used primarily to hold or store packaged fluid milk products in transit on routes.

10. Delete paragraph (b) of § 990.3 and substitute therefor the following:

(b) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

11. Delete paragraph (c) of § 990.3 and substitute therefor the following:

(c) "Pool plant" means:

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of during the month within the marketing area on routes and not less than 50 percent of its total receipts of fluid milk products is disposed of during the month as Class I milk, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area.

(2) Any receiving plant located in the marketing area and operated by an association of producers in any month in which the quantity of Class I milk disposed of on routes from such plant does not exceed two percent of its total receipts of fluid milk products, or

(3) Except as provided in subdivisions (i) to (iv) of this subparagraph any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which not less than 30 percent of its receipts of milk directly from dairy farmers is shipped during the month as fluid milk products to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant other than a pool plant.

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order, or in any month in which it qualifies for pooling under another Federal order on the basis of shipments, which exceed the shipments qualifying such plant for pooling pursuant to this subparagraph unless such greater shipments are made to Boston regulated plants and the plant is designated as a nonpool plant under the Boston order for such month.

(ii) Any plant which was a pool plant pursuant to this subparagraph in each of the months of July through November or which held comparable supply-type pool plant status under one or another of the New England Federal orders in each month of such period but had the greater proportion of its producer receipts pooled under this part during such period shall be a pool plant in the immediately succeeding months of December through June, unless the operator thereof gives written notice to the market administrator on or before the 16th day of any such month that the plant is a nonpool plant for such month: *Provided*, That any such plant which was a nonpool plant in any of the months of July through November and for which nonpool status is requested for any month of December through June or any plant which was a pool plant in each of such months of July through November but which is operated as a nonpool plant under all of the New England Federal orders in any of the months of December through June shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph.

(iii) Any plant which was not a pool plant under this part during each of the months of July through November but which met the pooling requirements pursuant to this subparagraph in each of such months shall be a pool plant in any of the months of December through June, if written request for pooling status is made to the market administrator on or before the 16th day of such month and such plant is not a pool plant under another Federal order in such month, except that if such plant was a nonpool plant under all of the New England orders in any of the months of December through June, it shall be a pool plant in any subsequent months of such period only if it meets the shipping requirements pursuant to this subparagraph.

(iv) Any plant which was a nonpool receiving plant under all of the New England orders during any of the months of July through November shall not be a pool plant in any of the months of December through June in which it is operated by the same handler, an affiliate or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler plant.

12. Add a new paragraph (d) at the end of § 990.3 to read as follows:

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater proportion of its Class I milk in another marketing area on routes.

13. Delete from paragraph (a) of § 990.4 the phrase "at a plant".

14. Delete paragraph (f) of § 990.4 and substitute therefor the following:

(f) "Producer milk" means only that skim milk and butterfat contained in milk received at a pool plant directly from producers, including milk diverted from such pool plant in accordance with the conditions set forth in § 990.2(e): *Provided*, That in instances where it can be established to the satisfaction of the market administrator that milk was transferred, by a handler or his agent, from the producer's farm tank into a tank truck during the month, and such milk was not delivered to any plant because of loss or destruction by accident or faulty equipment en route to the plant, such milk shall be accounted for as a receipt of producer milk at the pool plant of the handler where milk from the same farm was received as producer milk during the month.

15. Delete the language of § 990.4(g) following the semicolon at the end of subparagraph (1) and substitute therefor the following:

(2) Received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month, if such receipt and return occurs during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(3) In milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

16. Add a new paragraph (i) at the end of § 990.4 to read as follows:

(i) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

16a. In § 990.12(k) delete the words "actual or potential".

17. Delete subparagraph (3) of § 990.21 (b) and substitute therefor the following:

(3) Contained in fluid milk products dumped if the conditions of § 990.31(e) are met by the handler;

18. Delete the word "and" immediately preceding subparagraph (5) of § 990.21(b) and add a new subparagraph (6) immediately after subparagraph (5) of § 990.21(b) as follows: "and (6) contained in fluid milk products lost under extraordinary circumstances completely beyond the control of the handler, if such loss is substantiated by records satisfactory to the market administrator."

19. Delete § 990.22(b) and substitute therefor the following:

(b) As Class I milk if moved to the plant of a producer-handler under this or any other Federal order.

19a. In § 990.22(e) add immediately following the words "except the plant of a producer-handler" the words "under any Federal order".

20. Delete § 990.24 and substitute therefor the following:

§ 990.24 Assignment of skim milk and butterfat classified.

(a) For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 990.30 and shall compute the total pounds of skim milk and butterfat in each class for such handler: *Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

(b) Skim milk shall be assigned in the following manner:

(1) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk received during the month in packaged fluid milk products from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in the form of fluid milk products other than from fully regulated plants under the provisions of another Federal order.

(5) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(6) (i) During the months of July through September, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or to 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(ii) During the months of October through June, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or to 5 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(7) Subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(8) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(9) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph.

(10) Subtract from the remaining pounds of skim milk in each class, beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (7) of this paragraph.

(11) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(12) Assign to the remaining pounds of skim milk in each class, beginning with Class I milk, the pounds of skim milk in:

(i) Receipts of fluid milk products from pool plants of other handlers not subject to a zone price differential;

(ii) Receipts of producer milk at the handler's pool plants not subject to a zone price differential;

(iii) Receipts of producer milk at the handler's pool plants to which a zone price differential is applicable equal to the pounds of skim milk disposed of in fluid milk products directly from these plants as Class I milk on routes outside the marketing area;

(iv) Receipts of fluid milk products from pool plants of other handlers not assigned pursuant to subdivision (i) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations; and

(v) Receipts of producer milk at the handler's pool plants, not assigned pursuant to subdivisions (ii) and (iii) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations.

(13) Any remaining pounds of skim milk in each class not assigned shall be known as "overage".

(c) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add the pounds of skim milk and butterfat in each class, pursuant to paragraphs (b) and (c) of this section.

21. Delete the proviso in § 990.30.

22. Delete paragraph (e) of § 990.31 and substitute therefor the following:

(e) Each regulated handler dumping pursuant to § 990.21(b)(3) shall give the market administrator such advance notice of intention to dump as the market administrator may require. For each dumping not witnessed by the market administrator or his agent each handler shall mail or deliver to the market administrator within 48 hours following such dumping a report in writing as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the product and the person authorized to sign reports for the handler made pursuant to § 990.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or superintendent shall be made on the report).

23. Delete paragraph (a) of § 990.40 and substitute therefor the following:

(a) *Class I price.* The Class I price shall be the New England basic Class I price per hundredweight determined pursuant to § 990.41 plus 54 cents.

24. In § 990.45 change the reference "§ 990.20" to "§ 990.22" and delete the period (.) at the end of the section and add the words "under any Federal order".

25. In paragraph (a) of § 990.46 change the reference "§ 990.24(b)(1)" to "§ 990.24 (b)(3) or (c)".

26. Delete paragraph (b) of § 990.46 and substitute therefor the following:

(b) Each pool handler who received other source milk (other than from a regulated plant) which is allocated to Class I pursuant to § 990.24 (b)(4) or (c) shall make payment on the quantity so allocated at the difference between the Class I and Class II price computed pursuant to § 990.40 for the zone location of the nonpool plant from which such milk was received: *Provided*, That for the purposes of this paragraph, other source milk received from dairy farmers for other markets shall be considered as received from the nonpool plant to which they ordinarily delivered.

27. Delete paragraph (c) of § 990.46 and substitute therefor the following:

(c) Each pool handler who receives other source milk which is allocated to Class I pursuant to § 990.24(b) (2) or (10) and the corresponding steps of (c) which milk is not classified and priced as Class I under the originating order shall make payment on the volume of such milk so allocated at the difference between the Class I price and the Class II price computed pursuant to § 990.40 for the zone location of the plant from which such other source milk was received.

28. Delete paragraph (d) of § 990.46 and substitute therefor the following:

(d) Each nonpool handler (except a producer-handler under any Federal order), operating an unregulated plant, who disposes of fluid milk products (other than certified milk or certified skim milk) in the marketing area on routes shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of such disposition which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order: *Provided*, That the same receipts of priced milk shall not be used to offset Class I sales in both this market and any other Federal order market.

29. Delete paragraph (e) of § 990.46 and substitute therefor the following:

(e) Each handler operating a regulated plant other than a pool plant shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of his Class I utilization (other than exempt milk) which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order.

30. Add a new § 990.47 to read as follows:

§ 990.47 Other Federal order plants.

Any plant qualifying for pooling under this and any other Federal order and which is fully regulated under such other Federal order notwithstanding its status under this order shall be exempt from the provisions of this order except as provided in §§ 990.30(b), 990.32 and 990.33.

30a. Add a new § 990.48 to read as follows:

§ 990.48 Pooling provisions for the period from the effective date of this amending order through June 1961.

During the period from the effective date of this amending order through June 1961 all of the conditions of pooling (plant, producer and dairy farmer for other markets) applicable to the period July through November shall be considered to have been met if such conditions are met for the period from the effective date of this amending order through November 1960.

31. In paragraph (c) of § 990.50 change the reference "§ 990.24(b)(10)" to "§ 990.24(b)(13)."

32. Delete paragraph (d) of § 990.50 and substitute therefor the following:

(d) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat, respectively, was allocated to Class II in the preceding month by the hundredweight of skim milk and butterfat, respectively, subtracted from Class I milk pursuant to § 990.24 (b)(8) and (c) for the month which is in excess of the hundredweight of skim milk and butterfat, respectively, allocated to Class II milk pursuant to § 990.24 (b)(10) and (c) during the preceding month and classified and priced as Class I under the provisions of another Federal order.

33. Delete the proviso as it appears in subparagraph (1) of § 990.60(a).

34. Delete subparagraph (2) of § 990.60 (a) and substitute therefor the following:

(2) On or before the 20th day after the end of each month, for the quantity of milk received during the month, at not less than the basic blended price per hundredweight computed pursuant to § 990.51 subject to the differentials provided in §§ 990.61, 990.62, and 990.63 less payments made to such producer pur-

suant to subparagraph (1) of this paragraph: *Provided*, That with respect to each deduction for hauling or for any other purpose made from such payment, the burden shall rest upon the handler making the deduction to prove that each deduction is authorized and properly chargeable to the producer: *And provided further*, That if by such date such handler has not received full payment from the market administrator pursuant to § 990.66 for such milk, he may reduce pro rata his payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date next following for making payment pursuant to this paragraph after receipt of the balance due from the market administrator.

35. In § 990.64 insert after the phrase "all payments made by handlers" the words "of monies due producers".

36. Delete the words "following that" as they appear near the end of paragraph (c) of § 990.67.

37. Delete § 990.68 and substitute therefor the following:

§ 990.68 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to § 990.46; and § 990.65 to § 990.70 shall be increased one-half of one percent on the 19th day of the month and on the same day of each month thereafter until such obligation is paid.

38. Delete the words "market administrator" as they first appear in paragraph (a) of § 990.69 and substitute therefor the word "Secretary".

39. Delete the word "20th" as it appears in paragraph (a) of § 990.69 and substitute therefor the word "16th".

40. Delete the phrase "as determined by the Secretary, which" as it appears in paragraph (b) of § 990.69 and substitute therefor the phrase "which the Secretary determines".

41. Delete the word "20th" as it appears in paragraph (b) of § 990.69 and substitute therefor the word "18th".

42. Delete the word "20th" as it appears in § 990.70 and substitute therefor the word "16th".

43. Delete paragraphs (a), (b) and (c) of § 990.70 and substitute therefor the following:

(a) Each pool handler shall make such payment with respect to all: (1) Receipts of producer milk including such handler's own production; (2) receipts of exempt milk; and (3) receipts of other source milk classified as Class I except receipts from fully regulated plants under another Federal order.

(b) Each handler operating a regulated plant other than a pool plant shall make such payment with respect to receipts of other source milk in his plant which are classified as Class I except receipts from fully regulated plants under another Federal order.

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make such payment with respect to any disposition of Class I milk in the marketing area on routes in excess of his receipts of pool milk or milk from fully regulated plants under another Federal order and classified and priced as Class I.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 26th day of August 1960, to be effective on and after the 1st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8086; Filed, Aug. 30, 1960; 8:50 a.m.]

[Milk Order No. 96]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 996.0 to 996.84 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 996.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to all of the handler's receipts, during the month, of milk from producers, of outside milk, of exempt milk processed at a regulated plant and to the quantity of his route disposition subject to payment under § 996.65(b).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 15, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued August 10, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 996.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Springfield, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Agawam.	Northampton.
Chicopee.	South Hadley.
Easthampton.	Springfield.
East Longmeadow.	Westfield.
Holyoke.	West Springfield.
Longmeadow.	Wilbraham.
Ludlow.	

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I pursuant to § 996.15(a) other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

§ 996.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2) or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order. However, in the application of this subparagraph to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November referred to in this subparagraph.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who during the month, operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means: (1) Any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any person who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph who is both a dairy farmer and a handler processing milk from his own production and distributing all or a portion of such milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area.

(1) His own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or

(2) His only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not in excess of two percent of own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph, any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person, shall be considered as a part of such person's supply of fluid milk products.

§ 996.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products, except that this definition shall not include any separate building, premises, equipment and facilities used primarily to hold or store packaged fluid milk products in transit on routes.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 996.20 and 996.21, except a pool plant under another Federal order or the plant of a producer-handler under any Federal order.

(f) "Distributing plant" means any processing and packaging plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and route disposition in the marketing area amounting to not less than 10 percent of such receipts or of receipts from dairy farmers.

(g) "Regulated plant" means: (1) Any pool plant, or (2) any distributing plant (other than the plant of a producer-handler under any Federal order) in any month in which the quantity of its route disposition in the marketing area is in excess of its route disposition in any other New England Federal marketing area.

(h) "Supply plant" means any receiving plant (other than a pool plant under the provisions of this or any other Federal order on the basis of its route disposition) from which fluid milk products are shipped to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this part but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 996.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk; or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

MARKET ADMINISTRATOR

§ 996.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 996.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 996.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 996.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 996.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 996.16 and 996.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk; (2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 996.16 Classification of fluid milk products moved to other plants.

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which it is assigned under §§ 996.25 and 996.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under another New England Federal order or the New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 996.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 996.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section.

(a) It is a distributing plant with a greater quantity of its route disposition in the marketing area than in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the Class I route disposition from the plant does not exceed 2 percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 30 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to regulated distributing plants.

§ 996.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any month in the period December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant in each of the preceding months of July through November, or if it would have been a supply-type pool plant in each of such months had it not been a pool plant under another New England Federal order and the market administrator has received the handler's written request for such automatic status for the plant on or before the 16th day of the month, unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this order;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this order than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for the month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it either has automatic pool plant status under another New England Federal order or makes a greater quantity of qualifying shipments of fluid milk products to regulated plants under another New England Federal order than to regulated plants under this order and meets all of the other applicable conditions and require-

ments for pool plant status under such other order.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant which would otherwise have automatic pool plant status for the month shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

(f) In the application of the supplementary pooling provisions for supply plants contained in this section to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period July through November in each instance in which the latter period is referred to in this section.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 996.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(c) Receipts from other handlers' regulated plants of packaged fluid milk products;

(d) Receipts from regulated plants under the Boston order of bulk fluid milk products classified as Class I milk under the Boston order;

(e) Receipts from other handlers' regulated city plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of outside the marketing area without being received at a city plant;

(g) Receipts from producers at the handler's city plant;

(h) Receipts from other handlers; regulated country plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers, in the order of the nearness of the originating plants to Springfield according to their zone locations;

(i) Receipts from producers at the handler's country plants not assigned pursuant to paragraph (f) of this section, in the order of the nearness of the plants to Springfield according to their zone locations;

(j) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraphs (e) and (h) of this section, in the order of the nearness of the originating plants to Springfield according to their zone locations;

(k) Receipts from other Federal order plants of bulk fluid milk products not assigned to Class I milk under paragraph (d) of this section, but classified and priced as Class I milk under the other Federal order or subject to such classification and pricing if assigned to Class I milk under this order. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has route disposition in an originating market, the receipts from such market shall take priority of assignment to any residual Class I use up to the total quantity of route disposition in such market by the handler;

(l) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (b), (d), and (k) of this section;

(m) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Springfield according to their zone locations; and

(n) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 996.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 996.25 shall be assigned to Class II milk.

REPORTS OF HANDLERS

§ 996.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 996.25 and 996.26;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 996.15 through 996.17.

§ 996.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 996.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 996.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 996.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 996.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 996.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 996.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

§ 996.40 Class I price at city plants.

The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 54 cents.

§ 996.41 Class II price at city plants.

The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 996.42 Country plant zone price differentials.

In the case of receipts at country plants, the prices determined pursuant to §§ 996.40, 996.41, and 996.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Springfield as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Springfield and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Springfield, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Springfield (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Springfield shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 996.44 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 996.45 Announcement of class prices.

The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 996.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0667, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

Blended Prices to Producers

§ 996.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 996.25 by the applicable prices pursuant to §§ 996.40 and 996.42;

(b) Multiply the quantities of milk received from producers assigned to Class II milk pursuant to § 996.26 by the applicable prices pursuant to §§ 996.41 and 996.42; and

(c) Add together the resulting value of each class.

§ 996.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 996.50 and the payments required pursuant to § 996.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 996.61(b) and 996.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 996.61, 996.62, 996.65, and 996.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 996.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 996.61 and 996.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 996.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the Act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 996.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

Payments for Milk

§ 996.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month.

§ 996.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 996.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§996.63 and 996.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 996.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 996.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 996.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61(b) and 996.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 996.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of this chapter.

§ 996.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 996.61(a) shall be subject to the differentials set forth in Column C of the table in § 996.42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following cities or towns, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

Massachusetts

Becket. Sandisfield.
Florida. Savoy.
Hinsdale. Washington.
Otis. Windsor.
Peru.

New Hampshire

Chesterfield. Westmoreland.

Vermont

Brattleboro. Newfane.
Dover. Putney.
Dummerston. Wilmington.
Marlboro.

(b) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, or Worcester Counties in Massachusetts, or in any of the following cities or towns, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

Connecticut

Ellington. Somers.
Enfield. Stafford.
Granby. Suffield.

New Hampshire

Hinsdale. Winchester.

Vermont

Guilford. Vernon.
Halifax. Whitingham.
Readsboro.

§ 996.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 996.25 (l) or (m), at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 996.25(n) at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the handler's regulated plant nearest to Springfield.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant with route disposition in the marketing area shall make payment at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset route disposition in this marketing area and in any other Federal marketing area.

§ 996.66 Deductions from payments to producers.

In making payments to producers as required by §§ 996.60 and 996.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 996.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 996.61, 996.62, and 996.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 996.68 Statements to producers.

In making the payments to producers prescribed by § 996.61(a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 996.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 996.66, 996.70, and 996.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

Marketing Services

§ 996.70 Marketing service deduction; nonmembers of an association of producers.

In making payments to producers pursuant to § 996.61(a), each handler shall, with respect to all milk delivered by each

producer other than himself during each month, except as set forth in § 996.71, deduct 3 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such monies shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 996.71 Marketing service deduction; members of an association of producers.

In the case of producers who are members of an association of producers which the Secretary determines is actually performing the services set forth in § 996.70, each handler shall, in lieu of the deductions specified in § 996.70, make such deductions from payments made pursuant to § 996.61(a) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 996.72 Payment of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition in the marketing area which is subject to payments under § 996.65(b).

OBLIGATIONS

§ 996.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 996.80 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 996.81.

§ 996.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 996.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 996.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected, pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 996.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D.C., this 26th day of August 1960, to be effective on and after the 1st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8067; Filed, Aug. 30, 1960; 8:51 a.m.]

[Milk Order No. 99]

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 999.0 to 999.84 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 999.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition subject to payments under § 999.65(b).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 15, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued August 10, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 999.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Worcester, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Auburn.	Oxford.
Boylston.	Paxton.
Charlton.	Princeton.
Clinton.	Rutland.
Dudley.	Worcester.
Fitchburg.	Shrewsbury.
Gardner.	Southbridge.
Grafton.	Spencer.
Holden.	Sterling.
Lancaster.	Sutton.
Leicester.	Upton.
Leominster.	Webster.
Lunenburg.	Westborough.
Millbury.	West Boylston.
Northborough.	Westminster.

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I pursuant to § 999.15(a) other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than

a plant shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

§ 999.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraph (1), (2) or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November except that the term shall not apply if all such nonpool milk was received at that plant and was considered as a receipt from a producer under another New England Federal order or represented receipts from own production by a producer-handler under any New England Federal order. However, in the application of this subparagraph to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period of July through November referred to in this subparagraph.

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who, during the month, operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means (1) Any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any handler who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph who is both a dairy farmer and a handler, processing milk from his own production and distributing all or a portion of such milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person, and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area:

(1) His own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or

(2) His only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not in excess of two percent of own farm production: *Provided*, That for the purpose of determining whether such person's sources and quantities of receipts meet the requirements of this subparagraph any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any New England Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such person shall be considered as a part of such person's supply of fluid milk products.

§ 999.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products, except that this definition shall not include any separate building, premises, equipment and facilities used primarily to hold or store packaged fluid milk products in transit on routes.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 999.20 and 999.21, except a pool plant under another Federal order, or the plant of a producer-handler under any Federal order.

(f) "Distributing plant" means any processing and packaging plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and route disposition in the marketing area amounting to not less than 10 percent of such receipts or of receipts from dairy farmers.

(g) "Regulated plant" means: (1) any pool plant, or (2) any distributing plant (other than the plant of a producer-handler under any Federal order) in any month in which the quantity of its route disposition in the marketing area is in excess of its route disposition in any other New England Federal marketing area.

(h) "Supply plant" means any receiving plant (other than a pool plant under the provisions of this or any other Federal order on the basis of its route disposition) from which fluid milk products are shipped to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this order but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 999.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" r ns milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the utterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstance completely beyond the handler's control, or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

MARKET ADMINISTRATOR

§ 999.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 999.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 999.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 999.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of his loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 999.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 999.16 and 999.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 999.16 Classification of fluid milk products moved to other plants.

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which it is assigned under §§ 999.25 and 999.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under another New England Federal order or the New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 999.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 999.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section.

(a) It is a distributing plant with a greater quantity of its route disposition in the marketing area than in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the Class I route disposition from the plant does not exceed 2 percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 30 percent of its total receipts of milk from dairy farmers is shipped as fluid milk products to regulated distributing plants.

§ 999.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any month in the period December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant in each of the preceding months of July through November, or if it would have been a supply-type pool plant in each of such months had it not been a pool plant under another New England Federal order and the market administrator has received the handler's written request for such automatic status for the plant on or before the 16th day of the month, unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this order;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a supply-type pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this order than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for the month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it either has automatic pool plant status under another New England Federal order or makes a greater quantity of qualifying shipments of fluid milk products to regulated plants under another New England Federal order than to regulated plants under this order and meets all of the other applicable conditions and requirements for pool plant status under such other order.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant which would otherwise have automatic pool plant status for the month shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

(f) In the application of the supplementary pooling provisions for supply plants contained in this section to operations prior to July 1, 1961, the period from the effective date of this amended order through November 1960 shall be substituted for the period July through November in each instance in which the latter period is referred to in this section.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 999.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(c) Receipts from other handlers' regulated plants of packaged fluid milk products;

(d) Receipts from regulated plants under the Boston order of bulk fluid milk products classified as Class I milk under the Boston order;

(e) Receipts from other handlers' regulated city plants of bulk fluid milk products, for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of outside the marketing area without being received at a city plant;

(g) Receipts from producers at the handler's city plant;

(h) Receipts from other handlers' regulated country plants of bulk fluid milk products, for which classification as Class II milk has not been requested by both handlers, in the order of the nearness of the originating plants to Worcester according to their zone locations;

(i) Receipts from producers at the handler's country plants not assigned pursuant to paragraph (f) of this section, in the order of the nearness of the plants to Worcester according to their zone locations;

(j) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraphs (e) and (h) of this section, in the order of the nearness of the originating plants to Worcester according to their zone locations;

(k) Receipts from other Federal order plants of bulk fluid milk products not assigned to Class I milk under paragraph (d) of this section, but classified and priced as Class I milk under the other Federal order or subject to such classification and pricing if assigned to Class I milk under this order. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has Class I route disposition in an originating market, the receipts from such market shall take priority of

assignment to any residual Class I use up to the total quantity of Class I route disposition in such market by the handler;

(l) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (b), (d), and (k) of this section;

(m) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Worcester according to their zone locations; and

(n) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 999.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 999.25 shall be assigned to Class II milk.

REPORTS OF HANDLERS

§ 999.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 999.25 and 999.26;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 999.15 through 999.17.

§ 999.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 999.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to, starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 999.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 999.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 999.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 999.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 999.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

§ 999.40 Class I price at city plants.

The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 54 cents.

§ 999.41 Class II price at city plants.

The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 999.42 Country plant zone price differentials.

In the case of receipts at country plants, the prices determined pursuant to §§ 999.40, 999.41 and 999.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Worcester as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Worcester and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Worcester, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Worcester (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Worcester shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 999.44 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for any other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 999.45 Announcement of class prices.

The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 999.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210 mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $0.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base Class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.2
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 999.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 999.25 by the applicable prices pursuant to §§ 999.40 and 999.42;

(b) Multiply the quantities of milk received from producers assigned to Class II milk pursuant to § 999.26 by the applicable prices pursuant to §§ 999.41 and 999.42; and

(c) Add together the resulting value of each class.

§ 999.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to §§ 999.50 and the payments required pursuant to § 999.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 999.61(b) and 999.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 999.61, 999.62, 999.65, and 999.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 999.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 999.61 and 999.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 999.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended prices by the differentials pursuant to § 999.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 999.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month.

§ 999.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 999.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 999.63 and 999.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 999.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 999.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 999.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61(b) and 999.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 999.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of this chapter.

§ 999.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 999.61(a) shall be subject to the differentials set forth in Column C of the table in § 999.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk Counties in Massachusetts, or in the towns of Brookline, Greenville, Hinsdale, Hollis, Mason, and New Ipswich in New Hampshire, or Vernon, Vermont, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 999.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 999.25 (l) or (m), at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 999.25(n) at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the handler's regulated plant nearest to Worcester.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant from which there is Class I route disposition in the marketing area shall make payment at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset Class I route disposition in this marketing area and in any other Federal marketing area.

§ 999.66 Deductions from payments to producers.

In making payments to producers as required by §§ 999.60 and 999.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 999.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 999.61, 999.62 and 999.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of one percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 999.68 Statements to producers.

In making the payments to producers prescribed by § 999.61(a), each pool handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 999.61(a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 999.66, 999.70 and 999.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 999.70 Marketing service deduction; nonmembers of an association of producers.

In making payments to producers pursuant to § 999.61(a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 999.71, deduct 3 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such monies shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 999.71 Marketing service deduction; members of an association of producers.

In the case of producers who are members of an association of producers which the Secretary determines is performing the services set forth in § 999.70, each handler shall, in lieu of the deductions specified in § 999.70, make such deductions from payments made pursuant to § 999.61(a) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 999.72 Payment of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant and to the quantity of his route disposition in the marketing area which is subject to payments under § 999.65(b).

OBLIGATIONS

§ 999.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 999.80 Effective time.

The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 999.81.

§ 999.81 Suspension or termination.

The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 999.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 999.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 999.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D.C., this 26th day of August 1960, to be effective on and after the 1st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8088; Filed, Aug. 30, 1960; 8:51 a.m.]

[Milk Order No. 119]

PART 1019—MILK IN THE CONNECTICUT MARKETING AREA

Order Amending Order

§ 1019.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, to insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 15, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued August 10, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

1. Delete paragraph (c) of § 1019.1 and substitute therefor the following:

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 1019.21(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

2. Delete paragraph (e) of § 1019.2 and substitute therefor the following:

(e) "Producer" means any dairy farmer (except a producer-handler under any Federal order a dairy farmer with respect to exempt milk delivered, or a dairy farmer who is a producer under another Federal order) who produces milk which is received during the month at a pool plant, or is diverted by a pool handler from a pool plant to a nonpool plant in accordance with subparagraph (1), (2) or (3) of this paragraph, if such pool handler, in filing the report required pursuant to § 1019.30, reports such milk as received from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted during any month of July through March, inclusive, on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(1) To a nonpool plant during any month of July through September on not more than 8 days (4 days in the case of every-other-day delivery) during such month.

(2) To a nonpool plant during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery) during such month.

(3) To a nonpool plant during any month of April through June if the dairy farmer producing such milk held producer status throughout the two months

immediately preceding such month and delivering all his pool milk to a pool plant(s) in the same zone location as the plant from which diversion is claimed: *Provided*, That this requirement shall not be applicable in the case of a dairy farmer whose milk is moved from the farm in a tank truck in which it is commingled with milk from other producers, the majority of which meet such requirement.

3. Delete paragraph (g) of § 1019.2 and substitute therefor the following:

(g) "Handler" means (1) any person who during the month operates a pool plant or any other plant from which fluid milk products are disposed of directly or indirectly in the marketing area, (2) any person in his capacity as a subdealer, vendor or peddler selling fluid milk products on routes from such plants, or (3) any association of producers with respect to the milk of any producer which it causes to be diverted to a nonpool plant for the account of such association under the conditions of § 1019.2(e).

3a. Insert immediately preceding the colon (:) at the end of the first proviso of § 1019.2(i) the words "and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area.

4. Insert the word "separate" immediately before the word "building" in the proviso of § 1019.3(a) and delete the words "or other milk products in finished form" as they appear in subparagraph (1) of such proviso.

5. Delete § 1019.3(c) and substitute therefor the following:

(c) "Pool plant" means (1) any receiving plant (except the plant of a producer-handler under any Federal order) from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of during the month within the marketing area on routes and not less than 50 percent of its total receipts of fluid milk products is disposed of during the month as Class I milk, unless the market administrator determines that such plant disposed of a greater porportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area;

(2) Except as provided in subdivision (i) through (iv) of this subparagraph any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which not less than 30 percent of its receipts of milk directly from dairy farmers is shipped during the month as fluid milk products to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant other than a pool plant:

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order or in any month in which it qualifies for pooling under another Federal order on the basis of shipments which exceed the shipments qualifying such plant for pooling pursuant to this subparagraph, unless such greater shipments are made to Boston regulated plants and the plant is designated as a nonpool plant under the Boston order for such month.

(ii) Any plant which was a pool plant pursuant to this subparagraph in each of the months of July through November or which held comparable supply-type pool plant status under one or another of the New England Federal orders in each month of such period but had the greater proportion of its producer receipts pooled under this order during such period shall be a pool plant in the immediately succeeding months of December through June, unless the operator thereof gives written notice to the market administrator on or before the 16th day of any such month that the plant is a nonpool plant for such month: *Provided*, That any such plant which was a nonpool plant in any of the months of July through November and for which nonpool status is requested for any month of December through June, or any plant which was a pool plant in each of such months of July through November, but which is operated as a nonpool plant under all of the New England Federal orders in any of the months of December through June shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph;

(iii) Any plant which was not a pool plant under this order during each of the months of July through November but which met the pooling requirements pursuant to this subparagraph in each of such months shall be a pool plant in any of the months of December through June, if written request for pooling status is made to the market administrator on or before the 16th day of such month and such plant is not a pool plant under another Federal order in such month, except that if such plant was a nonpool plant under all of the New England orders in any of the months of December through June it shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph;

(iv) Any plant which was a nonpool receiving plant under all of the New England orders during any of the months of July through November shall not be a pool plant in any of the months of December through June in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler plant.

6. Add a new paragraph (d) at the end of § 1019.3 to read as follows:

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater percentage of its Class I milk in another marketing area on routes.

7. Delete paragraph (g) (2) of § 1019.4 and substitute therefor the following:

(2) Received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month, if such receipt and return occurs during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control.

8. Delete the word "or" immediately preceding subparagraph (3) of § 1019.4 (g) and add the word "or" immediately following subparagraph (3) together with a new subparagraph (4) as follows:

(4) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

9. Delete paragraph (i) of § 1019.4 and substitute therefor the following:

(i) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

9a. In § 1019.12(k) delete the words "actual or potential".

10. Delete the word "and" immediately preceding subparagraph (b)(6) of § 1019.21 and add a new subparagraph (b)(7) immediately after subparagraph (b)(6) of § 1019.21 as follows: "and (7) contained in fluid milk products lost under extraordinary circumstances completely beyond the control of the handler, if such loss is substantiated by records satisfactory to the market administrator."

11. Insert at the end of § 1019.22(b) the words "under this or any other Federal order".

11a. In § 1019.22(e) add immediately following the words "except the plant of a producer-handler" the words "under any Federal order".

12. Delete § 1019.24(b) and substitute therefor the following:

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk received during the month in packaged fluid milk products from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk shrinkage allocated pursuant to § 1019.21(b)(5).

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(5) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in other source milk in the form of fluid milk products received during the month from other than fully regulated plants under the provisions of another Federal order.

(6) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(7) During the months of July through November, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(8) Subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(9) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(10) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(11) Subtract from the remaining pounds of skim milk in each class beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (8) of this paragraph.

(12) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (7) of this paragraph.

(13) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class.

(14) Add to the pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph.

(15) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in the producer milk of such handler subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in sequence beginning with Class II milk.

12a. Add a new paragraph (c) to § 1019.30 to read as follows:

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make reports at such time and in such manner as the market administrator may prescribe.

13. Delete subparagraphs (1) and (2) of § 1019.31(a), renumber subparagraph (3) as subparagraph (4), and substitute therefor the following:

(1) Within 5 days after a producer moves from one farm to another, starts or resumes delivery to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, in the case of a producer whose milk was directed to such pool plant by other than an association of producers, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries;

(2) Promptly after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, in the case of a producer whose milk was directed to such pool plant by other than an association of producers, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries;

(3) On or before the 8th day after the end of each month, with respect to other producers from whom milk was received during the month, such of the information specified in subparagraphs (1) and (2) of this paragraph as the market administrator shall request;

14. Delete § 1019.32 and substitute therefor the following:

§ 1019.32 Notices to producers.

(a) Within 7 days after the end of each sampling period for which a composite butterfat test of a producer's milk was determined, each pool handler shall give the producer written notice of such composite test.

(b) In making payments to producers prescribed in § 1019.60(a) each pool handler shall furnish each producer with a supporting statement of the information set forth in subparagraph (1) through (6) of this paragraph in such form that it may be retained by the producer: *Provided*, That in the case of producers for whom the handler makes payment to a cooperative association pursuant to § 1019.60(b), the information specified in subparagraphs (1), (2), and (5) of this paragraph shall be furnished by the handler to such cooperative association on or before the 14th day after the end of the month for which such payment is due:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of § 1019.60 (a);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

15. Delete the language of paragraph (b) of § 1019.42 preceding the table and substitute therefor the following:

(b) The zone price differentials for each plant shall be those applicable to its zone location as shown in the table at the end of this paragraph. For purposes of applying such zone price differentials, transfers of fluid milk products in bulk between pool plants shall be first assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1019.24(b) (1) to (12) and the comparable step in § 1019.24(c), for such plant: *Provided*, That where the transferee plant is not subject to a zone price differential such remaining Class II milk shall be reduced by an amount equal to five percent of Class I utilization at such plant or remaining Class II use, whichever is less, and any amount so subtracted shall be assigned to available direct receipts of producer milk at such transferee plant and then to transferor plants in sequence beginning with the plants nearest to Hartford. The assignment of remaining Class II milk to transferor plants shall be made in sequence according to the zone price differential applicable at each plant, beginning with the plant most distant from Hartford.

15a. Insert immediately preceding the period (.) at the end of § 1019.45 the words "under any Federal order".

16. In § 1019.46(a) change the reference "§ 1019.24(b)(2)" to "§ 1019.24(b)(4)".

17. In § 1019.46(b) insert immediately following the words "other source milk" the parenthetical phrase "(other than from a regulated plant)" and change the reference "§ 1019.24(b)(3)" to "§ 1010.24(b)(5)".

18. Delete paragraph (c) of § 1019.46 and substitute therefor the following:

(c) Each pool handler who receives other source milk which is allocated to Class I pursuant to § 1019.24(b) (2) or (11) and the corresponding steps of (c), which milk is not classified and priced as Class I under the originating order, shall make payments on the volume of such milk so allocated at the difference between the Class I price and the Class II price compiled pursuant to § 1019.40 for the zone location of the plant from which such other source milk was received.

19. Delete § 1019.46(d) and substitute therefor the following:

(d) Each handler (except a producer-handler under any Federal order) operating an unregulated plant who disposes of fluid milk products in the marketing area on routes from such plant shall make payment by the 19th day of the following month at the difference between the Class I price and the

Class II price computed pursuant to § 1019.40 for the zone location of his plant on the amount of such disposition (except packaged certified milk or packaged certified skim milk) which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order: *Provided*, That the same receipts of priced milk shall not be used to offset Class I sales in both this market and any other Federal order market.

19a. Add a new paragraph (e) to § 1019.46 to read as follows:

(e) Each handler operating a regulated plant other than a pool plant shall make payment at the difference between the Class I price and the Class II price for the zone location of his plant on the amount of his Class I utilization (other than exempt milk) which is in excess of his receipts of fluid milk products classified and priced as Class I milk under this or any other Federal order.

20. Delete § 1019.47 and substitute therefor §§ 1019.47 and 1019.48 to read as follows:

§ 1019.47 Other Federal order plants.

Any plant qualifying for pooling under this and any other Federal order and which is fully regulated under such other Federal order notwithstanding its status under this order shall be exempt from the provisions of this order except as provided in §§ 1019.30(b), 1019.33, and 1019.34.

§ 1019.48 Pooling provisions for the period from the effective date of this amending order through June 1961.

During the period from the effective date of this amending order through June 1961 all of the conditions of pooling (plant and producer) applicable to the period July through November shall be considered to have been met if such conditions are met for the period from the effective date of this amending order through November 1960.

21. In § 1019.50(c) change the reference "§ 1019.24(b)(12)" to "§ 1019.24(b)(15)".

22. Delete paragraph (d) of § 1019.50 and substitute therefor the following:

(d) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat respectively, was allocated to Class II in the preceding month, by the hundredweight of skim milk and butterfat respectively, subtracted from Class I milk pursuant to § 1019.24 (b)(9) and (c) for the month which is in excess of the hundredweight of skim milk and butterfat respectively, allocated to Class II milk pursuant to § 1019.24 (b)(11) and (c) during the preceding month and classified and priced as Class I under the provisions of another Federal order.

23. Delete the words "following that" as they appear near the end of § 1019.67.

24. Delete § 1019.68 and substitute therefor the following:

§ 1019.68 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1019.46, 1019.65, 1019.69, and 1019.70 shall be increased one-half of one percent effective the 22d day of such month and on the 22d day of each month thereafter until such obligation is paid.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 27th day of August 1960, to be effective on and after the 1st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8083; Filed, Aug. 30, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-172]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Positive Control Area and Modification of Positive Control Route Segments

On July 8, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6441) stating that the Federal Aviation Agency proposed to designate the Chicago, Ill.-Indianapolis, Ind., positive control area and to amend the definition of positive control route segments as contained in § 601.8001.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 601.8001 [Amendment]

1. In the text of § 601.8001 (14 CFR 601.8001), "The portions of Federal airways described in this subpart between 17,000 feet and 22,000 feet (mean sea level) inclusive, including all controlled airspace embraced within them, are designated as positive control route segments." is deleted and "The portions of Federal airways described in this subpart and their associated control areas between 17,000 and 22,000 feet MSL inclusive are designated as positive control route segments; the portions of positive control route segments which underlie positive control areas (Part 601, Subpart J) are designated to include the altitudes from 17,000 to, but not including, 24,000 feet MSL." is substituted therefor.

2. Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.9011 Positive control area (Chicago, Ill.,-Indianapolis, Ind.).

That airspace within the continental control area, from 24,000 feet MSL to flight level 350, bounded by a line beginning at:

Lat. 41°45'30" N., Long. 83°19'45" W, thence to Lat. 41°39'30" N, Long. 83°15'15" W, thence to Lat. 41°00'00" N, Long. 82°30'00" W, thence to Lat. 40°32'00" N, Long. 81°40'00" W, thence to Lat. 39°12'00" N, Long 81°25'00" W, thence to Lat. 38°40'00" N, Long. 82°00'00" W, thence to Lat. 37°51'00" N, Long 84°00'00" W, thence to Lat 37°40'00" N, Long. 87°30'00" W, thence to Lat. 39°45'00" N, Long. 88°11'00" W, thence to Lat. 40°18'00" N, Long 89°00'00" W, thence to Lat. 41°00'00" N, Long. 89°50'00" W, thence to Lat. 42°00'00" N, Long. 90°15'00" W, thence to Lat. 43°00'00" N, Long. 90°00'00" W, thence to Lat. 43°25'00" N, Long. 89°00'00" W, thence to Lat. 43°20'00" N, Long. 87°43'20" W, thence to Lat. 43°14'20" N, Long. 87°44'30" W, thence to Lat. 43°14'55" N, Long. 87°30'00" W, thence to Lat. 41°53'00" N, Long. 86°06'00" W, thence to the point of beginning.

These amendments shall become effective 0001 e.s.t. October 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

Issued in Washington, D.C., on August 24, 1960.

[F.R. Doc. 60-8048; Filed, Aug. 30, 1960; 8:45 a.m.]

[Airspace Docket No. 60-AN-9]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5540) stating that the Federal Aviation Agency proposed to modify the Kotzebue, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 601 (14 CFR Part 601) § 601.2480 is added to read:

§ 601.2480 Kotzebue, Alaska, control zone.

Within a 5-mile radius of the Wien Memorial Airport (Lat. 66°53'02" N, Long. 162°37'33" W), and within 2 miles either side of the 048° True bearing from the Kotzebue RBN extending from the 5-mile radius zone to a point 12 miles NE of the RBN.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (14 CFR 601.1984), "Kotzebue, Alaska: Wien Memorial Airport." is deleted.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 25, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8049; Filed, Aug. 30, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-53]

PART 608—RESTRICTED AREAS

Revocation of Restricted Area

The purpose of this amendment to Part 608 of the regulations of the Administrator is to revoke the Hammond Bay, Mich., Restricted Area (R-424) (Green Bay Chart).

The United States Department of the Air Force stated that they no longer have a requirement for Restricted Area R-424. Therefore, this area is unjustified as an assignment of airspace and revocation thereof will be in the public interest.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.30, the Hammond Bay, Mich., Restricted Area (R-424) (Green Bay Chart) (25 F.R. 4379) is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 25, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-8050; Filed, Aug. 30, 1960; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3915, 4631, and 7479), containing the specific requirements of the 1960-crop wheat price support program are hereby amended as follows:

Section 421.5047(b) *Basic county support rates* is amended to increase the basic county support rate for Chautauqua County, New York, from $1.88 per bushel to $1.89 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178, 15 U.S.C. 1441, 1421)

Issued this 26th day of August 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-8089; Filed, Aug. 30, 1960; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Drugs for Use in Milk-Producing Animals; Labeling

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), the following statement of policy is issued:

§ 3.18 Drugs for use in milk-producing animals; labeling.

(a) Section 146.14 of this chapter, covering certain antibiotic and antibiotic-containing drugs intended for use in milk-producing animals, applies only to preparations containing antibiotics subject to certification under section 507 of the Federal Food, Drug, and Cosmetic Act and is intended to prevent contamination of milk. The public-health factors involved, however, apply equally to any articles administered to milk-producing animals, even though those articles are not antibiotics subject to certification.

(b) The Food and Drug Administration considers that non-certifiable antibiotics and other potent drugs, as well as any preparation containing these, if labeled with directions for use in milk-producing animals, will be misbranded under section 502(f)(2) of the act unless their labeling bears appropriate warnings to avoid uses that would result in contamination of milk.

(c) It is the position of the Food and Drug Administration that the labeling for such preparations should bear a clear warning that either:

(1) The article should not be administered to animals producing milk, since to do so would result in contamination of the milk; or

(2) The label should bear a warning that the milk should be discarded for ------ hours after the latest use, the blank to be filled in with the number of hours (not to exceed 96) that the manufacturer has determined by appropriate investigation is needed to insure that the milk will not carry residues resulting from use of the preparation. If the use of the preparation as recommended does not result in contamination of the milk, neither of the above warning statements is required.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371. Interprets or applies sec. 502(f), 52 Stat. 1051; 21 U.S.C. 352(f))

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

Dated: August 25, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8141; Filed, Aug. 30, 1960; 8:53 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Dimethyl S-4-oxo-12,3,-Benzotriazin-3 (4H)-Ylmethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by The Chemagro Corporation, P.O. Box 4913, Kansas City, Missouri, requesting the establishment of tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl phosphorodithioate in or on grapes at 7.5 parts per million. The petitioner later amended the petition to request a tolerance of 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3, 120.154) are amended as indicated below:

§ 120.3 [Amendment]

1. Section 120.3 *Tolerances for related pesticide chemicals*, is amended as follows:

Paragraph (e)(5) is amended by deleting the fourth item, "*O,O*-dimethyl *S*-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate" and substituting therefor "*O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl phosphorodithioate".

2. Section 120.154 is amended by replacing the chemical name, *O,O*-dimethyl *S*-(4-oxo-1,2,3-benzotriazinyl-3-methyl) phosphorodithioate, with *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl phosphorodithioate, to bring the chemical name into conformity with the American Chemical Society designation, and by adding a tolerance of 5 parts per million on grapes. As amended, § 120.154 reads as follows:

§ 120.154 Tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl phosphorodithioate.

Tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl phosphorodithioate in or on raw agricultural commodities are established as follows:

(a) 5 parts per million in or on grapes.

(b) 2 parts per million in or on apples, apricots, broccoli, cabbage, cauliflower, cherries, crabapples, nectarines, onions, peaches, pears, plums (fresh prunes), quinces, strawberries.

(c) 0.5 part per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 24, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8061; Filed, Aug. 30, 1960; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Antibiotics for Use in Milk-Producing Animals; Labeling

In re: Certifiable antibiotic drugs intended for use in milk-producing animals; warning requirement to prevent milk taken from such animals from entering the milk supply.

Having considered the data and comments submitted with reference to the notice of proposed rule making in the above-entitled matter published in the FEDERAL REGISTER of April 12, 1960 (25 F.R. 3140), the Commissioner of Food and Drugs has concluded that in order to safeguard the public health, milk from animals treated with certifiable antibiotic drugs (other than those for intramammary application covered by § 146.1(k) and other antibiotic regulations) should not be used for human consumption until the specified number of hours has elapsed since the last such treatment with such drugs. Therefore, pursuant to the provisions of section 507(f) of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463, as amended, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; 21 U.S.C. 357(f)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611); *It is ordered*, That Part 146 be amended by adding thereto the following section:

§ 146.14 Antibiotic and antibiotic-containing drugs intended for use in milk-producing animals; labeling

Whenever the labeling of an antibiotic drug included in the regulations in this chapter suggests or recommends its use in milk-producing animals, the label of such drugs shall bear either the statement "Warning: Not for use in animals producing milk, since this use will result in contamination of the milk" or the statement "Warning: Milk taken from treated animals within—hours after the latest treatment must not be used for food", and the blank has been filled in with the figure, which shall not be greater than 96, that the Commissioner has authorized the manufacturer of the drug to use. The Commissioner shall determine what such figure shall be from information submitted by the manufacturer and which the Commissioner considers is adequate to prove that period of time after the latest treatment that the milk from treated animals will contain no residues from use of the preparation. If the use of the antibiotic drug as recommended does not result in its appearance in the milk neither of the above warning statements is required.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER, unless it is stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 507(f), 59 Stat. 463, as amended; 21 U.S.C. 357(f))

Dated: August 25, 1960.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8140; Filed, Aug. 30, 1960; 8:53 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

List of Exempt Raw Materials

In § 1453.2, paragraph (b) *Raw materials* is amended by changing the list in subparagraph (3)(ii) in the following respects:

1. Change "Mesothorium" to read "Mesothorium bromide."

2. Change the entry pertaining to tungsten to read as follows:

Tungsten ores and concentrates; sodium tungstate, tungstic acid, and tungstic oxide; tungsten in the form of powder, bar, or malleable rod; ferro-tungsten.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 26, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-8073; Filed, Aug. 30, 1960; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Definitions

In § 17.30, paragraph (l) is amended to read as follows:

§ 17.30 Definitions.

* * * * * *

(l) *Medical services.* "Medical services" includes, in addition to medical examination and treatment, optometrists' services, dental and surgical services, and dental appliances, wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies as the Administrator determines to be reasonable and necessary.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 31, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-8074; Filed, Aug. 30, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2169]

UTAH

Modification of Grazing District Boundaries; Utah Grazing Districts Nos. 3, 4, 5, 7 and 11

Correction

In F.R. Doc. 60-7384, appearing at page 7495 of the issue for Tuesday, August 9, 1960, the following correction is made in the land description under item 7:

In the center column of page 7497, that portion of the description which begins with the line reading "Sec. 16, unsurveyed;", and ends with the line reading "Secs. 1 to 36, inclusive." is a duplication of the matter immediately preceding it, and should be deleted.

[Public Land Order 2195]

[1353708]

WYOMING

Partially Revoking Certain Withdrawals for Reclamation Purposes (Kendrick Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of October 2, 1929, October 13, 1933, and November 2, 1936, reserving lands for reclamation purposes in connection with the Kendrick Project in Wyoming, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 84 W.,
Sec. 27, NW¼SW¼;
Sec. 31, NE¼, N½NW¼, and N½SE¼;
Sec. 32, N½, N½SE¼, and SE¼SE¼;
Sec. 33, NE¼, SW¼, N½SE¼, and SW¼SE¼.
T. 25 N., R. 85 W.,
Sec. 2, NW¼NW¼, (lot 4);
Sec. 3, N½, SW¼, and W½SE¼;
Sec. 10, W½NE¼, NW¼, N½SW¼, SE¼SW¼, S½SE¼, and NW¼SE¼;
Sec. 11, S½SW¼;
Sec. 13, SW¼NE¼, S½NW¼, and S½;
Sec. 14, NW¼NE¼, S½NE¼, W½, and SE¼.
T. 26 N., R. 85 W.,
Sec. 35, N½NW¼ and W½SW¼.

The areas described total 3600 acres.

2. The lands are located about 30 miles northeast of Rawlins, Wyoming, in Carbon County. The vegetative cover presents a bitterbrush aspect with some scattered scrub pine trees. The principal forage species are blue bunch wheatgrass, bluestem wheatgrass, and fescue. Soils of the area are shallow, rocky, mountain soils of igneous origin. The topography is sharply rolling to steep, and the elevation is about 8,000 feet.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations under the public land laws in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager named below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on February 23, 1961, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws other than from the State of Wyoming presented prior to 10:00 a.m. on September 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws. They shall be open to location under the United States mining laws at 10:00 a.m. on February 23, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1960.

[F.R. Doc. 60-8058; Filed, Aug. 30, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 48]

TAX ON SALE OF JEWELRY AND RELATED ITEMS, FURS, TOILET PREPARATIONS, LUGGAGE, HANDBAGS, ETC.

Notice of Public Hearing

Proposed regulations under sections 4001 through 4031 of the Internal Revenue Code relating to jewelry and related items, furs, toilet preparations, and luggage, handbags, etc., were published in the FEDERAL REGISTER for July 22, 1960.

A public hearing on these proposed regulations will be held on Thursday, September 15, 1960, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by September 12, 1960.

[SEAL] E. H. HATFIELD,
Acting Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 60-8062; Filed, Aug. 30, 1960; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 165]

FISHING VESSEL MORTGAGE INSURANCE PROCEDURES

Definition of "Actual Cost" of a Vessel

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Act of July 5, 1960 (PL 86-577) and Title XI of the Merchant Marine Act of 1936 as amended (46 U.S.C. 1271-1279), it is proposed to amend 50 CFR 165.2(g) as set forth below. The purpose of this amendment is to clarify the definition of "actual cost" of a vessel for the purposes of obtaining fishing vessel mortgage insurance. The Act of June 12, 1960 (PL 86-516) provided that a construction differential subsidy may be paid by the Secretary of the Interior under certain conditions for the construction of a fishing vessel and that certain defense costs connected with this same construction could be paid by the Department of Defense. This amendment changes the definition of "actual cost," on which the amount of mortgage insurance may be based, so as to exclude any costs paid by any Government Agency.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Commercial Fisheries, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

As so amended paragraph (g) of § 165.2 reads as follows:

§ 165.2 Definitions.

• • • • •

(g) *Actual Cost.* The term "actual cost" of a vessel as of any specified date means the aggregate as determined by the Secretary of (1) all amounts paid by or for the account of the mortgagor or borrower on or before that date, and (2) all amounts which the mortgagee is then obligated to pay from time to time thereafter under a contract or contracts for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of the vessels, provided such contract or contracts shall include, in addition to profit, only those items customarily included in such contract or contracts as contractor's items of cost, except where the Secretary finds that those charges are unfair or unreasonable; provided, however, that if any portion of the cost of the vessel is paid by any Government Agency as a subsidy, or otherwise, the amount of such payment will not be included in the "actual cost" as determined by the Secretary.

FRED A. SEATON,
Secretary of the Interior.

[F.R. Doc. 60-8057; Filed, Aug. 30, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO-257-A5]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Shreveport, Louisiana, on April 19-20, 1960, pursuant to notice thereof issued on July 29, 1960 (25 F.R. 2859).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 29, 1960 (25 F.R. 7284; F.R. Doc. 60-7199) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Revision of the definitions of supply plant and distributing plant;
2. Designation of producers' cooperative associations as handlers for the delivery of bulk tank milk of member producers;
3. Filing reports of receipts and utilization;
4. Class I price; and
5. Rules for transfer of producer bases.

Findings and conclusions. The following findings and conclusions of the material issues are based on evidence presented at the hearing and the record thereof:

1. *Plant definitions.* The definition of supply plant should be amended to provide that a supply plant in any month is any plant from which Grade A milk and skim milk is received at a distributing plant in an amount equal to a daily average of not less than 5,000 pounds.

Under the present provisions of the order a plant may qualify as a supply plant by shipping, in any of the months of July through February, to distributing plants on ten or more days or an amount equal to a daily average of not less than 8,300 pounds. During the months of March through June, any Grade A milk or skim milk shipped to a distributing plant qualifies a plant as a supply plant.

The proponent cooperative association proposed that the supply plant definition be revised to provide that any plant in any month be required to ship to a distributing plant and have allocated to Class I at least 100,000 pounds of Grade A milk or skim milk.

The Northern Louisiana market has not had supply plants regularly associated with the market. During the past five years there have been only a few occasions when a plant has so qualified. Starting in 1960, however, the Northern Louisiana Pure Milk Producers' Association, Inc., representing most of the producers in this market, equipped a plant to function as a supply plant. This plant was so qualified during the months of March and April 1960. The function of this plant is to provide efficient distribution of producer milk among distributing plants in the market. This market seldom has an excess supply of producer milk on a week-to-week basis. The increased distribution of fluid milk products through stores increases the demand for such products during the end of the week. Correspondingly, the demand for producer milk the first part of the following week decreases. The cooperative association is using the holding tank facilities of their plant to prevent unnecessary movements of producer milk

out of the market and of other source milk into the market. In the past, the cooperative has moved producer milk to nonpool plants on Sunday and Monday only to discover that by Wednesday or Thursday of the same week, it was necessary for the cooperative association to import other source milk to fulfill its contractual obligations to handlers operating distributing plants.

The cooperative association should not be required to assume the responsibilities, obligations and expense of a regulated plant except when it actually handles a significant quantity of producer milk through its plant. Furthermore, such a plant should become a supply plant by meeting a single standard of qualification. This standard should represent a substantial quantity of its member producer milk received at the plant and then moved to distributing plants. A standard requiring a supply plant to ship during the month an amount of Grade A milk or skim milk equal to a daily average of not less than 5,000 pounds will accommodate the present marketing conditions in this area not only with respect to the plant operated by the cooperative association but any other plant that may from time to time ship milk to distributing plants in the market.

The proposal to amend the definition of distributing plant should not be adopted. Presently, the definition excludes plants from which an average of 1,500 pounds or less per day, or less than four percent of the Grade A milk received from producers and from other plants, is distributed in the marketing area. The proposed definitions would include all plants from which any milk is distributed in the marketing area. This proposed definition is the same as one that was considered in a previous hearing and rejected in the decision issued June 5, 1956 (21 F.R. 3967). With respect to this issue, circumstances have changed but little.

The purpose of the proposal is to bring under full order regulation all handlers who operate plants from which any Class I products are distributed in the marketing area. For some time two partially regulated handlers have operated in a few small towns in the northeastern and southeastern parts of the marketing area. The other is a larger operator whose plant is outside the area and whose sales within the area are a very small part of the total distribution from this plant. One major regulated handler competes with these partially regulated handlers. The regulated handler contends that he is at a disadvantage because the partially regulated handlers are not subject to order prices and assessments. But, the data do not show that competitive relations and conditions in this part of the area have materially affected the marketing of producer milk. In fact, witnesses testified that sales in the area by these partially regulated handlers were less in 1959 than in 1958 and less in March 1960 than in March 1959; while total Class I sales in the northwest Louisiana marketing area, as reported by the Louisiana Department of Agriculture, were six or seven percent greater in 1959 than in 1958. Also, it appears from the testimony that the buying prices of these handlers are not much different from what they would be under complete order regulation.

It is concluded that the evidence does not justify extending the scope of the order by the inclusion of the plants of these handlers in the category of fully regulated plants. One of these handlers vigorously opposed this proposal on grounds that most of his Class I sales were made in competition with unregulated distributors outside the marketing area. Under the circumstances complete order regulation would be unreasonable. One purpose of the distributing plant provision is to place reasonable limits to the scope of regulation; and existing circumstances constitute no basis for its modification at this time.

2. *Designation of a cooperative association as a handler.* The proposal to designate a cooperative association as a handler on the bulk tank milk which it delivers to a distributing plant and to make conforming changes with respect to shrinkage and other order provisions should be denied. The proponent handler testified that the issue with respect to this proposal is the accounting for producer milk received by handlers in tank trucks. Presently, the plant handler is required to account for such milk on the basis of individual farm weights and tests. If the cooperative is designated the receiving handler of bulk tank member milk, the plant handler would then be able to receive such milk from the association on tank load weights and tests.

The drivers of the tank trucks are licensed by the State of Louisiana as milk sampler-weighers. Periodic checking of all drivers by the State Department of Agriculture and by representatives is carried out. No serious problem appears to have arisen with respect to milk movements on tank trucks and any dissatisfaction in regard to weights and tests have thus far been satisfactorily adjusted. Moreover, variances between the aggregate farm weights and tests and the weights and tests of tank loads received at fluid milk plants have not been great. In no instance has there been evidence to indicate a greater shrinkage with respect to the receipt of bulk tank milk than the allowable shrinkage on producer milk or even of any greater loss on bulk tank milk received on "stick" weights than in milk received in cans.

The essential reason for denying the proposal, however, is that the cooperative association was not shown to have sufficient responsibility in delivering bulk tank milk to handlers' plants. The hauling is done by licensed haulers under contract with individual producers. The association operates no trucks but merely directs the delivery of milk for its member producers. It has no arrangements with contract haulers that vests it directly with any control and responsibility for problems of the hauling function. The licensed haulers are in effect responsible to the individual producers and handlers for skillful performance of this service including the measuring and sampling of the milk. Since the association has not taken the responsibility for hauling the milk, it is not appropriate to require it to take responsibility for accounting for such milk under the order program.

3. *Filing reports of receipts and utilization.* The proposal requiring handlers' reports of receipts and utilization to be mailed on or before the 5th day after the end of each month should be adopted with provision for delivery of such reports to the market administrator by messenger not later than the 7th day after the end of each month.

The present order provides that each handler shall report on or before the 7th day after the end of each month without reference to the method by which delivery is made. Producer testimony indicated that with the expanded marketing area reports which are mailed should be postmarked on or before the 5th day in order to insure their receipt on or before the 7th day after the end of each month. It was also stated that a large percentage of handlers are currently reporting to the market administrator by the 5th day at the present time and that this requirement would not be onerous to handlers. Adoption of this proposal would facilitate the payroll operations of the producers' association in that it would permit payment to member producers on an earlier date.

In view of this advantage to producers and the apparent reasonableness of the 5th as the deadline date for mailing, it is concluded that this proposal should be adopted.

4. *Class I price.* Class I price differentials in § 966.51(a) should be changed to a uniform monthly differential equal to the 12 months average of the present seasonal differentials. But the differential of $2.40, presently effective in the period July 1 through February, should remain in effect until March 1, 1961. Other proposed changes should not be adopted.

The Northern Louisiana Pure Milk Producers' Association proposed that the Class I differential be uniform in all months and that such differential be $2.65. The monthly average of the present seasonal differentials is $2.27. The association's proposal would raise the level of Class I prices 38 cents. This was a modification of their original proposal which was for a uniform monthly differential of $2.45 in the Shreveport sector of the area and $2.65 in the Monroe sector. But in hearing testimony they emphasized a uniform monthly differential, applicable throughout the area, that would raise the Class I price level.

Producers favor a uniform monthly differential, because they object to the reduction in milk values in the base operating months, and believe that reduced seasonal prices to handlers result in no expansion of sales and compensatory returns to producers from higher Class I utilization of receipts. The association's witness pointed out that seasonal variation in production is not great, and that seasonal excess milk is not a handler problem in the market. It does not burden handlers, since producers, through the association, dispose of excess milk to outside manufacturing plants. Monthly data for 1959 show no real seasonal

fluctuation in average daily delivery per producer. January was the low month with 93 percent of the average. September was the high month with 110 percent of the average. Producers testified that under the circumstances the base-excess plan, in itself, furnishes sufficient incentive for even production; and that a uniform monthly Class I price differential would tend to enhance its effect.

From the foregoing it is concluded that supply conditions do not justify continuation of seasonal Class I price differentials. With respect to demand there is no evidence that Class I utilization by handlers would be adversely affected by elimination of seasonal differentials. It would, of course, increase the cost of milk to handlers in certain months and lower it in other months. But handlers gave no evidence that such adjustment in the price would have much effect on competitive relations in sales territory outside the marketing area. Data presented by proponents tended to show that prices paid by unregulated competitors in outside sales areas tend to vary less seasonally than present order prices. The same may be said in general with respect to prices paid by handlers under other Federal orders, effective in surrounding areas. In two or three of these markets the seasonal variation in this differential is much less than here, and in other cases such variation has been removed, or its removal has been advocated in recent hearings. It is concluded that the substitution in this order of a uniform monthly Class I price differential for the present seasonal differentials would be appropriate.

The more important Class I price question is what the uniform monthly differential should be. As noted above producers proposed that it should be $2.65, which would raise the level of the Class I price 38 cents. Handlers generally opposed any change in the differential provision that would raise the level of the Class I price. The only exception was a handler proposal to increase the Class I price 20 cents for milk received by plants in the Monroe sector of the area. But the witness for the cooperative association, whose members supply most of the producer milk received by plants in the area, questioned the soundness of this proposal and testified that the association is prepared to continue to supply member milk to plants in the Monroe sector at the same price as to other area plants.

The association's witness based his case for a substantially higher Class I price level on the fact that in several months the supply of producer milk has been insufficient to meet in full the plant requirements for Class I products; and in these months, supplemental receipts from other sources were more costly to handlers than producer milk. It was shown that if handlers were entirely dependent upon producer milk, there would need to be approximately 10 percent more producer milk than is now available. It was also shown that, while supplies of producer milk have steadily increased, the rate of growth only moderately exceeds that of plant demand. It was argued that, for an adequate reserve supply of producer milk, the Class I price must be advanced sufficiently at least to prevent a reduction in producer prices from lower Class I utilization. On the basis of these observations it was contended that the Class I price differential should be raised to $2.65 per hundredweight in order to attract an adequate supply of producer milk.

It was not claimed, however, that the market is actually short of milk, or that the market is presently less well supplied with producer milk than it has been in the past. The trade has always depended more or less upon milk from other sources, and basic market supply conditions and relations have not changed very much in recent years. But it is significant that annual receipts of producer milk have increased from about 112½ million pounds in 1957 to over 148¾ million pounds in 1959. Class I milk increased from about 114½ million pounds in 1957 to 146½ million pounds in 1959. In relation to Class I milk producer milk has become somewhat more plentiful. The calculated ratios of producer milk to marketwide Class I utilization, as shown in the data, was 98.1 percent in 1957, 98.6 percent in 1958 and 101.5 percent in 1959. But these percentages somewhat understate the increase in producer milk in relation to Class I utilization. In 1957 and 1958, some cooperative member milk was reported and included in the supply figures as associated producer milk, while in 1959, most of such supply was sold "off the market" and not reported as producer milk.

Increased supply of producer milk in 1959 substantially reduced the volume of other source milk utilized in Class I products—only about 2⅓ million pounds in 1959 in comparison with more than 4 million pounds in 1958 and 4½ million pounds in 1957. Obviously the market depends very little upon other source supply. The average fat test of such supply in 1959 was less than one-half percent, indicating that a large proportion of other source receipts was nonfat solids. The relatively small amount of fresh whole milk needed to supplement producer milk was procured mostly from a plant under the regulation of the North Texas marketing area, where supplies have become available to the Northern Louisiana trade, at prices that appear to be in reasonable alignment with prices in this area. In this connection, it may be observed that since prices here were last reviewed there has been no material change in price and trade relations with other regional trade areas.

From the foregoing review of data and testimony concerning Class I prices it is concluded that there should be no change in the average monthly Class I differential; but that it is unnecessary to make such average differential effective when it would, in effect, reduce the Class I price below that presently provided for fall and winter milk. Hence, the average Class I price differential should not become effective until March 1, 1961. Such provision would avoid reducing returns to producers during the ensuing fall and winter months when, in planning production, producers have undoubtedly anticipated that prices would be no less than the order presently provides.

5. *Transfer of bases.* The proposal to modify the base rules regarding transfer of producer bases should be adopted.

The order presently provides that if a base is transferred to a producer already holding a base, a new base be computed by adding together the producer milk deliveries of the transferee and transferor during the base-forming period and divide the total by the number of days from the first day of delivery by either transferee or transferor during the base-forming period to the last day of such period but not less than 90.

The modification of the base rule provisions, as recommended herein, provides that the transfer of a base from one producer to another be computed by dividing the total volume of milk delivered by the transferor and transferee by the number of days of production, adjusted for overlapping days of production, received at fluid milk plants from both producers during the base-forming period, but by not less than 90. This revision of the order with respect to the transfer of bases will result in a total transferred base more accurately reflective of the deliveries of milk by the two producers. Therefore, the proposal should be adopted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northern Louisiana Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Northern Louisiana marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 25th day of August 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area

§ 966.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 966.8 and substitute:

§ 966.8 Supply plant.

Supply plant means any plant from which during the month Grade A milk or skim milk in an amount equal to a daily average of not less than 5,000 pounds is moved to and received at a plant(s) described pursuant to § 966.7.

2. Amend that portion of § 966.30 which precedes paragraph (a) to read as follows:

§ 966.30 Reports of receipts and utilization.

By mailing on or before the 5th day after the end of each month, or by delivery not later than the 7th day after the end of the month, each handler (except a producer-handler) shall report to the market administrator in detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:

§ 966.51 [Amendment]

3. Amend § 966.51(a) to read as follows:

(a) *Class I milk price.* The minimum price through February 28, 1961, shall be the basic formula price for the preceding month plus $2.40 and for each month thereafter plus $2.27.

§ 966.82 [Amendment]

4. Amend § 966.82(b)(1) to read as follows:

(b)(1) If a base is transferred to a producer already holding a base, a new base shall be computed for the transferee by dividing the total volume of milk delivered to handlers by both producers during the base-forming period by the total number of days of production delivered by both producers during the base-forming period, but not less than 90: *Provided,* That for the purpose of this section, any day on which both the transferor and transferee delivered milk to handlers shall be considered as the delivery of one day of production in computing a new transferee base pursuant to this section.

[F.R. Doc. 60-8064; Filed, Aug. 30, 1960; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 977]

[Docket No. AO-183-A7]

MILK IN PADUCAH, KY., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Paducah, Kentucky, on July 12, 1960, pursuant to notice thereof issued on June 22, 1960 (25 F.R. 5883).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 12, 1960 (25 F.R. 7887; F.R. Doc. 60-7685), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of the record relate to: (1) Expansion of the marketing area, (2) Class I price, (3) provision for marketing service deduction and (4) miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Paducah, Kentucky, marketing area should be expanded to include Christian County, Kentucky (except that portion within the Fort Campbell Military Reservation). Christian County is contiguous to the present Paducah marketing area and forms an integral part of the sales area of regulated handlers. The health requirements in the county, as they pertain to the distribution of Grade A milk, are similar to those in effect in the present marketing area.

Expansion of the marketing area was requested by the Paducah Graded Milk Producers' Association and by two handlers with plants in Christian County

which handlers would be the only two affected by the expansion. It is expected that their plants would become fully regulated. The proponent unregulated handlers distribute milk in competition with handlers regulated by the Paducah and Ohio Valley milk orders and are partially regulated by both of such orders.

Although the primary distribution area of these unregulated handlers is Christian County, they both distribute substantial quantities of fluid milk in the present marketing area. Distribution by one of these handlers, the Model Pure Milk Company, is such that a small decrease in such handler's plant receipts or a small increase in his distribution in the present marketing area would subject him to full regulation by the Paducah order. As partially regulated handlers under the Paducah and Ohio Valley orders, and in a situation where minor changes in their marketing practices may subject them to full regulation, these two proponent handlers do not have the assurance of stabilized pricing and orderly marketing as is provided fully regulated handlers. The expansion of the marketing area to Christian County would subject their entire operation to full regulation and would provide the same stabilized prices and marketing conditions as are provided fully regulated handlers.

The expansion of the marketing area was also favored by the Paducah Graded Milk Producers' Association which cooperative supplies fluid milk to the two Christian County handlers as well as to presently regulated handlers. The proposal was unopposed at the hearing.

2. The Class I price should be increased 10 cents per hundredweight in the months of September through November 1960.

Paducah, Kentucky, is located midway between St. Louis, Missouri and Memphis, Tennessee. Paducah draws its milk supply from several Kentucky and Tennessee Counties where farms supplying the Memphis market are located. Therefore, when the Memphis price is high relative to the Paducah price, the milk supply tends to shift from Paducah to Memphis.

A change this year in the seasonal pattern of pricing in the Memphis market has created a wide difference in certain months between prices paid producers in that market and prices paid Paducah producers. Although there were no instances of actual transfers from Paducah to Memphis reported at the time of the hearing, the continuation of present price differences probably will induce some producers to change to Memphis. Some such transfers are expected to take place September 1 when new producers may begin making bases on the Memphis market.

All of the producers now associated with the Paducah market (or a source of milk in an equivalent amount) are needed to supply the fluid milk product sales of handlers in that market. In 1959 more than 90 percent of all milk delivered by producers was classified in Class I in each month except May and June when the percentage dropped only to 89.

The relatively high percentage of producer milk in Class I is due to the large quantity of Class I sales made by Paducah handlers both inside and outside the marketing area. The loss of any part of such Class I sales would reduce the prices paid Paducah producers since milk produced to supply such fluid uses would become surplus and return only the Class II price.

Paducah producers can lose some of their Class I sales through two means. Handlers buying from them may reduce their purchases and supply out-of-market sales from other sources. Handlers who do not purchase milk from Paducah producers may increase their sales in the Paducah marketing area. The incentive for actions by handlers which would bring about such loss of sales is provided by relative levels of Class I prices. Therefore, although it is important to consider Memphis prices as they affect the competition in the procurement of milk in the areas between Paducah and Memphis, it is even more important to consider the alternatives which handlers may have in supplying the Class I market which Paducah producers now supply.

Alternative supplies of milk for this Class I market are located primarily in markets to the north of Paducah. The Suburban St. Louis market is particularly important in this respect. Therefore the Class I price in the Paducah market must be kept in line with the price in Suburban St. Louis.

The Suburban St. Louis Class I price is established by a formula which adds $1.30 (annual average) to a basic formula value and the resulting price is adjusted also to reflect levels of supply relative to Class I sales in the St. Louis and in the Chicago markets. The combination of such supply-demand adjusters resulted in an 8-cent reduction in the Suburban St. Louis Class I price in July 1960.

The Class I price formula in the Paducah order now provides for adding $1.30 (annual average) to the basic formula value. The Paducah price formula contains no supply-demand adjuster.

There are plants which are subject to the Suburban St. Louis order which are located within 70 to 130 miles of Paducah which could be used to supply the Paducah market. If the average annual level of milk prices in Paducah were to rise more than about 10 cents above the Suburban price, certain handlers would find it more advantageous to purchase Class I milk in the Suburban St. Louis market rather than in Paducah. The St. Louis market which also draws milk from the same area supports a price 10 cents higher than the Suburban price. Therefore, even with the supply-demand adjuster reducing the Suburban St. Louis Class I price by 8 cents the Paducah price is not too high presently relative to that price. In fact, a small increase is appropriate.

The seasonal pattern of prices varies in Paducah as compared to Suburban St. Louis. The Paducah market has had a highly variable Class I price to encourage levelling of milk production and to make the price close to the cost of importing milk in the short production months. Milk purchased last year from outside sources to supplement the Paducah supply amounted to 11 million pounds. Additional milk will also be required this fall.

An increase in the differential added to the basic formula from $1.50 to $1.60 in the months August through November, as contained in the recommended decision, will provide the necessary adjustment without potential loss of sales under most circumstances. However, since the Suburban St. Louis and the St. Louis Class I prices are modified by supply-demand adjusters, it is possible for prices in those markets to be reduced to the point where handlers might be induced to drop Paducah milk and obtain supplies in those markets. Therefore, the recommended decision provided that the 10-cent increase in the Paducah price should not apply to the extent that such price would exceed the St. Louis City plant price in any of such months by more than 10 cents.

Producers excepted to the proposed tie-in with the St. Louis Class I price in such months. They pointed out that, although an appropriate price alignment with St. Louis is important, such alignment should take into consideration the annual level of prices in all surrounding markets and should not be limited to the August–November period. As an alternative they proposed that the Class I price be increased 10 cents in the months of September through November 1960 and that the problem of appropriate alignment of prices be considered at a later date.

The St. Louis Class I price is not expected to reach the level where the proposed tie-in with Paducah would affect the Paducah Class I price during the September–November period this year. Accordingly, limiting the 10-cent increase to the months of September through November 1960 will accomplish the objectives for the immediate future and will leave the problem of appropriate Class I price alignment for consideration at a later date if it appears that existing prices are not appropriate.

3. The rate of marketing service charge should be raised from 5 to 6 cents per hundredweight. These charges are for services which the market administrator performs for producers who are not members of a cooperative association. The market administrator uses the funds obtained to verify weights and the butterfat content of the milk of such producers and to provide them with marketing information.

The market administrator testified that the present rate would not provide him sufficient funds for performing the minimum services required by the order if he were to perform such services through his own staff. Because there are relatively few nonmember producers in the market (34 at the present time) it has been the practice of the market administrator to designate the Paducah Graded Milk Producers' Association as his agent for the performance of such services. The association manager testified at the hearing that the association is unable to perform marketing services to nonmember producers for 5 cents. He proposed that the maximum deduction for marketing services be increased from 5 to 8 cents.

The cooperative manager pointed out that it has been their practice to perform the same services for the nonmember producers as they perform for their own members. Some of these services such as cooperative hauling and the marketing of excess milk are not required of the market administrator in servicing nonmember producers. Therefore, the cost of such services cannot be collected under the mandatory provision of the order.

The small increase in rate herein proposed should provide adequate funds to provide the minimum services required by the order.

4. Clarifying changes should be made in the provision which permits handlers who have relatively small sales in the Paducah marketing area, in lieu of being subjected to the complete pricing and pooling provisions of the order, to make certain compensatory payments. The provision should specify the method of accounting and determining which payments made to dairy farmers are to be included in the credit allowed handlers under certain circumstances.

One basis of computing such compensatory charges is to require a payment by the handler into the pool of any amount by which his total payments to dairy farmers are less than the total amount he would have been required to pay for such milk at the class prices established under the Paducah order. The order should specify that all payments to dairy farmers made by a stated date be recognized for this purpose. Deductions for services and goods which are customarily provided by handlers for producers and which are properly authorized by producers should also be recognized as payments.

Since a handler may become subject to two or more Federal orders under this compensatory provision he might be required to pay administrative assessments under two or more orders on the same quantity of milk. The order should provide exemption from such assessment to the extent of payments made under another order on the same quantity of milk.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Paducah, Kentucky, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 26th day of August, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area

§ 977.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) the quantities of milk at plants of handlers operating nonpool plants as specified in § 977.62 (a) (2) or (b) (2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 977.5 and substitute therefor:

§ 977.5 Paducah, Ky., marketing area.

"Paducah, Kentucky, marketing area" means all of the territory within the boundaries of the Kentucky Counties of McCracken, Ballard, Marshall, Graves, Calloway, Livingston, Lyon, Caldwell, Carlisle, Hickman, Trigg and Christian (except that portion of these counties contained in the Fort Campbell military reservation).

§ 977.51 [Amendment]

2. Delete § 977.51(a) and substitute therefor:

(a) *Class I milk price.* The price of Class I milk for the month shall be the basic formula price for the preceding month plus $0.90 in April, May and June, $1.20 in July and March, and $1.50 in the other months: *Provided*, That the price so determined shall be increased 10 cents for the months of September, October and November 1960.

§ 977.87 [Amendment]

3. In § 977.87(a) delete the words "5 cents" and substitute therefor the words "6 cents".

§ 977.62 [Amendment]

4. Delete § 977.62(b) and substitute therefor:

(b) The following amounts, at the times specified:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 977.70 for milk received from Grade A dairy farmers at such plant for such month if such plant had been a pool plant: *Provided*, That in determining classification of transfers made to pool plants and the allocation to classes of receipts from pool plants the classification at such nonpool plant shall be in accordance with the classification which was assigned at the pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the 15th of the month following the month in which such milk was delivered, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 25th day after the end of the month, as his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 977.88 had such plant been a pool plant, except that such amount shall be reduced by the amount of any payment of administrative assessment charge applicable to the same milk under another order issued pursuant to this part.

[F.R. Doc. 60-8060; Filed, Aug. 30, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-15]

FEDERAL AIRWAY, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 11 extends from Albany, N.Y., to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range, and from the Boston radio range to the intersection of the east course of the Boston radio range and the northeast course of the Squantum, Mass. (Navy), radio range. The Federal Aviation Agency has under consideration revocation of this airway. The Albany to Boston route appears to be adequately served by VOR Federal airway No. 2 which closely parallels or overlies Red 11. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, § 601.4211 relating to reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 25, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8047; Filed, Aug. 30, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-3]

CONTROL ZONE

Modification of Proposed Amendment

In a notice of proposed rule making published in the FEDERAL REGISTER on June 17, 1960 (25 F.R. 5456) it was stated that the Cross City, Fla., control zone would be modified by revoking the southeast control zone extension based on the radio range and realigning the present control zone extension based on the VOR from the 118° True radial to the 121° True radial of the VOR. Subsequent to the publication of the Notice of Proposed Rule Making the Cross City Flight Service Station, which provided two-way communication and weather reporting service to aircraft operating within the control zone, was relocated to Gainsville, Fla. In view of the fact that two-way communication and weather reporting services are not available on a continuous basis at the Cross City Airport, the original proposal to modify the control zone is hereby withdrawn and a proposal to revoke the control zone is substituted therefor.

If this action is taken the Cross City, Fla., control zone would be revoked. In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to Sept. 30, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the time within which comments will be received for consideration on Airspace Docket No. 60-FW-3 is extended to Sept. 30, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management, Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Texas.

(Secs. 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on August 25, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8044; Filed, Aug. 30, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-195]

CODED JET ROUTE

Establishment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Canadian Department of Transport to establish within the United States a segment of VOR/VORTAC jet route between Lakehead, Ontario, and Fredericton, New Brunswick. It is proposed to establish the western portion of Jet Route 500-V within the United States from the United States/Canadian border at its intersection with the 301° True radial of the Sault Ste. Marie, Mich., VOR, via the Sault Ste. Marie VOR to the United States/Canadian border at its intersection with the 112° True radial of the Sault Ste. Marie VOR. The eastern portion of Jet Route 500-V within the United States would be established from the United States/Canadian border at its intersection with the east course of the Megantic, Quebec, radio range via the intersection of the east course of the Megantic radio range with the 261° True radial of a VOR to be installed in the vicinity of Fredericton, New Brunswick (Lat. 45°53'43" N., Long. 66°25'10" W.), thence to the United States/Canadian border at its intersection with the 261° True radial of the Fredericton VOR. The establishment of this jet route would provide a segment of a single numbered transcontinental route for use by jet aircraft operating between Vancouver, B.C., and Gander, Newfoundland.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 25, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8045; Filed, Aug. 30, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-89]

CODED JET ROUTE

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.530 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 30 presently extends, in part, from Denver, Colo., to Sioux Falls, S. Dak. The Federal Aviation Agency is considering revoking this segment of Jet Route 30-V. The Federal Aviation Agency IFR peak day airway traffic survey for the period July 1, 1959 through June 30, 1960 shows a maximum of three aircraft movements between any two reporting points on the segment of Jet Route 30-V from Denver to Sioux Falls. On the basis of this survey, it appears that the retention of this jet route segment is unjustified and that the revocation thereof would be in the public interest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 25, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8046; Filed, Aug. 30, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13374; FCC 60-1008]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Grand Rapids, Cadillac, Traverse City, and Alpena, Mich.; Order Extending Time To File Comments and Reply Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of August 1960;

In an Order adopted today in Docket No. 13340, the Commission extended time for filing comments and reply comments to September 30, 1960, and October 14, 1960, respectively, on the basis of representations made by the Association of Federal Communications Consulting Engineers relating to certain discrepancies between computations which the Association has made in connection with high band VHF curves released with the Notices in Docket 13340. In view of the relationship between the instant proceeding and that being conducted in Docket 13340, it is deemed desirable to correspondingly extend the time for filing comments and reply comments herein.

Accordingly, it is ordered, That the time for filing comments and reply comments in this proceeding is extended to September 30, 1960, and October 14, 1960, respectively.

Released: August 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8097; Filed, Aug. 30, 1960; 8:53 a.m.]

[47 CFR Part 3]

[Docket No. 13340; FCC 60-1007]

INTERIM POLICY ON VHF TELEVISION CHANNEL ASSIGNMENTS; AND TELEVISION ENGINEERING STANDARDS

Order Extending Time for Filing Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of August 1960;

The Commission has before it for consideration a petition filed in this proceeding on August 24, 1960, by the Association of Federal Communications Consulting Engineers requesting that the time for filing comments herein be extended for a period of 30 days from September 1, 1960 (to Saturday, October 1, 1960) and that the time for filing reply comments be extended for a similar period from September 16, 1960 (to Sunday, October 16, 1960).

In support of its petition, the Association states that its computations based on the propagation curves, dated June 20, 1960, included with the Commission's further notice of proposed rule making (FCC 60-766), released July 1, 1960, have disclosed discrepancies in the order of 7.5 db in the permissible Effective Radiated Power to protect an existing station (considering a change in separation of about 25 miles) with those obtained using the high band VHF curves released with the original Notice in this proceeding. This difference in computed ERP, is of such magnitude that a substantial part of the work done by the Association at an earlier stage will have to be completely revised; and that such revision will require considerable time to complete. The Association believes that it is important to give further consideration to revising the high band propagation curves, in view of its findings, to more accurately depict the field intensities to be expected within the service range of a television station. For other cogent reasons, it urges that its request for an extension of time be granted to enable it to perfect its comments on this subject.

Although it is desirable to avoid unnecessary delay in concluding this proceeding, it appears, on the basis of the representations of the Association, that it would serve the public interest to extend the time for filing comments and reply comments to September 30, 1960, and to October 14, 1960, respectively;

Accordingly, it is ordered, That the Petition for Further Extension of Time for Filing Comments, filed herein on August 24, 1960, by the Association of Federal Communications Consulting Engineers, is granted, and that the time for filing comments and reply comments is extended to September 30, 1960, and October 14, 1960, respectively.

Released: August 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8099; Filed, Aug. 30, 1960; 8:53 a.m.]

[47 CFR Part 3]

[Docket No. 13375; FCC 60-1009]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

New Bedford, Mass., and Providence, R.I.; Order Extending Time To File Comments and Reply Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of August, 1960;

In an Order adopted today in Docket 13340, the Commission extended time for filing comments and reply comments to September 30, 1960, and October 14, 1960, respectively, on the basis of representations made by the Association of Federal Communications Consulting Engineers relating to certain discrepancies between computations which the Association has made in connection with high band VHF curves released with the Notices in Docket 13340. In view of the relationship between the instant proceeding and that being conducted in Docket 13340, it is deemed desirable to correspondingly extend the time for filing comments and reply comments herein.

Accordingly, it is ordered, That the time for filing comments and reply comments in this proceeding is extended to September 30, 1960, and October 14, 1960, respectively.

Released: August 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8098; Filed, Aug. 30, 1960; 8:53 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-50]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-40 (25 F.R. 6138, 6139), and 2.75-50. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ 10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from July 6, 1960, through July 25, 1960. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), section 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II is listed the approval which has been terminated because the approval has expired. Notwithstanding this termination of approval of the item of equipment as listed in Part II of the document, such equipment in service may be continued in use so long as such equipment is in good and servicable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIGHTS, WATER: SELF-IGNITING (CALCIUM CARBIDE-CALCIUM PHOSPHIDE TYPE)

Approval No. 160.012/1/1, "RES-Q-LITE," self-igniting water light (calcium carbide-calcium phosphide type), dwg. No. A33, dated September 11, 1947, sheets 1 and 2, not approved for use on tank vessels, manufactured by Coston Supply Co., 31 Water St., New York 4, N.Y., effective July 25, 1960. (It is an extension of the approval No. 160.012/1/1 published in the FEDERAL REGISTER dated August 13, 1955.)

Approval No. 160.012/3/1, "SAVE-U-LITE," self-igniting water light (calcium carbide-calcium phosphide type), Assembly dwg. No. 1, dated November 9, 1949, revised February 15, 1950, not approved for use on tank vessels, manufactured by Automatic Lite Co., 900 North Iris Ave., Baltimore 5, Md., effective July 25, 1960. (It is an extension of approval No. 160.012/3/1 published in the FEDERAL REGISTER dated August 13, 1955.)

LIFEBOATS

Approval No. 160.035/281/1, 26.0' x 9.0' x 3.83' steel, car-propelled lifeboat, 50-person capacity; identified by construction and arrangement dwg. No. 26-9, Rev. C, dated June 22, 1960, manufactured by Marine Safety Equipment Corporation, Point Pleasant Beach, N.J., effective July 11, 1960. (It reinstates and supersedes approval No. 160.035/281/0 which was terminated on December 7, 1956 and published in the FEDERAL REGISTER January 30, 1957.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/438/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 1319 S. Michigan Ave., Chicago, Ill., effective July 6, 1960.

Approval No. 160.047/439/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 1319 S. Michigan Ave., Chicago, Ill., effective July 6, 1960.

Approval No. 160.047/440/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 1319 S. Michigan Ave., Chicago, Ill., effective July 6, 1960.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/31/1, special approval for 15" x 15" x 3" rectangular unicellular plastic foam buoyant cushion with vinyl dip coating, dwg. No. 2, dated June 3, 1960, and revised specification dated May 25, 1960, manufactured by Jones & Yandell Mfg. Co., Inc., P.O. Box 208, Canton, Miss., effective July 13, 1960. (It supersedes Approval No. 160.049/31/0 published in the FEDERAL REGISTER of March 16, 1960.)

Approval No. 160.049/34/0, special approval for 15" x 15" x 2⅞" rectangular unicellular plastic foam buoyant cushion, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective July 6, 1960.

Approval No. 160.049/35/0, special approval for 15" x 20" x 2⅛" rectangular unicellular plastic foam buoyant cushion, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective July 6, 1960.

Approval No. 160.049/36/0, special approval for 15" x 21" x 2" rectangular unicellular plastic foam buoyant cushion, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective July 6, 1960.

Approval No. 160.049/37/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4 (c)(1), manufactured by General Engineering & Manufacturing Corp., Post Office Box 26, Andrews, Ind., effective July 26, 1960.

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE OPERATED OR STORED PRESSURE TYPE

Approval No. 162.009/42/0, Kidde Model WPSK, 2½-gal. water stored pressure type hand portable fire extinguisher, assembly dwg. No. 891250, Rev. C dated February 1, 1960, name plate dwg. No. 271274, Rev. E dated December 20, 1959, Coast Guard classification: Type A, Size II, manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J., effective July 11, 1960.

Approval No. 162.009/43/0, Kidde Model LPSK, 2½-gal. loaded stream stored pressure type hand portable fire extinguisher, assembly dwg. No. 891285, Rev. C dated February 1, 1960, name plate dwg. No. 271275, Rev. E dated January 6, 1959, Coast Guard classification: Type A, Size II, manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J., effective July 11, 1960.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/81/2, C-O-Two Model No. PDC-2½ P, 2½ lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. PDC-2½ P, Rev. J dated March 30, 1960, name plate dwg. No. 7141, Rev. C dated February 3, 1959, Coast Guard classification: Type B, Size I; and Type C, Size I, manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective July 6, 1960. (It supersedes approval No. 162.010/81/1 published in FEDERAL REGISTER dated September 3, 1959.)

Approval No. 162.010/83/2, Fyr-Fyter Model No. 23-3, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 23-3, Rev. J dated March 30, 1960, name plate dwg. No. 7134, Rev. C dated February 3, 1959, Coast Guard classification: Type B, Size I; and Type C, Size I, manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective July 6, 1960. (It supersedes approval No. 162.010/83/1 published in FEDERAL REGISTER dated September 3, 1959.)

Approval No. 162.010/85/2, Buffalo Better-Built Model No. 23-4, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 23-4, Rev. J dated March 30, 1960, name plate dwg. No. 7140, Rev. C dated February 3, 1959, Coast Guard classification: Type B, Size I; and Type C, Size I, manufactured by the Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective July 6, 1960. (It supersedes approval No. 162.010/85/1 published in FEDERAL REGISTER dated September 3, 1959.)

Approval No. 162.010/171/0, Moor-Fite Model No. 2¾ (Symbol LE), 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G-921-302-2CG, Rev. No. 3, dated December 24, 1959, name plate dwg. No. A-928-302-6, dated July 7, 1960, manufactured by Leeder Mfg. Co., Inc., 615 E. First Ave., Roselle, N.J., for Moor-Fite, Inc., 1153 S. Eastern Ave., Los Angeles 22, Calif., effective July 12, 1960.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/47/1, 4" Style JQU safety relief valve for corrosive and liquefied compressed gas, dwg. No. D-41051, revised June 22, 1960, approved for maximum set pressure of 350 p.s.i., discharge capacity 15,945 cubic feet per minute of air measured at 60° F. and 14.7 p.s.i.a., manufactured by Crosby Valve & Gage Company, Wrentham, Mass., effective July 8, 1960. (It supersedes approval No. 162.018/47/0 published in FEDERAL REGISTER dated March 14, 1959.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/21/2, "Fiberglas Insulation Types PF-334 thru PF-334 thru PF-336," glass wool insulation type incombustible materials identical to those described in National Bureau of Standards Test Report No. TG10210-1624:FP2806, dated August 9, 1949, approved in a density of one-half to one pound per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio, effective July 19, 1960. (It supersedes approval Nos. 164.009/21/1 and 164.009/22/1 dated September 29, 1955.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

DAVITS

Termination of Approval No. 160.032/92/1, mechanical davit, straight boom sheath screw, type 22-31, approved for maximum working load of 8,800 pounds per set (4,400 pounds per arm), using not less than 2-part falls, identified by arrangement dwg. No. DB-101, Alt. D, dated March 28, 1947, and revised May 19, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J., effective July 25, 1960. (Notice of Approval published in FEDERAL REGISTER August 13, 1955. Approval terminated July 25, 1960.)

Dated: August 24, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-8075; Filed, Aug. 30, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application, serial number Juneau 011889, for withdrawal and reservation of lands was published as Federal Register Document No. 60-7433 on page 7544 of the issue for August 10, 1960. The applicant agency has cancelled its application. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on August 29, 1960, relieved of any segregative effort of the above-mentioned application.

The lands involved in this notice of termination are:

U.S. Survey 2467: Lot 6.
Containing 4.14 acres.

R. PAUL RIGTRUP,
Acting Operations Supervisor, Juneau.

[F.R. Doc. 60-8096; Filed, Aug. 30, 1960; 8:53 a.m.]

Fish and Wildlife Service

ADMINISTRATION; PERSONNEL

Amendment to Delegations of Authority

Correction

In F.R. Doc. 60-7657, appearing at page 7892 in the issue for Wednesday, August 17, 1960, the signature of the Acting Director should be changed to read "A. W. Anderson".

Office of the Secretary

NEVADA

Preliminary Approval of Agreements Affecting Railroad Valley Migratory Bird Refuge

Notice is hereby given that, in accordance with the regulations 43 CFR 192.9, approved January 8, 1958, representatives of the Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife of this Department, and of the Nevada State Department of Fish and Game, have agreed that the public lands described below shall not be subject to oil and gas leasing, such activities being incompatible with the management thereof for wildlife purposes:

CLOSED AREA

MOUNT DIABLO MERIDIAN

T. 7 N., R. 55 E.,
Sec. 15, unsurveyed.
T. 8 N., R. 55 E.,
Sec. 13, NE¼;
Sec. 24.
T. 8 N., R. 56 E.,
Sec. 1, SW¼;
Secs. 2, 3, and 7;
Sec. 18, SW¼SW¼;
Sec. 19, NW¼.
T. 9 N., R. 56 E.,
Sec. 34, S½;
Sec. 35, S½.
T. 8 N., R. 57 E.,
Secs. 3, 4, and 9;
Sec. 10, N½.
T. 9 N., R. 57 E.,
Sec. 33, S½;
Sec. 34, S½.

1. The above-described lands, together with other public lands totalling 133,397 acres, were withdrawn for the Railroad Valley Migratory Bird Refuge by Executive Order No. 6697, dated May 2, 1934. The lands are considered to be "coordination lands" within the meaning of 43 CFR 192.9(a)(3), by virtue of an agreement dated October 13, 1950, between the Nevada State Department of Fish and Game and the U.S. Fish and Wildlife Service. The balance of the public lands withdrawn for the Railroad Valley area have been classified as subject to oil and gas leasing under the provisions of the Mineral Leasing Act of 1920, as amended (41 Stat. 437; 30 U.S.C. 181), and the regulations thereunder as prescribed in 43 CFR, Parts 191 and 192. All offers to lease must comply with the requirements of the regulations in § 192.42 and must be accompanied by a $10 filing fee and the first year's annual rental at the rate of 50 cents per acre or fraction thereof.

2. As set forth in § 192.9, lease offers for lands which are open to leasing will not be accepted for filing until the tenth day after the final approval of the agreement is noted on the records of the land office of the Bureau of Land Management at Reno, Nevada. All lease offers filed in that office on that day and until 10 a.m. on the tenth day thereafter will be treated as having been simultaneously filed. The priorities of all offers which conflict in whole or in part will be determined in accordance with the procedure outlined in 43 CFR 295.8.

3. All leases issued pursuant to the regulations in § 192.9 will be subject to the conditions contained in the standard wildlife stipulations (Form 4-1383) to assure full protection of the wildlife values of the leased lands.

4. All interested persons may submit written comments, suggestions, or objections with respect to the confirmation of the agreement of classification referred to herein, to the Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice. Thereafter consideration will be given to the final approval of the agreement, which will be republished in the FEDERAL REGISTER.

ELMER F. BENNETT,
Under Secretary of the Interior.

August 29, 1960.

[F.R. Doc. 60-8129; Filed, Aug. 30, 1960; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 2496]

IDAHO LIVESTOCK AUCTION, INC.

Notice of Order Extending Period of Suspension of Modifications of Rates and Charges

On July 22, 1960, a Complaint, Order of Suspension, and Notice of Hearing was issued instituting the proceeding In re Idaho Livestock Auction, Inc., a corporation, Respondent, P. & S. Docket No. 2496 under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Notice thereof was published in the FEDERAL REGISTER on August 6, 1960 (25 F.R. 7471).

Such document, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges filed on July 6, 1960, to become effective on July 25, 1960, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding cannot be concluded within such period of suspension, an order was issued on August 19, 1960, suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would otherwise become effective.

Done at Washington, D.C., this 25th day of August, 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-8066; Filed, Aug. 30, 1960; 8:47 a.m.]

Commodity Stabilization Service

PEANUTS

Notice of Proposed Proclamation With Respect to 1961 National Marketing Quota and Apportionment of National Acreage Allotment to States

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393 and Sups.) to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the Act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the Act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the Act provides that the national acreage allotment for any year, less the acreage to be allotted to new farms under section 358(f) of the Act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the Act, the national acreage allotment for the 1961 crop of peanuts will be apportioned to States on the basis of their share of the 1960 national acreage allotment.

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States and determining the percentage of the national acreage allotment to be reserved for new farms, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than 20 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C. this 26th day of August 1960.

WALTER C. BERGER,
Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-8090; Filed, Aug. 30, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT L. TURNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1960.

ROBERT L. TURNER.

[F.R. Doc. 60-8094; Filed, Aug. 30, 1960; 8:52 a.m.]

ALEXANDER D. THOMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: Castle Pines Development Co.
B. Additions: American Tobacco Co., International Business Machines, Inc.

This statement is made as of August 31, 1960.

ALEXANDER D. THOMSON.

[F.R. Doc. 60-8095; Filed, Aug. 30, 1960; 8:52 a.m.]

COURTLANDT F. DENNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 15, 1960.

COURTLANDT F. DENNEY

AUGUST 23, 1960.

[F.R. Doc. 60-8068; Filed, Aug. 30, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10900]

ALLEGHENY AIRLINES, INC., PROPOSED NO-RESERVATION FARE

Notice of Postponement of Hearing

In the matter of Allegheny Airlines, Inc., no-reservation fare.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held on August 29, 1960, is postponed to September 7, 1960, 10:00 a.m., e.d.t., Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., August 26, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-8076; Filed, Aug. 30, 1960; 8:48 a.m.]

[Docket 11583]

CAPITAL AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the application of Capital Airlines, Inc. for deletion of Raleigh-Durham, Greensboro-High Point, Winston-Salem and Charlotte, North Carolina, as intermediate points on its Route 51. See Order E-15678.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 9, 1960 at 10:00 a.m., e.d.s.t, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., August 26, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-8077; Filed, Aug. 30, 1960; 8:48 a.m.]

[Dockets 11482, 11486]

OZARK AIR LINES, INC., AND AMERICAN AIRLINES, INC.

Notice of Postponement of Prehearing Conference

In the matter of the application of Ozark Air Lines, Inc. for amendment or alteration of its certificate to make permanent the temporary authority of Ozark to operate one-stop service between Chicago, Illinois and St. Louis, Missouri, making a stop at either Springfield, Illinois or Peoria, Illinois, Docket 11482.

In the matter of the application of American Airlines, Inc. for the termination or suspension of its authority to serve Peoria, Illinois and Springfield, Illinois, Docket 11486.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on September 8, 1960, is postponed to September 12, 1960, 10:00 a.m., e.d.s.t., Room 911, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., August 26, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-8078; Filed, Aug. 30, 1960; 8:49 a.m.]

[Docket 10758, etc.]

SOUTHWESTERN AREA LOCAL SERVICE CASE

Notice of Hearing

In the matter of various applications and investigations involved in the proceeding known as the Southwestern Area Local Service Case.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held at the following times and places:

September 27, 1960, at 10:00 a.m., c.s.t., at the Shamrock Hilton Hotel, Main Street at Holcombe Boulevard, Houston, Texas;

October 3, 1960, at 10:00 a.m., c.s.t., at the Auditorium, Mercantile National Bank Building, Ervay Street at Main and Commerce Streets, Dallas, Texas;

October 10, 1960, at 10:00 a.m., c.s.t., at the Herring Hotel, Amarillo, Texas; and

October 31, 1960, at 10:00 a.m., e.s.t., in Room 725 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., August 26, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-8079; Filed, Aug. 30, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13593; FCC 60M-1441]

MARK TWAIN BROADCASTING CO.

Order Rescheduling Hearing

In re application of Mark Twain Broadcasting Co., Hannibal, Missouri, Docket No. 13593, File No. BR-1141; for renewal of license of Station KHMD.

It is ordered, This 25th day of August 1960, that the hearing now scheduled for September 7 is rescheduled to Thursday, September 22, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: August 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-8100; Filed, Aug. 30, 1960; 8:53 a.m.]

[Docket No. 13222; FCC 60M-1438]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Order Continuing Hearing Conference

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, et al., Docket No. 13222, File No. BP-11439, etc.; for construction permits.

The Hearing Examiner having under consideration a petition filed on August 22, 1960, by the Broadcast Bureau, requesting that the further hearing conference in Group 2 of the above-captioned proceeding, presently scheduled for September 2, 1960, at 9 a.m., be continued to September 14, 1960; and

It appearing that the Bureau counsel will be absent from Washington on official business on September 2, 1960; and

It further appearing that the presently scheduled date for the further hearing conference also conflicts with the Annual Meeting of the American Bar Association, which is being held in Washington, D.C., jointly with the British Bar, during that week; and

It further appearing that public interest requires the early consideration of the petition; and good cause has been shown for the grant thereof;

It is therefore ordered, This 24th day of August, 1960, that the petition for continuance be and the same is hereby granted; and the hearing conference for Group 2 of the above-captioned proceeding presently scheduled for 9 a.m. on September 2, 1960, is continued to September 14, 1960, at 10 a.m.

Released: August 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-8101; Filed, Aug. 30, 1960; 8:53 a.m.]

[Docket No. 13225 etc.; FCC 60M-1439]

WPET, INC. (WPET) ET AL.

Order Continuing Hearing Conference and Further Hearing

In re applications of WPET, Incorporated (WPET), Greensboro, North Carolina, Docket No. 13225, File No. BP-11742; Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Radio Virginia, Incorporated (WXGI), Richmond, Virginia, Docket No. 13229, File No. BP-12228; The Tidewater Broadcasting Company, Inc., Smithfield, Virginia, Docket No. 13243, File No. BP-12814; Caba Broadcasting Corporation, Baltimore, Maryland, Docket No. 13245, File No. BP-12962; Rossmoyne Corporation, Lebanon, Pennsylvania, Docket No. 13247, File No. BP-13110; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP-13114; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

The Hearing Examiner having under consideration a petition for continuance of hearing conference and of further hearing in the above-entitled proceeding presently set for September 1, 1960, filed on August 22, 1960, by the Broadcast Bureau; and

It appearing that the Bureau counsel will be absent from Washington on official business on September 1, 1960; and

It further appearing that the presently scheduled hearing dates also conflict with the Annual Meeting of the American Bar Association, which is being held in Washington, D.C., jointly with the British Bar, during that week; and

It further appearing that public interest requires the early consideration of the petition; and good cause has been shown for the grant thereof;

It is therefore ordered, This 24th day of August, 1960, that the petition for continuance be and the same is hereby granted; and the hearing conference presently scheduled for 9 a.m. on September 1, 1960, is continued to September 12, 1960, at 10 a.m. and the further hearing presently scheduled for 10 a.m. on September 1, 1960, is continued to 11 a.m. on September 12, 1960.

Released: August 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-8102; Filed, Aug. 30, 1960; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-48 etc.]

BIG CHIEF DRILLING CO. ET AL.

Order Permitting Corrective Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 23, 1960.

In the matter of Big Chief Drilling Company, Docket No. RI61-48; Chicago Stock Yards Research Company (Operator), et al., Docket No. RI61-28; Western Natural Gas Company, Docket No. RI61-49; Southland Royalty Company, Docket No. RI61-50.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of the Chicago Stock Yards Research Company (Operator), et al., which is sold at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-48	Big Chief Drilling Co.	10	3	Northern Natural Gas Co. (Beaver County, Okla.).	7-22-60	7-25-60	[1] 8-25-60	[1] 1-25-61	15.5	[2] 16.5	----------
RI61-28	Chicago Stock Yards Research Co. (Operator), et al.	2	1 to 1	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.)	Undated	7-27-60	[3] 8-27-60	[4] 1- 6-61	22.25	[4] 23.25	RI61-28
RI61-49	Western Natural Gas Co.	20	7	Texas Eastern Transportation Corp. (Jenny Bell Field, DeWitt County, Tex.)	7-28-60	7-28-60	[1] 8-28-60	1-28-61	13.8733	14.9444	G-14737
RI61-49	do	21	5	Texas Eastern Transportation Corp. (W. George West Field, Live Oak County, Tex.)	do	7-28-60	[1] 8-28-60	1-28-61	13.8733	[5] 15.4444	G-18889
RI61-49	do	22	4	Texas Eastern Transportation Corp. (Karon-Slick Field, Live Oak County, Tex.)	do	7-28-60	[1] 8-28-60	1-28-61	13.8733	14.9444	G-18889
RI61-50	Southland Royalty	16	2	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.)	7-28-60	7-28-60	[3] 8-28-60	1-28-61	13.34902	16.501744	G-19727

[1] The stated effective date is the effective date proposed by Respondent.
[2] Renegotiated rate increase based on Seller's relinquishing to Buyer the right to process gas.
[3] The stated effective date is the first day after expiration of the required thirty days' notice.
[4] Rate increase due to correction in Louisiana severance tax contained in Supplement No. 1. Subject to Btu adjustment.
[5] Includes 0.5c per Mcf for dehydration charged by Seller.
[6] Or until such later date as the suspended rate in Docket No. RI61-28 is made effective in the manner prescribed by the Natural Gas Act.

Big Chief Drilling Company (Big Chief), in support of its proposed renegotiated rate increase, submits copies of an amendatory agreement dated April 12, 1960, and cites the provisions thereof wherein buyer agrees to increase the contract price by 1.0 cent per Mcf in consideration of seller's relinquishing its rights to process the gas for removal of liquefiable hydrocarbons. Big Chief contends that the change does not change the rates or charges for natural gas sold and, for that reason, does not submit a comparative statement.

The filing of Chicago Stock Yards Research Company (Operator), et al., reflects a correction to the tax reimbursement applicable to an earlier submitted renegotiated rate increase which was suspended by the Commission's order issued August 2, 1960, in Docket No. RI61-28, for five months until January 6, 1961. Consistent with the Commission's treatment of earlier submitted tax corrections under similar circumstances, it is believed the subject tax correction applicable to a suspended rate should be permitted to be filed and suspended until January 6, 1961, or until such later date as the suspended rate in Docket No. RI61-28 is made effective subject to refund.

Western Natural Gas Company (Western Natural), in support of its three proposed favored-nation rate increases, cites the contract provisions and triggering increases to Texas Eastern Transmission Corporation in the area and states that such contract provisions were negotiated at arm's length and constitute an integral part of the consideration upon which the contracts were based. Western Natural also states that the price provisions were included to protect seller against discrimination and insure a price equal to the commodity value of the gas over the twenty-year term of the contract, and that the increased price will not result in an excessive rate of return.

Southland Royalty Company (Southland), in support of its proposed renegotiated rate increase, submits copies of a renegotiated agreement with El Paso Natural Gas Company (El Paso), dated October 26, 1959, and states that such agreement was negotiated at arm's length. Southland also states that the elimination of the favored-nation clause will aid in stabilizing El Paso's gas purchase prices and cites the Commission's acceptance of settlement offers wherein contract favored-nation clauses were eliminated.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The corrective rate filing of Chicago Stock Yards Research Company (Operator), et al., reflecting a correction to the tax reimbursement applicable to a suspended rate increase, should be permitted to be filed in Docket No. RI61–28 and suspended and the use thereof deferred until January 6, 1961, or until such later date as the suspended rate in said docket is made effective in the manner prescribed by the Natural Gas Act.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The corrective rate filing of Chicago Stock Yards Research Company (Operator), et al., is hereby permitted to be filed in Docket No. RI61–28, and is hereby suspended and the use thereof deferred until January 6, 1961, or until such later date as the suspended rate in said docket is made effective in the manner prescribed by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(D) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 6, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–8051; Filed, Aug. 30, 1960; 8:45 a.m.]

[Docket Nos. RI61–43, RI61–47]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

AUGUST 23, 1960.

In the matter of Pan American Petroleum Corporation, et al., Docket No. RI61–43; Pan American Petroleum Corporation, Docket No. RI61–44; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61–45; Shell Oil Company (Operator), et al., Docket No. RI61–46; Shell Oil Company, Docket No. RI61–47.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61–43	Pan American Petroleum Corp., et al. (Pan American).	68	7	El Paso Natural Gas Co. (Kelly-Snyder Field, Scurry County, Tex.) (R.R. District No. 8).	7–27–60	7–29–60	8–29–60	1–29–61	[3] 14.4176	16.0744	G–20007
RI61–44	Pan American Petroleum Corp. (Pan American).	110	15	El Paso Natural Gas Co. (Eunice Monument Field, et al., Lea County, N. Mex.).	7–27–60	7–29–60	8–29–60	1–29–61	[3] [5] 15.1268 [3] [6] 14.6783	[3] 15.5599 [6] 15.1114	G–19998
RI61–44	do	129	27	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7C).	7–27–60	7–29–60	8–29–60	1–29–61	[3] [6] 12.2456 [7] 15.9377	(8) 17.1632	G–19998
RI61–44	do	234	3	El Paso Natural Gas Co. (Jalmat & Eumont Fields, Lea County, N. Mex.).	7–27–60	7–29–60	8–29–60	1–29–61	[3] 15.0686 [4] 14.6219	[3] 15.5 [4] 15.0833	G–20452
RI61–44	do	249	4	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.).	7–27–60	7–29–60	8–29–60	1–29–61	15.0686	15.5	G–20452
RI61–44	do	271	4	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	7–27–60	7–29–60	8–29–60	1–29–61	9.50107	15.50174	
RI61–44	do	191	4	El Paso Natural Gas Co. (N.E. Noelke Field, Crockett County, Tex.) (R.R. District No. 7C).	7–27–60	7–29–60	8–29–60	1–29–61	[3] 13.6335	14.5	G–19998
RI61–44	do	218	2	El Paso Natural Gas Co. (S. Andrews-Devonian Field, Andrews County, Tex.) (R.R. District No. 8).	7–27–60	7–29–60	8–29–60	1–29–61	11.6359	13.68225	G–19998
RI61–44	do	17	9	El Paso Natural Gas Co. (Yarbrough-Allen Field, Ector County, Tex.) (R.R. District No. 8).	7–27–60	7–29–60	8–29–60	1–29–61	9.4178	10.14184	G–19998
RI61–45	Pan American Petroleum Corp. (Operator) et al. (Pan American).	136	15	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.).	7–27–60	7–29–60	8–29–60	1–29–61	[3] [5] 15.1268 [4] [6] 14.6783	[3] 15.5599 [6] 15.1114	G–20008
RI61–46	Shell Oil Co. (Operator), et al. (Shell).	68	2	Lone Star Gas Co. (Fox Graham Field, Carter County, Okla.).	7–27–60	7–29–60	8–29–60	1–29–61	[3] 11.0	[3] 16.8	----------
RI61–47	Shell Oil Co. (Shell)	99	2	Lone Star Gas Co. (Scholem-Alechem Field, Carter County, Okla.).	7–27–60	7–29–60	8–29–60	1–29–61	11.0	16.8	----------
RI61–47	do	174 175	2 2	Lone Star Gas Co. (Fox Graham Field, Carter County, Okla.).	7–27–60	7–29–60	8–29–60	1–29–61	[3] 11.0	[3] 16.8	----------

[1] The stated effective date is either the date proposed by Respondent or the first day after the expiration of the required thirty days' notice.
[2] The rate is subject to order in Docket No. G–16532.
[3] High pressure gas.
[4] Low pressure gas.
[5] Spent gas lift gas.
[6] Not being delivered now.
[7] The rate is subject to order in Docket No. G–16480.
[8] Includes 3.5¢ per Mcf for compression deducted by Buyer.

In support of its proposed favored-nation rate increases, Pan American states that the proposed rates are a matter of contractual obligation under a written contract negotiated at arm's-length in a competitive market and it would be unfair and confiscatory if the rates are not approved as just and reasonable. Pan American states further that the fact that the use of gas has increased more than other competing fuels, demonstrates the justness and reasonableness of the proposed rates. In addition, Pan American cited a number of higher rates in the area; however, each such case cited was a rate for new services.

In support of its proposed favored-nation rate increases, Shell states that the favored-nation provisions were agreed upon in a good faith, arm's-length transaction and such clauses were an important element of the consideration to Shell to enter into the long-term contracts covering its gas production. Shell states that denial of the results of such clauses would be, in a large measure, a denial of the consideration of the contract.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated suplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commisison, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 7, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–8052; Filed, Aug. 30, 1960; 8:45 a.m.]

UNION PRODUCING CO.

[Docket No. RI60–435]

Erratum Notice

AUGUST 24, 1960.

In the Order Providing For Hearing On And Suspension Of Proposed Changes In Rates, issued June 24, 1960 and published in the FEDERAL REGISTER July 1, 1960 (25 F.R. 6226–27): In the paragraph preceeding "The Commission finds:" delete all references to "Docket No. G–18634" and insert in lieu thereof "Docket No. G–18354."

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–8053; Filed, Aug. 30, 1960; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

Notice of Application for Approval of Acquisition of Ownership of Voting Shares of Proposed Bank, and Order for Hearing Thereon

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Northwest Bancorporation, Minneapolis, Minnesota, for the prior approval of the Board of the acquisition by that corporation of direct or indirect ownership or control of 950 voting shares of the proposed Roseville Northwestern National Bank, St. Paul, Minnesota.

It appearing to the Board of Governors that it is appropriate in the public interest that a hearing be held with respect to this application:

It is hereby ordered, That, pursuant to section 7(a) of the Board's Regulation Y (12 CFR 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to this application be held, commencing October 17, 1960, at 10 a.m., at the offices of the Federal Reserve Bank of Minneapolis, Minnesota, before a duly selected hearing officer, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing officer to designate any other place or date for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

It is further ordered, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

1. The financial history and condition of the company and the bank concerned;
2. The prospects of said company and bank;
3. The character of their management;
4. The convenience, needs, and welfare of the communities and the area concerned;
5. Whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

It is further ordered, That, any person desiring to give testimony in this proceeding should file with the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C., on or before August 31, 1960, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be presented to the designated hearing officer for his determination. Persons submitting timely requests will be notified of the hearing officer's decision.

Dated at Washington, D.C., this 10th day of August 1960.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60–8054; Filed, Aug. 30, 1960; 8:45 a.m.]

NORTHWEST BANCORPORATION

Order Extending Time for Filing of Requests To Give Testimony in Public Hearing

Under date of August 10, 1960, the Board issued a notice of application by Northwest Bancorporation, Minneapolis, Minnesota, for the prior approval of the Board of the acquisition by that corporation of direct or indirect ownership or control of 950 voting shares of the proposed Roseville Northwestern National Bank, St. Paul, Minnesota, and an Order for a public hearing on such application to be held, commencing October 17, 1960, at 10 a.m., at the offices of the Federal Reserve Bank of Minneapolis, Minneapolis, Minnesota.

Among other things, such Order provided that any person desiring to give testimony in this proceeding should file with the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C., on or before August 31, 1960, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Good cause having been shown for extending the time for filing such requests to give testimony in this proceeding.

It is hereby ordered, That, any person desiring to give testimony in this proceeding should file with the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C., on or before September 12, 1960, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such requests will be presented to the designated Hearing Officer for his determination. Persons submitting timely requests will be notified of the Hearing Officer's decision.

Dated at Washington, D.C., this 25th day of August 1960.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 60-8055; Filed, Aug. 30, 1960; 8:45 a.m.]

NORTHWEST BANCORPORATION

Order Fixing Day for Pre-Hearing Conference

In the matter of the application by Northwest Bancorporation for Prior Approval of an Acquisition by it of Shares of the Proposed Roseville Northwestern National Bank, St. Paul, Minnesota, (Section 3(a), Bank Holding Company Act of 1956, (12 U.S.C. 1842)).

It appearing that a pre-hearing conference may be of value to simplify, clarify and limit the evidence and issues herein to the end that a shorter and more orderly record may be made, it is hereby

Ordered, That such pre-hearing conference be convened at 10 a.m. on the 26th day of September 1960, at the office of The Federal Reserve Bank of Minneapolis, 73 South Fifth Street, Minneapolis, Minnesota.

Dated: August 25, 1960.

HERMAN TOCKER,
Hearing Officer.

[F.R. Doc. 60-8056; Filed, Aug. 30, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 339]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 26, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 9), filed April 22, 1960. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in that part of Indiana bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the city or town of Portage, Ind., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill., as authorized in Certificate No. MC 82.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 263 (Sub No. 120), filed June 27, 1960. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Salt*, packaged and bulk, in mixed truckloads, between Saltair, Utah, and Farmington, N. Mex., (1) from Saltair over unnumbered Utah Highway to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 91, thence over U.S. Highway 91 to junction U.S. Highway 50 near Springville, Utah, thence over U.S. Highway 50 to Crescent Junction, Utah, thence over U.S. Highway 160 to junction U.S. Highway 666 to Cortez, Colo., thence over U.S. Highway 666 to junction U.S. Highway 550 at Shiprock, N. Mex., thence over U.S. Highway 550 to Farmington, and return over the same route, and (2) from Saltair to Cortez, Colo., over same highways described above, thence over U.S. Highway 160 to Durango, Colo., thence over U.S. Highway 550 to Farmington, returning over the same route, serving all intermediate points, in connection with (1) and (2) above.

HEARING: November 7, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 212, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 263 (Sub No. 122), filed August 15, 1960. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ferrophosphorus slag*, in bulk, from Don, Idaho over U.S. Highway 30N to Pocatello, Idaho, thence over U.S. Highway 191 to Brigham City, Utah, thence over U.S. Highway 91 to Salt Lake City, Utah, thence over U.S. Highway 40 to Garfield, Utah.

HEARING: November 7, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 258, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 515 (Sub No. 8), filed June 22, 1960. Applicant: EMPIRE TRANSPORT, INC., 2802 South Sixth Street, Klamath Falls, Oreg. Applicant's attorney: Robert R. Hollis, 1121 Equitable Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building materials, processed stock feeds, fertilizer*, and *box shook*, between points in Klamath and Deschutes Counties, Oreg., and points in California and Nevada.

HEARING: November 3, 1960, at the Interstate Commerce Commission Hearing Room, 410 S. W. 10th Avenue, Portland, Oreg., before Joint Board No. 30, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 1936 (Sub No. 14), filed June 20, 1960. Applicant: B & P MOTOR EXPRESS, INC., 51st Street and A.V. R.R., Pittsburgh 1, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plant site of the B. F. Goodrich Tire Company, located in Milan Township, Allen County, Ind., approximately 11-13 air line miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's regular route operations to and from Fort Wayne, Ind.

HEARING: September 29, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2202 (Sub No. 193), filed August 8, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Riegel Paper Corporation at or near Acme, N.C., as an off-route point in connection with applicant's authorized regular route operations to and from Wilmington, N.C.

HEARING: October 28, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 2401 (Sub No. 20), filed May 23, 1960. Applicant: MOTOR FREIGHT CORP., 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving the plant site of Mid West Steel Corporation, Division of National Steel Corporation, located on U.S. Highway 12 approximately two miles east of the Lake-Porter County line, and at or near Portage, Ind., as an off-route point in connection with carrier's regular route operations to and from Chicago, Ill., and the Commercial Zone thereof, as authorized in MC 2401, Sub 5 and related sub numbers.

NOTE: Applicant states it has common management and control with Haeckl's Express, Incorporated.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 2894 (Sub No. 18), filed July 28, 1960. Applicant: RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 2986 (Sub No. 21), filed June 10, 1960. Applicant: INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., U.S. Highway 41 South (P.O. Box 491), Vincennes, Ind. Applicant's attorney: Ferdinand Born 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Salem, Ind. and Borden, Ind. From Salem over Indiana Highway 60 to Borden and return over the same route, serving all intermediate points including Pekin, Ind.

HEARING: September 28, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 3107 (Sub No. 16), filed July 29, 1960. Applicant: WHITE OWL EXPRESS, INC., 212 Osmun Street, Pontiac, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, from Pontiac and Detroit, Mich., to Alton and Chicago, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting scrap metals on return.

HEARING: October 26, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 10761 (Sub No. 96), filed June 6, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in that part of Indiana bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49 and on the north by Lake Michigan, including Portage, Ind., as off-route points in connection with applicant's authorized regular route operations to and from South Bend, Hammond and Gary, Ind., and Chicago, Ill.

NOTE: Applicant states it seeks authority to serve the site of Midwest Steel Corporation, Division of National Steel, presently under construction, and also to serve property as owned by Bethelem Steel Company, and properties covering the proposed public port.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 18738 (Sub No. 27), filed June 6, 1960. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago 27, Ill. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Indiana located in the territory bounded on the west by the Lake-Porter County Line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, to points in Michigan, Illinois, Ohio, Kentucky, and Indiana.

NOTE: Applicant states a new steel mill is being constructed in the origin territory as above set forth and which territory is adjacent to the Chicago, Illinois Commercial Zone. Applicant is presently authorized to operate from points in the Chicago, Illinois Commercial Zone to points in Michigan, Illinois, Ohio, Kentucky and Indiana, transporting iron and steel articles and products. There is no enlargement of the destination territory as here requested from that presently held from the Chicago, Illinois Commercial Zone. It is applicant's understanding that the easternmost point in the Chicago Commercial Zone extends to the Lake-Porter County Line.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 27903 (Sub No. 19), filed August 15, 1960. Applicant: CHARLES W. KARPER, 144 South Eighth Street, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products;* from Winchester, Va., to points in Pennsylvania, New Jersey, Maryland, West Virginia, Delaware, and the District of Columbia.

HEARING: October 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 28813 (Sub No. 22), filed March 14, 1960. Applicant: MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Building, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, small arms ammunition, currency, bullions, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in that part of Indiana in the territory bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the Town of Portage, Ind., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 32474 (Sub No. 25) filed July 14, 1960. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 321 Wabash Street, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of Kelsey Hayes Company, Romulus Plant, Huron River Drive & Northline Road, Romulus Township, Mich., as an off-route point in connection with applicants presently authorized operations at Detroit, Mich.

HEARING: October 27, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 32838 (Sub No. 11), filed June 2, 1960. Applicant: WEAVER W. SCHERFF, doing business as SCHERFF'S TRUCK LINE, 308 East Main Street, California, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,

serving California and Tipton, Mo., as off-route points, and Sedalia, Mo., as an intermediate point, in connection with applicant's authorized regular route operations between Union, Mo., and Kansas City, Kans. over U.S. Highway 50.

NOTE: Applicant states the proposed operations shall be subject to the restriction that the authority herein sought and the authority now held by applicant shall not be tacked or combined for the purpose of performing through service between St. Louis and Kansas City, Mo. Applicant further states it seeks no duplication of authority.

HEARING: October 6, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179.

No. MC 34865 (Sub No. 38), filed June 8, 1960. Applicant: CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Portage, Ind., to points in Kentucky, Ohio and Tennessee, and damaged or rejected shipments, on return.

NOTE: Applicant states it seeks authority to serve the plant site of Mid West Steel Corporation, Division of National Steel Corporation at or near Portage, Ind., approximately 2 to 3 miles outside the Chicago, Illinois Commercial Zone. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 34865 (Sub No. 35).

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 34883 (Sub No. 7), filed July 5, 1960. Applicant: SILLS TRUCK SERVICE, INC., 1801 Northwest Upshur Street, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, metal or paper, with or without tops or bottoms, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, between Vancouver, Wash., and Portland, Oreg., across the interstate bridges connecting the two cities.

HEARING: November 1, 1960, at the Interstate Commerce Commission Hearing Room, 410 S.W. 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 35840 (Sub No. 6), filed June 20, 1960. Applicant: ARROW MOTOR TRANSIT, INC., 7016 South Wentworth Avenue, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, hides, commodities in bulk, and household goods as defined by the Commission, between Fort Wayne, Ind., and the plant site of B. F. Goodrich Company, in Milan Township, Allen County, Ind.: From Fort Wayne over U.S. Highway 24 to the plant site of B. F. Goodrich Company, approximately 11 air line or 13 highway miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads, Webster and Carver, and return over the same route serving no intermediate points.

HEARING: September 29, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 37918 (Sub No. 5), filed July 11, 1960. Applicant: DIRECT WINTERS TRANSPORT LIMITED, a Corporation, 207 Queen's Quay, West, Toronto, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between the plant site of the Kelsey-Hayes Company, located at 38481 Huron River Drive, corner of Huron River Drive and Northline Road in Romulus Township, Wayne County, Mich., and the International Boundary line between the United States and Canada at Detroit, Mich.

HEARING: October 27, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 41406 (Sub No. 5), filed August 15, 1960. Applicant: J. ARTIM & SONS, INC., 7105 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Bernard G. Colby, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, other than those requiring specialized handling or rigging because of size or weight, and those injurious or contaminating to other lading, between the incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation plant, and all points authorized to be served by the applicant, pursuant to its Certificate No. MC 41406, in the Chicago, Ill. Commercial Zone as defined by the Commission in 1 M.C.C. 673, on the one hand, and, on the other, points in Illinois and Indiana within 70 miles of Hammond, Ind.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 42318 (Sub No. 32), filed July 11, 1960. Applicant: HOWARD HALL COMPANY, INC., 214 South 10th Street, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dangerous explosives*, between Montgomery, Ala., and points in Alabama, within 65 miles of and including Birmingham, Ala., on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80, and points in Florida on and north of a line beginning at Clearwater, Fla., and extending across Davis Causeway to Tampa, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along unnumbered highway to the Atlantic Seaboard.

NOTE: Applicant states the purpose of this application is to delete from the present certificate of Howard Hall Company, Inc., the exception against the transportation of "dangerous explosives".

HEARING: November 7, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 42405 (Sub No. 16), filed July 11, 1960. Applicant: MISTLETOE EXPRESS SERVICE, a Corporation, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, moving in express service, (1) Between Bartlesville, Okla. and Nowata, Okla., serving all intermediate points, with the right to serve Bartlesville and Nowata, Okla. as points of joinder; from Bartlesville over U.S. Highway 75 to Independence, Kans., thence over U.S. Highway 160 to junction U.S. Highway 169, thence over U.S. Highway 169 to Nowata, and return over the same route. (2) Between Bartlesville, Okla. and Nowata, Okla., serving all intermediate points, with the right to serve Bartlesville and Nowata, Okla. as points of joinder; from Bartlesville over U.S. Highway 60 to Nowata, and return over the same route. (3) Between junction U.S. Highways 160 and 169 at or near Cherryvale and Parsons, Kans., serving all intermediate points; from junction of U.S. Highways 160 and 169, over U.S. Highway 160 to Parsons, and return over the same route. (4) Between Coffeyville, Kans. and junction U.S. Highways 166 and 75 at or near Caney, serving all intermediate points; from Coffeyville over U.S. Highway 166 to junction U.S. Highway 75, and return over the same route.

HEARING: October 24, 1960, at the Mayo Hotel, Tulsa, Okla., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 45656 (Sub No. 8), filed June 22, 1960. Applicant: ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N.C. Applicant's attorney: William M. York, 201–204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Toccoa, Ga., to Lenoir, N.C.

HEARING: November 28, 1960, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 130.

No. MC 51255 (Sub No. 17), filed May 23, 1960. Applicant: HAECKL'S EXPRESS, INCORPORATED, doing business as HAECKL, 2345 South 13th Street, P.O. Box 2025, Terre Haute, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind.

Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plant site of Mid West Steel Corporation, Division of National Steel Corporation, located on U.S. Highway 12, approximately two miles east of the Lake-Porter County line, and at or near Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill., and the Commercial Zone thereof, as authorized in MC 51255 and Sub numbers thereunder.

NOTE: Applicant states it has common management and control with Motor Freight Corporation.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 52110 (Sub No. 70), filed July 5, 1960. Applicant: BRADY MOTOR-FRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plant site of the Midwest Steel Company at Portage, Ind., on the one hand, and, on the other, East St. Louis, Moline and Rock Island, Ill.; points in Iowa; Albert Lea, Rochester, Minneapolis-St. Paul and Chemolite Siding, Minn.; Lincoln, Omaha, South Sioux City, Nebr.; Kansas City, Topeka and Wichita, Kans.; Kansas City, St. Joseph, and St. Louis, Mo.; Canton, Mitchell, Sioux Falls, and Yankton, S. Dak.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 52139 (Sub No. 6), filed July 25, 1960. Applicant: CHICAGO, MICHIGAN AND EASTERN FREIGHT LINES, INC., 3029 East 92d Street, Chicago, Ill. Applicant's attorney: James F. Flanagan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *articles made thereof*, between Portage, Ind., on the one hand, and, on the other, points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to Bay City, Mich., thence along Saginaw Bay to U.S. Highway 25, thence along U.S. Highway 25 to Port Huron, Mich.

NOTE: Applicant states a new steel mill is being constructed in Portage, Ind., which is adjacent to the Chicago, Ill., Commercial Zone. Applicant is presently authorized to operate between points in the Chicago, Ill., Commercial Zone and points in Michigan as above set forth, transporting iron and steel and articles made thereof. There is no enlargement of destination territory as here requested from that presently held between the Chicago, Ill., Commercial Zone. Applicant further states it is its understanding that the Eastern most point in the Chicago, Ill., Commercial Zone extends to the Lake-Portage line.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 23, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 52657 (Sub No. 592), filed July 11, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck cranes*, and *truck crane excavators, with or without attachments*, in initial and secondary driveaway service, from Escanaba, Mich. and points within a radius of five miles thereof, to all points in the United States, including Alaska and Hawaii.

HEARING: September 20, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 595), filed July 25, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, excepting trailers designed to be drawn by passenger automobiles, in initial truckaway service, from points in Tioga County, N.Y., to points in the United States, including Alaska and Hawaii, and the District of Columbia.

HEARING: October 25, 1960, at 346 Broadway, New York, N.Y., before Examiner Leo A. Riegel.

No. MC 52673 (Sub No. 13), filed August 15, 1960. Applicant: FRED OLSON MOTOR SERVICE CO., a Corporation, 1100–1300 West Bruce Street, Milwaukee, Wis. Applicant's attorney: Bernard G. Colby, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in 61 M.C.C. 209, Appendix V, from the incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation plant, to all points authorized to be served by applicant pursuant to its Certificate No. MC 52673, in the states of Illinois and Wisconsin, and *skids, pallets or other such incidental facilities* used in transporting the commodities specified in this application, on return.

NOTE: Applicant states if additional authority is not required to serve this plant, the application will be withdrawn.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 55236 (Sub No. 46), filed August 17, 1960. Applicant: OLSON TRANSPORTATION COMPANY, a Corporation, 1970 South Broadway, P.O. Box 1187, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and Classes A and B explosives, serving the plant site of the Midwest Steel Corporation, located on U.S. Highway 12 in Porter County, Ind., approximately two miles east of the east boundary of the Lake County line, as an off-route point in connection with applicant's authorized regular and irregular route operations.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 58152 (Sub No. 8), filed June 6, 1960. Applicant: OGDEN & MOFFETT COMPANY, a Corporation, 3565 24th Street, Port Huron, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Ports of Entry on the boundary between the United States and Canada at or near Port Huron, St. Clair and Marine City, Mich., to points in Michigan.

HEARING: September 28, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 163.

No. MC 59120 (Sub No. 19), filed June 15, 1960. Applicant: EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 22, Pa. Applicant's attorney: Delisi and Wick, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives and livestock, serving the site of the Mid West Steel Corporation plant, Division of National Steel Corporation, located on U.S. Highway 12, approximately two (2) miles east of the Lake-Porter County line and at or near Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 61440 (Sub No. 73), filed June 27, 1960. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P.O. Box 2488, Exchange Branch, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, P.O. Box 2488, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Carbon black*, in bulk, in hopper-type trailers, between Borger, Tex., and points within five miles thereof, to Springfield, Mo., from Borger, Tex., over Texas Highway 152 to the Texas-Oklahoma State line, thence over Oklahoma Highway 152

to junction Oklahoma Highway 6, thence over Oklahoma Highway 6 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 166, thence over U.S. Highway 166 to Springfield, Mo., and return over the same route, serving no intermediate or off-route points.

HEARING: October 31, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Alton R. Smith.

No. MC 62835 (Sub No. 14), filed July 28, 1960. Applicant: C. E. S. TRUCK LINES, INC., Highway 61–67, Crystal City, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Arcadia, Mo. and the site of a power plant of Union Electric Company, in Reynolds County, Mo., from Arcadia over Missouri Highway 21 to Hogan, thence over unnumbered county road or roads in Iron and Reynolds Counties to the site of a power plant of Union Electric Company in Reynolds County, and return over the same route, serving no intermediate points.

HEARING: October 7, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179.

No. MC 70451 (Sub No. 217), filed August 8, 1960. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk, serving Site Six, located approximately three (3) miles east and 22 miles south of Powell, Ariz., as an off-route point in connection with applicant's authorized regular route operations to and from Albuquerque, N. Mex.

HEARING: September 22, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 72243 (Sub No. 11), filed August 15, 1960. Applicant: AETNA FREIGHT LINES, INC., 2507 Youngstown Road SE., Warren, Ohio. Applicant's attorney: Bernard G. Colby, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in 61 M.C.C. 209, Appendix V, from the Incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation plant, to all points authorized to be served by the applicant pursuant to its Certificate No. MC 72243, in the states of Kentucky, New York, Ohio, Pennsylvania and West Virginia, and *skids, pallets or other such incidental facilities* used in transporting the commodities specified in this application, on return.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 72300 (Sub No. 31), filed August 15, 1960. Applicant: LEE-AMERICAN FREIGHT SYSTEM, INC., 7151 Edwards Street, Detroit 10, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey Hayes Company plant located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with regular route operations to and from Detroit, Mich., and the Commercial Zone thereof.

HEARING: October 27, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 72420 (Sub No. 2), filed August 4, 1960. Applicant: THE ACE MOTOR TRANSPORT COMPANY, 330 Tiffin Avenue, Sandusky, Ohio. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey Hayes Company plant located at the intersection of North Line Road, and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich., and the Commercial Zone thereof.

HEARING: October 27, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 73262 (Sub No. 16), filed June 30, 1960. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving points in that part of Indiana bounded on the west by the Lake Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the town or city of Portage, Ind., as off-route points in connection with applicant's presently authorized routes in Docket No. MC 73262.

NOTE: The intention of this application is to secure authority to serve the site of Midwest Steel Corporation, Division of National Steel, which plant is presently under construction, and also to serve the property owned by Bethlehem Steel Company and the properties covering the proposed public port. The town of Portage came into being on or about June 30, 1959.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 78712 (Sub No. 8), filed July 28, 1960. Applicant: MILLER TRANSPORTATION, INC., 1200 South Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk, between points in that part of Indiana bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the town or city of Portage, Ind., on the one hand, and, on the other, Louisville, Ky., St. Louis Mo., points in Ohio, Illinois, and Indiana, and those in Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay.

NOTE: Applicant states that it is the intention of this application to secure authority to serve the site of the Midwest Steel Corporation, Division of National Steel, which plant is presently under construction, and also to serve the property as owned by Bethlehem Steel Company and the properties covering the proposed public port. Applicant further states that the town of Portage came into being on or about June 30, 1959.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 83539 (Sub No. 64), filed March 21, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona, Colorado, New Mexico and Wyoming to points in Illinois, Indiana, Missouri, Ohio and Wisconsin.

HEARING: November 3, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 85934 (Sub No. 17), filed July 15, 1960. Applicant: MICHIGAN TRANSPORTATION COMPANY, a Corporation, 3601 Wyoming Street, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Schoolcraft, Mich., to points in Indiana, and *rejected and damaged shipments*, on return.

NOTE: Applicant has contract authority in MC-52978 and Subs thereunder. Dual operations and common control may be involved.

HEARING: October 26, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 23.

No. MC 92983 (Sub No. 380), filed May 16, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank and specialized equipment, from Calvert City, Ky., and points within ten miles thereof, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 100820 (Sub No. 2), filed July 21, 1960. Applicant: LAWRENCE A. DARR, 520 Grade Street, Kelso, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and piling*, treated or untreated, and *rejected shipments;* between Longview, Wash., on the one hand, and, on the other, points in Oregon.

HEARING: November 2, 1960, at the Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 103051 (Sub No. 95), filed June 30, 1960. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in South Carolina to Savannah, Ga.

HEARING: November 1, 1960, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 103051 (Sub No. 96), filed June 30, 1960. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NW., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar* and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Fulton County, Ga., to points in North Carolina.

HEARING: November 1, 1960, at the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Ga., before Joint Board No. 130.

No. MC 103051 (Sub No. 97), filed July 12, 1960. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper softener*, in bulk, in tank vehicles, from points in Fulton County, Ga., to points in Florida.

HEARING: November 2, 1960, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 103378 (Sub No. 190), filed July 11, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid and additives*, in bulk, in tank vehicles, from Birmingham and McAldory, Ala., to points in Tennessee.

NOTE: Applicant has pending application in MC 119836 for contract carrier authority, dual operations under Section 210 may be involved. Applicant states it is contemplated that a certain additive will be loaded in the tank at Birmingham, and the tank trailer then transported to McAldory, where it will be loaded with nitric acid, and the combination then transported to destinations in Tennessee.

HEARING: November 10, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 106.

No. MC 103435 (Sub-No. 96), filed May 30, 1960. Applicant: BUCKINGHAM FREIGHT LINES, a corporation, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Midwest Steel Corporation located on U.S. Highway 12 at Portage, Ind., 2 miles east of the Lake County Line in Porter County, as an off-route point in connection with applicant's regular route authority to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 103880 (Sub No. 207), filed June 24, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Michigan City, Ind., to points in Michigan and Ohio.

HEARING: November 1, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 9.

No. MC 106965 (Sub-No. 144), filed August 10, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, in tank or hopper vehicles, from Wilmington, Del., to Baltimore, Md.

HEARING: October 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 40.

No. MC 106965 (Sub-No. 145), filed August 10, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, dry, in bulk, in tank or hopper vehicles, from Bedford, Va. to Baltimore, Md.

HEARING: October 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 226.

No. MC 107107 (Sub No. 155), filed August 17, 1960. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen; from points in Florida, to points in Alabama, Arkansas, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant presently holds authority in certificate MC 107107 Sub 70 to transport "citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration" within the territory covered by this application, the purpose of which is to eliminate the restriction that the service must be performed "in vehicles equipped with mechanical refrigeration".

HEARING: September 29, 1960, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Isadore Freidson.

No. MC 107500 (Sub No. 49) filed May 6, 1960. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: James M. Adams, 796 South Pearl Street, Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between St. Joseph, Mo., and junction U.S. Highway 71 and U.S. Highway 34; from St. Joseph over U.S. Highway 71 to its junction with U.S. Highway 34, about six (6) miles north of

Villisca, Iowa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: October 4, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 55.

No. MC 107515, (Sub No. 357), filed August 17, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen; (1) from points in Florida, to points in Georgia, North Carolina, South Carolina, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Louisiana, Arkansas, Texas, Oklahoma, and Missouri. (2) From De Land and Frostproof, Fla., to points in Iowa, Kansas, and Minnesota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) and (2), above.

NOTE: (1) Applicant presently holds authority in certificate MC-107515, Sub 129 and Sub 209 to transport "citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration" within the territory covered by this application, the purpose of which is to eliminate the restriction that the service must be performed "in vehicles equipped with mechanical refrigeration." (2) Common control may be involved.

HEARING: September 29, 1960, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Isadore Freidson.

No. MC 107544 (Sub No. 35), filed July 5, 1960. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Thrift, N.C., and points within 10 miles thereof, and from Salisbury, N.C., and points within 10 miles thereof to points in Virginia on and west of a line as follows: beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to the junction with Virginia Highway 116, thence along Virginia Highway 116 to Roanoke, Va., and thence along U.S. Highway 220 to the Virginia-North Carolina State line.

NOTE: Applicant is also authorized to conduct operation as a contract carrier in Permit No. MC-113959, therefore dual operations under section 210 may be involved.

HEARING: October 24, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 107757 (Sub No. 19), filed August 15, 1960. Applicant: M. C. SLATER, INC., 1129 Bremen Avenue, St. Louis, Mo. Applicant's attorney: Bernard G. Colby, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in 61 M.C.C. 209, Appendix V, from the incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation plant, to all points authorized to be served by the applicant, pursuant to its Certificate No. MC-107757, in the states of Illinois and Missouri, and *skids, pallets or other such incidental facilities* used in transporting the commodities specified in this application, on return.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 160, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 108449 (Sub No. 104), filed June 27, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Chicago, Ill., to points in Wisconsin.

HEARING: November 4, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 109124 (Sub No. 7), filed June 8, 1960. Applicant: SENTILE TRUCKING CORPORATION, 210 Alexis Road, Toledo, Ohio. Applicant's attorney: James M. Burtch, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the site of the Midwest Steel Corporation plant located on U.S. Highway 12 at Portage, Porter County, Ind., to points in Illinois, including points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and to points in Michigan, Ohio, West Virginia, Pennsylvania, and New York.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 109397 (Sub No. 43), filed July 25, 1960. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and component parts thereof*, between Savannah Naval Ammunition Depot near McAlester, Okla. and Military Camp near Lake Meade Base, Nev.

HEARING: October 26, 1960, at the Mayo Hotel, Tulsa, Okla., before Examiner Alton R. Smith.

No. MC 109478 (Sub. No. 39), filed June 3, 1960. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New empty containers*, from Huntington, Fairmont, and Charleston, W. Va., to points in Erie County, Pa., and to points in New York on and south of New York Highway 13 from Lake Ontario to Pulaski, N.Y., and on and west of U.S. Highway 11 from Pulaski, N.Y., to the New York-Pennsylvania State line.

HEARING: November 4, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Leo A. Riegel.

No. MC 109538 (Sub No. 13), filed August 15, 1960. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis. Applicant's attorney: Bernard G. Colby, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in 61 M.C.C. 209, Appendix V, from the incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation plant, to all points authorized to be served by the applicant, pursuant to its Certificate No. MC 109538, in the states of Minnesota, Wisconsin, Illinois and Indiana, and *skids, pallets or other such incidental facilities* used in transporting the commodities specified in this application, on return.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 109772 (Sub No. 20), filed August 17, 1960. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles 14, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements in truckaway service; from Los Angeles, Calif., to points in Montana, and *rejected or damaged vehicles*, on return.

NOTE: Common control may be involved.

HEARING: September 14, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 110698 (Sub No. 141), filed August 9, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles; from Thrift, N.C. and points within a ten mile radius thereof, and from Salisbury, N.C. and points within a ten mile radius thereof, to points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to the junction with Virginia Highway 116, thence along Virginia Highway 116 to Roanoke, Va., and thence along U.S. Highway 220 to the Virginia-North Carolina State line.

NOTE: Common control may be involved.

HEARING: October 24, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 111740 (Sub No. 8), filed June 13, 1960. Applicant: OIL TRANSPORT COMPANY, a Corporation, East Highway 80, P.O. Box 2031, Abilene, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, P.O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from points in McMullen, Live Oak, Atascosa, Karnes, Frio, Wilson, Bee, and La Salle Counties, Tex., to railheads located in said counties.

HEARING: November 15, 1960, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 111740 (Sub No. 9), filed August 9, 1960. Applicant: OIL TRANSPORT COMPANY, a Corporation, East Highway 80, P.O. Box 2031, Abilene, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, P.O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, in tank vehicles, and other specialized equipment, between points in Texas, Arkansas, Oklahoma and Kansas.

NOTE: Applicant states it has authority under MC 111740 (Sub Nos. 6 and 7) to transport liquid sulphur, in bulk, in tank vehicles, from a described area (12 counties) in West Texas to Kermac Nuclear Fuels Corporation plant near Grants, N. Mex., and between a described area near Artesia, N. Mex., on the one hand, and, on the other, points in Texas, Oklahoma and Arizona. Applicant has pending an application in MC 111740 (Sub No. 8) to transport liquid sulphur, in bulk, in tank vehicles, from points in McMullen, Live Oak, Atascosa, Karnes, Frio, Wilson, Bee, and La Salle Counties, Tex., to railheads in said counties. Applicant also states no duplicate authority is sought.

HEARING: November 15, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 111839 (Sub-No. 6), filed August 12, 1960. Applicant: ERNEST UPTON, doing business as BEE LINE EXPRESS COMPANY, Post Office Box 402, Albertville, Ala. Applicant's attorney: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Scottsboro, Ala., over U.S. Highway 72 and Chattanooga, Tenn., and return over the same route, serving all intermediate points in Alabama over U.S. Highway 72, between Scottsboro and the Tennessee State line, and the off-route point of Widows Creek, Ala.

NOTE: The above-described authority is an extension and may be combined with the carrier's existing authority in No. MC 111839.

HEARING: November 9, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 106.

No. MC 111897 (Sub No. 3), filed July 11, 1960. Applicant: HIX TRUCKING COMPANY, INC., Commerce, Ga. Applicant's attorney: James L. Flemister, 301 Georgia Savings Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed, except plywood and veneers, between points in Georgia on and north of U.S. Highway 80, on the one hand, and, on the other, points in Florida, and points in Tennessee on and east of U.S. Highway 27.

HEARING: November 2, 1960, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 102.

No. MC 112020 (Sub No. 96), filed May 12, 1960. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, and *animal fats, products* and *blends* thereof, in bulk, in tank vehicles, between points in Texas, on the one hand, and, on the other, points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Kentucky, Mississippi, Tennessee, and Arkansas.

NOTE: Common control may be involved.

HEARING: November 9, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 112020 (Sub No. 97), filed May 12, 1960. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs*, in containers, such as sacks and bags, and in bulk, between Sherman, Tex., on the one hand, and, on the other, points in Texas, New Mexico, Oklahoma, Arkansas, Louisiana, and Kansas.

NOTE: Common control may be involved.

HEARING: November 10, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 112020 (Sub No. 98) (AMENDMENT), filed May 13, 1960, published in the FEDERAL REGISTER, issue of June 29, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups, liquid corn products*, and *liquid sorghum grain products*, in bulk, in tank vehicles, from Corpus Christi, Tex., to points in Arkansas, Oklahoma and Louisiana.

NOTE: Applicant indicates it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: Remains as assigned, September 23, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 112750 (Sub No. 49), filed August 4, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222-17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Sundial House, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies*, and *advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between points in Illinois on and south of U.S. Highway 36, and points in Adams, Brown, and Pike Counties, Ill., on the one hand, and, on the other, points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission; (b) between points in Missouri; and (c) between points in Missouri, on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission.

HEARING: October 17, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 160.

No. MC 112750 (Sub No. 52), filed August 4, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies*, and *advertising literature*, moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition) 4a) between points in Iowa. (b) Between the Chicago, Ill. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Clinton, Des Moines, Dubuque and Scott Counties, Iowa.

HEARING: October 17, 1960, in Room 852, U.S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 53.

No. MC 112822 (Sub No. 24) filed July 27, 1960. Applicant: EARL BRAY, INC., P.O. Box 910, Linwood and North Streets, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from West Lake Charles, La., to points in New Mexico on and south of U.S. Highway 66, and *damaged* or *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: October 27, 1960, at the Mayo Hotel, Tulsa, Okla., before Examiner Alton R. Smith.

No. MC 113282 (Sub No. 6), filed June 20, 1960. Applicant: CEMENT DISTRIBUTORS, INC., 5200 East Marginal Way, Seattle, Wash. Applicant's attorney: W. Quinn Marshall, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chrome Ore and Chrome*

Concentrate, from East Pasco, Wash. to Mead, Wash., and *exempt commodities* on return.

HEARING: October 27, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113336 (Sub No. 39), filed July 8, 1960. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, liquid or dry, in bulk, in bags or containers, from Hopewell, Va. to points in North Carolina and South Carolina.

HEARING: October 27, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 113459 (Sub No. 18), filed April 11, 1960. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Boulevard, Oklahoma City 9, Okla. Applicant's attorney: James W. Hightower, Suite 122, Wynnewood Professional Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in New Mexico and Wyoming, to Colorado, and (2) from points in Colorado, New Mexico, and Wyoming to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Ohio, and *damaged, rejected or return shipments*, thereof, on return.

HEARING: November 3, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 113495 (Sub No. 6), filed August 16, 1960. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, (regardless of how they are equipped), except tractors used for pulling highway trailers; *scrapers; motor graders* (regardless of how they are equipped); *wagons; engines; generators; engines and generators combined; welders; road rollers and compactors; cranes* (regardless of how they are equipped), *power sweepers; ditchers; pavers; asphalt plants; conveyers and parts, attachments and accessories* for the above named commodities, from Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown, and DeKalb, Ill., and points within ten (10) miles of each, to points in Tennessee, North Carolina, and Virginia.

HEARING: October 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 113587 (Sub No. 2), filed May 13, 1960. Applicant: WARD RUGH, Box 574, Ellensburg, Wash. Applicant's Representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibreboard boxes, necessary partitions* and *separators or parts thereof*, between Yakima and Union Gap, Wash., on the one hand, and, on the other, points in Idaho and Oregon, and *defective, rejected* and *returned goods* from points in Idaho and Oregon to Yakima and Union Gap, Wash., and (2) *Supplies, corrugated box mill*, from points in Oregon and Idaho to Yakima and Union Gap, Wash.

HEARING: October 24, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 114045 (Sub No. 58), filed May 9, 1960. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Cleveland, Ohio to points in Kentucky, Tennessee, Louisiana, Mississippi, Alabama, and Pittsburgh, Pa.; (2) *Sauerkraut, pickles* and *tomatoes* in brine in polyethylene bags, in cardboard cartons, boxes, drums and barrels from North Norwich, N.Y., to points in Texas, Tennessee, Oklahoma, Arkansas, Mississippi, Alabama, Louisiana and New Mexico.

HEARING: November 4, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 114045 (Sub No. 60), filed June 9, 1960. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Findley and Belt Line Road, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate coating, chocolate syrup, liquor chocolate, cocoa powder*, and *confectioner products*, from New York, N.Y., Philadelphia, Pa., Jersey City and Hackettstown, N.J., Charlestown, Cambridge, Dorchester, and Boston, Mass., to points in Texas, Oklahoma, Louisiana, Arkansas, Kansas, and Missouri, and Memphis, Tenn.

HEARING: November 7, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 114091 (Sub No. 29), filed August 15, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Boyd County, Ky., excluding Ashland, Ky. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 114091 (Sub No. 30), filed August 17, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Memphis, Tenn. and points within 10 miles thereof, to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri and Tennessee.

HEARING: October 4, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D Moran.

No. MC 114284 (Sub No. 11), filed July 11, 1960. Applicant: FOX-SMYTHE TRANSPORTATION CO., Box 2307 Stockyards Stations, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products and articles distributed by meat packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Kansas City, Kans., to points in that part of Texas bounded by a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to Lubbock, thence over U.S. Highway 82 to Benjamin, thence over Texas Highway 283 to the Oklahoma-Texas State line, thence following the Oklahoma-Texas and the Oklahoma-New Mexico State lines to the point of beginning, including service to points on the indicated portion of the highways as specified.

HEARING: October 28, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Alton R. Smith.

No. MC 114360 (Sub No. 8), filed August 15, 1960. Applicant: SOUTHERN EXPRESS COMPANY, 3333 South Cicero Avenue, Cicero, Ill. Applicant's attorney: Bernard G. Colby, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in 61 M.C.C. 209, Appendix V, serving the incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation plant, as an off-route point in connection with regular routes authorized to be served by applicant, pursuant to its Certificate No. MC-114360 (Sub No. 4), in the states of Ohio and Illinois, and *skids, pallets or other such incidental facilities* used in transporting the commodities specified in this application, on return.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 114364 (Sub-No. 48), filed June 10, 1960. Applicant: WRIGHT MOTOR LINES, INC., 16th & Elm, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and Supplies*, used in the Grape processing industry, between Grandview and Kennewick, Wash., on the one hand, and, on the other, Springdale, Ark.

HEARING: October 31, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Alton R. Smith.

No. MC 114533 (Sub No. 21), filed August 3, 1960. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints*, (color, black and white), *complimentary replacement film, and incidental dealer handling supplies*, except motion picture film materials and supplies used in connection with commercial and television motion picture, between points in Michigan and Indiana, on the one hand, and, on the other, Findlay, Fremont, and Defiance, Ohio.

HEARING: September 30, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9.

No. MC 114885 (Sub No. 10), filed June 23, 1960. Applicant: TANK TRUCK TRANSPORT, LIMITED, 616 St. Clair Street, P.O. Box 116, Point Edward, Ontario, Canada. Applicant's attorney: Robert H. Levy, 39 South LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Dimethylterephthalate*, in bulk, in specially built steel hopper bottom tank trailers, from the plant site to Amoco Chemicals Corp., at or near Joliet, Ill., to the United States-Canadian border at or near Port Huron, Mich., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: November 1, 1960, in Room 852, U.S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 73.

No. MC 115078 (Sub No. 3) filed July 20, 1960. Applicant: DONALD M. SINDALL and GLENN YANTZI, doing business as DON M. SINDALL TRANSPORT, Grandview Avenue, New Hamburg, Ontario, Canada. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, refractories and pottery*, from Parral, Strasburg, Massilon, Mogadore, Malvern, and Roseville, Ohio, and Clearfield, Pa., to ports of entry on the United States-Canada boundary line in Michigan and New York.

HEARING: November 10, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Leo A. Riegel.

No. MC 115322 (Sub No. 16), filed August 17, 1960. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, 2939 Orlando Drive, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen; (1) from Groveland, Fla. and points within 75 miles thereof, to Richmond, Va., Baltimore, Md., New York, N.Y., and points in Pennsylvania, New Jersey, Rhode Island, Vermont, Maine, New Hampshire, Connecticut, Massachusetts, and the District of Columbia. (2) From Orlando, Fla. and points within 10 miles thereof, to Saratoga Springs, N.Y. (3) From Groveland, Fla. and points within 75 miles thereof, to ports of entry in New York on the United States-Canada Boundary Line restricted to transportation in foreign commerce, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) (2) and (3), above.

NOTE: Applicant presently holds authority in certificate MC-115322 and MC-115322 Sub 3 and MC-115322 Sub 5 to transport "citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration" within the territory covered by this application, the purpose of which is to eliminate the restriction that the service must be performed "in vehicles equipped with mechanical refrigeration."

HEARING: September 29, 1960, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Isadore Freidson.

No. MC 115364 (Sub No. 4), filed May 12, 1960. Applicant: GOODMAN MOTOR TRANSPORT CO., LTD., 5650 Kingston Road, Vancouver, B.C., Canada. Applicant's attorney: J. Steward Black, 1322 Laburnum Street, Vancouver 9, B.C., Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry kiln lumber*, from points of entry on the International Boundary Line between the United States and Canada, at Blaine, Sumas or Lynden, Wash., to points in that part of Washington west of the summit of the Cascade Mountains, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return.

NOTE: Applicant states the instant application is filed in lieu of its Sub No. 3 application (published in FEDERAL REGISTER, issue April 27, 1960) which it requests be cancelled and withdrawn.

HEARING: October 27, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 115714 (Sub No. 2), filed April 7, 1960. Applicant: AMOS F. SMITH, doing business as AMOS F. SMITH, TRUCKING CO., 1301 Perkins, Mr. Vernon, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in hopper vehicles, from Mosher, Mo. to the plant site of Texaco, Inc., located at Selmaville, Ill.

HEARING: October 10, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 116412 (Sub No. 3) filed July 18, 1960. Applicant: SOUTHWEST BULK HANDLERS, INC., 307 American Building, Ada, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk and in packages, from Ada, Okla., to points in Arkansas; and (2) *cement*, in packages, from Ada, Okla., to points in Kansas and Texas, and *returned and rejected shipments*, on return, in connection with (1) and (2) above.

HEARING: November 1, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Alton R. Smith.

No. MC 117201 (Sub No. 2) filed June 15, 1960. Applicant: INTERSTATE DISTRIBUTING CO., INC., 2215 Puyallup Avenue, Tacoma, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors and door parts*, excluding metal hardware, *paneling, plywood, drilled* and *exempt commodities*, in truckloads, between points in Pierce and Grays Harbor Counties, Wash., on the one hand, and, on the other, points in California.

NOTE: Dual operations may be involved.

HEARING: October 24, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 117640 (Sub No. 2), filed July 15, 1960. Applicant: CEE BEE AUTOMOTIVE DISTRIBUTORS, INC., Central Bridge, N.Y. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used, rebuilt or reconditioned engines, automatic transmissions, brake shoes, and automobile parts, accessories, equipment, parts or supplies* used or useful in rebuilding and reconditioning automatic transmissions, brake shoes and automobile parts, between Amsterdam and Central Bridge, N.Y. and Cambridge, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Lal-Par Manufacturing Co., Inc., Eastern Engine Corp., and other companies controlled by Kenneth T. Lally and Charles A. Parsons.

HEARING: October 31, 1960, at the Federal Building, Albany, N.Y., before Examiner Leo A. Riegel.

No. MC 118084 (Sub No. 2), filed August 3, 1960. Applicant: MARION LEWIS DAVIS, 202 Oakridge Drive, Marietta, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala. and Gulfport, Miss. to Atlanta, Ga.

HEARING: November 3, 1960, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 340.

No. MC 118128 (Sub No. 3), filed July 25, 1960. Applicant: ED HOPSON PRODUCE COMPANY, INC., 211 Meadow Avenue, P.O. Box 153, Oxford, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight or in mixed shipments with *certain exempt commodities* from Mobile, Ala. and New Orleans, La. to points in Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming.

NOTE: Applicant states it proposes to transport *exempt commodities* on return.

HEARING: October 28, 1960, at the Federal Office Building, Seattle, Wash., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 118457 (Sub No. 1), filed August 1, 1960. Applicant: THOMAS W. ROBBINS AND RAYMOND S. PULDA, doing business as ROBBINS DISTRIBUTING COMPANY, 1113 Grand Avenue, Racine, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *damaged or returned shipments* of frozen foods, and *empty containers or other such incidental facilities* (not specified) used in transporting said frozen food, between Chicago, Ill., and Milwaukee, Wis.; *frozen foods*, from Chicago, Ill., to Kenosha and Racine, Wis.; and *damaged or returned shipments* of frozen foods and *empty containers or other such incidental facilities* (not specified) used in transporting said frozen foods, from Kenosha and Racine, Wis., to Chicago, Ill.

NOTE: Applicant is presently authorized in Certificate MC 118457 to perform the service described above with the exception that said certificate contains a restriction reading "The authority granted herein is restricted against the transportation of individual shipments of frozen food weighing in excess of 10,000 pounds". Applicant states the purpose of this application is to remove the above-quoted restriction from said certificate.

HEARING: November 3, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 118595 (Sub No. 2), filed August 4, 1960. Applicant: J. K. WYATT, doing business as J. K. WYATT TRUCKING CO., Gatesville, N.C. Applicant's attorneys: Wilson, Woods & Villalon, Perpetual Building, 1111 "E" Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer, from points in Isle of Wight County, Va., to points in North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Applicant also has contract carrier authority under MC 116962. Dual authority under Section 210 may be involved.

HEARING: October 26, 1960, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 119268 (Sub No. 7), filed July 25, 1960. Applicant: OSBORNE, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight shipments *or in mixed shipments with exempt commodities*, from Mobile, Ala. and New Orleans, La., to points in Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and *exempt commodities*, on return.

HEARING: October 28, 1960, at the Federal Office Building, Seattle, Wash., before Examiner Lawrence A. Van Dyke, Jr.

No MC 119403 (Sub No. 1), filed July 12, 1960. Applicant: CONTRACT STEEL CARRIERS, INC., P.O. Box 806, East Chicago, Ind. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel articles* as defined by the Commission in Groups I through V of Appendix V in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279; and (B) *Arms, pole or loop; Arms, extension, fence; Balls, pipe; Bead, corner; Ceiling, iron or steel; Cesspools, iron or steel body; Circles, for protecting threads of iron pipe; Clips, cable, corner bead, fence, guy wire or rope; Collars: (Brace, fence; Bandhole or manhole, boiler or tank; Crabs, boiler or tank handhole or manhole; Hooks, guy); Moulds, column, floor or road:* (concrete construction); *Ribbing, expanded or perforated; Spools, steel or wood, used; Tanks, tank material, and parts*, from the plant site of the Midwest Steel Corporation near Ogden Dunes, Porter County, Ind., to points in Illinois and Iowa, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 53, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 119632 (Sub No. 5), filed June 24, 1960. Applicant: REED LINES, INC., 209 Canal Street, Defiance, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Mineral wool, rock wool, slag* and *glass wool*, and *products thereof*, from Lagro and Wabash, Ind., to points in New York and New Jersey. (b) *Mineral wool, rock wool, slag wool* and *glass wool*, and *products thereof*, from Huntington, Ind., to points in Ohio, on and east of U.S. Highway 21 and to points in Pennsylvania, West Virginia, New York and New Jersey. (c) *Mineral wool, rock wool, slag wool, glass wool*, and *products thereof*, and *boards, building wall* or *insulating*, made of fiber or pulp (painted or unpainted), from Kalamazoo, Mich., to points in Ohio on and east of U.S. Highway 21 to points in Pennsylvania, West Virginia, New York and New Jersey. (d) *Damaged, rejected* or *returned shipments* of mineral wool, rock wool, slag wool, glass wool or products thereof, as well as boards, building wall or insulating, made of fiber or pulp, painted or unpainted, together with *pallets, containers*, or *other devices* used in outbound transportation of the above commodities, from points in Ohio on and east of U.S. Highway 21 and from points in Pennsylvania, West Virginia, New York and New Jersey to Lagro, Wabash, and Huntington, Ind., and Kalamazoo, Mich.

HEARING: October 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 119671 (Sub No. 1), (AMENDMENT), filed July 22, 1960, published in the FEDERAL REGISTER, issue of August 10, 1960. Applicant: JOHN WILLIAM DALTON, doing business as DALTON TRUCKING COMPANY, Box 186, Route 6, Morgantown, W. Va. Applicant's attorney: Robert A. Yahn, Riley Law Building, Wheeling, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are transported in dump trucks*, (2) *Limestone products*, and *fertilizers*, between points in Taylor, Marion, Harrison, Preston, Wetzel, Doddridge, Gilmer, Lewis, Braxton, Upshur, Barbour, Tucker, and Monongalia Counties, W. Va., and points in Greene and Fayette Counties, Pa.

NOTE: The amendment adds eight (8) additional West Virginia counties and also the commodities, Limestone products and fertilizers.

HEARING: Remains as reassigned October 7, 1960, at the Sherwyn Hotel, Wood Street and Boulevard of Allies, Pittsburgh, Pa., before Examiner Raymond V. Sar.

No. MC 119697 (Sub No. 1), filed May 27, 1960. Applicant: CHRISPENS TRUCK LINES, INC., 4625 South Racine Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and refractory products*, from points in Carroll, Franklin, Hocking, Perry and Wyandotte Counties, Ohio to points in Illinois.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 80284 (Sub No. 16).

HEARING: October 31, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58.

No. MC 119700 (Sub No. 2), filed July 26, 1960. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City 25, Mo. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in Groups I through V of Appendix V in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, 276–279; also the following articles: *Arms*, pole or loop, extension, fence; *Balls*, pipe; *Bead*, corner; *Ceiling*, iron or steel; *Cesspools*, iron or steel body; *Circles*, for protecting threads of iron pipe, *Clips*, cable, corner bead, fence, guy wire or rope; *Collars:* Brace, fence, Bandhole or Manhole, boiler or tank; *Crabs*, boiler or tank handhole or manhole; *Hooks*, guy; *Moulds*, column, floor or road: Concrete construction; *Ribbing*, expanded or perforated; *Spools*, steel or wool, used *Tanks, Tank Material, and Parts*, from the plant site of Midwest Steel Corporation near Agden Dunes, Porter County, Ind., to points in Arkansas, Kansas, Missouri, Oklahoma and Texas and to points in Illinois within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, and *empty containers or other such incidental facilities* (not specified), on return.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 119703, filed April 25, 1960. Applicant: MAX CULTON, Newman, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dirt, gravel, sand, crushed stone, rock, concrete blocks, grain* and *farm implements*, between points in Edgar, Vermilion and Douglas Counties, Ill., and points in Parke, Vigo and Vermillion Counties, Ind.

HEARING: October 11, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 21.

No. MC 119729, filed May 4, 1960. Applicant: ROBERT EUGENE WEBER, RFD, Mt. Erie, Ill. Applicant's attorney: John C. Robison, 115 North East Third Street, Fairfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, fertilizer, livestock, farm equipment and commodities*, between points in Wayne County, Ill., including Mt. Erie, and St. Louis, Mo. *Farm supplies, farm products, farm produce, limestone, coal, grain, feed, fertilizer, livestock* and *farm machinery*, between St. Louis, Mo., and points in Wayne and Edwards Counties, Ill., and those in that part of Richland and Clay Counties, Ill., south of U.S. Highway 50. *Livestock*, from points in Wayne and Edwards Counties, Ill., and those in that part of Richland and Clay Counties, Ill., south of U.S. Highway 50 to National Stock Yards at East St. Louis, Ill., and *feed, fertilizer* and *fencing*, from East St. Louis, Ill., to points in Wayne and Edwards Counties, Ill., and those in that part of Richland and Clay Counties, Ill., south of U.S. Highway 50. *Feed, fertilizer, farm equipment and commodities*, from St. Louis, Mo., to points in Wayne and Edwards Counties, Ill., and points in that part of Richland and Clay Counties, Ill., south of U.S. Highway 50, and *farm equipment and commodities* to St. Louis, Mo.

HEARING: October 10, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 119770 filed May 12, 1960. Applicant: VERLE C. ERICKSON, doing business as ERICKSON TRUCKING COMPANY, 1623 S. Santa Fe, Chanute, Kans. Applicant's attorney: Henry Andrae, Central Trust Building, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixture*, for livestock or poultry feeding, *animal and poultry feed, animal and poultry tonics* or *medicines, insecticides, dry earth paint, advertising matter and premiums, livestock and poultry feeders* and any *other commodities in concentrated form* used in connection with the feeding and/or treating of livestock and poultry, from Chanute, Kans., to points in Bates, Vernon, Barton, Jasper, St. Clair, Cedar, Dade, Lawrence, Polk, Greene, Cass, Henry, Benton, Hickory, Dallas, Webster, Christian, Stone, Barry and Newton Counties, Mo., and transport only *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application on return.

HEARING: October 5, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 119844, filed June 10, 1960. Applicant: TONY S. CARUSO, doing business as CARUSO PRODUCE EXPRESS, 930 Southeast Belmont Street, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shingles* and *shakes* (wooden), from Astoria, and Seaside, Oreg., and Kalama, Wash., to San Francisco, San Mateo, San Jose, Oakland, Sacramento, Stockton, Modesto, Fresno, Chico, Marysville, and Roseville, Calif. (2) *Exempt commodities* and *frozen foods* on return.

NOTE: Carrier has pending a BOR 1 application as a common carrier in No. MC 117811. Dual operations may be involved.

HEARING: October 31, 1960, at the Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119849, filed June 13, 1960. Applicant: DYE TRUCKING CO., a corporation, 123 Commerce Street, Dallas, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, rock, caliche, shell, ore, dirt, flexible base, ready mix asphalt, rip-rap, aggregate, bulk cement mixed with sand, gravel and crushed limestone* (*batch*) in bulk, in dump trucks or trailers with dump bodies, between points in Archer, Baylor, Clay, Collin, Cooke, Denton, Foard, Grayson, Hardeman, Jack, Montague, Wichita, Willbarger and Wise Counties, Tex.; Bryan, Carter, Commanche, Cotton, Harmon, Jackson, Jefferson, Johnston, Kiowa, Love, Marshall, Stephens, Tillman, Cimarron, Texas and Beaver Counties, Okla.; Morton, Stevens and Seward Counties, Kans.; and Boca County, Colo.

HEARING: November 10, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 119858, filed June 16, 1960. Applicant: WILLIAM ROBERT DURBIN, doing business as DURBIN TRUCKING CO., 1039 Southeast Belleaire Drive, Grants Pass, Oreg. Applicant's attorney: Eugene E. Laird, 502 Pioneer Trust Building, Salem, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre milk cartons*, factory formed, not nested, from the plant site of The American Can Company in Seattle, Wash., to points in Benton, Lane, Multnomah, Douglas, Josephine, Coos, and Deschutes Counties, Oreg.

HEARING: October 31, 1960, at the Interstate Commerce Commission Hearing Room, 410 S.W. 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119868, filed June 20, 1960. Applicant: WILSON BARCLAY AND PAUL STANDARD, a Partnership, doing business as BARCLAY AND STANDARD, P. O. Box 172, Industry, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Milwaukee, Wis., to Macomb, Ill., and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return.

HEARING: October 11, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 13.

No. MC 119873, filed June 20, 1960. Applicant: FRANCIA AND FRANCIA, INC., 57 East Donner Avenue, Monessen, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from Detroit, Mich. to Monongahela, Pa.

NOTE: Applicant states this service is to be conducted under contract with Monongahela Iron and Metal Co.

HEARING: October 25, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 244.

No. MC 119879, filed June 27, 1960. Applicant: STEEL CITY CARTAGE CO., INC., 6655 Melton Road, Gary, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street., Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, and commodities injurious or contaminating to other lading, between the plant site of Midwest Steel Corporation at or near Portage, Ind., and points in the Chicago, Ill. Commercial Zone, as defined by the Commission, in 1 M.C.C. 673.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 119884, filed June 28, 1960. Applicant: FLOYD G. KOSTAD, doing business as FARMER'S MARKET CO., 1589 North Park Avenue, Eugene, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pools and materials and parts therefor*, from the plant site of Oasis Swimming Pool Co., at or near Eugene, Oreg., to points in Oregon, Washington, Idaho and California, and exempt commodities, on return.

HEARING: November 1, 1960, at the Interstate Commerce Commission Hearing Room, 410 S. W. 10th Avenue, Portland, Oreg., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119890, filed June 30, 1960. Applicant: CORDIE NAYLOR, Box 4, Fayette, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk and in bags, from Lawrence, Kans. to points in Howard, Boone, Pettis, Cooper, Carroll, Saline and Audrain Counties, Mo. (2) *Feed* and *fertilizer*, in bags, from the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission, to points in Howard, Boone, Pettis, Cooper, Carroll, Saline and Audrain Counties, Mo.

HEARING: October 3, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 195.

No. MC 119899, filed July 5, 1960. Applicant: SABRE FREIGHT LINES, LTD., 4125 Myrtle Street, North Burnaby, British Columbia, Canada. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and *except perishable commodities*, between the port of entry on the United States-Canada International Boundary line at or near Blaine, Wash., and Detroit, Mich.; from the port of entry on the United States-Canada International Boundary line at or near Blaine, Wash., over U.S. Highway 99 to Everett, Wash., thence over U.S. Highway 2 to Spokane, Wash. (also from Wenatchee, Wash. over Washington Highway 10 to Quincy, Wash., thence over Washington Highway 7 to junction U.S. Highway 10, thence over U.S. Highway 10 to Spokane, Wash.), thence over U.S. Highway 10 to Billings, Mont., thence over U.S. Highway 87 to Crow Agency, Mont., thence over Montana Highway 8 to junction U.S. Highway 212, approximately 3 miles northwest of Broadus, Mont., thence over U.S. Highway 212 to Belle Fourche, S. Dak., thence over U.S. Highway 14 to Rapid City, S. Dak., thence over U.S. Highway 16 to Sioux Falls, S. Dak., thence over U.S. Highway 77 to Sioux City, Iowa, thence over U.S. Highway 20 to junction with U.S. Highway 69 approximately 9 miles east of Webster City, Iowa, thence over U.S. Highway 69 to junction U.S. Highway 30 (also from Webster City, Iowa over Iowa Highway 60 to junction U.S. Highway 30 approximately 4 miles east of Boone, Iowa), thence over U.S. Highway 30 to Sugar Grove, Ill., thence over the Tri-State Toll Road to junction Michigan Highway M–60 south of Niles, Mich., thence over Michigan Highway M–60 to junction U.S. Highway 112, thence over U.S. Highway 112 to its junction with the Detroit Expressway near Ypsilanti, Mich., thence over the Detroit Expressway to Detroit, Mich., and return over the same route, serving no intermediate points.

HEARING: October 26, 1960, at the Federal Office Building, Seattle, Wash., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119917 (Sub No. 4), filed August 8, 1960. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Atlanta, Ga. to points in Kentucky, and *stale bakery products and empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 114553 (Sub No. 3) to determine whether applicant's status is that of a common or contract carrier. Dual operations under section 210 may be involved.

HEARING: November 3, 1960, at the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Ga., before Joint Board No. 388.

No. MC 119926, filed July 18, 1960. Applicant: NORTH SHORE TRANSPORT LIMITED, 545 Dundas Street, Sault St. Marie, Ontario, Canada. Applicant's attorneys: FitzGerald & Holder, 369 Queen Street, East Sault Ste. Marie, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between the port of entry on the International Boundary Line between the United States and Canada at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan.

NOTE: Applicant states there will be no pick-up or delivery at intermediate points in Michigan, the said movement to be confined to shipments from points in Ontario to any point or points in Michigan, and from any point or points in Michigan to points in Ontario.

HEARING: October 24, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 119949, filed July 11, 1960. Applicant: SYRACUSE TRANSFER, INC., 135 Earl Avenue, Mattydale, N.Y. Applicant's attorney: Herbert M. Cantor, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from Syracuse and Fayetteville, N.Y., to Patterson, N.J.

HEARING: November 2, 1960, at the Federal Building, Syracuse, N.Y., before Examiner Leo A. Riegel.

No. MC 119952, filed July 27, 1960. Applicant: DEAN HOUGH AND LYNDEN HOUGH, doing business as HOUGH BROS., Finch, Province of Ontario, Canada. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from New Holland, Pa., to ports of entry on the International Boundary Line between the United States and Canada located at Ogdensburg, Cornwall, and Alexandria Bay, N.Y.

HEARING: November 2, 1960, at the Federal Building, Syracuse, N.Y., before Examiner Leo A. Riegel.

No. MC 119958, filed July 28, 1960. Applicant: ROLAND WOLFF, doing business as G & W BUILDING MATERIALS, Route 7, Box 406, Centralia, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduits, fittings and accessories* used in connection therewith, or in the installation of the same, and transported in the same load with said pipe; between Corvallis, Oreg. and points in California south of a line projected east and west through Los Angeles and San Bernardino, Calif. (not including Los Angeles and San Bernardino, Calif.), Montana, Texas, South Dakota, North Dakota, Nebraska, Colorado, Nevada, Arizona, New Mexico, Utah, Idaho, and Wyoming.

HEARING: November 4, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119962, filed August 1, 1960. Applicant: EARL T. HOWELL & SON, INC., 6037 Ketchum Avenue, Newfane, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fruit juices, fruit drinks, processed cherries;* from Ripley and Westfield, N.Y., to New York, N.Y. Commercial Zone as defined by the Commission, points on Long Island, N.Y., and points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Rhode Island. (2) *New empty containers;* from points in Indiana and New Jersey, to Ripley and Westfield, N.Y. (3) *Sugar;* from Boston, Mass., and New York, N.Y. Commercial Zone as defined by the Commission, to Ripley and Westfield, N.Y. (4) *Processed cherries;* from points in Michigan and Pennsylvania, to Ripley and Westfield, N.Y., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return, in connection with (1) through (4) above.

NOTE: Applicant holds common carrier authority in MC–119091, therefore, dual operations may be involved.

HEARING: November 3, 1960, at the Manger Hotel, Rochester, N.Y., before Examiner Leo A. Riegel.

No. MC 119973, filed August 5, 1960. Applicant: ROBERT G. RUSSELL, doing business as MISSOURI LUMBER TRANSPORTS, P.O. Box 332, Ironton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *wooden pallets;* from Mammoth Spring, Ark., and points in Missouri on, east, and south of a line beginning at the Arkansas-Missouri State Line, near Gainesville, Mo., and extending along Missouri Highway 5 to junction U.S. Highway 66 near Lebanon, Mo., thence along U.S. Highway 66 to the Missouri-Illinois State line at the Mississippi River, to Chicago and Waukegan, Ill., Milwaukee, Wis., Detroit, Mich., Gary, Ind., St. Paul, Minn., and Davenport, Iowa.

HEARING: November 3, 1960, at the U.S. Court House and Custom House, 1114 Market St., St. Louis, Mo., before Examiner John B. Mealy.

No. MC 119987, filed August 12, 1960. Applicant: FRANK RUSSELL CROCKETT, doing business as F. R. CROCKETT, RFD 2, North Tazwell, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) from points in Tazwell County, Va., to points in Ohio, Kentucky, Tennessee, West Virginia, North Carolina, and Virginia; (2) from Biggs, Ky. and points within a radius of 1 mile thereof, to points in Ohio, Tennessee, West Virginia, Virginia, and North Carolina; (3) from Bristol, Va.-Tenn. and points within a radius of 10 miles thereof, to points in Ohio, West Virginia, and North Carolina; (4) between Bristol, Tenn. and points within 10 miles thereof, and points in Virginia; (5) between Bristol, Va. and points within 10 miles thereof, and points in Tennessee.

HEARING: October 3, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Examiner Robert A. Joyner.

No. MC 119995, filed August 15, 1960. Applicant: M. A. ATKIN, doing business as ATKIN TRUCK LINE, Route 1, Valley Head, Ala. Applicant's attorney: Blain Buchanan, 1024 James Building, Chattanooga 2, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products* consisting of, *floor mats, mud flaps, portawalls, horse shoes*, and *underwater swimming equipment;* from Philadelphia, Pa., to points in Arizona, California, Iowa, Montana, New Mexico, Oregon, Texas, and Washington, and *exempt commodities*, on return.

NOTE: Applicant states he proposes to operate as a contract motor carrier under bilateral contract with only Globe Rubber Company, Philadelphia, Pa.

HEARING: October 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank S. Saltzman.

MOTOR CARRIERS OF PASSENGERS

No. MC 453 (Sub No. 17), filed August 9, 1960. Applicant: THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D.C. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, (1) between points in Montgomery County, Md., on Maryland Highway 97 extending from the District of Columbia-Maryland State line, near Silver Spring, Md., to junction Maryland Highway 586, near Wheaton, Md., thence along Maryland Highway 586 to Rockville, Md.; and (2) between points on U.S. Highway 50 in Arlington and Fairfax Counties, Va., and the race courses located at Shenandoah Downs Race Track and Charles Town Race Track located at Charles Town, W. Va.

HEARING: October 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 63.

No. MC 1501 (Sub No. 200), filed August 10, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn, Chicago 3, Ill. Applicant's attorney: George W. Rauch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction U.S. Highway 29 and North Carolina Highway 49, approximately six (6) miles north of Charlotte, N.C., and Asheboro, N.C., over North Carolina Highway 49, serving all intermediate points.

HEARING: October 31, 1960, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 2835 (Sub No. 30), filed August 15, 1960. Applicant: ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. Applicant's attorney: Martin J. Kelly, Jr., 70 Pine Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express mail* and *newspapers*, in the same vehicle with passengers, from Plattsburgh, N.Y. to the International Boundary line between the United States and Canada, at or near Champlain, N.Y., from Plattsburgh over U.S. Highway 9 to the International Boundary line between the United States and Canada, at or near Champlain, and return over the same route, serving all intermediate points.

HEARING: November 1, 1960, at the Federal Building, Albany, N.Y., before Examiner Leo A. Riegel.

No. MC 116612 (Sub No. 3), filed July 13, 1960. Applicant: BRACERO TRANSPORTATION CO., INC., P.O. Box 476, Edinburg, Tex. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in section 203(a) (22) of the Interstate Commerce Act, and their baggage in the same vehicle, (1) from the International Boundary line between the United States and Mexico at El Paso, Tex., to the Reception Center at Ysleta, Tex., and from the Reception Center at Ysleta, Tex., to the International Boundary line between the United States and Mexico at El Paso, Tex. (2) from the International Boundary line between the United States and Mexico at Yselta, Tex. (more commonly known as the Zaragosa Bridge) to the Reception Center at Ysleta, and from the Reception Center at Ysleta to the International Boundary line between the United States and Mexico at Ysleta, Tex. (3) From the International Bridge between the United States and Mexico at Caseta (Fabens), Tex., to the Reception Center at Ysleta, Tex., and from the Reception Center at Ysleta to the International Bridge between the United States and Mexico at Caseta (Fabens), Tex.

HEARING: November 16, 1960, at the Baker Hotel, Dallas, Tex., before Joint Board No. 294, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117207 (Sub No. 1), filed July 21, 1960. Applicant: ERIE COACH COMPANY, a Corporation, 231 State Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Erie County, Pa. and extending to points in New York, including ports of entry on the International Boundary line between the United States and Canada at Buffalo, Niagara Falls, Alexandria Bay, Rooseveltown and Champlain; points in Ohio, and Washington, D.C.

HEARING: November 7, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Leo A. Riegel.

No. MC 119979, filed August 9, 1960. Applicant: ISIDOR IRVING FINK AND

EVELYN A. FINK, doing business as FINK'S TAXI, 154 Broadway, Saratoga Springs, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip special sedan (station wagon) operations, in non-scheduled service, limited to 8 passengers and chauffeur per single vehicle, in seasonal operations between September 1 and June 15, inclusive, between Saratoga Springs, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Vermont, Rhode Island, New Hampshire, and New Jersey, and Philadelphia, Pa.

HEARING: November 1, 1960, at the Federal Building, Albany, N.Y., before Examiner Leo A. Riegel.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12711 (Sub No. 1), filed August 15, 1960. Applicant: LEO AND FRANCES KONKOLEWSKI, 2977 South 11th Street, Milwaukee 15, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *Broker* (*BMC 5*), at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage*, in special or charter operations, beginning and ending at Milwaukee, Wis. and extending to points in Illinois and Indiana.

HEARING: November 4, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 194), filed August 16, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Marietta, Ohio and Newcomerstown, Ohio, from Marietta over Ohio Highway 77 to junction Ohio Highway 16, thence over Ohio Highway 16 to Coshocton, thence over U.S. Highway 36 to Newcomerstown, and return over the same route, serving no intermediate points, with service at Marietta, Newcomerstown and all junctions for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

No. MC 29130 (Sub No. 89), filed August 17, 1960. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a Corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines, Iowa. Applicant's attorney: J. H. Martin, 500 Bankers Trust Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except nitroglycerin) except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) from junction of Iowa Highways 1 and 22 at junction of U.S. Highway 61 and Iowa Highway 22 at Kalona, Iowa over Highway 22 to Muscatine, Iowa, and return over the same route, serving no intermediate points, but serving the off-route point of Lone Tree, Iowa, and (2) between Iowa City, Iowa and junction of Iowa Highway 92, from Iowa City over U.S. Highway 28 to junction Iowa Highway 92, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

No. MC 42487 (Sub No. 471), filed August 15, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading serving the site of the Wiora Products Company plant located approximately four (4) miles east and one-half (½) mile south of Almond, Wis. on County Highway "AA" in Portage County, Wis. as an off-route point in connection with present regular route operations.

No. MC 42487 (Sub No. 474), filed August 22, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrazine*, in bulk, in tank vehicles, moving on Government Bills of Lading, from Lake Charles, La., to Nimbus, Calif.

No. MC 52657 (Sub No. 600), filed August 18, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Truck and trailer bodies, hoists, freight gates and containers*, except those having a capacity of 5 gallons or less or those having a capacity of 9 cubic feet or less, from the plant site of Gar Wood Industries, in Exeter (Exeter Borough) in Luzerne County, Pa., to points in Pennsylvania. (B) *Trailers* (except those designed to be drawn by passenger automobiles), in initial truckaway service, from the plant site of Gar Wood Industries, in Exeter (Exeter Borough) in Luzerne County, Pa. to points in Pennsylvania.

No. MC 66562 (Sub No. 1709), filed August 17, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boosey, Suite 1220, Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service; between Jacksonville, Fla., and New Smyrna Beach, Fla., (1) from Jacksonville over U.S. Highway 17 to Palatka, Fla.; thence over Florida Highway 207 to St. Augustine, Fla.; thence over U.S. Highway 1 to New Smyrna Beach, and return over the same route, serving the intermediate points of Yukon, Green Cove Springs, Palatka, Hastings, St. Augustine, Bunnell, Ormond Beach, Daytona Beach, and Port Orange, Fla., and the off-route point of Doctors Inlet, Fla. (2) From Jacksonville, Fla. over U.S. Highway 1 to St. Augustine, Fla. and return over the same route, serving no intermediate points, as an alternate route. RESTRICTIONS: (1) The service to be performed by Applicant shall be limited to service which is auxiliary or supplemental to air or rail express service of Applicant. (2) Shipments transported by Applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by Applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict Applicant's operations to service which is auxiliary or supplemental to air or rail express service of Applicant.

No. MC 107403 (Sub No. 315), filed August 17, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible soy bean oil*, in bulk, in tank vehicles, from Chicago, Ill. to Philadelphia, Pa.

No. MC 117466 (Sub No. 3), filed August 17, 1960. Applicant: HENRY L. STODDARD, doing business as HAST DELIVERY SERVICE, Harrison Road, North Branford, Conn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photofilm, photo-prints*, and *incidental handling materials and supplies therefor;* between, (1) New Haven, Conn. on the one hand, and, on the other, Fair Lawn, N.J. and Flushing, N.Y., (2) Fair Lawn, N.J. on the one hand, and, on the other, Newark, N.J. and New York, N.Y., (3) New Haven, Conn. on the one hand, and, on the other, New York (except Flushing), N.Y., and Newark, N.J. RESTRICTION: (2) and (3) above are restricted to shipments having a prior or subsequent movement by air or rail, or for-hire motor carrier.

NOTE: Applicant states he will operate under contract with Eastman Kodak Company, Rochester, N.Y.

No. MC 119391 (Sub No. 1), filed August 1, 1960. Applicant: AJAX TRANSFER COMPANY, 550 East Fifth Street South, South St. Paul, Minn. Applicant's attorney: Robert O. Sullivan, E–901 First National Bank Building, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All dairy products, meat products and packing house products, equipment, materials and supplies including canning factory supplies*, between points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Owatonna, Minn. and points in Minnesota.

NOTE: Applicant states the transportation covered by this application will be the terminal transportation and delivery of interstate shipments originating outside the state of Minnesota and consigned to Rath Packing Company distribution points within the State of Minnesota; and that said transportation by applicant will be wholly within the state of Minnesota.

No. MC 119996, filed August 16, 1960. Applicant: DOUGLASS WOODRUFF, JR., doing business as WOODRUFF TRUCKING COMPANY, R.D. No. 2, East Lake Road, Auburn, N.Y. Applicant's attorney: Martin R. Martino, Tower Building, 14th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastics, compounds, and plastic sheets;* from Auburn, N.Y., to points in New York, Pennsylvania, New Jersey, and Massachusetts. (2) *Materials, equipment, and supplies* used in the processing and manufacture of the above-described commodities and *empty containers or other shipping devices* from the above destination points to Auburn, N.Y. (3) *Adding machine housings* and *business machine parts;* from Auburn, N.Y., to Elmira, N.Y., and *empty containers or other shipping devices*, on return.

NOTICE OF FILING OF PETITIONS

No. MC 11620 (Sub No. 25), (PETITION FOR MODIFICATION OF PERMIT), dated August 15, 1960. Petitioner: GEORGE BUSSE, doing business as THE ARROW TRANSFER COMPANY, Danville, Ky. Petitioner's attorneys: George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. By petition dated August 15, 1960, petitioner seeks modification of the restriction in Permit MC 11620 (Sub No. 25), issued July 18, 1960, limiting operations thereunder to service under a continuing contract or contracts with Merchants Creamery Company of Cincinnati, Ohio, so as to transport oleomargarine, from Cincinnati, Ohio, to points in Alabama and Virginia under continuing contract with the Miami Margarine Company of Cincinnati, Ohio. Any person or persons desiring to oppose the allowance of the additional shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 102608 (PETITION FILED AUGUST 17, 1960, TO AMEND CERTIFICATE BY REMOVING RESTRICTION FROM PART OF CERTIFICATE AND TO ESTABLISH COMMON POINTS FOR TACKING ONLY). Petitioner: BURLINGTON CHICAGO CARTAGE, INC., 604 North Tremont Street, Kawanee, Ill. Petitioner's representative: William Albert Bellou, 604 North Tremont Street, Kawanee, Ill. Certificate No. MC 102608 issued September 23, 1953, which embraces Certificate No. MC 18859, acquired by petitioner pursuant to MC–F 4224, authorizes the transportation of (1) general commodities, with exceptions, (a) between Galesburg and Kewanee, Ill., on over specified regular routes, (b) between Burlington, Iowa, and the Iowa Ordnance Plant, near West Burlington, Iowa, (c) between Galesburg and Kewanee, Ill., on the one hand, and, on the other, Avon and Beardstown, Ill., (d) between Galesburg, Ill., on the one hand, and, on the other, Avon and Beardstown, Ill., (e) to and from Kewanee and Princeton, Ill., (f) serving Galva, Ill., (g) a plant site near Mapleton, Ill., (h) a plant site north of Peoria, Ill., and (i) from Chicago, Ill., to Hastings, Nebr., over specified regular routes, serving certain intermediate and off-route points; (2) Wire, wire products and iron and steel fence posts, from Peoria, Ill., to Burlington, Iowa; (3) Burial vaults, from Burlington, Iowa, to Omaha, Columbus, Fremont, Lincoln and Wahoo, Nebr., and damaged burial vaults, on return; and (4) Livestock, between certain counties in Iowa, on the one hand, and, on the other, Chicago and Peoria, Ill., and points in Henderson County, Ill. The petition dated August 17, 1960, directs attention to the decisions in *Burlington-Chicago Cartage, Inc.* vs. *United States of America*, and *Interstate Commerce Commission Civil Action No. P–2240*, and also, *Case No. 726 Supreme Court of The United States.* Petitioner prays as follows: (1) That said certificate be amended by establishment of common points for tacking only, as set forth more fully in the petition. (2) That said certificate be amended by removing westbound restriction in part, to permit limited eastbound operation, as set forth more fully in the petition. (3) That if the prayers requested here are granted wholly or in part, that such grant be for a period of two years from the date of order. (4) That prior to the expiration of the two year period, this matter shall be reopened, to permit protestants if any at that time to object to further extension wholly or in part. (5) That the Commission at the expiration period (two years) make such amendments, if need be found therefore, to protect its competitors from injury. (6) That the Commission from time to time thereafter, preferably a two year period, reopen this matter, for careful examination of the competitive picture at that time and that the Commission make such amendments, if need be found therefore, to protect its competitors from injury. (7) That no oral hearing be contemplated. (8) That an informal investigation shall ensue and if need be provisions made for an informal conference to allow interested parties to present their views and objections. (9) That an order be issued under sections 208 and 212(a) of the Interstate Commerce Act granting the amendments here-in-before requested. (10) That the phraseology in present certificate be allowed to remain as is and that any amendments ordered for tacking and eastbound operations be added as a supplemental part and that a suggested phrase, providing for an effective and expiration date by attached. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 110117 (Sub No. 12) (PETITION TO ADD AN ADDITIONAL SHIPPER FOR WHICH TRANSPORTATION SERVICE MAY BE PERFORMED UNDER THE INTERIM PERMIT ISSUED), dated August 11, 1950. Petitioner: KENDRICK CARTAGE CO., Salem, Ill. Petitioner's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Petitioner seeks modification of the Interim Permit issued September 14, 1959, authorizing the transportation, over irregular routes, of residual fuel oil, in bulk, in tank vehicles, from the refinery of Texaco, Inc., near Lawrenceville, Ill., to points in Indiana and Ohio, limited to a transportation service to be performed, under a continuing contract or contracts with Boswell Oil Company of Cincinnati, Ohio, so as to authorize, in addition, service under a continuing contract or contracts with Dinn Oil Company of West Frankfort, Ill., serving the territory described above. Any person or persons desiring to oppose the modification to allow the additional shipper, may, within 30 days of the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 112049 (Sub No. 1) (PETITION), dated August 1, 1960. Petitioner: McBRIDE'S EXPRESS, INC., 1901 Wabash, Mattoon, Ill. Petitioner's representative: K. W. Burgess, Traffic Manager, 1507 Papin, St. Louis 3, Mo. Certificate No. MC 112049 (Sub No. 1), authorizes the transportation, over irregular routes, as a common carrier, of general commodities, with the usual exceptions, (1) between St. Louis, Mo., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 36 and north of U.S. Highway 50, (2) Service is authorized to and from points in the St. Louis, Mo., East St. Louis, Ill., Commercial Zone as defined by the Commission except St. Louis where such point is authorized to be served by said carrier over irregular routes, restricted to the transportation of such commodities as said carrier is authorized to transport in such irregular route operations. By petition dated August 1, 1960, petitioner prays the Commission remove the restrictions now applying, namely, commodities in bulk, and commodities requiring special equipment. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE. No. MC 1263 (Sub No. 13)

(AMENDMENT), filed June 20, 1960, published in the FEDERAL REGISTER July 7, 1960. Applicant: McCARTY TRUCK LINE, INC., 729 West 15th Street, Trenton, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. The subject application as filed originally sought authority to operate as a *common carrier*, by motor vehicle, over specified regular routes, transporting: *General commodities*, with certain exceptions, (1) between Kansas City, Mo., and South Lineville, Mo., (2) between St. Joseph, Mo., and South Lineville, Mo., (3) between Spickard, Mo., and Modena, Mo., (4) between Princeton, Mo., and Mt. Moriah, Mo., (5) between Princeton, Mo., and Cainsville, Mo., (6) between Mercer, Mo., and Powersville, Mo., (7) between Princeton, Mo., and Lucerne, Mo., and (8) between Gallatin, Mo., and Mabel, Mo., serving named intermediate points on certain of the above routes. Also included was a request for authority to conduct operations over *irregular routes*, transporting *general* commodities, with certain exceptions, from Princeton, Mercer, South Lineville, Cainsville, Mt. Moriah, Spickard, Ravanna, and Lucerne, Mo., to points in Missouri not on the regular route of an authorized motor carrier. The purpose of this republication is to advise that the application has been amended to strike therefrom the request for *irregular route authority* shown immediately above.

NOTE: This matter is directly related to MC–F 7534. Duplication with present authority to be eliminated.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7501 (WESTERN OIL TRANSPORTATION CO., INC.—PURCHASE—BRUCE BURNEY OIL HAULING, INC.), published in the April 20, 1960, issue of the FEDERAL REGISTER on page 3451. Supplement filed August 23, 1960, to show joinder of PERMIAN OIL COMPANY, 611 West Texas, Midland, Tex., as additional person controlling vendee.

No. MC–F 7537 (YELLOW CAB CO.—CONTROL—DiSALVO TRUCKING CO.), published in the May 25, 1960, issue of the FEDERAL REGISTER on page 4622. Supplement filed August 24, 1960, to show joinder of L. S. ACKERMAN, 111 Sutter Street, San Francisco, Calif., M. FLEISHHACKER, JR., 600 California Street, San Francisco, Calif., W. L. ROTHSCHILD, 245 Turk Street, San Francisco, Calif., GEORGE E. WORSTER, 1408 West Third Street, Los Angles, Calif., E. G. WUNNER, 245 Turk Street, San Francisco, Calif., and GEORGE J. CORSELLO, 1100 East 5th Street, Los Angles, Calif., as the persons controlling YELLOW CAB CO.

No. MC–F 7606, PAUL ARPIN VAN LINES, INC. (N.Y. CORP.)—PURCHASE—ATLANTIC & PACIFIC MOVING CO., published in the August 10, 1960, issue of the FEDERAL REGISTER on page 7561. Supplement filed August 18, 1960, to show joinder of ADOLPH ARPIN, MILTON ARPIN, PAUL ARPIN and LOUISE M. ARPIN, all of 150 Manton Avenue, Providence, R.I., as the persons controlling PAUL ARPIN VAN LINES, INC., (RHODE ISLAND CORPORATION) which, in turn, controls vendee.

No. MC–F 7608 (DEATON TRUCK LINE, INC.—PURCHASE—MAGNOLIA TRUCK LINE, INC.), published in the August 10, 1960, issue of the FEDERAL REGISTER on page 7562. Supplement filed August 22, 1960, to show joinder of EDWIN M. SELLERS and DOROTHY S. SELLERS, both of 3409 Tenth Avenue North, Birmingham, Ala., as the persons controlling DEATON TRUCK LINE which, in turn, controls vendee.

No. MC–F 7631. Authority sought for control and merger by HYMAN TRANSPORTATION COMPANY, 8 North State Street, Aberdeen, S. Dak., of the operating rights and property of WESTERN TRANSPORTATION CO., 17 First Street, South West, Watertown, S. Dak., and for acquisition by EUGENE PIKOVSKY, 2600 University Avenue, S.C., Minneapolis, Minn., of control of such rights and property through the transaction. Applicants' attorneys: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., and R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between St. Paul, Minn., and Redfield, S. Dak., between St. Paul, Minn., and Aberdeen, S. Dak., between Watertown, S. Dak., and Webster, S. Dak., between Watertown, S. Dak., and Toronto, S. Dak., and between Redfield, S. Dak., and Aberdeen, S. Dak. (as an alternate route), serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Watertown, S. Dak., on the one hand, and, on the other, points in that part of Minnesota on and north of Minnesota Highway 19, south of Minnesota Highway 7, between points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Chemolite Siding, Minn., on the one hand, and, on the other, the side of the Twin City Ordnance Plant, in Mounds View Township, Ramsey County, Minn., and between points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, Chemolite Siding, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, Hopkins, and State Fair Grounds, Minn.; *household goods*, as defined by the Commission, between points in that part of South Dakota north of U.S. Highway 16 and east of U.S. Highway 83 on the one hand, and, on the other, points in North Dakota, Minnesota, Wisconsin, Illinois, Iowa, and Nebraska; *canned goods*, from Marshalltown, Iowa, to Watertown, S. Dak.; *binder twine*, from Stillwater, Minn., to points in South Dakota as specified above; *bakery goods*, from Sioux City, Iowa, to Watertown, S. Dak.; *mail-order house catalogs*, between Watertown, S. Dak., on the one hand, and, on the other, points in South Dakota and Minnesota within 100 miles of Watertown, S. Dak. HYMAN TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in South Dakota, Iowa, Minnesota and North Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7632. Authority sought for purchase by WEATHERS BROS. TRANSFER CO., INC., 592 St. Charles Avenue, N.E., Atlanta 8, Ga., of the operating rights of SMALLWOOD TRANSFER & STORAGE COMPANY, Third and Charles Streets, St. Joseph, Mo., and for acquisition by R. L. WEATHERS, 592 St. Charles Avenue, N.E., Atlanta 8, Ga., A. C. WEATHERS, 800 East Adams Street, Jacksonville, Fla., and L. W. WEATHERS, 1268 Druid Park Avenue, Augusta, Ga., of control of such rights through the purchase. Applicants' attorney: R. J. Reynolds, Jr., 1424 C & S Bank Building, Atlanta 3, Ga. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Buchanan County, Mo., on the one hand, and, on the other, points in Kansas, Nebraska, and Illinois. Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Connecticut, Delaware, West Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8071; Filed, Aug. 30, 1960; 8:48 a.m.]

[Notice 135]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 26, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–730 (Deviation No. 6), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed August 16, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Modesto, Calif., over California Highway 132 to junction California Highway 33, thence over California Highway 33 to junction U.S. Highway 50 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 99 to junction California Highway 120 at Manteca, Calif., thence over California Highway 120 to junction U.S. Highway 50, thence over U.S. Highway 50 to San Francisco, and return over the same route.

No. MC–2202 (Deviation No. 11), ROADWAY EXPRESS INC., 147 Park Street, Akron 9, Ohio, filed August 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cincinnati and Dayton over U.S. Highway 25.

No. MC 20053 (Deviation No. 1), HUFF TRUCK LINE INC., 185 West McLemore, Memphis 2, Tenn., filed August 10, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From a point just north of Liverpool, La., over Louisiana Highway 38 to Easleyville, La., thence over Louisiana Highway 43 to Greensburg, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From New Orleans, La., over U.S. Highway 51 to Kentwood, La.; from Fluker, La., over Louisiana Highway 35 to Greensburg; from Kentwood over U.S. Highway 51 to Fluker, thence over Louisiana Highway 10 to Greensburg, and return over the same routes.

No. MC–35334 (Deviation No. 1), COOPER-JARRETT, INC., 2113 West 73d Street, Chicago 36, Ill., filed August 17, 1960. The carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From a point on U.S. Highway 224 west of Akron, Ohio over U.S. Highway 224 to junction Interstate Highway 90 south of Painesville, Ohio, thence over Interstate Highway 90 to the New York-Pennsylvania State line, thence over the New York Thruway to junction Interstate Highway 90 near Ravena, N.Y., thence over Interstate Highway 90 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 to Hartford, Conn., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service routes as follow: From Chicago, Ill., over U.S. Highway 6 to New Rochester, Ohio, thence over U.S. Highway 23 to junction U.S. Highway 224, thence over U.S. Highway 224 via Lodi, Ohio to junction U.S. Highway 422, thence over U.S. Highway 422 to Evansburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y.; from New York over U.S. Highway 1 via Greenwich and Noroton, Conn., to junction unnumbered highway (formerly U.S. Highway 1) thence over unnumbered highway via Milford, Conn., to junction U.S. Highway 1, thence over U.S. Highway 1 to New Haven, Conn., thence over Alternate U.S. Highway 5 (formerly U.S. Highway 5) to North Haven, Conn. (also from New Haven over U.S. Highway 5 to North Haven, Conn.), thence over U.S. Highway 5 to junction Alternate U.S. Highway 5 (formerly U.S. Highway 5), thence over Alternate U.S. Highway 5 via Tracy and Meriden, Conn., to junction U.S. Highway 5 (also from junction Alternate U.S. Highway 5 (formerly U.S. Highway 5) over U.S. Highway 5 to junction Alternate U.S. Highway 5), thence over U.S. Highway 5 to junction unnumbered highway (formerly U.S. Highway 5), thence over unnumbered highway to Hartford, Conn., and return over the same routes.

No. MC 59680 (Deviation No. 7), STRICKLAND TRANSPORTATION CO. INC., Post Office Box 5689, Dallas 2, Texas, filed 8–12–60. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highway 77 to junction Texas Highway 24 near Denton, Tex., and thence over Texas Highway 24 to Decatur, Tex., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, over Texas Highway 287 to Decatur, and return over the same route.

No. MC 59680 (Deviation No. 8), STRICKLAND TRANSPORTATION CO. INC., Post Office Box 5689, Dallas 2, Texas, filed August 18, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 41 and Tri-State Tollway (Interstate Highways 94 and 294) to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Milwaukee, Wis. and Chicago over U.S. Highway 41.

No. MC 60191 (Deviation No. 1), CLEVELAND & BUFFALO TRANSIT COMPANY, INC., 3621 Lakeside Avenue, Cleveland 14, Ohio, filed August 16, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Interstate Highway 90 (New York Thruway Ohio North-South Freeway) to junction Euclid Spur, thence over Euclid Spur to junction Ohio Highway 2, thence over Ohio Highway 2 to Cleveland, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland over U.S. Highway 20 to junction Pennsylvania Highway 5, thence over Pennsylvania Highway 5 to junction Pennsylvania Highway 955, thence over Pennsylvania Highway 955 to Harbor Creek, Pa., thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo; and from Cleveland over U.S. Highway 20 to junction U.S. Highway 62, and thence over U.S. Highway 62 to Buffalo, and return over the same routes.

No. MC 72444 (Deviation No. 11), THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Blvd., Akron 6, Ohio, filed August 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cincinnati and Dayton over Ohio Highway 4.

No. MC 107475 (Deviation No. 3), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati 3, Ohio, filed August 17, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 75 to Dayton, Ohio and return over the same route, for operating convenience only, serving no in-

termediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio over Ohio Highway 4 to Middletown, Ohio, thence over U.S. Highway 25 to Dayton and return over the same route.

No. MC-109672 (Deviation No. 1), JACK'S EXPRESS INC., 800 S. Main Street, Canandaigua, N.Y., filed August 8, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Oswego, N.Y., over New York Highway 96 to Spencer, N.Y., thence over New York Highway 34 to junction New York Highway 224, thence over New York Highway 224 to Montour Falls, N.Y., thence over New York Highway 14 to Geneva, N.Y., thence over New York Highway 5 to Buffalo, N.Y.; (B) from the junction of New York Highways 17 and 17E east of Elmira, N.Y., over New York Highway 17 to East Corning, N.Y.; and (C) from Buffalo over the New York Thruway to the New York-New Jersey State line and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Binghamton, N.Y., over New York Highway 17 via Oswego to Elmira (also from Binghamton over New York Highway 17C to Oswego), thence over New York Highway 17E to Big Flats, N.Y., thence over New York Highway 17 to Painted Post, N.Y., thence over New York Highway 15 to Wayland, N.Y., thence over New York Highway 63 to Dansville, N.Y., thence over New York Highway 36 to Greigsville, N.Y. thence over New York Highway 63 to Batavia, N.Y., thence over New York Highway 33 to Buffalo, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 60-8070; Filed, Aug. 30, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 26, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36509: *Soda ash—Baton Rouge, La., to Tampa and Hillsboro, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A4009), for interested rail carriers. Rates on soda ash, in carloads, from Baton Rouge and North Baton Rouge, La., to Tampa and Hillsboro, Fla.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 13 to Southern Freight Association tariff I.C.C. S-89.

FSA No. 36510: *Barytes—Southwest to WTL, official and SFA territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7881), for interested rail carriers. Rates on barite (barytes), not ground, in carloads, from points in southwestern territory, to points in western trunk line, official and southern territories.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 34 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 36511: *Plaster and related articles—Alameda and Albuquerque, N. Mex., to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7878), for interested rail carriers. Rates on plaster, gypsum wallboard and related articles, in carloads, from Alameda and Albuquerque, N. Mex., to points in southern territory, also points in Virginia.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 5 to Southwestern Freight Bureau tariff I.C.C. 4355.

FSA No. 36512: *Grain—Oreg. and Washington points to Seattle and Tacoma, Wash.* Filed by North Pacific Coast Freight Bureau, Agent (No. 60-2), for the Union Pacific Railroad Company. Rates on grain, in carloads, as described in the application, from points in Oregon and Washington, to Seattle and Tacoma, Wash.

Grounds for relief: Unregulated truck and barge competition.

Tariff: Supplement 28 to North Pacific Coast Freight Bureau tariff I.C.C. 978.

FSA No. 36513: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 391), for interested rail carriers. Rates on agricultural implements, etc., trading stamp books, marshmallow creme or paste, and chemicals, etc., in carloads or less-than-carloads, between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate competition and maintenance of rates from or to points in other states not subject to the same competition.

Tariff: Supplement 108 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36514: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 392), for interested rail carriers. Rates on iron or steel containers, agricultural implements, etc., and other commodities named in the application, in carloads or less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without having to use such rates as factors in constructing combination rates.

Tariff: Supplement 108 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Dock 60-8069; Filed, Aug. 30, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Greenwood Manufacturing Co., Inc., 331 Walker Avenue, Greenwood, S.C.; effective 8-9-60 to 8-8-61 (ladies' dresses, house coats).

Kenrose Manufacturing Co., Inc., 230 Center Avenue NW., and 321 Albemarle Avenue SE., Roanoke, Va.; effective 8-22-60 to 8-21-61 (women's dresses).

Leitchfield Manufacturing Co., Leitchfield, Ky.; effective 8-20-60 to 8-19-61 (men's dress pants).

Loften Garment Co., Greensville, Tenn.; effective 8-15-60 to 8-14-61 (ladies' dresses).

Oriole Manufacturing Co., 1700 Aiken Street, Baltimore, Md.; effective 8-12-60 to 8-11-61. Learners may not be engaged at special minimum wage rates in the production of separate skirts (pants, blouses).

Rita Fashions, 242 North Main Street, Moscow, Pa.; effective 8-20-60 to 8-19-61 (children's apparel—outerwear).

Saltillo Manufacturing Co., Inc., Saltillo, Tenn.; effective 8-15-60 to 8-14-61 (sport shirts).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-18-60 to 8-17-61 (men's and boys' nightwear).

Sylvania Garment Co., Inc., Savannah Road, Sylvania, Ga.; effective 8-13-60 to 8-12-61 (ladies' blouses; men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bryan Infants' Wear, Inc., 6907 East 14th Street, Tulsa, Okla.; effective 8-10-60 to 8-9-61; 10 learners (infants' wear).

Central Dress Co., 249 North Central Street, Gilman, Ill.; effective 8-10-60 to 8-9-61; 10 learners (women's dresses).

Centre Togs, Inc., 148 South Main Street, Jersey Shore, Pa.; effective 8-8-60 to 8-7-61; 10 learners (girls' jackets).

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans, La.; effective 8-11-60 to 8-10-61; 10 learners (men's work pants).

Horton Garment Co., 112 South Second Street, Atchison, Kans.; effective 8-18-60 to 8-17-61; 10 learners (junior and misses' dresses).

Newport Manufacturing Co., Newport, Vt.; effective 8-10-60 to 8-9-61; 10 learners (dresses).

Reida Apparel Manufacturing Co., Inc., 47 Main Street, Hughesville, Pa.; effective 8-15-60 to 8-14-61; 10 learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The H. D. Lee Co., Inc., Boaz, Ala.; effective 8-9-60 to 2-8-61; 30 learners (men's work clothing; bib and waistband overalls).

Panola Inc. of Batesville, Linker Street, Batesville, Miss.; effective 8-12-60 to 2-11-61; 30 learners (women's girdles).

Ware Place Apparel, Inc., Ware Place, S.C.; effective 8-9-60 to 2-8-61; 40 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (blouses, dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

DeKalb Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-9-60 to 2-8-61; 25 learners for plant expansion purposes (seamless).

DeKalb Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-28-60 to 8-27-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Grenada Industries, Inc., Grenada, Miss.; effective 8-12-60 to 2-11-61; 15 learners for plant expansion purposes (supplemental certificate) (full-fashioned, seamless).

Hilt Hosiery Mills, Inc., Glen Haven, N.C.; effective 8-17-60 to 8-16-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N.C.; effective 8-28-60 to 8-27-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Southland Sox, Inc., 933 North Gault Avenue, Fort Payne, Ala.; effective 8-9-60 to 8-8-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Sleepwear Corp., Weldon, N.C.; effective 8-15-60 to 10-15-60; 30 learners for plant expansion purposes (women's nightwear).

Carolina Sleepwear Corp., Weldon, N.C.; effective 8-15-60 to 10-15-60; five learners for normal labor turnover purposes (women's nightwear).

Carmi Ainsbrooke Corp, Carmi, Ill.; effective 8-15-60 to 8-14-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven undershorts).

Junior Form Lingerie Corp., Route 601, Jerome, Pa.; effective 8-15-60 to 2-14-61; 20 learners for plant expansion purposes (women's sleepwear).

I. Mathews and Brothers, 64 Conduit Street, New Bedford, Mass.; effective 8-9-60 to 8-8-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's cotton, nylon, rayon and plastic panties).

Snowdon, Inc., Osceola, Iowa; effective 8-26-60 to 8-25-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 18th day of August 1960.

ROSE G. ROSOFSKY, *Authorized Representative of the Administrator.*

[F.R. Doc. 60-8060; Filed, Aug. 30, 1960; 8:46 a.m.]

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LAW REFERENCE ROOM

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and PARALLEL TABLE

OF MICHIGAN
OCT 2. 1960
MAIN READING ROOM

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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Pages 8363–8468

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FEDERAL REGISTER

VOLUME 25 NUMBER 171

Washington, Thursday, September 1, 1960

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.A2

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1001—LIMES GROWN IN SOUTH FLORIDA

Increase in Amount of Reserve Fund

Notice was published in the August 11, 1960, issue of the FEDERAL REGISTER (25 F.R. 7653) that consideration was being given to proposals regarding an increase in the amount of the reserve fund (§ 1001.204 *Reserve fund;* 7 CFR 1001.204) established in accordance with the provisions of the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). It was proposed that: (1) The Secretary of Agriculture find that to increase the amount of the reserve fund to an amount not to exceed $10,000 (approximately one fiscal year's operational expenses) as authorized by § 1001.42 of the amended marketing agreement and order is appropriate for the maintenance and functioning of the said committee, and (2) that excess assessment funds from the fiscal year ended March 31, 1960, in the amount of $2,435.38 be placed in said reserve fund.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Florida Lime Administrative Committee (established pursuant to the said amended marketing agreement and order), the said proposals are hereby approved.

Order. Section 1001.204 (7 CFR § 1001.204) is amended by substituting "$10,000" for the amount "$4,500" and changing the second sentence thereof to read as follows: "The committee is hereby authorized to carry forward in such reserve fund not to exceed $4,500 of excess assessment funds from the fiscal year ended March 31, 1958, and not to exceed $2,435.38 of excess assessment funds from the fiscal year ended March 31, 1960."

As so amended, § 1001.204 reads as follows:

§ 1001.204 **Reserve fund.**

The establishment of a reserve fund not to exceed the amount of $10,000 is appropriate and necessary to the maintenance and functioning of the Florida Lime Administrative Committee. The committee is hereby authorized to carry forward in such reserve fund not to exceed $4,500 of excess assessment funds from the fiscal year ended March 31, 1958, and not to exceed $2,435.38 of excess assessment funds from the fiscal year ended March 31, 1960. Such reserve shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8082; Filed, Aug. 30, 1960; 8:49 a.m.]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Reserve Funds; Correction

In Federal Register Document 60–7883 appearing at page 8097 of the issue of Wednesday, August 24, 1960 (25 F.R. 8097), the amount of "$5,769.09" appearing in the second sentence of § 1020.205 is corrected to read "$5,765.09."

Dated: August 26, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8123; Filed, Aug. 31, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–NY–30]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.40 of the regulations of the Administrator is to change the controlling agency of the West Point, N.Y. Restricted Area (R–93) (New York Chart). The activities conducted within this area are artillery and mortar firing.

The Department of the Army has agreed to changing the controlling agency for Restricted Area (R–93) from "U.S. Military Academy, West Point, N.Y." to "Federal Aviation Agency, New York ARTC Center" in order to provide for the maximum utilization of the airspace within this area.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken: In § 608.40, the West Point, N.Y., Restricted Area (R–93) (New York Chart) (23 F.R. 8585) is amended by deleting "U.S. Military Academy, West Point, N.Y." and substituting therefor "Federal Aviation Agency, New York ARTC Center."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749; 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–8109; Filed, Aug. 31, 1960; 8:45 a.m.]

[Airspace Docket No. 60–KC–13]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.57 of the regulations of the Administrator is to change the controlling agency of the Sheboygan, Wis., Restricted Area (R–83–B) (Milwaukee Chart).

The U.S. Air Force has requested that as the Air National Guard Units are the primary users of R–83–B, the controlling agency be changed from "Commanding General, 10th Air Force, Selfridge Air Force Base, Michigan" to "Commander, 128th Fighter Group, Wisconsin Air National Guard, Milwaukee, Wisconsin."

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirement of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken: In § 608.57, the Sheboygan, Wis., Restricted Area (R–83–B) (Milwaukee Chart) (24 F.R. 2234, 25 F.R. 1868) is amended by deleting "Commanding General, 10th AF, Selfridge AFB, Michigan." and substituting therefor "Commander, 128th Fighter Group, Wisconsin Air National Guard, Milwaukee, Wisconsin."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–8110; Filed, Aug. 31, 1960; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Veterans Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(7) of § 6.322 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8104; Filed, Aug. 31, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of July 21, 1960 (25 F.R. 6924), and the amendment promulgated by that order will become effective on September 19, 1960.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: August 26, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8146; Filed, Aug. 31, 1960; 8:48 a.m.]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Pineapple; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of July 20, 1960 (25 F.R. 6877), and the amendments promulgated by that order will become effective on October 18, 1960.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: August 26, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8147; Filed, Aug. 31, 1960; 8:48 a.m.]

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Sweetpotatoes; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of July 9, 1960 (25 F.R. 6468) permitting the terms "halves," "halved," "cut," or "cuts" to be named on labels for certain forms of units. Accordingly the amendments promulgated by that order will become effective on September 7, 1960.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: August 26, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8148; Filed, Aug. 31, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

1. Section 121.86 is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of one year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

• • • • • •

Product	Limits	Specified uses or restrictions
• • •	• • •	• • •
Butylated hydroxyanisole	0.1 percent	As an antioxidant in chewing gum base.
Chilte (chilte paloja)		As a constituent of chewing gum base.
Hydrocarbon oil (deodorized), kerosene aliphatic type.	30 p.p.m. in filtrate	As a defoaming agent used in manufacture of glutamic acid from beet sugar process.
Soybean and cottonseed fatty acids (palmitic, stearic, oleic, linoleic, linolenic, myristic).		

2. Section 121.87 is amended by adding to paragraph (a) the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.87 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions for a period of one year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) *General list.* • • •

Product	Limits	Specified uses or restrictions
• • •	• • •	• • •
Ethylene glycol monobutylether		As a constituent of paper mill felt cleaner.
Ethylene oxide condensation product (9 mols) and nonyl phenol (1 mol).		
Pine oil		As a constituent of paper coating used in food packaging.
Polyethylene glycol 600 dioleate		As a defoaming agent used in manufacture of paper and paperboard for food packaging.
Polyethylene glycol 4000 distearate		
Polyethylene glycol 1000 monostearate		
Polyoxyethylated nonyl phenol (6 mols ethylene oxide, 1 mol nonyl phenol).		
Polypropylene glycol (molecular weight 2000)		As a defoaming agent used in manufacture of paper and paperboard for food packaging.
Sodium bisulfate		As a constituent of paper mill felt cleaner.
Sodium dodecylbenzene sulfonate		
Sodium o-phenylphenate		As a constituent of paper and paper coating used in food packaging.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: August 25, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8143; Filed, Aug. 31, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.87 is amended by adding thereto the following new paragraph (f):

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

• • • • • •

(f) *Substances migrating from rubber and rubber products used in food handling.* The following additives may be used in rubber and rubber products used in food handling under the condition that a minimum quantity of the additive from the rubber and rubber products will be incorporated in the food, consistent with good manufacturing practice:

(1) *Elastomers.* (i) Natural rubber.

(ii) Styrene-butadiene polymer with stabilizers and/or antioxidants listed in subparagraphs (3) and (4) of this paragraph.

(iii) Chloroprene polymers with stabilizers and/or antioxidants listed in subparagraphs (3) and (4) of this paragraph.

(iv) Nitrile-butadiene polymers with stabilizers and/or antioxidants listed in subparagraphs (3) and (4) of this paragraph.

(v) Isobutylene-isoprene polymers with stabilizers and/or antioxidants listed in subparagraphs (3) and (4) of this paragraph.

(vi) Silicone polymers with stabilizers and/or antioxidants listed in subparagraphs (3) and (4) of this paragraph.

(2) *Vulcanization materials*—(i) *Vulcanizing agents.*

Sulfur, ground.
Tellurium.

(ii) *Accelerators.*

2-Benzothiazyl-*N,N*-diethylthiocarbamylsulfide.
2-Benzothiazyl disulfide.
Benzoyl peroxide.
Bismuth dimethyldithiocarbamate.
N-*tert*-Butyl-2-benzothiazole-sulfenamide.
Copper dimethyldithiocarbamate.
N-Cyclohexyl-2-benzothiazole sulfenamide.
Dibenzoyl-*p*-quinone dioxime.
Dibenzylamine.
di-*tert*-Butyl peroxide.
2,4-Dichlorobenzoyl peroxide.
Dicumyl peroxide.
2,6-Dimethyl morpholine thiobenzothiazole.
N,N'-Diorthotolyl guanidine.
Diorthotolyl guanidine salt of pyrocatechol borate.
Dipentamethylene thiuram tetrasulfide.
Diphenyl guanidine.
4,4'-Dithiodimorpholine.
Ethylenediamine carbamate.
Hexamethylene tetramine.
2-Mercaptobenzothiazole.
2-Mercaptoimidazoline.
N-Oxidiethylene-2-benzothiazole sulfenamide.
N-Oxidiethylene-benzothiazole-2-sulfenamide.
Piperidinium pentamethylene-dithiocarbamate.
Potassium pentamethylene-dithiocarbamate.
p-Quinone dioxime.
Sodium dibutyldithiocarbamate.
Tellurium diethyldithiocarbamate.
Tetrabutyl thiuram monosulfide.
Tetraethyl thiuram disulfide.
Tetramethyl thiuram disulfide.
Tetramethyl thiuram monosulfide.
Triethylene tetramine.
Triethyl-trimethyltriamine.
Triethyl-trimethylenetriamine.
Triphenyl guanidine.
Zinc dibutyldithiocarbamate.
Zinc diethyldithiocarbamate.
Zinc dimethyldithiocarbamate.
Zinc-2-mercaptobenzothiazole.

(iii) *Retarders.*

N-Nitroso diphenylamine.
Phthalic anhydride.
Salicylic acid.

(iv) *Activators.*

Calcium hydroxide.
Dibutyl-ammonium oleate.
Diethylamine.
Fatty acid amines, mixed.
Fatty acids.
Hydrated lime.
Lauric acid.
Magnesium carbonate.
Magnesium oxide, light and heavy.
Malic acid.
Sodium acetate.
Soybean lecithin-*p*-triethanolamine.
Stannous chloride.
Stearic acid.
Tall oil fatty acid.
Triethanolamine.
Zinc oxide.
Zinc salt of fatty acids.
Zinc stearate.

(3) *Protective agents*—(i) *Antioxidants and antiozonants.*

2,5-di-*tert*-Amyl hydroquinone.
Butylated hydroxytoluene.
4,4'-Butylidine bis(6-*tert*-butyl-*m*-cresol).
di-*tert*-Butyl-4-methylphenol.
N-Cyclohexyl-*N'*-phenyl-phenylenediamine.
p,p'-Diamine diphenylmethane.
1,2-Dihydro-2,2,4-trimethyl-6-phenylquinoline.
1,2-Dihydro-2,2,4-trimethylquinoline, polymerized.
4,4'-Dimethoxy diphenylamine.
Dioctyl phenylenediamine.
Diphenyl ethylenediamine.
N,N'-Diphenyl-*p*-phenylenediamine.
N,N'-Disalicylal propylenediamine.
6-Dodecyl-2,2,4-trimethyl-1,2-dihydroquinoline.
6-Ethoxy-1,2-dihydro-2,2,4-trimethylquinoline.
Hydroquinone monobenzyl ether.
Isoproproxy diphenylamine.
N-Isopropyl-*N'*-phenyl-*p*-phenylenediamine.
di-*p*-Methoxy diphenylamine.
4-Methyl-6-*tert*-butylphenol.
2,2-Methylene bis(4-methyl-6-nonylphenol).
2,2-Methylene bis(4-methyl-6-*tert*-butylphenol).
di-β-Naphthyl-*p*-phenylene-diamine.
tri-(Nonylphenyl) phosphite.
Phenyl-α-naphthylamine.
Phenyl-β-naphthylamine.

o- and p-phenylphenol.
Sodium pentachlorophenate.
Styrenated phenol.
4,4'-Thiobis(6-*tert*-butyl-*m*-cresol).
Thiobis(di-*sec*-amylphenol).
2,4-Toluenediamine.
m-Toluenediamine.
di-*o*-*Tolyl* ethylenediamine.
N-o-Tolyl-*N'*-phenyl-*p*-phenylenediamine.
p(p-Tolyl-sulfanilamide) diphenylamine.

(4) *Plasticizers.*

Amyl decyl phthalate.
Beeswax.
Butyl acetyl ricinoleate.
Butyl laurate.
Butyl oleate.
Butyl stearate.
Calcium stearate.
Carnauba wax.
Castor oil.
Coconut fatty acid, distilled.
Corn fatty acid, distilled.
Cottonseed oil.
Coumarone-indene resins.
Dibenzyl adipate.
Dibutoxy-ethoxy-ethyl adipate.
Dibutyl phthalate.
Dibutyl sebacate.
Didecyl adipate.
Didecyl phthalate.
Diisodecyl adipate.
Diisodecyl phthalate.
Diisooctyl adipate.
Diisooctyl sebacate.
Dioctyl adipate.
Dioctyl phthalate.
Dioctyl sebacate.
Ethylene glycol.
Fatty acids, hydrogenated.
Glycerin.
Lanolin.
Lauric acid.
Mineral oil.
Mineral rubber (asphaltite).
Montan wax.
Octyldecyl adipate.
Octyldecyl phthalate.
Oleic acid (red oil).
Paraffin wax.
Petrolatum.
Petroleum oil, paraffinic.
Petroleum oil, naphthenic.
Petroleum oil, sulfonated.
Phenol-formaldehyde resins.
Pine tar.
Polybutene.
Propylene glycol.
Rosin oil.
Rosin wood and derivatives.
Soyabean fatty acids.
Stearic acid.
Terpene resins.

(5) *Fillers*—(i) *Carbon black.* "Channel" process only.

(ii) *Light-colored fillers.*

Aluminum hydrate.
Aluminum silicate.
Antimony oxide.
Antimony trioxide.
Barium sulfate.
Calcium oxide.
Calcium carbonate.
Calcium silicate.
Casein.
Clays.
Cork.
Cotton (floc, fibers, fabric).
Magnesium carbonate.
Mica.
Nylon (floc, fibers, fabric).
Silica.
Talc.
Titanium dioxide.
Wood flour.
Zinc carbonate.
Zinc oxide.
Zinc sulfide.

(6) *Colors.*

Yellow: Cadmium sulfide, zinc chromate.
Blue: Copper phthalocyanine, double silicate of sodium and aluminum with sodium sulfide (ultramarine blue), anthraquinone type.
Red: Cadmium sulfide, pyrazolone (Color Index 21120), red iron oxide.
Green: Phthalocyanine.
White: Calcium sulfate, titanium dioxide.

(7) *Lubricants.*

Monosodium sulfates of higher alcohols.
Polyethylenes of low molecular weights.
Sodium stearate.

(8) *Miscellaneous.*

tert-Butyl paracetate.
di-*tert*-Butyl paracresol.
N-Dodecyl mercaptan.
mono- and di-Heptyl diphenylamines mixture.
2-Naphthalenethiol.
Polyethylene glycol (molecular weight 6,000).
Styrene monomer.

The original request to extend the effective date of the statute for food additives that may migrate from rubber and rubber products used in food handling included other substances. These additives are not included in this regulation extending the effective date of the statute, pending the evaluation of additional data that will specifically identify the particular substances for which the extensions are requested.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: August 25, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8142; Filed, Aug. 31, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PARTIALLY DEFATTED, COOKED COTTONSEED FLOUR PERMITTED FOR USE IN FOODS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Buckeye Cotton Oil Division of the Buckeye Cellulose Corporation, Cincinnati 17, Ohio, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive partially defatted, cooked cottonseed flour. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), Subpart D (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1019 **Partially defatted, cooked cottonseed flour.**

The food additive partially defatted, cooked cottonseed flour may be used in or on food in accordance with the following prescribed conditions:

(a) The additive is derived from decorticated, partially defatted, cooked, ground cottonseed kernels so prepared that the free gossypol content of the article shall not exceed 450 parts per million (0.045 percent) by weight.

(b) To insure safe use of the additive, the label of the food additive container shall bear, in addition to other information required by the act, the name of the additive, "partially defatted, cooked cottonseed flour."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: August 26, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8145; Filed, Aug. 31, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

INORGANIC BROMIDE; PERMITTED RESIDUES FROM FUMIGATION WITH METHYL BROMIDE

The Commissioner of Food and Drugs has evaluated the data submitted in a petition filed by the Dow Chemical Company, Midland, Michigan, and other relevant material, including tolerances previously established for certain fresh fruits not expected to be later dried, and has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive inorganic bromide present as a residue in or on dried fruits that have been fumigated with methyl bromide after harvesting. Therefore, Subpart D (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1020 **Inorganic bromide.**

The food additive inorganic bromide may be present as a residue in certain dried fruits in accordance with the following prescribed conditions:

(a) The food additive is present as a result of the use of methyl bromide as a fumigant.

(b) The residues of inorganic bromide (calculated as Br) shall not exceed the following levels:

(1) 150 parts per million in or on dried figs.

(2) 100 parts per million in or on dried dates.

(3) 50 parts per million in or on raisins.

(4) 30 parts per million in or on dried apples, dried apricots, dried peaches, and dried pears.

(5) 20 parts per million in or on dried prunes.

(c) Where tolerances are established under both sections 408 and 409 of the act on the fresh fruit and on the dried fruit, respectively, the total residue of inorganic bromide in or on the dried fruit shall not be greater than that designated in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: August 26, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8144; Filed, Aug. 31, 1960; 8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6490]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Regulations Under Dealer Reserve Income Adjustment Act of 1960

On August 9, 1960, notice of proposed rule making regarding regulations under the Dealer Reserve Income Adjustment Act of 1960 and amendment to regulations under section 481 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (25 F.R. 7498). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed and the amendment of the regulations concerned, the regulations as so published are hereby adopted subject to the changes set forth below. Such regulations supersede Treasury Decision 6483 (26 CFR Part 17), approved July 14, 1960 (25 F.R. 6879).

PARAGRAPH 1. Paragraph (b) of § 1.9002-1 is revised.

PAR. 2. Paragraph (b) (2) and (3) of § 1.9002-8 is revised.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 30, 1960.

DAVID A. LINDSAY,
Acting Secretary of the Treasury.

The regulations set forth in paragraph 1 below are hereby prescribed under paragraph (f), section 5, of the Dealer Reserve Income Adjustment Act of 1960, approved May 13, 1960. Section 1.481-2 of the Income Tax Regulations (26 CFR 1.481-2) is hereby amended as set forth in paragraph 2 below. Such regulations supersede Treasury Decision 6483 (26 CFR Part 17), approved July 14, 1960 (25 F.R. 6879).

PARAGRAPH 1. The following regulations are hereby prescribed under the Dealer Reserve Income Adjustment Act of 1960, approved May 13, 1960:

Sec.
1.9002 Statutory provisions; Dealer Reserve Income Adjustment Act of 1960 (74 Stat. 124).
1.9002-1 Purpose, applicability, and definitions.
1.9002-2 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 apply.
1.9002-3 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 not apply.
1.9002-4 Election to pay net increase in tax in installments.
1.9002-5 Special rules relating to interest.
1.9002-6 Acquiring corporation.
1.9002-7 Statute of limitations.
1.9002-8 Manner of exercising elections.

§ 1.9002 **Statutory provisions; Dealer Reserve Income Adjustment Act of 1960 (74 Stat. 124).**

SECTION 1. *Short title.* This Act may be cited as the "Dealer Reserve Income Adjustment Act of 1960".

SEC. 2. *Persons to whom this Act applies.* This Act shall apply to any person who, for his most recent taxable year ending on or before June 22, 1959—

(1) Computed, or was required to compute, taxable income under an accrual method of accounting,

(2) Treated any dealer reserve income, which should have been taken into account (under the accrual method of accounting) for such taxable year, as accruable for a subsequent taxable year, and

(3) Before September 1, 1960, makes an election under section 3(a) or 4(a) of this Act.

SEC. 3. *Election to have section 481 apply—(a) General rule.* If—

(1) For the year of the change (determined under subsection (b)), the treatment of dealer reserve income by any person to whom this Act applies is changed to a method proper under the accrual method of accounting (whether or not such person initiated the change),

(2) Such person makes an election under this subsection, and

(3) Such person does not make the election provided by section 4(a),

then, for purposes of section 481 of the Internal Revenue Code of 1954, the change described in paragraph (1) shall be treated as a change in method of accounting not initiated by the taxpayer.

(b) *Year of change, etc.* In applying section 481 of the Internal Revenue Code of 1954 for purposes of this section, the "year of the change" in the case of any person is—

(1) Except as provided in paragraph (2), the first taxable year ending after June 22, 1959, or

(2) The earliest taxable year (whether the Internal Revenue Code of 1954 or the Internal Revenue Code of 1939 applies to such year) for which—

(A) On or before June 22, 1959—

(i) The Secretary of the Treasury or his delegate issued a notice of deficiency, or a written notice of a proposed deficiency, with respect to dealer reserve income, or

(ii) Such person filed with the Secretary or his delegate a claim for refund or credit with respect to dealer reserve income, and

(B) The assessment of any deficiency, or the refund or credit of any overpayment, whichever is applicable, was not, on June 21, 1959, prevented by the operation of any law or rule of law.

For purposes of this section, section 481 of such Code shall be treated as applying to any year of the change to which the Internal Revenue Code of 1939 applies.

SEC. 4. *Election to have section 481 not apply; payment in installments—*(a) *General rule.* If a person to whom this Act applies makes an election under this subsection, then for purposes of chapter 1 of the Internal Revenue Code of 1954 (and the correspond-

ing provisions of prior law) a change in the treatment of dealer reserve income to a method proper under the accrual method of accounting shall be treated as not a change in method of accounting in respect of which section 481 of the Internal Revenue Code of 1954 applies. Any election under this subsection shall apply to all taxable years ending on or before June 22, 1959 (whether the provisions of the Internal Revenue Code of 1954 or the corresponding provisions of prior law apply), for which the assessment of any deficiency, or for which refund or credit of any overpayment, whichever is applicable, was not, on June 21, 1959, prevented by the operation of any law or rule of law.

(b) *Election to pay tax in installments*—(1) *Eligibility.* If the net increase in tax (as defined in paragraph (2)) which results solely from the effect of the election provided by subsection (a) exceeds $2,500, then the taxpayer may elect (at the time the election is made under subsection (a)) to pay in two or more (but not to exceed 10) equal annual installments any portion of such net increase which (on the date of such election) is unpaid.

(2) *Net increase in tax defined.* For purposes of this section, the term "net increase in tax" means the amount (if any) by which—

(A) The sum of the increases in tax (including interest) for all taxable years to which the election applies and which is attributable to the election, exceeds

(B) The sum of the decreases in tax (including interest) for all taxable years to which the election applies and which is attributable to the election.

For purposes of this paragraph, interest for the period before the date of the election shall be computed as provided in chapter 67 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior revenue laws).

(c) *Due date for installments.* If an election is made under subsection (b), the first installment shall be paid on or before the date prescribed by section 6151(a) of the Internal Revenue Code of 1954 for payment of the tax for the taxable year in which the election was made, and each succeeding installment shall be paid on or before the date which is one year after the date prescribed by this subsection for payment of the preceding installment.

(d) *Effect of subsequent redetermination of tax*—(1) *Redetermination.* If—

(A) The taxpayer makes an election under subsection (b), and

(B) There is a redetermination of the taxpayer's tax for any taxable year to which the election provided by subsection (a) applies,

then the net increase in tax (as defined in subsection (b)(2)) shall be redetermined.

(2) *Effect of increase.* If the redetermination described in paragraph (1)(B) results in an increase in the net increase in tax (as defined in subsection (b)(2)), the resulting increase shall be prorated to all the installments. The part of such resulting increase so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of such resulting increase so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary of the Treasury or his delegate.

(3) *Effect of decrease.* For treatment of a decrease in the net increase in tax as the result of a redetermination described in paragraph (1)(B), see section 6403 of the Internal Revenue Code of 1954 (relating to overpayment of installment).

(e) *Suspension of interest*—(1) *In general.* If an election under subsection (a) applies and there is a net increase in tax (as defined in subsection (b)(2)), no interest shall be imposed on any underpayment (and no interest shall be paid on any overpayment) attributable to such election for the period beginning on the date of such election and ending on the date prescribed by section 6151 (a) of the Internal Revenue Code of 1954 for payment of the tax for the taxable year in which the election was made.

(2) *No interest during installment period.* If an election under subsection (b) applies, no interest shall be imposed for the period on or after the date fixed for payment of the first installment unless payment of unpaid installments is accelerated under subsection (f) or (g).

(3) *Interest where payment is accelerated.* If payment is accelerated under subsection (f) or (g), interest determined in accordance with the provisions of section 6601 of the Internal Revenue Code of 1954 on the entire unpaid tax shall be payable—

(A) If payment is accelerated under subsection (f), from the date of notice and demand provided by such subsection to the date such tax is paid, or

(B) If payment is accelerated under subsection (g), from the date fixed for paying the unpaid installment to the date such tax is paid.

(f) *Termination of installment payment privilege.* The extension of time provided by this section for payment of tax shall cease to apply, and any unpaid installments shall be paid upon notice and demand from the Secretary of the Treasury or his delegate, if—

(1) In the case of a taxpayer who is an individual, he dies or ceases to engage in a trade or business,

(2) In the case of a taxpayer who is a partner, the entire interest of such partner is transferred or liquidated or the partnership terminates, or

(3) In the case of a taxpayer which is a corporation, the taxpayer ceases to engage in a trade or business, unless the unpaid portion of the tax payable in installments is required to be taken into account by the acquiring corporation under section 5(d).

(g) *Failure to pay installment.* If any installment under this section is not paid on or before the date fixed for its payment by this section (including any extension of time for payment of such installment), the unpaid installments shall be paid upon notice and demand from the Secretary of the Treasury or his delegate.

(h) *Suspension of running of periods of limitation.* The running of the periods of limitation provided by section 6502 of the Internal Revenue Code of 1954 (or corresponding provision of prior law) for the collection of any amount of tax payable in installments under this section shall be suspended for the period of any extension of time for payment granted under this section.

SEC. 5. *Definitions; special rules*—(a) *Dealer reserve income.* For purposes of this Act, the term "dealer reserve income" means—

(1) That part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from customers' finance charges connected with such sales or other dispositions) which is—

(A) Attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property or tangible personal property, and

(B) Held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person or of such customers, or both; and

(2) That part of the consideration—

(A) Derived by any person from a sale described in paragraph (1)(A) in respect of which part or all of the purchase price of the property sold is provided by a financial institution to or for the customer to whom such property is sold, or

(B) Derived by such person from finance charges connected with the financing of such sale,

which is held in a reserve account by such financial institution for the purpose of securing obligations of such person or of such customer, or both.

(b) *Financial institution.* For purposes of this Act, the term "financial institution" means any person regularly engaged in the business of acquiring evidences of indebtedness of the kind described in subsection (a)(1), or of financing sales of the kind described in subsection (a)(2), or both.

(c) *Other terms; application of other laws.* Except where otherwise distinctly expressed or manifestly intended, terms used in this Act shall have the same meaning as when used in the Internal Revenue Code of 1954 and all provisions of law shall apply with respect to this Act as if this Act were a part of such Code.

(d) *Acquiring corporation.* In the case of the acquisition of assets of a corporation by another corporation in a distribution or transfer described in section 381(a) of the Internal Revenue Code of 1954, the acquiring corporation shall, for purposes of this Act, be treated as if it were the distributor or transferor corporation.

(e) *Statutes of limitations*—(1) *Extension of period for assessment and refund or credit.* For purposes of applying sections 3 and 4 of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year was not prevented on June 21, 1959, by the operation of any law or rule of law, but would be so prevented prior to September 1, 1961, the period within which such assessment, or such refund or credit, may be made shall not expire prior to September 1, 1961. An election by a taxpayer under section 3 or 4 of this Act shall be considered as a consent to the application of the provisions of this subsection.

(2) *Years closed by closing agreement or compromise.* For purposes of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year is prevented on the date of an election under section 3 or 4 of this Act by the operation of the provisions of chapter 74 of the Internal Revenue Code of 1954 (relating to closing agreements and compromises) or by the corresponding provisions of the Internal Revenue Code of 1939, such assessment, or such refund or credit, shall be considered as having been prevented on June 21, 1959.

(f) *Regulations.* The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this Act, including regulations relating to—

(1) The application of the provisions of this Act in the case of partnerships, and

(2) The manner in which the elections provided by this Act are to be made.

§ 1.9002–1 Purpose, applicability, and definitions.

(a) *In general.* The "Dealer Reserve Income Adjustment Act of 1960" (approved May 13, 1960) contains transitional provisions relating to adjustments to income resulting from a change in the income tax treatment of dealer reserve income. The purpose of the Act is to provide eligible taxpayers who elect to have its provisions apply with two alternatives for accounting for the adjustments to income resulting from a change to a proper method of reporting

dealer reserve income. The Act also provides certain taxpayers with an election to pay in installments any net increase in tax. Eligible taxpayers must make any election under the provisions of the Act prior to September 1, 1960. If any election is made, then the applicable provisions of the Act and §§ 1.9002 to 1.9002–8, inclusive, shall apply.

(b) *Eligibility to elect.* In order to be eligible to make any of the elections provided by the Act, a taxpayer must have, for his most recent taxable year ending on or before June 22, 1959, (1) computed, or been required to compute, taxable income under an accrual method of accounting, and (2) treated dealer reserve income (or portions thereof) which should have been taken into account (under the accrual method of accounting) for such most recent taxable year as accruable for a subsequent taxable year. Thus, the elections provided by the Act are not available to a person who, for his most recent taxable year ending on or before June 22, 1959, reported dealer reserve income under a method proper under the accrual method of accounting or who was not required to compute taxable income under the accrual method of accounting. An election may be made even though the taxpayer is litigating his liability for income tax based upon his treatment of dealer reserve income, whether in The Tax Court of the United States or any other court, and an election filed by a taxpayer who is litigating his liability for income tax based upon his treatment of dealer reserve income does not constitute a waiver of his right to continue pending litigation until final judicial determination. He must, however, comply with the provisions of the Act and the regulations thereunder.

(c) *Definitions.* For purposes of the Act and §§ 1.9002 to 1.9002–8, inclusive—

(1) *The Act.* The term "the Act" means the Dealer Reserve Income Adjustment Act of 1960, approved May 13, 1960.

(2) *Dealer reserve income.* The term "dealer reserve income" means—

(i) That part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from customers' finance charges connected with such sales or other dispositions) which is—

(*a*) Attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property and

(*b*) Held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person or of such customers, or both; and

(ii) That part of the consideration—

(*a*) Derived by any person from a sale described in subdivision (i)(*a*) of this subparagraph in respect of which part or all of the purchase price of the property sold is provided by a financial institution to or for the customer to whom such property is sold, or

(*b*) Derived by such person from finance charges connected with the financing of such sale,

which is held in a reserve account by such financial institution for the purpose of securing obligations of such person or of such customer, or both. Thus, the term includes amounts held in a reserve account by a financial institution in transactions in which the customer becomes obligated to the institution as well as such amounts so held by a financial institution in transactions in which the taxpayer is the obligee on the contract, note, or other evidence of indebtedness. For purposes of the definition of the term "dealer reserve income" it is immaterial whether or not the taxpayer guarantees the customer's obligation in excess of the reserve retained by the financial institution. The term does not include the consideration derived from transactions relating to the sale of intangible property such as stocks, bonds, copyrights, patents, etc. Further, the term does not include consideration derived by the taxpayer from transactions relating to the sale of property by a person not the taxpayer or to casual sales of property not in the ordinary course of the taxpayer's trade or business.

(3) *Financial institution.* The term "financial institution" means any person regularly engaged in the business of acquiring evidences of indebtedness of the kind described in section 5(a)(1) of the Act, or of financing sales of the kind described in section 5(a)(2) of the Act, or both. It thus includes banking institutions, finance companies, building and loan associations, and other similar type organizations, as well as an individual or partnership regularly engaged in the described business.

(4) *Taxpayer.* The term "taxpayer" means any person to whom the Act applies.

(5) *Other terms.* All other terms which are not specifically defined shall have the same meaning as when used in the Code except where otherwise distinctly expressed or manifestly intended.

§ 1.9002–2 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 apply.

(a) *In general.* Section 3(a) of the Act provides that if the income tax treatment of dealer reserve income by the taxpayer is changed (whether or not such change is initiated by the taxpayer) to a proper method under the accrual method of accounting, then the taxpayer may elect to have such change treated as a change in method of accounting not initiated by the taxpayer to which the provisions of section 481 of the Code apply. This election may be made only when the alternative election under section 4(a) of the Act has not been exercised.

(b) *Year of change.* Where an election has been made under section 3(a) of the Act to have section 481 of the Code apply, then for purposes of applying section 481 of the Code the year of change shall be determined in accordance with the provisions of section 3(b) of the Act. Section 3(b) provides that the year of change is the earlier of (1) the first taxable year ending after June 22, 1959, or (2) the earliest taxable year for which, on or before June 22, 1959,

(i) There was issued a notice of deficiency or written notice of a proposed deficiency attributable to the erroneous treatment of dealer reserve income, or

(ii) The taxpayer filed a claim for refund or credit with respect to the treatment of such income,

and in respect of which the assessment of any deficiency, or the refund or credit of any overpayment, was not prevented on June 21, 1959, by the operation of any law or rule of law. The written notice of proposed deficiency includes a 15- or 30-day letter issued under established procedure or other similar written notification.

(c) *Application to pre-1954 Code years.* If the earliest year described in paragraph (b) of this section is a year subject to the Internal Revenue Code of 1939 in respect of which assessment of any deficiency or refund or credit of any overpayment was not prevented on June 21, 1959, by the operation of any law or rule of law, section 481 of the Internal Revenue Code of 1954 shall be treated as applying in the same manner it would have applied had it been enacted as part of the Internal Revenue Code of 1939.

(d) *Examples.* The operation of this section in determining the year of change may be illustrated by the following examples:

Example (1). D, a taxpayer on the calendar year basis who employs the accrual method of accounting, voluntarily changed to the proper method of accounting for dealer reserve income for the taxable year 1959. A statutory notice of deficiency, however, was issued prior to June 23, 1959, relating to the erroneous treatment of such income for the taxable year 1956, which was the earliest taxable year in respect of which assessment of a deficiency or credit or refund of an overpayment was not prevented on June 21, 1959. Prior to September 1, 1960, D properly exercises his election under section 3 of the Act to have the change in the treatment of dealer reserve income treated as a change in method of accounting not initiated by the taxpayer to which section 481 of the Code applies. Under these facts, 1956 is the year of the change for purposes of applying section 481. Accordingly, the net amount of any adjustment found necessary as a result of the change in the treatment of dealer reserve income which is attributable to taxable years subject to the 1954 Code shall be taken into account for the year of change in accordance with section 481. The net amount of the adjustments attributable to pre-1954 Code years is to be disregarded. The income of each taxable year succeeding the year of change in respect of which the assessment of any deficiency or refund or credit of any overpayment is not prevented will be recomputed under the proper method of accounting initiated by the change.

Example (2). Assume the same facts as set forth in example (1), except that no notice of a proposed deficiency of any type has been issued, and assume further that no claim for refund has been filed. Since there was no earlier year open on June 21, 1959, for which the taxpayer either was notified of a proposed deficiency attributable to the erroneous treatment of dealer reserve income or for which he had filed a claim for refund or credit with respect to the treatment of such income, the year of change is 1959,

the first taxable year ending after June 22, 1959. Accordingly, the net amount of any adjustment found necessary as a result of the change in the treatment of dealer reserve income which is attributable to taxable years subject to the 1954 Code shall be taken into account for the year of the change in accordance with section 481. The net amount of the adjustments attributable to pre-1954 Code years is to be disregarded.

Example (3). Assume the same facts as set forth in example (1), except that a refund claim specifying adjustments relative to dealer reserve income was timely filed for the taxable year 1951, which was the earliest taxable year for which a refund or credit of an overpayment or assessment of a deficiency was not prevented on June 21, 1959. Under this factual situation, the year of change for purposes of applying section 481 would be 1951. Section 481 would be applied to 1951 and be given effect for that year in the same manner as it would have applied had it been enacted as a part of the 1939 Code and as if the change to the proper method of accounting had not been initiated by the taxpayer. Any adjustment with regard to dealer reserve income attributable to pre-1951 years is disregarded. The income of each taxable year succeeding the year of change in respect of which the assessment of any deficiency or refund or credit of any overpayment is not prevented will be recomputed under the proper method of accounting initiated by the change.

§ 1.9002–3 Election to have the provisions of section 481 of the Internal Revenue Code of 1954 not apply.

Section 4(a) of the Act provides that if the treatment of dealer reserve income by the taxpayer is changed to a method proper under the accrual method of accounting, then the taxpayer may elect to have such change treated as not a change in method of accounting to which the provisions of section 481 of the Internal Revenue Code of 1954 apply. This election shall apply to all taxable years ending on or before June 22, 1959, for which the assessment of any deficiency, or for which refund or credit of any overpayment, was not prevented on June 21, 1959, by the operation of any law or rule of law. This election may be made only if the alternative election under section 3(a) of the Act has not been exercised. If an election is made under section 4(a) of the Act, taxable income (or net income in the case of a taxable year to which the Internal Revenue Code of 1939 applies) shall be recomputed under a proper method of accounting for dealer reserve income for each taxable year to which the election applies, without regard to section 481.

§ 1.9002–4 Election to pay net increase in tax in installments.

(a) *Election.* If election is made under section 4(a) of the Act and if the net increase in tax determined in accordance with paragraph (b) of this section exceeds $2,500, the taxpayer may also make an election under section 4(b) of the Act prior to September 1, 1960, to pay any portion of such net increase in tax, unpaid on the date of the election, in 2 or more, but not to exceed 10, equal annual installments. If the taxpayer making the election under section 4(a) of the Act is a partnership or a small business corporation electing under subchapter S, chapter 1 of the Code, the determination as to whether the net increase in tax exceeds $2,500 shall be made separately as to each partner or shareholder, respectively, with regard to his individual liability. Thus, if a partnership makes an election under section 4(a) of the Act, and partners A and B had a net increase in tax of $3,000 and $2,000, respectively, as a result of dealer reserve income adjustments to partnership income, partner A may elect under section 4(b) of the Act to pay the net increase in 2 or more, but not exceeding 10, equal annual installments to the extent that such tax was unpaid on the date of the election. Partner B may not make the election since his net increase in tax does not exceed $2,500.

(b) *Net increase in tax.* (1) The term "net increase in tax" means the amount by which the sum of the increases in tax (including interest) for all taxable years to which the election under section 4(a) of the Act applies and which is attributable to the election exceeds the sum of the decreases in tax (including interest) for all taxable years to which the election under such section applies and which is attributable to the election.

(2) In determining the net increase in tax, the tax and interest for each taxable year to which the election applies is computed by taking into account all adjustments necessary to reflect the change to the proper treatment of dealer reserve income. If the computation results in additional tax for a taxable year, then interest is computed under section 6601 of the Code (or corresponding provisions of prior law) on such additional tax for the taxable year involved from the last date prescribed for payment of the tax for such taxable year to the date the election is made. The interest so computed is then added to the additional tax determined for such taxable year. The sum of these two items (tax plus interest) represents the increase in tax for such taxable year. If the computation of the tax after taking into account the appropriate dealer reserve income adjustments results in a reduction in tax for any taxable year to which the election applies, interest under section 6611 of the Code (or corresponding provisions of prior law) is computed from the date of the overpayment of the tax for such year to the date of the election. The amount of the interest so computed is then added to the reduction in tax to determine the total decrease in tax for such year. The net increase in tax is then determined by adding together the total increases in tax for each year to which the election applies and from the resulting total subtracting the sum of the total decreases in tax for each year. If the total increases in tax for all such years do not exceed the total decreases in tax, there is no net increase in tax for purposes of section 4(b) of the Act. For purposes of determining the net increase in tax, net operating losses affecting the computation of tax for any prior taxable year not otherwise affected shall be taken into account.

(c) *Time for paying installments.* If the election under this section is made to pay the unpaid portion of the net increase in tax in installments, the first installment shall be paid on or before the date prescribed by section 6151(a) of the Code for payment of the tax for the taxable year in which such election is made. Each succeeding installment shall be paid on or before the date which is one year after the date prescribed for the payment of the preceding installment.

(d) *Termination of installment privilege*—(1) *For nonpayment of installment.* The extension of time provided by section 4(b) of the Act for payment of the net increase in tax in installments shall terminate, and any unpaid installments shall be paid upon notice and demand from the district director if any installment under such section is not paid by the taxpayer on or before the date fixed for its payment, including any extension of time for payment of any such installment.

(2) *For other reasons.* The extension of time provided by section 4(b) of the Act for payment of the net increase in tax in installments shall terminate, and any unpaid installments shall be paid upon notice and demand from the district director if—

(i) In the case of an individual, he dies or ceases to engage in any trade or business,

(ii) In the case of a partner, his entire interest in the partnership is transferred or liquidated or the partnership terminates, or

(iii) In the case of a corporation, it ceases to engage in a trade or business, unless the unpaid portion of the tax payable in installments is required to be taken into account by an acquiring corporation under section 5(d) of the Act.

The installment privilege is not terminated under this subparagraph even though the taxpayer terminates the trade or business in respect of which the dealer reserve income is attributable provided the taxpayer continues in a trade or business. Further, the privilege is not terminated by a transfer of a part of a partnership interest so long as the partner retains any interest in the partnership. Also, the privilege is not terminated by a transaction falling within the provisions of section 381(a) of the Code if, under section 5(d) of the Act, the acquiring corporation is required to take into account the unpaid portion of the net increase in tax. In such a case the privilege may be continued by the acquiring corporation in the same manner and under the same conditions as though it were the distributor or transferor corporation.

(e) *Redetermination of tax subsequent to exercise of installment election.* Section 4(d) of the Act provides that where a taxpayer has elected to pay the net increase in tax in installments and thereafter it becomes necessary to redetermine the taxpayer's tax for any taxable year to which the election provided by section 4(a) of the Act applies, then the net increase in tax shall be redetermined. Where the redetermination does not involve adjustments affecting the treatment of dealer reserve income, then the net increase in tax previously computed will not be disturbed. The net increase in tax is limited to the amount of tax computed under section 4(b)(2)

of the Act as a result of the change in treatment accorded dealer reserve income. If the redetermination of tax for any taxable year to which the election applies results in an addition to the net increase in tax previously computed, then such addition shall be prorated to all of the installments whether paid or unpaid. The part of the addition, prorated to installments which are not yet due, shall be collected at the same time as, and as a part of, such installments. The part of the addition prorated to installments, the time for payment of which has arrived, shall be paid upon notice and demand from the district director. Under section 4(g) of the Act, failure to make such payment within 10 days after issuance of notice and demand will terminate the installment privilege. The imposition of interest on the addition to the net increase in tax as a result of the redetermination will be determined in the same manner as interest on the previously computed net increase in tax. Thus, no interest will be imposed on the amount of the addition to the net increase in tax prorated to installments not yet due unless the installment privilege is terminated under subsection (f) or (g) of section 4 of the Act. If a reduction in the net increase in tax results from a redetermination of tax for any taxable year to which the election applies, the entire amount of such reduction shall, in accordance with the provisions of section 6403 of the Code (relating to overpayment of installments), be prorated to the installments which are not yet due, resulting in a pro rata reduction in each of such installments. Where the redetermination does not involve adjustments pertaining to dealer reserve income, then any resulting deficiency pertaining to the year to which the election applies will be assessed and collected, in accordance with the applicable provisions of the Code (or corresponding provisions of prior law) without regard to any election made under the Act.

(f) *Periods of limitation.* Section 4(h) of the Act provides that where there is an extension of time for payment of tax under the provisions of section 4(b) of the Act, the running of the periods of limitation provided by section 6502 of the Code (or corresponding provisions of prior law) for collection of such tax is suspended for the period of time for which the extension is granted.

§ 1.9002–5 Special rules relating to interest.

(a) *In general.* Where an election is made under section 4(a) of the Act interest is computed under section 6601 of the Code (or corresponding provisions of prior law) on any increase in tax attributable to such election for each taxable year involved for the period from the last date prescribed for payment of the tax for such year (determined without regard to any extensions of time for filing the return) through the date preceding the date on which the election is made. Where the election under section 4(a) of the Act results in a decrease in tax for any year to which the election applies, interest is computed in accordance with section 6611 of the Code (or corresponding provisions of prior law) from the date of overpayment through the date preceding the date on which the election is made. Where there is a net increase in tax as a result of the election under section 4(a) of the Act, no interest shall be imposed on any underpayment (and no interest shall be paid on any overpayment) attributable to the dealer reserve income adjustment for any year to which the election applies for the period commencing with the date such election is made and ending on the date prescribed for filing the return (determined without regard to extensions of time) for the taxable year in which the election is made. This rule applies regardless of whether the election under section 4(b) of the Act is made. If there is no net increase in tax, interest on any underpayment or overpayment attributable to the dealer reserve income adjustment for any taxable year to which the election applies for the period commencing with the date of the election shall be determined in accordance with §§ 301.6601–1 and 301.6611–1 of this chapter (Regulations on Procedure and Administration).

(b) *Installment period*—(1) *Where payment is not accelerated.* If the election under section 4(b) of the Act is made to pay the net increase in tax in installments, no interest will be imposed on such net increase in tax for the period beginning with the due date fixed under section 4(c) of the Act for the first installment payment and ending with the date fixed under such section for the last installment payment unless payment of the unpaid installments is accelerated under other provisions of the Act. See subsections (f) and (g) of section 4 of the Act.

(2) *Where payment is accelerated.* Where payment of the unpaid installments is accelerated because of the termination of the installment privilege, interest will be computed under section 6601 of the Code on the entire unpaid net increase in tax for the applicable period set forth below:

(i) In the case of acceleration under section 4(f) of the Act for reasons other than nonpayment of an installment, from the date of the notice and demand for payment of the unpaid tax to the date of payment; or

(ii) In the case of acceleration under section 4(g) of the Act for nonpayment of an installment, from the date fixed for payment of the installment to the date of payment.

When payment is accelerated under section 4(f) of the Act, however, no interest will be charged where payment of the unpaid installments is made within 10 days of issuance of the notice and demand for such payment.

§ 1.9002–6 Acquiring corporation.

Section 5(d) of the Act provides that for purposes of such Act in the case of the acquisition of the assets of a corporation by another corporation in a distribution or transfer described in section 381(a) of the Code the acquiring corporation shall be treated as if it were the distributor or transferor corporation.

§ 1.9002–7 Statute of limitations.

(a) *Extension of period for assessment and refund or credit.* Under section 5(e) of the Act, if an election is made to have the Act apply, and if the assessment of any deficiency, or the refund or credit of any overpayment attributable to the election, for any taxable year to which the Act applies was not prevented on June 21, 1959, by the operation of any law or rule of law (except as provided in paragraph (b) of this section, relating to closing agreements and compromises), but would be so prevented prior to September 1, 1961, the period within which such assessment, or such refund or credit, may be made with respect to such taxable year shall not expire prior to September 1, 1961. An election under either section 3 or 4 of the Act will be considered to be a consent to the extension of the period of limitation for purposes of assessment for any year to which the Act applies. Thus, for example, if, as the result of an election under section 4(a) of the Act, assessment of a deficiency for the taxable year 1955 was not prevented by the statute of limitations, a judicial decision that had become final, or otherwise, on June 21, 1959, but would (except for section 5(e) of the Act) be prevented on a later date, as for instance September 1, 1959, then for purposes of applying section 4 of the Act, assessment may be made at any time prior to September 1, 1961, with respect to such year if the taxpayer made an election under the Act prior to September 1, 1960. Section 5(e) of the Act will, in no event, operate to shorten the period of limitation otherwise applicable with respect to any taxable year.

(b) *Years closed by closing agreement or compromise.* For purposes of the Act, if the assessment of any deficiency or a refund or credit of any overpayment for any taxable year was not prevented on June 21, 1959, but is prevented on the date of an election under section 3 or 4 of the Act by the operation of the provisions of chapter 74 of the Code (relating to closing agreements and compromises), assessment, refund, or credit will, nevertheless, be considered as being prevented on June 21, 1959.

§ 1.9002–8 Manner of exercising elections.

(a) *By whom election is to be made*—(1) *In general.* Generally, the taxpayer to whom the Act applies will exercise the elections provided therein. In the case of a partnership or a corporation electing under the provisions of subchapter S, chapter 1 of the Code, the election shall be exercised by the persons specified in subparagraphs (2) and (3) of this paragraph, respectively.

(2) *Partnerships.* In the case of a partnership, the election under section 3 or 4(a) of the Act shall be exercised by the partnership. If an election is made by the partnership under section 4(a) of the Act, any election under section 4(b) of the Act to pay the net increase in tax in installments shall be made by each partner separately. The determination as to whether the net increase in tax resulting from the election under section 4(a) of the Act exceeds $2,500 shall be

made with reference to the increase or decrease in the tax of each partner attributable to the adjustment to his distributive share of the partnership income resulting from the election.

(3) *Subchapter S corporations.* In the case of an electing small business corporation under subchapter S, chapter 1 of the Code, the election under section 3 or 4(a) of the Act shall be made by such corporation. An election under section 4(b) of the Act to pay the net increase in tax in installments shall, to the extent the net increase in tax resulting from the election is attributable to adjustments to income for taxable years for which the corporation was not an electing small business corporation, be made by the corporation. The determination as to whether the net increase in tax for such taxable years exceeds $2,500 shall be made with reference to the increase or decrease in tax of the corporation. Any election under section 4(b) of the Act to pay the net increase in tax in installments shall, to the extent the increase in tax is attributable to years for which the corporation was an electing small business corporation, be made by the shareholders separately. The determination in such a case as to whether the net increase in tax for such taxable years exceeds $2,500 shall be made with reference to the increases or decreases in the tax of each shareholder attributable to the adjustments to taxable income of the electing small business corporation resulting from the election.

(b) *Time and manner of making elections*—(1) *In general.* Any election made under the Act shall be made by the taxpayers described in paragraph (a) of this section before September 1, 1960, by filing a statement with the district director with whom such taxpayer's income tax return for the taxable year in which the election is made is required to be filed. A copy of the statement of election shall be attached to and filed with such taxpayer's income tax return for such taxable year.

(2) *Election to have section 481 apply.* An election under section 3 of the Act shall be made in the form of a statement which shall include the following:

(i) A clear indication that an election is being made under section 3 of the Act;

(ii) Information sufficient to establish eligibility to make the election; and

(iii) The year of change as defined in section 3(b) of the Act.

An amended income tax return reflecting the increase or decrease in tax attributable to the election shall be filed for the year of change together with schedules showing how the tax was recomputed under section 481 of the Code. If income tax returns have been filed for any taxable years subsequent to the year of change, amended returns reflecting the proper treatment of dealer reserve income for such years shall also be filed. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the Code, amended returns shall be filed by the partnership or electing small business corporation, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than November 30, 1960, unless an extension of time is granted under section 6081 of the Code. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns.

(3) *Election not to have section 481 apply.* An election under section 4(a) of the Act shall be made in the form of a statement which shall include the following:

(i) A clear indication that an election is being made under section 4(a) of the Act;

(ii) Information sufficient to establish eligibility to make the election; and

(iii) The taxable years to which the election applies.

Amended income tax returns reflecting the increase or decrease in tax attributable to the election shall be filed for the taxable years to which the election applies. If income tax returns have been filed for any subsequent taxable years, amended returns reflecting the proper treatment of dealer reserve income for such years shall also be filed. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the Code, amended returns shall be filed by the partnership or electing small business corporation, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than November 30, 1960, unless an extension of time is granted under section 6081 of the Code. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns.

(4) *Election to pay tax in installments.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph, if the taxpayer making the election under section 4(a) of the Act also desires to make the election under section 4(b) of the Act to pay the increase in tax in installments, then the statement of election shall include the following additional information:

(*a*) A clear indication that an election is also being made under section 4(b) of the Act;

(*b*) A summary of the total increases and decreases in tax, together with interest thereon, in sufficient detail to establish eligibility to make the election; and

(*c*) The number of annual installments in which the taxpayer elects to pay the net increase in tax.

(ii) Where a partnership or electing small business corporation under subchapter S, chapter 1 of the Code, has made an election under section 4(a) of the Act, and any partner or shareholder, as the case may be, desires to make an election under section 4(b) of the Act, a statement of election shall be filed by such partner or shareholder containing the following information:

(*a*) A clear indication that an election is being made under section 4(b) of the Act;

(*b*) A summary of the total increases and decreases in tax, together with interest thereon, of such partner or shareholder in sufficient detail to establish eligibility to make the election;

(*c*) The number of annual installments in which the partner or shareholder elects to pay the net increase in tax; and

(*d*) The office of the district director and the date on which the election under section 4(a) of the Act was filed by such partnership or corporation.

The statement of election under section 4(b) of the Act shall be accompanied by a copy of the statement of election under section 4(a) of the Act made by the partnership or electing small business corporation under subchapter S, chapter 1 of the Code, as the case may be.

(c) *Effect of election.* An election made under section 3 or 4 of the Act shall become irrevocable on September 1, 1960, and shall be binding on the taxpayer for all taxable years to which it applies.

PAR. 2. Paragraph (c)(5) of § 1.481-2 is amended to read as follows:

§ 1.481-2 Limitation on tax.

* * * * *

(c) *Rules for computation of tax.* * * *

(5) (i) In the case of a change in method of accounting by a partnership, the adjustments required by section 481 shall be made with respect to the taxable income of the partnership but the limitations on tax under section 481(b) shall apply to the individual partners. Each partner shall take into account his distributive share of the partnership items, as so adjusted, for the taxable year of the change. Section 481(b) applies to a partner whose taxable income is so increasd by more than $3,000 as a result of such adjustments to the partnership taxable income. It is not necessary for the partner to have been a member of the partnership for the two taxable years immediately preceding the taxable year of the change of the partnership's accounting method in order to have the limitation provided by section 481(b)(1) apply. Further, a partner may apply section 481(b)(2) even though he was not a member of the partnership for all the taxable years affected by the computation thereunder.

(ii) In the case of a change in method of accounting by an electing small business corporation under subchapter S, chapter 1 of the Code, the adjustments required by section 481 shall be made with respect to the taxable income of such electing corporation in the year of the change, but the limitations on tax under section 481(b) shall apply to the individual shareholders. Section 481(b) applies to a shareholder of an electing small business corporation whose taxable income is so increased by more than $3,000 as a result of such adjustments to such corporation's taxable income. It is not necessary for the shareholder to have been a member of the electing small business corporation, or for such corporation to have been an electing small business corporation, for the two taxable years immediately preceding the taxable year of the change of the corporation's accounting method in order to have the limitation provided by section 481(b)(1) apply. Further, a shareholder may apply section 481(b)(2), even though he was not a shareholder, or the corporation was not an electing small business corporation, for all the taxable years affected by the computation thereunder.

(Paragraph (f), sec. 5, of the Dealer Reserve Income Adjustment Act of 1960, 74 Stat. 128; and sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 60-8198; Filed, Aug. 30, 1960; 2:15 p.m.]

PART 17—TEMPORARY RULES RELATING TO THE DEALER RESERVE INCOME ADJUSTMENT ACT OF 1960

Supersedure

CROSS REFERENCE: For a document superseding Treasury Decision 6483 (25 F.R. 6879), see Part 1 of this chapter, *supra*.

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 598—PATENTS, COPYRIGHTS AND TECHNICAL DATA

PART 601—LABOR

PART 602—GOVERNMENT PROPERTY

PART 605—PROCUREMENT FORMS

PART 606—SUPPLEMENTAL PROVISIONS

Miscellaneous Amendments

1. In § 590.306-51, revise paragraph (a)(4); and in § 590.306-52, revise paragraphs (a) and (d) and the introductory portion of paragraph (b), as follows:

§ 590.306-51 Sources of transportation assistance.

(a) * * *

(4) *Installation Transportation Officers.* For general transportation assistance for contracting officers located on or adjacent to their respective installations. This particularly includes transportation officers in purchasing offices.

§ 590.306-52 Transportation considerations in the procurement cycle.

Transportation considerations that should be made by contracting officers during the procurement cycle, when transportation is involved, are set forth below:

(a) *Preliminary phase.* This phase covers the period from receipt of the procurement directive or other notice to effect procurement, to the preparation of invitations for bids or requests for proposals.

(1) From the destination data provided in the procurement directive the contracting officer should determine whether origin or f.o.b. destination procurement is required, or whether bids or proposals should be solicited on both bases (Subpart M, Part 1 of this title). When items are to be procured for destination outside the United States, the specific port, or point of exit, to be used as the basis for evaluation of Government cost of transportation will be determined by appropriate coordination between the contracting officer and the Department of the Army transportation contacts. The transportation cost factors which are to be included in the invitation for bids or the request for proposals will be determined during this phase.

(2) A review of the delivery schedule should be made to insure that shipments are made as economically as possible under the circumstances. A shipment made in less-than-carload (LCL), or less-than-truckload (LTL) lots is unnecessarily costly when consolidation into carload (CL), or truckload (TL) lots can be effected.

(3) Parcel post (air or ordinary) in many instances will provide a reliable, economical, and expeditious means of movement of supplies. Use of this service permits direct movement from the source of supply to the user without the intermediate documentation that is required when supplies are transported through depots, air or water terminals. However, in using this service the provisions of Parts 124 and 125 Postal Manual, Post Office Department, must be strictly adhered to in regard to nonmailable matter and matter mailable under special rules.

(4) The physical characteristics of shipments should be considered. For example, shipments of items separately or setup when they could be shipped nested or knocked down is one cause of excess transportation costs.

(5) Unusually large or heavy items may not be susceptible to being shipped by regular modes of transportation. In such cases special arrangements will have to be made for their shipment. This should be determined prior to and reflected in the issuance of the invitation for bids or requests for proposals.

(6) Whenever requirements or specifications admit of discretion in the selection of methods of packing and packaging of supplies, contracting officers should select that method which will provide low transportation costs consistent with physical protection and overall economy.

(7) Every reasonable effort should be made to determine precise or general destinations of supplies, including oversea area for which delivery is intended.

(b) *Solicitation phase.* This phase covers the preparation and issuance of invitations for bids or requests for proposals. (§ 1.1305 of this title.)

* * * * *

(d) *Contract administration phase.* This phase covers the period from contract award through completion or termination of contract.

(1) During this phase numerous factors must be kept under control to assure the best results for the Government in transportation costs and service. Among these are—

(i) Ordering out.

(ii) Routing; release for port shipment; coordination of routing with basis of evaluation.

(iii) Policing of delivery schedules; shipment of carload and truckload lots whenever practicable; meeting minimum weights attached to such rates; adjustment of payments as appropriate.

(iv) Documenting; showing f.o.b. point properly; distribution and validation of documents.

(v) Contract changes affecting transportation.

(vi) Special shipping arrangements, as for oversize and overweight shipments.

(vii) Reporting information for special rate or rating adjustments when opportunities are newly discovered.

(viii) Control of irregularities in packing, loading, loss and damage causes, sealing vehicles, tallies, ordering cars, description of articles, documented weights, and export requirements.

(ix) Small shipments problems; parcel post.

(x) State tax problems.

(xi) Use of transit arrangements.

(xii) Effect of inspection, acceptance, or rejection on transportation.

(xiii) Safety for dangerous shipments.

The foregoing and other questions must frequently be the subject of collaboration between the local transportation officer and the contract administrator.

(2) It is important to insure that the transportation factor is considered in the termination of contracts.

2. Add new §§ 590.306-53, 590.306-54, and 590.354, as follows:

§ 590.306-53 Mail shipments (FOB Origin).

(a) When mail is used as the mode of shipment to domestic or APO addresses, the contracting officer will normally provide the contractor with printed labels marked "Postage and Fees Paid, Department of the Army," preaddressed to a Federal Government office or officer subject to the following:

(1) Labels furnished to contractors or vendors must in every case bear typed, printed, or handstamped return address of an activity of the Department of the Army below the printed words "Department of the Army" and over the printed words "Official Business." Name and address of a private person or firm may not be shown.

(2) When a special mailing service (airmail, insured, registered) is required, the label must be marked with the special mailing service desired. This marking may not be handwritten or typewritten but must be stamped or printed.

(3) In cases where contractors are not furnished official mailing labels, they must use their own labels and postage. When reimbursement for postage is to be made, the contractors must agree to show the postage charge as a separate item on the invoice for the supplies shipped. Except when the charge is less than $25, the postage charge must be supported with a statement of mailing, signed by the post office, for each individual shipment which is prepared by the contractor (Part 141, Postal Manual, Post Office Department).

(b) On domestic shipments, airmail will be used for "Blue Streak" and emergency items when airmail service will result in earlier delivery to the addressee.

(c) On APO shipments, the postal service offers alternate means of air and surface movement by commercial and military transportation based on priority and cost consideration.

(1) When delivery is required to be made within 15 days or less, or when the time element makes it mandatory that air transportation be provided, parcels between CONUS and oversea areas should be indorsed "AIRMAIL."

(2) When a delivery is required to be made within 16 to 30 days, parcels will be sent as ordinary official mail. This category of mail is normally transported between the military air terminal and the oversea command by the Military Air Transportation Service (MATS).

(3) If the time element for delivery exceeds 30 days, the parcel will be indorsed "Surface." This category of mail is transported by the Military Sea Transportation Service (MSTS).

(d) Parcel post shipments must not exceed the following weight and size limitations and bear indorsements indicated:

(1) *Domestic.* (i) Ordinary parcels, mailed from a first class post office and addressed to a first class post office, will not exceed 40 pounds when addressed for delivery in the local, first, or second zones (150 miles or less). Ordinary parcels will not exceed 20 pounds when addressed for delivery in the third through the eighth postal zones (over 150 miles).

(ii) Ordinary parcels mailed at or to second, third, or fourth class post offices, and to or from any rural or star route, will not exceed 70 pounds in weight.

(iii) Air parcels may not exceed 70 pounds.

(iv) Refer to Part 135, Postal Manual, Post Office Department, for size limitations.

(2) *APO Shipments.* (i) Ordinary and air parcels may not exceed 70 pounds or 100 inches length and girth combined, except as limited by Part 127, Postal Manual, Post Office Department.

(ii) When contractors use their own labels for making APO shipments the parcels will be stamped or printed "Army Official Mail—Contents for Official Use—Exempt from Customs Requirements" in ¼-inch block letters immediately above the address to permit identification and expedite handling within the postal service. Use of this marking does not obviate the requirement for payment of postage by the contractor or vendor when so required by the terms of the contract or authorized by the contracting officer.

(e) The shipment of classified parcels are subject to the provision of paragraph 12, AR 55–173 (Army regulations pertaining to package shipments in mail service).

§ 590.306–54 Freight and express shipments on commercial bills of lading to domestic destination (FOB origin).

When shipment is made under prepaid commercial bill of lading, no contract amendment is required. The supplies will move for the account of and at the risk of the Government, and will become Government property when loaded on the carrier's equipment, unless otherwise provided in the contract. Loss or damage claims will be processed in accordance with section IX, AR 735–11 (Army regulations pertaining to lost, damaged, or destroyed property). The contractor prepays the transportation charges as an accommodation to the Government. When the contractor will not agree to ship at his expense, subject to reimbursement, a Government bill of lading will be prepared.

(a) *Authority for shipment.* Where the contract provides for delivery f.o.b. origin with shipment to be made on a Government bill of lading, the contracting officer or his designated representative may authorize the supplier, when justified or economical, to make the following shipments under prepaid commercial bill of lading, subject to reimbursement:

(1) Unclassified shipments not exceeding 150 pounds by any form of commercial air transportation. In view of the restrictions imposed by air carriers on weight and size of packages, a package weighing more than 100 pounds or measuring more than 44 x 24 x 20 inches should not be tendered to a commercial air carrier until it is known that the package will be accepted by the carrier;

(2) Unclassified shipments not exceeding 250 pounds by railway express or bus express. In view of the restriction imposed by bus express carriers on weight and size of packages, a package weighing more than 100 pounds or measuring more than 45 x 24 x 24 inches should not be tendered to the carrier until it is known that the package will be accepted by the carrier; and

(3) Unclassified shipments not exceeding 1,000 pounds by other common carriers.

(b) *Invoice requirements.* When the contractor is authorized to ship under prepaid commercial bill of lading in lieu of a Government bill of lading, the contractor must agree to show the transportation charges as a separate item on the invoice for each individual shipment of supplies, unless otherwise permitted by the contract. The applicable inspection and receiving report (DD Form 250, DD Form 1155, SF 44, or contractor's packing list) must include a notation that prepaid freight, express, or commercial air, as applicable, was authorized. The amount shown on the contractor's invoice for the transportation costs must be supported with either the original or a copy of the carrier's receipt, except when the amount of the transportation charge is less than $25. Receipts, when required, shall be in the form of a carrier's bill which shall be—

(1) Marked "Prepaid";

(2) Stamped "Paid";

(3) Signed by the carrier's agent in the space for acknowledgment of payment; or

(4) Bear a notation by the contractor of the check number and date paid.

(c) *Domestic destinations.* Domestic destinations include United States military air terminals and United States Army water terminals.

§ 590.354 Administrative and managerial services.

It is the policy of the Department of the Army that contracts will not be placed for the performance of administrative or managerial functions which are a responsibility of the Government and by their nature require the exercise of discretion, independence of judgment, decision, or direction, by an official of the Government.

3. In § 592.101(c), revise subparagraph (1); and in § 592.213–3(b), revise subparagraphs (7) and (8), and add subparagraph (9), as follows:

§ 592.101 Negotiation as distinguished from formal advertising.

• • • • •

(c) *Requests for proposals.* (1) When a procurement of supplies or services is to be announced in writing to prospective contractors for the purpose of requesting quotations and other terms as a basis for conducting negotiations, contracting officers shall use Standard Form 18 (Request for Quotation) or DD Form 746 (Request for Proposals and Proposal). See §§ 16.201 and 16.203 of this title.

§ 592.213–3 Limitation.

• • • • • •

(b) • • •

(7) Statement that the makes and models proposed for procurement standardization have passed preproduction tests (if applicable to the item);

(8) Determination embracing the same factors as are set forth in § 3.213–3 of this title, and

(9) Inclosures consisting of the replies to the requests required in paragraph (a) of this section, except that such replies, if classified, will be separately submitted.

4. Revise the heading and paragraph (a) in § 592.650–3; revise paragraphs (a)(1), (b)(1)(i), and (c) in § 596.103–12; and revise § 596.105–5, as follows:

§ 592.650–3 Use in conjunction with charge accounts.

(a) *Definition.* A charge account is a simplified procurement procedure similar to the charge account afforded by a business concern to its customers.

§ 596.103–12 Disputes.

(a) *General*—(1) *Contract clause.* The Disputes clauses contained in

§ 7.103–12 of this title may be modified to provide for an intermediate appeal to the Head of the Procuring Activity, provided such Head of the Procuring Activity has been authorized by higher authority to hear and decide intermediate appeals.

• • • • • •

(b) *Procedure for Handling Disputes*—(1) *Screening.* (i) The contracting officer should screen disputes arising under contracts to insure that findings and decision appealable under the Disputes clause are rendered only on disputes concerning questions of fact or disputes otherwise made subject to the Disputes procedure by specific contract provisions, such as a dispute as to an equitable adjustment under § 7.103–2 of this title and § 596.103–2, Changes clause, or § 7.103–5 of this title, Inspection clause, or a dispute resulting from failure to agree on a redetermined price under § 7.108 of this title, Incentive Price Revision Clause, and § 7.109 of this title, Price Redetermination Clauses. For example, an appealable decision and findings should not be issued by the contracting officer: (a) where a mistake in bid is alleged by the contractor after award in that the procedure outlined in § 2.405–3 of this title and § 591.405 of this chapter covers such cases, or (b) where the § 7.104–16 of this title, Gratuities clause, is to be invoked in that under such clause and § 30.4 of this title, Findings of Fact are made by duly designated representatives of the Secretary.

• • • • • •

(c) *Major oversea commands.* (1) Each commanding general of a major oversea command shall appoint within his command a Board to be known as "[name of command] Board of Contract Appeals." The Board shall consist of three or more members who shall be persons trained in the law, one of whom shall be designated by the appointing authority as the President of the Board. There also shall be appointed a Recorder of the Board who will perform such duties as the Board may prescribe. The Recorder of the Board also may be a member thereof.

(2) The Board, created pursuant to the provisions of subparagraph (1) of this paragraph, shall be designated by the commanding general as his duly authorized representative to hear, consider, and decide, as fully as he might do, all appeals to him under contracts having such provisions. The Board shall be granted all powers necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, shall adopt its own methods of procedure, rules, and regulations for its conduct and for the preparation and presentation of appeals and issuance of decisions.

(3) Each commanding general of a major oversea command shall designate one or more trial attorneys, who shall be qualified attorneys at law, for the preparation and presentation of the contentions of the procuring activity in relation to appeals filed with the Board.

§ 596.105–5 Liquidated damages.

See § 1.313 of this title and § 590.313 of this chapter.

5. Add new Subpart O to Part 596, as follows:

Subpart O—Clauses for Fixed-Price Construction Contracts

§ 596.1501 Price adjustment for suspension, delay, or interruption of the work.

The following clause shall be inserted in fixed-price construction contracts whenever it is desired to provide for suspension of the work for the convenience of the Government or to provide for administrative relief for unreasonable periods of delay caused by the contracting officer in the administration of the contract:

PRICE ADJUSTMENT FOR SUSPENSION, DELAY, OR INTERRUPTION OF THE WORK

(a) The Contracting Officer may order the Contractor in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If, without the fault or negligence of the Contractor, the performance of all or any part of the work is for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of the contract, or by his failure to act within the time specified in the contract (or if no time is specified, within a reasonable time), an adjustment shall be made by the Contracting Officer for any increase in the cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, delay, or interruption, and the contract shall be modified in writing accordingly. No adjustment shall be made if, and to the extent that, performance by the Contractor would have been prevented by other causes even if the work had not been so suspended, delayed, or interrupted. No claim under this clause shall be allowed (i) for any costs incurred more than twenty days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply where a suspension order has been issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final settlement of the contract. Any dispute concerning a question of fact arising under this clause shall be subject to the Disputes clause.

6. Revise paragraph (c)(1)(i) in § 598.202–1 and add new Subpart C to Part 598, as follows:

§ 598.202–1 Acquisition of data.

• • • • • •

(c) *Contracts for experimental, developmental, or research work and subcontracts thereunder*—(1) *Consideration of effects of "proprietary data."* • • •

(i) The impact of the exclusion of the proprietary data upon the Government's future use of the results of the contract in (*a*) connection with such programs as standardization, cataloging, supply, inventory control of repair and ancillary parts, (*b*) the desirability of competition for production contracts, and (*c*) the manufacture of the equipment or practicing of the process by or for a cooperating foreign government; and if the impact is found to be serious.

Subpart C—Foreign License and Technical Assistance Agreements

§ 598.301 General.

See § 9.301 of this title.

§ 598.302 Foreign license and technical assistance contracts between the Government and domestic concerns.

In addition to the requirements of § 9.302(a)(1) and (2) of this title each contract shall provide that in any separate agreement between the primary source (or any of his subcontractors) and the second source (or any of his subcontractors) there shall be included a statement referring to the contract between the Government and the domestic concern.

§ 598.303 Supply contracts between the Government and second sources.

The detailed statement required by § 9.303(a) of this title shall include the "Royalty Information" provision set forth under § 9.110(a)(2)(i) of this title.

§ 598.304 Foreign license and technical assistance agreements between domestic concern and foreign government or concern.

§ 598.304–1 International traffic in arms regulations.

See § 9.304–1 of this title.

§ 598.304–2 Review of agreements.

Proposed foreign license and technical assistance agreements between domestic concerns and foreign governments or concerns forwarded to the Department of the Army under the provisions of § 9.304–1 of this title will be referred to the cognizant technical service for review in accordance with § 9.304–2 of this title by appropriate patent and technical personnel. The comments and recommendations of the reviewing technical service will be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., ATTN: Chief, Industrial Preparedness Branch.

7. In § 601.101(b), revise opening portion of subparagraph (2) and all of subparagraph (3), and in § 601.404–2, revise paragraph (b) as follows:

§ 601.101 Labor relations.

• • • • • •

(b) *Labor responsibility.* • • •

(2) Subject to the restrictions in subdivisions (i) and (ii) of this subparagraph, the Head of the Procuring Activity, or his delegates, are authorized to communicate with local labor organizations and the local offices of Federal agencies in connection with labor matters of concern to a particular activity, but no action which is not mutually acceptable to the Head of the Procuring Activity and the local organization shall be taken without requisite coordination.

• • • • • •

(3) Heads of procuring activities, or their delegates, are authorized to communicate with local labor organizations,

and the local offices of State and Federal agencies, for the purpose of removing necessary material from strikebound facilities in accordance with procedures prescribed in Subpart O of this part.

§ 601.404–2 Wage determinations.

• • • • •

(b) *Responsibility for requesting determinations.* The office responsible for the preparation of specifications or the awarding of contracts for projects in excess of $2,000 is responsible for requesting the appropriate predetermination of wage rates to be contained in the contract. When contract specifications are prepared, they should include a current wage determination. If the wage determination is not available when invitations for bids are issued, the specifications will contain a statement that wage rates will be supplied by addenda to the specifications. Contracting officers will not open bids on projects subject to the provisions of the Davis-Bacon Act until the requested determination of wage rates has been incorporated in the specifications. No contract, either preliminary (letter contract) or definitive, will be executed until the applicable wage determinations have been obtained. If, after a timely request for a wage determination has been made and, the Secretary of Labor has not established a wage rate for a particular classification which is to be used in the performance of a contract, the contracting officer may proceed with the execution of the contract and establish a wage rate in accordance with §601.404–3.

8. Revise §§602.1707, 602.1712–5, and 602.1714–1(b), as follows:

§ 602.1707 Segregation or commingling of Government property and contractor's property.

Where a production line is solely engaged in Government work, contractor-owned and Government-owned plant equipment, special tooling, and items under tool room control may be commingled upon the approval of the property administrator. Such approval will be based upon assurance that the items are clearly identified as Government property; that the procedures of the contractor and the property administrator provide protection through inspection; and that the items will be used solely for Government work. Approval to place Government-furnished production equipment in a contractor's production line, equipped with both Government-owned and contractor-owned production equipment, is considered an inherent part of the authorization to provide such equipment to the contractor. [B–206 and C–210]

§ 602.1712–5 Financial control accounts.

In order to conform to the Financial Management Plan of the Army (AR 37–5 and AR 37–108), dollar amounts of Government-owned facilities of the classes of property specified in paragraph 304.7, § 30.2 of this title, will be secured by the property administrator from the official property records of Department of Army contractors. Detailed procedures for use of this information by property administrators and finance and accounting officers are contained in AR 735–20, AR 735–72, and AR 37–108. Financial controls are not required for minor plant equipment, special tooling or materials (paragraph B–103, § 30.2 of this title), except that, financial information required in connection with property which is part of the corpus of the Army Stock Fund, a Single Manager Stock Fund or the Army Industrial Fund, or is governed by the Army Command Management System, will be secured, when required, from the accounting records of the contractor. The criteria set forth in paragraphs (a) and (b) of this section shall be applied when classifying equipment for this purpose:

(a) Production equipment includes equipment and machinery valued at $500 and more per unit as defined in AR 700–34. This will include such property in actual use, stored in place as standby, placed in proximity storage, or maintained in reserve in central storage when such equipment is in possession or control of a contractor under the terms of a contract, and

(b) Plant equipment includes property of a capital nature with unit acquisition cost of $200 and more per unit and production equipment with unit acquisition costs of $200 to $500 [B–304.3 and B–304.7].

§ 602.1714–1 Identification markings of Government property.

• • • • •

(b) Based upon the above identification marking system, a machine purchased from the Government funds for production of medium tanks on a procurement program assigned to the Ordnance Tank Automotive Command could have the following identification marking:

USA–01–02–000,001

9. Revise §§ 605.101, 605.801(c), 605.807, 605.851, 605.852, 605.853 and 605.858, as follows:

§ 605.101 Separate Award Type (Standard Forms 30, 31, 32, 26, and 36, and DD Form 1260).

§ 605.801 Statement and Certificate of Award (Standard Form 1036).

• • • • •

(c) each purchase order or other contractual document retained by a procuring activity indicates the basis on which issued. (§§ 2.407–7 and 16.801 of this title and §§ 591.406–5(a) and 591.450 (d)(2) of this subchapter.)

§ 605.807 Individual Procurement Action Report (DD Form 350).

DD Form 350 shall be prepared in accordance with Subpart C, Part 606 of this chapter.

§ 605.851 Abstract of Bids.

(Section 2.403 of this title and § 591.402 of this chapter.)

§ 605.852 Monthly Procurement Summary by Purchasing Office (DD Form 1057).

DD Form 1057 shall be prepared in accordance with Subpart C, Part 606 of this chapter.

§ 605.853 Purchase Request and Commitment (DA Form 14–115).

See paragraph 3–74, AR 37–108, Administrative Army regulations pertaining to general accounting and reporting for finance and accounting offices.

§ 605.858 Transfer of Construction (ENG Form 290).

(Section 602.1712–3 of this chapter.)

10. Revise the last sentence in § 606.301–2, as follows:

§ 606.204–15 Contract review.

• • • To the extent that the review required herein is impractical, Heads of Procuring Activities may waive this provision upon making a determination to that effect on an individual contract basis.

§ 606.301–2 Procurement action.

The term procurement action as used in this report refers to any contractual action to obtain supplies, services, or construction which obligates or deobligates appropriated funds. • • •

[C 24, APP, Aug. 5, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127-133; 10 U.S.C. 2301–2314)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60–8105; Filed, Aug. 31, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Piscataqua River, Maine

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.6 is hereby prescribed establishing and governing the use of a restricted area in Piscataqua River adjacent to the easterly side of Seavey Island, Portsmouth Naval Shipyard, Kittery, Maine, as follows:

§ 207.6 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine; restricted area.

(a) *The area.* Beginning at a point on the easterly side of Seavey Island at latitude 43°04'37'', longitude 70°43'44''; thence to latitude 43°04'36'', longitude 70°43'40''; thence to the pier on the westerly side of Clark Island at latitude 43°04'36.5'', longitude 70°43'34''; thence along the northerly side of Clark Island to a point on the easterly side at latitude 43°04'37'', longitude 70°43'25''; thence northeasterly to the easterly side of Jamaica Island at latitude 43°04'49'', longitude 70°43'24''; thence along the southerly and westerly sides of Jamaica Island; and thence generally along the easterly side of Seavey Island to the point of beginning.

(b) *The regulations.* All vessels are prohibited from entering the area unless approved by the Commandant, First Naval District, Boston, Massachusetts, or such agency as he may designate, except vessels of other military agencies in case of emergency.

[Regs., Aug. 17, 1960, 285/91 (Piscataqua River, Maine)—ENGCW–O]

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60–8106; Filed, Aug. 31, 1960; 8:45 a.m.]

PART 207—NAVIGATION REGULATIONS

Weekley Bayou, Florida

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.175a is hereby prescribed establishing and governing the use of a restricted area in Weekley Bayou, Florida, as follows:

§ 207.175a Weekley Bayou, an arm of Bogky Bayou, Fla., at Eglin Air Force Base; restricted area.

(a) *The area.* All waters of Weekley Bayou west of a line drawn between latitude 30°28'57'', longitude 86°29'03'', and latitude 30°28'58'', longitude 86°29'06'', said line crossing the Bayou approximately 225 yards above its mouth.

(b) *The regulations.* (1) No vessel shall enter the area without the permission of the Commander, Eglin Air Force Base, Florida, or his authorized representative.

(2) The regulations in this section shall be enforced by the Commander, Eglin Air Force Base, Florida, or such agencies as he may designate.

[Regs., Aug. 16, 1960, 285/91 (Weekley Bayou, Fla.)–ENGCW–O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60–8107; Filed, Aug. 31, 1960; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

Appeals From Administrative Action

Section 211.2(a) is hereby revised to read as follows:

§ 211.2 Appeals from administrative action.

(a)(1) Any person having a contractual relationship with the Forest Service (other than one relating to the construction, alteration or repair of public buildings or works, or to the purchase of administrative supplies, equipment, materials or services), aggrieved by any administrative action or decision of an officer of the Forest Service relating thereto, may file with such officer a written request for reconsideration thereof, or written notice of appeal therefrom; except that no request for reconsideration or appeal can be taken where the relief appellant seeks is reformation of a contract or monetary damages or where the jurisdiction of another government agency over the subject matter of such request or appeal supersedes that of this Department. Such actions or decisions shall be final unless requests for reconsideration thereof, or notice of appeal therefrom, is filed within 30 days from receipt of notice of the action or decision. Unless the written notice of appeal is accompanied by a showing of an acceptable reason for allowing a longer time for preparation, it shall be accompanied by a statement setting forth in detail the reasons why the action or decision appealed from is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary, together with any documents supporting the appellant's position. Upon receipt of such statement, the officer shall prepare his own statement reviewing the matter and presenting the facts and considerations upon which his action or decision was based. The two statements, together with all papers comprising the record in the matter, shall then be transmitted to the reviewing officer. The reviewing officer will be the immediate superior of the officer whose action or decision is appealed, for example, in the following order: Forest supervisor, regional forester, Chief of the Forest Service, and Secretary of Agriculture. Except as provided in subparagraphs (2), (3), (4) and (5) of this paragraph, the reviewing officer will consider the matter and advise both the subordinate officer and the appellant of his decision on the basis of the statements and record submitted to him: *Provided,* That upon the written request of the appellant made within 15 days after the filing of his statement, the reviewing officer will afford the appellant the opportunity to present his views orally: *Provided further,* That if the reviewing officer considers the statements and records inadequate to support a proper decision, he may provide for the production of such additional evidence and information as may be appropriate or he may remand the matter for further consideration by the officer from whom the appeal was taken.

(2) When an appeal is to the Chief of the Forest Service from an action or decision of the regional forester or comparable officer the procedure and review will be in accordance with this paragraph. If the appellant wishes the review by the Chief to be on the statements and records and in the manner prescribed in subparagraph (1) of this section, the notice of appeal and accompanying statement of reasons shall be filed with the regional forester or comparable officer within 30 days from receipt of notice of the action or decision. If the appellant wishes a public hearing to present evidence on an issue of fact, the notice of appeal in triplicate shall be filed with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 30 days from receipt of notice of the action or decision, and, unless the notice of appeal is accompanied by a showing of an acceptable reason for allowing a longer time for preparation of the petition, it shall be accompanied by a petition in triplicate setting forth (i) the reasons why the action or decision appealed from is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary and (ii) the relief requested. The Hearing Clerk of the Department will docket the case and serve one copy of the notice of appeal and/or petition on the regional forester or comparable officer, who shall within 30 days from receipt of the petition file in triplicate a motion, answer or other responsive pleading with the Hearing Clerk, who will serve a copy of such pleading on the appellant. When all pleadings have been filed the Hearing Clerk will refer the docket to the Chief Hearing Examiner. The Chief Hearing Examiner will designate a hearing examiner to act on preliminary matters to fix the time and place for a hearing, and to conduct the hearing, administer oaths and affirmations, and do all acts and take all measures necessary for the maintenance of order at the hearing, and to assure that all parties are afforded a full and complete hearing. The hearing examiner will require the testimony of witnesses to be under oath or affirmation and subject to cross-examination. He will receive only evidence which is germane to the issue involved and shall exclude evidence which is immaterial, irrelevant or unduly repetitious or which is not the sort upon which responsible persons are accustomed to rely. Where evidence is excluded the party affected may introduce in the record an offer of proof and the objecting party may introduce an offer of proof in rebuttal. At the close of the hearing, the hearing examiner shall specify a time for the filing of briefs. All papers and documents filed in the proceeding shall be filed in triplicate, either with the hearing examiner, if filed during the hearing, or with the Hearing Clerk, if filed at other times, who shall serve copies thereof by mail or in person upon the opposite party or his attorney or agent of record. As soon as the time for the filing of briefs has expired, the Hearing Clerk shall transmit the entire record to the Chief of the Forest Service. The Chief of the Forest Service will render a decision based exclusively on said record, and file his decision with the Hearing Clerk, who will retain one signed copy, serve one signed copy on the appellant, and serve a copy on the subordinate Forest Service officer: *Provided,*

That if the Chief of the Forest Service determines that the record is inadequate to support a proper decision, he may order a further hearing.

(3) When appeal is to the Secretary from a decision of the Chief of the Forest Service on an appeal from an action or decision of the regional forester or comparable officer, the procedure and review will be in accordance with this paragraph. If the Chief's decision was based on the record and statements, the appeal shall be in the manner prescribed in subparagraph (1) of this paragraph. If the Chief's decision was based on a hearing record, the appellant shall file notice of appeal and statement of reasons why the Chief's decision is in error within 30 days from receipt of notice of the decision with the Hearing Clerk, who will serve a copy of the statement of reasons on the Chief. Within 30 days thereafter the Chief will file with the Hearing Clerk a statement setting forth the facts and circumstances upon which his decision was based. Thereupon, the Hearing Clerk will forward the record and statements to the Secretary.

(4) When the appeal is to the Secretary from an initial action or decision of the Chief of the Forest Service or reconsideration thereof, the procedure and review will be in accordance with subparagraph (1) of this paragraph: *Provided*, That if the appellant wishes a public hearing to present evidence on a question of fact, before an appeal is taken to the Secretary the appellant shall file notice of appeal and petition with the Hearing Clerk in the manner prescribed in subparagraph (2) of this paragraph and the appeal shall be handled in the same manner as though it were an appeal to the Chief from an action or decision of the regional forester or comparable officer, and the decision of the Chief may be appealed in the manner prescribed in subparagraph (3) of this paragraph for appeals to the Secretary from a Chief's decision based on a hearing record.

(5) The decision of the Secretary on an appeal pending before him will be based solely on the record upon which the Chief's decision was based, together with the statement of the appellant accompanying his notice of appeal detailing the reasons he believes the Chief's decision to be in error and the statement of the Chief setting forth the facts and considerations upon which his decision was based. In instances where the Secretary determines that the record is incomplete or insufficient, he will remand the matter to the Chief with appropriate instructions for further action.

(30 Stat. 35 as amended; 16 U.S.C. 551)

Done at Washington, D.C., this 25th day of August 1960.

E. L. PETERSON,
Assistant Secretary of Agriculture.

[F.R. Doc. 60-8153; Filed, Aug. 31, 1960; 8:49 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, Rev., Amdt. 6]

PART 308—WAR RISK INSURANCE
Change in Expiration Dates

Section 308.6 *Period of interim binders if insurance thereunder does not attach*, § 308.106 *Standard form of war risk hull insurance interim binder*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk interim binder* are hereby amended by changing the expiration dates appearing therein from "midnight, September 7, 1960, G.M.T." to "midnight, December 7, 1960, G.M.T."

(Section 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: August 12, 1960.

By order of the Maritime Administrator.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 60-8138; Filed, Aug. 31, 1960; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 491; Draft Release 60-15]

FLIGHT CREWMEMBERS ASSIGNED TO DUTY ON TURBINE-POWERED AIRPLANES OPERATED ABOVE 25,000 FEET

Oxygen Mask Requirements and Altitude Training

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by November 2, 1960, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

The FAA originally adopted Civil Air Regulations Amendment 40-23 in November 1959, after due consideration had been given to all information available. At that time there was some disagreement in the industry concerning the requirement for one pilot to wear and use the oxygen mask above 25,000 feet. However, the FAA concluded that when operating at these higher altitudes one pilot should continuously wear and use a mask, inasmuch as the time element required to don and use masks was so critical that any delay in donning them would definitely be prejudicial to the interests of safety. Thus, to minimize the danger inherent in this situation, one pilot was required to wear and use his mask at all times when operating above 25,000 feet, and the remaining flight crewmembers were required to wear their masks in a position ready for immediate use.

The FAA later determined that of the various types of masks intended to be used in compliance with this regulation certain masks had distinct advantages with respect to the facility, certainty, and speed with which they could be donned. As a result, Civil Air Regulations Amendment 40-25 was adopted to become effective February 1, 1960. Amendment 40-25 gave recognition to this "quick-donning" type of oxygen mask and did not require the one pilot to wear and use a mask below 30,000 feet when all flight crewmembers were also equipped with a quick-donning mask which had been demonstrated to be satisfactory to the Administrator.

In the preamble to Civil Air Regulations Amendment 40-25 it was stated that the Federal Aviation Agency would continue to study the need for and use of oxygen masks by flight crewmembers. In connection with this study, a meeting was held in Washington, D.C., on June 2, 1960, with representatives of the air carrier industry and other interested persons to review the experience gained with this rule since February 1, 1960.

During the discussion meeting on June 2, 1960, considerable comments were offered with respect to the standards for approval of a quick-donning mask. The industry stated that the criteria for evaluating the suitability of a quick-donning mask should be based on "time" only. It was further stated that the design of the mask and its stowed location in the cockpit, or whether it must be worn, should be left to the manufacturers and operators, provided it could be demonstrated that the oxygen mask was readily available and could be donned in a given period of time.

On the other hand, there are other factors in addition to "time" which the Federal Aviation Agency has recognized during the approval of quick-donning masks. Among these have been the following:

1. That the oxygen mask should be capable of being immediately placed on the face for use secured and sealed with either hand.

2. That the oxygen mask should be worn in a ready position in order to eliminate the possibility that the oxygen mask may, under the extreme stress of the emergency, be dropped out of reach or become entangled in the process of being donned from a stowed location; and to insure that donning of the oxygen mask will require a minimum of attention and effort and, thereby, the least degree of interference with important crew duties during the emergency.

3. That the action of donning the oxygen mask should be accomplished without disturbing glasses, headphones, or other equipment worn.

In regard to the altitude above which one pilot must wear and use the oxygen mask at all times, the industry representatives in the meeting on June 2, 1960, expressed the opinion that the present rules pertaining to the wearing and use of the oxygen mask by one pilot on flights operated above 25,000 feet actually detract from the safety of the flights. They asserted that the required wearing of the oxygen mask was physically and psychologically detrimental to the pilots concerned because of the following factors: (1) Lack of convenient communication with other flight crewmembers, (2) discomfort of the oxygen mask on the face, (3) discomfort of breathing oxygen, and oxygen flowing in the eyes, (4) obstruction of vision inside and outside of the cockpit, (5) annoyance factors of the oxygen mask, hose, and other apparatus, (6) sanitation of the mask, and (7) fatigue, both physical and mental. It was stated that any one of the above factors in itself is not a major problem; however, when combined, they seriously detract from the overall safety of the operations. The industry representatives were unanimous in their recommendation that such factors be taken into account and that the rules prescribing the altitude at which oxygen masks must be worn by one pilot at the controls of the airplane be revised from the present requirement of 25,000 feet (30,000 feet with a quick-donning mask) to 35,000 feet and above.

In view of the concern which the industry has expressed with regard to the present regulation governing oxygen mask requirements, the Agency has concluded that it should again evaluate those aspects of the regulation dealing with the altitude above which one pilot should be required to wear and use an oxygen mask at all times and the various donning characteristics which an oxygen mask should be required to have.

Accordingly, it is proposed in this notice of rule making to increase the altitude above which one pilot must wear and use an oxygen mask from 30,000 feet to 35,000 feet, provided all flight crewmembers are equipped with an appropriate type of oxygen mask ready for immediate use. It is proposed that such a mask be demonstrated as one capable of being immediately placed on the face from the position in which it is worn and, in addition thereto, be shown to meet the following criteria:

1. That the mask is capable of being placed on the face for use, properly secured and sealed, with either hand;

2. That the action of donning the mask can be accomplished without disturbing glasses, headphones, or other equipment worn; and

3. That the action of donning the mask can be accomplished without distracting or delaying the flight crewmember from proceeding with his assigned emergency procedures.

Although the proposed rule contained in this notice specifies certain criteria for approval of the advanced type of mask, the Agency would like to make it clear that full consideration will be given to comments received with respect to other proposed criteria for the quick-donning mask, such as whether "time" and/or other factors should or should not be the basis for approval. Therefore, the Agency specifically requests comments on these important aspects of the rule to enable it to make a thorough evaluation of them.

While the discussion above concerns the advance type of oxygen mask covered in the proviso of proposed § 40.203-T(c)(1), the proposed rule also deals with the type of oxygen masks which

must be worn and used by one pilot above 25,000 feet. The proposal would require such masks to be worn by flight crewmembers in a manner that would permit "rapid" placing of the mask on their faces for use, properly secured and sealed. Substitution of the word "rapid" for the word "immediate," which is used in the present effective rule, is not intended to impose a different standard, but is intended to better distinguish the urgency related to such oxygen masks from that related to the more advanced type of mask covered in the proviso of the proposed rule.

In connection with the overall subject of high-altitude flying and oxygen needs, it has been suggested that there exists within the industry an apparent lack of realization of the importance of oxygen requirements and a reluctance on the part of some flight crews to utilize the oxygen masks. This reluctance may be attributed in part to a lack of knowledge of and familiarity with hypoxia, its insidious onset, and the swiftness with which unconsciousness will occur at high altitudes in the event of decompression. The Bureau of Flight Standards has received a recommendation that crewmember training programs, with respect to the physiological effects of decompression and to the use and limitations of oxygen equipment, should be supplemented by altitude pressure chamber indoctrination and physiological training for all flight crewmembers assigned to flight duty on aircraft operated above 25,000 feet. It has also been recommended that the privilege of operating above 25,000 feet up to and including 35,000 feet without one pilot using the oxygen mask should be predicated upon all flight crewmembers receiving altitude pressure chamber indoctrination, and that this provision be related to the requirements and included in § 40.203–T. Such training may be desirable to insure that flight crewmembers will both recognize decompression emergencies immediately and appreciate the urgency for rapid donning and wearing the oxygen masks in the event of such decompression. The specific rule being proposed in § 40.203–T does not relate the high-altitude indoctrination program to the privilege of operating up to and including 35,000 feet without using an oxygen mask. However, it should be clearly understood that in light of comments received, the Agency may adopt a provision in § 40.203–T which will require all flight crewmembers to receive the altitude pressure chamber indoctrination prior to permitting the one pilot to operate above 25,000 feet and up to and including 35,000 feet without using an oxygen mask. Accordingly, comments are expressly requested on both of the foregoing recommendations.

The adoption of a rule which incorporates either of the foregoing recommendations requiring pressure chamber indoctrination would seriously tax existing privately operated decompression training facilities. However, the Department of the Air Force has agreed to make its training facilities available, through the Federal Aviation Agency, to those air carriers who might elect to use the Government's facilities. The Government would offer this training on a cost-reimbursement basis, and procedures for obtaining the use of these facilities would be established until such time as arrangements could be made for use of privately operated facilities for training.

If adopted, the rule would provide for a period of six months to permit those crewmembers presently engaged in operations above 25,000 feet to comply with the indoctrination program.

In consideration of the foregoing it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations as follows:

1. By amending § 40.203–T(c) of Part 40 to read as follows:

§ 40.203–T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

* * * * *

(c) Use of oxygen masks by flight crewmembers.

(1) When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crewmembers on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit rapid placing of the masks on their faces for use, properly secured and sealed: *Provided*, That the one pilot need not use a mask at or below 35,000 feet if all flight crewmembers on flight deck duty are provided with and are wearing in a ready position for use, a type of oxygen mask connected to appropriate supply terminals, which has been demonstrated to the satisfaction of a representative of the Administrator to be capable of being immediately placed on their faces for use, properly secured and sealed, with either hand. In demonstrating the oxygen mask, the air carrier shall show that this action can be accomplished without disturbing glasses, headphones, or other equipment worn, and without distracting or delaying the flight crewmember from proceeding with his assigned emergency procedures.

(2) Notwithstanding the provisions in subparagraph (1) of this paragraph, when operating at flight altitudes above 25,000 feet, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(3) Prior to take off of a flight, each flight crewmember shall preflight his oxygen equipment to insure that the oxygen mask is functioning and fitted properly and connected to appropriate supply terminals, and that the oxygen supply is ready for use.

2. By adding a new paragraph (c) to § 40.286 of Part 40 to read as follows:

§ 40.286 Initial crewmember emergency training.

* * * * *

(c) All crewmembers performing duties on pressurized airplanes operated above 25,000 feet shall, as a part of their emergency decompression procedure training, receive instruction by means of lectures and films (or other types of demonstration) covering: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, oxygen equipment, forces and other physical phenomena of decompressions, and incidents of decompression. In addition, all flight crewmembers shall experience hypoxia of slow and rapid onset through reduction of pressure in a low pressure chamber. For hypoxia of slow onset, a pressure altitude equivalent of 20,000 plus or minus 1,000 feet shall be employed. For hypoxia of rapid onset, a pressure altitude equivalent to 29,000 plus or minus 1,000 feet shall be employed. Reduction in pressure from 8,000 to 29,000 feet shall be accomplished within not less than 10 or more than 20 seconds, and the duration of exposure above 20,000 feet shall not exceed 3 minutes. Oxygen shall be immediately available in the chamber but shall not ordinarily be used until symptoms of hypoxia become evident. Flight crewmembers who have completed their initial emergency training at the time of adoption of this rule will be afforded a 6-month grace period following the effective date thereof to accomplish the low pressure chamber indoctrination program.

3. By promulgating amendments to Parts 41 and 42 similar to those proposed in paragraphs 1 and 2 above.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424).

Issued in Washington, D.C., on August 24, 1960.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 60–8108; Filed, Aug. 31, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

EXEMPTION OF CERTAIN BORROWING TRANSACTIONS

Notice of Proposed Rule Making

Notice of proposal to adopt § 270.17a–6 (Rule 71a–6) under the Investment Company Act of 1940 relating to the borrowing of money from a bank controlled by a registered investment company by an officer, employee or director of such bank.

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule pursuant to section 6(c) and 38(a) of the Investment Company Act of 1940 which would exempt from the prohibitions of section 17(a)(3) of the Act the borrowing of money from a bank which is controlled by a registered investment company by an officer, employee or director of such bank.

Section 17(a)(3), among other things, prohibits an affiliated person of an affiliated person of a registered investment company from borrowing money from such registered company or any company controlled by such registered company. Therefore, absent an exemptive rule, the borrowing of money from a bank controlled by a registered investment company by an officer, employee or director of such bank is prohibited under section 17(a)(3), unless the Commission, upon application, grants an order of exemption therefrom pursuant to section 17(b) of the Act.

The proposed rule would exempt from the prohibitions of section 17(a)(3) of the Act the borrowing of money from a bank controlled by a registered investment company by an officer, employee or director of such bank, provided the transaction meets specified conditions designed to effectuate the purposes of the Act.

In order to qualify for exemption under the proposed rule, any such borrowing would be required, among other things, to involve a borrower who is not an affiliated person of the registered investment company, and to comply with any applicable State or Federal banking law and any rules and regulations thereunder. In addition, the loan and the terms thereof are required to be in accordance with the normal lending policy of the bank and not inconsistent with any policy of the registered investment company.

The text of the Commission's proposed rule is as follows:

§ 270.17a–6 Exemption of certain borrowing transactions.

The borrowing of money from a bank controlled by a registered investment company by an officer, employee or director of such bank shall be exempt from the provisions of section 17(a)(3) of the Act provided: (a) The borrower is not an affiliated person of such registered company; (b) the loan is made in accordance with applicable State or Federal banking law and any rules and regulations thereunder; (c) the loan has been approved in writing not more than three months prior to the date on which the loan is made by the board of directors of the bank, or, during such period, has been approved in writing by the loan, discount or appropriate committee of the bank and has been ratified in writing by the board of directors of the bank; (d) the bank requires the borrower to file with it a statement of his financial condition at least once each year, unless the loan is secured by collateral having an ascertained market value at least 15% more than the amount of the obligation; and (e) the loan and the terms thereof are in accordance with the normal lending policies of the bank and are not inconsistent with any policy of such registered investment company.

All interested persons are invited to submit views and comments on the proposed rule. Written statements of views and comments and any requests for oral argument in respect of the proposed rule should be submitted in writing to the Securities and Exchange Commission, Washington 25, D.C., on or before September 13, 1960. Unless the person submitting any statement requests that his views not be made part of the Commission's public file, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 25, 1960.

[F.R. Doc. 60–8121; Filed, Aug. 31, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

HARDBOARD FROM BRAZIL

Purchase Price; Foreign Market Value

AUGUST 26, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of hardboard imported from Brazil is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of hardboard from Brazil pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 60-8125; Filed, Aug. 31, 1960; 8:46 a.m.]

Office of the Secretary

[AA 643.3]

CLINICAL THERMOMETERS FROM JAPAN

Determination of No Sales at Less Than Fair Value

AUGUST 26, 1960.

A complaint was received that finished and unfinished clinical thermometers from Japan were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that finished and unfinished clinical thermometers from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The information at hand indicated that the preponderance of the imported clinical thermometers consisted of prismatic finished thermometers, oral, rectal, and stubby; veterinary thermometers; unfinished thermometers with mercury, and unfinished thermometers without mercury.

As to the prismatic finished thermometers, it was determined that home market sales were adequate in quantity to furnish the basis for a fair value comparison. The home market prices were on a delivered-customers-place-of-business basis, including cost of packing, except as to one manufacturer whose prices were on an ex-factory, packed basis. The prices to the United States were all on an ex-factory, packed basis.

In the determination of home market price, adjustments were made, where applicable, for inland freight, interest cost on credit extended to customers, and for packing cost which was much higher than the packing cost included in the price to the United States, due to the much more elaborate packing involved in connection with home market sales. Advertising costs in the home market were allowed in comparing the adjusted home market price with the purchase price of prismatic finished thermometers imported prior to the effective date of the current Antidumping regulations, July 5, 1960. After that date, advertising costs were disallowed. This disallowance, however, was more than offset by an increase in the manufacturers' prices to the United States effective June 6, 1960. After making the adjustments, it was determined that the purchase price was not lower than the adjusted home market price of the prismatic finished thermometers sold to the United States.

As to the veterinary thermometers, no such or similar thermometers were found to be sold either in the home market or to countries other than the United States.

The unfinished thermometers were found not to be sufficiently processed to be comparable with finished thermometers. They too were sold only to the United States.

Therefore, as to the veterinary thermometers and the unfinished thermometers, the fair value comparison was between purchase price and the constructed value. Purchase price was found not to be lower than constructed value in each instance.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] T. GRAYDON UPTON,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8126; Filed, Aug. 31, 1960; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order SA-9]

FILING DEBT CLAIMS IN RESPECT OF CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

Order Fixing Bar Date

In accordance with section 208(b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order No. 10644, January 2, 1961, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1960 and June 30, 1960, inclusive.

(Pub. Law 285, 84th Cong., 69 Stat. 252; E.O. 10644, Nov. 7, 1955, 20 F.R. 8363).

Executed at Washington, D.C., this 24th day of August 1960.

[SEAL] WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60-8122; Filed, Aug. 31, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 21; B-26207]

COLORADO

Small Tract Classification; Amendment

1. Pursuant to the authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), it is ordered as follows:

2. Effective immediately, paragraphs 2 through 9 of Federal Register Document 59-3591, appearing in the issue of April 29, 1959, at pages 3329, 3330, are hereby revoked as to the following lots, and paragraphs 3 through 9 of this order are substituted therefor.

These lots were classified for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C., Sec. 682a) by Small Tract Classification Order No. 21 appearing as Federal Register Document 58-9427 in the issue for November 14, 1958, at page 8874. This amendatory order is for the purpose of opening these lots to the filing of small tract applications.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 S., R. 78 W.,
Sec. 17, Lots 5, 7, 12, 15 and 19.

Containing 28.43 acres subdivided into 5 small tracts.

None of these lots are covered by applications from persons entitled to preference under Title 43 Code of Federal Regulations, § 257.5.

These lots are now subject to application under the Small Tract Act. Application must be filed in the manner described in Paragraph 8 of this order.

3. The lands are located about 7 miles south of Parshall, Colorado. Parshall is on U.S. Highway 40, about 115 miles from Denver. Roads from Kremmling or Parshall to the upper end of the Denver Reservoir and a county road along the east side of the Williams Fork

River provide access to the area. Some of the lots have a few lodgepole pine trees, with open areas of sagebrush; others have thick lodgepole pine to the exclusion of almost all other plants. Some of the lots have a few aspen trees. The topography varies from rolling to very steep. Each lot has a building site. However, considerable work and expense may be involved in clearing and leveling a suitable area for improvements. Construction of access roads to the individual lots may involve considerable labor and expense. Wells drilled to a depth of 150-200 feet may provide culinary water. Electrical power lines and telephone lines are 1 to 2 miles away.

The area lies at an elevation of about 7600 feet and precipitation as snow and rain averages about 17 inches annually. Access to and use of the area is limited to about six months during the year from May 15 through October or until heavy snowfall restricts travel. There are no trading centers closer than Parshall, about 7 miles away.

4. The individual lots vary in size from 2.59 acres to 5.18 acres. The tracts are rectangular in shape. Each lot has a Government survey corner on its boundary from which it can be identified. The lots will be leased and sold subject to all rights-of-way of record, and rights-of-way under 43 CFR 257.17(b) will be reserved for road purposes and for public utilities along the boundaries of the lots as shown below and upon an unofficial

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 S., R. 78 W., SEC. 17

Lot No.	Acreage	Rights-of-way width and location	3-year advance rental	Purchase price
5	5.16	25' along west side	$48.75	$325
7	5.17	do	56.25	375
12	5.17	25' along west and south sides.	67.50	450
15	2.59	25' along east and north sides.	56.25	375
19	5.18	25' along south side	75.00	500

plat, a copy of which will be attached to each lease issued. Such rights-of-way may be utilized by the Federal Government, the State of Colorado, or Grand County, or by any agency thereof. All minerals in the land are reserved to the United States. The Federal Government does not guarantee access to individual lots within the area.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price indicated above providing that during the period of their leases they comply with the improvement requirements as set forth in this opening order under paragraph 7 and those shown on the reverse side of the offer to lease and Lease Form 4-776. Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee. The purchase price and annual rental of the lots listed above are subject to revision without further publication in the FEDERAL REGISTER for the lots not leased as a result of the drawing held under this opening order.

6. Persons who have previously acquired a lot under the Small Tract Act are not qualified to acquire a lot at this drawing.

7. The improvements referred to in paragraph 5 must conform with health, sanitation and construction requirements of local ordinances and must, in addition, meet the following requirements.

(a) Buildings on these tracts shall be constructed of new and substantial materials set on adequate foundations of cement, rocks, cinder-blocks or similar materials. Chimneys must be of cement, stone, brick masonry, or of an approved metal type and shall be lined with fire resistant brick or tile except where approved metal types are used.

(b) No shacks of temporary and unsightly nature will be allowed. The use of tar or composition papers for general exterior purposes will not be permitted. Trailers or portable types of houses will not be considered as being part or all of the development requirements. Trailers may be used for temporary housing during the construction of permanent improvements; however, they will not be considered as part of the improvements required under the lease and must be removed before favorable action will be taken on an application to purchase.

(c) Each lessee will be required to keep the premises in a neat and orderly condition. Garbage and other refuse must be disposed of by burning in an incinerator or be removed at regular intervals in accordance with local standards and practices. Disposal of garbage or other refuse on areas included in rights-of-way of record or rights-of-way reserved under 43 CFR 257.17(b) is prohibited.

(d) Each lessee will be responsible for maintenance in an attractive and fire-safe condition throughout the lease period rights-of-way of record and those reserved under 43 CFR 257.17(b) which cross his tract.

(e) Only one residence building will be permitted per lot. Buildings other than the residence shall be kept to a minimum.

(f) All residential buildings shall have not less than 500 square feet of floor space.

(g) All Bureau of Land Management regulations and State laws as to fire prevention must be observed. Premises and improvements must be maintained in a fire-safe condition at all times. Each lessee will be required to take all reasonable precautions to prevent and suppress forest, brush and grass fires. Debris and inflammable material will be removed or burned in such a manner that adjoining properties as well as their own will not be endangered.

(h) Buildings or other improvements on the lots shall be set back a minimum distance of 15 feet from outside boundaries of rights-of-way of record and rights-of-way reserved under Title 43 CFR 257.17(b).

(i) No buildings shall be constructed on areas reserved for rights-of-way under 43 CFR 257.17(b).

(j) All residence sites must have adequate sanitary facilities to conform to State, county and local laws and ordinances. Outdoor toilets must be located a minimum of 30 feet from the building or dwelling. The toilets must be fully enclosed and of substantial construction and contain a pit and cover for the seat. The depth of the pit shall not be less than six feet below ground level. In the case of inside toilets, disposal of waste shall be by means of septic tanks or cesspools.

(k) Bearing trees witnessing Bureau of Land Management survey monuments may not be cut, defaced or destroyed unless their presence interferes with construction of improvements or building of roads.

(l) Removal of Bureau of Land Management monumented survey corners which are steel pipe with brass caps set along the boundaries of the tracts, is prohibited. If their presence interferes with construction of roads, the monument shall be buried in place and at least two permanent marked witness monuments should be established at suitable locations outside the area that will be disturbed by the construction. The State Supervisor, Bureau of Land Management, P.O. Box 1018, 339 New Custom House, Denver 1, Colorado, should be given a brief description of the witness monuments and the connecting courses and distances to the original monument.

(m) Electrical and telephone line poles must be placed within the rights-of-way areas reserved under 43 CFR 257.17(b) and set not further than five feet from the exterior boundaries of the rights-of-way.

(n) Roofs should be of sufficient pitch and adequate construction to support heavy snows incident to the area. Roofs with at least one-third pitch are recommended.

(o) The lessee must show his last name and the number of his lot on a sign and post it in a conspicuous place on the lot throughout the lease period.

8. A drawing or drawings will be held at 2:00 p.m. September 22, 1960. To participate in these drawings, applicants must comply with the following instructions: Applications must be made, in duplicate, on Form 4-776, accurately and completely filled out in accordance with the instructions on the form except that Items 4(a) and 4(d) need not be filled out. The application must be accompanied by a bank draft, certified check, or post office money order made payable to the Bureau of Land Management in an amount equal to $10.00 plus the advance rental for the desired tract as specified in Paragraph 4 above. The application forms and payment must be enclosed in a sealed, self-addressed, stamped (4¢ in stamps), return envelope for return to the applicant in the form received if he is not successful in the drawing. This envelope must be enclosed in another sealed envelope and

mailed to the Manager, Land Office, 371 New Custom House, P.O. Box 1018, Denver 1, Colorado. This envelope (used to mail the envelope containing the forms and money) must carry in the lower left-hand corner of its face the following information and nothing else: (a) "Small Tract Application"; (b) "Classification Order No. 21"; (c) A description of the tract applied for, described by lot number in accordance with Paragraph 4 above. Application forms are available upon request from the above-named official. Requests for forms should be accompanied by a stamped (4 cents in stamps), self-addressed, return envelope to facilitate mailing of the forms.

Envelopes will be accepted for the drawing if submitted in compliance with the above instructions and filed with the above-named official by 10:00 a.m. September 20, 1960. Any person who submits more than one set of applications will be declared ineligible to participate in the drawing. All entrants will be notified of the results of this drawing either by receipt of a copy of a lease or the return of their applications and remittance.

Any tracts remaining unleased after the drawing will be open to the filing of applications on a first come, first served basis beginning at 10:00 a.m. October 4, 1960. All persons are advised that the $10.00 service fee will be retained by the Government in connection with all applications filed after 10:00 a.m., October 4, 1960.

9. Inquiries concerning these lands will be addressed to the Manager, Land Office, 371 New Custom House Building, P.O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

AUGUST 22, 1960.

[F.R. Doc. 60-8118; Filed, Aug. 31, 1960; 8:46 a.m.]

[Washington 02428]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

AUGUST 26, 1960.

In Federal Register Document 60-7224, August 4, 1960, at page 7337, the description of the land involved is corrected as follows:

The tract described as:

TOWER ROCK RECREATION AREA

T. 10 N., R. 9 E., W. M., Washington.

is corrected to read:

T. 11 N., R. 7 E., W. M., Washington.

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 60-8119; Filed, Aug. 31, 1960; 8:46 a.m.]

Office of the Secretary

CLAIMS FOR PAYMENT FOR LANDS CONVEYED TO UNITED STATES AS A BASIS FOR LIEU SELECTIONS

1. Notice is hereby given that claimants under Public Law 86-596 (74 Stat. 334) [1] approved July 6, 1960, in order to receive the payment prescribed therein, must make demand therefor in writing to the Secretary of the Interior or to the Director, Bureau of Land Management, Washington 25, D.C., within one year from July 6, 1960.

2. Upon receipt of a demand for payment pursuant to Public Law 86-596, the Director, Bureau of Land Management, will give the claimant a reasonable period in which to file the following information for use by the Director, together with official records in his custody, to certify the claim to the General Accounting Office for audit:

(a) The legal description in terms of the public land surveys of the lands relinquished or conveyed to the United States, the date of such relinquishment or conveyance and the name of the person making the relinquishment or conveyance to the United States.

(b) A statement that the person making the conveyance or relinquishment or any of his successors in interest has not heretofore received a lieu selection, a reconveyance of the land, or authority to cut and remove timber.

(c) With respect to the last application made for a lieu selection, for reconveyance or for authority to cut and remove timber, in connection with the conveyed or relinquished lands, the case number and date of filing of such applications, and the legal descriptions of the public lands involved in terms of the public land surveys.

(d) Evidence that the claimant is (i) the person who relinquished or conveyed lands to the United States or (ii) an heir or devisee of such person, showing the extent of his share (expressed in percent) of the payment, or (iii) an assignee of such person, his heirs or devisees of their right to a lieu selection or a reconveyance, or their right to receive authority to cut and remove timber, showing the date of the assignment and the extent of his share (expressed in percent) of the payment.

3. Persons who mail valuable documents to any office named in this notice should consider the advisability of sending them by registered mail to insure delivery.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 25, 1960.

[F.R. Doc. 60-8120; Filed, Aug. 31, 1960; 8:46 a.m.]

[1] Filed as part of original document.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD		(*)				
Do.	2AG			(*)			
Do.	2AT					(*)	
Do.	2AU			(*)			
Do.	2B		(*)				
Do.	2C			(*)		(*)	
Do.	2E						
Do.	2F		(*)	(*)			
Do.	2H					(*)	
Do.	2LT			(*)	(*)		
Do.	2SD					(*)	
Swift and Co.	2WN		(*)				
Do.	3A			(*)			
Do.	3AC					(*)	
Do.	3AE						
Do.	3AF						
Do.	3AN					(*)	

Office of the Secretary

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on August 1, 1960, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after August 1, as using humane methods on August 1, or a later date in August will be listed in a supplemental list. Previously published lists represented establishments reported in July or August 1960 as humanely slaughtering and handling the designated species of livestock on July 1 or some later date in July 1960 (25 F.R. 7222 and 7547). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
West Coast Meat Co., Inc.	117	○	○	○		○	
Wilson and Co., Inc.	119	○	○	○		○	
Machoefer Packing Co., Inc.	121						
E. J. Archie and Sons, Inc.	122						
City Dressed Beef	125		○		○		
Superior Packing Co.	126						
Hygrade Food Products Co.	127						
The Later Packing Co.	128						
John Roth and Son, Inc.	130						
Tobin Packing Co., Inc.	133						
Armour and Co.	139	○	○	○		○	
St. B. Rice Sausage Co., Inc.	144						
Kansas City Packing Co.	153	○				○	
Kansas City Dressed Beef	156						
Gleser Dressed Beef	158						
Joel E. Harrell and Son	162						
Southern Packing Co., Inc.	164						
Swift and Co.	166A		○	○		○	
Brown Packing Co.	167						
Commercial Packing Co., Inc.	171						
Armour and Co.	174	○	○	○		○	
Peerless Packing Co.	180						
Swift and Co.	184			○		○	
The Rath Packing Co.	186C	○	○			○	
Fort Dodge Packing Co., Inc.	187	○	○			○	
Stanford Packing Co.	188	○	○			○	
Nebraska Packing Co.	191	○	○	○		○	
Krey Packing Co.	192	○	○	○		○	
John Morrell and Co.	196	○	○			○	
Hynes Packing Co.	197	○	○	○		○	
United Fryer and Stiffm.	198	○	○			○	
George A. Hormel and Co.	199	○	○	○		○	
Do.	199D	○	○			○	
Do.	199N	○	○			○	
Hygrade Foods Products Co.	200	○	○			○	
Mid Valley Beef Co., Inc.	201	○	○			○	
Cudahy Packing Co.	202	○	○			○	
The Cudahy Packing Co.	203A	○	○			○	
Eagle Packing Co., Inc.	205	○	○			○	
Central Packing Co., Inc.	208	○	○			○	
S. Adams Packing Co.	210	○	○			○	
Penn Packing Co.	212						
Elburn Packing Co.	213		○			○	
Knelp Packing Co.	213C						
Fred Dold and Sons Pack.	214	○	○			○	
Lincoln Meat Co., Inc.	217						
York Packing Co., Inc.	221						
Gwaltney, Inc.	221A						
Armour and Co.	222	○	○			○	
Hygrade Food Products Co.	224	○	○			○	
Do.	224B	○	○			○	
Gold Medal Packing Co., Inc.	232	○	○			○	
Wahl Schillinger Co.	235	○	○			○	
Trenton Dressed Beef Co.	236	○	○			○	
Raskin Packing Co.	237	○	○			○	
Armour and Co.	238	○	○			○	
P. D. and J. Meats	240	○	○			○	
Swift and Co.	241	○	○	○		○	
Universal Packing Plant	242	○	○	○		○	
Maurer Neuer	246	○	○	○		○	
Swift and Co.	247	○	○	○		○	
The Danahy Packing Co.	249	○	○			○	
Duluth Packing Co.	259E	○	○			○	
Pacific Meat Co., Inc.	267	○	○			○	
Hygrade Packing Co.	271	○	○			○	
Elliott Packing Co.	274	○	○			○	
Wilson and Co., Inc.	275	○	○			○	
Bookey Packing Co.	281	○	○			○	
Agar Packing Co., Inc.	282	○	○			○	
Bolano Meat Co.	285	○	○			○	
Roesler, Packing Co. of	286	○	○			○	
Wyoming Packing Co.	288	○	○			○	
Arbogast and Bastian Co.	289	○	○			○	
Sioux City Dressed Pork	292	○	○			○	
S. Schweid	295	○	○			○	
Waldock Packing Co.	299	○	○			○	
Great Falls Meat Co.	301	○	○			○	
Commercial Packing Co., Inc.	302	○	○			○	
Union Packing Co.	303	○	○			○	
Do.	303A	○	○			○	
Star Packing Co.	305	○	○			○	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift and Co.—Continued	3AW	○	○	○		○	○
Do.	3B	○	○	○		○	○
Do.	3C	○	○	○		○	○
Do.	3CC	○	○	○		○	○
Do.	3D	○	○	○		○	○
Do.	3E	○	○	○		○	○
Do.	3FF	○	○	○		○	○
Do.	3K	○	○	○		○	○
Do.	3NN	○	○	○		○	○
Do.	3NN	○	○	○		○	○
Do.	3R	○	○	○		○	○
Do.	3S	○	○	○		○	○
Do.	3TT	○	○	○		○	○
Do.	3U	○	○	○		○	○
Do.	3W	○	○	○		○	○
Do.	3Z	○	○	○		○	○
Do.	6C	○	○	○		○	○
Do.	8	○	○	○		○	○
Lykes Bros., Inc., of Georgia	10	○	○	○		○	○
The Cudahy Packing Co.	12A	○	○	○		○	○
Hygrade Food Products Co.	12C	○	○	○		○	○
Do.	12D	○	○	○		○	○
Do.	12O	○	○	○		○	○
Do.	17	○	○	○		○	○
John Morrell and Co.	17A	○	○	○		○	○
Do.	17D	○	○	○		○	○
The Cudahy Packing Co.	19E	○	○	○		○	○
Do.	20A	○	○	○		○	○
Wilson and Co., Inc.	20N	○	○	○		○	○
Do.	20O	○	○	○		○	○
Do.	20Y	○	○	○		○	○
Swift and Co.	23	○	○	○		○	○
Brander Meat Co.	25	○	○	○		○	○
American Packing Co.	26	○	○	○		○	○
The Sperry and Barnes Co.	27C	○	○	○		○	○
Patrick Cudahy, Inc.	28	○	○	○		○	○
Kramberg and Krasny, Inc.	30	○	○	○		○	○
Kentucky Provision Co.	32	○	○	○		○	○
Valleydale Packers, Inc.	34	○	○	○		○	○
Armour and Co.	35	○	○	○		○	○
Montana Packing Co., Inc.	37	○	○	○		○	○
Pocomoke Provision Co.	39	○	○	○		○	○
Armour and Co.	40	○	○	○		○	○
Armour and Co., Inc.	44	○	○	○		○	○
Atlas Abattoir Inc.	45	○	○	○		○	○
Idaho Meat Packers	46	○	○	○		○	○
Consolidated Dressed Beef	47	○	○	○		○	○
Lackawanna Beef and Pro	49	○	○	○		○	○
Nevada Meat Packing Co.	52	○	○	○		○	○
Midwestern Beef, Inc.	53	○	○	○		○	○
Inland Packing Co.	54	○	○	○		○	○
Sunnyland Packing Co., of	56	○	○	○		○	○
Swift and Co.	58	○	○	○		○	○
Glover Packing Co., of Am.	60	○	○	○		○	○
The Quaker Oats Co.	67E	○	○	○		○	○
Minchs Wholesale Meats	72	○	○	○		○	○
Eastern Packing Co.	74E	○	○	○		○	○
Armour and Co.	75	○	○	○		○	○
The Quaker Oats Co.	75E	○	○	○		○	○
The Brann Brothers Pack.	79	○	○	○		○	○
City Packing Co.	80	○	○	○		○	○
The Cudahy Packing Co.	81	○	○	○		○	○
Hill Packing Co.	83E	○	○	○		○	○
Excel Packing Co., Inc.	84	○	○	○		○	○
The E. Kahns Sons Co.	86	○	○	○		○	○
Hygrade Food Products Co.	89	○	○	○		○	○
Sugardale Provision Co.	90	○	○	○		○	○
Oberoye, Inc.	92	○	○	○		○	○
Wm. G. Nehms Sons	93	○	○	○		○	○
John F. Ingram and Sons	96	○	○	○		○	○
A. Koch's Sons	97	○	○	○		○	○
Armour and Co.	98	○	○	○		○	○
Liberty Packing Co.	100	○	○	○		○	○
H. Graver Co.	101	○	○	○		○	○
Swift and Co.	103	○	○	○		○	○
Wilson and Co., Inc.	104	○	○	○		○	○
Hoffman Packing Co., Inc.	111	○	○	○		○	○
	112	○	○	○		○	○

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
The Hull and Dillon Pac	810						
Shen Valley Meat Packe	811						
Capitol Packing Co	813						
Dillon Packing Co	821						
Pearl Packing Co., Inc	824						
Armour and Co	828						
Smallwood Packing Co., Inc	829						
Omaha Packing Co	832						
Rosenthal Packing Co., Inc	835						
Pepper Packing Co., Inc	836						
Oscar Mayer and Co., Inc	837 A						
	837 C						
Midwest Packing Co	838						
Greendell Packing Corp	842						
United Dressed Meats, Inc	846						
Swift and Co	848						
Pride Packing Co., Inc	849						
Blue Ridge Packing Co	850						
Salter Packing Co	851						
Black Hills Packing Co	854						
Mid South Packers, Inc	857						
The Cudahy Packing Co	859						
D and W Packing Co	860						
Emery Land Co	861						
John Morrell and Co	864						
Armour and Co	865						
Kingsford Packing Co., Inc	879						
City of Austin Municipa	891						
Stedmacher Packing Co	897						
San Antonio Packing Co	902						
Swift and Co	906						
Kent Lamb Meat Co	909						
Midtown Union Meat Mutton	911						
Donner Packing Co	912						
Kummer Packing Co	913						
Acme Meat Co., Inc	917						
Hill Packing Co	918						
City Packing Co	925 E						
H. L. Kerr Co	930						
General Meat Co	932						
Ebner Bros. Packers	933						
Auburn Packing Co., Inc	936						
R and C Packing Co	945						
Spencer Packing Co	948						
The William Schluderber	949						
John Morrell and Co	950						
North Packing Co	954						
Milwaukee Dressed Beef	955						
Wilson and Co., Inc	956						
Baums Bologna, Inc	957						
St. Louis Dressed Beef Co	959						
McCook Packing Corp	960						
Quality Meat Packing Co	961						
Globe Packing Co	963						
Scottsbluff Packing Co	967						
San Joaquin Packing Co	971						
E. S. Read and Sons, Inc	972						
Union Packing Co	973						
Armour and Co	980						
Canada Packers, Inc	981						
Haas Davis Packing Co., Inc	982						
Nations Brothers Packing	984						
The William Fockes Sons	984						
The Sucher Packing Co	990						
Pierce Packing Co., Inc	991						
Marco Packing Co	992						
Bryan Bros	995						
Kramer Beef Co	996						
Carter Packing Co	998						
Central Nebraska Packing	713 E						
Davenport Packing Co., Inc	716						
The Joseph N. Rice Co	719						
Coast Packing Co	724						
The Quaker Oats Co	734 E						
Schlachters Sons Co	739						
Ruchti Bros	743						
Lack Brothers Cooperative	753						
Monroe Packing Co., Inc	755						
Wells Packing Co., Inc	756 A						
Philadelphia Dressed Beef	758						
Nebraska Packing Co., Inc	761						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Sunrall Packing Co	307						
Nelson Provision Co	311						
Kahn Packing Co	314						
Shaffer Packing Co., Inc	319						
Turlock Meat Co	320						
Frisco Packing Co	325						
C. and M. Meat Packing Co	327						
Royal Packing Co	329						
Shiloh Packing Co., Inc	331						
Shiloh Packing Co	331 A						
Oregon Packing Co	332						
Nobles Independent Meat	334						
Midland Empire Packing	335						
Des Moines Packing Co	339						
Peters Packing Co., Inc	340						
State Packing Co., Inc	341						
Ann Page Food Products	344						
Dillon Packing Co	345						
Samuels E. Tex. Packing Co	351						
Fresno Meat Packing Co	353						
McCandless Packing Co., Inc	354						
Marks Meat Co	356						
Midland Packing Co	362						
United Dressed Meats	363						
Meyer Packing Co	364						
James Allan and Sons	365						
Westport Packing Corp	369						
Fischer Packing Co	374						
The John Hilberg and Sons Co	375						
Cross Bros. Meat Packers	376						
Empire Packing Co., Inc	380						
Smithfield Packing Co., Inc	382						
American Stores Co	384						
Liebmann Packing Co	385						
Dugdale Packing Co	390						
Oldhams Farm Sausage Co	392						
Roth Packing Co	394						
Dold Packing Co	396						
Logan Packing Co	397						
Watsonville Dressed Beef	399						
Superior Packing Co	400						
Los Banos Abattoir	402						
Cerbee Packing Co	404						
Geilhoff Bros	406						
Eastern Packing Co., Inc	408						
Alpine Packing Co	410						
Frosty Morn Meats	412						
Philadelphia Boneless Beef	414						
Murray Packing Co., Inc	418						
H. W. Knelp, Inc., of Iowa	421						
Lone Star Packing Co., Inc	422						
Monarch Meat Packing Co	425						
Queen Packing Corp	433						
Omaha Dressed Beef Co	435						
Prime Packing Co., Inc	440						
Del Curto Meat Co., Inc	441						
Peterson Packing Co	443						
DeWitt Packing Corp	445						
Swift and Co	446						
Morris Rifkin and Sons	156						
Pioneer Provision Co	159						
Lancaster Packing Co	401						
Litvak Packing Co	402						
Commander Packing Co	405						
Eckert Packing Co	408						
Balentine Packing Co	471						
Armour and Co	473						
Eldridge Packing Co	474						
St. Cloud Meat Packing Co	485						
Memphis Butchers Association	488						
Nebraska Packing Co	489						
Goldstar Packing Co., Inc	490						
Mid State Packers, Inc	494						
Roberts Packing Co	495						
Triangle Meat Distribut	497						
Helm Brothers Packing Co	499						
Greenlee Packing Co	501						
Swift and Co	505						
B. Rothschild and Co	506						
Frosty Morn Meats	507						
Gruenfelder Packing Co	508						
Armour and Co	509						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Sheridan Meat Co., Inc	768		(*)	(*)		(*)	
Earl C. Gibbs, Inc	770						
Modern Meat Packing Co	774						
Atlas Packing Co	775						
Dale Packing Co., Inc	777						
The Cudahy Packing Co	779						
Bryan Brothers Packing	780		(*)			(*)	
Diamond Meat Co., Inc	783					(*)	
Granite State Packing Co	785						
John Pollak Packing Co	788						
Baums Meat Packing	792			(*)	(*)		
Maz Bauer Meat Packer	800						
Acees Meat Co., Inc	809		(*)				
McFarland, Inc	811			(*)			
Midwest Packing Co., Inc	812		(*)		(*)	(*)	
Rochester Independent Packing	817						
Bogart Packing Co., Inc	821						
Henry Meyers Sons, Inc	822						
Home Packing Co	823		(*)				
Hibbs Packing Co	825					(*)	
J. H. Allison and Co	826		(*)				
Penford Packing Co	827					(*)	
Bristol Packing Co	828						
Berchems Meat Co	830						
Norman Peters Packing Co	834						
Maurer Neuer	836						
Broderick County Prod	838						
G. Bartusch Packing Co	843		(*)	(*)		(*)	
N. J. Garden State Prov	851						
Sioux City Dressed Beef	857						
Jordan Meat Co	858						
Sam McDaniel and Sons, Inc	859						
Wells and Davies Packing	860						
Sierra Meat Co	862						
The J. H. Rodman Braff Co	863						
Christensen Meat Co	865		(*)	(*)			
Long Creek Meat Co	870						
Fahler Packing Corp	880						
Vermont Dressed Beef Co	883						
Walden Packing Co., Inc	886						
William Davies Co., Inc	888 A		(*)			(*)	
O'Neill Packing Co	889						
Sambol Packing Co	892						
Tobin Packing Co., Inc	893					(*)	
Meats, Inc	899						
Sigman Meat Co., Inc	901		(*)				
Hoosier Veterinary Lab	912					(*)	
National Meat Packers, Inc	917						
Valleydale Packers, Inc	922		(*)				
South Philadelphia Will	923						
Wisconsin Packing Co	924		(*)				
Peoples Packing Co	925			(*)	(*)	(*)	
Karber Packing Co	929						
Tarpoff Packing Co	931						
E. B. Manning and Son	934						
Vels Packing Co	938						
Cappellino Abattoir, Inc	939						
Wilson and Co., Inc	940		(*)			(*)	
Gentner Packing Co., Inc	941						
M. Briser & Co	948						
Joe Doctorman and Son P	949		(*)	(*)			
The Quaker Oats Co	952 E						(*)
Armour and Co	956					(*)	
Greater Omaha Packing Co	960						
Virginia Packing Co., Inc	963		(*)	(*)			
Earl Flick Wholesale Meats	965		(*)				
Greeley Capitol Packing	969			(*)			
Hawaii Meat Co., Ltd	970						
Perlin Packing Co., Inc	974		(*)	(*)	(*)		
National Food Stores, Inc	981						
Eagle Packing Co	987						
The Klarer Co	995		(*)				
Do	995 A					(*)	
Do	995 C					(*)	
Clover Packing Co., Inc	1005		(*)				
Valley Meat Co	1009			(*)			
Food Fair Stores, Inc	1016		(*)	(*)			
Browns Packing House	1154						
Landy Packing Co	1171						
The Harris Packing Co	1175						
A. F. Moyer and Sons, Inc	1311					(*)	
McCabe Packing Plant	1312		(*)	(*)			
Samuels and Co., Inc	1313						
H. and H. Packing Co	1315		(*)				
Nebraska Iowa Dressed Beef	1318						

Done at Washington, D.C., this 26th day of August 1960.

A. R. MILLER,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-8067; Filed, Aug. 31, 1960; 8:45 a.m.]

Office of the Secretary

SOUTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of South Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Butte Lawrence

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of August 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-8124; Filed, Aug. 31, 1960; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11715]

PANAMA AERONAUTICA

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled matter is assigned to be held on September 8, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., August 29, 1960.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 60-8152; Filed, Aug. 31, 1960; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SOUTHERN CROSS LINE JOINT SERVICE AGREEMENT

Notice of Request for Cancellation

Notice is hereby given that A/S J. Ludwig Mowinckels Rederi and Westfal-Larsen & Co. A/S, the parties to Agreement No. 7566, as amended, have requested cancellation of said agreement, as amended, which covers the establishment and maintenance of a joint service under the trade name "Southern Cross Line", in the trade between Canadian and U.S. Atlantic and U.S. Gulf ports, on the one hand, and ports of Argentina,

Paraguay, Uruguay and Brazil, on the other hand.

Any written statements, comments or protests with respect to the cancellation of Agreement No. 7566, as amended, pursuant to section 15 of the Shipping Act, 1916, or request for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER.

Dated: August 29, 1960.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 60-8135; Filed, Aug. 31, 1960; 8:47 a.m.]

MEMBER LINES OF INTERNATIONAL HOUSEHOLD GOODS RATE AGREEMENT ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8470-2, between the 34 member lines of the International Household Goods Rate Agreement (common carriers by motor which also operate as non-vessel common carriers by water), modifies their approved Agreement No. 8470, as amended, which provides for the establishment and maintenance of agreed rates, charges, rules and regulations applicable to the transportation of household goods between ports of the United States and ports in Algeria, Belgium, Bermuda, Brazil, Central America, Denmark, Egypt, Formosa, France, Republic of Germany, Greece, Hongkong, B.C.C., Ireland, Israel, Italy, Japan, Korea, Lebanon, Libya, Morocco, Netherlands, Norway, Okinawa, Panama, Republic of the Philippines, Portugal, Spain, Sweden, Thailand, Tunisia, Turkey, United Kingdom, and Vietnam. The purpose of the modification is to include, within the scope of Agreement No. 8470, as amended, the trade between United States ports and ports in all countries of South America.

(2) Agreement No. 8528, between National Development Company (Philippine National Lines) and United Philippine Lines, Inc., covers an arrangement for the coordination of sailings in the trade between U.S. Atlantic and Gulf ports and ports in the Philippines, Japan, Korea, Taiwan, Siberia, Manchuria, China, Hongkong, Indo-China, Thailand, Federation of Malay States and Colony of Singapore, including the loading and discharging of part or full cargoes at U.S. Pacific Coast ports, but not including transportation within the purview of the coastwise laws of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regiations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1960.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 60-8136; Filed, Aug. 31, 1960; 8:47 a.m.]

ROBIN LINE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to §15 of the Shipping Act, 1916, (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8523, between Robin Line, Division of Moore-McCormack Lines, Inc., and Nouvelle Compagnie Havraise Peninsulaire De Navigation, covers a through billing arrangement in the trade between U.S. Atlantic ports and Madagascar, Mauritius, Reunion and the Comores Islands, with transhipment at Tamatave.

(2) Agreement No. 8524, between Robin Line, Division of Moore-McCormack Lines, Inc., and Scandinavian East Africa Line, covers a through billing arrangement in the trade between U.S. Atlantic ports and Madagascar, Mauritius, Reunion and the Comores Islands, with transhipment at Tamatave.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 29, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8137; Filed, Aug. 31, 1960; 8:47 a.m.]

Maritime Administration

TRADE ROUTE NO. 1

Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 1 as published in the FEDERAL REGISTER issue of May 4, 1960 (25 F.R. 3860).

Dated: August 29, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8139; Filed, Aug. 31, 1960; 8:48 a.m.]

Office of the Secretary

RICHARD V. FORD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 24, 1960.

RICHARD V. FORD.

AUGUST 24, 1960.

[F.R. Doc. 60-8150; Filed, Aug. 31, 1960; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ORGANIZATION AND FUNCTIONS

Amendment of Statement of Delegations of Authority

The Statement of Organization and Functions of the Public Health Service (23 F.R. 4039, as amended) is hereby further amended to include the following additional delegation made by the Surgeon General:

Add at the end of subsection 109(u) the following new subsection (v):

(v) The following designated PHS officials are authorized, within the limitations established below, to appoint boards from available medical officers or physicians under the Surgeon General's jurisdiction, to determine the mental competency of members of the uniformed services, pursuant to the provisions of Public Law 569, 81st Congress, as amended by Public Law 86-145:

(i) To the Chief, and Deputy Chief, Division of Hospitals, Bureau of Medical Services: To appoint boards to determine the mental competency of members of the uniformed services (except PHS commissioned officers on active duty) who are receiving medical care or treatment at PHS medical care facilities, or elsewhere at the expense of the PHS; and retired PHS commissioned officers who are receiving hospitalization or medical care in non-governmental facilities at no expense to the Government; and

(ii) To the Chief, and Deputy Chief, Division of Personnel, Office of the Surgeon General: To appoint boards to determine the mental competency of PHS commissioned officers on active duty who are receiving medical care or treatment at PHS medical care facilities or at non-governmental facilities at PHS expense, or at non-governmental facilities at no expense to the Government.

[SEAL] PAUL A. CAULK,
Executive Officer,
Public Health Service.

AUGUST 2, 1960.

[F.R. Doc. 60-8149; Filed, Aug. 31, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17941]

CITIES SERVICE GAS CO.

Notice of Application

AUGUST 25, 1960.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application on May 5, 1960, in Docket No. G-17941, pursuant to section 16 of the Natural Gas Act to amend an order of the Commission issued July 24, 1959, issuing a certificate of public convenience and necessity to Applicant, authorizing it among other things to construct and operate a new gas storage area called the Denton Storage Area in Elk County, Kansas, all as more fully stated in the application on file with the Commission, and open to public inspection.

Applicant states it has been unable to acquire upon reasonable terms and conditions enough gas storage leases to justify further endeavors with respect to the storage area, and it does not propose to proceed further with the project; for which reasons it requests the Commission to modify the certificate authorization by vacating the authorization relating to the storage project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8111; Filed, Aug. 31, 1960; 8:45 a.m.]

[Docket No. CP60-45]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Notice of Application and Date of Hearing

AUGUST 26, 1960.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation with a principal place of business at Phillipsburg, Kansas, filed an application on February 29, 1960, and a supplement thereto on March 23, 1960, in Docket No. CP60-45, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate a 2500 horsepower compressor station addition to its Holcomb, Kansas, Compressor Station, for the transportation and sale of natural gas subject to the jurisdiction of the Commission, all as more fully described in the application and supplement on file with the Commission, and open to public inspection.

Applicant states that during its 1959-60 winter operations, it experienced lower suction pressure at its Holcomb station than it had estimated. During the period from January 1 through 5, 1960, the Holcomb station suction pressure varied between 232 psig and 240 psig, as compared to its forecast of 245 psig in Docket No. G-17839. Applicant attributes reduction in suction pressure to the continuous pressure decline in the Hugoton Field. It estimates a Holcomb station suction pressure of approximately 225 psig during the 1960-61 winter, as compared to the Docket No. G-17839 forecast of 240 psig for the same winter.

Kansas-Nebraska states it needs the 2,500 horsepower addition at Holcomb (making a total installation of 5,450 horsepower) to insure sufficient capacity for its firm market requirements. In addition, this added horsepower would reduce the present load on another of its stations in the Hugoton Field near Deerfield, Kansas, which station contains four 40 year old 450 horsepower compressors that are somewhat unreliable. The estimated cost of the project is $565,000 to be financed from current working capital.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 21, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8112; Filed, Aug. 31, 1960; 8:45 a.m.]

[Docket No. CP60-129]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

AUGUST 25, 1960.

Take notice that on June 24, 1960, as supplemented on August 1, 1960, The Ohio Fuel Gas Company (Applicant) filed in Docket No. CP60-129 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the necessary facilities to serve natural gas to three new direct industrial customers on an interruptible basis, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought herein and the prospective new customers are:

(a) a regulating and measuring station at a proposed main line tap on Applicant's 10¾-inch pipeline T-50 in Hancock County, Ohio, to serve the Farm Bureau Cooperative Association (Farm Bureau) in a new grain drying plant now under construction;

(b) approximately 2.4 miles of 6⅝-inch O.D. pipeline extending from a proposed tap on Applicant's 8⅝-inch pipeline 6015 in Stark County, Ohio, to the premises of Whitacre-Greer Fireproofing Company (Whitacre), near Magnolia in Carroll County, Ohio, with necessary regulating and measuring equipment, for service in the manufacture of brick and related products; and

(c) when service is desired, a regulating and measuring station on the pipeline proposed in (b) above, for service to Natco Corporation (Natco) in its plant adjacent to the Whitacre plant, also for use in the manufacture of brick and related products.

The total estimated cost of the facilities proposed hereunder is $79,181, which will be financed from cash on hand.

Applicant estimates the requirements for these three new industrial customers to be:

	Maximum day	Annual
	Mcf	*Mcf*
Farm Bureau	100	11,000
Whitacre	930	300,000
Natco	1,100	230,000

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the

Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8113; Filed, Aug. 31, 1960; 8:45 a.m.]

[Docket No. G-17896 etc.]

OHIO OIL CO. ET AL.

Notice of Hearing

AUGUST 26, 1960.

The Ohio Oil Company, Docket No. G-17896; Turnbull & Zoch Drilling Company, Operator, et al., Docket No. G-17960; H. L. Hawkins and H. L. Hawkins, Jr., Operator, et al., Docket No. G-18077; Louis Baker, et al., Docket No. G-18175; J. Ray McDermott & Co., Inc., Operator, et al., Docket No. G-18212; Amerada Petroleum Corporation, Docket No. G-18346; Phillips Petroleum Company, Docket No. G-18375; Tidewater Oil Company, Operator, Docket No. G-18376; Getty Oil Company, Operator, et al., Docket No. G-18378; Helis Petroleum Corporation, Operator, et al., Docket No. G-18379; Socony Mobil Oil Company, Inc., Docket No. G-18384; Socony Mobil Oil Company, Inc., Operator, Docket No. G-18385; Socony Mobil Oil Company, Inc., Docket No. G-18386; Union Oil Company of California, Docket No. G-18389; Great Expectations Oil Corporation, et al., Docket No. G-18396; McCurdy & McCurdy, Docket No. G-18434; The Pure Oil Company, Operator, et al., Docket No. G-18438; Shell Oil Company, Docket No. G-18439; The British-American Oil Producing Company, Docket No. G-18445; Herman Brown, et al., Docket No. G-18479; John A. Newman, Operator, et al., Docket No. G-18481; M. W. Crockett, et al., Docket No. G-18522; Investors Syndicate of the Southwest, Inc., Docket No. G-18590; Layton Brown Drilling Company, Inc., E. Layton Brown, Operator, Docket No. G-18674; G. H. Vaughn, Jr., et al., Docket No. G-18678; George K. Taggart, Jr., Operator, Docket No. G-18796; Callery Properties, Inc., Docket No. G-18857; V. F. Neuhaus, Docket No. G-18861; Richard King, Jr., Docket No. G-18987; Clark Fuel Producing Company, Operator, et al., Docket No. G-19052; The Superior Oil Company, Docket No. G-19129; The Pure Oil Company, Docket No. G-19140; Irwin and Ess, Docket No. G-19297; Gregory J. Gallagher, Docket No. G-19308; Trice Production Company, Docket No. G-19340; W. W. F. Oil Corporation, Operator, et al., Docket No. G-19585; Tidewater Oil Company, Docket No. G-19971; Texaco Seaboard, Inc., Docket No. G-18887; Exeter Oil Company, Docket No. G-19064; Delhi-Taylor Oil Corporation, Docket No. G-19464; Phillips Petroleum Company, Docket No. G-19498; George Parker, Docket No. G-19718; Sunray Mid-Continent Oil Company, Docket No. G-19803; Skelley Oil Company, Docket No. G-20155; Amerada Petroleum Corporation, Docket No. G-20200; Continental Oil Company, Docket No. G-20242; The Superior Oil Company, Docket No. G-19803; Skelly Oil Company, Docket No. G-20460; Diversa, Inc., Docket No. G-20458; Gregory J. Gallagher, Docket No. G-20385; The Atlantic Refining Company, Docket No. G-20492.

Take notice, that a public hearing will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. on September 6, 1960, at 9:30 a.m. e.d.s.t., concerning the matters of fact involved in and the issues of law, if any, presented by the applications in the above-designated dockets. Notice of the said applications was previously given, including publication thereof in the FEDERAL REGISTER (24 F.R. 10262 and 25 F.R. 2812).

MICHEAL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8114; Filed, Aug. 31, 1960; 8:45 a.m.]

[Docket No. CP60-120]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 25, 1960.

Take notice that on June 13, 1960, United Gas Pipe Line Company (Applicant) filed in Docket No. CP60-120 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1961 of certain taps, meters and appurtenant facilities to render temporary direct natural gas service to not more than 25 direct industrial customers along the route of Applicant's pipeline system in the States of Alabama, Florida, Louisiana, Mississippi and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting with, connecting and serving various unnamed road construction contractors who would use the gas in connection with federal, state and local road building projects. Applicant's past experience shows that the average road projects uses approximately 16,000 Mcf of natural gas, requiring an investment of approximately $500 for construction and removal of facilities for each project, or a maximum total under this application of approximately 400,000 Mcf of gas and a total construction cost of $12,500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8116; Filed, Aug. 31, 1960; 8:45 a.m.]

[Docket No. 13385, etc.]

SINCLAIR OIL AND GAS CO. ET AL.

Notice of Severance

AUGUST 26, 1960.

Sinclair Oil & Gas Company, et al. Docket No. G-13385, et al.; L. C. McRae, Docket No. G-13803; Lillie C. Cullen, et al., Docket No. G-17207; Humble Oil & Refining Company, Docket No. G-17349; Socony Mobil Oil Company, Inc., formerly Magnolia Petroleum Company, Docket No. G-17777; Graham Michaelis Drilling Company, Operator, et al., Docket No. G-17961; R. E. Kellerman, Docket No. G-18136; The Atlantic Refining Company, Docket No. G-18804; Hassie Hunt Trust, Docket No. G-18897; Apache Oil Corporation, Docket No. G-18933; The British American Oil Producing Company, Docket No. G-18963; The California Company, Docket No. G-19343; Remlig Oil Company, Docket No. G-19688; Frank A. Schultz, Docket No. G-20018; Wyant Ventures, Ltd., Docket No. G-20327; Union Oil Company of California, Docket No. CI60-22.

Notice is hereby given that the applications filed by the respective Applicants, as listed above, beginning with L. C. McRae, Docket No. G-13803 and ending with Union Oil Company of California, Docket No. CI60-22, heretofore scheduled for a hearing to be held on September 8, 1960 at 9:30 a.m., e.d.s.t. in the above-entitled consolidated proceedings, are severed

therefrom, for such disposition as may be appropriate.

MICHEAL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8115; Filed, Aug. 31, 1960; 8:45 a.m.]

[Docket No. G-19618 etc.]

VALLEY GAS TRANSMISSION, INC., ET AL.

Notice of Applications, Consolidation of Proceeding and Date of Hearing

AUGUST 25, 1960.

Valley Gas Transmission, Inc., Docket No. G-19618; Richard M. Finder d/b/a Texkan Oil Company, Operator, et al., Docket No. G-19619; Richard M. Finder d/b/a Texkan Oil Company, Operator, et al., Docket No. G-19620; Richard M. Finder d/b/a Texkan Oil Company, Operator, et al., Docket No. G-19621; Richard M. Finder d/b/a Texkan Oil Company, Operator, et al., Docket No. G-19622; Clark Fuel Producing Company, Docket No. G-19623; Bridwell Oil Company, Docket No. G-19624; Hillcrest Oil Company, Docket No. G-19625; John R. Rhodes, Operator, Docket No. G-19626; Russell Maguire, Trustee and Operator, Docket No. G-19627; Morgan Minerals Corporation, Operator, Docket No. G-19628; Morgan Minerals Corporation, Operator, Docket No. G-19629; Morgan Minerals Corporation, Operator, Docket No. G-19630; Valley Gas Production, Inc., Operator, Docket No. G-19631; Parenthold & Pitcairn, Operator, et al., Docket No. CI60-21; W. M. Laughlin, CI60-44; Lawrence E. Hoover, Operator, et al., Docket No. CI60-141; Richard M. Finder d/b/a Texkan Oil Company, Operator, et al., Docket No. CI60-227; J. S. Michael, Docket No. CI60-228.

Take notice that each of the above-named parties has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing each of the applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Notice of the filing of the applications in Docket Nos. G-19618 to G-19631, inclusive, together with their consolidation for purposes of hearing along with certain other proceedings not here relevant, has heretofore been given by notice issued on February 24, 1960, in *Schemerhorn Oil Corporation, et al.*, Docket No. G-13369, et al., and published in the FEDERAL REGISTER on March 3, 1960 (25 F.R. 1894). This notice also fixed March 18, 1960, as the last day for filing protests or petitions to intervene in the proceedings. Subsequently, by further notice issued in said consolidated proceedings on March 24, 1960, and published in the FEDERAL REGISTER on March 31, 1960 (25 F.R. 2744), the proceedings in Docket Nos. G-19618 to G-19631, inclusive, were severed from the other proceedings with which such applications had been consolidated.

Applicants in Docket Nos. G-19619 to CI60-228, inclusive, respectively propose to sell natural gas in interstate commerce to Valley Gas Transmission, Inc. (Valley) at a base initial price of 14 cents per Mcf at 14.65 psia which in turn, proposes in Docket No. G-19618: (a) to resell said gas to Tennessee Gas Transmission Company (Tennessee) at a base initial price of 17 cents per Mcf at 14.65 psia for further resale except that a base initial price to Tennessee of 16.16947 cents per Mcf at 14.65 psia is provided for gas produced from Matagorda County only, i.e., Docket Nos. CI60-227 and 228, and (b) to construct and operate the facilities necessary to enable Valley to transport said gas from the lease sites to various points of delivery to Tennessee on the latter's existing main line or extensions thereof in Hidalgo, Brooks, Jim Wells and Matagorda Counties, Texas.

Other basic information concerning these applications is tabulated below:

Docket No.; date filed; applicant and address; and source of gas

G-19618; 10-2-59, 2-10-60, 2-24-60; Valley Gas Transmission, Inc., 572 M & M Building, Houston, Tex.; purchased from respective Applicants in Docket Nos. G-19619 to CI60-228, incl., as listed below.

G-19619; 10-2-59; Richard M. Finder d/b/a Texkan Oil Co., 2900 Southland Center, Dallas, Tex.; Whitted Field, Hidalgo County, Tex.

G-19620; 10-2-59; Richard M. Finder d/b/a Texkan Oil Co., 2900 Southland Center, Dallas, Tex.; Alice Field, Jim Wells County, Tex.

G-19621; 10-2-59; Richard M. Finder d/b/a Texkan Oil Co., 2900 Southland Center, Dallas, Tex.; Viboras Field, Brooks County, Tex.

G-19622; 10-2-59; Richard M. Finder d/b/a Texkan Oil Co., 2900 Southland Center, Dallas, Tex.; Alta Mesa Field, Brooks County, Tex.

G-19623; 10-2-59; Clark Fuel Producing Co., 847 Houston Club Building, Houston, Tex.; Alta Mesa Field, Brooks County, Tex.

G-19624; 10-2-59; Bridwell Oil Co., P.O. Box 1830, Wichita Falls, Tex.; Bob Cooper Field, Brooks County, Tex.

G-19625; 10-2-59; Hillcrest Oil Co., 617 South Texas Building, San Antonio, Tex.; Bob Cooper Field, Brooks County, Tex.

G-19626; 10-2-59; John R. Rhodes, P.O. Box 1395, Alice, Tex.; Good Friday Field, Duval County, Tex.

G-19627; 10-2-59; Russell Maguire, Trustee of the Cary McIlwaine Maguire Trust, the Elizabeth Deane Maguire Trust and the Marina Justine Jane Maguire Trust No. 2, 2706 Republic National Bank Building, Dallas, Tex.; Good Friday Field, Duval County, Tex.

G-19628; 10-2-59; Morgan Minerals Corp., 406 South Chaparral Street, Corpus Christi, Tex.; Good Friday Field, Duval County, Tex.

G-19629; 10-2-59; Morgan Minerals Corp., 406 South Chaparral Street, Corpus Christi, Tex.; LaHuerta Field, Duval County, Tex.

G-19630; 10-2-59; Morgan Minerals Corp., 406 South Chaparral Street, Corpus Christi, Tex.; Orcones Field, Duval County, Tex.

G-19631; 10-2-59; Valley Gas Production, Inc., 572 M and M Building, Houston, Tex.; Lyle Wilson Field, Duval County, Tex.

CI60-21; 1-11-60; Parenthold & Pitcairn, P.O. Box 986, Corpus Christi, Tex.; Independence Field, Duval County, Tex.

CI60-44; 1-15-60; W. M. Laughlin, Premont, Tex.; Mattie Laughlin Field, Duval County, Tex.

CI60-141; 2-3-60; Lawrence E. Hoover, Oil Industries Building, Corpus Christi, Tex.; Mattie Laughlin Field, Duval County, Tex.

CI60-227; 2-24-60; Richard M. Finder d/b/a Texkan Oil Co., 2900 Southland Center, Dallas, Tex.; Tidehaven Field, Matagorda County, Tex.

CI60-228; 2-24-60; J. S. Michael, 943 San Jacinto Building, Houston, Tex.; West Bay City Field, Matagorda County, Tex.

Valley proposes to deliver approximately 480,000 Mcf of gas per month to Tennessee. Valley proposes to construct and operate approximately 45 miles of pipeline. No description of any proposed facilities or estimates of cost in connection therewith are contained in Valley's application except to the extent that an amendment thereto states that 3 taps and meters, estimated to cost $500.00 per tap and meter installed, are proposed in connection with the acquisition of gas from Docket Nos. CI60-21, CI60-44, and CI60-141.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8117; Filed, Aug. 31, 1960; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGION VI, SAN FRANCISCO

Designation of Acting Regional Administrator

The following officers of Region VI are hereby designated to act in the place and stead of the Regional Administrator for Region VI, with the title of "Acting Regional Administrator," and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness, or other cause:

(1) Deputy Regional Administrator,

(2) Regional Counsel.
(3) Regional Director of Urban Renewal.
(4) Regional Director of Community Facilities Activities.

(Housing and Home Finance Administrator's delegation effective April 1, 1960 (25 F.R. 3438, April 20, 1960))

Effective as of the 25th day of May 1960.

[SEAL] ANNABELLE HEATH,
Regional Administrator, Region VI.

[F.R. Doc. 60-8151; Filed, Aug. 31, 1960; 8:49 a.m.]

TARIFF COMMISSION

[AA 1921—13]

NEPHELINE SYENITE FROM CANADA

Determination of No Injury or Likelihood Thereof

AUGUST 26, 1960.

Introduction. On May 27, 1960 the United States Tariff Commission was advised by the Acting Secretary of the Treasury that nepheline syenite from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation was published in 25 F.R. 4967. No hearing was then announced, but the notice referred interested parties to the provision of the Commission's rules of practice and procedure specifying that any interested party may request a hearing within fifteen days after publication of the notice of investigation in the FEDERAL REGISTER.

The pertinent Treasury determination of sales of nepheline syenite at less than fair value, which was published in 25 F.R. 4875, included a statement that "This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended". The determination and statement did not refer to freight allowances. The related Treasury file, which was promptly made available to the Commission in accordance with the established procedure in such cases, showed that the above mentioned determination of sales below fair value was based exclusively on long established pricing policies of the Canadian exporters concerned that did not take into account the exchange rates between the United States and Canadian currencies.

No hearing within the 15-day period referred to above was requested by any interested party, but on June 7, 1960, counsel for three domestic feldspar producers, who had filed the original request with the Treasury for a dumping investigation, requested an extension of the time within which to ask for a hearing. In his letter requesting an extension of time counsel stated that after the Treasury referred the case to the Tariff Commission he learned that "the Treasury's action was based primarily on exchange dumping and that no evidence was found of freight allowances"; that he had given the Treasury information indicating that freight allowances had been made; that his clients faced a difficult question of whether to request a hearing, "since we understand you are limited on the margin of dumping to the information supplied by the Treasury"; and that he was asking the Treasury "that the present case be recalled from the Tariff Commission pending investigation of the freight matter".

The Treasury did not recall the case, but on July 1, 1960, after more than a month of the three-month period allowed by the statute for an injury investigation had elapsed, the Commission received a letter from a Treasury employee stating that the Treasury had "very recently" received information that—

> because of refunds of which we had not heretofore been aware, the prices paid by American importers during the period that there were sales at less than fair value were substantially lower than the prices heretofore reported to us. The refunds are reported to have been discontinued in March, 1960, so that the present pricing schedule shows no indication of sales at less than fair value.

The Treasury employee stated that the letter was written "in view of the possibility that this new information may be considered of significance to you in your injury determination—whether it should be so considered is, of course, a matter solely within your discretion," and offered the Treasury's file "relating to the above-described information for the Commission's use." Following the receipt by the Commission on July 1 of the Treasury letter advising of Treasury's receipt of the "very recently received information," counsel for the three domestic feldspar producers advised the Commission on July 5 that he had received a copy of the said Treasury letter and requested that a hearing be held. The Commission granted the request, issued notice of hearing (25 F.R. 6455), and the hearing was held on July 25, 1960, at which interested parties were afforded opportunity to appear and to be heard.

No new determination and statement of reasons was published by the Treasury on the basis of the new information regarding freight allowances. At the hearing and in their briefs attorneys for importers strongly contended that this created a procedural defect under the statute and that the Commission should not consider the freight allowance aspect in making its injury determination on the basis of the official advice of sales below fair value communicated to the Commission on May 27, 1960.

The Commission believes that the question raised by importers' counsel is substantial and merits the consideration of the Treasury Department. Moreover, the Commission is of the opinion that Congress intends that once an injury investigation has been instituted on the basis of a Treasury determination of sales at less than fair value the Commission's determination should not be based on any margin of difference other than that which led to the Treasury determination. During the consideration of the proposal to transfer the injury-finding function under the Antidumping Act from Treasury to the Tariff Commission, the Tariff Commission's spokesman at the hearing before the Committee on Ways and Means of the House of Representatives alluded to the short period of three months proposed for injury investigations and stated that this "would require substantial telescoping" of such investigations. (Hearings on H.R. 9476, 83d Cong., 2d Sess., June 22, 24, 25, and 28, 1954, p. 35.)

The ability of the Commission to complete injury investigations could be seriously hampered, if not made impossible, if it were permissible for the Treasury to introduce new information pertinent to an injury determination during the course of an investigation instituted after official notification by the Treasury of sales below fair value and the supplying of its pertinent file to the Commission. For example, if a hearing had been held by the Commission on the basis of the original submission, a new hearing might be required after the new information was brought into the case, and this would hardly be practicable within the statutory three-month period.

For the foregoing reasons, the Commission did not consider freight allowances in making its injury determination. This avoids any prejudice because of possible procedural defects to a determination of injury based on such allowances.

Determination. On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of nepheline syenite from Canada at less than fair value within the meaning of the Antidumping Act, 1921.

Statement of reasons. Nepheline syenite is not produced in the United States, but it competes in certain regions with domestically produced feldspar, principally in the manufacture of glass.

The pertinent Treasury file discloses that the Acting Secretary's determination of sales at less than fair value was based solely on the pricing policies of the two Canadian exporters in which they quoted their nepheline syenite in dollars and accepted in payment Canadian dollars from the Canadian purchasers and United States dollars from the United States purchasers without regard to the prevailing exchange rates of the two currencies.

There is no evidence of predatory or systematic dumping involved in the above-described pricing policies. On the contrary, the Treasury file disclosed, and testimony presented at the hearing corroborated, the fact that the acceptance of payment from buyers in Canada in Canadian currency only and from buyers in the United States in United States dollars only was an historic pricing policy of the two companies that has been in existence through wide variation in the U.S.-Canadian dollar exchange rates.

The evidence also disclosed that as soon as the two companies were apprised of a possible charge of dumping based on their pricing policy they immediately proceeded to change that policy and to revise their prices to take cognizance of the exchange rates. These changes were made by one company on November 12, 1959, and by the other on November 16, 1959. In his determination of sales at less than fair value, as published in the FEDERAL REGISTER, the Acting Secretary of the Treasury stated:

> The purchase price of nepheline syenite imported from Canada after the effective date of the price revisions was found not to be lower than the home market price.

If the domestic feldspar industry suffered any injury by virtue of sales of nepheline syenite at less than fair value because of the exchange rate that existed at any time between the Canadian and the United States dollar, any such injury was inconsequential and no injury arising from the exchange rate is likely to occur under the new pricing policies adopted by the two Canadian exporters.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-8059; Filed, Aug. 31, 1960; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OKLAHOMA

Notice of Duration of Catastrophe and Amendment to Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 15, 1960, reading in part as follows:

> I hereby determine the damage in the various areas of the State of Oklahoma, adversely affected by recent tornadoes, hail, torrential rains, and floods, beginning on or about May 5, 1960, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the duration of the catastrophe, causing the damage determined a major disaster by the President in his declaration of July 15, 1960, to have been from the 25th day of April 1960, to and including the 15th day of July 1960.

Notice of Major Disaster, published August 18, 1960, for the State of Oklahoma (25 F.R. 8011) is hereby amended to include the following county among those determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 1960: LeFlore.

Dated: August 24, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-8103; Filed, Aug. 31, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 373]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 29, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63384. By order of August 25, 1960, The Transfer Board approved the transfer to John Beckman and John C. Sherman, doing business as Beckman Bros., Pittsburgh, Pa., of Certificate No. MC 78031, issued November 27, 1959, to John Beckman, doing business as Beckman Bros., Pittsburgh, Pa., authorizing the transportation of: Household goods, between points in Alleghany County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Ohio, and West Virginia; training pigeons, from Pittsburgh, Pa., to Weirton, W. Va., and Cadiz, Ohio, and points within five miles of each, live pigeons, from Pittsburgh, Pa., to Dennison, Coshocton, Newark, and Xenia, Ohio, Greenfield and Terre Haute, Ind., and Vandalia, Ill.; and empty pigeon crates, from the specified destination points, to Pittsburgh, Pa. Jerome Solomon, 1325 Grant Building, Pittsburgh, Pa., for applicants.

No. MC-FC 63477. By order of August 25, 1960, The Transfer Board approved the transfer to South Jersey Van Lines, a Corporation, Atlantic City, N.J., of Certificate No. MC 30258, issued December 2, 1940, to August E. Hamm, doing business as South Jersey Transfer Co., Atlantic City, N.J., authorizing the transportation of: Household goods, between points in a specified portion of New Jersey, on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Florida and the District of Columbia. Albert E. McGee, Jr., 1421 Atlantic Ave., Atlantic City, N.J., for applicants.

No. MC-FC 63489. By order of August 24, 1960, The Transfer Board approved the transfer to Lynn Gantz, St. Louis, Michigan, of Certificate No. MC 112828, issued July 20, 1956, to Jack J. Sattler, Middleton, Michigan, authorizing the transportation, over irregular routes, of: Farm implements, from Coldwater, Ohio, to points in a described portion of the lower peninsula of Michigan. William B. Elmer, 1800 Buhl Building, Detroit 26, Mich., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8128; Filed, Aug. 31, 1960; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 29, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36515: *Aluminum billets—Rooseveltown, N.Y. to Chicago, Ill.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2551), for interested rail carriers. Rates on aluminum pigs and billets, in carloads, from Rooseveltown, N.Y., to Chicago, Ill.

Grounds for relief: Truck-water-truck competition.

Tariff: Supplement 154 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1116 (Boin series).

FSA No. 36516: *Plaster and related articles—central territory points to the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7882), for interested rail carriers. Rates on plaster gypsum wallboard and related articles, in carloads, from specified points in Indiana, Michigan and New York, to points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 97 to Southwestern Freight Bureau tariff I.C.C. 4149.

FSA No. 36517: *Bituminous coal—Inner and Outer Crescent districts to Ohio.* Filed by Roy S. Kern, Agent (No. 57), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application, from mines in the Inner and Outer Crescent districts to specified points in Ohio.

Grounds for relief: Truck and natural gas competition and maintain relationships with Ohio intrastate rates.

Tariffs: Supplement 1 to The Baltimore and Ohio Railroad Company's tariff I.C.C. 3207, and 15 other schedules named in the application.

FSA No. 36518: *Substituted service—C&NW for Wilson Storage and Transfer Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 257), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Sterling, Ill., on the one hand, and Council Bluffs and Sioux City, Iowa, and Sioux Falls, S. Dak., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 140 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36519: *Substituted service—IC for Haeckl, Haeckl's Express, Incorporated, d/b/A.* Filed by Middlewest Motor Freight Bureau, Agent (No. 258), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Council Bluffs, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 140 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36520: *Substituted service—CRI&P for Knaus Truck Lines, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 259), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., Denver, Colo., and St. Louis, Mo., on the one hand, and Cedar Rapids, Iowa, Council Bluffs, Iowa, and Oklahoma City, Okla., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 140 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36521: *Substituted service—CRI&P for Riss & Company, Inc. (a Delaware corporation).* Filed by Middlewest Motor Freight Bureau, Agent (No. 260), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Oklahoma City, Okla., and Dallas, Tex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 140 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36522: *Substituted service—IC for Delta Motor Line, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 251), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Peoria and East St. Louis, Ill., on the one hand, and Jackson, Miss., Memphis, Tenn., and New Orleans, La., on the other, and between Memphis, Tenn., on the one hand, and Jackson, Miss., and New Orleans, La., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 140 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36523: *Substituted service—PRR and Wab. for Merchants Motor Freight, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 262), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., and Cleveland, Ohio, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 140 to Middlewest Motor Freight Bureau tariff MF–I.C.C. 223.

FSA No. 36524: *Scrap iron or steel—Cincinnati, Ohio to Bunola, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2557), for interested rail carriers. Rates on scrap iron or steel, in carloads, as described in the application, from Cincinnati, Ohio, to Bunola, Pa.

Grounds for relief: Barge and market competition.

Tariff: Supplement 30 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4807.

FSA No. 36525: *Precipitated phosphate dust—Tennessee Points to Southwestern and WTL Territories.* Filed by O. W. South, Jr., Agent (SFA No. A4010), for interested rail carriers. Rates on precipitated phosphate dust, in carloads, from Mt. Pleasant and Centreville, Tenn., districts, to points in southwestern and western trunk line territories.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 19 to Southern Freight Association tariff I.C.C. 1550.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8127; Filed, Aug. 31, 1960; 8:47 a.m.]

Pages 8397–8468

PART II

FEDERAL REGISTER

Volume 25 Number 171

Washington, Thursday, September 1, 1960

Title 50—WILDLIFE

REVISION AND REORGANIZATION OF TITLE

Beginning on page 7681 of the FEDERAL REGISTER of August 12 1960, there was published a notice and text of a proposed revision of Title 50, Code of Federal Regulations. The purposes of the revision are to incorporate numerous prior amendments into one document, to clarify and bring up-to-date the language of the several regulations, and to improve the organization of the regulations.

Interested persons were given fifteen days within which to submit written comments, suggestions or objections with respect to the proposed revision. No comments, suggestions or objections have been received, and the proposed revision is hereby adopted without change and is set forth below. Since this revision is of an editorial and organizational nature, a publication period is considered unnecessary and it shall be effective upon publication in the FEDERAL REGISTER.

Existing delegations of authority, forms and other legal documents which refer to former part numbers of Title 50 will continue in effect and shall be construed to refer to the new part numbers until modified or revoked.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 30, 1960.

The following table lists the former part numbers and headings and indicates their position in reorganized Title 50:

Former Part No.		New Part No.
1	Definitions	1
--	Field organization	2
5	Transportation of game mammals to and from Mexico.	15
6	Migratory birds	10
7	Nonmigratory species	11
8	Proclamations designating areas closed to hunting.	12
9	Importation of foreign wild animals, and wild birds and their eggs.	13
10	Importation of wild bird feathers.	14
16	Definitions	25
17	List of areas	--
18	General provisions	25, 26, 27, 28, 29, 30, 31
19	Fish cultural stations	70, 71
20	Game ranges	25, 26, 27, 28, 29, 30, 31
21	National wildlife refuges	25, 26, 27, 28, 29, 30, 31
22	Cooperative refuges	--
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24	Research refuges	60
31	Pacific region	28, 32, 33
32	Southwestern region	28, 32, 33
33	Central region	28, 32, 33
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40	Restoration of game birds and mammals.	80
46	Protection of game and fur animals, birds, and game fishes.	--
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101	Definitions	--
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103	Arctic area	--
104	Bristol Bay area	--
105	Alaska Peninsula area	--
106	Aleutian Islands area	--
107	Chignik area	--
108	Kodiak area	--
109	Cook Inlet area	--
110	Resurrection Bay area	--
111	Prince William Sound area	--
112	Copper River area	--
113	Bering River-Yakataga area	--
114	Yakutat area	--
115	Southeastern Alaska area	--
116	Southeastern Alaska area, Yakutat District, Salmon Fisheries.	--
117	Southeastern Alaska area, Icy Strait District, Salmon Fisheries.	--
118	Southeastern Alaska area, Western District, Salmon Fisheries.	--
119	Southeastern Alaska area, Eastern District, Salmon Fisheries.	--
120	Southeastern Alaska area, Stikine District, Salmon Fisheries.	--
121	Southeastern Alaska area, Sumner Strait District, Salmon Fisheries.	--
122	Southeastern Alaska area, Clarence Strait District, Salmon Fisheries.	--
123	Southeastern Alaska area, South Prince of Wales Island District, Salmon Fisheries.	--
124	Southeastern Alaska area, Southern District, Salmon Fisheries.	---
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NOTE: All parts in the above table which have not been assigned new part numbers have been deleted from the codification.

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

Subchapter A—General Provisions

Part
1 Definitions.
2 Field organization.
3–9 [Reserved for organization]

Subchapter B—Hunting and Possession of Wildlife

10 Migratory birds.
11 Bald eagles.
12 Areas closed to hunting.
13 Importation of wild mammals, and wild birds or their eggs.
14 Importation of feathers of wild birds.
15 Transportation of game mammals to and from Mexico.
16–24 [Reserved for management and enforcement regulations]

Subchapter C—The National Wildlife Refuge System

25 General provisions.
26 Restricted or prohibited acts.
27 Enforcement provisions.
28 Public access and use.
29 Land use management.
30 Range and feral animal management.
31 Wildlife species management.
32 Hunting.
33 Sport fishing.

Subchapter D—Management of Wildlife Research Areas

60 Patuxent Wildlife Research Center.

Subchapter E—Management of Fisheries Conservation Areas

70 National fish hatcheries.
71 Hunting and fishing on national fish hatchery areas.

Subchapter F—Federal Aid to States in Fish and Wildlife Restoration

80 Restoration of game birds, fish and mammals.

SUBCHAPTER A—GENERAL PROVISIONS

PART 1—DEFINITIONS

Sec.
1.1 Meaning of terms.
1.2 Authorized representative.
1.3 Bureau.
1.4 Director.
1.5 Officer in charge.
1.6 Person.
1.7 Regional Director.
1.8 Secretary.
1.9 Take.
1.10 Wildlife.

AUTHORITY: §§ 1.1 to 1.10 issued under R.S. 161; 5 U.S.C. 22.

§ 1.1 Meaning of terms.

As used in this chapter, unless separately defined, terms shall have the meaning ascribed in this part.

§ 1.2 Authorized representative.

"Authorized representative" means the subordinate official to which a principal official has delegated authority to act on a particular matter or a class of matters. The Director, Bureau of Sport Fisheries and Wildlife is frequently the authorized representative of the Secretary of the Interior, as also may be a regional director or an officer in charge of a Bureau field installation.

§ 1.3 Bureau.

"Bureau" means the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior.

§ 1.4 Director.

"Director" means the Director, Bureau of Sport Fisheries and Wildlife or his authorized representative.

§ 1.5 Officer in charge.

"Officer in charge" means any person in charge of a national fish hatchery, national wildlife refuge area or wildlife research center, or his authorized representative.

§ 1.6 Person.

"Person" means an individual, club, association, partnership, corporation, or private or public body, any one or all, as the context requires.

§ 1.7 Regional director.

"Regional director" means the officer in charge of a region of the Bureau of Sport Fisheries and Wildlife, or his authorized representative.

§ 1.8 Secretary.

"Secretary" means the Secretary of the Interior or his authorized representative.

§ 1.9 Take.

"Take" means to pursue, hunt, kill, or capture or attempt to hunt, kill, or capture any wildlife. Whenever the taking of wildlife is permitted, reference is had by lawful means and in lawful manner.

§ 1.10 Wildlife.

"Wildlife" means wild mammal, wild bird and nest and egg, crustacean, mollusk, fish, reptile, amphibian, and their eggs.

PART 2—FIELD ORGANIZATION

Sec.
2.1 Regional offices.
2.2 Locations of regional offices.

AUTHORITY: §§ 2.1 and 2.2 issued under R.S. 161; 5 U.S.C. 22.

§ 2.1 Regional offices.

The program operations of the Bureau of Sport Fisheries and Wildlife are performed in various types of field installations. They include national fish hatcheries, national wildlife refuges, game management agent districts, predator and rodent control districts and research laboratories. All field installations, except those engaged in research, are supervised by a regional director who has jurisdiction over Bureau activities in the States encompassed by his region. Unless otherwise stated for a particular matter in the regulations, all persons may secure from the regional offices information or make submittals or requests, as well as obtain forms and instructions as to the scope and contents of papers or reports required of the public.

§ 2.2 Locations of regional offices.

The addresses and geographic jurisdictions of the regional offices of the Bureau of Sport Fisheries and Wildlife are as follows:

(a) Pacific Region (Region 1—comprising States of Washington, Oregon, California, Idaho, Nevada, Montana and Hawaii) 1001 Northeast Lloyd Boulevard, Portland 14, Oreg.

(b) Southwest Region (Region 2—comprising States of Wyoming, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas) 517 Gold Street SW., Albuquerque, N. Mex.

(c) North Central Region (Region 3—comprising States of North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio) 1006 West Lake Street, Minneapolis 8, Minn.

(d) Southeast Region (Region 4—comprising States of Arkansas, Louisiana, Mississippi, Kentucky, Tennessee, Alabama, Maryland, Virginia, North Carolina, Georgia, South Carolina, Florida) 620A Peachtree-Seventh Building, Atlanta 5, Ga.

(e) Northeast Region (Region 5—comprising States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, West Virginia) 59 Temple Place, Boston 11, Mass.

(f) Alaska Region (Region 6—comprising State of Alaska) P.O. Box 2021, Juneau, Alaska.

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

GENERAL

Sec.
10.1 Definitions of migratory birds.
10.2 Definitions of terms.
10.3 Hunting methods.
10.4 Open seasons, limits, and other provisions.

NATIVE USE IN ALASKA

10.5 Taking of certain migratory nongame birds by Eskimos and Indians.

TRANSPORTATION AND IMPORTATION

10.6 Transportation into, within, or out of any State.
10.7 Importations from Canada, Mexico, or other foreign country.
10.8 Limitations upon transportation and importation.

RESTRICTIONS APPLICABLE TO POSSESSION

10.9 Possession for purposes of processing, transportation, or storage.
10.10 Termination of possession by hunters.
10.11 Possession of live migratory game birds.
10.12 Possession of plumage and skins of migratory game birds.
10.13 Commercial use of feathers.
10.14 Public and institutional use.

PERMITS

10.15 Permits for propagating, scientic collecting, and other purposes.

INSPECTIONS AND REPORTS

10.21 Inspections.
10.22 Reports.
10.23 Records retention period.

STATE LAWS

10.31 State laws for the protection of migratory birds.

SCHEDULES

10.41 Seasons and limits on doves and wild pigeons.
10.46 Seasons and limits on rails, gallinules, and woodcock.
10.51 Seasons and limits on waterfowl, coots, and Wilson's snipe.
10.52 Migratory game bird hunting seasons for Puerto Rico.

CONTROL OF DEPREDATING BIRDS

10.61 Depredation permits.
10.62 Depredating blackbirds, cowbirds, and grackles.
10.63 Designated species of depredating birds in California.
10.64 Depredating purple gallinules in Louisiana.
10.65 Authority to issue depredation orders to permit the killing of migratory game birds.

WILDLIFE DEVELOPMENT AREAS

10.71 Approval of area development program.
10.72 Revocation of program approval.
10.73 Notice and hearing.

FEEDING OF DEPREDATING WATERFOWL

Sec.
10.81 Statutory provisions.
10.82 Interpretation.
10.83 Policy.
10.84 Waterfowl depredation complaints; where filed.
10.85 Criteria to govern approval of applications.
10.86 Action following investigation.
10.87 Compliance with other regulations.

GENERAL

AUTHORITY: §§ 10.1 to 10.4 issued under sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.

§ 10.1 Definitions of migratory birds.

Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded, respectively, August 16, 1916 (39 Stat. 1702), and February 7, 1936 (50 Stat. 1311), are as follows:

(a) *Game birds.* (1) Waterfowl (*Anatidae*), including brant, wild ducks, geese, and swans.

(2) Cranes (*Gruidae*), including little brown, sandhill, and whooping cranes.

(3) Rails (*Rallidae*), including coots, gallinules, and sora and other rails.

(4) Shorebirds (*Haematopodidae, Charadriidae, Scolopacidae,* and *Phalaropodidae*), including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(5) Doves and wild pigeons (*Columbidae*).

(b) *Insectivorous birds.* Cuckoos (including road runner and anis), flickers, and other woodpeckers; nighthawks or bullbats, chuckwill's widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks, bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks (including cardinals), finches, sparrows, and buntings (including towhees); tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits, catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; titmice (including chickadees, verdin, and bushtits); kinglets and gnatcatchers; robins and other thrushes.

(c) *Other nongame birds.* Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

§ 10.2 Definitions of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

(c) *Take.* Pursue, hunt, kill, or capture, or attempt to hunt, kill, or capture.

(d) *Open season.* Time during which migratory game birds may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to standard time in the area affected.

(e) *Closed season.* Time during which migratory game birds may not be taken.

(f) *Transport.* Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

(g) *State.* Any State, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

NOTE: Section 2 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 703), provides that, unless and except as permitted by regulations adopted by the Secretary of the Interior in the manner prescribed by the Act and included in this part, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migatory bird, or any part, nest or egg of any such birds, included in the terms of the conventions cited in § 10.1.

§ 10.3 Hunting methods.

The provisions of this section shall govern the methods by which any person may take migratory game birds on which open seasons are prescribed in this part.

(a) *Permitted methods.* Migratory game birds may be taken:

(1) By the aid of a dog, with longbow and arrow or with a shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder;

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water (as used in this part the term "sinkbox" refers to a raft or any type of low floating device having a depression which affords a hunter a means of concealing himself below the surface of the water);

(3) From a floating craft, excluding a sinkbox but including a sailboat or a boat or other craft having a motor attached when such sailboat, boat, or other craft with motor attached is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind;

(4) On or over standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as a result of normal agricultural planting or harvesting; or

(5) By the aid of a motorboat, sailboat, or other craft when used solely as a means of picking up dead or injured birds.

(b) *Prohibited methods.* Migratory game birds may not be taken:

(1) With a trap, snare, net, crossbow and arrow, rifle, swivel gun or machine gun;

(2) With a shotgun of any description originally capable of holding more than three shells, the magazine of which has not been cut off, altered, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the said gun to not more than three shells in the magazine and chamber combined;

(3) From or by means, aid, or use of a sinkbox, motor-driven conveyance, motor vehicle, or aircraft of any kind;

(4) From or by means of a sailboat or other boat or floating craft having a motor attached unless such boat, craft, or sailboat is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind, or is used solely as a means of picking up dead or injured birds;

(5) By the use or aid of livestock as a blind or means of concealment;

(6) By the use or aid of live birds as decoys;

(7) By the use or aid of recorded bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(8) By means or aid of any motor-driven land, water, or air conveyance or sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of waterfowl and coots; or

(9) By the aid of baiting, or on or over any baited area. As used in this subparagraph, "baiting" shall mean the placing, exposing, depositing, distributing or scattering of shelled, shucked, or unshucked corn, wheat or other feed so as to constitute for such birds a lure, attraction or enticement to, on or over any area where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt or any other feed whatsoever capable of attracting such birds is directly or indirectly placed, exposed, deposited, distributed or scattered. Nothing in this subparagraph shall prohibit the taking of such birds over standing crops, flooded standing crops (including aquatics), flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting.

(c) *Exceptions.* Nothing contained in this section shall be construed to apply to the taking of migratory nongame birds as permitted in § 10.5, or to apply to propagating, scientific, depredation-control, or other operations in accordance with the terms of permits or other authorizations issued pursuant to this part.

§ 10.4 Open seasons, limits, and other provisions.

(a) Migratory game birds may be taken during the open seasons and hours prescribed in the schedules hereinafter provided in this part.

(b) A person may take in any one day during the open seasons prescribed therefor not to exceed the numbers of migratory game birds permitted in this part which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken such

birds may be possessed in the numbers specified in this part, except that no person on the opening day of the season may possess any migratory game birds in excess of the applicable daily limits and no person may possess any freshly killed migratory game bird during the closed season for such bird.

(c) Nothing in this part shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U. S. C. 715), or any area of the United States set aside under any other law, proclamation, or executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge, or on any area designated as a closed area under the Migratory Bird Treaty Act except so far as may be permitted by the Secretary.

(d) No migratory bird may be taken at any time, by any means, from, on, or across any highway, road, trail, or other right-of-way, whether public or private, within the exterior boundaries of any established national wildlife refuge.

(e) Open seasons only on such migratory game birds as are therein designated, daily bag and possession limits, and exceptions to the hours of hunting stated in paragraph (a) of this section shall be as prescribed annually in §§ 10.41 to 10.51.

(f) Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that a compensatory extension or reopening of the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

NATIVE USE IN ALASKA

§ 10.5 Taking of certain migratory nongame birds by Eskimos and Indians.

In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR 1951 Supp.)

TRANSPORTATION AND IMPORTATION

AUTHORITY: §§ 10.6 to 10.8 issued under sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR 1951 Supp.

§ 10.6 Transportation into, within, or out of any State.

Any person, without a permit, may transport lawfully killed migratory game birds into, within, or out of any State during and after the open seasons in the State where taken, subject to the conditions and restrictions specified in this section.

(a) If such birds, except mourning and white-winged doves, are dressed, the head, head plumage, and feet must remain attached in such manner as to permit identification of their species while being transported between the place where taken and the personal abode of the possessor or between the place where taken and a commercial preservation facility.

(b) Any such birds transported from any State not later than 48 hours following the close of the open season therein may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination.

(c) Any package or container in which such birds are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof.

(d) Nothing in this section shall be deemed to permit the importation of such birds from a foreign country.

§ 10.7 Importations from Canada, Mexico, or other foreign country.

During and after the open seasons where taken any person, without a permit, may enter and transport in any State migratory game birds lawfully killed in and exported from a foreign country, subject to the conditions and restrictions specified in this section.

(a) The numbers of such birds permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, shall be limited as follows:

From	Not to exceed
Province of Alberta, Canada	20 ducks and 10 geese per season.
Province of British Columbia, Canada	Do.
Province of Manitoba, Canada	Do.
Province of Saskatchewan, Canada	Do.
Any other Province or Territory of Canada	12 ducks and 10 geese per calendar week (beginning Sunday).
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.
Any foreign country or subdivision thereof:	
Band-tailed pigeons	6 per calendar week.
Brant	Do.
Coots	25 per calendar week.
Doves, mourning or white-winged	25, singly or in the aggregate of both kinds, per calendar week.
Rails (except sora and coots) and gallinules	30, singly or in the aggregate of both kinds, per calendar week.
Sora	25 per calendar week.
Wilson's snipe	8 per calendar week.
Woodcock	Do.

(b) Migratory game birds may be imported from Canada with or without heads and feet attached, but shipments of such birds must be accompanied by tags or permits if required by Dominion or Provincial law.

(c) Shipments from Mexico must be accompanied by a Mexican export permit and if imported from Mexico or any other foreign country (except Canada) such birds must be dressed, drawn, and have the head and feet removed.

(d) Any such birds transported from Canada, Mexico, or other foreign country not later than 5 days following the close of the open season where taken may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination.

(e) Any package or container in which such birds are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds therein contained clearly and conspicuously marked on the outside thereof.

§ 10.8 Limitations upon transportation and importation.

Nothing contained in this part shall be construed to permit the transportation of migratory game birds, or parts thereof, from, to, or through any State or to or through Canada, Mexico, or other foreign country contrary to the laws of the place in which taken or from, to, or through which transported; nor shall any such birds be imported from Canada, Mexico, or other foreign country contrary to the laws of the place in which taken or from, to, or through which transported.

RESTRICTIONS APPLICABLE TO POSSESSION

AUTHORITY: §§ 10.9 to 10.14 issued under sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.

§ 10.9 Possession for purposes of processing, transportation or storage.

No person, other than the person who has lawfully taken such birds, shall receive, possess, or have in custody migratory game birds for picking, cleaning, processing, shipping, or for transportation or storage (including temporary storage) unless such birds have a tag attached signed by the hunter stating his address, the total number and kinds of birds, and the date killed. Any commercial picking establishment, cold-storage or locker plant receiving, possessing, or having in custody migratory game birds shall maintain accurate records showing

the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds are received and to whom such birds are delivered. Any person authorized to enforce this part may enter such establishments or plants at all reasonable hours and inspect the premises and records where operations are being carried on. The records so required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for one year following the close of the open season on migratory game birds prescribed for the State in which such picking establishment, cold-storage or locker plant is located.

§ 10.10 Termination of possession by hunters.

For the purposes of this part, the ownership and possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to (a) a post office; (b) a common carrier; or (c) a commercial cold storage or locker plant for transportation to some person other than the hunter.

§ 10.11 Wounded, live migratory game birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit.

§ 10.12 Possession of plumage and skins of migratory game birds.

Any person, without a permit, may possess and transport for his own use the plumage and skins of lawfully taken migratory game birds.

§ 10.13 Commercial use of feathers.

Any person, without a permit, may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not for millinery nor ornamental use, feathers of wild ducks and wild geese lawfully killed, or seized and condemned by Federal or State game authorities.

§ 10.14 Public and institutional use.

Imports from Mexico must be accompanied by Mexican export permits, but otherwise State game departments, State or municipal game farms, or municipal parks, may acquire, possess, dispose of, and transport lawfully obtained live migratory waterfowl without a permit; and public museums, zoological parks and societies, and public scientific and educational institutions may acquire by gift, loan, or purchase and may possess, dispose of, and transport lawfully obtained migratory birds, or parts, nests, or eggs thereof without a permit. No such birds may be sold to, purchased from, or exchanged with any person not authorized pursuant to this part to sell, purchase, or exchange them.

PERMITS

§ 10.15 Permits for propagating, scientific collecting, and other purposes.

The provisions of this section shall govern the issuance of permits to authorize any person to import, take, sell, purchase, otherwise acquire, possess, and transport migratory birds, or parts, nests, or eggs thereof for specified purposes.

(a) *General authorization.* Permits for the importation, taking, sale, purchase or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase or other acquisition, and possession of migratory birds, or parts, nests, or eggs thereof for scientific and other limited purposes; for the disposition and transportation of such birds, or parts, nests, or eggs and their increase; and for the mounting or other preparation by a taxidermist of such birds, or parts, nests, or eggs thereof may be issued by the Secretary upon such terms and conditions as are consistent with the protection of the species and the general purposes of this part, which terms and conditions may include, among other things, the inspection of premises and records by any person authorized to enforce this part, the keeping of records and the making of reports.

(b) *Importations from Mexico.* Importations from Mexico under this section must be accompanied by a Mexican export permit.

(c) *Limitations.* To insure the preservation of migratory birds, permits to take for scientific and propagating purposes may be denied or they may limit the number and species of such birds, their nests, or eggs to be taken thereunder, the place where they may be taken, and the manner and means of taking.

(d) *Restrictions on purchase, sale, or exchange.* Migratory birds, or parts, nests, or eggs thereof may not be purchased from, sold to, or exchanged with any person not authorized by this section or by a permit issued thereunder to make such sale, purchase, or exchange.

(e) *Compliance with State law.* No permit issued under this section shall authorize the taking, possession, sale, purchase, exchange, or transportation of migratory birds, their nests or eggs unless the permittee also possesses whatever permit may be required for such action pursuant to the laws and regulations of the State concerned.

(f) *Transfer and revocation.* No permit issued under this section shall be transferable. Any permit heretofore or hereafter issued under authority of regulations prescribed pursuant to the Migratory Bird Treaty Act may be terminated by the Secretary for violation of said regulations or failure to comply with the terms and conditions of the permit.

(g) *Marking of packages.* Every package or container in which migratory birds, or parts, nests, or eggs thereof are shipped wholly within a State or in which such birds or parts, nests, or eggs thereof are transported by any means whatever from one State to, into, or through another State, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the names and addresses of the consignor and consignee, the contents of the package or container, the number of the permit under authority of which it is shipped or transported, and the purpose for which the birds, or parts, nests, or eggs are being shipped or transported.

(h) *Applications for permits.* Applications for permits on forms prescribed for such purposes shall be addressed to the Regional Director of the Bureau of Sport Fisheries and Wildlife in whose region the applicant resides, as follows:

Region 1—P. O. Box 3737, Portland 8, Oreg. (California, Idaho, Montana, Nevada, Oregon, Washington);

Region 2—P. O. Box 1306, Albuquerque, N. Mex. (Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, Wyoming);

Region 3—1006 West Lake Street, Minneapolis 8, Minn. (Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin);

Region 4—Peachtree-Seventh Building, Atlanta 23, Ga. (Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland);

Region 5—1105 Blake Building, Boston 11, Mass. (Connecticut, Delaware, Maine, Massachusetts, Vermont, Pennsylvania, New Hampshire, New Jersey, New York, Rhode Island, West Virginia); and

Region 6—P. O. Box 2021, Juneau, Alaska (Alaska).

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

INSPECTIONS AND REPORTS [1]

AUTHORITY: §§ 10.21 to 10.23 issued under sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.

§ 10.21 Inspections.

Any person exercising a privilege granted in a permit issued under this part shall allow any person authorized to enforce this part to enter at all reasonable hours and inspect the premises where operations are being carried on under such permit and to inspect the records relating thereto.

§ 10.22 Reports.

Unless a different date is stated in the permit, reports of operations required to be submitted by any permit issued under this part shall be filed, on a form furnished for that purpose, with the office from which the permit was obtained, on or before the 10th day of January following issuance of the permit. Failure to submit a report as required will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

[1] The record-keeping requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 10.23 Records retention period.

The records required to be maintained for the purpose of making reports pursuant to the provisions of any permit issued under this part shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the date on which such reports are submitted.

STATE LAWS

§ 10.31 State laws for the protection of migratory birds.

Nothing in this part or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof contrary to the laws and regulations of any State made for the purpose of giving further protection to migratory birds, their nests or eggs when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by this part.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

SCHEDULES

AUTHORITY: §§ 10.41 to 10.52 issued under Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757.

§ 10.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1960 and January 15, 1961, as follows:

(a) *Mourning doves—Eastern Dove Management Unit.*

Daily bag limit	12
Possession limit	24
Shooting hours	See footnote 1.
Seasons in:	
Alabama	Oct. 1–Oct. 31.
	Dec. 1–Jan. 8.
Connecticut	Closed season.
Delaware	Sept. 9–Oct. 29.
	Nov. 18–Dec. 6.
District of Columbia	Closed season.
Florida [2]	See footnote 2.
Georgia	Sept. 15–Oct. 1.
	Nov. 23–Jan. 14.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31.
	Dec. 1–Dec. 9.
Louisiana	Sept. 3–Sept. 20.
	Nov. 12–Jan. 2.
Maine	Closed season.
Maryland	Sept. 12–Oct. 31.
	Dec. 17–Jan. 5.
Massachusetts	Closed season.
Michigan	Do.
Mississippi	Sept. 9–Oct. 3.
	Dec. 2–Jan. 15.
New Hampshire	Closed season.
New Jersey	Do.
New York	Do.
North Carolina	Sept. 10–Oct. 15.
	Dec. 12–Jan. 14.
Ohio	Closed season.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Oct. 24–Dec. 31.
South Carolina	Sept. 15–Oct. 8.
	Nov. 30–Jan. 14.
Tennessee	Sept. 1–Oct. 22.
	Dec. 15–Jan. 1.
Vermont	Closed season.
Virginia	Sept. 15–Nov. 23.
West Virginia	Oct. 1–Dec. 9.
Wisconsin	Closed season.

[1] Shooting hours are from 12 o'clock noon until sunset (Standard time).

[2] Florida: In the counties of Collier, Hardee, De Soto, Charlotte, Glades, Okeechobee, Escambia, Santa Rosa, Okaloosa, Walton, and that portion of Holmes county west of the Choctawhatchee River, Nov. 24–Jan. 9; in the rest of the State Oct. 15–Nov. 6 and Nov. 24–Jan. 9

(b) *Mourning doves—Central Dove Management Unit.*

Daily bag limit	15
Possession limit	30
Shooting hours	See footnote 1.
Arkansas	Sept. 1–Oct. 8.
	Dec. 20–Jan. 10.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 10.
	Nov. 10–Nov. 29.
Montana	Closed season.
Nebraska	Do.
New Mexico [1]	Sept. 1–Oct. 30.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Closed season.
Texas [1] [2]	See footnote 3.
Wyoming	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time) in all States except Texas. In Texas, shooting hours are 12 o'clock noon until sunset (Standard time) on all days except Sept. 9, 10, and 11 when shooting hours are from 2 p.m. until sunset (Standard time).

[2] In New Mexico, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 20 may be white-winged doves. In Texas, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 10 may be white-winged doves.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1–Oct. 30; in the rest of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 7–Dec. 5, in these latter counties Sept. 9, 10, and 11 and Oct. 7–Dec. 2.

(c) *Mourning doves—Western Dove Management Unit.*

Daily bag limit	10
Possession limit	20
Shooting hours	See footnote 1.
Arizona [1]	Sept. 1–Sept. 25.
	Dec. 10–Jan. 3.
California [1]	Sept. 1–Sept. 30.
Idaho	Sept. 1–Sept. 15.
Nevada	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
Utah	Sept. 1–Sept. 25.
Washington	Sept. 1–Sept. 30.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time).

[2] In Arizona the daily bag and possession limit is 10 mourning doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds.

(d) *White-winged doves.*

Daily bag and possession limits	See footnote 2.
Shooting hours	See footnote 1.
Seasons in:	
Arizona [1]	Sept. 1–Sept. 25.
	Dec. 10–Jan. 3.
California [1]	Sept. 1–Sept. 30.
Nevada	Sept. 1–Oct. 20.
New Mexico [2]	Sept. 1–Oct. 30.
Texas [3]	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time) in Arizona, New Mexico, and the open counties in California. In Texas, the shooting hours are from 2 p.m. until sunset (Standard time) in the open counties.

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 20 may be white-winged doves. In Texas, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 10 may be white-winged doves.

(e) *Band-tailed pigeons.*

Daily bag limit	8
Possession limit	8
Shooting hours	See footnote 1.
Seasons in:	
California:	
Counties of: [2]	
Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity	Oct. 1–Oct. 30.
Remainder of State	Dec. 17–Jan. 15.
Oregon	Sept. 1–Sept. 30.
Washington	Sept. 1–Sept. 30.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time).

§ 10.46 Seasons and limits on gallinules, rails, woodcock, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1960 and January 15, 1961 for rails, gallinules, and Wilson's snipe, and between October 1, 1960 and January 15, 1961 for woodcock as follows:

(a) *Atlantic Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	30	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Connecticut	Sept. 1–Oct. 20.		Oct. 22–Nov. 26.	
Delaware	Sept. 1–Nov. 9.		Nov. 18–Dec. 27.	
District of Columbia	Closed season.		Closed season.	
Florida	Sept. 23–Nov. 30.		Dec. 17–Jan. 15.	
Georgia	Oct. 1–Dec. 9.		Oct. 1–Nov. 4.	
Maine	Sept. 1–Oct. 20.		Oct. 1–Nov. 9.	
Maryland	Oct. 20–Dec. 28.		Nov. 18–Dec. 24.	
Massachusetts	Sept. 1–Nov. 9.		Oct. 20–Nov. 28.	
New Hampshire	do.		Oct. 1–Nov. 9.	
New Jersey	do.		Oct. 17–Nov. 25.	
New York [1]				
Counties of:				
Nassau	do.		Nov. 1–Nov. 18.	
Suffolk	do.		do.	
Remainder of State			Oct. 10–Nov. 18.	
North Carolina	Sept. 1–Nov. 9.		Nov. 24–Jan. 2.	
Pennsylvania	do.		Oct. 15–Nov. 23.	
Rhode Island	Oct. 24–Dec. 31.		Oct. 24–Dec. 2.	
South Carolina	Sept. 15–Nov. 30.		Dec. 17–Jan. 14.	
Vermont	Sept. 1–Nov. 9.		Oct. 1–Nov. 9.	
Virginia	Sept. 1–Oct. 31.		Nov. 21–Dec. 30.	
West Virginia	Oct. 1–Dec. 9.		Oct. 25–Dec. 3.	

[1] In New York, shooting hours on woodcock are from 9 a.m. until 5 p.m. on the first day of the respective open seasons and from 7 a.m. until 5 p.m. on each day thereafter.

(b) *Mississippi Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Alabama	Nov. 24–Jan. 12.		Nov. 24–Jan. 2.	Dec. 17–Jan. 15.
Arkansas	Sept. 1–Oct. 20.		Dec. 1–Jan. 9.	Do.
Illinois	Closed season.		Nov. 19–Dec. 28.	Oct. 28–Nov. 26.
Indiana	Sept. 1–Oct. 20.		Oct. 29–Dec. 6.	Do.
Iowa	Closed season.		Closed season.	See footnote 1.
Kentucky	Nov. 1–Jan. 5.		Nov. 17–Dec. 26.	Nov. 17–Dec. 16.
Louisiana	Oct. 1–Nov. 9.		Dec. 7–Jan. 15.	Dec. 3–Jan. 1.
Michigan: [1]	See footnote 2.			See footnote 1.
Zone 1 and 2			Oct. 1–Nov. 9.	
Zone 3			Oct. 20–Nov 9.	
Minnesota [2]				Do.
Mississippi	Sept. 1–Oct. 20.		Nov. 24–Jan. 1.	Dec. 17–Jan. 15.
Ohio	Nov. 1–Nov. 19.		Oct. 1–Oct. 30.	Oct. 1–Oct. 30.
Tennessee	Sept. 1–Oct. 20.		Oct. 10–Dec. 19.	Oct. 1–Dec. 30.
Wisconsin [2]	Nov. 22–Jan. 10.		Nov. 15–Dec. 24.	Dec. 3–Jan. 1.
	See footnote 2.		Oct. 1–Nov. 9.	See footnote 1.

[1] Seasons on Wilson's snipe in States indicated will be prescribed when the waterfowl seasons are selected.
[2] Seasons on rails and gallinules in States indicated will be prescribed when the waterfowl season is selected.

(c) *Central Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Colorado	Sept. 1–Oct. 20.		Closed season.	Oct. 29–Nov. 24.
Kansas	do.		Oct. 1–Nov. 9.	Sept. 15–Oct. 14.
Montana	Closed season.		Closed season.	Closed season.
Nebraska	Oct. 8–Nov. 26.		do.	Oct. 8–Nov. 6.
New Mexico [1]	Sept. 15–Nov. 3.		do.	Sept. 15–Oct. 14.
North Dakota [1]	Oct. 1–Nov. 14.		do.	See footnote 1.
Oklahoma	Sept. 1–Oct. 30.		Nov. 25–Jan. 1.	Oct. 1–Oct. 30.
South Dakota	Closed season.		Closed season.	Do.
Texas	Sept. 1–Oct. 20.		Dec. 7–Jan. 15.	Dec. 3–Jan. 1.
Wyoming	Closed season.		Closed season.	Closed season.

[1] Season on Wilson's snipe in North Dakota will be prescribed when the waterfowl season is selected.

(d) *Pacific Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Arizona [1] [2]	See footnote 2		Closed season	See footnote 1.
California [1]	do.		do.	Dec. 3–Jan. 1.
Nevada [1]	do.		do.	Nov. 1–Nov. 30.
New Mexico [1]	do.		do.	Do.
Oregon [1]	do.		do.	Oct. 28–Nov. 27.
Utah [1]	do.		do.	Oct. 15–Nov. 14.
Washington [1] [2]	do.		do.	See footnote 1.

[1] Seasons on Wilson's snipe in States indicated will be prescribed when the waterfowl seasons are selected.
[2] Seasons for taking gallinules in States indicated will be prescribed when the waterfowl and coot seasons are selected.

§ 10.51 Seasons and limits on waterfowl, coot, and on Wilson's snipe in Alaska.

Subject to the provisions of the preceding sections of this part, the areas open to hunting, respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of waterfowl and on coot and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1960 and January 8, 1961 as follows:

(a) *Alaska.*

	Duck [1]	Geese [2]	Coot	Brant	Wilson's snipe
Daily bag limits	5	5	15	2	8
Possession limits	10	10	15	3	8
Season dates	Sept. 1–Dec. 3				Sept. 1–Oct. 15.
Shooting hours	One-half hour before sunrise until sunset (Standard time) on all species.				

[1] Ducks: In addition to the daily bag and possession limits prescribed in the above table, a daily bag limit of 10, and a possession limit of 20, singly or in the aggregate of the following species are permitted: scoter, elder, harlequin, old-squaw, and American and red-breasted mergansers.

[2] Geese: The daily bag limit of 5 and the possession limit of 10 may not include more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate, of white-fronted geese and Canada geese or subspecies of Canada geese or white-fronted geese.

(b) *Eider, old-squaw, and scoter ducks—Atlantic Flyway.*

Daily bag limit	7	Singly or in the aggregate, in addition to other ducks.[3]
Possession limit	14	
Shooting hours: Sunrise until sunset (Standard time).		
Special season in open coastal water only, beyond outer harbor lines in:[1]		
Connecticut		
Maine		
Massachusetts		
New Hampshire		Oct. 1–Jan. 8.[1]
New York		
Rhode Island		

[1] In the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, the season for taking eider, old-squaw, and scoter ducks beyond outer harbor lines is from October 1 through January 8. In areas other than those beyond outer harbor lines in these States, and in all other States in the Atlantic Flyway, eider, old-squaw, and scoter ducks may be taken only during the open season for other ducks.

[3] During the open season in all States in the Atlantic Flyway, in addition to the bag limit on other ducks, a daily bag limit of 7 and a possession limit of 14 eider, old-squaw, and scoter ducks, singly or in the aggregate of these species, are permitted.

NOTE: Regulations for the current season governing the shooting of ducks and coots, geese, Brant, Wilson's snipe in the Atlantic Flyway, Mississippi Flyway, Central Flyway, and Pacific Flyways States (paragraph (c), (d), (e), and (f) of this section) are in process of preparation.

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

Subject to the provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1960 and February 12, 1961 as follows:

(a) *Seasons and limits on doves, gallinules, and rails in Puerto Rico and the Virgin Islands.*

	Doves (all species) (singly or in the aggregate) [1]	Gallinules and rails (except coot) (singly or in the aggregate)
Daily bag limits	10	15
Possession limits	10	30
Seasons	Sept 1–Oct. 30	Dec. 15–Feb. 12.
Shooting hours	Sunrise until sunset (Standard time).	

[1] No open season is prescribed for any species of pigeon.

CONTROL OF DEPREDATING BIRDS

AUTHORITY: §§ 10.61 to 10.65 issued under sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.

§ 10.61 Depredation permits.

Upon receipt of information from the owner, tenant, sharecropper, or other person that migratory birds are injuring his crops or other property on the land on which he resides, or over which he exercises control, together with a statement of the location of the area, the nature of the crops or other interests being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of is substantial and can be so abated, permits to kill, frighten, or otherwise herd the birds may be issued by the Secretary. Such permits shall specify the time during which, the means and methods by which, the person or persons by whom the birds may be killed, frightened, or herded, the disposition to be made of the birds killed, and such other restrictions, including a requirement for the submission of reports of operations, as may be deemed necessary and appropriate in the circumstances of the particular case.

§ 10.62 Depredating blackbirds, cowbirds and grackles.

Any person without a permit, may kill yellow-headed, red-winged, bi-colored red-winged, tri-colored red-winged, and Brewer's Blackbirds, cowbirds, and all grackles under the conditions and restrictions prescribed in this section when found committing or about to commit serious depredations upon any agricultural crop or ornamental or shade treees.

(a) No birds killed pursuant to this section nor the plumage of such birds shall be sold or offered for sale.

(b) Every person availing himself of the privileges of this section shall permit at all reasonable times, and particularly during any operations thereunder, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall furnish promptly to such officer whatever information regarding said operations the officer may require.

(c) Nothing in this section shall be deemed to permit the killing of any of the aforesaid birds in violation of any State law or regulation, and if a State permit to kill the birds is required, such permit must be procured before the privileges conferred by this section are exercised.

§ 10.63 Designated species of depredating birds in California.

In any county in California in which meadowlarks; horned larks; Gambel's Nuttall's, golden-crowned, white-crowned, and other crowned sparrows; goldfinches; house finches; and California woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the agricultural commissioner, without a permit may kill or cause to be killed under the general supervision and direction such of the aforesaid migratory birds as may be necessary to safeguard from their depredations any agricultural or horticultural crop in such county, subject to the conditions and restrictions prescribed in this section.

(a) No birds shall be killed except when necessary to protect crops from their depredations, and no birds killed pursuant to this section, or the plumage or any other part thereof, shall be sold or removed from the area upon which they have been killed, but such birds shall be totally destroyed on said area, except that such specimens as may be needed for scientific purposes may be salvaged by or under the direction of the agricultural commissioner or on the order of the State Department of Agriculture or the Secretary.

(b) Any commissioner exercising the privileges conferred by this section shall keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each such person, as well as by himself, and shall submit a report thereon to the Secretary whenever requested so to do and in any event on or before December 31 of each year during the continuance of this section.

§ 10.64 Depredating purple gallinules in Louisiana.

Landowners, sharecroppers, tenants, and their bona fide employees, actually engaged and employed in the production of rice in Louisiana, without a permit, may shoot purple gallinules (*Ionornis martinica*) when found committing or about to commit serious depredations on growing crops of rice on the premises owned or occupied by such persons or on which such persons are employed, subject to the following conditions and restrictions prescribed in this section.

(a) No purple gallinules may be killed under this section except from May 1 to August 15, both dates inclusive.

(b) No purple gallinules killed under this section shall be transported or sold or offered for sale except that they may be transported to such place within the vicinity as may be necessary to bury or otherwise destroy their carcasses: *Provided*, That the Secretary, State agricultural departments, colleges, or other public institutions may requisition such numbers of the birds so killed as may be needed for scientific investigations: *And provided further*, That purple gallinules killed under authority of this section may be donated to charitable institutions for food purposes.

(c) Every person availing himself of the privileges of this section shall permit at all reasonable times, and particularly during any operations thereunder, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall furnish promptly to such officer whatever information regarding said operations the officer may require.

(d) Nothing in this section shall be deemed to permit the killing of any of the aforesaid birds in violation of any State law or regulation, and if a State permit to kill the birds is required, such permit must be procured before the privileges conferred by this section are exercised.

(e) Any person exercising the privileges conferred by this section shall keep a record of the number of birds killed by him and shall submit a report thereon to the Secretary whenever requested so to do and in any event on or before December 31 of each year during the continuance of this section.

§ 10.65 Authority to issue depredation orders to permit the killing of migratory game birds.

Upon receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the particular area or areas being threatened;

(b) Such shooting shall be limited to a specific period of time to be fixed by the Director on the basis of all circumstances involved. If prior to the termination of the period fixed for such shooting the Director shall receive information that there is no longer a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) Such birds as may be killed under the provisions of any such order may be used for food and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes, but they may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any American mergansers which cannot be utilized for the purposes stated in this paragraph may be destroyed in such manner as may be prescribed by the Director;

(d) Any order issued pursuant to this authority must clearly specify that the killing of the designated species of depredating birds is not permitted in violation of any State law or regulation. It must further specify that it is issued as an emergency measure designed to relieve depredations and is not for the purpose of reopening or extending any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act.

WILDLIFE DEVELOPMENT AREAS

AUTHORITY: §§ 10.71 to 10.73 issued under sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.

§ 10.71 Approval of area development program.

With respect to any lands which have been or may hereafter be acquired by the United States for future use as a migratory bird sanctuary or other wildlife refuge, subject to an outstanding possessory estate, the owner of such outstanding estate may, in accordance with a program for the development of the area and the limitation of shooting during such development period, approved by the Secretary, take such measures as are calculated to maintain and increase the waterfowl population of the area in question, and engage in the shooting of migratory birds within the limitations set forth in the approved program.

§ 10.72 Revocation of program approval.

Approval of any such program may be revoked by the Secretary upon a finding that the terms of such program have been violated by the proponents thereof. Following such revocation, all rights and privileges derived from the existence of an approved area development program shall cease.

§ 10.73 Notice and hearing.

Prior to any determination by the Secretary that the terms of an approved area development program have been or are being violated by the proponent thereof, a notice shall be sent to said proponent specifying the character, time, and locality of the alleged violation and designating a representative of the Secretary with whom the proponent of the program may discuss any controverted issue of fact or interpretation in an effort to reach an amicable agreement of understanding. Thereupon, the said proponent shall cease and desist from the commission of acts specified in such notice for a period of sixty days, or if the case be finally determined during such 60-day period then only until such final determination. If, within 30 days after such notice has been received, no such agreement or understanding is reached then the Secretary may, after allowing such further opportunity for hearing as he deems proper, make and promulgate a final order revoking approval of the development area program. Thereupon, the provisions of § 10.3 shall be fully applicable to the area in question.

FEEDING OF DEPREDATING WATERFOWL

AUTHORITY: §§ 10.81 to 10.87 issued under sec. 2, 70 Stat. 492; 7 U.S.C. 443.

§ 10.81 Statutory provisions.

Section 1 of the act of July 3, 1956 (70 Stat. 492), provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary may requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the act authorizes and directs the Secretary, upon a finding by him that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, whether or not during the open season for such migratory waterfowl, to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured, by such feeding programs.

§ 10.82 Interpretation.

The authorization contained in the statute limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and no such grain may be made available for the feeding of any other species of migratory birds (as defined in § 10.1), whether or not such other species of migratory birds are committing or threatening to commit crop damage. The statute does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, or for any purpose incident to migratory waterfowl management, which is not related to the prevention of crop damage. Accordingly, no grain shall be made available pursuant to this part in substitution for or to augment natural sources of migratory waterfowl food except so far as may be determined to be necessary to aid in the prevention of crop damage by such birds.

§ 10.83 Policy.

To achieve economy and promote efficiency and expedition whenever it is found necessary to conduct feeding programs under this part for the prevention of crop damage by migratory waterfowl, it shall be the policy of the Secretary to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or of a State.

§ 10.84 Waterfowl depredation complaints; where filed.

Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 10.85 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife Regional Office having administrative supervision over wildlife activities in the State where the affected crops are located.[1] Such application may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of a Federal, State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damage as will qualify him as an applicant.

§ 10.85 Criteria to govern approval of applications.

Upon receipt of an application for grain for use in preventing crop depredations, the Regional Director shall promptly cause such investigation to be made as may be necessary to determine whether the applicant is entitled to have grain made available to him for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the Game Department of the State in which the affected crops are located and a representative of the Regional Director. When conducting investigations of grain applications consideration shall be given separately to each of the factors set forth in paragraphs (a) to (d), of this section and no application for grain shall be approved if it is determined that one or more of the enumerated factors minimizes the extent of crop damage or provides an effective method for preventing crop damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of species which are susceptible of being effectively lured away from crops by the use of grain.

(b) The crop damage or threat of crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage) and must affect growing crops or mature unharvested crops in such condition as to be marketable or have a value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of privileges of the nature granted in permits authorized by § 10.61 to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) No application for grain shall be approved in any event for use in preventing crop damage during the open season for migratory waterfowl unless the area affected by crop damage has been and is yet open to public hunting during such season and it is clearly demonstrated that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 10.86 Action following investigation.

Upon receipt of a report and recommendations based upon an investigation conducted under § 10.84 and upon a determination by the Secretary that the applicant meets the qualifications for receiving grain, the Secretary will determine the quantity of grain to be made available, either bagged or in bulk, the means of transportation, and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose.

(b) That consent is granted to any officer authorized to enforce this part to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage whenever such authorized officer shall be instructed to conduct such supervisory activities;

(c) That free and unrestricted access to the premises on which feeding operations have been or are to be conducted is permitted at all reasonable times by any officer authorized to enforce this part and that such information as may be required by the officer will promptly be furnished; and

(d) That he will not take, nor permit his agents, employees, invitees, or other persons under his control to take, migratory game birds on or over any lands or waters subject to his control during any time when grain made available under this part is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor during a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 10.87 Compliance with other regulations.

Nothing in §§ 10.81 to 10.86, shall be construed to supersede or modify § 10.3, nor shall anything in said sections be construed to permit transportation, distribution, or use of grain contrary to any applicable health, inspection, quarantine, game protection, or other requirements imposed by law or by regulations of authorized Federal or State agencies and local governmental bodies.

PART 11—BALD EAGLES

Sec.
11.1 Bald Eagles protected, exceptions.
11.2 Collecting permits.
11.3 Depredation permits.
11.4 Application for permits.
11.5 Permit requirements.
11.6 Possession, transportation, and shipping.

AUTHORITY: §§ 11.1 to 11.6 issued under sec. 2, 54 Stat. 251; 16 U.S.C. 668a.

§ 11.1 Bald eagles protected, exceptions.

The taking, possession, and transportation of Bald eagles, or their nests or eggs is prohibited, except as permitted in this part.

§ 11.2 Collecting permits.

The Secretary may issue permits to capture Bald eagles alive or to collect their nests or eggs, or to kill such birds and possess and transport their skins or mounted specimens for scientific or exhibition purposes of public museums, scientific societies, or zoological parks, when he determines that such taking or collecting is compatible with the preservation of the species.

§ 11.3 Depredation permits.

The Secretary may issue permits to kill Bald eagles when he determines that Bald eagles have become seriously injurious to wildlife or to agricultural or other interests in any particular community in the United States or in any place subject to its jurisdiction, and that the injury complained of is substantial and can be abated only by killing some or all of the birds.

§ 11.4 Applications for permits.

(a) Applications for permits shall be addressed to the Regional Director at the Regional Office of the Bureau of Sport Fisheries and Wildlife having administrative supervision over Bureau functions in the State in which permit activities are proposed. (See Part 2 of this chapter for addresses of Regional Offices of the Bureau.)

(b) Applications must state the name and address of the applicant, his age, the State and locality in which Bald eagles or their nests or eggs are proposed to be taken or killed, and in the case of collecting permits, the name and address of the public museum, scientific society, or zoological park for which they are intended. The applicant must furnish such other information concerning justification for the permit and his fitness to be entrusted with a permit as may be requested by the Secretary.

§ 11.5 Permit requirements.

(a) Any permit issued shall contain information specifying the number of Bald eagles or their nests or eggs that may be taken thereunder, the person or persons by whom the birds may be taken, the places where, the time when, the means or methods by which they may be taken, and the disposition to be made of any birds, parts, nests, or eggs taken.

(b) Such permits shall provide that no Bald eagles, parts, nests or eggs thereof, or mounted specimens may be purchased, sold, traded, bartered, or offered for sale, trade, or barter in the United States or in any place subject to its jurisdiction.

(c) Such permits are not transferable and are revocable at any time in the discretion of the Secretary, and if revoked, shall be surrendered on demand. Immediately after the expiration date of any permit, it must be returned to the Regional Director accompanied by a report of activities thereunder.

(d) Such permits shall provide that the proposed taking, donation, possession, or transportation of Bald eagles, parts, or nests or eggs thereof, shall be subject to the laws of the State where activities under Federal permit are to take place.

§ 11.6 Possession, transportation, and shipping.

(a) Public museums, scientific societies, and zoological parks may, without a permit, possess and transport lawfully acquired Bald eagles, alive or dead, or any parts, nests or eggs thereof, for scientific or exhibition purposes, but no such birds, parts, nests, or eggs shall be taken without a permit.

(b) Bald eagles, alive or dead, or any parts, nests, or eggs thereof, lawfully acquired prior to June 8, 1940, may be possessed or transported without a Federal permit, but shipments containing such birds, parts, nests, or eggs, must be marked as provided in paragraph (c) of this section.

(c) Every package in which Bald eagles or parts, nests, or eggs thereof are shipped or transported by any means whatever, shall be plainly and clearly marked, labeled, or tagged, on the outside thereof, to show the names and addresses of the consignor and consignee, the contents of the package, and the number of the permit, where required, under authority of which it is possessed and transported, and that the specimens contained therein are for scientific or exhibition purposes.

PART 12—AREAS CLOSED TO HUNTING

§ 12.1 List of areas.

Proclamations and orders		State	Land and waters within boundary and adjacent to, or in the vicinity of—	Citation
No.	Date			
	Nov. 20, 1959	Alabama	Wheeler National Wildlife Refuge	24 F.R. 9513.
2325	Mar. 21, 1939	Arkansas	Big Lake National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 1309.
	Oct. 24, 1958	do	Holla Bend National Wildlife Refuge	23 F.R. 8429.
2274	Mar. 15, 1938	do	White River National Wildlife Refuge	3 F.R. 591.
	Oct. 7, 1950	Delaware	Bombay Hook National Wildlife Refuge	15 F.R. 6858.
	Oct. 22, 1953	Florida	St. Marks National Wildlife Refuge	18 F.R. 6837.
2758	Dec. 2, 1947	do	Sanibel National Wildlife Refuge	3 CFR, 1947 Supp.; 12 F.R. 8039.
2329	Apr. 10, 1939	Georgia	Savannah National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 1595.
2748	Oct. 1, 1947	Illinois	Horseshoe Lake, Alexander County	3 CFR, 1947 Supp.; 12 F.R. 6521.
	Sept. 9, 1953	do	do	18 F.R. 5495.
	Oct. 2, 1958	Iowa	Upper Mississippi River Wild Life and Fish Refuge.	3 CFR, 1958 Supp.; 23 F.R. 7825.
2322	Feb. 7, 1939	Louisiana	Lacassine National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 611.
2383	Jan. 24, 1940	Maryland	Susquehanna National Wildlife Refuge	3 CFR, Cum. Supp.; 5 F.R. 313.
2529	Dec. 6, 1941	do	do	3 CFR, Cum. Supp.; 6 F.R. 6347.
	Aug. 13, 1960	do	do	25 F.R. 7741
2817	Oct. 18, 1948	Massachusetts	Parker River National Wildlife Refuge	3 CFR, 1948 Supp.; 13 F.R. 6115.
2593	Sept. 21, 1943	Michigan	Lake St. Clair National Wildlife Refuge	3 CFR, 1943 Supp.; 8 F.R. 12921.
	Oct. 2, 1958	Minnesota	Upper Mississippi River Wild Life and Fish Refuge.	3 CFR, 1958 Supp.; 23 F.R. 7825.
2200	Oct. 7, 1936	Montana	Red Rock Lakes Migratory Waterfowl Refuge.	1 F.R. 1554.
2284	May 9, 1938	North Carolina	Pea Island National Wildlife Refuge	3 F.R. 912.
2129	July 18, 1935	do	Swanquarter National Wildlife Refuge	49 Stat. 3450.
2859	Oct. 20, 1949	Oregon	Malheur National Wildlife Refuge	3 CFR, 1949 Supp.; 14 F.R. 6825.
	Oct. 16, 1953	do	do	18 F.R. 6685.
2000	June 6, 1932	South Carolina	Cape Romain National Wildlife Refuge	47 Stat. 2513.
	Oct. 14, 1955	do	Santee National Wildlife Refuge	20 F.R. 7969.
2329	Apr. 10, 1939	do	Savannah National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 6245.
	Aug. 23, 1956	Texas	Aransas National Wildlife Refuge	21 F.R. 6513.
2370	Oct. 16, 1939	Virginia	Back Bay National Wildlife Refuge	3 CFR, Cum. Supp.; 4 F.R. 4285.
	Aug. 13, 1954	do	Presquile National Wildlife Refuge	19 F.R. 5290.
2439	Nov. 7, 1940	Washington	Willapa National Wildlife Refuge	3 CFR, Cum. Supp.; 5 F.R. 4443.
	Oct. 2, 1958	Wisconsin	Upper Mississippi River Wild Life and Fish Refuge.	3 CFR, 1958 Supp.; 23 F.R. 7825.

[1] Region 1: (California, Idaho, Montana, Nevada, Oregon, Washington): 1001 Northeast Lloyd Boulevard (P. O. Box 3737), Portland 14, Oregon.

Region 2: (Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, Wyoming): 906 Park Avenue SW. (P. O. Box 1306), Albuquerque, New Mexico.

Region 3: (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Nebraska, North Dakota, South Dakota, Wisconsin): 1006 West Lake Street, Buzza Building, Minneapolis 8, Minnesota.

Region 4: (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia): Peachtree-Seventh Building, Atlanta 23, Georgia.

Region 5: (Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia): 59 Temple Place, 1105 Blake Building, Boston 11, Massachusetts.

Region 6: (Alaska: Federal Building (P. O. Box 2021), Juneau, Alaska.

PART 13—IMPORTATION OF WILD MAMMALS, AND WILD BIRDS OR THEIR EGGS

Sec.
13.1 Meaning of terms.
13.2 Prohibited species of wild mammals.
13.3 Prohibited species of wild birds or their eggs.
13.4 Prohibited species of wild birds or their eggs; exceptions.
13.5 Importation of natural-history specimens.
13.6 Declaration of purpose of importation.
13.7 Compliance with other regulations.

AUTHORITY: §§ 13.1 to 13.7 issued under par. 1671, 46 Stat. 677; 19 U.S.C. 1201, par. 1671. Interpret or apply sec. 1, 62 Stat. 687, as amended; 18 U.S.C. 42.

§ 13.1 Meaning of terms.

As used in this part, terms shall have the meaning ascribed in this section.

(a) "Wild birds or mammals" refers to all birds or mammals that, whether raised in captivity or not, normally are found in a wild state.

(b) "Game birds" refers to those species of birds belonging to the following Families of birds: Anatidae, Cracidae, Tetraonidae, Phasianidae, Meleagrididae, Gruidae, Rallidae, Haematopodidae, Charadriidae, Scolopacidae, Recurvirostridae, Phalaropodidae, and Columbidae.

(c) "Non-game birds" refers to all other species of wild birds not considered as game birds under paragraph (b) of this section.

(d) "Migratory birds" refers to those species of birds listed under § 10.1 of this chapter.

§ 13.2 Prohibited species of wild mammals.

Importation into the United States or any Territory or district thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the European rabbit (Lepus cuniculus), and the European hare (Lepus europaeus) is prohibited.

§ 13.3 Prohibited species of wild birds or their eggs.

Importation into the United States or any Territory or district thereof, of the English sparrow, the starling, or the eggs of such birds is prohibited.

§ 13.4 Prohibited species wild birds or their eggs; exceptions.

(a) Importation is prohibited of bird species of the genus Acridotheres classified as (1) tristis (commonly known as Common Myna, Indian Myna, or Common Ceylon Myna); (2) cristatellus (sometimes referred to as Acridotheres grandis or Acridotheres fuscus and commonly known as Chinese crested Myna, Siamese Yellow-billed Jungle Myna, Assam Yellow-billed Myna, Indian Jungle Myna, Jungle Myna, Malay Jungle Myna, or Buffalo Myna); (3) gingianus (commonly known as Bank Myna); (4) albocinctus (commonly known as Collared Myna): *Provided*, That such birds may be entered and used for scientific purposes under terms and conditions prescribed in permits issued by the Director: *And provided, further*, That such

birds may be entered, without a permit, only for exhibition in public zoological parks.

(b) Importation of all other wild birds or their eggs is prohibited except:

(1) Game birds and their eggs for propagating, stocking, or scientific purposes, or for exhibition in zoological parks may be entered without a permit.

(2) Non-game birds (other than those listed in paragraph (a) of this section) may be entered, without a permit, for scientific purposes, exhibition in public zoological parks, confinement in cages, or for introduction by State or Territorial wildlife conservation agencies when such agencies have obtained written permission from the Director.

(c) None of the provisions of paragraph (b) of this section shall apply to migratory birds or their eggs, the importation of which is governed by regulations in Part 10 of this subchapter.

§ 13.5 Importation of natural-history specimens.

Nothing in this part shall restrict the importation of natural-history specimens for museums or scientific collections.

§ 13.6 Declaration of purpose of importation.

With respect to the importations allowed in this part, the importer must file with the Collector of Customs a declaration to the effect that the birds or their eggs, or the natural-history specimens are to be imported and used for a purpose allowed in this part. However, no such declaration is required for birds of the psittacine family, the importation of which is governed by regulations prescribed by the United States Public Health Service. No such declaration is required for those birds or their eggs which must be imported under permits issued by the Director.

CROSS REFERENCE: For Public Health Service regulations, see 42 CFR 72.22. For Customs regulations, see 19 CFR 12.26.

§ 13.7 Compliance with other regulations.

Any importation permitted by this part is also subject to any applicable health, quarantine, agriculture, customs, or other requirements imposed by law or by regulations of duly authorized Federal, Territorial, or State agencies.

PART 14—IMPORTATION OF FEATHERS OF WILD BIRDS

Sec.
14.1 Applications for importation permits.
14.2 Filing dates for applications.
14.3 Allocation of quotas.
14.4 Issuance of importation permits.
14.5 Time periods covered by permits.
14.6 Compliance with other regulations.

AUTHORITY: §§ 14.1 to 14.6 issued under par. 1518, 46 Stat. 661, as amended; 19 U.S.C. 1001, par. 1518.

§ 14.1 Application for importation permits.

All persons desiring to share in the allocation of annual import quotas of skins bearing feathers of the grey jungle fowl (Gallus sonneratii), the mandarin duck (Dendronessa galericulata), and the following species of pheasant: Lady Amherst pheasant (Chrysolophus amherstiae), golden pheasant (chrysolophus pictus), silver pheasant (Lophura nycthemera), Reeves pheasant (Syrmaticus reevesii), blue-eared pheasant (Crossoptilon auritum), and brown-eared pheasant (Crossoptilon mantchuricum), must apply during the periods specified in § 14.2 by letter addressed to the Director. The application must contain the following information:

(a) Name and address of applicant; nature of business, and the purpose for which feathers are required.

(b) Port at which entry has been or is to be made.

(c) Quantity of each species of bird skin or part thereof for which an importation permit is desired.

(d) Certification, that in the case of grey jungle fowl and mandarin duck, the skins are to be used only in the manufacture of fishing flies.

§ 14.2 Filing dates for applications.

Each application for a quota allocation must be postmarked during the dates set forth in paragraphs (a) and (b) of this section in order to be considered. Filing dates are as follows:

(a) Applicants desiring to participate in the allocation of calendar year quotas shall submit applications from September 1 through September 30 of the year preceding the calendar year for which quota allocations are to be made.

(b) Applicants desiring to participate in the reallocation of such portions of the established annual quotas as may become available, shall submit applications from July 1 through July 31 of the calendar year for which the unused portions of the quota allocations were originally made.

§ 14.3 Allocation of quotas.

All applications timely filled will be considered and tentative quotas allocated by the method set forth in paragraphs (a) through (e) of this section, as promptly as possible after the closing date for filing. For the purposes of this section, the six species of pheasant named in § 14.1 shall be grouped together and considered as one species.

(a) The number of eligible applicants for skins of grey jungle fowl, mandarin duck, and pheasants, respectively, shall be divided into the quotas of skins available for the ensuing calendar year for the respective species, to determine the number of skins of each species the several applicants would be entitled to import on an equal basis.

(b) Any applicant for an allocation in an amount equal to or less than the average quantity established for all applicants pursuant to paragraph (a) of this section is entitled to receive an allocation of the quantity for which he applied.

(c) After the allocations are made under paragraph (b) of this section, all remaining unallocated quantities of skins of the respective species shall be allocated equally among those applicants who applied for more than the average quantities determined under paragraph (a) of this section.

(d) Each applicant shall then be furnished a tabulation by Registered Mail, Return Receipt Requested, of the quantities of each species requested and the quantities proposed to be allocated to each applicant. Each applicant must then report by letter addressed to the Director, postmarked not later than 30 days after receipt of the notice of proposed allocations, that he accepts the proposed allocation. The letter must contain proof, safisfactory to the Director, that orders have been placed for the importing of his allocation of bird skins. Applicants failing to respond to the notice of proposed allocations shall be deemed to have abandoned their applications, and their proposed allocations shall become available for allocation among those applicants who have submitted the required showing. Applicants who submit the required showing by other than Registered Mail, do so at their own risk.

(e) Any quantities of bird skins of the respective species which become available for allocation through the failure of applicants to submit the proper showing as required in paragraph (d) of this section, shall promptly be allocated among those applicants whose requests were not satisfied in full; using the methods prescribed in paragraphs (a) through (c) of this section to determine the additional quantity of skins allowable to each such applicant.

§ 14.4 Issuance of importation permits.

As soon as practicable after the annual allocations have been determined, the quotas allocated to the successful applicants shall be evidenced by importation permits, issued in letter form, directed to the respective Collectors of Customs at the Ports of Entry specified in the applications. Such permits shall authorize the entry, or withdrawal from warehouse, of the quantities of bird skins allocated to each applicant. Until such time as it shall be found necessary to reduce the import quota established for pheasants, importation permits will not differentiate between the six species of pheasant named in § 14.1, but will authorize the importation of a stated number of pheasant skins in the aggregate, without specifying the species. A copy of the importation permit will be furnished each successful applicant as notice to him of his allocation. Importation permits are nontransferable and are subject to cancellation only if it is determined that the permit has been mistakenly issued, that the applicant has made a material misrepresentation in connection therewith, or if the permittee informs the Director that he will be unable to bring or import his quota of bird skins into the United States during the period specified in the permit. Permits are subject to the further conditions set forth in § 14.5.

§ 14.5 Time periods covered by permits.

Importation permits covering the calendar year quota allocations are issued as of January 1, and remain in effect through June 30 of the year of issue. No extension of time shall be granted on a permit and any portion of the quota allocations which become available through surrender or nonuse of a permit, in whole or in part, of permits expiring on June 30 of the year of issue, shall be reallocated among applicants who submit proper applications in accordance with § 14.2(b). The provisions of § 14.3 (a) through (c) do not apply to the reallocation of the quantities of bird skins found to be available after June 30 of each year, but the skins will be allocated equally, with regard to the species requested, among all applicants. If the quantities of the respective species are insufficient to permit equal reallocation among all applicants, preference shall be given to the applications bearing the earliest postmark. Importation permits showing the reallocations made pursuant to this section shall be issued as promptly as possible after July 31 and remain in effect through December 31 of the year of issue. No extension of time shall be granted on permits covering reallocations, and any portion of the quotas so reallocated which are not imported through surrender or nonuse of reallocation permits, in whole or in part, on or before December 31 of the year of issue, shall lapse and no further allocations thereof shall be made.

§ 14.6 Compliance with other regulations.

Any importation permitted by the regulations in this part is also subject to any applicable health, quarantine, customs, or other requirements imposed by law or by regulation of duly authorized Federal or State agencies and municipalities.

PART 15—TRANSPORTATION OF GAME MAMMALS TO AND FROM MEXICO

Sec.
15.1 Scope of regulations.
15.2 Transportation to Mexico.
15.3 Transportation from Mexico.

AUTHORITY: §§ 15.1 to 15.3 issued under sec. 4, 40 Stat. 755, as amended; 16 U.S.C. 705. E. O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp.

§ 15.1 Scope of regulations.

The regulations in this part govern the importation and exportation of those species of game mammals specified in the terms of the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936 (50 Stat. 1311). These species are antelope, mountain sheep, deer, bear, peccary, squirrel, rabbit, and hare.

§ 15.2 Transportation to Mexico.

Game mammals, dead or alive, or parts or products thereof, taken in and transported from the United States or any territory subject to its jurisdiction may be transported to Mexico, if the importation is not prohibited by Mexican law or regulation. The transporter must present to the Collector of Customs at the Port of Exit a certificate of an official, warden, agent, or other officer of the game department of the State or territory, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired and are being transported in compliance with the laws and regulations of the State or territory.

§ 15.3 Transportation from Mexico.

Game mammals, dead or alive, or their parts or products, may be transported from Mexico into the United States if accompanied by a Mexican export permit. If alive, the mammals must also be accompanied by such permit as may be required under regulations of the Secretary of the Treasury (19 CFR 12.26), relating to the transportation of wild birds and other animals under humane and healthful conditions: *Provided*, That their possession in any State or territory of the United States shall be subject to the laws of such State or territory.

CROSS REFERENCE: For Bureau of Animal Industry regulations relating to importation of certain animals and poultry and certain animal and poultry products from Mexico, see 9 CFR Part 92.

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—GENERAL PROVISIONS

Sec.
25.1 Definitions.
25.2 Purpose.
25.3 State cooperation in wildlife refuge area management.
25.4 Joint administration.
25.5 Emergency closure.

AUTHORITY: §§ 25.1 to 25.5 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

§ 25.1 Definitions.

As used in the rules and regulations of this subchapter: "Big game" means large game mammals, including moose, elk, caribou (Rangifer), deer, mountain and Dall's sheep (Ovis), mountain goat, antelope (pronghorn), bear and peccary.

"Game range" means any area of public land administered jointly by the Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management for the protection and management of wildlife resources and for the grazing of domestic livestock under the terms of an Executive or Public Land Order establishing a specific area.

"Migratory game bird" means and refers to those species of birds listed under § 10.1 of this chapter.

"National wildlife refuge" means any of those areas, except game ranges, owned or controlled by the United States and administered for the benefit of wildlife by the Bureau of Sport Fisheries and Wildlife as a part of the National Wildlife Refuge System.

"Range animal" means any animal fenced and managed on any wildlife refuge area.

"Special regulations" means those regulations within this subchapter used to announce and regulate the annual public hunting and sport fishing activity on individual wildlife refuge areas.

"Upland game" means any small resident game mammal or any resident game bird.

"Wildlife refuge area" means any National Wildlife Refuge or game range.

§ 25.2 Purpose.

All wildlife refuge areas are maintained for the fundamental purpose of developing a national program of wildlife conservation and rehabilitation. These areas are dedicated to wildlife found thereon and for the restoration, preservation, development and management of wildlife habitat; for the protection and preservation of endangered or rare wildlife and their associated habitat; and for the management of wildlife, in order to obtain maximum production for perpetuation, distribution, dispersal, and utilization. This subchapter effectuates these primary objectives in accordance with the obligations of the United States under the treaties with Great Britain and the United Mexican States, and allows public enjoyment of wildlife refuge areas consistent with these objectives.

§ 25.3 State cooperation in wildlife refuge area management.

State cooperation may be enlisted in management programs including, the regulation and operation of public hunting, fishing, and recreation programs on wildlife refuge areas. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for the purpose. Persons entering upon the wildlife refuge area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

§ 25.4 Joint administration.

The Bureau, in the development and management of conservation programs on wildlife refuge areas may cooperate with other Federal agencies under the terms of approved agreements. Wildlife refuge areas on lands jointly administered with another Federal agency shall be subject to the laws, rules, and regulations of that agency as well as of the Bureau.

§ 25.5 Emergency closure.

All or any part of a wildlife refuge area may be closed to public access and use in the event of an emergency endangering life or property.

PART 26—RESTRICTED OR PROHIBITED ACTS

Sec.
26.1 General.
26.2 Trespassing.
26.3 Entry and use.
26.4 Animal trespass.
26.5 Hunting.
26.6 Fishing.
26.7 Trapping.
26.8 Molesting, injuring and damaging plant and animal life.
26.9 Introduction of plant and animal life.
26.10 Destruction or removal of property.
26.11 Artificial lights.

Sec.
26.12 Firearms and explosives.
26.13 Weapons other than firearms.
26.14 Vehicles.
26.15 Use of boats.
26.16 Field trials.
26.17 Fires.
26.18 Private structures.
26.19 Disposal of waste.
26.20 Disorderly conduct.
26.21 Interference with persons engaged in authorized activities.
26.22 Abandonment of property.
26.23 Advertising.
26.24 Private operations.
26.25 Gambling.
26.26 Begging.
26.27 Motion or sound pictures.
26.28 Search and removal of valued objects.
26.29 Prospecting and mining.
26.30 Audio equipment.
26.31 Tampering with equipment.
26.32 Operations of aircraft.

AUTHORITY: §§ 26.1 to 26.32 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

§ 26.1 General.

The prohibitions and restrictions enumerated in this part shall apply to all persons entering upon wildlife refuge areas and to their conduct thereon. These prohibitions and restrictions do not apply to official Federal operations nor to State operations permitted by the regulations in this subchapter, nor to persons engaged in performing these operations.

§ 26.2 Trespassing.

Trespassing on any wildlife refuge area is prohibited.

§ 26.3 Entry and use.

The entering, occupying, using, or being upon any wildlife refuge area is prohibited except as may be otherwise authorized in this subchapter or in other applicable Federal regulations.

§ 26.4 Animal trespass.

Cats, dogs, cattle, and other domestic animals shall not be permitted to enter upon any wildlife refuge area or to roam at large upon such an area, except as specifically authorized in this subchapter or in other applicable Federal regulations.

§ 26.5 Hunting.

Hunting, killing, capturing, taking, or attempting to hunt, kill, capture or take any animal on any wildlife refuge area is prohibited except as may be authorized under the provisions of Parts 28, 31, and 32 of this chapter.

§ 26.6 Fishing.

Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any wildlife refuge area is prohibited except as may be authorized under the provisions of Parts 28, 31, and 33 of this chapter.

§ 26.7 Trapping.

Trapping or attempting to trap animal life on any wildlife refuge area is prohibited except as may be authorized under the provisions of Parts 28 and 31 of this chapter.

§ 26.8 Molesting, injuring, and damaging plant and animal life.

Molesting, disturbing, injuring, spearing, poisoning, destroying or attempting to molest, disturb, injure, spear, poison or destroy any plant or animal life on any wildlife refuge area is prohibited.

§ 26.9 Introduction of plant and animal life.

Plant and animal life taken elsewhere shall not be introduced, liberated, or placed on any wildlife refuge area.

§ 26.10 Destruction or removal of property.

The destruction, injury, defacement, disturbance, or removal of any public property from any wildlife refuge area is prohibited.

§ 26.11 Artificial lights.

No person shall use or direct the rays of a spotlight or other artificial light, or automotive headlights for the purpose of spotting, locating or taking any animal within the boundaries of any wildlife refuge area or along rights-of-way for public or private roads within a wildlife refuge area.

§ 26.12 Firearms and explosives.

Carrying, possessing, or discharging firearms or explosives on any wildlife refuge area is prohibited except as may be authorized under the provisions of Part 28 of this chapter.

§ 26.13 Weapons other than firearms.

The possession or use of cross bows, bows and arrows, air guns, or other weapons on wildlife refuge areas is prohibited except that bows and arrows may be used in approved hunting and recreation programs when authorized under the provisions of this subchapter.

§ 26.14 Vehicles.

Travel in or use of vehicles is prohibited in wildlife refuge areas except on public highways and on roads, camp grounds and parking areas designated and posted for travel and public use by the officer in charge.

§ 26.15 Use of boats.

The use of boats in wildlife refuge areas is prohibited except as may be authorized under the provisions of Part 28 of this chapter.

§ 26.16 Field trials.

The conducting or operation of field trials for dogs on wildlife refuge areas is prohibited except as may be authorized by special permit.

§ 26.17 Fires.

On all wildlife refuge areas persons are prohibited from (a) setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material except as authorized by the officer in charge or at locations designated by him for that purpose within public-use areas; (b) building a campfire in such manner that it is likely to spread or be difficult to extinguish; (c) leaving a fire unattended or not completely extinguished; (d) throwing or placing a burning cigarette, match, or any other ignited substance in any place where it may start a fire; (e) discharging any kind of fireworks or explosive on any part of such areas; or (f) smoking on any lands including roads which have been designated and posted with no smoking signs.

§ 26.18 Private structures.

No person shall without proper authority construct, install, or maintain any building, log boom, pier, dock, fence, wall, pile, anchorage, or other structure or obstruction on any wildlife refuge area.

§ 26.19 Disposal of waste.

The dumping, disposing or littering in any manner of garbage, refuse, spoil, sludge, earth, rock, or other debris on any wildlife refuge area except at points designated by the officer in charge, or the draining or dumping of oil, acids, or poisons in, or otherwise polluting any waters, water holes, streams or other areas within any wildlife refuge area is prohibited.

§ 26.20 Disorderly conduct.

Disturbance of the peace or other disorderly conduct on any wildlife refuge area is prohibited. No person who is obviously intoxicated shall enter or remain upon any wildlife refuge area.

§ 26.21 Interference with persons engaged in authorized activities.

The disturbing, molesting, or interfering with any employee of the United States or of any local or State Government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any wildlife refuge area is prohibited.

§ 26.22 Abandonment of property.

Abandoning, discarding, or otherwise leaving any personal property in any wildlife refuge area is prohibited.

§ 26.23 Advertising.

Posting, distributing, or otherwise displaying private or public notices, advertisements, announcements or displays of any kind in any wildlife refuge area, other than business designations carried on private vehicles or boats, is prohibited.

§ 26.24 Private operations.

Soliciting business or conducting a commercial enterprise on any wildlife refuge area is prohibited unless properly authorized.

§ 26.25 Gambling.

Gambling in any form, or the operation of gambling devices, for money or otherwise, on any wildlife refuge area is prohibited.

§ 26.26 Begging.

Begging on any wildlife refuge area is prohibited. Soliciting of funds for the support or assistance of any cause or organization is also prohibited unless properly authorized.

§ 26.27 Motion or sound pictures.

The taking or filming of any motion or sound picture which needs a script, cast, schedule, or "props" on any wildlife refuge area is prohibited unless authorized under the provisions of 43 CFR Part 5.

§ 26.28 Search and removal of valued objects.

Persons are prohibited from searching for or removing from wildlife refuge areas objects of antiquity except as may be authorized by 43 CFR Part 3. Persons are prohibited from searching for buried treasure, treasure trove, valuable semi-precious rocks, stones or mineral specimens unless authorized by special permit.

§ 26.29 Prospecting and mining.

Prospecting for metal deposits or locating or filing mining claims on National Wildlife Refuges is prohibited. Prospecting or removal of minerals from wildlife refuge areas is prohibited except as may be authorized under the provisions of 43 CFR 192.9.

§ 26.30 Audio equipment.

The operation or use of radios, recording devices, loudspeakers or other sound or electrical equipment in a manner which disturbs animal life or annoys other persons on any wildlife refuge area is prohibited.

§ 26.31 Tampering with equipment.

No person shall operate or tamper with any motor vehicle, boat, equipment, machinery, or other implement on any wildlife refuge area unless he has been authorized to do so.

§ 26.32 Operations of aircraft.

The unauthorized operation of aircraft at low altitudes over, or the unauthorized landing of aircraft on a wildlife refuge area is prohibited, except in the event of emergency.

PART 27—ENFORCEMENT PROVISIONS

Sec.
27.1 Exhibition of permits.
27.2 Revocation of permits.
27.3 Impoundment of abandoned property.
27.4 Impounding of domestic animals.
27.5 Control of dogs and cats.
27.6 Traffic violations; penalties.
27.7 Boating violations; penalties.
27.8 Fires.
27.9 Timber trespass.
27.10 Penalties.

AUTHORITY: §§ 27.1 to 27.10 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

§ 27.1 Exhibition of permits.

Any person on a wildlife refuge area shall upon request by an authorized employee of the Department exhibit the required Federal or State permit or license authorizing his presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

§ 27.2 Revocation of permits.

If advantageous to the United States, a permit may be terminated at any time by agreement with the permittee; it may be revoked for noncompliance with the terms thereof or of the regulations in this subchapter, for nonuse, or for violation of any law, regulation, or order applicable to the area, or for violation of any State or Federal wildlife conservation law; and it is at all times subject to discretionary revocation.

§ 27.3 Impoundment of abandoned property.

Any property abandoned or left unattended without authority on any wildlife refuge area for a period in excess of 72 hours is subject to removal. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 484m) and regulations issued thereunder. Former owners may apply within 3 years for reimbursement for such property, subject to disposal and storage costs and similar expenses, upon sufficient proof of ownership.

§ 27.4 Impounding of domestic animals.

(a) Any animal trespassing on the lands of any wildlife refuge area may be impounded and disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served in person with written receipt obtained or delivery by certified mail with return receipt requested. In the event of his failure to remove the impounded animal within five (5) days from receipt of such notice, it will be sold or otherwise disposed of as prescribed in this section.

(c) If the owner is unknown, no disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date a legal notice of the impounding has been posted at the county courthouse and in a newspaper of general circulation in the county in which the trespass took place.

(d) The notice shall state when and where the animal was impounded and shall describe it by brand or earmark, or distinguishing marks or by other reasonable identification. The notice shall specify the time and place the animal will be offered at public sale to the highest bidder, in the event it is not claimed or redeemed. The notice shall reserve the right of the official conducting the sale to reject any and all bids so received.

(e) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, impounding, advertising, care, forage and damage claims.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is an amount less than the claim of the United States, the animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States by order of the Secretary. Upon the sale of any animal in accordance with this section, the buyer shall be issued a certificate of sale.

(g) In determining the claim of the Government in all livestock trespass cases on wildlife refuge areas, the value of forage consumed shall be computed at the commercial unit rate prevailing in the locality for that class of livestock. In addition, the claim shall include damages to wildlife refuge area property injured or destroyed, and all the related expenses incurred in impounding, caring for and disposing of the animal. The salary of Bureau employees for the time spent in and about the investigations, reports, and settlement or prosecution of the case shall be pro rated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the Bureau of Sport Fisheries and Wildlife.

§ 27.5 Control of dogs and cats.

Dogs or cats running at large on a wildlife refuge area or found in the act of pursuing or molesting wildlife may be impounded pursuant to the provisions of § 27.4 or if necessary may be killed to protect wildlife.

§ 27.6 Traffic violations: penalties.

Persons on a wildlife refuge area violating Federal or State traffic laws or regulations may be required to remove themselves from the area. Such offenders may further be subject to the penalty provisions of § 27.10.

§ 27.7 Boating violations: penalties.

Persons on a wildlife refuge area violating Federal or State boating laws or regulations may be required to remove themselves from the area. Such offenders may further be subject to the penalty provisions of § 27.10.

§ 27.8 Fires.

Any person violating sections 1855–1856 of the Criminal Code (18 U.S.C. 1855–1856) as they pertain to fires on wildlife refuge area lands of the United States shall be subject to civil action and to the penalty provisions of the law.

§ 27.9 Timber trespass.

Any person violating sections 1852–1853 of the Criminal Code (18 U.S.C. 1852–1853) as they pertain to timber on wildlife refuge area lands of the United States shall be subject to civil action and to the penalty provisions of the law.

§ 27.10 Penalties.

Failure of any person, utilizing the resources of any wildlife refuge area or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this subchapter or to comply with any applicable provisions of Federal or State law may render such person liable to:

(a) The penalties as prescribed by law.

(b) Invalidation of permission to enter or be upon the area.

(c) Denial of future privileges on wildlife refuge areas.

PART 28—PUBLIC ACCESS AND USE

Sec.
28.1 Access to areas.
28.2 Access to headquarters.
28.3 Access when escorted.
28.4 Access for economic use privileges.
28.5 Recreational use.
28.6 Emergency shelter.
28.7 Use of roads and trails.
28.8 Operation of vehicles.
28.9 Recreational activities.
28.10 Operation of boats.
28.11 Water skiing.
28.12 Firearms.
28.13 Fires.
28.14 Scientific study.
28.15 Scientific specimens.
28.16 Archeological study.
28.17 Public safety.
28.18 Public sanitation.
28.19 Reporting of accidents.
28.20 Lost and found articles.

AUTHORITY: §§ 28.1 to 28.20 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 315a.

§ 28.1 Access to areas.

Entry to any wildlife refuge area shall be only under appropriate permit issued for the purpose, unless otherwise provided in this subchapter.

§ 28.2 Access to headquarters.

The headquarters office of any wildlife refuge area shall be open to public access and admission during regularly established hours of business.

§ 28.3 Access when escorted.

A permit is not required for access to any part of a wildlife refuge area by a person when accompanied by the officer in charge.

§ 28.4 Access for economic use privileges.

Access to and travel upon wildlife refuge areas by persons granted economic use privileges on wildlife refuge areas shall be in strict accordance with the provisions of their agreement, lease, or permit.

§ 28.5 Recreational use.

A permit is not required for entry and temporary use for recreational or other appropriate purposes of a campsite or other area specifically designated for the use of the public under such conditions as may be prescribed.

§ 28.6 Emergency shelter.

A permit is not required for access to any wildlife refuge area for temporary shelter or temporary protection in the event of emergency conditions.

§ 28.7 Use of roads and trails.

Entrance to, travel on, and exit from any wildlife refuge area is permitted on such roads, trails, footpaths, walkways, or other routes as are posted or otherwise designated for public use.

§ 28.8 Operation of vehicles.

Vehicles may operate within wildlife refuge areas, subject to the following operating requirements:

(a) The vehicles shall be mechanically safe and shall be operated in a safe and proper manner so as not to endanger life and property.

(b) The operation of vehicles within a wildlife refuge area shall conform to the laws of the State in which the area is located governing the operation of such vehicles except where further restricted by or under the provisions of this subchapter.

(c) No person shall operate any vehicle while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(d) Drivers of all vehicles operated within a wildlife refuge area shall comply with the directions of all official traffic signs posted on the area and with the directions of authorized Federal or State personnel.

(e) The speed of any vehicle being operated within a wildlife refuge area shall be kept within such limits as may be necessary to avoid accidents, or injury to wild animals or birds within the area. Vehicle speed limits are thirty-five miles an hour except where otherwise posted.

(f) Load and weight limitations, as may be necessary, shall be those prescribed and posted from time to time. Such limitations shall be complied with by the operators of all vehicles using the roads of the areas. Schedules showing load and weight limitations for the different roads within the areas are available at the wildlife refuge area headquarters.

(g) The parking or leaving unattended of any vehicle on any wildlife refuge area, or upon public roads where title to the land is vested in the United States, shall be limited to those places posted for that purpose.

§ 28.9 Recreational activities.

Picnicking, baseball, skating, camping, bathing, and similar activities may be conducted on such areas and under such conditions as are designated by posting.

§ 28.10 Operation of boats.

The use of boats may be permitted in accordance with public recreation, hunting and fishing programs on wildlife refuge areas. When the use of boats is permitted, the following operational requirements and limitations shall apply:

(a) A permit may be required before any boat is placed in or allowed to operate upon the waters of any wildlife refuge area.

(b) All boats operated on wildlife refuge area waters shall conform with the provisions of applicable Federal, State, and local laws and regulations, the provisions of this subchapter and the terms and conditions of boat and motor specifications and operation as posted or otherwise designated.

(c) No person shall operate any boat in a manner which shall unreasonably interfere with other boats or with the free and proper navigation of the waterways of the areas. Anchoring of boats in heavily traveled channels in main thoroughfares, or in any other place where they may constitute a hazard is prohibited.

(d) Government-owned docks, piers, and floats shall not be used for loading and unloading of boats, except in emergencies or unless specifically authorized.

(e) No person shall operate a boat so as to endanger the life or safety of any person.

(f) Boats shall be operated only at speeds which will permit the operator to exercise full control of the boat and to decrease speed or stop as may be necessary to avoid collision.

(g) No boat, except sailboats, shall be operated with any person riding or sitting on the gunwales or on the decking over the bow.

(h) No person shall operate any boat while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

§ 28.11 Water skiing.

(a) Water skiing, where authorized in a wildlife refuge area, is permitted only during daylight hours and on those waters of the area appropriately posted or otherwise designated.

(b) There must be two competent persons in the boat, with one acting as observer when a skier is in "tow."

(c) The direction of a tow boat when circling shall be counterclockwise.

(d) Skiers must wear lifejackets of a type that will support an unconscious person in water.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, within 100 feet of any person swimming outside a designated swimming area, and in any areas designated by posting or otherwise as closed to water skiing.

§ 28.12 Firearms.

The following persons may possess, use, or transport firearms on wildlife refuge areas in accordance with Federal and State law:

(a) Persons authorized to take specimens of wildlife for scientific purposes on any area when the use of firearms is necessary for such purposes.

(b) Persons authorized by special permit to possess or use firearms on areas for the protection of property, for field trials, and for other special purposes.

(c) Persons carrying unloaded firearms that are dismantled or cased over regularly established routes of travel.

(d) Persons commercially transporting weapons and explosives in accordance with State or Federal laws and regulations.

(e) Persons using firearms for public hunting under the provisions of Part 32 of this chapter.

§ 28.13 Fires.

The use of fires on wildlife refuge areas may be permitted in accordance with State or local law and approved recreational and management rules and procedures posted on wildlife refuge areas or as authorized in permits.

§ 28.14 Scientific study.

The use of wildlife refuge areas for scientific study is encouraged. Permits may be obtained without charge for entry onto refuge areas for scientific study and for similar purposes.

§ 28.15 Scientific specimens.

The collection of specimens of plant and animal life by recognized scientific institutions and Government agencies may be authorized under special permit.

§ 28.16 Archeological study.

Permits may be granted for archeological studies on wildlife refuge areas in accordance with the provisions of 43 CFR, Part 3.

§ 28.17 Public safety.

Persons using wildlife refuge areas shall comply with the safety regulations posted for each individual area, and with any safety clauses which may be included in use permits.

§ 28.18 Public sanitation.

Any person using a wildlife refuge area shall comply with the sanitary regulations posted for areas and with the sanitation clauses which may be included in permits.

§ 28.19 Reporting of accidents.

(a) Any accident of whatever nature occurring within the boundaries of any wildlife refuge area shall be reported as soon as possible by the persons involved, to the officer in charge, or other Federal personnel on duty at the wildlife refuge area headquarters.

(b) No motor vehicle involved in an accident shall be moved until an investigating officer arrives at the scene, unless it constitutes a traffic or safety hazard.

§ 28.20 Lost and found articles.

Lost articles or money found on a wildlife refuge area shall be turned in immediately to the nearest refuge office.

PART 29—LAND USE MANAGEMENT

Subpart A—General Rules
Sec.
29.1 Use of natural resources.
29.2 Cooperative land management.
29.3 Nonconforming uses.
29.4 Facilitating services.
29.5 Fees.

Subpart B—Rights-of-Way
29.21 Rights-of-way.
29.22 Fees.

Subpart C—Mineral Operations
29.31 Mineral ownerships in the United States.
29.32 Mineral rights reserved and excepted.

AUTHORITY: §§ 29.1 to 29.32 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715l, 664; 43 U.S.C. 315a.

Subpart A—General Rules

§ 29.1 Use of natural resources.

Public or private economic use of the natural resources of any wildlife refuge area may be authorized in accordance with section 401 of the Act of June 15, 1935 (49 Stat. 383, 16 U.S.C., sec. 715s), where the use may contribute to or is related to the administration of the area. Economic use shall be authorized by appropriate permit only when the authorized activity on a wildlife refuge area will not be incompatible with the purposes for which the refuge was established. Persons exercising economic privileges on refuge areas will be subject to the applicable provisions of this subchapter and of other applicable laws and regulations governing wildlife refuge areas. Permits for economic use will contain such terms and conditions as are determined to be necessary for the proper administration of the resources. Economic use in this section includes but is not limited to grazing livestock; harvesting hay and stock feed; removing timber, firewood or other natural products of the soil; removing shell, sand or gravel; cultivating areas; or engaging in operations that facilitate approved programs on wildlife refuge areas.

§ 29.2 Cooperative land management.

Cooperative agreements with persons for crop cultivation, haying, grazing, or the harvest of vegetative products, including plant life, growing with or without cultivation on wildlife refuge areas may be executed on a share-in-kind basis when such agreements are in aid of or benefit to the wildlife management of the area.

§ 29.3 Nonconforming uses.

Uses of wildlife refuge area lands that make no contribution to the primary objective of the program for any individual area or are in no way related to that objective are classed as nonconforming uses. Permission for such uses will be granted only when it is in the public interest to do so.

§ 29.4 Facilitating services.

Accommodations for the public may be provided through permit or contract with individual or public or private agencies on wildlife refuge areas that are open to public use. When required to facilitate the recreational enjoyment of the public, such contracts or permits may be executed where:

(a) There is a demonstrated need to facilitate hunting, fishing, and outdoor recreation, and

(b) Isolation and heavily concentrated public use demonstrates a genuine necessity for such things as lodging, boat rentals, food, drink, bait, and other services, and

(c) Facilities and services can be made available to the public without undue interference with the primary objectives for which the specific areas were established.

§ 29.5 Fees.

Fees and charges for the grant of privileges on wildlife refuge areas and for the sale of products taken therefrom, where not otherwise prescribed by law or regulation, shall be set at a rate commensurate with fees and charges for similar privileges and products made by private land owners in the vicinity or in accordance with their local value. Fees or rates of charge for products and privileges may be based either on a monetary exchange or on a share in kind of the resource or product.

Subpart B—Rights-of-Way

§ 29.21 Rights-of-way.

(a) Rights-of-way for various purposes on wildlife refuge areas are the subject of various Federal statutes and regulations, including provisions contained in 43 CFR Part 244. Rights-of-way on wildlife refuge lands may also be granted by revocable permit where such rights-of-way will not interfere with the operation of the refuge and are deemed to be in the public interest.

(b) Permits for rights-of-way shall require of the permittee that in the exercise of his privilege he will comply with all applicable Federal laws and regulations and that he will not interfere with the development, maintenance, or management of the refuge. In addition, the permit may contain such special terms and conditions, not inconsistent with law or with other applicable regulations, as may be deemed necessary by the Bureau or the Bureau of Land Management.

§ 29.22 Fees.

(a) Charges for rights-of-way on wildlife refuge areas, where not prescribed by law or by other regulations of the Department, shall be set at a rate commensurate with charges made for similar rights-of-way privileges by private landowners in the vicinity.

(b) Payment of fees may be either on an annual rental basis or by lump sum payments covering specified periods.

Subpart C—Mineral Operations

§ 29.31 Mineral ownerships in the United States.

Where mineral rights to lands in wildlife refuge areas are vested in the United States, the provisions of 43 CFR 191.6 and 192.9 govern.

§ 29.32 Mineral rights reserved and excepted.

Persons holding mineral rights in wildlife refuge lands by reservation in the conveyance to the United States and persons holding mineral rights in such lands which rights vested prior to the acquisition of the lands by the United States shall, to the greatest extent practicable, conduct all exploration, development, and production operations in such a manner as to prevent damage, erosion, pollution, or contamination to the lands, waters, facilities, and vegetation of the area. So far as is practicable, such operations must also be conducted without interference with the operation of the refuge or disturbance to the wildlife thereon. Physical occupancy of the area must be kept to the minimum space compatible with the conduct of efficient mineral operations. Persons conducting mineral operations on refuge areas must comply with all applicable Federal and State laws and regulations for the protection of wildlife and the administration of the area. Oil field brine, slag, and all other waste and contaminating substances must be kept in the smallest

practicable area, must be confined so as to prevent escape as a result of rains and high water or otherwise, and must be removed from the area as quickly as practicable in such a manner as to prevent contamination, pollution, damage, or injury to the lands, waters, facilities, or vegetation of the refuge or to wildlife. Structures and equipment must be removed from the area when the need for them has ended. Upon the cessation of operations the area shall be restored as nearly as possible to its condition prior to the commencement of operations. Nothing in this section shall be applied so as to contravene or nullify rights vested in holders of mineral interests on refuge lands.

PART 30—RANGE AND FERAL ANIMAL MANAGEMENT

Subpart A—Range Animals

Sec.
30.1 Surplus range animals.
30.2 Disposition of surplus range animals.

Subpart B—Feral Animals

30.11 Control of feral animals.
30.12 Disposition of feral animals.

AUTHORITY: §§ 30.1 to 30.12 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

Subpart A—Range Animals

§ 30.1 Surplus range animals.

Range animals on fenced wildlife refuge areas, including buffalo, elk, and longhorn cattle, determined to be surplus to the needs of the conservation program may be planned and scheduled for disposal.

§ 30.2 Disposition of surplus range animals.

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of emergency conditions affecting the animals or their range. Surplus range animals may be disposed of subject to State and Federal health laws and regulations and to the following:

(a) Live animals may be:
(1) Sold on the open market.
(2) Donated to public agencies or institutions that are entirely tax supported, for scientific, exhibition, or propagation purposes.
(b) Butchered, dressed and processed animals shall be sold on the open market.

Subpart B—Feral Animals

§ 30.11 Control of feral animals.

(a) Feral animals, including horses, burros, cattle, swine, sheep, goats, reindeer, dogs, and cats, without ownership that have reverted to the wild from a domestic state may be taken by authorized Federal or State personnel or by private persons operating under permit in accordance with applicable provisions of Federal or State law or regulation.

§ 30.12 Disposition of feral animals.

Feral animals taken on wildlife refuge areas may be disposed of by sale on the open market, gift or loan to public or private institutions for exhibition or propagation, and as otherwise provided in section 401 of the Act of June 15, 1935 (49 Stat. 383, 16 U.S.C. 715s).

PART 31—WILDLIFE SPECIES MANAGEMENT

Subpart A—Surplus Wildlife

Sec.
31.1 Determination of surplus wildlife populations.
31.2 Methods of surplus wildlife population control and disposal.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

31.11 Donation and loan of wildlife specimens.
31.12 Sale of wildlife specimens.
31.13 Commercial harvest of fishery resources.
31.14 Official animal control operations.
31.15 Public hunting and fishing programs.
31.16 Trapping programs.
31.17 Disposal of furs and pelts.

AUTHORITY: §§ 31.1 to 31.17 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 664, 718(b); 43 U.S.C. 315a.

Subpart A—Surplus Wildlife

§ 31.1 Determination of surplus wildlife populations.

The populations and requirements of wildlife species on wildlife refuge areas shall be determined by population census, habitat evaluation, and other means of ecological study.

§ 31.2 Methods of surplus wildlife population control and disposal.

Upon a determination that wildlife are surplus to a balanced conservation program on any wildlife refuge area, the surplus may be reduced or utilized in accordance with Federal and State law and regulation by:

(a) Donation or loan to public agencies and institutions.
(b) Sale to public or private agencies and institutions.
(c) Commercial harvest of fishery resources.
(d) Official wildlife control operations.
(e) Public hunting or fishing.
(f) Trapping.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

§ 31.11 Donation and loan of wildlife specimens.

Wildlife specimens may be donated or loaned to public institutions for purposes of propagation or exhibit. All costs incurred shall be charged to the recipient. Donation or loans of resident species of wildlife will not be made unless the recipient has secured the approval of the State.

§ 31.12 Sale of wildlife specimens.

Surplus wildlife specimens may be sold alive or butchered, dressed and processed subject to Federal and State laws and regulations and the provisions of this part.

§ 31.13 Commercial harvest of fishery resources.

Fishery resources of commercial importance on wildlife refuge areas may be taken under permit in accordance with Federal and State law and regulation.

§ 31.14 Official animal control operations.

(a) Animal species which are surplus or detrimental to the management program of a wildlife refuge area may be taken in accordance with Federal and State laws and regulations by Federal or State personnel or by permit issued to private individuals.

(b) Animal species which are damaging or destroying Federal property within a wildlife refuge area may be taken or destroyed by Federal personnel.

§ 31.15 Public hunting and fishing programs.

The privilege of hunting and fishing may be extended to the general public under the provisions of regulations cited in Parts 32 and 33 of this subchapter.

§ 31.16 Trapping programs.

Persons trapping animals on wildlife refuge areas where trapping has been authorized shall secure and comply with the provisions of a Federal permit issued for that purpose. This permit shall specify the terms and conditions of trapping activity and the rates of charge or the division of pelts, hides, and carcasses. The permittee also shall possess the required State license or permit and shall comply with the provisions of State laws and regulations.

§ 31.17 Disposal of furs and pelts.

The disposition of animals and the pelts or carcasses thereof accruing to the United States through the trapping programs shall be sold by public auction or on the open market unless required for official purposes.

PART 32—HUNTING

Subpart A—General Provisions

Sec.
32.1 Opening of wildlife refuge areas to hunting.
32.2 General provisions.
32.3 Procedure for publication of special regulations.

Subpart B—Migratory Game Bird Hunting

32.11 List of open areas; migratory game birds.
32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Subpart C—Resident Game Hunting

32.21 List of open areas; upland game.
32.22 Special regulations; upland game; for individual wildlife refuge areas.
32.31 List of open areas; big game.
32.32 Special regulations; big game; for individual wildlife refuge areas.

AUTHORITY: §§ 32.1 to 32.32 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

Subpart A—General Provisions

§ 32.1 Opening of wildlife refuge areas to hunting.

The opening of a wildlife refuge area to hunting will be dependent upon the provisions of law applicable to the area and upon a determination by the Secretary that the opening of the area to the hunting of migratory game birds, upland game, or big game will be compatible with the principles of sound wildlife management and will otherwise be in the public interest. The opening or closing of wildlife refuge areas to hunting shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011). Lands acquired pursuant to the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695) will be opened to hunting only after it has been determined that the major portion of the crops in the vicinity of the area involved have been harvested, that the period of susceptibility of such crops to wildfowl depredation has passed, or that the possibility of these crops being damaged by waterfowl is minor.

§ 32.2 General provisions.

The following provisions shall apply to each person while engaged in public hunting on a wildlife refuge area:

(a) Each person shall secure and possess the required State license.
(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.
(c) Each person shall comply with the applicable provisions of Federal law and regulations including this subchapter and the current Federal Migratory Bird Regulations.
(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless further restricted by Federal law or regulation.
(e) Each person shall comply with the terms and conditions authorizing access or use of the wildlife refuge areas.
(f) Each person shall comply with the provisions of any special regulations governing hunting on the wildlife refuge area. Such special regulations will be published in the FEDERAL REGISTER and will be available at the headquarters of the wildlife refuge area to which they relate. The special regulations in effect may be had upon request to the Director. A reference to special regulations governing hunting on wildlife refuge areas will be made in §§ 32.12, 32.22, and 32.32, but these special regulations will not be set forth in their entirety in the Code of Federal Regulations.

§ 32.3 Procedure for publication of special regulations.

(a) Special hunting regulations are issued only after determination and publication of the opening of an area to hunting for migratory game birds, upland game, or big-game animals.

(b) Special hunting regulations are issued only after the announcement of applicable annual State and Federal hunting regulations.

(c) Special hunting regulations may contain the following items:
(1) Wildlife species which may be hunted.
(2) Seasons.
(3) Bag limits.
(4) Methods of hunting.
(5) Description of areas open to hunting.
(6) Other provisions as required.

(d) Special hunting regulations will not liberalize existing State laws or regulations.

(e) Special regulations are limited to one season and are issued annually and are effective upon publication in the FEDERAL REGISTER or in as many days thereafter as it is practical to allow under the particular circumstances.

(f) Special regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.

(g) Special regulations are published in the daily issue of the FEDERAL REGISTER but are not codified in the Code of Federal Regulations.

(h) Special regulations may be amended as needed to meet management responsibility due to unpredictable seasonal variation in wildlife population, habitat conditions, and other changeable factors.

Subpart B—Migratory Game Bird Hunting

§ 32.11 List of open areas; migratory game birds.

The hunting of migratory game birds is authorized on the following wildlife refuge areas in accordance with the provisions of Subpart A of this part and § 32.12.

ALASKA
Aleutian Islands National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.
Nunivak National Wildlife Refuge.

ARIZONA
Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.

CALIFORNIA
Colusa National Wildlife Refuge.
Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.
Lower Klamath National Wildlife Refuge.
Merced National Wildlife Management Area.
Salton Sea National Wildlife Refuge.
Sutter National Wildlife Refuge.
Tule Lake National Wildlife Refuge.

COLORADO
Monte Vista National Wildlife Refuge.

FLORIDA
Chassahowitzka National Wildlife Refuge.
Loxahatchee National Wildlife Management Area.

IDAHO
Deer Flat National Wildlife Refuge.
Snake River National Wildlife Refuge.

ILLINOIS
Chautauqua National Wildlife Refuge.
Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KANSAS
Kirwin National Wildlife Management Area.

MINNESOTA
Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI
Yazoo Migratory Waterfowl Refuge.

MISSOURI
Mark Twain National Wildlife Refuge.
Swan Lake National Wildlife Refuge.

MONTANA
Bowdoin National Wildlife Refuge.
Fort Peck Game Range.
Medicine Lake National Wildlife Refuge.
Red Rock Lakes Migratory Waterfowl Refuge.

NEVADA
Fallon National Wildlife Refuge.
Ruby Lake National Wildlife Refuge.
Stillwater Wildlife Management Area.

NEW JERSEY
Brigantine National Wildlife Refuge.

NEW MEXICO
Bitter Lake National Wildlife Refuge.

NORTH CAROLINA
Mattamuskeet National Wildlife Refuge.

NORTH DAKOTA
Lower Souris National Wildlife Refuge.

OKLAHOMA
Tishomingo National Wildlife Refuge.

OREGON
Lower Klamath National Wildlife Refuge.
Malheur National Wildlife Refuge.
Upper Klamath National Wildlife Refuge.

SOUTH DAKOTA
Lacreek National Wildlife Refuge.

UTAH
Bear River Migratory Bird Refuge.
Fish Springs National Wildlife Refuge.

VERMONT
Missisquoi National Wildlife Refuge.

WASHINGTON
Columbia National Wildlife Refuge.
Willapa National Wildlife Refuge.

WISCONSIN
Horicon National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

(Regulations under this section will be published periodically in the FEDERAL REGISTER.)

Subpart C—Resident Game Hunting

§ 32.21 List of open areas; upland game.

The hunting of upland game is authorized on the following wildlife refuge areas in accordance with the provisions of Subpart A of this part and § 32.22.

ALABAMA
Wheeler National Wildlife Refuge.

ALASKA

Aleutian Islands National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.
Nunivak National Wildlife Refuge.

ARKANSAS

Big Lake National Wildlife Refuge.
White River National Wildlife Refuge.

CALIFORNIA

Colusa National Wildlife Refuge.
Lower Klamath National Wildlife Refuge.
Merced National Wildlife Management Area.
Sutter National Wildlife Refuge.
Tule Lake National Wildlife Refuge.

COLORADO

Monte Vista National Wildlife Refuge.

FLORIDA

St. Marks National Wildlife Refuge.

GEORGIA

Blackbeard Island National Wildlife Refuge.
Piedmont National Wildlife Refuge.

IDAHO

Deer Flat National Wildlife Refuge.
Snake River National Wildlife Refuge.

ILLINOIS

Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA

Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KANSAS

Kirwin National Wildlife Management Area.

KENTUCKY

Kentucky Woodlands National Wildlife Refuge.

MICHIGAN

Seney National Wildlife Refuge.

MINNESOTA

Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Noxubee National Wildlife Refuge.
Yazoo Migratory Waterfowl Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.

MONTANA

Fort Peck Game Range.

NEVADA

Fallon National Wildlife Refuge.
Sheldon National Antelope Range.
Stillwater Wildlife Management Area.

NEW MEXICO

Bitter Lake National Wildlife Refuge.

OKLAHOMA

Tishomingo National Wildlife Refuge.

OREGON

Lower Klamath National Wildlife Refuge.
McKay Creek National Wildlife Refuge.
Sheldon National Antelope Range.

SOUTH CAROLINA

Cape Romain National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.

TENNESSEE

Reelfoot National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Willapa National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

(Regulations under this section will be published periodically in the FEDERAL REGISTER.)

§ 32.31 List of open areas; big game.

The hunting of big-game is authorized on the following wildlife refuge areas in accordance with the provisions of Subpart A of this part and § 32.32.

ALASKA

Aleutian Islands National Wildlife Refuge.
Bering Sea National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.

ARIZONA

Kofa Game Range.

ARKANSAS

White River National Wildlife Refuge.

DELAWARE

Bombay Hook National Wildlife Refuge.

FLORIDA

St. Marks National Wildlife Refuge.

GEORGIA

Blackbeard Island National Wildlife Refuge.
Piedmont National Wildlife Refuge.

IDAHO

Camas National Wildlife Refuge.
Deer Flat National Wildlife Refuge.

ILLINOIS

Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA

DeSoto National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KENTUCKY

Kentucky Woodlands National Wildlife Refuge.

MAINE

Moosehorn National Wildlife Refuge.

MASSACHUSETTS

Parker River National Wildlife Refuge.

MICHIGAN

Seney National Wildlife Refuge.

MINNESOTA

Mud Lake National Wildlife Refuge.
Rice Lake National Wildlife Refuge.
Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Noxubee National Wildlife Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.

MONTANA

Fort Peck Game Range.
Medicine Lake National Wildlife Refuge.
Red Rock Lakes Migratory Waterfowl Refuge.

NEBRASKA

De Soto National Wildlife Refuge.

NEVADA

Desert Game Range.
Fallon National Wildlife Refuge.
Sheldon National Antelope Range.
Stillwater Wildlife Management Area.

NEW MEXICO

San Andres National Wildlife Refuge.

NEW YORK

Montezuma National Wildlife Refuge.

NORTH DAKOTA

Arrowwood National Wildlife Refuge.
Des Lacs National Wildlife Refuge.
Long Lake National Wildlife Refuge.
Lostwood National Wildlife Refuge.
Lower Souris National Wildlife Refuge.
Slade National Wildlife Refuge.
Snake Creek National Wildlife Refuge.
Tewaukon National Wildlife Refuge.
Upper Souris National Wildlife Refuge.

OREGON

Hart Mountain National Antelope Range.
Malheur National Wildlife Refuge.
Sheldon National Antelope Range.

SOUTH CAROLINA

Cape Romain National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.
Sand Lake National Wildlife Refuge.
Waubay National Wildlife Refuge.

VERMONT

Missisquoi National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Little Pend Oreille National Wildlife Refuge.
Willapa National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Necedah National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

WYOMING

Pathfinder National Wildlife Refuge.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

(Regulations under this section will be published periodically in the FEDERAL REGISTER.)

PART 33—SPORT FISHING

Sec.
33.1 Public fishing authorization.
33.2 General regulations.
33.3 Procedure for publication of special regulations.
33.4 List of open areas; sport fishing.
33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

AUTHORITY: §§ 33.1 to 33.5 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664; 43 U.S.C. 315a.

§ 33.1 Public fishing authorization.

Wildlife refuge areas are opened to sport fishing except when a determination has been made that such activity is detrimental to the objectives for which the area was established. The opening or closing of wildlife refuge areas to sport fishing shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011).

§ 33.2 General regulations.

The following provisions shall apply to each person while engaged in public sport fishing on a wildlife refuge area:

(a) Each person shall secure and possess the required State license.

(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.

(d) Each person shall comply with the terms and conditions authorizing access and use of the wildlife refuge area.

(e) Each person shall comply with the provisions of any special regulations governing fishing on the wildlife refuge area. Such special regulations will be published in the FEDERAL REGISTER and will be available at the headquarters of the wildlife refuge area to which they relate. The special regulations in effect may be had upon request to the Director. A reference to special regulations governing fishing on wildlife refuge areas will be made in § 33.5, but these special regulations will not be set forth in their entirety in the Code of Federal Regulations.

§ 33.3 Procedure for publication of special regulations.

(a) Special fishing regulations are issued only after determination and publication of the opening of an area to fishing.

(b) Special fishing regulations are issued only after the announcement of the applicable annual State fishing regulations.

(c) Special fishing regulations may contain the following items:

(1) Species of fish which may be taken.
(2) Seasons.
(3) Creel limits.
(4) Methods of fishing.
(5) Description of areas open to fishing.
(6) Other provisions as required.

(d) Special fishing regulations will not liberalize existing State laws or regulations.

(e) Special regulations are limited to one season and are issued annually and are effective upon publication in the FEDERAL REGISTER or in as many days thereafter as it is practical to allow under the particular circumstances.

(f) Special regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.

(g) Special regulations are published in the daily issue of the FEDERAL REGISTER but are not codified in the Code of Federal Regulations.

(h) Special regulations may be amended as needed to meet management responsibility due to unpredictable seasonal variation in wildlife population, habitat conditions, and other changeable factors.

§ 33.4 List of open areas; sport fishing.

Sport fishing is authorized on the following wildlife refuge areas in accordance with the provisions of §§ 33.1, 33.2, and 33.5.

ALASKA

Aleutian Islands National Wildlife Refuge.
Bering Sea National Wildlife Refuge.
Kenai National Moose Range.
Kodiak National Wildlife Refuge.
Nunivak National Wildlife Refuge.

ARIZONA

Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.

ARKANSAS

Big Lake National Wildlife Refuge.
White River National Wildlife Refuge.

CALIFORNIA

Colusa National Wildlife Refuge.
Havasu Lake National Wildlife Refuge.
Imperial National Wildlife Refuge.

COLORADO

Monte Vista National Wildlife Refuge.

FLORIDA

Loxahatchee National Wildlife Management Area.
St. Marks National Wildlife Refuge.

GEORGIA

Blackbeard Island National Wildlife Refuge.
Okefenokee National Wildlife Refuge.
Piedmont National Wildlife Refuge.
Savannah National Wildlife Refuge.

IDAHO

Deer Flat National Wildlife Refuge.
Minidoka National Wildlife Refuge.

ILLINOIS

Chautauqua National Wildlife Refuge.
Crab Orchard National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

IOWA

De Soto National Wildlife Refuge.
Mark Twain National Wildlife Refuge.
Union Slough National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

KANSAS

Kirwin National Wildlife Management Area.

KENTUCKY

Kentucky Woodlands National Wildlife Refuge.

LOUISIANA

Lacassine National Wildlife Refuge.
Sabine National Wildlife Refuge.

MAINE

Moosehorn National Wildlife Refuge.

MARYLAND

Chincoteague National Wildlife Refuge.

MICHIGAN

Seney National Wildlife Refuge.

MINNESOTA

Rice Lake National Wildlife Refuge.
Tamarac National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

MISSISSIPPI

Noxubee National Wildlife Refuge.
Yazoo Migratory Waterfowl Refuge.

MISSOURI

Mark Twain National Wildlife Refuge.
Mingo National Wildlife Refuge.
Squaw Creek National Wildlife Refuge.
Swan Lake National Wildlife Refuge.

MONTANA

Fort Peck Game Range.
Medicine Lake National Wildlife Refuge.
Nine-Pipe National Wildlife Refuge.
Pablo National Wildlife Refuge.
Pishkun National Wildlife Refuge.
Red Rock Lakes Migratory Waterfowl Refuge.
Willow Creek National Wildlife Refuge.

NEBRASKA

Crescent Lake National Wildlife Refuge.
De Soto National Wildlife Refuge.
North Platte National Wildlife Refuge.
Valentine National Wildlife Refuge.

NEVADA

Desert Game Range.
Ruby Lake National Wildlife Refuge.
Sheldon National Antelope Range.
Stillwater National Wildlife Refuge.

NEW MEXICO

Bitter Lake National Wildlife Refuge.
Bosque Del Apache National Wildlife Refuge.

NORTH CAROLINA

Mattamuskeet National Wildlife Refuge.

NORTH DAKOTA

Arrowwood National Wildlife Refuge.
Des Lacs National Wildlife Refuge.
Lake Ilo National Wildlife Refuge.
Long Lake National Wildlife Refuge.
Lower Souris National Wildlife Refuge.
Tewaukon National Wildlife Refuge.
Upper Souris National Wildlife Refuge.

OKLAHOMA

Salt Plains National Wildlife Refuge.
Tishomingo National Wildlife Refuge.
Wichita Mountains Wildlife Refuge.

OREGON

Cold Springs National Wildlife Refuge.
Hart Mountain National Antelope Range.
Malheur National Wildlife Refuge.
McKay Creek National Wildlife Refuge.
Sheldon National Antelope Range.
Upper Klamath National Wildlife Refuge.

SOUTH CAROLINA

Cape Romain National Wildlife Refuge.
Carolina Sandhills National Wildlife Refuge.
Santee National Wildlife Refuge.
Savannah National Wildlife Refuge.

SOUTH DAKOTA

Lacreek National Wildlife Refuge.
Sand Lake National Wildlife Refuge.
Waybay National Wildlife Refuge.

TENNESSEE

Lake Isom National Wildlife Refuge.
Reelfoot National Wildlife Refuge.

TEXAS

Buffalo Lakes National Wildlife Refuge.
Hagerman National Wildlife Refuge.
Muleshoe National Wildlife Refuge.

UTAH

Bear River Migratory Bird Refuge.

VIRGINIA

Chincoteague National Wildlife Refuge.

WASHINGTON

Columbia National Wildlife Refuge.
Little Pend Oreille National Wildlife Refuge
McNary National Wildlife Refuge.

WISCONSIN

Horicon National Wildlife Refuge.
Necedah National Wildlife Refuge.
Upper Mississippi River Wild Life and Fish Refuge.

WYOMING

National Elk Refuge.
Pathfinder National Wildlife Refuge.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

(Regulations under this section will be published periodically in the FEDERAL REGISTER.)

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Sec.
60.1 Public use policy.
60.2 Emergency closure.
60.3 Restricted or prohibited acts.
60.4 Enforcement provisions.
60.5 Public access and use.
60.6 Land use management.
60.7 Range and feral animal management.
60.8 Wildlife species management.
60.9 Public hunting in aid of research.
60.10 Public sport fishing in aid of research.

AUTHORITY: §§ 60.1 to 60.10 issued under sec. 10, 45 Stat. 1224, as amended; 16 U.S.C. 715i.

§ 60.1 Public use policy.

The primary purpose of the Patuxent Wildlife Research Center is to provide an outdoor laboratory and other facilities for conducting investigations, tests, and experiments on wildlife diseases, populations, and habitat as a means of providing a sound basis for the administration and management of wildlife resources. In general, public uses of the research center are restricted to those which will contribute to the projects being conducted thereon. Public hunting, fishing, trapping, and recreational activities not provided for in §§ 60.9 and 60.10, are considered to be detrimental to the fulfillment of the objectives of the center.

§ 60.2 Emergency closure.

All or any part of the Patuxent Wildlife Research Center may be closed to public access and use in the event of an emergency endangering life or property.

§ 60.3 Restricted or prohibited acts.

The restricted or prohibited acts enumerated in Part 26 of this chapter are equally applicable to the Patuxent Wildlife Research Center with the exception of §§ 26.5 and 26.6 of this chapter, relating to hunting and fishing, which are treated separately in this part.

§ 60.4 Enforcement provisions.

The enforcement provisions set forth in Part 27 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.5 Public access and use.

The public access and use provisions set forth in Part 28 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.6 Land use management.

The land use management provisions set forth in Part 29 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.7 Range and feral animal management.

The range and feral animal management provisions set forth in Part 30 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.8 Wildlife species management.

The wildlife species management provisions set forth in Part 31 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.9 Public hunting in aid of research.

The research center may be opened to public hunting, under such conditions and restrictions as may be required, when public hunting activities will facilitate the collection of reliable data for investigations, tests, or experiments. The hunting provisions set forth in Part 32 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

§ 60.10 Public sport fishing in aid of research.

The research center may be opened to public sport fishing, under such conditions and restrictions as may be required, when public sport fishing activities will facilitate the collection of reliable data for investigations, tests, or experiments. The sport fishing provisions set forth in Part 33 of this chapter are equally applicable to the Patuxent Wildlife Research Center.

SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

PART 70—NATIONAL FISH HATCHERIES

Sec.
70.1 Purpose.
70.2 State cooperation in national fish hatchery area management.
70.3 Emergency closure.
70.4 Restricted or prohibited acts.
70.5 Enforcement provisions.
70.6 Public access and use.
70.7 Land use management.
70.8 Range and feral animal management.
70.9 Wildlife species management.

AUTHORITY: §§ 70.1 to 70.9 issued under R.S. 161, sec. 4, 48 Stat. 402, as amended; 5 U.S.C. 22, 16 U.S.C. 664.

§ 70.1 Purpose.

All national fish hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife.

§ 70.2 State cooperation in national fish hatchery area management.

State cooperation may be enlisted in management programs including public hunting, fishing and recreation. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for the purpose. Persons entering upon a national fish hatchery area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

§ 70.3 Emergency closure.

All or any part of a national fish hatchery area may be closed to public access and use in the event of an emergency endangering life or property.

§ 70.4 Restricted or prohibited acts.

(a) The restricted or prohibited acts enumerated in Part 26 of this chapter are equally applicable to national fish hatchery areas with the exception of §§ 26.5 and 26.6 of this chapter, relating to hunting and fishing, which are treated separately in this part.

(b) Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any national fish hatchery area is prohibited except as may be authorized under the provisions of Part 71 of this chapter.

(c) Hunting, killing, capturing, taking, or attempting to hunt, kill, capture, or take any animal on any national fish hatchery area is prohibited except as may be authorized in the provisions of Part 71 of this chapter.

(d) Disturbing spawning fish or fish preparing to spawn in ponds, raceways, streams, lakes, traps, and below traps, ladders, fish screens, fishways and racks is prohibited.

§ 70.5 Enforcement provisions.

The enforcement provisions set forth in Part 27 of this chapter are equally applicable to national fish hatchery areas.

§ 70.6 Public access and use.

The public access and use provisions set forth in Part 28 of this chapter are equally applicable to national fish hatchery areas.

§ 70.7 Land use management.

The land use management provisions set forth in Part 29 of this chapter are equally applicable to national fish hatchery areas.

§ 70.8 Range and feral animal management.

The range and feral animal management provisions set forth in Part 30 of this chapter are equally applicable to national fish hatchery areas.

§ 70.9 Wildlife species management.

The wildlife species management provisions set forth in Part 31 of this chapter are equally applicable to national fish hatchery areas.

PART 71—HUNTING AND FISHING ON NATIONAL FISH HATCHERY AREAS

Subpart A—Hunting

Sec.
71.1 Opening of national fish hatchery areas to hunting.
71.2 General provisions.

Subpart B—Fishing

71.11 Opening of national fish hatchery areas to fishing.
71.12 General provisions.

AUTHORITY: §§ 71.1 to 71.12 issued under R.S. 161, sec. 4, 48 Stat. 402, as amended; 5 U.S.C. 22, 16 U.S.C. 664.

Subpart A—Hunting

§ 71.1 Opening of national fish hatchery areas to hunting.

National fish hatchery areas may be opened to hunting wildlife when such activity is not detrimental to the propagation and distribution of fish or other aquatic wildlife.

§ 71.2 General provisions.

The following provisions shall apply to public hunting on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.

(c) Each person shall comply with the applicable provisions of Federal laws and regulations including this subchapter and the current Federal Migratory Bird regulations.

(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any hatchery is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(f) Each person shall comply with the provisions of any special notices governing hunting on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after the announcement of applicable annual State and Federal hunting regulations.

(2) Special notices may contain the following items:

(i) Wildlife species which may be hunted;
(ii) Seasons;
(iii) Bag limits;
(iv) Methods of hunting;
(v) Description of areas open to hunting;
(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

Subpart B—Fishing

§ 71.11 Opening of national fish hatchery areas to fishing.

National fish hatchery areas may be opened to sport fishing when such activity is not detrimental to the propagation and distribution of fish or other aquatic animal life.

§ 71.12 General provisions.

The following provisions shall apply to public sport fishing on a national fish hatchery area:

(a) Each person shall secure and possess the required State license.

(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.

(d) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(e) Each person shall comply with the provisions of any special notices governing fishing on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after announcement of the applicable annual State fishing regulation.

(2) Special notices may contain the following items:

(i) Species of fish which may be taken;
(ii) Seasons;
(iii) Creel limits;
(iv) Method of fishing;
(v) Description of areas open to fishing;
(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

DEFINITIONS

Sec.
80.1 Meaning of terms.

APPORTIONMENT OF FUNDS TO STATES

80.11 Apportionment and certification.

STATE PARTICIPATION

80.16 Notice of desire to participate.

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80.26 Preliminary project statement.
80.27 Plans, specifications, and estimates; form and arrangement.
80.28 Project agreements.

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80.31 Participation by State subdivisions.

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80.36 Secretary's approval.
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80.51 Inspection of accounts and records.
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PROJECT STANDARDS

80.70 Project standards.

AUTHORITY: §§ 80.1 to 80.70 issued under sec. 10, 50 Stat. 919, as amended, sec. 10, 64 Stat. 434; 16 U.S.C. 669i, 777i.

DEFINITIONS

§ 80.1 Meaning of terms.

For the purposes of the regulations in this part, terms shall have the meanings ascribed in this section.

(a) *Federal aid act(s).* (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," (50 Stat. 917; 16 U.S.C. 669–669i), commonly referred to as the Pittman-Robertson Act; and (2) The Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. 777–777k), commonly referred to as the Dingell-Johnson Act.

(b) *Secretary.* The Secretary of the Interior or his authorized representative.

(c) *State.* Any State or Commonwealth (including the Commonwealth of Puerto Rico) of the United States, the Territories of Alaska and Hawaii, and Guam and the Virgin Islands.

(d) *State Fish and Game Department.* Any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State Fish and Game Department, or the Alaska Game Commission, the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, the Commissioner of Agriculture and Commerce of Puerto Rico, or the Governors of Guam or the Virgin Islands.

(e) *Restoration project, hereinafter referred to as "project(s)."* Acquisition of areas of land or water or interests therein, for feeding, resting, or breeding places for fish or wildlife; restoration,

rehabilitation, or improvement, by construction of necessary works or otherwise, of land and water areas for the benefit of fish or wildlife; maintenance of completed projects; management (exclusive of law enforcement and public relations) of fish or wildlife areas and resources; conduct of research into problems of fish or wildlife management, and the coordination of projects necessary to efficient administration affecting fish and wildlife resources.

(f) *Combination project.* A project designed to result in benefits to both fish and wildlife resources in which Federal costs are allocated to apportionments made under the acts in the ratio of estimated benefits to be derived by wildlife and fish, respectively.

(g) *Fish and wildlife to be benefited.* (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

(h) *Completed project.* A project shall be deemed completed when the lands have been acquired or restoration work has been finished, inspected and found to be satisfactorily performed or fish or wildlife research has been completed, as the case may be, in accordance with the provisions of the project agreement.

APPORTIONMENT OF FUNDS TO STATES

§ 80.11 Apportionment and certification.

As soon as possible after the close of each fiscal year (July 1–June 30), and after receiving notification of the amounts which have become available for the purposes of the acts, the Secretary shall apportion such funds in the manner prescribed in such acts and shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department the respective sums which he has deducted for administering and executing the acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

STATE PARTICIPATION

§ 80.16 Notice of desire to participate.

Any State Fish and Game Department desiring to avail itself of the benefits of the acts shall notify the Secretary to that effect within sixty days after it has received from the Secretary a certificate of apportionment of funds available to the State.

INFORMATION REQUIRED

§ 80.21 General information for the Secretary.

Before any commitment is made obligating Federal funds for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, by or on behalf of the State, information regarding the laws affecting fish or wildlife conservation and the authority of the State and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration and management of fish or wildlife.

§ 80.22 Hunting and fishing license information.

Certified information concerning the number of holders of paid hunting licenses and holders of paid fishing licenses of the State in the preceding fiscal year shall be furnished the Secretary by the Fish and Game Department of each State on or before September 15 of each year.

§ 80.23 Information from State Fish and Game Departments.

The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the acts.

NOTE: All record keeping and reporting requirements of the regulations in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PROJECTS INITIATION DOCUMENTS

§ 80.26 Preliminary project statement.

A preliminary project statement shall be submitted for each project to be undertaken, which shall contain such fundamental information as the Secretary may require and which will be specified in form furnished by him, in order that he may determine project suitability.

§ 80.27 Plans, specifications, and estimates; form and arrangement.

Plans, specifications, and estimates shall be submitted for each project showing in convenient form and detail the work to be performed and its probable cost, in conformity with standards governing form and arrangement prescribed by the Secretary and furnished to the States.

§ 80.28 Project agreements.

After the Secretary shall have approved a preliminary project statement and the plans, specifications, and estimates of costs, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by a project agreement to be executed between the State Fish and Game Department and the Secretary for each such project.

PARTICIPATION BY OTHER STATE AGENCIES

§ 80.31 Participation by State subdivisions.

When any part of the cost of a project is to be furnished by a county or any other subdivision of a State, the plans, specifications, and estimates shall be accompanied by a certified copy of each resolution or order, if any, of the appropriate local officials, or by such other showing as the Secretary may require, respecting the funds that are made available, indicating the control of the money provided for paying such cost, and clearly defining whether the State, county, or other subdivision will own the lands and/or improvements; and stating which agency shall have immediate responsibility for administration and maintenance after completion of the project.

REQUIREMENTS FOR PAYMENTS

§ 80.36 Secretary's approval.

No payment of any money apportioned under the acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall be made on any project unless the preliminary project statement, the plans, specifications, and estimates, the project agreement, and all other documents that may be necessary or required in the administration of this part, shall have first been submitted to and approved by the Secretary.

§ 80.37 Economy and efficiency.

No part of the Federal funds set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary that appropriate and adequate means, either by advertisement or otherwise, were employed to insure economy and efficiency in the completion of such project.

§ 80.38 Contracts; competitive bids.

All contracts involving an expenditure in excess of $500 entered into by a State for the execution of a project, except contracts for the purchase or lease of lands, shall be based upon free and open competitive bids.

§ 80.39 Lowest responsible bids.

If a contract be awarded to other than the lowest responsible bidder, the Federal Government shall not pay more than its pro rata share of the lowest responsible bid, unless it be satisfactorily shown that it was advantageous to the project to accept the higher bid.

§ 80.40 Copy of contract.

Upon request, a copy of each contract as executed shall be certified by the State Fish and Game Department and promptly furnished to the Secretary.

§ 80.41 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended on each project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted to the Secretary by the State Fish and Game Department, either after completion of the project, or if the Secretary has determined that payments may be made as the work progresses, at intervals of not less than one month.

STATES' RESPONSIBILITIES

§ 80.46 Prosecution; promptness.

The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness.

§ 80.47 Inspection.

Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection.

§ 80.48 Reports.

Progress and completion reports shall be furnished as requested by the Secretary.

§ 80.49 Samples of materials to be submitted.

Whenever requested, suitable samples of materials to be used in construction work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 80.50 Records and cost accounting.

Records of the cost of land acquired, improvements made thereon, construction work, overhead costs, and of maintenance done by or on behalf of the State shall be kept separately for each project.

§ 80.51 Inspection of accounts and records.

The accounts and records, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.52 Submission.

Papers and documents required by the acts or by the regulations in this part to be submitted to the Secretary may be delivered to the Commissioner of Fish and Wildlife, Department of the Interior, Washington 25, D.C., or to such other representative as he may designate and from the date of such delivery shall be deemed submitted.

§ 80.53 Personnel.

The State Fish and Game Department shall maintain an adequate and competent force of employees to initiate and carry projects through to satisfactory completion. Personnel employed by a State Fish and Game Department to carry out project work under the acts shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

§ 80.54 Records retention period.

The records, accounts, and supporting documents required to be maintained under the regulations in this part shall be retained by the State Fish and Game Department until such time as the Secretary shall have made a final audit of the project accounts and notified such department of the acceptability of project claims and accomplishments and for a period of three years following the receipt of such notification.

PROJECT STANDARDS

§ 80.70 Project standards.

Standards for Federal aid projects are as follows:

(a) Sufficient funds must be available for expenditure by the State Fish and Game Department for the purpose of originally financing the costs of the projects.

(b) Projects must be substantial in character and design.

(c) The acquisition of lands under a project must be at prices determined by the Secretary to be fair and reasonable.

(d) Projects for development, maintenance or management shall have as their objectives the improvement of conditions suitable for fish or wildlife, the upkeep and repair of structures that have been acquired or constructed under either Federal Aid Act or the management of fish and wildlife areas and resources.

(e) Projects dealing with fish or wildlife surveys and investigations shall be limited to problems having direct management application.

(f) With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Acts shall be limited to the extent of the benefits to fish or wildlife resulting from such projects.

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

Subchapter A—General Provisions

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201 Field organization.

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SUBCHAPTER A—GENERAL PROVISIONS

PART 201—FIELD ORGANIZATION

Sec.
201.1 Regional and Area Offices.
201.2 Locations of Regional and Area Offices.

AUTHORITY: §§ 201.1 and 201.2 issued under R.S. 161, as amended; 5 U.S.C. 22.

§ 201.1 Regional and Area Offices.

Program operations of the Bureau of Commercial Fisheries are performed at various field installations. Such installations provide activities relating to the following:

(a) *Marine fisheries.* The Bureau conducts biological research on commercially important species of fish, shellfish and mammals off all coasts of the United States, in the high seas and in waters adjacent to territories and possessions.

(b) *Inland fisheries.* The Bureau conducts programs for the maintenance of inland fisheries which are designed to discover ways and means, and make recommendations, on measures for developing the fisheries of the Great Lakes and inland waters in conjunction with the conservation and management of commercial fishery resources.

(c) *Services for commercial fisheries.* The Bureau provides the following services to aid commercial fisheries.

(1) Conducts a market news service for collection and publication of current market information of fishery commodities.

(2) Provides an educational service to encourage the flow of domestic fishery products in commerce.

(3) Provides economic research on cost, employment, labor and prices in the fishing industry.

(4) Collects data on the activities of fishery cooperatives to insure their conformity with the provisions of the Fishery Cooperative Marketing Act.

(5) Conducts surveys to collect, analyze, and disseminate statistics on production, processing, storage, and marketing of fishery products.

(6) Studies the composition, properties and nutritive value of fishery products, byproducts, and development of fish cookery and home-canning methods.

(7) Explores fishing operations to determine the character, extent and availability of resources and to test, devise and demonstrate most effective gear and vessel types.

(8) Conducts investigations to improve and develop methods for handling, processing, preserving, and transporting fishery products and byproducts and otherwise assisting the fishing industry in problems of production and distribution.

(9) Develops voluntary United States standards for fishery products and the performance of inspection services to determine adherance to the standards.

(10) Administers a fishery loan fund for the financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels.

(11) Administers a fishing vessel mortgage insurance program which provides for the insurance of loans and mortgages made in connection with the construction, reconstruction, or reconditioning of fishing vessels.

(12) Provides assistance in cooperation with the Department of Health, Education, and Welfare in the development of vocational training for the benefit of the fisheries industry.

(d) *International agreements and fur-sealing.* The Bureau is responsible for conducting activities relating to international agreements concerning fishery resources. The Bureau is also responsible for activities relating to whales and certain other sea mammals, including the fur-sealing operation, and activities relating to the administration of the

Pribilof Islands and their native population.

(e) *Enforcement.* The Bureau has responsibilities in connection with the administration and enforcement of the laws and regulations relating to international agreements.

(f) *Field Supervision.* Field installations are supervised by either a Regional or Area Director who has jurisdiction over Bureau activities in the States encompassed by his Region or Area, unless otherwise stated for a particular matter in the regulations. All persons may secure from the Regional or Area Offices information or make submittals or requests as well as obtain forms and instructions as to the scope and content of papers or reports required of the public.

§ 201.2 Locations of Regional and Area Offices.

The addresses and geographic jurisdictions of the Regional and Area Offices of the Bureau of Commercial Fisheries are as follows:

(a) Pacific Region—Region 1 (comprising states of Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, and New Mexico).

Address: Regional Director, 6116 Arcade Building, 1319 Second Avenue, Seattle 1, Wash.

(b) Gulf and South Atlantic Region—Region 2 (comprising the States of Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, and North Carolina).

Address: Regional Director, Don Ce-Sar Federal Center, Box 6245, St. Petersburg Beach, Fla.

(c) North Atlantic Region—Region 3 (comprising the States of Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine).

Address: Regional Director, Post Office Building, Gloucester, Mass.

(d) Great Lakes and Central Region—Region 4 (comprising the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Tennessee, Kentucky, Indiana, Ohio, and Michigan).

Address: Regional Director, 920 North Main Street, Ann Arbor, Mich.

(e) Alaska Region—Region 5 (comprised of the State of Alaska).

Address: Regional Director, Juneau Dairies Building, Juneau, Alaska.

(f) California Area (comprised of the State of California).

Address: Area Director, California Area, 101 Seaside Avenue, Terminal Island, Calif.

(g) Hawaii Area (comprised of the State of Hawaii and waters of the Pacific Ocean).

Address: Area Director, Hawaii Area, Box 3830, Honolulu, Hawaii.

SUBCHAPTER B—NORTH PACIFIC COMMERCIAL FISHERIES

PART 210—NORTH PACIFIC AREA

Sec.
210.1 Definition.
210.10 Salmon fishing prohibited; exception.

AUTHORITY: §§ 210.1 and 210.10 issued under sec. 1, 68 Stat. 698, as amended, 16 U.S.C. 1021 et seq.

§ 210.1 Definition.

For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48 degrees 30 minutes north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

§ 210.10 Salmon fishing prohibited, exception.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided*, That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

SUBCHAPTER C—ALASKA AQUATIC MAMMALS OTHER THAN WHALES

PART 215—ADMINISTRATION OF THE PRIBILOF ISLANDS

Subpart A—Protection of Fur Seals

Sec.
215.1 Visits to seal rookeries.
215.2 Observation restricted.
215.3 Special restrictions; St. Paul Island.
215.4 Penalties.
215.5 Dogs prohibited.

Subpart B—Landing and Use of Liquor

215.26 Purposes for which liquor may be used.
215.27 Making by natives prohibited.
215.28 Landing of liquor.

AUTHORITY: §§ 215.1 to 215.28 issued under sec. 17, 58 Stat. 104; 16 U.S.C. 631q. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Protection of Fur Seals

§ 215.1 Visits to seal rookeries.

Persons lawfully landing on any of the Pribilof Islands, whether to remain temporarily or otherwise, must confine themselves to their lawful activities, and any visiting of rookeries or hauling grounds of seals or sea lions must first be authorized by the Department's agents-in-charge.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.2 Observation restricted.

In order that persons authorized or permitted to land may have an opportunity to observe the seal life, the Department's agents-in-charge will provide escorts, at convenient times, to accompany interested persons to proper observation points. No side digressions from the designated observation points will be permitted, and there will be no visiting of rookeries except under such escorts. On St. Paul Island the usual observation point for persons temporarily present shall be what are commonly known as "Observation Rocks" at Gorbatch rookery.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.3 Special restrictions; St. Paul Island.

Persons authorized to land at St. Paul Island, whether to remain temporarily or otherwise, are required except under circumstances specifically authorized by the Department's agent-in-charge, to remain on that portion of the island in and about the village of St. Paul which is bounded by the shore line, including that of the salt lagoon and its outlet, and two straight lines running approximately as follows: The first from the shore at Black Bluffs to the southerly portion of the salt lagoon, passing to the eastward of the natives' cemetery, the natives' wells, and the by-products plant; the second to cut across the isthmus at Zolotoi Sands. The land lines as described will be indicated by notices posted at suitable intervals.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.4 Penalties.

Any person willfully violating the regulations in this subpart will be regarded as a trespasser and will be required to leave the islands at the first opportunity, and will be subject to such other action as may be deemed appropriate pursuant to law.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.5 Dogs prohibited.

In order to prevent molestation of the fur-seal and fox herds, the landing of any dogs at the Pribilof Islands is prohibited.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

Subpart B—Landing and Use of Liquor

§ 215.26 Purposes for which liquor may be used.

The giving of intoxicating liquors to the natives of the Pribilof Islands, except as medicine and in religious ceremonies, is prohibited under all circumstances. When in the opinion of the official physician on either island it is necessary to administer an alcoholic liquor as a medicine, he shall in each case make a permanent public record thereof, stating the kind and amount required, the name of the patient, and the nature of the disease or condition requiring such treatment.

(Sec. 8, 58 Stat. 102; 16 U.S.C. 631h)

§ 215.27 Making by natives prohibited.

The making of "quass" or other alcoholic drink by the natives is prohibited. Natives who, after due warning, continue to make or use such liquors will be properly disciplined. The agents are authorized to withhold from such natives all supplies from which quass or other intoxicating beverages can be made.

(Sec. 8, 58 Stat. 102; 16 U.S.C. 631h)

§ 215.28 Landing of liquor.

No alcohol or alcoholic liquor of any kind shall be landed on the Pribilof Islands except by permission of the General Manager of the Pribilof Islands, Fish and Wildlife Service.

(Sec. 8, 58 Stat. 102; 16 U.S.C. 631h)

SUBCHAPTER D—WHALING

PART 230—WHALING PROVISIONS

Definitions

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230.1 Factory ship.
230.2 Land station.
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230.4 Whale catcher.

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230.10 Licenses required to engage in whaling.
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Records and Reports

230.30 Records to be maintained on whale catchers.
230.31 Records to be maintained on factory ships and at land stations.
230.32 Records to be maintained at secondary processing land stations.
230.33 Report on employment, craft, and products of whaling operations.
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Salvage of Unclaimed Whales

230.40 No processing license required.
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Molesting or Unauthorized Interference With Whales

230.50 Molesting whales prohibited.

Inspection and Enforcement

230.60 Fish and Wildlife Service employees designated as enforcement officers.
230.61 State officers designated as enforcement officers.

AUTHORITY: §§ 230.1 to 230.61 issued under sec. 12, 64 Stat. 425; 16 U.S.C. 916j.

Definitions

§ 230.1 Factory ship.

The words "factory ship" mean a vessel in which or on which whales are treated or processed, whether wholly or in part.

§ 230.2 Land station.

The words "land station" mean a factory on the land at which whales are treated or processed, whether wholly or in part.

§ 230.3 Secondary processing land station.

The words "secondary processing land station" mean a factory on the land which receives from a land station for further processing any or all of those parts of whales which are required, by paragraph 12 of the Schedule of the Whaling Convention of 1946, as amended (§ 351.12 of this title), to be processed by boiling or otherwise.

§ 230.4 Whale catcher.

The words "whale catcher" mean a vessel used for the purpose of hunting, taking, towing, holding on to, or scouting for whales.

Licenses

§ 230.10 Licenses required to engage in whaling.

No person shall engage in the taking or processing of blue whales, fin whales, humpback whales, sei whales, minke whales, or sperm whales without first having obtained an appropriate license.

§ 230.11 Applications for licenses.

Applications for licenses to engage in the taking and processing of whales of the species listed in § 230.10 shall be submitted to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C. Such application shall be accompanied by the affidavit or affidavits prescribed in section 6 (d) and (e) of the Whaling Convention Act of 1949 and by a check or United States Postal Money Order payable to the United States Fish and Wildlife Service in the appropriate amount as prescribed by the scale of license fees in section 6 (b) of the Whaling Convention Act of 1949.

Closed Seasons

§ 230.20 Whale catchers attached to land stations taking baleen whales.

It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing blue whales, fin whales, humpback whales, sei whales or minke whales, except during the period April 16 to October 15 following, both days inclusive.

§ 230.21 Whale catchers attached to land stations taking sperm whales.

It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing sperm whales except during the period April 1 to November 30 following, both days inclusive.

§ 230.22 Whale catchers attached to factory ships taking sperm whales.

It is forbidden to use a whale catcher attached to a factory ship for the purpose of taking or killing sperm whales except during the period April 1 to November 30 following, both days inclusive.

Records and Reports [1]

§ 230.30 Records to be maintained on whale catchers.

There shall be maintained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by this part to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the United States Government:

(a) The date and hour of the killing or capture of each whale;

(b) The point in latitude and longitude where each whale is killed or captured;

(c) The species of each whale killed or captured;

(d) The time of delivery of each whale to the land station or factory ship;

(e) Data specified under paragraphs (a), (b), and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factory ship or land station for processing, with an account of the circumstances surrounding such loss or nondelivery; and

(f) Any observations on migration of whales and on location of calving grounds.

§ 230.31 Records to be maintained on factory ships and at land stations.

(a) There shall be maintained in duplicate on board each factory ship and at each land station a detailed record of all whales received and processed as follows:

(1) Serial number of the whale (begin with number 1 on January 1 of each year).

(2) Species of the whale.

(3) Date and time killed and date and time received by the factory ship or land station.

(4) Sex of the whale.

(5) Length of the whale (length to be measured as specified in paragraph 9 (d) of the Schedule of the Whaling Convention of 1946, § 351.9 (d) of this title).

(6) Sex of embryo if present.

(7) Length of embryo in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any portion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by this part to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., within 30 days after the end of each calendar year.

§ 230.32 Records to be maintained at secondary processing land stations.

(a) There shall be maintained by all licensed secondary processing land stations receiving from land stations parts of whales for further processing a suitable ledger or book in which the following information shall be recorded, and such records shall be available for inspection by any authorized person:

(1) The kind and quantity of parts of whales received.

(2) The date of receipt thereof.

(3) The kind and quantity of products derived therefrom.

(b) Said ledger or book or certified true copies thereof shall be submitted in duplicate to the Director, Fish and Wildlife Service, Department of the Interior,

[1] The record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Washington 25, D. C., within 30 days after the end of each calendar year.

§ 230.33 Report on employment, craft, and products of whaling operations.

The person or persons responsible for the operation of every factory ship, land station and secondary processing land station shall annually submit in duplicate to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C., within 30 days after the end of each calendar year, a report on employment, craft and products, which shall show the number of persons employed, the nature of the task which each performs, and the manner in which each is remunerated; the number and type of vessels operated, including the net tonnage and horsepower of whale catchers and the gross tonnage and horsepower of other vessels; and the quantity and type of products manufactured, including semi-processed products delivered to secondary processing land stations. Such reports shall be subscribed and sworn to by the person or persons responsible for the operation of said factory ships, land station and secondary processing land station before a notary public or a person authorized by law or by this part to act as inspector or enforcement officer.

§ 230.34 Records retention period.

The records required to be maintained under the regulations in this part shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the end of the calendar year to which such records apply.

SALVAGE OF UNCLAIMED WHALES

§ 230.40 No processing license required.

No license shall be required for the salvage and processing of any dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

§ 230.41 Reporting of salvage of dead whales required.

(a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in § 230.10 shall submit a report in writing to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C.

(b) Such report shall show the date and exact locality in which such dead whale was found, its species and length, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

§ 230.50 Molesting whales prohibited.

The chasing, molesting, exciting, or interfering, with firearms or by any other manner or means, with any whale of the species listed in § 230.10 or of the species protected by the provisions of the International Convention for the Regulation of Whaling of 1946 is prohibited. Persons violating this section shall, upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

INSPECTION AND ENFORCEMENT

§ 230.60 Fish and Wildlife Service employees designated as enforcement officers.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Department of the Interior and the Fish and Wildlife Service is authorized and empowered to act as a law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

§ 230.61 State officers designated as enforcement officers.

Any employee of a State government who has been duly designated by the Director of the Fish and Wildlife Service, with the consent of the State government concerned, is authorized and empowered to act as a Federal law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 240—HADDOCK AND COD FISHERIES

Sec.

240.1 Meaning of terms.
240.2 Registration certificates.
240.3 Restrictions on fishing gear.
240.4 Temporary suspension of registration certificates.
240.5 Certain persons and vessels exempted.

AUTHORITY: §§ 240.1 to 240.5 issued under sec. 7, 64 Stat. 1069; 16 U.S.C. 986.

§ 240.1 Meaning of terms.

When used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 59°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 59°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) *Sub-area 3.* The term "Sub-area 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(2) *Sub-area 4.* The term "Sub-area 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Sub-area 3 as described in subparagraph (1) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(3) *Sub-area 5.* The term "Sub-area 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point three miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of three miles to the point of beginning.

(c) *Haddock.* The word "haddock" denotes any fish of the species *Melanogrammus aeglefinus.*

(d) *Haddock fishing.* The words "haddock fishing" mean and include (1) the catching, taking or fishing for or the attempted catching, taking or fishing for fish of the species *Melanogrammus aeglefinus;* and (2) the outfitting and departure of a vessel for or the return of a vessel from haddock fishing.

(e) *Cod.* The word "cod" denotes any fish of the species *Gadus callarias.*

(f) *Cod fishing.* The words "cod fishing" mean and include (1) the catching, taking or fishing for or the attempted catching, taking or fishing for fish of the species *Gadus callarias;* and (2) the outfitting and departure of a vessel for or the return of a vessel from cod fishing.

(g) *Fishing vessel.* The words "fishing vessel" denote every kind, type or description of watercraft subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(h) *Trawl net.* The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(i) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 240.2 Registration certificates.

(a) Unless permitted to do so by § 240.5, after the first day of March 1959, no person shall engage in haddock fishing or cod fishing within the regulatory area, nor shall any person possess, transport or deliver by means of any fishing vessel haddock or cod taken within such area except under a registration certificate issued and in force in conformity with the provisions of this part.

(b) The owner or operator of a fishing vessel may obtain without charge a registration certificate by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Massachusetts, who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates. An application for replacement of an expiring registration certificate shall be made in like manner as the original application not later than ten days prior to the expiration date of the expiring certificate.

(c) The registration certificate issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

§ 240.3 Restrictions on fishing gear.

(a) No person shall possess at any time on board a vessel for which a registration certificate is in force, or use or attempt to use from such vessel, a trawl net or nets, parts of nets, or netting of manila twine having a mesh size, as defined in this section, of less than four and one-half inches, or a trawl net or nets, parts of nets, or netting of material other than manila twine unless it shall have a selectivity equivalent to that of a four and one-half inch manila trawl net: *Provided,* That any person who shall have first obtained a special permit, issuable by the Regional Director, Bureau of Commercial Fisheries, Gloucester, Massachusetts, authorizing such possession and use for haddock fishing or cod fishing in Sub-area 3 of the regulatory area may possess on board a vessel for which a registration certificate is in force and may use from such vessel while engaged in haddock fishing or cod fishing only within Sub-area 3, a trawl net or nets, parts of nets, or netting of manila twine having a mesh size, as defined in this section, of not less than four inches, or a trawl net or nets, parts of nets, or netting of material other than manila twin having a selectivity equivalent to that of a four-inch manila trawl net.

(b) As used in this section, the term "mesh size" shall mean: (1) With respect to any part of the net except the cod end, the average of the measurements of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use; and (2) with respect to the cod end, the average of the measurements of any fifty consecutive meshes running parallel to the long axis of the cod end, beginning at the after end of the cod end, and being at least ten meshes from the side lacings or, if the cod end is less than fifty meshes in length, the average of the measurements of the meshes in any series of consecutive meshes running the full length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, such measurements of the cod end to be made when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized employee of the Bureau of Commercial Fisheries, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes shall be made by the insertion into the meshes under pressure of not less than ten nor more than fifteen pounds of a flat wedge-shaped gauge having a taper of two inches in eight inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving a dry cod end before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod end shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided,* That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. A cod end so measured which is constructed of one of the twines and is of not less than the average mesh size specified in the table below for such twine may be approved for haddock fishing or cod fishing by any authorized employee of the Bureau of Commercial Fisheries by the attachment to such cod end of an appropriate seal. The omission from the table of one or more specifications of twines shall not preclude the continued use of cod ends constructed from such twines where the cod ends received approval pursuant to the provisions of this part as the same were in effect between the dates of January 1, 1954, and October 24, 1956.

Type of twine	Manufacturer's specifications				Average mesh size
Manila, double strand:					
4-ply 45-yard					5.625 inches (5 9/16″).
4-ply 50-yard					5.625 inches (5 9/16″).
4-ply 75-yard					5.625 inches (5 9/16″).
4-ply 80-yard					5.625 inches (5 9/16″).
Cotton, 120-thread					5.500 inches (5 1/2″).
					4.250 inches (4 1/4″).
	1st	Prep	Cable	Yds/lb.	
Synthetic:		S Z S			
400/3 twisted twine, double strand, 840 denier 3 x 4 x 3.	2.7 T. P. I.	5.0 T. P. I.	2.0 T. P. I.	120	4.375 inches (4 3/8″).
200/3 twisted twine, single strand, 840 denier 6 x 4 x 3.	2.1 T. P. I.	4.4 T. P. I.	1.8 T. P. I.	62	4.500 inches (4 1/2″).

Type of twine	Manufacturer's specifications	Average mesh size
Synthetic—Continued		
No. 400 Single Braid	Linear density, 78.38 yards/lb. Average circumference, 0.498. Outside braid construction, 32 ends. 225 denier/68 filaments/3 ply continuous filament nylon. Ply twist, 5.0 T. P. I. of "Z" twist. Single twist, .85 T. P. I. of "S" twist. Picks/inch, 26.3. Core yarn, 7 ends. 225 denier/68 filaments/3 ply/5 ply continuous filament nylon. 3 ply twist 6.4 T. P. I. of "Z." 5 ply twist 1.1 T. P. I. of "S."	
Double strand		4.375 inches (4¾").
Single strand		4.125 inches (4⅛").
No. 560 Single Braid	Linear density, 71.00 yards/lb. Average circumference of outside braid, 0.5". Outside braid construction, 32 ends. 225 denier/68 filaments/3 ply/5 ply continuous filament nylon. Ply twist 5.1 T. P. I. of "Z" twist. Single twist, 0.85 T. P. I. of "S" twist. Picks/inch, 25.8. Core yarn, 8 ends. 3 ply twist 6.4 T. P. I. of "Z" twist. 5 ply twist 1.1 T. P. I. of "S" twist.	
Double strand		4.375 inches (4¾").
Single strand		4.125 inches (4⅛").
Flat Tubular Braid, single strand.	Linear density, 36.33 yards/lb. 16 ends consisting of 13 ends nylon, 3 ends dacron—percentage composition of braid: 77.12% bright nylon filament. 22.88% bright dacron filament. 12 ends 840 denier/140 filaments/2 ply/3 ply nylon. 3 ply 7.0 T. P. I. "Z" twist. 2 ply 0.5 T. P. I. "Z" twist. 1 end 210 denier/34 filaments/3 ply/3 ply nylon bright. 8 ply 0.5 "Z" twist. 3 ply 6.5 "S" twist. 3 ends 250 denier/34 filaments/10 ply/3 ply dacron bright. 10 ply 1.0 T. P. I. "Z" twist. 3 ply 6.0 T. P. I. "S" twist.	4.500 inches (4½").
Westerbeke No. 2 Nylon Braid, 100% Nylon Braid.	Picks/inch, 10.7. Linear density, 38.89 yards/lb. Picks/inch, 9.0. Carriers, 16. Ends/carrier, 3. Total ends, 48. 840 denier/140 filaments/2 ply. 12.1 T. P. I. of "Z" twist in singles. 9.9 T. P. I. of "S" twist in 2 ply.	4.6875 inches (5 3/16").

(e) The alteration, defacement or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(f) The repair, alteration or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for haddock fishing or cod fishing. Nothing contained in this paragraph shall preclude the continued use at the option of the user of a cod end having an invalidated seal affixed thereto if such cod end after repair, alteration or other modification does not have a mesh size of less than four and one-half inches as defined in paragraph (b) of this section.

(g) For the purposes of this section, a cod end constructed of twine other than manila and not subject to approval and certification when measured dry before use as provided in paragraph (d) of this section shall be deemed to have a selectivity equivalent to that of a four and one-half inch manila trawl net if such cod end has a mesh size of not less than four and one-quarter inches when measured wet after use in the manner prescribed in paragraph (b) of this section.

(h) The use in haddock fishing or cod fishing within the regulatory area of any device or method which will obstruct the meshes of the trawl net or which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided*, That (1) a protective covering of canvas, netting, or other material may be attached to the underside of the cod end only of the net to reduce and prevent damage and (2) a rectangular piece of netting may be attached to the upper side of the cod end only of the net to reduce and prevent damage so long as the netting attached to the upper side of the cod end conforms to the following conditions:

(i) Such netting shall not have a mesh size less than that specified in this section. For the purposes of this paragraph the required four and one-half inch mesh size when measured wet after use shall be deemed to be the average of the measurements of twenty consecutive meshes in a series across the netting, such measurements to be made with a like gauge inserted into the meshes as specified in paragraph (c) of this section.

(ii) Such netting shall not exceed sixteen meshes in length counted parallel to the long axis of the cod end and the width of the netting shall be at least one and one-half times the width of the area of the cod end which is covered; such widths to be measured at right angles to the long axis of the cod end.

(iii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting and when used in Sub-areas 4 and 5 of the regulatory area the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

§ 240.4 Temporary suspension of registration certificates.

(a) The owner or operator of any fishing vessel which is proposed to be used in haddock fishing or cod fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than haddock or cod, may obtain a temporary suspension of the registration certificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of the State of Maine or of the State of Massachusetts or by an authorized officer of any one of the following agencies: Bureau of Commercial Fisheries, Coast Guard, Bureau of Customs, Post Office Department. Such officer shall make appropriate endorsement on the certificate evidencing the duration of its suspension.

§ 240.5 Certain persons and vessels exempted.

Except as otherwise provided in this section, nothing contained in §§ 240.2 to 240.4 shall apply to:

(a) Any person or vessel authorized by the Secretary of the Interior to engage in haddock fishing or cod fishing for scientific purposes.

(b) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

(c) Any person who in the course of taking fish other than haddock or cod, takes and possesses a quantity of haddock or cod not exceeding five thousand pounds for each, or ten percent by weight for each, of all fish on board the vessel from which the fishing is conducted whichever is the greater.

(d) Any person who, while engaged in fishing within Sub-area 5 of the regulatory area, does not take in any period of twelve months haddock or cod in quantities in excess of ten percent by weight for each of said species, of all the trawl-caught fish taken by such person within such period of twelve months. Any person desiring to avail himself of the exemption provided in this paragraph shall first obtain a certificate of exemption and shall comply with the following conditions:

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge a certificate of exemption by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the name and address of the owner and operator of the vessel and the name, official number, and the home port of the vessel. Each such application must be accompanied by a written statement, certified by the applicant to be correct, listing by weight, species, and catch by month, the total quantities of all fish taken within Sub-area 5 of the regulatory area by means of the vessel to be exempted during a period of twelve months immediately preceding the date of application. The application form and the certified statement shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Massachusetts, who shall grant a certificate of exemption valid for a period of twelve months from the date of issue and authorizing during such period the use of the vessel for which issued in the taking of haddock or cod within Sub-area 5 of the regulatory area without regard to the registration requirements and restrictions on fishing gear imposed, respectively, by §§ 240.2 and 240.3, so long as the vessel and its fishing gear are not used to take haddock or cod within Sub-area 5 in quantities in excess of ten percent by weight for each species of all the trawl-caught fish taken by means of such vessel during the 12-month period covered by the certificate. Duplicate certificates of exemption shall be issued to replace lost or mutilated certificates. An application for renewal of an expiring certificate of exemption shall be made in like manner as the original application not later than 15 days prior to the expiration date of the expiring certificate, but no renewal shall be granted if it is determined by said Regional Director that the vessel for which a renewal is sought was used to take quantities of haddock or cod in excess of the allowable percentages during the 12-month period covered by the expiring certificate of exemption.

(2) The certificate of exemption issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued, and such certificate, the vessel, its gear and equipment, and records pertaining to the catches of fish made by means of such vessel shall at all times be subject to inspection for the purposes of this part by any officer authorized to enforce the provisions of this part.

(3) The owner or operator of a fishing vessel for which a certificate of exemption is in force shall furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report [1] certified to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish so sold or delivered: *Provided*, That, at the option of the owner or operator of such vessel, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent at the time of delivery or sale of a catch of fish may be used for reporting purposes, in lieu of the form supplied by the Bureau of Commercial Fisheries, if such alternate record is similarly certified and contains all items of information required by this subparagraph. Such reports shall be delivered or mailed, in duplicate, to the said Regional Director.

(4) The owner or operator of a fishing vessel for which a certificate of exemption is in force, who proposes to use such vessel in fishing primarily for haddock or cod during any period of time within the 12-month period covered by the certificate, may obtain a temporary suspension of such certificate in like manner as provided in § 240.4 and may make application to engage in fishing for haddock or cod under a registration certificate as provided in § 240.2. Any haddock or cod taken by means of a vessel for which a registration certificate is in force and by means of haddock fishing or cod fishing conducted in conformity with the restrictions on fishing gear prescribed by § 240.3 shall be excluded from the total of all trawl-caught fish taken during the applicable 12-month period when computing the ratio of haddock or cod to the trawl-caught fish taken during such period. For the purposes of computing the quantities of haddock or cod so to be excluded, the owner or operator of a fishing vessel covered by a suspended certificate of exemption and taking haddock or cod while operating under a registration certificate shall submit catch reports in like manner as provided in subparagraph (3) of this paragraph.

[1] 18 U. S. C. 1001 provides that whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Sec.
250.1 Definition of terms.
250.2 Purposes of loan fund.
250.3 Interpretation of loan authorization.
250.4 Qualified loan applicants.
250.5 Basic limitations.
250.6 Application.
250.7 Processing of loan applications.
250.8 Approval of loans.
250.9 Interest.
250.10 Maturity.
250.11 Security.
250.12 Books, records, and reports.
250.13 Penalties on default.

AUTHORITY: §§ 250.1 to 250.13 issued under sec. 4, 70 Stat. 1121; 16 U. S. C. 742c.

§ 250.1 Definitions of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* Administrator of the Small Business Administration or his authorized representative.

(c) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(d) *State.* Any State, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 250.2 Purposes of loan fund.

The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956 is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 250.3 Interpretation of loan authorization.

The terms used in the act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the catching of fish and shellfish for commercial purposes.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient, or discarded items of a similar nature, or the purchase or construction of a fishing vessel to operate the same type of fishing gear as a comparable vessel which has been lost, destroyed or abandoned or has become obsolete or inefficient. Any vessel lost, destroyed or abandoned more than two years prior to the date of receipt of the application shall not be considered eligible for replacement.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 250.4 Qualified loan applicants.

(a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if such person:

(1) Owns a commercial fishing vessel of United States registry (if registration is required) used directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) Owns any type of commercial fishing gear used directly in the catching of fish or shellfish;

(3) Owns any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological or other skills useful in conducting such research.

(4) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing existing preferred mortgages or secured loans on fishing gear and vessels, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(3) Paying creditors for debts previously incurred, except for marshalling and liquidating the indebtedness of the applicant to existing lien holders in those instances where the Secretary deems such action to be desirable in carrying out the purpose of the Act.

(4) (i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose or (iii) liquidating a mortgage given for such purpose less than two years prior to the date of receipt of the application.

(5) Replacement of fishing gear or vessels where the applicant or applicants owned less than a 20 percent interest in said fishing gear or vessel to be replaced or owned less than 20 percent interest in a corporation owning said fishing gear or vessel: *Provided*, That applications for a replacement loan by an eligible applicant cannot be considered unless and until the remaining owners or shareholders shall agree in writing that they will not apply for a replacement loan on the same fishing gear or vessel.

(6) Repair of fishing gear or vessels where such fishing gear or vessels are not offered as collateral for the loan by the applicant.

(7) Financing new business ventures involving fishing operations.

§ 250.5 Basic limitations.

Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided*, That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 250.6 Application.

Any person desiring financial assistance from the fisheries loan fund shall make application to the Fish and Wildlife Service, Department of the Interior, Washington 25, D.C., on a loan application form furnished by that Service except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 250.7 Processing of loan applications.

If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

§ 250.8 Approval of loans.

Loan agreements shall be executed on a form approved by the Secretary. The Secretary will evidence his approval of the loan by issuing a loan authorization covering the terms and conditions for making the loan. Such loan authorization shall be referred to the Administrator who will direct the closing of the loan with the applicant in the field and render services involving the collection of repayments and such other loan servicing functions as may be required. Any modification of the terms of a loan agreement following its execution must be agreed to in writing by the borrower and the Secretary.

§ 250.9 Interest.

The rate of interest on all loans which may be granted is fixed at five percent per annum.

§ 250.10 Maturity.

The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of ten years.

§ 250.11 Security.

Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 250.12 Books, records, and reports.

The secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. Disbursements on a loan made under this part shall be made only upon the agreement of the loan applicant to maintain proper books of account and to submit such periodic reports as may be required by the Secretary during the period of the loan. During such period, the books and records of the loan applicant shall be made available at all reasonable times for inspection by the Secretary.

§ 250.13 Penalties on default.

Unless otherwise provided in the loan agreement, failure on the part of a borrower to conform to the terms of the loan agreement will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further advances of funds contemplated by the loan agreement.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of and withdraw any funds advanced to the borrower and remaining under his control.

PART 255—FISHING VESSEL MORTGAGE INSURANCE PROCEDURES

Sec.
255.1 Basis and purpose.
255.2 Definitions.
255.3 Eligibility requirements.
255.4 Applications.
255.5 Commitment.
255.6 Closing procedures.
255.7 Defaults.

AUTHORITY: §§ 255.1 to 255.7 issued under Title XI, 52 Stat. 969, as amended, 46 U.S.C. 1271–1279; sec. 6, 70 Stat. 1122; 16 U.S.C. 742e. Sec. 3, Bureau of the Budget determination March 22, 1958, 23 F.R. 2304.

§ 255.1 Basis and purpose.

(a) Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279), authorizes the Secretary of Commerce to insure certain eligible loans and mortgages on vessels owned by citizens of the United States. As found and determined by the Director of the Bureau of the Budget on March 22, 1958 (23 F.R. 2304), all functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of Title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271–1279), were transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e).

(b) The purpose of this part is to prescribe rules and regulations governing Federal ship mortgage and loan insurance with respect to fishing vessels owned by citizens of the United States under Title XI, Merchant Marine Act, 1936, as amended.

§ 255.2 Definitions.

(a) *Fishing vessel.* The term "fishing vessel" includes all types of vessels owned by citizens of the United States used directly in the catching of fish or shellfish for commercial purposes.

(b) *Mortgage.* The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, and a mortgage which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended.

(c) *Loan.* The term "loan" includes any loan or advance of credit other than a mortgage loan.

(d) *Mortgagee.* The term "mortgagee" includes the original maker of a loan secured by a mortgage and his successors and assigns.

(e) *Lender.* The term "lender" includes the original maker of a loan or advance of credit other than a loan secured by a mortgage and his successors and assigns.

(f) *Mortgagor.* The term "mortgagor" includes the original borrower under a mortgage approved by the Secretary, and his successors and assigns.

(g) *Actual cost.* The term "actual cost" of a vessel as of any specified date means the aggregate as determined by the Secretary of (1) all amounts paid by or for the account of the mortgagor or borrower on or before that date, and (2) all amounts which the mortgagee is then obligated to pay from time to time thereafter under a contract or contracts for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) of the vessels, provided such contract or contracts shall include, in addition to profit, only those items customarily included in such contract or contracts as contractor's items of cost, except where the Secretary finds that those charges are unfair or unreasonable.

(h) *Reconstruction; reconditioning.* The terms "reconstruction" and "reconditioning" contemplates a rebuilding of the hull or hull and engine of such magnitude that the actual cost is more than thirty percent of the replacement value of the vessel.

(i) *Secretary.* The term "Secretary" means the Secretary of the Interior or his authorized representatives.

(j) *Act.* The term "Act" means the Merchant Marine Act, 1936, as amended.

§ 255.3 Eligibility requirements.

(a) *Mortgage.* To be eligible for insurance under this part, a mortgage:

(1) Shall have a mortgagee approved by the Secretary of the Interior as responsible and able to service the mortgage properly; and a mortgagor approved by the Secretary as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the mortgaged property;

(2) Shall involve an obligation in a principal amount which does not exceed 75 percent of the actual cost of the vessel, such actual cost to be determined by the Secretary prior to the execution of the mortgage and such determination to be conclusive for the purpose of determining the principal amount of the mortgage;

(3) Shall secure bonds, notes, or other obligations having maturity dates satisfactory to the Secretary not to exceed 15 years from the date of execution. In no event will a mortgage be insured for a time longer than the economic life of the mortgaged property, as determined by the Secretary. Ordinarily, the economic life of a vessel will be determined as running not more than 10 years from the date of completion of any reconstruction or reconditioning thereof.

(4) Shall contain amortization provisions satisfactory to the Secretary requiring periodic payments by the mortgagor;

(5) Shall secure bonds, notes or other obligations bearing interest (exclusive of premium charges for insurance) at a rate not to exceed 5 per centum per annum on the amount of the unpaid principal at any time; or not to exceed 6 per centum per annum if the Secretary finds that in certain areas or under special circumstances, the mortgage or lending market demands it;

(6) Shall provide, in a manner satisfactory to the Secretary, for the application of the mortgagor's periodic payments to amortization of the principal of the mortgage, exclusive of the amount allocated to interest;

(7) Shall contain such terms and provisions with respect to the operation of the vessel or vessels; in a fishery or fisheries approved by the Secretary, repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Secretary may require;

(8) Shall secure a loan made to aid in financing, including payment of loans previously made to finance, and reimbursement of the mortgagor for expenditures previously made for construction, reconstruction and reconditioning (including designing, inspecting, outfitting and equipping) of fishing vessels being done or having been done by the firm submitting the lowest bid after the receipt of competitive bids, unless acceptance of a higher bid has been approved by the Secretary;

(9) Shall provide that the mortgagor shall pay to the mortgagee the amount required for the payment of each mortgage insurance premium charge at least 60 days before the payment of such premium charge to the Secretary is due and shall further provide that the failure of the mortgagor to make such payment shall be a default of the mortgage;

(10) Shall provide for the acceleration of the maturity date and immediate payment of the indebtedness in the event of any default in the performance conditions of the mortgage or in the event of the loss or destruction of the mortgaged property;

(11) Shall have the contract of insurance or commitment to insure approved before the launching of a vessel, if the application covers vessel construction, or before the work of reconstruction or reconditioning is completed if the mortgage is to pay for reconstruction or reconditioning; and

(12) Shall contain such other provisions as may be agreed upon between the mortgagor and mortgagee which are not inconsistent with the provisions of the preceding paragraphs of this subsection and which are not disapproved by the Secretary.

(b) *Loans.* To be eligible for insurance under this part a loan:

(1) Shall be made by a lender approved by the Secretary to a borrower approved by the Secretary as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the property;

(2) Shall be made to aid in financing, include payment of loans previously made to finance, and reimbursement of the borrower for expenditures previously made for construction, reconstruction, or reconditioning (including design, inspection, outfitting, and equipment) of fishing vessels being done or having been done by the firm submitting the lowest bid after the receipt of competitive bids, unless the acceptance of a higher bid has been approved by the Secretary;

(3) Shall be payable prior to or simultaneously with execution of the mortgage;

(4) Shall provide that no advance shall be made thereunder unless the sum of such advance and the principal amount of all other advances under insured loans then outstanding at the time of said advance shall be less than 75 percent of the actual cost of such vessel, such actual cost to be determined by the Secretary and such determination to be conclusive for the purpose of determining the principal amount of the loan;

(5) Shall provide for the payment first, from sources other than the insured loan, by and for the account of the owner, of not less than 25 per centum of actual cost, and thereafter for payments by the lender direct to the shipyard or

other contractors, except where the payment is for reimbursement of the borrower for amounts expended by or for the account of the borrower on account of actual cost but excluding reimbursement for payments required to meet the first 25 per centum of the actual cost: *Provided*, That no payment shall be made by the lender until work representing 25 per centum of actual cost shall have been performed and that payments by the lender shall at no time exceed 75 per centum of actual cost of work performed to the time of payment;

(6) Shall provide that the borrower shall pay to the lender the amount required for the payment of each loan insurance premium charge at least 60 days before the payment of such premium charge to the Secretary is due, and which shall further provide that the failure of the borrower to make such payment shall give the lender the right to mature the loan;

(7) Shall bear interest at an average interest rate not to exceed the maximum rate permitted by subparagraph (5) of paragraph (a) of this section;

(8) Shall provide for vesting of title to the vessel in the borrower according to payments made subject only to the lien or other rights of the contractor for additional amounts due and unpaid;

(9) The furnishing of satisfactory insurance and a satisfactory performance bond by the contractor;

(10) The performance of the work substantially in accordance with contract plans and specifications approved by the Secretary; with the provision that all changes under the contract require approval of the Secretary prior to the commencement of work involving the changed specifications; and the furnishing of all technical material necessary for the Secretary's approval of the changes;

(11) The furnishing of two copies of all working plans, schedules and sketches promptly after approval by the owner; two copies of correspondence regarding work being done or to be done; and one copy of the vessel's certificates, documents and test reports if required by the Secretary;

(12) Shall provide for a chattel mortgage on the vessel being constructed and such other security or collateral as the Secretary may require;

(13) Shall provide for the acceleration of the maturity date and immediate payment of the indebtedness in the event of any default in the performance conditions of the loan (mortgage) or in the event of the loss or destructon of the property (mortgaged property); and

(14) Shall contain such other provisions as may be agreed upon between the borrower and the lender which are not inconsistent with the provisions of the subparagraphs (1) to (13) of this paragraph and which shall not be disapproved by the Secretary, and such other provisions as may be required by the Secretary.

(c) *Premium charges.* (1) In the case of any mortgage insured under this part, the annual premium charge for such insurance shall be one per centum of the average principal amount of the mortgage outstanding if the face amount of the mortgage represents more than 50 per centum of the actual cost of the construction, reconstruction or reconditioning, and three-fourths of one per centum if the face amount of the mortgage represents 50 per centum or less of the actual cost of the construction, reconstruction or reconditioning.

(2) In the case of loans insured under this part the annual premium charge for such insurance shall be one-half of one per centum per annum of the average principal amount of the loan outstanding.

(3) Premium payments shall be made when moneys are first advanced under the mortgage or loan agreement and on each anniversary date thereafter. In the event that the Secretary at any time determines that the amount of any premium charge is not correct, he shall promptly give notice thereof to the lender and the borrower, specifying the amount of the deficiency or excess. The lender shall, within 30 days after receipt of said notice, pay or cause to be paid to the Secretary the amount of any deficiency. The Secretary shall promptly refund to the lender the amount of any excess.

(4) Unless otherwise specified by the Secretary, all premium charges may be paid by check, payable to the Secretary of the Interior delivered to the Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D.C., accompanied by a letter stating that the payment is on account of a premium charge under the contract of insurance and specifying the period covered by the payment.

(5) Each premium charge shall be deemed to be fully earned when paid and no refund will be made by the Secretary of any premium charge paid in the event the insurance is terminated.

§ 255.4 Applications.

Applications may be for mortgage insurance, loan insurance, or both, or for commitments to insure.

(a) *Where filed.* Applications shall be filed with the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D.C., on an application form furnished by the Bureau except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient.

(b) *Processing of applications.* If it is determined on the basis of a preliminary review, that the application is complete and appears to be in conformity with the Act and this part, a field examination will be made. Following completion of the field examination, the application will be forwarded with an appropriate report to the Bureau of Commercial Fisheries, Washington, D.C. The application and all supporting documents must be filed in sufficient time to permit the Secretary to make a full and complete investigation and to take all other action required in respect thereto, and in any event not later than 90 days prior to the anticipated date of the closing of the transaction.

(c) *Books, records, and reports.* The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. A commitment to insure or a contract of insurance made under this part shall be made only upon the agreement of the borrower and lender to furnish the Secretary, promptly upon his request, such reasonable material and pertinent reports, evidence, proof and information as he may require in connection with insurance granted or applied for, and to permit the Secretary, upon his request, to make such reasonable examination and audit of his records and books of account as the Secretary may deem necessary in connection with insurance granted or applied for.

(d) *Inspection of property.* The Secretary shall have access at all times to all vessels with respect to a loan or mortgage which is insured or for which an application for insurance has been filed.

(e) *Investigation fee.* Each application must be accompanied by payment pursuant to section 1104(e) of the Act in the amount of $50 or one-half of one percent of the original principal amount of the mortgage or loan to be insured, whichever is less, which payment will be retained by the Secretary irrespective of the final disposition of the application. After preliminary consideration of the application, the applicant shall pay to the Secretary upon request such additional amount or amounts as the Secretary may deem reasonable for the investigation of the application for insurance, necessary appraisals, issuance of commitments, and inspection of property during construction, reconstruction or reconditioning: *Provided*, That total charges shall not aggregate more than one-half of one percent of the original principal amount of the mortgage or loan to be insured. Any additional amount or amounts so paid shall be retained by the Secretary if the application is approved, and one-half of any additional amount or amounts so paid shall be retained by the Secretary if the application is not approved. Unless otherwise agreed by the mortgagor or borrower and the mortgagee or lender, all such amounts shall be paid by the mortgagor or borrower.

§ 255.5 Commitment.

A commitment to insure the loan or mortgage will be issued by the Secretary, when such a commitment is required prior to the actual completion of the note and/or mortgage. This commitment will provide that the Secretary will insure a loan or mortgage, and will further state the terms and conditions under which this insurance will be issued. It will also contain the covenants to be accepted by the borrower and lender.

§ 255.6 Closing procedure.

The contract of insurance shall take effect upon payment of the first year's insurance premium in accordance with § 255.3(c) and the signing of the contract of insurance by the Secretary, the borrower and the lender.

§ 255.7 Defaults.

(a) *Rights of mortgagee, lender, or Secretary.* In the event of any act or failure to act which gives the mortgagee the right to foreclose the mortgage or the lender the right to mature the loan, any of these events being herein called defaults, the rights of the mortgagee, the lender, and the Secretary are as prescribed in section 1105(a) of the Act.

(b) *Assignment to Secretary.* In the event an assignment of the mortgage or note and of the obligations securing the mortgage or note shall be tendered to the Secretary in accordance with section 1105(a) of the Act, the assignment shall be as approved by the Secretary and annexed to the contract of insurance and such other documents as may be required by the Secretary, and shall be duly executed by or on behalf of the lender. Such assignment shall include the assignment to the Secretary of all collateral or security for the mortgage or loan and all policies of insurance held by the lender pursuant to the mortgage or loan agreement.

(c) *After assignment.* In the event the Secretary shall accept an assignment of a mortgage or loan agreement and the obligation or obligations secured by the same, upon default of the borrower, the Secretary may take any action authorized by sections 1105(c) and 1105(d) of the Act and any action authorized, permitted by, or provided for in the mortgage or loan agreement.

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

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AUTHORITY: §§ 260.1 to 260.103 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 260.1 Administration of regulations.

The Secretary of the Interior is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Bureau of Commercial Fisheries of the Department in his discretion.[1]

DEFINITIONS

§ 260.6 Terms defined.

Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

Acceptance number. "Acceptance number" means the number in a sampling plan that indicates the maximum number of deviants permitted in a sample of a lot that meets a specific requirement.

Act. "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

Applicant. "Applicant" means any interested party who requests inspection service under the regulations in this part.

Case. "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

Certificate of loading. "Certificate of loading" means a statement, either written or printed, issued pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

Certificate of sampling. "Certificate of sampling" means a statement, either written or printed issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

Class. "Class" means a grade or rank of quality.

Condition. "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage or improper handling.

Department. "Department" means the United States Department of the Interior.

Deviant. "Deviant" means a sample unit affected by one or more deviations or a sample unit that varies in a specifically defined manner from the requirements of a standard, specification, or other inspection document.

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[1] All functions of the Department of Agriculture which pertain to fish, shellfish and any products thereof, now performed under the authority of title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1621–1627), including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F. R. 2304) pursuant to section 6 (a) of the act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U. S. C. sec. 742e).

Deviation. "Deviation" means any specifically defined variation from a particular requirement.

Director. "Director" means the Director of the Bureau of Commercial Fisheries.

Inspection certificate. "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

Inspection service. "Inspection service" means:

(a) The sampling pursuant to the regulations in this part;

(b) The determination pursuant to the regulations in this part of:

(1) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(2) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(c) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(d) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

Inspector. "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

Interested party. "Interested party" means any person who has a financial interest in the commodity involved.

Licensed sampler. "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for identification and condition of containers in a lot, and may, when authorized by the Secretary, perform related services under the act and the regulations in this part.

Lot. "Lot" has the following meanings:

(a) For the purpose of charging fees and issuing certificates, "Lot" means any number of containers of the same size and type which contain a processed product of the same type and style located in the same or adjacent warehouses and which are available for inspection at any one time: *Provided,* That:

(1) Processed products in separate piles which differ from each other as to grade or other factors may be deemed to be separate lots;

(2) Containers in a pile bearing an identification mark different from other containers of such processed product in that pile, if determined to be of lower grade or deficient in other factors, may be deemed to be a separate lot; and

(3) If the applicant requests more than one inspection certificate covering different portions of such processed product, the quantity of the product covered by each certificate shall be deemed to be a separate lot.

(b) For the purpose of sampling and determining the grade or compliance with a specification, "Lot" means each pile of containers of the same size and type containing a processed product of the same type and style which is separated from other piles in the same warehouse, but containers in the same pile bearing an identification mark different from other containers in that pile may be deemed to be a separate lot.

Officially drawn sample. "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Secretary pursuant to the regulations in this part.

Person. "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

Plant. "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

Processed product. "Processed product" means any fishery product or other food product covered under the regulations in this part which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

Quality. "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

Rejection number. "Rejection number" means the number in a sampling plan that indicates the minimum number of deviants in a sample that will cause a lot to fail a specific requirement.

Sample. "Sample" means any number of sample units to be used for inspection.

Sample unit. "Sample unit" means a container and/or its entire contents, a portion of the contents of a container or other unit of commodity, or a composite mixture of a product to be used for inspection.

Sampling. "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

Secretary. "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

Shipping container. "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged processed products for shipping.

Unofficially drawn sample. "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Director pursuant to the regulations in this part.

§ 260.7 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946 provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

Official certificate. "Official certificate" means any form of certification, either written or printed, including those defined in § 260.6, used under this part to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

Official device. "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Director for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

Official identification. "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Director and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

Official mark. "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 260.86 approved by the Secretary and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

Official memorandum. "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

INSPECTION SERVICE

§ 260.12 Where inspection service is offered.

Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 260.13 Who may obtain inspection service.

An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 260.14 How to make application.

An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired. An up-to-date list of the Inspection Field Offices of the Department may be obtained upon request to the Director. Satisfactory proof that the applicant is an interested party shall be furnished.

§ 260.15 Information required in connection with application.

Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 260.16 Filing of application.

An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 260.17 Record of filing time.

A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 260.18 When application may be rejected.

An application for inspection service may be rejected by the Secretary (a) for non-compliance by the applicant with the regulations in this part, (b) for non-payment for previous inspection services rendered, (c) when the product is not properly identifiable by code or other marks, or (d) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 260.19 When application may be withdrawn.

An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That, the applicant shall pay at the hourly rate prescribed in § 260.76 for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 260.20 Disposition of inspected sample.

Any sample of a processed product that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 260.21 Basis of inspection and grade or compliance determination.

(a) Inspection service shall be performed on the basis of the appropriate United States standards for grades of processed products, Federal, Military, Veterans Administration or other government agency specifications, written contract specification, or any written specification or instruction which is approved by the Secretary.

(b) Unless otherwise approved by the Director compliance with such grade standards, specifications, or instructions shall be determined by evaluating the product, or sample, in accordance with the requirements of such standards, specifications, or instructions: *Provided,* That when inspection for quality is based on any United States grade standard which contains a scoring system the grade to be assigned to a lot is the grade indicated by the average of the total scores of the sample units: *Provided further,* That:

(1) Such sample complies with the applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act;

(2) Such sample complies with the product description;

(3) Such sample meets the indicated grade with respect to factors of quality which are not rated by score points; and

(4) With respect to those factors of quality which are rated by score points, each of the following requirements is met:

(i) None of the sample units falls more than one grade below the indicated grade because of any quality factor to which a limiting rule applies;

(ii) None of the sample units falls more than 4 score points below the minimum total score for the indicated grade; and

(iii) The number of sample units classed as deviants does not exceed the applicable acceptance number indicated in the sampling plans contained in § 260.61. A "deviant," as used in this paragraph, means a sample unit that falls into the next grade below the indicated grade but does not score more than 4 points below the minimum total score for the indicated grade.

(5) If any of the provisions contained in subparagraphs (3) and (4) of this paragraph are not met the grade is determined by considering such provisions in connection with succeedingly lower grades until the grade of the lot, if assignable, is established.

§ 260.22 Order of inspection service.

Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 260.23 Postponing inspection service.

If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 260.24 Financial interest of inspector.

No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 260.25 Forms of certificates.

Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Secretary.

§ 260.26 Issuance of certificates.

(a) An inspection certificate may be issued only by an inspector: *Provided,* That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Secretary, to affix the inspector's

signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Secretary to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 260.27 Issuance of corrected certificates.

A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 260.28 Issuance of an inspection report in lieu of an inspection certificate.

A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Secretary.

§ 260.29 Disposition of inspection certificates.

The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Secretary may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 260.78.

§ 260.30 Report of inspection results prior to issuance of formal report.

Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 260.36 When appeal inspection may be requested.

An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Secretary the time within which an application for appeal inspection may be made may be extended.

§ 260.37 Where to file for an appeal inspection and information required.

(a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 260.38 When an application for an appeal inspection may be withdrawn.

An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 260.76, for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 260.39 When appeal inspection may be refused.

An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 260.40 Who shall perform appeal inspection.

An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Secretary and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 260.41 Appeal inspection certificate.

After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 260.47 Who may become licensed sampler.

Any person deemed to have the necessary qualifications may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary, and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to identification and condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 260.48 Application to become a licensed sampler.

Application to become a licensed sampler shall be made to the Secretary on forms furnished for that purpose. Each such application shall be signed by the applicant in his own handwriting, and

the information contained therein shall be certified by him to be true, complete, and correct to the best of his knowledge and belief, and the application shall contain or be accompanied by:

(a) A statement showing his present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the ten years previous to the date of his application;

(b) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(c) A statement that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(d) Such other information as may be requested.

§ 260.49 Inspectors.

Inspections will ordinarily be performed by employees under the Secretary who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Secretary is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Director.

§ 260.50 Suspension or revocation of license of licensed sampler or licensed inspector.

Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 260.51 Surrender of license.

Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 260.57 How samples are drawn by inspectors or licensed samplers.

An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Secretary, select sample units of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure a representative sample of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 260.58 Accessibility for sampling.

Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 260.59 How officially drawn samples are to be identified.

Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 260.60 How samples are to be shipped.

Unless otherwise directed by the Secretary, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 260.61 Sampling plans and procedures for determining lot compliance.

(a) Except as otherwise provided for in this section in connection with inplant inspection and unless otherwise approved by the Secretary, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable single sampling plan or, at the discretion of the inspection service, any comparable multiple sampling plan: *Provided*, That at the discretion of the inspection service the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans.

(b) Under the single sampling plans with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample does not exceed the acceptance number prescribed for the sample size the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample exceeds the acceptance number prescribed for the sample size the lot fails the requirement.

(c) Under the multiple sampling plans inspection commences with the smallest sample size indicated under the appropriate plan and with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered does not exceed the acceptance number prescribed for that sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered equals or exceeds the rejection number prescribed for that sample size, the lot fails the requirement; or

(3) If the number of deviants (as defined in connection with the specific requirement) in the sample being considered falls between the acceptance and rejection numbers of the plan, additional sample units are added to the sample so that the sample thus cumulated equals the next larger cumulative sample size in the plan. It may then be determined that the lot meets or fails the specific requirement by considering the cumulative sample and applying the procedures outlined in subparagraphs (1) and (2) of this paragraph or by considering successively larger samples cumulated in the same manner until the lot meets or fails the specific requirement.

(d) If in the conduct of any type of in-plant inspection the sample is examined before the lot size is known and the number of sample units exceeds the prescribed sample size for such lot but does not equal any of the prescribed larger sample sizes the lot may be deemed to meet or fail a specific requirement in accordance with the following procedure:

(1) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample does not exceed the acceptance number of the next smaller sample size the lot meets the requirements;

(2) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample equals the acceptance number prescribed for the next larger sample size additional sample units shall be selected to increase the sample to the next larger prescribed sample size;

(3) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample exceeds the acceptance number prescribed for the next larger sample size the lot fails the requirement.

(e) In the event that the lot compliance determination provisions of a standard or specification are based on the number of specified deviations instead of deviants the procedures set forth in this section may be applied by substituting the word "deviation" for the word "deviant" wherever it appears.

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, V, and VI which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container size and amount of product to be sampled.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS

TABLE I—CANNED OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of less volume than that of a No. 300 size can (300 x 407).	3,600 or less	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 2									
Any type of container of a volume equal to or exceeding that of a No. 300 size can, but not exceeding that of a No. 3 cylinder size can (404 x 700).	2,400 or less	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 3									
Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can (603 x 812).	1,200 or less	1,201-7,200	7,201-15,000	15,001-24,000	24,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container of a volume exceeding that of a No. 12 size can, but not exceeding that of a 5-gallon container.	200 or less	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.
GROUP 5									
Any type of container of a volume exceeding that of a 5-gallon container.	25 or less	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
Single sampling plans [1]									
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

TABLE II—FROZEN OR SIMILARLY PROCESSED FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	2,400 or less	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 2									
Any type of container over 1 pound but not over 4 pounds net weight.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 3									
Any type of container over 4 pounds but not over 10 pounds net weight.	900 or less	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container over 10 pounds but not over 100 pounds net weight.	200 or less	201-800	801-1,600	1,601-2,400	2,401-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.
GROUP 5									
Any type of container over 100 pounds net weight.	25 or less	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
Single sampling plans [1]									
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS—Continued

TABLE III—CANNED, FROZEN, OR OTHERWISE PROCESSED FISHERY AND RELATED PRODUCTS, AND PRODUCTS THEREOF OF A COMMINUTED, FLUID, OR HOMOGENEOUS STATE

Container size group [1]	Lot size (number of containers)								
GROUP 1									
Any type of container of 12 ounces or less.	5,400 or less	5,401-21,600	21,601-62,400	62,401-112,000	112,001-174,000	174,001-240,000	240,001-360,000	360,001-480,000	Over 480,000.
GROUP 2									
Any type of container over 12 ounces but not over 60 ounces.	3,600 or less	3,601-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 3									
Any type of container over 60 ounces but not over 160 ounces.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 4									
Any type of container over 160 ounces but not over 10 gallons or 100 pounds whichever is applicable.	200 or less	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 5									
Any type of container over 10 gallons or 100 pounds whichever is applicable.	25 or less	26-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
Single sampling plans [2]									
Sample size (number of sample units).[3]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] Ounces pertain to either fluid ounces of volume or avoirdupois ounces of net weight whichever is applicable for the product involved.

[2] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[3] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. A smaller sample unit may be substituted in group 3 at the inspector's discretion. Groups 4, 5, and 6—approximately 16 ounces of product. When determined by the inspector that a 16-ounce sample unit is inadequate, a larger sample unit may be substituted.

TABLE IV—DEHYDRATED FISHERY AND RELATED PRODUCTS

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	1,800 or less	1,801-8,400	8,401-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 2									
Any type of container over 1 pound but not over 5 pounds net weight.	900 or less	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 3									
Any type of container over 5 pounds but not over 20 pounds net weight.	200 or less	201-800	801-1,600	1,601-3,200	3,201-8,000	8,001-16,000	16,001-24,000	24,001-32,000	Over 32,000.
GROUP 4									
Any type of container over 20 pounds but not over 100 pounds net weight.	48 or less	49-400	401-1,200	1,201-2,000	2,001-2,800	2,801-6,000	6,001-9,600	9,601-15,000	Over 15,000.
GROUP 5									
Any type of container over 100 pounds net weight.	16 or less	17-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
Single sampling plans [1]									
Sample size (number of sample units).[2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table V of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VI of this section.

[2] The sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Groups 2, 3, 4, and 5—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V—SINGLE SAMPLING PLANS FOR USE IN INCREASING SAMPLE SIZE BEYOND 72 SAMPLE UNITS

Sample size, n	84	96	108	120	132	144	156	168	180	192	204	216	230	344	258	272	286	300	314	328	342	356	370	384	400
Acceptance numbers, c	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

MULTIPLE SAMPLING PLANS[1]

TABLE VI—MULTIPLE SAMPLING PLANS COMPARABLE TO THE INDICATED SINGLE SAMPLING PLANS

Indicated single sampling plan:								
Single sample size, n	6	13	21	29	38	48	60	72
Acceptance numbers, c	1	2	3	4	5	6	7	8
Cumulative sample sizes, n, and acceptance numbers, c, and rejection numbers, r, for multiple sampling.	n, c, r 4 0 2 6 0 2 8 1 2	n, c, r 8 0 3 10 0 3 12 1 3 14 2 3	n, c, r 10 0 3 14 1 4 18 1 4 22 2 5 26 4 5	n, c, r 12 0 4 16 0 4 20 1 5 24 2 5 28 3 6 32 5 6 36 5 6	n, c, r 14 0 4 20 0 5 26 1 6 32 2 6 38 3 7 44 6 7	n, c, r 16 0 4 24 1 5 22 2 6 40 3 8 48 4 8 56 7 8	n, c, r 18 0 5 28 1 6 38 2 7 48 3 8 58 4 8 68 8 9	n, c, r 22 0 5 32 1 7 42 2 8 52 3 9 62 5 10 72 6 10 82 9 10

[1] These multiple sampling plans may be used in lieu of the single sampling plans listed at the heading of each column.

§ 260.62 Issuance of certificate of sampling.

Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Secretary.

§ 260.63 Identification of lots sampled.

Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Secretary, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 260.69 Payment of fees and charges.

Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $4.50 per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section.[3]

(1) *Canned or similarly processed fishery products, and products thereof.*

OFFICIALLY DRAWN SAMPLES

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 600 cases or less	[3] $9.00
For each additional 100 cases, or fraction thereof, in excess of 600 cases but not in excess of 10,000 cases	[3] 1.00
For each additional 100 cases, or fraction thereof, in excess of 10,000 cases	[3] .80

[3] However, the fee for any additional lots of 200 cases or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $6.75.

UNOFFICIALLY DRAWN SAMPLES

For containers of a volume not exceeding that of a No. 3 size can (404 x 414):

Minimum fee for 4 containers or less	$4.50
For each additional container in excess of 4 containers	1.00

For containers of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 2 containers or less	$4.50
For each additional container in excess of 2 containers	2.00

(2) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraph (1) of this paragraph shall be at the rate of $4.50 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided,* That, fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

[3] The fees specified in this section are exclusive of charges for such micro, chemical and certain other special analyses, other than salt and acidity by direct titration, soluble solids (by refractometer) or total solids (by refractometer), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

§ 260.71 Fees to be charged and collected for sampling when performed by a licensed sampler.

Such sampling fees as are specifically prescribed by the Secretary in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided,* That if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 260.72 Inspection fees when charges for sampling have been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $4.50 per hour prescribed in this part.

§ 260.73 Inspection fees when charges for sampling have not been collected by a licensed sampler.

For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Secretary: *Provided,* That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $4.50 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Secretary.

§ 260.74 Fee for appeal inspection.

The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided,* That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 260.75 Charges for micro, chemical, and certain other special analyses.

(a) The following charges shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product: [3]

Type of analysis	For first analysis	For each additional analysis
Mold count	$1.50	$1.50
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	1.50
Alcohol insoluble solids	6.00	3.00
Alcohol (distillation and specific gravity)	9.00	6.00
Ascorbic acid (vitamin C)	9.00	2.00
Total ash (carbonated or sulfated)	5.00	3.00
Ash, acid insoluble	6.00	3.00
Ash, water soluble or water insoluble	6.00	3.00
Ash, NaCl free (approximate method—total ash less NaCl)	9.00	3.00
Ash, NaCl free (P_2O_5 x 2)	15.00	6.00
Catalase test	3.00	1.50
Crude fiber	12.00	6.00
Ether extract (crude fat)	9.00	5.00
Fat (acid hydrolysis)	9.00	6.00
Fiber (green and wax bean)	6.00	3.00
Iodine number	9.00	4.50
Moisture (air oven method)	3.00	3.00
Moisture (vacuum oven method)	3.00	3.00
Nitrogen or crude protein	9.00	3.00
Non-volatile ether extract	9.00	4.50
Phosphorous pentoxide (P_2O_5)	15.00	6.00
Potash (K_2O)	15.00	6.00
Phosphorous pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	18.00	12.00
Recoverable oil	3.00	2.00
Peroxidase test (frozen vegetables)	4.50	3.00
Reducing sugars	12.00	6.00
Reducing sugars plus sucrose	18.00	12.00
Sucrose (direct polarization)	6.00	3.00
Sucrose (chemical methods)	18.00	12.00
Starch or carbohydrates (direct hydrolysis)	18.00	9.00
Sulphur dioxide (direct titration)	5.00	3.00
Sulphur dioxide (distillation method)	9.00	5.00
Sodium	13.50	4.50
Total solids (drying method)	3.00	3.00
Vanillin	12.00	9.00
Volatile and non-volatile ether extract	10.00	6.00
Water extract	5.00	5.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product: [4]

Type of analysis	For first analysis	For each additional analysis
Brix readings (refractometric or spindle)	$3.00	$1.00
Brix readings (double dilution)	3.00	2.00
Total acidity (direct titration)	3.00	1.00
Free fatty acids	4.50	1.50
Salt (NaCl)—direct titration	4.50	1.50
Soluble solids (refractometric method)	3.00	1.00
Total solids (refractometric method)	3.00	1.00

[3] When any of these analyses are made at the request of an applicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 30 percent.

[4] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

§ 260.76 When charges are to be based on hourly rate not otherwise provided for in this part.

When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $4.50 per hour.

§ 260.77 Fees for score sheets.

If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of $2.25 for each twelve sample units, or fraction thereof, inspected and listed on such score sheets.

§ 260.78 Fees for additional copies of inspection certificates.

Additional copies of any inspection certificate other than those provided for in § 260.29, may be supplied to any interested party upon payment of a fee of $2.25 for each set of five (5) or fewer copies.

§ 260.79 Travel and other expenses.

Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service, including appeal inspections: *Provided,* That, if charges for sampling or inspection are based on an hourly rate, an additional hourly charge may be made for travel time including time spent waiting for transportation as well as time spent traveling, but not to exceed eight hours of travel time for any one person for any one day: *And provided further,* That, if travel is by common carrier, no hourly charge may be made for travel time outside the employee's official work hours.

§ 260.80 Charges for inspection service on a contract basis.

(a) Irrespective of fees and charges prescribed in foregoing sections, the Secretary may enter into contracts with applicants to perform continuous inspection services or other inspection services pursuant to the regulations in this part and other requirements as prescribed by the Secretary in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Bureau of Commercial Fisheries of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary.

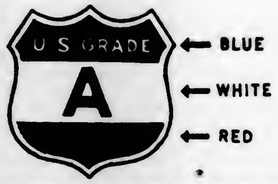
(b) Irrespective of fees and charges prescribed in the foregoing sections, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing agreement or a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as revised (16 U. S. C. 661 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the Bureau of Commercial Fisheries of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Secretary. Likewise, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with the administration of a similar program operated pursuant to the laws of any State.

(c) No Member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in this section or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a Member of, or Delegate to Congress, or a Resident Commissioner in his capacity as a fisherman.

MISCELLANEOUS

§ 260.86 Approved identification.

(a) *Grade marks.* The approved grade mark or identification may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such grade, quality or classification. The grade marks approved for use shall be similar in form and design to the examples in Figures 1 to 4 of this section.



Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 1.



Shield with plain background.

FIGURE 2.

U. S. GRADE A

FIGURE 3.



FIGURE 4.

(b) *Inspection marks.* The approved inspection marks may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such quality or grade classification as may be approved by the Secretary. The inspection marks approved for use shall be similar in form and design to the examples in Figures 5, 6, and 7 of this section.



Statement enclosed within a shield.

FIGURE 5.

PACKED UNDER CONTINUOUS INSPECTION OF THE U. S. DEPT. OF THE INTERIOR	PACKED BY ---------- ---------- UNDER CONTINUOUS INSPECTION OF THE U. S. DEPT. OF THE INTERIOR

Statements without the use of the shield.

FIGURE 6.

FIGURE 7.

(c) *Combined grade and inspection marks.* The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on processed products that have been packed under continuous inspection as provided in this part.

(d) *Products not eligible for approved identification.* Processed products which have not been packed under continuous inspection as provided in this part shall not be identified by approved grade or inspection marks, but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sample mark similar in form and design to the example in Figure 8 of this section.

FIGURE 8.

§ 260.87 Fraud or misrepresentation.

Any or all benefits of the act may be denied any person committing wilful misrepresentation or any deceptive or fraudulent practice in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of the Interior," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Secretary.

§ 260.88 Political activity.

All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 260.89 Interfering with an inspector or licensed sampler.

Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 260.90 Compliance with other laws.

None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 260.91 Identification.

Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS [5]

§ 260.97 Plant survey.

(a) Prior to the inauguration of continuous inspection service on a contract basis, the Secretary will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with:

(1) The regulations in this part, including, but not limited to, the requirements contained in §§ 260.97 to 260.103; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

[5] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

§ 260.98 Premises.

The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 260.99 Buildings and structures.

The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Secretary may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 260.100 Facilities.

Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 260.101 Equipment.

All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 260.102 Operations and operating procedures.

(a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other microorganic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 260.97 to 260.103 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such

products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Secretary, such changes shall be effectuated as soon as practicable.

§ 260.103 Personnel; health.

In addition to such other requirements as may be prescribed by the Secretary with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

PART 261—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED FISH STICKS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.
261.1 Product description.
261.2 Grades of frozen fried fish sticks.

WEIGHTS AND DIMENSIONS

261.6 Recommended weights and dimensions.

FACTORS OF QUALITY

261.11 Ascertaining the grade.
261.12 Ascertaining the score for the factors which are rated.
261.13 Appearance.
261.14 Defects.
261.15 Character.

DEFINITIONS AND METHODS OF ANALYSIS

261.21 Definitions and methods of analysis.

LOT INSPECTION AND CERTIFICATION

261.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

261.31 Score sheet for frozen fried fish sticks.

AUTHORITY: §§ 261.1 to 261.31 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 261.1 Product description.

Frozen fried fish sticks are clean, wholesome, rectangular-shaped portions of breaded, pre-cooked, and frozen fish flesh. The portions of fish flesh, composed primarily of large pieces, are coated with a suitable batter and breading; are cooked by frying in suitable oil or fat; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product. Frozen fried fish sticks contain not less than 60 percent, by weight, of fish flesh. All sticks comprising an individual package are prepared from the flesh of only one species of fish.

§ 261.2 Grades of frozen fried fish sticks.

(a) "U.S. Grade A" is the quality of frozen fried fish sticks that possess a good flavor and odor, that possess a good appearance, that are practically free from defects, that possess a good character, and that for those factors which are rated in accordance with the scoring system outlined in this part the total score is not less than 85 points: *Provided*, That the frozen fried fish sticks may possess a reasonably good appearance and a reasonably good character if the total score is not less than 85 points.

(b) "U. S. Grade B" is the quality of frozen fried fish sticks that possess a reasonably good flavor and odor, that possess a reasonably good appearance, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points: *Provided*, That the frozen fried fish sticks may fail to possess a reasonably good appearance and fail to possess a reasonably good character if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried fish sticks that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 261.6 Recommended weights and dimensions.

The recommended weights and dimensions of frozen fried fish sticks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purposes of these grades. It is recommended that the largest dimension of a fish stick be at least three times that of the next largest dimension and that the average weight of the individual sticks be not less than ¾ ounce and not greater than 1¼ ounces.

FACTORS OF QUALITY

§ 261.11 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Appearance	35
Defects	40
Character	25
Total score	100

(b) *Ascertaining of grade.* The grade of frozen fried fish sticks is ascertained by observing the product in the frozen state and after it has been heated in a suitable manner.

(c) *Good flavor and odor.* "Good flavor and odor" means that the product has the good flavor and odor of properly prepared breaded fish sticks. The flesh portion has the good flavor and odor of properly prepared fish of the particular species. The coating has the good flavor and odor obtained when all components have been properly prepared, used, and maintained. The product is free from rancidity, bitterness, and staleness, from bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

(d) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" means that the product may be somewhat lacking in good flavor and odor, but is free from rancidity and from objectionable bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

§ 261.12 Ascertaining the score for the factors which are rated.

The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive. (For example, "21 to 25 points" means 21, 22, 23, 24, or 25 points.)

§ 261.13 Appearance.

(a) *General.* The factor of appearance refers to the uniformity of size and shape of the frozen sticks, the color of the heated sticks, and the continuity of the coating of the product after heating.

(b) (*A*) *classification.* Frozen fried fish sticks that possess a good appearance may be given a score of 30 to 35 points. "Good appearance" means that the sticks are practically uniform in size and shape; that the product after heating possesses a practically uniform light brown to golden brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not more than slightly affected by cracking or slipping.

(c) (*B*) *classification.* Frozen fried fish sticks that possess a reasonably good appearance may be given a score of 25 to 29 points. "Reasonably good appearance" means that the sticks are reasonably uniform in size and shape; that the product after heating possesses a reasonably uniform light brown to golden-brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not materially affected by cracking or slipping.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) (*SStd.*) *classification.* Frozen fried fish sticks which fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points, and shall not be graded above U. S. Grade B regardless of the total score of the product (this is a partial limiting rule).

§ 261.14 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from bones, broken sticks, damaged sticks, and from blemishes.

(1) *Bones.* "Bones" means any bones that can be separated from the product, can be identified, and are of such character as to be potentially harmful.

(2) *Broken stick.* "Broken stick" means a fish stick which is separated in two or more parts or is strained apart to the extent that it cannot be readily handled as one stick.

(3) *Damaged stick.* "Damaged stick" means a fish stick which has been crushed or otherwise mutilated to the extent that its appearance is materially affected.

(4) *Blemished.* "Blemished" means the presence (in or on the fish flesh) of blood spots, bruises, skin, protein curd spots, and objectionable dark layer fat, and (on or in the coating) of burned material, dark carbon specks, and other harmless extraneous material.

(5) *Seriously blemished.* "Seriously blemished" means blemished to the extent that the appearance is seriously affected.

(b) (*A*) *classification.* Frozen fried fish sticks that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that:

(1) None of the sticks are broken;

(2) The sticks may be blemished to only a minor degree; and

(3) Not more than a total of 20 percent, by count, of the sticks may be damaged or contain bones: *Provided*, That bones may be present in not more than 10 percent, by count, of all the sticks.

(c) (*B*) *classification.* Frozen fried fish sticks that are reasonably free from defects may be given a score of 28 to 33 points. Frozen fried fish sticks that fall into this classification may not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than a total of 30 percent, by count, of the sticks may be defective because of bones, or are damaged sticks, broken sticks, or seriously blemished sticks: *Provided*, That

(1) Not more than 10 percent, by count, may be broken sticks;

(2) Not more than 30 percent, by count, may be damaged sticks;

(3) Not more than 20 percent, by count, of the sticks may contain bones; and

(4) Not more than 10 percent, by count, of the sticks may be seriously blemished.

(d) (*SStd.*) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points, and may not be graded above substandard regardless of the total score for the product (this is a limiting rule).

§ 261.15 Character.

(a) *General.* The factor of character refers to the presence or absence of free oil in the package and its effect on the condition of the package; the ease of separating the frozen sticks without damaging the coating or breaking the sticks; the tendency of the sticks to remain whole and unbroken when they are heated, handled, and served in the normal manner; the degree of freedom of the breading from either an oiliness or crumbliness; the tenderness and moistness of the flesh; the consistency of the breading in the heated product; and the adherence of the coating of the heated product.

(b) (*A*) *classification.* Frozen fried fish sticks that possess a good character may be given a score of 21 to 25 points. "Good character" means that oil from the product does not more than slightly damage the package; that there may be present not more than a very small amount of loose breading in the package; that the sticks may be separated easily; that the sticks are not more than very slightly damaged by the normal handling incident to heating and serving; that no excess oil remains on the cooking utensil; that the breading is not more than slightly oily; that the flesh after heating has a good texture which is firm, tender and moist, characteristic of properly fried fish sticks for the species used; and that after heating the coating has a good crisp, tender texture not more than slightly affected by blistering or wrinkling.

(c) (*B*) *classification.* Frozen fried fish sticks that possess a reasonably good character may be given a score of 17 to 20 points. "Reasonably good character" means that oil from the product does not materially damage the package; that there may be present not more than a reasonable amount of loose breading in the package; that the sticks may be separated with only moderate damage to the coating; that the sticks are not more than moderately damaged by the normal handling incident to heating and serving; that the breading is not more than moderately oily; that the flesh after heating has a reasonably good texture which is not more than moderately tough, stringy, crumbly, mushy or spongy; and that after heating the coating has a reasonably good texture which may be not more than moderately pasty, mushy, tough, or crumbly and is not materially affected by blistering or wrinkling.

(d) (*SStd.*) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above U. S. Grade B regardless of the total score for the product (this is a partial limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 261.21 Definitions and methods of analysis.

(a) *Percent of fish flesh.* "Percent of fish flesh" means the percent, by weight, of fish flesh in an individual package as determined by the following method:

(1) *Equipment needed.* (i) Water bath (2 to 3 liter beaker).

(ii) Balance, accurate to 0.05 gm.

(iii) Paper towels.

(iv) Spatula, small with curved tip.

(2) *Procedure.* (i) Remove from 0° F. storage and obtain the weight of each stick in the package while still in a hard frozen condition.

(ii) Place each stick individually in the water bath (maintained at 17° to 30° C.—63° to 86° F.) and allow to remain for 25 seconds. Remove from the bath; blot off lightly with double thickness paper toweling; scrape off coating with spatula; and weigh the fish flesh portion of the stick.

(iii) Calculate the percent of fish flesh in the package by the following formula:

$$\frac{\text{Total weight of fish flesh}}{\text{Total weight of frozen sticks}} \times 100 = \text{percent fish flesh.}$$

(c) *Heating in a suitable manner.* "Heating in a suitable manner" means heating in accordance with the recommendations accompanying the product. However, if specific instructions are lacking, the product should be heated as follows:

(1) Place the product while still in the frozen state on a flat or shallow pan of sufficient size that at least 10 ounces of the product can be spread evenly on the pan with no portion of a stick closer than ¼ inch to another or to the edge of the pan.

(2) Place the pan and frozen contents in a properly ventilated oven pre-heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

LOT INSPECTION AND CERTIFICATION

§ 261.25 Tolerances for certification of officially drawn samples.

The grade of a lot of the processed product covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fishery products, processed products thereof, and certain other processed food products (§§ 260.1 to 260.103).

SCORE SHEET

§ 261.31 Score sheet for frozen fried fish sticks.

Label ____
Size and kind of container ____
Species of fish ____
Container mark or identification ____
Size of lot ____
Number of samples ____
Net weight (ounces) ____
Number of sticks per container ____

Factors		Score points	
Appearance	35	(A)	30–35
		(B)	25–29
		(SStd.) [1]	0–24
Defects	40	(A)	34–40
		(B)	[2] 28–33
		(SStd.) [1]	0–27
Character	25	(A)	21–25
		(B)	17–20
		(SStd.) [1]	0–16
Total score	100		

Grade ____
Flavor ____

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

PART 262—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP [1]

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
262.1 Product description.
262.2 Types of frozen raw breaded shrimp.
262.3 Grades of frozen raw breaded shrimp.

FACTORS OF QUALITY

262.11 Ascertaining the grade.
262.12 Factors evaluated on product in frozen breaded state.
262.13 Factors evaluated on product in thawed debreaded state.

DEFINITION AND METHODS OF ANALYSIS

262.21 Definitions and methods of analysis.

LOT INSPECTION AND CERTIFICATION

262.25 Ascertaining the grade of a lot.

SCORE SHEET

262.31 Score sheet for frozen raw breaded shrimp.

AUTHORITY: §§ 262.1 to 262.31 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 262.1 Product description.

Frozen raw breaded shrimp are clean, wholesome, headed, peeled, and deveined shrimp, of the regular commercial species, coated with a wholesome, suitable batter and breading. They are prepared and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. Frozen raw breaded shrimp contain not less than 50 percent by weight of shrimp material.

§ 262.2 Types of frozen raw breaded shrimp.

(a) *Type I, Fantail*—(1) *Subtype A.* Split (butterfly) shrimp with the tail fin and the shell segment immediately adjacent to the tail fin.

(2) *Subtype B.* Split (butterfly) shrimp with the tail fin but free of all shell segments.

(b) *Type II, Round fantail*—(1) *Subtype A.* Round shrimp with the tail fin and the shell segment immediately adjacent to the tail fin.

(2) *Subtype B.* Round shrimp with the tail fin but free of all shell segments.

(c) *Type III, Split.* Split (butterfly) shrimp without attached tail fin or shell segments.

(d) *Type IV, Round.* Round shrimp without attached tail fin or shell segments.

§ 262.3 Grades of frozen raw breaded shrimp.

(a) "U.S. Grade A" is the quality of frozen raw breaded shrimp that when cooked possess an acceptable flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U. S. Grade B" is the quality of frozen raw breaded shrimp that when cooked possess an acceptable flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen raw breaded shrimp that fail to meet the requirements of "U. S. Grade B."

FACTORS OF QUALITY

§ 262.11 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(b) *Factor not rated by score points: acceptability of flavor and odor.* A product with an acceptable flavor and odor is one that is free from any abnormal flavor and odor. The acceptability of flavor and odor is determined on the product after it has been cooked in a suitable manner.

(c) *Factors rated by score points.* The quality of the product with respect to factors scored is expressed numerically on the scale of 100. Weighted deductions from the maximum possible score of 100 are assessed for essential variations of quality within each factor. The score of frozen raw breaded shrimp is determined by observing the product in the frozen and thawed states.

§ 262.12 Factors evaluated on product in frozen breaded state.

Factors affecting qualities which are measured on the product in the frozen state are: loose breading or frost; ease of separation; uniformity of size; condition of coating; and damaged or fragmented breaded shrimp. For the purpose of rating the factors which are scored in the frozen state, the schedule of point deductions in Table I applies. This schedule of point deductions is based on the examination of one complete individual package (sample unit) regardless of the net weight of the contents of the package.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR RATING IN FROZEN BREADED STATE

Factor	Quality description	Deductions allowed
1. Loose breading or frost	Less than 2 percent by weight of product	0
	2 percent but less than 3 percent	1
	3 percent but less than 6 percent	2
	6 percent or more	3
2. Ease of separation	Separate easily immediately after opening package	0
	Separate easily after being removed from carton and exposed to room temperature for not more than 4 minutes	1
	Separate easily after being removed from carton and exposed to room temperature for not more than 6 minutes	2
	Does not separate easily after being removed from carton and exposed to room temperature for 6 minutes	3
3. Uniformity	Ratio of weight of 3 largest to 3 smallest breaded shrimp in sample unit:	
	Up to 1.70	0
	1.71–1.80	1
	1.81–1.90	2
	1.91–2.00	3
	2.01–2.10	4
	2.11–2.20	5
	2.21–2.30	6
	2.31–2.40	7
	2.41–2.50	8
	2.51–2.60	9
	Over 2.60	10
4. Condition of coating	Degree of halo or balling up or holidays (identify type of defect by circling proper word):	
	No obvious	0
	Slight	1
	Moderate	2
	Marked	3
	Excessive	4
5. Damaged or fragmented breaded shrimp.	None	0
	For each unit	2
	Tail fin broken or missing per unit (except in Types III and IV)	1

§ 262.13 Factors evaluated on product in thawed debreaded state.

Factors affecting qualities which are measured on the product in the thawed debreaded state are: degree of deterioration; dehydration; sand veins; black spot; extra shell; and swimmerets. For the purpose of rating the factors which are scored in the thawed debreaded state, the schedule of point deductions in Table II applies. This schedule of point deductions is based on the examination of 20 whole shrimp selected at random from one or more packages.

TABLE II—SCHEDULE FOR POINT DEDUCTIONS FOR EXAMINATION IN THAWED, DEBREADED STATE

[Subtotals brought forward]

Factor	Quality description	Deductions allowed
1. Degree of deterioration	None obvious	0
	Slight, but obvious, on average	2
	Moderate, on average	4
	Any marked—each shrimp	5
2. Dehydration	None obvious	0
	Slight but obvious, on average	2
	Moderate, on average	4
	Excessive—each shrimp	5

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE II—SCHEDULE FOR POINT DEDUCTIONS FOR EXAMINATION IN THAWED, DEBREADED STATE—Continued

[Subtotal brought forward]—Continued

Factor	Quality description	Deductions allowed
3. (a) Sand veins[1]	For each dark vein present deduct according to following schedule:	
	In first segment (adjacent to tail fin)	0
	Equivalent in length to 2 segments	1
	Equivalent in length to 3 segments	2
	Equivalent in length to 4 or more segments	3
(b) Black spot	None obvious	0
	Slight but obvious, on average	2
	Moderate, on average	4
	Excessive—each shrimp	5
4. (a) Extra shell[2]	(Beyond first segment adjacent to tail fin):	
	Less than one whole extra shell segment	0
	One shell segment or more	1
(b) Swimmerets	For last pair only, if both present	0
	For more than last pair	1

[1] The deduction points assessed for sand veins and black spot occurring together on an individual shrimp shall not exceed the larger deduction for either factor.

[2] The deduction points assessed for extra shell and swimmerets occurring together on an individual shrimp shall not exceed the larger deduction for either factor.

DEFINITIONS AND METHODS OF ANALYSIS

§ 262.21 Definitions and methods of analysis.

(a) *Halo.* "Halo" means an easily recognized fringe of excess batter and breading extending beyond the shrimp flesh and adhering around the perimeter or flat edges of a split (butterfly) breaded shrimp.

(b) *Balling up.* "Balling up" means the adherence of lumps in the breading material to the surface of the breaded coating, causing the coating to appear rough, uneven, and lumpy.

(c) *Holidays.* "Holidays" means voids in the breaded coating as evidenced by bare or naked spots.

(d) *Damaged frozen raw breaded shrimp.* "Damaged frozen raw breaded shrimp" means a frozen raw breaded shrimp which has been separated into two or more parts or that has been crushed or otherwise mutilated to the extent that its appearance is materially affected.

(e) *Fragmented shrimp.* "Fragmented shrimp" means a breaded unit containing less than one headed, peeled, deveined shrimp.

(f) *Black spot.* "Black spot" means any blackened area which is markedly apparent on the flesh of the shrimp.

(g) *Sand vein.* "Sand vein" means any black or dark sand vein that has not been removed, except for that portion under the shell segment adjacent to the tail fin when present.

(h) *Loose breading and frost.* "Loose breading and frost" is determined by use of a balance and by following the steps given below:

(1) Remove the overwrap.

(2) Weigh carton and all contents.

(3) Remove breaded shrimp, and weigh shrimp alone.

(4) Weigh carton less shrimp but including wasted separators (if used), crumbs and frost.

(5) Remove crumbs and frost from carton and separators.

(6) Weigh cleaned carton and separators.

(7) Calculate loose breading and frost:

$$\text{Percent loose breading and frost} = \frac{\text{weight carton less breaded shrimp material (4)} - \text{weight cleaned carton (6)}}{\text{weight of carton and all contents (4)} - \text{weight cleaned carton (6)}} \times 100$$

(i) *Percent of shrimp material.* "Percent of shrimp material" means the percent by weight of shrimp material in a sample as determined by the method described below or other methods giving equivalent result. Results are commonly expressed as percent of breading which is calculated by difference.

(1) *Equipment needed.* (i) Two-gallon container approximately nine inches in diameter;

(ii) Two vaned wooden paddle, each vane measuring approximately one and three-fourths inches by three and three-fourths inches;

(iii) Stirring device capable of rotating the wooden paddle at 120 rpm;

(iv) Balance accurate to 0.01 ounce (or 0.1 gram);

(v) U. S. standard sieve—ASTM—No. 20, twelve-inch diameter;

(vi) U. S. standard sieve—one-half inch sieve opening, twelve-inch diameter;

(vii) Forceps, blunt points;

(viii) Shallow baking pan.

(2) *Procedure.* (i) Weigh sample to be debreaded. Fill container three-fourths full of water at 70–80 degrees Fahrenheit. Suspend the paddle in the container leaving a clearance of at least five inches below the paddle vanes, and adjust speed to 120 rpm. Add shrimp and stir for ten minutes. Stack the sieves, the one-half inch mesh over the No. 20, and pour contents of container onto them. Set the sieves under a faucet, preferably with spray attached, and rinse shrimp with no rubbing of flesh, being careful to keep all rinsings over the sieves and not having the stream of water hit the shrimp on the sieve directly. Lay the shrimp out singly on the sieve as rinsed, remove top sieve and drain of a slope for two minutes, then remove shrimp to weighing pan. Rinse contents of the No. 20 sieve onto a flat pan and collect any particles other than breading (flesh, tail fin or extraneous material) and add to shrimp on balance pan and weigh.

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{weight of debreaded sample}}{\text{weight of sample}} \times 100 + 15$$

(iii) Calculate percent breading:

$$\text{Percent breading} = 100 - \text{percent shrimp material.}$$

(j) *Cooked in a suitable manner.* "Cooked in a suitable manner" means cooked in accordance with the instructions accompanying the product. However, if specific instructions are lacking, the product for inspection is cooked as follows:

(1) Place the sample to be cooked while still frozen in a wire mesh deep fry basket sufficiently large to hold the shrimp in a single layer without touching each other;

(2) Lower the basket into suitable liquid oil or hydrogenated vegetable oil at 350–375 degrees Fahrenheit. Fry for three minutes, or until the shrimp attain a pleasing golden brown color; and

(3) Remove basket from oil and allow to drain for fifteen seconds. Place the cooked shrimp on a paper napkin or towel to absorb excess oil.

LOT INSPECTION AND CERTIFICATION

§ 262.25 Ascertaining the grade of a lot.

The grade of a lot of Frozen Raw Breaded Shrimp covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fishery products, processed products thereof, and certain other processed food products.

SCORE SHEET

§ 262.31 Score sheet for frozen raw breaded shrimp.

Size and kind of container	
Container mark or identification	
Label	
Size of lot	
Number of samples	
Actual net weight (ounces)	
Number of shrimp per container	
Descriptive size name	
Product type	
Breading percentage	
Loose breading percentage	
Ratio weights: 3-largest/3-smallest	
Ease of separation	
Condition of coating	
Damaged shrimp	
Degree of deterioration	
Dehydration	
Sand veins	
Black spot	
Extra shell	
Swimmerets	
Rating for scored factors	
Flavor and odor	
Final grade	

[1] A tentative correction factor of five percent is employed pending completion of definitive studies.

PART 263—UNITED STATES STANDARDS FOR GRADES OF FROZEN FISH BLOCKS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.
263.1 Product description.
263.2 Grades of frozen fish blocks.

WEIGHTS AND DIMENSIONS

263.6 Recommended weights and dimensions.

FACTORS OF QUALITY

263.11 Ascertaining the grade.
263.12 Evaluation of the unscored factor of flavor and odor.
263.13 Ascertaining the score for those factors which are rated.
263.14 Appearance.
263.15 Uniformity of size and shape.
263.16 Defects.
263.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

263.21 Definitions and methods of analysis.

LOT INSPECTION AND CERTIFICATION

263.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

263.31 Score sheet for frozen fish blocks.

AUTHORITY: §§ 263.1 to 263.31 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 263.1 Product description.

Frozen fish blocks are rectangular-shaped masses of cohering frozen fish flesh of a single species consisting of adequately drained whole, wholesome, skinless fillets or pieces of whole, wholesome, skinless fillets cut into small portions but not ground or comminuted. They are frozen, but not glazed, and maintained at temperatures necessary for the preservation of the product.

§ 263.2 Grades of frozen fish blocks.

(a) "U.S. Grade A" is the quality of frozen fish blocks that possess a good flavor and odor; and for those factors which are rated in acordance with the scoring system outlined in these standards have a total score of 85 to 100 points.

(b) "U. S. Grade B" is the quality of frozen fish blocks that possess at least a reasonably good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in these standards have a total score of 70 to 84 points: *Provided*, That no factor receives maximum point score deduction.

(c) "Substandard" is the quality of frozen fish blocks that fail to meet the requirements of U. S. Grade B.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

WEIGHTS AND DIMENSIONS

§ 263.6 Recommended weights and dimensions.

(a) The recommendations as to weights and dimensions of frozen fish blocks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purpose of the grades. The degree of uniformity of size and shape among units of the finished product is rated since it is a definite factor affecting the quality of the end product prepared from the blocks.

(b) It is recommended that the thickness or depth (smallest dimension) of the frozen fish block be not greater than 10 centimeters (4.0 inches) and that the average weight be not less than 2.3 kilograms (5.0 pounds) and not greater than 22.7 kilograms (50.0 pounds).

FACTORS OF QUALITY

§ 263.11 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards, the following factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.* Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The four factors and the maximum number of points that may be given each are as follows:

Factors:	Points
Appearance	25
Uniformity of size and shape	20
Defects	40
Character	15
Total score	100

TABLE I—SCORE DEDUCTIONS FOR COLOR SUBFACTOR

Condition of the surface of the block		Deduction Points
"Light" portion of fish flesh [1]	No discoloration	0
"Dark" portion of fish flesh [2]	No discoloration	
"Light" portion of fish flesh	No discoloration	2
"Dark" portion of fish flesh	Slight yellowing	
"Light" portion of fish flesh	Slight yellowing	4
"Dark" portion of fish flesh	Moderate yellowing; no rusting	
"Light" portion of fish flesh	Moderate yellowing; slight rusting	7
"Dark" portion of fish flesh	Excessive yellowing; slight rusting	
"Light" portion of fish flesh	Excessive yellowing; moderate rusting	16
"Dark" portion of fish flesh	Excessive yellowing; moderate rusting	
"Light" portion of fish flesh	Excessive yellowing and rusting	[3] 25
"Dark" portion of fish flesh	Excessive yellowing and rusting	

[1] "Light" portion refers to fish fillet flesh comprising the main portion of the fillet.
[2] "Dark" portion refers to the dark-colored portion of the fillet appearing under the skin, the main part of which occurs along the lateral line.
[3] Fish blocks which receive 25 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Color of the block should be normal to that of the species of fish used. Deviations from the normal color result from oxidation or other changes that have taken place in the fish prior to freezing and after freezing and storage. Ordinarily, the type of discoloration observed is due to oxidation and results in yellowing and "rusting" of the fish surfaces.

(b) *Condition of product for evaluation.* The grade of frozen fish blocks is ascertained by observing the product in the frozen state and after representative portions have been heated in a suitable manner.

§ 263.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the product has the good flavor and odor characteristic of the species of fish; and that the product is free from staleness, and from off-flavor and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristic of the species of fish; is reasonably free from rancidity; and is free from objectionable off-flavors and objectionable off-odors of any kind.

§ 263.13 Ascertaining the score for those factors which are rated.

The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The value for each factor is the maximum points allotted for the factor less the sum of the deviation deduction-points within the factor.

§ 263.14 Appearance.

(a) *General.* The factor of appearance refers to the color of the fish flesh, and to the degree of surface dehydration of the product.

(b) For the purpose of rating the factor of appearance the schedule of deviation deduction-points in Tables I and II apply.

TABLE II—SCORE DEDUCTIONS FOR "DEHYDRATION" SUBFACTOR

Condition of surface of block		Deduction points
Surface area affected	Degree of dehydration	
Percent		
Up to 50	Slight	0
Greater than 50 and up to 100	Slight	1
Greater than 0 and up to 25	Moderate	2
Greater than 25 and up to 50	Moderate	
Greater than 0 and up to 25	Marked	4
Greater than 50	Moderate	
Greater than 25 and up to 50	Marked	
Greater than 0 and up to 25	Excessive	7
Greater than 50	Marked	
Greater than 25 and up to 50	Excessive	16
Greater than 50	Excessive	[1] 25

[1] Fish blocks which receive 25 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Dehydration is classified in four degrees:
(a) *Slight.* Shallow and not color masking;
(b) *Moderate.* Deep but just deep enough to mask color of fish flesh;
(c) *Marked.* Deep and easily scraped off with finger nail, and masks color of flesh; and
(d) *Excessive.* Deep dehydration not easily scraped off.

§ 263.15 Uniformity of size and shape.

(a) *General.* The factor of uniformity of size and shape refers to the degree of conformity to declared dimensions and to rectangular shape.

(1) *"Angles" of a block.* There are 12 angles considered to form a block. Right angles are formed by the intersection of the four sides with the top and bottom (the two largest surfaces); and four angles are formed by the intersection of the four sides with one another. In a perfect block the surfaces form into a right angle (90 degrees).

(b) For the purpose of rating the factor of uniformity of size and shape, the schedule of deviation deduction-points in Tables III and IV apply.

TABLE III—SCORE DEDUCTIONS FOR DIMENSIONS SUBFACTOR

Deviations (+ or −) from the declared dimensions			Deduction points
Length and width	Thickness	Thickness (individual reading) [1]	
Millimeters	*Millimeters*	*Millimeters*	
Up to 3	Up to 2	4	0
Greater than 3 and up to 5	Up to 2	4	1
Greater than 3 and up to 5	Greater than 2 and up to 3	4	2
Greater than 5 and up to 8	Greater than 2 and up to 3	4	3
Greater than 5 and up to 8	Greater than 3 and up to 4	5	4
Greater than 8 and up to 12	Greater than 3 and up to 4	5	5
Greater than 5 and up to 8	Greater than 4 and up to 5	6	6
Greater than 8 and up to 12	Greater than 4 and up to 5	6	7
Greater than 8 and up to 12	Greater than 5 and up to 8	10	8
Greater than 12 and up to 16	Greater than 5 and up to 8	10	9
Greater than 8 and up to 12	Greater than 8 and up to 11	13	10
Greater than 12 and up to 16	Greater than 8 and up to 11	13	12
Greater than 12 and up to 16	Greater than 11 and up to 14	16	14
Greater than 16	Greater than 14		[2] 20

[1] These values refer to deviations of any one of the four readings taken for the thickness of the individual block from the declared thickness of the block.
[2] Fish blocks which receive 20 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

NOTE: Measurements are made in millimeters. Two readings are taken for the length; three for the width; and four for the thickness. Each group is averaged.

TABLE IV—SCORE DEDUCTIONS FOR "ANGLES" SUBFACTOR

Number of "unacceptable" angles	Deduction points
1	0
2	1
3	2
4	3
5	4
6	6
7	8
8	10

NOTE: There are 12 angles considered to form a block. Right angles (edge) are formed by the intersection of the four sides within the top and bottom; four angles (corner) are formed by the intersection of the four sides with one another.

An "acceptable" edge angle is one in which the two surfaces forming the angles are within 1.0 cm. (3/8 inch) of the apex of a carpenter's square placed along the surfaces (use 3 readings for each edge angle measurement, 2 or 3 must meet the requirement). An "unacceptable" edge angle is one showing greater deviation than the 1.0 cm. (3/8 inch).

An "acceptable" corner angle is one in which at least one edge surface is within 1.3 cm. (1/2 inch) of the apex of a carpenter's square placed on the edge surfaces (use 1 reading for each corner angle). An "unacceptable" corner angle is one showing greater deviation than the 1.3 cm (1/2 inch).

§ 263.16 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from damage, blemishes, improper fill, and bones.

(1) *"Damaged."* Damaged means crushed or mutilated block, and imbedding of the packaging material into the block, to the extent that the usability of that portion of the block has been adversely affected; and cut or separation of the masses of fish flesh in the block.

(2) *"Blemish."* Blemish means a piece of skin, scales, blood spot, a bruise, a black belly lining, a fin, or harmless extraneous material. One "piece of skin" consists of one piece 3.3 square centimeters (½ square inch) in area; except that skin patches larger than 9.9 square centimeters shall be considered as two pieces of skin. "Blood spot" is one of such size and degree as to be considered objectionable. "Black belly lining" is any piece longer than 1.3 centimeters (½-inch). "Fin" is one fin or one identifiable part of a fin. "Scales" are aggregates of one or more scales of such degree as to be considered objectionable.

(3) *"Improper fill."* Improper fill means the frozen block does not form a completely solid mass as evidenced by presence of air spaces, ice, depressions, and ragged edges (pieces of fish protrude or recede at the edges of the block).

(4) *"Bones."* Bones means any bones that can be separated from the product, can be identified, and are objectionable. One instance of bone means one bone or one group of bones occupying or contacting a circular area of 6.45 square centimeters (one square inch).

(b) For the purpose of rating the factor of defects, the schedule of deviation-deduction-points in Tables V, VI, VII, and VIII apply.

TABLE V—SCORE DEDUCTIONS FOR "DAMAGE" SUBFACTOR

Amount of damage to block	Deduction points
0 to 0.30 percent	0
For each 0.20 percent above 0.30 percent and up to 8.10 percent	1
8.11 percent and over	40

NOTE: Damage is measured by volume of the block affected. The area of damage is measured in cubic centimeters using a millimeter rule to determine the exact length, width, and thickness of the block affected.

Calculate damage in "percent" using the following ormula:

$$\text{Total damage in "percent" (volume/weight)} = \frac{\text{(Total damage)}}{\text{(Weight of block)}} \times 100$$

TABLE VI—SCORE DEDUCTIONS FOR "BLEMISH" SUBFACTOR

Number of blemishes per 2.3 kg. (5 lbs.) of block	Deduction points
0 to 1.0	0
1.1 to 2.0	1
2.1 to 3.0	2
3.1 to 4.0	3
4.1 to 5.0	5
5.1 to 6.0	8
6.1 to 7.0	12
7.1 to 8.0	17
8.1 to 9.0	23
9.1 to 10.0	30
10.1 or more	40

TABLE VII—SCORE DEDUCTIONS FOR "IMPROPER FILL" SUBFACTOR

Amount of "improper fill" in block [1]	Deduction points
0 to 0.30 percent	0
For each 0.20 percent above 0.30 percent and up to 8.10 percent	1
8.11 percent and over [2]	40

[1] Air spaces, ice spaces, depressions, and ragged edges.

NOTE: Improper fill is measured by the volume of the block affected. Air spaces and ice spaces are measured by filling these spaces with water or other material and measuring the volume. Spaces less than 3 ml. in volume or less than 2 mm. deep are not considered. Depressions and ragged edges are measured by exact volume of the block affected using a mm. rule to determine the length, width, and thickness of the block affected. Calculate the total "improper fill" in "percent" from the following formula:

$$\text{Total "improper fill" in "percent" (volume/weight)} = \frac{\text{(Total volume of "improper fill")}}{\text{(Weight of block)}} \times 100.$$

TABLE VIII—SCORE DEDUCTIONS FOR BONES SUBFACTOR

Instances of bone per 2.3 kg. (5.0 lb.) of fish	Deduction points
0	0
0.1 to 1.0	1
1.1 to 2.0	3
2.1 to 3.0	6
3.1 to 4.0	10
4.1 to 5.0	16
5.1 to 6.0	25
6.1 and more	40

§ 263.17 Character.

(a) *General.* The factor of character refers to the tenderness and to the moist-

ness of the properly heated fish flesh, and to the tendency of the pieces of fish or fillets in the block to remain as a unit when the block or portions of the block are heated.

(b) For the purpose of rating the factor of character, the schedule of deviation deduction-points in Tables IX and X apply.

TABLE IX—SCORE DEDUCTIONS FOR TEXTURE SUBFACTOR

Texture condition of the cooked fish	Deduction points
Firm; slightly resilient but not tough or rubbery; moist but not mushy	0
Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist, but not mushy	2
Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy	5
Tough or rubbery; has marked tendency to form fibrous mass in the mouth; or is very dry; or is very mushy	7
Objectionably tough, rubbery, dry or mushy	[1]15

[1] Fish blocks which receive 15 deduction points for this subfactor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE X—SCORE DEDUCTIONS FOR COHESION SUBFACTOR

Cohesion condition of the cooked fish	Deduction points
	Points
The pieces comprising the cooked sample cohere very tightly. They can be separated only by significant tearing of the flesh	0
The pieces comprising the cooked sample cohere fairly tightly and they can be separated only by moderate tearing of the flesh	1
The pieces comprising the cooked sample cohere slightly. They can be separated easily with slight or no tearing of the flesh	3
The pieces comprising the cooked sample show no tendency to cohere. They can be separated very easily	6

DEFINITIONS AND METHODS OF ANALYSIS

§ 263.21 Definitions and methods of analysis.

(a) *"Heating in a suitable manner."* Heating in a suitable manner means heating the product as follows:

(1) Cut three or more portions about four by three by one-half inches from a frozen block. Wrap individually or in single layer in aluminum foil. Place packaged portions on a wire rack suspended over boiling water in a covered container. Steam the packaged portions until the product is thoroughly heated, or

(2) Cut and package the portions as described in subparagraph (1) of this paragraph. Place the packaged portions on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be spread evenly on the sheet or pan. Place pan and frozen contents in a properly ventilated oven heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

LOT INSPECTION AND CERTIFICATION

§ 263.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified on the basis of the regulations governing inspection and certification of processed fishery products, processed products thereof, and certain other processed food products.

SCORE SHEET

§ 263.31 Score sheet for frozen fish blocks.

Label.....
Size and kind of container.....
Container mark or identification.....
Size of lot.....
Number of blocks per master carton.....
Size of sample.....
Species of fish declared.....
Actual net weight.....(kg).....(lb.)

Factor	Standards score points	Sample Score
Appearance	25	
Uniformity	20	
Defects	40	
Character	15	
Total	100	

Flavor and odor.....
Final grade.....

PART 264—UNITED STATES STANDARDS FOR GRADES OF FROZEN HADDOCK FILLETS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.
264.1 Product description.
264.2 Grades of frozen haddock fillets.
WEIGHTS AND DIMENSIONS
264.6 Recommended weights and dimensions.
FACTORS OF QUALITY
264.11 Ascertaining the grade.
264.12 Evaluation of the unscored factor of flavor and odor.
264.13 Ascertaining the rating for the factors which are scored; appearance, size, defects, and character.
264.14 Appearance.
264.15 Size.
264.16 Defects.
264.17 Character.
DEFINITIONS AND METHODS OF ANALYSIS
264.21 Definitions and methods of analysis.
LOT CERTIFICATION TOLERANCES
264.25 Tolerances for certification of officially drawn samples.
SCORE SHEET
264.31 Score sheet for frozen haddock fillets.

AUTHORITY: §§ 264.1 to 264.31 issued under sec. 205, 60 Stat. 1090, as amended; sec. 6, 70 Stat. 1122; 7 U. S. C. 1624, 16 U. S. C. 742e. Interpret or apply Bur. Budg. Order Mar. 22, 1958, 23 F. R. 2304.

PRODUCT DESCRIPTION AND GRADES

§ 264.1 Product description.

The product described in this part consists of clean, whole, wholesome fillets or primarily large pieces of clean, whole, wholesome fillets, cut away from either side of haddock., Melanogrammus aeglefinus; the fillets may be either skinless or with skin on. They are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. (This part does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

§ 264.2 Grades of frozen haddock fillets.

(a) "U.S. Grade A" is the quality of frozen haddock fillets that possess a good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in this part have a total score of 85 to 100 points.

(b) "U. S. Grade B" is the quality of frozen haddock fillets that possess at least a reasonably good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in this part have a total score of not less than 70 points: *Provided*, That no factor receives maximum point score deduction.

(c) "Substandard" is the quality of frozen haddock fillets that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 264.6 Recommended weights and dimensions.

(a) The recommendations as to net weights and dimensions of packaged frozen haddock fillets are not incorporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weights of the packaged frozen haddock fillets be not less than 12 ounces and not over 10 pounds.

FACTORS OF QUALITY

§ 264.11 Ascertaining the grade.

The grade of frozen haddock fillets is ascertained by observing the product in the frozen and thawed states and after representative sample units have been cooked in a suitable manner. The following factors are evaluated in ascertaining the grade of the product: Flavor, odor, appearance, size, defects, and character.

(a) These factors are rated in the following manner:

(1) *Flavor and odor.* These factors are rated by organoleptic examination. Score points are not assessed (see § 264.12).

(2) *Appearance, size, defects, and character.* These factors are rated by score points expressed numerically on the scale of 100.

(b) The four factors and the maximum number of points that may be given each are as follows:

Factors:	*Points*
Appearance	25
Size	20
Defects	40
Character	15
Total score	100

§ 264.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the fish flesh has good flavor and odor characteristic of haddock (Melanogrammus aeglefinus); and is free from staleness, and off-flavors and off-odors of any kind.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 264.13 Ascertaining the rating for the factors which are scored; appearance, size, defects, and character.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The value for each factor is the maximum points allotted for the factor less the sum of the deduction-points within the factor.

§ 264.14 Appearance.

(a) General: The factor of appearance refers to the color of the fish flesh, and to the degree of surface dehydration of the product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Tables I and II apply. Haddock fillets which receive 25 deduction-points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCORE DEDUCTIONS FOR COLOR SUBFACTOR

Color	Deduction points	
	"Light" colored portion comprising main portion of fillet	"Dark" colored portion occurring under skin mainly along lateral line
No discoloration	0	0
Slight yellowing	2	1
Moderate yellowing	4	2
Excessive yellowing and/or any rusting	13	12

TABLE II—SCORE DEDUCTIONS FOR DEHYDRATION SUBFACTOR

Degree of dehydration	Surface area affected (percent)		Deduction points
	Over—	Not over—	
Slight—Shallow and not color masking	0	1	0
	1	50	2
	50	100	5
Moderate—Deep but just deep enough to easily scrap off with fingernail	1	25	5
	25	50	8
	50	100	16
Excessive—Deep dehydration not easily scraped off	1	25	12
	25	100	25

§ 264.15 Size.

(a) General: The factor of size refers to the degree of freedom from undesirably small fillet pieces. Any piece weighing less than 2 ounces is classed undesirably small.

(b) For the purpose of rating the factor of size the schedule of deduction-points in Table III apply. Haddock fillets which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE III—SCORE DEDUCTIONS FOR SIZE OF FILLET PIECES

Number of fillet pieces less than 2 ounces per pound		Deduction points
Over—	Not over—	
0	0	0
1	1	1
2	2	10
3	3	15
	4	20

§ 264.16 Defects.

(a) General: The factor of defects refers to the degree of freedom from improper packing, cutting and trimming imperfections, blemishes, and bones.

(1) *Improper packing.* "Improper packing" means poor arrangement of fillets, presence of voids, depressions, frost, and the imbedding of packaging material into fish flesh.

(2) *Cutting and trimming imperfections.* "Cutting and trimming imperfections" means that the fillets have ragged edges, tears, holes, or are otherwise improperly cut or trimmed.

(3) *Blemish.* "Blemish" means a piece of skin (except for skin-on fillets), scales, blood spot, a bruise, a black belly lining, a fin, or extraneous material. One "piece of skin" consists of one piece at least ½ square inch in area; except that any skin patches larger than 1½ square inches are each considered as two pieces of skin. "Blood spot" is one of such size and prominence as to be considered objectionable. "Black belly lining" is any piece longer than ½-inch. Each aggregate area up to 1 square inch of identifiable fin or parts of any fin is considered as one "instance of fin". Each aggregate area up to 1 square inch per fillet of one scale or group of scales is considered one "instance of scales". "A bruise" consists of an affected area of ½ square inch or more in area; except that any bruise larger than 1½ square inches is considered as two bruises.

(4) *Bones.* "Bones" means any bones that can be identified, and are objectionable. One instance of bone means one bone or one group of bones occupying or contacting a circular area of 1 square inch.

(b) For the purpose of rating the factor of freedom from defects, the schedule of deduction-points in Table IV apply.

TABLE IV—SCORE DEDUCTIONS FOR DEFECTS

Defects subfactors	Method of determining subfactor score	Deduction points
Improper packing	Moderate defects, noticeably affecting the products appearance	2
	Excessive defects, seriously affecting products appearance	4
Blemishes	Number of blemishes per 1 lb. of fish flesh:	
	Over 0 not over 1	1
	Over 1 not over 2	3
	Over 2 not over 3	5
	Over 3 not over 4	8
	Over 4 not over 5	16
	Over 5 not over 6	30
	Over 6	40
Bones	Number of instances per 1 lb. of fish flesh:	
	Over 0 not over 1	0
	Over 1 not over 2	5
	Over 2 not over 3	10
	Over 3 not over 4	15
	Over 4 not over 5	30
	Over 5	40
Cutting and trimming	Slight defects, scarcely noticeable	0
	Moderate defects, noticeable but not affecting the usability of any fillets	4
	Excessive defects impairing:	
	(a) the useability of up to ¼ of the total number of fillets	8
	(b) the useability of over ¼ but not more than ½ of the total number of fillets	16
	(c) the useability of over ½ of the total number of fillets	40

§ 264.17 Character.

(a) General: The factor of character refers to the amount of drip in the thawed fillets, and to the tenderness and moistness of the properly cooked fish flesh.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table V apply. Haddock fillets which receive 15 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCORE DEDUCTIONS FOR CHARACTER

Character subfactors	Method of determining subfactor score	Deduction points
Texture	Texture of the cooked fish:	
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.	0
	(b) Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.	4
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.	8
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.	15
Amount of drip	Percent of drip:	
	Over 0 not over 5	0
	Over 5 not over 6	1
	Over 6 not over 8	2
	Over 8 not over 10	4
	Over 10 not over 12	6
	Over 12 not over 14	9
	Over 14 not over 16	12
	Over 16	15

DEFINITIONS AND METHODS OF ANALYSIS

§ 264.21 Definitions and methods of analysis.

(a) *Percent of drip.* "Percent of drip" means the percent by weight of "free drip" (the fluid which is not reabsorbed by the fish tissue when the frozen fish thaws, and which separates freely without the aid of any external forces except gravity) in an individual package as determined by the following method:

(1) *Apparatus and materials.* (i) Water bath.

(ii) Balance, accurate to 0.1 gm; or 0.01 ounce.

(iii) Pliable and impermeable bag (cryovac, pliofilm, etc.).

(iv) Vacuum source (Vacuum pump or water aspirator).

(v) U. S. Standard No. 8 mesh circular sieve (both 8 and 12 inch diameters).

(vi) Stirring motor.

(vii) Identification tags.

(2) *Procedure.* (i) Weigh pliable and impermeable bag (cryovac, pliofilm, etc.).

(ii) Remove frozen material from container (container consists of the carton and the inner and outer wrappings).

(iii) Place frozen product, plus scraps of any material remaining on the container, into the pliable bag.

(iv) Weigh bag and contents and subtract tare to determine the net weight of the product.

(v) Evacuate air from bag by use of suction so that bag closely fits contour of product, with no air pockets.

(vi) Crimp the open end of bag and tie off (a secure and leakproof closure may be created by tying close to product and then folding excess bag and tying again).

(vii) Completely immerse bag and contents in a circulated water bath maintained at 68° F. plus or minus 2° F.

(viii) Allow to remain immersed until the product is defrosted (a "test run", in advance, is necessary to determine time required for each product and quantity of product).[3]

(ix) Remove bag and contents from bath and gently dry outside of bag.

(x) Weight dry U.S. Standard No. 8 mesh circular sieve.

(xi) Open bag and empty contents onto U.S. Standard No. 8 circular sieve so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes.

(xii) Weigh sieve and its contents and calculate drained weight. The drained weight is the weight of sieve and fillets less the weight of the dry sieve.

(xiii) Calculate percent drip:

$$\frac{\text{Net weight (iv)} - \text{drained weight (xii)} \times (100)}{\text{Net weight}} = \text{Percent of drip}$$

[3] The purpose of the "test run" is to determine the time necessary to thaw the product. The complete thawing of the product is determined by frequent but gentle squeezing of the bag until no hard core or ice crystals are felt. This package which has been squeezed can not be used for drained weight calculations.

(b) *Cooking in a suitable manner.* "Cooking in a suitable manner" shall mean that the product is cooked as follows: Place the thawed unseasoned product into a boilable film-type pouch. The pouch and its contents are then immersed in boiling water and cooked until the internal temperature of the fillets reaches 160° F. (about 20 minutes).

LOT CERTIFICATION TOLERANCES

§ 264.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter.

SCORE SHEET

§ 264.31 Score sheet for frozen haddock fillets.

Label: .....
Size and kind of container: .....
Container mark or identification: .....
Size of lot: .....
Number of packages per master carton: .....
Size of sample: .....
Type of overwrap: .....
Actual net weight: .....(lb.) .....(kg.)

Factor	Score points	Sample score
Appearance	25	
Uniformity	20	
Defects	40	
Character	15	
Total	100	

Flavor and odor .....
Final grade .....

PART 265—UNITED STATES STANDARDS FOR GRADES OF FROZEN HALIBUT STEAKS [1]

PRODUCT DESCRIPTION, STYLES AND GRADES

Sec.
265.1 Product description.
265.2 Styles of frozen halibut steaks.
265.3 Grades of frozen halibut steaks.

DIMENSIONS

265.6 Recommended dimensions.

FACTORS OF QUALITY AND GRADE

265.11 Ascertaining the grade.

DEFINITIONS AND METHODS OF ANALYSIS

265.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

265.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

265.31 Score sheet for frozen halibut steaks.

AUTHORITY: §§ 265.1 to 265.31 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 265.1 Product description.

Frozen halibut steaks are clean, wholesome units of frozen raw fish flesh with normally associated skin and bone and are 2 ounces or more in weight. Each steak has two parallel surfaces and is derived from whole or subdivided halibut slices of uniform thickness which result from sawing or cutting perpendicularly to the axial length, or backbone, of a whole halibut. The steaks are prepared from either frozen or unfrozen halibut (Hippoglossus spp.) and are processed and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

§ 265.2 Styles of frozen halibut steaks.

(a) *Style I, random weight pack.* The individual steaks are of random weight and neither the weight nor the range of weights are specified.

(b) *Style II, uniform weight or portion pack.* All steaks in the package or in the lot are of a specified weight or range of weights.

§ 265.3 Grades of frozen halibut steaks.

(a) "U.S. Grade A" is the quality of frozen halibut steaks which possess good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen halibut steaks which possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen halibut steaks which fail to meet the requirements of the "U.S. Grade B."

DIMENSIONS

§ 265.6 Recommended dimensions.

(a) The recommended dimensions of frozen halibut steaks are not incorporated in the grades of the finished product since dimensions, as such, are not factors of quality for the purpose of these grades. However, the degree of uniformity of thickness among units of the finished product is rated since it is a factor affecting the quality and utility of the product.

(b) It is recommended that the thickness (smallest dimension) of individually frozen halibut steaks be not less than ½ inch and not greater than 1¼ inches.

FACTORS OF QUALITY AND GRADE

§ 265.11 Ascertaining the grade.

The grade is ascertained by observing the product in the frozen, thawed, and cooked states and is evaluated by consideration of the following:

(1) *Factors rated by score points.* The quality of the product with respect to scored factors is expressed numerically. Cumulative point deductions are assessed for variations of quality for each factor in accordance with the schedule in Table I, in the frozen, thawed, and cooked states. The total deduction is substracted from the maximum possible score of 100 to obtain the product score.

(2) *Factors not rated by score points.* The factors of flavor and odor are evaluated organoleptically in the cooked state for both the light and dark meat (surface fat) and are defined as follows:

(i) *Good flavor and odor.* "Good flavor and odor" (essential requirement for Grade A) means that the fish flesh has the good flavor and odor characteristics of halibut, and is free from rancidity and from off-flavors and off-odors.

(ii) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement for Grade B) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristic of halibut, is reasonably free of rancidity, and is free from objectionable off-flavors and off-odors.

(iii) *Substandard flavor and odor.* "Substandard flavor and odor" (Substandard grade) means that the flavor and odor fail to meet the requirements of "reasonably good flavor and odor."

(3) *Determination of final product grade.* The final product grade is derived on the basis of both the product score as determined by the "factors rated by score points" and the grade requirements of flavor and odor as defined under "factors not rated by score points." The lower of the two determines the final grade.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS[1]

	Factor	Description of quality variation	Deduct
Frozen	1. Dehydration [2]	Per steak Surface area affected: Less than 1 square inch but obvious 1 to 2 square inches Above 2 square inches	 1 2 3
	2. Percentage glaze	Over 0.0, not over 6.0 percent by weight of sample unit Over 6.0, not over 7.0 Over 7.0, not over 8.0 Over 8.0, not over 9.0 Over 9.0	0 1 2 3 4
	3. Uniformity of thickness	For each 1/16 inch above 1/4-inch variation in steak thickness (maximum total deduction permitted 6 points per sample unit).	2
	4. Uniformity of weight and minimum weight.	Style I—Random weight.—Use either (a) or (b), whichever gives a greater deduction. (a) For each steak less than 3.0 ounces in weight per sample package. (b) For each 0.1 ounce below 4.0 ounces in average steak weight per sample. Style II—Uniform weight or portions.—For each full percent of the steaks deviating by more than 0.6 ounce from the specified portion weight or the average of the specified portion range (per sample package).	4 ½ 2
Thawed	5. Workmanship—Defects of: Cutting, collar bone, loose skin, fins, blood spots, bruises, foreign material, backbone, cartilage, sawdust.	Slight or moderate Excessive (For each defect, per occurrence, per sample package or per 2 pounds for packages over 2 pounds net weight.)	1 2
	6. Color defects:		
	(a) Discoloration of drip liquor	(Per sample unit) Slight Moderate Excessive	1 2 3
	(b) Discoloration of light meat [3]	(Per steak) Slight Moderate Excessive	1 2 3
	(c) Discoloration of dark meat [3]	(Per steak) Slight Moderate Excessive	1 2 3
	(d) Non-uniformity of color	(Per sample unit) Slight Moderate Excessive	1 2 3
	7. Honeycombing [3]	(Per steak) Surface area affected: 26 to 50 percent 51 to 75 percent 76 to 100 percent	½ 1 2
Cooked	8. Texture defect [3] (tough, dry, fibrous, or watery).	(Per steak) Slight Moderate Excessive	1 2 3

[1] This schedule of point deductions in based on the examination of *sample units* composed of: (a) An entire sample package and its contents (for retail sized packages) or (b) a representative subsample consisting of three or more halibut steaks taken from each sample package (for institutional sized packages), except that the entire sample package shall be examined for factor 4.

[2] Point deductions for these factors are based on a 3 steak sample unit. For samples containing other than 3 steaks per sample unit or per package, multiply the results by the correction factor $\frac{3}{n}$ where n equals the number of steaks.

DEFINITIONS AND METHODS OF ANALYSIS

§ 265.21 Definitions and methods of analysis.

(a) "Percentage glaze" on halibut steak means the percent by weight of frozen coating adhering to the steak surfaces and includes the frost within the package. It is determined by the method described below or by methods giving equivalent results.

(1) *Equipment needed.* (i) Source of cold tap water with aerated faucet.

(ii) Balance accurate to 0.1 gm.; or 0.01 ounce.

(iii) Paper towels.

(iv) Small knife.

(2) *Procedure.* (i) Weigh package in overwrap and all its contents (A).

(ii) Remove steaks and loose frost; weigh dry packaging (B).

(iii) The difference in weight, A–B represents weight of steaks plus glaze (C).

(iv) Remove glaze from halibut steaks.

(*a*) Adjust tap water to a flow rate of about 3 quarts/min. through an aerated faucet.

(*b*) Direct 50° to 60° F. tap water onto skin side of steak while gently feeling and rubbing cut surfaces with finger tips (if necessary, temperatures up to 80° F. may be used but require closer control).

(*c*) When all glaze is removed from cut flesh surface, as evidenced by absence of slick feel to fingers, remove steak from water.

(*d*) Rapidly remove excess water with single paper towel before it has time to refreeze on the steak, and flick off residual skin glaze by knife or hand.

(*e*) Repeat steps (b), (c), and (d) on each steak in package or sample unit.

(*f*) Weigh de-glazed halibut steaks (D, actual net weight of sample).

(Steps (*a*) through (*f*) of this subdivision are completed within three minutes.)

(v) Calculate percentage glaze: Percentage glaze $= \frac{C-D}{D} \times 100$.

(b) "Cooked state" means that the thawed product has been cooked in a suitable manner which is defined as being heated submerged in boiling water, unseasoned, and in a boilable film type pouch for ten minutes. (Steaks over one inch in thickness may require five additional minutes of heating.)

(c) Uniformity of thickness means that the thickness is substantially the same for one or more steaks within a package or sample unit.

(d) Color defects:

(1) "Discoloration of drip liquor" means that the free liquid which drains from the thawed steaks is discolored with blood residue usually from the dorsal aorta of the halibut.

(2) "Discoloration of light meat" means that the normal flesh color of the main part of the halibut steak has darkened due to deteriorative influences.

(3) "Discoloration of the dark meat" means that the normal color of the surface fat shows increasing degrees of yellowing due to oxidation.

(4) "Non-uniformity of color" refers to noticeable differences in color on a single steak or between adjacent steaks in the same package.

(e) "Dehydration" refers to the appearance of a whitish area on the surface of a steak due to the removal of water or drying of the affected area.

(f) "Honeycombing" refers to the visible appearance of numerous discrete holes or openings of varying size on the steak surface.

(g) "Workmanship defects" refers to appearance defects that were not eliminated during processing and are considered either objectionable or poor commercial practice.

(h) "Texture defect" refers to an undesirable increase in toughness and/or

dryness, fibrousness, and watery nature of halibut examined in the cooked state.

LOT CERTIFICATION TOLERANCES

§ 265.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified on the basis of Part 260 of this chapter.

SCORE SHEET

§ 265.31 Score sheet for frozen halibut steaks.

General

Label.....
Size and kind of container.....
Container mark or identification.....
Size of lot.....
Number of samples.....
Actual net weight (ounces).....
Number of steaks per container.....
Product style.....

Scored factors (table 1)	Deductions
Frozen:	
1. Dehydration	
2. Percentage glaze	
3. Uniformity of thickness	
4. Uniformity of weight	
Thawed:	
5. Workmanship	
6. Color defects	
7. Honeycombing	
Cooked:	
8. Texture	
Total deductions	
Rating for scored factors (100—Total deductions)	

Unscored factors	Rating
Cooked:	
a. Odor	
b. Flavor (light meat)	
(dark meat)	
Flavor and odor rating	

Final grade.....

PART 266—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED FISH PORTIONS [1]

PRODUCT DESCRIPTION AND GRADES

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AUTHORITY: §§ 266.1 to 266.31 issued under sec. 6(a), Fish and Wildlife Act of August 8, 1956; 16 U.S.C. 742e.

PRODUCT DESCRIPTION AND GRADES

§ 266.1 Product description.

Frozen raw breaded fish portions are clean, wholesome, uniformly shaped unglazed masses of cohering pieces (not ground) of raw fish flesh coated with suitable, wholesome batter and breading. They are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. The frozen raw breaded fish portions are at least ⅜-inch thick and contain the minimum fish flesh content specified in § 266.21(a). The portions in an individual package are prepared from the flesh of only one species of fish.

§ 266.2 Grades of frozen raw breaded fish portions

(a) "U.S. Grade A" is the quality of frozen raw breaded fish portions that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 90 points.

(b) "U.S. Grade B" is the quality of frozen raw breaded fish portions that possess at least reasonably good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen raw breaded fish portions that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 266.11 Ascertaining the grade.

(a) The grade of frozen raw breaded fish portions is ascertained from the evaluation of a sample unit consisting of ten frozen raw breaded portions selected at random from one or more packages as necessary. The evaluation of the quality factors is made from the examination of the product in the frozen state and after it has been cooked in a suitable manner. The following factors are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, uniformity, absence of defects, and character. These factors are rated in the following manner:

(1) *Flavor and odor.* These factors are rated directly by organoleptic examination. Score points are not assessed (see § 266.12).

(2) *Appearance, uniformity, absence of defects, and character.* The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of the factors are:

Factors	*Points*
Appearance	25
Uniformity	20
Absence of defects	40
Character	15
Total possible score	100

§ 266.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirements for a Grade A product) means that the product has good flavor and odor characteristic of the indicated species of fish and of the type of coating used; and is free from staleness, and off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the product may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 266.13 Evaluation and rating of the scored factors: Appearance, uniformity, absence of defects, and character.

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

§ 266.14 Appearance.

(a) The factor of appearance refers to the amount of loose breading and frost in the packaged product, and lack of continuity of the coating of the frozen product.

(1) *Loose breading and frost.* "Loose breading" refers to that amount of breading material (crumbs) found free in the package. "Frost" refers to the frozen moisture which is deposited on the product as a white crystalline coating, and which accumulation is objectionable and can be readily removed.

(2) *Continuity.* "Continuity" refers to the coverage of the fish flesh by the coating. Lack of continuity in the frozen state is exemplified by breaks (bare spots, or sections of thin coating through which the fish flesh is slightly visible), ridges (excess breading which projects at the edges of the frozen portion), lumps (objectionable outcropping of the breading on the surface of the frozen portion), and/or depressions (objectionable visible voids or shallow areas in the surface of the portion which are lightly covered by breading). Each ⅛-square-inch area of any break, ridge, lump, or depression is considered an instance of "lack of continuity". Individual breaks, ridges, lumps, or depressions measuring less than ⅛ square inch are not considered.

(b) For the purpose of rating the factor of appearance, the schedule of deduction-points in Table I apply. Frozen raw breaded fish portions which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN APPEARANCE

Appearance subfactors	Method of determining subfactor score (percent of net weight) Over	Not over	Deduction points
Loose breading and frost.	0	½	0
	½	1	1
	1	2	3
	2	5	5
	5	10	10
	Lack of continuity	Number of portions affected	
Continuity	(a) Slight (8 to 16 instances per portion).	1	½
		2 or 3	1
		4 or 5	2
		6 or 7	3
		8 to 10	5
	(b) Moderate (17 to 20 instances per portion).	1	1
		2 or 3	3
		4 or 5	5
		6 or 7	7
		8 to 10	10
	(c) Severe (over 20 instances per portion).	1	2
		2 or 3	6
		4 or 5	10
		6 or 7	15
		8 to 10	25

§ 266.15 Uniformity.

(a) The factor of uniformity refers to the degree of conformance of the length, width, and weight of each individual frozen portion to the average length, width, and weight of the portions within a sample unit.

(b) For the purpose of rating the factor of uniformity, the schedule of deduction-points in Table II apply. Frozen raw breaded fish portions which receive 20 deduction-points for the factor of uniformity shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE II—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN UNIFORMITY

Method of determining subfactor score	Number of portions affected	Deduction points
Lack of uniformity		
(a) Slight—Portions deviating ±10.1 to 15 percent from average sample weight, or ±⅛ to 3/16 inch from average sample length, or ±⅛ to 3/16 inch from average sample width.	1	0
	2 or 3	1
	4 or 5	3
	6 or 7	5
	8 to 10	7
(b) Moderate—Portions deviating ±15.1 to 20 percent from average sample weight, or more than ±3/16 and up to 5/16 inch from average sample length, or more than ±3/16 and up to 5/16 inch from average sample width.	1	1
	2 or 3	3
	4 or 5	6
	6 or 7	7
	8 to 10	10
(c) Severe—Portions deviating over 20 percent of average sample weight, or more than ±3/16 inch from average sample length, or more than ±5/16 inch from average sample width.	1	2
	2 or 3	5
	4 or 5	9
	6 or 7	15
	8 to 10	20

§ 266.16 Absence of defects.

(a) The factor of "absence of defects" refers to the degree of freedom from broken portions, damaged portions, lack of adherence, blemishes, and bones. Evaluation of the defects of broken and damaged portions are made on the frozen product. Evaluation of the defects of adherence, blemishes, and bones are made after the product has been cooked in a suitable manner.

(1) *Broken portion.* "Broken portion" means a portion with a break or cut greater than ½ the width or length of the portion.

(2) *Damaged portion.* "Damaged portion" means a portion which has been injured, mashed, or mutilated to the extent that its appearance is materially affected. The amount of damage to a portion is measured by the percentage of the portion affected.

(3) *Adherence.* "Adherence" refers to the adhesion of the coating material (batter and breading) to the fish flesh of the cooked product. Lack of adherence is characterized by a swelling and subsequent bursting of the coating of the cooked product, resulting in exposure of the fish flesh. The degree of nonadherence is measured by the size of the break in the cooked coating. Each ¼ square inch break in the coating showing exposed fish flesh is considered an instance of "lack of adherence".

(4) *Blemish.* "Blemish" means a piece of skin, a fin, a blood spot, a bruise, an excessively dark fat layer, curd spot, scales, or extraneous material. One "instance of skin" means one or more pieces of skin covering an accumulative area up to 1 square inch; except that individual skin pieces less than ⅛ square inch in area are not considered. One "instance of fin" means one identifiable fin or parts of any fin covering an aggregate area up to ½ square inch; except that any fin over ½ square inch in area is considered as 2 instances. One "instance of curd" means one curd spot or a group of curd spots covering an aggregate area up to one square inch; except that no individual curd spot less than 1/16 square inch in area is considered. One "instance of scales" means one scale or group of scales covering an aggregate area up to ½ square inch. One "blood spot", "bruise", or "excessively dark fat layer" (which is yellow, rusting, or extremely dark for the species of fish used) means a blood spot, bruise, or excessively dark fat layer which measures at least ⅛ square inch in area and which is objectionable.

(5) *Bones.* One "instance of bones" means one bone or part of any bone or one group of bones occupying or contacting a circular area up to 1 square inch.

(b) For the purpose of rating the factor of "absence of defects", the schedule of deduction-points in Table III apply.

TABLE III—SCHEDULE OF POINT-DEDUCTIONS FOR ABSENCE OF DEFECTS

Defect subfactors	Method of determining subfactor score	Number of portions affected	Deduction points
Broken portions.	Break or cut greater than ½ the width or length of the portion.	0	0
		1	1
		2	3
		3	12
		4 to 10	40
	Degree of damage		
Damaged portions.	(a) Slight—Affecting over 5 but less than 25 percent of the surface area of the individual portion.	1 or 2	2
		3 to 5	5
		6 to 10	10
	(b) Moderate—Affecting over 25 but less than 50 percent of the surface area of the individual portion.	1 or 2	4
		3 to 5	10
		6 to 10	20
	(c) Severe—Affecting 50 percent or more of the surface area of the individual portion.	1 or 2	8
		3 to 5	20
		6 to 10	40
	Lack of adherence		
Adherence	(a) Slight (1 instance per portion).	1	1
		2 or 3	3
		4 or 5	5
		6 or 7	7
		8 to 10	10
	(b) Moderate (2 or 3 instances per portion).	1	3
		2 or 3	7
		4 or 5	12
		6 or 7	18
		8 to 10	30
	(c) Severe (4 or more instances per portion).	1	5
		2 or 3	10
		4 or 5	18
		6 or 7	30
		8 to 10	40
	Number of instances per sample unit (not over 10 instances are recorded per portion)		
Blemishes	1 or 2		1
	3 or 4		2
	5 or 6		4
	7 or 8		6
	9 or 10		8
	11 or 12		11
	13 or 14		15
	15 or 16		20
	17 or 18		25
	19 or 20		32
	21		40
	Number of instances per sample unit		
Bones	1		1
	2		3
	3		8
	4		15
	5		22
	6		30
	7		40

§ 266.17 Character.

(a) The factor of character refers to the ease of separation of the portions, and the texture of the fish flesh and of the coating.

(1) *Ease of separation.* "Ease of separation" refers to the difficulty of separating one frozen portion from the other.

(2) *Texture.* "Texture" refers to the firmness, tenderness, and moistness of the cooked fish flesh, and to the crispness and tenderness of the coating of the cooked product. The texture of the cooked fish flesh may be classified as a degree of mushiness, tenderness, toughness, or fibrousness. The texture of the coating in the cooked state may be classified as a degree of pastiness, toughness, dryness, or mushiness.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table IV apply. Frozen raw breaded fish portions which receive 15 deduction points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE IV—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN CHARACTER

Character subfactors	Method of determining subfactor score	Number of portions affected	Deduction points
	Degree of ease of separation		
Ease of separation.	(a) Slight—Portions separated by hand with slight effort.	1 to 10	0
	(b) Moderate—Portions separated by hand with difficulty.	1 or 2	1
		3 or 4	2
		5 or 6	3
		7 to 10	5
	(c) Severe—Portions separated only by use of knife or other instrument.	1 or 2	2
		3 or 4	4
		5 or 6	6
		7 to 10	10
	Texture of coating is—		
Texture	(a) Firm or crisp, but not tough, pasty, or mushy.		0
	(b) Slightly tough, pasty, or mushy.		1
	(c) Moderately tough, pasty, or mushy.		5
	(d) Excessively tough, pasty, or mushy.		10
	Texture of fish flesh is—		
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.		0
	(b) Moderately firm, only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.		1
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.		5
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.		15

DEFINITIONS AND METHODS OF ANALYSIS

§ 266.21 Definitions and methods of analysis.

(a) *Minimum fish flesh content.* "Minimum fish flesh content" refers to the minimum percent, by weight, of fish flesh allowed for portions of various surface areas as specified in Table V.

TABLE V—MINIMUM FISH FLESH CONTENT ESTABLISHED FOR FROZEN RAW BREADED FISH PORTIONS

Surface area of portions (square inches)		Minimum fish flesh content
Over—	Up to—	
		Percent by weight
0	15	72
15	21	75
21		79

The minimum fish flesh content for frozen raw breaded fish portions is determined by the following method:

(1) *Equipment and material.* (i) Water bath (3 to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch with second hand.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut picker.

(viii) Thermometer (immersion type) accurate to ±2°F.

(ix) Copper sulfate crystals (500 grams).

(2) *Procedure.* (i) Obtain the weight of each portion in the sample while it is still in a hard frozen condition.

(ii) Place each portion individually in the water bath maintained at 63° to 86° F. and allow to remain until such time as the breading becomes soft and can easily be removed from the still frozen fish flesh (between 10 to 80 seconds for portions held in storage at 0° F.).

NOTE: Several dry runs are necessary to determine the exact dip time required for "debreading" the portions in a lot sample. For dry runs only, a saturated solution of copper sulfate (500 grams of $CuSO_4.5H_2O$ in 2 liters of tap water) is necessary. The correct dip time is the minimum time required to dip the portions in the (copper sulfate) solution so that the breading can easily be scraped off; provided that (1) the "debreaded" portion is still solidly frozen, and (2) only a slight trace of blue color is visible on the surface of the "debreaded" fish portion.

(iii) Remove the portion from the bath; blot lightly with double thickness paper toweling; and scrape off or pick out coating from the fish flesh with the spatula or nut picker.

(iv) Weigh the "debreaded" fish flesh of the portion.

(v) Calculate the percent of fish flesh in the sample by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (iv)}}{\text{Weight of raw breaded fish portion (i)}} \times (100)$$

(b) *Loose breading and frost.* "Loose breading and frost" refers to the percent, by weight, of "loose crumbs and frost" found in the sample package(s). "Loose breading and frost" is determined by use of a balance (accurate to 0.1 gram) in accordance with the following method:

(1) *Procedure.* (i) Remove the overwrap.

(ii) Weigh carton(s) and all contents.

(iii) Remove breaded fish portions.

(iv) Weigh carton(s) less breaded portions, but including crumbs, frost, and separators (if used).

(v) Remove crumbs and frost from the package(s).

(vi) Weigh cleaned carton(s) and separators.

(vii) Calculate percent loose breading and frost:

$$\text{Percent loose breading and frost} = \frac{\left(\text{Weight carton(s) less breaded portions, but including crumbs, frost, and separators (iv)}\right) - \left(\text{Weight cleaned carton(s) and separators (vi)}\right)}{\text{Weight of cartons(s) and all contents (ii)} - \left(\text{Weight cleaned carton(s) and separators (vi)}\right)} \times 100$$

(c) *Cooking in a suitable manner.* "Cooking in a suitable manner" means cooking in accordance with the frying instructions accompanying the product. However, if specific instructions for frying are lacking, the product for inspection is cooked as follows:

(1) *Equipment and material.* (i) Deep fat fryer (thermostatically controlled).

(ii) Wire mesh deep fry basket.

(iii) Sufficient fat to cover portions.

(iv) Paper towels.

(2) *Procedure.* (i) While still in the frozen state, place the sample to be cooked in a wire-mesh deep-fry basket sufficiently large to hold the portions in a single layer without touching each other.

(ii) Lower basket and its contents into suitable liquid oil or hydrogenated oil heated to 350–375 degrees Fahrenheit. Maintain these temperatures throughout the cooking operation. Fry for three to five minutes, or until the portions attain a pleasing golden brown color.

(iii) Remove basket from oil and allow to drain for fifteen seconds. Place the cooked portions on a paper napkin or towel to absorb excess oil.

LOT CERTIFICATION TOLERANCES

§ 266.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260, of this chapter (Regulations Governing Processed Fishery Products, 23 F.R. 5064, July 3, 1958).

SCORE SHEET

§ 266.31 Score sheet for frozen raw breaded fish portions.

Label: .....
Size and kind of container: .....
Container mark or identification: .....
Size of lot: .....
Number of packages per master carton: .....
Size of sample: .....
Type of overwrap (if any): .....
Actual net weight: ..... (lb.) ..... (kg.)

Factor	Maximum score points	Deduction points
Appearance	25	
Uniformity	20	
Absence of defects	40	
Character	15	
Total	100	
Flavor and odor		
Final grade		

PART 267—UNITED STATES STANDARDS FOR GRADES OF FROZEN COD FILLETS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.
267.1 Product description.
267.2 Grades of frozen cod fillets.

WEIGHTS AND DIMENSIONS

267.6 Recommended weights and dimensions.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

FACTORS OF QUALITY

Sec.
267.11 Ascertaining the grade.
267.12 Evaluation of the unscored factor of flavor and odor.
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267.14 Appearance.
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267.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

267.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

267.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

267.31 Score sheet for frozen cod fillets.

AUTHORITY: §§ 267.1 to 267.31 issued under sec. 6(a), Fish and Wildlife Act of August 8, 1956; 16 U.S.C. 742e.

PRODUCT DESCRIPTION AND GRADES

§ 267.1 Product description.

The product described in this part consists of clean, whole, wholesome fillets or primarily large pieces of clean, whole, wholesome fillets, cut away from either side of cod, Gadus morhua or Gadus macrocephalus; the fillets may be either skinless or with skin on. They are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. (This part does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

§ 267.2 Grades of frozen cod fillets.

(a) "U.S. Grade A" is the quality of frozen cod fillets that possess good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen cod fillets that possess at least reasonably good flavor and odor; and for those factors of quality which are rated in accordance with the scoring system outlined in this part the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen cod fillets that fail to meet the requirements of U.S. Grade B.

WEIGHTS AND DIMENSIONS

§ 267.6 Recommended weights and dimensions.

(a) The recommendations as to net weights and dimensions of packaged frozen cod fillets are not incorporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weights of the packaged frozen cod fillets be not less than 12 ounces and not over 10 pounds.

FACTORS OF QUALITY

§ 267.11 Ascertaining the grade.

The grade of frozen cod fillets is ascertained by examining the product in the frozen, thawed, and cooked states. The following factors of quality are evaluated in ascertaining the grade of the product: Flavor and odor, appearance, size, absence of defects, and character. These factors are rated in the following manner:

(1) *Flavor and odor.* This factor is rated directly by organoleptic evaluation. Score points are not assessed (see § 267.12).

(2) *Appearance, size, absence of defects, and character.* The relative importance of these factors is expressed numerically on the scale of 100. The maximum number of points that may be given each of these factors are:

Factors	*Points*
Appearance	25
Size	20
Absence of defects	40
Character	15
Total possible score	100

§ 267.12 Evaluation of the unscored factor of flavor and odor.

(a) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the fish flesh has good flavor and odor characteristic of cod (Gadus morhua or Gadus macrocephalus) and is free from staleness, and off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 267.13 Evaluation and rating of the scored factors; appearance, size, absence of defects, and character.

The essential variations in quality within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The net score for each factor is the maximum points for that factor less the sum of the deduction-points within the factor. The total score for the product is the sum of the net scores for the four scored factors.

§ 267.14 Appearance.

(a) The factor of appearance refers to the normal color of the species of frozen fish flesh, and to the degree and amount of surface dehydration of the frozen product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Tables I and II apply. Frozen cod fillets which receive 25 deduction points for the factor of appearance shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE I—SCORE DEDUCTIONS FOR DISCOLORATION

Color of frozen product	Deduction points: "Light" colored portion comprising main portion of fillet	Deduction points: "Dark" colored portion occurring under skin mainly along lateral line
No discoloration	0	0
Slight yellowing	2	1
Moderate yellowing	4	2
Excessive yellowing and/or any rusting	13	12

TABLE II—SCORE DEDUCTIONS FOR DEHYDRATION

Degree of dehydration of frozen product	Surface area affected (percent) Over—	Surface area affected (percent) Not over—	Deduction points
Slight—Shallow and not color masking	0	1	0
	1	50	2
	50	100	5
Moderate—Deep but just deep enough to easily scrape off with fingernail	1	25	5
	25	50	8
	50	100	16
Excessive—Deep dehydration not easily scraped off	1	25	12
	25	100	25

§ 267.15 Size.

(a) The factor of size refers to the degree of freedom from undesirably small fillet pieces. Any fillet piece weighing less than 2 ounces is classed as being undesirably small.

(b) For the purpose of rating the factor of size the schedule of deduction-points in Table III apply. Cod fillets which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE III—SCORE DEDUCTIONS FOR SIZE OF FILLET PIECES

Number of fillet pieces less than 2 ounces per pound Over—	Not over—	Deduction points
0	0	0
1	1	1
2	2	10
3	3	15
	4	20

§ 267.16 Absence of defects.

(a) The factor of "absence of defects" refers to the degree of freedom from improper packing, cutting and trimming imperfections, blemishes, and bones. Evaluation for the defect of improper packing is made on the frozen product. Evaluation of the defects of cutting and trimming, blemishes, and bones are made on the thawed product.

(1) *Improper packing.* "Improper packing" means poor arrangement of fillets, presence of voids, depressions, frost, and the imbedding of packaging material into the frozen fish flesh.

(2) *Cutting and trimming imperfections.* "Cutting and trimming imperfections" means that the thawed fillets have ragged edges, tears, holes, or are otherwise improperly cut or trimmed.

(3) *Blemish.* "Blemish" means an instance of skin (except for skin-on fillets), scales, blood-spot, bruise, black-belly lining, fin, or extraneous material. One "instance of skin" consists of one piece of skin not less than ½ square inch and not more than 1½ square inches in area; each additional ½ square inch area of individual skin pieces greater than 1½ square inches is considered as an additional instance. One "instance of blood spot" is one of such size and prominence as to be considered objectionable. One "instance of black-belly lining" is any piece of black-belly lining not less than ½ inch and not more than 1 inch in length; each additional ½ inch length of individual pieces of black-belly lining longer than 1 inch is considered as an instance. Each aggregate area of identifiable fin or parts of any fin up to 1 square inch is considered as one "instance of fin". Each aggregate area up to 1 square inch per fillet of one scale or group of scales is considered as one "instance of scales". An "instance of bruise" consists of a bruise not less than ½ square inch and not more than 1½ square inches in area; each bruise larger than 1½ square inches is considered as two instances of bruise.

(4) *Bones.* One "instance of bone" means one bone or one group of bones occupying or contacting a circular area up to 1 square inch.

(b) For the purpose of rating the factor of "absence of defects" the schedule of deduction-points in Table IV apply.

TABLE IV—SCORE DEDUCTIONS FOR ABSENCE OF DEFECTS

Defects subfactors	Method of determining subfactor score	Deduction points
Improper packing.	Moderate defects, noticeably affecting the product's appearance.	2
	Excessive defects, seriously affecting product's appearance.	4
Blemishes	Number of blemishes per 1 lb. of fish flesh:	
	Over 0 not over 1	1
	Over 1 not over 2	3
	Over 2 not over 3	5
	Over 3 not over 4	8
	Over 4 not over 5	12
	Over 5 not over 6	16
	Over 6 not over 7	20
	Over 7	40
Bones	Number of instances per 1 lb. of fish flesh:	
	Over 0 not over 1	0
	Over 1 not over 2	2
	Over 2 not over 3	4
	Over 3 not over 4	6
	Over 4 not over 5	8
	Over 5 not over 6	14
	Over 6 not over 7	30
	Over 7	40
Cutting and trimming.	Slight defects, scarcely noticeable.	0
	Moderate defects, noticeable but not affecting the useability of any fillets.	4
	Excessive defects impairing:	
	(a) the useability of up to ¼ of the total number of fillets.	8
	(b) the useability of over ¼ but not more than ½ of the total number of fillets.	16
	(c) the useability of over ½ of the total number of fillets.	40

§ 267.17 **Character.**

(a) The factor of character refers to the amount of free drip in the thawed fillets, and to the tenderness and moistness of the cooked fish flesh.

(b) For the purpose of rating the factor of character, the schedule of deduction-points in Table V apply. Cod fillets which receive 15 deduction-points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCORE DEDUCTIONS FOR CHARACTER

Character subfactors	Method of determining subfactor score	Deduction points
Texture	Texture of the cooked fish:	
	(a) Firm, slightly resilient but not tough or rubbery; moist but not mushy.	0
	(b) Moderately firm; only slightly tough or rubbery; does not form a fibrous mass in the mouth; moist but not mushy.	4
	(c) Moderately tough or rubbery; has noticeable tendency to form a fibrous mass in the mouth; or is dry; or is mushy.	8
	(d) Excessively tough or rubbery; has marked tendency to form a fibrous mass in the mouth; or is very dry; or is very mushy.	15
Drip	Percent of drip:	
	Over 0 not over 5	0
	Over 5 not over 6	1
	Over 6 not over 8	2
	Over 8 not over 10	4
	Over 10 not over 12	6
	Over 12 not over 14	9
	Over 14 not over 16	12
	Over 16	15

DEFINITIONS AND METHODS OF ANALYSIS

§ 267.21 **Definitions and methods of analysis.**

(a) *Percent of drip.* "Percent of drip" means the percent by weight of "free drip" (the fluid which is not reabsorbed by the fish tissue when the frozen fish thaws, and which separates freely without the aid of any external forces except gravity) in an individual package as determined by the following method:

(1) *Apparatus and materials.* (i) Water bath.

(ii) Balance, accurate to 0.1 gm; or 0.01 ounce.

(iii) Pliable and impermeable bag (cryovac, pliofilm, etc.).

(iv) Corrosion resistant metal rod weight (preferably stainless steel or monel metal), measuring 3½ inches in length and approximately ¼–½ inch in diameter.

(v) U.S. Standard No. 8 mesh circular sieve (both 8 and 12 inch diameters).

(vi) Stirring motor.

(vii) Identification tags.

(2) *Procedure.* (i) Place metal rod weight into an empty pliable bag.

(ii) Weigh the bag and the metal weight.

(iii) Remove the frozen fish material from the container (container consists of the carton and the inner and outer wrapping).

(iv) Place the frozen product, plus scraps of any material remaining in the container, into the pliable bag.

(v) Weigh the bag and its contents and subtract tare (empty bag and metal weight) to determine the net weight of the product.

(vi) Suspend the bag and contents in an agitated water bath maintained at 68° F. plus or minus 2° F. The bag should be suspended in the water so that the fish flesh is below the water line.

(vii) Allow the bag and its contents to remain immersed until the product is defrosted (a "test run", in advance, is necessary to determine time required for each product and quantity of product).[1]

(viii) Remove bag and contents from bath and gently dry outside of bag.

(ix) Weigh dry U.S. Standard No. 8 mesh circular sieve.

(x) Open bag and empty contents onto U.S. Standard No. 8 circular sieve so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes.

(xi) Weigh sieve and its contents and calculate drained weight. The drained weight is the weight of sieve and fillets less the weight of the dry sieve.

(xii) Calculate percent drip:

$$\frac{\text{Net weight (v)} - \text{drained weight (xi)}}{\text{Net weight (v)}} \times (100) = \text{Percent of drip.}$$

(b) *Cooking in a suitable manner.* "Cooking in a suitable manner" shall mean that the product is cooked as follows: Place the thawed unseasoned product into a boilable film-type pouch; fold the open end of the pouch over the suspension bar and clamp in place to provide a loose seal. Immerse the pouch and its contents in boiling water and cook until the internal temperature of the fillets reaches 160° F. (about 20 minutes).

LOT CERTIFICATION TOLERANCES

§ 267.25 **Tolerances for certification of officially drawn samples.**

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter.

§ 267.31 **Score sheet for frozen cod fillets.**

SCORE SHEET

Label: _____
Size and kind of container: _____
Container mark or identification: _____
Size of lot: _____
Number of packages per master carton: _____
Size of sample: _____
Type of overwrap: _____
Actual net weight: _____ (lb.) _____ (kg.)

Factor	*Score points*	*Sample score*
Appearance	25	
Size	20	
Absence of defects	40	
Character	15	
Total	100	
Flavor and Odor		
Final Grade		

[1] The purpose of the "test run" is to determine the time necessary to thaw the product. The complete thawing of the product is determined by frequent but gentle squeezing of the bag until no hard core or ice crystals are felt. This package which has been squeezed can not be used for drained weight calculations.

PART 268—UNITED STATES STANDARDS FOR GRADES OF FROZEN SALMON STEAKS

PRODUCT DESCRIPTION, STYLE, AND GRADES

Sec.
268.1 Product description.
268.2 Style of frozen salmon steaks.
268.3 Grades of frozen salmon steaks.

DIMENSIONS

268.6 Recommended dimensions.

FACTORS OF QUALITY AND GRADE

268.11 Ascertaining the grade.

DEFINITIONS

268.21 Definitions.

LOT CERTIFICATION TOLERANCES

268.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

268.31 Score sheet for frozen salmon steaks.

AUTHORITY: §§ 268.1 to 268.31 issued under sec. 6(a), Fish and Wildlife Act of Aug. 8, 1956; 16 U.S.C. 742e.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 268.1 **Product description.**

Frozen salmon steaks are clean, wholesome units of frozen raw fish flesh with normally associated skin and bone and are 2.5 ounces or more in weight. Each steak has two parallel surfaces and is derived from whole or subdivided salmon slices of uniform thickness which result from sawing or cutting dressed salmon perpendicularly to the axial length, or backbone. The steaks are prepared from either frozen or unfrozen salmon (Oncorhynchus spp.) and are processed and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. The steaks in an individual package are prepared from only one species of salmon.

(a) *Species.* Frozen salmon steaks covered by this standard are prepared from salmon of any of the following species:

Silver or coho (O. kisutch).
Chum or keta (O. keta).
King, chinook, or spring (O. tshawytscha).
Red, sockeye (O. nerka).
Pink (O. gorbuscha).

§ 268.2 **Styles of frozen salmon steaks.**

(a) *Style I—Random weight pack.* The individual steaks are of random weight and neither the individual steak weight nor the range of weights is specified. The steaks in the lot represent the random distribution cut from the head to tail of a whole dressed salmon

(b) *Style II—Random weight combination pack.* The individual steaks are of random weight and neither the individual steak weight nor range of weights is specified. The steaks in the lot represent a combination of cuts from selected parts of the whole dressed salmon.

(c) *Style III—Uniform weight or portion pack.* All steaks in the package or in the lot are of a specified weight or range of weights.

§ 268.3 **Grades of frozen salmon steaks.**

(a) "U.S. Grade A" is the quality of frozen salmon steaks that possess good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen salmon steaks that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen salmon steaks that fail to meet the requirements of the "U.S. Grade B."

DIMENSIONS

§ 268.6 **Recommended dimensions.**

(a) The recommended dimensions of of frozen salmon steaks are not incorporated in the grades of the finished product since dimensions, as such, are not factors of quality for the purpose of these grades. However, the degree of uniformity of thickness among units of the finished product is rated since it is a factor affecting the quality and utility of the product.

(b) It is recommended that the thickness (smallest dimension) of individually frozen salmon steaks be not less than ½ inch and not greater than 1½ inches.

TABLE I—SCHEDULE OF POINT DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS[1]

Scored factors	Description of quality variation	Deduct
FROZEN		
1. General appearance defects	Per occurrence:	
	Slight	1-2
	Moderate	3-4
	Excessive	5-10
2. Dehydration	(Per occurrence) for each 1 sq. inch of surface area	1
3. Uniformity of thickness	For each 1/16 inch above 1/4" variation tolerance in steak thickness (max. deduction: 6 points).	2
4. Uniformity of weight and minimum weight	*Style I & II—Random weight.* For each steak between 2.5 and 3.0 ounces in weight per package, or per pound of product for packages over 1 pound net wt.	4
	Style III—Uniform weight or portion. For each 0.1 ounce beyond the 0.1 ounce tolerance of the specified portion weight range per 5 lbs. of product.	1
THAWED		
5. Workmanship defects: Blood spots, bruises, cleaning, cutting, fins, foreign material, collarbone, girdle, loose skin, pugh marks, sawdust, scales.	Per occurrence:	
	Slight	1
	Moderate	2-4
	Excessive	5-8
6. Color defects:		
(a) Discoloration of fatty portion	Slight	1-2
	Moderate	3-5
	Excessive	6-10
(b) Discloration of lean portion	Slight	1-2
	Moderate	3-5
	Excessive	6-10
(c) Non-uniformity of color	Slight	1-2
	Moderate	3-4
	Excessive	5-6
7. Honeycombing	Percent sample area affected:	
	26 to 50	1
	51 to 75	2
	75 to 100	3
COOKED		
8. Texture defect (tough, dry, fibrous, or watery)	Slight	1-2
	Moderate	3-5
	Excessive	6-10
9. Odor [2]	Good (A)	0-2
	Reasonably good (B)	3-5
	Substandard (S)	6-15
10. Flavor:		
(a) Lean portion	Good (A)	0-2
	Reasonably good (B)	3-5
	Substandard (S)	6-15
(b) Fatty portion	Good (A)	0-2
	Reasonably good (B)	3-5
	Substandard (S)	6-15

[1] This schedule of point deductions is based on the examination of *sample units* composed of: (a) An entire sample package and its contents (for retail sized packages) or (b) a representative subsample consisting of about one pound of salmon steaks taken from each sample package (for institutional sized packages), except that the entire sample package or its equivalent shall be examined for factor 4.

[2] *"Limiting rule" grade requirements of flavor and odor:* Salmon steaks which receive over 5 deduction points for odor, or flavor of the lean, or flavor of the fatty portion, shall not be graded above substandard, and those which receive between 3 to 5 points shall not be graded above "U.S. Grade B," regardless of the total product score. (This is a "limiting rule" based on flavor and odor as defined under definitions § 268.21(g) (9) and (10)).

FACTORS OF QUALITY AND GRADE

§ 268.11 **Ascertaining the grade.**

The grade is ascertained by observing the product in the frozen, thawed, and cooked states and is determined by consideration of the following:

(a) *Factors rated by score points.* The quality of the product with respect to all factors is scored numerically. Cumulative point deductions are assessed for variations of quality for the factors in accordance with the schedule in Table I, in the frozen, thawed, and cooked states. The total deduction is subtracted from the maximum possible score of 100 to obtain the "product score."

(b) *Factors governed by "limiting rule".* The factors of flavor and odor, in addition to being rated by score points, are further considered for compliance with the "limiting rule" grade requirements of flavor and odor in Table I, as defined under Definitions § 268.21(g) (9) and (10).

(c) *Determination of the final product grade.* The final product grade is derived on the basis of both the "product score" and the "limiting rule" grade requirements of flavor and odor, per Table I.

DEFINITIONS

§ 268.21 Definitions.

(a) "Slight" refers to a defect that is scarcely noticeable and may not affect the appearance, the desirability, and/or eating quality of the steaks.

(b) "Moderate" refers to a defect that is conspicuously noticeable (not seriously objectionable) and does not seriously affect the appearance, desirability and/or eating quality of the steaks.

(c) "Excessive" refers to a defect that is conspicuously noticeable (seriously objectionable) and seriously affects the appearance, desirability, and/or eating quality of the steaks.

(d) "Occurrence" is defined as each incidence of the same or different types of defects.

(e) "Cooked state" means that the thawed, unseasoned product has been heated within a boilable film-type pouch by immersing the pouch with product in boiling water for 10 minutes. Steaks cooked from the frozen state may require about two additional minutes of cooking.

(f) "Actual net weight" means the weight of the salmon steaks within the package after removal of all packaging material, ice glaze or other protective coatings.

(g) "Scored factors" (Table I):

(1) "General appearance defects" refer to poor arrangement of steaks, distortion of steaks, wide variation in shape between steaks, greater than normal number of head and/or tail pieces, imbedding of packaging material into fish flesh, inside condition of package, frost deposit, excessive or non-uniform skin glaze, and undesirable level of natural color.

(2) "Dehydration" refers to the appearance of a whitish area on the surface of a steak due to the evaporation of water or drying of the affected area.

(3) "Uniformity of thickness" means that steak thickness is within the allowed ⅛-inch manufacturing tolerance between the thickest and thinnest parts of the steaks within a package or sample unit.

(4) "Uniformity of weight and minimum weight" is defined in Table I. (Portions are designated by "weight range" or "specified weight." The "weight range" of portions bearing "specified weight" designation on containers shall be taken as the "specified weight" plus or minus 0.5 ounce unless otherwise specified.)

(5) "Workmanship defects" refers to appearance defects that were not eliminated during processing and are considered objectionable or poor commercial practice. They include the following: Blood spots, bruises, cleaning (refers to inadequate cleaning of the visceral cavity from blood, viscera and loose or attached appendages), cutting (refers to irregular, inadequate, unnecessary, or improper cuts and/or trimming), fins, foreign material (refers to any loose parts, of fish or other than fish origin), collar bone, girdle (refers to bony structure adjacent to fin), loose skin, pugh marks, sawdust and scales.

(6) "Color defects":

(i) "Discoloration of fat portion" means that the normal color of the fat shows increasing degrees of yellowing due to oxidation.

(ii) "Discoloration of lean portion" means that the normal surface flesh color has faded or changed due to deteriorative influences.

(iii) "Non-uniformity of color" refers to noticeable differences in surface flesh color on a single steak or between adjacent steaks in the same package or sample unit. It would also include color variation of the visceral cavity and skin watermarking.

(7) "Honeycombing" refers to the visible appearance on the steak surface of numerous discrete holes or openings of varying size.

(8) "Texture defect" refers to an undesirable increase in toughness and/or dryness, fibrousness, and watery nature of salmon examined in the cooked state.

(9) "Odor" and "flavor:"

(i) "Good flavor and odor" (essential requirement for Grade A) means that the fish flesh has the good flavor and odor characteristic of the indicated species of salmon, and is free from rancidity and from off-flavors and off-odors.

(ii) "Reasonably good flavor and odor" (minimum requirement for Grade B) means that the fish flesh may be somewhat lacking in the good flavor and odor characteristics of the indicated species of salmon, is reasonably free of rancidity, and is free from objectionable off-flavors and off-odors.

(iii) "Substandard flavor and odor" (substandard grade) means that the flavor and odor fail to meet the requirements of "reasonably good flavor and odor."

LOT CERTIFICATION TOLERANCES

§ 268.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified on the basis of Part 260 of this chapter (Regulations Governing Processed Fishery Products, 23 F.R. 5064, July 3, 1958).

SCORE SHEET

§ 268.31 Score sheet for frozen salmon steaks.

Label: .....
Size and kind of container: .....
Container mark or identification: .....
Size of lot: .....
Number of packages per master carton: .....
Size of sample: .....
Number of steaks per container: .....
Product style: .....
Actual net weight: .....(ounces).....(lb.)

Scored factors	Deductions
FROZEN	
1. General appearance defects	
2. Dehydration	
3. Uniformity of thickness	
4. Uniformity of weight	
THAWED	
5. Workmanship defects	
6. Color defects	
7. Honeycombing	
COOKED	
8. Texture	
9. Odor (Limiting rule—Table I)	
10. Flavor (Limiting rule—Table I)	
Total deductions	
Product score (100—Total deductions)	
Flavor and odor rating	
Final grade	

PART 272—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW HEADLESS SHRIMP [1]

PRODUCT DESCRIPTION, GRADES AND SIZES

Sec.
272.1 Product description.
272.2 Grades of frozen raw headless shrimp.
272.3 Sizes of frozen raw headless shrimp.

FACTORS OF QUALITY AND GRADE

272.11 Ascertaining the grade.

DEFINITIONS AND METHODS OF ANALYSIS

272.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

272.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

272.31 Score sheet for frozen raw headless shrimp.

AUTHORITY: §§ 272.1 to 272.31 issued under sec. 6(a), Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e), and sec. 205(b), Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1624(b)).

PRODUCT DESCRIPTION, GRADES AND SIZES

§ 272.1 Product description.

Frozen raw headless shrimp are clean, wholesome, headless, shell-on shrimp of the regular commercial species. They are sorted for size, packed, and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product.

§ 272.2 Grades of frozen raw headless shrimp.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen raw headless shrimp of a single commercial count that possess a good flavor and odor, that are of a reasonably uniform color, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 90 points.

(b) "U.S. Grade B" or "U.S. Good" is the quality of frozen raw headless shrimp of a single commercial count that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 80 points.

(c) "U.S. Grade C" or "U.S. Commercial" is the quality of frozen raw headless shrimp of a single commercial count that possess at least reasonably good flavor and odor, and that for those factors which are rated in accordance with the scoring system outlined in the following sections, the total score is not less than 70 points.

(d) "Substandard" is the quality of frozen raw headless shrimp that fail to meet the requirements of "U.S. Grade C" or "U.S. Commercial."

§ 272.3 Sizes of frozen raw headless shrimp.

The average weight and number of shrimp per pound (count) of frozen raw headless shrimp are not factors of quality in determining the grade of the product. However the degree of conformity of the weights of the individual shrimp to the average weight of shrimp in the sample is rated since it is a factor affecting the utility of the product. Descriptive size names are not recommended. The commercial count (number per pound) and descriptive size names, if used, shall conform to one of the following categories:

Commercial count—Number of shrimp per pound	Number of shrimp per pound (average) Over—	Not over—	Descriptive size name
Under 10		9.9	Extra colossal.
10–15	9.9	15.0	Colossal.
16–20	15.0	20.0	Extra jumbo.
21–25	20.0	25.0	Jumbo.
26–30	25.0	30.0	Extra large.
31–35	30.0	35.0	Large.
36–42	35.0	42.0	Medium large.
43–50	42.0	50.0	Medium.
51–60	50.0	60.0	Small.
61–70	60.0	70.0	Extra small.
Over 70	70.0		Tiny.

FACTORS OF QUALITY AND GRADE

§ 272.11 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards, the grade is ascertained by observing the product in the frozen, thawed, and cooked states and is evaluated by considering the following:

(1) *Factors rated by score points.* The quality of the product with respect to factors scored is expressed numerically. Factors rated by score points are: dehydration; deterioration; black spot on shell or loose membrane only; black spot on meat; broken, damaged and pieces of shrimp; legs, loose shell, and flippers; heads an unacceptable shrimp; extraneous materials; uniformity of size; and the texture of the cooked product. Cumulative point deductions from the maximum possible score of 100 are assessed for variations of quality for each factor in accordance with the schedule in Table I. The minimum score is 0.

(2) *Factor not rated by score points.* The factor of "flavor and odor" is evaluated organolepticaly after the product has been cooked in a suitable manner, and is defined as follows:

(i) *Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the product has the good flavor and odor characteristic of freshly caught, chilled shrimp and is free from off-flavors and off-odors of any kind. The presence of iodoform-like flavor and odor is not to be construed as off-flavor and off-odor.

(ii) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of Grade B and Grade C products) means that the product may be somewhat lacking in the good flavor and odor characteristic of freshly caught, chilled shrimp but is free from objectionable off-flavors and objectionable off-odors of any kind.

DEFINITIONS AND METHODS OF ANALYSIS

§ 272.21 Definitions and methods of analysis.

(a) "Count," or number of shrimp per pound, is determined by dividing the number of shrimp in the package by the actual net weight in pounds of the shrimp.

(b) "Net weight" of the shrimp is determined as follows:

(1) *Equipment needed.* (i) Container, 4-gallon or more capacity;

(ii) Source of running water that can be maintained at 75°–85° F; with hose of sufficient length to reach the bottom of the container;

(iii) Balance accurate to 0.01 ounce, or 0.1 gram;

(iv) U.S. standard wire sieve, ASTM No. 20, 12-inch diameter.

(2) *Procedure.* Place the frozen shrimp in the 4-gallon container into which fresh water of a temperature from 75° to 85° F. is introduced from the bottom at a flow of approximately six gallons per minute. After any glaze has been removed and the shrimp separate easily, empty the contents of the container through the tared sieve, spreading the shrimp out evenly. Tilt the sieve at approximately a 45-degree angle to facilitate drainage; drain the shrimp for 2 minutes; and then weigh the sieve and contents. The net weight is the weight of the sieve and contents minus the weight of the sieve.

(c) "Cooked in a suitable manner" means that a thawed sample of the product has been cooked by the following method:

Place 2 to 4 ounces of peeled deveined and rinsed shrimp in a boilable plastic bag with ½-cup of salt solution (1 teaspoon salt dissolved in 1 pint or 2 cups of water). Add a 2-ounce stainless steel weight or snap a large clip on bottom of bag. Suspend the bag in a kettle of boiling water and return the water to a boil as rapidly as possible. (More than one sample may be cooked at a time, as long as the water will return to a boil within 2 minutes). After the water is boiling, cook according to the following timetable:

Count of shrimp—Number per pound	Cooking time (minutes)
Up to 15	12
16 to 35	9
Over 35	6

Remove from bag, drain, and cool to approximately room temperature (do not refrigerate) for evaluation of flavor and odor.

(d) "Dehydration" refers to the occurrence of a whitish area on the exposed ends of the shrimp, due to the drying of the affected area, and to a generally desiccated appearance of the meat after the shell is removed.

(e) "Deterioration" refers to any detectable change from the normal good quality of freshly caught shrimp. It is evaluated by noting deviations of the odor of the thawed product from the normal odor of freshly caught shrimp.

(1) "Slight deterioration" means that the shrimp lack the pleasant odor characteristic of freshly caught shrimp.

(2) "Moderate deterioration" means that the shrimp have slight off-odors.

(3) "Marked deterioration" means that the shrimp have definite off-odors, but are not spoiled.

(4) "Excessive deterioration" means that the shrimp have a definite odor of spoilage. Deductions in this category are made for individual shrimp which are affected.

(f) "Black spot on the shell or loose membrane only" refers to blackened areas at least moderately affecting the appearance of the shrimp.

(1) "Moderately affecting" means that the black spot which occurs at the shell joints extends at least one-third of the circumference of the shrimp at the particular location at which it occurs, and black spot which occurs as a circular area exceeds one-eighth inch in diameter for 31/35 count shrimp or is proportionately larger or smaller for respectively larger or smaller shrimp.

(g) "Black spot on the meat" refers to any darkened area that is present on the shrimp flesh.

(h) "Broken" refers to a shrimp having a break in the flesh greater than one-third of the thickness of the shrimp at the particular location at which it occurs.

(i) "Damaged" refers to a shrimp that is crushed or mutilated so as to materially affect its appearance.

(j) "Piece" refers to any portion of shrimp that contains less than five segments.

(k) "Legs" refers to walking legs only, not swimmerets, or to portions of the head (cephalothorax) with legs and which may be either loose or attached to a shrimp.

(l) "Loose shell" refers to any piece of shell which is completely detached from the shrimp except paper-thin shell from soft-shelled shrimp.

(m) "Flipper" refers to a tail fin, sometimes including the last shell segment but containing no meat.

(n) "Head" means any portion of head (cephalothorax) large enough to contain an eye and which may be either loose or attached to a shrimp.

(o) "Unacceptable shrimp" refers to abnormal or diseased shrimp.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE I—SCHEDULE OF DEDUCTIONS FOR FACTORS RATED BY SCORE POINTS[1]

State	Factor	Description of quality variation			Deduct
		Dehydrated—exposed ends		Dislocation of meat	
		Frozen state	Thawed state	Thawed state	
Frozen and thawed	Dehydration	Up to 5 percent	None	None	0 to 1
		5.1–15.0 percent	Up to 2.0 percent	Slight	2 to 5
		Over 15.0 percent	2.1–5.0 percent	Moderate	6 to 10
			Over 5.0 percent	Marked	11
		(Percent by count of *total sample.*) Apply the one highest deduction only.			
Thawed	Deterioration	Off-odor, overall sample:			
		Slight			2 to 5
		Moderate			6 to 10
		Marked			11
		Any excessive, each 1 percent or fraction (percent by count)			1
	Black spot on shell or loose membrane only.	Shell affected, but not meat:			
		Not over 5 percent			0 to 1
		Each additional 5 percent, or fraction (percent by count)			1
	Black spot on meat	None			
		Not over 3 percent			0 to 2
		3.1–8.0 percent			3 to 5
		Each additional 5 percent, or fraction (percent by count)			1
	Broken, damaged, and pieces.	Not over 1 percent			0 to 1
		1.1–3.0 percent			2 to 3
		Each additional 3 percent, or fraction (percent by weight)			1
	Legs, loose shell, and dippers.	Not over 3 percent			0 to 2
		Each additional 3 percent, or fraction (percent by count)			1
	Heads and unacceptable shrimp.	Not over 1 percent			2 to 3
		Each additional 1 percent, or fraction (percent by count)			1
	Extraneous material	1 piece			1 to 4
		2 pieces			5 to 7
		over 2 pieces			8 to 11
	Uniformity of size	Slightly large and slightly small: Each 3 percent, or fraction			1 to 2
		Exceedingly large and exceeding small: Each 3 percent, or fraction (percent by count—based on actual count per pound of sample).			3 to 11
	Texture	Tough, dry, or mushy:			
		Slight			2 to 4
		Moderate			5 to 7
		Excessive			8 to 11
Cooked					

[1] This schedule of point deductions is based on the examination of sample units composed of: (a) the contents of an entire package or (b) sufficient packages to provide a sample unit of 2 pounds or more, declared net weight.

With respect to conformance with the declared commercial count, the lot shall be considered to be of the declared count if the number of deviant units in the sample does not exceed the acceptance number prescribed for the sample size in Part 170 of this chapter. If a lot fails to meet the requirements of any specific commercial count, it shall be marked a mixed lot and shall not be graded.

SCORE SHEET

§ 272.31 Score sheet for frozen raw headless shrimp.

GENERAL

Label:
Size and kind of container
Container mark or identification
Size of lot, pounds
Number of samples
Declared count per pound
Actual net weight (ounces)
Actual count per pound
Descriptive size name

Scored factors (table I)	Deductions
Frozen and thawed:	
1. Dehydration	
Thawed:	
2. Deterioration	
3. Black spot on shell or loose membrane only	
4. Black spot on meat	
5. Broken, damaged, and pieces	
6. Legs, loose shell, and flippers	
7. Heads and unacceptable shrimp	
8. Extraneous material	
9. Uniformity of size	
Cooked:	
10. Texture	
Total deductions	
Rating for scored factors (100 minus total deductions)	
Flavor and odor	
Final grade	

[1] To be completed by grader.

(p) "Extraneous material" means any material in the package which is not shrimp material.

(q) "Uniformity of size" is evaluated by computing the actual count per pound of the shrimp in the sample, and then determining, by weighing individual shrimp, the number of shrimp that are slightly large, slightly small, exceedingly large, or exceedingly small for that particular count per pound.

(1) "Slightly large" means that a shrimp is more than 25 percent, but not more than 35 percent larger, by weight, than a shrimp of the actual count per pound.

(2) "Exceedingly large" means that a shrimp is more than 35 percent larger, by weight, than a shrimp of the actual count per pound.

(3) "Slightly small" means that a shrimp is more than 25 percent, but not more than 35 percent smaller, by weight, than a shrimp of the actual count per pound.

(4) "Exceedingly small" means that a shrimp is more than 35 percent smaller, by weight, than a shrimp of the actual count per pound. For use in computing the uniformity of size factor, weights of individual shrimp are given in Table II.

(r) "Texture" defect refers to an undesirable toughness and/or dryness and/or mushiness of the shrimp examined in the cooked state.

LOT CERTIFICATION TOLERANCES

§ 272.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 170 of this chapter (regulations governing processed fishery products, 23 F.R. 5064, July 3, 1958).

TABLE II—WEIGHTS OF NON-UNIFORM SHRIMP

[Ounces]

Count per pound	Exceedingly large	Slightly large	Slightly small	Exceedingly small
	Over—	Over—	Under—	Under—
8	2.70	2.50	1.50	1.30
9	2.40	2.22	1.33	1.16
10	2.16	2.00	1.20	1.04
11	1.96	1.82	1.09	0.94
12	1.80	1.67	1.00	.87
13	1.66	1.54	0.92	.80
14	1.54	1.43	.86	.74
15	1.44	1.33	.80	.69
16	1.35	1.25	.75	.65
17	1.27	1.18	.71	.61
18	1.19	1.11	.67	.58
19	1.14	1.05	.63	.55
20	1.08	1.00	.60	.52
21	1.03	0.95	.57	.50
22	0.98	.91	.54	.47
23	.94	.87	.52	.45
24	.90	.83	.50	.43
25	.86	.80	.48	.42
26	.83	.77	.46	.40
27	.80	.74	.44	.38
28	.77	.71	.43	.37
29	.74	.69	.41	.36
30	.72	.67	.40	.35
31	.70	.64	.39	.34
32	.67	.62	.38	.32
33	.65	.61	.36	.32
34	.64	.59	.35	.30
35	.62	.57	.34	.30
36	.60	.56	.33	.29
37	.58	.54	.32	.28
38	.57	.53	.32	.27
39	.55	.51	.31	.27
40	.54	.50	.30	.26
41	.53	.49	.29	.25
42	.51	.48	.29	.25
43	.50	.47	.28	.24
44	.49	.46	.27	.24
45	.48	.44	.27	.23
46	.47	.44	.26	.23
47	.46	.42	.26	.23
48	.45	.42	.25	.22
49	.44	.41	.24	.21
50	.43	.40	.24	.21
51	.42	.39	.24	.20
52	.42	.38	.23	.20
53	.41	.38	.23	.20
54	.40	.37	.22	.19
55	.39	.36	.22	.19
56	.39	.36	.21	.18
57	.38	.35	.21	.18
58	.37	.34	.21	.18
59	.37	.34	.20	.18
60	.36	.33	.20	.17
61	.35	.33	.20	.17
62	.35	.32	.19	.17
63	.34	.32	.19	.16
64	.34	.31	.19	.16
65	.33	.31	.18	.16
66	.33	.30	.18	.16
67	.32	.30	.18	.16
68	.32	.29	.18	.15
69	.31	.29	.17	.15
70	.31	.28	.17	.15
71	.30	.28	.17	.15

ALTERNATE TABLE II—WEIGHTS OF NON-UNIFORM SHRIMP

[Grams]

Count per pound	Exceedingly large	Slightly large	Slightly small	Exceedingly small
	Over—	Over—	Under—	Under—
8	76.5	70.9	42.5	38.2
9	68.0	62.9	37.7	32.9
10	61.2	56.7	34.0	29.5
11	55.6	51.6	30.9	26.6
12	51.0	47.3	28.4	24.7
13	47.1	43.7	26.1	22.7
14	43.7	40.5	24.4	21.0
15	40.8	37.7	22.7	19.6
16	38.3	35.4	21.3	18.4
17	36.0	33.4	20.1	17.3
18	33.7	31.5	19.0	16.4
19	32.3	29.8	17.9	15.6
20	30.6	28.4	17.0	14.7
21	29.2	26.9	16.2	14.2
22	27.8	25.8	15.3	13.3
23	26.6	24.7	14.7	12.8
24	25.5	23.5	14.2	12.2
25	24.4	22.7	13.6	11.9
26	23.5	21.8	13.0	11.3
27	22.7	21.0	12.5	10.8
28	21.8	20.1	12.2	10.5
29	21.0	19.6	11.6	10.2
30	20.4	19.0	11.3	9.9
31	19.8	18.1	11.0	9.6
32	19.6	17.6	10.8	9.2
33	18.4	17.3	10.2	8.9
34	18.1	16.7	9.9	8.6
35	17.6	16.2	9.6	8.4
36	17.0	15.9	9.4	8.2
37	16.4	15.3	9.1	7.9
38	16.2	15.0	9.0	7.7
39	15.6	14.5	8.8	7.6
40	15.3	14.2	8.5	7.4
41	15.0	13.9	8.3	7.2
42	14.4	13.6	8.1	7.0
43	14.2	13.3	7.9	6.9
44	13.9	13.0	7.7	6.7
45	13.6	12.5	7.6	6.6
46	13.3	12.3	7.4	6.4
47	13.0	12.0	7.2	6.3
48	12.8	11.8	7.1	6.2
49	12.4	11.6	6.9	6.0
50	12.2	11.3	6.8	5.9
51	11.9	11.0	6.8	5.7
52	11.9	10.8	6.5	5.7
53	11.6	10.8	6.5	5.7
54	11.3	10.5	6.2	5.4
55	11.1	10.2	6.2	5.4
56	11.1	10.2	6.0	5.1
57	10.8	9.9	6.0	5.1
58	10.5	9.6	6.0	5.1
59	10.5	9.6	5.7	5.1
60	10.2	9.4	5.7	4.8
61	9.9	9.4	5.7	4.8
62	9.9	9.1	5.4	4.8
63	9.6	9.1	5.4	4.5
64	9.6	8.8	5.4	4.5
65	9.4	8.8	5.1	4.5
66	9.4	8.5	5.1	4.5
67	9.1	8.5	5.1	4.5
68	9.1	8.2	5.1	4.3
69	8.8	8.2	4.8	4.3
70	8.8	7.9	4.8	4.3
71	8.5	7.9	4,8	4.3

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter A—International Pacific Halibut Commission

Part
301 Pacific halibut fisheries.

Subchapter B—International Whaling Commission

351 Whaling.

SUBCHAPTER A—INTERNATIONAL PACIFIC HALIBUT COMMISSION

PART 301—PACIFIC HALIBUT FISHERIES

Sec.
301.1 Regulatory areas.
301.2 Length of halibut fishing seasons.
301.3 Closed seasons.
301.4 Catch limits in areas 2 and 3A.
301.5 Size limits.
301.6 Licensing of vessels.
307.7 Retention of halibut taken under permit.
301.8 Conditions limiting validity of permits.
301.9 Statistical return by vessel.
301.10 Statistical return by dealers.
301.11 Closed nursery grounds.
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301.14 Retention of tagged halibut.
301.15 Responsibility of master.
301.16 Supervision of unloading and weighing.
301.17 Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part II, 1353.

§ 301.1 Regulatory areas.

(a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A (south of Heceta Head) shall include all convention waters southeast of a line running northeast and southwest through Heceta Head Light, as shown on Chart 5802, published in July 1947, by the United States Coast and Geodetic Survey, Washington, D.C., which light is approximately latitude 44°08′18″ N., longitude 124°07′36″ W.

(c) Area 1B (Heceta Head to Willapa Bay) shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July 1939, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43′17″ N., longitude 124°04′15″ W.

(d) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11′57′ N., longitude 136°38′18″ W.; thence south one-quarter east and, except in the year 1960 is exclusive of the nursery areas closed, except in the year 1960, to all halibut fishing in § 301.11.

(e) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34′08″ N., longitude 159°36′00″ W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey, Washington, D.C.

(f) Area 3B (West of Shumagin Islands including Bering Sea) shall include all the convention waters off the coast of Alaska which are not included in Area 3A or in Area 2 or in the nursery area described in paragraph (b) in § 301.11.

§ 301.2 Length of halibut fishing seasons.

(a) In Area 1A, the halibut fishing season shall commence at 6:00 a.m. of the 1st day of May and terminate at 6:00 a.m. of the 16th day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(b) In Area 1B, the halibut fishing seasons shall commence and terminate at the same times as the halibut fishing

seasons in Area 2 shall commence and terminate.

(c) In Area 2, there shall be two halibut fishing seasons: The first season commencing at 6:00 a.m. on the 1st day of May and terminating at 6:00 a.m. on a date to be determined and announced under paragraph (b) of § 301.4; the second season commencing at 6:00 a.m. on the 11th day of September and terminating at 6:00 a.m. on the 18th day of September.

(d) In Area 3A, the halibut fishing season shall commence at 6:00 a.m. of the 1st day of May and terminate at 6:00 a.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(e) In Area 3B, the halibut fishing season shall commence at 6:00 a.m. of the 1st day of April and terminate at 6:00 a.m. of the 16th day of October, or at the time of termination of the halibut fishing season in Area 3A, whichever is later.

(f) All hours of opening and closing of areas in this section and other sections of these regulations shall be Pacific Standard Time.

§ 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of these regulations, shall be closed to halibut fishing at 6:00 a.m. of the 1st day of December and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Pacific Halibut Commission, hereafter in these regulations referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

§ 301.4 Catch limits in areas 2 and 3A.

(a) The quantity of halibut to be taken during the first halibut fishing season in Area 2 and during the halibut fishing season in Area 3A in 1960 shall be limited to 26,500,000 pounds and 30,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the first halibut fishing season in Area 2 and to the single halibut fishing season in Area 3A.

§ 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 Licensing of vessels.

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 must be validated at a port or place within Area 1A prior to each such fishing operation during the second halibut fishing season in Areas 1B and 2 as defined in paragraphs (b) and (c) of § 301.2 and when Areas 1B and 2 are closed to halibut fishing.

(f) The halibut license of any vessel fishing for halibut in Area 3B when Area 3A is closed to halibut fishing must be validated at a port or place within Area 3B prior to such fishing, except that a vessel already fishing in area 3B with a halibut license that was validated for halibut fishing in Area 3B or in Areas 3A and 3B prior to the date of closure of Area 3A, may continue to fish in Area 3B until first entry at a port or place with a validating officer or until any halibut is unloaded.

(g) The halibut license of any vessel departing from Area 3B with any halibut on board when Area 3A is closed to halibut fishing, must be validated at a port or place in Area 3B subsequent to fishing and prior to such departure.

(h) A halibut license shall not be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas; nor for departure for halibut fishing in Areas 3A or 3B from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in said areas; nor for departure for halibut fishing in Areas 3A or 3B from any port or place outside said areas more than 5 days prior to the commencement of the halibut fishing season in said areas.

(i) A halibut license shall not be valid for halibut fishing in more than one of Areas 1A, 1B, 2 or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(j) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale and as provided in paragraph (m) of this section.

(k) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section of these regulations shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(l) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(m) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B.

(n) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 Retention of halibut taken under permit.

(a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna; and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this regulation for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (e) of this section.

(b) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing for species of crab by that vessel in that part of Area 3B known as Bering Sea after 6:00 a.m. of the 1st day of April of the year 1960 with bottom trawl nets (of the type commonly used in the Bering Sea king crab fishery) whose cod ends or fish bags shall consist of webbing whose dry-stretched mesh shall measure not less than 12 inches between knots or hog rings, not to exceed at any time one pound of halibut for each five pounds drained weight of salable picked crab meat or the equivalent drained weight of crab meat in the shell or in vacuum-packed heat processed containers. The equivalent weight of meat in the shell shall be computed on the basis of 15 pounds of meat in the shell being equal to 6 pounds of drained picked crab meat and the equivalent weight of processed meat shall be computed on the basis of 6½ ounces of drained weight of processed crab being equal to 8 ounces of picked crab meat.

(c) Halibut retained under such permit shall not be filleted, filtched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(d) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish or crabs shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(e) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(f) Permits for the retention and landing of halibut caught in Areas 1A, 1B, 2, 3A or 3B, exclusive of that part known as Bering Sea, in the year 1960 shall become invalid at 6:00 a.m. of the 16th day of November of said year or at such earlier date as the Commission shall determine.

(g) Permits shall become invalid for the retention of halibut caught in that part of Area 3B known as Bering Sea after 6:00 a.m. of the 15th day of November in the year 1960 and shall become invalid for the landing of halibut caught under permit in that part of Area 3B known as Bering Sea after 6:00 a.m. of the 15th day of December of the year 1960 or at such earlier dates as the Commission shall determine.

§ 301.8 Conditions limiting validity of permits.

(a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish or crabs of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) or (b) of § 301.7.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery except in that part of Area 3B known as Bering Sea as provided in paragraph (b) of § 301.7.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) A permit shall not be valid for the landing of halibut caught incidentally to fishing for crabs in that part of Area 3B known as Bering Sea unless the vessel shall show documentary evidence of date of departure from some port or place within said area, or from Akutan, Alaska, subsequent to such fishing. Such documentary evidence may consist of a certified written statement of a properly identified and responsible resident within that part of Area 3B known as Bering Sea or at Akutan.

(h) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) or (b) of § 301.7.

(i) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

§ 301.9 Statistical return by vessels.

(a) Statistiscal return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under these regulations and as to the amount of halibut and other species by the

master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in these regulations, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession onboard and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.10 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (d) of § 301.7. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B after the closure of Area 3A unless the license of said vessel has been validated at a port or place in Area 3B as required in paragraphs (f) and (g) of § 301.6 or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 Closed nursery grounds.

(a) The following areas have been found to be populated by small, immature halibut and are designated as nursery grounds and except in the year 1960 are closed to halibut fishing, and, except in the year 1960, no person shall fish for halibut in either of such areas, or shall have halibut in his possession while fishing for other species therein, or shall have halibut of any origin in his possession therein except in the course of a continuous transit across such area, or during continuous transit through such area for landing at the Port of Masset, Q.C.I.

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: From the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33'48" N., longitude 133°43'35" W., to the south extremity of Wood Island, approximately latitude 55°39'44" N., longitude 133°42'29" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'47" N., longitude 133°47'42" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'46" N., longitude 133°48'01" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°34'46" N., longitude 134°14'40" W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22'23" N., longitude 134°12'48" W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'11" N., longitude 133°49'12" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D.C., in June 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D.C., in March 1933, and reissued March 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the northern coast of Graham Island, British Columbia, within the following boundary, as stated in terms of the magnetic compass unless otherwise indicated: From the outer Entry Point Light, latitude 54°02'40" N., longitude 132°11'30" W.; thence northwest ten miles to a point approximately latitude 54°12'20" N., longitude 132°16'30" W.; thence true east approximately fourteen and one-half miles to a point which shall lie northwest of the highest point of Tow Hill, Graham Island, latitude 54°04'34" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The points on the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.12 Dory gear prohibited.

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 301.13 Nets prohibited.

(a) It is prohibited to retain halibut taken in Areas 1A, 1B, 2, 3A and in Area 3B, exclusive of that part known as Bering Sea, with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under these regulations be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

(b) It is prohibited to retain halibut taken in that part of Area 3B known as Bering Sea with any net which does not have a cod end or fish bag of webbing whose dry-stretched mesh measures 12 inches or more between knots or hog rings, nor shall any license or permit held by any vessel fishing for crabs in that part of Area 3B known as Bering Sea be valid for the possession of halibut during the use or possession on board of any net which does not have a cod end or fish bag of webbing whose dry-stretched mesh measures 12 inches or more between knots or hog rings.

§ 301.14 Retention of tagged halibut.

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.15 Responsibility of master.

Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.16 Supervision of unloading and weighing.

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.17 Previous regulations superseded.

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Sec.
351.1 Inspection.
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351.16 Submission of statistical data.
351.17 Factory ship operations within territorial waters.
351.18 Definitions.

AUTHORITY: §§ 351.1 to 351.18 issued under article V, 62 Stat. 1718. Interpret or apply secs. 2–14, 64 Stat. 421–425; 16 U.S.C., 916 et seq.

§ 351.1 Inspection.

(a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship: *Provided*, That inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or for the feeding of animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 Killing of gray or right whales prohibited.

It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 Killing of calves or suckling whales prohibited.

It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 Operation of factory ships limited.

(a) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on 24 February 1965.[1]

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 Closed area for factory ships in Antarctic.

It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from 8 November 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from 8 November 1958, and again as a result of the eleventh meeting in London was rendered inoperative for a period of three years from 8 November 1959.

§ 351.6 Limitations on the taking of humpback whales.

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on 8 November 1964.

(2) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on 8 November 1964.

(3) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except for four days commencing on 20th January in any year.

§ 351.7 Closed seasons for pelagic whaling for baleen and sperm whales.

(a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from December 28, to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of

[1] This paragraph was objected to within the prescribed period ending October 4, 1959 by the Government of Iceland. The objection was not withdrawn and the paragraph came into force on January 3, 1960 but is not binding on Iceland.

killing or attempting to kill blue whales before the 1st February in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d), and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided*, That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted; *Provided*, That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto:

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 Catch quota for baleen whales.

(a) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue whale units in any one season.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500, notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7, of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.[2]

§ 351.9 Minimum size limits.

(a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76 feet 6 inches precisely shall be logged at 77 feet.

§ 351.10 Closed seasons for land stations.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.[3]

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 Use of factory ships in waters other than south of 40° South Latitude.

It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season; provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 Limitations of processing of whales.

(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of § 351.2, 351.4, 351.5, 351.6, 351.7, 351.8, or 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcases of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 Prompt processing required.

(a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as it is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 Remuneration of employees.

Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 Submission of laws and regulations.

Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 Submission of statistical data.

Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in paragraphs (a) and (c) of this section shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information, there shall be specified:

(1) The name and gross tonnage of each factory ship;

(2) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horsepower of whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 Factory ship operations within territorial waters.[4]

(a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the ter-

[2] Section 351.8, paragraph (e), in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on September 12, 1952. Original paragraph (f) consequently becomes paragraph (e).

[3] Section 351.10, paragraph (c), came into force as from February 21, 1952 in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not, therefore, binding on the Commonwealth of Australia.

[4] Section 351.17 (a), (b), and (c) (1) to (3) was inserted by the Commission at its first meeting in 1949, and came into force on 11 January 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which read as follows:

§ 351.17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa; (b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

Section 351.17(c)(4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on October 5, 1959 as regards all Contracting Governments.

mination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

(4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

§ 351.18 Definitions.

(a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale or coalfish: whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

[F.R. Doc. 60-8187; Filed, Aug. 31, 1960; 8:49 a.m.]

THE UNIVERSITY OF MICHIGAN
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Pages 8469–8534

FEDERAL REGISTER

VOLUME 25 NUMBER 172

Washington, Friday, September 2, 1960

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(Revised through June 1)

Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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Title 3—THE PRESIDENT

Executive Order 10885

SALE OF VESSELS OF THE NAVY

By virtue of the authority vested in me by section 7305(*l*) of title 10 of the United States Code, it is hereby ordered as follows:

1. Vessels of the Navy stricken from the Naval Vessel Register pursuant to section 7304 of title 10 of the United States Code, and not subject to disposition under other law, may be sold at public sale to the highest acceptable bidder, pursuant to section 7305 of title 10 of the United States Code, regardless of their appraised value, after being advertised for sale for a period of not less than thirty days. Each bid shall be accompanied by a cash deposit (including cashier's check or certified check) in an amount not less than 10 percent of the bid or by a deposit bond, in such amount, executed by two or more acceptable sureties or by a surety appearing on the United States Treasury Department list of acceptable sureties. No other bond shall be required.

2. This order supersedes Executive Order No. 10743 of December 10, 1957, entitled "Sale of Vessels of the Navy."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 31, 1960.

[F.R. Doc. 60-8265; Filed, Aug. 31, 1960; 4:38 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (b)(1) of § 6.104 is amended as set out below.

§ 6.104 Department of Defense.

• • • • •

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8200; Filed, Sept. 1, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Alabama

On August 12, 1960, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under 6 CFR 331.17, are superseded by the average values set forth below for said counties.

ALABAMA

County	Average value	County	Average value
Autauga	$30,000	Chilton	$30,000
Baldwin	35,000	Choctaw	30,000
Barbour	30,000	Clarke	30,000
Bibb	30,000	Clay	30,000
Blount	30,000	Cleburne	30,000
Bullock	30,000	Coffee	30,000
Butler	30,000	Colbert	35,000
Calhoun	30,000	Conecuh	30,000
Chambers	30,000	Coosa	30,000
Cherokee	30,000	Covington	30,000

ALABAMA—Continued

County	Average value	County	Average value
Crenshaw	$30,000	Madison	$35,000
Cullman	30,000	Marengo	40,000
Dale	30,000	Marion	30,000
Dallas	40,000	Marshall	30,000
De Kalb	30,000	Mobile	35,000
Elmore	30,000	Monroe	30,000
Escambia	35,000	Montgomery	40,000
Etowah	30,000	Morgan	35,000
Fayette	30,000	Perry	40,000
Franklin	30,000	Pickens	30,000
Geneva	30,000	Pike	30,000
Greene	40,000	Randolph	30,000
Hale	40,000	Russell	30,000
Henry	30,000	Saint Clair	30,000
Houston	30,000	Shelby	30,000
Jackson	35,000	Sumter	40,000
Jefferson	30,000	Talladega	30,000
Lamar	30,000	Tallapoosa	30,000
Lauderdale	35,000	Tuscaloosa	30,000
Lawrence	35,000	Walker	30,000
Lee	30,000	Washington	30,000
Limestone	35,000	Wilcox	40,000
Lowndes	40,000	Winston	30,000
Macon	30,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: August 26, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-8209; Filed, Sept. 1, 1960; 8:49 a.m.]

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Puerto Rico

On August 24, 1960, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for 15 of the 24 counties identified below were determined to be as herein set forth. Included below are the average values for those counties which were redesignated in 25 F.R. 6115. The average values heretofore established for said 15 counties which appear in the tabulation of average values at 6 CFR 331.17 are superseded by the values set forth below for said counties.

PUERTO RICO

County	Average value	County	Average value
Adjuntas	$35,000	Jayuya	$35,000
Aguadilla	35,000	Juana Diaz	40,000
Arroyo	35,000	Juncos	40,000
Barranquitas	30,000	Lares	35,000
Bayamon	35,000	Manati	40,000
Caguas	40,000	Mayaguez	40,000
Camuy	40,000	Ponce	40,000
Carolina	40,000	Rio Grande	40,000
Cayey	30,000	San German	40,000
Ciales	30,000	San Sebastian	35,000
Corozal	35,000	Utuado	35,000
Humacao	40,000	Yauco	45,000

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: August 29, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-8210; Filed, Sept. 1, 1960; 8:49 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 446—PEANUTS

Subpart—1960 Crop Peanut Price Support Program

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1960 Crop Peanut Price Support Program, as amended (25 F.R. 5437 and 7091), are further amended by the addition of the price support schedule for 1960 crop peanuts, and by extending, throughout the Virginia-Carolina area, the authorization to determine eligibility of bulk stored peanuts on the basis of a preliminary grade determination by a Federal-State inspector.

The regulations in §§ 446.1201 to 446.1234, inclusive, are amended as specified below:

1. Section 446.1205 is amended to read as follows:

§ 446.1205 Support prices.

(a) *Applicability.* The support prices specified in this section apply to 1960 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan or purchase agreement under the peanut price support program.

(b) *National average price.* The national average support price is $201.24 per ton.

(c) *Average support prices by types.* The support price by type per average ton is:

Virginia type	$213.93
Runner type	188.08
Southeastern Spanish type	204.36
Southwestern Spanish type	197.61
Valencia type suitable for cleaning and roasting	210.95

(d) *Calculation of support prices for various types and grades of peanuts.* The support price per ton for peanuts of a particular type and grade shall be calculated on the basis of the following rates, premiums and discounts:

(1) *Kernel values per net ton excluding loose shelled kernels.*

(i) Price for each percent of sound mature kernels:	
Virginia type	$2.95
Runner type	2.78
Southeastern Spanish type	2.89
Southwestern Spanish type	2.87
Valencia type:	
A. Southwestern area:	
(aa) Suitable for cleaning and roasting	3.14
(bb) Not suitable for cleaning and roasting	2.87
B. Areas other than Southwest	2.89
(ii) Price for each percent of damaged and other kernels	1.20
(iii) Premium for each percent extra large kernels in Virginia type peanuts	.40

(2) *Value of loose shelled kernels per pound.* $0.06.

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels riding the screen prescribed for determination of sound mature kernels for that type shall be as follows:

Peanuts containing damaged kernels of:	Discount
1 percent	None
2 percent	$3.00
3 percent	6.00
4 percent	10.50
5 percent	16.50
6 percent	22.50
7 percent	31.50
8 percent and over	(1)

[1] Not eligible for price support, except as provided in § 446.1206(a)(6).

(4) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support, except as provided in § 446.1206(a)(6).

(5) *Virginia type peanuts.* Virginia type peanuts, to receive price support as Virginia type, must contain 30 percent or more "Fancy" size (i.e., peanuts riding a $\frac{34}{64}$ x 3 inch slotted screen). Virginia type peanuts containing less than 30 percent "Fancy" size will be supported as though they were Runner type.

(6) *Florispan peanuts.* Florispan peanuts will be supported at a price equivalent to 65 percent of the support price for Runner type peanuts of the same grade.

(7) *Variety X peanuts.* The support price of an unnamed and undesirable variety of peanuts grown in Virginia from seed stock commercially developed in Windsor, Isle of Wight County, Virginia, and known as Variety X will be discounted 50 percent of the rate for Virginia type peanuts of the same grade, with no premium for extra-large kernels.

2. Section 446.1206(a) is amended by revising subparagraphs (1), (2), and (6) to read as follows:

§ 446.1206 Eligible peanuts.

(a) *Eligible peanuts.* • • •

(1) Contain, except as provided in subparagraph (6) of this paragraph, not more than 10 percent foreign material and not more than 7 percent damaged kernels;

(2) Contain, except as provided in subparagraph (6) of this paragraph, not more than 10 percent moisture, but any such peanuts which have been mechanically dried shall contain at least 6 percent moisture.

(6) In the case of bulk stored peanuts in the Virginia-Carolina area, CCC may determine that the eligibility requirements with respect to foreign material, damaged kernels, and moisture have been met if, on the basis of a preliminary grade determined by a Federal-State inspector, from a preliminary sample drawn under his supervision, the percentage of foreign material does not exceed 10 percent, the percentage of damaged kernels does not exceed 7 percent, and the percentage of moisture does not exceed 10 percent. However, the official grade determined by the Federal-State inspector subsequent to the preliminary grade determination shall be used in determining the producer advance value and the net weight; and if the official grade shows the percentage of damaged kernels to be in excess of 7 percent the following discounts will be applied:

Peanuts containing damaged kernels of:	Discount per ton
8 percent	$46.50
9 percent	66.50
10 percent	96.50
11 percent and above	136.50

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 29th day of August 1960.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-8208; Filed, Sept. 1, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 77]

PART 977—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

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977.0 Findings and determinations.

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AUTHORITY: §§ 977.0 to 977.101 issued under sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 977.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure govern-

ing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment of each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk, (ii) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (iii) the quantities of milk at plants of handlers operating nonpool plants as specified in § 977.62(a)(2) or (b)(2).

(b) *Additional findings.* (i) It is necessary in the public interest to make this order amending the order effective not later than September 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(ii) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued August 12, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 26, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determination.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act:

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 977.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 977.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 977.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 977.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 977.5 Paducah, Ky., marketing area.

"Paducah, Kentucky, marketing area" means all of the territory within the boundaries of the Kentucky Counties of McCracken, Ballard, Marshall, Graves, Calloway, Livingston, Lyon, Caldwell, Carlisle, Hickman, Trigg and Christian (except that portion of these counties contained in the Fort Campbell military reservation).

§ 977.6 Distributing plant.

"Distributing plant" means a plant in which milk is processed and packaged and from which Class I milk is disposed of during the month on routes (including routes operated by vendors) or through plant stores to wholesale or retail outlets (except pool plants) located in the marketing area.

§ 977.7 Supply plant.

"Supply plant" means a plant (except a distributing plant) which is qualified as a pool plant pursuant to the proviso in § 977.8(b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade A label is supplied during the month to a plant qualified pursuant to § 977.8(a).

§ 977.8 Pool plant.

"Pool plant" means:

(a) A distributing plant from which not less than 45 percent of its receipts of producer milk and pool milk from plants qualified pursuant to paragraph (b) of this section is distributed during the month as Class I milk on routes to wholesale or retail outlets (including plant stores), except pool plants or nonpool plants, and from which no less than 10 percent of such receipts is distributed as Class I milk during the month on routes to wholesale or retail outlets (including plant stores), except pool plants or nonpool plants, located in the marketing area: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing percentages during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) hereof, or distributed on routes as Class I milk to retail or wholesale outlets (including plant stores), except pool plants or nonpool plants, located in the marketing area is equal to no less than 50 percent of the pool milk received at the plant: *Provided*, That if a supply plant ships to pool plants qualified pursuant to paragraph (a) hereof, milk, swim milk and cream equal to at least 75 percent of its producer milk in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the terms of this proviso.

§ 977.9 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 977.10 Handler.

"Handler" means: (a) Any person in his capacity as the operator of a distributing plant or a supply plant; (b) a producer-handler; (c) a cooperative association qualified pursuant to § 977.87 (b) with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant; or (d) a cooperative association which chooses to report as a handler with respect to milk which is delivered to the pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association. Milk handled under this paragraph (d) shall be allocated pro rata to each class in the proportion remaining after the computations made pursuant to § 977.45(a)(5) and the corresponding step of § 977.45(b).

Milk handled by a cooperative association pursuant to paragraph (c) of this section shall be deemed to have been received at a pool plant at a location identical with that from which diverted and that under paragraph (d) of this section at the pool plant to which delivered.

§ 977.11 Producer.

"Producer" means any person, except a producer-handler, who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is delivered from the farm to a pool plant or diverted from a pool plant to a nonpool plant for the account of a handler (unless such nonpool plant is subject to the classification and pricing provisions of another order issued pursuant to the Act): *Provided*, That for any of the delivery periods of September through January no milk so diverted shall be deemed to have been so received at a pool plant from a producer if production of more than 10 days is diverted to a nonpool plant during such delivery period.

§ 977.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, from which Class I milk is distributed within the marketing area but which receives no other source milk or milk from other dairy farmers.

§ 977.13 Producer milk.

"Producer milk" means the skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 977.11.

§ 977.14 Pool milk.

"Pool milk" means skim milk or butterfat contained in producer milk or in products designated as Class I milk pursuant to § 977.41(a) received from a pool plant (except the plant of a producer-handler) which are approved by the appropriate health authority for distribution as Class I milk in the marketing area.

§ 977.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 977.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants or from a cooperative association pursuant to § 977.10(d), or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 977.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

§ 977.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 977.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 977.22 Duties

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 977.88: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 977.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 977.30 through 977.33 or payments pursuant to §§ 977.62 and 977.80 through 977.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, report, on or before the 25th day after the end of each month, to each cooperative association described in § 977.87(b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order; and

(k) Publicly announce, by posting in his office and by other means he deems appropriate, on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 977.51(a), and the Class I butterfat differential, pursuant to § 977.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 977.51(b), and the Class II butterfat differential, pursuant to § 977.52(b), both for the preceding month;

(2) The 10th day after the end of each month, the uniform price, pursuant to § 977.71, and the producer butterfat differential, pursuant to § 977.85.

REPORTS RECORDS AND FACILITIES

§ 977.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (1) producer milk, (2) skim milk or butterfat contained in products designated as Class I milk, pursuant to § 977.41(a), received from pool plants, (3) milk received from cooperative associations pursuant to § 977.10(d), and (4) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 977.11;

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(d) Inventories of Class I milk on hand at the beginning and end of the month;

(e) The name and address of each producer from whom milk was not received during the previous month, and

the date on which milk was first received from such producer; and

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer.

§ 977.31 Reports of payments to producers.

On or before the 20th day after the end of each month, each handler shall report to the market administrator on forms approved by the market administrator his producer payroll for such month which shall show for each producer (a) the total pounds of milk received from such producer with the average butterfat content thereof, (b) the net amount of the payment made to such producer together with the price, deductions, and charges involved, and (c) the amount and nature of any payments made pursuant to § 977.84.

§ 977.32 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 977.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The amount and nature of deductions authorized by producers, and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream or other milk products on hand at the beginning and end of the month.

§ 977.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 977.40 Basis of classification.

All skim milk and butterfat which is required to be reported pursuant to § 977.30 shall be classified by the market administrator pursuant to the provisions of §§ 977.41 through 977.46.

§ 977.41 Classes of utilization.

The classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored), and cream, and (2) all milk, skim milk and cream not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce a product other than those specified as Class I milk, (2) contained in inventory of milk and milk products designated as Class I milk pursuant to § 977.41(a)(1), on hand at the end of the month, and (3) as plant shrinkage not to exceed 2 percent of the total receipts of skim milk and butterfat respectively in producer milk (except milk diverted pursuant to § 977.11) and other source milk: *Provided*, That such shrinkage shall be assigned pro rata to such producer milk and other source milk.

§ 977.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class.

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 977.43 Transfers.

Skim milk and butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk pursuant to § 977.41(a) to a pool plant of another handler, except a producer-handler, unless utilization in a product specified in § 977.41(b) is claimed in the reports submitted to the market administrator by both handlers on or before the 6th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 977.45, and any additional amounts of skim milk or butterfat so transferred shall be assigned to Class I milk.

(b) As Class I milk if transferred in the form of products designated as Class I milk pursuant to § 977.41(a) to the plant of a producer-handler.

(c) As Class I milk if transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant:

(1) Unless utilization in a product specified in § 977.41(b) is indicated in writing to the market administrator by the operator of the pool plant on or before the 6th day after the end of the month within which such transaction occurred,

(2) Unless the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) To the extent of the quantity of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits or ratings to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remaining quantity of Class I milk, subtract, pro rata in proportion of total receipts from the transferor plant and from such sources, the skim milk and butterfat, respectively, received from (a) any plant which is classified as Class I pursuant to the classification and pricing provisions of another order issued pursuant to the Act, or (b) other pool plants under this order.

If any milk is transferred to a second nonpool plant under this paragraph (c), the same conditions of audit, classification, and allocation shall apply.

§ 977.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 977.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 977.41(b);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk in § 977.41(a)(1) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(5) Subtract the pounds of skim milk in products designated as Class I milk pursuant to § 977.41(a)(1) received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 977.43(a);

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with the lowest price class.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of producer milk.

§ 977.46 Determination of producer milk in each class.

For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 977.45, and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 977.50 Basic formula price.

The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The sum of the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph less 75 cents.

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture, during the month: *Provided*, That if no price is reported for 93 score butter, the highest of the prices reported for 92 score butter for the day shall be used in lieu of the price for 93 score butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture.

(c) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the month by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky less 5 times the butterfat differential calculated pursuant to § 977.52 (b).

§ 977.51 Class prices.

Subject to the provisions of §§ 977.52 and 977.53, the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The price of Class I milk for the month shall be the basic formula price for the preceding month plus $0.90 in April, May and June, $1.20 in July and March, and $1.50 in the other months: *Provided*, That the price so determined shall be increased 10 cents for the months of September, October and November 1960.

(b) *Class II milk price.* The price per hundredweight for Class II milk for the months of August through March shall be the basic formula price for the month and for the months of April through July the basic formula price for the month, minus ten cents: *Provided*, That in no case shall such price be less than the price determined pursuant to § 977.50(c).

§ 977.52 Butterfat differentials to handlers.

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 977.44, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the average of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, by 0.115 for the months of August through March and by 0.11 for the months of April through July, and round the resulting figure to the nearest one-tenth cent.

§ 977.53 Location differentials to handlers.

For that milk which is received from producers at a plant located 40 miles or more from the nearest County Courthouse in any of the counties included in the marketing area by shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 977.51(a) shall be reduced according to the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from nearest County Courthouse (miles):	*Rate (cents)*
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 977.45(a) (1) and (2) and the comparable step in (b) for such plant, and after deducting from such remainder an amount equal to no more than 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

APPLICATION OF PROVISIONS

§ 977.60 Producer-handlers.

Sections 977.30, 977.40 through 977.52, and 977.61 through 977.87 shall not apply to a producer-handler.

§ 977.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 977.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Paducah marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 977.8(b) during the preceding August through January period.

§ 977.62 Handlers operating nonpool plants.

In lieu of the payments required pursuant to §§ 977.80 through 977.86, each handler other than a producer-handler or one exempt pursuant to § 977.61, who operates during the month a nonpool plant, shall pay to the market administrator the amounts calculated pursuant to paragraph (b) of this section unless the handler elects, at the time of reporting pursuant to § 977.30, to pay the amounts computed pursuant to paragraph (a) of this section:

(a) The following amounts, at the times specified:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, an amount equal to the difference between the value of Class I milk disposed of to retail or wholesale outlets in the marketing area (including deliveries by vendors and sales through plant stores) at the Class I price for the month and:

(i) During the months of April through July, the Class II price, or

(ii) For the months of August through March the uniform price; and

(2) On or before the 25th day after the end of the month, as his share of the expense of administration, the rate specified in § 977.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts, at the times specified:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 977.70 for milk received from Grade A dairy farmers at such plant for such month if such plant had been a pool plant: *Provided*, That in determining classification of transfers made to pool plants and the allocation to classes of receipts from pool plants the classification at such nonpool plant shall be in accordance with the classification which was assigned at the pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the 15th of the month following the month in which such milk was delivered, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 25th day after the end of the month, as his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 977.88 had such plant been a pool plant, except that such amount shall be reduced by the amount of any payment of administrative assessment charge applicable to the same milk under another order issued pursuant to this part.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 977.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 977.46 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 977.53.

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 977.45 (a) (2) and (b) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat differential and the Class I location differential at the nearest plant(s) from which an equivalent amount of other source milk was received:

(1) For the months of April through July, the Class II price adjusted by the Class II butterfat differential; or

(2) For the months of August through March, the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for such class, dividing the result by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 977.45 (a) (7) and (b) by the applicable class price.

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II after the calculations pursuant to § 977.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 977.45 (a) (4) and (b) for the current month, whichever is less.

§ 977.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f.o.b. market, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 977.70 for all handlers who made the reports prescribed in § 977.30 and who are not in default of payments pursuant to § 977.82;

(b) Add an amount equivalent to the sum of the deductions for location differentials to be made from producer payments pursuant to § 977.80;

(c) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Add an amount equivalent to one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price per hundredweight of milk testing 3.5 percent butterfat, f.o.b. the marketing area.

PAYMENTS

§ 977.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 16th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 977.87, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 977.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association qualified pursuant to § 977.87(b) which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association an amount equal to not less than the amount due such producer members pursuant to paragraph (a) of this section: *Provided*, That the proper deductions referred to in paragraphs (a) (1) and (2) (iv) of this section shall be valid in the case of cooperative members only if authorized in writing by such cooperative;

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the amount or rate and nature of deductions, and (iii) the amount and nature of payments due pursuant to § 977.84; and

(d) On or before the 14th day of the following month each handler shall pay to a cooperative association, with respect to such milk as was received from the association in its capacity as a handler during the month not less than the value of such milk at the applicable class prices.

§ 977.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 977.62, 977.82 and 977.84, and out of which he shall make all payments pursuant to §§ 977.83 and 977.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 977.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 977.70 for such month, is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials.

§ 977.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the total value of his milk, computed pursuant to § 977.70, for such month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 977.84 Adjustment of errors in payments.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 977.80, the handler shall make up the difference of such payment not later than the next time for making payments as set forth in the provisions relating to payments which were in error.

§ 977.85 Butterfat differential to producers.

The uniform price to be used pursuant to § 977.80 in making payments for producer milk shall be adjusted by adding or subtracting, as the case may be, for each one-tenth of one percent by which the average butterfat content of such milk is more or less than 3.5 percent, the appropriate amount as shown in the following schedule according to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the month:

Butter price range (cents):	Rate (cents)
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 977.86 Location differentials to producers.

In making payments for milk received from producers pursuant to § 977.80, the uniform price per hundredweight shall be reduced by the rate set forth in the following schedule according to the shortest hard surfaced highway distance, as determined by the market administrator, from the plant where the milk is received from producers or from which the milk is diverted, to the nearest County Courthouse in any of the counties included in the marketing area:

Distance from nearest County Courthouse (miles):	Rate (cents)
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

§ 977.87 Marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 977.80 with respect to milk received from producers (excluding such handler's own farm production), shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe; and, on or before the 20th day after the end of the month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section and which is not receiving payment for its producer members, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers pursuant to § 977.80(b) as are authorized by such producers, and on or before the 20th day after the end of each month, pay over such deductions to the association rendering such services.

§ 977.88 Expense of administration.

As his pro rata share of the expense of the administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month 5 cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) the quantities of milk at plants and handlers operating nonpool plants as specified in § 977.62 (a) (2) or (b) (2).

§ 977.89 Termination of obligations.

The provisions of this section shall apply to any obligations under this order for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c(15)(A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 977.90 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 977.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 977.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accural or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 977.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except §§ 977.34, 977.89, and 977.91 through 977.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agents. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 977.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 977.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 29th day of August 1960 to be effective on and after the first day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8206; Filed, Sept. 1, 1960; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 71—GENERAL PROVISIONS

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Animals Infested With or Exposed to Fever Ticks

Pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 71 and Part 72, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

§ 71.1 [Amendment]

1. Paragraph (d) of § 71.1 is amended to read:

(d) *Tick infested.* Infested with the ticks Boophilus annulatus (Margaropus annulatus) or Boophilus microplus.

2. Section 72.1 is amended to read:

§ 72.1 Ticks (Boophilus annulatus (Margaropus annulatus) or Boophilus microplus); interstate movement of infested or exposed cattle, horses, mules, or asses prohibited.

No cattle, horses, mules, or asses infested with ticks (Boophilus annulatus (Margaropus annulatus) or Boophilus microplus) or exposed to tick infestation shall be shipped, trailed, driven, or otherwise moved interstate for any purpose.

3. Section 72.21 is amended to read:

§ 72.21 Horses, mules, and asses infested with or exposed to ticks subject to same restrictions as cattle.

Horses, mules, and asses which are infested with ticks (Boophilus annulatus (Margaropus annulatus) or Boophilus microplus) or exposed to tick infestation shall not be moved interstate unless they are treated in accordance with the requirements set forth in this part governing the interstate movement of cattle of the quarantined area infested with ticks or exposed to tick infestation.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264–1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264–1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The purpose of this amendment is to include within the provisions of the regulations in Part 71 and Part 72 the fever carrying tick "Boophilus microplus", known to exist in the States of Florida and Texas. The amendment also identifies the tick heretofore known as "Margaropus annulatus" as "Boophilus annulatus".

The amendment imposes certain further restrictions necessary to prevent the spread of splenetic or tick fever, and should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of August 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-8207; Filed, Sept. 1, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 444; Supp. 9]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

Miscellaneous Amendments

When Part 27 was last revised, effective November 1, 1958 (23 F.R. 5864), the numbers of the sections were changed, so that references to sections of Part 27 appearing in the manual material related to Part 27 were no longer accurate.

In addition, the revised part requires changes in the manual material for practical examinations and elimination of the Morse Code requirement, with a corresponding reduction in the number of classroom hours pertaining to "Communications" from 10 to 8. The policy material and study guide, including the related Appendix, are now out of date and a current study guide for the written examinations required by § 27.32 is now available from the Government Printing Office.

Therefore, for convenience and clarity it appears desirable to rescind all of the existing manual material and reissue the material to be retained in a complete form.

Since the changes being made are either minor in nature or impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, Part 27 of the Civil Air Regulations (14 CFR Part 27) is hereby amended, effective August 29, 1960, by deleting all the manual material heretofore in effect and by adding, in their appropriate sequence, §§ 27.5–1, 27.31–1, 27.32–1, and 27.33–1 to read as follows:

§ 27.5–1 Application for certificate (FAA rules which apply to § 27.5).

Application for the certificates shall be made on Form ACA–374. The applicant for an aircraft dispatcher certificate shall complete items 1 through 16, inclusive. Incorrectly executed applications will be returned for amendment.

§ 27.31–1 Requirements for approved aircraft dispatcher course (FAA rules which apply to § 27.31(d)).

(a) *General.* Graduates of an aircraft dispatcher course approved by the Administrator are deemed to have met the aeronautical experience requirements for the aircraft dispatcher certificate. This means that they are accepted on equal terms with an applicant who has met any of the alternate minimum experience requirements provided for in § 27.31. For this reason it is essential that the requirements for approved aircraft dispatcher courses include adequate training facilities, and sufficient coverage of the subject matter to insure acceptable proficiency of persons applying for aircraft dispatcher certification as graduates of an approved course.

(b) *Application for approval.* The agency or applicant desiring approval of a flight dispatcher course must submit to the local inspector[1] three copies of the course outline, a description of the equipment and facilities to be used, and a list of instructors with their qualifications, together with a letter to the Administrator of the Federal Aviation Agency requesting approval of the course of study. The letter requesting approval shall be submitted to the nearest regional office of the Federal Aviation Agency through the local inspector.

(1) *Training course outline.* It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of headings and subheadings will be satisfactory provided all the subjects listed in this section are included. Each general subject of the outline shall be broken down, in detail, showing the items to be covered. Additional subjects, especially those which are not closely associated with the training of aircraft dispatchers, may be listed so long as the hourly requirements devoted to the subjects are not included as a part of the basic minimum hours.

(2) *Format of the training outline.* The course outline submitted for approval shall be in looseleaf form and shall include a table of contents and minimum coverage of the course material shall include the following:

Subject	*Classroom hours*
Civil Air Regulations	15
Part 4b—Airplane Airworthiness; Transport Categories.	
Part 27—Aircraft Dispatcher Certificates.	
Part 40—Scheduled Interstate Air Carrier Certification and Operation Rules.	
Part 41—Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States.	
Part 42—Irregular Air Carrier and Off-Route Rules.	
Part 43—General Operation Rules.	
Part 49—Transportation of Explosives and Other Dangerous Articles.	
Part 60—Air Traffic Rules.	
Part 320 of the Civil Aeronautics Board's Safety Investigation Regulations—Notification and Reporting of Aircraft Accidents and Overdue Aircraft.	
Meteorology	75
Basic properties of the atmosphere:	
Composition.	
Density.	
Measurement.	
General circulation.	
Solar heating.	
Clouds:	
Formation.	
Condensation.	
Precipitation.	
Use of cloud knowledge in forecasting.	
Stability and instability.	
Air mass analysis:	
Classification.	
Flying conditions to be encountered.	
Use of air mass knowledge in forecasting.	
Analysis of Fronts:	
Structure and characteristics.	
Cloud sequences in fronts.	
Establishing position of front by cloud types.	
Fronts in North America and seasonal variations.	
Flying weather in fronts.	
Cyclones and anticyclones.	
Fog:	
Types.	
Cause and formation.	
Ice:	
Type.	
Cause and formation.	
Thunderstorms, hurricanes, tornadoes:	
Causes.	
Methods of forecasting.	
Structure and complexity of internal winds.	
Hail, its cause and formation.	
Turbulence:	
Cause.	
Determining the smooth level of flight.	
Interpreting weather data:	
Weather sequences and symbols.	
Weather map symbols.	
Drawing a weather map.	
Reading a weather map.	

[1] The word "inspector," unless otherwise specified means "Bureau of Flight Standards Inspector."

Meteorology—Continued
Interpreting weather data—Con.
Upper-level charts.
Adiabatic charts.
Winds-aloft charts.
Instruments used to gather and record the weather.
Weather forecasting:
Extrapolation.
Movement of fronts and air masses.
Isobars.
Barometric tendency.
Application of weather knowledge; Planning a flight.
Navigation ---------- 30
Study of the earth as a planet (charts, maps, and projections):
Mercator projections.
Gnomonic projections.
Lambert projections.
Polyconic projections.
Chart reading: Symbols, landmarks, etc.
Dead reckoning:
Magnetic variation, compass deviation terms, winds and vectors.
Correction angle.
Finding wind drift-off course.
Off-course problems.
Wind velocity by single and double drift.
Interception problems.
Radius of action—problems.
Search problems.
Computer use—problems.
Radio navigation:
Principles of the radio range, radio compass direction finder, marker beacons, ILS, GCA, radio altimeter, LORAN, and any other.
Navigation instruments: Altimeter, air-speed indicator, compass, drift and rate of climb indicator.
Aircraft ---------- 15
Weight and balance:
Center of gravity.
How determined.
Center of gravity limits.
Problem in loading.
Engine specifications: Power plant:
Operating limits.
Fuel consumption.
Accessories.
Operating manual.
Airplane specifications:
Operational equipment.
Flight controls, landing gear hydraulic system, electrical system, loading characteristics, fuel capacity heating and ventilating system, and de-icing equipment.
Performance:
Effect of weight, wind, air density, and runway surfaces on take-off performance of aircraft.
Power setting and cockpit procedure.
Types of cruise control.
Communications ---------- 8
Radio-telephone rules and regulations.
FCC rules and regulations.
Company communications:
Air to ground radio communications and procedures.
Point to point communications and procedures.
Equipment air to ground and point to point.
FAA Communications:
Air to ground radio communications and procedures.
Point to point communications and procedures.
Equipment air to ground and point to point.
Simulated instrument flight--------- 10
Instrument familiarization.
Bracketing.
Simulated instrument flight—Continued.
Orientation.
Holding procedure.
Let-down procedure.
Missed-approach procedure.
Air Traffic Control---------- 30
Air route traffic control procedures and equipment.
Airport traffic control procedures and equipment.
Practical Dispatching---------- 15
Pre-flight:
Safety.
Economic advantage.
Crew.
Notams.
The course and distance.
Horizontal and vertical extent of the weather.
Winds.
Forecast.
Minimum safe altitude.
The cruising altitude.
Flight plan.
The alternate plan.
Clearances, company air traffic control.
The fuel.
The load.
The departure time.
In-flight:
Position report.
Altimeter settings.
Weather reports.
Changes in forecast.
Changing instrument altitude.
Changing from VFR to IFR.
Additional clearances.
Emergency procedures.
Post-flight:
Arrival report.
Differences between the forecasted and actual weather encountered for subsequent flights.

(c) *Facilities, equipment, and material.* Applicant for authority to operate an approved aircraft dispatcher course of study shall have the following facilities, equipment, and materials:

(1) *Facilities.* Suitable classrooms, adequate to accommodate the largest number of students scheduled for attendance at any one time. Such classrooms shall be properly heated, lighted, and ventilated.

(2) *Equipment and materials.* Suitable devices for the teaching of simulated instrument flight, navigation, and meteorology, acceptable textbooks, operations manuals, wall maps, charts, blackboards, and visual aids of a quantity which will provide for each student the theoretical and practical aspects of aircraft dispatching.

(d) *Instructors.* (1) The number of instructors available for conducting the course of study shall be determined according to the needs and facilities of the applicant. However, the ratio of students per instructor shall not exceed 25 students for one instructor.

(2) At least one instructor who possesses a currently effective aircraft dispatcher certificate shall be available for coordination of the training course instruction.

(e) *Revision of training course.* Requests for revision of course outlines, facilities, and equipment shall be accomplished in the same manner established for securing approval of the original course of study. Revisions shall be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revision.

The list of instructors may be revised at any time without request for approval, provided the minimum requirements are maintained and the local inspector is notified.

(f) *Credit for previous experience or training.* A course operator may evaluate an entrant's previous experience or training and where the training or experience is provable and comparable to portions of the approved course curriculum, may, as each individual case warrants, allow credit for such, commensurate with accepted training practices. Where credit is allowed, the basis for allowance and the total hours credited shall be incorporated as a part of the student's records, provided for in paragraph (g) of this section.

(g) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades, and unless he prepares and transmits to the FAA not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with school grades for aircraft dispatcher courses.

(2) The names of all students failed or dropped, together with school grades and reasons for dropping. (A sample form is included in appendix A for your guidance.)

(h) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as aircraft dispatchers.

(i) *Statement of graduation.* Each student who successfully completes the approved aircraft dispatcher course shall be given a statement of graduation. An acceptable statement of graduation is:

FEDERAL AVIATION AGENCY,
Washington 25, D.C.
GENTLEMEN:
This is to certify that ---------- on
(Name of graduate)
---------- successfully completed
(Date of graduation)
a course of training for aircraft dispatchers which is approved by the administrator of the Federal Aviation Agency.
Signed----------
Title----------
School----------

(j) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of an aircraft dispatcher course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local inspector who will issue a letter of approval under the new name.

(3) *Change in location.* An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local inspector who will inspect the facilities to be used in the new location and, if they are found to be adequate, issue a letter of approval showing the new location.

(k) *Cancellation of approval.* (1) Failure to meet or maintain any of the standards set forth herein for the approval or operation of an approved aircraft dispatcher course shall be considered sufficient reason for discontinuing approval of the course.

(2) If an operator desires voluntary cancellation of his approved course, a letter requesting cancellation shall be directed to the Administrator of the Federal Aviation Agency through the local inspector.

(l) *Duration.* The authority to operate an approved aircraft dispatcher course of study shall expire 24 months after the last day of the month of issuance.

(m) *Renewal.* Application for renewal of an approved aircraft dispatcher course shall be made by letter addressed to the Administrator of the Federal Aviation Agency through the local inspector at any time within 60 days of the expiration date. Renewal of approval will depend on the course operator's meeting the current conditions of course approval and having a satisfactory record as a course operator.

§ 27.32–1 Written examination (FAA policies which apply to § 27.32).

(a) An applicant for the written examination must meet the experience requirements contained in § 27.31 of this part.

(b) Application for the written examination will be made on the combination application and score sheet Form ACA–983.

§ 27.33–1 Practical examination (FAA policies which apply to § 27.33).

(a) An applicant for the practical examination must meet the eligibility requirements contained in § 27.31 of this part. The written examination required by § 27.32 should be satisfactorily completed by the applicant before taking the practical examination. However, where delay would cause inconvenience to an applicant, the practical examination may be taken first. If the practical examination is taken before the written and the applicant is successful, the inspector will issue Form ACA–578, Evidence of Aeronautical Knowledge. Form FAA–578A issued by the Federal Aviation Agency for reporting an applicant's performance on the written portion of the examination will be accepted for a period of 24 months from the date of issuance.

(b) The practical examination for an aircraft dispatcher certificate is of approximately 4 hours' duration, and is divided into 6 sections of equal value, as follows:

(1) Aircraft.
(2) Air routes and airports.
(3) Altimeters.
(4) Weather analysis.
(5) Dispatch and flight assistance.
(6) Emergency procedures.

(c) The applicant will provide the inspector or examiner with two copies of an acceptable operations manual. Since the examination is based on specific airplanes and specific routes chosen by the applicant, no problem should be encountered as to the acceptability of the manuals. During the examination, the applicant will be required to use the operations manual he provides, and to demonstrate his familiarity with the contents and use of the manual. He will also be required to demonstrate his familiarity with the contents and use of the Airman's Guide and the Flight Information Manual.

(Secs. 313(a), 601, 602, 608–610, 72 Stat. 752, 775, 776, 779–780; 49 U.S.C. 1354(a), 1421, 1422, 1428–1430)

Issued in Washington, D.C., on August 29, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–8164; Filed, Sept. 1, 1960; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–KC–47]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

PART 608—RESTRICTED AREAS

Revocation of Restricted Area; Modification of Control Area Extension and Federal Airways

The purpose of these amendments to §§ 608.33, 601.1027, 600.6004, 600.6012, 600.6161, 600.6205, 600.6206 and 600.6424 of the regulations of the Administrator is to revoke the Lake City, Mo., Restricted Area (R–307) (Kansas City Chart) and to delete all reference to R–307 in the description of the Kansas City control area extension and VOR Federal airways Nos. 4, 12, 161, 205, 206 and 424.

The Lake City Restricted Area (R–307) is a circular area with a radius of 2 miles located near Independence, Mo., designated continuous from the surface to 3,000 feet MSL and controlled by the Lake City Arsenal. The Department of the Army has requested that the area be revoked. Such action is taken herein.

A portion of the Kansas City control area extension penetrates R–307 and is excluded from R–307 in the control area extension's description. This is also true with reference to VOR Federal airways Nos. 4, 12, 161, 205, 206 and 424. Since the action taken herein revokes R–307, the reference to R–307 in the descriptions of the Kansas City control area and the above-mentioned airways is no longer required and is deleted. Moreover, the description of the Kansas City control area extension is being changed to eliminate that portion which coincides with the Olathe, Kans., control area extension (§ 601.1210). The redescription of the Kansas City control area extension will not add any additional airspace as control area that is not now designated as such.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary, and the amendments may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530, 25 F.R. 8005), the following actions are taken:

§ 608.33 [Amendment]

1. In § 608.33 *Missouri*, the Lake City, Mo., Restricted Area (R–307) (Kansas City Chart) (23 F.R. 8583; 25 F.R. 109) is revoked.

2. Section 601.1027 (14 CFR, 601.1027) is amended to read:

§ 601.1027 Control area extension (Kansas City, Mo.).

All that area east of VOR Federal airway No. 205, within a 42-mile radius of the geographical center of the Kansas City, Mo., Municipal Airport (Lat. 39°07'26" N., Long. 94°35'30" W.).

§ 600.6004 [Amendment]

3. In the text of § 600.6004 (14 CFR, 600.6004; 24 F.R. 10142; 25 F.R. 2009, 2883, 5329), "The portions of this airway which overlap the Yakima restricted area (R–247) and the Lake City restricted area (R–307) are excluded." is deleted and "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of the Yakima, Wash., Restricted Area is excluded during this restricted area's time of designation." is substituted therefor.

§ 600.6012 [Amendment]

4. In the text of § 600.6012 (14 CFR, 600.6012; 25 F.R. 430, 632, 1991, 3756), "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Lake City restricted area R–307 is excluded during its time of designation." is deleted.

§ 600.6161 [Amendment]

5. In the text of § 600.6161 (14 CFR, 600.6161; 25 F.R. 858, 4376), "The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Lake City Restricted Area (R–307) are excluded during its time of designation." is deleted.

§ 600.6205 [Amendment]

6. In the text of § 600.6205 (14 CFR, 600.6205), "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Lake City Restricted Area (R–307) is excluded during its time of designation." is deleted.

§ 600.6206 [Amendment]

7. In the text of § 600.6206 (14 CFR, 600.6206), "The portion of this airway which overlaps the Lake City Restricted Area (R–307) is excluded." is deleted.

§ 600.6424 [Amendment]

8. In the text of § 600.6424 (14 CFR 600.6424), "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Lake City Restricted Area (R–307) is excluded during its time of designation." is deleted.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–8168; Filed, Sept. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 60–AN–17]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5537) stating that the Federal Aviation Agency proposed to designate a control zone at Sitka, Alaska.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.2466 Sitka, Alaska, control zone.

Within a 5-mile radius of the Sitka Harbor Seaplane Base (Lat. 57°03'30" N, Long. 135°21'30" W), and within 2 miles either side of the Sitka RR NE and SW courses extending from the 5-mile radius zone to a point 2 miles SW of the RR.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–8167; Filed, Sept. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 60–WA–74]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On June 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5245) stating that the Federal Aviation Agency was considering an amendment to Part 602 of the regulations of the Administrator which would designate VOR/VORTAC jet route No. 92 between Oakland, Calif., and Tucson, Ariz.

As stated in the notice, the Federal Aviation Agency proposed to establish J–92–V from the Oakland VOR via the Stockton, Calif., VOR; intersection of the Stockton VOR 085° True, the Tonopah, Nev., VOR 268° True and the Beatty, Nev., VOR 326° True radials; Beatty VOR; intersection of the Beatty VOR 142° True and the Las Vegas, Nev., VOR 266° True radials; Las Vegas VOR; Prescott, Ariz., VOR; Phoenix, Ariz., VOR; to the Tucson, Ariz., VOR. The establishment of this route would provide a route for jet aircraft service between the San Francisco-Oakland, Calif., terminal area and Tucson which will begin in the near future.

The Department of the Air Force objected to any portion of J–92–V being designated as a "non radar" area and submitted the additional comments:

1. This route would pass through the "Full Load" air refueling area and a procedural evaluation should be made to insure segregation between en route aircraft and tactical receiver aircraft operating in this area.

2. The Air Force recommends that the completion of this action be held in abeyance until the results of a simulation study of the Phoenix area, to be conducted at NAFEC (National Aviation Facilities Experimental Center) during July, "has revealed that this proposed action will be compatible to the best interests of all aviation users."

The Department of the Navy objected to the designation of any segment of J–92–V not having radar coverage.

Although radar sites are available and full radar coverage is anticipated, the necessary flight evaluation, which determines the extent of radar coverage, has not been completed. However, it is not in the public interest to deny the use of the airspace to civil jet aircraft when traffic control services can be provided, on a procedural basis, for those segments not covered by radar. The segment of J–92–V that traverses the "Full Load" refueling area overlies VOR/VORTAC jet route No. 44 and no additional airspace is involved within this area. Any problems that may exist between en route traffic and refueling operations in the "Full Load" area will be resolved on a procedural basis by the appropriate air route traffic control center to ensure efficient air traffic management. The suggestion of the Air Force to delay this action pending the results of the NAFEC study is not feasible since civil air carrier jet service between the San Francisco/Oakland and the Tucson terminal areas is scheduled to start in the near future and the results of this study are not anticipated to be available for several months. Should the NAFEC simulation study reveal the need for any change in the alignment of the route structure, such changes will be considered at that time. Therefore, the Federal Aviation Agency is establishing J–92–V as proposed in the notice.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 602 (14 CFR 602) is amended by adding the following:

§ 602.592 VOR/VORTAC jet route No. 92 (Oakland, Calif., to Tucson, Ariz.).

From the Oakland, Calif., VORTAC via the Stockton, Calif., VORTAC; INT of the Stockton VORTAC 085° True, the Tonopah, Nev., VOR 268° True and the Beatty, Nev., VOR 326° True radials; Beatty VOR; INT of the Beatty VOR 142° True and the Las Vagas, Nev., VORTAC 266° True radials; Las Vegas VORTAC; Prescott, Ariz., VORTAC; Phoenix, Ariz., VORTAC; to the Tucson, Ariz., VORTAC.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–8165; Filed, Sept. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 60–WA–183]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On July 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6852) stating that the Federal Aviation Agency proposed to revoke the segment of VOR/VORTAC jet route No. 57 from Charleston, W. Va., to Appleton, Ohio.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 602.557 (14 CFR 602.557) is amended to read:

§ 602.557 VOR/VORTAC jet route No. 57 (Raleigh, N.C., to Charleston, W. Va.).

From the Raleigh, N.C., VOR via the Pulaski, Va., VOR to the Charleston, W. Va., VORTAC.

This amendment shall become effective 0001 e.s.t. October 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on Aug. 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–8166; Filed, Sept. 1, 1960; 8:46 a.m.]

[Airspace Docket No. 60–LA–35]

PART 608—RESTRICTED AREAS

Modification of Restricted Area

The purpose of this amendment to § 608.20 of the regulations of the Administrator is to modify the Sailor Creek, Idaho, Restricted Area (R–254) (Boise Chart).

Restricted Area (R–254) is presently used by the Department of the Air Force for visual and radar bombing, air-to-air and air-to-ground gunnery, and air-to-ground rocketry, daily from the surface to an unlimited altitude, and is controlled by the Mountain Home, Idaho, Air Force Base.

The Federal Aviation Agency has recently reviewed the utilization of Restricted Area (R–254). This review was based on all data available to the Federal Aviation Agency including that received in response to special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appeared that the utilization of R–254 does not justify its presently designated description. Therefore, the Federal Aviation Agency is redesignating the controlling agency for Restricted Area (R–254) from Mountain Home Air Force Base, Mountain Home, Idaho, to Federal Aviation Agency ARTC Center, Seattle, Wash.; its time of designation from "daylight hours only" to "sunrise to sunset, Monday through Friday," and its designated altitudes from "unlimited" to "Surface to 45,000 feet MSL." Negotiations to formulate an appropriate joint use letter of agreement for Restricted Area (R–254) are presently being conducted by the Federal Aviation Agency with the user agency. The Department of the Air Force advised that it concurred in the actions taken herein.

Since the changes effected by this amendment are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), the following action is taken:

In § 608.20, the Sailor Creek, Idaho, Restricted Area (R–254) (Boise Chart) (23 F.R. 8580) "Unlimited.", "Daylight hours only", and "Mountain Home AFB, Idaho." are deleted and "Surface to 45,000 feet MSL.", "Sunrise to sunset, Monday through Friday." and "Federal Aviation Agency, Seattle, Wash., ARTC Center." are substituted therefor, respectively.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–8169; Filed, Sept. 1, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2196]

[BLM 048418]

ARKANSAS

Addition to Big Lake National Wildlife Refuge; Revoking Executive Order No. 6761 of June 29, 1934

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Arkansas are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, as an addition to the Big Lake National Wildlife Refuge, established by the Executive order of August 2, 1915, as amened by Proclamation No. 2416 of July 25, 1940:

FIFTH PRINCIPAL MERIDIAN

T. 14 N., R. 9 E.,
Sec. 4, lot 7;
Sec. 9, lot 2.

Containing 2.18 acres.

2. Executive Order No. 6761 of June 29, 1934, which temporarily withdrew certain lands for classification as to their suitability for wildlife refuge purposes, is hereby revoked. All lands described in Executive Order No. 6761 either have been patented, or have heretofore been reserved for wildlife refuge purposes, except those reserved by this order.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 26, 1960.

[F.R. Doc. 60–8180; Filed, Sept. 1, 1960; 8:47 a.m.]

[Public Land Order 2197]

[81767]

UTAH

Power Site Restoration No. 558, Power Site Cancellation No. 141; Revoking in Whole or in Part Certain Executive and Departmental Orders Affecting the Uintah and Ouray Indian Reservation (Power Site Reserves Nos. 698 and 731, Power Site Classification No. 128, Project No. 113; Strawberry Valley Project)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and as Secretary of the Interior, and pursuant to determination DA–135–Utah of the Federal Power Commission, issued August 28, 1959, it is ordered as follows:

1. The Executive order of November 16, 1918, and May 14, 1920, creating Power Site Reserves No. 698 and No. 731, respectively; and the Departmental order of February 4, 1926, creating Power Site Classification No. 128, are hereby revoked so far as they affect the following-described lands:

UINTAH MERIDIAN

T. 1 N., R 8 W.,
Sec. 19, lots 2, 3, 4, W½E½ and E½W½.

The areas described aggregate 438.72 acres.

2. In DA–135–Utah, issued August 28, 1959, the Federal Power Commission vacated the withdrawal created by the filing on December 4, 1920, of an application for preliminary permit for Project No. 113, so far as it affects the following-described lands:

UINTAH MERIDIAN

T. 1 N., R. 8 W.,
Sec. 19, lots 2, 4, E½, E½NW¼, and NE¼SW¼.

The SE¼SE¼ is withdrawn by the Departmental order of February 8, 1908, for use of the Forest Service for administrative site purposes.

3. The Departmental order of October 20, 1910, which withdrew lands in Utah in the first form for reclamation purposes in connection with the Strawberry Valley Project, is hereby revoked so far as it affects the following-described lands:

UINTAH MERIDIAN

T. 4 S., R. 11 W.,
Secs. 13, 14, 23, 24, and 26.

The areas described aggregate 3,200 acres.

4. The lands restored by this order total in the aggregate approximately 3,599 acres. They are undisposed-of opened lands of the Uintah and Ouray Reservation restored to tribal ownership for the use and benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah, and added to and made a part of the existing reservation by the order of

the Secretary of the Interior of August 25, 1945 (10 F.R. 12409).

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 26, 1960.

[F.R. Doc. 60-8181; Filed, Sept. 1, 1960; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 73]

PART 142—EXTENSION OF CREDIT TO SHIPPERS

Payment of Rates and Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of August, A.D. 1960.

Upon consideration of the record in the above-entitled proceeding, petition of certain Official Territory railroads, filed June 17, 1960, for reconsideration of the report and order of the Commission on further hearing, dated May 19, 1960, and for postponement of the effective date of that order, and for oral argument; replies thereto by Seaboard Air Line Railroad Company, filed June 29, 1960, Southern Territory railroad applicants, filed July 6, 1960, National Industrial Traffic League, filed July 18, 1960; Associated Industries of New York State, Inc., filed July 20, 1960; and for good cause appearing:

It is ordered, That the petition for reconsideration be, and it is hereby, granted, and that this proceeding be, and it is hereby, reopened for reconsideration on the present record;

It is further ordered, That oral argument be, and it is hereby, denied for the reason that the matters involved are sufficiently presented in the record and oral argument in addition thereto is unnecessary;

And it is further ordered, That the effective date of the order of May 19, 1960, be, and it is hereby, postponed until further order of the Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8197; Filed, Sept. 1, 1960; 8:49 a.m.]

[Fifth Suppl. 4th Sec. Order 18900]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATE RATES

Rules Governing Filing of Fourth Section Applications

AUGUST 18, 1960.

Order of June 29, 1960:

The above-mentioned order in the above-entitled proceeding not yet having become effective, and an appropriate petition for reconsideration of such having been filed August 9, 1960, by the Southern Freight Association and the Atlantic Coast Line Railroad Co., such order is, pursuant to section 17(8) of the Interstate Commerce Act, stayed pending disposition of the matter.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8196; Filed, Sept. 1, 1960; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

ACTING COMMISSIONER

Section 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Commissioner (Operations), the Deputy Commissioner (Administration), the Assistant Commissioner for Technical Standards, the General Counsel, and the Assistant Commissioner for Field Operations, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order.

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 807, 69 Stat. 651, as amended; Sec. 907, 65 Stat. 301, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 26, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-8205; Filed, Sept. 1, 1960; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of migratory game birds on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Wilson's snipe, coots, and all species of ducks and geese, except Canadian and white-cheeked geese.

(b) Open seasons:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1960.

(2) Coots, ducks, and geese—from one-half hour before sunrise to sunset during the period September 1 through December 3, 1960.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 10 and a possession limit of 20, singly or in the aggregate of the following species: eider, harlequin, old squaw, scoter, and American and red-breasted merganser.

(2) Geese—except for Canadian and white-cheeked geese—daily bag of 5 and a possession limit of 10, of which not more than 3 daily and 6 in possession may be white-fronted geese or subspecies thereof.

(3) Brant—daily bag and possession limit of 3.

(4) Coots—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the islands of Adak, Atka, Unimak, Shemya, Attu and Great Sitkin.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 1, 1960, through December 3, 1960.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 60-8189; Filed, Sept. 1, 1960; 8:48 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of migratory birds on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Wilson's snipe, coots, and all species of ducks and geese.

(b) Open seasons:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1960.

(2) Coots, ducks, and geese—from one-half hour before sunrise to sunset during the period September 1 through December 3, 1960.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 10 and a possession limit of 20, singly or in the aggregate of the following species: eider, harlequin, old squaw, scoter, and American and red-breasted merganser.

(2) Geese—daily bag of 5 and a possession limit of 10, of which not more than 3 daily and 6 in possession, singly or in the aggregate, may be Canada or white-fronted geese, or subspecies of Canada or white-fronted geese.

(3) Brant—daily bag and possession limit of 3.

(4) Coots—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all of the lands within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 1 through December 3, 1960.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 60-8190; Filed, Sept. 1, 1960; 8:48 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of migratory game birds on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Wilson's snipe, coots, and all species of ducks and geese.

(b) Open seasons:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1960.

(2) Coots, ducks, and geese—from one-half hour before sunrise to sunset during the period September 1 through December 3, 1960.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and possession limit of 10; in addition, a daily bag of 10 and a possession limit of 20, singly or in the aggregate of the following species: eider, harlequin, old squaw, scoter, and American and red-breasted merganser.

(2) Geese—daily bag of 5 and a possession limit of 10, of which not more than 3 daily and 6 in possession, singly or in the aggregate, may be Canada or white-fronted geese, or subspecies of Canada or white-fronted geese.

(3) Brant—daily bag and possession limit of 3.

(4) Coots—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all of the lands within the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 1 through December 3, 1960.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 60-8191; Filed, Sept. 1, 1960; 8:48 a.m.]

PART 32—HUNTING

Nunivak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

NUNIVAK NATIONAL WILDLIFE REFUGE

Hunting of migratory game birds on the Nunivak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Wilson's snipe, coots, and all species of ducks and geese.

(b) Open seasons:

(1) Wilson's snipe—from one-half hour before sunrise to sunset during the period September 1 through October 15, 1960.

(2) Coots, ducks, and geese—from one-half hour before sunrise to sunset during the period September 1 through December 3, 1960.

(c) Daily bag and possession limits:

(1) Ducks—daily bag of 5 and a possession limit of 10; in addition, a daily bag of 10 and a possession limit of 20; singly or in the aggregate of the following species: eider, harlequin, old squaw, scoter, and American and red-breasted merganser.

(2) Geese—daily bag of 5 and a possession limit of 10, of which not more than 3 daily and 6 in possession, singly or in the aggregate, may be Canada or white-fronted geese, or subspecies of Canada or white-fronted geese.

(3) Brant—daily bag and possession limit of 3.

(4) Coots—daily bag and possession limit of 15.

(5) Wilson's snipe—daily bag and possession limit of 8.

(d) Methods of hunting:

(1) As prescribed in current Federal Migratory Bird Regulations.

(2) Guides may be employed for hunting.

(e) Hunting is permitted in accordance with (a) above on all of the lands within the Nunivak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 1, 1960, through December 3, 1960.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 60-8192; Filed, Sept. 1, 1960; 8:48 a.m.]

PART 32—HUNTING

Yazoo National Wildlife Refuge, Mississippi

The following special regulation is issued.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Hunting of migratory game birds on the Yazoo National Wildlife Refuge is permissible only under the following conditions:

(a) Species permitted to be taken: mourning doves.

(b) Open seasons: September 26, 28, and October 1, 1960, from 12 o'clock noon until sunset (Standard time).

(c) Daily bag limit: Daily bag limit, 12; possession limit, 24.

(d) Methods of hunting:

(1) Weapons—shotgun only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

(2) Dogs—not to exceed one dog per hunter, may be used to retrieve mourning doves.

(3) Blinds—use of portable blinds permitted.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 350 acres and 14.3 percent of the total refuge which is described as follows:

Those lands lying south of Steele Bayou and north of State Highway No. 436 except that there will be no hunting within 500 yards of the two residences on the tract nor within 200 yards of pastured cattle.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area which will be for one day only. Total number of permits will be limited to 150 and no more than 50 permits will be issued for each of the three hunting days. Permits may be obtained from the Refuge Manager, Hollandale, Mississippi, on a first come, first served basis.

(3) The provisions of this special regulation are effective September 5 through October 1, 1960.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 60-8193; Filed, Sept. 1, 1960; 8:48 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge

The following special regulation is issued.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Hunting of migratory game birds on the Crab Orchard National Wildlife Refuge, Illinois, is permissible only under the following conditions:

(a) Species permitted to be taken: Mourning doves

(b) Open season: From 12 noon to sunset (CST) during the period September 1 through November 9, 1960.

(c) Daily bag and possession limits: Daily bag limit, 12; possession limit, 24.

(d) Methods of hunting:

(1) As prescribed in the current Federal Migratory Bird Regulations except as follows:

(2) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) may be used.

(3) Dogs—not to exceed two dogs per hunter may be used to retrieve mourning doves.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 12,380 acres and 28 percent of the total refuge and which is described as follows:

Area I: All Federally owned lands within the following described subdivisions:

T 9S, R 1E, 3 PM,
Sec. 5, SE¼, SW¼, and W½SE¼;
Sec. 7, E½;
Sec. 8, all;
Sec. 9, W½NW¼, W½, SW¼, W½NE¼ SW¼, SE¼SW¼, and S½SE¼;
Sec. 10, NE¼SW¼, S½SW¼, NW¼SE¼ and S½SE¼;
Sec. 15 to 22 incl., all;
Sec. 27, SW¼NW¼ and NW¼SW¼;
Sec. 28 to 33 incl., all.

T 10S, R 1E, 3 PM,
Sec. 4 and 5, all;
Sec. 7, NE¼SE¼;
Sec. 8 and 9, all.

T 9S, R 1W, 3 PM,
Sec. 24 and 25, all.
That part of Area II lying east of the right-of-way of Interstate Route 57.

Area III: All Federally owned lands within the following described subdivisions:

T 10S, R 1E, 3 PM,
Sec. 14, W½NW¼ and SE¼SE¼;
Sec. 15 to 23 incl., all;
Sec. 24, S½NW¼NW¼;
Sec. 26 to 36 incl., all.

T 11S, R 1E, 3 PM,
Sec. 2 to 4 incl., all;
Sec. 6, frac. NW¼NE¼ and frac. N½NW¼.

T 10S, R 1W, 3 PM,
Sec. 13, SW¼SE¼;
Sec. 24, E½E½;
Sec. 25, E½SE¼SE¼;
Sec. 36, E½.

T 11S, R 1W, 3 PM,
Sec. 1, frac. NE¼.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 1 through November 9, 1960.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 30, 1960.

[F.R. Doc. 60-8199; Filed, Sept. 1, 1960; 8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 60-WA-201]

FEDERAL AIRWAYS

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

For some time preferred routes of flight have been utilized to segregate opposite direction traffic between major terminals. These preferred routes were designed to assist air traffic management in providing increased traffic flow capability between these metropolitan areas. To more clearly define the preferential airway routing, simplify flight planning and provide for more efficient programming of present and planned air traffic data processing equipment, the Federal Aviation Agency is considering designating these routes as distinctive airways with a single number for each preferred route. These airways would be designated as 800 series airways. This airway system would coincide with existing airway segments for which control areas are designated and would, therefore, not require a separate designation of control areas for each 800 series airway. No additional control area would be designated.

The proposed 800 series airway system has been coordinated at the Washington office, and at the regional field offices of the Federal Aviation Agency with airspace users in order to fully acquaint interested persons with this program. This notice of proposed rule making is being issued to further acquaint interested persons with the 800 series airway program, although, as stated above, no additional control area would be designated.

If this action is taken, the following 800 series airways would be designated:

1. VOR Federal airway No. 854 (Chicago, Ill., Metropolitan Area to the San Francisco, Calif., Metropolitan Area) *normal traffic flow westbound.* From the Polo, Ill., VORTAC via the Dubuque, Ia., VOR; Waterloo, Ia., VORTAC; Fort Dodge, Ia., VOR; Sioux City, Ia., VOR; O'Neill, Nebr., VORTAC; Chadron, Nebr., VOR; Rock River, Wyo., VOR; Cherokee, Wyo., VOR; Rock Springs, Wyo., VORTAC; Fort Bridger, Wyo., VOR; Ogden, Utah, VOR; Lucin, Utah, VOR; Wells, Nev., VOR; intersection of the Wells, Nev., VOR 256° and the Battle Mountain, Nev., VOR 062° True radials (Doby, Nev., Intersection); Battle Mountain VOR; Lovelock, Nev., VORTAC; Reno, Nev., VOR; intersection of the Reno VOR 230° and the Sacramento, Calif., VORTAC 055° True radials; Sacramento VORTAC; to the Oakland, Calif., VORTAC.

2. VOR Federal airway No. 810 (San Francisco, Calif., Metropolitan Area to the Chicago, Ill., Metropolitan Area) *normal traffic flow eastbound.* From the intersection of the Oakland, Calif., VORTAC 004° and the Linden, Calif., VORTAC 270° True radials (Crockett, Calif., Intersection); intersection of the Oakland VORTAC 004° and the Williams, Calif., VORTAC 191° True radials; Williams VORTAC; Reno, Nev., VOR; Lovelock, Nev., VORTAC; Battle Mountain, Nev., VOR; Elko, Nev., VORTAC; Bonneville, Utah, VOR; Salt Lake City, Utah, VORTAC; Fort Bridger, Wyo., VOR; Rock Springs, Wyo., VORTAC; Cherokee, Wyo., VOR; Rock River, Wyo., VOR; Chadron, Nebr., VOR; O'Neill, Nebr., VORTAC; Sioux City, Ia., VOR; Fort Dodge, Ia., VOR; Waterloo, Ia., VORTAC; Dubuque, Ia., VOR; Rockford, Ill., VORTAC; Northbrook, Ill., VORTAC.

3. VOR Federal airway No. 846 (Chicago, Ill., Metropolitan Area to the Denver, Colo., Metropolitan Area) *normal traffic flow westbound.* From the Polo, Ill., VORTAC via the Cedar Rapids, Iowa., VORTAC; Newton, Iowa., VOR; Neola, Iowa., VORTAC; Wolbach, Nebr., VOR; intersection of the Wolbach VOR 251° and the Hayes Center, Nebr., VORTAC 059° True radials; Hayes Center VORTAC; Akron, Colo., VOR; to Denver, Colo., VORTAC.

4. VOR Federal airway No. 885 (Washington, D.C., Metropolitan Area to the Boston, Mass., Metropolitan Area) *normal traffic flow northbound.* From the Baltimore, Md., VORTAC; via the intersection of the Baltimore VORTAC 097° and the Kenton, Del., VORTAC 242° True radials (Price, Md., Intersection); Kenton, VORTAC; Coyle, N.J., VOR; intersection of the Colts Neck, N.J., VOR 103° and the Riverhead, N.Y., VORTAC 218° True radials (Woolf, N.Y., Intersection); intersection of the Riverhead VORTAC 218° and the Idlewild, N.Y., VORTAC 083° True radials (Patchogue, N.Y., Intersection); intersection of the Riverhead, VORTAC 146° and the Hampton, N.Y., VOR 239° True radials (Mastic, N.Y., Intersection); Hampton, VOR; intersection of the Hampton VOR 059° and the Providence, R.I., VOR 212° True radials; Providence, VOR; to the intersection of the Providence, VOR 043° and the Boston, Mass., VORTAC 133° True radials (Cohassett, Mass., Intersection). The portion of this airway which coincides with the Camp Springs, Md., (Andrews AFB) Restricted Area/Military Climb Corridor (R-542) is excluded.

5. VOR Federal airway No. 845 (Chicago, Ill., Metropolitan Area to the Dallas/Fort Worth, Tex., Metropolitan Area) *normal traffic flow southbound.* From the Joliet, Ill., VORTAC, via the Bradford, Ill., VOR; Burlington, Iowa, VOR; Quincy, Ill., VORTAC; Hallsville, Mo., VOR; Springfield, Mo., VORTAC; Neosho, Mo., VOR; Okmulgee, Okla., VOR; Ardmore, Okla., VOR; to the intersection of the Ardmore VOR 176° and the Dallas, Tex., VORTAC 324° True radials (Gainesville, Tex., Intersection).

6. VOR Federal airway No. 843 (Chicago, Ill., Metropolitan Area to the Miami, Fla., Metropolitan Area) *normal traffic flow southbound.* From the Peotone, Ill., VORTAC via the Danville, Ill., VOR; Lewis, Ind., VOR; Scotland, Ind., VORTAC; Bowling Green, Ky., VOR; Chattanooga, Tenn., VORTAC; intersection of the Chattanooga VORTAC 152° and the Atlanta, Ga., VORTAC 355° True radials; Atlanta VORTAC; intersection of the Atlanta VORTAC 180° and the Albany, Ga., VOR 350° True radials; Albany VOR; intersection of the Cross City, Fla., VOR 333° and the Valdosta, Ga., VOR 233° True radials (Greenville, Fla., Intersection); Cross City VOR; Lakeland, Fla., VOR; Fort Meyers, Fla., VOR; intersection of the Fort Meyers, VOR 134° and the Miami, Fla., VORTAC 269° True radials (Copeland, Fla., Intersection); to the Miami VORTAC.

7. VOR Federal airway No. 875 (Boston, Mass., Metropolitan Area to the New Orleans, La., Metropolitan Area) *normal traffic flow southwestbound.* From the Boston, Mass., VORTAC via the intersection of the Gardner, Mass., VORTAC 150° and the Hartford, Conn., VOR 044° True radials; Hartford VOR; Wilton, Conn., VOR; intersection of the Wilton VOR 240° and the Huguenot, N.Y., VORTAC 144° True radials; Solberg, N.J., VORTAC; West Chester, Pa., VORTAC; intersection of the Lancaster, Pa., VOR 197° and the Westminster, Md., VOR 060° True radials; Westminster VOR; Herndon, Va., VORTAC; Cassanova, Va., VORTAC; Montebello, Va., VOR; intersection of the Montebello VOR 251° and the Hollins, Va., VORTAC 035° True radials; Hollins, VORTAC; Pulaski, Va., VOR; Tri City, Tenn., VOR; Knoxville, Tenn., VORTAC; intersection of the Knoxville VORTAC 248° and the Chattanooga, Tenn., VORTAC 032° True radials; Chattanooga VORTAC; Birmingham, Ala., VORTAC; Tuscaloosa, Ala., VOR; intersection of the Tuscaloosa VOR 239° and the Meridian, Miss., VORTAC 040° True radials; Meridian, VORTAC; McComb, Miss., VOR; to the intersection of the McComb VOR 177° and the Picayune, Miss., VOR 266° True radials (Madison, La., Intersection).

8. VOR Federal airway No. 887 (Washington, D.C., Metropolitan Area to the Dallas/Fort Worth, Tex., Metropolitan Area) *normal traffic flow southwestbound.* From the Casanova, Va., VORTAC via the Montebello, Va., VOR; Bluefield, W. Va., VOR; London, Ky., VORTAC; Nashville, Tenn., VORTAC; Graham, Tenn., VOR; Jacks Creek, Tenn., VOR; Memphis, Tenn., VORTAC; Pine Bluff, Ark., VOR; Texarkana, Ark., VORTAC; Sulphur Springs, Tex., VOR; to the Dallas, Tex., VORTAC.

9. VOR Federal airway No. 830 (Dallas/Fort Worth, Tex., Metropolitan Area to the Washington, D.C., Metropolitan Area) *normal traffic flow northeastbound.* From the Dallas, Tex., VORTAC via the intersection of the Dallas VORTAC 061° and the Texarkana, Ark., VORTAC 271° True radials; Texarkana VORTAC; Pine Bluff, Ark., VOR; Memphis, Tenn., VORTAC; Jacks Creek, Tenn., VOR; Graham, Tenn., VOR; Nashville, Tenn., VORTAC; London, Ky., VORTAC; Bluefield, W. Va., VOR; Montebello, Va., VOR; Gordonsville, Va., VORTAC; to the intersection of the Gordonsville VORTAC 058° and the Washington, D.C., VOR 189° True radials.

10. VOR Federal airway No. 809 (Seattle, Wash., Metropolitan Area to the San Francisco, Calif., Metropolitan Area) *normal traffic flow southbound.* From the Olympia, Wash., VOR via the intersection of the Olympia VOR 165° and the Portland, Oreg., VORTAC 353° True radials; Portland VORTAC; Eugene, Oreg., VORTAC; Medford, Oreg., VORTAC; Fort Jones, Calif., VOR; Red Bluff, Calif., VORTAC; intersection of the Ukiah, Calif., VOR 147° and the Point Reyes, Calif., VOR 352° True radials (Geyserville, Calif., Intersection); to the Point Reyes VOR.

11. VOR Federal airway No. 813 (San Francisco, Calif., Metropolitan Area to the Seattle, Wash., Metropolitan Area) *normal traffic flow northbound.* From the intersection of the San Francisco, Calif., VOR 304° and the Ukiah, Calif., VOR 172° True radials (Marin, Calif., Intersection); via the Ukiah, VOR; Fortuna, Calif., VOR; Crescent City, Calif., VOR; North Bend, Oreg., VOR; Eugene,

Oreg., VORTAC; Portland, Oreg., VORTAC; intersection of the Portland, VORTAC 353° and the Seattle, Wash., VORTAC 197° True radials; to the Seattle VORTAC; the portion of this airway which coincides with the Tomales Point, Calif., Restricted Area (R-519), the Fort Lewis, Wash., Restricted Areas (R-503) and (R-504), the Tacoma, Wash., (McChord AFB) Restricted Area/Military Climb Corridor (R-546) and the Portland International Airport, Oreg., Restricted Area/Military Climb Corridor (R-535) are excluded.

12. VOR Federal airway No. 837 (New Orleans, La., Metropolitan Area to the Boston, Mass., Metropolitan Area) *normal traffic flow northeastbound*. From the Picayune, Miss., VOR via the Evergreen, Ala., VOR; Montgomery, Ala., VORTAC; LaGrange, Ga., VOR; Atlanta, Ga., VORTAC; Royston, Ga., VOR; Spartanburg, S.C., VOR; Greensboro, N.C., VOR; South Boston, Va., VOR; Gordonsville, Va., VORTAC; Nottingham, Md., VOR; Kenton, Del., VORTAC; Coyle, N.J., VOR; intersection of Colts Neck, N.J., VOR 103° and the Riverhead, N.Y., VORTAC 218° True radials; intersection of the Idlewild, N.Y., VORTAC 063° and the Riverhead VORTAC 218° True radials; intersection of the Riverhead VORTAC 146° and the Hampton, N.Y., VOR 239° True radials; Hampton VOR; intersection of the Hampton VOR 059° and the Providence, R.I., VOR 212° True radials; Providence VOR; to the intersection of the Providence VOR 043° and the Boston, Mass., VORTAC 133° True radials (Cohasset, Mass., Intersection).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 26, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8160; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-44]

FEDERAL AIRWAY, CONTROL AREAS, AND REPORTING POINTS

Revocation; Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.206, 601.206, 601.1031, and 601.4206 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 6 presently extends from Denver, Colo., to Omaha, Nebr. The Federal Aviation Agency has under consideration the revocation of Red 6. The Denver to Omaha route appears to be adequately served by a combination of VOR Federal airways which closely parallel and overlie Red 6. Therefore, it appears that the retention of this airway and its associated control areas is unjustified and that revocation thereof would be in the public interest. Also, the Akron, Colo., and the Lincoln, Nebr., radio range stations would be revoked as reporting points on Red 6. In addition, the North Platte, Nebr., control area extension would be redescribed to elimainate reference to Red 6 and Green Federal airway No. 3. The redescribed control area extension would not include additional control area.

If this action is taken, Red Federal airway No. 6 and its associated control areas would be revoked. Also, the Akron, Colo., and Lincoln, Nebr., radio ranges would be revoked as reporting points on Red 6. In addition, the North Platte, Nebr., control area extension would be redescribed as that area north of VOR Federal airway No. 6 within a 25-mile radius of the North Platte radio range and that area southwest of North Platte bounded on the east by a line 5 miles east of and parallel to the south course of the radio range, on the south by VOR Federal airway No. 8, and on the northwest by VOR Federal airway No. 172.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 26, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8161; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-51]

FEDERAL AIRWAYS, CONTROL AREAS, AND REPORTING POINTS

Revocation; Modification and Revocation of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601, §§ 601.1277, 601.1347 and 601.1444 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 3 presently extends from El Paso, Tex., to Great Falls, Mont. The La Junta, Colo., control area extension is presently designated as the area northwest of La Junta bounded on the northeast by a line 5 miles northeast of and parallel to a 302° True bearing extending from a point at Lat. 30°05'54" N, Long. 103°29'19" W, on the south by VOR Federal airway No. 10 and on the west by Amber Federal airway No. 3.

The Federal Aviation Agency is considering the following actions:

1. Revoking Amber 3 from El Paso, Tex., to Great Falls, Mont. The route from El Paso to Great Falls appears to be adequately served by VOR Federal airways which closely parallel or overlie Amber 3. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and the revocation thereof would be in the public interest.

2. Revoking the La Junta, Colo., control area extension. The La Junta radio range station has been decommissioned and the instrument approach procedures based thereon have been discontinued. Therefore, it appears that the La Junta control area extension is no longer required and that the revocation thereof would be in the public interest.

In addition, the Denver, Colo., the Colorado Springs, Colo., and the Truth or Consequences, N. Mex., control area extensions would be redescribed to eliminate reference to Amber 3. The redescribed control area extensions would not include additional control area.

If these actions are taken, Amber Federal airway No. 3, its associated control areas and reporting points would be revoked, and the La Junta, Colo., control area extension would also be revoked. Concurrently with this action the following control area extensions would be redescribed.

1. The Denver, Colo., control area extension would be redesignated as the area southwest of Denver lying within a 34-mile radius of the Denver VOR bounded on the north by VOR Federal airway No. 8 and on the east by VOR Federal airway No. 81, including the area within 5 miles either side of a line bearing 174° True extending from the Aurora, Colo., radio beacon to 25 miles south of the radio beacon; the area northeast of Denver bounded on the northeast by VOR Federal airway No. 132, on the southeast by VOR Federal airway No. 160 and on the west by VOR Federal airway No. 89; the area southeast of Denver bounded on the northeast by VOR Federal airway No. 4, on the east by VOR Federal airway No. 19, on the southwest by the Colorado Springs, Colo., control area extension and on the west by VOR Federal airway No. 81.

3. The Colorado Springs, Colo., control area extension would be redesignated as the area within a 25-mile radius of Peterson Municipal Airport, Colorado Springs, Colo. (Lat. 38°48'36" N, Long. 104°42'-33" W) east of a line extending from Lat. 39°10'00" N, Long. 104°46'55" W south to Lat. 38°15'05" N, Long. 104°43'50" W.

4. The Truth or Consequences, N. Mex., control area extension would be redesignated as the area bounded on the east by a line 11 miles west of and parallel to the west boundary of the White Sands, N. Mex., Restricted Area (R-209) (No. 1) extending from Lat. 33°34'55" N, Long. 106°59'30" W; south to Lat. 33°12'00" N, Long. 107°03'30" W, thence to Lat. 32°50'00" N, Long. 107°01'00" W, and on the southwest and northwest by VOR Federal airway No. 19. That portion of this control area extension above 20,000 feet MSL which coincides with the White Sands, Restricted Area (R-521) (No. 2) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Route Traffic Control Center, Albuquerque, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 29, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8162; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-85]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1355 of the regulations of the Administrator, the substance of which is stated below.

The Berlin, N.H., control area extension is presently designated within 5 miles either side of a line bearing 334° True extending from the Berlin Airport to a point 10 miles northwest. The Federal Aviation Agency is considering modifying this control area extension by redesignating it within 8 miles east and 5 miles west of the 334° True bearing from the Berlin, N.H., radio beacon extending from the radio beacon to seventeen miles northwest; within 5 miles south and 8 miles north of the 248° True bearing from a radio beacon installed at the Whitefield, N.H., Airport at Lat. 44°21'45" N, Long. 71°33'00" W, extending from the radio beacon to seventeen miles southwest; within 5 miles either side of a line extending from the Berlin radio beacon to the Whitefield radio beacon.

The modified extension northwest of the Berlin radio beacon and the proposed extension southwest of the Whitefield radio beacon would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Berlin and Whitefield Airports.

The proposed control area extension between Berlin and Whitefield would provide protection for aircraft conducting prescribed transition procedures from the Berlin radio beacon to the Whitefield radio beacon preparatory to conducting instrument approach procedures to the Whitefield Airport.

If this action is taken, the Berlin, N.H., control area extension would be designated within 8 miles east and 5 miles west of the 334° True bearing from the Berlin, N.H., radio beacon extending from the radio beacon to 17 miles northwest; within 5 miles south and 8 miles north of the 248° True bearing from the Whitefield, N.H., radio beacon extending from the radio beacon to 17 miles southwest; within 5 miles either side of a line extending from the Berlin radio beacon to the Whitefield radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before, action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8156; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-41]

CONTROL ZONES

Revocation and Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR

409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2152 of the regulations of the Administrator, the substance of which is stated below.

The Macon, Ga., control zones (§§ 601.2241 and 601.2152), are presently designated within a 5-mile radius of Robins Air Force Base excluding that portion overlapping the Cochran Field control zone and within a 5-mile radius of Cochran Field extending 2 miles either side of the northwest course of the Macon, Ga., radio range to a point 10 miles northwest of the radio range station. The Federal Aviation Agency has under consideration modifying these control zones by redesignating them as a single control zone, adding a control zone extension to the southeast and enlarging the extension to the northwest. This would provide protection for aircraft executing prescribed instrument approach procedures to Cochran Field and Robins AFB and consolidation of the two zones would simplify the Macon control zone description.

If these actions are taken, the Macon, Ga., control zone would be designated within a 5-mile radius of Cochran Field, (Lat. 32°41'35" N, Long. 83°38'50" W); within 2 miles either side of the 316° and 325° True radials of the Macon VOR extending from the Cochran Field 5-mile radius zone to 12 miles northwest of the VOR; within a 5-mile radius of Robins AFB (Lat. 32°38'30" N, Long. 83°35'35" W); within 2 miles either side of the 120° and 140° True radials of the Macon VOR extending from the Robins AFB 5-mile radius zone to 12 miles southeast of the VOR. Concurrently with this action § 601.2241, Macon, Ga., control zone, would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 29, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8157; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-51]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2331 of the regulations of the Administrator, the substance of which is stated below.

The Lake Charles, La., control zone is designated within a 5-mile radius of Chennault AFB, Lake Charles, La., within 2 miles either side of the 180° bearing extending from the Lake Charles radio beacon to a point 10 miles south, and within 2 miles either side of the 334° and 154° radials of the Lake Charles VOR extending to a point 10 miles southeast of the VOR and to a point 10 miles northwest of the Gillis, La., radio beacon. The Federal Aviation is considering modifying the Lake Charles control zone by reducing the present extensions to the northwest and southeast, redesignating the control zone extension to the south and providing an additional extension to the northwest. The prescribed instrument approach procedures based on the Lake Charles outer marker compass locator and the Lake Charles VOR 154° True radial are being revised. This would permit a reduction in the length of the control zone extensions to the northwest and southeast. The extension to the south is being redesignated, based on the 191° True bearing from the Lake Charles radio beacon. The new extension to the northwest would be based on the 341° True radial of the Chennault AFB TACAN. This would provide protection for aircraft executing the prescribed instrument approach procedures to Chennault AFB.

If this action is taken, the Lake Charles, La., control zone would be designated within a 5-mile radius of Chennault AFB, Lake Charles, La., (Lat. 30°12'40" N, Long. 93°08'35" W); within 2 miles either side of the 191° True bearing from the Lake Charles radio beacon extending from the 5-mile radius zone to 12 miles south of the radio beacon; within 2 miles either side of the 334° True radial of the Lake Charles VOR extending from the VOR to 3 miles northwest of the Lake Charles ILS outer marker compass locator; and within 2 miles either side of the 341° True radial of the Chennault AFB TACAN (Lat. 30°12'25" N, Long. 93°08'42" W) extending from the 5-mile radius zone to 10 miles northwest of the TACAN.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 29, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8158; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-48]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2455 of the regulations of the Administrator, the substance of which is stated below.

The present Minot, N. Dak., (Minot AFB) control zone is designated within a 5-mile radius of the Minot AFB (Lat. 48°25'18" N, Long. 101°22'08" W), and within 2 miles either side of the ILS localizer southeast course extending from the 5-mile radius zone to the ILS outer marker (Lat. 48°21'01" N, Long. 101°12'43" W). The Federal Aviation Agency has under consideration a proposal by the Department of Air Force to modify the Minot control zone (Minot AFB), by designating a control zone extension within 2 miles either side of the 316° True radial of the Minot VOR extending from the 5-mile radius zone to the VOR and a control zone extension within 2 miles either side of the 307° True radial of the Minot AFB TACAN extending from the 5-mile radius zone to 12 miles northwest of the TACAN. These modifications would provide protection for aircraft executing the prescribed instrument approach procedures to the Minot AFB during instrument flight rule conditions.

If these actions are taken, the Minot, N. Dak., (Minot AFB) control zone would be designated within a 5-mile radius of the Minot Air Force Base (Lat. 48°25'18" N, Long. 101°22'08" W), within 2 miles either side of the ILS localizer southeast course, extending from the 5-mile radius zone to the ILS outer marker; within 2 miles either side of the 316° True radial of the Minot VOR extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the 307° True radial of the Minot AFB TACAN extending from the 5-mile radius zone to 12 miles northwest of the TACAN, excluding that portion of the control zone which coincides with the Minot, N. Dak., control zone (§ 601.2115).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8159; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 59-WA-372]

RESTRICTED AREAS AND CONTROL AREAS

Modification of Proposed Revocation

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59-WA-372 on November 10, 1959 (24 F.R. 9171), it was stated that the Federal Aviation Agency proposed to revoke the Little Rock, Ark., Restricted Arear (R-134). In consideration of a request submitted by the Department of Army, the time for comments for this notice was extended to February 20, 1960 (25 F.R. 1136).

Subsequent to the publication of this proposal and extension of time for comments, the Adjutant General, State of Arkansas, submitted data which appears to justify and support the continued designation of this restricted area in a modified form for training National Guard troops in artillery and mortar firing.

Therefore, the original proposal to revoke the Little Rock restricted area is hereby withdrawn and the following modified proposal is substituted therefor:

1. Reduce the size of the Restricted Area (R-134) by redefining its perimeter as: North boundary, Lat. 34°57'00" N; east boundary, Long. 92°15'00" W; south boundary, Lat. 34°52'00" N; west boundary, Long. 92°19'30" W.

2. Reduce the designated altitudes from "Surface to 9,000 feet MSL", to "Surface to 6,000 feet MSL".

3. Modify time of designation from "Daylight hours only on Saturday and Sunday", to "0700 Saturday to 1700 Sunday, local time, September 1 through May 31 annually; 0600 to 2400 daily, local time, June 1 through August 31 annually".

4. Change the controlling agency from "Adjutant General, State of Arkansas", to "Arkansas National Guard, Little Rock, Arkansas".

5. Modify the Little Rock, Ark., control area extension (§ 601.1035) to exclude the portion of the control area extension which would coincide with Restricted Area (R-134) during the restricted area's time of designation.

In order to provide interested persons time to adequately evaluate this proposal, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to September 30, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 59-WA-372 is extended to September 30, 1960.

Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

(Secs. 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8163; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-193]

CODED JET ROUTES

Modification and Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 602.522, 602.523, 602.525 and 602.529 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC Jet Route No. 22 presently extends in part from Laredo, Tex., to Palacios, Tex. VOR/VORTAC Jet Route No. 25 presently extends in part from San Antonio, Tex., to Austin, Tex. VOR/VORTAC Jet Route No. 23 presently extends in part from Brownsville, Tex., to San Antonio, Tex. VOR/VORTAC Jet Route No. 29 presently extends in part from Alice, Tex., to Palacios, Tex.

The Federal Aviation Agency has under consideration the following actions:

1. Realign J-22-V from the Laredo VOR via the intersection of the Laredo VOR 084° and the Palacios VOR 234° True radials to the Palacios VOR.

2. Realign and extend J-29-V from the Palacios VOR via the intersection of the Palacios VOR 234° and the Brownsville VOR 338° True radials to the Brownsville VOR.

3. Realign and extend J-25-V from the San Antonio VOR via the intersection of the San Antonio VOR 172° and the Brownsville VOR 338° True radials to the Brownsville VOR.

4. Revoke the segment of J-23-V between Brownsville and San Antonio. Jet Route No. 23-V as presently designated does not provide adequate clearance from the Corpus Christi, Texas, Restricted Area (R-227) and is not used for civil jet aircarrier operations north of San Antonio. However, Jet Route No. 25-V is used extensively north of San Antonio for civil jet aircarrier operations. The extension of Jet Route No. 25-V from San Antonio to Brownsville, and its realignment would provide a single numbered jet route between Minneapolis, Minn., and Brownsville and would provide adequate clearance from Restricted Area (R-227). The extension of Jet Route No. 29-V from Palacios to Brownsville would provide a single numbered route from Brownsville to Houston, Tex., for scheduled civil jet aircarrier service to be inaugurated in the near future. The realignment of Jet Route No. 22-V would provide a common intersection with realigned Jet Routes V-25 and 29-V. The revocation of Jet Route No. 23-V between Brownsville and San Antonio would eliminate unnecessary duplication of routes between these points.

If these actions are taken, the segment of VOR/VORTAC Jet Route No. 22 would be designated from the Laredo, Tex., VOR via the intersection of the Laredo VOR 084° and the Palacios VOR 234° True radials to the Palacios, Tex., VOR. VOR/VORTAC Jet Route No. 25 would be extended from the Browns-

ville, Tex., VOR via the intersection of the Brownsville VOR 338° and the San Antonio VOR 172° True radials to the San Antonio, Tex., VOR. VOR/VORTAC Jet Route No. 29 would be extended from Brownsville, Tex., VOR via the intersection of the Brownsville VOR 338° and the Palacios VOR 234° True radials to the Palacios VOR. The segment of VOR/VORTAC Jet Route No. 23 from San Antonio to Brownsville would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 26, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8154; Filed, Sept. 1, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-206]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.503 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 3 is designated in part from Red Bluff, Calif., to Spokane, Wash., via Klamath Falls, Oreg., and Pendleton, Oreg. The Federal Aviation Agency has under consideration the modification of Jet Route No. 3-V by realigning it from the Red Bluff, Calif., VORTAC via the Lakeview, Oreg., VORTAC; Pendleton, Oreg., VORTAC; Mullan Pass, Idaho, VOR; to the intersection of the Mullan Pass VOR 041° True radial with the United States/Canadian border. This alignment via the Lakeview VOR would provide better navigational guidance between Red Bluff and Pendleton. A Federal Aviation Agency flight check of Jet Route No. 3-V has determined that the Lakeview VOR provides a better signal for high altitude navigation than is provided by the Klamath Falls VORTAC. In addition, the alignment northeast of Mullan Pass would be compatible with a Canadian high level route system to be inaugurated in the near future. It is anticipated that the modified route would be within adequate radar coverage.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 29, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8155; Filed, Sept. 1, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[47 CFR Parts 71-78]

[Docket No. 3666; Notice 44]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

AUGUST 16, 1960.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in Appendix B set forth below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before September 15, 1960. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 18 U.S.C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (24 F.R. 8056, Oct. 6, 1959) (15 F.R. 8266, 8268, and 8270, Dec. 2, 1950) (22 F.R. 11030, Dec. 31, 1957) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
*Di iso octyl acid phosphate	Cor. L	73.244, 73.296	White	1 quart.
Hypochlorite solutions containing more than 7 percent available chlorine by weight.	do	73.277	do	4 gallons.
Propellant explosives (liquid), class B	Expl. B	No exemption, 73.93	Red#	10 pounds.
Propellant explosives (solid), class B	do	do	do#	Do.
(Add)				
Cyclohexanone peroxide, dry, not over 30 percent concentration.	Oxy. M	73.153, 73.154	Yellow	25 pounds.
Cyclohexanone peroxide, dry, over 50 percent concentration.	do	73.153(b), 73.158	do	Do.
*Organic phosphate compound, liquid, n.o.s.	Pois. B	No exemption, 73.358	Poison	1 quart.
*Organic phosphate compound mixtures, liquid n.o.s.	do	73.359	do	Do.
*Organic phosphate compound, mixtures, dry, n.o.s.	do	73.377	do	25 pounds.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.22 cancel present paragraph (d) and add new paragraph (d) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.22 Specification containers prescribed.

• • • • • •

(d) Where the regulations require spec. 22C or 15P wooden or plywood boxes or drums, spec. 1F or 1G, polyethylene carboys in wooden or plywood boxes or drums, respectively, may be continued in use for the commodities and gross weights for which they were previously authorized until further order of the Commission.

• • • • • •

In § 73.28 add paragraph (j) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.28 Reused containers.

• • • • • •

(j) Cylinders or other containers which are designated as nonrefillable or for single-trip use under the specifications prescribed in Part 78 of this chapter, and from which contents have once been removed following use for the shipment of any article, must not be again used as shipping containers for compressed gases.

In § 73.31 amend Footnote 6 of paragraph (a) Table; amend paragraphs (g) (8), (9) Table 1 in its entirety, Table 2, and Table 3 in its entirety; amend paragraph (j) (21 F.R. 4562, and 4563, June 26, 1956) (25 F.R. 3098, and 3099, Apr. 12, 1960) (22 F.R. 4789, July 9, 1957) (23 F.R. 2322, Apr. 10, 1958) (23 F.R. 7646, Oct. 3, 1958) (24 F.R. 903, Feb. 6, 1959) (24 F.R. 3595, May 5, 1959) (24 F.R. 8056, Oct. 6, 1959) (22 F.R. 7835, Oct. 3, 1957) (25 F.R. 3322, Apr. 16, 1960) (24 F.R. 5639, July 14, 1959) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

(a) • • •

*Tanks made under specification BE-27 and mounted on a car, and classified as multi-unit tank cars prior to October 1, 1930, may be continued in service until further order of the Commission, provided they have been properly retested in accordance with the requirements for specification ICC-27 multi-unit tank cars, and are fitted with valves, valve protection devices, and safety devices of approved type.

• • • • • •

(g) • • •

(8) Retests of all tanks and safety valves must be certified by party making tests to owners of tank cars. Certifications must show initials and number of cars, pressure to which tested, date of test, place of test, and by whom test is made. Reports of latest retests must be retained by car owner until the next retest has been accomplished and recorded.

(9) • • •

TABLE 1.—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests [b] [i]			Safety valve retest years	Interior heater systems retest			Tank test psi	Safety valve psi [e]	Safety valve vapor tight psi—minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	Over 10 to 22 years	Over 22 years		Up to 10 years	Over 10 to 22 years	Over 22 years					
ICC-103		10	10	10	10	10	10	10	60	*35	28	10	20
ICC-103AL		10	5		(*)				60	*35	28	10	20
ICC-103AL-W		10	10	10	10	10	10	10	60	*35	28	10	20
ICC-103-W		10	10	10	10	10	10	10	60	*35	28	10	20
ICC-103A	(4)	5	3	1	2	5	3	1	60	*35	28	10	20
ICC-103A-AL-W	(* 4)	5	3	1	(*)	5	3	1	60	*35	28	10	20
ICC-103A-N-W	(* 4)	5	3	1	2	5	3	1	60	*35	28	10	20
ICC-103A-W	(4)	5	3	1	2	5	3	1	60	*35	28	10	20
ICC-103B	(f)	None	None	None	None	5	3	1	60	*35	28	10	20
ICC-103B-W	(f)	None	None	None	None	5	3	1	60	*35	28	10	20
ICC-103B100-W	(f)	None	None	None	None	5	3	1	60				
ICC-103C	(* 4)	5	3	1	(*)	5	3	1	100	75	60	10	
ICC-103C-AL		4	2	1	(*)				60	*45		10	20
ICC-103C-W	(* 4)	5	3	1	(*)				60	*60		10	20
ICC-103D-W	(* 4)	5	3	1	(*)	5	3	1	60	*35	28	10	20
ICC-103E-W	(* 4)	5	3	1	(*)	5	3	1	60	*35	28	10	20
ICC-104		10	10	10	10	10	10	10	60	*35	28	10	20
ICC-104-W		10	10	10	10	10	10	10	60	*35	28	10	20
ICC-105	(*)	10	10	10	5				500	225	180	30	20
ICC-105A100		10	10	10	5				100	75	60	10	20
ICC-105A100-AL-W		10	10	10	5				100	75	60	10	20
ICC-105A100-W		10	10	10	5				100	75	60	10	20
ICC-105A200-AL-W		10	10	10	5				200	150	120	10	20
ICC-105A200-W		10	10	10	5				200	150	120	10	20
ICC-105A300	(*)	10	10	10	5				300	225	180	30	20
ICC-105A300-AL-W		10	10	10	5				300	225	180	30	20
ICC-105A300-W	(* 1)	10	10	10	5				300	225	180	30	20
ICC-105A400	(*)	10	10	10	5				400	300	240	30	20
ICC-105A400-W	(*)	10	10	10	5				400	300	240	30	20
ICC-105A500	(b *)	10	10	10	5				500	375	300	30	20
ICC-105A500-W	(b *)	10	10	10	5				500	375	300	30	20
ICC-105A600	(b *)	10	10	10	5				600	450	360	30	20
ICC-105A600-W	(b *)	10	10	10	5				600	450	360	30	20
ICC-109A100AL-W		10	10	10	5				100	75	60	10	20
ICC-109A200AL-W		10	10	10	5				200	150	120	10	20
ICC-109A300AL-W		10	10	10	5				300	225	180	10	20
ICC-109A300-W		10	10	10	5				300	225	180	10	20
ICC-111A60AL-W		10	10	10	10	10	10	10	60	*35	28	10	20
ICC-111A100-F-1		10	10	10	10	10	10	10	100	*75	60	10	20
ICC-111A100-W-1		10	10	10	10	10	10	10	100	*75	60	10	20
ICC-111A100-W-2		10	10	10	10	10	10	10	100	*75	60	10	20
ICC-111A100-W-3		5	3	1	2	5	3	1	100	*75	60	10	20
ICC-111A100-W-4		10	10	10	10	10	10	10	100	*75	60	10	20
ICC-111A100-W-5	(f)	None	None	None	5	10	10	10	100	*75	60	10	20
ICC-111A100-W-6	(* 4)	5	3	1	(*)	5	3	1	100				
ICC-112A400-W	(*)	10	10	10	5				400	300	240	10	20
ICC-112A500-W		10	10	10	5				500	375	300	10	20
EMERG. USG-A, B&C									60	*25		10	20

* Tanks and safety valves in chlorine service must be retested every 2 years at any time during the calendar month the retest falls due. See § 73.314(a) Note 18.
[b] Special requirements for carbon dioxide—valves must be retested at pressure required for new construction.
[e] Safety valves indicated with * are set at specified pressure plus or minus 3 psi. All other valves must be open at a pressure not exceeding that specified.
[4] A commodity for which a tank is approved may be used for filling tank and dome when retesting tanks in service not over 10 years.
[f] Tanks must be retested before rubber lining is renewed or before being returned to service after any repairs requiring welding, riveting or calking of rivets.
[i] See § 73.31(a) note 11.
[k] Nickel clad tanks used in bromine service and lead-lined tanks need not be retested as prescribed in the table. Safety valves must be retested as prescribed herein.
[l] Glass or rubber-lined tanks are not subject to periodic retests. Safety valves must be retested as prescribed herein.
[j] Safety valves of tanks in bromine service must be retested every 2 years.
[*] Safety valve retest period is same as tank retest period.

TABLE 2—RETEST PERIODS AND PRESSURES

Classification	Tank retest (years [a] [b])	Safety valves (years [e])	Tank test			Safety valve (psi)	Safety valve vapor tight (psi)
			Holding time minimum (seconds)	Hydrostatic displacement test (psi)	Air test for leaks (psi)		
ICC-27 (*Add*)	5	2	30	500	100	375	300

TABLE 3—(AAR CLASSIFICATIONS) RETEST PERIODS AND PRESSURES

Classification	Tank retests			Safety valve retest years	Interior heater systems retest			Tank test psi.	Safety valve psi. [b]	Safety valve vapor tight psi.—minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
	Up to 10 years	Over 10 to 22 years	Over 22 years		Up to 10 years	Over 10 to 22 years	Over 22 years					
ARA-II			10	10			10	60	*25	20	10	20
ARA-II Acid [1]			1	None			1	60			10	20
ARA-II R.L.[2] [e]			None	None			1	60				
ARA-III			10	10			10	60	*25	20	10	20
ARA-III Acid [1]			1	None			1	60			10	20
ARA-III R.L.[2] [e]			None	None			1	60				
ARA-IV			10	10			10	60	*25	20	10	20
ARA-IVA			10	5				100	*35	28	20	20
ARA-V [e]			10	5				300	225	180	30	
AAR-201A35	10	10	10	10		10	10	35	*15	12	10	
AAR-203	10	10	10	10		10	10	60	*35	28	10	20
AAR-201A35-W	10	10	10	10		10	10	35	*15	12	10	
AAR-203-W	10	10	10	10		10	10	60	*35	28	10	20
AAR-205A300-W	10	10	10	5		10	10	300	225	180	30	
AAR-201A70-W	10	10	10	10				70	*35	28	10	
AAR-204-W [4]						10	10					

[1] Unlined acid tanks.
[2] Rubber-lined tanks.
* Tanks and safety valves in chlorine service must be retested every 2 years at any time during the calendar month the retest falls due. See § 73.314(a) Note 18.
[b] Safety valves indicated with * are set at specified pressure plus or minus 3 psi. All other valves must be open at a pressure not exceeding that specified.
[e] Tanks must be retested before rubber lining is renewed or before being returned to service after any repairs requiring welding, riveting or calking of rivets.
[4] Auxiliary safety devices to be retested every 5 years.

* * * * *

(j) When tanks are loaded and prior to shipping, the shipper must determine to the extent practicable, that the tank, safety appurtenances and fittings are in proper condition for the safe transportation of the lading. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during the entire time tanks are being loaded. After loading, tanks with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, or the outlet cap plugs open, must not be offered for transportation until proper repairs have been made. Tanks which show any dropping or leaking of liquid contents at seams or rivets, must not be offered for transportation until proper repairs have been made.

In § 73.34 amend paragraphs (a), (b)(1), (f)(2), and (h); amend the first line of the introductory text of paragraph (j); amend paragraphs (j)(2), (3), (k) table, (k) Exception 12 table only; add Exception 15 to paragraph (k); amend the introductory text of paragraph (m); amend paragraph (q) (15 F.R. 8282, 8283, 8284, and 8285, Dec. 2, 1950) (21 F.R. 7597, 7598, Oct. 4, 1956) (24 F.R. 903, Feb. 6, 1959) (24 F.R. 10110, Dec. 15, 1959) to read as follows:

§ 73.34 Qualification, maintenance, and use of cylinders.

(a) Cylinders in domestic use previous to the date upon which specifications therefor were first made effective may be used if the cylinders have been properly tested and otherwise comply with the requirements of paragraphs (c) to (k) of this section.

* * * * *

(b) * * *

(1) *Provided,* They are retested in accordance with paragraphs (j) and (k) of this section. This retest may be omitted only if the cylinder can be definitely identified as having been retested under these provisions within the prescribed retest period.

* * * * *

(f) * * *

(2) Safety relief devices are not required on cylinders charged with nonliquefied gas, except acetylene in solution, under pressure of 300 pounds per square inch or less at 70° F.

* * * * *

(h) Cylinders subjected to action of fire. A cylinder which has been subjected to the action of fire must not again be placed in service until it has been properly reconditioned by being reheat-treated and retested as specified in paragraph (i) of this section. Exceptions are as follows:

(1) A cylinder made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 percent manganese need not be reheat-treated but must pass the periodic retest requirements as specified in paragraphs (j) and (k) of this section.

(2) ICC–8 (§ 78.59 of this chapter) cylinders made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 percent manganese must be reinspected to determine the condition of the cylinder and the porous filling. If the cylinder is undamaged and the filler is unchanged and intact, the cylinder may be returned to service without reheat treatment or test.

(3) The inner cylinders made under specification ICC–4L (§ 78.57 of this chapter) may be used after again passing the original hydrostatic test.

(4) ICC–4E (§ 78.68 of this chapter) aluminum cylinders must be removed from service.

* * * * *

(j) Retest and reinspection of cylinders. * * *

(2) A cylinder must be condemned when it leaks, or when internal or external corrosion, denting, bulging, or evidence of rough usage exists to the extent that the cylinder is likely to be weakened appreciably or when the permanent expansion exceeds 10 percent of the total expansion, except that for ICC–4E (§ 78.68 of this chapter) aluminum cylinders, when the permanent expansion exceeds 12 percent of the total expansion. Except for ICC–4E (§ 78.68 of this chapter) aluminum cylinders, a cylinder condemned for excessive permanent expansion may be reheat-treated. (See paragraph (i) of this section.) ICC–4 (§ 78.48 of this chapter) series cylinders, condemned for other than excessive permanent expansion, may be repaired or rebuilt as prescribed in paragraphs (m), (n), (o), and (p) of this section.

(3) Records giving data showing the results of the tests made on all cylinders must be kept, and each cylinder passing the test must be marked with the date (month and year) plainly and permanently stamped into the metal of the cylinder. For example, 4–50 for April 1950. Dates of previous tests must not be obliterated. Records showing the results of reinspection and retest must be kept by the owner or his authorized agent until expiration of the retest period plus five years.

(k) * * *

Specification under which cylinders were made	Minimum retest pressure (pounds per square inch)
(*Change*)	
ICC-3R; ICC-3BN; ICC-4AA480; ICC-4B; ICC-4BA; ICC-4D; ICC-4DA; ICC-4E; ICC-26 marked for filling at 450 pounds and below.	2 times the service pressure. (See § 73.301 (g).)

• • • • • •

(12) • • •

Cylinders made in compliance with—	Used exclusively for—
ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4B, ICC-4BA, ICC-26-240[1] or ICC-26-300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
ICC-4, ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4A480, or ICC-4AA480.	Anhydrous ammonia of at least 99.95 percent purity.
ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4B300 or ICC-4BA300.	Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components.

• • • • • •

(15) The test pressure to be applied to a foreign cylinder charged for export shall be as marked on the cylinder, but not less than 5/3 of any service or working pressure marking.

• • • • • •

(m) Repairs on ICC–4 series (§ 78.48 of this chapter), and ICC–8 series (§ 78.59 of this chapter), welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of this type of ICC cylinder and by a process similar to that used in its manufacture and under the following specific requirements:

• • • • • •

(q) A cylinder must be condemned when it leaks, or when internal or external corrosion, denting, bulging, or evidence of rough usage exists to the extent that the cylinder is likely to be weakened appreciably. Condemned cylinders, ICC–4 (§ 78.48 of this chapter) series, and ICC–8 (§ 78.59 of this chapter) series may be repaired and rebuilt as prescribed in paragraphs (m), (n), (o), and (p) of this section.

Subpart B—Explosives; Definitions and Preparation

In § 73.88 amend paragraphs (a) and (f); add Note 3 to paragraph (f) (17 F.R. 1560, Feb. 20, 1952) (19 F.R. 8525, Dec. 14, 1954) to read as follows:

§ 73.88 Definition of class B explosives.

(a) Explosives, class B, are defined as those explosives which in general function by rapid combustion rather than detonation and include some explosive devices such as special fireworks, flash powders, some pyrotechnic signal devices and liquid or solid propellant explosives which include some smokeless powders. These explosives are further specifically described in paragraphs (b) to (g) of this section.

• • • • • •

(f) *Propellant explosives, class B.* Propellant explosives, class B, are solid or liquid chemicals or chemical mixtures which function by combustion. The combustion is controlled by composition, size, form of grain, or other chemical or mechanical means. Any propellant is class B which fails to detonate in five trials when tested (see Note 2) in the package in which it is offered for shipment. Propellant explosives, class B, include smokeless powder for small arms, smokeless powder for cannon, liquid monopropellant fuel (see Note 3), smokeless powder, or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined specifically in § 73.53.

(No change in Notes 1 and 2.)

• • • • • •

NOTE 3: A liquid monopropellant fuel is defined as any propellant in which the fuel and the oxidizer are physically or chemically combined in one form.

In § 73.93 amend the heading and introductory text of paragraph (a); amend paragraph (e) and redesignate it as paragraph (f); add paragraph (e); amend paragraph (f) (1) and redesignate entire paragraph (f) as paragraph (g) (19 F.R. 1277, Mar. 6, 1954) (19 F.R. 8526, Dec. 14, 1954) (22 F.R. 11030, Dec. 31, 1957) (15 F.R. 8295, Dec. 2, 1950) to read as follows:

§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, when offered for transportation by carriers by rail freight, highway, or water, must be packed in containers complying with the following specifications (see paragraphs (g) (1) and (2) of this section and § 75.675 of this chapter for shipments by rail express):

• • • • • •

(e) Propellant explosives (liquid), when offered for transportation by rail freight, highway, or water, must be packed in containers complying with the following specifications (see § 73.93(g) for shipments by rail express):

(1) Spec. 15A, 15B, or 15E (§ 78.168, 78.169, or 78.172 of this chapter). Wooden box or wooden box fiberboard lined, with inside polyethylene bottles having taped screw-cap closures, not over 1 gallon capacity each. Each bottle must be entirely contained within a polyethylene or other suitable plastic bag formed of material not less than 0.004 inch thickness, with ends securely closed. Each bottle in the plastic bag shall be enclosed in a tight metal container and be surrounded on all sides with at least 2 inches of incombustible cushioning material; cans in the outside box must likewise be cushioned from each other and sides, top, and bottom of the container.

(2) Spec. 5B, 6A, 6B, 6C, 6J; also 17C or 17H (single-trip containers) (§§ 78.82, 78.97, 78.98, 78.99, 78.100, 78.115 or 78.118 of this chapter). Metal barrel or drum, with inside spec. 2S (§ 78.35 of this chapter) polyethylene drum, packed inside a strong, tight metal drum securely closed, or with inside glass-lined aluminum carboy not over 12 gallons capacity. Inside steel drum or glass-lined aluminum carboy must be surrounded on all sides with at least 2 inches of incombustible absorbent cushioning material uniformly distributed. Polyethylene drums are authorized only for liquids that will not react dangerously with the plastic or result in container failure.

(f) Each outside container must be plainly marked "PROPELLANT EXPLOSIVES (LIQUID), CLASS B," "PROPELLANT EXPLOSIVES (SOLID), CLASS B," or "PROPELLANT EXPLOSIVES (SOLID), CLASS B, IN WATER," as the case may be. There may be added such additional marking as "Smokeless Powder for Cannon" or "Smokeless Powder for Small Arms," as the case may be.

(g) Propellant explosives when offered for transportation by rail express must be packed as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Solids in tightly closed metal cans or fiber containers, not exceeding 1 pound each, or in inside metal cans or fiber containers containing not more than one grain of propellant, not exceeding 5 pounds each, and liquids in polyethylene bottles compatible with contained liquid, with screw cap closures taped, not exceeding 1 pound or 16 fluid ounces capacity each, packed in outside wooden box, spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter), or outside fiberboard box, spec. 12B, 23P, or 23H (§§ 78.205, 78.214, or 78.219 of this chapter). Not more than 10 pounds of propellant explosives may be shipped in one outside container. Each outside container must be plainly marked "PROPELLANT EXPLOSIVES (LIQUID), CLASS B," or "PROPELLANT EXPLOSIVES (SOLID), CLASS B," as the case may be.

(2) Label: Each outside container of propellant explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

In § 73.101 add paragraph (f) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.101 Small-arms ammunition.

• • • • • •

(f) Shipments of small-arms ammunition, including broken lots which have lost their identity (lot number identification), may be shipped loosely packed in securely closed strong wooden boxes or metal boxes, in carload or truckload lots, when shipments are made by or for the Departments of the Army, Navy or Air Force of the United States Government to depots or manufacturing plants for reprocessing or demilitarization. Seriously deteriorated ammunition or ammunition damaged to the point of exposing incendiary or tracer composition, spillage of propellant powder, or ammunition with other hazardous defects must not be shipped. Each outside package must be plainly marked "SMALL-ARMS AMMUNITION."

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 add paragraphs (b) (8) and (9) (15 F.R. 8299, Dec. 2, 1950) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

• • • • • •

(b) • • •

(8) Spec. 6J or 37A (single-trip container) (§ 78.100 or 78.131 of this chapter). Steel barrel or drum with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container. Gross weight restriction indicated by the gross weight embossment on the barrel or drum shall be waived. Authorized only for materials that will not react with polyethylene and result in container failure.

(9) Spec. 21B (§ 78.223 of this chapter). Fiber drum with inside spec. 2S or 2SL (§§ 78.35 or 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure. (See § 78.223–2(a)(1) of this chapter.)

In § 73.125 amend paragraph (a) (7) (25 F.R. 3100, April 12, 1960) to read as follows:

§ 73.125 Alcohol.

(a) • • •

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside specification 2U (§ 78.24 of this chapter) polyethylene container not over 5 gallons capacity. Wire staples are not authorized for assembly or closure of box.

In § 73.134 add paragraph (a) (5) (24 F.R. 904, Feb. 6, 1959) to read as follows:

§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof.

(a) • • •

(5) Spec. 37A (§ 78.131 of this chapter). Metal drum (single-trip) not over 5 gallons capacity each, with inside metal cans not over 1 gallon capacity each constructed of not less than 28-gauge electro-coated tin plate. Inside containers shall have no opening exceeding 1 inch diameter and shall be closed with air-tight soldered screw cap closures. Inside containers must be surrounded on all sides with incombustible cushioning material. Authorized only for pyroforic fuel mixed with solvent.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.158 amend the heading and introductory text of paragraph (a); amend paragraph (a) (2) (22 F.R. 11031, Dec. 31, 1957) (21 F.R. 7600, Oct. 4, 1956) to read as follows:

§ 73.158 Benzoyl peroxide, dry, cyclohexanone peroxide, dry, over 50 percent concentration, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para) dry, or succinic acid peroxide, dry.

(a) Benzoyl peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, cyclohexanone peroxide, dry, over 50 percent concentration chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry, may be shipped when packed in specification containers as follows:

• • • • • •

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drum, net weight not over 100 pounds, authorized only for cyclohexanone peroxide dry, over 50 percent concentration and lauroyl peroxide, dry.

In § 73.184 amend paragraph (b) (15 F.R. 8308, Dec. 2, 1950) to read as follows:

§ 73.184 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.

• • • • • •

(b) Gross weight of any container must not exceed 480 pounds.

In § 73.190 add paragraph (c) (3) (15 F.R. 8309, Dec. 2, 1950) to read as follows:

§ 73.190 Phosphorus, white or yellow.

• • • • • •

(c) • • •

(3) Spec. 29 (§ 78.226 of this chapter). Mailing tube having a water-tight rigid polyethylene container in which is placed a quartz tube containing not more than 40 grams of phosphorus sealed under nitrogen with the remaining space in the polyethylene container filled with water. The polyethylene container shall be cushioned within the mailing tube with incompustible cushioning material.

In § 73.194 cancel paragraph (a) (2) and add new paragraph (a) (2) (20 F.R. 4415, June 23, 1955) to read as follows:

§ 73.194 Potassium permanganate.

(a) • • •

(2) In bulk in sift-proof, self-clearing, covered hopper or bottom outlet steel cars or in sift-proof all steel flat bottom gondola cars with fixed sides and ends equipped with water-proof and dust-proof wooden or steel covers well secured in place for all openings, or in bulk in motor vehicles with steel, sift-proof, self-clearing hopper-type or dump-type bodies, with water-proof and dust-proof covers, well secured in place. Such cars, when used exclusively in this service and stencilled "FOR POTASSIUM PERMANGANATE ONLY," are not subject to the requirements of § 74.566(b) of this chapter.

In § 73.206 add paragraph (b) (2); amend paragraph (d) (1) (15 F.R. 8310, Dec. 2, 1950) (20 F.R. 4416, June 23, 1955) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.

• • • • • •

(b) • • •

(2) Spec. 17H (§ 78.118 of this chapter). Metal drum (single-trip). Authorized only for lithium metal in the form of cups or ingots.

• • • • • •

(d) • • •

(1) In inside hermetically sealed metal cartridges not exceeding 18 grams net weight each, packed in strong outside containers with net weight of lithium metal not exceeding one pound; which outside containers may be overpacked in strong wooden boxes or fiber drums, provided total net weight of lithium metal in one outside container does not exceed one pound.

In § 73.207 amend paragraph (e) (25 F.R. 3101, April 12, 1960) to read as follows:

§ 73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.

• • • • • •

(e) Sodium sulfide containing 35 percent or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken), when packed in steel barrels or drums or portable metal tanks that are equipped with moisture-tight closures, or in strong tight fiber drums having a moisture-barrier incorporated in the walls and equipped with moisture-tight closures, is not subject to Parts 71–78 and 197 of this chapter. Portable tanks filled to gross weight to be shipped must be capable of withstanding a drop from a height of 4 feet onto solid concrete without rupture or serious damage, and must be equipped with lifting devices capable of holding 4 times the gross weight of filled tank.

In § 73.221 amend paragraph (a) (3), (6), and (9) (25 F.R. 3101, Apr. 12, 1960) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s., other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.

(a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside containers which must be glass, earthenware, polyethylene bottles, or metal, not over 1 gallon each. Not more than six 1-gallon polyethylene bottles; or not more than one 1-gallon glass, earthenware, or metal inside container, which must be cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container, shall be packed in one outside

fiberboard box. Metal and polyethylene inside containers authorized only for material which will not react dangerously with or be decomposed by contact with metal or polyethylene.

• • • • • •

(6) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Authorized only for material which will not react dangerously with or cause decomposition of the polyethylene.

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside specification 2U (§ 78.24 of this chapter) polyethylene container not over 5 gallons capacity. Wire staples are not authorized for assembly or closure of box.

In § 73.223 amend paragraph (a)(3); add paragraph (a)(4) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.223 Peracetic acid.

(a) • • •

(3) Spec. 1D (§ 78.4 of this chapter). Boxed glass carboy.

(4) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

In § 73.230 add paragraph (a)(2) (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.230 Sodium, metallic, dispersion in organic solvent.

(a) • • •

(2) Spec. 17H (§ 78.118 of this chapter). Metal drum (single-trip) of not over 55 gallons capacity, with material contained in an inside spec. 17E (§ 78.116 of this chapter) metal drum (single-trip) of not over 30 gallons capacity. The inside drum shall be snugly packed in the outside drum by completely and evenly surrounding it with incombustible dry nonhygroscopic material which is nonreactive with sodium at temperatures encountered during normal transportation.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.245 amend paragraphs (a)(13), (16), (20), (21), and (22); add paragraph (a)(24) (18 F.R. 3135, June 2, 1953) (21 F.R. 671, Jan. 31, 1956) (23 F.R. 7648, Oct. 3, 1958) (25 F.R. 3101, April 12, 1960) (15 F.R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) • • •

(13) Spec. 15P or 22C (§ 78.182 or 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with spec. 2T (§ 78.21 of this chapter) polyethylene container.

• • • • • •

(16) Spec. 5B, 6J, or 37A (single-trip container) (§§ 78.82, 78.100 or 78.131 of this chapter). Steel barrel or drum with inside spec. 2S or 2SL (§§ 78.35 or 78.35a of this chapter) polyethylene container. Spec. 37A drum shall be constructed of at least 24-gauge steel for capacities over 5 gallons. Gross weight restriction indicated by the gross weight embossment on spec. 6J or 37A drum shall be waived.

• • • • • •

(20) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T, 2TL, 2S, or 2SL (§§ 78.21, 78.27, 78.35, or 78.35a of this chapter) polyethylene container.

(21) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside specification 2U (§ 78.24 of this chapter) polyethylene container not over 5 gallons capacity. Wire staples are not authorized for assembly or closure of box.

(22) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

• • • • • •

(24) Spec. 21B (§ 78.223 of this chapter). Fiber drum with inside spec. 2S or 2SL (§§ 78.35 or 78.35a of this chapter) polyethylene container. (See § 78.233–2(a)(1) of this chapter.)

In § 73.256 amend paragraph (a)(4) (25 F.R. 3101, April 12, 1960) to read as follows:

§ 73.256 Compounds, cleaning, liquid.

(a) • • •

(4) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

In § 73.262 amend paragraphs (a)(1) and (b)(1); add paragraphs (a)(9) and (10) (21 F.R. 672, Jan. 31, 1956) (21 F.R. 7601, Oct. 4, 1956) (15 F.R. 8316, Dec. 2, 1950) to read as follows:

§ 73.262 Hydrobromic acid.

(a) • • •

(1) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4, or 78.7 of this chapter). Carboy in box, keg, or plywood drum.

• • • • • •

(9) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(10) Spec. 6J (§ 78.100 of this chapter). Steel drum with inside spec. 2S (§ 78.35 of this chapter) polyethylene container.

(b) • • •

(1) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with spec. 2T (§ 78.21 of this chapter) polyethylene container.

In § 73.263 amend paragraphs (a)(13), (17), (19), (20), (22), (23), and (24); add paragraph (a)(25) (21 F.R. 672, Jan. 31, 1956) (23 F.R. 2326, April 10, 1958) (23 F.R. 4029, June 10, 1958) (25 F.R. 3101, April 12, 1960) (15 F.R. 8317, Dec. 2, 1950) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) • • •

(13) Spec. 1H, 15P, or 22C (§§ 78.13, 78.182, or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T or spec. 2TL (§§ 78.21 or 78.27 of this chapter) polyethylene container.

• • • • • •

(17) Spec. 5B, 6J, or 37A (single-trip container) (§§ 78.82, 78.100, or 78.131 of this chapter). Steel barrel or drum with inside spec. 2S or 2SL (§§ 78.35 or 78.35a of this chapter) polyethylene container. Spec. 37A drum shall be constructed of at least 24-gauge steel for capacities over 5 gallons. Gross weight restrictions indicated by the gross weight embossment on spec. 6J and 37A drums shall be waived.

• • • • • •

(19) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T, 2TL, 2S, or 2SL (§§ 78.21, 78.27, 78.35, or 78.35a of this chapter) polyethylene container.

(20) Spec. 37A (§ 78.131 of this chapter). Metal drum (single-trip) with inside polyethylene container, spec. 2T or 2TL (§§ 78.21 or 78.27 of this chapter). Removable head of steel drum may have holes of suitable size to provide for protruding neck and closure of inner container.

• • • • • •

(22) Spec. 21B (§ 78.223 of this chapter). Fiber drum with inside spec. 2T, 2S or 2SL (§§ 78.21, 78.35 or 78.35a of this chapter) polyethylene container (see § 78.223–2(a)(1) of this chapter). Authorized only for acid not over 30 percent strength.

(23) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside specification 2U (§ 78.24 of this chapter) polyethylene container not over 5 gallons capacity. Wire staples are not authorized for assembly or closure of box.

(24) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(25) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(b), with inside spec. 2TL (§ 78.27 of this chapter) polyethylene container not over 5 gallon nominal capacity.

In § 73.264 amend paragraphs (a)(3), (16), and (17); add paragraph (a)(18) (23 F.R. 2326, April 10, 1958) (22 F.R. 3925, June 5, 1957) (15 F.R. 8317, Dec. 2, 1950) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) • • •

(3) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Authorized for hydrofluoric acid not over 70 percent strength.

• • • • • •

(16) Spec. 15P or 22C (§§ 78.182 or 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Authorized for acid not over 70 percent strength.

(17) Spec. 6J (§ 78.100 of this chapter). Steel barrel or drum having inside spec. 2S or 2SL (§§ 78.35 or 78.35a of this chapter) polyethylene container. Authorized for acid not over 70 percent strength. Gross weight restriction indicated by gross weight embossment on the steel barrel or drum shall be waived.

(18) Spec. 5B or 37A (single-trip container) (§§ 78.82 or 78.131 of this chapter). Steel barrel or drum with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Spec. 37A drum of over 15 gallons capacity must be constructed of at least 20-gauge steel. Authorized for acid not over 70 percent strength.

In § 73.265 amend paragraphs (a)(4), (d)(2), and (3); add paragraph (d)(5) (25 F.R. 3101, April 12, 1960) (18 F.R. 3135, June 2, 1953) (21 F.R. 672, Jan. 31, 1956) (15 F.R. 8318, Dec. 2, 1950) to read as follows:

§ 73.265 Hydrofluosilicic acid.

(a) • • •

(4) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

• • • • • •

(d) • • •

(2) Spec. 15P or 22C (§§ 78.182 or 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

(3) Spec. 6J or 37A (single-trip container) (§ 78.100 or § 78.131 of this chapter). Steel barrel or drum with inside spec. 2S or 2SL (§§ 78.35 or 78.35a of this chapter) polyethylene container. Spec. 37A drum shall be constructed of at least 20-gauge steel and shall not exceed 16 gallons capacity each. Gross weight restriction indicated by gross weight embossment on drum shall be waived.

• • • • • •

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drum with inside spec. 2S or 2SL (§§ 78.35 or 78.35a of this chapter) polyethylene container. (See § 78.223–2(a)(1) of this chapter.)

In § 73.266 amend paragraph (c)(5); add paragraph (c)(10) (21 F.R. 4432, June 23, 1956) (15 F.R. 8318, Dec. 2, 1950) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

• • • • • •

(c) • • •

(5) Spec. 1H, 15P, or 22C (§§ 78.13, 78.182 or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

• • • • • •

(10) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T or 2TL (§§ 78.21 or 78.27 of this chapter) polyethylene container.

In § 73.272 amend paragraphs (f)(2), (3), (4), (7), and (8) (22 F.R. 3925, June 5, 1957) (23 F.R. 4029, June 10, 1958) (23 F.R. 2326, April 10, 1958) (25 F.R. 3102, April 12, 1960) to read as follows:

§ 73.272 Sulfuric acid.

• • • • • •

(f) • • •

(2) Spec. 1H, 15P, or 22C (§ 78.13, 78.182, or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T or 2TL (§ 78.21 or 78.27 of this chapter) polyethylene container.

(3) Spec. 5B, 6J, or 37A (single-trip) (§ 78.82, 78.100, or 78.131 of this chapter). Steel barrel or drum with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Steel barrel or drum of 55-gallon capacity when used for sulfuric acid of 93 percent or greater concentration shall be constructed of at least 16-gauge steel throughout. Gross weight restriction indicated by the gross weight embossment on spec. 6J and 37A steel barrels or drums shall be waived.

(4) Spec. 16D (§ 78.187 of this chapter). Wirebound wooden overwrap, with inside spec. 2T, 2TL, 2S, or 2SL (§ 78.21, 78.27, 78.35, or 78.35a of this chapter), polyethylene container.

• • • • • •

(7) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside specification 2U (§ 78.24 of this chapter) polyethylene container not over 5 gallons capacity. Wire staples are not authorized for assembly or closure of box.

In § 73.275 amend paragraph (a)(3) (20 F.R. 951, Feb. 15, 1955) to read as follows:

§ 73.275 Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof.

(a) • • •

(3) Spec. 22C (§ 78.198 of this chapter). Plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

In § 73.277 amend paragraphs (a)(3) and (5); add paragraph (d)(1) (22 F.R. 3925, June 5, 1957) (25 F.R. 3102, April 12, 1960) (21 F.R. 366, Jan. 19, 1956) to read as follows:

§ 73.277 Hypochlorite solutions.

(a) • • •

(3) Spec. 1H, 15P, or 22C (§§ 78.13, 78.182, or 78.198 of this chapter). Metal crate with inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container. Spec. 15P glued plywood or wooden box may contain spec. 2S (§ 78.35 of this chapter) polyethylene drum. Authorized for not over 16 percent sodium hypochlorite solution only.

• • • • • •

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside specification 2U (§ 78.24 of this chapter) polyethylene container not over 5 gallons capacity. Wire staples are not authorized for assembly or closure of box.

• • • • • •

(d) • • •

(1) Polyethylene pouches not over 2½ ounces capacity each, heat sealed, and formed of polyethylene, or other suitable plastic, not less than .0035 inch in thickness to which shall be laminated a .0015 inch, 25-pound basis weight white sulphate paper, when securely packed not more than 144 pouches in a strong fiberboard box (absorbent cushioning material not required), are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

In § 73.289 amend paragraph (a)(10) (21 F.R. 9357, Nov. 30, 1956) to read as follows:

§ 73.289 Formic acid and formic acid solutions.

(a) • • •

(10) Spec. 1H (§ 78.13 of this chapter). Metal crate with inside polyethylene carboy.

• • • • • •

In § 73.294 amend paragraph (a)(3) (21 F.R. 9357, Nov. 30, 1956) to read as follows:

§ 73.294 Monochloroacetic acid, liquid.

(a) • • •

(3) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor

vehicle. Tank to be fabricated from 99 percent pure nickel plates, Type 316 stainless steel, or be suitably lined.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.312 add paragraph (a)(8) (15 F.R. 8327, Dec. 2, 1950) to read as follows:

§ 73.312 Liquefied petroleum gas.

(a) • • •

(8) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Authorized for liquefied petroleum gas with a gas pressure not over 26 pounds per square inch gauge at 70° F. and 84 pounds per square inch gauge at 130° F. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

In § 73.314 amend paragraph (a) Table (22 F.R. 2227, April 4, 1957) (23 F.R. 2327, April 10, 1958) (24 F.R. 10111, Dec. 15, 1959) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum Permitted filling density, Note 1	Required type of tank car, Note 2
(Change)		
Dichlorodifluoromethane (Note 19)	119	ICC–106A500, 106A500X, 110A500–W, Note 12.
	125	ICC–105A300–W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (Note 19).	Note 6	ICC–106A500, 106A500X, 110A500–W, Note 12. ICC–105A300–W.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture (Note 19).	119	ICC–106A500, 106A500X, 110A500–W, Note 12.
	125	ICC–105A300–W.
Dichlorodifluoromethane - monochlorodifluoromethane mixture (Note 19).	119	ICC–106A500, 106A500X, 110A500–W, Note 12.
	125	ICC–105A300–W.
Dichlorodifluoromethane - monofluorotrichloromethane mixture (Note 19).	Note 16	ICC–106A500, 106A500X, 110A500–W, Note 12. ICC–105A300–W.
Dichlorodifluoromethane-trichloromonofluoromethane - monochlorodifluoromethane mixture (Note 19).	119	ICC–106A500, 106A500X, 110A500–W, Note 12.
	125	ICC–105A300–W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture (Note 19).	119	ICC–106A500, 106A500X, 110A500–W, Note 12.
	125	ICC–105A300–W.
Difluoroethane (Note 19)	79	ICC–106A500, 106A500X, 110A500–W, Note 12.
	84	ICC–105A300–W.
Difluoromonochloroethane (Note 19)	100	ICC–106A500, 106A500X, 110A500–W, Note 12.
Dispersant gas, n.o.s.	Note 16	ICC–106A500, 106A500X, 110A500–W, Note 12. ICC–105A300–W.
Monochlorodifluoromethane (Note 19)	105	ICC–106A500, 106A500X, 110A500–W, Note 12.
	110	ICC–105A300–W.
Monochlorotetrafluoroethane (Note 19)	125	ICC–106A500, 106A500X, 110A500–W, Note 12.
Refrigerant gas, n.o.s.	Note 16	ICC–106A500, 106A500X, 110A500–W, Note 12. ICC–105A300–W.
(Add)		
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.).	Note 3	ICC–112A400–W, Notes 5 and 6.

In § 73.315 amend paragraphs (h) Table, (i)(2) Table, and (j)(2) (15 F.R. 8330, 8331, Dec. 2, 1950) (21 F.R. 3012, May 5, 1956) (23 F.R. 2328, Apr. 10, 1958) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

• • • • • •

(h) • • •

Kind of gas	Permitted gauging device
(Add)	
Difluoroethane	None.

• • • • • •

(i) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (psig)
(Add)	
Difluoroethane	180.

• • • • • •

(j) • • •

(2) Each container shall be equipped with safety devices in compliance with the requirements for safety devices on containers as specified in National Fire Protection Association Pamphlet No. 58, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1959 edition.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.332 amend paragraph (d) (24 F.R. 5641, June 14, 1959) to read as follows:

§ 73.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.

• • • • • •

(d) Spec. 105A500–W or 105A600–W (§§ 78.288 or 78.289 of this chapter). Tank car. Tank must be restenciled 105A300–W (§ 78.286 of this chapter) and be equipped with safety valves of the type and size used on 105A300–W (§ 78.286 of this chapter) tank car. Tank car tank must be equipped with approved dome fittings and safety devices, and with cork insulation at least 4 inches in thickness. Tank must be stenciled on both sides in letters not less than 2 inches high "HYDROCYANIC ACID ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of hydrocyanic acid. The maximum permitted filling density is 63 percent of the water capacity of the tank.

In § 73.345 add paragraph (b)(16) (15 F.R. 8334, Dec. 2, 1950) to read as follows:

§ 73.345 Exemptions for poisonous liquids, class B.

• • • • • •

(b) • • •

(16) Organic phosphate compound, liquid, n.o.s., and organic phosphate compound mixtures, liquid, n.o.s., containing more than 25 percent by weight of organic phosphate compound classed as poisonous, class B.

In § 73.346 amend paragraphs (a)(18), (24), and (25) (23 F.R. 2328, Apr. 10, 1958) (25 F.R. 3102, Apr. 12, 1960) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(18) Spec. 15P or 22C (§ 78.182 or § 78.198 of this chapter). Glued plywood or wooden box, or plywood drum as prescribed by § 78.198–2(a) of this chapter, with inside spec. 2T (§ 78.21 of this chapter) polyethylene container.

• • • • • •

(24) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with inside specification 2U (§ 78.24 of this chapter) polyethylene container not over 5 gallons capacity. Wire staples are not authorized for assembly or closure of box.

(25) Spec. 16A (§ 78.185 of this chapter). Wirebound wooden box (see § 78.185–22 of this chapter) with inside specification 2U (§ 78.24 of this chapter) polyethylene container. The polyethylene container shall be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

In § 73.354 amend paragraph (a)(4) (21 F.R. 7603, Oct. 4, 1956) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) • • •

(4) Spec. 105A300–W (§ 78.286 of this chapter). Tank car. Stenciled on both sides of the tank "FOR MOTOR FUEL ANTIKNOCK COMPOUND ONLY." Tank car not authorized for tetraethyl lead. Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner.

In § 73.358 amend the heading and the introductory text of paragraph (a) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid must be packed in specification containers as follows:

In § 73.359 amend the heading and the introductory text of paragraph (a); amend the introductory text of paragraph (b); amend paragraph (c) (17 F.R. 4295, May 10, 1952) (21 F.R. 367, Jan. 19, 1956) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 50 percent hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

• • • • • •

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing more than 50 percent hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, must be packed in specification containers as follows:

• • • • • •

(c) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25 percent hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, in inside metal containers not over 8-fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

Amend § 73.362a in its entirety (23 F.R. 4030, June 10, 1958) to read as follows:

§ 73.362a Dinitrophenol solutions.

(a) Dinitrophenol solutions must be packed in specification containers as follows:

(1) In containers prescribed in § 73.346.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard box with glass, earthenware, or metal inside containers not over 1 gallon capacity each; not to contain more than 4 inside glass or earthenware containers if their capacity is greater than 5 pints each.

In § 73.364 amend the introductory text of paragraph (a) (24 F.R. 3598, May 5, 1959) to read as follows:

§ 73.364 Exemptions for poisonous solids, class B.

(a) Poisonous solids, class B, except beryllium metal powder; cyanides, other than as specified in § 73.370(b) and (d); cyanogen bromide, hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, other than as specified in § 73.377(f); in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

In § 73.368 amend the heading (23 F.R. 4031, June 10, 1958) to read as follows:

§ 73.368 Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts; also arsenic trioxide, calcium arsenate, and sodium arsenate.

(No change in paragraph (a).)

In § 73.377 amend the heading and introductory text of paragraph (a); amend the introductory text of paragraph (b); amend paragraph (f); amend the introductory text of paragraphs (g) and (h) (21 F.R. 3012, 3013, May 5, 1956) (22 F.R. 2228, April 4, 1957) to read as follows:

§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

(a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

• • • • • •

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

• • • • • •

(f) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • • •

(g) Dry mixtures containing more than 2 percent but not exceeding 15 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

• • • • • •

(h) Dry mixtures containing more than 2 percent but not exceeding 5 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a), (b), and (g) of this section, may be packed in specification containers as follows:

In § 73.392 amend paragraph (c) (22 F.R. 11032, Dec. 31, 1957) to read as follows:

§ 73.392 Exemptions for radioactive materials.

• • • • • •

(c) Radioactive materials such as ores, residues, salts of natural uranium and thorium, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipments in carload lots by rail freight only, provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per

hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541(b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor or his duly authorized agent and unloaded by consignee or his duly authorized agent.

In § 73.393 amend paragraph (k) (15 F.R. 8340, Dec. 2, 1950) to read as follows:

§ 73.393 Packing and shielding.

• • • • •

(k) In determining compliance with requirements of paragraphs (e), (g), (h), and (j) of this section, measurements of radiation must be made with a Landsverk Electrometer Model L–75 or equally efficient standardized meter.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart D—Unloading From Cars

In § 74.566 amend paragraph (b) (18 F.R. 3138, June 2, 1953) to read as follows:

§ 74.566 Cleaning cars.

• • • • •

(b) After unloading poisons or potassium permanganate from steel hopper cars or other cars, cars must be thoroughly flushed out with water except that cars used exclusively in this service under the provisions of §§ 73.194(a)(3) and 73.368(a) of this chapter shall not be subject to this requirement.

Subpart E—Handling by Carriers by Rail Freight

In § 74.589 amend paragraphs (j) (1), (2), (4), (1), and (10); cancel paragraph (j)(12) (15 F.R. 8356, Dec. 2, 1950) (16 F.R. 5327, June 6, 1951) to read as follows:

§ 74.589 Handling cars.

• • • • •

(j) • • •

(1) Occupied passenger car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(2) Occupied combination car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

• • • • •

(4) Engine or occupied caboose (except when train consists only of placarded loaded tank cars).

• • • • •

(7) Loaded flat car, other than specially equipped cars in trailer-on-flat-car service or flat cars loaded with trucks or trailer bodies which are secured by means of a device designed and permanently installed for that purpose and of a type generally accepted for handling in interchange between railroads. (Note: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.)

• • • • •

(10) Car containing lighted heaters, stoves, or lanterns, except when occupied by gas handlers or authorized personnel accompanying shipment.

• • • • •

(12) Canceled.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart A—Specifications for Carboys, Jugs in Tubs, and Rubber Drums

Cancel § 78.10 in its entirety (17 F.R. 7283, Aug. 9, 1952) (22 F.R. 7840, Oct. 3, 1957) (23 F.R. 7650, Oct. 3, 1958) (24 F.R. 10112, Dec. 15, 1959).

Cancel § 78.11 in its entirety (18 F.R. 805, Feb. 7, 1953) (18 F.R. 5274, Sept. 1, 1953) (19 F.R. 1281, Mar. 6, 1954) (24 F.R. 10112, Dec. 15, 1959).

In § 78.13–2 amend paragraph (a) (21 F.R. 674, Jan. 31, 1956) to read as follows:

§ 78.13 Specification 1H; polyethylene carboys in low carbon steel or other equally efficient metal crates.

§ 78.13–2 Capacity and marking of carboy.

(a) Containers 5 to 13 gallons capacity are classed as carboys. Actual capacity must be marked capacity plus 5 percent minimum. Must be permanently marked to indicate marked capacity, maker (symbols, if used, must be registered with the Bureau of Explosives), month and year of manufacture, and ICC–2T in figures and letters at least ¼ inch high.

Subpart B—Specifications for Inside Containers, and Linings

In § 78.21 amend entire section (23 F.R. 2329, April 10, 1958) (23 F.R. 7650, Oct. 3, 1958) (24 F.R. 10112, Dec. 15, 1959) to read as follows:

§ 78.21 Specification 2T; polyethylene container.

§ 78.21–1 Compliance.

(a) Required in all details.

§ 78.21–2 Capacity and marking of container.

(a) Containers 5 to 13 gallons capacity are covered by this specification. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate marked capacity, maker (symbols, if used, must be registered with the Bureau of Explosives), month and year of manufacture, and ICC–2T in figures and letters at least ¼ inch high.

§ 78.21–3 Polyethylene container.

(a) Containers shall be made of polyethylene with no plasticisers or additives and have a maximum melt index value of 2.5 grams per 10 minutes as determined in accordance with method acceptable to the Bureau of Explosives. Container must have a minimum weight and wall thickness in accordance with the following table:

Marked capacity not over (gallons)	Minimum wall thickness (inches)	Minimum weight of containers (pounds)
5	0.0625	3
6½	.0625	4
13	.0625	8

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage and not over 3½ inches in diameter.

(c) Tests. Samples taken at random, empty or filled, and prepared as specified and closed as for use, shall be capable of withstanding the following tests without breakage or leakage:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete, immediately after conditioning for at least 24 hours at 0° F.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part considered weaker.

(3) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

Add § 78.27 (15 F.R. 8380, Dec. 2, 1950) to read as follows:

§ 78.27 Specification 2TL; polyethylene container.

§ 78.27–1 Material requirements.

(a) Container shall be made of polyethylene and shall have the following properties (see Note 1):

Melt index	2.6 maximum.
Density	0.910–0.925.
Tensile strength	1500 pounds per square inch minimum.
Percent elongation	400 percent minimum.

NOTE 1: Properties to be obtained by a test method approved by the Bureau of Explosives. Other materials may be added which shall not affect the properties specified in paragraph (a) of this section.

§ 78.27–2 Construction, capacity and marking.

(a) Container must be constructed in accordance with the following table:

Marked capacity[1] not over (gallons)	Minimum wall thickness (inches)	Minimum weight of containers (pounds)
5	0.015	1
14	.050	5½

[1] Actual capacity must be the marked capacity plus 5 percent minimum.

(b) Closure: Closure shall be of material resistant to lading and adequate to prevent leakage. Vented closures where specified under Part 73 of this chapter authorized. No opening over 3½ inches in diameter authorized.

(c) Marking: Each container must be permanently marked to show the rated (marked) capacity, month and year of manufacture, maker (symbols, if used, must be registered with the Bureau of Explosives) and ICC–2TL in figures and letters at least ¼ inch in size.

(d) Polyethylene container must fit snugly in outside container.

§ 78.27–3 Type test.

(a) Samples taken at random shall withstand prescribed test without breakage. Test shall be made on each type and size at each manufacturing location starting production and shall be repeated every four months. The type test is as follows:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete, immediately after conditioning for at least 24 hours at 0° F.

§ 78.27–4 Tests.

(a) Samples taken at random, filled and prepared as specified and closed as for use, shall be capable of withstanding the following tests without leakage:

(1) The polyethylene container in a prescribed outer specification container as authorized by Part 73 of this chapter, filled to 98 percent capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or on any part considered weaker.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

Amend entire § 78.35 (21 F.R. 675, Jan. 31, 1956) (23 F.R. 7650, Oct. 3, 1958) (24 F.R. 3599, May 5, 1959) to read as follows:

§ 78.35 Specification 2S; polyethylene container.

Removable head container not authorized.

§ 78.35–1 Compliance.

(a) Required in all details.

§ 78.35–2 Material requirements.

(a) Container shall be made of polyethylene and shall have the following properties (see Note 1):

Melt index	2.6 maximum.
Density	0.910–0.925.
Tensile strength	1,500 pounds per square inch minimum.
Percent elongation	400 percent minimum.

NOTE 1: Properties to be obtained by a test method approved by the Bureau of Explosives. Other materials may be added which shall not affect the properties.

§ 78.35–3 Construction, capacity and marking.

(a) Container must be constructed in accordance with the following table:

Marked capacity not over (gallons)[1]	Maximum capacity (gallons)	Minimum thickness—side wall and heads (inches)[2]	Minimum weight (pounds)
5	6	0.0625	1.4
13.5	14.5	.0625	3.25
15	16	.0625	3.5
29	30	.0625	5.5
53	54	.0625	9

[1] Marked capacity shall be minimum capacity.
[2] Side openings are not authorized.

(b) Marking. Each container must be permanently marked to show minimum capacity, month and year of manufacture, maker (symbols, if used, must be registered with the Bureau of Explosives) and ICC–2S in figures and letters at least ¼ inch in size.

(c) Polyethylene container must fit snugly in outside container.

§ 78.35–4 Closures.

(a) Closing devices must be of screw thread type or fastened by positive means and be of material resistant to the lading and adequate to prevent leakage.

(b) Openings over 2.3 inches in diameter not permitted.

§ 78.35–5 Tests.

(a) Samples taken at random, empty or filled, and prepared as specified and closed as for use, shall be capable of withstanding the following tests without breakage or leakage:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete, immediately after conditioning for at least 24 hours at 0° F.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part considered weaker.

(3) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

Add entire § 78.35a (15 F.R. 8381, Dec. 2, 1950) to read as follows:

§ 78.35a Specification 2SL; molded or thermoformed polyethylene container.

Removable head container or container fabricated from film not authorized.

§ 78.35a–1 Material requirements.

(a) Container shall be made of polyethylene and have the following properties (see Note 1):

Melt index	2.6 maximum.
Density	0.910–0.925.
Tensile strength	1,500 pounds per square inch minimum.
Percent elongation	400 percent minimum.

NOTE 1: Properties to be obtained by a test method approved by the Bureau of Explosives. Other materials may be added which shall not affect the properties of this section.

§ 78.35a–2 Construction, capacity and marking.

(a) Container must be constructed in accordance with the following table:

Marked capacity not over (gallons)[1]	Maximum capacity (gallons)	Minimum thickness—side wall and heads (inches)[2]	Minimum weight (pounds)
13.5	14.5	0.030	2
15	16	.030	2.25
29	30.5	.030	2.25
53	54.5	.040	5

[1] Marked (actual) capacity shall be minimum capacity.
[2] Side openings are not authorized.

(b) Closure: Closure shall be of material resistant to lading and adequate to prevent leakage. Vented closures where specified under Part 73 of this chapter are authorized. No opening over 2.3 inches in diameter authorized.

(c) Markings: Each container must be permanently marked to show minimum capacity, month and year of manufacture, maker (symbols, if used, must be registered with the Bureau of Explosives) and ICC–2SL in figures and letters at least ¼ inch in size.

(d) Polyethylene container must fit snugly in outside container.

§ 78.35a–3 Type test.

(a) Samples taken at random shall withstand prescribed test without breakage. Test shall be made on each type and size at each manufacturing location starting production and shall be repeated every four months. The type test is as follows:

(1) Empty container shall be dropped on any part from a height of 6 feet onto solid concrete immediately after conditioning for at least 24 hours at 0° F.

§ 78.35a–4 Tests.

(a) Samples taken at random, filled and prepared as specified and closed as for use, shall be capable of withstanding the following tests without leakage:

(1) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part considered weaker.

(2) The polyethylene container in a prescribed outer specification container, as authorized by Part 73 of this chapter, filled to 98 percent of capacity with a solution which is compatible with polyethylene and remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F.

(3) The polyethylene container in a prescribed outer specification container, as authorized in Part 73 of this chapter, filled to 98 percent of capacity with water shall be capable of withstanding a vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

Subpart C—Specifications for Cylinders

In § 78.36–16 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.36 Specification 3A; seamless steel cylinders.

§ 78.36–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.37–5 amend paragraph (a) Note 1; in § 78.37–16 amend paragraph (c) (1) (24 F.R. 10112, Dec. 15, 1959) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.37 Specification 3AA; seamless steel cylinders, made of definitely prescribed steels.

§ 78.37–5 Authorized steel.

(a) • • •

NOTE 1: A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded, or provided the variation in chemical analysis is approved by the Bureau of Explosives.

§ 78.37–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.38–16 amend paragraph (c) (1); in § 78.38–20 amend paragraph (a) (2) Footnote 1 (22 F.R. 2230, April 4, 1957) (15 F.R. 8387, Dec. 2, 1950) to read as follows:

§ 78.38 Specification 3B; seamless steel cylinders.

§ 78.38–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.38–20 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.38–20 Marking.

(a) • • •

(2) • • •

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 170 cubic inches.

In § 78.39–16 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.39 Specification 3BN; seamless nickel cylinders.

§ 78.39–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.43–16 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.41 Specification 3; seamless D steel cylinders.

§ 78.40–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.41–16 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.41 Specification 3D; seamless steel cylinders.

§ 78.41–16 Physical test.

• • • • • •

(c) • • •.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.38–16 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.43 Specification 3A480X; seamless steel cylinders.

§ 78.43–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.44–5 amend paragraph (a) Note 1; in § 78.44–18 amend paragraph (c) (1) (24 F.R. 10112, 10113, Dec. 15, 1959) to read as follows:

§ 78.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 78.44–5 Authorized steel.

(a) • • •

NOTE 1: A heat of steel made under the above specification, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded, or provided the variation in chemical analysis is approved by the Bureau of Explosives.

§ 78.44–18 Physical test.

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.48–16 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.48 Specification 4; forge-welded steel cylinders.

§ 78.48–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.49–16 amend paragraph (c) (1) (22 F.R. 2230, April 4, 1957) to read as follows:

§ 78.49 Specification 4A; forge-welded steel cylinders.

§ 78.49–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.50–16 amend paragraph (c) (1); in § 78.50–19 amend paragraph (a) (2) Footnote 1 (22 F.R. 2230, April 4, 1957) (15 F.R. 8404, Dec. 2, 1950) to read as follows:

§ 78.50 Specification 4B; welded and brazed steel cylinders.

§ 78.50–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.50–19 Marking.

(a) • • •

(2) • • •

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 170 cubic inches.

In § 78.51–15 amend paragraph (c) (1); in § 78.51–17 amend paragraphs (b), (c), and (d); in § 78.51–20 amend paragraph (a) table footnote 1; cancel entire §§ 78.51–22 and 78.51–23 (22 F.R. 2230, April 4, 1957) (15 F.R. 8406, 8407, 8408, and 8409, Dec. 2, 1950) (24 F.R. 10115, Dec. 15, 1959) (16 F.R. 5327, June 6, 1951) to read as follows:

§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 78.51–15 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.51–17 Tests.

• • • • • •

(b) *Tests of welds. Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[1] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fail to meet the requirements, the entire lot represented shall be rejected.

(c) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in paragraph (b) of this section. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(d) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.51–16(a).

§ 78.51–20 Authorized steel.

(a) • • •

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955" are not exceeded or provided the variation in chemical analysis is approved by the Bureau of Explosives.

§ 78.51–22 Guided bend test jig.

(a) Canceled.

§ 78.51–23 Alternate guided bend test jig.

(a) Canceled.

(b) Canceled.

In § 78.52–16 amend paragraph (c) (1) (22 F.R. 2231, April 4, 1957) to read as follows:

§ 78.52 Specification 4C; welded and brazed steel cylinders.

§ 78.52–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.53–15 amend paragraph (e) (1) (22 F.R. 2231, April 4, 1957) to read as follows:

§ 78.53 Specification 4D; inside containers, welded steel for aircraft use.

§ 78.53–15 Physical test and specimens for spheres and cylinders.

• • • • • •

(e) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.54–8 amend paragraph (a) (2); in § 78.54–15 amend paragraph (c) (1); in § 78.54–17 amend paragraphs (a) and (b); in § 78.54–18 amend paragraph (a) and add paragraphs (b) and (b) (1); cancel entire § 78.54–23 (15 F.R. 8414, 8415, and 8417, Dec. 2, 1950) (22 F.R. 2231, April 4, 1957) to read as follows:

§ 78.54 Specification 4B240–FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.

§ 78.54–8 Manufacture.

(a) • • •

(2) For welding the cylinder, procedure and operators must be qualified in accordance with the sections that apply in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[1]

§ 78.54–15 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.54–17 Weld tests.

(a) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in § 78.54–15(a). Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(b) In addition to the guided bend test, a reduced section tension test shall be made transverse to the weld. The tensile strength shall be not less than 100 percent of the minimum of the specified tensile range of the base material used. Should this specimen fail to meet the requirements two additional specimens from the same cylinder shall be tested and if either of these fail to meet the requirements, the entire lot represented shall be rejected.

§ 78.54–18 Radiographic examination.

(a) The techniques and acceptability of radiographic inspection shall conform to the standards set forth in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[1]

(b) Cylinders must be examined as follows:

(1) One finished longitudinal seam shall be selected at random from each lot of 100 or less successively produced and be radiographed throughout its entire length. Should the radiographic examination fail to meet the requirements of paragraph (a) of this section, two additional seams of the same lot shall be examined, and if either of these fail to meet the requirements, each cylinder may be examined as outlined above; only those passing are acceptable.

§ 78.54–23 Guided bend test jig.

(a) Canceled.

In § 78.55–16 amend paragraph (c) (1); amend § 78.55–20 paragraph (a) (2) Footnote 1 (22 F.R. 2231, April 4, 1957) (15 F.R. 8418, Dec. 2, 1950) to read as follows:

§ 78.55 Specifications 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.

§ 78.55–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.55–20 Marking.

(a) • • •

(2) • • •

[1] Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter and for cylinders over 2 inches outside diameter when the volumetric capacity does not exceed 170 cubic inches.

In § 78.56–15 amend paragraph (c) (1); amend the heading of § 78.56–17 and paragraphs (a), (b), and (c); in § 78.56–20 amend paragraph (a) table footnote 1; cancel entire §§ 78.56–22 and

[1] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

[2] Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N.Y.

[2] Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N.Y.

78.56–23 (22 F.R. 2231, April 4, 1957) (24 F.R. 10115, Dec. 15, 1959) (19 F.R. 1282, 1283, 1284, and 1285, Mar. 6, 1954) to read as follows:

§ 78.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.

§ 78.56–15 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.56–17 Tests of welds.

(a) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[1] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fail to meet the requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in paragraph (a) of this section. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(c) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.56–16(a).

§ 78.56–20 Authorized steel.

(a) • • •

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

§ 78.56–22 Guided bend test jig.

(a) Canceled.

§ 78.56–23 Alternate guided bend test jig.

(a) Canceled.

(b) Canceled.

In § 78.57–15 amend paragraph (c)(1); in § 78.57–17 amend paragraphs (d)(1) and (d)(2) (21 F.R. 7606, Oct. 4, 1956) to read as follows:

§ 78.57 Specification 4L; welded cylinders insulated.

§ 78.57–15 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.57–17 Tests of welds.

• • • • • •

(d) • • •

(1) The impact test specimens shall be of the Charpy type, keyhole or milled U-notch, and shall conform in all respects to Figure 3 in ASTM E–23–56T. The standard 10 mm x 10 mm specimen shall be used where the cylinder thickness is 7/16 inch or greater, and for thinner material, a similar specimen shall be used except that the dimension along the axis of the notch shall be reduced to the largest possible of 7.5 mm, 5 mm, or 2.5 mm. When the material in the cylinder is not of sufficient thickness to permit preparation of specimens to the smallest size provided for, specimens shall be prepared from the welded test plate.

(2) Impact test specimens shall be cooled in liquid nitrogen (−320° F.). The apparatus for testing the specimens must conform to the requirements of ASTM Standard E–23–56T. The test piece, as well as the handling tongs, shall be cooled for a length of time sufficient to reach the temperature of liquid nitrogen. The temperature of the cooling device shall be maintained within a range of plus or minus 3° F. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than six seconds.

In § 78.58–5 amend paragraph (a) Note 1; in § 78.58–18 amend paragraph (e)(1) (24 F.R. 10115, Dec. 15, 1959) (22 F.R. 2231, April 4, 1957) to read as follows:

§ 78.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 78.58–5 Steel.

(a) • • •

NOTE 1: A heat of steel made under the above specification, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

In § 78.60–4 amend paragraph (a) Table Footnote 1; in § 78.60–16 amend paragraph (c)(1); in § 78.60–18 amend paragraphs (a) (1), (2), and (3); cancel entire §§ 78.60–25 and 78.60–26 (24 F.R. 10115, Dec. 15, 1959) (22 F.R. 2231, April 4, 1957) (15 F.R. 8424, 8426, Dec. 2, 1950) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60–4 Authorized steel.

(a) • • •

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

§ 78.58–18 Physical test and specimens for spheres and cylinders.

• • • • • •

(e) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.59–14 amend paragraph (c)(1); in § 78.59–21 amend paragraph (b) Note 1 (22 F.R. 2231, April 4, 1957) (15 F.R. 8422, Dec. 2, 1950) to read as follows:

§ 78.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 78.59–14 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.59–21 Additional type.

• • • • • •

(b) • • •

NOTE 1: A heat of steel made under the above specification, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

In § 78.60–4 amend paragraph (a) Table Footnote 1; in § 78.60–16 amend paragraph (c)(1); in § 78.60–18 amend paragraphs (a) (1), (2), and (3); cancel entire §§ 78.60–25 and 78.60–26 (24 F.R. 10115, Dec. 15, 1959) (22 F.R. 2231, April 4, 1957) (15 F.R. 8424, 8426, Dec. 2, 1950) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60–4 Authorized steel.

(a) • • •

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

[2] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

[3] Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N.Y.

§ 78.58–18 Physical test and specimens for spheres and cylinders.

• • • • • •

(e) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

In § 78.58–14 amend paragraph (c)(1); in § 78.58–21 amend paragraph (b) Note 1 (22 F.R. 2231, April 4, 1957) (15 F.R. 8422, Dec. 2, 1950) to read as follows:

§ 78.58 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 78.58–14 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.58–21 Additional type.

• • • • • •

(b) • • •

NOTE 1: A heat of steel made under the above specification, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

In § 78.60–4 amend paragraph (a) Table Footnote 1; in § 78.60–16 amend paragraph (c)(1); in § 78.60–18 amend paragraphs (a) (1), (2), and (3); cancel entire §§ 78.60–25 and 78.60–26 (24 F.R. 10115, Dec. 15, 1959) (22 F.R. 2231, April 4, 1957) (15 F.R. 8424, 8426, Dec. 2, 1950) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60–4 Authorized steel.

(a) • • •

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances published by the American Iron and Steel Institute in Table 6–4 of "Supplementary Information July 1958, Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars, July 1955," are not exceeded; or provided the variation in chemical analysis is approved by the Bureau of Explosives.

§ 78.60–16 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

§ 78.60–18 Weld tests.

(a) • • •

(1) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less, or welded test plate.[1] The specimen shall be taken across the major seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] Should this specimen fail to meet the requirements, specimens may be taken from two additional cylinders or welded test plates from the same lot and tested. If either of the latter specimens fail to meet the requirements, the entire lot represented shall be rejected.

(2) *Guided bend test.* A "root" bend test specimen shall be cut from the cylinder or welded test plate, used for the tensile test specified in subparagraph (1) of this paragraph. Specimens shall be taken across the major seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2]

(3) *Alternate guided-bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1954).[2] The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gage lines—a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.60–17(a).

§ 78.60–25 Guided bend test jig.

(a) Canceled.

§ 78.60–26 Alternate guided bend test jig.

(a) Canceled.

(b) Canceled.

In § 78.68–15 amend paragraph (c)(1); in § 78.68–17 amend paragraph (b) (22 F.R. 7841, Oct. 3, 1957) to read as follows:

§ 78.68 Specification 4E; welded aluminum cylinders.

§ 78.68–15 Physical test.

• • • • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method as prescribed in ASTM Standard E8–57T.

§ 78.68–17 Weld tests.

• • • • • •

(b) *Guided bend test.* A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in paragraph 6.10 of CGA Pamphlet C–3–1954, "Standards for Welding and Brazing on Thin Walled Containers."[1] The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding 1/8 inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of 2 additional cylinders from the same lot and tested. If either of the latter specimens fail to meet requirements, the entire lot represented shall be rejected.

In Appendix A, amend section 22, paragraph (b)(4)(b) of Specification 4B Alloy Steel Cylinders and delete the Guided Bend Test Jig Drawing authorized by Order dated December 18, 1941 (15 F.R. 8432, December 2, 1950) to read as follows:

APPENDIX A—SPECIAL ORDERS

• • • • •

SPECIFICATION 4B ALLOY STEEL CYLINDERS

22. *Additional type.* • • •

(b) • • •

(4) • • •

(b) *Guided bend test.* A specimen 1½ inches wide, on which the edges have been machined parallel and rounded with a file, but without other preparation, shall be bent to refusal in the guided bend test jig illustrated in paragraph 6.10 of CGA Pamphlet C–3–1954, "Standards for Welding and Brazing on Thin Walled Containers."[1] The root of the weld (inside surface of cylinder) shall be located away from the ram of the jig. Any specimen which shows a crack exceeding 1/8 inch in any direction upon completion of the test shall be considered unsatisfactory.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks, and Boxes

In § 78.82–7 amend paragraph (a) Table Footnote 4 (23 F.R. 4031, June 10, 1958) to read as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–7 Parts and dimensions.

(a) • • •

[4] Head sheet may have holes of suitable size to provide for protruding closures when drum is used as overpack for inside container, spec. 2S, 2SL, 2T, or 2TL. (§§ 78.35, 78.35a, 78.21 or 78.27). Drum not over 16 gallons capacity may have lug type closure for removable heads.

In § 78.100–5 amend paragraph (a) Table Footnotes 2 and 4 (23 F.R. 2330, April 10, 1958) (23 F.R. 4031, June 10, 1958) to read as follows:

§ 78.100 Specification 6J; steel barrels and drums.

§ 78.100–5 Parts and dimensions.

(a) • • •

[2] Drum must be manufactured in accordance with gauge requirement applicable to gross weight and capacity as prescribed, except that gross weight restriction indicated by the gross weight embossment shall be waived when drum is used with inside plastic containers as prescribed by Part 73 of this chapter.

• • • • • •

[4] Head sheet may have holes of suitable size to provide for protruding closures when drum is used as overpack for inside container, spec. 2S, 2SL, 2T, or 2TL (§§ 78.35, 78.35a, 78.21 or § 78.27). Drum not over 16 gallons capacity may have lug type closure for removable heads.

[5] Drum must be manufactured in accordance with gauge requirements applicable to gross weight and capacity as prescribed, except that gross weight restriction indicated by the gross weight embossment shall be waived when drum is used with inside plastic containers as prescribed by Part 73 of this chapter.

In § 78.131–6 amend Footnotes 4 and 5 to paragraph (a) (23 F.R. 4031, June 10, 1958) to read as follows:

§ 78.131 Specification 37A; steel drums.

§ 78.131–6 Capacities, weights, type, and gauges.

(a) • • •

[4] Head sheet may have holes of suitable size to provide for protruding closures when drum is used as overpack for inside container, spec. 2S, 2SL, 2T, or 2TL (§§ 78.35, 78.35a, 78.21 or § 78.27). Drum not over 16 gallons capacity may have lug type closure for removable heads.

[5] Drum must be manufactured in accordance with gauge requirements applicable to gross weight and capacity as prescribed, except that gross weight restriction indicated by the gross weight embossment shall be waived when drum is used with inside plastic containers as prescribed by Part 73 of this chapter.

Subpart E—Specifications for Wooden Barrels, Kegs, Boxes, Kits, and Drums

Add § 78.182 (15 F.R. 8470, Dec. 2, 1950) to read as follows:

§ 78.182 Specification 15P; glued plywood, or wooden box for inside containers.

§ 78.182–1 Material requirements.

(a) Lumber or plywood must be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength and in accordance with the following:

(1) Lumber must be of good commercial grade.

(2) Plywood sections shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

§ 78.182–2 Construction requirements.

(a) Box shall be constructed of wood or of plywood not less than three-ply

[1] The welded test plate shall be of one of the heats in the lot of 200 or less which it represents, in the same condition and approximately the same thickness as the cylinder wall except that in no case shall it be of lesser thickness than that required for a one-quarter size Charpy impact specimen. The weld must be made by the same procedure and subjected to the same heat treatment as the major weld on the cylinder.

[2] Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N.Y.

[1] Available from the Compressed Gas Association, Inc., 11 West 42d Street, New York 36, N.Y.

fabrication and shall be constructed so as to completely and snugly enclose body of the inside container, and so formed that inside container cannot permanently change position and be of sufficiently strong wood or plywood to withstand prescribed tests without serious rupture of or damage to box that would cause failure or lead to impending failure of inside container.

NOTE 1: Vertical openings not exceeding ¾ inch in width and extending to within 3 inches of top or bottom on two opposite sides of box are permitted.

(b) **Specifications** for the outside container must be filed with and approved by the Bureau of Explosives.

§ 78.182–3 Tests.

(a) One sample, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Complete package must be capable of withstanding two drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete; the second drop onto a 2 inch by 6 inch timber resting on the concrete with the 6 inch leg vertical, the drop being made with the box in a horizontal position and at right angles to the timber so that impact is near the center of the box side-wall.

(2) Additional tests as required by inside container specification.

§ 78.182–4 Marking.

(a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with pressure dies as follows:

(1) ICC–15P. This mark shall be understood to certify that the complete outer package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

Cancel § 78.185–21 in its entirety (23 F.R. 2331, April 10, 1958) (23 F.R. 7651, Oct. 3, 1958).

Add § 78.187 (15 F.R. 8473, Dec. 2, 1950) to read as follows:

§ 78.187 Specification 16D; wooden wirebound overwrap for inside containers.

§ 78.187–1 Material requirements.

(a) Lumber shall be as follows:

(1) Lumber shall be well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.

(2) Authorized tolerances; cleats, battens and handles, minus 1/32 inch; single thickness veneer, minus 5 percent; resawn boards, 1/64 inch below specified thickness for boards up to 7/32 inch thick and 1/32 inch below specified thickness for boards ¼ inch or more thick.

(3) Woods authorized are in the following groups:

Group 1	Group 2	Group 3
Southern yellow pine.	White elm.	Hard maple.
Hemlock.	Red gum.	Beech.
North Carolina pine.	Black gum.	Birch.
Douglas fir.	Tupelo.	Oak.
Larch (tamarack).	Sycamore.	Rock elm.
	Pumpkin ash.	Hackberry.
	Maple—soft or silver.	White ash.
	Black ash.	Hickory.

(b) Binding wires and staples shall be as follows:

(1) Of annealed steel or other material of equal strength, Washburn and Moen sizes.

§ 78.187–2 Construction requirements.

(a) Wirebound overwrap for drum type inside container shall be constructed in acordance with the following:

Wirebound containers	Marked capacity of inside containers			
	Not over 5 gallons	Not over 15 gallons	Not over 30 gallons	Not over 55 gallons
Faceboard thickness (sides only)				
Group 1 woods	3/16" veneer	¼" resawn	5/16" Resawn	3/8" resawn.
Group 2 or 3 woods	do	do	¼" resawn	Do.
Cleats, mitered				
Outside cleats. Group 1, 2, or 3 woods.	1 3/16" x 7/8"	1 3/16" x 7/8"	1 3/16" x 7/8"	1 3/16" x 1".
Binding wires				
Number and gauge over outside cleats.	2-14 gauge	2-12 gauge	2-11 gauge	2-11 gauge.
Number and gauge intermediate wires.	1-14 gauge	do	4-12 gauge	3-12 gauge. 2-11 gauge.
Staples (length, gauge and spacing)				
In outside cleats	1 1/8"-16 gauge	1 1/8"-16 gauge	1 1/8"-16 gauge	1 1/4"-16 gauge.
Over intermediate wires	3/4"-18 gauge	7/8"-18 gauge	7/8"-18 gauge	1"-18 gauge.
Maximum space between staples	1 3/4"	1 3/4"	1 3/4"	1 3/4".
Tops and bases (groups 1, 2, or 3 woods)				
Faceboard thickness	¼" resawn	¾" resawn	3/8"	13/64".
Battens (2 required)	1 3/8" x 1/4"	1 3/16" x 7/8"	1 3/16" x 7/8"	1 3/4" x 7/64".
Staples or cement coated nails	1 1/4"-18 gauge	1 1/4"-16 gauge	22-4d nails	1 3/4"-14 gauge.

(1) Staples for wires over cleats driven through boards into cleats and anchored; others through boards and clinched.

(2) Container shall be closed with threaded loop fastener with "Z" clinch for all capacities except 5 gallon for which regular clinch is authorized.

(3) Where binding wire closure clinches contact inner container, 1½ inches wide water-resistant fabric cloth with plastic coated backing and pressure-sensitive adhesive or other suitable means shall be applied in a single strip across clinches.

(b) Wirebound overwrap for bottle-type inside container shall be constructed in accordance with the following:

Wirebound containers	Marked capacity of inside containers		
	Not over 6½ gallons (rectangular overwrap)	Not over 13 gallons (rectangular overwrap)	Not over 13 gallons (cylindrical overwrap)
Faceboard thickness (sides only)			
Group 1 woods	5/16"	3/8"	3/8"
Group 2 woods	¾" resawn	5/16"	5/16", Do.
Group 3 woods	do	do	
Cleats			
Outside and interrupted cleats	1 1/4" x 7/8"	1 3/16" x 7/8"	1 3/16" x 5/8".
Intermediate cleats	5 1/2" x 3/8"	5 1/2" x 3/8"	Outside cleats only.
Binding wires			
Number and gauge over outside cleats	2-13 gauge	2-12 gauge	2-12 gauge.
Number and gauge over intermediate cleats or intermediate wires.	2-14 gauge (not over 5 gallons). 4-14 gauge (not over 6½ gallons).	4-13 gauge	Do.
Staples			
In outside and interrupted cleats	1 1/4"-16 gauge	1 1/4"-16 gauge	1 1/8"-16 gauge.
In intermediate cleats	7/8"-16 gauge	7/8"-16 gauge	None.
Over intermediate wires	7/16"-18 gauge	½"-18 gauge	
Note: A 2" gap between staples must be provided in the center of each line of staples over the intermediate cleats.			No 2" gap in staples required.
Top [1] [2]			
Face material thickness	9/16"	13/16"	9/16".
Battens	1 3/8" x 9/16"	1 3/8" x 1 3/16"	7/8" x 1 3/16".
Base			
Face material thickness	3/4"	3/4"	9/16".
Edge strips	1 1/4" x 3/4"	3 1/8" x 7/8"	7/8" x 1 3/16", (Battens.)
Center strips	3 1/8" x 3/8"	do	

[1] A hole of suitable type may be left in top of box to provide for protruding neck of inner container.
[2] Exterior grade plywood ½" thick with no battens is authorized.

(1) Containers shall be closed with threaded loop fasteners using a regular clinch.

§ 78.187–3 Assembly.

(a) Overwrap shall be constructed to provide a snug fit for the inside container.

(b) Overwrap inside surfaces shall be reasonably smooth and free from projections which would damage inside container.

§ 78.187–4 Tests.

(a) Wirebound overwrap; when assembled as for use, shall withstand the tests prescribed for specified inside containers. The completed package must withstand these tests without serious rupture of the overwrap and without producing a condition of the overwrap that could result in potential damage to the inside container.

§ 78.187–5 Marking authorized.

(a) Marking on each overwrap with letters and figures at least ½ inch high in rectangle as follows:

ICC–16D

(b) This mark should be understood to certify that outer container complies with all construction requirements of the specification.

(c) Name of maker shall be located just above, below, or following the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

Add § 78.198 (15 F.R. 8474, Dec. 2, 1950) to read as follows:

§ 78.198 Specification 22C; plywood drum for plastic inside container.

§ 78.198–1 Material requirements.

(a) Plywood shall be as follows:

(1) Plywood for body and heads shall be of good commercial or sheathing grade hardwood veneer. Veener plies shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

(2) Plywood shall be well seasoned, commercially dry, and free from decay, loose knots that interfere with assembly, and other defects that would materially lessen the strength.

§ 78.198–2 Construction requirements.

(a) Plywood drum shall completely and snugly enclose body of inside container, or shall completely and snugly enclose body and neck of inside container. Top head of drum may have a hole of suitable size to provide for protruding neck of plastic container; bottom head may have drainage holes of suitable size. The following are required:

(1) Body shall be constructed of 2 shells, (see Note 1), butt-jointed, telescoped one within the other; outer shell shall be fastened on the outside with wire staples of not less than 17-gauge metal driven through a metal strip not less than 28-gauge by 1½ inches width and each side of body joint. Staples shall be spaced not more than 1½ inches apart and clinched on the inside. The grain of outside ply shall be paralleled and the grain of inner ply shall be vertical to plane of the heads.

NOTE 1: Each shell shall be of two-ply construction having minimum wall thickness of 1/4 inch for inside container not over 6½ gallons marked capacity and 3/11 inch for inside container not over 14 gallons marked capacity.

(2) Body heads shall be of at least three-ply construction with grain of alternate plies at right angles, circled to fit snugly within the body shell. Each head shall have a minimum thickness of 3/8 inch for inside container not over 6½ gallons marked capacity and 7/16 inch for inside container not over 14 gallons marked capacity. As an alternate, ½ inch thick pine bottom heads are authorized.

(3) Hoops shall be of at least three-ply construction with grain of alternate plies at right angles. Hoops shall be fastened to body shell so that ends butt or slightly gap by driving wire staples of at least 17-gauge metal through hoop and body and be clinched on the inside; staples spaced on not less than 3 inches centers. Each hoop shall be not less than 6/24 inch thickness by 2½ inches width for inside container not over 6½ gallons marked capacity, and not less than 3/10 inch thickness by 3 inches width for inside container not over 14 gallons marked capacity.

(4) Head retaining rings shall be of hardwood veneer not less than 1/5 inch thickness by 5/8 inch width for inside container not over 6½ gallons marked capacity, and not less than ¼ inch thickness by ¾ inch width for inside container not over 14 gallons marked capacity. The head retaining rings shall be fastened to the body shell with wire staples clinched on the inside of not less than 17-gauge metal spaced on 3 inch centers, except that bottom ring may be fastened by 14-gauge wire staples spaced on 4 inch centers.

(b) Plywood drum for plastic inside container not over 5 gallons marked capacity shall comply with requirements of § 78.198–1(a) (1) and (2) and paragraph (a) of this section.

(1) Body shells shall be of two-ply construction having a minimum thickness of 2/11 inch and with grain of outside ply parallel and grain of inner ply vertical to plane of the heads. Body shall be butt-jointed and fastened on the outside with wire staples of not less than 17-gauge metal driven through a metal strip not less than 28-gauge by 1½ inches width and each side of body joint. Staples shall be spaced not more than 1½ inches apart and clinched on the inside.

(2) Body heads shall be of at least three-ply construction with grain of alternate plies at right angles circled to fit snugly within the body shell. Each head shall have a minimum thickness of 3/8 inch.

(3) Hoops shall be of hardwood veneer, not less than 2¼ inches wide by 1/8 inch thick. Hoops shall be fastened to the body by 17-gauge staples on not less than three-inch centers and shall be overlapped not less than 3 inches.

(4) Head retaining rings shall be of hardwood veneer of 1/5 inch thickness by ¾ inch width except bottom rings may be two thicknesses, each 1/8 inch thickness by 1¾ inches width. Rings shall be fastened to body shell with wire staples of 17-gauge metal on not less

than 3-inch centers and clinched on inner surface.

§ 78.198–3 Tests.

(a) Samples taken at random with inner plastic container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage from inside container or breakage of outside container that would be of such a nature as to contribute to potential failure of inner container. Tests shall be made of each size by each company starting production. The type test is as follows:

(1) One 4-foot drop onto solid concrete so as to strike diagonally on either chime.

(2) Additional tests as required by inside container specification.

§ 78.198–4 Marking on outside container.

(a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with high pressure dies as follows:

(1) ICC–22C. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–34 amend paragraph (a); add § 78.205–36 (24 F.R. 8060, Oct. 6, 1959) (15 F.R. 8476, Dec. 2, 1950) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–34 Special box; authorized only for a polyethylene, or other suitable plastic, tight-fitting inside container having a minimum wall thickness of 0.015 inch and so designed as to maintain its configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary; equally efficient closures and container neck protectors are authorized. Complete package, closed as for shipment with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds.

§ 78.205–36 Special box; authorized only for an inside polyethylene container, spec. ICC–2U (§ 78.24 of this chapter), not over 5 gallons capacity.

(a) Box shall comply with this specification except as provided herein, and shall have glued closure flaps only. Inner and outer top closure flaps may have suitably sized holes for access to the closure of the polyethylene container. The diameter of these holes must be less than the diameter of a metal plate inserted between the flaps to which polyethylene closure shall be attached.

In § 78.223–2 add paragraph (a) (1); in § 78.223–6 amend paragraph (a) (1) (15 F.R. 8481, Dec. 2, 1950) to read as follows:

§ 78.223 Specification 21B; fiber drums.

§ 78.223–2 Sidewalls and ends.

(a) • • •

(1) Drums for plastic inside containers must have minimum side wall strength in accordance with the following:

Net weight of contents for inside container (pounds)	Minimum sidewall strength [1] (after fabrication)
60	320
115	400
150	480
235	560
300	640
400	720
550 and over	800

[1] Mullen or Cady Test. Tests shall be conducted from exterior to interior surface.

§ 78.223–6 Marking.

(a) • • •

(1) ICC–21B, followed by the authorized gross weight except not required for drum used as overpack for plastic container which must be marked ICC–21BP (authorized net weight, plus approximate tare weight, for example: ICC–21B130). This mark shall be understood to certify that the container complies with all specification requirements.

Subpart I—Specifications for Tank Cars

In § 78.265–21 amend paragraph (a) (25 F.R. 3107, April 12, 1960) to read as follows:

§ 78.265 Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.

§ 78.265–21 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.266–20 amend paragraph (a) (25 F.R. 3107, April 12, 1960) to read as follows:

§ 78.266 Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.

§ 78.266–20 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.267–20 amend paragraph (a) (25 F.R. 3107, April 12, 1960) to read as follows:

§ 78.267 Specification ICC–103B; rubber-lined riveted steel tanks to be mounted on or forming part of a car.

§ 78.267–20 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials

are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.269–21 amend paragraph (a) (25 F.R. 3107, April 12, 1960) to read as follows:

§ 78.269 Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.

§ 78.269–21 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.270–20 amend paragraph (a) (25 F.R. 3107, April 12, 1960) to read as follows:

§ 78.270 Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.

§ 78.270–20 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.275–10 amend paragraph (a) (21 F.R. 4579, June 26, 1956) to read as follows:

§ 78.275 Specification ICC–106A500; forged lap-welded steel tanks, or ICC–106A500–X forge-welded steel tanks with fusion-welded longitudinal barrel sections, to be mounted on a car.

§ 78.275–10 Safety valves or vents.

(a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up pressure in tank in excess of ¾ of the test pressure as calculated by Appendix A of A.A.R. Specifications for Tank Cars. When safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

In § 78.276–10 amend paragraph (a) (21 F.R. 4581, June 26, 1956) to read as follows:

§ 78.276 Specification ICC–106A800; forged lap-welded steel tanks, or ICC–106A800–X; forge-welded steel tanks with fusion-welded longitudinal barrel sections or ICC–106A800–X–NC; nickel-clad, forge-welded steel tanks with fusion-welded longitudinal barrel sections, to be mounted on a car.

§ 78.276–10 Safety valves or vents.

(a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up pressure in tank in excess of ¾ of the test pressure as calculated by Appendix A of A.A.R. Specifications for Tank Cars. When safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

In § 78.280–23 amend paragraph (a) (25 F.R. 3108, April 12, 1960) to read as follows:

§ 78.280 Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.280–23 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.281–22 amend paragraph (a) (25 F.R. 3108, April 12, 1960) to read as follows:

§ 78.281 Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.281–22 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the

next retest has been accomplished and recorded.

In § 78.282–21 amend paragraph (a) (25 F.R. 3109, April 12, 1960) to read as follows:

§ 78.282 Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.282–21 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.283–22 amend paragraph (a) (25 F.R. 3109, April 12, 1960) to read as follows:

§ 78.283 Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.283–22 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.284–23 amend paragraph (a) (25 F.R. 3109, April 12, 1960) to read as follows:

§ 78.284 Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.284–23 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.285–19 amend paragraph (a) (25 F.R. 3109, April 12, 1960) to read as follows:

§ 78.285 Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.285–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.286–19 amend paragraph (a) (25 F.R. 3109, April 12, 1960) to read as follows:

§ 78.286 Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.286–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosive and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.287–19 amend paragraph (a) (25 F.R. 3110, April 12, 1960) to read as follows:

§ 78.287 Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.287–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.288–19 amend paragraph (a) (25 F.R. 3110, April 12, 1960) to read as follows:

§ 78.288 Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.288–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.289–19 amend paragraph (a) (25 F.R. 3110, April 12, 1960) to read as follows:

§ 78.289 Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.289–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.290–19 amend paragraph (a) (25 F.R. 3112, April 12, 1960) to read as follows:

§ 78.290 Specification ICC–112A500–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.290–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.291–4 amend paragraph (e); in § 78.291–22 amend paragraph (a) (24 F.R. 3602, May 5, 1959) (25 F.R. 3112, April 12, 1960) to read as follows:

§ 78.291 Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291–4 Thickness of plates.

* * * * *

(e) When a tank is divided into compartments, any interior head must comply with the requirements for tank heads prescribed herein. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain-hole at their lowest point, and a tapped hole at the top of the tank. Top hole must be closed with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.291–22 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.292–4 amend paragraph (e); amend § 78.292–22 paragraph (a) (24 F.R. 3602, May 5, 1959) (25 F.R. 3112, April 12, 1960) to read as follows:

§ 78.292 Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.292–4 Thickness of plates.

* * * * *

(e) When a tank is divided into compartments, any interior head must comply with the requirements for tank heads prescribed herein. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain-hole at their lowest point, and a tapped hole at the top of the tank. Top hole must be closed with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.292–22 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank

and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.294–19 amend paragraph (a) (25 F.R. 3112, April 12, 1960) to read as follows:

§ 78.294 Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.294–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.295–10 amend paragraph (a) (21 F.R. 4615, June 26, 1956) to read as follows:

§ 78.295 Specification ICC–106A800–NCI; fusion-welded nickel-chromium-iron alloy tanks with fusion-welded longitudinal barrel sections, to be mounted on a car.

§ 78.295–10 Safety valves or vents.

(a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up pressure in tank in excess of ¾ of the test pressure as calculated by Appendix A of A.A.R. Specifications for Tank Cars. When safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

• • • • •

In § 78.296–22 amend paragraph (a) (25 F.R. 3112, April 12, 1960) to read as follows:

§ 78.296 Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.296–22 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.297–22 amend paragraph (a) (25 F.R. 3113, April 12, 1960) to read as follows:

§ 78.297 Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.297–22 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.298–22 amend paragraph (a) (25 F.R. 3113, April 12, 1960) to read as follows:

§ 78.298 Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.298–22 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.299–21 amend paragraph (a) (25 F.R. 3113, April 12, 1960) to read as follows:

§ 78.299 Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.

§ 78.299–21 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.300–19 amend paragraph (a) (25 F.R. 3113, April 12, 1960) to read as follows:

§ 78.300 Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.301–20 amend paragraph (a) (25 F.R. 3114, April 12, 1960) to read as follows:

§ 78.301 Specification ICC–109A300–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.301–20 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.302–20 amend paragraph (a) (25 F.R. 3114, April 12, 1960) to read as follows:

§ 78.302 Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.302–20 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.303 amend the heading and paragraph (a); amend § 78.303–3 paragraph (a) in its entirety; amend § 78.303–11 paragraph (a)(1); amend § 78.303–12 paragraph (a); amend § 78.303–19 paragraph (a) (22 F.R. 4800, 4801, 4802, July 9, 1957) (25 F.R. 3114, April 12, 1960) to read as follows:

§ 78.303 Specification ICC–111A100–W–1; fusion-welded steel tanks, or ICC–111A100–F–1, forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400, or 500 series tanks to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 Application for Approval, (a), (b), (c) and (d).

§ 78.303–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t = \frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds compression and the end load ratio must not exceed 0.05.

§ 78.303–11 Marking.

(a) • • •

(1) ICC–111A100–W in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–1 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking. Tanks converted from forge-welded tanks (see § 78.303(a)) must be stenciled ICC–111A100–F–1 in letters and figures as prescribed above.

§ 78.303–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously

approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

§ 78.303–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

In § 78.304–3 amend paragraph (a) in its entirety; amend § 78.304–12 paragraph (a); amend § 78.304–19 paragraph (a) (22 F.R. 4802, 4803, July 9, 1957) (25 F.R. 3114, April 12, 1960) to read as follows:

§ 78.304 Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than $\frac{7}{16}$ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds compression and the end load ratio must not exceed 0.05.

§ 78.304–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

§ 78.304–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

In § 78.305–3 amend paragraph (a) in its entirety; amend § 78.305–12 paragraph (a) (22 F.R. 4804, July 9, 1957) (25 F.R. 3114, April 12, 1960) to read as follows:

§ 78.305 Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.305–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than $\frac{7}{16}$ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds compression and the end load ratio must not exceed 0.05.

§ 78.305–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.307–19 amend paragraph (a) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.307 Specification ICC–105A200–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.307–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.306–3 amend paragraph (a) in its entirety; amend § 78.306–12 paragraph (a) (22 F.R. 4806, July 9, 1957) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.306 Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.306–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than $\frac{7}{16}$ inch:

$$t=\frac{Pd}{2SE}$$

where t=thickness in inches of the thinnest plate; P=calculated bursting pressure pounds per square inch; d=inside diameter in inches; S=minimum ultimate tensile strength in pounds per square inch; E=efficiency of longitudinal welded joint=90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds compression and the end load ratio must not exceed 0.05.

§ 78.306–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.308–19 amend paragraph (a) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.308 Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.309–12 amend paragraph (a); amend § 78.309–20 paragraph (b) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.309 Specification ICC–111A100–W–5; acid resistant-lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.309–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.308–19 amend paragraph (a) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.308 Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.309–12 amend paragraph (a); amend § 78.309–20 paragraph (b) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.309–20 Safety vents.

* * * * *

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.309–17(a), made of material not subject to rapid deterioration by the lading. If made of metal, must be lined with an approved acid resistant material at least ⅛ inch in thickness, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

In § 78.310–3 amend paragraph (a)(1); in § 78.310–12 amend paragraph (a) (24 F.R. 3604, May 5, 1959) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.310 Specification ICC–111A60–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310–3 Thickness of plates.

(a) * * *

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding ⅓ of the minimum ultimate tensile strength of the alloy used as a result of 800,000 pounds compression and the end load ratio must not exceed 0.05.

§ 78.310–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.311–3 amend paragraph (a)(1); in § 78.311–12 amend paragraph (a) (24 F.R. 3606, May 5, 1959) (25 F.R. 3116, April 12, 1960) to read as follows:

§ 78.311 Specification ICC–111A100–W–6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.311–3 Thickness of plates.

(a) * * *

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds compression and the end load ratio must not exceed 0.05.

§ 78.311–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of

the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.312–4 add paragraph (a) (1); in § 78.312–19 amend paragraph (a) (22 F.R. 4811, July 9, 1957) (25 F.R. 3116, April 12, 1960) to read as follows:

§ 78.312 Specification ICC–112A400–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.312–4 Thickness of plates.

(a) • • •

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds compression and the end load ratio must not exceed 0.05.

§ 78.312–19 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.313–20 amend paragraph (a) (25 F.R. 3116, April 12, 1960) to read as follows:

§ 78.313 Specification ICC–109A200–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.313–20 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

In § 78.314–20 amend paragraph (a) (25 F.R. 3116, April 12, 1960) to read as follows:

§ 78.314 Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.314–20 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of repairs requiring welding to existing tanks or equipment, there must be furnished to the same parties a report in detail of the welded repairs to each tank covered by a particular application, showing the initials and number of each tank involved; except when welded repairs covering previously approved methods and materials are made, a detailed report must be submitted to the Secretary, Mechanical Division, Association of American Railroads on an approved form upon completion of the repairs. In case of alterations of or additions to existing equipment which change the data on existing certificate of construction, except for the car where previously approved fittings are applied, applications for approval shall be submitted and approval shall be obtained. Reports of the latest retests must be rendered to and retained by the car owner until the next retest has been accomplished and recorded.

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5(a) Commodity list; provides amendments and additions to keep Commodity List on a current basis.

73.22(d) Cancelled; the need for metal barrels and drums, manufactured prior to March 31, 1912, marked to indicate compliance with spec. ICC–5, no longer exists.

73.22(d) Added; to provide for the continued use of existing containers built to specs. 1F and 1G polyethylene carboys in wooden or plywood boxes or drums inasmuch as specs. 22C and 15P, respectively, supersede those specifications.

73.28(j); to prohibit the reuse of nonrefillable ICC specification containers.

73.31(a) table footnote 6; to provide for the retesting of spec. B.E.–27 multi-unit tank car tanks.

73.31(g)(8); to provide for the retention of tank car retest reports by the car owners.

73.31(g)(9) table 1; to clarify the periodic retest requirements for tank car tanks by amending the subcolumn headings under "Tank retests" and "Interior heater systems retest" headings; to provide retest requirements for specs. 111A100–F–1 and 112A500–W tank car tanks.

73.31(g)(9) table 2; to provide for the retesting of spec. ICC–27 multi-unit tank car tanks.

73.31(g)(9) table 3; to clarify the periodic retest requirements for tank car tanks of AAR classifications by amending the subcolumn headings under "Tank retests" and "Interior heater systems retest" heading; to provide for retesting of safety devices on spec. AAR–204–W tank car tanks.

73.31(j); to clarify the requirements for inspection of tank cars by shippers before shipment is made.

73.34 (a), (b)(1); to provide specific retest requirements for cylinders of foreign manufacture charged for export only.

73.34(f)(2); for clarification inasmuch as acetylene cylinders must be equipped with safety devices.

73.34(h); to clarify the requirements applicable to cylinders subjected to action of fire and include specs. ICC–4E, ICC–4L and ICC–8 therein.

73.34(j) heading; for clarification inasmuch as certain ICC specification cylinders may be subjected to visual reinspection in lieu of the quinquennial hydrostatic retest.

73.34(j)(2); to require the condemnation of spec. ICC–4E aluminum cylinders when the permanent expansion exceeds 12 percent of the total expansion in addition to other conditions.

73.34(j)(3); to provide for the retention of cylinder reinspection and retest records by the owner or his authorized agent.

73.34(k) table; to provide for the retesting of spec. ICC–4E aluminum cylinders.

73.34(k)(12) table; to authorize external visual inspection of specs. ICC–3A480, 3AA480, and 3AA480X cylinders in fluorinated hydrocarbon service, in lieu of the periodic hydrostatic retest.

73.34(k)(15); to provide specific retest requirements for cylinders of foreign manufacture charged for export.

73.34(m)(q); to clarify that the repair requirements are applicable to the range of cylinders built to spec. ICC–8, having various service pressures.

73.88(a); to include liquid propellant explosives in the definition of class B explosives.

73.88(f); to define liquid propellant explosives, class B.

73.93(a); to provide specifically for shipments of solid propellant explosives, class B.

73.93(e); to provide packaging requirements specifically for shipments of liquid propellant explosives, class B.

73.93(f); to provide for the proper marking of outside containers for propellant explosives, class B.

73.93(g); to provide packaging requirements for both solid and liquid propellant explosives, class B, by rail express.

73.101(f); to provide for military shipments of small-arms ammunition loosely packed in wooden or metal boxes in carload and truckload quantities.

73.119(b)(8); to authorize specs. 6J and 37A steel barrels or drums with inside spec. 2SL polyethylene container for flammable liquids, n.o.s., with flash point above 20° F.

73.119(b)(9); to authorize spec. 21B fiber drum with inside spec. 2S or 2SL polyethylene container for flammable liquids, n.o.s., with flash point above 20° F.

73.125(a)(7); to prohibit the use of wire staples for assembly or closure of spec. 12B fiberboard box used for alcohol.

73.134(a)(5); to authorize spec. 37A metal drum with inside metal cans for pyroforic fuel mixed with solvent.

73.158(a), (a)(2); to provide packaging requirements for cyclohexanone peroxide, dry, over 50% concentration; to authorize specs. 21A and 21B fiber drums for certain peroxides, dry.

73.184(b); to increase the permitted gross weight from 450 pounds to 480 pounds of containers for nitrocellulose, collodion cotton, nitrostarch, or nitroguanidine.

73.190(c)(3); to authorize spec. 29 mailing tube having a water-tight polyethylene container for phosphorus, white or yellow by rail express.

73.194(a)(2) *Cancelled;* paragraph (a)(2) is extraneous since reference to section 73.154 within paragraph (a)(1) of this section authorizes the use of specs. 37A and 37B for potassium permanganate.

73.194(a)(2) *Added;* to authorize the transportation of bulk shipments of potassium permanganate in covered hopper or bottom outlet steel cars, flat bottom gondola cars, and motor vehicles with hopper-type or dump-type bodies.

73.206(b)(2); to authorize spec. 17H metal drum for lithium metal only.

73.206(d)(1); to provide for overpacking small packages of lithium metal in cartridges for which exemption provisions are allowed.

73.207(e); to authorize portable metal tanks for sodium sulfide in various forms.

73.221(a)(3); to permit an increased number of 1-gallon polyethylene bottles, from four to six, inside a spec. 12B fiberboard box for certain liquid organic peroxides, n.o.s.

73.221(a)(6); to authorize new spec. 22C plywood drum, with inside spec. 2T polyethylene container, which replaces spec. 1F for certain liquid organic peroxides, n.o.s.

73.221(a)(9); to prohibit the use of wire staples for assembly or closure of spec. 12B fiberboard box for certain liquid organic peroxides, n.o.s.

73.223(a)(3); To delete reference to spec. 1F polyethylene carboy since it is replaced by new spec. 22C.

73.223(a)(4); the reason for § 73.221(a)(6) applies also to shipments of peracetic acid.

73.230(a)(2); to authorize spec. 17H metal drum having inside a spec. 17E metal drum containing sodium metallic, dispersion in organic solvent.

73.245(a)(13); new specs. 15P plywood or wooden box and 22C plywood drum with inside polyethylene container replace specs. 1G and 1F respectively, for acids or other corrosive liquids, n.o.s.

73.245(a)(16); to authorize specs. 5B and 37A steel barrels or drums with inside spec. 2S or 2SL polyethylene container for acids or other corrosive liquids, n.o.s.

73.245(a)(20); new spec. 16D wirebound wooden overwrap with inside polyethylene container replaces spec. 16A of § 78.185–21 for acids or other corrosive liquids, n.o.s.

73.245(a)(21); to prohibit the use of wire staples for assembly or closure of spec. 12B fiberboard box for acids or other corrosive liquids, n.o.s.

73.245(a)(22); to require corrugated fiberboard protection for polyethylene container inside spec. 16A wirebound wooden box for acids or other corrosive liquids, n.o.s.

73.245(a)(24); to authorize spec. 21B fiber drum with inside spec. 2S or 2SL polyethylene container for acids or other corrosive liquids, n.o.s.

73.256(a)(4); to require corrugated fiberboard protection for polyethylene container inside spec. 16A wirebound wooden box for cleaning compounds, liquid.

73.262(a)(1); to delete reference to spec. 1F polyethylene carboy since it is replaced by new spec. 22C authorized in paragraph (a)(9) for hydrobromic acid.

73.262(a)(9); to authorize new spec. 22C plywood drum, with inside spec. 2T polyethylene container, which replaces spec. 1F, for hydrobromic acid.

73.262(a)(10); to authorize spec. 6J steel drum with inside spec. 2S polyethylene container for hydrobromic acid.

73.262(b)(1); reason for § 73.262(a)(9) applies also to shipments of hydrobromic acid over 49% to 63% strength.

73.263(a)(13); reason for § 73.245(a)(13) applies also to shipments of hydrochloric acid.

73.263(a)(17); to authorize an additional inside spec. 2SL polyethylene container for hydrochloric acid.

73.263(a)(19); to authorize new spec. 16D wirebound wooden overwrap which supersedes spec. 16A of § 78.185–21, and to prescribe inside plastic containers for hydrochloric acid.

73.263(a)(20); to authorize spec. 37A metal drum with inside spec. polyethylene container for hydrochloric acid.

73.263(a)(22); to authorize spec. 21B fiber drum with inside spec. polyethylene container for hydrochloric acid.

73.263(a)(23); to prohibit the use of wire staples for assembly or closure of spec. 12B fiberboard box for hydrochloric acid.

73.263(a)(24); to require corrugated fiberboard protection for polyethylene container inside spec. 16A wirebound wooden box for hydrochloric acid.

73.263(a)(25); to authorize new spec. 22C plywood drum with inside spec. 2TL polyethylene container for hydrochloric acid.

73.264(a)(3); new spec. 16D wirebound wooden overwrap with inside polyethylene container, replaces spec. 16A of § 78.185–21, for hydrofluoric acid.

73.264(a)(16); new specs. 15P plywood or wooden box, and 22C plywood drum, with inside polyethylene container, replace specs. 1G and 1F respectively, for hydrofluoric acid.

73.264(a)(17); to provide additional inside polyethylene container with spec. 6J steel barrel or drum for hydrofluoric acid.

73.264(a)(18); to authorize specs. 5B and 37A steel barrels or drums with inside spec. 2T polyethylene container for hydrofluoric acid.

73.265(a)(4); to require corrugated fiberboard protection for polyethylene container inside spec. 16A wirebound wooden box for hydrofluosilicic acid.

73.265(d)(2); new specs. 15P plywood or wooden box, and 22C plywood drum, with inside polyethylene container, replace specs. 1G and 1F respectively, for hydrofluosilicic acid.

73.265(d)(3); to authorize spec. 37A steel barrel or drum and inside spec. 2SL for hydrofluosilicic acid.

73.265(d)(5); to authorize spec. 21B fiber drum with inside spec. 2S or 2SL polyethylene container for hydrofluosilicic acid.

73.266(c)(5); new specs. 15P plywood or wooden box, and 22C plywood drum, with inside polyethylene container, replace specs. 1G and 1F respectively, for hydrogen peroxide solution in water.

73.266(c)(10); to authorize new spec. 16D wirebound wooden overwrap, with inside spec. 2T or 2TL polyethylene container, for hydrogen peroxide solution in water.

73.272(f)(2); new specs. 15P plywood or wooden box, and 22C plywood drum, with inside polyethylene container, replace specs. 1G and 1F respectively, for sulfuric acid.

73.272(f)(3); to authorize an additional inside polyethylene container, spec. 2SL, for sulfuric acid.

73.272(f)(4); new spec. 16D wirebound wooden overwrap with inside spec. polyethylene container, replaces spec. 16A of § 78.185–21 for sulfuric acid.

73.272(f)(7); to require corrugated fiberboard protection for polyethylene container inside spec. 16A wirebound wooden box for sulfuric acid.

73.272(f)(8); to prohibit the use of wire staples for assembly or closure of spec. 12B fiberboard box for sulfuric acid.

73.275(a)(3); new spec. 22C plywood drum, with inside spec. 2T polyethylene container, replaces spec. 1F for di-, mono-, and hexafluorophosphoric acid.

73.277(a)(3); new specs. 15P plywood or wooden box, and 22C plywood drum, with inside spec. polyethylene container, replace specs. 1G and 1F respectively, for hypochlorite solutions.

73.277(a)(5); to prohibit the use of wire staples for assembly or closure of spec. 12B fiberboard box for hypochlorite solutions.

73.277(d)(1); to authorize exemptions for hypochlorite solutions in small polyethylene pouches.

73.289(a)(10); reference to specs. 1F and 1G polyethylene carboys has been deleted inasmuch as the reference to § 73.245, in paragraph (a)(1) of this section, authorizes new specs. 22C and 15P respectively, in lieu thereof.

73.294(a)(3); to authorize the transportation of monochloroacetic acid in spec. MC310 or MC311 cargo tanks fabricated from 99 percent pure nickel plates.

73.312(a)(8); to authorize the packaging of low pressure liquefied petroleum gas in spec. 2P inside metal containers not equipped with safety devices.

73.314(a) table; reference to Note 19 has been changed from the last column to the first column inasmuch as it properly applies to commodity description rather than the class of tank cars; to apply Note 12 to dispersant gas or refrigerant gas, n.o.s. in spec. 110A500–W tanks; to authorize LPG in single-unit spec. 112A400–W tank car tanks.

73.315(h) table; to prohibit the use of gauging devices on spec. MC330 cargo tanks in difluoroethane service.

73.315(1)(2) table; to specify start-to-discharge pressure of safety relief valves on spec. MC330 cargo tanks in difluoroethane service.

73.315(j)(2); to properly identify Pamphlet No. 58 as that of the National Fire Protection Association.

73.332(d); to authorize spec. 105A600–W tank car for hydrocyanic acid; to require tanks to be equipped with safety valves having set-to-discharge pressure of 225 psi; to require tanks to be stenciled 105A300–W; to limit filling density to 63% of water capacity of tank.

73.345(b)(16); to specify that no exemptions are extended to certian organic phosphate compound, liquid or mixtures, liquid, in any quantity.

73.346(a)(16); new specs. 15P plywood or wooden box, and 22C plywood drum, with inside spec. polyethylene container, replace specs. 1G and 1F for class B poisonous liquids, n.o.s.

73.346(a)(24); to prohibit the use of wire staples for assembly or closure of spec. 12B fiberboard box for class B poisonous liquids, n.o.s.

73.346(a)(25); to require corrugated fiberboard protection for polyethylene container inside spec. 16A wirebound wooden box for class B poisonous liquids, n.o.s.

73.354(a)(4); to authorize openings in tank heads to facilitate the application of nickel lining in spec. 105A300-W tank car tanks in motor fuel antiknock compound service.
73.358(a); to provide for the packaging of organic phosphate compound, n.o.s., liquid.
73.359 (a), (b), (c); to provide for the packaging of organic phosphate compound mixtures, n.o.s., liquid.
73.362(a) Entire section; to authorize containers prescribed in § 73.346, for dinitrophenol solutions; to rearrange paragraph numbering for consistency.
73.364(a); to provide exemptions from specification packaging, marking, and labeling requirements for organic phosphate compound, n.o.s., class B poisonous solid.
73.368 Heading; to include arsenic trioxide, calcium arsenate, and sodium arsenate in the section heading for consistency.
73.377 (a), (b), (f), (g), (h); to provide for the packaging of organic phosphate compound mixtures, n.o.s., dry.
73.392(c); to permit a duly authorized agent of the shipper or consignee to load or unload shipments of radioactive materials.
73.393(k); to require the use of Landsverk Electrometer Model L-75, which has superseded Model L-100, or equally efficient standardized meter, for measuring radiation.
74.568(b); to apply car cleaning requirements to shipments of potassium permanganate.
74.589(j) (1), (2); to authorize the placement of placarded loaded tank cars next to cars occupied by authorized personnel in addition to gas handlers, accompanying shipment.
74.589(j)(4); to consolidate the provisions of paragraphs (j) (4) and (12) into one paragraph.
74.589(j)(7); to authorize the placement of cars in trailer-on-flat-car service, or flat cars loaded with trucks or trailer bodies next to loaded tank car placarded "DANGEROUS."
74.589(j)(10); to authorize the placement of placarded loaded tank cars next to cars containing lighted heaters, stoves, or lanterns when such cars are occupied by gas handlers or authorized personnel accompanying the shipment.
74.589(j)(12); the provisions of this paragraph are now incorporated in paragraph (j)(4).
78.10 entire section; specification 1F polyethylene carboys in plywood drums is superseded by spec. 22C plywood drums for plastic inside container.
78.11 entire section; specification 1G polyethylene carboys in wooden or glued plywood boxes is superseded by spec. 15P plywood or wooden box for inside container.
78.13-2(a); to require the marking of spec. 1H polyethylene carboy for proper identification.
78.21 entire section; to require spec. 2T container to be marked with the spec. number; to make test requirements consistent with the provisions of other similar polyethylene containers.
78.27 entire section; to provide for the construction of new inside spec. 2TL polyethylene container.
78.35 entire section; to require the marking of spec. 2S polyethylene container for proper identification; to make test requirements consistent with the provisions of other similar polyethylene containers.
78.35a entire section; to provide for the construction of new inside spec. 28L molded or thermoformed polyethylene container.
78.36-16(c)(1); to make reference to later ASTM standard for determining yield strength of cylinder material.
78.37-5(a) Note 1; to make reference to later American Iron and Steel Institute standards in design of cylinder.
78.37-16(c)(1); same as § 78.36-16.
78.38-16(c)(1); same as § 78.36-16.
78.38-20(a)(2) footnote 1; to increase capacity of spec. 3B cylinders to which lot numbers in lieu of serial numbers may be applied.
78.39-16(c)(1); same as § 78.36-16.
78.40-16(c)(1); same as § 78.36-16.
78.41-16(c)(1); same as § 78.36-16.
78.43-16(c)(1); same as § 78.36-16.
78.44-5(a) note 1; same as § 78.37-5.
78.44-18(c)(1); same as § 78.36-16.
78.48-16(c)(1); same as § 78.36-16.
78.49-16(c)(1); same as § 78.36-16.
78.50-16(c)(1); same as § 78.36-16.
78.50-19(a) footnote 1; reason for § 78.38-20 applies also to spec. 4B cylinders.
78.51-15(c)(1); same as § 78.36-16.
78.51-17 (b), (c), (d); 78.51-22(a); 78.51-23 (a), (b); to require the tests of welds on spec. 4BA cylinder to meet the requirements of CGA Pamphlet C-3-1954.
78.51-20(a) footnote 1; same as § 78.37-5.
78.52-16(c)(1); same as § 78.36-16.
78.53-15(e)(1); same as § 78.36-16.
78.54-8(a)(2); 78.54-17 (a), (b); 78.54-18 (a), (b), (b)(1); 78.54-23(a); reference is made to the requirements of CGA Pamphlet C-3-1954 in determining the qualification of welders, tests of welds, and radiographic examination for spec. 4BA-240 FLW cylinder.
78.54-15(c)(1); same as § 78.36-16.
78.55-16(c)(1); same as § 78.36-16.
78.55-20(a) footnote 1; reason for § 78.38-20 applies also to spec. 4B240 ET cylinder.
78.56-15(c)(1); same as § 78.36-16.
78.56-17 (a), (b), (c); 78.56-22(a); 78.56-23 (a), (b); reason for § 78.51-17 etc., applies also to spec. 4AA480 cylinder.
78.56-20(a) footnote 1; same as § 78.37.5
78.57.15(c)(1); same as § 78.36-16.
78.57.17(d) (1), (2); to require the impact test specimens of spec. 4L cylinder to conform to current standard ASTM E-23-56T.
78.58.5(a) Note 1; same as § 78.37-5.
78.58-18(e)(1); same as § 78.36-16.
78.59-14(c)(1); same as § 78.36-16.
78.59-21(b) Note 1; same as § 78.37-5.
78.60-4(a) footnote 1; same as § 78.37-5.
78.60-16(c)(1); same as § 78.36-16.
78.60-18(a) (1), (2), (3); 78.60-25(a); 78.60-26(a), (b); } Reason for § 78.51-17 etc., applies also to spec. 8AL cylinder.
78.68-15(c)(1); same as § 78.36-16.
78.68-17(b); to require the tests of welds on spec. 4E cylinder to meet requirements specified in current standard CGA Pamphlet C-3-1954.
Appendix A-1 (b)(4)(b) § 22; reason for § 78.68-17 applies also to additional type of spec. 4B cylinder.
78.82-7(a) footnote 4; to authorize additional polyethylene containers and closures for some sizes.
78.100-5(a) footnote 2; to waive the gross weight restriction when drum is used with inside polyethylene container as prescribed.
78.100-5(a) footnote 4; same as § 78.82-7.
78.131-6(a) footnote 4; same as § 78.82-7.
78.131-6(a) footnote 5; reason for § 78.100-5 (a) footnote 2 applies also to spec. 37A steel drums.
78.182 entire section; to provide for the construction of new spec. 15P glued plywood or wooden box for inside containers.
78.185-21 entire section; specification for special type 16A wrap-around wooden box has been superseded by new spec. 16D in § 78.187.
78.187 entire section; to provide for the construction of new spec. 16D wooden wirebound overwrap for inside containers.
78.198 entire section; to provide for the construction of new spec. 22C plywood drum for plastic inside containers.
78.205-34(a); to authorize additional equally efficient closures and container neck protectors for special type of spec. 12B fiberboard box.
78.205-36(a); to authorize special type of spec. 12B fiberboard box with openings to provide access to closures of inside spec. 2U polyethylene container.
78.223-2(a)(1); to specify minimum sidewall strength for spec. 21B fiber drum having inside polyethylene container.
78.223-6(a)(1); to exempt spec. 21BP fiber drum, when used as overpack from requirement for gross weight marking.
78.285-21(a); to make consistent with Section D, paragraph AAR-(b) of the A.A.R. Specifications for Tank Cars by requiring reports of repairs by welding, and to eliminate the need for filing revised certificates of construction when changing from one approved fitting to another; also to require that reports of the latest retests only, must be retained by the car owner.
78.266-20(a); same as § 78.265-21.
78.267-20(a); same as § 78.265-21.
78.269-21(a); same as § 78.265-21.
78.270-20(a); same as § 78.265-21.
78.275-10(a); to insert reference to Appendix A of A.A.R. Specifications for Tank Cars for calculating valve or vent discharge capacity of spec. 106A500 tank.
78.276-10(a); reason for § 78.275-10 applies also to spec. 106A800 tank.
78.280-23(a); same as § 78.265-21.
78.281-22(a); same of § 78.265-21.
78.282-21(a); same as § 78.265-21.
78.283-22(a); same as § 78.265-21.
78.284-23(a); same as § 78.265-21.
78.285-19(a); same as § 78.265-21.
78.286-19(a); same as § 78.265-21.
78.287-19(a); same as § 78.265-21.
78.288-19(a); same as § 78.265-21.
78.289-19(a); same as § 78.265-21.
78.290-19(a); same as § 78.265-21.
78.291-4(e); to clarify that the thickness of an interior head of spec. 103AL-W tank car tank should equal the thickness of the exterior head.
78.291-22(a); same as § 78.265-21.
78.292-4(e); reason for § 78.291-4 applies also to spec. 103A-AL-W tank car.
78.292-22(a); same as § 78.265-21.
78.294-19(a); same as § 78.265-21.
78.295-10(a); reason for § 78.275-10 applies also to spec. 106A800-NCI tank.
78.296-22(a); same as § 78.265-21.
78.297-22(a); same as § 78.265-21.
78.298-22(a); same as § 78.265-21.
78.299-21(a); same as § 78.265-21.
78.300-19(a); same as § 78.265-21.
78.301-20(a); same as § 78.265-21.
78.302-20(a); same as § 78.265-21.
78.303 Heading; to provide spec. 111A100-F-1 for tank cars converted from class 105A300, 400, 500 series.

78.303-3(a); to make paragraph identification consistent; in dealing with stress in pounds per square inch, the word "compression" has been substituted for "impact" in tank car spec. 111A100-W-1.
78.303-11(a)(1); to provide marking requirements for spec. 111A100-F-1 tank car.
78.303-12(a); same as § 78.265-21.
78.303-19(a); to make the application of a vacuum breaker optional rather than mandatory on spec. 111A100-W-1 tank car.
78.304-3(a); reason for § 78.303-3 applies also to spec. 111A100-W-2 tank car.
78.304-12(a); same as § 78.265-21.
78.304-19(a); reason for § 78.303-19 applies also to spec. 111A100-W-2 tank car.
78.305-3(a); reason for § 78.303-3 applies also to spec. 111A100-W-3 tank car.
78.305-12(a); same as § 78.265-21.
78.306-3(a); reason for § 78.303-3 applies also to spec. 111A100-W-4 tank car.
78.306-12(a); same as § 78.265-21.
78.307-19(a); same as § 78.265-21.
78.308-19(a); same as § 78.265-21.
78.309-12(a); same as § 78.265-21.
78.309-20(b); to prevent interchange of safety vent with loading and unloading devices on spec. 111A100-W-5 tank car.
78.310-3(a)(1); in dealing with stress in pounds per square inch, the word "compression" has been substituted for "impact" in tank car spec. 111A100-W-4.
78.310-12(a); same as § 78.265-21.
78.311-3(a)(1); reason for § 78.310-3 applies also to spec. 111A100-W-6 tank car.
78.311-12(a); same as § 78.265-21.
78.312-4(a)(1); to provide minimum shell thickness for spec. 112A400-W tank without underframe.
78.312-19(a); same as § 78.265-21.
78.313-20(a); same as § 78.265-21.
78.314-20(a); same as § 78.265-21.

[F.R. Doc. 60-8072; Filed, Sept. 1, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55210]

IMPORTED ALCOHOLIC BEVERAGES

Refund of Internal Revenue Tax

Correction

In F.R. Doc. 60-7999, appearing at page 8237 of the issue for Saturday, August 27, 1960, the following statement should precede the first paragraph: "To Collectors of Customs and Others Concerned:".

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

REGIONAL DIRECTORS AND PROJECT LEADERS

Delegations of Authority

Chapter 4, Part 4, of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to delegate additional authority to regional directors and project leaders.

4 AM 4.7 and 4.9 are amended to read as follows:

4.7 *Sport fisheries matters.* Regional directors may severally exercise the authority of the Director for the conduct of the authorized sport fisheries programs of the Bureau, except as provided in succeeding sections. This does not include administrative management matters, which are treated in sections 4.2–4.6, above.

A. *Operation and maintenance of national fish hatcheries.* This authority does not include:

(1) Naming of new hatcheries, approval of development programs and plans therefor, and major improvement projects estimated to cost in excess of $10,000, not included in approved development plans.

(2) Transfer of fish eggs between regions for Bureau operations and transfers to or from states outside a region.

(3) Importation of fish and fish eggs and export of fish and fish eggs to foreign countries.

B. *Operation and maintenance of national fish hatcheries—project leaders.* Fish hatchery managers may exercise all of the authority of the Secretary set forth in 50 CFR Parts 70 and 71, except those authorities withheld from regional directors in section 4.7A above, and the following authorities:

(1) Execution of agreements for State cooperation in national fish hatchery area management.

(2) Approval of field trials for dogs.

(3) Approval of activities for the soliciting of funds for the support or assistance of any cause or organization.

(4) Approval of motion or sound pictures needing a script, cast, schedule, or "props."

(5) Approval of search for buried treasure or treasure trove.

(6) Issuance of permits for the collection of plant and animal life specimens for scientific purposes.

(7) Approval of fees, charges, or procedures for grants of privilege, and the sale or disposal of resources, products, furs, or pelts.

(8) Approval of trapping and commercial fishery programs.

(9) Approval of official wildlife control operations.

(10) Approval of the donation, loan, or sale of surplus wildlife species.

(11) Issuance of special regulations for public use, hunting, or fishing on individual national fish hatchery areas.

C. *Fishery management services.* This authority does not include establishment of cooperative fishery training units.

D. *Fishery research.* This authority does not include the conduct of any sport fisheries research program.

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4.9 *Wildlife matters.* Regional directors may severally exercise the authority of the Director for the conduct of the authorized wildlife programs of the Bureau, except as provided in succeeding sections. This does not include administrative management matters which are treated in sections 4.2–4.6, above.

A. *Management studies of migratory birds and enforcement of Federal fish and game laws.* This authority does not include:

(1) The conduct of aerial surveys outside the continental United States.

(2) The conduct of undercover law enforcement projects.

(3) Feeding of migratory waterfowl to prevent depredations under the Act of July 3, 1956 (P.L. 654—84th Cong.) where expenditure of funds for the acquisition of grain is required.

(4) Issuance of importation permits for mammals and birds or their eggs.

(5) Establishment of feather import quotas and the issuance of permits thereunder.

B. *Control of predatory animals and injurious rodents.* This authority does not include:

(1) Establishment of Compound 1080 and/or thallium predatory animal control station sites east of the Western Range Boundary as currently defined.

(2) Shipment of poison baits or poisons to foreign countries, other than strychnine predator tablets to Mexico and Canada.

C. *Development and management of National wildlife refuges and game ranges.* This authority does not include:

(1) Final approval of proposals for acquisition of lands for wildlife refuge purposes and the naming of refuges.

(2) Approval of agreements between the Bureau and other Federal or State agencies involving the Bureau's vested rights in the title or dedication of the lands and waters of wildlife refuge areas.

(3) Issuance of permits for archaeological investigations.

(4) Approval of proposals for any nonconforming use.

(5) Determination of the compatibility of public recreation and wildlife refuge area objectives.

(6) Approval of the annual disposal program for surplus "range animals."

(7) Approval, pursuant to 50 CFR, § 32.1 and § 33.1, of the opening of refuge areas to public hunting and fishing.

(8) Issuance of special public hunting regulations for migratory game birds on individual wildlife refuge areas.

(9) Approval of master plans for physical and biological development and management of wildlife refuge areas, and approval of plans for such major improvements and changes estimated to cost in excess of $10,000, not included in approved master plans.

D. *Development and management of National wildlife refuges and game ranges—project leaders.* Wildlife refuge managers may exercise all of the authority of the Secretary set forth in 50 CFR Parts 25–33, except those authorities withheld from regional directors in section 4.9C above, and the following authorities:

(1) Approval of field trials for dogs.

(2) Approval of activities for the soliciting of funds for the support or assistance of any cause or organization.

(3) Approval of motion or sound pictures needing a script, cast, schedule, or "props."

(4) Approval of search for buried treasure or treasure trove.

(5) Issuance of permits for the collection of plant and animal life specimens for scientific purposes.

(6) Approval of fees, charges, or procedures for grants of privilege, and the sale or disposal of resources, products, furs, or pelts.

(7) Approval of trapping and commercial fishery programs.

(8) Approval of official wildlife control operations.

(9) Approval of the donation, loan, or sale of surplus wildlife species.

(10) Issuance of special regulations for public use, hunting, or fishing on individual wildlife refuge areas.

D. *Wildlife research.* This authority does not include:

(1) The conduct of any wildlife research programs.

(2) Execution of foreign bird importation agreements.

(3) Authority to authorize the conduct of bird-banding operations, other than the signing of bird-banding permits in accordance with section (14) of the Procedure and Policy covering the Issuance of Migratory Bird Permits.

E. *Patuxent Wildlife Research Center.* The Director, Patuxent Wildlife Research Center may exercise all of the authority of the Secretary contained in 50 CFR, Part 60, except:

(1) The issuance of special regulations pursuant to 50 CFR 60.9 and 60.10.

F. *Migratory bird and bald eagle permits.* The employees designated in this section are severally authorized to act as the authorized representative of the Secretary in the issuance and revocation of permits pursuant to the regulations specified in sections (1) to (3) below. This authority may not be redelegated.

(1) *Acquisition and possession of migratory birds.* The Chief, Division of Wildlife, Washington Office and regional directors and chiefs, regional divisions of wildlife, may issue permits pursuant to 50 CFR 10.15 for the following purposes:

(a) The importation, taking, sale, purchase or other acquisition, and possession of live migratory birds and their eggs for propagating purposes.

(b) The importation, taking, sale, purchase or other acquisition, and possession of migratory birds, or parts, nests, or eggs thereof for scientific and other limited purposes.

(c) The disposition and transportation of such birds, or parts, nests, or eggs and their increase.

(d) The mounting or other preparation by a taxidermist of such birds, or parts, nests, or eggs, thereof.

Except, that no permit may be issued by any regional official for the importation or exportation into or out of the United States of migratory birds, or parts, nests, or eggs thereof; nor shall any permit be issued by any regional official to authorize the conduct of activities involving migratory birds, or parts, nests, or eggs thereof in any territory, district or possession of the United States, other than the District of Columbia.

(2) *Killing of migratory birds.* The Chief, Division of Wildlife, Washington Office, regional directors and chiefs, regional divisions of wildlife, may issue permits pursuant to 50 CFR 10.61 to kill, frighten, or otherwise herd migratory birds injuring crops or other property. Game management agents and pilot-agents may issue permits to frighten or otherwise herd (but not to kill) migratory birds injuring crops or other property.

(3) *Killing or capturing bald eagles.* The Chief, Division of Wildlife, Washington Office, and regional directors and chiefs, regional divisions of wildlife, may exercise all of the authority of the Secretary contained in 50 CFR Part 11, and relating to the issuance and revocation of permits governing the taking, possession, and transportation of Bald Eagles or their nests, and eggs.

G. *Evidence of violations of laws.* The Chief, and the Assistant Chief, Branch of Management and Enforcement, may authorize and approve payments in aggregate total not exceeding the statutory limitations for information or evidence concerning violations of laws administered by the Bureau.

D. H. JANZEN,
Director.

AUGUST 30, 1960.

[F.R. Doc. 60-8188; Filed, Sept. 1, 1960; 8:48 a.m.]

DELEGATIONS OF AUTHORITY

Amendment With Respect to Finance

On page 6025 of the FEDERAL REGISTER of June 29, 1960, there were published delegations of authority with respect to finance for the Bureau of Commercial Fisheries. An amendment to such delegations, as set forth below, serves to clarify the limits of the geographical boundaries permitted in the travel regulations of the Regional and Area Offices, and, for the Alaska Region and Hawaii Area, to clarify approval of travel involving travel to and from the forty-eight states on the mainland including the District of Columbia.

As so amended 2211.7B(1) and 2211.7B (2) read as follows.

SERIES 2000—ADMINISTRATION

TITLE 2200—FINANCE

Chapter 2210—Policy and Delegations of Authority

• • • • • •

2211.7 *Travel.*

• • • • • •

B. *Regional and Area Offices.* (1) Regional Directors; Assistant Regional Directors; Regional Chiefs, Division of Administrative Services; Area Directors; Chief of Division of Administrative Services, Hawaii Area; and Administrative Officer, California Area; with such approval of travel limited to travel

• • • • • •

(d) To other States on a specific trip basis when necessary for administration of routine or continuing activities.

(2) Alaska Region and Hawaii Area, in addition to the delegation in B(1) above, to authorize and approve travel involving transferees or new appointees, expenses of transportation of their immediate families and expenses of transportation of household goods from places of actual residence at time of appointment to places of employment outside the forty-eight states on the mainland including the District of Columbia and return to their actual residence at time of appointment, upon termination of employment or for home leave pursuant to the Act of August 31, 1954 (5 USC 73b–3).

[Commissioner's Order No. 3 (22 F.R. 8126)]

A. W. ANDERSON,
Acting Director.

AUGUST 26, 1960.

[F.R. Doc. 60-8178; Filed, Sept. 1, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has filed an application for a waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit the below-described foreign flag activities:

Operation or charter (upon time or bareboat terms) by Signal Oil and Gas Company, an affiliate of American President Lines, Ltd., or by any division or subsidiary of Signal Oil and Gas Company, of foreign-flag tanker vessels for the world-wide carriage of petroleum and its products.

Any person, firm or corporation having an interest in such application and desiring a hearing on issues pertinent to Section 804 of the Merchant Marine Act, 1936, as amended, should by close of business on September 19, 1960, notify the Secretary, Maritime Administration, in writing, in triplicate, setting forth the reasons for requesting a hearing, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing or petition for leave to intervene is received within the specified time, or if the Maritime Administrator determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Administrator will take such action as may be deemed appropriate.

Dated: August 29, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8201; Filed, Sept. 1, 1960; 8:49 a.m.]

UNITED STATES LINES CO.

Notice of Application

Notice is hereby given that United States Lines Company has filed an application for waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit Mr. Herman Goldman to continue to occupy the status of a director of United States Lines Company, a subsidized American flag operator, and of a director and stockholder of Barber and Co., and its wholly-owned subsidiary companies, which companies operate foreign flag ships in competition with American flag service(s) determined by the Maritime Administration to be essential as provided in section 211 of the 1936 Act.

Any person, firm or corporation having an interest in such application and desiring a hearing on issues pertinent to section 804 of the Merchant Marine Act, 1936, as amended, should by the close of business on September 19, 1960, notify the Secretary, Maritime Administration, in writing, in triplicate, setting forth the reasons for requesting a hearing, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing or petition for leave to intervene is received within the specified time, or if the Maritime Administrator determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Administrator will take such action as may be deemed appropriate.

Dated: August 29, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8202; Filed, Sept. 1, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPCX-15 set forth below. The amendment extends to October 31, 1960, as requested by the applicant, the latest date for completion of construction of a separable-half type critical experiments facility to be located in Ventura County, California.

In accordance with the Commission's Rules of Practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment to the construction permit upon receipt of a request therefor from the permittee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington, 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see the application for amendment dated July 27, 1960, submitted by North American Aviation, Inc.

Dated at Germantown, Maryland, this 24th day of August 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Construction Permit No. CPCX-15, Amdt. 1]

Paragraph 3.A. of Construction Permit No. CPCX-15 is hereby amended by changing the second sentence thereof to read as follows: "The latest date for completion of the facility is October 31, 1960."

This amendment is effective as of the date of issuance.

Date of issuance: August 24, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-8203; Filed, Sept. 1, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-53]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

AUGUST 29, 1960.

Take notice that Kentucky Gas Transmission Corporation (Applicant), a Delaware corporation with a principal office in Charleston, West Virginia, filed an application on March 8, 1960, and a supplement thereto on May 20, 1960, in Docket No. CP60-53, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing (a) the acquisition and operation of approximately 34.2 miles of 8-inch transmission pipeline in Fayette, Madison and Estill Counties, Kentucky, (b) the construction and operation of measuring and regulating facilities required for the rendering of initial service to Petroleum Exploration (Pet-X), and 4.6 miles of 6-inch transmission pipeline in Madison County, Kentucky, replacing 4.6 miles of 4-inch pipeline proposed to be abandoned, and (c) permission and approval to abandon 4.6 miles of 4-inch transmission pipeline in Madison County, Kentucky, all as more fully set forth in the application and supplement on file with the Commission, and open to public inspection.

Applicant states that the facilities to be acquired (a portion of which are operated under authorization granted in Docket No. G-961), and facilities proposed to be constructed are necessary to maintain operating control over the facilities serving existing wholesale customers and to eliminate an estimated capacity deficiency in its transmission system of approximately 4300 MCF on the design peak-day of the 1960-61 winter period following the initiation of wholesale service to Pet-X. Applicant further states that service to Pet-X is required because of the depletion of local reserves available to Pet-X for resale which has resulted in residential curtailments in the markets served by Pet-X in the State of Kentucky during the 1957-58 and 1958-59 winter periods.

Applicant proposes to acquire the facilities from Pet-X on the basis of their net book value as of December 31, 1959, stated to be $51,142.20. The estimated cost of the proposed 6-inch transmission pipeline and measuring and regulating station is $165,700, all of which will be financed by Applicant's parent. The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 21, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8171; Filed, Sept. 1, 1960; 8:46 a.m.]

[Docket No. CP60-77]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

AUGUST 29, 1960.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation with a principal office in Columbus, Ohio, filed an application in Docket No. CP60-77 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate a tap at the junction of its existing 16-inch Line D and its 4-inch lateral D-55 in Erie County, Ohio in order to enable Applicant to sell and distribute at retail up to an estimated 500 Mcf per day of natural gas in the Village of Wakeman in Huron County, Ohio. Line D serves Sandusky, Fremont and other northern Ohio communities. Applicant will construct and operate a distribution system in the town and a "feeder" line from the proposed tap to the town, a distance of about 3 miles. The feeder line will be used to distribute gas to consumers along its route to the village. The foregoing is more fully stated in the application on file with the Commission and open to public inspection.

Applicant's estimated gas requirements for service in the Village of Wakeman (population 690 in 1950) for the first three years of operation are as follows:

Year	Volumes in Mcf at 14.65	
	Peak day	Annual
First	378	49,125
Second	446	59,910
Third	486	65,496

Applicant estimates the total costs of the proposed construction at $142,968 of which $250 is for the proposed tap. These costs will be paid from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8172; Filed, Sept. 1, 1960; 8:46 a.m.]

[Docket Nos. RI61-58—RI61-64]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

AUGUST 26, 1960.

Pan American Petroleum Corporation, Docket No. RI61-58; Gulf Oil Corporation, Docket No. RI61-59; Howard Kuhn, et al., Docket No. RI61-60; Logue & Patterson (Operator), et al., Docket No. RI61-61; Skelly Oil Company (Operator), et al., Docket No. RI61-62; Warren Petroleum Corporation, Docket No. RI61-63; Phillips Petroleum Company, Docket No. RI61-64.

The above-named Respondents have tendered for filing proposed changes in presently-effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supp. No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-58	Pan American Petroleum Corp.	101	6	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.).	7-26-60	7-29-60	[2] 8-29-60	1-29-61	[3] 15.0686	15.5	G-19998
RI61-58	do	133	5	El Paso Natural Gas Co. (Cogdell Field, Kent and Scurry Counties, Tex.).	7-27-60	7-29-60	[2] 8-29-60	1-29-61	[3] 14.3511	16.0	G-19998
RI61-59	Gulf Oil Corp.	141	1	Northern Natural Gas Co. (NW. Dower Field, Beaver County, Okla.).	undated	8- 2-60	[2] 9- 2-60	2- 2-61	[3] 15.5	16.5	
RI61-60	Howard Kuhn, et al.	1	1	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	8- 1-60	8- 5-60	[2] 9- 5-60	2- 5-61	[3] 11.0	12.5	
RI61-61	Logue & Patterson (Operator), et al.	2	4	Tennessee Gas Transmission Co. (W. Taft Field, San Patricio County, Tex.).	8- 5-60	8- 5-60	[2] 9- 5-60	2- 5-61	[3] 15.0952	17.24347	G-20206
RI61-62	Skelly Oil Co. (Operator), et al.	124	2	Kansas-Nebraska Natural Gas Co., Inc. (Pawnee Hills Field, Logan County, Colo.).	8- 5-60	8- 8-60	[2] 9- 8-60	2- 8-61	[4] 12.82624	13.7424	
RI61-63	Warren Petroleum Corp.	49	5	Tennessee Gas Transmission Co. (Geyser Gas Plant, Calhoun County, Tex.).	8- 5-60	8- 8-60	[2] 9- 8-60	2- 8-61	[3] 11.02818	15.33333	
RI61-64	Phillips Petroleum Co.	302	7	Kansas-Nebraska Natural Gas Co., Inc. (Texas County, Okla.).	8- 5-60	8- 8-60	[1] 10- 1-60	3- 1-61	[3] 16.4	16.6	G-19474

[1] The stated effective date is that proposed by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.

In support of its proposed increase, Pan American states that the contracts were negotiated at arm's length and that denial of the increased rates would be unfair, inequitable and confiscatory. Respondent also cites prices in the area which triggered the favored-nation clauses and states that such price provisions are customary in the gas industry.

The increase in rate proposed by Gulf is provided by an amendatory agreement dated April 12, 1960, wherein Northern Natural agrees to increase the contract price by 1.0 cent per Mcf in consideration of seller's relinquishing its rights to process the gas for removal of liquefiable hydrocarbons. In support, Respondent submits copies of the amendatory agreement and cites provisions thereof, and states that the contract and amendment were negotiated at arm's length and the increased price is just and reasonable.

In support of its proposed increase, Kuhn merely cites the contract provisions and states that the Commission has allowed higher initial prices in the area.

In support, Logue & Patterson cite the contract provisions and submit copies of Tennessee's favored-nation letter and state that the contract resulted from arm's length bargaining.

In support of its proposed increase, Skelly cites the contract provisions and states that the contract resulted from arm's-length bargaining and that denial of the increased price would be unjustly discriminatory.

In support of its proposed increase, Warren cites the contract provisions and submits copies of Tennessee's letter establishing the 15.333 cents redetermined price. Warren states that the contract was negotiated at arm's length under competitive conditions, and the pricing provisions were designed to give seller the going market price for gas and protection against inflation and increasing costs. Warren also cites higher initial rates in the area which the Commission has certificated.

In support of its proposed increase, Phillips states that the change merely puts into effect a price which was negotiated at arm's length and which is lower than prices authorized by the Commission in Opinion No. 328. Phillips states that the increased price is just and reasonable and will not, to its knowledge, trigger any favored-nation clauses in other contracts for sales in the area.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 10, 1960.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8173; Filed, Sept. 1, 1960; 8:46 a.m.]

[Docket No. CP60-110]

PERMIAN BASIN PIPELINE CO.

Notice of Application and Date of Hearing

AUGUST 29, 1960.

Take notice that on June 1, 1960 Permian Basin Pipeline Company (Applicant), a Delaware corporation, with its principal place of business in Omaha, Nebraska, filed in Docket No. CP60-110, an application, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to continue operation of existing facilities (originally certificated in Docket No. G-12374) for delivery of natural gas to Pioneer Natural Gas Company (Pioneer) for resale to its various customers for irrigation purposes until October 1, 1961. Applicant is not requesting authorization for any new facilities.

The estimated sales to Pioneer for the period June 1960 to October 1, 1961 are 2,114,000 Mcf through the two delivery points. Applicant states that the proposed sales would be made during the months when demands of its principal customer, Northern Natural Gas Company, does not require all of Applicant's available gas.

By letter dated July 7, 1960, Applicant was granted temporary authorization to deliver gas to Pioneer, ending October 1, 1961, as requested in its application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8174; Filed, Sept. 1, 1960; 8:46 a.m.]

[Docket No. RI61-65]

SOCONY MOBIL OIL CO., INC.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject to Refund

AUGUST 26, 1960.

On July 29, 1960, Socony Mobil Oil Company, Inc. (Socony), tendered for filing proposed changes in its presently effective rate schedules[1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Letter,[1] dated January 12, 1960. (2) Letter,[1] dated January 12, 1960.

Purchaser and producing area: El Paso Natural Gas Company. (1) Hogsback Field, Lincoln and Sublette Counties, Wyoming. (2) Tip Top Field, Sublette County, Wyoming.

Rate schedule designation: (1) Supplement No. 8 to Socony's FPC Gas Rate Schedule No. 217. (2) Supplement No. 17 to Socony's FPC Gas Rate Schedule No. 215.

Proposed rate: 18.5 cents per Mcf—at 15.025 psia (both supplements).

Effective date: August 29, 1960. (Stated effective date is the first day after expiration of the required thirty days' notice.) Amends the "make-up gas" provisions of contract and further confirms the parties understanding of a compression charge of 1.0 cent per Mcf.

Socony's proposed agreements revise the "make-up" provisions, the minimum delivery quantity, and supersede letter agreements dated April 19 and June 26, 1956, designated as Supplements Nos. 6 and 3 to Socony's FPC Gas Rate Schedules Nos. 215 and 217, respectively, suspended by the Commission's order issued October 24, 1958, in Docket No. G-16710, and are now in effect subject to refund. The superseding supplements also provide for an increase pressure from 500 to 860 psig.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplements Nos. 8 and 17 to Socony's FPC Gas Rate Schedules Nos. 217 and 215, respectively, be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Supplements Nos. 8 and 17 to Socony's FPC Gas Rate Schedules Nos. 217 and 215, respectively, be allowed to take effect as of August 30, 1960, subject to refund upon the timely filing of its respective agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplements Nos. 8 and 17 to Socony's FPC Gas Rate Schedules Nos. 217 and 215, respectively.

(B) Pending such hearing and decision thereon, the supplements are each hereby suspended and the use thereof deferred until August 30, 1960, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplements Nos. 8 and 17 to Socony's FPC Gas Rate Schedules Nos. 217 and 215, respectively, shall be effective as of August 30, 1960: *Provided, however,* That within 20 days from the date of the issuance of this order, Socony shall execute and file under Docket No. RI61-65 with the Secretary of the Commission its respective agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A), signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Socony is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 10, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8175; Filed, Sept. 1, 1960; 8:46 a.m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-16710.

[Docket No. G-19472]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 29, 1960.

Take notice that South Georgia Natural Gas Company (Applicant), a Georgia corporation with a principal office in Thomasville, Georgia, filed in Docket No. G-19472 on September 16, 1959, an application seeking in the alternative:

1. Determination that a sale of natural gas to the City of Tallahassee, Florida (City), an existing customer through existing facilities for direct consumption by such customer on an interruptible basis for use in its electric generating plant, is not subject to the jurisdiction of the Commission, or

2. A certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the operation of facilities in the making of a direct sale to the City of Tallahassee, Florida, on an interruptible basis for use in the City's electric generating plant, all as more fully stated in the application on file with the Commission, and open to public inspection.

Applicant states the City receives natural gas from Applicant for resale in the city under Applicant's FPC Rate Schedules as authorized in a certificate issued to the Applicant on September 2, 1954 in Docket No. G-1915, and that the City also bought gas from the Applicant under the Applicant's FPC Rate Schedule I-1 for use in the City's electric generating plant until it discontinued the use thereof for the reason that the rate under Applicant's Schedule I-1 (36 cents per Mcf) effective April 16, 1958 exceeded what the City considered to be its cost of competitive fuel. Applicant further states that on June 1, 1959, the City and Applicant entered into a new agreement under which the City would purchase gas for direct consumption in its power plant on an interruptible basis at 34.5 cents per Mcf, which gas will be used only at the power plant.

Applicant estimates that annual deliveries will total 1,600,000 Mcf and at 34.5 cents per Mcf will produce an annual net income of $119,808 (an average of 5000 Mcf daily for 320 days).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8176; Filed, Sept. 1, 1960; 8:47 a.m.]

[Docket No. CP61-13]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 29, 1960.

Take notice that on July 19, 1960, United Gas Pipe Line Company (Applicant) filed in Docket No. CP61-13 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of minor routine natural gas facilities to enable Applicant to make new direct industrial sales from its main pipeline system from time to time during the calendar year 1961, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities, which would consist of taps, meters and branch lines, would have a total cost not to exceed $750,000, with the cost of any single connection limited to a maximum of $200,000. It is stated that Applicant's main line delivery capacity would not be increased by the proposed construction.

Total annual deliveries to direct industrial customers to be attached under this application are not to exceed a maximum of 10,000,000 Mcf, and Applicant states that none of the facilities for which authorization is here requested will be used to deliver gas to any electric power company for use as boiler fuel in the generation of electricity.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 27, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 16, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8177; Filed, Sept. 1, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 30, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36526: *Liquid caustic soda—Official territory to Florida.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2555), for interested rail carriers. Rates on liquid caustic soda, in tank-carloads, from specified points in Delaware, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia, to Jacksonville, South Jacksonville and Palatka, Fla.

Grounds for relief: Market competition.

Tariffs: Supplements 172 and 20 to Traffic Executive Association-Eastern Railroads tariffs I.C.C. A-1079 (Boin series) and C-102, respectively.

FSA No. 36527: *Cement—Trunk-line territory to Kentucky and West Virginia.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2556), for interested rail carriers. Rates on cement and related articles, in carloads, from Alsen, Brixment, Hudson, and Rosendale, N.Y., Bath, Swedeland, and

York, Pa., Hagerstown and Union Bridge, Md., and Martinsburg, W. Va., to specified points in Kentucky and West Virginia.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 15 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4788 (Hinsch series).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8194; Filed, Sept. 1, 1960; 8:48 a.m.]

[Notice 374]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 30, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63523. By order of August 26, 1960, The Transfer Board approved the transfer to Phillips Specials, A Corporation, Jersey City, N.J., of Certificate No. MC 78092 issued by the Commission October 31, 1956, in the name of Charles Bleigh, doing business as Phillips Specials, Jersey City, N.J., authorizing the transportation of general commodities, without exceptions, over irregular routes, between New York, N.Y., and Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Essex, and Union Counties, N.J., and those in that portion of Middlesex County, N.J., on or north of New Jersey Highway 18 (formerly New Jersey Highway S-28).; between Philadelphia, Pa., on the one hand, and, on the other, Camden and Trenton, N.J., Wilmington, Del., and points in those portions of Delaware, Montgomery, and Bucks Counties, Pa., on and east of U.S. Highway 202; and household goods and general commodities excluding commodities in bulk and various specified commodities, over irregular routes, between points in Bucks County, Pa., on the one hand, and, on the other, points in New Jersey within 40 miles of Pineville, Pa. George A. Olson, 69 Tonnele Avenue, Jersey City 6, N.J., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8195; Filed, Sept. 1, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1777]

ALASKA NATIONAL GOLD MINES CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 29, 1960.

I. Alaska National Gold Mines Co. (issuer), an Alaska corporation, Glover Building, Suite 211, Anchorage, Alaska, filed with the Commission on August 2, 1960 a notification on Form 1-A and an offering circular relating to a proposed public offering of 250,000 shares of its 10¢ par value common stock at 20¢ per share for an aggregate public offering of $50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A fails to set forth adequately the information required by Item 2(b) concerning the issuer's affiliates and by Item 2(c) concerning persons holding more than 10 percent of record or beneficially of the outstanding stock of the issuer;

2. The notification fails to furnish exhibits as required by Item 11, particularly with respect to articles of incorporation, by-laws, underwriting agreement, and consent and certification of the underwriter;

3. The notification fails to furnish as an Exhibit a Consent to Service of Process for certain officers, directors, and underwriters who are not residents of the United States, pursuant to Item 11(e) and Rule 262 of the General Rules and Regulations under the Securities Act of 1933;

4. The offering circular fails to describe the method by which the securities are to be offered, as required by Item 5 of Schedule 1;

5. The offering circular fails to furnish a reasonably itemized statement of the use to be made of the proceeds to the issuer from the sale of the securities, indicating in what order of priority the proceeds will be used, in accordance with Item 6(a) of Schedule 1;

6. The offering circular fails to describe arrangements for the return of funds to subscribers if all of the stock is not sold as required by Item 6(b) of Schedule 1;

7. The offering circular fails to describe the location and means of access to mining properties, the nature of the basic title to the mining properties and any known risks to which the basic title will be subject, as required by Item 8A of Schedule 1;

8. The offering circular fails to describe all direct and indirect interests of the officers and directors of the issuer, or its affiliates in any material transaction as required by Item 9(c) of Schedule 1;

9. The offering circular fails to state the percentage of outstanding securities of the issuer which will be held by directors, officers and promoters in relation to the public, if all the securities offered under this regulation are sold, as required by Item 9(d) of Schedule 1;

10. The failure to include a statement of assets and statement of cash receipts and disbursements as required by Item 11 of Schedule 1.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statements in the offering circular with respect to a definite indication of probable ore based upon certain assays listed in the offering circular;

2. The failure to disclose the method of selection of samples and the significance of such samples;

3. The failure to disclose adequately the exploration and development work performed on the issuer's property and the results thereof;

4. The failure to disclose the results of prior operations and available reports on the issuer's property;

5. The failure to disclose adequately the type and nature of operations to be conducted on the issuer's property;

6. The failure to disclose the forfeiture provisions of the mining lease and option agreement;

7. The failure to disclose the consideration received from the promoters for the stock issued to them;

8. The failure to disclose extensive prior promotional activities on the part of officers and directors;

9. The failure to disclose adequately the dilution of the value of the stock to be purchased by the investors because of the large amount of stock issued or to be issued to promoters;

10. The failure to disclose that there is no market for the issuer's stock and that the offering price of the stock is arrived at in an arbitrary manner and bears no relationship to the underlying assets of the issuer.

C. The Regulation A exemption is unavailable in that the president, underwriter and promoter of the issuer is subject to a pending indictment in connection with the sale of stock of the Nevada Uranium Company.

D. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8183; Filed, Sept. 1, 1960; 8:47 a.m.]

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

AUGUST 29, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 30, 1960 to September 8, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8184; Filed, Sept. 1, 1960; 8:47 a.m.]

[File No. 812-1329]

FIDELITY CAPITAL FUND, INC.

Notice of Filing of Application for Exemption Order

AUGUST 26, 1960.

Notice is hereby given that Fidelity Capital Fund, Inc. ("Fidelity"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of H. Gilbert's Sons, Inc. ("Gilbert's").

Shares of Fidelity, a Massachusetts corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of June 30, 1960, net assets of Fidelity amounted to $16,774,874 and approximately 1,126,788 of its shares were outstanding.

Gilbert's, a Tennessee corporation, is a personal holding company with two stockholders. Gilbert's, incorporated in 1947, operated a retail men's clothing business for a number of years, and following the liquidation of such business, has invested in securities. Gilbert's is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Fidelity and Gilbert's, substantially all of the cash and securities owned by Gilbert's, with a total value of approximately $235,859 as of June 30, 1960, will be transferred to Fidelity in exchange for shares of stock of Fidelity. The agreement requires Gilbert's to sell, prior to closing, all securities and other assets now held which Fidelity does not wish to acquire.

The shares of Fidelity acquired by Gilbert's are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Fidelity to be delivered to Gilbert's will be determined by dividing the net asset value per share of Fidelity in effect at the close of business on the day preceding the closing date into the value of the assets of Gilbert's to be exchanged.

The value of the assets of Gilbert's will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Fidelity's shares. Since the exchange will be tax-free for Gilbert's and its shareholders, Fidelity's cost basis for tax purposes on the assets acquired from Gilbert's will be the same as for Gilbert's, rather than the price actually paid by Fidelity for the assets. It is not anticipated, however, that any adjustment of Gilbert's asset value will be made as a result of this tax treatment since Fidelity's unrealized appreciation as a percentage of its net assets, amounting to 21.8 percent at June 30, 1960, is substantially greater than Gilbert's, amounting to 4.3 percent at the same date.

The application recites that the terms of the entire transaction were arrived at through arm's length bargaining and that no affiliation exists between the parties except with respect to Gilbert's and its two stockholders. The application further recites that Fidelity will bear no expenses other than the cost of stock issue tax stamps required on issue of its shares to Gilbert's; that no finder's fee has been or will be paid or incurred by Fidelity; and that the securities to be acquired by Fidelity are consistent with its investment policy and it wishes to acquire them for investment purposes.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Fidelity are to be issued to Gilbert's at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2 percent for sales of $200,000 and over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 9, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8185; Filed, Sept. 1, 1960; 8:47 a.m.]

[File No. 812-1300]

CENTURY INVESTORS, INC, ET AL.

Notice and Order Reconvening Hearing on Amended Application

AUGUST 26, 1960.

In the matter of Century Investors, Inc., Webster Investors, Inc., American

Manufacturing Company, Inc.; File No. 812-1300.

Notice is hereby given that Century Investors, Inc. ("Century") and Webster Investors, Inc. ("Webster"), both Delaware corporations, registered under the Investment Company Act of 1940 ("Act") as closed-end, nondiversified management investment companies, and American Manufacturing Company, Inc. ("American") have filed an amended joint application pursuant to section 17 (b) of the Act for an order of the Securities and Exchange Commission exempting from the provisions of section 17(a) of the Act certain transactions incident to a merger of Century, Webster and American, with American as the surviving corporation under the same name.

A public hearing on the original application was held before a hearing officer of the Securities and Exchange Commission on July 7, 1960.

The original application proposed that (a) each share of common stock of Century would be converted into one-tenth share of Class A stock and one and fifteen one-hundredths shares of common stock of American, (b) each share of common stock of Webster would be converted into one-half share of Class A stock and seventy-two one-hundredths share of common stock of American, (c) each share of Class A stock and common stock and options to purchase stock of American would remain outstanding, and (d) all treasury stock and intercompany holdings of the constituent companies would be cancelled.

Under the amended application, no shares of Class A stock will be issued to the stockholders of Century and Webster and instead the following allocations are proposed: (a) each share of common stock of Century will be converted into one and twenty-seven one-hundredths shares of common stock of American, and (b) each share of common stock of Webster will be converted into one and one-quarter shares of common stock of American. The only other respect in which changes are made under the amended application is that it provides for the issue of 12,179 escrowed shares of common stock of American instead of 12,821 escrowed shares as provided in the original application. A certificate of contingent interest in .03073 of a share of common stock of American would be issued to the holders of each share of common stock of Century and a certificate of contingent interest in .04570 of a share of common stock of American would be issued to the holder of each share of common stock of Webster. These changes from the original plan follow from certain changes in asset values and number of shares outstanding occurring since the adoption of the original application.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors that the hearing which was continued on July 7, 1960, subject to the call of the hearing officer be reconvened;

It is ordered, Pursuant to section 40(a) of the Act, that the hearing on the aforesaid application, as amended, under the applicable provisions of the Act and of the rules of the Commission thereunder be reconvened on the 15th day of September 1960, at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the amended application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the amended application filed by Century, Webster and American pursuant to section 17(b) of the Act to exempt the proposed merger of Century, Webster and American (with American as the surviving corporation) from the provisions of Section 17(a) of the Act meets the prescribed standards of Section 17(b);

(2) Whether American at the present time is and after the proposed merger will be, an investment company within the definition of section 3(a)(3) of the Act;

(3) Whether American is primarily engaged, and will after the merger be primarily engaged, in a business or businesses other than that of an investment company either directly or through majority owned subsidiaries or through controlled companies conducting similar types of businesses.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Century, Webster and American; that applicants shall cause a copy of this notice to be mailed to the stockholders of Century, Webster and American at their last known address on or before September 1, 1960; and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8204; Filed, Sept. 1, 1960; 8:49 a.m.]

TARIFF COMMISSION

DRIED FIGS

Tariff Commission Reports to the President

AUGUST 30, 1960.

The U.S. Tariff Commission today submitted to the President its seventh periodic report on the developments in the trade in dried figs since the "escape clause" action, on August 30, 1952, modifying the concession granted in the General Agreement on Tariffs and Trade on such figs classifiable under paragraph 740 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its seventh report to the President under paragraph 1 of Executive Order 10401 with respect to dried figs, the Commission advised the President that the conditions of competition between imported and domestic dried figs had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in dried figs do not warrant a formal inquiry into the question of whether a reduction in the duties on dried figs could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-8186; Filed, Sept. 1, 1960; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations §§ 522.1 to 522.11 are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bannon Mills, Inc., Seventh and Union Streets, Lebanon, Pa.; effective 8-22-60 to 8-21-61 (children's and infants' apparel).

Branchville Shirt Co., 108 Carroll Street, Branchville, S.C.; effective 8-24-60 to 8-23-61 (men's and boys' cotton and flannel sport shirts).

Detroit Slacks, Inc., Detroit, Ala.; effective 9-1-60 to 8-31-61 (men's and boys' dress and play slacks).

Fleetline Industries, Inc., Garland, N.C.; effective 8-23-60 to 8-22-61 (men's sport shirts).

G & S Manufacturing, Inc., Central and F Streets, Auburn, Nebr.; effective 8-24-60 to 8-23-61 (infants', toddlers' and boys' coats and pants).

Kane Manufacturing Co., Inc., Leitchfield, Ky.; effective 9-9-60 to 9-8-61 (men's and boys' sport jackets).

Mylcraft Manufacturing Co., Inc., Rich Square, N.C.; effective 8-22-60 to 8-21-61 (ladies' pajamas).

Raycord Co., Inc., Spartanburg, S.C.; effective 8-22-60 to 8-21-61 (men's sport shirts).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla.; effective 8-19-60 to 8-18-61 (men's and boys' overalls, shirts; men's and boys', ladies' and girls' jeans; coats lined and unlined).

Wright Manufacturing Co., 626 West Currahee Street, Toccoa, Ga.; effective 8-20-60 to 8-19-61 (men's and boys' casual pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Excelsior Frocks, Inc., 396 Academy Street, Archbald, Pa.; effective 8-22-60 to 8-21-61; 10 learners (ladies' dresses).

M & H Manufacturing Inc., Syracuse, Nebr.; effective 8-17-60 to 8-16-61; 5 learners (infants', toddlers' and boys' shirts).

Palmetto Sportswear, Inc., Bowman, S.C.; effective 8-22-60 to 8-21-61; 10 learners (women's slacks, shorts).

Purling Mills, Inc., Douglass and Moss Streets, Reading, Pa.; effective 8-22-60 to 8-21-61; 10 learners (men's and boys' placket shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hanover Shirt Co., Inc., Ashland, Va.; effective 8-15-60 to 2-14-61; 50 learners (men's cotton sport shirts).

Levi Strauss and Co., Warsaw, Va.; effective 8-20-60 to 2-19-61; 100 learners (cotton work pants).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., 209 North Beaver Street, York, Pa.; effective 8-19-60 to 8-18-61; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Auburn Dyeing & Finishing Co., Auburn, Ky.; effective 8-19-60 to 2-18-61; five learners for plant expansion purposes (dyeing and finishing of women's nylon hosiery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firms listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Adelphian Academy, 820 Academy Road, Holly, Mich.; effective 9-1-60 to 8-31-61; authorizing the employment of 40 student-workers in the woodworking shop industry (manufacturing trellises, birdhouses, etc.) in the occupations of woodworking machines operator, assembler and related skilled and semi-skilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours.

Campbellsville College, 215 Chandler Street, Campbellsville, Ky.; effective 9-1-60 to 8-31-61; authorizing the employment of: (1) 10 student-workers in the furniture and handiwork "do-it-yourself" kits industry in the occupations of woodworking machine operator, veneer machine operator including glue reel, assembler, furniture finisher and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 8 student-workers in the metal fabrication industry in the occupations of machine tools operator, lathe, milling, planer, shaper, drill press, die casting and related semi-skilled occupations and skilled occupations for a learning period of 850 hours at the rates of 85 cents an hour for the first 425 hours and 90 cents an hour for the remaining 425 hours.

Campion Academy, Loveland, Colo.; effective 9-1-60 to 8-31-61; authorizing the employment of 25 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder and related skilled and semi-skilled occupations, for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9-1-60 to 8-31-61; authorizing the employment of 40 student-workers in the woodworking (Redwood lawn furniture) industry in the occupations of woodworking machines operator, assembler, and related skilled and semi-skilled occupations including incidental clerical work in shop, for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Indiana Academy, Cicero, Ind.; effective 9-1-60 to 8-31-61; authorizing the employment of 60 student-workers in the furniture (wood) industry in the occupations of woodworking machine operator, assembler, furniture finisher helper and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of 85 cents and hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Laurelwood Academy, Route No. 2, Gaston, Oreg.; effective 9-1-60 to 8-31-61; authorizing the employment of 25 student-workers in the woodworking (folding doors) industry in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Oak Park Academy, Nevada, Iowa; effective 9-1-60 to 8-31-61; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semi-skilled occupations including incidental clerical work in shop, for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 7 student-workers in the broom industry in the occupations of broom maker, stitcher and related skilled and semi-skilled occupations, for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Southwestern Junior College, Keene, Tex.; effective 9-1-60 to 8-31-61; authorizing the employment of: (1) 6 student-workers in the print shop industry in the occupations of compositor, pressman, bindery worker, camera and plate room and related skilled and semi-skilled occupations, for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 2 student-workers in the clerical occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semi-skilled occupations, for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Thunderbird Academy 13401 Scottsdale Road, Scottsdale, Ariz.; effective 9-1-60 to 8-31-61; authorizing the employment of 80 student-workers in the woodworking shop (furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations including incidental clerical work in shop, for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours

and 90 cents an hour for the remaining 300 hours.

Union College, 3800 South 48th Street, Lincoln, Nebr.; effective 9–1–60 to 8–31–61; authorizing the employment of: (1) 6 student-workers in the print shop industry in the occupations of compositor, pressman and related skilled and semi-skilled occupations, for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 10 student-workers in the bookbindery industry in the occupations of bookbinder, bindery workers and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (3) 8 student-workers in the broom industry in the occupations of broom maker, stitcher, and related skilled and semi-skilled occupations, for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours; (4) 30 student-workers in the furniture industry in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (5) 5 student-workers in the clerical occupations of bookkeeper, business machine operator, and related skilled and semi-skilled occupations, for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Walla Walla College, Drawer 1, College Place, Wash.; effective 9–1–60 to 8–31–61; authorizing the employment of: (1) 8 student-workers in the the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations, for a learning period of 1,000 hours at the rates of 85 cents an hour for the remaining 500 hours; (2) 30 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Brigham Young University, Provo, Utah; effective 9–1–60 to 8–31–61; authorizing the employment of 18 student-workers in the printing industry in the occupations of pressman, compositor, printer, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 25th day of August 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60–8182; Filed, Sept. 1, 1960; 8:47 a.m.]

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 213]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.513 Valencia Orange Regulation 213.

(a) *Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 1, 1960.

(b) *Order.* 1. The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 4, 1960, and ending at 12:01 a.m., P.s.t., September 11, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8310; Filed, Sept. 2, 1960; 11:43 a.m.]

[Lemon Reg. 862]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.969 Lemon Regulation 862.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee meeting was held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 30, 1960.

(b) *Order.* 1. The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 4, 1960, and ending at 12:01 a.m., P.s.t., September 11, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8290; Filed, Sept. 2, 1960; 9:06 a.m.]

[Avocado Order 21, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) available information indicates handlers' inventories of the containers specified in paragraph (a)(1)(ix) of this section will be exhausted on or before the effective date hereof; (3) no useful purpose will be served by continuing to authorize the use of such containers beyond such date; and (4) no special preparation on the part of handlers is required to comply with this amendment which cannot be completed by the effective time hereof.

Order. In § 969.321 (Avocado Order 21, 25 F.R. 7522; 8050), subdivision (ix) of paragraph (a)(1) is amended by deleting "September 12" and substituted therefor "September 5."

As so amended, § 969.321(a)(1)(ix) reads as follows:

§ 969.321 Container regulation.

(a) • • •

(1) • • •

(ix) During the period beginning at 12:01 a.m., e.s.t., August 22, 1960, and ending at 12:01 a.m., e.s.t., September 5, 1960, handlers may handle any variety of avocados in (*a*) containers with inside dimensions 11½ x 15¾ x 3¼ inches, (*b*) containers with inside dimensions 11½ x 15¾ x 3¾ inches, and (*c*) containers with inside dimensions 11½ x 15¾ x 4¼ inches.

The provisions of this amendment to § 969.321 (Avocado Order 21, 25 F.R. 7522; 8050) shall become effective at 12:01 a.m., e.s.t., September 5, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 31, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8179; Filed, Sept. 2, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 380; Special Civil Air Reg. SR–442]

PART 60—AIR TRAFFIC RULES

New York International Airport Traffic Area Rules

Draft Release No. 60–10 (25 F.R. 4202), dated May 5, 1960, gave public notice that the Federal Aviation Agency had under consideration the adoption of a Special Civil Air Regulation which would designate certain airspace around the New York International Airport as an airport traffic area and establish special air traffic rules applicable to this area.

A major purpose of this regulation is to reduce the aircraft noise disturbance to persons on the ground, recognizing that all aircraft noise cannot be eliminated and that safety of aircraft must be a primary consideration. The most direct solutions presently feasible include rearrangement of local traffic flow, use of prescribed preferential runways and traffic rules to establish the maximum altitudes of flight near airports consistent with safe landings and take-offs.

The degree to which aircraft noise may be reduced by regulating flight operations is limited to a great extent by the requirements of flight safety. The Agency must weigh all safety factors and consider the public interest with respect to a requirement for adequate air transportation against the problems which arise from aircraft noise in affected areas. For example, the Agency cannot prescribe regulations, simply to achieve some noise abatement, which would require an aircraft approaching to land to maintain a high altitude so close to the point of landing as to require descent at an angle too steep for safety.

Suggestions were made to prohibit the operation of jet aircraft during nighttime hours and to require the offloading of passengers and cargo to permit use of preferential runways. Such curtailment is not compatible with the critical need in the New York area for air transportation services. Moreover, bearing in mind that this is an initial attempt to provide noise relief in the New York area by regulation, there has not been sufficient experience for determining whether the noise benefits which might be derived would justify the resulting penalties upon the air transportation services required.

Although one of the primary objectives of this special regulation is to reduce aircraft noise, it is recognized that the preferential runway system, revised routings and minimum descent angles and altitudes set forth in this regulation will not completely eliminate the problem.

In developing a regulatory policy to resolve the problem of aircraft noise, the Agency has adopted certain basic concepts, previously incorporated in regulatory form in Special Civil Air Regulation SR–438, Los Angeles International Airport Traffic Pattern Area Rules. These concepts include the establishment of an airport traffic area for 5 statute miles around an airport within which special operating rules would apply. Such rules in turn would provide for use of preferential runways, prescribe altitudes for flight within the area which would reduce noise, require entry and departure in specified directions where possible, and exclude en route traffic from the area to the maximum extent. A requirement for radio communication between aircraft and the controlling facility is also included as essential to the safe and expeditious movement of traffic within the area.

The primary source of aircraft noise is the large jet transport aircraft. The Agency currently requires that such aircraft be equipped with engine noise suppressors which effect a significant reduction of engine noise. Further studies of jet noise suppression methods are under way in an effort to obtain additional reduction of aircraft noise. Development and use of ground engine mufflers may result in the reduction of noise during the period of ground engine run-up.

In addition to those comments discussing the general aspects of the noise problem there were also a large number of comments relative to the operational contents of the proposal. To promote clarity and continuity, these comments will be considered jointly as portions of each apply to the sequence of the rule.

The term "airport traffic pattern area" appearing in Draft Release 60–10 has been replaced by the term "airport traffic area" in both the preamble and the rule adopted herein. This change was accomplished in order to provide a clear distinction between the airport traffic area which encompasses airspace within a 5 statute mile radius of the airport, and the airport traffic pattern which refers to the flow of traffic operating on and in the vicinity of an airport during specified wind conditions. In addition, the description of the horizontal radius of the airport traffic area has been revised by adding the word "statute" to make it clear that the measurement is not based upon nautical miles.

Comments received from the Air Line Pilots Association (ALPA) recommended raising the ceiling of the airport traffic area to 3,000 feet to avoid the mingling of VFR/IFR air traffic in the vicinity of the airport. Conversely, general aviation groups recommended the establishment of a corridor to permit VFR traffic to fly through the area. Each of these proposals has been carefully considered and it has been concluded that one counterbalances the other. While it is considered desirable to segregate en route traffic from terminal traffic, such action should be taken in a manner imposing no undue burden upon either type of operation. In a large measure, the rule proposed herein reduces the probability of incidents resulting from the intrusion of an en route aircraft into or through the airport traffic area. At the same time, it permits en route aircraft to proceed over the airport traffic area at an altitude compatible with the operational characteristics of such aircraft. The establishment of an en route VFR corridor is not considered feasible since such action would derogate the benefits intended by the rule. Moreover, in this particular case, it does not appear that an appreciable hardship is imposed upon en route traffic due to their requirement to comply with Section 60.17 of Part 60.

The proposed rule was designed to prohibit all flight training activities within the New York International Airport Traffic Area with the exception of necessary airport qualification flights. It was not intended to prohibit pilots who intended to conduct training activities outside such area from utilizing the airport as a base for such operations. The rule has been modified accordingly.

The rule, as adopted herein, will require that all large aircraft be operated at altitudes of 1,500 feet or more except when maneuvering for landing or in flight following departures. Draft Release No. 60–10 proposed that small aircraft be required to enter the airport traffic area between the altitudes of 1,000 and 1,200 feet and, after entry, operate at altitudes between 800 and 1,000 feet until maneuvering for a landing requires otherwise. Several of the comments recommended that the traffic area entry and operating altitudes be revised to require all aircraft to operate at or above 2,000 feet except as required for take-off and landing, while other comments voiced objection to the stipulation of a maximum operating altitude for small aircraft. A basic concept of aircraft separation by reason of performance is practically expressed in the rule by the segregation of large and small aircraft operations into different altitude strata. Inherent separation, as provided by this rule, is designed to reduce the probability of mid-air collision and it is, therefore, deemed advisable to require its retention. In addition to the benefits accruing to safety, the requirement that small, less noisy aircraft operate in the lower strata of airspace and the larger and more noisy aircraft at the higher altitudes will serve to relieve the problems resulting from aircraft noise. In recognition of problems involved in flight by small aircraft over congested areas and in the interest of noise reduction, the altitude requirements for small aircraft have been modified to permit their entry at 1,200 feet or higher and to require that flight within the area be conducted between 1,000 and 1,200 feet until maneuvering for landing requires further descent.

The provisions of the rule adopted herein relative to the maintenance of an altitude at or above the glide slope angle are designed to provide a measure of relief from aircraft noise to those areas underlying the final approach path. It was not the intent of the proposal that compliance with the regulation for the purpose of noise relief should be carried to the point of compromising safety. For clarification, the final rule states that requirements for flight at or above the glide slope are applicable only when the VFR distance-from-cloud criteria will permit.

The Agency recognizes the validity of those comments suggesting that, under certain conditions, a climb to 1,500 feet, as rapidly as practicable, will generate more noise than a climb under reduced power. Also, it recognizes that a turn executed as soon after take-off as safety will permit may alleviate noise in certain areas. The rule adopted herein is designed to provide the necessary flexibility to accommodate such techniques. The Administrator may authorize a slower rate of climb in the interest of noise abatement, either by directive or through authorizations by the airport traffic control tower.

Several comments recommended elimination of the restriction prohibiting the use of runways 4L, 4R, 13L and 31R for take-off by turbojet aircraft, contending that flight safety and efficiency of operation require the availability of these runways. Prohibition of the use of these runways is a measure designed to reduce aircraft noise and the action was taken only after due consideration of safety requirements. The Agency realizes that under certain conditions, it may be necessary to utilize these runways; therefore, this rule provides the New York International Airport Traffic Control Tower the necessary flexibility to authorize deviations when necessary. However, it is emphasized that such authority will be used sparingly.

Several comments urged revision of the proposed rule to distinguish between the "heavy" turbojet (for example, 150,000 or more pounds maximum certificated take-off weight) and the "light" turbojet aircraft. These comments contended that "light" turbojet aircraft, with higher performance capability and a lesser aircraft noise output, would not significantly contribute to the noise problem in critical areas regardless of the runway used for take-off. Although recognizing the logic of some of these arguments, it has been decided that modification of the rule is not currently warranted since the rule provides differentiation at the discretion of ATC authorities.

Many and varied recommendations were received relative to the system of preferential runways. After carefully considering these comments, the system has been revised to the maximum extent possible considering the requirements of safety and of noise abatement. Some questions were raised regarding the report required from the pilot of a large fixed-wing aircraft who, for safety reasons, elects to use a runway other than the preferential or alternate runway assigned by air traffic control. It is not intended that this rule, in any way, abrogate the authority and responsibility of the pilot in command to assure the safe operation of his aircraft. It is intended that such reports of deviation from the preferential runway system be prepared either by the pilot or by a responsible official of the company concerned and that the report be in transit to the appropriate FAA Regional Office within the prescribed time. Inasmuch as provision is made to permit filing of such reports by company officials in lieu of the pilot, it is not considered necessary to revise the 48-hour time limit provisions.

This rule provides that helicopters shall be operated as authorized by the New York International Airport Traffic Control Tower. Such authorization may be contained in air traffic control clearances or in formal agreements between the helicopter operator and the control tower.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective October 15, 1960.

NEW YORK INTERNATIONAL AIRPORT TRAFFIC AREA RULES

Scope and applicability. All aircraft operating within the New York International Airport Traffic Area shall be operated in accordance with the following rules unless otherwise authorized by the New York International Airport Traffic Control Tower. As used in this regulation, the New York International Airport Traffic Area shall include the airspace within a five statute mile horizontal radius from the geographical center of that airport and extending upward from the surface to, but not including, 2,000 feet above the surface. Additionally, the term "large aircraft," as used herein, shall mean those aircraft of 12,500 or more pounds maximum certificated take-off weight. The term "small aircraft" shall mean all others.

(a) *General rules*—(1) *Avoidance of Airport Traffic Area.* En route aircraft shall not be flown within the New York International Airport Traffic Area, and aircraft while engaged in training flights shall not be flown within such area except to the extent necessary for take-off from and landing at that airport. This restriction shall not apply to required airport qualification flights.

(2) *Communications.* Two-way radio communications shall be established with the New York International Airport Traffic Control Tower prior to entering the airport traffic area for a landing at that airport and prior to take-off from that airport unless prior authorization is obtained from the airport traffic control tower.

(b) *Airport traffic area entry.* Unless the VFR distance-from-cloud criteria requires otherwise, all fixed-wing aircraft landing at the New York International Airport shall enter the airport traffic area at the following altitudes:

(1) *Large aircraft.* Large aircraft shall enter the airport traffic area at an altitude of at least 1,500 feet above the surface. After entry, an altitude of at least 1,500 feet shall be maintained until maneuvering for a landing requires further descent.

(2) *Small aircraft.* Small aircraft shall enter the airport traffic area at an altitude of at least 1,200 feet above the surface. After entry, an altitude between 1,000 and 1,200 feet shall be maintained until maneuvering for landing requires further descent.

(c) *Final approach.* When approaching to land at the New York International Airport on a runway served by a functioning instrument landing system (ILS), large fixed-wing aircraft equipped with functioning ILS instrumentation shall be flown so as to remain at or above the glide slope altitude between

the outer marker and the middle marker: *Provided*, That when the VFR distance-from-cloud criteria requires interception of the glide slope between the outer marker and the middle marker, large fixed-wing aircraft shall be flown so as to remain at or above the glide slope altitude between the point of interception and the middle marker.

(d) *Departures*—(1) *Rate of climb.* Unless the VFR distance-from-cloud criteria requires otherwise, all fixed-wing aircraft taking off from the New York International Airport shall climb to at least 1,500 feet above the surface as rapidly as practicable: *Provided*, That the Administrator will specify a different rate of climb for a particular type of aircraft should he find that greater advantages in noise reduction can thereby be achieved.

(2) *Take-off runway restrictions.* Pilots of turbojet aircraft shall not use runways 4 Left, 4 Right, 13 Left or 31 Right for take-off.

(e) *New York International Airport preferential runway system*—(1) *Large fixed-wing propeller-driven aircraft.* When applicable aircraft performance limitations permit; when the ceiling and visibility are equal to or greater than 1,000 feet and 3 miles, respectively, and when the runway to be used is dry, pilots of large fixed-wing propeller-driven aircraft shall use the following preferential runway system unless the surface wind at the time of take-off or landing exceeds a velocity of 15 knots:

Wind direction	Take-off runway	Landing runway
N	31L	4R/L
NNE	31L	4R/L
NE	7R	4R/L
ENE	13L/R	13R/L, 4R/L, 7R
E	13L/R	13R/L, 4R/L, 7R
ESE	13L/R	13R/L, 4R/L
SE	13L/R	13R/L, 4R/L
SSE	13L/R, 22R/L	13R/L, 22L/R
S	22R/L, 25L	22L/R, 25L
SSW	22R/L, 25L	22L/R, 25L
SW	22R/L, 25L	22L/R, 25L
WSW	22R/L, 25L	22L/R, 25L
W	22R/L, 25L	22L/R, 25L
WNW	22R/L, 25L	22L/R, 25L
NW	31L/R, 25L	31R/L
NNW	31L/R	4R/L
Calm (0–5 knots)	22R/L, 25L, 31L	22R/L, 4L/R

(2) *All turbojet aircraft.* When the applicable aircraft performance limitations permit; when the ceiling and visibility are equal to or greater than 1,000 feet and 3 miles, respectively; and when the runway to be used is dry, pilots of turbojet aircraft shall use the following preferential runway system unless the surface wind at the time of take-off or landing exceeds a velocity of 15 knots:

Wind direction	Take-off runway	Landing runway
N	31L	4R/L
NNE	31L	4R/L
NE	7R, 13R	4R/L
ENE	13R	13R/L, 4R/L
E	13R	13R/L, 4R/L
ESE	13R	13R/L, 4R/L
SE	13R	13R/L, 4R/L
SSE	13R	13R/L, 22L/R
S	25L	22L/R, 25L
SSW	25L	22L/R, 25L
SW	25L	22L/R, 25L
WSW	25L	22L/R, 25L
W	25L	22L/R, 25L
WNW	25L	22L/R, 25L
NW	31L, 25L	31R/L
NNW	31L	4R/L
Calm (0–5 knots)	25L, 31L	22R/L, 4L/R

(3) *Alternate runway.* In the event the preferential runway is closed for take-off or landing, the pilot of an aircraft subject to the requirements of this section shall use an alternate runway for take-off or landing as assigned by the airport traffic control tower.

(4) *Use of other runways.* If the pilot of an aircraft subject to the requirements of this regulation determines that use of either the preferential or alternate runway assigned by air traffic control is unsafe for the operation of his aircraft he may use another runway of his choice, subject to other air traffic. If the pilot makes such a choice, a written report of the reasons therefor shall be forwarded within 48 hours to the Chief, Flight Standards Division, Federal Aviation Agency, Region One, Jamaica, New York.

NOTE: In determining the safety factor for total required runway length for take-off, the pilot's calculation may include an additional 1% of runway length for each 3 knots of cross-wind component over and above the minimum required take-off runway length.

(f) *Helicopters.* Helicopters shall be operated as authorized, by the New York International Airport Traffic Control Tower and in such a manner as to avoid the flow of fixed-wing aircraft. Such authorization may be contained in air traffic control clearances or established in formal agreements between helicopter operators and the control tower.

(g) *Traffic pattern rules for Floyd Bennett Naval Air Station.* All aircraft operating in that portion of the Floyd Bennett Naval Air Station traffic pattern which may extend into the New York International Airport Traffic Area shall be flown so that traffic landing on runways 19 or 24 will remain at or below 800 feet until clear of the New York International Airport Traffic Area. Departures on runways 6 or 1 shall execute the first turn after take-off so as to remain clear of the New York International Airport Traffic Area.

This Special Civil Air Regulation shall remain in effect until superseded or rescinded by the Administrator.

(Secs. 313(a) and 307 of the Federal Aviation Act of 1958, 72 Stat. 752, 749, 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on August 31, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-8258; Filed, Sept. 2, 1960; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-91]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways, Associated Control Areas, Reporting Points and Control Area Extension

On June 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5154) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 51, extend VOR Federal airway No. 243, and modify the Knoxville, Tenn., control area extension. In addition, 3 new reporting points would be designated and 3 designated reporting points would be revoked.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6051 (14 CFR 600.6051; 25 F.R. 629, 2011, 5690) is amended to read:

§ 600.6051 VOR Federal airway No. 51 (Key West, Fla., to Chicago, Ill.).

From the Key West, Fla., VOR via the INT of the Miami, Fla., VORTAC 221° True and the Biscayne Bay, Fla., VOR 262° True radials; Biscayne Bay VOR; Miami VORTAC; Pahokee, Fla., VORTAC; INT of the Pahokee VORTAC 009° True and the Vero Beach, Fla., VOR 193° True radials; Vero Beach VOR, including an E alternate from the Biscayne Bay VOR to the Vero Beach VOR via the INT of the Biscayne Bay VOR 346° True and the Vero Beach VOR 178° True radials; Daytona Beach, Fla., VOR; INT of the Daytona Beach VOR 344° True and the Jacksonville, Fla., VORTAC 159° True radials; Jacksonville VORTAC; INT of the Jacksonville VORTAC 319° True and the Alma, Ga., VOR 148° True radials; Alma VOR, including an E alternate and a W alternate; Macon, Ga., VORTAC, including an E alternate from the Alma VOR to the Macon VORTAC via the INT of the Alma VOR 335° True and the Dublin, Ga., VOR 137° True radials and the Dublin VOR; McDonough, Ga., VOR; Crossville, Tenn., VORTAC, including an E alternate from the INT of the McDonough VOR 345° True and the Atlanta, Ga., VORTAC 009° True radials to the Crossville VORTAC via the INT of the Atlanta VORTAC 009° True and the Crossville VORTAC 142° True radials, and a W alternate from the McDonough VOR to the Crossville VORTAC via the Chattanooga, Tenn., VORTAC; New Hope, Ky., VOR; Louisville, Ky., VORTAC; Nabb, Ind., VOR; Shelbyville, Ind., VOR; INT of the Shelbyville VOR 313° True and the Lafayette, Ind., VOR 136° True radials; Lafayette VOR; Chicago Heights, Ill., VORTAC; to the INT of the Chicago Heights VORTAC 342° True and the Chicago, Ill., (O'Hare) VORTAC 078° True radials. The portion of this airway which lies within the geographical limits of, and between the established altitudes of, the Key West, Fla., Warning Area (W-173) is excluded during the warning area's time of use.

2. Section 600.6243 (14 CFR 600.6243) is amended to read:

§ 600.6243 VOR Federal airway No. 243 (Jacksonville, Fla., to Scotland, Ind.).

From the Jacksonville, Fla., VORTAC via the INT of the Jacksonville VORTAC 319° True and the Alma, Ga., VOR 148° True radials; Alma VOR; INT of the Alma VOR 305° True and the Vienna, Ga., VORTAC 135° True radials; Vienna VORTAC; Atlanta, Ga., VORTAC, including a W alternate via the INT of the Vienna VORTAC 286° True and the Atlanta VORTAC 164° True radials; INT of the Atlanta VORTAC 009° True and the Chattanooga, Tenn., VORTAC 152° True radials; Chattanooga VORTAC; Bowling Green, Ky., VOR; to the Scotland, Ind., VORTAC.

§ 601.1126 [Amendment]

3. In the text of § 601.1126 (14 CFR 601.1126; 25 F.R. 5925) "on the southwest by the Chattanooga control area extension (601.1373)," is deleted.

4. Section 601.6051 (14 CFR 601.6051; 25 F.R. 5690) is amended to read:

§ 601.6051 VOR Federal airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).

All of VOR Federal airway No. 51 including E and W alternates.

5. Section 601.6243 (14 CFR 601.6243) is amended to read:

§ 601.6243 VOR Federal airway No. 243 control areas (Jacksonville, Fla., to Scotland, Ind.).

All of VOR Federal airway No. 243 including a W alternate.

§ 601.7001 [Amendment]

6. In § 601.7001 (14 CFR 601.7001; 25 F.R. 7489), the following changes are made:

(a) In the text delete:

Murphy INT: The INT of the Chattanooga, Tenn., VORTAC 088° True and the Atlanta, Ga., VORTAC 009° True radials.
Atlanta, Ga., omnirange station.
McDonough, Ga., VORTAC.

(b) In the text add:

Bobby Jones INT: The INT of the Atlanta, Ga., VORTAC 034° True and the McDonough, Ga., VOR 333° True radials.
Benton INT: The INT of the Chattanooga, Tenn., VORTAC 088° True and the Crossville, Tenn., VORTAC 164° True radials.
Lithonia INT: The INT of the McDonough, Ga., VOR 345° True and the Atlanta, Ga., VORTAC 054° True radials.

These amendments shall become effective 0002 e.s.t. December 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8223; Filed, Sept. 2, 1960; 8:46 a.m.]

[Airspace Docket No. 60-KC-36]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation and Modification of Federal Airways and Associated Control Areas

The purpose of these amendments to Parts 600 and 601, and §§ 600.6227 and 601.6227 is to revoke the segment of VOR Federal airway No. 227 and its associated control areas from Louisville, Ky., to the intersection of the Louisville VORTAC 310° True and the Indianapolis, Ind., VORTAC 185° True radials. Additionally, the segment of Victor 227 and its associated control areas from Lafayette, Ind., to Peotone, Ill., is being redesignated as VOR Federal airway No. 491.

As currently designated, Victor 227 extends from Louisville to Peotone. VOR Federal airway No. 53 extends in part from Louisville to Peotone. These two airways join at four points within the Indianapolis Air Route Traffic Control Center area. In the absence of specific flight plan information on transition points between these two airways, electronic computers reject these routes and it becomes necessary to solicit additional information and to complete the flight plan processing manually. This creates an unnecessary workload that can be eliminated by redesignating segments of Victor 227. This action, in effect, will result in the reidentification of the segment of Victor 227 between Lafayette and Peotone, as VOR Federal airway No. 491. The segment of Victor 227 between Louisville and the intersection of the Louisville VORTAC 310° True and the Indianapolis VORTAC 185° True radials is not needed since Air Traffic Control can clear air traffic via Federal airways Nos. 171 and 174 and, therefore, this segment is being revoked.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. Section 600.6227 (14 CFR 600.6227) is amended to read:

§ 600.6227 VOR Federal airway No. 227 (Mitchell, Ind., to Lafayette, Ind.).

From the INT of the Louisville, Ky., VORTAC 310° True and the Indianapolis, Ind., VORTAC 185° True radials via the Indianapolis VORTAC; INT of the Indianapolis VORTAC direct radial to the Westpoint, Ind., VOR and the Lafayette, Ind., VOR 159° True radial; to the Lafayette VOR.

2. Section 601.6227 (14 CFR 601.6227) is amended to read:

§ 601.6227 VOR Federal airway No. 227 control areas (Mitchell, Ind., to Lafayette, Ind.).

All of VOR Federal airway No. 227.

3. In Part 600 (14 CFR Part 600) the following is added:

§ 600.6491 VOR Federal airway No. 491 (Lafayette, Ind., to Peotone, Ill.).

From the Lafayette, Ind., VOR via the INT of the Lafayette VOR 313° True and the Peotone, Ill., VOR 153° True radials; to the Peotone VOR.

4. In Part 601 (14 CFR Part 601) the following is added:

§ 601.6491 VOR Federal airway No. 491 control areas (Lafayette, Ind., to Peotone, Ill.).

All of VOR Federal airway No. 491.

These amendments shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8222; Filed Sept. 2, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas, Designated Reporting Points, and Control Area Extension

On July 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6303) stating that the Federal Aviation Agency proposed to revoke the segment of Amber Federal airway No. 5, its associated control areas and designated reporting points from New Orleans, La., to Milwaukee, Wis., and redescribe the New Orleans control area extension by excluding reference to low frequency airways in the description of the control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.105 (14 CFR 600.105) is amended to read:

§ 600.105 Amber Federal airway No. 5 (Grand Isle, La., to New Orleans, La.).

From Grand Isle, La., RBN via Lat. 29°14'00" N., Long. 90°09'00" W. to the New Orleans, La., RR.

§ 601.105 [Amendment]

2. In the caption of § 601.105 (14 CFR 601.105) "(*Grand Isle, La., to Milwaukee, Wis.*)." is deleted and "(*Grand Isle, La.,*

2. Section 601.2132 (14 CFR 601.2132) is amended to read:

§ 601.2132 Biloxi, Miss., control zone.

Within a 5-mile radius of Keesler AFB (Lat. 30°24'25" N, Long. 88°55'30" W); within 2 miles either side of the Keesler AFB TACAN 047° True radial extending from the 5-mile radius zone to 7 miles NE of the TACAN; and within 2 miles either side of the Keesler TACAN 204° True radial extending from the 5-mile radius zone to 7 miles SW of the TACAN.

§ 601.4016 [Amendment]

3. In the text of § 601.4016 (14 CFR 601.4016) "Keesler AFB, Biloxi, Miss., radio range station;" is deleted and "Keesler AFB, Biloxi, Miss., RBN;" is substituted therefor.

§ 602.102 [Amendment]

4. In the text of § 602.102 (14 CFR 602.102, 25 F.R. 584, 3458) "Biloxi, Miss. (Keesler AFB), RR;" is deleted and "Biloxi, Miss. (Keesler AFB) RBN;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8220; Filed, Sept. 2, 1960; 8:46 a.m.]

[Airspace Docket No. 60-KC-10]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5538) stating that the Federal Aviation Agency proposed to modify the Jackson, Mich., control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1187 (14 CFR 601.1187) is amended to read:

§ 601.1187 Control area extension (Jackson, Mich.).

The airspace east of Jackson bounded on the west by VOR Federal airway No. 45, on the northeast by VOR Federal airway No. 2, on the southeast by VOR Federal airway No. 11, and on the south by VOR Federal airway No. 90.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8216; Filed, Sept. 2, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-19]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5539) stating that the Federal Aviation Agency proposed to modify the Lafayette, La., control area extension by expanding it on the south and northwest.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented .

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1335 (14 CFR 601.1335) is amended to read:

§ 601.1335 Control area extension (Lafayette, La.).

That airspace NW of Lafayette, La., within a 20-mile radius of the Lafayette VOR extending clockwise from VOR Federal airway No. 20N to VOR Federal airway No. 70N; that airspace NE of Lafayette bounded on the W and N by VOR Federal airway No. 70N, on the NE by VOR Federal airway No. 114, and on the S by VOR Federal airway No. 20; and within 5 miles either side of the Lafayette VOR 172° True radial extending from the VOR to a point 15 miles S.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752, 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8215; Filed, Sept. 2, 1960; 8:45 a.m.]

[Airspace Docket No. 60-LA-11]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Area Extension

On May 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4085) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator by designating a control area extension southwest of the Blythe, Calif., VOR.

As stated in the notice, that airspace southwest of Blythe bounded by the arc of a circle within a 17-mile radius of the Blythe VOR, beginning at the western edge of VOR Federal airway No. 135 and extending clockwise to the southern edge of VOR Federal airway No. 64 is being designated as control area to protect aircraft executing the standard instrument approach procedure on the 227° True radial of the Blythe VOR.

The Aircraft Owners and Pilots Association objected to the proposal because it did not provide for the establishment of a floor on the control area extension in accordance with the provisions of Civil Air Regulation Amendment 60-14. Civil Air Regulation Amendment 60-14 was rescinded effective June 30, 1960 (25 F.R. 6015) and, therefore, the designation of control area must be made in accordance with Part 601 of the regulations of the Administrator.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.1471 Control area extension (Blythe, Calif.).

That airspace SW of Blythe within a 17-mile radius of the Blythe VOR, beginning at the western edge of VOR Federal airway No. 135 and extending clockwise to the southern edge of VOR Federal airway No. 64.

This amendment shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8217; Filed, Sept. 2, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-37]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5541) stating that the Federal Aviation Agency proposed to modify the Tyler, Tex., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2250 (14 CFR 601.2250) is amended to read:

§ 601.2250 Tyler, Tex., control zone.

Within a 5-mile radius of Pounds Field (Lat. 32°21'17" N, Long. 95°23'55" W); within 2 miles either side of the NW course of the Pounds Field ILS localizer extending from the 5-mile radius zone to the ILS OM; and within 2 miles either side of the SE course of the Pounds Field ILS localizer and the 256° True radial of the Gregg County, Tex., VOR.

This amendment shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8219; Filed, Sept. 2, 1960; 8:46 a.m.]

[Airspace Docket No. 60-AN-10]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5306) stating that the Federal Aviation Agency proposed to modify the Iliamna, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 601 (14 CFR Part 601), § 601.2477 is added to read:

§ 601.2477 Iliamna, Alaska, control zone.

Within a 5-mile radius of the Iliamna Airport (Lat. 59°45'08" N, Long. 154°54'38" W) and within 2 miles either side of the Iliamna RR S course extending from the 5-mile radius zone to a point 12 miles S of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (14 CFR 601.1984) "Iliamna, Alaska: Iliamna Airport." is deleted.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8218; Filed, Sept. 2, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-196]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Reporting Points

The purpose of these amendments to §§ 601.4297 and 601.7001 of the regulations of the Administrator is to designate two new reporting points that the Federal Aviation Agency has determined are required for air traffic management purposes. Flight progress reports over designated locations, automatically initiated by pilots, will facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus the actions taken herein reflect this changing need on the part of air traffic control. Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 601.4297 (14 CFR 601.4297) "No reporting point designation." is deleted and "The INT of the NE course of the Houghton, Mich., RR and a line bearing 122° True from the Lakehead, Ont., RR." is substituted therefor.

2. In the text of § 601.7001 (14 CFR 601.7001) "Richwoods, Mo., VOR." is added.

These amendments shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8225; Filed, Sept. 2, 1960; 8:46 a.m.]

[Airspace Docket No. 60-KC-12]

PART 608—RESTRICTED AREAS

Designation of Restricted Area/ Military Climb Corridor

On June 3, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4921) stating that the Federal Aviation Agency proposed to designate a Restricted Area/Military Climb Corridor at Bunker Hill Air Force Base, Ind., to provide protection for high-speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), and for the reasons stated in the notice, the following action is taken:

In § 608.22 *Indiana* (23 F.R. 8580), add the following:

Bunker Hill AFB, Ind., Restricted Area/ Military Climb Corridor (R-596) (Chicago Chart).

Description. That area based on the 256° True radial of the Bunker Hill Air Force Base, Ind., TACAN beginning 5 statute miles west of the TACAN and extending 32 statute miles west of the TACAN, having a width at the point of beginning of one statute mile north and 3 statute miles south of the 256° True radial and a width of 2.3 statute miles either side of the 256° True radial at the outer extremity.

Designated altitudes. 2,800' to 15,800' MSL from 5 statute miles west of the TACAN to 6 statute miles west of the TACAN. 2,800' to 24,800' MSL from 6 to 7 statute miles west of the TACAN. 2,800' to 27,000' MSL from 7 to 10 statute miles west of the TACAN. 6,800' to 27,000' MSL from 10 to 15 statute miles west of the TACAN. 10,800' to 27,000' MSL from 15 to 20 statute miles west of the TACAN. 15,800' to 27,000' MSL from 20 to 25 statute miles west of the TACAN. 19,800' to 27,000' MSL from 25 to 32 statute miles west of the TACAN.

Time of use. Continuous.

Controlling agency. Bunker Hill Air Force Base, Ind., Approach Control.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8228; Filed, Sept. 2, 1960; 8:47 a.m.]

[Airspace Docket No. 60-FW-60]

PART 608—RESTRICTED AREAS

Revocation of Restricted Area/ Military Climb Corridor

The purpose of this amendment to § 608.26 of the regulations of the Administrator is to revoke the Restricted Area/Military Climb Corridor (R-577) (Beaumont Chart), associated with England Air Force Base, Alexandria, La.

The Department of the Air Force has requested the Federal Aviation Agency to revoke R-577 since active air defense missions are no longer conducted from England AFB.

In view of the above, the Federal Aviation Agency is revoking R-577 herein.

Since this amendment eliminates a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), the following action is taken:

In § 608.26 *Louisiana* (25 F.R. 2099), the Alexandria (England AFB), La., Restricted Area/Military Climb Corridor (R-577) (Beaumont Chart) is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 29, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8226; Filed, Sept. 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-383]

PART 608—RESTRICTED AREAS

Modification

On November 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9211) stating that the Federal Aviation Agency was considering an amendment to § 608.32 of the regulations of the Administrator which would revoke the Black Creek, Miss., Restricted Area (R-451) (Mobile Chart).

As stated in the notice, the Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appeared that this restricted area did not have sufficient justification and the revocation thereof would be in the public interest.

In response to the notice, the Department of the Army submitted information to the Federal Aviation Agency justifying the retention of R-451. This restricted area is utilized to provide the required training for both Army and Air National Guard units from the States of Alabama and Mississippi. Revocation of the area would necessitate the initiation of costly measures to provide equivalent training facilities at some other location with possible adverse impact on the training and combat readiness of these units. The Department of the Army requested the following changes: Change the name from Black Creek to Camp Shelby; controlling agency from Air National Guard, Jackson, Miss., to Adjutant General, State of Mississippi; altitude designation, from surface to 13,000 feet MSL, to surface to 15,000 feet MSL; and the time of designation from 0600-2300 hours, January through August, to 0700 to 2300 hours, Monday through Friday, June through August, annually.

The Federal Aviation Agency is making the changes as requested by the Department of the Army with the exception of the altitude change. The Army did not furnish sufficient justification to warrant the change from the existing 13,000 feet to 15,000 feet. The action taken herein will result in Restricted Area (R-451) being designated as presently described with the exception of the following: name changed from Black Creek to Camp Shelby; time of designation changed from 0600-2300 hours, January through August, to 0700 to 2300 hours, local standard time, Monday through Friday, June through August, annually; controlling agency changed from Air National Guard, Jackson, Miss., to Adjutant General, State of Mississippi, Jackson 5, Miss.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), the following action is taken:

In § 608.32, the Black Creek, Miss., Restricted Area (R-451) (Mobile Chart) (23 F.R. 8583) is amended to read:

Camp Shelby, Miss. (R-451) (Mobile Chart):

Description by geographical coordinates. Northwest corner: Lat. 31°12'54" N., Long. 89°11'03" W.; Northeast corner: Lat. 31°11'48" N., Long. 89°00'00" W.; Southeast corner: Lat. 31°04'36" N., Long. 89°00'00" W.; Southwest corner: Lat. 31°04'36" N., Long. 89°11'03" W.

Designated altitudes. Surface to 13,000 feet MSL.

Time of designation. 0700 to 2300 local standard time, Monday through Friday, June through August, annually.

Controlling agency. Adjutant General, State of Mississippi, Jackson 5, Mississippi.

This amendment shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8229; Filed, Sept. 2, 1960; 8:47 a.m.]

[Airspace Docket No. 59-FW-105]

PART 608—RESTRICTED AREAS

Modification

On June 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4832) stating that the Federal Aviation Agency was considering an amendment to § 608.51 of the Regulations of the Administrator which would modify the Fort Hood, Tex., Restricted Area (R-219) (Austin Chart).

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 8005) and for the reasons stated in the notice, the following action is taken:

In § 608.51 *Texas*, the Fort Hood, Tex., Restricted Area (R-219) (Austin Chart) (23 F.R. 8588; 24 F.R. 2234) is amended to read:

Description by geographical coordinates. Beginning at Lat. 31°06'07" N, Long. 97°32'45" W; thence northwest to Lat. 31°09'00" N, Long. 97°41'15" W; north to Lat. 31°09'45" N, Long. 97°41'15" W; west to Lat. 31°09'45" N, Long. 97°43'15" W, south-southwest to Lat. 31°08'45" N, Long. 97°43'30" W, west to Lat. 31°08'45" N, Long. 97°47'15" W; northwest to Lat. 31°15'00" N, Long. 97°50'45" W; north to Lat. 31°19'15" N, Long. 97°50'45" W; northeast to Lat. 31°23'25" N, Long. 97°47'40" W; east-southeast to Lat. 31°22'30" N, Long. 97°42'45" W; southeast to Lat. 31°12'45" N, Long. 97°30'45" W; southwest to point of beginning.

Designated altitudes. Surface to 33,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Commanding General, Fort Hood, Tex.

This amendment shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8227; Filed, Sept. 2, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURE COMMODITIES

Tolerances for Residues of 2,4-Dichloro-6-o-Chloroanilino-s-Triazine

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Kansas City, Missouri, requesting the establishment of tolerances for residues of 2,4-dichloro-6-o-chloroaniiino-s-triazine in or on green onions, shallots, and strawberries at 10 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.158) are amended by changing § 120.158 to read as follows:

§ 120.158 Tolerances for residues of 2,4-dichloro-6-o-chloroanilino-s-triazine

Tolerances for residues of 2,4-dichloro-6-o-chloroanilino-s-triazine in or on raw agricultural commodities are established as follows:

(a) 10 parts per million in or on celery, green onions, shallots, strawberries, tomatoes.

(b) 1 part per million in or on garlic, onions (dry bulb), potatoes.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 29, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8260; Filed, Sept. 2, 1960; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Dependents' Medical Care

Revise § 577.65(f)(1) and in § 577.66 (b) revise the introductory portion and subparagraphs (2) and (3), as follows:

§ 577.65 Medical care for dependents at medical facilities of the uniformed services.

• • • • •

(f) *Charges for dependent medical care in uniformed services facilities.* When medical care is provided dependents in facilities of the uniformed services the following charges wil be made to the patient:

(1) *Inpatient care.* $1.75 per day. No charge will be made for newborn infants while the mother is a patient in the hospital. In cases where the mother is discharged from the hospital and the infant remains as a patient, or where an infant is readmitted as an individual patient, charges will be at the prescribed inpatient dependent rate.

§ 577.66 **Dental care for dependents at dental facilities of the uniformed services.**

* * * * *

(b) *Designation of remote areas for dental care.* Remote areas within the United States will be designated by the Secretary of the Army, Navy, or Air Force upon approval by the Secretary of Defense, or by the Surgeon General, United States Public Health Service, upon approval by the Secretary of Health, Education, and Welfare. Normally, an area will not be considered as remote unless the uniformed services activity is more than 30 miles from a community with adequate civilian dental facilities. Consideration will be given to unusual geographic and transportation factors such as toll bridges or ferries which would unreasonably increase the time and expense of travel. A community's dental facilities ordinarily will not be considered adequate for the purpose of §§ 577.60–577.68 unless an average of one civilian dentist is in private civilian practice per 2,000 population. The above criteria will not preclude a local commander from requesting designation of an area as remote when adequately justified. All requests for designation of an area as remote will include the following:

* * * * *

(2) The number of civilian dentists engaged in an active practice within 30 miles of the uniformed services dental facility(s).

(3) The civilian population within 30 miles of the uniformed services activity.

[C 1, AR 40–121, Aug. 4, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071–1085, 72 Stat. 1445–1450; 10 U.S.C. 1071–1085)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–8214; Filed, Sept. 2, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2051]

PART 199—MINERALS SUBJECT TO LEASE UNDER SPECIAL LAWS

Applicability of Existing Regulations

The purpose of the amendment is to change the reference in the section from "200.32 to 200.36" to "200.32 to 200.51."

Since this amendment is made to merely change a reference in the regulation sections cited, notice and public procedure thereon have been deemed unnecessary and the amendment shall become effective immediately.

Section 199.64 is amended to read as follows:

§ 199.64 **Existing regulations applicable.**

To the extent that they are applicable and not inconsistent with §§ 199.61 to 199.65, the leasing of minerals under the act of June 30, 1950, shall be governed by §§ 200.32 to 200.51 inclusive, of this chapter. Any lease or permit issued under §§ 199.61 to 199.65 shall state that it is subject to the terms and provisions of the act of June 30, 1950.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 25, 1960.

[F.R. Doc. 60–8237; Filed, Sept. 2, 1960; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2198]

[704497]

ARIZONA AND NEW MEXICO

Revoking Departmental Orders of September 1, 1939, May 31, 1939, and July 8, 1931, Which Withdrew Lands for Indian Use in Aid of Proposed Legislation; Rewithdrawing Part of Released Lands for Indian Use

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d), it is ordered as follows:

1. The order of the Secretary of the Interior of September 1, 1939, so far as it withdrew for Indian use all lands relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225–1239), within the area in New Mexico embraced within departmental withdrawal of July 8, 1931, is hereby revoked.

2. The departmental order of May 31, 1939, withdrawing all public domain lands within the following-described areas, and all lands within these areas relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225–1239), in aid of proposed legislation to add such lands to contiguous Indian reservations, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 1 W.,
Secs. 4, 5, and 6.
T. 10 N., R. 1 W., All.
T. 11 N., R. 1 W.,
Sec. 28, lots 3, 4, 5, 6, 7 and SW¼;
Sec. 29, lots 1, 2, 3, 4, and S½;
Sec. 30, lots 1, 2, 3, 4, 5, 6, E½SW¼ and SE¼;
Sec. 31, All;
Sec. 32, All;
Sec. 33, lots 1, 2, 3, 4, NE¼NW¼ and W½W½.
T. 9 N., R. 2 W., All.
T. 10 N., R. 2 W., All.
T. 11 N., R. 2 W., All.
T. 12 N, R 2 W., All.
T. 13 N., R. 2 W.,
Sec. 20, lots 1 and 2;
Sec. 21, lots 1, 2, 3, 4, S½SW¼ and SE¼;
Sec. 22, lots 3, 4 and 5;
Sec. 27, lots 1, 2, 3 and 4;
Sec. 28, All;
Sec. 29, lots 1, 2, NE¼, S½NW¼ and S½;
Sec. 30, lots 1, 2, 3, 4, N½SE¼ and SE¼SE¼;
Sec. 31, lots 1, 2, 3, 4 and E½E½;
Sec. 32, All;
Sec. 33, All;
Sec. 34, lots 1, 2, 3 and 4.
T. 9 N., R. 3 W., All.
T. 10 N., R. 3 W., All.
T. 11 N., R. 3 W., All.
T. 12 N., R. 3 W., All.
T. 11 N., R. 4 W.,
Sec. 1, lots 1, 2, 3, 4, 5, S½NE¼ and SE¼;
Sec 12, lots 1, 2, 3, 4, NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 13, lots 1, 2, 3, E½, E½W¼ and SW¼SW¼;
Sec. 14, lot 1;
Sec. 23, lots 1, 2, 3, 4 and 5;
Sec. 24, lots 1, 2, 3, 4 and N½N½.
T. 12 N., R. 4 W.,
Sec. 12, lots 1 and 2;
Sec. 13, lots 1, 2, 3, 4 and E½;
Sec. 24, lots 1, 2, 3, 4 and E½E½;
Sec. 25, lots 1, 2, 3, 4 and E½E½;
Sec. 36, lots 1, 2, 3, 4 and E½E½.
T. 8 N., R. 16 W., W½.
T. 8 N., R. 17 W., All.
T. 8 N., R. 18 W., All.
T. 8 N., R. 19 W., All.
T. 10 N., R. 19 W., All.
T. 11 N., R. 19 W., S½.
T. 8 N., R. 20 W., All.
T. 10 N., R. 20 W., All.
T. 11 N., R. 20 W., S½.
T. 8 N., R. 21 W., All.
T. 9 N., R. 21 W., All.
T. 10 N., R. 21 W., All.
T. 11 N., R. 21 W., S½.

3. The departmental order of July 8, 1931, withdrawing the unreserved and otherwise undisposed of lands in the following-described townships, in aid of legislation, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Ts. 9, 10, and 11 N., R. 2 W.
Ts. 9, 10, 11, 18, and 19 N., R. 3 W.
Ts. 9, 10, 11, and 16 to 21 N., R. 4 W., incl.
Ts. 2 and 16 to 21 N., R. 5 W., incl.
Ts. 2, 3, and 16 to 22 N., R. 6 W., incl.
Ts. 2, 3, 4, and 17 to 23 N., R. 7 W., incl.
Ts. 17 to 27 N., R. 8 W., incl.
Ts. 17 to 28 N., R. 9 W., incl.
Ts. 13 to 25 N., R. 10 W., incl.
Ts. 13 to 26 N., R. 11 W., incl.
Ts. 13 to 28 N., R. 12 W., incl.
Ts. 14 to 28 N., R. 13 W., incl.
N½ T. 6 and all of Ts. 7 to 10 and 14 to 16 N., R. 14 W., incl.
N½ T. 6 and all of Ts. 7 to 10 and 15 and 16 N., R. 15 W., incl.
Ts. 7, 8, 9, 10, 15, and 16 N., R. 16 W.
Ts. 13 to 16 N., R. 17 W., incl.
Ts. 12 to 16 N., R. 18 W., incl.
Ts. 11 to 18 N., R. 19 W., incl.
Ts. 11 to 16 N., R. 20 W., incl.
Ts. 12 to 16 N., R. 21 W., incl.

GILA AND SALT RIVER MERIDIAN, ARIZONA

Ts. 20 and 21 N., R. 27 E.
Ts. 19, 20, and 21 N., R. 28 E.
Ts. 19 to 23 N., R. 29 E., incl.
Ts. 19 to 23 N., R. 30 E., incl.
Ts. 21, 22, and 23 N., R. 31 E.

The areas described aggregate approximately 4,000,000 acres.

4. Subject to valid rights existing on September 1, 1939, and duly maintained, the following-described lands, relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225–1239), are hereby temporarily withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but excepting exchanges under the said Act of March 3, 1921, for Indian use in aid of proposed legislation and of a land consolidation and exchange program to adjust Navajo Indian land matters in New Mexico, and to stabilize Navajo Indian land use and non-Indian land use in areas outside of and in the vicinity of the Navajo Indian Reservation in New Mexico. Pending enactment of such legislation, the Commissioner of Indian Affairs shall administer the lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 N., R. 5 W.,
Secs. 1, 3, 11;
Sec. 13, N½, SE¼;
Sec. 15;
Sec. 23, N½, SE¼;
Secs. 25, 27, and 35.
T. 17 N., R. 6 W.,
Sec. 17, lots 1, 2, 3, 4, W½E½ and W½;
Sec. 19;
Sec. 29, lots 1, 2, 3, 4, W½E½ and W½;
Sec. 31.
T. 18 N., R. 6 W.,
Sec. 7, lots 1, 2, 3, 4, E½W½ and W½SE¼;
Sec. 13, E½ and E½W½;
Sec. 17, S½NW¼ and S½;
Secs. 19, 21, 23, and 25.
T. 18 N., R. 7 W.,
Sec. 7;
Sec. 9, NE¼ and S½;
Secs. 13, 17.
T. 19 N., R. 7 W.,
Sec. 17, S½;
Sec. 19;
Sec. 21, N½ and SW¼.
T. 20 N., R. 7 W.,
Secs. 1, 3, 5, 7, 11, and 17;
Sec. 19, lots 3, 4, E½SW¼ and E½;
Secs. 21, 29, and 31;
Sec. 33, SW¼.
T. 17 N., R. 8 W.,
Secs. 17, 19, 29, and 31.
T. 18 N., R. 8 W.,
Sec. 3;
Sec. 5, NE¼ and SW¼;
Sec. 7, NW¼ and SE¼;
Sec. 9, NW¼ and S½;
Sec. 11.
T. 19 N., R. 8 W.,
Sec. 1;
Sec. 3, NW¼ and S½;
Sec. 9, E½SW¼ and E½;
Secs. 11, 13, 15, and 19;
Sec. 21, S½SE¼;
Secs. 23, 25, 27, 29, 33, and 35.
T. 20 N., R. 8 W.,
Sec. 1;
Sec. 3, N½ and SW¼;
Sec. 9;
Sec. 11, N½ and SW¼;
Sec. 13;
Sec. 15, NW¼ and S½;
Secs. 23, 25, 27, and 35.
T. 21 N., R. 8 W.,
Secs. 23, 25, 27, and 35.
T. 19 N., R. 9 W.,
Secs. 3, 11, 13, 15, 23, 25, 27, and 35.
T. 20 N., R. 9 W.,
Sec. 5, SW¼;
Sec. 7, lots 1, 2, E½NW¼ and E½;
Sec. 9;
Sec. 17, N½.
T. 20 N., R. 10 W.,
Sec. 1.
T. 21 N., R. 10 W.,
Sec. 35.
T. 13 N., R. 11 W.,
Sec. 3, lots 1 and 2, S½NE¼ and S½;
Sec. 11;
Sec. 13, S½NE¼, S½NW¼ and SE¼.
T. 15 N., R. 11 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, and 17;
Sec. 19, W½;
Sec. 21;
Sec. 23, NW¼ and S½;
Secs. 25, 29, and 31.
T. 16 N., R. 11 W.,
Secs. 1, 3, 5, 7, and 9;
Sec. 11, NW¼ and S½;
Secs. 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.
T. 17 N., R. 11 W.,
Secs. 3, 5, 7, 9, 11, 13, and 15;
Sec. 17, NW¼ and S½;
Secs. 19, 21, 23, 25, 27, 29, 31, 33, and 35.
T. 21 N., R. 11 W.,
Secs. 5 and 7.
T. 18 N., R. 12 W.,
Sec. 3, E½ and SW¼;
Secs. 5, 7, 9, 15, 17, 19, 21, 27, 29, 31, 33, and 35.
T. 19 N., R. 12 W.,
Sec. 1;
Sec. 3, N½ and SE¼;
Secs. 5 and 7;
Sec. 9, NW¼ and S½;
Secs. 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, and 31;
Sec. 33, E½;
Sec. 35.
T. 21 N., R. 12 W.,
Sec. 1.
T. 23 N., R. 12 W.,
Secs. 25, 27, 33, and 35.
T. 17 N., R. 13 W.,
Sec. 1;
Sec. 3, E½;
Sec. 5, W½ and SE¼;
Secs. 7, 9, 11, 13, and 15;
Sec. 17, NE¼ and S½;
Secs. 19, 21, 23, 25, 27, 29, 31, 33, and 35.
T. 19 N., R. 13 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 23, 25, 27, 31, and 35.
T. 21 N., R. 13 W.,
Secs. 3, 5, 9, 11, 13, and 15;
Sec. 17, N½ and SE¼;
Secs. 19; 21, 23, 25, 27, and 29;
Sec. 31, NW¼ and S½;
Secs. 33 and 35.
T. 22 N., R. 13 W.,
Sec. 1, NW¼;
Sec. 3, SW¼;
Sec. 5;
Sec. 7, lots 3 and 4, E½SW¼ and SE¼;
Sec. 9, NE¼;
Sec 11, NW¼ and S½;
Sec. 13, NE¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 15, NE¼;
Secs. 17 and 19;
Sec. 23 N½ and SW¼;
Sec. 27, SW¼;
Sec. 29;
Sec. 31, lots 1, 2, and 3, E½NW¼, NE¼SW¼, and E½;
Secs. 33 and 35.
T. 23 N., R. 13 W.,
Sec. 21, S½;
Secs. 25, 27, 29, 31, and 35.
T. 7 N., R. 15 W.,
Secs. 7, 19, and 31.
T. 7 N., R. 16 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.
T. 13 N., R. 17 W.,
Sec. 3, lots 1, 2, 3, and 4, W½W½;
Sec. 5, S½N½ and S½;
Sec. 9, E½, N½NW¼, and E½SW¼.
T. 12 N., R. 18 W.,
Sec. 1;
Sec. 3, lots 1 and 2, S½NE¼ and SE¼;
Sec. 11, N½ and SE¼;
Sec. 13;
Sec. 15, N½N½ and S½;
Sec. 23;
Sec. 25, N½ and N½S½;
Sec. 27, N½ and SE¼;
Sec. 35.
T. 14 N., R. 18 W.,
Sec. 1;
Sec. 3, S½;
Secs. 7, 9, 11, and 13;
Sec. 15, N½ and N½S½;
Sec. 17;
Sec. 19, E½;
Sec. 21, W½ and SE¼;
Secs. 23, 25, and 27;
Sec. 29, NE¼ and S½;
Sec. 31;
Sec. 33, NE¼ and S½.
T. 11 N., R. 19 W.,
Sec. 3, lots 1, 2, 3, 4, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 5 and 7.
T. 14 N., R. 19 W.,
Sec. 1, S½;
Secs. 3 and 5;
Sec. 7, lots 3 and 4, E½SW¼ and SE¼;
Sec. 9, W½E½ and W½;
Secs. 11 and 13;
Sec. 15, W½W½;
Sec. 17, NE¼ and S½;
Sec. 19, lots 3 and 4, E½SW¼ and E½;
Secs. 21, 23, 25, and 27;
Sec. 29, NE¼ and S½;
Secs. 31, 33, and 35.
T. 15 N., R. 19 W.,
Sec. 7, lots 1 and 2, E½NW¼ and E½;
Sec. 17, W½NW¼.
T. 11 N., R. 20 W.,
Sec. 1;
Sec. 3, lots 1 and 2, S½NE¼ and S½;
Secs. 5, 7, 9, 11, 13, 15, and 17.
T. 12 N., R. 20 W.,
Secs. 29 and 33.
T. 13 N., R. 20 W.,
Sec. 1;
Sec. 3, lots 1, S½NE¼, SE¼NW¼, and S½;
Secs. 5, 7, 9, and 11;
Sec. 13, N½ and SE¼;
Sec. 15, NW¼ and S½;
Sec. 17;
Sec. 19, N½ and SW¼;
Secs. 21 and 23;
Sec. 25, N½NW¼, S½SW¼, and SE¼;
Sec. 27, E½, N½NW¼, SE¼NW¼, and SW¼SW¼;
Sec. 29;
Sec. 31, lots 1, 2, 3, and 4, E½W½.
T. 14 N., R. 20 W.,
Sec. 3, less rights-of-way AT&SF Ry. and Federal Aid Project FAP 76–B;
Sec. 5;
Sec. 7, less R/W AT&SF Ry. and Manuelito Pipeline;
Sec. 9, less R/W AT&SF Ry.;
Sec. 11;
Sec. 13, W½;
Sec. 15, less R/W and Federal Aid Project FAP 76–B;
Sec. 17, less Rs/W AT&SF Ry., FAP 76–B and Manuelito Pipeline;
Sec. 19, less Rs/W AT&SF Ry., Station Grounds, FAP 76–B, and Manuelito Pipeline;
Sec. 21;
Sec. 23, W½E½ and W½;
Secs. 25 and 27;
Sec. 29, N½ and SW¼;
Sec. 31, less Rs/W AT&SF Ry., FAP 76–B;
Sec. 33, E½ and W½W½;
Sec. 35.

T. 15 N., R. 20 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, and 21;
Sec. 23, SW¼;
Secs. 25, 27, and 29;
Sec. 31, less R/W AT&SF Ry., Manuelito Pipeline;
Sec. 33;
Sec. 35, N½ and SW¼.
T. 11 N., R. 21 W.,
Sec. 1;
Sec. 3, lots 1 through 6, Incl., S½NE¼ and SE¼;
Secs. 11 and 13;
Sec. 15, lots 1, 2, 3, and 4, E½.
T. 12 N., R. 21 W.,
Sec. 1;
Sec. 3, lots 1 through 6, Incl., S½NE¼ and SE¼;
Sec. 11;
Sec. 13, NE¼ and S½;
Sec. 15, lots 1, 2, 3, 4, E½;
Secs. 23 and 25;
Sec. 27, lots 1, 2, 3, 4, E½;
Sec. 35.
T. 13 N., R. 21 W.,
Sec. 1, less R/W AT&SF Ry., FAP 76–B;
Sec. 3, lots 1, 2, 3, and 4;
Sec. 13, SE¼NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 15, lots 2, 3, 4, less R/W FAP 76–B;
Secs. 23 and 25;
Sec. 27, lots 1, 2, 3, and 4;
Sec. 35.
T. 14 N., R. 21 W.,
Sec. 1, N½ and SW¼;
Sec. 3, lots 1, 2, 3, and 4;
Secs. 11 and 13;
Sec. 15, lots 1, 2, 3, and 4;
Sec. 23;
Sec. 25, S½N½ and S½;
Sec. 27, lots 1, 2, 3, and 4;
Sec. 35, NE¼NE¼, S½NE¼, SW¼NW¼, and S½.
T. 15 N., R. 21 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, and 4;
Secs. 11 and 13;
Sec. 15, lots 1, 2, 3, and 4;
Secs. 23 and 25;
Sec. 27, lots 1, 2, 3, and 4;
Sec. 35, W½.

The areas described aggregate 241,807.89 acres.

5. Some of the lands described in paragraph 2 of this order were declared by the Act of August 13, 1949 (63 Stat. 604; 25 U.S.C. 622), to be held by the United States in trust for the respective tribes, bands, or groups of Indians occupying and using them. The remainder were by the said Act declared to be public domain. As authorized by the said Act, an order of the Secretary of the Interior appearing at pages 1851–1858 of the FEDERAL REGISTER of March 31, 1950, identified the lands in the respective categories. The public domain lands were opened by a Bureau of Land Management order of November 18, 1953 (18 F.R. 7496–7497).

6. The lands in the withdrawal of July 8, 1931, described in paragraph 3 of this order have been included in other orders of revocation or have been otherwise disposed of, with the exception of the following-described lands:

T. 2 N., R. 6 W.,
Sec. 6, lot 3 and SE¼NW¼.

7. The lands withdrawn by paragraph 4 of this order are all within the revocation made by paragraph 1. The objective of paragraph 4 of this order is to establish for ready reference the lands still remaining in the withdrawal created by the order of September 1, 1939, and to establish with certainty, without reference to other sources, the identity of those lands, at the same time releasing from the withdrawal made by the order of September 1, 1939, all lands no longer withdrawn for its purposes, because disposed of by exchange or otherwise.

8. Beginning at 10:00 a.m. on October 1, 1960, the lands in section 6, T. 2 N., R. 6 W., described in paragraph 6 of this order, shall be open to application, petition, location and selection, under applicable nonmineral public land laws, subject to valid existing rights, the requirements of applicable law, and the six-months preference right filing period granted to the State of New Mexico, by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2).

9. The lands described in paragraph 6 shall be open to location under the United States mining laws and to applications and offers under the mineral leasing laws at 10:00 a.m. on February 25, 1961. Mining locations made prior thereto shall be invalid.

10. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 26, 1960.

[F.R. Doc. 60–8238; Filed, Sept. 2, 1960; 8:47 a.m.]

[Public Land Order 2199]

[84464]

UTAH

Withdrawing Public Lands From Oil and Gas Leasing for Preservation and Development of Potash Deposits Belonging to the United States

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following described lands are hereby withdrawn from appropriation under the oil and gas leasing provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181, et seq.), as amended and supplemented for the purpose of preservation and development of potash deposits belonging to the United States:

SALT LAKE PRINCIPAL MERIDIAN

T. 26 S., R. 20 E.,
Secs. 22 to 27, incl.;
Sec. 34, E½;
Secs. 35 and 36.
T. 27 S., R. 20 E.,
Sec 1;
Sec. 2, lots 1, 2, 7, 8, and S½NE¼.
T. 26 S., R. 21 E.,
Secs. 30 to 32, incl.
T. 27 S., R. 21 E.,
Secs. 4 to 6, incl.;
Sec. 7, lots 1 to 4, incl., and NE¼;
Sec. 8, N½;
Sec. 9, N½.

The areas described aggregate approximately 11,128 acres, of which approximately 9,445 acres are public lands.

2. The withdrawal effected by this order shall terminate ten years from and after the date of the publication of this order in the FEDERAL REGISTER unless it is extended by an appropriate order of extension. Upon the termination of the withdrawal, the lands shall again be subject to leasing for oil and gas development purposes upon such terms and conditions as the Secretary of the Interior may specify in an order of opening, consistent with the then existing law and regulations.

ELMER F. BENNETT,
Under Secretary of the Interior.

AUGUST 29, 1960.

[F.R. Doc. 60–8239; Filed, Sept. 2, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 3]

DOCUMENTATION OF VESSELS

Cancellation of Signal Letters in Certain Instances

The Bureau of Customs has made provision in its regulations for special authorization for the cancellation of an award of signal letters upon application by or on behalf of a person having a permit issued by the Federal Communications Commission for the construction of a broadcast station who desires to use those letters in connection with the operation of such station if the vessel to which the letters are awarded is no longer documented as a vessel of the United States at the time of the filing of the application.

In order to extend the provision for special authorization to include instances in which applications are filed by or on behalf of a person having a permit for operation of a broadcast station or a permit for the operation of a ship station and in order to clarify the requirements in certain minor respects, notice is hereby given that under the authority of section 3, 23 Stat. 119, as amended (46 U.S.C. 3), it is proposed to amend § 3.13(f) of the Customs Regulations to read as follows:

(f) The Bureau will give consideration to granting a special authorization for the cancellation of the award of signal letters upon application by or on behalf of a person having a permit issued by the Federal Communications Commission for the construction or operation of a broadcast station or the operation of a ship station who desires to use such letters in connection with the operation of such station if the vessel to which such letters are awarded is no longer documented as a vessel of the United States, and if, in the case of an application relating to a ship station, the vessel has not been so documented for a period of not less than 10 years. Such application shall be submitted to the Commissioner of Customs in writing and shall state (1) the name and address of the permittee, (2) the date of the granting of such permit, (3) the type of station to which such permit has been granted, (4) the letters desired, and (5) the name and official number of the vessel to which such letters are awarded, if known to the applicant.

(R.S. 4177, as amended; 46 U.S.C. 45)

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, and arguments with respect to the proposed amendment may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing. To assure consideration of such communications they must be received not later than 30 days after the publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: August 29, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60–8255; Filed, Sept. 2, 1960; 8:50 a.m.]

[19 CFR Parts 3, 4]

REBUILT VESSELS

Documentation and Use; Reports of Rebuilding

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, under the authority cited below, it is proposed to amend §§ 3.2, 3.28, 3.29, and 4.7 of the Customs Regulations relating to the documentation and use of rebuilt vessels and reports of rebuilding or alteration of vessels. The proposed amendments are designed to give effect to and to carry out the purposes of Public Law 86–583, approved July 5, 1960 (74 Stat. 321).

The proposed amendments in tentative form are as follows:

In Part 3—Documentation of Vessels:

Section 3.2(f) is amended to read as follows:

(f) No vessel of classes 1 through 8 above which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, shall have the right to engage in such trade if it thereafter has been sold or transferred foreign in whole or in part or placed under foreign registry (§ 3.43), or, if of more than 500 gross tons, has been rebuilt unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, was effected within the United States, its Territories (not including trust territories), or its possessions. However, no rebuilt vessel shall be deemed to have lost its coastwise privileges within the meaning of the above merely because it may have been rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before July 5, 1960, if the work of rebuilding is commenced not later than 24 months after such date (§ 3.28).[1] When a vessel has lost its coastwise privileges, no document shall be issued for the coastwise trade and any document which may be issued to such vessel for any other trade or employment shall bear the following notation: "As amended by section 27 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the coastwise trade."

(R.S. 4132, as amended, sec. 22, 41 Stat. 997, R.S. 4136, as amended, 4214, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, 72 Stat. 1736, secs. 2, 3, 4, 74 Stat. 321; 46 U.S.C. 11, 13, 14, 103, 802, 808, 883, 883a, 883b, 883–1)

Footnote 3 to § 3.2(f) is amended to read as follows:

* * * * [Sec. 1] * * * the second proviso of section 27 of the Merchant Marine Act, 1920, as amended (U.S.C., 1958 edition, title 46, sec. 883), is amended to read as follows: "*Provided further*, That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt, shall have the right thereafter to engage in the coastwise trade, unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, is effected within the United States, its Territories (not including trust territories), or its possessions:" * * *

Sec. 4. This Act shall be effective from the time of enactment hereof: *Provided, however*, That no vessel shall be deemed to have lost its coastwise privileges as a result of the amendments made by this Act if it is rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before such date of enactment and if the work of rebuilding is commenced not later than twenty-four months after such date of enactment. (Secs. 1 and 4, Act of July 5, 1960 (74 Stat. 321))

Section 3.28(b) is amended to read as follows:

(b) When a new vessel is constructed in whole or in part of material taken from an old vessel; when an existing vessel is rebuilt; when in the case of a vessel of more than 500 gross tons, an addition or change in any major component of the hull or superstructure is made and such major component was not constructed in the United States, its Territories (not including trust territories), or its possessions; when a vessel of more than 500 gross tons is otherwise so altered as to give rise to a reasonable belief that such vessel may have been rebuilt, unless such alteration was effected entirely in the United States, its Territories (not including trust territories), or its possessions; or when it is desired, in the case of an unrigged wooden vessel, other than a foreign-built vessel (class 9), that a notation be made in the publication, Merchant Vessels of the United States, as to rebuilding, the owner of the vessel shall submit through the collector of customs at the port where the vessel then is or next arrives thereafter to the Commissioner of Customs a certificate of specifications outlining the work performed on the vessel, showing the place where any such building or rebuilding was effected, and describing the extent to which old materials used were taken up, refitted, and reset or the extent to which parts of the old hull in its intact condition were used or built upon.

The certificate shall be accompanied by accurate sketches or blueprints illustrating the extent of the work performed when such sketches or blueprints are available. Such certificate shall also be accompanied by a certificate of the builder, which shall be on customs Form 1261 if the vessel is claimed to be new. In the case of an unrigged wooden vessel, the shipbuilder, in addition to certifying that the vessel is rebuilt and the date of completion and place of such rebuilding, shall certify that the vessel is sound and free from rotten or doted wood in its structural parts; that it is properly fastened and calked; and that it is as good as new in strength and seaworthiness. The Commissioner of customs shall decide whether or not the vessel is to be considered to be new or rebuilt and, if either, that decision shall be reflected on the vessel's marine document.

Section 3.28(d) is amended to read as follows:

(d) No vessel of more than 500 gross tons which has been rebuilt and has thereby lost its coastwise privileges (see § 3.2(f)) shall be documented for nor permitted to engage in the coastwise trade.

(R.S. 4155, as amended, 4179, 37 Stat. 189, R.S. 4319, as amended, sec. 27, 41 Stat. 999, as amended, sec. 2, 3, 70 Stat. 544, secs. 2, 3, 4, 74 Stat. 321; 46 U.S.C. 25, 50, 63, 259, 883, 883a, 883b)

Section 3.29(a) is amended to read as follows:

(a) When a documented vessel is altered in form or tonnage by being lengthened, shortened, or built upon or changed from one denomination to another by a change in rig or fitting, the vessel shall cease to be deemed a vessel of the United States unless she is documented anew. Every such alteration of a vessel of more than 500 gross tons which is not effected entirely within the United States, its Territories (not including trust territories), or its possessions, including the construction of any major components of the hull or superstructure, shall be reported in accordance with the provisions of § 3.28(b), and the master shall submit the statement required by § 4.7(b) of this chapter.

(R.S. 161, secs. 2, 3, 23 Stat. 116, as amended, 119, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544, secs. 2, 3, 4, 74 Stat. 321; 5 U.S.C. 22, 46 U.S.C. 2, 3, 883, 883a, 883b)

In Part 4—Vessels in Foreign and Domestic Trades:

Section 4.7(b), subparagraphs (2) and (3) are amended to read as follows:

(2) The master of a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, at each port of first arrival from a foreign country shall declare on customs Form 3415 any equipment, repair part, or material purchased for the vessel, or any expense for repairs incurred, in a foreign country,[36] within the purview of section 466, Tariff Act of 1930, as amended. If no equipment has been purchased or repairs made, a declaration to that effect shall be made on customs Form 3415. If the vessel is of more than 500 gross tons, the declaration shall include a statement that no work in the nature of a rebuilding or alteration which might give rise to a reasonable belief that the vessel may have been rebuilt within the meaning of the second proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), has been effected which has not been either previously reported or separately reported simultaneously with the filing of such declaration. The declaration shall be ready for production on demand and for inspection by the boarding officer, and shall be presented with the original manifest when formal entry of the vessel is made.

(3) The master of every American vessel of more than 500 gross tons which is altered or rebuilt, when any part of the alteration or rebuilding, including the construction of any major component of the hull or superstructure of the vessel, is effected outside the United States, its Territories (not including trust territories), or its possessions, shall upon the first entry of the vessel at a port of the United States thereafter report the facts and circumstances of the alteration or rebuilding of the vessel to the collector of customs at the port of entry. The report shall be accompanied by the papers required under § 3.28 of this chapter. If any such papers are not available at the time such report is made, they shall be produced to the collector concerned as soon thereafter as may be practicable but if they are not presented within 30 days, and if the delay is not explained to the satisfaction of the collector, appropriate penalty action shall be taken charging violations of the provisions of section 2 of the Act of July 14, 1956, as amended (46 U.S.C. 883a).[36a]

Footnote 16(c) appended to § 4.7(b)(3) is amended to read as follows:

[36a] • • • Sec. 2. If any vessel of more than five hundred gross tons documented under the laws of the United States, or last documented under such laws, is rebuilt, and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories), or its possessions, a report of the circumstances of such rebuilding shall be made to the Secretary of the Treasury, upon the first arrival of the vessel thereafter at a port within the customs territory of the United States, if rebuilt outside the United States, its Territories (not including trust territories), or its possessions, or, in any other case, upon completion of the rebuilding, in accordance with such regulations as the Secretary may prescribe. If the required report is not made, the vessel, together with its tackle, apparel, equipment, and furniture, shall be forfeited, and the master and owner shall each be liable to a penalty of $200. Any penalty or forfeiture incurred under this Act may be remitted or mitigated by the Secretary under the provisions of section 5294 of the Revised Statutes of the United States, as amended (46 U.S.C. 7). (Sec. 2, Act of July 14, 1956, as amended (46 U.S.C. 883a))

(R.S. 161, 251, secs. 2, 3, 23 Stat. 116, as amended, 119, as amended, sec. 27, 41 Stat. 999, as amended, sec. 624, 46 Stat. 759, secs. 2, 3, 70 Stat. 544, secs. 2, 3, 4, 74 Stat. 321; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 3, 883, 883a, 883b)

Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 29, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8254; Filed, Sept. 2, 1960; 8:50 a.m.]

Internal Revenue Service

[26 CFR (1954) Part 1]

DEPRECIATION OR AMORTIZATION OF IMPROVEMENTS MADE BY LESSEE ON LESSOR'S PROPERTY

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The regulations under section 178 of the Internal Revenue Code of 1954 set forth in paragraph 1 are hereby prescribed.

The Income Tax Regulations (26 CFR Part 1) are amended as set forth in paragraphs 2, 3, and 4 to conform to the rules relating to depreciation or amortization of improvements made by lessee on leased property prescribed under section 178.

PARAGRAPH 1. The following regulations are hereby prescribed under section 178 of the Internal Revenue Code of 1954:

§ 1.178 Statutory provisions; depreciation or amortization of improvements made by lessee on lessor's property.

SEC. 178. *Depreciation or amortization of improvements made by lessee on lessor's property*—(a) *General rule.* Except as provided in subsection (b), in determining the amount allowable to a lessee as a deduction for any taxable year for exhaustion, wear and tear, obsolescence, or amortization—

(1) In respect of any building erected (or other improvement made) on the leased property, if the portion of the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining upon the completion of such building or other improvement is less than 60 percent of the useful life of such building or other improvement, or

(2) In respect of any cost of acquiring the lease, if less than 75 percent of such cost is attributable to the portion of the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) remaining on the date of its acquisition, the term of the lease shall be treated as including any period for which the lease may be renewed, extended, or continued pursuant to an option exercisable by the lessee, unless the lessee establishes that (as of the close of the taxable year) it is more probable that the lease will not be renewed, extended, or continued for such period than that the lease will be so renewed, extended, or continued.

(b) *Related lessee and lessor*—(1) *General rule.* If a lessee and lessor are related persons (as determined under paragraph (2)) at any time during the taxable year then, in determining the amount allowable to the lessee as a deduction for such taxable year for exhaustion, wear and tear, obsolescence, or amortization in respect of any building erected (or other improvement made) on the leased property, the lease shall be treated as including a period of not less duration than the remaining useful life of such improvement.

(2) *Related persons defined.* For purposes of paragraph (1), a lessor and lessee shall be considered to be related persons if—

(A) The lessor and the lessee are members of an affiliated group (as defined in section 1504), or

(B) The relationship between the lessor and lessee is one described in subsection (b) of section 267, except that, for purposes of this subparagraph, the phrase "80 percent or more" shall be substituted for the phrase "more than 50 percent" each place it appears in such subsection.

For purposes of determining the ownership of stock in applying subparagraph (B), the rules of subsection (c) of section 267 shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants.

(c) *Reasonable certainty test.* In any case in which neither subsection (a) nor subsection (b) applies, the determination as to the amount allowable to a lessee as a deduction for any taxable year for exhaustion, wear and tear, obsolescence, or amortization—

(1) In respect of any building erected (or other improvement made) on the leased porperty, or

(2) In respect of any cost of acquiring the lease,

shall be made with reference to the term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee), unless the lease has been renewed, extended, or continued or the facts show with reasonable certainty that the lease will be renewed, extended, or continued.

[Sec. 178 as added by sec. 15, Technical Amendments Act 1958 (72 Stat. 1612)]

§ 1.178-1 Depreciation or amortization of improvements on leased property and cost of acquiring a lease.

(a) *In general.* Section 178 provides rules for determining the amount of the deduction allowable for any taxable year to a lessee for depreciation or amortization of improvements made on leased property and as amortization of the cost of acquiring a lease. For purposes of section 178 the term "depreciation" means the deduction allowable for exhaustion, wear and tear, or obsolescence under provisions of the Code such as section 167 or 611 and the regulations thereunder and the term "amortization" means the deduction allowable for amortization of buildings or other improvements made on leased property or for amortization of the cost of acquiring a lease under provisions of the Code such as section 162 or 212 and the regulations thereunder. The provisions of section 178 are applicable with respect to costs of acquiring a lease incurred, and improvements begun, after July 28, 1958, other than improvements which, on July 28, 1958, and at all times thereafter, the lessee was under a binding legal obligation to make.

(b) *Determination of amount of deduction.* (1) In determining the amount of the deduction allowable to a lessee (other than a lessee who is related to the lessor within the meaning of § 1.178-2) for any taxable year for depreciation or amortization of improvements made on leased property, or for amortization in respect of the cost of acquiring a lease, the term of the lease shall, except as provided in subparagraph (2) of this paragraph, be treated as including all periods for which the lease may be renewed, extended, or continued pursuant to an option or options exercisable by the lessee (whether or not specifically provided for in the lease) if—

(i) In the case of any building erected, or other improvements made, by the lessee on the leased property, the portion of the term of the lease (excluding all periods for which the lease may subsequently be renewed, extended, or continued pursuant to an option or options exercisable by the lessee) remaining upon the completion of such building or other improvements is less than 60 percent of the estimated useful life of such building or other improvements; or

(ii) In the case of any cost of acquiring the lease, less than 75 percent of such cost is attributable to the portion of the term of the lease (excluding all periods for which the lease may be renewed, extended, or continued pursuant to an option or options exercisable by the lessee) remaining on the date of its acquisition.

(2) The rules provided in subparagraph (1) of this paragraph shall not apply if the lessee establishes that, as of the close of the taxable year, it is more probable that the lease will not be renewed, extended, or continued than that the lease will be renewed, extended, or continued. In such case, the cost of improvements made on leased property or the cost of acquiring a lease shall be amortized over the remaining term of the lease without regard to any options exercisable by the lessee to renew, extend, or continue the lease. The probability test referred to in the first sentence of this subparagraph shall be applicable to each option period to which the lease may be renewed, extended, or continued. The establishment by a lessee as of the close of the taxable year that it is more probable that the lease will not be renewed, extended, or continued will ordinarily be effective as of the close of such taxable year and any subsequent taxable year, and the deduction for amortization will be based on the term of the lease without regard to any periods for which the lease may be renewed, extended, or continued pursuant to an option or options exercisable by the lessee. However, in appropriate cases, if the facts as of the close of any subsequent taxable year indicate that it is more probable that the lease will be renewed, extended, or continued, the deduction for amortization (or depreciation) shall, beginning with the first day of such subsequent taxable year, be determined by including in the remaining term of the lease all periods for which it is more probable that the lease will be renewed, extended, or continued.

(3) If at any time the remaining term of the lease determined in accordance with section 178 and this section is equal to or of longer duration than the then estimated useful life of the improvements made on the leased property by the lessee, the cost of such improvements shall be depreciated over the estimated useful life of such improvements under the provisions of section 167 and the regulations thereunder.

(4) For purposes of section 178(a)(1) and this section, the date on which the building erected or other improvements made are completed is the date on which the building or improvements are usable, whether or not used.

(5)(i) For purposes of section 178(a)(2) and this section, the portion of the cost of acquiring a lease which is attributable to the term of the lease remaining on the date of its acquisition without regard to options exercisable by the lessee to renew, extend, or continue the lease shall be determined on the basis of the facts and circumstances of each case. In appropriate cases, such portion of the cost of acquiring a lease may be determined by applying the principles used to measure the present value of an annuity. Where that method is used, such portion shall be determined by multiplying the cost of the lease by a fraction, the numerator comprised of a factor representing the present value of an annually recurring savings of $1 per year for the period of the remaining term of the lease (without regard to options to renew, extend, or continue the lease) at an appropriate rate of interest (determined on the basis of all the facts and circumstances in each case), and the denominator comprised of a factor representing the present value of $1 per year for the period of the remaining

term of the lease including the options to renew, extend, or continue the lease at an appropriate rate of interest.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. Lessee A acquires a lease with respect to unimproved property at a cost of $100,000 at which time there are 21 years remaining in the original term of the lease with two renewal options of 21 years each. The lease provides for a uniform annual rental for the remaining term of the lease and the renewal periods. It has been determined that this is an appropriate case for the application of the principles used to measure the present value of an annuity. Assume that the appropriate rate of interest is 5 percent. By applying the tables (Inwood) used to measure the present value of an annuity of $1 per year, the factor representing the present value of $1 per annum for 21 years at 5% is ascertained to be 12.821, and the factor representing the present value of $1 per annum for 63 years at 5% is 17.558. The portion of the cost of the lease ($100,000) attributable to the remaining lease period (21 years) is 73.02% or $73,020 determined as follows: $\frac{12.821}{17.558}$ or 73.02%.

(6) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Lessee A constructs a building on land leased from lessor B. The construction is commenced on August 1, 1958, and is completed and placed in service on December 31, 1958, at which time A has 15 years remaining on his lease with an option to renew for an additional 20 years. Lessee A computes his taxable income on a calendar year basis. Lessee A was not, on July 28, 1958, under a binding legal obligation to erect the building. The building has an estimated useful life of 30 years. A is not related to B. Since the portion of the term of the lease (without regard to any renewals) remaining upon completion of the building (15 years) is less than 60 percent of the estimated useful life of the building (60 percent of 30 years, or 18 years), the term of the lease shall be treated as including the remaining portion of the original lease period and the renewal period, or 35 years. Since the estimated useful life of the building (30 years) is less than 35 years, the cost of the building shall, in accord with paragraph (b)(3) of this section, be depreciated under the provisions of section 167, over its estimated useful life. If, however, lessee A establishes, as of the close of the taxable year 1958, it is more probable that the lease will not be renewed than that it will be renewed, then in such case the remaining term of the lease shall be treated as including only the 15-year period remaining in the original lease. Since this is less than the estimated useful life of the building, the remaining cost of the building would be amortized over such 15-year period under the provisions of section 162 and the regulations thereunder.

Example (2). Assume the same facts as in example (1), except that A has 21 years remaining on his lease with an option to renew for an additional 10 years. Section 178(a) and paragraph (b)(1) of this section do not apply since the term of the lease remaining on the date of completion of the building (21 years) is not less than 60 percent of the estimated useful life of the building (60 percent of 30 years, or 18 years).

Example (3). Assume the same facts as in example (1), except that A has no renewal option until July 1, 1961, when lessor B grants A an option to renew the lease for a 10-year period. Because there is no option to renew the lease, the term of the lease is, for the taxable years 1959 and 1960 and for the first six months of the taxable year 1961, determined without regard to section 178(a). However, as of July 1, 1961, the date the renewal option is granted, section 178(a) and paragraph (b)(1) of this section become applicable since the portion of the term of the lease remaining upon completion of the building (15 years) was less than 60 percent of the estimated useful life of the building (60 percent of 30 years, or 18 years). As of July 1, 1961, the term of the lease shall be treated as including the remaining portion of the original lease period (12½ years) and the 10-year renewal period, or 22½ years, unless lessee A can establish that, as of the close of 1961, it is more probable that the lease will not be renewed than that it will be.

Example (4). On January 1, 1959, lessee A pays $10,000 to acquire a lease for 20 years with two options exercisable by him to renew for periods of 5 years each. Of the total $10,000 cost to acquire the lease, $7,000 was paid for the original 20-year lease period and the balance of $3,000 was paid for the renewal options. Since the $7,000 cost of acquiring the initial lease is less than 75 percent of the $10,000 cost of the lease ($7,500), the term of the lease shall be treated as including the original lease period and the 2 renewal periods, or 30 years. However, if lessee A establishes that, as of the close of the taxable year 1959, it is more probable that the lease will not be renewed than that it will be renewed, the term of the lease shall be treated as including only the original lease period, or 20 years.

Example (5). Assume the same facts as in example (4), except that the portion of the total cost ($10,000) paid for the 20-year original lease period is $8,000. Since the $8,000 cost of acquiring the original lease is not less than 75 percent of the $10,000 cost of the lease ($7,500), section 178(a) and paragraph (b)(1) of this section do not apply.

(c) *Application of section 178(a) where lessee gives notice to lessor of intention to exercise option.* (1) If the lessee has given notice to the lessor of his intention to renew, extend, or continue a lease, the lessee shall, for purposes of applying the provisions of section 178(a) and paragraph (b)(1) of this section, take into account such renewal or extension in determining the portion of the term of the lease remaining upon the completion of the improvements or on the date of the acquisition of the lease.

(2) The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). Lessee A constructs a building on land leased from lessor B. The construction was commenced on September 1, 1958, and was completed and placed in service on December 31, 1958. Lessee A was not, on July 28, 1958, under a binding legal obligation to erect the building. A and B are not related. At the time the building was completed (December 31, 1958), lessee A had 3 years remaining on his lease with 2 options to renew for periods of 20 years each. The estimated useful life of the building is 50 years. Prior to completion of the building, lessee A gives notice to lessor B of his intention to exercise the first 20-year option. Therefore, the portion of the term of the lease remaining on January 1, 1959, shall be the 3 years remaining in the original lease period plus the 20-year renewal period, or 23 years. Since the term of the lease remaining upon completion of the building (23 years) is less than 60 percent of the estimated useful life of the building (60 percent of 50 years, or 30 years), the provisions of section 178(a) and paragraph (b)(1) of this section are applicable. Accordingly, the term of the lease shall be treated as including the aggregate of the remaining term of the original lease (23 years) and the second 20-year renewal period or 43 years, unless lessee A establishes that it is more probable that the lease will not be renewed, extended, or continued under the second 20-year option than that it will be so renewed, extended, or continued under such option. If this is established by lessee A, then the term of the lease shall be treated as including only the remaining portion of the original lease period and the first 20-year renewal period, or 23 years.

Example (2). Assume the same facts as in example (1), except that the estimated useful life of the building is 30 years. Since the term of the lease remaining upon completion of the building (23 years) is not less than 60 percent of the estimated life of the building (60 percent of 30 years, or 18 years), the provisions of section 178(a) and paragraph (b)(1) of this section do not apply.

Example (3). If in examples (1) and (2), the lessee failed to give notice of his intention to exercise the renewal option, the renewal period would not be taken into account in computing the percentage requirements under section 178(a) and paragraph (b)(1) of this section. Thus, unless lessee A establishes the required probability, the provisions of section 178(a) and paragraph (b)(1) of this section would apply in both examples since the term of the lease remaining upon completion of the building (3 years) is less than 60 percent of the estimated useful life of the building in either example (60 percent of 50 years, or 30 years; 60 percent of 30 years, or 18 years).

(d) *Application of section 178 where lessee is related to lessor.* (1) (i) If the lessee and lessor are related persons within the meaning of section 178(b)(2) and § 1.178-2 at any time during the taxable year, the lease shall be treated as including a period of not less duration than the remaining estimated useful life of improvements made by the lessee on leased property for purposes of determining the amount of deduction allowable to the lessee for such taxable year for depreciation or amortization in respect of any building erected or other improvements made on leased property. If the lessee and lessor cease to be related persons during any taxable year, then for the immediately following and subsequent taxable years during which they continue to be unrelated, the amount allowable to the lessee as a deduction shall be determined without reference to section 178(b) and in accordance with section 178(a) or section 178(c), whichever is applicable.

(ii) Although the related lessee and lessor rule of section 178(b) and § 1.178-2 does not apply in determining the period over which the cost of acquiring a lease may be amortized, the relationship between a lessee and lessor will be a significant factor in applying section 178 (a) and (c) in cases in which the lease may be renewed, extended, or continued pursuant to an option or options exercisable by the lessee.

(2) The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). Lessee A constructs a building on land leased from lessor B. The construction was commenced on August 1, 1958, and was completed and put in service on December 31, 1958. Lessee A was not on July 28, 1958, under a binding legal obligation to erect the building. On the completion date of the building, lessee A had 20 years remaining in his original lease period with an option to renew for an additional 20 years. The building has an estimated useful life of 50 years. During the taxable years 1959 and 1960, A and B are related persons within the meaning of section 178(b)(2) and § 1.178-2, but they are not related persons at any time during the taxable year 1961 or during any subsequent taxable year. Since A and B are related persons during the taxable years 1959 and 1960, the term of the lease shall, for each of those years, be treated as 50 years. Section 178(a) and paragraph (b)(1) of this section become applicable in the taxable year 1961 since A and B are not related persons at any time during that year and because the portion of the original lease period remaining at the time the building was completed (20 years) is less than 60 percent of the estimated useful life of the building (60 percent of 50 years, or 30 years). Thus, the term of the lease shall, beginning on January 1, 1961, be treated as including the remaining portion of the original lease period (18 years) and the renewal period (20 years), or 38 years, unless lessee A can establish that, as of the close of the taxable year 1961 or any subsequent taxable year, it is more probable that the lease will not be renewed than that it will be renewed.

Example (2). Assume the same facts as in example (1), except that the estimated useful life of the building is 30 years. During the taxable years 1959 and 1960, the term of the lease shall be treated as 30 years. For the taxable year 1961, however, neither section 178(a) nor section 178(b) apply since the percentage requirement of section 178(a) and paragraph (b) of this section are not satisfied and A and B are not related persons within the meaning of section 178(b)(2) and § 1.178-2.

§ 1.178-2 Related lessee and lessor.

(a) For purposes of section 178 and § 1.178-1, a lessor and lessee shall be considered to be related persons if—

(1) The lessor and lessee are members of an affiliated group, as defined in section 1504 and the regulations thereunder; or

(2) The relationship between the lessor and lessee is one described in section 267(b), except that the phrase "80 percent or more" shall be substituted for the phrase "more than 50 percent" wherever such phrase appears in section 267(b).

(b) In the application of section 267 (b) for purposes of section 178, the rules provided in section 267(c) shall apply, except that the family of an individual shall include only his spouse, ancestors, and lineal descendants. Thus, if the lessee is the brother or sister of the lessor, the lessee and lessor will not be considered to be related persons for purposes of section 178 and § 1.178-1. If the lessor leases property to a corporation of which he owns 80 percent or more in value of the outstanding stock, the lessor and lessee shall be considered to be related persons. On the other hand, if the lessor leases property to a corporation of which he owns less than 80 percent in value of the outstanding stock and his brother owns the remaining stock, the lessor and lessee will not be considered to be related persons.

(c) If a relationship described in section 267(b) exists independently of family status, the brother-sister exception does not apply. For example, if the lessor leases property to the fiduciary of a trust of which he is the grantor, the lessor and lessee will be considered to be related persons for purposes of section 178. This result obtains whether or not the fiduciary is the brother or sister of the lessor since the disqualifying relationship exists because of the grantor-fiduciary status and not because of family status.

§ 1.178-3 Reasonable certainty test.

(a) In any case in which neither section 178 (a) nor (b) applies, the determination as to the amount of the deduction allowable to a lessee for any taxable year for depreciation or amortization in respect of any building erected, or other improvements made, on leased property, or in respect of any cost of acquiring a lease, shall be made with reference to the original term of the lease (excluding any period for which the lease may subsequently be renewed, extended, or continued pursuant to an option exercisable by the lessee) unless the lease has been renewed, extended, or continued, or the facts show with reasonable certainty that the lease will be renewed, extended, or continued. In a case in which the facts show with reasonable certainty that the lease will be renewed, extended, or continued, the term of the lease shall, beginning with the taxable year in which such reasonable certainty is shown, be treated as including the period or periods for which it is reasonably certain that the lease will be renewed, extended, or continued. If the lessee has given notice to the lessor of his intention to renew, extend, or continue a lease, the lease shall be considered as renewed, extended, or continued for the periods specified in the notice. See paragraph (c) of § 1.178-1.

(b) The reasonable certainty test is applicable to each option to which the lease is subject. Thus, in a case of two successive options, the facts in a particular taxable year may show with reasonable certainty that the lease will be renewed pursuant to an exercise of only the first option; and, beginning with such year, the term of the lease will be treated as including the first option, but not the second. If in a subsequent taxable year the facts show with reasonable certainty that the second option will also be exercised, the term of the lease shall, beginning with such subsequent taxable year, be treated as including both options. Although the related lessee and lessor rule of section 178(b) and paragraph (d) of § 1.178-1 does not apply in determining the period over which the cost of acquiring a lease may be amortized, the relationship between the lessee and lessor will be a significant factor in determining whether the "reasonable certainty" rule of section 178(c) and this section applies.

(c) The application of the provisions of this section may be illustrated by the following examples:

Example (1). Corporation A leases land from lessor B for a period of 30 years beginning with January 1, 1958. Corporation A and lessor B are not related persons. The lease provides that Corporation A will have two renewal options of 5 years each at the same annual rental as specified in the lease for the initial 30 years. Corporation A constructs a factory building on the leased land at a cost of $100,000. Corporation A was not, on July 28, 1958, under a binding legal obligation to erect the building. The construction was commenced on August 1, 1958, and was completed and placed in service on December 31, 1958. On January 1, 1959, Corporation A has 29 years remaining in the initial term of the lease. The estimated useful life of the building on January 1, 1959, is 40 years. The location of the leased property is particularly suitable for Corporation A's business and the annual rental of the property is lower than A would have to pay for other suitable property. Since the period remaining in the initial term of the lease on January 1, 1959 (29 years) is not less than 60 percent of the estimated useful life of the building (60 percent of 40 years, or 24 years), the provisions of section 178(a) and paragraph (b)(1) of § 1.178-1 do not apply, and since Corporation A and lessor B are not related, section 178(b) and paragraph (d) of § 1.178-1 do not apply. However, since the facts show with reasonable certainty that Corporation A will renew the lease for the period of the two options (10 years), the cost of the building shall be amortized over the term of the lease, including the two renewal options, or 39 years.

Example (2). Assume the same facts as in example (1), except that a term of 30 years is the longest period that lessor B is willing to lease the unimproved property; that there was no agreement, verbal or otherwise, to the effect that Corporation A will have any renewal options; and that any other location would be as suitable for Corporation A's business as the leased property. Since the facts do not show with reasonable certainty that the initial term of the lease will be renewed, extended, or continued, Corporation A shall amortize the cost of the building over the remaining term of the lease, or 29 years.

PAR. 2. Section 1.162-11 is amended to read as follows:

§ 1.162-11 Rentals.

(a) *Acquisition of a leasehold.* If a leasehold is acquired for business purposes for a specified sum, the purchaser may take as a deduction in his return an aliquot part of such sum each year, based on the number of years the lease has to run. Taxes paid by a tenant to or for a landlord for business property are additional rent and constitute a deductible item to the tenant and taxable income to the landlord, the amount of the tax being deductible by the latter. For disallowance of deduction for income taxes paid by a lessee corporation pursuant to a lease arrangement with the lessor corporation, see section 110 and the regulations thereunder. See section 178 and the regulations thereunder for rules governing the effect to be given renewal options in amortizing the costs incurred after July 28, 1958, of acquiring a lease.

(b) *Improvements by lessee on lessor's property.* (1) The cost to a lessee of erecting buildings or making permanent improvements on property of which he is the lessee is a capital investment, and is not deductible as a business expense. If the estimated useful life in the hands of the taxpayer of the building erected or of the improvements made, determined without regard to the terms of the lease, is longer than the remaining pe-

riod of the lease, an annual deduction may be made from gross income of an amount equal to the total cost of such improvements divided by the number of years remaining in the term of the lease, and such deduction shall be in lieu of a deduction for depreciation. If, on the other hand, the useful life of such buildings or improvements in the hands of the taxpayer is equal to or shorter than the remaining period of the lease, this deduction shall be computed under the provisions of section 167 (relating to depreciation).

(2) If the lessee began improvements on leased property before July 28, 1958, or if the lessee was on such date and at all times thereafter under a binding legal obligation to make such improvements, the matter of spreading the cost of erecting buildings or making permanent improvements over the term of the original lease, together with the renewal period or periods depends upon the facts in the particular case, including the presence or absence of an obligation of renewal and the relationship between the parties. As a general rule, unless the lease has been renewed or the facts show with reasonable certainty that the lease will be renewed, the cost or other basis of the lease, or the cost of improvements shall be spread only over the number of years the lease has to run without taking into account any right of renewal. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A subsidiary corporation leases land from its parent at a fair rental for a 25-year period. The subsidiary erects on the land valuable factory buildings having an estimated useful life of 50 years. These facts show with reasonable certainty that the lease will be renewed, even though the lease contains no option of renewal. Therefore, the cost of the buildings shall be depreciated over the estimated useful life of the buildings in accordance with section 167 and the regulations thereunder.

Example (2). A retail merchandising corporation leases land at a fair rental from an unrelated lessor for the longest period that the lessor is willing to lease the land (30 years). The lessee erects on the land a department store having an estimated useful life of 40 years. These facts do not show with reasonable certainty that the lease will be renewed. Therefore, the cost of the building shall be spread over the remaining term of the lease. An annual deduction may be made of an amount equal to the cost of the building divided by the number of years remaining in the term of the lease, and such deduction shall be in lieu of a deduction for depreciation.

(3) See section 178 and the regulations thereunder for rules governing the effect to be given renewal options where a lessee begins improvements on leased property after July 28, 1958, other than improvements which on such date and at all times thereafter, the lessee was under a binding legal obligation to make.

PAR. 3. Section 1.167(a)–4 is amended to read as follows:

§ 1.167(a)–4 Leased property.

Capital expenditures made by a lessee for the erection of buildings or the construction of other permanent improvements on leased property are recoverable through allowances for depreciation or amortization. If the useful life of such improvements in the hands of the taxpayer is equal to or shorter than the remaining period of the lease, the allowances shall take the form of depreciation under section 167. See §§ 1.167(b)–0, 1, 2, 3, and 4 for methods of computing such depreciation allowances. If, on the other hand, the estimated useful life of such property in the hands of the taxpayer, determined without regard to the terms of the lease, would be longer than the remaining period of such lease, the allowances shall take the form of annual deductions from gross income in an amount equal to the unrecovered cost of such capital expenditures divided by the number of years remaining of the term of the lease. Such deductions shall be in lieu of allowances for depreciation. See section 162 and the regulations thereunder. See section 178 and the regulations thereunder for rules governing the effect to be given renewal options in determining whether the useful life of the improvement exceeds the remaining term of the lease where a lessee begins improvements on leased property after July 28, 1958, other than improvements which on such date and at all times thereafter, the lessee was under a binding legal obligation to make. Capital expenditures made by a lessor for the erection of buildings or other improvements shall, if subject to depreciation allowances, be recovered by him over the estimated life of the improvements without regard to the period of the lease.

PAR. 4. Paragraph (a)(1) of § 1.461–1 is amended to read as follows:

§ 1.461–1 General rule for taxable year of deduction.

(a) *General rule*—(1) *Taxpayer using cash receipts and disbursements method.* Under the cash receipts and disbursements method of accounting, amounts representing allowable deductions shall, as a general rule, be taken into account for the taxable year in which paid. Further, a taxpayer using this method may also be entitled to certain deductions in the computation of taxable income which do not involve cash disbursements during the taxable year, such as the deductions for depreciation, depletion, and losses under sections 167, 611, and 165, respectively. If an expenditure results in the creation of an asset having a useful life which extends substantially beyond the close of the taxable year, such an expenditure may not be deductible, or may be deductible only in part, for the taxable year in which made. An example is an expenditure for the construction of improvements by the lessee on leased property where the estimated life of the improvements is in excess of the remaining period of the lease. In such a case, in lieu of the allowance for depreciation provided by section 167, the basis shall be amortized ratably over the remaining period of the lease. See section 178 and the regulations thereunder for rules governing the effect to be given renewal options in determining whether the useful life of the improvements exceeds the remaining term of the lease where a lessee begins improvements on leased property after July 28, 1958, other than improvements which on such date and at all times thereafter, the lessee was under a binding legal obligation to make. See section 263 and the regulations thereunder for rules relating to capital expenditures.

[F.R. Doc. 60–8256; Filed, Sept. 2, 1960; 8:50 a.m.]

[26 CFR (1954) Part 1]

DEPRECIATION ALLOWANCE

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The regulations under section 179 of the Internal Revenue Code of 1954, relating to additional first-year depreciation allowance, set forth in paragraph 1 are hereby prescribed, effective for taxable years ending after June 30, 1958.

The Income Tax Regulations (26 CFR Part 1) are amended as set forth in paragraph 2 to conform to the rules relating to additional first-year depreciation allowance prescribed under section 179.

PARAGRAPH 1. The following regulations are hereby prescribed under section 179 of the Internal Revenue Code of 1954:

Sec.
1.179 Statutory provisions; additional first-year depreciation allowance.
1.179–1 Additional first-year depreciation allowance.
1.179–2 Dollar limitation.
1.179–3 Definitions and special rules.
1.179–4 Time and manner of making election.

§ 1.179 Statutory provisions; additional first-year depreciation allowance.

SEC. 179. *Additional first-year depreciation allowance for small business*—(a) *General rule.* In the case of section 179 property, the term "reasonable allowance" as used in section 167(a) may, at the election of the taxpayer, include an allowance, for the first taxable year for which a deduction is allowable under section 167 to the taxpayer with respect to such property, of 20 percent of the cost of such property.

(b) *Dollar limitation.* If in any one taxable year the cost of section 179 property with respect to which the taxpayer may elect an allowance under subsection (a) for such taxable year exceeds $10,000, then subsection (a) shall apply with respect to those items selected by the taxpayer, but only to the extent of an aggregate cost of $10,000. In the case of a husband and wife who file a joint return under section 6013 for the taxable year, the limitation under the preceding sentence shall be $20,000 in lieu of $10,000.

(c) *Election*—(1) *In general.* The election under this section for any taxable year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe.

(2) *Election irrevocable.* Any election made under this section may not be revoked except with the consent of the Secretary or his delegate.

(d) *Definitions and special rules*—(1) *Section 179 property.* For purposes of this section, the term "section 179 property" means tangible personal property—

(A) Of a character subject to the allowance for depreciation under section 167,

(B) Acquired by purchase after December 31, 1957, for use in a trade or business or for holding for production of income, and

(C) With a useful life (determined at the time of such acquisition) of 6 years or more.

(2) *Purchase defined.* For purposes of paragraph (1), the term "purchase" means any acquisition of property, but only if—

(A) The property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants),

(B) The property is not acquired by one member of an affiliated group from another member of the same affiliated group, and

(C) The basis of the property in the hands of the person acquiring it is not determined—

(i) In whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

(ii) Under section 1014(a) (relating to property acquired from a decedent).

(3) *Cost.* For purposes of this section, the cost of property does not include so much of the basis of such property as is determined by reference to the basis of other property held at any time by the person acquiring such property.

(4) *Section not to apply to trusts.* This section shall not apply to trusts.

(5) *Estates.* In the case of an estate, any amount apportioned to an heir, legatee, or devisee under section 167(g) shall not be taken into account in applying subsection (b) of this section to section 179 property of such heir, legatee, or devisee not held by such estate.

(6) *Dollar limitation of affiliated group.* For purposes of subsection (b) of this section—

(A) All members of an affiliated group shall be treated as one taxpayer, and

(B) The Secretary or his delegate shall apportion the dollar limitation contained in such subsection (b) among the members of such affiliated group in such manner as he shall by regulations prescribe.

(7) *Affiliated group defined.* For purposes of paragraphs (2) and (6), the term "affiliated group" has the meaning assigned to it by section 1504, except that, for such purposes, the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1504(a).

(8) *Adjustment to basis; when made.* In applying section 167(f), the adjustment under section 1016(a)(2) resulting by reason of an election made under this section with respect to any section 179 property shall be made before any other deduction allowed by section 167(a) is computed.

(e) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 179 as added by sec. 204, Small Business Tax Revision Act of 1958 (72 Stat. 1679)]

§ 1.179–1 Additional first-year depreciation allowance.

(a) *In general.* For taxable years ending after June 30, 1958, in the case of "section 179 property" acquired by purchase after December 31, 1957, a taxpayer (other than a trust) may elect for the first taxable year for which a deduction is allowable under section 167 to the taxpayer to include as part of the "reasonable allowance" allowable under section 167(a) an additional allowance of 20 percent of the cost or of a portion of the cost of such property. A trust is not eligible for the additional depreciation allowance under section 179. The allowance under section 179 is in addition to the depreciation allowable under section 167 computed on the balance of the unrecovered cost of the property after adjustment for the allowance under this section. For application of the dollar limitations of section 179(b), see § 1.179–2. For a definition of the term "section 179 property" and for special rules, see § 1.179–3. For the time and manner of making the election under this section, see § 1.179–4.

(b) *Proration not required.* The allowance under section 179 is determined without any proration based on the period of time the section 179 property has been in service during the taxable year. For example, taxpayer A, who makes his income tax returns on the calendar year basis, purchased and placed in service on August 7, 1958, section 179 property costing $8,000. A elects to claim the additional first-year depreciation on the total cost of $8,000. A is entitled to a deduction of $1,600 (20 percent of $8,000) under this section for 1958, without proration for the number of days in 1958 during which the property was in service.

(c) *Amount subject to allowance.* The allowance under section 179 is equal to 20 percent of the cost, or portion of the cost, of section 179 property selected by the taxpayer. Thus, all or a part of the cost of one item of property, or all or parts of the cost of several items of property, may be selected, subject to the dollar limitations of section 179(b) and § 1.179–2. For example, B, who makes his income tax returns on the basis of the calendar year, purchased section 179 property costing $9,000 in March 1959. B elects to claim the additional first-year depreciation allowance, but only with respect to $3,000 of the cost of the property. B's allowance under section 179 for 1959 is $600 (20 percent of $3,000).

(d) *Salvage.* The allowance under section 179 is computed without regard to any salvage value which is estimated will be realizable upon the sale or other disposition of the section 179 property when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service by the taxpayer. But see paragraphs (a) and (c) of § 1.167(a)–1 for rules relating to salvage in computing the depreciation allowance under section 167 on the unrecovered cost of the section 179 property after the allowance of the deduction under section 179.

(e) *When allowance is available.* (1) (i) The term "the first taxable year for which a deduction is allowable under section 167 to the taxpayer with respect to such property" means the first taxable year for which depreciation is allowable under section 167 on such property. See paragraph (b) of § 1.167(a)–10. The provisions of this subdivision may be illustrated by the following examples:

Example (1). M Corporation, which makes its income tax returns on the calendar year basis, purchases section 179 property costing $10,000 on December 27, 1960, places it in service on the same date, and does not use an averaging convention in determining the depreciation allowance. Since depreciation is allowable for the December 27–31, 1960, period, M Corporation may elect to claim the additional first-year depreciation allowance of $2,000 (20 percent of $10,000) for 1960.

Example (2). N Corporation, which files its income tax returns on the calendar year basis, purchases section 179 property costing $10,000 on August 10, 1960, and places it in service on the same date. N Corporation places the section 179 property in a multiple asset account under which it is assumed, for purposes of computing depreciation, that all additions and retirements during the first half of the taxable year were made on the first day of that year, and that all additions and retirements during the second half of the taxable year were made on the first day of the following year. Under these circumstances, N Corporation is entitled to elect the additional first-year depreciation allowance under section 179 on such property only for 1961, since that is the first year for which a deduction is allowable under section 167 on such property.

(ii) In the case of an emergency facility which the taxpayer elects to amortize under the provisions of section 168, and which facility also qualifies as section 179 property, the additional first-year depreciation allowance is not available (except as hereafter provided) unless the taxpayer elects under § 1.168–2 to begin the amortization deductions under section 168 with the succeeding taxable year. If the taxpayer elects under § 1.168–2 to begin the amortization deductions under section 168 with the month following the month in which the facility was completed or acquired, and the facility qualifies as section 179 property, the additional first-year allowance is available only with respect to the portion of the facility which is not certified in accordance with section 168(e). If 100 percent of the facility is certified in accordance with section 168(e) and the taxpayer elects under § 1.168–2 to begin

the amortization deductions under section 168 with such following month, no additional first-year allowance is available with respect to any portion of the facility.

(2) The additional first-year depreciation allowance on section 179 property is not available if the cost of such property is to be recovered through amortization deductions under section 162 and the regulations thereunder instead of through depreciation allowances under section 167(a).

§ 1.179–2 Dollar limitation.

(a) *Maximum amount subject to election.* (1) In any one taxable year the maximum amount of the cost of section 179 property with respect to which the taxpayer may elect to take an allowance under section 179 is $10,000, except that in the case of a husband and wife who file a joint income tax return under section 6013(a) for the taxable year the limitation is $20,000. But see paragraph (e) of this section. If the section 179 property purchased by the taxpayer exceeds the $10,000 or $20,000 limitation, as the case may be, the taxpayer may select the cost or portion of the cost of section 179 property to which his election is to apply. For example, X Corporation purchased five new delivery trucks in February 1959 at a cost of $5,000 each. The trucks qualify as section 179 property. X may select $2,000 of the cost of each truck to be subject to the allowance under § 1.179–1, or the total cost of $5,000 for each of any two trucks, or X may allocate the $10,000 maximum cost among some or all of the trucks in any other manner it chooses. The selection of property made by X is irrevocable unless X obtains consent of the Commissioner to change. See paragraph (b) of § 1.179–4.

(2) The dollar limitations of section 179 apply to each taxpayer, and not to each trade or business in which the taxpayer has an interest. For example, G is a single individual who makes his income tax returns on the calendar year basis. G operates two separate businesses on his own account and is a member of a partnership engaged in business. During 1960, G purchased section 179 property costing $8,000 for one of his businesses and section 179 property costing $6,000 for the other. In addition, G's distributive share of the partnership's section 179 allowance for 1959 is $300. The maximum allowance available to G under section 179 for 1960, including his $300 distributive share from the partnership is $2,000 (20 percent of $10,000). See, however, paragraph (b) of this section.

(b) *Amount apportioned by an estate.* The maximum amount of the cost of section 179 property with respect to which an estate may elect to take an allowance under section 179 is $10,000. The maximum allowance available to an estate under section 179 is $2,000 reduced, however, by any such section 179 allowance apportioned to an heir, legatee, or devisee. The amount of the allowance under section 179 apportioned from an estate to an heir, legatee, or devisee shall not be taken into account by such heir, legatee, or devisee in determining his $10,000 or $20,000 limitation (as provided in paragraph (a) of this section). See section 179(d)(5). For example, D, a single individual who makes his income tax return on the basis of the calendar year, purchases section 179 property costing $12,000 in December 1960 for use in his business. D elects to claim the additional first-year depreciation allowance on the maximum allowable cost, $10,000, and claims a deduction under section 179 for $2,000 (20 percent of $10,000). D is also a legatee of the XYZ estate, and in 1960 is allocated income of $1,500 from the estate, $500 as his share of the estate's additional first-year depreciation allowance, and $200 as his share of the estate's depreciation allowance under section 167. The net income of $800 ($1,500 minus $700) received by D from the estate will be included in D's income tax return for 1960. The $500 additional first-year depreciation allowance allocated to him by the estate will not affect his right to the allowance of $2,000 under section 179.

(c) *Affiliated group.* Taxpayers which constitute an affiliated group, as defined in paragraph (e) of § 1.179–3, shall be treated as one taxpayer in applying the $10,000 limitation of this section. The allowance may be taken by any one such member or allocated among the several members in any manner, pursuant to allocation by the common parent corporation if a consolidated return is filed, or in accordance with an agreement entered into by the members of the group if separate returns are filed. The amount of the allowance allocated to any member, however, shall not exceed 20 percent of the cost of section 179 property actually purchased by the member in the taxable year. If a consolidated return is filed, the common parent corporation shall file a statement in accordance with § 1.179–4. If separate returns are filed, the statement shall be filed by each member of an affiliated group to which is allocated any part of the deduction under section 179. Such statement shall include, in addition to the information required by § 1.179–4, the names of all the members of the affiliated group, the taxable year of the common parent corporation, and a description of the manner in which the deduction under section 179 has been divided among them. An allocation among the members of an affiliated group of the allowance under section 179 shall not, if a consolidated return is filed, be revoked after the due date of the return (including extensions of time) of the common parent corporation for a taxable year for which an election to take the allowance is made. If the members of an affiliated group do not file a consolidated return for a taxable year for which an election to take the allowance is made, the allocation as to all members of the group shall not be revoked after the due date of the return (including extensions of time) of the common parent corporation. For the purpose of the preceding sentence, the taxable years of the other members of the affiliated group ending with or within the taxable year of the common parent shall be considered as corresponding to the taxable year of the common parent. Thus, where a common parent's taxable year ends November 30, 1960, the allowance will apply with respect to section 179 property purchased in August 1959 by an affiliated corporation whose taxable year ends June 30, 1960 (a taxable year ending within the taxable year of the parent).

(d) *Partnership.* (1) In the case of a partnership, the election under section 179 with respect to section 179 property of the partnership shall be made by the partnership. See section 703(b). However, the amount of the section 179 allowance shall be determined separately as to each partner. The amount of the section 179 allowance available to a partner with respect to the cost of the section 179 property selected by the partnership is 20 percent of the maximum amount of the cost of such property allocable to the partner for the purpose of computing such allowance. This maximum is the individual partner's share of the total cost of the section 179 property (but not in excess of $10,000 or $20,000, whichever is applicable) computed by applying to the total cost of such property the percentage or fraction used in determining each partner's distributive share of the partnership's depreciation allowance under section 167 for the taxable year on such property. The partner's distributive share of the partnership's depreciation allowance under section 167 shall be determined in accordance with the provisions of section 704 and the regulations thereunder. The maximum amount of the allowance permitted under section 179 to the partnership shall be the aggregate of the maximum amounts allowable to the separate partners. The basis of the partnership's section 179 property must be adjusted to reflect the amount of the section 179 allowance to the partnership. See paragraph (f) of § 1.179–3. A trust's share of partnership property shall not be taken into account in determining the amount of the section 179 allowance of a partnership. In no event is a partner entitled to a section 179 allowance of more than $2,000 or $4,000, as the case may be, whether the allowance is in respect of section 179 property of the partnership or in respect of section 179 property which he acquired separately, or both. See, however, paragraph (b) of § 1.179–2. Any allocation among the partners of the section 179 allowance shall not be modified after the due date of the partnership return (without regard to extensions of time) for the year for which the election under section 179 is made.

(2) The principles of this paragraph may be illustrated by the following examples:

Example (1). Partnership ABCD is composed of partner A who is married and files a joint income tax return, and partners B, C, and D who are single. Under the terms of the partnership agreement, the allocation of each partner's distributive share of depreciation under section 167 is 30 percent to A, 20 percent to B, 45 percent to C, and 5 percent to D. In 1960, the partnership purchases $100,000 of section 179 property. The partnership elects to claim the additional first-year depreciation allowance under § 1.179–1 with respect to the maximum allowable amount of the cost of section 179 property. The partnership is entitled in 1960 to an additional first-year depreciation allowance of $9,000 computed as follows:

	1	2	3	4
	Distributive share of depreciation under sec. 167	Allocable share of total cost of sec. 179 property ($100,000 x column 1)	Maximum amount subject to election (lesser of column 2 or ($10,000 or $20,000, as the case may be))	Sec. 179 allowance (20 percent x column 3)
	Percent			
Partner A	30	$30,000	$20,000	$4,000
Partner B	20	20,000	10,000	2,000
Partner C	45	45,000	10,000	2,000
Partner D	5	5,000	5,000	1,000
Total partnership allowance				9,000

In the foregoing example, the portion of the cost of the property selected by the partnership is $45,000, the total of column 3. The basis of the section 179 property of the partnership must be adjusted to reflect the $9,000 section 179 allowance. Such adjustment to the partnership's basis is required even though a partner may not be entitled to deduct the amount or a portion of the amount of the section 179 allowance available to him from such partnership for the reason that the aggregate of the section 179 allowances available to him from such partnership and from other partnerships or sole proprietorships exceed the appropriate limitation provided by section 179(b). If the partnership desired to elect only with respect to one-half of the maximum allowable amount, the entries in columns 3 and 4 with respect to each partner would be reduced by one-half. In such case, the portion of the cost of the property selected would be $22,500, the total section 179 allowance would be $4,500, and the basis would be adjusted accordingly.

Example (2). Partnership EFT is composed of partners E and F who are married and file joint income tax returns, and partner T which is a trust. Under the terms of the partnership agreement, the allocation of each partner's distributive share of depreciation under section 167 is 40 percent to E, 40 percent to F, and 20 percent to T. In 1960 the partnership purchases $50,000 of section 179 property. The partnership may not select a cost of section 179 property in excess of $40,000, which is the total of column 3 in the following computation:

	1	2	3	4
	Distributive share of depreciation under sec. 167	Allocable share of total cost of sec. 179 property ($50,000 x column 1)	Maximum amount subject to election (lesser of column 2 or ($10,000 or $20,000, as the case may be))	Sec. 179 allowance (20 percent x column 3)
	Percent			
Partner E	40	$20,000	$20,000	$4,000
Partner F	40	20,000	20,000	4,000
Partner T	20	0	0	0
Total partnership allowance				8,000

Since partner T is a trust, its share of partnership property may not be taken into account in determining the section 179 allowance of the partnership. Also, partner T is not entitled to any portion of the additional first-year depreciation allowance under section 179. The partnership is entitled in 1960 to an additional first-year depreciation allowance of $8,000.

(e) *Joint returns.* In the case of a husband and wife who file a joint income tax return under section 6013(a), the maximum amount of the cost of section 179 property with respect to which the taxpayer may elect an allowance under section 179 is $20,000, regardless of which spouse purchased the property. However, in the case of a husband and wife who elect under section 6013(b) to file a joint income tax return for a taxable year after the time prescribed by law for filing the return for such taxable year has expired, the dollar limitation under section 179 shall be the aggregate allowable dollar amount of section 179 property for which the election was made on their separate income tax returns. For example, H, who purchased section 179 property costing $18,000 in November 1960, filed a separate income tax return for 1960 on April 1, 1961, in which he elected to claim the additional first-year depreciation allowance on $10,000 of the cost of such property used in his separate business. W, who purchased section 179 property costing $7,000 in October 1960 for use in her separate business, filed a separate income tax return in March 1961 in which she elected to claim the additional first-year depreciation allowance on only $5,000 of the cost of such property. After the due date of the return, H and W elect under section 6013(b) to file a joint income tax return for 1960. Although H and W purchased section 179 property costing $25,000 in 1960, the maximum amount with respect to which the additional first-year depreciation allowance may be claimed in their joint income tax return is $15,000, the aggregate of the amounts elected on their separate income tax returns.

§ 1.179–3 Definitions and special rules.

The following definitions and special rules apply for purposes of section 179, §§ 1.179–1, 1.179–2, 1.179–4, and this section.

(a) *Section 179 property.* The term "section 179 property" means any tangible personal property, new or used, of a character subject to the allowance for depreciation under section 167, acquired by purchase after December 31, 1957, for use in the taxpayer's trade or business or in the production of his income, and which has an estimated useful life (determined at the time of acquisition) of 6 years or more. For definition of the term "purchase", see paragraph (c) of this section.

(b) *Tangible personal property.* Local law definitions will not be controlling for purposes of determining the meaning of the term "tangible personal property" as it is used in section 179 and the regulations thereunder. For purposes of section 179, the term "tangible personal property" includes any tangible property except land, and improvements thereto, such as buildings or other inherently permanent structures thereon (including items which are structural components of such buildings or structures). Assets accessory to the operation of a business, such as machinery, printing presses, transportation or office equipment, refrigerators, individual air conditioning units, grocery counters, etc., generally constitute tangible personal property for purposes of section 179, even though such assets may be termed fixtures under local law. The term does not include, for example, the wiring in a building, plumbing systems, nor central heating or central air conditioning machinery, pipes, or ducts or other items, which are structural components of a building or other permanent structure, nor does the term include trademarks, goodwill, or other intangibles.

(c) *Purchase.* (1) The term "purchase" means any acquisition of property after December 31, 1957, but only if all the requirements of subdivisions (i), (ii), and (iii) of this subparagraph are satisfied.

(i) The property is not acquired by purchase if it is acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b). In applying the rules of section 267 (b) and (c), section 267(c)(4) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants. For example, a purchase of property from a corporation by a taxpayer who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of such corporation does not qualify as a "purchase" under section 179(d)(2), nor does the purchase of property by a husband from his wife. However, the purchase of section 179 property by a taxpayer from his brother or sister does qualify as a purchase for purposes of section 179(d)(2).

(ii) The property is not acquired by purchase if acquired from any one member of an affiliated group (as defined in

paragraph (e) of this section) by another member of the same affiliated group.

(iii) The property is not acquired by purchase if the basis of the property in the hands of the person acquiring it is determined in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or under section 1014 (a), relating to property acquired from a decedent. For example, property acquired by gift or bequest does not qualify as property acquired by purchase, for purposes of section 179(d)(2), nor does property received in a corporate distribution the basis of which is determined under section 301(d)(2)(B), property acquired by a corporation in a transaction to which section 351 applies, property acquired by a partnership through contribution (section 723), nor property received in a partnership distribution which has a carryover basis under section 732(a)(1).

(2) If property is in the process of construction, reconstruction, or erection on December 31, 1957, the term "purchase" will apply only to that part of the cost of such property which is attributable to such construction, reconstruction, or erection after December 31, 1957. The portion of the cost of such property attributable to construction, reconstruction, or erection after December 31, 1957, consists of all costs of the property allocable to the period after that date, including the cost or other basis of materials entering into such property. It is not necessary that such materials be acquired after December 31, 1957, or that their estimated useful lives independently determined be 6 years or more provided, however, that the property constructed, reconstructed, or erected has an estimated useful life of 6 years or more. For purposes of determining the estimated useful life of section 179 property, the provisions of paragraph (b) of § 1.167(a)–1 shall be applied.

(d) *Cost.* The cost of section 179 property does not include so much of the basis of such property as is determined by reference to the basis of other property held at any time by the taxpayer. For example, N Corporation purchases a new drill press costing $9,000 in November 1960 which qualifies as section 179 property, and is granted a trade-in allowance of $2,000 on its old drill press. The old drill press had a basis of $1,200. Under the provisions of sections 1012 and 1031(d), the basis of the new drill press is $8,200 ($1,200 basis of old drill press plus cash expended of $7,000). However, only $7,000 of the basis of the new drill press qualifies as cost for purposes of the allowance under § 1.179–1; the remaining $1,200 is not part of the cost because it is determined by reference to the basis of the old drill press.

(e) *Affiliated group.* For purposes of section 179, the term "affiliated group" has the meaning assigned to it by section 1504 and paragraph (b) of § 1.1502–2, except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in those sections.

(f) *Adjustment to basis.* A taxpayer who elects the additional first-year depreciation allowance under section 179 must make the necessary adjustment to basis of the section 179 property, as required by section 179(d)(8), in the records he is required to keep under paragraph (c) of § 1.167(a)–7, before any other deduction allowable by section 167(a) is computed. For example, M Corporation which makes its return on the basis of the calendar year and uses the straight-line method of depreciation purchases a $15,000 machine on July 1, 1960, which qualifies as section 179 property, and elects to claim the additional first-year depreciation allowance. The machine has an estimated 10-year life and an estimated salvage value of $1,000. For 1960, M Corporation is entitled to an allowance of $2,000 (20 percent of $10,000) under section 179. The cost basis of $15,000 must be adjusted by the $2,000 allowance before any other deduction under section 167 is computed. The adjusted basis of $13,000, less $1,000 salvage, or $12,000 may then be depreciated over the 10-year useful life of the machine in accordance with the provisions of section 167 and the regulations thereunder. Since M Corporation uses the straight-line method of depreciation for the machine, it will be entitled to a total deduction of $2,600 in 1960; that is $2,000 for additional first-year depreciation plus $600 ($12,000 x 10 percent x 6 mos.) depreciation on the balance of $12,000.

§ 1.179–4 Time and manner of making election.

(a) *Election.* The election under section 179 and § 1.179–1 to claim an additional first-year depreciation allowance on section 179 property shall be made in a statement attached to the taxpayer's income tax return for the taxable year to which the election applies. The return and statement must be filed not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The statement shall indicate that the taxpayer elects under section 179 to claim an additional first-year depreciation allowance for section 179 property, and shall set forth the following information with respect to the property selected:

(1) Description of property (truck, printing press, etc.).

(2) Date property acquired (after December 31, 1957).

(3) Estimated useful life at date of acquisition (at least 6 years).

(4) How and from whom the property was acquired.

(5) Total cost of each item of property with respect to which the election is made.

(6) Portion of cost of property selected.

Except as provided in paragraph (d)(1) of this section, an election will not be valid unless the statement is submitted at the time and in the manner prescribed herein. The election to claim an additional first-year depreciation allowance under this section with respect to any property is irrevocable and shall be binding on the taxpayer with respect to such property for the taxable year for which the election is made and for all subsequent taxable years, unless the Commissioner gives his consent to revoke the election. Similarly, the selection of section 179 property by the taxpayer to be subject to the additional first-year depreciation allowance must be adhered to in computing the taxpayer's taxable income for the taxable year for which the selection is made and for all subsequent taxable years, unless consent to change the selection of property is given by the Commissioner.

(b) *Revocation.* A request to revoke an election under section 179 and § 1.179–1 or to change the property selected for the additional first-year depreciation allowance shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington 25, D.C. The request shall include the name and address of the taxpayer and shall be signed by the taxpayer or his duly authorized representative. It must be filed no later than 6 months after the date prescribed by law (without regard to extensions of time) for filing the income tax return for the year in which the allowance under § 1.179–1 was claimed, shall be accompanied by a statement showing the year and property involved, and shall set forth in detail the reasons for the request to revoke the election or to change the selection of property. Ordinarily, a request for consent to revoke the election or to change the selection of property will not be granted if it appears from all the facts and circumstances that the only reason for the desired change is to obtain a tax advantage.

(c) *Effective date.* The provisions of this section apply only to income tax returns and statements filed after the date of publication of these regulations in the FEDERAL REGISTER as a Treasury decision. Elections made under the provisions of Treasury Decision 6335 (26 CFR 18.1–3), approved November 13, 1958 (23 F.R. 8979) continue in effect.

(d) *Special rules.* (1) If the taxpayer has exercised the election by claiming the additional allowance on his income tax return for any taxable year, but failed to attach the statement required by paragraph (a) of this section or by § 18.1–3(b) of Treasury Decision 6335 and the last day prescribed by law (including extensions of time) for filing the return falls on or before the ninetieth day after the date the regulations under section 179 are published in the FEDERAL REGISTER as a Treasury decision, the election will not be invalid, provided that on or before such ninetieth day the required statement is submitted to the district director for the district in which his income tax return for such year was filed.

(2) If the last day prescribed by law (including extensions of time) for filing an income tax return for any taxable year ending after June 30, 1958, falls on or before the ninetieth day after the

date the regulations under section 179 are published in the FEDERAL REGISTER as a Treasury decision, consent is hereby given to the taxpayer to revoke his election under section 179 and Treasury Decision 6335 for such taxable year or to change his previous selection of property subject to the additional first-year depreciation allowance, provided that on or before such ninetieth day he submits to the district director for the district in which his income tax return for such year was filed a statement showing the new selection of property or that the election for such taxable year is being revoked. Amended income tax returns must be filed for the year of revocation or change and for any other taxable year affected, or treated as affected, by the revocation or by the change in the selection of property.

PAR. 2. Paragraphs (a) and (c) of § 1.167(a)–1 are amended to read as follows:

§ 1.167(a)–1 Depreciation in general.

(a) *Reasonable allowance.* Section 167(a) provides that a reasonable allowance for the exhaustion, wear and tear, and obsolescence of property used in the trade or business or of property held by the taxpayer for the production of income shall be allowed as a depreciation deduction. The allowance is that amount which should be set aside for the taxable year in accordance with a reasonably consistent plan (not necessarily at a uniform rate), so that the aggregate of the amounts set aside, plus the salvage value, will, at the end of the estimated useful life of the depreciable property, equal the cost or other basis of the property as provided in section 167(f) and § 1.167(f)–1. An asset shall not be depreciated below a reasonable salvage value under any method of computing depreciation. See paragraph (c) below for definition of salvage. The allowance shall not reflect amounts representing a mere reduction in market value. See section 179 and § 1.179–1 for a further description of the term "reasonable allowance."

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(c) *Salvage.* Salvage value is the amount (determined at the time of acquisition) which is estimated will be realizable upon sale or other disposition of an asset when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service by the taxpayer. Salvage value shall not be changed at any time after the determination made at the time of acquisition merely because of changes in price levels. However, if there is a redetermination of useful life under the rules of paragraph (b) of this section, salvage value may be redetermined based upon facts known at the time of such redetermination of useful life. Salvage, when reduced by the cost of removal, is referred to as net salvage. The time at which an asset is retired from service may vary according to the policy of the taxpayer. If the taxpayer's policy is to dispose of assets which are still in good operating condition, the salvage value may represent a relatively large proportion of the original basis of the asset. However, if the taxpayer customarily uses an asset until its inherent useful life has been substantially exhausted, salvage value may represent no more than junk value. Salvage value must be taken into account in determining the depreciation deduction either by a reduction of the amount subject to depreciation or by a reduction in the rate of depreciation, but in no event shall an asset (or an account) be depreciated below a reasonable salvage value. See, however, paragraph (a) of § 1.167(b)–2 for the treatment of salvage under the declining balance method, and § 1.179–1 for the treatment of salvage in computing the additional first-year depreciation allowance. The taxpayer may use either salvage or net salvage in determining depreciation allowances but such practice must be consistently followed and the treatment of the costs of removal must be consistent with the practice adopted. For specific treatment of salvage value see §§ 1.167(b)–1, 2, and 3. When an asset is retired or disposed of, appropriate adjustments shall be made in the asset and depreciation reserve accounts. For example, the amount of the salvage adjusted for the costs of removal may be credited to the depreciation reserve.

[F.R. Doc. 60–8257; Filed, Sept. 2, 1960; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1032]

[AO–321]

CARROTS GROWN IN SOUTH TEXAS

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900, 25 F.R. 5907), a public hearing was held at Edinburg, Texas, May 31–June 1, 1960, pursuant to notice thereof which was published in the FEDERAL REGISTER (25 F.R. 4285), upon proposed Marketing Agreement No. 142 and Order No. 132 regulating the handling of carrots grown in designated counties of South Texas.

On the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 2, 1960, filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exception thereto, was published August 6, 1960, in the FEDERAL REGISTER (25 F.R. 7436).

Rulings. Within the time provided therefor, an exception was filed by Leonard Kroman, McAllen, Texas, a carrot producer and handler. Exception is taken to proposed §§ 1032.10, 1032.11, 1032.40, and 1032.52(b)(4) without statement of any reasons therefor and without suggestions or recommendations for amending the provisions of any of these proposed sections. Further, the exception appears to object to the proposed program on the assumption that it will result in higher prices to the consumer which is based, in turn, on the assumption that receivers of carrots grown in the production area will be forced to pay higher prices therefor than for carrots grown in competing areas not under regulation. Since the exception is without merit as to the specific provisions referred to above and, otherwise, is not supported by any evidence in the hearing record, it is denied.

Material issues. Material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the Act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions and terms used therein which are necessary and incidental to attain the declared objectives of the Act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and conditions;

(b) The establishment, maintenance, composition, powers, duties and operation of a committee which shall be the administrative agency for assisting the Secretary in the administration of the program.

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of research and development projects;

(e) The methods for limiting the handling of carrots grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of carrots for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, quality, regulations;

(h) The necessity for inspection and certification of shipments;

(i) The procedure for establishing reporting requirements upon handlers;

(j) The requirements of compliance of all provisions of the marketing agreement and order and regulations issued pursuant thereto;

(k) Additional terms and conditions as set forth in §§ 1032.82 through 1032.95 and published in the FEDERAL REGISTER (25 F.R. 4285) on May 13, 1960, which

are common to marketing agreements and orders.

Findings and conclusions. Findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The South Texas production area, as that term is defined in the marketing agreement and order and as hereinafter used, is an important carrot producing area of the United States. It includes the sections commonly referred to as the Lower Rio Grande Valley, Coastal Bend, Winter Garden, Laredo, and the remaining important winter crop producing sections in South Texas. Carrots are grown in the production area primarily for the fresh market. The South Texas carrot crop is considered a winter crop deal, that is, carrots are usually marketed from late November through early May.

The great bulk of carrots grown in the production area is marketed outside of the production area with 85 to 90 percent moving in interstate commerce. In 1959, Texas carrots were distributed in 68 of the 100 principal cities in the United States, and five Canadian cities reporting carlot unloads. These cities were located in 29 different states, the District of Columbia, and Canada. Unloads of Texas carrots are officially reported for Dallas, Fort Worth, Houston, and San Antonio, Texas. Representative handlers of Texas carrots reported that approximately 90 percent of their shipments were in interstate commerce and the balance were sold within the State. Markets within the State of Texas, principally San Antonio, Houston, Corpus Christi, and Dallas, are important outlets for South Texas carrots. South Texas carrots are distributed extensively in the Southeastern States, the Atlantic coast, and the midwest. Eastern Canadian markets are important outlets.

In many cases shipments originally destined for markets within Texas are sold in nearby states. For example, it was testified by handlers that carrots may be shipped to Houston or San Antonio, which are important market points and buyers from nearby states obtain their supplies from these distribution terminals for sale in Louisiana and Oklahoma. Another handler's firm operates a storage and repacking facility in Dallas which distributes carrots from the production area as well as carrots from Arizona, California, and the Hereford section in the Texas Panhandle. At times during the South Texas marketing season, particularly in the fall and late spring, carrots from Arizona, California, and Hereford are being handled in this facility at the same time. Furthermore, the firm sells carrots the year round under the same brand irrespective of origin. In addition, chain stores operating in the production area may have facilities outside of the production area which receive carrots from the production area which are later sold in stores located within such area.

As previously mentioned, carrots from shipping points outside the State of Texas such as Arizona and California are transported and sold in the current of interstate commerce within Texas, such as Dallas, Fort Worth, and Houston, and within the production area such as San Antonio and Corpus Christi. South Texas carrots compete directly with these other carrots then being marketed by burdening the total supply of carrots in these markets, and in turn being burdened by the overall supply. Market prices, including shipping point prices for South Texas carrots, are affected by supplies from competing areas and in turn prices in competing areas are affected by supplies from South Texas production area.

Growers and handlers of South Texas carrots maintain close communication with important areas of distribution. Prices at shipping point and at terminals tend to move together around average price levels each day. Factors affecting supplies at shipping point are soon reflected in prices both at shipping point and receiving markets outside the production area. Also, shifts and supplies at terminals, either in quantity or quality on hand or which will be available, affect prices at terminals and such changes in prices are soon reflected in the offerings and bids between buyers and sellers. The result, in sales prices, are inevitably reflected in prices to growers in the production area. Prices at which carrots are sold by handlers in the production area are directly related by close tie-in with prices for carrots in receiving markets outside the production area.

On the basis of the facts as herein found, it is determined that all handlings of carrots grown in the production area whether for distribution outside of such production area or within such production area are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce. The right to exercise Federal jurisdiction with respect to the marketing agreement and order for South Texas carrots, as hereinafter set forth, is therefore established.

(2) During the 1954–60 period the farm value of winter crop Texas carrots for fresh market ranged from 2.4 million dollars to 5.3 million dollars and averaged slightly less than 4 million dollars. The season average farm price of Texas winter crop carrots during the period 1954–59 ranged from a low of $1.00 per hundredweight in 1957 to a high of $1.90 in 1954. Based upon the prices for 1960 crop Texas carrots (Ex. 6) season average farm prices for the 1960 season should average much lower, probably around 60–65 cents per hundredweight, or 30–35 percent of the parity equivalent. These prices represent a range of about 53 to 100 percent of the Texas parity equivalent for winter crop carrots, returning less than parity six of the seven years and 100 percent of parity in the remaining year. That the 1960 crop season average price was well below Texas parity was proven in fact by record testimony of both growers and handlers. Handlers testified with respect to average prices they received on representative days during the 1960 and other seasons. These records show during most of the shipping season f.o.b. prices received were in the range of $1.50 to $2.00 for 48 1-pound cello packs and when f.o.b. prices fall below $1.50 per 48 pound unit the grower receives no return. In addition, the grower loses his production costs.

Acreage during the period 1954 through 1960 ranged from a low of 19.5 thousand acres to a high of 29 thousand acres while yields ranged from 95 to 160 hundredweight per acre.

According to testimony introduced at the hearing by growers and handlers, growers are in need of the type of assistance offered by the marketing agreement and order. Returns to growers for carrots have been extremely low especially during the 1960 season. An example was given of the growers' plight where the cello or film package in which carrots are packed costs more than the growers receive for the carrots contained therein. Another example was that it took one truckload of carrots to buy a newspaper for one year. The two principal reasons given for the growers' troubles were (1) and over-supply of carrots in most seasons, and (2) lack of standardization with respect to shipments. According to data contained in Exhibit 6, carlot shipments of winter crop carrots increased substantially in January 1960. Prices declined and remained fairly stable at low levels through the following three to four months when weekly carlot shipments for all winter crop areas were averaging about 300 cars per week. Experienced handler witnesses substantiated these data with price information taken from their records.

It was testified that many South Texas carrots are shipped without inspection and are not packed to meet any particular U.S. grade. Handlers simply quote their product as "carrots". It was testified further that these shipments were probably U.S. No. 2's or unclassifieds. No recognized standard for quoting prices is used and receivers are not sure of the grade, size, or quality they will get.

Testimony indicated that California carrots shipped during the same period as South Texas carrots return premium prices over those received for Texas carrots because of the better quality of the California commodity. One handler who handles both Texas and California carrots testified that he found this situation to be true and accurate but with proper controls the quality of the product shipped from Texas could be improved to the point of restoring the confidence of the Texas carrot buyers. He further testified that the basic quality of Texas carrots was the same as for California carrots but abuses in shipping practices accounted for the differences in the quality shipped. The same variety of carrots is grown for fresh market both in Texas and California.

The size of carrots also has influence on price. The most desirable size for fresh market is the medium-to-large size. The small-to-medium carrots are usually discounted approximately 25 cents for 48 1-pound cello bags and with few exceptions these small-to-medium carrots on the market have an adverse effect upon prices received for the medium-to-large size.

Cotton is the stable crop in South Texas. Most Texas growers rely heavily on cotton for stabilizing their farm income. Because of the importance of the cotton crop many carrot growers, as the deadline in cotton planting approaches, pull their carrots in order to clear land for cotton planting. This practice results in market gluts and reduced prices to growers, because the grower has to clear his land and is willing to sell his carrots at reduced prices to be rid of them. It was testified that the marketing agreement and order program would not eliminate this practice, however, it would have an influence on the quality of carrots offered and on the volume offered during this period prior to cotton planting, both of which would result in more stabilized prices to growers.

All relevant testimony relating to grower prices for South Texas carrots establishes that prices directly reflect the volume of supply and the quality of such supply. Daily price levels for carrots are established by their impact on the market which in turn establishes prices to individual growers by relating such levels to grade and size composition of lots of carrots being delivered or sold to handlers.

There is a need for the marketing agreement and order to help growers and handlers in the South Texas production area prevent the sale and transportation of off-color, unclassified and off-size carrots which have an adverse and depressing effect on the price farmers receive for better grades of carrots. South Texas carrot growers and shippers have no other adequate means of helping to promote and improve marketing conditions for the carrot crop through quality, grade and size controls which will allow them to keep price depressing offqualities and sizes off the market.

The relationship of season average prices received by growers of winter crop Texas carrots has been below parity during the last six seasons, so the need for assistance of the type which the marketing agreement and order may provide is apparent and substantial. In addition, there is a need for promoting more orderly marketing conditions to eliminate abuses in the sale of off-grade or off-size carrots. Consequently, it is found and concluded that there is a need for a program. Also, it is found that there is a need for the terms and conditions of the marketing order as set forth below in order to enable the industry to eliminate some of the serious marketing problems with which it is confronted, and to promote more orderly marketing conditions for South Texas carrots.

(3) The vegetable commonly known as "carrots" is a well known leading vegetable, commonly recognized by growers and handlers within the production area. It is important to the economy of the South Texas production area as a winter and early spring crop vegetable. Carrots are readily recognized as an important product of commerce within the South Texas production area as well as commerce between South Texas and points outside thereof. The term carrots as used in the marketing agreement and order means all varieties of the edible vegetable Daucus Carota, commonly known as carrots. The definition set forth in the marketing agreement and order refers to all carrots grown within the production area and provides a basis for identifying the agricultural commodity for which regulation is authorized.

"Production Area" is defined to include all the territory in the Counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Payette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hidalgo, Willacy, and Cameron, in the State of Texas. This area is a contiguous area and comprises the carrot producing sections of South Texas. The only other principal carrot producing section of Texas is in the panhandle around Hereford. However, Texas carrots grown in the Hereford area are usually marketed before those grown in South Texas. Growing conditions are similar in all sections of the production area. Those counties now producing carrots in South Texas or adjoining counties which may have produced carrots in the past and could very well produce carrots in the future are included in the South Texas production area. The production area includes the principal producing sections commonly known as the Lower Rio Grande Valley, Coastal Bend, the Winter Garden, Laredo, and Pecos areas. Each section included within the production area produces and ships carrots during the same period except that some sections' marketing seasons, such as the Lower Rio Grande Valley and the Winter Garden, may be longer than for the other producing sections.

Minor variations in practices, methods of production, harvesting, and marketing may occur between counties, nevertheless grade and quality standards for commercial sales are the same throughout the production area. Since carrots are a commodity which must move through a packing facility prior to moving to terminal markets and because setting up a packing line is relatively expensive, all carrots grown in the production area are siphoned through relatively few marketing outlets or facilities where they are washed, graded, sized, and packed in the various containers used. Carrots from all portions of the production area, as well as carrots from other producing sections of the United States, may be moved in field sacks over considerable distances to be prepared for market in the packing facilities of the production area. For example, Pecos County carrots in the extreme western portion of the production area are packed in Carrizo Springs or Uvalde according to testimony. The great bulk of the carrots grown in the production area is packed for fresh market outlets at shipping point however, some are just washed and rough graded and then shipped to repacking plants outside the production area for final grading, sizing, and packaging.

The production area is commonly recognized as a separate distinct production area for carrots by growers and handlers operating within the production area also by the trade in terminal markets. It is distinct from the other carrot producing section in Texas (Hereford), and separated geographically from that section by ranching country or land suitable for other types of agriculture. The production area includes what is known locally as the Rio Grande plains of Texas which is considered a highly productive agricultural region of the State. The area is roughly triangular in shape with the natural boundary of the Gulf of Mexico on one side, the Rio Grande River (the international border) on another, and ranching country to the north. Customary recognition of the South Texas region as a production area for carrots provides a proper basis for the production area. There is no reasonable method or basis for dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable and consistent with carrying out the policy of the Act. Accordingly, the production area should be defined as including all of the area within the 51 counties, as hereinafter set forth in the proposed marketing agreement and order.

(4) "Handler" and "shipper" are synonymous and mean those persons who handle carrots in the manner described and set forth in the definition of "handle". The persons who are subject to the regulations and upon whom rests the obligation of complying with regulations authorized by the marketing agreement and order are identified and established under the definition of handler. Any person who is engaged in the act or acts of handling carrots grown in the production area or who causes such carrots to be handled is a handler. The responsibility for handling may involve more than one person in that the person who makes a sale of carrots may be a handler and in turn any other person who transports South Texas carrots in the current of commerce within the production area or between the production area and any point outside thereof also is a handler. Each party is subject to the definition of handler and is responsible for complying with regulations issued under the marketing agreement and order.

A common or contract carrier transporting carrots which are owned by another person is performing a handling function. Such handling however should be exempted from under the program since such carriers are not responsible for the grade, size, quality or pack of the carrots being transported. Neither are they the persons who cause the introduction of such carrots in the stream of commerce. The only interest of common or contract carriers in such carrots is to transport them for a service charge to destinations given by others. The person or persons delivering carrots to a common or contract carrier should be responsible for compliance under the marketing agreement and order. As de-

fined, therefore, the term "handler" or "shipper" means any person except a common or contract carrier of carrots owned by another person who handles carrots or causes carrots to be handled.

"Handle" is defined to establish the specific marketing functions which are primarily responsible for placing South Texas carrots in the current of commerce within the production area or between the production area and any point outside thereof, and to provide a basis for determining those functions relating to South Texas carrots which are subject to regulations under authority of the marketing agreement and order. "Handle" and "ship" are used synonymously and the definition should so indicate.

The Act provides that a producer in his capacity as a producer is not subject to the provisions of a marketing order. The growing of South Texas carrots is a producer function within the above exception. South Texas carrot growers sell their carrots in various ways. Some will enter into a joint venture agreement with a shipper at the beginning of the season. The shipper may have an interest in the crop or agrees to handle the crop for whatever prices it will bring without any price arrangements entering into the agreement. Other growers will finance the growing of the entire crop themselves and then will sell the crop under various arrangements. The grower may sell the crop by the acre prior to harvest, or he may sell on a packout basis in which he receives an agreed to price for those carrots going into cello packs, another price for bulk carrots, and another price for jumbos. He may also enter into an agreement with a shipper who deducts a fixed price for packing and selling his carrots and returns the remainder to the grower. On a joint growing deal with the shipper, the shipper may furnish so much per acre for a certain interest in the crop and the privilege of packing and shipping. The return for the crop is divided on the percentage basis agreed to in the agreement and the shipper also will share the losses if any. It was testified that sales by the acre were common practice several years ago but the practice has decreased in recent years because shippers have become reluctant to buy on this basis. Some growers may sell their carrots in a manner referred to as "across the scales". In this way he is paid a certain price on a weight basis at the shed minus a certain percent for dirt and culls. Some growers in certain portions of the production area maintain their own packing sheds and perform both the growing and handling functions. There are other variations and types of sales growers may make, however, it was testified that carrots going into the commercial markets generally go through the packing operation in which they are washed, graded and sized, and packed in the proper containers. Such packing plants may be located either in the production area or in terminal markets located outside of the production area.

While it was testified that the harvesting of carrots is usually performed by a shippers' crew with the shippers' machinery, harvesting should be considered a producer function. The grower retains control of the crop until he decides to sell in one of the methods described above. Even in cases where the grower sells by the acre, he cares for the crop until it is harvested. Any transportation of carrots to a registered handler within the production area for customary grading and packing and the sale of carrots to a registered handler should be considered as within the producer exclusion. The marketing agreement and order should contain a definition of a registered handler so as to identify those persons to whom a producer may sell and still come within the producer exclusion.

The sale of South Texas carrots to a registered handler and the transportation of carrots to such handler within the production area are excepted from the definition of handle. Producers delivering or selling carrots to established packing houses accept as a fact from experience, personal knowledge, and customary marketing practices for South Texas carrots that the packing house operators normally accept responsibility for complying with marketing requirements including the grades, sizes, qualities, packs, types of containers, the buying trade or regulatory agencies may require. These marketing requirements also include responsibility for inspection when required.

Established packing house operators may be recognized and registered by the committee, the administrative agency established under the marketing agreement and order. Registration in this instance is intended to recognize the customary responsibility of such persons for proper grading, sizing, and packing of South Texas carrots and for having them inspected after they have been prepared for market. Any other person including truckers, brokers, or any other buyers may also be registered by the committee if such persons indicate their ability and responsibility for complying with requirements under the marketing agreement and order. Accordingly, the committee should under appropriate rules authorized by the marketing agreement and order prepare and maintain a current register of all registered handlers and the sale or transportation of South Texas carrots within the production area to a registered handler should be excepted from the definition of handlers. All other sales or transportation of South Texas carrots, whether such sale or transportation by a producer, or any other person, should be included in the definition of handle except sales at retail by a person in his capacity as a retailer. The act or acts of handling are those procedures or processes which affect the current of commerce in South Texas carrots within the production area or between the production area and any point outside thereof. The transportation of such carrots makes the commodity a part of the available supply moving to market and therefore part of the current of commerce. The current of commerce is affected by the sale of such commodity in which the price is a measure of quantity and quality factors.

Prior to entering the current of commerce in which carrots are marketed the great bulk of Texas carrots are usually subjected to grading and packing operations in recognized established packing houses and the packing house operator is responsible for preparing them for market. The carrots are customarily hauled to the packing house platform immediately after harvest. The title to the carrots may be transferred in one of the ways aforementioned. The customary function of the packing house is to process the carrots by washing, grading, sizing, and packing, to make them a part of the visible available supply of marketable carrots. The carrots so packed are then sold or transported in the current of commerce to markets within the production area or between the production area and points outside thereof. Packing house operators, or their agents, sell South Texas carrots from shipping point to other packing house operators, to truckers, and to other buyers. They also sell their carrots f.o.b. shipping point to repackers, brokers, wholesalers or other buyers in terminal markets in metropolitan areas both within and outside Texas. Carrots may also be sold on a delivered basis or may be consigned to receivers at terminal markets. The sale or transportation of South Texas carrots by packing house operators regardless of the quality or size, places such carrots within the current of commerce for carrots. Either or both of these marketing functions constitute handling

Some South Texas carrots are sold from the field in bulk or in burlap field sacks. Such sales are usually to repackers located in terminals either within the production area or outside thereof. Other carrots may be sold to truckers and peddlers who transport them in the current of commerce. Each such sale of carrots, also any transportation of such carrots, in the current of commerce in carrots constitutes handling whether by a producer, a trucker, or any other person and such activity is subject to the authority of the marketing agreement and order.

As mentioned previously some carrots produced outside of the production area are packed at the same time as South Texas carrots in the same packing house within the production area. In addition, all carrots irrespective of origin moving through the packing house are sold under the same brands and may be commingled. It was testified that for obvious reasons all carrots packed within the production area should be subject to marketing agreement and order unless the carrots produced outside of the production area are graded and otherwise prepared for market separately and are maintained throughout the handling functions as separate, identifiable lots. Otherwise, it would be possible for unscrupulous handlers to circumvent the program requirements by maintaining their carrots were not from South Texas. Also if some of the out-of-production area carrots did not meet minimum requirements for South Texas carrots, they could reflect unfavorably upon the South Texas carrots and thereby adversely affect returns to South Texas carrot growers.

In summary the sale or transportation of South Texas carrots which is in or

places them in the current of commerce in carrots within the production area or between the production area and any point outside thereof is included within the definition of handle. Such sale or transportation of South Texas carrots may be performed or caused by any one or more persons, such as packing house operators or their agents, producers in their capacity as handlers, truckers, brokers, or any other person engaged in the marketing of carrots. The failure of one person selling or transporting such carrots to comply with marketing regulations does not relieve subsequent sellers or transporters from responsibilities therefor. Except for the activities specifically excluded from the definition by the above findings, all sales and transportation of South Texas carrots are found and determined to be in the current of commerce within the production area or between the production area and points outside thereof and, therefore, such activities are included in the definition of handle.

(5) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of the respective meaning whenever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

The definition of "Act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "Person" follows the definition of that term as set forth in the Act, and will insure that it will have the same meaning as when used in the Act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of carrots within the production area who is producing such carrots for market. The term is used in determining the eligibility of persons to vote for and to serve as producer members or alternate members of the committee and for other reasons.

Inasmuch as a person is defined as an individual, partnership, corporation, association, or any other business unit each such person establishes a legal entity. Each person or legal entity, whether an individual partnership, joint venture, or corporation engaged in the production of carrots for market should be classified as a producer and participate in the rights and privileges accorded a producer under the marketing agreement and order. The term producer should be limited to those who have an ownership interest in the carrots which gives them title or authority to pass title to such carrots.

In the production area carrots occasionally are sold by the grower or producer prior to the date of harvest. Such sales are generally to a packing shed operator or handler and while title actually passes at this point, the agreement in most instances includes the requirement that the producer will care for the crop until it is harvested. In such cases even though title passes to the handler at the time of purchase, the buyer would not therefore be classified or qualified as a producer since the buyer does not actually perform any producer functions with regard to growing of the crop.

Some carrot crops in the production area are grown under a joint venture arrangement in which money is advanced for seed, labor, water, etc., by banks, handlers, or others for an interest in the crop. When the crop is sold the person who advanced the money is repaid in money. In such cases the grower should be considered the producer since he rather than the financier performs the producer functions. In this case the financier and the grower are in effect a partnership and therefore only one producer is involved.

As mentioned previously, some producers may own or operate a packing shed. If such producers handle carrots of their own production they should be considered producers as their primary interest or sentiments would lie with this group rather than with the handler operation of the deal.

The term should exclude persons who grow carrots on a small scale primarily for their own use. The definition should cover only those persons who grow carrots on a commercial scale for market and who have a proprietary interest in such carrots.

"Grading" is defined to mean the operation by which carrots are sorted or separated into the various categories or classifications in which they will be marketed. Such classifications are determined by the handler who directs in person, or through his agent, how and in what number of grades a particular lot of carrots should be separated. Grading may vary from an operation performed entirely by hand in which certain carrots are picked out when they are being loaded at the field to a production line operation whereby carrots are carried by mechanical conveyor to be washed, graded, sized, and packaged so that the carrots which are to go to preferred price outlets are separated from those going to discounted price outlets. Grading or preparation for market is an operation which applies to all carrots grown in the production area even though the extent in which carrots are separated into market classes may vary considerably among the types of ultimate outlets.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade" and "size", the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned to those terms in the various official United States standards for carrots issued by the United States Department of Agriculture and to modifications or amendments to such standards and to variations to such standards by regulations under the marketing agreement and order. Regulations under the order can amend and incorporate such terms (grade, size) with the constant meaning assigned thereto in such standards or in such modified or amended standards. Also, such regulations can vary such terms by preseribing, for example, a percentage of grade. Federal or Federal State Inspectors are qualified to certify to the grade, size, and quality of carrots grown in the production area under the terms of the aforesaid standards or modifications or amendments based thereon.

At the present time five sets of standards are applicable to carrots grown in Texas. The most widely used are the United States Standards for Topped Carrots. The others are United States Standards for Carrots with Short Trim Tops; United States Standards for Bunched Carrots; United States Consumer Standards for Fresh Carrots; and United States Standards for Carrots for Processing. The United States Standards for Topped Carrots are generally used as a basis for inspecting shipments of carrots in the production area. However, the use of the other standards may increase and they should be available as a basis for regulation under the marketing agreement and order.

"Pack" should be defined as a basis for distinguishing the various units in which the carrots are prepared for market and shipped. The term pack is commonly used throughout the carrot trade and refers to a combination of factors relating to grade and size of the carrots and to the type of the container. For example, carrots are packed primarily in one of three ways, in cello bags which go into a master container; jumbo place packed carrots; and bulk carrots which usually are shipped in burlap to repackers and processors. Carrots packed in cello bags are also referred to in terms of size, such as medium to large or small to medium. In addition, some carrots are shipped in bunches with fresh green tops and are placed in master containers by the count. Jumbos are usually packed in open mesh bags of 48 or 50 pounds. The committee should have the authority to recommend regulations in terms of packs and to define and establish such packs under its rules and regulations.

The term "container" should be defined in the marketing agreement and order to mean a box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale or shipment of carrots. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which carrots are sold or moved to market for which different regulations could be applicable.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the mar-

ket differences and characteristics of different varieties and different types of carrots, and the differences and types of regulations which might be considered and recommended therefor. At the present time South Texas grows only the Imperator type for fresh market. However, new varieties which differ in some respects from the Imperator type may be introduced from time to time and become commercially important. The definition of variety should be appropriate for determining the different varieties or types grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition of "committee" is incorporated in the marketing agreement and order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the Act and the definition thereof minimizes the use of words in referring to the administrative agency in the marketing agreement and order.

The definition of "fiscal period" should be incorporated in the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. This definition provides authority for the committee and the Secretary to set the dates for the fiscal period so that auditing and financial problems resulting from different crop conditions from one season to another may be met. According to testimony, it is anticipated that normally a fiscal period would be established to coincide with the beginning and ending date of the terms of the committee members (beginning August 1 and ending July 31), but flexibility within the definition should be authorized in the marketing agreement and order to facilitate the operations under the program.

"District" should be defined in the marketing agreement and order to refer to each of the geographical sections or divisions of the production area as initially established, or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

The definition of "export" is incorporated in the marketing agreement and order since different regulations thereunder are authorized for export shipments, than for domestic shipments. Export markets may have requirements which differ from the domestic markets and special regulations may be justified. Export should be defined to include the 48 contiguous states and would not include Hawaii or Alaska. Under normal circumstances South Texas does not ship carrots to Alaska or Hawaii since they are in the normal trade area of California. However, exports of fresh carrots from South Texas are made to Canada and Mexico and efforts are being made to develop an export market to Europe. During the 1960 season some carrots were exported to Europe and the industry is trying to expand this market in the future.

(b) An administrative agency, called the South Texas Carrot Committee, consisting of 15 members (10 producers and 5 handlers) should be established to aid the Secretary in administering the marketing agreement and order and in carrying out the declared policy of the act. It was testified that a committee composed of 15 members would provide adequate industry representation on the committee and would assure responsible judgment and deliberation with respect to recommendations made to the Secretary and the discharge of other committee duties. The number of members from each district as well as the total number of members on the committee and the distribution of such members within districts was thoroughly considered by the proponents of the marketing agreement and order who believe that all interests within the industry will be represented. Testimony indicates that the committee so established will be sufficiently familiar with current market demands, available supplies, current prices, price trends including prices by grades, sizes, quality, packs, varieties, containers, and types of outlets, and other relevant factors which have to do with the marketing of carrots.

The marketing agreement and order should provide that an alternate be selected for each member of the committee, so that in the event a member is unable to attend a meeting, the district which he represents will have representation on the committee. This provision is a logical method of providing for absentees whether such absences are voluntary or beyond the control of the members.

Individuals selected as committee members or alternates must be producers or handlers for the reason stated herein. Such persons may be producers or handlers as individuals, or through a corporation, partnership, or other business unit. If a person qualifies within the definition of producer as defined in § 1032.8, resides in the production area, and produces carrots in the district for which selected he may serve as a producer member on the committee. Bona fide carrot growers who handle only carrots of their own production should be eligible to serve as producer members. A few producers in the production area pack and sell their own carrots. While such producers may also perform the functions of a handler they should not be discouraged or prevented from serving on the committee as producer members if they qualify in other respects. Producer members must be residents of the production area and produce carrots within the district for which selected. Handler members must be persons, commonly considered as handlers among the industry, who are performing the usual commercial handling functions such as buying, packing, selling, and shipping carrots. Handlers also must be residents of the production area and handle carrots in the district from which selected. It was testified that these requirements were necessary so as to achieve the best possible committee representation, and to achieve balance on the committee, since such persons would be familiar with their segments of the industry and the problems connected with their particular district. As set forth elsewhere herein, the program is designed to benefit growers, hence, the committee should have a greater proportion of producers. However, because of their experience and knowledge of the industry, the committee should also include handler members.

It is practical and equitable that selection of committee members and alternates be on the basis of the districts as provided for in the marketing agreement and order. As mentioned hereafter, this provides a geographical basis for such selection of the members. Such geographical basis has been related to the number of producers and the volume of production within the production area so that an equitable basis has been employed in establishing the districts.

The term of office for committee members and alternates under the marketing agreement and order should be for two years beginning on August 1 and ending as of July 31, and any additional period needed for the selection and qualification of successors. It was testified that a two year term is an adequate length of time and in addition it provides an opportunity for the industry to nominate new committee members and alternates each year. The terms of individual members should be so determined that roughly one-half of the committee would be selected each year so as to provide continuity of experience on the committee. The beginning of each term of office occurs during an interlude between the completion of one crop and the beginning of the succeeding one. This term of office will allow adequate time for the committee to organize and start operating before the opening of each season.

Committee members and alternates shall serve during the term of office for which they are selected and until their successors are selected and have qualified. Such provision is necessary in order to insure continuation of the committee's operations. Also, if committee members and alternates are not selected until after the beginning of a term of office such committee members should serve that portion of the term of office for which they are selected.

The selection of committee members and alternates should be on the basis of districts, which, as set forth in the marketing agreement and order, provide a practicable and equitable manner of representation. The division of the production area into three districts is a logical division of the production area due to a combination of geographic and sectional factors. These districts are commonly accepted by producers and handlers as representing distinct geographical sections engaged in the marketing of carrots. Each district includes one or more distinct sections with no overlap. For example, District No. 3 includes the Lower Rio Grande Valley and the Coastal Bend areas. The geographical basis for the extent and selection of committee membership is related to acreage and production within the

production area so as to provide as equitable a basis as possible at this time for committee representation.

A provision for redistricting is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in carrot production in Texas cannot be foreseen at the present time, since rather quick shifts may occur in the acreage of commodities produced in South Texas from one year to another. Therefore, it is desirable to provide flexibility of operations so that if it should be in the best interests of the industry to readjust districts, the committee may so recommend and the Secretary approve such action.

The election by growers of nominees for membership on the committee should be prescribed in the marketing agreement and order. This is provided for in the procedure for holding meetings for this purpose. Nomination of prospective members and alternates at meetings of growers in their respective districts is practical and desirable. In this way the industry may express its wishes and differences with respect to committee membership. In order to obtain an indication of the industry's preferences initial meetings should be sponsored by the U.S. Department of Agriculture or any agency or group requested by the Department to hold such meetings. Nomination meetings for the purpose of electing nominees for members or alternates after the initial committee has been selected should be called or held by the committee or by agencies or groups requested to hold such meetings by the committee.

Nomination meetings should be held not later than June 15 of each year insomuch as the terms of office is to begin as of August 1. This will assure sufficient time to forward the names of the nominees to the Secretary, and for him to consider the nominations submitted prior to the beginning of each term of office.

At least one nominee shall be designated for each position as member, and for each position as alternate member of the committee. However, a greater number of nominations may be submitted and the voters at the nomination meetings may indicate the ranking of their choice for all nominees for members and alternates. This method is appropriate and practical and is sponsored by the industry.

It is appropriate and proper that nominations should be supplied to the Secretary in the manner and form which he may prescribe. This requirement merely means that the industry through the committee would provide the Secretary with background information in connection with each nominee so that the Secretary may be able to determine before making his selections if such nominees are qualified. To allow sufficient time for this purpose nominations should be supplied to the Secretary not later than July 15 of each year.

All persons participating in nomination meetings for producer members and alternates should be producers of carrots, and persons participating in handler nomination meetings should be handlers, so that the persons nominated will be representative of each group, and will reflect the sentiment of their respective group in committee decisions.

Some growers produce carrots and some handlers operate in more than one district of the production area. If a grower does produce carrots in more than one district or if a handler operates in more than one district he may elect the district in which he wishes to participate in electing nominees for committee members and alternates. In this way each grower or handler shall have the same equitable voice in the nomination of committee members. Regardless of the number of districts in which a person produces or handles carrots as the case may be, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation however, is construed to mean that one vote may be cast for each position which is to be filled.

In order to assure the existence at all times of an administrative agency to administer the program the Secretary should be authorized to select committee members and alternates without regard to nominations, if for any reason they are not submitted to him in conformance with the procedure prescribed in the marketing agreement and order. For the reasons given above, such selections should, of course, be on the basis of the representation provided for in the marketing agreement and order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such a capacity. This requirement is necessary so that the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled. The requirement that these acceptances be filed within 10 days is appropriate and necessary so that the full membership of the committee may be obtained without excessive delay.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to the Secretary within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all portions of the production area are adequately represented in the conduct of committee business.

Also, to insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted the marketing agreement and order should provide for alternate members on the committee. Such alternates should be authorized to act in the place and stead of the member during the member's temporary absence, or in the case of the death, removal, resignation, or disqualification of the member.

The marketing agreement and order should provide that ten committee members be necessary to constitute a quorum. Eight concurring votes or two-thirds of the votes cast whichever is greater, should be required to pass any committee action. Since the committee is composed of 15 members, ten members constitutes a two-thirds majority which should be present. It was testified that at least ten members should be present to provide the representation necessary and sufficient to conduct business. A smaller number could possibly mean that a district would not be represented and this would not be fair or equitable to the producers and handlers involved. The proponents propose that only a majority of committee members or two-thirds of the votes cast whichever is greater pass on action as this would represent a majority of the committee membership.

The committee should be authorized to vote by telephone, telegraph, or other means of communication as it may be necessary at times for the committee to act speedily and without trying to call a formal assembled meeting. Because marketing conditions often change rapidly, it is essential that the committee should be permitted to take action to protect the interests of the industry the members represent. In any assembled meeting all votes should be cast in person as this provision does not authorize proxy voting at an assembled meeting. If an assembled meeting is held all members should attend in person so as to participate in the discussions and present the views of the growers they represent. If for some reason a member is unable to attend the meeting he should arrange for his alternate to attend and vote in his stead.

Committee members and alternates while on committee business will necessarily incur some expenses. These expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. Also, the proponents testified that compensation not to exceed $10 per day should be authorized since committee members may incur additional expense with respect to their own affairs when attending to committee affairs. These provisions should also extend to alternate members when performing official duties.

The committee should be given those specific powers which are set forth in section 8c(7)(c) of the act because such powers are granted by the enabling statutory authority and they are necessary for administrative agencies such as the South Texas Carrot Committee to function.

The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those

specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the marketing agreement and order. It should be recognized that these duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, its specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary should find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary might, pursuant to the provisions of the order, determine to be appropriate. The expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments to the total shipments by all handlers during specified fiscal periods. The basis for determination of the ratio of shipments by individual handlers should be based upon the total shipments by first handlers thereof. The above formula is believed to be the fairest method of obtaining operating revenues on an equitable basis.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the order for such period. Each such budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report. It will be desirable for the committee to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. There should not be any increase made in the total budget without prior recommendation of the committee and approval of the Secretary.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the proposed South Texas Carrot Committee, and the statute also requires that each marketing order issued pursuant to the act contain provisions requiring handlers to pay their pro rata shares of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay the committee, upon demand, his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of carrots handled by him as the first handler thereof during a specified fiscal period and the total quantity of carrots so handled by all handlers during the same fiscal period. It will be necessary that responsibility for the payment of the assessment on each lot of carrots be fixed and it will be logical to impose such liability on the first handler of such carrots. In most instances, the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for, and obtain, inspection, this does not in any way cancel his obligation with respect to the payment of assessments. Except in the case of movements to registered handlers, first handlers should apply to carrots when they have been subjected to grading or preparation for market. Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment or its equivalent. However, such assessments for a fiscal period should be applied on a uniform rate basis.

The committee should be authorized at any time during or subsequent to a given fiscal period, to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets and, if he should find that the then current rate of assessment is insufficient to cover committee administration of the order, he should be authorized to increase the rate of assessment. The order should also authorize the application of such increased rate of assessment to all carrots previously handled by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs, so that its administration might be subject to inspection at any time by appropriate parties during regular hours of business.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments as may be appropriate to vest in their successor or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports will be requested by the Secretary at appropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Also financial statements which reflect the current fiscal position of the committee should be furnished members and alternates and the Secretary at the close of each month. Audit reports and monthly financial statements should also be supplied on request to persons such as producers and handlers, having a valid interest in the contents of such reports. In no case should data of a nature which could be detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal or other reports released.

Except as indicated below, handlers should be entitled to a proportionate refund of the excess assessments collected which remain at the end of a fiscal period, or at the end of such other period as might be deemed appropriate by reason of suspension or termination. Refunds should be credited to contributing handlers respectively against the operations of the following fiscal period, unless payment should be demanded, in which event proportionate refunds should be paid.

If and when the committee should be required to liquidate its affairs expenses will necessarily be incurred in the liquidation process. The affairs of the committee which are to be liquidated might involve a number of years' operations. It will be appropriate, therefore, that funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, be carried over into subsequent fiscal periods as a reserve for possible liquidation in the event of the termination of the order.

It is generally considered to be good business practice to provide for unforeseen contingencies. For example, it is possible that adverse weather conditions might result in a total or partial crop failure during a fiscal period. Also, the anticipated crop for any season might conceivably be reduced by other factors. The net effect of such a crop failure would be to reduce greatly or stop shipments, and could cause the discontinuance of regulation and the collection of assessments or a reduction in total committee revenue. In order to continue and maintain the nucleus of a committee organization and to assure the performance of a minimum of basic services, the committee should have authority to secure needed extra funds to cover the expenses of operation during such a fiscal period. Such funds might reasonably be drawn from the same reserve accrued for purposes of liquidation.

The above reserve might also properly serve another purpose. At the beginning of each fiscal period, there will be a need for operating monies at a time when there will usually be little, if any, revenue from assessments. It is customary and sensible budgetary practice, and the committee should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve will have a quadruple use; namely, (i) expense of liquidation, (ii) crop failure or reduced revenue advance, (iii) expenses authorized during periods of suspension or when no regulations are in effect, and (iv) fiscal period advance. It was testified that the reserve which would be accrued from excess assessments should be limited to an amount roughly equivalent to the average budget of expenses for one fiscal period.

Any funds remaining after liquidation has been effected, including any balance which might remain in the reserve fund, should be refunded to handlers on a pro rata basis. In some cases, however, an individual handler's account will be such a small amount as to make the return thereof impracticable or unduly expensive. Funds of such insignificant nature should be used by the committee for purposes of liquidation or put to such other use as the Secretary considers appropriate in the circumstances.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of carrots was authorized by amendments to the Act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Through the medium of research investigation, the committee might be able to obtain information which would enable the committee and the Secretary to determine with a greater degree of accuracy the effect of specific regulations on the market and thereby promote more orderly marketing.

As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of such projects which are in the best interests of carrot marketing and which would assist, improve, and promote the marketing, distribution, and consumption of South Texas carrots. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for carrots among other commodities, as will tend to establish for growers the equivalent parity price for such commodities. The regulation of shipments of carrots by grade, size, quality, and pack is authorized in the marketing agreement and order and provides the practicable means of carrying out this policy.

Procedures and methods which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, quality, pack, container, or other regulations authorized by the marketing agreement and order provides a practical basis for the committee to obtain appropriate and adequate information relating to carrot marketing problems. It also provides growers and handlers and other members of the industry with information regarding policies and regulations recommended by the committee. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are those commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to carrots.

In order that the Secretary may effectively carry out his responsibilities in connection with the marketing agreement and order the committee should prepare and submit to the Secretary a report on its proposed marketing policy relating to the marketing of carrots during each season. In the event that it is necessary to amend or modify the marketing policy during the course of the season the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This will give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended by the committee should be publicly announced and made available to the industry at the committee's office.

The committee which has sole responsibility for recommending regulations authorized by the marketing agreement and order as well as modifications, suspensions, amendments, or terminations thereto should be authorized to consider and recommend any or all methods of regulations so authorized and deemed desirable. The committee as the local administrative agency should have this authority since it is logical to expect the committee to reflect the views of the industry. In turn the Secretary will look to the committee as the agency which properly reflects the thinking of the industry on matters pertaining to the marketing agreement and order.

Evidence introduced at the hearing shows an authority should be established in the marketing agreement and order for the Secretary to issue regulations with respect to the grade, size, quality or packs of carrots in any or all portions of the production area during any period. Such regulations may be issued as a result of recommendations and information submitted by the committee, as aforementioned, or other information which may be available to the Secretary which indicates that such regulations would tend to effectuate the declared purpose of the Act. Such regulations should apply to all carrots handled unless shipped under modifications authorized by the marketing agreement and order. The limitation of shipments of poorer grades, off-qualities, and less desirable sizes and packs of carrots grown in the production area will tend to increase prices received for the more desirable grades, sizes, qualities, and packs; will promote more orderly marketing; will build confidence in the industry for Texas carrots; and will thereby tend to increase returns to producers of such carrots. It was testified that some grades and sizes not only depress prices received for the more desirable grades or sizes of carrots, but at times do not return the growers anything after the cost of packing so that their costs of production represent a complete loss.

It was testified that it has been the experience of the carrot industry that small-to-medium sizes may move well at the beginning of the season but as the season progresses and there is an ample supply of medium-to-large carrots the price differential between small-to-medium and medium-to-large increases considerably. In situations such as this the industry believes the authorities contained in the marketing agreement and order would be of definite assistance in that appropriate grade and size regulations could be issued when this undesirable trend begins thereby reducing supplies of carrots in the market, maintaining higher and steadier prices on the more desirable sizes of carrots permitted to be shipped. It was also testified that during seasons of surpluses the regulatory authorities contained in the marketing agreement and order would be an effective means for alleviating the surplus condition with its undesirable effect on prices.

As mentioned before another example of a market depressing practice in the production area is that producers of late winter and late spring carrots have certain harvesting deadlines so land can be cleared for cotton. Because of the planting deadlines many carrots are dumped on the market at very low prices. While this problem could not be completely solved by the authorities contained in the marketing agreement and order, such controls could aid in reducing the quantity of carrots glutting the market at such times. Culls could be eliminated and the quality and size of carrots being marketed limited to those which the trade desires.

Since the production area included in the marketing agreement and order is large there might be a variance in the size and condition of the crop at various times because of weather conditions, soil conditions or other factors. Flexibility should be contained in the order whereby regulations may be issued in any or all portions of the production area so that regulations may be varied for different portions of the production area in order to meet each section's particular problems as they arise.

Most carrots packed for the consumer market go into 1-pound, 20-ounce, or 2-pound cellophane packages, and are then shipped in master containers of 48 or 50 pounds. These master containers are paper bags or wire bound crates. The cellophane packages are usually packed in two size ranges (medium-to-large, which is the most desirable pack as far as the trade is concerned, and small-to-mediums). It was testified that some shippers may commingle their cellophane pack with sizes ranging from small to large. Authority contained in the marketing agreement and order with respect to pack regulations could improve marketing conditions and thereby improve growers returns by eliminating the adulteration of packs which normally are sold for higher prices. It was testified further that it is a possibility that packs may be modified in other ways which may react unfavorably on the price structure. Therefore, the marketing agreement and order should contain the authority to regulate packs when it is considered necessary for the purpose of effectuating the policy of the Act.

Provision is included in the marketing agreement and order authorizing different regulations for different markets. It was testified that this provision is intended to distinguish only between markets within the production area and those outside. Markets in the production area which are close to the source of supply could at times be allowed to take different sizes and qualities of carrots compared to those outside the production area, or could be relieved from grade and size regulations if it may be practical to do so in terms of administering the program and helping to promote orderly marketing. At the same time, it would be impractical to consider distinguishing between the terminal markets outside the production area.

Testimony indicates that there are no particular problems at the present time with respect to the new containers in which carrots are presently shipped. However, it was testified that this authority or flexibility should be contained in the marketing agreement and order if it would be necessary to so regulate in order to effectuate the policy of the Act. One abuse which was brought out in the record with respect to containers was the use of second-hand containers, both sacks and crates, and their adverse effect upon grower prices. However, the act does not contain specific authority to prohibit the use of second-hand containers, so this authority is not included in the proposed marketing agreement and order.

The largest carrots, jumbos, are normally utilized by the institutional trade—restaurants, dining cars, steamship lines, etc. These carrots are usually packed in 50-pound mesh or burlap bags. However, they may be packed in larger containers. It was testified that the outlet for jumbos is limited. Some users will pay good prices for jumbos; however, no matter how low the price may go they will not and cannot use a greater volume. Restrictions commonly used under a grade and size marketing agreement and order, that is specifying minimum or maximum sizes, or by requiring a higher grade would not be successful in meeting this problem. Also, the possibility of reducing the volume appreciably by restrictions within the size range would be extremely limited. Therefore, the marketing agreement and order should contain authority to provide a method of limiting the total volume of jumbos which may be shipped. For example, if the market for jumbos is glutted and prices are depressed, the committee could find that the volume of jumbos should be limited to not more than a specific proportion of total shipments which could be handled during any period. Such methods recommended by the committee and approved by the Secretary could be contained in rules and regulations which would specify the procedures and percentage basis which may be used because of the fixed demand for a certain volume of jumbos. Such authority contained in the marketing agreement and order would permit the demand for jumbos to be met without unduly increasing the overall supply of jumbos which would result in depressed prices.

Paragraph (b) (5) of § 1032.52, as published in the notice of hearing, should be deleted from the marketing agreement and order. This paragraph provided for the establishment of shipping holidays during which the handling of carrots would be prohibited for a specified period or periods. The holidays would be limited to a maximum of 72 hours with at least 72 hours lapse between the termination of one holiday and the beginning of the next. Testimony offered at the hearing intended to support this provision was insufficient to substantiate its inclusion in the marketing agreement and order. Some testimony was to the effect that 72 hours was not long enough and the authority should be included to permit a succession of 72-hour holidays without a waiting period between. However, testimony indicates that carrots may be held in the ground for a period of several weeks prior to harvest, or after harvest they may be held in cold storage for periods up to 8 weeks. If carrots so held in storage are held under proper conditions there should be no deterioration to any great extent. A shipping holiday would have no material effect on available supplies of carrots unless it was of sufficient length to clear the terminals of carrots held in cold storage or to reduce the supply of unharvested carrots available for handling. Therefore, it is found upon the basis of the hearing record that shipping holidays are not feasible in application to South Texas carrots and this provision should not be included in the marketing agreement and order.

The marketing agreement and order should contain provision for the notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the marketing agreement and order.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when carrot prices reach the equivalent parity as will be in the public interest. Some carrots are of such low quality and undesirable size that they do not give consumer satisfaction at any time and consumers do not receive proper value for their expenditures for such low quality carrots even when prices are above parity so it would not be in the public interest either of producers or consumers to permit shipments of such poor quality carrots irrespective of the price level. The marketing agreement and order, therefore, contains authority for the establishment of such minimum standards of quality and maturity as will be in the public interest and such grading and inspection requirements as may be necessary to insure such minimum standards of quality and maturity are met.

The marketing agreement and order should have authority providing for the amendment, modification, suspension or termination of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required in order to adjust regulations to effectuate the declared policies of the Act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the Act they should be terminated.

The marketing agreement and order is intended primarily to improve orderly marketing conditions with respect to commercial shipments, that is carlots or truck lots of carrots going into the markets. However, some smaller shipments are made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the marketing agreement and order would be concerned. Therefore, authority should be contained in the marketing agreement and order to relieve such shipments from regulations, assessments, on inspection when such is in the best interests of the program.

(g) The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of carrots for purposes other than for disposition in normal trade channels. Carrots moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs, and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of carrots handled in commercial markets. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of carrots for such purposes so that every opportunity may be taken to improve orderly marketing conditions for carrots thereby tending to increase total returns to carrot growers in the production area.

Such outlets would be for relief or for charities, experimental purposes, export, canning or processing, livestock feed, or for other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief or for charities are usually by the way of donation or due to some special consideration between the shipper and the receiver. Occasionally shipments are made to orphan homes or to veterans hospitals or some other facility and the committee should have authority to recommend waiving of the requirements in regard to these shipments in that they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes. Many times shipments of carrots are made in order to study improved varieties or improved shipping containers, or in order to develop new markets for carrots and carrot by-products. Since these studies are intended to benefit the industry as a whole, no particular purpose would be derived by the application of all the requirements of the marketing agreement and order program with respect to them. Some export markets accept or prefer certain grades and particularly some sizes which normally are discounted for domestic markets. The marketing agreement and order should provide for appropriate modification, suspension or termination of regulations with respect to movement of carrots to export outlets so that these demands can be met and the sale of the carrots grown in the production area will continue to such markets. It was testified that Canada prefers a 20-ounce cello bag rather than the 16-ounce commonly shipped to U.S. markets. Also, Canadian outlets prefer small-to-medium size carrots rather than medium-to-large. Occasional sales of cull carrots are made to Mexican importers. Last season the South Texas carrots were exported to Europe on a trial basis and the industry hopes that this outlet will expand in the future. Movement to these markets does not interfere with the sale of high quality carrots within U.S. markets, and should be encouraged.

There is an occasional movement of carrots from the production area to canning plants in nearby areas. Since carrots destined for such outlets are exempted from regulation by the Act they cannot be restricted by grade, size, and other requirements under the marketing agreement and order. However, requiring proper evidence that such carrots are going to a canning plant and are not being diverted into regular commercial channels, may be necessary for proper administration of the program.

Many cull carrots are used for livestock feed. Such carrots may be hauled by the feeder from the field where grown or from the cull chute at the packing house. Such movement should not be controlled except to the extent that safeguard procedures should be instituted to see that the carrots actually are fed and not diverted to other markets.

It is a possibility that other outlets or special purposes might arise that are not known at this time and if it is found that such outlets are not competitive with fresh market channels the committee may recommend and the Secretary may approve that such shipments should move under modified, suspended or terminated regulations.

The authority for modifying, suspending or terminating grade, size, quality, assessment, or inspection regulation should be accompanied by additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special regulations. The authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the marketing agreement and order.

(h) Inspection of carrots grown in the production area by the Federal or the Federal-State Inspection Service must be required for the purpose of determining officially whether shipments meet requirements effective under marketing regulations issued pursuant to the marketing agreement and order. Federal or Federal-State Inspection Service has operated in the State of Texas for a number of years and carrot growers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of carrots. The service is available throughout the entire production area and reasonably prompt inspection can be given at all packing points. Provision is made in the marketing agreement and order for inspection of carrots grown in the production area by the Federal or Federal-State Inspection Service during any period in which the handling of carrots is regulated under the program. Inspection and certification requirements should apply to all carrots shipped under regulations issued under the marketing agreement and order except when relieved therefrom pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested parties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of carrots grown in the production area requires evidence that each shipment is in compliance with regulations under the marketing agreement and order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated carrots after they have been prepared for market since he is usually the person responsible for the grade, size, quality, pack and container in which the carrots are being shipped or handled. However, each handler regardless of whether the first or subsequent handler should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification is essential to proper administration of the marketing agreement and order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles carrots should be required to obtain such inspection. Subsequent handlers should not be permitted to handle carrots unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such carrots. If a handler should receive carrots which have not been inspected he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected carrots handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever any shipments of carrots subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such carrots can no longer be specifically identified with reference to the inspection certificate. If any such lot of carrots should thereafter be repacked, the repacked carrots have a new identity. However, any subsequent handling of such carrots should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles carrots after they have been repacked, resorted, or regraded to have such carrots reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such shipments comply with regulations in effect and applicable to carrots that have been repacked or regraded.

The committee may prescribe rules and regulations, subject to approval by the Secretary, whereby any or all car-

rots inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area.

The marking requirement could be used if it was found that uninspected lots were being substituted for inspected warehouse lots, or if trucks were moving out of the production area with uninspected carrots when check stations are not being operated. Therefore, it is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary may be necessary and incidental to successful operation of the marketing agreement and order, and should be included therein.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed marketing agreement and order are concerned. Such requirement is appropriate and necessary especially with respect to floor lot or platform inspections which might be administratively desirable to accommodate handlers and truckers. It would not be practical and feasible for the committee to rely upon inspection certificates which are not reasonably current.

Texas carrots are marketed soon after harvest and are therefore, perishable. If held for unreasonable lengths of time they could deteriorate to the point where they would not meet regulations in effect at actual time of shipment and would no longer conform to the findings on the inspection certificate.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue, regulations requiring that carrots transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the marketing agreement and order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of carrots passing through compliance check stations which may be set up along the production area boundary. Since a sizable percentage of carrots produced in the production area move by truck such authority is necessary to effectuate the other provisions of the marketing agreement and order.

(i) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the marketing agreement and order. The standards to be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 1032.80 of the marketing agreement and order and such reports should be those necessary for operation of the committee in carrying out its responsibilities under the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by it. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the marketing order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, and also to modify, change, or rescind, any requests by the committee for information in order to protect handlers from unreasonable requests for reports is retained by the Secretary.

Since it is possible that a question may arise with respect to compliance with the marketing agreement and order, each handler should maintain complete records of his handling and disposition of carrots for a period of not less than two years subsequent to the termination of each crop year.

Any and all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records.

(j) Except as provided in the marketing agreement and order, no handler should be permitted to handle carrots, the handling of which is prohibited pursuant to regulations issued under the marketing agreement and order and regulations issued thereunder. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of carrots handled by him, such action would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(k) The provisions of §§ 1032.82 through 1032.92, as published in the FEDERAL REGISTER of May 13, 1960 (25 F.R. 4285), and as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1032.93 through 1032.95, as hereinafter set forth, are also included in other marketing agreements now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the Act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the Act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the Act with respect to carrots produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such carrots above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such carrots as will be in the public interest;

(2) The said marketing agreement and order authorizes regulation of the handling of carrots grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of carrots grown in the production area; and

(5) All handling of carrots as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

The marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Carrots Grown in South Texas" and "Order Regulating the Handling of Carrots Grown in South Texas" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: August 30, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Regulating the Handling of Carrots Grown in South Texas

Sec.

1032.0 Findings and determinations.

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AUTHORITY: §§ 1032.0 to 1032.92 issued pursuant to secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1032.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 25 F.R. 5907), a public hearing was held in Edinburg, Texas, May 31–June 1, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of carrots grown in South Texas. On the basis of the evidence introduced at said hearing and the record thereof, it is found that:

(1) This order, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the act with respect to carrots produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, and by protecting the interests of the consumer (i) by approaching the level of prices which is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such carrots above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such carrots as will be in the public interest;

(2) This order authorizes regulation of the handling of carrots grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as is practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of carrots grown in the production area; and

(5) All handling of carrots, as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof the handling of carrots grown in certain designated counties in South Texas shall be in conformity to and in compliance with the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

§ 1032.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1032.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1032.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

§ 1032.4 Production area.

"Production area" means the counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hidalgo, Willacy and Cameron, in the State of Texas.

§ 1032.5 Carrots.

"Carrots" means all varieties of Daucus carota commonly known as carrots and grown within the production area.

§ 1032.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of carrots

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

owned by another person) who handles carrots or causes carrots to be handled.

§ 1032.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place carrots in the current of the commerce within the production area or between the production area and any point outside thereof: *Provided*, That such terms shall not include the transportation, sale, or delivery of carrots to a registered handler.

§ 1032.8 Registered handler.

"Registered handler" means any person with adequate facilities for preparing carrots for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities and has recorded with the committee his ability and willingness to assume customary obligations of preparing carrots for commercial market.

§ 1032.9 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of carrots for market.

§ 1032.10 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of carrots into grades, sizes, and packs for market purposes.

§ 1032.11 Grade and size.

"Grade" means any of the established grades of carrots and "size" means any of the established sizes of carrots as defined and set forth in all U.S. Standards for fresh carrots (§§ 51.2360 to 51.2381; 51.2455 to 51.2471; 51.2485 to 51.2498, inclusive of this title), U.S. Standards for Carrots for Processing (effective January 17, 1944), or U.S. Consumer Standards for fresh carrots (§§ 51.495 to 51.513, inclusive of this title), issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1032.12 Pack.

"Pack" means a quantity of carrots in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits, or any combination of these recommended by the committee and approved by the Secretary.

§ 1032.13 Container.

"Container" means a box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale, or shipment of carrots.

§ 1032.14 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of carrots according to these definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ 1032.15 Committee.

"Committee" means the South Texas Carrot Committee, established pursuant to § 1032.22.

§ 1032.16 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1032.17 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § 1032.25 or as reestablished pursuant to § 1032.26.

§ 1032.18 Export.

"Export" means to ship carrots to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

§ 1032.22 Establishment and membership.

(a) The South Texas Carrot Committee, consisting of fifteen members, ten of whom shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate.

(b) Each person selected as a producer member or alternate shall be an individual who is a producer, or an officer or an employee of a producer, in the district for which selected. Each person selected as a handler member or alternate shall be an individual who is a handler or an officer or an employee of a handler in the district for which selected. Members and alternates shall be residents of the production area.

§ 1032.23 Selection.

The Secretary shall select members and their respective alternates from districts as established pursuant to § 1032.25 or § 1032.26. Initial selections shall be as follows:

District No. 1—2 producer members and alternates, 1 handler member and alternate.
District No. 2—2 producer members and alternates, 2 handler members and alternates.
District No. 3—6 producer members and alternates, 2 handler members and alternates.

§ 1032.24 Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1032.25 Districts.

For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The Counties of Medina, Bexar, Atascosa, Wilson, Hays, Karnes, Comal, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, and De Witt in the State of Texas.

District No. 2. The Counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Maverick, Zavala, Frio, Dimmit, La Salle, Webb, Duval, Zapata McMullen, Uvalde, Jim Hogg and Live Oak, in the State of Texas.

District No. 3. The Counties of Bee, Goliad, Victoria, Calhoun, Refugio, San Patricio, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Aransas, Starr, Hidalgo, Willacy, Cameron, Jackson Wharton, Matagorda, in the State of Texas.

§ 1032.26 Reestablishment.

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in carrot acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in prompting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1032.27 Nomination.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by the Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year;

(d) Only producers may participate in designating producer nominees and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling carrots in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces carrots, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1032.28 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1032.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1032.22 through 1032.26, inclusive.

§ 1032.29 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1032.30 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list for the district involved, or from nominations made in the manner specified in § 1032.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1032.22 through 1032.26, inclusive.

§ 1032.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1032.32 Procedure.

(a) Ten members of the committee shall be necessary to constitute a quorum. Eight concurring votes or two-thirds of votes cast whichever is greater shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing. At any unassembled meeting unanimous vote of all committee members voting will be required to approve any action.

§ 1032.33 Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1032.34 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1032.35 Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and alternates, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to carrots;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1032.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of carrots under regulation handled by the first handler thereof during a fiscal period and the total quantity of carrots under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 1032.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1032.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles carrots, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all carrots which were regulated under this part and which were handled by the first

handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1032.43 Accounting.

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in subparagraph (2) of this paragraph, shall be refunded proportionately to the persons from whom they were collected.

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided*, That funds already in reserves do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts, and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

§ 1032.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of carrots. The expenses of such projects shall be paid from funds collected pursuant to § 1032.42.

REGULATION

§ 1032.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on carrot supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to carrot supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ 1032.51 Recommendations for regulations.

Upon complying with the requirements of § 1032.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the Act.

§ 1032.52 Issuance of regulations.

(a) The Secretary shall limit by regulations the handling of carrots whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared purpose of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities or packs or any combination thereof, of any or all varieties of carrots during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of carrots differently for different varieties, for different markets, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of carrots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity;

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of carrots.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

§ 1032.53 Handling for special purposes.

Regulations in effect pursuant to § 1032.42, §1032.52 or § 1032.60 may be modified, suspended, or terminated to facilitate handling of carrots for (a) livestock feed; (b) export; (c) relief or charity; (d) experimental purposes; (e) other purposes which may be recommended by the committee and approved by the Secretary.

§ 1032.54 Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to § 1032.53 were handled and used for the purpose stated.

§ 1032.55 Notification of regulation.

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

§ 1032.60 Inspection and certification.

(a) Whenever the handling of carrots is regulated pursuant to § 1032.52, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle carrots unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1032.52(c) or § 1032.54, or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of carrots shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle carrots after they have been regraded, resorted, repacked or in any way additionally prepared for market, unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked carrots may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all carrots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When carrots are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of carrots by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

REPORTS

§ 1032.80 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of carrots received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such carrots; and (4) identification of the inspection certificates relating to the carrots which were handled pursuant to § 1032.52 or § 1032.53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the carrots received, and of carrots disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 1032.81 Compliance.

Except as provided in this subpart, no handler shall handle carrots, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle carrots except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 1032.82 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1032.83 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1032.84 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of carrots for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such carrots produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 1032.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1032.86 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1032.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1032.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1032.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1032.90 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1032.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1032.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who were engaged in designated counties in South Texas in the production of carrots for market and who marketed such carrots during the period August 1, 1959, to July 31, 1960 (which period is hereby determined to be a representative period for the purpose of such referendum), to determine whether such producers approve or favor the issuance of an order regulating the handling of carrots grown therein.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176).

W. J. Cremins and K. W. Schaible, Fruit and Vegetable Division, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., and at those places in the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said order may be obtained from any referendum agent or any appointee hereunder.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 30, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–8252; Filed, Sept. 2, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 60–WA–148]

FEDERAL AIRWAYS, CONTROL AREAS AND RESTRICTED AREAS

Modification of Federal Airways and Associated Control Areas; Modification of Control Area Extension; Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6012, 600.6025, 600.6027, 600.6107, 600.6137, 600.6485, 601.6107, 601.1328 and 608.14 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Oxnard Air Force Base, Calif. The Military Climb Corridor would confine high-speed, high rate of climb Century series aircraft departing from the airbase on active air defense missions within a relatively small area. The climb corridor would provide protection for these aircraft and other users of the airspace during the initial climb phase of the air defense mission. The portion of this climb corridor within the United States would be designated as a restricted area. The portion outside the United States would be established as a warning area under non-rule making procedures. The Oxnard AFB Military Climb Corridor would be described in its entirety as follows:

Geographical description. The area based on the Oxnard AFB TACAN 270° True radial and the Oxnard AFB ILS localizer 270° True course extending from 5 statute miles west of the TACAN to 34 statute miles west of the TACAN, having a width at the beginning from 1 statute mile north of the ILS localizer 270° True course to 1 statute mile south of the TACAN 270° True radial, expanding uniformly to a width at the outer extremity from 2.3 statute miles north of the ILS localizer 270° True course to 2.3 statute miles south of the TACAN 270° True radial.

Designated altitudes. 2,100' MSL to 6,000' MSL from 5 statute miles west of the TACAN to 7 statute miles west of the TACAN. 2,100' MSL to 15,100' MSL from 7 to 8 statute miles west of the TACAN. 2,100' MSL to 24,100' MSL from 8 to 9 statute miles west of the TACAN. 2,100' MSL to 27,000' MSL from 9 to 12 statute miles west of the TACAN. 6,100' MSL to 27,000' MSL from 12 statute miles west of the TACAN to the continental limits of the United States. 6,100' MSL to 27,000' MSL from the continental limits of the United States to 17 statute miles west of the TACAN. 10,100' MSL to 27,000' MSL from 17 to 22 statute miles west of the TACAN. 15,100' MSL to 27,000' MSL from 22 to 27 statute miles west of the TACAN. 19,100' MSL to 27,000' MSL from 27 to 34 statute miles west of the TACAN.

Time of use. Continuous.

Controlling agency. Federal Aviation Agency, Approach Control, Oxnard-Ventura County Airport, Calif.

The Federal Aviation Agency has under consideration modification of the following VOR Federal airways and control areas:

1. VOR Federal airway No. 12 which is presently designated in part from the Santa Barbara, Calif., VOR via the intersection of the Santa Barbara VOR 091° and the Fillmore, Calif., VOR 284° True radials, to the Fillmore VOR would be redesignated from the Santa Barbara VOR via the intersection of the Santa Barbara VOR 091° and the Fillmore VOR 310° True radials to the Fillmore VOR.

2. VOR Federal airway No. 25 which is presently designated in part from the Oxnard, Calif., VOR direct to the Santa Barbara, Calif., VOR, would be redesignated from the Oxnard VOR via the intersection of the Oxnard VOR 331° and the Santa Barbara VOR 109° True radials, to the Santa Barbara VOR, excluding the portions which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and R–551) and the proposed Oxnard AFB, Calif., Restricted Area/Military Climb Corridor.

3. VOR Federal airway No. 27 which is presently designated in part from the Oxnard, Calif., VOR via the intersection of the Oxnard VOR 303° and the Fillmore, Calif., VOR 265° True radials; the intersection of the Fillmore VOR 265° and the Gaviota, Calif., VOR 143° True radials; to the Gaviota VOR, would be redesignated from the Oxnard VOR via the intersection of the Oxnard VOR 331° and the Fillmore VOR 268° True radials; the intersection of the Fillmore VOR 268° and the Gaviota VOR 143° True radials to the Gaviota VOR, excluding the portions which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and R–551) and the proposed Oxnard AFB, Calif., Restricted Area/Military Climb Corridor.

4. VOR Federal airway No. 107 and its associated control areas are presently designated in part from the Point Dume, Calif., Intersection (Long Beach, Calif., VOR 287° and the Fillmore VOR 163° True radials), via the Fillmore VOR; intersection of the Fillmore VOR 318° and the Avenal VOR 151° True radials to the Avenal VOR. The portion from the Fillmore VOR direct to the Avenal VOR would be redesignated via the direct station-to-station radials. In addition, a west alternate to Victor 107 would be designated from the Point Dume Intersection via the Oxnard VOR to the Fillmore VOR excluding the portions which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and R–551).

5. VOR Federal airway No. 137 which is presently designated in part from the Gorman, Calif., VOR via the intersection of the Gorman VOR 288° and the Avenal, Calif., VOR 151° True radials; to the Avenal VOR would be redesignated from the Gorman VOR via the intersection of the Gorman VOR 293° and the Avenal VOR 145° True radials, to the Avenal VOR.

6. VOR Federal airway No. 485, which is presently designated in part from the Oxnard, Calif., VOR direct to the Fellows, Calif., VOR, would be redesignated from the Oxnard, Calif., VOR via the intersection of the Oxnard VOR 331° and the Fellows VOR 142° True radials, to the Fellows VOR, excluding the portions which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and 5–551) and the proposed Oxnard AFB, Calif., Restricted Area/Military Climb Corridor.

7. The Oxnard, Calif., control area extension (601.1328) as presently designated is bounded in part by the Santa Barbara, Calif., control area extension (601.1176). The Oxnard control area extension would be redesignated as the area bounded on the north by VOR Federal airway No. 27, on the east by Long. 119°12'30'' N, on the south by the Point Mugu Warning Area (W–289), and on the west by Long. 120°00'00'' W, excluding the portions which coincide with the Santa Cruz Warning Area (W–412).

The modification of Victor 12, 25, 27 and 485 would permit simultaneous use of both the climb corridor and the airways. The designation of Victor 485 to the east of the proposed climb corridor would require realignment of Victor 107 to the east to provide adequate separation between Victor 485 and Victor 107. Victor 137 would be realigned to provide a common intersection with VOR Federal airway No. 183 and the realigned Victor 107. The redesignation of the Oxnard control area extension in conjunction with the realignment of Victor 27 would reduce the amount of duplicated control area northwest of Oxnard. Redesignation of the Oxnard control area extension would involve no additional airspace. The control areas associated with Victor 12, 25, 27, 137 and 485 are so designated that they would automatically conform to the modified airways. Accordingly, no action relating to these control areas would be necessary.

If these actions are taken, the Oxnard AFB, Calif., Restricted Area/Military Climb Corridor would be designated as follows:

Name. Oxnard Air Force Base, Oxnard, Calif., Restricted Area/Military Climb Corridor (R–2).

Geographical description. The area based on the Oxnard AFB TACAN 270° True radial and the Oxnard AFB ILS localizer 270° True course bounded by a line beginning at Lat. 34°13'55'' W, Long. 119°20'30'' W, thence to Lat. 34°13'30'' N, Long. 119°10'35'' W, thence to Lat. 34°11'50'' N, Long. 119°10'35'' W, thence to Lat. 34°11'30'' N, Long. 119°18'30'' W, thence via a line 3 nautical miles from and parallel to the United States shoreline to the point of beginning.

Designated altitudes. 2,100' MSL to 6,000' MSL from 5 statute miles west of the TACAN to 7 statute miles west of the TACAN. 2,100' MSL to 15,100' MSL from 7 to 8 statute miles west of the TACAN. 2,100' MSL to 24,100' MSL from 8 to 9 statute miles west of the TACAN. 2,100' MSL to 27,000' MSL from 9 to 12 statute miles west of the TACAN. 6,100' MSL to 27,000' MSL from 12 statute miles west of the TACAN to the continental limits of the United States.

Time of use. Continuous.

Controlling agency. Federal Aviation Agency, Approach Control, Oxnard-Ventura County Airport, Calif.

The portion of this climb corridor outside the United States would be established as a warning area under non-rule making procedures.

VOR Federal airways No. 12, 25, 27, 107, 137 and 485, and the Oxnard, Calif., control area extension would be redesignated as follows:

1. VOR Federal airway No. 12 from the Santa Barbara, Calif., VOR via the intersection of the Santa Barbara VOR 091° and the Fillmore, Calif., VOR 310° True radials to the Fillmore VOR.

2. VOR Federal airway No. 25 from the Oxnard, Calif., VOR via the intersection of the Oxnard VOR 331° and the Santa Barbara, Calif., VOR 109° True radials to the Santa Barbara VOR, excluding the portions which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and R–551) and the Oxnard AFB, Calif., Restricted Area/Military Climb Corridor (R–2).

3. VOR Federal airway No. 27 from the Oxnard, Calif., VOR via the intersection of the Oxnard VOR 331° and the Fillmore, Calif., VOR 268° True radials; the intersection of the Fillmore VOR 268° and the Gaviota, Calif., VOR 143° True radials to the Gaviota VOR, excluding the portions which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and R–551) and the Oxnard AFB, Calif., Restricted Area/Military Climb Corridor (R–2).

4. VOR Federal airway No. 107 and its associated control areas from the Fillmore, Calif., VOR to the Avenal, Calif., VOR including a west alternate from the intersection of the Long Beach, Calif., VOR 287° and the Fillmore VOR 163° True radials to the Fillmore VOR via the Oxnard, Calif., VOR, excluding the portion which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and R–551).

5. VOR Federal airway No. 137 from the Gorman, Calif., VOR via the intersection of the Gorman VOR 293° and the Avenal, Calif., VOR 145° True radials to the Avenal VOR.

6. VOR Federal airway No. 485 from the Oxnard, Calif., VOR via the intersection of the Oxnard VOR 331° and the Fellows, Calif., VOR 142° True radials to the Fellows VOR, excluding the portion which would coincide with the Point Mugu, Calif., Restricted Areas (R–100 and R–551) and the Oxnard AFB, Calif., Restricted Area/Military Climb Corridor (R–2).

7. The Oxnard, Calif., control area extension; the area bounded on the north by VOR Federal airway No. 27, on the east by Long. 119°12'30'' N, on the south by the Point Mugu, Calif., Warning Area (W–289), and on the west by Long. 120°00'00'' W, excluding the portion which would coincide with the Santa Cruz Warning Area (W–412).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–8224; Filed, Sept. 2, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Demeton

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances of 0.75 part per million for residues of demeton (a mixture of *O,O*-diethyl *O* (and *S*)-2-(ethylthio) ethyl phosphorothioates) in or on each of the following raw agricultural commodities: Apricots, cottonseed, peppers, and plums (fresh prunes).

The quantitative analytical method proposed in the petition for determining residues of demeton on apricots, peppers, and plums is that described in the notice published in the FEDERAL REGISTER April 29, 1955 (20 F.R. 2892), under Systox. In addition, a paper chromatographic procedure for qualitatively distinguishing between demeton and its metabolites and other cholinesterase-inhibiting pesticides is proposed.

The analytical method proposed in this petition for determining residues of demeton on cottonseed is a total phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds.

Dated: August 30, 1960.

[SEAL] WINTON B. RANKIN,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8251; Filed, Sept. 2, 1960; 8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of 1-Methoxycarbonyl-1-Propen-2-yl Dimethylphosphate and Its Beta Isomer

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, proposing the establishment of tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer as follows:

1.0 part per million in or on artichokes, beets (including tops), celery, cherries, and raspberries.

0.5 part per million in or on hops and grapes.

0.25 part per million in or on carrots, eggplant, melons (including cantaloup, honeydew melon, muskmelon, and watermelon), okra, peppers, summer squash, walnuts, winter squash.

The analytical method proposed in the petition for determining residues of 1-methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer is that published in the FEDERAL REGISTER of May 4, 1957 (22 F.R. 3187).

In addition to the foregoing method, a bioassay method using pomace flies, Drosophila melanogaster, has been submitted. Pomace flies are exposed to residues, with or without cleanup, and mortality observations made at intervals from 3 hours to 24 hours. From the LC[1] 50 value at 3 hours and the ratio of this value to the LC 50 value at 24 hours, the petitioner claims this method to be capable of identification and determination of this pesticide in the presence of other cholinesterase-inhibiting pesticides.

[1] Lethal concentration.

Dated: August 31, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8259; Filed, Sept. 2, 1960; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Union Starch and Refining Company, Inc., 301 Washington Street, Columbus, Indiana, proposing the issuance of a regulation to provide for the safe use of sodium glucoheptonate in bottle washing and in treating paper pulp.

Dated: August 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8245; Filed, Sept. 2, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, proposing the issuance of a regulation to establish tolerances in nonstandardized dressings and sauces as follows:

100 parts per million (0.01 percent) of disodium ethylenediamine tetraacetate dihydrate alone.

110 parts per million (0.011 percent) of calcium disodium ethylenediamine tetraacetate trihydrate alone, provided that if used in combination the total will not exceed 100 parts per million (0.010 percent).

Dated: August 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8246; Filed, Sept. 2, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Benjamin Moore and Company, 548 Fifth Avenue, New York 36, New York, proposing the issuance of a regulation to provide for the safe use of a lining for food cans prepared from a composition containing zinc oxide dispersed in a vegetable oil, modified with saturated and unsaturated petroleum-based hydrocarbons admixed with appropriate iron drier and volatile solvents and diluents.

Dated: August 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8247; Filed, Sept. 2, 1960; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the issuance of a regulation to provide for the use of 4,000 units (0.004 gram) per pound hygromycin B in chicken feed as an anthelmintic.

Dated: August 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8248; Filed, Sept. 2, 1960; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Mead Johnson and Company, Evansville 21, Indiana, proposing the issuance of a regulation to provide for the safe use of U.S.P. castor oil as an ingredient of protective coatings for tablets.

Dated: August 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8249; Filed, Sept. 2, 1960; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Kelco Company, 8225 Aero Drive, San Diego 11, California, proposing the issuance of a regulation to provide for the safe use of propylene glycol alginate in ice cream, frozen custard, ice milk, fruit sherbets, and water ices.

Dated: August 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8250; Filed, Sept. 2, 1960; 8:49 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 276]

TECHNICA STEINFELLNER & CO. ET AL.

Order Revoking Export Licenses and Denying Export Privileges

In the matter of Technica Steinfellner & Co. (formerly known as Technica Hollerer & Co.), Otto R. Steinfellner, Max-Joseph Strasse 5, Munich, Germany, and Karl-Hans Halfpap, Rosstrasse 41, Duesseldorf, Germany, Respondents; Case No. 276.

The respondents, Technica Steinfellner & Co. (formerly known as Technica Hollerer & Co.), Otto R. Steinfellner, and Karl-Hans Halfpap, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder; and

The said respondents having been duly served with the charging letter, Technica Steinfellner & Co. and Otto R. Steinfellner having appeared, answered, and demanded an oral hearing, and Karl-Hans Halfpap having appeared and answered herein;

This case was referred to the Compliance Commissioner, who held a hearing at which the respondents Technica Steinfellner & Co. and Otto R. Steinfellner were present and represented by Otto R. Steinfellner, pro se.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by the respondents in opposition thereto, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, U.S. Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges in the manner and in accordance with the qualifications hereinafter set forth, together with which report he has transmitted also the transcript of testimony at the hearing, all exhibits submitted, the charging letter, answers, and supplemental or additional correspondence and papers received prior to and after the hearing.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, respondents Technica Steinfellner & Co. (formerly Technica Hollerer & Co.) and Otto R. Steinfellner, its owner, both of Munich, West Germany (hereafter referred to collectively as Technica), were and still are engaged in the sale and distribution of machinery and equipment exported from the United States to them in West Germany.

2. Karl-Hans Halfpap, at all times hereinafter mentioned, was Technica's Assistant Manager at its branch in Duesseldorf, West Germany.

3. On or about the 7th day of January 1958, upon the instructions and with the approval of Steinfellner, Halfpap, on behalf of Technica, entered into an agreement with one Richard Fleschner, who has been denied all United States export privileges in a formal order published at 23 F.R. 5310, wherein and whereby Technica agreed to sell and Fleschner agreed to buy certain earth-moving machinery of 210 horsepower with four-wheel drive plus related equipment, for approximately $38,000.

4. More than seven months prior to this sale, Steinfellner, as "Manager" of Technica, had executed for submission to the Bureau of Foreign Commerce a Multiple Transaction Statement, to which more detailed reference is made in Finding 5 next below.

5. For the purpose of performing the sale to Fleschner, Steinfellner, on behalf of Technica, ordered the goods from his supplier in the United States, who thereafter applied to the Bureau of Foreign Commerce for a validated export license to export the same to Technica. In support of its application, it attached the Multiple Transaction Statement which had been executed previously by Steinfellner on Technica's behalf and in which Steinfellner, as Technica's manager, had certified that no goods received by them from the supplier would be sold for use outside West Germany. He agreed further: "With respect to any shipment covered by this statement which we propose to dispose of contrary to the representations made in this statement, or contrary to the list of countries approved on the export license and brought to our attention on the bill of lading, commercial invoice, or by any other means, we will notify the person named in Item 2 (the supplier) and will secure U.S. Government approval through him prior to such disposition."

6. When accepting Technica's order, the supplier notified them that a validated export license was necessary and that a German Government Import Certificate had to be submitted in support of the application therefor.

7. Technica agreed to supply the Import Certificate but, in their application for the same to the German Government agency having jurisdiction thereof, they inadequately described the equipment involved, referred to it by its trade name, and stated that it was a grader. They failed to disclose that the equipment had horsepower in excess of 100 and that it was equipped with four-wheel drive. Had they made this disclosure, an Import Certificate would have been issued without delay. Because of the inadequate description, the Import Certificate was denied by the German Government authorities.

8. While Technica went through the motions of attempting to procure the Import Certificate, their supplier amended its application for the validated export license, substituted itself as the ultimate consignee and stated that the purpose of the exportation was to demonstrate and exhibit the equipment at the Hanover Fair in West Germany.

9. In accordance with the application as amended, a validated export license was issued, authorizing exportation to the supplier itself, as ultimate consignee in West Germany, and the supplier understood that the exportation had been permitted only so that the equipment might be used for exhibition and demonstration purposes at the Hanover Fair.

10. It exported the goods to West Germany, naming itself as ultimate consignee and, shortly thereafter, informed Technica that the validated export license had been issued on condition that it, the supplier, would retain title to the equipment, that it would notify the Bureau of Foreign Commerce prior to any transfer of title, and that it would supply the Bureau of Foreign Commerce with the necessary Import Certificate when issued by the West German Government. It reminded Technica that all the shipping documents named it, the supplier, as the consignee and that the equipment could not be transferred to Technica or used for any purpose other than exhibition at the Hanover Fair until the Import Certificate was furnished.

11. After the equipment arrived in West Germany, it was delivered to the Hanover Fair, there exhibited and demonstrated. While at the Fair, at Fleschner's request and for the purpose of removing it from a class of equipments subject to export license from West Germany to Soviet Russia,[1] Halfpap, on Steinfellner's instructions and on behalf of Technica, ordered and supervised the removal of those parts of the equipment which made it a four-wheel drive, with the intention, that it be converted thereby to a two-wheel drive. At the time that Halfpap executed Steinfellner's instructions for the attempted conversion, they were informed of the restrictions or conditions under which the equipment had been exported from the United States and of Fleschner's intention to re-export the same from Germany to Soviet Russia.

12. Following the termination of the Hanover Fair and just prior to the expiration of the letter of credit which Fleschner had arranged for the payment of the purchase price, Steinfellner, on behalf of Technica, which did not have title thereto, ordered Halfpap and other Technica employees to take possession

[1] This alteration would not have made the equipment exportable to Soviet Russia as far as United States export controls were concerned.

of the equipment, deliver it to Fleschner's forwarder, and tender documents of title to the bank which had written the letter of credit, all with knowledge or belief that, if the German authorities were satisfied that the equipment in fact had been converted to a two-wheel drive and no longer had any efficacy as a four-wheel drive, it would authorize re-exportation thereof to Soviet Russia. (It developed, however, that, when the German authorities became fully informed, they seized the equipment and it was not thereafter re-exported to Soviet Russia.)

And from the foregoing, the following are my conclusions:

That the respondents (a) took possession of, diverted, and delivered the said equipment contrary to the terms and conditions of the validated export license pursuant to which it had been exported from the United States and contrary to notifications received by them that such acts would violate the conditions under which the validated export license had been issued; (b) delivered the equipment to or for Fleschner's account when they had not obtained title thereto and knew that the validated export license authorized only its exhibition and demonstration at the Hanover Fair; and (c) engaged in said acts with the knowledge and intention that if Fleschner obtained control of the equipment he would re-export it to Soviet Russia, in violation of the terms of the validated export license pursuant to which it had been exported from the United States; all in contravention of §§ 379.10, 381.2, 381.3, and 381.4 of the Export Control Regulations.

Explaining the importance of the Import Certificate, the Compliance Commissioner, in his Report, said:

> Here I shall refer briefly to what is common knowledge in the administration of export controls, for the purpose only of bringing out the importance of the deficiencies in the application for the Import Certificate as related to this [particular] transaction. The Import Certificate or, more properly the IC/DV procedure, is the international arrangement whereby the COCOM countries maintain continued surveillance of International Embargo List commodities after they have been exported from one participating country to another, to the end that, if any further exportation is attempted or made, control over the commodity is continued. Thus, an Import Certificate would be (or is) granted by a participating country when one of its businessmen wants to import from another participating country goods on the International Embargo List. When it issues such an Import Certificate, it takes jurisdiction of the goods, if imported, and then, if the importer desires to re-export it, he must in turn obtain an export license from that government (his government). Consequently, when Technica was informed by [its supplier] that an Import Certificate was necessary, the first thing that Technica normally would do (or should have done and presumably did do) was to consult the control list of commodities of its country (Germany), which list is comparable to our Comprehensive Export Schedule. Steinfellner and Technica well knew that they were seeking an Import Certificate for a four-wheel-drive tractor of 208 or 210 horsepower, and in the German commodity list (Chapter 87, Numbers EX8701 39 and EX8701 70) tractors, having 100 horsepower or over, with four-wheel drive, are designated LWO for export license purposes. By Part II, Chapter B, Subdivision 3 of the Control Bulletin, all commodities designated LWO for export license are subject to delivery license regardless to what country they are exported. The fact that the designation is LWO, as opposed to the more restricted LO, is of great significance, because the latter requires delivery license only for exports to the Sino-Soviet bloc. (Numerous other references in Chapter 87 could be relevant.)
>
> Now, when the application which Technica had submitted to the B.g.W. [the West German Government's Export Control Agency] for this [equipment] finally was obtained • • • directly from the German governmental authorities, through the intervention of the American Embassy at Bonn, I found that it did not set forth the true description of the equipment (a four-wheel-drive tractor of 208 or 210 horse power). Had it contained this description, the tractor would have been signalled immediately as an LWO item. On the contrary, the tractor was described only as a "Grossplaniergerat" (which translated means a large wheeled grader) [and the trade name was indicated]. Obviously [the official] sitting at the B.g.W. and looking at this application, could make no ruling other than that which he did—that he did not find this equipment on the list and therefore that no Import Certificate was necessary. Obviously, also, if Technica had set forth a complete and correct description, he would have turned it up on the commodity list in a matter of seconds. Thus we have what seems to me to be a deliberate fraud on the part of Technica perpetrated on the B.g.W. This is not a casual or inadvertent error. The Technica officials were too expert to make such an error and, moreover, the importance to them of the Import Certificate was too great to risk any delay in its issuance by a careless description. This deliberately misleading description leads me to believe only that Technica and Steinfellner, as well as [an employee] who acted on Steinfellner's instructions, knew that Fleschner wanted the machine for re-export, were in collaboration with him to facilitate such re-export, deliberately misdescribed the equipment to avoid having it come under the surveillance of the B.g.W., and hoped that it might somehow slip through or, in the attendant confusion, that the BFC demand for the Import Certificate might be waived, disregarded, or forgotten.

In connection with his recommendation that the remedial action hereinafter provided be taken, the Compliance Commissioner said:

> It seems to me that, while Halfpap knew of Fleschner's intention to re-export the equipment to Germany, he can be believed when he says that he advised against the transaction and did whatever he did under the compulsion of Steinfellner. The mere fact that an employee engages in a contravention of law upon the instructions of his employer, even against the will of the employee, is not reason for excusing or condoning such conduct. The employee is wholly responsible for and accountable for whatever he does. However, under the particular facts and circumstances of this case and considering also that Halfpap has terminated his association with Technica, it is my opinion that effective enforcement of the law as far as he is concerned can be achieved by placing him on probation for a two-year period, with the condition that if the probation is breached, he be denied export privileges for a period of six months, all as more particularly set forth in the proposed order which I shall submit herewith.
>
> The situation is different, however, as respects Steinfellner and his company, Technica. I have made clear at various places in this report my opinion and appraisal of Steinfellner's acts and conduct, his motives, and his present attitudes, as the same became evident in the manner in which he handled the defense of this proceeding. Factors which render remedial action against these respondents difficult include the various representation or distribution agreements which they have with American suppliers. Any remedial action against these respondents will have a collateral impact on the American suppliers. In fact, [one] has written a very strong letter pleading that effective remedial action be withheld and pointing out that Technica's agency produces [a substantial portion of] its export business. While the maintenance and growth of our exports are most important to our economy, the Congress of the United States enacted the Export Control Act as a deliberate measure to curtail and decrease our exports "to the extent necessary • • • to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and • • • to exercise the necessary vigilance over exports from the standpoint of their significance to the national security." No matter how the economy might be improved by any conceivable increase in exportations from the United States, it all would be of no avail if, at the same time, our national security were imperilled. • • • American manufacturers who may have arrangements with Technica for the sale and distribution of their products in West Germany need not lose those markets if Technica is denied export privileges. I am confident that there are others in West Germany as qualified as or more qualified than Steinfellner to act as distributors. While Steinfellner's conduct indicates that he did participate in Fleschner's scheme, indicates his lack of understanding of his responsibilities as a recipient of goods exported from the United States, and indicates a deliberate effort to becloud the issues and hide the facts at the hearing, I believe that it is possible he may profit from his experiences in this case and, if permitted to engage again in a business dealing with exportations from the United States, he will correct his past errors and attitudes and comply with the regulations. Believing that effective enforcement of the law may be achieved thereby, it is my recommendation that Steinfellner and Technica be denied export privileges for a period of two years, but that only the first year thereof be effective immediately, upon condition that, if there be any breach of any export regulation during the two years, the additional year of denial be imposed upon them, all as more particularly set forth in the order submitted herewith.

Now, after careful consideration of the entire record and being of the opinion that the recommendation of the Compliance Commissioner is fair and just and that this order is necessary to achieve effective enforcement of the law, *It is hereby ordered:*

I. All outstanding validated export licenses in which Technica Steinfellner & Co., Technica Hollerer & Co., or Otto R. Steinfellner appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Except as qualified or relieved in Part IV, Subdivisions (A) and (B) thereof, commencing on October 1, 1960, as to the respondents Technica Steinfellner & Co. and Otto R. Steinfellner, and commencing forthwith as to Karl-Hans Halfpap, all the respondents herein hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denials of export privileges, to the extent that any respondent may be affected thereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV (A). Without further order of the Bureau of Foreign Commerce, on September 30, 1961, Technica Steinfellner & Co. and Otto R. Steinfellner shall have their export privileges restored to them conditionally, the conditions for such restoration being that during all the time following the date hereof, the said respondents shall comply in all respects with this order, and thereafter, until September 30, 1962, they shall comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

(B). Anything in Parts II and III hereof to the contrary notwithstanding, the effectiveness of this order denying export privileges to Karl-Hans Halfpap shall be stayed and it shall not be operative as to him upon the condition that, for twenty-four months following the date hereof, said respondent and parties related to him shall not knowingly violate any export control law or regulation.

V. The privileges so conditionally permitted to the respondents, under Parts IV(A) and IV(B) hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any such respondent at any time has knowingly failed to comply with the conditions applicable to him or it as set forth in Parts IV(A) and IV(B) hereof, in which event Parts II and III hereof, insofar as they shall apply to such respondent, shall then be and become effective (a) as to Technica Steinfellner & Co. or Otto R. Steinfellner for an additional twelve months thereafter or until September 30, 1962, whichever shall be the later, and (b) as to Karl-Hans Halfpap for twenty-four months thereafter, without thereby preventing the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are involved therein shall have the right to appeal therefrom, as provided in the export regulations.

VI. No person, firm, corporation or other business organization, whether in the United States or elsewhere, during any time when a respondent or any related party is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with such respondent or related party. Nor shall any person do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: August 30, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-8264; Filed, Sept. 2, 1960; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Amendment to Facility License

Please take notice that the Atomic Energy Commission has issued to the Regents of the University of Michigan, Amendment No. 5, set forth below, to Facility License No. R-28 authorizing (1) operation of the Ford Nuclear Reactor without a graphite reflector with certain reactivity limitations, and (2) use of four new control rod fuel elements containing nine fuel bearing plates and a guide tube whose thickness is 0.105 inch.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the new conditions would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operating license.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated July 7, 1960, submitted by The University of Michigan and (2) a hazards analysis of the amendment prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room 1717, H Street NW., Washington, D.C.

Dated at Germantown, Md., this 29th day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-28; Amdt. 5]

Subparagraph 4a *Operating restrictions* of License No. R-28, issued to the Regents of the University of Michigan, is hereby amended to read as follows:

a. *Operating restrictions.* (1) The University shall operate the facility in accordance with the procedures described in the application.

(2) The University shall not operate the facility at thermal power levels in excess of 1,000 kilowatts.

(3) The fast-acting electronic period safety channel shall be set to scram the reactor at a period no less than 5 seconds.

(4) The level safety channels shall be set to scram the reactor at 150 percent of the full power rating of 1,000 kilowatts.

(5) The sum of the absolute magnitude of the reactivity of all experiments shall not exceed 0.5 percent.

(6) The total excess reactivity above cold, clean critical shall not be greater than 2.68 percent.

(7) The University shall not by-pass any control mechanism during the operation of the facility; except that certain interlocks may be bypassed temporarily during the performance of safety rod calibration, provided the calibration is performed in accordance with the procedures set out in the University's license amendment request dated December 17, 1957.

(8) The University may operate the facility without a graphite reflector with the following reactivity limitations: (a) No greater than 2 percent delta k/k for all experiments, (b) no greater than 1.2 percent delta k/k for experiments on any one face of the reactor.

(9) The University may use four (4) new control rod fuel elements containing nine (9) fuel bearing plates and a guide tube whose thickness is 0.105 inch.

This amendment is effective as of the date of issuance.

Date of issuance: August 29, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-8213; Filed, Sept. 2, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

GUATEMALA

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Guatemala, from which evidence it appears that Guatemala does not have in effect a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement or death to qualified United States citizens while outside Guatemala.

Accordingly, it is hereby determined and found that Guatemala does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

AUGUST 29, 1960.

Approved: August 25, 1960.

EDWARD FOSS WILSON,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-8261; Filed, Sept. 2, 1960; 8:51 a.m.]

SUDAN AND INDIA

Findings Regarding Foreign Social Insurance and Pension Systems

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by Sudan and India, respectively, relating to the social insurance or pension systems of such countries, from which evidence it appears that:

1. Sudan does not have a social insurance or pension system which is of general application and under which benefits are paid on account of old age, retirement or death.

2. India does not have a social insurance or pension system of general application under which periodic benefits or the actuarial equivalent thereof are paid on account of old age, retirement or death.

Accordingly, it is hereby determined and found that Sudan and India do not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

AUGUST 29, 1960.

Approved: August 24, 1960.

EDWARD FOSS WILSON,
Acting Secretary of Health, Education, and Welfare

[F.R. Doc. 60-8262; Filed, Sept. 2, 1960; 8:51 a.m.]

TURKEY

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by Turkey relating to the social insurance or pension system of such country, from which evidence it appears that Turkey has a social insurance or pension system of general application in such country which pays periodic benefits on account of old age, retirement or death and under which qualified citizens of the United States, not citizens of Turkey, who leave that country are permitted to receive such benefits while outside that country.

Accordingly, it is hereby determined and found that Turkey has in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act. (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

AUGUST 29, 1960.

Approved: August 25, 1960.

EDWARD FOSS WILSON,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-8263; Filed, Sept. 2, 1960; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20032, etc.]

BEN BOLT GATHERING CO. ET AL.

Notice of Postponement of Hearing

AUGUST 26, 1960.

Ben Bolt Gathering Company, Docket No. G-20032; Associated Oil & Gas Co., et al., Docket No. G-20058; Carri Oil, Operator, Docket No. G-20331; East White Point Gathering Company, Docket No. G-20355; Engeo Gathering Company, Docket No. G-20356; Engeo Oil & Gas Company, Operator, Docket No. G-20357; Burdette Graham, Operator, Docket No. G-20360.

Upon consideration of the request filed August 18, 1960 by Staff Counsel for postponement of the hearing now scheduled for September 27, 1960 in the above-designated matters:

The hearing now scheduled for September 27, 1960 is hereby postponed to December 27, 1960 at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8170; Filed, Sept. 2, 1960; 8:45 a.m.]

[Docket No. CP60-128]

COLORADO-WYOMING GAS CO.

Notice of Application and Date of Hearing

AUGUST 30, 1960.

Take notice that on June 24, 1960, Colorado-Wyoming Gas Company (Applicant), a Delaware corporation having its principal place of business in Denver, Colorado, filed an application, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately four miles of 8-inch diameter pipeline and appurtenant metering facilities to enable initiation of an interruptible sale to a new direct industrial customer, Great Western Aggregates, Inc. (Great Western), at Rocky Flats, Colorado.

Applicant proposes to extend its existing 6-inch diameter sales lateral serving the Dow Chemical-Atomic Energy Commission plant near Rocky Flats, Jefferson County, Colorado, approximately 4 miles west and northerly to the plant of Great Western, and to sell up to 2,600 Mcf per day of natural gas to Great Western for industrial consumption in kilns, and an additional 75 Mcf per day for incidental uses. The sales will be made under Applicant's interruptible industrial and semi-firm gas service rate schedules and will be subject to curtailment at the discretion of Applicant to enable it to maintain adequate service to its firm and other higher priority customers.

Applicant and Great Western have entered into a one-year contract covering the proposed sales, automatically renewable thereafter without further action, until terminated by either party on not less than 30 days' notice.

Great Western's present annual requirements are estimated at 826,500 Mcf of which amount approximately 77,500 Mcf, equivalent to 30 days requirements, are estimated to be curtailed. No deliveries are anticipated on system peak days.

Estimated cost of Applicant's proposed facilities is $110,140, which will be defrayed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1960, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issued presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8230; Filed, Sept. 2, 1960; 8:47 a.m.]

[Docket No. G-13399 etc.]

JOSEPH S. MORRIS ET AL.

Notice of Applications and Date of Hearing

AUGUST 30, 1960.

Joseph S. Morris, Operator, et al., Docket No. G-13399; Butler-Johnson, Inc., Operator, Docket No. G-15883; Lewis Bros, Inc., et al., Docket No. G-16018; Claud B. Hamill, Docket No. G-18611; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-19399; Mound Company, et al., Docket No. G-19676; Sinclair Oil & Gas Company, Docket No. G-20098; George W. Jackson, Docket No. G-20161; Anderson-Prichard Oil Corporation, Docket No. G-20228; Orville Eberly, Agent, et al., Docket No. CI60-41; O. N. Gump, Docket No. CI60-135; Champlin Oil & Refining Company, Docket No. CI60-186; Champlin Oil & Refining Company, Docket No. CI60-187; Champlin Oil & Refining Company, Docket No. CI60-188; Sunray Mid-Continent Oil Company, CI60-199; Sunray Mid-Continent Oil Company, Docket No. CI60-211; Continental Oil Company, Docket No. CI60-229; Continental Oil Company, Docket No. CI60-230; Petroleum, Inc., Docket No. CI60-285; C. W. Murchison, Frank A. Schultz, J. Glenn Turner, and William G. Webb, Docket No. CI60-332; S. D. Hunter, Trustee, Docket No. CI60-446; H. L. Brown, et al., Docket No. CI60-480; H. H. Howell, Docket No. CI60-500; Tom McCormick Gas Company, Docket No. CI60-517; Roland J. Godfrey, et al., Docket No. CI60-524; Dog Run Oil & Gas Company, Docket No. CI60-563; Kight Gas Co., Docket No. CI60-594; Jake L. Hamon, Docket No. CI60-612; Smith Oil & Gas Company, Docket No. CI60-649; E. L. Summers Gas Company, Docket No. CI60-672; Thursday Oil & Gas Company, Docket No. CI60-694.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants seek permission and approval to abandon service as indicated below:

Docket Nos.; Field and Location; Purchaser; and Docket No. in Which Sale Was Authorized

G-13399; W. Chicolete Creek, Victoria County, Tex.; Tennessee Gas Transmission Co.; G-13399.
G-15883; Sibbley, Webster Parish, La.; United Gas Pipe Line Co.; G-15883.
G-16018; Key, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; G-16018.
G-18611; El Benadito, Starr County, Tex.; South Texas Natural Gas Gathering Co.; G-18611.
G-19399; Fred Zvolanek Farm, Barber County, Kans.; Cities Service Gas Co.; G-12770.
G-19676; Brandt, Goliad County, Tex.; United Gas Pipe Line Co.; G-9359.
G-20098; Doma Spears Well, Stephens County, Okla., Lone Star Gas Co.; G-2915.
G-20161; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; G-11574.
G-20228; Dilworth, Kay County, Okla.; Wunderlich Development Co.; G-12561.
CI60-41; Mt. Lake Park, Garrett County, Md.; Allegheny Gas Co.; G-7691.
CI60-135; Batelle District, Monongalia County, W. Va.; Hope Natural Gas Co.; G-5588.
CI60-186; Ellis Lease, E. Pleasant Valley, Logan County, Okla.; Cities Service Gas Co.; G-9519.
CI60-187; Ellis Estate Lease, E. Pleasant Valley, Logan County, Okla.; Cities Service Gas Co.; G-9710.
CI60-188; Poteet Lease, E. Pleasant Valley, Logan County, Okla.; Cities Service Gas Co.; G-9328.
CI60-199; N. E. Mehan, Payne County, Okla.; Cities Service Gas Co.; G-13298.
CI60-211; Indian Lake, Madison Paris, La.; United Fuel Gas Co.; G-18611.
CI60-229; Chickasha, Grady County, Okla.; Consolidated Gas Utilities Corp.; G-12898.
CI60-230; Chickasha, Grady County, Okla.; Consolidated Gas Utilities Corp.; G-12897.
CI60-285; Hugoton, Finney County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; G-9929.
CI60-332; Blanco, San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Co.; G-13340.
CI60-446; Monroe Morehouse Parish, La.; Columbian Carbon Co.; G-3325.
CI60-480; Hordes Creek, Goliad County, Tex.; Texas Eastern Transmission Corp.; G-11191.
CI60-500; Boyce, Goliad County, Tex.; United Gas Pipe Line Co.; G-8639.
CI60-517; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5593.
CI60-524; Nicut-Siers, Washington District, W. Va.; Hope Natural Gas Co.; G-5384.
CI60-563; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5528.
CI60-594; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; G-2716.
CI60-612; Wilson, Bee County, Tex.; Tennessee Gas Transmission Co.; G-3634.
CI60-649; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5402.
CI60-672; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5504.
CI60-694; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5425.

Each Applicant herein, except Applicants in Docket Nos. CI60-332 and CI60-446, states that the volume of gas available for delivery under the related gas sales contracts has been depleted or has declined to a point where it is no longer economically feasible to continue the heretofore authorized sale.

Applicants in Docket No. CI60–332 states that, under date of January 5, 1960, they sold their interest in the NW/4 and the SE/4 of D30, T27N, R10W, N.M.P.M. San Juan County, N. Mex. to El Paso Natural Gas Company which will continue to take the subject gas into its system for interstate transportation. The rights remaining to the non-productive acreage dedicated under contract dated March 18, 1957, as amended December 28, 1958 and the subject of the certificate issued in Docket No. G–13340 were permitted to expire on January 10, 1960.

Applicant in Docket No. CI60–446 states that Columbian Carbon Company acquired the subject acreage and will continue to take the subject gas into its system for interstate transportation.

The original applications in Docket Nos. G–13399, G–15883, G–16018 and G–18611 were filed pursuant to section 7 (c) of the Natural Gas Act for certificates authorizing the sale of natural gas in interstate commerce. In each Docket and subsequent to the filing of the original application the respective Applicants filed applications seeking permission and approval to abandon the respective services for the reasons stated herein.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 4, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–8231; Filed, Sept. 2, 1960; 8:47 a.m.]

[Docket No. CP60–40]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 30, 1960.

Take notice that on February 19, 1960, Panhandle Eastern Pipe Line Company (Applicant), filed an application, as supplemented on March 21, 1960, in Docket No. CP60–40, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate a measuring and regulating station on its existing main line in Paulding County, Ohio, in order to transport and sell natural gas to General Portland Cement Company (Portland), on an interruptible basis during the period March 15 to November 15 of each year, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Portland will use the natural gas to fire 2 kilns in the manufacture of cement at its plant in Paulding County, and that Portland will realize important economies in fuel consumption, ease of operation and other benefits by use of natural gas.

The sale will be made pursuant to an industrial gas contract which provides, among other things, for a maximum delivery of up to 10,000 Mcf per day during the period March 15 to November 15 of each year.

To accomplish the sale to Portland, Applicant proposes to construct a measuring and regulating station at a cost of approximately $20,700, to be financed from funds on hand. Portland will construct and operate a short connecting lateral from Applicant's main line to its cement plant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–8232; Filed, Sept. 2, 1960; 8:47 a.m.]

[Docket No. CP60–126]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 30, 1960.

Take notice that Panhandle Eastern Pipe Line Company, 1221 Baltimore Avenue, Kansas City, Missouri, filed on June 20, 1960, an application and on June 24, 1960, a supplement thereto, pursuant to section 7 of the Natural Gas Act, requesting authorization to transport natural gas in interstate commerce for sale to Johns Manville Fiber Glass, Inc. (Johns Manville) in the state of Ohio, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Panhandle now has authorization to transport gas to existing plants of Johns Manville near Defiance, Ohio, and proposes to transport additional gas for sale and delivery to the new Johns Manville's Fiber Glass plant and to an existing Johns Manville plant near Waterville, Ohio. The sales are to be made on an interruptible basis. Panhandle has agreed to supply Johns Manville's natural gas requirements for processing use, up to a daily volume of 6,000 Mcf. The estimated annual requirement for the proposed new service will not exceed 600,000 Mcf per year. Panhandle alleges that natural gas is essential to the processes which will be performed in the new Johns Manville plant. The gas will be used principally to fire smelters and refiners in the glass furnaces, the product of which will be textile fiber glass. Panhandle states that the gas will not be used for boiler fuel. Under the contract between said parties Johns Manville is required to keep standby fuel on hand.

Panhandle proposes to construct and operate measuring and regulating equipment at the point of connection between Panhandle's main line facilities and the supply line to the plants. The cost of the measuring and regulating station is estimated to be $15,000, which will be financed from cash on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1960 at 10:00 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–8233; Filed, Sept. 2, 1960; 8:47 a.m.]

[Docket No. CP60–23]

SOUTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 29, 1960.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation with a principal office in Birmingham, Alabama, filed an application in Docket No. CP60–23 on February 3, 1960, and supplemented on February 24, 1960, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate approximately 6.87 miles of 8-inch loop line extending northward from the northern end of the present 8-inch loop of the existing Calera lateral to the Cahaba River crossing in Shelby County, Alabama, all as more fully described in the application and supplement on file with the Commission, and open to public inspection.

Applicant states the proposed construction will increase the capacity of the Calera lateral from 45,875 Mcf per day to 53,034 Mcf per day on the day of maximum deliveries from the lateral, which is stated to occur when the temperature is about 55° F. This volume will not be transported during peak winter periods because the industrial customers served by the lateral would be curtailed during such periods to enable Southern to meet its over all system firm requirements.

Applicant further states the small size of the lateral does not permit sufficient line storage upon which it can draw to meet hourly peaks.

The application recites the increased capacity will also be used to meet the increased annual requirements of its existing customers of Alabama Gas Corporation for the Bessemer area and Southern Cement Company at Roberta, Alabama, although other customers along the Calera lateral will also receive slightly increased volumes. The estimated requirements to be served from the Calera line are as follows, for the day of maximum operation (55° F.):

Customer	Mcf @ 14.73 Psia on 55° F Day					
	Firm requirements		Interr. requirements		Total	
	1959–60	1960–61	1959–60	1960–61	1959–60	1960–61
Sales for Resale						
Alabama Gas Corp. (Bessemer)	6,168	9,864	9,432	9,432	15,600	19,296
Alabaster	633	659			633	659
Calera	700	750	2,147	2,215	2,847	2,965
Chilton County Gas District	188	197			188	197
Columbiana	293	319			293	319
Helena	78	89			78	89
Montevallo	447	514			447	514
Pleasant Grove	1,802	1,913			1,802	1,913
Vilton	47	52			47	52
Direct Industrials						
Alabama Aggregate			80	80	80	80
Alabaster Lime			950	950	950	950
American Marietta			700	700	700	700
Chaney Lime Works			650	650	650	650
Hercules Powder Co			600	600	600	600
Longview-Saginaw Lime Co			2,200	2,200	2,200	2,200
Natco Corp			550	550	550	550
Pure Carbonic Inc			450	450	450	450
Southern Cement Co			13,600	15,340	13,600	15,340
U.S. Steel-TCI Div.:						
Concord Mines			960	960	960	960
Bessemer Rolling Mills			1,200	1,200	1,200	1,200
Total	10,356	14,357	33,519	35,327	43,875	49,684

The estimated cost of the proposed facilities is $219,690, and will be defrayed by Applicant from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 21, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–8236; Filed, Sept. 2, 1960; 8:47 a.m.]

[Docket No. G–5029 etc.]

SHELL OIL CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 29, 1960.

Shell Oil Company, Docket No. G–5029; Columbian Carbon Company, Docket No. G–7089; Coltexo Corporation, Docket No. G–7091.

Take notice that Shell Oil Company (Shell), a Delaware corporation with a principal office in New York, New York, Columbian Carbon Company (Columbian), a Delaware corporation with a principal office in New York, New York, and Coltexo Corporation (Coltexo), a Maryland corporation with a principal office in New York, New York, filed applications pursuant to section 16 of the Natural Gas Act on May 27, 1959, and October 26, 1959, respectively, to vacate certificates of public convenience and necessity issued to Shell in Docket No. G–5029, to Columbian in Docket No. G–7089, and to Coltexo in Docket No. G–7091, respectively, as more fully described in the applications on file with the Commission and open to public inspection.

Shell, Columbian and Coltexo state in the applications that on June 4, 1956, Shell in Docket No. G–5029, and on May 28, 1956, Coltexo in Docket No. G–7091, were granted certificates of public convenience and necessity authorizing their respective sales of natural gas to Columbian produced from acreage in the Wasson-Denver-Bennett Field, Yoakum and Gaines Counties, Texas, and delivered from their Wasson gasoline plant, covered by a gas sales contract dated May 20, 1948, on file as Shell Oil Company, Operator, FPC Gas Rate Schedule No. 45 and Coltexo Corporation FPC Gas Rate Schedule No. 4. Shell and Coltexo are signatory to the same contract with Columbian.

Shell, Columbian and Coltexo further state (1) that on May 28, 1956, Columbian in Docket No. G–7090 was granted a certificate of public convenience and necessity which authorized an exchange of natural gas with El Paso Natural Gas Company (El Paso) covered by an exchange agreement dated May 21, 1948, on file as Columbian Carbon Company FPC Gas Rate Schedule No. 23, which provides that El Paso will pick up gas dedicated to Columbian by Shell and Coltexo, from the said Wasson gasoline plant and deliver it to Columbian at the entrance of Columbian's carbon black plant in Gaines County, Texas, and also further provides that El Paso may deliver to Columbian natural gas which it

purchases from Phillips Petroleum Company (Phillips) in lieu of like volumes of gas which El Paso has agreed to deliver to Columbian from the Wasson plant; (2) the gas purchased by El Paso from Phillips is delivered to Columbian and a like volume of gas is thereby made available to El Paso from the Wasson plant; and (3) the gas delivered to Columbian is used in its carbon black plant, therefore, the volumes of gas purchased by El Paso from Phillips do not physically leave the State of Texas.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 17, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8234; Filed, Sept. 2, 1960; 8:47 a.m.]

[Docket No. G-13385 etc.]

SINCLAIR OIL AND GAS CO. ET AL.

Notice of Applications and Date of Hearing; Correction

AUGUST 1, 1960.

In the Notice of Applications and Date of Hearing, issued July 25, 1960 and published in the FEDERAL REGISTER on August 2, 1960 (25 F.R. 7265-7268): In the first column on page 7267 change G-19161, Block 1 (University Lands), Andrews County, Texas, El Paso Natural Gas Company, 18.108 cents @14.65 psia to read "G-19161, Block 1 (University Lands), Andrews County, Texas, El Paso Natural Gas Company, 8.108 cents @14.65 psia".

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8235; Filed, Sept. 2, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 375]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 31, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63320. By order of August 29, 1960, The Transfer Board approved the transfer to Edwin F. Albrecht, doing business as Albrecht Transfer, Fairfield, Nebr., of Certificate No. MC 24976, issued July 7, 1941, to Frederick W. Hockman, doing business as Hockman Transfer, Edgar, Nebr., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between Edgar, Nebr., and Omaha, Nebr., over specified routes, serving the intermediate points of Lincoln and Sutton, Nebr., and the off-route points of Fairfield, Deweese, Angus, Shickley, and Davenport, Nebr.; household goods, between Edgar, Nebr., and points within 20 miles of Edgar, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Colorado, and Illinois; livestock and agricultural commodities, between Edgar, Nebr., and points within 20 miles of Edgar, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, South Dakota, and Colorado. J. Max Harding, 605 South 12th Street, Lincoln 8, Nebr., for applicants.

No. MC-FC 63352. By order of August 29, 1960, The Transfer Board approved the transfer to John F. Tracey and James J. Tracey, a partnership, doing business as M. J. Tracey & Sons, 12 Briggs Road, Lexington, Mass., of Permit No. MC 8498, issued July 29, 1957, to Meyer J. Tracey, John F. Tracey, and James J. Tracey, a partnership, doing business as M. J. Tracey & Sons, 12 Briggs Road, Lexington, Mass., authorizing the transportation, over irregular routes, of dairy products, from Somerville, Mass., to points in Massachusetts within 15 miles of Somerville, such merchandise (except dairy products) as is dealt in by wholesale, retail, and chain grocery and food business houses, from Boston, Somerville, Cambridge, and Everett, Mass., to points in Massachusetts within 50 miles of Boston, and salvage, empty containers, rejected or returned merchandise, order forms, company records, and advertising matter, from points in Massachusetts within 50 miles of State House, Boston, to points in Massachusetts within 10 miles of State House, Boston.

No. MC-FC 63428. By order of August 29, 1960, The Transfer Board approved the transfer to O. C. Wofford, doing business as City Moving & Storage, Odessa, Tex., of a portion of Certificate No. MC 8907, issued June 19, 1959, to Oil Field Truckers, Inc., Odessa, Tex., authorizing the transportation of machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Louisiana and Texas, and between Iowa Park, Tex., and points within 100 miles of Iowa Park, on the one hand, and, on the other, points in Oklahoma, and those in Lea Counties, N. Mex. Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla., for applicants.

No. MC-FC 63511. By order of August 29, 1960, The Transfer Board approved the transfer to Norman Kobriger, Ossian, Iowa, of Certificate No. MC 114724, issued December 30, 1954, to LeRoy Winters, Postville, Iowa, authorizing the transportation, over irregular routes, of semi-processed cheese, from Frankville, Gunder, Ludlow, and Volney, Iowa, to Fennimore, Wis., and damaged shipments of semi-processed cheese and empty cheese containers, from Fennimore, Wis., to Frankville, Gunder, Ludlow, and Volney, Iowa. William E. Landau, 1307 East Walnut Street, Des Moines, Iowa, for applicants.

No. MC-FC 63519. By order of August 29, 1960, The Transfer Board approved the transfer to Alfred Cacciola, doing business as Allons Trucking Co., New York, N.Y., of Permit No. MC 33843 issued August 4, 1954 to Authority Trucking and Rental Corp., New York, N.Y., authorizing the transportation of paper, paper products, rope, and twine, over irregular routes, from New York, N.Y., to Phillipsburg, N.J., Shamokin, and Philadelphia, Pa., Pleasant Valley, Castleton-on-Hudson, and Newburgh, N.Y., Waterbury, New Haven, and Winsted, Conn., New Bedford, Fitchburg, Lawrence, Springfield, Webster, and Boston, Mass., Lebanon, N.H., Winooski, Vt., and points in Bergen, Essex, Union, Hudson, and Passaic Counties, N.J. Edward M. Alfano, 2 West 45th St., New York 36, N.Y. for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8253; Filed, Sept. 2, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2186]

GENERAL AMERICAN INDUSTRIES, INC.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 30, 1960.

In the matter of General American Industries, Inc., 6% Cumulative Preferred Stock; File No. 1-2186.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Less than 10,000 shares remain outstanding with only 107 holders of record.

Upon receipt of a request, on or before September 16, 1960 from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8240; Filed, Sept. 2, 1960; 8:48 a.m.]

[File No. 811-870]

HEARTLAND DEVELOPMENT CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 30, 1960.

Notice is hereby given that Heartland Development Corp. ("Applicant"), of Albany, New York, a New York corporation and a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company under the Act.

Applicant makes the following representations:

The stockholders of the company at their annual meeting held on February 11, 1960, approved changing the business of the company so that it would cease to be an investment company and would engage primarily in the business of acquiring, developing and operating real estate. Applicant further states that it is no longer primarily engaged, nor does it propose to engage primarily, in the business of investing, reinvesting or trading in securities; and that it no longer meets the statistical definition of an investment company contained in section 3(a)(3) of the Act. Although Applicant intends to invest in securities from time to time, it is indicated that such activity will be limited in scope.

Applicant's balance sheet as of December 31, 1959, shows that the company owned investment securities (including an investment of $43,500 in an affiliated real estate company) with an aggregate value of $231,916, which was equivalent to approximately 24 percent of total assets, exclusive of Government securities and cash. Such balance sheet also shows direct real estate holdings of $580,430, which was equivalent to 60 percent of total assets, exclusive of Government securities and cash.

Applicant's balance sheet as of December 31, 1958, shows that the company owned investment securities (including an investment of $8,500 in an affiliated real estate company) aggregating $432,581, which was equivalent to approximately 54 percent of total assets, exclusive of Government securities and cash. Such balance sheet also shows direct real estate holdings of $175,440, which was 22 percent of total assets, exclusive of Government securities and cash.

Applicant represents that there has been little change in Applicant's holdings of investment securities since the end of 1959; and that Applicant is presently considering participation in the erection of an office building through a majority owned subsidiary.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than September 14, 1960, at 5:30 p.m., eastern daylight saving time, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8241; Filed, Sept. 2, 1960; 8:48 a.m.]

[File 7-2077]

UNION BAG-CAMP PAPER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 30, 1960.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Union Bag-Camp Paper Corporation, File 7-2077.

Upon receipt of a request, on or before September 16, 1960 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8242; Filed, Sept. 2, 1960; 8:48 a.m.]

TARIFF COMMISSION

[22-23]

TUNG OIL AND TUNG NUTS

Notice of Investigation and Date of Hearing

At the request of the President, the United States Tariff Commission, on the 31st day of August 1960, instituted an investigation under section 22(a) of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether tung oil and tung nuts are practically certain to be imported into the United States after October 31, 1960 under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program of the United States Department of Agriculture for tung nuts, or to reduce substantially the amount of products processed in the United States from tung nuts with respect to which such program is undertaken.

Pursuant to section 22 of the Agricultural Adjustment Act, the President proclaimed an annual quota on imports of tung nuts and tung oil equal to 26,000,000 pounds oil equivalent (3 CFR, 1957 Supp., p. 43; 3 CFR, 1958 Supp., p. 27). The quota restrictions will expire on October 31, 1960.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing

Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m. e.d.s.t., on September 21, 1960. Interested parties desiring to appear and to be heard at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least three days in advance of the date set for the hearing.

Issued September 1, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-8277; Filed, Sept. 2, 1960; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IV-3 (Rev. 2)]

ADMINISTRATIVE OFFICER

Delegation Relating to Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6) dated January 11, 1960 (25 F.R. 1076), there is hereby delegated to the Administrative Officer the authority:

A. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees in the region.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; (b) approve expenses incident to change of official duty station; and (c) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in Grades GS-1 through GS-7.

B. *Correspondence.* To sign all nonpolicy correspondence, except Congressional correspondence, relating to the administrative functions of the Regional Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Administrative Officer.

IV. All previous authority delegated to the Administrative Officer is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: June 24, 1960.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 60-8243; Filed, Sept. 2, 1960; 8:48 a.m.]

[Delegation of Authority 30-IV-5 (Rev. 4), Amdt. 1]

BRANCH MANAGER, BALTIMORE, MARYLAND

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Delegation of Authority No. 30-IV-5 (Revision 4) 25 F.R. 6548 is hereby amended by:

(1) Deleting paragraph I A 10 in its entirety and substituting in lieu thereof:

10. To take all necessary actions in connection with the administration, servicing and collection of current and problem loans.

(2) Deleting paragraph I C 3 in its entirety.

Dated: August 24, 1960.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 60-8244; Filed, Sept. 2, 1960; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

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Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

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Washington, Wednesday, September 7, 1960

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Proclamation 3369

CHILD HEALTH DAY, 1960

By the President of the United States of America

A Proclamation

WHEREAS our children embody the promise of a better world, and are our most cherished and most rewarding responsibility; and

WHEREAS we must strive continually to advance their spiritual, mental, and physical well-being; and

WHEREAS the observance of a special day emphasizing the importance of child health affords us an opportunity to express our common concern for the health of America's younger generation; and

WHEREAS the Congress, by a joint resolution of May 18, 1928, 45 Stat. 617, as amended by a joint resolution of September 22, 1959, 73 Stat. 627 (36 U.S.C. 143), has authorized and requested the President of the United States to issue annually a proclamation setting apart the first Monday in October as Child Health Day; and

WHEREAS Child Health Day is also an appropriate time for the people of the United States to observe a Universal Children's Day, and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for children around the world:

Now, therefore, I, Dwight D. Eisenhower, President of the United States of America, do hereby designate Monday, the third day of October 1960, as Child Health Day; and I invite all persons and all agencies and organizations interested in the welfare of children to unite on that day in observances that will emphasize the breadth and depth of our concern that our children have the best possible health so that they may better discharge the responsibilities of leadership which will soon be theirs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of August in the year of our Lord nineteen hundred and [SEAL] sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:
CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-8314; Filed Sept. 2, 1960; 1:18 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 24 F.R. 10029 and containing the specific requirements for the continuing Livestock Feed Program are amended as follows:

Section 475.203 *Definitions* is amended by amending paragraphs (g), (o) and (p) and by adding new paragraphs (q) and (r), such paragraphs to read as follows:

(g) "Authorized period" means the period during which feed grains will be made available to the owner under a single application. In the case of applications filed in an approval month, the authorized period shall commence on the date the application is filed, and in the case of applications filed during the last week of a nonapproval month which is immediately succeeded by an approval month, the authorized period shall begin on the first Monday of such approval month. In the case of applications for additional assistance beyond the expiration date of any authorized period shown on a previously approved Form 65, the authorized period shall begin as provided in the previous sentence except that if the application is filed during the last week of the authorized period shown on the previously approved Form 65 and such week is succeeded by a day that is in an approval month, the authorized period shall begin on the first day following the preceding authorized period. The authorized period shall terminate on the last day of the prescribed period or 60 calendar days after the beginning date of the authorized period, whichever is earlier.

* * * * *

(o) "Market price" means the price at which local merchandisers are currently selling feed grains, designated by the Executive Vice President of CCC or his authorized designee of the class, grade, and quality to which the basic loan rate applies to normal purchasers such as livestock owners, truckers, and other merchandisers. Such market prices shall be used by the county office in establishing approval months.

(p) "Minimum prices" means the minimum prices furnished the State committee by the Executive Vice President of CCC or his authorized designee for use by the county office in establishing approval months.

(q) "Approval month" means the month during the prescribed period when applications may be considered for approval. Such month shall refer to (i) a month for which the market prices of the designated kinds of major feed grains are computed to be equal to or above the minimum prices for such kinds of feedgrains, and (ii) all months in the prescribed period when the Executive Vice President, Commodity Credit Corporation, directs that applications may be considered for approval at any time during such period. An approval month shall be in effect from the first Monday of the current month to, but not including, the first Monday of the succeeding month, except that the first approval month in the prescribed period shall begin on the first day of such period, and shall end on the day preceding the first Monday of the next succeeding month, and the last approval month in the prescribed period shall end on the last day of such period. Information as to whether a particular month in the prescribed period is an approval month may be obtained from the county committee.

(r) "Non-approval month" means a month during the prescribed period in which applications may not be considered for approval.

Section 475.205 *Application and approval* is amended by amending (c) to read as follows:

(c) *Filing of Applications.* (1) The applicant shall furnish all information required of him on the Form 65, and shall certify as to the requirements specified in § 475.204(b). In order to be considered for approval, an application must be filed in the prescribed period during an approval month or during the last week of any non-approval month which is immediately succeeded by an approval month.

(2) Applications for additional assistance beyond the authorized period shown on a previously approved Form 65 may be filed by an owner provided that the period during which relief is requested falls within the prescribed period. In order to be considered for approval such applications must be filed:

(i) After expiration of such authorized period, provided that the application is filed during an approval month or during the last week of a non-approval month which is immediately succeeded by an approval month, or

(ii) During the last week of the authorized period, shown on the previously approved Form 65 provided that the first day succeeding such authorized period falls in an approval month.

(3) The date of filing shall be the date the application is received in the county office.

(4) The quantity of feed grain requested by the applicant shall not include any quantity which he is able to obtain for his livestock for the authorized period without incurring undue financial hardship.

Section 475.205(d) *Committee action on applications* is amended by amending (1) through (5) and (11) to read as follows:

(1) The county committee shall review each Form 65 and approval shall be given only if the applicant meets the eligibility requirements. Applications shall be considered for approval by the county committee only if filed as provided in paragraph (c) of this section.

(2) The county committee will review all applications except those applications submitted by State and county committeemen, State and county office personnel and those involving 500 or more animal units of eligible livestock, and determine whether the applicant is eligible to purchase grain under this program and, if so, the quantity which may be purchased during the authorized period. Applications suomitted by State and county committeemen, State and county office personnel, and those involving 500 or more animal units of eligible livestock will be reviewed as outlined in subparagraph (11) of this paragraph.

(3) The maximum quantity of feed grain which an applicant may be approved to purchase for the authorized period shall not exceed:

(i) 10 pounds per day of feed grains per animal unit, or whatever lesser quantity is established by the State committee, for the following kinds and classes of eligible livestock:

GROUP 1

(a) Dairy cattle two years old and over, excluding dairy bulls;
(b) Beef cattle on full grain ration, including cows and feeder heifers, excluding bulls;
(c) Sows and hogs on full grain ration;
(d) Sheep and lambs on full grain ration, and
(e) Horses and mules.

(ii) Five pounds per day of feed grains per animal unit, or whatever lesser quantity is established by the State committee, for the following kinds and classes of eligible livestock:

GROUP 2

(a) Dairy cattle under two years old and bulls
(b) Beef cattle not on full grain ration and bulls
(c) Swine not on full grain ration
(d) Sheep and lambs not on full grain ration, and
(e) Goats

(4) The actual quantity of feed grains which an applicant shall be approved to purchase during the authorized period shall be the smaller of: (a) the maximum quantity of feed grains which the applicant may be approved to purchase less the total quantity of feed available to him for feeding his eligible livestock during the authorized period, or (b) the quantity of feed grain requested by the applicant on his Form 65.

(5) The total quantity of feed available to the applicant shall be determined by taking into consideration feed already on hand, including the quantity of feed grains sold by the applicant in the period beginning 30 days prior to the date the area was designated an emergency area (except to the extent the applicant can show that the sale was necessary to provide funds for application on a bona fide indebtedness on which payment was then essential), the estimate of feed to be produced and harvested during the authorized period, and the feed which is to be delivered under the Emergency Feed or other Emergency Feed Programs during the authorized period. In determining the feed available to the applicant, the county committee shall consider the following as feed: feed grains, except grains reserved for seed by the applicant for seeding his normal acreage, ensilage, hay and forage including pasture. The applicant's wheat and rye shall only be considered as feed grains in areas designated by the Executive Vice President, CCC. In determining the total quantity of feed grain available when the applicant is a partnership or a family corporation, the quantity of feed grain that each partner of the partnership or member of the family corporation has available shall be combined and taken into consideration.

(11) In connection with a Form 65 submitted by State and county committeemen, State and county office personnel and those involving 500 or more animal units of eligible livestock, the county committee shall make recommendations with respect to the eligibility of the applicant and the quantity of grain which such applicant is entitled to purchase in accordance with the standards prescribed in this subpart. Such recommendation, together with the Form 65, shall be referred to such officials in CSS as may be designated by the Executive Vice President, CCC, to make final determinations with respect to such applications on the basis of the same standards and subject to the same limitations as are applicable to the county committee.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

AUGUST 31, 1960.

[F.R. Doc. 60-8294; Filed, Sept. 6, 1960; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Miscellaneous Amendments

Statement of considerations. In January 1957, the Commission issued the regulations in this part to establish standards for protection of licensees, their employees and the general public against radiation hazards arising out of the possession or use of special nuclear, source or byproduct material under a license issued by AEC. These regulations, among other things, prescribe limitations which govern exposure of personnel to radiation and concentrations of radioactive material, concentrations of radioactive material which may be discharged into air or water, disposal of radioactive wastes; and limits on levels of radiation outside of restricted areas.

The standards established in the regulation were based on those published by the National Committee on Radiation Protection in Handbook 52, "Maximum Permissible Amounts of Radioisotopes in the Human Body and Maximum Permissible Concentrations in Air and Water," and Handbook 59, "Permissible Dose from External Sources of Ionizing Radiations."

As noted by the Commission in its statement published with Part 20 in the FEDERAL REGISTER (22 F.R. 548, January 29, 1957), "The National Committee on Radiation Protection has under review recommendations to limit cumulative exposures over periods of years. The Commission is giving consideration to appropriate amendments to its regulations to deal with this cumulative exposure problem."

In January 1957, the NCRP issued a preliminary statement containing recommendations with respect to the maximum permissible accumulated dose for occupational radiation exposures, as well as for exposures of the population. These recommendations have since been revised and re-issued as an addendum to National Bureau of Standards Handbook 59, dated April 15, 1958. A complete revision by the NCRP of National Bureau of Standards Handbook 52 on "Maximum Permissible Amounts of Radioisotopes in the Human Body and Maximum Permissible Concentrations in Air and Water" was published in June 1959 in a new NBS Handbook 69. These changes were announced by the national Bureau of Standards on April 23, 1959.

On May 2, 1959, the Commission published in the FEDERAL REGISTER proposed amendments designed to bring the Commission's radiation protection standards into accord with these most recent recommendations by the NCRP. Many comments and suggestions have been received in response to the notice of proposed rule making. They have been taken into consideration in preparation of the amendment set forth below.

On May 13, 1960, the President approved certain recommendations which had been made to him by the Federal Radiation Council for the guidance of agencies in the executive branch of the Government. The numerical values contained therein are substantially the same as the corresponding values recommended by the NCRP in Handbook 59 (revised) and those incorporated in the following amendments.

The limits on exposure to radiation and concentrations of radioactive material established in the following amendments are based upon available information concerning the biological effects of exposure to radiation from external sources and from concentrations of radioactive material in air and water. The Commission believes that those limits established in the following amendments provide an appropriate regulatory basis for protection of the health and safety of employees and the public without imposing undue burdens upon licensed users of radioactive material.

Recommended limits on exposure, based upon extensive scientific and technical investigation and upon years of experience with the practical problems of radiation protection, represent a consensus as to the measures generally desirable to provide appropriate degrees of safety in the situations to which these measures apply. While the numerical values for exposure limits established in this regulation provide a conservative standard of safety, the nature of the problem is such that lower exposure limits would be used if considered practical. At the same time, if there were sufficient reason, the use of considerably higher exposure limits in this regulation would not have been considered to result in excessive hazards.

The Commission recognizes that guides and recommendations based upon these considerations cannot be converted into regulations without loss of flexibility in applying the recommendations to individual situations. It is, however, the policy of the Commission to minimize this loss of flexibility both in the formulation of its regulations and in their administration to the greatest extent compatible with the nature of the problem and with good regulatory practice.

Literal application of the NCRP and Federal Radiation Council (FRC) standards to individuals who have had prior occupational exposure to radiation requires a determination of the magnitude of previous exposures. Such a determination in many situations may be extremely and unnecessarily burdensome. Frequently, records of previous exposures will be unavailable or available only at great inconvenience and expense. In many cases previous occupational exposures to sources of ionizing radiation beyond the Commission's jurisdiction will not have been recorded. Hence, in formulating the following amendments it has appeared desirable to permit continued exposure to the low levels of radiation specified in paragraph (a) of § 20.101 without regard to previous occupational exposure. The limits established in paragraph (a) of § 20.101 would permit occupational exposure to the whole body, gonads and blood-forming organs over a period of a year not exceeding one-third the annual exposure to radiation previously permitted under the existing Part 20 regulations. This rate corresponds also to the average annual exposure which may be accumulated under the NCRP and FRC recommendations. It is believed likely that a good many licensees will prefer to limit the occupational exposure of their employees to this level rather than undertake the burden and expense of determining individual previously accumulated exposures from past records.

In any case where a licensee desires to take advantage of any additional exposure (3 rems per quarter whole body exposure) under the NCRP and FRC recommendations, the licensee may do so pursuant to paragraph (b) of § 20.101 of the amendments.

One of the problems considered in connection with the amendments concerns persons who for any reason might receive an exposure to radiation or concentrations of radioactive material in excess of the established limits. Such exposures would, of course, be contrary to the Commission's regulations and might in appropriate cases be made the subject of appropriate proceedings against the licensee by the Commission. Rigid application of the "limits" on exposure might, in some cases, lead to unwarranted removal of the individual from employment involving radiation exposure and consequent periods of unemployment. The regulation, however, does not adopt such an approach. The additional risk to an individual as the result of further radiation exposure within the limits prescribed in the amendments is believed to be sufficiently small that, except in rare situations, removal from employment after an accidental over-exposure would not be warranted. Under the amendments, licensees will be required to notify the individual, as well as the Commission, of any exposure to radiation above the limits established. It should be noted that where an individual receives radiation exposure in excess of the limits prescribed for any calendar period (calendar quarter in the case of exposure to radiation, week in the case of exposure to radioactive material), he must be removed from further exposure during the remainder of the applicable period. The regulations require that in determining the accumulated dose of any individual under paragraph (b) of § 20.101, previous over-exposures must be included.

The amendments include a comprehensive revision of the values specified in Appendix B, "Concentrations in Air and Water above Natural Background." The values specified in those tables are the concentrations to which licensees may expose persons in restricted areas, or which may be released by licensees into the environment, without specific approval from the Commission. With respect to most isotopes listed, the principal differences between the values set forth in the new tables and those contained in Appendix B of the regulation published in January 1957 are a reduction to one-third of the concentrations of those radioisotopes having their principal effect upon the gonads or the whole body (i.e., those as to which the "whole body" or the gonads are considered to be the critical organ) and lowering of others to control the exposure to the gastrointestinal tract to 15 rems per year.

The reductions in the values specified in Appendix B do not modify the basic approach in Part 20 with respect to levels of radiation and concentrations of radioactive materials in unrestricted areas. The sections limit levels of radiation and concentrations of radioactive material which may be created in unrestricted areas by licensees, without special authorization from the AEC, to specified low levels. These levels are believed to be sufficiently low to provide reasonable assurance that individuals in unrestricted areas will not receive a dose to the whole body in any period of one year in excess of 0.5 rem. Procedures are incorporated in those sections, as previously, under which the Commission may authorize licensees in specific cases to create higher levels in unrestricted areas where the circumstances of the particular case are such as to provide reasonable assurance that individuals in the unrestricted areas will not receive a dose to the whole body in any period of one year in excess of 0.5 rem.

Authority is reserved to the Commission in § 20.108 to require the furnishing of appropriate bio-assay services where necessary or desirable in order to determine the extent of an individual's exposure to radioactive material.

The amendments do not require licensees to calculate a "combined" exposure for employees who receive occupational exposure to internal as well as external radiation. Knowledge of the relative effects of exposure to internal and external radiation, and means for calculating "combined" exposures, are not sufficiently well developed for this to be a workable procedure. As a practical matter, it would be rare for an individual to receive an organ dose in excess of the limits recommended by the FRC as a result of "combined" exposure from external and internal sources. In any event, observance of the limits on internal exposure and the limits on external exposure will restrict the dose to any organ to a maximum of two times the value recommended by the Federal Radiation Council.

The amendments require licensees to furnish reports to employees of exposure to radiation and concentrations of radioactive material in excess of the limits specified in the amendments. Licensees are also required to furnish periodic exposure information to employees if requested by them. Forms are incorporated in the regulation for recording of occupational exposures and exposure histories which should be of considerable assistance to licensees in complying with the regulations and to the Commission in its enforcement program.

The adoption of the limits specified in these amendments should not be considered as a departure from the principle that unnecessary exposure to ionizing radiation should be avoided.

The following is a summary of some of the principal differences between the amendment set forth below and the proposed amendment published in May 1959:

(a) The table of neutron flux dose equivalents in paragraph (c), § 20.4 has been amended to bring it up-to-date with values specified in NCRP Handbook No. 63.

(b) Criteria for measuring concentrations of radon and its decay products, natural uranium, and natural thorium have been revised (paragraphs (b) and (c) of § 20.5).

(c) Paragraph (c) of § 20.102 has been substantially revised. As published below, it will require any licensee who proposes to expose an employee to radiation within the limits of the accumulated dose formula specified in § 20.101(b) to make reasonable attempts to obtain reports of the employee's previous occupational exposure to radiation. It also specifies the occupational dose which must be assumed for any calendar quarter of occupational exposure to radiation for which the licensee is unable to obtain such reports. The values specified for this purpose, as to periods after the effective date of these amendments, have been lowered from 3 rem (whole body exposure) to 1¼ rem. Corresponding reductions have been made for other parts of the body. The new values are the same as the values to which employees may be exposed without obtaining records of previous exposure.

(d) The provisions in § 20.103 applicable to exposure of individuals to concentrations of radioactive material in restricted areas have been modified. The modifications are for the purpose of making it clear that, in determining whether individuals are being exposed in restricted areas to concentrations of radioactive material within the limits specified, no credit should be taken for particle size or the use of respirators or similar equipment unless approved by the Commission. A paragraph has been added to this section specifying the kinds of information which should be submitted to the Commission to obtain such approvals.

(e) Reference to body burdens of radioactive material has been deleted from § 20.108 and from Appendix B. Control of internal exposure is accomplished in the regulation by limiting the concentrations of radioactive material in air and water to which employees may be exposed. Section 20.108 in the amendments provides that in appropriate, specific cases the Commission may require that bio-assay studies be conducted.

(f) Changes have been made in the radiation levels specified in paragraph (a), of § 20.202. This paragraph establishes requirements concerning the use of personnel monitoring equipment. The new values are high enough to be susceptible of measurement by personnel monitoring equipment which is in general use. At the same time, they are low enough to assure that any exposure to substantial portions of the permitted dose under the regulations will be recorded.

(g) Section 20.206 has been revised to require that a copy of the regulations in this part, and of operating procedures incorporated as a condition of applicable licenses, be posted or kept available for examination upon request. In addition, § 20.206 now requires that employers post conspicuously a new form of poster intended to inform employees of the requirements in this part, their right to request information concerning their exposure to radiation, and similar matters.

(h) Changes have been made in the record keeping requirements (§ 20.401) to eliminate two of the record forms

which would have been required under the proposed amendments. The information which would have been required by the deleted forms has been incorporated in a simplified Form AEC–5.[1]

(i) Clarifying revisions have been made in § 20.403 pertaining to reports to the Commission of incidents. This section defines incidents that must be reported to the Commission either immediately or within twenty-four hours. The circumstances under which such reports must be furnished to the Commission under the following amendments have been redefined so as to make them consistent with the revised limits on exposure to radiation established by the amendments.

(j) The provisions of the proposed rules published in May 1959 requiring reports to individuals of exposure to radiation have been simplified and reduced. Section 20.404, requiring reports to employees of exposure to radiation upon termination of employment, is now applicable only if the employee requests such a report. The provisions in § 20.406 have been revised to require that employees be notified annually of their exposure to radiation only upon request of the employee. In addition, the provision has been redrafted so as to eliminate the need for licensees to furnish this information to employees in the form of a report or other similar document. Section 20.406 requires that the licensee "advise" the employee of such exposure. Under the provisions, the licensee may furnish the information to the employee in any appropriate way, e.g., orally, or otherwise. Section 20.405 retains, without substantial change, the requirement that if there is an exposure of an individual to radiation or to radioactive material in excess of any limit in the regulations or the applicable license, the exposure must be reported both to the Commission and to the individual exposed.

The Commission will welcome suggestions and comments from interested persons for further changes in these rules. Such comments should be addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., Attention, Director, Division of Licensing and Regulation.

Effective January 1, 1961, Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation", is amended in the following respects:

§ 20.3 [Amendment]

1. Paragraph (a) of § 20.3 is amended by renumbering subparagraphs (4), (5), (6), (7) and (8) to be subparagraphs (5), (6), (7), (8) and (9); and by renumbering subparagraphs (9), (10), (11), (12), (13), (14) and (15) to be subparagraphs (11), (12), (13), (14), (15), (16) and (17), respectively.

2. The following subparagraphs are added to paragraph (a) of § 20.3:

(4) "Calendar quarter" means any period determined according to either of the following subdivisions:

(i) January 1 to March 31, inclusive; April 1 to June 30, inclusive; July 1 to September 30, inclusive; October 1 to December 31, inclusive; or

(ii) The first period in a calendar year of 13 complete, consecutive calendar weeks; the second period in a calendar year of 13 complete, consecutive calendar weeks; the fourth period in a calendar year of 13 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of the previous year.

No licensee shall change the method observed by him of determining calendar quarters for purposes of this part except at the beginning of a calendar year.

* * * * * *

(10) "Occupational dose" includes exposure of an individual to radiation (i) in a restricted area; or (ii) in the course of employment in which the individual's duties involve exposure to radiation; provided, that "occupational dose" shall not be deemed to include any exposure of an individual to radiation for the purpose of medical diagnosis or medical therapy of such individual.

§ 20.4 [Amendment]

3. The table in paragraph (c) of § 20.4 is amended to read as follows:

NEUTRON FLUX DOSE EQUIVALENTS

Neutron energy (Mev)	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/cm²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm² per sec.)
Thermal	970×10^6	670
0.0001	720×10^6	500
0.005	820×10^6	570
0.02	400×10^6	280
0.1	120×10^6	80
0.5	43×10^6	30
1.0	26×10^6	18
2.5	29×10^6	20
5.0	26×10^6	18
7.5	24×10^6	17
10	24×10^6	17
10 to 30	14×10^6	10

4. The following paragraph (d) is added to § 20.4:

(d) For determining exposures to X or gamma rays up to 3 Mev, the dose limits specified in §§ 20.101 to 20.104, may be assumed to be equivalent to the "air dose". For the purpose of this part "air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of highest dosage rate.

§ 20.5 [Amendment]

5. The "Note" following paragraph (a) of § 20.5 is deleted.

6. Paragraphs (b) and (c) of § 20.5 are amended to read as follows:

(b) For purposes of the regulations in this part, it may be assumed that the daughter activity concentrations in the following table are equivalent to an air concentration of 10^{-7} microcuries of Radon 222 per milliliter of air in equilibrium with the daughter RaA, RaB, RaC, and RaC'[1]:

Maximum time between collection and measurement (hours)[1]	Alpha-emitting daughter activity collected per milliliter of air	
	Microcuries/cc	Total alpha disintegrations per minute per cc.
0.5	7.2×10^{-8}	0.16
1	4.5×10^{-8}	0.10
2	1.3×10^{-8}	0.028
3	0.3×10^{-8}	0.0072

[1] The duration of sample collection and the duration of measurement should be sufficiently short compared to the time between collection and measurement, as not to have a statistically significant effect upon the results.

(c) *Natural uranium and natural thorium.* (1) For purposes of the regulations in this part, one curie of natural uranium (U–natural in Appendix B or C) means the sum of 3.7×10^{10} disintegrations per second from U–238 plus 3.7×10^{10} dis/sec from U–234 plus 9×10^{8} dis/sec from U–235. Also, a curie of natural thorium (thorium-natural in Appendix B or C) means the sum of 3.7×10^{10} dis/sec from Th^{232} plus 3.7×10^{10} dis/sec from Th^{228}.

(2) For the purpose of the regulations in this part, one curie of natural uranium (U–natural in Appendix B or C) is equivalent to 3,000 kilograms, or 6,615 pounds of natural uranium; and one curie of natural thorium (thorium-natural in Appendix B or C) is equivalent to 9,000 kilograms or 19,850 pounds of natural thorium.

7. Sections 20.101 to 20.105, are repealed and the following sections added:

§ 20.101 Exposure of individuals to radiation in restricted areas.

(a) Except as provided in paragraph (b) of this section, no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from radioactive material and other sources of radiation in the licensee's possession a dose in excess of the limits specified in the following table:

Rems per calendar quarter

1. Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
2. Hands and forearms; feet and ankles	18¾
3. Skin of whole body	7½

(b) A licensee may permit an individual in a restricted area to receive a dose to the whole body greater than that permitted under paragraph (a) of this section, provided:

(1) During any calendar quarter the dose to the whole body from radioactive material and other sources of radiation in the licensee's possession shall not exceed 3 rems; and

(2) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed

[1] Filed as a part of the original document.

§ (N–18) rems where "N" equals the individual's age in years at his last birthday; and

(3) The licensee has determined the individual's accumulated occupational dose to the whole body on Form AEC–4,[1] or on a clear and legible record containing all the information required in that form; and has otherwise complied with the requirements of § 20.102. As used in paragraph (b), "Dose to the whole body" shall be deemed to include any dose to the whole body, gonads, active blood-forming organs, head and trunk, or lens of eye.

§ 20.102 Determination of accumulated dose.

(a) This section contains requirements which must be satisfied by licensees who propose, pursuant to paragraph (b) of § 20.101, to permit individuals in a restricted area to receive exposure to radiation in excess of the limits specified in paragraph (a) of § 20.101.

(b) Before permitting any individual in a restricted area to receive exposure to radiation in excess of the limits specified in paragraph (a) of § 20.101, each licensee shall:

(1) Obtain a certificate on Form AEC–4, or on a clear and legible record containing all the information required in that form, signed by the individual showing each period of time after the individual attained the age of 18 in which the individual received an occupational dose of radiation; and

(2) Calculate on Form AEC–4 in accordance with the instructions appearing therein, or on a clear and legible record containing all the information required in that form, the previously accumulated occupational dose received by the individual and the additional dose allowed for that individual under § 20.101(b).

(c)(1) In the preparation of Form AEC–4, or a clear and legible record containing all the information required in that form, the licensee shall make a reasonable effort to obtain reports of the individual's previously accumulated occupational dose. For each period for which the licensee obtains such reports, the licensee shall use the dose shown in the report in preparing the form. In any case where a licensee is unable to obtain reports of the individual's occupational dose for a previous complete calendar quarter, it shall be assumed that the individual has received the occupational dose specified in whichever of the following columns apply:

Part of body	Column 1 Assumed exposure in rems for calendar quarters prior to Jan. 1, 1961	Column 2 Assumed exposure in rems for calendar quarters beginning on or after Jan. 1, 1961
Whole body, gonads, active blood-forming organs, head and trunk, lens of eye.	3¾	1¼

[1] Filed as part of original document.

(2) The licensee shall retain and preserve records used in preparing Form AEC–4.

If calculation of the individual's accumulated occupational dose for all periods prior to January 1, 1961 yields a result higher than the applicable accumulated dose value for the individual as of that date, as specified in paragraph (b) of § 20.101, the excess may be disregarded.

§ 20.103 Exposure of individuals to concentrations of radioactive material in restricted areas.

(a) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual in a restricted area to be exposed to airborne radioactive material possessed by the licensee in an average concentration in excess of the limits specified in Appendix B, Table I, of this part. "Expose" as used in this section means that the individual is present in an airborne concentration. No allowance shall be made for the use of protective clothing or equipment, or particle size, except as authorized by the Commission pursuant to paragraph (c) of this section.

(b) The limits given in Appendix B, Table I, of this part are based upon exposure to the concentrations specified for forty hours in any period of seven consecutive days. In any such period where the number of hours of exposure is less than forty, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than forty, the limits specified in the table shall be decreased proportionately.

(c)(1) Except as authorized by the Commission pursuant to this paragraph, no allowance shall be made for particle size or the use of protective clothing or equipment in determining whether an individual is exposed to an airborne concentration in excess of the limits specified in Appendix B, Table I.

(2) The Commission may authorize a licensee to expose an individual in a restricted area to airborne concentrations in excess of the limits specified in Appendix B, Table I, upon receipt of an application demonstrating that the concentration is composed in whole or in part of particles of such size that such particles are not respirable; and that the individual will not inhale the concentrations in excess of the limits established in Appendix B, Table I. Each application under this subparagraph shall include an analysis of particle sizes in the concentrations; and a description of the methods used in determining the particle sizes.

(3) The Commission may authorize a licensee to expose an individual in a restricted area to airborne concentrations in excess of the limits specified in Appendix B, Table I, upon receipt of an application demonstrating that the individual will wear appropriate protective equipment and that the individual will not inhale, ingest or absorb quantities of radioactive material in excess of those which might otherwise be permitted under this part for employees in restricted areas during a 40-hour week. Each application under this subparagraph shall contain the following information:

(i) A description of the protective equipment to be employed, including the efficiency of the equipment for the material involved;

(ii) Procedures for the fitting, maintenance and cleaning of the protective equipment; and

(iii) Procedures governing the use of the protective equipment, including supervisory procedures and length of time the equipment will be used by the individuals in each work week. The proposed periods for use of the equipment by any individual should not be of such duration as would discourage observance by the individual of the proposed procedures; and

(iv) The average concentrations present in the areas occupied by employees.

§ 20.104 Exposure of minors.

(a) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual within a restricted area who is under 18 years of age, to receive in any period of one calendar quarter from radioactive material and other sources of radiation in the licensee's possession a dose in excess of 10 percent of the limits specified in the table in paragraph (a) of § 20.101.

(b) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual within a restricted area, who is under 18 years of age to be exposed to airborne radioactive material possessed by the licensee in an average concentration in excess of the limits specified in Appendix B, Table II of this part. For purposes of this paragraph, concentrations may be averaged over periods not greater than a week.

(c) The provisions of paragraph (c) of § 20.103, shall apply to exposures subject to paragraph (b) of this section.

§ 20.105 Permissible levels of radiation in unrestricted areas.

(a) There may be included in any application for a license or for amendment of a license proposed limits upon levels of radiation in unrestricted areas resulting from the applicant's possession or use of radioactive material and other sources of radiation. Such applications should include information as to anticipated average radiation levels and anticipated occupancy times for each unrestricted area involved. The Commission will approve the proposed limits if the applicant demonstrates that the proposed limits are not likely to cause any individual to receive a dose to the whole body in any period of one calendar year in excess of 0.5 rem.

(b) Except as authorized by the Commission pursuant to paragraph (a) of this section, no licensee shall possess, use or transfer licensed material in such a manner as to create in any unrestricted area from radioactive material and other sources of radiation in his possession:

(1) Radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of two millirems in any one hour, or

(2) Radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of 100 millirems in any seven consecutive days.

§ 20.106 Concentrations in effluents to unrestricted areas.

(a) There may be included in any application for a license or for amendment of a license proposed limits upon concentrations of licensed and other radioactive material released into air or water in unrestricted areas as a result of the applicant's proposed activities. Such applications should include information as to anticipated average concentrations and anticipated occupancy times for each unrestricted area involved. The Commission will approve the proposed limits if the applicant demonstrates that it is not likely that any individual will be exposed to concentrations in excess of the limits specified in Appendix B, Table II, of this part. For purposes of this paragraph concentrations may be averaged over periods not greater than one year.

(b) Except as authorized by the Commission pursuant to § 20.302 or paragraph (a) of this section, no licensee shall possess, use or transfer licensed material in such a manner as to release into air or water in any unrestricted area any concentration of radioactive material in excess of the limits specified in Appendix B, Table II, of this part. For purposes of this paragraph, concentrations may be averaged over periods not greater than one year.

(c) For purposes of this section, determinations as to the concentration of radioactive material shall be made with respect to the point where such material leaves the restricted area. Where the radioactive material is discharged through a stack, tube, pipe, or similar conduit, the determination may be made with respect to the point where the material leaves such conduit.

(d) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems (see § 20.303).

§ 20.107 Medical diagnosis and therapy.

Nothing in the regulations in this part shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or medical therapy.

§ 20.108 Orders requiring furnishing of bio-assay services.

Where necessary or desirable in order to aid in determining the extent of an individual's exposure to concentrations of radioactive material, the Commission may incorporate appropriate provisions in any license, directing the licensee to make available to the individual appropriate bio-assay services and to furnish a copy of the reports of such services to the Commission.

§ 20.202 [Amendment]

8. Paragraph (a) of § 20.202 is amended to read as follows:

(a) Each licensee shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

(1) Each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 20.101.

(2) Each individual under 18 years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 20.101.

(3) Each individual who enters a high radiation area.

9. Paragraph (b)(2) of § 20.202 is amended by substituting "100 millirems" for "150 millirems".

10. Section 20.206 is amended to read as follows:

§ 20.206 Instruction of personnel; posting of notices to employees.

(a) All individuals working in or frequenting any portion of a restricted area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or procedures to minimize exposure; shall be instructed in the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials; and shall be advised of reports of radiation exposure which employees may request pursuant to these regulations.

(b) Each licensee shall post a current copy of the regulations in this part, a copy of the license, and a copy of operating procedures applicable to work under the license conspicuously in a sufficient number of places in every establishment where employees are employed in activities licensed by the Commission to permit them to observe such documents on the way to or from their place of employment or shall keep such documents available for employees' examination upon request.

(c) Form AEC–3[1] "Notice to Employees", shall be conspicuously posted in a sufficient number of places in every establishment where employees are employed in activities licensed by the Commission to permit them to observe a copy on the way to or from their place of employment.

NOTE: Copies of Form AEC–3 "Notice to Employees", may be obtained by writing to the Manager, appropriate AEC Operations Office or the Director, Division of Licensing and Regulation, Washington 25, D.C.

§ 20.301 [Amendment]

11. Paragraph (c) of § 20.301 is amended by substituting "20.106" for "20.103".

§ 20.305 [Amendment]

12. Section 20.305 is amended by substituting "20.106" for "20.103".

[1] Filed as part of the original document.

§ 20.401 [Amendment]

13. Paragraph (a) of § 20.401 is amended to read as follows:

(a) Each licensee shall maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under § 20.202 of the regulations in this part. Such records shall be kept on Form AEC–5,[1] in accordance with the instructions contained in that form or on clear and legible records containing all the information by Form AEC–5. The doses entered on the forms or records shall be for periods of time not exceeding one calendar quarter.

14. Paragraph (b) of § 20.401 is deleted.

15. Paragraph (c) of § 20.401 is redesignated as paragraph (b) of that section and the following new paragraph (c) is added:

(c) Records of individual radiation exposure which must be maintained pursuant to the provisions of this subsection shall be preserved until December 31, 1965 or until a date five years after termination of the individual's employment, whichever is later. Records which must be maintained pursuant to this part may be maintained in the form of microfilms.

NOTE: Prior to December 31, 1965 the Commission may amend this paragraph to assure the further preservation of records which it determines should not be destroyed.

16. Section 20.403 is amended as follows:

§ 20.403 Notifications of incidents.

(a) *Immediate notification.* Each licensee shall immediately notify the Manager of the appropriate Atomic Energy Commission Operations Office shown in Appendix D by telephone and telegraph of any incident involving byproduct, source or special nuclear material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual of 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one working week or more of the operation of any facilities affected; or

(4) Damage to property in excess of $100,000.

(b) *Twenty-four hour notification.* Each licensee shall within 24 hours notify the Manager of the appropriate Atomic Energy Commission Operations Office listed in Appendix D by telephone and telegraph of any incident involving licensed material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radia-

tion; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms to 75 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one day or more of the operation of any facilities affected; or

(4) Damage to property in excess of $1,000.

17. The following new section is added:

§ 20.404 Report to former employees of exposure to radiation.

At the request of a former employee each licensee shall furnish to the former employee a report of the former employee's exposure to radiation as shown in records maintained by the licensee pursuant to § 20.401(a). Such report shall be furnished within 30 days from the time the request is made; shall cover each calendar quarter of the individual's employment involving exposure to radiation, or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analyses of radioactive material deposited in the body of the employee and made pursuant to the provisions of § 20.108. The report shall be in writing and contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulations entitled "Standards for Protection Against Radiation" (10 CFR Part 20). You should preserve this report for future reference.

(b) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

18. Add the following new section:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

(a) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., of (1) each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this part or in the licensee's license; (2) any incident for which notification is required by § 20.403; and (3) levels of radiation or concentrations of radioactive material (not involving excessive exposure of any individual) in an unrestricted area in excess of ten times any applicable limit set forth in this part or in the licensee's license. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels or concentrations; and corrective steps taken or planned to assure against a recurrence. The licensee shall transmit a copy of each report to the Manager of the appropriate Atomic Energy Commission Operations Office listed in Appendix D.

(b) In any case where a licensee is required pursuant to the provisions of this section to report to the Commission any exposure of an individual to radiation or to concentrations of radioactive material, the licensee shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulations entitled "Standards for Protection Against Radiation" (10 CFR Part 20). You should preserve this report for future reference.

19. Add the following new section:

§ 20.406 Notice to employees of exposure to radiation.

At the request of any employee, each licensee shall advise such employee annually of the employee's exposure to radiation as shown in records maintained by the licensee pursuant to § 20.401(a).

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

20. Appendix A is deleted.

21. Appendix B is amended to read as follows:

APPENDIX B

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

[See notes at end of appendix]

Element (atomic number)	Isotope [1]		Table I Column 1 Air (μc/ml)	Table I Column 2 Water (μc/ml)	Table II Column 1 Air (μc/ml)	Table II Column 2 Water (μc/ml)
Actinium (89)	Ac 227	S	2×10^{-12}	6×10^{-8}	8×10^{-14}	2×10^{-9}
		I	3×10^{-11}	9×10^{-7}	9×10^{-13}	3×10^{-8}
	Ac 228	S	8×10^{-8}	3×10^{-6}	3×10^{-9}	9×10^{-8}
		I	2×10^{-8}	3×10^{-6}	6×10^{-10}	9×10^{-8}
Americium (95)	Am 241	S	6×10^{-13}	1×10^{-8}	2×10^{-13}	4×10^{-9}
		I	1×10^{-10}	8×10^{-8}	4×10^{-11}	2×10^{-9}
	Am 243	S	6×10^{-13}	1×10^{-8}	2×10^{-13}	4×10^{-9}
		I	1×10^{-10}	8×10^{-8}	4×10^{-11}	3×10^{-9}
Antimony (51)	Sb 122	S	2×10^{-7}	8×10^{-6}	6×10^{-8}	3×10^{-7}
		I	1×10^{-7}	8×10^{-6}	5×10^{-8}	3×10^{-7}
	Sb 124	S	2×10^{-7}	7×10^{-6}	5×10^{-8}	2×10^{-7}
		I	2×10^{-8}	7×10^{-6}	7×10^{-10}	2×10^{-7}
	Sb 125	S	3×10^{-7}	3×10^{-5}	2×10^{-8}	1×10^{-6}
		I	3×10^{-8}	3×10^{-5}	9×10^{-10}	1×10^{-6}
Argon (18)	A 37	Sub[4]	6×10^{-6}	----------	1×10^{-6}	----------
	A 41	Sub	2×10^{-8}	----------	4×10^{-9}	----------
Arsenic (33)	As 73	S	2×10^{-6}	1×10^{-5}	7×10^{-8}	5×10^{-6}
		I	4×10^{-7}	1×10^{-5}	1×10^{-8}	5×10^{-6}
	As 74	S	3×10^{-7}	2×10^{-5}	1×10^{-8}	5×10^{-6}
		I	1×10^{-7}	2×10^{-5}	4×10^{-9}	5×10^{-6}
	As 76	S	1×10^{-7}	6×10^{-6}	4×10^{-9}	2×10^{-6}
		I	1×10^{-7}	6×10^{-6}	3×10^{-9}	2×10^{-6}
	As 77	S	5×10^{-7}	2×10^{-5}	2×10^{-8}	8×10^{-6}
		I	4×10^{-7}	2×10^{-5}	1×10^{-8}	8×10^{-6}
Astatine (85)	At 211	S	7×10^{-8}	5×10^{-6}	2×10^{-10}	2×10^{-6}
		I	3×10^{-8}	2×10^{-5}	1×10^{-9}	7×10^{-6}
Barium (56)	Ba 131	S	1×10^{-6}	1×10^{-5}	4×10^{-8}	4×10^{-6}
		I	4×10^{-7}	8×10^{-5}	1×10^{-8}	2×10^{-6}
	Ba 140	S	1×10^{-7}	8×10^{-6}	4×10^{-9}	3×10^{-6}
		I	4×10^{-7}	7×10^{-6}	1×10^{-8}	2×10^{-6}
Berkelium (97)	Bk 249	S	9×10^{-10}	2×10^{-3}	3×10^{-11}	6×10^{-5}
		I	1×10^{-7}	2×10^{-3}	4×10^{-9}	6×10^{-5}
Beryllium (4)	Be 7	S	6×10^{-6}	2×10^{-3}	2×10^{-7}	6×10^{-5}
		I	1×10^{-6}	3×10^{-3}	4×10^{-8}	2×10^{-4}
Bismuth (83)	Bi 206	S	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
		I	1×10^{-7}	1×10^{-3}	5×10^{-9}	4×10^{-5}
	Bi 207	S	2×10^{-7}	2×10^{-3}	6×10^{-9}	6×10^{-5}
		I	1×10^{-8}	2×10^{-3}	5×10^{-10}	6×10^{-5}
	Bi 210	S	6×10^{-8}	1×10^{-3}	2×10^{-10}	4×10^{-5}
		I	6×10^{-8}	1×10^{-3}	2×10^{-10}	4×10^{-5}
	Bi 212	S	1×10^{-7}	1×10^{-3}	3×10^{-9}	4×10^{-5}
		I	2×10^{-7}	1×10^{-3}	7×10^{-9}	4×10^{-5}
Bromine (35)	Br 82	S	1×10^{-6}	8×10^{-3}	4×10^{-8}	3×10^{-4}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
Cadmium (48)	Cd 109	S	5×10^{-8}	5×10^{-5}	2×10^{-9}	2×10^{-4}
		I	7×10^{-8}	5×10^{-5}	3×10^{-9}	2×10^{-4}
	Cd 115m	S	4×10^{-8}	7×10^{-6}	1×10^{-9}	3×10^{-4}
		I	4×10^{-8}	7×10^{-6}	1×10^{-9}	3×10^{-4}
	Cd 115	S	2×10^{-7}	1×10^{-3}	8×10^{-9}	3×10^{-4}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-4}
Calcium (20)	Ca 45	S	3×10^{-8}	3×10^{-5}	1×10^{-9}	8×10^{-5}
		I	1×10^{-7}	5×10^{-5}	4×10^{-9}	2×10^{-4}
	Ca 47	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	5×10^{-5}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	3×10^{-5}
Californium (98)	Cf 249	S	2×10^{-12}	1×10^{-4}	5×10^{-14}	4×10^{-3}
		I	1×10^{-10}	7×10^{-4}	3×10^{-12}	2×10^{-3}
	Cf 250	S	5×10^{-12}	4×10^{-4}	2×10^{-13}	1×10^{-3}
		I	1×10^{-10}	7×10^{-4}	3×10^{-12}	3×10^{-3}
	Cf 252	S	2×10^{-11}	7×10^{-4}	7×10^{-13}	2×10^{-3}
		I	1×10^{-10}	7×10^{-4}	4×10^{-12}	2×10^{-3}
Carbon (6)	C 14	S	4×10^{-8}	2×10^{-3}	1×10^{-7}	8×10^{-3}
	(CO_2)	Sub	5×10^{-6}	----------	1×10^{-6}	----------
Cerium (58)	Ce 141	S	4×10^{-7}	3×10^{-5}	2×10^{-8}	9×10^{-5}
		I	2×10^{-7}	3×10^{-5}	5×10^{-9}	9×10^{-5}
	Ce 143	S	3×10^{-7}	1×10^{-5}	9×10^{-9}	4×10^{-5}
		I	2×10^{-7}	1×10^{-5}	7×10^{-9}	4×10^{-5}
	Ce 144	S	1×10^{-8}	3×10^{-4}	3×10^{-10}	1×10^{-3}
		I	6×10^{-8}	3×10^{-4}	2×10^{-10}	1×10^{-3}

See footnotes at end of table.

APPENDIX B

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of appendix]

Element (atomic number)	Isotope [1]		Table I Column 1 Air (μc/ml)	Table I Column 2 Water (μc/ml)	Table II Column 1 Air (μc/ml)	Table II Column 2 Water (μc/ml)
Gold (79)	Au 199	S	1×10^{-7}	7×10^{-6}	4×10^{-9}	2×10^{-6}
		I	1×10^{-7}	9×10^{-6}	3×10^{-9}	3×10^{-6}
Hafnium (72)	Hf 181	S	4×10^{-8}	1×10^{-5}	1×10^{-9}	6×10^{-6}
		I	7×10^{-8}	1×10^{-5}	2×10^{-9}	6×10^{-6}
Holmium (67)	Ho 166	S	1×10^{-7}	9×10^{-6}	4×10^{-9}	3×10^{-6}
		I	6×10^{-8}	9×10^{-6}	2×10^{-9}	3×10^{-6}
Hydrogen (1)	H 3	Sub	2×10^{-6}	2×10^{-3}	6×10^{-8}	6×10^{-4}
Indium (49)	In 113m	S	2×10^{-7}	4×10^{-5}	6×10^{-9}	1×10^{-5}
		I	1×10^{-7}	4×10^{-5}	4×10^{-9}	1×10^{-5}
	In 114m	S	4×10^{-8}	6×10^{-6}	1×10^{-9}	2×10^{-6}
		I	4×10^{-8}	6×10^{-6}	1×10^{-9}	2×10^{-6}
	In 115m	S	1×10^{-7}	2×10^{-5}	3×10^{-9}	6×10^{-6}
		I	1×10^{-7}	2×10^{-5}	3×10^{-9}	6×10^{-6}
	In 115	S	2×10^{-8}	4×10^{-6}	6×10^{-10}	1×10^{-6}
		I	2×10^{-8}	4×10^{-6}	6×10^{-10}	1×10^{-6}
Iodine (53)	I 126	S	2×10^{-9}	1×10^{-6}	6×10^{-11}	3×10^{-7}
		I	2×10^{-9}	1×10^{-6}	6×10^{-11}	3×10^{-7}
	I 129	S	2×10^{-9}	1×10^{-6}	6×10^{-11}	3×10^{-7}
		I	2×10^{-9}	1×10^{-6}	6×10^{-11}	3×10^{-7}
	I 131	S	1×10^{-9}	7×10^{-7}	3×10^{-11}	2×10^{-7}
		I	1×10^{-9}	7×10^{-7}	3×10^{-11}	2×10^{-7}
	I 132	S	1×10^{-8}	7×10^{-6}	3×10^{-10}	2×10^{-6}
		I	1×10^{-8}	7×10^{-6}	3×10^{-10}	2×10^{-6}
	I 133	S	4×10^{-9}	3×10^{-6}	1×10^{-10}	9×10^{-7}
		I	4×10^{-9}	3×10^{-6}	1×10^{-10}	9×10^{-7}
	I 134	S	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
		I	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
	I 135	S	6×10^{-9}	4×10^{-6}	2×10^{-10}	1×10^{-6}
		I	6×10^{-9}	4×10^{-6}	2×10^{-10}	1×10^{-6}
Iridium (77)	Ir 190	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Ir 192	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	4×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	4×10^{-6}
	Ir 194	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
Iron (26)	Fe 55	S	2×10^{-6}	2×10^{-4}	8×10^{-8}	6×10^{-5}
		I	2×10^{-6}	2×10^{-4}	8×10^{-8}	6×10^{-5}
	Fe 59	S	2×10^{-7}	2×10^{-5}	8×10^{-9}	6×10^{-6}
		I	2×10^{-7}	2×10^{-5}	8×10^{-9}	6×10^{-6}
Krypton [3] (36)	Kr 85m	Sub	1×10^{-6}	----------	3×10^{-8}	----------
	Kr 85	Sub	3×10^{-6}	----------	1×10^{-7}	----------
	Kr 87	Sub	3×10^{-7}	----------	1×10^{-8}	----------
Lanthanum (57)	La 140	S	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
		I	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
Lead (82)	Pb 203	S	4×10^{-8}	3×10^{-5}	1×10^{-9}	9×10^{-6}
		I	4×10^{-8}	3×10^{-5}	1×10^{-9}	9×10^{-6}
	Pb 210	S	1×10^{-9}	1×10^{-7}	4×10^{-11}	3×10^{-8}
		I	1×10^{-9}	1×10^{-7}	4×10^{-11}	3×10^{-8}
	Pb 212	S	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
		I	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
Lutetium (71)	Lu 177	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Manganese (25)	Mn 52	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Mn 54	S	3×10^{-7}	2×10^{-5}	1×10^{-8}	6×10^{-6}
		I	3×10^{-7}	2×10^{-5}	1×10^{-8}	6×10^{-6}
	Mn 56	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Mercury (80)	Hg 197m	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Hg 197	S	3×10^{-7}	2×10^{-5}	1×10^{-8}	6×10^{-6}
		I	3×10^{-7}	2×10^{-5}	1×10^{-8}	6×10^{-6}
	Hg 203	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Molybdenum 7(42)	Mo 99	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
Neodymium (60)	Nd 144	S	1×10^{-8}	4×10^{-6}	2×10^{-10}	1×10^{-6}
		I	1×10^{-8}	4×10^{-6}	2×10^{-10}	1×10^{-6}
Neptunium (93)	Np 237	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
Nickel (28)	Ni 59	S	2×10^{-6}	2×10^{-4}	8×10^{-8}	6×10^{-5}
		I	2×10^{-6}	2×10^{-4}	8×10^{-8}	6×10^{-5}
	Ni 63	S	2×10^{-7}	2×10^{-5}	8×10^{-9}	6×10^{-6}
		I	2×10^{-7}	2×10^{-5}	8×10^{-9}	6×10^{-6}
	Ni 65	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Niobium (41)	Nb 93m	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
	Nb 95	S	3×10^{-7}	2×10^{-5}	1×10^{-8}	6×10^{-6}
		I	3×10^{-7}	2×10^{-5}	1×10^{-8}	6×10^{-6}
Osmium (76)	Os 185	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
	Os 191m	S	3×10^{-6}	2×10^{-4}	1×10^{-7}	6×10^{-5}
		I	3×10^{-6}	2×10^{-4}	1×10^{-7}	6×10^{-5}
	Os 191	S	2×10^{-7}	2×10^{-5}	6×10^{-9}	6×10^{-6}
		I	2×10^{-7}	2×10^{-5}	6×10^{-9}	6×10^{-6}
	Os 193	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Oxygen (8)	O 15	Sub	3×10^{-6}	----------	1×10^{-7}	----------
Palladium (46)	Pd 103	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Pd 109	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Phosphorus (15)	P 32	S	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
		I	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
Platinum (78)	Pt 191	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Pt 193m	S	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
		I	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
	Pt 193	S	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
		I	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
	Pt 197m	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Pt 197	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
Plutonium (94)	Pu 238	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
	Pu 239	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
	Pu 240	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
	Pu 241	S	1×10^{-10}	4×10^{-3}	3×10^{-12}	1×10^{-1}
		I	1×10^{-10}	4×10^{-3}	3×10^{-12}	1×10^{-1}
	Pu 242	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
Polonium (84)	Po 210	S	2×10^{-9}	1×10^{-7}	6×10^{-11}	4×10^{-8}
		I	2×10^{-9}	1×10^{-7}	6×10^{-11}	4×10^{-8}
Potassium (19)	K 42	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
Praseodymium (59)	Pr 142	S	1×10^{-8}	7×10^{-6}	3×10^{-10}	2×10^{-6}
		I	1×10^{-8}	7×10^{-6}	3×10^{-10}	2×10^{-6}
	Pr 143	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
Promethium (61)	Pm 147	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
	Pm 149	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
Protactinium (91)	Pa 230	S	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
		I	2×10^{-8}	1×10^{-5}	6×10^{-10}	4×10^{-6}
	Pa 233	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Radium (88)	Ra 226	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
	Ra 228	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
Rhenium (75)	Re 183	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Re 186	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
	Re 187	S	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
		I	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
Rhodium (45)	Rh 103m	S	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
		I	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
	Rh 105	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
Ruthenium (44)	Ru 97	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
	Ru 103	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
	Ru 105	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
	Ru 106	S	2×10^{-8}	1×10^{-6}	6×10^{-10}	4×10^{-7}
		I	2×10^{-8}	1×10^{-6}	6×10^{-10}	4×10^{-7}
Samarium (62)	Sm 147	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-3}
		I	1×10^{-10}	1×10^{-4}	3×10^{-12}	4×10^{-3}
	Sm 151	S	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
		I	2×10^{-6}	1×10^{-4}	6×10^{-8}	4×10^{-5}
	Sm 153	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
Scandium (21)	Sc 46	S	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
		I	1×10^{-7}	1×10^{-5}	4×10^{-9}	3×10^{-6}
	Sc 47	S	2×10^{-7}	1×10^{-5}	6×10^{-9}	4×10^{-6}
		I

APPENDIX B

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of appendix]

Element (atomic number)	Isotope [1]		Table I Column 1 Air (μc/ml)	Table I Column 2 Water (μc/ml)	Table II Column 1 Air (μc/ml)	Table II Column 2 Water (μc/ml)
Neodymium (60)	Nd 147	S	4×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-6}
		I	2×10^{-7}	2×10^{-3}	8×10^{-6}	6×10^{-3}
	Nd 149	S	2×10^{-6}	8×10^{-3}	6×10^{-6}	3×10^{-5}
		I	1×10^{-6}	8×10^{-3}	5×10^{-6}	3×10^{-5}
Neptunium (93)	Np 237	S	4×10^{-12}	9×10^{-3}	1×10^{-13}	3×10^{-3}
		I	1×10^{-10}	9×10^{-3}	4×10^{-13}	3×10^{-3}
	Np 239	S	8×10^{-7}	4×10^{-3}	3×10^{-6}	1×10^{-5}
		I	7×10^{-7}	4×10^{-3}	2×10^{-6}	1×10^{-5}
Nickel (28)	Ni 59	S	5×10^{-7}	6×10^{-3}	2×10^{-6}	2×10^{-4}
		I	8×10^{-7}	6×10^{-3}	3×10^{-6}	2×10^{-4}
	Ni 63	S	6×10^{-6}	8×10^{-3}	2×10^{-5}	3×10^{-4}
		I	3×10^{-7}	2×10^{-3}	1×10^{-6}	7×10^{-4}
	Ni 65	S	9×10^{-7}	4×10^{-3}	3×10^{-6}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
Niobium (Columbium) (41)	Nb 93m	S	1×10^{-6}	1×10^{-3}	4×10^{-6}	4×10^{-4}
		I	2×10^{-7}	1×10^{-3}	5×10^{-6}	4×10^{-4}
	Nb 95	S	5×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
		I	1×10^{-7}	3×10^{-3}	3×10^{-6}	1×10^{-4}
	Nb 97	S	6×10^{-6}	3×10^{-3}	2×10^{-7}	9×10^{-4}
		I	5×10^{-6}	3×10^{-3}	2×10^{-7}	9×10^{-4}
Osmium (76)	Os 185	S	5×10^{-7}	2×10^{-3}	2×10^{-6}	7×10^{-5}
		I	5×10^{-7}	2×10^{-3}	2×10^{-6}	7×10^{-5}
	Os 191m	S	2×10^{-5}	7×10^{-3}	6×10^{-7}	3×10^{-3}
		I	9×10^{-6}	7×10^{-3}	3×10^{-7}	2×10^{-3}
	Os 191	S	1×10^{-6}	5×10^{-3}	4×10^{-6}	2×10^{-4}
		I	4×10^{-7}	5×10^{-3}	1×10^{-6}	2×10^{-4}
	Os 193	S	4×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-5}
		I	3×10^{-7}	2×10^{-3}	9×10^{-7}	5×10^{-5}
Palladium (46)	Pd 103	S	1×10^{-6}	1×10^{-3}	5×10^{-6}	3×10^{-4}
		I	7×10^{-7}	8×10^{-3}	3×10^{-6}	3×10^{-4}
	Pd 109	S	6×10^{-7}	3×10^{-3}	2×10^{-6}	9×10^{-5}
		I	4×10^{-7}	2×10^{-3}	1×10^{-6}	7×10^{-5}
Phosphorus (15)	P 32	S	7×10^{-8}	5×10^{-4}	2×10^{-7}	2×10^{-5}
		I	8×10^{-8}	7×10^{-4}	3×10^{-7}	2×10^{-5}
Platinum (78)	Pt 191	S	8×10^{-7}	4×10^{-3}	3×10^{-6}	1×10^{-4}
		I	6×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
	Pt 193m	S	7×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
		I	5×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
	Pt 197m	S	6×10^{-6}	3×10^{-3}	2×10^{-7}	1×10^{-3}
		I	5×10^{-6}	3×10^{-3}	2×10^{-7}	9×10^{-4}
	Pt 197	S	8×10^{-7}	4×10^{-3}	3×10^{-6}	1×10^{-4}
		I	6×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
Plutonium (94)	Pu 238	S	2×10^{-13}	1×10^{-6}	7×10^{-13}	5×10^{-6}
		I	3×10^{-11}	8×10^{-6}	1×10^{-13}	3×10^{-6}
	Pu 239	S	2×10^{-13}	1×10^{-6}	6×10^{-14}	5×10^{-6}
		I	4×10^{-11}	8×10^{-6}	1×10^{-13}	3×10^{-6}
	Pu 240	S	2×10^{-13}	1×10^{-6}	6×10^{-14}	5×10^{-6}
		I	4×10^{-11}	8×10^{-6}	1×10^{-13}	3×10^{-6}
	Pu 241	S	9×10^{-11}	7×10^{-3}	3×10^{-13}	2×10^{-3}
		I	4×10^{-9}	4×10^{-3}	1×10^{-6}	1×10^{-3}
	Pu 242	S	2×10^{-13}	1×10^{-6}	6×10^{-14}	5×10^{-6}
		I	4×10^{-11}	9×10^{-6}	1×10^{-13}	3×10^{-6}
Polonium (84)	Po 210	S	5×10^{-10}	2×10^{-3}	2×10^{-11}	7×10^{-7}
		I	2×10^{-10}	8×10^{-6}	7×10^{-13}	3×10^{-6}
Potassium (19)	K42	S	2×10^{-6}	9×10^{-3}	7×10^{-6}	3×10^{-4}
		I	1×10^{-7}	6×10^{-3}	4×10^{-6}	2×10^{-4}
Praseodymium (59)	Pr 142	S	2×10^{-7}	9×10^{-3}	7×10^{-6}	3×10^{-4}
		I	2×10^{-7}	9×10^{-3}	5×10^{-6}	3×10^{-4}
	Pr 143	S	3×10^{-7}	1×10^{-3}	1×10^{-6}	5×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-6}	5×10^{-5}
Promethium (61)	Pm 147	S	6×10^{-6}	6×10^{-3}	2×10^{-6}	2×10^{-4}
		I	1×10^{-7}	6×10^{-3}	3×10^{-6}	2×10^{-4}
	Pm 149	S	3×10^{-7}	1×10^{-3}	1×10^{-6}	4×10^{-5}
		I	2×10^{-7}	1×10^{-3}	8×10^{-6}	4×10^{-5}
Protoactinium (91)	Pa 230	S	2×10^{-6}	7×10^{-3}	6×10^{-11}	2×10^{-4}
		I	8×10^{-10}	7×10^{-3}	3×10^{-11}	2×10^{-4}
	Pa 231	S	1×10^{-13}	3×10^{-3}	4×10^{-16}	9×10^{-7}
		I	1×10^{-10}	8×10^{-6}	4×10^{-13}	2×10^{-3}

See footnotes at end of table.

APPENDIX B

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of appendix]

Element (atomic number)	Isotope [1]		Table I Column 1 Air (μc/ml)	Table I Column 2 Water (μc/ml)	Table II Column 1 Air (μc/ml)	Table II Column 2 Water (μc/ml)
Protoactinium (91)	Pa 233	S	6×10^{-7}	4×10^{-3}	2×10^{-6}	1×10^{-4}
		I	2×10^{-7}	3×10^{-3}	6×10^{-6}	1×10^{-4}
Radium (88)	Ra 223	S	2×10^{-9}	2×10^{-4}	6×10^{-11}	7×10^{-7}
		I	2×10^{-10}	1×10^{-4}	8×10^{-13}	4×10^{-6}
	Ra 224	S	5×10^{-9}	7×10^{-3}	2×10^{-10}	2×10^{-6}
		I	7×10^{-10}	2×10^{-4}	2×10^{-11}	5×10^{-6}
	Ra 226	S	3×10^{-11}	4×10^{-7}	1×10^{-13}	1×10^{-6}
		I	5×10^{-11}	9×10^{-4}	2×10^{-12}	3×10^{-6}
	Ra 228	S	7×10^{-11}	8×10^{-7}	2×10^{-12}	3×10^{-6}
		I	4×10^{-11}	7×10^{-4}	1×10^{-13}	3×10^{-6}
Radon (86)	Rn 220	S	3×10^{-7}		1×10^{-6}	
		I				
	Rn 222	S	1×10^{-7}		3×10^{-6}	
Rhenium (75)	Re 183	S	3×10^{-6}	2×10^{-3}	9×10^{-6}	6×10^{-4}
		I	2×10^{-7}	8×10^{-3}	5×10^{-6}	2×10^{-4}
	Re 186	S	6×10^{-7}	3×10^{-3}	2×10^{-6}	9×10^{-5}
		I	2×10^{-7}	1×10^{-3}	8×10^{-6}	5×10^{-5}
	Re 187	S	9×10^{-6}	7×10^{-3}	3×10^{-7}	2×10^{-3}
		I	5×10^{-7}	4×10^{-3}	2×10^{-6}	2×10^{-3}
	Re 188	S	4×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-4}
		I	2×10^{-7}	9×10^{-4}	6×10^{-6}	3×10^{-4}
Rhodium (45)	Rh 103m	S	8×10^{-6}	4×10^{-1}	3×10^{-6}	1×10^{-2}
		I	6×10^{-6}	3×10^{-1}	2×10^{-6}	1×10^{-2}
	Rb 105	S	8×10^{-6}	4×10^{-3}	3×10^{-6}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
Rubidium (37)	Rb 86	S	3×10^{-7}	2×10^{-3}	1×10^{-6}	7×10^{-5}
		I	7×10^{-8}	7×10^{-4}	2×10^{-6}	2×10^{-5}
	Rb 87	S	5×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
		I	7×10^{-8}	5×10^{-3}	2×10^{-6}	2×10^{-4}
Ruthenium (44)	Ru 97	S	2×10^{-6}	1×10^{-3}	8×10^{-6}	4×10^{-4}
		I	2×10^{-6}	1×10^{-3}	6×10^{-6}	3×10^{-4}
	Ru 103	S	5×10^{-7}	2×10^{-3}	2×10^{-6}	8×10^{-5}
		I	8×10^{-7}	2×10^{-3}	3×10^{-6}	8×10^{-5}
	Ru 105	S	7×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
	Ru 106	S	8×10^{-8}	4×10^{-4}	3×10^{-7}	1×10^{-4}
		I	6×10^{-8}	3×10^{-4}	2×10^{-10}	1×10^{-6}
Samarium (62)	Sm 147	S	7×10^{-11}	2×10^{-4}	2×10^{-13}	6×10^{-6}
		I	3×10^{-10}	2×10^{-4}	9×10^{-13}	7×10^{-6}
	Sm 151	S	6×10^{-6}	1×10^{-2}	2×10^{-3}	4×10^{-2}
		I	1×10^{-7}	1×10^{-2}	5×10^{-6}	4×10^{-2}
	Sm 153	S	5×10^{-7}	2×10^{-2}	2×10^{-3}	8×10^{-2}
		I	4×10^{-7}	2×10^{-2}	1×10^{-3}	8×10^{-2}
Scandium (21)	Sc 46	S	2×10^{-7}	1×10^{-3}	8×10^{-6}	4×10^{-4}
		I	2×10^{-7}	1×10^{-3}	8×10^{-10}	4×10^{-4}
	Sc 47	S	6×10^{-7}	3×10^{-3}	2×10^{-6}	9×10^{-5}
		I	5×10^{-7}	3×10^{-3}	2×10^{-6}	9×10^{-5}
	Sc 48	S	2×10^{-7}	8×10^{-4}	6×10^{-6}	3×10^{-4}
		I	1×10^{-7}	8×10^{-4}	5×10^{-6}	3×10^{-4}
Selenium (34)	Se 75	S	1×10^{-6}	9×10^{-3}	4×10^{-6}	3×10^{-4}
		I	1×10^{-7}	8×10^{-3}	4×10^{-6}	3×10^{-4}
Silicon (14)	Si 31	S	6×10^{-6}	3×10^{-3}	2×10^{-7}	9×10^{-5}
		I	6×10^{-6}	3×10^{-3}	3×10^{-6}	2×10^{-4}
Silver (47)	Ag 105	S	6×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
		I	8×10^{-8}	3×10^{-3}	3×10^{-6}	1×10^{-4}
	Ag 110m	S	2×10^{-7}	9×10^{-4}	7×10^{-6}	3×10^{-4}
		I	1×10^{-6}	9×10^{-4}	3×10^{-13}	3×10^{-4}
	Ag 111	S	3×10^{-7}	1×10^{-3}	1×10^{-6}	4×10^{-4}
		I	2×10^{-7}	1×10^{-3}	8×10^{-6}	4×10^{-4}
Sodium (11)	Na 22	S	2×10^{-7}	1×10^{-3}	6×10^{-6}	4×10^{-4}
		I	9×10^{-8}	9×10^{-4}	3×10^{-13}	3×10^{-4}
	Na 24	S	1×10^{-6}	6×10^{-3}	4×10^{-6}	2×10^{-4}
		I	1×10^{-7}	8×10^{-4}	5×10^{-6}	3×10^{-4}
Strontium (38)	Sr 85m	S	4×10^{-6}	2×10^{-1}	1×10^{-6}	7×10^{-4}
		I	3×10^{-6}	2×10^{-1}	1×10^{-6}	7×10^{-4}
	Sr 85	S	2×10^{-7}	3×10^{-3}	8×10^{-6}	1×10^{-4}
		I	2×10^{-7}	5×10^{-3}	4×10^{-6}	2×10^{-4}
	Sr 89	S	3×10^{-8}	3×10^{-4}	1×10^{-6}	1×10^{-4}
		I	4×10^{-8}	8×10^{-4}	1×10^{-6}	3×10^{-4}

APPENDIX B

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of appendix]

Element (atomic number)	Isotope [1]		Table I Column 1 Air (μc/ml)	Table I Column 2 Water (μc/ml)	Table II Column 1 Air (μc/ml)	Table II Column 2 Water (μc/ml)
Strontium (38)	Sr 90	S	3×10^{-10}	4×10^{-4}	1×10^{-11}	1×10^{-7}
		I	5×10^{-8}	1×10^{-3}	2×10^{-10}	4×10^{-6}
	Sr 91	S	4×10^{-7}	2×10^{-3}	2×10^{-6}	7×10^{-5}
		I	3×10^{-7}	1×10^{-3}	9×10^{-6}	5×10^{-5}
	Sr 92	S	4×10^{-7}	2×10^{-3}	2×10^{-6}	7×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-5}
Sulfur (16)	S 35	S	2×10^{-7}	2×10^{-3}	6×10^{-6}	6×10^{-4}
		I	3×10^{-7}	8×10^{-3}	9×10^{-6}	3×10^{-3}
Tantalum (73)	Ta 182	S	4×10^{-8}	1×10^{-3}	1×10^{-6}	4×10^{-5}
		I	2×10^{-9}	1×10^{-3}	7×10^{-13}	4×10^{-5}
Technetium (43)	Tc 96m	S	8×10^{-4}	4×10^{-1}	3×10^{-6}	1×10^{-1}
		I	3×10^{-6}	3×10^{-1}	1×10^{-6}	1×10^{-1}
	Tc 96	S	6×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
		I	2×10^{-7}	1×10^{-3}	8×10^{-6}	5×10^{-5}
	Tc 97m	S	2×10^{-6}	1×10^{-3}	8×10^{-9}	4×10^{-4}
		I	2×10^{-7}	5×10^{-3}	5×10^{-9}	2×10^{-4}
	Tc 97	S	1×10^{-6}	5×10^{-3}	4×10^{-7}	2×10^{-4}
		I	3×10^{-7}	2×10^{-3}	1×10^{-6}	8×10^{-5}
	Tc 99m	S	4×10^{-6}	2×10^{-1}	1×10^{-6}	6×10^{-4}
		I	1×10^{-7}	8×10^{-3}	5×10^{-7}	3×10^{-3}
	Tc 99	S	2×10^{-6}	1×10^{-3}	7×10^{-9}	3×10^{-4}
		I	6×10^{-8}	6×10^{-3}	3×10^{-9}	2×10^{-3}
Tellurium (52)	Te 125m	S	4×10^{-7}	5×10^{-3}	1×10^{-6}	2×10^{-4}
		I	1×10^{-7}	3×10^{-3}	4×10^{-6}	1×10^{-4}
	Te 127m	S	1×10^{-7}	2×10^{-3}	5×10^{-6}	6×10^{-5}
		I	4×10^{-8}	2×10^{-3}	1×10^{-6}	6×10^{-5}
	Te 127	S	2×10^{-6}	8×10^{-3}	6×10^{-9}	2×10^{-4}
		I	9×10^{-7}	8×10^{-3}	3×10^{-9}	2×10^{-4}
	Te 129m	S	8×10^{-8}	1×10^{-3}	3×10^{-9}	3×10^{-5}
		I	3×10^{-8}	6×10^{-4}	1×10^{-9}	2×10^{-5}
	Te 129	S	5×10^{-4}	2×10^{-1}	2×10^{-7}	8×10^{-4}
		I	4×10^{-6}	2×10^{-1}	1×10^{-7}	8×10^{-4}
	Te 131m	S	4×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-6}	4×10^{-5}
	Te 132	S	2×10^{-7}	9×10^{-4}	7×10^{-6}	3×10^{-4}
		I	1×10^{-7}	6×10^{-4}	4×10^{-6}	2×10^{-4}
Terbium (65)	Tb 160	S	1×10^{-7}	1×10^{-3}	3×10^{-6}	4×10^{-5}
		I	3×10^{-8}	1×10^{-3}	1×10^{-6}	4×10^{-5}
Thallium (81)	Tl 200	S	3×10^{-6}	1×10^{-3}	9×10^{-6}	4×10^{-4}
		I	1×10^{-6}	7×10^{-3}	4×10^{-6}	2×10^{-3}
	Tl 201	S	2×10^{-6}	9×10^{-3}	7×10^{-6}	3×10^{-4}
		I	9×10^{-7}	9×10^{-3}	3×10^{-6}	3×10^{-4}
	Tl 202	S	8×10^{-7}	4×10^{-3}	3×10^{-6}	1×10^{-4}
		I	2×10^{-7}	2×10^{-3}	8×10^{-6}	7×10^{-5}
	Tl 204	S	6×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
		I	3×10^{-8}	2×10^{-3}	9×10^{-10}	6×10^{-5}
Thorium	Th 228	S	9×10^{-13}	2×10^{-4}	3×10^{-13}	7×10^{-6}
		I	6×10^{-13}	4×10^{-4}	2×10^{-13}	1×10^{-5}
	Th 230	S	2×10^{-13}	4×10^{-3}	8×10^{-14}	2×10^{-4}
		I	10^{-11}	9×10^{-4}	3×10^{-13}	3×10^{-5}
	Th 232	S	3×10^{-11}	5×10^{-3}	10^{-13}	2×10^{-4}
		I	3×10^{-11}	10^{-3}	10^{-13}	4×10^{-5}
	Th natural	S	3×10^{-11}	3×10^{-3}	10^{-13}	10^{-4}
		I	3×10^{-11}	3×10^{-3}	10^{-13}	10^{-4}
	Th 234	S	6×10^{-6}	5×10^{-4}	2×10^{-6}	2×10^{-5}
		I	3×10^{-6}	10^{-4}	10^{-6}	2×10^{-5}
Thulium (69)	Tm 170	S	4×10^{-7}	1×10^{-3}	1×10^{-6}	5×10^{-5}
		I	3×10^{-6}	1×10^{-3}	1×10^{-6}	5×10^{-5}
	Tm 171	S	1×10^{-7}	1×10^{-3}	4×10^{-6}	5×10^{-5}
		I	2×10^{-7}	1×10^{-3}	8×10^{-6}	5×10^{-5}
Tin (50)	Sn 113	S	4×10^{-7}	2×10^{-3}	1×10^{-6}	9×10^{-5}
		I	5×10^{-6}	2×10^{-3}	2×10^{-6}	8×10^{-5}
	Sn 125	S	1×10^{-7}	8×10^{-4}	4×10^{-6}	2×10^{-4}
		I	8×10^{-6}	5×10^{-4}	3×10^{-6}	2×10^{-4}
Tungsten (Wolfram) (74)	W 181	S	2×10^{-6}	1×10^{-3}	8×10^{-6}	4×10^{-4}
		I	1×10^{-7}	1×10^{-3}	4×10^{-6}	3×10^{-4}
	W 185	S	8×10^{-7}	4×10^{-3}	3×10^{-6}	1×10^{-4}
		I	1×10^{-7}	3×10^{-3}	4×10^{-6}	1×10^{-4}

APPENDIX B

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of appendix]

Element (atomic number)	Isotope [1]		Table I Column 1 Air (μc/ml)	Table I Column 2 Water (μc/ml)	Table II Column 1 Air (μc/ml)	Table II Column 2 Water (μc/ml)
Tungsten (Wolfrom) (74)	W 187	S	4×10^{-7}	2×10^{-3}	2×10^{-6}	7×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-5}
Uranium (92)	U 230	S	3×10^{-10}	1×10^{-4}	1×10^{-11}	5×10^{-6}
		I	1×10^{-10}	1×10^{-4}	4×10^{-13}	5×10^{-6}
	U 232	S	1×10^{-10}	8×10^{-4}	3×10^{-13}	3×10^{-5}
		I	3×10^{-11}	8×10^{-4}	9×10^{-16}	3×10^{-5}
	U 233	S	5×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	9×10^{-4}	4×10^{-13}	3×10^{-5}
	U 234	S	1×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	9×10^{-4}	4×10^{-13}	3×10^{-5}
	U 235	S	5×10^{-10}	8×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	8×10^{-4}	4×10^{-13}	3×10^{-5}
	U 236	S	6×10^{-10}	1×10^{-3}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	1×10^{-3}	4×10^{-13}	3×10^{-5}
	U 238	S	7×10^{-11}	1×10^{-3}	3×10^{-13}	4×10^{-5}
		I	1×10^{-10}	1×10^{-3}	5×10^{-13}	4×10^{-5}
	U-natural	S	7×10^{-11}	5×10^{-4}	3×10^{-13}	2×10^{-4}
		I	6×10^{-11}	5×10^{-4}	2×10^{-13}	2×10^{-4}
Vanadium (23)	V 48	S	2×10^{-7}	9×10^{-4}	6×10^{-6}	3×10^{-4}
		I	6×10^{-8}	8×10^{-4}	2×10^{-6}	3×10^{-4}
Xenon (54)	Xe 131m	Sub	2×10^{-6}		4×10^{-7}	
	Xe 133	Sub	1×10^{-6}		3×10^{-7}	
	Xe 135	Sub	4×10^{-6}		1×10^{-7}	
Ytterbium (70)	Yb 175	S	7×10^{-7}	2×10^{-3}	2×10^{-6}	1×10^{-4}
		I	6×10^{-7}	2×10^{-3}	2×10^{-6}	1×10^{-4}
Yttrium (39)	Y 90	S	1×10^{-7}	6×10^{-4}	4×10^{-6}	2×10^{-4}
		I	1×10^{-7}	6×10^{-4}	3×10^{-6}	2×10^{-4}
	Y 91m	S	2×10^{-6}	1×10^{-1}	8×10^{-7}	3×10^{-3}
		I	2×10^{-6}	1×10^{-1}	6×10^{-7}	3×10^{-3}
	Y 91	S	3×10^{-6}	2×10^{-3}	1×10^{-6}	4×10^{-5}
		I	3×10^{-6}	2×10^{-3}	1×10^{-6}	4×10^{-5}
	Y 92	S	4×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-5}
	Y 93	S	2×10^{-7}	8×10^{-4}	6×10^{-6}	3×10^{-4}
		I	1×10^{-7}	8×10^{-4}	5×10^{-6}	3×10^{-4}
Zinc (30)	Zn 65	S	4×10^{-7}	3×10^{-3}	2×10^{-6}	1×10^{-4}
		I	6×10^{-8}	3×10^{-3}	2×10^{-6}	1×10^{-4}
	Zn 69m	S	4×10^{-7}	2×10^{-3}	1×10^{-6}	7×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-6}	6×10^{-5}
	Zn 69	S	7×10^{-6}	5×10^{-2}	2×10^{-7}	2×10^{-3}
		I	9×10^{-6}	5×10^{-2}	3×10^{-7}	2×10^{-3}
Zirconium (40)	Zr 93	S	1×10^{-7}	2×10^{-3}	4×10^{-6}	8×10^{-5}
		I	3×10^{-8}	2×10^{-3}	1×10^{-6}	$8\times10^

Element (atomic number) and isotope	Table I		Table II	
	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
If it is known that Sr 90, I 129, Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227, Ra 228, Th 230, Pa 231, Th 232, and Th-nat are not present		9×10^{-3}		3×10^{-4}
If it is known that Sr 90, I 129, Pb 210, Po 210, Ra 223, Ra 224, Ra 226, Ra 228, Pa 231, and Th-nat are not present		6×10^{-4}		2×10^{-4}
If it is known that Sr 90, Pb 210, Ra 226 and Ra 228 are not present		2×10^{-3}		6×10^{-7}
If it is known that Ra 226 and Ra 228 are not present		3×10^{-4}		1×10^{-7}
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present	3×10^{-9}		1×10^{-10}	
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	3×10^{-10}		1×10^{-11}	
If it is known that alpha-emitters and Ac 227 are not present	3×10^{-11}		1×10^{-11}	
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present	3×10^{-13}		1×10^{-13}	
If Pa 231, Pu 239, Pu 240, Pu 242 and Cf 249 are not present	2×10^{-13}		7×10^{-14}	

22. Appendix D is revised to read as follows:

APPENDIX D

UNITED STATES ATOMIC ENERGY COMMISSION OPERATION OFFICES

Operations office	Operations office address	Telephone
1. New York Operations Office	376 Hudson Street, New York 14, N.Y.	Yukon 9-1000.
2. Oak Ridge Operations Office	P.O. Box E, Oak Ridge, Tenn	Oak Ridge 5-7486 or 5-8611, Ext. 7607.
3. Savannah River Operations Office	P.O. Box A, Aiken, S.C.	Aiken, S.C., Midway 9-6211; or Augusta, Ga., Park 4-6311, Ext. 3333.
4. Albuquerque Operations Office	P.O. Box 5400, Albuquerque, N. Mex.	Alpine 6-4411, Ext. 38267.
5. Chicago Operations Office	9800 South Cass Avenue, Argonne, Ill.	Clearwater 7-7711, Ext. 2111 or 541.
6. Idaho Operations Office	P.O. Box 2108, Idaho Falls, Idaho	Jackson 2-6640.
7. San Francisco Operations Office	2111 Bancroft Way, Berkeley 4, Calif.	Thornwall 1-5620.
8. Hanford Operations Office	P.O. Box 550, Richland, Wash	Whitehall 2-1111, Ext. 6-5441.

Dated at Germantown, Md., this 30th day of August 1960.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 60-8211; Filed, Sept. 6, 1960; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-940]

PART 563—OPERATIONS

Discounts, Commissions, and Related Credits and Charges

AUGUST 31, 1960.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of the rescission and repeal hereinafter set forth, and for the purpose of effecting such rescission and repeal, hereby rescinds and repeals, effective immediately, Federal Home Loan Bank Board Resolution No. FSLIC-829, adopted March 29, 1960, and the new section which was provided to be inserted in Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) to be numbered 563.23-1 to read as therein set forth, effective January 1, 1961, by the resolution aforesaid.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that, as said new section has not become effective and the Board is of the opinion that no useful purpose would be served by notice and public procedure upon the foregoing rescission and repeal, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of section 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said new section has not become effective and the Board is of the opinion that no useful purpose would be served by deferment of the effective date of such rescission and repeal, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 60-8264; Filed, Sept. 6, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-FW-6]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On March 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2498) stating that the Federal Aviation Agency proposed to designate a control zone at Fort Hood, Tex.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended as follows:

Section 601.2465 is added to read:

§ 601.2465 Fort Hood, Tex., control zone.

Within a 5-mile radius of the geographical center of the Fort Hood Army Airfield (Lat. 31°08'15" N., Long. 97°42'50" W.), excluding the portions which would coincide with the Fort Hood, Tex., Restricted Area (R-219) and the Killeen, Tex., control zone (§ 601.2423).

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 31, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8267; Filed, Sept. 6, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-102]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On March 2, 1960, a notice of proposed rule making was published in the

FEDERAL REGISTER (25 F.R. 1840) stating that the Federal Aviation Agency proposed to designate a control zone within a 5-mile radius of the Marquette County Airport, Marquette, Mich.

Subsequent to the issuance of the notice, a modification of proposal was published in the FEDERAL REGISTER on June 28, 1960 (25 F.R. 5948) stating that it was necessary to include the area within 2 miles either side of the Marquette VOR 083° True radial extending from the 5-mile radius zone to 9 miles east of the VOR, and within 2 miles either side of the Marquette VOR 249° True radial extending from the 5-mile radius zone to 12 miles southwest of the VOR, to provide protection for aircraft executing VOR standard instrument approaches.

The modification of proposal stated that the Marquette VOR would be installed approximately December 14, 1960. However, the commissioning date of this facility has been rescheduled to approximately May 1, 1961.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice and the modification of proposal, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2476 Marquette, Mich., control zone.

Within a 5-mile radius of the Marquette County Airport (Lat. 46°32'03" N, Long. 87°33'35" W); within 2 miles either side of the Marquette VOR 083° True radial extending from the 5-mile radius zone to a point 9 miles E of the VOR; and within 2 miles either side of the Marquette VOR 249° True radial extending from the 5-mile radius zone to a point 12 miles SW of the VOR.

This amendment shall become effective 0001 e.s.t. June 1, 1961.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 30, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8268; Filed, Sept. 6, 1960; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55213]

PART 14—APPRAISEMENT

Hardboard From Sweden

AUGUST 31, 1960.

The Acting Secretary of the Treasury further partially rescinds the finding of dumping with respect to Swedish hardboard. Section 14.13(b) of the Customs Regulations amended.

After due investigation, I find, as of August 31, 1960, that the following exporters of hardboard from Sweden are no longer selling, or likely to sell, hardboard in the United States at less than its fair value:

Katrinefors Aktiebolag
Aktiebolaget Scharins Söner.

The finding of dumping made August 26, 1954, as modified by T.Ds. 54168, 54199, 55006, 55019, and 55115, is further modified accordingly.

Section 14.13(b) of the Customs Regulations is amended to add the number of this Treasury decision to the list of Treasury decisions modifying T.D. 53567.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8288; Filed, Sept. 6, 1960; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950—)

Rights and Benefits Based on Disability

Correction

In F.R. Doc. 60-7892, appearing at page 8100 of the issue for Wednesday, August 24, 1960, the following corrections are made in § 404.1502:

1. In the introductory text of paragraph (a), the word "phychological" should read "psychological".

2. In paragraph (a)(3), the word "reserves" should read "reserve".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 60-8142, appearing at page 8367 of the issue for Thursday, September 1, 1960, the following correction should be made in § 121.87(f)(2)(ii):

In the list of accelerators, the item "2-Mercaptothiazole" should be inserted between the items "2-Mercaptoimidazoline" and "*N*-Oxidiethylene-2-benzothiazole sulfenamide".

Title 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

PART 202—OVERSEAS SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

Miscellaneous Amendments

Effective May 15, 1960, ICA Regulation 2 is amended as follows:

1. The title of Part 202 (22 F.R. 8468) is amended by striking out "ocean" and substituting "overseas", reading as set forth above.

2. Section 202.2 is amended to read as follows:

§ 202.2 Shipments eligible for payment of freight charges.

The Director, in order to further the efficient use of United States voluntary contributions for relief in nations or areas designated by him from time to time, may pay freight charges from United States ports to initial foreign ports of entry, or, in the case of land-locked countries, from United States ports to points of entry designated by the Committee, of such nations or areas on shipments by agencies of supplies donated to, or purchased by, such agencies.

3. The introductory sentence of § 202.3 is amended to read as follows:

§ 202.3 Applications for payment or reimbursement of freight charges.

Any agency may make application for payment or reimbursement of freight charges on shipments eligible under § 202.2 of supplies donated to or purchased by it for distribution within foreign nations and areas, provided:

4. Section 202.3(a) is amended by adding after "supplies" both times it appears "from port or point of entry of the supplies within the recipient country."

5. Section 202.4 is amended to read as follows:

§ 202.4 Manner of payment of freight charges.

By means of an equitable apportionment of the funds available for this purpose the Director will pay or reimburse agencies for freight on shipments made in conformity with the regulations in this part: *Provided*, That application for such payment or reimbursement is submitted to the Director of the International Cooperation Administration, Attention: Voucher Examination Branch, Financial Review Division, Office of the Controller, International Cooperation Administration, Washington 25, D.C., within sixty days of date of shipment, together with receipted invoices for such charges. Such invoices shall be supported (a) in the case of shipments to other than land-locked nations or areas,

by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement, or unit basis, and free of any other charges, (b) in the case of shipments to landlocked nations or areas, either (1) by through bills of lading from United States port to designated point of entry in such landlocked nation or area, or (2) by separate ocean bills of lading from United States port to foreign port and appropriately identified rail, truck or barge bills of lading, or other documents acceptable under good commercial practice, covering transportation charges from such foreign port to designated point of entry in such nation or area.

§ 202.5 [Amendment]

6. Section 202.5 is amended by striking out "ocean" before "freight" both times it appears.

JAMES W. RIDDLEBERGER,
Director, International Cooperation Administration.

AUGUST 30, 1960.

[F.R. Doc. 60-8270; Filed, Sept. 6, 1960; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 157—USE OF STANDARDIZATION DOCUMENTS ISSUED BY INDUSTRY GROUPS

The Deputy Assistant Secretary of Defense (Supply and Logistics) approved the following on August 9, 1956:

Sec.
157.1 Purpose.
157.2 Authority.
157.3 Policy.
157.4 Definitions.
157.5 DoD participation and representation.
157.6 DoD control of DoD requirements.
157.7 Identification of approved industry documents.

AUTHORITY: §§ 157.1 to 157.7 issued under Chapter 145, Title 10, United States Code.

§ 157.1 Purpose.

This part prescribes a uniform policy for implementation of that portion of DoD Directive 4120.3 Defense Standardization Program, documents to assure the most economic employment of standardization resources.

§ 157.2 Authority.

The Defense Standardization Program is conducted under the authority of Chapter 145, Title 10, U.S.C. Responsibility for this program is assigned to the Assistant Secretary of Defense (Supply and Logistics) by DoD Directive 5126.1, (24 F.R. 6098). Administration of the Program is delegated to the Armed Forces Supply Support Center by DoD Directive 5154.14.

§ 157.3 Policy.

In furtherance of the Defense Standardization Program, it is the policy of the Department of Defense to make maximum utilization of industry effort expended in the development of standardization documents. Industry standardization documents shall be used whenever considered feasible by the cognizant technical activity in the fields of research, design, development, and acquisition of material. DoD activities are encouraged to make optimum use of the facilities of industry groups in the development of industry standardization documents having a present or potential DoD use. An industry document which has received that degree of DoD approval presently required for issuance of a coordinated Federal or military specification or standard shall be approved for use within the Department of Defense. An industry document, coordinated and approved by a military service in the same manner as that service coordinates and approves military specifications and standards for limited coordination status, shall have the equivalent status. Only complete industry standardization documents of a specified issue will be selected by DoD for either coordinated status or limited coordination status equivalent. The referencing of industry standardization documents in their entirety, or in part, in military and Federal specifications and standards is authorized.

§ 157.4 Definitions.

For purposes of this part, the following terms shall have the meanings described below:

(a) *Industry group.* A nongovernmental organization conducting professional standardization activities. (An individual or a concern organized for profit is not an industry group within the sense of this instruction.)

(b) *Industry document.* Any standardization document issued by an industry group, as herein defined, with the intent to establish common technical requirements (including requirements for a physical item, technical process, engineering practice, etc.)

§ 157.5 DoD participation and representation.

The following principles shall govern DoD participation and representation in industry groups:

(a) *Participation.* (1) Military services shall participate to the extent practicable in the work of industry groups to further the objectives of the Defense Standardization Program. Participation shall be consistent with DoD Directive 5500.2, "Policies Governing Participation of DoD Liaison Representatives in Activities of Technical Societies, Associations and Groups".

(2) Each assignee shall provide or arrange for active DoD participation in those industry group projects in which DoD has a real interest based upon a current or anticipated military requirement. An assignee shall insure that DoD participation so provided or arranged for represents the interests of all the services and is in fact a DoD representation.

(3) Each assignee will ascertain prior to providing or encouraging DoD participation, that the industry project will result in a timely document. If it is determined that the efforts of the industry group will not have a timely result, then DoD efforts should be directed toward drafting an appropriate military document.

(b) *Representation.* While adequate DoD representation in the work of industry groups is essential to the attainment of DoD standardization objectives, excessive DoD representation in terms of numbers of official DoD participants is to be discouraged. The number of persons officially representing DoD as participants in projects of an industry group shall be consistent with the importance of the project to DoD and shall be limited to that minimum needed for effective representation of DoD interests.

(c) *Coordination of DoD effort.* (1) Each assignee will avoid unnecessary duplication of effort in standardization projects, whether military or industry.

(2) It is the responsibility of an assignee to keep other interested DoD activities and the Armed Forces Supply Support Center informed of industry standardization action pertinent to the Defense Standardization Program.

(3) In partial fulfillment of this responsibility to coordinate DoD standardization effort, each assignee shall, within the area of its assignments, provide for establishment and maintenance of DoD representation on committees of industry groups for matters pertaining to standardization and the development of specifications and standards to the extent that common interest exists and actual benefit to DoD results. A copy of a list of liaison representation identifying the industry groups will be furnished the Standardization Division, AFSSC, semiannually on 30 December and 30 June.

§ 157.6 DoD control of DoD requirements.

Approval of an industry document for use in DoD procurement shall be granted only for a specified issue (see § 157.7(a)) which meets the requirements of the Department of Defense.

(a) *Approved industry documents having coordinated status.* An industry document which has received that degree of DoD approval precently required for issuance of a coordinated Federal or military specification or standard shall be approved for use within the Department of Defense. In order for an industry document to be approved for use, it must be subjected to the identical DoD administrative processes required for approval of a coordinated Federal or military specification or standard.

(1) *Existing industry documents.* With respect to existing industry documents, an assignee has the following standardization responsibilities within areas of its assignment:

(i) Select those having a potential for DoD use.

(ii) Establish projects for:

(*a*) Obtaining the requisite coordination within DoD on the documents selected;

(*b*) Obtaining such additional industry coordination as is necessary on these documents;

(*c*) Arranging for their final DoD approval; and

(*d*) Identifying them as approved industry documents in the index prescribed by § 157.7.

(2) *Proposed industry documents.* With respect to proposed industry documents, an assignee has the following standardization responsibilities within the area of its assignment:

(i) Maintain a continuing awareness of existing projects intended to result in an industry document.

(ii) Encourage industry groups to initiate new projects for documents which will satisfy a current or potential DoD requirement.

(iii) Insure active DoD participation (see § 157.5) in all projects in which DoD has a real interest based upon a current or anticipated DoD requirement.

(iv) Establish projects for:

(*a*) Obtaining formal coordination within the DoD on proposed industry documents resulting from these industry groups' projects;

(*b*) Submitting to the industry group concerned the official DoD comments on such a proposed document;

(*c*) Encouraging the industry group to make that circulation of the proposed industry document to industry which would be made were it a proposed DoD document;

(*d*) Ascertaining that the industry document finally promulgated is consistent with all essential DoD comments;

(*e*) Obtaining such additional industry coordination as is necessary;

(*f*) Arranging for final DoD approval; and

(*g*) Identifying the approved industry document in the index prescribed in § 157.7.

(b) *Approved industry documents having limited coordination status.* An industry document coordinated and approved by a military service in the same manner as that service coordinates and approves military specifications and standards for limited coordination status shall have the equivalent status.

(c) *Criteria for approval.* The primary criteria for determining whether an industry document will be approved for use by the Department of Defense are: The technical sufficiency of the document in terms of DoD requirements; the extent and degree to which an industry document is circulated for comment among, and is acceptable to, interested industry elements; and the assurance that sufficient copies of the document will be available to satisfy demands generated by DoD.

(1) When, in the judgment of the assignee, coordination of the industry document by the industry group has been effected to at least the minimum extent and degree required for a DoD-conducted industry coordination of a military specification or standard, the industry coordination process need not be repeated. If, however, the industry coordination by the industry group does not meet the foregoing coordination criterion, technical requirements of the document may be incorporated into a military document and processed within the military series, after securing the required industry coordination.

(2) An industry document will not be approved for either coordinated-status equivalent or limited coordinated-status equivalent unless it has first been ascertained that:

(i) Sufficient copies are available from the industry source to handle the total estimated DoD demands at no more than a nominal charge for each copy, and

(ii) If the document is copyrighted, that the Government has been granted a royalty-free license for reproduction for its own use and for future reproduction on the contingency that the industry source may cease to make sufficient copies available at some future date.

§ 157.7 Identification of approved industry documents.

Each industry document approved for use within the Department of Defense in accordance with the procedures herein prescribed shall be identified in a separate section of each existing departmental index entitled "Index of Military Specifications and Standards" and shall be bound integrally therewith. The departmental indexes are also referred to as "Military Indexes for Specifications and Standards (Vols. II, III, and IV)."

(a) *Identification data for industry documents.* A military series of numbers shall not be assigned to DoD-approved industry documents. The index will identify each such document by industry group, symbol, number, title, date of the most recent DoD-approved issue and Assignee Activity within DoD. (E.g., ASA C7.1–1953, 2d edition, Soft or Annealed Copper Wire, Specifications for.) Each listed industry document shall be identified in the index as either coordinated-status equivalent or limited coordinated-status equivalent. This identification of status will be in the same form as that now being used in the Index for identifying military specifications and standards as either coordinated or limited coordinated.

(b) *Identification of industry source.* Whenever the distribution requirements for an indexed industry document are to be met wholly or partially by the industry source, an appendix to the Index will list the name and mailing address of the industry distribution point for each indexed document except for any document generally available in technical or public libraries (e.g., Pharmacopoeia of the United States).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 60-8281; Filed, Sept. 6, 1960; 8:47 a.m.]

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVE

PART 561—ARMY RESERVES

Discharges

Section 561.37 is revised to read as follows:

§ 561.37 Separation from service.

(a) *Discharge of reservists on active duty or ACDUTRA (Active duty for training).* (1) Reservists on active duty or ACDUTRA may be discharged on the same basis as other enlisted members of the Active Army, except as indicated in subparagraph (2) of this paragraph and paragraphs (d) and (e) of this section.

(2) Reservists on 3 or 6 months Reserve Forces Act ACDUTRA may be discharged only for the reasons outlined in paragraph (c)(3), (6), (7), (9), (10), (11), (12), (17) and (18) of this section.

(b) *Discharge from Reserve duty status.* Enlisted members of the Army Reserve not on active duty or ACDUTRA may be discharged from their status as enlisted Reserves of the Army under the provisions of this section.

(c) *Authority to discharge.* Authority to discharge enlisted reservists for the following reasons is delegated to officers comparable to those authorized to discharge persons on active duty:

(1) Upon expiration of term of enlistment or period of obligated service.

(2) To permit immediate reenlistment of qualified reservists:

(i) At any time during the last 90 days of current enlistment, or

(ii) To meet length of service requirements for active duty tour, including active duty, and active duty for training.

(3) Upon enlistment, induction, or acceptance of appointment as a commissioned or warrant officer of any of the Armed Forces or as a Reserve enlisted member or officer thereof (other than appointment as a cadet or midshipman at one of the service academies or as a midshipman, United States Navy Reserve Officers Training Corps), except that:

(i) Discharge to enlist in a Regular component other than the Regular Army is not authorized for reservists within the 60-day period immediately preceding the effective date of orders to active duty or ACDUTRA other than annual active duty for training, or during the performance of active duty or ACDUTRA, including annual active duty for training.

(ii) Discharge of a reservist enlisted under a program in which he is required to enter upon and perform active duty or ACDUTRA for a specified period is not authorized under this paragraph for the purpose of enlisting in another Reserve component (including the Army National Guard of the United States) until the reservist has completed the active duty or ACDUTRA agreed upon in his enlistment contract.

(4) Upon acceptance of appointment as a commissioned officer of the Public Health Service or the Coast and Geodetic Survey.

(5) When discharge is determined to be appropriate because of nonavailability for service.

(6) When permanently physically disqualified for retention, unless eligible for transfer to the Retired Reserve.

(7) By reason of dependency or hardship.

(i) The criteria in § 582.2 of this chapter will be used as a general guide. When deemed more suitable, the individual will be transferred to the Standby

Reserve. The following criteria will also apply:

(a) Upon presentation of conclusive evidence that genuine personal hardship exists to such a degree as to prevent:

(1) Participation in training, or

(2) Entry on active duty in the event of an emergency.

(b) Upon request of the reservist together with an affidavit showing he has four or more dependents.

(ii) When the reservist is a selective service registrant and his application does not provide sufficient basis for a clear cut decision, the appropriate State Director of Selective Service may be asked for a statement as to whether the individual would be deferred on the basis of the evidence presented if he were being considered for induction. The procedures prescribed in § 582.2 of this chapter will be followed.

(8) For the convenience of the Government. For any of the following reasons:

(i) Reduction in authorized strength or by an order applicable to all members of a class of personnel specified in the order.

(ii) National health, safety, and interest.

(iii) Erroneous enlistment (which was not obtained by fraud on the part of the enlistee).

(iv) In the case of enlistees under the College Junior Program for women:

(a) Failure to apply for a Reserve commission within 3 months following college graduation.

(b) Failure to qualify for appointment. Discharge will be accomplished upon disapproval of application for appointment.

(c) Failure to accept proffered appointment. Discharge will be accomplished upon declination of appointment.

(v) In the case of women: marriage, pregnancy, parenthood, or custody of children under age 18.

(vi) For other good and sufficient reasons acceptable to the area commander.

(9) For security reasons.

(10) Because of unsuitability.

(11) Because of unfitness.

(12) Because of misconduct. In addition to those examples listed in AR 635–206 (Army regulations pertaining to discharge for misconduct) the following will be considered misconduct:

(i) Failure or refusal to comply with official orders to annual active duty for training.

(ii) For the obligated reservist. Unsatisfactory service which has continued for more than a year, such as

(a) When enforcement procedures have not resulted in satisfactory participation.

(b) When reservist has failed or refuses to reply to official correspondence.

(c) When enforcement procedures cannot be applied because reservist has failed to furnish an address through which he may be reached and efforts to locate him have been unsuccessful.

(iii) For the nonobligated reservists.

(a) If initial entry into military service was prior to 10 August 1955, failure to maintain eligibility for retention in the Ready Reserve as prescribed in pertinent Army Regulations.

(b) If initial entry was after 9 August 1955, failure to satisfactorily participate in required training.

(c) Failure or refusal to reply to official correspondence.

(13) Noncitizens, who:

(i) At time of release from active duty fail or refuse to give a permanent mailing address within the United States or its possessions, but give only an address in a foreign country.

(ii) Leave the United States for permanent residence in a foreign country.

(iii) Visit a foreign country of which a national for a period of 6 months or more.

(14) When found unacceptable for induction, as:

(i) When reported by Armed Forces Examining Stations as found not acceptable for induction.

(ii) When official information is received that reservist has been reclassified IV–F by Selective Service.

(iii) When it is reported by Selective Service authorities that the reservist is found to be a bona fide conscientious objector and if not classified 1–D (as a member of a Reserve component), would be classified 1–O (Conscientious Objector Available for Civilian Work Contributing to the Maintenance of the National Health, Safety, or Interest).

(15) Upon written request of the individual upon his becoming a regular or duly ordained minister of religion. A statement from the appropriate authority of the church, religious sect, or organization that the individual has met the requirements and has been duly ordained or appointed a minister must accompany the request for discharge.

(16) Upon application by an obligated reservist who is pursuing theological studies, obtaining ordination, or taking final vows in a religious order which requires separation from military status as a prerequisite to such training or taking of final vows. Application must be accompanied by a statement, signed by the appropriate official of the seminary or religious order, substantiating his request. Discharge will not be effected without prior approval of The Adjutant General.

(17) Minority.

(18) Homosexuality.

(d) *Dropping from rolls.* A reservist sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a civil court and whose sentence has become final, whether or not actually confined, may be dropped from the rolls of the Army. This action will be effected by officers exercising general courts-martial jurisdiction in special orders reading in part as follows:

By direction of the Secretary of the Army, Pvt (E-1) (name), (SN), (home address), (organization of assignment), is dropped from the rolls of the Army under the provisions of title 10, United States Code, subsection 1163(b), and paragraph 5, AR 140–178, by reason of conviction and sentence to confinement by civil court.

Individual will be furnished a copy of the orders but no discharge certificate will be issued.

(e) *Processing requirements*—(1) *Board action.* (i) When discharge is under honorable conditions the commander concerned may effect discharge without board action.

(ii) When discharge is under conditions other than honorable, it will be effected only pursuant to the approved findings of a board of officers, unless the reservist waives board action.

(2) *Character of discharge.* A reservist will receive a final discharge predicated upon the character of service performed while serving in the Active Army and upon his conduct and the character of his participation in Reserve training, if participation was required.

(3) *Date of discharge.* (i) Except as shown in subdivision (ii) of this subparagraph or unless otherwise specifically directed by the Adjutant General, the date of discharge will be the date on which discharge action is actually accomplished by proper authority.

(ii) When discharged under the provisions of paragraph (c) (3) or (4) of this section, discharge action will be effected upon receipt of notification of entry into new status. The effective date of discharge will be the day prior to date of reservist's entry into the new status.

(iii) When discharged by reason of completion of service obligation, date of discharge may be the last day of the month preceding the month in which obligated service is completed.

(4) *Certificate of discharge.* Discharge certificates will be prepared and furnished as prescribed in pertinent Army regulations.

(5) *Reports of discharge to Selective Service System.* Reports are required by the Selective Service System when a deferred member of the Ready Reserve or a member of the Standby Reserve is discharged from his military status. A separate letter order will be used in effecting the complete separation of such individuals. No abbreviations will be used. The letter order will contain the information specified below and distribution will be shown on all such orders.

(i) *Standby reservists.* A copy of each letter order discharging a member of the Standby Reserve will be furnished the appropriate State Director of Selective Service. The letter order will include the:

(a) Reservist's Selective Service or Standby Reserve number.

(b) Phrase "removed from the Standby Reserve."

(c) Address.

(ii) *Ready reservists deferred from induction.* A copy of each letter order discharging a member of the Ready Reserve deferred from induction will be furnished the appropriate local Selective Service Board. The letter order will include the reservist's Selective Service number and address.

(6) *Procedures when undesirable discharge is contemplated after the following procedures and safeguards have been observed.* An individual subject to such discharge will be advised of the basis for the contemplated action in accordance with paragraph 6, AR 15–6, and afforded an opportunity to request or waive the privileges listed in subdivisions (i), (ii), (iii) and (iv) of this subparagraph.

(i) To have his case heard by a board of officers.

(ii) To appear in person before such board, subject to his availability.

(iii) To be presented by counsel, who, if reasonably available, should be a lawyer.

(iv) To submit statements in his own behalf.

[AR 140–178, 6 June 1960] (Sec. 280, 70A Stat. 14; 10 U.S.C. 280)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–8266; Filed, Sept. 6, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Measurement of Transmitter Power

The Commission having under consideration the desirability of making an editorial change in Part 8 of its rules and regulations;

It appearing that § 8.110(b) of the Commission's rules should be corrected to delete certain provisions thereof which were erroneously retained therein in the Commission's editorial Order of September 25, 1959 (Mimeograph No. 78469; 24 F.R. 8071); and

It further appearing that the amendment adopted herein is editorial in nature thus making compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for the same reason, compliance with the effective date provisions of section 4(c) of the Administrative Procedure Act is not required; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 29th day of August, 1960, that effective September 9, 1960, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1086, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Released: August 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 8.110(b) is amended to read as follows:

§ 8.110 Measurement of transmitter power.

* * * * *

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter in a ship station which is rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts shall be fitted with the instruments necessary to determine the actual plate power to the transmitter whenever the latter is in use.

[F.R. Doc. 60–8295; Filed, Sept. 6, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A40]

MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New York-New Jersey milk marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 18th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Elmira, New York, on February 2-5, 1960 and at Utica, New York, on February 9-12, 1960, pursuant to notices thereof issued on October 2, 1959 (24 F.R. 8184) and January 11, 1960 (25 F.R. 293).

The material issues of record relate, in general terms, to the application of provisions of the order to milk transferred at the farm in bulk directly from a farm tank to a tank truck (hereinafter called "bulk tank milk") and more specifically to the following:

1. The circumstances and conditions under which bulk tank milk should qualify as pool milk.

2. The handler who should be held responsible for reporting, accounting, and pooling of bulk tank milk and for paying producers.

3. The pricing of bulk tank milk, including the point of pricing, the price fixed for such point, and the application of specified differentials both in connection with class prices and payments directly to producers or cooperative associations of producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

All issues. Under conditions prevailing in the New York-New Jersey milkshed, control by the produced over the handling of his milk is relinquished by him at his farm upon transfer of the milk from the producer's bulk tank into a tank truck. Accordingly, it is concluded that the order should be amended to reflect this basic fact.

Traditionally, the milk supply has been assembled through the operation of plants throughout the milkshed at which milk was received from the producer in 40-quart cans. In October 1959, milk was received from 49,719 producers at 691 plants. Under this method the function of delivering the milk from the farm to the plant is a responsibility of the producer and is performed by the producer either by hauling the milk himself or by hiring it hauled by a local trucker. In some instances (but not commonly) the hauling of milk in cans from farm to plant is done by the plant operator at the producer's expense.

Most of the milk delivered in cans is from farms within a radius of not more than 15 miles from the plant. The distance which milk may be hauled in cans is limited by the cost involved in relation to the alternative cost of assembly at country plants and reshipment in bulk to distant pasteurizing or manufacturing plants. Quality control and compliance with health authority requirements are also important factors limiting the distance which milk feasibly may be moved in cans.

Where milk is delivered by the producer in cans to the handler's plant, the plant is the place where the milk is weighed, where samples are taken for testing for butterfat and for quality control and where the cans are washed for reuse by the producer. The plant is the place where the milk is either accepted or rejected. It is the place where milk received from producers is cooled, it being a common practice to deliver uncooled milk produced the same morning it is delivered. It also is the place where the milk of the individual producer is mixed with that of other producers and, thus, loses its identity. The plant at which milk is received in cans is the point where control of the milk passes from the producer to the plant operator and at which the milk becomes susceptible of being either utilized at such plant in a manner chosen by the plant operator or moved by the plant operator to other plants for fluid distribution or for manufacturing. The system of country plants prevailing in the New York-New Jersey milkshed which has been developed as a means of assembling the milk supply was recognized when the order was originally issued and has since continued to be recognized. Milk is subject to regulation under the order only when received directly from farms at a regulated (pool) plant. Minimum prices required by the order to be paid by the handler are adjusted for the location of the plant at which milk is received from producers.

The assembly of milk from farms by tank truck, however, differs significantly from the method employed in the assembly of milk in cans. When milk is transferred at the farm from the bulk tank in the producer's milk house to a tank truck operated by a person other than the producer, the point at which such transfer occurs is the point where several functions are performed, which in the case of milk delivered in cans are performed at the plant. Milk thus delivered has been cooled at the farm and consequently is not subject to an early delivery deadline as is the case with milk in cans. The producer's milk house becomes the place where the weight of the producer's milk is determined, the place where samples are taken for testing for butterfat and quality control and the place at which the individual producer's milk loses its identity by being mixed with milk of other producers. The farmer's milk house is the place where the individual producer's milk is accepted or rejected by the operator of the tank truck.

Not only are there significant additional functions performed by the operator of a bulk tank truck, but also the investment in equipment required for hauling bulk tank milk from farms is substantially greater than for equipment used for hauling milk in cans. Consequently, the function of moving bulk tank milk from farms to plants in the New York-New Jersey milkshed so far has been performed either by the plant operator (either proprietary or cooperative) or by a cooperative established by producers primarily for that purpose. Milk received in tank trucks from producers' farms is susceptible of being moved longer distances and to a much larger number of plants than is the case with milk picked up in cans. Such bulk tank milk may be moved in the tank truck where originally received directly to pasteurizing and bottling plants, to manufacturing plants, or to any of a number of assembly plants for reshipment in larger "over-the-road" tank trucks. Such bulk tank milk received directly from farms is more susceptible than can milk of being moved to either pool or nonpool plants.

Conversion by producers from can to bulk tank method of delivery did not attain noticeable proportions until about 1952. It was first recognized at a public hearing early in 1953. At the time of that hearing, there was only one bulk tank route in operation involving the milk of 17 farms. Following that hearing a recommended decision was issued (September 15, 1953, 18 F.R. 5595) in which it was concluded that the order should be amended to provide for f.o.b. farm pricing of bulk tank milk. It was

concluded in the final decision, however, (December 15, 1953, 18 F.R. 8444) that such amendments were not justified under conditions prevailing at that time. In a decision issued December 28, 1955 (20 F.R. 10168) dealing with the application of location differentials to bulk tank milk, it was found that as of June 1955, milk was received by bulk tank from only 115 producers. As of January 1957, only about two percent of milk received at pool plants was from farms with bulk tanks. Such farms represented less than one percent of the total number of producers. As of January 1959, there were 3,526 producers with bulk tanks. These producers delivered approximately 14 percent of the total quantity of milk received from producers and represented about 7 percent of the total number of producers. Milk from these bulk tank producers was received by 102 handlers and 172 different plants. Such plants were distributed generally throughout the milkshed. Some bulk tank milk was being received at about 35 percent of the total number of plants (443) receiving milk from more than 25 producers and was being received by 47 percent of the handlers operating such plants. By October 1959, the number of producers with farm bulk tanks had increased to about 3,884, constituting approximately 8 percent of the total number of producers. Milk of producers who thus far have converted to bulk has in some instances been hauled more than 200 miles from farms to city plants. More commonly, however, bulk tank milk is moved shorter distances to country receiving plants.

Numerous problems and difficulties are being encountered in regulating the handling of bulk tank milk with existing provisions of the order, under which pooling depends upon delivery direct from the farm to a pool plant and under which minimum class prices and the uniform prices paid to producers reflect the location of the plant to which such delivery is made. Numerous administrative problems associated with bulk tank handling have arisen, particularly where milk is received at several plants, some pool and some nonpool, in the same month and where a given tank load of milk is unloaded at two or more plants of the same or different handlers on the same day. There exists, of course, an incentive for handlers to operate in a manner resulting in the maximum exclusion from the pool of milk used for fluid use outside the marketing area and in the maximum inclusion in the pool of milk in Class I-A and Class III uses. There also is an incentive and opportunity for selecting one of several plants for the receipt of bulk tank milk, with or without manipulation of hauling charges, so as to distort, and impinge upon the effectiveness of, the minimum price provisions of the order, particularly in the case of relatively long hauls of bulk tank milk.

Various maneuvers are undertaken for accomplishment of these objectives. Among those specifically reported are the following:

1. A handler operating a pool distributing plant directed his tank truck driver to stop at a nonpool plant to have the milk "checked in" at the nonpool plant as if there received and then to proceed to the pool plant for actual delivery and use. Object was to exclude from the pool, milk distributed on routes outside the marketing area.

2. A handler directed one of his bulk tanks to "by-pass" his pool plant and go directly to a nonpool distributing plant for fluid use outside the marketing area. Object was to exclude such milk from the pool.

3. A handler operating a nonpool distributing plant with only a small proportion of his fluid sales inside the marketing area directed his tank truck driver to have the milk "checked in" at a pool plant as if there received, and then to proceed to his nonpool plant for actual delivery and use. Object was to include in the pool, milk distributed for fluid use inside the marketing area.

4. The operator of a nonpool distributing plant directed his tank truck driver to "by-pass" his nonpool plant headquarters and to proceed directly from farms to a pool manufacturing plant. Object was to include in the pool the surplus milk associated with his unregulated fluid operations.

5. Handlers operating distributing plants in the Metropolitan district (1-10 mile zone) brought in bulk tank milk direct from farms. One handler directed his tank truck driver to "check in" at a country plant to have the milk recorded as if there received and then to proceed to the city plant for actual delivery and use. Another handler did not employ the "check in" practice but requested the farmers to authorize transportation charges substantially exceeding the cost of transportation. Object in both instances was to avoid payment for milk at minimum order prices applicable at a 1-10 mile zone plant.

6. A handler operating a pool plant from which milk is distributed both inside and outside the marketing area obtained a portion of his supply from a nonpool plant and discovered, after receiving what was intended to be nonpool milk from the nonpool plant, that the milk, in fact, was moved by tank truck direct from farms to his own pool plant. In this instance the object was defeated inadvertently.

7. A handler operating a pool receiving plant transferred a portion of the milk from farm pickup tank trucks to a larger over-the-road tanker at a point some distance from his pool plant with such milk moved to a fluid distributing plant outside the marketing area. A portion of the milk from farm pickup trucks not thus transferred moved instead to the handler's pool plant. Such quantities were reported as received from an arbitrarily selected portion of the producers from whom milk was received in the tank truck since it was not possible, because the milk of several producers was commingled in the tank truck, actually to identify the producers of that portion of the truck load not transferred to the over-the-road tanker.

8. A handler operating bulk tank routes unloaded a given truck load of milk at each of three different plants. This type of practice may or may not be designed to achieve any particular objective of the handler other than effectuation of a logical and realistic method of operation. It does, however, raise obvious questions in the application of present order provisions, particularly as to the applicable location differential both in connection with the handler's pool obligation and in payment of producers and as to who is to be regarded as the responsible handler, or handlers.

These enumerated practices are illustrative of the inherent flexibility of bulk tank milk handling which distinguished it from can milk and demonstrate the need for order amendment as herein provided. Where some handlers are in a position to move milk, after receiving it from farmers, so as to significantly influence the minimum price required to be paid for such milk, a question is raised as to whether the order is effectuating as effectively as possible its purposes of establishing prices which are uniform as to all handlers and of insuring an equitable distribution of returns to producers.

Issue No. 1. The order should be amended to provide for (1) the establishment of bulk tank "units" in which all bulk tank milk received from farmers will be included, (2) the designation of each such unit as either a pool or nonpool unit, and (3) the circumstances and conditions under which the pool status of a unit may be changed, and under which milk may be shifted among, removed from, or added to, established units.

Amendment of the order to provide for regulating bulk tank milk by units defined other than in terms of milk which is received from farmers at a particular plant is designed to recognize those various differences (above set forth) in the handling of bulk tank milk, compared with milk delivered in cans, which result in the substantially greater degree of flexibility which characterizes bulk tank milk and distinguishes it from can milk. such amendment also, of course, is designed to provide a more effective and equitable means of identifying that milk which is to be pooled and to facilitate and implement the pricing of bulk tank milk as herein set forth.

Such a unit for reporting and accounting purposes under the order should include the milk received by bulk tank truck from one or more farms which the handler receiving the milk elects, subject to specified limitations, to include in the unit. It should be required, however, that all bulk tank milk received from farmers by the handler be included in a unit (either pool or nonpool) established by the handler if the milk may reasonably be considered to have any relationship to, or association with, the market. Accordingly, all bulk tank milk received at a pool plant or a plant distributing milk in the marketing area or handled in a tank truck together with pool milk should be included in an established (either pool or nonpool) unit.

As much freedom as possible should be accorded the handler in the establishment of units to best fit his pattern or system of operation. The farms included in a single unit need not be restricted or limited in terms of requir-

ing physical handling in the same tank truck or plant. That is, the milk in a given tank truck may be included in two or more units and a given unit may include all or a portion of the milk in two or more tank trucks. Similarly, the milk in a given unit may be moved in its entirety to different plants on different days or a portion to one plant and a portion to another plant on the same day. The principal requirement as to the milk which may be included in a single unit should be that there be a single place or headquarters where the basic records of the receipts and butterfat test of milk from each farm are maintained together with records showing the plant or plants to which such milk is moved. This is essential to permit the necessary verification of receipts and utilization of milk by units as reported by handlers. At the same time, this type of standard will permit and facilitate the establishment of bulk tank units better adapted to the way bulk tank milk is handled.

Each bulk tank unit also should be designated by a name indicating as precisely as practicable the geographic location of the farms included in the unit. Names such as "Orange County Unit" and "Middletown Unit" are visualized. Use of such names is primarily for identification of units and particularly as a means of distinguishing among two or more units operated by the same handler. The same geographic name could be used by two or more handlers, but if a given handler has more than one unit in the same area, a further refinement in name might be necessary such as "Delaware County Unit No. 1" and "Delaware County Unit No. 2".

It is essential, of course, to provide appropriate standards pursuant to which milk in bulk tank units is to qualify as pool milk. The standards for pooling bulk tank units should parallel those for pool plants insofar as practicable. Accordingly, the requirements for pool units (as for pool plants) should depend in some degree upon whether the unit includes milk from farms located within or outside of the area normally and historically supplying the marketing area. Such area (hereinafter called "regular supply area") presently is defined in the order (§ 927.25(b)) and should be recognized in the application of pool unit requirements except that, for pool unit purposes, a slightly expanded area should be recognized because of its application in terms of farm, rather than plant, locations. Thus, for purposes of applying pool unit requirements, it will be necessary to require that a single bulk tank unit include only farms which either are all located inside the regular supply area or all located outside such area.

Bulk tank milk should be pooled, of course, only if it is handled and used primarily for servicing the marketing area. In line with this principle, a bulk tank unit which is to be pooled should include milk only from farms fully approved by a marketing area health authority as a source of milk for fluid use in the marketing area and from which, at the time of its inclusion in, or addition to, a pool bulk tank unit, such milk is being received at a pool plant.

Pool bulk tank units comprised of farms located in the regular supply area should be subject to the same operating requirements (set forth in § 927.26) as pool plants similarly located.

Bulk tank units comprised of farms located outside the regular supply area should be pooled in each of the months of July through March if at least 25 percent of the milk in the unit is delivered to pool plants, and in the months of April, May and June only if during the preceding October-December period not less than 60 percent of the milk received by the handler from farms comprising the unit was delivered to a pool plant. These requirements are comparable to those presently applicable to pool plants similarly located and are necessary as one means of measuring association with the market.

The requirements for pooling bulk tank milk should be sufficiently flexible to permit appropriate adjustment in the supply of pool milk in line with market requirements on a year-round basis. However, handlers should not be free to shift milk in and out of the pool at will seasonally or otherwise at frequent intervals on an opportunity basis. Accordingly, order provisions have been drawn to permit a handler to make a farm, from which he is receiving pool milk in cans, a part of a pool bulk tank unit at any time. A handler also is permitted to add other farms to a pool unit at any time except for necessary limitations which recognize and are consequences of, action previously taken by the handler causing milk to shift from pool to nonpool status.

More specifically, a handler may shift a farm from a pool bulk tank unit to nonpool status on the first of any month. After having caused such a shift in status, however, the handler is not permitted to resume pooling the milk from that particular farm until after a complete April, May, June period has elapsed. Moreover, if a handler causes bulk tank milk (either by farms or entire pool units) to become nonpool in the months of July through November, he is not permitted to add any farm to any of his pool units until the first of the following July other than a farm from which he has received milk in cans at a pool plant for at least 30 days immediately preceding.

These provisions do not restrict the freedom with which handlers may add new farms to pool bulk tank units except as a result of prior action by the handler in causing milk to become nonpool. Neither do these provisions prevent any handler from receiving the milk of any farmer. The limitations are in terms of milk which may not be pooled. Similarly, these provisions do not limit the opportunity of a producer to shift his milk from one handler to another or to have his milk pooled unless he chooses to deliver his milk to a handler who has become ineligible to pool the milk of additional producers. A handler is not precluded from taking back and pooling the milk of a producer who shifts to another handler unless the shift is from pool to nonpool status and under an arrangement involving participation of the handler from whom the milk was shifted. It is not feasible, however, to attempt to recognize prior association of a handler with a particular farm without some limit as to time. Consequently, the restriction on the freedom of a handler to add new farms to pool units should apply also to farms lost prior to July 1 preceding.

Since the restrictions on addition of farms to pool units are triggered by action of the handler causing milk to become nonpool, it is important that actions which are to be so construed are clearly defined. They are as follows: (1) Notice by the handler filed with the market administrator that he desires to terminate the pool status of an established pool bulk tank unit, (2) notice by the handler filed with the market administrator of the transfer of a farm from a pool unit to a nonpool unit, (3) operation of a pool unit so as to result in cancellation of pool status for failure to meet the operating requirements of § 927.26, and (4) arrangements in collaboration with other handlers. This latter action means that a handler who participates in an arrangement for shifting farms from a pool unit to another handler as nonpool milk will be in the same position as if he had transferred the farms to one of his own nonpool units. Moreover, to prevent circumvention of the purposes of the provision, the handler to whom the milk of pool farms is transferred and handled as nonpool milk, or an affiliate of either the transferor handler or the handler receiving the milk as nonpool milk, will be precluded from later pooling the milk of such farms until after a complete April-May-June period has elapsed. When such an arrangement is found by the market administrator, he will notify the handlers involved of such finding, following which the handlers will have opportunity of proving that the market administrator's finding is not correct. If such proof is presented the market administrator's finding will be rescinded. Also, to minimize controversy and to permit adjustments for inadvertent errors, the handler will be permitted to elect at a later date to have the milk considered as not having been shifted to nonpool status and thus be relieved of restrictions resulting from having caused milk to become nonpool.

Bulk tank units declared by the handler to be nonpool units should be recognized and treated under the order as nonpool only if they are so operated that they do not become substantially involved in handling Class I–A milk. A declared nonpool bulk tank unit will automatically become a pool bulk tank unit in any month in which the percentage of milk classified in Class I–A is equivalent to that which would automatically make a plant that is otherwise nonpool become a temporary pool plant. Here again, this provision parallels existing provisions with respect to pool plants.

It is necessary, of course, for effective administration of the order to make provision requiring timely reporting by handlers of the establishment of bulk tanks units and of changes in such units in essentially the same fashion as for plant operations. However, it is reasonable to expect some inadvertent reporting errors relating to bulk tank units pending time for becoming familiar with new provisions. Accordingly, provision is made that where a handler has failed to report all bulk tank milk as a part of either a pool or nonpool unit, or where errors in reporting are apparent, the market administrator will tentatively assign bulk tank producers to units and so notify the handler who will then have 10 days in which to correct the tentative assignment. If not so corrected, the market administrator's tentative assignment will become final.

Provisions also are made for public announcement by the market administrator of the names of handlers operating pool bulk tank units, together with the name of each such unit and the location of the headquarters. Prompt announcement should be made when the status of a unit is changed from pool to nonpool and when pool units are established or shifted from nonpool to pool status. Such announcements are primarily for the purpose of making information available to handlers purchasing milk from operators of bulk tank units. In this connection, and since minimum order prices are required to be paid to a cooperative association operating a pool bulk tank unit, provisions are made for imposing on such cooperative association any compensatory payment obligation resulting from its sale of nonpool bulk tank milk to another handler. Prompt announcement also should be made by the market administrator of the names of handlers who have become ineligible to add farms to pool bulk tank units. Such information is material to the decisions of producers regarding delivery of milk to handlers in this category.

At the present time a plant other than a designated regular pool plant becomes a temporary pool plant on the basis of the percentage of milk received at the plant, both in cans and in bulk tank direct from farms, which is classified in Class I–A. In order to avoid changing the substance of these requirements, it is necessary to revise the language of the temporary pool plant provisions (§ 927.29) so that the required classification percentages will continue to apply to the combined volume of can milk and bulk tank unit milk received at the plant. To provide equity between distributing plants receiving milk from pool bulk tank units and those receiving milk from pool plants, handlers who desire a nondesignated plant to remain nonpool should be permitted to allocate Class I–A milk to pool bulk tank unit milk and thus reduce the Class I–A percentage of the balance of the milk in the plant to a point where the plant would not be required to be pooled, just as they are now permitted to allocate Class I–A milk to receipts from pool plants.

The accounting and assignment provisions of the order have been revised in numerous places for the purpose of requiring milk from pool bulk tank units to be accounted for and assigned in the same manner as milk from pool plants. One change in assignment, however, has been made for the purpose of reducing the chance that pool bulk tank unit milk will carry the burden of the surplus associated with a handler's nonpool distribution outside the marketing area. This change requires the prior assignment of pool bulk tank milk to Class I–B rather than a pro rata assignment of pool and nonpool milk to Class I–B and Class III as is presently the case.

Since provision is made herein for the application of accounting and assignment provisions of the order to milk in pool bulk tank units in substantially the same manner as to milk in pool plants, it is recognized that provisions of this order and those of other orders will need to be coordinated further to avoid the possibility of regulation under more than one order.

Issue No. 2. The person who operates, or is responsible for operating, the bulk tank truck or trucks in which milk is received at the farm is the person who should be recognized as the handler and held responsible for establishing pool bulk tank units, and for reporting, accounting, pooling and paying producers for such milk. Effectuation of this principle requires that provision be made for establishment of pool bulk tank units by the following persons and for regulation of such persons as handlers under the order: (1) The operators of pool plants; and (2) cooperative associations which do not operate plants but which receives milk from farms in a tank truck and deliver milk to pool plants of other handlers. These are the persons who at the present time are handling bulk tank milk for the New York-New Jersey marketing area. In addition, as is now the case with respect to milk of members received at a pool plant of another handler, a cooperative association which does not operate the bulk tank routes may elect to report and collect for milk of its members in a pool bulk tank unit operated by another handler.

Issue No. 3. It is concluded that (1) the price at which bulk tank milk is accounted for to the pool should be the minimum class price adjusted for location of the farm (milk house) at which the milk is transferred from the farm tank to a tank truck; (2) payments by handlers directly to individual producers should be adjusted to reflect all location differentials (transportation, nearby and direct delivery) based on location of farms where bulk tank milk is received by the handlers and should be subject to any tank truck service charge specifically authorized by the producer but not in excess of 20 cents per hundredweight; and (3) payment required by handlers to be made to a cooperative which is the responsible handler and operates the bulk tank route should be at the price reflecting transportation and direct delivery differentials applicable at the handler's plant where the milk is delivered by such cooperative. Where the cooperative merely elects to report and collect but does not operate the bulk tank route, payment by the handler to the cooperative should be at the price reflecting transportation and direct delivery differentials applicable according to location of the farms.

It has been previously found herein that delivery of bulk tank milk takes place at the farm and that control of the milk passes to the handler at the farm. The farm is the place where bulk tank milk is acquired by the handler for marketing. Once so acquired, the plant or plants to which the milk may be delivered depends upon decisions of the handler rather than the producer. Under such circumstances, the handler's decision as to the plant or plants to which bulk tank milk may be delivered after receipt by him at the farm is not a factor appropriately to be reflected in the minimum producer price.

With bulk tank handling, a particular farm is no longer associated with a particular plant, at least not to the same degree as with delivery in cans. Accordingly, adjustment of producer prices for bulk tank milk based on plant locations does not reflect farm locations to the same degree as for milk delivered in cans. Pricing bulk tank milk at the farms permits establishment of class prices and adjustments properly reflecting the location value of the milk regardless of the number and location of plants to which the milk may be delivered by the handler.

The pricing of bulk tank milk f.o.b. farm eliminates the incentive for handlers to attempt to make it appear that the plant of receipt is other than the plant where the milk is actually received and handled. It also eliminates incentives for receiving milk at a plant at which a lower price applies even though delivery to some other plant would be dictated on the basis of overall operating efficiency. Where the producer price depends upon the plant or plants to which the handler chooses to move the milk, the producer has only a speculative notion of what his price is going to be. Moreover, it is impossible to determine the plant of actual delivery in instances where a tank truckload of milk is delivered to more than one plant. Such instances require application of some arbitrary rule for determining the point of pricing, such as the first plant of delivery, the plant receiving the largest volume or the plant in the nearest zone. Such an arbitrary selection for pricing purposes produces unrealistic results, obstructs operating economies and leads to unnecessary administrative problems and complications. Even where split loads are not involved but where delivery is to more than one plant in the same month, the complicated and undesirable procedure of accounting for the milk and payment of producers at more than one price would be required.

A primary problem associated with f.o.b. farm pricing is the determination of location differentials for farms. The New York-New Jersey supply area covers a large territory. Plant location differentials previously have been established by 10-mile zones throughout the supply area. A considerable volume of milk is

received in nearly all of these zones. Minimum producer uniform prices vary within a range of from 49 cents over to 24 cents under the announced price for the 201–210 mile zone.

Plant zones are based on the shortest highway mileage distance from the plant to the nearest of a specified list of basing points. It would be administratively impossible to zone each individual farm by exactly the same method. Approximately the same results would be achieved by zoning farms by the method presently prescribed in the order for farms in the nearby differential area, that is, by zoning each township by the same method used for zoning plants and assigning that zone to each farm in the township. This latter method, therefore, should be used in zoning farms for this purpose. In Delaware and Maryland, where there are no townships and where milk is received from only a relatively few producers, zones should be established by counties rather than townships.

Except for the nearby differential, location differentials in the New York-New Jersey order depend solely upon the location at which milk is received by the handler from the producer. They are not, and should not be, affected by the type of operation conducted at that location. Under present order provisions, milk is deemed to be received from the producer at a plant. However, it has been concluded herein that the order should be amended to recognize that bulk tank milk is received by the handler at the farm.

Location differentials should continue to be applied at the point where milk is received from producers. In order that this may be done and at the same time recognize that the farm is the point at which bulk tank milk is received, the location differentials (identified in the order as transportation and direct delivery differentials) applicable at the farm for bulk tank milk should be the same differentials, and at the zone rates, as those applicable to milk received in cans at a plant in the same zone.

The pricing of bulk tank milk f.o.b. farm was opposed by one producer group on the basis that this method would eliminate the opportunity of the farmer to obtain a higher price by delivering his milk to a point where a higher price applies because of location differentials. The basis for this view appears to be largely illusory in that higher minimum prices which are obtainable only when they involve additional expense by the producer do not necessarily mean higher net prices. Moreover, since the prices established by the order are minimums, the producer still has the opportunity to sell his milk to the handler who will pay him the highest price at his farm. In addition, under the order amendments herein provided, the opportunity exists for producers, through their cooperative associations, to attempt to improve their price by delivering the milk to a handler at the handler's plant. Provision is made that a cooperative handler which operates a bulk tank unit and delivers the milk to another handler's plant shall be paid not less than the minimum producer price at that plant. The cooperative incurs the expense of transportation and must account to the pool for the milk at class prices reflecting the location of its producers' farms. Any net margin for the cooperative from such operation will thus be available to provide higher returns to members of the association.

Other proposals were made that location differentials would depend upon the location of the plant nearest the metropolitan area when delivery is to more than one plant in the same month, and that the direct delivery differential applicable to a farmer's price depend upon the plant where the handler delivered the milk instead of the point where the producer delivered the milk to the handler. Still another proposal was that cooperative associations of producers be permitted to choose a point within the range of farm locations at which their price would be determined. All of these proposals are inconsistent with the conclusion, supported by findings herein, that the price should be established at the point where the producer delivers the milk to the handler. Such proposals, therefore, should not be adopted.

Any bulk tank unit may include milk from farms located in more than one zone. In recognition of this fact, and to avoid the necessity of allocating classification to milk received from each zone, the method of applying transportation differentials in accounting for bulk tank milk should be modified by use of a weighted average transportation differential for each classification in each unit and in determining the handler's net pool obligation for the unit. The effectuating amendments provide for computation and use of such weighted average. The amendments also provide a revised method of calculating the butter-cheese adjustment so that the same limitation as to rate beyond the 325-mile zone presently applicable to plants also will apply to bulk tank milk.

Under the traditional method of pricing milk the handler pays a price f.o.b. his plant. The cost of transporting milk from that point to a customer of the handler is borne by the handler and is a matter of no concern to the individual producer. However, the basic plant price has varied among plants reflecting their location in relation to the primary market. The producer has been responsible for getting his milk to the plant. He has been free to bargain for transportation from farm to plant. Some farms poorly located with respect to type of roads, distance to improved highways and distance from a plant pay what is necessary to have their milk hauled to a plant. Farm to plant hauling charges in New York State average nearly 20 cents per hundredweight.

Some of the proposals considered at the hearing were for f.o.b. farm pricing of milk with no deduction for hauling from farm to first plant. One reason advanced in justification of these proposals was that handlers currently are paying premiums for bulk tank milk either in cash or by not charging for transportation, or both. Cash premiums reported being paid to bulk tank producers ranged from 5 to 25 cents per hundredweight together with either no charge for hauling or a hauling charge of less than the amount of the cash premium. Other reasons advanced in support of these proposals were that potential savings in plant operating costs would furnish the money to offset transportation costs; and that the use of bulk tanks increases the producer's costs. Other parties proposed that milk be basically priced f.o.b. farm but that deductions for cost of transportation be permitted. Reasons advanced in justification of this proposal are that handlers' plant costs are not a factor affecting the value of milk from a particular farm; that increased costs to producers do not mean increased value to handlers; that premiums paid to producers for bulk tank milk are a reflection of factors other than the value of bulk tank milk, as such, including such factors as larger volume of milk per producer, competition to retain or gain volume for efficient handling; and that there are many farms in the milkshed where handlers would not go to pick up bulk tank milk if they were not permitted to charge for transportation.

Distance from a farm to the principal market for milk is not the only location factor affecting the value of milk f.o.b. the farm. Condition of roads, miles of poor roads, location of milk house in relation to highways, topography, and volume of production all have an effect on the value. It is not administratively feasible to attempt to determine the effect on value of all these factors for each farm in the milkshed. It would be illogical to charge the individual producer for costs incurred by the handler after he has purchased the milk.

On the other hand, a producer cannot deliver his milk at the farm to a tank truck of a handler unless the handler brings a tank truck to his farm. Accordingly, the producer should be permitted to bargain with the handler as to the matter of furnishing his farm with tank truck service. Under existing and foreseeable conditions, handlers receiving bulk tank milk should not make a charge which would reduce the farm price below the present f.o.b. plant price less average farm to plant hauling costs. The amount of the service charge, therefore, should be limited to 20 cents. The handler should be required to produce evidence of the results of the bargaining with the producer in the form of a signed authorization from the producer and should be required to keep the authorization current by using it not later than at the time the producer is paid each month. Such authorization should become invalid if no part of the authorized charge is made for a period of six months.

The fact that producers are permitted to bargain for tank truck service does not mean an end to premiums or "free hauling." Those producers who have a desirable and well-located supply of milk will still be in a position to bargain with handlers for a premium rather than a service charge. The authorized service charge, however, should constitute a method of introducing sufficient

bility into f.o.b. farm pricing to enable all producers with bulk tanks to find and retain outlets for their milk. Some degree of flexibility in the pricing of bulk tank milk is essential in that the potential economies of bulk assembly can be realized only if it is allowed to develop in a natural, logical and economic fashion.

A proposal was made by handlers that if the order is amended to price bulk tank milk f.o.b. farms, it also should be amended by changing the definition of Class III milk to include bulk tank milk lost because of accidents between the producer's milk house and the plant and bulk tank milk rejected at the plant because of contamination with pesticides or antibiotics. These are problems involved in the handling of milk after delivery of the milk by the producer to the handler. Producers should not be required by provisions of the order to underwrite handling losses to a degree greater than presently provided for under the order. If, as asserted, the handling of bulk tank milk involves additional risks to which the handler otherwise is not exposed, the necessary protection against such loss should be sought from other sources.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision. In addition, all contentions of the parties presented for the record have been considered and whether or not specifically mentioned herein, any suggestions, requests, briefs, inconsistent with this decision are denied.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the New York-New Jersey milk marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 927.6 by changing that portion thereof preceding the proviso to read as follows: "Producer" means any dairy farmer whose milk is delivered by other than a tank truck direct from a farm to a pool plant or is delivered to a handler at a farm included in a pool bulk tank unit of such handler.

2. Amend that portion of § 927.7 preceding paragraph (b) to read as follows: "Handler" means (a) any person who engages in the handling of milk or products therefrom, which milk was received at a pool plant, at a farm included in a pool bulk tank unit, or at a plant approved by any health authority as a source of milk for the marketing area.

3. Amend § 927.7(c) to read as follows:

(c) Any cooperative association with respect to milk which it causes to be delivered from producers to any other handler for the account of such association and for which such association receives payment.

4. Add a new § 927.11 to read as follows:

§ 927.11 Farm.

"Farm" means the production facilities and resources supplying milk to a milk house of a dairy farmer. The location of the farm shall be deemed to be the same as the location of the milk house, and in the event of a change in the location of the dairy farmer's milk house, any question as to whether milk received from the new milk house is from the same or a different farm shall be determined by the market administrator.

5. Add a new § 927.12 to read as follows:

§ 927.12 Pool bulk tank unit.

"Pool bulk tank unit" means a bulk tank unit established pursuant to § 927.24 and which meets the requirements of a pool bulk tank unit pursuant to such section."

6. Change the heading "Pool Plants" to "Pool Plants and Bulk Tank Units" and add a new § 927.24 as follows:

§ 927.24 Bulk tank units.

Any handler receiving milk at farms in a tank truck shall establish such farms in one or more bulk tank units, each consisting of one or more farms, in accordance with provisions of this section.

(a) Handlers who may establish and be responsible for pool bulk tank units are as follows:

(1) A handler who operates a pool plant;

(2) A cooperative handler who does not operate a plant but who receives milk from farms in a tank truck and delivers such milk to plants of other handlers: *Provided,* That such cooperative handler shall deliver at least 25 percent of such milk to a pool plant during the first month in which such unit is made a pool bulk tank unit.

(b) The handler may establish the bulk tank units in any manner chosen by him, subject to the following limitations:

(1) Each bulk tank unit shall have a headquarters where the basic record of receipts and butterfat tests of milk from each farm are maintained and where the destination of each tank truck and the volume of milk delivered by each tank truck receiving such milk is recorded.

(2) Each bulk tank unit shall be given a name indicating the general geographic area from which the milk is received.

(3) The handler shall declare whether each bulk tank unit is to be operated as a pool bulk tank unit or a nonpool bulk tank unit. Farms from which the milk is to be pooled shall be established in a separate unit from those which are not to be pooled.

(4) Farms in the area specified in paragraph (e) of this section shall be in units separate from farms in the area specified in paragraph (f) of this section.

(c) A handler may declare that a bulk tank unit is to be operated as a pool bulk tank unit and may add a farm to a pool bulk tank unit at any time except as set forth in subparagraphs (1) through (5) of this paragraph.

(1) If the unit is a declared nonpool unit or if the farm is a part of a declared nonpool unit of such handler, the unit or farm may be changed to a pool status only beginning the first of a month upon notice to the market administrator by not later than the 10th of such month.

(2) The milk of such unit or farm must be delivered to a pool plant on or immediately prior to the date on which it is to be pooled and be under full approval for fluid use by the health authority of authorities approving such plant.

(3) No nonpool bulk tank unit may be declared to be a pool bulk tank unit, no new pool bulk tank unit may be established, and no farm may be added to a pool bulk tank unit in the period of December through June if the handler caused, as specified in paragraph (d) of this section, any pool bulk tank unit or any farm of a pool bulk tank unit to become nonpool in the period of July through November immediately preceding: *Provided,* That this limitation shall

not prevent the handler from including in a pool bulk tank unit a farm from which the handler received milk in cans at a pool plant on each of the 30 days immediately preceding: *Provided further*, That this limitation shall not apply to a farm which was a part of the handler's pool bulk tank unit at some time since the preceding July 1st and was not subsequently caused by the handler to become nonpool.

(4) If the handler caused, pursuant to paragraph (d) of this section, a farm to become nonpool at any time, such handler may not make such farm a part of a pool bulk tank unit until after the passage of a complete April, May, June period following the time the handler caused such farm to become nonpool: *Provided*, That if a handler is substantially under the same management, control, or ownership as a handler or other person who either caused a farm to become nonpool pursuant to paragraph (d) of this section, or received the milk as nonpool milk, or if the handler is the person who received the milk as nonpool milk, such handler may not make such farm a part of a pool bulk tank unit until after the passage of a complete April, May, June period following the time the farm was caused to become nonpool.

(5) A handler may transfer a farm from one pool bulk tank unit to another of his pool bulk tank units on the first of any month upon notice to the market administrator by not later than the 10th of such month.

(d) A handler may cause a pool bulk tank unit or a farm which is a part of a pool bulk tank unit to become nonpool by the methods set forth in subparagraphs (1) through (4) of this paragraph: *Provided*, That the failure of a bulk tank unit to meet the pool requirements set forth in paragraph (f) of this section or the failure of a bulk tank unit pooled pursuant to paragraph (g) of this section to continue to be so pooled shall not be considered for purposes of this paragraph to be a change of pool status caused by the handler.

(1) The handler may make a declared pool bulk tank unit a declared nonpool bulk tank unit effective the first of any month upon notice to the market administrator not later than the 10th of such month.

(2) The handler may transfer a farm from a pool bulk tank unit to a nonpool bulk tank unit effective the first of any month upon notice to the market administrator by not later than the 10th of such month.

(3) The handler may so operate a bulk tank unit located in the area specified in paragraph (e) of this section that its pool status is cancelled pursuant to § 927.27.

(4) The handler may arrange for the milk of a farm in his pool bulk tank unit to be delivered to another person as nonpool milk. Any delivery of milk by a farm in a handler's pool bulk tank unit to another person as nonpool milk shall be considered to have been arranged by such handler unless such handler can establish that such other person is not substantially under the same management, control, or ownership as such handler and that such handler was in no way a party to such nonpool delivery.

(e) A declared pool bulk tank unit must be operated to meet the requirements set forth in § 927.26 if the farms of such unit are located in the following area: New York; New Jersey; the counties of Addison, Rutland, and Bennington in Vermont; the county of Berkshire in Massachusetts; or in Pennsylvania outside the counties of Adams, Bedford, Berks, Blair, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Montgomery, Montour, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Union, and York. Failure to meet such requirements shall make such declared pool bulk tank unit subject to suspension and cancellation pursuant to the procedure set forth in § 927.27.

(f) A declared pool bulk tank unit made up of farms located outside the area specified in paragraph (e) of this section shall be a pool bulk tank unit in the months of July through March if at least 25 percent of the milk in such bulk tank unit is delivered in such month to pool plants, and shall be a pool bulk tank unit in the months of April through June only if 60 percent of the milk of such unit was received at pool plants during the period of October through December immediately preceding or if such handler received no milk of such unit from farms of such unit in the preceding October through December.

(g) A declared nonpool bulk tank unit shall become a pool bulk tank unit in any month in which the classification of milk of such bulk tank unit is such that, had the unit been a plant, it would have been a pool plant pursuant to § 927.29: *Provided*, That such bulk tank unit is established by a handler specified in paragraph (c) of this section.

(h) Each handler shall report to the market administrator, not later than the 20th day of the month in which this paragraph becomes effective, the name and headquarters of each bulk tank unit established by him, the identification of the farms included in each unit, and his declared status (pool or nonpool) of each bulk tank unit. Thereafter, each handler shall report by not later than the 10th day of the month any changes in units during the preceding month and as of the first of such month.

(i) Whenever the market administrator finds that a handler has received bulk tank milk from a farm required to be included in an established bulk tank unit but which has not been so included, he shall tentatively assign such farm to a bulk tank unit and promptly notify the handler of such action. Unless otherwise requested by the handler within 10 days of such notice, the tentative assignment by the market administrator will become final.

(j) Whenever the market administrator finds that a handler has caused milk to become nonpool pursuant to paragraph (d)(4) of this section he shall promptly notify the handler of such finding. Within 10 days of such notice the handler may (1) claim that the failure to include the milk involved as pool milk was an error and, in such event, the market administrator shall pool such milk and rescind his finding, or (2) offer to submit proof that he had not caused such milk to become nonpool. In the latter event, the market administrator shall examine such proof and shall either rescind his original finding or confirm it. Failure to respond to the market administrator's notice shall be deemed to confirm the finding.

(k) The market administrator shall publicly announce the names of handlers establishing pool bulk tank units and the names and headquarters of such bulk tank units. He shall also publicly announce any change in the pool status of such bulk tank units, and the names of handlers who, pursuant to § 927.24(e)(3), are ineligible to add farms to a pool bulk tank unit.

7. Amend that portion of § 927.26 preceding the proviso in paragraph (b) to read as follows:

§ 927.26 Operating requirements.

The person operating a pool plant designated pursuant to §§ 927.25 or 927.28 or a declared pool bulk tank unit consisting of farms in the area specified in § 927.24(e) shall meet each of the following requirements:

(a) Be willing to dispose of as Class I–A milk in the marketing area milk received at the plant or on the bulk tank unit from dairy farmers.

(b) Keep such control over the sanitary conditions under which milk received at the plant or on the bulk tank unit is produced and handled that the milk can meet the requirements of a source of milk for the marketing area.

8. Amend § 927.27 by inserting after the section reference "§ 927.28" in the first sentence thereof the words "or of a declared pool bulk tank unit consisting of farms in the area specified in § 927.24(e)."

9. Amend § 927.27(c) by inserting the words "or bulk tank unit" immediately after the word "plant" wherever such word appears.

10. Amend § 927.27(d) to read as follows:

(d) In the case of suspension pursuant to this section of the designation of one or more plants or bulk tank units for failure to meet the requirements of § 927.26 (a) or (c), the handler operating such plant or bulk tank unit may select, prior to the effective date of such suspension, one or more other pool plants or pool bulk tank units consisting of farms in the area specified in § 927.24 (e) to be substituted for the plants or bulk tank units suspended, if, during the preceding month, the quantity of milk received from producers at such substituted plants or bulk tank units was not less than the quantity of milk received from producers at the suspended plants or bulk tank units. The handler may also select the order in which plant or bulk tank unit designations are to be cancelled in the event of a later determination by the Secretary cancelling the designation of some but not all of the plants or bulk tank units suspended.

11. Amend § 927.27(e) by adding the words "or bulk tank unit" immediately after the first word "plant" and deleting the words "of the plant as a pool plant" immediately after the second word "designation."

12. Amend § 927.27(f) by inserting the words "or bulk tank unit" immediately after the first word "plant," and inserting the words "or pool bulk tank unit" immediately preceding the proviso.

13. Add the words "or the bulk tank unit meets the requirements of § 927.24 (g)" in the parenthetical phrase of the proviso of § 927.27(f) immediately after the section reference "§ 927.29."

14. Amend § 927.27(g) by adding the words "or pool bulk tank unit" immediately after the first word "plant".

15. Amend § 927.27(g) (1) and (2) by adding the words "or pool bulk tank units consisting of farms in the area specified in § 927.24(e)" immediately after the section reference "§ 927.28".

16. Amend § 927.27(g)(3) by adding the words "or bulk tank unit" after the word "plant" appearing before the proviso: deleting the words "pool plant" in the proviso, and adding the words "or bulk tank unit" after the second word "plant" in the proviso.

17. Amend § 927.27(h) by adding "or pool bulk tank unit" after the first word "plant".

18. Amend § 927.27(h) (1) and (2) by adding the words "or pool bulk tank unit" after the first word "plant", adding the words "bulk tank unit" after the second word "plant", and deleting the words "at all pool plants".

19. Amend § 927.27(h)(3) by adding the words "or bulk tank unit" after the first word "plant", adding the words "or pool bulk tank unit" after the second word "plant", and deleting the words "of such plant" after the word "designation".

20. Amend § 927.27(h)(4) by adding the words "or bulk tank units" after the first word "plants" and adding the words "and pool bulk tank units" after the second word "plants".

21. Amend § 927.29(a) by adding the words "and bulk tank units" after the words "dairy farmers" and adding the following proviso: "*Provided*, That at the option of the handler the plant shall not be a pool plant if less than 25 percent of such milk from other than pool bulk tank units is classified in Class I–A".

22. Amend § 927.29(b) by adding the words "or bulk tank units" after the first words "dairy farmers", adding the words "and bulk tank units" after the words "dairy farmers" where they appear the second and third times, and adding the following proviso: "*Provided*, That at the option of the handler the plant shall not be a pool plant if less than 10 percent of such milk from other than pool bulk tank units is classified in Class I–A."

23. Amend § 927.29(c) by adding the words "and bulk tank units" after the words "dairy farmers".

24. Amend § 927.29(d) by adding the words "and bulk tank units" after the words "dairy farmers" appearing before the first proviso, and by adding the words "and bulk tank units" after the word "farmers" wherever such word appears in the second proviso.

25. Amend § 927.33 by adding the words "or bulk tank units" after the words "dairy farmers" in the first sentence thereof.

26. Amend § 927.33(b) by adding the words "or bulk tank units" immediately after the words "dairy farmers".

27. Amend § 927.34 by adding the words "or bulk tank unit operation" after the words "plant operation".

28. Amend § 927.35(a) by adding the words "pool bulk tank units" after the first words "pool plants" and adding, in the proviso, the words "or from pool bulk tank units" immediately before the words "shall be assigned".

29. Amend § 927.35(a)(1) by adding the words "or bulk tank units" after the words "dairy farmers".

30. Amend § 927.35(a)(2) by adding a new subdivision (v) to read as follows:

(v) Milk received from declared pool bulk tank units.

31. Amend § 927.35(b) by adding the words "from pool bulk tank units" immediately after the words "from pool plants".

32. Renumber § 927.35 (c), (d), (e), (f), and (g) to (d), (e), (f), (g), and (h), respectively, and add a new § 927.35(c) to read as follows:

(c) After assignments prescribed in paragraphs (a) and (b) of this section, milk from pool bulk tank units shall be assigned as far as possible to Class I–B milk.

33. Amend new § 927.35(d) by changing the paragraph references from "(a) and (b)" to "(a), (b), and (c)".

34. Amend new § 927.35(e) by changing the paragraph references to read "(a) through (d)", by adding the words, "from pool bulk tank units" immediately after the first words "from producers", and adding the words "from nonpool bulk tank units" after the words "not producers".

35. Amend new § 927.35(f) by changing the paragraph references to read "(a) through (e)", by adding the words "from pool bulk tank units" after the words "from producers", and adding the words "from nonpool bulk tank units" after the words "not producers".

36. Amend § 927.36 by adding a third proviso immediately prior to paragraph (a) to read as follows: "*Provided further*, That if the market administrator finds it necessary to promulgate formal rules with respect to bulk tank units, he shall follow the procedure set forth in this section."

37. Amend § 927.40 by deleting the second sentence thereof and substituting therefor the following: "Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler but which does not operate the plant or the bulk tank unit receiving the milk from producers shall on or before the 15th day of the following month pay such cooperative association in full for such milk at not less than the minimum class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 927.41 through 927.44 and § 927.71(c) applicable at the location where the milk is received from producers. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler and the plant or the bulk tank unit receiving the milk from producers shall on or before the 15th day of the following month pay such cooperative association in full for such milk at not less than the minimum class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 927.41 through 927.44 and § 927.71(c) applicable at the plant at which the milk is first received."

38. Amend § 927.42 preceding the table to read as follows:

§ 927.42 Transportation differentials.

The class prices set forth in § 927.40 and the fluid skim differential set forth in § 927.44 shall be subject to a transportation differential determined in accordance with paragraphs (a) through (d) of this section.

(a) The market administrator shall determine a freight zone for each pool plant and for each plant at which milk or milk products subject to the provisions of §§ 927.83 and 927.84 is received from dairy farmers or is first found. Such freight zone shall be the shortest highway mileage from the plant to the nearest of the following points as computed by the market administrator from data contained in Mileage Guide No. 5, without supplements, issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carriers' Bureau, Agent, Washington, D.C.: Mount Vernon or Yonkers in the State of New York; Tenafly, Glen Ridge, East Orange, Elizabeth, Hackensack, Hillside, Irvington, or Passaic in the State of New Jersey. The freight zone for plants located in New York City, Nassau, and Suffolk Counties in the State of New York, or in Essex, Hudson, and Union Counties in the State of New Jersey shall be in the 1–10 mile zone. The market administrator shall publicly announce the freight zones for pool plants.

(b) The market administrator shall determine and publicly announce a freight zone for each minor civil division (township, borough, incorporated village, or city) within the nearby differential area or in which farms included in a pool bulk tank unit are located by computing the shortest highway mileage distance from the nearest point in the minor civil division to the nearest point specified in paragraph (a) of this section, using the mileage guide specified in such paragraph supplemented by United States Geological Survey maps. In states where the smallest governmental unit except for incorporated cities or villages is the county, a zone for the county shall be determined in the same manner as for minor civil divisions. The zone for each farm shall be the zone of the minor civil division or county in which the farm is located.

(c) The differential rates applicable at plants shall be as set forth in the following schedule:

39. Amend § 927.42 by adding the following paragraph after the table therein.

(d) The differential rate applicable to each pool bulk tank unit shall be com-

puted each month as follows: multiply the volume of milk received from farms in each zone by the rate for that zone as set forth in the schedule in paragraph (c) of this section, add the resulting values for all zones of the bulk tank unit, divide such sum by the total volume of milk received by the bulk tank unit and round to the nearest 0.1 cent. Rates shall be computed separately for columns B and C of such schedule.

40. Amend § 927.43 by deleting that portion thereof beginning with the second proviso and substituting therefor the following: *"Provided further*, That if such milk received from producers at a plant or in a bulk tank unit with a minus Class III transportation differential of more than four cents, there shall be deducted from the amount so credited an amount computed by multiplying the volume of such milk by a rate per hundredweight equal to the amount by which the Class III differential for the plant or bulk tank unit exceeds four cents. With respect to each plant or bulk tank unit at which milk received from producers is reported by the handler to have been utilized (either at the plant where received or at another plant), in an amount exceeding an average of 4,000 pounds per day in the manufacture of butter or of Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, the market administrator shall publicly disclose (a) the location of the plant at which the milk was received from producers or the name of the bulk tank unit, and (b) the name of the handler operating such plant or bulk tank unit. Such public disclosure shall be made monthly on the basis of handlers' monthly reports, and may be made more frequently on the basis of such other utilization reports as may be required by the market administrator.

41. Amend the first sentence in § 927.50 by adding the words "at each of his bulk tank units" after the words "pool plants".

42. Amend § 927.50(a) by adding the words "from bulk tank units" after the words "dairy farmers".

43. Amend § 927.50(b) by adding the words "or bulk tank unit" after the word "plant" in each of the places where such word appears.

44. Amend § 927.53(d) by adding the words "and pool bulk tank units" after the word "plant".

45. Amend § 927.65(a) by adding at the end thereof the words "or pool bulk tank unit;".

46. Amend § 927.65(c) by adding the words "or bulk tank unit" after the word "plant" in each place where such word appears.

47. Amend § 927.65(d) to read as follows:

(d) Deduct, in the case of each plant or bulk tank unit nearer than the 201–210 mile zone, and add, in the case of each plant or bulk tank unit farther than the 201–210 mile zone, the sum obtained by multiplying the milk received from producers at plants by the zone differential set forth in column B of the schedule in § 927.42(c) applicable at the plant, and for milk in bulk tank units, by the weighted average column B differential computed pursuant to § 927.42(d) applicable to the bulk tank unit.

48. Amend § 927.65(g) to read as follows:

(g) Add together the handler's net pool obligation for all plants and bulk tank units.

49. Amend § 927.70 by adding after the first proviso therein the following: *"Provided further*, That for milk received in a bulk tank unit there may be deducted a tank truck service charge under the following conditions: The charge does not exceed 20 cents per hundredweight; it is authorized in writing by the producer; it is made not later than the date on which the producer is required to be paid; and a period of not more than six months has elapsed after the date of the authorization during which no charge has been made."

50. Amend § 927.71(a) by changing the section reference from "927.42" to "927.42(c)" and adding to the paragraph (a) the following: "or, in the case of bulk tank units, the zone of the farm at which the milk is received."

51. Amend § 927.71(b)(1) preceding the proviso to read as follows: "(1) A zone for each farm within the nearby differential area shall be computed as specified in § 927.42(b):"

52. Amend § 927.71(c) by changing that portion preceding the table to read as follows:

(c) *Direct delivery differentials.* For milk received from producers at plants located in the areas specified in the following table, and for milk received in bulk tank units from producers at farms located in the areas specified in the following table, the handler shall pay to producers, in addition to that required by other provisions of this section, the amounts set forth below:

53. Amend § 927.83(a)(1) to read as follows:

(1) It was derived from milk received at a plant or at farms in a bulk tank unit from dairy farmers not defined as producers pursuant to § 927.6 or received from a handler designated as a producer-handler pursuant to § 927.15.

54. Amend § 927.83(b)(2) by deleting that portion prior to the words "is not regulated" and by substituting the following: "If the first plant which received the milk from which the milk or milk product is derived is located in the 401–425 mile zone or in some zone nearer the marketing area, and the handling of such milk—".

55. Amend § 927.83(b)(3) by deleting that portion prior to the words "is not regulated", and by substituting the following: "If the first plant which received the milk from which the milk or milk product is derived is located farther from the marketing area than the 401–425 mile zone, and the handling of such milk—".

56. Amend § 927.90 by adding the words "or at farms in a bulk tank unit" after the first word "plants".

Issued at Washington, D.C., this 1st day of September 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-8291; Filed, Sept. 6, 1960; 8:48 a.m.]

[7 CFR Part 1003]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses of the Date Administrative Committee for the 1960–61 Crop Year and Fixing a Rate of Assessment for Such Crop Year

Consideration is being given to a proposal regarding approval of expenses of the Date Administrative Committee for the 1960–61 crop year and the fixing of a rate of assessment for that crop year. Such action is to be taken pursuant to §§ 1003.71 and 1003.72 of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Date Administrative Committee (established under the aforesaid marketing agreement and order) has unanimously recommended, for the 1960–61 crop year beginning August 1, 1960, a budget of expenses in the total amount of $41,175 and an assessment rate at 15 cents per hundred pounds of assessable dates. Such amount of expenses and assessment rate are specified in the proposal, hereinafter set forth. The assessable poundage is estimated by the committee at 27.45 million pounds.

Consideration will be given to any written data, views, or arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER. Such material should be submitted in triplicate.

The proposal is as follows:

§ 1003.305 Expenses of the Date Administrative Committee and rate of assessment for the 1960–61 crop year.

(a) *Expenses.* Expenses in the amount of $41,175 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1960.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 15 cents per hundredweight of dates which he handles or has vertified for handling or for further processing during the crop year beginning August 1, 1960, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated September 1, 1960.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-8292; Filed, Sept. 6, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 40]

SOURCE MATERIAL

Notice of Proposed Rule Making

The following proposed amendment to Part 40 constitutes an over-all revision of 10 CFR Part 40, "Control of Source Material."

With certain specified exceptions, the proposed amendment requires a license for the receipt of title to, and the receipt, possession, use, transfer, import or export of source material. The following amendment would establish the procedures and criteria for the issuance of such licenses and the terms and conditions of such issuances. The procedures, terms and conditions are substantially similar to those set forth in Part 30, "Licensing of Byproduct Material."

Under the proposed amendment, the definition of the term "source material" is revised to bring it into closer conformance with that contained in the Atomic Energy Act of 1954. "Source Material" is defined as (1) uranium or thorium, or any combination thereof, in any physical or chemical form, but does not include special nuclear material, or (2) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (a) uranium, (b) thorium or (c) any combination thereof. The amendment would exempt from the licensing requirements chemical mixtures, compounds, solutions or alloys containing less than 0.05 percent source material by weight. As a result of this exemption, the change in the definition of source material is not expected to have any effect on the licensing program.

Pursuant to section 62 of the Atomic Energy Act of 1954, as amended, licenses are not required for quantities of source material which, in the opinion of the Commission, are unimportant. The proposed amendment would exempt from the licensing requirements the receipt, possession, use and transfer of thorium when contained in incandescent gas mantles, vacuum tubes, welding rods, and certain other finished products, and uranium contained in counterweights installed in aircraft. The Commission has found that possession and use in the United States of source material in these quantities or products are not of significance to the common defense and security and that such activities under the conditions specified can be conducted without any unreasonable hazard to life or property. Carriers, warehousemen and the United States Post Office, to the extent that they transport or store source material in the regular course of carriage for another, and persons acquiring or transferring source material under contract with and for the account of the Commission are also exempted from the licensing requirements.

Section 62 of the Act prohibits the conduct of certain activities relating to source material "after removal from its place of deposit in nature" unless such activities are authorized by license issued by the Atomic Energy Commission. The Act does not, however, require a license for the mining of source material, and the proposed regulations, as in the case of the current regulations, do not require a license for the conduct of mining activities. Under the present regulation, miners are required to have a license to transfer the source material after it is mined. Under the proposed regulation below, the possession and transfer of unrefined and unprocessed ores containing source material would be exempted.

The proposed amendment contains a general license to receive title to source material without regard to quantity; and to export small quantities of source material to certain foreign countries. The Commission has found that such exports will not be inimical to the interests of the United States. The amendment also establishes the criteria pursuant to which the Commission will issue specific licenses authorizing the export of larger quantities of source material.

The proposed amendment would generally license possession and use of up to 15 pounds of contained uranium or thorium or any combination thereof at any one time by certain classes of users, namely, physicians, pharmacists, and research and commercial institutions. (Individual members of the general public therefore would not be generally licensed). This general license is subject to an annual possession limit of 150 pounds of contained uranium or thorium or any combination thereof. Under this provision many users of small quantities of uranium would be relieved of the necessity of obtaining a specific license. Such general licensees would also be exempted from compliance with the provisions of Part 20 of this chapter.

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within sixty days after publication of this notice in the FEDERAL REGISTER.

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AUTHORITY: §§ 40.1 to 40.90 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 62, 63, 64, 65, 182, 183, 68 Stat. 932, 933, 953, 954, 42 U.S.C. 2092, 2093, 2094, 2095, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, sec. 40.42(c) issued under sec. 161b, 68 Stat. 948; 42 U.S.C. 2201(b) and secs. 40.62 and 40.63 issued under sec. 161 p., 68 Stat. 950; 42 U.S.C. 2201 p.

GENERAL PROVISIONS

§ 40.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States source material and establish and provide for the terms and conditions upon which the Commission will issue such licenses.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919).

§ 40.2 Scope.

Except as provided in §§ 40.11 to 40.14, the regulations in this part apply to all persons in the United States.

§ 40.3 License requirements.

No person subject to the regulations in this part shall receive title to, receive, possess, use, transfer, deliver, or import into or export from the United States any source material after removal from its place of deposit in nature, except as authorized in a specific or general license issued by the Commission pursuant to the regulations in this part.

§ 40.4 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(c) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(d) "License", except where otherwise specified, means a license issued pursuant to the regulations in this part;

(e) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(f) "Pharmacist" means an individual registered by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to compound and dispense drugs, prescriptions and poisons.

(g) "Physician" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine.

(h) "Source Material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form or (2) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium or (iii) any combination thereof. Source material does not include special nuclear material.

(i) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing;

(j) "United States", when used in a geographical sense, including all territories and possessions of the United States, the Canal Zone and Puerto Rico;

(k) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting or beneficiating, or refining;

(l) Other terms defined in section 11 of the Act shall have the same meaning when used in the regulations in this part.

§ 40.5 Communications.

All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

§ 40.6 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 40.11 Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.

The regulations in this part do not apply to any person to the extent that such person receives possession of source material owned by the Atomic Energy Commission, or transfers, delivers, or exports source material owned by the Commission under and in accordance with a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the source material are governed by the applicable contract between such person and the Commission.

§ 40.12 Carriers.

Common and contract carriers, warehousemen, and the United States Post Office Department are exempt from the requirements for a license set forth in section 62 of the Act and from the regulations in this part to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

§ 40.13 Unimportant quantities of source material.

(a) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, delivers, or imports into or exports from the United States source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20 of 1 percent (0.05 percent) of the mixture, compound, solution or alloy.

(b) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States unrefined and unprocessed ore containing source material; provided, that, except as authorized in a specific license, such person shall not refine or process such ore. The exemption contained in this paragraph shall not be deemed to authorize the export of source material.

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

(1) Any quantity of thorium contained in (i) incandescent gas mantles; (ii) vacuum tubes; or (iii) welding rods;

(2) Source material contained in the following products: (i) Glazed ceramic tableware, provided that the glaze contains not more than 20 percent source material; (ii) Glassware containing not more than 10 percent material; but not including glass brick, pane glass, ceramic tile or other glass or ceramic used in construction;

(3) Photographic film, negatives, and prints containing uranium or thorium;

(4) Any finished product or part fabricated of, or containing tungsten or magnesium-thorium alloys: *Provided*, That the thorium content of the alloy does not exceed 4 percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part; and

(5) (i) Uranium contained in aircraft counterweights installed in aircraft; provided that any such counterweight has been impressed with a statement, clearly legible after plating, which states "Caution-Radioactive Material-Uranium": *And provided further*, That the exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, metallurgical or other treatment or processing of any such counterweight or the installation in, or removal from, an aircraft of any such counterweight, without a specific license from the Commission.

(ii) The exemptions contained in this section shall not be deemed to authorize the manufacture of any of the products described herein.

§ 40.14 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

GENERAL LICENSES

§ 40.20 Types of licenses.

Licenses for source material are of two types: general and specific. The general licenses provided in this part are effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part.

§ 40.21 General license to receive title to source material.

A general license is hereby issued authorizing the receipt of title to source

material without regard to quantity. This general license does not authorize any person to receive, possess, deliver, use, import, export, or transfer source material.

§ 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing use and transfer of not more than fifteen (15) pounds of source material at any one time by persons in the following categories:

(1) Pharmacists using the source material solely for the compounding of medicinals;

(2) Physicians using the source material for medicinal purposes;

(3) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs;

(4) Commercial and industrial firms, and research, educational and medical institutions for research, development, educational, or commercial purposes;

And provided, That no such person shall pursuant to this general license receive more than a total of 150 pounds of source material in any one calendar year: *And provided further*, That the general license contained in this paragraph shall not be deemed to authorize the export of source material, except as authorized in a specific or general license issued pursuant to this part.

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in program (a) of this section are exempt from the provisions of Part 20 of this chapter to the extent that such receipt, possession, use, or transfer are within the terms of such general license: *Provided, however*, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this part.

§ 40.23 General licenses to export.

(a) A general license, designated AEC-GRO-SMA, is hereby issued authorizing the export at any one time of up to three (3) pounds of source material from the United States to any foreign country or destination except countries or areas listed in § 40.90. Each person exporting source material pursuant to this general license shall file with the Collector of Customs or the Postmaster one copy, in addition to those otherwise required, of the Shipper's Export Declaration covering each export, and mark such copy for transmittal to the Division of Licensing and Regulation of the United States Atomic Energy Commission, Washington 25, D.C.

(b) A general license, designated AEC-GRO-SMB, is hereby issued authorizing the export of incandescent gas mantles containing thorium, without regard to quantity, from the United States to any foreign country or destination except countries or destinations listed in § 40.90.

LICENSE APPLICATIONS

§ 40.31 Applications for specific licenses.

(a) Applications for specific licenses should be filed in quadruplicate on Form AEC-2, "Application for Source Material License", or Form AEC-7, "Application for Source Material Export License", as appropriate, with the United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. Applications may also be filed in person at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or the Commission's offices at Germantown, Maryland.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.

(c) Applications and documents submitted to the Commission in connection with applications will be made available for public inspection in accordance with the provisions of the regulations contained in Parts 2 and 9 of this chapter.

(d) An application for a license filed pursuant to the regulations in this part will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act: *Provided*, That the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

(e) In his application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed by the applicant with the Commission's Division of Licensing and Regulation: *Provided*, That such references are clear and specific.

§ 40.32 Requirements for issuance of specific licenses.

An application for a specific license for purposes other than export will be approved if:

(a) The application is for a purpose authorized by the Act; and

(b) The applicant is qualified by reason of training and experience to use the source material for the purpose requested in such manner as to protect health and minimize danger to life or property; and

(c) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property; and

(d) The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

§ 40.33 Requirements for issuance of export licenses.

(a) An application for a license to export uranium will be approved if the Commission determines that:

(1) The proposed export is within the scope of and consistent with the terms of an agreement between the United States and the government of the recipient containing safeguards against diversion of the material to military use; or

(2) The cumulative quantity of uranium specifically licensed for export to the consignee since July 1, 1957, does not exceed one hundred (100) kilograms: *Provided*, That the cumulative quantity specifically licensed for export to the recipient country since July 1, 1957, does not exceed one thousand (1,000) kilograms, excluding any amounts exported pursuant to either subparagraph (1) of this paragraph or § 40.23; and

(3) The export will not be inimical to the interests of the United States.

(b) An application for a license to export thorium will be approved if the Commission determines that the export will not be inimical to the interests of the United States.

LICENSES

§ 40.41 Terms and conditions of licenses.

(a) Each license issued pursuant to the regulations in this part shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations and orders of the Commission.

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Act.

(c) Each person licensed by the Commission pursuant to the regulations in this part shall confine his possession and use of source material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part shall carry with it the right to receive, possess, use and import source material and to deliver or transfer such material to other licensees within the United States authorized to receive such material.

(d) Each license issued pursuant to the regulations in this part shall be deemed to contain the provisions set forth in sections 183a to 183d, of the Act, whether or not said provisions are expressly set forth in the license.

(e) The Commission may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use, transfer, import and export of source material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect restricted data;

(4) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

§ 40.42 Expiration.

Except as provided in § 40.43(b), each specific license shall expire no later than three years from the last day of the month in which it is issued.

§ 40.43 Renewal of licenses.

(a) Applications for renewal of a specific license shall be filed in accordance with § 40.31.

(b) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal or for a new license, such existing license shall not expire until the application for renewal or for a new license has been finally determined by the Commission.

§ 40.44 Amendment of licenses at request of licensee.

Applications for amendment of a license shall be filed in accordance with § 40.31 and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 40.45 Commission action on applications to renew or amend.

In considering an application by a licensee to renew or amend his license, the Commission will apply the applicable criteria set forth in §§ 40.32 and 40.33.

§ 40.46 Inalienability of licenses.

No license issued or granted pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.

§ 40.47 License requirement for persons possessing source material on the effective date of this amendment.

(a) Any person who on the effective date of this amendment possesses source material received pursuant to a specific license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. Such license shall be deemed to include all terms and conditions incorporated in the previous license which are not inconsistent with or otherwise provided for in the regulations in this part and shall expire 90 days from the effective date of this amendment or on the expiration date contained in the previous license, whichever is later

(b) Any person who on the effective date of this amendment possesses source material received pursuant to a general license issued by the Commission shall be deemed to possess such material pursuant to a license issued under the regulations in this part. To the extent that such possession is not authorized under an exemption or general license pursuant to §§ 40.11 to 40.14 or §§ 40.20 to 40.23, the license granted pursuant to this paragraph shall expire ninety (90) days from the effective date of this amendment.

TRANSFER OF SOURCE MATERIAL

§ 40.51 Transfer of source material.

(a) No licensee shall transfer source material except as authorized pursuant to this section.

(b) Any licensee may transfer source material:

(1) To the Commission;

(2) To a specific or general licensee whose license authorizes him to receive such material;

(3) To any person exempt from the regulations in this part to the extent permitted under such exemption; or

(4) As otherwise authorized by the Commission in writing.

RECORDS AND INSPECTIONS

§ 40.61 Records.

(a) Each person who receives source material pursuant to a license issued pursuant to the regulations in this part shall keep records showing the receipt, transfer, export and disposal of such source material.

§ 40.62 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect source material and the premises and facilities wherein source material is used or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him pursuant to the regulations in this chapter.

§ 40.63 Tests.

Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of:

(a) Source material;

(b) Facilities wherein source material is utilized or stored;

(c) Radiation detection and monitoring instruments; and

(d) Other equipment and devices used in connection with the utilization or storage of source material.

MODIFICATION AND REVOCATION OF LICENSES

§ 40.71 Modification, revocation and termination of licenses.

(a) The terms and conditions of each license shall be subject to amendment, revision, or modification by reason of amendments to the Act, or by reason of rules, regulations, or orders issued in accordance with the Act.

(b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violation of, or failure to observe any of, the terms and conditions of the Act, or the license, or of any rule, regulation or order of the Commission.

(c) Except in cases of wilfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

(d) The Commission may terminate a specific license upon request submitted by the licensee to the Commission in writing.

ENFORCEMENT

§ 40.81 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who wilfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

SCHEDULE

§ 40.90 Schedule A.

Albania.
Bulgaria.
China, inculding Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
Communist-controlled area of Viet Nam.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Poland (including Danzig).
Outer Mongolia.
Rumania.
Union of Soviet Socialist Republics.

Dated at Germantown, Md., this 30th day of August 1960.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 60-8212; Filed, Sept. 6, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

BREWER'S DRIED YEAST FROM CUBA

Sales at Less Than Foreign Market Value

AUGUST 31, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of brewer's dried yeast imported from Cuba is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of brewer's dried yeast from Cuba pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-8289; Filed, Sept. 6, 1960; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

MILITARY FACILITIES AFFECTING THE USE OF AIRSPACE

Development and Use

The Deputy Secretary of Defense approved the following on August 24, 1960:

REFERENCE: (a) Section 308(b) of the Federal Aviation Act of 1958 (Public Law 85-726).

I. *Purpose.* To establish responsibilities and procedures within the Department of Defense for compliance with (1) the provisions of Reference (a), and (2) the request of the Administrator of the Federal Aviation Agency for timely advice with respect to substantial changes in the utilization of military airports, landing areas, and missile and rocket sites which may affect the use of airspace, even when the change does not involve a facilities project. Reference (a) is quoted as follows:

> In order to assure conformity to plans and policies for allocations of airspace by the Administrator under section 307 of this Act, no military airport or landing area, or missile or rocket site, shall be acquired, established, or constructed, or any runway layout substantially altered, unless reasonable prior notice thereof is given the Administrator so that he may advise with the appropriate committees of the Congress and other interested agencies as to the effects of such acquisition, establishment, construction, or alteration on the use of airspace by aircraft. In case of a disagreement between the Administrator and the Department of Defense or the National Aeronautics and Space Administration the matter may be appealed to the President for final determination.

II. *Applicability.* This directive shall apply to all military facilities falling within the purview of Reference (a) located in geographical areas above which the Administrator, FAA, has jurisdiction over or control of the utilization of airspace, whether or not new facilities projects are directly involved. Facilities projects of types not within the general delineation in Reference (a), but which have possible airspace implications, may be processed as special cases within the framework of the provisions of this Directive.

III. *Responsibilities and procedures.*—A. *Actions Involving Facilities Projects.* In order to properly discharge the obligation imposed upon the Department of Defense by Reference (a), the following courses of action are prescribed for the DoD Agencies concerned:

1. Each military department may designate an appropriate level in its field organization at which cognizant commanders may communicate to the Airspace Utilization Division of the FAA, Washington, D.C., information as to proposed facilities projects originating at the field level which come within the purview of Reference (a), furnishing the information in sufficient detail to indicate the possible impact of each such project on utilization of airspace. This field level-FAA channel shall be used, as determined by each military department to be compatible with its programming procedures, in order to reduce the amount of detailed data required to be transmitted between the Office of the Secretary of Defense and the Administrator of the FAA.

2. In the submittal of annual military construction authorization programs to the Assistant Secretary of Defense (Properties and Installations) there shall be furnished by each military department concerned, information as to projects contained in its programs which come within the purview of Reference (a). Where the field level-FAA channel was utilized as provided in 1. above, the information to be furnished by the military department with the program should indicate only the fact and date of the contact with the Airspace Utilization Division. Otherwise, the information to be furnished with the program shall be as specified in 1. above.

3. It will be the responsibility of the ASD(P&I) to review this information promptly, and to forward it to the Administrator, FAA. When the program has been approved by the OSD, the ASD(P&I), will be responsible for notifying the Administrator, FAA, of any substantive departure from the information previously forwarded. Similarly, if the programs or individual projects subsequently are changed by the DoD, the Bureau of the Budget or the Congress, either because of selection of a new project location or because the scope of a project has been revised substantially, it will be the responsibility of the ASD (P&I) so to notify the Administrator, FAA.

4. With respect to those projects required to be submitted for approval of the Secretary of Defense (or his designee) which come within the purview of Reference (a) and which are *not* contained in an annual military construction program, or which *are* contained in such a program but are *not* specifically located and/or identified therein, the military department involved shall submit the necessary information as indicated in 2. above, and the ASD(P&I) shall notify the Administrator, FAA, as appropriate.

5. With respect to those projects which come within the purview of Reference (a) but which are within the scope of approval authority of the military departments, including their subordinate commands, it shall be the responsibility of the approving authority to furnish to the Airspace Utilization Division of the FAA (see 1. above) the prior notification required with respect to such projects, and an information copy thereof to the OASD(P&I) through appropriate channels as determined by the respective military department.

6. In order to provide the earliest practicable notification of possible impact on airspace utilization, the military departments are encouraged to provide for consultation freely with appropriate offices of the FAA during developmental stages of military construction projects falling within the provisions of Reference (a) pending the required later formal notification.

B. *Actions not involving facilities projects.* The military departments shall furnish the Assistant Secretary of Defense (P&I) pertinent information whenever, in the opinion of the department concerned, substantial changes are programmed with respect to the utilization of military airports, landing areas, and missile and rocket sites which may have an impact upon FAA cognizance over the use of airspace. For example, significant changes in the types of air vehicles or in operating concepts, patterns or levels (numbers of movements) programmed for a military installation may generate airspace problems and should be made known to that Agency sufficiently in advance to permit action which may be necessary to accommodate the change. The ASD (P&I) shall be responsible for maintaining liaison with the Administrator, FAA (or his designee), for the purpose of furnishing appropriate information concerning such changes.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 60-8282; Filed, Sept. 6, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (25 F.R. 8386) for August and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

LIST OF INSPECTED SLAUGHTERERS SHOWING THE SPECIES HANDLED AND SLAUGHTERED HUMANELY AND THE ESTABLISHMENT NUMBER USED TO IDENTIFY SUCH CARCASSES

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift and Co.	2F	(*)	(*)	(*)	------	(*)	
Roegelein Provision Co.	22	------	------	------	------	(*)	
Krey Packing Co.	192	------	------	------	------	(*)	
Helms Riverside Abattoir, Inc.	210	(*)	------	------	------	------	
Suber Edwards and Co.	250	(*)	------	------	------	------	
Dubuque Packing Co.	396	(*)	(*)	(*)	(*)	(*)	
The Lundy Packing Co.	413	------	------	------	------	(*)	
Rosenthal Packing Co. of Paris	451	(*)	(*)	------	------	------	
East Tennessee Packing Co.	487	(*)	(*)	------	------	(*)	
Texas Meat Packers, Inc.	565	(*)	(*)	------	------	------	
Frosty Morn Meats, Inc.	576	(*)	(*)	------	------	(*)	
Stahl Meyer, Inc.	583	(*)	------	------	------	------	
Andrew Peterman Co., Inc.	583						
Coffeyville Packing Co., Inc.	583						
F. A. Ferris & Co., Inc.	583						
Peoria Packing Co., Inc.	583						
New York Central Packing Co.	606	(*)	------	------	------	------	
Swift and Co.	726	(*)	(*)	(*)	------	(*)	
Howard Pancero and Co.	747	(*)	------	------	------	------	
Bogart Packing Co., Inc.	831	(*)	------	------	------	------	
John Morrell & Co.	836	(*)	------	------	------	------	
Frederick County Products, Inc.	838	(*)	(*)	(*)	------	(*)	
Jordan Meat Co.	858	(*)	(*)	(*)	(*)	(*)	
Midwestern Packing Co., Inc.	878	(*)	(*)	------	------	------	
Vernon Calhoun Packing Co.	897	(*)	------	------	------	------	
T. L. Lay Packing Co.	967	(*)	------	------	------	(*)	
The Klarer Co.	995	(*)	(*)	------	------	(*)	
Do.	995A	------	------	------	------	(*)	
Armour and Co.	1085	(*)	(*)	------	------	------	
MCDE Packing and Processing Co., Inc.	1353	------	(*)	------	------	(*)	
Ceebee Packing Co.	404	------	(*)	(*)	------	------	
Schneider Packing Co.	439	(*)	------	------	------	------	
Reelfoot Packing Co.	840	(*)	------	------	------	(*)	
Valleydale Packers, Inc of Bristol	922	(*)	(*)	------	------	(*)	

Done at Washington, D.C., this 1st day of September 1960.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-8293; Filed, Sept. 6, 1960; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALCOA STEAMSHIP CO., INC., AND "MEXICAN LINE" TRANSPORTACION MARITIMA MEXICANA, S.A.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8531, between Alcoa Steamship Company, Inc., and "Mexican Line" Transportacion Maritima Mexicana, S.A., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New Orleans and Mobile.

(2) Agreement No. 8532, between Alcoa Steamship Company, Inc., and "Mexican Line" transportacion Maritima Mexicana, S.A., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New York and Baltimore.

(3) Agreement No. 8533, between Alcoa Steamship Company, Inc., and "Mexican Line" Transportacion Maritima Mexicana, S.A., covers the transportation of general cargo under through bills of lading from Mexico to the Virgin Islands, with transhipment at New Orleans and Mobile.

(4) Agreement No. 8534, between Alcoa Steamship Company, Inc., and "Mexican Line" Transportacion Maritima Mexicana, S.A., covers the transportation of general cargo under through bills of lading from Mexico to the Virgin Islands, with transhipment at New York and Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: September 1, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8274; Filed, Sept. 6, 1960; 8:48 a.m.]

[Agreement No. 7606]

N. V. STOOMVAART MAATSCHAPPIJ "NEDERLAND" ET AL.

Notice of Request for Cancellation of Sailing Arrangement

Notice is hereby given that N. V. Stoomvaart Maatschappij "Nederland", Koninklijke Rotterdamsche Lloyd N.V., N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn", The Ocean Steam Ship Company, Ltd., The China Mutual Steam Navigation Co., Ltd., and Nederlandsche Stoomvaart Maatschappij "Oceaan" N.V., the parties to the agreement, described below, have requested cancellation thereof:

Agreement No. 7606 covers the maintenance of agreed sailing schedules from ports in the Netherlands East Indies to United States Atlantic and Gulf ports.

Any written statements, comments or protests with respect to the cancellation of this agreement, pursuant to section 15 of the Shipping Act, 1916, or request for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington 25, D.C., within 20 days from the date of publication of this notice in the FEDERAL REGISTER. By order of the Federal Maritime Board.

Dated: September 1, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8275; Filed, Sept. 6, 1960; 8:46 a.m.]

[Docket No. 881]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

Notice of Supplemental Order

The Federal Maritime Board, on August 10, 1960, entered the following Supplemental Order, as corrected by order of August 18, 1960, to the original order in this proceeding, dated January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364).

It appearing that by the Original Order, as amended, in Docket No. 881 served January 8, 1960, the Board instituted an investigation into and concerning the reasonableness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports on the one hand, and ports and points in Alaska on the other; and

It further appearing that said Original Order provides in part that "no change shall be made in the rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board"; and

It further appearing that on August 8, 1960, Alaska Steamship Company filed Application No. 13 seeking authority to publish, post and file, on not less than one day's notice, consecutively numbered supplements to Freight Tariffs F.M.B.-F. Nos. 90 and 91 in order to publish reduced rates on "Beer, Ale, Groceries, Liquors, Alcoholic and Liquor, Malt" in Items Nos. 140, 300, 425, 430, 465 and 470 to said tariffs;

It further appearing that the Board having found good cause therefor has on August 10, 1960, granted special permission to publish such change on not less than one day's notice under Special Permission No. 3863, to become effective not earlier than August 19, 1960;

It is ordered, That the Original Order herein is modified to the extent necessary to permit publication and filing of the changes covered by such Special Permission No. 3863; and

It is further ordered, That any rates, charges, rules, regulations and practices set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, rules, regulations and practices under schedule cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedule in the Office of Regulations, Federal Maritime Board, and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents and protestants herein; and that this Order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: August 31, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8276; Filed, Sept. 6, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATION OF AUTHORITY

Amendment Affecting Food and Drug Administration

Part 10 of the Department of Health, Education, and Welfare Statement of Organization and Delegation of Authority (22 F.R. 1051, 24 F.R. 9500, 25 F.R. 5611) is amended by changing Sec. 10.20(a)(1) to read as follows:

§ 10.20 Assignment of responsibilities.

(a) * * *

(1) Functions vested in the Secretary and the Department under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, the Federal Hazardous Substances Labeling Act, the Import Milk Act, the Filled Milk Act, and the Tea Importation Act, pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953.

Dated: August 30, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.F. Doc. 60-8283; Filed, Sept. 6, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 11482, 11486]

OZARK AIR LINES, INC., AND AMERICAN AIRLINES, INC.

Notice of Postponement of Prehearing Conference

In the matter of the application of Ozark Air Lines, Inc., for amendment or alteration of its certificate to make permanent the temporary authority of Ozark to operate one-stop service between Chicago, Illinois and St. Louis, Missouri, making a stop at either Springfield, Illinois or Peoria, Illinois, Docket 11482.

In the matter of the application of American Airlines, Inc., for the termination or suspension of its authority to serve Peoria, Illinois and Springfield, Illinois, Docket 11486.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on September 12, 1960, is postponed to September 26, 1960, 10:00 a.m., e.d.s.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., September 1, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8285; Filed, Sept. 6, 1960; 8:48 a.m.]

[Order No. E-15719; Docket 11758]

VARIOUS AIR CARRIERS

Order Rescinding Rejection and Order of Investigation and Suspension

In the matter of tariff revisions filed by various air carriers concerning pick-up and delivery services. Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1960.

There have been filed on behalf of various air carriers tariff revisions contained in Agent Smith's C.A.B. No. 19, marked to become effective September 1, 1960, proposing that those air carriers will provide pick-up and delivery service to Foley, Alabama through the airport at Mobile, Alabama; to Titusville, Florida through the airport at Melbourne, Florida; and to Delray Beach, Florida through the airport at Miami, Florida.

Pursuant to delegated authority, the Board's staff on August 22, 1960 rejected the tariffs incorporating the aforementioned proposals as being in violation of the Board's tariff regulations. The tariff agent filed an appeal from that action on August 24, 1960 in Docket 11740.

The pick-up and delivery services proposed for these three points involve a ground-haul in each instance beyond the 25-mile radius from the airport city which the Board has historically used as a guide in determining the terminal area with respect to which it would permit tariffs to be filed.[1] Such distances raise a substantial question whether the proposed pick-up and delivery services are, in fact, incidental to air transportation. We find, therefore, that the instant proposals may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial or otherwise unlawful, and accordingly, we will institute an investigation of them. Pending hearing and decision thereon we will suspend and defer their effectiveness. Under the circumstances, the Board does not reach the question of rejection of these tariff revisions and will direct that the rejection thereof be rescinded.

Accordingly, pursuant to sections 204 (a) and 1002 of the Federal Aviation Act of 1958: *It is ordered*, That:

1. The Board's Rejection Notice No. 4283 of August 22, 1960 as corrected by Rejection Notice No. 4283 of August 23, 1960 be and hereby is rescinded.

2. An investigation be and hereby is instituted to determine whether the provisions in connection with Foley, Alabama, Delray Beach, Florida and Titusville, Florida, appearing on 5th Revised Page 11, 5th Revised Page 18 and 5th Revised Page 19 of Agent B. H. Smith's C.A.B. No. 19 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions.

[1] Foley is 40 miles from the Mobile airport; Titusville is 38 miles from the Melbourne airport; and Delray Beach is 50 miles from the Miami airport.

3. Pending investigation hearing and decision by the Board, the provisions in Agent B. H. Smith's C.A.B. No. 19, namely:

On 5th Revised Page 11, those provisions in connection with Foley, Alabama;

On 5th Revised Page 18, the provisions "OR MIAMI" in connection with Delray Beach, Florida; and

On 5th Revised Page 19, in connection with Titusville, Florida, the reference "2", the explanation thereof, and the provisions "Area B" and "MELBOURNE OR"

be and hereby are suspended and their use deferred to and including November 29, 1960, and no changes be made therein during the period of suspension except by order or special permission of the Board.

4. Except to the extent granted herein, the appeal of Agent B. H. Smith in Docket 11740 be and hereby is denied.

5. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

6. Copies of this order shall be filed with the tariff suspended, and copies shall be served upon Capital Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and Southern Airways, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-8286; Filed, Sept. 6, 1960; 8:48 a.m.]

[Docket 11569]

WIEN ALASKA AIRLINES, INC., AND INTERIOR AIRWAYS, INC., ENFORCEMENT PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 20, 1960, at 10:00 a.m. (local time) in the Directors Room, Chamber of Commerce Building, 550 First Avenue, Fairbanks, Alaska, before Examiner William J. Madden.

Dated at Washington, D.C., August 31, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-8287; Filed, Sept. 6, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13481; FCC 60M-1454]

NATHAN FRANK (WNBE-TV)

Order Continuing Hearing Conference

In re proposal filed by Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for specification of transmitter and antenna site.

The Hearing Examiner having under consideration a "Motion for Modification of Prehearing Procedure" filed August 26, 1960 in the above-entitled proceeding by Nathan Frank (WNBE-TV);

It appearing that the moving party requests that the deadline date for the initial exchange of reply—or "rebuttal"—exhibits be advanced from September 15 to September 8; that an informal conference of counsel be held in the Hearing Examiner's office on September 14, 1960; that the prehearing conference scheduled for September 26, 1960 be postponed until September 30; and that the date for commencement of the hearing remain unchanged;

It appearing further that the minor adjustment of deadline dates, proposed for the accommodation of counsel for Nathan Frank, should have no adverse effect upon the expeditious conduct of the hearing, provided the additional time lapse provided thereby between September 8th, the new date for exchange of reply exhibits, and September 30th, the date for a second prehearing conference, is utilized conscientiously by all counsel for the achievement of time-saving stipulations designed to shorten the hearing process;[1]

It appearing further that counsel for all the parties have consented to a grant of the requested relief;

It is ordered, This 29th day of August, 1960, that the motion of Nathan Frank (WNBE-TV) is in all respects granted as above indicated and that the prehearing conference presently scheduled for 10:00 a.m., Monday, September 26, 1960, at the Commission's offices, Washington 25, D.C., is hereby continued until Friday, September 30, 1960, at the same time and place.[2]

Released: August 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-8296; Filed, Sept. 6, 1960; 8:49 a.m.]

[Docket Nos. 13649-13653; FCC 60M-1460]

RADIO CARMICHAEL ET AL.

Order Setting Prehearing Conference

In re applications of Radio Carmichael, Sacramento, California; Docket No. 13649, File No. BP-12031; Ashley Robison and Gordon A. Rogers, d/b as Redwood City Broadcasting Company, Palo Alto, California, Docket No. 13650, File No. BP-12023; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

It is ordered, This 30th day of August 1960, on the Hearing Examiner's own motion, that all parties, or their counsel, who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9:00 a.m., September 20, 1960.

Released: August 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-8297; Filed, Sept. 6, 1960; 8:49 a.m.]

[1] Counsel are requested particularly to endeavor to obtain agreement in regard to any inconsistencies appearing in the exchanged exhibit material on such matters as distances between Frank's specified transmitter site and other areas or landmarks; and to make known to each other, if possible in advance of the date fixed for the conference in the Hearing Examiner's office, as many of the objections each may have to the exhibit material supplied by his adversary with a view to eliminating objectionable matter prior to the commencement of the hearing.

[2] The informal conference at the Hearing Examiner's office will be held as requested at 8:45 a.m., September 14, 1960 (Room 6507, New Post Office Building). Counsel will be expected at that time to be prepared with concrete proposals and agreements looking to streamlining the progress of the hearing.

FEDERAL RESERVE SYSTEM

BRENTON COMPANIES, INC.

Notice of Tentative Decision on Applications for Prior Approval of Acquisition by a Bank Holding Company of Voting Shares of Four Banks

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, Brenton Companies, Inc., Des Moines, Iowa, a bank holding company, filed with the Board, prior to July 1, 1960, applications for the Board's prior approval of the acquisition of the voting control of 25 per cent of the voting shares of the following four banks:

Brenton State Bank, Dallas Center, Iowa
Jefferson State Bank, Jefferson, Iowa
The First National Bank of Perry, Perry, Iowa
Poweshiek County National Bank of Grinnell, Grinnell, Iowa

Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement[1] of this date, which is attached hereto and made a part hereof, and which is available for inspection at the Office of the Board's Secretary, at all Federal Reserve Banks, and at the Office of the Federal Register.

The record in this proceeding to date consists of the applications, the Board's letters to the Comptroller of the Currency inviting his views and recommendations on the two national bank applications, the replies of the Comptroller, the Board's letters to the Superintendent of Banking for the State of Iowa inviting his views and recommendations on the two State bank applications, the replies of the Superintendent, this Notice of Tentative Decision, and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the applications.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments upon or objections to the Board's proposed action. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 30th day of August 1960.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 60-8269; Filed, Sept. 6, 1960; 8:45 a.m.]

[1] Filed as part of the original document.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2218]

GREAT LAKES NATURAL GAS CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 31, 1960.

I. Great Lakes Natural Gas Co., Inc., a Pennsylvania corporation, 632 West 9th Street, Erie, Pennsylvania, filed with the Commission on February 12, 1959, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of $.25 par value common stock at $2.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that a permanent injunction was issued on July 14, 1960, in the Supreme Court of the State of New York for New York County against Great Lakes Natural Gas Co., Inc. permanently enjoining it from directly or indirectly engaging in any business relating to the purchase and sale of securities.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry, and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8271; Filed, Sept. 6, 1960; 8:45 a.m.]

[File No. 24D-2460]

ROLITON CORPORATION

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 31, 1960.

I. Roliton Corporation (issuer), a Colorado corporation, 1600 Ogden Street, Denver, Colorado, filed with the Commission on June 28, 1960, a notification on Form 1-A and an offering circular relating to an offering of 175,000 shares of its 50 cent par value common stock at $1 per share for an aggregate of $175,000 and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Item 2(b) of the notification fails to disclose an affiliate of the issuer;

2. Item 2(b) of the notification fails to disclose the nature of the affiliation between the issuer and corporations named in response thereto;

3. Item 9(a) fails to disclose unregistered securities issued by affiliated issuers within one year prior to the filing of the notification;

4. Item 9(b) fails to disclose unregistered securities of an affiliated issuer which were sold within one year prior to the filing of the notification by or for the account of a person who at the time was a director, officer, promoter or principal security holder of the issuer of such securities;

5. Item 10 fails to disclose securities of an affiliated issuer presently contemplated to be offered in addition to those covered by the notification;

6. The aggregate offering price computed in the manner prescribed by Rule 253 and Rule 254 of Regulation A exceeds $300,000.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose interests of officers and directors of the issuer in affiliated companies;

2. The failure to disclose adequately agreements between the issuer and affiliated companies;

3. The failure to disclose adequately benefits to be derived by an affiliated company from the issuer's operations;

4. The failure to disclose adequately the operations of an affiliated company, which company's operations would be competitive with the issuer's proposed operations;

5. The failure to disclose all direct and indirect interests of the officers, directors, controlling persons and promoters of the issuer in affiliates;

6. The failure to disclose material transactions between the issuer and its affiliate within the past two years;

7. The failure to disclose adequately agreements between the issuer and other companies;

8. The failure to disclose a proposed merger between the issuer and one of its affiliates.

C. The offering would be made in violation of Section 1y of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8272; Filed, Sept. 6, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 1, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40 and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36528: *Flour and meal—Iowa and Minnesota to Gulf ports in Texas.* Filed by the Chicago, Rock Island and Pacific Railroad Company (No. 890), for itself. Rates on wheat flour and corn meal, in carloads, from CRI & P stations in Iowa and Minnesota, to Galveston, Houston and Texas City, Tex. (for export).

Grounds for relief: Restore port relationships disrupted by depressed rates based on combination rates to New Orleans, La., made over Chicago, Ill., from the same origins.

Tariff: Supplement 21 to the Chicago, Rock Island and Pacific Railroad Company's tariff I.C.C. C–13604.

FSA No. 36529: *Iron or steel rods—Roebling, N.J., to Worcester, Mass.* Filed by Tariff Executive Association-Eastern Railroads, Agent (ER No. 2552), for interested rail carriers. Rates on iron or steel coiled rods, in carloads, as described in the application, from Roebling, N.J., to Worcester, Mass.

Grounds for relief: Private truck competition.

Tariff: Supplement 81 to The Pennsylvania Railroad Company's tariff I.C.C. 3234.

FSA No. 36530: *Sand—Dickason Pit, Ind., to Block, Ill.* Filed by Illinois Freight Association, Agent (No. 113), for the Chicago & Eastern Illinois Railroad Company. Rates on sand, in carloads, as described in the application, from Dickason Pit, Ind., to Block, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 141 to the Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 144.

FSA No. 36531: *Box or crate material from Helena and West Helena, Ark.* Filed by O. W. South, Jr., Agent (SFA No. A4012), for interested rail carriers. Rates on box or crate material, in carloads, as described in the application, from Helena and West Helena, Ark., to points in Illinois, Iowa, Minnesota and Wisconsin.

Grounds for relief: Rate relationship with West Helena, Ark., on the Missouri Pacific Railroad.

Tariffs: Supplements 37 and 98 to Southern Freight Association tariffs I.C.C. S–3 and 1388 (Spaninger series), respectively.

FSA No. 36532: *T.O.F.C. service—between points in official territory and points in southern territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2553), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in or on trailers or flexi-van trailers and transported on railroad flat cars between points in official territory (not including Illinois), on the one hand, and points in southern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Traffic Executive Association-Eastern Railroads tariff I.C.C. C–165.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–8278; Filed, Sept. 6, 1960; 8:47 a.m.]

[Rev. S. O. 562; Taylor's I.C.C. Order 123]

PENNSYLVANIA RAILROAD CO.

Diversion or Rerouting of Traffic

The Pennsylvania Railroad Company having placed embargo is, in the opinion of Charles W. Taylor, Agent, unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting of traffic: Because of impending work stoppage and embargo placed, The Pennsylvania Railroad Company and its connections being unable to transport traffic in accordance with shippers' routing, are hereby authorized to divert and reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., August 30, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., September 15, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 30, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60–8280; Filed, Sept. 6, 1960; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 122; Amdt. 1]

UNION RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 122 (The Union Railroad Company (Pittsburgh, Pennsylvania)) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 122 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 15, 1960, unless otherwise modified, changed suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 30, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60–8279; Filed, Sept. 6, 1960; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 2, 1960

S.J. Res. 68 ---------- Public Law 86–683
Joint Resolution providing for the establishment of the New Jersey Tercentenary Celebration Commission to formulate and implement plans to commemorate the three hundredth anniversary of the State of New Jersey, and for other purposes.

S. 68 ---------- Public Law 86–684
An Act to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

S. 107 ---------- Public Law 86–685
An Act to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating drydocks under the definition of the term "vessel" in such title.

S. 1781 ---------- Public Law 86–686
An Act to facilitate cooperation between the Federal Government, colleges and universities, the States, and private organizations for cooperative unit programs of research and education relating to fish and wildlife, and for other purposes.

S. 1857 ---------- Public Law 86–687
An Act to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes.

S. 2576 ---------- Public Law 86–681
An Act to authorize the addition of certain donated lands to the Everglades National Park.

S. 2669 ---------- Public Law 86–688
An Act to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska.

S. 2711 ---------- Public Law 86–690
An Act to quiet title to certain lands within the Nez Perce Indian Reservation, Idaho, and for other purposes.

S. 2806 ---------- Public Law 86–689
An Act to revise the boundaries of the Coronado National Memorial and to authorize the repair and maintenance of an access road thereto, in the State of Arizona, and for other purposes.

S. 2932 ---------- Public Law 86–691
An Act to provide for credit for service of sentence for time spent in custody for want of bail prior to the imposition of sentence by the sentencing court where the statute requires the imposition of a minimum mandatory sentence.

S. 3053 ---------- Public Law 86–692
An Act for the relief of the State of Connecticut.

S. 3070 ---------- Public Law 86–693
An Act to provide for the removal of the restriction on use with respect to certain lands in Morton County, North Dakota, conveyed to the State of North Dakota on July 20, 1955.

S. 3160 ---------- Public Law 86–696
An Act to provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of the State of Idaho as a Territory.

S. 3264 ---------- Public Law 86–694
An Act to abolish the Arlington Memorial Amphitheater Commission.

S. 3487 ---------- Public Law 86–695
An Act to amend the "Anti-Kickback Statute" to extend it to all negotiated contracts.

S. 3532 ---------- Public Law 86–697
An Act to provide for the striking of medal in commemoration of Century 21 Exposition to be held in Seattle, Washington.

H.J. Res. 658 ---------- Public Law 86–698
Joint Resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House.

H.R. 900 ---------- Public Law 86–699
An Act to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom.

H.R. 2339 ---------- Public Law 86–682
An Act to revise, codify, and enact into law, title 39 of the United States Code, entitled "The Postal Service".

H.R. 5747 ---------- Public Law 86–701
An Act to amend section 152, title 18, United States Code, with respect to the concealment of assets in contemplation of bankruptcy.

H.R. 10455 ---------- Public Law 86–705
An Act to amend the Mineral Leasing Act of February 25, 1920.

H.R. 10598 ---------- Public Law 86–702
An Act to clarify certain provisions of the Criminal Code relating to the importation or shipment of injurious mammals, birds, amphibians, fish, and reptiles (18 U.S.C. 42(a), 42(b)); and relating to the transportation or receipt of wild mammals or birds taken in violation of State, National, or foreign laws (18 U.S.C. 43), and for other purposes.

H.R. 11390 ---------- Public Law 86–703
An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 12326 ---------- Public Law 86–700
An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 12619 ---------- Public Law 86–704
An Act making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

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PROPOSED RULES:
1---------- 8641

32 CFR

562---------- 8638

38 CFR

3---------- 8639

FEDERAL REGISTER Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3370

JANE ADDAMS CENTENNIAL DAY

By the President of the United States of America

A Proclamation

WHEREAS September 6, 1960, will mark the centennial of the birth of Jane Addams, one of our country's first and greatest champions of human progress through neighborly understanding; and

WHEREAS Jane Addams pioneered in helping unfortunate persons through the neighborly services offered at Hull House—the Nation's first settlement house—which she founded in Chicago in 1889; and

WHEREAS many of today's welfare services owe their origin to her establishment of such resources as our first child-guidance clinic, a child-care center to help working mothers, an employment service, and educational and recreational opportunities for impoverished families; and

WHEREAS her vision and leadership led to the outlawing of child labor, to the establishment of the world's first juvenile court, and to improved working conditions and hours of labor; and

WHEREAS she fought to improve sanitary standards in the Nation's homes and market places and to effect clearance of slums; and

WHEREAS her work at Hull House and her leadership in the struggles for woman suffrage, race equality, and international cooperation have benefited the people of other lands as well as the people of the United States; and

WHEREAS the Congress, by a joint resolution approved September 2, 1960, has authorized and requested the President to proclaim September 6, 1960, as a day upon which all Americans should pay honor and respect to Jane Addams, founder and leader of Chicago's Hull House:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate September 6, 1960, as Jane Addams Centennial Day; and I urge all Americans to rededicate themselves on that day, and throughout this centennial year of 1960, to the ideals that motivated Jane Addams in her devotion to the work of improving individual, family, and community welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of September in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER.

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-8405; Filed, Sept. 7, 1960; 10:59 a.m.]

Executive Order 10886

SUSPENSION OF CERTAIN PROVISIONS OF SECTION 5231(b) OF TITLE 10 OF THE UNITED STATES CODE WHICH RELATE TO THE NUMBER OF OFFICERS SERVING IN THE GRADES OF ADMIRAL AND VICE ADMIRAL IN THE NAVY

By virtue of the authority vested in me by section 5234 of title 10 of the United States Code, it is ordered as follows:

The provisions of section 5231(b) of title 10 of the United States Code which relate to the number of officers serving in the grades of admiral and vice admiral are hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 6, 1960.

[F.R. Doc. 60-8404; Filed, Sept. 7, 1960; 10:27 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, paragraph (e)(3) of § 6.110 is amended as set out below.

§ 6.110 Department of the Interior.

• • • • • •

(e) *Office of Territories* • • •

(3) One position of part-time Secretary, one position of Administrative Educational Aid, and one position of Instructional Aid to the U.S. Resident Administrator for Canton Island.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8309; Filed, Sept. 7, 1960; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Civil Aeronautics Board

Effective upon publication in the FEDERAL REGISTER, paragraph (q) of § 6.337 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8305; Filed, Sept. 7, 1960; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (26) is added to § 6.342(a) as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(26) One Private Secretary to the Special Assistant to the Administrator (Workable Programs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8307; Filed, Sept. 7, 1960; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

International Cooperation Administration

Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (2) are added to paragraph (b) and subparagraph (3) is added to paragraph (f) of § 6.349 as set out below.

§ 6.349 International Cooperation Administration.

• • • • • •

(b) *Office of the Deputy Director for Management.* (1) The Deputy Director for Management.

(2) One Private Secretary to the Deputy Director for Management.

• • • • • •

(f) *Office of the Deputy Director for Congressional Relations.* • • •

(3) One Private Secretary to the Deputy Director for Congressional Relations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8308; Filed, Sept. 7, 1960; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Civil and Defense Mobilization

Effective upon publication in the FEDERAL REGISTER, paragraph (k) of § 6.363 is amended as set out below.

§ 6.363 Office of Civil and Defense Mobilization.

• • • • • •

(k) The Deputy Assistant Director of the Office of Resources and Production and the Deputy Assistant Director of each of the following offices under the Office of Resources and Production: Economic Stabilization; Transportation; Fuel and Energy; Production and Materials; Telecommunications; and Food and Water.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8306; Filed, Sept. 7, 1960; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Determination of Equivalent Price for Grade AA (93-Score) Butter at Chicago

Part
903 St Louis, Missouri.
907 Milwaukee, Wisconsin.
913 Greater Kansas City.
921 Ozarks.
925 Puget Sound, Washington.
941 Chicago, Illinois.
954 Duluth-Superior.
967 South Bend-La Porte-Elkhart, Ind.
977 Paducah, Kentucky.
991 Rockford-Freeport, Illinois.
1008 Inland Empire.
1011 Michigan Upper Peninsula.
1016 Northeastern Wisconsin.
1023 Des Moines, Iowa.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR, Part 900), hereinafter referred to as the "orders" it is hereby found and determined as follows:

(1) Inasmuch as the daily wholesale selling prices for Grade AA (93-score) butter on the Chicago market, as reported by the Dairy and Poultry Market News Service, Agricultural Marketing Service, United States Department of Agriculture, and employed in the orders as factors in the formulas for computing the class prices and butterfat differentials, are not available on a number of days during the month of August 1960, and the average of the limited number of daily prices reported is not representative of such prices for the month of August 1960, it is hereby determined that the equivalent price for Grade AA (93-score) butter at Chicago for August 1960 shall be 59.28 cents.

(2) Notice of proposed rule making, public procedure thereon and 30 days prior notice to the effective date hereof are impractical, unnecessary and contrary to the public interest, in that (a) the daily wholesale selling prices for Grade AA (93-score) butter on the Chicago market have not been reported by the Dairy and Poultry Market News Service, Agricultural Marketing Service, United States Department of Agriculture, on a number of days during the month of August 1960, and the average of the limited number of daily prices reported is not representative of such prices for the month of August 1960; (b) the determination of an equivalent price immediately is necessary to make possible the announcement of the minimum class prices and butterfat differentials under the orders in valuing producer milk received by handlers during the months of August 1960 and September 1960; (c) an essential purpose of this determination is to give all interested persons notice that the average of Grade AA (93-score) butter prices reported by the Dairy and Poultry Market News Service for August 1960, is not being used for the purpose of the price computations required in connection with the computation of class prices and butterfat differentials under the aforesaid orders; and (d) this determination does not require substantial or extensive preparation of any person.

Issued at Washington, D.C., this 1st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8313; Filed, Sept. 7, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-200]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to §§ 600.6402, 600.6405 and 600.6410 is to modify Hawaiian VOR Federal airways No. 2, 5 and 10.

Hawaiian VOR Federal airway No. 2 extends in part from Lanai, Hawaii, to Hilo, Hawaii, via Upolu Point, Hawaii. Hawaiian VOR Federal airway No. 5 extends from the intersection of the Lanai, Hawaii, VOR 111° and the Kahului, Hawaii, VOR 204° True radials to the Kahului VOR. Hawaiian VOR Federal airway No. 10 extends from the Upolu Point, Hawaii, VOR to the intersection of the Upolu Point VOR 096° and the Hilo, Hawaii, VOR 034° True radials. The Lanai, Hawaii, VOR has been relocated to a site at Lat. 20°46'04" N., Long. 156°-58'18" W., in order to provide more precise navigational guidance. This relocation is minor in nature in that it represents a change of only approximately 2 miles.

Construction near the Upolu Point VOR has rendered this facility unsuitable for air navigation between 282° and 322° True radials. It is necessary to relocate this facility at the earliest possible date, to a site at which it will function properly. A suitable site has been selected at Lat. 20°12'13" N., Long. 155° 50'47" W., and the Federal Aviation Agency is prepared to commence construction immediately. The existing facility will continue in operation until the new Upolu Point VOR is commissioned in order to provide navigational guidance on VOR Federal airway No. 11, north of Upolu Point and on Victor 2 and Victor 10, east of Upolu Point.

In order to provide adequate navigational guidance and permit continued operations between Lanai and Hilo, and between Kahului and Upolu Point until the Upolu Point VOR has been relocated, Victor 2 will be temporarily redesignated from the relocated Lanai VOR to the Hilo VOR via the intersection of the Lanai VOR 107° and the Hilo VOR 334° True radials. Victor 10 will be temporarily designated from the Kahului VOR to the Upolu Point VOR via the intersection of the Kahului VOR 183° and the Lanai VOR 117° True radials. This will provide a route between Lanai and Hilo, and between Kahului and Upolu Point until the Upolu Point VOR is relocated. Since Victor 5 is presently described as commencing at the intersection of the Lanai VOR 111° and the Kahului VOR 204° True radials, the temporary realignment of Victor 2 will necessitate the redesignation of Victor 5 as commencing at the intersection of the Lanai VOR 107° and the Kahului VOR 204° True radials to the Kahului VOR. The portions of these airways which will coincide with the Kahoolwae, Hawaii, Restricted Area (R-327) will be excluded. No amendment to Victor 2 west of Lanai or to Victor 7 northwest of Lanai will be required inasmuch as the airways and their associated control areas are so designated that they will automatically conform to the relocated Lanai VOR. The control areas associated with Victor 2, 5 and 10 are so designated that they will automatically conform to the redesignated airways. Accordingly, no amendment relating to these control areas will be necessary. It is planned that the temporary alignments of Victor 2, 5 and 10 described herein will be cancelled upon commissioning of the Upolu Point VOR, at its new site, at which time airways will be designated on the relocated Lanai and Upolu Point VOR's. Extensive modification of the Hawaiian VOR Federal airway system, including designation of airways via the Lanai and Upolu Point VOR's, will be proposed in a subsequent Docket which is expected to be published as a notice of proposed rule making in the immediate future.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the public interest and that notice and public procedure hereon are impracticable and that good cause exists for making these amendments effective in less than 30 days.

The realignment of Victor 2, 5 and 10 was discussed at an informal airspace meeting held in Honolulu, Hawaii, on July 26, 1960. Civil and military representatives unanimously agreed to the action taken herein.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854 and has obtained their concurrence thereto.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) the following actions are taken:

§ 600.6402 [Amendment]

1. In the text of § 600.6402 (14 CFR 600.6402) "point of INT of the Lanai VOR 111° and the Upolu Point VOR 302° radials; Upolu Point, Hawaii, VOR; point of INT of the Upolu Point VOR 096° and the Hilo VOR 334° True radials;" is deleted and "INT of the Lanai VOR 107° and the Hilo VOR 334° True radials;" is substituted therefor.

2. Section 600.6405 (14 CFR 600.6405) is amended to read:

§ 600.6405 Hawaiian VOR civil airway No. 5.

From the INT of the Lanai, Hawaii, VOR 107° and the Kahului, Hawaii, VOR 204° True radials to the Kahului VOR, excluding the portion which coincides with the Kahoolwae, Hawaii, Restricted Area (R-327).

3. Section 600.6410 (14 CFR 600.6410) is amended to read:

§ 600.6410 Hawaiian VOR civil airway No. 10.

From the Kahului, Hawaii, VOR via the INT of the Lanai, Hawaii, VOR 117° and the Kahului VOR 183° True redials; Upolu Point, Hawaii, VOR; to the INT of the Upolu Point VOR 096° and the Hilo, Hawaii, VOR 034° True radials, excluding the portion which coincides with the Kahoolwae, Hawaii, Restricted Area (R-327).

These amendments shall become effective 0001 e.s.t. September 30, 1960.

(Secs. 307(a), 313(a) and 1110, 72 Stat. 749, 752, and 800, 49 U.S.C. 1348, 1354, and 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8325; Filed, Sept. 7, 1960; 8:49 a.m.]

[Airspace Docket No. 60-FW-18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification and Designation of Federal Airways and Associated Control Areas

On May 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4452) stating that

the Federal Aviation Agency was considering an amendment to Parts 600, 601, and § 600.6015 of the regulations of the Administrator which would modify VOR Federal airway No. 15 between Houston, Tex., and College Station, Tex., and designate VOR Federal airway No. 477 and associated control areas from Houston to Dallas, Tex., via Leona, Tex., to include an east and west alternate between Houston and Leona and an east alternate between Leona and Dallas.

As stated in the notice, the segment of Victor 15 from Houston to College Station would be realigned direct station to station. Victor 477 and associated control areas would be designated from the Houston VORTAC to the Dallas VORTAC via the Leona VOR and the intersection of the Leona VOR 338° True and the Dallas VORTAC 170° True radials, including an east alternate from Houston to Leona via the Houston VORTAC 353° True and the Leona VOR 141° True radials and an east alternate from Leona to Dallas, via the intersection of the Leona VOR 353° and the Dallas VORTAC 153° True radials, and a west alternate from Houston to Leona, via the intersection of the Houston VORTAC 314° True and the Leona VOR 173° True radials.

The Air Transport Association of America stated that they strongly supported the action and urged the Federal Aviation Agency to proceed without delay in the implementation of the proposal. In support of this recommendation, it was further stated that one air carrier alone operates 282 weekly flights or an average of 40 daily schedules over the Dallas-Houston route and that an increase in this number was anticipated. In the interest of providing a greater degree of safety and improved air traffic management, they felt the Federal Aviation Agency was more than justified in taking the action as proposed.

The Department of the Air Force objected to Victor 477 and the east alternate between Leona and Dallas. The Air Force contended that designation of Victor 477 would substantially affect the efficiency of their training program in the area because of their activities at James Connally AFB, Waco, Texas.

The Federal Aviation Agency notes that coincidental with the objections raised by the Air Force, they indicated satisfaction with existing procedures for handling traffic under existing agreement between James Connally AFB and the Federal Aviation Agency, Fort Worth, Tex., Air Route Traffic Control Center. At present, traffic between Dallas and Leona is routed via the Dallas VORTAC 170° True and the Leona VOR 338° True radials and the Dallas VORTAC 153° True and the Leona VOR 353° True radials. It is contemplated that the establishment of Victor 477 will in no way affect these procedures and that the Federal Aviation Agency plans no changes therein in the implementation of Victor 477 and the east alternate since the airway will utilize the same airspace as the present off-airway routes.

The Federal Aviation Agency is mindful of competitive demands for the utilization of navigable airspace occasioned by the ever increasing amount of air traffic over the United States and is desirous of resolving such demands in the most equitable manner possible. In this particular instance, the volume of traffic between Dallas and Houston averaged approximately 27 flights on an IFR peak day traffic survey in calendar year 1958. The last IFR peak day traffic survey during the last quarter of calendar year 1959 shows a total of 37 flights. The Agency is of the opinion that the designation of Victor 477 in this area is justified in order to more efficiently exercise air traffic management for both en-route traffic and the terminal traffic at James Connally AFB. This action should not be withheld because of a segment of activity which is a part of the entire complex and to which air traffic management procedures also apply. Therefore, the Federal Aviation Agency is designating Victor 477 and its associated control area and modifying Victor 15 as proposed in the notice.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. Parts 600 and 601 (14 CFR 600, 601) are amended as follows:

a. Section 600.6477 is added to read:

§ 600.6477 VOR Federal airway No. 477 (Houston, Tex., to Dallas, Tex.).

From the Houston, Tex., VORTAC via the Leona, Tex., VOR, including an E alternate via the Houston VORTAC 353° True and the Leona 141° True radials and a W alternate via the Houston VORTAC 314° True and the Leona VOR 173° True radials; INT of the Leona VOR 338° True and the Dallas VORTAC 170° True radials to the Dallas, Tex., VORTAC, including an E alternate via the Leona VOR 353° True and the Dallas VORTAC 153° True radials.

b. Section 601.6477 is added to read:

§ 601.6477 VOR Federal airway No. 477 control areas (Houston, Tex., to Dallas, Tex.).

All of VOR Federal airway No. 477 including E alternates and a W alternate.

§ 600.6015 [Amendment]

2. In the text of § 600.6015 (14 CFR 600.6015, 25 F.R. 5481) "INT of the Houston VOR 323° and the College Station VOR 124° radials;" is deleted.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8324; Filed, Sept. 7, 1960; 8:49 a.m.]

[Airspace Docket No. 60-WA-176]

PART 608—RESTRICTED AREAS

Modification and Designation

On July 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6584) stating that the Federal Aviation Agency was considering an amendment to § 608.43 of the regulations of the Administrator which would modify the Wilmington, Ohio, Restricted Area (R-109) and designate the Wilmington, Ohio, Restricted Area (R-109A).

As stated in the notice, the Wilmington Restricted Area (R-109) is located southeast of Dayton, Ohio. Its time of use is designated as continuous and the designated altitudes extend from the surface to unlimited. It is designated for the purpose of intensive instrument and experimental training, although operations therein include research and development flight tests. The Federal Aviation Agency is modifying the boundary of Restricted Area R-109 as follows: Beginning at Lat. 39°30'00" N., Long. 83°02'00" W.; to Lat. 38°48'30" N., Long. 83°02'00" W.; to Lat. 38°58'30" N., Long. 84°05'00" W.; to Lat. 39°15'45" N., Long. 84°05'00" W.; to Lat. 39°30'00" N., Long. 83°47'00" W.; to the point of beginning. This area is divided by an east-west line extending from Lat. 39°12'30" N., Long. 84°05'00" W.; to Lat. 39°08'20" N., Long. 83°02'00" W. The area south of this line is designated as Restricted Area R-109 and extends from the surface to Flight Level 600 during the period from 0800 to 2200 e.s.t., Monday through Saturday. This area encompasses 1,098 square miles. The area north of this line is designated as Restricted Area R-109A and extends from 3,000 feet MSL to Flight Level 600 during the period from 0800 to 2200 e.s.t., Monday through Saturday. This area encompasses 1,140 square miles. This modification of the configuration of the Wilmington Restricted Area (R-109) results in a reduction in size of approximately 145 square miles of reserved airspace and a reduction of approximately 58% in the time of use of the present restricted area.

The National Business Aircraft Association objected to the modification of Restricted Area R-109 as proposed in the Notice stating that the proposal will impose additional operational penalties on the Cincinnati terminal area air traffic and adversely affect air safety in the vicinity of the Lunken Airport. NBAA further stated the proposal fails to properly recognize the position shared jointly by the Federal Aviation Agency and all civil user organizations represented at the Regional and Washington airspace meetings which specified that a floor to the western boundary of the restricted area was a firm requirement. In addition, NBAA reaffirmed their position, as expressed in Washington Airspace Division Case No. 11434, as:

1. R-109 west of the 84° meridian should have a floor of 12,000 feet.

2. A floor of 3,000 feet should be established for R-109 east of the 84° meridian.

3. A buffer zone should be established between the southern edge of the restricted area and Victor airway 128.

The Federal Aviation Agency does not concur in the comments advanced by the NBAA. Contrary to imposing additional operational penalties on air traffic, or in any way compromising air safety, the purpose and intent is to improve air traffic management efficiency while increasing air safety. As previously stated, the modification of R-109 and the designation of R-109A will result in a reduction in the total airspace reserved as well as in its time of designation. In addition, all of the airspace involved was designated control area in Airspace Docket No. 60-WA-105 (25 F.R. 8098), and the FAA was designated the controlling agency of the restricted area. This will allow for optimum utility of the airspace involved by application of the joint use concept. At any time the area is not restricted for the purposes of the user agency, it will be available to the FAA for the management of normal air traffic. Air safety considerations and the nature of the activities for which the area is restricted preclude the feasibility of assigning upper floors in addition to the 3000 foot floor herein designated for the northern portion of the area. The FAA does not consider buffer zones between restricted areas and controlled airspace to be a requirement. Restricted areas are designated for the purpose of containing activities that may constitute a hazard to normal air traffic, and such activities must be confined within the area encompassed by the boundaries designated. The actions taken herein are the result of a recent review of the requirements of all users of this airspace and will result in a more realistic restriction of airspace to accommodate existing activities generated at Wright Air Development Center, Dayton, Ohio, while furnishing maximum availability of the area for use by other aircraft.

The Aircraft Owners and Pilots Association concurred in the proposal. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), and for the reasons stated in the Notice, the following actions are taken:

1. In the text of § 608.43 *Wilmington, Ohio,* Restricted Area (R-109) (Huntington Chart) (23 F.R. 8586; 25 F.R. 8098) is amended to read:

Description by geographical coordinates.

Beginning at Lat. 39°08'20" N, Long. 83°02'00" W,
Thence to Lat. 38°48'30" N, Long. 83°02'00" W,
Thence to Lat. 38°58'30" N, Long. 84°05'00" W,
Thence to Lat. 39°12'30" N, Long. 84°05'00" W,
Thence to the point of beginning.
Designated altitudes. Surface to Flight Level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center.

2. In the text of § 608.43 *Ohio* (23 F.R. 8586), add:

Wilmington, Ohio, Restricted Area (R-109A) (Huntington Chart)

Description by geographical coordinates.

Beginning at Lat. 39°30'00" N, Long. 83°02'00" W,
Thence to Lat 39°08'20" N, Long. 83°02'00" W,
Thence to Lat. 39°12'30" N, Long. 84°05'00" W,
Thence to Lat. 39°15'45" N, Long. 84°05'00" W,
Thence to Lat. 39°30'00" N, Long. 83°47'00" W,
Thence to the point of beginning.
Designated altitudes. 3,000 feet MSL to Flight Level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center.

These amendments shall become effective 0001 e.s.t. October 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 31, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8299; Filed, Sept. 7, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-344]

PART 608—RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

On November 10, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9170) stating that the Federal Aviation Agency proposed to modify the Columbus (Lockbourne AFB), Ohio, Restricted Area/Military Climb Corridor (R-543) by extending the corridor to the southwest and raising the upper altitude levels.

The notice made reference to Airspace Docket No. 59-WA-343 which would have proposed the modification of the Wilmington Restricted Area (R-109). This docket was canceled prior to publication and the modification of Restricted Area (R-109) was proposed in Airspace Docket No. 60-WA-176. The Notice stated that the climb corridor would be extended to the proposed northern boundary of the restricted area. However, this restricted area has since been designated as control area in Airspace Docket No. 60-WA-105 (25 F.R. 8098). In this same docket, the Federal Aviation Agency was designated the controlling agency of the Restricted Area (R-109), and under the provisions of the joint use concept, this airspace will be used in the management of normal air traffic when it is not restricted for the purposes of the user agency. It will be necessary, therefore, to designate the climb corridor the full prescribed length, which will extend it into the modified restricted area, to afford full protection to air defense aircraft and other users of the airspace.

The Air Transport Association of America concurred in the proposal provided that the lateral dimension criteria used in the original designation are applied in the extension. These criteria will apply to the extension. The Aircraft Owners and Pilots Association/National Aviation Trade Association concurred in the proposal and further suggested that the floor of the corridor be raised in the 6 to 10 mile area. The Federal Aviation Agency has coordinated the suggestion with the Department of the Air Force. The Air Force has indicated a requirement to maintain the present configuration of the climb corridor due to aircraft operating characteristics.

The Airline Pilots Association interposed no objection to the proposal, and the Departments of the Air Force and the Navy concurred in the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), and for the reasons stated in the notice, the following action is taken:

In the text of § 608.43 *Columbus, Ohio* (Lockbourne AFB), Restricted Area/Military Climb Corridor (Huntington Chart) (23 F.R. 9135) is amended to read:

Description. That area based on the 218° True radial of the Appleton, Ohio, VORTAC, extending from 5 statute miles SW of Lockbourne AFB to 32 statute miles SW of the airbase, having a width of 2.55 statute miles either side of the 218° True radial at the beginning and a width of 4.3- statute miles either side of the 218° True radial at the outer extremity.

Designated altitudes.
2,750 feet MSL to 15,750 feet MSL from 5 statute miles SW of the airbase to 6 statute miles SW of the airbase.
2,750 feet MSL to 24,750 feet MSL from 6 to 7 statute miles SW of the airbase.
2,750 feet MSL to 27,000 feet MSL from 7 to 10 statute miles SW of the airbase.
6,750 feet MSL to 27,000 feet MSL from 10 to 15 statute miles SW of the airbase.
10,750 feet MSL to 27,000 feet MSL from 15 to 20 statute miles SW of the airbase.
15,750 feet MSL to 27,000 feet MSL from 20 to 25 statirte miles SW of the airbase.
19,750 feet MSL to 27,000 feet MSL from 25 to 32 statute miles SW of the airbase.

Time of designation. Continuous.
Controlling agency. Columbus, Ohio, Approach Control.

This amendment shall become effective 0001 e.s.t. October 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 31, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8300; Filed, Sept. 7, 1960; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 41]

PART 384—GENERAL ORDERS

Revocation of Certain Licenses With Respect to Exportation of Certain Commodities to Cuba or Dominican Republic

Part 384 is amended by adding a new § 384.4 to read as follows:

§ 384.4 Order revoking General Licenses GRO and GLV with respect to exportation of certain commodities to Cuba or Dominican Republic.

Effective 4:00 p.m., e.d.t., September 2, 1960, the following commodities are removed from General Licenses GRO and GLV for export to Cuba and Dominican Republic.

Commodities: Jeeps and all other automotive vehicles, except passenger cars, busses, and trailers; and functional parts for all automotive vehicles, except functional parts fabricated exclusively for passenger cars, busses and trailers. These commodities are classified under Schedule B numbers: 70922, 79011–79045, 79080–79085, 79113–79133, 79148–79153, 79159–79162, 79168–79262, 79277. (See § 399.2, Interpretation 19(b) for definition of "functional parts.")

Validated export licenses are required for export of these commodities unless the shipment was laden aboard the exporting carrier prior to the effective date of this order.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F.R. Doc. 60–8371; Filed, Sept. 7, 1960; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sulfur Dioxide and Sodium Metabisulfite; Exemption From Requirement of Tolerances

No objections having been filed to the proposal published in the FEDERAL REGISTER of July 22, 1960 (25 F.R. 6987), with reference to exempting sulfur dioxide and sodium metabisulfite from the requirement of tolerances, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended by adding the following new section:

§ 120.180 Exemption from the requirement of a tolerance for residues of sulfur dioxide from direct application or from sodium metabisulfite.

Sulfur dioxide from direct application or from sodium metabisulfite is exempted from the requirement of a tolerance for residues, when used in the fumigation of barley, buckwheat, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a (c), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29(a)).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511 et seq.; 21 U.S.C. 346a)

Dated: September 1, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60–8328; Filed, Sept. 7, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Amendments

Add paragraph (c–1) to § 562.15; revise § 562.16; and in § 562.32 revise paragraph (c), as follows:

§ 562.15 Conditions for retention of units.

• • • • •

(c–1) *Qualitative criterion.* Each class MC and CC institution must produce ROTC graduates who are of the caliber to successfully function as commissioned officers. To satisfy this requirement, officers appointed from each institution must successfully complete the officer orientation course. The performance of graduates at the officer orientation courses is a valid basis for determination of the officer's ability to successfully execute his duties as a commissioned officer and to insure the quality of the ROTC product.

§ 562.16 Maintenance of required standards.

(a) ROTC unit training, as well as adherence to the requirements for retention of units as specified in § 562.15, will be reviewed to ascertain whether standards required for the retention of units are being maintained. ROTC units at institutions which do not maintain required standards will be considered for probationary and/or withdrawal action.

(b) Major commanders will inspect and review the training of each unit as prescribed in AR 145-25 (Army regulations pertaining to inspection of units). In addition, when an institution fails to maintain required standards, the PMS will report the deficiency(s) in writing to the major commander.

(1) The report will be submitted within 10 days after it is ascertained that the unit has failed to meet a requirement.

(2) Any significant deficiency will be reported, such as:

(i) Failure to maintain required production standards.

(ii) Failure to maintain required enrollment standards.

(iii) Factor(s) causing an overall unsatisfactory rating on the annual formal inspection.

(iv) Withdrawal of accreditation by the accrediting association.

(v) Failure to maintain any requirement for the establishment of a unit as prescribed in § 562.13.

(3) The report will include the following factors, when pertinent:

(i) Attitude of the authorities regarding the failure of the institution to maintain the requirements of law and regulations.

(ii) Attitude of the faculty toward ROTC training.

(iii) Attitude of the student body toward ROTC training.

(iv) A statement of the efforts of the PMS to overcome difficulties and to maintain a successful unit.

(4) Upon receipt of report from PMS, the major commander:

(i) Will immediately contact the head of the institution for the purpose of evolving corrective action.

(ii) Will include appropriate recommendations and forward to the Commanding General, U.S. Continental Army Command.

(iii) May grant waiver of a unit's failure to meet the enrollment requirement of 100 students in MS I for an academic year in which officer production and all other requirements are met. Copies of correspondence between the major commander and the PMS will be furnished concurrently to The Adjutant General, ATTN: AGPB–O, Department of the Army, Washington 25, D.C., and Commanding General, U.S. Continental Army Command.

(5) Upon receipt of report, the Commanding General, U.S. Continental Army Command, will:

(i) Attach DA Form 329 (Report of Annual Formal Inspection of ROTC and NDCC Units).

(ii) Include appropriate recommendations and forward to The Adjutant General, ATTN: AGPB–O.

(6) Recommendations may include, but need not be limited to, waiver of a nonstatutory requirement, placing the school on probation, or withdrawal of the unit. The recommendation to waive a requirement must be based upon unusual circumstances. (For example, request for waiver of the requirement to produce 25 officers will be limited to cases involving a single class where resumption of normal production in subsequent clases is indicated.)

(c) Records will be kept of the performance of ROTC officers at officer orientation courses. The performances of an institution's ROTC graduates is a basis for determining the quality of officers produced at an institution. ROTC units at institutions which fall within the lowest 10 percent of the overall total will be considered for probationary action and/or withdrawal. This percentage is based on the relative class standings of the institution's graduates compared with the number of completions. The lowest 10 percent is based upon the performance of the ROTC officers whose relative class standings fall within the lowest third of the class including the number of failures. In addition, a separate determination will be made of the lowest 10 percent of failures only. Officers who fail to meet standards of service schools while attending these courses are relieved from active duty or active duty for training and discharged.

(1) Commanding General, U.S. Continental Army Command, will:

(i) Compile and maintain records of the class standings and failures of ROTC officers at each officer orientation course. These records will be compiled and maintained on a fiscal year basis, (i.e., the annual class standings are obtained by considering the performance of all ROTC officers at officer orientation courses who graduated or were relieved from duty during the period July 1 through June 30).

(ii) Determine the units which fall within the lowest 10 percent category. In making such determinations, standings for the 2 previous consecutive fiscal years will be considered. (For example, in July 1961, statistical data for fiscal years ending June 30, 1960 and June 30, 1961 will be considered.) Units which fall within the lowest 10 percent will not be authorized to enroll students in MS III who achieve scores of 110 or 115 on the ROTC Qualifying Examination.

(iii) Forward to each major commander the consolidated statistical data concerning the class standings and failures of ROTC officers appointed from institutions within his Army area. This data will be furnished annually by July 31 and will include the names of those units which fall within the lowest 10 percent. This consolidated statistical data will not be released below U.S. Army Corps level.

(iv) Forward to The Adjutant General, ATTN: AGPB–O, consolidated statistical data, by institution, indicating the class standings and failures of all ROTC officers at officer orientation courses. This data will be furnished annually by July 31.

(2) The major commander will notify the president of each institution of the accomplishment of the ROTC graduates of his institution at the officer orientation courses. If the unit falls within the lowest 10 percent category, a statement will be included that students who achieve scores of 110 to 115 on the ROTC Qualifying Examination will not be enrolled in MS III during the next academic year, unless such notification is made under provisions of paragraph (d)(1) of this section. A copy of the correspondence will be furnished the PMS and the inspection team when conducting the annual formal inspection.

(d) A unit placed on probation will remain in probationary status for one academic year. When Headquarters, Department of the Army, determines that a unit should be placed on probation, notification will be made to the major commander who will:

(1) Promptly notify the head of the institution of the probationary status of the unit. A statement will be included that students who achieve scores of 110 or 115 on the ROTC Qualifying Examination will not be authorized to enroll in MS III during the probationary period.

(2) Ascertain the status of the unit at the end of the probationary period.

(3) Inform The Adjutant General, ATTN: AGPB–O, through Commanding General, U.S. Continental Army Command, of the status of each unit which was on probation for reason other than for officer production. This notification will be made at the end of the probationary period.

(4) Remove from probation at the end of the probation period those units which were placed on probation because of failure to meet officer production requirement only, provided officer production and all other requirements were met for the probationary period. Promptly notify the head of the institution of removal of probation. Action required by subparagraph (3) of this paragraph will be taken when the units do not meet officer production or any other requirement at the end of the probation period.

(5) Take action as directed on cases forwarded to Headquarters, Department of the Army, for determination.

(6) Furnish The Adjutant General, ATTN: AGPB–O, Commanding General, U.S. Continental Army Command, and the PMS, copies of correspondence with the head of the institution concerning all probationary actions.

(e) When a unit of the military schools or junior division is on probation, the unit will not be considered for the designation "Honor ROTC Unit." A school in the military schools division will not be authorized to designate honor graduates while the unit is on probation.

§ 562.32 Programs, content, and objectives of courses.

• • • • •

(c) *Junior division.* The junior division provides a 3-year course of instruction in military fundamentals consisting of 3 hours of military training (MT) per week as prescribed in § 562.36. This training is conducted at class HS institutions during the last 3 academic years. Freshmen students at class HS institutions may participate in ROTC training under provisions of § 562.25, provided:

(1) Such participation is approved by the major commander.

(2) No additional personnel or equipment will be required.

(3) Program of ROTC instruction for sophomores, juniors, and seniors includes that prescribed by Army Training Program 145–4.

[C3, AR 145–350, July 28, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 4381–4387, 70A Stat. 246–248; 10 U.S.C. 4381–4387)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–8298; Filed, Sept. 7, 1960; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Permission to Indian War and Spanish-American War Veterans to Elect to Receive Pension

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1549 as follows:

§ 3.1549 Amendment to 38 U.S.C. 511 and 512 permitting Indian War and Spanish-American War veterans to elect to receive pension under the provisions of Public Law 86–211.

(a) *Provisions of the law*—(1) *Veterans of the Indian Wars.* Section 1 of Public Law 86–670 amends 38 U.S.C. 511 adding at the end thereof the following:

(c) Any veteran eligible for pension under this section shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable.

(2) *Veterans of the Spanish-American War.* Section 2 of Public Law 86–670 amends 38 U.S.C. 512(a) by adding at the end thereof the following:

(3) Any veteran eligible for pension under this subsection shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable.

(b) *Effect of the act.* Public Law 86–670 permits veterans of the Indian and Spanish-American Wars, who meet the service requirements of 38 U.S.C. 511(b) or 512(a)(2), to elect to be paid pension at the rates and under the conditions provided by Public Law 86–211. All of the substantive provisions of § 3.1536 and of subsequent issues interpretative of chapters 15 and 55, Title 38, United States Code, as amended by Public Law 86–211 as they relate to veterans of World War I, World War II or the Korean conflict are also for application to elections of veterans of the Indian and Spanish-American Wars except as specifically provided in this section.

(c) *Notice of claimants.* (1) Veterans of the Indian and Spanish-American Wars who are receiving monthly pension of $135.45 based on the need of regular aid and attendance under 38 U.S.C. 511(a)(2) or 512(a)(1)(B) will be informed of their right to irrevocably elect to receive pension under Public Law 86–211, of the pension payable thereunder and of the conditions under which each amount is payable.

(2) VA Form 21–6799 (NR), "Election, Net Worth and Income Questionnaire", will also be forwarded with each letter. It is not necessary, however, that the election be made on this form. A statement in writing, signed by the veteran (or fiduciary) will be accepted as a valid election. The election may be deferred and exercised at any future date. Action may not be taken to award pension at the new rate until receipt of an election.

(3) Veterans of these wars who are receiving pension of $101.59 monthly are also eligible to elect under Public Law 86–211. However, since it would not be to their financial advantage to elect they will not be routinely informed of this right. If they subsequently become entitled to pension of $135.45 monthly based on the need of regular aid and attendance, they will be fully informed of the provisions of Public Law 86–211 and of their right of election.

(d) *Effective dates.* (1) Payment of pension under Public Law 86–211, pursuant to this law, will be effective from the date of receipt of an election or September 1, 1960, the effective date of Public Law 86–670, whichever is later.

(2) Where a veteran states on VA Form 21–6799 (NR) that he is married or has a minor child or children and the amount of pension payable to him under Public Law 86–211 as a veteran without dependents is greater than the amount he is receiving under the old law, he will be awarded pension under Public Law 86–211 as a veteran without dependents. He will be informed of this action and requested to furnish evidence establishing marriage or the existence of the child. If this evidence is received within 1 year from the date of request, he will be awarded the increased pension payable because of his dependents, retroactively from the effective date of the award of pension under Public Law 86–211.

(3) If under the same circumstances he would receive less pension under Public Law 86–211 as a veteran without dependents than he is receiving under the old law, action on his election will be deferred. He will be informed of this action and requested to furnish evidence establishing his marriage or the birth of the child. If this evidence is furnished within 1 year from the date of request, he will be awarded pension under Public Law 86–211, effective the date of receipt of his election or September 1, 1960, the effective date of Public Law 86–670, whichever is the later.

(e) *Savings provisions.*—(1) *Veterans.* Veterans who become entitled to pension under 38 U.S.C. 511 or 512(a) on or after September 1, 1960, the effective date of Public Law 86–670, remain eligible to receive and will be awarded such benefits under the applicable cited section of Title 38, United States Code prior to its amendment by Public Law 86–670, subject to the right of election as provided in paragraph (d).

(2) *Widows and children.* The election of a veteran does not control nor affect the future rights of his wife and children. If he should predecease them, they, as his survivors, would remain eligible to receive pension under the provisions of sections 534, 535, 536 or 537 of Title 38, United States Code, whichever is applicable.

(3) *Finality of election.* An election under Public Law 86–670 is final and irrevocable as to the veteran after a pension check received thereunder is negotiated, thereby prohibiting a subsequent reelection of pension under 38 U.S.C. 511 and 512 prior to their amendment by Public Law 86–670. (Instruction 2, Title 38 U.S.C. chapters 15 and 55, Public Law 86–211 (Public Law 86–670).)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 8, 1960.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60-8332; Filed, Sept. 7, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

DEFINITION OF PROPERTY FOR PURPOSES OF DEPLETION ALLOWANCE

Notice of Hearing on Proposed Regulations

Proposed regulations under section 614 of the Code relating to definition of property for purposes of the depletion allowance were published in the FEDERAL REGISTER for August 13, 1960.

A public hearing on these proposed regulations will be held on Wednesday, September 21, 1960, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by September 16, 1960.

[SEAL] MAURICE LEWIS,
Director,
Technical Planning Division,
Internal Revenue Service.

[F.R. Doc. 60-8376; Filed, Sept. 7, 1960; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

United States Standards for Grades

LETTUCE [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Letture (7 CFR 51.2510 to 51.2524) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than March 1, 1961.

Statement of considerations leading to the proposed revision of the United States standards for grades of lettuce. Far-reaching suggestions by a produce-shipper organization formed the basis of a preliminary draft of a proposed grade revision which was distributed to industry members for comment in December 1959. Since that time many comments have been received from members of the lettuce industry. There have been informal discussions with individuals and groups, and meetings with representatives of trade organizations to review proposals to change the standards. The comments from industry members, additional information made available during the course of the investigations, and the need for grade standards which will best serve the lettuce industry as a whole have been considered in developing the proposed revised standards. As set forth herein the proposed standards differ in a number of important respects from the preliminary draft.

Members of the lettuce industry are urged to study the proposed changes carefully, and where possible make trial use of them during the next several months. Changes in the official grades will be delayed until the Spring of 1961.

Summary of comments from producers and shippers. The producers and shippers were quite consistent in their approval of the preliminary proposal. The most frequent comments were to the effect that the proposed standards were more specific than those now in effect and that this would help eliminate disputes because misunderstandings have resulted from unclear definitions and language used in trading by buyers and sellers. Others emphasized the need to allow for normal transit deterioration. There were numerous references to the present "outdated and outmoded" standards. The proposal was hailed as more practical and realistic and an aid in correcting "present abuses."

Several comments referred to "wholesale rejection attitudes in the last five years" and references were made to recent developments which it was suggested necessitate a change in the standards. It should be pointed out, however, that changes in rejection policies are only part of the changes that have occurred in the lettuce industry in recent years. New varieties, new containers, the advent of field packing and pre-cooling, changes in purchasing and distribution patterns, and other factors must all be considered.

Many of the comments from producers and shippers indicated that the "Proposed Good Delivery Standard for Lettuce under PACA Regulations" had been confused with the grade standards. The proposed good delivery standard was distributed with the preliminary draft of the proposed grade standards for the convenience of industry members in considering the proposals. However, the good delivery standard is separate and distinct from the proposed revised U.S. Standards for Grades of Lettuce and the two should not be confused.

Summary of comments from receivers. No receiver indicated satisfaction with all parts of the preliminary proposal. The major objection was in regard to the proposed delivered tolerances. There were a number of comments that the proposed changes would make the standards meaningless. There were specific recommendations on a variety of requirements and definitions. However, many of the questions or objections registered on a number of factors apparently stemmed from a lack of familiarity with the present grades. Following are the major specific comments from receivers: (1) General objection to delivered tolerances. Receivers advance the argument that improved harvesting and packing techniques, vacuum cooling, improved refrigeration and faster transportation schedules permit the delivery of lettuce in better condition than formerly. Receivers believe that, if there is a need to recognize condition changes in transit for lettuce, there is no valid reason for increasing the destination tolerances beyond the present level. On the contrary, they would recommend a reduction in the tolerances applicable at shipping point. Some would cut the shipping point tolerance to as low as 5 percent including 2½ percent serious damage.

(2) The need for a U.S. No. 2 grade is questioned by the receivers.

(3) There is agreement among the receivers that heads of lettuce should be examined internally to determine damage by seedstems. Some receivers question the usefulness of the drawings illustrating the scoring of seedstems. They consider them too liberal and suggest instead that a maximum length or maximum diameter be permitted. They also urge that a specific definition of "excessively long" seedstems be provided.

(4) The proposal to liberalize the tipburn requirements is questioned as being entirely unrealistic. The increased area is criticized as well as the proposal to disregard the lighter shades of tipburn at destination. It is argued that the presence of tipburn is objectionable regardless of the color. It is stated that the lighter shades of tipburn are the most dangerous because they are "active" and most likely to develop into decay. Others recommend that the U.S. No. 1 grade should be free from tipburn and that there should be no more than a total of 2 percent decay in both wrapper and head leaves.

(5) Receivers recommend that a minimum diameter should be specified for the compact portion of the head in connection with the Standard Pack requirement.

(6) Several receivers comment that the proposed definition of "green" should include the entire exterior surface of the head including wrapper leaves and on this basis should require half of the surface to have a light green color. It is also stated that the proposed definition would not be effective in bar-

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

ring "ripe" lettuce from the U.S. No. 1 grade.

(7) Most of those who commented on the solidity requirement questioned the proposed elimination of the requirement that three-fourths of the heads of Iceberg type lettuce shall be hard or firm.

(8) The definition of fairly well trimmed is considered too liberal by the receivers. It is stated that 6 wrapper leaves should be permitted, and that 8 leaves are unnecessary.

(9) Many comments were made by receivers concerning discoloration and other appearance factors. Blistering, peeling and discoloration following freezing should not be permitted on head leaves in U.S. No. 1 and should be restricted on the wrapper leaves. They also recommend that more attention should be given to appearance in the carton upon arrival because wholesale receivers must sell on the appearance at this time, not on the appearance in the retail store after the heads are trimmed. On the other hand it is stated that internal condition is most important to the consumers and should be given more consideration.

(10) The principle of a maximum net weight limitation in Standard Pack is generally approved by the receivers but 43 pounds is considered too low. One receiver believes that both pack and solidity could be adequately regulated by a minimum and maximum weight requirement.

(11) There is approval by most receivers of the more specific definitions that have been proposed. There is criticism of the present use of the term "materially" and "seriously" in definitions as being too indefinite and the use of more specific definitions is urged.

(12) In general, receivers consider the preliminary draft to be a step backward. They state that the current U.S. No. 1 grade does not necessarily provide quality or condition acceptable to the customer, and that the grades should be improved, not weakened.

Following are the major changes now proposed, together with some of the considerations upon which the changes are based:

(1) *Tolerances reduced for defects at shipping point, increased at destination.* Proposed tolerances for defects in the U.S. No. 1 grade at shipping point would be reduced from 10 percent to 8 percent for total defects. Not more than 4 percent would be allowed for serious damage, including not more than 1 percent for decay affecting any portion of the head exclusive of the wrapper leaves. The present U.S. No. 1 grade permits using the entire 10 percent tolerance for serious damage including 2 percent for decay. En route or at destination the U.S. No. 1 tolerances would be increased to 12 percent for all defects, including 8 percent for permanent defects and 6 percent for serious damage. The tolerance at destination for decay affecting the compact portion of the head, included in serious damage, would be increased to 3 percent. Corresponding changes would be made in the tolerances for other grades.

Analysis of inspection certificates shows that under normal conditions the average percentage of permanent grade defects is far below the present 10 percent tolerance. On the other hand, in seasons when quality is poor because of excessive tipburn or freezing injury, no reasonable tolerance can be met. It is advisable to set tolerances at realistic levels as determined by trade acceptance for good quality under normal conditions. Consequently the proposal would reduce the total defect tolerance, and also the tolerance for decay, applicable at shipping point. The present tolerances provide no additional limitations on serious damage and it is possible to have a lot grading U.S. No. 1 but containing 10 percent serious damage. In an effort to improve the standards the proposed tolerances for the two higher grades would restrict serious damage to half the total tolerances for defects.

Lettuce is readily subject to deterioration. Such factors as russet spotting and pink rib have been more prevalent since the advent of vacuum cooling. Tipburn may develop or progress in transit. Evidence of freezing injury may develop in transit. It is not practical or desirable to permit at destination any and all changes in condition that may occur in transit. However, it is unrealistic to expect lettuce to arrive in the market in quite as good condition as it started. Practical and realistic application of the standards requires considering some increase in tolerances for condition factors at destination. The proposed increases in destination tolerances are based upon analysis of inspection certificates covering a period of several years. These tolerances are higher than receivers would recommend because of their interest in receiving the best quality and condition possible. On the other hand they are not as high as recommended by shipping interests who voiced their interest in protection against "unjustified" rejections in the markets. The proposed tolerances for total defects, serious damage and decay are believed to be within limits which can reasonably be achieved and which represent acceptable, merchantable lettuce under normal market conditions.

(2) *An additional grade, "U.S. Premium" would be established above U.S. No. 1.* This grade is proposed in response to the comments by many receivers that the U.S. No. 1 grade covers too wide a range of quality and that it does not provide quality or condition acceptable to the customer. It also gives consideration to the shippers who are reluctant to have the requirements of the U.S. No. 1 grade raised. It is intended to provide specifications for premium lettuce for which there is currently no grade description. With this addition the grade standards would provide a means of designating all ranges of quality normally marketed. At the present time fresh, green, high quality lettuce may be on the market and competing with lettuce which shows moderate discoloration or blistering resulting from freezing injury. Under the present standards both could grade U.S. No. 1 and there is no means of officially designating the better lettuce. The proposed U.S. Premium grade would provide a designation to distinguish the better lettuce from the ordinary quality so that it could command a correspondingly higher price.

Those receivers who have strongly recommended that the U.S. No. 1 grade requirements be raised may find that the new grade will meet their needs. As with other commodities, raising the requirements of an existing grade does not necessarily improve the quality that will be available. The producer and shipper must be physically able to pack and ship to the higher quality specified. Otherwise the grade is of no value and will not be used in trading. It is believed that buyers and sellers should in many cases be able to trade on the basis of the proposed U.S. Premium grade.

Briefly summarized, U.S. Premium lettuce would meet all requirements of U.S. No. 1, and in addition would be young, succulent, not "ripe" or excessively hard or "ribby", and free from russet spotting, and from injury by tipburn, freezing and discoloration.

(3) *Proposed changes in the U.S. No. 1 grade would be made chiefly by revising the definitions.* In addition, the requirement that 75 percent of the heads of Iceberg type lettuce must be firm or hard would be changed to provide that unless otherwise specified at least 75 percent of the heads shall be firm and not more than 25 percent shall be either fairly firm or hard. This proposed change is prompted by comments received over a period of several years to the effect that hard lettuce is undesirable. Under the existing grade, 100 percent of the heads can be hard and still be certified as meeting U.S. No. 1. However, preferences regarding solidity vary. Some markets prefer hard lettuce, particularly in areas where lettuce is sold by weight. Others want it only firm. The revised solidity requirement is the same as that in the new U.S. Premium grade except that it permits other percentages of firm or hard heads to be specified if desired.

(4) *The application of tolerances section would be revised.* This section provides limitations on the percentage of defects or the number of defective specimens that may be present in the individual packages in a lot, subject to the overall requirement that the percentages of defects in the entire lot must be within the tolerance specified. This would be reworded and changed to permit, in packages containing 30 specimens or less, at least 1 defective specimen at shipping point and at least 2 defective specimens at destination. This would reduce the possibility of shipments failing to meet grade at destination, because of the technicality of, for example, an otherwise good lot of lettuce having an occasional container with 2 heads affected by decay. The additional restriction at shipping point is intended to discourage any tendency to pack heads affected with decay. There is likelihood that any decay at shipping point will spread and cause the lot to be out of grade upon arrival in the market.

(5) *The standard pack requirement would be changed.* Several changes are proposed in this section, most of which result from the change over from the wooden crate to the fibreboard shipping container. Coupled with this is the desire to encourage packing methods that would reduce damage by bruising resulting from overpacking. Damage may result from packing the heads too tightly in the layers or an excessive bulge may result in crushing heads when the container is closed. The proposed changes would:

(a) Base the standard pack requirement on the standard carton instead of on the wooden crate;

(b) Prohibit packing heads "excessively tightly" in layers;

(c) Incorporate the definitions of "fairly uniform in size" and "standard size head" in the requirement. In the present standards these are separate definitions. The basis for a standard size head would be a head with 4 wrapper leaves. This however, is provided only as an example and does not imply that the standard pack requirement limits the number of wrapper leaves to 4. A definition of "excessively tightly packed" is also provided;

(d) A requirement would be added that the net weight of Iceberg type lettuce in standard fiberboard containers shall be not less than 40 pounds and not more than 48 pounds. Comments concerning such a requirement indicate the need for both a minimum and a maximum weight requirement with sufficient range to allow for the normal variations encountered in field packing.

(e) It is also proposed to eliminate the provision that the allowance for containers failing to meet standard pack requirements does not apply to packs which are excessively loose in layers.

(6) *Numerous changes would be made in definitions.* Some existing definitions would be reworded to make their meaning clearer or to facilitate proper interpretation. Certain definitions would be made more liberal and others would be made more restrictive. Several new definitions would be provided. Following are the most important proposed changes:

(a) A definition of "green" would be added. Reference to green currently occurs only in the definition of fairly well trimmed. The new definition would be based on a specific shade of green illustrated by a standard color reference.

(b) A definition of "overgrown" would be added. This definition would bar from U.S. Premium grade lettuce which is past its prime and is "ripe".

(c) A definition would be provided for "ribby"—another defect of U.S. Premium grade.

(d) The definition relating to tipburn would be liberalized. This is one of the more controversial subjects in the entire proposal. Tipburn is so prevalent in lettuce from certain producing areas at certain seasons of the year that it is impractical to liberalize any of the grades sufficiently in this respect to pass a sizable percentage of such crops. In many instances it is evident that decay has followed tipburn. On the other hand there is evidence that tipburn is not the problem that it was in the days of the iced pack and need not be scored quite as severely. It is obvious, however, that the present definition of damage by tipburn is unrealistic. It results in barring much good merchantable lettuce from the U.S. No. 1 grade on what amounts to a technicality. At present more than one spot of tipburn of any size or any spot larger than ⅛ x ¼ inch constitutes damage. Frequently when any considerable amount of tipburn is present heads can be scored upon external examination without breaking them open. The proposed definition of damage permits any number of spots anywhere in the compact portion of the head as long as the aggregate area of all spots is not more than ½ x 1 inch. To be considered, tipburn must be light buff or darker in color and this is based on a standard color reference. The increased area permitted is not as liberal as it may appear. A review of market inspection certificates shows that about half of the lettuce damaged by tipburn under the present definition is also seriously damaged. Although the definition of damage by tipburn would be liberalized, tipburn causing serious damage under the present standards would in all instances be considered at least damaged in the proposed standards. The proposed definition of injury by tipburn is more liberal than the current definition of damage but it is considerably more restrictive than the proposed definition of damage. The proposed definition of serious damage by tipburn is quite liberal but it is compatible with the general definition of serious damage.

The shippers suggested that in the markets only tipburn which is brown or darker in color should be considered. This was based on the belief that there would be little danger of further deterioration in the relatively short time remaining before the lettuce reached the ultimate consumer. It was stated that appearance rather than danger of deterioration was the chief consideration and that the lighter shades of color were not particularly objectionable.

The receivers vigorously opposed these views and insisted that the presence of recognizable tipburn of any color is objectionable. In addition, Inspection Service personnel in the markets state that the lighter colored areas of tipburn are the most dangerous because they are still active and likely to develop decay. Consequently the proposal would require consideration of all except the lightest shades of tipburn at shipping point and at destination.

(d) The proposed definitions of injury caused by freezing (including blistering and peeling), discoloration, pink rib and rib discoloration provide for considerably stricter scoring of these factors than is provided in the present U.S. No. 1 grade.

(e) The definition of damage by seedstems would be changed to provide for making the determination on the basis of internal examination of the head instead of upon external indications as at present. There was some objection to the illustration of the maximum possible seedstems printed with the preliminary draft. However, no specific recommendations to improve them have been advanced. It is believed that illustrations of this type serve better as a guide to scoring than the specific limits on length or diameter which have been suggested.

(f) The definition of damage by broken midribs would apply specifically to midribs broken due to abnormal growth. This would avoid possible confusion with mechanical damage.

(g) The current definition of fairly well trimmed includes discoloration and blistering of wrapper leaves and color of head leaves. In the proposed standards these factors would be handled in separate definitions and the definition of fairly well trimmed would relate only to proper trimming of the butt and the number of wrapper leaves. The maximum number of wrapper leaves would be reduced from 8 to 6. Evidence has been advanced that more than 6 wrapper leaves are needed to protect the head during shipment. Most lettuce now packed has less than this number. The proposed reduction would be consistent with the effort to prevent excessively tight packs, overpacking and resulting bruising in transit.

(h) The definition of damage by freezing would be changed to eliminate reference to discoloration which would be covered in new definitions. It would also reduce the amount of blistering and peeling which is permitted on the head leaves. Under present requirements and interpretations wrapper leaves may have any amount of blistering which does not cause yellow or brown discoloration. "Material" blistering is permitted on 3 head leaves. The proposed definitions relating to freezing and discoloration do not change the requirements applying to wrapper leaves but they do reduce the blistering and discoloration permitted on the head.

There is much dissatisfaction among receivers concerning the condition of wrapper leaves during periods when field freezing is a problem. Blistering, peeling and discoloration resulting from freezing frequently develops or becomes more pronounced during shipment to market. Undoubtedly much misunderstanding results from the shippers inability to see at first hand what a decided change has taken place in the appearance of this lettuce. It may be worthwhile for shippers to consider whether they would not prefer even stricter requirements relating to freezing for application at shipping point. This should help reduce misunderstandings between buyers and sellers and reduce the possibility of rejections in the market.

(i) The definitions of damage and serious damage by discoloration are new and are designed to provide more specific guides for determining damage by the factors of discoloration following bruising, russet spotting, pink rib, and rib discoloration. Russet spotting is an objectionable defect which develops rapidly. Consequently any russet spotting present is considered serious damage at shipping point.

(j) Definitions would be added for the terms "permanent defects" and "condition defects" which specify the factors included by each of these terms.

(k) An addition to the definition of serious damage specifically states that decay affecting any portion of the head, including the wrapper leaves and butt, constitutes serious damage. This emphasizes that less decay affecting wrapper leaves would be permitted in the U.S. No. 1 grade than at present. There is now no restriction on serious damage within the total tolerance for defects. The entire tolerance may be used for decay affecting wrapper leaves only. In the proposed standards no more than half the total tolerance for defects would be permitted for decay affecting wrapper leaves only.

(l) The principal change in the U.S. No. 2 grade would reduce the tolerance for decay affecting the compact portion of the head from 5 percent to 1 percent at shipping point and to 3 percent at destination to conform to the tolerances for the other grades.

(m) *Attention is directed to the new Footnote 2.* This definition of "shipping point" would require lettuce being loaded for ship stores or overseas shipment to meet the shipping point tolerances.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.2510 U.S. Premium.
51.2511 U.S. No. 1.
51.2512 U.S. No. 2.

UNCLASSIFIED

51.2513 Unclassified.

APPLICATION OF TOLERANCES

51.2514 Application of tolerances.

STANDARD PACK

51.2515 Standard pack.

SOLIDITY CLASSIFICATION

51.2516 Solidity classification.

DEFINITIONS

51.2517 Similar varietal characteristics.
51.2518 Fresh.
51.2519 Green.
51.2520 Overgrown.
51.2521 Burst.
51.2522 Ribby.
51.2523 Doubles.
51.2524 Injury.
51.2525 Damage.
51.2526 Fairly well trimmed.
51.2527 Closely trimmed.
51.2528 Permanent defects.
51.2529 Condition defects.
51.2530 Serious damage.

AUTHORITY: §§ 51.2510 to 51.2530 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.2510 U.S. Premium.

"U.S. Premium" consists of heads of lettuce of similar varietal characteristics which are fresh and green, which are not soft, overgrown, burst or ribby, which are free from decay, russet spotting and doubles, and free from injury caused by tipburn, freezing and discoloration, and from damage caused by opening, seedstems, broken midribs, dirt, disease, insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. In any lot of Iceberg type lettuce not less than 75 percent of the heads shall be firm, and not more than a total of 25 percent shall be either fairly firm or hard.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted:

(1) *At shipping point.*[1] 8 percent for heads of lettuce in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects;

(ii) 6 percent for heads which are seriously damaged, including therein not more than 4 percent for heads which are seriously damaged by permanent defects and not more than 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

§ 51.2511 U.S. No. 1.

"U.S. No. 1" consists of heads of lettuce of similar varietal characteristics which are fresh and green, which are not soft or burst, and which are free from decay and doubles and from damage caused by tipburn, opening, seedstems, broken midribs, freezing, discoloration, dirt, disease, insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. Unless otherwise specified, in any lot of Iceberg type lettuce not less than 75 percent of the heads shall be firm, and not more than a total of 25 percent shall be either fairly firm or hard.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted:

(1) *At shipping point.* 8 percent for heads of lettuce in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects;

(ii) 6 percent for heads which are seriously damaged, including therein not more than 4 percent for heads which are seriously damaged by permanent defects and not more than 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

§ 51.2512 U.S. No. 2.

"U.S. No. 2" consists of heads of lettuce of similar varietal characteristics which are not burst and which are free from decay, and from serious damage caused by wilting, tipburn, seedstems, freezing, discoloration, disease, insects, or mechanical or other means. There are no solidity requirements in this grade but heads of Iceberg type lettuce which are distinctly open and leafy with practically no head formation shall not be permitted.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted:

(1) *At shipping point.* 8 percent for heads of lettuce in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 1 percent shall be allowed for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce in any lot which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects; and

(ii) 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

UNCLASSIFIED

§ 51.2513 Unclassified.

"Unclassified" consists of heads of lettuce which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2514 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages containing 30 specimens or less, individual packages may contain not more than double the tolerance, except that at shipping point at least one defective specimen may be permitted in any package, and en route or at destination at least two defective specimens may be permitted in any package; and,

(2) For packages containing more than 30 specimens, individual packages may contain not more than one and one-half times the tolerance when the specified tolerance is 10 percent or more, and not more than double the tolerance when the specified tolerance is less than 10 percent.

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the Continental United States, the port of entry into the United States.

STANDARD PACK

§ 51.2515 Standard pack.

(a) Heads of lettuce shall be fairly uniform in size and tightly but not excessively tightly packed in uniform layers in the containers according to the approved and recognized methods, except that in standard fiberboard containers a "bridge" of 6 heads may be used in a 2½ dozen pack; and in standard wooden crates a "bridge" may be used with sizes smaller than 5 dozen count.

(1) Fairly uniform in size means that not more than 10 percent, by count, of the heads in any container may vary appreciably in size from the standard size head for the count pack.

(i) The standard size head for a 2 dozen pack is that size head, having 4 wrapper leaves, which will pack tightly but not excessively tightly 3 rows with 4 heads of uniform size in each row in a layer in a standard fiberboard container. Heads having lesser or greater numbers of wrapper leaves which can be packed as specified herein are considered equivalent in size to a standard size head with 4 wrapper leaves.

(2) Excessively tightly packed means that heads are packed so tightly as to cause distortion or crushing of the heads or breaking of the midribs. The packing of 24 heads of 18 size in a standard fiberboard lettuce container would result in an excessively tight pack.

(3) Lettuce packed in standard fiberboard lettuce containers shall have a net weight of not less than 40 pounds and not more than 48 pounds.

(b) In order to allow for variations incident to proper packing, not more than a total of 10 percent of the containers in any lot may fail to meet the requirements for standard pack.

SOLIDITY CLASSIFICATION

§ 51.2516 Solidity classification.

(a) The following terms shall be used in describing the solidity of lettuce:

(1) *Hard.* "Hard" means that the head is compact and solid. This term represents the highest degree of solidity.

(2) *Firm.* "Firm" means that the head is compact, but may yield slightly to moderate pressure.

(3) *Fairly firm.* "Fairly firm" means that although the head is not firm, it is not soft and spongy, and has good head formation and edible content.

(4) *Soft.* "Soft" means that the head is easily compressed or spongy.

DEFINITIONS

§ 51.2517 Similar varietal characteristics.

"Similar varietal characteristics" means that the heads in any container have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types shall not be mixed.

§ 51.2518 Fresh.

"Fresh" means that the head as a whole has normal succulence and the wrapper leaves and the outermost head leaves are not more than slightly wilted.

§ 51.2519 Green.

"Green" means that one-half or more of the exterior surface of the head, exclusive of the wrapper leaves, shall have at least a light green color.[3]

§ 51.2520 Overgrown.

"Overgrown" means that heads of lettuce are no longer young and succulent, are excessively hard, past the most desirable edible stage, and are readily subject to, but not necessarily affected with russet spotting, pink rib and other discoloration associated with ageing.

§ 51.2521 Burst.

"Burst" means that the head is split or broken open.

§ 51.2522 Ribby.

"Ribby" means that the midribs of the head leaves are so prominent that they materially detract from the appearance of the head.

§ 51.2523 Doubles.

"Doubles" means two heads on the same stem.

§ 51.2524 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which noticeably detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as injury:

(a) Tipburn when more than 2 spots of tipburn occur anywhere in the compact portion of the head or when the aggregate area of tipburn of a light buff[4] or darker color exceeds that of a rectangle 1 inch in length and one-fourth inch in width;

(b) Freezing when blistering, peeling, or other injury resulting from freezing, except discoloration, is readily apparent on the outer head leaves.

(c) Discoloration of any one of the following types or a combination of 2 or more types the seriousness of which exceeds the maximum allowed for any one type.

(1) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when materially detracting from the appearance of the wrapper leaves;

(2) Yellow or brown discoloration from any cause when readily apparent on the compact portion of the head;

(3) Reddish discoloration following bruising when noticeably detracting from the appearance of more than 2 outer leaves;

(4) Pink rib:

(i) At shipping point when any pink rib is present on head leaves; and,

(ii) En route or at destination when the midribs of more than 2 head leaves show noticeable areas of pink color as viewed on the outer surface of the leaf, or when causing any head leaf to be excessively papery and tough.

(5) Rib discoloration:

(i) At shipping point when any rib discoloration is present on head leaves; and,

(ii) En route or at destination when distinct brown or black spots of rib discoloration are present on the outer surface of any head leaf.

§ 51.2525 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as damage:

(a) Tipburn when the aggregate area of tipburn of a light buff or darker color occurring anywhere in the compact portion of the head exceeds that of a rectangle 1 inch in length and one-half inch in width;

(b) Opening in a hard or firm head when one-fourth or more of the head is separated from the remainder, or any degree of opening in a fairly firm head;

(c) Seedstems when excessively long or excessively curved or when tough or fibrous;

(d) Broken midribs when more than 2 head leaves have midribs broken in two due to abnormal growth;

(e) Freezing when blistering, peeling, or other injury resulting from freezing, except discoloration, materially detracts from the appearance or the edible quality of more than 2 outer head leaves;

(f) Discoloration of any one of the following types or a combination of 2 or more types the seriousness of which exceeds the maximum allowed for any one type;

(1) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when seriously detracting from the appearance of the wrapper leaves;

(2) Yellow or brown discoloration from any cause when materially detracting from the appearance of the head exclusive of the wrapper leaves;

(3) Reddish discoloration following bruising when materially detracting from the appearance of more than 2 outer head leaves;

(4) Russet spotting:

(i) At shipping point when any russet spotting is present; and,

(ii) En route or at destination, when present in any degree on more than 2 outer head leaves, or when the number, size, and color of the spots materially detracts from the appearance of any head leaf;

(5) Pink rib when the midribs of more than 2 head leaves show areas of deep pink color more than 2 inches in length as viewed on the outer surface of the leaf, or when causing more than 2 head leaves to be excessively papery and tough; and,

[3] The color referred to is illustrated by plate 5 GY 8/6 in the Munsell Book of Color.

[4] The color referred to is illustrated by plate 10 YR 8/4 in the Munsell Book of Color. Individual Plates of the above colors may be purchased from the Munsell Color Co., 2441 North Calvert St., Baltimore 18, Maryland.

(6) Rib discoloration when the aggregate length of brown to blackish spots on the outer surface of any head leaf exceeds 1 inch;

(g) Dirt when the compact portion of the head is smeared with mud, when the wrapper leaves are badly smeared with mud, or when the basal portion of the head is caked with mud or dry dirt; and,

(h) Insects when the compact portion of the head is infested, or the wrapper leaves are badly infested with aphids or other insects, or when there is insect feeding injury on the compact portion of the head.

§ 51.2526 Fairly well trimmed.

"Fairly well trimmed" means that the butt is trimmed off closely below the point of attachment of the outer leaves, and that on a head of Iceberg type lettuce, wrapper leaves do not exceed 6 in number, not more than 4 of which may be excessively large and coarse.

(a) "Wrapper leaves" means all leaves which do not fairly closely enfold the compact portion of the head.

§ 51.2527 Closely trimmed.

"Closely trimmed" means that the butt is trimmed off closely below the point of attachment of the outer leaves and that, on a head of Iceberg type lettuce, wrapper leaves do not exceed 3 in number, none of which may be excessively large and coarse.

§ 51.2528 Permanent defects.

"Permanent defects" means defects which are not subject to change during shipment or storage, including but not limited to soft, burst, open or poorly trimmed heads, seedstems or dirt.

§ 51.2529 Condition defects.

"Condition defects" means defects which are subject to change during shipment or storage, including but not limited to decay, tipburn, russet spotting, pink rib, rib discoloration, and freezing injury.

§ 51.2530 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the apearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as serious damage;

(a) Tipburn when the aggregate area of tipburn of a light buff or darker color occurring anywhere in the compact portion of the head exceeds that of a rectangle 3 inches in length and 1 inch in width.

(b) Seedstems when causing the head to split or when protruding through the outer head leaves;

(c) Freezing when blistering, peeling, or other injury resulting from freezing, except discoloration, seriously detracts from the appearance or edible quality of more than 2 outer head leaves;

(d) Discoloration of any one of the following types, or a combination of two or more types the seriousness of which exceeds the maximum allowed for any type;

(1) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when very seriously detracting from the appearance of the wrapper leaves;

(2) Brown discoloration from any cause when seriously detracting from the appearance of the head exclusive of the wrapper leaves;

(3) Reddish discoloration following bruising when seriously detracting from the appearance of more than 2 outer head leaves;

(4) Russet spotting:

(i) At shipping point when any russet spotting is present,

(ii) En route or at destination when the number, size, and color of the spots is sufficient to seriously detract from the appearance of 2 or more head leaves.

(5) Pink rib when areas of deep pink color, as viewed on the outer surface of the leaf, seriously detract from the appearance or the edible quality of more than 2 head leaves; and,

(6) Rib discoloration when seriously detracting from the appearance or the edible quality of more than 2 head leaves.

(e) Decay affecting any portion of the head including wrapper leaves and butt.

Dated: September 2, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-8329; Filed, Sept. 7, 1960; 8:49 a.m.]

[7 CFR Parts 912, 944]

[Docket Nos. AO-29-A11, AO-105-A13]

MILK IN DUBUQUE, IOWA, AND QUAD CITIES MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Dubuque, Iowa, and Quad Cities marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Rock Island, Illinois, on May 5-6, 1960, pursuant to notices thereof which were issued March 7 and 30, 1960 (25 F.R. 2057 and 2842).

The material issues on the record of the hearing relate to:

1. Merging the orders into a single order;

2. Expansion of the marketing area; and

3. Provisions of the expanded order with respect to:

(a) Milk to be regulated and pooled;

(b) Classification and accounting provisions;

(c) Class I price;

(d) Butterfat differentials;

(e) Location differential adjustments;

(f) Payments on unpriced milk disposed of in the marketing area from nonpool plants; and

(g) Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Dubuque order should be consolidated with the Quad Cities order and redesignated as the Quad Cities-Dubuque marketing area.

As recommended later in this decision the combined marketing area should be expanded to include all or part of 7 counties in Illinois and Iowa, including the territory located between the present Dubuque and Quad Cities marketing areas. The expansion of the marketing area in the areas between the two markets is based on considerations common to both markets.

The provisions of the Quad Cities and Dubuque orders are similar in many respects. The Dubuque Class I price is tied directly to the Quad Cities Class I price at a level 10 cents less than the Quad Cities Class I price. The Class II prices are identical. The similarity of provisions and constant alignment of class prices is necessary because of the close association of the two markets.

The Quad Cities and Dubuque milk orders were among the first Federal orders promulgated under the Agricultural Marketing Agreement Act. At the time of their inception and for many years thereafter, they were separate and distinct markets for fluid milk products. Rapid technological advances in the cooling, handling and transportation of fluid milk and the sharp increase in population along the Mississippi Valley, however, have brought about significant changes in the marketing of fluid milk between the two markets.

Handlers regulated under both orders compete in the procurement and sale of fluid milk in areas between the presently defined marketing areas. Adoption of similar health regulations by the states of Iowa and Illinois has contributed substantially to the merging of the whole area along the Mississippi Valley from Rock Island, Illinois, to Dubuque, Iowa, into a single market for fluid milk.

The merger was supported by the producers in both markets and was unopposed at the hearing.

To accomplish the merger most efficiently and equitably, the assets in the administrative, marketing service and producer-settlement funds under the Dubuque order should be consolidated with the assets in such funds under the Quad Cities order and any liabilities of any of such funds should be paid from the consolidated funds. To distribute the money in the various funds under the Dubuque order to handlers and producers would unduly burden the producers and handlers under the Quad Cities order. To distribute the money in the funds of both orders and again accumulate the necessary operating reserves would entail unnecessary administrative detail.

2. The combined marketing area should include all the territory in Clinton, Dubuque, Jackson, Muscatine and Scott Counties, Iowa; Rock Island County and the city of East Dubuque, Illinois. Louisa County, Iowa, and Carroll, Henry, Mercer and Whiteside Counties, Illinois, should not be included in the marketing area at this time.

The present Quad Cities marketing area is limited to certain specified cities in the Iowa Counties of Clinton and Scott and in Rock Island County, Illinois. The present Dubuque marketing area is limited to the city of Dubuque and portions of the townships of Mosalem and Table Mound in Dubuque County, Iowa, and the city of East Dubuque, Illinois.

The handling of milk in this proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

Handlers regulated by the present Quad Cities and Dubuque orders are the principal distributors of fluid milk products throughout the area recommended to be included in the expanded marketing area. In addition to sales of milk in Dubuque, Jackson and Muscatine Counties by regulated handlers, at least four small unregulated handlers distribute milk in these counties. One of these unregulated handlers is located in Dubuque County, one in Jackson County and two in Muscatine County. It is expected that these handlers would become fully regulated under the expanded order.

There was no opposition to the inclusion of Clinton, Dubuque, Jackson, Scott and Rock Island Counties in the marketing area. Although some evidence was presented in opposition to the inclusion of Muscatine County, it was brought out that all milk distributed in such county is presently regulated with the exception of milk distributed by the two small unregulated handlers. These unregulated handlers compete in Muscatine County with three handlers regulated by the Quad Cities order, one regulated by the Dubuque order and two handlers regulated by the Cedar Rapids-Iowa City order. Muscatine County is an integral part of the sales area of Quad Cities handlers and should be included in the marketing area to assure the payment of uniform minimum prices for milk disposed of in that county. The two handlers who are not regulated in the payment of minimum class prices at the present time would be protected in their principal market by the inclusion of Muscatine County in the marketing area. These handlers make most of their sales in Muscatine County.

Grade A milk products sold for fluid consumption in the expanded marketing area must be approved by local or State health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Service Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form between cities in the States of Iowa and Illinois take place through the reciprocal approval of the responsible health authorities.

In opposition to the inclusion of Louisa County in the marketing area, it was brought out that in addition to milk distributed in such county from plants regulated by the Quad Cities and Cedar Rapids-Iowa City orders, three unregulated handlers with plants at Burlington, Iowa, distribute some milk there. The principal sales area for these three handlers lies outside the proposed marketing area. Louisa County is predominantly rural in character, is relatively far removed from the primary sales area of regulated handlers and does not represent an important fluid milk outlet for such handlers. Regulated handlers distribute less than one percent of their total Class I sales in Louisa County. Accordingly, Louisa County should not be included in the expanded marketing area.

It was proposed that all of the territory in the Illinois Counties of Carroll, Henry, Mercer and Whiteside be included in the Quad Cities-Dubuque marketing area. Regulated handlers' sales in these counties amount to about 11 percent of their total Class I sales. Although the evidence presented is not sufficiently clear to determine what portions of these counties, if any, should be included in the expanded marketing area, it is apparent that Quad Cities handlers' principal distribution in Carroll and Whiteside Counties is primarily in the area along the Mississippi River and in Henry and Mercer Counties in the area immediately adjacent to Rock Island County.

Including Carroll and Whiteside Counties in the Quad Cities-Dubuque marketing area would involve unregulated handlers who limit their distribution in such counties to areas wherein Quad Cities and Dubuque handlers do not distribute large volumes of fluid milk. Furthermore, it was shown that handlers regulated by the Chicago and Rockford-Freeport orders are important distributors of fluid milk in the eastern part of Whiteside County, particularly in the cities of Rock Falls and Sterling. Quad Cities or Dubuque handlers are not important distributors in such area.

Much of the testimony presented in favor of the inclusion of Henry and Mercer Counties in the Quad Cities-Dubuque marketing area was based upon the assumption that the Central Illinois order would become effective. Official notice is here taken of the determination by the Secretary (25 F.R. 5153) in which, because of the failure of producers in the Central Illinois area to approve the proposed order, the proceedings have been terminated. The decision and recommended marketing area for Central Illinois order, which was issued prior to the conclusion of the Quad Cities-Dubuque hearing, included Warren, Knox, Stark and Peoria Counties, Illinois in which are located handlers serving Henry and Mercer Counties. It is not clear from this record how the operations of all of such handlers would be affected by the inclusion of Henry and Mercer Counties in the Quad Cities-Dubuque marketing area. It is therefore recommended that Henry and Mercer Counties not be included in the Quad Cities-Dubuque marketing area at this time. If future marketing conditions in such counties or in any portion of such counties indicate that their inclusion in the Quad Cities-Dubuque marketing area would improve the effectiveness of the regulation, the matter could be considered at another hearing. Handlers located in adjacent counties could then present evidence in light of developments which have occurred since the hearing on which this decision is based.

It is neither administratively feasible nor necessary to include all territory in the marketing area in which handlers to be regulated distribute milk. Furthermore, it would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that make a substantial portion of their fluid milk sales outside the market would be increased many fold. By providing for a marketing area as proposed herein, regulation is at a minimum for milk distributors with a large proportion of their sales outside the marketing area and their operations will not be unduly disturbed with respect to the major portion of their sales in communities wherein they compete with other distributors who would not be regulated at all by the proposed order.

It was urged at the hearing that the order provide specifically that any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State or Federal) reservations, installations, institutions or other establishments should be considered as within the marketing area. It is clearly intended that all such territory be included in the marketing area. However, so that there will be no doubt as to the intent of the marketing area definition, it should be indicated that the designated places in the Quad Cities-Dubuque marketing area shall include territory within such boundaries which is occupied by government (Municipal, State or Federal) reservations, installations, institutions or other establishments.

3. *Provisions of the expanded order.* The marketing conditions in the area proposed to be added to the present marketing area are similar to the conditions which exist in the marketing areas as presently defined in the Quad Cities and Dubuque orders. The principal provisions of these orders which have been found to facilitate the marketing of milk

in these areas are therefore suitable for application in regulating the handling of milk in the proposed expanded area. As has already been mentioned, many of the provisions of the present Quad Cities and Dubuque orders are similar. The provisions in which there are material differences in the two orders or those for which changes were considered at the hearing are discussed below.

(a) *Milk to be regulated and pooled.* The conditions under which distributing and supply plants attain pool plant status under the present Quad Cities order should be adopted in the consolidated order. The provision of the present Dubuque order should be retained whereby a plant operated by a cooperative association may attain pool status under specified conditions.

In addition to the requirement that distributing plants dispose of at least 35 percent of their receipts of Grade A milk on routes in order to attain pool plant status, both of the present orders specify a percentage of such receipts which must be disposed of on routes in the marketing area. These percentages are 15 and 10 in Quad Cities and Dubuque, respectively. Plants now associated with the market would be assured of continued pool status under the enlarged marketing area with either a 10 or 15 percent requirement. Other handlers who sell milk in the territory proposed to be added to the present marketing areas either have a very small percentage of their sales in the area or nearly all their sales are made in the proposed area. The requirement that 15 percent of Grade A milk receipts be disposed of in the marketing area to acquire the status of a pool plant will provide a reasonable identification of plants which are substantially associated with the Quad Cities-Dubuque market.

Under both orders supply plants attain pool plant status by shipping during the month to pool plants 35 percent of their Grade A milk receipts. A provision of the Quad Cities order permits automatic pool status in the December–August period for supply plants that ship 50 percent of their receipts of Grade A milk during the preceding September–November period. Supply plants have had an important function in the Quad Cities market in the past although there are now no supply plants serving either market. The provision for pool plant status for supply plants as contained in the present Quad Cities order should be retained, however, in the event it is necessary to receive milk from this type of plant in the future.

Some handlers in the market receive milk from both Grade A and ungraded producers. A handler who operates an ungraded plant which is in the adjoining or same building should not be restricted in such operation any more than any ungraded plant if such operation is clearly separate and apart from his Grade A operation. It is concluded, therefore, that the amended order should include a provision as in the present Dubuque order, which provides that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered as a part of a pool plant.

It was proposed at the hearing that the provision of the Dubuque order whereby a plant operated by a cooperative association of producers is pooled under certain conditions be retained in the merged order. The performance standards in the Dubuque order are such that any plant operated by a cooperative association whose major function is the supplying of milk to other handlers directly from farms is qualified as a pool plant. This provision contributes substantially to the orderly marketing of milk in the area and should be adopted in the combined and expanded Quad Cities-Dubuque order.

(b) *Classification and accounting provisions:* With minor exceptions, the fluid milk products classified as Class I are the same under the present orders. There are differences in the allocation and accounting provisions in the two orders. Some changes were proposed in classification from that included in both orders at the present time.

It was urged that the classification of fluid milk products in the merged order be the same as is now provided in the Quad Cities order, with the exception, however, that fluid milk products disposed of in combination with cheese and nonfat milk solids as "cheese dips" and skim milk dumped be classified as Class II.

The "cheese dip" manufactured in the Quad Cities market consists of a combination of nonfat milk solids, Grade A cream and various cheeses. The resulting product is now considered a fluid milk product and is classified as Class I under the order. A proposal by regulated handlers would classify the resulting product as Class II. They pointed out that the product is not required, under existing Illinois and Iowa laws, to be made from Grade A milk and competes, therefore, with similar products made entirely from ungraded milk.

It is concluded that skim milk and butterfat disposed of in combination with cheese as a "cheese dip" or "party dip" should be classified and priced under the Quad Cities-Dubuque order as Class II. However, so that there will be no question as to the intent of this classification, the order should specify that only those manufactured products which contain a cheese base and specify such content on the label should be so classified as Class II.

The order should provide a Class II classification for skim milk which is dumped, provided the market administrator is notified in advance and afforded the opportunity of verifying such dumping. The proposal to provide such a classification for skim milk which is dumped was made by a handler regulated by the Dubuque order where such a provision is now provided in the order. Quad Cities producers stated that they had no objection to the continuance of such a provision in the merged order.

Under certain conditions fluid milk products in packaged form received at a pool plant from a plant regulated by another order should be allocated to Class I milk at the pool plant before any allocation is made to available Class II in such pool plant.

A regulated handler proposed that the present provision of the Dubuque order be adopted whereby fluid milk products in containers not larger than one gallon which are classified as Class I under another order are allocated to Class I under the Dubuque order if disposed of in the same form as received. This provision was adopted in the Dubuque order to accommodate the proponent handler in a situation where particular sizes or types of packages of fluid milk products which were not processed in such handler's Dubuque plant could be obtained from his plant regulated by the Chicago order.

The provisions of the order should not make it prohibitive for a handler to take advantage of the packaging facilities of a plant regulated by another order. On the other hand, the order should not encourage the use of milk products from other plants in preference to the milk of the local producers who have assumed the responsibilities of assuring that the local market is adequately supplied. Therefore, the provision of the Dubuque order should be adopted but should be limited to only those items which are not processed and packaged in the handler's plant during the same month.

The proponent handler further proposed that the same consideration be given to cream classified and priced as Class II under the Chicago order. He stated that at the present time packaged sour cream is received at his Dubuque regulated plant from a plant regulated by the Chicago order.

Under the provisions of the Chicago order, the Class II price for fluid cream approximates the price for other fluid milk products. Because of the system of accounting and pricing under such order, a handler would not have any price advantage in such a movement and the proposal should therefore be adopted. As in the case of any other fluid milk product, however, the provision should be applicable only if the same item is not processed in the plant.

(c) *Class I prices.* The Class I price at plants located in all parts of the marketing area except Dubuque and Jackson Counties, Iowa, and East Dubuque, Ill., should be the Class I price as provided in the present Quad Cities order. That price has attracted an adequate supply of milk for the present marketing area and for handlers to supply their sales into the proposed expanded area. The Class I price applicable at regulated plants in Dubuque County, Iowa, and East Dubuque, Ill., should continue at a level 10 cents under that applicable in the present Quad Cities marketing area. The Class I price applicable at plants in Jackson County, Iowa, should be established at the same level as the price for Dubuque County.

This system of zoning Class I prices gives recognition to the existence of the large volumes of surplus milk located just to the north of these two counties in the proposed enlarged marketing area.

Although some testimony was presented in favor of increasing the Class I price applicable at plants in Dubuque, the record evidence does not support such a change. Under the present price alignment milk for the Dubuque area has been maintained at a level adequate to meet Class I needs. Since Jackson County adjoins Dubuque County on the south and a handler located in that county competes with handlers located in Dubuque, Jackson County should be included in the same price zone as Dubuque County.

(d) *Butterfat differentials.* The butterfat differentials on Class I and Class II milk as contained in the present Quad Cities order should be continued in the merged order. These differentials are obtained for Class I milk by multiplying the Chicago 92-score butter price by .125 and for Class II milk by multiplying such butter price by .110 in the months of April, May and June and by .115 in all other months.

A regulated handler proposed that the butterfat differential on Class II milk be reduced to .110 times the Chicago 92-score butter price in all months of the year. The evidence in the record, however, fails to justify a reduction in the Class II butterfat differential in the months July through March. The lower butterfat differential in April, May and June reflects the larger supplies of milk and butterfat available during those months.

(e) *Location differential adjustments.* A schedule of location differentials should be provided in the merged order to provide an appropriate price adjustment at the location of any plant from which milk is moved to the marketing area.

As discussed earlier in this decision, the Class I price under the merged order should be reduced for milk received at pool plants in Jackson and Dubuque Counties, Iowa, and East Dubuque, Illinois. It is reasonable to assume that milk may move in the future into the marketing area from plants outside the marketing area, particularly from plants in the area farther north since there are large supplies of milk in that area.

So as to be equitable to all handlers, a schedule of location differential adjustments should be provided to reflect the cost of transporting milk to the marketing area for Class I use from such distant plants. The 10-cent price differential below the Quad Cities price which has prevailed in Dubuque is an appropriate differential for plants in that area. The same differential should apply to plants in the area adjacent to Dubuque but outside the marketing area. Since Dubuque is about 75 miles from Rock Island, a 10-cent differential should apply therefore at plants located outside the marketing area and 70 to 80 miles from Rock Island. For each additional 10 miles the differential should be increased by 1.5 cents, as provided in the present Dubuque and Quad Cities orders.

Prices paid producers supplying plants to which location differentials apply should be reduced also to reflect the lower value of such milk f.o.b. the point to which delivered.

(f) *Payments on unpriced milk disposed of in the marketing area from nonpool plants.* Compensatory payments to be made on unpriced milk which is allocated to Class I at a pool plant should be continued at the rates presently provided in the Quad Cities order. These rates are: for the months of December through June, the Class I price f.o.b. the nonpool plant less the Class II price, and for all other months the Class I price less the uniform price to producers. There was no opposition to the proposed adoption of the Quad Cities provision with respect to such payments.

In the case of a handler whose distributing plant fails to qualify as a pool plant but who has sales of fluid milk products on routes in the marketing area, such handler also should under certain conditions be required to make payments to the producer-settlement fund.

Handlers proposed that the "Wichita type" compensatory payments be provided. This proposal was also supported by producers and by unregulated handlers who might have minor sales in the enlarged area. Under this plan, the amount of the payments would be either (1) the amount of Class I milk sold in the marketing area multiplied by the rates of payment which are required of pool handlers on other source milk used in Class I, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers is computed as if such plant were a pool plant. This option should be provided for nonpool handlers.

Unregulated distributors selling milk in the area adjacent to the Quad Cities and Dubuque markets use about 90 percent of their milk in Class I but pay a blend price which reflects only about 60 percent Class I. Such handlers are paying the equivalent of the Class II price for 30 percent of their receipts which is actually disposed of in Class I.

At the present time there are no plants which are likely to take advantage of the option to pay the use value of their milk to their own dairy farmers in lieu of a compensatory payment to the Quad Cities-Dubuque marketwide pool. However, since milk distribution routes are being extended over greater distances today it is possible that plants with their primary business in other areas may in the future operate routes in this area. These distant plants would be acquiring their milk supply from another area. The option to pay directly to dairy farmers who regularly supply such nonpool plants with milk at the full utilization value of such milk in accordance with the order, therefore, will not place the operators of pool plants at a competitive disadvantage in the procurement of their milk supply. Furthermore, under the present organization of the market there will no significant diversion of the revenue derived from the Class I sales in the marketing area to farmers only incidentally associated with the market at the expense of pool producers of milk for which minimum class prices are established and who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area.

In these circumstances, if the distributor chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he also should not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

If a nonpool handler from whose plant Grade A milk is distributed in the marketing area elects to pay the full utilization value of his milk, the market administrator will have to audit his plant as if it were a fully regulated plant. Accordingly, the administration expense should apply to all of the receipts in such plant. If the handler elects to make payments on only the fluid milk products disposed of in the marketing area, the scope of the audits of his records by the market administrator would be significantly lessened and accordingly, only the fluid milk products disposed of in the marketing area should be subject to the administrative assessment.

(g) *Miscellaneous administrative and conforming changes.* The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

New or revised language consistent with the order revisions mentioned elsewhere in this decision are provided with respect to a number of provisions.

The dates for making payments to producers, to cooperative associations and to and from the producer-settlement fund should be revised to allow adequate time for handlers and for the market administrator to perform the operations involved in making such payments. The time schedule herein proposed would require payments each month for milk received during the previous month as follows: (1) to a cooperative association handler at class prices, on the 10th day; (2) to the producer-settlement fund, on the 12th day; (3) from the producer-settlement fund, on the 14th day; (4) to a cooperative association for producers for whom it is authorized to collect payments, on the 15th day; and (5) to other producers, on the 17th day.

Under the present Quad Cities and Dubuque orders, transfers of fluid milk products to nonpool plants located more than 300 miles from Rock Island and Dubuque, respectively, are classified as Class I milk. Adequate facilities for the manufacture of fluid milk products are located within 300 miles from Rock Island, Illinois. Accordingly, it is not necessary to include Dubuque, Iowa, as a city from which such distance should be measured.

The marketing service charge should be six cents per hundredweight. The Quad Cities order provides for a six-cent per hundredweight marketing service charge while the Dubuque order provides only five cents. The cost of such services in the expanded marketing area as herein proposed will be similar to the cost in the present Quad Cities market since services must be performed at plants located in several different cities. Six cents is a reasonable maximum for the

service required to be performed for producers who are not members of a cooperative association. The rate may be reduced by administrative action, but cannot be increased beyond the rate stated in the order.

The rate of administrative assessment should be not more than 3 cents per hundredweight to apply to receipts of producer milk, other source milk allocated to Class I milk at a pool plant (except other source milk classified and priced under another Federal milk order) and Class I milk distributed on routes in the market by a nonpool plant not subject to another order. The present rate of assessment under the Quad Cities order is 3 cents per hundredweight while the Dubuque order provides a 4-cent charge. It is expected that the merger will reduce the administrative expenses necessary in the Dubuque portion of the combined area and accordingly, the 3-cent maximum rate should be sufficient to provide the market administrator with adequate funds for the administration of this order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reason previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the orders regulating the handling of milk in the Quad Cities and Dubuque marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed:

DEFINITIONS

§ 944.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 944.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 944.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 944.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 944.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 944.6 Quad Cities-Dubuque marketing area.

"Quad Cities-Dubuque marketing area" hereinafter called the marketing area, means the territory within the boundaries of the counties of Clinton, Dubuque, Jackson, Muscatine and Scott in the state of Iowa; the county of Rock Island, and the city of East Dubuque, in the state of Illinois, including territory within such boundaries that is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

§ 944.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted as producer milk pursuant to § 944.14.

§ 944.8 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is processed or packaged and disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 944.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 944.10(a).

§ 944.10 Pool plant.

"Pool plant" means a plant described in paragraph (a), (b) or (c) of this section except as provided in §§ 944.60 and 944.61: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which a volume of Class I milk not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to plants qualified pursuant to paragraph (a) of this section is not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of December through August, unless written application is filed with the market administrator on or before the 1st day of any of the months of December through August to be designated a nonpool plant for such month and for each subsequent month through August.

(c) A plant operated by a cooperative association from whose members the total pounds of producer milk received at the pool plants of other handlers during the month, or during the 12-month period immediately preceding such month, are more than the total pounds of Grade A milk received at its plant from dairy farmers during the corresponding period: *Provided*, That if written application is filed with the market administrator on or before the 5th day of any month such plant may be designated a nonpool plant for such month and for any subsequent months.

§ 944.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 944.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) A cooperative association which is the operator of a pool plant pursuant to § 944.10(c).

(c) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 944.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from producers or other source milk.

§ 944.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk received at a pool plant directly from producers: *Provided*, That milk diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler.

§ 944.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and butterfat (except aerated cream products, products containing cheese if labeled as a cheese product, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 944.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 944.17 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 944.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 944.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 944.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 944.87: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 944.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports and payments required by this part;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 944.50(a) and the Class I butterfat differential, pursuant to § 944.51(a) both for the current month; and the minimum price for Class II milk, pursuant to § 944.50(b), and the Class II butterfat differential, pursuant to § 944.51(b) both for the preceding month; and

(2) The 10th day of each month the uniform price pursuant to § 944.71 and the producer butterfat differential pursuant to § 944.81 for the preceding month; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 944.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 944.14.

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(g) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 944.31 Other reports.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 944.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to this part and the payments required pursuant to this part.

§ 944.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 944.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 944.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 944.41 through 944.46.

§ 944.41 Classes of utilization.

Subject to the conditions set forth in § 944.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraphs (b) (2) and (4) of this section) and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of to wholesale bakeries, candy manufacturers, soup companies, or for livestock feed; (3) contained in inventory of fluid milk products on hand at the end of the month; (4) skim milk dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping; (5) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 944.14) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (6) in shrinkage of other source milk.

§ 944.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 944.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 944.44 Transfers.

Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 944.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 944.46, and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles from the City Hall, Rook Island, Illinois, by the shortest highway distance as determined by the market administrator; and

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 300 miles from the City Hall, Rock Island, Illinois, by the shortest highway distance as determined by the market administrator, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 944.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded fluid milk products disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month directly from Grade A dairy farms that the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded fluid milk products disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farms shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 944.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handlers: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 944.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 944.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 944.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk that were received in the form of fluid milk products in containers not larger than a gallon, that are subject to the Class I pricing provisions of another order issued pursuant to the Act, and in the case of cream subject to the Class II pricing provisions of Federal Order No. 41 and that are disposed of in the same form as received; *Provided*, That this subparagraph shall not apply to any items received if the same item is processed and packaged in the pool plant during the month.

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(6) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act and that were not subtracted pursuant to subparagraph (2) of this paragraph;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 944.44(a);

(9) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(10) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) The amounts of skim milk and butterfat in producer milk allocated pursuant to paragraphs (a) and (b) of this section shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined from such totals.

MINIMUM PRICES

§ 944.50 Class prices.

Subject to the provisions of §§ 944.51 and 944.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Ill., marketing area, plus 20 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

PRESENT OPERATOR AND PLANT LOCATION

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

§ 944.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculatcd pursuant to § 944.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110 for the months of April, May, and June, and by 0.115 for all other months.

§ 944.52 Location differential to handlers.

For that milk which is received from producers at pool plants in Dubuque and Jackson Counties, Iowa, and which is classified as Class I milk, the price specified in § 944.50(a) shall be reduced 10 cents and for that milk which is received from producers at pool plants outside the marketing area and 70 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 944.50(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles):	*Rate per hundredweight (cents)*
70 but less than 80	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 944.46(a)(6) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 944.53 Use of equivalent prices.

If for any reason a plant quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 944.60 Producer-handler.

Sections 944.70, 944.71 and 944.80 through 944.88 shall not apply to a producer-handler.

§ 944.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant, a supply plant or a plant otherwise qualified as a pool plant pursuant to § 944.10(c) during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant would otherwise be qualified as a pool plant pursuant to § 944.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Quad Cities-Dubuque marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 944.30) and allow verification of such reports by the market administrator.

§ 944.62 Handler operating a nonpool distributing plant.

Each handler, other than a producer-handler, who during the month operates a nonpool plant from which Grade A fluid milk products are distributed on a route in the marketing area, shall make payment to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 944.30 his obligations shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 944.70 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers, for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the 15th day after the end of the month, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 944.87 had such plant been a pool plant.

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligations shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount determined by multiplying the quantity of Class I milk disposed of during the month on routes in the marketing area by the applicable rates as set forth in § 944.63; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 944.87 with respect to Class I milk disposed of on routes in the marketing area.

§ 944.63 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of December through June, subtract from the class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through November subtract from the Class I price the uniform price to producers.

DETERMINATION OF UNIFORM PRICE

§ 944.70 Computation of value of milk for each handler.

The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 944.46(a)(10) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II (less shrinkage) during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 944.46(a)(9) and the corresponding step of (b), whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 944.46(a)(3) and (4) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 944.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any Class I products at a pool plant is not clearly established or if such skim milk is in the form of nonfat dry milk, they shall be considered to have been received from a source at the location of the pool plant where they are classified.

§ 944.71 Computation of uniform price.

For each of the months the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f.o.b. Rock Island, Illinois as follows:

(a) Combine into one total the values computed pursuant to § 944.70 for all handlers who made the reports prescribed in § 944.30 for such month, except those in default of payments required pursuant to § 944.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 944.82;

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for producer milk.

PAYMENT FOR MILK

§ 944.80 Time and method of payment for producer milk.

Each handler shall make payment as follows:

(a) On or before the 17th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 944.71, subject to the butterfat differential computed pursuant to § 944.81 and less location differential deductions pursuant to § 944.82.

(b) On or before the 15th day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

(c) On or before the 10th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to this part at the applicable respective class prices including differentials prescribed by this part.

§ 944.81 Butterfat differentials to producers.

The applicable uniform prices to be paid each producer pursuant to § 944.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 944.46 by the respective butterfat differential for such class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 944.82 Location differentials to producers.

In making payment pursuant to § 944.80 the uniform price pursuant to § 944.71 for milk which is received from producers at pool plants in Dubuque and Jackson Counties shall be reduced 10 cents and for milk which is received from producers at pool plants outside the marketing area and 70 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles):	*Rate per hundredweight (cents)*
70 but less than 80	10.0
For each additional 10 miles or fraction thereof an additional	1.5

§ 944.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 944.62, 944.84 and 944.86 and out of which he shall make all payments to handlers pursuant to §§ 944.85 and 944.86.

§ 944.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 944.70 for such month exceeds the obligation pursuant to § 944.80 of such handler to producers for milk received during the month.

§ 944.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 944.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 944.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 944.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 944.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 944.87 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk; (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 944.46(a)(3) and (4) and the comparable step of § 944.46(b); and (c) any amount due pursuant to § 944.62 (a)(2) or (b)(2).

§ 944.88 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 944.80, shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information.

(b) In case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 944.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart, to make available to the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 944.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 944.91 Suspension or termination.

The Secretary shall, whenever he finds this part, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 944.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 944.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 944.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 944.95 Separability of provisions.

If any provision of this part or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 2d day of September 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-8330; Filed, Sept. 7, 1960; 8:50 a.m.]

[Docket Nos. AO-160-A22-RO1, AO-276-A2-RO1]

[7 CFR Part 961, 1010]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Additional Time for Filing Exceptions to Recommended Decision With Respect to Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of additional time, from the date of issuance hereof through September 10, 1960, for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas, which was issued March 29, 1960 (25 F.R. 2769).

Dated: September 2, 1960, Washington, D.C.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-8331; Filed, Sept. 7, 1960; 8:50 a.m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) pertaining to operations under Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon and Washington, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The proposed amendment would be pursuant to § 984.43(b) of said amended marketing agreement and order and is based on a recommendation of the Walnut Control Board (established thereunder) and other information. It is designed to improve the quality of unshelled walnut shipments to the level desired by consumers and thus improve marketing conditions and consumer acceptance with respect to unshelled walnuts. The proposed amendment would, on and after its effective date, provide a higher additional grade requirement applicable to shipments of unshelled walnuts.

Consideration will be given to written data, views or arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The proposal is to amend paragraph (b) of § 984.443 by deleting the language "one of the quality grades" and substituting therefor the following: "grade at least U.S. No. 2, as such grade is."

As proposed to be amended, entire paragraph (b) would read as follows:

(b) *Pack specifications.* In accordance with § 984.43(b), each lot of unshelled walnuts certified as merchantable must meet one of the size classifications and grade at least U.S. No. 2, as such grade is prescribed in the then effective United States Standards for Walnuts (Juglans regia) in the Shell except that: (1) Any lot of walnuts may be certified for shelling without regard to size classifications if not over 3 percent, by count, pass through a round opening $^{60}/_{64}$ inch in diameter; and (2) any lot not exceeding 25,000 pounds may be certified for shelling without regard to external appearance and condition if it is determined on the basis of a representative sample drawn by the inspector and bleached by the handler by the method ordinarily used by him that such lot would meet the external appearance and condition requirements. The requirements of this paragraph shall remain in effect continuously, except when it is found that estimated returns to producers are or will be in excess of parity.

Dated: September 1, 1960.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-8312; Filed, Sept. 7, 1960; 8:47 a.m.]

[7 CFR Part 989]

[Docket No. AO 198-A 4]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendments to Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed further amendments to Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California. The amended marketing agreement and the amended order, hereinafter referred to as the "order", are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act", and any further amendments which may be adopted as a result of this proceeding also will be effective pursuant to said act. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the ninth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed further amendments of the order are formulated, was held in Fresno, California, from April 20 to 23, 1960, inclusive, pursuant to a notice thereof which was published in the FEDERAL REGISTER (25 F.R. 3037) on April 8, 1960. The notice of hearing contained proposed amendments received from the Raisin Administrative Committee, hereinafter referred to as the "committee", the administrative agency for operations under the order. The notice also contained amendments proposed respectively by the Raisin and Grape Growers Institute, Fresno, California, by Rosalie Williams, Executive Secretary, Raisin Farmers, Fresno, California, and by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to:

(1) The definition of the terms "raisins," "varietal type," "producer," "dehydrator," "packer," and "crop year";

(2) Restrictions on the blending of raisins, implemented by the definition of the terms "blend," "handler," "standard raisins," and "off-grade raisins";

(3) The Raisin Advisory Board and the committee, including their composition, provision for future changes therein, independent handler groupings, producer election districts, producer and dehydrator eligibility, vacancies, committee chairman, committee voting procedures, compensation of board and committee members, and raisin order administrator;

(4) The purposes of marketing research and development projects and the funding of such projects;

(5) The reduction and simplification of marketing policy requirements;

(6) Quality regulation including the application of such regulations to new varietal types of raisins; the fumigation of natural condition raisins before completion of certification; the satisfaction of the requirement for initial inspection and certification of raisins at the handler's inspection point if performed on the dehydrator's premises; the inspection of raisins in connection with raisin storage areas; selection of the inspection agency; sample grade raisins; the receiving, holding, returning, reconditioning, transferring and disposing of off-grade raisins; and the modification of minimum grade standards in above-parity situations;

(7) The prohibiting of certain disruptive trade practices;

(8) A prohibition against handlers, quoting, offering for sale, or selling any varietal type of raisins governed by volume regulation at prices lower than prices filed by them and publicly posted;

(9) Volume regulation including authorization for use of a formula by which volume percentages may be computed; the inclusion of all varietal types of raisins under the same volume regulation; the meaning of free tonnage; the storage of reserve and surplus tonnage raisins; the deferment of the requirement that handlers set aside and hold pool tonnages; the determination of handlers' shares of export offers of surplus tonnage; provision for special offers of accumulated unsold tonnage previously offered for sale in export; the pricing and disposition of reserve tonnage and surplus tonnage; and provision for early-season export shipments;

(10) The notice requirements to be observed by the committee;

(11) The furnishing of raisin acquisition reports by handlers;

(12) The treatment of data pertaining to individual handlers;

(13) The raisin tonnage acquired by handlers on which assessments are levied;

(14) The inclusion of provisions regarding the rights of the Secretary; and

(15) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Section 989.5, defining "raisin variety grapes", should be deleted as a conforming change because it would serve no useful purpose in view the recommended redefinitions of "raisins" and "producer".

The definition of "raisins" should be broadened to mean grapes of any variety, rather than any raisin variety grapes, grown in the area, from which a part of the natural moisture has been removed by sun-drying or artificial dehydration after such grapes have been removed from the vines. Order coverage has been restricted to raisins produced from the traditional raisin variety grapes, that is, the Thompson Seedless, Muscat, Sultana, and Zante Currant varieties. However, it has come to be recognized that raisins acceptable to the market are also produced in relatively small volume, and are capable of being produced in larger volume, from other varieties of grapes. These grapes include such varieties as Alicante Bouschet, Cardinal, Carignane, Italia, Malaga, Monukka, and Zinfandel. If in marketing raisins from such grapes, there should be included a commercially significant volume of low quality, off-grade raisins, the competition with raisins made from the traditional raisin variety grapes could adversely affect returns to producers from the latter which meet minimum grade standards under the order. Also, problems of order application could be intensified due to the raisins not being subject to control. For example, Muscat raisins could be submitted to handlers as Cardinal raisins and, in the absence of correct identification, incoming inspection could be avoided. In view of the foregoing reasons, the definition of "raisins" should be enlarged in its coverage as indicated.

The quality or volume regulations should be applied to the handling of any or all of the additional types of raisins whenever the Secretary finds, on recommendation of the committee, that such is necessary to effectuate the provisions of this part. Application of the reporting provisions of the order to, and inclusion of, such raisins in marketing policy considerations should begin promptly so that the committee will have information regarding such raisins upon which to base its possible future recommendations. The imposition of this additional workload, including within-handler-premises identification and compliance activity, means that these additional raisins should be assessed the same as other raisins, upon adoption of this proposed amendment.

In view of the deletion of § 989.5, § 989.6 containing the definition of "raisins" should be renumbered as § 989.5.

In view of the deletion of § 989.5 and the renumbering of § 989.6 as § 989.5, §§ 989.7, 989.8, 989.9, and 989.10 should be renumbered respectively as §§ 989.6, 989.7, 989.8, and 989.9.

In keeping with the recommended revision of the definition of "raisins", the present definition of "varietal type" should be expanded to name the additional varietal types of raisins known to be made from grapes other than the traditional raisin variety grapes. It is also necessary to name such additional varietal types in the definition because the quality and volume provisions permit regulations to be applied in terms of varietal types. It should be recognized in the definition that "varietal type" means raisins generally recognized in the raisin industry as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. The distinctive characteristics of a particular varietal type of raisins require separate minimum grade standards and may arise either from the inherent nature of a particular variety of grapes or the processes to which the grapes are subjected in converting them to raisins, or both. Another reason for differentiation between varietal types is that they individually may serve to fulfill some special demand in particular outlets for special purposes. To be in a better position to meet changing conditions in the future, the committee should be permitted, subject to the approval of the Secretary, to change the list of varietal types named in the definition. Types of raisins may in the future be made from grapes which differ in characteristics from presently known types sufficiently to require separate identification and classification for the purposes of quality or volume regulation under the order. Or the time may come when a certain type of raisins will no longer be produced in commercial quantities and could be excluded from the list.

In order to maintain consecutive numbering of sections, § 989.11 containing the definition of "varietal type" should be renumbered as § 989.10.

The definition of "producer" should be amended to mean any person engaged in a proprietary capacity in the production of grapes which are sun-dried or dehydrated by artificial means until they become raisins. To maintain sequential order of sections, § 989.12 containing the definition of "producer" should be renumbered as § 989.11.

The term "producer" has been defined in the order since its inception as meaning any person engaged, in a proprietary capacity, in the production of raisin variety grapes. Under this definition, raisin variety grape producers, whether or not their grapes were made into raisins, have been eligible to participate in the program by voting in nomination meetings and referendums, and by serving on the Raisin Advisory Board and the Raisin Administrative Committee. Thus it has happened that producers of raisin variety grapes have participated in making decisions relative to the order and its operations even when all their grapes were delivered to the winery or fresh shipping outlets and they had no direct interest in raisins. Some producers of raisin variety grapes never make raisins. Since the commodity covered by the order is raisins and not grapes, producer participation in the order should be confined to those persons, described in the proposed revised definition, who are directly concerned with the marketing of raisins or grapes for raisin production.

The major portion of the raisins in California is produced by grape growers who remove the grapes from the vines and sun dry them to produce natural (sun-dried) raisins. With respect to such sun-dried raisins, the grape grower has ownership or proprietary interest in both the grapes and the raisins. However, at the hearing two questions were raised in this regard: (a) Which person would be considered the producer under the proposed revised definition if a grape grower sold his grapes on the vines to another person who then sun-dried the grapes; and (b) which person would be considered the producer under such definition if a grape grower removed grapes from his vines, placed them on trays, partially dried them and then sold them to another person who completed the drying. Relative to both cases, it is recognized that the person with whom a marketing order program is concerned as the producer, is the person obtaining an income from the use of land in the agricultural activity. It is not a successor in interest. This concept has been recognized in § 989.129 of the administrative rules and procedures (Subpart—Administrative Rules and Regulations; 7 CFR 989.101-989.180), where a producer

has been defined for purposes of eligibility to vote at nomination meetings. In order to be consistent with the concept, it is necessary to conclude that in both (a) and (b) the person with the proprietary interest in the grapes dried into raisins, is the producer.

Dehydrators produce a relatively small portion of the raisins in California by dehydrating grapes with heat generated by natural gas or oil. In this situation the grape grower, unless he is both a grape grower and a dehydrator, does not convert his grapes into raisins as is normally the case with respect to sun-dried raisins, but delivers his grapes to a dehydrator who makes the conversion. However, such a grape grower has a substantial interest in order operations since his grapes are used in producing raisins and hence he should be eligible to participate as a producer in the program. It is concluded, therefore, that the definition of producer should also include any person, engaged in a proprietary capacity, in the production of grapes used in producing raisins by artificial means.

The provisions of § 989.91(c), which set forth certain producer voting requirements for terminating the order, should be amended so that they will conform with the proposed revision of the definition of "producer" contained in proposed § 989.11 and with the concept that the commodity covered by the order is raisins and not grapes.

The Raisin and Grape Growers Institute proposed that the present order definition of "producer" be retained so that producers of raisin variety grapes, even if they do not produce raisins, could participate in the voting on program referendums and in nominating raisin producers for membership in the Raisin Advisory Board. At the same time, the Institute proposed a definition of "raisin producer" which, as amended at the hearing, is similar to but not the same as the definition of "producer" proposed in this recommended decision. The purpose of the Institute's second definition is to have only persons, who engage in a proprietary capacity in the production of sun-dried raisins or in the production and delivery of raisin variety grapes used in the production of Golden Seedless or other dehydrated types of raisins, eligible to serve as producers on the Board and hence on the Raisin Administrative Committee.

These proposals (numbered 60 in the notice of hearing) and related proposals (numbered 62, 63, 64, and 65 in such notice) should be denied for the following reasons: (a) To permit producers of raisin variety grapes who do not make raisins to participate in electing nominees to serve on the board and the committee and to vote in program referendums would be inconsistent with the concept justifying the definition of "producer" proposed in this recommended decision that producer participation in the program should be limited to those persons interested in the commodity covered by the order, raisins and not grapes; (b) no consistent purpose would be served by having one type of producer participate in voting in nomination meetings and referendums and another type of producer serve on the board and the committee; and (c) neither of the two definitions of "producer" proposed by the Institute recognize as producers persons who produce raisins made from grapes other than raisin variety grapes.

The present definition of "dehydrator" includes only those persons who produce raisins by dehydrating raisin variety grapes by means of artificial heat (as distinct from natural sun-drying). The words "raisin variety" should be deleted from the definition so as to include persons as dehydrators whether they produce raisins by artificially dehydrating the traditional raisin variety grapes or other grape varieties. This is consistent with the recommended revision of the term, "raisins", and the concept of expanding order coverage to all raisins irrespective of the variety of grapes from which produced. The definition of "dehydrator" should also be modified to cover the eventuality that artificial means other than existing methods may in the future be used by dehydrators to produce raisins.

In order to maintain consecutive numbering of sections, § 989.13 containing the definition of dehydrator should be renumbered as § 989.12, and § 989.14 containing the definition of "processor" should be renumbered as § 989.13.

The definition of "packer" should be amended to provide that certain acts of raisin producers and dehydrators performed in cleaning raisins will not subject them to regulation as packers. Under the present definition a producer or dehydrator is deemed to be a packer, with respect to raisins produced or dehydrated by him, only if he stems, cleans, seeds or packages them for market as raisins.

In recent years greater attention has been given by the raisin industry to improving the wholesomeness and quality of raisins to be placed in the channels of trade. There has been increased use on the ranch and at dehydration plants of available means to remove extraneous material from raisins prior to their delivery to handlers. For example, producers more and more have been using a simple shaker screen to shake out sand, insects, loose stems, and other foreign material. This development should not be discouraged by this activity causing the producer to be classified as a packer. On the other hand, if a producer should clean raisins with water, such activity should subject him to regulation as a packer. Cleaning raisins with water is a habitual packer function, being performed by the packer with special equipment at a time when it is possible to complete the several operations in processing and packing raisins. Even if the producer had the equipment to clean raisins with water, it would be undesirable for him to do so because natural condition raisins treated with moisture are likely to deteriorate in storage and be damaged in processing. In view of the foregoing, the present proviso clause in the definition of "packer" should be amended to provide that any producer shall be deemed to be a packer, with respect to raisins produced by him, only if he stems, cleans with water, seeds or packages them for market as raisins. This revision would permit a producer, without becoming a packer, to use any means to clean his raisins, except water.

In these regards, the situation of a dehydrator in further drying raisins by dehydration closely parallels that of a producer, except that the dehydrator may wash the raisins before drying them. Such washing should be permitted as it occurs immediately before drying as a means of quality improvement. However, cleaning raisins with water by a dehydrator after dehydration should be an activity which would subject the dehydrator to regulation as a packer because the raisins would then be likely to deteriorate in storage or be damaged in processing. Consequently, an additional proviso clause should be added to the definition of packer to provide that any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisins.

Some stems may be removed from the raisins incidentally in the cleaning operations performed by producers and dehydrators. However, this incidental removal of stems should not be considered the act of stemming raisins which would cause such persons to become packers. In this regard, however, such persons should be held to be packers if they use mechanical equipment specifically designed to stem raisins, such as that used by raisin packers.

Section 989.15 containing the definition of "packer" should be renumbered as § 989.14 to maintain appropriate sequence of sections.

As a conforming change, the definition of "board" should be amended to recognize that the composition of the Raisin Advisory Board may be changed pursuant to proposed new §§ 989.26a or 989.26b. Similarly, the definition of "committee" should be amended to recognize that the composition of the Raisin Administrative Committee may be changed pursuant to §§ 989.39a or 989.39b.

The proviso in the definition of "crop year" should be deleted because it pertains to the effective date of the first crop year under previously effective amendments to the order and hence is obsolete.

As a conforming change, the definition of "district" should be amended to recognize that the districts, referred to in § 989.26 and specified in § 989.96 (Exhibit A), may be changed pursuant to proposed new § 989.26b.

The definitions of "part" and "subpart" appearing in § 989.25 and the name of the order itself should be amended by deleting the words "raisin variety" where they appear therein, thus conforming these items to the recommended revisions of the definitions of "raisins" and "producer".

(2) The order should be amended to more clearly recognize the restrictions which the existing program places on blending and to provide for additional restrictions. For this purpose, the term "blend" should be defined, in a new § 989.16, as meaning to mix or commingle raisins. To blend raisins means to physically mix or commingle two separate groups of raisins so that the identity of the raisins themselves in each group is lost in the resultant, commingled mass. The placing of one container of raisins with another, however, is not to be considered an act of blending so long as the raisins are not mixed together.

The definition of "handler" in present § 989.16 (should be renumbered as § 989.15) should be modified to include any person who blends raisins whether or not he performs any other functions of a handler. This is necessary so that persons not permitted to blend certain raisins in their normal capacities are clearly barred from such activity should they resort to such techniques as establishing separate business entities.

However, certain exceptions should be made in the definition. The term "handler" should not include a producer who, in his capacity as a producer, blends raisins entirely of his own production in the course of his usual and customary practices of preparing raisins for delivery to processors, packers, or dehydrators and is not otherwise a handler. In preparing raisins for such delivery, it may be necessary for a producer to sort and in this process commingle raisins of his own production. This is a customary function performed by producers, and a producer so blending, in his capacity as a producer, should not be deemed to be, or regulated as, a handler on that account. However, if a producer blends raisins of his own production with the production of another producer or of other producers, this should be considered as commercializing the function of blending and should be prohibited to prevent possible debasement, on a large scale, of the quality of lots of raisins delivered to handlers.

Similarly, and for the same reasons as stated in connection with the exemption for producers, the term "handler" should not include a dehydrator who, in his capacity as a dehydrator, blends raisins of his own manufacture. A dehydrator is in much the same position as is the producer under the order, and hence should be entitled to similar exemption.

Nor should the term "handler" include a person who blends raisins after they have been placed in trade channels by a packer with other such raisins in trade channels. Packers are prohibited from shipping off-grade raisins for human consumption. Therefore, no useful purpose would be served by extending order controls beyond packers to cover persons, such as bakers, who receive from packers and blend raisins which met the minimum grade standards for packed raisins at the time of shipment.

As another step in providing for the control of blending, provisions should be added to § 989.58 in a new paragraph (f) which would prohibit any handler from blending raisins, except: (a) Incidental to reconditioning raisins as permitted under rules and procedures established by the committee, with the approval of the Secretary; (b) blending standard raisins with standard raisins; or (c) blending raisins which meet the minimum grade standards for packed raisins with other raisins meeting such standards.

Certain raisin blending is objectionable and should be clearly prohibited because it can be used, within the grade regulations, to retain defects and thereby debase the quality of the raisins in the market place. This tends to depress prices consumers and manufacturers are willing to pay and to affect adversely producer returns. One type of objectionable blending is the commingling of off-grade raisins with standard raisins. In this instance, an objectionable defect such as mold may be spread throughout the resultant mixture so that the mixture may barely pass the minimum grade standards at the time of shipment. Another type of objectionable blending is the commingling of off-grade raisins of one defect with off-grade raisins with a different defect; for example, the commingling of raisins off-grade on account of moisture with raisins off-grade on account of mold. The high moisture off-grade lot could be made into a lot of standard raisins simply by reducing the moisture. However, by blending in the high mold lot, the high moisture lot would be adulterated. In reconditioning, the incidental blending of off-grade raisins with the same defect and with reasonably similar percentages of such defect should not be regarded as objectionable because the reconditioning process would be the same and could be of a nature to remove the excess defects of all lots. Since there are a number of defects of raisins and differing techniques of reconditioning are required to remove or reduce the individual defects, the establishment of rules and procedures governing this activity and its relationship to blending should be required. Handlers should be permitted to blend standard raisins with standard raisins and blend raisins which meet the minimum grade standards for packed raisins with other raisins which meet such standards. In these instances, off-grade raisins are not involved and hence the blending is not regarded as harmful to the raisin quality control objectives of the program.

The term "standard raisins" is presently defined in § 989.24(a) as meaning raisins which have been certified as meeting the then effective minimum grade and condition standards for natural condition raisins. The term "off-grade raisins" is presently defined in § 989.24(b) as meaning raisins which fail to meet such standards. Thus, according to definition, raisins do not become standard raisins until they have been inspected and certified as such by the inspection agency. The definition of "off-grade raisins" has been construed in the same way; namely, that raisins do not become off-grade raisins until they have been inspected and certified as such. Before inspection, raisins have had no quality classification under the order. The result of the foregoing has been to encourage attempted circumvention, such as undesirable blending of off-grade raisins with standard quality raisins, of order controls applying to off-grade raisins simply because neither they nor standard quality raisins have been designated as such. However, the qualities or defects of raisins which make them standard or off-grade raisins exist in the raisins prior to their inspection. Hence, in fact, the raisins fall into one or the other category prior to inspection by the inspection agency. Evidence, other than that from the inspection agency's inspection and certification, is often available before such action to determine whether a lot of raisins is of standard or off-grade quality. In view of the foregoing, the definitions of "standard raisins" and "off-grade raisins" should be amended so that the respective designations will not depend on inspection and certification. Accordingly, the definitions of "standard raisins" should be amended to mean raisins which meet the then effective minimum grade and condition standards for natural condition raisins, and the definition of "off-grade raisins" should be amended to mean raisins which do not meet such standards.

(3) Handler members of the board and the committee are selected to represent each of five groups of handlers. As set forth in § 989.26 (b) and (c) relative to the board and in § 989.39 (b) and (c) relative to the committee, the second group now consists of the two handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year. The third group now consists of the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during such period.

Section 989.26 (b) and (c) and § 989.39 (b) and (c) should be amended so that the second group will be comprised of the three largest independent handlers and the third group will be comprised of the next two largest independent handlers. Thus, these changes would move the largest of the three independent handlers now in the third group into the second group.

This proposed rearrangement of the two groups should be made so that the handlers within each group will have greater similarity of interests than under the present arrangement. The evidence indicates that the interests of the three largest independent handlers, due to the size of their operations and their methods of acquiring and selling raisins, are more similar to each other than to those of the next two largest independent handlers whose interests are in turn similar to each other. Members representing each group on the board and the committee should be able under the proposed regrouping to more truly represent such group than under the present grouping.

These proposed amendments would not change the number of handler members on either the board or the committee, and are not intended to preclude any future changes in handler grouping or representation based on later determinations as to appropriate groupings for order administration.

To the order should be added a new section, § 989.26a, which should permit

the Secretary, on recommendation of the committee, to change the total number of handler members on the board, the handler size groups from which handler members of the board shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such group.

The business of handling raisins is subject to change. Established handlers may go out of the business and new handlers may enter it. The volume of raisins acquired by a handler may vary from season to season relative to that of other handlers. A handler's interests in the raisin industry may change so as to place him in closer association with one group of handlers and away from another. Therefore, it may become necessary or advisable in the future to make any or all of the changes indicated in the preceding paragraph to provide appropriate handler representation on the board. So that timely changes may be made, such changes should be permitted through rule making. To assure effective and appropriate representation of handlers on the board, the new proposed section should provide that, in making any such change, consideration shall be given to such factors as changes in the numbers of handlers, their relative acquisition positions, and their similarity of interests in the handling of raisins. The rule making procedure would be a safeguard against actions by either producers or handlers to materially affect the existing membership held by each as it would require a proposal, a time for expression of the views and arguments of affected persons, and approval by the Secretary of any change.

For the same reasons in relation to the committee as stated in the preceding paragraph relative to the board, there should also be added to the order a new section, § 989.39a, containing the same authority to make such changes in the order provisions affecting handler representation on the committee and under the same conditions, as set forth in proposed new § 989.26a for handler representation on the board.

A new section, § 989.26b, should be added to the order which should permit the Secretary, on the recommendation of the committee, to change the total number of producer members on the board, change the number of districts into which the production area is divided, redefine such districts, or change the number of producer members which shall be selected to represent particular districts.

The geographical distribution of the raisin production and the numbers of raisin producers within the area shift from season to season. Such shifting may be pronounced and permanent over longer periods of time. A heavy raisin producing district this year may be a light producing district three years from now. In the future it may become necessary or advisable to make any or all of the changes indicated in the preceding paragraph so that the producer membership on the board will reflect these shifts. So that timely changes may be made, such changes should be made through rule making. In view of the foregoing and to assure appropriate and effective producer representation on the board, the new proposed section should provide that, in making any such change, consideration shall be given to such factors as geographical shifts in the numbers of raisin producers and in raisin production within the area.

Similarly, a new section, § 989.39b should be added to the order which would permit the Secretary, on the recommendation of the committee, to change through rule making the total number of producer members on the committee. Since the membership of the committee is drawn from the membership of the board, a change in the producer or handler membership of the latter body may dictate the advisability of increasing or decreasing the number of producer members on the committee. Changes should also be made for such purposes as providing due representation to the several producing districts and assuring continuance of producers holding a majority of committee positions.

At the hearing, the Raisin and Grape Growers Institute proposed that, in lieu of new §§ 989.26b and 989.39b sponsored by the committee and recommended hereinbefore, there should be added to the order new provisions which would require the committee, with the approval of the Secretary, periodically, but not less than once every five years beginning with the 1960 crop year, to redefine district boundaries so that representation on the board would more closely reflect the changes in the number of producers and in the raisin production in the area. The proposed provisions also would require selection of producer members on the committee to reflect the raisin production in the area, but each district would be represented by at least one member and the Golden Seedless raisin segment would have one member on the committee.

The evidence is to the effect that producer representation on the board will not be in line with the geographical distribution of the number of producers and the raisin production in the area particularly in view of the proposed change in the definition of "producer". Consequently, the committee should obtain necessary data and recommend any desirable changes in addition to that proposed in the next paragraph. In view of the past practice of broadly distributing representation irrespective of concentrations of production, the changes should be permitted to be made at a rate and in a manner consistent with industry determinations. The factors of location of producers and of production should restrict the broadness of representation in future changes. In view of the foregoing, the Institute's proposals should be denied both as to the board and the committee.

Effective May 1, 1961, District Nos. 21 and 22, as set forth in § 989.96 (g) and (h), respectively, should be merged into a new District No. 21 under a revised § 989.96(g) which should specify that the new district shall be represented by three producer members on the board. This is one less producer member than the total of four producer members for the present two districts, three for District No. 21 and one for District No. 22. Under this proposed revision, all of the counties now included in the two districts would be covered by new District No. 21. The evidence is that raisin production in the counties covered by present District Nos. 21 and 22 is not sufficiently significant to warrant designation of two districts and to justify representation on the board by four producer members. The change would be consistent with a gradual transition from the principle of broad distribution of representation with little weight on raisin production. This proposed change would result in the board consisting of 45 instead of 46 members, of whom 35, instead of the present 36, would be producer members. Hence conforming changes to reflect the lesser numbers should be made in the first sentence of § 989.26.

The first two sentences of § 989.29(b)(2) provide, in part, that only producers who produced raisin variety grapes during the then current crop year are eligible to participate in nominating and voting for producer members and alternates of the board or are eligible to be nominated to fill such positions. These provisions should be amended to conform with the proposed revised definition of "producer" in § 989.11.

These provisions should be further amended to specify that, in lieu of the eligibility requirement of producing during the then-current crop year, the producer must have been engaged as such with respect to the most recent grape crop. While most producers would qualify as such after September 1 of any year, a relatively small number of persons, such as some of those whose grapes are dehydrated into raisins, may qualify as producers on the then current season's production of grapes during the month of August immediately preceding September 1, the beginning of the crop year, but not during that crop year. Therefore, this change should be made so these persons can also be eligible to participate in the nomination meetings in the following spring and to be nominated then to serve as producer members or alternate members on the board.

The provisions of § 989.29(b)(2) should also be amended to require that every three years at least one of the persons nominated for a producer member position on the board and for the alternate position thereto shall be a producer of grapes used in the production of Golden Seedless raisins. Section 989.42, dealing with nominations for the producer membership of the committee, now contains a similar requirement. The term of office of producer members of the board is three years and that for such members of the committee is one year. Since the members and alternates of the board are the source of the committee membership, the proposed amendment is necessary to assure that there will be qualified Golden Seedless producers on the board who can be nominated to serve on the committee in accordance with the requirement in § 989.42.

Section 989.34 now provides that, if nomination to fill any vacancy in the membership of the board is not filed with the Secretary within 20 calendar days after the vacancy occurs, the Secretary

may fill the vacancy without regard to nomination. Experience has indicated that the 20-calendar day period is too short to give notice of a meeting, hold the meeting and file the nomination with the Secretary and that a 40-day calendar period would be adequate. Therefore, § 989.34 should be amended to provide a 40-calendar day period for these purposes in lieu of the 20-calendar day period now specified. The same change should be made for the same reason in § 989.47 which relates to the filling of vacancies in the membership of the committee.

A proviso should be added to the second sentence of § 989.37(a) to permit the Secretary, on recommendation of the committee, to change the quorum requirements, as set forth in such sentence and now applicable to voting by members of the board, if warranted by a change made pursuant to proposed new § 989.26a in the total number of handler members on the board or by a change made pursuant to proposed new § 989.26b in the total number of producer members on the board.

Section 989.37(a) now provides that decisions of the board shall be by majority vote of the members present and that the presence of not less than 19 producer members and not less than five members other than producer members shall be required to constitute a quorum.

A change by rule making in the number of producer or handler members on the board, not accompanied by an appropriate change in these quorum requirements, could materially affect the significance of the present quorum requirements. Therefore, to permit adjustment to require, as at present, that not less than one-half of the producer or other than producer grouping be present, such quorum requirements should be permitted to be changed consistent with a change in the number of members on the board.

There should be added to the third sentence of § 989.52(a) a similar proviso to permit the Secretary, on recommendation of the committee, to change the committee quorum requirement (nine members of the committee must be present in an assembled meeting), if warranted by a change made pursuant to proposed new § 989.39a in the total number of handler members on the committee or by a change made pursuant to proposed new § 989.39b in the total number of producer members on the committee. While the present requirement does not specify a minimum from any group, a change in the number of members could cause the quorum to be inconsistent with the requirements adopted under this program that a quorum be at least one-half the members. In addition, changes in the composition of the committee could warrant a requirement such as the presence of a minimum number from any group.

A number of provisions relating to the board and the committee should be amended so that the producer members and alternate members of the board and of the committee, who are eligible to serve on these bodies immediately preceding the effective date of the proposed amendments to the order and continue such eligibility, may also serve as the initial members and alternates of the board and the committee after the order is amended. However, beginning with the spring of 1961 when the next producer nominations and selections will regularly occur, all requirements and conditions of eligibility specified in the proposed amendments, relating to the board and the committee, should be applicable and effective. In this way, the transition from the present to the new situation could be made with a minimum of disruption and without termination of any existing appointment. Otherwise, a person serving on the board or committee at the effective time of the amendments who qualified as a "producer" under the present definition thereof, but not under the proposed revised definition, would become ineligible to serve midway in a term of office.

A number of provisions relating to the board and the committee should be amended to conform them with other amendments recommended herein. Recognition by such conforming changes, as set forth hereinafter under the recommended amendments to the order, should include such amendatory proposals as: (a) The proposed revised definitions of "producer" and "dehydrator", affecting the eligibility of such persons to participate in board and committee nomination meetings and to be selected to serve on these bodies; (b) the proposed merger of Districts Nos. 21 and 22 which would reduce the membership of the board and affect the present staggered terms of office of some of the producer members and producer alternate members of the board; and (c) the proposals which would permit future changes to be made in the districts, handler size groups, or number of handler or producer members.

Under the present order, the chairman of the committee is selected by the committee from among its members and serves without compensation.

The Raisin and Grape Growers Institute proposed a series of amendments (numbered 66 to 77, inclusive, in the notice of hearing) which would add a fifteenth member to the committee to act as its chairman. His main function would be to preside at committee meetings. This person would be from outside the raisin industry and not represent either producers, handlers, or dehydrators. He would be nominated for selection by the Secretary on the basis of a two-thirds vote of the nominee members of the committee. He would be paid fifty dollars for each day he devoted to the work of the board, the committee or any subcommittee thereof. A vice-chairman meeting the same qualifications and nominated in the same manner, would be selected to act in the place and stead of the chairman in case of the unavailability of the latter.

These proposals should be denied because the major weight of evidence in the record taken as a whole supports the following conclusions: (a) The preponderant industry view favors retention in the order of the present method of selecting the committee chairman and having him participate in program operations to an extent exceeding that of a presiding officer; (b) there are qualified persons actively engaged and experienced in raisin industry operations who are competent to serve satisfactorily as chairman of the committee, whereas a person not directly associated with the industry's operations would not be qualified in the same respect.

It was proposed (proposals numbered 96 and 97 in the notice of hearing) by the Raisin Farmers that the membership of the committee should consist only of 14 producers of raisin variety grapes, and that no member of the committee, if he is a handler, processor, buyer or broker of raisins or a by-product thereof, or an agent of a person, firm or corporation with a buyer's interest therein, should be permitted to vote or act with respect to sales by the committee of reserve or surplus tonnage raisins. It was contended that the inclusion of raisin handlers on the committee permits them to participate in selling to themselves reserve and surplus tonnage raisins belonging to producers and that this situation is undesirable.

The presence of handlers on the committee is desirable for the purpose of causing due weight to be given, in marketing policies and in the disposition of pool raisins, to the problems and facts of processing and selling raisins. It cannot be said that this creates a conflict of interest situation, as such is generally understood, because neither as individuals nor as a group are they in a position so authoritative as to determine the terms of sale or to force others to determine them in their favor. The committee, as the administrative agency for the program, is charged with the responsibility for disposing of pool raisins. This agency has five handler members, one dehydrator member, and eight producer members. Producers thus can control committee decisions. Any committee recommendation on an offer to sell pool tonnage to handlers is reviewed by and is subject to the disapproval of the Secretary. In making any such recommendation, the committee acts as a whole and not as separate individuals. Offers to sell pool tonnage are made to all handlers rather than merely to those on the committee. Handlers as well as producers are equity holders of pool raisins. To deny handlers representation on the committee and participation in committee decisions could result in loss of valuable marketing information and advice which is contributed by them and is needed by the committee to do an effective marketing job. For these reasons and the additional reason that the proposals would permit any producer of raisin variety grapes, whether or not the grapes were made into raisins, to serve on the committee and this would be in conflict with proposed amendments hereinbefore discussed and recommended, the membership proposals by the Raisin Farmers should be denied.

The Raisin Farmers proposed that the members of the committee and the board, and the alternate members, should be allowed a salary of $100 per month, and their necessary expenses as approved by the committee. Such members and al-

ternates are now paid their necessary expenses as approved by the committee but no salary. It was argued that such a salary would attract more capable leadership and compensate such persons for their time and labor in conducting necessary order business. Salary payments of $100 per month to each of 46 board members and their alternates and to each of 14 committee members and their alternates would total $144,000 per annum. This amount alone greatly exceeds the total amount of any annual budget of administrative expenses previously approved under the program and would constitute an unnecessary financial burden upon handlers. The record shows that the leading individuals in the raisin industry have been willing to serve on the board and the committee without salary. Therefore, this proposal should be denied.

As an alternative to its proposal to confine the committee membership to 14 producers of raisin variety grapes, the Raisin Farmers proposed that the present committee be replaced with a raisin order administrator who would assume the committee's powers, duties, responsibilities, and authority. Evidence in the record as a whole indicates that the preponderant industry view continues to favor retention of the present committee system of administering the order and the giving of a voice to each industry segment (i.e., producer, handler, and dehydrator) in the large number of important decisions which must be made each season under the program. Many of these decisions on program administration and operation involve selection of one alternative solution from many, and the decision made often has a far-reaching economic effect on persons within the industry. If the proposal for a raisin order administrator were put into effect, these persons would be denied a direct voice in the decisions affecting them. Moreover, where marketing order administration is vested in one person, the areas of discretion are not as broad as within the raisin order. In view of these considerations, the proposal should be denied.

(4) Since August 31, 1955, § 989.53 has authorized the committee with the approval of the Secretary, to establish, or to provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of raisins.

This authorization has been used sparingly and a better understanding of its possible uses is needed for program purposes. Therefore, § 989.53 should be amended by adding illustrations of some of the types of projects which the committee may contract for or undertake within the statutory and order authorizations. Accordingly, it should be specifically provided in § 989.53 that such marketing research and development projects may include, but need not be limited to, those designed to: (a) Improve through research the accuracy of raisin production estimates; (b) improve through research the preparation for market, sanitation, quality, condition, storability, processing, or packaging of raisins; (c) ascertain through research the factors affecting acceptance of raisins by manufacturers or consumers; and (d) promote the marketing, distribution, or consumption of raisins in domestic and foreign markets by collecting data thereon, consulting with members of the trade, and making the information available to producers, handlers, and exporters. These types of projects would be related to quality or volume regulatory operations under the order and could be expected to assist in determining the operations which would contribute to orderly marketing of raisins and enhancement of producer returns. For example, the obtaining of a reasonably accurate estimate of the raisin production early in the crop year is essential to appropriate volume regulation. Improvement in the factors included in (b) of this paragraph should bring the industry closer to achievement of the incoming and outgoing quality control objectives. Further light on factors affecting manufacturer or consumer acceptance of raisins could result in adjustments of quality or volume regulation to increase such acceptance. Activity under the type of project set forth under (d) of this paragraph would be basic to the program objective of increasing domestic and foreign demand for raisins.

Some confusion has existed as to the source of order funds which should be used in the financing of such projects, particularly in respect to those relating to foreign market development. Section 989.53 should be further amended to eliminate this confusion by establishing simple and appropriate guide lines relative to the funding of the projects. Hence, it should be specified that the expense of any such project relating solely to free tonnage raisins shall be paid from assessment funds collected pursuant to § 989.79; that the expense of any such project relating solely to surplus tonnage raisins shall be paid from the sales proceeds from such raisins; and that, if any such project encompasses both free tonnage and surplus tonnage raisins, such as one designed to promote the consumption in export outlets of raisins generally on a long-term basis, the expense of the project may be allocated between the assessment fund and the pool fund.

Section 989.68(f) now provides that the committee may undertake market development projects to promote the consumption of surplus tonnage raisins in existing export outlets or in new export outlets. These provisions would be unnecessary and should be deleted because the authorization to undertake such projects and the means of financing them are included in the proposed amendment of § 989.53 recommended herein.

Pursuant to authority in the Marketing Order for California raisins, as amended, issued by the Director of Agriculture, State of California, the California Raisin Advisory Board, the administrative agency for this State program, carries on advertising, sales promotion, and research projects, with primary emphasis on the advertising of raisins. At the hearing, some concern was expressed that the proposed amendment of § 989.53 would result in duplication of effort in the same field by the State Board and the Raisin Administrative Committee or that Federal authority might supersede State authority with respect to research and development.

However, there is no real basis for this concern. The proposed amendment would not change or expand the scope of the basic research development authority included in the order since August 31, 1955. Since the Federal enabling legislation does not authorize advertising or applied promotional activity such as dealer or bakery service work or distribution of point-of-sale material, the committee could not duplicate or supplant activities of the State Board in these areas. It was testified that there had been no conflict between the State Board and the committee in regard to research and development activities and none is anticipated. It was also testified that the raisin industry can look forward to continued harmonious cooperation between the committee and the State Board in the years to come. Since it is the normal situation that some of the members and alternates of the State Board are also members of the committee, cooperation and coordination between the two bodies, rather than conflict and duplication, on research and development matters are to be expected. The hearing record shows that reliance can be placed on the good judgment of these two bodies to advise which authority and funds they should use in case of question. The question of pre-emption or superseding of State authority does not arise because research and development activities are not regulatory activities in the channels of commerce.

(5) Under the present order, the committee is required, in formulating its marketing policy for a crop year, to consider a list of factors for each varietal type of raisins. Experience has shown that: (a) When no volume regulation is contemplated for a varietal type, it is unnecessary for the committee to consider each of the listed factors for that varietal type; and (b) the list of factors needs revision for greater simplification and pertinency.

In view of this, § 989.54 should be amended by reducing the requirement that the committee consider a list of factors for each varietal type to just any varietal type on which volume regulation is intended, and by revising the list of marketing policy factors to be considered. This would avoid unnecessary consideration while requiring the committee to ascertain the factors necessary for volume control of any varietal type whose supply is excessive. For example, if the committee recommended volume percentages for natural (sundried) Thompson Seedless raisins, it would need to consider each marketing policy factor for that varietal type.

Certain of the factors now listed in § 989.54, such as those listed in paragraphs (d) and (e), should be deleted to cause greater emphasis to be placed on prospective rather than historical disappearance and to permit such data to be incidental to the determinations in proposed new (d) and (f). Other factors should be revised for clarity, simplicity, and pertinency. In view of material issue (7), proposed (i) should be added to the list. Accordingly, the list should be revised as set forth in the proposed revision of § 989.54 so that the committee would have simplified and pertinent factors to consider in formulating a marketing policy consistent with the outlook for raisin supply and demand conditions.

(6) It was proposed in the notice of hearing that § 989.97 (Exhibit B) should be amended to add minimum grade and condition standards for natural condition raisins of the proposed new varietal types set forth in proposed § 989.10, and that § 989.59(a) should be amended to specify the minimum grade standards for packed raisins of such varietal types. This proposal was modified at the hearing since time did not permit the development of such standards for hearing purposes. In lieu thereof, the committee concluded that such standards should be developed after the hearing by the committee, the raisin industry and the inspection agency, and be made effective through rule making as and when the need for them became apparent. It was testified that it is feasible to develop minimum standards for the proposed new varietal types. The rudiments for such standards are included in the hearing evidence as a partial basis for later rule making. Therefore, §§ 989.58(b) and 989.59(b) should be amended to provide for the addition, to those now set forth in the order, of minimum standards for any of the proposed new varietal types through rule making. Since experience may dictate the need for changing or terminating the standards once made effective for any particular varietal type, provision should also be made for these contingencies. If no applicable minimum standards were in effect pursuant to the order or a regulation issued thereunder, for a particular varietal type, the order's quality controls could not be applied to the raisins. Therefore, the provisions of §§ 989.58 (a) and (d) and 989.59(a) should be amended to exempt, from inspection requirements and quality restrictions, any varietal type for which applicable minimum standards are not then in effect pursuant to the program.

Section 989.58(d) should be amended to provide that handlers may fumigate natural condition raisins received by them prior to the completion of inspection and certification in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. This procedure was followed during the 1959–60 crop year and should be clearly authorized by amendment of the order so as to remove any doubt regarding its permissibility. This procedure eliminates the need to certify a lot as off-grade raisins, upon its receipt by a handler, if fumigation only is needed for the lot to be certified as standard raisins and the fumigation is performed successfully soon after the lot is received. To the extent that handlers take advantage of this opportunity and fumigate natural condition raisins during the inspection and certification process, the quantity of such raisins which can be initially certified as standard raisins is increased, the wholesomeness and storability of raisins improved, and the workload of the handlers, the committee, and the inspection agency reduced. Authority should be provided for rules and procedures to prescribe such matters as supervision of the fumigation and a completion of the certification.

Section 989.58(d) should be amended by adding thereto provisions which would permit the committee, in accordance with rules and procedures established by the committee with the approval of the Secretary, to authorize inspection and certification on the dehydrator's premises of natural condition raisins produced by the dehydrator by dehydrating grapes by artificial means. These provisions should further specify that, if there shall have been compliance with committee requirements, any handler who receives or acquires such inspected and certificated raisins shall be deemed to have satisfied the requirements in § 989.58(d) with respect to inspection and certification of natural condition raisins received or acquired by him.

Similar arrangements were developed during the 1959–60 crop year in rules and regulations issued under the order. The procedure should be clearly authorized by amendment to the order to remove any doubt regarding its permissibility. The proposed authorization should clearly permit handlers to receive or acquire natural condition raisins, which have been produced by dehydrators by artificial dehydration and have been inspected and certified on their premises, provided that the dehydrator has complied with such undertakings as the committee may require with the approval of the Secretary. Such raisins need not be inspected again upon receipt at the handler's premises and another inspection fee paid, as the incoming inspection requirement should be deemed to have been satisfied. Inspection of such raisins and related inspection services at the point of production (i.e., dehydrator premises) in lieu of the initial inspection at the next point in the marketing channel (i.e., handler's inspection point) facilitates the production of standard quality raisins and serves to avoid rejections of raisins due to failure to meet grade upon receipt of raisins at the handler's inspection point with attendant inconvenience and financial loss.

The prescribing of rules and procedures is necessary to provide for such matters as dehydrator participation in the plan on a voluntary basis, dehydrator arrangements with the inspection agency, and maintenance of identity of lots inspected on the dehydrator's premises until after receipt at the handler's inspection point.

The order provides that the inspection agency for the program shall be the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency would improve the administration of the order.

The Raisin and Grape Growers Institute proposed (proposals numbered 78 and 83 in the notice of hearing) that §§ 989.58(d) and 989.59(d) should be amended to provide that, in lieu of the foregoing provisions, the inspection agency shall be selected by the committee. It was testified that action by the committee in this regard should be subject to the approval of the Secretary.

It has been the practice to name in the body of the order the inspection agency whose certifications of quality shall be evidence of compliance with the quality regulations. This is desirable for the purpose of providing producers and handlers, when considering adoption of provisions authorizing such regulations, information of consequence to them. Furthermore, failure to name the agency would mean there would be no authorized inspectors until the inspection agency could be named by rule making procedures.

It was contended that the present provision was too restrictive to permit the selection of another inspection agency to replace the present one under an assumed situation where the two agencies could perform the inspection function and services equally well but the other agency could do the job at a lower fee than the present agency. The prerequisite determination that inspection by another agency would improve administration of the order, it was argued, could not be made under such a situation because the concept of improved administration does not include the idea of lower costs. However, since no change of agency has been proposed to the Secretary by the committee, the argument is not based on any official action or determinations as to the items to be considered. In fact, no item pertinent to the efficiency or extent of services to be rendered should be excluded from considerations on selection of an appropriate inspection agency. In view of the foregoing, the proposal should be denied.

The Raisin and Grape Growers Institute proposed (proposal numbered 82 in the notice of hearing) that the following new provisions should be added to § 989.58:

Notwithstanding other provisions contained in this subpart, a handler may receive natural condition raisins without an incoming inspection if such natural condition raisins were originally inspected at a raisin storage area operated by a growers' cooperative organization not otherwise qualified as a handler. To be eligible for such transfers of raisins without mandatory second inspections when received by a handler, the growers' cooperative organization shall make arrangements that all natural condition raisins received at the raisin storage area(s) operated by it shall be inspected by inspectors of the inspection agency, and that the storage of such raisins shall conform to the requirements set by the inspection agency, including periodic surveillance by inspectors of said inspection agency. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the transfer of such raisins to a handler.

This proposal involves an organization which would not be a handler and hence could not be held in violation of the pro-

gram nor mandatorily subjected to surveillance or requirements as to storage. It would permit raisins to be inspected and certified at a time long removed from the time of delivery to handlers, sufficient for changes to occur in the condition of the raisins, and hence indicating a possible need for re-inspection at time of receipt by handlers. If inspected raisins were stored as a fungible commodity, a quantity consisting of the lower quality of one or more lots, may not, at the time of delivery to a handler, meet the requirements for standard raisins. The argument that official inspection at time of delivery to the organization is needed for its internal operations is not persuasive in terms of program operations because alternatives are available to satisfy such needs and have long been used in the industry. In view of these considerations, the proposal should be denied.

There should be deleted from the order § 989.60 and other order provisions which provide for the establishment and operation, in below-parity situations only, of a separate pool for storable off-grade raisins held by handlers for the account of the committee. Other sections of the order, from which conforming deletions of provisions should be made, include: §§ 989.58, 989.62, 989.73, 989.79, 989.80, and 989.82.

No off-grade raisins have been pooled, in the three years when reserve and surplus pools were established, since these provisions were included in the order by amendment in 1955. No need for such pooling is anticipated in the forseeable future. Most storable off-grade raisins can be reconditioned by handlers and sold for human consumption. This use reflects a greater financial return to producers than that received if the off-grade raisins were pooled, disposed of by the committee in low-return, non-competitive outlets, and the pooling charges deducted from the sales proceeds. Also, rather than pooling any storable off-grade raisins unsuitable for reconditioning, producers themselves have preferred to dispose of such raisins for distillation and livestock feed because they could obtain the sales proceeds quicker and without deduction of pooling charges.

Section 989.58(e) now prescribes, as one of three alternatives for natural condition off-grade raisins tendered to a handler, that storable off-grade raisins may be turned over to the handler to be held by him for the account of the committee. This provision is to be deleted due to the proposed deletion of order provisions for the pooling of off-grade raisins. In lieu thereof, § 989.58(e) should be amended to permit any off-grade raisins, whether storable or non-storable, to be received, acquired or held by the handler for disposition, without further inspection, for distillation, animal feed, or uses other than for human consumption. This channel for disposition of off-grade raisins (from producer to handler to low-order outlet) has been authorized and utilized under the order in above-parity situations and should be authorized in below-parity situations so as to provide producers, for their advantage, with an additional way of disposing of off-grade raisins in prescribed outlets without impairing the demand for better quality raisins in human consumption outlets. Handlers regularly accumulate off-grade raisins, stemmer waste and raisin offal from their processing operations and have established outlets with distillers and others for the disposition thereof. Thus, it may happen that a producer can make a more profitable transaction with a handler for disposal of off-grade raisins, either by outright sale to the handler or for the producer's account, than by selling the off-grade raisins directly for such purposes as distillation and livestock feed.

As a related change, § 989.58(d) should be amended to provide for exemption from incoming inspection and certification requirements of any off-grade raisins acquired or received by handlers for disposition to distillation, animal feed, or uses other than for human consumption. However, such exemption should be permitted only if in accordance with such rules and procedures as the committee may establish with the approval of the Secretary to safeguard against unauthorized use. In view of the nature of the disposition outlets and the similarity to a direct delivery by a producer to such outlets, incoming inspection and certification of such raisins and incurrence of the cost thereof are unnecessary. Outgoing inspection prior to such disposition, whether or not the raisins had received incoming inspection, would serve no useful purpose and likewise should not be required.

As a conforming change, § 989.58(a) should be amended to permit, as an exception to the prohibition that no handler shall acquire or receive natural condition raisins which fail to meet the minimum grade and condition standards, handlers to receive or acquire off-grade raisins for disposition in the prescribed non-competitive outlets.

As another alternative for natural condition off-grade raisins tendered to a handler, § 989.58(e) permits such raisins to be returned to the person tendering the raisins. The essence of this provision should be retained. However, the provision should be amended so that it clearly applies to unstemmed natural condition off-grade raisins only. Stemmed raisins (large stems removed) are no longer natural condition raisins and their return to tenderers should be prohibited as a safeguard against such off-grade raisins entering channels for human consumption. In regard to this alternative, it should be recognized that the handler may receive the off-grade natural condition raisins and hold them until they can be returned to the tenderer or other authorized disposition of them can be made, subject to such rules and procedures as may be adopted. Also, in regard to this alternative, the "person tendering the raisins" should be construed to mean the person who held the proprietary interest in the raisins at the time of tendering.

Section 989.58(e) presently provides, as a third alternative for natural condition off-grade raisins tendered to a handler, that they may be turned over to the handler for reconditioning under the terms of a written agreement between the person making the tender and the handler. This provision should be amended by deleting the requirement for a written reconditioning agreement. The reason for including this requirement in the order in connection with reconditioning was to provide the committee with information regarding the status of the raisins. However, experience under the order has shown that other means adequately achieve this purpose. Such means include identification and notification requirements, and surveillance. Moreover, the terms of the agreement which can be prescribed and enforced under the order are limited and do not include important aspects in the contractual relationship between producer and handler, such as the right of either party to the proceeds from the residual from reconditioning or the amounts of the charges to be paid by the producer to the handler for reconditioning. Since a reconditioning agreement has been required by the order, many producers mistakenly believed that the committee could and would see to it that their raisins would be reconditioned on the basis of terms satisfactory to them, regardless of actual terms (or lack of them) included in the agreement. However, the committee was powerless to justify this undue reliance on them in disputes which arose between producers and handlers in private contractual matters pertaining to reconditioning. Accordingly, the committee concluded that the order requirement for a reconditioning agreement tended to mislead producers instead of protecting their interests; that the requirement should be deleted from the order; and that the committee should make it abundantly clear to all producers and handlers that it is their full responsibility to reach agreement on terms and conditions under which raisins are to be reconditioned and to protect their legitimate interests in doing so.

The Raisin and Grape Growers Institute proposed (proposal numbered 79 in the notice of hearing) that § 989.58(e) should be amended by adding thereto the following requirements: (a) All off-grade raisins received by a handler for reconditioning in the period between September 1 and January 15 of any crop year, pursuant to a written agreement, shall be reconditioned promptly, but no later than March 15 of the crop year; and (b) any natural condition raisins received by a handler after January 15 shall be reconditioned within 60 days.

In support of the proposal, it was testified that producers have been urged by some handlers to leave their off-grade raisins for reconditioning and then were later informed, when the outlook for the oncoming crop indicated a downward adjustment in raisin prices, that no reconditioning would be attempted, with the result that producers had to dispose of their raisins to distilleries at lower prices than they would have obtained had the raisins been reconditioned promptly. It was also testified that producers had complained that reconditioning was not done in the sequence in which the raisins were delivered to handlers and that undue deterioration of the off-grade raisins occurred. It was argued that the proposal would give handlers adequate time to recondition raisins without waiting to determine whether they should do so in view of market prospects for the new crop; also, that the proposal would prevent handlers from undertaking reconditioning if they had no real intention of completing the work.

If the natural condition off-grade raisins for reconditioning are especially subject to more than normal deterioration in storage due to a particular defect or are likely to be contaminated because of insanitary storage conditions, prompt reconditioning of the raisins is desirable to maximize the recovery of sound raisins. On the other hand, the raisin industry recognizes that natural condition raisins generally withstand storage better than partially processed or processed raisins. Thus, if the natural condition off-grade raisings are not more than normally subject to deterioration and not likely to be contaminated in storage, it may be better, from the standpoint of providing the trade with acceptable raisins, that reconditioning involving processing be deferred until such time as the handler has purchase orders and shipping instructions from the trade for which reconditioned raisins can be used and he can process and promptly ship them. It could happen, as it did in the 1958-59 crop year, that a large portion of the raisin production would be damaged in such a way that handlers would need time beyond the proposed time limits to devise special methods and equipment to reduce or extract a particular defect and to recondition damaged raisins so as to recover therefrom the maximum quantity suitable for human consumption. To impose the proposed time limits on all handlers for completion of reconditioning in such a situation could adversely affect returns to producers. Moreover, producers have the means of protecting their interests in this matter by negotiating with handlers private contracts clearly specifying terms and conditions, including time limits for completion of reconditioning, to fit their individual situations and the peculiarities of a particular crop and marketing season. In view of the foregoing reasons, the proposal should be denied.

The Raisin and Grape Growers Institute proposed (proposal numbered 80 in the notice of hearing) that § 989.58(e) should be amended by adding thereto a proviso that the right of any producer or tenderer to the return to him of any natural condition raisins, which failed to meet the applicable minimum grade standards when presented for inspection pursuant to the order, shall not be abrogated by handlers through the use of pre-printed contracts carrying a provision that, if the raisins fail to meet incoming grade standards, such raisins are automatically left with the packer for a reconditioning at the packer's option and at his posted charge for such reconditioning.

As a means of affording producers ample opportunity for disposing of, and maximizing their proceeds from, off-grade raisins, § 989.58(e) now prescribe, and such paragraph (e) recommended herein to be amended would prescribe, several alternative avenues for the flow of off-grade raisins after they are tendered to handlers. One of these is return of the raisins to the tenderer. Another is for the handler to recondition the raisins. The choice of alternatives for a particular lot is normally made jointly by the tenderer (usually the producer) and the handler. The order does not attempt to govern what choice is made but leaves this to contractual arrangements between the tenderers and the handlers. Even if it were possible for the order to invade this field of private contractual relationship in an attempt to protect the producer against his having signed contracts with terms unfavorable to him, such extension would be beyond the scope of order coverage reasonably necessary to effectuate the purposes of incoming quality regulations. The primary responsibility for protection of the producer in his contractual relationship with the handler must rest with the producer. The proposal should be denied.

Section 989.58(e), as recommended hereinbefore to be amended, would permit natural condition off-grade raisins tendered to a handler to be: (a) Received or acquired by the handler for disposition for distillation, animal feed, or uses other than for human consumption; (b) returned unstemmed to the person tendering the raisins; or (c) received by the handler for reconditioning. In order to provide adequate opportunity and flexibility for the disposition in authorized outlets of off-grade natural condition raisins in as profitable manner as may be practical, § 989.58(e) should be amended to permit off-grade raisins received by a handler under any one of the three described categories to be changed to any other of the categories under such rules and procedures as the committee, with the approval of the Secretary, shall establish. For example, such raisins could be received by a handler from a producer for disposition to a distillery and, before such disposal due to improvement in reconditioning techniques, the handler would find that most of the raisins could be reconditioned for human consumption to the advantage of both the producer and handler. It would be necessary to establish rules and procedures relating to category changes to govern such matters as identity maintenance of an off-grade lot and notification by the handler to the committee or the inspection agency of a status change of such a lot.

For compliance purposes and to ensure that a way would not be open for marketing raisins of unsuitable quality to the public, a specific prohibition should be added to § 989.58(e) to the effect that no handler shall ship or otherwise dispose of off-grade raisins which he does not return to the tenderer, transfer to another handler, or recondition so that they at least meet the minimum standards prescribed in or pursuant to the amended order, except for distillation, animal feed, or uses other than for human consumption.

Section 989.58(e) should be amended to provide that off-grade raisins may be transferred from the plant of the handler where received to another plant of his or to that of another handler within the State of California under such rules and procedures as the committee, with the approval of the Secretary, shall establish to safeguard the provisions of the program. This proposal would give further opportunity to recondition an off-grade lot or dispose of it in authorized outlets in as profitable manner as may be practical. For example, a handler receiving off-grade raisins of a given defect from a producer may not be able to recondition them, and the producer may desire that the raisins be transferred to another handler who has better processing equipment and is able to recondition the raisins successfully. Rules and procedures covering any such transfers would be needed to govern such matters as maintenance of identity of the raisins being transferred, surveillance of the transfer, whether or not the raisins should be inspected and certified upon receipt at the receiving handler's plant, and compliance by the receiving handler with program requirements affecting off-grade raisins.

Section 989.58(e) should continue to require each handler holding any off-grade raisins, to store them separate and apart from other raisins. The off-grade raisins should be stored in accordance with disposition or reconditioning categories and in such manner as the committee, with the approval of the Secretary, may prescribe to insure adequate control over the holding, reconditioning, and disposition of such raisins. There are categories of off-grade raisins such as: (a) Off-grade raisins for disposition for distillation, animal feed, or uses other than for human consumption; (b) off-grade raisins being held for return unstemmed to the person tendering the raisins or to be reconditioned; and (c) unsuccessfully reconditioned raisins. There are also categories of off-grade raisins for reconditioning in terms of defects. The holding of off-grade raisins by categories would be of value in protecting such interest as producers may have in the off-grade raisins, to enforce the prohibition against blending, and to facilitate compliance checks by the committee.

In view of the recommended deletion of § 989.60, § 989.61 should be renumbered as § 989.60 to maintain consecutive numbering of sections.

The Raisin and Grape Growers Institute proposed an amendment (proposals numbered 61 and 81 in the notice of hearing) to authorize the establishment of, in any crop year when unseasonal rains or other climatic disturbances have affected a substantial portion of the raisin crop, an additional quality category of raisins; that is, a sample grade for natural condition raisins and a correlated sample grade for packed raisins. The limits of each type of defect which could be included in such sample grades would be specified. Sample grade raisins would be of lower quality than those meeting the requirements of the minimum grade standards for standard quality natural condition or packed raisins,

as prescribed in or pursuant to the order, but would not be of a quality lower than that permitted by food and drug regulatory authorities. Such sample grade raisins could not be commingled with raisins meeting the minimum requirements for standard quality natural condition or packed raisins. Samples would be drawn by the inspection agency, and the defects of the sample grade raisins would be shown on the inspection certificate. Sample grades could be established and sample grade raisins marketed only in years when raisin production is damaged and the supply of standard quality raisins is relatively small and not so large as to warrant volume regulation. In such a situation, sample grade raisins and standard quality raisins could be marketed simultaneously in domestic and foreign markets for human consumption. Some testimony was to the effect that the use of sample grade raisins should be restricted to manufacturing outlets or exported to Mexico. For example, such raisins having excessive mechanical damage should be restricted to use in the manufacture of such human food as bakery products and not marketed in cartons for human consumption as raisins. However, the proponent suggested no ways and means for assuring that the use of the sample grade raisins would be confined to such authorized outlets as might be designated.

In support of the Institute's proposal, the principal contentions were that: (1) When a shortage occurs in the supply of standard quality raisins available for human consumption, the marketing of sample grade raisins would provide an additional quantity of raisins to satisfy trade demand and tend, thereby, to prevent raisin prices from going to such a high level that sales of raisins from the following crop would be affected adversely; (2) the proposal recognizes that there are different uses for different quality gradations of raisins; and (3) buyers would not lose confidence in the quality of California raisins, because results of the inspection analysis of the sample grade raisins would be sent to the buyer so that he would know in what respects they were defective and whether they could meet his needs.

In opposition to the Institute's sample grade proposal, it was contended that (1) The temporary relaxation of the minimum requirements for standard quality raisins under the order in the 1958–59 crop year had a long-term, harmful effect on trade confidence in, and acceptance of, California raisins; (2) "U.S. Grade C" (the present minimum grade standard for such varietal types as packed natural sun-dried Thompson Seedless raisins) is a "pretty low quality" and "if anything, some of the grades that are low grades should be put aside"; (3) availability even in emergency years of sample grade raisins, with larger tolerances, for defects, than those for standard quality raisins, would debase the quality of California raisins sold in domestic and foreign markets, impair trade and consumer confidence therein, and threaten loss of raisin consumption to competitive foods; (4) once such confidence is lessened, it is difficult to regain; and (5) it is essential that California raisins consistently be of premium quality if they are to hold their place in the world raisin market, especially because of improvements being made in the quality of raisins produced and marketed by foreign countries in competition with California raisins.

By making available to buyers a sample grade lower than U.S. Grade C, an action would be taken the effect of which would be to establish a new minimum standard of quality. In lieu of the present procedure of modifying one or more of the requirements of U.S. Grade C, the present grades A, B, and C would be retained and a sample grade, lower than grade C, added. The existing Grade C permits a lot of raisins to contain close to the maximum of the so-called food and drug defects and is so liberal as to permitted fruit defects and foreign material as to restrict the acceptability of that grade to many buyers. A sample grade, therefore, could not be significantly lower than U.S. Grade C and on several items would need to be identical. Neither the evidence in the record nor available economic analyses in this area permit the conclusion that use of a fourth grade, the sample grade, in lieu of the present procedure of modifying the third grade, U.S. Grade C, would be more in the public interest if above parity or promote orderly marketing if below parity.

Present § 989.62 provides that the provisions of the order relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the act.

Doubt has arisen during past order operations regarding the permissibility of modifying such minimum standards when raisin prices have exceeded parity. While such modifications have been made in order to permit consumers to receive desired quantities of raisins, this doubt should be removed by including in the order appropriate authorization and criteria for changing the minimum grade standards when the parity level is exceeded.

The primary purpose of regulation under the order, when the estimated season average price to producers for raisins is not in excess of parity, is to bring about and maintain such orderly marketing conditions as will, subject to the qualifications in section 2(2) of the act, establish prices to producers at the parity level. In contrast, when the parity level is exceeded, the primary purpose of the authorization in section 2(3) of the act and § 989.62 of the order for the establishment and maintenance of minimum standards of quality and maturity and inspection requirements, is to effectuate such orderly marketing conditions for the commodity "as will be in public interest."

The regulation or modification of minimum standards in an above-parity situation should not be so restrictive as to prevent consumers and users from receiving raisins acceptable to them and suitable for human consumption. On the other hand the regulation or its modified version should be such as to prevent consumers and users from being offered off-grade, low quality, immature raisins or raisins which are otherwise unacceptable to them or regarded as unsuitable for human consumption due to such factors as lack of cleanliness or wholesomeness, mold, or keeping quality.

Within these limits and subject to the overriding criterion of effectuating orderly marketing of raisins "as will be in the public interest" and not for the purpose of maintaining prices above parity, modification of the minimum grade standards in an above-parity situation should be permitted if any of the following conditions should occur: (a) Technological changes or advances in production, processing, or packing operations; (b) changes in consumer or user preferences; (c) conditions requiring more precise correlation of incoming and outgoing standards; or (d) changes in economic factors affecting the orderly marketing of the available supply of raisins making necessary in the public interest modifications of the minimum standards.

With respect to (a), for example, there may be developed in the future more efficient processing machinery for removing pieces of stems and capstems from raisins so as to enable a reduction in the existing tolerances for such defects. It would be to the interest of the manufacturer and the consumer to permit such a reduction of foreign material in the raisin pack.

With respect to (b), consumer or user preference for raisins is not static but is dynamic. For example, with the increasing emphasis in recent years on the need for purity in foods, some of the raisins which are acceptable to the consumer or manufacturer today may not be accepted by them tomorrow.

Regarding (c), it may be found, as additional experience is gained under the program, that, for example, a tolerance for a particular defect in the incoming minimum grade and condition standards is too liberal in comparison with the tolerance for the same defect in the outgoing minimum grade standards for packed raisins. The defect may be of such a nature that it cannot readily be extracted during processing, and if the incoming tolerance is not decreased, the quality of the outgoing pack may be contrary to the public interest.

Relative to (d), it could happen, when the raisin supply is small, that consumers and users would be deprived of raisins suitable for human consumption unless appropriate modifications of the minimum grade standards in an above-parity situation were made to facilitate the recovery by packers during processing of sound raisins from off-grade raisins.

The foregoing examples demonstrate the problem of foretelling with complete certainty the exact quality regulation for any varietal type that will be in the public interest. Therefore, provision should be made for modifying such regulations in order to keep them as nearly in line with this changeable criterion as possible.

In view of the proposed deletion of order provisions authorizing and relating to the pooling of off-grade raisins and since the same provisions of the amended order would apply to off-grade raisins in above-parity as in below-parity situations, the last sentence of present § 989.62 referring to such raisins is not fully pertinent and hence should be deleted.

Section 989.62, as proposed to be revised, should be renumbered as § 989.61.

(7) A new section, § 989.62, should be added to the order to provide that, whenever the Secretary finds, upon recommendation of the committee or other information, that continuance of certain practices in trade channels would tend to interfere with the achieving of the obvectives of the program, he may prohibit handlers from using such practices, for any crop year or portion thereof, in selling raisins in containers exceeding four pounds net weight. The practices involved relieve buyers of price risks and thereby, in some seasons, interfere with or offset efforts under the order to market raisins in an orderly manner and to stabilize and improve prices for raisins. When raisin market prices are appreciating, these practices may not disrupt orderly marketing conditions for raisins as much or as significantly as in other raisin price situations. Therefore, the proposed authorization should be permissive so that it can be used when needed in any crop year or portion thereof, or not be used if of little or no benefit to orderly marketing.

The practices occur in two principal forms: (a) A provision within or added to a sales contract between a seller (the handler) and a buyer of raisins, or action or agreement outside such contract, whereby the seller is obligated to reflect price declines in market prices of raisins by charging the buyer a subsequent market price in lieu of the sales price specified in the contract; and (b) an agreement in an undertaking reserving raisins for possible future delivery to a buyer, or action or agreement outside such undertaking, whereby the seller cannot charge the buyer in excess of a specified price per unit.

It has long been recognized that efforts to affect market prices by establishing orderly marketing in the sense of quality and volume regulation can be offset in the market by certain terms and conditions of sale. These are used particularly when sellers are having difficulty in disposing of their holdings or of volumes which they plan to acquire. Hence, provision was made in the Agricultural Marketing Agreement Act of 1937, and other legislation of that period, for prohibitions on unfair methods of competition and unfair trade practices which could jeopardize the overall objectives of the legislation. The circumstances which exist in periods of national depression may be duplicated in large part in other years by virtue of unusual supply or demand conditions or improvements in the bargaining power of buyers. Hence, in a given crop year the possibility of certain selling practices jeopardizing program objectives can be anticipated by consideration of the demand outlook.

The evidence indicates that the two practices should be corrected for several reasons. Basically they cause certain risks of market price changes to be borne solely by the handlers and producers in the raisin production area rather than to be shared by buyers. In the guarantee against price decline, the buyer receives the benefit of any lower price prevailing at time of shipment. In the reservation contract, raisins are held for a buyer with no certainty that he will ever take them and with a guarantee against price appreciation. By not taking delivery, raisins are placed in an unsold position to adversely affect price stability or hinder possible price advances as a season progresses. The impact of these practices is observable in the failure of a season opening price structure to be maintained or to advance to cover storage, insurance, losses and other charges. These adjustments or failure to advance seasonally affect adversely the returns received by producers delivering on open price contracts, by producers selling some weeks or months after the opening of the season and by producer members of cooperative marketing associations dependent upon the earnings throughout a pooling period. The impact is manifest, too, in the ability of handlers to finance their buying operations by means of loans from the usual lending agencies. To the extent that handlers hold forward sales contracts subject to changes in market prices or cancellation, the interest of lending institutions in advancing funds is decreased. They will, of course, continue to advance money but it will be a lower proportion of the existing market. This in turn affects the ability of the handler to purchase raisins in the field. The demand, therefore, for raisins at the producer level is decreased. There follows a willingness for producers to sell at lower prices and this, as reflected in the competitive abilities of handlers to price their acquisitions, hastens the decline of season opening prices.

There is reason to believe that in today's buying of raisins, the trade buyer covers his cost of raw material by his pricing of his finished product. Thus a baker or cereal manufacturer or other user of raisins does not need the adjustments to lower market prices for the purpose of a profitable operation. However, the availability to him of contracts which reduce his purchase cost as market prices decline, grant to him an unanticipated profit. In another sense, buyers could deliberately make use of this practice by limiting their early commitments, causing supplies to build up in the production area and causing downward price adjustments to their personal benefit but adverse to the objectives of the program or to the desirable objective of increasing raisin consumption. If buyers were not protected against changes in market prices, there is reason to believe they would more thoroughly anticipate their annual requirements, they would be confident that competitors would have little opportunity to obtain raw material at lower prices and the user-buyers together with the industry could more firmly devise market expansion programs.

It is intended that these practices of guaranteeing against price decline and granting reservations guaranteeing against price advance should be prohibited when necessary in respect to raisins sold to industrial users but not to those sold to the trade as a grocery item. This distinction should be made by limiting the prohibitions to raisins in containers exceeding four pounds net weight. In this way, bulk raisins such as those packed in 30 pound cases for industrial use would be covered and raisins packed in small containers as grocery items would be unaffected. While a form of such guarantees and reservations are used in connection with handlers' sales to the grocery trade as well as to industrial users, the practice is more disruptive to orderly marketing in the latter outlet than in the grocery outlet. This is because the guarantees are granted for longer periods of time in the industrial outlet, thereby forcing the handler and the producer to assume a greater risk from price fluctuation than they do on sales to the grocery trade. Moreover, the prices of packaged raisins, as grocery items, are generally subject to less fluctuation than bulk raisins due to the domination of the package outlet by handlers with nationally advertised brands whose prices are less subject to the forces of competition. For these reasons, and the additional reason that the proponents do not desire to use more regulation than is absolutely necessary, the prohibition should not apply to raisins packaged as a grocery item.

The committee should be required to recommend for the approval of the Secretary rules and procedures and record keeping requirements necessary to administer these prohibitions and obtain compliance therewith. In this regard, each handler should be required to make available the contracts, memoranda and other sales documents used in the selling to buyers of bulk raisins. As a conforming change, § 989.77 should be amended to permit the committee, through its duly authorized representatives, to check and verify, for compliance purposes, the sales transactions and records which handlers will be required to keep in connection with these prohibitions.

The Raisin and Grape Growers Institute proposed (proposal numbered 84 in the notice of hearing) that the following method of competition and trade practice should be deemed to be unfair and prohibited. It proposed that no handler shall be permitted to sell surplus tonnage raisins into export in such a manner as to disrupt export markets by selling surplus tonnage raisins at a markup over and above the committee's offering price which does not reflect reasonable packing costs and a reasonable overhead charge. The Institute further proposed that the committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to implement the prohibition.

This proposal contains unresolved administrative and compliance problems in such areas as determining the reasonableness of packing and overhead charges and the nature of a disruptive export sale. In lieu of this, if the com-

mittee should conclude that it is necessary, in order to effectuate the declared policy of the act, to establish the minimum resale prices of the surplus raisins below which handlers in general may not sell in export, such control could be achieved under the present provisions of the order and thereby largely achieve the objectives of this proposed amendment. In offering surplus tonnage to handlers for export, the committee could include in the terms of sale appropriate minimum resale prices. In view of the unresolved matters in the proposal and the existence of a reasonably appropriate alternative, this proposal should be denied.

In the notice of hearing was included an Institute proposal that no handler shall engage in such unfair methods of competition of unfair trade practices "as may be presented for approval at the hearing and adopted as part of this Order." The Institute abandoned this proposal at the hearing.

(8) A new § 989.62b entitled, "Price filing and posting", was proposed (proposal numbered 85 in the notice of hearing) by the Raisin and Grape Growers Institute. This section would provide for regulation, concurrent with volume regulation, under which each handler would be required to file with the committee a complete schedule of minimum prices at which he quotes, offers for sale, or sells any variety of raisins. During the price filing and posting regulation period, no handler would be permitted to quote, offer for sale, or sell any variety of raisins so regulated at prices lower than those filed by him. As explained by the proponent, a handler could change his prices upward at any time without formal notification to the committee, but a downward change in prices below the minimum filed would require formal notification to the committee and a waiting period of three business days before the revised prices would become effective. Whenever any handler filed a downward revision of his prices, all other handlers would be promptly notified by the committee of the revision. Any other handler could also revise his prices downward. If his revised prices were no lower than those filed by the first handler, the other handler's revised prices would become effective at the same time as those of the first handler.

The proponent contended that any lowering of the price below that of the prevailing market depresses the whole market. He contended that if any handler had to report his intentions to revise his price to the committee and wait during a cooling-off period of three business days after which other handlers could meet his revised price, it is logical to assume that no serious downward revisions of the market price would occur.

On the other hand, an opponent of the proposal contended that price filing would set in motion a downward spiral in prices which would result in nothing but chaotic conditions in the industry with the resultant loss in returns to producers; and that when a handler files a price for all to see which is lower than the prevailing price, there is only one way other handlers can compete and that is to file even lower prices.

As in this case, it often happens that different persons will draw opposite conclusions from the same circumstances and facts. Inasmuch as the evidence indicates that the proposed filing and posting regulation would be mandatory in the event of volume regulation and that it would have a major impact on the raisin industry, the evidence in support of the proposal should be of such a nature as to not leave substantial doubt regarding the advisability of adopting the proposal. One problem in adopting this proposal is that it would not require a handler to sell raisins only at prices filed by him, but would permit a handler to change upward the prices at which he quotes, offers for sale, or sells raisins without any formal notification to the committee. The record does not indicate how the declared policy of the act would be effectuated if a handler should file an unrealistically low minimum price with the committee, make a few token sales at that price, then raise his price, and then for the remainder of the season engage in price cutting, as he would be free to do without notifying the committee, so long as he did not reduce below the price he originally filed. The record indicates lack of agreement on the question of whether the proposal should be adopted. It is apparent from the line of questioning pursued by one group at the hearing that it opposed the proposition. While the record indicates that much reliance would be placed on handlers' abiding by the proposed provisions, no handler testified in favor of the proposal and one testified against it. Due to these considerations, the proposal should be denied.

(9) The present provisions of § 989.63 (b) require that, in determining any volume percentage recommendation, the committee shall consider and analyze with respect to each varietal type of raisins the factors set forth in § 989.54 relating to marketing policy. These provisions should be deleted because they are superfluous to and in conflict with the recommended revision of § 989.54 discussed hereinbefore.

In lieu of the present provisions, § 989.63(b) should be amended to provide that the committee may, for any crop year, recommend to the Secretary a formula for computing the free, reserve, and surplus percentages for any varietal type of raisins and such formula may continue to apply in the absence of a recommendation of the committee or other basis of modification. As a conforming and necessary change, a provision should be added to § 989.64 which would authorize, but not compel, the Secretary to designate the volume percentages on the basis of a formula as may be recommended by the committee.

The amendments should be made to provide specific authorization in the order for the committee to recommend and the Secretary to use a formula by which the volume percentages for any crop year may be computed. Experience has shown that use of a formula in this connection helps to eliminate delay in the establishment of volume percentages, thus facilitating early sales of the new crop. Such a formula would set forth the factors and the method of computation to be used in determining the volume percentages for a varietal type of raisins for a crop year. Volume percentages have been determined on the basis of such formulas twice in the past, and the order should clearly authorize this practice for future use. However, the authorization should be permissive, both for the committee and the Secretary. It could happen that a formula developed for a crop year could be found unworkable just before its use, for some reason such as a radical, unanticipated change in production or the domestic demand for raisins. Therefore, use of a formula should not be compulsory.

Nor should a formula be set forth in the order. Rather, the order should permit one to be developed and established each year through rule making prior to the time it may be needed for percentage designations for the crop year. However, if the same formula continues to be applicable, it should be permitted to be used without change. In this way, opportunity would be given annually to review and correct the deficiencies in any formula, without amending the order. Hearing evidence in this regard indicates that improvement was needed in the two formulas used in the past. Interested persons would have the opportunity to submit written data, views, or arguments regarding a proposed formula included in a notice of proposed rule making. Moreover, the supply and marketing conditions for raisins differ from crop year to crop year, sometimes varying radically and changing abruptly. For this reason, it would be unwise to base a formula entirely on historical considerations including the factor of historical demand. A formula written into the order would necessarily have to be based on a substantial degree on historical data. It could not be changed quickly to allow for current supply and demand conditions or for recent or prospective changes therein. On the other hand, the proposal recommended herein would permit the committee and the Secretary to give weight, in the annual development and establishment of a formula, not only to historical considerations but also to the current and prospective marketing policy factors as they would appear immediately preceding the time when the percentages are designated for the then current crop.

The Raisin and Grape Growers Institute proposed a series of amendments (numbered 86 to 89, inclusive, in the notice of hearing) which would set forth in the order a specific method or formula for computing volume percentages for natural (sun-dried) Thompson Seedless raisins and would require the committee to compute, in accordance with such formula, any volume percentages it may recommend to the Secretary for this varietal type. These proposals are incompatible with the recommended proposal, and the supporting reasons therefor, set forth herein in the immediately preceding paragraphs. Moreover, the Institute's proposed formula could result

in inappropriate percentages for a crop year for such reasons as its reliance on historical demand for raisins in free tonnage outlets irrespective of anticipated demand and by making no allowance for underestimation of the current year's production of raisins. In view of these considerations, the Institute's proposals referred to should be denied.

The Raisin Farmers proposed an amendment (numbered 101 in the notice of hearing) which would also set forth in the order a specific method or formula for computing volume percentages and require designation of the percentages resulting from the formula. This proposal, too, is incompatible with the recommended proposal discussed hereinbefore that would give the committee permissive authorization to recommend to the Secretary a formula for any crop year. The formula proposed by the Raisin Farmers does not provide for adjustment needed to compensate for the difference from year to year in the quantity of free tonnage raisins carried over from the previous crop and held by handlers at the beginning of the crop year. Therefore, inappropriate percentages could result from use of the formula. Unless the quantity of free tonnage raisins carried over by handlers from the previous crop were unusually large to supplement the free tonnage from the new crop, the formula could result in too small a supply of raisins to handlers to satisfy demand in free tonnage outlets early in the crop year. The proposal would place in the reserve tonnage a large portion of the normal free tonnage for the ostensible purpose of increasing producer returns on both the free and reserve tonnage by temporarily reducing the supplies in the free tonnage outlet. In fact, however, in pricing free tonnage, handlers would need to recognize the volume of reserve tonnage likely to enter free tonnage outlets and this would significantly restrict the possible benefits from the proposal. Moreover, the industry uses a State of California marketing order to increase raisin consumption. Basic to this effort is a ready and ample supply of raisins as free tonnage. A formula should, therefore, be correlated with other industry efforts. Since the proposal could be adopted by rule making and in view of the foregoing considerations, this proposal should be denied.

The Raisin Farmers proposed several amendments (proposals numbered 99, 100 and 102 in the notice of hearing) which would prohibit the committee from recommending, and the Secretary from designating, separate and different volume percentages for the different varietal types of raisins, but which would require that "all varieties of raisins shall be included in the surplus pool in the same percentage" and that "all producers shall bear their burden of the surplus pool." Examination of Tables II, III, and VI of Exhibit No. 4 of the hearing record reveals that each of the factors of production, prices returned to producers, and packers' f.o.b. price quotations differ in the same crop year, often substantially, for the respective varietal types. Eleven years of operations under the order and testimony at the hearing sustain the conclusion that the supply of and demand for a particular varietal type are dissimilar from other varietal types, and hence each varietal type should be treated separately for the purposes of volume regulation. It is generally true that the market demand for one varietal type cannot be fully satisfied with another. It has often happened that the supply of one varietal type has exceeded the demand therefor necessitating volume control of it to protect producer returns, while at the same time the supply of another varietal type has been less than, or in relatively good balance with, the demand for it. To compel even temporary withholding from market of raisins for which there exists an effective demand reflecting remunerative prices to producers, could very well result in loss of sales never regained, thereby adversely affecting returns to producers of such raisins. It is concluded that to operate in accordance with the Raisin Farmers' proposals would not equalize the burden of surplus control among the producers of such surplus; nor would the declared policy of the act tend to be effectuated. Accordingly, these proposals should be denied.

Section 989.65 should be amended to clarify what constitutes free tonnage of a varietal type of raisins, whether or not the Secretary designates volume percentages for a crop year for such raisins. Section 989.65 now provides that the standard raisins acquired by a handler which are designated as free tonnage may be disposed of by him in any marketing channel, subject to the applicable provisions of the order. Thus, these provisions specify what constitutes free tonnage for a varietal type when the Secretary designates the free tonnage through the establishment for a crop year of a free tonnage percentage for such raisins. However, they do not prescribe what comprises free tonnage if the Secretary does not so designate a free tonnage percentage for a particular varietal type. Consequently, it has been necessary, when no volume regulation for a varietal type was to be applied, for the Secretary to designate for that varietal type 100 percent as the free tonnage percentage and zero percent as the reserve and surplus percentages. However, this type of action is needless and work could be saved if this matter were stated within the order. In view of the foregoing, and so that it will be necessary to designate, in crop year regulations, volume percentages only for those varietal types for which pooling is contemplated, the provisions of § 989.65 should be revised to state that free tonnage raisins may be disposed of by a handler in any marketing channel, subject to the applicable provisions of the order, and to further specify what constitutes a handler's free tonnage. If a free tonnage percentage has been designated by the Secretary for a particular varietal type, the handler's free tonnage of such varietal type should be the designated free tonnage percentage of the standard raisins of that varietal type acquired by him. If no free tonnage percentage is designated by the Secretary for a varietal type, all of the standard raisins of that varietal type acquired by him should be free tonnage.

Section 989.66(b)(2) should be amended to provide that reserve tonnage and surplus tonnage acquired or held by a handler may be stored together but shall be stored separate and apart from other raisins to such extent and identified in such manner as the committee shall specify in its rules and procedures with the approval of the Secretary.

The present requirement that reserve tonnage and surplus tonnage shall be stored separate and apart from each other has proven costly and there is reason to believe that it can appropriately be changed as indicated. Savings in moving, storing, and fumigating reserve and surplus tonnage raisins would be made by permitting handlers to store such raisins together. Quality regulation would not prevent this proposed change because reserve and surplus raisins must meet the same minimum standards of quality. For compliance purposes, the committee would be able to check a handler's reserve tonnage obligation and his surplus tonnage obligation separately by accounting methods and the total of his reserve and surplus set aside visually and physically. In order to protect the quality of the pool tonnage, safeguard the producer's equity in such tonnage and facilitate handler compliance with pooling requirements, handlers should be required to store the pooled reserve and surplus tonnage raisins separate and apart from other raisins, including off-grade and free tonnage raisins, to such extent and to identify the pooled raisins in such manner as the committee shall specify in its rules and procedures with the approval of the Secretary.

Section 989.66(c) now provides, in part, that the committee shall defer, upon the written request of any handler and for good and sufficient cause, the requirement that a handler set aside and hold reserve and surplus tonnages referable to his acquisitions of standard raisins for a specified period ending not later than November 15 of the particular crop year. Pool equity holders are protected by a requirement that the handler receiving such a deferment must file a bond with, and acceptable to, the committee.

The Raisin and Grape Growers Institute proposed (proposal numbered 90, and conforming changes in proposals numbered 91 and 92, in the notice of hearing) that no such deferment should be granted unless the handler's failure to meet his set aside obligations is due to fire, civil commotion, force majeure, acts of God, or other conditions beyond the handler's control and not due to his own negligence or failure to purchase the necessary tonnage. The present provisions give the committee discretion for determining whether a particular handler's situation constitutes "good and sufficient cause" for deferment and permits the committee to grant the deferment, to expire no later than November 15, so that the handler need not set aside to meet pool obligations during the deferment period. The Institute's proposal would require that no deferment privilege could be granted to a handler except for

failure to set aside due to causes beyond the handler's control. The named causes would constitute "good and sufficient cause" within the existing provisions. However, a distinction should be made between a general basis for granting deferments and the consideration of such on an individual basis because there will be involved differing situations some of which will be violations of the set aside requirement. The committee should not grant deferments where such would excuse a violation.

The hearing evidence indicates a difference of views as to whether the standards proposed by the Institute should be included in the order or reliance should be continued to be placed on the committee's judgment and discretion in the matter. Since such evidence shows that the deferment privilege has not been abused, and that, in fact, a deferment has not been granted in the past more than once or twice, the latter view is accepted in this recommended decision. A further basis for acceptance of this view is that producers are in a position to control the decisions on any handler's request for deferment and thereby protect the producer interest in the acquisition of raisins by handlers.

In further reference to the proposed authorization to permit deferment only if a handler had already failed to meet his pooling obligation ("No deferment shall be granted unless the handler's failure to meet his obligation is due to —"), such would be counter to the concept that handlers must anticipate their need of a deferment in order to release tonnage for shipment. Moreover, the Institute's proposal includes no safeguard, such as a bonding requirement, for protecting pool equity holders against a handler's failure to fully satisfy his pool tonnage obligations by the end of any deferment period. In view of the foregoing considerations, the portion of the Institute's proposal referred to should be denied.

The Institute's proposal to amend § 989.66(c) also would require: (a) Reserve and surplus tonnage to be kept separate and apart from free tonnage raisins; (b) the initial set aside obligations to be met promptly, but not later than one calendar week subsequent to the effective date of the percentage of such reserve and surplus obligations; and (c) subsequent set aside obligations to be met and stored by handlers not less frequently than weekly.

The requirement in (a) above is treated in this recommended decision in connection with the recommended amendment (numbered 45 in the notice of hearing) of § 989.66(b)(2). Since no evidence was offered at the hearing in substantiation of the proposed requirements in (b) and (c) above and for the further reason that such are appropriate matters for regulatory orders or administrative rules issued under the subpart, the two requirements are not included hereinafter.

The Raisin Farmers proposed (proposal numbered 103 in the notice of hearing) that § 989.66(c) should be amended by deleting the provisions which permit the requirement that a handler set aside and hold the reserve and surplus tonnages referable to his acquisitions of standard raisins to be deferred for a specified period ending not later than November 15 of a crop year. In lieu of these provisions, the Raisin Farmers proposed (proposal numbered 104 in the notice of hearing) to substitute provisions which would prohibit any such deferral by specifying that the committee shall not loan reserve tonnage and surplus tonnage, and that no one shall be permitted to borrow such tonnages. This is a further proposal to cause handlers to acquire directly from producers the raisins they need for free tonnage shipment and to thereby strengthen the handler demand for producers' raisins.

However, there is no reason to believe that the purpose of the proposal would be achieved by its adoption. Handlers have not taken advantage of the provision to be deleted. The provision is in the order to provide for a possible contingency. Shipments of raisins into free tonnage outlets normally occur in largest volume during the fall, the early portion of a crop year. If this early-season demand for raisins is less than fully satisfied at the time, the sales of raisins then lost may not be regained later. Thus, the total quantity of raisins ultimately moved into these outlets may be reduced. It could happen early in a crop year that handlers, even though they were actively purchasing free tonnage raisins from producers, would have insufficient free tonnage carryin and not enough free tonnage from the new crop immediately available to them to fully satisfy the then existing demand which, however, could be met by use of the present authority in the order to permit handlers to borrow pool tonnage temporarily. The fact that producers can control committee decisions on handlers' requests for such deferments is a safeguard against the privilege being abused instead of handlers purchasing free tonnage from producers. Both of these proposals should be denied due to the foregoing considerations.

Section 989.66(e)(4) now provides, in part, that each handler's share of surplus tonnage raisins offered for sale in export prior to February 1 of any crop year shall be determined on the basis of free tonnage acquisitions during the preceding crop year, and that after January 31 his share shall be determined on the basis of free tonnage acquisitions in the then current crop year. The same method of allocation should be retained in the order, except that these provisions should be amended to require that the shift from the basis of free tonnage acquisitions during the preceding crop year to the basis of free tonnage acquisitions during the then current crop year will occur November 1 instead of February 1. Changes should be made in subdivisions (i), (ii), and (iii) of § 989.66(e)(4) to conform with the new date. The following reasons and circumstances justify use of the earlier date for the purpose stated.

The basing of handlers' shares of offers made on or after November 1, instead of on or after February 1, on their free tonnage acquisitions of the current crop year should serve to encourage earlier handler field buying, for the purpose of greater participation in early offers of surplus, and thus benefit producers.

If a handler's free tonnage acquisitions during the then current crop year constitute a significantly smaller percentage of such acquisitions by all handlers than that for the preceding crop year, the delay of the aforesaid shift until February 1 can result in his receiving no share in an offer after that date even though he may be holding surplus tonnage which he could then sell in export. This result can happen because, under the prescribed allocation method with its provision for deduction of previous shares, such a handler would receive before February 1 larger shares than he would be entitled to on the basis of his acquisitions for the current crop year. The excess he receives must be compensated for by reduction in his share after February 1 to bring the total of all his shares into line with such current acquisitions. Having the aforesaid shift occur earlier and on November 1, as proposed, would tend to avert the situation of such a handler receiving no share. He would have a shorter period of time and fewer shares for accumulation of tonnage in excess of that proportional to his current acquisitions for the crop year. Therefore, the compensating adjustment would ordinarily be less severe with a November 1 than with a February 1 change-over date.

During recent seasons, handlers have acquired raisins at more nearly the same respective rates, in proportion to their respective total acquisitions, at an earlier date than was the case in the years preceding the adoption of the present method of allocating shares. By November 1 of future years, their respective rates of acquisition should be sufficiently similar to avoid giving some handlers shares which are unduly large, and other handlers shares which are unduly small, in relation to their respective acquisitions for the entire crop year. On the other hand, offers of the then current crop year's surplus tonnage prior to November 1 could not practically or equitably be made on the basis of current acquisitions because some handlers may have acquired few, if any, raisins at the time the first offer is made and any such early acquisitions are not likely to be representative of handlers' acquirements for the entire crop year.

Section 989.66(e)(4)(iv) now requires that surplus tonnage offered by the committee for sale to handlers for resale in export which remains unsold to handlers after the end of the share reservation period shall be reoffered to those handlers who have purchased their entire shares. These provisions compel, unless the offer is withdrawn before a reoffer, at least one reoffer and sometimes a second reoffer to be made each time the entire offer is not purchased during the share reservation period. A purpose of such reoffers is to facilitate the sales and movement of raisins for export by providing tonnage in excess of their shares to handlers who may be selling export tonnage at a faster rate than other handlers. However, these provisions should be deleted because, in actual operation, the system is time-consuming,

cumbersome, and in some situations may retard exports. The time required to make two reoffers is normally about a week and the tonnage involved in the reoffer may be relatively small and available to only a few handlers. In these circumstances, more surplus tonnage could be made available quicker and to all handlers if the committee would not reoffer but would simply follow an offer not completely sold, with another offer of surplus tonnage to all handlers.

For the purpose of correcting problems arising under the aforesaid reoffer provisions recommended herein for deletion, § 989.66(e)(4)(iv) should be amended to provide that, whenever during a crop year there is an accumulation of unsold surplus tonnage previously offered by the committee for sale to handlers for resale in export, the committee may make a special offer to sell such unsold tonnage, or any portion thereof, to handlers for such resale. The committee should have discretion as to the quantity, timing, pricing and other aspects of the offer, subject to the safeguard of prior review and action by the Secretary, so that it can best meet, at the time, the highly different future situations which can arise. If the unsold tonnage accumulated is relatively small, disposition of the surplus tonnage may be better expedited if the committee continues to make regular offers instead of making a special offer. Each handler's share of any special offer should be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the then current crop year is of the total of the free tonnage raisins acquired by all handlers during that year. Of the several bases of reserving to handlers a share in such special offer, none would necessarily award raisins to handlers consistent with their ability to sell, in a particular period of time, the raisins. Hence in the initial offering of such raisins, the evidence is that basing handler shares on acquisitions would be appropriate and consistent with the basis of allocating other offers. If any surplus tonnage remains unpurchased at the end of the share reservation period of a special offer, the committee should be permitted to reoffer such unsold special offer tonnage to handlers without regard to shares on a first come, first served basis. The reoffer method should facilitate disposition of unsold holdings of surplus tonnage by providing such tonnage to those handlers who are currently finding buyers and can ship it into export. In order to furnish the accumulation of unsold tonnage to these handlers, it should be provided that the committee may allocate and deliver to any such handler, holding insufficient special offer tonnage, sufficient such tonnage to fulfill his purchase in such a special offer and his purchase in any reoffer. The cost of transporting any such surplus tonnage from one handler to another should be paid by the committee from surplus pool funds. The bearing of this expense by the committee instead of by handlers would, in effect, prevent a cost penalty being assessed against handlers buying special offer tonnage, not distort their competitive price positions with other handlers, and hence serve to facilitate committee sales of such raisins.

It is now provided in § 989.67(b) that reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee. To this price shall be added the costs incurrent by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins. It is specified in a proviso to these provisions that, where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee.

The Raisin and Grape Growers Institute proposed (proposal numbered 93 in the notice of hearing) that these provisions should be amended by: (a) Substituting for the aforesaid minimum price, a minimum price computed by adding the sum of $25.00 per ton to the average free tonnage price; (b) providing that this computed minimum price be effective until July 1 of any crop year; and (c) providing that on and after July 1 sales of reserve tonnage for the purpose of augmenting handlers carryout inventory of free tonnage may be made by the committee at a price reflecting the addition of the indicated pooling costs to the approximate computed field price for free tonnage raisins received by producers during the crop year. The Institute's proposal would retain the present proviso provisions stated in the preceding paragraph.

The sum of $25.00 is greater than the total of the indicated pooling costs. Therefore, the Institute's proposed minimum price until July 1 for committee sales of reserve tonnage would be higher than that specified in the present order provisions and also higher than the minimum price proposed by the Institute to be effective on and after July 1 of any crop year.

It could happen before July 1 that the current and prospective demand for free tonnage raisins would be such that handlers could purchase reserve tonnage at a price equal to or higher than the minimum price specified in the persent order provisions but not at a price as high as that proposed by the Institute. Sales of reserve tonnage would be stymied in such a situation. On the other hand, if handlers were deemed likely to pay a higher price, the present pricing provisions would permit the committee to sell reserve tonnage raisins to handlers at a price equal to that proposed by the Institute. The Institute's proposal would permit, on and after July 1, a lower price for reserve tonnage to follow the higher minimum price prevailing until July 1. With such a possibility, handlers are not likely to purchase reserve prior to July 1 unless there was reason to believe that no price reduction would occur on or after that date. In view of the restrictive and retarding effect which this Institute proposal could have on the disposition of reserve tonnage, it should be denied.

The Raisin Farmers proposed (proposal numbered 105 in the notice of hearing) that there should be substituted for the present provisions of § 989.67(b) a restriction that no reserve tonnage shall be sold by the committee below parity price nor below a price that will tend to return to farmers an average price of the free and surplus tonnage which will amount to parity. Pertinent hearing testimony by the proponent included the assertions that there may be some fault in this proposal and that it probably needs a little working over. Such testimony did not indicate what, if any, economic cause could compel handlers, the trade and the buying public to pay prices for raisins which, under supply conditions justifying imposition and continuance of volume controls for any crop year, would enable the committee to sell reserve tonnage at a price equaling the parity price. Moreover, a price substantially higher than the parity price would be needed if producers were to receive a weighted average, parity-level price for the aggregate of the free, reserve, and surplus tonnages. In response to questioning, the proponent conceded that, if buyers refused to purchase the reserve tonnage because its price was too high, there would be a carryover with no guarantee of decreasing it. It is concluded that the proposed pricing of reserve tonnage would, except perhaps in an unusual situation such as when the outlook is for a small raisin production in the ensuing crop year, stymie sales of such tonnage, thereby adversely affecting the consumption of raisins and hence producer returns. Therefore, the proposal should be denied.

Section 989.67(c) now provides, in part, that reserve tonnage held unsold by the committee on July 1, shall on July 1, and any reserve tonnage acquired between July 1 and the end of the crop year (August 31) shall, at the time of acquisition, become surplus tonnage. As proposed by the Raisin and Grape Growers Institute (proposal numbered 94 in the notice of hearing), these provisions should be amended by extending from July 1 to August 1 the date on and after which reserve tonnage would become surplus tonnage. Handlers would have more adequate raisin supply and disposition information in July than in June for determining the quantity of reserve tonnage they would need to purchase for use as free tonnage until new crop raisins are available. An official estimate of the new crop grape production would be published about July 10. This would give the committee enough time before the end of July to make an offer and reoffers to sell reserve tonnage to handlers after such information is available. Moreover, the proposed extension of time is consistent, in part, with the recommended amendment of § 989.68(a) which would provide additional time for the committee to sell any

remainder as surplus tonnage to handlers for export.

Section 989.68(a) now provides, in part, that the committee shall dispose of all surplus tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by August 31, the end of the crop year; and also that any surplus tonnage raisins held unsold by the committee on October 15 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of surplus tonnage raisins in export.

In lieu of the foregoing provisions, § 989.68(a) should be amended to provide that the committee shall dispose of all surplus tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by or before November 1 of the crop year; also, that any surplus tonnage carried over and held unsold by the committee on such date shall be physically disposed of promptly in the aforesaid low-return, non-competitive outlets. The proposed new provisions would give the committee opportunity to sell surplus tonnage to handlers for export during the full month of October, to meet the early-fall demand before a sufficient quantity of surplus tonnage from the current crop may be available. Such provisions, however, should not preclude the committee from beginning, before November 1, the physical disposition of the carried over surplus tonnage in the non-competitive outlets, if to do so would prevent the pyramiding of carried over surplus with surplus from the current crop with resultant economic injury to the raisin industry. Nor should such provisions preclude the committee from disposing of all of the surplus tonnage for export before November 1 if it were possible and desirable to follow this policy.

The present provisions of § 989.68(a) contain a proviso which would permit the retention of surplus tonnage after the specified terminal date of the subsequent crop year and its disposal as though it were reserve tonnage (sales to handlers for use as free tonnage) if to do so is warranted by national emergency, crop failure, or major change in economic conditions. This proviso should be retained as it covers the contingency of the possible need of surplus tonnage in free tonnage outlets.

In view of the recommended proposed amendment of § 989.68(a) which would change the time limit for disposition of surplus tonnage, the first sentence of § 989.68(d) should be amended, as a conforming change, to provide that surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and to achieve complete disposition of such raisins by or before November 1 of the subsequent crop year, instead of by August 31 as presently specified.

Section 989.68(d) should be further amended by addition thereto of provisions authorizing the committee, subject to the Secretary's permission, to withdraw an offer to sell surplus tonnage raisins to handlers for export or to extend the offer period. Such addition would serve to conform the order with past operating experience wherein one or the other actions could have been appropriate. The committee has withdrawn such offers during past surplus disposal operations when handlers failed to take their full shares and the reoffer periods would have been meaningless. During the offer period, the committee may, for example, discover that raisin marketing conditions have so changed as would permit surplus tonnage to be sold for export at a higher price than that attached to the offer. The committee may then deem it advisable to withdraw the current offer and replace it with an offer to sell surplus tonnage at the higher price. Or the committee may discover that its current offer price is too high to meet competition in the world raisin market, requiring withdrawal of the offer and its replacement with an offer at a lower price. Should handlers as a whole require additional time to sell in export the tonnage specified in a particular offer, without changing the price or other terms of the offer, an extension of an offer period might be appropriate so long as this did not deprive any handler of an opportunity to sell some quantity. As a safeguard against disruptive withdrawal or extension actions, any committee proposal to withdraw an offer or to extend the offer period should be filed with the Secretary for his review and action before it becomes effective.

The Raisin and Grape Growers Institute proposed (a portion of proposal numbered 95 in the notice of hearing) that § 989.68(d) should be amended by adding thereto provisions which would specify that any initial committee offer of a crop year to sell surplus tonnage natural (sun-dried) Thompson Seedless raisins to handlers for export must be not less than one-third of the estimated total surplus tonnage of such raisins for the crop year, and that any such offer must become effective concurrently with the effective date of the surplus percentage.

The total quantity of surplus tonnage of one crop year varies from that of the next crop year due to changes in such factors as the size of the raisin production and the quantity of free tonnage carryover. Such variation may be substantial. It follows that the proposed one-third requirement could result in wide difference between the initial quantity of surplus tonnage offered for export in one crop year and that of the following crop year. Export demand for California raisins also may change considerably from one fall to the next, being influenced, among other factors, by the quantity of raisins produced in foreign countries and available for export. Therefore, it could happen that the quantity initially offered in a particular crop year would not be in reasonable balance with the demand therefor. As only one of a number of possibilities, it could happen that, with a substantial carryover of surplus tonnage and a relatively small surplus tonnage of the then current crop year, the initial offering of one-third of the latter tonnage along with concurrent export disposal of the carried over tonnage could only be made by a sacrifice in the export price for both tonnages. This could be avoided by a smaller initial offering thus spreading export disposition more evenly throughout the crop year.

In support of the Institute's proposal, it was argued that such imbalance between supply and demand could be corrected by withdrawal of offers. However, it is not considered sound operational policy to adopt a scheme which would make such withdrawals necessary because, under certain conditions, they may disrupt export trading in raisins and should only be used as a last resort. It is concluded that the Institute's rigid proposal is not a sound substitute for the committee each year determining, in light of the latest information available on current and prospective raisin supply and marketing conditions for the crop year, the quantity of surplus tonnage that should be initially offered to handlers for export. Therefore, the proposal should be denied.

Present § 989.68(f) should be deleted in view of the recommended amendment of § 989.53, and be replaced with a new § 989.68(f) designed to permit the facilitation of raisin exports early in a crop year. The new provisions should: (a) Authorize the committee to replace any portion of or all handler shipments (other than surplus tonnage from preceding crop year) made for export outside free tonnage outlets before the committee's first offer of a crop year to sell surplus tonnage but after September 1, with surplus tonnage from the first such offer or surplus tonnage in addition to such offer; (b) authorize the committee to specify such requirements and conditions in connection with such replacement as are necessary to effectuate it consistent with program objectives; (c) permit the committee to establish a price for such replacement tonnage which is higher, the same as, or lower than that for surplus tonnage in the first offer of the crop year and to announce such replacement tonnage price prior to or at the beginning of the crop year; (d) require, as a prerequisite to invoking these replacement provisions, the committee to determine, prior to the beginning of the crop year, that such replacement would promote the orderly disposition of surplus tonnage; and (e) provide that any such replacement offer by the committee shall be governed by those provisions of § 989.68 (d) which provide for prior action by the Secretary on surplus offers.

Volume percentages, including the surplus percentage, are not designated until October of a crop year due to the lack of a reasonably accurate estimate of the new raisin production at an earlier time. Surplus tonnage of the current crop year is not created until the surplus percentage is designated by the Secretary. Therefore, unless surplus tonnage is carried over from the preceding crop year, the committee would have no surplus tonnage to sell, at prices lower than free tonnage prices, to handlers for export early in the crop year (begins September 1). However, it could be that handlers could export substantial quantities of raisins during September to countries outside the Western Hemisphere, in competition with raisins produced in other countries, if they had some assurance that raisins would be available to them at a price which would enable them to so compete. At the same time handlers may have free tonnage carried over from the preceding crop year or raisins from early deliveries of the new crop which they were planning to use later to meet their domestic sales commitments but which could be exported if later replaced and if it were not for cost and price considerations. By use of the provisions stated in the preceding paragraph, handlers could, early in the crop year, export such free tonnage raisins or other raisins on the basis of the replacement tonnage price announced by the committee. After the surplus percentage is designated, they could obtain, in replacement, surplus tonnage from the committee at such price for use as free tonnage. In this way, handler sales commitments in free tonnage outlets could be satisfied, early-season exports of raisins facilitated, and the orderly disposition of the surplus tonnage promoted.

It would be necessary for the committee to specify certain requirements and conditions with respect to a replacement offer to effectuate it and to protect program objectives. Consideration should be given to the need to specify the total quantity of surplus tonnage raisins to be offered in replacement, to allocate the tonnage of replacement surplus among handlers in order to provide handlers with a definite basis for participation and to condition the offer as being subject to a surplus percentage actually being designated. Other requirements and conditions, such as the terminal date for replacement, would need to be specified.

Flexibility in the pricing of the replacement tonnage, relative to other surplus tonnage, should be permitted. Since the committee should announce the price prior to or at the beginning of the crop year, it would not then know with certainty what price it would later place on other surplus tonnage because raisin supply or demand conditions might change between September 1 and the date of the surplus percentage designation, a month or more later. Therefore, it should be provided that the replacement tonnage price could be higher, lower, or the same as that for surplus tonnage in the first offer made after designation of percentages. In order to permit sales to the several countries to be made on a common sweat box price basis, similar to that which would exist after designation of percentages, the new provisions should require the committee to announce the replacement tonnage price prior to or at the beginning of the crop year.

The committee should make the aforesaid orderly marketing determination as a safeguard in assuring that, in view of the existing and prospective raisin supply and price conditions, orderly disposition of surplus tonnage would be facilitated by use of the replacement provisions. As an additional safeguard, any committee proposal to invoke the replacement provisions should be filed with the Secretary for his review and action before it becomes effective.

The Raisin and Grape Growers Institute proposed (a portion of proposal numbered 95 in the notice of hearing) that, at the discretion of the committee, any sales by handlers of raisins for export to countries outside the Western Hemisphere made between September 1 of the current crop year and the effective date of the surplus tonnage percentage may be credited against such handler's allocation of surplus tonnage, but the date of exportation of such raisins must not be earlier than the effective date of the surplus tonnage percentage.

This proposal was not substantiated or supported at the hearing. The witness testifying on this proposal indicated that he had not realized that the commmittee had proposed a different method for facilitating raisin exports early in the crop year. The committee's proposal is recommended hereinbefore for adoption in new § 989.68(f). He further indicated that "it would make no material difference if in our proposal conforming changes were made". The Institute's proposal would not permit export shipments of raisins to be made before the effective date of the surplus percentage while the committee's proposal would do so for the desirable purpose of meeting early competition in foreign markets from raisins produced in other countries. In view of these considerations, the Institute's proposal should not be adopted.

To the present provisions of § 989.68(g) should be added authorization to permit the committee to refuse to sell surplus tonnage raisins for export to any handler who signifies an intention to sell surplus tonnage to or through any person who has failed to complete a sale of surplus tonnage raisins to a foreign buyer and such raisins remain to be exported and remain unsold to any foreign buyer in eligible export markets.

After the committee sold surplus tonnage raisins to handlers who resold them in export to or through exporters, it has happened in several cases that the exporters did not complete sale of the raisins to foreign buyers because either the exporter did not have a firm sales contract with the foreign buyer or the foreign buyer withdrew, failing to accept the raisins contrary to contractual agreement. If these occurrences should become more frequent, the committee's disposal of surplus tonnage raisins in export could be jeopardized as the raisins originally allocated for surplus export outlets might end up in free tonnage outlets or, if they remained unsold for export, adversely affect the disposal of surplus tonnage yet held by the committee. The order does not regulate exporters as such, only handlers. Hence any sanctions to assure completion of the export transactions referred to must be applied indirectly against the exporter through the handler. If the raisins sold to the exporter remain to be exported and are unsold to any foreign buyer in eligible export markets, the refusal or the impending refusal by the committee, until the transaction is properly completed, to sell additional surplus tonnage to any handler for resale to or through such exporter should achieve the desired correction. Each case should be treated on its merits in light of the pertinent circumstances. Therefore, the committee's authority in the matter should be permissive. Any action under this provision need not be with the prior approval of the Secretary as all such actions would be subject to review and correction in the event the committee exceeded its authority or acted in a capricious manner.

The order should be amended by the addition of a new section, § 989.71, which would eliminate any doubt concerning the Secretary's authority to provide for the orderly disposition of unsold reserve or surplus tonnage, or both, if he should find, during a crop year when reserve or surplus tonnage percentages have been designated and are in effect, that the estimated season average price for raisins for that crop year will exceed parity. The provisions of the new section should specify in these circumstances that the Secretary shall issue an order providing for the liquidation of the unsold pooled tonnage then on hand by its disposal in such outlets, at such times, and in accordance with such terms and conditions as he may determine to be appropriate in the circumstances. In determining such liquidation terms, the Secretary should give consideration to the information and recommendations, if any, as may be submitted by the committee.

If volume regulations were put into effect for a crop year and if the Secretary later found during such year that raisin prices would average above parity, it would be necessary for him to suspend those regulations. This is because volume regulations are undertaken for the purpose of causing an improvement in producer returns and no authority exists for the maintenance of prices to producers above the parity level. Under these conditions, it could happen that handlers, at the time of the suspension action, would be holding for the account of the committee a quantity of unsold pooled tonnage which, if it were all released to them forthwith for use as free tonnage, would create disorderly marketing conditions for raisins harmful to the industry. It is possible that an uncontrolled release of this nature would cause handlers and the trade to reduce raisin prices to such an extent that prices to producers would average below parity for the crop year. This situation would not be in keeping with the objective of the act.

The proposed amendment to the order would avert these eventualities by providing authorization to prescribe procedures for orderly disposition of the unsold pooled tonnage. This could be done through the prescribing of outlets, quantities to be offered for sale during specified periods of time, committee's sales price, and such other terms and conditions as may be appropriate. Moreover, it would be necessary to protect the interests of equity holders in the pooled tonnage and to provide for the payment

of pooling costs. In devising the liquidation terms, the data and recommendations of the committee, if any were submitted, would be helpful to the Secretary as the membership of the committee would be intimately acquainted with raisin marketing conditions.

A new section, § 989.72, should be added to the order to permit the committee to exempt, wholly or in part, from the volume regulation provisions of the order, that volume of raisins received or acquired by public or private educational agencies or institutions incidental to or in connection with teaching, experimental, or research activities.

Use of such permissive authorization would be a desirable means of encouraging such activities on raisins, since the burden and cost of setting aside and holding reserve and surplus tonnage for the account of the committee would be avoided by an institution or agency to which such an exemption was granted. However, rather than provide in the order to such organizations blanket exemption from volume regulations, the order should contain permissive authorization for granting or denying a request for any such exemption in full or in part. In this way, each individual case could be treated on its merits including consideration of whether or not such an exemption would be likely to have a disruptive effect on free tonnage outlets. At the present time, Fresno State College, Fresno, California, is the only known educational institution acquiring raisins from producers and engaging in such activities on raisins. In this case, the quantity of raisins involved is very small and the operation is non-commercial in character.

(10) The committee should be permitted to use either certified or registered mail in notifying handlers of grade regulations issued by the Secretary and in notifying handlers and dehydrators of volume percentages designated by the Secretary. Similarly, handlers should be permitted to use either certified or registered mail in requesting the committee to remove surplus tonnage raisins from their premises and to provide the necessary containers for such removal. The order presently permits registered mail only to be used for these purposes. Certified mail is cheaper than registered mail. Certainty and promptness of delivery of certified mail to the addressee is just as sure as for registered mail. The committee intends to require a return receipt for proof of delivery whether it uses certified or registered mail. For these reasons, certified mail would serve just as effectively as registered mail for notice and compliance purposes. Therefore, §§ 989.58(c), 989.59(c), 989.64(c), and 989.66(f) should be amended to permit the use of either certified mail or registered mail for the purposes stated.

(11) Section 989.73(b) of the present order requires each handler to file with the committee, in accordance with such rules and procedures as are prescribed by the committee with the approval of the Secretary, certified reports of his acquisitions of raisins for such periods as the committee may require. The second sentence of such paragraph (b) requires that any such weekly report shall be filed not later than Wednesday of the week following the week which is covered by the report. The definition of "file" in § 989.23 is such that the requirement is met if the weekly reports are placed in the mail and postmarked not later than Wednesday. Some of the reports may not be received in the committee's office until late Thursday and a compiled report may not be available until Friday. Since handlers' weekly reports of acquisitions provide information essential to the operation of the program, receipt, in the committee's office of each such report not later than the following Wednesday would facilitate program operations. It was testified that handlers could compile and submit their weekly acquisition reports in time for them to be so received not later than the following Wednesday. It is concluded, therefore, that the requirement in regard to filing a weekly report not later than the following Wednesday should be deleted, and the words "file with the committee" should be changed to "submit to the committee". Such change would permit the required time limit for receipt of handlers' acquisition reports in the committee's office to be prescribed in the rules and procedures.

The said paragraph (b) now provides also for handlers to report off-grade raisins acquired as such for the account of the committee. As hereinbefore recommended, the provisions of § 989.58 (a) and (e) which authorize handlers to acquire and hold storable off-grade raisins for the account of the committee should be deleted and replaced with a provision which would authorize handlers to acquire any off-grade raisins for disposition for distillation, animal feed, or uses other than for human consumption. The reporting requirements in § 989.73(b) for off-grade raisins should be changed so that they would apply to the proposed new category of off-grade raisins rather than to former category.

(12) The provisions of § 989.75 should be amended by deleting therefrom the phrase, "or to the committee in connection with its investigations of alleged violations". The effect of this deletion would be to prohibit committee employees, who have custody of confidential information furnished by individual handlers, from revealing such information pertaining to the operations of any handler to the committee as a body or to its individual members in connection with the committee's investigations of alleged violations. Such disclosure of information should and need not be authorized because: (a) The trade position, financial condition, or business operations of the handler might be adversely affected; and (b) investigations of alleged violations are performed by committee or Department compliance employees rather than by the committee, and the disposal of such investigations does not require that confidential data be made available to the committee.

(13) Section 989.80 should be amended by adding thereto a provision specifying that, during any crop year or any portion of a crop year for which volume percentages are not effective for a varietal type, all standard raisins of that varietal type acquired by handlers during such period shall be free tonnage for the purpose of levying assessments. Section 989.80 provides that assessable tonnage shall include free tonnage and all reserve tonnage sold to handlers for use as free tonnage. However, these provisions are silent regarding what constitutes assessable tonnage if no volume percentages are designated for a varietal type of a crop year or any portion of such year. In these circumstances, the practice has been to consider all standard raisins of such varietal type acquired by handlers as free tonnage and assessable as such; and present § 989.180 of the administrative rules and regulations reflect this situation. Thus handlers have paid their pro rata share of expenses of the committee on the equitable basis of all standard raisins acquired by them, except for surplus tonnage and reserve tonnage which becomes surplus tonnage, and hence such should be expressly set forth in the order.

(14) A new § 989.95 defining the rights of the Secretary was proposed by the Fruit and Vegetable Division, Agricultural Marketing Service. These provisions should be set forth in the order, as information to interested persons, and specify that the members of the board and the committee (including alternates and successors), and any agent or employee appointed or employed by the committee, are subject to removal or suspension by the Secretary, in his discretion, at any time; also, that every decision, determination, or other act of the committee is subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

The Secretary's authority with respect to a program of this nature is conferred on him by the enabling legislation, and he is charged by law with responsibility for the general supervision thereof. The proposal merely reflects the fact that the right and responsibility of the Secretary to exercise the powers and duties conferred upon him by law are paramount. Along with the power to appoint goes the power to remove. The proposed provisions would make it clear to persons affected that the Secretary has the authority as well as the responsibility to stop any actions which may be inconsistent with the program or applicable law. This could result in the protection of interested parties. The rights of the Secretary set forth in the proposal have prevailed throughout the life of the program and would inject nothing new into program operations. However, since all interested persons may not be informed relative to these rights and a clear understanding of facts by all persons concerned contributes to effective program operation, it is concluded that such rights should be expressed in the order.

(15) The proposals for amendment hereinbefore recommended cause the need to make certain conforming changes in provisions of the order so that it will be in conformity with the amendatory action resulting from the hearing. Each of these changes as is of appreciable significance has been specifically discussed hereinbefore in connection with the amendatory proposal to which it is pertinent. The amendment proposals also make it desirable to renumber some sections and other typographical units and rearrange some provisions to achieve continuity and orderly arrangement of the provisions as recommended to be amended. All such changes should be made for the reasons indicated.

Rulings on proposed findings and conclusions. At the hearing, the Presiding Officer set May 16, 1960, as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence and the conclusions to be drawn therefrom. Briefs were filed on behalf of: (1) Raisin and Grape Growers Institute, by J. J. Murray; The Raisin Farmers, by Rosalie Williams; and E. W. Landram, by himself. The briefs contain proposed findings of fact, conclusions, and arguments with respect to proposals discussed at the hearing. Every point covered in these briefs has been considered carefully along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the suggested findings and conclusions contained in those briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the original issuance of the marketing agreement and order (14 F.R. 5136) as from time to time amended (7 CFR Part 989; 20 F.R. 6435; 21 F.R. 8182). Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings set forth herein, all of the said previous findings and determinations are hereby ratified and affirmed;

(b) The marketing agreement and order, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as hereby proposed to be further amended, regulate the handling of raisins produced from grapes grown in California, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in the proposals upon which a hearing has been held;

(d) There are no differences in the production and marketing of raisins in the production area covered by the marketing agreement and order, as hereby proposed to be further amended, which require the application of different terms or provisions to different parts of such area; and

(e) All handling of raisins produced from grapes in the designated area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendments to the order. The following further amendments of the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Delete § 989.5.

2. Renumber § 989.6 as § 989.5 and amend it to read as follows:

§ 989.5 Raisins.

"Raisins" means grapes of any variety grown in the area, from which a part of the natural moisture has been removed by sun-drying or artificial dehydration after such grapes have been removed from the vines.

3. Renumber § 989.7 as § 989.6.

4. Renumber § 989.8 as § 989.7.

5. Renumber § 989.9 as § 989.8 and amend it to read as follows:

§ 989.8 Natural condition raisins.

"Natural condition raisins" means raisins the production of which includes sun-drying or artificial dehydration, with or without bleaching, but which have not been further processed to a point where they meet any of the conditions for "packed raisins", as defined in § 989.9.

6. Renumber § 989.10 as § 989.9.

7. Renumber § 989.11 as § 989.10 and amend it to read as follows:

§ 989.10 Varietal type.

"Varietal type" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. Varietal types are the following: Natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currant, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, Valencia, Alicante Bouschet, Cardinal, Carignane, Italia, Malaga, Monukka, and Zinfandel raisins: *Provided*, That the committee may from time to time, subject to approval of the Secretary, change this list of varietal types.

8. Renumber § 989.12 as § 989.11 and amend it to read as follows:

§ 989.11 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of grapes which are sun-dried or dehydrated by artificial means until they become raisins.

9. Renumber § 989.13 as § 989.12 and amend it to read as follows:

§ 989.12 Dehydrator.

"Dehydrator" means any person who produces raisins by dehydrating grapes by artificial means.

10. Renumber § 989.14 as § 989.13.

11. Renumber § 989.15 as § 989.14 and amend it to read as follows:

§ 989.14 Packer.

"Packer" means any person who, within the area, stems, sorts, cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: *Provided*, That any producer shall be deemed to be a packer, with respect to the raisins produced by him, only if he stems, cleans with water, seeds or packages them for market as raisins: *And provided further*, That any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisins.

12. Renumber § 989.16 as § 989.15 and amend it to read as follows:

§ 989.15 Handler.

"Handler" means: (a) Any processor or packer; (b) any person who ships natural condition raisins out of the area; or (c) any person who blends raisins: *Provided*, That blending shall not cause a person not otherwise a handler to be a handler on account of such blending if he is either: (1) A producer who, in his capacity as a producer, blends raisins entirely of his own production in the course of his usual and customary practices or preparing raisins for delivery to processors, packers, or dehydrators; (2) a person who blends raisins after they have been placed in trade channels by a packer with other such raisins in trade channels; or (3) a dehydrator who, in his capacity as a dehydrator, blends raisins entirely of his own manufacture.

13. Add a new § 989.16 to read as follows:

§ 989.16 Blend.

"Blend" means to mix or commingle raisins.

14. Amend § 989.18 to read as follows:

§ 989.18 Board.

"Board" means the Raisin Advisory Board established pursuant to § 989.26, or as changed pursuant to § 989.26a or § 989.26b.

15. Amend § 989.19 to read as follows:

§ 989.19 Committee.

"Committee" means the Raisin Administrative Committee established pursuant to § 989.39, or as changed pursuant to § 989.39a or § 989.39b.

16. Amend § 989.21 to read as follows:

§ 989.21 Crop year.

"Crop year" means the 12-month period beginning with September 1 of any year and ending with August 31 of the following year.

17. Amend § 989.22 to read as follows:

§ 989.22 District.

"District" means any one of the geographical areas referred to in § 989.26 and specified in § 989.96 (Exhibit A), or as changed pursuant to § 989.26b.

18. Amend § 989.24 to read as follows:

§ 989.24 Standard raisins and off-grade raisins.

(a) "Standard raisins" means raisins which meet the then effective minimum grade and condition standards for natural condition raisins.

(b) "Off-grade raisins" means raisins which do not meet the then effective minimum grade and condition standards for natural condition raisins.

19. Amend § 989.25 to read as follows:

§ 989.25 Part and subpart.

"Part" means the order regulating the handling of raisins produced from grapes grown in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of raisins produced from grapes grown in California shall be a "subpart" of such part.

20. Amend § 989.26 to read as follows:

§ 989.26 Establishment and membership.

The Raisin Advisory Board is hereby established, consisting of 46 members, of whom 36 shall represent producers, eight shall represent handlers, and two shall represent dehydrators: *Provided*, That, effective May 1, 1961, the board shall consist of 45 members of whom 35 shall represent producers, eight shall represent handlers, and two shall represent dehydrators. The dehydrator members shall represent all dehydrators within the area and shall be selected from dehydrators as provided in § 989.29(b)(4). The handler members of the board shall include the following: (a) One member selected from and representing handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) two members selected from and representing the three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (c) one member selected from and representing the two handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) two members selected from and representing the five handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) two members selected from and representing all other handlers, including cooperatives each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors. The producer members shall be selected in the number and for the districts as designated in § 989.96 (Exhibit A), or as such number or districts may be changed pursuant to § 989.26b. For each member of the board there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

21. Add a new § 989.26a to read as follows:

§ 989.26a Changes in handler representation.

The Secretary, on recommendation of the committee, may change the total number of handler members on the board, the handler size groups set forth in § 989.26 from which handler members shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such size group. In making any such change, consideration shall be given to such factors as changes in the numbers of handlers, relative raisin acquisition positions of handlers, and their similarity of interests in the handling of raisins.

22. Add a new § 989.26b to read as follows:

§ 989.26b Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the board, may change the number of districts designated in § 989.96 (Exhibit A), may redefine such districts into which the production area is divided, or may change the number of producer members which shall be selected to represent particular districts. In making any such change consideration shall be given to such factors as geographical shifts in the numbers of producers and in raisin production within the area.

23. Amend § 989.27 to read as follows:

§ 989.27 Eligibility.

The conditions of producer eligibility for serving as member or alternate member on the board shall be those which were effective immediately preceding the effective date of this amended subpart, but on and after May 1, 1961, the conditions of such eligibility shall be those effective under this amended subpart. No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected.

24. Amend § 989.28 to read as follows:

§ 989.28 Term of office.

(a) *Producer members.* The terms of one-third or approximately one-third of the producer members and producer alternate members of the board shall end on April 30 of each year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The producer members and alternate producer members of the board shall serve for terms of three years, beginning on May 1, and ending on April 30 of the third following year: *Provided*, That the ending dates of the initial terms of office of the three producer members and their alternate members to be selected in 1961 to represent producers in District No. 21 under this amended subpart shall be April 30, 1962, for one producer member and his alternate, April 30, 1963, for another producer member and his alternate, and April 30, 1964, for the other producer member and his alternate, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

(b) *Handler and dehydrator members.* The handler members and dehydrator members, and their respective alternates, shall each serve for terms of one year, beginning on May 1, and ending on April 30 of the following year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

25. Amend § 989.29 to read as follows:

§ 989.29 Initial members and nomination of successor members.

(a) *Initial members.* Members and alternate members of the board serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the board as the initial members and alternate members of the board for their specified terms of office and until their respective successors have been selected and have qualified: *Provided*, That the terms of office of the three producer members and three alternate producer members representing producers in District No. 21 and of the one producer member and one producer alternate member representing producers in District No. 22, who are serving on the effective date of this amended subpart, shall terminate on April 30, 1961.

(b) *Nomination for successor members.* Nominations for successor members and alternate members of the board shall be made as set forth in subparagraphs (1) to (6) of this paragraph.

(1) The board shall give reasonable publicity of a meeting or meetings of producers, handlers, and dehydrators, respectively, for the purpose of making nominations for member and alternate member positions to be filled on the board: *Provided*, That, with respect to producer members and producer alternate members, a meeting or meetings shall be held in each district for which nominations are to be made to fill producer member and producer alternate member positions on the board.

(2) Only producers, as defined in § 989.11, engaged as such with respect to the most recent grape crop in the particular district for which nominations are to be made, may nominate, or vote for, any producer member or producer alternate member for such district. Any such producer so engaged in any of the districts may be nominated to represent any district as producer member or producer alternate member of the board, except that a producer may be a nominee for only one district: *Provided*, That every three years at least one of the nominees for a producer member position on the board and one of the nominees for the alternate position thereto shall be producers of grapes used in the production of Golden Seedless raisins. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a run-off vote between the two persons receiving the largest number of votes.

(3) Only handlers who packed or processed raisins during the then current crop year may nominate, or vote for, handler members or handler alternate members. One or more eligible handlers for each handler member position to be filled may be proposed for nomination, and one or more eligible handlers for each alternate member position to be filled on the board may be proposed for nomination. Nominations by each of the handler groups specified in § 989.26 or pursuant to § 989.26a, shall be made by and from handlers, or employees, representatives, or agents of handlers falling within such groups. Each handler shall cast only one vote with respect to each position for which nomination is to be made: *Provided*, That only handlers coming within the particular group, as specified in § 989.26 or pursuant to § 989.26a, as applicable, for which nomination is to be made, shall vote. The person receiving the most votes with respect to each handler member or handler alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(4) Only dehydrators who produced raisins by dehydrating grapes during the then current crop year may nominate, or vote for, dehydrator members or dehydrator alternate members. One or more eligible dehydrators for each dehydrator member position to be filled on the board may be proposed for nomination, and one or more eligible dehydrators for each alternate member position may be proposed for nomination. Each dehydrator shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each dehydrator member or dehydrator alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(5) Each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The result of each ballot at each such meeting shall be announced at that meeting. Voting at each meeting of producers shall be by secret ballot, and at each meeting of handlers, and dehydrators, voting may be by secret ballot.

(6) Each such nomination shall be certified by the board to the Secretary on or before April 5 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

26. Amend § 989.30 to read as follows:

§ 989.30 Selection.

The Secretary shall select producer, handler, and dehydrator members and alternate members in the numbers specified in § 989.26, or pursuant to § 989.26a or § 989.26b, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from the nominations certified pursuant to § 989.29 or from other eligible producers, handlers, and dehydrators.

27. Amend § 989.31 to read as follows:

§ 989.31 Failure to nominate.

In the event nomination for a member or alternate member position on the board is not certified pursuant to and within the time specified in § 989.29, the Secretary may select an eligible person to fill such position without regard to nomination.

28. Amend § 989.34 to read as follows:

§ 989.34 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the board to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.29 and 989.30, insofar as such provisions are applicable. If nomination to fill any vacancy is not filed within 40 calendar days after such vacancy occurs, the Secretary may select an eligible person to fill such vacancy without regard to nomination.

29. Amend § 989.37(a) to read as follows:

§ 989.37 Procedure.

(a) Except as otherwise provided in § 989.42, all decisions of the board shall be by majority vote of the members present. The presence of not less than 19 producer members and not less than five members other than producer members shall be required to constitute a quorum: *Provided*, That the Secretary, on recommendation of the committee, may change such quorum requirements if warranted by a change made pursuant to § 989.26a in the total number of handler members on the board or by a change made pursuant to § 989.26b in the total number of producer members on the board.

30. Amend § 989.39 to read as follows:

§ 989.39 Establishment and membership.

A Raisin Administrative Committee is hereby established to administer the terms and provisions of this part. Such committee shall consist of 14 members, of whom eight shall represent producers (one of whom shall be a producer of grapes used in the production of Golden Seedless raisins), five shall represent handlers, and one shall represent dehydrators. Of the five handler members, one shall be selected from and represent each of the following divisions: (a) The handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) the three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (c) the two handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (d) the five handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) all other handlers, including cooperatives each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

31. Add a new § 989.39a to read as follows:

§ 989.39a Changes in handler representation.

The Secretary, on recommendation of the committee, may change the total number of handler members on the committee, the handler size groups set forth in § 989.39 from which handler members shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such size group. In making any such change, consideration shall be given to such factors as changes in the numbers of handlers, relative raisin acquisition positions of handlers, and their similarity of interests in the handling of raisins.

32. Add a new § 989.39b to read as follows:

§ 989.39b Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee. In making such a change, consideration shall be given to such factors as changes in the producer or handler membership of the board, representation of the several producing districts, and maintenance of producer positions as a majority of the committee.

33. Amend § 989.40 to read as follows:

§ 989.40 Eligibility.

The conditions of producer eligibility for serving as member or alternate member of the committee shall be those which were effective immediately preceding the effective date of this amended subpart, but on and after June 1, 1961, the conditions of such eligibility shall be those effective under this amended subpart.

No person shall be selected or continue to serve as a member or alternate member of the committee, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected.

34. Amend § 989.41 to read as follows:

§ 989.41 Term of office.

Members and alternate members of the committee shall each serve for terms of one year, beginning on June 1, and ending on May 31 of the following year but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

35. Amend § 989.42 to read as follows:

§ 989.42 Nomination.

(a) *Producer members.* The producer members of the board, and producer alternate members when acting as members, shall nominate from among the producer members and producer alternate members of the board the required number of persons for producer member positions on the committee and an alternate for each such person: *Provided*, That one of the persons nominated for a producer member position on the committee and his alternate shall be producers of grapes used in the production of Golden Seedless raisins.

(b) *Handler members.* The handler members of the board and handler alternate members when acting as members, shall nominate from among the handler members and alternate members of the board, the required number of persons for handler member positions on the committee, and an alternate for each such person. Nomination for each of the handler groups specified in § 989.39, or pursuant to § 989.39a, as applicable, shall be made by and from handlers, employees, representatives or agents of handlers falling within each such group.

(c) *Dehydrator members.* The dehydrator members of the board, and dehydrator alternate members when acting as members, shall nominate from among the dehydrator members and dehydrator alternate members of the board one person for the dehydrator member position on the committee and an alternate for such person.

(d) *Initial members.* Members and alternate members of the committee serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the committee as the initial members and alternate members of the committee for their specified terms of office and until their respective successors have been selected and have qualified.

(e) *Successor members.* Nominations for successor members and alternate members of the committee shall be certified by the board to the Secretary annually within 30 days following the selection by the Secretary of board members.

36. Amend § 989.43 to read as follows:

§ 989.43 Selection.

The Secretary shall select producer, handler, and dehydrator members and alternate members of the committee in the numbers specified in § 989.39 or pursuant to § 989.39a or § 989.39b, as applicable, and with the qualifications specified in § 989.40. Such selections may be made from the nominations certified pursuant to § 989.42 or from other eligible producers, handlers, and dehydrators.

37. Amend § 989.44 to read as follows:

§ 989.44 Failure to nominate.

In the event nomination for a member or alternate member position on the committee is not certified pursuant to and within the time specified in § 989.42, the Secretary may select an eligible person to fill such position without regard to nomination.

38. Amend § 989.47 to read as follows:

§ 989.47 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.42 and 989.43, insofar as such provisions are applicable. If nomination to fill any such vacancy is not filed within 40 calendar days after such vacancy occurs, the Secretary may select an eligible person to fill such vacancy without regard to nomination.

39. Amend § 989.50(d) to read as follows:

§ 989.50 Duties.

* * * * *

(d) To submit to the Secretary such available information with respect to raisins and grapes as he may request, and such other information as the committee may deem desirable and pertinent;

40. Amend § 989.52(a) to read as follows:

§ 989.52 Procedure.

(a) All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present. The presence of nine members shall be required to constitute a quorum: *Provided*, That the Secretary, on recommendation of the committee, may change such quorum requirement if warranted by a change made pursuant to § 989.39a in the total number of handler members on the committee or by a change made pursuant to § 989.39b in the total number of producer members on the committee. The committee may vote by mail or telegraph when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully, and identically in a notice by mail or telegraph to all members, or alternates acting in the place and stead of the members. Said notice shall contain a statement of a reasonable time not to exceed 10 days in which a member or alternate must vote by mail or telegraph in order that the vote may be counted. A unanimous vote of all selected and eligible members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure of any such member or alternate to vote within the prescribed time shall be held to be a dissenting vote. No action to recommend a marketing policy or volume regulation can be taken on the basis of a mail or telegraphic vote.

41. Amend § 989.53 to read as follows:

§ 989.53 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of raisins. Such projects may include, but need not be limited to, those designed to: (a) Improve through research the accuracy of raisin production estimates; (b) improve through research the preparation for market, sanitation, quality, condition, storability, processing, or packaging of raisins; (c) ascertain through research the factors affecting acceptance of raisins by manufacturers or consumers; and (d) promote the marketing, distribution, or consumption of raisins in domestic and foreign markets by collecting data thereon, consulting with members of the trade, and making the information available to producers, handlers, and exporters. The expense of any such project relating solely to free tonnage raisins shall be paid from funds collected pursuant to § 989.79. The expense of any such project relating solely to surplus tonnage raisins shall be paid from the sales proceeds from such raisins. If any such project encompasses both free tonnage and surplus tonnage raisins, such as one which is designed to promote the consumption in export outlets of raisins generally on a long-term basis, the expense of the project may be allocated between the assessment fund and the pool fund.

42. Amend § 989.54 to read as follows:

§ 989.54 Marketing policy.

Prior to or simultaneously with making its recommendation to the Secretary for fixing the initial free, reserve, and surplus percentages for any crop year (which shall be not later than October 5 of such crop year unless this date is extended by the committee not more than five days as provided in § 989.63 (a)), the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the crop year and shall submit promptly to the Secretary a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy, the committee shall give consideration to the following factors with respect to any varietal type on which volume regulation is intended for the crop year:

(a) The estimated tonnage held by producers, handlers, and for the account of the committee at the beginning of the crop year;

(b) The expected general quality and any intended modifications of the minimum grade standards;

(c) The estimated tonnage of standard and off-grade raisins which will be produced;

(d) The estimated trade demand for such raisins in free tonnage outlets;

(e) An estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for surplus tonnage;

(f) The estimated market requirements for such raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(g) Current prices being received and the probable general level of prices to be received for such raisins by producers and handlers;

(h) The trend and level of consumer income;

(i) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(j) Any other pertinent factors bearing on the marketing of such raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

43. Amend § 989.58 to read as follows:

§ 989.58 Natural condition raisins.

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet the minimum grade and condition standards as set forth in § 989.97 (Exhibit B) or as later changed and then in effect: *Provided*, That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning, and may receive or acquire off-grade raisins for use in distillation, animal feed, or outlets other than for human consumption: *And provided further*, That nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade and condition standards are not applicable or then in effect pursuant to this part.

(b) *Changes in minimum grade and condition standards for natural condition raisins.* The committee may recommend to the Secretary changes in the minimum grade and condition standards for natural condition raisins of any varietal type, as set forth in § 989.97 (Exhibit B) or as later changed and then in effect, and may recommend to the Secretary that minimum grade and condition standards for any varietal type be added to or deleted from § 989.97 (Exhibit B). The committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall issue any such change relative to the minimum grade and condition standards for natural condition raisins if he finds upon the basis of data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

(c) *Publicity and notice.* The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of such regulation shall be given to all handlers by registered or certified mail.

(d) *Inspection and certification.* (1) Each handler shall cause an inspection and certification to be made of all natural condition raisins acquired or received by him, except with respect to: (i) An inter-plant or inter-handler transfer of off-grade raisins as described in § 989.58(e)(2) unless such inspection and certification are required by rules and procedures made effective pursuant to this amended subpart; (ii) an inter-plant or inter-handler transfer of free tonnage raisins as described in § 989.59 (e); (iii) raisins received from a dehydrator which have previously been inspected pursuant to subparagraph (2) of this paragraph; (iv) any raisins for which minimum grade and condition standards are not then in effect; and (v) any raisins, if permitted in accordance with such rules and procedures as the committee may establish with the approval of the Secretary, acquired or received for disposition to distillation, animal feed, or uses other than for human consumption. The handler shall be reimbursed by the committee for inspection costs incurred by him and applicable to pool tonnage held for the account of the committee. Except as otherwise provided in this section, prior to acquiring raisins, storing raisins, reconditioning raisins, or acquiring raisins which have been reconditioned, each handler shall obtain an inspection certification showing whether or not the raisins meet the applicable grade and condition standards: *Provided*, That these requirements shall not preclude fumigation by the handler prior to completion of inspection and certification in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. The handler shall submit or cause to be submitted to the committee a copy of such certification, together with such other documents or records as the committee may require. Such certification shall be issued by inspectors of the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency would improve the administration of this amended subpart. The committee may require that raisins held on memorandum receipt be reinspected and certified as a condition for their acquisition by a handler.

(2) The committee may, in accordance with rules and procedures established with the approval of the Secretary, authorize handlers to receive or acquire natural condition raisins which have been produced by any dehydrator by dehydrating grapes by artificial means and have been inspected and certified on his premises. In the event there shall have been compliance with committee requirements, any handler who receives or acquires such inspected and certificated rainsins shall be deemed to have satisfied the requirements contained in subparagraph (1) of this paragraph with respect to inspection and certification of natural condition raisins received or acquired by him.

(e) *Off-grade raisins.* (1) Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade and condition standards may: (i) Be received or acquired by the handler for disposition, without further inspection, for distillation, animal feed, or uses other than for human consumption; (ii) be returned unstemmed to the person tendering the raisins; or (iii) be received by the handler for reconditioning. Off-grade raisins received by a handler under any one of the three described categories may be changed to any other of the categories under such rules and procedures as the committee, with the approval of the Secretary, shall establish. No handler shall ship or otherwise dispose of off-grade raisins which he does not return to the tenderer, transfer to another handler as provided in subparagraph (2) of this paragraph, or recondition so that they at least meet the minimum standards prescribed in or pursuant to this amended subpart, except for distillation, animal feed, or uses other than for human consumption.

(2) Off-grade raisins may be transferred from the plant of the handler where received to another plant of his or to that of another handler within the State of California under such rules and procedures as the committee, with the approval of the Secretary, shall establish to safeguard the objectives of this part.

(3) Each handler shall, while holding any off-grade raisins, store them separate and apart from other raisins and the off-grade raisins shall be stored in accordance with disposition and reconditioning categories. The committee with the approval of the Secretary may prescribe rules and procedures for the storage of the raisins.

(4) If the handler is to acquire the raisins after they are reconditioned, his obligation with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If, after such reconditioning, such raisins meet the minimum standards but are no longer natural condition raisins, any handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition standard raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, without further inspection, for distilla-

tion, animal feed, or uses other than for human consumption.

(5) The committee shall establish, with the approval of the Secretary, such additional rules and procedures as may be necessary to insure adequate control of off-grade raisins, including, but not limited to, the reconditioning of off-grade raisins, the disposition and use of unsuccessfully reconditioned raisins, and the disposition and use of residual matter from reconditioning operations.

(f) *Blending.* No handler shall blend raisins except: (1) Incidental to reconditioning raisins as permitted under rules and procedures established by the committee, with the approval of the Secretary; (2) blending standard raisins with standard raisins; or (3) blending raisins which meet the minimum grade standards for packed raisins with other raisins which meet such standards.

44. Amend § 989.59 (a), (b), and (c) to read as follows:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulation.* Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective applicable minimum grade and condition standards for natural condition raisins; or (2) ship or otherwise make final disposition of packed raisins unless they at least meet the following minimum grade standards or such standards as changed or prescribed pursuant to the provisions of paragraph (b) of this section: (i) With respect to natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, Golden Seedless, Sulfur Bleached, Soda Dipped and Valencia raisins, "U.S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins; (ii) with respect to Golden Seedless and Sulfur Bleached raisins, the color requirements for "bleached color" (or "choice color") as defined in the said standards; (iii) with respect to Layer Muscat raisins, "U.S. Grade B" as defined in the said standards; and (iv) with respect to Zante Currant raisins, "U.S. Grade B" as defined in the effective United States Standards for Grades of Dried Currants: *Provided*, That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins of a particular varietal type for which minimum standards are not applicable or then in effect pursuant to this part.

(b) *Changes in minimum grade standards for packed raisins.* The committee may recommend to the Secretary changes in the minimum grade standards for packed raisins of any varietal type as prescribed in paragraph (a) of this section or as later changed and then in effect, and may recommend to the Secretary that minimum grade standards for any varietal type be prescribed or terminated, and shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall issue any such change if he finds upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act.

(c) *Publicity and notice.* The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of each such regulation shall be given to all handlers by registered or certified mail.

45. Delete § 989.60.

46. Renumber § 989.61 as § 989.60.

47. Renumber § 989.62 as § 989.61 and amend it to read as follows:

§ 989.61 Above-parity situations.

(a) *Continuance of grading and inspection requirements.* The provisions of this part relating to minimum grade and condition standards and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the act.

(b) *Modification of minimum standards.* Should there occur (1) technological changes or advances in production, processing or packing operations; or (2) changes in consumer or user preferences; or (3) conditions requiring more precise correlation of incoming and outgoing standards; or (4) changes in economic factors affecting the orderly marketing of the available supply of raisins making necessary in the public interest modifications in applicable standards of quality and maturity; then and in any such event the committee may recommend to the Secretary for any varietal type modification of the minimum grade and condition standards prescribed in or pursuant to this amended subpart for natural condition raisins and of minimum grade standards so prescribed for packed raisins. The committee shall submit with its recommendation all data and information upon which it acted in making the recommendation, and such other information as the Secretary may request. The Secretary shall issue such modification if he finds upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the purposes of sections 2(3) of the act.

48. Add a new § 989.62 to read as follows:

§ 989.62 Authorization for prohibition of trade practices.

Whenever the Secretary finds, upon recommendation of the committee or other information, that continuance of certain practices in trade channels would tend to interfere with the achieving of the objectives of this part, he may prohibit handlers from using such practices, for any crop year or portion thereof, in selling raisins in containers exceeding four pounds net weight. The prohibited practices may include:

(a) Any provision within or added to a sales contract, or action or agreement outside such contract, whereby the handler is obligated to reflect declines in market prices of raisins by charging the buyer a subsequent market price in lieu of the sales price specified in the contract.

(b) Any agreement in an undertaking to hold raisins in reserve for possible future delivery to a buyer, or action or agreement outside such undertaking, whereby the handler is obligated to not reflect increases in market prices by charging the buyer a price specified in the agreement.

Prior to any such practices being prohibited in any crop year, the committee shall recommend, for the approval of the Secretary, such rules and procedures and such record keeping requirements as are necessary to administer these prohibitions and obtain compliance therewith.

49. Amend § 989.63(b) by deleting the provisions thereof and substituting therefor the following:

§ 989.63 Recommendation for designation of percentages.

* * * * *

(b) The committee may, for any crop year, recommend to the Secretary a formula for computing the free, reserve, and surplus percentages for any varietal type of raisins and such formula may continue to apply in the absence of a recommendation from the committee or other basis of modification.

50. Amend § 989.64(a) to read as follows:

§ 989.64 Regulation by the Secretary.

(a) Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from any other available information, that to designate, on the basis of a formula as may be recommended by the committee or otherwise, the percentages of standard raisins acquired by handlers during any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he shall so designate the percentages of standard raisins acquired by handlers during such crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively. In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such designation. No such modification shall decrease the free percentage initially designated by the Secretary.

51. Amend § 989.64(c) to read as follows:

(c) The Secretary shall notify the committee promptly of each such percentage so fixed. The committee shall give prompt and reasonable publicity thereof to producers and shall notify handlers and dehydrators of such percentages by registered or certified mail.

52. Amend § 989.65 to read as follows:

§ 989.65 Free tonnage.

The standard raisins acquired by a handler which are free tonnage may be disposed of by him in any marketing channel, subject to the applicable provisions of this amended subpart. A handler's free tonnage of a varietal type shall be either the designated free tonnage percentage of the standard raisins of that varietal type acquired by him, or all of the standard raisins of a varietal type acquired by him if no free tonnage percentage is designated by the Secretary for that varietal type.

53. Amend § 989.66(b)(2) to read as follows:

§ 989.66 Reserve and surplus tonnage generally.

* * * * *

(b) * * *

(2) Reserve tonnage and surplus tonnage acquired or held by a handler may be stored together but shall be stored separate and apart from other raisins to such extent and identified in such manner as the committee shall specify in its rules and procedures with the approval of the Secretary.

54. Amend § 939.66(e)(4) (i), (ii), and (iii) to read as follows:

(4) (i) Except as provided in subdivision (ii) of this subparagraph for new handlers, each handler's share of surplus tonnage raisins offered for sale in export prior to November 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to October 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year.

(ii) If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of surplus tonnage raisins offered prior to November 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purposes of determining the shares of all handlers prior to November 1, be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(iii) If prior to November 1 of any crop year, a handler's share of any offer exceeds the quantity of surplus tonnage raisins held by him for the account of the committee (the shortage being for reasons other than deferment of his set aside obligations pursuant to paragraph (c) of this section), and upon the committee concluding that the handler's acquisitions of surplus as of October 31 will exceed the total of his shares or upon said handler furnishing the committee such written undertaking secured by a bond as the committee may require, the committee may permit the handler to borrow, for a period ending not later than October 31, raisins from any reserve tonnage held by him for the account of the committee. Any handler who has not repaid all prior loans from the reserve pool by October 31, may not participate in any subsequent offers of surplus tonnage until the loan is repaid.

55. Amend § 989.66(e)(4)(iv) by deleting the provisions thereof and substituting therefor the following:

(iv) At any time during a crop year when there is an accumulation of unsold surplus tonnage raisins previously offered by the committee for sale to handlers for resale in export, the committee may make a special offer to sell such unsold tonnage, or any portion thereof, to handlers for such resale. Each handler's share of any such offer shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the then current crop year is of the total free tonnage raisins acquired by all handlers during such year. The committee may provide with respect to such a special offer that any surplus tonnage unpurchased at the end of the share reservation period will be reoffered to handlers without regard to shares and that approvals for handlers' applications for purchase may be made in the same order in which the applications are received by the committee. The committee may allocate and deliver to any handler, holding insufficient special offer tonnage, sufficient such tonnage to fulfill his purchase in such a special offer and his purchase in any reoffer. The cost of transporting any such surplus tonnage raisins from one handler to another shall be paid by the committee from surplus pool funds.

56. Amend § 989.66(f) to read as follows:

(f) Handlers shall be compensated for receiving, storing, handling, and inspection of reserve and surplus tonnage raisins held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. A box rental shall be paid by the committee to producers or handlers for boxes used in storing reserve or surplus tonnage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the committee and approved by the Secretary. Any handler may request the committee at any time, by registered or certified mail, to remove all surplus tonnage raisins held for the account of the committee and remaining in his possession from any previous crop year, and at any time after August 1, of any crop year may request removal of all surplus tonnage raisins remaining in his possession from the current crop year, and may request that the committee provide the necessary containers for such removal. In this event, the committee shall make the removal within 30 days after the receipt of the request, supplying the necessary containers if so requested. If any handler makes such a request, the committee shall immediately give notice thereof to the Secretary.

57. Amend § 989.67(c) to read as follows:

§ 989.67 Special provisions relating to reserve tonnage.

* * * * * *

(c) Reserve tonnage held unsold by the committee on August 1, shall on August 1, and any reserve tonnage acquired between August 1 and the end of the crop year shall, at the time of acquisition, become surplus tonnage for all purposes and subject to the provisions of this amended part relating to surplus tonnage. If the committee finds within a crop year that the current holdings of surplus tonnage are insufficient to meet the current demand therefor and that it would be inappropriate to change the volume percentages, it may temporarily borrow, with the prior approval of the Secretary, sufficient reserve tonnage for disposition in the surplus outlets with provision for subsequent replacement from the surplus tonnage.

58. Amend § 989.68(a) to read as follows:

§ 989.68 Disposal of surplus raisins.

(a) The committee shall dispose of all surplus tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by or before November 1 of the subsequent crop year. Any surplus tonnage raisins held unsold by the committee on November 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of surplus tonnage raisins in export: *Provided*, That whenever the Secretary approves a finding by the committee, or finds on the basis of information otherwise available to him, that, because of national emergency, crop failure, or other major change in economic conditions, retention of surplus tonnage raisins carried over is warranted, the foregoing requirement as to disposal shall not apply, and the committee may then sell any of such surplus tonnage raisins as though they were reserve tonnage raisins.

59. Amend § 989.68(d) to read as follows:

(d) Surplus tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by or before November 1 of the subsequent crop year. No offer to sell surplus tonnage raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the five-day period the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer. Subject to the same conditions as are set forth in the preceding sentence with respect to the making of such offers, the committee may withdraw an offer to sell surplus tonnage raisins to handlers for export, or may extend the offer period but not when such extension would deprive one or more handlers of any opportunity to purchase raisins.

60. Amend § 989.68(f) by deleting the provisions thereof and substituting therefor a new § 989.68(f) to read as follows:

(f) Whenever the committee determines, prior to the beginning of a crop year, that the orderly disposition of surplus tonnage of that crop year would be promoted by the committee replacing any portion of or all handler shipments of raisins (other than surplus tonnage from the preceding crop year) made for export outside the free tonnage outlets prior to the committee's first offer to sell such surplus tonnage but after September 1, with surplus tonnage from the first such offer or surplus tonnage in addition to such offer, it may do so and may specify such requirements and conditions as are necessary to carry out the replacement consistent with the objectives of this amended subpart. The committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for surplus tonnage in the first offer of the crop year and shall announce such replacement tonnage price prior to or at the beginning of the crop year. Any such replacement offer by the committee shall be governed by those provisions of paragraph (d) of this section which prescribe prior action by the Secretary on committee offers to sell tonnage to handlers.

61. Amend § 989.68(g) to read as follows:

(g) The committee may refuse to sell surplus tonnage raisins for export: (1) To any handler who is in default on any previous purchase of surplus tonnage raisins from the committee; (2) to any handler currently not in compliance with the provisions of a sales agreement covering surplus tonnage raisins, executed by such handler with the committee; or (3) to any handler who signifies an intention to sell surplus tonnage to or through any person who has previously failed to complete a sale of surplus tonnage raisins to a foreign buyer and such raisins remain to be exported and remain unsold to any foreign buyer in eligible export markets.

62. Add a new § 989.71 to read as follows:

§ 989.71 Disposition of unsold reserve and surplus tonnage in above-parity situations.

In the event that the Secretary should find, during a crop year when reserve or surplus tonnage percentages have been designated and are in effect pursuant to this part, that the estimated season average price for raisins for that crop year will be in excess of the price level contemplated by the provisions of section 2(1) of the act, he shall issue an order providing for the orderly disposition of the unsold reserve and surplus tonnage, then on hand, in such outlets, at such times, and in accordance with such terms and conditions, as he may determine to be appropriate in the circumstances. In determining the liquidation procedures and terms, the Secretary shall give consideration to the data and recommendations, if any, which may be submitted by the committee.

63. Add a new § 989.72 to read as follows:

§ 989.72 Exemption of educational institutions.

The committee may exempt, wholly or in part, from the volume regulation provisions of this part, that volume of raisins received or acquired by public or private educational agencies or institutions incidental to or in connection with teaching, experimental, or research activities.

64. Amend § 989.73(b) to read as follows:

§ 989.73 Reports.

* * * * *

(b) *Acquisition reports.* Each handler shall submit to the committee in accordance with such rules and procedures as are prescribed by the committee, with the approval of the Secretary, certified reports, for such periods as the committee may require, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report, which report shall include, but not be limited to: (1) The total quantity of standard raisins acquired; (2) the quantity of reserve tonnage and the quantity of surplus tonnage referable to his acquisitions of standard raisins; (3) the locations of such reserve and surplus tonnages; (4) the total quantity of off-grade raisins acquired pursuant to § 989.58(e)(1)(i); and (5) cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the period for which the report is made. Upon written application made to the committee, a handler may be relieved of submitting such reports after completing his packing operations for the season. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may require, the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person.

65. Amend § 989.75 to read as follows:

§ 989.75 Confidential information.

All reports and records furnished or submitted by a handler to the committee shall be received by, and at all times kept under the custody or control of, one or more employees of the committee, who shall disclose to no person, except the Secretary upon request therefor, data or information obtained or extracted therefrom which would constitute a trade secret or the disclosure of which might affect the trade position, financial condition, or business operations of the particular handler from whom received: *Provided*, That the committee may require such an employee to disclose to it, or to any person designated by it or by the Secretary, information and data of a general nature, compilations of data affecting handlers as a group, and any data affecting one or more handlers, so long as the identity of the individual handlers involved is not disclosed.

66. Amend § 989.77 to read as follows:

§ 989.77 Verification of reports and records.

For the purpose of checking and verifying reports filed by handlers and records prescribed in or pursuant to this amended subpart, the committee, through its duly authorized representatives, shall have access to any handler's premises during regular business hours and shall be permitted at any such times to inspect such premises and any raisins held by such handler, and any and all records of the handler with respect to the holding or disposition of raisins by him. Each handler shall furnish all labor and equipment necessary to make such inspections. Each handler shall store raisins in a manner which will facilitate inspection, and shall maintain storage records which will permit accurate identification of raisins held by him or theretofore disposed of. Insofar as is practicable and consistent with the carrying out of the provisions of this amended subpart, all data and information obtained or received through checking and verification of reports and records shall be treated as confidential information.

67. Amend § 989.79 to read as follows:

§ 989.79 Expenses.

The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the board. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop year, but this date may be extended by the committee not more than five days if warranted by a late crop. Also, it shall file at the same time a proposed budget of the expenses likely to be incurred during the crop year in connection with reserve or surplus raisins held for the account of the committee, exclusive of the receiving, storing, and handling expenses which are covered by a schedule of payments to handlers effective pursuant to § 989.66(f) or any rules and procedures established by the committee, and exclusive of any expenses it may incur in connection with the disposition of such raisins and which are unknown at the time. The said report shall also cover this proposed budget.

68. Amend § 989.80 to read as follows:

§ 989.80 Assessments.

Each handler shall, with respect to all free tonnage acquired by him, and all reserve tonnage sold to him pursuant to § 989.67, pay to the committee, upon demand, his pro rata share of the expenses (exclusive of expenses for receiving, handling, holding, or disposing of any quantity of reserve and surplus tonnage) which the Secretary finds will be incurred, as aforesaid, by the committee during each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total free tonnage acquired by such handler, plus all reserve tonnage sold to him for use as free tonnage during the applicable crop year and the total free tonnage acquired by all handlers, plus all reserve tonnage sold to all handlers for use as free tonnage during the same crop year. During any crop year or any portion of a crop year for which volume percentages are not effective for a varietal type, all standard raisins of that varietal type acquired by handlers during such period shall be free tonnage for purposes of levying assessments pursuant to this section. The Secretary shall fix the rate of assessment to be paid by such handler on the basis of a specified rate per ton. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all free tonnage acquired, plus all reserve tonnage sold to handlers as free tonnage, during such crop year to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler during the crop year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

69. Amend § 989.82 to read as follows:

§ 989.82 Expenses of reserve and surplus raisin operations.

The committee is authorized to incur such expenses as are reasonable and are necessary in discharging its obligations, pursuant to this part with respect to the receiving, handling, holding, or disposing of any quantity of reserve or surplus raisins held for the account of the committee. The committee is authorized to pay any taxes assessed against raisins held by or for the account of the committee on the first Monday in March, in the reserve or surplus pools established pursuant to this subpart: *Provided*, That any equity holder may pay his own taxes upon giving notice to the committee on or before May 1 of each year of his intention to do so. All pool expenses shall be deducted from the proceeds obtained by the committee from the sale or other disposal of such reserve or surplus raisins held for the account of the committee.

70. Amend § 989.91(c) to read as follows:

§ 989.91 Suspension or termination.

* * * * *

(c) The Secretary shall terminate the provisions of this amended subpart at the end of any crop year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of grapes used in the production of raisins in the State of California: *Provided*, That such majority have, during such representative period, produced for market more than 50 percent of the volume of such grapes produced for market within said State; but such termination shall be effective only if announced before August 31 of the then current crop year.

71. Add a new § 989.95 to read as follows:

§ 989.95 Right of Secretary.

The members of the board and committee (including alternates and successors), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void.

72. Delete § 989.96 (g) and (h) and substitute therefor a new § 989.96(g) to read as follows:

§ 989.96 Exhibit A; producer members of the Raisin Advisory Board.

* * * * *

(g) Effective May 1, 1961, three members for District No. 21 (Stanislaus, San Joaquin, Santa Clara, San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Calaveras, Alpine, Marin, Solano, Sacramento, Amador, Eldorado, Placer, Nevada, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Sierra, Plumas, Butte, Glenn, Tehama, Shasta, Lassen, Modoc, Siskiyou, Del Norte, Humboldt, and Trinity Counties).

Dated: September 2, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-8311; Filed, Sept. 7, 1960; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Parts 107, 121]

SMALL BUSINESS INVESTMENT COMPANIES AND SMALL BUSINESS SIZE STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below § 107.103-1, twelfth paragraph, definition of small business concern, of Part 107, Subchapter B, and § 121.3-11, of Part 121, Subchapter C, Chapter I, of Title 13 of the Code of Federal Regulations. Prior to final adoption of such amendments consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Information. The amendments under consideration change the provisions of the sections referred to above so as to provide new regulations which revise the size standards for small business concerns under the Small Business Investment Act, as amended.

The proposed amendments are as follows:

In Part 107—Small Business Investment Companies:

Deleting the twelfth paragraph of § 107.103-1 and inserting in lieu thereof a new paragraph. As amended § 107.103-1, twelfth paragraph, reads as follows:

§ 107.103-1 Definitions.

* * * * *

Small Business Concern. "Small business concern" is defined under § 121.3-11 of this chapter.

In Part 121—Small Business Size Standards:

Deleting § 121.3-11 and inserting in lieu thereof a new section. As amended § 121.3-11 reads as follows:

§ 121.3–11 Definition of Small Business for Investment Companies.

A small business concern for the purpose of qualifying under the Small Business Investment Act of 1958, as amended, is a business concern which is independently owned and operated, is not dominant in its field of operation, and can further qualify under either of the following criteria:

(a) Any concern is small if it, together with its affiliates, if any, does not have assets exceeding $5,000,000, does not have net worth in excess of $2,500,000, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss): or

(b) Any concern is small if it qualifies as a small business concern under § 121.3–10.

Dated: September 2, 1960.

PHILIPS MCCALLUM,
Administrator.

[F.R. Doc. 60–8334; Filed, Sept. 7, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

Effective August 30, 1960, Federal Register Document 53–8583 appearing on pages 6413–14 of the issue for October 18, 1953, is amended revising in part the appraised value of certain tracts. A list of tracts affected is posted and available for public inspection in the Nevada Land Office, 50 Ryland Street, Reno, Nevada. All tracts affected by this order are under application.

MAX W. BRIDGE,
Acting State Supervisor for Nevada.

AUGUST 30, 1960.

[F.R. Doc. 60–8301; Filed, Sept. 7, 1960; 8:45 a.m.]

[Classification No. 106]

NEVADA

Small Tract Classification; Amendment

Effective August 30, 1960, Federal Register Document 55–2285 appearing on pages 1704–1706 of the issue for March 22, 1955, is amended revising in part the appraised value of certain tracts. A list of tracts affected is posted and available for public inspection in the Nevada Land Office, 50 Ryland Street, Reno, Nevada. All tracts affected by this order are under application.

MAX W. BRIDGE,
Acting State Supervisor for Nevada.

AUGUST 30, 1960.

[F.R. Doc. 60–8302; Filed, Sept. 7, 1960; 8:45 a.m.]

[Notice No. 15]

FAIRBANKS LAND DISTRICT

Notice of Filing of Alaska Protraction Diagrams

AUGUST 29, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

KATEEL RIVER MERIDIAN—FOLIO NO. 5

Approved July 27, 1960

Sheet No.
1. Ts. 9 through 12 N., Rs. 33 through 37 W.
2. Ts. 5 through 7 N., Rs. 41 through 44 W.
3. Ts. 5 through 8 N., Rs. 37 through 40 W.
4. Ts. 5 through 8 N., Rs. 33 through 36 W.
5. Ts. 1 through 4 N., Rs. 33 through 36 W.
6. Ts. 1 through 4 N., Rs. 37 through 40 W.
7. Ts. 1 through 4 N., Rs. 41 through 44 W.
8. Ts. 1 through 4 N., Rs. 45 through 49 W.

Cover sheet showing location map and index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

D. B. LEIGHTNER,
Acting Manager.

[F.R. Doc. 60–8303; Filed, Sept. 7, 1960; 8:45 a.m.]

Office of the Secretary

HETCH HETCHY; APPEAL BY CITY AND COUNTY OF SAN FRANCISCO INVOLVING AN APPLICATION UNDER THE RAKER ACT

Notice of Hearing

Notice is hereby given that a public hearing will be held, beginning at 10:00 a.m. on September 14, 1960, in the United States Appraiser's Office, 630 Sansome Street, San Francisco, California. The purpose of the hearing is to afford the City and County of San Francisco, and any other interested organization or person, an opportunity to present evidence in regard to the diligence, or excuse for any lack of diligence, of the City and County of San Francisco in regard to the construction of the works authorized by the Raker Act (38 Stat. 242 (1913)). The issue arises as follows:

The City and County of San Francisco appealed from a decision by the Manager, Land Office, Bureau of Land Management, Sacramento, California, which denied the City's application for a change in location of a right-of-way previously granted in Yosemite National Park and Stanislaus National Forest. The appeal was from the Manager's decision that the application would not be granted unless the City agreed to release certain designated amounts of water into the Tuolumne River from the O'Shaughnessy Dam. On May 27, 1960, the Secretary of the Interior assumed direct jurisdiction of the appeal. In view of the contentions of several interested groups that the existing right-of-way is subject to a declaration of forfeiture because of the City's lack of diligence in constructing the Canyon Tunnel Aqueduct, the Solicitor of the Department of Interior considered the legal requirements of the Raker Act in regard to diligence and expressed his views in Solicitor's Opinion No. M–36603, dated August , 1960. He pointed out that the files of the Department of the Interior do not provide an adequate basis to decide the issue of whether or not the City has been diligent, or excused for any lack of diligence, and recommended that a hearing be held to establish a more complete record upon which to base a decision. Accordingly, Dyer Justice Taylor has been designated Special Hearing Officer to conduct a hearing in the City of San Francisco for the purpose of developing facts on the following issues:

(1) Whether there has been a cessation of construction of some integral and essential part of the system for three consecutive years, and if so;

(2) What facts "delayed or prevented" such construction; and

(3) Whether the facts developed in Issue (2) above could have been reasonably "foreseen or overcome" or were "beyond the control" of the City.

Those who desire to present oral testimony at the hearing should file notice thereof not later than September 12, 1960, with the Special Hearing Officer, addressed to 180 New Montgomery Street, San Francisco 5, California.

Written statements and documents may be filed with the Special Hearing Officer at any time to and including the date of the hearing. The City and County of San Francisco will open the hearing by presenting its evidence on the foregoing issues.

The Special Hearing Officer will not permit cross examination. He may, however, be requested to interrogate a witness respecting relative portions of the witness' testimony, and may be requested to recall a witness for that purpose.

Upon completion of the hearing, the Special Hearing Officer will allow all participants in the hearing a reasonable period of time in which to file with him proposed findings of fact. As promptly as possible thereafter, he will send the transcript of his proposed findings of fact to the Solicitor, Department of the Interior. The proposed findings of fact will be served upon the City and any organization or person that participated in the hearing. The City and such others may, within 15 days after receiving the proposed findings of fact, file with the Solicitor such briefs or statements as they may wish with respect to (1) the facts developed at the hearing; and (2) the requirements of the Raker Act. The Solicitor shall submit his recommendations to the Secretary, along with the record in the case, for the Secretary's determination of the disposition to be made of the application made by the City and County of San Francisco by letter dated February 24, 1958.

Copies of Solicitor's Opinion No. M–36603 will be available at the hearing.

Copies will be sent in response to requests made in advance of the hearing if copies are then available for distribution.

Persons desiring to purchase a copy of the transcript should notify the Special Hearing Officer prior to the close of the hearing.

Issued the first day of September 1960, at Washington, D.C.

FRED A. SEATON,
Secretary of the Interior.

[F.R. Doc. 60-8358; Filed, Sept. 7, 1960; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII GENERAL INCREASES IN RATES

Notice of Supplemental Order

Notice is hereby given that the Federal Maritime Board on August 22, 1960, entered the following Fortieth Supplemental Order to the original order in this proceeding dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

It appearing that by the Original Order (as amended) in Docket 869, dated September 10, 1959, served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that "no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board"; and

It further appearing that on August 3, 1960, Matson Navigation Company filed Special Permission Application No. 66 seeking authority to publish, post and file on not less than thirty days' notice, to become effective not earlier than August 31, 1960, Freight Tariff No. F.M.B.-F. No. 112, which tariff will include the 12½ percent increase currently in effect and under investigation in Docket 869; said tariff to cancel and supersede Tariff No. 8-D, F.M.B.-F. No. 91; and

It further appearing that Tariff 8-D, F.M.B.-F. No. 91, under investigation in this proceeding, currently names rates, charges, rules, regulations and practices, set forth below, that will be cancelled or amended as indicated, upon the effectiveness of Tariff 8-E, F.M.B.-F. No. 112:

1. Rule No. 8 is to be cancelled.
2. Rule No. 9 is to be cancelled.
3. Rule No. 1 (Application of Rates) is to be amended as follows:

(A) All references to the assessment of freight charges on a measurement basis will be deleted.

(B) Paragraph (b) will be amended to provide that tariff rates will apply only on unitized shipments, subject to a 3,000 pound minimum weight per unit.

4. The current rate of $18.79 per ton, as named in Supplement No. 10 under Item No. 5, will be reduced by 60 cents per ton thereby naming a rate of $18.19 per ton.

5. The expiration date as shown in Item Nos. 5 and 10 will be eliminated.

It further appearing that Matson Navigation Company Special Permission Application No. 66 seeks authority to publish, post, and file on less than thirty days' notice, to become effective not earlier than August 31, 1960, a consecutively numbered supplement to Freight Tariff No. 1-N, F.M.B.-F. No. 87, in order to establish the following rate item:

Item 619	PALLETS, empty, new or used, not exceeding a weight of 79 pounds each. $0.64 per pallet.

It further appearing that the Board having found good cause therefor has on August 22, 1960, granted special permission to publish such changes on not less than seven day's notice, to become effective not earlier than August 31, 1960, under special Permission No. 3861;

It is ordered, That the Original Order herein be modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3861; and

It is further ordered, That the investigation in Docket 869 be, and it is hereby, expanded to include the lawfulness of Item No. 619 of Freight Tariff No. 1-N, F.M.B.-F. No. 87, and of the rates, charges, rules, regulations and practices contained in Freight Tariff No. 8-E, F.M.B.-F. No. 112; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in Office of Regulations, Federal Maritime Board; and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this Order shall be published in the FEDERAL REGISTER.

By order of the Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8326; Filed, Sept. 7, 1960; 8:49 a.m.]

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII GENERAL INCREASES IN RATES

Notice of Supplemental Order

Notice is hereby given that the Federal Maritime Board on August 18, 1960, entered the following Forty-First Supplemental Order to the original order in this proceeding dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

It appearing that by the Original Order (as amended) in Docket 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on August 12, 1960, Matson Navigation Company filed Special Permission Application No. 67, seeking authority to publish, post and file, on 30 days' notice, a consecutively numbered supplement in order to establish a reduced rate Item No. 61 to Freight Tariff No. 2-P, F.M.B.-F. No. 88, applying from Hawaiian Islands ports of call to Pacific Coast ports, to read as follows:

Molasses, in bulk, subject to Rule No. 2 (h), (i) and (d)	$4.50 per 2,000 pounds.

It further appearing that the Board having found good cause therefor has on August 18, 1960, granted special permission to publish such change on thirty days' notice, under Special Permission No. 3867;

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the change covered by such Special Permission No. 3867; and

It is further ordered, That any rate, charge, rule, regulation and practice set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rate, charge, rule, regulation and practice under the schedule cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rate established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedule in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

By order of the Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8327; Filed, Sept. 7, 1960; 8:49 a.m.]

Office of the Secretary

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1956, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1960.

MARVIN S. PLANT.

AUGUST 15, 1960.

[F.R. Doc. 60-8320; Filed, Sept. 7, 1960; 8:48 a.m.]

MARGUERITE M. SAUERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 29, 1960.

MARGUERITE M. SAUERS.

AUGUST 29, 1960.

[F.R. Doc. 60-8321; Filed, Sept. 7, 1960; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 388]

SECRETARY OF DEFENSE

Delegation of Authority To Represent Interests of Federal Government in Investigation of Florida Power and Light Co.

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Investigation of Florida Power and Light Company, before the Florida Railroad and Public Utilities Commission, Docket No. 6165-EU, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective August 23, 1960.

FRANKLIN FLOETE,
Administrator.

SEPTEMBER 1, 1960.

[F.R. Doc. 60-8322; Filed, Sept. 7, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11714]

PHILIPPINE AIR LINES, INC.

Notice of Postponement of Prehearing Conference

In the matter of the application of Philippine Air Lines for a foreign air carrier permit to operate between the Philippines and San Francisco via Tokyo and Honolulu.

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for September 7, 1960, is postponed to September 13, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C. September 2, 1960.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 60-8333; Filed, Sept. 7, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 340]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 2, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 184), August 1, 1960. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO. (a corporation), 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile and Rocket engines*, requiring air-ride suspension tractors and modified 40-foot, air-ride suspension trailers equipped with mechanical refrigeration, between Bacchus, Utah and Nimbus, Calif., on the one hand, and, on the other, Tullahoma, Tenn., and Patrick Air Force Base, Fla.

HEARING: November 2, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 730 (Sub No. 186), filed August 29, 1960. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of Air Force Plant No. 78, located approximately twenty-five (25) miles north of Corinne, Utah, as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE: Common control may be involved.

HEARING: September 15, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 3151 (Sub No. 11), filed August 19, 1960. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., 3024 North Cleveland Massillon Road, P.O. Box 618, West Richfield, Ohio. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Kelsey-Hayes Company plant located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich., and the Commercial Zone thereof.

HEARING: October 27, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 7555 (Sub No. 36) (AMENDMENT), filed April 18, 1960, published in the FEDERAL REGISTER issue of June 29, 1960. Applicant: TEXTILE MOTOR FREIGHT, INC., Ellerbe, N.C. Applicant's attorney: Guy H. Postell, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus juice concentrates; citrus juice*, not frozen, but requiring refrigeration; and, *citrus fruit sections or salads*, requiring refrigeration; also, *fresh fruits and vegetables*, in mixed loads with the above-named commodities, from points in Florida, to In-

ternational Boundary Line separating the United States and Canada at Black Pool Bridge, at or near Champlain, N.Y.

HEARING: Remains as assigned, September 21, 1960, at Federal Building, Albany, N.Y., before Examiner Warren C. White.

No. MC 10761 (Sub No. 98) (AMENDMENT), filed July 1, 1960, published in the FEDERAL REGISTER, issue of August 24, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Granite for buildings*, from Westford, Mass., to points in the State of New York, and *damaged or rejected shipments of granite, and items included in Ex Parte No. MC–53*, on return.

NOTE: The amendment substitutes Westford, Mass. as the origin point in place of North Chelmsford, Mass.

HEARING: Remains as assigned, October 11, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Samuel Horwich.

No. MC 16007 (Sub No. 25) (REPUBLICATION-CORRECTION), filed July 13, 1960, published FEDERAL REGISTER issue of August 24, 1960. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Conn. Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer, (fertilizer compounds)*, and *urea*, dry, in bags, and in bulk, from Columbus, Kans., to points in Arkansas, Oklahoma, Nebraska, and points in Missouri south of U.S. Highway 50.

NOTE: The purpose of the republication is to advise that the docket number shown above was incorrectly assigned to this application. The correct docket number assigned to this *common carrier* application is MC 119399 (Sub No. 5).

HEARING: Remains as assigned November 2, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John B. Mealy.

No. MC 16634 (Sub No. 4), filed August 15, 1960. Applicant: L. STANLEY STRANG and DONALD E. STRANG, a partnership, doing business as STRANG TRANSPORTATION, Center Street, Elmer (Salem Co.) N.J. Applicant's attorney: Harry Adler, 80 West Broad Street, Bridgeton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and ingredients used in the manufacture of same; grass and field seeds* in bulk and in bags; from Bordentown, N.J., to points in Pennsylvania and New York, and (2) *lime, and limestone sand*, in bags or bulk; from points in Montgomery and Chester Counties, Pa., to points in Hunterdon, Somerset, Mercer, Warren, and Monmouth Counties, N.J., and *rejected merchandise*, on return, in connection with (1) and (2), above.

HEARING: November 9, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 33641 (Sub No. 45), filed August 26, 1960. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third Street, Salt Lake City 1, Utah. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Brigham City, Utah, and junction U.S. Highway 30–S, from Brigham City over Utah Highway 83 to junction unnumbered highway, via Howell, Utah to intersection with U.S. Highway 30–S, serving all intermediate points and points within ten miles laterally of said highways.

HEARING: September 15, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 37896 (Sub No. 11), filed July 20, 1960. Applicant: YOUNGBLOOD TRUCK LINES, INC., Highway 25, Fletcher, N.C. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along U.S. Highway 29 to Athens, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Cherokee, Union, Laurens, Spartanburg, Greenville, Anderson, Pickens, Oconee, Abbeville, Greenwood, Lancaster, Chester, York, Fairfield, and Newberry Counties, S.C.

NOTE: Applicant states it presently provides service between the territories involved via a gateway point in Henderson County, N.C. The authority herein sought is for the purpose of eliminating the Henderson County Gateway on traffic moving between the territories involved. In addition, the authority herein sought is for the purpose of providing alternate gateways on traffic moving between the Georgia territory covered by the application and points in North Carolina now served via various gateway points in Buncombe, Haywood, Henderson, Polk and Graham Counties, N.C.

HEARING: October 24, 1960, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 38383 (Sub No. 11), filed August 26, 1960. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 1151 South Street, Girard, Ohio. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey Hayes Company plant located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich., and the commercial zone thereof.

HEARING: October 27, 1960, in Room 215, Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 40858 (Sub No. 48), filed August 24, 1960. Applicant: THE SILVER FLEET MOTOR EXPRESS, INC., 216 East Pearl Street, Louisville, Ky. Applicant's attorney: Robert W. Brunow, 1512–15 Kentucky Home Life Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company located in Milan Township, Allen County, Ind., approximately 11 air miles from Ft. Wayne, Ind., on U.S. Highway 24, as an off-route point in connection with applicant's presently authorized regular route operations to and from Ft. Wayne, Ind.

HEARING: October 10, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 41601 (Sub No. 34), filed August 2, 1960. Applicant: CONVERSE TRUCKING SERVICE, a corporation, 1026 Murray Street, Berkeley 10, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between junction U.S. Highway 40 and California Legislative Highway 90, approximately three (3) miles northeast of Vacaville, Calif., and junction U.S. Highway 99W and California Legislative Highway 90, approximately three (3) miles south of Dunnigan, Calif., over California Legislative Highway 90, serving no intermediate points, but with service at the terminal points for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

HEARING: November 3, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42426 (Sub No. 6), filed August 1, 1960. Applicant: BEN MOZENTER, 342 Broad Street, Clayton, N.J. Applicant's attorney: Harry Adler, 80 West Broad Street, Bridgeton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and the ingredients used in the manufacture of same*, and *tankage*, in bulk or bags, from points in Hudson County, N.J., and the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Pennsylvania, Delaware, Maryland and New Jersey. (2) *Rags*, in bales and bundles, from Philadelphia, Pa. to Baltimore, Md. and New York, N.Y.

HEARING: November 10, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 42487 (Sub No. 470), filed August 8, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, as defined by the Commission, in bulk, from Port Neches and Bishop, Tex., to points in Oregon, Nevada, Washington, California, Idaho, and Montana.

HEARING: November 1, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 50069 (Sub No. 228), filed August 22, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt modifiers*, in bulk, in tank vehicles; from Whiting, Ind., to Chattanooga, Tenn.

HEARING: October 3, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 52657 (Sub No. 601), filed August 22, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cargo containers*, and *cargo container boxes*, (except those having a capacity of five (5) gallons or less, or those having a capacity of nine (9) cubic feet or less), from Wooster, Ohio to points in United States, including Alaska, but excluding Hawaii.

HEARING: October 24, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 59531 (Sub No. 79) (AMENDMENT), filed May 27, 1960, published in the FEDERAL REGISTER issue of June 29, 1960. Applicant: AUTO CONVOY CO., a corporation, 3020 Haskell Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, and chassis*, in truckaway service, in secondary movements, from points in Texas to points in New Mexico and Arizona, and *rejected and damaged shipments* on return, restricted to traffic which has had a prior movement by rail.

HEARING: Remains as assigned, September 22, 1960, at the Baker Hotel, Dallas, Tex., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner Leo. M. Pellerzi.

No. MC 60109 (Sub No. 3) (CORRECTION), filed July 25, 1960, published FEDERAL REGISTER issue of August 24, 1960. Applicant: APPLE TRANSPORTATION COMPANY, a corporation, 3647 Race Street, Philadelphia 39, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* and *immigrant moveables*, (1) from Philadelphia, Pa., to Bangor, Maine, (2) between Philadelphia, Pa., and Jacksonville, Fla., (3) between points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Georgia, Florida, and Alabama, and *empty containers*, on return, in connection with (1), (2), and (3) above.

NOTE: The purpose of this republication is to strike the word "or" appearing between Items (1) and (2) in the previous publication.

HEARING: Remains as assigned October 5, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John L. York.

No. MC 61403 (Sub No. 47) (REPUBLICATION), filed November 30, 1959, published in the FEDERAL REGISTER, issue of February 10, 1960. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. The subject application as originally filed November 30, 1959, sought authority to transport dry commodities, in bulk, in tank, hopper, and special type vehicles, from points in Giles County, Tenn., to points in Alabama and Tennessee only. At the hearing the application was amended to request authority to serve points in Kentucky from points in Giles County in addition. The amendment was accepted. Also, the term "special type vehicles" was found to be vague and indefinite. In a report and order dated August 16, 1960, division 1 found that public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *dry fertilizers* and *fertilizer materials*, in bulk, in tank or hopper-type vehicles, from Clarksville, Tenn., to points in Kentucky and Tennessee, and (2) of *dry animal and poultry feed materials*, in bulk, in tank or hopper-type vehicles, from Wales, Tenn., to points in Alabama, Kentucky and Tennessee. Any person or persons who may have been prejudiced by the allowance of the amendment to broaden the authority sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 70451 (Sub No. 218), filed August 26, 1960. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Southwest Forest Industries, Inc. plant, located approximately 21 miles south of Holbrook, Ariz., and 15 miles west of Snowflake, Ariz., as an off-route point in connection with applicant's authorized regular route operations, as described in Certificates MC 70451 (Sub Nos. 94 and 100).

HEARING: September 20, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240.

No. MC 75185 (Sub No. 226), filed June 16, 1960. Applicant: SERVICE TRUCKING CO., INC., Preston Road, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled citrus products*, from points in Florida, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: November 7, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 79695 (Sub No. 23), filed August 19, 1960. Applicant: STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor* Carrier Certificates, Ex Parte MC–45, from points in that part of Indiana in the territory bounded on the west by the Lake-Porter County Line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio and Wisconsin, and *scrap metals* on return.

NOTE: Applicant states a new steel mill is being constructed and will shortly be in operation in the origin territory as set forth above. Said territory is adjacent to the Chicago, Ill., Commercial Zone as that zone is defined in 1 M.C.C. 673. Any duplication with present authority to be eliminated.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Indiana, before Examiner Garland E. Taylor.

No. MC 83539 (Sub No. 64) (AMENDMENT), filed March 21, 1960, published in the FEDERAL REGISTER, issue of August 31, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 NW. Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona, Colorado, New Mexico,

and Wyoming to points in Illinois, Indiana, Missouri, Ohio, Wisconsin, Iowa, and Michigan.

HEARING: Remains as assigned, November 3, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 92124 (Sub No. 3), filed July 29, 1960. Applicant: HAROLD LEWIS BLACKWELL, 121 West Welling Avenue, Pennington, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feeding materials*, in bags, from Baltimore, Md., to Mercer and Middlesex Counties, N.J., and (2) *Meat scraps*, in bulk, from Bristol Township, Bucks County, Pa., to Trenton, N.J.

HEARING: November 10, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 103378 (Sub No. 189), filed July 7, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marine white gasoline*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Chatham County, Ga.

HEARING: October 27, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 103516 (Sub No. 7), filed July 1, 1960. Applicant: THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, a corporation, 140 Cedar Street, New York 6, N.Y. Applicant's attorney: Richard E. Costello, General Attorney, The Delaware, Lackawanna and Western Railroad Company, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, in substituted motor-for-rail service which is auxiliary to or supplemental of applicant's rail service, (1) Between Stroudsburg, Pa. and Scranton, Pa., from Stroudsburg over U.S. Highway 209 to East Stroudsburg, thence over Pennsylvania Highway 196 to Mt. Pocono, thence over U.S. Highway 611 to Scranton, and return over the same route, serving all intermediate and off-route points which are stations on the railroad, namely, Analomink, Cresco, Mountain Home, Pocono Summit, Tobyhanna, Gouldsboro, Moscow and Elmhurst, Pa., on the foregoing proposed routes. (2) Between Scranton, Pa., and Binghamton, N.Y., from Scranton over U.S. Highway 11 to Hallstead, thence over Pennsylvania Highway 70 to Pennsylvania-New York State line, thence over New York Highway 7A to Corbettsville, thence over New York Highway 7 to Binghamton, and return over the same route, serving all intermediate and off-route points which are stations on the railroad, namely, Clarks Summit, Dalton, La Plume, Factoryville, Nicholson, Foster, Kingsley, New Milford, and Hallstead, Pa., and Conklin, N.Y., on the foregoing proposed routes. (3) Between Scranton, Pa. and Northumberland, Pa., from Scranton over city streets to Taylor, thence over city streets to Old Forge, thence over city streets to Duryea, thence over city streets to Pittston, thence over Pennsylvania Highway 92 to West Pittston, thence over U.S. Highway 11 to Northumberland, and return over the same route, serving all intermediate and off-route points which are stations on the railroad, namely, South Scranton, Taylor, Old Forge, Duryea, Pittston, West Pittston, Wyoming, Forty Fort, Luzerne, Kingston, Plymouth, Auchincloss, Avondale, West Nanticoke, Hunlock Creek, Shickshinny, Beach Haven, Berwick, West Berwick, Briar Creek, Lime Ridge, Espy, Bloomsburg, Catawissa, Danville, and Chulasky, Pa., on the foregoing proposed routes. ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY, serving no intermediate points, in connection with applicant's operations. (4) Between Stroudsburg, Pa. and Mt. Pocono, Pa., and between Daleville, Pa., and Scranton, Pa., from Stroudsburg over U.S. Highway 611 to Mt. Pocono, and return over the same route. From Daleville over Pennsylvania Highway 307 to Scranton, and return over the same route. (5) Between Hallstead, Pa. and Binghamton, N.Y., from Hallstead over U.S. Highway 11 to Binghamton, and return over the same route. (6) Between Scranton, Pa. and Shickshinny, Pa., from Scranton over Pennsylvania Highway 315 to Wilkes-Barre, thence over city streets to Nanticoke, thence over Pennsylvania Highway 29 to Shickshinny, and return over the same route.

NOTE: Applicant states it proposed to tack the authority requested in this application, if granted, to its present authority in Certificate No. MC 103516 Sub Nos. 2, 5, and 6. Common control may be involved.

HEARING: October 26, 1960, at the Federal Building, Scranton, Pa., before Examiner Abraham J. Essrick.

No. MC 104004 (Sub No. 152), filed July 14, 1960. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Antrim Township, Pa., on the one hand, and, on the other, points on applicant's authorized regular and irregular route operations, without regard to any restriction applicable to such authorized service points, over applicant's authorized routes and any combination thereof without regard to any restriction or other prohibition as to the joinder and tacking thereof, in the States of Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant is now authorized to serve an unspecified portion of Antrim Township, Pa., in connection with its authorized regular route operations between Knoxville, Tenn., and New York, N.Y., via Roanoke, Va. Antrim Township is located on U.S. Highway 11 north of Roanoke, Va.

HEARING: October 31, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Abraham J. Essrick.

No. MC 105461 (Sub No. 26), filed August 18, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material made of metal;* from the plant site of Corbman Bros., Inc., Philadelphia 22, Pa., to points in New York, New Jersey, and Connecticut.

HEARING: October 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 110388 (Sub No. 28), filed, August 22, 1960. Applicant: UNION PACIFIC MOTOR FREIGHT COMPANY, a corporation, 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: F. J. Melia, V. Pres. and Western General Counsel, Union Pacific Railroad Company (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, petroleum products, in bulk, in tank trucks, and commodities which because of their size or weight require the use of special equipment, between Corinne, Utah and Thiokol Chemical Corporation installation and Air Force Plant No. 78, from the junction of U.S. Highway 191 and Utah Highway 83, at Corinne, Utah, over Utah Highway 83, approximately 18 miles, to junction unnumbered county road, thence over said unnumbered county road to Thiokol Chemical Corporation's installation and Air Force Plant 78, located approximately 20 or 25 miles, respectively, northwest of Corinne, and return over the same route, serving no intermediate points.

NOTE: Applicant states that shipments transported shall be limited to those which are received from or delivered to a railroad under a through bill of lading covering, in addition to its movement by applicant, a prior or subsequent movement by rail. Applicant also states it is a wholly-owned subsidiary of the Union Pacific Railroad Company. Dual operations and common control may be involved.

HEARING: September 15, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 110525 (Sub No. 422) (CORRECTION), filed June 14, 1960, published FEDERAL REGISTER issue of August 24, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styrene*, in bulk, in tank vehicles, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, and *rejected shipments* on return.

NOTE: The purpose of this republication is to correctly indicate the date of hearing as *October 5, 1960*. Previous publication indicated same as October 3, 1960 in error.

HEARING: October 5, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner Jerry F. Laughlin.

No. MC 110713 (Sub No. 4), filed July 29, 1960. Applicant: MELVIN G. FIDLER, P.O. Box 175, R.D. No. 1, Mill Hall, Pa. Applicant's attorney: Wendell Y. Blanning, 612 Barr Building, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, from points in Lamar Township, Clinton County, Pa., and Mill Hall, Patton, Watsontown, Curwensville, Brockway, Orvisston, Osceola Mills, Worthington, Clearfield, Mifflinville, St. Marys, and Kittanning, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *rejected shipments of clay products*, from points in the above-named destinations states to points in Lamar Township, Clinton County, Pa.

NOTE: Applicant states that the clay products will consist of sewer pipe, drain tile, flue liners, fire brick, sewer pipe fittings, drain tile fittings, flue rings, fire clay dust, building brick, quarry tile, round flue liners, building tile and wall coping.

HEARING: November 1, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Abraham J. Essrick.

No. MC 111045 (Sub No. 6), filed August 26, 1960. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa 1, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, from points in Duval County, Fla., to points in Georgia.

HEARING: October 28, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 111545 (Sub No. 47), filed August 18, 1960. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorneys: Watkins & Daniell, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers* and *parts* thereof, when moving in the same shipment with the above-specified commodities, from points in Berks, Cambria, Chester, Lebanon, Monroe, Montgomery, and York Counties, Pa., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: October 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 112195 (Sub No. 2), filed July 5, 1960. Applicant: CHOFFEY PAUL, DBA, CHOFFEY PAUL TRUCK LINE, 1169 East Berrien Street, Galesburg, Ill. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural clay products* and *agricultural drain tile*, from Maryland Heights, Mo., to points in Illinois and (2) *truck bodies*, from West Quincy, Mo., to Moline, Ill.

HEARING: October 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 135.

No. MC 112520 (Sub No. 46), filed August 17, 1960. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Norman J. Bolinger, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil*, in bulk, in tank vehicles; from Rome and Macon, Ga., to Panama City, Fla.

NOTE: Common control may be involved.

HEARING: October 27, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 113584 (Sub No. 12) (CORRECTION), filed July 15, 1960, published in the FEDERAL REGISTER, issue of August 17, 1960. Applicant: SHIPPERS SERVICE, INC., P.O. Box 1016, Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Previous publication indicated that "Dual operations may be involved", in error.

HEARING: Remains as assigned October 12, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 114614 (Sub No. 10), filed August 24, 1960. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 112 Chitwood Avenue NE., Fort Payne, Ala. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are manufactured, processed, or dealt in by rubber products manufacturers, including *materials* and *supplies* incidental to the conduct of such businesses, between the site of the B. F. Goodrich Co., plant at Woodburn, Ind., near U.S. Highway 24 in Allen County, Ind., on the one hand, and, on the other, points in Alabama, Georgia, and Tennessee, and Jackson, Laurel, Meridian, and Columbus, Miss.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 114614 (Sub No. 5) to determine whether applicant's status is that of a common or contract carrier.

HEARING: October 11, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 115322 (Sub No. 15), filed April 28, 1960. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from Groveland, Fla., and points within 75 miles thereof, to points in New York (except New York, N.Y.).

HEARING: October 31, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 115491 (Sub No. 18), filed May 2, 1960. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 155 West Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table salt*, and *pepper* in mixed truckloads with salt (including table salt), from Jefferson Island, Avery Island, and Weeks Island, La., to points in Alabama, Georgia and Florida, and *exempt commodities*, on return.

HEARING: November 2, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 115491 (Sub No. 19), filed June 6, 1960. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 155 West Davidson Street, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from points in Florida on and south of Florida Highway 40, to points in Iowa, Nebraska, Missouri (except St. Louis), Kansas (except Kansas City), and Minnesota (except St. Paul and Minneapolis), and exempt commodities and other commodities authorized under MC 115491, on return.

HEARING: November 3, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 115491 (Sub No. 21), filed August 22, 1960. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 208 South Tennessee Avenue, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Ripon, Rosendale, Fox Lake and Beaver Dam, Wis., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

HEARING: October 24, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 115841 (Sub No. 70), filed August 22, 1960. Applicant: COLONIAL REFRIGERATED TRANSPORTATION,

INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts*, from Wilmington, Del. to points in Alabama, Arkansas, Iowa, points in that part of Kansas on and east of U.S. Highway 81, points in Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, points in that part of Nebraska on and east of U.S. Highway 81, points in that part of New York on and west of New York Highway 14, points in Ohio, Oklahoma, points in that part of Pennsylvania on and west of U.S. Highway 219, points in Tennessee, Texas, and points in that part of Virginia on and west of U.S. Highway 501.

HEARING: October 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 116514 (Sub No. 10), filed August 5, 1960. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool, wool tops and noils*, and *wool waste* (carded, spun, woven and knitted), between points within forty (40) miles of Hemingway, S.C., including Hemingway.

HEARING: October 25, 1960, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 116544 (Sub No. 10), filed June 2, 1960. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned* or *processed citrus fruits*, and *juices* (except frozen citrus fruits and juices), from points in Florida to points in Missouri, Kansas, Oklahoma, Nebraska, and Iowa.

NOTE: Applicant states it is authorized to transport the above-described commodities, from Lake Wales, Fla., and points within 10 miles thereof, Dade City, Lake Alfred, Dundee, and Groveland, Fla., to points in Missouri, Kansas, Oklahoma, Nebraska, and Iowa.

HEARING: November 4, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 118621 (Sub No. 6), filed August 15, 1960. Applicant: BLACK DIAMOND TRANSPORT COMPANY, 112 Poinier Street, Newark, N.J. Applicant's attorney: Richard D. Lalanne, Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in tank type or hopper type vehicles, *cement in bags, packages or other containers*, including air-activated containers; (1) from Sayre, Bradford County, Pa., to points in Tioga, Broome, Chemung, Schuyler, and Steuben Counties, N.Y., and Bradford, Tioga, Sullivan, Wyoming, and Susquehanna Counties, Pa., and (2) from Cortland, Cortland County, N.Y., to points in Cortland, Cayuga, Tompkins, Madison, Onondaga, and Chenango Counties, N.Y., and (3) from Geneva, Ontario County, N.Y., to points in Seneca, Wayne, Monroe, Ontario, and Yates Counties, N.Y., and *rejected shipments, empty containers or other incidental facilities* used in transporting cement, on return, in connection with (1), (2), and (3) above.

NOTE: The proposed service is to be conducted in conjunction with rail service of Lehigh Valley Railroad Company to the points named, which are stations on its line. All freight to be transported by applicant will have had a prior hauling by rail on Lehigh Valley Railroad. (Applicant is a wholly owned subsidiary of Lehigh Valley Railroad Company; dual operations or common control may be involved).

HEARING: October 24, 1960, at the U.S. Court Rooms, Binghamton, N.Y., before Examiner Abraham J. Essrick.

No. MC 119399 (Sub No. 5) (REPUBLICATION), filed July 13, 1960, published FEDERAL REGISTER issue of August 24, 1960. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer, (fertilizer compounds)*, and urea, dry, in bags, and in bulk, from Columbus, Kans., to points in Arkansas, Oklahoma, Nebraska, and points in Missouri south of U.S. Highway 50.

NOTE: The subject application was previously published and assigned docket number MC 16007 (Sub No. 25) in error.

HEARING: Remains as assigned November 2, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner John B. Mealy.

No. MC 119662 (Sub No. 1), filed July 7, 1960. Applicant: ANDERSON FORD TARR, doing business as TARR'S EXPRESS, 118 Willard Street, Baltimore 23, Md. Applicant's attorney: Bernard C. O'Sullivan, 631 Munsey Building, Baltimore 2, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, including narcotics, drugs, medicines, biologicals, antibiotics and surgical dressings and advertising materials*, shipped with above, not to exceed 10 percent of the gross weight, from Baltimore, Md. to points in Washington, D.C., Commercial Zone, as defined by the Commission, points in Fairfax, County, Va., and Maryland, including Laurel and Hyattsville, Md., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *refused and damaged shipments*, on return.

NOTE: Applicant states it is proposed to deliver small packages of the above products from Parke, Davis & Co., and other pharmaceutical companies, Baltimore, Md., to pharmacies, hospitals, and physicians in the Washington, D.C., Commercial Zone, Fairfax County, Va., and enroute thereto in Maryland, using the Washington-Baltimore Parkway and/or Baltimore Washington Boulevard (Routes Nos. 1 and 1 Alternate), thence to distribute the packages throughout the Washington, D.C., Commercial Zone, Fairfax County, Va., and Maryland as aforesaid.

HEARING: November 1, 1960, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 68.

No. MC 119689 (Sub No. 3), filed August 23, 1960. Applicant: BROWN BROTHERS EXPRESS, INC., Meadow Street, P.O. Box 59, Curwensville, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* and *confectionery*, from Chicago, Ill., to Lock Haven, Sunbury, Wilkes-Barre, and Scranton, Pa.

HEARING: October 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 119698 (CORRECTION), filed April 18, 1960, published in the FEDERAL REGISTER, issue of August 24, 1960. Applicant: W. E. GENE KNIGHT, doing business as KNIGHT'S TRANSFER, P.O. Box 647, Lewisburg, W. Va. Applicant's attorney: J. A. Bibby, Jr., Suite 504, Security Building, Charleston, W. Va., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from Louisville, Ky., Columbus and Cleveland, Ohio, Cumberland and Baltimore, Md., to Greenbrier County, W. Va., and (2) *Fertilizer*, in bags, and in bulk, from Richmond, Va., to Greenbrier, Monroe and Nicholas Counties, W. Va., and *empty containers or other such incidental facilities* used in transporting the commodities as described in (1) and (2) above, on return.

NOTE: The purpose of this republication is to correct the origin point to Cumberland, *Md.*, incorrectly shown as Cumberland, *Ohio* in previous publication.

HEARING: Remains as assigned, October 4, 1960, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Robert A. Joyner.

No. MC 119876, filed June 20, 1960. Applicant: RALPH FOX, JR., doing business as FOX TRUCKING COMPANY, P.O. Box 379, Morgantown, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Rock dust*, between Bedford, Pa., and Farmington and Glenville, W. Va., from Bedford over the Pennsylvania Turnpike to junction Donegal Exchange, thence over the Donegal Exchange to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to junction Pennsylvania Highway 982, thence over Pennsylvania Highway 982 to junction U.S. Highway 119, thence over U.S. Highway 119 to Morgantown, W. Va., thence over U.S. Highway 19 to Fairmont, W. Va., thence over U.S. Highway 250 to Farmington (also from Fairmont over West Virginia Highway 73 to junction U.S. Highway 50, thence over U.S. Highway 50 to Clarksburg, W. Va., thence over U.S. Highway 19 to Weston, W. Va., thence over Combined U.S. Highways 33 and 119 to Glenville, W. Va.), and return over the above routes, serving the intermediate points of Farmington and Weston, W. Va.

HEARING: October 28, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Abraham J. Essrick.

No. MC 119903 (Sub No. 1), filed August 15, 1960. Applicant: D. J. WALRAVEN, 2713 Maple Road, Rome, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed ingredients* and *fertilizer*, from Guntersville and Birmingham, Ala. to points in that part of Georgia on and north of U.S. Highway 78, and on and west of U.S. Highway 411, points in Knox, Blount, Sevier and Anderson Counties, Tenn., and points in that part of Alabama on and north of Alabama Highway 74, and on and east of U.S. Highway 11.

HEARING: November 4, 1960, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 239.

No. MC 119947, filed July 27, 1960. Applicant: J. ROBERT SHAULL, R.D. No. 3, Red Lion, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cecil County, Md., to points in Spring Garden Township, York County, Pa.

HEARING: October 28, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Abraham J. Essrick.

No. MC 119981 EX, filed August 8, 1960. Applicant: ELMER D. HANSEN AND KATIE E. HANSEN, a partnership, doing business as HANSEN MOTOR TRANSPORT, 1256 South Third West, Missoula, Mont. For a Certificate of Exemption (BMC 72) under Section 204(a)(4a), Part II of the Interstate Commerce Act, authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, wares, merchandise, freight and express of all kinds, machinery, tires, beverages, farm products, perishables, and all other kinds of personal property* commonly transported by motor vehicle, except Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission, from Missoula, Mont. to Potomac, Greenough, Ovando, Seeley Lake (and ranches in the valley and summer homes around Seeley Lake), Woodworth, Helmville, Placid Lake (and ranches in the valley and summer homes around Placid Lake), Condon, Swan Lake, and Lincoln, Mont.

HEARING: September 30, 1960, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 82.

No. MC 119999, filed August 18, 1960. Applicant: JOSEPH ALI, JAMES DOMINICK ALI, LOUIS J. ALI, and JOSEPHINE ALI, doing business as ALI TRUCKING, 1017 McLaughlin Run Road, Bridgeville, Pa. Applicant's attorney: Frederick L. Kiger, Grant Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe, plain and reinforced; concrete manholes; concrete pipe making equipment; vitrified clay pipe and fittings; vitrified clay liner plates; cast iron manholes, steps and tops; sewer pipe joint compound and supplies*, used in the manufacture and processing of concrete and vitrified clay pipe, *refused and rejected shipments*, between the plant sites of Universal Sewer Pipe, United States Concrete Pipe and Divisions of United States Concrete Pipe Company, located at or near Oakdale, Allegheny County, Pa. and points in Ohio on and east of U.S. Highway 23; those in West Virginia on and north of U.S. Highway 60; points in Virginia on and north of U.S. Highway 50 and points in Maryland.

HEARING: October 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 123026, filed August 25, 1960. Applicant: SCOTT-DALE CORPORATION, 2201 Sunny Slope Road, New Berlin, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural lime*, from points in Waukesha County, Wis. to points in that part of Illinois on and north of U.S. Highway 6. (2) *Brick*, from Blue Island and Danville, Ill. to points in that part of Wisconsin on and south of U.S. Highway 8.

HEARING: October 14, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 199), filed July 29, 1960. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, seasonal during the racing seasons, (1) beginning and ending at Philadelphia, Pa., and extending to Roosevelt Raceway, Westbury, Long Island, N.Y.; (2) beginning and ending at Baltimore, Md., and extending to Bowie Race Course, Bowie, Md.; and (3) begining and ending at Washington, D.C., and extending to (a) Bowie Race Course, Bowie, Md., and (b) Rosecroft Raceway, Oxen Hill, Md.

HEARING: November 4, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 2353 (Sub No. 13), filed July 5, 1960. Applicant: MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, between junction U. S. Highways 40 and 13 near New Castle, Del., and Wilmington, Del.; from junction U. S. Highways 40 and 13 near New Castle, Del. over U. S. Highway 13 to Wilmington, Del., and return over the same route, serving no points in Delaware.

NOTE: Applicant presently holds authority to operate between Baltimore, Md., and Atlantic City, N.J., serving all intermediate points except those in Delaware. It also holds authority between Wilmington, Del. and Atlantic City, N.J., and Wildwood, N.J., serving all intermediate points in New Jersey. The purpose of this application is to combine the physical operation of a Baltimore-Atlantic City run with a Wilmington-Atlantic City or Wildwood run and avoid the necessity of running a bus from Baltimore to a point in New Jersey which the applicant is authorized to serve thence running it under existing authority to Wilmington and thence back to the aforementioned point in New Jersey. The applicant does not seek to transport passengers between Baltimore, Md. and Wilmington, Del., or between Baltimore, Md., and any point in Delaware except to the extent here sought.

HEARING: November 3, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 272, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

No. MC 85819 (Sub No. 1), filed June 30, 1960. Applicant: GULF COAST MOTOR LINES, INC., 305 South Garden Avenue, Clearwater, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending in Clearwater, Fla. and extending to all points in the United States, including the District of Columbia but excluding Alaska and Hawaii.

NOTE: Applicant conducts operations under the second proviso of section 206(a)(1).

HEARING: November 9, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner J. Thomas Schneider.

No. MC 94180 (Sub No. 6), filed February 10, 1960. Applicant: MATTHEWS CHARTER SERVICE, INC., R.F.D. No. 2, Cambridge, Md. Applicant's attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, between Cambridge, Md., and Rehoboth Beach, Del., as follows: (1) from Cambridge, Md., over U.S. Highway 50 to Mount Holly, Md.; (2) from Mount Holly, Md., over Maryland Highway 16 to Secretary, Md.; (3) from Secretary, Md., over unnumbered highway to East New Market, Md.; (4) from East New Market, Md., over Maryland Highway 392 to Hurlock, Md.; (5) from Hurlock, Md., over Maryland Highway 307 to Williamsburg, Md.; (6) from Williamsburg, Md., over Maryland Highway 307 to Federalsburg, Md.; (7) from Federalsburg, Md., over Maryland Highway 577 to Reliance, Md.; (8) from Reliance, Md., over Delaware Highway 20 to Seaford, Del.; (9) from Seaford, Del., over U.S.

Highway 13A to Blades, Del.; (10) from Blades, Del., over Delaware Highway 20 to Concord, Del.; (11) from Concord, Del., over Delaware Highway 20 to junction Delaware Highway 28; (12) from junction Delaware Highways 20 and 28 over Delaware Highway 28 to Georgetown, Del.; (13) from Georgetown, Del., over Delaware Highway 18 to Belltown, Del.; and (14) from Belltown, Del., over Delaware Highway 14 to Rehoboth Beach, Del., and return over the above routes, serving all intermediate points.

NOTE: Any duplication with present authority to be eliminated.

HEARING: October 10, 1960, at the Court Room, County Court House, Salisbury, Md., before Joint Board No. 40, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 99779 (Sub No. 1), filed June 13, 1960. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Harrisburg, Pa., and Mechanicsburg, Pa., from Harrisburg over city streets and the Market Street Bridge to the Borough of Wormleysburg, Pa., thence over U.S. Highway 111 to the Borough of Lemoyne, Pa., thence over U.S. Highway 11 and city streets to junction Pennsylvania Highway 123 in Lower Allen Township, Cumberland County, Pa., thence over Pennsylvania Highways 123 and 570 to the Borough of Shiremansburg, Pa., thence over city streets and Pennsylvania Highway 570 to the Borough of Mechanicsburg, and return over the same route, serving all intermediate points; (2) between Harrisburg, Pa., and the Harrisburg-York State Airport, Pa., from Harrisburg over city streets and the Market Street Bridge to the Borough of Wormleysburg, Pa., thence over U.S. Highway 111 to the Borough of Lemoyne, Pa., thence over U.S. Highways 11 and 111 to the Borough of New Cumberland, Pa., thence over city streets to the Village of New Market, Fairview Township, York County, Pa., thence over city streets to the terminal of the Harrisburg-York State Airport, and return over the same route, serving all intermediate points; (3) between Harrisburg, Pa., and Mechanicsburg, Pa., from Harrisburg over city streets and the Market Street Bridge to the Borough of Wormleysburg, Pa., thence over U.S. Highway 111 to the Borough of Lemoyne, Pa., thence over U.S. Highway 11 to the Borough of Camp Hill, Pa., thence over U.S. Highway 15 and Pennsylvania Highway 641 to the Borough of Mechanicsburg, and return over the same route, serving all intermediate points; (4) between Mechanicsburg, Pa., and Williams Grove Park, Pa., from Mechanicsburg over city streets to junction Pennsylvania Highway Legislative Route 21017, thence over Pennsylvania Highway Legislative Route 21017 to Williams Grove Park, and return over the same route, serving all intermediate points; (5) between Mechanicsburg, Pa., and Williams Grove Park, Pa., from Mechanicsburg over city streets to Pennsylvania Highway 114, thence over Pennsylvania Highway 114, Pennsylvania Highway Legislative Route 21013, and Pennsylvania Highway Legislative Route 21027 to Williams Grove Park, and return over the same route, serving all intermediate points; (6) between Camp Hill, Pa., and Wormleysburg, Pa., from Camp Hill over U.S. Highway 15 to junction Old Camp Hill By-Pass, thence over the Old Camp Hill By-Pass to the Borough of Wormleysburg, and return over the same route; serving all intermediate points; (7) between Camp Hill, Pa., and Lower Allen Township, Cumberland County, Pa., from Camp Hill over U.S. Highway 15 to junction Pennsylvania Highway 123 in Lower Allen Township, Cumberland County, and return over the same route, serving all intermediate points; (8) between Harrisburg, Pa., and Camp Hill, Pa., from Harrisburg over city streets and the M. Harvey Taylor Bridge to the Borough of Wormleysburg, Pa., thence over U.S. Highway 11 to the Borough of Camp Hill, and return over the same route, serving all intermediate points; (9) between Harrisburg, Pa., and Duncannon, Pa., from Harrisburg over city streets and the M. Harvey Taylor Bridge to the Borough of Wormleysburg, Pa., thence over U.S. Highway 15 to the Borough of West Fairview, Pa., thence over U.S. Highway 15 to the Village of Enola, Pa., thence over U.S. Highway 15 and Pennsylvania Highway Legislative Route 21051 to the Village of Summerdale, Pa., thence over Pennsylvania Highway 21051 and U.S. Highway 15 to the Borough of Marysville, Pa., thence over U.S. Highway 15 to the Borough of Duncannon, and return over the same route, serving all intermediate points; (10) between West Fairview, Pa., and Enola, Pa., from West Fairview over city streets to Enola, thence over city streets to junction U.S. Highway 15 in Enola, and return over the same route, serving all intermediate points; and (11) between Harrisburg, Pa., and Carlisle, Pa., from Harrisburg over city streets and the Market Street Bridge to the Borough of Wormleysburg, Pa., thence over U.S. Highway 111 to the Borough of Lemoyne, Pa., thence over U.S. Highway 11 to Carlisle, and return over the same route, serving all intermediate points.

HEARING: October 27, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 195), filed August 24, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Greensboro, N.C., and Reidsville, N.C., over U.S. Highway 29, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. NOTE: Common control may be involved.

No. MC 2202 (Sub No. 196), filed August 26, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; between Piscataway, N.J. and Dunellen, N.J., from Piscataway, N.J., over County Highway 529 to Dunellen, N.J., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 7716 (Sub No. 11), filed August 29, 1960. Applicant: GERMANN BROS. MOTOR TRANSPORTATION, INC., Aberdeen, Ohio. Applicant's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Cynthiana, Ky. and Lexington, Ky., from Cynthiana over U.S. Highway 27, via Paris, to Lexington, and return over the same route, serving no intermediate points, and with service at Lexington restricted to the interchanging of shipments with Ecklar-Moore Express, Inc., MC 239, and restricted against the transportation of any traffic originating at, destined to, or interchanged at Cincinnati, Ohio or any point in its Commercial Zone. (2) Between Washington (Mason County), Ky. and Paris, Ky., from Washington over U.S. Highway 68 to Paris, and return over the same route, serving no intermediate points, and with service at Paris for the purpose of joinder only with Route (1) above, as an alternate route for operating convenience only in connection with Route (1) above and with applicant's presently authorized regular route operations, MC 7716 Sub 9, between Cynthiana, Mt. Olivet, Washington, and Maysville, Ky.

No. MC 42487 (Sub No. 473), filed August 22, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethylhydrazine*, in bulk, in tank vehicles, moving on Government Bills of Lading, from Baltimore, Md., to Nimbus, Calif.

No. MC 86687 (Sub No. 55), filed August 30, 1960. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, Seaboard Air Line Railroad Building, 3600 West Broad Street, Richmond, Va. Applicant's attorney: T. Randolph Buck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Rocket motors loaded with propellants* which consist of or contain fuel classed as Class B explosives, and *empty containers or other such incidental facilities* used in transporting the commodities specified, between Charleston, S.C., and Inness, S.C.; from Charleston, S.C. over U.S. Highway 52 to junction of Berkeley County Highway 37, thence over Berkeley County Highway 37 to junction of Berkeley County Highway 29, thence over Berkeley County Highway 29 to Inness, S.C., and return over the same route serving no intermediate points.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Sub. No. 40), filed August 23, 1960. Applicant: VERMONT TRANSIT CO. INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, in seasonal, operations between May 1 and October 31, inclusive, of each year, transporting: *Passengers and their baggage, express, newspapers* and *mail*, in the same vehicle with passengers, between Fryeburg, Main and Old Orchard Beach, Maine, from Fryeburg over Maine Highway 5 to Old Orchard Beach, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations.

No. MC 45626 (Sub No. 41), filed August 25, 1960. Applicant: VERMONT TRANSIT CO., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicles with passengers, between Concord, N.H., and White River Junction Vt.; from Concord, over U.S. Highway 4 to the junction with New Hampshire Highway 4A at or near Potter Place, thence over New Hampshire Highway 4A to its junction with U.S. Highway 4 at a point approximately four miles east of Lebanon, N.H., thence over U.S. Highway 4 to White River Junction, and return over the same route, serving the intermediate point of Lebanon, N.H. RESTRICTION: Carrier is restricted against transportation of passengers, express and newspapers in the same vehicle with passengers where the entire transportation is between White River Junction, Vt. and Lebanon, N.H.

NOTICE OF FILING OF PETITION

No. MC 107227 and No. MC 107227 (Sub No. 37) (PETITION FOR DECLARATORY RELIEF), dated August 2, 1960. Petitioner: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Petitioner's attorney: John G. Lyons, 1418 Mills Tower, San Francisco 4, Calif. Certificates issued in MC 107227 and Sub 37 authorize petitioner to transport trucks from Portland, Oreg., to San Francisco and Oakland, Calif., and from Portland, Oreg., to 21 specified states. Petitioner states that under this authority he has been transporting vehicles manufactured by the Wagner Tractor Company known as "Wagner Tractors", and vehicles manufactured by Mixermobile Manufacturers, Inc., known as "Scoopmobiles". Petitioner requests that the Commission issue an order declaring that the above-named vehicles may properly be transported under its authority to transport trucks.

HEARING: October 11, 1960, at the New Mint Building 133 Hermann Street, San Francisco, Calif., before Examiner Allen W. Hagerty.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 10761 (Sub No. 100), filed August 31, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in the Boroughs of Mifflin and Mifflintown, Juniata County, Pa., and Harrisburg, Pa., on the one hand, and, on the other, points in Pennsylvania within 100 miles of Mifflin and Mifflintown Borough, Pa.

NOTE: Transamerican Freight Lines, Inc. is seeking approval to purchase from William S. Clark a portion of his operating rights included in Certificate of Public Convenience and Necessity No. MC 29490, said portion to be purchased being verbatim with the authority sought herein, except herein has been added a second and alternate gateway of Harrisburg, Pa. Applicant states it does not intend by this application to seek any duplicate authority, should the finance application be granted, but only the establishment of a second gateway. All of the authority involved, both in the proposed purchase and by this application, has been set out in the authority requested herein for the purpose of making clear what is intended by this application. Transamerican Freight Lines, Inc. is presently authorized to serve Harrisburg, Pa., in Certificate No. MC 10761.

HEARING: September 29, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John F. Collins.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7634. Authority sought for purchase by J. L. KESSENICH, doing business as D M R FREIGHT LINE, Monroe, Wis., of a portion of the operating rights of KEESHIN TRANSPORT SYSTEM, INC., 241 Pearl Street, Adrian, Mich. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Darlington, Wis., and Freeport, Ill., between Monroe, Wis., and Rockford, Ill., between Gratiot, Wis., and Stockton, Ill., and between Hollandale, Wis., and Monroe, Wis., serving certain intermediate and off-route points; alternate routes for operating convenience only between junction Wisconsin Highways 11 and 78 and junction Wisconsin Highway 11 and Lafayette-Green County Highways M and MM, Wis., and between Gratiot, Wis., and Woodford, Wis.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points within three miles of Monroe, Wis., including Monroe. Vendee holds no authority from this Commission. However, he is affiliated with TERMINAL WAREHOUSE & STORAGE COMPANY, INC., 200 Southern Avenue, Dubuque, Iowa, which is authorized to operate as a *common carrier* in Iowa, Wisconsin, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7635. Authority sought for control by TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo., of KILGO MOTOR FREIGHT, INC., Park Place, Greenville, S.C. Applicant's attorneys: Benjamin O. Johnson, P.O. Box 1656, Spartanburg, S.C., Max G. Morgan, 450 American National Building, Oklahoma City, Okla., and James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Kings Mountain, N.C., and New York, N.Y., and between Charlotte, N.C., and New York, N.Y., serving certain intermediate and off-route points; *linoleum carpets, linoleum paste, linoleum and other mats and rugs*, and *felt base*, over regular and irregular routes, between Salem, N.J., and points within one mile thereof, on the one hand, and, on the other, Charlottesville and Doswell, Va., points in that part of Virginia on and south of U.S. Highway 60, and those in North Carolina and South Carolina, serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Charlotte, N.C., and points in North Carolina within 30 miles of Charlotte, on the one hand, and, on the other, certain points in Virginia, West Virginia, Mary-

land, Pennsylvania, New Jersey and New York, McArthur and Dayton, Ohio, Washington, D.C., Wilmington, Del., and points in North Carolina and South Carolina. TRI-STATE MOTOR TRANSIT CO. is authorized to operate as a *common carrier* in Missouri, Kansas, Arkansas, Oklahoma, Texas, New Mexico, Nebraska, Iowa, Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7636. Authority sought for control by FEDERAL TRUCK LINES, INC., 2425 South Wood Street, Chicago 8, Ill., of NORTHWESTERN TRANSIT, INC., U.S. Highway 20 and Hitchcock Street, Michigan City, Ind., and for acquisition by PHILIP HERTZ, also of Chicago, of control of NORTHWESTERN TRANSIT, INC., through the acquisition by FEDERAL TRUCK LINES, INC. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Detroit, Mich., between New Buffalo, Mich., and Niles, Mich., between Michigan City, Ind., and South Bend, Ind., between junction U.S. Highway 6 and Indiana Highway 55 and Michigan City, Ind., between Michigan City, Ind., and Valparaiso, Ind., between Michigan City, Ind., and La Porte, Ind., between Detroit, Mich., and junction U.S. Highway 112 and U.S. Highway 112 By-Pass, between junction U.S. Highway 20 and Indiana Highway 43 and Lafayette, Ind., and between junction U.S. Highway 421 and Indiana Highway 10 (near San Pierre, Ind.), and North Judson, Ind., serving certain intermediate and off-route points; alternate routes for operating convenience only between Mottville, Mich., and Ypsilanti, Mich., between junction U.S. Highway 20 and Indiana Highway 112 and junction U.S. Highways 131 and 112, and between Elkhardt, Ind., and Detroit, Mich.; *general commodities*, excepting, among others, commodities in bulk but not excepting household goods, between junction Michigan Highway 17 and unnumbered highways, and any entrance to Ford Willow Run Plant, between junction U.S. Highway 112 and unnumbered highways and any entrance to Ford Willow Run Plant, and between Detroit, Mich., and junction U.S. Highway 112 and Michigan Highway 17, serving the intermediate point of the Ford Willow Run Plant, east of Ypsilanti, Mich.; service is authorized at Griffith, Ind., as an off-route point for pickup only, in connection with said carrier's present authorized regular route operation between Chicago, Ill., and Detroit, Mich., subject to the restriction that no traffic shall be transported from Griffith, Ind., to Chicago Heights, Ill., and to points within the Chicago, Ill., Commercial Zone as defined by the Commission; *mining machinery* and *air compressors* requiring special equipment and handling, over irregular routes, between Michigan City, Ind., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan. FEDERAL TRUCK LINES, INC., is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7637. Authority sought for merger into SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Nashville, Tenn., of the operating rights and property of SUPER SERVICE MOTOR FREIGHT COMPANY, INC. OF NEW JERSEY, Pennsylvania Avenue, South Kearny, N. J., and for acquisition by R. B. CRICHTON (individually and as guardian for ALAN CRICHTON AND JEAN CRICHTON), C. N. CRICHTON and M.E. CRICHTON MARDIS, all of 1006 U.S. National Bank Building, Johnstown, Pa., and R. M. CRICHTON, Fessler Lane, Nashville, Tenn., of control of such rights and property through the transaction. Applicants' attorney: Herbert Burstein, 160 Broadway, New York, N.Y. Operating rights sought to be merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Trenton, N.J., and Darby, Pa., serving the intermediate point of Philadelphia, Pa.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Passaic, Bergen, Essex, Hudson, Union, and Mercer Counties, N.J., on the one hand, and, on the other, points in Massachusetts (other than those in Barnstable County, Mass.), and points in Rhode Island, between points in Morris, Somerset, Middlesex, and Monmouth Counties, N.J., on the one hand, and, on the other, points in Massachusetts (other than those in Berkshire and Barnstable Counties, Mass.), and points in Rhode Island, from points in Passaic, Bergen, Morris, Essex, Hudson, Union, Somerset, Middlesex, Monmouth, and Mercer Counties, N.J., to points in Connecticut (restricted so as to preclude the transportation of strictly local traffic from points in the specified New Jersey Counties to points in Connecticut, but said restriction shall not operate to preclude use of said rights in the handling of interline traffic), from points in Berks, Montgomery, and Philadelphia Counties, Pa., to points in Massachusetts (other than those in Berkshire and Barnstable Counties, Mass.), from points in Massachusetts (other than those in Barnstable County, Mass.), to points in Berks, Montgomery, and Philadelphia Counties, Pa., between points in New York and New Jersey within 35 miles of New York, N.Y., and between points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission. SUPER SERVICE MOTOR FREIGHT COMPANY, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, Tennessee, Virginia, Maryland, Georgia, New Jersey, West Virginia, Indiana, Missouri, Kentucky, Illinois, Alabama and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7638. Authority sought for purchase by OTTO PIRKLE, doing business as PIRKLE REFRIGERATED FREIGHT LINES, 2475 South Archer Avenue, Chicago, Ill., of a portion of the operating right of P & A REFRIGERATED EXPRESS, INC., 1011 S.E. Salmon Street, Portland, Oreg. Applicants' attorney: William T. Croft, 1624 Eye Street NW., Washington, D.C. Operating rights sought to be transferred: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as a *common carrier* over irregular routes, from Lincoln, Ill., Rochester, Ind., Van Wert, Ohio, Delevan and New York, N.Y., and Monroe, Marathon, Green Bay, Portage, Marshfield, Plymouth, and Kaukauna, Wis., to points in Oregon, Washington, Idaho and Montana. Vendee is authorized to operate as a *common carrier* in Wisconsin, California, Illinois, Arizona and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7640. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., of the operating rights of WELSH MOTOR EXPRESS, INC. (THE FINANCE DISCOUNT CORPORATION, SUCCESSOR IN INTEREST), 49 Pearl Street, Hartford, Conn., and for acquisition by H. LAUREN LEWIS, also of Sioux Falls, of control of such rights through the purchase. Applicants' attorneys: Reuben Sudarsky, 18 Asylum Street, Hartford, Conn., and Donald Stern, 924 City National Bank Building, Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and Pittsfield, Mass., and between Springfield, Mass., and Hartford, Conn., serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, on the one hand, and, on the other, certain points in Connecticut. Vendee is authorized to operate as a *common carrier* in South Dakota, Washington, Oregon, Minnesota, Iowa, Utah, California, Nebraska, Nevada, Idaho, Illinois, Missouri, North Dakota, Wisconsin, Montana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Michigan, Ohio, Virginia, West Virginia, Indiana, Kentucky, Arizona, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7641. Authority sought for purchase by CAPITAL CITY TRANSFER CO., 1295 Johnson Street NE., Salem, Oreg., of the operating rights and property of CARAVAN LINES, INC., 1115 Commercial Street NE., Salem, Oreg. Applicants' attorney: Eugene E. Laird, 502 Pioneer Trust Building, Salem, Oreg. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Salem, Oreg., and Portland, Oreg., serving no intermediate points; *canned goods, nuts, paper* and *paper products*, from Salem, Oreg., to Portland, Oreg., serving no intermediate points; *sugar* and *salt*, from Portland, Oreg., to Salem, Oreg., serving no intermediate points; *fruit* and *cannery supplies*, between Salem, Oreg., and Vancouver, Wash., serving no intermediate points; *fruit*, over irregular routes, between points in Marion and Polk Counties, Oreg., on the one hand, and, on the other, Vancouver, Wash.; *fresh fruit*, in barrels, and *canned goods*, between points in Marion, Polk, and Multnomah Counties, Oreg.; *nuts*, between points in Linn and Yamhill Counties, Oreg., on the one hand, and, on the other, Salem and Portland, Oreg.; *general commodities*, excepting, among others, household goods and commodities in bulk, between points in Marion and Polk Counties, Oreg., on the one hand, and, on the other, Salem, Oreg. Vendee is authorized to operate as a *common carrier* in Oregon and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7642. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce, P.O. Box 5976, Dallas 22, Tex., of a portion of the operating rights of HUNSAKER TRUCKING CONTRACTOR, INC., P.O. Box 97, Carrollton, Tex., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights through the purchase. Applicants' attorney: Leroy Hallman, 617 First National Bank Building, Dallas, Tex. Operating rights sought to be transferred: *Commodities*, the transportation of which because of size or weight requires the use of special equipment and *related parts* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and, on the other, points in Alabama, Florida, and Georgia. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Missouri, Nebraska, Colorado, Ohio, Oregon, Washington, Pennsylvania, Minnesota, Michigan, Iowa, New Jersey, New York, Wyoming, Utah, Montana, West Virginia, Arizona, Tennessee, Alabama, Florida and Georgia. Application has not been filed for temporary authority under section 210 a(b).

No. MC–F 7643. Authority sought for purchase by DON WARD, INC., P.O. Box 1488, Durango, Colo., of the operating rights of VERNON LLOYD MILLER doing business as VERNON L. MILLER TRUCKING, 2703 East Seventh Street, Cheyenne, Wyo., and for acquisition by DON WARD, 241 West 56th Avenue, Denver 16, Colo., and BOYD E. RICHNER, P.O. Box 1488, Durango, Colo., of control of such rights through the purchase. Applicants' attorneys: Stockton, Linville & Lewis, The 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be transferred: *Cement, lime and plaster*, as a *common carrier* over regular routes, (1) from Boettcher, Colo., to points on U.S. Highway 30 between Rawlins, Wyo., and Sidney, Nebr., including Rawlins and Sidney, those on Nebraska Highway 19 between Sidney and junction Nebraska Highway 19 and U.S. Highway 26, those on U.S. Highway 26 between junction U.S. Highway 26 and Nebraska Highway 19 and Torrington, Wyo., those on U.S. Highway 85 between Torrington and junction U.S. Highways 85 and 87, those on U.S. Highway 87 between Casper, Wyo., and the Colorado-Wyoming State line, including Casper, and those on Nebraska Highway 29 between Kimball and Scottsbluff, Nebr., and (2) from Loveland, Colo., and points within ten miles of Loveland to all points on U.S. Highway 30 between Rawlins, Wyo., and Sidney, Nebr., except Laramie, Wyo., including Rawlins and Sidney, those on Nebraska Highway 19 between Sidney and junction Nebraska Highway 19 and U.S. Highway 26, those on U.S. Highway 26 between junction U.S. Highway 26 and Nebraska Highway 19 and Torrington, Wyo., those on U.S. Highway 85 between Torrington and junction U.S. Highways 85 and 87, those on U.S. Highway 87 between Casper, Wyo., and the Colorado-Wyoming State line, including Casper, and those on Nebraska Highway 29 between Kimball and Scottsbluff, Nebr.; *oil and grease*, in containers, and *livestock*, from Cheyenne, Wyo., to Denver, Colo., serving the intermediate points of Ault and Greeley, Colo., restricted to delivery only, the off-route point of Fort Collins, Colo., restricted to delivery of traffic moving from Cheyenne, only, and intermediate and off-route points in Laramie County, Wyo., restricted to pick-up only; *oil*, in containers, *feed, seed, building materials, pipe, tanks*, and *filling station equipment*, from Denver, Colo., to Cheyenne, Wyo., serving no intermediate points, and serving the off-route point of Golden, Colo., restricted to pick-up of building materials only; *cement*, over irregular routes, from Fort Collins, Colo., and points within ten miles of Fort Collins, to Henry, Nebr., and points in that part of Wyoming and Nebraska within 150 miles of Henry, and from Laramie, Wyo., and points within ten miles of Laramie to Henry, Nebr., and points in Nebraska within 150 miles of Henry; *cinder block* and *cement block*, from Cheyenne, Wyo., to points in Laramie, Boulder, and Weld Counties, Colo.; *tile* and *brick*, from certain points in Colorado to certain points in Wyoming; *cement*, in bulk, from Laramie, Wyo., to certain points in Colorado and Nebraska, from Boettcher, Colo., to points in Wyoming and certain points in Nebraska, and between points in Wyoming (restricted to the transportation of shipments having a prior movement by rail); *cement*, in bulk, in tank or hopper-type vehicles, from Rapid City, S. Dak., and points within ten miles thereof, to points in Wyoming and certain points in Nebraska. Vendee is authorized to operate as a *common carrier* in Utah, Colorado and New Mexico. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7639. Authority sought for purchase by GREAT SOUTHERN COACHES, INC., 311 Union Street, Jonesboro, Ark., of a portion of the operating rights of THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., and for acquisition by WILLIAM S. RAMSEY and MRS. MARIE NAN JOHNSON, both of Shreveport, La., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, as a *common carrier* over a regular route between the junction of U.S. Highways Nos. 61 and 63 and Jonesboro, Ark., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7645. Authority sought for purchase by WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.Y., of the operating rights and property of WARWICK-GREENWOOD LAKE & NEW YORK STAGES, INC., doing business as WARWICK STAGE LINE, Warwick, N.Y., and for acquisition by THEODORE J. RICHMOND, JEAN RICHMOND, JOYCE R. FURHMAN and LUCILLE R. HIRSCHHORN, all of 730 Madison Avenue, Paterson, N.J., of control of such rights and property through the purchase. Applicants' attorney: Edward F. Bowes, Bowes & Millner, 1060 Broad Street, Newark 2, N.J. Operating rights sought to be transferred: *Passengers and their baggage, and mail* in the same vehicles with passengers, as a *common carrier* over regular routes, between Warwick, N.Y., and New York, N.Y., serving all intermediate points, and between junction New Jersey Highway 2 and New Jersey Highway 4 in Paramus, N.J., and New York, N.Y., serving all intermediate points, restricted to traffic moving to or from points north of Paterson, N.J., over an alternate route for operating convenience only, between Wayne Township, N.J., and East Rutherford, N.J. Vendee holds no authority from this Commission. However its controlling stockholders are affiliated with INTER-CITY TRANSPORTATION CO., INC., and THEODORE J. RICHMOND is also affiliated with NORTHEAST COACH LINES, which are authorized to operate as *common carriers* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8315; Filed, Sept. 7, 1960; 8:47 a.m.]

[Notice 136]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 2, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. 20207 (Deviation No. 2), CONTINENTAL TRANSPORTATION LINES INC., Graham Street, McKees Rocks, Pa., filed August 25, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Cincinnati over U.S. Highway 25 to Dayton; from Cincinnati over Ohio Highway 4 to Dayton, and return over the same routes.

No. MC-37716 (Deviation No. 1), C. & D. MOTOR DELIVERY CO., 1214 Central Parkway, Cincinnati 10, Ohio, filed August 22, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 25 to Blue Ball, Ohio, thence over Ohio Highway 122 to Middletown, Ohio, and thence over Ohio Highway 73 to Franklin, Ohio, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8316; Filed, Sept. 7, 1960; 8:47 a.m.]

[Notice 376]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 2, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63268. By order of August 30, 1960, The Transfer Board approved the transfer to Dick Jones Trucking, a corporation, Powell, Wyo., of certificates in Nos. MC 89716 Sub 1, MC 89716 Sub 16, MC 89716 Sub 18, MC 89716 Sub 22, MC 89716 Sub 25, MC 89716 Sub 27, and MC 89716 Sub 30, issued June 16, 1954, September 19, 1949, July 20, 1950, June 17, 1954, September 28, 1956, March 29, 1957, and May 1, 1959, respectively, to Richard R. Jones, doing business as Dick Jones, Powell, Wyo., authorizing the transportation of: feed, seed, coal, machinery, equipment, materials, and supplies used in the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, sulphur, butane gas and propane gas, natural gasoline, phosphoric acid, dry fertilizer, agricultural commodities, livestock, wood, sand, gravel, bags and bagging, farm machinery, building materials, sewer and drain pipe and tile, farm equipment, and farm machinery and equipment parts, from, to, or between specified points in Colorado, Idaho, Montana, Washington, and Wyoming. The corporation is also substituted as applicant in Nos. MC 89716 Subs 31TA, 32, and 33. R. F. Hibbs, Billings State Bank Building, Billings, Mont., for applicants.

No. MC-FC 63349. By order of August 31, 1960, The Transfer Board approved the transfer to Kittle Hauling & Supply Company, Inc., Moundsville, W. Va., of Certificate No. MC 89010, issued July 17, 1958, to Glen W. Kittle, doing business as Kittle Hauling and Supply Company, Moundsville, W. Va., authorizing the transportation of: Such bulk commodities as are usually transported in dump trucks and are exempt from cargo insurance requirements of the Interstate Commerce Commission, between points in Brooke, Hancock, Marshall, Ohio, Pleasants, Tyler, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Belmont, Guernsey, Harrison, Jefferson, Monroe and Noble Counties, Ohio. James J. Haranzo, Riley Law Building, Wheeling, W. Va., for applicants.

No. MC-FC 63440. By order of August 30, 1960, The Transfer Board approved the transfer to Brownie's Service, Inc., 529 Jones Avenue, Oak Hill, W. Va., of Certificates Nos. MC 104678 and MC 104678 Sub 1, issued October 25, 1949 and October 14, 1952, respectively, to James W. Brown, doing business as Brownie's Transport, 527 Jones Avenue, Oak Hill, W. Va., authorizing the transportation of household goods, over irregular routes, between points in Fayette County, W. Va., on the one hand, and, on the other, points in the lower peninsula of Michigan, and those in Maryland, Ohio, Pennsylvania and Virginia; and new conveyors used in coal mining operations, over irregular routes, from Oak Hill, W. Va., to points in Pennsylvania, Kentucky, and Virginia.

No. MC-FC 63458. By order of August 30, 1960, The Transfer Board approved the transfer to Gray Moving & Storage, Inc., Denver, Colo., of Certificate No. MC 115973 issued September 29, 1959, to Ill-Mo Van & Storage Co., a corporation, Kansas City, Mo., authorizing the transportation of household goods, over irregular routes, between points in Missouri, and Illinois, on the one hand, and, on the other, points in Missouri, Illinois, Indiana, Michigan, Kentucky, Ohio, Tennessee, Kansas, Iowa, Wisconsin, Oklahoma, Nebraska, Arkansas, Pennsylvania, New York, New Jersey, and Connecticut; and between Easton, Pa., and points in Pennsylvania within 15 miles of Easton, on the one hand, and, on the other, points in New York, New Jersey, Ohio, Massachusetts, Connecticut, Indiana, Illinois, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia. Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo., for applicants.

No. MC-FC 63465. By order of August 30, 1960, The Transfer Board approved the transfer to Chemtrans, Inc., Pittsburgh, Pa., of Permit No. MC 109704 issued August 16, 1948, to Dante J. Casali, doing business as Chemical Transport Co., Pittsburgh, Pa., authorizing the transportation over irregular routes of noncorrosive chemicals and synthetic resins, in bulk, in tank trucks, from Bridgeville, Pa., to points in Ohio, Indiana, Michigan, Illinois, New York, West Virginia, and New Jersey. Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. for applicants.

No. MC-FC 63466. By order of August 30, 1960, The Transfer Board approved the transfer to Lloyd Schoenheit Truck & Tractor Service, Inc., Grayville, Ill., of Certificate No. MC 100336 Sub 1, issued June 30, 1955, to Parker Brothers, Inc., Centralia, Ill., authorizing the transportation, over irregular routes, of machinery, materials, supplies and equipment incidental to or used in or in connection with the discovery, development, construction, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between St. Louis, Mo., points in Illinois, that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line, and that part of Kentucky within 75 miles of Owensboro, Ky., including points on the indicated portions of the highways specified; and between the above-specified points, on the one hand, and, on the other, points in that part of Iowa south of U.S. Highway 20 and that part of Kansas north of U.S. Highway 40, including points on the indicated portions of the highways specified. Mack Stephenson, 208 East Adams Street, Springfield, Ill., for applicants.

No. MC-FC 63475. By order of August 31, 1960, The Transfer Board approved the transfer to Brown & Sawyer, Inc., Bowley, Mass., of Certificate No. MC 63971, issued May 5, 1949, to Burleigh E. Sawyer, doing business as Brown & Sawyer, Haverhill, Mass., authorizing the transportation of: Household goods, between Haverhill, Mass., and points in Massachusetts within 20 miles of Haverhill, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass., for applicants.

No. MC-FC 63483. By order of August 31, 1960, The Transfer Board approved the transfer to Raymond C. Daniels, doing business as Daniels Transportation Company, 91 Mechanic Street, Lebanon, N.H., of Certificate No. MC 72465, issued November 23, 1949, to Raymond C. Daniels and S. H. Daniels, doing business as Daniels Transportation Co., 91 Mechanic Street, Lebanon, N.H., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between Enfield, N.H., and White River Junction, Vt., serving all intermediate points on the route specified; household goods, from Lebanon, N.H., and points within 25 miles thereof, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia and the District of Columbia, from the above-specified destination points, to points in Maine, New Hampshire, and Vermont, and between points within 25 miles of Lebanon, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York within 150 miles of Lebanon, N.H.; machinery, between Lebanon and Enfield, N.H., on the one hand, and, on the other, East Lyme, Conn., Northfield and Quechee, Vt., and points in Massachusetts as specified; textile mill products, supplies, and equipment, between Lebanon, N.H., on the one hand, and, on the other, Hazardville and Norwich, Conn., Springfield, Vt., Pawtucket, R.I., and those in Massachusetts within a specified territory; textiles and mill supplies, and road building materials, between Bridgewater and Hartford, Vt., on the one hand, and, on the other, Lebanon, N.H.; sand, gravel, non-liquid road building materials, cement, and cement and cinder blocks, between Lebanon, N.H., on the one hand, and, on the other, points in Vermont within 30 miles of Lebanon; groceries and grocery store supplies, from Lebanon, N.H., to points in Grafton, Belnap and Sullivan Counties, N.H., and Washington County, Vt.; groceries, between points in Grafton County, N.H., on the one hand, and, on the other, points in Orange and Windsor Counties, Vt.; and general commodities, except bulk petroleum, articles of virtu, and articles of length exceeding loading capacity, between points within 15 miles of Lebanon, N.H.

No. MC-FC 63492. By order of August 31, 1960, The Transfer Board approved the transfer to Tom Barton, doing business as "B" Truck Line, Wallace, Kans., of Certificate No. MC 30628, issued June 10, 1949, to Ray A. Welsh and Howard B. Collins, doing business as Weskan Truck Line, Weskan, Kans., authorizing the transportation of: Building material, livestock, and agricultural commodities and machinery, between Weskan, Kans., on the one hand, and, on the other, points in Kansas and Colorado within 30 miles of Weskan, Kans.

No. MC-FC 63496. By order of August 31, 1960, The Transfer Board approved the transfer to Willard Balog, doing business as Stalker Transfer, Baron, Wis., of the operating rights authorized to Willard Balog and Duane Lenander, a partnership, doing business as Stalker Transfer, Barron, Wis., in Certificate No. MC 34650, issued May 14, 1957, authorizing the transportation, over irregular routes, of stock and poultry feed, stone, livestock, dairy cattle, emigrant movables, and farm machinery, from, to, and between specified points in Minnesota, Wisconsin, Iowa, and Illinois. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 63510. By order of August 30, 1960, The Transfer Board approved the transfer to Leslie A. Linscott, doing business as Dodge Express, Ellsworth, Maine, of the operating rights authorized to Howard C. Dodge, doing business as Dodge's Express, Blue Hill, Maine, in Certificate No. MC 72352, issued June 21, 1941, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Ellsworth, Maine, and Sargentville, Me. William S. Silsby, Union Trust Co. Bldg., 68 Main Street, Ellsworth, Maine, for applicants.

No. MC-FC 63512. By order of August 31, 1960, The Transfer Board approved the transfer to McDonnell Bros., Inc., doing business as McDonnell Bros., Lyndhurst, N.J., of Permit No. MC 108057, issued April 20, 1948, to Dominick Ruggiano, doing business as D. Ruggiano & Sons, Newark, N.J., authorizing the transportation of: Sheet metal and sheet metal strips, from Hillside, N.J., to New York, N.Y. James J. Farrell, 201 Montague Place, South Orange, N.J., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8317; Filed, Sept. 7, 1960; 8:48 a.m.]

[Ex Parte MC-30]

NOTICE OF FILING OF PETITION FOR EXTENSION OF CINCINNATI, OHIO, COMMERCIAL ZONE

SEPTEMBER 2, 1960.

Petitioner's attorney: Robert M. Pearce, Seventh Floor, McClure Building, Frankfort, Ky. Petition filed August 9, 1960, by A. B. & C. Motor Freight, Inc., Augusta, Ky.; A & H Truck Line, Inc., Evansville, Ind.; Dance Freight Line, Lexington, Ky.; Dixie Ohio Express, Birmingham, Ala.; Ecklar Moore Express, Inc., Cynthiana, Ky.; McDuffee Motor Freight, Inc., Lebanon, Ky.; Brady Motorfrate, Inc., Des Moines, Iowa; Eastern Motor Express, Inc., Terre Haute, Ind.; Hennis Freight Lines, Inc., Winston-Salem, N.C.; Youngblood Truck Lines, Inc., Fletcher, N.C.; Roadway Express, Inc., Dover, Del.; Transamerican Freight Lines, Inc., Detroit, Mich.; and Shillito's Department Stores, Cincinnati, Ohio, seeks to extend the eastern limits of the Cincinnati, Ohio Commercial Zone, last defined in 46 M.C.C. 733, as follows: "Beginning at the eastern junction of the present Commercial Zone line with the Warren and Hamilton Counties line; thence proceeding east following the Warren and Hamilton Counties line to its junction with the Little Miami River; thence south following the west bank of the Little Miami River to junction with the city limits of the City of Loveland, Ohio; thence east, south, and west following the city limits of the City of Loveland to its junction with the western bank of the Little Miami River, thence following the west bank of the Little Miami River to its junction with the city limits of the City of Milford, Ohio; thence following the eastern limits of the City of Milford to its junction with the west bank of the Little Miami River; thence following the west bank of the Little Miami River to the conflux of the Little Miami River and the East Fork, (approximately one mile south of Milford); thence following the Hamilton and Clermont Counties line to its junction with State Road 125; thence east on State Road 125 to the Cherry Grove Shopping Center; thence following the limits of the Cherry Grove Shopping Center, counterclockwise, to its intersection with State Road 125; thence following State Road 125 to its intersection with the Hamilton and Clermont Counties line; thence south following the Hamilton and Clermont Counties line to its junction with the Ohio River; thence following the north bank of the Ohio River to its junction with the present commercial zone limit (approximately two miles west of the eastern limit of the Port of Cincinnati)."

HEARING INFORMATION: The subject petition will be assigned for hearing at a time and place to be later fixed. Any person desiring to be advised of such assignment should request to be notified by letter to the Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8318; Filed, Sep. 7, 1960; 8:48 a.m.]

[Ex Parte No. 223]

INCREASED FREIGHT RATES, 1960

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., this 2d day of September 1960.

SPECIAL PERMISSION No. 88884

Upon consideration of a petition for special permission filed by H. R. Hinsch, Tariff Publishing Officer, Edward A. Kaier, and other attorneys, dated September 1, 1960, for and on behalf of substantially all Class I Railroads of the United States, and some railroads of other classifications, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable such carriers to publish general increases in varying amounts in freight rates and charges by means of a master tariff and other short-form methods, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increases in rates and charges;

For good cause shown it is ordered:

1. Carriers for and on whose behalf the above-mentioned petition was filed, and their tariff-publishing agents, be, and they are hereby, authorized to depart from the Commission's tariff-publishing rules when providing for increased rates and charges as set forth above in the following manner:

(a) By publication and filing of a master tariff of increased rates and charges, which shall contain a provision substantially as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application of this tariff and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission.

In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected.

(b) By publication and filing of connecting-link supplements to one or more tariffs connecting such a tariff or tariffs with the master tariff of increased rates and charges.

(c) By publication and filing of tariffs or supplements of specific increased rates and charges, subject to the same provision concerning refunds as contained in paragraph 1(a), and

(d) By publication of provisions in tariffs or supplements subjecting the rates and charges therein to the provisions of the master tariff.

2. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 88884 of September 2, 1960.

(2) Other tariffs or supplements containing specific increased rates or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 88884 of September 2, 1960.

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted. This and all other relief from the Commission's tariff-publishing rules authorized herein shall expire with January 1, 1962.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased rates and charges, and all tariffs filed shall be subject to protest, suspension, or rejection.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8313; Filed, Sept. 7, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1332]

ELECTRONICS INTERNATIONAL CAPITAL LTD.

Notice of Application by Investment Company Organized in Bermuda for Order Permitting Its Registration and Sale of Its Securities in the United States

AUGUST 31, 1960.

Notice is hereby given that Electronics International Capital Limited ("Applicant"), an investment company incorporated by a special act of the Bermuda Parliament entitled, "The Electronics International Capital Company Act, 1960" ("Charter"), has filed an application, under section 7(d) of the Investment Company Act of 1940 (the "Act") seeking an order of the Commission permitting Applicant to register as an investment company under the Act and to make a public offering of its securities in the United States.

Section 7(d) of the Act, among other things, prohibits a foreign investment company from making a public offering of its securities in the United States through the means or instrumentalities of interstate commerce unless the Commission, upon application, issues a conditional or unconditional order permitting such company to register under the Act and to make such public offering of its securities. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant has been organized for the purpose of engaging in business as a closed-end non-diversified management investment company investing in securities of foreign electronics companies, among others, those traded on the stock exchanges of Toronto, Montreal, London, Amsterdam, Frankfurt, Paris or Johannesburg.

The authorized capital of the Applicant is an unlimited maximum amount but may not be less than 5,000 shares of capital stock of a par value of one pound per share. All shares have equal voting rights and entitle the holder to one vote in the election of directors and all other matters. Applicant contemplates making a public offering in the United States of its common stock, through an underwriting group managed by Bear, Stearns & Co., to obtain at least $22,500,000 for its investment purposes.

Applicant has made undertakings and agreements which together with the provisions of the applicant's charter and by-laws, the Bermuda Companies Act of 1923, as amended, and its common law, are submitted by the Applicant as special circumstances and arrangements justifying the entry of the requested order. Applicant alleges that, in addition to the undertakings and agreements provided for by Rule 7d-1 applicable to Canadian investment companies, it has provided other undertakings and agreements for the protection of investors and as further assurance of the enforceability of the Act against the Applicant.

The Applicant's charter and by-laws taken together contain, in effect, the substantive provisions of the Act applicable to closed-end investment companies, which provisions the Applicant has agreed may be enforced as a matter of contract right in the United States and Bermuda by Applicant's shareholders.

Applicant's by-laws also contain, among other things, provisions summarized as follows: (1) That all of its securities and cash will be maintained in the custody of a domestic bank except cash not exceeding $100,000; (2) that at least a majority of the directors and of the officers of the Applicant will be United States citizens of whom a majority will be resident in the United States; (3) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States; (4) that Applicant's investment adviser will maintain in the United States such accounts, books and other documents as are necessary or appropriate to record transactions relating to Applicant; (5) that Applicant's principal underwriter will be a resident and citizen of the United States or a corporation organized under the laws of a State of the United States and having its principal place of business therein; and (6) that Applicant will maintain duplicate copies of its books and records at the office of its custodian located within the United States.

Applicant has undertaken and agreed in its application among other things: (i) That its charter and by-laws will not be changed in any manner inconsistent with the Act or the rules and regulations thereunder or the undertakings and agreements contained in the instant application without permission of the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the Act, Applicant's charter, by-laws and undertakings and agreements contained in the instant application insofar as applicable to such persons and to do nothing inconsistent with such undertakings and agreements; (iii) that the aforesaid agreements as well as those of Applicant shall enure to the benefit of Applicant's shareholders as parties and beneficiaries; (iv) Applicant's custodian will maintain a list of the affiliated persons of Applicant, its officers, directors and investment advisor, and will not consummate any otherwise prohibited transaction with such persons unless specifically permitted by order of the Commission; (v) Applicant will maintain in the United States a transfer agent and registrar; (vi) that breach of the aforesaid agreements or violation of the Act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets.

Other agreements and undertakings contained in the application are designed to facilitate the judicial enforcement of the Act by the Commission or Applicant's shareholders in appropriate courts of the United States or Bermuda. To that end each of the contracting parties who are not citizens and residents of the United States, will appoint, irrevocably, an agent within the United States for service of process. To ensure the applicability of the Act to purchases and sales of portfolio securities not made on established securities exchanges, Applicant has agreed that its custodian will consummate such transactions only in the United States and that the mails or means of interstate commerce will be employed except in the instance when Applicant's custodian exercises abroad rights issued to Applicant as a security holder in other companies; provided that (a) the rights so exercised shall be offered or issued to Applicant as a security holder in another company on the same basis as all other holders of the class or classes of securities of such other company to whom such rights are offered or issued, and (b) the rights so exercised shall not exceed 10 percent of the total amount of such rights so offered or issued, and (c) the securities purchased pursuant to such exercise or securities of the same class are listed on an established securities exchange, application has been made to such exchange for the listing thereon of such securities, or it has been publicly announced that application will be made to such exchange for listing thereon of such securities and Applicant has no reason to believe that such listing will not be effected.

Applicant has further agreed, and will cause its non-resident directors to agree, to waive any counsel fees or security for costs in any action brought in Bermuda by any of its shareholders based upon its charters, by-laws, or the undertakings and agreements herein.

As a further special circumstance, the Applicant points to the provisions of an extradition treaty between the United Kingdom and the United States which is applicable to Bermuda, covering, among other things, the crimes of fraud and false pretenses by corporate officials.

Notice is further given that any interested person may, not later than September 15, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8304; Filed, Sept. 7, 1960; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 6, 1960

S. 1321 ..... Public Law 86-712
An Act to authorize the Attorney General to consent, on behalf of the Library of Congress Trust Fund Board, to a modification of the terms of a trust instrument executed by James B. Wilbur.

S. 1806 ..... Public Law 86-710
An Act to revise title 18, chapter 39, of the United States Code, entitled "Explosives and Combustibles".

S. 1870 ..... Public Law 86-708
An Act to provide for examination, licensing, and for regulation of practical nurses, and for practical nursing education in the District of Columbia, and for other purposes.

S. 2306 ..... Public Law 86-706
An Act to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia.

S. 3415 ..... Public Law 86-709
An Act to exempt from taxation certain property of the American Association of University Women, Educational Foundation, Incorporated, in the District of Columbia.

S. 3727 ..... Public Law 86-715
An Act to authorize the bonding of persons engaging in the home improvement business, and for other purposes.

S. 3834 ..... Public Law 86-711
An Act to increase the maximum amount which may be borrowed by the District of Columbia for use in the construction and improvement of its sanitary and combined sewer systems, and for other purposes.

H.R. 2178 ..... Public Law 86-714
An Act to authorize the Secretary of the Army to make certain changes in the road at Whites Branch, Grapevine Reservoir, Texas.

H.R. 7758 ..... Public Law 86-707
An Act to improve the administration of overseas activities of the Government of the United States, and for other purposes.

H.R. 8289 ..... Public Law 86-713
An Act to accelerate the commencing date of civil service retirement annuities, and for other purposes.

H.R. 9377 ..... Public Law 86-717
An Act to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers.

H.R. 12530 ..... Public Law 86-718
An Act to authorize adjustment, in the public interest, of rentals under leases entered into for the provision of commercial recreational facilities at the John H. Kerr Reservoir, Virginia-North Carolina.

H.R. 12563 ..... Public Law 86-716
An Act to amend the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937, as amended.

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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VOLUME 25 NUMBER 176

Washington, Friday, September 9, 1960

THE UNIVERSITY OF MICHIGAN
SEP 13 1960
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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 624, 6th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.79-2a, as amended (25 F.R. 2707), are hereby revised to read as follows:

§ 301.79-2a Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.

Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Craighead County. That portion of the county bounded by a line beginning at the intersection of the eastern boundary of Craighead County with the Arkansas-Missouri State line and extending southward along the eastern boundary of Craighead County to the southern boundary line of Craighead County, thence westward along the southern boundary line of Craighead County to the St. Francis River, thence northward along the St. Francis River to the junction of the St. Francis River with the boundary line between Craighead County, Arkansas, and Dunklin County, Missouri, thence eastward along the northern boundary of Craighead County.

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

The property known as the Clarence Williams Farm, located in sec. 22, T. 5 N., R. 8 E.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

That area bounded on the north by the Arkansas-Missouri State line; and further bounded by a line beginning at the intersection of the Mississippi River levee and the Arkansas-Missouri State line and extending southward along said levee to State Highway 119, thence westward along State Highway 119 to the intersection of State Highway 119 and U.S. Highway 61; thence northward along U.S. Highway 61 to the intersection of U.S. Highway 61 with the southern boundary of sec. 1, T. 12 N., R. 10 E., thence westward along the southern boundary lines of secs. 2, 3, 4, 5, and 6, T. 12 N., R. 10 E., and secs. 1, 2, 3, 4, 5, and 6, T. 12 N., R. 9 E., and secs. 1, 2, 3, 4, 5, and 6, T. 12 N., R. 8 E. to the western boundary line of Mississippi County; thence north along the western boundary line of Mississippi County to the Arkansas-Missouri State line.

All of the property owned by Mrs. Charles Hale in sec. 19, T. 11 N., R. 11 E.

Poinsett County. That area bounded on the north by the Poinsett-Craighead County line, and further bounded by a line beginning at the intersection of the northern boundary line of Poinsett County with the eastern boundary line of Poinsett County and extending southward along the eastern boundary line of Poinsett County to the southern boundary line of sec. 1, T. 12 N., R. 7 E.; thence westward along the southern boundary lines of secs. 1, 2, 3, 4, 5, and 6, T. 12 N., R. 7 E., and secs. 1, 2, 3, and 4, T. 12 N., R. 6 E., to the St. Francis River; thence northward along the St. Francis River to the Poinsett-Craighead County line.

All of sec. 11, T. 11 N., R. 3 E.

All of secs. 9 and 10, T. 12 N., R. 3 E.

ILLINOIS

Pulaski County. The property owned and operated by H. W. and L. H. Parker, consisting of 20 acres being the E½SW¼NW¼ sec. 13, T. 16 S., R. 1 W.

KENTUCKY

Ballard County. The property owned by O. M. Alexander described as Land Parcel No. 3, 183 acres, Property Identification Map No. 29, Ballard County, Kentucky.

The property owned by Robert Harris described as Land Parcel No. 4, 88½ acres, Property Identification Map No. 29, Ballard County, Kentucky.

Fulton County. All land west of the eastern boundary of R. 6 W., including the detached portion of the county and all of Islands Nos. 7 and 8.

The property owned by Mrs. Tom H. McMurry, 240 acres, located in the SE¼ and E½ of SW¼ sec. 22, T. 1 N., R. 4 W.

The property owned by Jesse and King McNeill, 300 acres, located in N½ sec. 22, T. 1 N., R. 4 W.

The property owned by George Townsend, 80 acres, located in N½ of SW¼ sec. 23, T. 1 N., R. 4 W.

MISSISSIPPI

De Soto County. Secs. 28, 29, 31, 32, and 33, T. 2 S., R. 10 W.

MISSOURI

Dunklin County. That portion of the county bounded by a line beginning at a point where the northwest corner of sec. 7, T. 17 N., R. 8 E. intersects the St. Francis River and extending east along a line following the north line of said section and County Road P, which becomes State Highway 25, and continues as a gravel road to its intersection with No. 1 drainage ditch; thence southwest to its intersection with the Arkansas-Missouri State line; thence west along said State line to its intersection with the St. Francis River; thence northeast along said river to point of beginning.

New Madrid County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending north approximately two and one-half miles to the E. B. Gee Cotton Gin corner, and thence northwestward on a gravel road, continuing northwestward to No. 1 drainage ditch, thence northeast along the No. 1 drainage ditch to the point where it intersects U.S. Highway 62 and thence east to the point where U.S. Highway 62 intersects U.S. Highway 61 and thence east on the section line common to secs. 12 and 13, T. 22 N., R. 13 E., and continuing directly east to the Mississippi River.

The property owned by H. E. Hunter and operated by T. C. Wiley, Claudie Harris, M. B. Young, and Roosevelt Walker, located on the north and south sides of a dirt road, at a point approximately 0.6 mile west of the junction of this dirt road with U.S. Highway 61 at Ristine.

The property owned by H. E. Hunter and operated by Claude Harris, located in the east part of survey 605 and SE¼ sec. 8, and NE¼ sec. 17, T. 23 N., R. 14 E.

The property owned by H. E. Hunter and operated by Hugh Faulkner, located in the east ½ of survey 1174 in sec. 10, T. 23 N., R. 14 E.

The property owned by Fred Lee and operated by Forest Hackney in the west part of survey 605, T. 23 N., R. 14 E.

Pemiscot County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

The property owned by Joseph Kohn and operated by Bondy Grissom, consisting of the E½ sec. 35, T. 19 N., R. 11 E.

The property owned and operated by Royal Sanders, being the N½ sec. 24, and SW¼ sec. 13, T. 17 N., R. 10 E.

The property owned and operated by Delmar Pritchard being in the NE¼ sec. 19, T. 18 N., R. 11 E.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, being the W½NW¼ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

Camden County. The property owned by Woodson Farrill and operated by Vernon Brown, located 1 mile east of Shiloh on the west side of a paved road connecting State Highway 343 and Riddle; the property being at a point 0.4 mile north of the junction of this paved road and State Highway 343.

The property owned and operated by Frank Sawyer, located at Tar Corner north of the Sharon-Tar Corner and the Moyock-Tar Corner road intersection.

The property owned by Dr. J. B. Sawyer and operated by J. W. Forbes, located on the east side of the Shawboro-Old Trap Road 0.1 mile south of Cow Creek, and 0.1 mile east of the

Shawboro-Old Trap Road just north of a graded and drained road.

The property owned and operated by Mack L. Sawyer, located 0.3 mile west of Pearceville and 0.1 mile north of South Mills-Pearceville highway on both sides of a stone surfaced road.

Currituck County. The property owned by P. P. Gregory and operated by Charlie Anderson, located on the east side of the Shawboro-Old Trap Road 0.4 mile north of Indiantown Creek.

Gates County. That portion of the county bounded by a line beginning at a point where State Highway 32 crosses the North Carolina-Virginia State line, thence east along the State line to the Camden County line, thence in a southwesterly direction along the west edge of the Great Dismal Swamp to a point 1.4 miles east of Corapeake on Corapeake Highway, thence along said highway in a westerly direction to Corapeake, thence along State Highway 32 from Corapeake to the Virginia State line, the point of beginning, excluding the corporate limits of Corapeake.

The property owned and operated by T. H. Reddick located on the east side of North Carolina paved road 1304, 0.6 mile south of the Virginia-North Carolina State line.

New Hanover County. That portion of the county bounded by a line beginning at a point where the A.C.L. Railroad Bridge crosses the Northeast Cape Fear River and extending south along said railroad to State Highway 132, thence southeast along said highway to Smith Creek, thence west along said creek to the Northeast Cape Fear River, thence in a northwesterly and then easterly direction along said river to the A.C.L. Railroad Bridge, the point of beginning, excluding all of New Hanover County Airport.

The property owned and operated by H. C. Johnson, located on the northeast side of Gordon Road 0.6 mile northwest of the intersection of Gordon Road and U.S. Highway 17.

The property owned and operated by J. D. Murray, located at the end of Murrayville Road 2.2 miles from its intersection with Winter Park-Wrightsboro Road.

The property owned and operated by Alex Trask, located on the north side of Murrayville Road and east of State Highway 132 at the intersection of these two roads.

Pasquotank County. That portion of the county bounded by a line beginning at the junction of State Secondary Road 1338 and U.S. Highway 17 and extending southeast along said highway to its junction with State Secondary Road 1343, thence south along said road to its junction with State Secondary Road 1332, thence southeast along said road to its junction with Knobbs Creek, thence northwest along said creek to its intersection with State Secondary Road 1338, thence northeast along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1101 and U.S. Navy Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Road 1169, thence southwest along said road to its intersection with State Secondary Road 1101, thence northwest and north along said road to point of beginning.

The property owned and operated by Billy Bakerman, located on the west side of State Secondary Road 1101 and 0.5 mile southwest to its junction with State Secondary Roads 1123 and 1132.

The property owned and operated by E. L. Benton, located on the west side of State Secondary Road 1101 and 0.2 mile southwest of its junction with State Secondary Roads 1123 and 1132.

The property owned by E. L. Brothers and operated by George Hewitt, located on the northeast side of State Secondary Road 1360 and 0.6 mile northwest of its intersection with State Secondary Road 1361.

The property owned by the George Chappel Estate and operated by Moody Meads, located on the west side of State Secondary Road 1101 and 1 mile southwest of its junction with State Secondary Roads 1123 and 1132.

The property owned and operated by W. C. Combs, located on the east side of State Secondary Road 1101 and 0.5 mile southwest of its junction with State Secondary Roads 1123 and 1132.

The property owned and operated by George Hewitt, located on both sides of State Secondary Road 1360 and 0.8 mile northwest of its intersection with State Secondary Road 1361.

The property owned and operated by Joe Spence, located on the east side of State Secondary Road 1360 and 0.5 mile northwest of its intersection with State Secondary Road 1361.

Pender County. That portion of the county bounded by a line beginning at a point where State Highway 210 crosses the Northeast Cape Fear River, thence northalong said river to Pike Creek, thence northwest along said creek to the Ashton Road, thence west along said road, through Ashton, to its junction with a paved highway, thence south along said highway to Kellys Creek, thence southwest along said creek to Rileys Creek, thence south and west along said creek to its intersection with State Highway 40, thence east and south along said highway to U.S. Highway 117, thence south along said highway to the Northeast Cape Fear River, thence east and north along said river to the point of beginning, excluding the town of Rocky Point.

The property owned and operated by Mike Boryk, located on the west side of Burgaw-Long Creek Road 0.2 mile south of Burgaw city limits.

The property owned and operated by Henry Clark, located on the south side of State Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by Mrs. J. D. Freeman, located on the south side of State Highway 210, 1.8 miles east of Northeast Cape Fear River.

The property owned and operated by P. Katalinic, located on the east and west sides of U.S. Highway 117 at the junction of Stag Park Road and U.S. Highway 117.

The property owned and operated by W. B. Keith, located on the west side of Clarks Landing Loop Road and one mile southwest of Bell's Crossroads.

The property owned and operated by Boney Wilson, located on the southwest side of State Highway 210 and approximately 0.2 mile northwest of Clark's Landing Highway.

Perquimans County. That portion of the county bounded by a line beginning at the junction of the Perquimans-Pasquotank County line and State Secondary Road 1001, thence southwest along said road to its junction with State Secondary Road 1204, thence north and northwest along said road to its intersection with the Perquimans-Gates County line, thence east along said county line to its intersection with the Perquimans-Pasquotank County line, thence southeast along said county line to the point of beginning.

The property owned by the Cox Estate and operated by M. R. Winslow, located on the southeast side of State Secondary Road 1001 and 1 mile southwest of its intersection with the Perquimans-Pasquotank County line.

Tyrrell County. That portion of the county bounded by a line beginning at the junction of Alligator Creek and North Carolina paved road 1209, thence extending northwest along said road to its junction with North Carolina stonesurfaced road 1221, thence southwest along said road to its junction with U.S. Highway 64, thence east along said highway to its junction with Alligator Creek, thence along said creek in an easterly and northerly direction to its junction with North Carolina paved road 1209, the point of beginning.

TENNESSEE

Dyer County. All of the county except Civil Districts 1, 7, 8, and 9.

Gibson County. Civil Districts 10 and 24.

Haywood County. The farm owned by Jack Savage Gause, also known as the Old Nail Place, consisting of 221 acres, located in Civil District 11 on the north side of the Nutbush-Durhamville Road, 2.1 miles southwest of the intersection at Nutbush of Haywood County Road 8051 and State Highway 19.

The farm owned and operated by W. R. Spiller, consisting of 129 acres, located in Civil District 11, 1.4 miles north of Nutbush on the west side of the Nutbush-Woodville Road.

Lake County. The entire county.

Lauderdale County. Civil Districts 4, 5, 8, 9, 11, 12, and 13.

Obion County. All Civil Districts except 1, 2, 7, and 16.

Shelby County. That part of Shelby County known as President's Island.

Tipton County. The property owned by Herbert E. Baskin, known as the Old Jack Baskin place, consisting of 57 acres, located in Civil District 3 on the west side of Turkey Scratch Road, 2.2 miles southeast of the R. M. Burlison store. This store is located 2 miles west of Burlison Post Office on Highway 59.

The property owned by Mrs. O. H. Blankenship, known as the Old John Yount place, consisting of 70 acres, located in Civil District 3 on the west side of Turkey Scratch Road, 2.3 miles southeast of the R. M. Burlison store. This store is located 2 miles west of Burlison Post Office on Highway 59.

The property owned by Mrs. Mary Smith, consisting of 195 acres, located in Civil District 1 on Avrett Road, 2.5 miles west of the intersection of said road with U.S. Highway 51, said intersection being 1 mile southwest of the Tipton-Lauderdale County line.

The property owned by Allen Wooten, consisting of 100 acres, located in Civil District 1 on Plummer Grove Road, 1.6 miles northeast of the intersection of said road with State Highway 54, said intersection being 2.1 miles west of Gift.

VIRGINIA

Isle of Wight County. The property owned by Claire W. Bittle, located on the south of U.S. Highway 58, 0.2 mile southwest of the junction of U.S. Highway 58 and State Road 630.

The property owned by the J. F. Duke, Sr., Estate, located on a private road 0.2 mile east of the junction of said road and State Road 632, said junction being 0.8 mile northeast of the junction of State Roads 632 and 1701.

The property owned by Wilson S. Holland, located on the east side of U.S. Highway 258, 0.3 mile south of the junction of U.S. Highway 258 and State Road 611.

The property owned by R. Phoebus Jones, located on the east side of State Road 615 at the junction of the Seaboard Airline Railway and said road.

The property owned by Leon E. Outland, located on the south side of State Road 612, 0.5 mile southeast of the junction of State Roads 612 and 632.

The property owned by John C. Rose, located in Carrsville on the southeast side of State Road 632, 0.3 mile northeast of the junction of State Roads 632 and 1701.

Nansemond County. That portion of the county bounded by a line beginning at the junction of State Roads 32 and 678 and extending east on State Road 678 to the western boundary of the property owned by E. Hurley Brinkley, thence north and east along the boundaries of said property and continuing east along the northern boundary

of the property owned by Willie C. Knight to State Road 604; thence south on State Road 604 to the northern boundary of the property owned by Raymond R. Brinkley; thence east along the northern boundary of said property to the Dismal Swamp; thence south along the Dismal Swamp to the North Carolina-Virginia State line; thence west along the State line to State Road 32, thence northward to the point of beginning.

That portion of the county bounded by a line beginning at the junction of State Road 616 and the Nansemond-Isle of Wight County line; thence southeast to the junction of State Road 615; thence north along State Road 615 following the western and northern boundaries of the properties owned by C. E. Daughtery and Jasper W. Daughtery; thence along the western and northern boundaries of the property owned by Frank Holland and Mary L. Holland to the eastern boundary of this property; thence along the eastern boundary of the property owned by Lydia and J. E. Griffin to State Road 189; thence east along State Road 189 and south along the eastern boundaries of the properties owned by James E. Rawls and Samuel L. Hunter; thence along the southern boundary of the Samuel L. Hunter property to State Road 616; thence northwest along State Road 616 to include the property owned by Clifford D. Holland lying on both sides of State Road 616; and thence from the junction of the northern boundary of said farm and State Road 616 northwest along State Road 616 to the property owned by Helen I. Lawrence; thence along the eastern and southern boundaries of said property to State Road 189; thence along State Road 189 to include all of the property owned by R. Kermit Saunders on both sides of said road; thence in a northerly direction to the junction of State Roads 615 and 618; thence west along State Road 618 to the Nansemond-Isle of Wight County line; thence northeast along said county line, including that portion of the property owned by Carlton L. Cutchin in Isle of Wight County, to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of U.S. Route 58, and the Isle of Wight-Nansemond County line; thence northeast along said county line including that portion of the property owned by Elliott L. Johnson extending into Isle of Wight County; thence south along the eastern boundary of said property to the northern boundary of the property owned by Jasper Daughtrey, Jr.; thence along the northern and eastern boundaries of said property; thence east along the northern boundaries of the properties owned by Clarence T. Daughtrey and Mamie D. Duke; thence along the eastern and southern boundaries of the Mamie D. Duke property to the eastern boundary of the Clarence T. Daughtrey property; thence south along the eastern boundary of the Emmett L. Rawles property to U.S. Route 58; thence northwest on U.S. Route 58 to the southern boundary of the Emmett L. Rawles property; thence west along the southern boundaries of the Emmett L. Rawles and Jarvis L. Howell properties; thence north along the western boundaries of the Jarvis L. Howell and Elliott L. Johnson properties to the point of beginning.

That portion of the county bounded by a line beginning at a point where State Road 612 intersects the property owned by J. D. Rawles, 0.2 mile south of the junction of State Roads 612 and 661, and extending east and southeast along the boundaries of said property; thence southeast along State Road 612 to the southern boundary of the property owned by the W. Joe Smith Estate; thence along the southern boundary of said property to the eastern boundary of the property owned by Dr. W. John Norfleet; thence along the eastern and southern boundaries of said property to State Road 664; thence south and west along State Roads 664 and 667 to the western boundary of the property owned by David L. Rawles, Jr.; thence along the western and northern boundaries of said property to State Road 616; thence north along the western boundary of the property owned by Dr. W. John Norfleet and continuing north along the western boundary of the property owned by Sue K. Jolly and the property owned by J. D. Rawles; thence east along the northern boundary of the said J. D. Rawles property to point of beginning.

The property owned by Percy L. Artis located on State Road 679, one mile southeast of the junction of State Road 189.

The property owned by Hurley B. Aswell and the property owned by Gurney C. Hare, located at the junction of State Roads 642 and 673, and the adjacent property owned by the M. Gay Taylor Estate and Priscilla Vann on State Road 673. Also the adjacent property owned by R. H. Brinkley located on the west side of State Road 642 at the junction of State Road 678.

The property owned by Rudolph C. Badger, located at the junction of State Roads 642 and 674; the adjoining property to the south owned by the Julius E. Baines Estate located on the west side of State Road 642; the adjacent property on the south owned by John H. Parker located on both sides of State Road 642; and the property owned by Rudolph C. Badger, lying on the east side of State Road 642 between two sections of the John H. Parker property and extending southeast to the Dismal Swamp.

The property owned by Shirley M. Baines, located on the east side of State Road 642 at the northern junction of State Roads 642 and 678, and the adjoining property to the east owned by Pearl Brinkley.

The property owned by James F. Bracey, Jr., lying on the east side of State Road 612 at the northern junction of State Roads 661 and 612.

The property owned by Floyd J. Brinkley, lying on the east side of State Road 673 at the junction of State Roads 675 and 673.

The property owned by J. M. Brinkley, located on the west side of State Road 32, one-quarter mile north of the junction of State Roads 678 and 32.

The properties owned by Reginald E. Brothers, Carrie B. Knight and Willie C. Knight, located at the junction of State Roads 675 and 642.

The property owned by Robert D. Butler, located on the east side of State Road 614 at the Nansemond-Isle of Wight County line.

The property owned by James A. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 644.

The property owned by Clifton S. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 644.

The property owned by James Alfred Carr, Jr., located on the west side of State Road 612 at the junction of State Roads 612 and 651.

The property owned by Mike L. Carter, located on the north side of State Road 616, 0.3 mile east of the junction of State Roads 616 and 664.

The property owned by Julius E. Copeland, located at the junction of State Roads 664 and 642 and lying on the north side of State Road 642.

The property owned by William J. Copeland, located on the south side of State Road 661, 0.1 mile east of the junction of State Roads 661 and 613.

The property owned by Harry W. Davidson, located on both sides of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by Isaac Demiel, located on the northwest side of State Road 685, 1.2 miles northeast of the junction of State Roads 685 and 647.

The property owned by John Robert Ellis, located on the west side of State Road 660 at the junction of State Roads 660 and 616.

The property owned by John Robert Ellis, located on both sides of State Road 612, 0.3 mile northwest of the junction of State Roads 616 and 612.

The property owned by Lloyd Ellis, located on a private road 0.25 mile west of State Road 612, said private road junctioning with State Road 612 at a point 0.71 mile southwest of the junction of State Roads 612 and 680.

The property owned by Joe Henry Gardner, located on both sides of State Road 664, 0.1 mile west of the junction of State Roads 664 and 648.

The property owned by Jessie S. and Mamie B. Griffin, located on both sides of State Road 678, one mile west of the junction of State Roads 642 and 678.

The property owned by Arnie N. Harcum, located on the east side of State Road 613, 0.4 mile south of the junction of State Roads 613 and 661.

The property owned by James A. Harcum, located on the east side of State Road 613, 0.6 mile south of the junction of State Roads 613 and 661.

The property owned by Charles C. Harrell, located on both sides of State Road 32, 0.5 mile north of the junction of State Roads 675 and 32.

The property owned by L. Whidby Harrell, located on the south side of State Road 661, 0.1 mile west of the junction of State Roads 661 and 680.

The property owned by Marion J. Harrell, located on the south side of U.S. Highway 58 at the junction of U.S. Highway 58 and State Road 610.

The property owned by Claudie Hedgebeth, located on the east side of State Road 660, 0.2 mile north of the junction of State Roads 660 and 653.

The property owned by the R. E. Hedgebeth Estate, located on the north side of State Road 653, 0.5 mile northwest of the junction of State Roads 653 and 664.

The property owned by W. L. Hedgebeth, located on the south side of U.S. Highway 58, 0.2 mile east of the junction of U.S. Highway 58 and State Road 647.

The property owned by Annie Holland, located at the junction of State Roads 610 and 662, lying on both sides of State Road 610.

The property owned by Ayler J. Holland, located on both sides of State Road 189 at the junction of State Roads 189 and 613.

The properties owned by D. Murley Holland, located at the junction of State Roads 664 and 649 and extending east on both sides of State Road 664.

The property owned by Edna C. Holland, located on the west side of State Road 660, 0.3 mile north of the junction of State Roads 660 and 653.

The property owned by Ella L. Holland and Linwood W. Holland, located on the west side of State Road 661, 0.4 mile south of the junction of State Roads 661 and 679.

The property owned by E. L. H. and Preston G. Holland, located on both sides of State Road 680, 0.3 mile northwest of the junction of State Roads 680 and 661.

The property owned by Guss R. Holland, located at the junction of State Roads 661 and 613 and lying on the north side of State Road 661.

The property owned by Ima S. Holland, located on both sides of State Road 660, 0.5 mile south of the junction of State Roads 660 and 664.

The property owned by Nurney H. Holland, located on the east side of State Road 660 at the junction of State Roads 660 and 650.

The property owned by Paul C. Holland, Jr., located on the south side of the Southern Railway 0.1 mile south of U.S. Highway 58, on a private road, the junction of said road and U.S. Highway 58 being at a point 0.3

mile west of the junction of U.S. Highway 58 and State Road 660.

The property owned by Robert W. Holland, located at the junction of State Roads 651 and 612, lying on both sides of State Road 651.

The property owned by Delware Howell, located on both sides of State Road 613, 0.3 mile southeast of the junction of State Roads 613 and 189.

The property owned by E. J. Howell, located on the west side of State Road 615 at the junction of State Roads 615, 687, and 189.

The property owned by W. H. Howell, located 0.5 mile southwest of the village of Ellwood.

The property owned by Mary Hamilton Johnson, located on the northwest side of State Road 664, 0.5 mile northeast of the junction of State Roads 664 and 612.

The property owned by Edward Jones, located on a private road 0.1 mile southwest of the junction of said road and State Road 613, said junction being at a point 0.5 mile south of the junction of State Roads 613 and 661.

The property owned by the J. Floyd Jones Estate, located on the west side of State Road 673, one mile northwest of the junction of State Roads 673 and 642.

The property owned by Ruby Parker Jones and the property owned by Lawrence F. Jones, located at the junction of State Roads 666 and 615.

The property owned by Eddie A. Kelly, located on State Road 678 one mile west of its junction with State Road 32.

The property owned by W. C. Knight, located on the east side of State Road 642, 0.7 mile north of the junction of State Roads 642 and 32.

The property owned by Willie C. Knight, located on a private road 0.2 mile east of State Road 32, said private road joining State Road 32 at a point 0.3 mile southeast of the junction of State Roads 642, 32, and 616.

The property owned by Rachel Lassiter, located on State Road 674, 0.5 mile east of the Atlantic Coast Line Railroad tracks.

The property owned by Tommie Milteer lying between State Roads 32 and 646 at the junction of State Roads 646 and 674.

The property owned by A. W. Moore, located on the north side of State Road 647, 200 feet west of the junction of State Roads 647 and 685.

The property owned by H. A. Morgan, located on the west side of State Road 660, 0.2 mile north of the junction of State Roads 660 and 616.

The property owned by Howard W. Overton lying south of State Road 675 and west of State Road 32 at the junction of State Roads 32 and 675 and extending north on the west side of State Road 646.

The property owned by Linwood Parker, located on State Road 604, 0.5 mile southeast of State Road 642.

The property owned by Rufus Peele, located on a private road 0.3 mile west of the junction of said road and State Road 643, said junction being at a point 200 feet north of the junction of State Roads 643 and 645.

The property owned by Willie S. Peele, located on the south side of State Road 645, 0.2 mile east of the junction of State Roads 645 and 643.

The property owned by Frank A. Perry, located on the south side of State Road 650, 0.5 mile east of the junction of State Roads 650 and 660.

The property owned by C. E. Piland, located on the southeast side of State Road 664, at the junction of State Roads 664 and 660.

The property owned by Cyrus E. Piland, located on the southeast side of State Road 664, 0.3 mile southwest of the junction of State Roads 664 and 660.

The property owned by Irene C. Piland, located on the west side of State Road 664, at the junction of State Roads 664 and 653.

The property owned by Penelope Piland, located on the northwest side of State Road 664, 0.1 mile southwest of the junction of State Roads 664 and 660.

The property owned by Boyd Edward Quate, Martha Alice Quate and Martha Holland Quate, located on the south side of State Road 651, 0.5 mile west of the junction of State Roads 651 and 612.

The property owned by J. D. Rawles, located on the west side of State Road 649 at the junction of State Roads 649 and 650.

The property owned by Ruth Knight Rice, located on the south side of State Road 675, 0.5 mile east of the intersection of State Road 675 and the Atlantic Coast Line Railroad.

The property owned by R. Kermit Saunders, located on the east side of State Road 661 at the junction of State Roads 661 and 679 and extending north to the junction of State Roads 661 and 616.

The property owned by the W. Joe Smith Estate, located on the west side of State Road 612 at the junction of State Roads 612 and 664.

The Lloyd Stephenson property, located on the north side of State Road 675, 0.2 mile west of the junction of State Roads 675 and 32.

The property owned by Cortez H. Tomlin, located on both sides of State Road 680, 0.6 mile southeast of the junction of State Roads 680 and 612.

The property owned by Jesse F. Turner, located on the north side of State Road 673, on a private road which junctions with State Road 673, 0.5 mile south of the junction of State Roads 673 and 37; and the adjoining property to the northeast owned by William T. Harrell.

The property owned by Willis W. Walden, located on the east side of State Road 661, 0.6 mile south of the junction of State Roads 661 and 679.

The property owned by Littleton West, located on the north side of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by W. Jape West, located on the south side of State Road 616, 0.7 mile west of the junction of State Roads 616 and 613.

The property owned by Doss Wiggins, located on both sides of State Road 616, 300 feet west of the junction of State Roads 616 and 613.

The property owned by the Willis J. Wiggins Estate, located 0.5 mile north of the junction of State Roads 666 and 661 and lying on the west side of State Road 661.

The property owned by Lonnie J. Wilkins, located at the junction of State Roads 612 and 661 and lying on the west side of State Road 612.

The property owned by W. J. Winslow, located on the west side of State Road 13, 0.4 mile north of the junction of State Roads 13 and 647.

The property owned by Mamie Holland Worrell, located on the east side of State Road 612, 0.6 mile north of the junction of State Roads 612 and 653.

The property owned by Sam Jimmie Worrell, located on the east side of State Road 612, 0.8 mile north of the junction of State Roads 612 and 653.

The property owned by William Frank Wright, located on a private road 0.2 mile northwest of the junction of said private road and State Road 649, said junction being 0.1 mile north of the junction of State Roads 649 and 650.

Southampton County. The property owned by John M. Camp, Jr., Olive Camp Johnson, and Virginia Camp Smith, located on the east side of U.S. Highway 258 at the junction of U.S. Highway 258 and State Road 690.

The property owned by Mrs. Clarys McClenney Lawrence, located on the west side of State Road 714, 1.5 miles northwest of the junction of State Roads 714 and 189.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended, 7 CFR 301.79–2)

The foregoing administrative instructions shall become effective September 9, 1960, and shall supersede those contained in P.P.C. 624, 5th Rev., effective March 31, 1960 (7 CFR 301.79–2a; 25 F.R. 2707).

This revision places under regulation for the first time portions of two counties not previously infested, the infested premises being in Poinsett County, Arkansas, and Isle of Wight County, Virginia. Further, additions have been made to the previously regulated parts of Craighead and Mississippi Counties, Arkansas; Fulton County, Kentucky; De Soto County, Mississippi; Dunklin, New Madrid, and Pemiscot Counties, Missouri; Pasquotank and Perquimans Counties, North Carolina; Haywood, Lauderdale, and Tipton Counties, Tennessee; and Nansemond and Southampton Counties, Virginia. The location of one regulated farm in Stoddard County, Missouri, has been redescribed.

These instructions, in part, impose restrictions supplementing soybean cyst nematode quarantine regulations already effective. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of September 1960.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 60-8382; Filed, Sept. 8, 1960; 8:51 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops (25 F.R. 5134, 6014) is to change a reference in § 722.50 and to establish the normal yields for counties for the 1960 crop year. Such normal yields for counties

as established by the Director, are hereby approved by the Administrator of Commodity Stabilization Service in accordance with §§ 722.2(a)(15) and 722.50. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

1. Section 722.50 of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops is hereby amended to read as follows:

§ 722.50 County Normal Yields for Each Crop Year.

This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.2(a)(15).

(a) *For 1960 Crop Year.* The following table sets forth the normal yields for the 1960 crop year, as adjusted pursuant to § 722.2(a)(15), which are established for the respective counties.

ALABAMA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Autauga	452	Houston	356
Baldwin	341	Jackson	456
Barbour	311	Jefferson	397
Bibb	426	Lamar	368
Blount	440	Lauderdale	371
Bullock	292	Lawrence	451
Butler	390	Lee	353
Calhoun	367	Limestone	447
Chambers	348	Lowndes	374
Cherokee	541	Macon	342
Chilton	383	Madison	457
Choctaw	305	Marengo	365
Clarke	273	Marion	376
Clay	350	Marshall	524
Cleburne	332	Mobile	362
Coffee	365	Monroe	444
Colbert	422	Montgomery	376
Conecuh	313	Morgan	423
Coosa	284	Perry	407
Covington	359	Pickens	379
Crenshaw	312	Pike	278
Cullman	470	Randolph	355
Dale	348	Russell	295
Dallas	406	St. Clair	367
De Kalb	503	Shelby	463
Elmore	443	Sumter	349
Escambia	448	Talladega	324
Etowah	454	Tallapoosa	320
Fayette	424	Tuscaloosa	389
Franklin	409	Walker	341
Geneva	401	Washington	339
Greene	361	Wilcox	364
Hale	396	Winston	366
Henry	365		

ARIZONA

Cochise	818	Pima	881
Gila	658	Pinal	1038
Graham	864	Santa Cruz	748
Greenlee	759	Yavapai	920
Maricopa	1088	Yuma	985
Mohave	669		

ARKANSAS

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Arkansas	453	Lee	522
Ashley	555	Lincoln	564
Baxter	308	Little River	402
Boone	294	Logan	428
Bradley	296	Lonoke	507
Calhoun	353	Marion	347
Chicot	554	Miller	423
Clark	323	Mississippi	608
Clay	482	Monroe	503
Cleburne	234	Montgomery	282
Cleveland	308	Nevada	267
Columbia	210	Newton	279
Conway	368	Ouachita	287
Craighead	496	Perry	432
Crawford	527	Phillips	525
Crittenden	586	Pike	253
Cross	536	Poinsett	498
Dallas	304	Polk	288
Desha	584	Pope	403
Drew	467	Prairie	426
Faulkner	347	Pulaski	444
Franklin	366	Randolph	472
Fulton	329	St. Francis	551
Garland	296	Saline	260
Grant	298	Scott	282
Greene	485	Searcy	342
Hempstead	367	Sebastian	355
Hot Spring	293	Sevier	274
Howard	284	Sharp	287
Independence	492	Stone	255
Izard	342	Union	233
Jackson	449	Van Buren	172
Jefferson	576	Washington	311
Johnson	550	White	339
Lafayette	497	Woodruff	500
Lawrence	450	Yell	479

CALIFORNIA

Fresno	1082	Riverside	1008
Imperial	1050	San Benito	806
Kern	1113	San Bernardino	426
Kings	905	San Diego	964
Los Angeles	914	Stanislaus	769
Madera	808	Tulare	849
Merced	854		

FLORIDA

Alachua	410	Lafayette	187
Baker	266	Leon	202
Bay	289	Levy	273
Calhoun	357	Liberty	188
Clay	515	Madison	241
Columbia	365	Nassau	377
Dixie	252	Okaloosa	335
Duval	315	Putnam	152
Escambia	411	Santa Rosa	387
Gadsden	286	Suwannee	303
Gilchrist	172	Taylor	240
Hamilton	223	Union	391
Holmes	343	Walton	353
Jackson	267	Washington	310
Jefferson	207		

GEORGIA

Appling	337	Candler	366
Atkinson	323	Carroll	326
Bacon	359	Catoosa	473
Baker	273	Charlton	195
Baldwin	340	Chatham	274
Banks	464	Chattahoochee	161
Barrow	391	Chattooga	374
Bartow	507	Cherokee	350
Ben Hill	380	Clarke	350
Berrien	323	Clay	359
Bibb	408	Clayton	274
Bleckley	431	Clinch	252
Brantley	222	Cobb	265
Brooks	367	Coffee	319
Bryan	396	Colquitt	433
Bulloch	406	Columbia	243
Burke	354	Cook	383
Butts	336	Coweta	331
Calhoun	391	Crawford	441
Crisp	488	Miller	367
Dade	275	Mitchell	360
Dawson	267	Monroe	292
Decatur	300	Montgomery	289
De Kalb	289	Morgan	384
Dodge	343	Murray	310
Dooly	460	Muscogee	281
Dougherty	252	Newton	378
Douglas	271	Oconee	429
Early	418	Oglethorpe	405
Echols	299	Paulding	332
Effingham	300	Peach	502
Elbert	456	Pickens	307
Emanuel	375	Pierce	325
Evans	387	Pike	391
Fayette	368	Polk	403
Floyd	407	Pulaski	336
Forsyth	369	Putnam	304
Franklin	416	Quitman	252
Fulton	334	Randolph	395
Glascock	346	Richmond	309
Gordon	445	Rockdale	411
Grady	380	Schley	365
Greene	268	Screven	385
Gwinnett	409	Seminole	395
Habersham	350	Spalding	317
Hall	381	Stephens	394
Hancock	311	Stewart	308
Haralson	375	Sumter	477
Harris	299	Talbot	260
Hart	487	Taliaferro	262
Heard	378	Tattnall	338
Henry	423	Taylor	494
Houston	375	Telfair	316
Irwin	382	Terrell	478
Jackson	363	Thomas	351
Jasper	366	Tift	369
Jeff Davis	307	Toombs	386
Jefferson	354	Treutlen	355
Jenkins	347	Troup	299
Johnson	343	Turner	383
Jones	269	Twiggs	320
Lamar	276	Upson	328
Lanier	267	Walker	330
Laurens	345	Walton	419
Lee	348	Ware	345
Liberty	239	Warren	307
Lincoln	284	Washington	373
Long	342	Wayne	353
Lowndes	316	Webster	289
Lumpkin	387	Wheeler	370
McDuffie	342	White	405
McIntosh	214	Whitfield	348
Macon	437	Wilcox	402
Madison	418	Wilkes	324
Marion	305	Wilkinson	248
Meriwether	380	Worth	389

ILLINOIS

Alexander	377	Perry	290
Madison	212	Pulaski	331
Massac	374		

KANSAS

Cowley	167	Montgomery	167
Haskell	167		

KENTUCKY

Ballard	396	Graves	449
Calloway	322	Hickman	540
Carlisle	449	McCracken	400
Fulton	671	Marshall	328

LOUISIANA

Acadia	425	Calcasieu	319
Allen	291	Caldwell	497
Ascension	273	Cameron	310
Assumption	306	Catahoula	425
Avoyelles	545	Claiborne	213
Beauregard	230	Concordia	466
Bienville	267	De Soto	273
Bossier	482	East Baton Rouge	263

LOUISIANA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
East Carroll	514	Red River	462
East Feliciana	295	Richland	406
Evangeline	480	Sabine	268
Franklin	396	St. Helena	291
Grant	472	St. James	257
Iberia	278	St. John the Baptist	297
Iberville	273	St. Landry	478
Jackson	215	St. Martin	423
Jefferson	356	St. Tammany	282
Jefferson Davis	328	Tangipahoa	307
Lafayette	490	Tensas	504
La Salle	445	Union	325
Lincoln	309	Vermilion	402
Livingston	298	Vernon	263
Madison	556	Washington	322
Morehouse	539	Webster	355
Natchitoches	450	West Baton Rouge	564
Orleans	405	West Carroll	443
Ouachita	499	West Feliciana	330
Pointe Coupee	426	Winn	240
Rapides	560		

MISSISSIPPI

Adams	248	Leflore	571
Alcorn	434	Lincoln	366
Amite	349	Lowndes	370
Attala	463	Madison	469
Benton	474	Marion	345
Bolivar	534	Marshall	475
Calhoun	495	Monroe	427
Carroll	508	Montgomery	502
Chickasaw	449	Neshoba	369
Choctaw	424	Newton	320
Claiborne	399	Noxubee	421
Clarke	308	Oktibbeha	313
Clay	406	Panola	517
Coahoma	616	Pearl River	365
Copiah	382	Perry	315
Covington	382	Pike	288
De Soto	530	Pontotoc	487
Forrest	391	Prentiss	478
Franklin	309	Quitman	501
George	335	Rankin	423
Greene	401	Scott	395
Grenada	486	Sharkey	532
Hancock	356	Simpson	330
Harrison	414	Smith	386
Hinds	382	Stone	315
Holmes	579	Sunflower	527
Humphreys	558	Tallahatchie	530
Issaquena	550	Tate	508
Itawamba	437	Tippah	447
Jackson	585	Tishomingo	380
Jasper	344	Tunica	553
Jefferson	307	Union	455
Jefferson Davis	324	Walthall	351
Jones	376	Warren	482
Kemper	314	Washington	543
Lafayette	401	Wayne	336
Lamar	387	Webster	475
Lauderdale	374	Wilkinson	318
Lawrence	315	Winston	383
Leake	446	Yalobusha	483
Lee	387	Yazoo	521

MISSOURI

Bollinger	431	New Madrid	536
Butler	469	Oregon	367
Cape Girardeau	413	Ozark	315
Carter	277	Pemiscot	552
Dunklin	503	Ripley	360
Howell	341	Scott	530
Jefferson	259	Stoddard	579
Mississippi	585	Vernon	378
		Wayne	282

NEVADA

Clark	687	Nye	714

NEW MEXICO

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Chaves	854	Lea	722
Curry	358	Luna	934
De Baca	629	Otero	816
Dona Ana	800	Quay	496
Eddy	901	Roosevelt	403
Grant	799	Sierra	824
Guadalupe	419	Socorro	711
Hidalgo	878	Valencia	532

NORTH CAROLINA

Alamance	340	Johnston	427
Alexander	359	Jones	342
Anson	375	Lee	351
Beaufort	473	Lenoir	417
Bertie	476	Lincoln	434
Bladen	305	Martin	425
Brunswick	387	Mecklenburg	403
Burke	336	Montgomery	366
Cabarrus	384	Moore	379
Caldwell	300	Nash	415
Camden	457	New Hanover	258
Carteret	327	Northampton	466
Catawba	386	Onslow	316
Chatham	330	Orange	342
Chowan	485	Pamlico	365
Cleveland	435	Pasquotank	409
Columbus	354	Pender	335
Craven	405	Perquimans	459
Cumberland	360	Pitt	397
Currituck	408	Polk	399
Davidson	385	Randolph	346
Davie	408	Richmond	337
Duplin	402	Robeson	381
Durham	326	Rowan	429
Edgecombe	433	Rutherford	423
Forsyth	334	Sampson	397
Franklin	329	Scotland	369
Gaston	411	Stanly	399
Gates	493	Tyrrell	435
Granville	327	Union	400
Greene	394	Vance	368
Guilford	340	Wake	335
Halifax	458	Warren	334
Harnett	384	Washington	455
Hertford	494	Wayne	434
Hoke	391	Wilkes	271
Hyde	313	Wilson	420
Iredell	429	Yadkin	328

OKLAHOMA

Adair	157	Kingfisher	192
Atoka	197	Kiowa	209
Beaver	263	Latimer	148
Beckham	235	Le Flore	299
Blaine	254	Lincoln	229
Bryan	230	Logan	242
Caddo	288	Love	239
Canadian	276	McClain	333
Carter	171	McCurtain	380
Cherokee	193	McIntosh	277
Choctaw	297	Major	235
Cleveland	377	Marshall	235
Coal	288	Mayes	225
Comanche	165	Murray	470
Cotton	218	Muskogee	339
Craig	218	Noble	236
Creek	206	Nowata	248
Custer	300	Okfuskee	194
Dewey	250	Oklahoma	226
Ellis	192	Okmulgee	174
Garfield	370	Osage	320
Garvin	354	Pawnee	269
Grady	334	Payne	295
Grant	273	Pittsburg	259
Greer	243	Pontotoc	250
Harmon	310	Pottawatomie	298
Harper	145	Pushmataha	138
Haskell	272	Roger Mills	259
Hughes	244	Rogers	226
Jackson	368	Seminole	162
Jefferson	214	Sequoyah	409
Johnston	258	Stephens	226
Kay	361	Texas	352

OKLAHOMA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Tillman	288	Washington	250
Tulsa	310	Washita	265
Wagoner	286	Woodward	181

SOUTH CAROLINA

Abbeville	435	Greenwood	389
Aiken	341	Hampton	455
Allendale	410	Horry	280
Anderson	418	Jasper	359
Bamberg	403	Kershaw	330
Barnwell	365	Lancaster	369
Beaufort	362	Laurens	447
Berkeley	387	Lee	417
Calhoun	421	Lexington	352
Charleston	277	McCormick	346
Cherokee	395	Marion	353
Chester	413	Marlboro	364
Chesterfield	311	Newberry	377
Clarendon	448	Oconee	466
Colleton	353	Orangeburg	405
Darlington	362	Pickens	408
Dillon	328	Richland	369
Dorchester	456	Saluda	375
Edgefield	427	Spartanburg	333
Fairfield	349	Sumter	421
Florence	382	Union	390
Georgetown	237	Williamsburg	370
Greenville	437	York	397

TENNESSEE

Bedford	371	Lawrence	403
Benton	378	Lewis	345
Bradley	367	Lincoln	410
Cannon	340	Loudon	409
Carroll	525	McMinn	306
Chester	517	McNairy	487
Coffee	415	Madison	507
Crockett	581	Marion	422
Cumberland	225	Marshall	390
Davidson	339	Maury	332
Decatur	397	Meigs	341
De Kalb	440	Monroe	286
Dyer	551	Moore	375
Fayette	492	Obion	573
Franklin	492	Perry	404
Gibson	556	Polk	370
Giles	356	Rhea	322
Grundy	407	Roane	397
Hamilton	361	Rutherford	462
Hardeman	491	Shelby	504
Hardin	417	Tipton	543
Haywood	530	Van Buren	360
Henderson	516	Warren	354
Henry	458	Wayne	346
Hickman	371	Weakley	499
Humphreys	350	White	305
Knox	487	Williamson	377
Lake	674	Wilson	360
Lauderdale	547		

TEXAS

Anderson	162	Briscoe	379
Andrews	307	Brooks	173
Angelina	283	Brown	120
Aransas	249	Burleson	428
Archer	221	Burnet	125
Armstrong	279	Caldwell	224
Atascosa	261	Calhoun	374
Austin	352	Callahan	131
Bailey	357	Cameron	427
Bandera	276	Camp	235
Bastrop	178	Carson	326
Baylor	233	Cass	234
Bee	231	Castro	504
Bell	188	Chambers	341
Bexar	162	Cherokee	255
Blanco	178	Childress	214
Borden	255	Clay	290
Bosque	145	Cochran	377
Bowie	462	Coke	136
Brazoria	484	Coleman	154
Brazos	506	Collin	228
Brewster	778	Collingsworth	218

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Colorado	297	Kimble	320
Comal	138	King	244
Comanche	133	Kinney	608
Concho	155	Kleberg	291
Cooke	230	Knox	291
Coryell	176	Lamar	288
Cottle	244	Lamb	416
Crockett	496	Lampasas	165
Crosby	439	La Salle	313
Culberson	1102	Lavaca	216
Dallam	342	Lee	177
Dallas	204	Leon	220
Dawson	311	Liberty	332
Deaf Smith	418	Limestone	149
Delta	299	Live Oak	235
Denton	227	Llano	135
De Witt	173	Loving	802
Dickens	231	Lubbock	492
Dimmit	412	Lynn	345
Donley	207	McCulloch	174
Duval	115	McLennan	161
Eastland	126	McMullen	111
Ector	709	Madison	230
Ellis	210	Marion	232
El Paso	921	Martin	305
Erath	128	Mason	234
Falls	200	Matagorda	372
Fannin	236	Maverick	526
Fayette	261	Medina	333
Fisher	240	Menard	198
Floyd	544	Midland	366
Foard	245	Milam	216
Fort Bend	401	Mills	195
Franklin	276	Mitchell	254
Freestone	164	Montague	231
Frio	476	Montgomery	193
Gaines	334	Moore	249
Galveston	348	Morris	215
Garza	301	Motley	205
Gillespie	171	Nacogdoches	212
Glasscock	429	Navarro	168
Goliad	154	Newton	200
Gonzales	175	Nolan	219
Gray	224	Nueces	355
Grayson	194	Ochiltree	603
Gregg	237	Oldham	289
Grimes	310	Palo Pinto	196
Guadalupe	190	Panola	241
Hale	540	Parker	142
Hall	239	Parmer	600
Hamilton	156	Pecos	986
Hansford	348	Polk	261
Hardeman	269	Potter	231
Hardin	260	Presidio	921
Harris	344	Rains	220
Harrison	225	Randall	337
Hartley	250	Reagan	510
Haskell	243	Real	593
Hays	193	Red River	285
Hemphill	244	Reeves	1,001
Henderson	190	Refugio	324
Hidalgo	481	Roberts	341
Hill	175	Robertson	537
Hockley	420	Rockwall	227
Hood	157	Runnels	182
Hopkins	210	Rusk	212
Houston	224	Sabine	225
Howard	234	San Augustine	213
Hudspeth	883	San Jacinto	232
Hunt	232	San Patricio	364
Irion	404	San Saba	189
Jack	162	Schleicher	359
Jackson	331	Scurry	243
Jasper	202	Shackelford	179
Jeff Davis	1027	Shelby	264
Jefferson	298	Smith	187
Jim Hogg	100	Somervell	120
Jim Wells	233	Starr	225
Johnson	200	Stephens	180
Jones	208	Sterling	561
Karnes	132	Stonewall	218
Kaufman	206	Sutton	820
Kendall	149	Swisher	502
Kent	213	Tarrant	240
Kerr	239	Taylor	179
		Terrell	564
		Terry	428
		Throckmorton	175
		Titus	311
		Tom Green	242
		Travis	188
		Trinity	301
		Tyler	347
		Upshur	209
		Upton	456
		Uvalde	751
		Val Verde	593
		Van Zandt	218
		Victoria	326
		Walker	216
		Waller	345
		Ward	942
		Washington	321
		Webb	477
		Wharton	419
		Wheeler	207
		Wichita	297
		Wilbarger	301
		Willacy	446
		Williamson	219
		Wilson	174
		Winkler	794
		Wise	185
		Wood	198
		Yoakum	329
		Young	237
		Zapata	583
		Zavala	708

VIRGINIA

Accomack	461	Lunenburg	370
Appomattox	387	Mecklenburg	344
Brunswick	353	Nansemond	405
Caroline	302	Norfolk	360
Charlotte	350	Patrick	372
Chesterfield	331	Prince Edward	336
Cumberland	333	Prince George	347
Dinwiddie	366	Princess Anne	341
Franklin	242	Southampton	381
Greensville	386	Surry	378
Isle of Wight	365	Sussex	350

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Issued at Washington, D.C., this 2d day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8367; Filed, Sept. 8, 1960; 8:49 a.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1960 and Succeeding Crops

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1960 and Succeeding Crops (25 F.R. 6004) is to establish the normal yields for counties for the 1960 crop year. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Commodity Stabilization Service in accordance with §§ 722.102 (a) (16) and 722.151. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.151 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1960 and Succeeding Crops is hereby amended by addition of a new paragraph (a) at the end thereof which reads as follows:

(a) *For 1960 crop year.* The following table sets forth the normal yields for the 1960 crop year, as adjusted pursuant to § 722.102(a)(16), which are established for the respective counties.

ARIZONA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Cochise	438	Pinal	592
Graham	562	Santa Cruz	587
Maricopa	641	Yuma	419
Pima	582		

CALIFORNIA

Imperial	247	Riverside	422

FLORIDA

Alachua	200	Marion	287
Bradford	301	Putnam	184
Hamilton	160	Seminole	237
Lake	219	Sumter	226
Madison	160	Union	238

GEORGIA

Berrien	241	Lanier	223
Cook	270		

NEW MEXICO

Dona Ana	407	Otero	262
Eddy	388	Sierra	299
Luna	281		

TEXAS

Brewster	444	Loving	465
Culberson	621	Pecos	420
El Paso	524	Presidio	545
Hale	158	Reeves	481
Hudspeth	477	Ward	581
Jeff Davis	593	Winkler	463

PUERTO RICO

North	178	South	96

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Issued at Washington, D.C., this 2d day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8366; Filed, Sept. 8, 1960; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for the Crop Year Beginning July 1, 1960

Notice was published in the FEDERAL REGISTER on August 13, 1960 (25 F.R. 7760), that there was under consideration the proposed establishment of certain control percentages for almonds grown in California to be applicable during the crop year beginning July 1,

1960. The proposed percentages were based on recommendations of the Almond Control Board and other available information, in accordance with the relevant provision of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–647).

The notice afforded interested persons opportunity to file data, views, or arguments with the Department for consideration prior to establishment of the percentages. Two such communications have been received from almond growers, both stating that the establishment of such percentages would impair profits to growers. However, no data or information was furnished in either of the communications which could serve as a basis for changing the estimates set forth in the notice of the proposal or fixing salable and surplus percentages other than as proposed.

After consideration of all relevant matters presented, including all other information available, and review of the aforesaid notice, it is hereby found that to establish the salable and surplus percentages hereinafter set forth, applicable to California almonds during the 1960–61 crop year, will tend to effectuate the declared policy of the act.

Therefore, salable and surplus percentages for almonds received by handlers for their own accounts during the 1960–61 crop year are hereby established as follows:

§ 909.210 Salable and surplus percentages for almonds during the crop year beginning July 1, 1960.

The salable and surplus percentages during the crop year beginning July 1, 1960, applicable to the total kernel weight of almonds received by handlers for their own accounts, shall be 75 percent and 25 percent, respectively.

It is hereby further found that good cause exists for not postponing the effective date of this action later than the date of its publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) for the reasons that: (1) The percentages hereby established apply as prescribed in § 909.47 to all almonds received by handlers for their own accounts during the crop year which began July 1, 1960; (2) according to § 909.57, the percentages established for the 1959–60 crop year, the immediately preceding crop year—are applicable until percentages are established for the succeeding crop year, i.e., current crop year which began July 1, 1960; (3) the carryover percentages are identical to those hereby established for the current crop year and, therefore, no action by way of adjustment in the withholding requirements for 1960–61 crop year almonds will be necessary; (4) notice of the proposed percentages has already been given to all handlers and other interested persons (25 F.R. 7760) and the establishment of the percentages at the time hereinafter specified will not create any obligations on the part of handlers which will require advance preparation to comply therewith; (5) the percentages should be established as early as possible so that negotiations and settlement between handlers and growers can be made on a current basis; and (6) no useful purpose will be served by postponing the establishment of the percentages beyond publication in the FEDERAL REGISTER.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60–8381; Filed, Sept. 8, 1960; 8:51 a.m.]

[Milk Order No. 119]

PART 1019—MILK IN CONNECTICUT MARKETING AREA

Order Amending Order

Correction

In F.R. Doc. 60–8083, appearing at page 8317 of the issue for Wednesday, August 31, 1960, the date of issuance in the last paragraph should read "this 26th day of August 1960," instead of "this 27th day of August 1960,".

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Construction Permits and Operating Licenses

On February 11, 1960, the Commission issued for public comment proposed amendments to Part 50 of the Commission's rules and regulations. These proposed amendments provided for (1) clarification of work permitted or prohibited with respect to any production or utilization facility prior to the issuance of a construction permit; (2) revision of the criteria for issuance of provisional construction permits; and (3) procedures and criteria for the issuance of provisional operating licenses in order to permit orderly and expeditious transition from a construction permit to an operating license in cases where (a) the evidence will not support a finding of completion of construction in compliance with the terms and conditions of the construction permit, or (b) there are involved features, characteristics, or components of the proposed facility as to which it appears desirable to obtain actual or further operating experience before issuance of an operating license for the full term, up to forty years, requested by the applicant. The comments received by the Commission with respect to these proposed rules have been considered by the Commission and are on file in the Public Document Room. Some modifications have been made on the basis of these comments.

The amendments, published below, relate to items (1) and (3) above.

Pursuant to the Administrative Procedure Act, notice is hereby given that the following amendments are adopted to be effective thirty (30) days after publication thereof in the FEDERAL REGISTER.

1. Section 50.10 of Part 50, 10 CFR, is amended by designating the existing provision therein as paragraph "(a)" and adding the following new paragraph:

(b) No person shall begin the construction of a production or utilization facility on a site on which the facility is to be operated until a construction permit has been issued. As used in this paragraph, the term 'construction' shall be deemed to include pouring the foundation for, or the installation of, any portion of the permanent facility on the site; but does not include:

(1) Site exploration, site excavation, preparation of the site for construction of the facility and construction of roadways, railroad spurs and transmission lines;

(2) Procurement or manufacture of components of the facility;

(3) Construction of non-nuclear facilities (such as turbo-generators and turbine buildings) and temporary buildings (such as construction equipment storage sheds) for use in connection with the construction of the facility; and

(4) With respect to production or utilization facilities, other than testing facilities, required to be licensed pursuant to section 104 a. or section 104 c. of the Act, the construction of buildings which will be used for activities other than operation of a facility and which may also be used to house a facility. (For example, the construction of a college laboratory building with space for installation of a training reactor is not affected by this paragraph.)

2. Section 50.57, Part 50, 10 CFR, *Hearings and Reports of the Advisory Committee on Reactor Safeguards*, is redesignated as § 50.58 and the following new § 50.57 is added to 10 CFR, Part 50:

§ 50.57 Provisional operating license.

(a) As an intermediate procedure prior to issuance of an operating license pursuant to § 50.56, the Commission may issue a provisional operating license in a proceeding where findings required for the issuance of a final operating license cannot be made because (1) construction of the facility has not been completed, or (2) there are involved features, characteristics, or components of the proposed facility as to which it appears desirable to obtain actual or further operating experience before issuance of an operating license for the full term, up to forty (40) years, requested in the application.

(b) In any case subject to paragraph (a) of this section, a provisional operating license will be issued by the Commission upon finding that:

(1) Construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed, in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

(2) There is reasonable assurance (i) that the activities authorized by the provisional operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations in this chapter; and

(3) The applicant is technically and financially qualified to engage in the activities authorized by the provisional operating license in accordance with the regulations in this chapter; and

(4) The applicable provisions of Part 140 of this chapter have been satisfied; and

(5) There is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety (90) days from the date of issuance of such provisional license.

(c) Each provisional operating license will include appropriate provisions with respect to any uncompleted items of construction and such limitations or conditions as are required to assure that operations during the period of the provisional operating license will not endanger public health and safety.

(d) The duration of each provisional operating license will be specified therein, not to exceed eighteen (18) months from the date of issuance; provided, however, that, upon good cause shown, the expiration date of the provisional operating license may be extended.

(e) In cases where hearings have been held in connection with proceedings under this section, the presiding officer may, upon good cause being shown, provide that any intermediate decision and order issued pursuant to this section shall become effective immediately upon issuance subject to (1) the review thereof and further decision by the Commission upon exceptions thereto filed by any party within twenty (20) days after issuance of such intermediate decision, pursuant to the Commission's rules of practice, and (2) such further order as the Commission may enter upon such exceptions or upon its own motion within forty-five (45) days after the issuance of such intermediate decision; provided, however, that in the absence of any further Commission order pursuant to the foregoing and exceptions to the intermediate decision, the intermediate decision of the presiding officer shall become the final decision of the Commision at the end of such forty-five (45) day period. In the event of objection by any party to immediate effectiveness of such intermediate decision and order, the presiding officer may in his discretion stay such effectiveness pending filing by such party within five (5) days of exceptions to the provision for immediate effectiveness and thereafter until decision on such exceptions by the Commission.

Dated at Germantown, Maryland, this 31st day of August 1960.

For The Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 60–8335; Filed, Sept. 8, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Regulatory Docket No. 500; Amend. 405–2]

SUBCHAPTER A—PROCEDURAL REGULATIONS

PART 405—RULE MAKING PROCEDURES

Petitions for Exemption From the Medical Standards

This is one of a group of related actions concerning the procedures for issuance of medical certificates. In other actions authority has been delegated to aviation medical examiners to issue or deny issuance of medical certificates and procedures have been established for reconsideration by the Civil Air Surgeon of the action taken by medical examiners.

Section 601(c) of the Federal Aviation Act of 1958 authorizes the Administrator to grant exemptions from the Civil Air Regulations. This action establishes the procedures for processing petitions for exemptions from the medical standards in Part 29 of the Civil Air Regulations. Such petitions will be referred to an advisory panel of medical specialists whose function will be to advise the Administrator on the medical matters involved prior to his final action on the petition.

This amendment is being made effective some 60 days after its issuance in order to allow time to designate the members of the advisory panel and establish the necessary mechanics for its operations.

Since this action establishes procedures, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 405 of the Civil Air Regulations, (14 CFR Part 405) is hereby amended as follows effective on September 6, 1960:

1. By amending the caption of § 405.31 to read "exemptions from the Civil Air Regulations other than Part 29 of this title" and by inserting after the words "Federal Aviation Act of 1958," in paragraph (a) the phrase "except Part 29 of the Civil Air Regulations,"

2. By renumbering § 405.32 as § 405.33.

3. By adding a new Section 405.32 to read as follows:

§ 405.32 Exemption from Part 29 of this title (Civil Air Regulations).

(a) *Processing of petitions.* Upon receipt of a petition for exemption from any or all of Part 29 of this title (Civil Air Regulations) the original of the petition will be retained in the official rule making docket and a copy, together with the medical data concerning the petitioner in the possession of the Bureau of Aviation Medicine, will be referred to an appropriate advisory panel of medical specialists for their consideration and recommendations. The Administrator will in light of the specific situation and the public interest involved grant or deny the petition after receipt of such recommendations. The recommendations and the final action will be made a part of the official rule making docket.

(b) *Function of Advisory Panel.* The function of the advisory panel will be to examine into the medical condition of the applicant and advise the Administrator whether or not in its opinion the specific nature of the medical defect of the applicant which renders him unable to meet the medical standards applicable to issuance of the medical certificate sought is such that he may be exempted from such standards without endangering the safety of the public during the period of validity of such medical certificate, giving due regard to the specific circumstances involved. The panel will obtain the views of the Civil Air Surgeon as to the matters involved in a petition for exemption.

(c) *Need for additional medical data.* In the event that the advisory panel desires additional medical data or further medical examination of the applicant it will so advise the Civil Air Surgeon, who will convey the request to the applicant. The data so obtained shall be made available to the panel immediately upon its receipt and made a part of the official rule making docket.

(d) *Function of the Civil Air Surgeon.* The Civil Air Surgeon will make the facilities of his Bureau available to the advisory panel to the extent that it may consider helpful, afford the panel such administrative services as it may request in connection with a petition for exemption, and advise the panel of his views as to such petitions.

(e) *Notification of the grant or denial.* Whenever a petition for exemption is granted or denied the Civil Air Surgeon will prepare, subject to the approval of the General Counsel as to form and legality, a notice to the petitioner of the action taken. A copy of such notice will be included in the official rule making docket.

(Secs. 303(d), 313(a), 1001; 72 Stat. 747, 752, 788; 49 U.S.C. 1344(d), 1354(a), 1481)

Issued in Washington, D.C., on September 6, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–8413; Filed, Sept. 8, 1960; 8:52 a.m.]

[Regulatory Docket No. 499; Amend. 406–15]

PART 406—CERTIFICATION PROCEDURES

Denial of Medical Certificates

Section 314(a) of the Federal Aviation Act of 1958, like predecessor provisions of law, permits the Administrator to delegate to any properly qualified private person, subject to appropriate regulations, supervision and review, the functions of examination for and issuance of certificates under Title VI of the Act.

Section 314(b) further provides: "Any person affected by any action taken by any private person exercising delegated authority may apply for reconsideration of such action by the Administrator."

For many years prior to establishment of this Agency authority had been delegated to private physicians to give medical examinations for and to issue medical certificates. Such authority did not, however, include authority to deny

issuance of medical certificates. In cases presenting an applicant's questionable medical qualification the practice has been for the examining physician to withhold issuance of a medical certificate and to refer the case to the appropriate agency officials. Final action of denying issuance of the certificate, when this was the action taken, was then taken by these officials.

This practice was, by operation of law, automatically continued after establishment of this Agency. The efficacy of this procedure has been reviewed as part of the program of the Agency to examine all prior procedures to determine whether any revisions are indicated.

Recent establishment of procedures under which medical examinations may be given only by medical examiners designated by the Agency, now makes it possible to revise the existing procedures to eliminate the defects noted and to establish appropriate procedures for requests for reconsideration. In separate actions, the delegation of authority to medical examiners is being revised to include authority to deny issuance of medical certificates, and § 418.20(a) of the Civil Air Regulations is being amended to reflect this change.

This amendment to Part 406 provides the procedures for requests for reconsideration of actions taken by medical examiners.

It should be noted that the procedures here being provided are in addition to requests for exemptions under section 601(c) of the Act and the other forms of appeal provided by the Act.

Inasmuch as this amendment is procedural only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, Part 406 of the Civil Air Regulations (14 CFR Part 406) is hereby amended, effective on the date of its publication in the FEDERAL REGISTER, by adding a new paragraph (d) to § 406.12 to read as follows:

§ 406.12 Medical certificate.

• • • • •

(d) *Reconsideration of denial of medical certificate.* Any action of an aviation medical examiner denying issuance of a medical certificate shall be subject to reconsideration by the Civil Air Surgeon or his authorized representative. Denial of issuance of a medical certificate by an aviation medical examiner shall not constitute a denial by the Administrator under section 602, Federal Aviation Act of 1958. Any person whose application for issuance of a medical certificate has been denied by an aviation medical examiner may apply for reconsideration of such denial pursuant to section 314(b) of the Federal Aviation Act by application made in writing and addressed to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., together with a copy addressed to the respective medical examiner. In the event no application for reconsideration is made within thirty days of the action of the aviation medical examiner, the applicant will be deemed to have acquiesced in the action and to have withdrawn his application. Denial by the Civil Air Surgeon, or his representative, upon application for reconsideration, shall constitute a denial by the Administrator under Section 602, Federal Aviation Act.

(Secs. 313(a), 303(d), 314, 602, 72 Stat. 752, 749, 754, 776; 49 U.S.C. 1354(a), 1344(d), 1355, 1422)

Issued in Washington, D.C., on September 6, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-8414; Filed, Sept. 8, 1960; 8:52 a.m.]

[Regulatory Docket No. 498; Amend. 418-3]

PART 418—AVIATION SAFETY REPRESENTATIVES

Authority of Medical Examiners

The authority of medical examiners to issue medical certificates has been amended to include authority to deny issuance or renewal of medical certificates. This amendment is therefore being issued to conform § 418.20(a) to the currently effective delegation of authority.

Since this amendment establishes Agency procedure, notice and public procedure hereon are unnecessary and it may be made effective immediately.

Accordingly, Part 418 of the Civil Air Regulations (14 CFR Part 418) is hereby amended effective on the date of publication in the FEDERAL REGISTER by amending the last sentence of § 418.20(a) to read as follows:

§ 418.20 Medical examiners.

(a) • • • Such examiners may also issue or deny issuance of medical certificates pursuant to the applicable regulations and procedures.

(Secs. 313(a), 303(d), 314, 602, 72 Stat. 752, 749, 754, 776; 49 U.S.C. 1354(a), 1344(d), 1355, 1422)

Issued in Washington, D.C., on September 6, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-8413; Filed, Sept. 8, 1960; 8:52 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-106]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas; Designation of Reporting Points

On June 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5155) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 267 and its associated control areas from Jacksonville, Fla., to Norcross, Ga., and designate three new reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) the following actions are taken:

1. In § 600.6267 (25 F.R. 4347), the following changes are made:

(a) In the caption "*(Miami, Fla., to Jacksonville, Fla., and Norcross, Ga., to Knoxville, Tenn.).*" is deleted and "*(Miami, Fla., to Knoxville, Tenn.).*" is substituted therefor.

(b) In the text "to the Jacksonville, Fla., VORTAC, including an E alternate from the Orlando VOR to the Jacksonville VORTAC via the Daytona Beach, Fla., VOR and the INT of the Daytona Beach VOR 308° True and the Jacksonville VORTAC 174° True radials. From the Norcross, Ga., VOR via the" is deleted and "Jacksonville, Fla., VORTAC, including an E alternate from the Orlando VOR to the Jacksonville VORTAC via the Daytona Beach, Fla., VOR and the INT of the Daytona Beach VOR 308° True and the Jacksonville VORTAC 174° True radials; INT of the Jacksonville VORTAC 334° True and the Dublin, Ga., VOR 137° True radials; Dublin VOR; Norcross, Ga., VORTAC;" is substituted therefor.

2. In the caption of § 601.6267 (25 F.R. 4347) "*(Miami, Fla., to Jacksonville, Fla., and Norcross, Ga., to Knoxville, Tenn.).*" is deleted and "*(Miami, Fla., to Knoxville, Tenn.).*" is substituted therefor.

3. In the text of § 601.7001 (14 CFR 601.7001), the following are added:

Dublin, Ga., VOR.

Porterdale INT: The INT of the McDonough, Ga., VOR 063° True and the Norcross, Ga., VORTAC 150° True radials.

Smart INT: The INT of the Macon, Ga., VORTAC 056° True and the Dublin, Ga., VOR 330° True radials.

These amendments shall become effective 0001 e.s.t. December 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8344; Filed, Sept. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-197]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Designated Reporting Point

The purpose of these amendments to §§ 601.7001, 600.6022, and 600.6159 of the regulations of the Administrator is to redescribe the Greenville, Fla., Intersection and to modify VOR Federal airways Nos. 22 and 159.

The Greenville Intersection is presently described as the intersection of the Tallahassee, Fla., VOR 091° True, the Valdosta, Ga., VOR 233° True and the Cross City, Fla., VOR 333° True radials. As so designated, this intersection is placed slightly south of the centerline of Victor 22. Victor 22N, Victor 159, and Victor 159W are all designated, in part, on this intersection. This action redescribing the intersection as that of the Tallahassee VORTAC 090° True and the Valdosta VOR 235° True radials will result in the intersection being placed on the airway where it will form a common junction of Victor 22, Victor 22N, Victor 159, and Victor 159W. It will be necessary to slightly modify Victor 22N, Victor 159, and Victor 159W to reflect the revised description of the intersection.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure are unecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 601.7001 (14 CFR 601.7001), Greenville Intersection is amended to read: Greenville Intersection: The intersection of the Tallahassee, Fla., VORTAC 090° True and the Valdosta, Ga., VOR 235° True radials.

2. In the text of § 600.6022 (25 F.R. 6266), "INT of the Valdosta, Ga., VOR 233° True and the Cross City, Fla., VOR, 333° True radials" is deleted and "INT of the Tallahassee VORTAC 090° True and the Valdosta, Ga., VOR 235° True radials" is substituted therefor.

3. In the text of § 600.6159 (14 CFR 600.6159), "INT of the Cross City, Fla., VOR 333° and the Valdosta, Ga., VOR 233° radials; Albany, Ga., VOR, including a W alternate from the Ocala VOR to the Albany VOR via the Cross City, Fla., VOR and the INT of the Tallahassee, Fla., VOR 091° and the Cross City VOR 333° radials;" is deleted and "INT of the Tallahassee, Fla., VORTAC 090° True and the Valdosta, Ga., VOR 235° True radials; Albany, Ga., VOR, including a W alternate from the Ocala VORTAC to the Albany VOR via the Cross City, Fla., VOR and the INT of the Tallahassee VORTAC 090° True and the Valdosta VOR 235° True radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

Issued in Washington, D.C., on September 2, 1960.

[F.R. Doc. 60-8345; Filed, Sept. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-2]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On June 8, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5106) stating that the Federal Aviation Agency proposed the modification of the Fort Rucker, Ala., control area extension by designating additional control area northeast and west of Fort Rucker.

No adverse comments were received regarding the proposed amendment. The Aircraft Owners and Pilots Association, however, in stating that they did not object to the proposal, recommended that suitable floors be established for the control area extension. Until such time as provision may be made, through adoption of an appropriate amendment to Civil Air Regulations, to consider the stratification of controlled airspace, designation of control area must be in accordance with Part 601 of the regulations of the Administrator.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1139 (14 CFR 601.1139) is amended to read:

§ 601.1139 Control area extension (Fort Rucker, Ala.).

The area bounded on the W by VOR Federal airway No. 115; on the N by VOR Federal airway No. 70; on the E by VOR Federal airway No. 241, and VOR Federal airway No. 7, including the area within a 35-mile radius of a point at Lat. 31°14'55" N, Long. 85°46'20" W, extending from Victor 241 clockwise to Victor 7; and on the S by VOR Federal airway No. 22, excluding the area which coincides with the Camp Rucker, Ala., Restricted Area (R-156) during its time of designation.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8343; Filed, Sept. 8, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-57]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.51 of the regulations of the Administrator is to modify the Corpus Christi, Texas, Restricted Area (R-227) (Corpus Christi Chart).

Restricted Area (R-227) is designated with reference to Amber Federal airway No. 4 as one part of its boundary. This airway was revoked in Airspace Docket No. 59-WA-6 (24 F.R. 8720). It is, therefore, appropriate to delete reference to Amber 4 in the description of the restricted area. This modification will encompass no additional airspace.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), the following action is taken:

In § 608.51, the Corpus Christi, Texas, Restricted Area (R-227) (Corpus Christi Chart) (23 F.R. 8587) is amended by deleting "west-southwest to the east edge of Amber Civil airway No. 4 at latitude 27°16'30" N., longitude 97°51'15" W.; northerly along the east edge of Amber Civil airway No. 4 to latitude 27°29'00" N., longitude 97°55'15' W.;" and substituting therefor, "west-southwest to Lat. 27°16'30" N., Long. 97°51'15" W.; northerly to Lat. 27°29'00" N., Long. 97°55'15" W.;"

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8346; Filed, Sept. 8, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Claims Cognizable Under the Federal Tort Claims Act

Sections 836.31 to 836.47 supersede §§ 836.31 to 836.46 [17 F.R. 3320, April 15, 1952; 19 F.R. 1903, April 3, 1954].

Sec.
836.31 Purpose.
836.32 Definitions of terms.
836.33 Claims for more than $2,500.
836.34 Cognizable claims.
836.35 Claims not cognizable.
836.36 Claims cognizable under other directives.
836.37 Compensation for personal injury or death.
836.38 Subrogation claims.
836.39 Procedure for processing claims.
836.40 When claim must be presented.
836.41 Settlement agreement.
836.42 Settlement authority.
836.43 Finality of action.
836.44 Attorneys' fees.

Sec.
836.45 Withdrawal of claim.
836.46 Disapproval of a claim.
836.47 Law applicable.

AUTHORITY: §§ 836.31 to 836.47 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 28 U.S.C. 2401(b), 2671–80.

SOURCE: AFR 112–4, July 25, 1960.

§ 836.31 Purpose.

Sections 836.31 to 836.47 outline procedures for administrative settlement of claims against the United States that arise within the United States, its Territories, Commonwealths, or Possessions for damage to or loss of property, or for personal injury or death resulting from the negligent act or omission of Air Force military or civilian personnel while acting within the scope of their employment.

§ 836.32 Definitions of terms.

Terms used in §§ 836.31 to 836.47 are defined in the statute and in §§ 836.200 to 836.220 of this part.

§ 836.33 Claims for more than $2,500.

The Air Force does not have authority to consider or settle administrative claims for more than $2,500 which are otherwise cognizable under §§ 836.31 to 836.47. (All subrogated interests must be included in determining whether a claim exceeds $2,500 (see §§ 836.200 to 836.220 of this part).) However, a claimant may bring suit against the United States for claims exceeding $2,500 pursuant to 28 U.S.C. 1346(b) and 2401(b). If a claim for more than $2,500 is presented, the claim form and all papers furnished by the claimant will be returned to the claimant as set forth in §§ 836.200 to 836.220 of this part, after copies have been made for record purposes.

§ 836.34 Cognizable claims.

Unless otherwise prescribed, claims for less than $2,500 for death, personal injury, or damage to or loss of property, real or personal, may be payable under §§ 836.31 to 836.47. However, the injury or damage must be:

(a) Caused by negligent or wrongful acts or ommissions of military or civilian personnel while acting within the scope of their employment, and

(b) Under circumstances in which the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

§ 836.35 Claims not cognizable.

Sections 836.31 to 836.47 do not apply to a claim which arises:

(a) From an act or omission of military or civilian personnel, exercising due care, in the execution of a statute or directive, whether or not such statute or directive be valid.

(b) In the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty, whether or not the discretion be abused.

(c) Out of the loss, miscarriage, or negligent transmission of letters, or postal matter.

(d) Within the Act of March 9, 1950 (41 Stat. 525; 46 U.S.C. 741–752), the Act of March 3, 1925 (43 Stat. 1112; 46 U.S.C. 781–790), the Act of June 19, 1948 (62 Stat. 496; 46 U.S.C. 740), or 10 U.S.C. 9802. All these Acts relate to claims or suits in admiralty against the United States.

(e) Out of an act or omission of any employee of the Government in administering the provisions of the Trading With the Enemy Act (40 Stat. 411; 50 U.S.C. App. 1–31).

(f) Out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(g) From combat activities of military forces during time of war.

(h) Outside the United States, its Territories, Commonwealths, or Possessions.

(i) For property damage, personal injury, or death of military or civilian personnel incurred incident to service.

(j) From the operations of a nonappropriated fund activity, unless arising from acts or omissions of military personnel while performing assigned military duties, and civilian employees paid from appropriated funds while performing official duties (see §§ 836.161 to 836.165 of this part).

(k) Under the Federal Employees' Compensation Act (39 Stat. 742; 5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901) as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the United States Armed Forces (66 Stat. 138; 5 U.S.C. 150k) under the Act of July 18, 1958 (72 Stat. 397; 5 U.S.C. 150k–1).

§ 836.36 Claims cognizable under other directives.

The following directives take precedence over §§ 836.31 to 836.47 as to any claim cognizable thereunder:

(a) Sections 836.90 to 836.101, 836.141–148, 836.161 to 836.165 of this part, or AFR 182–7.

(b) Any directive providing for medical care at the expense of the United States.

§ 836.37 Compensation for personal injury or death.

As to any claim, allowable compensation will not include reimbursement for medical or hospital services at the expense of the United States Government, or the expense of burial paid by the United States.

§ 836.38 Subrogation claims.

Such claims are cognizable under §§ 836.31 to 836.47 and will be processed as prescribed by §§ 836.200 to 836.220 of this part.

§ 836.39 Procedure for processing claims.

The procedure set forth in §§ 836.200 to 836.220 of this part will be followed if not inconsistent with §§ 836.31 to 836.47.

§ 836.40 When claim must be presented.

A claim may be settled under §§ 836.31 to 836.47 only if presented in writing within 2 years after it accrues.

(a) Presentation of a claim for less than $2,500 within 2 years after it accrues will extend the time within which suit may be filed (see 28 U.S.C. 2401(b)).

(b) Presentation of a claim for more than $2,500 within 2 years after it accrues will not extend the time within which a suit may be filed, nor permit administrative consideration of the claim, even though reduced to $2,500 or less, more than 2 years after it accrues.

§ 836.41 Settlement agreement.

See §§ 836.200 to 836.220 of this part.

§ 836.42 Settlement authority.

See current Air Force directives.

§ 836.43 Finality of action.

The acceptance by a claimant of any award or settlement made pursuant to §§ 836.31 to 836.47 will be final and conclusive on the claimant, and will constitute a complete release of any claim against the United States and against the military or civilian personnel whose act or omission gave rise to the claim by reason of the same subject matter.

§ 836.44 Attorneys' fees.

The approving authority may, but only on written request made before the award by the claimant or his attorney, determine and allow reasonable attorneys' fees as part of the award. If the award is $500 or more, the fees shall not exceed 10 percent of the award. The fees shall be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award.

§ 836.45 Withdrawal of claim.

A claimant may by written notice withdraw his claim from administrative consideration and commence suit thereon. When a claimant requests withdrawal of his claim, the claim form and all papers furnished by the claimant will be returned to him as set forth in §§ 836.200 to 836.220 of this part, after copies have been made for record purposes.

§ 836.46 Disapproval of a claim.

After disapproval of a claim in whole or in part by an approving authority, the claimant will be notified in writing of the action taken, the reason therefor, and the fact that the action is final and conclusive. If a claim is disapproved in part, the claimant will be advised that payment will be forthcoming for the claim as approved on receipt of a properly executed settlement agreement, and nonreceipt of the settlement agreement within 30 days will be presumed to mean that it is the claimant's intention to withdraw his claim from further administrative processing.

§ 836.47 Law applicable.

The law of the place where the act or omission occurred pertaining to proximate cause, contributory, or comparative negligence and to joint tortfeasors will be applied in the determination of liability. Where there is a conflict between the local law and an express provision of the Federal Tort Claims Act (28 U.S.C. 2671–80), the latter governs.

R. J. PUGH,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 60–8338; Filed, Sept. 8, 1960; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on April 8, 1960 (25 F.R. 3037), the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., on or before June 27, 1960, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds. Since publication of this proposed rule making document the entire Title 50—Wildlife has been recodified and renumbered. As a result Part 6—Migratory Birds was renumbered as Part 10 and the amendments set forth below reflect this changed numbering.

After due consideration of data obtained through investigations conducted by personnel of the Bureau of Sport Fisheries and Wildlife, State game departments, and other sources, the several State game departments, Puerto Rico, and the Virgin Islands were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1960–61 seasons on lesser sandhill (little brown) cranes, waterfowl, and coots. The State game departments, Puerto Rico, and the Virgin Islands were also invited to submit recommendations for hunting seasons in their respective areas on members of these species; such hunting seasons to conform to the shooting hours, season lengths, and bag limits, and to fall within a framework of opening and closing dates established by this Department.

Open seasons are also being prescribed for ralls and gallinules in Michigan and Wisconsin; for Wilson's snipe in Arizona, Iowa, Michigan, Minnesota, North Dakota, Washington, Wisconsin, Puerto Rico, and the Virgin Islands; and for gallinules in all States in the Pacific Flyway, since such action was deferred until a later date at the time the 1960–61 seasons for these species in other States were prescribed and published in the FEDERAL REGISTER (25 F.R. 7794–7797) on August 16, 1960. In addition, the shooting hours for rails, gallinules, woodcock, and Wilson's snipe; the open season dates for Wilson's snipe in South Dakota; the possession limit on doves in Alabama; and the shooting hours for doves in Texas, as prescribed and published in the FEDERAL REGISTER (25 F.R. 7794–7797) on August 16, 1960, are being revised.

Accordingly, each State game department, Puerto Rico, and the Virgin Islands having had an opportunity to participate in selecting the hunting seasons desired for their areas on those species of migratory game birds for which open seasons are now being prescribed, and consideration having been given to all other relevant matters presented, it has been determined that §§ 10.41, 10.46, 10.51, and 10.52 shall be amended and a new § 10.53 be added as indicated below.

1. In Section 10.41, paragraph (a) is amended by adding footnote "3" applying to the possession limit in Alabama and paragraph (b) is amended by revising footnote "1". Section 10.41 is amended to read in pertinent part as follows:

§ 10.41 Seasons and limits on doves and wild pigeons.

• • • • •

(a) *Mourning Doves—Eastern Dove Management Unit.*

Daily bag limit	12
Possession limit	[3] 24
• • • • •	
Seasons in:	
Alabama [3]	{Oct. 1–Oct. 31. {Dec. 1–Jan. 8.
• • • • •	

[3] In Alabama the daily bag and possession limit on mourning doves is 12.

(b) *Mourning Doves—Central Dove Management Unit.*

• • • • •

[1] Shooting hours are from one-half hour before sunrise until sunset (standard time) in all States except Texas. In Texas, shooting hours are from 12 o'clock noon until sunset (standard time) on all days in all counties. Except in those counties having an open season on white-winged doves the shooting hours on September 9, 10, and 11 will be from 2 p.m. until sunset (standard time).

• • • • •

2. In § 10.46, paragraph (a) is amended by revising the shooting hours. Paragraph (b) is amended by revising the shooting hours; by adding open season dates for gallinules and rails in Michigan and Wisconsin and for Wilson's snipe in Iowa, Michigan, Minnesota, and Wisconsin; and by revoking footnotes "1" and "2". Paragraph (c) is amended by revising the shooting hours; by revising the open season dates for Wilson's snipe in South Dakota; by adding open season dates for Wilson's snipe in North Dakota; and by revoking footnote "1". Paragraph (d) is amended by revising the schedule heading and the shooting hours; by adding open season dates for Wilson's snipe in Arizona and Washington; by revoking footnotes "1" and "2" and adding new footnotes "1" and "2". Section 10.46 is amended to read in pertinent part as follows:

§ 10.46 Seasons and limits on gallinules, rails, woodcock, and Wilson's snipe.

• • • • •

(a) *Atlantic Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	30	8	8
Shooting hours [1]	One-half hour before sunrise until sunset (standard time) on all species.			

• • • • •

(b) *Mississippi Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8.
Possession limit	25	15	8	8.
Shooting hours	One-half hour before sunrise until sunset (Standard time) on all species.			
Seasons in:				
Iowa	Closed season	Closed season	Closed season	Oct. 15–Nov. 13.
Michigan	Oct. 7–Nov. 15			Oct. 7–Nov. 5.
Zone 1 and 2		Oct. 1–Nov. 9		
Zone 3		Oct. 20–Nov. 9		
Minnesota	Sept. 1–Oct. 20	Oct. 1–Nov. 9		Oct. 8–Nov. 6.
Wisconsin	Oct. 7–Nov. 25	Oct. 1–Nov. 9		Oct. 7–Nov. 5.

(c) *Central Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8.
Possession limit	25	15	8	8.
Shooting hours	One-half hour before sunrise until sunset (Standard time) on all species.			
Seasons in:				
North Dakota	Closed season	Closed season	Closed season	Oct. 7–Nov. 5.
South Dakota	Closed season	Closed season	Closed season	Oct. 7–Oct. 30.

(d) *Pacific Flyway States.*

	Gallinules	Wilson's snipe
Daily bag limit	25 [1]	8.
Possession limit	25 [1]	8.
Shooting hours	One-half hour before sunrise until sunset (Standard time) on all species.	
Seasons in:		
Arizona	Closed season	Dec. 5–Jan. 3.
California	See footnote 2	Dec. 3–Jan. 1.
Idaho	See footnote 2	Nov. 1–Nov. 30.
Nevada	See footnote 2	Nov. 1–Nov. 30.
Oregon	See footnote 2	Oct. 29–Nov. 27.
Utah	See footnote 2	Oct. 15–Nov. 13.
Washington	See footnote 2	Nov. 1–Nov. 30.

[1] The daily bag and possession limit on gallinules and coots is 25, singly or in the aggregate of both kinds.
[2] See § 10.51(f) for open season dates for taking gallinules and coots.

3. Section 10.51 is amended by revising the headnote and text; by revising the shooting hours in paragraph (b); and by adding new paragraphs (c), (d), (e), and (f), to read in pertinent part as follows:

(c) *Atlantic Flyway States.*

	Ducks	Coots	Geese (except snow geese)	Brant
Daily bag limit	(1)	6	2	8.
Possession limit	(1)	12	4	8.
Shooting hours [1]	One-half hour before sunrise until sunset (standard time) on all species.			
Seasons in:				
Connecticut	Oct. 22–Nov. 5; Dec. 9–Jan. 7		Oct. 22–Nov. 14; Dec. 9–Jan. 7.	
Delaware	Nov. 9–Dec. 28		Nov. 9–Jan. 7.	
District of Columbia	Closed season		Closed season.	
Florida	Dec. 2–Jan. 8		Nov. 19–Jan. 8.	
Georgia	Nov. 29–Jan. 7		Nov. 9–Jan. 7.	
Maine	Oct. 7–Oct. 29; Nov. 19–Dec. 10		Oct. 7–Dec. 5.	
Maryland	Nov. 19–Jan. 7		Nov. 9–Jan. 7.	
Massachusetts [2]	Oct. 29–Nov. 26; Dec. 16–Dec. 31		Oct. 24–Dec. 22.	
New Hampshire	Oct. 15–Dec. 3		Oct. 15–Dec. 13.	
New Jersey	Nov. 19–Jan. 7		Oct. 22–Dec. 20.	
New York [3]	Oct. 14–Dec. 2		Oct. 14–Dec. 12.	
North Carolina	Nov. 19–Jan. 7		Nov. 9–Jan. 7.	
Pennsylvania [4]	Oct. 22–Dec. 10		Oct. 22–Dec. 10.	
Rhode Island	Nov. 30–Jan. 8		Nov. 20–Jan. 8.	
South Carolina	Nov. 29–Jan. 7		Nov. 9–Jan. 7.	
Vermont	Oct. 7–Nov. 25		Oct. 7–Dec. 5.	
Virginia	Nov. 19–Jan. 7		Nov. 9–Jan. 7.	
West Virginia	Oct. 25–Nov. 5; Dec. 6–Jan. 7		Oct. 25–Nov. 14; Dec. 6–Jan. 7.	

[1] Shooting hours: On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from one-half hour before sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at one-half hour before sunrise.

[2] Bag limits: In the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia the daily bag limit is 3 ducks and the possession limit is 6 ducks. In the States of Florida, Georgia, and South Carolina the daily bag limit is 4 ducks and the possession limit is 8 ducks. In all of the States in the Flyway, the daily bag or possession limit on ducks may not include more than 1 hooded merganser and 2 wood ducks. Except in Massachusetts the daily bag may not include more than 1 wood duck and in Pennsylvania, the daily bag or possession limit may not include more than 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. No open season is prescribed on canvasback and redhead ducks.

[3] New York: On Long Island and in that part of Westchester County lying south of the Hutchinson River Parkway, the seasons for ducks and coots are Nov. 19–Jan. 7 and for geese and brant Oct. 22–Dec. 20.

[4] Pennsylvania: In the Counties of Bucks, Philadelphia, and Delaware, and the Delaware River bordering on such counties, the seasons for ducks and coots are Nov. 19–Jan. 7 and for geese and brant Oct. 22–Dec. 20.

§ 10.51 Seasons and limits on waterfowl and coot and on Wilson's snipe in Alaska.

Subject to the provisions of the preceding sections of this part, the areas open to hunting, respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of waterfowl and on coot and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1960 and January 31, 1961 as follows:

* * * * *

(b) *Eider, old-squaw, and scoter ducks—Atlantic Flyway.*

Daily bag limit	7	Singly or in the aggregate, in addition to other ducks. [1]
Possession limit	14	
Shooting hours: One-half hour before sunrise until sunset (Standard time) on all species.		

* * * * *

(d) *Mississippi Flyway States.*

	Ducks	Coots	Geese
Daily bag limit	(1)	6	5 [2]
Possession limit	(1)	12	5 [2]
Shooting hours [3]	One-half hour before sunrise until sunset (standard time) on all species.		
Seasons in:			
Alabama	Nov. 23–Jan. 1		Oct. 31–Jan. 8.
Arkansas	Nov. 23–Jan. 1		Oct. 31–Jan. 8.
Illinois [4]	Oct. 28–Dec. 6		Oct. 28–Jan. 5.
Indiana	Nov. 4–Nov. 26; Dec. 16–Jan. 6		Oct. 21–Dec. 29.
Iowa	Oct. 15–Dec. 3		Oct. 8–Dec. 16.
Kentucky	Nov. 30–Jan. 8		Oct. 31–Jan. 8.
Louisiana	See footnote 4		See footnote 4.
Michigan	Oct. 7–Nov. 15		Oct. 7–Dec. 15.
Minnesota	Oct. 8–Nov. 16		Oct. 8–Dec. 16.
Mississippi	See footnote 5		See footnote 5.
Missouri	Nov. 1–Dec. 20		Oct. 14–Dec. 22.
Ohio	See footnote 6		See footnote 6.
Tennessee	Nov. 30–Jan. 8		Oct. 31–Jan. 8.
Wisconsin [7]	Oct. 7–Nov. 25		Oct. 7–Dec. 15.

[1] Shooting hours: On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from one-half hour before sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at one-half hour before sunrise.

[2] Ducks: In the States of Alabama, Arkansas, Illinois, Kentucky, Louisiana, Michigan, Minnesota, and Tennessee, the daily bag limit is 4 ducks and the possession limit is 8 ducks. In the States of Indiana, Iowa, Mississippi, Missouri, Ohio, and Wisconsin, the daily bag limit is 3 ducks and the possession limit is 6 ducks. In all States in the Flyway, the daily bag or possession limit may not include more than 1 hooded merganser and 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. No open season is prescribed on canvasback and redhead ducks.

[3] Geese: In all States except Illinois and Wisconsin, the daily bag and possession limit may not include, in the alternative, more than (a) 2 Canada geese or subspecies, (b) 2 white-fronted geese, or (c) 1 Canada goose or subspecies and 1 white-fronted goose. In Illinois and Wisconsin, the daily bag or possession limit may not include, in the alternative, more than (a) 1 Canada goose or subspecies, (b) 1 Canada goose or subspecies and 1 white-fronted goose, or (c) 2 white-fronted geese.

[4] Louisiana: Open season dates on ducks, coots, Canada geese, and white-fronted geese Nov. 4–Nov. 15 and Dec. 16–Jan. 8 and on blue and snow geese Oct. 31–Jan. 8: *Provided*, That for lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31°N., the season will be Nov. 19–Jan. 7 on ducks and coots and Oct. 30–Jan. 7 on geese, and for these lands and waters, the daily bag limit on ducks is 3 and the possession limit is 6. No change in other bag or possession limits.

[5] Mississippi: Open season dates on ducks and coots Nov. 19–Jan. 7 and on geese Oct. 30–Jan. 7: *Provided*, That for lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Missippi River from the northerly boundary of Louisiana to latitude 31°N., the season will be Nov. 4–Nov. 15 and Dec. 16–Jan. 8 on ducks, coots, Canada geese and white-fronted geese; and Oct 31–Jan. 8 on blue and snow geese, and for these lands and waters, the daily bag limit on ducks is 4 and the possession limit is 8. No change in other bag or possession limits.

[6] Ohio: Open season dates for ducks and coots Oct. 20–Nov. 24 and Dec. 23–Dec. 31; for geese Oct. 20–Dec. 28: *Provided*, That for Pymatuning Reservoir in Ashtabula County, and ¼ mile distant in any direction from said reservoir, the season shall be Oct. 22–Dec. 10 for ducks, coots, and geese, and for these lands and waters, the daily bag limit is 3 ducks and the possession limit is 6 ducks, and the daily bag limit is 2 geese and the possession limit is 4 geese. No change in other bag or possession limits.

[7] Wisconsin: In the Counties of Dodge, Fond du Lac, and Juneau only, the combined kill of Canada geese will be limited to a total of 7,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 7,000 Canada geese have been killed in these three Counties, the season therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

[8] Illinois: In the Counties of Alexander, Jackson, Union, and Williamson only, the combined kill of Canada geese will be limited to a total of 14,000 birds; and when it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that 14,000 Canada geese have been killed in these four Counties, the season therein will be closed by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the time and day of closing.

NOTE: Illinois by State regulations has adopted a 40-day season on Canada geese from Oct. 28–Dec. 6 except in the Counties of Alexander, Jackson, Union, and Williamson where the season will be 45 days from Nov. 1–Dec. 15. Illinois State regulations also prescribe shooting hours on all waterfowl and coots from sunrise until sunset except in the Counties of Alexander, Jackson, Union, and Williamson where the shooting hours on all waterfowl are from sunrise until 3 p.m. (standard time). Consult State regulations for additional restrictions.

(e) *Central Flyway States.*

	Ducks	Coots	Geese (except Ross's geese)
Daily bag limit	(2)	6	5 [3]
Possession limit	(2)	12	5 [3]
Shooting hours [1]	One-half hour before sunrise until sunset (standard time) on all species.		
Seasons in:			
Colorado	Oct. 26–Dec. 24		Oct. 26–Jan. 8.
Kansas	Oct. 15–Dec. 13		Oct. 7–Dec. 20.
Montana	Oct. 8–Nov. 26		Oct. 8–Nov. 26.
Nebraska	Oct. 8–Nov. 26		Oct. 8–Dec. 21.
New Mexico	Nov. 20–Jan. 8		Nov. 20–Jan. 8.
North Dakota	Oct. 7–Nov. 25		Oct. 7–Nov. 25.
Oklahoma	Oct. 20–Dec. 18		Oct. 14–Dec. 27.
South Dakota	Oct. 7–Nov. 25		Oct. 7–Dec. 10.
Texas	Nov. 11–Dec. 30		Oct. 26–Jan. 8.
Wyoming	Oct. 15–Dec. 13		Oct. 15–Dec. 28.

(f) *Pacific Flyway States.*

	Ducks	Coots and Gallinules (singly or aggregate)	Geese (except Ross's geese)	Brant
Daily bag limit	(2) (7)	25	6 [3]	3.
Possession limit	(2) (7)	25	6 [3]	3.
Shooting hours [1]	One-half hour before sunrise until sunset (Standard time) on all species.			
Seasons in:				
Arizona [4] [7]	Oct. 11–Jan. 8	Oct. 11–Jan. 8		Closed season.
California [4] [7]	See footnote 7	See footnote 7		Dec. 3–Jan. 31.
Idaho [4]	Oct. 11–Jan. 8	Oct. 8–Jan. 8		Closed season.
Nevada [4] [6]	See footnote 6	See footnote 6		Closed season.
Oregon	Oct. 11–Jan. 8	Oct. 11–Jan. 8		Dec. 3–Jan. 31.
Utah	Oct. 8–Jan. 5	Oct. 8–Jan. 8		Closed season.
Washington	Oct. 8–Jan. 5	Oct. 8–Jan. 5		Dec. 3–Jan. 31.

[1] Shooting hours: On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon (standard time). Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be from one-half hour before sunrise until sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, or Wilson's snipe) will start at one-half hour before sunrise.

[2] Ducks: In the States of Arizona, Nevada, Oregon, and Washington, the daily bag limit is 4 ducks and the possession limit is 8 ducks. In the States of Idaho and Utah, the daily bag and possession limit is 5 ducks. In all States in the Flyway, the daily bag or possession limit may not include more than 1 hooded merganser and 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5 and the possession limit is 10, singly or in the aggregate of both kinds. No open season is prescribed on redhead and canvasback ducks.

[3] Geese: In the State of Washington, the daily bag and possession limit is 3, and throughout all States in the Pacific Flyway except Nevada the daily bag and possession limit may not include more than 3 of the dark species; in Nevada, the daily bag and possession limit may not include more than 2 of the dark species: *Provided*, That in the entire State of Utah; in California Fish and Game District No. 22 (as defined in the California Fish and Game Code); in Mohave and Yuma Counties, Arizona; and in the Nevada Counties of Clark, Dougals, Ormsby, Storey, and that portion of Washoe lying south of the Flanigan-Sutcliffe-Wadsworth road, the daily bag and possession limit may not include more than 1 Canada goose or subspecies. In Bear Lake, Caribou, and Bonneville Counties, Idaho, the daily bag and possession limit may not include more than 2 Canada geese or subspecies.

[4] Geese: In Clark County, Nevada; in Mohave and Yuma Counties, Arizona; and in California Fish and Game District No. 22, the season on Canada geese and their subspecies will close at sunset December 18, 1960. No open season is prescribed on snow geese in Clark, Fremont, Madison, and Teton Counties, Idaho.

[5] Gallinules: Closed season on gallinules in Arizona.

[6] Nevada: The open season dates for hunting ducks, coots, gallinules, and geese (except as limited by footnote 4) in the two areas of the State are as follows:

Oct. 11–Jan. 8. In that portion of the State lying south and east of a line beginning at a point where Highway 91 intersects the Arizona-Nevada State line; thence following Highway 91 to Las Vegas; thence following Highway 95 to its intersection with the California-Nevada State line. In this area, the daily bag and possession limit on geese may not include more than 1 Canada goose or subspecies. No change in other bag limits.

Oct. 15–Jan. 8. In the remainder of the State.

[7] California: Except as limited by footnotes 2, 3, and 4, the bag limits for ducks and geese and the open season dates for hunting ducks, geese, coots, and gallinules in in the three areas of the State are as follows:

Oct. 11–Jan. 8. In those portions of San Bernardino, Riverside, and Imperial Counties, lying east of a line beginning at a point where Highway 95 intersects the California-Nevada State line; thence south following Highway 95 to Blythe; thence south following the paved and graded road from Blythe through Ripley, Palo Verde, and Ogilby to its intersection with Highway 80; thence east on Highway 80 to its intersection with the California-Arizona State line. In this area the daily bag limit is 4 ducks and the possession limit is 8 ducks

and the daily bag and possession limit on geese may not include more than 1 Canada goose or subspecies.

Oct. 11–Jan. 8. In the area included within the following boundary lines: Beginning at a point on the State Line Road between Oregon and California approximately ¼ mile east of its intersection with Highway 97; thence south along the west side of Indian Tom Lake on the Lairds Landing Road approximately 1¼ miles; thence east approximately 1 mile; thence south and east approximately 5½ miles to the intersection of the Lairds Landing Road and the Porterfield Ranch Road; thence south and east on the Lairds Landing Road approximately 1 mile; thence north and east to the Oklahoma Flats Community; thence south ½ mile; thence east approximately 1½ miles; thence south and east to Lairds Landing; thence east and north along the Chalk Banks road to the northwest corner of Section 30, T. 47 N., R. 3 E.; thence east across Sheepy Ridge on the section line common to sections 19, 20, 21, 22, 23, 24, 25, 30, 27, 28, 29, and 30, approximately 6 miles; thence due east approximately 0.1 mile across Section 30, T. 47 N., R. 4 E., to the Hill Road along the west side of T. 4; thence south along the Hill Road approximately 6 miles to its intersection with the north boundary of the Lava Beds National Monument; thence east along the north boundary of the Lava Beds National Monument approximately 9½ miles to the northeast corner of the Lava Beds National Monument; thence 150 yards east to the west perimeter road of the Panhandle area; thence south and east along the west Panhandle Road approximately 4 miles to the south end of the Panhandle; thence approximately 2 miles north and east along the Panhandle Perimeter Road to its intersection with the Great Northern Railway; thence approximately ¼ mile north on the Panhandle Perimeter Road to its intersection with the Modoc National Forest boundary; thence along the Modoc National Forest boundary approximately 2.3 miles; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east ½ mile; thence north and east approximately 0.8 mile to the intersection of the Modoc National Forest boundary and the old Alturas-Malin County road near the center of the north line of Section 8, T. 46 N., R. 6 E.; thence north and west along the old Alturas-Malin County road to its intersection with the California-Oregon line in Section 14, T. 48 N., R. 5 E.; thence west along the State line to Highway 97; thence south approximately ¼ mile to the point of beginning. In this area the daily bag limit is 4 ducks and the possession limit is 8 ducks.

Oct. 15–Nov. 20 and Dec. 10–Jan. 8. In the remainder of the State. In this area the daily bag and possession limit is 6 ducks.

4. Section 10.52 is amended by revising the shooting hours in paragraph (a) and by adding a new paragraph (b), to read in pertinent part as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

* * * * *

(a) *Seasons and limits on doves, gallinules, and rails in Puerto Rico and the Virgin Islands.*

	Doves (all species) (singly or in the aggregate)[1]	Gallinules and rails (except coot) (singly or in the aggregate)
Daily bag limit	10	15.
Possession limit	10	30.
Seasons	Sept. 1–Oct. 30.	Dec. 15–Feb. 12.
Shooting hours	One-half hour before sunrise until sunset (standard time) on all species.	

[1] No open season is prescribed for any species of pigeon.

(b) *Seasons and limits on waterfowl, coots, and Wilson's snipe.*

	Ducks	Geese (except snow geese)	Coots	Wilson's snipe
Daily bag limit	[2] 2	2	6	8.
Possession limit	[3] 6	4	12	8.
Season dates	Dec. 15–Feb. 2			Jan. 3–Feb. 2.
Shooting hours [1]	One-half hour before sunrise until sunset (standard time) on all species.			

[1] Shooting hours: On the opening day of the season for ducks, geese, and coots shooting hours are from 12 o'clock noon until sunset (standard time).

[2] The daily bag or possession limit may not include more than 1 hooded merganser and 2 wood ducks. No open season is prescribed on canvasback or redhead ducks.

5. A new § 10.53 prescribing a limited hunting season on lesser sandhill (little brown) cranes is added to read as follows:

§ 10.53 Seasons and limits on lesser sandhill (little brown) cranes.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the areas open to hunting, the shooting hours, and the daily bag and possession limits on the species of cranes designated in this section, are prescribed between the dates of January 1, 1961, and January 30, 1961 as follows:

(a) A limited open season on lesser sandhill (little brown) cranes is prescribed in the Counties of Lea, Chaves, Eddy, Curry, Roosevelt, and Quay in the State of New Mexico and in that portion of the State of Texas lying west of a line from the International Toll Bridge at Del Rio, Val Verde County; thence northward following Highway 277 to its junction with Highway 87 at San Angelo, Tom Green County; thence northwesterly following Highway 87 to the point of its intersection with the Texas-New Mexico State line in Dallam County. The season will be 30 consecutive days from Sunday, January 1, 1961 to Monday, January 30, 1961 (dates inclusive). The daily bag and possession limit is 2 lesser sandhill (little brown) cranes. The shooting hours are from one-half hour before sunrise until sunset (standard time).

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interpret or apply E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757)

In response to requests from the various States for specific amendments and in order to establish uniform basic shooting hours for all species of migratory game birds for which open seasons are prescribed, the foregoing amendments to §§ 10.41, 10.46, and 10.51(b), and 10.52(a) are prescribed. All of these amendments are within the approved frameworks and the revision of the shooting hours serves to relax existing regulations as published on August 16, 1960, in the FEDERAL REGISTER (25 F.R. 7794–7797). These amendments govern the hunting seasons on species of migratory game birds on which many of the States have selected open seasons to begin early in September.

Because of these facts and since it is not in the public interest to afford the usual period of publication, the amendments to §§ 10.41, 10.46, 10.51(b), and 10.52(a) shall become effective upon publication in the FEDERAL REGISTER. The remainder of the amendments shall become effective on October 6, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

[F.R. Doc. 60-8273; Filed, Sept. 8, 1960; 8:45 a.m.]

PART 32—HUNTING

St. Marks National Wildlife Refuge, Florida

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Hunting of big game on the St. Marks National Wildlife Refuge, Florida is permissible only under the following conditions:

(a) Species permitted to be taken: deer (bucks only) and bear (adults only).

(b) Open season: November 19, 1960 through January 8, 1961. Mondays and Tuesdays closed except during first nine (9) days and period December 25, 1960 through January 1, 1961.

(c) Daily bag limits: deer—1; season's limit—1. Bear—1; season's limit—1.

(d) Methods of hunting:

(1) Weapons: shotgun not larger than 10 gauge limited to 3-shell capacity; bow and arrow capable of casting one (1) ounce hunting arrow 150 yards; rifle, including repeatin grifle: .

(2) Prohibited methods and weapons: cross-bow, fully automatic weapons, taking game over bait.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 1,800 acres and 3 percent of the total refuge and which is described as follows:

Unfenced portion of St. Marks National Wildlife Refuge lands adjoining State of Florida's Aucilla Game Management Area and lying between the St. Marks and Aucilla Rivers along north boundary as posted.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area. All hunting shall be done in accordance with regulations published by the Florida Game and Fresh Water Fish Commission applicable to State wildlife management areas.

(3) The provisions of this special regulation are effective September 15, 1960 through January 8, 1961.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 2, 1960.

[F.R. Doc. 60-8352; Filed, Sept. 8, 1960; 8:47 a.m.]

PART 32—HUNTING

St. Marks National Wildlife Refuge, Florida

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the St. Marks National Wildlife Refuge, Florida is permissible only under the following conditions:

(a) Species permitted to be taken: turkey, quail, squirrel, rabbit, raccoon, bobcat, fox.

(b) Open season: November 19, 1960 through January 8, 1961. Mondays and Tuesdays closed except during first nine (9) days and period December 25, 1960 through January 1, 1961. Special turkey gobbler season April 2, 1961 through April 10, 1961, one-half hour before sunrise to 12:00 noon.

(c) Daily bag limits: turkey—2; quail—10; squirrel—10; rabbit—none; raccoon—none; bobcat—none; fox—none.

(d) Methods of hunting:

(1) Weapons: Shotgun not larger than 10 gauge limited to 3-shell capacity; bow and arrow capable of casting one (1) ounce hunting arrow 150 yards; rifle, including repeating rifle.

(2) Prohibited methods: Cross-bow, fully automatic weapons, taking game over bait; hunting turkey with dogs.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 1,800 acres and 3 percent of the total refuge and which is described as follows:

Unfenced portion of refuge lands adjoining State of Florida's Aucilla Game Management Area and lying between the St. Marks and Aucilla Rivers along north boundary as posted.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 15, 1960 through April 10, 1961.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 2, 1960.

[F.R. Doc. 60-8353; Filed, Sept. 8, 1960; 8:47 a.m.]

PART 32—HUNTING

Little Pend Oreille National Wildlife Refuge, Washington

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

WASHINGTON

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Hunting of big game on the Little Pend Oreille National Wildlife Refuge is permissible only under the following conditions:

(a) Species permitted to be taken: deer and bear.

(b) Open season: Bear—September 1 through November 6, 1960; Deer—bucks only, October 9 through November 6, 1960—either sex, October 22 through November 6, 1960—bucks only, November 19 through December 4, 1960.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting:

1. Weapons—must be in accordance with State regulations.

2. Dogs will not be permitted for hunting of big game.

3. Camping—camping will be permitted in designated area only.

4. Checking stations—hunters will report at such checking stations as may be designated when entering or leaving the area.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 43,827 acres and 100 percent of the total refuge and which is described as follows: All refuge lands.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 12 through December 4, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 2, 1960.

[F.R. Doc. 60-8354; Filed, Sept. 8, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO-232-A8-RO1]

HANDLING OF MILK IN SAN ANTONIO, TEX., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Supplemental Recommended Decision With Respect to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the supplemental recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the San Antonio, Texas, marketing area, issued August 19, 1960 (25 F.R. 8147), is hereby extended to September 16, 1960.

Dated: September 2, 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-8365; Filed, Sept. 8, 1960; 8:49 a.m.]

[7 CFR Part 997]

FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for the 1960-61 Fiscal Year

Notice is hereby given that there is under consideration the proposed establishment of a free percentage of 77 percent and restricted percentage of 23 percent for Oregon and Washington filberts during the 1960-61 fiscal year which began on August 1, 1960. The proposed percentages, which are based upon recommendations of the Filbert Control Board and other information, would be established in accordance with applicable provisions of Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997), regulating the handling of filberts grown in Oregon and Washington. Said marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Consideration will be given to written data, views or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following Estimates (inshell weight basis) for the 1960-61 fiscal year: (a) Total adjusted inshell trade demand and carryover for 1959 crop inshell filberts of 10,940,000 pounds which is the sum of an inshell trade demand of 10,500,000 pounds and the provision for inshell handler carryover on July 31, 1961, of 1,000,000 pounds, less the inshell handler carryover on August 1, 1960, of 560,000 pounds not subject to regulation; and (b) a total supply of merchantable filberts subject to regulation of 14,292,000 pounds, which is the sum of the estimated production of merchantable filberts of 13,064,000 pounds and inshell handler carryover on August 1, 1960, subject to regulation of 1,228,000 pounds.

The proposal is as follows:

§ 997.210 Free and restricted percentages for merchantable filberts during the 1960-61 fiscal year.

Free and restricted percentages for merchantable filberts during the fiscal year beginning August 1, 1960, shall be as follows:

Free percentage—77 percent.
Restricted percentage—23 percent.

Dated: September 2, 1960.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-8364; Filed, Sept. 8, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-58]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 70 presently extends from Midland, Tex., to Lubbock, Tex. The Federal Aviation Agency has under consideration the revocation of this airway. The Midland to Lubbock route appears to be adequately served by VOR Federal airway No. 81 which closely parallels Red 70. Therefore, it appears that retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that revocation thereof would be in the public interest. In addition § 601.4270 relating to designated reporting points would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal continued in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 2, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8339; Filed, Sept. 8, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-KC-67]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 63 presently extends from Bangor, Mich., to Jackson, Mich. The Federal Aviation Agency has under consideration the revocation of this airway. The Bangor to Jackson route appears to be adequately served by VOR Federal airways No. 100 and 116 which parallel Red 63. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that revocation thereof would be in the public interest. In addition, § 601.4263 relating to designated reporting points would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8340; Filed, Sept. 8, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-KC-57]

FEDERAL AIRWAY AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.603 and 601.603 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 3 and associated control areas presently extends in part from Goshen, Ind., to Grand Rapids, Mich. The Federal Aviation Agency is considering revoking this segment of Blue 3. A Federal Aviation Agency IFR peak-day survey during the period July 1, 1959, through June 30, 1960, shows a maximum of 2 aircraft movements on this airway segment. On the basis of the survey, it appears that retention of this segment of Blue 3 and associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, the caption to § 601.4603 relating to reporting points would be changed to indicate the extent of the modified airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 2, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8341; Filed, Sept. 8, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-KC-59]

JET ROUTE

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.527 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC Jet Route No. 27 presently extends from San Antonio, Texas, to Peoria, Ill. The Federal Aviation Agency is considering modifying Jet Route 27-V by revoking the segment from the St. Louis, Mo., VOR to the Peoria, Ill., VOR. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows no aircraft movements on this segment of Jet Route 27-V. On the basis of the survey, it appears that the retention of this jet route segment is unjustified and that revocation thereof would be in the public interest. Also, Jet Route 27-V conflicts with Restricted Area R-547 southwest of Peoria as presently aligned. In view of this confliction and the traffic survey results, the Federal Aviation Agency proposes to revoke Jet Route 27-V from St. Louis to Peoria.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on September 2, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8342; Filed, Sept. 8, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 1, 1960.

The Bureau of Land Management has filed an application, Serial Number I-011668 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the mining and mineral leasing laws.

The applicant desires the land for a stock driveway.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 5 N., R. 1 E.,
Sec. 30: Lots 1 & 2, NE¼, E½NW¼.
T. 5 N., R. 1 W.,
Sec. 21: E½SW¼, N½SE¼;
Sec. 22: N½SW¼, W½SE¼, SE¼SE¼;
Sec. 25: NE¼NE¼, W½NE¼, S½NW¼;
Sec. 26: S½N½;
Sec. 28: N½NW¼;
Sec. 29: N½N½;
Sec. 30: N½NE¼, NE¼NW¼.
T. 6 N., R. 1 W.,
Sec. 21: SE¼SW¼, S½SE¼;
Sec. 23: S½;
Sec. 30: Lots 3 & 4, E½SW¼, N½SE¼.
T. 5 N., R. 2 W.,
Sec. 7: Lot 3, NE¼SW¼, N½SE¼;
Sec. 8: N½S½;
Sec. 9: N½S½;
Sec. 10: N½S½;
Sec. 11: N½SW¼, SE¼SW¼;
Sec. 14: N½NE¼, SW¼NE¼, NE¼NW¼, NW¼SE¼;
Sec. 25: NE¼NE¼.
T. 6 N., R. 2 W.,
Sec. 25: S½S½;
Sec. 26: SE¼SE¼;
Sec. 30: Lot 4;
Sec. 31: Lot 1, N½NE¼, NE¼NW¼;
Sec. 32: N½N½;
Sec. 33: N½N½;
Sec. 34: N½N½;
Sec. 35: N½N½.
T. 5 N., R. 3 W.,
Sec. 2: Lots 1 & 2, S½NE¼, E½SE¼;
Sec. 12: NE¼SW¼, N½SE¼.
T. 6 N., R. 3 W.,
Sec. 8: SE¼SE¼;
Sec. 9: SW¼NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 17: E½E½;
Sec. 20: E½NE¼, NW¼SW¼, S½S½, N½SE¼;
Sec. 21: W½E½, W½;
Sec. 25: S½S½;
Sec. 26: NW¼, NE¼SW¼, SE¼;
Sec. 27: N½NE¼, N½NE¼NW¼;
Sec. 35: E½.
T. 6 N., R. 4 W.,
Sec. 19: Lot 4, SE¼SW¼, S½SE¼;
Sec. 21: S½S½;
Sec. 25: S½NW¼NW¼, S½NW¼;
Sec. 26: W½NE¼, S½SE¼NE¼, NW¼;
Sec. 27: N½N½;
Sec. 28: N½N½;
Sec. 29: N½N½;
Sec. 30: N½NE¼.
T. 6 N., R. 5 W.,
Sec. 23: S½S¼;
Sec. 24: S½S½;
Sec. 26: N½N½;
Sec. 27: Lots 1 & 2, NE¼NE¼, W½NE¼, E½NW¼.
T. 7 N., R. 3 W.,
Sec. 4: Lots 1, 2, 3 & 4, S½N½, E½SE¼;
Sec. 5: Lot 1, SE¼NE¼.
T. 8 N., R. 3 W.,
Sec. 31: NE¼SE¼;
Sec. 32: E½SW¼, NW¼SW¼, SE¼;
Sec. 33: S½S½.

The described areas aggregate 9,801.72 acres in Ada, Canyon, Gem, and Payette Counties, Idaho.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 60-8357; Filed, Sept. 8, 1960; 8:47 a.m.]

IDAHO

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

SEPTEMBER 1, 1960.

Plats of survey of the lands described below will be officially filed at the Land Office, Boise, Idaho, effective at 10:00 a.m., on October 7, 1960.

BOISE MERIDIAN

T. 2 S., R. 35 E.,
Sec. 12: Lots 7, 8, 9, 10, 11;
Sec. 13: Lots 6, 7, 8, 9, 10;
Sec. 14: Lots 4, 5, 6;
Sec. 23: Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18;
Sec. 24: Lots 4, 5, NW¼NW¼;
Sec. 26: Lot 2;
Sec. 27: Lots 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 28: Lots 4, 5, 6;
Sec. 32: Lot 3;
Sec. 33: Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, NE¼NE¼;
Sec. 34: Lots 4, 5, 6, 7, 8, 9, 10, NE¼NW¼.
T. 3 S., R. 35 E.,
Sec. 5: Lots 10, 11, 12, 13, 14, 15, 16;
Sec. 7: Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, NE¼SW¼;
Sec. 8: Lots 12, 13, 14, 15.

The area described aggregates 2,096.90 acres.

The lands are islands in the Snake River and other lands which were omitted from the previous survey. The lands have been subject to operation of the United States mining laws and mineral leasing laws at all times. All of the lands are nearly level with a smooth surface. The soil is of an alluvial formation. The vegetative cover is mainly willows, briars, and brush with an understory of grass. A portion of the lands has been reclaimed and cultivated. The lands are typical of other lands adjoining the Snake River in this area.

Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on October 7, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

DONALD I. BAILEY,
Manager, Land Office.

[F.R. Doc. 60-8356; Filed, Sept. 8, 1960; 8:47 a.m.]

[Montana 036479, 037737, 036007]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 1, 1960.

1. In exchanges of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN MONTANA

T. 24 N., R. 32 E.,
Sec. 14: SE¼SW¼, SW¼SE¼;
Sec. 23: W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.
T. 25 N., R. 33 E.,
Sec. 16: All;
Sec. 20: SE¼;
Sec. 27: E½;
Sec. 28: W½NW¼;
Sec. 29: N½NE¼.
T. 29 N., R. 12 E.,
Sec. 29: SW¼NW¼.
T. 3 S., R. 60 E.,
Sec. 7: Lots 3, 4.

2. The areas described above total 1,711.12 acres of land. The mineral rights were not conveyed to the Federal Government with the exception of the lands in Sec. 7, T. 3 S., R. 60 E., wherein the minerals were reserved by the United States in the original patents and these lands have always been open to mineral application under the public land laws. The tract in T. 24 N., R. 32 E., and T. 25 N., R. 33 E., is located in Phillips County approximately 40 miles southeast of Malta, Montana. The terrain is rolling, supports native grasses and is best suited for grazing use. The tract in T. 29 N., R. 12 E., is located in Chouteau County approximately 10 miles northeast of Big Sandy, Montana. It is dryland, agricultural land within the take line of the proposed Lonesome Lake Reservoir. The tract in T. 3 S., R. 60 E., is located in Carter County approximately 30 miles southeast of Ekalaka. The terrain is rolling to rough, supports native grasses and is best suited for grazing use.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or other non-mineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described as SW¼NW¼, sec. 29, T. 29 N., R. 12 E., in paragraph 1 above, were exchanged in furtherance of a Federal land program and are required for Reclamation purposes in the Lonesome Lake Reservoir. These lands, therefore, are not subject to the provisions of paragraph 5 below.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and location in accordance with the following:

a. Applications and selections under the non-mineral public land laws, applications and offers under the mineral leasing laws may be presented to the State Supervisor mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws, applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., on October 7, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries regarding the lands shall be addressed to the State Supervisor, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 60-8355; Filed, Sept. 8, 1960; 8:47 a.m.]

BUREAU OF THE BUDGET

ORDER RETRANSFERRING JURISDICTION OVER CERTAIN LANDS IN NEW YORK FROM THE DEPARTMENT OF THE INTERIOR TO THE DEPARTMENT OF AGRICULTURE

By virtue of the authority vested in the President of the United States by the last sentence of paragraph (c) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 525, as amended (7 U.S.C. 1011 (c)), and delegated to the Director of the Bureau of the Budget by section 1(f) of Executive Order No. 10530 of May 10, 1954, and upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, it is ordered as follows:

Jurisdiction over all lands, together with improvements thereon, in the State of New York, which were transferred to the Department of the Interior by Executive Order No. 9234 of August 31, 1942, for use and management by the Conservation Department, State of New York, under the custody of the Fish and Wildlife Service, Department of the Interior, is hereby retransferred to the Department of Agriculture for use, administration, and disposition in accordance with the provisions of Title III, and related provisions of Title IV, of the Bankhead-Jones Farm Tenant Act.

This transfer shall become effective only upon the issuance by the Secretary of the Interior, pursuant to the provisions of Executive Order No. 10355 of May 26, 1952, of a public land order disestablishing the ten wildlife management areas established by Executive Order No. 9234 of August 31, 1942.

ELMER B. STAATS,
Acting Director of the Bureau of the Budget.

AUGUST 29, 1960.

[F.R. Doc. 60-8337; Filed, Sept. 8, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALBA METROPOLITAN EXPRESS CORP. ET AL.

Notice of Show Cause Order to Certain Ocean Freight Forwarders; Proposed Cancellation of Registration

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 29th day of August, 1960, the Board entered the following order:

Whereas, the following persons, firms and corporations are registered as ocean freight forwarders pursuant to General Order 72 (46 CFR Part 244):

Name and city	Regulation No.	Date issued
Alba Metropolitan Express Corp. (Havana)	2238	12-17-57
Arana, Guillermo (New York)	2347	8-11-58
Barrett Transport, Inc. (Los Angeles)	800	7-31-50
Betancourt, Frank J. (New York)	2382	10-16-58
Caribbean Air Sea Forwarders Co., Ltd. (Miami)	2368	9-12-58
Figueiredo (USA) Corp., L. (New York)	940	8- 2-50
International Commerce Corp., L. (Miami)	2236	12-10-57
Kent Sales (Miami) (Kenneth M. Ripley, d/b/a)	2395	11-10-58
Lakeshire Shipping Co. (New York) (User Yuchiak, d/b/a)	2394	11- 7-58
Leonardi, Thomas J. (New York)	2298	4-11-58
New World Express (Havana) (Roberto Portilla Rodriquez, d/b/a)	2310	5- 6-58
O'Neill, Antonio G. (New York)	2371	9-19-58
Oxford Agency of N.Y., Ltd., The (New York)	778	7-25-50
Ramirez Calle Y Cia. (New York) (Mario Ortiz Gaviria, d/b/a)	2561	10-29-59
Murphy, William H. (Philadelphia)	2352	8-18-58
Pelsman, Morrie (New York)	2341	7-21-58
Salvador Shipping Agency (New York) (Frank Urrutia, d/b/a)	1127	4-16-51
U.S. Associates (Seattle) (Warren R. Samuel, d/b/a)	2326	6-13-58

Whereas, the Office of Regulations, Federal Maritime Board, has by regular and registered letters, requested the above-named registrants to furnish certain information in connection with their forwarding operations pursuant to § 244.3 of General Order 72; and

Whereas, each of these registrants has failed to respond to such requests for information; Now, Therefore,

It is ordered, That the above-named registrants show cause in writing, or at a public hearing to be hereafter set if requested by registrant, why their registration should not be cancelled for the reasons above stated; and

It is further ordered, That such cause be shown, or request for hearing be made within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER; and

It is further ordered, That failure of any such registrant to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify it of such cancellation by registered letter sent to its last known address; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: September 6, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8379; Filed, Sept. 8, 1960; 8:51 a.m.]

[Docket No. 908]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE; FIDELITY COMMISSION SYSTEM

Notice of Rulings on Appeal and of Hearing Procedure To Be Followed

Notice of investigation, of hearing, and of prehearing conference appeared in the FEDERAL REGISTER issue of July 9, 1960 (25 F.R. 6488). A prehearing conference in this matter was conducted by the undersigned on July 19, 1960, under Rule 6(d) of the Board's rules of practice and procedure (46 CFR 201.94). Notice is hereby given under said rule, of rulings on appeal of Isbrandtsen Company, Inc., and request of respondents concerning matters of hearing procedure, and of hearing procedure to be followed.

By order of the Board, served June 27, 1960, it entered upon an investigation and hearing to determine whether it should under existing law approve Agreement No. 3103-15, between the member lines of the Japan-Atlantic and Gulf Freight Conference. At the prehearing conference, the parties failed to agree on a course of procedure but agreed to pursue the matter through correspondence, and the Examiner ruled that if a hearing were requested, it would be granted. Subsequently by letter of July 25, 1960, the respondents requested "a full evidentiary hearing."

By appeal received August 5, 1960, intervener, Isbrandtsen Company, Inc., appealed from the Examiner's ruling that a full hearing would be granted upon request. In reply to this appeal, the respondents upon reconsideration have withdrawn their request for "evidentiary hearing," and "are now willing to agree that the presentation of their case be submitted by affidavit." At the prehearing conference Public Counsel suggested such a type of procedure, to which counsel for Isbrandtsen agreed.

In view of the present request of the respondents and the withdrawal of their prior request, the appeal of Isbrandtsen hereby is denied without prejudice. Notice is hereby given that the procedure in this proceeding will be as follows:

1. Direct evidence of witnesses in lieu of oral testimony shall be submitted by all parties in the form of verified statements on or before November 1, 1960. All parties shall be served with copies of the verified statements, and three copies, including one for the record, shall be furnished to the Examiner.

2. The parties are reminded that the prehearing-conference exhibits are not in evidence in this proceeding. If it is so desired, these exhibits may be offered by stipulation, or in another appropriate manner, such as appendices to verified statements. All parties shall be served with copies of exhibits offered in evidence, and three copies, including one for the record, shall be furnished to the Examiner.

3. Requests for cross-examination of the winesses submitting verified statements shall be made on or before November 15, 1960. Any motions or other objections to the receipt in evidence of said verified statements, or of any exhibits offered in evidence, or any procedural motions for rebuttal or other matters, shall be made on or before November 15, 1960.

4. In the absence of requests for cross-examination of the witnesses submitting verified statements, or of objections to said statements, or to any exhibits, an appropriate ruling on said statements or exhibits will be made.

5. A date for the submission of briefs will be set by a ruling of the Examiner when the record has been perfected.

Dated: September 6, 1960.

CHARLES E. MORGAN,
Presiding Examiner.

[F.R. Doc. 60-8380; Filed, Sept. 8, 1960; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

CHILD WELFARE SERVICES

Promulgation of Federal Shares and Allotment Percentages Under Title V, Part 3 of the Social Security Act, as Amended, for the Fiscal Years 1962 and 1963

Pursuant to sections 524 (a), (b) and (c) of Title V, Part 3 of the Social Security Act, as amended (section 601, Social Security Amendments of 1958, P.L. 85-840),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of States and of the continental United States are the years 1957, 1958, and 1959.

It is hereby promulgated for each of the two fiscal years in the period ending June 30, 1963, that for the said purposes, for each of the fifty States, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the Federal shares, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below.

It is hereby further promulgated for each of the two fiscal years in the period ending June 30, 1963, that for purposes of child welfare servites under Title V, Part 3, of the Social Security Act, as amended, for each of the fifty States, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the allotment percentages, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below.

States, Federal Shares, and Allotment Percentages

Alabama; 66⅔; 67.63.
Alaska; 40.82; 40.82.
Arizona; 54.39; 54.39.
Arkansas; 66⅔; 70.00.
California; 39.38; 39.38.
Colorado; 51.41; 51.41.
Connecticut; 33.64; 33.64.
Delaware; 33⅓; 31.30.
District of Columbia; 33⅓; 31.94.
Florida; 54.41; 54.41.
Georgia; 64.67; 64.67.
Guam; 66⅔; 70.00.
Hawaii; 51.72; 51.72.
Idaho; 58.95; 58.95.
Illinois; 39.17; 39.17.
Indiana; 51.03; 51.03.
Iowa; 54.44; 54.44.
Kansas; 53.91; 53.91.
Kentucky; 65.05; 65.05.
Louisiana; 62.95; 62.95.
Maine; 59.14; 59.14.
Maryland; 45.97; 45.97.
Massachusetts; 43.65; 43.65.
Michigan; 47.04; 47.04.
Minnesota; 54.15; 54.15.
Mississippi; 66⅔; 70.00.
Missouri; 51.48; 51.48.
Montana; 52.96; 52.96.
Nebraska; 53.55; 53.55.
Nevada; 37.71; 37.71.
New Hampshire; 54.27; 54.27.
New Jersey; 39.27; 39.27.
New Mexico; 58.30; 58.30.
New York; 37.38; 37.38.
North Carolina; 66.44; 66.44.
North Dakota; 62.88; 62.88.
Ohio; 45.49; 45.49.
Oklahoma; 59.09; 59.09.
Oregon; 51.22; 51.22.
Pennsylvania; 48.07; 48.07.
Puerto Rico; 66⅔; 70.00.
Rhode Island; 50.55; 50.55.
South Carolina; 66⅔; 69.87.
South Dakota; 62.69; 62.69.
Tennessee; 65.27; 65.27.
Texas; 55.73; 55.73.
Utah; 57.42; 57.42.
Vermont; 59.42; 59.42.
Virgin Islands; 66⅔; 70.00.
Virginia; 58.11; 58.11.
Washington; 47.54; 47.54.
West Virginia; 61.47; 61.47.

Wisconsin; 51.57; 51.57.
Wyoming; 50.43; 50.43.

Dated: August 31, 1960.

[SEAL] WILLIAM L. MITCHELL,
Commissioner of Social Security.

Approved: August 31, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education and Welfare.

[F.R. Doc. 60-8362; Filed, Sept. 8, 1960; 8:48 a.m.]

STATE ASSISTANCE EXPENDITURES

Federal Percentage

Promulgation of Federal percentage under Title XI of the Social Security Act for purposes of State assistance expenditures under Titles I, IV, X, and XIV.

Pursuant to section 1101(a)(8) of the Social Security Act, as amended (42 U.S.C. 1301(a)(8)),

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of each State and of the United States are the years 1957, 1958, and 1959,

1. The Federal percentage, as indicated below, for purposes of Federal financial participation in State assistance expenditures under Titles I, IV, X, or XIV of said Act, for each of the fifty States and the District of Columbia, as determined pursuant thereto and on the basis of said income data, are hereby promulgated for each of the eight quarters in the period beginning July 1, 1961, and ending with the close of June 30, 1963:

State	*Federal percentage*
Alabama	65.00
Alaska	50.00
Arizona	58.39
Arkansas	65.00
California	50.00
Colorado	52.78
Connecticut	50.00
Delaware	50.00
District of Columbia	50.00
Florida	58.44
Georgia	65.00
Hawaii	53.38
Idaho	65.00
Illinois	50.00
Indiana	52.03
Iowa	58.48
Kansas	57.52
Kentucky	65.00
Louisiana	65.00
Maine	65.00
Maryland	50.00
Massachusetts	50.00
Michigan	50.00
Minnesota	57.96
Mississippi	65.00
Missouri	52.91
Montana	55.74
Nebraska	56.86
Nevada	50.00
New Hampshire	58.18
New Jersey	50.00
New Mexico	65.00
New York	50.00
North Carolina	65.00
North Dakota	65.00
Ohio	50.00
Oklahoma	65.00
Oregon	52.40
Pennsylvania	50.00
Rhode Island	51.09
South Carolina	65.00
South Dakota	65.00
Tennessee	65.00
Texas	60.79
Utah	63.74
Vermont	65.00
Virginia	64.91
Washington	50.00
West Virginia	65.00
Wisconsin	53.10
Wyoming	50.86

2. Pursuant to sections 30(a)(2) and 47(b) of the Hawaii Omnibus Act (P.L. 86-624; 74 Stat. 419, 423), the Federal percentage for Hawaii of 50 percent heretofore promulgated (23 F.R. 7150) is amended effective July 1, 1960, and for purposes of Federal financial participation in Hawaii assistance expenditures under Titles I, IV, X, or XIV of said Social Security Act, there is hereby promulgated for Hawaii for the period beginning July 1, 1960, and ending with the close of June 30, 1961, the Federal percentage of 53.38 percent, as determined pursuant to section 1101(a)(8) of the Social Security Act, as amended (42 U.S.C. 1301(a)(8)) and on the basis of said income data.

Dated: August 19, 1960.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: August 31, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-8363; Filed, Sept. 8, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-4]

NAVAL RESEARCH LABORATORY

Notice of Proposed Issuance of Facility License Amendment

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener, as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to Naval Research Laboratory, Washington, D.C., Amendment No. 3 to Facility License No. R-5 substantially as set forth below. This amendment incorporates within the revised license the amendments previously issued, and authorizes an increase in the operating power level of the Naval Research Reactor from 100 kilowatts (thermal) to 1000 kilowatts (thermal) subject to the following additional restrictions:

1. The facility may be operated at power levels up to 1000 kilowatts (thermal) on an intermittent basis, provided the pool temperature is not allowed to exceed 130° F.

2. The facility may be operated at power levels up to 1000 kilowatts (thermal) with forced-convection cooling on an unlimited time basis.

3. Naval Research Laboratory shall not conduct any experiments whose reactivity worth is greater than 1.5 percent without prior written approval of the Commission.

Prior to issuance of the license amendment the reactor facility will be inspected by representatives of the Commission to determine whether the facility has been modified in accordance with the provisions of Construction Permit No. CPRR-47. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Naval Research Laboratory and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of September 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing & Regulation.

PROPOSED AMENDMENT TO LICENSE

License No. R-5 as amended, including Amendments No. 1 and 2 thereto is revised in its entirety to read as follows:

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

a. The research reactor (hereinafter referred to as "the facility") authorized for construction by Construction Permit dated April 29, 1955 (later designated CPRR-3), and modification by construction permit No. CPRR-47, issued to Naval Research Laboratory, has been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the rules and regulations of the Commission;

b. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

c. Naval Research Laboratory is technically and financially qualified to operate the facility, and to possess and use special nuclear material;

d. Issuance of a license to possess and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Naval Research Laboratory:

a. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the facility designated below in accordance with the procedures described in the application.

b. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use 14.2 kilograms of contained uranium 235 in connection with operation of the facility.

c. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced from operation of the facility.

3. This license applies to the facility which is owned by Naval Research Laboratory and located in Washington, D.C., and described in Naval Research Laboratory's application dated April 5, 1955, and amendments thereto dated December 28, 1955, January 18, 1956, July 6, 1956, May 1, 1957, August 21, 1958, April 30, 1959, August 6, 1959, September 8, 1959, and June 9, 1960 (herein referred to as "the application"). The facility is a modified swimming pool-type research reactor, designed to operate at thermal power levels up to 100 Kw.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

a. The facility may be operated

(1) At power levels up to 1,000 kilowatts (thermal) on an intermittant basis, provided the pool temperature is not allowed to exceed 130° F., and

(2) At power levels up to 1,000 kilowatts (thermal) with forced-convection cooling on an unlimited time basis.

b. The Laboratory shall not conduct any experiments, whose reactivity worth is greater than 1.5 percent without prior written approval of the Commission.

c. Naval Research Laboratory shall not bypass any control mechanism during the operation of the facility.

d. The facility shall be operated in such a manner that the positive rate of change of reactor power level will not result in a positive reactor period less than 10 seconds.

e. The reactor shall not be operated with an excess reactivity value exceeding that of the delayed neutron fraction above cold critical for any experimental loading. Reactivity losses associated with xenon, increasing reactor temperature and fuel burnup following adjustment of the core loading must be included in this excess reactivity limitation.

f. The reactivity of all configurations of the core loadings to be utilized in operating the reactor must be determined using clean fuel elements.

g. The reactor core shall not be moved from one position to another unless the core loading is less than 2 kilograms of U-235 and all control and safety rods are fully within the core.

h. In addition to those otherwise required under this license and applicable regulations, Naval Research Laboratory shall keep the following records:

(1) Facility operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Naval Research Laboratory as measured at the point of such release or discharge.

(4) Records of emergency scrams, including reasons for emergency shutdowns.

i. Naval Research Laboratory shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Naval Research Laboratory for use in the operation of the reactor, 14.2 kilograms of uranium 235 contained in uranium in the isotopic ratio specified in Naval Research Laboratory's application. Estimated schedules of special nuclear material transfers to Naval Research Laboratory and returns to the Commission are contained in Appendix "A" which appears below. Shipments by the Commission to Naval Research Laboratory in accordance with column (2) in Appendix "A" will be conditioned upon Naval Research Laboratory's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

6. This license is effective as of the date of issuance and shall expire at midnight, April 29, 1975.

Date of issuance:

For the Atomic Energy Commission.

APPENDIX A

Estimated Schedules of Transfers of Special Nuclear Material From the Commission to Naval Research Laboratory and to the Commission From Naval Research Laboratory

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to NRL (a), kilograms U-235	(3) Returns by NRL to AEC (b), kilograms U-235	(4) Net yearly distribution, kilograms U-235	(5) Cumulative distribution, kilograms U-235
1956	5.000		5.000	5.000
1957				5.000
1958	4.033		4.033	9.033
1959	0.025		0.035	9.068
1960	3.535	3.220	0.315	9.383
1961	3.535	3.220	0.315	9.698
1962	3.535	3.220	0.315	10.013
1963	3.535	3.220	0.315	10.328
1964	3.535	3.220	0.315	10.643
1965	3.535	3.220	0.315	10.958
1966	3.535	3.220	0.315	11.273
1967	3.535	3.220	0.315	11.588
1968	3.535	3.220	0.315	11.903
1969	3.535	3.220	0.315	12.218
1970	3.535	3.220	0.315	12.533
1971	3.535	3.220	0.315	12.848
1972	3.535	3.220	0.315	13.163
1973	3.535	3.220	0.315	13.478
1974	3.535	3.220	0.315	13.793
1975	3.535	3.220	0.315	14.108
		[1] 8.440	(8.440)	[2] 5.668
	65.628	59.960	[2] 5.668	

[1] Inventory to be returned.
[2] Fabrication and burnup losses.

(a) 1958–1975 yearly, includes 0.025 kilograms of U-235 as depleted uranium. Does not include any fabrication excess.

(b) U-235 for detectors and flux measurements assumed to be totally consumed.

[F.R. Doc. 60-8336; Filed Sept. 8, 1960; 8:45 a.m.]

FEDERAL AVIATION AGENCY

CIVIL AIR SURGEON, ET AL.

Delegation of Authority

1. *Purpose.* Agency Bulletin 60-10, effective May 21, 1960, delegated to the Civil Air Surgeon, his authorized representatives, and designated medical examiners, certain authority of the Administrator under Title VI of the Federal Aviation Act of 1958 relating to the physical examination and medical certification of airmen. That delegation did not include authority of medical examiners to deny issuance or renewal of airman medical certificates. This delegation is therefore being issued to include such authority and to delegate authority to the Civil Air Surgeon to review and reconsider the actions taken by medical examiners.

2. *Delegation.* Section 303(d) of the Federal Aviation Act of 1958 authorizes the Administrator to delegate the performance of any function under the Act to any officer, employee, or administrative unit under his jurisdiction. Section 314(a) of the Act also authorizes the Administrator to delegate to qualified private persons the performance of functions respecting the examination and certification of airmen in accordance with established standards.

The authority vested in the Administrator by sections 602(a) and 602(b) of the Federal Aviation Act of 1958 is hereby delegated to the Civil Air Surgeon and his authorized representatives within the Agency to the extent necessary (a) to examine applicants for and holders of airman medical certificates for compliance with the medical standards applicable to the issuance or renewal of airman medical certificates; and (b) to issue, renew, or deny issuance or renewal of airman medical certificates to applicants or holders of such certificates based upon compliance or non-compliance with the applicable medical standards.

Subject to the limitations herein provided, the authority delegated above is also delegated to such properly qualified persons as may be designated as medical examiners. Any exercise of authority by a medical examiner to deny issuance or renewal of a medical certificate shall be subject to reconsideration by the Civil Air Surgeon or his authorized representative and shall not be deemed to be and shall not constitute a denial by the Administrator pending such reconsideration. The authority herein delegated to medical examiners shall be exercised under the general supervision of the Civil Air Surgeon and his authorized representatives and upon such conditions as the Civil Air Surgeon and his authorized representatives may provide or may otherwise be applicable. The Civil Air Surgeon is authorized to review and reconsider the actions of such medical examiners and to reverse, change, modify or affirm the same upon his own initiative or upon request by the person affected by such action, but shall not be required to reconsider such actions unless so requested by the subject applicant.

The Civil Air Surgeon, his authorized representatives, and all persons to whom authority is delegated herein, are directed to exercise their delegated authority in accordance with all applicable policies established or approved by the Administrator.

3. *Effective date.* This notice is effective September 6, 1960. It supersedes Agency Bulletin 60-10. Any orders or instructions or parts thereof issued prior to this date which are inconsistent or in conflict herewith are amended or superseded accordingly.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-8416; Filed, Sept. 8, 1960; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2756]

ARIZONA CONSOLIDATED INDUSTRIES, INC., AND ARTHUR SPITZ

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 2, 1960.

I. Arizona Consolidated Industries, Inc. (issuer), an Arizona corporation, and Arthur Spitz, selling security holder, filed with the Commission on July 28, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of the issuer's no par value capital stock at $3.00 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. Regulation A is unavailable to the issuer in that Mr. Milton Mende, an affiliate and promoter of the issuer, was convicted of Mail Fraud on April 27, 1959, by a Los Angeles Federal District Court.

B. The terms and conditions of Regulation A have not been complied with in that the notification on Form 1-A under Rule 255 fails to identify and disclose the interest of Mr. Milton Mende, an affiliate and promoter of the issuer.

C. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the failure to disclose the identity, background and interest of Mr. Milton Mende, an affiliate and promoter of the issuer.

D. The offer would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8359; Filed, Sept. 8, 1960; 8:48 a.m.]

[File No. 24SF-2542]

GREAT WESTERN OIL CO.

Notice and Order for Hearing

SEPTEMBER 2, 1960.

I. Great Western Oil Co. (issuer), a Nevada corporation, Las Vegas, Nevada, filed with the Commission on September 29, 1953 a notification on Form 1-A and an offering circular relating to an offering of 290,000 shares of its $1 par value common stock at $1 per share for an aggregate of $290,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 29, 1960 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard in the Offices of the United States Attorney, Las Vegas, Nevada, at 10:00 a.m., P.s.t., September 21, 1960 with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The issuer had failed to file a report of sales on Form 2-A as required by Rule 260;

2. The issuer has failed to file sales material as required by Rule 258;

3. The issuer has failed to file a revised offering circular as required by Rule 256(e);

4. The issuer has made sales of its securities without the use of an offering circular as required by Rule 256(a)(2).

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The issuer's intended use of proceeds from the offering;

2. The issuer's intended business operations;

3. The failure to disclose the acquisition of new properties, and the abandonment of proposed operations on existing properties.

C. Whether the offering is being made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Arthur Leff or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Great Western Oil Co.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before September 19, 1960 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8360; Filed, Sept. 8, 1960; 8:48 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

SEPTEMBER 2, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Ex-

change, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 3, 1960 to September 12, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8361; Filed, Sept. 8, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. 12153 etc.]

NORTHERN NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

Notice of Consolidation of Proceedings and Date of Hearing

SEPTEMBER 2, 1960.

Northern Natural Gas Company and Permian Basin Pipeline Company, Docket Nos. G-12153, G-15335, G-15336.

The above proceedings relate to proposed increased rates and charges which have heretofore been suspended by orders of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said proceedings are hereby consolidated for hearing to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the provisions of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the prior orders of the Commission in each of the above proceedings, a public hearing will be held on October 11, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in these consolidated proceedings.

Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1960.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8347; Filed, Sept. 8, 1960; 8:46 a.m.]

[Docket No. CP61-20]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 1, 1960.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation with a principal office in Columbus, Ohio, filed an application in Docket No. CP61-20, on July 25, 1960, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two main line taps on its existing transmission lines in northwestern Ohio in order to provide retail natural gas service to the communities of Bairdstown and Millbury, Lucas County, and Clay Center, Ottawa County, all in the State of Ohio, all as more fully stated in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary connecting facilities and distribution systems in each community, none of which has gas service at present. The communities of Millbury and Clay Center will be served from a single proposed tap on Applicant's 18-inch transmission Line D-420 in Ottawa County while the community of Bairdstown will be served from another proposed tap on Applicant's 16-inch transmission Line D-345 in Wood County.

Applicant states the total estimated cost of the proposed construction is $202,700 of which $500 is for the proposed taps, and the remainder for the three distribution systems. The cost of construction will be defrayed from cash on hand.

Applicant estimates the gas requirements of the three communities to be as follows:

VOLUMES IN MCF @14.65

Year	Bairdstown		Clay Center		Millbury	
	Peak day	Annual	Peak day	Annual	Peak day	Annual
First	58	5,224	119	14,508	504	48,820
Second	61	5,774	159	17,088	529	53,760
Third	63	6,364	174	20,150	549	57,480

This matter is one that should be disposed of as promptly as posible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1960, 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 41 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 6, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8348; Filed, Sept. 8, 1960; 8:46 a.m.]

[Docket No. G-2345]

TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

SEPTEMBER 1, 1960.

Take notice that the hearing in the above designated matter now scheduled for October 24, 1960 is hereby postponed to October 31, 1960 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

J. H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8349; Filed, Sept. 8, 1960; 8:46 a.m.]

[Docket Nos. RI61-17, RI61-24]

TIDEWATER OIL CO. AND THE PITTSTON CO.

Correction

AUGUST 31, 1960.

In the Order Providing For Hearings On And Suspenison Of Proposed Changes In Rates, And Allowing Increased Rate To Become Effective Subject To Refund, issued July 29, 1960 and published in the FEDERAL REGISTER August 5, 1960 (25 F.R. 7412): After "By the Commission." strike the present statement and insert in lieu thereof the following: "Commissioner Kline would reject the filing suspended in Docket No. RI61-24. Commissioner Sweeney not participating in the suspension of the filing in Docket No. RI61-24."

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8350; Filed, Sept. 8, 1960; 8:46 a.m.]

[Docket No. CP61-21]

UNITED FUEL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 1, 1960.

Take notice that on July 26, 1960, United Fuel Gas Company (Applicant) filed in Docket No. CP61-21 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of one 1,050 horsepower turbine driven centrifugal compressor unit at Applicant's Spencer compressor station in Roane County, West Virginia, to replace six existing obsolete and inefficient gas engine driven compressor units totalling 4,500 horsepower, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Spencer compressor station presently has three 500 horsepower units initially placed in operation in 1916 and three 1,000 horsepower units initially placed in operation in 1917, and that depletion in the local gas fields and changed operating conditions make continued retention and operation of this existing equipment uneconomical.

Applicant further states that it has entered into a contract with Solar Aircraft Company for the purchase and installation at Spencer compressor station of a new type of gas turbine driven centrifugal 1,050 horsepower compressor unit at an approximate cost, including auxiliary and appurtenant equipment, of $225,000, ($180,000 payable under the Solar contract) which will be financed by Applicant's parent, The Columbia Gas System, Inc.

Applicant proposes, upon the granting of the authorization sought hereunder, to retire the three existing 1,000 horsepower units, and upon successful termination of a test period of 8,000 hours, or 18 months, whichever occurs earlier, to then retire the three existing 500 horsepower units.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 4, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 23, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH GUTRIDE, *Secretary.*

[F.R. Doc. 60-8351; Filed, Sept. 8, 1960; 8:47 a.m.]

[Project No. 2274]

TRASK RIVER PROJECT, TILLAMOOK PEOPLE'S UTILITY DISTRICT

Notice of Land Withdrawal; Oregon

SEPTEMBER 2, 1960.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2274 (Trask River Project) for which application for license was filed March 22, 1960, by the Tillamook People's Utility District, 906 Main Street, Tillamook, Oregon. Under said Section 24 these lands are, from said data of filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The area reserved by the filing of the application for this project is approximately 50 acres, 49.5 acres of which have been previously withdrawn by Power Site Reservations No. 659 and 662 or Water Power Designation No. 14.

WILLAMETTE MERIDIAN, OREGON

All portions of the following described subdivisions are depicted on map exhibit entitled "Proposed Power Development Plan, Trask River, Tillamook County, Oregon" (FPC No. 2274-1).

T. 1 S., R. 8 W.,
- Sec. 21: SW¼SW¼SE¼ (public lands);
- Sec. 22: E½SE¼SW¼ (public lands);
- Sec. 23: W½NW¼SW¼, S½SW¼SW¼ (O & C revested lands);
- Sec. 25: NE¼SW¼SW¼ (O & C revested lands);
- Sec. 27: NW¼SW¼NE¼, SE¼NW¼ (O & C revested lands), NW¼SW¼SW¼ (public lands);
- Sec. 28: E½SE¼NW¼, NE¼NE¼SW¼ (public lands).

Copies of the project map exhibit (FPC No. 2274-1) have been transmitted to the Bureau of Land Management and Geological Survey.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8372; Filed, Sept. 8, 1960; 8:50 a.m.]

[Docket No. RP61-6]

COLORADO-WYOMING GAS CO.

Order for Hearing, Suspending Proposed Tariff Changes, and Allowing Proposed Tariff Changes To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

AUGUST 31, 1960.

On July 21, 1960, Colorado-Wyoming Gas Company (Colorado-Wyoming) tendered for filing First Revised Sheet Nos. 4, 5, 6, 7, 12, 16, 19, and 20 to its FPC Gas Tariff, First Revised Volume No. 1. The proposed tariff revisions modify the penalty and billing provisions of the tariff to conform to that of its supplier, Colorado-Interstate Gas Company (Colorado-Interstate). The present penalty provision under the general service rate provides in part, for a penalty charge of $12.00 per Mcf if on any day the contract demand is exceeded by more than 2 percent. The proposed revision would impose the $12.00 penalty if the contract demand is exceeded on two consecutive days or on more than three days in the same billing month, or if it is exceeded on any one day by more than 2 percent. A similar revision is proposed in the penalty provision under the small volume general service rate. Furthermore, a change in the billing period from the 26th day of any month to the 26th day of the succeeding month to a calendar month is also proposed herein.

On December 31, 1959, by Commission order issued in Docket No. G-20579 Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1 as revised was suspended until June 1, 1960. By further order issued therein May 18, 1960, Colorado-Wyoming's FPC Gas Tariff First Revised Volume No. 1 was permitted to be substituted for its identically styled FPC Gas Tariff, First Revised Volume No. 1 as suspended in the aforementioned order issued December 31, 1959. By later order issued July 22, 1960, the said substituted tariff was permitted to become effective as of June 1, 1960, upon filing of an Undertaking to Assure Refund of Excess Charges.

Since Colorado-Wyoming's proposed changes are based solely on its alleged need for conformity with the filing of its sole supplier, Colorado-Interstate, which is in effect subject to refund,[1] which rates and charges were not shown to be justified, Colorado-Wyoming's filing is subject to the same suspension infirmity. The company requests an effective date of September 1, 1960.

The proposed changes as provided for in the revised tariff sheets tendered by Colorado-Wyoming on July 21, 1960 may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural

[1] Colorado-Interstate Gas Company, Docket No. G-20521.

Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, clasifications and services contained in Colorado-Wyoming's FPC Gas Tariff First Revised Volume No. 1 as proposed to be amended by First Revised Sheets Nos. 4, 5, 6, 7, 12, 16, 19 and 20, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

(2) It is appropriate and necessary in carrying out the provisions of the Natural Gas Act that the proposed changes be made effective as hereinafter provided upon the filing of a motion pursuant to section 4(e) of the Natural Gas Act, and that Colorado-Wyoming be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1 as proposed to be amended by First Revised Tariff Sheet Nos. 4, 5, 6, 7, 12, 16, 19 and 20.

(B) Pending such hearing and decision therein the above designated tariff sheets are hereby suspended and the use thereof deferred until September 1, 1960 and until such further time as they are made effective in the manner hereinafter prescribed.

(C) Upon the filing of an appropriate motion pursuant to section 4(e) of the Natural Gas Act, and upon execution by Colorado-Wyoming of the agreement and undertaking described in paragraph (E) below, and acceptance thereof, evidenced by a letter addressed to Colorado-Wyoming by the Secretary of the Commission, the rates, charges, classifications and services set forth in First Revised Sheet Nos. 4, 5, 6, 7, 12, 16, 19 and 20 to Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, filed on July 21, 1960, shall be effective as of September 1, 1960, or such later date when the above motion is filed, subject to further orders of the Commission in this proceeding.

(D) Colorado-Wyoming shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of seven percent per annum from the date of payment to Colorado-Wyoming until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of September 1, 1960 or such later date when the above motion is filed, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly for each billing period, and for each purchaser the revenues resulting therefrom as computed under the rates in effect immediately prior to September 1, 1960, or such later date when the above motion is filed, and under the rates and charges allowed by this order to become effective, together with the difference in the revenues so computed.

(E) As a condition of this order, within 15 days from the date of issuance thereof, Colorado-Wyoming shall execute and file with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff here involved as follows:

Agreement and Undertaking of Colorado-Wyoming Gas Company to Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Tariff Change

In conformity with the requirements of the order issued in Docket No. RP61-6, Colorado-Wyoming Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ---------- 1960.

Colorado-Wyoming Gas Company,

By ----------

Attest:

Secretary

(F) If Colorado-Wyoming shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by the order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8373; Filed, Sept. 8, 1960; 8:50 a.m.]

[Docket No. CP61-17]

CUMBERLAND AND ALLEGHENY GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 2, 1960.

Take notice that on July 20, 1960 Cumberland and Allegheny Gas Company, a West Virginia Corporation, (Applicant) filed in Docket No. CP61-17 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 2.14 miles of 12-inch pipeline along the route of the installed 8-inch pipeline extending from a point on the Pennsylvania-Maryland border line to the Cumberland area in Maryland. This facility will replace the 8-inch line as the main stem of Applicant's transmission line connected with the Manufacturers Light and Heat Company facilities which supplies the natural gas for Applicant's system, all as more fully described in the application on file and open to public inspection.

The estimated net cost of the proposed facilities is $120,330 which sum has been raised as a portion of Applicant's construction program for 1960, through The Columbia Gas System, Inc., the parent holding company of the Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 6, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 29, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8374; Filed, Sept. 8, 1960; 8:50 a.m.]

[Project No. 1861]

LOWER VALLEY POWER AND LIGHT, INC.

Notice of Application for Surrender of License (Major)

SEPTEMBER 2, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Lower Valley Power and Light, Inc., licensee for major Project No. 1861, for surrender of its license for the project situated upon lands of the United States within Teton National Forest, Teton County, Wyoming.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10).

The last day upon which protests or petitions may be filed is October 17, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8375; Filed, Sept. .8, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 6, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36533: *Cement—South Chicago, Ill., to central territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2442), for interested rail carriers. Rates on cement, cement clinker, dry building mortar, in carloads, as described in the application, from South Chicago, Ill., to points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Modified short-line distance formula and motor-truck competition.

Tariff: Supplement 35 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

FSA No. 36534: *Returned liquid fertilizer solutions between points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2558), for interested rail carriers. Rates on nitrogen fertilizer solution or fertilizer ammoniating solution, phosphoric acid or phosphoric fertilizer solution, in tank-car loads, returned to shipping point, between points in official (not including Illinois) territory.

Grounds for relief: Carrier competition.

FSA No. 36535: *Plaster and related articles—Alameda and Albuquerque, N. M., to WTL Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7887), for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, in carloads, from Alameda and Albuquerque, N. M., to points in western trunk line territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 85 to Southwestern Freight Bureau tariff I.C.C. 4017.

FSA No. 36536: *Containers, empty, returned, from and to points in southern, WTL and southwestern territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7883), for interested rail carriers. Rates on empty returned beverage containers, in carloads, between points in southern territory, on the one hand, and points in western trunk line and southwestern territories, also points in Illinois and Indiana, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4333, and three other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8369; Filed, Sept. 8, 1960; 8:50 a.m.]

[Rev. S. O. 562; Taylor's I.C.C. Order 124]

GRAND TRUNK WESTERN RAILROAD CO.

Diversion or Rerouting of Traffic

Account embargo of all traffic due to impending work stoppage the Grand Trunk Western Railroad Company, in the opinion of Charles W. Taylor, Agent, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting of traffic: The Grand Trunk Western Railroad Company and its connections, being unable to transport traffic in accordance with shippers' routing due to an embargo by the Grand Trunk Western Railroad Company on all traffic account impending work stoppage, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars diverted or rerouted shall carry a reference to this order as authority for such diversion or rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., September 1, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., September 15, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 31, 1960.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-8370; Filed, Sept. 8, 1960; 8:50 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 7, 1960

S.J. Res. 170---------- Public Law 86-719
Joint Resolution To authorize the participation in an international convention of representative citizens from the North Atlantic Treaty nations to examine how greater political and economic cooperation among their peoples may be promoted, to provide for the appointment of United States delegates to such convention, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 214]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.514 Valencia Orange Regulation 214

(a) *Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 8, 1960.

(b) *Order.* 1. The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 11, 1960, and ending at 12:01 a.m., P.s.t., September 18, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 700,000 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8521; Filed Sept. 9, 1960; 11:31 a.m.]

[Orange Reg. 374]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1016 Orange Regulation 374.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 6, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., September 12, 1960, and ending at 12:01 a.m., e.s.t., September 26, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8445; Filed, Sept. 9, 1960; 8:51 a.m.]

[Grapefruit Reg. 327]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1017 Grapefruit Regulation 327.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 6, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783; 25 F.R. 8219); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., September 12, 1960, and ending at 12:01 a.m., e.s.t., September 26, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8444; Filed, Sept. 9, 1960; 8:51 a.m.]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Expenses and Fixing of Rate of Assessment for 1960–61 Fiscal Year

Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order, as amended), it is hereby found and determined that:

§ 940.212 Expenses and rate of assessment for the 1960–61 fiscal year.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1960, and ending February 28, 1961, will amount to $11,500.00

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at three cents ($0.03) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postponed the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of peaches from Mesa County, Colorado, are now being made; (2) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1960–61 fiscal year; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 6, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8427; Filed, Sept. 9, 1960; 8:49 a.m.]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1960–61 Season

Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.215 Expenses and rate of assessment for the 1960–61 season.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1960, and ending on March 31, 1961, both dates inclusive, will amount to $42,325.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at twelve mills ($0.012) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of Tokay grapes grown in San Joaquin County, Calif., are expected to begin on or about August 22, 1960; (2) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all Tokay grapes shipped during the 1960–61 season; and (3) it is essential that the specification of the assessment be issued immediately so that the aforesaid assessments may be collected, and thereby enable the Industry Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 6, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8412; Filed, Sept. 9, 1960; 8:48 a.m.]

[Lemon Reg. 863]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.970 Lemon Regulation 863.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 6, 1960.

(b) *Order.* 1. The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 11, 1960, and ending at 12:01 a.m., P.s.t., September 18, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 8, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8457; Filed, Sept. 9, 1960; 9:14 a.m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER August 5, 1960 (25 F.R. 7403). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, estab-

lished pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 957.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and this part, both as amended, to enable such committee to perform its functions, pursuant to the amended marketing agreement and order, during the fiscal period beginning June 1, 1960, and ending May 31, 1961, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and this part, both as amended, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated September 7, 1960, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8428; Filed, Sept. 9, 1960; 8:49 a.m.]

[Area No. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092), regulating the handling of Irish Potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER August 13, 1960 (25 F.R. 7760). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposal was adopted and submitted for approval by the area committee for Area No. 1 established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.233 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and this part, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1961, will amount to $750.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part (Part 958, 25 F.R. 7092).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8425; Filed, Sept. 9, 1960; 8:49 a.m.]

[Area No. 3]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97, as amended, and Order No. 58, as amended, (7 CFR Part 958, 25 F.R. 7092) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER August 13, 1960 (25 F.R. 7760). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposal was adopted and submitted for approval by the area committee for Area No. 3 established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.234 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and this part, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1961, will amount to $3,125.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97, as amended, and this part, shall be ($0.00125) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part (Part 958, 25 F.R. 7092).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8426; Filed, Sept. 9, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 496; Amdt. 198]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 C, D, E, G, and H Aircraft

Amendment 110, 25 F.R. 1908, as amended by Amendments 139 and 183, 25 F.R. 3850 and 7183, required accomplishment of one of three modifications to correct fire protection deficiencies in the wheel well area of Lockheed Model 1049 C, D, E, G, and H aircraft. Paragraph (a)(1) specified modification to the forward landing gear doors while alternatives (a)(2) and (a)(3) did not. Consequently, the intent of the modification which is to apply to only the forward landing gear doors can be misinterpreted. Accordingly, paragraphs (a)(2) and (a)(3) are being revised to specify that modification is applicable to the present aluminum skin on the forward landing gear doors.

Since this amendment is issued for clarification purposes and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 110, Lockheed 1049 C, D, E, G, and H aircraft as it appeared in 25 F.R. 1908 as amended by Amendment 139, 25 F.R. 3850 and Amendment 183, 25 F.R. 7183, is further amended by changing paragraphs (a)(2) and (a)(3) to read as follows:

(2) Cover the present aluminum skin on the forward landing gear doors with fireproof material.

(3) Coat both inside and outside of the present aluminum skin on the forward landing gear doors with a material that will withstand a flame of 2000° F. for 15 minutes. Product Techniques Inc. Coating PT-209, 0.015-inch thick on each side of the doors is considered satisfactory when applied in accordance with PTI Process Specifications PTP 40–22.

This supersedes Amendment 139, 25 F.R. 3850.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 2, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-8388; Filed, Sept. 9, 1960; 8:45 a.m.]

[Reg. Docket No. 465; Amdt. 199]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S–52–3 Helicopters

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive establishing new retirement, replacement and inspection schedules for components of Sikorsky S–52–3 helicopters was published in 25 F.R. 7333.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

The new retirement times for components are being made effective immediately as the changes are relieving in nature. The other provisions shall become effective 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all Sikorsky S–52–3 helicopters. Compliance required as indicated.

As a result of further investigation of the service history of the HO5S–1 (S52–3) helicopters, the following retirement, replacement and inspection schedules must be accomplished at the times indicated:

(a) Effective immediately the following components must be retired from service at the hours of time in service indicated:

P/N S11–10–2200 Main Rotor Blade Assembly—1,100 hours

P/N S11–15–1100 Tail Rotor Blades—1,700 hours.

(b) Effective October 14, 1960, the following components must be replaced with the redesigned components indicated, if not already accomplished:

P/N S11–35–2006, Clutch Spindle, replace with P/N S11–35–2009

P/N S11–35–2013, Clutch Spring, replace with P/N S11–35–2013–1

P/N S11–35–2019, Free Wheel Unit Spring, replace with P/N S11–35–2019–1

P/N 13273, Bolt, Engine Fan, replace with AN–76–10 Bolt.

(c) Effective October 14, 1960, the following shall be accomplished at the times indicated:

(1) The torque of the AN–76–10 bolts in the engine fan must be checked every 30 hours' time in service and retorqued if necessary to a minimum value of 370 inch-pounds. Bolts found with less than 300 inch-pounds torque must be replaced with new bolts. (Sikorsky Service Information Circular 1135–22 covers this subject.)

(2) Within the next 30 hours' time in service and every 30 hours' time in service thereafter, inspect the DSP4 bearing in the rotating scissors in accordance with Sikorsky Service Information Circular 1110–46 and replace bearing every 100 hours' time in service with new bearing. When DSP4 bearing is replaced by DSRP4 bearing, the DSP4 inspection and replacement schedule no longer applies.

(3) Within the next 30 hours' time in service and every 30 hours' time in service thereafter, inspect the DSP4 bearing in the damper arm in accordance with Sikorsky Service Information Circular 1110–46 and replace bearing every 300 hours' time in service with new bearing. When DSP4 bearing is replaced by DSRP4 bearing, the DSP4 inspection and replacement schedule no longer applies.

This supersedes Amendment 102, 25 F.R. 1312.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 6, 1960.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-8389; Filed, Sept. 9, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-13]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—RESTRICTED AREAS

Revocation of Restricted Area and Modification of Federal Airway, Associated Control Areas and Control Area Extension

The purpose of these amendments to Part 608 and §§ 600.14 and 601.1205 of the regulations of the Administrator is to revoke the Albuquerque, N. Mex., Restricted Area (R–313) (Albuquerque Chart), and to modify the description of Green Federal airway No. 4 and the Albuquerque control area extension.

The Department of the Air Force has stated that it no longer has a requirement for Restricted Area (R–313). Therefore, this area is unjustified as an assignment of airspace and revocation thereof is in the public interest. Concurrent with this action, it will be necessary to delete all reference to R–313 in the description of Green 4 and the Albuquerque control area extension.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530, 25 F.R. 8005) the following actions are taken:

1. In § 608.39 *New Mexico*, the Albuquerque, N. Mex., Restricted Area (R–313) (Albuquerque Chart) (23 F.R. 8584, 9773) is revoked.

2. In the text of § 600.14 (14 CFR 600.14, 25 F.R. 2011), "El Morro, N. Mex., radio range station to Albuquerque, N. Mex., radio range station excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Albuquerque restricted area (R–313) during the restricted area's time of designation;" is deleted and "El Morro, N. Mex., RR; Albuquerque, N. Mex., RR;" is substituted therefor.

3. In the text of § 601.1205 (14 CFR 601.1205) "The portion of this control area extension which lies within Albuquerque Restricted Area (R–313) (published in § 608.39 of this Chapter) shall be used only after obtaining prior approval from Federal Aviation Agency Air Traffic Control." is deleted.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 7, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8433; Filed, Sept. 9, 1960; 8:51 a.m.]

[Airspace Docket No. 60-NY-39]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Designation of Control Area Extension

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5536) stating that the Federal Aviation Agency proposed to designate a control area extension at Rutland, Vt.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

1. In Part 601 (14 CFR Part 601), § 601.1100 is added to read:

§ 601.1100 Control area extension (Rutland, Vt.).

That airspace bounded on the N, E and S by a line extending from a point at the E boundary of VOR Federal airway

No. 91 at Lat. 43°50'55" N., Long. 73°10'-45" W., to Lat. 43°52'30" N., Long. 72°-58'00" W., thence to Lat. 43°27'30" N., Long. 72°49'30" W., thence to the E boundary of VOR Federal airway No. 91 at Lat. 43°21'40" N., Long. 73°28'45" W., bounded on the W. by the E. boundary of VOR Federal airway No. 91.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8390; Filed, Sept. 9, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-25]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification of Control Area Extension

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5538) stating that the Federal Aviation Agency proposed to modify the Muskegon, Mich., control area extension by deleting the reference to the Little Sable Point Restricted Area (R-437) and extending the control area extension to the southeast.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1105 (14 CFR 601.1105) is amended to read:

§ 601.1105 Control area extension (Muskegon, Mich.).

That airspace within a 15-mile radius of the Muskegon County Airport (Lat. 43°10'16" N, Long. 86°14'09" W), and the airspace SE of Muskegon bounded on the NE by VOR Federal airway No. 2S, on the SE by VOR Federal airway No. 193, and on the W by VOR Federal airway No. 55.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8391; Filed, Sept. 9, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-83]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification of Control Zone

On July 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6215) stating that the Federal Aviation Agency proposed to modify the Montgomery, Ala., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the notice, § 601.2159 (14 CFR 601.2159) is amended to read:

§ 601.2159 Montgomery, Ala., control zone.

Within a 5-mile radius of Dannelly Field (Lat. 32°17'55" N., Long. 86°23'50" W.); within a 5-mile radius of Maxwell AFB (Lat. 32°22'45" N., Long. 86°21'40" W.); within 2 miles either side of the Dannelly Field ILS localizer W course extending from the Dannelly Field 5-mile radius zone to the ILS OM; within 2 miles either side of the 321° True radial of the Montgomery VOR extending from the Dannelly Field 5-mile radius zone to the VOR; within 2 miles either side of the 149° True bearing from the Prattville, Ala., RBN extending from the Maxwell AFB 5-mile radius zone to the RBN; and within 2 miles either side of the 171° True bearing from the Prattville RBN extending from the Maxwell AFB 5-mile radius zone to the RBN.

This amendment shall become effective 0001 e.s.t., November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8392; Filed, Sept. 9, 1960; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations of Industry Committee

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 535 (25 F.R. 7189), as amended by Administrative Orders Nos. 537 and 538 (25 F.R. 7543 and 7653), appointed and convened Industry Committee No. 49-A, and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6 of the Act to employees in the Food and Related Products Industry in Puerto Rico, as defined in Administrative Order No. 535, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the aforesaid notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR Part 673, effective September 25, 1960, as follows:

Sec.
673.1 Definition.
673.2 Wage rates.
673.3 Notices.

AUTHORITY: §§ 673.1 to 673.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205.

§ 673.1 Definition.

The food and related products industry in Puerto Rico is defined as follows: The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables, and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products; and the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however*, That the industry shall not include any product or activity included in the sugar manufacturing industry, as defined in Part 689 of this chapter, the alcoholic beverage and industrial alcohol industry, as defined in Part 619 of this chapter, or the chemical, petroleum, rubber, and related products industry, as defined in Part 670 of this chapter.

§ 673.2 Wage rates.

(a) *The citron brining and fruit, vegetable, nut, and green coffee grading and packing classification.* Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the food and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce who is also engaged in the citron brining and fruit, vegetable, nut, and green coffee grading and packing classification of that industry, which is defined as the brining or other processing of citron, and the grading and packing of fresh fruits, vegetables, nuts, and green coffee.

(b) *The yeast and canned tuna fish classification.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the food and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce who is also engaged in the yeast and canned tuna fish classification of that industry, which is defined as the manufacture of yeast, and the cooking and canning of tuna fish and of tuna-like fish and the manufacture of by-products therefrom.

(c) *The canning and preserving classification.* Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the food and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce who is also engaged in the canning and preserving classification of that industry which is defined as the canning and preserving (including drying, dehydrating, pickling, freezing, and similar processes) of fruits, vegetables, and all other food products other than those included in the citron brining and fruit, vegetable, nut, and green coffee grading and packing classification or in the yeast and canned tuna fish classification of this industry.

(d) *The biscuit and cracker classification.* Wages at a rate of not less than 95 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the food and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the biscuit and cracker classification of that industry which is defined as the manufacture of biscuits, crackers, and like products.

(e) *The general classification.* Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the food and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the general classification of that industry which is defined as the manufacture and/or processing of all products, and the packaging in conjunction therewith of all products, as well as the gathering of wild plant or animal life, included in the food and related products industry, except those activities and products included in the citron brining and fruit, vegetable, nut, and green coffee grading and packing classification; the yeast and canned tuna fish classification; the canning and preserving classification; and the biscuit and cracker classification of this industry.

§ 673.3 Notices.

Every employer subject to the provisions of § 673.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 673.2 are working, such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C. this 7th day of September 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-8421; Filed, Sept. 9, 1960; 8:49 a.m.]

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations of Industry Committee

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 535 (25 F.R. 7189), as amended by Administrative Orders Nos. 537 and 538 (25 F.R. 7543 and 7653), appointed and convened Industry Committee No. 49-B, and referred to it and duly noticed a hearing on the question of the mimimum wage rate or rates to be paid under section 6 of the Act to employees in the Lumber and Wood Products Industry in Puerto Rico, as defined in Administrative Order No. 535, who are engaged in commerce or in the production of goods for commerce. (Excluded from the definition for the purpose of the said Administrative Order were the activities described in 29 CFR 675.2(a) which comprise the Carpet Grippers Classification of the Industry. The minimum wage for the activities described in that provision meets that prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended).

Subsequent to an investigation and a hearing conducted pursuant to the aforesaid notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereinafter published in paragraphs (b), (c), and (d) of § 675.2 in this revision of 29 CFR Part 675, and shall be effective September 25, 1960:

Sec.
675.1 Definition.
675.2 Wage rates.
675.3 Notices.

AUTHORITY: §§ 675.1 to 675.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205.

§ 675.1 Definition.

The Lumber and Wood Products Industry in Puerto Rico is defined as follows: the logging, wood preserving, and the manufacture of all products made from lumber and wood and related materials, including, but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however*, That the industry shall not include any product or activity in the metal, machinery, transportation equipment, and allied products industry as defined in Part 604 of this chapter, the button, jewelry, and lapidary work industry as defined in Part 616 of this chapter, the straw, hair, and related products industry as defined in Part 613 of this chapter, the construction, business service, motion picture, and miscellaneous industry as defined in Part 672 of this chapter, or the paper, paper products, printing, and publishing industry as defined in Part 677 of this chapter.

§ 675.2 Wage rates.

(a) *Carpet grippers classification.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the carpet grippers classification of the lumber and wood products industry, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of carpet grippers or tackless carpet strips.

(b) *Swimming pool equipment classification.* Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber and wood products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the swimming pool equipment classification of that industry, which is defined as the manufacture of diving boards from wood.

(c) *Lumber, millwork, and balsa wood toys classification.* Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber and wood products industry who is engaged in commerce or in the production of goods for commerce and who is also engaged in the lumber, millwork, and balsa wood toys classification of that industry, which is defined as logging; the manufacture of sawmill, planing mill,

and plywood mill products (except carpet grippers); the manufacture of millwork, including sashes, doors, moldings, window frames, window and door screens and blinds, and similar building materials; and the manufacture of toys from balsa wood.

(d) *Furniture, woodenware, and miscellaneous wood products classification.* Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the lumber and wood products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the furniture, woodenware, and miscellaneous wood products classification of that industry, which is defined as the manufacture of all products, and all activities, included in the lumber and wood products industry in Puerto Rico, except those products and activities included in the carpet grippers classification, the swimming pool equipment classification, and the lumber, millwork, and balsa wood toys classification of this industry.

§ 675.3 Notices.

Every employer subject to the provisions of § 675.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 675.2 are working, such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 7th day of September 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-8422; Filed, Sept. 9, 1960; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

Application for Amateur Operator License

The Commission having under consideration the desirability of making an editorial change in § 12.22 of its rules and regulations; and

It appearing that the amendment adopted herein is editorial in nature because it clarifies the language without in any way altering the substance or intent of the section, the amendment consisting of the insertion of the word "supervised" after the word "examination" in the second sentence thereof; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934 (47 U.S.C. 4(i), 5(d)(1), and 303(r)), as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 2d day of September 1960, that effective September 12, 1960, § 12.22 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 12 of the Commission's rules, Amateur Radio Service is amended as follows:

Section 12.22 is amended to read as follows:

§ 12.22 Application for amateur operator license.

The application for any new amateur operator license, including application for any change in operating privileges, shall be submitted in person or by mail to the district field office of the Commission at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for a license which is obtained upon successful completion of an examination supervised by volunteer examiners under the special provisions of § 12.44(c), the application shall be submitted to the district field office which supplied the examination material. Applications for renewal or modification of license, or for duplicate license, when no change in operating privileges is involved, shall be filed directly with the Commission at its Washington 25, D.C. office.

[F.R. Doc. 60-8393; Filed, Sept. 9, 1960; 8:46 a.m.]

PART 41—TELEGRAPH AND TELEPHONE FRANKS

Free Service Permitted

The Commission having under consideration the desirability of making certain editorial changes in Part 41 of its rules and regulations by deleting § 41.41 in its entirety;

It appearing that such section of the Rules and Regulations was adopted solely to permit the rendition of free communications service in certain respects to official participants at the IX Plenary Assembly of the International Radio Consultative Committtee of the International Telecommunication Union held in Los Angeles, California in 1959;

It further appearing that such Assembly has come to a close so that there is no further need for such section;

It further appearing that the Amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the Amendments may become effective immediately;

It further appearing that the Amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 6th day of September 1960, that, effective September 6, 1960, Part 41 is amended by deleting § 41.41 in its entirety.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Released: September 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8394; Filed, Sept. 9, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A3]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Presidential Arms, Dolly Madison Room, 1320 G Street NW., Washington, D.C., beginning at 10:00 a.m., d.s.t., on September 28, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Washington, D.C., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Sealtest Foods Division, National Dairy Products Corporation:

Proposal No. 1. Amend § 902.10 by adding a paragraph (c) to provide handler status to cooperative associations, with respect to milk of its member producers which is delivered from the farm to the plant of another handler in a tank truck owned and operated by, or controlled by such cooperative association or its members.

Proposal No. 2. Amend § 902.15 to provide for unlimited diversions with respect to any milk which is diverted by a cooperative association.

Proposal No. 3. Amend §§ 902.16 and 902.17 to provide that skim milk and butterfat received at a pool plant from a nonpool plant shall be considered as producer milk to the extent that an equivalent amount of skim milk and butterfat was received by the nonpool plant from producers.

Proposal No. 4. Amend § 902.41(b)(5) to read as follows:

(5) In shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 902.10(c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers.

Proposed by High's Dairy Products Corporation and Thompson's Honor Dairy:

Proposal No. 5. Amend § 902.41, "Classes of utilization", as follows: Delete present § 902.41(b)(5) and substitute the following:

(5) In actual plant shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk.

Proposed by the Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 6. Extend the present pricing provisions of § 902.50(a) beyond December 31, 1960, provided that the price shall not change in the event the deviation is a result of a supply demand factor in the Philadelphia, New York or Chicago markets.

Proposed by the Sealtest Foods Division, National Dairy Products Corporation:

Proposal No. 7. Revise § 902.50(a) by deleting the pharse "During the first 18 months after the effective date of this part" and changing the following word "the" to "The". Also, review the Class I pricing provisions with particular reference to the inclusion of seasonal pricing and supply-demand provisions.

Proposal No. 8. Amend § 902.50 to provide an additional price class for milk used for the manufacture of butter or cheese.

Proposed by the Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 9. Amend §§ 902.61 and 902.62 so that where fluid milk products from plants regulated by another Federal order are distributed from such plants on routes in the Washington, D.C., marketing area and such product is classified in the market of origin as other than Class I, that the handler should pay the difference between the value of the product under such order and its value under this order to the producer settlement fund of the Washington, D.C., marketing area.

Proposed by the Sealtest Foods Division, National Dairy Products Corporation:

Proposal No. 10. Add a new section to be designated as § 902.63, as follows:

§ 902.63 Obligation of pool handlers on other source milk.

For any month during which the total of producer milk received by all handlers is less than 110 percent of the net Class I milk to be accounted for by such handlers, the obligations pursuant to § 902.62 (a) and (b) shall not apply.

Proposed by the Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 11. Add the following new §§ 902.63, 902.64 and 902.72:

§ 902.63 Computation of base for each producer.

For each of the months of April through June of each year the market administrator shall compute a base for each producer as follows, subject to the rules set forth in § 902.64.

(a) Divide the total pounds of milk received by a pool handler(s) from such producer during the months of July through December immediately preceding by the number of days of such producer's delivery in such period, but not less than 154 days: *Provided*, That in the case of a producer on every-other-day delivery, the days of nondelivery shall be considered days of delivery for purposes of this section.

§ 902.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 902.63 may be transferred in its entirety upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his farm and entire herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part;

(b) If a producer operates more than one farm, each delivering milk to a pool plant, he shall establish a separate base with respect to producer milk delivered from each such farm; and

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the herd, land, buildings, and equipment used are jointly owned or operated: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns.

§ 902.72 Price for base milk and excess milk.

For each of the months of April through June the price for base milk and excess milk of 3.5 percent butterfat content, f.o.b. market, shall be as follows:

(a) The price for excess milk shall be the Class II price computed pursuant to § 902.50(b); and

(b) The price for base milk shall be the price computed by the market administrator as follows:

(1) Make the same computations as required pursuant to § 902.71(a) through (d);

(2) Subtract from the resulting value an amount computed by multiplying the total hundredweight of excess milk by the excess price pursuant to paragraph (a) in this section;

(3) Divide the value obtained pursuant to subparagraph (2) in this paragraph by the total hundredweight of base milk; and

(4) Subtract from the resulting amount not less than 4 cents nor more than 5 cents.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 12. In § 902.50(b)(2) correct the typographical error in the schedule of skim milk values by inserting a bracket for average prices of nonfat dry milk in the range of $0.86 to $0.95, and inserting corresponding skim milk values for this and lesser average prices for nonfat dry milk which conform with the rest of the table.

Proposal No. 13. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 304 President Washington Building, Arlington Towers, 1011 Arlington Boulevard, Arlington 9, Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 6th day of September 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-8410; Filed, Sept. 9, 1960; 8:48 a.m.]

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Expenses of Almond Control Board and Rate of Assessment for 1960–61 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Almond Control Board and rate of assessment for the 1960–61 crop year which began July 1, 1960. The proposal, which is based on the recommendation of the Almond Control Board and other available information, would be established in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to written data, views, or arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds for the 1960–61 crop year is presently estimated at 54 million pounds (kernel weight). On this basis, an assessment rate of 0.135 cent per pound of almond kernels would assure the availability of sufficient funds to meet the estimated expenses of the Board for the 1960–61 crop year. The aforesaid amended marketing agreement and order provide that funds which are collected as assessments for a crop year and not expended in connection with such crop year's operations may be used temporarily by the Board during the four-month period subsequent to such crop year in paying the expenses of the Board incurred in connection with the subsequent crop year, but must be made available to the handlers from whom collected within five months from the beginning of such new crop year.

The proposal is as follows:

§ 909.310 Budget of expenses of the Almond Control Board and rate of assessment for the 1960–61 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1960, shall be in the total amount of $57,500, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the said crop year, payable by each handler to the Almond Control Board on demand, shall be 0.135 cent per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have been paid.

Dated: September 6, 1960.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-8411; Filed, Sept. 9, 1960; 8:48 a.m.]

[7 CFR Part 938]

IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in certain designated counties in North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilkin, Otter Tail, Becker, and Clay of the State of Minnesota), issued under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 938.202 Expenses and rate of assessment.

(a) The reasonable expenses incurred by the Red River Valley Potato Committee enabling such committee to perform its functions during the fiscal period ended May 31, 1959, amounted to $19,126.94. The budget for such fiscal period shall be amended, pursuant to § 938.42(c) and recommendations of the committee, to approve expenses for $19,126.94.

(b) The rate of assessment for the fiscal period ended May 31, 1959, to be paid by each handler pursuant to Marketing Agreement No. 135 and this part shall be amended, pursuant to § 938.42 (c) and recommendations of the committee, by increasing such rate of assessment from $0.00125, as approved January 29, 1959 (24 F.R. 757), to $0.0020457 per 100 pounds of potatoes handled by him as the first handler thereof during said fiscal period.

§ 938.203 Expenses and rate of assessment.

(a) The reasonable expenses incurred by the Red River Valley Potato Committee enabling such committee to perform its functions during the fiscal period ended May 31, 1960, amounted to $18,947.76. The budget for such fiscal period shall be amended, pursuant to § 938.42(c) and recommendations of the committee, to approve expenses for $18,947.76.

(b) The rate of assessment for the fiscal period ended May 31, 1960, to be paid by each handler pursuant to Marketing Agreement No. 135 and this part shall be amended, pursuant to § 938.42 (c) and recommendations of the committee, by decreasing such rate of assessment from $0.00183, as approved November 4, 1959 (24 F.R. 9080), to $0.001385 per 100 pounds of potatoes handled by him as the first handler thereof during said fiscal period.

§ 938.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and this part, to enable such committee to perform its functions pursuant to the aforesaid marketing agreement and order, for the fiscal period ending May 31, 1961, will amount to $17,177.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 135 and this part shall be $0.00172 per 100 pounds handled by him as the first handler thereof during said fiscal period.

The terms used in these sections shall have the same meaning as when used in Marketing Agreement No. 135 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8424; Filed, Sept. 9, 1960; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Minimum Piece Rates

Notice of proposed rule making with respect to the minimum piece rates payable to homeworkers in the women's and children's underwear and women's blouse and neckwear industry, children's dress and related products industry, and the handkerchief, square scarf, and art linen industry in Puerto Rico.

Minimum wage orders have been recently published in the FEDERAL REGISTER pursuant to the recommendations of special industry committees increasing the minimum hourly wage rates payable in the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico (25 F.R. 7791), the Children's Dress and Related Products Industry in Puerto Rico (25 F.R. 8053), and the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico (25 F.R. 8225). Section 6(a)(2) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 206(a)(2)), provides, among other things, that homeworkers in Puerto Rico be paid at not less than the minimum piece rates prescribed by regulation or order, and that such piece rates are required to be commensurate with, and to be paid in lieu of, the minimum hourly wage rates applicable under section 6 to employees in Puerto Rico, which are those contained in minimum wage orders implementing the recommendations of special industry committees.

Now, therefore, in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) and pursuant to section 6(a)(2) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), notice is hereby given that I propose to amend Schedules A and B of 29 CFR 545.13 by increasing the minimum piece rates for homeworkers in the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico, the Children's Dress and Related Products Industry in Puerto Rico, and the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico commensurate with the increases in the minimum hourly wage rates established by recent minimum wage orders as hereinafter set forth.

Prior to any final action on this proposal, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 1st day of September 1960.

CLARENCE T. LUNDQUIST,
Administrator.

§ 545.13 Piece rates established in accordance with § 545.9.

SCHEDULE A.—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
1	Arenilla (seed stitch), close, ½" squares	*Cents* 76.80	*Cents* 69.12	*Cents* 70.80	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	38.40	34.56	35.40	Do.
3	Arrows, filled in, ¼"	19.20	17.28	17.70	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 42.67	[2] 38.40	50.66	Per yard.
5	Basting bias with cord	21.12	19.01	19.47	Do.
6	Basting darts before sewing	[2] 22.27	[2] 20.05	26.60	Do.
7	Basting for fagoting	5.77	6.20	5.52	Do.
8	Basting hems, 1" to 6" wide	[2] 12.80	[2] 11.52	15.20	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.	11.07	9.96	10.19	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch.	[2] 8.01	[2] 7.21	9.52	Do.
11	Bias piping, joined, double, over 10 stitches per inch.	25.60	23.04	23.60	Do.
12	Bias piping, joined, single, over 10 stitches per inch.	32.00	28.80	29.50	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.	38.57	34.72	35.55	Do.
14	Blanket stitch, folding included, 18 stitches per inch.	72.53	65.28	66.87	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.	[2] 8.36	[2] 7.52	9.89	Per dozen.
16	Buttonhole, stamped, ¾" long	[2] 27.60	[2] 24.84	32.75	Do.
17	Buttonhole, stamped, ½" long	[2] 36.69	[2] 33.03	43.61	Do.
18	Buttonhole stitch, close	57.60	51.84	53.10	Per yard.
19	Buttonhole stitch for joining seams	57.60	51.84	53.10	Do.
20	Cord, twisted, over basting	6.40	5.76	5.90	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	8.77	7.89	8.10	Per yard.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operation.	3.60	3.24	3.31	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).	4.44	4.44	4.27	Do.
23	Dots, baby, not finished off, 2 to 3 stitches	5.33	4.81	4.92	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	8.45	7.61	7.78	Do.
25	Eyelets, up to ¼" diameter	14.27	12.84	13.14	Do.
26	Eyelets, 3/16" diameter	25.60	23.04	23.60	Do.
27	Fagoting, straight lines	89.15	80.23	82.17	Per yard.
28	Fagoting, twisted lines	42.67	38.40	39.33	Do.
29	Feather stitch, 12 stiches per inch	42.67	38.40	39.33	Do.
30	Feather stitch cord	22.45	20.21	20.70	Do.
31	Flat fell seams, first seam by machine	[2] 25.00	22.49	29.65	Do.
32	Flat roll	[2] 19.41	[2] 17.47	23.01	Do.
33	French knots, not finished off	2.68	2.40	2.46	Per dozen.
34	French seams, over 12 stitches per inch	[2] 16.00	[2] 14.41	19.00	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 10.57	[2] 9.52	12.56	Do.
36	Furunecos, with tape	96.00	86.40	88.50	Do.
37	Furunecos, without tape	76.80	69.12	70.80	Do.
38	Gnariquenas	6.40	5.76	5.90	Per dozen.
39	Half roll (with colored or emb. thread)	20.99	18.89	19.36	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	[2] 11.19	[2] 10.07	13.28	Do.
41	Hemming stitch for felling cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	[2] 28.63	[2] 25.77	34.00	Do.
42	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	79.36	71.43	73.16	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	41.65	37.49	38.40	Do.
44	Lace, joined with whipping stitch	66.68	60.00	61.46	Do.
45	Lace, sewed on with hemming stitch or round roll.	32.00	28.80	29.50	Do.
46	Leaves, open, ¼" long	25.60	23.04	23.60	Per dozen.
47	Leaves, open, ¾" to ½" long	38.40	34.56	35.40	Do.
48	Leaves, simple	2.39	2.15	2.21	Do.
49	Leaves, solid, not finished off, ¾" long	7.03	6.33	6.48	Do.
50	Leaves, solid, not finished off, ¼" long	8.53	7.68	7.87	Do.
51	Leaves, solid, not finished off, ⅜" to ½" long.	12.80	11.52	11.80	Do.
52	Leaves, solid, finished off, ⅜" to ¾" long	25.60	23.04	23.60	Do.

See footnotes at end of table.

SCHEDULE A.—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]—Con.

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear and nightwear		
		(1)	(2)	(3)	
		Cents	*Cents*	*Cents*	
53	Loops, knitted, ¼"	8.01	7.21	7.39	Do.
54	Loops, knitted, 1" to 1½"	13.45	12.12	12.40	Do.
55	Loops, made with button-hole stitch	19.20	17.28	17.70	Do.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled with hemming stitch.	76.47	68.83	70.49	Per yard.
57	Overcasting seams	[3] 13.61	[3] 12.24	16.17	Do.
58	Pasadas, short, 1" to 8"	5.97	----------	----------	Per dozen pasadas.
59	Patches, sewed on with single point de ture	127.49	114.75	117.52	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½ inch.	8.05	7.24	7.42	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	125.44	112.89	115.64	Per yard.
60	Pin stitch, thread drawing not included, 1 inch squares.	153.60	138.24	141.60	Per dozen squares.
61	Point de ture double, with embroidery thread.	63.67	57.31	58.69	Per yard.
62	Point de ture plain, with embroidery thread	37.33	33.59	34.42	Do.
63	Ranfla, bundles twisted but not tied, thread drawing not included.	16.60	14.39	14.75	Do.
64	Randa, Don Gonzales, thread drawing not included.	67.20	60.47	61.95	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	19.20	17.28	17.70	Do.
66	Ribbons, setting ends of	8.77	7.89	8.10	Per dozen.
67	Rolling armholes and reboques	[3] 32.69	[3] 29.43	38.83	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors of tones.	19.01	17.11	17.54	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	[3] 16.00	[3] 14.41	19.00	Per yard.
70	Running stitch for felling, very close stitch	[3] 16.00	[3] 14.41	19.00	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	[3] 17.20	[3] 15.48	20.45	Do.
72	Running stitch on lace	16.99	15.29	15.67	Do.
73	Running stitch for plain sewing	[3] 11.56	[3] 10.41	13.75	Do.
74	Scallops, plain, cutting included	64.43	57.99	59.39	Do.
75	Shadow stitch, up to ⅜" wide	123.73	111.36	114.07	Do.
76	Shell, 4 to 5 stitches per inch	21.95	19.76	20.22	Do.
77	Shirring, material to be measured before shirring.	12.88	11.59	11.89	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	15.49	13.93	14.27	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	27.83	25.04	25.65	Do.
80	Shoulder straps, set with buttonhole stitch, 14½" x ¾", measured after turning, sewing up to ⅝" at each end at strap.	75.65	68.08	----------	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[3] 12.80	[3] 11.52	15.20	Per dozen inches.
82	Smocking	.52	.47	.49	Per dozen stitches.
83	Snaps, sewing on, both sides	[3] 12.80	[3] 11.52	15.20	Per dozen.
84	Solid cord stitch on gores and embroidery	60.16	54.15	55.45	Per yard.
85	Solid cord stitch to sew on lace	54.40	48.95	50.15	Do.
86	Spiders, 4 legs	12.80	11.52	11.80	Per dozen.
87	Spiders, 8 legs	25.01	22.52	23.06	Do.
88	Tacks, set for fagoting	6.40	5.76	5.90	Do.
89	Tucks, stamped, 3/16" to ¾" wide, up to 6" long	20.03	18.01	18.45	Do.
90	Tucks, pin, stamped up to 7" long	21.11	19.00	19.46	Do.
91	Tucks, pin, unstamped, up to 6" long	25.60	23.04	23.60	Do.
93	(See operation No. 22.1.)				
94	Turning belts, machine sewn, 29" x ½", measured after turning.	18.36	18.36	17.67	Per dozen belts.
95	Turning belts, machine sewn, 60" x ½", measured after turning.	23.33	23.33	22.45	Do.
96	Turning shoulder pads, 5¾" long, with an unsewed slit of 1" for turning.	11.92	11.92	11.47	Per dozen pads.
97	Turning shoulder straps, 14½" x ¼", measured after turning.	36.60	36.60	----------	Per dozen straps.

[1] See current wage orders for these 2 industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.
[3] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
99	Arenillas (seed stitch), close, ½" squares	33.60	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" squares	16.80	Do.
101	Arrows, filled in, ¼" long	8.40	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.61	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	1.40	Do.
103.1	Basting and folding hem on edges up to 1½" hem	[3] .56	Do.
104	Blind hemstitch	5.60	Do.
105	Buttonhole stitch, 16 stitches per inch	5.60	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	8.40	Do.
107	Chain stitch, 4 stitches per inch	1.40	Do.
108	Chain stitch, 8 stitches per inch	2.80	Do.
109	Cord, solid, on stem	8.76	Do.
110	Cord, twisted, over basting	2.80	Do.
111	Cord or embroidery, solid, without filling, up to 3/16" thick [3]	8.40	Do.
112	Crocheting or flat cord, 4 stitches per inch	1.40	Do.
113	Cross stich, 6 crosses per inch	5.96	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	11.20	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	8.40	Per dozen.
115	Diamonds, filled in, ⅛" to ⅜" wide	8.40	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	2.32	Do.
117	Dots, large, not filled in, finished off, 12 stitches	4.20	Do.
118	Dots, large, filled in, finished off, over 12 stitches	8.40	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	5.60	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches	3.69	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread.	2.40	Do.
120.2	Dots, medium, finished off, 5 stitches, with double embroidery thread.	3.16	Do.
121	Embroidery, solid, 3/16" to ¼" thick, averages 28 stitches per inch [3]	11.20	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	11.20	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	8.40	Do.
124	Eyelets, ¼" diameter	6.24	Per dozen.
125	Feather stitch, 12 stitches per inch	6.22	Per dozen inches.
126	Feather stitch cord	3.29	Do.
127	Flat hems without pasada	[3] 2.80	Do.
128	French knots, not finished off	1.17	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.24	Do.
129	Guariquenas	2.80	Do.

See footnotes at end of table.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
130	Hand or French rolling, 10 stitches or less per inch	7.91	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch	9.51	Do.
132	Hand-rolling one side of a corner. The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	18.68	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner. The piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner.	37.32	Do.
134	Hand-rolling both sides of a corner. The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner.	46.68	Do.
135	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	11.86	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	6.09	Do.
137	Initials, simple, with hoops	28.00	Do.
138	Initials, simple, without hoops	17.36	Do.
139	Lace, joined at corners with hemming stitch	8.40	Do.
140	Leaves, simple	1.05	Per dozen.
141	Leaves, solid, not finished off, ¾" long	3.72	Do.
142	Leaves, solid, not finished off, ⅜" to ½" long	5.60	Do.
143	Leaves, solid, not finished off, ⅝" to ¾" long	11.20	Do.
144	Loops, made with worm stitch, ¼"	1.88	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive	5.60	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over	7.84	Do.
147	Pasadas, 15" x 15", linen up to 1600 count, inclusive	9.52	Do.
148	Pasadas, 15" x 15", linen 1700 count and over	11.76	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1400 count inclusive	13.44	Do.
150	Pasadas, short, 1" to 7", linen up to 1600 count inclusive	[4] 2.90	Do.
	Pasadas, short:		
151	Cambric, 1" to 10"	5.60	Do.
152	Crash, 1" to 10"	4.20	Do.
153	Cambric, 10½" to 18"	11.20	Do.
154	Crash, 10½" to 18"	8.40	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included	6.13	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	10.67	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4"	7.84	Do.
156.2	Patches, irregular outline sewed on with blind stitch, over 4"	3.98	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included.	5.03	Do.
158	Pin stitch, thread drawing not included, 1" sq	67.20	Do.
159	Randa, Don Diego, thread-drawing not included	12.60	Do.
160	Randa, Mexican, tied at center only, thread drawing not included	2.80	Do.
161	Randa, simple, not stitched at either side, thread drawing not included.	2.13	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	8.32	Per dozen.
163	Scallops, plain, cutting included	9.41	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	18.03	Do.
165	Spiders, 4 legs	5.60	Per dozen.
166	Spiders, 8 legs	10.95	Do.

[1] See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations," and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.
[3] These piece rates have been set on the basis of O.N.T. thread #5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread #11 is used, 15 percent must be added to the piece rates established for thread #5.
[4] For each additional count of 100, add 1.12 cents.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents		Unit of payment
		Cambric (1)	Crash (2)	
	Thread drawing			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped 1" to 10"	2.00	----------	Per dozen threads.
167.2	Not stamped 1" to 10"	2.50	1.48	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	11.19	9.12	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	8.95	7.58	Do.
167.7	15" x 15"	11.19	9.12	Do.
167.8	18" x 18"	13.43	10.53	Do.
	Scarves:			
168.0	17" x 36"	19.77	14.17	Do.
168.1	17" x 45"	23.13	15.97	Do.
168.2	17" x 54"	26.49	17.72	Do.
	Squares:			
168.3	36" x 36"	26.87	17.91	Do.
168.4	45" x 45"	33.57	21.29	Do.
168.5	54" x 54"	40.29	24.88	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"	----------	1.41	Do.
168.7	15" x 24"	----------	2.04	Do.
168.8	18" x 30"	----------	2.34	Do.
169.	Art linens, after first thread	(4)	(4)	

[1] See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations," and for applicable minimum hourly wage rates.
[4] For second and third threads, 20 percent of rate for first threads; for additional threads, 15 percent of rate for first thread.

No.	Operation	Cents	Unit of payment
	Thread drawing		
	Ladies handkerchiefs:		
170	First thread around edge, cotton or linen, up to 1600 count inclusive.	2.80	Per dozen threads.
171	First thread, inside, cotton or linen, up 1600 count inclusive	3.52	Do.
172	After first thread (for example, for hemstitching)	(4)	
173	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	4.20	Per dozen threads.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20".	4.92	Do.
175	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	4.92	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20".	5.60	Do.
177	After first thread (for example, for hemstitching)	(4)	

[1] See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations," and for applicable minimum hourly wage rates.
[4] For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Doilies			Napkins			Table scarves			Squares			Table cloths		
		8" x 16"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"
179	Half roll, cambric and crash, at 3.06 cents per dozen inches	1.47	1.47	1.84	1.47	1.84	2.20	3.24	3.79	4.35	4.41	5.51	6.61	7.71	8.81	9.91
180	Hand or French rolling, 10 stitches or less per inch, cambric, and crash at 1.96 cents per dozen inches	.95	.95	1.19	.95	1.19	1.43	2.10	2.46	2.81	2.85	3.56	4.28	4.99	5.70	6.42
	Hemming stitch over pasada, measuring all around edge:															
181	Cambric at 1.88 cents per dozen inches [2]	.90	.90	1.13	.90	1.13	1.35	1.99	2.33	2.67	2.71	3.38	4.06	4.74	5.41	6.09
182	Crash, at 1.75 cents per dozen inches [2]	.84	.84	1.05	.84	1.05	1.26	1.86	2.17	2.48	2.52	3.15	3.78	4.41	5.04	5.67
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 1.88 cents per dozen inches [2]	.90	.90	1.13	.90	1.13	1.35	1.99	2.33	2.67	2.71	3.38	4.06	4.74	5.41	6.09
184	Crash, at 1.75 cents per dozen inches [2]	.84	.84	1.05	.84	1.05	1.26	1.96	2.17	2.48	2.52	3.15	3.78	4.41	5.04	5.67
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 2.09 cents per dozen inches [2]	1.00	1.00	1.25	1.00	1.25	1.50	2.22	2.59	2.97	3.01	3.76	4.51	5.27	6.02	6.77
186	Crash, at 1.88 cents per dozen inches [2]	.90	.90	1.13	.90	1.13	1.35	1.99	2.33	2.67	2.71	3.38	4.06	4.74	5.41	6.09

[1] See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations," and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.

SCHEDULE B.—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Concluded

No.	Operation	Cents	Unit of payment
	Scallop cutting		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 3/16" up to but not including 3/8", along outside edge.	28.57	Per dozen scallops.
187.5	Medium, measuring from 3/8" up to but not including 7/8", along outside edge.	35.98	Do.
187.6	Large, measuring from 7/8" to and inclusive of 1 1/4", along outside edge.	53.96	Do.
	Needlepoint operations [4] [7]		
200	Compact florals, figures and landscapes	29.12	Per 1,000 stitches.
201	Scattered florals	31.36	Do.
202	Scattered florals consisting of borders or garlands only	33.60	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	31.36	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	33.60	Do.
205	2.20 cents must be added to the above piece rates to cover thumbtack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with Section 545.10.		

[4] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulation 545.10.
1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

[7] *Definitions.* (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.
(2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

[F.R. Doc. 60-8328; Filed, Sept. 9, 1960; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 495]

AIRWORTHINESS DIRECTIVES

Lockheed Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator by amending Amendment 169, 25 F.R. 4955. Amendment 169 required a one-time inspection of the elevator counterweight installation on Lockheed 188 Series aircraft. As it has now been determined that a repetitive inspection is necessary every 900 hours of time in service, the proposed amendment will accomplish this.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C., All communications received on or before October 11, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), as follows:

Amendment 169, Lockheed 188 Series aircraft, as it appeared in 25 F.R. 4955, is amended by adding the following paragraph:

This inspection must be repeated within 15 days after the effective date of this amendment. Thereafter, this inspection must be repeated at intervals not to exceed 900 hours' time in service.

Issued in Washington, D.C., on September 2, 1960.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8385; Filed, Sept. 9, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 497]

AIRWORTHINESS DIRECTIVES

Lake (Colonial) Aircraft

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of engine mount bolts on certain Lake (Colonial) C-2 aircraft. This corrective action is necessary since the bolt failure could result in loss of the engine.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 11, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), as follows:

LAKE (COLONIAL). Applies to Colonial C-2 Serial Numbers 115, 121, 126 and subsequent. Lake Serial Numbers 244 and 245.

Compliance required within 100 hours' time in service after publication as an adopted rule.

Due to several failures of the engine mount bolts, the following shall be accomplished:

(a) Replace AN 7-35 engine-to-engine mount bolts with MS 20007-48 or NAS 464-7L-51 strength bolts or equivalent (4 places).

(b) Replace Lord Mounts P/N J-7402-1 with Lord Mounts P/N J-7402-5 or -6, or equivalent (4 places).

(Lake Service Bulletin Number 2 covers this same subject.)

Issued in Washington, D.C., on September 2, 1960.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8386; Filed, Sept. 9, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-71]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation Federal Airway Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 75 presently extends from Cleveland, Ohio, to the United States/Canadian Border north of Cleveland. The Federal Aviation Agency has under consideration revocation of this airway. It appears that this route between Cleveland and London, Ontario is adequately served by VOR Federal airway No. 5 which closely parallels Blue 75. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, Section 601.4675 relating to reporting points on Blue 75 would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 2, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8387; Filed, Sept. 9, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 158, 159, 160]

[No. 33550]

REGULATIONS FOR INITIAL PIPELINE VALUATIONS

Notice of Proposed Rule Making

AUGUST 22, 1960.

Notice is hereby given, pursuant to provisions of section 4(a) of the Administrative Procedure Act, that the Commission has under consideration the matter of consolidating into a single order the regulations presently prescribed in Valuation Orders No. 26 Revised, No. 27 and No. 28, covering the preparation and filing of data with the Commission for its consideration in finding the initial value of property dedicated to public use by carriers by pipeline. The present regulations appear in 49 CFR Parts 158, 159, and 160. The regulations being considered are set forth below.

This notice will be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Federal Register Division.

Any interested party may, on or before October 10, 1960, file with the Commission's Secretary written views or suggestions to be considered in this connection, but it is not now intended that oral argument will be heard. An original and six copies of such views or suggestions should be filed with the Commission for official use. After consideration of responses so received and giving effect to such further changes as may be found necessary because of them, the revised regulations will be prescribed under authority in section 19a of the Interstate Commerce Act, 24 Stat. 383, as amended; 37 Stat. 701, as amended; 49 U.S.C. 19a, as amended.

[SEAL] HAROLD D. MCCOY,
Secretary.

[Valuation Order No. 29]

GENERAL

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GENERAL

§ 160.0 Regulations prescribed.

Each common carrier by pipeline, subject to the provisions of the Interstate Commerce Act, for which an initial valuation is to be found by the Commission is required to comply with regulations in this Part pertaining to the preparation and filing of data with the Commission

for its consideration in finding such initial valuation. The data to be filed shall be reported separately by ownership and use, by states, and by primary property accounts, as hereinafter prescribed.

§ 160.1 Data to be filed.

(a) Except as may be otherwise directed by the Commission, the following data shall be filed:

ACV Form No. 5—Inventory of Property Other than Land and Rights-of-Way.
ACV Form No. 6—Inventory of Land and Rights-of-Way.
ACV Form No. 7—Summary of Original Cost of Inventory.
ACV Form No. 8—Cost Data for Equipment and Tanks.
ACV Form No. 9—Cost Data for Pipeline Construction.
Maps.
Pilot plans.
Sketches.
Photographs.
Special notes.
Identification of aids, gifts, grants or donations.
Reconciliations.
Corporate history and development of fixed physical property.

Facsimiles of ACV Forms No. 5, 6, 7, 8, and 9 are presented as Appendices A, B, C, F, and G, respectively.[1]

(b) All worksheets and other underlying support of data filed shall be retained by carriers in such manner that they may be readily verified.

§ 160.2 Responsibility for filing data.

It shall be the responsibility of the carrier for which an initial valuation is to be found by the Commission to file the data prescribed by this part. This responsibility shall apply whether property included in the initial inventory is wholly or jointly owned and used, wholly or jointly owned but not used, or wholly or jointly used but not owned, or whether such property is a part of a "system" or otherwise. As used in the regulations in this part, the term "agent operator" refers only to a carrier for which an initial valuation is to be found by the Commission.

§ 160.3 Copies required.

The data referred to in § 160.1 shall be filed with the Commission in an original only, and one copy shall be retained by carriers. However, copies of ACV Forms prepared by other than the filing carrier may be filed in lieu of originals.

§ 160.4 Carrier and noncarrier property defined.

Carrier property is that which is used exclusively for common-carrier purposes. Noncarrier property is that which is used exclusively for purposes other than those of a common carrier. Property held in anticipation of an indefinite future use, and property which is owned by a common carrier and is leased to other than a common carrier shall be reported as noncarrier property. Classification of property under this definition shall be consistent with the classification of property for accounting purposes.

[1] Filed as part of the original document.

§ 160.5 Original cost defined.

(a) Original cost means the actual cost of construction or acquisition of property to the first person or corporation dedicating such property to public use. Interpretive examples of this definition follow:

(1) Where an entire property, or portion thereof, is acquired from another common carrier by purchase, merger, consolidation, or reorganization, the cost of the property, estimated if not known, to the vendor shall be construed to be the original cost of the property acquired.

(2) Where property which has not been previously dedicated to public use is acquired, the cost of acquisition to the vendee shall be regarded as the original cost of the property acquired.

(3) Where the actual cost of property acquired by lease from a noncarrier and placed in public use by a carrier is not obtainable, the estimated cost of such property, as of the date of the lease, shall be used as the original cost.

(b) Where estimated original cost is used it shall be prorated among the primary accounts on an equitable basis, and a notation shall be made that estimates were used, together with an explanation of the method employed in arriving at such estimates.

§ 160.6 Reporting overhead expenditures.

To assure against the double inclusion of overhead in the determination by the Commission of the cost of reproduction new of the inventory of carrier property, overhead expenditures shall be reported separately under the caption "Overhead," in complete detail for each account for each valuation section, and shall be reported on ACV Form No. 5 and on ACV Form No. 6 immediately following the last original cost amount stated on these forms in accordance with §§ 160.100 and 160.101. The term overhead, as used in the regulations in this part, shall be construed as consisting of those expenditures incurred in connection with the construction or acquisition of property which were applicable to a period prior to the date that the property to which they relate was placed in operation. Examples of such expenditures are interest during construction, engineering cost, taxes on physical property, etc.

§ 160.7 Reporting cost of organization.

Cost of organization shall be reported, in complete detail by category of expenditure, on a separate ACV Form No. 5 which shall be headed "Account No. 2 Cost of organization." The total of amounts shown shall be reported on ACV Form No. 7 in accordance with instructions appearing in § 160.102.

§ 160.8 Valuation sections.

A valuation section is a geographical segregation of property within a state, and in no case may a valuation section extend beyond a state line. Separate valuation sections shall be established within each state for each group of property identified in the Uniform System of Accounts for Pipe Line Companies as "Gathering Lines," "Trunk Lines," and "General." Valuation sections so established shall be numbered and shall bear the corresponding identifying suffix G for gathering line property, T Crude or T Prods. for trunkline property, and Gen. for property classified as general. Jointly owning or jointly using carriers, and carriers wholly using property owned by others, shall assign their own valuation section numbers to property so owned or used. Mobile property servicing more than one valuation section of a state shall not be assigned to a valuation section but shall be reported as "Unallocated" for the state served. Mobile property servicing more than one state shall not be assigned to a valuation section but shall be reported as "Unallocated" for the carrier as a whole without state identity. Valuation section numbers and unallocated designations shall be decided by each carrier, subject to the approval of the Commission.

§ 160.9 Auxiliary documents.

The following documents referred to in these regulations will be supplied by the Bureau of Accounts:

1947 Period Guide Prices and Annual and Period Indices.
Schedule of Element Codes and Guide Service Lives for Oil Pipeline Property.

§ 160.10 Assembling and numbering forms.

Related ACV Forms No. 5, 6, and 7 shall be associated, with ACV Forms No. 5 and 6 following ACV Form No. 7. ACV Forms No. 8 and 9 shall then be placed behind ACV Forms No. 5, 6, and 7. All ACV Forms thus assembled shall then be consecutively numbered in the upper right-hand corner. There shall also be shown in the upper right-hand corner of the ACV Form numbered 1 the total number of ACV Forms filed.

§ 160.11 Amendments and deviations.

Only those amendments to or deviations from the regulations prescribed by this part as may be directed by the Commission are authorized.

PREPARATION OF DATA

§ 160.100 ACV Form No. 5—Inventory of Property Other Than Land and Rights-of-Way.

(a) This is a multipurpose form designed to meet the needs of both the carriers and the Commission. Columns 1 through 7 shall be used by carriers to document the inventory. The remaining columns will be completed by the Commission.

(b) A separate ACV Form No. 5 shall be filed bearing the following statement which shall be signed by a responsible officer of the carrier, or agent, filing the data prescribed by the regulations in this part:

The data filed pursuant to Valuation Order No. 29 have been carefully examined by the undersigned who declares that such data have been prepared in accordance with regulations set out in said Order.

(Signature)

(Title)

(Date)

(c) A pipeline mileage statement shall be presented on ACV Form No. 5, in the following format, on Sheet No. 1 of each valuation section, summarizing the pipeline footage included in the inventory. The gross and screwage shown on the statement shall represent the pipe footage reported on ACV Forms No. 5 documenting the inventory:

PIPELINE MILEAGE STATEMENT

	Footage[1]			
	Gross	Screwage	Net	Mileage[2]
Trunk lines:				
Crude:				
Line				
Loops				
Other[3]				
Products:				
Line				
Loops				
Other[3]				
All gathering lines				

[1] The footage reported must agree with the total footage shown in the summaries appearing on the right-of-way maps prepared for the valuation section.
[2] Enter the equivalent miles, to the nearest thousandth, for the net footage shown.
[3] Exclude service pipe such as water, air, steam, gas or fuel piping.

(d) Inventory data to be shown on ACV Form No. 5 shall be reported in summary form by kind of property within each account. By summary reporting is meant the grouping of property units having characteristics common to all such units. An example of summary reporting appears in paragraph (e) of this section.

(e) The number of units to be reported in column 6 of ACV Form No. 5 shall be governed by the applicability to such units of the identifying data shown in columns 1 through 5. Taking steel pipe as an example, the units of pipe to be reported in column 6 must be of the same construction, that is, either plain end or screw end, lap weld, electric weld, seamless, etc., and they must have the same diameter and weight in pounds per foot (all these identifications will appear in column 1); they must have been dedicated to public use in the same year (column 2); they must be includible in the same element code (column 3); they must have the same guide life years (column 4); and they will have a common unit of property, linear feet (column 5).

(f) ACV Form No. 5 shall be prepared by typewriter without interlineation as follows:

(1) Enter the date assigned for the valuation of the property on the line provided in the caption of the form.

(2) ☐ *Carrier Property* ☐ *Noncarrier Property.* Place an X in the appropriate block to identify the property being reported.

(3) *Account No. _____.* Enter the appropriate primary account number. When ACV Form No. 5 is used to report noncarrier property, the primary property account numbers used to report carrier property shall also be employed to facilitate the identification of such property.

(4) *State _____ Val. Sec. _____.* Identify the state and the valuation section in which the property is located. Enter "Unallocated" when appropriate.

(5) *Sheet No. ____ of ____ Sheets.* The use of this line shall be restricted to identifying the sheets relating to the valuation section or Unallocated, as appropriate.

(6) *Report Filed by _____ Property Owned by _____ Property Used by _____.* Identify, respectively, the carrier or agent filing the report, the owner of the property, and the carrier using the property. When the form is used to report jointly owned or jointly used property, enter an asterisk (*) on the Property Owned by _____ and Property Used by _____ lines of Sheet No. 1 of each valuation section, or Unallocated, and below, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning and using interest. Enter an asterisk on these two lines on all remaining sheets to indicate that the identity of the owning and using carriers is set out on Sheet No. 1.

(7) *Columns 1 and 5.* The property description and unit of property to be shown in these columns shall conform with those appearing in the 1947 Period Guide Prices and Annual and Period Indices. Where property descriptions do not appear in that document or where, in the view of the carrier, they are inadequate, they shall be shown in column 1 in sufficient detail to clearly describe the property being reported. Identify, in column 1, property representing public improvement projects, and show the total cost of the project, the identity of the participants, and the percentage of participation, in addition to the description of the property. Identify also in column 1 property included in the inventory, other than land and rights-of-way, which was acquired by aid, gift, grant or donation from private parties. See (11)(vii) below for instructions covering the reporting of original cost for public improvement projects and for aids, gifts, grants or donations received from private parties. Except for service pipe, show in column 1 the screwage included in the gross linear footage reported in column 6 for pipe in accounts 103, 153, 110, 160, 112 and 162.

(8) *Column 2.* Show the year the property was dedicated to public use. Where the year, or years, of construction or installation differ from the year of dedication to public use show the former in column 1, together with the number of units constructed or installed during such years.

(9) *Columns 3 and 4.* The data to be entered in these columns shall be taken from the Schedule of Element Codes and Guide Service Lives for Oil Pipeline Property. Guide life years shall not be shown for property reported under accounts 104, 105, 154, and 155, or for property reported under element code 124 of accounts 111 and 161. Use guide lives other than those shown in the Schedule of Element Codes and Guide Service Lives for Oil Pipeline Property only when specifically authorized by the Bureau of Accounts.

(10) *Column 6.* Enter the total number of units of property referred to in columns 1 through 5. See example of summary reporting appearing in (e) of this Section. Where the unit reported in column 5 is "Lot" make no entry in this column.

(11) *Column 7.* Report, to the nearest dollar, in this column, in the manner directed in (i) through (v) below, the original cost, exclusive of overhead which shall be reported in accordance with § 160.6, of the property identified in Columns 1 through 6. With the exception of cathodic protection reported separately under element code 24, include the cost of cathodic protection with the cost of the property reported:

(i) Report a single total for the entire valuation section for each of the following accounts: 103, 104, 109, 114, 153, 154, 159, 164, 179, and 184.

(ii) Report a single total for the entire valuation section for each of the following element codes: 26, 128, 150, 154, 156, 174, 176, 178, and each element code assigned to other accounts when such element codes are used to identify property reported under accounts 116, 166 and 188.

(iii) Enter a single total for the entire valuation section for each of the following portions of element codes: cathodic protection reported under element code 24; the installation of oil lines in stations reported under element code 24; ordinary casing installations at railroad or highway crossings reported under element code 24; with the exception of river crossings, pipeline bridges, and unusual construction jobs, all other pipeline construction reported under element code 24 not enumerated in this paragraph; oil pipe in place reported under element code 96; fittings in place reported under element code 96; service pipe in place reported under element code 98; fittings in place reported under element code 98; the miscellaneous portion of element code 124; oil pipe in place reported under element code 130; and fittings in place reported under element code 130. When reporting clearing and grubbing under element code 24 include only those expenditures for areas where it is necessary to remove trees and heavy brush, and not for the entire right-of-way prior-to-ditching grading.

(iv) Enter a separate total for the following:

Accounts 105 and 155. Each river crossing, pipeline bridge, or each unusual construction job such as one involving long stretches of solid rock or swamp areas or an unusual casing installation, reported under element code 24; and each type of coating reported under element code 28.

Accounts 106, 156, and 176. Each building, station ground or bridge. Include communication system buildings and grounds.

Accounts 107, 108, 157, and 158. Each unit, or group of units, reported in accordance with (10) above.

Accounts 110, 112, 160, and 162. All of the property for each station reported under each of the element codes 100, 102, 132, 134, 136, 138, and 140.

Accounts 111 and 161. Each unit, or group of units, reported in accordance with (10) above. Exclude the miscellaneous portion of element code 124 and all of element code 128.

(v) Report the original cost of each unit of property, or each group of those units of property which are identical, which has not been specifically identified in (i) and (iv) above, or for which a description and unit price has not been provided in the 1947 Period Guide Prices and Annual and Period Indices.

(vi) The following chart, presenting graphically the reporting requirements set out in (i) through (v) above, is provided for ready reference. Portions of prescribed elements, only, have been identified in the column captioned "Element—Subtitle."

Account	Element: Code	Element: Subtitle	Report original cost as follows: Single total for the entire valuation section	Separate total for each or for each group that is identical	Separate total for each station
103–153			X		
104–154			X		
105–155	24	Cathodic protection	X		
		Installation of oil lines in stations	X		
		Ordinary casing installations at railroad or highway crossings	X		
		River crossings		X	
		Pipeline bridges		X	
		Unusual construction jobs		X	
		All other pipeline construction	X		
	26		X		
	28	Type of coating		X	
106–156–176	40			X	
	42			X	
	44			X	
	46			X	
	48			X	
107–157	60			X	
	61			X	
108–158	68			X	
	69			X	
	70			X	
	71			X	
	72			X	
	73			X	
	74			X	
	76			X	
109–159–179			X		
110–160	96	Oil pipe in place	X		
		Fittings in place	X		
	98	Service pipe in place	X		
		Fittings in place	X		
	100				X
	102				X
111–161				X [1]	
	124	Miscellaneous	X		
	128		X		
112–162					
	130	Oil pipe in place	X		
		Fittings in place	X		
	132				X
	134				X
	136				X
	138				X
	140				X
113–163–183					
	150		X		
	154		X		
	156		X		
114–164–184			X		
115–165–185					
	174		X		
	176		X		
	178		X		
116–166–186	(2)		X		
Property not covered above, or property for which a description and unit price has not been provided in the 1947 Period Guide Prices and Annual and Period Indices				X	

[1] Except the "Miscellaneous" portion of Element Code 124, and all of Element Code 128.
[2] For each element code assigned to other accounts when used to identify property reported under these accounts.

(vii) In reporting original cost in accordance with (i) through (vi) above include for property acquired by aid, gift, grant or donation from private parties, identified in column 1 in accordance with (7) above, the cost of such property, or the appraised value where the cost cannot be determined; in the case of property identified as a public improvement project in column 1 in accordance with (7) above, include only the cost borne by the carrier.

(12) When ACV Form No. 5 has been completed for each account, show the total of all amounts entered in column 7. In the case of jointly owned or jointly used property apply the owning or using percentages, shown on Sheet No. 1, to the total and identify the results by each jointly owning or jointly using carrier.

(g) ACV Forms No. 5 prepared by agent operators for "system" property as a whole, together with related ACV Forms No. 5 showing the proportionate share of the original cost of such property applicable to each jointly owning or jointly using carrier, shall be filed with the Commission for review and completion. See Appendix D [1] for an example of the manner in which ACV Forms No. 5 showing proportionate shares of original cost are to be prepared.

(h) Following review and completion by the Commission of ACV Forms No. 5 filed by agent operators in accordance with paragraph (g) of this section, agent operators will be supplied with photocopies of all ACV Forms No. 5 for "system" property as a whole, and with photocopies of all ACV Forms No. 5 showing proportionate shares of original cost on which corrections are made by the Commission. Agent operators shall then provide each jointly owning or jointly using carrier with two copies of its "proportionate share" ACV Forms No. 5, one to be retained and one to be filed with the Commission.

(i) Following their review and completion by the Commission ACV Forms No. 5 will be made available for required photocopying by wholly owning or wholly using carriers.

[1] Filed as part of the original document.

§ 160.101 ACV Form No. 6—Inventory of Land and Rights-of-Way.

(a) The data to be reported on this form shall be typewritten and double spaced. To facilitate identification use carrier property primary account numbers when reporting noncarrier property. When the form is used to report jointly owned or jointly used property enter on Sheet No. 1, for each valuation section, an asterisk (*) on the Property Owned by ------ and Property Used by ------ lines and, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning or using interest.

(b) The form shall be executed as follows:

(1) Enter the date assigned for the valuation of the property on the line provided in the caption of the form.

(2) ☐ *Carrier Property* ☐ *Noncarrier Property.* Place an X in the appropriate block to identify the property being reported.

(3) *Report Filed by ------ Property Owned by ------ Property Used by ------.* Enter appropriate identifications. Where jointly owned or jointly used property is being reported, enter an asterisk (*) on the Property Owned by ------ and Property Used by ------ line to indicate that the identity of the owning and the using carriers is set out on Sheet No. 1 of ACV Form No. 6 for the valuation section, as directed in (a) above.

(4) *State ------ Val. Sec. -------.* Identify the state and valuation section in which the property being reported is located.

(5) *Sheet No. ---- of ---- Sheets.* This line shall identify the sheets relating to the valuation section only.

(6) Enter the appropriate account number in the Land or Rights-of-Way block.

(7) *Column 1.* Enter the number of the land map assigned by the carrier in accordance with § 160.105(b) (6).

(8) *Column 2.* Indicate the number assigned to the parcel, or parcels, on the map identified in column 1.

(9) *Column 3.* Indicate the date and the kind of instrument by which title to, or interest in, each parcel was derived, such as deed, quitclaim deed, condemnation, ordinance, lease, agreement, etc.

(10) *Columns 4 and 5.* Enter, respectively, the name of the grantor and grantee cited in the instrument identified in column 3.

(11) *Column 6.* Enter in this column the area, either in square feet or acres, of the parcel, or parcels, identified in column 2.

(12) *Column 7.* Enter, to the nearest dollar, the original cost of the area reported in column 6. In the case of land which was acquired by aid, gift, grant or donation record the cost, or the appraised value where the cost cannot be determined, of land so acquired from private parties only. Incidental costs and assessments for public improvements shall be reported separately in column 7 and identified in column 13. Incidental costs and assessments shall be allocated to the parcels affected. If considerations other than cash were exchanged for land, identify such considerations in column 13. Total column 7 for each valuation section, including overhead.

(13) *Column 8.* Use this column for both land and rights-of-way. Enter the year that the parcel, or parcels, of land, or the year that the first trunk pipeline right-of-way, or portion thereof, was dedicated to public use.

(14) *Columns 9 and 10.* Identify the termini of trunk pipeline rights-of-way placed in public service during the year shown in column 8.

(15) *Column 11.* Enter, for the termini identified in columns 9 and 10, the line miles of trunk pipeline right-of-way.

(16) *Column 12.* Enter, to the nearest dollar, the total original cost for the valuation section as a whole for either trunk or gathering lines. Where rights-of-way were acquired by aid, gift, grant or donation include in the total entered in column 12 the cost, or the appraised value where the cost cannot be determined, of rights-of-way so acquired from private parties only. Record overhead and show total. If considerations other than cash were exchanged for rights-of-way identify such considerations in column 13.

(17) *Column 13.* Include in this column the number of the right-of-way map, or maps, depicting the trunk line, or lines, identified by the termini shown in columns 9 and 10. Identify also in this column land or rights-of-way included in the inventory which were acquired by aid, gift, grant or donation from private parties, the cost or appraised value of which is included in amounts reported in column 7 or column 12.

(18) In the case of jointly owned or jointly used property apply the owning or using percentages, shown on Sheet No. 1 for the valuation section, to the total shown in column 7 or in column 12, and identify the results by each jointly owning or jointly using carrier.

(c) ACV Forms No. 6 prepared by agent operators for "system" property as a whole, together with related ACV Forms No. 6 showing the proportionate share of the original cost of such property applicable to each jointly owning or jointly using carrier, shall be filed with the Commission for review. See Appendix E [1] for an example of the manner in which ACV Form No. 6 showing proportionate shares of original cost are to be prepared.

(d) Following review by the Commission of ACV Forms No. 6 filed by agent operators in accordance with paragraph (c) of this section, agent operators will be supplied with photocopies of all such forms on which corrections are made by the Commission. Agent operators shall then provide each jointly owning or jointly using carrier with two copies of its "proportionate share" ACV Forms No. 6, one to be retained and one to be filed with the Commission.

(e) Following the review of ACV Forms No. 6 filed for wholly owned or wholly used property, the Commission will provide each wholly owning or wholly using carrier with photocopies of those forms on which changes are made.

§ 160.102 ACV Form No. 7—Summary of Original Cost of Inventory.

(a) ACV Form No. 7 shall be filed in typewritten form to report in summary the original cost of the inventory of carrier and noncarrier property. Include jointly owned and used property with wholly owned and used property when preparing the form for owned and used property. Report cost of organization and mobile property servicing more than one state in the column captioned "Unallocated." For uniformity in reporting, report the cost of noncarrier property on the ACV Form No. 7 prepared for owned and used property. Enter the names of the States in which property is located in the blank blocks provided in columns 2 through 9.

(b) Summarize, by primary account for carrier property and by the account 5 categories shown on ACV Form No. 7 for Miscellaneous physical property, the original cost totals, including the appropriate percentage thereof for jointly owned or jointly used property, shown on ACV Forms No. 5 and 6. Record the results in columns 2 through 10.

(c) Following the completion of paragraph (b) of this section, crossfoot amounts reported in columns 2 through 10 and enter the results in column 1. Produce the totals and grand totals indicated to be shown on ACV Form No. 7 and crossfoot to balance.

§ 160.103 ACV Form No. 8—Cost Data for Equipment and Tanks.

(a) The purpose of this form is twofold:

(1) To provide information pertaining to the cost of equipment and tanks included in the initial inventory of property reported on ACV Form No. 5 which were purchased during the year as of which an initial valuation will be found by the Commission or during the two previous years. ACV Forms No. 8 reporting such information shall be submitted with the data required to be filed in accordance with § 160.1.

(2) To report the cost of equipment and tanks purchased through December 1 of each year following the filing of initial inventory data, regardless of whether such property was placed in service during the reporting period or not. ACV Forms No. 8 presenting such data shall be filed with the Commission, in an original only, by each carrier, or agent, required to file reports of property changes under the requirements of Revised Supplement No. 8 to Valuation Order No. 3, Second Revised Issue. Such ACV Forms No. 8 shall be filed not later than February 1 following the end of the reporting period.

(b) ACV Form No. 8 shall be prepared in typewritten form as follows:

(1) Enter an X in the ☐ Initial block when the form is prepared for the purpose set out in (a) (1) above. Show the year of purchase on the For the Year ---- line where the form is prepared for the purpose stated in (a) (2) above.

(2) The Sheet No. ---- of ---- Sheets line shall be used to identify the number of sheets used for each account reported.

(3) Enter the name of the carrier, or agent, filing the forms on the Report Filed by ------ line, and the name of the carrier or system using, or which will use, the purchased property on the Property Used by ------ line.

(4) Enter one of the following accounts, as appropriate, on the Account No. ---- line: 104, 154, 108, 158, 111, or 161.

(5) For accounts 104 and 154 report, only, motor operated valves 12" and up; for accounts 108 and 158 report major units of pumping equipment only, such as large engines, large centrifugal or reciprocating pumps, electric motors over 250 horsepower, and speed increasers. Do not report purchases of portable or miscellaneous units, or secondhand equipment. For accounts 111 and 161 report tanks only. Exclude all appurtenances except where they are included in the purchase price as a standard fixture or fitting. See (6) below for further details concerning the reporting of tanks.

(6) Enter in column 1 a complete description of the property including, where applicable, the name of the manufacturer, serial number, size, dimensions, capacity, model, type, material from which manufactured, construction and special features, and all other specifications which will clearly identify the property being reported. Include in this column only those features which are included in the unit price reported in column 4. It is imperative when reporting tanks that the following be observed. The 1947 Period Guide Prices and Annual and Period Indices lists certain features of tank construction the cost of which is included in the prices per pound in place shown for the tanks identified in that document. Where features, appurtenances or accessories, other than those listed in the 1947 Period Guide Prices and Annual and Period Indices are included in the unit price of the tanks shown in column 4, list each such item in column 1 showing its weight where appropriate, and the cost applicable thereto (estimated where necessary) included in the unit price shown in column 4.

(7) Report in column 2, for forms prepared to reflect the data referred to in (a) (1) above, the year in which the property described in column 1 was purchased. Leave this column blank when the form is prepared to report the data referred to in (a) (2) above.

(8) Signify in column 3 the number of units purchased.

(9) State in column 4 the price paid for each unit of property reported in column 3. Show "in place" unit prices for tanks. Exclude from unit prices all sales, use or other taxes required by lawful taxing authority to be added to the total invoice cost of materials purchased.

(10) Show the geographical locations of the points indicated in columns 5, 6 and 7.

(11) Enter in column 8 the net shipping weight for each of the units reported in column 3. Where actual net weight cannot be determined show estimated net weight and indicate that an estimate was used.

(12) Where no purchases are made during the year covered by the report, so state on a separate ACV Form No. 8 indicating thereon the accounts in which there was no purchase activity.

§ 160.104 ACV Form No. 9—Cost Data for Pipeline Construction.

(a) This form will serve two purposes:

(1) It will report the cost of pipeline construction included in the initial inventory of property reported on ACV Form No. 5 which was constructed during the year as of which an initial valuation will be found by the Commission, or during the two previous years. ACV Forms No. 9 reporting this information shall be submitted with the data required to be filed in accordance with § 160.1.

(2) It will provide the cost of pipeline constructed through December 1 of each year following the filing of initial inventory data, including the cost of pipeline constructed during the year and not placed in service as of the end of the period covered by the report. ACV Forms No. 9 reporting this data shall be filed with the Commission, in an original only, by each carrier, or agent, required to file reports of property changes under the requirements of Revised Supplement No. 8 to Valuation Order No. 3, Second Revised Issue. Such ACV Forms No. 9 shall be filed not later than February 1 following the end of the reporting year.

[1] Filed as part of the original document.

(b) The information to be recorded on ACV Form No. 9 shall be reported separately by each contract, and shall include data pertaining only to contracts completed. Report subcontracts separately only when subcontract amounts are not included in amounts reported in column 11 for prime contracts. The form shall be executed in typewritten form as follows:

(1) Enter an X in the ☐ Initial block when the form is prepared for the purpose set out in (a)(1) above. Show the year of construction on the For the Year ---- line when the form is used for the purpose stated in (a)(2) above.

(2) The Sheet No. ---- of ---- Sheets line shall be used to identify the number of sheets used for each account.

(3) Enter the name of the carrier, or agent, filing the form on the Report Filed by ------ line and, on the Property Used by ------ line, the name of the carrier or system using, or which will use, the pipeline covered by the report.

(4) Enter account 105 or 155, as appropriate, on the Account No. ---- line.

(5) For forms prepared to show the information referred to in (a)(1) above, report in column 1 the year in which the pipeline construction was completed. Leave this column blank when the form is prepared to report the data referred to in (a)(2) above.

(6) In column 2 show the name of the contractor, or subcontractor, and the contract number or other identity.

(7) Enter in columns 3 and 4 the geographical location of the terminal points of the pipeline constructed under the contract. Identify all states through which the pipeline runs.

(8) Show in column 5 the linear feet of pipeline constructed between the termini shown in columns 3 and 4.

(9) In columns 6 and 7 enter, respectively, the average depth and width, in inches, of the trench in which the line pipe was placed.

(10) Provide in columns 8 and 9 the descriptive matter called for pertaining to the line pipe used in the construction of the pipeline. In recording pipe diameter in column 8 show the inside measurement for pipe having diameters up to and including 12"; for pipe having diameters in excess of 12" show the outside measurement.

(11) Enter in column 10 the average number of miles it was required to haul line pipe during construction from rail point, pipe yard or other storage location to point of installation.

(12) Record in column 11 the amount of the contract covering the construction referred to in the preceding columns. Where claims by contractors for amounts in excess of the contract are in negotiation or litigation provide details. Identify, also, duplicate or extra costs, such as moving equipment, incurred by subsequent contractors as a result of failure to perform under the original contract.

(13) Show in column 12 the total expenditures incurred by the carrier, or carriers, incident to the construction over and above the amount of the contract.

(14) Show in columns 13 through 17, to the nearest hundredth of a cent, the cost per linear foot of performing the operations identified in the captions of these columns. Record contract and carrier costs on separate lines. Include as clearing and grubbing expenditures in the amount reported in column 13 only those applicable to areas where it is necessary to remove trees and heavy brush, and not for the entire right-of-way. Include the cost of the following operations in the amount reported in column 15: pilot road grading, hauling and stringing pipe, ditching, laying pipe, backfilling, and inspecting and testing pipe. Include in the amount reported in column 16 only those overhead expenditures defined in Sec. 160.6. Include in the amount reported in column 17 all other pipeline construction costs not provided for in columns 13 through 16, such as damages, cathodic protection, pipe supports, line markers, etc.

(15) Report in column 18 the total of amounts reported in columns 13 through 17. Total cost per linear foot reported separately in this column, representing contract cost and carrier cost, when multiplied by the linear feet reported in column 5 must agree with amounts reported in columns 11 and 12, respectively.

(16) Immediately below the data entered in the columns of ACV Form No. 9 in accordance with the above, provide the following information in narrative form:

(i) Describe the method used in applying coating referred to in column 14 and state whether it was applied at the factory, storage point or trench site. Also describe the kind of coating including the number and type of enamels, wraps, etc.

(ii) Describe the pipeline right-of-way terrain. Include in such description whether the land in the area of construction is isolated, hilly, mountainous, flat or swampy; whether forest or pasture land or otherwise under cultivation; whether the soil is sandy, rocky, loamy, etc.; and, when necessary, whether water crossings were submerged or overhead, and the identity of the body of water crossed. State also whether the construction area was congested, such as cities or towns, etc.

(iii) Discuss any other conditions encountered during construction which will aid in evaluating the cost data presented.

(c) If there was no pipeline construction during the year covered by the report, so indicate on a separate ACV Form No. 9 showing the accounts in which there was no such activity.

§ 160.105 Maps.

(a) Right-of-way maps shall be filed for each valuation section. These maps, which shall be 17" x 11" in size, shall be drawn to a scale suitable for clearly identifying what is depicted on the maps. An arrow shall be placed on each map showing the north bearing. The following information shall be shown on each map:

(1) The general direction and approximate geographical location of the line shall be shown, the latter by identifying the state and county, and the city, village, town, township or section, or other geographical identity, through which the line runs, or to which the line is adjacent.

(2) Pipe in the line shall be identified by manufacturer, kind, diameter, weight in pounds per foot, and whether new or secondhand when laid. Loops and parallel lines shall be identified, as shall crude and products lines.

(3) All buildings including offices, pumping stations, and terminals shall be shown; also, tanks and tank areas, bridges, radio and microwave towers and telegraph and telephone lines where includible on the map as drawn, casing locations, and equipment which is not housed in or constituting a part of pumping stations or terminals, such as isolated pumps or gate valves. Where available, carrier assigned numbers or other identification shall be shown for this property depicted on the map.

(4) The beginning and ending survey station numbers assigned to the area depicted on the map shall be shown, as well as such intervening survey station numbers as will establish the location of structures, equipment, and tank and storage areas identified on the map. The beginning and ending survey station numbers assigned to land maps shall also be shown.

(5) Bodies of water shall be identified, and the land area through which the line runs shall be described to indicate whether it is hilly, mountainous or swampy, or in forest or pasture or otherwise under cultivation, and whether it is loamy, sandy or rocky. Other physical features of the terrain traversed by the pipeline shall be identified. Railroads, highways, roads, trails, fences, transmission lines, etc., including those which cross the line, shall also be identified. The beginning and ending survey station numbers shall be shown at the points at which the pipeline crosses or intersects the above described physical features.

(6) In most cases, it will be necessary to prepare a number of maps for a single valuation section. Such multiple maps shall be consecutively numbered beginning with number 1 for each valuation section, and shall show the total number of maps prepared for the valuation section, such as 1 of 10.

(7) There shall be shown in the bottom right-hand corner of each map, in the following order, the name of the carrier or agent filing the map, the state and valuation section identity, the map number, the beginning and ending survey station numbers shown on the map, and the scale used. Do not include survey station numbers assigned to land maps.

(8) There shall also be shown on each map for the line presented thereon a pipeline footage summary by kind, construction, diameter and weight in pounds per foot. When summarizing screw end pipe increase the footage by 1 percent for screwage and show the total footage including the screwage. Show, separately, the screwage included in the total footage. Show crude and product footage separately. The summary shall be also stated separately for new and secondhand pipe, these classifications to be interpreted as being representative of the pipe when installed.

(9) There shall also be presented on each map a summary of pipeline construction items identified thereon such as casings, vents, pipe supports, fences cut, drains cut, river weights, riprap, valve boxes, danger signs, line markers, piling, concrete, etc.

(10) From the above summaries ACV Form No. 5, headed "Map Summary Totals," shall be prepared for each valuation section to total, by like item, the items included on each map summary. In developing each item total show the number of units of the item on each summary and the number of the map on which the summary is shown. Item totals thus developed must agree with those reported on ACV Forms No. 5 prepared in accordance with § 160.100.

(11) In those cases where items of property, such as telegraph and telephone lines and microwave installations, are located a great distance from the pipeline right-of-way such property may

be shown on one, or more, legible maps 17" x 11" in size.

(b) Land maps, covering land purchased for right-of-way purposes and land purchased to provide required areas for storage, structures and equipment, shall be filed for each valuation section. These maps, which shall be 17" x 11" in size, shall be drawn to scale, not less than 100' equals 1", and shall bear an arrow showing the north bearing. The following information shall be shown on each map:

(1) The geographical location of the land shall be shown by indicating the state and county, and the city, village, town, township or section, or other geographical identity, in which the land is located or to which the land is adjacent.

(2) The dimensions, expressed in linear feet, of each parcel of land identified in column 2 of ACV Form No. 6 shall be shown, and shall bear the number corresponding to that recorded in column 2 of ACV Form No. 6.

(3) Where known, the property lines and the names of the owners, and the utility, of adjoining property shall be shown.

(4) There shall be shown, in outline, on maps covering land purchased to provide required areas for storage, structures and equipment, the location of such property on such land, as well as the location and direction of discharge lines, only, for trunk lines, and the location and direction of all gathering lines. The location and direction of all trunk and gathering lines shall be shown, in outline, on maps covering land purchased for right-of-way purposes.

(5) The beginning and ending survey station numbers assigned to the land covered by the map shall be shown. These survey station numbers shall agree with those shown on right-of-way maps in accordance with paragraph (a)(4) of this section.

(6) Where it is necessary to prepare more than one map for a valuation section, number such multiple maps consecutively, beginning with number 1 for each valuation section, and show the total number of maps prepared for the valuation section, such as 1 of 5. Where a single map covers all the land within a given valuation section it shall be numbered 1 of 1.

(7) There shall be shown in the bottom right-hand corner of each map, in the following order, the name of the carrier or agent filing the map, the state and valuation section identity, the map number, and the beginning and ending survey station numbers shown on the map.

(c) Existing maps meeting the specifications enumerated in paragraphs (a) and (b) of this section may be filed in lieu of preparing new ones.

(d) As directed in § 160.106 selected items of property identified on maps will be depicted in greater detail on plot plans, and § 160.107 provides for describing more fully on sketches certain items of property shown on plot plans or maps.

§ 160.106 Plot plans.

(a) Plot plans, 17" x 11" in size, and bearing an arrow to indicate the north bearing, shall be filed to depict graphically, by schematic drawing or diagram, the following property identified on maps:

(1) *Accounts 105 and 155.* Pipeline bridges.

(2) *Accounts 106, 156, and 176.* Buildings and station grounds.

(3) *Accounts 111 and 161.* Tanks and firewalls.

(4) *Accounts 112 and 162.* Loading racks, railroad tracks, docks and dredged areas.

(5) *Accounts 113, 163, and 183.* Radio and microwave towers.

(b) Plot plans shall be consecutively numbered beginning with number 1 for each valuation section. Show the total number of plot plans prepared for the valuation section, such as 1 of 4. There shall be shown in the bottom right-hand corner of each plot plan, in the following order, the name of the carrier or agent filing the plot plan, the state and valuation section identity, the number of the map showing the property depicted on the plot plan, the plot plan number, and the beginning and ending survey station numbers applicable to the property depicted on the plot plan.

§ 160.107 Sketches.

(a) Sketches, 17" x 11" in size, shall be filed to describe in greater detail, as indicated below, the following items of property which are depicted on plot plans or maps:

(1) *Accounts 105 and 155.* Profiles of river beds for all crossings, including approaches, and floor plans and elevations for pipeline bridges.

(2) *Accounts 106, 156, and 176.* Floor plans and elevations for buildings.

(3) *Accounts 110 and 160.* Layout for station oil pipe and service pipe.

(4) *Accounts 112 and 162.* Layout for delivery facility oil pipe, and elevation and details for loading racks and docks.

(b) Sketches shall be consecutively numbered beginning with number 1 for each valuation section. Show the total number of sketches prepared for the valuation section, such as 1 of 6. There shall be shown in the bottom right-hand corner of each sketch, in the following order, the name of the carrier or agent filing the sketch, and state and valuation section identity, the number of the plot plan depicting the property described on the sketch (indicate on profiles of river beds for accounts 105 and 155 and on sketches prepared for property reported under accounts 110 and 160 the number of the map on which the property is identified), the sketch number, and the beginning and ending survey station numbers applicable to the property described on the sketch.

§ 160.108 Photographs.

(a) Representative photographs in sufficient quantity and of such size and clarity as will adequately illustrate the property inventoried shall be filed to provide the following:

(1) Where available, examples of both usual and unusual types of pipeline construction in progress, including river crossings.

(2) Illustrations of right-of-way terrain.

(3) Pictures of property, excluding railroad tracks and dredged areas, for which plot plans are prescribed in § 160.106; equipment reported under accounts 108 and 158; and instruments and gauges reported under accounts 110 and 160, and 112 and 162.

(4) Pictures of building interiors, pumping stations and terminals.

(b) Photographs shall be mounted and assembled in looseleaf book form on sheets 17" x 11". A cardboard cover shall be provided on which shall be recorded the name of the carrier or agent filing the photographs.

(c) The identity of the subject matter shall be entered beneath each photograph, followed by the geographical location of the property and the State and valuation section number. Show next the map number for photographs depicting pipeline construction and right-of-way terrain, or the plot plan number for photographs of property for which plot plans have been prescribed. Identify, last, for each photograph filed the survey station number, or numbers, which will provide the location on the related map of the property photographed.

§ 160.109 Special notes.

The following supplemental information shall be presented in narrative form on 17" x 11" sheets:

(a) Provide, for each valuation section, a brief description of the topography of the country traversed by the pipeline, and the general direction, connecting points and termini of the line.

(b) The rainfall and climatic conditions, including any unusual weather encountered during construction.

(c) The number and location of material yards used during construction and the shortest distance to the line for each.

(d) Discuss, by valuation section, the character and depth of trench excavations.

(e) Report the results of any soil surveys made.

(f) An estimate of the remaining life of each oilfield served by the pipeline.

(g) Describe any unusual conditions encountered during construction including, especially, those resulting in either unusually high or unusually low construction costs.

§ 160.110 Identification of aids, gifts, grants or donations.

List, on a separate ACV Form No. 5, the State, valuation section and sheet number on which aids, gifts, grants or donations from private parties are reported on ACV Form No. 5 and on ACV Form No. 6 and by account number the cost, or appraised value, thereof. If no property was acquired by aid, gift, grant or donation enter the word "None" on this report.

§ 160.111 Reconciliations.

(a) Carrier property: Carriers shall prepare an analysis of the difference between the original cost shown for "Grand Total incl. land and rights-of-way" in column 1 of ACV Form No. 7, and the closing balances in Account 1, Investment in carrier property (primary accounts 101 to 193 inclusive) and Account

2, Cost of organization, as of the effective date of the initial inventory. This analysis shall be in such form as to separately indicate, by subheadings, amounts included in the closing balances of accounts 1 and 2 but not included in the original cost shown for "Grand Total incl. land and rights-of-way" in column 1 of ACV Form No. 7 and vice versa. The details of items shown under each subheading shall be grouped under appropriate descriptive headings according to the nature of the difference.

(b) Noncarrier property: Carriers shall also prepare an analysis of the difference between the amount shown for "Total account 5" in column 1 of ACV Form No. 7 and the closing balance in Account 5, Miscellaneous physical property as of the effective date of the initial inventory.

(c) The above reconciliations shall be presented on ACV Form No. 5.

§ 160.112 Corporate history and development of fixed physical property.

Report, on 17" x 11" sheets, the following information for the filing carrier and for each predecessor:

(a) Give name of corporation, company, or firm, date of incorporation, and date of organization. If corporation, state whether incorporated under general law or by special act. If incorporated under general law, state where articles of incorporation were filed. If incorporated by special act, give reference to the act.

(b) Describe the property, or portion of property, constructed by each corporation, company, or firm, and show as to each such property, or portion of property, as so constructed, the termini and mileage of each trunk line, the total mileage of gathering lines, the dates of construction, and the dates the property, or portion thereof, was dedicated to public use.

(c) State length of time any such property, or portion of property, was actually operated by any such corporation, company, or firm, giving, in each instance, date of beginning and date of conclusion of such operation.

(d) If any such corporation has gone out of existence, describe the proceedings by virtue of which the dissolution took place. If any such corporation is still in existence, state where its records are kept and give name and address of person who has custody of them.

(e) State fully the chain of title by which the present corporation acquired the property which it now owns or operates. In this connection list all leases, reorganization proceedings and other instruments bearing upon the corporate history.

[F.R. Doc. 60-8368; Filed, Sept. 9, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF PEPPERMINT OIL DIRECTLY FROM KOREA

Available Certifications by the Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity:

Peppermint oil

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 60-8450; Filed, Sept. 9, 1960; 9:14 a.m.]

Office of the Secretary

[Treasury Dept. Order 150-52]

INTERNAL REVENUE SERVICE

Establishment of New Offices

There shall be in the National Office of the Internal Revenue Service the office of Assistant Commissioner of Internal Revenue (Administration) and the office of Assistant to the Commissioner.

The office of Administrative Assistant to the Commissioner established by Treasury Department Order No. 150-44, dated November 16, 1956, is abolished.

This order shall be effective September 6, 1960.

Dated: September 1, 1960.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8423; Filed, Sept. 9, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OUTER CONTINENTAL SHELF, ATLANTIC COAST AREA

Geological and Geophysical Explorations

Notice of proposed authorization for geological and geophysical explorations in that part of the Outer Continental Shelf seaward of the submerged lands of any State bordering on the Atlantic Ocean (except Florida) appeared in the FEDERAL REGISTER of July 14, 1960 (25 F.R. 6656). Interested persons were given 30 days within which to submit written comments, suggestions or objections. No comments, suggestions, or objections have been received; however, an agreement was made with the State of Georgia for supervision of geological and geophysical explorations off the coast of that State and notice thereof appeared in the FEDERAL REGISTER of August 16, 1960 (25 F.R. 7811).

In consideration of the foregoing the proposed authorization (amended to exclude the area embraced in the agreement with the State of Georgia) is hereby adopted and set forth below. In view of the desirability of completing currently proposed explorations before the main hurricane season, this authorization shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

(Sec. 11, 67 Stat. 469; 43 U.S.C. 1340.)

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 6, 1960.

Notice is hereby given that any person, as defined in section 2(d) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462) is hereby authorized to conduct geological and geophysical explorations in that part of the Outer Continental Shelf seaward of the submerged lands of any State bordering on the Atlantic Coast (except Florida and Georgia) upon condition (1) that he obtain a permit for such operations from the Regional Oil and Gas Supervisor of the United States Geological Survey, Washington 25, D.C., (2) that his operations shall be confined to such area or areas as may be designated in the permit, and (3) that for the protection and conservation of aquatic life he files with the said Regional Oil and Gas Supervisor his stipulation agreeing to comply with such requirements governing the methods of and restrictions upon geological and geophysical explorations in the designated area or areas as are acceptable to the Regional Oil and Gas Supervisor.

This general authorization to conduct geological and geophysical explorations does not include the right to conduct core or other exploratory drilling and is subject to termination upon not less than 60 days' notice published in the FEDERAL REGISTER. The authorization may be terminated as to any person upon reasonable notice. Any party conducting this type of exploration obtains no preference to an oil and gas lease.

[F.R. Doc. 60-8400; Filed, Sept. 9, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 272]

GEE & GARNHAM LTD. ET AL.

Order Denying Export Privileges

In the matter of Gee & Garnham Ltd., J. Hammerson, Director, S. L. Hammerson, Director, Global Works, 1-5 Sanford Lane, Stoke Newington, London, Respondents, Case No. 272.

Gee & Garnham, Ltd., J. Hammerson, Managing Director, and S. L. Hammerson, Director, all of London, England, the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce, U.S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they engaged in conduct which induced the exportation of goods from the United States and later transshipped such goods to Communist China contrary to the regulations and the authorizations under which the goods had been exported from the United States. They answered the charging letter admitting the substance of the charges but citing various factors in alleged mitigation.

In accordance with the practice, the case was referred to a Compliance Commissioner, who has reported that the evidence supports findings of violation and has recommended that the respondents be denied export privileges for two years.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answers and other evidence submitted by respondents, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. Gee & Garnham Ltd. ordered 400 automotive crank shafts from an American exporting firm in November 1959 for shipment to a freight forwarding firm in the Netherlands to their account, and also ordered 300 automotive crank shafts from another American exporting firm in November for shipment to the same firm in the Netherlands to their account.

2. During the month of November 1959 these orders were accepted by the American firms and shipped to the Netherlands where they were received by the freight forwarding firm. The forwarders asked Gee & Garnham Ltd. for instructions on disposition of the shipments and were requested to obtain necessary permission for transshipment to Communist China. The Dutch firm asked the American Consulate at Rotterdam for such permission which, upon inquiry, was refused. The respondents' agent was informed the goods could be transshipped to Liverpool, England, and shipment was made accordingly.

3. Gee & Garnham Ltd. then sought permission through the American Embassy in London to ship the crank shafts to Communist China and, after some negotiations and exchange of letters, permission was again refused.

4. Gee & Garnham Ltd. then shipped the crank shafts to Communist China per "SS Aegean Dolphin."

5. Gee & Garnham Ltd. and its members had known of the restrictions on re-export of U.S. origin materials to the Communist bloc areas since 1958.

6. Gee & Garnham Ltd., J. Hammerson, Managing Director, and S. L. Hammerson, Director, were aware that they were in violation of U.S. export controls in these purchases and shipments, both when they placed the orders for the parts in the United States and when they had them transshipped from the Netherlands to Liverpool, England, and thence to Communist China.

And from the foregoing, I have concluded (a) that in violation of § 381.2 of the Export Control Regulations, respondents induced the American exporting firms to sell to them automotive parts to be sent to the Netherlands, but with the ultimate destination of Communist China; and (b) in violation of § 381.4 of the Export Control Regulations, respondents concealed this information from the exporting and shipping firms with full knowledge of the nature of the violation; and (c) in violation of § 381.6 of the Export Control Regulations, the respondents further arranged for the transshipment and re-export of the goods so shipped from the United States to a destination within the Communist bloc area.

Having concluded that the recommended action is fair, just and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Gee and Garnham Ltd., J. Hammerson, and S. L. Hammerson appear or participate as purchaser, intermediate or other consignee, or otherwise, are hereby revoked and shall be returned to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for a period of two years, the said respondents, their agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with any respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which any respondent may have any interest of any kind or nature.

Dated: September 7, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-8420; Filed, Sept. 9, 1960; 8:48 a.m.]

Office of the Secretary

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during last six months.

A. Deletions: Electronics Corp. of America.
B. Additions: Hazel Bishop, Inc.

This statement is made as of August 27, 1960.

RICHMOND LEWIS.

AUGUST 30, 1960.

[F.R. Doc. 60-8419; Filed, Sept. 9, 1960; 8:48 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

ASSISTANT DIRECTOR OF EMPLOYMENT SERVICE

Assignment of Functions Under the Immigration and Nationality Act (Revised)

By virtue of and pursuant to the authority vested in me by the Assistant Secretary of Labor for Employment and Manpower pursuant to General Order No. 69 (Revised) (25 F.R. 4484) the Assistant Director in charge of the Employment Service is hereby authorized, subject to my general direction and control, to perform the following functions:

1. Certifying that qualified persons are not available within the United States to perform the work, labor, or services which are to be performed by immigrants admitted pursuant to section 204(b) of the Immigration and Nationality Act (66 Stat. 163);

2. Certifying, with respect to non-immigrants admitted pursuant to section 214 of the Act, whether (a) qualified workers of the kind proposed to be admitted are available within the United States, and (b) the Employment Services policies have been observed;

3. Certifying, with respect to applications for extension of temporary admission under section 214 of the Act, that the facts which justified the admission of the alien continue to exist.

Washington, D.C., August 19, 1960.

ROBERT C. GOODWIN,
Director,
Bureau of Employment Security.

[F.R. Doc. 60-8401; Filed, Sept. 9, 1960; 8:46 a.m.]

Office of the Secretary

DIRECTOR OF BUREAU OF EMPLOYMENT SECURITY

Assignment of Functions Pursuant to General Order No. 69 (Revised)

By virtue of and pursuant to the authority vested in me by the Secretary of Labor in General Order No. 69 (Revised), (25 F.R. 4484) and subject to my general direction and control, the Director of the Bureau of Employment Security is hereby authorized to perform the following functions:

1. Certifying that qualified persons are not available within the United States to perform the work, labor, or services which are to be performed by immigrants admitted pursuant to section 204(b) of the Immigration and Nationality Act (66 Stat. 163);

2. Certifying, with respect to non-immigrants admitted pursuant to section 214 of the Act, whether (a) qualified workers of the kind proposed to be admitted are available within the United States, and (b) the Employment Service policies have been observed;

3. Certifying, with respect to applications for extension of temporary admission under section 214 of the Act, that the facts which justified the admission of the alien continue to exist.

The Director of the Bureau of Employment Security may sub-delegate this authority after consultation with me.

Washington, D.C., August 19, 1960.

NEWELL BROWN,
Assistant Secretary of Labor for Employment and Manpower.

[F.R. Doc. 60-8402; Filed, Sept. 9, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Vocational Rehabilitation

STATE ALLOTMENT PERCENTAGES

Promulgation

Pursuant to section 11(h) of the Vocational Rehabilitation Act (68 Stat. 661, 29 U.S.C., 41(h)), as amended, and section 47(g) of the Hawaii Omnibus Act (74 Stat. 423), and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita incomes of the States and of the United States are the years 1957, 1958, and 1959, the following allotment percentages for the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said Acts and on the basis of said income data, are hereby promulgated, to be conclusive, except in the case of Alaska, for each of the two fiscal years in the period beginning July 1, 1961. In the case of Alaska, separate allotment percentages are hereby promulgated for each of said two fiscal years.

Alabama	67.63	New Hampshire	54.27
Alaska:		New Jersey	39.27
1962	66.80	New Mexico	58.30
1963	62.70	New York	37.38
Arizona	54.39	North Carolina	66.44
Arkansas	70.94	North Dakota	62.88
California	39.38	Ohio	45.49
Colorado	51.41	Oklahoma	59.09
Connecticut	33⅓64	Oregon	51.22
Delaware	33⅓	Pennsylvania	48.07
Florida	54.41	Rhode Island	50.55
Georgia	64.67	South Carolina	69.87
Hawaii	51.72	South Dakota	62.69
Idaho	58.95	Tennessee	65.27
Illinois	39.17	Texas	55.73
Indiana	51.03	Utah	57.42
Iowa	54.44	Vermont	59.42
Kansas	53.91	Virginia	58.11
Kentucky	65.05	Washington	47.54
Louisiana	62.95	West Virginia	61.47
Maine	59.14	Wisconsin	51.57
Maryland	45.97	Wyoming	50.43
Massachusetts	43.65	District of Columbia	33⅓
Michigan	47.04	Puerto Rico	75.00
Minnesota	54.15	Virgin Islands	75.00
Mississippi	74.45		
Missouri	51.48		
Montana	52.96		
Nebraska	53.55		
Nevada	37.71		

Dated: August 31, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-8407; Filed, Sept. 9, 1960; 8:47 a.m.]

Public Health Service

STATE ALLOTMENT PERCENTAGES

Promulgation

Pursuant to section 631 (a) and (b) of Title VI of the Public Health Service Act, as amended, (60 Stat. 1041, as amended, 42 U.S.C. 291i (a) and (b)),

And having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, as to the per capita incomes of States and of the United States, are the years 1957, 1958, and 1959,

The following allotment percentages for the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated for two fiscal years in the period beginning July 1, 1961:

Alabama	67.63	Nevada	37.71
Alaska	40.82	New Hampshire	54.27
Arizona	54.39	New Jersey	39.27
Arkansas	70.94	New Mexico	58.30
California	39.38	New York	37.38
Colorado	51.41	North Carolina	66.44
Connecticut	33.64	North Dakota	62.88
Delaware	33⅓	Ohio	45.49
District of Columbia	33⅓	Oklahoma	59.09
Florida	54.41	Oregon	51.22
Georgia	64.67	Pennsylvania	48.07
Hawaii	51.72	Rhode Island	50.55
Idaho	58.95	South Carolina	69.87
Illinois	39.17	South Dakota	62.69
Indiana	51.03	Tennessee	65.27
Iowa	54.44	Texas	55.73
Kansas	53.91	Utah	57.42
Kentucky	65.05	Vermont	59.42
Louisiana	62.95	Virginia	58.11
Maine	59.14	Washington	47.54
Maryland	45.97	West Virginia	61.47
Massachusetts	43.65	Wisconsin	51.57
Michigan	47.04	Wyoming	50.43
Minnesota	54.15	Guam	75.00
Mississippi	74.45	Puerto Rico	75.00
Missouri	51.48	Virgin Islands	75.00
Montana	52.96		
Nebraska	53.55		

Dated: August 29, 1960.

Approved: August 31, 1960.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-8406; Filed, Sept. 9, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

Notice of Issuance of Amendment of Utilization Facility License

Please take notice that, pursuant to an order of the Atomic Energy Commission dated August 18, 1960, directing that Paragraph 4.K.(2) of Amendment No. 14 to License No. DPR-1 be modified, Amendment No. 15 to License No. DPR-1, set forth below, has been issued. License No. DPR-1 authorizes General Electric Company to possess and operate the Vallecitos Boiling Water Reactor located in Alameda County, California.

Dated at Germantown, Md., this 2d day of September 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. DPR-1; Amdt. 15]

Paragraph 4.K.(2) of License No. DPR-1 is hereby amended to read as follows:

4.K.(2) No change may be made with respect to the matters not covered in subparagraph 4.K.(1) except upon prior written authorization by the Director of the Division of Licensing and Regulation, U.S. Atomic Energy Commission, such authorization to be placed in the record of the proceeding.

This amendment is effective as of the date of issuance.

Date of issuance: September 2, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-8383; Filed, Sept. 9, 1960; 8:45 a.m.]

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Notice of Proposed Issuance of Amendment to Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2) the Commission proposes to issue jointly to Industrial Reactor Laboratories, Inc. and The Trustees of Columbia University In The City of New York, a facility license amendment substantially as set forth below authorizing Industrial Reactor Laboratories, Inc. to possess and The Trustees of Columbia University In The City of New York to use and operate the IRL Reactor located in Plainsboro Township, Middlesex County, New Jersey, provided, however, that prior to issuance of the license amendment, the applicants file with the Commission: (a) An executed form of a contract between IRL, Inc. and Columbia University, substantially as set forth in the application amendment dated April 27, 1960; and (b) proof that the insurance policy relied on by the applicants provides the necessary financial protection while Columbia University is the operator of the facility.

Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C. or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application amendments submitted jointly by the applicants, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 2d day of September 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. R-46; Proposed Amdt. 6]

Amend License No. R-46 to read as follows:

1. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The nuclear reactor (hereinafter referred to as "the facility") authorized for construction by Construction Permit No. CPRR-7, as amended, issued to Industrial Reactor Laboratories, Inc. has been constructed and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and the rules and regulations of the Commission;

B. There is reasonable assurance that the facility can be operated without endangering the health and safety of the public;

C. The Trustees of Columbia University in The City of New York (hereinafter referred to as "Columbia University"), with whom Industrial Reactor Laboratories, Inc. has contracted to operate the facility, are technically qualified to use and operate the facility and, through their contractual relationship with Industrial Reactor Laboratories, Inc. are financially qualified to use and operate the facility;

D. Industrial Reactor Laboratories, Inc., is financially qualified, and, through its contractual relationship with Columbia University, is technically qualified, to possess the facility;

E. Issuance of a license authorizing Industrial Reactor Laboratories, Inc. to possess and Columbia University to use and operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

F. Industrial Reactor Laboratories, Inc. and Columbia University have submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", Industrial Reactor Laboratories, Inc. to possess and Columbia University to use and operate the facility as a utilization facility in accordance with the procedures described in the application for Construction Permit No. CPRR-7, as amended, and application amendments dated June 9, 1958, July 10, 1958, July 14, 1958, July 16, 1958, July 17, 1958, July 30, 1958, August 11, 1958, August 12, 1958, September 16, 1958, December 9, 1958, March 6, 1959, March 12, 1959, April 15, 1959, July 20, 1959, April 27, 1960, May 31, 1960, July 8, 1960, and July 18, 1960 (all hereinafter referred to as "the application").

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," Industrial Reactor Laboratories, Inc. to possess and Columbia University to use up to 35 kilograms of contained uranium 235 in connection with operation of the facility;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", Industrial Reactor Laboratories, Inc. and Columbia University to possess, but not to separate, such byproduct material as may be produced from operation of the facility.

3. This license applies to the facility which is owned by Industrial Reactor Laboratories, Inc. and located in Plainsboro Township, Middlesex County, New Jersey, and described in Construction Permit No. CPRR-7, as amended, and the application. The facility is a pool-type research reactor designed to operate at thermal power levels up to 5,000 kilowatts.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. *Operating restrictions.* (1) Columbia University shall not operate the facility at a power level in excess of 5,000 kilowatts (thermal);

(2) The total reactivity worth of all experiments at any one time shall not exceed 1.5 percent and the reactivity worth of any one experiment shall not exceed 1 percent.

(3) Industrial Reactor Laboratories, Inc. and Columbia University shall not permit or authorize any organization other than Columbia University to operate the facility until the technical qualifications of such other organization shall have been submitted to the Commission and the Commission shall have approved the operation of the facility by such other organization.

(4) Notwithstanding any expiration, modification, cancellation or termination of the Agreement between Industrial Reactor Laboratories, Inc., and Columbia University, dated ---------- (hereinafter referred to as "the Agreement"), Columbia University shall, so long as this license shall be in force with respect to Columbia University, be responsible for assuring that the provisions of this license and Commission regulations for protection of health and safety from radiation hazards are observed with respect to the facility and materials covered by this license. In the event of any expiration, modification, cancellation or termination of the Agreement, Columbia University or Industrial Reactor Laboratories, Inc., may apply to the Commission for an appropriate amendment of this license to terminate this license insofar as it is granted to Columbia University and upon the issuance of such amendment, the aforesaid responsibility of Columbia University shall cease and terminate. Until such amendment is issued, Industrial Reactor Laboratories, Inc., shall in no way prevent Columbia University from observing the requirements set forth in this condition.

B. *Records.* In addition to those otherwise required under this license and applicable regulations, Columbia University, shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Columbia University, as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

(5) Records of any changes in the Staff Plan referred to in Article I of the Agreement.

C. *Reports.* (1) Columbia University shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

(2) A copy of any notice of intent to terminate or modify the Agreement submitted by either party to the other shall be furnished simultaneously to the Commission. On or before October 31, 1968, Industrial Reactor Laboratories, Inc. and Columbia University shall notify the Commission as to whether the Agreement will expire on December 31, 1968.

D. *Communications.* Communications from the Commission with respect to activities under this license shall be directed to the Laboratory Director and notice to such individual shall constitute notice to both Industrial Reactor Laboratories, Inc. and Columbia University.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Industrial Reactor Laboratories, Inc. for use in connection with the facility 35 kilograms of uranium 235 contained in uranium enriched to approximately 93 percent in the isotope uranium 235. Estimated schedules of special nuclear material transfers to Industrial Reactor Laboratories, Inc. and returns to the Commission are contained in Appendix A which appears below. Shipments by the Commission to Industrial Reactor Laboratories, Inc., in accordance with column 2 in Appendix A, will be conditioned upon Industrial Reactor Laboratories, Inc. return to the Commission of material substantially in accordance with column 3 of Appendix A.

6. This license is effective as of the date of issuance and shall expire at midnight January 22, 1977.

Date of issuance:

For the Atomic Energy Commission.

APPENDIX A.—INDUSTRIAL REACTOR LABORATORIES, INC., FACILITY LICENSE

Estimated Schedule of Transfers of Special Nuclear Material From the Commission to IRL and to the Commission From IRL

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to IRL, kgs. U-235	(3) Returns by IRL to AEC, U-235		(4) Net yearly distribution including cumulative losses, kgs. U-235	(5) Cumulative distribution including cumulative losses, kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1958	6.95	(*)	----------	6.95	6.95
1959	----------	----------	----------	----------	6.95
1960	7.00	----------	----------	7.00	13.95
1961	4.30	----------	2.00	2.30	16.25
1962	4.30	----------	3.00	1.30	17.55
1963	4.30	----------	3.00	1.30	18.85
1964	4.30	----------	3.00	1.30	20.15
1965	4.30	----------	3.00	1.30	21.45
1966	4.30	----------	3.00	1.30	22.75
1967	4.30	----------	3.00	1.30	24.05
1968	4.30	----------	3.00	1.30	25.35
1969	4.30	----------	3.00	1.30	26.65
1970	4.30	----------	3.00	1.30	27.95
1971	4.30	----------	3.00	1.30	29.25
1972	4.30	----------	3.00	1.30	30.55
1973	4.30	----------	3.00	1.30	31.85
1974	4.30	----------	3.00	1.30	33.15
1975	4.30	----------	3.00	1.30	34.45
1976	----------	----------	3.00	(3.00)	31.45
1977	----------	----------	[1] 3.00	(3.00)	[2] 28.45
	78.45	----------	50.00	[2] 28.45	----------

[1] Inventory to be returned.
[2] Fabrication and burnup losses.
(*) Assumed to be returned by fabricator.

[F.R. Doc. 60-8384; Filed, Sept. 9, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13385; FCC 60M-1473]

ANTENNAVISION SERVICE CO., INC.

Order Continuing Hearing

In re applications of Antennavision Service Company, Inc., Phoenix, Arizona, Docket No. 13385; for construction permit for new fixed radio station, Oatman Mountain, Arizona, File No. 2984-C1-P-59 (KPK30); for construction permit for new fixed radio station, Telegraph Pass, Arizona, File No. 2985-C1-P-59 (KPK31).

The Hearing Examiner having under consideration a joint petition for indefinite postponement of hearing filed by the applicant and protestant on August 30, 1960;

It appearing that the hearing is now scheduled to commence on September 7, 1960, but that negotiations are under way to eliminate the conflict which is the subject of the proceeding; and

It further appearing that under circumstances now existing the commencement of the hearing would involve needless expense; and

It further appearing that both the Common Carrier and Broadcast Bureaus have no objection to a grant of the petition, and that if events subsequently require the hearing to go forward the Examiner will promptly set a date for that purpose;

It is ordered, This 1st day of September, 1960, that the joint petition is granted and the hearing now scheduled for September 7, 1960 is continued indefinitely.

Released: September 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8395; Filed, Sept. 9, 1960; 8:46 a.m.]

[Docket No. 13762]

ANTHONY DI LOUIS

Order To Show Cause

In the matter of Anthony DiLouis, dba Cynwyd Taxi Service, 244 Iona Avenue, Narberth, Pennsylvania, Docket No. 13762; order to show cause why there should not be revoked the license for Taxicab Radio Station KGA-381.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the above-named licensee on September 24, 1959, alleging that on September 8, 1959 the above-captioned radio station was found to be in violation of § 16.160(a) of the Commission's rules in that the results and dates of transmitter measurements required by § 16.108 of the rules, and the name of the person or persons making the measurements, were not being maintained in the station records; and in violation of § 16.104(a)(2) in that this station's modulation deviation was found to exceed the 5 kc bandwidth authorized by this section.

It further appearing that, the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated November 5, 1959, and sent by Certified Mail—Return Receipt Requested (No. 6511209), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt, stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the Licensee, Anthony DiLouis, on November 7, 1959, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 2d day of September 1960, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8397; Filed, Sept. 9, 1960; 8:46 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 13579-13587; FCC 60M-1465]

CHARLES P. B. PINSON, INC., ET AL.

Order Continuing Hearing

In re applications of Charles P. B. Pinson, Inc., for a construction permit to change location and change antenna at existing licensed two-way station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Fla., Docket No. 13579, File No. 683-C2-P-59; for a construction permit to change location and change antenna at existing licensed oneway station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Fla., Docket No. 13580, File No. 684-C2-P-59; for a construction permit to establish a new one-way signaling facility in the Domestic Public Land Mobile Radio Service at Clearwater, Fla., Docket No. 13581, File No. 785-C2-P-59; for a modification of construction permit to extend date of required completion of construction and change control point for station KIN652 in the Domestic Public Land Mobile Radio Service at Jacksonville, Fla., Docket No. 13582, File No. 263-C2-MP-60; for renewal of the license for station KIB386 in the Domestic Public Land Mobile Radio Service at Tampa, Fla., Docket No. 13583, File No. 207-C2-R-60; for renewal of the license for station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Fla., Docket No. 13584, File No. 1069-C2-R-60; for renewal of the license for station KIG-843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Fla., Docket No. 13585, File No. 1380-C2-R-60; James C. Fields, Tampa, Fla., for a renewal of the license for Station KIK578 in the Domestic Public Land Mobile Radio Service at Tampa, Fla., Docket No. 13586, File No. 1964-C2-R-60; Alan H. Rosenson, d/b as All-Florida Communications Company, Tampa, Fla., for a modification of the construction permit for Station KIQ516 in the Domestic Public Land Mobile Radio Service at Tampa, Fla., Docket No. 13587, File No. 2335-C2-MP-60.

The Hearing Examiner having under consideration the Commission's Order of August 8, 1960 in Dockets 13579 through 13585 continuing on its own motion the

hearing scheduled therein from September 12, 1960 to a date to be subsequently specified;

It appearing that the order of designation in the aforesaid dockets and the order of designation in Dockets 13586 and 13587 ordered hearing in a consolidated proceeding, but that said Commission Order of August 8, 1960 did not specify that said continuance was applicable to Dockets 13586 and 13587;

It is ordered, This 31st day of August 1960, on the Hearing Examiner's own motion, that hearing in Dockets 13586 and 13587 is continued from September 12, 1960 to a date to be subsequently specified.

Released: September 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8396; Filed, Sept. 9, 1960; 8:46 a.m.]

[Docket Nos. 13711-13736; FCC 60M-1466]

TRIANGLE PUBLICATIONS, INC. (WNHC) ET AL.

Order Continuing Hearing Conference

In re applications of Triangle Publications, Inc. (WNHC), Radio and Television Division, New Haven, Connecticut, et al., Docket Nos. 13711-13736, File No. BP-12107; for construction permits.

Due to an unanticipated conflict in scheduling: *It is ordered*, This 1st day of September 1960, that the prehearing conference in the above-entitled proceeding presently ordered to convene (see order of the Hearing Examiner released August 12, 1960, FCC 60M-1400) on Friday, September 16, 1960, at 10:00 a.m., at the Commission's offices, Washington, D.C., is hereby postponed to Tuesday, September 27, 1960 at the same time and place.

Released: September 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8398; Filed, Sept. 9, 1960; 8:46 a.m.]

[Docket Nos. 12814, 13488; FCC 60M-1472]

VOICE OF THE NEW SOUTH, INC. (WNSL) AND MID-AMERICA BROADCASTING CO., INC. (WGVM)

Order Continuing Hearing

In re applications of Voice of the New South, Inc. (WNSL), Laurel, Mississippi, Docket No. 12814, File No. BP-11916; Mid-America Broadcasting Company, Inc. (WGVM), Greenville, Mississippi, Docket No. 13488, File No. BP-13245; for construction permits.

The Hearing Examiner having under consideration an oral request of this date of counsel for Mid-America Broadcasting Company, Inc., seeking continuance of the commencement of the hearing in this proceeding from September 13 to September 19, 1960, in order to enable petitioner to supply additional engineering data requested by the Broadcast Bureau;

It appearing that counsel for the other parties have informally consented to the immediate consideration and grant of the request and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 1st day of September 1960, that the aforesaid request is granted, and that the hearing now scheduled to be commenced on September 13, 1960, is continued to 9:00 a.m. on September 19, 1960, in the offices of the Commission at Washington, D.C.

Released: September 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8399; Filed, Sept. 9, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2078]

UNION BAG-CAMP PAPER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 6, 1960.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Union Bag-Camp Paper Corporation, File No. 7-2078.

Upon receipt of a request, on or before September 23, 1960, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8403; Filed, Sept. 9, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 377]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 7, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63505. By order of September 2, 1960, The Transfer Board approved the transfer of E. & D. Transportation Co., Inc., Melvern, Pennsylvania, or a portion of Certificate No. MC 60183, issued February 8, 1960 to Buglio Trucking Co., A Corporation, Vineland, N.J., authorizing the transportation, over irregular routes, of agricultural commodities, in bulk, such commodities as are used in, or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods, in bulk, fertilizer and fertilizer materials, chemicals, insecticides, and lime, in bulk, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, in bulk, and processed foods, in bulk, from and to specified points in New Jersey, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Delaware, Rhode Island, Virginia, and the District of Columbia. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8409; Filed, Sept. 9, 1960; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 8, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36547: *Passenger fares in the United States.* Filed by E. B. Padrick, Agent (No. 2), for interested rail carriers. Increases in basic first-class and basic coach fares for the transportation of persons between points in the United States.

Grounds for relief: Maintenance of through one-factor fares in excess of lower combinations of intermediate fares, due to method of disposition of fractions in proposed increased fares.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8439; Filed, Sept. 9, 1960; 8:51 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 8, 1960

S. 1066 ---------- Public Law 86-738
An Act to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes.

S. 1214 ---------- Public Law 86-728
An Act to amend the Act of March 11, 1948 (62 Stat. 78), relating to the establishment of the De Soto National Memorial, in the State of Florida.

S. 2131 ---------- Public Law 86-730
An Act to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia approved May 25, 1954, as amended.

S. 2575 ---------- Public Law 86-724
An Act to provide a health benefits program for certain retired employees of the Government.

S. 2633 ---------- Public Law 86-723
An Act to amend the Foreign Service Act of 1946, as amended, and for other purposes.

S. 3416 ---------- Public Law 86-739
An Act to provide for the restoration to the United States of amounts expended in the District of Columbia in carrying out the Temporary Unemployment Compensation Act of 1958.

S. 3648 ---------- Public Law 86-736
An Act to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District.

S. 3835 ---------- Public Law 86-737
An Act to authorize the District of Columbia Civil War Centennial Commission to plan and carry out in the District of Columbia civic programs in commemoration of the one hundredth anniversary of the Civil War; to authorize the Commissioners of the District of Columbia, the Secretary of the Interior, and the Secretary of Defense to make certain property of the District and of United States available for the use of such Commission; to authorize the said Commissioners to make certain regulations and permit certain uses to be made of public space, and for other purposes.

S. 3867 ---------- Public Law 86-727
An Act to exempt from taxation certain property of the National Guard Association of the United States in the District of Columbia.

H.R. 3313 ---------- Public Law 86-721
An Act to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit, and for other purposes.

H.R. 4059 ---------- Public Law 86-726
An Act to amend title 28 of the United States Code relating to actions for infringements of copyrights by the United States.

H.R. 6597 ---------- Public Law 86-729
An Act to revise the boundaries of Dinosaur National Monument and provide an entrance road or roads thereto, and for other purposes.

H.R. 6871 ---------- Public Law 86-720
An Act to amend title III of the Public Health Service Act, to authorize project grants for graduate training in public health, and for other purposes.

H.R. 7124 ---------- Public Law 86-725
An Act to require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes.

H.R. 10921 ---------- Public Law 86-731
An Act to amend section 35 of chapter III of the Life Insurance Act for the District of Columbia.

H.R. 11813 ---------- Public Law 86-733
An Act to amend the Menominee Termination Act.

H.R. 12533 ---------- Public Law 86-732
An Act to amend the Migratory Bird Treaty Act to increase the penalties for violation of that Act, and for other purposes.

H.R. 13021 ---------- Public Law 86-735
An Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes.

H.R. 13053 ---------- Public Law 86-734
An Act to increase the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the United States Park Police, the White House Police, and for other purposes.

H.R. 13161 ---------- Public Law 86-722
An Act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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(As of January 1, 1960)

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VOLUME 25 NUMBER 178

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FEDERAL REGISTER

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

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PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Prunes, Canned Seedless Grapes, Canned Berries, Canned Plums; Order Confirming Effective Date

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of July 22, 1960 (25 F.R. 6963), and the regulations promulgated by that order will become effective on September 20, 1960.

2. Effective as of the date the regulations promulgated by the order published in the FEDERAL REGISTER of July 22, 1960 (25 F.R. 6963) go into effect, § 3.13 *Notice to canners and distributors of canned prunes, canned seedless grapes, canned berries, and canned plums* is revoked.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: September 6, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8443; Filed, Sept. 12, 1960; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Amendment of Regulations of the Secretary of Agriculture

On May 21, 1960, there was published in the FEDERAL REGISTER (25 F.R. 4507) a notice of rule-making and hearing with respect to proposed amendments of the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1592). After consideration of all relevant matters presented at the hearing, or in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act, the following amendments to the regulations are hereby adopted:

§ 201.2 [Amendment]

1. Amend § 201.2(i) by adding to the list of vegetable seeds in proper alphabetical order "Cress, upland—Barbarea verna (Mill.) Aschers."

2. Amend § 201.2(y), subparagraph (1), pertaining to the definition of a "hybrid" to read: "(1) two or more inbred lines;".

3. Amend § 201.2(z) by changing the reference from "section 203(b)(2)(B) of the act" to "section 203(b)(2)(C) of the act and § 201.33".

§ 201.31 [Amendment]

4. In § 201.31 amend the list of vegetable seeds and percentages of germination pertaining thereto: by adding in proper alphabetical order "Cress, upland" and in the percent column with reference thereto "60".

§ 201.31a [Amendment]

5. Amend the last two items in the list of substances in § 201.31a(d) to read as follows:

Piperonyl butoxide—8 p.p.m. on oat and sorghum and 20 p.p.m. on all other seeds.

Pyrethrins—1 p.p.m. on oat and sorghum and 3 p.p.m. on all other seeds.

§ 201.34 [Amendment]

6. Amend § 201.34(e) as follows:

a. In subparagraphs (1), (2), (3), (4), and (6) insert in proper alphabetical order under the headings indicated the following variety names:

In subparagraph (1) *Beans (vegetable snapbeans)*:

Extender.
Gardengreen.
Longval.
Resistant Asgrow Valentine.
Resistant Cherokee.

In subparagraph (2) *Cabbage:*

Babyhead.
Market Master.

In subparagraph (3) *Onions, hybrid:*

Autumn Splendor.
Empire.
Treasure.

In subparagraph (4) *Soybeans:*

Ford.
Hill.
Hood.
Lindarin.
Rebel.
Scott.
Shelby.

In subparagraph (6) under subheading *Sorghum (open-pollinated)*:

Brawley.
Cuban.
Dual.

In subparagraph (6) under subheading *Sorghum, hybrid:*

Beefbuilder.
Coastal.
D-55.
F-63.
FS-1A.
FS-22.
Lindsey 92-F.
Lindsey 101-F.
Lindsey 115-F.
Lindsey 722.
Lindsey 788.
Ranger.
Red Raider.
Silo King.
RS-661.
Windbreaker.

§ 201.39 [Amendment]

7. Amend § 201.39(c) by adding at the end of the paragraph the following wording: "The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn."

8. Amend § 201.39(d) by deleting the existing wording therein and inserting the following wording:

(d) As the seed or screenings are sampled, each portion shall be examined. If there appears to be a lack of uniformity, the portions shall not be combined into a composite sample but shall be retained as separate samples or combined to form individual-container samples to determine such lack of uniformity as may exist.

§ 201.45 [Amendment]

9. Amend § 201.45(b) by adding after the second sentence the following: "To avoid damaging large seeds, a divider should be used which will prevent the seeds from falling great distances onto hard surfaces."

10. Amend § 201.46 by deleting the paragraph immediately following the section number and substituting the following:

§ 201.46 Weight of working sample.

(a) *Unmixed seed.* The working samples for purity analysis and noxious-weed seed examination of unmixed seed shall be at least the weights set forth in table 1.

(b) *Mixtures consisting of one predominant kind of seed or a group of kinds of similar size.* The weights of the purity and noxious-weed seed working samples in this category shall be determined by the kind or group of kinds which compromise more than 50 percent of the sample.

(c) *Mixtures consisting of two or more kinds or groups of kinds of different sizes, none of which comprise over 50 percent of the sample.* The weights of the purity working samples in this category shall be the weighted averages (to the nearest whole gram) of the weights listed in table 1 for each of the kinds which comprise the sample determined by the following method: (1) Multiply the percentage of each component in the mixture (rounded off to the nearest whole number) by the sample sizes specified in column 2, table 1, (2) add all these products, (3) total the percentages of all components of the mixtures, and (4) divide the sum in subparagraph (2) of this paragraph by the total in subparagraph (3) of this paragraph.

(d) The weight of the noxious-weed seed working sample shall be that found in column 3 of table 1 for a kind of seed having the same purity working sample as determined by the weighted average. If the approximate percentages of the components of a mixture are not known they may be estimated.

11. In § 201.46 amend table 1 "Weight of working sample" as follows:

a. Delete the words "Buffelgrass—Pennisetum ciliare" and the numerals "10" and "50" pertaining thereto, appearing in columns 2 and 3, and substitute therefor in the appropriate columns the following words and numerals:

Buffelgrass—Pennisetum ciliare:			
(Fascicles)	5	50	460
(Caryopses)	2	35	1,940

b. Following "Fescue: Sheep—Festuca ovina", add the numeral "1167" in the fourth column.

c. Following the words "Oat—Avena spp.", delete the numeral "28" in the fourth column and insert therefor the numerals "35–50".

d. Insert in alphabetical order under "*Agricultural seed*" "Tobacco—Nicotiana tobacum" and in the three columns respectively, with reference thereto, insert "½", "25", "15,625".

e. Following the words "Wheatgrass: standard crested—Agropyron desertorum", delete the numeral "10" in the second column and insert therefor the numeral "5".

f. Following the words "Wild-rye: Russian—Elymus junceus", delete the numeral "10" in the second column and insert the numeral "5".

g. Under "Vegetable seed", "Cress", insert in proper alphabetical order "Upland—Barbarea verna" and in the three columns respectively with reference thereto, insert "2", "35", and "_____".

12. In § 201.47 delete the existing wording of this section and substitute the following wording:

§ 201.47 Separation.

(a) The working sample shall be weighed in grams to four significant figures and shall then be separated into four parts: (1) Kind or variety to be considered pure seed, (2) other crop seed, (3) weed seed, and (4) inert matter. The components shall be weighed in grams to the same number of decimal places as the working sample. The percentage of each part shall be determined to two decimal places.

(b) Aids for the classification of pure seed, other crop seed, weed seed, and inert matter may include visual examination, use of transmitted light, (diaphanoscope), or specific gravity (seed blowers). Specific instructions for classification of the various components are given in §§ 201.47a to 201.51, inclusive.

(c) The components shall be weighed and percentages calculated as follows:

(1) For sample sizes less than 25 grams, all four components shall be weighed; the percentages shall be based on the sum of these weights and not on the original weight. The sum of these weights shall be compared with the original weight of the working sample as a check against the loss of material, or other errors.

(2) For sample sizes of 25 grams or more, the components—other crop seed, weed seed, and inert matter—shall be weighed separately and their percentages determined by dividing these weights by the original weight of the working sample. The pure seed need not be weighed; its percentage may be determined by subtracting the sum of the percentages of the other three components from 100.

(d) When the working sample consists of two or more similar kinds or varieties which would be difficult to separate in the entire sample, it is permissible to weigh the similar kinds or varieties together as one component and make the separation on a reduced portion of the sample. At least 400 seeds or an equivalent weight (except agrostis species) shall be taken indiscriminately from the pure seed component and the separation made on this portion. The proportion of each kind present shall then be determined by weight (except agrostis species, which shall be determined by count) and from this the percentage in the entire sample shall be calculated.

§ 201.47a [Amendment]

13. Amend § 201.47a by adding at the end of paragraph (d) within the existing parentheses the following wording: "Pods of legumes normally containing more than two seeds, when occurring incidentally in the working samples, should be hulled if the kind is usually hulled when marketed."

14. Amend § 201.48 by deleting the introductory paragraph and paragraphs (g), (i), and (j) and substituting the following wording:

§ 201.48 Kind or variety considered pure seed.

The pure seed shall include all seeds of each kind or each kind and variety under consideration present in excess of 5 percent of the whole. Pure seed may include kinds and varieties present to an extent of 5 percent or less of the whole; for example, kinds or varieties shown on a label as parts of a mixture in amounts of 5 percent or less. The following shall be included with pure seed:

* * * * *

(g) Multiple florets or entire spikelets of the following kinds of seeds when one or more of the florets contain a caryopsis: Bluegrasses (Poa), tall meadow oatgrass (Arrhenatherum elatius), Rhodesgrass (Chloris gayana), bluestems (Andropogon), gramas (Bouteloua), barley (Hordeum), and oats (Avena); also spikes of side-oats grama (Bouteloua curtipendula) containing at least one caryopsis. Attached empty florets of the following kinds need not be removed from fertile florets when the analysis is made by the special method described under § 201.51a: Orchardgrass (Dactylis glomerata), Chewings fescue (Festuca rubra var. commutata), red fescue (Festuca rubra), fairway crested wheatgrass (Agropyron cristatum), standard crested wheatgrass (Agropyron desertorum), and intermediate wheatgrass (Agropyron intermedium).

* * * * *

(i) Insect-damaged seeds, except (1) broken pieces that are one-half or less than the original size and (2) chalcid-damaged seeds of alfalfa, red clover, crimson clover, and similar kinds of small-seeded legumes;

(j) Seed units of New Zealand spinach, beets, and sugar beets, regardless of whether they contain true seeds: *Provided*, That in the case of segmented beet balls and sugar beet balls, small fragments which obviously do not contain true seeds shall be classified as inert matter.

§ 201.51 [Amendment]

15. Amend § 201.51 as follows:

a. Reword paragraph (a)(4) to read:

(4) Chalcid-damaged seeds (puffy, soft, or dry and crumbly) of alfalfa, red clover, crimson clover, and similar kinds of small-seeded legumes.

b. Add the following new subparagraph (5) to paragraph (a):

(5) Seed units of grasses in which the caryopses are spongy or corky; crumbly and white; filled with insect frass; or replaced by nematode galls or fungus bodies such as ergot and other sclerotia, and smut balls.

c. Delete the existing paragraph (b)(5) and substitute therefor the following:

(5) Bulblets of wild onion and wild garlic (Allium) which are completely devoid of the husk and pass through a ½₃th-inch-round-hole sieve; bulblets which show evident damage to the basal end regardless of whether the husk is present or absent. (Bulblets which have any part of the husk remaining and are not damaged at the basal end are considered weed seeds regardless of size.)

d. In paragraph (b)(7) add the following sentence immediately before the semicolon which follows the existing wording: "(Questionable seeds should be sectioned to determine classification as weed seed or inert matter, based on the presence or absence of embryo.)"

e. Following paragraph (b)(9) add the following subparagraph:

(10) Single seeds of Juncus species. (See § 201.50.)

16. Following § 201.51 add a new section as follows:

§ 201.51a Special procedures for purity analysis.

When the multiple units of the pure seed fraction (multiple florets or entire spikelets containing at least one caryopsis, to which is attached any type of inherent inert matter) of the kinds of grasses indicated in this section constitute 5 percent or more of the sample, it is not necessary to detach and separate the fertile florets from empty florets or other attached inert structures. The test is made by the following procedure:

(a) Separate the multiple units and single units, weigh, and determine the percentage of each in the sample;

(b) If there is 5 percent or more of multiple units the weight of multiple units is multiplied by the appropriate fraction taken from the following tabulation. The weight obtained from this calculation shall be regarded as pure seed and the remainder of the weight of multiple units shall be regarded as inert matter. (If the multiple units constitute less than 5 percent of the sample, these special procedures do not apply and the units are separated manually into pure seed and inert matter.)

FACTORS APPLICABLE TO MULTIPLE UNITS

Kind of seed	Percent of single florets in sample									
	50 or less	50.01–55.00	55.01–60.00	60.01–65.00	65.01–70.00	70.01–75.00	75.01–80.00	80.01–85.00	85.01–90.00	90.01–95.00
Chewings fescue	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Red fescue	.80	.81	.82	.83	.84	.85	.87	.88	.89	.90
Orchardgrass	.80	.81	.81	.82	.82	.82	.83	.83	.83	.84
Crested wheatgrass [1]	.70	.72	.73	.74	.75	.76	.77	.78	.79	.79
Intermediate wheatgrass	.72	.74	.75	.76	.77	.78	.79	.80	.81	.82

[1] Includes both fairway crested wheatgrass and standard crested wheatgrass.

§ 201.52 [Amendment]

17. Amend § 201.52 by adding the following sentence immediately after the last sentence of the existing wording: If the sample contains seed-bearing fruits or other seed-bearing structures of noxious weeds, such as burs of Cenchrus, capsules of Cuscuta or berries of Solanum, the number of individual seeds shall be determined.

18. Amend § 201.55 by deleting the entire section and substituting the following wording:

§ 201.55 Retests.

Retests shall be made as follows:

(a) When the range of 100-seed replicates of a given test exceeds the maximum tolerated range in the table appearing in this section following paragraph (e);

(b) When at the time of the prescribed final count there are indications, such as presence of firm ungerminated seeds, that a satisfactory germination has not been obtained;

(c) When there is evidence that the results may not be reliable due to improper test conditions, errors in seedling evaluation, the presence of fungi or bacteria, or inaccuracies in counting or recording results;

(d) When a sample shows seedling injury or abnormality as a result of chemical treatment, of exposure to chemicals, or of toxicity from any source. (Retest shall be made in soil or a mixture of soil and sand);

(e) When no two satisfactory tests are within tolerance.

TABLE OF MAXIMUM TOLERATED RANGES BETWEEN 100-SEED REPLICATES FOR USE IN CONNECTION WITH § 201.55(a)

Average percent germinations		Maximum allowed between replicates		
		4 replicates	3 replicates	2 replicates
99	2	5	----	----
98	3	6	5	----
97	4	7	6	6
96	5	8	7	6
95	6	9	8	7
94	7	10	9	8
93	8	10	9	8
92	9	11	10	9
91	10	11	10	9
90	11	12	11	9
89	12	12	11	10
88	13	13	12	10
87	14	13	12	11
86	15	14	13	11
85	16	14	13	11
84	17	14	13	11
83	18	15	14	12
82	19	15	14	12
81	20	15	14	12
80	21	16	15	13
79	22	16	15	13
78	23	16	15	13
77	24	17	15	13
76	25	17	16	13
75	26	17	16	14
74	27	17	16	14
73	28	17	16	14
72	29	18	16	14
71	30	18	16	14
70	31	18	17	14
69	32	18	17	14
68	33	18	17	15
67	34	18	17	15
66	35	19	17	15
65	36	19	17	15
64	37	19	17	15
63	38	19	18	15
62	39	19	18	15
61	40	19	18	15
60	41	19	18	15
59	42	19	18	15
58	43	19	18	15
57	44	19	18	15
56	45	19	18	15
55	46	20	18	15
54	47	20	18	16
53	48	20	18	16
52	49	20	18	16
51	50	20	18	16

EXPLANATORY NOTE: To find the maximum tolerated range, compute the average percentage of all 100-seed replicates of a given test, rounding off the result to the nearest whole number. The germination is found in the first two columns of the table. When the differences between highest and lowest replicates do not exceed the corresponding values found in the "4-replicate" column, no additional testing is required. If the differences exceed these values, omit the lowest replicate and compute the average of the three remaining replicates. If the range between the highest and lowest three replicates do not exceed the values in the "3-replicate" column for the new average percentage germination, retesting is not required and the average of the three replicates shall be regarded as the percentage germination. However, if the differences exceed the values in the "3-replicate" column, retesting is necessary.

When only 200 seeds are tested, retest if the range of the two replicates exceeds the values in the "2-replicate" column. In order to form 100-seed replicates, combine subreplicates of 25 or 50 seeds which were closest together in the germinator.

§ 201.56 [Amendment]

19. Amend § 201.56 by inserting in paragraph (d), immediately following the words "New Zealand spinach seed, Beta seed * * *", the words "double fruits of the carrot family (Umbelliferae), multiple seeds of burnet,".

§ 201.56–2 [Amendment]

20. In § 201.56–2 delete all the wording preceding paragraph (b) and substitute therefor the following wording:

(a) Lettuce: The interpretations of lettuce seedlings are made only at the end of the test period. When used to describe seedling structures "normal length" means that length attained by a vigorous sample of the same variety of lettuce as the one being tested when both are placed under the same test conditions. Necrosis of cotyledons is frequently manifested by softened, grayish, blackish, or reddish areas and should not be confused with natural pigmentation. Seedlings with extensive necrotic and/or decayed areas on the cotyledons are slower in growth and tend to be shorter than seedlings without such necrosis. It is not necessary to distinguish between necrotic areas and decay caused by fungi and bacteria since the interpretation is the same for all conditions.

(1) Normal seedlings include those that have: (i) Long, vigorous roots, preferably over half the usual length for vigorous seedlings; (ii) long, vigorous hypocotyls, preferably over half the usual length for vigorous seedlings, with no cracks or lesions extending into the central conducting tissue; (iii) two cotyledons either free of decay or with less than half the total cotyledon surface covered by necrotic or decayed areas (the hypocotyl and root should be more than half normal length); and (iv) an epicotyl entirely free of decay.

(2) Abnormal seedlings include those that have: (i) No roots, or roots clearly

less than half normal length with root tips blunt, swollen, or discolored; (ii) hypocotyls clearly less than half normal length, or severly twisted or grainy, or with cracks or lesions extending into the central conducting tissue; (iii) only one cotyledon, or cotyledons with more than half their total area necrotic or decayed (the hypocotyl and root are usually less than half normal length), or swollen cotyledons (usually grayish or darkened) with extremely short or vestigial hypocotyl and root (seed coat usually adhering to cotyledons); (iv) no epicotyl or an epicotyl with any degree of decay or necrosis.

§ 201.56–3 [Amendment]

21. In the first undesignated paragraph of § 201.56–3 and in the heading of paragraph (b) of the same section, insert the words "upland cress," after the words "garden cress", and insert a comma after "garden cress" in said heading.

§ 201.56–6 [Amendment]

22. In § 201.56–6, delete the wording in paragraph (a)(1)(i) and substitute therefor the following wording:

(i) A terminal bud or epicotyl and at least one primary leaf, with one complete cotyledon or two broken cotyledons with half or more of the original cotyledon tissue remaining attached to the seedling;

23. In § 201.56–6:

a. Redesignate subdivisions (iv) and (v) of paragraph (a)(2) as subdivisions (v) and (vi).

b. Insert the following immediately after paragraph (a)(2)(iii):

(iv) Part of one cotyledon or two broken cotyledons with less than half the original tissue remaining attached;.

Renumber the succeeding items.

§ 201.56–7 [Amendment]

24. In § 201.56–7, delete all the wording preceding paragraph (b) and substitute therefor the following wording:

(a) *Onion, Welsh onion, and leak.* By the end of the test period a perfectly normal onion or leak seedling should have a long, slender root with a thickened area where it is joined to the hypocotyl, and a long, green cotyledon with a definite loop or bend, often referred to as the "knee".

(1) Normal seedlings include those that have: (i) A well-developed, long, slender root, with or without root hairs; (ii) a long, green, leaf-like cotyledon, with a well-developed bend or "knee" or (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) A thickened hypocotyl with no root, or a stubby root, (ii) a very short cotyledon associated with a poorly developed root, (iii) a poorly developed leaf-life cotyledon without a definite bend or "knee", (iv) a spindly, watery cotyledon, often associated with slowness in sprouting, and one or more other abnormalities, (v) a rotted cotyledon, provided the decay is not the result of improper test conditions, or (vi) various combinations of the abnormalities described in this subparagraph.

§ 201.56–10 [Amendment]

25. In § 201.56–10, paragraph (a), renumber present subparagraph (4) as (6) and insert new subparagraphs as follows:

(4) Both cotyledons (thin leaf-like structures) present and intact, plus an intact epicotyl;

(5) At least one attached endosperm-bearing organ (fleshy food storage organs resembling cotyledons);

26. In § 201.56–10, paragraph (b), renumber subparagraphs (4) and (5) as subparagraphs (6) and (7), respectively, and insert the following new subparagraphs:

(4) No attached endosperm-bearing organ;

(5) Less thar two cotyledons present;.

§ 201.56–11 [Amendment]

27. In § 201.56–11, under "Nightshade family (solanaceae)" and after the words "husk tomato," add the word "tobacco."

28. In § 201.56–11, paragraph (b), renumber subparagraphs (6) and (7) as subparagraphs (8) and (9), respectively, and insert the following new subparagraphs:

(6) Watery hypocotyl or root;
(7) Grainy hypocotyl or root;

§ 201.58 [Amendment]

29. Amend § 201.58 as follows:

a. Delete the wording in paragraph (a)(1) and substitute the following:

(a) *Definitions and explanations applicable to table 2*—(1) *Duration of tests.* The following deviations are permitted from the specified duration of tests: Any test may be terminated prior to the number of days listed under "Final count" if the maximum germination of the sample has then been determined. The number of days stated for the first count is approximate and a deviation of 1 to 3 days is permitted. If at the time of the prescribed test period the seedlings are not sufficiently developed for positive evaluation, it is possible to extend the time of the test period two additional days. (Also, see subparagraph (5) of this paragraph and § 201.57.)

b. In paragraph (a)(8) delete the third sentence and substitute therefor the following: "If the tests are not subjected to alternating temperatures over weekends and on holidays, they are to be held at the first-mentioned temperature during this time."

c. In paragraph (b)(3), insert the following sentence between the two existing sentences: "The temperature of the soaking and washing water should be no lower than 20° C."

d. In paragraph (c) revise Table 2 with respect to the agricultural and vegetable seeds listed below to show the information given in the columns opposite the names of said seeds: (It is not proposed to change the items left blank except in the case of "wheatgrass, western" as noted below.)

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS

Name of seed	Substrata	Temperature	1st count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Agricultural seed		° C.	Days	Days		
Alfalfa—Medicago sativa	B, T, S					
Alfilaria—Erodium cicutarium	B, T					
Alyceclover—Alysicarpus vaginalis	B, T					
Bahiagrass—Paspalum notatum var. pensacola		20–35				
Bean:						
Adzuki—Phaseolus angularis	B, T, S					
Field—Phaseolus vulgaris	B, T, S					
Mung—Phaseolus aureus	B, T, S					
Beet:						
Field—Beta vulgaris	B, T, S					
Sugar—Beta vulgaris	B, T, S	20–30; 20	3	10		
Beggarweed, Florida—Desmodium tortuosum	B, T					
Bluegrass: Canada—Poa compressa	P	15–30				10–30° C.; KNO_3.
Brome:						
Field—Bromus arvensis	P, TB	20–30; 15–30				
Smooth—Bromus inermis						Prechill at 5° or 10° C. for 5 days, then test at 30° C. for 9 additional days.
Broomcorn—Sorghum vulgare var. technicum	B, T, S					
Burnet, little—Sanguisorba minor	B, T					
Buttonclover—Medicago orbicularis	B, T					
Canarygrass—Phalaris canariensis	B, T					
Canarygrass, reed—Phalaris arundinacea					Light, KNO_3	Prechill at 5° or 10° C. for 7 days.
Chess, soft—Bromus mollis						

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	1st count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Agricultural seed—Continued		° C.	Days	Days		
Clover:						
Alsike—Trifolium hybridum	B, T, S					
Berseem—Trifolium alexandrinum	B, T, S					
Cluster—Trifolium glomeratum	B, T					
Crimson—Trifolium incarnatum	B, T, S					
Ladino—Trifolium repens	B, T, S					
Lappa—Trifolium lappaceum	B, T					
Large hop—Trifolium procumbens (T. campestre)	B, T					
Persian—Trifolium resupinatum	B, T					
Red—Trifolium pratense	B, T, S					
Rose—Trifolium hirtum	B, T					15° C.
Small hop (Suckling)—Trifolium dubium	B, T					
Strawberry—Trifolium fragiferum	B, T					
Sub—Trifolium subterraneum	B, T					
White—Trifolium repens	B, T, S					
Corn:						
Field—Zea mays	B, T, S					
Pop—Zea mays var. everta	B, T, S					
Cotton—Gossypium spp	B, T, S					
Cowpea—Vigna sinensis	B, T, S					
Crotalaria:						
Lance—Crotalaria lanceolata	B, T, S					
Showy—Crotalaria spectabilis	B, T, S					
Slenderleaf—Crotalaria intermedia	B, T, S					
Striped—Crotalaria mucronata	B, T, S					
Sunn—Crotalaria juncea	B, T, S					
Crownvetch—Coronilla varia	B, T, S					
Dichondra—Dichondra repens	B, T					
Emmer—Triticum dicoccum					Photos 2507, 2520–2522	
Fescue:						
Chewings—Festuca rubra var. commutata					Light and KNO_3 optional	Prechill at 5° or 10° C. for 5 days.
(Alternate method					do	Do.)
Meadow—Festuca elatior		15–25; 20–30			Light and KNO_3 optional	
Red—Festuca rubra					do	Do.
(Alternate method					do	Do.)
Tall—Festuca arundinacea						Prechill at 5° or 10° C. for 5 days and test for 21 days.
(Alternate method					do	Do.)
Guar—Cyamopsis tetragonoloba		30; 20–30				
Guineagrass—Panicum maximum		15–35			Light; KNO_3 optional	
Indigo, hairy—Indigofera hirsuta	B, T					
Kudzu—Pueraria thunbergiana	B, T					
Lespedeza:						
Korean—Lespedeza stipulacea	B, T, S					
Sericea or Chinese—Lespedeza cuneata (L. sericea)	B, T, S			21		
Siberian—Lespedeza hedysaroides	B, T, S					
Striate (Common, Kobe, Tenn. 76) Lespedeza striata	B, T, S					
Lovegrass, sand—Eragrostis trichodes		20–30				
Lupine:						
Blue—Lupinus angustifolius	B, T, S					
White—Lupinus albus	B, T					
Yellow—Lupinus luteus	B, T					
Medick, black—Medicago lupulina	B, T, S					
Millet:						
Browntop—Panicum ramosum	B, P				Light and KNO_3 optional	
Foxtail—Such as common, white wonder, German, Hungarian, Siberian, or Golden—Setaria italica	B, T	20–30, 15–30				
Japanese—Echinochloa crusgalli var. frumentacea	B, T					
Pearl—Pennisetum glaucum	B, T					
Proso—Panicum miliaceum	B, T					
Mustard—Brassica juncea	P	20–30	3	7	Light	Prechill at 10° C. for 7 days and test for 5 days; KNO_3.
Napiergrass—Pennisetum purpureum	B, T					
Peanut—Arachis hypogaea	B, T, S					
Pea, field—Pisum sativum var. arvense	B, T, S					
Rape:						
Annual—Brassica napus var. annua	B, T					
Turnip—Brassica campestris vars	B, T					
Winter—Brassica napus var. biennis	B, T					
Roughpea—Lathyrus hirsutus	B, T					
Ryegrass:						
Italian—Lolium multiflorum (annual)					Light; see par. (b)(10) for fluorescence test.	KNO_3 and prechill at 5° C. for 5 days, see par. (a)(2).
Perennial—Lolium perenne					do	Do.
Safflower—Carthamus tinctorius	F, B, T, S	15; 20		14	Light at 15° C.	
Sesbania—Sesbania exaltata	B, T					
Sourclover—Melilotus indica	B, T					
Soybean—Glycine max	B, T, S					
Spelt—Triticum spelta					Photos 2507; 2520–2522	
Sweetclover:						
White—Melilotus alba	B, T, S					
Yellow—Melilotus officinalis	B, T, S					
Timothy—Phleum pratense						Prechill at 5° or 10° C. for 5 days.
Tobacco—Nicotiana tobacum	F, TB	20–30	7	14	Light	
Trefoil:						
Big—Lotus uliginosus (L. major)	B, T			12		
Birdsfoot—Lotus corniculatus	B, T			12		
Velvetbean—Stizolobium deeringianum	B, T, S, C					
Veteh:						
Common—Vicia sativa	B, T					
Hairy—Vicia villosa	B, T					
Hungarian—Vicia pannonica	B, T					
Monantha—Vicia articulata (V. monantha)	B, T					
Narrowleaf—Vicia angustifolia	B, T					
Purple—Vicia atropurpurea	B, T					
Woollypod—Vicia dasycarpa	B, T					
Wheat:						
Common—Triticum aestivum					Photos 2507, 2520–2522	

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	1st count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Agricultural seed—Continued						
Wheatgrass:						
Intermediate—Agropyron intermedium (Alternate method.	P	° C. 15–25	Days 5	Days 28	Light optional)	
Pubescent—Agropyron tricophorum (Alternate method.	P	15–25	5	28	..... do)	
Slender—Agropyron trachycaulum						Prechill at 5° or 10° C. for 5 days. If still dormant on 10th day, rechill 2 days; then place at 20–30° C. for 4 days.
Tall—Agropyron elongatum						KNO$_3$ and prechill at 5° C. for 5 days.
(Alternate method	P	15–25	5	21	Light optional	Do.)
Western—Agropyron smithii	P, B, T				(NOTE: delete words "Light optional").	
Wild-rye, Russian—Elymus junceus						Prechill at 5° or 10° C. for 5 days.
Vegetable seed						
Artichoke—Cynara scolymus	B, T					
Asparagus—Asparagus officinalis	B, T, S					
Asparagusbean—Vigna sesquipedalis	B, T, S					
Beans:						
Garden—Phaseolus vulgaris	B, T, S					
Lima—Phaseolus lunatus var. macrocarpus	B, T, C, S					
Runner—Phaseolus coccineus	B, T, S					
Beet—Beta vulgaris	B, T, S					
Broccoli—Brassica oleracea var. botrytis	B, P, T					
Brussels sprouts—Brassica oleracea var. gemmifera.	B, P, T					
Cabbage—Brassica oleracea var. capitata	B, P, T					
Cabbage—Chinese—Brassica pekinensis	B, T					
Cardoon—Cynara cardunculus	B, T					
Carrot—Daucus carota	B, T					
Cauliflower—Brassica oleracea var. botrytis	B, P, T					
Celeriac—Apium graveolens var. rapaceum	P	15–25, 20			Light; see par. (a)(9)	
Celery—Apium graveolens var. dulce	P	15–25, 20			..... do	
Chard, Swiss—Beta vulgaris var. cicla	B, T, S					
Citron—Citrullus vulgaris	B, T					
Collards—Brassica oleracea var. acephala	B, P, T					
Corn, sweet—Zea Mays	B, T, S					
Cornsalad (Fetticus)—Valerianella locusta var. olitoria.	B, T	15				
Cowpea—Vigna sinensis	B, T, S					
Cress:						
Garden—Lepidium sativum	B, P, T	15			Light	
Upland—Barbarea verna	P	20–30	4	7	Light; KNO$_3$	
Kale—Brassica oleracea var. acephala	B, P, T					
Kale, Chinese—Brassica oleracea var. alboglabra	B, P, T					
Kohlrabi—Brassica oleracea var. gongylodes	B, P, T					
Leek—Allium porrum	B, T					
Mustard, spinach—Brassica pervirldis	B, T					
Okra—Hibiscus esculentus	B, T					
Onion—Allium cepa	B, T					
Onion, Welsh—Allium fistulosum	B, T					
Pak-choi—Brassica chinensis	B, T					
Parsley—Petroselinum hortense (P. crispum)	B, T, TS					
Parsnip—Pastinaca sativa	B, T, TS					
Pea—Pisum sativum	B, T, S					
Pumpkin—Cucurbita pepo	B, T, S					
Radish—Raphanus sativus	B, T					
Rutabaga—Brassica napus var. napobrassica	B, T					
Salsify—Tragopogon porrifolius	B, T	15				
Soybean—Glycine max	B, T, S					
Spinach, New Zealand—Tetragona expansa (Alternate method)	B, T					
Squash—Cucurbita moschata and C. maxima	B, T, S					
Turnip—Brassica rapa	B, T					
Watermelon—Citrullus vulgaris	B, T, S					

§ 201.60 [Amendment]

30. In § 201.60 amend the list of chaffy seeds by making the following indicated deletions and additions:

a. Delete the word "Bromegrass" and insert therefor the words "Bromus species.".

b. Delete the words "Hairy intermediate wheatgrass.", "Intermediate wheatgrass", "Wheatgrass, crested.", and "Wheatgrass, Western", and insert the words "Agropyron spp.".

c. Delete the words "Wild-rye, Canada," and insert therefor the words "Elymus spp".

§ 201.102 [Amendment]

31. Amend § 201.102 by inserting in proper alphabetical order "Wheatgrass, western____ 65".

§ 201.107 [Amendment]

32. Amend § 201.107 by adding "Cress, upland-Barbarea verna (Mill.) Aschers" in paragraph (b) immediately following the words "Chicory—Cichorium intybus L."

The amendments set forth above shall become effective on November 1, 1960.

Except for the correction of minor typographical errors, the foregoing amendments are the same as those published in the notice of rule-making in the FEDERAL REGISTER of May 21, 1960 with the following exceptions:

1. The proposed amendments of §§ 201.2(h), 201.36b(c), and 201.58a, referred to respectively in proposals 1, 8 and 32 of the notice of rule-making were not adopted.

2. The proposed amendment of § 201.31 as set forth in proposal No. 5 was changed by deleting the words "as follows:" and inserting in their place the words "by adding"; omitting subparagraphs a., b., and c.; and deleting the letter "d." and the word "Add."

3. In proposal No. 7 amending § 201.34(e), the following names of hybrid sorghum varieties were deleted from the proposed list of additions to subparagraph (6):

KS–602	RS–608
KS–603	RS–609
KS–701	RS–681

4. The proposed amendments to the table in § 201.58, as set forth in proposal No. 31, were changed by adding under "Vegetable seed" and on the same line with "Cress: Garden—Lepidium sativum" the numeral "15" in the column under "Temperature" and the word "Light" in the column headed "Specific requirements and photo numbers."

None of the above changes in the amendments as originally proposed in the notice of rule-making is of a substantive nature and it is therefore found that further rule-making procedure is unnecessary.

(Sec. 402, 53 Stat. 1285; 7 U.S.C. 1592)

Done at Washington, D.C., this 7th day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary of Agriculture.

[F.R. Doc. 60-8446; Filed, Sept. 12, 1960; 8:47 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quota and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Marketing Quota Regulations, 1960–61 Marketing Year

The Amendment set forth herein is based on marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–1315), and is made for the purpose of amending the Burley, Flue-Cured, Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1960-61 Marketing Year (25 F.R. 3935, 4538) to delete requirements that tobacco be identified as being of an "acceptable variety" through the use of Form MQ–79–1 (Flue-Cured) Dealers Certification—Resale Tobacco, or otherwise, it having been determined there is no discount variety flue-cured tobacco, either carry-over tobacco or 1960 crop tobacco, available for marketing during the 1960–61 marketing year.

Since the 1960–61 marketing season is now in progress and this amendment will reduce unnecessary record-keeping and reports, it is necessary that the amendment set forth herein be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the FEDERAL REGISTER.

The Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco Marketing Quota Regulations 1960–61 Marketing Year (24 F.R. 3935, 4538) are hereby amended to delete §§ 725.1153(g) and 725.1154(e).

(Sec. 375, 52 Stat. 48, as amended, 66, as amended; 7 U.S.C. 1375)

Done at Washington, D.C. this 7th day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8461; Filed, Sept. 12, 1960; 8:48 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1961, Supp. 1]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1961

COUNTY FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 86–532, the 1961 National Agricultural Conservation Program, approved July 1, 1960 (25 F.R. 6415), is amended as follows:

Section 1101.1003 is amended by deleting from the proviso the wording "a program year to be specified by amendment to this section," and substituting therefor the following: "the 1959 program year."

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g–590q)

Done at Washington, D.C., this 8th day of September 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-8456; Filed, Sept. 12, 1960; 8:48 a.m.]

[ACP–1961–Alaska, Supp. 1]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

Subpart—1961

FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 86–532, the 1961 Agricultural Conservation Program for Alaska, approved August 15, 1960 (25 F.R. 8020), is amended as follows:

Paragraph (b) of § 1104.901 is amended by deleting from the second sentence the wording "a program year to be specified by amendment to this paragraph," and substituting therefor the following: "the 1959 program year."

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g–590q)

Done at Washington, D.C., this 8th day of September 1960.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-8455; Filed, Sept. 12, 1960; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

[No. 13,827]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Change of Office Location

SEPTEMBER 8, 1960.

Resolved that, notice and public procedure having been duly afforded (24 F.R. 9402), and all relevant matter presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it that the moving of offices by Federal savings and loan associations even within the limits now permitted by § 545.16 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.16) without the prior approval of the Board may involve issues, including issues as to undue injury to other properly conducted existing local thrift and home-financing institutions, which in the opinion of the Board should be given consideration by the Board, and for the purpose of amending said section so as to require such approval in all cases except as set forth in the amendment below, hereby amends § 545.16 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.16) to read as follows, effective October 14, 1960:

§ 545.16 Change of office location.

(a) *General provisions.* Except as provided in paragraph (b) of this section, a Federal association may not move any office without prior approval by the Board. Each application to the Board by a Federal association for permission to move any office of such association shall be supported with a statement showing the need for such change of location, and the estimated expense of removal to and of maintenance at the new location and such other information as the Board may require. If a Federal association changes the location of its home office as fixed in such association's charter, such charter shall be appropriately amended in accordance with the provisions thereof.

(b) *Exceptions.* The requirement of approval imposed by paragraph (a) of this section shall not apply:

(1) To (i) a temporary move of an office of not more than one-half mile to a new location pending construction, alteration, repair, or improvement of office quarters at the location from which such move is made (hereinafter in this section called the former location), to which quarters the association intends to move such office at the completion thereof, or (ii) a move of such office back to the former location from such new location: *Provided,* That except with the prior approval of the Board such association shall not conduct at such new location any activities constituting the maintenance of an office, or of an agency other

than an agency which under the terms of § 545.15 could be established without the requirement of prior approval by the Board, at any time after a period of two years from the date of such temporary move or such extension or extensions of said period as the Board may grant, or at any time after the conduct of any such activities is resumed by such association at the former location: *Provided further*, That subdivision (i) of this subparagraph (1) shall not apply to an office while such office is located at a new location to which it has been moved pursuant to said subdivision; or

(2) To a move of an office of not more than one mile, not later than the expiration of a period of three years from October 14, 1960, or of such extension or extensions of said period as the Board may grant, to a new location in office quarters owned or leased by, or located on land owned or leased by, the association under a purchase or lease, or a contract or option to purchase or lease, entered into by such association prior to September 1, 1960, for the purpose of moving such office to such new location.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60-8448; Filed, Sept. 12, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6491]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Determining "Minimum Figure"

In the matter of Percentage to be used by foreign life insurance companies in determining the "minimum figure" under section 819(b) of the Internal Revenue Code of 1954, for purposes of computing declaration of estimated income tax for the taxable year 1960.

Section 819(b) of the Internal Revenue Code of 1954, as added by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 136), provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign life insurance company described in section 819(a). Where this minimum figure exceeds the foreign life insurance company's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819(b)), and the amount of the "required interest" (determined under section 809(a) without regard to section 819(b)), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805 (b)(2)). In view of the extensions granted to many domestic life insurance companies to file their 1959 returns, it will not be possible to compute the percentage required by section 819(b) prior to the expiration of the date for the filing of the declaration of estimated income tax for the taxable year 1960. Accordingly, it is hereby determined that for purposes of the declaration of estimated 1960 income tax and payments of installments thereof by foreign life insurance companies, a percentage of 12.5 (the percentage applicable for 1959) shall be used in determining the minimum figure under section 819(b). No additions to tax shall be made because of any underpayment of tax which results solely from the use of this percentage.

Because the public cannot effectively participate in the determination of the percentage announced in this Treasury decision, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act.

[SEAL] FRED C. SCRIBNER, JR., *Acting Secretary of the Treasury.*

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8451; Filed, Sept. 12, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In Part 6, § 6.124 is revised to read as follows:

§ 6.124 Grace period for payment of first premium payable on United States Government life insurance and total disability insurance after termination of a total and permanent disability insurance award and a total disability insurance award.

United State Government life insurance and total disability insurance shall not lapse during the period between the termination of a total and permanent disability insurance award or the termination of a total disability insurance award and 31 days from the due date of the first premium payable after such termination or 31 days from date of notice mailed to the insured's last address of record advising of the termination of the award and the amount and due date of the first premium so payable, whichever is the later date. If the premium or premiums be not paid within said 31 days, the insurance policy and the total disability provision shall lapse in accordance with the terms and conditions thereof and shall otherwise be subject to the terms and conditions of said policy and provision. A letter by registered mail or by certified mail will be mailed to the insured at his last address of record advising of the due date of the first premium payable after termination of the award, and of the amount of insurance, and the amount due as premiums. The mailing of such letter to the insured's last address of record will be sufficient notice within the provisions of this section, and the failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for an extension of time under this section.

2. In Part 8, § 8.42(a) is amended to read as follows:

§ 8.42 Discontinuance of premium waiver.

(a) The Administrator may require proof of continuance of total disability at any time he may deem same necessary. In the event it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding, and the insurance may be continued by payment of premiums, the due date of the first premium payable being the next regular monthly due date of the premium under the policy. The insurance shall not lapse prior to the date of expiration of the grace period allowed for the payment of such premium or prior to the expiration of 31 days after date of notice to the insured of the termination of the premium waiver, whichever is the later date. Such notice shall be sent by registered mail or by certified mail and sufficient notice will be deemed to have been given when such letter has been placed in the mails by the Veterans Administration: *Provided*, That the Administrator may grant an additional period of not more than 31 days for payment of the premiums in any case in which it is shown that the failure to make payment within 31 days after notice as defined in this paragraph was due to circumstances beyond the insured's control; but the premiums in any such case must be paid during the lifetime of the insured. The failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for an extension of time for payment of premiums under this section.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective September 13, 1960.

[SEAL] ROBERT J. LAMPHERE, *Associate Deputy Administrator.*

[F.R. Doc. 60-8438; Filed, Sept. 12, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

List of Retirement Units; Units of Property

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies; and Part 33, Uniform System of Accounts for Class C Telephone Companies; of the Commission's Rules and Regulations, for the purpose of making editorial changes in the list of retirement units and units of property, respectively, therein.

The Commission has under consideration the desirability of making certain editorial changes in § 31.8, List of Retirement Units, of Part 31 and in § 33.81, Units of Property, of Part 33 of its Rules and Regulations.

The substance of the Rules will not be changed by the amendments adopted herein. The purpose of these amendments is to edit and to improve arrangement of the list of retirement units in Part 31 and the list of units of property in Part 33 so that users of these parts can more readily identify the units of property with respect to which retirement, as distinguished from maintenance expense, accounting must be performed to record their replacement. These lists were initially prepared and issued in a form somewhat similar to that prescribed in these amendments. However, in subsequent issues of the rules, the arrangement was changed, thereby impairing the clarity of these provisions.

It appearing that the amendments adopted herein are editorial in nature and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendments adopted herein are of such nonsubstantive nature that compliance with the notice to State commissions requirement of section 220(i) of the Communications Act of 1934, as amended, is unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1), and 220 of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

It is ordered, This 2d day of September 1960, that, effective January 1, 1961, Parts 31 and 33 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078; 47 U.S.C. 220)

Released: September 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows: Section 31.8 is revised to read as follows:

RETIREMENT UNITS

§ 31.8 List of retirement units.

The following list of retirement units shall be used in connection with the accounting provided in §§ 31.2-24 and 31.2-25, except that any company may use smaller units which are subdivisions of the units listed provided its practice in this respect is consistent. However, the list shall not be considered as determining the classification of the telephone plant involved. Any company electing to exercise its option of using smaller units shall notify the Commission 30 days before commencing such use or any change therein. The Commission shall also be notified 30 days before any discontinuance of the use of units smaller than those listed.

212 BUILDINGS.

A complete building.
An entire roof with or without supporting members. A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.
A complete fire escape.
A complete metal window (i.e., box, frame, and sash).
A boiler, furnace, hot-water heater, or automatic stoker.
A coal or ash-conveying system.
An elevator complete with operating mechanism.
A gas-burner system.
A house-lighting or power board.
An oil-burner system.
An oil tank.
The floor covering for one room.
A motor, generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum, or similar item of equipment, with or without associated wiring, control equipment, etc.

NOTE: In addition to the retirement units prescribed in this section for account 212, material (i.e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the telephone plant and depreciation reserve accounts:

(1) Changes in the type of operation of elevator systems, e.g., a change from manual to signal control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.

(2) Relocations of toilet rooms, battery rooms, kitchens, terminal rooms, machine rooms, transformer vaults, etc.

(3) Structural changes such as:

(a) Reinforcements of floors, roofs, bearing walls, footings, and foundations.

(b) Additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots.

(c) Building alterations required for fire protection and other safety measures.

(4) Changes in the type of electric current supply, or of ventilating, air conditioning, or similar systems.

(5) Building enlargements.

(6) Replacements of the following character:

(a) Replacements of plumbing or heating pipes (with or without associated valves) except when necessitated by minor repairs or minor relocations of fixtures.

(b) Replacements of all or substantially all of the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building.

(c) General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; plumbing, heating, or drainage traps.

221 CENTRAL OFFICE EQUIPMENT

Switchboards, desks, and testboards:
Switchboards (i.e., local, toll, dial system "A", cordless "B", call distributing "B", observing, teletypewriter, etc.)—a complete section or lower unit.
Desks (i.e., operating, observing, testing, etc.)—a complete section.
Testboards, or test and control boards (board type)—a complete section.
Testboards, or test and control boards (rack type):
All the equipment in one bay.
A complete upper unit.
A complete lower unit.
A complete installation of rack framework for one board.
Test panels—a complete panel.
Test cabinets—a cabinet complete with equipment.
Distributing frames:
Main distributing frames (including wall type)—a complete installation for one central office (in multi-unit offices, for one operating unit).
Intermediate distributing frames—a complete installation for one central office (in multi-unit offices, for one operating unit).
Mezzanine balconies—a complete installation for one frame.
Racks:
Relay rack equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
Coil rack equipment—all the equipment on one shelf.
Message and traffic register rack equipment—all the equipment in one bay.
Iron framework—a complete line of rack with or without enclosing cabinet or case.
Cable:
All of the cables in one run used for the same purpose, such as between:
(1) Main frame and intermediate frame for subscribers' lines.
(2) Main frame and intermediate frame for outgoing trunk multiple.
(3) Intermediate frame and connector frame or final frame for subscribers' lines.
(4) Intermediate frame and answering jacks.
(5) Intermediate frame and switchboard for outgoing trunk multiple jacks.
(6) Intermediate frame and switchboard for subscribers' multiple jacks.
Iron framework—a complete installation of rack for one cable run.

Power equipment:
Frame or rack-mounted equipment:
A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.
Iron framework—a complete line of frame or rack for one fuse board, one power switchboard, etc.
A generator, motor, motor generator set, gas engine, rectifier, ringing machine, harmonic converter, pole changer, interrupter, power filter, or choke coil.
Storage batteries:
A complete battery with or without rack, cabinet, or counter electric motive force cells.
All positive or all negative plates in an entire battery, i.e., in all cells of a 24-volt battery, in all cells of a Morse battery, etc.
All tanks or all jars of an entire battery.
A complete battery rack or cabinet, storage or dry.
A complete group of bus bars, cable, or wiring (with or without conduit) such as between battery and fuse panel, or between power switchboard and machines.
Telephone repeater equipment (including testing equipment):
A complete floor mounted rack type set.
Relay rack mounted equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
Coil rack mounted equipment—all the equipment on one shelf.
Iron framework—a complete line of rack.
Carrier equipment (telephone, telegraph, repeater, and testing equipment):
A complete floor mounted rack type set.
Relay rack mounted equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
A line filter.
A complete test table.
Iron framework—a complete line of rack.
Telegraph equipment (printer and manual):
Telegraph testboards—a complete section or bay.
Duplex, single line telegraph, and polar repeaters—a table or bay complete with equipment.
Metallic telegraph repeaters:
A complete floor mounted rack type set.
A panel or unit complete with equipment.
Voice frequency carrier equipment—a panel or unit complete with equipment.
Voice frequency carrier battery supply apparatus:
A complete bay of equipment.
A complete test table.
Iron framework—a complete line of rack.
Telephotograph equipment:
Table-mounted sending or receiving equipment:
A table complete with equipment.
A complete optical system.
A complete mechanical system.
A complete fork box.
A complete amplifier-modulator box.
Rack-mounted sending or receiving equipment:
A panel complete with equipment.
All the equipment in one bay.
Iron framework—a complete line of rack.
Power equipment:
A complete power board.
A complete storage battery.
Photographic equipment:
A copying camera or a copying, enlarging, and reducing camera, each with or without associated stands, illuminators, and copy boards.
A print machine.
A drying cabinet.
A developing, fixing, and washing tank.
Radio equipment—a complete transmitter.
Miscellaneous equipment:
A calculagraph, a master clock, or a secondary clock.
Electrically driven calculagraph and clock systems—a complete installation.
Mechanical or pneumatic tube ticket distributing system— a complete installation.
Each complete tool or portable test set the original cost of which was charged to the telephone plant account, such as a plug remover and attacher, cam aligning fixture, multiple bank resetting gage, or shaft straightening tool, a relay adjusting set, line-finder set, or wagon-type set.
Each complete item of furniture or other miscellaneous equipment, the original cost of which was charged to the telephone plant account, such as a desk or table equipped with central office equipment, an operator's chair, a complete switchboard platform, an operator's telephone set cabinet, a rotary file or directory cabinet, a ticket cabinet or rack, a tarpaulin with or without cabinet, a portable service-observing cabinet, or a holding-time recorder.
Loud speaker equipment—a complete installation.
Aisle-lighting equipment—a complete installation on one floor.
Rolling ladders—a complete installation for one side of one frame or rack.
Message and traffic register cabinets—a cabinet complete with equipment.
Teletypewriter sets—The disposition units maintained by each company for account 231 in accordance with the provisions of that account.
Panel dial system equipment:
A complete equipment frame such as line-finder frame, line-switch frame, selector frame, link frame, routine test frame, decoder frame, sender frame, or floor alarm board.
Pulse-machine equipment—a complete pulse machine.
Pulse-machine control apparatus—a complete installation controlling a set of pulse machines.
Step-by-step dial system equipment—a complete equipment frame, such as a line-finder frame, line-switch frame, selector frame, connector frame, or repeater frame.
Key-indicator equipment or key-pulsing equipment—a complete equipment frame, such as a link or sender frame.

NOTE: When work of the following character is performed as a special job in a central office or at a multiple or dial private branch exchange for the purpose of improving or changing the type of equipment, the material installed and retired and the labor and incidental costs involved shall be handled through the telephone plant and depreciation reserve accounts:

(1) Conversions of one or more switchboard positions, or dial-system frames, from one type to another, such as from subscribers' to toll, subscribers' to rural, inward toll to combined line and recording, manual B to call indicator B, or from panel B switchboard incoming frame to interoffice incoming frame.

(2) Conversions of circuits from one type to another, such as conversions of cord circuits from two-party ringing to four-party selective ringing, semi-selective ringing to selective ringing, or from manual recall to flashing recall, and conversions of panel-sender circuits from noncoin to coin and from two digit to three digit.

(3) Replacements of items of one type with items of a different type for such reasons as improving signaling or transmission characteristics, changing operating methods or increasing capacity of the office, e.g.:

(a) Replacements of all the relays or repeating coils of one type in a central office with relays or coils of an improved type for the purpose of improving the signaling or transmission characteristics.

(b) Replacements of items of equipment in dial offices because of a change in the method of operation to multiple registration.

(c) Replacements of items of power equipment because of a change in power purchased from direct current to alternating current.

(d) Modifications of the trunk and cord circuits of multiple manual private branch exchange boards necessitated by a cut-over of a central office district to dial operation.

(e) Replacements of protectors of one size with protectors of a smaller size on a main distributing frame so that more protectors may be installed in the same space.

(f) Replacements of 20 pair terminal strips on a main distributing frame with 50 pair strips to increase the capacity of the frame.

(g) Replacement of jack strips having 10 jacks per strip with strips having 20 jacks per strip to increase the capacity of a switchboard.

(h) Replacement of keys of one type with keys of a different type to permit more keys to be placed in the same position.

231 STATION APPARATUS

None, but each company shall maintain its own list of station apparatus disposition units for account 231 in accordance with the provisions of that account.

232 STATION CONNECTIONS

(See §§ 31.2-25, 31.232, and 31.605.)

234 LARGE PRIVATE BRANCH EXCHANGES

Units specified under subsection 221 *Central office equipment* of this section.

241 POLE LINES

A pole (i.e., line pole, brace pole, guy stub, or pole forming part of A or H fixture), a pole stub, or a pole butt, with or without associated anchors, guys, steps, etc.
A crossarm (i.e., a wooden crossarm, guard arm, or cable crossarm, including extension arms), with or without associated braces and other hardware.
A special fixture (i.e., a bridge fixture, a tower or other special river-crossing or long-span fixture), with or without associated anchors, guys, etc.

242:1 AERIAL CABLE; 242:2 UNDERGROUND CABLE; 242:3 BURIED CABLE; 242:4 SUBMARINE CABLE

Two continuous spans or more of cable, with or without associated suspension strand, clamps, rings, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)
A section or run of cable, with or without associated elements and parts, as follows:
(1) Between a manhole, handhole, or service box and a pole, building, fence, wall, or the junction with house cable.
(2) Between manholes, handholes, or service boxes; or between an office cable vault and an office manhole.
(3) Between a cable vault or an office manhole and the junction with the main frame terminating cables.
(4) A section of buried cable 300 feet or more in length, or a section of buried cable between manholes, splicing boxes, or pedestals.
(5) All of a continuous run of one size of house cable. ("All of a continuous run of one size" means a section between splices other than straight splices.)
(6) All of a continuous run of one size of block cable, i.e., cable attached to buildings, walls, or fences. ("All of a continuous run of one size" means a section between splices other than straight splices.)
(7) All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length.
(8) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above.
Any length of cable which is a continuation of a unit of cable and is replaced with such unit.
Any length of cable connected with but not a part of a terminal, or a case of equipment such as loading coils when replaced with the terminal or case of equipment.
Main frame terminating cables (generally silk and cotton insulated)—all the cables including forms used for terminating one outside cable.
A complete cable terminal, protected or unprotected, with or without associated balcony, pole seat, pedestal, etc.
A pressure contactor terminal, with or without contactor.
A house cable terminating frame.
A submarine cable hut or house.
A submarine cable anchorage.
A submarine cable terminating frame.
A fuse pot.
A case of equipment such as loading coils, building-out condensers, carrier line filters, or auto-transformers.

243 AERIAL WIRE

Five continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.
A case of equipment such as loading coils, building-out condensers, carrier line filters, or auto-transformers.
An antenna, complete with or without supports.

244 UNDERGROUND CONDUIT

A section of conduit:
(1) Between two manholes, handholes, or service boxes.
(2) Between a manhole, handhole, or service box and a pole or building.
(3) Between a central office cable vault and an office manhole.
(4) Underground dips—between two poles; between a pole and a building; between two buildings; or units (1) and (2) above.
A manhole, handhole, or service box.

NOTE: When a manhole is reconstructed, i.e., enlarged or changed in design, the investment representing portions of the manhole removed, whether or not replaced, should be written off to the depreciation reserve account.

261 FURNITURE AND OFFICE EQUIPMENT

Each complete item of furniture or equipment, the original cost of which was charged to the telephone plant account, such as a desk, chair, table, piano, davenport, typewriter, computing machine; a section of bookcase, filing cabinet, shelving, bins, or counter; a rug, a carpet, or other floor covering for one room.

264 VEHICLES AND OTHER WORK EQUIPMENT

Each complete item of equipment, the original cost of which was charged to the telephone plant account, such as a passenger automobile or truck, with or without body; a tractor; a pole jack, splicer's tent or extension ladder; a pole derrick, power winch, earth boring machine, or trailer; a portable test set; a wire measuring machine.

II. Part 33—Uniform System of Accounts for Class C Telephone Companies, is amended as follows: Section 33.81 is revised to read as follows:

LIST OF UNITS OF PROPERTY

§ 33.81 Units of property.

The following list of units of property shall be used in connection with the accounting provided in § 33.35, except that any company may use smaller units which are subdivisions of the units listed provided its practice in this respect is consistent. Any company electing to exercise its option of using smaller units shall notify the Commission 30 days before commencing such use or any change therein. The Commission shall also be notified 30 days before any discontinuance of the use of units smaller than those listed. Additions to or revisions of this list will be issued, when necessary, by the Commission, to which any applications for such additions or revisions shall be presented by the Company.

BUILDINGS (ACCOUNT 1012)

A complete building.
An entire roof with or without supporting members. A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.
A complete fire escape.
A complete metal window (i.e., box, frame, and sash).
A boiler, furnace, hot-water heater, or automatic stoker.
A coal- or ash-conveying system.
An elevator complete with operating mechanism.
A gas-burner system.
A house-lighting or power board.
An oil-burner system.
An oil tank.
The floor covering for one room.
A motor, generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum, or similar item of equipment, with or without associated wiring, control equipment, etc.

NOTE: In addition to the units of property prescribed in this section for account 1012, material (i.e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the telephone plant and depreciation reserve accounts:

(1) Changes in the type of operation of elevator systems, e.g., a change from manual to signal control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.

(2) Relocations of toilet rooms, battery rooms, kitchens, terminal rooms, machine rooms, transformer vaults, etc.

(3) Structural changes such as:

(a) Reinforcements of floors, roofs, bearing walls, footings, and foundations.

(b) Additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots.

(c) Building alterations required for fire protection and other safety measures.

(4) Changes in the type of electric current supply, or of ventilating, air conditioning, or similar systems.

(5) Building enlargements.

(6) Replacements of the following character:

(a) Replacements of plumbing or heating pipes (with or without associated valves) except when necessitated by minor repairs or minor relocations of fixtures.

(b) Replacements of all or substantially all of the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building.

(c) General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; and plumbing, heating, or drainage traps.

CENTRAL OFFICE EQUIPMENT (ACCOUNT 1021)

Switchboards, desks, and testboards:
Switchboards (i.e., local, toll, dial system "A," cordless "B," call distributing "B," observing, teletypewriter, etc.)—a complete section or lower unit.
Desks (i.e., operating, observing, testing, etc.)—a complete section.
Testboards, or test and control boards (board type)—a complete section.
Testboards, or test and control boards (rack type):
All the equipment in one bay.
A complete upper unit.
A complete lower unit.
A complete installation of rack framework for one board.
Test panels—a complete panel.
Test cabinets—a cabinet complete with equipment.
Distributing frames:
Main distributing frames (including wall type)—a complete installation for one central office (in multiunit offices, for one operating unit).
Intermediate distributing frames—a complete installation for one central office (in multiunit offices, for one operating unit).
Mezzanine balconies—a complete installation for one frame.
Racks:
Relay rack equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
Coil rack equipment—all the equipment on one shelf.
Message and traffic register rack equipment—all the equipment in one bay.
Iron framework—a complete line of rack with or without enclosing cabinet or case.
Cable:
All of the cables in one run used for the same purpose, such as between:
(1) Main frame and intermediate frame for subscribers' lines.
(2) Main frame and intermediate frame for outgoing trunk multiple.
(3) Intermediate frame and connector frame or final frame for subscribers' lines.
(4) Intermediate frame and answering jacks.
(5) Intermediate frame and switchboard for outgoing trunk multiple jacks.
(6) Intermediate frame and switchboard for subscribers' multiple jacks.
Iron framework—a complete installation of rack for one cable run.
Power equipment:
Frame or rack mounted equipment:
A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.
Iron framework—a complete line of frame or rack for one fuse board, one power switchboard, etc.
A generator, motor, motor generator set, gas engine, rectifier, ringing machine, harmonic converter, pole changer, interrupter, power filter, or choke coil.

Storage batteries:
A complete battery with or without rack, cabinet, or counter electric motive force cells.
All positive or all negative plates in an entire battery (i.e., in all cells of a 24-volt battery, in all cells of a Morse battery, etc.).
All tanks or all jars of an entire battery.
A complete battery rack or cabinet, storage or dry.
A complete group of bus bars, cable, or wiring (with or without conduit) such as between battery and fuse panel, or between power switchboard and machines.

Telephone repeater equipment (including testing equipment):
A complete floor mounted rack type set.
Relay rack mounted equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
Coil rack mounted equipment—all the equipment on one shelf.
Iron framework—a complete line of rack.

Carrier equipment (telephone, telegraph, repeater, and testing equipment):
A complete floor mounted rack type set.
Relay rack mounted equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
A line filter.
A complete test table.
Iron framework—a complete line of rack.

Telegraph equipment (printer and manual):
Telegraph testboards—a complete section or bay.
Duplex, single-line telegraph, and polar repeaters—a table or bay complete with equipment.
Metallic telegraph repeaters:
A complete floor mounted rack type set.
A panel or unit complete with equipment.
Voice frequency carrier equipment—a panel or unit complete with equipment.
Voice frequency carrier battery supply apparatus:
A complete bay of equipment.
A complete test table.
Iron framework—a complete line of rack.

Telephotograph equipment:
Table-mounted sending or receiving equipment:
A table complete wtih equipment.
A complete optical system.
A complete mechanical system.
A complete fork box.
A complete amplifier-modulator box.
Rack-mounted sending or receiving equipment:
A panel complete with equipment.
All the equipment in one bay.
Iron framework—a complete line of rack.
Power equipment:
A complete power board.
A complete storage battery.
Photographic equipment:
A copying camera or a copying, enlarging, and reducing camera, each with or without associated stands, illuminators, and copy boards.
A print machine.
A drying cabinet.
A developing, fixing, and washing tank.

Radio equipment:
A complete transmitter.
A complete receiving set.

Miscellaneous equipment:
A calculagraph, a master clock, or a secondary clock.
Electrically driven calculagraph and clock systems—a complete installation.
Mechanical or pneumatic tube ticket distributing system—a complete installation.
Each complete tool or portable test set the original cost of which was charged to the telephone plant account, such as a plug remover and attacher, cam aligning fixture, multiple bank resetting gage, or shaft-straightening tool, a relay adjusting set, line finder set, or wagon type set.
Each complete item of furniture or other miscellaneous equipment the original cost of which was charged to the telephone plant account, such as a desk or table equipped with central office equipment, an operator's chair, a complete switchboard platform, an operator's telephone set cabinet, a rotary file or directory cabinet, a ticker cabinet or rack, a tarpaulin with or without cabinet, a portable service-observing cabinet, or a holding-time recorder.
Loud speaker equipment—a complete installation.
Aisle-lighting equipment—a complete installation on one floor.
Rolling ladders—a complete installation for one side of one frame or rack.
Message and traffic register cabinets—a cabinet complete with equipment.
Teletypewriter sets—units specified under the caption "Station equipment. (Account 1031.)"

Panel dial system equipment:
A complete equipment frame such as line-finder frame, line-switch frame, selector frame, link frame, routing test frame, decoder frame, sender frame, or floor alarm board.
Pulse-machine equipment—a complete pulse machine.
Pulse-machine control apparatus—a complete installation controlling a set of pulse machines.
Step-by-step dial system equipment—a complete equipment frame, such as a line-finder frame, line-switch frame, selector frame, connector frame, or repeater frame.
Key-indicator equipment or key-pulsing equipment—a complete equipment frame, such as a link or sender frame.

NOTE: When work of the following character is performed as a special job in a central office or at a multiple or dial private branch exchange for the purpose of improving or changing the type of the equipment, the material installed and retired and the labor and incidental costs involved shall be handled through the telephone plant and depreciation reserve accounts:

(1) Conversions of one or more switchboard positions, or dial-system frames, from one type to another, such as from subscribers' to toll, subscribers' to rural, inward toll to combined line and recording, manual B to call indicator B, or from panel B switchboard incoming frame to interoffice incoming frame.

(2) Conversions of circuits from one type to another, such as conversions of cord circuits from two-party ringing to four-party selective ringing, semiselective ringing to selective ringing, or from manual recall to flashing recall, and conversions of panel-sender circuits from noncoin to coin and from two digit to three digit.

(3) Replacements of items of one type with items of a different type for such reasons as improving signaling or transmission characteristics, changing operating methods or increasing capacity of the office, e.g.:

(a) Replacements of all the relays or repeating coils of one type in a central office with relays or coils of an improved type for the purpose of improving the signaling or transmission characteristics.

(b) Replacements of items of equipment in dial offices because of a change in the method of operation to multiple registration.

(c) Replacements of items of power equipment because of a change in power purchased from direct current to alternating current.

(d) Modifications of the trunk and cord circuits of multiple manual private-branch-exchange boards necessitated by a cutover of a central office district to dial operation.

(e) Replacements of protectors of one size with protectors of a smaller size on a main distributing frame so that more protectors may be installed in the same space.

(f) Replacements of 20 pair terminal strips on a main distributing frame with 50 pair strips to increase the capacity of the frame.

(g) Replacement of jack strips having 10 jacks per strip with strips having 20 jacks per strip to increase the capacity of a switchboard.

(h) Replacement of keys of one type with keys of a different type to permit more keys to be placed in the same position.

STATION EQUIPMENT (ACCOUNT 1031)

Station apparatus—telephone:
A complete station.
A desk stand, with or without transmitter, receiver, or dial.
A hand set (i.e., transmitter, receiver, and handle).
A hand set mounting, with or without dial.
A wall set, with or without transmitter, receiver, or dial.
A bell box or other subscriber set, such as extension bell, signal horn, etc.
A coin collector, with or without transmitter, receiver, or dial.
A complete apparatus cabinet.
A complete key cabinet or key box.
An intercommunicating system key.

NOTE: The original cost less salvage of the following items of station apparatus not designated units of property shall be charged to the depreciation reserve account when lost, destroyed, junked, or otherwise disposed of:

A hand-set handle.
A transmitter.
A receiver.
A dial.
A dial mounting.
A switching key (individually mounted type).

Station apparatus—teletypewriter:
A complete station.
A printer or teletypewriter.
A printer or teletypewriter table or stand.
A base (printer or reperforator).
A cover (printer or reperforator).
A printer unit or typing unit.
A keyboard unit.
A distributor unit.
A transmitter unit.
A perforator unit.
A reperforator unit.
A relay box with equipment.
A motor or motor unit (excluding the motor of a motor generator set).
A motor generator set.
A rectifier unit.
A loop switchboard.
A station signaling set.

Station apparatus—manual telegraph:
A complete station.
A loop switchboard.

Station apparatus—program-supply and public-address:
A microphone transmitter.
A microphone transmitter mounting.
An amplifier.
A loud-speaking receiver.
A horn.
An observer's telephone set.
A complete dynamotor, motor generator, rectifier, or storage battery.
A complete control cabinet, resistor cabinet, or junction box.
A battery cabinet.

Rack mounted equipment:
All the equipment in one bay.
A panel complete with equipment.
Iron framework—a complete line of rack.

Portable equipment—a complete item of portable equipment, with or without the carrying case (e.g., an amplifier, a transmitter mixing panel, an oscillator, or an equalizer).
Radio receiving sets and equipment associated therewith—a complete installation.

Private branch exchanges:
A complete cordless or nonmultiple switchboard, with or without local storage batteries or cables classified as PBX equipment.
An apparatus cabinet as used with certain nonmultiple boards.
A complete section of an order-receiving table.
An order turret (not including the turrets forming part of an order-receiving table).
An attendant's cabinet complete with equipment.
A code sending set or code call unit.
A complete teletype switchboard.
An operator's chair.
Multiple private-branch-exchange equipment and private dial-system equipment—units specified under the caption "Central office equipment (account 1021)."
An equipment cabinet complete with batteries and switching equipment mounted therein, as generally used with a dial-system installation of small capacity.
Local storage battery plants of the type used to serve several nonmultiple boards or of the type used with certain small multiple PBX installations—an entire battery with or without cabinet or control apparatus.
Local automatic power plants of the type used to serve a small dial or a small multiple PBX:
A control cabinet, with or without charging or ringing equipment.
An entire battery, with or without cabinet or counter E.M.F. cells.

Booths and special fittings:
A booth compartment, with or without special fittings or associated furniture and fixtures such as chairs, directory racks, directory tables, and counters.
An attendant's desk including equipment or a switchboard.

STATION WIRING (ACCOUNT 1032)

(See § 33.35(b).)

POLES, CONDUIT, CABLE, AND WIRE (ACCOUNT 1045)

Poles:
A pole (i.e., line pole, brace pole, guy stub, or pole forming part of A or H fixture), a pole stub, or a pole butt, with or without associated anchors, guys, steps, etc.
A crossarm (i.e., wooden crossarm, guard arm, or cable crossarm, including extension arms), with or without associated braces and other hardware.
A special fixture (i.e., a bridge fixture, a tower or other special river-crossing or long-span fixture), with or without associated anchors, guys, etc.

Underground conduit:
A section of conduit:
(1) Between two manholes, handholes, or service boxes.
(2) Between a manhole, handhole, or service box and a pole or building.
(3) Between a central office cable vault and an office manhole.
(4) Underground dips—between two poles; between a pole and a building; between two buildings; or units (1) and (2) above.
A manhole, handhole, or service box.

NOTE: When a manhole is reconstructed, i.e., enlarged or changed in design, the investment representing portions of the manhole removed, whether or not replaced, should be written off to the depreciation reserve account.

Cable:
Two continuous spans or more of cable, with or without associated suspension strand, clamps, rings, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)
A section or run of cable, with or without associated elements and parts, as follows:
(1) Between a manhole, handhole, or service box and a pole, building, fence, wall, or the junction with house cable.
(2) Between manholes, handholes, or service boxes; or between an office cable vault and an office manhole.
(3) Between a cable vault or an office manhole and the junction with the main-frame-terminating cables.
(4) A section of buried cable 300 feet or more in length, or a section of buried cable between manholes, splicing boxes, or pedestals.
(5) All of a continuous run of one size of house cable. ("All of a continuous run of one size" means a section beteween splices other than straight splices.)
(6) All of a continuous run of one size of block cable, i.e., cable attached to buildings, walls, or fences. ("All of a continuous run of one size" means a section between splices other than straight splices.)
(7) All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length.
(8) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above.
Any length of cable which is a continuation of a unit of cable and is replaced with such unit.
Any length of cable connected with but not a part of a terminal, or a case of equipment such as loading coils when replaced with the terminal or case of equipment.
Main-frame-terminating cables (generally silk and cotton insulated)—all the cables including forms used for terminating one outside cable.
A complete cable terminal, protected or unprotected, with or without associated balcony, pole seat, pedestal, etc.
A pressure contactor-terminal, with or without contractor.
A house cable terminating frame.
A submarine cable hut or house.
A submarine cable anchorage.
A submarine cable terminating frame.
A fuse pot.
A case of equipment such as loading coils, building-out condensers, carrier-line filters, or auto-transformers.

Aerial Wire:
Five continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.
A case of equipment such as loading coils, building-out condensers, carrier-line filters, or auto-transformers.
An antenna, complete with or without supports.

OTHER RADIOTELEPHONE PLANT (ACCOUNT 1050)

Units appropriate to the nature and character of the radiotelephone plant involved shall be prepared and submitted to the Commission together with sufficient descriptive and other data to support an application for the addition of such units to this list of units.

FURNITURE AND OFFICE EQUIPMENT (ACCOUNT 1061)

Each complete item of furniture or equipment, the original cost of which was charged to the telephone plant account, such as a desk, chair, table, piano, davenport, typewriter, computing machine; a section of bookcase, filing cabinet, shelving, bins, or counter; a rug, a carpet, or other floor covering for one room.

VEHICLES AND OTHER WORK EQUIPMENT (ACCOUNT 1064)

Each complete item of equipment, the original cost of which was charged to the telephone plant account, such as a passenger automobile or truck with or without body; a tractor; a pole jack, splicer's tent or extension ladder; a pole derrick, power winch, earth-boring machine, or trailer; a portable test set; a wire-measuring machine.

[F.R. Doc. 60-8435; Filed, Sept. 12, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 48]

IMPORTERS OF CERTAIN TAXABLE ARTICLES

Bond Requirement

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 623 of the Tariff Act of 1930 (46 Stat. 759; 19 U.S.C. 1623) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The following regulations requiring bond of importers of automobiles, trucks, buses, etc., taxable under section 4061(a) of the Internal Revenue Code of 1954, relating to the manufacturers excise tax imposed on the sale of such articles, are hereby prescribed. The regulations are applicable with respect to such articles imported into the United States on or after the first day of the first calendar quarter which begins more than 60 days after the date on which this Treasury decision is published in the FEDERAL REGISTER.

AUTOMOTIVE AND RELATED ITEMS
MOTOR VEHICLES

Sec.
48.4061(a) Statutory provisions: imposition of tax; automobiles.
48.4061(a)-1 [Reserved]
48.4061(a)-2 Bonding of importers.

AUTOMOTIVE AND RELATED ITEMS

MOTOR VEHICLES

§ 48.4061(a) Statutory provisions; imposition of tax; automobiles.

SEC. 4061. *Imposition of tax*—(a) *Automobiles.* There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

(1) Articles taxable at 10 percent, except that on and after July 1, 1972, the rate shall be 5 percent—

Automobile truck chassis.
Automobile truck bodies.
Automobile bus chassis.
Automobile bus bodies.
Truck and bus trailer and semitrailer chassis.
Truck and bus trailer and semitrailer bodies.
Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

(2) Articles taxable at 10 percent except that on and after July 1, 1961, the rate shall be 7 percent—

Automobile chassis and bodies other than those taxable under paragraph (1).

Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

A sale of an automobile, trailer, or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

Sec. 4061(a) as amended and in effect Jan. 1, 1959, and as further amended by sec. 3(a)(1), Tax Rate Extension Act 1959 (73 Stat. 157) and sec. 202(a)(1), Public Debt and Tax Rate Extension Act 1960 (74 Stat 290)]

§ 48.4061(a)-1 [Reserved]

§ 48.4061(a)-2 Bonding of importers.

(a) *Authority for requiring bond.* Section 623 of the Tariff Act of 1930, as amended (19 U.S.C. 1623), provides as follows:

SEC. 623. *Bonds and other security.* (a) In any case in which bond or other security is not specifically required by law, the Secretary of the Treasury may by regulation or specific instruction require, or authorize collectors of customs to require, such bonds or other security as he, or they, may deem necessary for the protection of the revenue or to assure compliance with any provision of law, regulation, or instruction which the Secretary of the Treasury or the Customs Service may be authorized to enforce.

(b) Whenever a bond is required or authorized by a law, regulation, or instruction which the Secretary of the Treasury or the Customs Service is authorized to enforce, the Secretary of the Treasury may—

(1) Except as otherwise specifically provided by law, prescribe the conditions and form of such bond, and fix the amount of penalty thereof, whether for the payment of liquidated damages or of a penal sum: *Provided*, That when a consolidated bond authorized by paragraph 4 of this subsection is taken, the Secretary of the Treasury may fix the penalty of such bond without regard to any other provision of law, regulation, or instruction.

(2) Provide for the approval of the sureties on such bond, without regard to any general provision of law.

(3) Authorize the execution of a term bond the conditions of which shall extend to and cover similar cases of importations over such period of time, not to exceed one year, or such longer period as he may fix when in his opinion special circumstances existing in a particular instance require such longer period.

(4) Authorize, to the extent that he may deem necessary, the taking of a consolidated bond (single entry or term), in lieu of separate bonds to assure compliance with two or more provisions of law, regulations, or instructions which the Secretary of the Treasury or the Customs Service is authorized to enforce. A consolidated bond taken pursuant to the authority contained in this subsection shall have the same force and effect in respect of every provision of law, regulation, or instruction for the purposes for which it is required as though separate bonds had been taken to assure compliance with each such provision.

(c) The Secretary of the Treasury may authorize the cancellation of any bond provided for in this section, or of any charge that may have been made against such bond, in the event of a breach of any condition of the bond, upon the payment of such lesser amount or penalty or upon such other terms and conditions as he may deem sufficient.

(d) No condition in any bond taken to assure compliance with any law, regulation, or instruction which the Secretary of the Treasury or the Customs Service is authorized to enforce shall be held invalid on the ground that such condition is not specified in the law, regulation, or instruction authorizing or requiring the taking of such bond.

(e) The Secretary of the Treasury is authorized to permit the deposit of money or obligations of the United States, in such amount and upon such conditions as he may by regulation prescribe, in lieu of sureties on any bond required or authorized by a law, regulation, or instruction which the Secretary of the Treasury or the Customs Service is authorized to enforce.

(b) *Application for determination whether bond required*—(1) *Requirement of application*—(i) *In general.* Except as otherwise provided in subparagraph (2) of this paragraph, every importer of articles taxable under section 4061(a) shall make application for a determination whether the importer is required to give bond in accordance with the provisions of paragraph (c) of this section. Such application shall be submitted in writing to the district director for the district in which the importer will file returns of any tax under section 4061(a) for which he may incur liability.

(ii) *Form of application.* No form is prescribed for making the application required under subdivision (i) of this subparagraph, but such application shall include the following information:

(a) The name of the person making the application and the address of his principal place of business, and, if the principal place of business of such person is outside the United States, the address of his principal place of business, office, or agency in the United States.

(b) Information establishing that the person making the application is an importer of articles taxable under section 4061(a).

(c) The kind and approximate number of automobiles, trucks, buses, etc., which the importer may be expected to import during an average calendar quarter and the approximate amount of tax under section 4061(a) for which the importer may be expected to incur liability in respect of such articles.

(d) Whether the importer has filed returns of tax under chapter 31 or chapter 32 within the 2-year period immediately preceding the date on which the application is filed, and, if so, the internal revenue district in which such returns were filed.

(e) Facts pertaining to the importer's assets and liabilities which will aid the district director in determining whether a bond shall be required.

(2) *Exceptions.* The provisions of subparagraph (1) of this paragraph shall have no application in any case where an article taxable under section 4061(a) is—

(i) Incidentally imported by an individual for his personal use.

(ii) Brought into the United States for export to a foreign country or possession of the United States.

(iii) Admitted to the United States free of duty as an instrument of international traffic.

(iv) Admitted to the United States free of duty as a temporary importation under bond.

(v) Returned to the United States after having been sold in the United States and exported.

(c) *Requirement of bond*—(1) *In general.* If the district director determines that a bond is necessary in order to insure payment of the tax under section 4061(a), and to assure compliance with all provisions of the Code and regulations thereunder, with respect to articles imported by any importer required to make application for a determination under paragraph (b) of this section, such bond shall be given by such importer. Such bond shall be submitted, in duplicate, to the district director for the district in which the importer will file returns of any tax under section 4061(a) for which he may incur liability.

(2) *Form and execution of bond*—(i) *In general.* The bond required under this paragraph shall be executed in accordance with the form, instructions, and regulations applicable thereto, and with satisfactory surety. (For provisions as to what will be considered "satisfactory surety", see subparagraph (3) of this paragraph.) Such bond shall be conditioned that the principal shall not engage in any attempt, by himself or by collusion with others, to defraud the United States of any tax under section 4061(a); that he shall render truly and completely all returns, statements, and other documents required of him by law or regulations in respect of such tax; that he shall timely pay all such tax for which he is liable; and in the case of any such tax in respect of an article released from customs custody by reason of such bond, that he shall pay such tax, whether the liability therefor is incurred by him or by some other person as the importer of the articles covered by the bond, unless such other person makes payment of such tax on or before the due date. The bond shall be in an amount which the district director believes to be sufficient to protect the interests of the United States with respect to all articles taxable under section 4061(a) which are released from customs custody by reason of such bond, but in no event shall the bond be in an amount less than the approximate amount of tax under section 4061(a) for which the principal may be expected to incur liability during an average calendar quarter. Such bond shall be signed by the individual, if the principal is an individual; the president, vice president, or other principal officer, if the principal is a corporation; a responsible and duly authorized member or officer having knowledge of its affairs, if the principal is a partnership or other unincorporated organization; or the fiduciary, if the principal is a trust or estate. Form 2932 is the form prescribed for use in giving such bond. Copies of such form may be obtained from any district director.

(ii) *Cancellation clause.* The bond required under this paragraph may be accepted with a cancellation clause incorporated therein. Such cancellation clause shall provide that:

(a) Any surety on the bond may at any time give notice to the principal and the district director that he desires to be relieved of liability under said bond after a date named, which shall be at least 60 days after the receipt of notice by the district director.

(b) If the notice is not withdrawn in writing prior to the date named in the notice, the rights of the principal as supported by said bond shall be terminated on such date (unless supported by another bond or bonds). The surety shall, however, remain liable with respect to any tax under section 4061(a) (plus penalties and interest) the liability for which is incurred in respect of articles released from customs custody by reason of the bond.

(c) Said notice may not be given by an agent of the surety, unless it is accompanied by power of attorney duly executed by the surety authorizing the agent to give such notice or by a verified statement that such power of attorney is on file with the Treasury Department.

(iii) *Changes in bond.* After filing of the bond required under this paragraph, no change may be made in the terms thereof except with the consent of the surety or sureties and subject to the approval of the district director. Any such change and the consent thereto of the surety or sureties shall be shown on Form 2933, copies of which may be obtained from any district director. Such form shall be executed and filed, in any case where a change is proposed in the terms of the bond, in the same manner as that prescribed with respect to the bond itself.

(3) *Satisfactory surety*—(i) *Approved surety company or bonds or notes of the United States.* For purposes of subparagraph (2) of this paragraph, a bond shall be considered executed with satisfactory surety if:

(a) It is executed by a surety company holding a certificate of authority from the Secretary as an acceptable surety on Federal bonds; or

(b) It is secured by bonds or notes of the United States as provided in 6 U.S.C. 15 (see 31 CFR Part 225).

(ii) *Other surety acceptable in discretion of district director.* For purposes of subparagraph (2) of this paragraph, a bond may, in the discretion of the district director, be considered executed with satisfactory surety if, in lieu of being executed or secured as provided in subdivision (i) of this subparagraph, it is—

(a) Executed by a corporate surety (other than a surety company), provided such corporate surety establishes that it is within its corporate powers to act as surety for another corporation or an individual;

(b) Executed by two or more individual sureties, provided such individual sureties meet the conditions contained in subdivision (iii) of this subparagraph;

(c) Secured by a mortgage on real or personal property;

(d) Secured by a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or any State, Territory, or possession of the United States, or by a United States postal, bank, express, or telegraph money order;

(e) Secured by corporate bonds or stocks, or by bonds issued by a State or political subdivision thereof, of recognized stability; or

(f) Secured by any other acceptable collateral. Collateral shall be deposited with the district director or, in his discretion, with a responsible financial institution acting as escrow agent.

(iii) *Conditions to be met by individual sureties.* If a bond is executed by two or more individual sureties, the following conditions must be met by each individual surety:

(a) He must reside within the State in which the principal place of business or legal residence of the primary obligor is located;

(b) He must have property subject to execution of a current market value, above all encumbrances, equal to at least the penalty of the bond;

(c) All real property which he offers as security must be located in the State in which the principal place of business or legal residence of the primary obligor is located;

(d) He must agree not to mortgage, or otherwise encumber, any property offered as security while the bond continues in effect without first securing the permission of the district director; and

(e) He must file with the bond, and annually thereafter so long as the bond continues in effect, an affidavit as to the adequacy of his security, executed on the appropriate form furnished by the district director.

Partners may not act as sureties upon bonds of their partnership. Stockholders of a corporate principal may be accepted as sureties provided their qualifications as such are independent of their holdings of the stock of the corporation.

(iv) *Adequacy of surety.* No surety or security shall be accepted if it does not adequately protect the interest of the United States.

(4) *New or additional bond.* The district director may require a new or additional bond under this section in any case where he deems it necessary or desirable in order to protect the interests of the United States.

(d) *Termination of requirement*—(1) *Application for relief from requirement.* Any importer who has given bond as required under paragraph (c) of this section may make application for relief from such requirement at any time after the last day of the first month following the close of the calendar quarter in which the bond was given. Any such application shall be submitted to the district director to whom the bond was furnished and shall set forth such facts as will be of assistance to the district director in determining whether the relief shall be granted.

(2) *Relief from requirement.* In any case where the district director determines that the bond required under paragraph (c) of this section to be given by an importer is no longer necessary to insure payment of any tax under section 4061(a) for which liability may be incurred by such importer, such importer shall no longer be required to give such bond.

(e) *Evidence required for release of imported articles from customs custody*—(1) *In general.* Each article taxable under section 4061(a) which arrives in the United States from any foreign country or possession of the United States on or after the first day of the first calendar quarter beginning more than 60 days after the date of publication of this Treasury decision in the Federal Register, and which is imported by any person required under paragraph (b) of this section to make application for a determination whether bond shall be given, shall not, if subject to customs examination and release, be released from customs custody until the evidence prescribed in subparagraph (2) (i) or (ii) of this paragraph has been furnished by such person to the collector of customs.

(2) *Form of evidence.* The evidence required under subparagraph (1) of this paragraph shall be in the form of a statement, executed, signed, and dated by the district director. Such statement shall show the following:

(i) *Bond required.* If the importer is required to give bond under this section, the statement shall show—

(*a*) The total number of articles in respect of which the statement is given.

(*b*) The model number of each such article.

(*c*) The name and address of the importer of such articles.

(*d*) If the articles are to be released from customs custody to a person other than the importer, the name and address of such other person.

(*e*) That the importer has given a bond which the district director finds sufficient to protect the interests of the United States with respect to any tax under section 4061(a) for which liability may be incurred in respect of such articles.

A statement under this subdivision shall be furnished to the importer by the district director, upon request of the importer, in every case where such importer furnishes the district director with information which establishes to the satisfaction of the district director that the importer has given bond in an amount sufficient to protect the interests of the United States with respect to any tax under section 4061(a) which may become due in respect of the articles to which the request relates, and with such other information as is required under this subdivision to be shown in the statement. Such request, together with such information, shall be submitted by the importer immediately upon receipt by him of notice that articles taxable under section 4061(a) have been exported to his order. A separate request shall be made in respect of each shipment. Each statement given under this subdivision shall be executed in duplicate. The original of such statement shall be furnished by the district director to the importer and the copy shall be retained by the district director.

(ii) *No bond required.* If the importer is not required to give bond under this section, the statement shall show—

(*a*) The name and address of the importer.

(*b*) That bond under this section is not required of such importer.

A statement under this subdivision shall be furnished to the importer by the district director on the date on which the district director determines that the importer is not required to give a bond under this section. Such statement shall be executed in triplicate. The original of such statement and one signed copy shall be furnished by the district director to the importer, and one copy shall be retained by the district director. Additional signed copies of such statement will be furnished by the district director to the importer upon request of the importer. However, once such statement, or a signed copy thereof, has been furnished by the importer to a collector of customs, the requirements imposed by subparagraph (1) of this paragraph are deemed to be satisfied in respect of all articles taxable under section 4061(a) which thereafter arrive in the United States for release to or for the importer in a port under the jurisdiction of such collector of customs, until such time, if any, as such collector of customs receives written notification from the district director that such statement has been withdrawn.

[F.R. Doc. 60-8454; Filed, Sept. 12, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

FIRE-CURED TOBACCO

Standard Grades

Correction

In F.R. Doc. 60-8030, appearing at page 8259 of the issue for Tuesday, August 30, 1960, the following corrections are made:

1. In § 29.2506, the word "stock" should read "stalk".

2. Under "U.S. Standard sizes applicable" in § 29.2686, the item reading "B3-B5" should read "B3, B4, B5", and the item reading "C3-C5" should read "C3, C4, C5".

CIVIL AERONAUTICS BOARD

[Docket No. 11769]

[14 CFR Part 241]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Notice of Proposed Rule Making and Termination of Previous Proceeding

SEPTEMBER 8, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations which involves, in addition to a number of miscellaneous changes, the establishment of standards for self-insurance reserves; prescription of accounting and reporting rules for property acquired through lease or exchange; separation of traffic and capacity statistics as between "domestic", "territorial" and "international" operations; and separation of revenues from non-scheduled operations between "domestic" and others.[1]

The principal features of the proposed regulation are explained in the Explanatory Statement appearing below, and the proposed amendments to Part 241 are set forth below in the Proposed Rule. This regulation is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 12, 1960 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after October 14, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

This notice of rule making supersedes Notice EDR-1, issued on July 1, 1959 in Docket 10671, and therefore the proceeding in Docket 10671 is hereby terminated, provided that any persons commenting on the instant proposal may, if they so desire, incorporate in their comments, by reference, any comments filed by them in Docket 10671.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[1] CAB Form 41; Schedules B-3, T-1 1 and T-7 filed as part of original document.

Explanatory statement. The Board's Office of Carrier Accounts and Statistics has informally received from the air carriers a number of proposed revisions to the Board's accounting and reporting requirements in conjunction with comments submitted on Draft Release EDR-4, in Economic Regulations Docket 10792. It appears to the Board that a number of these suggestions are meritorious. Accordingly, this notice of rule making is being issued on the Board's own motion to accomplish through a single action, a number of revisions to the accounting and reporting regulations in response to the air carriers' suggestions and to correct certain other inadequacies of the system. The nature of the major proposed revisions is discussed below.

1. *Self-Insurance.* Under the system of accounts effective January 1, 1957, as prescribed by ER-210, reserves for self-insurance could be accrued through operating expense charges. However, any excess of self-insurance provisions over actual losses would be taken into income as a nonoperating item at the close of each accounting year. Consequently, while operating expenses would be "equalized" between accounting years, under this procedure, net operating income would not reflect provision for costs of exposure to uninsured casualty risks beyond accident costs actually suffered in any accounting year. The requirement of clearing the reserve to income was temporarily suspended, January 13, 1958, by ER-228. The suspension was made in recognition of the fact that this requirement is novel to the prevailing accounting practice which is based upon a going concern concept as opposed to the liquidating concern concept which was inherent in the prescribed procedures.

The proposed rule would, in effect, abolish this requirement in order to: (1) Recognize that casualty risk exposure is an inescapable recurrent cost of operations and that, unless such costs are allocated between accounting periods, they will distort operating results of particular periods in which risk materializes; (2) conform with the treatment generally accorded self-insurance reserves by the accounting profession, and (3) preserve basic comparability of results as between those carriers purchasing insurance and those carriers finding it more economical to self-insure. However, in order to protect the public against potential abuse of self-insurance plans, the proposal also requires: (1) the submission of information to the Board, by each carrier concerned demonstrating that the accrual rates are not in excess of those for purchased insurance and that they are reasonable in relation to the experience of comparable air carriers, and (2) the recognition, by special income credits, of any material excess in existing reserves over those required to cover current self-borne risks, due to subsequent substitution of purchased insurance for self-insurance, or other change.

In evaluating the self-insurance plan submitted by a carrier, the Board's Office of Carrier Accounts and Statistics informally solicited the views of the carriers concerning the treatment of the impact of self-insurance accruals for accounting purposes where different than for tax purposes. Five carriers responded and all favored the deferral until materialization of accidents, of tax costs associated with the greater income recognized for tax purposes as differentiated from that recognized for accounting purposes during periods which are relatively free of actual casualty losses. Three of the responding carriers indicated a preference to consistently treat all tax deferrals, regardless of the items to which they relate, on a gross basis with charges or credits for the aggregate tax deferral reflected in the tax expense account and contra credits or charges in a deferred tax account. The alternative of treating taxes on a net basis, as an element in the computation of the losses associated with each materialized risk, by reducing aggregate loss provisions by the related deferred tax, was favored by one carrier.

A substantial segment of the industry is accruing deferred taxes associated with differences in depreciation recognized for accounting and tax purposes. Without in any way prejudging the ultimate disposition of this issue which is before the Board in the Passenger Fare Investigation, Docket 8008, the proposed rule, in the interest of consistency with carrier practices in similar areas and equity to the public and carriers alike, would require the deferral of taxes associated with self-insurance reserve accruals. In order to preserve the identity of the character of each expense accrual, the proposed rule would also require that tax deferrals be effected on a gross basis for each item through the tax expense and the deferred tax balance sheet accounts. However, in accordance with generally accepted accounting practice a net prepaid tax asset would be accrued, as for all income taxes, only to the extent that offsetting tax credits exist in that accounting period. Upon contraction of self-insurance reserves as a result of reduced coverage, the tax associated with the change would, under the proposed rule, be carried to income through the special income tax debits account.

The proposed rule would prohibit the initiation of self-insurance reserves through income charges for retroactive application and would require that accruals of planned reserves be effected through income charges on a forward basis only. However, the proposed rule would permit a segregation of retained earnings for interim loss contingencies, to be returned to unappropriated retained earnings upon the accumulation of planned reserves through income charges. In keeping with general accounting practices, segregations of retained earnings would retain their stockholder equity characteristics while self-insurance reserves, to the extent created through income charges, would be reflected outside the stockholder equity section of the balance sheet as an item of deferred credits.

2. *Property accounting.* Various forms of lease, lease with option to purchase, and property exchange agreements are being increasingly employed within the air transport industry as a means of obtaining flight equipment. The accounting recognition to be accorded property obtained under such arrangements is generally controlled by accounting principles and conventions which are implicitly embodied in the Board's accounting regulations. However, because of the increasing importance of this matter it is considered desirable to clarify the accounting regulations in this area. Accordingly, the proposed rule would require specifically that: (1) A conditional sale, as defined in section 102(16) of the Act, is to be recorded as a purchase and sale by the respective parties, at the date of delivery of possession to the buyer except where there is material uncertainty as to the complete consummation of the transaction; (2) property obtained under a lease, with option to purchase, which is not a conditional sale under the Act shall be recorded as property of the buyer upon exercise of the purchase option; (3) property of material amounts, obtained by a carrier under a lease agreement, which does not constitute a conditional sale, shall be disclosed by footnote together with pertinent information concerning the consideration involved; and (4) when tangible properties are exchanged without the transfer of cash or other additional consideration, the property acquired would be assigned the cost and any related depreciation or airworthiness reserves of the property given in exchange. In order to differentiate as between a sale and an exchange for purposes of this system of accounts a transaction involving the transfer of cash or intangibles constituting less than 25 percent of the cash value of the total consideration received will be regarded as an exchange. When cash or intangibles represents 25 percent or more of the total consideration, the transaction will be treated as a purchase and sale and the assets acquired recorded at current cash value. These proposals are believed to be in accord with generally accepted accounting principles and are otherwise needed to protect the public against unwarranted inflation of asset values.

The proposed rule would also require that properties acquired under a lease with option to purchase, which does not constitute a conditional sale, shall be recorded at the quoted price upon exercise of the option. In cases where the price is quoted as at the date of delivery of possession, such quoted price would be recorded in the property account at that time and any interim payments applying to such property would be recorded in the related depreciation reserve. In cases where the price quoted applies at the date upon which the option is exercisable, such quoted price would be recorded in the property account at that time.

3. *Separate reporting of domestic, territorial and international operations.* In Economic Draft Release EDR-1, dated July 1, 1959 (Docket 10671), the Board stated that the categories of transport operations, as defined in § 241.03 of Part 241 of the Economic Regulations, i.e., "Domestic" and "Foreign and Overseas", would no longer be

appropriate for accounting and statistical reports due to the acquisition of Statehood by Alaska and the then imminent Hawaiian Statehood. Subsequently, the member states of the International Civil Aviation Organization formally adopted revised definitions of the terms "domestic", "territorial" and "international" in order to achieve more uniform reporting of operating statistics on a world-wide basis. Accordingly, it is hereby proposed to amend Part 241 of the Economic Regulations by revising the classification of operating statistics filed with the Board, in order to meet the definitions adopted by ICAO.

Under the new ICAO definitions, "domestic", "territorial" and "international" operations are determined through a classification of each flight stage which is defined as the operation of an aircraft from take-off to landing. Domestic operations are defined as flight stages having both terminals within the 48 contiguous states or within territory of the United States and not separated by substantial distances of foreign territory or international waters. International operations are defined as flight stages having one or both terminals outside of United States territory. Territorial operations are defined as flight stages having both terminals within territory of the United States, other than stages with both terminals in the 48 contiguous states, but separated by substantial distances of foreign territory or international waters. The ICAO definitions would permit domestic or territorial flight stages forming an integral part of international operations to be reported, optionally, as international. Similarly domestic flight stages forming an integral part of territorial operations may be reported, optionally, as territorial. The inclusion of such stages in the operation of which they are an integral part would be made mandatory under the present proposal which otherwise follows the ICAO definitions. Thus, all of the data reported to the Board would be on a consistent basis.

The reporting entities presently established for the individual carriers would generally be unaffected by the proposal. However, certain carriers conducting substantial nonscheduled services in a different operating area than their scheduled services would, for reasons that were set forth in EDR–1, be required to file supplemental Schedules P–5, T–1, and T–3 and by footnote report the revenues applicable to such nonscheduled services. All carriers would be required to file a proposed Schedule T–1.1, Monthly Statement of Traffic and Capacity Statistics by Component Operations when the separate reporting entities do not encompass exclusively either domestic, territorial, or international operations. Thus, for example, domestic trunkline carriers which presently include Canadian Trans-border operations with the domestic operations for reporting purposes would continue to file a combined report, appropriately identified, but would also file Schedule T–1.1 to provide a separation of domestic, territorial and international operating statistics.

Since the matters embraced in this proposed rule overlap in part the proposal in EDR–1, Docket 10671, the earlier proposal is hereby withdrawn, and the proceeding in Docket 10671 is terminated. However, persons who may wish to incorporate comments filed in Docket 10671, by reference, into their comments filed in this proceeding will be free to do so.

4. *Other proposed revisions.* Other proposed changes involving matters of substance are: (a) Credits associated with the capitalization of interest would be entered in separate nonoperating income accounts, instead of the interest income account, because of their inherently distinctive characteristics; (b) separate components of propellers, communication or navigational equipment, and miscellaneous aircraft equipment, beyond the basic complements attaching to aircraft, would be entered in property account 1608 Flight Equipment Spare Parts and Assemblies, instead of the characterized property accounts, because of the practical difficulties of distinguishing such spare components from other spare parts; (c) Form 41 Schedule B–6, Distribution of Noncurrent Assets by Operating Entity, would be deleted in its entirety as not being sufficiently useful at this time to warrant carrier preparation burdens; (d) the extension to 90 days of the period for filing finalized year-end reports would be limited to calendar year report filings since it is not in the public interest to delay the availability of information for the industry as a whole more than once each year; (e) detailed analysis of income tax composition by reporting entity, as distinguished from corporate entity, would be deleted but the total income tax associated with each reporting entity would be retained; (f) inventories of aircraft and engines by reporting entity, as distinguished from corporate entity, would be deleted as not conforming with the joint use typically made of such properties by different reporting entities of the same corporate entity; (g) annual tax summaries by taxing authority and by reporting entity, as distinguished from corporate entity, would be deleted as not being essential to the Board; (h) for all services of exclusively intra-Hawaiian and intra-Alaskan carriers standard passenger weights of 160 and 200 pounds, respectively, would be established since the existing 190 pound standard for domestic services is not believed fairly representative for such operations; (i) the cut-off for identifying management personnel for which compensation and expenses are to be reported would be increased from $10,000 to $20,000 in recognition of current salary levels and to conform with the general requirements of all regulatory agencies; (j) infants transported free or at token service charges would be counted as nonrevenue passengers, instead of being excluded from passenger counts, and any related revenues would be recorded as "Other Operating Revenues" in order to avoid distortions of revenue yields, revenue load factors or accident analyses statistics; and (k) monthly deferred airfreight volume and revenue data would be reported on a new Schedule T–7 and the present more extensive reports on Form 41F would be discontinued.

The remaining proposed revisions represent clarifications of existing regulations. The more significant items are: (a) Allocation of common expense items between functions would be specifically required when assignment of items by primary activity will not produce reasonably representative expenses by functions; (b) revenues associated with flights for which costs are deferred would be included in the regular revenue accounts since developmental flights would not ordinarily generate revenues; (c) regulatory proceedings expenses directed at generating revenues through rate adjustment, as opposed to expenditures for new operating authority or increasing physical capacity of plant, would be specifically excluded from deferred developmental and preoperating costs; (d) expenses of reservation centers would be specifically classified under function 6700 Promotion and Sales, regardless of the location of the activity; (e) personnel expenses would be redefined to more clearly distinguish the character of expenses to be included therein; (f) analysis of deferred taxes by source characteristics would be established in the form of a subsection of Schedule B–3, in lieu of the presently required footnote analyses; (g) a new section providing general reporting instructions for traffic and capacity schedules would be inserted; and (h) specific instructions would be inserted to require that separate reports, as contrasted with consolidated reports, are to be filed for each air carrier and each associated company comprising an air carrier except that 100 percent equity controlled associated companies representing a service agency for the air carrier, virtually exclusively, shall be consolidated with the air carrier for reporting purposes.

This proposed rule covers all areas represented in the informal proposals submitted by the air carriers with the following exceptions: (1) Proposals concerning station expense reports and transactions between associated companies which are being separately considered; and (2) proposals concerning payroll reports, quarterly uncollectible accounts analyses, dollar cut-offs for reporting payments to outside firms, and reporting of interchange operations which are not considered acceptable in terms of either the Board's current needs or practical implementation on a uniform basis industry-wide.

Proposed rule. It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

1. By inserting a definition of conditional sale in § 241.03 immediately following the definition of *"Compensation (of personnel)"* to read as follows:

Conditional sale. (a) Any contract for the sale of property or equipment under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of property or equipment, by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract. The buyer, bailee, or lessee shall be deemed to be the person by whom any such contract is made or given.

2. By adding a new definition entitled "flight stage" to § 241.03 to read as follows:

Flight stage. The operation of an aircraft from take-off to landing. Technical stops are not, for these purposes, regarded as separate flight stages.

3. By deleting the definitions in § 241.03 for "Operations, domestic", "Operations, foreign and overseas", "Operations, mail", and "Operations, nonmail" and inserting definitions of "Operations" and "Stops, technical" to read:

Operations:

Domestic. Flight stages with both terminals within the 48 contiguous states, or within other United States territory and not reparated by substantial distances of foreign territory or international waters.

International. Flight stages with one or both terminals outside of United States territory.

Territorial. Flight stages with both terminals within United States territory, other than stages with both terminals in the 48 contiguous states, but separated by relatively substantial distances of foreign territory or international waters.

Stops, technical. Aircraft landings made for purposes other than enplaning or deplaning traffic.

4. By amending the third sentence of the definition in § 241.03, of *"Passenger, nonrevenue"* to read as follows: "Infants for whom a token service charge is levied and infants transported free are counted as nonrevenue passengers."

5. By amending the third sentence of the definition, in § 241.03, of *"Passenger, revenue"* to read as follows: "Infants for whom a token service charge is levied and infants transported free are counted as nonrevenue passengers."

6. By substituting in the definition, in § 241.03, of *"Retirement"* the words "• • • services of the corporate entity • • •" for the word "• • • operations • • •"

7. By substituting in the definition, in § 241.03, of *"Retirement, date of"* the words "• • • services of the corporate entity • • •" for the word "• • • operations."

8. By amending § 241.04 as follows:

a. By changing under Group I Air Carriers the abbreviation "Coastal" to "Alaska Coastal", the name "American Air Export and Import Co." to Aaxico Airlines, Inc.", the abbreviation "Caribbean" to "Caribair", the name "Helicopter Air Service", the related name abbreviation "Heli-Air" to "Chicago Helicopter Airways, Inc." and "Chicago Helicopter", the abbreviations "N Cons" to "Northern Consol", and "So Pac" to "South Pacific".

b. By deleting from the list of Group I Air Carriers the following names and related name abbreviations:

Bristol Bay Airlines—Bristol.
Byers Airways—Byers.
Christensen Air Service—Christensen.
Midet Aviation Corporation—Midet.
Trans-Caribbean Airways, Inc.—Trans-Car.
Uraba, Medellin & Central Airways, Inc.—UMCA.

c. By adding under Group I Air Carriers the following names and name abbreviations:

Avalon Air Transport, Inc.—Avalon.
Kodlak Airways, Inc.—Kodlak.
Western Alaska Airlines, Inc.—Western Alaska.

d. By transferring the name Piedmont Aviation, Inc. and related name abbreviation from the Group II list to the Group III list of Air Carriers.

e. By changing under Group II Air Carriers the abbreviations "Lake-Cen" to "Lake Central", "No Cen" to North Central", "Trans-Tex" to "Trans-Texas", and "W. Coast" to "West Coast", respectively.

f. By changing under Group II Air Carriers the name "Southwest Airways, Inc." and related name abbreviation "Southwest", to "Pacific Airlines, Inc." and "Pacific", respectively, and the name "Trans-Pacific Airlines, Ltd." and related name abbreviation "Trans-Pacific", to "Aloha Airlines, Inc." and "Aloha", respectively.

g. By adding under Group II Air Carriers the name "Transportation Corporation of America" and related name abbreviation "Transport Corp" to reflect the name change from Trans Caribbean Airways, Inc. and its transfer from Group I to Group II Air Carriers.

h. By deleting from the list of Group III Air Carriers the name "Colonial Airlines, Inc.", and related name abbreviation "Colonial", by changing the name "Delta-C & S Airlines, Inc." to "Delta Air Lines, Inc.", and by changing the abbreviations "Fly Tiger" to "Flying Tiger", "Pac. Nor." to "Pacific Northern" and "Pan Am" to "Pan American."

9. By amending § 241.05 to read as follows:

Classification	Subclassification	Abbreviation
Domestic	Helicopter	Dom-Hell.
	Intrastate	Dom-Intra.
	Local	Dom-Loc.
	Trunk	Dom-Tr.
Territorial	Alaska	Ter-Ala.
	Canal Zone	Ter-CZ.
	West Indies	Ter-WI.
	Pacific	Ter-Pac.
International	Atlantic	Int-Atl.
	Canada	Int-Can.
	Latin America	Int-Lam.
	Pacific	Int-Pac.

10. By adding to paragraph (c) of § 241.2–2 the following: "When assignment of expense items on the basis of the primary activity to which related does not in the aggregate result in a fair presentation of the expenses applicable to each function, apportionment shall be made between functions based upon a study of the contribution to each function during a representative period."

11. By substituting in the first sentence of § 241.2–10(d) for the words "• • • an Interest Charged to Construction—Credit subaccount of profit and loss account 83, Interest Income" the following: "• • • profit and loss subaccount 80.1 Interest Charged to Construction—Credit."

12. By deleting the second sentence of § 241.2–10(d).

13. By substituting in the second sentence of § 241.2–10(e) for the words "• • • an Interest Charged to Development subaccount of profit and loss account 83, Interest Income • • •" the following: "• • • profit and loss subaccount 80.2 Interest Charged to Development—Credit • • •"

14. By amending the heading of § 241.2–12 to read *"Acquisition and valuation of assets"*; by inserting "(a)" immediately thereafter and by adding the following after the first sentence: "The cost (as defined by § 241.03 *Cost*) to be recorded shall represent the cash price of the asset acquired unless otherwise specifically provided herein. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis, in accordance with the following provisions.

15. By adding new paragraphs (b), (c), and (d) in § 241.2–12 to read as follows:

(b) Costs of assets charged against income by an air carrier shall not be reinstated through property exchanges, and again charged against income by another air carrier but shall be recorded by each successive user at the unrecovered cost of property given in exchange, adjusted by the amount of any additional cash or other consideration given or received. For purposes of this system of accounts, an exchange is defined as a transaction in which tangible property represents more than 75 percent of the cash value of the total consideration. Capital gains or losses, as a matter of policy, will not be recognized in property exchanges. (See also § 241.5–3(f)(8).)

(c) The cost of properties obtained under a purchase contract, lease with option to purchase, or other arrangement shall be recorded as assets as at the date upon which delivery has been completed and the substantive rights and obligations of ownership have been transferred even though the vendor retains title until the full amount, or a specified portion, of the purchase price has been paid and all steps necessary to the full conveyance of technical legal title have been completed.

(d) Any cost associated with a particular item of property shall not be carried as an "asset" by more than one air carrier at the same time.

16. By amending § 241.2–13(c) to read as follows:

(c) Provisions for self-insurance against damage to property, or other risks, may be charged against income in accordance with a plan which reflects actuarial or other reasonable measurement of risk as recurring operating expense, provided that: (1) The air car-

rier demonstrates that the accrual rate will not, in any accounting period, inflate the operating costs as compared with results of equivalent coverage through purchased insurance or a representative combination of purchased and self-insurance by generally similar air carriers, and (2) any accumulated reserves for self-insurance of flight equipment do not exceed the aggregate depreciated cost of the equipment. Such provisions shall be made through charges to the applicable operating expense account and credits to balance sheet account 2350 Reserve for Self-Insurance. No provision shall be made through income charges for a retroactive initiation of self-insurance reserves. Such reserves shall be accumulated on a forward basis only. However, the air carrier may effect an interim segregation of retained earnings through balance sheet account 2930 Appropriations of Retained Earnings to be returned to unappropriated retained earnings upon attainment of the planned level of the self-insurance reserve accumulated through income charges. Where risks to be borne by the air carrier are reduced or eliminated, due to substitution of purchased insurance, or otherwise, the self-insurance reserve requirements shall be redetermined. Any material excess of existing reserves over those required to cover current risks borne by the air carrier shall be credited to profit and loss account 96 Special Income Credits and Debits (Net) rather than insurance expense accounts. Any material differences in income tax resulting from income differences for tax and accounting purposes associated with provisions for self-insurance shall be credited, or debited, to profit and loss subaccount 92.1 Current Provisions for Deferred Taxes. Balance Sheet account 2340 Deferred Federal Income Taxes shall be debited, or credited, except that any debit balance in that account shall be accrued only to the extent that recoverable tax credits exist. Such debit balance shall be transferred to a special subaccount of balance sheet account 1890 Other Deferred Charges. The accumulated charges to balance sheet account 1890 or 2340 shall be amortized by charges to profit and loss account 92.2 Amortization of Taxes Deferred (Credit) in accordance with provisions of the latter account. Where reserves for self-borne risks are reduced or eliminated the balance of deferred tax debits applicable to the reduction in self-insurance reserve requirements shall be removed from account 1890 or 2340 and charged to profit and loss account 97 Special Income Tax Credits and Debits (Net). Each air carrier shall file with the Civil Aeronautics Board a supplement to the CAB Form 41 report for the period in which the air carrier's policy with respect to self-insurance is materially changed. This supplement shall set forth: (1) The extent of self-borne and purchased coverage, respectively, for each type of risk involving self-insurance; (2) the rates of accrual to the self-insurance reserves; (3) such other detail as may be pertinent to the plan; and (4) information necessary to establish the reasonableness of the plan in conformance with the standards prescribed by this system of accounts and reports. The rates and practices set forth in such statements shall thenceforth be used by the air carrier unless notified by the Civil Aeronautics Board that they do not meet the requirements set forth herein.

17. By amending § 241.3 to delete account "2920 Reserve for Self-Insurance" and to change the names of the indicated accounts as follows:

Advances to nontransport divisions	1520
Advances from nontransport divisions	2245
Reserve for self-insurance	2350
Appropriations of retained earnings	2930

18. By changing paragraphs (b) and (c) of § 241.5–3 to paragraphs (e) and (f), respectively.

19. By inserting new paragraphs (b), (c) and (d) in § 241.5–3 to read as follows:

(b) The cost of properties covered by conditional sales contracts (as defined in § 241.03 *Conditional sale*) shall be recorded in the appropriate accounts of the buyer and removed from the accounts of the seller as at the date on which possession is delivered to the buyer unless there is material uncertainty as to the complete consummation of the transaction. The asset cost to be recorded by the buyer, and the realization to be recorded by the seller, shall be the price in effect as at the date of delivery of possession. In the event the price quoted is effective at a date subsequent to delivery of possession, the asset cost to the buyer and the realization to the seller shall be such quoted price plus any interim payments required by the conditional sales agreement, exclusive of payments for interest or services provided for the buyer by the seller.

(c) Where property is obtained under a lease agreement with option to purchase at a specified price at a date subsequent to delivery of possession, and under which the contractual aggregate compensation exclusive of payments for interest or services is substantially less than the market value at date of delivery of possession, the transaction shall not constitute a conditional sale and the property shall not be recorded as property of the buyer until exercise of the purchase option. When the future purchase price is determinable on the basis of a quoted price as of date of delivery of possession, less interim payments other than for interest or services, the full quoted price, exclusive of any charge for interest or services, shall be recorded in the appropriate asset account upon exercise of the purchase option. At that time the interim payments applied against the quoted price shall be recorded in aggregate in the related depreciation reserves. Under circumstances in which the quoted price applies at date of option subsequent to the date of delivery of possession, the price upon exercise of the option shall be recorded in the appropriate asset account.

(d) Property obtained under a lease agreement not constituting a conditional sale shall not be recorded as property of the lessee air carrier. However, as to material amounts of property held under lease or lease with purchase option, each quarterly Form 41 Balance Sheet shall include a footnote which shall state:

(1) Identification of the classes of property involved; (2) any guarantees concerning the consideration to be paid and penalties involved for nonpayment or withdrawal from each agreement; (3) the time period of each lease; (4) the amount of annual rentals and the aggregate compensation to be paid over the life of each lease through option date, if any, including the final payment at that date; (5) whether payments for interest or services are included in the rental or are required as a separate element; and (6) the amount and rate of interest and amount for services to be paid as part of the rental, annually and in aggregate, over the life of each lease. When properties are leased from associated companies (as defined in § 241.03) such companies shall be identified and the money consideration shall be stated for the term of the lease or the depreciable life assigned to the property by the associated company, whichever is longer.

20. By adding to redesignated § 241.5–3(f)(4), the following: "Property acquired from an associated company shall also be accounted for in accordance with the foregoing unless otherwise approved by the Board."

21. By adding the following sentence to redesignated § 241.5–3(f)(6): "However, the proceeds from the sale of scrapped parts and assemblies, which are accumulated and sold in lots for nominal amounts and without identification of the individual items, shall be credited to profit and loss account 18 Other Incidental Revenues."

22. By deleting from the second sentence of redesignated § 241.5–3(f)(7) the words "• • • or self-insurance • • •".

23. By adding the following to redesignated § 241.5–3(f)(8): "When tangible property is exchanged for other tangible property and no other form of consideration is involved, the cost and any related depreciation or airworthiness reserves of the property given in exchange shall be assigned to the property received. When the consideration consists of both cash and tangible property, and the cash is a minor portion of the selling price (less than 25 percent of the fair market value of the total consideration) the entire transaction is to be treated as an exchange of property. The cost of the properties received by each party shall be the book cost less depreciation reserves of the properties given in exchange, plus or minus the cash, or the cash value of any other consideration, paid or received. Capital gain or loss is not to be recorded on the books of either party, except to the extent that the additional cash or other consideration, received exceeds the depreciated book cost of the properties given. When the additional cash, or the cash value of other consideration, constitutes a major portion of the selling price (at least 25 percent) the transaction shall be treated as a purchase and sale. The property received by each party shall be entered on the books at its cash value and the net increase or decrease in asset values resulting from the transaction shall be treated as capital gain or loss."

24. By amending § 241.3 to delete account "2920 *Reserve for Self-Insurance*" and to change the names of the below-indicated accounts as follows:

1520 *Advances to Nontransport Divisions*
2245 *Advances from Nontransport Divisions*
2350 *Reserved for Self-Insurance*
2930 *Appropriations of Retained Earnings*

25. By adding to the first sentence of § 241.6–1110 the words "and other United States Government Securities."

26. By amending § 241.6–1603 to read as follows:

1603 *Aircraft Propellers.* Record here the total cost to the air carrier of installed complements of aircraft propellers and rotary wing aircraft rotors of all types and classes, pursuant to § 241.5–3. Values recorded in this account shall not be changed with the substitution of parts and assemblies except as provided by § 241.5–3(f)(2). The cost of spare units of propeller components shall not be recorded in this account but in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies or account 1310 Flight Equipment Expendable Parts, as appropriate.

27. By amending § 241.6–1604 to read as follows:

1604 *Aircraft Communications and Navigational Equipment.* Record here the total cost to the air carrier of installed complements of airborne communications and electronic navigational equipment of all types and classes pursuant to § 241.5–3. Values recorded in this account shall not be changed with the substitution of parts and assemblies except as provided by § 241.5–3(f)(2). The cost of spare units of communications and navigation equipment components shall not be recorded in this account but in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies or account 1310 Flight Equipment Expendable Parts, as appropriate.

28. By amending § 241.6–1606 to read as follows:

1606. *Miscellaneous Flight Equipment.* Record here, pursuant to § 241.5–3, the total cost to the air carrier of installed or assigned complements of miscellaneous airborne flight equipment, such as miscellaneous flight crew equipment, life rafts, etc. Values recorded in this account shall not be changed with the substitution of parts and assemblies except as provided by § 241.5–3(f)(2). The cost of spare units of miscellaneous flight equipment components shall not be recorded in this account but in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies or account 1310 Flight Equipment Expendable Parts, as appropriate.

29. By inserting the following after the first sentence in § 241.6–1689:

Record here also the accumulated costs of uncompleted overhauls of airframes, aircraft engines, or other material units of property. At the option of the air carrier this account may be used as a clearing account for recording the cost of all property and equipment acquisitions prior to a distribution thereof to the appropriate property accounts regardless of whether conditioning or modification is required before placing in service.

30. By amending § 241.6–1830 as follows:

a. By adding to paragraph (b) the following:

Nor shall this account be credited for revenues from aircraft flights of a developmental or preoperating character the operating costs of which are charged to this account. Any such revenues shall be included in the profit and loss account for the respective type of revenue. This account shall include charges for only those costs associated with projects directed at obtaining new operating authority or expanding the physical capacity of the air carrier and shall not include costs incurred for the purpose of generating revenues through rate adjustment. Accordingly, costs associated with regulatory proceedings involving route awards or amendments, whether successful or unsuccessful to the carrier, shall be included in this account whereas costs associated with regulatory proceedings involving rate or other revenue generation matters shall be charged to appropriate expense accounts.

b. By revising the first sentence in paragraph (e) to read:

(e) Amounts included in this account which contribute to or protect the position of the normal air transportation services currently conducted by the carrier shall be amortized to profit and loss account 74 Amortization, unless otherwise approved or directed by the Civil Aeronautics Board.

31. By amending § 241.6–1840 to delete from paragraph (a), the words "long-term" between the words "of" and "debt", and to append the following sentence to paragraph (b): "Discount and expense on short-term debt may be charged directly to profit and loss account 87 Interest Expense."

32. By inserting after the first sentence of § 241.6–1870(a), the following:

Record here also such differences relating to purchases of property and equipment from associated companies unless other treatment is approved by the Board.

33. By amending § 241.6–1890 to read as follows:

1890 *Other Deferred Charges.* (a) Record here debits, not provided for elsewhere, the proper final disposition of which cannot be effected until additional information has been received.

(b) This account shall be charged with costs related to casualties and credited with recoveries from purchased insurance, the value of salvaged property, and the applicable reserve for self-insured risks, if any, included in balance sheet account 2350 Reserve for Self-Insurance. Any remaining debit or credit balance related to property retired as a result of a casualty, after giving effect to all related loss and recovery from purchased insurance shall be recorded in profit and loss account 81 Capital Gains and Losses; however, any remaining balances related to property not retired or to other casualties shall be recorded in profit and loss account 58 Injuries, Loss and Damage. The records for each major causalty shall be kept in such manner as to clearly disclose insurance recoveries and the total costs which shall include charges for the depreciated cost of property damaged or destroyed, costs for clearing wrecks and damaged property and equipment, including salaries and wages for the repair thereof, and payments for damages to property of others. The cost of casualties shall not be charged directly against retained earnings or appropriations thereof but shall be cleared through the applicable profit and loss accounts in accordance with the foregoing.

34. By adding to § 241.6–2020 the following:

This account shall include obligations, already matured at balance sheet date, for which settlement amounts have been established. It shall not include amounts accrued for obligations unmatured at the balance sheet date but payable within one year which shall be recorded in balance sheet account 2190 Other Current Liabilities.

35. By adding to § 241.6–2190 the following:

This account shall include estimated amounts for established obligations and other accruals for obligations unmatured at the balance sheet date. It shall not include obligations already matured at the balance sheet date for which settlement amounts have been established. Such amounts shall be included in balance sheet account 2020 Accounts Payable—General. For example, accrued interest payable after the balance sheet date but within one year thereof, shall be included in this account while interest payable on or before the balance sheet date shall be included in balance sheet account 2020 Accounts Payable—General.

36. By changing the title of § 241.6–2350 to read "Reserve for Self-Insurance" and amending paragraph (a) thereof to read as follows:

(a) Record here all accruals through charges against income for uninsured losses. Segregations of retained earnings for uninsured loss contingencies shall not be credited to this account but to balance sheet account 2930 Appropriations of Retained Earnings. All sustained losses associated with risks for which accruals are being made shall be charged to this account.

37. By deleting from § 241.6–2350 paragraphs (b) and (c) and substituting the following therefor:

(b) The losses charged to this account shall be limited to the net losses associated with each casualty borne by the air carrier, after offsetting any recoveries from purchased insurance, as accumulated in balance sheet account 1890 Other Deferred Charges. See also § 241.5–3(f)(7). Under circumstances in which insurance proceeds may exceed the depreciated cost of properties retired as a result of major casualties such excess shall be carried to profit and loss account 81 Capital Gains and Losses and shall not be credited to this account. Under co-insurance programs, this account shall be charged with the deductible losses not covered by purchased insurance, which are borne by the carrier. Any excess of accumulated proceeds from purchased insurance over the depreciated cost of property losses during each insured period shall be credited to profit and loss account 81 Capital Gains and Losses and shall not be credited to this account. Recoveries from purchased insurance for property damage prior to repair of such damage shall be credited to balance sheet account 2390 Other Deferred Credits pending repair. Cost of ordinary maintenance and overhaul work performed along with the repair of casualty damage shall be charged to the appropriate maintenance accounts and not to this account. Refunds of insurance premiums whether based upon the air carrier's casualty experience, or otherwise, shall not be credited to this account but to the applicable insurance expense account.

(c) Each air carrier shall maintain appropriate sub-accounts for each class of property risk or other risk for which self-insurance reserves are provided.

38. By deleting § 241.6–2920 *Reserve for self-insurance* and the instructions related thereto.

39. By amending § 241.6–2930, *Appropriations of retained earnings*, to read as follows:

Record here amounts of retained earnings segregated for contingencies and other special purposes, including retained earnings segregated in connection with self-insurance plans.

40. By amending classifications "07" and "80" in § 241.7 to read:

07 Charter			
07.1 Exclusive passenger	32	32	32
07.2 Property and other	32	32	32
80 Interest capitalized			
80.1 Interest charged to construction-credit	81	81	81
80.2 Interest charged to development-credit	81	81	81

41. By amending the third and fourth sentences in paragraph (c) of § 241.11–6400 to read as follows:

However, for purposes of this system of accounts, expenses attributable to the operation of airport traffic offices, excluding reservation centers, shall be included in this function. Expenses attributable to the operation of reservation or aircraft space control centers shall be included in function 6700 Promotion and Sales regardless of the location at which incurred.

42. By adding to the end of the first sentence in paragraph (a) of § 241.11–6200 the words: "excluding reservation centers."

43. By amending the second sentence of § 241.11–6300(b) to read as follows:

Nor shall this subfunction include expenses of a general administrative character and of significant amount regularly contributing to operating functions generally.

44. By amending the second and third sentences in paragraph (c) of § 241.11–6700 to read as follows:

However, for purposes of this system of accounts, expenses attributable to the operation of airport traffic offices, excluding reservation centers, shall be included in function 6400 Aircraft and Traffic Servicing. Expenses attributable to the operation of reservation or aircraft space control centers shall be included in function 6700 Promotion and Sales regardless of the location at which incurred.

45. By changing the last sentence of paragraph (b) in § 241.11–6800 to read as follows:

However, expenses of a general administrative character and of significant amount regularly contributing to operating functions generally shall be included in this function.

46. By deleting from the last sentence of § 241.12–00(a) the words "• • • when no refund is made of transportation sales • • •"

47. By deleting from the first sentence of § 241.12–01(a) the words "• • • including infants transported at reduced fares, • • •" and inserting in the second sentence of the above section, between the words "basis" and "shall" the words "• • • and token service charges for infants • • •"

48. By adding a paragraph (c) to § 241.12–07 to read as follows:

(c) This account shall be subdivided as follows by all air carrier groups:

07.1 *Exclusive passenger.* Record here revenue from the transportation of passengers and their personal baggage at rates set forth in exclusive passenger charter tariffs.

07.2 *Property and other.* Record here revenue from the transportation of property at rates set forth in exclusive property charter tariffs and revenue from the transportation of passengers and property simultaneously at rates set forth in mixed passenger and property charter tariffs.

49. By inserting in § 241.12–19(a) between the words "from" and "nontransportation" the words "• • • token service charges for infants and • • •"

50. By deleting from the first sentence of § 241.13–00 the words "performed during the current accounting year" and the comma after "year."

51. By amending paragraphs (a) and (c) of § 241.13–36 to read as follows:

(a) Record here expenses incurred by officers, executives, directors and other personnel for the benefit of the air carrier, or for the private benefit of such persons, which are directly or indirectly borne by the air carrier.

(c) Records shall be maintained which will separately and clearly document each charge to this account in terms of its natural characteristic and contribution to the performance of the air carrier's transport operations. The records shall be maintained in such manner as will identify specifically the persons incurring the cost and will facilitate the accumulation of costs to be reported on Schedule G–42 of CAB Form 41. Costs for standby hotel or other facilities maintained for the air carrier's personnel generally, shall not be allocated among the individuals using such facilities; however, sufficiently detailed records are required to identify the use made of such facilities by each individual.

52. By amending § 241.13–55(a) to read as follows:

(a) Record here provisions for self-insurance and the cost of purchased public liability and property damage and all other general insurance, except insurance covering liability for injuries, loss and damage to passengers and cargo, and insurance carried for the protection or welfare of employees.

53. By amending § 241.13–56 to read as follows:

56 *Insurance—Traffic Liability.* Record here the cost of purchased insurance and provisions for self-insurance covering liability for injuries, loss and damage to passengers and cargo.

54. By amending § 241.13–57 to read as follows:

57 *Insurance—Employee Welfare.* Record here the cost of purchased insurance and provisions for self-insurance covering liability for the benefit or protection of employees, and contributions of the air carrier to employee pension or other welfare plans.

55. By amending § 241.13–63 to read as follows:

63 *Interrupted Trips Expense.* Record here expenses allowed or paid for the care and serving of passengers because of unscheduled interruptions in passenger journeys. Transportation refunds and the cost of forwarding traffic by surface common carrier or otherwise as a result of such interruptions shall not be charged to this account but to the appropriate operating revenue account.

56. By deleting § 241.14–80 and substituting therefor a new § 241.14–80 to read as follows:

80 *Interest Capitalized.* (a) Record here credit amounts for interest capitalized pursuant to § 241.2–10 and charged to balance sheet accounts.

(b) This account shall be subdivided as follows:

80.1 *Interest Charged to Construction—Credit.* Record here credits related to interest capitalized in balance sheet account 1689 Construction Work in Progress.

80.2 *Interest Charged to Development—Credit.* Record here credits related to interest capitalized in balance sheet account 1830 Developmental and Preoperating Costs.

57. By amending § 241.14–87(a) to read as follows:

(a) Record here interest on all classes of debt, including interest on unpaid taxes; premium, discount and expense on short term obligations; and amortizations of premium, discount and expense on short term and long term obligations.

58. By amending § 241.15–91 to read as follows:

91 *Normal Income Taxes and Surtaxes.* (a) Record here proportionate quarterly provisions for accruals of Federal, state, local and foreign taxes based upon net income accruing under the normal tax and surtax rates and allocable to income of the current accounting year. This account shall include amounts refundable from the carry-back of losses in the year in which the loss occurs and shall include refunds from losses carried forward in the year to which the loss is carried for tax purposes. It shall also include adjustments of income taxes of prior years provided that inclusion will not distort net income of the current accounting year. Income taxes allocable to special income items and material income tax adjustments shall not be included in this account but in profit and loss account 97 Special Income Tax Credits and Debits (Net).

59. By amending § 241.21(i) and adding new paragraphs (j), (k) and (l) as follows:

(i) Separate entities shall be established for the purpose of submitting the reports hereinafter prescribed. The reports to be submitted by each entity shall be comparable to those required of a distinct legal entity whether the reporting entity constitutes such an entity, a semi-autonomous physically separated operating division of the air carrier, or an entity established for reporting purposes only. The operations constituting separate entities, for which reports shall be made to the Board by the different carriers, are set forth below in the list entitled Air Carrier Reporting Entities. The description of operations encompassed in each reporting entity shall be entered on each reporting schedule as applicable.

AIR CARRIER REPORTING ENTITIES

Air Carriers and Operations

Aaxico, Inc	Domestic Trunk.
Aerovias Sud Americana, Inc	International—Latin America.
Alaska Airlines, Inc	Territorial Alaska & Domestic Intrastate.
Alaska Coastal Airlines	Domestic—Intrastate.
Aloha Airlines, Ltd	Domestic—Intrastate.
Allegheny Airlines, Inc	Domestic—Local.
American Airlines, Inc	Domestic—Trunk & International—Canada. International—Latin America.
Avalon Air Transport	Domestic—Intrastate.
Bonanza Airlines, Inc	Domestic—Local.
Braniff Airways, Inc	Domestic—Trunk. International—Latin America & Territorial—Canal Zone.
Capital Airlines, Inc	Domestic—Trunk.
Caribbean-Atlantic Airlines, Inc	Domestic—Intrastate & International—Latin America.
Central Airlines, Inc	Domestic—Local.
Chicago Helicopter Airways, Inc	Domestic—Helicopter.
Continental Airlines, Inc	Domestic—Trunk.
Cordova Airlines, Inc	Domestic—Intrastate.
Delta Air Lines, Inc	Domestic—Trunk. International—Latin America & Territorial—West Indies.
Eastern Air Lines, Inc	Domestic—Trunk & International—Canada. Territorial—West Indies. International—Atlantic. International—Latin America.
Ellis Air Lines	Domestic—Intrastate & International—Canada.
The Flying Tiger Line, Inc	Domestic—Trunk.
Frontier Airlines, Inc	Domestic—Local.
Hawaiian Airlines, Ltd	Domestic—Intrastate.
Lake Central Airlines, Inc	Domestic—Local.
Los Angeles Airways, Inc	Domestic—Helicopter.
Mackey Airlines, Inc	International—Latin America & Domestic—Intrastate.
Mohawk Airlines, Inc	Domestic—Local.
National Airlines, Inc	Domestic—Trunk. International—Latin America.
New York Airways, Inc	Domestic—Helicopter.
North Central Airlines, Inc	Domestic—Local.
Northeast Airlines, Inc	Domestic—Trunk & International—Canada.
Northern Consolidated Airlines, Inc	Domestic—Intrastate.
Northwest Airlines, Inc	Domestic—Trunk & International—Canada International—Pacific, International—Canada, Territorial—Alaska & Territorial—Pacific.
Ozark Airlines, Inc	Domestic—Local.
Pacific Airlines, Inc	Domestic—Local.
Pacific Northern Airlines, Inc	Territorial—Alaska & Domestic—Intrastate.
Pan American-Grace Airways, Inc	International—Latin America.
Pan American World Airways, Inc	International—Canada, Territorial—Alaska & Domestic—Intrastate. International—Pacific & Territorial Pacific. International—Atlantic. International—Latin America, Territorial—West Indies & Territorial—Canal Zone.
Piedmont Aviation, Inc	Domestic—Local.
Reeve Aleutian Airways, Inc	Domestic—Intrastate.
Resort Airlines, Inc	International—Latin America, Territorial—West Indies & Domestic—Trunk.
Riddle Airlines, Inc	Domestic—Trunk. Territorial—West Indies.
Samoan Airlines, Ltd	International—Pacific.
Seaboard and Western Airlines, Inc	International—Atlantic.
Slick Airways, Inc	Domestic—Trunk.
Southern Airways, Inc	Domestic—Local.
South Pacific Air Lines, Inc	International—Pacific.
Transportation Corp. of America	Territorial—West Indies & International—Latin America.
Trans Texas Airways, Inc	Domestic—Local.
Trans World Airlines, Inc	Domestic—Trunk. International—Atlantic.
United Air Lines, Inc	Domestic—Trunk & International—Canada. Territorial—Pacific.
West Coast Airlines, Inc	Domestic—Local & International—Canada.
Western Alaska Airlines, Inc	Domestic—Intrastate.
Western Air Lines, Inc	Domestic—Trunk & International—Canada. International—Latin America.
Wien Alaska Airlines, Inc	Domestic—Intrastate & International—Canada.

(j) As a general rule separate reports shall be filed for the air carrier and any air carrier associated companies. However, transactions of associated companies in which 100 percent equity control resides in the reporting air carrier shall be consolidated with transactions of the reporting air carrier when such associated companies perform services related to the transport operations of the reporting air carrier almost exclusively and are not engaged in air transportation for their own account.

(k) Generally, nonscheduled services shall be treated as an integral part of the reporting entity to which most closely related without regard to the geographic area in which such nonscheduled services may actually be performed. However, under circumstances where the prescribed reporting entity includes nonscheduled services performed outside the operational areas encompassed by the certificated operations as defined in § 241.03, supplemental reports covering such nonscheduled services shall be submitted, beginning with any month in which the available ton-miles thereof exceed five (5) percent of the total available ton-miles within the certificated areas of operations, and continuing until waived by the Board upon a showing that these operations will not in the subsequent 12-month period exceed that limit. The supplemental reports to be filed each month or calendar quarter, as applicable, shall be comprised of report Schedules P–5, T–1 and T–3. Transport and non-transport revenues pertaining to such separately reported nonscheduled services shall be reflected on Schedule P–2 each quarter with appropriate cross-references inserted on Schedules P–3 and P–4, as applicable. In addition, airport activity data reported on the regular Schedule T–4 shall be subdivided, and appropriately identified at each airport for services pertaining to the certificated areas of operations and for nonscheduled services pertaining to operations outside such certificated areas.

(l) When and as required in the national interest, any air carrier which performs nonscheduled transport services for the defense establishment of the United States shall, when directed by the Board, make separate reports for such services as if they were conducted by a physically separated transport entity. Such reports shall consist of Schedules P–1 through P–9, T–1, and T–3. The letter "D" shall be inserted on such reports following the schedule number of each P and T schedule. Where a carrier has more than one reporting entity, nonscheduled transport and nonscheduled defense services shall be assigned to the reporting entity to which most closely related.

60. By deleting from the table in paragraph (a) of § 241.22 the line reading "B–6 Distribution of Noncurrent Assets by Operating Entity • • • Semiannually • • • 40"; by adding to the title for Schedule B–3 the words "Deferred Federal Income Taxes"; by inserting after Schedule T–2, "T–1.1 Monthly

Statement of Traffic and Capacity Statistics by Component Operations • • • Monthly • • • 30"; and by inserting after Schedule T–6, "T–7 Domestic Deferred Airfreight • • • Monthly • • • 30."

61. By deleting from the first sentence in paragraph (b) of § 241.22 the words "air carrier's fiscal" and inserting in their stead the word "calendar."

62. By deleting subparagraphs (1) through (12, of § 241.22(d) and substituting the following therefor:

(1) Methods used in assigning or prorating profit and loss items between operating entities, as prescribed by § 241.2–1(b).

(2) Procedures for retroactive adjustments made to conform accounts with mail rate actions, as required by § 241.2–4(d).

(3) Plans for accrual of self-insurance reserves, as prescribed by § 241.2–13(c).

(4) Plans for establishment of expense equalization reserves, as prescribed by § 241.2–13(d).

(5) Depreciation rates and practices, as prescribed by § 241.2–14(b).

(6) Airframe and aircraft engine overhaul accounting practices and airworthiness reserve accrual rates, as prescribed by § 241.5–4(g)(8).

(7) Plans for amortization of developmental and preoperating costs and other intangibles, as prescribed by § 241.5–5(b) and § 241.6–1870(a).

(8) Plans for the accrual of obsolescence and deterioration reserves for flight equipment expendable parts, as required by § 241.6–1311(d).

(9) Methods and bases for accrual of unearned transportation revenues, as prescribed by § 241.6–2160(b).

(10) Methods used in assigning or prorating expenses between incidental services and transport operations, as prescribed by § 241.9–4600(d).

(11) Methods used in applying maintenance burden, as prescribed by § 241.10–5300(c), § 241.11–5300(c) and § 241.24, Schedule P–6, paragraph (f).

(12) Methods used in computing available seat-miles and available ton-miles for each aircraft type, as required by paragraph (g), in § 241.25, of the instructions for the preparation of Schedule T–3.

63. By amending § 241.23, Schedule A, as follows:

a. By inserting after the caption "Schedule A—Certification", instructions to read as follows:

(a) The certification of the CAB Form 41 report shall be signed by an elective corporate officer, executive or director, or such other person as may be authorized by the carrier to sign the certification provided a written authorization disclosing the individual's name and title is forwarded to the Civil Aeronautics Board. Since corrections or revisions of reported data are a part of the CAB Form 41 report, all correspondence relating to such matters should be signed only by persons authorized to sign the certification.

b. By inserting "(b)" preceding the instruction beginning "The certification of the Form 41 reports • • •"

64. By amending paragraph (e) in § 241.23, Schedule B–3 to read as follows:

(e) All credits and debits to appropriations of retained earnings shall be identified and explained in the "Appropriations of Retained Earnings" section of this schedule. The balance of account 2930 Appropriations of Retained Earnings as at the end of each calendar quarter shall agree with corresponding amounts reported on Schedule B–1 Balance Sheet.

65. By amending the title of § 241.23, Schedule B–3, to add a comma and the words "Deferred Federal Income Taxes"; and by inserting a new paragraph (f), to read as follows:

(f) Column (1) of the Deferred Federal Income Tax section of this schedule shall identify the source of each tax deferral, e.g. depreciation under § 167 of the Internal Revenue Code, deferred training costs, etc. The amounts reflected in column (2) shall agree with amounts reflected in column (6) for the same sources at the close of the preceding quarter. The amounts reflected in column (6) shall, in aggregate, agree with amounts reported on Schedule B–1 at the close of the current quarter for deferred Federal income taxes. Columns (3) (4) and (5), respectively, shall reflect gross provisions, gross amortizations and adjustments of deferred Federal income taxes during the current quarter for each tax source reflected in column (1). Adjustments reflected in column (5) shall be fully explained on schedule P–4 and cross-referenced thereto on this schedule.

66. By amending § 241.23 to delete reference to Schedule B–6—"Distribution of Non-Current Assets by Operating Entity", and the instructions for reporting thereon.

67. By amending, in § 241.23, the instructions for Schedule B–7 as follows:

a. By amending paragraph (b) thereof to read as follows:

(b) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers (exclusively), cargo (exclusively) or both passengers and cargo (in combination). Data pertaining to aircraft engines shall be reported in aggregate for each type or model. Airframes and engines leased from others shall be reported in a separate subsection of this schedule.

b. By amending paragraph (j) to read:

(j) Columns 12 and 15, "Reserve for Depreciation" "Flight Equipment Airworthiness Reserves", respectively, shall include the amount of such reserves applicable to property and equipment transferred from separately operated divisions or, as provided under § 241.5–3(f) acquired in exchange for other property and equipment.

68. By amending the reporting instructions in § 241.23 for Schedule B–8 to read as follows:

a. By amending (b) thereof to read:

(b) The indicated data shall be reported for the sale or retirement of each airframe, each type of aircraft engine (with identification of the number of units retired) and to the extent retired along with airframes and engines, operating property and equipment included in Accounts 1603 through 1608 and nonoperating property and equipment included in accounts 1703 through 1708. Disposition of properties in those accounts not related to airframe and aircraft engine retirements shall be reported in a separate group in aggregate for each account. Ground property and equipment disposed of shall be reported in aggregate for all accounts with subdivisions between operating and nonoperating property and equipment. Leased airframes and aircraft engines returned to the lessor shall be reported in a separate subsection of this schedule.

b. By redesignating paragraph (f) to (g) and inserting a new paragraph (f) to read as follows:

(f) Column 12, Gain or Loss, shall in aggregate for retirements of all property and equipment, agree with amounts reflected by the air carrier on schedule P–3 in profit and loss subaccounts 81.1 Capital Gains and Losses—Operating Property and 81.2 Capital Gains and Losses—Nonoperating Property.

c. By amending redesignated (g) thereof to read:

(g) Column 13, Disposition, shall reflect the name of the person or organization to which airframes and aircraft engines are sold or a notation as to the nature of the retirement if not sold. Items included in accounts 1603 through 1608, and 1703 through 1708, sold as a part of airframe or aircraft engine sales transactions, shall also be identified by the name of the buyer. Other sales of items included in these accounts shall be reported in a separate group in aggregate for each property account affected, while all ground property dispositions shall be reported in a single aggregate and need not be identified by names of the buyers.

69. By amending the reporting instructions in § 241.23 for "Schedule B–10" as follows:

a. By adding to the first sentence of paragraph (c) thereof the words "for which costs are deferred in balance sheet account 1830."

b. By redesignating the existing paragraphs (d) and (e) as (e) and (f) and inserting a new paragraph (d) to read as follows:

(d) Explanation of the amounts included in column 8 shall disclose the general characteristics of the amounts deferred during the current quarter for each project. For example, transcripts of regulatory proceedings; consultant fees; the cost of pilot, mechanic and ground crew training; special engineering; temporary rental of specialized facilities; aircraft development flights; publicity flights; route familiarization flights; etc.

c. By amending redesignated paragraph (f) thereof to read as follows:

(f) Column 7, "Development Costs Charged to Account 89" shall reflect costs incurred in projects which do not contribute to air transportation services of the air carrier.

70. By amending, in § 241.23, paragraph (b) of the instructions for preparation of Schedule B–43 Inventory of Airframes and Aircraft Engines, as follows:

(b) A single set of this schedule shall be filed for the over-all corporate or other legal entity comprising the air carrier.

71. By amending in § 241.23, the first sentence of paragraph (c) of the instructions for Schedule B–43 to read as follows:

(c) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers (exclusively), cargo (exclusively) or both passengers and cargo (in combination).

72. By amending the instructions in § 241.23 for Interim Balance Sheet to read as follows:

Each air carrier shall file each month two copies of the balance sheet in the form prepared for its management; provided that such balance sheet need not be filed as at the close of calendar quarters where the amount reflected in the Stockholder Equity section thereof agrees with similar data reflected on Schedule B–1 of CAB Form 41 as at the same date.

73. By modifying Schedule P–3, incorporated herein by reference, following the sub-heading "Transport Revenues," by deleting the line reading: "Charter___07___07" and inserting the following:

Charter—exclusive passenger____07.1____07.1
Charter—property and other____07.2____07.2

74. By adding the following paragraph in § 241.24, to the instructions for Schedule P–3:

(e) In cases where more than one reporting entity is embraced within a singel corporate entity the composition of income taxes to be reported on this schedule may be reported for the corporate entity as a whole in the report filed for any one reporting entity. This practice may be followed only on the condition that the corporate scope of reported data is noted on the applicable report and the reports of other entities carry appropriate cross-references thereto. The exercise of this option in no way alters the requirement that income taxes applicable to each reporting entity shall be reported on Schedule P–1, Income Statement.

75. By amending in § 241.24 the second and third sentences of paragraph (d) of the instructions for Schedules P–5.1 and P–5.2 to read as follows:

However, each air carrier may group on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose two groups, with subdivision as between fixed wing and rotary wing aircraft types, and between reciprocal engine, turbo-jet and turbo-prop aircraft types are established as follows:

(1) single engine aircraft with maximum continuous horsepower of 300 or under; (2) single engine aircraft with maximum continuous horsepower of 301 to 450, inclusive.

76. By amending § 241.24 paragraph (b) of the instructions for Schedule P–41, to read: "A single set of this schedule shall be filed for the over-all corporate or other legal entity comprising the air carrier", and by deleting from Schedule P–41, incorporated herein by reference, columns 2, 3, and 4 and the general headings therefor entitled "Taxing Authority."

77. By inserting in § 241.25 immediately after the heading *Traffic and Capacity Elements*, the following:

GENERAL INSTRUCTIONS

(a) The prescribed reporting for traffic and capacity elements is designed to reflect, on a uniform basis, the physical factors related to air transport operations as actually conducted. Schedules T–1 through T–7, reflecting traffic carried, capacity operated and other operating statistics, correlate similar information for the various services regardless of the schedule on which reported. The four-letter codes used on Schedules T–1, T–2 and T–3 are systematically assigned for each item of information to facilitate use of the data irrespective of the schedule in which they appear. Thus, the first digit of the four-letter code denotes basic class of service; e.g. 1xxx indicates Scheduled First-class Service, 2xxx Scheduled Coach Services, 8xxx Nonscheduled Services and 9xxx All Services. The second digit denotes the basic operating element involved; e.g. x0xx indicates passenger count, x1xx passenger-miles and x9xx unclassified. The last two digits denote the particular detailed operating element involved; e.g., xx11 indicates first class passengers/passenger seats, xx18 nonrevenue passenger, and xx31 through xx53 non-passenger revenue traffic classes.

(b) When the same item is required to be reported on a monthly, quarterly and/or 12-month basis, the 12-month total shall agree with the sum of the quarterly or monthly data reported for the 12-month period, and the quarterly total shall agree with the sum of the monthly data reported in the quarter, whether the data are reported on the same or different schedules.

(c) All statistics to be reported on these schedules shall be compiled in accordance with the definitions set forth in § 241.03, "Definitions for purposes of this System of Accounts and Reports." In principle, all statistics possessing a common root shall be measured on a consistent basis in terms of their common elements. Thus, all passenger-mile, seat-mile, ton-mile, and aircraft mile statistics applicable to a particular service or operation shall be compiled on a direct airport-to-airport mileage basis in terms of a consistent measurement of aircraft movement by flight stages. Similarly, all scheduled mileages and all scheduled departures shall be compiled as each flight is scheduled to be performed pursuant to the air carrier's published flight schedules while scheduled miles performed and scheduled departures performed shall both be compiled in accordance with the pattern through which each point scheduled for service is actually served. Consistent with this principle, all statistics pertaining to actual operations shall be compiled in terms of each flight stage as actually performed.

(d) As a general rule, the traffic and capacity measurements to be reported on these schedules are designed to represent the physical operations reflected in the revenues and expenses, respectively, for the same period. Thus, except as separately provided for, aircraft capacity elements associated with deferred costs are not to be included in reported statistics whereas the revenue traffic elements associated with flights for which costs but not revenues are deferred shall be reported as if carried on other flights and the amounts so included shall be disclosed by footnote to the applicable item. For purposes of reporting by aircraft types on Schedules T–3 and T–4 small single engine aircraft types may be grouped in accordance with the instructions in § 241.24, Schedules P–5.1 and P–5.2, paragraph (d).

78. By adding in § 241.25, to the first sentence of paragraph (j) of the instructions for Schedule T–1, the following: "*Provided*, That with respect to operations of exclusively intra-Hawaiian and intra-Alaskan air carriers, standard passenger weights of 160 and 200 pounds, respectively, shall be used."

79. By inserting under § 241.25 *Traffic and capacity elements* the following instructions for a new Schedule T–1.1, incorporated herein by reference:

SCHEDULE T–1.1 MONTHLY STATEMENT OF TRAFFIC AND CAPACITY STATISTICS BY COMPONENT OPERATIONS

(a) This schedule is applicable to all air carrier groups.

(b) Separate sets of this schedule shall be filed for any reporting entity of the air carrier (see § 241.21(1)) which covers, in scheduled or nonscheduled services, more than one of the categories of "domestic," "territorial" or "international" operations, as defined in § 241.03. Carriers not filing Schedule T–1.1 shall add the word "exclusive" to the description of the operation in the heading of each column on Schedule T–1.

(c) Two sets of these schedules shall be filed each month for each operating entity. One set of each schedule shall reflect the indicated data applicable to the current month. The other set of each schedule shall reflect the indicated data applicable to the 12 months ended with the current month. An "x" shall be inserted in the box designated "Mo" at the head of each column of the report covering monthly data. An "x" shall be inserted in the box designated "Yr" at the head of each column of the report covering 12-month data.

(d) The indicated data shall be reported on this schedule in total for the reporting entity in Column 1 and separately in Columns 2, 3, and 4, respectively, for the "domestic", "territorial", and "international" operations, as defined in § 241.03, encompassed by such entity. All operations constituting the reporting entity as set forth in § 241.21(1), and as abbreviated in § 241.05, shall be identified in Column 1 opposite the heading "Operation". Similarly, Columns 2, 3 and 4, respectively, shall be identified with each operation, as defined in § 241.03, constituting the reporting entity. Each item on this schedule shall be reported on the same basis as the corresponding item reported on Schedule T–1. The amounts reported for each item in Column 1 under "Scheduled Services" and "Nonrevenue Flights", respectively, shall agree with the corresponding amounts reported in the first and last columns, respectively, of Schedule T–1. The amounts reported for each item in Column 1 under "Nonscheduled Services" shall agree with the sum of the corresponding amounts reported in the second and third columns of Schedule T–1.

(e) The digit after the decimal in the code assigned each item on this schedule is for CAB control purposes. "Domestic" operations are, for all items, denoted by the decimal digit "1", "Territorial" operations by the decimal digit "2" and "International" operations by the decimal digit "3". The balance of each code number corresponds to the codes assigned to corresponding items reported on Schedules T–1 and T–3, except for the prefix "8" in the code assigned nonscheduled services which represents an aggregation of "Irregular Services Excluding Charter" and "Charter Services" which have been assigned the prefixes "6" and "7" respectively, on Schedule T–1.

80. By amending, in § 241.25, the instructions for Schedule T–3 as follows:

a. By amending the second sentence of paragraph (d) to read:

Refer to § 241.24 Schedules P–5.1 and P–5.2, paragraph (d), for policy regarding the grouping of small aircraft types.

b. By inserting between the third and fourth sentences of paragraph (f) a sentence to read:

Refer to paragraph (d) of the General Instructions for reporting Traffic and Capacity Elements for policy regarding flights for which costs are capitalized.

81. By amending, in § 241.25, the instructions for Schedule T–4 in the following respects:

a. By inserting in the second sentence of paragraph (d) between the words "airport" and "used" the words "• • • including alternate airports • • •"

b. By amending paragraph (e) to append the following words: "including those scheduled on a flag stop basis."

c. By amending the second sentence of paragraph (f) to read as follows:

Do not include departures of flights operated as extra sections to scheduled flights, other departures performed but not included in column 2 "Scheduled Departures", or flag-stop departures scheduled but not actually made.

82. By inserting instructions in § 241.25, for a new report schedule incorporated herein by reference, to read as follows:

Schedule T–7—Domestic Deferred Airfreight.

(a) This schedule shall be filed by each air carrier having currently effective deferred airfreight tariffs on file with the Board.

(b) Under the heading "Deferred Airfreight Totals for Current Month", enter the total number of shipments enplaned; total weight of such shipments, in tons; total ton-miles carried and total revenues earned.

(c) In Column (1) under the subheading "Deferred Airfreight Service Provided" list the names of the ten cities originating the largest deferred airfreight tonnage; and, separately, under the subheading "Deferred Airfreight Service Not Provided" list the names of the ten cities originating the largest airfreight tonnage, at which deferred airfreight service is not provided.

(d) In Columns (2) and (4), respectively, enter the tons of deferred airfreight enplaned during the current month and for the same month last year opposite each city listed in Column (1) under the subheading "Deferred Airfreight Service Provided".

(e) In columns (3) and (5), respectively, enter the tons of regular airfreight enplaned during the current month and for the same month last year opposite each city listed in column (1) under the subheadings "Deferred Airfreight Service Provided" and "Deferred Airfreight Service Not Provided".

83. By amending § 241.26, Schedule G–42, to substitute "$20,000" for "$10,000" whenever appearing therein and by amending paragraphs (b) and (e) to read as follows:

(b) The indicated data shall be reported by name for each elective corporate officer, executive and director. Report shall also be made, by name, for management personnel receiving compensation for personal services of $20,000 or more per annum. The name of each person shall be entered in column 1 and the aggregate annual compensation and expenses, during the calendar year, of each person shall be entered in columns 5, 6, and 7 respectively.

(e) Expenses borne by the air carrier, to be reported in column 7, shall include all reimbursements to the persons listed in column 1, regardless of whether for goods or services used by the persons listed or by others; whether in the form of per diem or other allowances, or reimbursement for specific expenditures; and whether for amounts reimbursed directly to the persons listed or, except for standby hotel or other facilities maintained for the air carrier's personnel generally, indirectly through vendors who bill the air carrier directly.

84. By inserting a parenthetical phrase in § 241.27 following the name for Schedule D–1 to read: "(Memorandum of Services Included in Other Schedules)."

[F.R. Doc. 60–8452; Filed, Sept. 12, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 501]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of the gearshaft on Pratt & Whitney Turbo Wasp JT3C–6 and JT3C–7 engines with a redesigned, strengthened gearshaft to prevent failure and resultant loss of engine power.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 13, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

PRATT & WHITNEY. Applies to Turbo Wasp JT3C–7 turbojet engines prior to Serial Number P632425B and all JT3C–6 turbojet engines.

Compliance required at first engine overhaul after November 15, 1960.

To prevent failure of the bevel accessory drive gearshaft and resultant loss of engine power, replace P/N 350460 gearshaft with P/N 401493 gearshaft.

Issued in Washington, D.C., on September 6, 1960.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–8432; Filed, Sept. 12, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

TINDELL LIVESTOCK AUCTION MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting	
FLORIDA	
Tindell Livestock Auction Market, Graceville	July 26, 1960
Madison Stock Yard, Madison	July 27, 1960
NEW YORK	
Adams Commission Sales, Adams	Aug. 4, 1960
Seymours Commission Sales, De Kalb Junction	Aug. 8, 1960
Rusyniak Sales, Camillus	July 12, 1960
Dupont's Commission Auctions, Fort Plain	July 15, 1960
Dupont's Commission Auctions, Little Falls	July 15, 1960
Seymours Commission Sales, Lowville	Aug. 8, 1960
Norwich Commission Sale, Norwich	July 12, 1960
Pavilion Livestock Market, Pavilion	July 11, 1960
Raymond Gentner Commission Market, Springville	July 12, 1960
OKLAHOMA	
Pryor Livestock Commission Company, Pryor	July 6, 1960
Farmers & Ranchers Livestock Commission, Wister	July 11, 1960
SOUTH CAROLINA	
Jno. C. Taylor Stockyards, Anderson	May 2, 1960
York County Stockyard, Inc., York	June 2, 1960
VIRGINIA	
Allegheny County Livestock Market, Inc., Covington	July 1, 1960

Done at Washington, D.C., this 8th day of September 1960.

DONALD L. BOWMAN,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60–8460; Filed, Sept. 12, 1960; 8:48 a.m.]

EUREKA SALES CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

Name of Stockyard and Date of Posting	
Eureka Sales Company, Eureka Springs, Ark	Dec. 13, 1958
Producers Cooperative Livestock Exchange, Statesboro, Ga	May 14, 1959
Pullen Auction Company, Metropolis, Ill	Nov. 27, 1959
Lynn Walters Auction City, Clackamas, Oreg	Sept. 22, 1959
Union Stock Yards, Seattle, Wash	Nov. 1, 1921

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 8th day of September, 1960.

DONALD L. BOWMAN,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60–8459; Filed, Sept. 12, 1960; 8:48 a.m.]

DAMERON LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Dameron Livestock Auction, Vienna, Ill.
Southeastern Stockyards, Inc., Laurel, Miss.
Thomas Commission Stables, Malone, N.Y.
Rumsey's Dairy Cattle Sales Stable, Whitesville, N.Y.
Herndon's Stock Yards, Inc., Fairfax, S.C.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of September 1960.

DONALD L. BOWMAN,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60–8458; Filed, Sept. 12, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SEA-LAND OF PUERTO RICO AND WATERMAN STEAMSHIP CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8536, between Sea-Land of Puerto Rico and Waterman Steamship Corporation, covers the transportation of general cargo under through bills of lading from Japan, China (including Hong Kong), Philippines, and Korea to Puerto Rico, with transshipment at New York.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 7, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–8431; Filed, Sept. 12, 1960; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION V (FORT WORTH)

Designation

Pursuant to the Housing and Home Finance Administrator's delegation of authority to Regional Administrators, effective as of the 1st day of April, 1960 (25 F.R. 3438, April 20, 1960), the following officers of Region V are hereby designated to act in the place and stead of the Regional Administrator for Region V, with the title of "Acting Regional Administrator," and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness, or other cause:

(1) Deputy Regional Administrator.

(2) Regional Director of Urban Renewal.

(3) Regional Director of Community Facilities Activities.

(4) Regional Economist.

Effective as of the 30th day of August, 1960.

[SEAL] JOHN A. FOSTER,
Regional Administrator,
Region V.

[F.R. Doc. 60-8449; Filed, Sept. 12, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Order Specifying Issues

Supplementing the Notice of Hearing heretofore issued on August 9, 1960, providing for a hearing to commence at 10:30 a.m. in the auditorium of the headquarters of the Atomic Energy Commission at Germantown, Maryland, on September 26, 1960, the issues to be considered at the said hearing will include the following:

1. Whether or not based on the full rated power tests and other previous reactor operations, there is reasonable assurance that the reactor can be operated at 630 megawatts (thermal) without endangering the health and safety of the public.

2. Whether or not Commonwealth Edison Company is technically qualified to assume full responsibility for operation of the facility.

3. Whether or not an operating license for the full term of years requested in the application should not be issued; and

4. Whether, pursuant to Section 184 of the Atomic Energy Act, Commission consent shall be given to the creation of the proposed mortgage lien upon the licensed facility and materials at the Dresden Nuclear Power Station as requested in the applicant's letter to the Commission dated August 30, 1960.

Issued: September 6, 1960, Germantown, Maryland.

SAMUEL W. JENSCH,
Chief Hearing Examiner.

[F.R. Doc. 60-8429; Filed, Sept. 12, 1960, 8:45 a.m.]

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to North American Aviation, Incorporated, a facility license substantially as set forth below authorizing the possession and operation on the licensee's site in Ventura County, California, of a separable-half type critical experiments facility at power levels not exceeding 200 watts (thermal). Prior to issuance of the license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPCX-15. Petitions for leave to intervene or requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by North American Aviation, Incorporated and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland, this 7th day of September, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing & Regulation.

PROPOSED LICENSE

1. This license applies to the separable-half type critical experiments facility (hereinafter referred to as "the reactor") which is owned by North American Aviation, Incorporated and located on the corporation's site in Ventura County, California, and described in the application dated August 18, 1959, and amendments thereto dated September 11, 1959, April 20, 1960 and June 28, 1960 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPCX-15 issued to North American Aviation, Incorporated and will operate in conformity with the application and in conformity with the Act and with the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. North American Aviation, Incorporated is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the source material, byproduct material and special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. North American Aviation, Incorporated has filed with the Commission proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses North American Aviation, Incorporated:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Ventura County, California, in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use special nuclear material as follows:

(1) 25 kilograms of uranium-233 and 110 kilograms of uranium-235 as fuel for the reactor;

(2) 135 grams of uranium-233, 1,135 grams of uranium-235, and 135 grams of plutonium-239 in foils and capsules for use in connection with operation of the reactor;

(3) 0.5 gram each of uranium-233, uranium-235 and plutonium-239 in fission counters for use in connection with operation of the reactor; and

(4) 32 grams of plutonium in encapsulated neutron sources for use in connection with operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, "Control of Source Material," to receive, possess and use source material as follows:

(1) 656 kilograms of thorium-232 for use in the core and buffer regions of the reactor;

(2) 700 grams of natural uranium in foils and capsules for use in connection with operation of the reactor; and

(3) 0.5 gram each of uranium 234, uranium 236, and uranium 238 in fission counters for use in connection with operation of the reactor.

D. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to receive, and use 0.5 gram of neptunium-237 in fission counters for use in connection with operation of the reactor and to possess but not to separate such byproduct materials as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 40.24 of Part 40, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. North American Aviation, Incorporated, shall not operate the reactor at power levels in excess of 200 watts (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, North American Aviation, Incorporated, shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of North American Aviation, Incorporated, as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. North American Aviation, Incorporated, shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight December 24, 1979.

For the Atomic Energy Commission.

[F.R. Doc. 60-8430; Filed, Sept. 12, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E-15748]

[Docket 11767]

ALOHA AIRLINES, INC. AND HAWAIIAN AIRLINES, LTD.

Proposed Fare Increases; Order of Investigation and Suspension

Aloha Airlines, Inc. (Aloha)[1] and Hawaiian Airlines, Limited (Hawaiian)[2] have filed tariff revisions proposing general increases in their passenger fares to be effective September 12, 1960. These revisions provide that each one-way fare be increased by four percent plus $1.00 and be further increased so that each basic fare plus Federal transportation tax will be in the exact multiples of 50 cents. Hawaiian estimates that the effect of its proposal will be to effect an average increase in its passenger fares of 12.4 percent.

The Board has reviewed these fare proposals, the materials submitted in support thereof, and the carriers' reported operating and financial data. The Board has also considered the earnings' standards which it announced in the General Passenger Fare Investigation, Docket 8008[3] and which it established in the Rate of Return Local Service Carriers Investigation, Docket 8404.[4]

On the basis of all available data, we conclude that the carriers' tariff proposals call for greater fare increases than appear warranted, that the proposed fares may therefore be unjust or unreasonable, and that we should order an investigation thereof. We further find that pending such investigation, hearing, and decision by the Board, such tariffs should be suspended and their use deferred.

Based upon the same considerations, the Board has determined that it will permit tariffs to become effective which provide for a general fare increase not to exceed 10 percent. We do not decide whether such increase may be effected by an across-the-board percentage change, by a fixed amount per ticket, or by some other formula. We believe that this increase should afford these carriers the opportunity to realize a return on investment of approximately 11 percent and that such earnings are reasonable for Aloha and Hawaiian.

Accordingly, pursuant to sections 204(a) and 1002 of the Federal Aviation Act of 1958:

It is ordered, That: 1. An investigation be and hereby is instituted to determine whether the passenger fares on 26th Revised Page 11 of Aloha Airlines, Inc.'s C.A.B. No. 3 (Trans-Pacific Airlines, Ltd. Series) and the passenger fares on 14th Revised Page 17 of Hawaiian Airlines, Limited's C.A.B. No. 11, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares.

2. Pending investigation, hearing, and decision by the Board, the passenger fares on 26th Revised Page 11 of Aloha Airlines, Inc.'s C.A.B. No. 3 (Trans-Pacific Airlines, Ltd. Series) and the passenger fares on 14th Revised Page 17 of Hawaiian Airlines, Limited's C.A.B. No. 11, be and hereby are suspended and their use deferred to and including December 10, 1960, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with the tariffs suspended and copies be served upon Aloha Airlines, Inc. and Hawaiian Airlines, Limited, which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.[5]

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-8453; Filed, Sept. 12, 1960; 8:47 a.m.]

[1] C.A.B. No. 3.
[2] C.A.B. No. 11.
[3] Release CAB 6-10, April 29, 1960.
[4] Order E-15696, August 26, 1960.
[5] Concurring statement by G. Joseph Minetti filed as part of original document.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HARD FIBER CORDAGE AND TWINE PRODUCTS

Investigation of Imports

Notice is hereby given, in accordance with the provisions of section 8 of the Trade Agreements Extension Act of 1958 and OCDM Regulation No. 4, that the Director of the Office of Civil and Defense Mobilization has ordered an investigation to be undertaken to determine whether or not hard fiber cordage and twine products are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. In a previous investigation, concluded in May 1958, a determination was made that no threat to national security then existed. The current investigation will be concerned primarily with developments affecting cordage imports and the domestic industry since May 1958.

Dated: September 7, 1960.

LEO A. HOEGH,
Director, Office of
Civil and Defense Mobilization.

[F.R. Doc. 60-8447; Filed, Sept. 12, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-3890, 60-22]

KENTUCKY POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Filing and Notice of and Order for Hearing on Application Regarding Issuance of Notes to Banks; Notice of and Order Instituting Proceeding and Directing Hearing and Order Consolidating Such Proceedings

SEPTEMBER 6, 1960.

In the matter of Kentucky Power Company, File No. 70-3890; American Electric Power Company, Inc., Kentucky Power Company, File No. 60-22.

I. Notice is hereby given that Kentucky Power Company ("Kentucky"), a public-utility subsidiary of American Electric Power Company, Inc. ("American"), a registered holding company, has filed with this Commission an application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposal to issue and sell to banks not to exceed an aggregate face amount of $40,000,000 of unsecured notes, and has designated section 6 of the Act and Rule 50 of the general rules and regulations promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application and the amendment thereto on file at the office of the Commission for a statement of the transac-

tions therein proposed and related facts, which are summarized as follows:

(a) Pursuant to a Credit Agreement dated April 1, 1960, between Kentucky and four banks, Kentucky proposes, from time to time prior to December 31, 1962, to issue promissory notes to such banks up to the amounts of their several commitments, not to exceed an aggregate of $40,000,000, to the extent that, at each issuance of notes, the total principal amount of all indebtedness of Kentucky for borrowed money (other than certain specific types of indebtedness) does not, after giving effect to the issuance of such notes and the application of the proceeds thereof, exceed 65 percent of the capitalization of Kentucky, as defined in the Credit Agreement.

(b) As so defined, the capitalization of Kentucky includes an amount of $766,249, as of May 31, 1960, identified in the company's balance sheet as of that date, filed as part of the application herein, as "Earned Surplus Restricted for Future Federal Income Taxes."

(c) The names of the banks and the maximum amounts of their respective commitments are as follows:

Irving Trust Co.	New York, N.Y.	$10,000,000
Continental Illinois National Bank and Trust Co. of Chicago.	Chicago, Ill.	10,000,000
The Hanover Bank	New York, N.Y.	10,000,000
Manufacturers Trust Co.	New York, N.Y.	10,000,000
		40,000,000

(d) Each promissory note will be dated when issued, and will mature December 31, 1965, and, during the periods in which the borrowings are made, the interest rate on the notes will be ¼ of 1 percent plus the prime rate for commercial loans from time to time charged by Irving Trust Company, which interest rate shall change whenever such prime rate shall change, thirty days after the effective date of such change.

(e) After the earlier of December 31, 1962, or the date when an aggregate of $40,000,000 has been borrowed, the interest rate on the promissory notes will be ½ of 1 percent plus the prime rate for commercial loans from time to time charged by Irving Trust Company, which interest rate shall change whenever such prime rate shall change, thirty days after the effective date of such change, and, until December 31, 1962, substitute interest will be paid on the daily average unused amount of the commitment at the rate of ¼ of 1 percent per annum.

(f) The promissory notes will be prepayable, at any time, in whole or in part, in the amount of $100,000 or multiples thereof, without premium, unless prepayment is made from the proceeds of, or in anticipation of, bank borrowings at an interest rate equal to or less than the then applicable interest rate on the notes, in which event there will be payable a premium computed at the rate of ¼ of 1 percent per annum on the amount of the prepayment for the unexpired term thereof.

(g) Kentucky states that it will use $5,100,000 of the proceeds from the notes to pay a like face amount of outstanding notes held by banks, and that the remainder of such proceeds will be applied to the payment of the costs, estimated at approximately $41,000,000, of a new 265,000-kilowatt generating plant and related transmission facilities, which plant and facilities it is contemplated will be placed in service in 1962.

(h) Kentucky states that it has been advised by American that it is its intent to supply capital funds to Kentucky in 1962, either by a capital contribution or the purchase of additional shares of Kentucky's common stock, to the extent, not exceeding $7,000,000 in the aggregate, required to enable Kentucky to complete the proposed bank financing and permitted by regulatory authorities having jurisdiction over Kentucky and American.

(i) The filing indicates that the notes are to be paid from the proceeds of a public financing to be effectuated prior to December 31, 1965, the maturity date of the notes.

(j) The Public Service Commission of Kentucky has approved the issue and sale of the promissory notes, pursuant to the terms of the Credit Agreement.

II. The Commission has been advised by its Division of Corporate Regulation that it has made a preliminary examination of the aforesaid application filed July 20, 1960, and an amendment thereto filed August 19, 1960 (File No. 70-3890), and that the consolidated balance sheet of American and its subsidiaries, as of March 31, 1960, filed as a part of said amendment contains an amount of $86,976,332 identified as "Earned Surplus Restricted for Future Federal Income Taxes," and that the corporate balance sheet of Kentucky as of the same date filed as a part of said amendment contains an amount of $731,441 identified in the same manner. The Statement of Administrative Policy Regarding Balance Sheet Treatment of Credit Equivalent to Reduction of Income Taxes issued by the Commission (Holding Company Act Release No. 14173, February 29, 1960) advised all persons that after April 30, 1960, the effective date of such statement of administrative policy, any financial statements filed with the Commission in which the accumulated tax credit is designated as earned surplus (or its equivalent) or in any manner as a part of equity capital (even though accompanied by words of limitation such as "restricted" or "appropriated") will be presumed by the Commission to be misleading or inaccurate, despite disclosure contained in the certificate of the accountant or in footnotes to such financial statements, provided the amounts involved are material. It appears, therefore, that the financial statements filed as a part of the application and as a part of said amendment do not conform with said statement of administrative policy.

It appears to the Commission, in the light of the foregoing, that it is appropriate in the public interest and for the protection of investors and consumers that a hearing be held in respect of Kentucky's application as amended, and that the same not be granted except pursuant to further order of the Commission; and that a proceeding be instituted with respect to Kentucky and American pursuant to sections 6(b) and 20(a) of the Act for the purpose of determining what action, if any, should be taken in respect of the corporate and consolidated financial statements filed as part of the application, as amended, of Kentucky.

III. It further appears to the Commission that common issues of fact and law are presented by the matters stated in Parts I and II hereof and that the evidence in respect of such matters will or may have a bearing on each other, and that time and expense will be saved if the proceedings are consolidated for hearing:

It is ordered, Pursuant to the applicable provisions of the Act and the Rules and Regulations promulgated thereunder, that a hearing in respect of Kentucky's application, as amended, be held.

It is further ordered, That a proceeding be, and hereby is, instituted and directed to American and Kentucky, pursuant to sections 6(b) and 20(a) of the Act with respect to the application of the Commission's Statement of Administrative Policy Regarding Balance Sheet Treatment of Credit Equivalent to Reduction in Income Taxes promulgated thereunder to the corporate and consolidated financial statements filed as part of the application, as amended, of Kentucky.

It is further ordered, That the proceeding in respect of Kentucky's application, as amended, and the proceeding instituted pursuant to section 6(b) and 20(a) of the Act be, and they hereby are, consolidated for the purpose of hearing and disposition, without prejudice to the right of the Commission, as it deems appropriate, to sever any of the issues for disposition, for which purpose jurisdiction is hereby reserved.

It is further ordered, That Kentucky and American shall file an answer or answers with the Secretary of the Commission, Washington 25, D.C., on or before September 21, 1960, directed to the allegations and statements contained in Part I(b) and Part II hereof, in the form prescribed by Rule 25 of the Rules and Regulations promulgated under the Act, and that any of such allegations and statements which is not denied or otherwise controverted shall be deemed admitted for the purpose of these proceedings.

It is further ordered, That a hearing in the consolidated proceeding be held on the 3d day of October, 1960, at 10:00 a.m., at the office of the Commission, 425 Second Street NW., Washington, D.C., in such room as may be designated on such date by the hearing room clerk. Any person desiring to be heard, or otherwise to participate, in the consolidated proceeding shall file with the Secretary of the Commission, Washington 25, D.C., on or before the 21st day of September, 1960, a request therefor, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That Irving Schiller or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to the Commission under section 18(c) of said Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission has further advised the Commission that, upon the basis of its preliminary examination of the application and the amendment thereto and related documents, the following matters and questions are specified for consideration at the hearing, without prejudice to the designation of additional matters and questions upon further examination:

1. Whether, in accordance with section 6(b) of the Act, the proposed issue and sale by Kentucky of not to exceed $40,000,000 face amount of its unsecured promissory notes are solely for the purpose of financing its business, and have been expressly authorized by the State commission of the State in which Kentucky is organized and doing business.

2. In connection with any grant of exemption with respect to the application, as amended, of Kentucky for the issue and sale of $40,000,000 face amount of its promissory notes, what terms and conditions, if any, should be imposed in the public interest or the interest of investors or consumers regarding (a) the relative relationships of the total principal amount of debt securities of Kentucky and its common stock capital and surplus, and the relative relationships of (i) the consolidated principal amount of the debt securities of American and its subsidiary companies, as augmented by the face amount of the promissory notes herein proposed to be issued by Kentucky, (ii) the consolidated preferred stock capital and premiums thereon, and (iii) the consolidated common stock capital, premiums thereon, and surplus, of American and its subsidiary companies; (b) the interest rate proposed to be paid by Kentucky on the promissory notes proposed to be issued and sold; (c) the fees and expenses proposed to be paid by Kentucky; and (d) the corporate financial statements of Kentucky filed with this Commission in File No. 70-3890, particularly with respect to the inclusion in such financial statements of the item designated "Earned Surplus Restricted for Future Federal Income Taxes" in light of the Commission's Statement of Administrative Policy Regarding Balance Sheet Treatment of Credit Equivalent to Reduction in Income Taxes (Holding Company Act Release No. 14173, February 29, 1960).

3. Whether the consolidated financial statements of American and its subsidiary companies filed with this Commission in File No. 70-3890 should be required to be amended so as to be in conformity with the Commission's Statement of Administrative Policy Regarding Balance Sheet Treatment of Credit Equivalent to Reduction in Income Taxes (Holding Company Act Release No. 14173, February 29, 1960).

4. Whether, if the corporate financial statements of Kentucky are found not to be in conformity with the Commission's Statement of Administrative Policy Regarding Balance Sheet Treatment of Credit Equivalent to Reduction in Income Taxes (Holding Company Act Release No. 14173, February 29, 1960) and the Commission requires conformity therewith insofar as filing with the Commission is concerned, the Commission, pursuant to the provisions of Rule 100(a) of the Commission's Rules and Regulations promulgated under the Act, should exempt Kentucky from the requirements of Rule 28 under the Act insofar as such Rule would prohibit Kentucky from distributing its financial statements to the lending banks in a form inconsistent with statements required to be filed with the Commission.

It is further ordered, That at the hearing attention shall be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this notice and order by registered mail to American Electric Power Company, Inc., Kentucky Power Company, the Public Service Commission of Kentucky and the Federal Power Commission; that notice be given to all other persons by the publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of the proceeding be issued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8436; Filed, Sept. 12, 1960; 8:46 a.m.]

[File No. 812-1320]

NEW ENGLAND FUND

Notice of Filing of Application Under Section 6(c) for Order Exempting From Section 22(d) Sale by Open-End Company of Its Shares at Other Than the Public Offering Price in Exchange for Assets of Private Investment Company

SEPTEMBER 2, 1960.

Notice is hereby given that New England Fund ("New England"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Seaboard Transportation Company ("Seaboard") on the basis set forth below.

Shares of New England, a Massachusetts common law trust, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of May 16, 1960, the net assets of New England amounted to $14,680,438.17.

Seaboard, a Massachusetts Corporation, is a personal holding company with nine stockholders which engages in the business of investing and reinvesting its funds. Seaboard is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between New England and Seaboard, substantially all of the cash and securities of Seaboard, with a total value of $2,024,503.38 as of May 16, 1960, will be transferred to New England in exchange for shares of stock of New England. The shares acquired by Seaboard are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of New England to be delivered to Seaboard will be determined by dividing the net asset value per share of New England in effect at the closing time into the value of the Seaboard assets to be exchanged.

The value of the assets of Seaboard will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of New England's shares. Since the exchange will be tax free for Seaboard and its shareholders, New England's cost basis for tax purposes on the assets acquired from Seaboard will be the same as for Seaboard, rather than the price actually paid by New England for the assets.

Of the assets to be acquired from Seaboard, New England intends to sell immediately on acquisition securities which had a market value of $60,288 as of May 16, 1960, and the sale of which on that date would have resulted in a gain of $9,676. New England intends to retain for investment the balance of securities acquired from Seaboard, on which there was an unrealized gain of $1,033,863 as of May 16, 1960, or 51.07 percent of the total assets acquired from Seaboard. As of the same date the undistributed net realized gains of New England amounted to $319,788 and its unrealized appreciation was $1,486,279 or 12.30 percent of its total net assets. Had the proposed acquisition been consummated as of May 16, 1960, the amount of unrealized appreciation applicable to the present shareholders of New England would have been $2,214,701, an increase of $728,422, and the amount of undistributed realized capital gain applicable to the present New England shareholders, including that to be realized from the immediate sale of securities acquired from Seaboard would have been $289,533, a decrease of $30,255.

In order to protect the present shareholders of New England from possible adverse tax consequences of the increase in unrealized appreciation applicable to them as a result of the exchange, it has been agreed that the value of Seaboard's assets will be reduced by 12½ percent of such increase calculated on a pro forma basis as of the closing time. The above deduction will be offset by 17½ percent of the reduction in undistributed realized gains of New England applicable to its present shareholders, in recognition of the fact that this reduction relieves the present shareholders of New England of an immediate tax burden. The application states that the rate of 17½ percent for this purpose was agreed to as fair and equitable. Since there is no way of knowing the exact capital gains tax bracket of New England's shareholders, it was presumed, that they fall on the average in the bracket midway between 10 percent, the lowest bracket, and 25 percent, the highest bracket or at 17½ percent. If the exchange date had been on May 16, 1960,

the above adjustments would have resulted in a deduction of $85,759 from Seaboard's assets.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between New England and Seaboard.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of New England are to be issued to Seaboard at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 16, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8437; Filed, Sept. 12, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 8, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36543: *Substituted service—L&N and PRR for Super Service Motor Freight Company, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 35), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chattanooga and Nashville, Tenn., on the one hand, and Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 12 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1071.

FSA No. 36544: *Substituted service—C&EI and L&N for Super Service Motor Freight Company, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 25), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Chattanooga and Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 224.

FSA No. 36545: *Substituted service—L&N for Super Service Motor Freight Company, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 26), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between East St. Louis, Ill., on the one hand, and Chattanooga and Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 224.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8440; Filed, Sept. 12, 1960; 8:46 a.m.]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 378]

SEPTEMBER 8, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63527. By order of September 7, 1960, The Transfer Board approved the transfer to John Haggard, Jr., doing business as Haggard Heavy Hauling, Kansas City, Mo., in Certificates Nos. MC 44735 and MC 44735 Sub 1, issued January 22, 1953 and January 12, 1960, respectively, to Kissick Transfer Company, Inc., Kansas City, Mo., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 10 miles of Kansas City, Kans., those within 10 miles of Kansas City, Mo., and those within 10 miles of North Kansas City, Mo., and between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, Mo., not within said Commercial Zone, heavy machinery and construction materials, between points in Missouri and Kansas, and grain, grain products, and manufactured mill feeds, in packages, from East St. Louis, Ill., to St. Charles, Mo., and points in St. Louis County, Mo., Walter V. Huston, 4105 Main Street, Kansas City 11, Mo., for applicants.

No. MC–FC 63531. By order of September 7, 1960, The Transfer Board approved the transfer to Kissick Transfer Company, Inc., Kansas City, Mo., in Certificate No. MC 119738, issued June 14, 1960, to John Haggard, Jr., doing business as Haggard Heavy Hauling, Kansas City, Mo., authorizing the transportation, over irregular routes, of heavy machinery, construction materials, supplies and equipment, junk, and fencing materials, between Kansas City, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Nebraska, and Oklahoma. Walter V. Huston, 4105 Main Street, Kansas City 11, Mo., for applicants.

No. MC–FC 63537. By order of September 7, 1960, The Transfer Board approved the transfer to Capital Transportation & Crating Corp., Brooklyn, N.Y., in Certificate No. MC 106370, issued June 13, 1951, to Nicholas Mastranda, New York, N.Y., authorizing the transportation of uncrated store fixtures and uncrated hotel and restaurant equipment, over irregular routes, between points in the New York City Commercial Zone as defined by the Commission, in New York, N.Y., Commercial Zone, 1 M.C.C. 665, and 2 M.C.C. 191, on the one hand, and on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Martin Werner, 2 West 45th Street, New York 36, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8441; Filed, Sept. 12, 1960; 8:46 a.m.]

[Ex Parte No. 223]

INCREASED FREIGHT RATES, 1960

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of September A.D. 1960.

It appearing that on September 7, 1960, substantially all of the Class I railroads and many other railroads filed schedules of increased freight rates and charges under authority of section 6 of the Interstate Commerce Act and Special Permission Order No. 88884 issued by the Commission, said tariff schedules to become effective October 24, 1960, subject to possible investigation and suspension by the Commission as provided by the Interstate Commerce Act;

It further appearing that on September 7, 1960, the above railroads filed a petition requesting the issuance of orders granting relief from others outstanding in previous cases, for relief from section 4 of the Act, and for all other relief necessary to permit the aforesaid schedules to go into effect without suspension but subject to the condition that refund be made in the event that, after full investigation, no increase or a lesser increase than that set forth in the schedules is allowed with respect to particular rates; and also asking that the Commission grant all final relief, after complete investigation, necessary to the changing of the aforesaid increased rates and charges;

It is ordered, That under section 4 of the Administrative Procedure Act (5 U.S.C. § 1003), sections 4, 6, 15, and 15a of the Interstate Commerce Act (49 U.S.C. sections 4, 6, 15, and 15a) any person may submit statements properly verified, with or without exhibits attached, in the following manner:

(a) *Statements in support of petition and in justification of proposed tariffs.* An original and 24 copies of statements in support of the petition shall be furnished to the Commission, and a copy served upon each party of record in Ex Parte No. 212, and one copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. A list of the addresses of the Regional Offices and Regional Managers is attached hereto as Appendix A. Such statements must be filed on or before September 21, 1960. A copy of such statements shall be furnished to any interested person upon request.

(b) *Statements not in support of petition and of the proposed tariffs.* An original and 24 copies of statements in opposition to the petition, or not in support of the petition, shall be furnished to the Commission, and 25 copies shall be furnished to Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D.C., for the railroads. One copy of such statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. These statements must be filed on or before October 10, 1960. A copy shall be furnished to any interested person upon request. Statements should specify the particular order or orders of the Commission the modification of which is objected to, and the reasons therefor.

(c) *Statements in reply.* Statements in reply must be filed on or before October 17, 1960, and an original and 24 copies must be furnished to the Commission. The person whose verified statement is being replied to shall be served with a copy of the reply by first-class mail, and a copy of each verified reply statement shall be sent to each of the Regional Offices of the Commission where it will be open to public inspection. A copy shall be furnished to any interested party upon request.

(d) *Oral argument.* An oral argument will be held before the Commission at its offices in Washington, D.C., beginning at 10:00 o'clock a.m., October 18, 1960. Any person desiring to participate in oral argument should request an allotment of time as provided by the Commission's general rules of practice. The oral argument will include the issues of whether to grant the relief requested in the above-referred-to petition, and whether to suspend the proposed tariff schedules in whole or in part.

(e) *Protests* against the proposed tariff schedules may also be filed as provided by § 1.42 of the Commission's general rules of practice. Such protests need not be in the form of affidavits. It is requested that 25 copies of such protests be furnished to Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D.C., for the railroads.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

INTERSTATE COMMERCE COMMISSION REGIONAL OFFICES

Region 1

Territory: Maine, New Hampshire, Vermont, Rhode Island, Massachusetts.
Headquarters: Boston 8, Mass., 14–17 Court Square.
In charge: George R. Nuzum, Regional Manager.

Region 2

Territory: New York, New Jersey, Connecticut.
Headquarters: New York 13, N.Y., Room 1111, 346 Broadway.
In charge: Thomas L. McClelland, Regional Manager.

Region 3

Territory: Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia.
Headquarters: Philadelphia 6, Pa., 800 U.S. Custom House, Second and Chestnut Streets.
In charge: James B. Weber, Regional Manager.

Region 4

Territory: Western Pennsylvania, Ohio, West Virginia.
Headquarters: Columbus 15, Ohio, 236 New Post Office Building, 85 Marconi Boulevard.
In charge: Roy M. Snetzer, Regional Manager.

Region 5

Not active.

Region 6

Territory: Georgia, Florida, Alabama, North Carolina, South Carolina.
Headquarters: Atlanta 8, Ga., 680 West Peachtree Street NW.
In charge: William Addams, Regional Manager.

Region 7

Territory: Kentucky, Tennessee, Mississippi.
Headquarters: Nashville 3, Tenn., 706 U.S. Court House, 801 Broadway.
In charge: Edward A. Moynihan, Regional Manager.

Region 8

Territory: Indiana, Illinois, Michigan.
Headquarters: Chicago 7, Ill., 852 U.S. Custom House Building, 610 South Canal Street.
In charge: James J. Werner, Regional Manager.

Region 9

Territory: Wisconsin, Minnesota, North Dakota, South Dakota.
Headquarters: Minneapolis 1, Minn., 623 Metropolitan Building, Second Avenue South and Third Street.
In charge: William E. Hustleby, Regional Manager.

Region 10

Territory: Iowa, Missouri, Nebraska, Kansas.
Headquarters: Kansas City 6, Mo., 1100 Federal Office Building, 911 Walnut Street.
In charge: H. Joseph Simmons, Regional Manager.

Region 11

Not active.

Region 12

Territory: Texas, Oklahoma, Arkansas, Louisiana.
Headquarters: Fort Worth 2, Tex., 816 Texas & Pacific Building, Throckmorton and Lancaster Streets.
In charge: Bernard H. English, Regional Manager.

Region 13

Territory: Wyoming, Colorado, New Mexico, Utah, Montana.
Headquarters: Denver 2, Colo., 502 Denham Building, 635–18th Street.
In charge: Bert L. Penn, Regional Manager.

Region 14

Not active.

Region 15

Territory: Oregon, Washington, Idaho.
Headquarters: Portland 5, Oreg., 538 Pittock Block, 921 SW. Washington Street.
In charge: Frank E. Landsburg, Regional Manager.

Region 16

Territory: Arizona, California, Nevada.
Headquarters: San Francisco 5, Calif., 602 Sheldon Building, 9 First Street.
In charge: Marvin W. Van Cleave, Regional Manager.

[F.R. Doc. 60-8442; Filed, Sept. 12, 1960; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 7, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36537: *Substituted service—Wab. and Erie for Spector Freight Sys-*

tem, Inc. Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 157), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Decatur and East St. Louis, Ill., and Kansas City, Mo., on the one hand, and Jersey City, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

FSA No. 36538: *Substituted service—PRR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 33), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kearny, N.J., and Youngstown, Ohio, also between East St. Louis, Ill., and Cincinnati, Ohio, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 10 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 36539: *Sugar—Western points to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-7885), for interested rail carriers. Rates on sugar, beet or cane, dry or liquid, in carloads or tank-car loads, as described in the application, from points in Colorado, Idaho, Oregon, Utah and Wyoming, to Dallas, Fort Worth, Garland and Great Southwest, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 53 to Southwestern Freight Bureau tariff I.C.C. 4057.

FSA No. 36541: *T.O.F.C. service—Between official territory and Minnesota points.* Filed by Western Trunk Line Committee, Agent (No. A-2140), for interested rail carriers. Rates on various commodities moving on class rates loaded in or on trailers and transported on railroad flat cars between points in official territory (excluding Illinois), on the one hand, and Bovey, Chisholm, Grand Rapids, Hibbing and Virginia, Minn., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 38 to Western Trunk Line Committee tariff I.C.C. A-4281.

FSA No. 36542: *Sugar—Louisiana points to Garland, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7886), for interested rail carriers. Rates on sugar, beet or cane, in carloads, from specified points in Louisiana, to Garland, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 103 to Southwestern Freight Bureau tariff I.C.C. 4068.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36540: *Oats from and to points in WTL territory.* Filed by the Canadian National Railway Company (No. 7), jointly with the Duluth, Missabe and Iron Range Railway Company (No. 10), the Great Northern Railway Company (No. 1069), the Minneapolis, St. Paul & Sault Ste. Marie Railroad Company (No. 90), the Duluth, Winnipeg and Pacific Railway Company (No. 7), and the Northern Pacific Railway Company (No. 113), for themselves and interested rail carriers. Rates on oats, in carloads, from points in Minnesota, North Dakota, South Dakota and Wisconsin, to Duluth, Minneapolis, Minnesota Transfer, St. Paul, Minn., and Superior, Wis., and points taking the same rates.

Grounds for relief: Maintenance of through one-factor rates from named origins to destinations beyond named destinations not depressed by same competitive conditions as rates to named destinations.

Tariffs: Supplement 40 to the Canadian National Railway Company's tariff I.C.C. W-658 and schedules of other carriers named above and listed in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8408; Filed, Sept. 9, 1960; 8:47 a.m.]

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Washington, Wednesday, September 14, 1960

THE UNIVERSITY OF MICHIGAN
SEP 19 1960
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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 213, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 922.513 (Valencia Orange Regulation 213, 25 F.R. 8537) are hereby amended to read as follows:

(ii) District 2: 700,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8535; Filed, Sept. 13, 1960; 8:53 a.m.]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment for 1960–61 Fiscal Period

On August 24, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8110) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1960–61 fiscal period under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.213 Expenses and rate of assessment for the 1960–61 fiscal period.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1960, and ending June 30, 1961, both dates inclusive, will amount to $37,577.17.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at nine and one-half mills ($0.0095) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1960–61 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 8, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8536; Filed, Sept. 13, 1960; 8:53 a.m.]

[Lemon Reg. 862, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.969 (Lemon Regulation 862; 25 F.R. 8537) are hereby amended to read as follows:

(ii) District 2: 302,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 8, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8522; Filed, Sept. 13, 1960; 8:50 a.m.]

[Area No. 2]

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. a. Marketing Order No. 58, as amended (7 CFR Part 958), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 958.1 through 958.92, inclusive. Area No. 2 (San Luis Valley) Committee, established pursuant to § 958.50, has recommended regulations limiting the handling of 1960 crop potatoes. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers of potatoes in Area No. 2 in the production area.

§ 958.334 Limitation of shipments.

During the period from September 19, 1960, through June 30, 1961, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the quality and maturity requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c) and (d) of this section. The maturity requirements specified in paragraph (b) of this section shall terminate October 12, 1960.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments.* (1) the quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to the handling of potatoes for the following purposes:

(i) Livestock feed; and

(ii) Relief or charity.

(2) Potatoes may be handled for chipping if such potatoes meet the requirements of 2 inches minimum diameter and are U.S. No. 2, or better, grade, except for (i) scab and (ii) the maturity requirements of paragraph (b) of this section.

(3) Round variety potatoes may be handled for delivery to the Armed Forces of the United States if such potatoes meet the requirements of U.S. No. 2, or better, grade, and are 2 inches minimum diameter.

(4) Potatoes may be handled for export if such potatoes meet the requirements of U.S. No. 1, or better, grade, size B.

(5) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 958.6 but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(i) Prior to handling, apply for and obtain a Certificate of Privilege from the committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes handled for livestock feed pursuant to paragraph (c)(1)(i) of this section shall be mutilated so as to render such potatoes unfit for use other than as livestock feed.

(e) *Inspection.* No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 958.40, that each inspection certificate shall be valid for a period not to exceed 5 days, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(2) of this section shall be exempt from this requirement.

(f) *Definitions.* The terms "U. S. No. 2," "slightly skinned," "moderately skinned," "scab," and "size B," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 9, 1960, to become effective September 19, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 60-8538; Filed, Sept. 13, 1960; 8:53 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee for 1960–61 Crop Year and Rate of Assessment for Such Crop Year

Notice was published in the August 27, 1960, issue of the FEDERAL REGISTER (25 F.R. 8233) that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), that the Department had under consideration the proposed expenses of the Prune Administrative Committee, established under the order, for the 1960–61 crop year and a rate of assessment for that crop year. Interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals within the time limit specified in the said notice. None was filed.

After consideration of all relevant matters presented, including the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is hereby found and determined and, therefore, ordered, that the expenses of the committee and rate of assessment for the crop year beginning August 1, 1960, shall be as follows:

§ 993.311 Expenses of the Prune Administrative Committee and rate of assessment for the 1960–61 crop year.

(a) *Expenses.* Expenses in the amount of $75,350 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1960, and ending July 31, 1961, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.50(e) (Marketing Agreement No. 110), as such handler's pro rata share of the aforesaid expenses, an assessment of 55 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1960, and ending July 31, 1961.

It is hereby further found that good cause exists for not postponing the effective date hereof beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Pursuant to § 993.50(e) of the order, the rate of assessment fixed herein applies to all prunes received by handlers as the first handlers thereof during a crop year; (2) the current crop year—1960–61 crop year—extends from August 1, 1960 through July 31, 1961, and handlers are beginning to receive prunes, as the first handlers thereof, in increasing volume; (3) the committee needs to promptly obtain sufficient funds from the 1960–61 crop year assessments to defray expenses of administering the program during such crop year; (4) postponement of the effective date hereof until 30 days after publication in the FEDERAL REGISTER would tend to hinder the effective administration of the order; (5) compliance herewith will require no advance or special preparation on the part of handlers; and (6) notice of rule making with respect to the determinations made herein was published in the FEDERAL REGISTER of August 27, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 9, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 60-8537; Filed, Sept. 13, 1960; 8:53 a.m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 10, 1960 (25 F.R. 7539). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 1017.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions, pursuant to provisions of the marketing agreement and order, during the fiscal period beginning July 1, 1960, and ending June 30, 1961, will amount to $4,646.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and this part, shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated September 8, 1960, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8539; Filed, Sept. 13, 1960; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-7]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification of Amendment; Change of Effective Date

On April 30, 1960, there was published in the FEDERAL REGISTER (25 F.R. 3813) amendments to §§ 600.6069, 600.6072 and 600.6191 of the regulations of the Administrator. These amendments, to be effective October 20, 1960, modified VOR Federal airway No. 72 between Maples, Mo., and Troy, Ill., and VOR Federal airways Nos. 69 and 191 between Farmington, Mo., and Troy, Ill., concurrently with the commissioning of a VOR near Richwoods, Mo.

The commissioning date of the Richwoods VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until November 17, 1960.

Since this action imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-KC-7 is hereby modified as follows: "effective 0001 e.s.t. October 20, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8488; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 59-WA-329]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification of Amendment; Change of Effective Date

On February 2, 1960, there was published in the FEDERAL REGISTER (25 F.R. 857) an amendment to § 600.6088 of the regulations of the Administrator. This amendment, to be effective July 28, 1960, modified VOR Federal airway No. 88 between the Vichy, Mo., VOR and the Crystal City, Mo., intersection, concurrently with the commissioning of a VOR near Richwoods, Mo. On June 15, 1960, there was published in the FEDERAL REGISTER (25 F.R. 5328) a modification to this amendment changing the effective date to October 20, 1960, due to the rescheduled commissioning date of the Richwoods VOR.

The commissioning date of the Richwoods VOR has been further delayed. Therefore, it is necessary to further postpone the effective date of the abovementioned amendment until November 17, 1960.

Since this action imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-329 is hereby modified as follows: "effective 0001 e.s.t. October 20, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8487; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 60-NY-54]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Revocation of Segment of Federal Airway and Associated Control Areas

On June 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5940) stating that the Federal Aviation Agency proposed to revoke the segment of Blue Federal airway No. 21 from Ellicott City, Md., to the intersection of the north course of the Williamsport, Pa., radio range and the southwest course of the Elmira, N.Y., radio range, together with its associated control areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the notice, the following actions are taken:

1. In § 600.621 (14 CFR 600.621) the following changes are made:

(a) In the caption "*(Coles Point, Va., to Elmira, N.Y.)*." is deleted and "*(Coles Point, Va., to Baltimore, Md.)*." is substituted therefor.

(b) In the text "From the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range via the Harrisburg, Pa., radio range; Williamsport, Pa., radio range station to the intersection of the north course of the Williamsport, Pa., radio range and the southwest course of the Elmira, N.Y., radio range," is deleted.

2. In the caption of § 601.621 (14 CFR 601.621) "*(Coles Point, Va., to Elmira, N.Y.)*." is deleted and "*(Coles Point, Va., to Baltimore, Md.)*." is substituted therefor.

3. In the caption of § 601.4621 (14 CFR 601.4621) "*(Coles Point, Va., to Elmira, N.Y.)*." is deleted and "*(Coles Point, Va., to Baltimore, Md.)*." is substituted therefor.

These amendments shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 7, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8485; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 59-WA-330]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification of Amendment; Change of Effective Date

On April 8, 1960, there was published in the FEDERAL REGISTER (25 F.R. 3023) amendments to §§ 600.6426 and 601.6426 of the regulations of the Administrator. These amendments, to be effective October 20, 1960, extended VOR Federal airway No. 426 and its associated control areas from St. Louis, Mo., to Richwoods, Mo.

The commissioning date of the Richwoods VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until November 17, 1960.

Since this action imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-330 is hereby modified as follows: "effective 0001 e.s.t. October 20, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8486; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 60-FW-34]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification of Control Zone

On June 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5943) stating that the Federal Aviation Agency proposed to modify the Little Rock, Ark., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the Notice, § 601.2033 (14 CFR 601.2033) is amended to read:

§ 601.2033 Little Rock, Ark. (Adams Field), control zone.

Within a 5-mile radius of Adams Field (Lat. 34°43'45" N., Long. 92°13'45" W.); within 2 miles either side of the Little Rock VOR 141° True radial extending from the 5-mile radius zone to 12 miles SE of the VOR; and within 2 miles either side of the Little Rock ILS localizer SW course extending from the 5-mile radius zone to the ILS OM.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 7, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8492; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 60-FW-23]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification of Control Zone

On June 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5945) stating that the Federal Aviation Agency proposed to modify the Greenville, S.C., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, § 601.2145 (14 CFR 601.2145) is amended to read:

§ 601.2145 Greenville, S.C., control zone.

Within a 5-mile radius of Greenville Airport (Lat. 34°50'50" N., Long. 82°21'05" W.); within a 5-mile radius of Donaldson AFB (Lat. 34°45'00" N., Long. 82°22'00" W.), and within 2 miles either side of the 219° True bearing from the Greenville ILS OM extending from the Donaldson AFB 5-mile radius zone to 12 miles SW of the Greenville ILS OM.

This amendment shall become effective 0001 e.s.t. Novermber 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 7, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8491; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 60-WA-24]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Modification of Control Area Extension

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5538) stating that the Federal Aviation Agency proposed the modification of the Lake Charles, La., control area extension by designating an area northwest of Lake Charles as control area, and revoking a portion of the existing control area extension west of Lake Charles.

As presently designated, the Lake Charles control area extension includes the airspace 5 miles either side of the 058° True radial of the Lake Charles VOR extending from the VOR to a point 42 miles northeast. This extension coincides with the airspace assigned VOR Federal airway No. 222 and is an unnecessary duplication of designated airspace. Therefore, the Lake Charles control area extension is further modified herein by deleting this portion in the description of the area.

No adverse comments were received regarding the proposed amendments. The Air Transport Association stated that they supported the control area designation proposed, but recommended that the proposal be amended to include designation of additional control area to the north to contain off-airway air carrier routes between Lake Charles, De Ridder, La., and Shreveport, La. All such routes are presently being reviewed in a study of flight in uncontrolled airspace. The Federal Aviation Agency considers it preferable to complete this study prior to proposing control area for this purpose.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1006 (14 C.F.R. 601.1006) is amended to read:

§ 601.1006 Control area extension (Lake Charles, La.).

Within a 40-mile radius of the Lake Charles VOR, including the airspace NW of Lake Charles bounded by a line beginning on the 40-mile radius arc at Lat. 30°24'00" N, Long. 93°42'00" W; extending to Lat. 31°08'00" N, Long. 94°02'00" W; thence to Lat. 31°23'00" N, Long. 93°28'00" W; thence to the 40-mile radius arc at Lat. 30°43'00" N, Long. 93°04'00" W.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8484; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 59-NY-21]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

PART 608—RESTRICTED AREAS

Modification

On January 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 611), stating that the Federal Aviation Agency proposed to modify the Quonset Point, R.I., control area extension.

The notice stated that restricted areas within the modified control area extension would be included as control area. However, this was not considered feasible at the time of publication of the rule (June 18, 1960, Airspace Docket No. 59-NY-21, 25 F.R. 5482) because negotiations were in progress to modify or revoke the restricted areas concerned. It has now been determined that the No Man's Land Island, Mass., Restricted Area (R-62) and the Nashawena, Mass., Restricted Area (R-18) will be designated as control area in the modified Quonset Point control area extension and the Federal Aviation Agency designated as the controlling agency of R-18 and R-62. Therefore, the Federal Aviation Agency is deleting all reference to the restricted areas in the description of the Quonset Point, R.I., control area extension and changing the controlling agency of restricted areas R-18 and R-62 from COMFAIR Quonset NAS, Quonset Point, R.I., to the Federal Aviation Agency, Quonset Point, R.I., Radar Air Traffic Control Center.

Since the changes effected by these amendments are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4035, 25 F.R. 8005), the following action is taken:

1. Section 601.1164 (25 F.R. 5482) is amended to read:

§ 601.1164 Control area extension (Quonset Point, R.I.).

The airspace bounded on the W by VOR Federal airway No. 139, on the N by the 102° True radial of the Providence, R.I., VOR, on the E by the Falmouth, Mass., control area extension (§ 601.1295), on the S by control area extension 1169.

§ 608.29 [Amendment]

a. In § 608.29, the No Man's Land Island, Mass., Restricted Area (R-18) (Boston Chart) (23 F.R. 8582) "COMFAIR Quonset NAS Quonset Point, R.I." is deleted and "Federal Aviation Agency, Quonset RATCC" is substituted therefor.

b. In § 608.29, the Nashawena, Mass., Restricted Area (R-62) (Boston Chart) (23 F.R. 8582, 24 F.R. 524) "Commander Fleet Air, Quonset Point, Rhode Island." is deleted and "Federal Aviation Agency, Quonset RATCC." is substituted therefor.

These amendments shall become effective 0001 e.s.t., October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8490; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 60-WA-102]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On June 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5245) stating that the Federal Aviation Agency was considering an amendment to Part 602 of the Regulations of the Administrator which would designate VOR/VORTAC jet route No. 104 between Tucson, Ariz., and Grants, N. Mex.

As stated in the notice, J-104-V would be designated from the Tucson VOR to the Grants VOR direct station to station. This would serve as a portion of a route for jet aircraft service between Chicago, Ill., and Tucson, which will begin in the near future.

The Department of the Air Force expressed deep concern regarding all airspace actions in the general vicinity of Williams Air Force Base and requested the action contained herein be held in abeyance until the simulation study of the Phoenix, Ariz., terminal area, presently being conducted by the FAA, has been completed and analyzed. The Air Force stated that Williams AFB will become a "consolidated pilot" training base effective October 1, 1960, with an estimated 156 jet trainer aircraft operating daily, Monday through Saturday noon. The nature of this training does not permit it to be absorbed within the

air traffic system and it must be conducted in off-airway airspace. It was pointed out that the amount of airspace required ranges out to approximately 125 miles from Williams AFB and normally encompasses altitudes from 8,000 feet to 30,000 feet MSL. The establishment of this route would greatly reduce the amount of off-airway airspace in the vicinity of Williams AFB. The Air Force suggested a possible alternate course of action which would reduce the impact on Williams AFB would be to realign the proposed route eastward via the San Simon, Ariz., VOR.

The Department of the Navy offered no objections to the proposal provided radar advisory service is established. The Navy also noted that this route traverses an area used extensively by Air Force jet trainers with relatively inexperienced pilots. The Navy suggested in the interest of safety, that military and commercial air traffic be segregated by realigning this route via San Simon.

The suggestion of the Air Force to delay this action pending the results of the FAA studies is not feasible since the Phoenix area study is scheduled from August 1 to August 26, 1960, to be followed by a study of the Tucson area from August 29 to September 9, 1960. It has not been determined when the results of these studies will be available. The Federal Aviation Agency has re-evaluated the proposed alignment of J-104-V and concurs in the Air Force and Navy recommendation to align this route via the San Simon VOR, in lieu of the direct route between Tucson and Grants. This change has been coordinated with the Air Transport Association of America and they also concur in the change. Radar coverage will be provided for this route. In view of the foregoing, J-104-V is being designated from Tucson via San Simon to Grants.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 602 (14 CFR Part 602) is amended by adding the following section:

§ 602.5104 VOR/VORTAC jet route No. 104 (Tucson, Ariz., to Grants, N. Mex.).

From the Tucson, Ariz., VORTAC via the San Simon, Ariz., VOR; to the Grants, N. Mex., VOR.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8483; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 60-LA-18]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.14 of the regulations of the Administrator is to modify the designated altitudes and time of designation of the Tomales Point, Calif., Restricted Area (R-519).

Restricted Area (R-519) is presently used by the Department of the Navy for aerial mine-laying practice, from the surface to 3,000 feet MSL, and is controlled by the Commander, Naval Air Bases, 12th Naval District, Alameda, Calif. The time of designation is from 0800 to 1600 Monday through Friday. The Department of the Navy has stated that, as a result of an analysis of the activities conducted within Restricted Area (R-519), it has determined that an altitude designation of "Surface to 2,000 feet MSL" will contain the operations conducted therein. Moreover, the time of designation "0800 to 1600 Monday through Friday, September 15 through July 1 annually" will more accurately reflect the actual time of designation requirements. The Federal Aviation Agency is, therefore, reducing the upper altitude limit of R-519 from 3,000 feet MSL to 2,000 feet MSL and its time of designation from 0800 to 1600, Monday through Friday, to 0800 to 1600, local standard time, Monday through Friday, September 15 through July 1 annually.

Since the changes effected by this amendment are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and they may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), the following action is taken:

In § 608.14, the Tomales Point, Calif., Restricted Area (R-519) (Sacramento Chart) (23 F.R. 8578) is amended by deleting "*Designated altitudes.* 3,000 feet MSL." and "*Time of designation.* 0800 to 1600 Monday through Friday. Note: All operations to be limited to VFR conditions." and substituting therefor "*Designated altitudes.* Surface to 2,000 feet MSL." and "*Time of designation.* 0800 to 1600, local standard time, Monday through Friday, September 15 through July 1 annually." respectively.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 7, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8493; Filed, Sept. 13, 1960; 8:48 a.m.]

[Airspace Docket No. 60-KC-54]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.30 of the regulations of the Administrator is to change the controlling agency of the Upper Lake Huron, Mich., Restricted Area (R-491) (Lake Huron Chart).

The Department of the Air Force has requested that the controlling agency for Restricted Area R-491 be changed from Commanding Officer, 412th Fighter Group, Wurtsmith AFB, Oscoda, Mich., to Commander, Wurtsmith Air Force Base, Mich., in order to designate the command presently responsible for utilization of airspace within the area.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), the following action is taken:

In § 608.30, the Upper Lake Huron, Mich., Restricted Area (R-491) (Lake Huron Chart) (25 F.R. 4377) is amended by deleting "Commanding Officer, 412th Fighter Group, Wurtsmith AFB, Oscoda, Mich." and substituting therefor "Commander, Wurtsmith AFB, Mich."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8489; Filed, Sept. 13, 1960; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations of Industry Committee

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 535 (25 F.R. 7189), as amended by Administrative Order No. 538 (25 F.R. 7653), appointed and convened Industry Committee No. 49-D, and referred to it and duly noticed a hearing on the question of the minimum rate or rates to be paid under section 6 of the Act to employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, as defined in Administrative Order No. 535, who are engaged in commerce or in the production of goods for commerce. (Excluded from the definition for the purpose of the said Administrative Order were the activities described in 29 CFR 672.2(a) which comprise the business service, motion picture, industrial and other building construction and special trade contractors, and miscellaneous industry classification of the Industry. The minimum wage indicated in that provision meets that prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.)

Subsequent to an investigation and a hearing conducted pursuant to the aforesaid notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereinafter published in paragraphs (b) and (c) of §762.2 in this revision of 29 CFR Part 672, and shall be effective September 29, 1960:

Sec.
672.1 Definition.
672.2 Wage rates.
672.3 Notices.

AUTHORITY: §§ 672.1 to 672.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 672.1 Definition.

The construction, business service, motion picture, and miscellaneous industry in Puerto Rico is defined as follows: The design construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints, the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the industry shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

§ 672.2 Wage rates.

(a) *Business service, motion picture, industrial and other building construction and special trade contractors, and miscellaneous industry classification.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who is engaged in commerce in the production of goods for commerce and who is also engaged in the business service, motion picture, industrial and other building construction and special trades contractors, and miscellaneous industry classification, which is defined as the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer, and the production of photographs and blueprints (except activities included in the remaining classifications of this industry as defined in paragraphs (b) and (c) of this section); the production and distribution of motion pictures and all activities incidental thereto; all activities connected with the construction (including new work, additions, alterations, demolition, and repair) of buildings such as industrial, commercial, institutional, and public buildings, electric power plants, natural gas compressing stations, oil pumping stations and similar building construction, the installation or construction of access roads and similar facilities, furnaces, kilns, and similar appurtenances of industrial plants, and the assembling at the construction site and the installation of machinery in or upon buildings, structures, and other improvements, and with the work performed by contractors who specialize in activities such as plumbing, heating, decorating, electrical work, foundation work, the erection or servicing of building equipment, such as elevators, and other related construction specialties including the installation of insulation and air conditioning; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That this classification shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

(b) *Janitorial service classification.* Wages at a rate of not less than 95 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the janitorial service classification, which is defined as the activity carried on by any business providing office cleaning, floor waxing, and other janitorial services for industrial or commercial establishments or for the consumer.

(c) *Highway and street and other heavy construction and other service classification.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the highway and street and other heavy construction and other service classification, which is defined as all work (including new work, additions, alterations, demolition, and repair) performed in connection with heavy construction, including, but not limited to, the construction of roads, streets, guard rails, fences, parkways, parking areas, airport runways, and related work, the construction of sewers and water mains, heavy foundations, elevated highways, bridges, overpasses and underpasses, dredging and harbor facility construction and improvements and other marine construction operations, and the activity carried on by any business providing disinfecting and exterminating, custodial and watchman services, and related services for industrial or commercial establishments or for the consumer, except those included in the janitorial service classification: *Provided, however,* That this classification shall not include any construction activity carried on by an establishment primarily engaged in another industry for its own use.

§ 672.3 Notices.

Every employer subject to the provisions of § 672.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 672.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 9th day of September 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-8533; Filed, Sept. 13, 1960; 8:52 a.m.]

PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations of Industry Committee

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 535 (25 F.R. 7189), as amended by Administrative Order No. 538 (25 F.R. 7653), appointed and convened Industry Committee No. 49-C,

and referred to it and duly noticed a hearing on the question of the minimum rate or rates to be paid under section 6 of the Act to employees in the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico, as defined in Administrative Order No. 535, who are engaged in commerce or in the production of goods for commerce. (Excluded from the definition for the purpose of the said Administrative Order were the activities described in 29 CFR 677.2(a) which comprise the pulp, paper, and paperboard, paper bag, daily newspaper and news syndicate, photoengraving, filing cards and indexes, fototype letters, paper for sanitary use, and commercial printing by the silk screen process classification of the Industry. The minimum wage indicated in that provision meets that prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.)

Subsequent to an investigation and a hearing conducted pursuant to the aforesaid notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereinafter published in paragraphs (b) and (c) of § 677.2 in this revision of 29 CFR Part 677, and shall be effective September 29, 1960:

Sec.
677.1 Definition.
677.2 Wage rates.
677.3 Notices.

AUTHORITY: §§ 677.1 to 677.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205.

§ 677.1 Definition.

The paper, paper products, printing, and publishing industry is defined as follows: The manufacture of pulp from wood, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufacture of paper, paperboard, and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates: *Provided, however,* That the industry shall not include any product or activity included in the leather, leather goods, and related products industry as defined in Part 602 of this chapter.

§ 677.2 Wage rates.

(a) *Pulp, paper, and paperboard, paper bag, daily newspaper and news syndicate, photoengraving, filing cards and indexes, fototype letters, paper for sanitary use, and commercial printing by the silk screen process classification.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing and publishing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the pulp, paper, and paperboard, paper bag, daily newspaper and news syndicate, photoengraving, filing cards and indexes, fototype letters, paper for sanitary use, and commercial printing by the silk screen process classification of that industry, which is defined as the manufacture of pulp, paper, paperboard, and building board from wood, waste paper, rags, bagasse, and other materials and the collection and sorting of waste paper, bagasse, and other materials to be used in the manufacture of the pulp, paperboard, building paper, and/or building board; the manufacture of paper bags; and the printing, publishing, and related activities of daily newspapers, the collection and dissemination of news by news syndicates, the processing and preparing of photoengraved plates (half-tones and line cuts), the manufacture of Kardex pockets, the assembling of fototype letters, the manufacture of sanitary napkins, and commercial printing by the silk screen process.

(b) *Paper Box and Paper Box Partition Classification.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the paper box and paper box partition classification of that industry, which is defined as the manufacture of paper boxes, paper box partitions made of paper, and all paper box component parts made of paper.

(c) *General classification.* Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is also engaged in the general classification of that industry, which is defined as all products and all activities included in the paper, paper products, printing, and publishing industry in Puerto Rico, except those products and activities included in the pulp, paper, and paperboard, paper bag, daily newspaper and news syndicate, photoengraving, filing cards, and indexes, fototype letters, paper for sanitary use, and commercial printing by the silk screen process classification and the paper box and paper box partition classification of the industry.

§ 677.3 Notices.

Every employer subject to the provisions of § 677.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 677.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 9th day of September 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-8534; Filed, Sept. 13, 1960; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13459; FCC 60-1039]

PART 1—PRACTICE AND PROCEDURE

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Certain Schedules of Wages and Hours of Employees

In the matter of amendment of schedules pertaining to wages and hours of employees in Annual Report Forms—(Form M, Class A and Class B Telephone Companies; Form O, Wire-telegraph and Ocean-cable Carriers; and Form R, Radiotelegraph Carriers); Docket No. 13459.

1. On April 8, 1960, the Commission adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on April 14, 1960 (25 F.R. 3215) in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment, on or before May 9, 1960 (with allowance for reply comments within twenty days thereafter), a proposal to amend Schedule 70C, Wages and Hours, of the Commission's Annual Report Form M to revise the hourly wage intervals on page 2 of that schedule as follows:

(a) Delete the present columns (h) through (u), and substitute in lieu thereof new columns starting with a column which will read "(h) $1.00 to $1.24," and continuing with each succeeding column covering a twenty-five cent interval to column (u) which will read "$4.25 and over".

(b) Change the example in instruction 2 to read appropriately for the new categories adopted.

2. It was also proposed to amend similar Schedules 408A and 408B of Annual Report Form O (Wire-telegraph and Ocean-cable Carriers) and 408A of Annual Report Form R (Radiotelegraph Carriers) in the same manner as proposed for Schedule 70C of Annual Report Form M.

3. It was stated in the notice of proposed rule making that the Commission, in considering these proposed changes in the annual report forms, was aware of legislation pending before Congress to amend the minimum wage laws and that, in the event new wage standards are enacted, it is the intention of the Commission to revise, without further rule making proceedings, the schedules discussed herein to conform to any new wage standards adopted.

4. The only comments received were from the United States Independent Telephone Association which favored the proposed amendment. However, consultations were held with representatives of the United States Bureau of the Budget (Budget) and the Bureau of Labor Statistics of the United States Department of Labor (Labor) who are also concerned with the earnings data required to be reported. These agencies object to the amendment as proposed because they state that it would destroy the comparability of the data that could be compiled from the revised schedules with that compiled for prior years. These schedules are used by the Bureau of Labor Statistics in compiling statistics of earnings of communications workers. The information reported in prior years was by 10-cent hourly wage intervals for five columns and by 20-cent hourly wage intervals for the next eight columns, whereas the proposed rule making suggested 25-cent hourly wage intervals for the same thirteen columns. Budget and Labor believe that, in order to maintain comparability with statistics for prior years, the 20-cent wage intervals should be continued. They agreed that it would be satisfactory to them to combine 10-cent intervals into 20-cent intervals provided the existing 20-cent intervals are retained. This permits the combining of four existing columns into two new columns and leaves one remaining column with a 10-cent interval for which the interval $1.00 to $1.09 has been selected. As indicated in the notice of proposed rule making, the Communications Workers of America (CWA), who had asked that Schedule 70C of Annual Report Form M be amended, also suggested 20-cent wage intervals. Specifically, CWA suggested that the schedule be revised to begin with a category of wages paid of "Less than $1.10" and add as many categories at 20-cent intervals as space would permit. It is implied that CWA did not believe that the schedule should be expanded to more than the present two pages. The space on page 2 of the schedules permits the showing of 15 wage categories so that CWA's suggestion would have spread these categories from "Less than $1.10" to "$3.70 and Over."

5. In view of the request of Budget and Labor, the proposed amendment is not being adopted in the form originally proposed. Instead, the second pages of Schedule 70C of Annual Report Form M (Class A and Class B Telephone Companies), Schedules 408A and 408B of Annual Report Form O (Wire-telegraph and Ocean-cable Carriers) and Schedule 408A of Annual Report Form R (Radiotelegraph Carriers) are being amended as follows:

Columns (g) through (u) of Schedule 70C and columns (h) through (v) of Schedules 408A and 408B will read, respectively, as follows:

Less than $1.00, $1.00 to $1.09, $1.10 to $1.29, $1.30 to $1.49, $1.50 to $1.69, $1.70 to $1.89, $1.90 to $2.09, $2.10 to $2.29, $2.30 to $2.49, $2.50 to $2.69, $2.70 to $2.89, $2.90 to $3.09, $3.10 to $3.29, $3.30 to $3.49, and $3.50 and over.

6. In the notice of proposed rule making it was also proposed to revise instruction 2 of Schedule 70C of Form M and instruction 4 of Schedule 408A of Forms O and R to change the example cited to read appropriately for the new wage categories adopted. However, since the category cited has not been changed, such a revision is unnecessary.

7. The foregoing amendment will not meet the highest wage range of "$3.70 and Over" which would have resulted if CWA's suggestion had been adopted. However, in the event the minimum wage laws are amended, it is the intention of the Commission to amend the schedules herein discussed, as indicated in the Notice of Proposed Rule Making herein, to establish the first reporting interval as the number of employees being paid less than the prescribed minimum wage. This could possibly result in the deletion of one or more of the wage intervals immediately following the first reporting category and the addition of one or more higher 20-cent wage intervals immediately preceding the last column. The addition of one more higher 20-cent wage interval would bring the last column up to "$3.70 and Over."

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of the schedules pertaining to wages and hours of employees in Annual Report Forms M, O and R, but in a manner slightly different from that proposed in the notice of rule making;

It further appearing that the wages and hours schedules in the Commission's annual report Forms M, O and R should be amended in the manner indicated in paragraph 7 herein if the Fair Labor Standards Act is amended with respect to the minimum wage;

It is ordered, That under authority contained in sections 4(i) and 219 of the Communications Act of 1934, as amended, Schedule 70C, Wages and Hours, of Annual Report Form M (Class A and Class B Telephone Companies), Schedules 408A and 408B, Employees and Their Salaries, of Annual Report Form O (Wire-telegraph and Ocean-cable Carriers), and Schedule 408A, Employees and Their Salaries, of Annual Report Form R (Radiotelegraph Carriers) are hereby amended, effective with the reports for the calendar year 1960, as set forth in paragraph 5 hereof;

It is further ordered, That in the event the Fair Labor Standards Act is amended with respect to the minimum wage for employees engaged in interstate commerce, the reporting schedules which are the subject of this proceeding shall be amended in the manner described in paragraph 7 herein without further rule making proceedings.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U.S.C. 219)

Adopted: September 7, 1960.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8552; Filed, Sept. 13, 1960; 8:55 a.m.]

[Docket No. 13588; FCC 60-1070]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2466 kc (coast)-2382 kc (ship) available for public ship-shore use in the Los Angeles-San Diego area on a 24-hour basis; Docket No. 13588.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of September 1960;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) and (b) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on June 7, 1960 (25 F.R. 5000), and the period for filing comments has now expired; and

It further appearing that the West Coast Telephone Company and The Pacific Telephone and Telegraph Company commented on but did not object to the proposed amendment; and

It further appearing that no other comments and no objections were received; and

It further appearing that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective October 18, 1960, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

1. The entry for Los Angeles-San Diego, California, in the table in § 7.306 (b) is amended to read as follows:

§ 7.306 Availability of frequencies below 30 Mc.

• • • • • •

(b) • • •

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use[2]	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter[2]
•	•	•	•	•
Los Angeles-San Diego, Calif.	2566	None	2009	None.
	2498	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	2598	7 a.m. to 7 p.m., P.s.t., only	2206	7 a.m. to 7 p.m., P.s.t., only.
	2522	7 a.m. to 7 p.m., P.s.t., only	2126	7 a.m. to 7 p.m., P.s.t., only.

B. Part 8 is amended as follows:

1. The entry for Los Angeles-San Diego, California, in the table in § 8.354 (a) (1) is amended to read as follows:

§ 8.354 Frequencies below 5000 kc for public correspondence.

(a) • • •

(1) • • •

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency[1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use[2]	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306 (b) of this chapter[2]
•	•	•	•	•
Los Angeles-San Diego, Calif.	2009	None	2566	None.
	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2498	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	2206	7 a.m. to 7 p.m., P.s.t., only.	2598	7 a.m. to 7 p.m., P.s.t., only.
	2126	7 a.m. to 7 p.m., P.s.t., only.	2522	7 a.m. to 7 p.m., P.s.t., only.

[F.R. Doc. 60-8553; Filed, Sept. 13, 1960; 8:55 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Crab Orchard National Wildlife Refuge, Illinois, is permissible only under the following conditions:

(a) Species permitted to be taken: Pheasants, bobwhite quail, rabbits, squirrels, raccoons, opossums, skunks, and weasels.

(b) Open season: Pheasants—from 12:00 noon to sunset (c.s.t.) on November 11, 1960, and from sunrise to sunset each day (c.s.t.) during the period from November 12 through November 30, 1960. Bobwhite quail—from sunrise to sunset each day from November 19 through December 28, 1960. Rabbits—from sunrise to sunset each day from November 26, 1960, through January 31, 1961. Squirrels—from sunrise to sunset each day from the effective date of this notice through October 15, 1960. Raccoons, opossums, skunks, and weasels—from 12:00 noon on November 1, 1960, through 12:00 noon on January 31, 1961.

(c) Daily bag and possession limits: Pheasants (cocks only)—3 and 6; bobwhite quail—8 and 16; rabbits—5 and 10; squirrels (black, grey, or fox)—5 and 10; raccoons, opossums, skunks and weasels—no limit.

(d) Methods of hunting:

(1) Weapons—game may be taken with gun and dog, gun or dog, or bow and arrow. Pheasants and quail may be taken only with shotgun and dog, or shotgun or dog, or bow and arrow.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(3) It is unlawful to use snares, ferrets, spears, poisons, chemicals, explosives or cross bows in taking wild birds or animals.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 9,380 acres and 21 percent of the total refuge and which is described as follows:

Area I: All federally owned lands within the following described subdivisions:

T. 9 S., R. 1 E., 3d P. M.,
Sec. 5, SE¼SW¼, and W½SE¼;
Sec. 7, E½;
Sec. 8, all;
Sec. 9, W½NW¼, W½SW¼, W½NE¼, SW¼, SE¼SW¼, and S½SE¼;
Sec. 10, NE¼SW¼, S½SW¼, NW¼SE¼, and S½SE¼;
Sec. 15 to 22 incl., all;
Sec. 27, SW¼NW¼ and NW¼SW¼;
Sec. 28 to 33 incl., all.
T. 10 S., R. 1 E., 3d P. M.,
Sec. 4 and 5, all;
Sec. 7, NE¼SE¼;
Sec. 8 and 9, all.
T. 9 S., R. 1 W., 3d P. M.,
Sec. 24 and 25, all.

That part of Area II lying east of the right-of-way of Interstate Route 57, in the E½ of Sec. 10, T. 10 S., R. 2 E., 3d P. M.

Area III: All Federally owned lands within the following described subdivisions:

T. 10 S., R. 1 E., 3d P. M.,
Sec. 14, W½NW¼ and SE¼SE¼;
Sec. 15 to 23 incl., all;
Sec. 24, S½NW¼NW¼;
Sec. 26 to 36 incl., all.
T. 11 S., R. 1 E., 3d P. M.,
Sec. 2 to 4 incl., all;
Sec. 6, frac. NW¼NE¼ and frac. N½NW¼.
T. 10 S., R. 1 W., 3d P. M.,
Sec. 13, SW¼SE¼;
Sec. 24, E½E½;
Sec. 25, E½SE¼SE¼;
Sec. 36, E½.
T. 11 S., R. 1 W., 3d P. M.,
Sec. 1, frac. NE¼.

In Area III, hunting on group-camp and/or lease-holder lands is prohibited if such areas are posted "No Hunting".

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective from date of this publication through January 31, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries & Wildlife.

SEPTEMBER 2, 1960.

[F.R. Doc. 60-8529; Filed, Sept. 13, 1960; 8:52 a.m.]

PART 32—HUNTING

Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Nunivak National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Native species of ptarmigan.

(b) Open season: As prescribed by State regulations.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting: Methods and means as prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all of the lands within the Nunivak Island National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8506; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Big Lake National Wildlife Refuge, Arkansas

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Big Lake National Wildlife Refuge, Arkansas is permissible only under the following conditions:

(a) Species permitted to be taken: Squirrel, opossum, raccoon.

(b) Open season: Squirrel—daylight hours only October 3 through October 8, 1960. Opossum and raccoon—between hours of 5:00 p.m. and 5:00 a.m. November 20 through November 29, 1960.

(c) Daily bag limits: Squirrel—8; raccoon—none; opossum—none.

(d) Methods of hunting: (1) Weapons: Squirrel—shotguns only. Raccoon and opossum—.22 caliber rimfire rifles only.

(2) Dogs: No dogs will be allowed while hunting squirrels during the period October 3, 1960, through October 8, 1960. Dogs in any number will be allowed while hunting opossum and raccoon during the period November 20, 1960 through November 29, 1960.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 2,130 acres and 21.5 percent of the total refuge and which is described as follows: Those lands lying between the Floodway Ditch on the east and the Jones Cutoff and Middle Ditches on the west. North and south boundaries are the State Line Ditch and Stump Opening, respectively.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Big Lake National Wildlife Refuge, Manila, Arkansas, starting September 20, 1960.

(3) The provisions of this special regulation are effective September 15, 1960 through November 29, 1960.

(4) Entrance to the hunting area will be from the State Line Ditch or the Floodway Ditch only.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8500; Filed, Sept. 13, 1960; 8:49 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Arkansas

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Hunting of upland game on the White River National Wildlife Refuge, Arkansas is permissible only under the following conditions:

(a) Species permitted to be taken: Squirrel, rabbit, bobcat.

(b) Open season: October 1, 1960 through October 7, 1960 and October 10, 1960 through October 29, 1960.

(c) Daily bag limits: Squirrel—8; rabbit—8; bobcat—none.

(d) Methods of hunting: (1) Weapons: Any type gun during period October 1, 1960 through October 7, 1960. Bows with pull of not less than 40 pounds and arrows during period October 10, 1960 through October 29, 1960.

(2) Prohibited methods: Cross-bows or other mechanical bows.

(3) Dogs: No dogs allowed.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 114,664 acres and 98.6 percent of the total refuge and which is described as follows: All lands of the White River National Wildlife Refuge except posted closed areas which include: Refuge Headquarters, Subheadquarters, Big Island Chute Farm Unit bounded by Big Island Chute and the Refuge boundary, and the recreational area and boat landings at Jacks Bay.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, White River National Wildlife Refuge, St. Charles, Arkansas, starting September 15, 1960.

(3) The provisions of this special regulation are effective September 15, 1960 through October 29, 1960.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8502; Filed, Sept. 13, 1960; 8:49 a.m.]

PART 32—HUNTING

Wheeler National Wildlife Refuge, Alabama

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Wheeler National Wildlife Refuge, Alabama, is permissible only under the following conditions:

(a) Species permitted to be taken: Gray squirrels, rabbits, foxes, crows.

(b) Open season: October 17, 1960 through October 22, 1960.

(c) Daily bag limits: Gray squirrel—6; rabbit—6; fox—none; crow—none.

(d) Methods of hunting: (1) Weapons: Rifles, and shotguns limited to total capacity of 3 shells.

(2) Dogs: No dogs will be allowed.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 34,988 acres and 100 percent of the total refuge and which is described as follows: All lands of the Wheeler National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Wheeler National Wildlife Refuge, Decatur, Alabama, starting October 1, 1960.

(3) The provisions of this special regulation are effective September 15, 1960 through October 22, 1960.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8501; Filed, Sept. 13, 1960; 8:49 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kodiak National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Native species of ptarmigan and snowshoe hares.

(b) Open season: As prescribed by State regulations.

(c) Daily bag limits: As prescribed by State regulations.

(d) Methods of hunting: Methods and means as prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all of the lands within the Kodiak National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8509; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of upland game on the Kenai National Moose Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Spruce grouse, snowshoe hare and native species of ptarmigan.

(b) Open season: As prescribed by State regulations.

(c) Daily bag limits: Spruce grouse, 15 a day. Snowshoe hare, no limit. Ptarmigan, 20 a day.

(d) Methods of hunting: Methods and means as prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all of the lands within the Kenai National Moose Range.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8510; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Aleutian Islands National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: All species of ptarmigan.

(b) Open season: As prescribed by State regulations.

(c) Daily bag limits: 20 a day.

(d) Methods of hunting: Methods and means as prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands on Adak, Atka, Unimak, Shemya, Attu and Great Sitkin islands.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8511; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wisconsin

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Hunting of big game on the Necedah National Wildlife Refuge, Wisconsin, is permissible only under the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: Early bow season, September 17 through November 15, 1960; gun season, November 19 through November 27, 1960; late bow season, December 3 through December 31, 1960. Hunting hours: from one-half hour before sunrise to sunset each day.

(c) Daily bag limits: Bow seasons, one deer of any age or sex; gun season, one deer, bucks only.

(d) Methods of hunting: (1) Weapons—as prescribed by State regulations. (2) Blinds—may be constructed of dead materials only, no live trees or shrubs may be cut.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 39,600 acres and 98 percent of the total refuge and which is described as follows:

Hunting during the early bow season, September 17 through November 15, 1960, is permitted on those refuge lands lying north of, and including, Sections 25 and 26, Twp. 20 North, Range 2 East, and Sections 27, 28, 29 and 30, Twp. 20 North, Range 3 East, 4th Principal Meridian.

Hunting during the gun season, November 19 through November 27, 1960, is permitted on all refuge lands lying north of, and including: Sections 23, 24, and 26, Twp. 19 North, Range 2 East, Sections 19, 20, 21, 22, 23, 27, and 35, Twp. 19 North, Range 3 East; and those portions of Sections 28 and 34 lying east and north of the "Spaulding's Speedway" in Twp. 19 North, Range 3 East, 4th Principal Meridian.

Hunting during the late bow season, December 3 through December 31, 1960, is permitted on all refuge lands except the following three areas:

(1) Refuge headquarters in the SW¼ SW¼ of Section 5 and NW¼NW¼ of Section 8, all in Twp. 18 North, Range 3 East;

(2) Refuge subheadquarters in the SE¼SE¼ of Section 4, Twp. 19 North, Range 3 East.

(3) The lands immediately adjacent to the Wisconsin Conservation Department's Meadow Valley headquarters in the SE¼ of Section 11, Twp. 20 North, Range 2 East. All three areas will be clearly posted.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 17 through December 31, 1960.

(4) No camping is allowed on the refuge.

(5) Fires may not be built on the refuge.

(6) Vehicular travel on dikes, trails or fire lanes marked "Vehicles Prohibited" is not permissible. Fire lanes must not be blocked by parked vehicles.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries & Wildlife.

SEPTEMBER 2, 1960.

[F.R. Doc. 60-8530; Filed, Sept. 13, 1960; 8:52 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bombay Hook National Wildlife Refuge, Delaware is permissible only under the following conditions:

(a) Species permitted to be taken: White tailed deer.

(b) Open season: Saturdays in October 1960. (October 1, 8, 15, 22, 29.)

(c) Daily bag limits: One per day—one per season—any deer.

(d) Methods of hunting: (1) Bow and arrows.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 1,000 acres and 7 percent of the total refuge and which is described as follows:

Bounded on the west by the McClements-Refuge boundary and its straight extensions to Finis Pool and the refuge north boundary: on the north by the Refuge boundary easterly to the Bear Swamp dike: on the east by the Bear Swamp dike and Bear Swamp canal to Shearness Dike; on the south by the northerly boundary of Shearness and Finis Pools to the McClements property corner at point of beginning.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area.

(3) The provisions of this special regulation are effective October 1 through October 31, 1960.

E. W. BAILEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 7, 1960.

[F.R. Doc. 60-8495; Filed, Sept. 13, 1960; 8:48 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Montezuma National Wildlife Refuge, New York is permissible only under the following conditions:

(a) Species permitted to be taken: White tailed deer.

(b) Open season: Sunday, November 13, 1960 (one day only).

(c) Daily bag limits: 1 deer (either sex).

(d) Methods of hunting: (1) Bow and arrow. All equipment must comply with state laws.

(2) No dogs allowed.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 6,700 acres and 99 percent of the total refuge and which is described as follows:

The entire refuge, except for safety zones (posted) in the vicinity of headquarters, subheadquarters, and the hunting season holding pen for captive geese.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. No permits will be issued in advance of the hunting season.

(3) The provisions of this special regulation are effective, November 1, 1960 through November 13, 1960.

E. W. BAILEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 7, 1960.

[F.R. Doc. 60-8491; Filed, Sept. 13, 1960; 8:49 a.m.]

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Hunting of big game on the Moosehorn National Wildlife Refuge, Maine, is permissible only under the following conditions:

(a) Species permitted to be taken: White tailed deer.

(b) Open season: As prescribed by State law for zone in which refuge is located (October 27 to November 30, Sundays excluded).

(c) Season bag limits: As prescribed by State law (one deer of either sex).

(d) Methods of hunting: (1) Weapons (describe)—rifles firing center fire cartridges and shotguns with loads of either rifle slugs, single ball, or buckshot not smaller than single 0 may be used. All State laws regarding use of dogs and other restrictions on method of taking must be observed.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 21,000 acres and 93 percent of the total refuge and which is described as follows:

Deer may be taken on all areas of the Moosehorn National Wildlife Refuge except:

(1) *Baring Unit.* Within the posted closed area surrounding refuge headquarters.

(2) *Edmunds Unit.* Within the posted closed area surrounding refuge sub-headquarters or all lands of the Edmunds Unit east of U.S. Highway No. 1 and south of the refuge boundary line running from approximately opposite the North Trail junction with U.S. Highway No. 1 to the shores of Cobscook Bay.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area.

(3) The provisions of this special regulation are effective October 27, 1960, through (until revoked).

(4) All deer taken on the refuge must be presented at refuge checking stations for registration and examination.

E. W. BAILEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 7, 1960.

[F.R. Doc. 60-8497; Filed, Sept. 13, 1960; 8:49 a.m.]

PART 32—HUNTING

Parker River National Wildlife Refuge, Massachusetts

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Hunting of big game on the Parker River National Wildlife Refuge, Massachusetts is permissible only under the following conditions:

(a) Species permitted to be taken: Whitetailed deer.

(b) Open season: Saturday, November 19 and Saturday, November 26, 1960—7:00 a.m. to 4:30 p.m., e.s.t.

(c) Daily bag limits: 1 deer (either sex) per season.

(d) Methods of hunting: (1) Bow and Arrow. All equipment must comply with State laws.

(2) No dogs allowed.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 2,000 acres and 33 percent of the total refuge and which is described as follows:

AREA. Deer hunting will be permitted on the Plum Island portion of the Parker River Refuge lying between the ocean beach and the east bank of Plum Island River and Plum Island Sound with the exception of posted area lying between the Plum Island road and Plum Island Sound comprising the two impoundment areas and the Patrol Headquarters site.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in the Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area.

(3) The provisions of this special regulation are effective November 19, 1960 through Saturday, November 26, 1960.

(4) Before leaving the area the hunter must check out and surrender his permit for hunting on the refuge.

E. W. BAILEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 7, 1960.

[F.R. Doc. 60-8499; Filed, Sept. 13, 1960; 8:49 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Arkansas

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Hunting of big game on the White River National Wildlife Refuge, Arkansas is permissible only under the following conditions:

(a) Species permitted to be taken: White-tailed deer.

(b) Open season: October 10, 1960 through October 29, 1960.

(c) Total bag limit: One deer of either sex.

(d) Methods of hunting: (1) Weapons: Bows with pull of not less than 40 pounds and arrows with ⅞ of one inch minimum width of blade.

(2) Prohibited methods: Cross bows, or other mechanical bows, firearms.

(3) Dogs: No dogs allowed.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 114,664 acres and 98.6 percent of the total refuge and which is described as follows: All lands of the White River National Wildlife Refuge except posted closed areas which include: Refuge Headquarters, Subheadquarters, Big Island Chute Farm Unit bounded by Big Island Chute and the Refuge boundary, and the recreational area and boat landings at Jacks Bay.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, White River National Wildlife Refuge, St. Charles, Arkansas, starting September 20, 1960.

(3) The provisions of this special regulation are effective September 15, 1960 through October 29, 1960.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8503; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE, ALASKA

Hunting of big game on the Kodiak National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Brown bear and Sitka blacktailed deer.

(b) Open season: As prescribed by State regulations.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all of the lands within the Kodiak National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8504; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of big game on the Kenai National Moose Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Moose, Dall sheep, mountain goat, black bear and grizzly bear.

(b) Open season: As prescribed by State regulations.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands within the Kenai National Moose Range.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8505; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bering Sea National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou.

(b) Open season: No closed season.

(c) Bag limits: As prescribed by refuge permit.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Bering Sea National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Supervisor, Kenai, Alaska or United States Game Management Agent, Anchorage, Alaska.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8506; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of big game on the Aleutian Islands National Wildlife Refuge is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou and brown bear.

(b) Open season: As prescribed by State regulations.

(c) Bag limits: As prescribed by State regulations.

(d) Methods of hunting: As prescribed by State regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on those areas of the refuge described as follows:

(1) Caribou may be taken on Atka Island only.

(2) Brown bear may be taken on Unimak Island only.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from Refuge Manager, Cold Bay, Alaska, or from United States Game Management Agent, Anchorage, Alaska.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8507; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 33—SPORT FISHING

Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Nunivak Island National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters within the Nunivak Island National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8512; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 33—SPORT FISHING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Sport fishing on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters of the Kodiak National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area..

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8513; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 33—SPORT FISHING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Sport fishing on the Kenai National Moose Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters within the Kenai National Moose Range.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8514; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 33—SPORT FISHING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Sport fishing on the Aleutian Islands National Wildlife refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters within the Aleutian Islands National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8515; Filed, Sept. 13, 1960; 8:50 a.m.]

PART 33—SPORT FISHING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Sport fishing on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: As prescribed by State regulations.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing: As prescribed by State regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters within the Bering Sea National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is required to enter the public fishing area. Permits may be obtained from the Wildlife Refuge Supervisor, Kenai, Alaska.

(3) The provisions of this special regulation are effective September 10, 1960 through December 31, 1960.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8516; Filed, Sept. 13, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

Notice of Proposed Rule Making

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), is considering the amendment of § 319.37-19(c) of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-19(c)) by deleting the following item now appearing in the "Plants to be grown under postentry quarantine" and "Where imported from" tabular columns, respectively:

Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage).	Europe (except Belgium and The Netherlands), Asia, New Zealand, and North America north of the United States-Canadian border. (If the United States Department of Agriculture acquires evidence it considers to be conclusive, indicating that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile (formerly known as C. rhododendri (DC.) d By.), does not occur within any country in the areas named and that it is being prevented entry therein by adequate plant quarantine measures, such plants may be permitted entry in accordance with the provisions of § 319.37-6.)

This amendment is proposed to terminate the requirement that evergreen Rhododendron spp., as well as deciduous types imported with foliage, shall be grown under postentry quarantine. This requirement, as amended on May 21, 1956, was promulgated to prevent the entry of the rust organism, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (d By.) Savile, which attacks spruce as its alternate host on other continents. At that time an attempt was being made to eradicate an introduction of the fungus in the Pacific Northwest. During the work with the domestic infection along the Pacific Seacoast it was found the rust does not, in that region, produce spore stage III, the cause of infection in spruce. Thereafter, with the concurrence of the U.S. Forest Service, the Department's efforts at eradication were discontinued. Rust damage to the various varieties and species of rhododendron plants has up to the present time been considered negligible. In view of the foregoing the continued requirement of postentry quarantine growing is deemed unnecessary.

(Secs. 1, 5, 7, and 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U.S.C. 154, 159, 160, 162)

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of September 1960.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-8540; Filed, Sept. 13, 1960; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-347]

FEDERAL AIRWAYS

Withdrawal of Proposal To Modify

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59-WA-347 on January 30, 1960 (25 F.R. 813), it was stated that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 1514 between Lamar, Colo., and Russell, Kans., via Garden City, Kans. Subsequent to publication of this notice, it has been determined that the desirability of retaining the present alignment of Victor 1514 as a direct airway segment between Lamar and Russell would outweigh the advantages of the alignment as proposed. The Federal Aviation Agency is, therefore, withdrawing the proposal contained in Airspace Docket No. 59-WA-347.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 59-WA-347 is withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8482; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-213]

CONTROL AREAS

Modification of Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1405 and 601.1258 of the regulations of the Administrator, the substance of which is stated below.

The Peru, Ind., control area extension is presently designated within a 25-mile radius of the Bunker Hill Air Force Base, Peru, Ind. The Federal Aviation Agency is considering modifying this control area extension by redesignating it within a 25-mile radius of the Bunker Hill AFB (Lat. 40°39'38" N., Long. 86°08'31" W.), excluding the portion which would coincide with the Lafayette, Ind., and the Ft. Wayne, Ind., control area extensions; and the area northwest of Peru bounded on the south by the Lafayette control area extension on the west by VOR Federal airway No. 7, on the north by VOR Federal airway No. 38, and on the east by the Ft .Wayne control area extension. This modification would eliminate the present duplication of control areas between the Peru, Lafayette, and Ft. Wayne control area extensions. The additional control area proposed northwest of Peru would provide protection for aircraft while being radar vectored to and from the Bunker Hill AFB, and while utilizing the prescribed departure procedure based on the 310° True radial of the Bunker Hill AFB TVOR.

Concurrently with this action, the Lafayette, Ind., control area extension (§ 601.1258), presently designated within a 25-mile radius of the Purdue University Airport including control area northeast of this radius extending to the present Peru control area extension, would be reduced and redesignated as the area within a 25-mile radius of the Purdue University Airport (Lat. 40°24'45" N., Long. 86°55'57" W.). The portion presently northeast of the 25-mile radius would be included in the Peru control area extension proposed in this notice.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division,

Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8465; Filed, Sept. 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-52]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1263 of the regulations of the Administrator, the substance of which is stated below.

The Rochester, Minn., control area extension is presently designated within a 15-mile radius of the Rochester VOR. The Federal Aviation Agency is considering modifying this control area by redesignating it within a 15-mile radius of the Rochester Municipal Airport (Lat. 43°54'33" N, Long. 92°29'42" W); within 5 miles either side of the 209° True radial of the Rochester VOR (Lat. 43°46'58" N, Long. 92°35'48" W) extending from the 15-mile radius control area extension to 15 miles southwest of the VOR and within 5 miles either side of the 041° True bearing from the Rochester radio range extending from the 15-mile radius control area extension to 15 miles northeast of the radio range station. This modification would provide protection for aircraft arriving and departing the Rochester Municipal Airport during instrument flight rule weather conditions. The extensions to the northeast and southwest would provide protection for aircraft executing prescribed instrument approaches based on the Rochester VOR and radio range station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8466; Filed, Sept. 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-60]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2088 of the regulations of the Administrator, the substance of which is stated below.

The Dodge City, Kans., control zone is presently designated within a 5-mile radius of Dodge City Municipal Airport and within 2 miles either side of the 161° and 341° True radials of the Dodge City VOR extending from the airport control zone to 10 miles north of the VOR. The Federal Aviation Agency has under consideration modification of this control zone by revoking the portion of the control zone extension north of the VOR. The prescribed instrument approach procedure based on the 161° and 341° True radials of the Dodge City VOR is being revised and the control zone extension north of the VOR would no longer be required for the protection of aircraft conducting instrument approaches to the Dodge City Municipal Airport.

If this action is taken, the Dodge City, Kans., control zone would be redesignated within a 5-mile radius of the Dodge City Municipal Airport (Lat. 37°45'45" N, Long. 99°58'00" W), and within 2 miles either side of the 161° True radial of the Dodge City VOR extending from the 5-mile radius to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8470; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-94]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2272 of the regulations of the Administrator, the substance of which is stated below.

The Wake Island control zone is designated within a 5-mile radius of Wake Island centered on a point at Lat. 19°18'00" N, Long. 166°38'00" E, within 2 miles either side of a 101° True bearing extending from the Wake high powered radio beacon to a point 10 miles east, and within 2 miles either side of the 286° and 096° True radials of the Wake Island VOR extending from the VOR to points 10 miles west and east of the VOR.

The Federal Aviation Agency has under consideration modification of the Wake Island control zone by revoking the control zone extensions based on the Wake Island VOR; increasing the length of the control zone extension based on the 101° True bearing from the Wake Island high powered radio beacon (Lat. 19°18'00" N, Long. 166°39'00" E) to 12 miles east of the high powered beacon; designating a new control zone extension within 2 miles either side of the 281° True bearing from the Wake Island low powered radio beacon (Lat. 19°17'07" N, Long. 116°37'16" E) extending from the 5-mile radius zone to 12 miles west of the low powered radio beacon; and designating a new control zone extension within 2 miles either side of the relocated Wake Island VORTAC (Lat. 19°17'57" N, Long. 166°36'04" E) 306° True radial extending from the 5-mile radius zone to 12 miles northwest of the VORTAC. The Wake Island VOR has been relocated and converted to a VORTAC. The modifications described herein would provide protection for aircraft executing revised prescribed instrument approach procedures at Wake Island Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8468; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-89]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2276 of the regulations of the Administrator, the substance of which is stated below.

The Westover, Mass., control zone is presently designated within a 5-mile radius of Westover AFB extending 2 miles either side of the northeast course of the Westover AFB (Chicopee) radio range to a point 10 miles northeast of the Quabbin fan marker, excluding that portion which overlaps the Barnes Airport, Westfield, Mass., control zone, and excluding the airspace within ½ mile radius of the Springfield, Mass., Municipal Airport. The Federal Aviation Agency is considering modifying this control zone as follows:

1. Revoke the extension based on the northeast course of the Chicopee radio range. The instrument approach procedure utilizing the northeast course of the Chicopee radio range has been modified so as not to require this extension.

2. Designate an extension within 2 miles either side of the 028° True radial of the Westover TACAN extending from the 5-mile radius zone to 6 miles northeast of the TACAN. This extension would provide protection for aircraft executing approved instrument approach procedures based on the TACAN.

3. Designate an extension within 2 miles either side of the northeast course of the Westover ILS localizer extending from the 5-mile radius zone to the ILS outer marker. This extension would provide protection for aircraft executing approved instrument procedures based on the Westover ILS.

4. Delete from the designation of this control zone the exclusion of the portion which coincides with the Westfield, Mass., control zone and the portion within ½ mile radius of the Springfield, Mass., Municipal Airport. These exclusions are no longer required as the Westfield, Mass., control zone is being proposed for modification to exclude the portion which coincides with the Westover control zone, and the Springfield Municipal Airport has been abandoned and will be relocated to a new site.

If these actions are taken, the Westover, Mass., control zone would be designated within a 5-mile radius of the Westover AFB (Lat. 42°11'40" N, Long. 72°32'15" W), within 2 miles either side of the Westover TACAN 028° True radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles either side of the northeast course of the Westover ILS localizer extending from the 5-mile radius zone to the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8469; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-174]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2378 of the regulations of the Administrator, the substance of which is stated below.

The Peru, Ind., control zone is presently designated within a 5-mile radius of Bunker Hill Air Force Base, and within 2 miles either side of the extended centerline of the Bunker Hill AFB northeast-southwest runway extending to a point 9 miles southwest of the end of the runway. The Federal Aviation Agency has under consideration the modification of this control zone as follows:

1. Designate a control zone extension northeast of the Bunker Hill AFB on the 042° True radial of the TVOR (Lat. 40°38'28" N., Long. 86°09'02" W.) extending from the 5-mile radius zone to 12 miles northeast of the TVOR.

2. Designate a control zone extension within a 5-mile radius of the Kokomo, Ind., Municipal Airport; and within 2 miles either side of the 131° True radial of the Kokomo VOR extending from the Kokomo 5-mile radius zone to 12 miles southeast of the VOR.

3. Redesignate the present southwest control zone extension by realigning it on the 220° True radial of the Bunker Hill AFB TACAN, and extending it from the 5-mile radius zone to 10 miles southwest of the TACAN (Lat. 40°38'58" N, Long. 86°08'00" W).

4. Designate control zone extensions southwest of the Bunker Hill AFB on

the 226° and 231° True radials of the TVOR extending from the 5-mile radius zone to 12 miles southwest of the TVOR.

These modifications would provide protection for aircraft executing prescribed instrument approach procedures to the Bunker Hill Air Force Base and the Kokomo Municipal Airport during instrument flight rule weather conditions.

If these actions are taken, the Peru, Ind., control zone would be designated within a 5-mile radius of Bunker Hill Air Force Base, Peru, Ind., (Lat. 40°39' 38" N, Long. 86°08'31" W); within 2 miles either side of the 042°, 226° and 231° True radials of the Bunker Hill AFB TVOR extending from the 5-mile radius zone to 12 miles northeast and southwest of the TVOR; within 2 miles either side of the 220° True radial of the Bunker Hill AFB TACAN, extending from the 5-mile radius zone to 10 miles southwest of the TACAN; within a 5-mile radius of the Kokomo, Ind., Municipal Airport (Lat. 40°31'43" N, Long. 86°03'33" W); and within 2 miles either side of the 131° True radial of the Kokomo VOR extending from the Kokomo 5-mile radius zone to 12 miles southeast of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8467; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-AN-26]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a VOR Federal airway from Nenana, Alaska, to Fairbanks, Alaska. This airway, VOR Federal airway No. 504, and its associated control areas would be designated from the Nenana VOR to a VOR to be installed near Fairbanks at Lat. 64°48'02" N, Long. 148°00'36" W, approximately October 1, 1960. This would provide an airway for VOR equipped aircraft operating between Fairbanks and Nenana. Concurrently with this action, Fairbanks and Nenana would be designated Domestic VOR reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8471; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-KC-63]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 5 presently extends from Sioux Falls, S. Dak., to St. Paul, Minn. The Federal Aviation Agency is considering revoking this airway. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available and it appears that the route between Sioux Falls and St. Paul is adequately served by a combination of VOR Federal airways No. 148 and 26. In addition a Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959 through June 30, 1960, shows no aircraft movements on Red 5. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 5. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Red 5. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8472; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-74]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of a Segment of Federal Airway, Associated Control Areas and Reporting Points; Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.13, 601.13, 601.1257 and 601.4013 of the regulations of the Administrator, the substance of which is stated below.

Green Federal airway No. 3 presently extends in part from Goshen, Ind., to New York, N.Y. The Federal Aviation Agency has under consideration revocation of this segment of Green 3. It is the policy of this agency to revoke L/MF airways whenever adequate VOR airways are available and it appears that the route from Goshen to New York is adequately served by VOR Federal airway No. 6. In addition, a Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of four aircraft movements between any two reporting points on this segment of Green 3. Therefore, it appears that the retention of this airway segment and its associated control area is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Green 3 from Goshen to New York. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this segment of Green 3. Any proposal to discontinue one or more of these aids would be processed in accordance with current Agency procedures. In addition, the Federal Aviation Agency proposes to revoke the following designated reporting points associated with the segment of Green 3 under consideration.

1. Goshen, Ind., radio range station.
2. Toledo, Ohio, radio range station.
3. Cleveland, Ohio, radio range station.
4. Youngstown, Ohio, radio range station.
5. Philipsburg, Pa., radio range station.
6. Selinsgrove, Pa., nondirectional radio beacon.
7. Allentown, Pa., radio range station.

Concurrently, under consideration with these actions is a modification to the Goshen, Ind., control area extension. The Goshen control area extension is presently designated as the area within a 15-mile radius of the Goshen VOR, and the area northeast of the VOR bounded on the west by Blue Federal airway No. 3, on the north by VOR Federal airway No. 10, on the northeast by VOR Federal airway No. 30, and on the south by Green Federal airway No. 3. It is proposed to substitute in the description of this control area extension, VOR Federal airways No. 92 and 277 for the boundaries presently described by reference to Green Federal airway No. 3 and Blue Federal airway No. 3. This modification would not alter the extent of presently designated control area in the vicinity of Goshen.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 8, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8474; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-59]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Segment of Federal Airway Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.104, 601.104, and 601.4104 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 4 presently extends in part from San Antonio, Tex., to Waco, Tex. The Federal Aviation Agency has under consideration the revocation of this segment of Amber 4. The San Antonio to Waco route appears to be adequately served by VOR Federal airway No. 17 which closely parallels or overlies Amber 4. Therefore, it appears that the retention of this airway segment is unjustified as an assignment of airspace, and that revocation thereof would be in the public interest. In addition, the San Antonio, Waco, and Austin, Tex., radio ranges would be revoked as designated reporting points on Amber 4.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8475; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-KC-61]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.608, 601.608,

601.1097, and 601.4608 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 8 presently extends in part from Fargo, N. Dak., to Grand Forks, N. Dak. The Federal Aviation Agency is considering revoking this segment of Blue 3. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available and it appears that the route from Fargo to Grand Forks is adequately served by VOR Federal airway No. 481, which closely parallels Blue 8. In addition, a Federal Aviation Agency peak-day airway traffic survey for the period July 1, 1959 through June 30, 1960 shows a maximum of five aircraft movements on this segment of Blue 8. Therefore, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Blue 8 from Fargo to Grand Forks. Adoption of this proposal would not necessarily result in discontinuance of the associated low frequency navigational aids. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Concurrently with this action, the Grand Forks control area extension, presently designated as the airspace within a 30-mile radius of a point centered on the Grand Forks AFB lying west of Blue 8, would be redesignated as the area west of the Grand Forks VOR 355° True radial and Victor 481 within a 30-mile radius of the Grand Forks AFB (Lat. 47°51'35'' N, Long. 97°24'10'' W). This modification would not alter the extent of presently designated control area in the vicinity of Grand Forks. In addition, the caption to § 601.4608 relating to designated reporting points associated with Blue 8 would be changed to conform to the modified airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8473; Filed, Sept. 13, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-AN-27]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification of Federal Airway and Control Area Extension; Designation and Revocation of Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.697, 601.1343 and 601.4679 of the Regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 79 presently extends in part from Petersburg, Alaska, to Haines, Alaska. The Federal Aviation Agency has under consideration modification of this segment of Blue 79. It is proposed to realign Blue 79 from the Petersburg radio range station via a radio beacon installed on Coghlan Island, Alaska, at Lat. 58°21'34'' N, Long. 134°41'52'' W, to the Haines radio beacon. This modification would provide more precise navigational guidance on this segment of Blue 79. In addition it is proposed to designate the Coghlan Island radio beacon as a reporting point and revoke the Thane, Alaska, intersection (intersection of the northeast course of the Sitka, Alaska, radio range and the northwest course of the Petersburg radio range as a designated reporting point. The control areas associated with Blue 79 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be required.

Concurrently with these actions the Federal Aviation Agency is considering a modification of the Juneau, Alaska, control area extension. The Juneau control area extension is presently designated as that airspace within a 5-mile radius of the Juneau Airport, within 5 miles either side of direct lines extending from the Juneau Airport via the Mendenhall radio beacon to the Sisters Island radio beacon, from the Sisters Island radio beacon to the Point Retreat radio beacon, from the Point Retreat radio beacon to the Juneau Airport and from the Point Retreat radio beacon to the Haines, Alaska, radio beacon. Is proposed to redesignate the control area extension by substituting in its description the Coghlan Island radio beacon, a Federal Aviation Agency controlled air navigational facility, for the Mendenhall radio beacon, which is a privately owned facility. This modification would not alter the presently designated size of the Juneau control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8479; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-50]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Point; Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600, 601, and § 601.1063 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 37 presently extends from Roanoke, Va., to Gordonsville, Va. The Federal Aviation Agency has under consideration revocation of this airway. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959 through June 30, 1960 showed no aircraft movements on Red 37. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, the Lynchburg, Va., radio range would be revoked as a designated reporting point on Red 37. Concurrently with these actions, the Federal Aviation Agency is considering modification of the Roanoke control area extension.

The Roanoke control area extension is presently designated as the area within 5 miles either side of the south course of the Roanoke radio range extending from the radio range to 20 miles south and the area southeast of Roanoke bounded on the north by Red Federal airway No. 37, on the southeast by VOR Federal airway No. 143, and on the southwest by VOR Federal airway No. 258. It is proposed to redesignate this control area extension as the area south of Roanoke bounded on the north by VOR Federal airway No. 136, on the southeast by VOR Federal airway No. 222 and on the west by VOR Federal airway No. 103.

This modification to the Roanoke control area extension would eliminate a dual designation of control area southeast of Roanoke, and would provide protection for aircraft executing prescribed instrument approach procedures to the Roanoke Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8477; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-70]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 22 presently extends from the intersection of the west course of the Buffalo, N.Y., radio range and the United States/Canadian border to the Buffalo radio range station. The Federal Aviation Agency has under consideration revocation of this airway. It appears that this route between Buffalo and the United States/Canadian border is adequately served by VOR Federal airway No. 84 which closely parallels Red 22. Therefore it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, § 601.4222 relating to reporting points on Red 22 would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8476; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-53]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points; Revocation and Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 29, extends from Raleigh, N.C., to Lynchburg, Va. The Federal Aviation Agency has under consideration revocation of Blue 29. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959 through June 30, 1960 showed no aircraft movements on Blue 29. On the basis of this survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, the associated reporting points on Blue 29 would be revoked.

Concurrently with these actions, the Federal Aviation Agency is considering the designation of a control area extension at Lynchburg, Va. It is proposed to designate the area within a 20-mile radius of the Lynchburg VOR extending clockwise from the south boundary of VOR Federal airway No. 260 east of Lynchburg to the eastern boundary of VOR Federal airway No. 143 southwest of Lynchburg; within a 15-mile radius of the Lynchburg VOR extending clockwise from the northern boundary of VOR Federal airway No. 260 west of Lynchburg to the western boundary of VOR Federal airway No. 143 north of Lynchburg. This control area extension would provide protection for aircraft executing instrument approach and departure procedures at the Preston Glenn Airport, Lynchburg. Also under consideration by the Federal Aviation Agency is the revocation of the South Boston, Va., control area extension. This extension is designated as the airspace northwest of South Boston, bounded on the east by Blue Federal airway No. 29, on the southwest by VOR Federal airway No. 136 and on the northwest by VOR Federal airway No. 143. This control area ex-

tension, in conjunction with the control areas associated with Victor 143 and Blue 29 (proposed for revocation) provides protection for aircraft executing instrument approach procedures utilizing the Lynchburg VOR. The retention of this control area extension would no longer be required if the Lynchburg control area extension, proposed herein, is designated.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8478; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-57]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 69 presently extends from Midland, Tex., to Big Spring, Tex. The Federal Aviation Agency has under consideration the revocation of this airway. The Midland to Big Spring route appears to be adequately served by VOR Federal airway No. 16 south alternate which closely parallels Red 69. Therefore, it appears that retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that revocation thereof would be in the public interest. In addition, § 601.4269 relating to designated reporting points would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8481; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-79]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification of Federal Airways, Associated Control Areas and Revocation of Reporting Point

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6003, 600.6004, 600.6223, 600.6265, 601.6223, 601.6265, and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 3 presently extends in part from the Brooke, Va., VORTAC; via the intersection of the Herndon, Va., VORTAC 145° and the Washington, D.C., VOR 254° True radials to the Washington VOR. VOR Federal airway No. 4 presently extends in part from the Front Royal, Va., VOR to the Herndon, Va., VORTAC. VOR Federal airway No. 223 presently extends from Herndon, Va., VORTAC to Harrisburg, Pa., VORTAC. VOR Federal airway No. 265 presently extends in part from Riverdale, Md., radio beacon to the Westminster, Md., VOR.

The Federal Aviation Agency has under consideration modification of these airways to permit implementation of revised procedures designed to improve the routing and flow of air traffic into the Washington, D.C., terminal area, through the establishment of dual holding points utilizing the College, Md., and McLean, Va., VHF intersections for IFR traffic landing to the south, and the Doncaster, Md., VHF intersection, and the Andrews, Md., radio range for IFR traffic landing to the north. The modification of these VOR airways would provide airway continuity and flexibility in routing arrival traffic to the appropriate pair of dual holding points being utilized, based on the direction of landing traffic at Washington National Airport, Bolling AFB, and Anacostia, NAS. Accordingly, it is proposed to modify VOR Federal airways No. 3, 223, and 265 as follows:

1. Redesignate Victor 3 to extend from the Brooke, Va., VORTAC to the intersection of the Brooke VORTAC 012° and the Herndon VORTAC 118° True radials (McLean, Va., intersection).

2. Extend Victor 4 from the Front Royal VOR via the Herndon VORTAC to the intersection of Herndon VORTAC 118° and the Brooke VORTAC 012° True radials (McLean, Va., intersection).

3. Extend Victor 223 from the Herndon VORTAC to the intersection of the Herndon VORTAC 143° and the Washington, D.C., VOR 189° True radials (Doncaster, Md., intersection).

4. Realign and extend Victor 265 from the Westminster VOR via the intersection of the Westminster VOR 189° and the Herndon VORTAC 090° True radials (College, Md., intersection); Herndon VORTAC; to the Linden, Va., VOR.

In addition, the Fairland, Md., intersection (the intersection of the Herndon, Va., VORTAC 084° and Washington, D.C., VOR 016° True radials) would be revoked as a domestic VOR reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8480; Filed, Sept. 13, 1960; 8:47 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-211]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.505 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 5 extends from Los Angeles, Calif., via Bakersfield, Calif., Reno, Nev., Klamath Falls, Oreg., Portland, Oreg., to Seattle, Wash. The Federal Aviation Agency has under consideration modification of Jet Route No. 5-V by realigning it from the Los Angeles, Calif., VOR via the intersection of the Palmdale, Calif., VOR 291° and the Bakersfield, Calif., VORTAC 149° True radials; the Bakersfield VORTAC; Reno, Nev., VOR; Lakeview, Oreg., VORTAC; The Dalles, Oreg., VORTAC; intersection of The Dalles VORTAC 352° and the Seattle, Wash., VORTAC 124° True radials; to the Seattle VORTAC.

The realignment of Jet Route No. 5-V as proposed would provide a shorter route for scheduled turbojet aircarriers which presently operate nonstop between Los Angeles and Seattle via VOR/VORTAC jet route No. 1. In addition, the proposed route would bypass the high concentration of traffic in the San Francisco/Oakland, Klamath Falls (Kingsley Field), and Portland terminal areas, and also remain clear of the Carbon Black High Altitude Refueling Area east of Lakeview. It is anticipated that radar jet advisory service could be provided for the entire route.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 6, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8464; Filed, Sept. 13, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 7]

[Docket No. 13768; FCC 60-1069]

MANNER OF POSTING STATION AUTHORIZATIONS OR PHOTOCOPIES THEREOF

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. It is proposed to amend paragraphs (b) and (d)(1) of § 7.102 of the Commission's rules so as to require posting of licenses or photocopies thereof in such a manner so that they will be readily visible for inspection. The present provisions of those paragraphs permit authorizations or photocopies thereof to be in envelopes or containers, either inside or outside of cabinets. The proposed change would conform the subject paragraphs to the policy enunciated in Docket No. 12573 which requires the posting of the Transmitter Identification Card (FCC Form 452-C) in a manner readily visible for inspection.

3. The authority for the amendments proposed herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before October 18, 1960, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 8, 1960.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 7 is amended as follows:

In § 7.102, paragraphs (b) and (d)(1) are amended to read as follows:

§ 7.102 Posting station licenses and transmitter identification cards or plates.

* * * * *

(b) The current station authorization for a single marine-utility station and for each single station of any other class subject to this part, which is of portable nature and is authorized for use and operation at two or more temporary locations, shall be posted either at the control point of the station in a conspicuous place or shall be affixed, readily visible for inspection, to the transmitting apparatus or, if the transmitting apparatus is contained in a cabinet or other structure, affixed, readily visible for inspection, to such cabinet or structure.

* * * * *

(d) * * *

(1) A photocopy of the land station license shall be posted in a conspicuous place in the mobile unit or shall be affixed, readily visible for inspection, to the transmitting apparatus or, if the transmitting apparatus is contained in a cabinet or other structure of the mobile unit, affixed, readily visible for inspection, to such cabinet or structure; or

[F.R. Doc. 60-8550; Filed, Sept. 13, 1960; 8:55 a.m.]

[47 CFR Part 11]

[Docket No. 13769, (RM-109); FCC 60-1071]

MANUFACTURERS RADIO SERVICE

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. On April 27, 1959, the National Association of Manufacturers (NAM) filed a Petition for Rule Amendments with the Commission, requesting in substance "* * * (1) that § 11.729(b) of the Commission's rules be amended to permit the Manufacturers Radio Service applicants to locate a base station on any site suitable for the coverage required in the manufacturing operation in which the proposed radio system is to be used; and (2) that the restrictive power limitation contained in § 11.729(b) be eliminated."

3. The Commission was disposed, on July 8th, 1959, to grant, by Memorandum

Opinion and Order, partial relief to the Petitioner. At paragraph 3 of its July 8th Order, the Commission stated "• • • although the Manufacturers Service's frequency allocation is exclusive insofar as its frequencies above 450 Mc are concerned, its 152–162 Mc frequencies are presently shared with the heavily-used Petroleum and Forest Products Radio Services. With respect to these latter frequencies, the Commission believes that additional study must be given to all possible effects of dropping the restrictions before the matter can be considered further." Thus, insofar as operation in the 450 Mc band was concerned (and also with reference to 27 Mc frequencies) the licensees represented by the Petitioner were afforded adequate relief. There remains for disposition so much of Petitioners requested relief as pertains to the use of frequencies within the 152–162 Mc band.

4. Petitioners proposal with reference to the 152–162 Mc band may be stated as follows: (1) That the Commission should eliminate so much of § 11.729(b) of its rules as restricts the location of base stations operating within the 152–162 Mc band to "within the boundaries of a plant, factory, shipyard, mill or other manufacturing area occupied and controlled by the applicant • • • [or upon a showing of impracticability with respect to such location, to] • • • a location immediately adjacent thereto"; and (2) that § 11.729(d) which restricts licensees in the service to 60 watts maximum plate power input to the final radio frequency stage should be eliminated.

5. Because the Manufacturers Radio Service frequencies in the 152–162 Mc band are shared with the heavily-used Petroleum and Forest Products Radio Services, and because operation by Manufacturers Radio Service licensees in the manner proposed by the NAM might possibly result in further congestion and interferrence in the subject band, the Commission is not of a mind to extend further relief in accordance with Petitioners request without first affording licensees within the Services affected and any other interested persons, an opportunity to formally submit their views and comments for consideration. Accordingly, the Commission is instituting this proceeding,

6. The amendments as proposed by the NAM are set forth below. Authority for the promulgation of these proposed amendments is set forth in sections 303 (c), (f), and (r), and 4(i) of the Communications Act of 1934, as amended.

7. All interested persons are invited to file, on or before October 14, 1960, comments in support of, or in opposition to, the proposals set out in this notice; or such counterproposals or modifications as parties may care to submit. Comments in reply to such matter as may be submitted in accordance with the above shall be submitted by October 31, 1960. The Commission will consider all comments filed hereunder prior to taking final action in this matter.

8. Pursuant to § 1.54 of the Commission's rules, an original and 14 copies of all comments, briefs, or statements must be filed.

Adopted: September 8, 1960.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Proposed amendments to part 11:

1. Section 11.729(b) is amended by deleting all of the text which follows "locations." As so amended, § 11.729(b) reads as follows:

§ 11.729 Station limitations.

• • • • • •

(b) No base station will be authorized in this service for operation at unspecified or temporary locations.

§ 11.729 [Amendment]

2. Section 11.729(d) is deleted in its entirety.

[F.R. Doc. 60-8551; Filed, Sept. 13, 1960; 8:55 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

MEYER DE JONG ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Meyer de Jong, Brussels, Belgium; $67.47 in the Treasury of the United States.

Kornelis Jacobus van Duren, Velzen, The Netherlands; $11.24 in the Treasury of the United States.

Maurits van Duren, Rotterdam, The Netherlands; $11.25 in the Treasury of the United States.

Johan Adriaan van Duren, Leeuwarden, The Netherlands; $11.25 in the Treasury of the United States.

Johanna Duhm, Vienna, Austria; $33.74 in the Treasury of the United States.

Vesting Order No. 17836; Claim No. 60808.

Executed at Washington, D.C., on September 7, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-8494; Filed, Sept. 13, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

KLAMATH FOREST NATIONAL WILDLIFE REFUGE, KLAMATH COUNTY, OREGON

Determination of Availability of Funds for Purchase

The act of August 13, 1954 (68 Stat. 718; 25 U.S.C. 564), terminating Federal supervision over the Klamath Indian Tribe, as amended by the act of August 23, 1958 (72 Stat. 816), and as further amended by the act of September 9, 1959 (73 Stat. 477), provides in section 28(f) thereof that title to the lands comprising the Klamath Marsh and designated as the Klamath Forest National Wildlife Refuge is taken in the name of the United States effective on the earliest date after September 30, 1959, when the Secretary of the Interior determines that funds for the payment of the purchase price are available from the sale of stamps under the Migratory Bird Hunting Stamp Act of March 16, 1934 (48 Stat. 451), as amended (16 U.S.C. 718).

I hereby determine that funds in the amount of $476,401 are now available from the sale of stamps under said Migratory Bird Hunting Stamp Act for payment of the purchase price of the lands comprising the Klamath Marsh, described as follows:

WILLAMETTE MERIDIAN

T. 30 S., R. 8 E.,
Sec. 25, SE¼SE¼;
Sec. 36, lots 4 and 5, NE¼SE¼.
T. 31 S., R. 8 E.,
Sec. 2, S½N½NE¼;
Sec. 11, lots 2, 3, 4, and 5, W½SE¼;
Sec. 12, all;
Sec. 13, all;
Sec. 14, lots 1, 3, 4, 5, 6, 7, and 8, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 15, S½SE¼;
Sec. 22, lots 3, 4, 6, and 7, E½SE¼;
Sec. 23, all;
Sec. 24, all;
Sec. 25, lots 3 and 4, NE¼, W½, and NW¼SE¼;
Sec. 26, all;
Sec. 27, all;
Sec. 28, lots 2, 3, 4, 5, and 6, SE¼SE¼;
Sec. 33, lots 1, 2, 3, and 4;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 35, lots 1, 3, 7, 8, 9, 10, 11 and 12, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 36, lots 5, 6, 7, and 8, W½.
T. 32 S., R. 8 E.,
Sec. 1, lots 7, 8, 9, 10, 11, and 12, N½NW¼, and SE¼NW¼;
Sec. 2, lots 6 and 7.
T. 30 S., R. 9 E.,
Sec. 28, lots 1, 3, and 4;
Sec. 29, lots 1 and 3, that part of lot 4 lying within what would be the NE¼SE¼, lot 5, SE¼SE¼;
Sec. 31, all;
Sec. 32, all;
Sec. 33, lots 9 and 10.
T. 31 S., R. 9 E.,
Sec. 4, lots 9, 10, 11, 12, and 13, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, lots 2, 3, 4, and 5, W½E½ and W½;
Sec. 9, lots 16, 17, 18, 19, 20, and 21, NW¼NE¼ and N½NW¼;
Sec. 17, lots 5, 6, 7, and 8, NW¼NE¼ and W½;
Sec. 18, all;
Sec. 19, all;
Sec. 20, lots 5, 6, 7, and 8, W½;
Sec. 29, lots 9 and 10, SW¼NE¼ and NW¼;
Sec. 30, lots 7, 8, 9, and 10, N½NE¼, SE¼NE¼ and NE¼NW¼.

The areas described aggregate 14,641.02 acres.

The effective date of the termination of the Indian trust status of the above-described lands and for the taking of title thereto by the United States in accordance with the provisions of section 28(f) of the act of August 13, 1954, as amended, is this 7th day of September 1960. From this date such lands shall be administered by the Bureau of Sport Fisheries and Wildlife in accordance with the law applicable to areas acquired with funds from the sale of stamps under the Migratory Bird Hunting Stamp Act, as amended.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 7, 1960.

[F.R. Doc. 60-8517; Filed, Sept. 13, 1960; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 881]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

Notice of Supplemental Order

The Federal Maritime Board, on August 29, 1960, entered the following seventh Supplemental Order, to the original order in this proceeding dated, January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364):

It appearing that by the Original Order, as amended, in Docket No. 881 served January 8, 1960, the Board instituted an investigation into and concerning the reasonableness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports on the one hand, and ports and points in Alaska on the other; and

It further appearing that said Original Order provides in part that "no change shall be made in the rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board" and

It further appearing that on August 10, 1960, Puget Sound-Alaska Van Lines, Inc., filed Application No. 5 seeking authority to publish, post and file, on less than thirty days' statutory notice, consecutively numbered revised page Nos. 30, 38, and 39 to Local and Joint Proportional Freight Tariff F.M.B.-F. No. 4 in order to publish reduced rates on "Anti-Freeze", "Groceries", "Liquors, Alcoholic", and "Liquor, Malt", in Item Nos. 210, 375, 400, and 405.

It further appearing that the Board having found good cause therefor has on August 29, 1960 granted special permission to publish such changes on not less than 15 days' notice under Special Permission No. 3866, to become effective not earlier than September 15, 1960.

It is ordered, That the Original Order herein is modified to the extent necessary to permit publication and filing of the changes covered by such Special Permission No. 3866; and

It is further ordered, That any rates, charges, rules, regulations and practices set forth in the schedules filed pursuant to such special permission shall be sub-

ject to the investigation and hearing herein to the same extent as the rates, charges, rules, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of the Order shall be filed with said tariff schedule in the Office of Regulations of the Federal Maritime Board, and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents and protestants herein; and that this Order be published in the FEDERAL REGISTER.

Dated: September 9, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8417; Filed, Sept. 13, 1960; 8:45 a.m.]

[Docket No. 901]

GENERAL INCREASES IN RATES PACIFIC-ATLANTIC GUAM TRADE

Notice of Supplemental Order

The Federal Maritime Board, on August 29, 1960, entered the following Sixth Supplemental Order, to the original order in this proceeding dated March 21, 1960, which appeared in the FEDERAL REGISTER of April 1, 1960 (25 F.R. 2780):

It appearing that on August 24, 1960, Pacific Far East Lines, Inc., filed its Guam Freight Tariff No. 3, F.M.B.-F. No. 3, setting forth increased rates, charges, and new rules, regulations and practices affecting such rates and charges applicable on general commodities between U.S. Pacific ports on the one hand and Guam, Midway and Wake Islands on the other hand, to become effective on September 27, 1960; and

It further appearing that on August 26, 1960, American President Lines, Ltd., filed its Pacific/Guam Freight Tariff No. 6, F.M.B.-F. No. 11, and its Atlantic/Guam Freight Tariff No. 4, F.M.B.-F. No. 10, setting forth increased rates, charges, and new rules, regulations and practices affecting such rates and charges applicable on general commodities between U.S. Pacific and Atlantic ports on the one hand and Guam, Midway and Wake Islands on the other hand, both to become effective on September 27, 1960; and

It further appearing that upon consideration of such tariffs there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor:

It is ordered, That this proceeding be expanded to include an investigation into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said tariffs, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That the operation of said tariffs be and they are hereby suspended in full, and that the use thereof be deferred to and including January 26, 1961, unless otherwise ordered by the Board; and

It is further ordered, That neither the tariffs hereby suspended nor any sought to be altered thereby may be changed until this investigation and suspension proceeding have been disposed of, or until the period of suspension has expired, unless otherwise authorized by the Board; and

It is further ordered, That there shall be filed immediately with the Office of Regulations of the Federal Maritime Board by Pacific Far East Line, Inc., a consecutively numbered supplement to its Guam Freight Tariff No. 3, F.M.B.-F. No. 3, and by American President Lines, Ltd., consecutively numbered supplements to its Atlantic/Guam Freight Tariff No. 4, F.M.B.-F. No. 10 and Pacific/Guam Freight Tariff No. 6, F.M.B.-F. No. 11, which shall reproduce the portion of this order wherein the suspended designated tariffs are described, and shall state that such tariffs are suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the 27th day of January 1961, unless otherwise authorized by the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred, nor any sought to be altered thereby, may be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board; and

It is further ordered, That copies of this order shall be filed with said tariffs in the Office of Regulations of the Federal Maritime Board; that copy hereof be worthwith served upon all respondents, protestants, and intervenors herein; and that this order be published in the FEDERAL REGISTER.

Dated: September 9, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8418; Filed, Sept. 13, 1960; 8:45 a.m.]

Office of the Secretary

RALPH W. BEARD

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Ralph W. Beard.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 6, 1960.

4. Title of position: Assistant Director for Mobilization Planning, Electrical Equipment Division.

5. Name of private employer: Allis Chalmers Manufacturing Co., Pittsburgh, Pa.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 30, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Allis Chalmers Manufacturing Co.
Bank deposits.

RALPH W. BEARD.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8532; Filed, Sept. 13, 1960; 8:52 a.m.]

PAUL BUTLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months:

A. Deletions: None.
B. Additions:
York Woods, Inc.
M-I, Inc.
Butler Aviation—Alexander Field, Wisconsin Rapids, Wis.
Butler Aviation—International Airport, West Palm Beach, Fla.

Name change

Butler Paper New York Corp. to Butler Paper Company, Inc.
Skymotive, Inc., to Butler Aviation, Inc.—O'Hare Airport.

This statement is made as of August 1, 1960.

PAUL BUTLER.

[F.R. Doc. 60-8527; Filed, Sept. 13, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-142]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to The Regents of The University of California a facility license substantially as set forth below authorizing the possession and operation on the University of California campus at Los Angeles of an Argonaut-type nuclear reactor which may be operated at power levels up to 10 watts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-43, as amended. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by the University of California and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland this 9th day of September 1960.

For the Atomic Energy Commmission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

Proposed License

1. This license applies to the Argonaut-type nuclear reactor (hereinafter referred to as "the reactor") designed for 10 kilowatt (thermal) operation which is owned by The Regents of The University of California and located on the University of California campus in Los Angeles, California, and described in the application dated June 24, 1959, and amendments thereto dated January 4, 1960, and June 23, 1960 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-42 issued to The Regents of The University of California and will operate in conformity with the application and in conformity with the Act and with the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. University of California is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. University of California is a nonprofit educational institution and will use the reactor for the conduct of educational activities. University of California is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The Regents of The University of California:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Los Angeles, California, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 4.000 kilograms of contained uranium 235 and 32 grams of plutonium in a Pu-Be source for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct materials as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. *Operating restrictions.* 1. University of California shall not operate the reactor at power levels in excess of 10 watts (thermal) without prior written authorization from the Commission.

2. University of California shall not conduct any experiments other than those outlined in section III—"Reactor Checkout and Operation" of the final hazards report, without prior written authorization from the Commission.

3. University of California shall not make any changes in the facility design, performance characteristics, and operating procedures specified in the application without prior written authorization from the Commission.

B. *Records.* In addition to those otherwise required under this license and applicable regulations, University of California shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of University of California as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. University of California shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated to University of California for use in connection with operation of the reactor, 3.350 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in the application, and 32 grams of encapsulated plutonium. This allocation supersedes that previously granted in Special Nuclear Material License No. SNM-392 issued August 5, 1960. Estimated schedules of special nuclear material transfers to University of California and returns to the Commission are contained in Appendix "A" which is attached hereto. Transfers from the Commission to University of California in accordance with column (2) of Appendix A will be conditioned upon return to the Commission of special nuclear material substantially in accordance with column (3) of Appendix A.

6. This license is effective as of the date of issuance and shall expire at midnight March 30, 1970.

Date of issuance:

For the Atomic Energy Commission.

APPENDIX A TO UNIVERSITY OF CALIFORNIA FACILITY LICENSE NO. R-

Estimated Schedule of Transfers of Special Nuclear Material from the Commission to the University and to the Commission from the University

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to the university, kgs. U-235	(3) Returns by the University to AEC, kgs. U-235		(4) Net yearly Distribution including cumulative losses, kgs. U-235	(5) Cumulative distribution including cumulative losses, kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1960	4.000	0.660		3.340	3.340
1961					3.340
1962					3.340
1963					3.340
1964					3.340
1965	0.010		0.005	0.005	3.345
1966					3.345
1967					3.345
1968					3.345
1969					3.345
1970	0.010		0.005	0.005	3.350
1971			[1] 3.340	(3.340)	[2] .010
	4.020	0.660	3.350	[2] 0.010	

[1] Inventory to be returned.
[2] Burnup losses.

[F.R. Doc. 60-8531; Filed, Sept. 13, 1960; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 60-1050]

REVISED SUPPLEMENT TO USE OF BROADCAST FACILITIES BY CANDIDATES FOR PUBLIC OFFICE

SEPTEMBER 8, 1960.

On October 1, 1958, the Commission issued its Public Notice (FCC 58-936) revising its earlier Public Notice (54-1155) on the "Use of Broadcast Facilities by Candidates for Public Office." This document set forth in question and answer form Commission rulings and interpretations with respect to section 315 of the Communications Act. It is the purpose of this Supplement to apprise licensees and other interested parties of important changes in the law and the Commission's rules governing political broadcasts which have occurred since the last revision of the Public Notice on this subject, and of additional significant rulings thereunder.

Statutory changes. On September 14, 1959, section 315(a) of the Communications Act, 47 U.S.C. 315(a), was amended[1] to exempt appearances by legally qualified candidates on certain types of news programs from the "equal opportunities" requirements of section 315. Section 315(a), as amended, provides as follows:

SEC. 315(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting stations: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

On August 24, 1960, Senate Joint Resolution 207 was signed by the President. Said Resolution reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of section 315(a) of the Communications Act of 1934, as amended, which requires any licensee of a broadcast station who permits any person who is a legally qualified candidate for any public office to use a broadcasting station to afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, is suspended for the period of the 1960 presidential and vice presidential campaigns with respect to nominees for the offices of President and Vice President of the United States. Nothing in the foregoing shall be construed as relieving broadcasters from the obligation imposed upon them under this Act to operate in the public interest.

(2) The Federal Communications Commission shall make a report to the Congress, not later than March 1, 1961, with respect to the effect of the provisions of this joint resolution and any recommendations the Commission may have for amendments to the Communications Act of 1934 as a result of experience under the provisions of this joint resolution.

Changes in rules. On July 31, 1959, the Commission amended §§ 3.120, 3.290, 3.590 and 3.657 of its rules (FCC 59-797) by adding two new subsections, reading as follows:

(e) A request for equal opportunities must be submitted to the licensee within one week of the day on which the prior use occurred.

(f) A candidate requesting such equal opportunities of the licensee, or complaining of non-compliance to the Commission, shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

In light of the above amendments to the Act and the rules, the rulings in the Commission's Public Notice of October 1, 1958, insofar as they are inconsistent with said amendments, are modified accordingly.

Additional rulings.

A. Q. A Philadelphia TV station had been presenting a weekly program called "Eye on Philadelphia." This program consisted of personalities being interviewed by a station representative. Three candidates for the office of Mayor of Philadelphia, representing different political parties, appeared on the program. Would a write-in candidate for Mayor be entitled to "equal opportunities?"

A. No, since it was ascertained that the appearances of the three mayoralty candidates were on a bona fide, regularly scheduled news interview program and that such appearances were determined by the station's news director on the basis of newsworthiness. (Telegram to Joseph A. Schafer, November 2, 1959.)

B. Q. A local weathercaster who was a candidate for re-election for Representative in the Texas Legislature was regularly employed by an AM and TV station in Texas. His weathercasts contained no references to political matters. He was identified over the air while a candidate as the "TX Weatherman." Would his opponent be entitled to "equal opportunities?"

A. No. The Court of Appeals, Fifth Circuit ruled that the weathercaster's appearance did not involve anything but a bona fide effort to present the news; that he was not identified by name but only as the "TX Weatherman"; that his employment did not arise out of the election campaign but was a regular job; and that the facts did not reveal any favoritism on the part of the stations or any intent to discriminate among candidates. (Letter to KWTX Broadcasting Co., March 16, 1960; Brigham v. FCC, 276 F. 2d 828 (C.A. 5), April 19, 1960.)

C. Q. A sheriff who was a candidate for nomination for U.S. Representative in Congress conducted a daily program, regularly scheduled since 1958, on which he reported on the activities of his office. He terminated each program with a personal "Thought for the Day." Would his opponent be entitled to "equal opportunities?"

A. Yes. In light of the fact that the format and content of the program were determined by the sheriff and not by the station, the program was not of the type intended by Congress to be exempt from the "equal opportunities" requirement of Section 315. (Letter to Station WCLG, April 27, 1960.)

D. Q. Certain networks had presented over their facilities various candidates for the Democratic nomination for President on the programs "Meet the Press", "Face the Nation" and "College News Conference." Said programs were regularly scheduled and consisted of questions being asked of prominent individuals by newsmen and others. Would a candidate for the same nomination in a state primary be entitled to "equal opportunities?"

A. No. The programs were regularly scheduled, bona fide news interviews and were of the type which Congress intended to exempt from the "equal opportunities" requirement of Section 315. (Letter to Andrew J. Easter, April 28, 1960; letters to Charles V. Falkenberg, May 12 and June 13, 1960.)

E. Q. A candidate for the Democratic nomination for President was interviewed on a network program known as "Today." It was shown that this was a daily program emphasizing news coverage, news documentaries and on-the-spot coverage of news events; that the determination as to the content and format of the interview and the candidate's participation therein was made by the network in the exercise of its news judgment and not for the candidate's political advantage; that the questions asked of the candidate were determined by the director of the program; and that the candidate was selected because of his newsworthiness and the network's desire to interview him concerning current problems and events. Would the candidate's opponent be entitled to "equal opportunities?"

A. No, since the appearance of the candidate was on a program which was exempt from the "equal opportunities" requirement of Section 315. (Telegram to Lar Daly, July 6, 1960.)

F. Q. A candidate for the Democratic nomination for President appeared on a network variety show. A claimant for "equal opportunities" showed that his name had been on the ballots in the Democratic presidential primary elections in two states; that the network had shown him a film on a program concerned with the various 1960 presidential candidates; and that he was continuing his efforts as a candidate for the Democratic nomination. Would the claimant be entitled to "equal opportunities?"

A. Yes, since the appearance of the first candidate was on a program which was not exempt from the "equal opportunities" requirement of Section 315 and the claimant had shown that he was a "legally qualified" candidate for the nomination for the same office. (Telegram to NBC, July 6, 1960.)

G. Q. A former President expressed his views with respect to a forthcoming national convention of his party. A candidate for that party's nomination for President called a press conference to comment on said views, which conference was broadcast by two networks. Would said candidate's opponent for the same nomination be entitled to "equal opportunities?"

A. No, since the appearance of the first candidate was on a program which was exempt from the "equal opportunities" requirement of Section 315. (Telegram to Falkenberg & Falkenberg, July 7, 1960.)

Adopted: September 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8541; Filed, Sept. 13, 1960; 8:54 a.m.]

[1] Public Law No. 86-274, 86th Cong., 73 Stat. 557. Section 2(a) of Public Law No. 86-174 declares it to be the intention of Congress "to reexamine from time to time the amendment to section 315(a) • • • to ascertain whether such amendment has proved to be effective and practicable." To assist Congress in such re-examinations, Section 2(b) requires the Commission to report annually to Congress regarding "(1) the information and data used by it in determining questions arising from or connected with such amendment, and (2) such recommendations as it deems necessary in the public interest."

[Docket Nos. 13745, 13746; FCC 60M-1491]

RADIO STATION WHCC (WHCC) AND ALUMINUM CITIES BROADCASTING CO. (WGAP)

Order Setting Prehearing Conference

In re applications of Kenneth D. Fry and Margaret F. Fry, d/b as Radio Station WHCC (WHCC), Waynesville, North Carolina, Docket No. 13745, File No. BP-12615; Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U; Harry C. Weaver and Frank H. Corbett, a Limited Partnership, d/b as Aluminum Cities Broadcasting Company (WGAP), Maryville, Tennessee, Docket No. 13746, File No. BP-12642; Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 7th day of September 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, on Wednesday, September 21, 1960, at 9:00 a.m., in the offices of the Commission at Washington, D.C.

Released: September 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8542; Filed, Sept. 13, 1960; 8:54 a.m.]

[Docket No. 13685; FCC 60M-1488]

CALOJAY ENTERPRISES, INC.

Order Setting Prehearing Conference

In re application of Calojay Enterprises, Inc., Indianapolis, Indiana, Docket No. 13685, File No. BPH-3013; for construction permit (FM).

On the Hearing Examiner's own motion: *It is ordered*, This 7th day of September 1960, that all parties, or their counsel, who desire to participate in the above-captioned proceeding, are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10:00 a.m., September 21, 1960.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Released: September 8, 1960.

[F.R. Doc. 60-8543; Filed, Sept. 13, 1960; 8:54 a.m.]

[Docket Nos. 13632, 13633; FCC 60M-1484]

WILLIAM R. PACKHAM AND RADIO STATION WPCC, INC. (WPCC)

Order Continuing Hearing

In re applications of William R. Packham, Hendersonville, North Carolina, Docket No. 13632, File No. BP-12394; Radio Station WPCC, Incorporated (WPCC), Clinton, South Carolina, Docket No. 13633, File No. BP-13744; for construction permits.

In the light of developments explained on the record of a prehearing conference held this date in the above-entitled matter,

It is ordered, This 7th day of September 1960, that a further prehearing conference will be held at 10:00 a.m. October 3, 1960, in the Commission's offices in Washington, D.C., and

It is further ordered, That the hearing now scheduled for September 30, 1960 is postponed to a date to be subsequently determined.

Released: September 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8544; Filed, Sept. 13, 1960; 8:54 a.m.]

[Docket Nos. 13377, 13378; FCC 60M-1483]

SHENANDOAH LIFE STATIONS, INC. (WSLS) AND EDWIN R. FISCHER

Order Continuing Hearing

In re applications of Shenandoah Life Stations, Incorporated (WSLS), Roanoke, Virginia, Docket No. 13377, File No. BP-12610; Edwin R. Fischer, Winchester, Virginia, Docket No. 13378, File No. BP-13139; for construction permits.

The Hearing Examiner has before him a Motion to Continue Hearing Indefinitely, filed by Edwin R. Fischer on September 1, 1960;

It appearing that the petition is bottomed on the fact that Shenandoah Life Stations, Incorporated, and Edwin R. Fischer both have petitions pending before the Commission to sever their applications from hearing and grant them; and

It further appearing that no other party to the proceeding has objection to the continuance requested but that the Examiner has a policy of not granting indefinite continuances;

Accordingly, it is ordered, On the Examiner's own motion, that hearing in the above-entitled proceeding is continued from September 8, 1960, to November 8, 1960, without prejudice to the parties seeking an additional extension if the one granted does not permit Commission action on their petitions for severance and grant.

Dated: September 7, 1960.

Released: September 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8546; Filed, Sept. 13, 1960; 8:54 a.m.]

[Docket Nos. 13687, 13688; FCC 60M-1476]

VALLEY TELECASTING CO. AND CENTRAL WISCONSIN TELEVISION, INC.

Order Setting Prehearing Conference

In re applications of Valley Telecasting Company, Wausau, Wisconsin, Docket No. 13687, File No. BPCT-2709; Central Wisconsin Television, Inc., Wausau, Wisconsin, Docket No. 13688, File No. BPCT-2738; For Construction Permits for New Television Broadcast Stations (Channel 9),

[1] It is noted that the applicant filed a timely notice of appearance on August 15, 1960, but had indicated in a telegram of August 5, 1960 sent to the Commission, that it intended to submit an amendment to its application "as soon as possible" and also "to petition for a waiver of the hearing." Hearing in this matter is presently scheduled to commence on October 10, 1960. To date, the applicant has filed no pleading which, if given favorable consideration by the Examiner, would result in postponement either of the customary prehearing conference as ordered herein or the hearing date heretofore scheduled. The applicant's telegraphic communication of August 5, 1960 is not regarded by the Examiner as being a request for postponement of the hearing since such communication referred to an extension of time only with respect to the filing of a written appearance—a matter which has since become moot.

It is ordered, This 6th day of September 1960, on the Hearing Examiner's own motion, that all parties, or their counsel, who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10:00 a.m., September 29, 1960.

Released: September 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8547; Filed, Sept. 13, 1960; 8:54 a.m.]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

The Commission having under consideration the desirability of making an editorial change in section 0.291(b)(7); and

It appearing that the amendment adopted herein is editorial in nature because it merely reflects an amendment to Part 12 made by Commission Order (FCC 58 445 in Docket 12160) adopted May 8, 1958, and published in the FEDERAL REGISTER May 16, 1958 (23 F.R. 3321); wherein pertinent substantive language of § 12.91 was placed in a new § 12.90 and the amendment herein corrects the reference thereto; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934 (47 U.S.C. 154(i), 155(d)(1), and 303(r)), as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 7th day of September 1960, that effective September 15, 1960, section 0.291(b)(7) is amended by changing, in the proviso, the reference "12.91" to "12.90."

Released: September 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8548; Filed, Sept. 13, 1960; 8:54 a.m.]

[FCC 60-1043]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September 1960;

The Commission having under consideration sections 0.216 and 0.217 of its Statement of Delegations of Authority, which describe and delegate authority to the Emergency Dispersal Board, and

It appearing that the amendments adopted herein clarify provisions relating to the Composition of the Board, provide for recording its actions in the official minutes of the Commission, replace the obsolete term, "Warning Yellow," and provide a name which more accurately describes the Board's functions; and

It further appearing that the amendments adopted herein pertain to Commission management and organization and such amendments are editorial in nature, and hence that compliance with the requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 1, 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, effective September 19, 1960, That the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] BEN F. WAPLE,
Acting Secretary.

Sections 0.216 and 0.217 are amended to read as follows:

SEC. 0.216. *Emergency Relocation Board.* (a) An Emergency Relocation Board, to be convened at the Commission's relocation headquarters, is authorized to place in effect the provisions of section 0.217, in the event of the inability of the Commission to function at its offices in Washington, D.C., resulting from disaster or the threat of imminent disaster from enemy attack or from natural causes, either:

(1) At the time of or under circumstances specified in a directive from the President.

(2) In the absence thereof, upon receipt of a warning signal indicating that an attack on the capital is likely.

(3) In the absence of either a directive or warning signal, immediately following an actual attack.

(b) The Board shall comprise such commissioners as may be present and able to act or, if no commissioner is present and able to act, the occupant of the highest of the following positions who is present and able to act:

1. The Chief, Field Engineering and Monitoring Bureau.
2. The General Counsel.
3. The Chief Engineer.
4. The Chief, Safety & Special Radio Services Bureau.
5. The Chief, Broadcast Bureau.
6. The Chief, Common Carrier Bureau.
7. The Executive Officer.
8. The Assistant Chief, Field Engineering & Monitoring Bureau.
9. The Associate General Counsel.
10. The Associate Chief Engineer.
11. The Assistant Chief, Safety and Special Radio Services Bureau.
12. The Assistant Chief, Broadcast Bureau.
13. The Assistant Chief, Common Carrier Bureau.
14. The Chief of Division, ranking in the same order as indicated in items 5 to 10, inclusive.

SEC. 0.217 *Authority delegated.* (a) During any period in which the Commission is unable to function because of the circumstances set forth in section 0.216(a), all work, business or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, is assigned and referred to the Emergency Relocation Board.

(b) The Board, acting by a majority thereof, shall have the power and authority to hear and determine, order, certify, report or otherwise act as to any of the said work, business or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

(c) Any order, decision or report made or other action taken by the said Board in respect of any matters so assigned or referred shall have the same effect and force, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission.

(d) Actions taken by the Board shall be recorded each week in writing and filed in the official minutes of the Commission.

[F.R. Doc. 60-8549; Filed, Sept. 13, 1960; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 2942, 3628, 4543]

PAN AMERICAN-GRACE AIRWAYS, INC.

Notice of Hearing

In the matter of abandonment of service between Quito, Ecuador and Ipiales, Colombia by Pan American-Grace Airways, Inc., Docket 2942.

In the matter of abandonment of service at Salinas, Ecuador by Pan American-Grace Airways, Inc., Docket 3628.

In the matter of abandonment of service at Loja, Ecuador by Pan American-Grace Airways, Inc., Docket 4543.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on September 15, 1960, at 10:00 a.m. (eastern daylight saving time) in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., September 9, 1960.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 60-8554; Filed, Sept. 13, 1960; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 341]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 9, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 515 (Sub No. 8) (CORRECTION), filed June 22, 1960, published in the FEDERAL REGISTER, issue of August 31, 1960. Applicant: EMPIRE TRANSPORT, INC., 2802 South Sixth Street, Klamath Falls, Oreg. Applicant's attorney: Robert R. Hollis, 1121 Equitable Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building materials, processed stock feeds, fertilizer*, and *box shook*, between points in Klamath and Deschutes Counties, Oreg., and points in California and Nevada.

NOTE: Previous publication designated in error. Joint Board No. 30 in lieu of Joint Board 151, correctly named below.

HEARING: November 3, 1960, at the Interstate Commerce Commission Hearing Room, 410 S. W. 10th Avenue, Portland, Oreg., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 3107 (Sub No. 13), filed September 1, 1960. Applicant: WHITE OWL EXPRESS, INC., 212 Osmun Street, Pontiac, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined in Practices of Motor *Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment, serving Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill., and the Commercial Zone thereof.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its rights to participate, before Examiner Garland E. Taylor.

No. MC 4405 (Sub No. 358) (AMENDMENT), filed June 6, 1960, published FEDERAL REGISTER issue of August 17, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers, semi-trailers, trailer chassis* and *semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway service, and (b) *tank shells* and *tank bodies*, from Uniontown, Pa., and points within 10 miles thereof, to all points in the United States, including Alaska, but excluding Hawaii.

HEARING: Remains as assigned October 3, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 4405 (Sub No. 362) (CLARIFICATION), filed July 21, 1960, published FEDERAL REGISTER, issue of July 27, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James N. Clay, III, 2111 Sterick Building, Memphis, Tenn. The instant application was the subject of a pre-hearing conference August 3, 1960. By letter dated August 24, 1960, applicant's attorney advises that the restriction shown in the previous publication refers only to those operations described immediately preceding such restriction. The other operations described are unrestricted.

No. MC 7746 (Sub No. 102), filed April 6, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 654 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Great Falls, Mont., and port of entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont., over U.S. Highway 91, serving all intermediate points.

HEARING: November 17, 1960, at the Commercial Club, Billings, Mont., before Joint Board No. 345, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 9321 (Sub No. 8), filed August 11, 1960. Applicant: F. G. COOKMAN, doing business as PRODUCERS PRODUCE TRANSIT COMPANY, 410 South Monroe Avenue, Mason City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Chester, Church, Clermont, Decorah, Dunkerton, Elma, Fredericksburg, Hawkeye, Jerico, Lawler, Lime Springs, Ludlow, Maple Leaf, Nordness, Protivin, Readlyn, St. Lucas, Volga and Westgate, Iowa, and Adams, Brownsdale, Caledonia, Chatfield, LeRoy, Oslo (Dodge County), Preston, Spring Grove, Spring Valley and Stewartville, Minn., to Waucoma, Iowa.

HEARING: November 2, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 19201 (Sub No. 119), filed August 29, 1960. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh 20, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Herndon, Pa. and Sunbury, Pa., from Herndon over Pennsylvania Highway 14 to Sunbury, and return over the same route, serving no intermediate points. (2) Between McClure, Pa. and Lewistown, Pa., from McClure over U.S. Highway 522 to Lewistown, and return over the same route, serving no intermediate points. (3) Between Selinsgrove, Pa., and the junction of combined U.S. Highways 11 and 15 with U.S. Highway 22, from Selinsgrove over combined U.S. Highways 11 and 15 to Junction U.S. Highway 22 near Juniata Bridge at the confluence of the Juniata and Susquehanna Rivers, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations. RESTRICTION: The service to be performed by applicant is restricted to that which is auxiliary to, or supplemental of, rail service of the Pennsylvania Railroad Company.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 118779 and Subs thereunder. Applicant indicates it is controlled by the Pennsylvania Railroad Company. Dual operations and common control may be involved.

HEARING: October 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Michael B. Driscoll.

No. MC 19778 (Sub No. 38), filed August 3, 1960. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell, 888 Union Station, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, building materials and supplies, iron and steel articles, cement*, in bulk or bags, *commodities* which by reason of size and weight require the use of special equipment or special handling between points in Washington, restricted to the transportation of shipments which have received an immediately prior or subsequent rail movement.

HEARING: November 4, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Hugh M. Nicholson.

No. MC 21060 (Sub No. 3), filed August 1, 1960. Applicant: CHARLES F. ILES AND HAROLD E. McKINNEY, a Partnership, doing business as IOWA FILM DELIVERY, 214 15th Street, Des Moines, Iowa. Applicant's attorney:

Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Des Moines Municipal Airport, at Des Moines, Iowa; the Cedar Rapids Municipal Airport near Cedar Rapids, Iowa; the Waterloo Municipal Airport, near Waterloo, Iowa; the Quad-Cities Airport serving Davenport, Iowa, and Moline and Rock Island, Ill. located in or near Moline, Ill.; the Municipal Airport serving Council Bluffs, Iowa; and the Omaha Municipal Airport located near Omaha, Nebr., on the one hand, and, on the other, all points in Iowa.

NOTE: Applicant states the proposed operations shall be restricted to shipments having a prior or subsequent movement by air.

HEARING: November 1, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 136.

No. MC 26396 (Sub No. 27), filed March 14, 1960. Applicant: STAR TRANSFER COMPANY, a Corporation, 1024 Second Avenue, North Billings, Mont. Applicant's attorney: J. F. Meglen, P.O. Box 1581, 204–205 Behner Building, 2822 Third Avenue, North Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry defluorinated phosphates feed ingredients*, in containers or bulk, in truckload lots, from Butte, Mont., to all ports of entry on the International Boundary line between the United States and Canada in Montana; and to all points in Colorado, Idaho, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, and *contaminated and rejected shipments* of the commodities specified in this application on return.

HEARING: November 16, 1960, at the Commercial Club, Billings, Mont., before Examiner Hugh M. Nicholson.

No. MC 27970 (Sub No. 36), filed May 31, 1960. Applicant: CHICAGO EXPRESS, INC., Third and Adams Street, Kearny, N.J. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and Classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Topeka, Kans., on the one hand, and, on the other, Jackson, Jefferson, Douglas, Coffey, Osage, Lyon, Wabaunsee, and Pottawatomie, Kans. and (2) between Wichita, Kans., on the one hand, and, on the other, Bedwick, Butler, Harvey, Sumner, Cowley, Kingman, and Reno, Kans.

NOTE: This authority will be tacked with the existing authorities of the applicant.

HEARING: November 7, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 30036 (Sub No. 3), filed July 18, 1960. Applicant: CONSUMER SUPPLY COMPANY, INC., Tyndall, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bags, and in bulk, from Tyndall, S. Dak. to points in that part of Nebraska on and north of U.S. Highway 30 and on and east of U.S. Highway 83; Sioux City, Iowa; and points in that part of Iowa on and north of U.S. Highway 30 and on and west of U.S. Highway 69, and *grain* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

HEARING: October 31, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185.

No. MC 30092 (Sub No. 14), filed July 21, 1960. Applicant: HERRETT TRUCKING COMPANY, INC., P.O. Box 539, Sunnyside, Wash. Applicant's attorney: William Q. Marshall, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, dried ground fish* and *ground fish scraps*, from points in Washington, and from ports of entry between the boundary of the United States and Canada in Idaho, to points in Oregon, Idaho, Montana, Utah, and California, and *exempt commodities*, on return.

HEARING: October 31, 1960, at the Federal Office Building, Seattle, Wash., before Examiner Hugh M. Nicholson.

No. MC 45656 (Sub No. 8) (CORRECTION), filed June 22, 1960, published FEDERAL REGISTER issue of August 31, 1960. Applicant: ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N.C. Applicant's attorney: William M. York, 201–204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Toccoa, Ga., to Lenoir, N.C.

NOTE: The purpose of this republication is to correctly advise the assignment for hearing on *October 28, 1960*, incorrectly shown as *November* in previous publication.

HEARING: October 28, 1960, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 130.

No. MC 60109 (Sub No. 3), (SECOND CORRECTION), filed July 25, 1960, published FEDERAL REGISTER, issue of August 24, 1960, and republished in issue of September 8, 1960. Applicant: APPLE TRANSPORTATION COMPANY, a Corporation, 5647 Race Street, Philadelphia 39, Pa.

NOTE: The purpose of this second correction is to show carrier's correct street address as 5647 Race Street, incorrectly shown as 3647 in previous publication.

HEARING: Remains as assigned October 5, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John L. York.

No. MC 61396 (Sub No. 75), filed June 17, 1960. Applicant: HERMAN BROS., INC., 711 W.O.W. Building, Omaha, Nebr. Applicant's attorney: Donald L. Stern, Suite 924 National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, from Craig, Mo. and points within 15 miles to Platte Pipeline Terminal at Fairview, Kans. and points in Nebraska.

HEARING: November 4, 1960, at the Nebraska Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 140.

No. MC 69492 (Sub No. 19), (REPUBLICATION), filed November 16, 1959, published in the FEDERAL REGISTER, issue of February 10, 1960. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. As originally filed the subject application sought authority to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Malt beverages*, from Union City, Tenn., to Jackson, Tenn., from Union City over U.S. Highway 45–W to junction U.S. Highway 45 approximately six (6) miles southeast of Humboldt, Tenn., thence over U.S. Highway 45 to Jackson, and *empty containers or other such incidental facilities* used in transporting malt beverages on return, over the same route, serving no intermediate points. At the hearing held March 23, 1960, at Nashville, Tenn., the application was amended to include a request for authority from Belleville, Ill., as a point of origin for malt beverages, and as a point of destination for the return of empty containers and related items. In a report and order served September 2, 1960, it was found that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *malt beverages* from Belleville, Ill., to Union City and Jackson, Tenn., as follows: From Belleville over Illinois Highway 159 to Red Bud, Ill., thence over Illinois Highway 3 to junction U.S. Highway 51 at Future City, Ill., thence over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45 to Union City, Tenn., thence over U.S. Highway 45W to junction U.S. Highway 45 near Humboldt, Tenn., thence over U.S. Highway 45 to Jackson, Tenn., serving the intermediate point of Union City for delivery only. Any person or persons who might have been prejudiced by the allowance of the amendment, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 80428 (Sub No. 33), filed July 20, 1960. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, syrups, blends or mixtures of corn syrup and liquid or invert sugar*, and *blends or mixtures of corn syrup and liquid and invert sugar*, in bulk, in tank vehicles, from Bayonne, N.J., to Williamport, Milton, Berwick, Hazleton, Kingston, Scranton, and Wilkes-Barre, Pa., Bridgeport, Fairfield, Bridgeton, Asbury Park, New Brunswick, and Trenton, N.J., Bridgeport, New Haven and New London, Conn., points in Ohio and New York.

HEARING: October 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 90847 (Sub No. 1), filed August 15, 1960. Applicant: W. M. KERSTING, Martinsburg, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *fertilizer;* from E. St. Louis, Ill., to points in Lincoln, Montgomery, Audrain, and Boone Counties, Mo., and *livestock* and *exempt commodities*, on return.

HEARING: November 14, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 90847 (Sub No. 2), filed August 16, 1960. Applicant: W. M. KERSTING, Martinsburg, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds;* from Selma, Mo., to points in Illinois and Iowa, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: November 14, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 95540 (Sub No. 344), filed August 22, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit salads, fruit sections*, and *fruit juices*, not frozen, from Lakeland, Fla., to points in Arizona, California, and New Mexico; and *citrus products*, not canned and not frozen, from points in Florida, to points in Alabama, Arkansas, Kentucky, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, West Virginia, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, South Carolina, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states the purpose of this application is to remove a restriction in its consolidated Certificate MC 95540 (Sub No. 266) reading as follows: "in vehicles equipped with mechanical refrigeration".

HEARING: September 29, 1960, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Isadore Freidson.

No. MC 103051 (Sub No. 100), filed August 8, 1960. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from points in Alabama, Florida, Georgia, and South Carolina, to points in Chatham County, Ga.

NOTE: Common control may be involved.

HEARING: November 9, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Commissioner Rupert L. Murphy.

No. MC 103378 (Sub-No. 188), filed June 27, 1960. Applicant: PETROLEUM CARRRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable Oils and blends thereof*, in bulk, in tank vehicles, from Moultrie, Ga., to points in Delaware, New York, West Virginia, and Connecticut.

HEARING: November 9, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Commissioner Rupert L. Murphy.

No. MC 103993 (Sub No. 136), filed May 20, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Montana to all points in the United States, including Alaska, but excluding Hawaii.

HEARING: November 14, 1960, at the U.S. Court Rooms, Butte, Montana, before Examiner Hugh M. Nicholson.

No. MC 106233 (Sub No. 7), filed August 15, 1960. Applicant: GORDON HART, doing business as GORDON HART TRUCK LINE, Dexter, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment; (1) between Dexter, Mo., and Marquand, Mo.; from Dexter, Mo., over Missouri Highway 25 to junction Missouri Highway 91, thence over Missouri Highway 91 to junction Missouri Highway 51, thence over Missouri Highway 51 to junction County Road "A" thence over County Road "A" to Marquand, and return over the same route. (2) Between Dexter, Mo., and Perryville, Mo.; from Dexter, Mo., over Missouri Highway 25 to Advance, Mo., thence over Missouri Highway 91 to junction Missouri Highway 51, thence over Missouri Highway 51 to Perryville, Mo., and return over the same route, serving no intermediate points, in connection with (1) and (2), above.

HEARING: November 17, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179.

No. MC 106398 (Sub No. 155), filed April 12, 1960. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, in truckaway service, from points in Montana, to points in the United States, including Alaska.

HEARING: November 14, 1960, at the U.S. Court Rooms, Butte, Mont., before Examiner Hugh M. Nicholson.

No. MC 108375 (Sub No. 8), filed June 6, 1960. Applicant: LeROY L. WADE & SON, INC., 1615 Izard Street, Omaha 2, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *salt*, in bulk, in hopper-type vehicles, from the Missouri River barge docks at Omaha, Nebr., to warehouse facilities in Omaha, Nebr., and points in Omaha within ten (10) miles thereof, restricted to movements having had an immediately prior movement by water, and *rejected or contaminated shipments* of the above-specified commodities, on return.

NOTE: Applicant has contract carrier authority under MC 226. A proceeding has been instituted under Section 212(c) in No. MC 226 (Sub No. 2) to determine whether applicant's status is that of a common or contract carrier. Dual operations under Section 210 may be involved.

HEARING: November 3, 1960, at the Nebraska State RR Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138.

No. MC 110252 (Sub No. 51), filed August 18, 1960. Applicant: JAMES J. WILLIAMS, INC., North 1108 Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, from points in Washington on and east of U.S. Highway 97 to points in Washington west of U.S. Highway 97.

HEARING: November 7, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 110388 (Sub No. 19) (REPUBLICATION), filed October 5, 1959, published in the FEDERAL REGISTER, issue of October 14, 1959. Applicant: UNION PACIFIC MOTOR FREIGHT COMPANY, a Corporation, 1416 Dodge Street, Omaha 2, Nebr. In a consolidated report and order entitled No. MC 70451 (Sub-No. 214), Watson Bros. Transportation Co., Inc., Extension—Missile Sites, served July 6, 1960, which embraced the findings of division 1 in No. MC 110388 (Sub No. 19), Union Pacific Motor Freight Company, among others, the division stated: "Although the appli-

cation filed by Union Pacific does not specifically request authority to serve missile sites in Kimball County, Nebr., all parties hereto were advised at the hearing of that applicant's intention to seek authority to serve such sites in coordinated rail-motor service and no one opposes a grant of such authority. Accordingly, we deem it proper to consider its application as one seeking authority to serve Nebraska missile sites in addition to those located in Wyoming and Colorado", and found that public convenience and necessity require operations by that carrier as follows: *General commodities*, except commodities of unusual value and household goods as defined by the Commission, serving intercontinental ballistic missile launching sites located in Laramie, Platte, and Goshen Counties, Wyo., Weld and Larimer Counties, Colo., and Kimball County, Nebr., as off-route points in connection with applicant's authorized regular-route operations to and from Cheyenne, Wyo. Shipments transported shall be limited to those which are received from or delivered to a railroad under a through bill of lading covering, in addition to a motor carrier movement by applicant, an immediately prior or subsequent movement by rail. Any person or persons who may have been prejudiced by the allowance of the amendment to include the additional destination territory, may, within 30 days from the date of this publication, file an appropriate pleading.

No. MC 111435 (Sub No. 22), filed August 18, 1960. Applicant: C & E TRUCKING CORP., Saugerties, N.Y. Applicant's attorney: W. T. Croft, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, and blends or mixtures of liquid and invert sugar and corn syrup;* from Bayonne, N.J. to points in Pennsylvania except Philadelphia and points within 25 miles of Philadelphia and except Williamsport, Milton, Berwick, Hazelton, Kingston, Scranton, and Wilkes Barre, Pa., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *exempt commodities or commodities otherwise authorized*, on return.

HEARING: October 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 111740 (Sub No. 9), (CORRECTION), filed August 9, 1960, published in the FEDERAL REGISTER, issue of August 31, 1960. Applicant: OIL TRANSPORT COMPANY, a Corporation, East Highway 80, P.O. Box 2031, Abilene, Tex. Previous publication listed applicant's attorney as Charles D. Mathews, in error.

HEARING: Remains as assigned November 15, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Alton R. Smith.

No. MC 113388 (Sub No. 30), filed August 24, 1960. Applicant: LESTER C. NEWTON TRUCKING COMPANY, a Corporation, P.O. Box 265, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 Fifteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Bergen, Essex, Union and Hudson Counties, N.J. to points in North Carolina, points in that part of Maryland on and east of U.S. Highway 1, points in that part of Virginia on and east of U.S. Highway 11, Wilmington, Georgetown and Milton, Del., and Washington, D.C.

HEARING: October 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo. M. Cunningham.

No. MC 114123 (Sub No. 22), filed July 28, 1960. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. Applicant's attorney: Andrew Wilson Green, Pennsylvania State Chamber of Commerce Building, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid or invert sugar, corn syrup*, and *mixtures of liquid or invert sugar and corn syrup*, in bulk, in tank vehicles, from Bayonne, N.J. to points in West Virginia, and Berryville, Mount Jackson, Timberville, Winchester, Strasburg and Front Royal, Va.

NOTE: Applicant states it will transport *exempt agricultural commodities*, particularly milk and cream, in bulk, on return.

HEARING: October 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 114740 (Sub No. 5), filed July 18, 1960. Applicant: IVON E. CREWSE, doing business as IVON CREWSE TRUCKING, 2403 Lyon Street, Des Moines, Iowa. Applicant's attorney: Robert R. Rydell, 1014 Savings and Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty food products, such as potato chips, corn chips, cheese wafers, pork skins, popped corn, pretzels*, also *advertising materials and supplies for such items*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities; between Des Moines, Iowa, on the one hand, and, on the other, points in Minnesota and South Dakota located on and south of U.S. Highway 14, and on and east of U.S. Highway 77.

HEARING: October 31, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 147.

No. MC 115311 (Sub No. 29), filed August 29, 1960. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Georgia, to points in Alabama, Florida, and South Carolina.

HEARING: November 10, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Commissioner Rupert L. Murphy.

No. MC 116698 (Sub No. 5), filed March 28, 1960. Applicant: BABCOCK & LEE FREIGHT LINES, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: James F. Battin, Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Roundup, Mont., and Glasgow, Mont.: from Roundup over U.S. Highway 87, north to the Winnett cut-off, thence north over unnumbered highway to Winnett, thence east over Montana Highway 20, via Jordan, to Circle, thence north over Montana Highway 13 to junction Montana Highway 13W, thence northwest over Montana Highway 13W to Wolf Point, and thence west over U.S. Highway 2 to Glasgow, and return over the same route, serving the intermediate points of Winnett, Mosby, Sand Springs, Jordan, Van Norman, Circle, Vida, Wolf Point, Fraser and Nashua, Mont., and the off-route points of the Jet Fuel Refinery, located approximately one (1) mile off the highway north of Mosby, Brockaway, and Oswego, Mont.

NOTE: Applicant states its principal stockholder and President directly or indirectly controls Babcock & Lee Petroleum Transporters, Inc., MC 115830, and Babcock & Lee Transportation, Inc., MC 115931; therefore, common control may be involved.

HEARING: November 21, 1960, at the Commercial Club, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

No. MC 116987 (Sub No. 11), filed July 22, 1960. Applicant: ROBERT H. CARR AND SONS, INC., R. D. No. 2, Malvern, Pa. Applicant's attorney: Edward M. Alfano, 2 West Fourth Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends or mixtures of liquid or invert sugar and corn syrup*, in bulk, in tank vehicles, from Bayonne, N.J., to Akron, Canton, Carrollton, Cincinnati, Cleveland, Columbus, Toledo and Youngstown, Ohio, and Detroit, Battle Creek and Grand Rapids, Mich.

HEARING: October 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 117344 (Sub No. 57), filed August 30, 1960. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles from points in Boyd County, Ky. (excluding Ashland, Ky.) to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota,

Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, on and west of U.S. Highway 27; Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia and *refused and rejected* shipments on return.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 117574 (Sub No. 54), filed August 25, 1960. Applicant: DAILY EXPRESS, INC., Box 311, R.D. No. 1, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduits, pipe and conduit fittings;* between Titusville, Pa., and points within a radius of 20 miles thereof, on the one hand, and, on the other, all points in the United States, including the District of Columbia, and excluding Alaska and Hawaii.

HEARING: October 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 118935 (Sub No. 1), filed June 15, 1960. Applicant: ELLIS PRATZ, doing business as E P TRANSPORT, P.O. Box 588, El Dorado, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* requiring heat in transit, and *asphalt emulsions*, in bulk, in tank vehicles, between points in Kansas on the one hand, and, on the other, points in Missouri.

HEARING: November 9, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 119639 (Sub No. 1), filed August 8, 1960. Applicant: VICTOR DI PIETRO, doing business as INCORONATA EXPRESS, 15615 Pacific Highway South, Seattle, Wash. Applicant's attorney: Carl A. Jonson, 400 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, manufactured or produced by a shake or shingle mill, including but not limited to, shakes, shingles and trim, between points in Gray's Harbor, Lewis, Clallam, Snohomish and Skagit Counties, Wash., on the one hand, and, on the other, points in California, Arizona and Nevada.

NOTE: Applicant states it proposes to transport exempt commodities, such as produce, on return.

HEARING: November 1, 1960, at the Federal Office Building, Seattle, Wash., before Examiner Hugh M. Nicholson.

No. MC 119681, filed April 18, 1960. Applicant: J. KEARNS TRANSPORT, LTD., a Corporation, Box 295, Moosejaw, Saskatchewan, Canada. Applicant's attorney: J. F. Meglen, 204–205 Behner Building, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags and packages, in truck load lots, from ports of entry in Montana and North Dakota, which are located on the International Boundary line between the United States and Canada, to points in Montana and North Dakota, and *contaminated or rejected shipments* on return movements.

HEARING: November 18, 1960, at the Commercial Club, Billings, Mont., before Joint Board No. 84, or, if the Joint Board waives its right to participate before Examiner Hugh M. Nicholson.

No. MC 119755 (Sub No. 1) filed July 18, 1960. Applicant: MERCHANTS CARTAGE CO., LIMITED, 649 Industrial Avenue, Vancouver, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver, British Columbia, Canada. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Contractor's and logger's machinery*, which because of its size or weight requires the use of special equipment, and *equipment* (other than motor vehicles), *materials and supplies*, moving in connection therewith, between points in Washington and Ports of Entry on the International Boundary line between the United States and Canada in Washington.

HEARING: November 3, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate before Examiner Hugh M. Nicholson.

No. MC 119780 (CORRECTION), filed May 16, 1960, published in the FEDERAL REGISTER, issue of June 29, 1960. Applicant: YOUNT-HART TRUCKING COMPANY, INC., 221 Northeast 28th Street, P.O. Box 4278, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Forth Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe* and *values* and *fittings* and *materials*, used in the installation thereof, from Corsicana, Texas and points within 5 miles thereof, to points in Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, New Mexico, Arizona, Utah, Wyoming and Colorado. (2) *Fertilizer*, in bulk, bags, packages and containers, from Fort Worth and Dallas, Texas to points in Oklahoma and New Mexico, and *damaged, rejected or returned shipments* of the above described commodities in 1 and 2, on return.

NOTE: The purpose of this republication is to correct the spelling of applicant's name as shown above.

HEARING: Remains as assigned, September 21, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 119782, filed May 13, 1960. Applicant: GLEN TROUTMAN, doing business as GLEN TROUTMAN & SONS, 1720 North A Street, Wellington, Kans. Applicant's representative: Neil L. Toedman, 1101 Topeka Boulevard, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, in bulk and bags, from Texas City and Houston, Tex. to points in Sumner County, Kans., and *grain or agricultural (including horticultural) commodities*—(not including manufactured products thereof) on return.

HEARING: November 10, 1960, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 170.

No. MC 119850 (CORRECTION), filed June 13, 1960, published FEDERAL REGISTER issue of August 17, 1960. Applicant: CARL MAYR, doing business as POPLAR AUTO PARTS, 436 West 12th Street, Erie, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, between points in Pennsylvania, on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, and New York.

NOTE: Applicant states he proposes to transport the above-specified vehicles from point of disablement to point of repair by wrecker vehicle, such transportation not being incidental to repairs made by applicant. Applicant further states he proposes to return empty or tow disabled vehicles back to point of repair with his wrecker equipment. The purpose of this republication is to reflect the change in the origin State from Illinois to Pennsylvania, and indicate that the proposed operations will be conducted in a radial manner, rather than a from and to movement.

HEARING: Remains as assigned October 4, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 119930, filed July 18, 1960. Applicant: TACOMA HAULING COMPANY, INC., 3723 South 58th Street, Tacoma 9, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plyveneer and particle board*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities; between points in Washington, on the one hand, and, on the other, points in Oregon and Idaho.

NOTE: Applicant holds authority in MC–64798 and Subs thereunder, as a common carrier, therefore, dual operations may be involved.

HEARING: November 2, 1960, at the Federal Office Bldg., Seattle, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate before Examiner Hugh M. Nicholson.

No. MC 119988, filed August 11, 1960. Applicant: GREAT WESTERN TRUCKING CO., INC., 203 East Collins, Henderson, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and marble*, (1) from points in Alabama, Georgia, North Carolina, and South Carolina to points in Washington, Oregon, Montana, and Idaho; (2) from points in Alabama to points in California and (3) *damaged, exempt, defective or rejected commodities* in connection with (1) and (2) above, on return.

HEARING: November 9, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Hugh M. Nicholson.

No. MC 119990, filed August 15, 1960. Applicant: MERCHANTS DELIVERY

CO., a Corporation, 1212 East 19th Street, Kansas City, Mo. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, between all points in an area bound and described as follows: beginning at the Missouri-Kansas State line and Missouri Highway 2, at or near West Line, Mo. extending easterly along Missouri Highway 2 to junction U.S. Highway 71, thence southerly along U.S. Highway 71 to junction Missouri Highway 7, thence southeasterly along Missouri Highway 7 to junction U.S. Highway 65, thence northerly along U.S. Highway 65 to junction U.S. Highway 36, thence westerly along U.S. Highway 36 to the Missouri-Kansas State line, thence southerly along the said State line to junction U.S. Highway 59, thence southwesterly along U.S. Highway 59 to junction U.S. Highway 24, thence westerly along U.S. Highway 24 to junction U.S. Highway 75, thence southerly along U.S. Highway 75 to junction U.S. Interstate Highway 70, thence easterly along U.S. Interstate Highway 70 and U.S. Highway 40 to Lawrence, Kans., thence southerly along U.S. Highway 59 to junction U.S. Highway 50, thence northeasterly along U.S. Highway 50 to Olathe, Kans., thence easterly along Kansas Highway K–150 to the Missouri-Kansas State line, thence southerly along said State line to Missouri Highway 2, at or near West Line, Mo. and Chillicothe, Mo. RESTRICTION: Applicant states the proposed operations shall be subject to the restriction that no package or parcel shall be accepted for transportation that exceeds 110 inches, length and girth combined or 70 pounds.

NOTE: The controlling and managing stockholder of applicant (Stanford S. Block) is also the controlling stockholder of Merchants Contract Deliveries, Inc., a contract carrier, MC 36422; therefore common control and dual operations may be involved.

HEARING: November 15, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 119998, filed August 18, 1960. Applicant: C. H. AND D. G. WETZEL, Murray, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in bags, from Kansas City, Mo., to Murray, Iowa and points in Iowa within 35 miles thereof, and *rejected shipments, empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: November 2, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 137.

No. MC 123003, filed August 19, 1960. Applicant: EDWARD L. ROHRET, ED EDSTROM AND MRS. E. A. ROHRET, a Partnership, doing business as ROHRET COMPANY, 3200 Ottawa Street, Butte, Mont. Applicant's attorney: Frank Burgess, 1854 Harrison Avenue, Butte, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and materials*, from Butte, Mont. to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and *building materials* consigned to Hughes Homes, Inc., on return.

HEARING: November 15, 1960, at the U.S. Court Rooms, Butte, Mont., before Examiner Hugh M. Nicholson.

No. MC 123027, filed August 25, 1960. Applicant: CECIL J. PHILLIPS, doing business as CECIL TRUCK LINE, Route No. 5, Weaver Pike, Bristol, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneers and plywoods), between points in Tennessee, North Carolina, South Carolina, Kentucky, Pennsylvania, New York, Maryland, Ohio, Virginia, West Virginia, Connecticut, New Jersey, Indiana and the District of Columbia.

NOTE: Applicant is at the present time a contract carrier operating under Permits Nos. MC 116577, Subs 2 and 3. If the authority herein sought is granted, applicant proposes to surrender said Permits.

HEARING: October 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith I. Cockrill.

MOTOR CARRIER OF PASSENGERS

No. MC 119942, filed July 22, 1960. Applicant: SID BACKER, doing business as TRIPLE "M" TAXI, 521 H Street, Fairbury, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* and *baggage of passengers* in same vehicle with passengers; between Belleville and Phillipsburg, Kans., and Council Bluffs, Iowa, on the one hand, and, on the other, Fairbury, Nebr.

NOTE: Appplicant proposes to transport train crews of the Chicago, Rock Island and Pacific Railroad Company between the above indicated points.

HEARING: November 4, 1960, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 139.

APPLICATION FOR BROKERAGE LICENSE MOTOR CARRIER OF PASSENGERS

No. MC 12650 (Sub No. 1) (CORRECTION), filed March 2, 1960, published in the FEDERAL REGISTER, issue of August 24, 1960. Applicant: OLYMPIA SKI TOURS, INC., 1116 Cortelyou Road, Brooklyn 18, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a *broker*, at Brooklyn, N.Y., Nassau, Suffolk and Westchester Counties, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in round-trip all expense ski tours, beginning and ending at New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut.

NOTE: Previous publication incorrectly spelled applicant's name.

HEARING: October 6, 1960, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Samuel Horwich.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30144 (Sub No. 2), filed September 2, 1960. Applicant: GEORGE W. JEWETT & SON, INC., Route No. 5, East Baldwin, Maine. Applicant's attorney: David R. Hastings, II, Fryeburg, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, loose, in truck-load lots, in specialized equipment, from the site of the Ossipee Corporation mill (shipper) in Madison, N.H., to the mill-site of S. D. Warren (consignee) in Westbrook, Maine.

No. MC 65527 (Sub No. 14), filed August 31, 1960. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. Applicant's attorney: V. Baker Smith, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Plymouth Meeting, Pa., to points in Connecticut, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

No. MC 66562 (Sub No. 1712), filed August 29, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 1730 Clark Avenue, St. Louis 3, Mo. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Principal Office: 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Carbondale, Ill., and Murphysboro, Ill., from Murphysboro over Illinois Highway 13, a distance of approximately 8 miles, to Carbondale, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, and immediately prior or immediately subsequent movement by air or rail.

No. MC 71478 (Sub No. 26), filed September 1, 1960. Applicant: THE CHIEF FREIGHT LINES COMPANY, a Corporation, 1229½ Union Avenue, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Chanute, Kans. and the junction of U.S. Highway 169, and U.S. Highway 160 and U.S. Highway 169, serving all intermediate points thereon, and return over the same route; (2) between Independence, and Parsons, Kans., from Independence over U.S. Highway 160 to Parsons, with the junction of U.S. Highway 160 and U.S. Highway 169 as a common point of joinder thereon, and return over the same route, and (3) between the junction of U.S. Highway 169 and Kansas Highway 37 and the junction of U.S. Highway 75 and Kansas Highway 37, from the junction of U.S. Highway 169 and Kansas Highway 37 over Kansas Highway 37 to U.S. Highway 75, and return over the same route as an alternate route for operating convenience only, serving no intermediate points except as otherwise authorized.

NOTE: No new points of service are requested. The purpose of the requested authority is to obtain alternate routes and points of joinder for operating convenience only.

No. MC 79135 (Sub No. 25), filed September 6, 1960. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk and in bags; from Horton, N.Y., to points in Connecticut, New Jersey, New York, and Pennsylvania, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

No. MC 107403 (Sub No. 316), filed August 31, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, in tank vehicles; from Cleveland, Ohio, to points in Illinois, Iowa, Indiana, Missouri, and Wisconsin.

NOTE: Applicant holds contract authority in MC–117637 and Subs thereunder, therefor, dual operations may be involved.

No. MC 117304 (Sub No. 5), filed August 29, 1960. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 Ninth Avenue North, Lewiston, Idaho. Applicant's attorney: John H. Bengtson, Weisgerber Building, Lewiston, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in hopper-type vehicles, (1) between Lewiston, Idaho and points in Spokane County, Wash., on and east of U.S. Highway 195 and (2) between points in Spokane County Wash., on and east of U.S. Highway 195, and the site of the warehouse of Jacklin Seed Company, located in Kootenai County, Idaho, approximately 2 miles east of the Washington-Idaho State line.

No. MC 118916 (Sub No. 2), (CLARIFICATION), filed May 31, 1960, published in the FEDERAL REGISTER, issue of August 10, 1960. Applicant: LEONARD L. POWELL, 520 South Ella, Sandpoint, Idaho. Applicant's attorney: E. Glenn Harmon, 1114 Old National Bank Building, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Dairy products*, including milk, cream, cottage cheese, butter, and eggs, and *frozen dairy products*, including ice cream and sherbert, in vehicles equipped with temperature-control devices, and *bakery products*, including bread, cakes, pies, cookies, and rolls, from Sandpoint, Idaho to Troy, Mont., over U.S. Highway 2, serving no intermediate points, and *empty containers or other such incidental facilities* (not specified) used in the transportation of the above-mentioned commodities, and *contaminated or rejected shipments*, on return.

NOTE: The purpose of this republication is to reflect the addition of the middle initial "L." to applicant's name.

No. MC 123009, filed August 19, 1960. Applicant: MERCHANDISE CARTAGE CO., a Corporation, 94 Cutler Parkway, Akron, Ohio. Applicant's attorney: J. Fred Smith, 2610 First National Tower, Akron 8, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Perchlorethylene*, a non-inflammable fluid, requiring special equipment consisting of chemical tanks with automatic pumps mounted on a truck, together with *miscellaneous laundry cleaning supplies*, from Akron, Ohio to points within the boundaries of Mercer, Lawrence, and Beaver Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7644. Authority sought for purchase by W. M. (BILLY) WALKER, INC., 129 South Grimes Street, Hobbs, New Mexico, of the operating rights of J. D. WRIGHT, SR., and J. D. WRIGHT, JR. (J. D. WRIGHT, JR., surviving partner of the partnership), doing business as J. D. WRIGHT & SON, 509 Atchison, Pampa, Texas, and for acquisition by W. M. (BILLY) WALKER, 701 E. Corbett, Hobbs, New Mexico, of control of such rights through the purchase. Applicants' attorney: W. D. Girand, P.O. Box 1445, Hobbs, New Mexico. Operating rights sought to be transferred: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, as a *common carrier*, over irregular routes, between points in and north of Parmer, Castro, Swisher, Briscoe, Hall and Childress Counties, Texas, and in Oklahoma, New Mexico, and Colorado; *such commodities* as require the use of special equipment by reason of size or weight, other than those described above, between points in that part of Texas specified above and those in Oklahoma and Colorado. Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7646. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa., of the operating rights and property of BENJAMIN G. ROSS and KENNETH B. KIDDER, doing business as KIDDER MOTOR LINES, 1 Grahamville St., North East, Pa., and for acquisition by DAVID B. WORSTER, 69 Gibson St., North East, Pa., of control of such rights and property through the purchase. Applicants' attorney: William W. Knox, 23 West 10th St., Erie, Pa. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier*, over irregular routes, from Cleveland, Ohio, to Erie and Meadville, Pa., and from Buffalo, N.Y., to Erie, Pa., and Painesville, Akron, Canton, Sandusky, Cleveland, Norwalk, Toledo, Columbus, Shelby, Steubenville, and Lorain, Ohio; *empty malt beverage containers*, from the above specified destination points to Cleveland, Ohio, and Buffalo, N.Y.; *fresh fruits and vegetables*, and *fruits, vegetables and fruit and vegetable products* in containers, from points in Erie, Cattaraugus, and Chautauqua Counties, N.Y., and Erie County, Pa., within ten miles of Lake Erie, to Cleveland and Elmira, Ohio, and Rochester, Syracuse, Binghamton, Albany, Schenectady, and Buffalo, N.Y., and from points in Erie County, Pa., within ten miles of Lake Erie, to Pittsburgh, North East, McKeesport, Monessen, East Pittsburgh, and New Castle, Pa.; *fertilizer*, from Buffalo, N.Y., to points in Erie, Mercer, and Crawford Counties, Pa.; *fruit juices, jellies, jams*, and *preserves*, in containers, from Westfield and Brocton, N.Y., Akron, Canton, Massillon, Warren, and Youngstown, Ohio; *nonfrozen fruit juices, jellies, jams, and preserves*, in containers, from Silver Creek, N.Y., to the destination points in Ohio specified above; *damages or defective shipments* of the above described commodities, from the destination points in Ohio specified above to the respective origin points specified above; *lumber, wood products, building materials and building contractors' supplies, feed and*

feed ingredients, fertilizer, grain, seed, farm implements, machinery, and machine parts, between points in Erie, Crawford, Warren, Mercer, Venango, Clarion, and Forest Counties, Pa., on the one hand, and, on the other, points in Erie, Niagara, and Chautauqua Counties, N.Y., and Cuyahoga County, Ohio. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Indiana, Illinois, Michigan, Ohio, New Hampshire, Vermont, Maine, Minnesota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7648. Authority sought for purchase by HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebraska, of a portion of the operating rights of WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, 219 Maple Street, Friend, Nebraska. Applicants' attorney: C. A. Ross, 1005 Trust Building, Lincoln, Nebr. Operating rights sought to be transferred: *Animal and poultry feed*, as a *common carrier* over irregular routes, from Burlington, Wis., to points in Adams, Arthur, Banner, Boone, Butler, Buffalo, Cass, Chase, Cheyenne, Clay, Colfax, Custer, Dawson, Deuel, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Greely, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Lancaster, Nemaha, Lincoln, Logan, McPherson, Merrick, Morrill, Nance, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scottsbluff, Seward, Sherman, Thayer, Valley, Washington, Webster, and York Counties, Nebr. Vendee is authorized to operate as a common carrier in Kansas, Illinois, Colorado, Iowa, Oklahoma, South Dakota, Nebraska, Wyoming, Minnesota, Arkansas, Montana, New Mexico, North Dakota, Texas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7649. Authority sought for purchase by TRANSWAY, INC., 235 South Genois St., New Orleans 19, La., for the operating rights of JOSEPH MOSS (MRS. ROSE TANKEL MOSS, EXECUTRIX), doing business as MOSS TRUCK LINE, 404 Cumberland St., Bogalusa, La., and for acquisition by M. H. BRANDON, 192 St. Albans Dr., Memphis, Tenn., JOHN H. VICKERS, 851 Hempstead Pl., Charlotte, N.C., and L. D. V. BENTON, 3430 Knowelwood Dr., Atlanta, Ga., of control of such rights through the purchase. Applicants' representative: Daniel M. Brandon, Secretary-General Manager, Transway, Inc., 235 South Genois St., New Orleans 19, La. Operating rights sought to be transferred: *Paper and paper products*, and *woodpulp*, as a *common carrier* over irregular routes, between Bogalusa, La., on the one hand, and, on the other, New Orleans, La., and points in Alabama, Mississippi and Tennessee; *lumber, machinery, turpentine, lignum liquor, rope, twine, mop and broom handles, and oil, grease, and petroleum solvents*, in packages, between Bogalusa, La., on the one hand, and, on the other, New Orleans, La., and points within 25 miles thereof. Vendee is authorized to operate as a *common carrier* in Texas, Mississippi, Alabama, Florida, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7650. Authority sought for purchase by SCHWERMAN TRUCKING CO., 620 South 29th St., Milwaukee 46, Wis., of the operating rights of SCHWERMAN TRUCKING CO. OF ILL., INC., 620 South 29th St., Milwaukee 46, Wis., and for acquisition by FRED SCHWERMAN, SR., FRED J. SCHWERMAN, RICHARD D. SCHWERMAN and CARL L. SCHWERMAN, all of 620 South 29th St., Milwaukee 46, Wis., of control of such rights through the purchase. Applicants' attorney: James R. Ziperski, 620 South 29th St., Milwaukee 46, Wis. Operating rights sought to be transferred: *Residual Fuel Oils*, in insulated tank vehicles equipped with heating devices, as a *contract carrier*, over irregular routes, from Peru, Ill., to points in that part of Wisconsin on and south of a line beginning at Port Washington and extending along Wisconsin Highway 33 to junction Wisconsin Highway 82 at Hillsboro, and thence along Wisconsin Highway 82 to De Soto; *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the Standard Oil Company of Indiana, located near Elk Grove, Ill., to points in Wisconsin. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Standard Oil Company of Indiana. Vendee is authorized to operate as a *contract carrier* in Wisconsin Illinois and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7651. Authority sought for control by GILLETTE MOTOR TRANSPORT, INC., 2311 Butler St., P.O. Box 6598, Dallas 19, Tex., of VOSS TRUCK LINES, INC., 900 S.W. Second St., P.O. Box 917, Oklahoma City 1, Okla., and for acquisition by CANTLAY & TANZOLA, INC., WESTERN TRUCK LINES, LTD., and in turn by R. CANTLAY and J. TANZOLA, all of 2550 E. 28th St., P.O. Box 58274, Vernon Branch, Los Angeles 58, Calif., of control of VOSS TRUCK LINES, INC., through the acquisition by GILLETTE MOTOR TRANSPORT, INC. Applicants' attorney and representative, respectively: Theodore W. Russell, % Glanz, Russell & Schureman, 639 South Spring St., Los Angeles 14, Calif., and L. M. Voss, President, VOSS TRUCK LINES, INC., P.O. Box 917, Oklahoma City 1, Okla. Operating rights sought to be controlled: *General commodities*, as a *common carrier* over regular routes, between Oklahoma City, Okla., and Chicago, Ill., and Kansas City, Mo., serving certain intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Oklahoma City, Okla., and the site of the U.S. Army Air Depot near Marion, Okla., serving all intermediate points, between junction U.S. Highway 66 and Kansas Highway 26, and Kansas City, Mo., serving no intermediate points, between Salem, Ark., and Mammoth Spring, Ark., serving all intermediate points, between Springfield, Mo., and Cotter, Ark., serving all intermediate points, between Springfield, Mo., and Calico Rock, Ark., between junction Arkansas Highway 5 and Bull Shoals Access Road, and Bull Shoals Dam Site, Ark., serving all intermediate points, between Harrison, Ark., and Salem, Ark., serving all intermediate points between Mountain Home, Ark., and Salem, Ark., including Mountain Home; *general commodities*, except Class A and B explosives, wines, liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Batesville, Ark., and Turrell, Ark., serving certain intermediate points, between Batesville, Ark., and Oil Trough, Ark., between Batesville, Ark., and Salem, Ark., between junction Arkansas Highways 9 and 56 at Brockwell, Ark., between junction Arkansas Highways 69 and 58 near Stella, Ark., and junction Arkansas Highways 58 and 11 south of Evening Shade, Ark., serving all intermediate points, and between Memphis, Tenn., and Turrell, Ark., with no service at Turrell or intermediate points; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between junction Missouri Highway 14 and unnumbered highway, approximately seven miles east of Joplin, Mo., and Atlas, Mo., serving no intermediate points; *groceries, hardware, and general merchandise*, including canned goods, from Springfield, Mo., to Flippin, Ark., serving certain intermediate points; *agricultural implements, machinery and parts*, over irregular routes, from Canton, Ill., and Richmond, Ind., to Oklahoma City, Okla.; *boilers, tanks, heater, and parts*, from LaPorte, Ind., to Oklahoma City, Okla.; *storage batteries and parts*, from Indianapolis and Speedway, Ind., to Oklahoma City, Okla.; *glass and glassware*, from Okmulgee, Okla., Omaha, Nebr., and Chicago, Ill., and from Sapulpa, Okla., to Omaha, and Lincoln, Nebr.; *lubricating oils and greases*, in containers, from Okmulgee, Okla., to Omaha and Lincoln, Nebr., Des Moines, Iowa, Hamilton, Peoria, Marion, Moline, and Chicago, Ill., and Indianapolis, Ind., from Coffeyville, Kans., to Oklahoma City, Okla., and from Tulsa, Okla., to Deerfield, DuQuoin, Genoa, Gretna, Jacksonville, Naperville, Plano, Roadhouse, Sycamore, and Eureka, Ill.; *empty containers*, for lubricating oils and greases, from Omaha and Lincoln, Nebr., Des Moines, Iowa, Hamilton, Peoria, Marion, Moline, and Chicago, Ill., and Indianapolis, Ind., to Okmulgee, Okla., from Oklahoma City, Okla., to Coffeyville, Kans.; *canned goods*, from Nebraska City, Plattsmouth, and Norfolk, Nebr., to points in Oklahoma, and from Marshalltown, Iowa, to Elk City, Oklahoma City, Duncan, and Lawton, Okla.; *butter, eggs, and dressed poultry*, from Lawton and Guthrie, Okla., to Omaha, Nebr., from Arkansas City, Kans., and points in Oklahoma to Chicago, Ill., and from Hobart and Temple, Okla., to St. Louis, Mo.; *meats and packing house products*, from Marshalltown, Iowa, to Oklahoma City, Okla.; *pecans*, from points in Oklahoma to St. Louis, Mo.; *battery cases*, from Melrose Park, Ill., to Oklahoma City, Okla.; *dressed poultry*, from Bentonville, and Springdale, Ark., to Chicago, Ill.; *general commodities*, classified as (a) meat, meat products and meat by-products, (b) dairy products, and (c) articles distributed by meat packing houses in appendix to report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, and *frozen food*, between Shawnee, Okla., and Baxter Springs, Kans. GILLETTE MOTOR TRANSPORT, INC., is authorized to operate as a *common carrier* in Texas, Missouri, Oklahoma and Kansas. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8525; Filed, Sept. 13, 1960; 8:51 a.m.]

[Notice 379]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 9, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63241. By order of September 8, 1960, The Transfer Board approved the transfer to Womeldorf, Inc., Lewistown, Pa., of Certificates Nos. MC 104896 Sub 1 and MC 104896 Sub 5, issued July 28, 1960 and August 26, 1960, respectively, in the name of Darl D. Womeldorf, doing business as, W. I. Womeldorf & Sons, Lewistown, Pa., authorizing the transportation of plate glass, window glass, and wire glass, sugar, canned goods, such general merchandise as is dealt in by five-cent-to-one-dollar business houses, glass bottles, wooden boxes and wooden containers, set-up or knocked-down, corrugated paper boxes and paper containers, and equipment and supplies used by manufacturers of glass bottles and containers, cullet, glass jars, glassware, caps, covers, tops and stoppers, nipples, petroleum products in containers, polishes, denatured alcohol, and advertising matter, empty containers, such commodities as are sold in, or used in connection with the operation of gasoline service stations, plastic containers, pallets used in the delivery of plastic containers, frozen foods, fertilizer, except liquid fertilizer in bulk, in tank vehicles, fresh fruits, materials and supplies used in the manufacture and distribution of food products, except liquids in bulk, in tank vehicles, frozen fruits, vinegar stock, fresh vegetables, cereal preparations, dry, teething biscuits, aluminum foil, in rolls, cores and pallets used in the transportation of aluminum foil, beef extract and spices, in packages, and soup mixes, dehydrated, over irregular routes, from and to specified points in Pennsylvania, West Virginia, Maryland, New Jersey, Delaware, New York, Virginia, Connecticut, Rhode Island, Maine, New Hampshire, Massachusetts, and Vermont. Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa., for applicants.

No. MC–FC 63422. By order of September 8, 1960, The Transfer Board approved the transfer to Doral H. Hawks and Marjorie Sann, a partnership, doing business as, Merchants Moving and Storage Company of Topeka, Kans., of Certificate No. MC 40555, issued April 25, 1950, in the name of C. W. Anderson, doing business as Anderson Transfer and Storage, of Topeka, Kans., authorizing the transportation of household goods, over irregular routes, between Topeka, Kans., on the one hand, and, on the other, points in Missouri. Erle W. Francis, 214 West Sixth Street, Topeka, Kansas, for applicants.

No. MC–FC 63507. By order of September 8, 1960, The Transfer Board approved the transfer to Lloyd Workman, Sparta, Mo., of Certificate No. MC 31476, issued May 18, 1954, to Clyde Workman, Sparta, Mo., authorizing the transportation of: Passengers and their baggage, and express, in the same vehicle with passengers, between Sparta, Mo., and Springfield, Mo., serving all intermediate points on the highways designated. Bill Davenport, 303 Courthouse, Ozark, Mo., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8526; Filed, Sept. 13, 1960; 8:51 a.m.]

[Notice 41]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

SEPTEMBER 9, 1960.

The following applications, are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. The matter is governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitute the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each), must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 111424 (Sub No. 1), (CORRECTION), filed December 9, 1958, published in the FEDERAL REGISTER, issue of June 4, 1959. Applicant: SHIPPERS TRUCK SERVICE, INC., 400 Sip Avenue, Jersey City 6, N.J. Applicant's representative: A. David Millner, 1060 Broad Street, Newark 2, N.J. The notice of filing of the subject application as previously published in the FEDERAL REGISTER, issue of June 4, 1959, indicated in item (7) thereof that authority was sought to continue an operation under the "grandfather" clause of section 7 of the Transportation Act of 1958, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, serving points in Oklahoma and Nebraska from points in Colorado. The application does not include a request to serve Oklahoma and Nebraska. Accordingly, the purpose of this republication is to strike those states from item (7) of the previously-published notice of filing.

HEARING: Remains as assigned October 5, 1960, at 346 Broadway, New York, N.Y., before Examiner Walter R. Lee.

No. MC 117783 (Sub-No. 1), filed November 3, 1958. Applicant: O. G. BEAL, Linn Grove, Iowa. Applicant's attorney: A. C. Sidner, First National Bank Building, Fremont, Nebr. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal in pellets*, in sacks or in bulk, from Fremont and Nebraska City, Nebr., to points in Iowa, Minnesota, and Wisconsin.

No. MC 117913, filed December 1, 1958. Applicant: HERBERT F. BECKER and IRENE SCOTT BECKER, doing business as SCOTT LUMBER & COAL YARD, 412 East Main Street, Dayton, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grains*, from Edwall, Waukon, Dayton, Creston, Turner, Camby, Bluestem, Downs Station, Sprague, Ronan, and Whetstone, Wash., to Seattle, Tacoma, Pasco, Kennewick, and Vancouver, Wash., and Portland, Oreg.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–8523; Filed, Sept. 13, 1960; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36546: *Iron and steel articles to Clarkwood and Flour Bluff, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7891), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from specified points in Alabama, Illinois, Minnesota, Missouri, also Minnequa, Colo., Sand Springs, Okla., and Milwaukee, Wis., to Clarkwood and Flour Bluff, Tex.

Grounds for relief: Rate relationship with Corpus Christi, Tex.

Tariff: Supplement 124 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 36548: *Empty returned containers between points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A4011), for interested rail carriers. Rates on empty returned cottonseed hull and shaving cream containers, in carloads, between points in southern territory, also between points in southern territory, on the one hand, and St. Louis, Mo., and intermediate points in southern Illinois and Indiana, on the other.

Grounds for relief: Grouping, short-line distance formula, and special rate treatment for relief lines.

Tariff: Southern Freight Association tariff I.C.C. S-101.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8524; Filed, Sept. 13, 1960; 8:51 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

NOTICE OF AMENDMENT OF PLAN AND REGULATIONS OF THE ORDNANCE CORPS GOVERNING THE INTEGRATION COMMITTEE ON HEAVY TACTICAL TRUCKS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herewith the request to participate in the Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Heavy Tactical Trucks to put the committee mechanism for meeting defense requirements in a standby status until such time as a national emergency in this field should be found to require reactivation. This amendment was made after consultation between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Civil and Defense Mobilization. This amended voluntary plan was approved by the Director of the Office of Civil and Defense Mobilization and was found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

The Department of the Army has recommended that the Plan and Regulations of the Ordnance Corps Governing the activities of the Ordnance Integration Committee on Heavy Tactical Trucks be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the plan as amended (Amendment attached).

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request for your participation in the activities of this Committee is superseded and withdrawn.

Your cooperation in this matter will be appreciated.

Sincerely,

LEO A. HOEGH, *Director.*

The following companies have agreed to participate in the amended plan and this list supersedes membership notice published in 22 F.R. 3268, May 9, 1957.

Acceptances

Diamond T Motor Car Company, Chicago, Ill.

International Harvester Company, Chicago, Ill.

Mack Trucks, Incorporated, Plainfield, N.J.

The White Motor Company, Cleveland, Ohio.

Ward LaFrance Truck Company, Elmira Heights, N.Y.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorg. Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: September 1, 1960.

JOHN S. PATTERSON, *Acting Director, Office of Civil and Defense Mobilization.*

[F.R. Doc. 60-8463; Filed, Sept. 13, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

SEPTEMBER 8, 1960.

The common stock, par value 20¢ per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 9, 1960 to September 18, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8519; Filed, Sept. 13, 1960; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 291]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Sedgwick (rain occurring on or about August 24 and 26, 1960).

Offices:

Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo.

Small Business Administration Branch Office, Board of Trade Building, Room 215, 120 South Market Street, Wichita 2, Kans.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1961.

Dated: August 30, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-8520; Filed, Sept. 13, 1960; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Shirt Corp., Ashland, Pa.; effective 8-25-60 to 8-24-61 (sport and dress shirts).

Blue Ridge Manufacturers, Inc., Christiansburg, Va.; effective 8-28-60 to 8-27-61 (men's and boys' dungarees, men's worksuits).

Carmi Ainsbrooke Corp., Olney, Ill.; effective 8-24-60 to 8-23-61 (men's and boys' pajamas).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-24-60 to 8-23-61 (men's and boys' sport slacks).

Davan Manufacturing Co., Inc., Allendale, S.C.; effective 9-28-60 to 9-27-61 (ladies' robes).

Feldt Manufacturing Co., Inc., 106 East Hamilton, Stamford, Tex.; effective 8-26-60 to 8-25-61 (children's, ladies' and men's western shirts; men's shirts).

Kane Manufacturing Co., Inc., Morgantown, Ky.; effective 9-8-60 to 9-7-61 (men's and boys' sport jackets).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; effective 9-1-60 to 8-31-61 (men's and boys' dress and play slacks).

Monroe Manufacturing Co., Gamaliel, Ky.; effective 8-28-60 to 8-27-61 (men's shirts, pants).

Personality Sportswear, Inc., Ware Shoals, S.C.; effective 8-24-60 to 8-23-61 (ladies' blouses).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 9-4-60 to 9-3-61 (sport shirts).

Sportcaster Co., 160 Jackson Street, Seattle, Wash.; effective 8-25-60 to 8-24-61 (men's, women's and children's jackets).

Sun Clothes, Inc., 26th and Reed Streets, Philadelphia, Pa.; effective 8-24-60 to 8-23-61 (men's outerwear, shorts, sport shirts, surfers).

Sun Clothes, Inc., 26th and Reed Streets, Philadelphia, Pa.; effective 8-24-60 to 8-23-61 (women's and children's shorts, slacks, pedal pushers, etc.).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-60 to 8-31-61 (men's dress pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Sally Marks, Ltd., Rienzi, Miss.; effective 8-22-60 to 8-21-61; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses).

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa.; effective 8-28-60 to 8-27-61; 10 learners (boys' and girls' outerwear, jackets).

Sparta Garment Co., Inc., Sparta, Ga.; effective 8-25-60 to 8-24-61; 10 learners (men's and boys' pants).

Tamaqua Garment Co., Tamaqua, Pa.; effective 8-29-60 to 8-28-61; 10 learners (women's dresses).

Texas Infants Dress Co., 410 South Main Avenue, San Antonio, Tex.; effective 8-22-60 to 8-21-61; five learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 8-26-60 to 2-25-61; 40 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts and/or lined jackets (women's dresses, miscellaneous sportswear).

Covco Garment Co., Iris Drive and Covco Street, Sparta, Tenn.; effective 8-22-60 to 2-21-61; 35 learners (cotton coverall garments).

Hickman Garment Co., Hickman, Ky.; effective 8-24-60 to 2-23-61; 15 learners (men's, boys', kiddies' and ladies' jackets).

Lofton Garment Co., Greeneville, Tenn.; effective 8-26-60 to 2-25-61; 25 learners (ladies' dresses).

Ottenheimer Bros. Manufacturing Co., Inc., 1000 Spring Street, Little Rock, Ark.; effective 8-26-60 to 1-31-61; 25 learners (supplemental certificate) (women's, misses' and children's blouses, jackets).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 8-26-60 to 8-25-61; three learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Diamond Mills Corp., Hanover, Div., 3402 Carolina Beach Road, Wilmington, N.C.; effective 9-2-60 to 3-1-61; 160 learners for plant expansion purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 9-1-60 to 8-31-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-24-60 to 8-23-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-24-60 to 2-23-61; 25 learners for plant expansion purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Duke Div., Hickory, N.C.; effective 9-8-60 to 9-7-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Shadowline, Inc., Boone, N.C.; effective 8-29-60 to 2-28-61; 25 learners for plant expansion purposes (ladies' knit lingerie).

Sun Clothes, Inc., 26th and Reed Streets, Philadelphia, Pa.; effective 8-24-60 to 8-23-61; 5 percent of the total number of factory production workers engaged in the production of swim trunks and bathing suits for normal labor turnover purposes.

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Livermore Shoe Co., Livermore Falls, Maine; effective 8-22-60 to 8-21-61; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's novelty shoes).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firms listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations applicable to the employment of student-workers:

Auburn Academy, Auburn, Wash.; effective 9-1-60 to 8-31-61; authorizing the employment of 90 student-workers in the woodworking (furniture) industry in the occupations

of woodworking machine operator, assembler, furniture finisher and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Clear Creek Baptist School, Pineville, Ky.; effective 9–1–60 to 8–31–61; authorizing the employment of 20 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations, including incidental clerical work in furniture shop for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Columbia Academy, Battle Ground, Wash.; effective 9–1–60 to 8–31–61; authorizing the employment of 9 student-workers in the ridge shingle manufacturing industry in the occupations of woodworking machines operator and related skilled and semi-skilled occupations, including incidental clerical work in the shop for a learning period of 240 hours at the rates of 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours.

Emmanuel Missionary College, Berrien Springs, Mich.; effective 9–1–60 to 8–31–61; authorizing the employment of: (1) 60 student-workers in the bookbindery industry in the occupations of bookbinder (bindery worker), and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 12 student-workers in the printing industry in the occupations of pressmen, compositor and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (3) 90 student-workers in the furniture industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (4) 5 student-workers in the clerical occupations of bookkeeper, stenographer and related skilled and semi-skilled occupations for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

La Sierra College, Arlington, Calif.; effective 9–1–60 to 8–31–61; authorizing the employment of 7 student-workers in the printing industry in the occupations of pressmen, compositor, linotype operator, bindery worker, and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Lodi Academy, 1215 South Garfield Street, Lodi, Calif.; effective 9–1–60 to 8–31–61; authorizing the employment of 6 student-workers in the printing industry in the occupations of compositor, pressman, linotype operator, bindery worker, and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Mount Pisgah Academy, Candler, N.C.; effective 9–1–60 to 8–31–61; authorizing the employment of 20 student-workers in the broom making industry in the occupations of stitching, seeding, sorting, winding, dyeing, and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Newbury Park Academy, Newbury Park, Calif.; effective 9–1–60 to 8–31–61; authorizing the employment of 25 student-workers in the broom making industry in the occupations of broom maker, sorter, winder, stitcher, and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Ozark Academy, Route 2, Gentry, Ark.; effective 9–1–60 to 8–31–61; authorizing the employment of 15 student-workers in the broom making industry in the occupations of broom maker, stitcher, sorter, winder, painter and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–60 to 8–31–61; authorizing the employment of: (1) 25 student-workers in the bookbindery industry in the occupations of bookbinder (bindery worker), sewer, trimmer, backer, cutter, case-maker, letterer, and related skilled and semi-skilled occupations including incidental clerical work in shop for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 20 student-workers in the broom and mop manufacturing industry in the occupations of broom making, stitching, seeding, sorting, winding, dyeing, and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Sunnydale Academy, Centralia, Mo.; effective 9–1–60 to 8–31–61; authorizing the employment of 14 student-workers in the food manufacturing industry in semi-skilled occupations only for a learning period of 300 hours at the rates of 85 cents an hour for the first 150 hours and 90 cents an hour for the remaining 150 hours.

Union Springs Academy, Union Springs, N.Y.; effective 9–1–60 to 8–31–61; authorizing the employment of 25 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Upper Columbia Academy, Spangle, Wash.; effective 9–1–60 to 8–31–61; authorizing the employment of 66 student-workers in the furniture industry (upholstered) in the occupations of woodworking machines operator, springer, sewer, upholsterer, assembler, furniture finisher, and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

These student-workers certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 1st day of September 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60-8518; Filed, Sept. 13, 1960; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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FEDERAL REGISTER

VOLUME 25 NUMBER 180

Washington, Thursday, September 15, 1960

THE UNIVERSITY OF MICHIGAN
SEP 20 1960
MAIN READING ROOM

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1960–61 Edition

(Revised through June 1)

Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to § 6.302(t) as set out below.

§ 6.302 **Department of State.**

• • • • • •

(t) *Bureau of African Affairs.* • • •

(3) One Deputy Assistant Secretary for African Economic Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8498; Filed, Sept. 14, 1960; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 9]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

There were published in the FEDERAL REGISTER on June 24, 1960 (25 F.R. 5846) notices of proposed amendments to §§ 107.308–1, relating to the determination of a Licensee's impairment of capital; and 107.308–5, relating to the submission of periodic activity reports.

Interested persons were given an opportunity to present their comments, or suggestions pertaining thereto, to the Investment Division, Small Business Administration, Washington 25, D.C., within 30 days after the date of publication of the notices in the FEDERAL REGISTER. A notice extending the time within which comments would be received was published in the FEDERAL REGISTER on July 28, 1960 (25 F.R. 7162). After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendments, the amendments of the Regulation as so proposed are hereby adopted as set forth below.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendments shall become effective upon publication thereof in the FEDERAL REGISTER.

The Small Business Investment Company Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316, 5374, 5478, 5825, 7276, 8068), is hereby further amended by:

1. Deleting the paragraph numbered (b) in § 107.308–1 and inserting in lieu thereof a new paragraph (b).

As amended § 107.308–1(b) reads as follows:

§ 107.308–1 **Maintenance of unimpaired capital.**

• • • • • •

(b) An impairment shall be deemed to exist when the retained earnings deficit exceeds fifty percent (50%) of the combined fully paid capital stock issued and outstanding and paid-in surplus. For the purpose of this determination, subordinated debentures issued to SBA pursuant to section 302(a) of the Act will not be considered a part of the capital and surplus.

2. Adding at the end of § 107.308–5 the following new paragraphs (i) and (j) which read as follows:

§ 107.308–5 **Reports.**

• • • • • •

(i) Each Licensee shall submit in triplicate to the Investment Division, Small Business Administration, Washington 25, D.C., at the end of the first six months' period of each fiscal year, and at the end of the second six months' period of each fiscal year, an activity report, showing by significant categories the amounts of the Licensee's loan and equity financing transactions for the period covered by the report, in accordance with the instructions contained in subparagraph (3) of this paragraph, for preparation of the Activity Report, SBA Form 477,[1] which form is incorporated in and expressly made a part of this section. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31. Such Activity Report shall be submitted on or before the last day of the month immediately following the close of the six months' period covered by such report.

(1) The Activity Report, SBA Form 477, includes the following:

Table 1—Loan and Equity Financing Transactions—by State.
Table 2—Applications Received.
Table 3—Loan and Equity Financing Transactions—by Industry Grouping.
Table 4—Loan and Equity Financing Transactions—by Firm Size.

Major Groupings of Nonmanufacturing and Manufacturing Industries

(2) The Activity Report, SBA Form 477, required by this section to be submitted to SBA by Licensee shall commence with the report for the six months period ending September 30, 1960.

(3) (i) Each Activity Report, SBA Form 477, prepared by a Licensee shall present data, as shown by the books of account and other records, reflecting the amounts of the Licensee's loan and equity financing transactions by the categories included in these tables.

(ii) All money amounts required to be shown in the tables of the Activity Report, SBA Form 477, shall be expressed to the nearest dollar. Appropriate adjustments of individual amounts shall be made for the fractional parts of a dollar, so that the items will add to the totals shown.

(iii) Loans in which other companies participate shall be reported only by the initiating company, which services the loan, to avoid the duplication that would otherwise occur when the data from all Licensees are combined.

(iv) All copies of the signature page of the Activity Report, SBA Form 477, shall bear the signature of the chief financial officer, or other person authorized by the board of directors to sign on behalf of the Licensee. The date on which the signature is affixed shall be shown.

TABLE 1. LOAN AND EQUITY FINANCING TRANSACTIONS—BY STATE

The amounts approved and amounts disbursed during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing, shall be classified by state, on the basis of the principal office location of the small-business concern. With respect to multiple-disbursement loan or equity financing, a firm shall be included in the number count in column (4) or column (8) only the one time when the initial disbursement is made. Subsequent disbursements to the same firm under the same loan or the same equity financing shall serve only to increase the amount disbursed or the amount purchased shown in column (5) or column (9), without altering the number count. The data reflected in this table shall be listed in the alphabetical sequence of the names of the states. The amounts of loans and equity financing approved shall not be decreased by cancellations following formal approval action.

TABLE 2. APPLICATIONS RECEIVED

This table shall reflect information as to both the number and the dollar amount of specific financing applications received from small business concerns during the period covered by the report, regardless of the action taken thereon.

[1] Filed with the Federal Register Office as part of the original document. Copies of the Activity Report, SBA Form 477, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

TABLE 3. LOAN AND EQUITY FINANCING TRANSACTIONS—BY INDUSTRY GROUPING

This table shall show by major industry grouping the amounts approved and amounts disbursed during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing. With respect to multiple-disbursement loan or equity financing, a firm shall be included in the number count in column (4) or column (8) only the one time when the initial disbursement is made. Subsequent disbursements to the same firm under the same loan or the same equity financing shall serve only to increase the amount disbursed or the amount purchased shown in column (5) or column (9), without altering the number count. The amounts of loans and equity financing approved shall not be decreased by cancellations following formal approval action.

The major industry groupings are based on the Standard Industrial Classification Manual issued by the Office of Statistical Standards, U.S. Bureau of the Budget. The individual groupings (by 2-digit code number and title) are listed, in the numerical sequence of the code numbers, on page 5 of the Activity Report, SBA Form 477. This represents the complete listing of the major groupings of nonmanufacturing and manufacturing industries shown in the SIC Manual, plus additional groupings for wholesale trade. Obviously, many of the types of businesses included therein would not be eligible for SBIC financing. Each small business concern involved can be classified in only one major grouping for reporting purposes, even though the firm may engage in multiple activities. The classification assigned for multiple activity firms shall be that covering the primary activity of the firm, based on anticipated dollar sales or income, etc., as is most representative.

The table is in two parts to permit showing data, including totals, for nonmanufacturing industries separately from those for manufacturing industries, plus grand totals for the period for both types of industries. The grand totals for all industries shall be identical with the totals by states given in Table 1. The "Description" column (col. 1) on each page of the table shall reflect the code number and related title of the grouping for each industry grouping represented by the small business concerns involved. These code numbers and related titles shall be entered in numerical sequence to facilitate consolidation of the reports from all SBICs.

TABLE 4. LOAN AND EQUITY FINANCING TRANSACTIONS—BY FIRM SIZE

The amounts approved during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing, shall be classified in this table on the basis of size of the firms. Separate classifications shall be shown for nonmanufacturing firms and manufacturing firms. The total number of nonmanufacturing firms and the total financing approved therefor shown in Table 3 for each of the two types of financing shall be classified in Table 4 on the basis of annual sales size of the firms. The total number of manufacturing firms and the total financing approved therefor shown in Table 3 for each of the two types of financing shall be classified in Table 4 on the basis of employment size of the firms.

(j) In addition to the reports required elsewhere in this section each Licensee shall, upon request by SBA, submit to the Investment Division, Small Business Administration, Washington 25, D.C., such other reports at such times and in such forms as SBA shall require.

Dated: September 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8576; Filed, Sept. 14, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-42]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Limitation on Length of Briefs Before the Board

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of September 1960.

Rule 31 of the rules of practice, which governs the submission of briefs to the Board in support of, or in opposition to, exceptions taken to initial or recommended decisions of Examiners or tentative decisions of the Board, imposes a fifty page limit on the length of such briefs. Experience has demonstrated, however, that this provision has not effectively limited the volume of such briefs. Thus, parties have submitted single spaced briefs, have used small type and have printed briefs on the maximum 8½ by 14 inch size sheet permitted by § 302.3(b). In addition, there has been a practice of utilizing appendices, tables, charts and other voluminous documents which are physically attached to the brief but not counted in determining whether a particular brief exceeds the maximum permissible limit. Since Rule 31 specifically contemplates that a brief in excess of fifty pages may be filed whenever the Board or Chief Examiner upon good cause shown grants special permission, it is entirely unnecessary to allow parties in Board economic proceedings to engage in such practices.

Accordingly, the Board has decided to prescribe the formal specifications of briefs to the Board in greater detail in order to render the fifty-page limitation more effective. Thus, the amended rule requires all typed briefs to be double spaced, except for footnotes and quotations which may be single spaced, and equalizes the length of printed and other briefs by establishing differential page size, type and margin limitations. In addition, the amended rule expressly recognizes that appendices are included in determining the length of the brief (see Kansas-Oklahoma Local Service Case, Order E-15222, May 13, 1960). However, since the maps submitted in route proceedings are generally helpful to the Board such documents have been excluded from the express provision requiring the pages contained in physical attachments to a brief to be counted towards its length.

Rule 31 does not now provide that parties may incorporate, in their briefs to the Board, argument or other matter previously submitted in a brief to the Examiner. However, parties have frequently incorporated by reference portions of such prior briefs in their briefs to the Board. It is apparent that this practice does not specifically relate the incorporated material to the framework and scope of the case as presented to the Board, which are necessarily predicated upon the exceptions taken by objecting parties. Moreover, such incorporation clearly imposes an unwarranted and unnecessary burden on the Board which must identify and extract the portions of the prior brief pertinent to the party's exceptions and his current position. Finally, such incorporation is manifestly unfair to other parties in the proceedings involved because it results in a failure to adequately apprise them of the position and views of the briefing party. For these reasons, the amended rule prohibits any party electing to submit a new brief to the Board, whether in support of or in opposition to the particular exceptions involved, from incorporating by reference any portion of his prior brief to the Examiner assigned to the proceeding. But, the Board does not desire to outlaw the current practice of relying exclusively on a brief previously submitted to the Examiner. Consequently, Rule 31 has been rewritten to expressly authorize reliance upon a prior brief to the Examiner by a party who takes such action in lieu of submitting a new brief to the Board.

Since this amendment is not a substantive rule but one of agency practice, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective September 15, 1960:

§ 302.31 Briefs before the Board.

(a) *Time for filing.* Within such period after the date of service of any initial or recommended decision of an Examiner or tentative decision by the Board, as may be fixed therein, any party may file a brief addressed to the Board, in support of his exceptions to such decision, or in opposition to the exceptions filed by any other party. In cases where the Board or the Examiner is of the opinion that, because of the limited number of parties and the nature of the issues, the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Board or the Examiner may direct that the parties file briefs at different times rather than at the same time.

(b) *Formal specifications of briefs—*(1) *Length.* Except by special permission or direction of the Board or the Chief Examiner, briefs shall not exceed 50 pages. Typed briefs shall be double spaced, except for footnotes and quotations which may be single spaced. The pages contained in any appendix, table, chart, or similar document, other than a map, which is physically attached to a brief shall be counted in determining its length.

(2) *Incorporation by reference.* A party filing a brief in support of, or in opposition to, the exceptions involved may not incorporate by reference any portion of his prior brief to the examiner assigned to the proceeding. However, in lieu of submitting a brief to the Board a party may adopt by reference specifically identified pages or the whole of his prior brief to the Examiner. In such cases, the party may file with the Board a letter expressing his intention to avail himself of this privilege which shall be filed with the Docket Section and served upon all parties in the same manner as a brief to the Board.

(3) *Size, margin and type limitations.* Briefs which are printed shall be on paper not exceeding 6⅛ inches in width and 9¼ inches in length, having all margins at least 1 inch in width. The text, footnotes and all physical attachments to briefs shall be printed in clear and readable type, not smaller than 11 point type, which is adequately leaded. Briefs which are typewritten, mimeographed, multigraphed or reproduced by any process other than printing shall utilize type not smaller than Elite type and be on paper not exceeding 8½ inches in width and 11 inches in length which has left-hand margins not less than 1½ inches, and all other margins at least 1 inch in width. However, numerical tables, maps and charts which are physically attached to a brief may be printed or otherwise reproduced on paper not exceeding 8½ inches in width and 14 inches in length, provided they are folded to the size of the brief.

(4) *Subject index.* Any brief which exceeds 10 pages shall contain a subject index of its contents, including appropriate page references.

(5) *Definition of map.* As used in this section, the term "map" means only those pictorial representations of routes, flight paths, mileage and similar ancillary data which are superimposed on geographic drawings and contain only such text as is needed to explain the pictorial representation.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788, 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-8580; Filed, Sept. 14, 1960; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 503; Amdt. 64]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice. Part 610 is amended as follows:

Section 610.12 *Green Federal airway 2* is amended to read in part:

From *Spokane, Wash., LFR; to Rockford INT, Wash.; eastbound, MEA 9,000; westbound, MEA 6,500. *6,200—MCA Spokane LFR, eastbound.

From Rockford INT, Wash.; to Mullan Pass, Mont., LFR; MEA 9,000.

Section 610.115 *Amber Federal airway 15* is amended to read in part:

From U.S. Canadian Border; to Annette Island, Alaska, LFR; MEA 4,000.

Section 610.249 *Red Federal airway 49* is amended to read in part:

From *Salt Lake City, Utah, LFR; to Fort Bridger, Wyo., LFR; MEA 12,000. *11,000—MCA Salt Lake City LFR, northeastbound.

Section 610.613 *Blue civil airway 13* is amended to read in part:

From *Lockesburg INT, Ark.; to **Mansfield INT, Ark.; MEA 3,800. *5,000—MRA. **4,500—MRA.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Austin, Tex., VOR; to INT 060 M rad, Austin VOR & 260 M rad College Station VOR; MEA 2,000.

Section 610.6001 *VOR Federal airway 1* is amended to delete:

From Kinston, N.C., VOR via W alter.; to Cofield, N.C., VOR via W alter.; MEA *3,500. *1,900—MOCA.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Wilmington, N.C., VOR; to Kinston, N.C., VOR; MEA 1,400.

From Kinston, N.C., VOR; to Cofield, N.C., VOR; MEA *3,500. *1,900—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From *Spokane, Wash., VOR; to Rockford INT, Wash.; eastbound, MEA 9,000; westbound, MEA 6,500. *5,600—MCA Spokane VOR, eastbound.

From Rockford INT, Wash.; to Mullan Pass, Idaho, VOR; MEA 9,000.

From Lansing, Mich., VOR via N alter.; to Fowler INT, Mich., via N alter.; MEA 2,900.

From Albany, N.Y., VORTAC; to Greenfield INT, N.Y.; MEA 5,600.

From Greenfield INT, N.Y.; to Gardner, Mass., VORTAC; MEA 3,600.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Savannah, Ga., VOR; to *Ritter INT, S.C.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

From Ritter INT, S.C.; to *Walterboro INT, S.C.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

From Walterboro INT, S.C.; to *St. George INT, S.C.; MEA **2,000. *2,000—MRA. **1,500—MOCA.

From St. George INT, S.C.; to Vance, S.C., VOR; MEA *2,000. *1,500—MOCA.

From Vance, S.C., VOR; to Florence, S.C., VOR; MEA 1,900.

From Florence, S.C., VOR via E alter.; to Fayetteville, N.C., VOR via E alter.; MEA 1,900.

From Fayetteville, N.C., VOR via E alter.; to *Murray INT, N.C., via E alter.; MEA 2,000. *3,000—MRA.

From Murray INT, N.C., via E alter.; to *Broadway INT, N.C., via E alter.; MEA 2,000. *3,000—MRA.

From Broadway INT, N.C., via E alter.; to Raleigh, N.C., VOR via E alter.; MEA 2,000.

From Riverdale, Md., LF/RBN; to Dayton INT, Md.; MEA 1,800.

From Dayton INT, Md.; to Westminster, Md., VOR; MEA 2,000.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Glenns Ferry INT, Idaho; to Jerome INT, Idaho; MEA *8,500. *6,000—MOCA.

From Jerome INT, Idaho; to Burley, Idaho, VORTAC; MEA 9,000.

From *Burley, Idaho, VORTAC; to Rehn Ranch INT, Idaho; MEA 11,000. *7,100—MCA Burley VORTAC, eastbound.

From *Rehn Ranch INT, Idaho; to Malad City, Idaho, VORTAC; MEA 10,000. *8,500—MCA Rehn Ranch INT, eastbound.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Grand Island, Nebr., VOR; to Gretna INT, Nebr.; MEA *3,700. *3,200—MOCA.

From Albin INT, Wyo.; to Bushnell INT, Nebr.; MEA 7,600.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Oakwood INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Grand Island, Nebr., VOR; to Gretna INT, Nebr.; MEA *3,700. *3,200—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Dayton, Ohio, VOR via N alter.; to Appleton, Ohio, VOR via N alter.; MEA *3,000. *2,500—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to delete:

From Zuni, N. Mex., VOR via S alter.; to Hickman INT, N. Mex., via S alter.; eastbound, MEA 11,000; westbound, MEA 10,000.

From Hickman INT, N. Mex., via S alter.; to Suwanee INT, N. Mex., via S alter.; MEA 11,000.

From Suwanee INT, N. Mex., via E alter.; to Albuquerque, N. Mex., VOR via E alter.; MEA 9,000.

Section 610.6012 *VOR Federal airway 12* is amended by adding:

From Zuni, N. Mex., VORTAC via S alter.; to Lava INT, N. Mex., via S alter.; eastbound, MEA 11,000; westbound, MEA 10,000.

From Lava INT, N. Mex., via S alter.; to Grants, N. Mex., VOR via S alter.; MEA 11,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Albany, N.Y., VORTAC; to Greenfield INT, N.Y.; MEA 5,600.

From Greenfield INT, N.Y.; to Gardner, Mass., VORTAC; MEA 3,600.

From Westboro INT, Mass.; to Franklin INT, Mass.; MEA 3,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Norwich, Conn., VOR; to Boston, Mass., VORTAC; MEA 1,800.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Allendale, S.C., VOR; to *Walterboro INT, S.C.; MEA **1,600. *2,000—MRA. **1,500—MOCA.

From Allendale, S.C., VOR via S alter.; to *Ritter INT, S.C., via S alter.; MEA **1,700. *2,000—MRA. **1,500—MOCA.

From Ritter INT, S.C., via S alter.; to *Wald INT, S.C., via S alter.; MEA **1,700. *3,100—MRA. **1,500—MOCA.

From Wald INT, S.C., via S alter.; to Charleston, S.C., VORTAC via S alter.; MEA *1,700. *1,500—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From *Albuquerque, N. Mex., VORTAC; to **Santa Fe, N. Mex., VORTAC; MEA 13,000. *11,500—MCA Albuquerque VORTAC, Northeastbound. **11,000—MCA Santa Fe VORTAC, southwestbound. **11,600—MCA Santa Fe VORTAC, eastbound.

Section 610.6019 *VOR Federal airway 19* is amended by adding:

From Socorro, N. Mex., VORTAC via W alter.; to Dog Leg INT, N. Mex., via W alter.; MEA 9,300.

From Dog Leg INT, N. Mex., via W alter.; to Albuquerque, N. Mex., VORTAC via W alter.; MEA 9,000.

From Albuquerque, N. Mex., VORTAC via W alter.; to Santa Fe, N. Mex., VORTAC via W alter.; MEA 9,000.

Section 610.6020 *VOR Federal airway 20* is amended by adding:

From Montgomery, Ala., VOR via N alter.; to Central INT, Ala., via N alter.; MEA 2,000.

From Central INT, Ala., via N alter.; to Miller INT, Ala., via N alter.; MEA *3,200. *1,800—MOCA.

From Miller INT, Ala., via N alter.; to Franklin INT, Ga., via N alter.; MEA *5,700. *2,100—MOCA.

From Franklin INT, Ga., via N alter.; to Atlanta, Ga., VORTAC via N alter.; MEA *2,500. *2,100—MOCA.

Section 610.6029 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VORTAC; to Palacios, Tex., VOR; MEA 1,500.

From Corpus Christi, Tex., VORTAC via N alter.; to Palacios, Tex., VOR via N. alter.; MEA 1,500.

From Houston, Tex., VORTAC via S alter.; to Sabine Pass, Tex., VOR via S alter.; MEA 1,500.

From Sabine Pass, Tex., VOR via S alter.; to Lake Charles, La., VOR via S alter.; MEA 1,300.

From Lafayette, La., VOR via S alter.; to Tibby, La., VOR via S alter.; MEA 1,500.

From Tibby, La., VOR via S alter.; to New Orleans, La., VOR via S alter.; MEA 1,500.

From Atlanta, Ga., VORTAC; to Lithonia INT, Ga.; MEA 2,200.

From Lithonia INT, Ga.; to Royston, Ga., VOR; MEA 2,700.

From Montgomery, Ala., VOR; to Kent INT, Ala.; MEA 2,000.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Taylor, Fla., VOR; to *Moniac INT, Fla.; MEA 1,300. *2,500—MRA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Portland, Oreg., VOR; to *Silver Lake INT, Oreg.; MEA **7,000. *6,500—MRA. **5,000—MOCA.

From Silver Lake INT, Oreg.; to Toledo INT, Wash.; MEA *7,000. *5,000—MOCA.

From Portland, Oreg., VOR via W alter.; to *Silver Lake INT, Oreg., via W alter.; MEA **7,000. *6,500—MRA. **5,000—MOCA.

From Silver Lake INT, Oreg., via W alter.; to Toledo INT, Wash., via W alter.; MEA *7,000. *5,000—MOCA.

Section 610.6032 *VOR Federal airway 32* is amended to read in part:

From *Salt Lake City, Utah, VOR; to **Henefer INT, Utah; MEA 12,000. *11,000—MCA Salt Lake City VOR, northeastbound. **14,000—MRA.

Section 610.6045 *VOR Federal airway 45* is amended to delete:

From Lexington, Ky., VOR; to York, Ky., VOR; MEA 2,600.

From York, Ky., VOR; to Appleton, Ohio, VOR; MEA 2,500.

From Appleton, Ohio, VOR; to Carey INT, Ohio; MEA 2,500.

From Carey INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6047 *VOR Federal airway 47* is amended to delete:

From Bowling Green, Ky., VOR; to Mystic, Ky., VOR; MEA 2,500.

From Mystic, Ky., VOR; to Nabb, Ind., VOR; MEA 2,600.

Section 610.6049 *VOR Federal airway 49* is amended by adding:

From Bowling Green, Ky., VOR; to Mystic, Ky., VOR; MEA 2,500.

From Mystic, Ky., VOR; to Nabb, Ind., VOR; MEA 2,600.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Charleston, S.C., VORTAC; to *Givhans INT, S.C.; MEA **1,400. *1,700—MRA. **1,200—MOCA.

From Givhans INT, S.C.; to *St. George INT, S.C.; MEA **1,700. *2,000—MRA. **1,600—MOCA.

From St. George INT, S.C.; to *Bowman INT, S.C.; MEA **1,700. *1,700—MRA. **1,600—MOCA.

From Bowman INT, S.C.; to Columbia, S.C., VOR; MEA *1,700. *1,600—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Chattanooga, Tenn., VOR; to Crandall INT, Tenn.; MEA 3,000.

From Crandall INT, Tenn.; to *Murphy INT, Tenn.; MEA **6,300. *9,000—MRA. **6,000—MOCA.

From Murphy INT, Tenn.; to *Rainbow INT, N.C.; MEA **8,500. *9,000—MRA. **7,500—MOCA.

From Rainbow INT, N.C.; to Sunset INT, Tenn.; MEA *8,500. *7,500—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Green Bay, Wis., VOR; to Big Falls INT, Wis.; MEA 2,100.

From Big Falls INT, Wis.; to Stevens Point, Wis., VOR; MEA 2,400.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From Kent INT, Ala.; to Columbus, Ga., VOR; MEA 2,100.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From *Buffalo INT, Iowa; to Big Rock INT, Iowa; MEA 4,500. *4,500—MCA Buffalo INT, northbound.

From *Big Rock INT, Iowa; to **Charlotte INT, Iowa; MEA 5,300. *5,300—MCA Big Rock INT, northeastbound. **4,000—MCA Charlotte INT, northeastbound.

Section 610.6064 *VOR Federal airway 64* is amended to read in part:

From *Thermal, Calif., VOR; to **Shavers INT, Calif.; MEA 7,000. *12,000—MCA Thermal VOR, westbound. **9,000—MRA.

From Shavers INT, Calif.; to Blythe, Calif. VOR; MEA 7,000.

Section 610.6066 *VOR Federal airway 66* is amended to delete:

From Campo INT, Calif.; to Coyote Wells INT, Calif.; MEA 8,000.

From Coyote Wells INT, Calif.; to El Centro, Calif.; VOR; eastbound, MEA 3,000; westbound, MEA 8,000.

Section 610.6066 *VOR Federal airway 66* is amended by adding:

From San Diego, Calif., VOR; to Lemon Grove INT, Calif.; eastbound, MEA 8,000; westbound, MEA 3,600.

From Lemon Grove INT, Calif.; to Jamul INT, Calif.; eastbound, MEA 8,000; westbound, MEA 4,500.

From Jamul INT, Calif.; to Barrett Lake INT, Calif.; westbound, MEA 6,000; eastbound, MEA 8,000.

From Barrett Lake INT, Calif.; to Campo INT, Calif.; westbound, MEA 7,000; eastbound, MEA 8,000.

From Campo INT, Calif.; to Coyote Wells INT, Calif.; MEA 8,000.

From *Coyote Wells INT, Calif.; to El Centro, Calif., VOR; eastbound, MEA 4,000; westbound, MEA 5,000. *6,700—MCA Coyote Wells INT, westbound.

From Tuscaloosa, Ala., VOR; to *Helena INT, Ala.; MEA 2,900. *3,000—MRA.

From Helena INT, Ala.; to Talladega, Ala., VOR; MEA 2,900.

From Talladega, Ala., VOR; to Raymond INT, Ga.; MEA *4,000. *2,900—MOCA.

From Raymond INT, Ga.; to McDonough, Ga., VOR; MEA 2,200.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VORTAC; to Palacios, Tex., VOR; MEA 1,500.

From Galveston, Tex., VOR; to Sabine Pass, Tex., VOR; MEA 1,400.

From Sabine Pass, Tex., VOR; to Lake Charles, La., VOR; MEA 1,300.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Mazie INT, Okla.; to Ft. Smith, Ark., VOR; MEA 2,600.

From Pryor INT, Okla., via N alter.; to Ft. Smith, Ark., VOR, via N alter.; MEA *4,000. *2,500—MOCA.

From Okmulgee, Okla., VOR, via S alter.; to Ft. Smith, Ark., VOR, via S alter.; MEA *2,300. *2,200—MOCA.

Section 610.6081 *VOR Federal airway 81* is amended to delete:

From Grand Junction, Colo., VOR; to Myton, Utah, VOR; MEA 11,000.

From Myton, Utah, VOR; to *Salt Lake City, Utah, VOR; MEA 13,000. *12,000—MCA Salt Lake City VOR, eastbound.

Section 610.6089 *VOR Federal airway 89* is amended by adding:

From Alamosa, Colo., VOR; to *Coaldale INT, Colo.; MEA **16,500. *16,500—MRA. **15,600—MOCA.

From *Coaldale INT, Colo.; to Guffey INT, Colo.; MEA **17,200. *17,200—MCA Coaldale INT, northeastbound. **14,000—MOCA.

From Guffey INT, Colo.; to *Lake George INT, Colo.; MEA **16,300. *16,300—MRA. *16,300—MCA Lake George INT, southwestbound. **13,000—MOCA.

From *Lake George INT, Colo.; to **Denver, Colo., VORTAC; MEA ***16,300. *16,300—MCA Lake George INT, northeastbound. **8,500—MCA Denver VORTAC, southwestbound. ***12,000—MOCA.

Section 610.6089 *VOR Federal airway 89* is amended to delete:

From Chadron, Nebr., VOR; to Smithwick, S. Dak., VOR; MEA 5,900.

From Smithwick, S. Dak., VOR; to *Fairburn INT, S. Dak.; MEA 4,500. *7,000—MRA.

From Fairburn INT, S. Dak.; to Rapid City, S. Dak., VOR; MEA 4,500.

From Chadron, Nebr., VOR via E alter.; to Rapid City, S. Dak., VOR, via E alter.; MEA 5,900.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Gregory INT, W. Va.; to Millsboro INT, W. Va.; MEA 3,700.

From *Millsboro INT, W. Va.; to Grantsville, Md., VOR; MEA 5,000. *5,000—MCA Millsboro INT, eastbound.

Section 610.6095 *VOR Federal airway 95* is amended by adding:

From *Farmington, N. Mex., VORTAC; to **Gunnison, Colo., VOR; MEA 16,000. *12,000—MCA Farmington VORTAC, northbound. **13,500—MCA Gunnison VOR, southbound.

From *Gunnison, Colo., VOR; to **Trout Creek INT, Colo.; MEA 16,300. *13,600—MCA Gunnison VOR, northeastbound. **14,800—MCA Trout Creek INT, southwestbound.

From Trout Creek INT, Colo.; to *Lake George INT, Colo.; MEA **15,500. *16,300—MRA. **14,000—MOCA.

From Lake George INT, Colo.; to *Spur INT, Colo., MEA **14,000. *11,000—MCA Spur INT, southwestbound. **12,000—MOCA.

From Spur INT, Colo.; to *Kiowa, Colo., VORTAC; MEA 10,000. *8,500—MCA Kiowa VORTAC, southwestbound.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Blue Ridge INT, Ga.; to *Murphy INT, Tenn.; MEA **9,000. *9,000—MRA. **6,300—MOCA.

From Murphy INT, Tenn.; to Howard INT, Tenn.; MEA *8,000. *7,700—MOCA.

From Howard INT, Tenn.; to *Tallassee INT, Tenn.; MEA **5,000. *3,500—MRA. **4,500—MOCA.

From Tallassee INT, Tenn.; to Knoxville, Tenn., VORTAC; MEA 3,000.

Section 610.6103 *VOR Federal airway 103* is amended to read in part:

From Madison INT, N.C.; to Henry INT, Tenn.; MEA *4,000. *3,500—MOCA.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From Nantucket, Mass., VOR; to Hyannis, Mass., VOR; MEA 1,500.

From Hyannis, Mass., VOR; to Boston, Mass., VOR; MEA *3,000. *1,500—MOCA.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Montgomery, Ala., VOR via S alter.; to Omaha INT, Ga., via S alter.; MEA *3,000. *2,000—MOCA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Allendale, S.C., VOR; to *Bowman INT, S.C.; MEA 1,300. *1,700—MRA.

From Bowman INT, S.C.; to Vance, S.C., VOR; MEA 1,300.

From Vance, S.C., VOR; to Florence, S.C., VOR; MEA 1,900.

From Gainesville, Fla., VOR; to Taylor, Fla., VOR; MEA 1,400.

Section 610.6174 *VOR Federal airway 174* is amended to delete:

From Louisville, Ky., VORTAC; to Falmouth, Ky., VOR; MEA 2,500.

Section 610.6178 *VOR Federal airway 178* is amended to read in part:

From Farmington, Mo., VOR; to Paducah, Ky., VOR; MEA 3,000.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From *Dove Creek, Colo., VORTAC via W alter.; to Grand Junction, Colo., VORTAC via W alter; MEA 12,000. *12,000—MCA Grand Junction VORTAC, southbound.

From *Grand Junction, Colo., VORTAC; to Rangely INT, Colo.; MEA 12,000. *12,000—MCA Grand Junction VORTAC, southbound.

From Rangely INT, Colo.; to Rock Springs, Wyo., VORTAC; MEA 13,000.

From Cactus INT, N. Mex.; to *Lybrook INT, N. Mex.; MEA 10,500. *12,000—MRA.

From Lybrook INT, N. Mex.; to Farmington, N. Mex., VOR; MEA 10,500.

Section 610.6190 *VOR Federal airway 190* is amended to delete:

From St. Johns, Ariz., VOR; to Grants, N. Mex., VOR; MEA 10,500.

From Grants, N. Mex., VOR; to Int. Santa Fe 240 and Albuquerque; VOR 010 M rad.; MEA 10,000.

From Int. Santa Fe 240 and Albuquerque VOR 010 M rad.; to Santa Fe, N. Mex., VOR; MEA 9,000.

From *Santa Fe, N. Mex., VOR; to **Las Vegas, N. Mex., VOR; MEA 12,500. **11,600—MCA Santa Fe VOR, eastbound. **11,300—MCA Las Vegas VOR, westbound.

Section 610.6190 *VOR Federal airway 190* is amended by adding:

From St. Johns, Ariz., VORTAC; to Hickman INT, N. Mex.; MEA *11,500. *10,500—MOCA.

From Hickman INT, N. Mex.; to Suwanee INT, N. Mex.; MEA 11,500.

From Suwanee INT, N. Mex.; to Albuquerque, N. Mex., VORTAC; MEA 9,000.

From *Albuquerque, N. Mex., VORTAC; to **Madrid INT, N. Mex.; MEA 13,000. *11,500— MCA Albuquerque VORTAC, northeastbound. **11,500—MCA Madrid INT, southwestbound.

From Madrid INT, N. Mex.; to Rencona INT, N. Mex.; MEA 10,000.

From *Rencona INT, N. Mex.; to **Las Vegas, N. Mex., VORTAC; MEA 12,000. *11,300—MCA Rencona INT, northeastbound. **11,300—MCA Las Vegas VORTAC, southwestbound.

From St. Johns, Ariz., VORTAC via N alter.; to Lava INT, N. Mex., via N alter.; MEA *11,000. *9,500—MOCA.

From Lava INT, N. Mex., via N alter.; to Grants, N. Mex., VOR via N alter.; MEA 11,000.

From Grants, N. Mex., VOR via N alter.; to Albuquerque, N. Mex., VORTAC via N. alter.; MEA 10,000.

Section 610.6191 *VOR Federal airway 191* is amended to delete:

From Oakwood INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6192 *VOR Federal airway 192* is amended to read in part:

From Zuni, N. Mex., VORTAC; to Lava INT, N. Mex.; eastbound, MEA 11,000; westbound, MEA 10,000.

From Lava INT, N. Mex.; to Hickman INT, N. Mex.; MEA *11,500. *10,500—MOCA.

Section 610.6208 *VOR Federal airway 208* is amended to read in part:

From Oceanside, Calif., VORTAC; to Vista INT, Calif.; eastbound, MEA 4,000; westbound, MEA 3,000.

From Vista INT, Calif.; to Valley Center INT, Calif.; eastbound, MEA 6,000; westbound, MEA 4,000.

From Valley Center INT, Calif.; to Julian, Calif., VOR; MEA 8,000.

From *Julian, Calif., VOR; to Warner INT, Calif.; southwestbound, MEA 8,000; northeastbound, MEA 9,500. *8,500—MCA Julian VOR, northeastbound.

From Warner INT, Calif.; to *Thermal, Calif.; MEA 10,000. *9,200—MCA Thermal VORTAC, southwestbound.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Walsenburg INT, Colo., via S alter.; to *Pueblo, Colo., VOR via S alter.; northeastbound, MEA 8,000; southwestbound, MEA 13,000. *10,000—MCA Pueblo VOR, southwestbound.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Hickory, N.C., VOR; to Francisco INT, Va.; MEA 4,100.

From Francisco INT, Va.; to Henry INT, Va.; MEA 5,000.

From Henry INT, Va.; to Lynchburg, Va., VOR; MEA 4,000.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Eufaula, Ala., VOR; to Columbus, Ga., VOR; MEA 2,000.

Section 610.6241 *VOR Federal airway 241* is amended to delete:

From Columbus, Ga., VOR; to *Big Spring INT, Ga.; MEA 2,200. *2,800—MRA.

From Big Spring INT, Ga.; to Raymond INT, Ga.; MEA 2,200.

From Raymond INT, Ga.; to Atlanta, Ga., VOR; MEA 2,100.

Section 610.6241 *VOR Federal airway 241* is amended by adding:

From Columbus, Ga., VOR; to Atlanta, Ga., VORTAC; MEA 2,200.

From Columbus, Ga., VOR via W alter.; to *Big Spring INT, Ga., via W alter.; MEA 2,200. *2,800—MRA.

From Big Spring INT, Ga., via W alter.; to Raymond INT, Ga., via W alter.; MEA 2,200.

From Raymond INT, Ga., via W alter.; to Atlanta, Ga., VORTAC via W alter.; MEA 2,100.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Bedrock INT, Utah; to Cerro INT, Colo.; MEA 14,000.

From Cerro INT, Colo.; to Gunnison, Colo., VOR; MEA 13,000.

From Gunnison, Colo., VOR; to *Coaldale INT, Colo.; MEA 16,000. *16,500—MRA.

Section 610.6253 *VOR Federal airway 253* is amended to read in part:

From *Twin Falls, Idaho, VOR; to Buhl INT, Idaho; MEA 8,500.

From Buhl INT, Idaho; to *Glenns Ferry INT, Idaho; MEA 6,000. *8,500—MCA Glenns Ferry INT, northwestbound.

From Glenns Ferry INT, Idaho; to Boise, Idaho, VORTAC; MEA 8,500.

From Mountain Home, Idaho FM; to Boise, Idaho, VORTAC; northwestbound only, MEA 7,600.

Section 610.6265 *VOR Federal airway 265* is amended to read in part:

From Riverdale, Md., LF/RBN; to Dayton INT, Md.; MEA 1,800.
From Dayton INT, Md.; to Westminster, Md., VOR; MEA 2,600.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From College INT, Ga.; to *Blairsville INT, Ga.; MEA **7,000. *9,400—MCA Blairsville INT, northbound. **6,400—MOCA.
From Blairsville INT, Ga.; to Notteley INT, N.C.; MEA *9,400. *6,900—MOCA.
From Notteley INT, N.C.; to Fontana INT, N.C.; MEA 7,800.
From Fontana INT, N.C.; to Knoxville, Tenn. VORTAC; MEA 7,000.
From Clermont INT, Ga., via E alter.; to *Helen INT, Ga., via E alter.; MEA 6,000. *9,500—MCA Helen INT, northwestbound.
From Helen INT, Ga., via E alter.; to *Rainbow INT, N.C., via E alter.; MEA **9,800. *9,000—MRA. **7,000—MOCA.
From Rainbow INT, N.C., via E alter.; to *Rasar INT, Tenn., via E alter.; MEA **9,000. *7,000—MCA Rasar INT, southbound. **7,600—MOCA.
From Rasar INT, Tenn., via E alter.; to Knoxville, Tenn., VORTAC, via E alter.; MEA 5,000.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Columbus, Miss., VOR; to *Millport INT, Ala.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Millport INT, Ala.; to Flat Creek INT, Ala.; MEA *2,000. *1,700—MOCA.

Section 610.6278 *VOR Federal airway 278* is amended by adding:

From Columbus, Miss., VOR via S alter., to *Millport INT, Ala., via S alter.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Millport INT, Ala., via S alter.; to Tuscaloosa, Ala., VOR via S alter.; MEA 1,400.
From Tuscaloosa, Ala., via S alter.; to Birmingham, Ala., VORTAC via S alter.; MEA 2,000.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From McCall, Idaho, VOR; to *Landmark INT, Idaho; MEA **16,000. *20,000—MRA. **14,000—MOCA.
From Landmark INT, Idaho; to *Dubois, Idaho, VOR; MEA **16,000. *12,000—MCA Dubois VOR, westbound. *11,000—MCA Dubois VOR, eastbound. **14,000—MCCA.

Section 610.6432 *VOR Federal airway 432* is amended to read in part:

From Thermal, Calif., VOR; to Rice, Calif., VOR; MEA *9,000. *7,500—MOCA.

Section 610.6457 *VOR Federal airway 457* is amended to read in part:

From Norwich, Conn., VORTAC; to Providence, R.I., VOR; MEA 1,700.
From Providence, R.I., VOR; to Walpole INT, Mass.; MEA 1,800.

Section 610.6458 *VOR Federal airway 458* is added to read:

From Julian, Calif., VOR; to Coyote Wells INT, Calif.; MEA 8,000.
From *Coyote Wells INT, Calif.; to El Centro, Calif., VOR; eastbound, MEA 4,000; westbound, MEA 5,000. *5,400—MCA Coyote Wells INT, northweastbound.

Section 610.6460 *VOR Federal airway 460* is added to read:

From Julian, Calif., VOR; to *Shavers INT, Calif.; MEA 9,000. *9,000—MRA.
From Shavers INT, Calif.; to Blythe, Calif., VOR; MEA 7,000.

Section 610.6464 *VOR Federal airway 464* is added to read:

From Dunkirk, N.Y., VOR; to Geneseo, N.Y., VORTAC; MEA 4,800.

Section 610.6483 *VOR Federal airway 483* is added to read:

From Rockdale, N.Y., VOR; to Lakeport INT, N.Y.; MEA 4,200.
From Lakeport INT, N.Y.; to Syracuse, N.Y., VORTAC; MEA 3,000.

Section 610.6484 *VOR Federal airway 484* is added to read:

From *Salt Lake City, Utah, VORTAC; to Myton, Utah, VOR; MEA 13,000. *12,000—MCA Salt Lake City VOR, southeastbound.
From Myton, Utah, VOR; to Grand Junction, Colo., VORTAC; MEA 11,000.
From *Grand Junction, Colo., VORTAC; to Gunnison, Colo., VOR; MEA 14,000. **11,000—MCA Grand Junction VORTAC, southeastbound.
From Gunnison, Colo., VOR; to *Bonanza INT, Colo.; MEA 15,000. *15,000—MCA Bonanza INT, westbound.
From Bonanza INT, Colo.; to Alamosa, Colo., VOR; MEA 13,500.
From Grand Junction, Colo., VORTAC, via S alter.; to Gunnison, Colo., VOR via S alter. MEA 13,000.

Section 610.6486 *VOR Federal airway 486* is added to read:

From Tuba City, Ariz., VOR; to Dove Creek, Colo., VORTAC; MEA 10,000.
From *Dove Creek, Colo., VORTAC; to Gunnison, Colo., VOR; MEA 14,000. *10,500—MCA Dove Creek VORTAC, northeastbound.

Section 610.6488 *VOR Federal airway 488* is added to read:

From Slate Run, Pa., VOR to Milton, Pa., VORTAC; MEA 4,000.
From Milton, Pa., VORTAC, to Shenandoah INT, Pa; MEA 4,000.

Section 610.6493 *VOR Federal airway 493* is added to read:

From Lexington, Ky., VORTAC; to York, Ky., VOR; MEA 2,600.
From York, Ky., VOR; to Appleton, Ohio, VORTAC; MEA 2,500.
From Appleton, Ohio, VORTAC; to Carey INT, Ohio; MEA 2,500.
From Carey, INT, Ohio; to Waterville, Ohio, VORTAC; MEA 2,000.

Section 610.6502 *VOR Federal airway 502* is added to read:

From Louisville, Ky., VORTAC; to Falmouth, Ky., VOR; MEA 2,500.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From Gregory INT, W. Va.; to Millsboro INT, W. Va.; MEA 3,700.
From *Millsboro INT, W. Va.; to Grantsville, Md., VOR; MEA 5,000. *5,000—MCA Millsboro INT, eastbound.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From *Salt Lake City, Utah, VOR; to **Henefer INT, Utah; MEA 12,000. *11,000—MCA Salt Lake City VOR, northeastbound. **14,000—MRA.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From Grand Island, Nebr., VOR; to Gretna INT, Nebr.; MEA *3,700. *3,200—MOCA.

Section 610.6612 *VOR Federal airway 1512* is amended to delete:

From Los Angeles, Calif., VOR; to Long Beach, Calif., VOR; MEA 2,000.
From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.
From *Ontario, Calif., VOR; to Fontana INT, Calif.; northeastbound, MEA 10,000; southeastbound, MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.
From Fontana INT, Calif.; to Hector, Calif., VOR; MEA 10,000.
From Hector, Calif., VOR; to *Goffs, Calif., VOR; MEA 8,500. *7,500—MCA Goffs VOR, westbound.
From Goffs, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000.
From *Union Pass INT, Ariz.; **Red Lake INT, Ariz.; MEA 9,000. *8,500—MCA Union Pass INT, eastbound. **10,000—MRA.
From Red Lake INT, Ariz.; to Peach Springs, Ariz., VOR; MEA 9,000.
From Peach Springs, Ariz., VOR; to *Anita INT, Ariz.; MEA 10,000. *11,000—MRA.
From Anita INT, Ariz.; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.
From Canyon INT, Ariz.; to Tuba City, Ariz., VOR; MEA 10,000.
From Tuba City, Ariz., VOR to Farmington, N. Mex., VOR; MEA 12,000.
From Farmington, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 15,000.
From *Alamosa, Colo., VOR; to **Gordon, Colo., VOR; MEA 15,000. *14,000—MCA Alamosa VOR, eastbound. **12,000—MCA Gordon VOR, westbound.
From Gordon INT, Colo.; to *Rattlesnake INT, Colo.; MEA **10,500. *10,500—MCA Rattlesnake INT, westbound. **8,500—MOCA.
From Rattlesnake INT, Colo.; to Bloom INT, Colo.; MEA 7,500.
From Bloom INT, Colo.; to *LaJunta INT, Colo.; MEA 7,000. *6,500—MRA.
From LaJunta INT, Colo.; to Lamar, Colo., VOR; MEA 6,000.
From Lamar, Colo., VOR; to Tuttle INT, Kans.; MEA 5,500.
From Tuttle INT, Kans.; to *Modoc INT, Kans.; MEA **7,000. *7,000—MRA. **5,500—MOCA.
From Modoc INT, Kans.; to *Ransom INT, Kans.; MEA **9,500. *9,700—MRA. **5,500—MOCA.
From Ransom INT, Kans.; to Russell, Kans., VOR; MEA 5,500.

Section 610.6612 *VOR Federal airway 1512* is amended by adding:

From Los Angeles, Calif., VOR; to *Ontario, Calif., VOR; MEA 4,000. *8,000—MCA Ontario VOR, eastbound.
From Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000.
From Moreno INT, Calif.; to *Palm Springs INT, Calif.; MEA 13,000. *13,000—MCA Palm Springs INT, westbound.
From Banning, Calif. FM; to Moreno INT, Calif.; westbound only; MEA 8,000.
From Palm Springs INT, Calif.; to Twentynine Palms, Calif., VOR; MEA 9,000.
From Twentynine Palms, Calif., VOR; to Needles, Calif., VORTAC; MEA 8,000.
From *Needles, Calif., VORTAC; to **Mt. Hope INT, Ariz.; MEA 10,000. *7,000—MCA Needles VORTAC, eastbound. **9,000—MCA Mt. Hope INT, westbound.
From Mt. Hope INT, Ariz.; to Drake, Ariz., VOR; eastbound, MEA 8,000; westbound, MEA 9,000.
From Drake, Ariz., VOR; to Perkins INT, Ariz.; MEA 8,000.
From Perkins INT, Ariz.; to Winslow, Ariz., VORTAC; MEA 10,000.
From Winslow, Ariz., VORTAC; to Crownpoint, N. Mex., VOR; MEA 10,500.
From Crownpoint, N. Mex., VOR; to *Lybrook, INT, N. Mex.; MEA **12,000. *12,000—MRA. **10,000—MOCA.
From Lybrook INT, N. Mex.; to Taos, N. Mex., VOR; MEA 13,000.
From *Taos, N. Mex., VOR; to **Border INT, N. Mex.; MEA 15,000. *13,000—MCA Taos, VOR, eastbound. *14,000—MRA.
From Border INT, N. Mex.; to *Tobe, Colo., VORTAC; MEA **14,000. *8,500—MCA Tobe VORTAC, westbound. **12,000—MOCA.
From Tobe, Colo., VORTAC; to Garden City, Kans., VORTAC; MEA 9,000.
From Garden City, Kans., VORTAC; to Russell, Kans., VOR; MEA *5,000. *4,200—MOCA.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Bedrock INT, Utah; to Cerro INT, Colo.; MEA 14,000.
From Cerro INT, Colo.; to Gunnison, Colo., VOR; MEA 13,000.
From Gunnison, Colo., VOR; to *Coaldale INT, Colo.; MEA 16,000. *16,500—MRA.

Section 610.6622 *VOR Federal airway 1522* is amended to read in part:

From Columbus, Miss., VOR; to *Millport INT, Ala.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Millport INT, Ala.; to Flat Creek INT; MEA *2,000. *1,700—MOCA.
From Anniston, Ala., VOR; to Roopville INT, Ga.; MEA 4,000.
From Roopville INT, Ga.; to Atlanta, Ga., VORTAC; MEA 2,300.
From Atlanta, Ga., VORTAC; to Lithonia INT, Ga.; MEA 2,200.
From Lithonia INT, Ga.; to Royston, Ga., VOR; MEA 2,700.
From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.
From Rio INT, Tex.; to *Salt Flat, Tex., VOR; MEA 8,000. *9,100—MCA Salt Flat VOR, eastbound.

Section 610.6642 *VOR Federal airway 1524* is added to read:

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 4,000.
From La Habra, Calif., FM; to Los Angeles, Calif., VOR; westbound only, MEA 3,000.
From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.
From Banning, Calif., FM; to Moreno INT, Calif.; westbound only, MEA 8,000.
From Moreno INT, Calif.; to *Palm Springs INT, Calif.; MEA 13,000. *13,000—MCA Palm Springs INT, westbound.
From Palm Springs INT, Calif.; to Twentynine Palms, Calif., VOR; MEA 9,000.
From Twentynine Palms, Calif., VOR; to Needles, Calif., VORTAC; MEA 8,000.
From Needles, Calif., VORTAC; to Peach Springs, Ariz., VORTAC; MEA 9,000.
From Peach Springs, Ariz., VORTAC; to *Anita INT, Ariz.; MEA 10,000. *11,000—MRA.
From Anita INT, Ariz.; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.
From Canyon INT, Ariz.; to Tuba City, Ariz., VOR; MEA 10,000.
From Tuba City, Ariz., VOR; to Farmington, N. Mex., VORTAC; MEA 12,000.
From Farmington, N. Mex., VORTAC; to Alamosa, Colo., VOR; MEA 15,000.
From *Alamosa, Colo., VOR; to Calumet INT, Colo.; MEA 15,000. *14,000—MCA Alamosa VOR, eastbound.
From Calumet INT, Colo.; to *Gordon INT, Colo.; MEA 15,000. *12,000—MCA Gordon INT, westbound.
From Gordon INT, Colo.; to *Rattlesnake INT, Colo.; MEA **10,500. *10,500—MCA Rattlesnake INT, westbound; **8,500—MOCA.
From Rattlesnake INT, Colo.; to Bloom INT, Colo.; MEA 7,500.
From Bloom INT, Colo.; to *La Junta INT, Colo.; MEA 7,000. *6,500—MRA.
From La Junta INT, Colo.; to Lamar, Colo., VOR; MEA 6,000.
From Lamar, Colo., VOR; to *Woolfolk INT, Colo.; MEA **6,300. *6,600—MRA. **6,000—MOCA.

From Woolfolk INT, Colo.; to *Twin Butte INT, Kans.; MEA **6,300. *6,200—MRA. **6,000—MOCA.
From Twin Butte INT, Kans.; to Orion INT, Kans.; MEA *6,200. *4,000—MOCA.
From Orion INT, Kans.; to Hill City, Kans., VOR; MEA *5,000. *4,000—MOCA.
From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 3,600.
From Mankato, Kans., VOR; to Pawnee City, Nebr., VORTAC; MEA 3,000.
From Pawnee City, Nebr., VORTAC; to Lamoni, Iowa, VOR; MEA 2,500.
From Lamoni, Iowa, VOR; to Ottumwa, Iowa, VORTAC; MEA 2,300.
From Ottumwa, Iowa, VORTAC; to Moline, Ill., VORTAC; MEA 2,200.
From Moline, Ill., VORTAC; to Annawan INT, Ill.; MEA 2,800.
From Annawan INT, Ill.; to Triumph INT, Ill.; MEA *3,800. *2,200—MOCA.
From *Triumph INT, Ill.; to Joliet, Ill., VORTAC; MEA 2,000. *3,800—MCA Triumph INT, westbound.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective September 22, 1960.

Issued in Washington, D.C., on September 7, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8434; Filed, Sept. 14, 1960; 8:45 a.m.]

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket 505, Amdt. 200]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 049, 149, 649, and 749 Series Aircraft

Subsequent to adoption of Amendment 101, 25 F.R. 1311 as amended by Amendment 127, 25 F.R. 3066, alternate permissible crack limits in main landing gear outer cylinders of Lockheed 49 Series aircraft were prescribed by the manufacturer and found acceptable by the FAA. Accordingly, the repair and rework instruction in paragraph (c)(1) of Amendment 101 is being revised to provide for the more flexible limits.

Since this amendment imposes no additional burden on any person and provides some alleviation from more restrictive limits without affecting safety of the aircraft, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 101 Lockheed 049, 149, 649, and 749 Series aircraft as it appeared in 25 F.R. 1311 as amended by Amendment 127, 25 F.R. 3066, is further amended by deleting the third sentence of paragraph (c)(1) and adding to paragraph (c)(1) the following: "Rework may be acceptable on outer cylinders with cracks that cannot be removed by grinding to a depth of 0.017 inch. Such cases may be submitted to the FAA for evaluation of the extent of cracking and to determine if rework is possible. Rework accomplished subsequent to such an evaluation must be in accordance with FAA approved repair instructions."

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 8, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8557; Filed, Sept. 14, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Amendment; Change of Effective Date

On April 30, 1960, there was published in the FEDERAL REGISTER (25 F.R. 3814) amendments to §§ 600.6003, 600.6157, 600.6018, 600.6053 and 601.7001 of the regulations of the Administrator. These amendments, to be effective September 22, 1960, modified the following VOR Federal airways: Victor 3 from Savannah, Ga., to Florence, S.C.; Victor 157 from Allandale, S.C., to Florence; Victor 3 east between Florence and Raleigh, N.C.; Victor 53 between Columbus, Ga., and Charleston, S.C.; Victor 18 south between Allandale and Charleston; and designated the Vance, S.C., VOR, the Fayetteville, N.C., VOR and the Ritter, S.C., intersection as domestic VOR reporting points concurrently with the commissioning of the Vance and Fayetteville VORs.

The commissioning date of the Vance, S.C., VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-FW-34 is hereby modified as follows: "effective 0001 e.s.t. September 22, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Section 610.6265 *VOR Federal airway 265* is amended to read in part:

From Riverdale, Md., LF/RBN; to Dayton INT, Md.; MEA 1,800.
From Dayton INT, Md.; to Westminster, Md., VOR; MEA 2,000.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From College INT, Ga.; to *Blairsville INT, Ga.; MEA **7,000. *9,400—MCA Blairsville INT, northbound. **6,400—MOCA.
From Blairsville INT, Ga.; to Notteley INT, N.C.; MEA *9,400. *6,900—MOCA.
From Notteley INT, N.C.; to Fontana INT, N.C.; MEA 7,800.
From Fontana INT, N.C.; to Knoxville, Tenn. VORTAC; MEA 7,000.
From Clermont INT, Ga., via E alter.; to *Helen INT, Ga., via E alter.; MEA 6,000. *9,500—MCA Helen INT, northwestbound.
From Helen INT, Ga., via E alter.; to *Rainbow INT, N.C., via E alter.; MEA **9,800. *9,000—MRA. **7,000—MOCA.
From Rainbow INT, N.C., via E alter.; to *Rasar INT, Tenn., via E alter.; MEA **9,000. *7,000—MCA Rasar INT, southbound. **7,600—MOCA.
From Rasar INT, Tenn., via E alter.; to Knoxville, Tenn., VORTAC, via E alter.; MEA 5,000.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Columbus, Miss., VOR; to *Millport INT, Ala.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Millport INT, Ala.; to Flat Creek INT, Ala.; MEA *2,000. *1,700—MOCA.

Section 610.6278 *VOR Federal airway 278* is amended by adding:

From Columbus, Miss., VOR via S alter., to *Millport INT, Ala., via S alter.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Millport INT, Ala., via S alter.; to Tuscaloosa, Ala., VOR via S alter.; MEA 1,400.
From Tuscaloosa, Ala., via S alter.; to Birmingham, Ala., VORTAC via S alter.; MEA 2,000.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From McCall, Idaho, VOR; to *Landmark INT, Idaho; MEA **16,000. *20,000—MRA. **14,000—MOCA.
From Landmark INT, Idaho; to *Dubois, Idaho, VOR; MEA **16,000. *12,000—MCA Dubois VOR, westbound. *11,000—MCA Dubois VOR, eastbound. **14,000—MCCA.

Section 610.6432 *VOR Federal airway 432* is amended to read in part:

From Thermal, Calif., VOR; to Rice, Calif., VOR; MEA *9,000. *7,500—MOCA.

Section 610.6457 *VOR Federal airway 457* is amended to read in part:

From Norwich, Conn., VORTAC; to Providence, R.I., VOR; MEA 1,700.
From Providence, R.I., VOR; to Walpole INT, Mass.; MEA 1,800.

Section 610.6458 *VOR Federal airway 458* is added to read:

From Julian, Calif., VOR; to Coyote Wells INT, Calif.; MEA 8,000.
From *Coyote Wells INT, Calif.; to El Centro, Calif., VOR; eastbound, MEA 4,000; westbound, MEA 5,000. *5,400—MCA Coyote Wells INT, northwestbound.

Section 610.6460 *VOR Federal airway 460* is added to read:

From Julian, Calif., VOR; to *Shavers INT, Calif.; MEA 9,000. *9,000—MRA.
From Shavers INT, Calif.; to Blythe, Calif., VOR; MEA 7,000.

Section 610.6464 *VOR Federal airway 464* is added to read:

From Dunkirk, N.Y., VOR; to Geneseo, N.Y., VORTAC; MEA 4,800.

Section 610.6483 *VOR Federal airway 483* is added to read:

From Rockdale, N.Y., VOR; to Lakeport INT, N.Y.; MEA 4,200.
From Lakeport INT, N.Y.; to Syracuse, N.Y., VORTAC; MEA 3,000.

Section 610.6484 *VOR Federal airway 484* is added to read:

From *Salt Lake City, Utah, VORTAC; to Myton, Utah, VOR; MEA 13,000. *12,000—MCA Salt Lake City VOR, southeastbound.
From Myton, Utah, VOR; to Grand Junction, Colo., VORTAC; MEA 11,000.
From *Grand Junction, Colo., VORTAC; to Gunnison, Colo., VOR; MEA 14,000. **11,000—MCA Grand Junction VORTAC, southeastbound.
From Gunnison, Colo., VOR; to *Bonanza INT, Colo.; MEA 15,000. *15,000—MCA Bonanza INT, westbound.
From Bonanza INT, Colo.; to Alamosa, Colo., VOR; MEA 13,500.
From Grand Junction, Colo., VORTAC, via S alter.; to Gunnison, Colo., VOR via S alter. MEA 13,000.

Section 610.6486 *VOR Federal airway 486* is added to read:

From Tuba City, Ariz., VOR; to Dove Creek, Colo., VORTAC; MEA 10,000.
From *Dove Creek, Colo., VORTAC; to Gunnison, Colo., VOR; MEA 14,000. *10,500—MCA Dove Creek VORTAC, northeastbound.

Section 610.6488 *VOR Federal airway 488* is added to read:

From Slate Run, Pa., VOR to Milton, Pa., VORTAC; MEA 4,000.
From Milton, Pa., VORTAC, to Shenandoah INT, Pa; MEA 4,000.

Section 610.6493 *VOR Federal airway 493* is added to read:

From Lexington, Ky., VORTAC; to York, Ky., VOR; MEA 2,600.
From York, Ky., VOR; to Appleton, Ohio, VORTAC; MEA 2,500.
From Appleton, Ohio, VORTAC; to Carey INT, Ohio; MEA 2,500.
From Carey, INT, Ohio; to Waterville, Ohio, VORTAC; MEA 2,000.

Section 610.6502 *VOR Federal airway 502* is added to read:

From Louisville, Ky., VORTAC; to Falmouth, Ky., VOR; MEA 2,500.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From Gregory INT, W. Va.; to Millsboro INT, W. Va.; MEA 3,700.
From *Millsboro INT, W. Va.; to Grantsville, Md., VOR; MEA 5,000. *5,000—MCA Millsboro INT, eastbound.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From *Salt Lake City, Utah, VOR; to **Henefer INT, Utah; MEA 12,000. *11,000—MCA Salt Lake City VOR, northeastbound. **14,000—MRA.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From Grand Island, Nebr., VOR; to Gretna INT, Nebr.; MEA *3,700. *3,200—MOCA.

Section 610.6612 *VOR Federal airway 1512* is amended to delete:

From Los Angeles, Calif., VOR; to Long Beach, Calif., VOR; MEA 2,000.
From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.
From *Ontario, Calif., VOR; to Fontana INT, Calif.; northeastbound, MEA 10,000; southeastbound, MEA 5,000. *7,000—MCA Ontario VOR, northeastbound.
From Fontana INT, Calif.; to Hector, Calif., VOR; MEA 10,000.
From Hector, Calif., VOR; to *Goffs, Calif., VOR; MEA 8,500. *7,500—MCA Goffs VOR, westbound.
From Goffs, Calif., VOR; to Union Pass INT, Ariz.; MEA 8,000.
From *Union Pass INT, Ariz.; **Red Lake INT, Ariz.; MEA 9,000. *8,500—MCA Union Pass INT, eastbound. **10,000—MRA.
From Red Lake INT, Ariz.; to Peach Springs, Ariz., VOR; MEA 9,000.
From Peach Springs, Ariz., VOR; to *Anita INT, Ariz.; MEA 10,000. *11,000—MRA.
From Anita INT, Ariz.; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.
From Canyon INT, Ariz.; to Tuba City, Ariz., VOR; MEA 10,000.
From Tuba City, Ariz., VOR to Farmington, N. Mex., VOR; MEA 12,000.
From Farmington, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 15,000.
From *Alamosa, Colo., VOR; to **Gordon, Colo., VOR; MEA 15,000. *14,000—MCA Alamosa VOR, eastbound. **12,000—MCA Gordon VOR, westbound.
From Gordon INT, Colo.; to *Rattlesnake INT, Colo.; MEA **10,500. *10,500—MCA Rattlesnake INT, westbound. **8,500—MOCA.
From Rattlesnake INT, Colo.; to Bloom INT, Colo.; MEA 7,500.
From Bloom INT, Colo.; to *LaJunta INT, Colo.; MEA 7,000. *6,500—MRA.
From LaJunta INT, Colo.; to Lamar, Colo., VOR; MEA 6,000.
From Lamar, Colo., VOR; to Tuttle INT, Kans.; MEA 5,500.
From Tuttle INT, Kans.; to *Modoc INT, Kans.; MEA **7,000. *7,000—MRA. **5,500—MOCA.
From Modoc INT, Kans.; to *Ransom INT, Kans.; MEA **9,500. *9,700—MRA. **5,500—MOCA.
From Ransom INT, Kans.; to Russell, Kans., VOR; MEA 5,500.

Section 610.6612 *VOR Federal airway 1512* is amended by adding:

From Los Angeles, Calif., VOR; to *Ontario, Calif., VOR; MEA 4,000. *8,000—MCA Ontario VOR, eastbound.
From Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000.
From Moreno INT, Calif.; to *Palm Springs INT, Calif.; MEA 13,000. *13,000—MCA Palm Springs INT, westbound.
From Banning, Calif. FM; to Moreno INT, Calif.; westbound only; MEA 8,000.
From Palm Springs INT, Calif.; to Twentynine Palms, Calif., VOR; MEA 9,000.
From Twentynine Palms, Calif., VOR; to Needles, Calif., VORTAC; MEA 8,000.
From *Needles, Calif., VORTAC; to **Mt. Hope INT, Ariz.; MEA 10,000. *7,000—MCA Needles VORTAC, eastbound. **9,000—MCA Mt. Hope INT, westbound.
From Mt. Hope INT, Ariz.; to Drake, Ariz., VOR; eastbound, MEA 8,000; westbound, MEA 9,000.
From Drake, Ariz., VOR; to Perkins INT, Ariz.; MEA 8,000.
From Perkins INT, Ariz.; to Winslow, Ariz., VORTAC; MEA 10,000.
From Winslow, Ariz., VORTAC; to Crownpoint, N. Mex., VOR; MEA 10,500.
From Crownpoint, N. Mex., VOR; to *Lybrook, INT, N. Mex.; MEA **12,000. *12,000—MRA. **10,000—MOCA.
From Lybrook INT, N. Mex.; to Taos, N. Mex., VOR; MEA 13,000.
From *Taos, N. Mex., VOR; to **Border INT, N. Mex.; MEA 15,000. *13,000—MCA Taos, VOR, eastbound. *14,000—MRA.
From Border INT, N. Mex.; to *Tobe, Colo., VORTAC; MEA **14,000. *8,500—MCA Tobe VORTAC, westbound. **12,000—MOCA.
From Tobe, Colo., VORTAC; to Garden City, Kans., VORTAC; MEA 9,000.
From Garden City, Kans., VORTAC; to Russell, Kans., VOR; MEA *5,000. *4,200—MOCA.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Bedrock INT, Utah; to Cerro INT, Colo.; MEA 14,000.
From Cerro INT, Colo.; to Gunnison, Colo., VOR; MEA 13,000.
From Gunnison, Colo., VOR; to *Coaldale INT, Colo.; MEA 16,000. *16,500—MRA.

Section 610.6622 *VOR Federal airway 1522* is amended to read in part:

From Columbus, Miss., VOR; to *Millport INT, Ala.; MEA **2,000. *2,000—MRA. **1,700—MOCA.
From Millport INT, Ala.; to Flat Creek INT; MEA *2,000. *1,700—MOCA.
From Anniston, Ala., VOR; to Roopville INT, Ga.; MEA 4,000.
From Roopville INT, Ga.; to Atlanta, Ga., VORTAC; MEA 2,300.
From Atlanta, Ga., VORTAC; to Lithonia INT, Ga.; MEA 2,200.
From Lithonia INT, Ga.; to Royston, Ga., VOR; MEA 2,700.
From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.
From Rio INT, Tex.; to *Salt Flat, Tex., VOR; MEA 8,000. *9,100—MCA Salt Flat VOR, eastbound.

Section 610.6642 *VOR Federal airway 1524* is added to read:

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 4,000.
From La Habra, Calif., FM; to Los Angeles, Calif., VOR; westbound only, MEA 3,000.
From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.
From Banning, Calif., FM; to Moreno INT, Calif.; westbound only, MEA 8,000.
From Moreno INT, Calif.; to *Palm Springs INT, Calif.; MEA 13,000. *13,000—MCA Palm Springs INT, westbound.
From Palm Springs INT, Calif.; to Twentynine Palms, Calif., VOR; MEA 9,000.
From Twentynine Palms, Calif., VOR; to Needles, Calif., VORTAC; MEA 8,000.
From Needles, Calif., VORTAC; to Peach Springs, Ariz., VORTAC; MEA 9,000.
From Peach Springs, Ariz., VORTAC; to *Anita INT, Ariz.; MEA 10,000. *11,000—MRA.
From Anita INT, Ariz.; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.
From Canyon INT, Ariz.; to Tuba City, Ariz., VOR; MEA 10,000.
From Tuba City, Ariz., VOR; to Farmington, N. Mex., VORTAC; MEA 12,000.
From Farmington, N. Mex., VORTAC; to Alamosa, Colo., VOR; MEA 15,000.
From *Alamosa, Colo., VOR; to Calumet INT, Colo.; MEA 15,000. *14,000—MCA Alamosa VOR, eastbound.
From Calumet INT, Colo.; to *Gordon INT, Colo.; MEA 15,000. *12,000—MCA Gordon INT, westbound.
From Gordon INT, Colo.; to *Rattlesnake INT, Colo.; MEA **10,500. *10,500—MCA Rattlesnake INT, westbound; **8,500—MOCA.
From Rattlesnake INT, Colo.; to Bloom INT, Colo.; MEA 7,500.
From Bloom INT, Colo.; to *La Junta INT, Colo.; MEA 7,000. *6,500—MRA.
From La Junta INT, Colo.; to Lamar, Colo., VOR; MEA 6,000.
From Lamar, Colo., VOR; to *Woolfolk INT, Colo.; MEA **6,300. *6,600—MRA. **6,000—MOCA.
From Woolfolk INT, Colo.; to *Twin Butte INT, Kans.; MEA **6,300. *6,200—MRA. **6,000—MOCA.
From Twin Butte INT, Kans.; to Orion INT, Kans.; MEA *6,200. *4,000—MOCA.
From Orion INT, Kans.; to Hill City, Kans., VOR; MEA *5,000. *4,000—MOCA.
From Hill City, Kans., VOR; to Mankato, Kans., VOR; MEA 3,600.
From Mankato, Kans., VOR; to Pawnee City, Nebr., VORTAC; MEA 3,000.
From Pawnee City, Nebr., VORTAC; to Lamoni, Iowa, VOR; MEA 2,500.
From Lamoni, Iowa, VOR; to Ottumwa, Iowa, VORTAC; MEA 2,300.
From Ottumwa, Iowa, VORTAC; to Moline, Ill., VORTAC; MEA 2,200.
From Moline, Ill., VORTAC; to Annawan INT, Ill.; MEA 2,800.
From Annawan INT, Ill.; to Triumph INT, Ill.; MEA *3,800. *2,200—MOCA.
From *Triumph INT, Ill.; to Joliet, Ill., VORTAC; MEA 2,000. *3,800—MCA Triumph INT, westbound.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective September 22, 1960.

Issued in Washington, D.C., on September 7, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8434; Filed, Sept. 14, 1960; 8:45 a.m.]

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket 505, Amdt. 200]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 049, 149, 649, and 749 Series Aircraft

Subsequent to adoption of Amendment 101, 25 F.R. 1311 as amended by Amendment 127, 25 F.R. 3066, alternate permissible crack limits in main landing gear outer cylinders of Lockheed 49 Series aircraft were prescribed by the manufacturer and found acceptable by the FAA. Accordingly, the repair and rework instruction in paragraph (c)(1) of Amendment 101 is being revised to provide for the more flexible limits.

Since this amendment imposes no additional burden on any person and provides some alleviation from more restrictive limits without affecting safety of the aircraft, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 101 Lockheed 049, 149, 649, and 749 Series aircraft as it appeared in 25 F.R. 1311 as amended by Amendment 127, 25 F.R. 3066, is further amended by deleting the third sentence of paragraph (c)(1) and adding to paragraph (c)(1) the following: "Rework may be acceptable on outer cylinders with cracks that cannot be removed by grinding to a depth of 0.017 inch. Such cases may be submitted to the FAA for evaluation of the extent of cracking and to determine if rework is possible. Rework accomplished subsequent to such an evaluation must be in accordance with FAA approved repair instructions."

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 8, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8557; Filed, Sept. 14, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Amendment; Change of Effective Date

On April 30, 1960, there was published in the FEDERAL REGISTER (25 F.R. 3814) amendments to §§ 600.6003, 600.6157, 600.6018, 600.6053 and 601.7001 of the regulations of the Administrator. These amendments, to be effective September 22, 1960, modified the following VOR Federal airways: Victor 3 from Savannah, Ga., to Florence, S.C.; Victor 157 from Allandale, S.C., to Florence; Victor 3 east between Florence and Raleigh, N.C.; Victor 53 between Columbus, Ga., and Charleston, S.C.; Victor 18 south between Allandale and Charleston; and designated the Vance, S.C., VOR, the Fayetteville, N.C., VOR and the Ritter, S.C., intersection as domestic VOR reporting points concurrently with the commissioning of the Vance and Fayetteville VORs.

The commissioning date of the Vance, S.C., VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-FW-34 is hereby modified as follows: "effective 0001 e.s.t. September 22, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on September 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8561; Filed, Sept. 14, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-48]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of a Segment of Federal Airway and Associated Control Areas

On June 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5940) stating that the Federal Aviation Agency proposed to revoke the segment of Red Federal airway No. 45 from Riverdale, Md., to Lancaster, Pa., together with its associated control areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken: 1. In § 600.245 (14 CFR 600.245) the following changes are made:

(a) In the caption "*(Blackstone, Va., to Lancaster, Pa.).*" is deleted and "*(Blackstone, Va., to McLean, Va.).*" is substituted therefor.

(b) In the text "From the Riverdale, Md., RBN via the Baltimore, Md., RR to the INT of the north course of the Baltimore RR and the southwest course of the Allentown, Pa., RR." is deleted.

2. In the caption of § 601.245 (14 CFR 601.245) "*(Blackstone, Va., to Lancaster, Pa.).*" is deleted and "*(Blackstone, Va., to McLean, Va.).*" is substituted therefor.

3. In the caption of § 601.4245 (14 CFR 601.4245) "*(Blackstone, Va., to Lancaster, Pa.).*" is deleted and "*(Blackstone, Va., to McLean, Va.).*" is substituted therefor.

These amendments shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8562; Filed, Sept. 14, 1960; 8:46 a.m.]

[Airspace Docket No. 59-NY-22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

PART 608—RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor; Modification of Federal Airways and Associated Control Areas

On March 12, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 2109) stating that the Federal Aviation Agency proposed to designate a Restricted Area/Military Climb Corridor (R-592) (Norfolk Chart) at Hampton Roads, Va. (Langley AFB), and to modify the segment of Red Federal airway No. 19 and its associated control areas from Tappahannock, Va., to Norfolk, Va.

No adverse comments were received regarding the proposed amendments. The Air Transport Association stated that they did not object provided that practical communications would be available and traffic control procedures would be developed to facilitate free transit of the area when it is not restricted to military use. As in the case of the designation of all such corridors, adequate communications and procedures to manage air traffic through the area when it is not restricted will be assured.

Although not mentioned in the Notice, it will be necessary to amend the captions of §§ 601.219 and 601.4219 to correctly reflect the point of termination of the modified Red Federal airway No. 19.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adpoted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530, 25 F.R. 8005) and for the reasons stated in the Notice, the following actions are taken:

§ 608.54 [Amendment]

1. In § 608.54 *Virginia* (23 F.R. 8588), add:

Hampton Roads, Va., (Langley AFB) Restricted Area/Military Climb Corridor (R-592) (Norfolk Chart).

Description. That area based on the 011° True radial of the Langley AFB TVOR, beginning 5 statute miles north of the air base and extending 32 statute miles north of the air base having a width at the point of beginning of 1 statute mile to the west and 2 statute miles to the east of the 011° True radial. The western boundary expands uniformly to a width of 2.3 statute miles west of the 011° True radial at the outer extremity. The eastern boundary decreases to a width of 1.5 statute miles 10 statute miles from the point of beginning of the climb corridor, then expands to a width of 2.3 statute miles east of the 011° True radial at the outer extremity.

Designated Altitudes

2,000' MSL to 15,000' MSL from 5 statute miles north of the air base to 6 statute miles north of the air base.
2,000' MSL to 24,000' MSL from 6 to 7 statute miles north of the air base.
2,000' MSL to 27,000' MSL from 7 to 10 statute miles north of the air base.
6,000' MSL to 27,000' MSL from 10 to 15 statute miles north of the air base.
10,000' MSL to 27,000' MSL from 15 to 20 statute miles north of the air base.
15,000' MSL to 27,000' MSL from 20 to 25 statute miles north of the air base.
19,000' MSL to 27,000' MSL from 25 to 32 statute miles north of the air base.
Time of Use. Continuous.
Controlling Agency. Langley AFB, Va., Approach Control.

2. Section 600.219 (14 CFR 600.219; 25 F.R. 336, 1399) is amended to read:

§ 600.219 Red Federal airway No. 19 (Traverse City, Mich., to Flint, Mich.; Remington, Va., to Quantico, Va.; and Brooke, Va., to Cape Charles, Va.).

From the Traverse City, Mich., RR via the Gladwin, Mich., RBN; Saginaw, Mich., RBN; to the Flint, Mich., ILS OM. From the INT of the SE course of the Front Royal, Va., RR and the W course of the Quantico, Va. (MCAS), RR to the Quantico RR. From the INT of the S course of the Quantico RR and the NW course of the Tappahannock, Va., RR via the Tappahannock RR to the INT of the SE course of the Tappahannock RR and the SW course of the Chincoteague, Va. (Navy) RR. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, restricted areas R-37 and R-43 are excluded during the times of designation of these restricted areas. The portion of this airway which lies within the Hampton Roads, Va. (Langley AFB), Restricted Area/Military Climb Corridor shall be used only after obtaining prior approval from the controlling agency.

3. Section 601.219 (14 CFR 601.219; 25 F.R. 1399) is amended to read:

§ 601.219 Red Federal airway No. 19 control areas (Traverse City, Mich., to Flint, Mich.; Remington, Va., to Quantico, Va.; and Brooke, Va., to Cape Charles, Va.).

All of Red Federal airway No. 19.

4. Section 601.4219 (14 CFR 601.4219; 25 F.R. 1399) is amended to read:

§ 601.4219 Red Federal airway No. 19 (Traverse City, Mich., to Flint, Mich.; Remington, Va., to Quantico, Va.; and Brooke, Va., to Cape Charles, Va.).

The Saginaw, Mich., RBN.

These amendments shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8563; Filed, Sept. 14, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-42]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Area Extension

On July 8, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 6439) stating that the Federal Aviation Agency proposed to designate a control area extension at New Iberia, La.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.1211 Control area extension (New Iberia, La.).

Within a 35-mile radius of the New Iberia Naval Auxiliary Air Station (Lat. 30°02'15" N., Long. 91°53'02" W.), S of VOR Federal airway No. 20 S alternate.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8558; Filed, Sept. 14, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-45]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 28, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 5944) stating that the Federal Aviation Agency proposed to modify the Akron, Ohio, control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, § 601.2082 (14 CFR 601.2082) is amended to read:

§ 601.2082 Akron, Ohio, control zone.

Within a 5-mile radius of the Akron Municipal Airport (Lat. 41°02'15" N., Long. 81°28'05" W.) and within a 5-mile radius of the Akron-Canton Airport (Lat. 40°54'59" N., Long. 81°26'32" W.).

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on September 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8559; Filed, Sept. 14, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-69]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone and Control Area Extension

On July 8, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 6441) stating that the Federal Aviation Agency proposed to modify the Alexandria, Minn., control zone and control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 601.2083 and 601.1088 (14 CFR 601.2083, 601.1088) are amended to read:

§ 601.2083 Alexandria, Minn., control zone.

Within a 5-mile radius of the Alexandria Municipal Airport (Lat. 45°52'15" N., Long. 95°24'00" W.), and within two miles either side of the Alexandria VOR 231° True radial extending from the 5-mile radius zone to the VOR.

§ 601.1088 Control area extension (Alexandria, Minn.).

Within a 15-mile radius of the Alexandria Municipal Airport (Lat. 45°52'15" N., Long. 95°24'00" W.), and within five miles either side of the Alexandria VOR 051° True radial extending from the 15-mile radius area to 15 miles NE of the VOR.

These amendments shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on September 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8560; Filed, Sept. 14, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-65]

PART 608—RESTRICTED AREAS

Revocation of Restricted Area

The purpose of this amendment to Part 608 of the regulations of the Administrator is to revoke the Moody AFB, Ga., Restricted Area (R-469) (Jacksonville Chart).

The U.S. Air Force has stated it no longer has a requirement for Restricted Area (R-469) after November 15, 1960. Therefore, this area is unjustified as an assignment of airspace and revocation thereof will be in the public interest.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005) the following action is taken:

In § 608.19 *Georgia*, the Moody AFB, Ga., Restricted Area (R-469) (Jacksonville Chart) (23 F.R. 8580; 24 F.R. 3876) is revoked.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 8, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8564; Filed, Sept. 14, 1960; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

Registration

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), § 325.12(c) of Part 325 (20 CFR 325.12(c)) is amended by Board Order 60-120, dated August 31, 1960, by the addition of subparagraph (8) which reads as follows:

§ 325.12 Registration.

* * * * * * *

(c) *Day of registration.* * * *

(8) If an employee, because of a circumstance or condition directly affecting him and not attributable to any lack of diligence on his part, does not register within the time hereinabove specified with respect to any day in the benefit

years beginning July 1, 1957 or July 1, 1958, for which he would not have been entitled to unemployment benefits except for the amendments to the Railroad Unemployment Insurance Act made by Public Law 86–28, 73 Stat. 25, or except for the provisions of section 303(b) of Public Law 86–28, 73 Stat. 31, such employee may register with respect to such day within a reasonable time after the circumstance or condition which had prevented timely registration is removed, but not later than May 18, 1961.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: September 8, 1960.

By Authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60–8575; Filed, Sept. 14, 1960; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Chapter 9 of Title 41 reads as follows:

Sec.
9–7.000 Scope of part.

Subpart 9–7.50—Use of Standard Clauses

9–7.5000 Scope of subpart.
9–7.5001 General policy.
9–7.5002 Applicability.
9–7.5003 Deviations.
9–7.5004 Standard AEC clauses which are mandatory as to text.
9–7.5004–1 Convict labor.
9–7.5004–2 Covenant against contingent fees.
9–7.5004–3 Disputes.
9–7.5004–4 Nondiscrimination in employment.
9–7.5004–5 Officials not to benefit.
9–7.5004–6 Assignment of claims.
9–7.5004–7 Assignment.
9–7.5004–8 Safety, health, and fire protection.
9–7.5004–9 Permits.
9–7.5004–10 Examination of records.
9–7.5004–11 Security.
9–7.5004–12 Notice of labor disputes.
9–7.5004–13 Eight-Hour Law of 1912—overtime compensation.
9–7.5004–14 Walsh-Healey Public Contracts Act.
9–7.5004–15 Labor (construction contracts).
9–7.5004–16 Buy American Act (supply and operating contracts).
9–7.5004–17 Buy American Act (construction).
9–7.5004–18 Litigation and claims.
9–7.5004–19 Required bonds and insurance—exclusive of Government property (cost-type contracts and subcontracts).
9–7.5004–20 Renegotiation.
9–7.5004–21 Classification.
9–7.5005 Standard FPR clauses not included in § 9–7.5004.
9–7.5005–1 Additional bond security.
9–7.5005–2 Changes (fixed-price supply contracts).
9–7.5005–3 Default (fixed-price supply contracts).
9–7.5005–4 Definitions.
9–7.5005–5 Extras.
9–7.5005–6 Inspection (fixed-price supply).
9–7.5005–7 Payments.
9–7.5005–8 Variation in quantity.
9–7.5005–9 Utilization of small business concerns.
9–7.5005–10 Liquidated damages.
9–7.5005–11 Federal, State and local taxes.
9–7.5005–12 Price adjustment for suspension, delay, or interruption of work (construction contracts).
9–7.5005–13 Responsibility for supplies.
9–7.5006 Standard AEC clauses not included in § 9–7.5004 or § 9–7.5005.
9–7.5006–1 Accounts, records and inspection (CPFF).
9–7.5006–2 Alterations and additions.
9–7.5006–3 Approval of contract.
9–7.5006–4 Changes (CPFF).
9–7.5006–5 Consideration (CPFF).
9–7.5006–6 Contractor's organizations.
9–7.5006–7 Copyright (General). [Reserved]
9–7.5006–8 Copyright (Motion Pictures). [Reserved]
9–7.5006–9 Allowable costs and fixed fee (CPFF) (operating and construction contracts).
9–7.5006–10 Allowable costs and fixed fee (supply contracts and research and development contracts with commercial concerns).
9–7.5006–11 Allowable costs (Research and development contracts with educational institutions).
9–7.5006–12 Allowable costs and fixed fee (A–E Contracts). [Reserved]
9–7.5006–13 Drawings, designs, specifications.
9–7.5006–14 Estimates of costs, obligation of funds, and fixed fee.
9–7.5006–15 Key personnel.
9–7.5006–16 Other contracts.
9–7.5006–17 Patents contractor held harmless. [Reserved]
9–7.5006–18 Patent indemnity. [Reserved]
9–7.5006–19 Patent provisions, Type A. [Reserved]
9–7.5006–20 Patent provisions, Type B. [Reserved]
9–7.5006–21 Patent provisions, Type C. [Reserved]
9–7.5006–22 Patents-reporting of royalties. [Reserved]
9–7.5006–23 Payments and advances (cost-type contracts where funds are advanced by AEC).
9–7.5006–24 Special bank account agreement.
9–7.5006–25 Payments (cost-type contracts where funds are not advanced).
9–7.5006–26 Property (CPFF). [Reserved]
9–7.5006–27 Property (fixed price). [Reserved]
9–7.5006–28 Statement of work.
9–7.5006–29 Subcontracts and purchase orders.
9–7.5006–30 (CPFF). [Reserved]
9–7.5006–31 Taxes (fixed-price contracts). [Reserved]
9–7.5006–32 Workmanship and materials.
9–7.5006–33 Purchases from contractor-controlled sources.
9–7.5006–34 Use of concerns in labor surplus areas.
9–7.5006–35 Termination. [Reserved]
9–7.5007 Use of escalation and price redetermination clauses. [Reserved]

AUTHORITY: §§ 9–7.000 to 9–7.5007 issued under sec. 161(q), 70 Stat. 1069; 42 U.S.C. 2201(q). Implement and supplement sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 9–7.000 Scope of part.

Since Part 1–7 employs a different system of grouping contract clauses in its various subparts; e.g., by types of contracts such as fixed-price supply, the AEC use of standard clauses has been treated in a separate Subpart 9–7.50. Where appropriate, however, the individual clauses in Part 1–7 are referred to, rather than repeated in § 9–7.50.

Subpart 9–7.50—Use of Standard Clauses

§ 9–7.5000 Scope of subpart.

This subpart sets forth (a) the general policy covering the use of standard contract clauses prescribed by the FPR and by the AECPR; (b) the applicability of policies, procedures, and standard clauses; (c) the procedures to be followed for deviating from the standard clauses; (d) the policy covering and standard form of clauses to be used in connection with price redetermination; and (e) the use of price escalation clauses.

§ 9–7.5001 General policy.

It is the policy of AEC to use standard contract clauses wherever practicable. Uniformity in form and substance of contract clauses tends to assure impartial treatment of all contractors, expedites negotiation and contract review, and facilitates contract administration.

§ 9–7.5002 Applicability.

The policies, procedures, and standard clauses set forth or referred to in this subpart are applicable to all AEC direct procurement. Appropriate adaptations of these clauses should be used by cost-type contractors where practicable.

§ 9–7.5003 Deviations.

The standard clauses set forth or referred to in this subpart are arranged in three groups. The deviation procedures which are applicable to each group of clauses are as follows:

(a) *Standard AEC clauses which are mandatory as to text.* These clauses are set forth or are referred to in § 9–7.5004 and, where they are appropriate for use in a contract, deviations from these clauses shall not be made unless approved by the Headquarters Division Director concerned. Requests for Headquarters approval shall be submitted in triplicate and shall be accompanied by a detailed supporting statement and a draft of the proposed clause, as amended. If Headquarters approval of the contract is required, requests for approval of deviations and approval of the contract may be combined. (Minor changes in wording which may become necessary in negotiations are not considered deviations, provided counsel determines that the change is not prohibited by statute, executive order, or administrative regulation and does not alter the meaning, intent, or basic principles expressed in these clauses.)

(b) *Standard FPR clauses not included in (a).* These clauses are referred to in § 9–7.5005. While these are not AEC mandatory as to text clauses, they are standard FPR clauses and deviations from these clauses may be made only in accordance with the deviation procedures set forth in § 9–1.109.

(c) *Standard AEC clauses not included in (a) or (b).* These clauses are set forth in § 9–7.5006 and, in addition to those referred to in (a) and (b), constitute standard provisions for use in AEC contracts. Deviations shall not be made merely because of personal preferences. Except as provided in other subparts of the AECPR, deviations, in addition to those specifically authorized by this subpart, may be made only with the approval of the Manager of Operations, after consultation with counsel; except that deviations which make allowable any of the costs specifically listed as unallowable in the cost clauses set forth in § 9–7.5006, or which would conflict with the policy and principles expressed in Subpart 9–15.50 of the AECPR or other applicable directives, shall be made in prime contracts or in subcontracts only with the approval of the Headquarters Operating Division Director concerned, after consultation with the Controller, General Counsel, and the Director, Office of Contract Policy. The contract file shall contain a statement explaining any substantial deviation unless the reason for such deviation is obvious because of the unusual nature of the contract. Changes which become necessary as a matter of standard practice shall be reported to the Headquarters Division Director concerned with a recommendation, in triplicate, as to the need for modifying the text of the standard clause.

§ 9–7.5004 Standard AEC clauses which are mandatory as to text.

This section sets forth standard AEC contract clauses and refers to FPR standard clauses both of which are mandatory as to text when used in AEC prime contracts.

§ 9–7.5004–1 Convict labor.

See § 1–12.203.

§ 9–7.5004–2 Covenant against contingent fees.

See § 1–1.503.

NOTE A: This article is required in all contracts.

NOTE B: In cost-type contracts modify this article by adding before the initial paragraph thereof "(a) *Warranty—Termination or Deduction for Breach*"—and adding the following subparagraph:

"(b) *Subcontracts and Purchase Orders.* Unless otherwise authorized by the Contracting Officer in writing the contractor shall cause provisions similar to the foregoing to be inserted in all subcontracts and purchase orders entered into under this contract."

§ 9–7.5004–3 Disputes.

See § 1–7.101–12.

NOTE: No disputes clause included in any subcontract under a cost-type price contract shall provide for final decision of disputes thereunder by other than the Commission.

§ 9–7.5004–4 Nondiscrimination in employment.

See § 1–7.101–18.

§ 9–7.5004–5 Officials not to benefit.

See § 1–7.101–19.

§ 9–7.5004–6 Assignment of claims.

See § 1–7.101–8.

NOTE: The last sentence of subparagraph (a) of the clause set forth in § 1–7.101–8 may be omitted when appropriate.

§ 9–7.5004–7 Assignment.

Neither this contract nor any interest therein nor claim thereunder shall be assigned or transferred by the contractor except as expressly authorized in writing by the Contracting Officer.

§ 9–7.5004–8 Safety, health, and fire protection.

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the health and safety of employees and of members of the public and to minimize danger from all hazards to life and property, and shall comply with all health, safety, and fire protection regulations and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said regulations or requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

§ 9–7.5004–9 Permits.

Except as otherwise directed by the Contracting Officer, the contractor shall procure all necessary permits or licenses and abide by all applicable laws, regulations, and ordinances of the United States and of the State, territory, and political subdivision in which the work under this contract is performed.

§ 9–7.5004–10 Examination of records.

See § 1–7.101–10.

See Notes A and B for required additions.

NOTE A: Add a paragraph (c) which provides:

"Nothing in this contract shall be deemed to preclude an audit by the General Accounting Office of any transaction under this contract," subject to the following:

Subparagraph (c) of the contract clause should be included whenever possible in prime contracts subject to the audit rider both for the protection of the Government and the contractor. It may be omitted only with the approval of the Operating Division Director concerned upon a specific determination, based on consultation with the Division of Finance and the Office of General Counsel, that nothing in the contract purports to preclude an audit by the General Accounting Office of any transaction thereunder.

NOTE B: In cost-type prime and subcontracts, add the words "unless the Commission authorizes their prior disposition" at the end of the first sentence in paragraphs (a) and (b).

NOTE C: *Contracts exempt from audit rider.* The examination of records clause is not required in (a) contracts with any foreign government or agency thereof or in contracts with foreign producers; (b) purchase orders not exceeding $2,500; (c) contracts or purchase orders for public utility services at rates established for uniform applicability to the general public, or (d) contracts awarded as a result of formal advertising.

NOTE D: *Non-retroactivity of audit rider.* In the case of modifications to existing prime contracts, where the basic contract was negotiated prior to July 1, 1952, and therefore not subject to the provisions of the audit rider, the contract clause may be modified so as to apply only to transactions occurring, and to subcontracts executed after the execution of the modification to the prime contract.

NOTE E: *Examination of records by AEC.* Except as specifically authorized by the General Manager, cost-type prime contracts and cost-type subcontracts thereunder must provide that AEC as well as the Comptroller General shall have access to and the right to examine any directly pertinent books, documents, papers and records of the contractor involving transactions related to the contract. Similar provision must also be made in any other negotiated prime contract or negotiated subcontract under a cost-type prime contract, including lump sum or unit price contracts or subcontracts, where under the terms of the contract the costs incurred by the contractor are a factor in any future price determination or redetermination. Unless the requirements of this paragraph are adequately met under other provisions of the contract, they shall be met by modifying subparagraph (a) to read as follows:

"The contractor agrees that the Commission and the Comptroller General of the United States or any of their duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records of the contractor involving transactions related to this contract until the expiration of three years after final payment under this contract unless the Commission authorizes their prior disposition."

§ 9–7.5004–11 Security.

(a) *Contractor's duty to safeguard restricted data and other classified information.* In the performance of the work under this contract, the contractor shall, in accordance with the Commission's security regulations and requirements, be responsible for safeguarding restricted data and other classified matter and protecting against sabotage, espionage, loss and theft, the classified documents, materials, equipment, processes, etc., as well as such other material of high intrinsic or strategic value as may be in the contractor's possession in connection with performance of work under this contract. Except as otherwise expressly provided in the specifications, the contractor shall, upon completion or termination of this contract, transmit to the Commission any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract. (Note A)

(b) *Regulations.* The contractor agrees to conform to all security regulations and requirements of the Commission.

(c) *Definition of restricted data.* The term "Restricted Data," as used in this clause, means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act of 1954.

(d) *Security clearance of personnel.* Except as the Commission may authorize, in accordance with the Atomic Energy Act of 1954, the contractor shall not permit any individual to have access to Restricted Data until the designated investigating agency shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such a person to have access to Restricted Data will not endanger the common defense and security. As used in this paragraph, the term "designated investigating agency" means the United States Civil Service Commission or the Federal Bureau of Investigation, or both, as determined pursuant to the provisions of the Atomic Energy Act of 1954.

(e) *Criminal liability.* It is understood that disclosure of information relating to the

work or services ordered hereunder to any person not entitled to receive it, or failure to safeguard any Restricted Data or any Top Secret, Secret, or Confidential matter that may come to the contractor or any person under the contractor's control in connection with work under this contract, may subject the contractor, his agents, employees, and subcontractors to criminal liability under the laws of the United States. (See the Atomic Energy Act of 1954, 68 Stat. 919), (see also Executive Order 10104 of February 1, 1950, 15 F.R. 597).

(f) *Subcontracts and purchase orders.* Except as otherwise authorized in writing by the Contracting Officer, the contractor shall insert provisions similar to the foregoing in all subcontracts and purchase orders under this contract.

NOTE A: Exceptions in the specifications shall be specific as to types or categories of classified matter and as to the period of and conditions governing retention of such matter.

§ 9–7.5004–12 Notice of labor disputes.

Whenever an actual or potential labor dispute is delaying or threatens to delay the performance of the work the contractor shall immediately notify the Contracting Officer in writing. Such notice shall include all relevant information concerning the dispute and its background.

§ 9–7.5004–13 Eight-Hour Law of 1912, overtime compensation.

See § 1–12.303–1.

§ 9–7.5004–14 Walsh-Healey Public Contracts Act.

See § 1–12.604.

§ 9–7.5004–15 Labor (construction contracts).

See § 1–16.901–23A.

Use clauses 18 through 26 of Standard Form 23A.

§ 9–7.5004–16 By American Act.

Supply and operating contracts—see § 1–7.101–14.

NOTE A: Modify § 1–7.101–14 as follows:

(1) In both supply and operating contracts, substitute "Commission" for "Secretary" in paragraphs (b) (iii) and (iv).

(2) In operating contracts,

(a) Substitute "used" for "delivered" in paragraph (b), and

(b) Insert a paranthetical, "(by the contractor, subcontractor, materialmen, and suppliers)" after the word "contract" in the second line of (b).

§ 9–7.5004–17 Buy American Act (construction).

Fixed-price construction contracts—see § 1–6.205.

CPFF construction contracts—use the following clause:

(a) In acquiring construction materials, the Buy American Act (41 U.S. Code 10 a–d) provides that the Government give preference to domestic construction material. For the purpose of this clause:

(1) "Construction" means construction, alteration, or repair of any public building or public work;

(2) "Components" means those articles, materials, and supplies, which are directly incorporated in the construction material;

(3) "Construction material" means those articles, materials, and supplies, which are brought to the construction site for incorporation in the building or work; and

(4) A "domestic construction material" means (A) an unmanufactured construction material which has been mined or produced in the United States or (B) a manufactured construction material which has been manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a)(4)(B), components of foreign origin of the same type or kind as the products referred to in (b)(2) or (3) of this clause shall be treated as components mined, produced or manufactured in the United States.

(b) The contractor agrees that there will be used under this contract (by the contractor, subcontractor, materialmen, and suppliers) only domestic construction materials, except construction materials:

(1) which are for use outside the United States;

(2) which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(3) as to which the Commission determines the domestic preference to be inconsistent with the public interest; or

(4) as to which the Commission determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

§ 9–7.5004–18 Litigation and claims.

(a) *Initiation of litigation.* If the Government requires the contractor to initiate litigation, including proceedings before administrative agencies, in connection with this contract, the contractor shall proceed with the litigation in good faith as directed from time to time by the Contracting Officer.

(b) *Defense and settlement of claims.* The contractor shall give the Contracting Officer immediate notice in writing (1) of any action, including any proceeding before an administrative agency, filed against the contractor arising out of the performance of this contract, and (2) of any claim against the contractor the cost and expense of which is allowable under the clause entitled "Costs and Expenses." Except as otherwise directed by the Contracting Officer, in writing, the contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the contractor may with the Contracting Officer's approval settle any such action or claim, shall effect at the Contracting Officer's request as assignment and subrogation in favor of the Government of all the contractor's rights and claims (except those against the Government) arising out of any such action or claim against the contractor, and, if required by the Contracting Officer, shall authorize representatives of the Government to settle or defend any such action or claim and to represent the contractor in, or to take charge of, any action. If the settlement or defense of an action or claim against the contractor is undertaken by the Government, the contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the contractor is not covered by a policy of insurance, the contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith; and in such event the defense of the action shall be at the expense of the Government; provided, however, that the Government shall not be liable for such expense to the extent that it would have been compensated for by insurance which was required by law or by the written direction of the Contracting Officer, but which the contractor failed to secure through its own fault or negligence.

§ 9–7.5004–19 Required bonds and insurance—exclusive of Government property.

(COST-TYPE CONTRACTS AND SUBCONTRACTS)

The *contractor* (subcontractor) shall procure and maintain such bonds and insurance as are required by law or by the written direction of the *Contracting Officer* (contractor with the concurrence of the Contracting Officer). The terms of any such bond or insurance policy shall be submitted to the *Contracting Officer for approval* (contractor for transmittal to the Contracting Officer for approval). In view of the provisions of the article entitled "Property" the *contractor* (subcontractor) shall not procure or maintain for its own protection any insurance (including self-insurance or reserves) covering loss or destruction of or damage to Government-owned property.

NOTE: In the case of subcontracts, the italicized portions are superseded by the portion in parenthesis immediately following.

§ 9–7.5004–20 Renegotiation.

If this contract is subject to the Renegotiation Act of 1951, as amended, the following provisions shall apply:

(a) This contract is subject to the Renegotiation Act of 1951, as amended (P.L. 9, 82d Cong., 65 Stat. 7; P.L. 764, 83d Cong., 68 Stat. 1116; P.L. 216, 84th Cong., 69 Stat. 447; P.L. 870, 84th Cong., 70 Stat. 786; 86th Cong., 72 Stat. 1789; 86th Cong., 73 Stat. 210) and shall be deemed to contain all the provisions required by section 104 of said Act.

(b) The contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in section 103g of the Renegotiation Act of 1951.

§ 9–7.5004–21 Classification.

In the performance of the work under this contract, the contractor shall assign classifications to all documents, material and equipment originated or generated by the contractor in accordance with classification guidance furnished to the contractor by the Commission. Every subcontract and purchase order issued hereunder involving the origination or generation of classified documents, material or equipment, shall include a provision to the effect that in the performance of such subcontract or purchase order the subcontractor or supplier shall assign classifications to all such documents, material and equipment in accordance with classification guidance furnished to such subcontractor or supplied by the contractor.

NOTE A: This clause is required in all contracts involving classified information.

§ 9–7.5005 Standard FPR clauses not included in § 9–7.5004.

This section sets forth clauses which are not AEC mandatory as to text clauses. However, these clauses are standard FPR clauses and should be used in accordance with § 9–1.109.

§ 9–7.5005–1 Additional bond security.

See § 1–7.101–9.

§ 9–7.5005–2 Changes (fixed-price supply contracts).

See § 1–7.101–2.

§ 9–7.5005–3 Default (fixed-price supply contracts).

See § 1–7.101–11.

§ 9–7.5005–4 Definitions.

See § 1–7.101–1. In addition, use the following where appropriate.

(a) The term "Commission" means the United States Atomic Energy Commission or any duly authorized representative thereof, including the Contracting Officer except for the purpose of deciding an appeal under the article entitled "Disputes."

(b) Additional definitions may be included as are appropriate.

§ 9–7.5005–5 Extras.

See § 1–7.101–3.

§ 9–7.5005–6 Inspection (fixed-price supply).

See § 1–7.101–5.

§ 9–7.5005–7 Payments.

See § 1–7.101–7.

§ 9–7.5005–8 Variation in quantity.

See § 1–7.101–4.

§ 9–7.5005–9 Utilization of small business concerns.

See § 1–7.101–21.

§ 9–7.5005–10 Liquidated damages.

See § 1–1.315–3.

§ 9–7.5005–11 Federal, State, and local taxes.

See § 1–11.401–1.

§ 9–7.5005–12 Price adjustment for suspension, delay, or interruption of work (construction contracts).

See § 1–7.602–1.

§ 9–7.5005–13 Responsibility for supplies.

See § 1–7.101–6.

§ 9–7.5006 Standard AEC clauses not included in § 9–7.5004 or § 9–7.5005.

This section sets forth standard AEC clauses which are in addition to those referred to in §§ 9–7.5004 and 9–7.5005 and which constitute standard provisions for use in AEC contracts.

§ 9–7.5006–1 Accounts, records and inspection (CPFF).

(a) *Accounts.* The contractor shall maintain a separate and distinct set of accounts, records, documents and other evidence showing and supporting all allowable costs incurred, revenues or other applicable credits, fixed-fee accruals, and the receipt, use, and disposition of all Government property coming into the possession of the contractor under this contract. The system of accounts employed by the contractor shall be satisfactory to the Commission and in accordance with generally accepted accounting principles consistently applied.

NOTE: Delete "a separate and distinct set of" from the first sentence of paragraph (a) if contract is with a cost-type contractor using privately-owned facilities whose accounts are not integrated with those of AEC.

(b) *Inspection and audit of accounts and records.* All books of account and records relating to this contract shall be subject to inspection and audit by the Commission at all reasonable times, before and during the period of retention provided for in (d) below, and the contractor shall afford the Commission proper facilities for such inspection and audit.

(c) *Audit of subcontractors' records.* The contractor also agrees, with respect to any subcontracts (including lump-sum or unit-price subcontracts or purchase orders) where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor of any tier, to conduct an audit of the costs of the subcontractor in a manner satisfactory to the Commission or to have the audit conducted by the next higher tier subcontractor in a manner satisfactory to the contractor and the Commission, except when the Commission elects to waive such audit or approves other arrangements for the conduct of the audit.

(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing costs allowable and revenues and other applicable credits under this contract, shall be the property of the Government, and shall be delivered to the Government or otherwise disposed of by the contractor either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract and final audit of all accounts hereunder. All other records in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of six (6) years after settlement of the contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor.

NOTE: Delete paragraph (d) and substitute the following if contract is with a cost-type contractor using privately-owned facilities whose accounts are not integrated with those of AEC:

"(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing costs allowable and revenues and other applicable credits under this contract in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of six (6) years after settlement of the contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor."

(e) *Reports.* The contractor shall furnish such progress reports and schedules, financial and costs reports, and other reports concerning the work under this contract as the Contracting Officer may from time to time require.

(f) *Inspections.* The Commission shall have the right to inspect the work and activities of the contractor under this contract at such time and in such manner as it shall deem appropriate.

(g) *Subcontracts.* The contractor further agrees to require the inclusion of provisions similar to those in paragraphs (a) through this paragraph (g) of this clause in all subcontracts (including lump-sum or unit-price subcontracts or purchase orders) of any tier entered into hereunder where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor.

(h) *Internal audit.* The contractor agrees to conduct an internal audit and examination satisfactory to the Commission of the records, operations, expenses, and the transactions with respect to costs claimed to be allowable under this contract annually and at such other times as may be mutually agreed upon. The results of such audit, including the working papers, shall be submitted or made available to the Contracting Officer.

NOTE: This provision shall be included in (a) all cost-type contracts (or subcontracts) involving an estimated cost exceeding $5,000,000 and expected to run more than two years, and (b) any other cost-type contract (or subcontract) where deemed advisable by the Manager of Operations and when the contractor (or subcontractor) already has an established internal audit organization.

§ 9–7.5006–2 Alterations and additions.

The following alterations in or additions to the provisions of this form of contract were made prior to execution of the contract by the parties.

§ 9–7.5006–3 Approval of contract.

This contract is subject to the written approval of the Commission's Director, Division of _____ and shall not be binding unless so approved.

§ 9–7.5006–4 Changes (CPFF).

(a) *Changes and adjustment of fee.* The Contracting Officer may at any time and without notice to the sureties, if any, issue written directions requiring additional work within the general scope of this contract or directing the omission of or variation in work covered by this contract. If any such direction results in a material change in the amount or character of the work described in the clause entitled "Statement of Work," an equitable adjustment of the fixed fee shall be made in accordance with the agreement of the parties and the contract shall be modified in writing accordingly. Any claim by the contractor for an adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the contractor of the notification of change unless the Contracting Officer within the said 30 days grants in writing a further specific period of time for asserting the claim. A failure to agree on an equitable adjustment under this clause shall be deemed to be a dispute within the meaning of the clause entitled "Disputes."

(b) *Work to continue.* Nothing contained in this clause shall excuse the contractor from proceeding with the prosecution of the work in accordance with the requirements of any direction hereunder.

§ 9–7.5006–5 Consideration (CPFF).

Compensation for contractor's services. Payment for allowable costs and of the fixed fee, as hereinafter provided, shall constitute complete compensation for the contractor's services including profit and all items or kinds of expenses not allowable under the terms of this contract.

§ 9–7.5006–6 Contractor's organization.

(a) *Organization chart.* As promptly as possible after the execution of this contract the contractor shall furnish to the Contracting Officer a chart showing the names, duties, and organization of key personnel to be employed in connection with the work, and shall furnish from time to time supplementary information reflecting changes therein.

(b) *Supervising representative of contractor.* Unless otherwise directed by the Contracting Officer, a competent full time resident supervising representative of the contractor satisfactory to the Contracting Officer shall be in charge of the work at the site at all times.

(c) *Control of employees.* The contractor shall be responsible for maintaining satisfactory standards of employee competency, conduct and integrity and shall be responsible for taking such disciplinary action with respect to his employees as may be necessary. In the event the contractor fails to remove any employee from the contract work whom the Commission deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the Commission to be contrary to the public interest, the Government reserves the right to require the contractor to remove the employee.

work or services ordered hereunder to any person not entitled to receive it, or failure to safeguard any Restricted Data or any Top Secret, Secret, or Confidential matter that may come to the contractor or any person under the contractor's control in connection with work under this contract, may subject the contractor, his agents, employees, and subcontractors to criminal liability under the laws of the United States. (See the Atomic Energy Act of 1954, 68 Stat. 919), (see also Executive Order 10104 of February 1, 1950, 15 F.R. 597).

(f) *Subcontracts and purchase orders.* Except as otherwise authorized in writing by the Contracting Officer, the contractor shall insert provisions similar to the foregoing in all subcontracts and purchase orders under this contract.

NOTE A: Exceptions in the specifications shall be specific as to types or categories of classified matter and as to the period of and conditions governing retention of such matter.

§ 9–7.5004–12 Notice of labor disputes.

Whenever an actual or potential labor dispute is delaying or threatens to delay the performance of the work the contractor shall immediately notify the Contracting Officer in writing. Such notice shall include all relevant information concerning the dispute and its background.

§ 9–7.5004–13 Eight-Hour Law of 1912, overtime compensation.

See § 1–12.303–1.

§ 9–7.5004–14 Walsh-Healey Public Contracts Act.

See § 1–12.604.

§ 9–7.5004–15 Labor (construction contracts).

See § 1–16.901–23A.

Use clauses 18 through 26 of Standard Form 23A.

§ 9–7.5004–16 By American Act.

Supply and operating contracts—see § 1–7.101–14.

NOTE A: Modify § 1–7.101–14 as follows:

(1) In both supply and operating contracts, substitute "Commission" for "Secretary" in paragraphs (b) (iii) and (iv).

(2) In operating contracts,

(a) Substitute "used" for "delivered" in paragraph (b), and

(b) Insert a paranthetical, "(by the contractor, subcontractor, materialmen, and suppliers)" after the word "contract" in the second line of (b).

§ 9–7.5004–17 Buy American Act (construction).

Fixed-price construction contracts—see § 1–6.205.

CPFF construction contracts—use the following clause:

(a) In acquiring construction materials, the Buy American Act (41 U.S. Code 10 a–d) provides that the Government give preference to domestic construction material. For the purpose of this clause:

(1) "Construction" means construction, alteration, or repair of any public building or public work;

(2) "Components" means those articles, materials, and supplies, which are directly incorporated in the construction material;

(3) "Construction material" means those articles, materials, and supplies, which are brought to the construction site for incorporation in the building or work; and

(4) A "domestic construction material" means (A) an unmanufactured construction material which has been mined or produced in the United States or (B) a manufactured construction material which has been manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a)(4)(B), components of foreign origin of the same type or kind as the products referred to in (b)(2) or (3) of this clause shall be treated as components mined, produced or manufactured in the United States.

(b) The contractor agrees that there will be used under this contract (by the contractor, subcontractor, materialmen, and suppliers) only domestic construction materials, except construction materials:

(1) which are for use outside the United States;

(2) which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(3) as to which the Commission determines the domestic preference to be inconsistent with the public interest; or

(4) as to which the Commission determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

§ 9–7.5004–18 Litigation and claims.

(a) *Initiation of litigation.* If the Government requires the contractor to initiate litigation, including proceedings before administrative agencies, in connection with this contract, the contractor shall proceed with the litigation in good faith as directed from time to time by the Contracting Officer.

(b) *Defense and settlement of claims.* The contractor shall give the Contracting Officer immediate notice in writing (1) of any action, including any proceeding before an administrative agency, filed against the contractor arising out of the performance of this contract, and (2) of any claim against the contractor the cost and expense of which is allowable under the clause entitled "Costs and Expenses." Except as otherwise directed by the Contracting Officer, in writing, the contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the contractor may with the Contracting Officer's approval settle any such action or claim, shall effect at the Contracting Officer's request as assignment and subrogation in favor of the Government of all the contractor's rights and claims (except those against the Government) arising out of any such action or claim against the contractor, and, if required by the Contracting Officer, shall authorize representatives of the Government to settle or defend any such action or claim and to represent the contractor in, or to take charge of, any action. If the settlement or defense of an action or claim against the contractor is undertaken by the Government, the contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the contractor is not covered by a policy of insurance, the contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith; and in such event the defense of the action shall be at the expense of the Government; provided, however, that the Government shall not be liable for such expense to the extent that it would have been compensated for by insurance which was required by law or by the written direction of the Contracting Officer, but which the contractor failed to secure through its own fault or negligence.

§ 9–7.5004–19 Required bonds and insurance—exclusive of Government property.

(COST-TYPE CONTRACTS AND SUBCONTRACTS)

The *contractor* (subcontractor) shall procure and maintain such bonds and insurance as are required by law or by the written direction of the *Contracting Officer* (contractor with the concurrence of the Contracting Officer). The terms of any such bond or insurance policy shall be submitted to the *Contracting Officer for approval* (contractor for transmittal to the Contracting Officer for approval). In view of the provisions of the article entitled "Property" the *contractor* (subcontractor) shall not procure or maintain for its own protection any insurance (including self-insurance or reserves) covering loss or destruction of or damage to Government-owned property.

NOTE: In the case of subcontracts, the italicized portions are superseded by the portion in parenthesis immediately following.

§ 9–7.5004–20 Renegotiation.

If this contract is subject to the Renegotiation Act of 1951, as amended, the following provisions shall apply:

(a) This contract is subject to the Renegotiation Act of 1951, as amended (P.L. 9, 82d Cong., 65 Stat. 7; P.L. 764, 83d Cong., 68 Stat. 1116; P.L. 216, 84th Cong., 69 Stat. 447; P.L. 870, 84th Cong., 70 Stat. 786; 86th Cong., 72 Stat. 1789; 86th Cong., 73 Stat. 210) and shall be deemed to contain all the provisions required by section 104 of said Act.

(b) The contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in section 103g of the Renegotiation Act of 1951.

§ 9–7.5004–21 Classification.

In the performance of the work under this contract, the contractor shall assign classifications to all documents, material and equipment originated or generated by the contractor in accordance with classification guidance furnished to the contractor by the Commission. Every subcontract and purchase order issued hereunder involving the origination or generation of classified documents, material or equipment, shall include a provision to the effect that in the performance of such subcontract or purchase order the subcontractor or supplier shall assign classifications to all such documents, material and equipment in accordance with classification guidance furnished to such subcontractor or supplied by the contractor.

NOTE A: This clause is required in all contracts involving classified information.

§ 9–7.5005 Standard FPR clauses not included in § 9–7.5004.

This section sets forth clauses which are not AEC mandatory as to text clauses. However, these clauses are standard FPR clauses and should be used in accordance with § 9–1.109.

§ 9–7.5005–1 Additional bond security.

See § 1–7.101–9.

§ 9–7.5005–2 Changes (fixed-price supply contracts).

See § 1–7.101–2.

§ 9–7.5005–3 Default (fixed-price supply contracts).

See § 1–7.101–11.

§ 9–7.5005–4 Definitions.

See § 1–7.101–1. In addition, use the following where appropriate.

(a) The term "Commission" means the United States Atomic Energy Commission or any duly authorized representative thereof, including the Contracting Officer except for the purpose of deciding an appeal under the article entitled "Disputes."

(b) Additional definitions may be included as are appropriate.

§ 9–7.5005–5 Extras.

See § 1–7.101–3.

§ 9–7.5005–6 Inspection (fixed-price supply).

See § 1–7.101–5.

§ 9–7.5005–7 Payments.

See § 1–7.101–7.

§ 9–7.5005–8 Variation in quantity.

See § 1–7.101–4.

§ 9–7.5005–9 Utilization of small business concerns.

See § 1–7.101–21.

§ 9–7.5005–10 Liquidated damages.

See § 1–1.315–3.

§ 9–7.5005–11 Federal, State, and local taxes.

See § 1–11.401–1.

§ 9–7.5005–12 Price adjustment for suspension, delay, or interruption of work (construction contracts).

See § 1–7.602–1.

§ 9–7.5005–13 Responsibility for supplies.

See § 1–7.101–6.

§ 9–7.5006 Standard AEC clauses not included in § 9–7.5004 or § 9–7.5005.

This section sets forth standard AEC clauses which are in addition to those referred to in §§ 9–7.5004 and 9–7.5005 and which constitute standard provisions for use in AEC contracts.

§ 9–7.5006–1 Accounts, records and inspection (CPFF).

(a) *Accounts.* The contractor shall maintain a separate and distinct set of accounts, records, documents and other evidence showing and supporting all allowable costs incurred, revenues or other applicable credits, fixed-fee accruals, and the receipt, use, and disposition of all Government property coming into the possession of the contractor under this contract. The system of accounts employed by the contractor shall be satisfactory to the Commission and in accordance with generally accepted accounting principles consistently applied.

NOTE: Delete "a separate and distinct set of" from the first sentence of paragraph (a) if contract is with a cost-type contractor using privately-owned facilities whose accounts are not integrated with those of AEC.

(b) *Inspection and audit of accounts and records.* All books of account and records relating to this contract shall be subject to inspection and audit by the Commission at all reasonable times, before and during the period of retention provided for in (d) below, and the contractor shall afford the Commission proper facilities for such inspection and audit.

(c) *Audit of subcontractors' records.* The contractor also agrees, with respect to any subcontracts (including lump-sum or unit-price subcontracts or purchase orders) where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor of any tier, to conduct an audit of the costs of the subcontractor in a manner satisfactory to the Commission or to have the audit conducted by the next higher tier subcontractor in a manner satisfactory to the contractor and the Commission, except when the Commission elects to waive such audit or approves other arrangements for the conduct of the audit.

(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing costs allowable and revenues and other applicable credits under this contract, shall be the property of the Government, and shall be delivered to the Government or otherwise disposed of by the contractor either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract and final audit of all accounts hereunder. All other records in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of six (6) years after settlement of the contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor.

NOTE: Delete paragraph (d) and substitute the following if contract is with a cost-type contractor using privately-owned facilities whose accounts are not integrated with those of AEC:

"(d) *Disposition of records.* Except as agreed upon by the Government and the contractor, all financial and cost reports, books of account and supporting documents, and other data evidencing costs allowable and revenues and other applicable credits under this contract in the possession of the contractor relating to this contract shall be preserved by the contractor for a period of six (6) years after settlement of the contract or otherwise disposed of in such manner as may be agreed upon by the Government and the contractor."

(e) *Reports.* The contractor shall furnish such progress reports and schedules, financial and costs reports, and other reports concerning the work under this contract as the Contracting Officer may from time to time require.

(f) *Inspections.* The Commission shall have the right to inspect the work and activities of the contractor under this contract at such time and in such manner as it shall deem appropriate.

(g) *Subcontracts.* The contractor further agrees to require the inclusion of provisions similar to those in paragraphs (a) through this paragraph (g) of this clause in all subcontracts (including lump-sum or unit-price subcontracts or purchase orders) of any tier entered into hereunder where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor.

(h) *Internal audit.* The contractor agrees to conduct an internal audit and examination satisfactory to the Commission of the records, operations, expenses, and the transactions with respect to costs claimed to be allowable under this contract annually and at such other times as may be mutually agreed upon. The results of such audit, including the working papers, shall be submitted or made available to the Contracting Officer.

NOTE: This provision shall be included in (a) all cost-type contracts (or subcontracts) involving an estimated cost exceeding $5,000,000 and expected to run more than two years, and (b) any other cost-type contract (or subcontract) where deemed advisable by the Manager of Operations and when the contractor (or subcontractor) already has an established internal audit organization.

§ 9–7.5006–2 Alterations and additions.

The following alterations in or additions to the provisions of this form of contract were made prior to execution of the contract by the parties.

§ 9–7.5006–3 Approval of contract.

This contract is subject to the written approval of the Commission's Director, Division of ---------- and shall not be binding unless so approved.

§ 9–7.5006–4 Changes (CPFF).

(a) *Changes and adjustment of fee.* The Contracting Officer may at any time and without notice to the sureties, if any, issue written directions requiring additional work within the general scope of this contract or directing the omission of or variation in work covered by this contract. If any such direction results in a material change in the amount or character of the work described in the clause entitled "Statement of Work," an equitable adjustment of the fixed fee shall be made in accordance with the agreement of the parties and the contract shall be modified in writing accordingly. Any claim by the contractor for an adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the contractor of the notification of change unless the Contracting Officer within the said 30 days grants in writing a further specific period of time for asserting the claim. A failure to agree on an equitable adjustment under this clause shall be deemed to be a dispute within the meaning of the clause entitled "Disputes."

(b) *Work to continue.* Nothing contained in this clause shall excuse the contractor from proceeding with the prosecution of the work in accordance with the requirements of any direction hereunder.

§ 9–7.5006–5 Consideration (CPFF).

Compensation for contractor's services. Payment for allowable costs and of the fixed fee, as hereinafter provided, shall constitute complete compensation for the contractor's services including profit and all items or kinds of expenses not allowable under the terms of this contract.

§ 9–7.5006–6 Contractor's organization.

(a) *Organization chart.* As promptly as possible after the execution of this contract the contractor shall furnish to the Contracting Officer a chart showing the names, duties, and organization of key personnel to be employed in connection with the work, and shall furnish from time to time supplementary information reflecting changes therein.

(b) *Supervising representative of contractor.* Unless otherwise directed by the Contracting Officer, a competent full time resident supervising representative of the contractor satisfactory to the Contracting Officer shall be in charge of the work at the site at all times.

(c) *Control of employees.* The contractor shall be responsible for maintaining satisfactory standards of employee competency, conduct and integrity and shall be responsible for taking such disciplinary action with respect to his employees as may be necessary. In the event the contractor fails to remove any employee from the contract work whom the Commission deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the Commission to be contrary to the public interest, the Government reserves the right to require the contractor to remove the employee.

§ 9–7.5006–7 Copyright (General). [Reserved]

§ 9–7.5006–8 Copyright (Motion Pictures). [Reserved]

§ 9–7.5006–9 Allowable costs and fixed fee (CPFF operating and construction contracts).

(a) *Compensation for contractor's services.* Payment for the allowable cost as hereinafter defined, and of the fixed fee, if any, as hereinafter provided shall constitute full and complete compensation for the performance of the work under this contract.

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____. (NOTE: This provision may be appropriately changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.)

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses (less applicable income and other credits) that are actually incurred by the contractor in the performance of the contract work in accordance with its terms, that are necessary or incident thereto, and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

(d) *Examples of items of allowable cost.* Subject to the other provisions of this clause, the following examples of items of cost of work done under this contract shall be allowable to the extent indicated:

(1) Bonds and insurance including self-insurance, as provided in the clause entitled "Required Bonds and Insurance."

(2) Communication costs, including telephone services, local and long distance calls, telegrams, cablegrams, radiograms, postage and similar items.

(3) Consulting services (including legal and accounting), and related expenses, as approved by the Contracting Officer.

(4) Litigation expenses, including reasonable counsel fees, incurred in accordance with the clause of this contract entitled "Litigation and Claims."

(5) Losses and expenses (including settlements made with the consent of the Contracting Officer) sustained by the contractor in the performance of this contract and certified in writing by the Contracting Officer to be just and reasonable, except the losses and expenses expressly made unallowable under other provisions of this contract.

(6) Materials, supplies and equipment, including freight, transportation, material handling, inspection, storage, salvage, and other usual expenses incident to the procurement, use and disposition thereof, subject to approvals required under other provisions of this contract.

(7) Patents, purchased design, and royalty payments to the extent expressly provided for under other provisions in this contract or as approved by the Contracting Officer; and, preparation of invention disclosures, reports and related documents, and searching the art to the extent necessary to make such invention disclosures in accordance with the Patent Clause of this contract.

(8) *Personnel costs and related expenses* incurred in accordance with Appendix A, or amendments thereto, such as:

(i) salaries and wages; overtime, shift differential, holiday and other premium pay for time worked; non-work time including vacations, holidays, sick, funeral, military, jury, witness, and voting leave; salaries and wages to employees in their capacity as union stewards and committeemen for time spent in handling grievances, negotiating agreements with the contractor, or serving on labor-management (contractor) committees;

(ii) legally required contributions to old age and survivors' insurance, unemployment compensation plans and workmen's compensation plans (whether or not covered by insurance); voluntary or agreed upon plans providing benefits for retirement, separation, life insurance, hospitalization, medical-surgical and unemployment (whether or not such plans are covered by insurance);

(iii) travel (except foreign travel, which requires specific approval by the Contracting Officer on a case by case basis); incidental subsistence and other allowances of contractor employees, in connection with performance of work under this contract (including new employees reporting for work and transfer of employees, the transfer of their household goods and effects and the travel and subsistence of their dependents);

(iv) employee relations, welfare, morale, etc., programs, including incentive or suggestion awards, employee counseling services, health or first-aid clinics and house or employee publications;

(v) personnel training (except special education and training courses and research assignments calling for attendance at educational institutions which require specific approval by the Contracting Officer on a case by case basis) including apprenticeship training programs designed to improve efficiency and productivity of contract operations, to develop needed skills and to develop scientific and technical personnel in specialized fields required in the contract work;

(vi) recruitment of personnel (including help-wanted advertisement) including services of employment agencies at rates not in excess of standard commercial rates, employment office, travel of prospective employees at the request of the contractor for employment interviews; and

(vii) net cost of operating plant-site cafeterias, dining rooms and canteens attributable to the performance of the contract. Appendix A may be modified from time to time, in writing, without execution of an amendment to this contract for the purposes of effecting any changes in or additions to Appendix A as may be agreed upon by the parties.

NOTE: In appropriate circumstances the lead sentence may be changed to read as follows:

"Personnel costs and related expenses incurred in accordance with the contractor's established personnel policies and programs applicable on a company-wide basis throughout the contractor's private operations, by collective bargaining contracts, or by custom in the industry or area, as approved by the Contracting Officer, such as:"

Also, delete last paragraph of text which refers to modifying Appendix A.

(9) *Repairs, maintenance, inspection,* replacement and disposal of Government-owned property and the restoration or clean-up of site and facilities to the extent directed or approved by the Contracting Officer.

(10) *Subcontracts and purchase orders,* including purchases from contractor-controlled sources, subject to approvals required by other provisions of this contract.

(11) *Subscriptions* to trade, business, technical, and professional periodicals, as approved by the Contracting Officer.

(12) *Taxes, fees, and charges* levied by public agencies which the contractor is required by law to pay, except those which are expressly made unallowable under other provisions of this contract.

(13) *Utility services,* including electricity, gas, water, steam and sewerage.

(14) The following additional example of items is for use in contracts for the operation of AEC-owned facilities. Additional items for construction contracts are included under item (15) below.

Establishment and maintenance of bank accounts in connection with the work hereunder, including, but not limited to, service charges, the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities and arrangements for cashing checks may be provided without expense to the employees, subject to the approval of the Contracting Officer.

(15) The following additional examples of items are for use in construction contracts:

(i) *Camp operations,* to the extent approved by the Contracting Officer.

(ii) *Maintenance, inspection,* repair, replacement, and transportation of construction plant and equipment, to the extent not covered by rentals or insurance and as provided in rental agreements approved by the Contracting Officer or in Appendix B.

(iii) *Rental for* (A) construction plant and equipment rented by the contractor from others at rates and under written agreements approved by the Contracting Officer, and (B) construction plant and equipment owned and furnished by the contractor under Appendix B to this contract.

(e) *Examples of items of unallowable costs.* The following examples of items of costs are unallowable under this contract to the extent indicated:

(1) *Advertising* except help wanted advertising, and other advertising, such as costs of participation in exhibits, approved by the Contracting Officer as clearly in furtherance of work performed under the contract.

(2) *Bad debts* (including expenses of collection) and provisions for bad debts arising out of other business of the contractor.

(3) *Bidding expenses and costs of proposals.*

(4) *Bonuses* and similar compensation under any other name, which are not pursuant to an agreement between the contractor and employee prior to the rendering of the services or an established plan consistently followed by the contractor; in any event such bonuses shall be unallowable if profit-sharing, or if the contractor's contribution is measured by the earnings of the whole or segment of the contractor's organization.

(5) *Central and branch office expenses* of the contractor, except as specifically set forth in the contract.

(6) *Commissions, bonuses and fees* (under whatever name) in connection with obtaining or negotiating for a Government contract or a modification thereto.

(7) *Contingency reserves,* provision for.

(8) *Contributions and donations.*

(9) *Depreciation* in excess of that calculated by application of methods approved for use by the Internal Revenue Service under the Internal Revenue Code of 1954, as amended, including the straight-line, declining balance (using a rate not exceeding twice the rate which would have been used had the depreciation been computed under the straight-line method), or sum-of-the-years-digits method, on the basis of expected useful life, to the cost of acquisition of the related fixed assets less estimated salvage or residual value at the end of the expected useful life.

(10) *Dividend provisions or payments* and, in the case of sole proprietors and partners, distributions of profit.

(11) *Entertainment costs,* except the costs of such recreational activities for on-site employees as may be approved by the Contracting Officer or provided for elsewhere in this contract.

(12) *Fines and penalties* including assessed interest, resulting from violations of, or failure of the contractor to comply with Federal, state, or local laws or regulations, except when incurred in accordance with the written approval of the Contracting Officer as a result of compliance with the provisions of this contract.

(13) *Government-furnished property,* except to the extent that cash payment therefor is required pursuant to procedures of the Commission applicable to transfers of such property to the contractor from others.

(14) *Insurance* (including any provision of a self-insurance reserve) covering business interruption or use and occupancy, insurance on any person where the contractor under the insurance policy is the beneficiary directly or indirectly, and insurance against loss of or damage to Government property as defined in Clause _____

(15) *Interest,* however represented, except interest incurred in compliance with clause entitled "State and Local Taxes," bond discounts and expenses, and costs of financing and refinancing operations.

(16) *Legal, accounting, and consulting services* and related costs incurred in connection with the preparation of prospectuses, preparation and issuance of stock rights, organization or reorganization, prosecution or defense of antitrust suits, prosecution of claims against the United States, contesting actions or proposed actions of the United States, and prosecution or defense of patent-infringement litigation.

(17) *Losses* (including litigation expenses, counsel fees, and settlements) on, or arising from the sale, exchange, or abandonment of capital assets, including investments; losses on other contracts, including the contractor's contributed portion under cost-sharing contracts; losses in connection with price reductions to and discount purchases by employees and others from any source; and losses where such losses or expenses—

(i) are compensated for by insurance or otherwise or which would have been compensated by insurance required by law or by written direction of the Contracting Officer but which the contractor failed to procure or maintain through its own fault or negligence;

(ii) result from willful misconduct or lack of good faith on the part of any of the contractor's directors, corporate officers, or a supervising representative of the contractor, as defined in Clause _____ of this contract;

(iii) represent liabilities to third persons for which the contractor has expressly accepted responsibility under other terms of this contract.

(18) *Maintenance, depreciation, and other costs* incidental to the contractor's idle or excess facilities (including machinery and equipment) other than reasonable standby facilities.

NOTE: May be omitted when no contractor-owned equipment is being utilized in the performance of the contract.

(19) *Membership* in trade, business, and professional organizations except as approved by the Contracting Officer.

(20) *Precontract costs,* except as expressly made allowable under other provisions in this contract.

(21) *Research and development costs,* unless specifically provided for elsewhere in this contract.

(22) *Salary or other compensation* (and expenses related thereto) of the contractor's responsible supervising representative in charge of the contract work.

NOTE: Use in operating contracts only when the salary of the supervising representative is compensated through fee. See AECPR § 9–15.5005–2 for construction contracts.

(23) *Selling* and distribution activities and related expenses not applicable to the performance of this contract.

(24) *Storage of records* pertaining to this contract after completion of operations under this contract irrespective of contractual or statutory requirement of the preservation of records.

(25) *Taxes, fees and charges* in connection with financing, refinancing, or refunding operations, including the listing of securities on exchanges; taxes which are paid contrary to the clause entitled "State and Local Taxes"; taxes on income and excess profits; and special assessments on land which represent capital improvement.

(26) *Travel expenses* of the contractor's responsible supervising representative, and officers, proprietors, executives, administrative heads and other employees of the contractor's central office or branch office organizations concerned with the general management, supervision and conduct of the contractor's business as a whole, except to the extent that particular travel is in connection with the contract and approved by the Contracting Officer.

NOTE: Delete where appropriate—see § 9–15.5005–2.

§ 9–7.5006–10 Allowable costs and fixed fee (Supply contracts and research and development contracts with commercial concerns).

(a) *Compensation for contractor's services.* Payment for the allowable cost as hereinafter defined, and of the fixed fee, if any, as hereinafter provided shall constitute full and complete compensation for the performance of the work under this contract.

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____.

NOTE: This provision may appropriately be changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses (less applicable income and other credits) that are actually incurred by the contractor, are applicable and properly chargeable, either as directly incident or as allocable through appropriate distribution or apportionment, to the performance of the contract work in accordance with its terms and are determined to be allowable pursuant to this section (c). The determination of the allowability of cost hereunder shall be based on: (1) reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in section (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in section (d) or section (e) shall not imply either that it is allowable or that it is unallowable.

(d) *Examples of items of allowable cost.* Subject to the other provisions of this clause, the following examples of items of cost of work under this contract shall be allowable to the extent indicated:

(1) *Bonds and insurance* (including self-insurance) as provided in the clause entitled "Required Bonds and Insurance."

(2) *Communication costs* including telephone services, local and long distance telephone calls, telegrams, cablegrams, radiograms, postage and similar items.

(3) *Consulting services* (including legal and accounting) and related expenses, as approved by the Contracting Officer.

(4) *Litigation expenses,* including reasonable counsel fees, incurred in accordance with the clause of this contract entitled "Litigation and Claims."

(5) *Losses and expenses* (including settlements made with the consent of the Contracting Officer) sustained by the contractor in the performance of this contract and certified in writing by the Contracting Officer to be just and reasonable, except the losses and expenses expressly made unallowable under other provisions of this contract.

(6) *Materials and supplies* (including those withdrawn from common stores costed in accordance with any generally recognized method that is consistently applied by the contractor and productive of equitable results).

(7) *Patents, purchased design, and royalty payments* to the extent expressly provided for under other provisions in this contract or as approved by the Contracting Officer; and preparation of invention disclosures, reports and related documents, and searching the art to the extent necessary to make such invention disclosures in accordance with the Patent Clause of this contract.

(8) *Personnel costs and related expenses* incurred in accordance with Appendix A, or amendments thereto, such as:

(i) Salaries and wages; overtime, shift differential, holiday and other premium pay for time worked; non-work time including vacations, holidays, sick, funeral, military, jury, witness, and voting leave; salaries and wages to employees in their capacity as union stewards and committeemen for time spent in handling grievances, negotiating agreements with the Contractor, or serving on labor-management (contractor) committees;

(ii) legally required contributions to old age and survivors' insurance, unemployment compensation plans and workmen's compensation plans (whether or not covered by insurance); voluntary or agreed upon plans providing benefits for retirement, separation, life insurance, hospitalization, medical-surgical and unemployment (whether or not such plans are covered by insurance);

(iii) travel (except foreign travel which requires specific approval by the Contracting Officer on a case by case basis); incidental subsistence and other allowances of contractor employees, in connection with performance of work under this contract (including, new employees reporting for work and transfer of employees, the transfer of their household goods and effects and the travel and subsistence of their dependents);

(iv) employee relations, welfare, morale, etc., programs, including incentive or suggestion awards, employee counseling services, health or first-aid clinics and house or employee publications;

(v) personnel training (except special education and training courses and research assignments calling for attendance at educational institutions which require specific approval by the Contracting Officer on a case by case basis) including apprenticeship training programs designed to improve efficiency and productivity of contract operations, to develop needed skills and to develop scientific and technical personnel in specialized fields required in the contract work;

(vi) recruitment of personnel (including help-wanted advertisement) including services of employment agencies at rates not in excess of standard commercial rates, employment office, travel of prospective employees at the request of the contractor for employment interviews; and

(vii) net cost of operating plant-site cafeterias, dining rooms and canteens attributable to the performance of the contract. Appendix A may be modified from time to time, in writing, without execution of an amendment to this contract for the purposes

of effecting any changes in or additions to Appendix A as may be agreed upon by the parties.

NOTE: In appropriate circumstances the lead sentence may be changed to read as follows:

"Personnel costs and related expenses incurred in accordance with the contractor's established personnel policies and programs applicable on a company-wide basis throughout the contractor's private operations, by collective bargaining contracts, or by custom in the industry or area, as approved by the Contracting Officer such as:"

Also delete last paragraph of text which refers to modifying Appendix A.

(9) *Rentals and leases* of land, buildings and equipment owned by third parties where such items are used in the performance of the contract, subject to approval by the Contracting Officer.

(10) *Repairs, maintenance, inspection,* replacement and disposal of Government-owned property to the extent directed or approved by the Contracting Officer.

(11) *Repairs, maintenance and inspection* of contractor-owned property used in connection with the performance of this contract including reasonable standby facilities which are due to ordinary wear and tear from use and the action of the elements provided such maintenance and repairs keep the property in efficient operating condition and do not add to its permanent value or appreciably prolong its intended useful life; and major repairs (including replacement) to such property, as directed or approved by the Contracting Officer.

(12) *Special tooling,* including jigs, dies, fixtures, molds, patterns, designs and drawings, tools, and equipment of a specialized nature generally useful to the contractor only in the performance of this contract.

NOTE: Itemize any additional special equipment which may be appropriate such as loops, mock-ups, experimental set-ups, etc.

(13) *Subcontracts, purchase orders* and purchases from contractor controlled sources, subject to approvals required by other provisions of this contract.

(14) *Subscriptions* to trade, business, technical, and professional periodicals, as approved by the Contracting Officer.

(15) *Taxes, fees and charges* levied by public agencies which the contractor is required by law to pay, *except* those which are expressly made unallowable under other provisions of this contract.

(16) *Utility services* including electricity, gas, water, steam and sewerage.

(c) *Examples of items of unallowable costs.* The following examples of items of costs are unallowable under this contract to the extent indicated:

(1) *Advertising,* except help-wanted advertising, and other advertising such as participation in exhibits approved by the Contracting Officer as clearly in furtherance of work performed under the contract.

(2) *Bad debts* (including expenses of collection) and provisions for bad debts not arising out of the performance of this contract.

(3) *Bidding expenses* and costs of proposals.

(4) *Bonuses,* and similar compensation under any other name, which are not pursuant to an agreement between the contractor and employee prior to the rendering of the services or an established plan consistently followed by the contractor; in any event, such bonuses shall be unallowable if profit sharing, or if the contractor's contribution is measured by the earnings of the whole or segment of the contractor's organization.

(5) *Commissions, bonuses and fees* (under whatever name) in connection with obtaining or negotiating for a Government contract or a modification thereto.

(6) *Contingency reserves,* provisions for (except provisions for reserves under a self-insurance program to the extent that the type, coverage, rates and premiums would be allowable if commercial insurance were purchased to cover the same risk, as approved by the Contracting Officer).

(7) *Contributions and donations.*

(8) *Depreciation* in excess of that calculated by application of methods approved for use by the Internal Revenue Service under the Internal Revenue Code of 1954, as amended, including the straight-line, declining balance (using a rate not exceeding twice the rate which would have been used had the depreciation been computed under the straight-line method) or sum-of-the-years-digits method, on the basis of expected useful life, to the cost of acquisition of the related fixed assets less estimated salvage or residual value at the end of the expected useful life. Amortization or depreciation of unrealized appreciation of values of assets or of assets fully amortized or depreciated on the contractor's books of account is unallowable.

(9) *Dividend provisions or payments* and, in the case of sole proprietors and partners, distributions of profits.

(10) *Entertainment costs,* except the costs of such recreational activities for on-site employees as may be approved by the Contracting Officer or provided for elsewhere in this contract.

(11) *Fines and penalties,* including assessed interest, resulting from violations of, or failure of the contractor to comply with Federal, state, or local laws, or regulations, except when incurred in accordance with written approval of the Contracting Officer or as a result of compliance with the provisions of this contract.

(12) *Government-furnished property,* except to the extent that cash payment therefor is required pursuant to procedures of the Commission applicable to transfers of such property to the contractor from others.

(13) *Insurance* (including any provision of a self-insurance reserve) covering business interruption or use and occupancy, insurance on any person where the contractor under the insurance policy is the beneficiary directly or indirectly, and insurance against loss of or damage to Government property as defined in Clause ------.

(14) *Interest,* however represented, except interest incurred in compliance with clause entitled "State and Local Taxes," bond discounts and expenses, and costs of financing and refinancing operations.

(15) *Legal, accounting, and consulting services,* and related costs incurred in connection with the preparation of prospectuses, preparation and issuance of stock rights, organization or reorganization, prosecution or defense of antitrust suits, prosecution of claims against the United States, contesting actions or proposed actions of the United States, and prosecution or defense of patent-infringement litigation.

(16) *Losses* (including litigation expenses, counsel fees, and settlements) on, or arising from the sale, exchange, or abandonment of capital assets, including investments; losses on other contracts, including the contractor's contributed portion under cost-sharing contracts; losses in connection with price reduction to and discount purchases by employees and others from any source; and losses where such losses or expenses—

(i) are compensated for by insurance or otherwise, or which would have been compensated by insurance required by law or by written direction of the Contracting Officer but which the contractor failed to procure or maintain through its own fault or negligence, or which could have been covered by permissible insurance in keeping with ordinary business practice but which the contractor failed to secure or maintain;

(ii) result from wilful misconduct or lack of good faith on the part of any of the contractor's directors, corporate officers, or a supervising representative of the contractor, as defined in Clause ---------- of this contract;

(iii) represent liabilities to third persons for which the contractor has expressly accepted responsibility under other terms of this contract.

(17) *Maintenance, depreciation, and other costs* incidental to the contractor's idle or excess facilities (including machinery and equipment) other than reasonable standby facilities.

(18) *Membership* in trade, business, and professional organizations except as approved by the Contracting Officer.

(19) *Precontract costs,* except as expressly made allowable under other provisions in this contract.

(20) *Reconversion, alteration, restoration, or rehabilitation* of the contractor's facilities, except as expressly provided elsewhere in this contract.

(21) *Research and development costs,* unless specifically provided for elsewhere in this contract.

(22) *Selling and distribution activities* and related expenses not applicable to the performance of this contract.

(23) *Storage of records* pertaining to this contract after completion of operations under this contract irrespective of contractual or statutory requirement of the preservation of records.

(24) *Taxes, fees and charges* in connection with financing, refinancing, or refunding operations, including the listing of securities on exchanges; taxes which are paid contrary to the clause entitled "State and Local Taxes;" Federal taxes on net income and excess profits; and special assessments on land which represent capital improvement.

§ 9–7.5006–11 Allowable costs (research and development contracts with educational institutions).

The Commission shall pay to the contractor for performance of this contract the allowable direct costs incident to its performance plus the allocable portion of the allowable indirect costs of the contractor less applicable credits as determined in accordance with:

(a) Section 9–15.103, Copy appended; and
(b) The terms of this contract.

§ 9–7.5006–12 Allowable costs and fixed fee (A–E contracts). [Reserved]

§ 9–7.5006–13 Drawings, designs, specifications.

All drawings, sketches, designs, design data, specifications, notebooks, technical and scientific data, and all photographs, negatives, reports, findings, recommendations, data and memoranda of every description relating thereto, as well as all copies of the foregoing relating to the work or any part thereof, shall be subject to inspection by the Commission at all reasonable times (for which inspection the proper facilities shall be afforded the Commission by the contractor and its subcontractors), shall be the property of the Government and may be used by the Government for any purpose whatsoever without any claim on the part of the contractor and its sucontractors and vendors for additional compensation and shall, subject to the right of the contractor to retain a copy of said material for its own use, be delivered to the Government, or otherwise disposed of by the contractor either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract. The contractor's right of retention and use shall

be subject to the security and patent provisions, if any, of this contract.

NOTE: When the Contracting Officer considers that the right of the contractor to use the material covered by this article should be restricted, as, for example, when it appears that the contractor might derive competitive advantage by the unrestricted use of this material, the following language should be added to the last sentence of this article:

"and the use of this material by the contractor is further restricted to the use in connection with the work under this contract unless prior written approval is obtained from the Commission for other uses."

§ 9–7.5006.14 Estimates of costs, obligation of funds, and fixed fee.

(a) *Initial estimate of cost and fixed fee.* The presently estimated cost of the work under this contract is ---------- dollars ($----------) exclusive of the contractor's fixed fee. The contractor's fixed fee, as set forth in Clause ------ of this contract, is -------- dollars ($--------).

(b) *Obligation of funds.* The amount presently obligated by the Government with respect to this contract is -------- dollars ($--------).

(c) *Revised estimates of cost and obligation of funds.* The presently estimated cost of the work under this contract may be increased unilaterally by the Commission by written notice to the contractor and may be increased or decreased by written agreement of the parties (whether or not by formal modification of this contract) and such revised estimate plus the fixed fee shall be deemed substituted in (b) above as the amount obligated with respect to this contract.

(d) *Limitation of obligation.* Payments on account of costs shall not in the aggregate at any time exceed the amount of funds presently obligated hereunder less the contractor's fixed fee.

(e) *Notice of costs approaching funds obligated—Contractor excused pending increase when obligation is reached.* Whenever the contractor has reason to believe that the total cost of the work under this contract (exclusive of the contractor's fixed fee) will be substantially greater or less than the presently estimated cost of the work the contractor shall promptly notify the Contracting Officer in writing. The contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures and outstanding commitments allowable under this contract, including the contractor's fixed fee, is equal to ninety percent (90%) (or such other percentage as the Contracting Officer may from time to time establish by notice to the contractor) of the amount of funds presently obligated hereunder. When such expenditures and outstanding commitments, including the contractor's fixed fee, equal one hundred percent (100%) of such amount the contractor shall make no further commitments or expenditures (except to meet existing commitments) and shall be excused from further performance of the work unless and until the Contracting Officer thereafter shall increase the funds obligated with respect to this contract.

(f) *Government's right to terminate not affected.* The giving of any notice by either party under this article shall not be construed to waive or impair any right of the Government to terminate the contract under the provisions of the clause entitled "Termination."

(g) *Cost information.* The contractor shall maintain current cost information adequate to reflect the cost of performing the work under this contract at all times while the work is in progress, and shall prepare and furnish to the Government such written estimates of cost and information in support thereof as the Contracting Officer may request.

(h) *Correctness of estimates not guaranteed.* Neither the Government nor the contractor guarantees the correctness of any estimate of cost for performance of the work under this contract, and there shall be no adjustment in the amount of the contractor's fixed fee by reason of errors in the computation of estimates or differences between such estimates and the actual cost for performance of the work.

NOTE A: If the parties so desire for the purpose of clarity, there may be included in (a) above the following additional sentence:

"The estimated cost of the work under this contract for the period ---------- is ---------- dollars ($--------) exclusive of the Contractor's fixed fee."

NOTE B: The following may be substituted as an alternative to the second sentence of (e) above:

"The contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures and outstanding commitments allowable under this contract, including the contrator's fixed fee leaves available funds sufficient only to continue operations for forty-five (45) days."

§ 9–7.5006–15 Key personnel.

It having been determined that the employees whose names appear [below] [in Appendix], or persons approved by the Contracting Officer as persons of substantially equal abilities and qualifications, are necessary for the successful performance of this contract, the contractor agrees to assign such employees or persons to the performance of the work under this contract and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned employees is unavailable for assignment for work under the contract, the contractor shall, with the approval of the Contracting Officer, replace such employee with an employee of substantially equal abilities and qualifications.

§ 9–7.5006–16 Other contracts.

The Government may undertake or award other contracts for additional work, and the contractor shall fully cooperate with such other contractors and Government employees and carefully fit his own work to such additional work as may be directed by the Contracting Officer. The contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor or by Government employees.

§ 9–7.5006–17 Patents contractor held harmless. [Reserved]

§ 9–7.5006–18 Patent indemnity. [Reserved]

§ 9–7.5006–19 Patent provisions Type A. [Reserved]

§ 9–7.5006–20 Patent provisions Type B. [Reserved]

§ 9–7.5006–21 Patent provisions Type C. [Reserved]

§ 9–7.5006–22 Patents-reporting of royalties. [Reserved]

§ 9–7.5006–23 Payments and advances (cost type contracts where funds are advanced by AEC).

(a) *Installments of fixed fee.* Ninety percent (90%) of the fixed fee shall become due and payable in periodic installments in amounts based on the proportion of the work then completed, as determined by the Contracting Officer, and the balance upon completion and acceptance of all work under this contract.

NOTE A: For operating contracts use: The fixed fee provided for in Clause ------ shall be paid in equal monthly installments as it accrues.

NOTE B: Where a separate fixed fee is provided for a separate item of work, this subparagraph should be modified to permit payment of the entire fixed fee upon completion of that item.

(b) *Advances for allowable cost.* The Contracting Officer and the contractor shall agree as to the extent to which payment for allowable costs or payments for other items specifically approved in writing by the Contracting Officer shall be made from advances of Government funds.

(c) *Special Bank Account—Use.* All advances of Government funds shall be made by check payable to the contractor and shall be deposited only in the Special Bank Account referred to in the Agreement for Special Bank Account, which is attached hereto and incorporated into this contract as an appendix. The contractor shall likewise deposit in the Special Bank Account any other revenues received by the contractor in connection with the work under this contract. No part of the funds in the Special Bank Account shall be (a) mingled with any funds of the contractor or (b) used for a purpose other than that of making payments for costs allowable under this contract or payments for other items specifically approved in writing by the Contracting Officer. If the Contracting Officer shall at any time determine that the balance on such bank account exceeds the contractor's current needs, the contractor shall promptly make such disposition of the excess as the Contracting Officer may direct.

NOTE: For Special Bank Account Agreement see § 9–7.5006–24.

(d) *Title to funds advanced.* Title to the unexpended balance of any funds advanced and of any bank account established pursuant to this clause shall remain in the Government and be superior to any claim or lien of the bank of deposit or others. It is understood that an advance to the contractor hereunder is not a loan to the contractor, and will not require the payment of interest by the contractor, and that the contractor acquires no right, title, or interest in or to such advance other than the right to make expenditures therefrom as provided in this clause.

(e) *Review and approval of costs incurred.* The contractor shall prepare and submit annually as of June 30 a voucher, for the total of net expenditures accrued (i.e., net costs incurred) for the period covered by the voucher, and the Commission, after audit and appropriate adjustment will approve such voucher. This approval by the Commission will constitute an acknowledgment by the Commission that the net costs incurred are allowable under the contract and that they have been recorded in the accounts maintained by the contractor in accordance with the Commission accounting policies, but will not relieve the contractor of responsibility for the Commission's assets in its care, for appropriate subsequent adjustments, or for errors later becoming known to the Commission.

(f) *Financial settlement.* The Government shall promptly pay to the contractor the unpaid balance of allowable costs and fixed fee upon termination of the work, expiration of the term of the contract, or completion of the work and its acceptance by the Government after (1) compliance by the contractor with the Commission's patent clearance requirements, and (2) the furnishing by the contractor of:

(1) an assignment of the contractor's rights to any refunds, rebates, allowances, accounts receivable, or other credits applicable to allowable costs under the contract;

(2) a closing financial statement; and

(3) the accounting for Government-owned property required by the clause entitled "Property."

(4) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the contractor;

(ii) claims, together with reasonable expenses incidental thereto, based upon liabilities of the contractor to third parties arising out of the performance of this contract; provided that such claims are not known to the contractor on the date of the execution of the release; and provided further that the contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) claims for reimbursement of costs (other than expenses of the contractor by reason of any indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the contractor under the provisions of this contract relating to patents.

In arriving at the amount due the contractor under this clause, there shall be deducted (1) any claim which the Government may have against the contractor in connection with this contract, and (2) deductions due under the terms of this contract, and not otherwise recovered by or credited to the Government. The unliquidated balance of the Special Bank Account may be applied to the amount due and any balance shall be returned to the Government forthwith.

(g) *Claims.* Claims for credit against funds advanced or for payment shall be accompanied by such supporting documents and justification as the Contracting Officer shall prescribe.

(h) *Discounts.* The contractor shall take and afford the Government the advantage of all known and available cash and trade discounts, rebates, allowances, credits, salvage, and commissions unless the Contracting Officer finds that such action is not in the best interest of the Government.

(i) *Revenues.* All revenues other than the contractor's fixed fee or fees, if any, accruing to the contractor in connection with the work under this contract shall be Government property and shall be deposited in the Special Bank Account to be available for payment of allowable cost under this contract.

(j) *Direct payment of charges—deductions.* The Government reserves the right, upon ten days written notice from the Contracting Officer to the contractor, to pay directly to the persons concerned all amounts due which otherwise would be allowable under this contract. Any payment so made shall discharge the Government of all liability to the contractor therefor.

§ 9–7.5006–24 Special bank account agreement.

Agreement entered into this _____ day of _____, 196__, between the United States of America (hereinafter called the Government), represented herein by the United States Atomic Energy Commission (hereinafter referred to as the "Commission"), _____, hereinafter called the "Contractor," a corporation under the laws of the State of _____, and _____, hereinafter called the Bank, a banking corporation under the laws of _____, located at _____.

RECITALS

(a) Under date of _____, 196__, the Commission and the Contractor entered into Contract(s) No. _____, or a Supplemental Agreement thereto, providing for the making of advances of Government funds to the Contractor. Copy of such advance provisions has been furnished to the Bank.

(b) The Commission requires that amounts advanced to the Contractor under said contract or Supplemental Agreement be deposited in a Special Bank Account or accounts with a bank designated by the Treasury Department as a depositary and financial agent of the government (Section 10 of the Act of June 11, 1942, 56 Stat. 356; 12 U.S.C. 265), separate from any of the Contractor's general or other funds; and, the Bank being such a bank, the parties are agreeable to so depositing said amounts with the Bank.

(c) This Special Bank Account shall be designated

"_____
(Name of Contractor) (Contract No.)
United States Atomic Energy Commission
Special Bank Account."

COVENANTS

In consideration of the foregoing, and for other good and valuable considerations, it is agreed that:

(1) The Government shall have title to the credit balance in said account to secure the return of all advances made to the Contractor, which title shall be superior to any lien or claim of the Bank or others with respect to such account.

(2) The Bank will be bound by the provisions of said contract or contracts relating to the deposit and withdrawal of funds in the above Special Bank Account, but shall not be responsible for the application of funds properly withdrawn from said account. After receipt by the Bank of written directions from the Contracting Officer, or from the duly authorized representative of the Contracting Officer or the Manager of the _____ Operations Office of the Commission, the Bank shall act thereon and shall be under no liability to any party hereto for any action taken in accordance with the said written directions.

(3) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to such Special Bank Account at all reasonable times and for all reasonable purposes, including, without limitation, the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto. Such books and records shall be preserved by the Bank for a period of six (6) years after the closing of this Special Bank Account.

(4) In the event of the service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, the Bank will promptly notify the Manager, _____ Operations Office, United States Atomic Energy Commission. In witness whereof the parties hereto have caused this Agreement to be executed as of the day and year first above written.

_____
(Signatures and official titles)

§ 9–7.5006–25 Payments (cost-type contracts where funds are not advanced).

(a) *Payments on account of allowable costs.* Once each month (or at more frequent intervals, if approved by the Contracting Officer) the contractor may submit to the Contracting Officer, in such form and reasonable detail as he may require, an invoice or voucher supported by a statement of costs incurred by the contractor in the performance of this contract and claimed to constitute allowable costs. Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (c) below, make payment thereon as approved by the Contracting Officer.

NOTE: For supply-type contracts make last sentence read "make payment to the extent of 90% thereon."

(b) Eighty-five percent (85%) of the fixed fee, if any, shall become due or payable in periodic installments in amounts based on the proportion of the work then completed, as determined by the Contracting Officer, and the balance upon completion and acceptance of all work under this contract; provided, however, that the Contracting Officer may at any time that the amount of the retained fixed fee equals 15% of the total fixed fee or equals one hundred thousand dollars ($100,000) whichever is less, make payments of any of the remaining periodic installments of the fixed fee, in full.

(c) *Audit Adjustments.* At any time or times prior to settlement under this contract the Contracting Officer may have invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(d) *Completion voucher.* On receipt and approval of the invoice or voucher designated by the contractor as the "completion invoice" or "completion voucher" and upon compliance by the contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and provisions of (e) below) the Government shall promptly pay to the contractor any balance of allowable cost, and any part of the fixed fee which has been withheld pursuant to (b) above or otherwise not paid to the contractor. The completion invoice or voucher shall be submitted by the contractor promptly following completion of the work under this contract but in no event later than one (1) year (unless within the year the Contracting Officer grants a further specific period of time) from the date of such completion.

(e) *Applicable credits.* The contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the contractor or any assignee under this contract shall be paid by the contractor to the Government, to the extent that they are properly allocable to costs for which the contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer.

(f) *Financial settlement.* Prior to final payment under this contract, the contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) an assignment to the Government, in form and substance satisfactory to the Contracting Officer, or refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the contractor has been reimbursed by the Government under this contract; and

(2) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the contractor;

(ii) claims, together with reasonable expenses incidental thereto, based upon liabilities of the contractor to third parties arising out of performance of this contract; provided that such claims are not known to the contractor on the date of the execution of the release; and provided further that the contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) claims for reimbursement of costs (other than expenses of the contractor by reason of any indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the contractor under the provisions of this contract relating to patents.

§ 9–7.5006–26 Property (CPFF). [Reserved]

§ 9–7.5006–27 Property (fixed price). [Reserved]

§ 9–7.5006–28 Statement of work.

(a) *Scope.* The contractor shall furnish the materials, equipment, and services (except such as are furnished by the Government) necessary for the performance of the following work in accordance with drawings, specifications, and instructions furnished from time to time by the Government: ____

_____

(b) It is mutually understood that the following work will not be subcontracted:

_____

(This subparagraph (b) shall be used only when appropriate; see clause set forth in § 9–7.5006–29.)

§ 9–7.5006–29 Subcontracts and purchase orders.

(a) *When subcontracts are authorized—Requirements applicable to subcontracts and purchase orders.* The contractor shall, when ordered by the Contracting Officer, and may, but only when authorized by the Contracting Officer, enter into subcontracts in writing for the performance at the site of the work described in the clause entitled "Statement of Work" of any part of the work under this contract. Purchase orders shall not be entered into by the contractor for items whose purchase is expressly prohibited by the written directions of the Contracting Officer. All subcontracts for the performance at the site of the work described in the clause entitled "Statement of Work" shall be submitted to the Contracting Officer for approval. The Government reserves the right at any time to require that the contractor submit any or all other contractual arrangements, including but not limited to purchase orders or clauses of purchase orders, for approval, and provide information concerning methods, practices, and procedures used or proposed to be used in subcontracting and purchasing. The contractor shall use methods, practices, or procedures in subcontracting and purchasing which are acceptable to the Commission. Subcontracts and purchase orders (Note A) shall be made in the name of the contractor, shall not bind nor purport to bind the Government, shall not relieve the contractor of any obligation under this contract (including, among other things, the obligation properly to supervise and coordinate the work of subcontractors) and shall be in such form and contain such provisions as are required by this contract or as the Contracting Officer may prescribe.

(b) *Effect of subcontracting on fee.* The subcontracting of any part of the work under this contract shall not entail any adjustment in the contractor's fixed fee unless this contract has been entered into on the understanding, expressly stated in the clause entitled "Statement of Work," that such part of the work would not be subcontracted, and in that event an equitable downward adjustment in the fixed fee shall be made and the contract shall be modified in writing accordingly. A failure to agree on an equitable adjustment under this paragraph shall be deemed to a dispute within the meaning of the clause entitled "Disputes."

NOTE A: The words "shall be made in the name of the contractor, shall not bind nor purport to bind the Government" are optional and may be used or omitted as appropriate.

§ 9–7.5006–30 Taxes (CPFF). [Reserved]

§ 9–7.5006–31 Taxes (fixed-price contracts). [Reserved]

§ 9–7.5006–32 Workmanship and materials.

(a) *Grade of workmanship and materials.* Unless otherwise directed by the Contracting Officer or expressly provided for by specifications issued under this contract:

(1) all workmanship shall be first class; and

(2) all articles, equipment and materials incorporated in the work are to be:

(i) now and of the most suitable grade of their respective kinds for the purpose;

(ii) in accordance with any applicable drawings and specifications; and

(iii) installed to the satisfaction and with the approval of the Contracting Officer.

Where equipment, materials, or articles are referred to in the specifications as "equal to" any particular standard, the Contracting Officer shall decide the question of equality.

(b) *Samples and test results.* If the Contracting Officer so requires, the contractor shall submit for approval samples of or test results on any materials proposed to be incorporated in the work before making any commitment for the purchase of such materials.

§ 9–7.5006–33 Purchases from contractor-controlled sources.

(a) All solicitation of competitive bids for equipment, materials and supplies of the kind and character manufactured or sold by the divisions, departments, or affiliates of the contractor, all evaluation thereof, and all awards shall be made solely by the Contracting Officer, unless otherwise authorized by the Contracting Officer. In all such cases in which the contractor has design responsibility, the contractor shall prepare proper specifications, drawings, and such other data as may be necessary, on a basis which will permit fair and open competition and orderly and timely procurement with relation to the work.

(b) The contractor may procure on a negotiated basis, subject to the limitations in this paragraph and subparagraph (1) or (2) as applicable, materials, supplies, equipment, or services manufactured or sold by the contractor's divisions, departments, or affiliates from such divisions, departments or affiliates; provided, however, that unless otherwise authorized by the Contracting Officer, no such procurement shall be made by the contractor without prior written approval of the Contracting Officer.

(1) Standard commercial articles and standard supplies (of contractor-controlled sources, other than those manufactured or produced within the contracting component) which have published unit prices of less than one hundred dollars ($100), or such higher amount as may be approved by the Contracting Officer, may be transferred and charged at amounts not in excess of (i) the net sales price concurrently charged the most favored nonaffiliated customer for such articles in the same quantities, or (ii) the lowest net sales price at which equivalent articles are available from other sources, whichever is lower in price without further negotiation as to unit price. If the contractor does not meet this requirement, any excess cost occasioned thereby is unallowable. The Contracting Officer may require use of the equivalent articles available from other sources at a lower price or the solicitation of competitive bids from other suppliers of such articles. "Standard commercial articles" are those produced by the contractor in the normal course of business, carried in stock or previously manufactured on a production basis, and having catalog item numbers and prices; "Standard supplies" are those carried in stock for use in normal operation.

(2) All other articles produced or services performed by contractor controlled sources shall be provided on the basis of allowable cost without additional fee, and subject to the terms of this contract; provided, however, that if mutually agreed, they may be furnished at fixed prices firmed at the outset; provided further, that any such fixed prices shall be negotiated on the basis of estimated allowable costs under this contract, without profit.

§ 9–7.5006–34 Use of concerns in labor surplus areas.

It is the policy of the Government to place supply contracts with suppliers who will perform such contracts substantially in areas of current labor surplus where this can be done at prices no higher than are obtainable elsewhere. The contractor agrees to use its best efforts to place its subcontracts in accordance with this policy to the extent consistent with the efficient performance of this contract. In complying with the foregoing, the contractor, in placing its subcontracts, shall observe the following order of preference:

(a) small business concerns located in labor surplus areas;

(b) other concerns located in labor surplus areas;

(c) small business concerns not located in labor surplus areas, and

(d) any other concerns.

NOTE: This clause should be inserted in all new prime contracts (except construction contracts of $10,000 or less), and, to the extent practicable, in modifications of existing contracts, when the purchase of supplies or equipment by the contractor is contemplated.

§ 9–7.5006–35 Termination. [Reserved]

§ 9–7.5007 Use of escalation and price redetermination clauses. [Reserved]

PART 9–15—CONTRACT COST PRINCIPLES AND PROCEDURES

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9–15.000 Scope of part.

Subpart 9–15.1—Applicability

9–15.103 Cost reimbursement research contracts with educational institutions.

Subpart 9–15.50—Cost Principles and Procedures

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9–15.5010 Application of basic principles to particular situations.
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9–15.5010–8 Severance pay.
9–15.5010–9 Precontract costs.
9–15.5010–10 Plant reconversion costs.
9–15.5010–11 Depreciation.
9–15.5010–12 Research and development.

AUTHORITY: §§ 9–15.000 to 9–15.5010–12 issued under sec. 161(q), 70 Stat. 1069, 42 U.S.C. 2201(q). Implement and supplement sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 9–15.000 Scope of part.

The cost principles and the procedures for the determination and allowance of costs in connection with the negotiation and administration of AEC cost-reimbursement type contracts, except for research contracts with educational institutions which are treated in Subpart 1–15.3, are set forth in Subpart 9–15.50. Standard cost articles setting forth examples of allowable and unallowable costs are included in Subpart 9–7.50. Subpart 9–15.50 also contains guidelines for use, where appropriate, in the evaluation of costs in connection with certain negotiated fixed-price type contracts.

Subpart 9–15.1—Applicability

§ 9–15.103 Cost-reimbursement research contracts with educational institutions.

(a) The cost principles in Subpart 1–15.3 shall be incorporated by attachment in cost-reimbursement research contracts with educational institutions to which they are applicable. However, contracts with educational institutions for the operation of AEC-owned contractor-operated research laboratories are governed by the principles in §§ 9–15.50 and 9–7.5006–9.

(2) Overhead rates shall be determined by audit.

Subpart 9–15.50—Cost Principles and Procedures

§ 9–15.5000 Scope of subpart.

(a) This subpart sets forth the general policy and principles for the determination of allowable costs which are applicable to the negotiation and administration of cost-type contracts. Contracting Officers shall take action to make this subpart applicable to cost-type subcontracts by: (1) Directing compliance by the prime contractor if consistent with his currently existing contract; or (2) conditioning future contracting approval of subcontracting procedures or subcontracts upon such compliance.

(b) This subpart also provides guidance for the evaluation of costs in negotiated fixed-price contracts and subcontracts where costs incurred are a factor in determining the amount payable. In determining the allowable costs of research and development performed by educational institutions under cost-type contracts and cost-type subcontracts the provisions of § 1–15.3 adapted from BOB Bulletin No. 21 for common use by Federal agencies, will control. Research-type operating contracts will be governed by the provisions of §§ 9–15.5005 and 9–7.5006–9.

(c) The terms "reimbursement" and "reimbursable" are used interchangeably in this subpart in relation to "allowable costs" as a matter of editorial convenience. No "reimbursement" is actually involved in those situations where the cost-type contractor makes payments for "allowable costs" from Government funds advanced to him by the AEC.

(d) Standard cost articles setting forth examples of allowable and unallowable costs are included in §§ 9–7.5006–9 to 9–7.5006–12.

§ 9–15.5001 Definitions.

(a) "Cost-type contract" includes cost, cost-sharing, and cost-plus-a-fixed-fee contracts.

(b) "Cost-type subcontract" is a cost-type arrangement in any tier under a cost-type prime contract where all higher-tier arrangements are on a cost basis.

(c) "Operating contract" is a cost-type contract for the operation of a Government-owned facility, such as a production facility or a research and development facility.

(d) "Construction contract" is a contract for the construction, alteration, or repair of public buildings and public works.

(e) "Architect-Engineer contract" is a contract for architect-engineer services related to the construction, alteration, or repair of public buildings and public works.

(f) "Supply contract" is a contract for supplies and services, other than operating, construction, architect-engineer, experimental, developmental, or research work and personal services.

(g) "Research and Development contract" is a contract for basic research (directed toward the increase of knowledge in science), applied research (involving the determination and expansion of the potentialities of new scientific discoveries or improvement in technology, materials, processes, methods, devices, and techniques including attempts to "advance the state of the art"), or development (the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering).

§ 9–15.5002 Responsibilities.

(a) The Controller is responsible for developing and revising the policy and procedures for the determination of allowable costs, and for seeing that they are properly coordinated with the General Counsel, the Office of Contract Policy, and with other Divisions and Offices having joint interests.

(b) Directors of Headquarters Divisions and Offices negotiating contracts, and Managers of Operations are responsible for following the policy, principles and standards set forth herein in establishing the compensation provisions of contracts and subcontracts and for submission of deviations for Headquarters consideration.

(c) The General Counsel is responsible for the preparation and interpretation of contracts.

§ 9–15.5003 Deviation.

Deviations from the policy and principles set forth in this subpart shall not be made unless such action is authorized by the Headquarters Operating Division Director concerned, after consultation with the Controller, General Counsel, and the Director, Office of Contract Policy, on the basis of a written justification stating clearly the special circumstances involved. Where appropriate, any approved deviation shall be reflected in the compensation provisions of the contract.

§ 9–15.5004 Effective date.

On or after April 1, 1960, the policies and principles set forth in this subpart shall be followed in the negotiation of every contract and subcontract to which this subpart is applicable, except those which have been substantially negotiated prior to the above date. With respect to such substantially negotiated contracts and subcontracts, these policies and principles shall be applied to the extent agreed upon with the contractor. Application of these principles to an existing contract must be within the framework of its contractual terms unless the contract is appropriately amended.

§ 9–15.5005 General policy.

The general policy of the AEC in connection with cost-type contracts and with cost-type subcontracts is as follows:

§ 9–15.5005–1 Actual cost basis.

(a) AEC reimburses its contractors for allowable costs actually incurred in the performance of their contracts in accordance with their terms. Such allowable costs are those provided for in the contract to the extent that they are necessary or incident and either directly attributable or equitably allocable to the work under the contract. This broad expression of the AEC's reimbursement policy is further developed and elaborated upon throughout this subpart.

(b) (1) AEC uses retrospective or after-the-fact determination, usually called the "actual cost basis," to establish the amount reimbursable to its contractors for their allowable costs. This general policy precludes the use of predetermined fixed-overhead percentage rates except for provisional payment under (d) below.

(2) It is recognized, however, that the total volume of work with a particular contractor in some cases may be so small that computation of the actual indirect costs may not be justified. In such cases it may be administratively desirable to adopt some alternative, such as a predetermined amount for indirect costs. However, a departure from the actual cost basis under a cost-type contract is considered administratively undesirable if the amounts involved are significant, and the use of either a predetermined amount for indirect costs, except under the circumstances noted above, or other alternatives (such as a fixed billing rate for labor and overhead per direct labor hour) shall be submitted to Headquarters for approval. Any firm amount established for indirect costs, whether small or significant, and any other alternative, shall be supported by a well-considered conclusion that the firm amount or other alternative will result in approximately the same compensation for the costs concerned as would likely result from determination on the actual cost basis. The negotiation of predetermined fixed amounts, fixed billing rates, etc., shall be made on the basis of actual cost experience and satisfactory cost projections, and in accordance with the principles and standards set forth in this subpart. Such amounts, rates, etc., will cover allowances only for allowable costs.

(c) When firm compensation for any otherwise allowable cost is negotiated, the items of such cost covered by the fixed amount shall be set forth in the contract or appropriate appendices as unallowable with maximum clarity in order to distinguish between allowable costs subject to reimbursement and costs which are covered by the negotiated fixed amount, and hence excluded from allowable cost in the case of the particular contract.

(d) Provisional payments on account of indirect costs incurred under the contract shall be provided for only after review of the contractor's system of accounting, including items treated as indirect costs and methods of distributing them or on the basis of previous audits or past experience with the particular contractor. Based on such a review, a provisional overhead rate or rates shall be established taking into consideration the prior year's experience adjusted to eliminate non-recurring costs and to reflect any new conditions which may be applicable to the future. Such rate or rates shall be applied to an appropriate base or bases for computation of the provisional payments. The elements of indirect cost and the base or bases used in computing provisional payments, shall not be construed as indicating the elements of expense to be distributed or the base or bases of distribution to be employed in the periodic determination of actual overhead. The actual overhead shall be determined not less often than annually and the provisional payments made shall be adjusted accordingly. Prior to final settlement of the entire contract the actual overhead so determined periodically shall be subject to appropriate subsequent adjustment including errors subsequently becoming known. The amount of any adjustment shall promptly be paid or credited by the AEC to the contractor or by the contractor to the AEC as the review has determined. Failure to agree on such readjustment shall be considered a Dispute within the Disputes Clause of the contract.

§ 9–15.5005–2 Compensation through fee.

(a) AEC compensates operating, construction and architect-engineer contractors through the fixed fee for general and administrative expenses incurred by the contractor's home, divisional or branch offices in the general management and administration of the contractor's business as a whole and such expenses are considered as unallowable costs. Examples of the type of general and administrative expense compensated through fee include:

(1) Compensation of officers, proprietors, executives, administrative heads, and others, including employees in the contractor's central-office or branch-office organization, concerned with the general management and administration of the contractor's business.

(2) Directors' and executive committees' fees and expenses; the expenses of stockholders' meetings, annual reports, and reports and returns prepared for governmental authorities; and registry and transfer charges resulting from changes in ownership of securities issued by the contractor.

(3) General legal, accounting, and consulting services, and related expenses.

(4) Memberships in trade, business, and professional organizations.

(5) Supplementary compensation and benefit plans such as pension, vacation, sick leave, hospitalization, termination pay, retirement, bonus, group health, accident, and life insurance plans, to the extent related to personnel concerned with the general management and administration of the contractor's business as a whole.

(6) Supplies, equipment, rent, depreciation, services and other costs incurred in the general management and administration of the contractor's business as a whole, including expenses incident to the maintenance, administration, and operation of the central office or branch offices.

(b) AEC generally compensates construction and architect-engineer contractors through the fixed fee for the salary (and associated payroll costs, taxes, etc., related to such salary) of the contractor's responsible supervising representative in charge of the contract work. Accordingly, the salary of the supervising representative is generally not reimbursable as an allowable cost under construction and architect-engineer contracts.

(c) In a particular case, the contractor may be compensated on the basis of allowable cost, rather than through the fixed fee for some or all of the expenses enumerated in (a) and (b) in these categories if the Headquarters Operating Division Director, the Manager of Operations, or a representative having the authority to approve the contract, authorizes use of this alternative approach and determines that the negotiated fixed fee reflects proper downward adjustment from that which would otherwise have been established. In the case of no-fee contracts (including contracts providing for nominal or token fees) these categories of expenses may be either reimbursed on the basis of actual costs or compensated through a predetermined fixed amount.

(d) The above-stated policy does not preclude the payment of expenses merely because they are incurred or accounted for at or by the contractor's home, divisional or branch offices; where expenses of a type typically incurred at construction or operation sites in support of the contract work, are, by reason of a particular contractor's greater centralization, incurred at such offices, rather than at the operation site, such expenses may be reimbursed.

(e) In the case of architect-engineer contracts, a major portion of the scope of work is usually performed at the contractor's central office location or a branch office location. The direct costs of such work and an equitable portion of such indirect costs at the central office or branch office location as are properly applicable and apportionable to such work are allowable. The indirect costs attributable to the performance at a central office or branch office location of work related directly and solely to individual contracts shall be distinguished with care from general and administrative expenses incurred by the contractor's home or branch offices in the general management, supervision, and conduct of its business, since these general administrative expenses are usually compensated for through fee and, in any event, where allowable, are related to and apportionable over all work under the supervision of the office concerned.

(f) As to work performed by an operating contractor in its own facilities, see § 9–15.5007–3.

§ 9–15.5005–3 General basis for determination of costs.

The total reimbursable cost of an AEC cost-type contract is the sum of the allowable direct costs necessary or incident to the performance of the contract, plus the properly allocable portion of the allowable indirect costs, less applicable income and other credits. In determining allowability and reimbursability of costs, there shall be considered also: (a) Reasonableness, including the exercise

of prudent business judgment; (b) application of generally accepted accounting principles and practices; (c) all exclusions of and limitations on types and amounts of items of cost set forth in the contract; and (d) approvals by the Contracting Officer required under the contract terms.

NOTE: For examples of allowable and unallowable costs see §§ 9–7.5006 to 9–7.5006–12.

§ 9–15.5005–4 Cost determination based on audit.

(a) It is AEC policy that the amount reimbursable to its cost-type contractors and subcontractors be determined in accordance with the terms of the respective contracts on the basis of audit. In the event that the contractual terms differ or are inconsistent (see § 9–15.5003 for approval of deviations) with the principles stated herein the contractual terms control. The audit is performed directly by AEC (or by the cognizant Federal agency pursuant to arrangements made by the AEC) in the case of cost-type contracts. The audit of subcontractors is the responsibility of the cost-type contractor (or the subcontractor immediately preceding in the contractual chain) subject to review of such contractor's audit by AEC (and any supplemental audits by AEC as it may then deem necessary). Exceptions may be made to this general principle, of subcontractors being audited by the next higher-tier contractor, where the latter is interrelated with the subcontractor involved, does not have the necessary audit facilities or for other reasons is not in a position to perform the subcontract audit in a manner satisfactory to the AEC. In the event of such exception, the subcontract and audit responsibility shall rest with the successively higher-tier contractor (or ultimately AEC).

(b) Audit by other Federal agencies. Where the amount of cost-type work to be performed for AEC in a particular facility is less than that being performed at the same facility for other Federal agencies, arrangements may be made to have the cognizant agency perform the audit in accordance with such agency's cost principles. These arrangements shall be made administratively between AEC and the other agency involved, and wherever possible the arrangements shall provide for the cognizant agency to audit against the AEC cost principles. In no case, however, shall the arrangements preclude determination by the AEC contracting officer of the allowable and unallowable costs in accordance with AEC cost principles set forth in §§ 9–7.5006–10 and 9–7.5006–11. Steps appropriate in the light of the magnitude and nature of the costs shall be taken by the contracting officer to ascertain that the audit results properly reflect the application of AEC cost principles (particularly as to types and amounts of items of cost including incidence, allocability, and equitable distribution thereof).

§ 9–15.5005–5 Contractor's system of accounting.

(a) (1) Careful AEC study of the contractor's usual accounting procedures shall be made prior to arriving at an understanding with the contractor as to the accounting system to be employed by the contractor during the period of contract performance.

(2) The contractor's customary accounting practices are usually accepted if they conform to generally accepted accounting principles, produce equitable results, are consistently applied, are not in conflict with the provisions of this subpart, are conducive to accurate costing of the contract work, and produce reports required by the AEC.

(b) It is the AEC's policy to discourage firm contractual provisions relating to the contractor's accounting system (including methods for computing indirect costs) which preclude appropriate retrospective modification. No firm contractual provision shall be included in the contract where there is no previous Government contracting experience with the contractor's methods of operation and accounting. Contracting Officers may, however, include firm contractual provisions when there is a comprehensive understanding of the contractor's methods of operation and accounting as a result of Government contracting experience in dealing with the contractor and the Contracting Officer makes a determination, based on an AEC study thereof, that the contractor's accounting procedures are likely to produce equitable results in the future as in the past. Such firm contractual provisions shall be subject to adjustment retroactively at the request of either party to the contract when the method of overhead determination has become inequitable as a result of

(1) Any substantial difference accruing between the cost patterns of wark under the contract and other work of the contractor; or

(2) Any significant change occurring in the nature of the business, the extent of subcontracting, fixed asset improvement program, the inventories, the volume of sales and production, manufacturing processes, the contractor's products, or other relevant circumstances.

Failure to agree on such readjustment shall be considered a Dispute within the Disputes Clause of the contract.

§ 9–15.5006 Advance understandings on particular cost items.

It is important that agreement between AEC and its contractors be reached in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine in order to avoid possible subsequent disallowance or dispute. Any such agreement should be incorporated in cost-type contracts and should govern the cost treatment covered thereby throughout the performance of the contract. But the absence in the contract of such agreement on any element of cost will not, in itself, serve to make that element either allowable or unallowable. Examples of costs on which advance agreements may be particularly important are:

(a) Compensation for personal services;

(b) Deferred maintenance costs;

(c) Food service costs, operation of cafeterias, etc.;

(d) Foreign travel costs;

(e) Group insurance; pension and retirement plans;

(f) Employee morale, health, and welfare costs;

(g) Pre-contract costs;

(h) Professional or technical consulting services;

(i) Reconversion costs;

(j) Research and development costs;

(k) Royalties;

(l) Selling and distribution costs;

(m) Severance pay;

(n) Travel of executive officers;

(o) Travel costs, as related to special or mass personnel movement;

(p) Unemployment insurance experience ratings.

§ 9–15.5007 Direct and indirect costs.

§ 9–15.5007–1 Explanation of direct costs and indirect costs.

(a) The classification of an item of cost as a direct cost or as an indirect cost has reference to the manner in which the particular cost is charged to or lodged against the products manufactured, work done, or services performed. In general, direct costs are those which are identified as having been incurred specifically for or on account of a particular product (or lots of similar products), work order, job, or contract. Materials, labor, or expenses which relate specifically and solely to the manufacture of a particular product or to the performance of a distinct job or work are broad examples of direct costs.

(b) Indirect costs are comprised of items of material, labor, and expenses which benefit not only a particular product or a specific unit of work but also other production or work and are so related to the particular product or specific task that the amount of the cost which should properly be lodged against it cannot be precisely determined, at least without effort entirely disproportionate to the increased accuracy achieved. There is no universal rule that under every accounting system certain items of cost shall be treated as direct or as indirect costs. It is essential, however, that within the accounting system of any given organization each item of cost be consistently treated in the same manner. Also, since indirect costs must ultimately be lodged against the various products, work orders, jobs or contract which benefit from their incurrence, it is necesary to establish ways or means of apportioning or distributing these indirect costs equitably to all work concerned. Since the means of accomplishing this distribution of indirect costs are necessarily somewhat arbitrary and not precisely correct, accuracy is best attained by treating as direct costs all items of cost which are susceptible of such handling and by limiting to the greatest practical extent the number of items of cost which are treated as indirect costs. The contractor's accounting system should be examined and modified so that such results are achieved. (See § 9–15.5005–5.)

§ 9–15.5007–2 Treatment of indirect costs.

(a) The contractor's indirect costs, which must be appropriately identified and supported by adequate documentation, must be carefully examined with the objective of excluding for reimbursement purposes all types of indirect costs that are either unallowable in nature (see list of examples in Standard Cost Articles §§ 9–7.5006–9 to 9–7.5006–12) or not properly allocable to performance of work under the AEC contract. It may be that only a portion of a given pool of indirect costs will fail to meet these tests and require such exclusion. After excluding all such expenses, the remaining indirect costs require allocation by an acceptable method or methods that result in equitable charges to the AEC contract.

(b) The methods of allocation of indirect costs shall be determined in accordance with the policy and procedure outlined in § 9–15.5005–5(b). Careful reviews shall be made from time to time as appropriate, particularly where there is a significant change in the nature or volume of activity, to determine whether the method or methods of allocation previously used continue to be equitable. The ultimate objective in allocating indirect costs is to charge fair shares of the various expenses concerned to the AEC contract work. The appropriate method or methods of allocation are dependent upon the particular circumstances and conditions; hence, no general rules can be stated as to particular methods or bases of allocating indirect costs applicable and appropriate in all cases. One method may be determined to be appropriate for allocating certain indirect costs but not others, in which case a different method or methods must be established which will equitably allocate the other indirect costs. This means that it may be necessary to establish separate pools of indirect costs for particular items of expense and to use separate methods of allocation for each pool in order to establish equitable results.

§ 9–15.5007–3 Company general and administrative expenses.

Although the AEC generally compensates operating, construction and architect-engineer contractors through fee for company general and administrative expenses (see § 9–15.5005–2), it allows such company general and administrative expenses under supply and research contracts with commercial contractors performing the work in their own facilities. Contractor's general and administrative expenses may, however, be included for reimbursement under AEC supply and research contracts only to the extent that they are established, after careful examination, to be allowable in nature and properly allocable to the work. Work performed in a contractor's own facilities under an operating contract may likewise be allowed to bear the properly allocable portion of allowable company general and administrative expense.

§ 9–15.5008 Negotiated fixed-price contracts and subcontracts where costs incurred are a factor in determining the amount payable.

§ 9–15.5008–1 General policy.

(a) It is the general policy that adequate cost data must be fully considered in the negotiation of fixed price contracts and subcontracts where costs incurred are a factor in determining the amount payable unless the Contracting Officer after consultation with appropriate staff is able to make a determination that the use of such data or information is not necessary to protect the interest of the AEC. Examples of valid pricing criteria (but not necessarily adequate in an individual case) which may eliminate or limit the need for cost data include but are not limited to the following:

(1) Competitive price proposals.

(2) Published market prices.

(3) Catalog prices, including discounts.

(4) Previous procurement prices experienced on the same or similar items, with computed adjustments of the prices paid, where appropriate, to make allowances for changes in specifications or quantities or intervening changes in labor, material and other cost elements.

(b) Where previous procurement prices are used for support, such previous prices likewise must have been supported by valid pricing criteria as defined in § 9–15.5008–1(a) (1), (2) and (3).

(c) In applying this policy the Contracting Officer will not be expected to negotiate agreement on individual elements of cost but will be expected to use his judgment as to the degree of consideration to be given each cost element in arriving at his own evaluation of the total cost prior to negotiation of the price. However, the negotiations record should fully substantiate and justify the reasoning leading to the negotiated price, including the profits.

§ 9–15.5008–2 Cost data.

Where the use of cost data is required by § 9–15.5008–1, the cost principles outlined in this subpart including the items listed as unallowable costs in the Standard Cost Articles §§ 9–7.5006–9 to 9–7.5006–12 shall be applicable in the accounting reviews of contractor's proposals for pricing and in the preparation of the advisory accounting reports which are to be used as a guide by the Contracting Officer in negotiating the final price. An exception to this is the treatment of contingency reserves or allowances in connection with estimates of future costs. If contingencies are known to exist in such cases and the effects may be gauged within reasonable limits (such as anticipated costs of defective work), consideration thereof may be included in the estimates. Where conditions are known that may give rise to a contingency but the effects cannot be reasonably estimated (such as general business risks), the contingency should not be included as a cost factor but should be disclosed as a separate item for the consideration of the Contracting Officer.

§ 9–15.5008–3 Contractor's cost accounting system.

Where a fixed price contract with price redetermination provisions (including the incentive type) is involved, it should be determined at the inception of the contract that the contractor's accounting system is maintained in accordance with generally accepted accounting principles and practices and will equitably reflect the costs of contract performance. This may be done either on the basis of a survey of the accounting system, previous experience with the contractor, or by such other means as may be considered satisfactory to the Contracting Officer.

§ 9–15.5009 Treatment of indirect costs.

This is for use in meeting the requirements of § 9–15.50. For purposes of allowability, indirect costs, like direct costs, are subject to the requirements of § 9–15.5005–3 with respect to the general basis for determination of costs.

§ 9–15.5009–1 Direct charging of costs.

The nature of some types of cost, possibly significant in amount, and their relationship to the contractor's work may be such as to necessitate their treatment as indirect costs. However, in order to secure the most accurate and equitable results, the various types of cost normally treated as indirect costs by the contractor under its regular accounting procedures should be examined to determine which types should, for purposes of reimbursement under the AEC contract, be treated as direct costs. Such action should be taken whenever the increased accuracy that results is sufficiently material to justify the expenditure of the additional time, effort, and expense entailed. Where a type of cost is charged direct to the AEC contract, no item of a similar character which on the same basis is properly chargeable only to other work should be included in indirect costs apportioned to the AEC contract. Treatment of items of cost as direct charges, consistently as to both the AEC contract and the contractor's other work, should be employed to the fullest extent practicable, correspondingly reducing the volume of costs to be treated as indirect costs that require distribution by arbitrary methods which are not precise and accurate and therefore, at best, produce only approximate results.

§ 9–15.5009–2 Appropriate departmentization.

Appropriate departmentization for cost-reimbursement purposes should be effected between different kinds of productive activity, such as:

(a) between manufacturing involving substantial expenses of machinery depreciation, machinery operation and maintenance, space, electric energy, tools, etc., and research generating relatively small overhead costs;

(b) between heavy manufacturing requiring expensive equipment and power machinery, and light manufacturing which by comparison is practically a hand operation;

(c) between research work requiring an elaborate layout of laboratory facilities and equipment, and research involving primarily the application of mental effort and requiring little or no equipment.

The objective and result should be to burden manufacturing work, or different

kinds of manufacturing work, and research work, or different kinds of research work, each with the indirect costs properly applicable to the respective kind of work.

If a non-departmentized plant or individual department is so constituted that the indirect costs, rather than relating fairly proportionately to all work in the plant or department, particularly to the work under the AEC contract, relate more to some work than to other work, consideration should be given to further departmentization. The costing refinement may be made on a quasi-department basis from data furnished by the existing accounting system or developed on as reasonable an analysis as the facts and circumstances permit. The further departmentization should preferably be incorporated into the contractor's own accounting system.

§ 9–15.5009–3 Distribution of service department costs to production departments.

The total indirect costs of each productive department include an appropriate share of the costs incurred by the non-productive or so-called service departments, such as the maintenance department, the power plant department, stores handling department, and tool room department. The basis used to distribute the costs of each individual service department should result in equitable allocation of the service department costs to the productive departments, particularly those productive departments in which work under the AEC contract is performed. In the case of each service department the distribution method used should be appropriate in the circumstances, whether it be based on number of workers, floor space occupied, measurable services, total labor costs, total labor hours, some other basis, or a combination of methods.

§ 9–15.5009–4 Distribution of indirect costs of productive departments to work done.

In order to distribute the indirect costs of a productive department to the work done in the particular department, it is necessary that the apportionment be based on a factor which is common to all work performed in the particular department and which closely approximates the extent to which the services represented by the indirect costs of the department are utilized in performing the work done on the individual contracts and work orders. The variety and complexity of production work makes it difficult to determine the most appropriate and equitable common denominator for distributing a department's indirect costs to the department's work. Since, insofar as the use made of services represented by a productive department's indirect costs is concerned, the major factor common to all work of the department is either direct labor cost or the time required for performance, the methods commonly used for distributing a department's indirect costs, each of which is based on one of these two factors, are:

(a) The direct labor cost method.

(b) The direct labor hour method.

(c) The departmental hourly rate method.

(d) The machine hours method.

Which of these methods is most appropriate for a particular department depends on whether distribution of the department's indirect costs equitably should be proportionate to the department's costs of direct labor, hours of direct labor, or hours of machine use. If the contractor's departmentization follows sound and recognized lines of organizational subdivision, one of these methods usually will be found sufficiently accurate and equitable to be accepted. If not, departmental refinement or quasi-departmentization may be required, or combinations of the above methods or the development of other methods equitable in the particular circumstances may be necessary.

§ 9–15.5009–5 General and administrative expenses.

(a) *Allowability.* As indicated in § 9–15.5005–3, a contractor's general and administrative expenses may be accepted for apportionment to work under an AEC supply or research contract only to the extent that they are established, after careful examination, to be allowable in nature and, on the basis of incidence to its performance, properly allocable to the work. The following are a few examples of expenses which, although not unallowable because of their basic nature, are not incident to the performance of an AEC contract:

(1) The salaries and expenses of corporate officers, and their staffs, whose services do not apply to the performance of the AEC contract work, e.g., those whose services are devoted to sales activities promoting the marketing of the contractor's manufactured products; or to matters completely separate from the contractor's manufactured products, such as the merchandising of products made by others; or to the handling of investments so substantial as to constitute in effect a separate business.

(2) Legal and other expenses in connection with applications for patents for the contractor's account.

(3) Outgoing freight costs, inapplicable to the AEC contract products because delivery of such products is taken f.o.b. contractor's plant.

(4) Expenses (depreciation, operation, and maintenance of buildings and equipment, labor, and other costs) applicable to warehousing and storage of the contractor's products but not incident to the products under the AEC contract because they are delivered upon completion.

(5) Expenses of maintenance and repairs which would normally have been performed in an accounting period prior to the period of performance of the AEC contract but which for some reason—possibly abnormal operating conditions, shortages or high costs of material or labor, or lack of funds—have been deferred.

(b) *Allocation.* No one method of distribution can be stated to be always most equitable and best for purposes of distributing a contractor's allowable and properly allocable general and administrative expenses to individual jobs and, specifically, to work for AEC. Careful consideration of the expenses themselves, of differences in work performed, and of the relationship of the expenses to the different kinds of productive activity is necessary in each case to assure that the method used produces fair and equitable results in the particular circumstances. Several of the methods frequently employed are briefly discussed below.

(1) Total manufacturing costs (including material) may in many cases be an appropriate basis for distributing general and administrative expenses to jobs in connection with which the relation to one another of the component cost elements is substantially the same as the cost pattern of the contractor's work generally. However, they would be an inappropriate basis in the case of a job whose material cost component, due to heavy material purchases and subcontracting, is abnormally high by comparison with the general cost pattern of the contractor's total work. In such a case the normal general and administrative expense rate applicable to total manufacturing cost, arrived at on the basis of the general cost pattern of the contractor's work, should be appropriately adjusted because of the special circumstances pertaining to the particular job, or a different basis of allocation should be used to distribute general and administrative expenses to the job. For cost reimbursement purposes, total manufacturing costs generally constitute a more appropriate base for the distribution of general and administrative expenses than does either the total cost of goods sold or total sales. Each of these latter bases may be deficient and inequitable in that it distributes general and administrative expenses to work sold rather than to work performed during the period concerned.

(2) Processing costs are used in many cases as the basis for allocating general and administrative expense. If the major indirect costs attributable to material—such as purchasing, receiving, inspecting or testing, internal handling (to stockrooms and to jobs directly and from stockrooms), storing, inventorying, controlling, and issuing materials—are either included in indirect manufacturing costs or segregated and treated separately as material burden or material-handling expense, it will probably be more equitable to exclude material cost from, than to include it in, the base for allocating general and administrative expense. However, exclusion of material cost from the base for allocation of general and administrative expense where the administrative costs attributable to materials are accounted for as general and administrative expenses might well be subject to the criticism that costs which contribute to the generation of general and administrative expenses are not included in the base for their allocation.

(3) Direct labor cost alone is sometimes used as the basis for allocating general and administrative expenses. However, in many cases use of this method would be inappropriate since it fails to recognize that processing costs other than direct labor and also, to some extent at least, material costs serve to generate and to benefit from the incurrence of general and administrative expense. The propriety of this method would be subject to serious questions in a situation where the cost pattern of a particular job (i.e., the portion of the cost representing labor, other processing costs, and material) differs significantly from the normal cost pattern of the contractor's total work.

(c) *Allocation of home office expenses of multi-plant organizations.* In the case of a multi-plant organization there will be, in addition to the general and administrative expenses of the individual plants, overall company general and administrative expenses. These latter expenses require distribution or apportionment to all of the company's plants and other activities on an equitable basis or bases. Generally, these overall company expenses are not distributed to the company's various activities as a single pool of expense. Rather, individual classifications of expense or categories of similar types of expenses are spread separately on varied bases—such as number of employees, total payrolls, total manufacturing costs, services rendered, time devoted, and allocations based on the results of detailed studies and analyses in prior years. The total activities of an organization may include, in addition to manufacturing, separate and distinct operations (such as sale and distribution of standard commercial products of the company's own manufacture, merchandising of products made by and purchased from other manufacturers, and investment activities) so varied and dissimilar as to render extremely difficult the problem of determining the proper factors to serve as common denominators for the fair and equitable allocation of the overall company expenses. Moreover, each expenditure within a given expense classification probably does not benefit all activities in the same way and to the same extent as does any other expenditure in the same expense classification. The foregoing serves to emphasize that the relationship of company general and administrative expenses to individual plants and other activities is not susceptible of precise evaluation. The objective must be, as to the particular classification or categories of such expense, a basis of apportionment which accomplishes its reasonable and equitable, though admittedly only approximately correct, distribution to the company's various activities, particularly those in which work for AEC is performed.

§ 9–15.5010 Application of basic principles to particular situations.

This guide contains examples of the application of the policy and principles outlined in § 9–15.50 to particular situations.

§ 9–15.5010–1 Consideration of costs confined to locations involved.

If a contractor does work for AEC at two or more plants, offices, or departments, the indirect costs of each plant, office, or department will be applied only to the work of the particular plant, office, or department. Separate treatment of plants, offices, and departments for accounting purposes is always important; this importance is further accentuated if one of them is furnished with AEC equipment. Similarly, where a contractor that operates more than one plant, office, or department does work for AEC at only one particular location, only the costs applicable to the particular location involved should be considered in costing the AEC work. The costs related to the other plants, offices, or departments which do not perform services in connection with the AEC contract, are inapplicable to the work under the AEC contract.

§ 9–15.5010–2 Field work.

Where a contractor conducts operational activities both at its plant and at field locations, the apportionment to the field work of indirect operating costs incurred at the plant should be confined to only those expenses which are actually applicable to the field work. For example, indirect labor, idle time of direct labor, and other indirect costs applicable only to the contractor's operational activities at the plant location should not be apportioned to field work. Moreover, if the indirect operating expenses applicable to field work as well as work at the plant are apportioned on the basis of direct labor, direct labor at the field location should, for purposes of the apportionment at least, be distinguished from indirect labor at that location on a basis paralleling the classification of labor as between direct labor and indirect labor at the plant location. Similarly, if idle time of personnel normally treated as direct labor is involved at the field location, such idle time should be excluded from direct labor for purposes of distributing indirect operating costs incurred at the plant that are applicable to the field work. Also, if the field operation's direct labor cost involves wage or salary increments for services abroad or in isolated areas, such increments should be excluded from the direct labor cost base for purposes of distributing applicable indirect operating costs.

§ 9–15.5010–3 Use of Government-owned facilities.

If the Government furnishes the contractor, or the contractor acquires at Government expense, Government-owned equipment with which to do all or a significant amount of the work under the AEC contract, on which equipment the Government is bearing the expenses of depreciation, maintenance, insurance, and taxes, appropriate procedures must be established to avoid apportioning to AEC work performed with AEC-owned equipment a share of the expenses of depreciation, maintenance, insurance, and taxes on the contractor's equipment not used to perform such work. If the Government-owned equipment is placed in a segregated area, that area should be accounted for as a separate department. If the Government-owned equipment is not placed in a separate area, other steps must be taken to avoid what would amount to a double equipment burden on work performed with the Government-owned facilities. Such work should be so accounted for as to be relieved of charges for expenses related to contractor's equipment not used in its performance.

§ 9–15.5010–4 Contractor's costs covering plant and equipment.

Charges relating to contractor-owned plant and equipment should be restricted to the applicable costs, such as depreciation, maintenance, insurance, and taxes, and should not be on a rental basis. Compensation in excess of cost is covered by the fixed fee.) Rentals of plant and equipment owned by third parties are normally allowable if the rates are reasonable in the light of the type, value, and condition of the property involved and option and other provisions of the lease agreement. However, where the plant and equipment used by the contractor is rented by the contractor under a sale and lease-back agreement, only the normal costs (such as depreciation, maintenance, insurance, and taxes) that would have been incurred if the contractor had retained legal title to the facilities should be allowed. Allowances for plant and equipment rented under agreements that are not arms-length transactions should be similarly restrictive.

§ 9–15.5010–5 Overtime, shift, and holiday premiums.

(a) Overtime, shift, and holiday premiums are allowable only to the extent provided in the contract or approved by the Contracting Officer. The amount of such premiums charged to an AEC contract shall be equitable in relation to the amount of such costs charged to other work currently performed in the contractor's plant and the factors which necessitate this incurrence of the cost. When the necessity for overtime, shift, and holiday work arises from inadequacy of the contractor's plant or department to perform its total workload on a purely straight-time basis, inclusion in overhead for apportionment to all work of the plant or department, as the case may be, appears appropriate. When particular work, AEC or other, is being specially expedited to a point that its fair share of the contractor's purely straight-time efforts on a single-shift basis will not get the particular job completed within the time desired, direct charging of the related premiums appears appropriate.

(b) When premiums for overtime, shift, and holiday work are charged direct to the work concerned, if the operating overhead of the plant or related department is distributed on the basis of direct labor (cost or hours), the premiums should be excluded from the direct labor base for purposes of the overhead distribution. That is, the direct labor base should be, as appropriate, direct labor straight-time costs or direct labor hours actually worked. While the premiums for authorized overtime, shift, and holiday work are acceptable as reimbursable costs, it is generally recognized that direct labor hours worked on an overtime, shift, or holiday basis should participate in indirect costs to the same extent as hours worked on a straight-time basis.

§ 9–15.5010–6 Outside technical and professional consultants.

A contractor's top staff, though having broad and general technical and professional capabilities, may regularly re-

quire outside consultants in the various specialty fields. Such outside consultant services are allowable when approved by the contracting officer. If the contractor's staff is technically and professionally qualified in some specialties but uses instead outside consultants for the AEC work, it may be inequitable to charge the AEC work proratably for the costs of the regular technically and professionally qualified staff.

§ 9–15.5010–7 Preparatory and make-ready costs.

Since indirect costs are usually apportioned to individual jobs wholly or substantially on the basis of the direct labor applied to the particular job, a contract will absorb no overhead by apportionment prior to the inception of the actual performance of direct work on the contract. The effort of the contractor's overhead organization in preparing for one job and in getting it underway will thus be absorbed by jobs previously commenced and still being performed; later the job which in its initial stages of preparation and make-ready was relieved of expenses that were actually applicable to it will partially absorb, through their apportionment as overhead, similar costs equally applicable in fact to other, subsequently undertaken jobs. This procedure is in accordance with generally accepted accounting practices and normally is reasonably equitable in its results. The initial advantages and subsequent disadvantages to the individual contract that result from consistent application of the procedure tend to offset each other and balance out. It is quite appropriate, however, to employ the direct-charge method in connection with overhead costs in preparing for actual performance by segregating such preparatory and make-ready costs and identifying them specifically with the contract to which the effort actually pertains. However, if preparatory and make-ready costs are charged direct to an AEC contract, care must be taken, as performance of the AEC contract work proceeds toward completion, to segregate subsequent indirect expenses similarly applicable to the preparation for and commencement of other jobs and to account for them as direct charges to these other jobs.

§ 9–15.5010–8 Severance pay.

Severance pay is a payment, in addition to regular salaries and wages but exclusive of payments for vested rights under pension plans, by an organization to personnel whose employment is terminated. Severance pay is allowable as a cost only to the extent that it is required by law, employer-employee agreement, or established policy that constitutes in effect an implied agreement on the contractor's part. Severance payments are divided into two categories as follows:

(a) Those due to normal, recurring turnover. The actual costs of such payments shall be regarded as expense applicable to the current fiscal year and equitably apportioned to the contractor's activities during that period. Accruals of such normal severance pay will be acceptable in lieu of actual severance pay if the accruals are reasonable in the light of payments actually made due to normal severance over a representative past period.

(b) Those due to abnormal or mass terminations resulting from abrupt cessation of substantial work and inability of remaining work to afford continuing employment at the same level. The actual costs of such severance payments shall be regarded as expense applicable to the approximate average of the entire periods of employment of the terminated employees and equitably apportioned to the contractor's activities during such average period. (Accruals of such abnormal or mass severance pay are not allowable in view of its conjectural nature.)

It will usually be acceptable to apportion severance payments on the basis of the ratio of total severance payments to a suitable base for the period established pursuant to (a) or (b) above, such as payrolls of all employees, direct salaries and wages, etc. The rate so determined shall be applied to the corresponding element of cost on the individual contracts. The rate should be determined on the basis of the operations of individual activities or other organizational units, such as departments, where such separate computations effect more accurate and equitable results. Severance pay should ordinarily not be considered as directly applicable to any particular contract or contracts. The foregoing applies to cost-type supply and research contracts with commercial organizations. The subject of severance pay with reference to educational institutions is discussed in § 1–15.307–3(gg) and with reference to operating contractors is discussed in Chapter 4221–03 of the AEC Manual.

§ 9–15.5010–9 Precontract costs.

Precontract costs are those incurred prior to the effective date of the contract directly pursuant to the negotiation and in anticipation of the award of the contract where such incurrence is necessary to comply with the proposed contract delivery schedule. Such costs are allowable to the extent that they would have been allowable if incurred after the date of the contract. They do not include costs of preparing bids or of participation in the negotiation. The allowability of precontract costs is dependent upon appropriate coverage in the contract.

§ 9–15.5010–10 Plant reconversion costs.

Plant reconversion costs are those incurred in the restoration or rehabilitation of the contractor's facilities to approximately the same condition existing immediately prior to the commencement of the contract work, fair wear and tear excepted.

§ 9–15.5010–11 Depreciation.

(a) Depreciation is allowable subject to the following:

(1) The charge represents normal depreciation on a contractor's plant, and equipment.

(2) The charge to current operations is a distribution of the cost of acquisition of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner.

(3) Any generally accepted accounting method consistently applied to the assets concerned having the approval of the Internal Revenue Service for Federal income tax purposes, if subject to the Internal Revenue Code of 1954, may be used including:

(i) The straight-line method;

(ii) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in (i) above;

(iii) The sum of the years-digits method;

(iv) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the use of the property and including the current year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in (ii) above.

(4) If a non-profit or tax exempt organization, the method shall be such that it could have had the approval of the Internal Revenue Service had the organization been subject to the Internal Revenue Code of 1954.

(5) The contractor must use the same approved method of depreciation for costing his contract work as for costing his other work at the same facility.

(6) The method of depreciation shall produce equitable and reasonable results.

(b) Depreciation of the following is unallowable:

(1) Idle or excess facilities (machinery and equipment) other than reasonable standby facilities;

(2) Assets fully amortized or depreciated on the contractor's books;

(3) Unrealized appreciation of values of assets;

(4) Accelerated amortization under Certificates of Necessity or other system in excess of normal depreciation as computed under a. above.

(c) In entering into contracts involving the use of "special facilities" under Section 161 of the Atomic Energy Act of 1954 as amended (section 7 of Public Law 85–681 approved August 19, 1958), the percentage of the total cost of such special facilities devoted to contract performance and chargeable to the Commission should not exceed the ratio between the period of contract deliveries and the anticipated useful life of such facilities.

§ 9–15.5011–12 Research and development.

AEC does not accept a general allocation of independent research and development costs. Such costs are considered unallowable except to the extent specifically set forth in the contract. Research and development costs may be made allowable only to the extent to which they provide a direct or indirect benefit to the contract work.

These regulations are effective September 15, 1960.

Dated at Germantown, Maryland, this 2d day of September 1960.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60–8462; Filed, Sept. 14, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13447; FCC 60–1044]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Ship-Shore Radiotelephone Communication in the Great Lakes Area; Report and Order

1. On March 28, 1960, the Commission released a Notice of Proposed Rule Making in the above-entitled matter. The Notice was published in the FEDERAL REGISTER on March 31, 1960 (25 F.R. 2735) and the time for filing comments expired on May 2, 1960. The proposed rules provide for additional uses of frequencies 2003 kc, 156.6 Mc, and 156.7 Mc in the Great Lakes area.

2. Comments were filed by Lake Carriers' Association (LCA), American Merchant Marine Institute, Inc. (AMMI), the Lorain County Radio Corporation (Lorain), the United States Coast Guard and the Saint Lawrence Seaway Development Corporation. The comments of Lorain, the Coast Guard and the Saint Lawrence Seaway Development Corporation were filed after the closing date for receipt of comments. However, since the public interest will be served and no party will be prejudiced by the consideration of these late-filed comments, the closing date for the receipt of comments is hereby extended to permit the consideration of such comments in this proceeding.

3. Under the present rules, the frequency 2003 kc is allocated for intership communication on the Great Lakes, and is the intership frequency with which all vessels subject to the Great Lakes Agreement must be equipped. The additional use for which this frequency would be available under the proposal (i.e. ship-to-government coast station concerning passage of vessels on the St. Lawrence Seaway and on the St. Mary's River) would terminate January 1, 1961. This aspect of the Commission's proposal drew several comments which are summarized below.

4. LCA, Lorain and AMMI indicated that a later termination date (January 1962 or until the opening of the navigation season for that year) for use of 2003 kc for ship-to-shore communication would be necessary because of problems involving financing, availability and installation of VHF equipment. The St. Lawrence Seaway Development Corporation and Coast Guard both stated that such use should be continued beyond January 1, 1961. The AMMI suggested that Canada and the United States jointly review the overall radio requirements for distress and navigational purposes in the Great Lakes-St. Lawrence Seaway area. Particularly, it was suggested that the legal status of the VHF equipment requirement be clarified and that equipment and watch standing requirements for the area be studied with a view to keeping these to a minimum. In consideration of the comments indicating a continued need for ship-shore communications in the medium frequency radiotelephone band, the proposed termination date of January 1, 1961, has been deleted, thereby permitting the use of 2003 kc indefinitely by ship stations for communication with government coast stations concerning passage of vessels on the St. Lawrence Seaway and on the St. Mary's River.

5. With respect to the uses proposed for 156.7 Mc and 156.6 Mc, Lorain and LCA gave support to the Commission's proposals. However, these two organizations stated that 156.7 Mc had, by usage, become the VHF intership frequency for privately owned yachts and small craft in the Great Lakes area, and, according to Lorain, there is likelihood of interference between the use made of 156.7 Mc by such vessels and the use of 156.7 Mc by vessels and the locks and waterways. In this connection, Lorain and LCA suggested that frequency 156.95 Mc (which has been requested for non-commercial vessels in a petition filed by the U.S. Power Squadron) be made available for such non-commercial vessels.

6. The Commission notes the recommendations and comments of Lorain and LCA with respect to making 156.95 Mc available for communications between non-commercial vessels. However, it is believed that 156.7 Mc should be made available for the proposed use at this time, and the matter of the availability of 156.95 Mc for use as requested by the U.S. Power Squadron will be given consideration when the Commission takes action on that petition.

7. In view of the foregoing, the rules are amended as proposed, except that in the proposed amendment to § 8.358(b) the words "until January 1, 1961" have been stricken.

8. *It is ordered*, That pursuant to the authority contained in section 303(c), (f) and (r) of the Communications Act of 1934, as amended, Part 8 of the Commission's rules is hereby amended as set forth below. The effective date of the rule amendments herein ordered shall be October 17, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: September 7, 1960.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 8 is amended as follows:

1. In § 8.358 a new paragraph (b) is added to read as follows:

§ 8.358 Frequencies below 3000 kc for safety purposes.

• • • • • •

(b) The carrier frequency 2003 kc is authorized for use by ship stations for communication with government coast stations concerning passage of vessels through the respective areas as follows:

(1) On the St. Lawrence Seaway on condition that harmful interference will not be caused to any ship-to-ship communications authorized in paragraph (a) of this section.

(2) On the St. Mary's River on condition that harmful interference will not be caused to ship-to-ship safety communication authorized in paragraph (a) of this section.

• • • • • •

2. In § 8.359, the entry for 156.7 Mc in the table in paragraph (a), and paragraphs (b) and (f)(2) are amended to read as follows:

§ 8.359 Frequencies above 156 Mc for safety purposes.

(a) • • •

156.7 Mc:	In areas other than the Great Lakes—primarily for communication with limited coast stations for the exchange of information essential to the maritime radiolocation service; in the Great Lakes area—for intership (ship-to-ship) communication and communication with government coast stations concerning passage of vessels through government controlled locks and government controlled waterways.

• • • • • •

(b) Carrier frequencies 156.7 and 157.0 Mc are assignable to ship stations and marine utility stations on board ship only when such stations are capable of and are authorized to transmit on 156.3 Mc. The requirements of this paragraph shall not apply to marine utility stations when the ship station on board the same vessel complies therewith.

• • • • • •

(f) • • •

(2) In the Great Lakes area only, the frequency 156.7 Mc may be used by stations on board any class of vessel for ship-to-ship safety, operational, and business communications. In addition in this area, this frequency may be used by any class of vessel for communication with government coast stations concerning passage of vessels through government controlled locks and government controlled waterways: *Provided*, That, while vessels are transiting the St. Lawrence Seaway, such communication is limited to government coast stations designated by the United States St. Lawrence Seaway Development Corporation or the St. Lawrence Seaway Authority of Canada: *And further provided*, That for such transit the handling of public correspondence on this frequency is not authorized for ship stations in United States waters.

3. In § 8.360, the entry for 156.6 Mc in the table in paragraph (a), and paragraph (d)(4) are amended to read as follows:

§ 8.360 Frequencies above 156 Mc for business and operational purposes.

(a) • • •

156.6 Mc: All areas;[1] except that on Great Lakes limited to intership and communication with government coast stations concerning passage of vessels through government controlled locks and government controlled waterways.

• • • • • •

(d) • • •

(4) For assignment to ship stations on board any class of vessel for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas and for communication with government coast stations concerning the passage of vessels through government controlled locks and government controlled waterways: *Provided*, That, while vessels are transiting the St. Lawrence Seaway, such communication is limited to government coast stations designated by the United States St. Lawrence Seaway Development Corporation or the St. Lawrence Seaway Authority of Canada: *And further provided*, That, for such transit, the handling of public correspondence on this frequency is not authorized for ship stations in United States waters:

156.6 Mc

[F.R. Doc. 60-8584; Filed, Sept. 14, 1960; 8:49 a.m.]

[Docket No. 13478 (RM-115); FCC 60-1036]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Dispatch Stations and Frequencies in Land Mobile Service; Report and Order

1. On April 21, 1960, the Commission released a Notice of Proposed Rule Making (FCC 60-423) in the above captioned proceeding, looking toward amending Part 21 of the rules to provide for the licensing of dispatch stations to common carriers (not also engaged in the landline telephone business), on the mobile frequency paired with the carrier's assigned base station frequency. This notice was published in the FEDERAL REGISTER on April 27, 1960 (25 F.R. 3680) in accordance with section 4(a) of the Administrative Procedure Act. Interested persons were given until May 27, 1960 (which date was subsequently extended to July 8, 1960), to file comments on the proposed amendments and ten days thereafter were allowed for filing comments or briefs in reply to the original comments.

2. The proposed rule making was issued in response to a petition, filed May 22, 1959, on behalf of Fresno Mobile Radio Service, Inc., Antennavision Service Company, Hanford Mobile Radio Service, Madera Radio Dispatch, Riggs Radio Dispatch, Tadlock's Radio Dispatch, General Communications Service, Nor-Cal Tele-Radio System, Radio Communications Service, United Radio Communications, and Caprock Radio Dispatch, all of whom are authorized to provide mobile radio communication service for hire. National Mobile Radio System, the national trade association of miscellaneous common carriers providing mobile radio communication service to the public, concurred in, and supported, the petition for rule making. The above named carriers proposed (1) to permit the use of the mobile frequency assigned to the Domestic Public Land Mobile Radio Service licensee, for remote direct dispatching; (2) to relax the notification requirements of § 21.611 of the rules relating to temporary fixed installations; and (3) to permit the use of such mobile frequency for control stations which would serve communities remote from the principal service area, such communities being unable to support their own common carrier mobile radio service. Proposals (2) and (3) mentioned above were disposed of in the Notice of Proposed Rule Making and, since we see no reason to reconsider these matters, proposals (2) and (3) will not be further considered herein.

3. The time for filing comments regarding the instant Notice of Proposed Rule Making has expired. The Commission received a timely joint comment and supplemental comment (hereinafter collectively referred to as the joint and supplemental comment) of Fresno Mobile Radio Service, Inc., Antennavision Service Company, Hanford Mobile Radio Service, Madera Radio Dispatch, Riggs Radio Dispatch, Tadlock's Radio Dispatch, General Communications Service, Nor-Cal Tele-Radio System, Radio Communications Service, United Radio Communications and Caprock Radio Dispatch. The National Mobile Radio System concurs in and supports these comments. Timely comments were also filed on behalf of Harold Chew Communication Service Company, Connecticut Radio Foundation, Inc., Grant's Volunteer Fire Department, Fresno Electronics, Rolfe Armored Truck Service, Inc. and Forester Telephone Answering Service. Late filed comments were submitted by Frank Chalfont and, good cause having been shown for such late filing, such comments, and all timely filed comments, have been considered in the disposition hereof. No comments or briefs in reply to the original comments were received, and no one requested a public hearing in this matter. No comments were received from any regular wire line carrier.

4. All comments, except those pertaining to proposed new rule § 21.519(a), generally support the proposed amendments. The objections to proposed new rule § 21.519(a) and other suggested minor changes are discussed below.

5. After this proposed Rule Making was released, the American Telephone and Telegraph Company anounced, on behalf of the Bell System companies, a policy on interconnection of their communication facilities with communication facilities of non-wireline communication common carriers. The joint and supplemental comment points out that both interconnection and the radio dispatch stations proposed in this Rule Making are required to enable the miscellaneous common carrier to provide a full and complete radio service, and that interconnection and radio dispatch facilities each provide a distinct function which cannot be replaced by the other. Mr. Chalfont comments that the change in interconnection policy applies only to the associated Bell System companies and not to the non-Bell System wire line carriers in whose territory he and many other miscellaneous common carrier licensees operate. It is not clear, at this time, how, and to what extent, the policy statement on behalf of the Bell System companies will be implemented. Accordingly, we are adopting the conclusion urged in the joint and supplemental comment, and in the comment of Mr. Chalfont, namely, that the change in Bell System interconnection policy does not alter the necessity for considering the Rule Making as originally proposed.

6. All persons commenting have objected to the proposed new rule § 21.519 (a) which, provides that no dispatch station may be authorized within "the local message rate area" of the telephone company serving the control point of the base station with which the dispatch station is associated. The comments point out that the seemingly uniform criterion of eligibility involves a proposed standard which varies from locality to locality and offers inadequate relief from costly landline charges to miscellaneous common carrier subscribers who need direct dispatch facilities; thus, the proposed standard is not uniform and it would work discrimination in its application; the proposed standard, geared to the "local message rate area", is one which the Commission would have no control over; the proposed standard appears to constitute an unreasonable restraint of trade; and the proposed rule does not adequately relieve the very need that necessitated filing of the instant Petition for Proposed Rule Making to permit the miscellaneous common carrier to serve customer demands and to meet competition from private radio services by affording the miscellaneous common carrier customer the right to talk directly to a mobile unit via radio from a fixed point, which will, in many, if not most cases, be a business office located in "the local message rate area". Thus, the comments argue, the proposed rule § 21.519(a) would defeat the very purpose which the miscellaneous common carrier licensees seek in the proposed rule making. For these reasons the comments suggest that paragraph (a) of the proposed § 21.519 be deleted and that paragraphs (b) and (c) be redesignated (a) and (b), respectively. This, it is represented, would result in the customer having a choice between using available wirelines or radio for his direct dispatch circuit. Thus, his choice would be based strictly on the comparative cost of the two type of facilities. The comments further suggest that, should a standard of eligibility for radio dispatching facilities be desirable, eligibility be limited to those cases in which the service charge of the telephone company for the wire connection and equipment would exceed ten dollars per month. We find merit in the proposal to delete paragraph (a) of § 21.519 and redesignate paragraphs (b) and (c) as (a) and (b), respectively, and we will provide accordingly.

7. The joint comments suggest adoption of a new rule § 21.520 which would permit dispatch stations to be installed temporarily at any location for a period up to six months, under regulations similar to those governing the use of rural subscriber stations at temporary fixed locations. Thus, the joint comments suggest that a radio dispatch service could be provided where temporary offices are set up by companies engaged in construction or agricultural activities. The need for radio dispatch facilities at the temporary offices of construction and agriculture enterprises is a service which the licensees can frequently now provide in the Rural Radio Service under the provisions of §§ 21.610 and 21.611 because such activities transpire usually in rural or other undeveloped areas where landline facilities are lacking. In cases not qualifying for authorization under the latter rules, adequate relief may be obtained in urgent cases by filing appropriate requests for special temporary authorizations. Accordingly, the request that provision be made for operation of dispatch stations at temporary locations is not adopted.

8. Section 21.108 of the rules requires that, except for specific classes of stations mentioned therein, stations engaged in communication with a specified fixed point must employ directional antennas beamed at the point of communication. Such rule provisions were adopted in order to make the most effective use of available frequencies over a given geographical area. Because of the additional cost involved, the comments in this proceeding requested the Commission to delete such rule requirements (for use of directional antennas) so as to permit the use of omnidirectional antennas by dispatch stations. In such comments, it was stated that "Under certain conditions, furthermore, the directional antenna of the dispatch station would increase, not decrease, the interference potential of the dispatch station by overriding the mobile signal". In their further pleading on this point, it is suggested that if harmful interference were to develop due to use of an omnidirectional dispatch station antenna, the Commission could control the problem by requiring that, if the interference were not eliminated within 90 days of the time the matter is first brought to the licensee's attention by the Commission, operation of the interfering station would have to be terminated. On the first point, there are presently areas of the country where an insufficiency of frequencies required for domestic public radio communication prohibits authorizing additional radio systems to meet public service requirements. In such congested areas, every effort must be made, through use of directional antennas, to confine unwanted radiation to the communication paths required. Unless this can be accomplished, interference to other radio systems is inevitable. In areas which are not yet as congested, the failure to restrict radiation to that actually required would diminish the number of cochannel radio systems which could ultimately be accommodated on any given radio channel within a given geographic area. The net result, in either event, if directional antenna requirements are not adhered to for point-to-point radio circuits, would be geographically wasteful use of radio frequencies. In view thereof, we believe directional antennas should be employed by dispatch stations, the antenna cost being of less importance in this case than the countervailing public interest considerations. On the second point, while we recognize that the use of directional antennas results in a concentration of power which may tend to make a dispatch station transmission over-ride the transmission of mobile units in the path of high signal intensity, we have attempted to limit that possibility by restricting the maximum effective radiated power of dispatch stations to 100 watts (cf. rule Section 21.506). If this proves to be inadequate, consideration must be given to further power curtailment through further rule-making in the future. Further, on the second point, we feel that it is impracticable to promulgate rules and regulations designed to deal with the exceptional case rather than the usual case. Typically, the exceptional cases must be individually considered on a case by case basis. Under such circumstances, where study of a dispatch station application appears to involve harmful interference, consideration will be given to use of omnidirectional antennas if it can be established that this is the only or best solution. Also, we are of the opinion that permitting harmful interference from a dispatch station to continue for periods in the order of 90 days would not be in the public interest because of the economic and other injury which would result to the affected common carriers and their subscribers who are entitled to interference-free service. Moreover, such arrangements would lead to substantial administrative difficulties for the Commission in attempting to resolve interference complaints. Accordingly, these suggestions are not adopted.

9. The joint comments request that proposed § 21.515(a) be clarified to make clear that prior Commission authority is not required to remove a dispatch station, but only that the base station licensee must request modification of the base station authorization within a reasonable time to delete that particular point of communication. This suggestion is being adopted by revision of § 21.515(a).

10. It appearing that the record herein supports the desirability of adopting the amendments set forth below;

11. *It is ordered*, That under the authority contained in sections 4(i) and 303 of Communications Act of 1934, as amended, the Commission's rules and regulations are amended as set forth below, effective October 17, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Adopted: September 7, 1960.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In Part 21—Domestic Public Radio Services (Other than Maritime Mobile):

1. Section 21.1 is amended by adding a definition of "Dispatch station" as follows:

§ 21.1 Definitions.

• • • • • •

Dispatch station. A fixed station, operated by a subscriber, or a group of subscribers, which communicates, under the supervision and control of the base station licensee, through the base station, with the individual subscriber's own mobile station or stations.

2. Section 21.110 is amended by modifying paragraph (a) to read as follows:

§ 21.110 Antenna polarization.

(a) Stations operating in the 72–76 Mc band, and each base, mobile, dispatch, and auxiliary test station operating in the Domestic Public Land Mobile Radio Service shall employ an antenna which radiates a signal the electrical component of which is vertically polarized.

• • • • • •

§ 21.501 [Amendment]

3. Section 21.501 is amended by changing the heading of the second column of the table of frequencies in paragraph (c) from *Mobile and auxiliary test station frequencies (Mc)* to *Mobile, dispatch, and auxiliary test station frequencies (Mc)*.

4. Section 21.506 is amended to read as follows:

§ 21.506 Power limitations.

Stations in this service shall not be permitted to exceed 500 watts effective radiated power and shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.107(b): *Provided, however*, That the effective radiated power of dispatch stations shall not be permitted to exceed 100 watts. A base station standby transmitter having a rated power output in excess of that of the main transmitter of the base station with which it is associated will not be authorized.

5. Section 21.509 is amended by adding new paragraph (k) to read as follows:

§ 21.509 Permissible communications.

• • • • • •

(k) A subscriber's dispatch station in this service is authorized to intercommunicate only with the mobile stations of said subscriber through the base station with which it is associated. Where more than one subscriber jointly operate a dispatch station, each subscriber shall communicate only with his own mobile stations.

6. Section 21.515 is amended by modifying paragraphs (a), (b) and (c)(1) to read as follows:

§ 21.515 Control points, dispatch points and dispatch stations.[1a]

(a) Dispatch stations may be installed only with specific authorization from the Commission. Dispatch points may be installed or removed without authorization. Dispatch point circuit facilities shall be installed in conformance with

the requirements of paragraph (c) (2) of this section. Upon removal of a dispatch station the licensee must within 30 days thereafter submit to the Commission in Washington, D.C., the dispatch station license for cancellation together with an application on FCC Form 403 to delete such point of communication from the license of the base station with which the dispatch station is associated.

(b) To insure the maintenance of station control, means shall be provided whereby each dispatch station and each dispatch point is maintained under continuous effective operational supervision of one or more control points.

(c) At each control point for a base station or fixed station in this service, the following facilities will be installed:

(1) Equipment to permit the responsible radio operator to monitor aurally, at such intervals as may be necessary to insure proper operation of the integrated communication system, all transmissions originating at dispatch points under his supervision and at stations with which the base station communicates.

• • • • • •

7. Section 21.519, a new section, is added as follows:

§ 21.519 Use of mobile station frequency for dispatch stations.

Upon proper application, on FCC Form 401, to the Commission for a construction permit to install a dispatch station, a base station applicant or licensee may be authorized, on an individual basis, to install, for a mobile station subscriber or a group of mobile station subscribers, a dispatch station using the mobile station frequency paired with the base station frequency.

(a) Authorization for the rendition of service to a dispatch station may be granted upon a satisfactory showing that such service will not degrade the mobile communication service rendered by the base station. Such showing, and the request for modification of the related base station license, may be incorporated in the application for construction permit for the dispatch station with which communication is to be effected.

(b) Authorization for the operation of a dispatch station will be on the express condition that such station will not cause harmful interference to the mobile or rural radio services and will not inhibit use by these services of the frequencies assigned to the dispatch station.

[F.R. Doc. 60-8585; Filed, Sept. 14, 1960; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Noxubee National Wildlife Refuge, Mississippi is permissible only under the following conditions:

(a) Species permitted to be taken: squirrel, rabbit, bobcat, fox, crow, feral cats.

(b) Open season: daylight hours October 1, 1960 through October 15, 1960.

(c) Daily bag limits: squirrel—5; other species—none.

(d) Methods of hunting:

(1) Weapons: any type of gun. Shotguns incapable of holding more than 3 shells only may be used.

(2) Dogs: no dogs will be allowed.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 43,391 acres and 97% of the total refuge and which is described as follows:

All lands of the Noxubee National Wildlife Refuge except closed area as posted around perimeter of Bluff Lake.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are obtainable from the Refuge Manager, Noxubee National Wildlife Refuge, Brooksville, Mississippi, starting September 20, 1960.

(3) The provisions of this special regulation are effective September 15, 1960 through October 15, 1960.

WALTER G. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8569; Filed, Sept. 14, 1960; 8:47 a.m.]

PART 32—HUNTING

Reelfoot National Wildlife Refuge, Tennessee

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Reelfoot National Wildlife Refuge, Tennessee is permissible only under the following conditions:

(a) Species permitted to be taken: squirrel, crow and woodchuck.

(b) Open season: daylight hours only September 19, 1960 through September 24, 1960 and October 3, 1960 through October 8, 1960.

(c) Daily bag limits: squirrel—6; crow—none; woodchucks—none.

(d) Methods of hunting:

(1) Weapons: rifles, or shotguns incapable of holding more than three shells may be used.

(2) Dogs: no dogs permitted.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 9,092 acres and 92% of the total refuge which is described as follows:

The entire refuge lying within the State of Tennessee.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee, starting September 15, 1960.

(3) The provisions of this special regulation are effective September 15, 1960 through October 8, 1960.

WALTER G. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8571; Filed, Sept. 14, 1960; 8:47 a.m.]

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Hunting of big game on the Noxubee National Wildlife Refuge, Mississippi, is permissible only under the following conditions:

(a) Species permitted to be taken: deer.

(b) Open season: daylight hours November 21, 1960 through November 26, 1960 and November 28, 1960 through December 1, 1960.

(c) Total bag limit: two (2) buck deer with antlers over 4 inches long.

(d) Methods of hunting:

(1) Weapons: any type gun may be used.

(2) Dogs: no dogs will be allowed.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 43,391 acres and 97% of the total refuge and which is described as follows:

All lands of the Noxubee National Wildlife Refuge except closed area as posted around perimeter of Bluff Lake.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are obtainable from the Refuge Manager, Noxubee National Wildlife Refuge, Brooksville, Mississippi, starting November 10, 1960.

(3) The provisions of this special regulation are effective September 15, 1960 through December 1, 1960.

WALTER C. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8570; Filed, Sept. 14, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

Additional Standards; Poliomyelitis Vaccine

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262), providing for several amendments to the Additional Standards for Poliomyelitis Vaccine, principally to prescribe changes in safety and potency test procedures and to increase potency values.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after their publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Amend § 73.101(e)(2) by revising the last sentence to read as follows: "For both single strain and trivalent pools, the volume tested for each tissue culture safety test shall be equivalent to at least 1,500 human doses."

2. Amend § 73.102(b)(2) by revising the first sentence to read as follows:

(2) No smaller volume of each sample than is equivalent to 1,500 human doses shall be subjected to the complete testing process and each test shall be performed on a different monkey kidney tissue culture cell preparation. • • •

3. Amend § 73.102(c) by substituting the words "human doses" for the word "milliliters". As thus amended paragraph (c) would read as follows:

(c) *Trivalent vaccine pool tissue culture test.* No less than 1,500 human doses of the trivalent vaccine pool, without final preservative, prepared by pooling the three type pools, each of which has passed all tests described in paragraph (b) of this section, shall be subjected to the complete tissue culture test prescribed in such paragraph (b) in at least two approximately equal tests in separate monkey kidney tissue culture preparations.

4. Amend § 73.102(e)(1) by substituting "400" for "100". As thus amended paragraph (e)(1) would read as follows:

(e) *Final vaccine test for active virus in monkeys.* (1) Vaccine from a sufficient number of final containers selected at random from each filling of each lot shall be pooled to provide a test sample of at least 400 milliliters representing the filling.

5. Amend § 73.102(e)(2) by inserting the following sentence immediately preceding the last sentence: "In addition, at least 80 percent of the animals used in the test and surviving must show microscopic evidence of inoculation trauma in the lumbar region of the spinal cord, and at least 80 percent of the animals used in the test and surviving must show gross pathological evidence of inoculation in the thalamic area." As thus amended § 73.102(e)(2) would read as follows:

(2) Where the number of fillings in a lot is four or more, a test sample from each filling shall be inoculated into a group of five or more monkeys. Where the number of fillings in a lot is less than four, test samples from the several fillings shall be inoculated into a total of not less than twenty monkeys. A preinjection serum sample must contain no neutralizing antibody against the three poliomyelitis virus types in a dilution of 1:4 when tested against not more than 1,000 $TCID_{50}$ doses of virus. At least 80 percent of the test animals representing each filling must survive the test period without significant weight loss, except that if at least 60 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48-hour period may be replaced by an equal number of test animals. In addition, at least 80 percent of the animals used in the test and surviving must show microscopic evidence of inoculation trauma in the lumbar region of the spinal cord, and at least 80 percent of the animals used in the test and surviving must show gross pathological evidence of inoculation in the thalamic area. If less than 60 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals representing each filling fail to meet the other criteria prescribed in this subparagraph, the test must be repeated.

7. Amend § 73.102(e)(3) by revising the present third sentence to read as follows: "The intraspinal injection consists of 0.5 milliliter of concentrated vaccine into the lumbar spinal cord enlargement, the vaccine to be concentrated 100 fold in the ultracentrifuge by a method demonstrated to recover at least 90 percent of the virus particles in the sediment after it has been resuspended in the same lot of unconcentrated vaccine." As so amended § 73.102(e)(3) would read as follows:

(3) Vaccine is injected by combined intracerebral, intraspinal, and intramuscular routes into rhesus or cynomolgus monkeys in overt good health, under deep barbiturate anesthesia. The intracerebral injection consists of 0.5 milliliter into the thalamic region of each hemisphere. The intraspinal injection consists of 0.5 milliliter of concentrated vaccine into the lumbar spinal cord enlargement, the vaccine to be concentrated 100 fold in the ultracentrifuge by a method demonstrated to recover at least 90 percent of the virus particles in the sediment after it has been resuspended in the same lot of unconcentrated vaccine. The intramuscular injection consists of 1.0 milliliter into the right leg muscles. At the same time, an injection of 200 milligrams of cortisone acetate is given into the left leg muscles, and 1.0 milliliter of procaine penicillin (300,000 units) into the right arm muscles. The monkeys shall be observed for 17 to 19 days and symptoms suggestive of poliomyelitis shall be recorded.

8. Amend § 73.102(e)(4) by revising the first sentence to read as follows: "(4) At the end of the observation period, samples of cerebral cortex, cervical and lumbar spinal cord enlargements are taken for virus recovery and identification." As thus amended § 73.102(e)(4) would read as follows:

(4) At the end of the observation period, samples of cerebral cortex, cervical and lumbar spinal cord enlargements are taken for virus recovery and identification. Histological sections are prepared from both spinal cord enlargements and examined.

9. Amend § 73.102(e) by inserting a new subparagraph (6), to read as follows:

(6) The test prescribed in this paragraph may be performed with a sample of bulk vaccine instead of with vaccine from final containers: *Provided*, That (i) the sample is at least 400 milliliters of vaccine which includes at least 10 milliliters drawn from each bulk container of material included in the lot, and (ii) both the drawing of the test sample from bulk containers and the subsequent processing and filling are performed in an area free from contamination with poliovirus.

10. Amend the undesignated paragraph of § 73.103 by inserting "serum" immediately preceding "antibody" and by changing "serums" to "serum" in the second sentence, by deleting that part of the third sentence preceding "including" and inserting in lieu thereof "The potency test shall be performed in samples taken after all final processing of the product has been completed,", by deleting the word "and" in the last sentence, and by inserting after the word "preservative" the words "except that when the final product contains material having an adjuvant effect an additional test shall be performed with a sample taken before the addition of the adjuvant material. The volume of the test sample for the additional test shall be adjusted to the volume of the final product. The test". As thus amended the undesignated paragraph in § 73.103 would read as follows:

Each lot of vaccine shall be subject to a potency test which permits an estimation of the antigenic capacity of the vaccine. This is done by means of a simultaneous comparison of the serum antibody levels produced in monkeys by the vaccine under test with the antibody levels of reference serum distributed by the National Institutes of Health. The potency test shall be performed on samples taken after all final processing of the product has been completed, including addition of preservative, except that when the final product contains material having an adjuvant effect an additional test shall be performed with a sample taken before the addition of the adjuvant material. The volume of the test sample for the additional test shall be adjusted to the volume of the final product. The test shall be conducted as follows:

11. Amend § 73.103(a) by deleting the sentence preceding the last sentence and substituting therefor the following sentence: "The test vaccine shall be given at seven day intervals, intramuscularly to each monkey, in 3 doses of 1.0 milliliter for vaccine of a 1.0 milliliter human injection, and 3 doses of 0.5 milliliter for vaccine of a 0.5 milliliter human injection." As thus amended § 73.103(a) would read as follows:

(a) *Inoculation of monkeys.* A group of 12 or more rhesus or cynomolgus monkeys shall be used. Animals shall weigh between 4 and 8 pounds and shall be in overt good health. Animals that become ill and then remain ill during the course of immunization shall be excluded from the group. The test shall not be valid unless at least 8 survive the test period. The test vaccine shall be given at seven day intervals, intramuscularly to each monkey, in three doses of 1.0 milliliter for vaccine of a 1.0 milliliter human injection, and 3 doses of 0.5 milliliter for vaccine of a 0.5 milliliter human injection. Only undiluted vaccine shall be used.

12. Amend § 73.103(c) by deleting the first sentence and substituting therefor a new first sentence. As thus amended § 73.103(c) would read as follows:

(c) *Potency requirements.* A lot of vaccine tested against National Institutes of Health reference serum of the IIA series shall be satisfactory if the geometric mean value of the group of individual monkey serums representing the lot of vaccine tested is at least 1.29 times the geometric mean value of the reference Serum for type 1, at least 1.13 times for type 2, and at least 0.72 times for type 3. In applying the foregoing requirements, a variation of 66⅔ percent is acceptable.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: August 31, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: September 9, 1960.

EDWARD FOSS WILSON,
Acting Secretary.

[F.R. Doc. 60-8579; Filed, Sept. 14, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

[Docket No. AO 198-A4]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendments to Marketing Agreement and Order, as Amended

Correction

In F.R. Doc. 60-8311, appearing at page 8656 of the issue for Thursday, September 8, 1960, the following corrections are made:

1. The following material was inadvertently omitted: On page 8659, column 2, two final sentences should be added to the last paragraph reading as follows: "However, since certain blending of raisins is to be permitted, it would be appropriate to require a prior inspection of raisins that are to be blended so as to determine with certainty (a) whether the raisins are standard raisins or offgrade raisins, and, if off-grade raisins (b) the defects in excess of permitted tolerances. In this way, both handlers who blend raisins and the committee would be assured that such blending of raisins is in accordance with the program requirements."

2. On page 8662, column 3, the following sentence should be substituted for the last sentence in the first complete paragraph: "In the circumstances, there is no intent to supersede the authority or activities of the State with respect to marketing research and development projects and there appears to be no inconsistency in there being concurrent Federal and State authority for such projects."

3. On page 8679, column 2, in (d)(1)(v), the sentence beginning with "Except as otherwise provided in this section" should read: "Except as otherwise provided in this section, prior to blending raisins, acquiring raisins, storing raisins, reconditioning raisins, or acquiring raisins which have been reconditioned, each handler shall obtain an inspection certification showing whether or not the raisins meet the applicable grade and condition standards:"

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-KC-68]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 100 extends from South Bend, Ind., to Battle Creek, Mich. The Federal Aviation Agency is considering revocation of this airway. The Federal Aviation Agency IFR peakday airway traffic survey for the period July 1, 1959, through June 30, 1960, shows no aircraft movements between any two reporting points on Red 100. Therefore, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 100. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this airway. Any proposal to discontinue one or more of these aids would be processed in accordance with current agency procedures.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 8, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8555; Filed, Sept. 14, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-KC-65]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.219, 601.219 and 601.4219 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 19 extends in part from Traverse City, Mich., to Flint, Mich. The Federal Aviation Agency is considering revoking this segment of Red 19. It is the policy of this agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Traverse City to Flint is adequately served by VOR Federal airway No. 133. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of five aircraft movements between any two reporting points on this segment of Red 19. Therefore, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Red 19 from Traverse City to Flint. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this segment of Red 19. Any proposal to discontinue one or more of these aids would be processed in accordance with current agency procedures.

Concurrently with this action, the Saginaw, Mich., nondirectional radio beacon would be revoked as a designated reporting point on Red 19, and the caption to § 601.4219 relating to designated reporting points would be amended to conform to the modified airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 8, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-8556; Filed, Sept. 14, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13767 (RM-190 and RM-193); FCC 60-1064]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Alturas, Redding and Susanville, Calif.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration a petition filed on July 6, 1960 (RM-190), by California-Oregon Television, Inc., licensee of Television Station KIEM-TV, Eureka, California, looking toward amendment of § 3.606, Table of Assignments, Television Broadcast Stations as follows:

City	Channel No.	
	Present	Proposed
Alturas, Calif.	9	−13
Redding, Calif.	7	7, 9

Petitioner further requests that the following offset carrier requirements on Channel 13 be changed:

Eureka, Calif., from 13− to 13 even.
Twin Falls, Idaho, from 13− to 13+.
Eugene, Oreg., from 13 even to 13+.
La Grande, Oreg., from 13+ to 13 even.

3. The Commission also has before it the conflicting petition filed on August 16, 1960 (RM-193) by James E. McKahan, licensee of Radio Station KSUE at Susanville, Calif., and Shasta Telecasting Corporation, licensee of Station KVIP-TV at Redding, Calif., looking toward an amendment of the Table as follows: [1]

City	Channel No.	
	Present	Proposed
Alturas, Calif.	9	+13
Susanville, Calif.	----------	9

4. In support of its proposal California-Oregon urges that it would make possible a second competitive TV service in the City of Redding and its environs; that this area is a fast growing population and industrial center; that a second station here would provide the public with many local, cultural, and national network programs not now available; and that the proposal conforms to all the Rules and allocation objectives of the Sixth Report. In support of its proposal McKahan and Shasta urge that it would permit the establishment of a first local television station in Susanville; that this community, although small, has great promise of growth and development; that the area is without direct TV service; and that it conforms to the rules and priority objectives of the Commission.

5. The Commission is of the view that a rule making proceeding should be instituted in order that all interested parties may submit their views as to which, if either, of these alternate proposals should be adopted. McKahan and Shasta propose that Channel 13+ be assigned to Alturas to replace Channel 9 without any other changes in offset operation. It suggests, however, that the Stockton channel could be changed to 13 even at the time a station is constructed in Alturas. In the event this proposal is adopted it may be desirable to make the change in offset operation of Stockton at the same time. This would require Station KOVR at Stockton to change its operation from Channel 13+ to 13 even.

6. Station KVAL-TV operates at Eugene, Oregon on Channel 13 even. The Redding proposal herein would require this station to operate on Channel 13+.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 14, 1960, and reply comments on or before October 28, 1960. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

[1] Petitioner suggests a change in the offset operation of Station KOVR at Stockton. See paragraph 5.

Adopted: September 8, 1960.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8581; Filed, Sept. 14, 1960; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 13766 (RM-101); FCC 60-1063]

FM AND TV BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received a Petition from Electronics Industries Association (EIA), dated March 10, 1959 (RM-101), requesting certain changes in the rules governing television broadcast stations as follows:

(a) The present wording of § 3.687(a)(2) concerning frequency response in the vicinity of the color pass band is ambiguous. EIA suggests a change in the language to remove this ambiguity.

(b) EIA proposes a second change which would permit TV broadcast stations to determine the operating power of the aural transmitter by direct measurement.

3. These, and certain related changes in both the TV and FM rules, are being considered by the Commission and this Notice is issued in order to obtain comments from the industry and other interested parties relative to the merits of these changes.

4. The proposed amendment relating to color transmission standards merely serves to clarify the specifications for the frequency response in the vicinity of the color pass band.

5. The proposed amendments relating to the operating power of FM broadcast and TV aural transmitters would permit stations to determine operating power either by measuring the power delivered to a dummy load connected to the transmitter output terminals (direct method) or by employing the presently prescribed indirect method. Further, it is proposed to require that the power monitoring meter in the transmission line shall be calibrated at intervals not exceeding 6 months.

6. It is proposed to relax the requirements relating to operation with reduced power to the extent that the Commission need only be notified if the required minimum operating schedule cannot be maintained with authorized power or if the period of reduced power operation is greater than 10 days.

7. One additional amendment proposed herein would modify the wording in § 3.689(a)(1) which specifies the transmitter modulation to be employed when determining the operating power of the visual transmitter. The modification would abolish reference to the "standard black television picture" and would substitute language which specifies the form and amplitude of the modulating signal.

8. Interested persons are invited to comment with respect to the desirability of these changes, the relative accuracy of the two methods of determining power, the need, if any, for checking the VSWR when power readings are taken, the effect on the accuracy of the power indication of changes in the VSWR which might go undetected, the desirability of periodically recalibrating the power output meter or redetermining the efficiency factor, and any other pertinent matters. Comments are also invited relative to the other proposed changes.

9. To assist those persons wishing to comment, proposed language for the amendments contemplated herein is shown in the attached Appendix.

10. Authority for the adoption of the proposed amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before October 14, 1960, and reply comments on or before October 24, 1960. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

12. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 8, 1960.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Amend the last sentence in § 3.687(a)(2) to read: "In addition, between the modulating frequencies of 2.1 and 4.18 Mc, the amplitude of the signal shall not vary more than ±2 db from its value at 3.58 Mc."

2. Amend § 3.689 to read as follows:

§ 3.689 Operating power.

(a) *Determination*—(1) *Visual transmitter.* The operating power of the visual transmitter shall be determined at the output terminals of the transmitter, which includes any vestigial sideband and harmonic filters which may be used during normal operation. For this determination the average power output shall be measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. During this measurement the transmitter shall be modulated only by a standard synchronizing signal with blanking level set at 75 percent of peak amplitude as observed in an output monitor, and with this blanking level amplitude maintained throughout the time interval between synchronizing pulses. If electrical indicating instruments are used to determine the power output, such instrument shall conform to the accuracy specified in § 3.688 for other indicating instruments. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. The peak power output shall be the power so measured in the dummy load multiplied by the factor 1.68. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(2) *Aural transmitter.* (i) The operating power of the aural transmitter shall be determined by either the direct or indirect method.

(ii) Using the direct method, the power shall be measured at the output terminals of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter shall be unmodulated during this measurement. If electrical indicating instruments are used to determine the power output, such instruments shall conform to the accuracy specified in § 3.688 for other indicating instruments. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(iii) Using the indirect method, the operating power is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F, as follows:

$$\text{Operating Power} = E_p \times I_p \times F$$

(iv) The efficiency factor, F, shall originally be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission by the applicant along with a statement of the basis used in determining such factor.

(b) *Maintenance*—(1) *Visual transmitter.* The peak power shall be monitored by a peak reading meter which reads proportional to voltage, current, or power at the output terminals of the transmitter, this meter to be calibrated at intervals not exceeding 6 months. The meter calibration shall cover, as a minimum, the range from 80 to 110 percent of authorized power and shall have indications at 80, 100 and 110 percent or the meter shall be calibrated to read directly in power units. The operating

power so monitored shall be maintained as near as practicable to the authorized power and shall not be greater than 110 percent nor less than 80 percent of authorized power except as indicated in subparagraph (3) of this paragraph.

(2) *Aural transmitter.* The operating power of the aural transmitter shall be monitored using a transmission line meter which reads proportional to the voltage, current or power at the output terminals of the transmitter, the meter to be calibrated at intervals not exceeding 6 months. The calibration shall cover, as a minimum, the range from 80 to 110 percent of authorized power and the meter shall have indications at 80, 100, and 110 percent or it shall read directly in power units. The operating power so monitored shall be maintained as near as practicable to the authorized power and shall not be greater than 110 percent nor less than 80 percent of that authorized except as indicated in subparagraph (3) of this paragraph.

(3) *Reduced Power.* In the event it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission: *Provided*, That the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule (specified in § 3.651) with authorized power and shall be subsequently notified upon resumption of operation with authorized power.

2. Revise § 3.267 to read:

§ 3.267 Operating power; determination and maintenance of.

(a) The operating power of each station shall be determined by either the direct or indirect method.

(1) Using the direct method the power shall be measured at the output terminals of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter shall be unmodulated during this measurement. If electrical indicating instruments are used to determine the power output, such instruments shall conform to the accuracy specified in § 3.320 for other indicating instruments. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(2) Using the indirect method, the operating power is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F, as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(3) The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission with a statement of the basis used in determining such factor.

(b) The operating power of the transmitter shall be monitored by a transmission line meter which reads proportional to the voltage, current, or power at the output terminals of the transmitter, the meter to be calibrated at intervals not exceeding 6 months. The calibration shall cover, as a minimum, the range from 90 to 105 percent of authorized power and the meter shall have indications at 90, 100, and 105 percent or it shall read directly in power units. The operating power so monitored shall be maintained as near as practicable to the authorized power and shall not be greater than 105 percent nor less than 90 percent of authorized power except as indicated in paragraph (c) of this section.

(c) In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission: *Provided*, That the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule (specified in § 3.261) with authorized power and shall be subsequently notified upon resumption of operation with authorized power.

3. Revise § 3.567 to read:

§ 3.567 Operating power; determination and maintenance of.

(a) The operating power of each station shall be determined by either the direct or indirect method.

(1) Using the direct method the power shall be measured at the output terminals of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter shall be unmodulated during this measurement. If electrical indicating instruments are used to determine the power output, such instruments shall conform to the accuracy specified in § 3.320 for other indicating instruments. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(2) Using the indirect method, the operating power is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F, as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(3) The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission with a statement of the basis used in determining such factor.

(b) (1) The operating power of stations licensed for transmitter power output greater than 10 watts shall be monitored by a transmission line meter which reads proportional to the voltage, current, or power at the output terminals of the transmitter, the meter to be calibrated at intervals not exceeding 6 months. As a minimum, the meter calibration shall cover the range from 90 to 105 percent of authorized power and the meter shall have indications at 90, 100, and 105 percent or it shall read directly in power units. The operating power so monitored shall be maintained as near as practicable to the authorized power and shall not be greater than 105 percent nor less than 90 percent of authorized power except as indicated in paragraph (c) of this section.

(2) Stations licensed to operate with a transmitter output power of 10 watts or less may be operated at less than authorized power but in no event shall the operating power be greater than 5 percent above the authorized power. The transmitter of each such station shall be so maintained as to be capable of operation at maximum licensed power.

(c) If a station licensed for transmitter power output greater than 10 watts finds it impossible to operate with authorized power, the station may operate with reduced power for a period not to exceed 10 days. In the event the period of reduced power operation exceeds 10 days, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing on the eleventh day and shall also be notified when operation with authorized power is resumed.

[F.R. Doc. 60-8582; Filed, Sept. 14, 1960; 8:48 a.m.]

[47 CFR Part 10]

[Docket No. 13754]

LOCAL GOVERNMENT RADIO SERVICE

Provision for Additional Frequencies

ORDER EXTENDING TIME FOR FILING COMMENTS

The Commission having before it for consideration its Notice of Proposed Rule Making in the instant proceeding (25 F.R. 7406, August 5, 1960) setting September 15, 1960, as the date for filing comments, and a request filed by the California State Communications Advisory Board on August 31, 1960, for an extension of time to October 15, 1960, for filing such comments; and

It appearing that this request is predicated on the grounds that the various subdivisions of the State of California are in the process of submitting information with respect to their public safety needs, and that since this proposal would affect every phase of governmental radio activity on a local as well as a State level, and that the task of amassing this data is of such a magnitude that the present comment date does not give the California State Communications Advisory Board sufficient time to prepare its comments; and

It appearing that the public interest would be served by extending the time for these comments so as to enable this party and others in a similar situation to file considered comments in this proceeding;

It is ordered, This 8th day of September 1960, pursuant to section 0.291(b)(4) of the Commission's Statement of Delegations of Authority, that the above-described request of the California State Communications Advisory Board is granted, and that the time for filing comments by all parties in this proceeding is extended from September 15, 1960, to October 15, 1960.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8583; Filed, Sept. 14, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah (I-29)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 9, 1960.

The U.S. Fish and Wildlife Service has filed an application, Serial No. U-049496, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining, but not the mineral leasing laws, subject to existing withdrawals. The land is to be under the exclusive jurisdiction of the Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service.

The applicant desires the withdrawal of these lands as an addition to the Fish Springs National Wildlife Refuge. The purpose is to supplement the headquarters site, to provide for roads, water storage tank and other necessary facilities, and a buffer area for flood protection and other developments.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Supervisor for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

Unsurveyed: Beginning at the quarter corner common to sections 23 and 26, T. 11 S., R. 14 W., SLM; thence north one-half mile; west one-fourth mile; south three-fourths miles; east one-fourth mile; north one-fourth mile, to the place of beginning, embracing an area which, when surveyed, will probably be described as follows:

T. 11 S., R. 14 W.,
Sec. 23: E½SW¼;
Sec. 26: NE¼NW¼.

The area described contains approximately 120 acres.

EVAN L. RASMUSSEN,
Acting State Supervisor.

[F.R. Doc. 60-8572; Filed, Sept. 14, 1960; 8:47 a.m.]

Office of the Secretary

[Order 2508, Amdt. 44]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

SEPTEMBER 8, 1960.

Section 30 of Order No. 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655, 7192), is further amended by addition of three new subparagraphs to read as follows:

SEC. 30. *Authority under specific acts.*
(a) • • •
(18) September 21, 1959 (P.L. 86-322; 73 Stat. 592).
(b) • • •
(7) The authority to revoke tribal constitutions.
(8) The authority to select a trustee to receive the residual assets as contemplated by section 3(f) of the Act of September 21, 1959 (P.L. 86-322; 73 Stat. 592), or the authority to convey such assets to the trustee.

ELMER F. BENNETT,
Acting Secretary of the Interior.

[F.R. Doc. 60-8573; Filed, Sept. 14, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-166]

UNIVERSITY OF MARYLAND

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to The University of Maryland, a facility license substantially as set forth below authorizing the possession and operation on the University's campus in College Park, Maryland, of a pool-type nuclear reactor at power levels up to 10 kilowatts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-53. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by The University of Maryland and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of September 1960.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

1. This license applies to the light water-moderated and-cooled, pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by The University of Maryland and located on the University's campus in College Park, Maryland, and described in the University's application for license dated April 8, 1960, and amendments thereto dated May 27, 1960 and July 8, 1960 (hereinafter collectively referred to as "the application"), and authorized for construction by Construction Permit No. CPRR-53 issued to The University of Maryland.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-53 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The University of Maryland is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The University of Maryland is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Maryland is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The University of Maryland:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in College Park, Maryland, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 4.5 kilograms of uranium 235 contained in enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The University of Maryland shall not operate the reactor at power levels in excess of 10 kilowatts (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, The University of Maryland shall keep the following records:

1. Reactor operating records, including power levels.
2. Records of in-pile irradiations.
3. Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Maryland as measured at the point of such release or discharge.
4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. The University of Maryland shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter 1, Part 50, the Commission has allocated, in Construction Permit No. CPRR-53, to The University of Maryland for use in connection with operation of the reactor, 4.5 kilograms of uranium 235 contained in enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources.

6. This license is effective as of the date of issuance and shall expire at midnight June 29, 1980.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-8543; Filed, Sept. 14, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13598 etc.; FCC 60M-1499]

GILA BROADCASTING CO.

Order Changing Place of Hearing

In re applications of Gila Broadcasting Company, for renewal of licenses of Stations: KCKY, Coolidge, Docket No. 13598, File No. BR-2128; KCLF, Clifton, Docket No. 13617, File No. BR-2441; KGLU, Safford, Docket No. 13618, File No. BR-970; KVNC, Winslow, Docket No. 13619, File No. BR-2731; KZOW, Globe, Docket No. 13620, File No. BR-973; KWJB-FM, Globe, Docket No. 13621, File No. BRH-851; all in Arizona.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed August 15, 1960, requesting a change in the place of hearing in the above-entitled proceeding;

It appearing that the petition is supported by a showing of good and sufficient cause and is unopposed;

It is ordered, This 8th day of September 1960, that the petition is granted and that the place of hearing in the above-entitled proceeding is changed from Washington, D.C. to Phoenix, Arizona.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8586; Filed, Sept. 14, 1960; 8:49 a.m.]

[Docket No. 13598 etc.; FCC 60M-1504]

GILA BROADCASTING CO.

Order Continuing Hearing

In re applications of Gila Broadcasting Company, for renewal of licenses of Stations: KCKY, Coolidge, Docket No. 13598, File No. BR-2128; KCLF, Clifton, Docket No. 13617, File No. BR-2441; KGLU, Safford, Docket No. 13618, File No. BR-970; KVNC, Winslow, Docket No. 13619, File No. BR-2731; KZOW, Globe, Docket No. 13620, File No. BR-973; KWJB-FM, Globe, Docket No. 13621, File No. BRH-851; all in Arizona.

The Hearing Examiner having under consideration the record of the prehearing conference held herein on September 6, 1960;

It appearing that there is presently pending before the Commission a petition to enlarge issues herein, that the filing of additional interlocutory pleadings looking toward possible resolution of the matters at issue without hearing is contemplated and accordingly disposition of these matters prior to commencement of the hearing would be conducive to more orderly performance of the Commission's functions;

It is ordered, This 8th day of September 1960, on the Hearing Examiner's own motion that the hearing herein presently scheduled to commence on September 19, 1960, is continued without date.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8587; Filed, Sept. 14, 1960; 8:49 a.m.]

[Docket No. 12264, etc.; FCC 60M-1497]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

Order Continuing Hearing

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP-11001; W. H. Firmin, J. H. Firmin and Bernard Lurie, d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12266, File No. BP-11621; Donze Enterprises, Incorporated (KSGM), Chester, Illinois, Docket No. 13059, File No. BP-11456; for construction permits.

On the oral request of counsel for Hirsch and without objection by counsel for the other parties: *It is ordered*, This 8th day of September, 1960, that:

(1) The date for furnishing engineering exhibits by Hirsch (Tr. 153) is extended from September 9 to October 17, 1960; and

(2) The hearing now scheduled for September 19 is rescheduled to Tuesday, October 25, 1960 at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8589; Filed, Sept. 14, 1960; 8:49 a.m.]

[Docket No. 13761]

HARRY E. GILLIKIN

Order To Show Cause

In the matter of Harry E. Gillikin, 938 North 31st Road, Hollywood, Florida, Docket No. 13761; order to show cause why there should not be revoked the license for Radio Station WH-8476 aboard the vessel "Harry G."

There being under consideration the matter of certain alleged violations of Commission rules in connection with the operation of the above-captioned radio station;

It appearing that pursuant to § 1.61 of the Commission's rules written notice of violation of Commission rules was served upon the above-named licensee as follows:

Official Notice of Violation dated June 9, 1959, alleging that on May 20, 1959, at 2:31 p.m., e.s.t., the subject radio station was observed in violation of Commission rules, viz:

(a) Section 8.367(a)(2)—a copy of Part 8 of the Commission's rules and regulations was not on board the vessel at the time of inspection of the radio station;

(b) Section 8.368(a)(5)—official station log entries were not made so as to indicate periods of time during which a listening watch was maintained on the frequency 2182 kc., as required by § 8.223 (b) of the Commission's rules;

It further appearing that letters from the Commission to the licensee were received as follows:

(1) Letter dated November 5, 1959, sent by certified mail, return receipt requested (No. 97178) and received by the licensee on November 12, 1959, as evidenced by his signature to a Post Office Department return receipt card;

(2) Letter dated January 27, 1960, sent by certified mail, return receipt requested (No. 97156) and received by the licensee on January 30, 1960, as evidenced by the signature of his agent, Lee Gillikin, to a Post Office Department return receipt card; and

(3) Letter dated July 6, 1960, sent by certified mail, return receipt requested (No. 97343) and received by the licensee on July 12, 1960, as evidenced by his signature to a Post Office Department return receipt card;

It further appearing that the above-described letters requested the licensee to state the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules, and warned that failure to respond to such letters might result in the institution of proceedings for the revocation of his radio station license;

It further appearing that no response was made by the licensee to such Official Notice of Violation or Commission letters, although the Official Notice of Violation requested that written reply be made within ten days of its receipt and each of the letters specifically requested that reply be made within fifteen (15) days of receipt; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 9th day of September, 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—return receipt requested to the said licensee.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8588; Filed, Sept. 14, 1960; 8:49 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 13747, 13748; FCC 60M-1502]

OREGON TELEVISION, INC., AND WILLAMETTE-LAND TELEVISION, INC.

Order Following Prehearing Conference

In re applications of Oregon Television, Inc., Salem, Oregon, Docket No. 13747, File No. BPCT-2611; Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permits for new television broadcast stations (Channel 3).

Pursuant to agreements reached on the record of a prehearing conference held this date in the above-entitled matter:

It is ordered, This 8th day of September 1960:

1. Cases in chief will be in writing.

2. Exhibits will be exchanged on or before December 1, 1960.

3. The parties shall notify each other of witnesses desired for cross-examination on or before December 8, 1960.

4. The hearing will commence at 10:00 a.m., December 12, 1960, in the Commission's offices in Washington, D.C., instead of on October 19, 1960, as previously scheduled.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8590; Filed, Sept. 14, 1960; 8:49 a.m.]

TARIFF COMMISSION

[332-40]

SHRIMP

Notice of Investigation and Date of Hearing

Investigation instituted. In response to a resolution of the Committee on Finance of the United States Senate, adopted at its last executive session, the United States Tariff Commission, under the authority of section 332 of the Tariff Act of 1930, as amended (19 U.S.C. 1332), has instituted an investigation of the domestic shrimp industry (including fishing, processing, and other related operations) and of imports of shrimp and shrimp products provided for in paragraph 1761 of the Tariff Act of 1930.

The resolution directs the Commission to include in its report to the Committee on Finance the facts relative to United States and world production, and trade; imports; domestic supplies and consumption; the possibilities of world over-production; the interests of consumers, processors, and producers; foreign and domestic wage rates; costs of transportation to principal consuming centers; supplies of shrimp available to domestic and foreign fishermen; and other pertinent factors.

The resolution also directs the Commission to include in its report an analysis of the possible results of an imposition of a duty of 35 percent on all imports of shrimp and shrimp products as provided for in paragraph 1761 of the Tariff Act of 1930 as well as an analysis of the possible results of a tariff quota under which all imports not in excess of the imports in the calendar year 1960 shall enter free of duty and all imports in excess of those in 1960 shall be dutiable at 50 percent ad valorem.

Hearing. A public hearing, at which interested parties will be given opportunity to be present and to be heard, will be held in connection with the foregoing investigation in the Hearing Room of the Tariff Commission, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t. on January 9, 1961.

Request to appear. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C. at least five days in advance of the opening date of the hearing.

By order of the Commission:

Issued: September 12, 1960.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-8591; Filed, Sept. 14, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI61-26, RI61-28]

TEXAS NATIONAL PETROLEUM CO. ET AL.

Correction

SEPTEMBER 8, 1960.

Texas National Petroleum Company (operator), et al., Docket No. RI61-26; Chicago Stock Yards Research Company (operator), et al., Docket No. RI61-28.

In the Order Providing For Hearing On And Suspension Of Proposed Changes In Rates, issued August 2, 1960 and published in the FEDERAL REGISTER on August 9, 1960 (25 F.R. 7513): After "By the Commission," strike the present statement and insert in lieu thereof the following: "Commissioner Kline would reject the filing suspended in Docket No. RI61-28. Commissioner Sweeney not participating in the suspension of the filing in Docket No. RI61-28."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8567; Filed, Sept. 14, 1960; 8:47 a.m.]

[Project No. 1198]

LOWER VALLEY POWER AND LIGHT, INC.

Notice of Application for Surrender of License

SEPTEMBER 8, 1960.

Public notice is hereby given that Lower Valley Power and Light, Inc., of Afton, Wyoming, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for surrender of the license for water-power Project No. 1198, located on Flat Creek, a tributary of the Snake River, in Teton County, Wyoming, and affecting lands of the United States within the Teton National Forest and lands of the United States reserved for an Elk Refuge.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 13, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8565; Filed, Sept. 14, 1960; 8:46 a.m.]

[Docket No. G-19986 etc.]

SLADE, INC., ET AL.

Order Consolidating Proceedings, Setting Date of Hearing and Providing for Submittal of Testimony and Exhibits

SEPTEMBER 6, 1960.

On June 28, 1960, Slade, Inc. (Operator), et al. (Slade), filed a motion seeking consolidation of the suspension proceedings designated as Docket Nos. G-19986, RI60-147 and RI60-179, and setting a hearing date therefore.

By order issued October 30, 1959, in Docket No. G-19986, the Commission suspended Supplement No. 4 to Slade's FPC Gas Rate Schedule No. 5 which pertains to natural gas produced in San Patricio County, Texas and sold to Tennessee Gas Transmission. By order issued February 18, 1960, in Docket No. RI60-147, the Commission suspended Supplement No. 5 to Slade's FPC Gas Rate Schedule No. 4 which pertains to gas produced in the Spraberry Trend Area, Glasscock and Reagan Counties, Texas and sold to El Paso Natural Gas Company. By order issued March 9, 1960, in Docket No. RI60-179, the Commission suspended Supplement No. 4 to Slade's FPC Gas Rate Schedule No. 6 which pertains to gas produced from the Ruby J. Wright lease, Reagan County, Texas and sold to El Paso Natural Gas Company. By order issued July 28, 1960, in Docket No. RI61-10 the Commission suspended Supplement No. 5 to the aforementioned Rate Schedule No. 5.

By motion filed on December 21, 1959,[1] Slade sought permission to file a 14.0-cent rate in lieu of its suspended 15.0952-cents per Mcf rate and to file for the 15.0952-cents per Mcf rate one day following the date of effectiveness of the proposed 14.0-cent rate. Said motion related to Supplement No. 4 to Slade's FPC Gas Rate Schedule No. 5. As stated in our order issued April 29, 1960, in the proceeding in Docket No. G-19986 "the other and various proposals" therein made by Slade were construed as a motion to terminate this proceeding. Further, it would appear that the net effect of said motion, among other things, would be to divide a single proceeding under review into two portions and thereby create two filings instead of one. On March 28, 1960, Slade filed a motion requesting reconsideration of suspension order issued in Docket No. RI60-179 and vacation of said order. This also was construed as a motion to terminate the proceeding. In support of this motion, Slade submitted the same cost of service study previously tendered in Docket No. G-19986. Both motions were denied by order issued April 19, 1960 in Docket Nos. G-19986 and RI60-179.

In view of the aforementioned facts, it would appear appropriate that the subject proceedings should be heard on a consolidated record at the time herein stated to the end that they may be disposed of as promptly as possible. To expedite these matters, Slade should be directed to serve in advance of hearing the prepared testimony and exhibits upon which it now proposes to rely.

The Commission orders:

(A) The proceedings in Docket Nos. G-19986, RI61-10, RI60-147, and RI60-179 are hereby consolidated for purpose of hearing.

(B) Pursuant to prior orders of the Commission in each of the above-mentioned proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing on October 11, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in the proceedings hereinbefore consolidated.

(C) On or before September 27, 1960, Slade shall serve upon all parties on record (including five copies to the Secretary of the Commission), the prepared testimony and exhibits which it proposes to offer at the hearing hereinbefore ordered.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8566; Filed, Sept. 14, 1960; 8:47 a.m.]

[1] The December 21, 1959 motion supplements a motion to vacate the suspension order issued October 30, 1959, in Docket No. G-19986.

[Project No. 400]

WESTERN COLORADO POWER CO.

Notice of Application for Amendment of License

SEPTEMBER 7, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Western Colorado Power Company, licensee for Project No. 400, for amendment of its license for the project to: (a) Exclude that portion of the project known as the Ilium Plant by dismantling and removing waterway equipment and structures consisting principally of diversion dams, intakes, flume, surge tank, penstock, powerhouse, operators' cottages, and other appurtenant works; (b) exclude the (T-3) 11 kv line between station 45+44 and station 367+27 and its relocation on a new center line; and (c) include the (T-3) 12 kv line between the Ilium Plant and Telluride.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 17, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8568; Filed, Sept. 14, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36549: *Substituted service—Wab. for Riss & Company, Inc., (a Delaware corporation)*. Filed by Middlewest Motor Freight Bureau, Agent (No. 263), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and Buffalo, N.Y., Chicago, Ill., and Detroit, Mich., on the other on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 142 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36550: *Substituted service—Wab. for Lee Way Motor Freight, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 264), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago and E. St. Louis, Ill., and Detroit, Mich., on the one hand, and Buffalo, N.Y., on the other, between Chicago and E. St. Louis Ill., on the one hand, and Detroit, Mich., on the other, and between E. St. Louis, Ill., and Chicago, Ill. as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 142 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36551: *Substituted service—C&NW for Watson Bros. Transportation Co., Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 265), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Des Moines, Iowa, on traffic originating at or destined to such points or

points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 142 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36552: *Substituted service—PRR and Wab. for Chicago Express, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 266), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and Cleveland, Ohio and Pittsburgh, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 142 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36553: *Substituted service—M&ST.L and Wab. for Brady Motorfrate, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 267), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Minneapolis, Minn., and St. Louis, Mo., on traffic originating at or destined to such points as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 142 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36554: *Substituted service—C&NW for Buckingham Express, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 268), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between East St. Louis, Ill., and Council Bluffs, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 142 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36555: *Substituted service—PRR for Riss & Company, Inc. (a Delaware corporation).* Filed by Middlewest Motor Freight Bureau, Agent (No. 269), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Buffalo, N.Y., on the one hand, and Chicago and East St. Louis, Ill., Indianapolis, Ind., Louisville, Ky., Cincinnati and Columbus, Ohio, on the other, as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 142 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36556: *Dense soda ash—Central territory to Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B-7884), for interested rail carriers. Rates on dense soda ash, in carloads, from specified points in Michigan, New York and Ohio, also Saltville, Va., to specified points in Oklahoma, also Ft. Smith, Ark.

Grounds for relief: Market competition.

Tariffs: Supplements 40 and 239 to Southwestern Freight Bureau tariffs I.C.C. 4337 and 4178, respectively.

FSA No. 36557: *Propylene glycol—Bishop, Tex., to Celriver, S.C.* Filed by Southwestern Freight Bureau, Agent (No. B-7888), for interested rail carriers. Rates on propylene, in tank-car loads, from Bishop, Tex., to Celriver, S.C.

Grounds for relief: Truck-water competition.

Tariff: Supplement 730 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36558: *Soda ash—Texas and Louisiana points to Hillsboro and Tampa, Fla.* Filed by Southwestern Freight Bureau, Agent (No. B-7889), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from Corpus Christi, Freeport, Houston, Tex., Lake Charles and West Lake Charles, La., to Hillsboro and Tampa, Fla.

Grounds for relief: Barge-truck competition.

Tariffs: Supplements 730 and 463 to Southwestern Freight Bureau tariffs I.C.C. 4139 and 4087, respectively.

FSA No. 36559: *T.O.F.C. service from and to Porum and Shopton, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B-7892), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in trailers and transported on railroad flat cars between points in southern territory, on the one hand, and Porum and Shopton, Okla., on the other.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariff: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4368.

FSA No. 36560: *Cement—Kansas, Missouri and Oklahoma to Louisville, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B-7893), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from specified points in Kansas, Missouri and Oklahoma, to Louisville, Ky.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 3 to Southwestern Freight Bureau tariff I.C.C. 4360.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8577; Filed, Sept. 14, 1960; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Crestview, Fla.; effective 9-14-60 to 9-13-61 (men's pajamas).

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9-10-60 to 9-9-61 (men's dress trousers).

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-60 to 9-17-61 (men's and boys' work and sport trousers).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9-9-60 to 9-8-61 (men's dress and play slacks).

Horton Garment Co., Horton, Kans.; effective 9-5-60 to 9-4-61 (dresses).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 8-30-60 to 8-29-61 (ladies' blouses; boys' shirts).

Moreland Sportswear, Inc., 309 North Fourth Street, Youngwood, Pa.; effective 9-1-60 to 8-31-61 (ladies' blouses).

J. H. Rutter-Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La.; effective 9-8-60 to 9-7-61 (men's work shirts and pants).

Southern Foundations, Inc., Alamo, Tenn.; effective 9-4-60 to 9-3-61 (women's foundation garments).

Springfield Garment Manufacturing Co., 627-35 North Campbell Avenue, Springfield, Mo.; effective 9-15-60 to 9-14-61 (men's dress and semi-dress trousers).

V & C Frocks, 47 North Main Street, Carbondale, Pa.; effective 9-1-60 to 8-31-61 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ann Lee Frocks, 631 Fellows Avenue, Wilkes-Barre, Pa.; effective 9-15-60 to 9-14-61; 10 learners (women's dresses).

The Dantan Co., Inc., Dumas, Ark.; effective 9-4-60 to 9-3-61; 10 learners (ladies' sportswear).

Green Bay Specialty Co., 129 South Washington Street, Green Bay, Wis.; effective 9-5-60 to 9-4-61; six learners (men's, women's and children's jackets).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 8-30-60 to 8-29-61; 10 learners (infants' and children's knit cotton polo shirts; infants' underwear, nightwear and robes).

Rowker Manufacturing Co., Inc., Tioga Street, Tunkhannock, Pa.; effective 8-31-60 to 8-30-61; 10 learners (ladies' dresses).

Sun-Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; effective 9-18-60 to 9-17-61; five learners (ladies' sportswear, blouses).

Texas Dress Corp., 2210 Pacific Avenue, Dallas, Tex.; effective 9-1-60 to 8-31-61; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' dresses and blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Horton Garment Co., Horton, Kans.; effective 9-5-60 to 3-4-61; 10 learners (dresses).

Monroe Manufacturing Co., Gamaliel, Ky.; effective 9-1-60 to 2-28-61; 30 learners (men's shirts, pants).

Vernon Manufacturing Co., Inc., 700 Texas Street, Vernon, Tex.; effective 9-2-60 to 3-1-61; 12 learners (men's and boys' cotton trousers and shorts).

Whitakers Garment Co., Railroad Street, Whitakers, N.C.; effective 9-1-60 to 2-28-61; 40 learners (children's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Drexel Knitting Mills Co., Drexel, N.C.; effective 9-1-60 to 8-31-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Franklin Hosiery Co., Franklin, N.C.; effective 8-29-60 to 2-28-61; 20 learners for plant expansion purposes (seamless).

Hollar Hosiery Mills, Inc., Hickory, N.C.; effective 9-1-60 to 8-31-61; 5 learners for normal labor turnover purposes (seamless).

Pressley Brothers Hosiery Co., 1120 West Second South Street, Morristown, Tenn.; effective 9-2-60 to 3-1-61; 14 learners for plant expansion purposes (seamless).

Valley Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-29-60 to 2-28-61; 50 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-1-60 to 8-31-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (lingerie).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-1-60 to 2-28-61; 10 learners for plant expansion purposes (lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

International Security Hardware Corp. of America, Barceloneta, P.R.; effective 8-17-60 to 2-16-61; 10 learners for plant expansion purposes in the single occupation of basic hand and/or machine production operations: power press operators, D.C.M.T. operators, Laid operators, Bridgeport machine operators, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (hardware parts and mold maker).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firms listed below. Effective and expiration dates, occupations, and learning periods for the certificates issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9-1-60 to 8-31-61; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 25 student-workers in the bookbindery industry in the occupations of bookbinder(bindery worker), and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Enterprise Academy, Enterprise, Kans.; effective 9-1-60 to 8-31-61; authorizing the employment of 8 student-workers in the printing industry in the occupations of compositor, pressman, linotype operator, bindery worker and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Forest Lake Academy, Maitland, Fla.; effective 9-1-60 to 8-31-61; authorizing the employment of 10 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations, including incidental clerical work in the shop for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Grand Ledge Academy, Grand Ledge, Mich.; effective 9-1-60 to 8-31-61; authorizing the employment of 60 student-workers in the woodworking (lawn and garden wooden furniture) industry in the occupations of woodworking machines operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 9-1-60 to 8-31-61; authorizing the employment of: (1) 29 student-workers in the bookbindery industry in the occupations of bookbinder (bindery worker), and related skilled and semi-skilled occupations including incidental clerical work in shop for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 28 student-workers in the furniture industry (redwood lawn and oak household furniture) in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semi-skilled occupations including incidental clerical work in shop for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (3) 5 student-workers in the clerical occupations of typing, record-keeping, posting, invoicing, and related skilled and semi-skilled occupations in office for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9-1-60 to 8-31-61; authorizing the employment of: (1) 43 student-workers in the printing industry in the occupations of compositor, pressman, bookbinder, and related skilled and semi-skilled occupations including incidental clerical work in the shop for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 66 student-workers in the broom making industry in the occupations of broom maker, stitcher, winder, sorter, and related skilled and semi-skilled occupations including incidental clerical work in the shop for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents and hour for the remaining 180 hours; (3) 20 student-workers in the clerical occupations of typist, stenographer, filing, and related skilled and semi-skilled occupations for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Wisconsin Academy, Columbus, Wis.; effective 9-1-60 to 8-31-61; authorizing the employment of 35 student-workers in the furniture manufacturing industry (outdoor and game room redwood) in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 8th day of September 1960.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 60-8574; Filed, Sept. 14, 1960; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 13, 1960

S.J. Res. 176 ---------- Public Law 86-754
Joint Resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, published in 1953 as Senate Document Numbered 170 of the Eighty-second Congress.

S.J. Res. 209 ---------- Public Law 86-753
Joint Resolution providing for the establishment of an annual National Forest Products Week.

S. 1545 ---------- Public Law 86-758
An Act to amend the Federal Aviation Act of 1958 so as to authorize elimination of a hearing in certain cases under section 408.

S. 1663 ---------- Public Law 86-759
An Act directing the Secretary of the Interior to convey certain property in the State of North Dakota to the city of Bismarck, North Dakota.

S. 1740 ---------- Public Law 86-751
An Act to amend section 202(b) of the Communications Act of 1934 in order to expand the Federal Communications Commission's regulatory authority under such section.

S. 1764 ---------- Public Law 86-740
An Act to amend title 32, United States Code, to authorize the payment of certain claims against the National Guard.

S. 1898 ---------- Public Law 86-752
An Act to promote the public interest by amending the Communications Act of 1934, to provide a pre-grant procedure in cases of certain applications; to impose limitations on payoffs between applicants; to require disclosure of payments made for the broadcasting of certain matter; to grant authority to impose forfeitures in the broadcast service; and to prohibit deceptive practices in contests of intellectual knowledge, skill, or chance; and for other purposes.

S. 1964 ---------- Public Law 86-762
An Act to amend the Act requiring certain common carriers by railroad to make reports to the Interstate Commerce Commission with respect to certain accidents in order to clarify the requirements of such Act.

S. 2195 ---------- Public Law 86-745
An Act to authorize the Secretary of the Interior to construct, operate, and maintain the western division of The Dalles Federal reclamation project, Oregon, and for other purposes.

S. 2757 ---------- Public Law 86-755
An Act to supplement the Act of June 14, 1926, as amended, to permit any State to acquire certain public lands for recreational use.

S. 3146 ---------- Public Law 86-756
An Act to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses.

S. 3212 ---------- Public Law 86-742
An Act to direct the Secretary of the Interior and the Administrator of General Services to convey certain public and acquired lands in the State of Nevada to the county of Mineral, Nevada.

S. 3399 ---------- Public Law 86-775
An Act to authorize the exchange of certain property within Shenandoah National Park, in the State of Virginia, and for other purposes.

S. 3439 ---------- Public Law 86-747
An Act authorizing the President of the United States of America to present a gold medal to Robert Frost, a New England poet.

S. 3619 ---------- Public Law 86-746
An Act to make permanent law the provisions of section 408 of the National Housing Act regulating savings and loan holding companies.

S. 3623 ---------- Public Law 86-744
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An Act authorizing the Rhode Island Turnpike and Bridge Authority to combine for financing purposes the bridge across the West Passage of Narragansett Bay with the Newport Bridge and any other project acquired or constructed by said authority.

S. 3688 ---------- Public Law 86-743
An Act to amend the Act of December 20, 1944, with respect to certain powers of the Board of Commissioners of the District of Columbia.

S. 3771 ---------- Public Law 86-760
An Act to amend certain provisions of the Trust Indenture Act of 1939, as amended.

S. 3773 ---------- Public Law 86-750
An Act to amend certain provisions of the Investment Advisers Act of 1940, as amended.

H. J. Res. 311 ---------- Public Law 86-749
Joint Resolution authorizing the erection of a statue of Taras Shevchenko on public grounds in the District of Columbia.

H. J. Res. 704 ---------- Public Law 86-748
Joint Resolution to remove copyright restrictions upon the musical composition "Pledge of Allegiance to the Flag", and for other purposes.

H. R. 383 ---------- Public Law 86-763
An Act to authorize the annexation of certain real property of the United States by the city of Wyandotte, Michigan.

H. R. 5396 ---------- Public Law 86-770
An Act to amend title 28 of the United States Code to provide for transfer of cases between the district courts and the Court of Claims and for other purposes.

H. R. 7990 ---------- Public Law 86-761
An Act to provide for the conveyance of certain land of the United States to the Citizen Band of Potawatomi Indians of Oklahoma.

H. R. 8424 ---------- Public Law 86-768
An Act to amend section 505 of the Classification Act of 1949 with respect to positions in the Library of Congress.

H.R. 8665 ---------- Public Law 86-764
An Act to amend the Act entitled "An Act to establish a memorial to Theodore Roosevelt in the National Capital" to provide for the construction of such memorial by the Secretary of the Interior.

H.R. 10311 ---------- Public Law 86-765
An Act providing that certain provisions of Public Law 335 dated October 7, 1949 (63 Stat. 724), shall apply to the Mercedes division of the lower Rio Grande rehabilitation project, Texas.

H.R. 10548 ---------- Public Law 86-777
An Act to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States.

H.R. 11561 ---------- Public Law 86-766
An Act to authorize and direct the Secretary of the Army to convey part of lock and dam numbered 10, Kentucky River, Madison County, Kentucky, to the Pioneer National Monument Association for use as part of a historic site.

H.R. 11573 ---------- Public Law 86-774
An Act to provide for free entry of an electron microscope for the use of William Marsh Rice University of Houston, Texas, an electron microscope for the use of the University of Colorado Medical Center, Denver, Colorado, and for other purposes.

H.R. 12043 ---------- Public Law 86-769
An Act to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes.

H.R. 12383 ---------- Public Law 86-767
An Act to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

H.R. 12458 ---------- Public Law 86-772
An Act to increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Physically Handicapped.

H.R. 12574 ---------- Public Law 86-757
An Act to amend the Longshoremen's and Harbor Workers' Compensation Act, so as to provide that an injured employee shall have the right to select his own physician, and for other purposes.

H.R. 12580 ---------- Public Law 86-778
An Act to extend and improve coverage under the Federal Old-Age, Survivors, and Disability Insurance System and to remove hardships and inequities, improve the financing of the trust funds, and provide disability benefits to additional individuals under such system; to provide grants to States for medical care for aged individuals of low income; to amend the public assistance and maternal and child welfare provisions of the Social Security Act; to improve the unemployment compensation provisions of such Act; and for other purposes.

H.R. 12699 ---------- Public Law 86-776
An Act to cancel a deed of trust to the United States from the predecessor in name of Gallaudet College and any evidences of indebtedness related to the same transaction, to quiet the college's title to property belonging to it, and for other purposes.

H.R. 12993 ---------- Public Law 86-773
An Act to amend the District of Columbia Teachers' Salary Act of 1955, as amended.

H.R. 13066 ---------- Public Law 86-771
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VOLUME 25 NUMBER 181

Washington, Friday, September 16, 1960

THE UNIVERSITY OF MICHIGAN
SEP 20 1960
MAIN READING ROOM

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Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 22]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 969.322 Avocado Order 22.

(a) Findings: (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and good cause exists for making the provisions hereof effective not later than September 12, 1960; and this section relieves restrictions on the handling of avocados during the period September 12–18, 1960. A meeting of the Avocado Administrative Committee was held on September 12, 1960, to survey the damage from hurricane Donna and to consider any necessary changes in current regulations; a large percentage of the current avocado crop has been blown from the trees; some of such fruit is suitable for marketing if it can be shipped immediately but otherwise it will be lost; recommendations for regulation in the manner and for the period herein set forth were submitted to the Department immediately following such meeting and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order: During the period beginning at 12:01 a.m., e.s.t., September 12, 1960, and ending at 12:01 a.m., e.s.t., September 19, 1960, no person shall handle any lot of avocados unless such avocados are handled in accordance with the requirements of subparagraphs (1), (2), (3), (4), and (5) of this paragraph.

(1) Avocados shall grade at least U.S. No. 2 except that avocados that have scars caused by wind or have russeting or discoloration caused by wind may be handled if they otherwise grade at least U.S. No. 2;

(2) Avocados of the Peterson, Pinelli, and Tonnage varieties may be handled without regard to the weight or diameter of the individual fruit;

(3) Avocados of the Booth 8 variety may be handled if the individual fruit in each lot of such variety weigh not less than 14 ounces or measure at least $3^{5}/_{16}$ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the individual fruit contained in each lot of such avocados, and not to exceed 20 percent, by count, of the individual fruit contained in any container in such lot, may weigh less than 14 ounces and measure less than $3^{5}/_{8}$ inches in diameter but all such individual fruit shall weigh at least 12 ounces;

(4) Avocados of the Waldin variety may be handled if the individual fruit in each lot of such variety weigh not less than 10 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit contained in each lot of such avocados, and not to exceed 20 percent, by count, of the individual fruit contained in any container in such lot, may weigh less than 10 ounces but not less than 8 ounces;

(5) Avocados of any weight may be handled in containers with inside dimensions 11 x $16^{3}/_{4}$ x 10 inches if such avocados are of the size specified for the particular variety; and

(6) To the extent that the requirements thereof are in conflict with the provisions of this section, the provisions of Avocado Order 20, as amended (§ 969.320, 25 F.R. 5476, 7712—quality and maturity requirements), and Avocado Order 21, as amended (§ 969.321, 25 F.R. 7522, 8050, 8538—container regulation), are hereby suspended during the effective period of this regulation; and the provisions of Avocado Order 15 (§ 969.315, 23 F.R. 3372—pack regulation) are hereby suspended during the effective period of this regulation.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the terms "U.S. No. 2," "scars," "russeting," and "discoloration" shall have the same meaning as when used in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(d) The provisions of this section shall become effective at 12:01 a.m., e.s.t., September 12, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 12, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8608; Filed, Sept. 15, 1960; 8:47 a.m.]

[Milk Order 86]

PART 986—MILK IN RED RIVER VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Red River Valley marketing area (7 CFR Part 986), it is hereby found and determined that:

(a) Section 986.63(d) will not tend to effectuate the declared policy of the Act for the period of September 1, 1960 through December 31, 1960.

(b) A notice of proposed suspension of the cited provision was issued by the Acting Deputy Administrator on August 24, 1960, and duly published in the FEDERAL REGISTER on August 27, 1960 (25 F.R. 8233). Three days from the date such notice was published in the FEDERAL REGISTER were allowed for the submission of written data, views and arguments with respect to the proposed suspension. There was no opposition expressed to the suspension.

(c) 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order was requested by the Central Oklahoma Milk Producers Association which represents a majority of all producers supplying handlers in the Red River Valley marketing area.

(4) This suspension order will suspend the provision of the order which limits the number of days during any of the months of September through December on which the milk of a producer may be diverted to a nonpool plant. Emergency

conditions exist in the marketing area which will make it necessary to divert producer milk on more days during these months than is permitted under the present provision. Failure to suspend the limitation on diversions would result in a number of dairy farmers losing their producer status under the order.

Therefore, good cause exists for making this order effective September 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective September 1, 1960 for the period September 1, 1960 through December 31, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 13th day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8630; Filed, Sept. 15, 1960; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Miscellaneous Amendments

Pursuant to section 14(d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	3	Aug. 23, 1960
New York	3	Aug. 12, 1960
Philadelphia	3	Aug. 19, 1960
Cleveland	3	Aug. 12, 1960
Richmond	3	Do.
Atlanta	3	Aug. 16, 1960
Chicago	3	Aug. 19, 1960
St. Louis	3	Do.
Minneapolis	3	Aug. 15, 1960
Kansas City	3	Aug. 12, 1960
Dallas	3	Sept. 9, 1960
San Francisco	3	Sept. 2, 1960

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3½	Aug. 23, 1960
New York	3½	Aug. 12, 1960
Philadelphia	3½	Aug. 19, 1960
Cleveland	3½	Aug. 12, 1960
Richmond	3½	Do.
Atlanta	3½	Aug. 16, 1960
Chicago	3½	Aug. 19, 1960
St. Louis	3½	Do.
Minneapolis	3½	Aug. 15, 1960
Kansas City	3½	Aug. 12, 1960
Dallas	3½	Sept. 9, 1960
San Francisco	3½	Sept. 2, 1960

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	Aug. 23, 1960
New York	4½	June 10, 1960
Philadelphia	4½	Aug. 19, 1960
Cleveland	4½	Aug. 12, 1960
Richmond	4	Do.
Atlanta	4½	Aug. 16, 1960
Chicago	4½	June 10, 1960
St. Louis	4	Aug. 19, 1960
Minneapolis	4	Aug. 15, 1960
Kansas City	4	Aug. 12, 1960
Dallas	4½	Sept. 9, 1960
San Francisco	4½	June 3, 1960

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-8602; Filed, Sept. 15, 1960; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6492]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Regulations Under Section 302(c)(2) of the Public Debt and Tax Rate Extension Act of 1960, as Amended

The regulations set forth below are hereby prescribed under section 302(c)(2) of the Public Debt and Tax Rate Extension Act of 1960, as amended:

Sec.
1.9003 Statutory provisions; section 4 of Public Law 86-781 (74 Stat. 1017).
1.9003–1 Election to have the provisions of section 613(c)(2) and (4) of the 1954 Code, as amended, apply for past years.
1.9003–2 Effect of election.
1.9003–3 Statutes of limitation.
1.9003–4 Manner of exercising election.
1.9003–5 Terms; applicability of other laws.

AUTHORITY: §§ 1.9003 to 1.9003–5 issued under sec. 302(c)(2)(F), 74 Stat. 293, as amended by sec. 4, 74 Stat. 1017.

§ 1.9003 Statutory provisions; section 4 of Public Law 86–781 (74 Stat. 1017), approved September 14, 1960.

SEC. 4. Subsection (c) of section 302 of the Public Debt and Tax Rate Extension Act of 1960 (Public Law 86-564; 74 Stat. 293) is amended to read as follows:

(c) *Effective date*—(1) *In general.* Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be applicable only with respect to taxable years beginning after December 31, 1960.

(2) *Calcium carbonates, etc.*—(A) *Election for past years.* In the case of calcium carbonates or other minerals when used in making cement, if an election is made by the taxpayer under subparagraph (C)—

(i) The amendments made by subsection (b) shall apply to taxable years with respect to which such election is effective, and

(ii) Provisions having the same effect as the amendments made by subsection (b) shall be deemed to be included in the Internal Revenue Code of 1939 and shall apply to taxable years with respect to which such election is effective in lieu of the corresponding provisions of such Code.

(B) *Years to which applicable.* An election made under subparagraph (C) to have the provisions of this paragraph apply shall be effective for all taxable years beginning before January 1, 1961, in respect of which—

(i) The assessment of a deficiency,

(ii) The refund or credit of an overpayment, or

(iii) The commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on the date of the enactment of this paragraph by the operation of any law or rule of law. Such election shall also be effective for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before the date of the enactment of this paragraph.

(C) *Time and manner of election.* An election to have the provisions of this paragraph apply shall be made by the taxpayer on or before the 60th day after the date of publication in the FEDERAL REGISTER of final regulations issued under authority of subparagraph (F), and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations. Such election, if made, may not be revoked.

(D) *Statutes of limitation.* Notwithstanding any other law, the period within which an assessment of a deficiency attributable to the application of the amendments made by subsection (b) may be made with respect to any taxable year to which such amendments apply under an election made under subparagraph (C), and the period within which a claim for refund or credit of an overpayment attributable to the application of such amendments may be made with respect to any such taxable year, shall not expire prior to one year after the last day for making an election under subparagraph (C). An election by a taxpayer under subparagraph (C) shall be considered as a consent to the application of the provisions of this subparagraph.

(E) *Terms; applicability of other laws.* Except where otherwise distinctly expressed or manifestly intended, terms used in this paragraph shall have the same meaning as when used in the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939) and all provisions of law shall apply with respect to this paragraph as if this paragraph were a part of such Code (or corresponding provisions of the Internal Revenue Code of 1939).

(F) *Regulations.* The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this paragraph.

§ 1.9003–1 Election to have the provisions of section 613(c)(2) and (4) of the 1954 Code, as amended, apply for past years.

(a) *In general.* Section 4 of Public Law 86–781 amended section 302(c) of the Public Debt and Tax Rate Extension Act of 1960 to permit certain taxpayers for taxable years beginning before January 1, 1961, to apply the provisions of section 302(b) of that Act. Section 302(b) of the Act amended section 613(c)(2) and (4) of the Internal Revenue Code of 1954 to read in part as follows:

(2) *Mining.* The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the treatment processes considered as mining described in paragraph (4) (and the treatment processes necessary or incidental thereto), and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which such treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary or his delegate finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

* * * * * *

(4) *Treatment processes considered as mining.* The following treatment processes where applied by the mine owner or operator shall be considered as mining to the extent they are applied to the ore or mineral in respect of which he is entitled to a deduction for depletion under section 611:

* * * * * *

(F) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating of the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process;

* * * * * *

(b) *Election.* Under section 302(c)(2) of the Act, the taxpayer, in the case of calcium carbonates or other minerals when used by him in making cement, may elect to apply the provisions of section 613(c)(2) and (4) of the 1954 Code as amended in lieu of the corresponding provisions of prior law. The taxpayer must make the election in accordance with § 1.9003–4 on or before November 15, 1960 (the 60th day after the publication in the FEDERAL REGISTER of final regulations issued under section 302(c)(2) of the Act), and the election shall become irrevocable on such 60th day.

(c) *Years to which the election is applicable.* If the election described in paragraph (b) of this section is made by the taxpayer, the provisions of section 613(c)(2) and (4) as amended by section 302(b) of the Act apply to all taxable years beginning before January 1, 1961, in respect of which—

(1) The assessment of any deficiency,

(2) Refund or credit of any overpayment,

(3) Commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on September 14, 1960, by the operation of any law or rule of law. The election also applies to taxable years beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before September 14, 1960.

§ 1.9003–2 Effect of election.

(a) *In general.* If a taxpayer makes the election described in paragraph (b) of § 1.9003–1, he shall be deemed to have consented to the application of section 302(b) of the Act with respect to all taxable years to which the election applies. Thus, subparagraph (F) of section 613(c)(4) of the 1954 Code as amended must be applied in determining gross income from mining for the taxable years to which the election applies (including years subject to the 1939 Code) whether or not the taxpayer is litigating the issue. Further, the election shall apply to all calcium carbonates or other minerals mined and used by the taxpayer in making cement.

(b) *Effect on gross income from mining.* The election is only determinative of what constitutes "mining" for purposes of computing percentage depletion and has no effect on the method employed in determining the amount of gross income from mining. In applying the election to the years affected there shall be taken into account the effect that any adjustments resulting from the election shall have on other items affected thereby, such as charitable contributions, foreign tax credit, net operating loss, and the effect that adjustments to any such items shall have on other taxable years. The provisions of section 302(b) of the Act are applicable with respect to taxable years subject to the Internal Revenue Code of 1939 for purposes of applying sections 450 and 453 of that Code.

§ 1.9003–3 Statutes of limitation.

Under section 302(c)(2) of the Act, the period within which the assessment of any deficiency or the credit or refund of any overpayment attributable to the election may be made shall not expire sooner than 1 year after November 15, 1960. Thus, if assessment of a deficiency or credit or refund of an overpayment, whichever is applicable, is not prevented on September 14, 1960, the time for making assessment or credit or refund shall not expire for at least 1 year after November 15, 1960, notwithstanding any other provision of law to the contrary. Even though assessment of a deficiency is prevented on September 14, 1960, if commencement of a suit for recovery of a refund under section 7405 of the 1954 Code may be made on such date, then any deficiency resulting from the election may be assessed at any time within 1 year after November 15, 1960. If the taxpayer makes the election he shall be deemed to have consented to the application of the provisions of section 302(c)(2) of the Act extending the time for assessing a deficiency attributable to the election. Section 302(c)(2) of the Act does not shorten the period of limitations otherwise applicable. An agreement may be entered into under section 6501(c)(4) of the 1954 Code and corresponding provisions of prior law to extend the period for assessment.

§ 1.9003–4 Manner of exercising election.

(a) *By whom election is to be made.* Generally, the taxpayer whose tax liability is affected by the election shall make the election. In the case of a partnership, or a corporation electing under the provisions of subchapter S, chapter 1 of the 1954 Code, the election shall be exercised by the partnership or such corporation, as the case may be.

(b) *Time and manner of making election.* The election shall be made on or before November 15, 1960, by filing a statement with the district director with whom the taxpayer's income tax return for the taxable year in which the election is made is required to be filed. The statement shall include the following:

(1) A clear indication that an election is being made under section 302(c)(2) of the Act, and

(2) The taxable years to which the election applies.

Amended income tax returns reflecting any increase or decrease in tax attributable to the election shall be filed for the taxable years to which the election applies. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the 1954 Code, amended returns shall be filed by the partnership or electing small business corporations, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than February 28, 1961, unless an extension of time is granted under section 6081 of the Code. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns. The amended returns shall be accompanied by payment of the additional tax (together with interest thereon) resulting from the election.

§ 1.9003–5 Terms; applicability of other laws.

All other terms which are not otherwise specifically defined shall have the same meaning as when used in the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) except where otherwise distinctly expressed or manifestly intended to the contrary. Further, all provisions of law contained in the 1954 Code (or the corresponding

provisions of prior law) shall apply to the extent that they can apply. Thus, all of the provisions of subtitle F of the 1954 Code and the corresponding provisions of prior law shall apply to the extent they can apply, including the provisions of law relating to assessment, collection, credit or refund, and limitations. For purposes of this section and §§ 1.9003–1 to 1.9003–4, inclusive, the term "Act" means the Public Debt and Tax Rate Extension Act of 1960 as amended.

Because this Treasury decision is designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under section 302 (c) (2) of the Public Debt and Tax Rate Extension Act of 1960 as amended, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: September 14, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 60–8696; Filed, Sept. 15, 1960; 9:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Anacostia River, Washington, D.C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.330 is hereby amended changing the title of the section, designating the regulations governing the operation of the District of Columbia highway bridge across Anacostia River, at 11th Street SE., Washington, D.C., as paragraph (a) and subparagraphs thereof, and prescribing a new paragraph (b) to govern the operation of the Pennsylvania Railroad Company Freight Bridge No. 134.35, effective on and after publication in the FEDERAL REGISTER so that maximum benefits may be derived during the remainder of the present boating season, as follows:

§ 203.330 Anacostia River, Washington, D.C.; bridges.

(a) *District of Columbia highway bridge at 11th Street SE.* (1) From 9:00 a.m. to 4:00 p.m. daily the draw of this bridge shall, upon proper signal, be opened promptly for the passage of any vessel or other watercraft not able to pass safely under the closed draw.

(2) Whenever a vessel unable to pass safely under the closed bridge desires to pass through the draw at any time between 4:00 p.m. and 4:00 a.m., notice of the time the opening is required shall be given to the draw tender at the bridge or other authorized representative of the owner of or agency controlling the bridge not later than 4:00 p.m.

(3) Whenever a vessel unable to pass safely under the closed bridge desires to pass through the draw at any time between 4:00 a.m. and 9:00 a.m., at least 12 hours' advance notice of the time the opening is required shall be given to the watchman at the bridge or other authorized representative of the owner of or agency controlling the bridge.

(4) Upon receipt of advance notice as specified in subparagraph (2) or (3) of this paragraph the draw tender, watchman, or other authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw upon proper signal at the time specified in the notice for the passage of the vessel or within a reasonable time thereafter: *Provided*, That from 6:45 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. daily the draw shall not be required to open for the passage of vessels except vessels owned or controlled by the United States or the District of Columbia.

(5) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the draw tender, watchman, or other authorized representative may be reached by telephone or otherwise.

(b) *Pennsylvania Railroad Company Freight Bridge No. 134.35.* (1) During the period from April 1 to September 30, inclusive, on Saturdays, Sundays, and legal holidays, the lift span shall be opened on signal. During the same period, on weekdays between the hours of 10:00 a.m. and 8:00 p.m., the lift span shall be opened on signal on the hour for the passage of two or more vessels or other watercraft: *Provided*, That in no case shall the delay to a single vessel be more than 30 minutes.

(2) During the period from April 1 to September 30, inclusive, on weekdays between the hours of 8:00 p.m. and 10:00 a.m., and from October 1 to March 31, inclusive, on Saturdays, Sundays, and legal holidays between the hours of 10:00 a.m. and 6:00 p.m., the lift span shall be opened on signal on the hour for the passage of any vessel or other watercraft: *Provided*, That when once opened the bridge shall remain open sufficiently long to permit the passage of all vessels or other watercraft which may be in sight of the bridgetender and expected to desire a passage of the bridge. The time referred to shall be eastern standard or eastern daylight time, whichever is in effect locally.

(3) At all other times not covered, at least two hours' advance notice is required to be given to the designated representative of the owner of or agency controlling the bridge. The notice shall contain the name or number of the vessel and the expected time of its arrival at the bridge.

(4) Vessels employed or controlled by the United States Government, the District of Columbia and agencies of the State of Maryland shall be passed without delay through the draw of said bridge at any hour of the day or night upon giving the proper signal.

(5) Clearance gages, of a type approved by the District Engineer of the U.S. Army Engineer District in charge of the locality, shall be provided by the owners of the bridge. These gages shall be so set and maintained on the upstream and downstream fenders of the bridge as to show accurately and clearly the distance between the water surface and the lowest point of the closed lift span.

(6) The bridge shall not be required to be opened for the passage of vessels habitually using the waterway and carrying appurtenances such as radio antenna or flag staffs which as determined by the District Engineer of the U.S. Army Engineer District in charge of the locality, can readily be removed, lowered or hinged, and which are otherwise capable of clearing the bridge when closed. Habitual users are defined as any vessel passing the bridge as often as seven (7) times in a 30-day period.

(7) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can easily be read at all times, a copy of the regulations in this paragraph, together with a notice stating a local telephone number where the representative specified in subparagraph (3) of this paragraph may be reached.

[Regs., Aug. 30, 1960, 285/91 (Anacostia River, Washington, D.C.)–ENGCW–0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–8614; Filed, Sept. 15, 1960; 8:48 a.m.]

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Miscellaneous Amendments

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), certain sections governing the operation of drawbridges are hereby amended to delete the provision concerning the effective date of the regulations, the remaining provisions of the sections to remain in full force and effect, as follows:

§ 203.15 Presumpscot River, Portland, Maine; bridge (highway) at Martins Point, Portland, Maine.

(d) [Revoked]

§ 203.25 Fore River, Portland Harbor, Maine; bridges (highway), known as "Portland Bridge" and "Vaughn Bridge".

(j) [Revoked]

§ 203.30 York River, Maine; bridge (highway) of town of York, between York and Johnny Island.

(c) [Revoked]

§ 203.35 Piscataqua River, Maine and N.H.

(a) *Bridge (highway) between Portsmouth, N.H., and Kittery, Maine.*

(6) [Revoked]

(b) *Bridge (combined highway and railroad) between Portsmouth, N.H., and Kittery, Maine.*

(9) [Revoked]

§ 203.40 Bellamy River, N.H.; bridge (highway) between Cedar Point and Dover Point, N.H.

(g) [Revoked]

§ 203.50 Hampton River, N.H.; bridge (highway) between Seabrook and Hampton Beaches, N.H.

(j) [Revoked]

§ 203.60 Plum Island River, Mass.; bridge (highway).

(j) [Revoked]

§ 203.65 Danvers River, Mass.; bridges (highway and railroad).

(h) [Revoked]

§ 203.110 Niantic River, Conn.; bridges of New York, New Haven & Hartford Railroad Co., and the State of Connecticut at Niantic, Conn.

(e) [Revoked]

§ 203.130 Poquonock River, Yellow Mill Channel, and Johnsons River, Conn.; bridges (highway and railroad) at Bridgeport, Conn.

(e) [Revoked]

§ 203.145 Norwalk River at Norwalk, Conn.; Washington Street Highway bridge and the New York, New Haven & Hartford Railroad bridge.

(f) [Revoked]

§ 203.210 Raritan River and Arthur Kill, and their navigable tributaries; bridges.

(g) [Revoked]

§ 203.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

(h) [Revoked]

§ 203.250 Inlet from Little Annemessex River, Md.; bridge (highway) at Crisfield, Md.

(e) [Revoked]

§ 203.260 Wicomico River, Md.; bridges (highway) across south prong at Camden Avenue and Division Street and north prong at Main Street, Salisbury, Md.

(d) [Revoked]

§ 203.270 Cambridge Harbor, Md.; bridge.

(e) [Revoked]

§ 203.280 Miles River, Md.; bridge (highway) at Easton, Md.

(f) [Revoked]

§ 203.285 Oak Creek, tributary of Miles River, Md.; bridges of the Maryland State Roads Commission and the Baltimore, Chesapeake and Atlantic Railroad Company at Royal Oak, Md.

(d) [Revoked]

§ 203.290 Kent Island Narrows, Md.

(a) *Bridge (highway) of Maryland State Roads Commission.*

(4) [Revoked]

(b) *Bridge of Baltimore and Eastern Railroad (Pennsylvania Railroad Co.).*

(5) [Revoked]

§ 203.310 Severn River, Md.; bridge (highway) near Annapolis, Md.

(d) [Revoked]

§ 203.340 Rappahannock River, Va.; all bridges.

(1) [Revoked]

§ 203.555 Mississippi River and its navigable tributaries and outlets, including the Atchafalaya River, La., above Grand Lake; bridges.

(i) [Revoked]

§ 203.583 White River, Ark.; Missouri and Arkansas Railway Company bridge near Georgetown, Ark.

(i) [Revoked]

§ 203.605 Illinois Waterway, Ill.; bridges (highway and railroad) at Pekin, Peoria, and Joliet, Ill.

(c) [Revoked]

§ 203.640 Red River of the North, Minn. and N. Dak.; bridges.

(g) [Revoked]

§ 203.645 Sturgeon Bay, Wis.; bridges at Sturgeon Bay, Wis.

(h) [Revoked]

§ 203.685 Grand River and the channel at mouth of Spring Lake, Mich.; bridge.

(c) [Revoked]

§ 203.690 Charlevoix Harbor, Mich. (upper and lower channels); bridge.

(b) [Revoked]

§ 203.695 St. Marys Falls Canal, Mich.; International Bridge.

(f) [Revoked]

§ 203.725 Umpqua River, Oreg.

(b) *Bridge (highway) at Reedsport, Oreg.*

(4) [Revoked]

§ 203.745 John Day River, Oreg.; bridge (highway).

(f) [Revoked]

§ 203.750 Willamette River at Portland, Oreg., Columbia at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg.; bridges (highway and railroad).

(g) [Revoked]

§ 203.765 Cowlitz and Lewis Rivers, Wash.; bridges.

(c) [Revoked]

§ 203.775 Grays Harbor and tributaries, Wash.; bridges.

(b) *Special regulations.*

(10) [Revoked]

[Regs., Aug. 29, 1960, 285/91–ENGCW–0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), certain sections governing the use, administration and navigation of navigable waters of the United States are hereby amended to delete the provision concerning the effective date of the regulations, the remaining provisions of the sections to remain in full force and effect, as follows:

§ 207.60 Federal Dam, Hudson River, Troy, N.Y.; pool level.

(e) [Revoked]

§ 207.70 Channel of Tuckerton Creek, N.J.; navigation.

(b) [Revoked]

§ 207.80 Channel of Christina River, Del.; navigation.

(b) [Revoked]

§ 207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways, tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.

• • • • • •

(l) [Revoked]

§ 207.250 Ouachita River, Ark. and La.; use, administration, and navigation.

• • • • • •

(y) [Revoked]

§ 207.270 Tallahatchie River, Miss., between Batesville and the mouth; logging.

• • • • • •

(i) [Revoked]

§ 207.280 White River, Ark.; use, administration, and navigation of locks in upper White River.

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(p) [Revoked]

§ 207.290 Current River above Van Buren, Mo.; logging.

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(f) [Revoked]

§ 207.350 St. Croix River, Wis. and Minn.

• • • • • •

(b) *Power dam at Taylors Falls.*

• • • • • •

(4) [Revoked]

§ 207.360 Rainy River, Minn.; logging regulations for portions of river within jurisdiction of the United States.

• • • • • •

(d) [Revoked]

§ 207.420 Chicago River, Ill.; Sanitary District controlling works, and the use, administration, and navigation of the lock at the mouth of river, Chicago Harbor.

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(b) *Lock.*

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(20) [Revoked]

§ 207.425 Calumet-Sag Channel, Ill.; Chicago Sanitary District controlling works and the use, administration, and navigation of lock near Blue Island.

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(b) *Lock.*

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(22) [Revoked]

§ 207.490 Cheboygan River, Wash.

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(b) Floating of logs in inland Route and connecting waters between Cheboygan and Conway, Mich.

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(4) [Revoked]

§ 207.545 Monroe Harbor, Mich.; use, administration, and navigation.

• • • • • •

(d) [Revoked]

§ 207.560 Sandusky Harbor, Ohio; use, administration, and navigation.

• • • • • •

(f) [Revoked]

§ 207.570 Harbors of Huron, Lorain, Cleveland, Fairport, Ashtabula, Conneaut, Ohio; use, administration, and navigation.

• • • • • •

(e) [Revoked]

§ 207.580 Buffalo Harbor, N.Y.; use, administration, and navigation.

• • • • • •

(e) [Revoked]

§ 207.600 Rochester (Charlotte) Harbor, N.Y.; use, administration, and navigation.

• • • • • •

(e) [Revoked]

§ 207.610 St. Lawrence River, Cape Vincent Harbor, N.Y.; use, administration, and navigation of the harbor and United States breakwater.

• • • • • •

(j) [Revoked]

§ 207.690 Yamhill Lock, Yamhill River, Oreg.; use, administration, and navigation.

• • • • • •

(r) [Revoked]

§ 207.720 Willapa Bay and tributaries, Wash.; logging.

• • • • • •

(c) [Revoked]

§ 207.730 Grays Harbor and tributaries, Wash.; logging.

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(k) [Revoked]

§ 207.790 Port Alexander, Alaska; speed of vessels.

• • • • • •

(c) [Revoked]

[Regs., Aug. 29, 1960, 285/91-ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-8592; Filed, Sept. 15, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A25]

MILK IN CINCINNATI, OHIO, MARKETING AREA AND 15 NORTHERN KENTUCKY COUNTIES

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on June 12-15, 1960, pursuant to notice thereof issued on June 22, 1960 (25 F.R. 5882).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 23, 1960 (25 F.R. 8198) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. Although the record of the hearing on proposed amendments, which was conducted at Cincinnati, Ohio, on July 12-15, 1960, pursuant to notice thereof which was issued on June 22, 1960 (25 F.R. 5882), was concerned with numerous issues, this decision is confined to a consideration of that one relating to seasonal incentive payments by handlers operating pool plants. It was requested at the hearing that this issue be considered separately so that any amendment action which might be taken could be made effective during the fall months of 1960. Accordingly, an earlier date was set for the filing of briefs on this issue than on the remaining issues. This issue will be considered herein and consideration of the other material issues of record will be deferred.

Findings and conclusions. The following findings and conclusions on this material issue are based on evidence presented at the hearing and the record thereof:

Seasonal incentive payments by handlers operating pool plants. The order provides a fall production incentive plan whereby certain amounts of money are deducted in computing uniform prices for flush production months and distributed to all producers, during short production months, through the mechanism of the uniform price computation. It was proposed that the order be amended to require that a handler who operates a plant which is a nonpool plant during the months when amounts are deducted and which becomes a pool plant during the subsequent fall months shall pay into the producer-settlement fund an amount equal to that portion of the uniform prices paid to producers delivering to his plant which represents the fall incentive "add-back".

The fall incentive plan must be regarded as having marketwide implications. It is not a method of distributing returns to producers as individuals delivering to a given plant; rather, it is a marketwide production incentive technique whereby certain amounts are deducted in the computation of uniform prices for flush months and added back in the computation of such prices for short production months. The amounts so deducted and added are not identified with the deliveries of individual producers or plants, but are an intrinsic part of the method of computing uniform prices for spring and fall months. Likewise, the fall incentive plan cannot be used to impose additional product cost on some pool plant operators as opposed to others. If the participation of all producers and payments by all pool handlers were not computed on the same basis, the result would be different seasonal patterns of prices for different groups of producers and different product costs for different groups of pool handlers. Accordingly, the proposed amendment is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Issued at Washington, D.C., this 13th day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8629; Filed, Sept. 15, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket. No. 507]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS; PARTS, PROCESSES AND APPLIANCES

Fire Detectors; Thermal Sensing and Ionization Sensing

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the Regulations of the Administrator by adopting a new Technical Standard Order.

This Technical Standard Order revises § 514.21 (23 F.R. 7209) which establishes minimum performance standards for fire detectors used on civil aircraft of the United States, by providing combined standards for use in both piston and turbine engine installations, and to reflect current procedures for fire detector evaluation.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 2, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.21 as follows:

§ 514.21 Fire detectors (thermal sensing and ionization sensing types)—TSO-C11c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fire detectors of the subject types which are required to be approved for use on piston and/or turbine engine-powered civil aircraft of the United States. New models of these types of fire detectors manufactured for use on civil aircraft of the United States on or after the effective date of this section,

shall meet the standards specified in Federal Aviation Agency Standard "Fire Detectors (Thermal Sensing and Ionization Sensing Types)."[1] Fire detectors approved prior to the effective date of this section, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of information required in § 514.3(c), the alarm temperature shall be shown. Compliance of the detector with the piston or turbine engine requirements, or both, shall be designated by –P, –T, or –PT, repectively, as a suffix following the TSO designation, as: TSO–C11c–P.

(c) *Data requirements.* (1) The manfacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his equipment. (See paragraph (d) of this section).

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance certifying that the instrument conforms to this section.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to the installation. These data shall include the following:

(*a*) Starting ambient temperature used in determining the response time (see section 7.1.1);

(*b*) Maximum allowable normal ambient temperature at the point of sensor location;

(*c*) Maximum allowable rate of temperature rise at point of sensor location as a result of normal operation;

(*d*) Operating voltage;

(*e*) Mounting or support method; and

(*f*) Maximum or minimum number of units or detector length which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature associated with normal operation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Fire detectors shall be produced under a quality control system, established by the manufacturer, which will assure that each detector is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

[1] Copies may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.

Issued in Washington, D.C., on September 12, 1960.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–8593; Filed, Sept. 15, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–AN–30]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2447 of the regulations of the Administrator, the substance of which is stated below.

The Bethel, Alaska, control zone is presently designated within a 5-mile radius of a point centered on the new Bethel Municipal Airport, within 5 miles either side of a direct line extending from the center of the new Bethel Municipal Airport and the FAA Bethel Intermediate Field, within 2 miles either side of the Bethel radio range southeast course extending from the radio range station to a point 11½ miles southeast, and within 2 miles either side of the 348° True bearing extending from the Bethel radio beacon to a point 11½ miles northwest.

The Federal Aviation Agency has under consideration modifying this control zone as follows:

1. Revoke that portion of the control zone 5 miles either side of a line extending from the center of the new Bethel Municipal Airport and the FAA Bethel Intermediate Field; revoke the southeast control zone extension based on the Bethel radio range extending from the radio range to 11½ miles southeast; and revoke the northwest control zone extension based on the radio beacon. The FAA Bethel Intermediate Field has been closed, the radio beacon has been decommissioned, the instrument approach procedures based on the radio beacon have been canceled and the instrument approach procedures based on the southeast course of the radio range are being revised. Therefore, it appears that these control zone extensions would no longer be required and that the revocation thereof would be in the public interest.

2. Designate extensions north and southwest of the Bethel VOR (Lat. 60°47'08" N, Long. 161°49'20" W) extending from the 5-mile radius zone to 12 miles north and southwest of the VOR; designate and extension based on the 296° True bearing from the radio range extending from the 5-mile radius zone to the radio range station; designate an extension based on the 023° True bearing from the new Bethel radio beacon (Lat. 60°47'52" N, Long. 161°48'07" W), extending from the 5-mile radius zone to 12 miles northeast of the radio beacon. These modifications would provide protection for aircraft executing instrument approach procedures based on the VOR, radio range and the radio beacon.

If these actions are taken, the Bethel control zone would be designated within a 5-mile radius of the Bethel Municipal Airport (Lat. 60°46'55" N, Long. 161°49'55" W), within 2 miles either side of the 007° True and the 214° True radials of the VOR extending from the 5-mile radius zone to 12 miles northnortheast and southwest of the VOR; within 2 miles either side of the 296° True bearing from the radio range extending from the 5-mile radius zone to the radio range, and within 2 miles either side of the 023° True bearing from the radio beacon extending from the 5-mile radius zone to 12 miles northeast of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 9, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–8594; Filed, Sept. 15, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–KC–55]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering

an amendment to § 601.2102 of the regulations of the Administrator, the substance of which is stated below.

The Grand Forks, N. Dak., control zone is presently designated within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of the Grand Forks, N. Dak., radio range extending 10 miles south of the radio range station. The Federal Aviation Agency has under consideration the modification of this control zone by extending the present control zone extension, based on the south course of the radio range, to 12 miles south of the radio range and designating a control zone extension 2 miles either side of the 340° True radial of the Grand Forks VOR extending from the 5-mile radius zone to the VOR. These modifications would provide protection for aircraft executing the prescribed instrument approach procedures at the Grand Forks International Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 9, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–8595; Filed, Sept. 15, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–WA–184]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2247 of the regulations of the Administrator, the substance of which is stated below.

The Abilene, Tex., control zone is presently designated within a 5-mile radius of Abilene Municipal Airport, within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to a point 10 miles north; within 2 miles either side of a direct line extending from the Abilene radio range station to and including a 5-mile radius of Dyess Air Force Base; within 2 miles either side of the 292° and the 112° True radials of the Abilene VOR extending from the Abilene Municipal Airport 5-mile radius zone to a point 5 miles northwest of the VOR; within 2 miles either side of the 354° True radial of the Abilene VOR extending from the VOR to a point 10 miles north; and within 2 miles either side of the centerline of Dyess AFB north/south runway 16/34 extending to a point 10 miles south of the end of the runway. An ILS is being installed at the Abilene Municipal Airport to serve the north/south runway. The ILS outer marker will be located at Lat. 32°18'50" N, Long. 99°41'04" W. The Federal Aviation Agency is considering modifying the Abilene control zone by designating an extension 2 miles either side of the ILS localizer south course extending from the 5-mile radius zone of the Abilene Municipal Airport to the ILS outer marker; revoking the control zone extension northwest of the Abilene VOR; extending the present north extensions based on the north course of the Abilene radio range and VOR to 12 miles north of the radio range and VOR; and extending the present south extension based on the Dyess radio beacon to 12 miles south of the Dyess radio beacon. These modifications would provide protection for aircraft executing the prescribed instrument approach procedures at Abilene Municipal Airport and Dyess AFB.

If these actions are taken, the Abilene, Tex., control zone would be redesignated to include the airspace within a 5-mile radius of Abilene Municipal Airport (Lat. 32°25'10" N, Long. 99°41'20" W); within 2 miles either side of the Abilene ILS localizer south course extending from the 5-mile radius zone to the ILS outer marker; within 2 miles either side of the north course of the Abilene radio range extending from the 5-mile radius zone to 12 miles north of the radio range; within 2 miles either side of a direct line extending from the Abilene radio range to Dyess AFB, Abilene, Tex.; within a 5-mile radius of Dyess AFB (Lat. 32°25'10" N, Long. 99°51'15" W); within 2 miles either side of the 112° True radial of the Abilene VOR extending from the Abilene Municipal Airport 5-mile radius zone to the Abilene VOR; within 2 miles either side of the 354° True radial of the Abilene VOR extending from the Dyess AFB 5-mile radius zone to 12 miles north of the VOR and within 2 miles either side of the 168° and 348° True bearings of the Dyess AFB RBN extending from the 5-mile radius zone to 12 miles south of the RBN.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 9, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–8596; Filed, Sept. 15, 1960; 8:46 a.m.]

[14 CFR Part 626]

[Airspace Docket No. 60–WA–159]

NOTICE OF CONSTRUCTION OR ALTERATION; CRITERIA, PROCEDURES AND RULES FOR DETERMINATION OF EFFECT UPON USE OF NAVIGABLE AIRSPACE OF OBSTRUCTIONS TO AIR NAVIGATION

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency has under consideration a proposal for the adoption of Part 626 of the regulations of the Administrator as hereinafter set forth.

Section 1101 of the Federal Aviation Act (72 Stat. 797; 49 U.S.C. 1501) provides that the Administrator shall, by rules and regulations, or by order where necessary, require all persons to give adequate public notice, in the form and manner prescribed by the Administrator, of the construction or alteration of any structure where notice will promote safety in air commerce. Section 313(a)

of the Federal Aviation Act (72 Stat. 752; 49 U.S.C. 1354) empowers the Administrator to perform such acts, to conduct such investigations, to issue and amend such general or special rules, regulations, and procedures, pursuant to and consistent with the provisions of the Act, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under, the Act. Section 307(a) of the Federal Aviation Act (72 Stat. 749; 49 U.S.C. 1348) authorizes and directs the Administrator to develop plans for and formulate policy with respect to the use of the navigable airspace; and assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. This section further provides that the Administrator may modify or revoke such assignment when required in the public interest.

The form and manner of public notice of construction or alteration of structures where notice will promote safety in air commerce, pursuant to § 1101 of the Act, are presently prescribed in Part 625 of the regulations of the Administrator. However, Part 625 establishes the requirement for notice as to both landing area construction and tall structure construction. If the within proposed regulation is adopted, it will prescribe the form and manner of notice required, where notice will promote safety in air commerce, for the construction or alteration of all structures exclusive of the construction or alteration of landing areas. Accordingly, appropriate modification of Part 625 will be accomplished by separate rule making action to be initiated by the Federal Aviation Agency within the near future.

With the expansion of the aviation industry the problems presented by the construction or alteration of structures affecting safety in air commerce have become pressing and can no longer be satisfactorily resolved by presently established criteria and procedures. This is particularly true in view of the fact that the present procedures for the evaluation of proposed construction with regard to possible hazard to air commerce utilize various criteria developed at different times and for different purposes, some of which are regulatory in nature and others are of a policy nature. Included in these criteria are Parts 609 and 610 of the regulations of the Administrator, Technical Standard Order of the Administrator, TSO–N18, and the Joint Industry/Government Tall Structures Committee (JIGTSC) Final Report. Further, Part 17 of the Regulations of the Federal Communications Commission also contains criteria utilized to single out certain antenna construction proposals for special aeronautical study by the Air Coordinating Committee (ACC) with regard to potential aeronautical hazard. In addition, no Regulations of the Administrator presently exist establishing procedures for the consideration of the effects of structures upon safety in air commerce.

The only forum for considering this question with specific reference to broadcast structures, was established by Executive Order No. 9781, as amended, which created the Air Coordinating Committee. This Committee established rules of procedure whereby its Regional Subcommittees and Washington Airspace Panel conducted special aeronautical studies of the effect of proposed alteration or construction of broadcast structures and submitted their recommendations to the Federal Communications Commission in accordance with Part 17 of the Commission's rules. It is to be noted at this point that no other forum exists for the consideration of the effect of other tall structures upon safety in air commerce; and further that the Federal Communications Commission's consideration of antenna structures is in connection with the issuance of a construction permit or broadcast permit for broadcast purposes.

On August 11, 1960, the President issued Executive Order No. 10833 terminating the Air Coordinating Committee as of the 60th day following the date of issuance. With the termination of the ACC on October 10, 1960, no forum would exist wherein studies could be conducted as to the effect of structures upon the safety of air commerce.

In drafting the criteria contained in the proposed regulation, it was considered necessary to encompass the construction or alteration of any structure which would affect safety in air commerce to give meaning and effect to the requirement in section 1101 of the Act for notice as to such construction. Such portions of the presently existing criteria as could be adapted were carried forward in combination with proposed changes and additions and incorporated into the text of this proposed regulation. In the development of the proposed criteria, the Agency has given consideration to the requirements for safety in air commerce and at the same time recognition to the requirements of the users of airspace for surface construction.

It is proposed herein to adopt a regulation which would establish when notice of construction must be given and the criteria for the determination of what proposed structures would constitute hazards to air commerce by reason of their location or height. Since such hazard criteria are universal in application, the regulation also provides procedures for giving individual consideration to a specific structure to permit the Agency to determine whether waiver of the criteria as applied to that structure would be consistent with safety of air commerce. These procedures will provide a forum and a means for the Agency to give full consideration to the public interest in safe air commerce and the interests of the construction sponsor.

The Agency contemplates that, in the application of this regulation and the aeronautical studies of specific proposals thereunder, consideration will be given to possible adjustments of aviation requirements to accommodate tall structures. This would include the raising of minimum flight levels and realigning routes, airways and other flight patterns. These studies would also provide for the consideration of possible adjustments to the location and height of proposed structures to eliminate or minimize non-conformance with the criteria.

In these criteria, specific recognition is given to the requirements of the broadcast industry through providing for the regulatory establishment of "antenna farm areas" of specific dimensions of area and height. Antenna proposals or other tall structures to be located within such areas and which would not exceed the established dimensions, are automatically excluded from the category of aviation hazards. Although no specific antenna farm areas are proposed for establishment in this notice, a subsequent notice of proposed rule making will be issued by the Federal Aviation Agency within the near future wherein specific recognized farm areas now in existence will be proposed for establishment under this regulation.

Inasmuch as this proposal is issued in accordance with the Administrative Procedures Act, it is recognized that such regulation as may be issued will not be effective prior to the termination date of the ACC. Therefore, during the period between the termination of the ACC on October 10, 1960, and the effective date of the regulation of the Administrator to be implemented as a result of this notice, the Administrator will take under consideration all matters relating to obstructions to air navigation then pending before the ACC or which may arise during this period and will take such action in each such case as may be warranted by the facts thereof.

In view of the early termination of the ACC, it becomes necessary to adopt new procedures as soon as possible. Because of this urgency, interested persons desiring to comment on this notice are requested to expedite their comments to reach the Agency at the earliest possible date, notwithstanding that a period of 45 days is provided within which comments to this notice will be received. This will enable the agency to perform its analysis of the comments as they are received and thus be prepared to go forward with promulgation of the regulation shortly after the closing of the comment period.

If this action is taken, Part 626 of the regulations of the Administrator would be adopted, as follows:

Subpart A—Introduction

Sec.
626.1 Basis and purposes.
626.2 Effective period of agency final determinations or orders issued hereunder.
626.3 Explanation of terms.

Subpart B—Requirements for Notice of Construction or Alteration; Hazards to Air Navigation Criteria

626.8 Scope and effect of subpart.
626.9 Structures requiring notice.
626.10 Form and time of notice.
626.11 Acknowledgement of notice.
626.12 Hazards to air navigation—criteria.
626.13 Airport referenced imaginary surfaces—definitions.

Subpart C—Procedures for Aeronautical Studies of the Effects of Proposed Construction on the Use of the Navigable Airspace

Sec.
626.30 Scope and effect of subpart.
626.31 Initiation of aeronautical studies.
626.32 Agency Regional Office procedures for aeronautical studies.
626.33 Agency Washington Office review and issuance of determinations.
626.34 Petitions for public hearing.

Subpart D—Rules of Practice and Procedure for the Conduct of Fact-Finding Hearings into Structures Which Affect the Use of the Navigable Airspace

626.40 Applicability of subpart.
626.41 Nature of hearing.
626.42 Filing of documents.
626.43 General requirements as to documents.
626.44 Amendment of documents and dismissal.
626.45 Answers.
626.46 Retention of documents by the Agency.
626.47 Service of documents.
626.48 Parties.
626.49 Substitution of parties.
626.50 Limitations on practice.
626.51 Consolidations.
626.52 Intervention.
626.53 Computation of time.
626.54 Continuance and extensions of time.
626.55 Motions.
626.56 Presiding Officers.
626.57 Legal Officer.
626.58 Prehearing conference with parties to the inquiry.
626.59 The hearing.
626.60 Argument before the Presiding Officer.
626.61 Action by the Presiding Officer after conclusion of the hearing.
626.62 Effect of initial or recommended decision of the Presiding Officer.
626.63 Exceptions to initial or recommended decision of the Presiding Officer.
626.64 Briefs before the Administrator.
626.65 Oral argument before the Administrator.
626.66 Final decision of the Administrator.
626.67 Petition for reconsideration.

Subpart E—Establishment of Antenna Farm Areas

626.75 Scope and effect of subpart.
626.76 General.
626.77 Establishment of antenna farm areas.

STATES

626.80 Alabama.
626.100 Alaska.
626.120 Arizona.
626.140 Arkansas.
626.160 California.
626.180 Colorado.
626.200 Connecticut.
626.220 Delaware.
626.240 Florida.
626.260 Georgia.
626.280 Hawaii.
626.300 Idaho.
626.320 Illinois.
626.340 Indiana.
626.360 Iowa.
626.380 Kansas.
626.400 Kentucky.
626.420 Louisiana.
626.440 Maine.
626.460 Maryland.
626.480 Massachusetts.
626.500 Michigan.
626.520 Minnesota.
626.540 Mississippi.
626.560 Missouri.
626.580 Montana.
626.600 Nebraska.
626.620 Nevada.
626.640 New Hampshire.
626.660 New Jersey.
626.680 New Mexico.
626.700 New York.
626.720 North Carolina.
626.740 North Dakota.
626.760 Ohio.
626.780 Oklahoma.
626.800 Oregon.
626.820 Pennsylvania.
626.840 Rhode Island.
626.860 South Carolina.
626.880 South Dakota.
626.900 Tennessee.
626.920 Texas.
626.940 Utah.
626.960 Vermont.
626.980 Virginia.
626.1000 Washington.
626.1020 West Virginia.
626.1040 Wisconsin.
626.1060 Wyoming.

POSSESSIONS [RESERVED]

Subpart A—Introduction

§ 626.1 Basis and purposes.

(a) The basis of this part is found in Titles III, X and XI of the Federal Aviation Act of 1958, as amended.

(b) The purposes of this part are as follows:

(1) To require all persons to give adequate public notice of the proposed construction or alteration of any structure where notice will promote safety in air commerce and to prescribe the form and manner of such notice.

(2) To establish criteria for the evaluation of obstructions to air navigation.

(3) To provide for the conduct of, and prescribe the procedures for, aeronautical studies of those proposals for the erection of new or alteration of existing structures which would become hazards to air navigation by operation of this part, unless exempted from the criteria herein; to determine the effects of such obstructions upon the safety of aircraft in flight and the efficient utilization of airspace; and to prescribe the manner of issuance and publication of the determinations of such aeronautical studies.

(4) To provide for the initiation and conduct of public hearings for the purposes of making final determinations as to whether exemptions to the criteria of this part shall be granted or denied with respect to specific construction proposals; to prescribe the rules and procedures for conducting such hearings; and to prescribe the manner of issuance and publication of resulting orders granting or denying such exemptions.

(5) To establish antenna farm areas at prescribed geographical locations and with specified dimensions of area and height.

§ 626.2 Effective period of agency final determinations or orders issued hereunder.

(a) Determinations pursuant to § 626.32(b) or § 626.33(b) based on aeronautical studies, if no appeal is taken, become final determinations and will be effective for a period of eighteen (18) months from the expiration of the appeal period.

(b) Orders granting exemptions pursuant to § 626.66 will be effective for a period of eighteen (18) months from the date of expiration of the appeal period.

(c) Upon expiration of the above effective periods, without construction having been commenced, any final determination or order granting exemption issued by the Agency pursuant to this part will lapse, provided that the construction sponsor may show cause by petition to the Administrator as to why the exemption should not lapse. Such petition shall be filed not less than thirty (30) days prior to the expiration of the effective period.

§ 626.3 Explanation of terms.

As used in this part, terms are defined as follows:

(a) "Administrator" means Administrator, Federal Aviation Agency.

(b) "Agency" means Federal Aviation Agency.

(c) "Air navigation facility" means any electronic facility the broadcast signal of which is used for navigational guidance by aircraft.

(d) "Airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(e) "Airport reference point" means a point selected by the Agency as the approximate center of the landing area.

(f) "Approved off-airway route" means a direct course between radio facilities and/or intersections of their signals having a defined width and extending from the surface upward, approved by the Administrator for use by air carrier aircraft.

(g) "Construction" means the erection or alteration of any structure either of a permanent or temporary character.

(h) "Control area" means the airspace so designated in Part 601 of this chapter (Regulations of the Administrator). (These areas are depicted on aeronautical charts.)

(i) "Control zone" means the airspace so designated in Part 601 of this chapter (Regulations of the Administrator). (These zones are depicted on aeronautical charts.)

(j) "Determination" means a decision granting or denying an exemption issued by the Chief of an Air Traffic Management Field Division or by the Chief, Airspace Obstruction Evaluation Branch, which becomes a final determination if no appeal is taken therefrom or if appeal is denied.

(k) "Exemption" means a waiver of the criteria in this part with respect to a specific construction proposal.

(l) "Final determination" means an Agency determination from which no appeal is granted or an order of the Administrator, granting or denying an exemption to the criteria of this part with respect to a specific construction proposal.

(m) "Height" means the over-all height of the top of a structure including any appurtenance installed thereon.

(n) "Heliport" means a landing area solely for the use of helicopters.

(o) "Heliport reference point" means a point selected by the Agency as the approximate center of the heliport.

(p) "Landing area" means any locality, either land or water, including airports, heliports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

(q) "Landing area boundary" means the outer limit of the land or water on which a landing area is maintained.

(r) "Low altitude Federal airway" means any airway designated in Part 600 of this chapter (Regulations of the Administrator) below 14,500 feet MSL.

(s) "MSL" means mean sea level.

(t) "Obstruction to air navigation" means any structure for which notice is required under Subpart B of this part.

(u) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(v) "Public notice" means notice to the Administrator as prescribed in § 626.9.

(w) "Slope ratio" means a numerical expression of a stated relationship of height to horizontal distance, e.g., 1 to 100 means one foot vertically for each one hundred feet of horizontal distance.

(x) "Structure" includes any form of structure of a permanent or temporary character, including any apparatus used in the erection, alteration, or repair of such structure.

(y) "VFR flyway" means an established air route, depicted on aeronautical charts, along a valley, river, highway, railroad, shoreline, or any other visually identifiable path over the ground, used for pilotage under weather conditions suitable for VFR flight.

Subpart B—Requirements for Notice of Construction or Alteration; Hazards to Air Navigation Criteria

§ 626.8 Scope and effect of subpart.

(a) This subpart establishes the requirement for all persons to give adequate public notice of the proposed construction or alteration of certain structures; specifies the location and dimensions of structures for which notice is required; and prescribes the form and manner of such notices. All structures for which public notice would be required pursuant to this subpart shall be deemed obstructions to air navigation.

(b) Criteria are established herein for the evaluation of obstructions to air navigation; any such obstruction which would exceed the criteria set forth in this subpart, and for which an exemption to these criteria has not been granted, shall be deemed a hazard to air navigation.

§ 626.9 Structures requiring notice.

(a) Any person proposing to engage in the construction or alteration of any of the following shall give notice thereof to the Administrator in the form and manner prescribed in this subpart.

(1) Any structure, the top or any portion of which may become at the construction site, by reason of such construction or alteration, greater than one hundred and fifty feet above ground level, or above mean water level where the structure will be situated in or over water.

(2) Any structure within 15,000 feet of any airport or other landing area, excluding heliports, the top or any portion of which may become, by reason of such construction or alteration greater than one foot above such airport or landing area elevation, or above the construction site ground level or mean water level (where the structure will be situated in or over water), whichever is higher, for each one hundred feet or fraction thereof, of the distance that such structure will be situated from the boundary of such airport or landing area.

(3) Any structure within 5,000 feet of any heliport, the top or any portion of which may become, by reason of such construction or alteration, greater than three feet above such heliport elevation, or above the construction site ground level or mean water level (where the structure will be situated in or over water), whichever is higher, for each one hundred feet or fraction thereof, of the distance that such structure will be situated from the boundary of such heliport.

(4) Any structure, the top or any portion of which may extend, by reason of such construction or alteration, into an airport approach obstruction plane.

(i) For purposes of this part an "airport approach obstruction plane" is defined as an imaginary surface extending from each end of any airport runway having a length of 2,000 feet or greater, longitudinally centered on the extended centerlines thereof, for a distance of 1,000 feet at the elevation of the approach end of the runway and thence sloping upward at a ratio of 1 to 60 until it intersects the slope described in sub paragraph (2) of this paragraph.

(a) For all instrument approach runways and all runways having a length of 5,000 feet or greater, the width of the airport approach obstruction plane is 1,000 feet at the end adjacent to the runway and expands uniformly at a ratio which would reach a width of 4,000 feet at a distance of 10,000 feet from the end of the runway.

(b) For non-instrument approach runways having a length of 2,000 up to but not including 5,000 feet, the width of the airport approach obstruction plane is 500 feet at the end adjacent to the runway and expands uniformly at a ratio which would reach a width of 3,000 feet at a distance of 10,000 feet from the end of the runway.

(5) Any structure on a landing area within 500 feet of the centerline of any runway or which, if more than 500 feet from runway centerline, would project above an inclined plane extending upward from the ground from a base line 500 feet either side of and parallel with each runway, sloping upward and away from the runway at a ratio of 1 to 7.

(b) Notice to the Administrator is not required for the proposed construction or alteration of any structure to be located where the structure, when completed, would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height; provided that such shielding would result in the proposed structure causing no increase in potential hazard to aircraft operations. In case of doubt as to whether the potential hazard to aircraft would be increased by such proposed construction or alteration, the matter shall be referred to the Agency for decision.

§ 626.10 Form and time of notice.

(a) Notices required in compliance with § 626.9 shall be submitted to the Agency in triplicate on Form FAA-117,[1] "Notice of Proposed Construction or Alteration", not less than 30 days prior to the date, (1) the construction or alteration is proposed to begin,[2] or (2) an application for any type of construction permit or broadcast permit is to be filed, whichever is earlier, and shall be addressed to the Chief, Air Traffic Management Field Division of the nearest Regional Office of the Federal Aviation Agency, or to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

§ 626.11 Acknowledgment of notice.

(a) The Agency will acknowledge receipt of notices submitted in compliance with § 626.9.

(b) As to a proposed structure which, when completed, would not exceed the criteria of hazards to air navigation set forth in § 626.12, such acknowledgment will contain a statement that the Agency interposes no objection to the construction as proposed and a request that the acknowledging office be notified when the structure, during construction, reaches the minimum height for which notice prior to commencing construction would have been required under § 626.9.

(c) As to a proposed structure which, if erected, would exceed any of the criteria of hazards to air navigation set forth in § 626.12, the acknowledgment of notice will include the following:

(1) A statement advising the construction sponsor that pursuant to the provisions of this part (Regulations of the Administrator), a structure erected at the location and to the height specified in the notice would be a hazard to air navigation, and including a citation of the criteria which would be violated.

(2) A statement of the maximum height to which a structure may be erected at the location specified in the notice without becoming a hazard to air navigation by operation of this part.

[1] Copies of the form may be obtained from the Federal Aviation Agency, Washington 25, D.C., or from any Regional Office of the Federal Aviation Agency.

[2] Thirty (30) days is sufficient for preliminary processing of a notice of proposed construction or alteration including acknowledgement by the Agency. However, as to noticed construction which would exceed the criteria of hazards to air navigation (§ 626.12), should the sponsor request the Agency to conduct an informal aeronautical study of his construction proposal to determine whether an exemption to the criteria may be granted (§ 626.11(c)(3) and § 626.31(a)(1)), an additional 60 to 90 days will be required for processing such study

(3) A statement that the construction sponsor may request the Agency to conduct an aeronautical study of the noticed construction proposal for the purpose of making a determination of whether an exemption to the applicable criteria of hazards to air navigation may be granted.

§ 626.12 Hazards to air navigation—criteria.

(a) With the exception of any structure erected entirely within the confines of an antenna farm area as established in Subpart E of this part, any obstruction to air navigation, the top or any portion of which extends upward from the surface to a height above any of the following criteria is a hazard to air navigation, unless an exemption has been granted pursuant to the part.

(1) An elevation of 500 feet above ground at the site of the obstruction.

(2) An elevation of 170 feet above ground at the site of the obstruction where such obstruction is either within the geographical limits of any control zone or control area other than the continental control area, or within 5 miles either side of a VFR flyway.

(3) An elevation at the site of the obstruction which is 1,000 feet below the established MEA of an approved off-airway route[3] or 170 feet above ground whichever is higher, where the obstruction site is located within five (5) miles either side of the course of such approved off-airway route.

(4) An elevation above mean sea level, at the site of the obstruction, which is on a 1 to 50 slope extending upward from 500 feet below the established minimum en route altitude of any low altitude Federal airway or approved off-airway route, beginning at a point 5 miles from and perpendicular to such airway centerline or off-airway route course, where such obstruction is more than 5 but not more than 10 miles from such centerline or course and where the perpendicular line from such centerline or course on which the obstruction site lies intersects the centerline or course not more than 25 miles from any navigational facility upon which the airway or off-airway route is based.

(5) An elevation above mean sea level at the obstruction site which is 500 feet lower than the established minimum en route altitude for any low altitude Federal airway or approved off-airway route, where such obstruction site is more than 5 and not more than 10 miles perpendicular distance from the airway centerline or off-airway route course and is more than 25 miles from any navigational facility upon which such airway or off-airway route is based, measured in the manner described in item (4) of this subsection.

(6) Any airport referenced imaginary surface as defined in § 626.13.

[3] The location of approved off-airway routes may be obtained from the Federal Aviation Agency, Washington 25, D.C.; any Regional Office of the Federal Aviation Agency; or any local Federal Aviation Agency Aviation Safety District Office.

(b) The criteria in this section will be applied with respect to air navigation facilities, airports, Federal airways, approved off-airway routes, control zones, or control areas not in existence at the time of the filing of a Notice of Proposed Construction or Alteration of a structure only when plans or proposals for such aeronautical facilities are on file with the Agency as of the filing date of the Notice of Proposed Construction or Alteration. These criteria will also be applied to the Minimum Obstruction Clearance Altitudes of those Federal airways where planning information indicates a requirement to lower such airway minimum en route altitudes which may be satisfied by an additional VOR, distance measuring equipment, or other air navigational aids.

(c) Where two or more of the criteria established in paragraph (a) of this section apply to any obstruction, the most restrictive criterion will apply.

(d) For the purpose of determining the effect of an obstruction to air navigation upon the minimum instrument flight rules en route altitude or minimum obstruction clearance altitude of a low altitude Federal airway or approved off-airway route, the vertical dimensions of such obstruction will be measured to the nearest 100-foot elevation above mean sea level.

§ 626.13 Airport referenced imaginary surfaces—definitions.

(a) Airport referenced imaginary surfaces are established for all airports and are defined by reference to airports as follows:

(1) *Inner horizontal surface.* The inner horizontal surface is a circular plane, 150 feet above the established airport elevation having a radius from the airport reference point as follows:

(i) 2½ miles (13,200 feet)—for airports with runways 5,000 feet or greater in length.

(ii) 1½ miles (7,920 feet)—for airports with runways 2,000 feet up to but not including 5,000 feet in length.

(iii) 1 mile (5,280 feet)—for airports with runways less than 2,000 feet in length.

(2) *Conical surface.* The conical surface is a surface extending from the periphery of the inner horizontal surface upward and outward as follows:

(i) Slope ratio 1 to 40 for a horizontal distance of 14,000 feet—for airports with runways 5,000 feet or greater in length.

(ii) Slope ratio 1 to 30 for a horizontal distance of 10,500 feet—for airports with runways 2,000 feet up to but not including 5,000 feet in length.

(iii) Slope ratio 1 to 20 for a horizontal distance of 7,000 feet—for airports with runways less than 2,000 feet in length.

(3) *Outer horizontal surface.* The outer horizontal surface is a circular plane 500 feet above the established airport elevation extending outward from the periphery of the conical surface for the following distances:

(i) 25,600 feet—for airports with runways 5,000 feet or greater in length.

(ii) 18,420 feet—for airports with runways 2,000 feet up to but not including 5,000 feet.

(4) *Instrument approach area surface.* An instrument approach area surface is a plane longitudinally centered on the extended runway centerline beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50 to an altitude of 500 feet above the established airport elevation. The instrument approach area surface is 1,000 feet wide at the end adjacent to the runway and expands uniformly at a ratio which would reach a width of 16,000 feet at a distance of 50,000 feet from the end of the runway. All runways for which a "straight-in" instrument approach is prescribed will have instrument approach area surfaces at each end.

(5) *Non-instrument approach area surface.* A non-instrument approach area surface is a plane longitudinally centered on the extended runway centerline having the following dimensions:

(i) For runways 5,000 feet or greater in length—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50, having a width of 1,000 feet at the beginning and expanding uniformly to a width of 4,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(ii) For runways 2,000 feet up to but not including 5,000 feet in length—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 40, having a width of 500 feet at the beginning and expanding uniformly to a width of 3,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(iii) For runways less than 2,000 feet in length—beginning at the end of the runway, at the elevation of the approach end of the runway and sloping upward at a ratio of 1 to 20, having a width of 250 feet at the beginning and expanding uniformly to a width of 2,000 feet at the outer extremity, 10,000 feet from the end of the runway.

All runways for which no "straight-in" instrument approach is prescribed will have non-instrument approach area surfaces at each end.

(6) *Transitional surfaces.* Transitional surfaces are inclined planes extending from the ground sloping upward and away from each runway at a ratio of 1 to 7 to an elevation of 150 feet above the airport elevation, parallel to the runway centerline and extensions thereof and extending for a distance of 7,000 feet beyond each end of the runway; except that the lower portion of any transitional surface extending below the plane of the associated approach area surface is excluded. The distance of the transitional surface base line from the runway centerline is as follows:

(i) 500 feet—for runways 5,000 feet or greater in length and all instrument approach runways.

(ii) 250 feet—for runways 2,000 feet up to but not including 5,000 feet in length.

(iii) 125 feet—for runways less than 2,000 feet in length.

(7) *Heliport conical surface.* A heliport conical surface is a surface sloping upward and outward to an altitude of 500 feet above the established heliport elevation at a ratio of 1 to 20, beginning at the heliport elevation on the perimeter of a circle of 500 foot radius centered on the heliport reference point.

(b) Runway lengths used in the definitions in this section are measured runway lengths corrected to sea level elevation and standard atmospheric pressure and temperature, as prescribed in Technical Standard Order of the Administrator, TSO-N6B (§ 551.6 of this title).

Subpart C—Procedures for Aeronautical Studies of the Effect of Proposed Construction on the Use of the Navigable Airspace

§ 626.30 Scope and effect of subpart.

(a) This subpart establishes the procedures to be applied in the initiation and administrative processing of informal aeronautical studies of the effect of proposed structures on the use of the navigable airspace by aircraft. Whenever such a study is undertaken, its conclusion will be a determination of the Agency as to whether an exemption to the criteria of hazards to air navigation in § 626.12 may be granted as to the specific construction proposal under consideration, unless an adjustment of related aviation requirements or modification of the construction proposal reached in the course of the study eliminates the violation of criteria.

§ 626.31 Initiation of aeronautical studies.

(a) Aeronautical studies of the effects upon the use of the navigable airspace which would result from the construction or alteration of structures to heights exceeding the hazards to air navigation criteria of § 626.12, will be initiated by the Agency as follows:

(1) Whenever the sponsor of such proposed construction or alteration, noticed in compliance with § 626.9, requests an aeronautical study pursuant to § 626.11(c)(3) or makes such request at the time the notice is filed.

(2) On motion of the Agency whenever it may appear necessary.

§ 626.32 Agency Regional Office procedures for aeronautical studies.

(a) When determined as in § 626.31 that an aeronautical study will be initiated as to a specific construction or alteration proposal, the Agency's Air Traffic Management Field Division of the Region within which the construction is proposed will notify all known interested persons, including the construction sponsor, by informal circularization, that the proposed construction is the subject of an informal aeronautical study. The notification circular will include sufficient details of the proposed structure (including location by geographical coordinates, height above ground, height above mean sea level, etc.) to provide the basis for the study, and will solicit aeronautical comment on the proposal.

(b) Should the ATM Field Division find no substantial aeronautical argument against or objection to the granting of an exemption to the criteria of § 626.12, violated by the proposal, in comments responding to the circular or from the ATM Field Division's own analysis, the Chief, ATM Field Division, will then notify the construction sponsor by letter that it is the determination of the Agency that an exemption to the criteria of this part is granted for the construction as proposed.

(1) In the event that the proposed structure is to be used for or in connection with communications, a copy of this letter will be forwarded to the Secretary, Federal Communications Commission.

(2) Copies of this letter will be distributed to all other known interested persons.

(c) Should the ATM Field Division find substantial aeronautical argument against or objection to the granting of an exemption to the criteria of this part in the comments filed by any person in response to the circular or as a result of Agency study of the proposal, the following procedures will apply:

(1) The ATM Field Division will furnish all interested persons, including the construction sponsor, written notification of an informal meeting, to be held at the FAA Regional Office, at which the aeronautical study of the proposed construction would be an agenda item. A designated Agency representative will preside at such meetings. Any interested person may attend in person or be represented by attorney or other authorized representative, and may introduce at these meetings such material, oral presentation or written statements as may be pertinent to the aeronautical study of the proposed structure. The purposes of considering proposed construction in the agenda of such a meeting are to explore aeronautical objections to the proposal and to attempt to develop recommendations for adjustments in aviation requirements to accommodate the proposed construction, to suggest modifications to the construction proposal which would be more compatible with aviation requirements, or a combination of both.

(2) A summary report of this informal consideration of the proposed structure and recommended conclusions regarding the effect of the proposed structure upon the use of the navigable airspace shall be prepared by the ATM Field Division and forwarded, together with copies of all pertinent written material and statements received in response to the circular and in the informal meeting, for review by the Airspace Obstruction Evaluation Branch of the Airspace Utilization Division.

§ 626.33 Agency Washington Office review and issuance of determinations.

(a) The Chief of the Airspace Obstruction Evaluation Branch will, based upon review and analysis by that Branch of each report of informal aeronautical study forwarded from the ATM Field Division pursuant to § 626.32(c)(2), evaluate each such construction proposal as to its effect upon the safe and efficient utilization of airspace by aircraft, and issue a determination as to the proposed construction granting or denying an exemption to the applicable criteria of this part. Such determinations will be issued by distribution to interested persons, including the Secretary of the Federal Communications Commission, if appropriate, and will be published in the FEDERAL REGISTER.

§ 626.34 Petitions for public hearing.

(a) Should the sponsor of a proposed construction project not concur in the determination issued by the Agency; or should any person having stated substantial aeronautical objection to the proposed construction in the informal study, deem such objection to be not satisfactorily resolved or disposed of in the determination; and should any such aforesaid person desire to show cause why the determination should not become final as a finding of the Agency.

(b) Within 30 days of the date of issuance of the determination, such person may file with the Administrator a petition for a public hearing for the purpose of obtaining a formal decision of the Administrator on such matter.

(c) Such petition will be ruled upon by the Administrator as to whether the substance of the petition has adequate foundation, and a hearing will be granted or denied on the basis of such ruling.

(d) Petitions pursuant to this section must be filed in triplicate and shall contain a statement of the matters complained of and an explanation as to how the determination is contrary to the public interest.

(e) In any event, the Administrator may upon his own motion direct that a public hearing be held whenever he considers it to be in the public interest to do so.

Subpart D—Rules of Practice and Procedure for the Conduct of Fact-Finding Hearings Into Structures Which Affect the Use of the Navigable Airspace

§ 626.40 Applicability of subpart.

The provisions of this subpart shall govern all fact-finding hearings conducted by the Federal Aviation Agency under authority of Titles III and X of the Federal Aviation Act of 1958, as amended, of proposed construction or alteration of structures which affect the use of the navigable airspace.

§ 626.41 Nature of hearing.

Fact-finding hearings will be conducted in connection with the erection of structures which affect the use of the navigable airspace in order to determine the effect of such structures upon the safety of aircraft and the efficient utilization of such airspace. These proceedings are purely fact-finding and, therefore, are not subject to the provisions of sections 4, 5, 7, and 8, of the Administrative Procedure Act. However, as a matter of Agency policy, and in order to provide for the fair, full and orderly development of the facts pertaining to a specific proposal, these hearings will be conducted in accordance with the procedure hereinafter established.

§ 626.42 Filing of documents.

(a) *Filing address, date of filing, hours.* Documents required by any section of this subpart to be filed with the Agency shall be filed with the Docket Section of the Federal Aviation Agency, Washington 25, D.C. Such documents shall be deemed to be filed on the date on which they are actually received by the Agency. The hours of the Agency are from 8:30 a.m. to 5:00 p.m., eastern standard or daylight saving time, whichever is in effect in the District of Columbia at the time, Monday through Friday inclusive, except on legal holidays for the Agency.

(b) *Formal specifications for documents.* (1) All documents filed under this subpart shall be on strong durable paper not larger than 8½ by 14 inches in size except that tables, charts, and other exhibits may be larger, folded to the size of the document to which they are attached. The left margin should be at least 1½ inches wide, and if the document is bound, it should be bound on the left side.

(2) The papers may be reproduced by printing or by any other process provided the copies are clear and legible. Appropriate notes or other indications shall be used so that the existence of any matter shown in color will be accurately indicated on photostatic copies.

(c) *Number of copies.* Unless otherwise specified, an executed original and 19 true copies of each document required or permitted to be filed under this part, shall be filed with the Dockets Section. Copies need not be signed, but the name of the person signing the originals shall be reproduced.

§ 626.43 General requirements as to documents.

(a) *Contents.* In case there is no rule, regulation, or order of the Agency which describes the contents of the application, petition or motion, such document shall contain a proper identification of the parties concerned, a reference to the provision of the statute and/or regulation under which the document is filed and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Subscription.* Every application, petition, or motion, or other document filed in a proceeding shall be signed by the party filing the same or by a duly authorized officer or the attorney of record of such party, or by any other person, provided, that if signed by some other person, the reason therefor must be stated and the power of attorney or other authority authorizing such other person to subscribe the document must be filed with the document. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief, every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) *Designation of person to receive service.* The initial document filed by any person in any proceeding shall state on the first page thereof the name and post office address of the person or persons who may be served with any documents filed in the proceeding.

§ 626.44 Amendment of documents and dismissal.

If any document initiated or filed in a proceeding is not in substantial conformity with the applicable rules or regulations of the Agency as to the contents thereof, or is otherwise insufficient, the Presiding Officer on his own motion, or on motion of any party, may strike or dismiss such document, or require its amendment. If amended, the document shall be made effective as of the date of the original filing.

§ 626.45 Answers.

Answers to any documents shall be filed within twenty (20) days except where otherwise specifically provided.

§ 626.46 Retention of documents by the Agency.

All documents filed with or presented to the Agency may be retained in the files of the Agency. However, the Agency may permit the withdrawal of original documents upon the submission of properly authenticated copies to replace such documents.

§ 626.47 Service of documents.

(a) *Who makes service*—(1) *The Agency.* Documents issued by the Agency will be served by the Agency upon all parties to the proceedings.

(2) *The parties.* Answers, petitions, motions, briefs, exceptions, notices, or any other documents filed by any party or other person with the Agency or the Presiding Officer of the hearing shall be served by the person filing such document upon all parties to the proceeding in which it is filed and proof of service shall accompany the document when it is tendered for filing.

(b) *How service may be made.* Service may be made by regular mail, by certified mail, by registered mail, or by personal delivery. In the case of mailing to or from persons located west of the Mississippi River, to or from persons located east of the said River, mailing shall be by air mail.

(c) *Who may be served.* Service upon a party or person may be made upon an individual, or upon a member of a partnership, or firm to be served, or upon the president or other officer of the corporation, company, firm, or association to be served, or upon the assignee or legal successor of any of the foregoing, or upon any attorney of record for the party, or upon the agent designated by a party; but shall be served upon a person designated by a party to receive service of documents in a particular proceeding in accordance with § 626.43(c) once a proceeding has been commenced.

(d) *Where service may be made.* Personal service may be made on any of the persons described in paragraph (c) of this section wherever they may be found. Service by regular or registered mail shall be made at the principal place of business of the party to be served, or at his usual residence if he is an individual, or at the office of the party's attorney of record, but shall be served at the post office address stated for a person designated to receive service pursuant to § 626.43(c).

(e) *Proof of service.* Proof of service of any document shall consist of one of the following:

(1) A certificate of mailing executed by the person mailing the document;

(2) An acknowledgment of service signed by a person receiving service personally or a certificate of the person making the personal service.

(f) *Date of service.* Whenever proof of service by mail is made, the date of mailing shall be the date of service. Whenever proof of service by personal delivery is made, the date of such delivery shall be the date of service.

§ 626.48 Parties.

The term "party" wherever used in this subpart shall include any individual, firm, co-partnership, corporation, company association, joint stock association, body politic, state or federal government agency, and any trustee, receiver, or assignee or legal successor thereof.

§ 626.49 Substitution of parties.

Upon motion and for good cause shown, the Administrator, or the Presiding Officer may order a substitution of parties except that in case of death of a party, substitution may be ordered without the filing of a motion.

§ 626.50 Limitations on practice.

(a) *Registration.* Any person may appear before the Administrator or the Presiding Officer and be heard in person or by attorney. No register of attorneys who may practice before the Agency is maintained and no application for admission to practice is required. However, any person practicing before the Agency or desiring so to practice may for good cause shown be barred or suspended from such practicing, but only after he has been afforded an opportunity to be heard in the matter.

(b) *Representation by persons formerly associated with the Agency.*

(1) Appearance and representation:

(i) No person who has been associated with the Agency as a member, officer, or employee shall be permitted at any time to appear before the Agency on behalf of or to represent in any manner any party in connection with any proceeding or matter which such person has handled or passed upon while associated in any capacity with the Agency. No person appearing before the Agency in any matter or proceeding shall in relation thereto knowingly accept assistance from or share fees with any person who would himself be precluded by this section from appearing before the Agency in such matter or proceeding.

(ii) No person who has been associated with the Agency as a member, officer, or employee thereof shall be permitted within six (6) months from the date of the termination of such association, to appear before the Agency on behalf of, or to represent in any manner, any party in connection with any proceeding which was pending under this part before the Agency at the time of his association with the Agency unless he shall first have obtained the written consent of the Agency upon a verified showing that he did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during his association with the Agency.

(2) For the purpose of this section, a proceeding shall be considered as pending from the date of receipt by the Agency of the notice required by Subpart B of this part. A consolidated proceeding shall be considered as pending for the purpose of this section from the date of the first individual proceeding therein.

§ 626.51 Consolidations.

(a) The Presiding Officer may consolidate or jointly consider without consolidation, two or more proceedings which involve substantially the same parties, or issues which are the same or closely related, if he finds that such consolidation or joint consideration will be conducive to the proper disposal of the proceeding before the Agency and will not unduly delay them.

(b) *Time for filing.* A motion to consolidate or consider an application with any other application shall be filed with the Presiding Officer not later than the prehearing conference in the proceeding with which consolidation or joint consideration is requested and shall relate only to a then pending application. A motion which is not timely filed either in writing or orally will be dismissed unless the Presiding Officer finds that the movant has clearly shown good cause for his failure to file such motion on time.

(c) *Answer.* If a motion to consolidate or consider two or more proceedings is filed with the Presiding Officer, any party to any of such proceedings or any person who has a petition for intervention pending may file an answer to such motion within such period as the Presiding Officer may permit.

§ 626.52 Intervention.

(a) *Who may intervene.* Any person whose intervention will be conducive to the ends of justice and will not unduly impede the conduct of the Agency's business may be permitted to intervene in any proceeding.

(b) *Considerations relevant to determination of petition to intervene.* In passing upon a petition to intervene, the Presiding Officer shall consider, among other things, the following factors: (1) The nature of the petitioner's right under law to be made a party to the proceeding; (2) the nature and extent of the property, financial or other interest of the petitioner; (3) the effect of the order which may be entered in the proceeding on petitioner's interest; (4) the availability of other means whereby the petitioner's interest may be protected; (5) the extent to which petitioner's interest will be represented by existing parties; (6) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record; and (7) the extent to which participation of the petitioner will broaden the issues or delay the proceeding.

(c) *Petition to intervene*—(1) *Contents.* Any person desiring to intervene in a proceeding shall file a petition in conformity with this subpart setting forth the facts and the reasons why he thinks he should be permitted to intervene. The petition should make specific reference to the factors set forth in paragraph (b) of this section.

(2) *Time for filing.* Unless otherwise ordered by the Presiding Officer, any petition for leave to intervene shall be filed prior to the first prehearing conference or upon good cause shown not later than fifteen (15) days prior to the commencement of the hearing.

(3) *Answer.* Any party may file an answer to a petition to intervene, making specific reference to the factors set forth in paragraph (b) of this section within seven (7) days after petition is filed.

(4) *Disposition.* The Presiding Officer will issue an order granting, denying, or otherwise ruling on any petition to intervene. He may do so without receiving testimony or oral argument either from the petitioner or the parties to the proceeding.

§ 626.53 Computation of time.

In computing any period of time prescribed or allowed by this subpart, the day of the act or event after which the designated period of time begins to run is not to be included, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Agency, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed is seven (7) days or less, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

§ 626.54 Continuances and extensions of time.

The Presiding Officer may grant, with or without notice, such continuances and extensions of time as appear to be justified by the circumstances.

§ 626.55 Motions.

(a) *General.* An application to the Presiding Officer for a conclusion, finding, or ruling not otherwise duly provided for in this subpart shall be by motion.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing and shall state with particularity the grounds therefore and the relief sought, and shall be accompanied by an affidavit or other evidence desired to be relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record unless the Presiding Officer directs otherwise.

(c) *Answers to motions.* Within seven (7) days after a motion is filed or such other period as the Presiding Officer may fix, any party may file an answer in support of or in opposition to the motion, accompanied by such affidavit or other evidence as it desires to rely upon.

(d) *Oral arguments; briefs.* No oral argument will be heard on motions unless the Presiding Officer otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authority relied upon in support of the position taken.

(e) *Disposition of motions.* The Presiding Officer shall pass upon all motions properly submitted.

(f) *Appeals to the Administrator from rulings of Presiding Officers.* Rulings of the Presiding Officer on motions may not be appealed to the Administrator prior to the Administrator's consideration of the entire proceeding except in extraordinary circumstances and with the consent of the Presiding Officer. An appeal shall be disallowed unless the Presiding Officer finds, either on the record or in writing, that the allowance of such an appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If any appeal is allowed, any party may file a brief with the Administrator within such period as the Presiding Officer directs. No oral argument will be heard unless the Administrator directs otherwise. The rulings of the Presiding Officer on motions may be reviewed by the Administrator in connection with his final action in the proceeding irrespective of the filing of an appeal or any action taken on it.

(g) *Effect of pendency of motions.* The filing or pendency of a motion shall not automatically alter or extend the time fixed by this subpart (or any extension granted thereunder) to take action.

§ 626.56 Presiding Officers.

(a) *Defined.* The term "Presiding Officer" as used in this subpart includes any individual member of the Agency assigned by the Director of the Bureau of Air Traffic Management to preside over the conduct of a hearing.

(b) *Disqualification.* A Presiding Officer shall withdraw from a proceeding if at any time he deems himself disqualified.

(c) *Powers.* The Presiding Officer shall have the following powers in addition to any others specified in this subpart:

(1) To give notice concerning the date and location and to hold hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpoenas and to take or cause depositions to be taken;

(5) To secure in the form of a public record all pertinent and relevant facts pertaining to the subject matter of the hearing and upon the close of the record to make a recommended decision to the Administrator;

(6) To rule, with the assistance of the legal officer, upon offers of proof and to receive the relevant evidence;

(7) To regulate the course and conduct of the hearing;

(8) To hold conferences before or during the hearing for the settlement or simplification of issues;

(9) To rule, with the assistance of the legal officer, on motions and to dispose of procedural requests or similar matters;

(10) Within his discretion, or upon the direction of the Administrator, to certify any question to the Administrator for his consideration and disposition;

(11) To take any other action authorized by this subpart, by the Administrative Procedure Act, or by the Federal Aviation Act; and

(12) To designate parties to the hearing.

§ 626.57 Legal officer.

A member of the staff of the General Counsel shall b designated by the General Counsel to serve as a legal officer in all hearings conducted under this subpart. It shall be such legal officer's responsibility to serve the Presiding Officer and to assist and advise the Presiding Officer on such evidentiary and other legal questions as may arise during the hearing.

§ 626.58 Prehearing conference with parties to the inquiry.

(a) *In general.* Prior to any hearing there will be ordinarily a prehearing conference before the Presiding Officer. Written notice of the prehearing conference shall be sent by the Presiding Officer to all parties to the proceeding and to other persons who appear to have an interest in such proceeding. The purpose of such a conference is to define and simplify the issues and the scope of the proceedings, to secure statements of the positions of the parties with respect thereto and amendments to the pleadings in conformity therewith, to schedule the exchange of exhibits before the date set for hearing, and to arrive at such agreements as will aid in the conduct and disposition of the proceedings. For example, consideration will be given to:

(1) Matters which the Presiding Officer can consider without the necessity of proof;

(2) Admissions of fact and genuineness of document;

(3) Admissibility of evidence;

(4) Limitation of the number of witnesses;

(5) Reducing of oral testimony to exhibit form; and

(6) Procedure at the hearing, etc.

If necessary, the Presiding Officer may require further conferences, or responsive pleadings, or both. The Presiding Officer may also, on his own motion or on motion of any party, direct any party to prepare and submit exhibits on matters relevant to the issues in the proceedings.

(b) *Report of prehearing conference.* The Presiding Officer shall issue a report of the prehearing conference, defining the issues, giving an account of the results of the conference, specifying a schedule for the exchange of exhibits and rebuttal exhibits, the date of the hearing and specifying a time for the filing of objections to such report. The report shall be served upon all parties and on any person who appeared at the conference. Objections to the report may be filed by any interested person within the time specified therein. The Presiding Officer may revise his report in the light of the objections presented. The revised report, if any, shall be served upon the same persons as was the original report. Exceptions may be taken on the basis of any timely written objection which has not been met by a revision of the report if they are filed within the time specified in the revised report. Such report shall constitute the official account of the prehearing conference, but it may be reconsidered and modified at any time to protect the public interest and to prevent injustice.

§ 626.59 The hearing.

(a) *Defined.* The hearing shall consist of that part of the proceedings involved with the taking of evidence.

(b) *Notice.* The Presiding Officer to whom the case is assigned shall give the parties reasonable notice of the hearing or of the change in the date and place of the hearing and the nature thereof.

(c) *Evidence.* Evidence presented at the hearing shall be limited to material evidence relevant to the issues as drawn by the pleadings or as defined in the report of prehearing conference, subject to such later modifications of the issues as may be necessary to protect the public interest or to prevent injustice and shall not be unduly repetitious. Evidence shall be presented in written form by all parties wherever feasible, as the Presiding Officer may direct. Each party shall have the right to present his case or defense by oral or documentary evidence, as the Presiding Officer may direct, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(d) *Objections to evidence.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the Presiding Officer. Rulings on such objections shall be a part of the transcript.

(e) *Exceptions.* Formal exceptions to the rulings of the Presiding Officer made during the course of the hearing are unnecessary.

(f) *Offers of proof.* Any offer of proof made in connection with an objection taken on any ruling of the Presiding Officer rejecting or excluding proper oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(g) *Exhibits.* When written exhibits are offered in evidence, one copy must be furnished to each of the parties at the hearing, two copies to the Presiding Officer, and two to the official reporter, unless the parties previously have been furnished with copies or the Presiding Officer directs otherwise. If the Presiding Officer has not fixed the time for the exchange of exhibits, the parties shall exchange copies of the exhibits at the earliest practicable time, preferably before the hearing or, at the latest, at the commencement of the hearing.

(h) *Substitution of copies for original exhibits.* In his discretion, the Presiding Officer may permit a party to withdraw an original document offered in evidence and substitute true copies in lieu thereof.

(i) *Designation of parts of documents.* When relevant and material matter offered in evidence by any party is embraced in a book, paper, or document, containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. The immaterial and irrelevant part shall be excluded and shall be segregated insofar as practicable. If the volume of immaterial or irrelevant matter would unduly encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant and material matter may be read into the record; or, if the Presiding Officer so direct, a true copy of such matter, in proper form shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof.

(j) *Receipt of documents after hearing.* No document or other writings shall be accepted for the record after the close of the hearing except in accordance with an agreement of the parties and the consent of the Presiding Officer.

(k) *Transcript of hearing.* Hearings shall be recorded and transcribed by a contract reporter of the Agency under supervision of the Presiding Officer. Copies of the transcript shall be supplied to the parties to the hearing by the reporter at rates not to exceed the maximum rates fixed by the contract between the Agency and the reporter.

(l) *Corrections to transcript.* Changes in the official transcript may be made only when they involve errors affecting substance. A motion to correct the transcript shall be filed with the Presiding Officer within ten (10) days after receipt of the completed transcript by the Agency. If no objections to the motion are filed within ten (10) days thereafter, the transcript may, upon the approval of the Presiding Officer, be changed to reflect such corrections. If objections are received, the motion and objection shall be submitted to the official reporter by the Presiding Officer together with a request for a comparison of the transcript with a stenographic record of the inquiry. After receipt of the report of the official reporter, an order shall be entered by the Presiding Officer settling the record and ruling on the motion.

§ 626.60 Argument before the Presiding Officer.

The Presiding Officer shall give the parties adequate opportunity during the course of the hearing for the presentation of arguments in support of or in opposition to motions, and objections and exceptions to rulings of the Presiding Officer.

(b) When in the opinion of the Presiding Officer the volume of the evidence or the importance or complexity of the issues involved warrants, he may, either on his own motion or at the request of a party, permit the presentation of oral argument. He may impose such time limits on the argument as he may determine, having regard for other assignments for hearing before him. Such arguments shall be transcribed and bound with the transcript of testimony and will be available to the Administra-

tor for consideration in finally deciding the issue or issues involved.

§ 626.61 Action by the Presiding Officer after conclusion of the hearing.

After closing the record and concluding the hearing, the Presiding Officer will issue an initial or recommended decision. Every initial or recommended decision issued other than orally on the record shall state the names of the persons who are to be served with copies of it, the time within which exceptions to such decision may be filed, and the time within which briefs in support of the exceptions may be filed. In addition, every initial or recommended decision shall state the date on which it will become final.

§ 626.62 Effect of initial or recommended decision of the Presiding Officer.

Ordinarily, the final decision in any proceeding covered by this subpart will be made by the Administrator. However, proceedings in which no party in interest appeals therefrom, an initial or recommended decision of the Presiding Officer will become the final decision and constitute the Administrator's ultimate disposition of the case. Therefore, unless timely exception to an initial or recommended decision of a Presiding Officer are filed by one of the parties, such decision shall, unless the Administrator upon his own motion determines to review the decision, become final or constitute the Administrator's ultimate disposition of the proceeding. The initial decision, however, shall become effective only upon the issuance of the decision of the Administrator following expiration of the time fixed therein by the Presiding Officer for the filing of exceptions, but in no case less than fifteen (15) days from its issuance.

§ 626.63 Exceptions to initial or recommended decision of the Presiding Officer.

Within ten (10) days after service of any initial or recommended decision of a Presiding Officer, or such longer period as may be fixed therein, any party may file exceptions to such decision with the Administrator. Each separately numbered exception shall identify the part of the initial or recommended decision excepted to, shall designate, by exact and specific reference, the portions of the record relied upon in support of such exception, and shall state the grounds for such exception, including the citation of the statutory provisions or principal authorities in support thereof. Any objection to a ruling, finding or conclusion, which is not excepted to shall be deemed to have been waived, and the Administrator need not consider such objections if raised at a later time.

§ 626.64 Briefs before the Administrator.

Within such period after service of any initial or recommended decision of a Presiding Officer, as may be fixed therein, any party may file a brief before the Administrator in support of his exceptions to such decision, or in opposition to the exceptions filed by any other party. In cases where the Administrator or the Presiding Officer is of the opinion that, because of the limited number of parties and the nature of the issues, the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Administrator or the Presiding Officer may direct that the parties file briefs at different times rather than at the same time. Except by special permission of the Administrator, briefs shall not exceed fifty (50) pages in length and reply briefs will not be received.

§ 626.65 Oral argument before the Administrator.

(a) If any party desires to argue an appeal orally before the Administrator, he must request leave to make such argument in his exceptions or briefs. Such request shall be filed not later than the date when briefs before the Administrator are due in the proceeding. The Administrator will rule on such request, and if oral argument is to be allowed all parties will be advised of the date and hour set for such argument and the amount of time allowed to each such party.

(b) Pamphlets, charts, and other written data may only be presented to the Administrator at oral argument in accordance with the following rules. All such material presented at the oral argument shall be limited to the facts in the record of the case being argued. Except for maps and enlargements of exhibits, or charts included in briefs, all such material shall be served on all parties and three copies transmitted to the Docket Section of the Agency at least five (5) days in advance of the argument.

§ 626.66 Final decision of the Administrator.

Upon submittal of the record together with the initial or recommended decision of the Presiding Officer to the Administrator for final decision on the merits, the Administrator will consider the whole record including the initial or recommended decision of the Presiding Officer and any exceptions thereto, will resolve all questions of fact by what he deems to be the greater weight of the evidence thereon, and will make his decision, stating the reasons and basis therefor, and enter an appropriate order. The order will be published in the FEDERAL REGISTER and in addition will be served on all parties.

§ 626.67 Petition for reconsideration.

(a) *Time for filing.* A petition for reconsideration, reinquiry or reargument, may be filed by any party within thirty (30) days after the date of service of a final decision by the Administrator in such proceeding unless the time is shortened or enlarged by the Administrator, except that such petition may not be filed with respect to an initial or recommended decision which has become final through failure to file exceptions thereto. However, neither the filing nor the granting of such a petition shall operate as a Stay of such final decision unless specifically so ordered by the Administrator. After the expiration of the period for filing a petition, a motion for leave to file such petition may be filed; but no such motion shall be granted except on a showing of unusual or exceptional circumstances, constituting good cause for failure to make timely filing. Within ten (10) days after a petition for reconsideration, reinquiry, or reargument is filed, any party may file an answer in support of or in opposition to the petition.

(b) *Contents of petition.* A petition for reconsideration, reinquiry, or reargument, shall state briefly and specifically, the matters of record alleged to have been erroneously decided, the grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences which would result from the Administrator's order, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, on new matter, such new matter shall be set forth, accompanied by a statement to the effect that petitioner, with due diligence, could not have known or discovered such new matter prior to the date the proceeding was submitted for decision.

(c) *Successive petitions.* A successive petition for a reinquiry, reargument, or reconsideration, filed by the same party or parties, and upon substantially the same grounds as a former petition which has been considered or denied by the Administrator, will not be entertained.

Subpart E—Establishment of Antenna Farm Areas

§ 626.75 Scope and effect of subpart.

(a) This subpart establishes antenna farm areas for the purpose of grouping antenna structures in order to localize their effect upon the use of the navigable airspace.

(b) It is the policy of the Agency to encourage the adoption of the single structure multiple antenna and/or the antenna farm concept for radio and television towers wherever possible.

§ 626.76 General.

(a) An antenna farm area is an area at a specified geographical location with established dimensions of area and height where antenna towers having a common impact on aviation may be grouped.

(b) Each proposed antenna farm area will be evaluated and considered for establishment on the basis of its own merit.

(c) Antenna farm areas will be considered for establishment by the Agency in any of the following instances:

(1) When proposed by the Agency on its own motion.

(2) When proposed by the sponsor or sponsors of proposed construction of an antenna tower or towers.

(3) When proposed by any person having a substantial interest in any proposed construction.

§ 626.77 Establishment of antenna farm areas.

(a) The portions of the airspace described in this subpart by prescribed geographical locations and specified dimensions of area and height are established as antenna farm areas.

STATES

§ 626.80 Alabama. [Reserved]
§ 626.100 Alaska. [Reserved]
§ 626.120 Arizona. [Reserved]
§ 626.140 Arkansas. [Reserved]
§ 626.160 California. [Reserved]
§ 626.180 Colorado. [Reserved]
§ 626.200 Connecticut. [Reserved]
§ 626.220 Delaware. [Reserved]
§ 626.240 Florida. [Reserved]
§ 626.260 Georgia. [Reserved]
§ 626.280 Hawaii. [Reserved]
§ 626.300 Idaho. [Reserved]
§ 626.320 Illinois. [Reserved]
§ 626.340 Indiana. [Reserved]
§ 626.360 Iowa. [Reserved]
§ 626.380 Kansas. [Reserved]
§ 626.400 Kentucky. [Reserved]
§ 626.420 Louisiana. [Reserved]
§ 626.440 Maine. [Reserved]
§ 626.460 Maryland. [Reserved]
§ 626.480 Massachusetts. [Reserved]
§ 626.500 Michigan. [Reserved]
§ 626.520 Minnesota. [Reserved]
§ 626.540 Mississippi. [Reserved]
§ 626.560 Missouri. [Reserved]
§ 626.580 Montana. [Reserved]
§ 626.600 Nebraska. [Reserved]
§ 626.620 Nevada. [Reserved]
§ 626.640 New Hampshire. [Reserved]
§ 626.660 New Jersey. [Reserved]
§ 626.680 New Mexico. [Reserved]
§ 626.700 New York. [Reserved]
§ 626.720 North Carolina. [Reserved]
§ 626.740 North Dakota. [Reserved]
§ 626.760 Ohio. [Reserved]
§ 626.780 Oklahoma. [Reserved]
§ 626.800 Oregon. [Reserved]
§ 626.820 Pennsylvania. [Reserved]
§ 626.840 Rhode Island. [Reserved]
§ 626.860 South Carolina. [Reserved]
§ 626.880 South Dakota. [Reserved]
§ 626.900 Tennessee. [Reserved]
§ 626.920 Texas. [Reserved]
§ 626.940 Utah. [Reserved]
§ 626.960 Vermont. [Reserved]
§ 626.980 Virginia. [Reserved]
§ 626.1000 Washington. [Reserved]
§ 626.1020 West Virginia. [Reserved]
§ 626.1040 Wisconsin. [Reserved]
§ 626.1060 Wyoming. [Reserved]

POSSESSIONS [Reserved]

Interested persons may submit such written data, views or arguments with reference to the within proposal as they may desire. Communications should be submitted in triplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on this proposal. The proposal contained in this notice may be changed in the light of comments received. The official Docket will be available at the Docket Section for examination by interested persons.

This regulation is proposed under Titles III, X, and XI of the Federal Aviation Act of 1958 (72 Stat. 731).

Issued in Washington, D.C., on September 9, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8597; Filed, Sept. 15, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

Allowance During Fiscal Year Ended June 30, 1960

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by Internal Revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by the Tax Court of the United States have been made in thirty-five docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list one case in which relief was allowed by the Commissioner and two cases in which relief was allowed by the Tax Court of the United States during the fiscal year ended June 30, 1959. These cases were not included in the list of allowances made during the fiscal year 1959 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in Which Engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess Profits Credit Before Allowance of Relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

Increase in the Amount of Excess Profits Credit Claimed by Taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the Amount of Excess Profits Credit Allowed, Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross Reduction in the Excess Profits Tax, Column 7—Gross Increase in the Income Tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710(a)(5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten per cent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 per cent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944.
June 30, 1943	9	194	Do.
June 30, 1944	9	219	Nov. 2, 1944.
June 30, 1945	10	224	Nov. 15, 1945.
June 30, 1946	11	196	Oct. 8, 1946.
June 30, 1947	12	197	Oct. 8, 1947.
June 30, 1948	13	206	Oct. 21, 1948.
June 30, 1949	14	201	Oct. 18, 1949.
June 30, 1950	15	205	Oct. 21, 1950.
June 30, 1951	16	211	Oct. 30, 1951.
June 30, 1952	17	175	Sept. 6, 1952.
June 30, 1953	18	164	Aug. 21, 1953.
June 30, 1954	19	185	Sept. 23, 1954.
June 30, 1955	20	219	Nov. 9, 1955.
June 30, 1956	21	183	Sept. 20, 1956.
June 30, 1957	22	173	Sept. 6, 1957.
June 30, 1958	23	168	Aug. 27, 1958.
June 30, 1959	24	175	Sept. 5, 1959.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1960

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Atlanta							
Georgia Power Co., Electric Building, Atlanta, Ga.	Public utility	[1] 12-31-42	$5,861,327.28	$2,557,443.52	$201,490.17	$181,341.15	$88,582.64
		[1] 12-31-44	5,950,457.08	2,468,315.72	112,360.37	106,742.35	44,944.15
		[1] 12-31-45	5,946,511.32	2,472,261.48	116,306.13	110,490.82	46,522.45
Baltimore							
The Hecht Co., Baltimore and Pine Streets, Baltimore 1, Md.	Department stores	[2] 1-31-41	1,597,903.81	71,890.60	15,639.00	7,788.31	None
		[2] 1-31-42	1,989,380.15	251,238.74	156,371.48	93,822.89	29,065.10
		[2] 1-31-43	1,989,254.65	444,212.91	311,692.85	280,523.57	124,677.14
		[2] 1-31-44	1,983,356.28	451,217.51	311,692.85	281,847.18	124,677.12
		[2] 1-31-45	1,942,540.62	429,057.32	311,692.85	296,108.20	124,677.15
		[2] 1-31-46	1,955,826.10	497,165.78	311,692.85	270,959.29	114,088.12
Lansburgh & Bros., 630 Seventh Street NW., Washington, D.C.	do	[2] 1-31-41	217,023.34	139,715.95	17,073.47	5,975.72	None
		[2] 1-31-42	257,040.90	273,781.96	33,181.10	18,249.61	5,657.38
		[2] 1-31-43	255,542.79	275,280.07	39,429.21	35,486.29	15,771.69
		[2] 1-31-44	261,043.56	269,779.30	33,928.44	29,094.79	13,371.40
Birmingham							
Gulf States Paper Corp., First National Bank Building, Tuscaloosa, Ala.	Manufacture of paper and paper bags.	[1] 5-31-41	745,057.51	682,649.05	71,182.49	32,032.13	None
		[1] 5-31-42	946,535.11	863,823.19	100,364.89	60,218.93	18,667.87
		[1] 5-31-43	993,062.57	817,061.73	67,137.43	60,423.69	26,854.97
		[1] 5-31-44	993,195.96	817,035.05	67,004.04	61,894.96	26,801.63
		[1] 5-31-45	993,095.16	817,055.21	67,104.84	63,749.60	26,841.93
		[1] 5-31-46	992,508.99	817,172.44	67,991.01	37,702.96	15,874.93
Boston							
The Gillette Co., formerly: Gillette Safety Razor Co., Gillette Park, Boston, Mass.	Manufacture of safety razors, blades, and other shaving accessories.	12-31-44	3,510,802.00	2,188,902.96	131,158.07	124,690.17	52,463.22
		12-31-45	3,512,187.53	2,187,517.43	129,722.54	123,283.91	51,909.02
Merrimac Hat Corp., 60 Merrimac Street, Amesbury, Mass.	Felt hat and body manufacturing	[2] 12-31-42	341,385.54	236,807.26	79,464.46	17,070.45	None
		[2] 12-31-43	341,385.54	236,807.26	79,464.46	71,518.02	31,785.78
		[2] 12-31-44	346,385.54	231,807.26	79,464.46	75,491.23	31,785.78
Chicago							
Alden's Inc., formerly: Chicago Mail Order Co., 511 South Paulina Street, Chicago 7, Ill.	Retail mail order	[1] 12-31-42	677,979.54	681,850.96	None	77,545.00	34,464.43
The Beardsley & Piper Co., c/o Fettibone Mulliken Corp., successor, 2424 North Cicero Avenue, Chicago 39, Ill.	Manufacturer of foundry equipment.	[1] 12-31-41	75,276.80	117,848.96	14,973.20	10,710.26	3,320.23
		[1] 12-31-43	75,978.52	100,613.20	34,221.48	23,260.60	13,088.60
		[1] 12-31-44	84,130.68	101,461.04	26,069.32	19,603.95	10,427.78
Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.	Manufacturing hot water heating specialties.	[1] 12-31-40	86,252.70	611,830.38	18,650.38	5,787.23	None
		[1] 1-1-41 to 11-30-41	105,767.58	593,766.26	36,116.26	16,524.43	4,264.30
		[1] 11-30-42	105,684.91	593,766.27	36,116.27	21,614.49	8,532.33
		[1] 11-30-43	99,733.73	593,766.27	36,116.27	29,134.06	14,446.50
		[1] 11-30-44	99,733.73	593,766.27	3,059.01	2,753.12	1,233.01
		[1] 11-30-45	99,733.73	593,766.27	36,116.27	24,765.67	14,446.51
		[1] 11-30-46	99,733.73	593,766.27	36,116.27	2,914.04	1,227.02
The Celotex Corp., 120 South La Salle Street, Chicago 3, Ill.	Manufacture and sale of insulating cane board, roofing and gypsum products.	[1] 10-31-42	679,539.42	2,086,494.25	20,819.00	92,543.28	35,299.22
		[1] 10-31-43	732,199.68	2,044,151.45	None	40,586.41	19,842.80
		[1] 10-31-45	827,710.26	2,072,747.13	3,494.18	55,910.22	26,310.31
Container Corp. of America, 38 South Dearborn Street, Chicago 3, Ill.	Paper products manufacturing	[1] 12-31-41	1,581,633.36	1,645,981.19	508,366.64	332,240.88	102,904.44
		[1] 12-31-42	1,521,157.12	1,846,530.18	578,842.88	511,958.60	227,537.15
		[1] 12-31-43	1,521,157.12	1,846,530.18	568,842.88	335,224.42	227,537.15
Ace Liquidating Co., formerly: Ace Fastener Corp., 3415 North Ashland Avenue, Chicago 13, Ill.	Wholesale trade—stapling devices	[1] 12-31-40	14,651.42	165,287.13	4,348.58	594.32	None
		[1] 12-31-41	16,928.15	220,010.40	10,621.85	5,310.93	1,646.39
		[1] 12-31-42	16,928.15	271,310.40	10,621.85	6,083.91	4,892.33
		[1] 12-31-43	16,928.15	271,310.40	10,621.85	9,559.66	4,892.33
Griffin Wheel Co., 410 North Michigan Avenue, Chicago 11, Ill.	Manufacturing and processing chilled car wheels.	[1] 1-1-41 to 9-30-41	998,560.94	1,174,218.26	115,789.06	51,962.33	16,108.32
		[1] 9-30-42	998,560.94	1,174,218.26	115,789.06	78,228.99	27,782.40
		[1] 9-30-43	1,032,397.57	1,140,381.63	82,052.43	73,757.19	32,780.97
		[1] 9-30-44	1,032,397.57	1,140,381.63	81,952.43	76,824.79	32,780.97
		[1] 9-30-45	1,032,397.57	1,140,381.63	81,952.43	77,854.81	32,780.97
		[1] 9-30-46	1,032,397.57	1,140,381.63	81,952.43	19,623.68	8,262.60
Steel Sales Corp., 3348 South Pulaski Road, Chicago 23, Ill.	Jobbing Steel and other metal products.	[1] 12-31-40	310,984.92	472,385.22	84,316.78	34,964.68	None
		[1] 1-1-41 to 11-30-41	412,056.13	478,728.06	118,713.87	65,178.80	30,205.43
		[1] 11-30-42	412,056.12	478,728.07	118,713.88	86,157.01	32,738.91
		[1] 11-30-43	458,619.71	432,164.48	72,150.29	64,935.26	28,860.11
		[1] 11-30-44	458,619.72	432,164.47	72,150.28	68,237.22	28,860.10
		[1] 11-30-45	458,619.72	432,164.47	72,150.28	68,542.76	28,860.07
		[1] 11-30-46	458,619.72	432,164.47	72,150.28	5,821.44	2,875.79
Cleveland							
The National Screw & Manufacturing Co., 2440 East 75th Street, Cleveland 4, Ohio.	Manufacturing of screws, nuts, bolts and other kindred products.	[1] 12-31-40	298,384.57	710,612.81	143,365.43	17,910.27	None
		1-1-41 to [1] 11-30-41	322,272.82	808,563.62	128,977.18	70,813.77	21,952.27
		[1] 11-30-42	362,710.97	768,125.47	88,539.03	45,700.70	24,410.57
Detroit							
H. H. Inc., formerly: Hyrne Doors Inc., 1421 East Eight Mile Road, Ferndale, Detroit, Mich.	Manufacturers of hangars and hangar doors.	12-31-40	9,776.83	251,431.60	10,504.77	2,737.84	None
		12-31-41	21,544.29	240,924.55	8,547.71	4,273.85	1,324.90
Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich.	Public utility	[1] 12-31-41	9,260,585.35	1,983,977.46	239,414.65	143,648.79	44,531.12
		[1] 12-31-42	9,479,935.88	1,879,666.81	162,564.12	286,812.45	127,472.19
		[1] 12-31-43	9,487,957.73	1,871,644.96	154,542.27	139,098.05	61,816.91
		[1] 12-31-45	9,223,092.67	1,877,263.41	160,160.72	152,152.68	64,064.30
Cosco Steel and Engineering Co., 14035 Grand River, Detroit 27, Mich.	Steel fabricated products and steel warehouse.	[2] 12-31-40	12,518.95	544,580.61	70,141.28	1,600.02	None
		[2] 12-31-41	16,327.38	941,850.03	84,358.62	75,300.39	23,343.12
		[2] 12-31-43	49,918.84	1,243,408.47	50,767.16	34,112.13	26,740.80
Greensboro							
A. C. Monk and Co., Inc., Farmville, N.C.	Leaf tobacco dealers	[1] 6-30-43	165,280.32	139,302.59	None	3,085.47	1,371.32
Los Angeles							
Basin Oil Co. of California, formerly: Basin Oil Co., 750 Subway Terminal Building, 417 South Hill Street, Los Angeles, Calif.	Crude oil production	[1] 3-31-41	69,421.86	74,032.05	58,828.14	21,065.59	None

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1960—Continued

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Louisville							
Standard Oil Co., Inc. (Kentucky), Starks Building, Louisville 2, Ky.	Petroleum products, etc.	[1] 12-31-41	4,191,039.99	210,179.86	70,413.05	42,247.83	13,096.81
		[1] 12-31-42	4,191,889.38	1,176,940.05	70,413.05	63,371.74	28,165.24
		[1] 12-31-43	4,191,889.38	1,394,880.97	70,413.05	63,371.74	28,165.06
		[1] 12-31-44	4,191,889.38	1,404,134.61	70,413.05	66,892.40	28,165.24
		[1] 12-31-45	4,191,889.38	1,404,134.61	70,413.05	66,892.40	28,165.21
Manhattan							
Allied Chemical & Dye Corp., successor by merger to Semet Solvey Co., 61 Broadway, New York 1, N.Y.	Manufacture of coke and other by-products of coal.	[1] 12-31-40	1,883,232.82	403,713.58	62,367.18	31,183.59	None
		[1] 12-31-41	2,193,408.21	499,091.89	105,591.79	63,355.08	19,640.08
Celanese Corp. of America, successor by merger of Tubize Rayon Corp., formerly: Tubize Chatillon Corp., 180 Madison Avenue, New York 16, N.Y.	Manufacture of rayon and knitted cloth.	[1] 12-31-41	1,649,147.97	4,643,749.63	36,870.47	16,614.40	5,150.47
		[1] 12-31-42	1,541,628.29	4,731,270.78	70,651.18	140,629.82	62,502.15
		[1] 12-31-43	1,531,509.40	4,761,747.70	81,128.10	141,441.54	64,196.24
		[1] 12-31-44	1,384,040.07	4,967,884.74	287,265.18	334,996.29	141,051.07
		[1] 12-31-45	1,542,827.45	5,100,174.57	419,554.97	417,415.66	175,753.97
Dale Distributing Co., Inc., formerly: The Dale Radio Co., Inc., 40 East 32d Street, New York 16, N.Y.	Wholesale radios, tubes, and lamps.	[2] 3-31-43	6,870.55	70,744.93	38,463.51	75,374.34	30,986.57
The Duplan Corp., 1407 Broadway, New York 18, N.Y.	Manufacture of silk, nylon, and rayon goods.	[2] 5-31-42	646,702.93	1,594,449.16	60,699.56	85,159.28	26,399.38
		[2] 5-31-43	625,754.34	1,569,905.26	36,065.66	43,784.58	10,459.82
		[2] 5-31-44	690,116.86	1,559,542.74	25,703.14	33,337.27	14,380.17
Headline Publications Inc., formerly: American Boys Comics Inc., 1790 Broadway, New York 19, N.Y.	Magazine publishers	[1] 11-30-45	1,632.30	19,780.70	7,967.70	8,487.67	2,422.81
International Distributors, Inc., Transferor, Irving Haim, Transferee, c/o International Brands, Inc., 60 Park Place, Newark, N.J.	Wholesale liquor distributors	[1] 9-30-43	16,133.71	295,410.01	39,999.29	32,293.74	18,715.86
J. J. Newberry Co. (California), 245 Fifth Avenue, New York 16, N.Y.	Limited price variety stores.	[1] 12-31-41	410,059.43	74,659.80	46,799.37	25,739.66	7,979.28
		[1] 12-31-42	410,059.42	101,479.04	46,799.38	42,119.44	18,719.75
		[1] 12-31-43	410,059.42	138,017.51	46,799.38	42,119.44	18,719.75
J. J. Newberry Co. (Delaware), 245 Fifth Avenue, New York 16, N.Y.	....do.....	[1] 12-31-42	1,822,426.90	202,778.35	57,843.50	52,059.15	23,137.40
		[1] 12-31-43	1,822,426.90	202,778.35	57,843.50	52,059.15	23,137.40
		[1] 12-31-44	1,822,426.90	202,778.35	57,843.50	54,901.33	24,137.40
		[1] 12-31-45	1,870,481.63	288,367.77	143,422.92	136,251.27	57,373.17
J. J. Newberry Co., Inc. (Texas), 245 Fifth Avenue, New York 16, N.Y.	....do.....	[1] 12-31-41	86,478.60	11,694.74	17,126.67	8,563.34	2,054.64
J. J. Newberry Co., Inc. (Virginia), 245 Fifth Avenue, New York 16, N.Y.	....do.....	[1] 12-31-41	394,762.78	35,915.64	9,949.33	4,974.67	1,542.15
		[1] 12-31-42	394,762.78	35,915.64	9,949.33	8,854.39	3,979.74
		[1] 12-31-43	394,762.78	35,915.64	9,949.33	8,854.40	3,979.74
		[1] 12-31-44	394,762.78	35,915.64	9,949.33	7,698.43	3,979.74
Olin-Mathieson Chemical Corp., formerly: Mathieson Chemical Corp., formerly: The Mathieson Alkali Works Inc., 60 East 42d Street, New York 17, N.Y.	Manufacturer of industrial chemicals.	[1] 12-31-41	1,709,213.30	999,436.10	94,036.70	56,422.02	17,490.82
		[1] 12-31-42	1,685,841.85	1,005,064.73	99,695.33	89,698.79	39,866.13
		[1] 12-31-43	1,693,184.07	1,008,374.63	102,975.23	92,677.71	41,190.10
		[1] 12-31-44	1,700,876.09	1,004,351.12	98,951.72	94,004.13	39,580.70
		[1] 12-31-45	1,698,250.82	1,007,398.58	101,999.18	96,899.22	40,799.66
Milwaukee							
The Shuler Co., 21 East Jefferson Street, Waupun, Wis.	Manufacturers of hot patches, vulcanizers and oil products.	[1] 12-31-41	166,676.65	193,831.36	10,186.59	12,435.22	3,854.93
		[1] 12-31-42	168,269.98	186,594.79	6,726.60	6,054.94	2,960.63
		[1] 12-31-43	164,252.54	187,168.71	8,249.65	7,658.69	3,403.87
Omaha							
Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.	Natural gas pipeline	[1] 12-31-40	3,267,895.38	317,259.01	127,365.00	57,314.25	None
		[1] 12-31-41	3,762,537.89	1,211,738.77	569,755.64	341,853.39	105,974.51
		[1] 12-31-42	3,770,131.52	1,573,962.21	694,203.82	35,922.36	15,665.70
Pittsburgh							
H. J. Heinz Co., 1062 Progress Street, Pittsburgh, Pa.	Manufacture and sale of food products.	[2] 4-30-43	4,217,088.10	753,397.44	141,066.69	107,591.02	61,957.40
San Francisco							
Columbia Broadcasting System Inc. of California, formerly: Pacific Agricultural Foundation Ltd., Sheraton Palace Hotel, San Francisco, Calif.	Radio Broadcasting Station KQW.	[1] 12-31-43	1,050.63	87,824.72	51,199.37	36,523.95	21,477.61
		[2] 12-31-45	5,143.23	130,781.35	47,104.77	24,524.03	20,940.79
Pacific Coast Grocery Co., Inc., d/b/a Coast Grocery Co., Inc., 495 Beach Street, San Francisco, Calif.	Wholesale grocery	[1] 12-31-43	9,372.18	79,847.82	None	2,765.87	891.22
		[1] 12-31-44	8,491.13	80,428.87	None	2,194.84	623.70
		[1] 12-31-45	7,805.01	81,114.99	None	850.44	241.70
SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1959							
Chicago							
Sola Electric Co., 4633 West 16th Street, Chicago 50, Ill.	Manufacturers of electric transformers and kindred products.	[1] 12-31-40	$12,788.06	$197,224.52	$16,813.94	$4,178.93	None
		[1] 12-31-41	31,190.40	178,822.18	44,809.60	12,929.68	$4,008.20
		[1] 12-31-42	34,656.00	175,356.58	41,344.00	41,698.47	19,876.49
		[1] 12-31-43	18,434.84	191,577.73	57,565.16	41,897.57	26,950.67
		[1] 12-31-44	28,669.14	181,343.44	47,330.86	33,082.07	20,325.42
		[1] 12-31-45	37,298.67	172,713.90	38,701.33	28,993.66	19,988.08
Greensboro							
Clark Publishing Co., 218 West Morehead Street, Charlotte, N.C.	Publishers	12-31-45	1,699.32	13,590.48	2,338.18	2,221.27	631.31
Kansas City							
Panhandle Eastern Pipe Line Co., 1221 Baltimore Avenue, Kansas City, Mo.	Natural gas	[1] 12-31-40	3,920,020.55	688,136.40	164,979.45	81,314.20	None
		[1] 12-31-41	4,697,820.23	1,201,613.62	242,179.77	145,307.86	45,045.42

[1] Allowance in accordance with a decision of the Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.

[2] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[3] Allowance made during fiscal year ended June 30, 1959, represents an addition by the Tax Court of the United States, to relief previously allowed by the Commissioner and published September 23, 1954.

DANA LATHAM,
Commissioner of Internal Revenue.

[F.R. Doc. 8378; Filed, Sept. 15, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

INTERSTATE QUARANTINE

Discharge of Vessel Wastes in Fresh Water Rivers and Lakes—the Great Lakes and Connecting Waters

Notice is hereby given that pursuant to § 72.121 of the Interstate Quarantine Regulations of the Public Health Service (42 CFR 72.121) the Surgeon General of the Public Health Service has designated the areas described herein adjacent to the below listed domestic water intakes in the Great Lakes and connecting waters as restricted areas within which the discharge of sewage, or ballast or bilge water from vessels is prohibited.

Except as otherwise specifically indicated, in each case the restricted area includes the water within a circle having a radius of three miles with the domestic water intake as its center, in no event, however, extending beyond the international boundary line with Canada.

This restriction applies to all vessels which are under way, moored or anchored within the restricted areas subject to the following provisions:

1. Vessels moored at docks shall not discharge sewage, ballast or bilge water overboard if dock facilities for the disposal of such waste are available.

2. Vessels required to anchor within a restricted area under an emergency condition for the safety of the vessel are exempted.

3. Vessels which provide sewage or waste treatment approved by the Surgeon General are exempted from that portion of the restriction applicable to sewage.

These designations will become effective on October 1, 1960.

The list of intakes and the extent of the restricted areas may be revised from time to time by the Surgeon General. Copies of this designation and revisions, if any, may be obtained from the following sources:

Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington 25, D.C.

Regional Medical Director, Public Health Service, Department of Health, Education, and Welfare, Room 712, New Post Office Building, 433 West VanBuren Street, Chicago 7, Ill.

Regional Medical Director, Public Health Service, Department of Health, Education, and Welfare, Room 1200, 42 Broadway, New York 4, N.Y.

Regional Medical Director, Public Health Service, Department of Health, Education, and Welfare, 2305 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

Medical Officer in Charge, Foreign Quarantine Station, c/o American Consulate General, 1558 McGregor Street, Montreal 25, Canada.

Dated: August 30, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: September 9, 1960.

EDWARD FOSS WILSON,
Acting Secretary of Health, Education, and Welfare.

DOMESTIC WATER INTAKES IN THE GREAT LAKES AND CONNECTING WATERS

Source, State, and consumer served	Intake location by U.S. Lake Survey Chart Number	Intake location by geographical coordinates: North Latitude Deg.	North Latitude Min.	North Latitude Sec.	West Longitude Deg.	West Longitude Min.	West Longitude Sec.
ST. LAWRENCE RIVER							
New York:							
Reynolds Metals Co.[1]	11	44	59	10	74	45	15
Aluminum Co. of America[1]	11	44	57	29	74	55	23
Ogdensburg[1]	14	44	41	10	75	30	58
Morristown[1]	14, 113	44	35	07	75	39	21
Alexandria Bay[1]	115, 116	44	20	11	75	55	27
Thousand Island State Park[1]	16, 116	44	17	33	76	01	58
Clayton[1]	16, 17, 21, 117	44	14	25	76	06	31
Cape Vincent[1]	18, 21	44	07	44	76	20	32
LAKE ONTARIO							
New York:							
Oswego	22, 225	43	28	40	76	33	20
Wolcott Village	22, 23	43	18	45	76	54	40
Sodus Point Village	234	43	16	28	76	59	54
Williamson Water District	23	43	16	58	77	03	48
Ontario Water District	23	43	17	25	77	11	17
Monroe County Water Authority	23, 238	43	16	55	77	17	15
Rochester	23	43	17	38	77	37	07
Hilton	24	43	17	40	77	37	50
Brockport	24	43	20	40	77	47	10
Lyndonville	24	43	22	40	78	23	20
Barker	25	43	22	12	78	33	25
Wilson	25	43	19	12	78	49	40
NIAGARA RIVER							
New York:							
Niagara Falls[1]	31, 312	43	03	40	79	00	12
Lockport[1]	31, 312	43	02	00	78	53	40
North Tonawanda[1]	31, 312	43	01	35	78	53	27
Tonawanda[1]	31, 312	43	01	20	78	53	30
Grand Island[1]	31, 312	42	57	55	78	58	15
Town of Tonawanda[1]	31, 312	42	57	15	78	56	10
LAKE ERIE							
New York:							
Buffalo	31, 312, 314	42	52	47	78	54	46
Erie County Water Authority	31	42	48	00	78	52	20
Wanakah	31	42	44	50	78	54	28
Erie County Water Authority	31, 312	42	41	40	79	03	00
Angola	32	42	39	25	79	04	05
Silver Creek	32	42	33	07	79	10	40
Dunkirk	32	42	29	50	79	21	15
Pennsylvania, Erie (2 intakes)	33, 332	42	07	50	80	10	15
		42	09	45	80	09	10
Ohio:							
Conneaut	33	41	57	55	80	34	40
Union Carbide Metals Co.	34	41	55	25	80	45	55
Ashtabula	34, 342	41	54	30	80	48	38
Lake County	34	41	50	00	81	04	40
Industrial Rayon Co.	34	41	47	15	81	12	50
Diamond Alkali Co.	34, 346	41	46	06	81	15	46
Fairport	34, 346	41	45	46	81	17	20
Painsville	34, 346	41	45	46	81	18	11
Mentor Township Park	34	41	43	35	81	22	10
Cleveland: (a) Nottingham plant	35	41	37	10	81	37	05
(b) Baldwin	35	41	32	55	81	45	00
(c) Division Ave.	35	41	32	50	81	45	50
(d) Clague Rd.	35	41	31	10	81	53	00
Avon Lake	35	41	30	40	82	03	00
Lorain	35, 357	41	28	22	82	11	40
Elyria	35	41	27	24	82	13	15
Vermillion	35, 36	41	25	45	82	22	15
Huron	36, 363	41	24	20	82	33	24
Plum Brook Ordnance Works	36	41	25	50	82	35	40
Sandusky	36, 39, 364, 365	41	27	55	82	38	55
Kelleys Island	36, 39, 364	41	35	30	82	42	35
Put-In-Bay	36, 39, 364	41	38	45	82	48	45
Marblehead	36, 39, 364	41	32	40	82	43	40
Lakeside	36, 39, 364	41	32	50	82	44	45
Port Clinton	36, 37, 39, 364	41	31	15	82	56	20
Camp Perry	37, 39	41	33	50	83	01	10
Toledo	37, 39	41	42	00	83	15	35
Michigan:							
Monroe	37, 39, 376	41	56	15	83	14	20
Enrico Fermi Atomic Power Plant	37, 39	41	57	20	83	14	15
DETROIT RIVER							
Michigan:							
Wyandotte[1]	41, 412	42	12	35	83	08	25
Wayne County Water Authority[1]	41, 412	42	13	40	83	07	55
Detroit[1]	41, 416	42	21	00	82	57	20
LAKE ST. CLAIR							
Michigan:							
Grosse Pointe Farms	42, 416	42	24	12	82	52	45
Mount Clemens	42	42	38	25	82	49	40
New Baltimore	42	42	40	40	82	43	55
Ira Township	42	42	40	10	82	39	20
ST. CLAIR RIVER							
Michigan:							
The Old Club[1]	42, 43	42	32	15	82	40	05
The Colony[1]	42, 43	42	37	50	82	38	45
Algonac[1]	42, 43	42	37	15	82	31	35
Marine City[1]	43	42	43	05	82	29	25
East China Township[1]	43	42	45	20	82	28	25
St. Clair[1]	43	42	49	30	82	28	50
Marysville[1]	43	42	54	25	82	27	50
Port Huron[1]	43, 51	42	59	00	82	25	30

See footnotes at end of table.

Source, State, and consumer served	Intake location by U.S. Lake Survey Chart Number	Intake location by geographical coordinates: North Latitude Deg.	Min.	Sec.	West Longitude Deg.	Min.	Sec.
LAKE HURON							
Michigan:							
Harbor Beach	51	43	51	30	82	38	45
Port Hope	51	43	56	45	82	42	00
Point aux Barques	52	44	04	15	82	55	20
Bay City	52, 530	43	43	02	83	54	05
Saginaw-Midland	52	44	06	30	83	31	45
Pinconning	52	43	51	25	83	54	10
Alabaster	52	44	11	35	83	33	15
East Tawas	52	44	16	40	83	29	30
Alpena	53	45	02	40	83	25	50
Stoneport	6, 53, 537	45	17	55	83	25	05
St. Ignace	6, 60, 70	45	49	45	84	42	25
Mackinac Island	6, 60, 70	45	50	50	84	37	50
LAKE MICHIGAN							
Michigan:							
Traverse City	70, 706	44	46	20	85	37	30
Ludington	77	43	57	45	86	28	30
Muskegon	76, 767	43	12	25	86	21	05
Muskegon Heights	76	43	10	50	86	19	40
Grand Haven	76, 765	43	03	00	86	14	45
Grand Rapids	76	42	58	15	86	14	45
Holland	76, 763	42	48	00	86	13	40
South Haven	76	42	24	00	86	17	40
Benton Harbor	75, 758	42	07	30	86	29	10
St. Joseph	75, 758	42	05	50	86	30	10
Bridgman	75	41	56	35	86	35	05
Menominee	702, 723	45	06	40	87	35	55
Escanaba	70, 701, 718	45	44	35	87	02	15
Gladstone	70, 701, 718	45	50	40	86	59	50
Nahma	70, 701	45	50	00	86	39	40
Indiana:							
Long Beach	75	41	45	00	86	51	25
Michigan City	75	41	44	10	86	54	10
Gary	75, 751	41	38	35	87	20	40
East Chicago	75, 751	41	39	50	87	24	25
Whiting	75, 751, 755	41	40	50	87	28	25
Hammond	75, 751, 755	41	42	15	87	29	50
Illinois:							
Chicago: (a) 68th St. crib [1]	75, 751	41	47	10	87	31	55
(b) Four Mile crib [1]	75, 751	41	52	50	87	32	45
(c) Harrison crib [1]	75, 751, 752	41	55	00	87	34	20
(d) Wilson Ave. crib [1]	75, 751	41	58	00	87	35	30
Evanston	75, 751	42	03	45	87	39	15
Wilmette	75	42	05	15	87	41	00
Kenilworth	75	42	06	00	87	42	10
Winnetka	75	42	07	15	87	43	30
Glencoe	75	42	08	45	87	44	30
Highland Park	75	42	11	45	87	46	55
Highwood	75	42	12	30	87	47	25
Fort Sheridan	75	42	13	40	87	47	40
Lake Forest	75	42	16	15	87	48	50
Great Lakes Naval Training Center	75	42	18	50	87	48	05
North Chicago	75	42	19	25	87	48	45
Waukegan	74, 75	42	21	30	87	48	25
Wisconsin:							
Kenosha	74	42	35	45	87	47	55
Racine	74, 745	42	44	45	87	45	30
Oak Creek	74	42	52	45	87	50	00
Carrollville	74	42	53	00	87	50	00
South Milwaukee	74	42	54	05	87	50	15
Cudahy	74	42	57	20	87	50	00
Milwaukee: (a) North intake	74	43	04	55	87	50	50
(b) South intake	74	43	00	10	87	51	15
Whitefish Bay	74	43	08	10	87	53	00
Port Washington	74	43	23	30	87	51	00
Sheboygan	73	43	46	35	87	41	10
Manitowoc	73, 735	44	04	44	87	38	55
Two Rivers	73	44	07	55	87	33	25
Green Bay	10, 73, 703	44	30	15	87	27	35
Marinette	702, 723	45	05	00	87	35	00
LAKE SUPERIOR							
Michigan:							
White Pine	95	46	50	10	89	34	15
Calumet	94	47	16	45	88	32	10
Copper Harbor	94	47	28	25	87	53	20
Baraga	94, 943	46	46	40	88	28	50
L'Anse	94, 943	46	45	45	88	27	30
Marquette	93, 935	46	32	45	87	21	55
Munising	93, 931	46	26	40	86	40	50
Sault Ste. Marie [1]	63, 92	46	29	30	84	25	20
Wisconsin:							
Ashland	96, 961, 964	46	36	20	90	52	30
Washburn	96, 961, 964	46	40	25	90	52	50
Superior	96, 966	46	43	05	92	02	05
Minnesota:							
Duluth	96	46	51	40	91	57	30
Two Harbors	96	47	01	10	91	39	25
Beaver Bay	96, 97	47	15	10	91	18	00
Silver Bay	97	47	17	50	91	14	30
Grand Marias	97	47	44	40	90	20	45

[1] Restricted area extends from three miles upstream to one-half mile downstream of the intake.
[2] Restricted area is a circle having a radius of four miles around this intake.

[F.R. Doc. 60-8578; Filed, Sept. 15, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Brevard.	Marion.
Broward.	Martin.
Charlotte.	Okeechobee.
Collier.	Orange.
Dade.	Osceola.
De Soto.	Palm Beach.
Flagler.	Pasco.
Glades.	Pinellas.
Hardee.	Polk.
Hendry.	Putnam.
Highlands.	Sarasota.
Hillsborough.	Seminole.
Indian River.	St. Johns.
Lake.	St. Lucie.
Lee.	Sumter.
Manatee.	Volusia.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of September 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-8610; Filed, Sept. 15, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Hearing on Application for License

Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the regulations in Parts 2, 10 CFR, "Rules of Practice," notice is hereby given that a hearing will be held to consider the issuance of a facility license to the above-named applicant under sections 104c and 185 of the Act for a 60 megawatt (thermal) heterogeneous, light water cooled and moderated, test reactor located at the NASA Plum Brook Facilities, Sandusky, Ohio. The hearing will commence at 10:30 a.m. on October 18, 1960, or on such later date as may be designated by the Presiding Officer, and will be held in the Auditorium of the AEC Headquarters, Germantown, Maryland. For further information all interested persons are referred to the application which is available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the utilization facility authorized for construction by Construction Permit No. CPTR-3, dated July 21, 1958, as amended by Amendment No. 1 thereto, dated December 28, 1959, issued to National Aeronautics and Space Administration, has been constructed in compliance with the terms and conditions of the construction permit and will operate in conformity with the application as amended, and the provisions of the Act and of the rules and regulations of the Commission;

2. Whether the processes to be performed, the operating procedures, the facility and equipment, the use of the facility, and other technical specifications, collectively, provide reasonable assurance that National Aeronautics and Space Administration will comply with the Commission's regulations and that the health and safety of the public will not be endangered;

3. Whether National Aeronautics and Space Administration is technically and financially qualified to operate the facility, to assume financial responsibility for payment of Commission charges for special nuclear material, to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations; and

4. Whether the issuance of a license to National Aeronautics and Space Administration to operate the facility, pursuant to Parts 30, 50, and 70 of the AEC regulations, Title 10, CFR, will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary or in the AEC's Public Document Room not later than October 17, 1960, or, in the event of a postponement of the hearing date specified above, at such time as the Presiding Officer may provide. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Answers to this notice shall be filed by National Aeronautics and Space Administration pursuant to § 2.736 of the "Rules of Practice" on or before October 4, 1960.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Pursuant to section 182b of the Atomic Energy Act of 1954, as amended, notice is hereby given that reports of the Advisory Committee on Reactor Safeguards in this matter are available for public inspection at the Commission's Public Document Room. A later report of the Advisory Committee on Reactor Safeguards will be available for public inspection in the AEC's Public Document Room prior to the hearing herein scheduled. Copies of such report, and of any prior ACRS report in this matter, may be obtained by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. If the later report is not published and made available prior to the scheduled date of hearing, the hearing will be rescheduled.

The hearing will be conducted by a Presiding Officer to be designated by Samuel W. Jensch, Chief Hearing Examiner, Office of Hearing Examiners, Atomic Energy Commission. The Presiding Officer will render a decision pursuant to § 2.751(a) of the Commission's "Rules of Practice."

Dated at Germantown, Md., this 13th day of September 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-8658; Filed, Sept. 15, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 17

Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 17 as published in the FEDERAL REGISTER issue of August 4, 1960, 25 F.R. 7339).

Dated: September 13, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8613; Filed, Sept. 15, 1960; 8:48 a.m.]

Office of the Secretary

WALLACE E. CARROLL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during last six months:

A. Deletions: No change.
B. Additions: Binks Manufacturing Co., Consolidated Paper Co.

This statement is made as of August 18, 1960.

WALLACE E. CARROLL.

SEPTEMBER 7, 1960.

[F.R. Doc. 60-8607; Filed, Sept. 15, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10501]

MODERN AIR TRANSPORT, INC., AND JOHN P. BECKER; AIRCRAFT LEASE, CONTROL AND INTERLOCKING RELATIONSHIPS

Notice of Hearing

In the matter of the application of Modern Air Transport, Inc., and John P. Becker for approval, under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, of an aircraft lease and of control and interlocking relationships.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 23, 1960, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., September 13, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8619; Filed, Sept. 15, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13760]

HARRY E. GILLIKIN

Order To Show Cause

In the matter of Harry E. Gillikin, 938 North 31st Road, Hollywood, Florida, Docket No. 13760; order to show cause why there should not be revoked the license for Radio Station WH-8011 aboard the vessel "Mildred Ann."

There being under consideration the matter of certain alleged violations of Commission rules in connection with the operation of the above-captioned radio station;

It appearing that pursuant to § 1.61 of the Commission's rules written notice of violation of Commission rules was served upon the above-named licensee as follows:

An Official Notice of Violation (FCC Form 793) dated June 10, 1959, alleging

that on May 20, 1959, at 11:44 a.m., e.s.t., the subject radio station was observed in violation of Commission rules, viz:

(a) Section 8.367(a)(2)—a copy of Part 8 of the Commission's rules and regulations was not on board the vessel at the time of inspection of the radio station;

(b) Section 8.368(a)(5)—official station log entries were not made so as to indicate periods of time during which a listening watch was maintained on the frequency 2182 Kc., as required by § 8.223 (b) of the Commission's rules;

It further appearing that letters from the Commission to the licensee were received as follows:

(1) Letter dated November 4, 1959, sent by certified mail, return receipt requested (No. 97164) and received by the licensee on November 12, 1959, as evidenced by his signature to a Post Office Department return receipt card;

(2) Letter dated January 27, 1960, sent by certified mail, return receipt requested (No. 97156) and received by the licensee on January 30, 1960, as evidenced by the signature of his agent, Lee Gillikin, to a Post Office Department return receipt card;

(3) Letter dated July 6, 1960, sent by certified mail, return receipt requested (No. 97343) and received by the licensee on July 12, 1960, as evidenced by his signature to a Post Office Department return receipt card; and

It further appearing that the above-described letters requested the licensee to state the measures which had been taken or were being taken to bring the operation of the radio station into compliance with the Commission's rules, and warned that failure to respond to such letters might result in the institution of proceedings for the revocation of his radio station license;

It further appearing that no response was made by the licensee to such Official Notice of Violation or Commission letters, although the Official Notice of Violation requested that written reply be made within ten days of its receipt and each of the letters specifically requested that reply be made within fifteen days of receipt; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 9th day of September 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—return receipt requested to the said licensee.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8620; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket No. 13765; FCC 60-1060]

PEOPLES BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of Peoples Broadcasting Corporation, Trenton, New Jersey, Docket No. 13765, File No. BPH-3059, Req.: 94.5 Mc, No. 233; 30 kw; 238 ft., for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the proposed station; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 28, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity, and that a copy of the aforementioned letter is available for public inspection in the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant at this time and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the main studio is to be located outside the city of Trenton, New Jersey, and not at the transmitter site and such is not in accordance with § 3.205(a) of the Commission's rules; however, the main studio is to be located in a new building presently housing the studios of Station WTTM(AM), same licensee, located very close to the political boundaries of Trenton, and the applicant has shown sufficient grounds to warrant a waiver of said section; and

It further appearing that the applicant proposes to mount the FM antenna on one of the towers of the directional antenna system of WTTM, and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contour, the area and population therein which would be served by the proposed station, and the availability of other FM services (at least 1 mv/m) to such proposed service area.

2. To determine whether the instant proposal would involve objectionable interference with Stations WIBG-FM, Philadelphia, Pennsylvania, WNTA-FM, Newark, New Jersey, and WJLK-FM, Asbury Park, New Jersey, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-described application of the Peoples Broadcasting Corporation should be made.

It is further ordered, That the Seaboard Radio Broadcasting Corporation, licensee of Station WIBG-FM, Philadelphia, Pennsylvania; the NTA Radio Broadcasting Company, licensee of Station WNTA-FM, Newark, New Jersey; and the Asbury Park Press, Inc., licensee of Station WJLK-FM, Asbury Park, New Jersey, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the application, § 3.205(a) of the Commission's rules shall be waived to permit the main studio to be located outside the city limits of Trenton, New Jersey and not at the site of the transmitter.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain a condition stating that Station WTTM shall request permission from the Commission to determine power of WTTM by the indirect method; that during installation of the FM antenna WTTM shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of construction WTTM shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna of common point resistance, WTTM shall submit Forms 302 to report the change.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8621; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket No. 13763; FCC 60-1037]

SHIRLEY BASIN TRANSMISSION CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Shirley Basin Transmission Company, Docket No. 13763, File No. 2900-C1-P-59, for a construction permit to establish a common carrier point-to-point microwave station 12 miles East of Laramie, Wyoming; File No. 2901-C1-P-59, for a construction permit to establish a common carrier point-to-point microwave station at Shirley Mountain, Wyoming; File No. 2902-C1-P-59, for a construction permit to establish a common carrier point-to-point microwave station 6.9 miles South of Casper, Wyoming.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 7th day of September 1960;

The Commission having under consideration the above-entitled applications for construction permits to construct a three-hop, three-channel common carrier point-to-point microwave system from an off-the-air pick-up point near Laramie, Wyoming and terminating near Casper, Wyoming, which will enable a proposed CATV customer simultaneously to receive any three of the four Denver, Colorado television stations; and

It appearing that the proposed customer is now subscribing to a similar two-channel service between the above-mentioned points, which is being provided by The Mountain States Telephone and Telegraph Company over the facilities stations KOM71, KON60, KON61, KON62, KON63 and KON64; and

It further appearing that the proposed customer has stated that, when applicant can provide the service proposed herein, it intends to discontinue the service of The Mountain States Telephone and Telegraph Company; and

It further appearing that a question is presented as to the need for two like common carrier point-to-point microwave systems to provide what appears to be an essentially identical service at Casper, Wyoming; and

It further appearing that the American Telephone and Telegraph Company has contended that a grant of the captioned applications would result in harmful electrical interference to its existing transcontinental facilities and also may inhibit or impair the future growth of its transcontinental radio communications route; and

It further appearing that the Commission advised the applicant herein, The Mountain States Telephone and Telegraph Company and the American Telephone and Telegraph Company, by letter dated January 19, 1960, pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the captioned applications cannot be granted without hearing, which letter was replied to by applicant and The Mountain States Telephone and Telegraph Company, and those replies having been considered; and

It further appearing that applicant is legally, technically and financially qualified to be a licensee in this service;

It is ordered, That pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereinafter specified, upon the following issues:

1. To determine the nature and extent of the service rendered by The Mountain States Telephone and Telegraph Company over the facilities of stations KOM71, KON60, KON61, KON62, KON63 and KON64, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

2. To determine the nature and extent of the service proposed by Shirley Basin Transmission Company, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

3. To determine the area to be served by the stations proposed by Shirley Basin Transmission Company, the area served by stations KOM71, KON60, KON61, KON62, KON63 and KON64, and the extent to which duplication of service may result from the establishment of the proposed stations.

4. To determine the need for such duplication of service, if any, as may be shown under issue 3.

5. To determine the nature and extent of any differences in the services now provided by The Mountain States Telephone and Telegraph Company over stations KOM71, KON60, KON61, KON62, KON63 and KON64, and the service proposed by Shirley Basin Transmission Company.

6. To determine the nature and extent of the interference, if any, which may be occasioned by operation of the proposed facilities in the vicinity of TH radio circuits presently licensed to the American Telephone and Telegraph Company, and to determine, if interference is shown, whether such interference would be undesirable or intolerable.

7. To determine whether the facilities proposed by applicant will impair or inhibit the future growth and use of A. T. & T.'s transcontinental radio communication route and facilities.

8. To determine, in the light of the evidence adduced on all the foregoing issues, whether a grant of the subject applications would serve the public interest, convenience or necessity.

It is further ordered, That The Mountain States Telephone and Telegraph Company and the American Telephone and Telegraph Company are made parties intervenors to the proceedings herein; and

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8622; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13639, 13640; FCC 60M-1507]

SOUTHEASTERN BROADCASTING SYSTEM, INC. (WMJM) AND WASHINGTON BROADCASTING CO., INC. (WSNT)

Order Continuing Hearing

In re applications of Southeastern Broadcasting System, Inc. (WMJM), Cordele, Georgia, Docket No. 13639, File No. BP-12389; Washington Broadcasting Company, Inc. (WSNT), Sandersville, Georgia, Docket No. 13640, File No. BP-13105; for construction permits.

In accordance with developments explained on the record of a prehearing conference held this date in the above-entitled matter;

It is ordered, This 9th day of September 1960, that a further prehearing conference will be held at 9:15 a.m., September 29, 1960, in the Commission's offices in Washington, D.C.; and

It is further ordered, That the hearing now scheduled for September 29, 1960 is postponed to a date to be subsequently determined.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8623; Filed, Sept. 15, 1960; 8:49 a.m.]

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[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13764; FCC 60-1056]

STEPHENS COUNTY BROADCASTING CO. (WNEG)

Order Designating Application for Hearing on Stated Issues

In re application of Stephens County Broadcasting Company (WNEG), Toccoa, Georgia, Docket No. 13764, File No. BP-12827, Has: 1320 kc, 1 kw, D, Req: 630 kc, 500 w, D; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September, 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the Commission's letter of June 24, 1960, advised the applicant and Foothills Broadcasting, Incorporated, licensee of Station WIRC, Hickory, North Carolina, that the proposed operation of Station WNEG would cause interference to Station WIRC; that Foothills Broadcasting, Incorporated, failed to respond to the Commission's letter; that in view of the fact that Foothills Broadcasting has failed to respond and in view of the further fact that the interference which would be received by WIRC from the WHEG proposal would be slight, Foothills Broadcasting, Incorporated, is not being made a party to the hearing ordered below; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WNEG and the availability of other primary service to such areas and populations.

2. To determine whether interference received from Station WSAU, Savannah, Georgia, WIRC, Hickory, North Carolina and WAVU, Albertville, Alabama would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Station WNEG, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application of Station WNEG, the construction permit shall contain a condition that the permittee shall be required to submit a nondirectional proof of performance to establish that the antenna system will meet the minimum efficiency requirements of 175 mv/m/kw.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8624; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13436-13438; FCC 60-1021]

TOT INDUSTRIES, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of TOT Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT-2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT-2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT-2697; for construction permits for new televison broadcast stations (Channel 10).

1. The Commission has before it for consideration (1) a petition for modification of the issues, filed April 11, 1960, by Radio Medford, Inc. (KMED); (2) an opposition filed April 25, 1960 by TOT Industries, Inc. (TOT); (3) a reply to the petition filed April 25, 1960, by the Chief, Broadcast Bureau (Bureau); and (4) a reply to Bureau's reply and TOT's opposition, filed May 5, 1960, by KMED.

2. By Order dated March 16, 1960 (Mimeo. No. 85473; FCC 60-251) the Commission designated for hearing the above-captioned applications. In the order of designation TOT was found to be financially qualified but an issue relative to the financial qualifications of KMED was included (Issue No. 1). KMED requests (1) that this issue be deleted and (2) that such an issue be added relative to TOT. Both requests are opposed by TOT. The Commission's Broadcast Bureau opposes the first request and supports the latter request.

3. It is not essential for present purposes to set forth in detail the factual allegations and arguments advanced by the parties in their respective pleadings. It is sufficient to note that critical to the question of the financial qualifications of KMED and TOT are factual allegations which are in dispute. Under the circumstances, the Commission is of the view that a determination of their financial qualifications should be made on the basis of an evidentiary record.

Accordingly, it is ordered, This 7th day of September 1960, That the petition to delete Issue No. 1 is denied; and

It is further ordered, That the petition to enlarge the issues to include an issue as to the financial qualifications of TOT Industries, Inc., is granted, and Issue No. 1 is amended to read as follows: To determine whether TOT Industries, Inc., and Radio Medford, Inc., are financially qualified to construct, own and operate their respective proposed television broadcast stations.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8625; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13436-13438; FCC 60M-1506]

TOT INDUSTRIES, INC., ET AL.

Order Continuing Hearing

In re applications of TOT Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT-2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT-2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT-2697; for construction permits for new television broadcast stations (Channel 10).

The Hearing Examiner having under consideration a proposed change of date for commencement of hearing;

It appearing that the Commission on September 7, 1960, added a new issue with respect to one of the applicants in this proceeding; and

It further appearing that an informal conference was held on September 9, at which a new schedule was agreed upon by all parties and the Hearing Examiner with the following dates to be observed: Engineering conference, September 15 at 3:00 p.m.; exchange of exhibits with respect to the new financial issue, September 23; notification of any additional witnesses, September 28; commencement of hearing on lay issues, October 10;

It is ordered, This 9th day of September 1960, that the foregoing schedule will be observed and that the hearing is continued from September 13 to October 10, 1960, with an additional prehearing conference at 3:00 p.m. on September 15, 1960.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8626; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket No. 12856; FCC 60M-1510]

WSAZ, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of WSAZ, Incorporated, Complainant v. American Telephone and Telegraph Company, Defendant, Docket No. 12856.

On the oral request of all counsel: *It is ordered*, This 9th day of September 1960, that the hearing now scheduled for October 10 is rescheduled to Tuesday, October 11, 1960 at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8627; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13211-13212; FCC 60M-1503]

ZEPHYR BROADCASTING CORP. AND MYRON A. RECK (WTRR)

Order Continuing Hearing

In re applications of Zephyr Broadcasting Corp., Zephyrhills, Florida, Docket No. 13211, File No. BP-12291; Myron A. Reck (WTRR), Sanford, Florida, Docket No. 13212, File No. BP-12900; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 9th day of September 1960, that the hearing now scheduled in this proceeding for September 12, 1960, be, and the same is hereby continued to October 10, 1960, 10:00 a.m., in the Commission Offices, Washington, D.C.

Released: September 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8628; Filed, Sept. 15, 1960; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ARKANSAS

Notice of Duration of Catastrophe and Amendment to Notice of Major Disaster

I do hereby determine the duration of the catastrophe, causing the damage determined a major disaster by the President in his declaration of August 6, 1960, amending his May 28, 1960, declaration, to have been from the 26th day of June, 1960, to and including the 26th day of July 1960.

Notice of Major Disaster for the State of Arkansas, dated June 20, 1960 (25 F.R. 6155) as amended August 15, 1960 (25 F.R. 8172) is hereby further amended to include the following counties among those determined to have been adversely affected by the catastrophe declared a major disaster by the President in his amending declaration of August 6, 1960:

Carroll. Washington.

Dated: September 6, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-8617; Filed, Sept. 15, 1960; 8:48 a.m.]

CARLTON S. DARGUSCH

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission (25 F.R. 3016), other than the sale of my stock in the Ohio National Bank.

Dated: September 5, 1960.

CARLTON S. DARGUSCH.

[F.R. Doc. 60-8618; Filed, Sept. 15, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3900]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale at Competitive Bidding of Principal Amount of Debentures

SEPTEMBER 9, 1960.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30,000,000 principal amount of __ percent Debentures, Series O due 1985. The interest rate (a multiple of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the Debentures (not less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the bidding.

The Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, now Morgan Guaranty Trust Company of New York, dated June 1, 1950, as heretofore supplemented and as to be further supplemented by a Thirteenth Supplemental Indenture, to be dated October 1, 1960.

Columbia will use the net proceeds from the proposed sale of debentures to purchase additional securities of its subsidiaries to assist them in completing their 1960 construction programs, presently estimated at not in excess of $90,000,000, and for other corporate purposes.

The fees and expenses to be paid in connection with the transactions will be filed by amendment.

It is represented that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 27, 1960 at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8603; Filed, Sept. 15, 1960; 8:46 a.m.]

[File No. 812-1335]

INVESTMENT TRUST OF BOSTON

Notice of Filing of Application for Order Permitting Certain Reinvestments of Dividend Distributions at Net Asset Value

SEPTEMBER 9, 1960.

Notice is hereby given that Investment Trust of Boston ("Applicant"), a registered open-end management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the offering of certain shares of Applicant at net asset value where such shares represent investments of dividends paid under the Applicant's Planned Withdrawal Program described below.

Applicant presently makes available to investors a dividend reinvestment plan under which holders of its shares valued in excess of $2,000 may reinvest distributions representing capital gains in additional shares of Applicant at net asset value and may reinvest other dividends

in additional shares at the public offering price. Applicant also makes available Planned Withdrawal Programs to shareholders who own or purchase shares valued at not less than $5,000 at the current public offering price under which such shareholders may request that a specified sum of money be paid to them either monthly or quarterly by the program agent. Under these Programs, as presently administered, income dividends payable in cash are received by the program agent and held for payment to the investor under the terms of the Programs. Distributions of capital gains declared payable in additional shares, are reinvested in additional shares at net asset value and credited to the account of the investor. Applicant proposes to also reinvest cash dividends from income on shares held under the Programs in additional shares at net asset value. It is contemplated that the amount of periodic withdrawals under such Programs will be in excess of dividends from income. It is stated in the application that Applicant and its principal underwriter will exercise their rights to reject any application for a Program where the amounts specified to be withdrawn under the Program do not exceed current investment income.

Section 22(d) of the Act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company from selling redeemable securities of such registered investment company except at a current public offering price described in the prospectus. Since the proposal set forth above may involve the offering of shares of Applicant below the normal public offering price thereof described in the prospectus in contravention of the provisions of section 22(d) of the Act, Applicant seeks an order pursuant to section 6(c) of the Act exempting such transactions from the provisions of section 22(d) of the Act.

Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 26, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8604; Filed, Sept. 15, 1960; 8:47 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

SEPTEMBER 12, 1960.

The common stock, par value 10¢ per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 13, 1960 to September 22, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8605; Filed, Sept. 15, 1960; 8:47 a.m.]

[File No. 24S-1761]

UTAHCAN, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 12, 1960.

I. Utahcan, Inc. (issuer), a Washington corporation, 1831 East Sprague Avenue, Spokane 3, Washington, filed with the Commission on May 31, 1960 a notification on Form 1-A and an offering circular relating to an offering of 663,624 shares of 10¢ par value common stock as a mining speculation, 185,000 shares to be offered at 50¢ and the balance to be exchanged for existing debts and shares loaned to the company at 25¢ for an aggregate stated offering of $258,305.50 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The aggregate offering price of the securities to be offered, as computed in accordance with Rule 254, will exceed $300,000.

B. The offering circular and other material filed therewith contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose all securities offered and sold within the last year by the issuer, its officers, directors and underwriters, and the resulting contingent liability therefrom under section 5 of the Securities Act of 1933, pursuant to Item 9 of Form 1-A.

2. The failure to disclose all the shares held by the officers and directors of the issuer in accordance with Item 9(c) of Schedule I.

3. The failure to disclose that the issuer's bank account had been attached.

4. The failure to disclose that the issuer's bank accounts are in the name of its president.

5. The inclusion of unreliable and inaccurate financial statements in the offering circular, particularly with respect to the understatement of liabilities.

6. The failure to disclose adequately the extent of the issuer's long-term liabilities, particularly with respect to certain production notes which were repayable at twice their face amount in smelter returns or in stock at the election of the holder.

7. The failure to disclose the existence of certain production notes which became subject to foreclosure on August 1, 1960.

8. The failure to disclose that at least 4% of any smelter returns would be set aside to pay for said notes.

9. The failure to disclose adequately the amount of royalties payable on the issuer's properties.

10. The failure to disclose adequately and clearly the nature and extent of the ore or mineralization known to exist on the company's properties.

11. The failure to disclose adequately and clearly the operations conducted and to be conducted on the issuer's properties and the cost thereof.

12. The failure to disclose the basis for increasing the price of the stock 100 percent over the prior offering price.

13. The failure to disclose adequately and clearly that 7,650,000 shares of outstanding stock had been issued for properties which had since been abandoned and the failure to disclose the funds expended on these properties.

14. The failure to disclose that the issuer has, contrary to usual mining practices, proceeded with mill construction without knowing whether an adequate ore supply will be found to operate it over an appreciable period.

C. The offering would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commision.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8606; Filed, Sept. 15, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 58, Amdt. 1]

LOUISIANA

Authorization to Railroads To Transport Livestock Feed and Hay at Reduced Rates

It appearing that due to the drouth conditions existing in certain portions of the State of Louisiana the Commission issued its Drouth Order No. 58 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area in Louisiana at reduced rates.

And it further appearing that the Honorable Jimmie H. Davis, Governor of the State of Louisiana has with the concurrence of the United States Department of Agriculture requested the Commission to enter an order authorizing the same authority to eight additional parishes in the State of Louisiana.

It is ordered, That the first ordering paragraph of Drouth Order No. 58 is hereby amended by adding thereto the parishes of Avoyelles, Evangeline, Iberville, La Fayette, Pointe Coupee, West Baton Rouge, St. Martin (North portion only) and St. Landry, all in the State of Louisiana.

It is further ordered, That in all other respects Drouth Order No. 58 shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association - Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 12th day of September 1960.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8611; Filed, Sept. 15, 1960; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL COUNSEL, REGION VII, ET AL.

Designation of Acting Regional Administrator, Region VII (Puerto Rico and Virgin Islands)

The Regional Counsel, Region VII (Puerto Rico and Virgin Islands), Housing and Home Finance Agency, is hereby designated to serve as Acting Regional Administrator, Region VII, during the vacancy in the position of Regional Ad-Administrator, Region VII, with all the powers, functions, duties, and responsibilities delegated or assigned to the Regional Administrator.

In the absence of the Regional Counsel, the Regional Director of Urban Renewal or, in his absence, the Regional Engineer is hereby designated to serve as Acting Regional Administrator, Region VII.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 12th day of September, 1960.

[SEAL] NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 60-8612; Filed, Sept. 15, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 21 (Rev. 4)]

DIRECTOR, OFFICE OF PROCUREMENT AND TECHNICAL ASSISTANCE

Delegation of Authority

1. Pursuant to the authority delegated to the Deputy Administrator for Procurement and Technical Assistance by the Administrator by Delegation of Authority No. 20 (Revision 4), 1960, there is hereby delegated to the Director, Office of Procurement and Technical Assistance, the following authority:

A. *Procurement and technical assistance.* 1. To take any and all actions relating to SBA prime contracting authority.

2. To negotiate and carry out joint agreements and memoranda of understanding with other Government contracting procurement or disposal agencies.

3. To take any and all actions relating to matters involving joint determinations including the initiation thereof.

4. To take any and all actions relating to matters involving Certificates of Competency, including the issuance or denial of such Certificates.

5. To take any and all actions necessary to carry out SBA's authority to make a complete inventory of all productive facilities of small business concerns.

6. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns.

7. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business concerns.

8. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain materials from its normal sources.

9. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns.

10. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of Government contracts for research and development be placed with small business concerns and to assist small business concerns to obtain the benefits of research and development performed under Government contracts or at Government expense.

11. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total Government procurements be made from small business.

12. To take any and all action relating to the appraisal of collateral offered to SBA on those loans for which an SBA appraisal or reappraisal is requested.

13. To take any and all actions necessary to carry out SBA's authority for assistance in the development of industrial potential in surplus labor areas.

B. *Administration.* 1. To authorize or approve his personal travel after approval of travel schedule by the Deputy Administrator for Procurement and Technical Assistance. To authorize and approve travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

2. To approve (a) sick and annual leave, except advance sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy-making correspondence, except Congressional correspondence, relating to the functions of the Office of Procurement and Technical Assistance.

II. The specific authority delegated in subsections IA4, 1B1, and 1B2 (b) and (c), may not be redelegated.

III. All authorities delegated herein may be exercised by any employee of the SBA designated as Acting Director, Office of Procurement and Technical Assistance.

IV. All previous authority delegated by the Deputy Administrator for Procurement and Technical Assistance to the Director, Office of Procurement and Technical Assistance in Delegation of Authority No. 21 (Revision 3), dated February 21, 1958 is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Dated: September 7, 1960.

DONALD A. HIPKINS,
Deputy Administrator for Procurement and Technical Assistance.

[F.R. Doc. 60-8615; Filed, Sept. 15, 1960; 8:48 a.m.]

[Disaster Area Declaration 290, Amdt. 1]

FLORIDA

Declaration of Disaster Area; Amendment

Declaration of Disaster Area 290, dated August 8, 1960, for the State of Florida, is hereby amended as follows: Add the words, "High Winds, Rain and" immediately preceding the word "Flood" in paragraph 1 thereof.

Dated: September 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8616; Filed, Sept. 15, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI61-72, RI61-73]

KERR-McGEE OIL INDUSTRIES, INC., AND PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject to Refund [1]

SEPTEMBER 9, 1960.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In both filings the natural gas is sold at 14.65 psia. The proposed changes are designated as follows:

Kerr-McGee Oil Industries, Inc., Docket No. RI61-72; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-73.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-72	Kerr-McGee Oil Industries, Inc.	12	18	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.).	8-3-60	8-8-60	9-13-60	9-14-60	9.11238	9.58761	G-14729
RI61-73	Pan American Petroleum Corp. (Operator), et al.	57	19	Phillips Petroleum Co. (Hugoton Field, Sherman, and Hansford Counties, Texas and Texas County, Okla.).	8-10-60	8-11-60	9-13-60	9-14-60	9.11238	9.58761	G-13538

[1] The stated effective dates are those requested by respondents.

In support of its proposed periodic increases, Kerr-McGee states that the contract was negotiated at arm's length; the proposed rate is designed to compensate Kerr-McGee in part for developing, equipping, drilling, producing and operating the lease; that such rate is no higher than necessary to encourage further exploration and development; and that the rate is less than the "current going price" for gas in the same area.

In support of its proposed periodic increase, Pan American states that the proposed rate is an integral part of the initial rate filing and is not a change in rate schedule; the price of gas is substantially less that that of competing fuels; the Commission has terminated a number of suspension proceedings in the Permian Basin area pursuant to the "Reef Fields Doctrine", and the proposed rate is less than the going price for gas in the area.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon both of the above-designated supplements are hereby suspended and the use thereof deferred until September 14, 1960, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) The above-designated supplements shall be effective as of September 13, 1960: *Provided, however*, That within 20 days from the date of the issuance of this order, Respondents shall execute and file with the Secretary of the Commission their respective agreement and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A), signed in each instance by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Respondents are advised to the contrary within 15 days after the filing of such agreement and undertakings, their agreement and undertakings shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 24, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8599; Filed, Sept. 15, 1960; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[Docket No. CP 60-103 etc.]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 9, 1960.

Panhandle Eastern Pipe Line Company, Docket No. CP60-103; Shell Oil Company, et al., Docket No. CI60-660; Pioneer Production Corporation, Docket No. CI60-689; Calvert Petroleum Company, Docket No. CI60-691; Ashland Oil and Refining Company, Docket No. CI60-738; Union Oil Company of California, Docket No. CI60-802; King Stevenson Oil Company, Inc., Docket No. CI60-813.

Take notice that Panhandle Eastern Gas Pipe Line Company (Panhandle) filed on May 18, 1960, an application, as supplemented on June 24, July 12 and July 18, 1960, in Docket No. CP60-103, for authorization under section 7(c) of the Natural Gas Act, to construct and operate 200 miles of pipeline from the Elk City Field, Beckham County, Oklahoma, northeasterly to the suction side of Panhandle's existing main line Haven compressor station in Reno County, Kansas, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle proposes to construct 50 miles of 22-inch pipeline and 150 miles of 24-inch pipeline. The proposed line would transect or pass close by producing areas in Woodward, Woods, Major, Alfalfa, and Dewey Counties, all in Oklahoma. It is proposed that the major supply of gas would be obtained in the Elk City Field, and be gathered and delivered to Panhandle at a central field point by Shell Oil Company, the unit operator.

The estimated cost of Panhandle's proposed facilities is $15,700,000, which is proposed to be financed initially from cash on hand and bank loans.

The following producers have filed application for certificates under section 7(c) of the Natural Gas Act to sell gas to Panhandle in connection with this project.

Docket Nos.; Applicant; Location; and Initial Price

CI60-660; Shell Oil Co., et al.; Elk City Field, Beckham and Washita Counties, Okla.; 20.5 cents.

CI60-689; Pioneer Production Corp.; West Chester Field, Woodward County, Okla.; 17.0 cents.

CI60-691, Calvert Petroleum Co.; Avard and Unnamed Fields, Major, Woods, Dewey, and Alfalfa Counties, Okla.; 17.0 cents.

CI60-738; Ashland Oil and Refining Co.; West Chester and Northeast Seiling Fields, Woods, Woodward, Major and Dewey Counties, Okla.; 17.0 cents.

CI60-802; Union Oil Co., of California; various acreage, Woodward and Dewey Counties, Okla.; 17.0 cents.

CI60-813; King Stevenson Oil Co., Inc.; Northeast Seiling and Unnamed Fields, Dewey and Major Counties, Okla.; 17.0 cents.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8600; Filed, Sept. 15, 1960; 8:46 a.m.]

[Docket No. RI 61-51 etc.]

PIONEER OIL AND GAS CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

SEPTEMBER 8, 1960.

In the Order Providing For Hearings On And Suspension Of Proposed Changes In Rates, issued August 17, 1960 and published in the FEDERAL REGISTER on August 25, 1960 (F.R. Doc. 60-7910, 25 F.R. 8171): Change the second sentence of the first paragraph to read as follows: "In each filing the pressure base for the sale of the natural gas is 14.65 psia, with the exception of Pioneer, where it is 15.025 psia."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8601; Filed, Sept. 15, 1960; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 14, 1960

S. 1092 ---------- Public Law 86-787
An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes.

S. 1670 ---------- Public Law 86-789
An Act to provide for the granting of mineral rights in certain homestead lands in the State of Alaska.

S. 2761 ---------- Public Law 86-790
An Act to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

S. 2959 ---------- Public Law 86-786
An Act to clarify the right of States to select certain public lands subject to any outstanding mineral lease or permit.

S. 3267 ---------- Public Law 86-792
An Act to amend the Act of October 17, 1940, relating to the disposition of certain public lands in Alaska.

S. 3533 ---------- Public Law 86-793
An Act to protect farm and ranch operators making certain land use changes under the Great Plains conservation program against loss of acreage allotments.

H. J. Res. 784 ---------- Public Law 86-788
Joint Resolution amending the Act of July 14, 1960, to extend the time within which the United States Constitution One Hundred and Seventy-fifth Anniversary Commission shall report to Congress and including certain amendments relating to housing.

H.R. 816 ---------- Public Law 86-791
An Act to convey certain lands in Oklahoma to the Cheyenne and Arapaho Indians, and for other purposes.

H.R. 4306 ---------- Public Law 86-785
An Act to provide education and training for the children of veterans dying of a disability incurred after January 31, 1955, and before the end of compulsory military service and directly caused by military, naval, or air service, and for other purposes.

H.R. 7810 ---------- Public Law 86-782
An Act to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act of 1951.

H.R. 10087 ---------- Public Law 86-780
An Act to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit.

H.R. 10586 ---------- Public Law 86-784
An Act to enable the Oregon Short Line Railroad Company to convey title to certain lands in Idaho to the Pocatello First Corporation of the Church of Jesus Christ of Latter-day Saints.

H.R. 10960 ---------- Public Law 86-779
An Act to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars, and for other purposes.

H.R. 12536 ---------- Public Law 86-781
An Act relating to the treatment of charges for local advertising for purposes of determining the manufacturers sale price.

H.R. 12759 ---------- Public Law 86-783
An Act to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

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VOLUME 25 NUMBER 182

Washington, Saturday, September 17, 1960

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER
Telephone WOrth 3-3261
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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Valencia Orange Reg. 215]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.515 Valencia Orange Regulation 215.

(a) *Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 15, 1960.

(b) *Order.* 1. The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 18, 1960, and ending at 12:01 a.m., P.s.t., September 25, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 700,000 cartons;
(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8762; Filed, Sept. 16, 1960; 11:16 a.m.]

[Lemon Reg. 864]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.971 Lemon Regulation 864.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 13, 1960.

(b) *Order.* 1. The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 18, 1960, and ending at 12:01 a.m., P.s.t., September 25, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 186,000 cartons;
(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8712; Filed, Sept. 16, 1960; 8:55 a.m.]

PART 970—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Findings. (a) Marketing Agreement No. 122 and Order No. 70 (7 C.F.R. 970), effective under the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the area defined therein through the issuance of regulations authorized in §§ 970.1 through 970.92, inclusive, of the order. The Maine Potato Marketing Committee established pursuant to § 970.22, has recommended regulations limiting the handling of the 1960 crop potatoes. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which can not be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 970.307 Limitation of shipments.

During the period from September 19, 1960, through June 30, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraph (a) of this section or unless such potatoes are handled in accordance with the provisions of paragraph (b), (c), (d), (e), (f), or (g) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties.* U.S. No. 1 or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter.

(2) *Long varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 1 or better, grade, size A, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* (i) Round varieties—at least 90 percent fairly clean. (ii) Long varieties—packs of less than fifty pounds, at least generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty; packs of fifty pounds or larger may be shipped if at least 90 percent fairly clean.

(b) *Special purpose shipments*—(1) *Modified grade, size, and cleanliness requirements.* In addition to potatoes which meet the requirements of paragraph (a) of this section (minimum grade, size, and cleanliness requirements), potatoes may be shipped for the special purposes set forth in this paragraph if such potatoes meet grade and size requirements specified for the particular purpose and the handler complies with the applicable provision of paragraph (c), of this section (Safeguards).

(i) *Chipping.* Maine Processing Grade, or better, 1½ inches minimum diameter.

(ii) *Processing into potato salad, fish cakes, hash, knishes, or pancakes.* 85 percent U.S. No. 1, or better, quality, 1½ inches minimum diameter and 2½ inches maximum diameter.

(iii) *Export.* Maine Processing Grade, or better, 1½ inches minimum diameter.

(2) *Exemptions from grade, size, and cleanliness requirements.* The minimum grade, size and cleanliness requirements of paragraph (a) of this section shall not apply to shipments of potatoes for the following purposes if the handler complies with the applicable provisions of paragraph (c) of this section, (Safeguards).

(i) Seed, (prior to June 1, 1961);

(ii) For grading or storing within the production area;

(iii) Dehydration or potato flakes;

(iv) Manufacture or conversion into starch, flour, or alcohol;

(v) Canning or freezing;

(vi) Livestock feed;

(vii) For distribution by the Federal Government; and

(viii) Charity.

(c) *Safeguard S..* (1) Each handler making shipment of potatoes under the provisions of paragraph (b) of this section for chipping, processing into potato salad, fish cakes, hash, knishes, or pancakes, export, dehydration or potato flakes, canning or freezing, livestock feed, or charity shall:

(i) Prior to making shipment, apply for and obtain an approved Certificate of Privilege from the committee pursuant to the provisions of § 970.130;

(ii) Obtain inspection of, and pay assessments on such shipments except shipments for canning or freezing, livestock feed, dehydration, potato flakes, and charity;

(iii) Pay assessments on shipments of seed; and on all such seed shipments after May 31, 1961, also comply with subdivisions (i) and (iv) of this subparagraph.

(iv) Furnish the committee such reports and documents as may be requested, including certification by the buyer or consignee as to the use of such potatoes.

(2) Prior to the issuance of a Certificate of Privilege to ship potatoes for chipping, the applicant shall provide the committee with appropriate evidence that such potatoes have been treated and conditioned (or are in the process of being treated and conditioned) for use for potato chipping and that such potatoes, meet the applicable grade and size requirements set forth in paragraph (b)(1)(i) of this section.

(3) The safeguards set forth in this paragraph shall not apply to shipments of potatoes within the production area of less than 20,000 pounds for canning or freezing, dehydration, potato flakes or livestock feed when such potatoes are shipped in bulk, barrels, or in unsewn 100-pound burlap bags.

(d) *State requirements.* The obtaining of a Certificate of Privilege for shipments to specified outlets as provided for in this section does not relieve the handler of the responsibility of complying with the provisions of the Maine Branding Law (Me. Rev. Stat. Ch. 32, sections 295–301 (1954), as amended (Supp. 1957).

(e) *Minimum quantities.* Each handler may handle not in excess of thirty (30) hundredweight of potatoes per week free from regulation effective pursuant to § 970.45 (assessments) and § 970.65 (Inspection and Certification); if such potatoes meet the requirements of subparagraph (1) or (2) of paragraph (a) of this section and are 90 percent "fairly clean." This exemption shall not apply to any portion of a shipment of over thirty (30) hundredweight of such potatoes.

(f) *Inspection.* No handler shall ship potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. Under § 970.65(c) for administration thereof each inspection certificate shall be valid for only 72 hours following completion of inspection as shown in the certificate.

(g) *Certificates of exemption.* Each handler making shipments of potatoes under a Certificate of Exemption issued under § 970.122 which are exempted from the grade and size limitations set forth in paragraph (a) of this section shall pack such potatoes in 50-pound or larger, packs.

(h) *Definitions.* The terms "clean", "fairly clean", and the grades and sizes used in this section shall have the same meaning assigned such terms, grades, and sizes in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title) including the tolerances set forth therein; the term "Maine Processing Grade" shall have the same meaning assigned such term in the promulgation of the "Maine Processing Grade" by the Commissioner of Agriculture of the State of Maine, in Circular No. 41, promulgated and adopted on February 10, 1960; the term "week" as used in paragraph (e) of this section means a calendar week beginning midnight (12:01 a.m.) Sunday; 85 percent U.S. No. 1, or better, quality, means that 85 percent of the potatoes in any lot meet the requirements of § 51.1541 (of this title) except paragraphs (a) and (b) thereof, or § 51.1540 of this title) except paragraphs (a) and (b) thereof; other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1960, to become effective September 19, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8712; Filed, Sept. 16, 1960; 8:55 a.m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Free, Restricted, and Withholding Percentages for 1960–61 Crop Year

Notice was published in the August 30, 1960, issue of the FEDERAL REGISTER (25 F.R. 8265) that consideration was being given to a proposal to establish for the 1960–61 crop year beginning August 1, 1960, free, restricted and withholding percentages for marketable dates of the Deglet Noor, Zahidi and Khadrawy varieties. The establishment of these percentages is in accordance with the applicable provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California. The said marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The percentages proposed in the notice were recommended by the Date Administrative Committee, established under the amended marketing agreement and order.

The said notice afforded interested persons the opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the time prescribed therefor.

The free, restricted and withholding percentages for marketable Deglet Noor dates as set forth in the notice, of 72 percent, 28 percent and 38.9 percent, respectively, are intended to provide sufficient free dates to supply an estimated trade demand of 25.5 million pounds. The remainder of the marketable dates of such variety (i.e., those which are not free dates) may be used in accordance with this regulatory program for date products or exported to approved countries. The estimates of available supply and trade demand for the Zahidi and Khadrawy varieties indicate there will be no excessive quantities of either of such varieties; therefore, no restriction is needed for these dates, and free percentages of 100 percent should be established.

After consideration of all relevant matters presented, including the recommendation of the Date Administrative Committee and other available information and a review of the estimates set forth in the notice, it is hereby found that to establish as the free percentages, restricted percentages, and the withholding percentages the respective percentages proposed in the aforesaid notice will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That, for the 1960–61 crop year, the free, restricted and withholding percentages applicable to marketable dates are hereby established as follows:

§ 1003.208 Free, restricted, and withholding percentages.

For the crop year beginning August 1, 1960, and ending July 31, 1961, the free, restricted and withholding percentages applicable to marketable dates are, by variety of dates, as follows: (a) Deglet Noor variety dates:[1] Free percentage, 72 percent; restricted percentage, 28 percent; and withholding percentage, 38.9 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent; and (c) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The 1960–61 crop year began on August 1, 1960, and the control percentages herein established are applicable as provided in the amended marketing agreement and order, to all dates subject to volume regulation on and after that date; (2) the free, restricted and withholding percentages established for the 1959–60 crop year continue to apply in the 1960–61 crop year, in accordance with the amended marketing agreement and order, until the control percentages established herein for the 1960–61 crop year become effective; (3) at that time handlers' withholding obligations must be adjusted (as provided in the amended marketing agreement and order) for any differences between the percentages for the 1959–60 crop year and the newly established percentages; (4) since there are some such differences, it is necessary, therefore, that the control percentages for the 1960–61 crop year become effective as soon as possible so as to minimize such adjustments; and (5) handlers are aware that the percentages established herein were proposed for the 1960–61 crop year and they need no additional advance notice for compliance under this regulation. In these circumstances, this regulation should be made effective upon publication in the FEDERAL REGISTER.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 13, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 60–8693; Filed, Sept. 16, 1960; 8:54 a.m.]

[1] The following countries are specified as those that were included in the determination of trade demand in connection with the establishment of control percentages for this variety for the 1960–61 crop year: Austria, Belgium, British Isles, Canada, Denmark, France, Germany, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United States, and Venezuela.

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Avocado Reg. No. 8, Amdt. 1]

PART 1067—AVOCADOS

Grades

(a) Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), paragraph (a)(1) of § 1067.8 (Avocado Regulation No. 8; 25 F.R. 5445) is hereby amended by deleting "U.S. Combination" and substituting therefor "U.S. No. 2 except that avocados that have scars caused by wind damage or have russeting or discoloration caused by wind may be imported if they otherwise grade at least U.S. No. 2."

(b) As used herein the terms "U.S. No. 2," "scars," "russeting," and "discoloration" shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069).

(c) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (60 Stat. 237; 5 U.S.C. 1001–1011) in that (1) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation necessary; (2) such amendment applies the same grade requirements to imports of avocados as are imposed on avocados grown in south Florida under Avocado Order 22 (§ 969.322); (3) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (4) this amendment relieves restrictions on the importation of avocados.

(d) *Effective time.* The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., September 15, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8692; Filed, Sept. 16, 1960; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-FW-62]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6056 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 56 between Columbia, S.C., and Florence, S.C.

This segment of Victor 56 presently extends from the Columbia VOR to the Florence VOR via the Columbia VOR 079° True and the Florence VOR 246° True radials. Because of technical difficulties, the Florence VOR 244° True through 251° True radials are out of tolerance and therefore unusable. This situation cannot readily be corrected. Therefore, it is necessary to realign this segment of Victor 56 via usable radials. The Federal Aviation Agency is realigning this segment herein via the Columbia VOR 079° True and the Florence VOR 243° True radials. This realignment will add no appreciable distance to the airway (approximately one-half nautical mile). The control areas associated with Victor 56 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In the text of § 600.6056 (14 CFR 600.6056), "INT of the Columbia VOR 079° and the Florence VOR 246° radials;" is deleted and "INT of the Columbia VOR 079° True and the Florence VOR 243° True radials;" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8638; Filed, Sept. 16, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-35]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, and Reporting Points; Modification of Control Area Extension

On June 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4999) stating that the Federal Aviation Agency proposed to revoke in its entirety Red Federal airway No. 34, its associated control areas and reporting points.

Although not mentioned in the notice, this revocation will require a redescription of the Edenton, N.C., control area extension (§ 601.1265) because Red 34 is used to describe the north boundary of the control area extension. Therefore, the Federal Aviation Agency is bounding the north portion of the Edenton control extension by the Norfolk, Va., control area extension (§ 601.1149). No additional airspace is involved in this redescription.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. Parts 600 and 601 (14 CFR 600, 601) are amended as follows:

(a) Section 600.234 *Red Federal airway No. 34 (Harrellsville, N.C., to Weeksville, N.C.).* is revoked.

(b) Section 601.234 *Red Federal airway No. 34 control areas (Harrellsville, N.C., to Weeksville, N.C.).* is revoked.

(c) Section 601.4234 *Red Federal airway No. 34 (Harrellsville, N.C., to Weeksville, N.C.).* is revoked.

2. In § 601.1265 (14 CFR 601.1265) "Red Federal airway No. 34 and" is deleted.

These amendments shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8637; Filed, Sept. 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-30]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On July 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6215) stating that the Federal Aviation Agency proposed to modify the Milton, Fla., control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1406 (14 CFR 601.1406) is amended to read:

§ 601.1406 Control area extension (Milton, Fla.).

That airspace bounded by a line beginning at Lat. 30°44'20" N, Long. 87°-37'00" W, thence N to Lat. 30°58'45" N, Long. 87°36'00" W.; thence NE along the arc of a circle with a 34.5 mile radius centered on the Whiting RR to Lat. 31°-15'40" N, Long. 87°10'30" W.; thence SE to Lat. 30°54'00" N, Long. 86°56'30" W.; thence E to Lat. 30°54'00" N, Long. 86°52'30" W.; thence to Lat. 30°46'00" N, Long. 86°52'30" W, thence SW to Lat. 30°39'00" N, Long. 87°03'25" W.; thence W to point of beginning.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8633; Filed, Sept. 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-15]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On July 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6214) stating that the Federal Aviation Agency proposed to modify the Windsor Locks, Conn., control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1081 (14 CFR 601.1081, 25 F.R. 5329) is amended to read:

§ 601.1081 Control area extension (Windsor Locks, Conn.).

That airspace within a 30-mile radius of the Bradley, Conn., Airport (Lat. 41°56'25" N., Long. 72°41'10" W.), excluding the portion which coincides with the New York, N.Y., control area extension (601.1066) and the area NE. of a line extending from Lat. 42°21'00" N., Long. 72°53'00" W.; to Lat. 42°06'20" N., Long. 72°37'00" W.; to Lat. 42°03'45" N., Long. 72°09'00" W.; to Lat. 42°04'30" N., Long. 72°01'00" W.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354.)

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8634; Filed, Sept. 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-72]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On July 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6216) stating that the Federal Aviation Agency proposed to modify the Erie, Pa., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2009 (14 CFR 601.2009) is amended to read:

§ 601.2009 Erie, Pa., control zone.

Within a 5-mile radius of the Port Erie Airport (Lat. 42°04'56" N, Long. 80°10'44" W), within 2 miles either side of the 054° True radial of the Erie VORTAC extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8635; Filed, Sept. 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-61]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On June 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5947) stating that the Federal Aviation Agency proposed to modify the Plattsburgh, N.Y., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice § 601.2371 (14 CFR 601.2371) is amended to read:

§ 601.2371 Plattsburgh, N.Y., control zone.

Within a 5-mile radius of the Plattsburgh Air Force Base (Lat. 44°39'05" N, Long. 73°28'10" W), within a 5-mile radius of the Plattsburgh Municipal Airport (Lat. 44°41'10" N, Long. 73°31'10" W), within 2 miles either side of the 338° True radial of the Plattsburgh AFB TACAN extending from the Plattsburgh Municipal Airport 5-mile radius zone to 12 miles N of the TACAN, and within 2 miles either side of the 213° True radial of the Plattsburgh VOR extending from the Plattsburgh Municipal Airport 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8636; Filed, Sept. 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-209]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification and Revocation of Reporting Points

The purpose of these amendments to §§ 601.7001 and 601.4230 of the regulations of the Administrator is to revoke designated reporting points and modify the location of existing designated reporting points. Flight progress reports over designated locations, automatically initiated by pilots, will facilitate air traffic management and assist the controller in the performance of his duties. However, due to the continuous modernization of the airway structure of the United States, the need for reporting points at particular locations is constantly being revised. Thus, the actions taken herein reflect this changing need on the part of air traffic control.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 601.7001 (14 CFR 601.7001, 25 F.R. 7489, 3756), the following changes are made:

(a) Delete "Emerson INT: The INT of the Myrtle Beach, S.C., VOR 033° T and the Wilmington, N.C., VOR 281° T radials".

(b) The following intersections are amended to read:

Sonora INT: The INT of the San Angelo, Tex., VOR 191° True and the San Antonio, Tex., VORTAC 300° True radials.

Scottdale INT: The INT of the Pittsburgh, Pa., VORTAC 120° True and the Johnstown, Pa., 250° True radials.

2. In the text of § 601.4230 (14 CFR 601.4230, 25 F.R. 7489) "radio range station; the INT of the E course of the Tallahassee, Fla., RR and a line bearing 187° True from the Ray City, Ga., RBN." is deleted and "RR." is substituted therefor.

These amendments shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8639; Filed, Sept. 16, 1960; 8:46 a.m.]

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[Airspace Docket No. 60-WA-156]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

PART 608—RESTRICTED AREAS

Modification of Control Area Extension, Control Zone and Restricted Area

On June 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5543) stating that the Federal Aviation Agency proposed to modify the Harrisburg, Pa., control area extension, control zone and the Indiantown Gap, Pa., Restricted Area (R-69) (New York Chart).

Although the notice stated that a control zone extension to the west of the Harrisburg-York State Airport was proposed within 2 miles either side of the 098° True radial of the Harrisburg VORTAC, this extension will be based on the Harrisburg VORTAC 100° True radial to more accurately conform to the VOR instrument approach procedure.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530, 25 F.R. 8005), and for the reasons stated in the Notice, the following actions are taken:

1. Section 601.1270 (14 CFR 601.1270) is amended to read:

§ 601.1270 Control area extension (Harrisburg, Pa.).

Within a 15-mile radius of the Harrisburg VORTAC including the airspace NE of the Harrisburg VORTAC, bounded on the N by VOR Federal airway No. 30, on the E by the New York control area extension (§ 601.1066), on the S and SE by VOR Federal airway No. 162 and on the W by VOR Federal airway No. 31.

2. Section 601.2010 (14 CFR 601.2010) is amended to read:

§ 601.2010 Harrisburg, Pa., control zone.

Within a 5-mile radius of the Harrisburg-York State Airport (Lat. 40°12'-59" N, Long. 76°51'03" W); within a 5-mile radius of the Olmsted AFB (Lat. 40°11'39" N, Long. 76°45'39" W); within 2 miles either side of the 100° True radial of the Harrisburg VORTAC extending from the Harrisburg-York State Airport 5-mile radius zone to the VORTAC and within 2 miles either side of the Harrisburg-York State Airport ILS localizer SW course extending from the 5-mile radius zone to the ILS OM.

§ 608.46 [Amendment]

3. In the text of § 608.46 *Pennsylvania*, Indiantown Gap, Pa., Restricted Area (R-69) (New York Chart) (23 F.R. 8587, 23 F.R. 9773).

"Time of designation. March 1 through November 30, annually.

Controlling agency. Headquarters, 2nd Army, Fort Meade, Md." is deleted and

"Time of designation. March 1 through May 31, and September 1 through November 30, on Saturdays and Sundays only from 0800 to 1800 local standard time, annually; and from June 1 through August 31, annually, on a continuous basis.

Controlling agency. The Federal Aviation Agency, New York Air Route Traffic Control Center." is substituted therefor.

These amendments shall become effective 0001 e.s.t. November 17, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8641; Filed, Sept. 16, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-72]

PART 608—RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

On November 20, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9372) stating that the Federal Aviation Agency proposed to designate a Restricted Area/Military Climb Corridor at Truax Field, Madison, Wis.

The Air Transport Association of America submitted the following comments, quoted in part, in respect to the Notice. "Such designation would place the corridor across Federal Airway Victor 2 North and proposed Federal airway V170. The corridor crossing of V2N will diminish the usefulness of this airway to 2 or 3 lower altitudes. The corridor will also cross the proposed Victor 170 at a point which appears to limit usage of this airway to 10,000 feet and below." The Federal Aviation Agency is extending VOR Federal airway No. 170 from Milwaukee, Wis., to Nodine, Minn., via a VOR to be commissioned approximately December 7, 1960, near Wisconsin Dells, Wis. (Airspace Docket No. 59-KC-3, 25 F.R. 2387), effective December 15, 1960. The segment of Victor 170 between Wisconsin Dells and Milwaukee will be designated via the Wisconsin Dells VOR 097° True and the Milwaukee VOR 307° True radials. This alignment of Victor 170 will lie below the segment of the climb corridor extending vertically from 15,900 feet to 27,000 feet MSL thereby permitting unrestricted use of the altitudes below this segment. The segment of VOR Federal airway No. 2 between Lone Rock, Wis., and Milwaukee was realigned via the Lone Rock VOR 106° True and the Milwaukee VOR 270° True radials, effective July 28, 1960, and the north alternate between these two terminals is being revoked, effective December 15, 1960 (Airspace Docket No. 59-WA-190, 25 F.R. 5568). This modification will permit the simultaneous use of the climb corridor and Victor 2. The effective date of this amendment will be December 15, 1960, so that it will coincide with the effective date of the above-mentioned airway modifications.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), and for the reasons stated in the notice, the following action is taken:

In § 608.57 *Wisconsin* (23 F.R. 8590), add the following:

Madison, Wis. (Truax Field), Restricted Area/Military Climb Corridor (R-591) (Milwaukee Chart).

Description. That area centered on the 003° True radial of the Truax Field TVOR beginning 5 statute miles N of the airbase and extending 32 statute miles N of the airbase, having a width of 2 statute miles at the beginning, and a width of 4.6 statute miles at the outer extremity,

Designated altitudes.

2,900' MSL to 15,900' MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase.

2,900' MSL to 24,900' MSL from 6 to 7 statute miles N of the airbase.

2,900' MSL to 27,000' MSL from 7 to 10 statute miles N of the airbase.

6,900' MSL to 27,000' MSL from 10 to 15 statute miles N of the airbase.

10,900' MSL to 27,000' MSL from 15 to 20 statute miles N of the airbase.

15,900' MSL to 27,000' MSL from 20 to 25 statute miles N of the airbase.

19,900' MSL to 27,000' MSL from 25 to 32 statute miles N of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency Control Tower, Truax Field, Madison, Wis.

This amendment shall become effective 0001 e.s.t. December 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8640; Filed, Sept. 16, 1960; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55222]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Reimbursement of Expenses

At present, misinterpretation is possible as to when a proprietor of a bonded warehouse is required to reimburse the Government for the transportation expenses and any authorized per diem expenses of customs employees assigned to perform services at a bonded warehouse. In order to eliminate this possibility and to make it specifically clear when such expenses incurred by any customs employee so assigned must be reimbursed by the warehouse proprietor, the Customs Regulations are amended as set forth below:

In Part 19—Customs Warehouses and Control of Merchandise Therein:

Section 19.5(c) is amended to read as follows:

(c) The necessary transportation expenses and any authorized per diem expenses of a customs employee assigned to perform services at a warehouse at which he is not regularly assigned shall be reimbursed by the warehouse proprietor.

Section 19.5(d) is amended to read as follows:

(d) When a customs officer is regularly assigned to duty at more than one warehouse, the charge for his compensation and transportation expenses in going from one bonded warehouse to another shall be equitably apportioned among the respective warehouse proprietors concerned. However, no charge shall be made for transportation expenses when a customs employee is reporting to as a first assignment, or leaving from as a last assignment, a place where he is regularly assigned to duty.

(R.S. 251, secs. 555, 624, 46 Stat. 743, 759; 19 U.S.C. 66, 1555, 1624)

In Part 24—Customs Financial and Accounting Procedure, § 24.17(c) is amended to read as follows:

(c) The charge for any service enumerated in this section for which expenses are required to be reimbursed shall include actual transportation expenses and any authorized per diem expenses of a customs employee whether the services are performed within or without the port limits, except that no charge shall be made for transportation expenses when a customs employee is reporting to, as a first assignment, or leaving from as a last assignment, a place where he is regularly assigned to duty.

(R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 140, 19 U.S.C. 66, 1624)

Notice of the proposed issuance of the foregoing amendments was published in the FEDERAL REGISTER of July 15, 1960 (25 F.R. 6692) pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or arguments relating thereto were received. The amendments as set forth above are hereby adopted effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

Approved: September 9, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8676; Filed, Sept. 16, 1960; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cream Cheese and Neufchatel Cheese; Order Amending Standards of Identity

In the matter of amending the definitions and standards of identity for cream cheese and neufchatel cheese:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 27, 1960 (25 F.R. 4691), setting forth a proposal filed by the Kelco Company, San Diego, California, to amend the definitions and standards of identity for cream cheese and neufchatel cheese by listing propylene glycol alginate as an optional ingredient permitted to be used in amounts up to 0.5 percent by weight.

Upon consideration of the information submitted with the proposal and in the comments filed and other relevant information available, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for cream cheese and neufchatel cheese (21 CFR 19.515, 19.520) as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), the following amendments are ordered:

1. In § 19.515, paragraph (b)(2) is amended by adding propylene glycol alginate to the optional ingredients listed therein, and paragraph (c) is amended by designating this additional optional ingredient for label declaration by the name "propylene glycol alginate", so that as amended these paragraphs read as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

* * * * * *

(b) * * *

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

* * * * *

(c) When an optional ingredient listed in paragraph (b)(2) of this section is present in cream cheese, the label shall bear the statement "_____ added" or "with added _____," the blank being filled in with the word or words "vegetable gum," "gelatin," "algin," or "propylene glycol alginate," or any combination of two or more of these, as the case may be. Wherever the name "cream cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

2. In § 19.520, paragraph (b)(2) is amended by adding propylene glycol alginate to the optional ingredients listed therein, and paragraph (c) is amended by designating this additional optional ingredient for label declaration by the name "propylene glycol alginate," so that as amended these paragraphs read as follows:

§ 19.520 Neufchatel cheese: identity; label statement of optional ingredients.

* * * * * *

(b) * * *

(2) In the preparation of neufchatel cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, algin, or propylene glycol alginate may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

* * * * *

(c) When an optional ingredient listed in paragraph (b)(2) of this section is present in neufchatel cheese, the label shall bear the statment "_____ added" or "with added _____," the blank being filled in with the word or words "vegetable gum," "gelatin," "algin," or "propylene glycol alginate," or any combination of two or more of these, as the case may be. Wherever the name "neufchatel cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to warrant the relief sought. Objections may be accompanied by a memorandum or brief in

support thereof. All documents shall be filed in quintuplicate.

Effective date: This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: September 9, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8669; Filed, Sept. 16, 1960; 8:51 a.m.]

PART 25—DRESSINGS FOR FOODS

French Dressing and Salad Dressing; Order Amending Standards of Identity

In the matter of amending the standards of identity for french dressing and salad dressing:

A notice of proposed rule making was published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2545), setting forth the proposal of the Dow Chemical Company, Midland, Michigan, to amend the standards of identity for french dressing and salad dressing. The notice invited all interested persons to submit views and comments on the proposal.

Upon consideration of the information furnished by the petitioner and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standards of identity for french dressing and salad dressing as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That the above-referenced standards of identity (21 CFR 25.2, 25.3 (24 F.R. 6711)) be amended as set forth below:

1. In § 25.2 *French dressing; identity; label statement of optional ingredients*, paragraph (c)(1) is amended by adding the name "hydroxypropyl methylcellulose" at the end of the list of emulsifying ingredients that are permitted in amounts up to 0.75 percent. As amended, paragraph (c)(1) reads as follows:

(c) • • •

(1) Gum acacia (also called gum arabic) carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), hydroxypropyl methylcellulose, or any mixture of two or more of these.

2. In § 25.3 *Salad dressing: identity; label statement of optional ingredients*, paragraph (d) is amended by adding the name "hydroxypropyl methylcellulose" at the end of the list of emulsifying ingredients. As amended, paragraph (d) reads as follows:

(d) The optional emulsifying ingredients referred to in paragraph (a) of this section are: Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), hydroxypropyl methylcellulose, or any mixture of two or more of these. The quantity used of any such emulsifying ingredient or mixture amounts to not more than 0.75 percent by weight of the finished salad dressing.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective sixty days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: September 12, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-8670; Filed, Sept. 16, 1960; 8:51 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Inorganic Bromide

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance for residues of inorganic bromide from fumigation with methyl bromide in or on popcorn at 200 parts per million. The petitioner later amended the petition to request a tolerance of 240 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123) are amended as follows:

Section 120.123 is amended by inserting therein a tolerance of 240 parts per million for residues of inorganic bromide in or on popcorn. All paragraph designations are hereby deleted to facilitate insertion of new tolerances. As revised, § 120.123 reads as follows:

§ 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities that have been fumigated with methyl bromide are established as follows:

(a) 240 parts per million in or on popcorn.

(b) 200 parts per million in or on almonds, brazil nuts, bush nuts, butternuts, cashew nuts, chestnuts, cottonseed, filberts (hazelnuts), hickory nuts, peanuts, pecans, pistachio nuts, walnuts.

(c) 100 parts per million in or on copra.

(d) 75 parts per million in or on potatoes, sweetpotatoes.

(e) 50 parts per million in or on alfalfa hay, barley, beans, beans (green), beans (lima), beans (snap), black-eyed peas, cipollini bulbs, cocoa beans, corn, garlic, grain sorghum (milo), oats, peas (with pods), rice, rye, sweet corn (determined on kernels plus cob with husk removed), wheat.

(f) 30 parts per million in or on garden beets (roots), carrots (roots), citrus citron, cucumbers, grapefruit, horseradish, Jerusalem-artichokes, kumquats, lemons, limes, okra, oranges, parsnips (roots), peppers, pimentos, radishes, rutabagas, salsify roots, strawberries, sugar beets (roots), summer squash, tangelos, tangerines, turnips (roots), yams.

(g) 20 parts per million in or on apricots, cantaloups, cherries, eggplants, grapes, honeydew melons, mangoes, muskmelons, nectarines, onions, papayas, peaches, pineapples, plums, (fresh prunes), pumpkins, tomatoes, watermelons, winter squash, zucchini squash.

(h) 5 parts per million in or on apples, pears, quinces.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 9, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8671; Filed, Sept. 16, 1960; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROXYPROPYL METHYLCELLULOSE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Dow Chemical Company, Abbott Road Building, Midland, Michigan, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive hydroxypropyl methylcellulose. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), Subpart D (21 CFR Part 121) of the food additive regulations is amended by adding thereto the following new section:

§ 121.1021 Hydroxypropyl methylcellulose.

The food additive hydroxypropyl methylcellulose may be safely used in food, except confectionery and except in standardized foods which do not provide for such use, in accordance with the following prescribed conditions:

(a) The additive is a cellulose ether containing both propylene glycol and methyl groups attached by ether linkages and contains, on an anhydrous basis, not more than 1.82 degrees of substitution as methoxyl (OCH_3), and not more than 0.30 degree of substitution as propylene glycol ether ($OCH_2CHOHCH_3$) groups.

(b) The additive meets all the specifications described in The National Formulary, Eleventh Edition.

(c) It is used or intended for use as an emulsifier, film former, protective colloid, stabilizer, suspending agent, or thickener, in accordance with good manufacturing practice.

(d) To insure safe use of the additive, the container of the additive, in addition to being labeled as required by the general provisions of the act, shall be accompanied by labeling which contains adequate directions for use to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: September 12, 1960.

[SEAL] GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-8668; Filed, Sept. 16, 1960; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 60-63]

PART 72—MARINE INFORMATION

Subpart 72.05—Lists of Lights and Other Marine Aids

PURPOSE OF COAST GUARD LISTS

The purpose of this amendment to 33 CFR 72.05-1 is to provide in the regulations for the publishing of Coast Guard Lists of Lights and Other Marine Aids in Five Volumes thereby reducing the size of the volumes to permit ease of use and correction, and to discontinue the publishing of Local Lists of Lights and Other Marine Aids for individual Coast Guard Districts.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167-3 dated May 6, 1953 (18 F.R. 2962), 167-15 dated January 3, 1955 (20 F.R. 840), 167-17 dated June 29, 1955 (20 F.R. 4976) and 167-23 dated July 27, 1956 (21 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, § 72.05-1 is amended as follows which is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 72.05-1 Purpose.

(a) The Coast Guard publishes annually the following five List of Lights and Other Marine Aids covering the waters of the United States, its territories and possessions.

(1) Volume I, Atlantic Coast, from St. Croix River, Maine to Little River, South Carolina.

(2) Volume II, Atlantic and Gulf Coasts, from Little River, South Carolina, to Rio Grande River, Texas, and the Greater Antilles.

(3) Volume III, Pacific Coast and Islands.

(4) Volume IV, Great Lakes.

(5) Volume V, Mississippi River System.

(b) These Lists of Lights and Other Marine Aids show the official name, location, characteristics and general description of all aids to navigation maintained by or under authority of the U.S. Coast Guard.

(Sec. 92, 63 Stat. as amended; 14 U.S.C. 92. Interpret or apply sec. 93, 63 Stat. 504, as amended; 14 U.S.C. 93)

Dated: September 9, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-8675; Filed, Sept. 16, 1960; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 15—KEY LARGO CORAL REEF PRESERVE

Initial Regulations Governing the Protection and Conservation of the Coral and Other Resources of the Seabed

Presidential Proclamation 3339 of March 15, 1960 (25 F.R. 2352), designated a portion of the outer Continental Shelf situated seaward of a line three geographic miles from Key Largo, Monroe County, Florida, as the Key Largo Coral Reef Preserve, and withdrew such lands from disposition. A new Part 15 governing the protection and conservation of the coral and other mineral resources in this area is published below:

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5

U.S.C. 1003) be observed voluntarily, emergency action must be initiated due to the commercial exploitation of the coral structures now taking place in the Preserve. It is imperative that this commercial exploitation, with its extensive destruction of the coral and other resources of the seabed by blasting, dredging, and otherwise, be stopped as soon as possible.

In order to meet this emergency this regulation shall become effective on the 10th day following publication in the FEDERAL REGISTER.

Subtitle A of Title 43 is amended by the addition of a new Part 15.

Sec.
15.1 Scope.
15.2 Removal or destruction of natural features and marine life.
15.3 Dredging, filling, excavating and building activities.
15.4 Refuse and polluting substances.
15.5 Wrecks.
16.6 Markers.
15.7 Fishing.
15.8 Skin diving.
15.9 Collection of scientific specimens.
15.10 Operation of watercraft.
15.11 Explosives and dangerous weapons.
15.12 Closing of Preserve.
15.13 Report of accidents.
15.14 Applicability of laws.

AUTHORITY: §§ 15.1 to 15.14 issued under sec. 5, 67 Stat. 464; 43 U.S.C. 1334 Proc. 3339, 25 F. R. 2352.

§ 15.1 Scope.

The State of Florida has established a similar coral reef preserve on an area situated shoreward of a line three geographic miles from Key Largo and contiguous to the Key Largo Coral Reef Preserve. It is the policy of the Department of the Interior to cooperate with the State of Florida and its conservation agencies in the preservation of the reef.

§ 15.2 Removal or destruction of natural features and marine life.

No person shall destroy, injure, deface, mar, move, dig, harmfully disturb or remove from the Preserve any beach sand, gravel or minerals, corals, sea feathers and fans, shells and shell fish, starfishes or other marine invertebrates, seaweeds, grasses, or any soil, rock, artifacts, stones or other materials. No person shall cut, carve, injure, mutilate, move, displace or break off any bottom formation or growth. Nor shall any person dig in, or in any other way injure or impair the natural beauty or usefulness of this Preserve. No rope, wire or other contrivance shall be attached to any coral, rock or other formation, whether temporary or permanent in character or use.

§ 15.3 Dredging, filling, excavating and building activities.

No dredging, excavating, or filling operations of any kind are permitted in the Preserve and no materials of any sort may be deposited in or on the waters thereof. No building or structure of any kind, whether permanent or temporary, may be constructed or built, and no public service facility may be constructed or extended into, upon or across the Preserve.

§ 15.4 Refuse and polluting substances.

No person shall dump or deposit in or on the waters of this Preserve any oily liquids or wastes, acids or other deleterious chemicals, bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other debris or polluting substance.

§ 15.5 Wrecks.

No person shall willfully destroy, molest, remove, deface, displace, or tamper with any wrecks, parts of wrecks or any cargo pertaining to such wrecks within the Preserve in such manner as to injure or destroy any coral formation.

§ 15.6 Markers.

No person shall willfully mark, deface or injure in any way, or displace, remove or tamper with any Preserve signs, notices or placards, whether temporary or permanent, or with any monuments, stakes, posts or other boundary markers.

§ 15.7 Fishing.

(a) Spear fishing within the boundaries or confines of this Preserve is prohibited.

(b) The use of poisons, electric charges, or other such methods is prohibited.

§ 15.8 Skin diving.

Diving with camera, or diving for observation and pleasure is permitted and encouraged within the Preserve.

§ 15.9 Collection of scientific specimens.

Collection of natural objects and marine life for educational purposes and for scientific and industrial research shall be done only in accordance with the terms of written permits granted by the Director of the Florida Board of Parks and Historic Memorials. Such permits shall be issued only to persons representing reputable scientific, research, or educational institutions. No permits will be granted for specimens the removal of which would disturb the remaining natural features or mar their appearance. All permits are subject to cancellation without notice at the discretion of the issuing official. Permits shall be for a limited term and may be renewed at the discretion of the issuing official.

§ 15.10 Operation of watercraft.

No watercraft shall be operated in such a manner as to strike or otherwise cause damage to the natural features of the Preserve. Except in case of emergency endangering life or property, no anchor shall be cast or dragged in such a way as to damage any reef structure.

§ 15.11 Explosives and dangerous weapons.

No person shall carry, use or possess within the Preserve firearms of any description, air rifles, spring guns, bows and arrows, slings, spear guns, harpoons, or any other kind of weapon potentially harmful to the reef structure. The use of such weapons from beyond the boundaries of the Preserve and aimed or directed into the Preserve is forbidden. The use or possession of explosives within the Preserve is prohibited.

§ 15.12 Closing of Preserve.

The Preserve may be closed to public use in the event of emergency conditions encouraged within the Preserve.

§ 15.13 Report of accidents.

Accidents involving injury to life or property shall be reported as soon as possible by the person or persons involved to the officer in charge of the Preserve.

§ 15.14 Applicability of laws.

In areas to which this part pertains all Federal Acts shall be enforced insofar as they are applicable, and the laws and regulations of the State of Florida shall be invoked and enforced in accordance with the act of June 25, 1948 (62 Stat. 686; 18 U.S.C. 13).

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8719; Filed, Sept. 16, 1960; 8:55 a.m.]

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2200]

[Idaho 010682]

[Idaho 010946]

IDAHO

Opening Lands Subject to Section 24 of the Federal Power Act

Pursuant to Determinations DA-416 and DA-530 of the Federal Power Commission issued January 17, 1952 and July 13, 1959, respectively, and to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and as Secretary of the Interior, it is ordered as follows:

1. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the following-described public lands are hereby opened to application, petition, location, entry, and selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, supra, and with respect to the lands in Determination DA-530, to the further condition that in the event such lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

Idaho 010946

DA-416—Idaho

POWER SITE RESERVE NO. 223

BOISE MERIDIAN

T. 11 N., R. 18 E.,
Sec. 14, lots 1, 5, 6, 7, and NW¼SE¼.
Sec. 15, lots 1 and 2.

Containing 280.36 acres.

Idaho 010682

DA-530—Idaho

POWER SITE RESERVE NO. 8

BOISE MERIDIAN

T. 19 N., R. 21 E.,
Sec. 1, lot 6;
Sec. 2, SW¼SE¼;
Sec. 11, lot 3, 4, 5, 8, 9, 10, and NW¼SW¼;
Sec. 14, lot 1, 2, 3, 4, 7, and 8;
Sec. 15, SE¼SE¼;
Sec. 22, lot 1, 2, 3, and 4;
Sec. 23, lot 1, 2, 3, 4, 5, 8, 9, and NE¼NW¼;
Sec. 26, W½NW¼;
Sec. 27, lot 1, 2, 3, 4, 5, and 6;
Sec. 34, lot 2, 4, and 7.
T. 20 N., R. 21 E.,
Sec. 35, lot 1 and 3.
T. 20 N., R. 22 E.,
Sec. 7, lot 7, 8, 10, NE¼NE¼, SE¼SW¼, and NW¼SE¼.
T. 23 N., R. 21 E.
Sec. 1, SE¼SE¼.

Containing 1,453.69 acres.

2. The lands are grazing lands, bordering on, or located near the Salmon River. Some are difficult of access but a few are traversed by Highway No. 93.

3. Until 10:00 a.m. on March 14, 1961, the State of Idaho shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions under any law or regulation applicable thereto, of any of the lands required for rights-of-way or materials sites, in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended. However, applications for highway right-of-way for the lands in DA-416 (except the NW¼SE¼ Section 14), shall be subject to the additional stipulations contained in DA-393, Idaho, issued August 31, 1948, that if and when the lands used for the highway are required for purposes of power development by the United States or its permittees or licensees under the Federal Power Act, the transferee of the proposed highway right-of-way shall relocate and reconstruct at its own expense as much of the highway at such higher elevation as may be necessary to avoid interference with such power development.

4. Other applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than from those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 18, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws. They have also been open to location under the United States mining laws, pursuant to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1960.

[F.R. Doc. 60-8645; Filed, Sept. 16, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 960, 975]

[Docket Nos. AO-325 and AO-179-A20]

MILK IN GREATER YOUNGSTOWN-WARREN AND NORTHEASTERN OHIO MARKETING AREAS

Notice of Hearing on Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Cascade Room, Ohio Pick Hotel, Youngstown, Ohio, beginning at 10:00 a.m. local time, on October 4, 1960, with respect to a proposed marketing agreement and order regulating the handling of milk in the Greater Youngstown-Warren marketing area and a proposed amendment or, alternatively, termination of a provision of the order regulating the handling of milk in the Northeastern Ohio marketing area.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreements and orders, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the Greater Youngstown-Warren area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in this area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dairyman's Cooperative Sales Association:

Proposal No. 1. Greater Youngstown-Warren order.

DEFINITIONS

Sec.
960.1 Act.
960.2 Secretary.
960.3 Department of Agriculture.
960.4 Person.
960.5 Greater Youngstown-Warren Marketing Area.
960.6 Producer.
960.7 Approved plant.
960.8 Distributing plant.
960.9 Supply plant.

960.10 Pool plant.
960.11 Nonpool plant.
960.12 Handler.
960.13 Producer-handler.
960.14 Producer milk.
960.15 Fluid milk product.
960.16 Other source milk.
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MARKET ADMINISTRATOR

960.25 Designation.
960.26 Powers.
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960.30 Reports of sources and utilization.
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960.40 Skim milk and butterfat to be classified.
960.41 Classes of utilization.
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960.45 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

960.50 Basic formula price.
960.51 Class price.
960.52 Butterfat differentials to handlers.
960.53 Location differentials to handlers.
960.54 Rate of compensatory payments.
960.55 Use of equivalent prices.

APPLICATION OF PROVISIONS

960.60 Producer-handlers.
960.61 Plants subject to other Federal Orders.
960.62 Handlers operating nonpool plants.
960.63 Milk caused by a handler to be delivered to another handler's pool plant.

DETERMINATION OF PRICES TO PRODUCERS

960.70 Computation of the obligation of each handler.
960.71 Computation of uniform price.
960.72 Butterfat differential to producers.
960.73 Location differential to producers.
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960.80 Time and method of payment.
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960.83 Payments out of producer-settlement fund.
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EFFECTIVE TIME, SUSPENSION, OR TERMINATION

960.100 Effective time.
960.101 Suspension or termination.
960.102 Continuing obligations.
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MISCELLANEOUS PROVISIONS

960.110 Agents.
960.111 Separability of provisions.

DEFINITIONS

§ 960.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 960.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 960.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions specified in this part.

§ 960.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 960.5 The Greater Youngstown-Warren Marketing Area.

"Greater Youngstown-Warren Marketing Area", hereinafter called the "marketing area", means all the territory included within the boundaries of Trumbull and Mahoning Counties, except Smith Township in Mahoning County; and within the township of Perry in Columbiana County; and all municipalities located in the above defined area, all in the state of Ohio.

§ 960.6 Producer.

"Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 960.7 Approved plant.

"Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants)

in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

§ 960.8 Distributing plant.

"Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 960.6 and from a cooperative association as a handler pursuant to § 960.12(c) is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

§ 960.9 Supply plant.

"Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 960.6 and from a cooperative association as a handler pursuant to § 960.12(c) are shipped to distributing plants or plants described in § 960.10(c) which during the month dispose of as Class I milk on routes described in § 960.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 960.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 960.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

§ 960.10 Pool plant.

"Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, venders or by vending machines) to retail or wholesale outlets (excluding pool plants), is so disposed of in the marketing area.

§ 960.11 Nonpool plant.

"Nonpool plant" means any milk plant other than a pool plant.

§ 960.12 Handler.

"Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 960.6;

(b) Any person in his capacity as the operator of one or more approved plants; or

(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck.

§ 960.13 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

§ 960.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 960.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the Act) in accordance with the provisions of § 960.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 960.63.

§ 960.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

§ 960.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 960.17 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 960.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 960.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 960.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who

handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 960.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 960.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of the handler who after the date on which he is required to perform such acts, has not made reports pursuant to § 960.30 and § 960.31 or payments pursuant to § 960.80 through § 960.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential both for the preceding month; and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential both for the current month; and the uniform prices computed pursuant to § 960.71 and the producer butterfat differential, both for the preceding month.

Reports, Records, and Facilities

§ 960.30 Reports of sources and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 960.12(c);

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month;

(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 960.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of May through August the aggregate quality of base milk received for the preceding month.

(2) On or before the 20th day after the end of the month, his producer payroll for such months which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The days for which milk was received from such producer if less than the entire month;

(iv) The average butterfat content of such milk; and

(v) The net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions.

(3) On or before the day prior to diverting producer milk pursuant to § 960.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 960.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursements of money so deducted.

§ 960.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under sec. 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification of Milk

§ 960.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 960.30(a) shall be classified each month pursuant to the provisions of § 960.41 through § 960.46.

§ 960.41 Classes of utilization.

Subject to the conditions set forth in § 960.42 through §960.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and an inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 960.6), milk received from a cooperative association for which it is a handler pursuant to § 960.12(c), milk caused to be delivered to the plant pursuant to § 960.63, and other source milk received in the form of fluid milk products; *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 960.6), milk received from a cooperative association for which it is a handler pursuant to § 960.12(c), milk caused to be delivered to the plant pursuant to § 960.63, and other source milk received in the form of fluid milk products.

§ 960.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who first receives such milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 960.43 Transfers.

(a) Skim milk and butterfat transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 960.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 960.63) shall be classified as Class I milk unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II milk does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 960.45: *Provided*, That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk: *And provided further*, In no case shall the assignment to Class I milk in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless:

(1) The transferee-plant is located less than 250 miles from the Court House in Youngstown or Warren, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 960.30 for the month within which such transaction occurred;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I unless:

(1) The transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 960.30;

(2) The handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced;

(3) The handler gives the market administrator sufficient notice to allow him to verify such shipment;

(4) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(5) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 960.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 960.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 960.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 960.41(b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act and classified as Class I pursuant to such other order(s): *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk.

(5) Subtract the pounds of skim milk in fluid milk products received from other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 960.43(a),

(6) Add to the pounds of skim milk, remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

§ 960.46 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 960.45(a)(4) and the corresponding step in § 960.45(b) subtract in the following order the skim milk and butterfat respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to § 960.45 in:

(a) Producer milk, and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

Minimum Prices

§ 960.50 Basic formula price.

The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received

from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 960.51 Class prices.

Subject to the provisions of §§ 960.52 and 960.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 960.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) April, May, June and July—add $1.60

(2) All other months—add $2.05

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 960.50.

§ 960.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 960.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 960.53 Location differentials to handlers.

For milk disposed of from a pool plant located 80 miles or more from the Court House of Youngstown or Warren, Ohio, whichever is nearest by shortest hard-surfaced highway distance as determined by the market administrator, as Class I milk pursuant to paragraphs (a) and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 960.63 at such plant, the price specified in § 960.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the Court House of Youngstown or Warren, Ohio whichever is nearest (miles):

Rate per hundredweight (cents)

80 but not more than 90---------- 18.0
For each additional 10 miles or fraction thereof an additional-------- 1.5

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that proportion of the milk moved which remains after assigning such milk to the quantity of Class II milk in the transferee plant as determined by the calculations prescribed in § 960.45(a) (1) through (4), and the comparable steps in § 960.45(b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to the other pool plants.

§ 960.54 Rate of compensatory payments.

The rate of compensatory payment per hunderdweight shall be calculated as follows, except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 960.10 (a) and (b):

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rates set forth in § 960.53 for the location of the plant at which the milk was received from farmers.

§ 960.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 960.60 Producer-handlers.

§§ 960.40 through 960.46, 960.50 through 960.53, 960.61 through 960.63, 960.70 through 960.74, and 960.80 through 960.87 shall not apply to a producer-handler.

§ 960.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 960.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Youngstown-Warren marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted pursuant to this paragraph from regulation as a pool plant under this part, unless the Secretary determines otherwise;

(b) Any plant qualified pursuant to § 960.10(b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 960.62 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, shall on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by venders and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 960.54: *Provided*, That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

§ 960.63 Milk caused by a handler to be delivered to another handler's pool plant.

Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 960.7(a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 960.7(a), shall be considered, for purposes of reporting, classification, and payment to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

DETERMINATION OF PRICES TO PRODUCERS

§ 960.70 Computation of the obligation of each handler.

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class by the applicable class price, as adjusted by location differentials on the amount of milk to which location differential allowance applies pursuant to § 960.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 960.45 (a)(2) and (b) by the rate of compensatory payment as determined pursuant to § 960.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 960.45 (a)(7) and (b) by the applicable class price; and

(d) Add (1) any amount obtained by multiplying any plus amount resulting from the calculations pursuant to § 960.46(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) any amount obtained by multiplying any plus amount remaining after the calculation pursuant to § 960.46(b) by the rate of compensatory payment pursuant to § 960.54(a).

§ 960.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Combine into one total the obligation computed pursuant to § 960.70 for all handlers who submit reports prescribed in § 960.30 and who are not in default of payments pursuant to §§ 960.80 or 960.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 960.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 960.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 960.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 960.72 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 960.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

§ 960.73 Location differential to producers.

The applicable uniform prices to be paid for producer milk as defined in § 960.14 (a) and (b), received at a pool plant located 80 miles or more from the City Hall of Youngstown or Warren, Ohio, whichever is nearest by shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 960.63, to a pool plant so located shall be reduced at the rates set forth in § 960.53 according to the location of such plant.

§ 960.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 960.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price(s) computed pursuant to § 960.71 and the butterfat differential computed pursuant to § 960.72; and

(c) The amounts to be paid by such handler pursuant to §§ 960.82, 960.85, 960.86, or 960.62 and the amount due such handler pursuant to § 960.83.

PAYMENTS

§ 960.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to each handler before the 25th day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 960.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 960.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipts of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section;

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 960.12(c) at not less than the value of such milk at the applicable class prices: *Provided*, That to this amount shall be added one-half of one percent of any amount due such association pursuant to this paragraph for each month or any portion thereof that such payment is overdue;

(d) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month; and

(2) On or before the 7th day of the following month;

(i) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk;

(ii) The amount or rate and nature of any deductions to be made from payments; and

(iii) The amount and nature of payments due pursuant to § 960.84.

§ 960.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 960.62, § 960.82, and § 960.84, and out of which he shall make all payments pursuant to §§ 960.83 and 960.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 960.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler, including a cooperative association which

is a handler, shall pay to the market administrator any amount by which his obligation is computed pursuant to § 960.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

§ 960.83 Payments out of producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 960.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 960.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors, resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 960.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 960.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction is computed for each producer.

§ 960.86 Expenses of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 960.12(c), (b) milk received from a cooperative association as a handler pursuant to § 960.12 (c), (c) other source milk allocated to Class I milk pursuant to § 960.45(a) (2) and (b), and (d) Class I milk disposed of in the marketing area (except to a pool plant) form a nonpool plant as determined pursuant to § 960.62.

§ 960.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the marketing administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to § 960.8(c) (15) (a) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 960.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 960.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 960.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 960.111 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Isaly's Dairy and the Borden Company, both of Youngstown, Ohio; Riverside Dairy, Inc., Niles, Ohio; Petersburg Creamery Company, Petersburg, Ohio; Smith Dairy, Boardman, Ohio; Warren Sanitary Dairy, Warren, Ohio; and Select Dairies, Salem, Ohio:

Proposal No. 2. The Greater Youngstown-Warren marketing area, hereinafter called the marketing area, means all the territory included within the boundaries of Ashtabula County, except the City of Ashtabula; all the territory included within the boundaries of Trumbull and Mahoning Counties, except Smith Township; all the territory included within the boundaries of Columbiana County, except the Township of Knox, and those townships now included within the marketing area defined in Order No. 102, the Greater Wheeling milk marketing order; all the territory included within the boundaries of Carroll County; all the territory included within the boundaries of Lake County, except the City of Painesville and those townships now included within the marketing area defined by Order No. 75, the Northeast Ohio milk marketing order; all the territory included within the boundaries of Geauga County; and all the territory included within the boundaries of Portage County, except those townships now included in the marketing area defined in Order No. 75, the Northeast Ohio milk marketing order.

Proposed by Sealtest Foods Division, National Dairy Products Corporation:

Proposal No. 3.

Provide for a marketing area as follows: "All the territory in the Counties of Ashtabula (including Ashtabula City), Trumbull, Mahoning, and the Townships of Butler, Salem, Fairfield, Unity, West, Hanover, Center, Elk Run, Middleton, Franklin and Wayne, all within the County of Columbiana."

Proposal No. 4.

"Conduct a joint public hearing on the proposed Greater Youngstown-Warren order and Order No. 75, and amend Order No. 75 by deleting the City of Ashtabula from the marketing area, or, in the alternative, terminate the provisions of Order No. 75 which include the City of Ashtabula in the marketing area."

Proposed by Greenville Dairy Company, Greenville, Pennsylvania:

Proposal No. 5.

Amend §§ 960.7 through 960.11 to provide that a handler selling less than 10 percent of his milk as Class I within the marketing area, shall be exempt from the pooling provisions of § 960.70 and from the compensatory payment provisions of §§ 960.54 through 960.62 and § 960.82, provided however that such handler shall pay his own producers the Class I price provided in this order for such sales. Such handler shall be bound by all other provisions of the order.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 14th day of September 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-8694; Filed, Sept. 16, 1960; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Sodium 2,2-Dichloropropionate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 5 parts per million for residues of sodium 2,2-dichloropropianate, expressed as 2,2-dichloropropionic acid, in or on grapefruit, lemons, limes, and tangerines.

The anlytical method proposed in the petition for determining residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid is that described in the notice published in the FEDERAL REGISTER of November 29, 1956 (21 F.R. 9329) and in the Journal of Agricultural and Food Chemistry, Volume 5, pages 675–678 (1957), with minor modifications.

Dated: September 12, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-8664; Filed, Sept. 16, 1960; 8:50 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Sodium o-Phenylphenate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 10 parts per million for residues of sodium o-phenylphenate, expressed as *o*-phenylphenol, to cover residues from postharvest use of sodium o-phenylpheate and *o*-phenylphenol in or on tomatoes.

The analytical method proposed in the petition for determining residues of *o*-phenylphenol resulting from the treatment of tomatoes with formulations containing o-phenylphenol or sodium o-phenylphenate is the method described in the FEDERAL REGISTER of November 13, 1959 (24 F.R. 9240) with minor modifications.

Dated: September 12, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-8665; Filed, Sept. 16, 1960; 8:50 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of O,O-Diethyl S-2-(Ethylthio)Ethyl Phosphorodithioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, proposing the establishment of a tolerance of 0.75 part per million for residues of *O,O-diethyl S*-2-(ethylthio)ethyl phosphorodithioate in or on potatoes.

The analytical method proposed in this petition for determining residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate in or on potatoes is a total phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds. In addition, a paper chromatographic procedure for the qualitative identification of residues of this pesticide chemical is proposed.

Dated: September 12, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-8666; Filed, Sept. 16, 1960; 8:50 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Dieldrin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, proposing the establishment of a tolerance of zero for residues of dieldrin in or on bananas, determined on the edible portion after removing the peel.

The analytical methods proposed in the petition for determining residues of dieldrin are the methods described in the FEDERAL REGISTER of April 15, 1955 (20 F.R. 2486), with minor modifications.

Dated: September 12, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-8667; Filed, Sept. 16, 1960; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Maize Products Company, 113th Street and Indianapolis Boulevard, Roby, Indiana, proposing the issuance of a regulation to provide for the safe use of starch modified with phosphorus oxychloride, as a thickener in foods.

Dated: September 9, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8661; Filed, Sept. 16, 1960; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, proposing the issuance of a regulation to provide for the safe use of cellulose acetate propionate resin in food production and packaging.

Dated: September 9, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8662; Filed, Sept. 16, 1960; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by International Salt Company, Inc., 254 West Thirty-first Street, New York 1, New York, proposing the issuance of a regulation to establish a tolerance of 5 parts per million (0.0005 percent) of sodium ferrocyanide as an anticaking and free-flowing agent in sodium chloride for human and animal consumption.

Dated: September 19, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8663; Filed, Sept. 16, 1960; 8:49 a.m.]

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

Additional Standards: Whole Blood (Human)

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to revive 42 CFR Part 73. The proposed amendments would provide specific standards for Whole Blood (Human) when prepared with heparin as the anticoagulant, a specified procedure for the required periodic check on sterile technique, changes in required temperatures for storing blood, and several miscellaneous clarifying amendments to the present Additional Standards for Whole Blood (Human).

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Amend § 73.302(c) by adding a sentence at the end thereof and as thus amended paragraph (c) shall read as follows:

(c) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile, and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized. In addition, all container and donor set surfaces that come in contact with blood used in the processing of Heparinized Whole Blood (Human) shall be water-repellent.

2. Amend § 73.302(d) by inserting "Anticoagulant Acid Citrate Dextrose Solutions" immediately above the present formulae, by changing "may" to "shall" in the second sentence and by adding a formula for anticoagulant Heparin solution. As thus amended, § 73.302(d) would read as follows:

(d) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae shall be used in the indicated volumes:

(1) *Anticoagulant acid citrate dextrose solutions.*

	Solution A	Solution B
Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$) ... gm.	22.0	13.2
Citric acid ($C_6H_8O_7 \cdot H_2O$) ...do...	8.0	4.8
Dextrose ($C_6H_{12}O_6 \cdot H_2O$) ...do...	24.5	14.7
Water for injection (U.S.P.) to make ...ml..	1,000	1,000
Volume per 100 ml. blood...do...	15	25

(2) *Anticoagulant heparin solution.*

Heparin sodium (U.S.P.)	75,000 units.
Sodium chloride injection (U.S.P.), to make	1,000 ml.
Volume per 100 ml. of blood..	6 ml.

No other anticoagulant may be used unless prior to use the Surgeon General has found that under such conditions of dating, storage, and use as he may prescribe, the proposed anticoagulant is at least as effective as the above formulae in preventing coagulation and in preserving red blood cells.

3. Amend § 73.302(g) to read as follows:

(g) *Pilot samples for laboratory tests.* Before blood collection, at least one pilot tube shall be attached securely to the container in a manner that will give evidence of removal and containers of blood shall not be issued or reissued with pilot tubes that are not so attached. Each pilot tube and all containers for additional samples as needed for laboratory testing, shall bear the donor's identification at the time of blood collection. All samples shall be collected by the person collecting the blood at the time of filling the final container.

4. Redesignate the present § 73.302(h) as § 73.302(i) and insert a new paragraph (h) to read as follows:

(h) *Phlebotomy for Heparinized Whole Blood (Human).* Heparinized Whole Blood (Human) shall be collected with minimal damage to, and minimal manipulation of, the donor's tissue, and with a single, uninterrupted, free-flowing venipuncture.

5. Amend § 73.302 (i) as redesignated, by deleting in the first sentence "at 4° to" and substituting therefor "within a 2° range between 1° and", by deleting in the second sentence "toward 4° to" and "at 4° to" and by substituting therefor in the first instance "toward a 2° range between 1° and", and in the second instance "within a 2° range between 1° and". As thus amended, § 302(i) would read as follows:

(i) *Storage.* Immediately after collection, the blood shall be placed in storage within a 2° range between 1° and 6° C., unless it must be transported from the donor clinic to the processing laboratory. In the latter case the blood shall be placed in temporary storage having sufficient refrigeration capacity to cool the blood continuously toward a 2° range between 1° and 6° C. until it arrives at the processing laboratory where it shall be stored within a 2° range between 1° and 6° C.

6. Amend § 73.303(d) by adding at the end thereof the phrase "before it is used for transfusion". As thus amended paragraph (d) would read as follows:

(d) *Sterility test.* Whole Blood (Human) intended for transfusion shall not be tested for sterility by a method that entails entering the final container before the blood is used for transfusion.

7. Delete the present § 73.304(b) and insert in lieu thereof a new paragraph (b) to read as follows:

(b) *Periodic check on sterile technique.* Within the 18th to 24th day after collection, at least one container of blood that upon visual examination appears normal, shall be tested each month as a continuing check on technique of blood collection. This test shall be performed as follows: No less than 10 ml. of blood shall be inoculated into at least ten times that volume of fluid thioglycollate or thioglycollate broth medium which may be distributed in one or more test vessels, mixed thoroughly, incubated for seven to nine days at a temperature of 30° to 32° C., and examined for evidence of growth of microorganisms every workday throughout the test period. On the third, fourth or fifth day at least 1 ml. of material from each test vessel shall be subcultured in additional test vessels containing the same culture medium and in such proportion as will permit significant visual inspection, mixed thoroughly, incubated for seven to nine days at a temperature of 30° to 32° C. and examined for evidence of growth of microorganisms every workday throughout the test period. If growth is observed in any test vessel, the test shall be repeated to rule out faulty test procedure, using another sample of blood from either, 1) the container from which the initial test sample was taken, 2) the residual cells or plasma from that blood, or 3) two different containers of blood, each 18 to 24 days old, and each tested separately. The formula for fluid thioglycollate medium shall be as prescribed in § 73.73(e)(1) and the formula for thioglycollate broth medium shall be as prescribed in § 73.73(f)(5). Media and design of container shall meet the requirements prescribed in § 73.73(e)(2)(i). In lieu of performing one test using an incubation temperature of 30° to 32° C., two tests may be performed, each in all respects as prescribed in this paragraph, one at an incubation temperature of 18° to 22° C. and one at an incubation temperature of 35° to 37° C.

8. Amend § 73.304(d) by deleting the numeral "4" and substituting therefor the numeral "1". As thus amended paragraph (d) would read as follows:

(d) *Shipment of Whole Blood (Human).* Whole Blood (Human) shall be maintained continuously at 1° to 10° C. during shipment.

9. Amend § 73.304(e)(2) by changing the first word "The" to the word "An" and as thus amended subparagraph (2) of paragraph (e) shall read as follows:

(2) An original pilot sample is properly attached and has not been removed, except that blood lacking a pilot sample may be reissued in an emergency provided it is accompanied by instructions for sampling and for use within six hours after entering the container for sampling;

10. Amend § 73.304(e)(3) by deleting the numeral "4" and substituting therefor the numeral "1", and as thus amended subparagraph (3) of paragraph (e) shall read as follows:

(3) The blood has been maintained continuously at 1° to 10° C.;

11. Amend § 73.305(b) by adding the words "and the result" immediately after the word "used", and as thus amended paragraph (b) shall read as follows:

(b) *Serological test.* The serological test for syphilis used and the result.

12. Amend § 73.305 by adding a new paragraph (e) to read as follows:

(e) *Additional labelling for Heparinized Whole Blood (Human).* Each unit of Heparinized Whole Blood (Human) shall be labelled with the following additional information:

(1) The hour and date beyond which the product cannot be expected beyond reasonable doubt to yield its specific results.

(2) A recommendation to maintain a temperature during shipment of 1° to 10° C.

13. Amend § 73.305 by adding a new paragraph (f) to read as follows:

(f) *Test for irregular antibodies.* The label shall state the extent of testing, the method used and the results of all tests performed for irregular antibodies, or, if such tests were not performed, the label shall bear a statement to that effect.

14. Amend the first sentence of § 73.306 by inserting the words "Acid Citrate Dextrose" immediately following the word "anticoagulant", by substituting the phrase "one of the" for the phrase "either of the two", and by substituting the word "soulutions" for the word "formulae", and further amend § 73.306 by inserting a new sentence immediately after the first sentence, and as thus amended § 73.306 shall read as follows:

§ 73.306 Expiration date.

The expiration date for Citrated Whole Blood (Human) using one of the anticoagulant Acid Citrate Dextrose solutions specified in § 73.302(d) shall not exceed 21 days after the date of bleeding the donor. Heparinized Whole Blood (Human) cannot be expected beyond reasonable doubt to yield its specific results more than 48 hours after the hour of bleeding the donor. The expiration date for Whole Blood (Human) using any other anticoagulant found acceptable under such section shall be determined by the Surgeon General on the basis of length of red blood cell survival.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: September 1, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: September 12, 1960.

BERTHA S. ADKINS,
Acting Secretary.

[F.R. Doc. 60-8672; Filed, Sept. 16, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-212]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment of Federal Airway, Associated Control Areas and Designated Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.12, 601.12, 601.4012, and 601.1001 of the regulations of the Administrator, the substance of which is stated below.

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 59-WA-4 on November 10, 1959 (24 F.R. 9167), the Federal Aviation Agency proposed to revoke the segment of Green Federal airway No. 2 between Seattle, Wash., and Detroit, Mich. This Notice was withdrawn in a Notice of Withdrawal published in the FEDERAL REGISTER on March 2, 1960 (25 F.R. 1839). This action was taken to permit further evaluation of the proposal to revoke Green 2. Further study was deemed necessary in light of comments received in response to the Notice.

The Federal Aviation Agency has completed the first phase of this comprehensive reevaluation and is now considering revoking the segment of Green 2 and its associated control areas from Seattle to Miles City, Mont. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Seattle to Miles City is adequately served by VOR Federal airway No. 2. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of two aircraft movements between any two reporting points on this segment of Green 2. Therefore, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Green 2 from Seattle to Miles City. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this segment of Green 2. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Concurrently with this action, the Moses Lake, Wash., control area extension (§ 601.1001) would be amended to substitute Victor 2 for Green 2 in its description. This modification would not alter the extent of presently designated control area in the vicinity of Moses Lake. In addition, the designated reporting points, listed in § 601.4012, from the Seattle radio range to but not including the Miles City, radio range would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 12, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8632; Filed, Sept. 16, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 294]

[Docket Nos. 11659, 11731; Order No. E-15768]

CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR THE MILITARY ESTABLISHMENT

Proposed Revocation; Order and Notice of Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of September 1960.

Notice of proposed rule making, EDR-16, proposed repeal of Part 294 of the Economic Regulations, Docket 11659; in the matter of the joint applications of AAXICO Airlines, Inc.; Capitol Airways, Inc.; President Airlines, Inc.; and World Airways, Inc., for an exemption pursuant to section 416 from certain provisions of Title IV of the Federal Aviation Act of 1958, Docket 11731.

On July 28, 1960, the Board issued a notice of proposed rule making, EDR-16, 25 F.R. 7261, in which it proposed to repeal Part 294 of the Economic Regulations, entitled "Classification and Exemption of Air Carriers While Conducting Certain Operations for the Military Establishment."

Numerous comments were received. Those in favor of the proposal assert, among other things, that most of the MATS business should move over the routes of the certificated route air carriers which now have sufficient capacity to carry it, so that there is no longer any military necessity for the blanket exemption contained in Part 294, and that blanket exemptions have resulted in an unsound rate level. The comments in opposition, among other matters discussed therein, express concern of exclusion of the supplemental air carriers from military business and assert that this would destroy these carriers. It is contended that repeal of Part 294 cannot legally be accomplished without a full evidentiary hearing. In addition, on August 22, 1960, four air carriers filed an application, Docket 11731, with attached motion for evidentiary hearing on (among other matters) the proposed repeal of Part 294.

The Board has given careful consideration to these and all other pertinent matters contained in the comments and has concluded that it is in the public interest to hold a hearing at which evidence to establish facts material to the policy issue of continuation or repeal of Part 294 may be introduced. Accordingly, it has granted the request for an evidentiary hearing to this extent.

Other matters contained in the application in Docket 11731 will be disposed of by other Board action.

Accordingly, it is ordered, That:

1. The proceeding in Docket 11659 is assigned for pre-hearing conference on September 23, 1960, at 10:00 a.m., e.d.s.t., in Room 911 in the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

2. All air carriers whose economic operating authority includes the right to operate aircraft of a maximum take-off weight of more than 12,500 pounds (those eligible to become Military Operations Carriers, as defined in § 294.2 of Part 294) are made parties to this proceeding. Those parties who fail to enter an appearance at the pre-hearing conference provided for herein shall be deemed to lack any interest in the subject matter of this proceeding and therefore will no longer be considered as parties.

3. Only evidence to prove or disprove facts material to the issues of law and policy involved in the question of whether or not to repeal Part 294 shall be received.

4. This hearing shall be governed by the pertinent provisions of Parts 300 and 302 of the procedural regulations of the Board and shall be expedited as much as possible. At the conclusion of the hearing, the examiner, unless otherwise directed by the Board, shall promptly certify the record to the Board.

5. Leave is hereby granted to Attorney Clayton C. Burwell, an officer of the Independent Airlines Association, to participate in this proceeding as the representative of Aviation Corporation of Seattle, dba Westair Transport; Central Air Transport, Inc.; Coastal Air Lines; Imperial Airlines, Inc.; Johnson Flying Service, Inc.; Modern Air Transport, Inc.; Sourdough Air Transport; and Southern Air Transport, Inc., pursuant to § 263.3(3) of Part 263 of the Board's Economic Regulations.

6. This order shall be served upon all air carriers whose economic operating authority includes the right to operate aircraft of a maximum take-off weight of more than 12,500 pounds.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-8690; Filed, Sept. 16, 1960; 8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 207]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Notice of Proposed Rule Making

SEPTEMBER 6, 1960.

There is reason to believe that it may be advisable to revise the regulations governing the lease and interchange of vehicles by motor carriers (49 CFR 207.1 through 207.10) so as to provide for more adequate evidence of responsibility where vehicles are leased by one authorized carrier to another such carrier for use in the direction of a point which the lessor is authorized to serve. At present the exemption in § 207.3(a) of the regulations relieves such leasing from all of the requirements relating to the augmenting of equipment except those concerned with inspection and identification. It is proposed to change this and to make leasing of this kind subject to all of the augmenting of equipment requirements in § 207.4 of the regulations except the 30-day minimum period.

Accordingly, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice is hereby given of the Commission's proposal to vacate and set aside § 207.3(a) *Return of equipment by authorized carriers* now in effect, and to add a new subdivision to § 207.4(a)(3) *Minimum duration of 30 days when operated by lessor,* as follows:

(iii) *Use in the direction of a point lessor is authorized to serve.* That such 30-day minimum period shall not apply to equipment owned or held under a lease of 30 days or more by an authorized carrier and regularly used by it in the service authorized, and leased by it to another authorized carrier for transportation in the direction of a point which lessor is authorized to serve.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

Interested persons may on or before November 1, 1960, submit written statements containing data, views, or arguments, verified under oath by a person having knowledge of such data, views, or arguments, and that thereafter consideration will be given to the proposed changes, or some revision thereof, in the light of the statements which may be submitted.

One signed copy and 14 additional copies of such statements shall be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D.C. No oral hearing is contemplated, but any request for such hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form heretofore provided. The Commission thereafter will determine whether or not assignment of the matter for oral hearing is necessary or desirable.

Notice of this proposed rule modification shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8654; Filed, Sept. 16, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1960 Department Circular No. 1050]

3½ PERCENT TREASURY BONDS OF 1980

Offering of Bonds

SEPTEMBER 12, 1960.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1980, in exchange for 2½ percent Treasury Bonds of 1962–67, dated May 5, 1942, due June 15, 1967, in amounts of $500 or multiples thereof. Exchanges will be made at par with an adjustment of interest as of October 3, 1960, as set forth in Section IV hereof. The amount of the offering under this circular will be limited to the amount of the eligible bonds tendered in exchange and accepted. The books will be open only on September 12 through September 20, 1960, for the receipt of subscriptions for this issue.

2. *Nonrecognition of gain or loss for Federal income tax purposes.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the 2½ percent Treasury Bonds of 1962–67, due June 15, 1967, solely for the 3½ percent Treasury Bonds of 1980. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated October 3, 1960, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on May 15 and November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1980, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before October 3, 1960, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1962–67, due June 15, 1967, which will be accepted at par, and should accompany the subscription. Coupons dated December 15, 1960, and all subsequent coupons, must be attached to the bonds in coupon form when surrendered. Accrued interest from June 15, 1960, to October 3, 1960 ($7.51366 per $1,000) will be paid subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, the accrued interest will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1962–67 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1980"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1980 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1980 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8677; Filed, Sept. 16, 1960; 8:52 a.m.]

[1960 Department Circular No. 1051]

3½ PERCENT TREASURY BONDS OF 1990

Offering of Bonds

SEPTEMBER 12, 1960.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1990, in exchange for 2½ percent Treasury Bonds of 1963–68, dated December 1, 1942, due December 15, 1968. Exchanges will be made at par with adjustment of interest as provided in Section IV hereof. Subscriptions to the offering under this circular and the offering of 3½ percent Treasury Bonds of 1998 under Department Circular No. 1052, issued simultaneously with this circular are invited up to a combined amount not to exceed $4,500,000,000, or thereabouts. If subscriptions exceed this amount they will be subject to allotment on the same basis for each of the two issues. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to issue in exchange to Government Investment Accounts an aggregate amount not to exceed $550,000,000 of the bonds offered hereunder and the bonds offered simultaneously under Department Circular No. 1052. The books will be open only on September 12 through September 20, 1960, for the receipt of subscriptions for this issue.

2. *Nonrecognition of gain or loss for Federal income tax purposes.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the 2½ percent Treasury Bonds of 1963–68, due December 15, 1968, solely for the 3½ percent Treasury Bonds of 1990. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3½ percent Treasury Bonds of 1990 issued pursuant to Department Circular No. 1005, dated February 3, 1958, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from October 3, 1960. Subject to the provision for the accrual of interest from October 3, 1960, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1005:

1. The bonds will be dated February 14, 1958, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semi-annual basis on August 15, 1958, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1990, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers. Subscriptions from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks, and Government Investment Accounts will be received without deposit. Subscriptions from all others must be accompanied by the deposit of 2½ percent Treasury Bonds of 1963–68, due December 15, 1968, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in Section V hereof.

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[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from April 16 to May 15, and from October 16 to November 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from January 16 to February 15, and from July 16 to August 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before October 3, 1960, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1963-68, due December 15, 1968, which will be acepted at par. Coupons dated December 15, 1960, and all subsequent coupons, must be attached to the bonds in coupon form when surrendered. Accrued interest from June 15, 1960, to October 3, 1960 ($7.51366 per $1,000) on the bonds surrendered will be credited, and accrued interest from August 15, 1960, to October 3, 1960 ($4.66033 per $1,000) on the bonds to be issued will be charged, and the difference ($2.85333 per $1,000) will be paid subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. After allotment the 2½ percent Treasury Bonds of 1963-68 in registered form tendered in payment for bonds offered hereunder should be asigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990 in the name of____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990 in coupon form to be delivered to_____". Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8678; Filed, Sept. 16, 1960; 8:52 a.m.]

[1960 Department Circular No. 1052]

3½ PERCENT TREASURY BONDS OF 1998

Offering of Bonds

SEPTEMBER 12, 1960.

I. Offering of bonds. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1998, in exchange for:

2½ percent Treasury Bonds of 1964-69, dated April 15, 1943, due June 15, 1969.
2½ percent Treasury Bonds of 1964-69, dated September 15, 1943, due December 15, 1969.

Exchanges will be made at par with an adjustment of interest as provided in Section IV hereof. Subscriptions to the offering under this circular and the offering of 3½ percent Treasury Bonds of 1990 under Department Circular No. 1051, issued simultaneously with this circular are invited up to a combined amount not to exceed $4,500,000,000, or thereabouts. If subscriptions exceed this amount they will be subject to allotment on the same basis for each of the two issues. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to issue in exchange to Government Investment Accounts an aggregate amount not to exceed $550,000,000 of the bonds offered hereunder and the bonds offered simultaneously under Department Circular No. 1051. The books will be open only on September 12 through September 20, 1960, for the receipt of subscriptions for this issue.

2. *Nonrecognition of gain or loss for Federal income tax purposes.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the two eligible issues of 2½ percent bonds enumerated in paragraph one of this section solely for the 3½ percent Treasury Bonds of 1998. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated October 3, 1960, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on May 15 and November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1998, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers. Subscriptions from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks, and Government Investment Accounts will be received without deposit. Subscriptions from all others must be accompanied by the deposit of any of the two eligible issues of 2½ percent bonds enumerated in paragraph one of section I hereof, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before October 3, 1960, or on later allotment, and may be made only in the bonds of the two issues enumerated in paragraph one of Section I hereof, which will be accepted at par. Coupons dated December 15, 1960, and all subsequent coupons, must be attached to the bonds in coupon form when surrendered. Accrued interest from June 15, 1960, to October 3, 1960 ($7.51366 per $1,000) will be paid subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. After allotment Treasury bonds of the two eligible issues in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8679; Filed, Sept. 16, 1960; 8:52 a.m.]

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[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from April 16 to May 15, and October 16 to November 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 211-60]

ORGANIZATION

Miscellaneous Amendments of Order 175-59

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), Order No. 175-59 of January 19, 1959 (effective April 1, 1959), relating to the organization of the Department of Justice, is hereby amended as follows:

1. Section 1 is amended by deleting therefrom the words "Office of Alien Property".

2. A new subsection is added to section 2 reading:

(h) *Office of Alien Property.* The Office of Alien Property shall be a part of the Office of the Attorney General and shall be in charge of the Director, Office of Alien Property.

(1) Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Director of the Office of Alien Property:

(i) Exercising or performing all the authority, rights, privileges, powers, duties, and functions delegated to or vested in the Attorney General under the Trading With the Enemy Act, as amended, Title II of the International Claims Settlement Act of 1949, as amended, Title II of the International Claims Settlement Act of September 28, 1950, 64 Stat. 1079 (50 U.S.C. App. 40), the Philippine Property Act of 1946, as amended, and the Executive orders relating to such acts, including, but not limited to, vesting, supervising, controlling, administering, liquidating, selling, paying debt claims out of, returning, and settling of inter-custodial disputes relating to, property subject to one or more of such acts.

(ii) Conducting and directing all civil litigation with respect to the Trading With the Enemy Act, except as provided in section 9(a)(2) of this order, Title II of the International Claims Settlement Act, the Foreign Funds Control Program and the Foreign Assets Control Program.

(iii) Designating within the Office of Alien Property a certifying officer, and an alternate, to certify copies of documents issued by the Director, or his designee, which are required to be filed with the Office of the Federal Register.

(2) The Director of the Office of Alien Property shall act for and on behalf of the Attorney General.

(3) All the authority, rights, privileges, powers, duties, and functions of the Director of the Office of Alien Property may be exercised or performed by any agencies, instrumentalities, agents, delegates, or other personnel designated by him.

3. Paragraph (3) of subsection (a) of section 5 is amended to read:

(3) Approving proposed orders of the Attorney General, and orders which require the approval of the Attorney General, as to form and legality and as to consistency and conformity with existing orders and memoranda.

4. Paragraph (4) of subsection (a) of section 5 is amended to read:

(4) Handling matters arising out of devises and bequests and inter vivos gifts to the United States, except determinations as to the validity of title to any lands involved and litigation pertaining to such determinations.

5. Paragraph (5) of subsection (a) of section 5 is amended to read:

(5) Except as to proposed legislation, acting in a liaison capacity for cooperation with the Council of State Governments.

6. The text of section 6 is deleted; the section number is reserved for future use.

7. A new subsection is added to section 8 reading:

(d) *Authority to furnish certain reports relating to proposed mergers of banks.* The Assistant Attorney General in charge of the Antitrust Division is authorized to exercise the authority vested in the Attorney General by subsection (c) of section 18 of the Federal Deposit Insurance Act (64 Stat. 892; 12 U.S.C. 1828(c)) as amended by the act of May 13, 1960, 74 Stat. 129, relating to the furnishing of reports, and summaries thereof, with respect to the competitive factors involved in proposed mergers or consolidations of insured banks.

8. Paragraph (6) of subsection (a) of section 9 is amended to read:

(6) Patent and Allied Cases and other patent matters—patent, copyright, and trademark litigation (except matters assigned to the Office of Alien Property by section 2(h) of this order) before United States courts and the Patent Office, including patent infringement suits in the Court of Claims, interference proceedings, defense of the Register of Copyrights in his administrative acts, and civil patent-fraud cases; participation in the administration of the Patent Interchange Agreement; and representation of the Department of Justice on the Government Patents Board.

9. The text following the last semicolon in paragraph (9) of subsection (a) of section 9 is amended to read: "suits to set aside orders of State regulatory agencies (49 U.S.C. 13(4)); and civil matters, except those required to be handled by the Board of Parole, under section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536)."

10. Paragraph (7) of subsection (a) of section 10 is amended to read:

(7) Resolving questions that arise as to Federal prisoners held in custody by Federal officers or in Federal prisons, commitments of mentally defective defendants and juvenile delinquents, validity and construction of sentences, probation, and parole.

11. A new paragraph is added to subsection (a) of section 10 reading:

(9) Supervision of matters arising under the Escape and Rescue Act (18 U.S.C. 751, 752), the Fugitive Felon Act (18 U.S.C. 1072, 1073), and the Obstruction of Justice Statute (18 U.S.C. 1503), except as to obstructions which occur in connection with cases within the jurisdiction of the Criminal Division and the Internal Security Division.

12. A new subsection is added to section 10 reading:

(c) *Delegation respecting authorization to institute criminal prosecution against a juvenile.* The Assistant Attorney General in charge of the Civil Rights Division is authorized to exercise the power and authority vested in the Attorney General by section 5032 of title 18 of the United States Code, to direct that criminal prosecution be instituted against a juvenile alleged to have committed one or more acts in violation of a law of the United States not punishable by death or life imprisonment.

13. A new paragraph is added to subsection (a) of section 11 reading:

(13) Except as provided in section 12(a)(9) of this order, all criminal matters arising under the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).

14. A new subsection is added to section 11 reading:

(c) *Representation on Interdepartmental Committee on Narcotics.* The Assistant Attorney General in charge of the Criminal Division is designated as a member of the Interdepartmental Committee on Narcotics representing the Department of Justice (E.O. No. 10302 of November 2, 1951).

15. Paragraph (1) of subsection (a) of section 12 is amended to read:

(1) Enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition; enforcement of the Foreign Assets Control Regulations issued under the Trading With the Enemy Act (31 CFR 500.101 et seq.); criminal prosecutions under the Atomic Energy Act, the Smith Act, the neutrality laws, the Munitions Control Act, and section 799 of title 18 of the United States Code; and criminal prosecutions for offenses, such as perjury and false statements, relating to subversive activities or involving individuals with a subversive background.

16. Two new paragraphs are added to subsection (a) of section 12 reading:

(8) Libels and civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) arising out of violations of the Trading With the Enemy Act, the neutrality statutes, and the Mutual Security Act of 1954, as amended.

(9) All criminal matters involving members and former members of the Communist Party referred to in section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536).

17. A new subsection is added to section 12 reading:

(c) *Delegation respecting admission of certain aliens.* The Assistant Attorney General in charge of the Internal Security Division is authorized to exercise the power and authority vested in the Attorney General by section 7 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403h), with respect to entry of certain aliens into the United States for permanent residence.

18. Paragraph 1 of subsection (a) of section 15 is amended to read:

(1) Budget, financial, and fiscal matters; allotment of funds under regulations prescribed by the Attorney General with the approval of the Director of the Bureau of the Budget; appropriations, and control of expenditures; accounting and auditing; examination of contracts; examination and inspection of judicial offices; inspection and review of administrative operations; forms, reports, and directives programs; collection and compilation of statistics; transcription and reproduction; supplies; printing and procurement; property accountability; custody and maintenance of departmental mail, files, and records (including administration of the departmental document system described in section 24 of this order); buildings and space; telephone and other necessary services; payrolls, overtime pay, vouchers, and transportation requests; personnel matters and transactions; garage and automotive equipment; health services; official bond program, legal and legislative matters pertaining to administrative operations of the Department; arranging for foreign and military witnesses, and payment of expert witness fees; and generally the administration of similar staff services.

19. Subsection (g) of Section 15 is amended to read:

(g) *Selection and assignment of employees for training.* The Administrative Assistant Attorney General is authorized as to all organizational units of the Department (including United States Attorneys and Marshals) to exercise the authority vested in the Attorney General by sections 10 and 18 of the Government Employees Training Act (72 Stat. 332, 335) with respect to the selection and assignment of employees for training by, in, or through non-Government facilities under that act, the payment of the expenses of such training or the reimbursement of employees therefor, and the preparation and submission of the annual report to the Civil Service Commission required by the act.

20. A new subsection is substituted for subsection (h) of section 15 reading:

(h) *Appointment of grievance committees.* The Administrative Assistant Attorney General is authorized to appoint grievance committees to consider

decisions relating to employee grievances of employees in the competitive service, including probationary and temporary employees, appealed to the Attorney General, and to notify the employees concerned of the Attorney General's decision with respect thereto.

21. A new paragraph is added to subsection (a) of section 16 reading:

(9) Investigate alleged fraudulent conduct in connection with operations of the Federal Housing Administration and other alleged violations of the criminal provisions of the National Housing Act, including section 1010 of title 18 of the United States Code.

22. Two new subsections are added to section 16 reading:

(e) *Authority to seize arms and munitions of war.* The Director of the Federal Bureau of Investigation is authorized to exercise the authority conferred upon the Attorney General by section 1 of Executive Order No. 10863 of February 18, 1960 (25 F.R. 1507), relating to the seizure of arms and munitions of war, and other articles, pursuant to section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401).

(f) *Authority to renew certain leases.* The Director of the Federal Bureau of Investigation, and the Assistant Directors of the Federal Bureau of Investigation, are authorized to exercise the authority delegated to the Attorney General by the Administrator of General Services (by Delegation of Authority No. 380 of April 11, 1960) to renew certain leases for the rental of property in Fauquier County, Virginia.

23. Paragraph (5) of subsection (a) of section 17 is amended to read:

(5) Payment of rewards with respect to escaped Federal prisoners (18 U.S.C. 3059).

24. Paragraphs (1), (3), and (4) of subsection (a) of section 20 are amended to read:

(1) Sole authority to grant, modify, or revoke paroles of all United States prisoners (18 U.S.C. 4203, 4207).

(3) Sole authority to issue warrants for violation of parole or mandatory release (18 U.S.C. 4205).

(4) Sole authority to re-parole or release on mandatory release (18 U.S.C. 4207, 4164).

25. Three new paragraphs are added to subsection (a) of section 20 reading:

(5) Sole authority to determine the date the prisoner shall become eligible for parole in any case in which the committing court specifies that such eligibility date shall be that determined by the board of Parole (18 U.S.C. 3208(a)).

(6) Sole authority to promulgate rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners (18 U.S.C. 4208(d)).

(7) The authority to determine, in accordance with the provisions of section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, whether the services of certain persons in any capacity referred to in clause (1) or clause (2) of that section would be contrary to the purposes of that act (sec. 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 536).

26. Subsection (a) of section 22 is amended to read:

(a) *Deputy Attorney General.* The Deputy Attorney General is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, separation, and general administration of attorneys in the Department of Justice in all Classification Act grades up to and including GS–14, and to review any personnel action taken by any officer of the Department of Justice; and to appoint Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires, and to fix their salaries.

27. Subsection (b) of section 22 is amended to read:

(b) *Administrative Assistant Attorney General.* Except for the authority conferred by subsections (c) and (d) of this section, the Administrative Assistant Attorney General is authorized to exercise the power and authority vested in the Attorney General by law to take final action on matters pertaining to the employment, separation, and general administration of personnel, except attorneys, in the Department of Justice in Classification Act grades GS–1 through GS–14, and in wage board positions, and to classify positions in the Department under the Classification Act and wage board systems regardless of grade. He shall also have authority to postaudit and correct any personnel actions throughout the Department, and to inspect at any time any personnel operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, and the Immigration and Naturalization Service.

28. Subsection (e) of section 22 is amended to read:

(e) *Procurement matters.* The following provisions shall control as to procurement matters:

(1) Except as to those matters designated by the Administrative Assistant Attorney General, to whom the responsibility for control of expenditures is assigned by section 15(a) of this order, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, and the Commissioner of Immigration and Naturalization are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters.

(2) The Administrative Assistant Attorney General is authorized to postaudit and correct any procurement transactions throughout the Department, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, and the Immigration and Naturalization Service.

29. Subsection (n) of section 22 is amended to read:

(n) *Certifying officers.* The following-named officials are authorized to designate employees to certify vouchers under section 1 of the act of December 29, 1941, 55 Stat. 875 (31 U.S.C. 82b), and to certify that such persons are bonded pursuant to the act of August 9, 1955, 69 Stat. 618: for the Federal Bureau of Investigation, the Director; for the Bureau of Prisons, the Director, and the Associate Commissioner, Federal Prison Industries; for the Federal Prison Industries, the Associate Commissioner, and the Director, Bureau of Prisons; for the Immigration and Naturalization Service, the Commissioner; and for all other organizational units of the Department (including United States Attorneys and Marshals), the Administrative Assistant Attorney General.

30. Subsection (o) of section 22 is amended to read:

(o) *Disbursing employees.* The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, and the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General as to all other organizational units of the Department (including United States Attorneys and Marshals) are authorized to request Treasury Department designation of disbursing employees (including cashiers), and to certify that such employees are bonded pursuant to the act of August 9, 1955, 69 Stat. 618. Existing authorizations to request designations and approve bonds shall remain in effect until terminated by the official who by this subsection is authorized to request such designations.

31. Subsection (t) of section 22 is amended by inserting a comma after the word "limitation" in the second sentence thereof and by deleting the word "in" from that sentence.

32. The phrases "the Director of the Office of Alien Property,", and "for the Office of Alien Property, the Administrative Officer;" are deleted wherever they occur in subsections (f), (g), (h), (m), (q), and (r) of section 22.

33. The following paragraph is substituted for paragraphs (2) and (3) of subsection (e) of section 23:

(2) When the Assistant Attorney General concerned is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed closing by the agency or agencies involved, or for any other reason, the proposed closing should receive the personal attention of the Attorney General.

34. The introductory part of subsection (h) of section 23, following the headnote and preceding paragraph (1), is amended to read: "In addition to the matters which he is required to submit to the

Attorney General under preceding subsections of this section, the Director of the Office of Alien Property shall submit to the Attorney General for such review as he may desire to make the following:".

35. Subsection (h) of section 23 is amended by substituting the numeral (4) for the numeral (iv) designating the last item of the proviso in paragraph (3).

36. Subsection (b) of section 24 is amended to read:

(b) *Department memoranda.* All documents issued by the Administrative Assistant Attorney General relating to administrative matters which affect the Department as a whole or the field shall hereafter be designated as memoranda. All documents redelegating authority to United States Attorneys or Marshals and all documents relating to policies, procedures, regulations, or instructions issued to the United States Attorneys and Marshals by the head of any organizational unit, over the signature of the head of such unit shall likewise be designated as memoranda. The memoranda described in this subsection shall be in a separate numbered series, and they shall be numbered by the Administrative Assistant Attorney General. Documents amending, modifying, or revoking such memoranda, in whole or in part, shall likewise be designated as memoranda within such numbered series, and no other designation of such documents shall be used.

37. Subsection (d) of section 24 is amended to read:

(d) *Documents of a temporary nature or limited effect.* Documents which are of a temporary nature or of limited effect (e.g., announcements, notices, bulletins, or letters) shall not be issued as orders, memoranda, or directives within the numbered series referred to in subsection (a), (b), or (g) of this section.

38. Subsection (g) of section 24 is amended to read:

(g) *Documents issued by heads of organizational units.* Documents issued by the head of any organizational unit which contain delegations of authority to his subordinates or which relate to the organization, functions, policies, or procedures of the organizational unit of which he is the head shall be numbered and designated as directives (e.g., Tax Division Directive No. 1), and shall be clearly distinguishable in description and designation from the documents referred to in subsections (a), (b), and (d) of this section. Documents issued within the numbered series of any organizational unit shall bear the signature of the head of the unit.

39. Subsection (h) of section 24 is amended to read:

(h) *Permanent record and file of certain documents.* Two copies of each directive issued pursuant to subsection (g) of this section shall, promptly upon issuance, be furnished the Administrative Assistant Attorney General, who shall maintain a permanent record and file thereof.

40. The following-described orders are hereby superseded:

(a) No. 62–54 of October 18, 1954, authorizing investigation of certain housing frauds.

(b) No. 97–55 of September 13, 1955, authorizing expenditures of funds for unforeseen emergencies.

(c) No. 190–59 of September 15, 1959, providing for certain appointments by the Deputy Attorney General.

(d) No. 198–59 of November 12, 1959, delegating authority in proceedings against juveniles.

(e) No. 199–60 of February 16, 1960, assigning functions under the Labor-Management Reporting and Disclosure Act of 1959.

(f) No. 200–60 of February 24, 1960, delegating authority to seize arms and munitions.

(g) No. 203–60 of May 13, 1960, redelegating certain authority to the Director of the Federal Bureau of Investigation.

(h) No. 204–60 of June 16, 1960, delegating authority with respect to proposed merger of insured banks.

(i) No. 207–60 of July 22, 1960, placing the Office of Alien Property in the Office of the Attorney General.

Dated: September 12, 1960.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60–8673; Filed, Sept. 16, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–169]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of receipt of the application with the Office of the Federal Register, the Atomic Energy Commission has issued License No. X–R–39 to American Radiator & Standard Sanitary Corporation represented by Advanced Technology Laboratories, A Division of American-Standard authorizing export of a nuclear reactor to the Australian Atomic Energy Research Establishment, New Illawarra Road, Lucas Heights, New South Wales, Australia. The notice of receipt of the application, published in the FEDERAL REGISTER on June 30, 1960 (25 FR 6148), described the reactor as a 10 kilowatt (thermal) water-moderated, graphite-reflected, Model UTR–10 teaching and research reactor.

Dated at Germantown, Md., this 12th day of September 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director Division of Licensing & Regulation.

[F.R. Doc. 60–8631; Filed, Sept. 16, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

September 1960 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities (except oats) currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (milled), wheat, corn, barley, rye, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for September 1960 are 3⅝ percent for periods up to six months, 4⅛ percent for periods from over six and up to 18 months, and 4⅝ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable anouncements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use: 66.5 cents per pound New York, Pa., N.J., New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.75 cents per pound Washington, Oregon, and California. All other States 65.5 cents per pound. Export: Competitive bid under LD–33 pursuant to invitations to bid issued by Cincinnati CSS Commodity Office (may be applied to arrangements for barter and approved credit sales).
Nonfat dry milk (bags and drums) as available.	Domestic, unrestricted use: announced prices, under LD–29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD–33 pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices (may be applied to arrangements for barter or approved credit sales).
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN–A (revised) (sales by local sales agencies of 1960-crop Choice (A) cotton for unrestricted use), Announcement NO–C–14 (sale of 1959 and prior crops cotton for unrestricted use), and Announcement NO–C–15 (sale of 1960-crop Choice (A) cotton for unrestricted use). Under CN–A (revised), cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO–C–14, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable Choice (B) support price plus carrying charges. Under NO–C–15, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO–C–6 (revised), and NO–C–10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton (except cotton offered under CN–A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN–A may be obtained from local sales agencies.
Wheat, bulk	Domestic, unrestricted use; Commercial wheat-producing area: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 16 cents per bushel if received by truck or (2) 13 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW ..... $2.21 Minneapolis, No. 1 DNS ..... 2.28 Kansas City, No. 1 HW ..... 2.21 Portland, No. 1 SW ..... 2.12 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export: (1) As wheat under Announcement GR–261 revised, as amended, or as flour under Announcement GR–262 revised, as amended, for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily (2) under Announcement GR–212 revised, amended, for specific offerings as announced and (3) under Announcement GR–345 for redemption of certificates under Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1959 applicable loan rate plus (1) a markup of 19 cents per bushel for corn in storage at point of production or (2) a markup of 21 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minnesota, to Minneapolis, respectively: Chicago ..... $1.53¼ Minneapolis ..... 1.36¼ Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites, through ASC County Offices. At other locations through the Commodity Offices indicated below. Export: Under Announcement GR–212, revised, amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR–368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Oats, bulk	Domestic, unrestricted us.: Market price, basis in store,[1] but not less than the 1960 applicable loan rate, plus (1) a markup of 8 cents per bushel for oats in storage at point of production and (2) a markup of 10 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats ..... $0.68¼ Minneapolis, No. 3 oats ..... .59¼ Export: Under Announcement GR–212, revised, amended, for application to approved emergency sales and under Announcement GR–368 for Feed Grain Payment-in-Kind Program (certificate redemption purposes only). Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.

[1] In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

Commodity	Sales price or method of sale
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than 1960 applicable loan rate plus (1) 10 cents per bushel if received by truck or (2) 8 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better ..... $1.08 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 12 cents per bushel if received by truck or (2) 9 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel, (exrail or barge): Minneapolis, No. 2 or better (or No 3 on TW only) ..... $1.21 Export: Under Announcement GR-212 revised, amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Dallas, Portland, and Kansas City CSS Commodity Offices.
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 21 cents per hundredweight if received by truck or (2) 15 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better ..... $2.02 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Annotuncement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than the equivalent 1960 loan rate for rough rice, by varieties and grades, plus 5 percent, adjusted for milling, plus 14 cents per hundredweight, basis in store. Export: Under GR-379 for application to arrangements for barter and approved credit sales. Available Dallas CSS Commodity Office.
Rice, broken (as available)	Domestic or export, unrestricted use: Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses. Prices and quantities of milled rice including brokens available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices.
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than the applicable 1960 loan rate plus 5 percent, plus 16 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Rice Export Program Payment-in-Kind, and under GR-379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.
Soybeans, bulk (as available)	Domestic or export: Market price basis in store but not less than the 1959 basic loan rate for No. 2 grade, basis point of storage, plus 20 cents per bushel, plus the value of billing, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Available Dallas, Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Peanuts, shelled, all types (as available).	Domestic, unrestricted use: 1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3, but not less than the following or market prices: *No. 1's* — *Cents per pound* Virginias ..... 20.05 S. E. Spanish ..... 19.91 S. W. Spanish ..... 20.19 S. E. Runners ..... 19.53 Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended.
Tung oil	Export: Competitive bid on limited quantities under Announcement DL-OP-10 by Dallas CSS Commodity Office.
Gum turpentine (bulk in tanks)	Domestic—unrestricted use: Offer and acceptance basis in the stated quantities and in the designated storage tanks and subject to the prices, terms and conditions of Announcement TB-21-60 and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Georgia. Export: Competitive bid for turpentine, bulk in storage tanks, subject to Announcement TB-21-60 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, CSS, U.S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: September 12, 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-8609; Filed, Sept. 16, 1960; 8:45 a.m.]

Office of the Secretary

HUNTER-LIGGETT MILITARY RESERVATION, LOS PADRES NATIONAL FOREST, CALIFORNIA

Order Interchanging Administrative Jurisdiction of Military and National Forest Lands; Correction

The order of the Secretary of the Army and the Assistant Secretary of Agriculture appearing as F.R. Document 57-4504 of the issue for June 4, 1957, at pages 3901-3902, is hereby corrected in the following particulars:

1. Because of an ambiguity in the description, within the final paragraph of part (1) of the order after the words "Santa Lucia Creek" add "(Also known as Sycamore Creek)", and following the description "Section 15, T 21 S., R 5 E." delete the words "on the boundary of the Los Padres National Forest."

2. In Part (2) add the following additional parcels of land which were omitted through inadvertence:

a. T 23 S., R 5 E., those parts of Section 24 lying in the drainage area of San Miguel Creek.

b. T 22 S., R 6 E., Section 33, Lots 3 and 4.

Dated: August 26, 1960.

WILBER M. BRUCKER,
Secretary of the Army.

Dated: July 11, 1960.

MARVIN L. MCLAIN,
Acting Secretary of Agriculture.

[F.R. Doc. 60-8695; Filed, Sept. 16, 1960; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 881]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

Notice of Supplemental Order

The Federal Maritime Board, on September 6, 1960, entered the following Eighth Supplemental Order, to the original order in this proceeding dated, January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364):

It appearing that the Original Order, as amended, in Docket No. 881 dated January 7, 1960, the Board instituted an investigation into and concerning the reasonableness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports on the one hand, and ports and points in Alaska on the other; and

It further appearing that said Original Order provides in part that "no change shall be made in the rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board;" and

It further appearing that on August 29, 1960, Alaska Freight Lines, Inc., filed Application No. 13 seeking authority to publish, post and file, on not less than ten days' notice, consecutively numbered revised Pages Nos. 47 and 48 to Freight Tariff F.M.B.-F. No. 1 (Alaska Northern Express, Inc., series) in order to publish reduced rates on "Groceries," "Liquors, Alcoholic," and "Liquor Malt" in Item Nos. 585, 620, and 625; and

It further appearing, that the Board having found good cause therefore has on September 6, 1960, granted special permission to publish such changes on not less than ten days' notice under Special Permission No. 3870.

It is ordered, That the Original Order herein is modified to the extent necessary to permit publication and filing of the change covered by such Special Permission No. 3870; and

It is further ordered, That any rates, charges, rules, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, rules, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents and protestants herein; and that this Order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: September 14, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8659; Filed, Sept. 16, 1960; 8:48 a.m.]

Office of the Secretary

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 5, 1960.

LOUIS F. FRAZZA.

SEPTEMBER 6, 1960.

[F.R. Doc. 60-8652; Filed, Sept. 16, 1960; 8:48 a.m.]

AL SERAFIN MINETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 1, 1960.

AL SERAFIN MINETTI.

[F.R. Doc. 60-8653; Filed, Sept. 16, 1960; 8:48 a.m.]

HAROLD L. GRAHAM, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1960.

HAROLD L. GRAHAM, JR.

[F.R. Doc. 60-8657; Filed, Sept. 16, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13605-13607; FCC 60M-1516]

ABILENE RADIO AND TELEVISION CO. ET AL.

Order Continuing Hearing

In re applications of Abilene Radio and Television Company, San Angelo, Texas, Docket No. 13605, File No. BPCT-2639; E. C. Gunter, San Angelo, Texas, Docket No. 13606, File No. BPCT-2663; Dornita Investment Corp., San Angelo, Texas, Docket No. 13607, File No. BPCT-2714; for construction permits for new television broadcast stations (Channel 3).

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-entitled proceeding held on this date: *It is ordered*, This 12th day of September 1960, that the following schedule of dates shall govern:

Exchange of exhibits, November 14, 1960.
Further prehearing conference, November 21, 1960.

It is further ordered, That the hearing presently scheduled to commence on September 27, 1960, is continued to a date to be fixed at the further prehearing conference.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8682; Filed, Sept. 16, 1960; 8:53 a.m.]

[Docket Nos. 13676-13681; FCC 60M-1519]

CIRCLE L, INC., ET AL.

Order Continuing Hearing Conference

In re applications of Circle L, Inc., Reno, Nevada, Docket No. 13676, File No. BPCT-2656; Electron Corporation tr/as Reno Telecasting Co., Reno, Nevada, Docket No. 13677, File No. BPCT-2662; Sierra Television Co., Reno, Nevada, Docket No. 13678, File No. BPCT-2698; Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger, d/b as Rocky Mountain Tele Stations, Reno, Nevada, Docket No. 13679, File No. BPCT-2750; Nevada Broadcasters' Fund, Inc., Reno, Nevada, Docket No. 13680, File No. BPCT-2753; Comstock Telecasting Corporation, Reno, Nevada, Docket No. 13681, File No. BPCT-2754; for construction permits for new television broadcast stations (Channel 4).

The Hearing Examiner having under consideration a petition filed September 8, 1960, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission, requesting that the prehearing conference now scheduled for September 19, 1960, be continued to September 20, 1960; and

It appearing that the reason for the requested continuance is the fact that counsel for the Broadcast Bureau will be unable to be in Washington on September 19, 1960; and

It further appearing that counsel for all the parties, with the exception of Electron Corporation, tr/as Reno Telecasting Co., which is not represented by Washington counsel, have consented to the grant of this petition and that good cause for the requested continuance having been shown;

It is ordered, This the 12th day of September 1960, that the petition for continuance is GRANTED and the prehearing conference in this proceeding now scheduled for September 19, 1960 is continued to September 20, 1960, at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8683; Filed, Sept. 16, 1960; 8:53 a.m.]

[Docket No. 13762; FCC 60M-1522]

CYNWYD TAXI SERVICE

Order Scheduling Hearing

In the matter of Anthony DiLouis, d/b as CYNWYD Taxi Service, 244 Iona

Avenue, Narberth, Pennsylvania, Docket No. 13762; Order to show cause why there should not be revoked the License for Taxicab Radio Station KGA-381.

It is ordered, This 12th day of September 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 3, 1960, in Washington, D.C.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8684; Filed, Sept. 16, 1960; 8:53 a.m.]

[Docket Nos. 13692, 13693; FCC 60M-1520]

EMPIRE COMMUNICATIONS CO. AND TELEPHONE ANSWERING SERVICE

Order Cancelling Hearing and Scheduling Conference

In re applications of Leslie F. Smith, Jr., d/b as Empire Communications Company, Docket No. 13692, File Nos. 2233-C2-P-59, 2234-C1-P/L-59; for construction permits to establish a new two-way communication service in the Domestic Public Land Mobile Radio Service at Salem, Oregon; Vincent W. Elliott, d/b as Telephone Answering Service, Docket No. 13693, File Nos. 2639-C2-P-59, 1530-C1-P/L-60; for construction permits to establish a new two-way communication service in the Domestic Public Land Mobile Radio Service at Salem, Oregon.

It appearing that this matter is currently scheduled for hearing on October 19, 1960; and

It further appearing that an informal request has been made to the Hearing Examiner to hold a prehearing conference on that date;

It is ordered, This 12th day of September, 1960, that the hearing date of October 19, 1960, is cancelled and a prehearing conference will convene on that date at 10:00 a.m. in Washington, D.C.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8685; Filed, Sept. 16, 1960; 8:53 a.m.]

[Docket No. 13759; FCC 60M-1521]

FLORIDA MARINE CORP.

Order Scheduling Hearing

In the matter of Florida Marine Corporation, P.O. Box 91, 704 North Jefferson Street, Perry, Florida and 233 East Brooks Street, Fort Walton Beach, Florida, Docket No. 13759; Order to show cause why there should not be revoked the Licenses for Citizens Radio Stations 7W1133 at Perry, Florida and 7W1443 at Fort Walton Beach, Florida.

It is ordered, This 12th day of September 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 3, 1960, in Washington, D.C.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8686; Filed, Sept. 16, 1960; 8:53 a.m.]

[Docket Nos. 13673-13675; FCC 60M-1517]

HENNEPIN BROADCASTING ASSOCIATES ET AL.

Order Continuing Hearing

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339; Jack I. Moore, James L. Magner, Ray Ekberg, Ingvald C. Ryan, Donald E. Nebelung, Post Publishing Company, Inc., and Carl Bloomquist, d/b as Crystal Broadcasting Company, Crystal, Minnesota, Docket No. 13675, File No. BP-13750; for construction permits.

The Hearing Examiner having under consideration the proceedings during a prehearing conference held in the above-entitled case on September 9, 1960 and the desirability of setting forth in a formal order the agreements of counsel reached with the approval of the Examiner;

It Appearing that all counsel came to the said prehearing conference with an agreed upon schedule of dates in accordance with the Examiner's request in the order scheduling the prehearing conference; that in view of the procedural agreements reached which look forward to the simplification of the hearing process and the need of all counsel for additional time properly to prepare in accordance therewith; and of the conflicting commitments of counsel, especially counsel for the Commission's Broadcast Bureau and of the Bureau's engineer, the extensions of deadline dates herein provided are not unreasonable;

It is ordered, This 12th day of September 1960, that the hearing previously scheduled to commence on October 5, 1960, at the Commission's offices, Washington, D.C., at 10:00 a.m., is continued to November 21, 1960 at the same time and place;

It is ordered further, That a second prehearing conference for the purposes specified in the transcript of the first prehearing conference is scheduled for 10:00 a.m., November 7, 1960, at the Commission's offices, Washington, D.C.; and that all exhibits in support of the direct cases or cases-in-chief of the applicants are to be exchanged not later than October 24, 1960 and rebuttal engineering exhibits are to be exchanged by November 17, with one copy of each such exhibit supplied to the Hearing Examiner;

It is ordered further, That the transcript of the prehearing conference is hereby incorporated by reference herein and shall serve as a guide upon all matters therein discussed.

Released: September 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8687; Filed, Sept. 16, 1960; 8:53 a.m.]

[Docket No. 13410; FCC 60M-1526]

IDAHO MICROWAVE, INC.

Order Scheduling Prehearing Conference

In re applications of Idaho Microwave, Inc., Docket No. 13410, File No. 2672-C1-P-58, for construction permit for new fixed radio station at Kimport Peak, Idaho (KPL 24); File No. 2673-C1-P-58, for construction permit for new fixed radio station at Rock Creek, Idaho (KPL 25); File No. 2674-C1-P-58, for construction permit for new fixed radio station at Jerome, Idaho (KPL 26).

It is ordered, This 12th day of September 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., September 26, 1960, in the Commission's offices in Washington, D.C.

Released: September 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8688; Filed, Sept. 16, 1960; 8:53 a.m.]

[Docket Nos. 13749-13753; FCC 60M-1531]

ROLLINS BROADCASTING, INC., ET AL.

Order Setting Prehearing Conference

In re applications of Rollins Broadcasting, Inc., Wilmington, Delaware, Docket No. 13749, File No. BPCT-2583; The Wilmington Television Co., Inc., Wilmington, Delaware, Docket No. 13750, File No. BPCT-2603; WHYY, Inc., Wilmington, Delaware, Docket No. 13751, File No. BPCT-2634; Metropolitan Broadcasting Corporation, Wilmington, Delaware, Docket No. 13752, File No. BPCT-2715; National Telefilm Associates, Inc., Wilmington, Delaware, Docket No. 13753, File No. BPCT-2769; for construction permits for new television broadcast stations (Channel 12).

It is ordered, This 13th day of September 1960, on the Hearing Examiner's own motion, that all parties or their counsel who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference, pursuant to the provisions of 47 CFR 1.111, at the offices of the Commission in Washington, D.C., at 2:00 p.m., September 28, 1960.

Released: September 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8689; Filed, Sept. 16, 1960; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11779; Order No. E-15763]

DELTA AIR LINES, INC.

Coach Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September 1960:

By tariff filed to become effective September 15, 1960, Delta Air Lines, Inc. has proposed to establish new coach fares over various segments on its lines. On six of these segments Delta's proposed fares exceed the coach fare ceiling of 75 percent of the corresponding first-class fare as provided in the Board's domestic coach policy and would effect a significant increase in the level of coach fares.[1] We therefore find that such fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial and should be investigated.[2]

The tariff proposals herein ordered investigated would establish coach fares ranging as high as ten dollars in excess of the coach fare ceiling on the New Orleans-West Palm Beach segment, and result in disproportionately high coach fares in relation to corresponding first-class fares. We will therefore suspend the operation of these tariff provisions (except the proposed night coach fare on the Charlotte-Jacksonville Segment which effects a reduction) pending investigation thereof.

The Board finds that its action herein is necessary and appropriate to carry out the provisions and objectives of the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered that:

1. An investigation is hereby instituted to determine whether the fares and provisions appearing in Agent C. C. Squire's Tariff C.A.B. No. 44, between Charlotte and Jacksonville, between Dallas and Louisville, between Fort Worth and Louisville, between Houston and St. Petersburg, between Houston and Tampa, between Miami and New Orleans, and between New Orleans and West Palm Beach on 14th and 15th Revised Pages 121 and 30th Revised Page 122; between Charlotte and Jacksonville on 15th Revised Page 122-A; between Charlotte and Jacksonville on 30th Revised Page 157; between Houston and Tampa and between Miami and New Orleans on 12th Revised Page 192-A are or will be unjust or unreasonable, or unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. Pending investigation, hearing, and decision by the Board, the fares and provisions appearing in Agent C. C. Squire's C.A.B. No. 44 between Charlotte and Jacksonville, between Dallas and Louisville, between Fort Worth and Louisville, between Houston and St. Petersburg, between Houston and Tampa, between Miami and New Orleans and between New Orleans and West Palm Beach on 14th and 15th Revised Pages 121 and 30th Revised Page 122 be and hereby are suspended and their use deferred to and including December 13, 1960, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order be filed with the aforesaid tariff and a copy be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., and National Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-8691; Filed, Sept. 16, 1960; 8:53 a.m.]

[1] 14 CFR 399.19(d).

[2] The relationship between first-class and coach fares has been changed due to the three increases of $1.00 per ticket each authorized by the Board in recent years and the meal charge made in many coach services. In computing the first-class coach relationship for purposes of applying the domestic coach policy, we have made compensating adjustments so that all coach fares which met the 75 percent standard before the addition of $3.00 per ticket and the meal charge would still be considered within the ceiling. In the case of Delta's fares, the ceiling was computed by multiplying by 75 percent the first-class fare minus $3.00, and adding to the result $3.00 (representing the three $1.00 fare increases) plus $1.00 for a meal charge.

[2] Delta's proposed coach fares on three other segments are in excess of the 75 percent fare ceiling and are equal to coach fares in effect by competitors. The omission of these fares from this order of investigation and suspension does not indicate Board approval of such fares by Delta or its competitors. The Board is deferring action thereon pending further analysis.

SECURITIES AND EXCHANGE COMMISSION

[File 7-2079]

COLLINS RADIO CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 13, 1960.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Collins Radio Company, File 7-2079.

Upon receipt of a request, on or before September 30, 1960, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8648; Filed, Sept. 16, 1960; 8:47 a.m.]

[File Nos. 7-2080, 7-2081]

COLLINS RADIO CO. AND PAN AMERICAN SULPHUR CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 13, 1960.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: Collins Radio Company, File 7-2080; Pan American Sulphur Company, File 7-2081.

Upon receipt of a request, on or before September 30, 1960, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained

in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8649; Filed, Sept. 16, 1960; 8:47 a.m.]

[File No. 70-3744]

WHEELING ELECTRIC CO.

Notice of Amendment Proposing Renewal of Short-Term Notes to Banks

SEPTEMBER 12, 1960.

Notice is hereby given that Wheeling Electric Company ("Wheeling"), a public-utility subsidiary of American Electric Power Company, Inc. ("American"), a registered holding company, has filed an amendment to its declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), seeking authority to extend to September 30, 1960, the time within which Wheeling may issue to banks, notes in renewal of notes maturing on September 26, 1960, and issued with Commission authorization by order dated December 24, 1958 (Holding Company Act Release No. 13898). Such renewal notes in the aggregate amount of $4,250,000 will be issued and sold to Mellon National Bank & Trust Company, Pittsburgh, Pa.; First National City Bank of New York, N.Y.; Manufacturers Trust Company, New York, N.Y.; Guaranty Trust Company of New York, New York, N.Y.; and Bankers Trust Company, New York, N.Y.; will become due not more than 270 days from the dates of issuance; will bear interest at the prime credit rate then in effect; and will be prepayable from time to time, in whole or in part, without premium.

In said amendment Wheeling states that it contemplates that in 1961 it will be feasible either (a) to enter into a Bank Loan Agreement generally similar to the Bank Loan Agreement under which it now has outstanding $7,000,000 of notes which mature December 1, 1965, or (b) to issue and sell first mortgage bonds in an amount sufficient to refund its then outstanding indebtedness.

Notice is further given that any interested person may, not later than September 22, 1960, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the amended declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transaction as provided in Rules 20(a) and 100 thereof.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8650; Filed, Sept. 16, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 12, 1960.

Notice of an application Serial No. A.026736, for withdrawal and reservation of lands was published as Federal Register Document No. 55-10118 on page 9496 of the issue for December 17, 1955. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 12:01 a.m. on October 24, 1960 relieved of the segregative effect of the above-mentioned application.

The State of Alaska filed application to select all of the subject lands under section 6(g) of the Statehood Act. The State selection will be subject to any valid prior existing claims on the land.

The lands involved are:

SEWARD MERIDIAN

T. 22 N., R. 2 W., unsurveyed:
Secs. 5, 6, 7, 8.
T. 22 N., R. 3 W., unsurveyed:
Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 21, 22, 23, 28.
T. 23 N., R. 3 W., unsurveyed:
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.
T. 28 N., R. 4 W., surveyed:
Secs. 1, 2, 11, 12, 13, 14, SE¼;
Sec. 19;
Secs. 20, 21, 22, 23, 24.
T. 24 N., R. 3 W., unsurveyed:
Secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.
T. 24 N., R. 4 W., surveyed:
Secs. 3, 10, N½N½;
Sec. 17; lot 1, N½NE¼ (less S½S½N½SE¼NW¼NE¼), NE¼NW¼;
Sec. 18;
Secs. 15, 22, 23, 26, 35.
T. 24 N., R. 5 W., surveyed:
Secs. 12, 13, 14; lots 1, 2, 3, 4, 5, S½NE¼, SE¼SE¼, N½SE¼;
Sec. 15; lots 1, 2, NE¼NE¼;
Sec. 22; lots 1, 2, NE¼, N½NW¼;
Sec. 23; N½;
Sec. 24.
T. 25 N., R. 3 W., unsurveyed:
Secs. 6, 7, 18, 19, 28, 29, 30, 31, 32, 33.
T. 25 N., R. 4 W., surveyed:
Secs. 5, 6, 7, 8, 17; lots 3, 7, N½, E½SW¼;
Sec. 18; E½, E½W½;
Sec. 19;
Secs. 20, 21, 28, 29; NE¼; E½NW¼;
Sec. 30;
Secs. 31, 32, and 33.
T. 26 N., R. 3 W., unsurveyed:
Sec. 6; S½;
Secs. 7, 18, 19, 30, 31.
T. 26 N., R. 4 W., surveyed:
Sec. 20; lots 5, 6, E½;
Sec. 29; lot 5, SE¼SW¼, SE¼;
Sec. 30;
Secs. 31, 32.
Unsurveyed: S½ Sec. 1; SE¼ Sec. 2;
Secs. 10, 11, 12, 13, 14, 15, S½;
Sec. 16, S½;
Sec. 17;
Secs. 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36.

Aggregating approximately 104,559 acres.

JAMES W. SCOTT, *Acting Operations Supervisor.*

[F.R. Doc. 60-8680; Filed, Sept. 16, 1960; 8:52 a.m.]

[Small Tract Classification Order 105]

ALASKA

Cancellation

SEPTEMBER 16, 1960.

Effective September 16, 1960, Small Tract Classification Order Number 105, dated August 18, 1955, Fairbanks Land District, Alaska, embracing the following described public lands is cancelled:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.
Sec. 20: N½NW¼, W½NE¼.

Containing 160 acres.

RICHARD L. QUINTUS, *Operations Supervisor, Fairbanks.*

[F.R. Doc. 60-8681; Filed, Sept. 16, 1960; 8:52 a.m.]

Office of the Secretary

GLENN J. HALL

Report of Appointment and Statement of Financial Interests

AUGUST 19, 1960.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Glenn J. Hall.

Name of employing agency: Department of the Interior Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Director, Defense Electric Power Area 14.

The name of the appointee's private employer or employers: Idaho Power Company, 1220 Idaho Street, Boise, Idaho.

The statement of "financial interests" for the above appointee is set forth below.

FRED A. SEATON, *Secretary of the Interior.*

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1960, as Director DEP Area 14, Office of Asst. Secy.-Water & Power Development an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Idaho Power Co.
Morrison-Knudsen Co.
Howe Sound Corp.
Food Machinery & Chemical Corp.
General Electric Co.
Amalgamated Sugar Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

GLENN J. HALL.

AUGUST 26, 1960.

[F.R. Doc. 60-8660; Filed, Sept. 16, 1960; 8:49 a.m.]

ROBERT R. REND

Report of Appointment and Statement of Financial Interests

AUGUST 19, 1960.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Robert R. Rend.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Deputy Director, Defense Electric Power Area 14.

The name of the appointee's private employer or employers: The Montana Power Company, 40 East Broadway, Butte, Montana.

The statement of "financial interests" for the above appointee is set forth below.

FRED A. SEATON, *Secretary of the Interior.*

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 19, 1960, as Deputy Director, Defense Electric Power Area 14, Office of Asst. Sec'y.—Water & Power Development an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

The Montana Power Co.
American Telephone & Telegraph Co.
Investers Mutual Inc.
New York Life Insurance Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ROBERT R. REND.

AUGUST 29, 1960.

[F.R. Doc. 60-8646; Filed, Sept. 16, 1960; 8:47 a.m.]

RAYMOND V. SELANDER

Report of Appointment and Statement of Financial Interests

AUGUST 19, 1960.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Raymond V. Selander.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 14.

The name of the appointee's private employer of employers: Utah Power & Light Company, 1407 West North Temple, Salt Lake City, Utah.

The statement of "financial interests" for the above appointee is set forth below.

FRED A. SEATON, *Secretary of the Interior.*

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on Aug. 19, 1960, as Alternate Deputy Director, DEPA Area 14, Dept. of Interior, Office of Asst. Sec'y.-Water & Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Utah Power & Light Co.
Financial Industrial Fund.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

RAYMOND V. SELANDER.

AUGUST 26, 1960.

[F.R. Doc. 60-8647; Filed, Sept. 16, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-16]

COLORADO-WYOMING GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 12, 1960.

Take notice that on July 22, 1960, Colorado-Wyoming Gas Company (Applicant) filed in Docket No. CP61-16 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon by sale to Public Service Company of Colorado (Public Service) the existing town border meter station at Loveland, Larimer County, Colorado, and 2,832 feet of 4-inch lateral pipeline leading to said meter station from Applicant's 8-inch main transmission pipeline between Boulder Junction and Fort Collins, Colorado; and for a certificate of public convenience and necessity authorizing the enlargement and revision of Applicant's existing meter station at West Loveland to serve certain new facilities proposed to be constructed by Public Service, and the construction and operation of a new meter station at South Loveland to provide an additional delivery point for Public Service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the proposed abandonment by sale, with the concurrent revision and enlargement of the West Loveland meter station and related construction by Public Service, and the proposed new meter station at South Loveland, is to provide better planning and control of its distribution functions by Public Service and to facilitate the handling of present and future load growth.

Service through the new delivery point will be under the existing service agreement between Applicant and Public Service. No substantial change in Applicant's gas supply is involved.

The total estimated cost of the facilities proposed to be constructed hereunder is $5,511 for enlarging the West Loveland station, and $12,000 for the new South Loveland station. The total depreciated original cost of the facilities to be abandoned by sale is $4,640, and the selling price of such facilities is $3,500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8642; Filed, Sept. 16, 1960; 8:46 a.m.]

[Project No. 1971]

IDAHO POWER CO.

Notice of Application for Amendment of License

SEPTEMBER 8, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Company, Boise, Idaho, licensee for Project No. 1971, for amendment of its license for the project to include therein a 230-kilovolt single-circuit transmission line extending between the licensee's Boise Bench transmission substation and licensee's Brady transmission substation near American Falls, a distance of about 186.6 miles.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 31, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8643; Filed, Sept. 16, 1960; 8:46 a.m.]

[Docket RI61-66—RI61-71]

REEF CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Increased Rates To Become Effective Subject to Refund [1]

SEPTEMBER 9, 1960.

In the matter of Reef Corporation (Operator), et al., Docket No. RI61-66; The Superior Oil Company, Docket No. RI61-67; Shell Oil Company (Operator), Docket No. RI61-68; Harkins & Company (Operator), et al., Docket No. RI61-69; K. S. Adams, Jr., Docket No. RI61-70; Paul R. Turnbull, et al., Docket No. RI61-71.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the pressure base is 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI61-66	Reef Corp. (Operator), et al.	1	10	El Paso Natural Gas Co. (East Vealmoor Field, Howard County, Tex.) (R.R. District No. 8).	8-10-60	8-10-60	9-10-60	2-10-61	10.135	16.216	.....
RI61-67	The Superior Oil Co.	72	1	Northern Natural Gas Co. (West Perryton Field, Ochiltree County, Tex.) (R.R. District No. 10).	8-9-60	8-11-60	9-11-60	2-11-61	15.5	16.5	.....
RI61-68	Shell Oil Co. (Operator).	60	2	Lone Star Gas Co. (Dillard Gas Plant, Carter County, Okla.).	8-8-60	8-11-60	9-11-60	2-11-61	11.0	16.8	.....
RI61-69	Harkins & Co. (Operator), et al.	3	2	United Gas Pipe Line Co. (Cabeza Creek Field, Goliad County, Tex.) (R.R. District No. 2).	8-5-60	8-11-60	10-1-60	3-1-61	7.596	14.5	.....
RI61-70	K. S. Adams, Jr.	1 2	5 5	Phillips Petroleum Co. (West Panhandle Field, Moore, and Hartley Counties, Tex.) (R.R. District No. 10).	8-5-60	8-11-60	9-11-60	9-12-60	[2] 8.76236 [3] 7.84	[2] 9.49839 [3] 8.49856	G-19150
RI61-71	Paul R. Turnbull, et al.	1	7	Tennessee Gas Transmission Co. (Santellana Field, Hidalgo County, Tex.) (R.R. District No. 4).	Undated	8-10-60	9-10-60	2-10-61	12.12268	15.0652	.....

[1] The stated effective date is either the first day after the required thirty days' notice or the date requested by respondent.
[2] The rate stated is for the sale of sweet gas, which is applicable to both of respondent's rate schedules.
[3] The rate stated is for the sale of sour gas, which is applicable to both of respondent's rate schedules.

The proposed increased rate tendered by Reef is one of numerous increases resulting from El Paso's contract renegotiation program in the Permian Basin area. It is provided by an October 26, 1959 contract amendment which deletes the favored-nation clause from the original contract and substitutes a schedule of 1.0 cents per Mcf periodic increases at five-year intervals.

In support of its proposed increased rate, Reef states that, in consideration of the higher rate, it gave up the favored-nation provision of the contract; that the increased rate will not create a new price plateau for the area; and that such rate compares favorably with the rate certificated by the Commission in its Opinion No. 328. Reef requests that, in the event the Commission should suspend its proposed rate, the suspension period be for one day because Reef has foregone filing for numerous contract increases under the favored-nation provision of its contract.

The increase in rate proposed by Superior is provided by an amendatory agreement dated April 12, 1960, wherein Northern Natural agrees to increase the contract price by 1.0 cents per Mcf in consideration of seller's relinquishing its rights to construct plants and process the gas for the removal of liquid hydrocarbons. In support, Superior states that the processing right was deemed valuable by both buyer and seller and that the 1.0 cents per Mcf increase in price therefor was arrived at after arm's-length negotiations.

In support of its proposed favored-nation rate increase, Shell states that the favored-nation clause of the subject contract was triggered by a 16.8 cents per Mcf rate paid by Lone Star for gas purchased from Gulf Oil Corporation in the Knox Field, Crosby and Stephens Counties, Oklahoma; that such pricing clause was negotiated at arm's-length; and that by such clause Shell seeks to receive the fair value of its gas.

The increase in rate proposed by Harkins is provided by letter agreement dated June 14, 1960 for the five-year period commencing July 1, 1960. In support, Harkins states that the price redetermination provision of the contract is customary in the industry and is necessary to protect seller against the constantly increasing costs of exploration, lease acquisition and development.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

In support of its proposed increased rates, Adams cites the contractual provision and states that the proposed rates are just and reasonable and are well below the average market price for gas sold in the area. Adams requests that the proposed rates become effective as of August 25, 1960.

The increase in rate proposed by Turnbull is provided by a letter dated April 16, 1959 for the five-year period commencing November 1, 1959 pursuant to the price redetermination provisions of the contract. In support, Turnbull states that the contract was a result of arm's-length bargaining; that the proposed rate is less than the current market price for gas in the area; and that costs of development, operation and maintenance have been increasing. Because the subject filing has been delayed for more than a year, Turnbull requests that any suspension be limited to one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Supplement No. 5 to Adams' FPC Gas Rate Schedule Nos. 1 and 2, respectively, be allowed to take effect as of September 12, 1960, subject to refund upon the timely filing of his agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the period of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement No. 5 to Adams' FPC Gas Rate Schedule Nos. 1 and 2 respectively, shall be effective as of September 12, 1960: *Provided, however,* That within 20 days from the date of the issuance of this order, Adams shall execute and file under Docket No. RI61-70 with the Secretary of the Commission agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A), accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Adams is advised to the contrary within 15 days after the filing of such agreement and undertaking his agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 25, 1960.

By the Commission.[2]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8644; Filed, Sept. 16, 1960; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 292]

PUERTO RICO

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the Commonwealth of Puerto Rico;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Districts (including any areas adjacent to said Districts) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Districts: Guayama, Humacao, and Bayamon (torrential rains, wind, and flood as a result of tropical storm occurring on or about September 6, 1960).

Offices:

Small Business Administration Regional Office, 90 Fairlie Street, NW., Atlanta 3, Ga.

Small Business Administration Branch Office, P.O. Box 9442, 1064 Ponce de Leon Avenue, Santurce, P.R.

2. A temporary field office will be established at Humacao, Puerto Rico, address to be announced locally.

3. Applications for disaster loans under the Authority of this Declaration will not be accepted subsequent to March 31, 1961.

Dated: September 8, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8651; Filed, Sept. 16, 1960; 8:48 a.m.]

[2] Acting Chairman Kline would reject the filing suspended in Docket No. RI61-68.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 14, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36561: *Substituted service—C&NW for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 25), for interested carriers. Rates on property loaded in highway trailers or containers and transported on railroad flat cars between Chicago, Ill., on the one hand, and specified points in Iowa, Minnesota, South Dakota, Wisconsin, and Wyoming, on the other, also between St. Paul, Minn., on the one hand, and Casper, Wyo., and Council Bluffs, Iowa, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Household Goods Carriers' Bureau tariff MF-I.C.C. 91.

FSA No. 36562: *Substituted service—PRR for Fernstrom Storage and Van Co.* Filed by Household Goods Carriers' Bureau, Agent (No. 26), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Kearny, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Household Goods Carriers' Bureau tariff MF-I.C.C. 90.

FSA No. 36563: *Substituted service—IC for Allied Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, Agent (No. 27), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, E. St. Louis, Ill., and Memphis, Tenn., on the one hand, and Birmingham, Ala., Jackson, Miss., and New Orleans, La., on the other, between Chicago and E. St. Louis, Ill., on the one hand, and Memphis, Tenn., on the other, between Chicago, Ill., and

E. St. Louis, Ill., also between Jackson, Miss., and New Orleans, La.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 6 to Household Goods Carriers' Bureau tariffs MF-I.C.C. 90 and 91.

FSA No. 36564: *Insulation material—Corsicana, Tex., to New Orleans, La.* Filed by Southwestern Freight Bureau, Agent (No. B-7895), for interested rail carriers. Rates on mineral wool, rock wool, slag or glass wool, in carloads, as described in the application, from Corsicana, Tex., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 28 to Southwestern Freight Bureau tariff I.C.C. 4342.

FSA No. 36565: *Bituminous coal—N&W Mines to Marietta, Ohio.* Filed by the Norfolk and Western Railway Company (No. 27-B), for itself and The Baltimore and Ohio Railroad Company. Rates on bituminous coal and coal briquets, in carloads, from N&W mines in southeastern Kentucky, southwest Virginia and southern West Virginia, to Marietta, Ohio.

Grounds for relief: Rail-water competition.

Tariff: Supplement 74 to Norfolk and Western Railway Company's tariff I.C.C. 3379-B.

FSA No. 36566: *Soda ash—Texas and Louisiana points to Tennessee points.* Filed by Southwestern Freight Bureau, Agent (No. B-7890), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from Lake Charles and West Lake Charles, La., Corpus Christi and Freeport, Tex., to Memphis, Capleville and Forsythe, Tenn.

Grounds for relief: Market competition.

Tariffs: Supplements 463 and 1 to Southwestern Freight Bureau tariffs I.C.C. 4087 and 4370, respectively.

FSA No. 36567: *T.O.F.C. service between Texas points and official, southwestern, and WTL territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7894), for interested rail carriers. Rates on various commodities moving on class rates loaded in trailers and transported on railroad flat cars between Doud, Hurlwood, and Levelland, Tex., on the one hand, and points in official, southwestern and western trunk line territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 73 to Southwestern Freight Bureau tariff I.C.C. 4335, and 3 other schedules named in the application.

FSA No. 36568: *Bituminous coal—Illinois, Indiana, and western Kentucky to Penn, Ind.* Filed by Illinois Freight Association, Agent (No. 112), for interested rail carriers. Rates on bituminous coal, in carloads, in multiple-car lots, from mines in Illinois, Indiana, and western Kentucky, in groups described in the application to Penn, Ind.

Grounds for relief: Maintain relationships with Indiana intrastate rates.

Tariffs: Supplement 290 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 2, and other schedules named in the application.

FSA No. 36569: *Sugar from California and Washington to Texas points.* Filed by Trans-Continental Freight Bureau, Agent (No. 372), for interested rail carriers. Rates on sugar, beet or cane, dry or liquid, in carloads or tank-car loads, from points in California and Washington, to Fort Worth, Garland, and Great Southwest, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 28 to Trans-Continental Freight Bureau tariff I.C.C. 1628.

FSA No. 36570: *Substituted service—SAL for Central Truck Lines, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 36), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Jacksonville, Fla., on the one hand, and Miami and Tampa, Fla., on the other, on traffic originating at or destined to such points of points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1071.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8655; Filed, Sept. 16, 1960; 8:48 a.m.]

[Notice 380]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 14, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63094. By order of September 12, 1960, The Transfer Board approved the transfer to Artus Trucking Company, Inc., Maspeth, N.Y.; of Permit in No. MC 43734, issued July 29, 1958, to Joseph Artus, doing business as Artus Trucking Co., Maspeth, N.Y.; authorizing the transportation of: paper and paper bags, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia within 250 miles of New York, N.Y. Morris Ehrlich, 26 Court Street, Brooklyn 1, N.Y., for applicants.

No. MC-FC 63282. By order of September 12, 1960, The Transfer Board approved the transfer to Frederick Phillips, doing business as Spotswood Trail Furniture Express, McGaheysville, Va.; of Certificate in No. MC 111402 Sub 6, issued February 2, 1950, to Fawley Motor Lines, Incorporated, Broadway, Va.; authorizing the transportation of: prefabricated houses and parts thereof and new furniture, from McGaheysville, Va., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, North Carolina, South Carolina, Ohio, Tennessee, Michigan, and the District of Columbia, furniture parts, from Lexington, N.C., and Darlington, S.C., to McGaheysville, empty shipping cartons from Brooklyn, N.Y., to McGaheysville, Va., and damaged or rejected shipments of the above-specified commodities, from the above-specified destination points to the respective origin points. Glenn F. Morgan, 925 Whitfield Avenue, Sarasota, Fla., for applicants.

No. MC-FC 63302. By order of September 12, 1960, The Transfer Board approved the transfer to Floyd Teigh, Winner, S. Dak., of Certificate in No. MC 81119, issued July 6, 1955, to Lena B. Wergin, doing business as Wergin Truck Service, Winner, S. Dak., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between Winner, S. Dak., and Mission, S. Dak., serving the intermediate points of Carter and Okreek, S. Dak. William F. Day, Jr., Attorney, Winner, S. Dak., for applicants.

No. MC-FC 63307. By order of September 12, 1960, The Transfer Board approved the transfer to Ward Roadcap, Jr., Inc., Spring Glen, Pa., of Certificates in Nos. MC 112212, MC 112212 Sub 1, and MC 112212, Sub 2, issued March 9, 1955, October 19, 1950 and October 19, 1950, respectively, to Ward Roadcap, Jr., Spring Glen, Pa., authorizing the transportation of: Lumber, from Baltimore, Md., to points in Pa., feed, fertilizer and fertilizer materials from Harrison, N.J., and Baltimore, Md., to Elizabethville, Pa., and points within ten miles of Elizabethville, Pa., flour from Elizabeth, Pa., and points within ten miles of Elizabethville, to New York, N.Y., and Baltimore, Md., fertilizer from Baltimore, Md., to points in Pennsylvania within 20 miles of Hebe, Pa., rock wool from Stanhope, N.J., to Millersburg and Lewisburg, Pa., spray materials and insecticides from Irvington and Newark, N.J., to points in Pennsylvania, empty containers for spray materials and insecticides from the immediate above-specified destination points to the designated origin points, and rock wool from Wharton, N.J., and points within one mile thereof to Millersburg and Lewisburg, Pa. John P. McCord, Attorney, Masonic Building, Pottsville, Pa., for applicants.

No. MC-FC 63416. By order of September 12, 1960, The Transfer Board approved the transfer to Edward F. Clark Trucking Corporation, Bayonne, N.J., of Certificate in No. MC 5728, issued January 25, 1944, to Edward F Clark, doing business as Edward F. Clark, Trucking, Bayonne, N.J., authorizing the transportation of: Petroleum and petroleum products, anti-freeze compounds, dry or liquid cleaning compounds, liquid buffing or polishing compounds, insecticides, liquid or dry paints, in containers, machinery and articles requiring special handling or rigging, household goods, and general commodities with the usual exceptions, from, to, or between, specified points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. Charles A. Rooney, 921 Bergen Avenue, Jersey City, N.J., for applicants.

No. MC-FC 63451. By order of September 12, 1960, The Transfer Board approved the transfer to Ercil Bane, doing business as Ercil Bane Trucking, Cameron, West Virginia, in Certificate No. MC 94600, issued May 17, 1949, to Paul T. Pavlich, doing business as Pavlich Coal, Bellaire, Ohio, authorizing the transportation, over irregular routes, of sand, gravel, slag, cinders, stone, dirt, bituminous road building materials, from Martins Ferry and Bellaire, Ohio, to points in Pennsylvania and West Virginia, from Benwood and Hollidays Cove, West Virginia, to points in Ohio and Pennsylvania within 50 miles of point of origin, and coal, between Bellaire, Ohio, and points in Ohio within ten miles of Bellaire, on the one hand, and, on the other, Wheeling, W. Va., and points in West Virginia within 10 miles of Wheeling. Ronald W. Kasserman, 900 Riley Law Building, Wheeling, W. Va., for applicants.

No. MC-FC 63453. By order of September 12, 1960, The Transfer Board approved the transfer to Transwestern Express, Inc., Blanding, Utah, of Certificate No. MC 98349 Sub 1, issued March 16, 1960, to Joe C. Hunt, doing business as Hunt Truck Line, Blanding, Utah, authorizing the transportation of: general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Salt Lake City, Utah, and Blanding, Utah, and between Blanding, Utah, and Flagstaff, Ariz., serving intermediate points on specified Arizona highways and off-route points within 5 miles of Arizona highway between the Utah-Arizona State line and U.S. Highway 89, as restricted; the substitution of transferee for transferor in No. MC 98349 Sub 3. Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City, Utah, for applicants.

No. MC-FC 63494. By order of September 12, 1960, The Transfer Board approved the transfer to Francis S. Hunnewell, doing business as Hunnewell Motor Lines, East Bridgewater, Mass., of Certificate in No. MC 115760, issued November 15, 1957, to Mignault Trucking Co., Inc., Abington, Mass., authorizing the transportation of: brick, from Bridgewater, and East Bridgewater, Mass., to points in Rhode Island, with no transportation for compensation on return except as otherwise authorized. Joseph A. Kline, Attonery, 185 Devonshire Street, Boston 10, Mass., for applicants.

No. MC-FC 63513. By order of September 12, 1960, The Transfer Board approved the transfer to George Elton Proctor, doing business as Proctor Truck Line, Braymer, Mo., of Certificate No. MC 1607, issued January 6, 1954, to Kenneth Hatfield, doing business as Braymer Truck Line, Braymer, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Ludlow and Kingston, Mo., and Kansas City, Kans., serving the intermediate and off-route points of Polo, Knoxville, Dockery, Braymer and Kansas City, Mo., those within eight miles of Braymer, and those in Wyandotte County, Kans., without restriction, and those within 20 miles of Polo, restricted to livestock; between Polo, Mo., and Kansas City, Kans., serving the intermediate and off-route points of Kansas City, Kingston, Knoxville, Dockery, and Cowgill, Mo., without restriction, and those within 20 miles of Polo, restricted to livestock; and between Ludlow, Mo., and St. Joseph, Mo., serving the intermediate and off-route points of Polo, Kingston, Dockery, Knoxville, and Braymer, Mo., and those within eight miles of Braymer; and household goods, between Polo, Mo., and points within 20 miles of Polo, on the one hand, and, on the other, points in Iowa and Kansas.

No. MC-FC 63528. By order of September 12, 1960, The Transfer Board approved the transfer to Ace Van Lines, Inc., of South Bend, Ind., of Certificate No. MC 2043 issued November 27, 1956, to George A. Cortier, doing business as Ace Van Lines, of South Bend, Ind., authorizing the transportation of: household goods over irregular routes, between points in Elkhart and St. Joseph Counties, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Ohio, and Pennsylvania, and between points in Kosciusko, Lagrange, La Porte, Marshall, Noble, Porter, and Starke Counties, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, and those in that part of West Virginia on and north of a line beginning at the Pennsylvania-West Virginia State line and extending through Bellton and St. Joseph, W. Va., to the Ohio River; and meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses, from Hammond and South Bend, Ind., to Porter, St. Joseph, Elkhart, LaGrange, Noble, Kosciusko, Fulton, Pulaski, Starke, Marshall, and La Porte Counties, Ind., and Berrien, Cass, St. Joseph, Branch, Calhoun, Kalamazoo and Van Buren Counties, Mich. William L. Carney, 105 East Jennings Avenue, South Bend, Ind., for applicants.

No. MC-FC 63539. By order of September 12, 1960, The Transfer Board approved the transfer to Lars Fadness and David Fadness, a partnership, doing business as Lars Fadness and Son, Ruthton, Minn., of Certificate No. MC 106422 issued October 30, 1946, to Lars Fadness, Ruthton, Minn., authorizing the transportation over irregular routes of emigrant movables, between Ruthton, Minn., and points within 15 miles of Ruthton, on the one hand, and, on the other, points in Iowa and South Dakota; livestock and grain, between Ruthton, Minn., and points within 15 miles of Ruthton, on the one hand, and, on the other, Sioux City, Iowa, and Sioux Falls, S. Dak.; and animal and poultry feed, seed agricultural machinery and implements and agricultural machinery parts, from Sioux City, Iowa, and Sioux Falls, S. Dak., to Ruthton, Minn., and points within 15 miles of Ruthton. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 63542. By order of September 12, 1960, The Transfer Board approved the transfer to Jerry Lipps, Inc., Cape Girardeau, Mo., in Certificate No. MC 116651, issued November 7, 1960, to Jerry Lipps Truck Service, a corporation, Cape Girardeau, Mo., authorizing the transportation, over irregular routes, of pottery, from Jackson, Mo., to points in Alabama, Florida, Georgia, Iowa, and Minnesota. A. A. Marshall, I.C.C. Practitioner, 305 Buder Building, St. Louis 1, Mo., for applicants.

No. MC-FC 63546. By order of September 12, 1960, The Transfer Board approved the transfer to Paper Carriers Corp., West Orange, N.J., of a portion of Certificate No. MC 25894 issued April 12, 1960, to Continental Bulk Service, Inc., Newark, N.J., authorizing the transportation over irregular routes of paper, paper products, waste paper, empty skids, empty carboys and cylinders, and machinery, machine parts and equipment used in the manufacture and distribution of paper and paper products, between New York, N.Y., and points in Bergen, Essex, Hudson, Passaic and Union Counties, N.J., on the one hand, and, on the other, Lee, Mass., Cohoes, N.Y., points in Connecticut, those in specified parts of Massachusetts, New York, and Pennsylvania; and between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and scrap tin cans, from New York, N.Y., to Edge Moor, Del. Bowes & Millner, 1060 Broad Street, Newark, N.J., for applicants.

No. MC-FC 63555. By order of September 12, 1960, The Transfer Board approved the transfer to E. V. Fitch, Jr., Scranton, Pa., of Certificates Nos. MC 52776 and MC 52776 Sub 2 issued November 8, 1943 and August 8, 1951, respectively to Transcoal, Inc., Scranton, Pa., authorizing the transportation of coal, over irregular routes, from points in Lackawanna and Luzerne Counties, Pa., to points in Nassau County, N.Y., and that part of New York on and east of New York Highway 14, on and west of U.S. Highway 9, and on and south of New York Highway 12 from Lake Ontario to junction with New York Highway 8, thence over New York Highway 8 to junction with U.S. Highway 9, except

New York City; cullet, in bulk, over irregular routes, from Jersey City, N.J., and points in Pennsylvania to Elmira, N.Y.; and scrap iron, steel, and copper in bulk, over irregular routes, from Dickson City, Pa., to Roebling, Perth Amboy, and Mahwah, N.J. Matthew D. Mackie, 1014 Northeastern National Bank Building, Scranton, Pa., for applicants.

No. MC-FC 63563. By order of September 12, 1960, The Transfer Board approved the transfer to Halfway Garage & Stages, Inc., Halfway, Oregon, of Certificate No. MC 52322 issued February 24, 1960, to M. Cooper, doing business as Halfway Garage & Stages, Halfway, Oregon, authorizing the transportation of general commodities, excluding household goods and various specified commodities, over regular routes between Baker, Oreg., and Halfway, Oreg., serving the intermediate point of Richland, Oreg.; between Brownlee, Oreg., and Cornucopia, Oreg., serving the intermediate point of Halfway, Oreg., and the off-route point of Homestead, Oreg.; and between Brownlee, Oreg., and the Hells Canyon Dam Site (near Homestead, Oreg.), serving all intermediate points, and the off-route points within five miles each of the Brownlee Dam Site, the Ox Bow Dam Site, and the Hells Canyon Dam Site; and wool, livestock, and mining machinery and supplies, between points in Baker County, Oreg., on the one hand, and, on the other, Baker, Oreg. M. Cooper, DBA Halfway Garage & Stages, Halfway, Oreg., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8656; Filed, Sept. 16, 1960; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 15, 1960

H.J. Res. 402 ..... Public Law 86-794
Joint Resolution granting the consent and approval of Congress for the States of Virginia and Maryland and the District of Columbia to enter into a compact related to the regulation of mass transit in the Washington, District of Columbia metropolitan area, and for other purposes.

H.J. Res. 723 ..... Public Law 86-796
Joint Resolution extending an invitation to the Federation Aeronautique Internationale to hold the 1962 world sport parachuting championships at Orange, Massachusetts.

H.R. 2565 ..... Public Law 86-797
An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations.

H.R. 10341 ..... Public Law 86-798
An Act to amend the Public Health Service Act to authorize grants-in-aid to universities, hospitals, laboratories, and other public or nonprofit institutions to strengthen their programs of research and research training in sciences related to health.

H.R. 12659 ..... Public Law 86-795
An Act to suspend for a temporary period the import duty on heptanoic acid, and for other purposes.

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Washington, Tuesday, September 20, 1960

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3371

NATIONAL FOREST PRODUCTS WEEK, 1960

By the President of the United States of America

A Proclamation

WHEREAS the bounty of our forest and timber lands provides our people with a source of strength and pride; and

WHEREAS as a major renewable resource, supported by the science of modern forestry, wood offers the availability and abundance to satisfy the Nation's ever growing needs for many products—lumber, paper, building materials, chemicals, furniture, and cloth—all dedicated to improving the lives of our people; and

WHEREAS the Congress, in order to reemphasize the importance of our forest resources, has by a joint resolution approved September 13, 1960, designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue annually a proclamation calling for the observance of that week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 16, 1960, as National Forest Products Week, with activities and ceremonies designed to focus attention on the importance of our forests and forest products to the Nation's economy and welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington, this fifteenth day of September in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-8794; Filed, Sept. 19, 1960; 10:05 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (a) of § 6.105 as set out below.

§ 6.105 **Department of the Army.**

(a) *General.* • • •

(7) Trainee student medical technologist (intern) positions at the Rodriquez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed one year in any individual case; provided, that such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8709; Filed, Sept. 19, 1960; 8:46 a.m.]

PART 29—RETIREMENT

Miscellaneous Amendments

1. As a result of the enactment of Public Law 86-713, approved September 6, 1960, § 29.6 (c) and (f), the heading and paragraphs (a), (b) and (c) of § 29.7, and § 29.18 (c) and (d) are amended, and a new paragraph (a) is added to § 29.17, the heading is amended, and present paragraphs (a) through (d) are redesignated paragraphs (b) through (e). As revised, these sections will read in part as follows:

§ 29.6 **Disability retirement.**

• • • • • •

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek an available position. In no case shall the annuity be paid for any period beyond one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued from the date of such reemployment.

• • • • • •

(f) Annuity shall be discontinued at the end of one year after a determination that the income of the annuitant, from wages and self-employment, has in each of two succeeding calendar years equaled at least 80 percent of the current rate of compensation of the position from which he retired. In making such determination, income received before retirement, or for any calendar year before 1956, shall not be considered. If the annuitant is reemployed in the Government service within the one year, the annuity shall be discontinued from the date of such reemployment. If the annuitant had actual income as described herein, and the Commission's inability to make such determination timely was caused by the annuitant's failure to file report of income or by his filing a false, inaccurate, or incomplete report, the annuity shall be discontinued at the expiration of one year after the two-year period.

§ 29.7 **Effective dates of annuities.**

(a) An annuity payable from the civil-service retirement and disability fund allowed on or after September 6, 1960, shall commence:

(1) The day after (i) separation, or (ii) salary ceases and the employee meets the disability and service requirements, in case of disability retirement.

(2) The day after (i) separation, or (ii) salary ceases and the employee meets the age and service requirements, in case of age retirement, optional retirement, or immediate retirement based on involuntary separation.

(3) The day after attainment of the specified age, in case of deferred retirement.

(4) The day after (i) death of the employee or annuitant, (ii) attainment of age 50 where annuity is so deferred, or (iii) claim is received in the Commission where annuity is authorized by section 2 of Public Law 85-465, in case of a qualified survivor.

(b) (1) Except as provided in § 29.6, an employee's annuity shall terminate on the day of death or from the date of any other terminating event in each case where, on or after September 6, 1960, (i) Commission action to terminate the annuity is taken, or (ii) survivor annuity is allowed commencing the day after the retired employee's death.

(2) A survivor's annuity shall terminate the end of the month preceding death or the occurrence of any other terminating event in each case where Commission action to terminate the annuity is taken on or after September 6, 1960.

(c) Annuity shall accrue on a daily basis, one-thirtieth of the monthly rate constituting the daily rate, with no accrual for the 31st day of any month and with the last day of a 28-day month constituting 3 days (or the last day of a 29-day month 2 days) for accrual purposes.

§ 29.17 **Automatic separation; exemption.**

(a) When an employee meets the requirements for age retirement on any day within a month, he will be subject to automatic separation at the end of that month. The head of the employing agency must notify each such employee regarding the fact of separation at least 60 days in advance thereof; should the agency head fail, through error, to give timely notification, the employee may not be separated without his consent until the end of the month in which such 60-day notice expires.

(b) When a department or agency wishes to secure an exemption from automatic separation for one of its employees, other than a Presidential appointee, the head of such department or agency shall submit recommendation to that effect to the Commission.

(c) Such recommendation shall contain (1) a statement that the employee is willing to remain in service, (2) a recital of facts tending to establish that his retention would be in the public interest, (3) the period for which the exemption is desired, which period may not exceed one year, and (4) the reasons why the simpler method of retiring the employee and immediately reemploying him is not being used.

(d) Such recommendation shall be accompanied by a medical certificate showing the employee's physical fitness to perform his work.

(e) No exemption will be approved by the Commission after the automatic separation date applicable to the employee. For this reason, the recommendation should be forwarded to the Commission at least thirty days in advance of such separation date.

§ 29.18 **Reemployment of annuitants.**

• • • • • •

(c) This paragraph shall apply to each annuitant (1) who retired for disability and is found before reaching age 60 to be recovered or restored to earning capacity, or (2) whose annuity is based on involuntary separation for reasons other than age or misconduct or delinquency. If such annuitant becomes employed on or after October 1, 1956, in an appointive or elective position wherein he is not excluded from retirement coverage by statute or by § 29.2, (i) retirement deductions shall be made from his salary, (ii) his future annuity rights shall be determined under the law in effect at the date of his subsequent separation, and (iii), if Commission action to determine his annuity was not taken before September 6, 1960, his annuity shall be terminated from the date of such employment. If such annuitant becomes employed on or after October 1, 1956, in an appointive or elective position wherein he is excluded from retirement coverage by statute or by § 29.2, (*a*) no retirement deductions shall be made from his salary, and (*b*), if Commission action to suspend his annuity was not taken before September 6, 1960, his annuity shall be suspended from the date of such employment to the day on which his subsequent separation occurs, except that if an annuitant whose annuity is based on such involuntary separation becomes employed on or after November 15, 1958, (*1*) his annuity shall continue, (2) no retirement deductions shall be made from his salary, and (3) there shall be deducted from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment.

(d) This paragraph shall apply to each annuitant who is not described in the first sentence of paragraph (c) of this section. If such annuitant becomes employed on or after October 1, 1956, in an appointive or elective position, (1) his annuity shall continue, (2) no retirement deductions shall be made from his salary, and (3) there shall be deducted from his salary, except for lump-sum leave purposes, an amount equal to the annuity allocable to the period of actual employment. If such annuitant who becomes employed on or after October 1, 1956, or who was serving on July 31, 1956, serves continuously for at least one year in full-time employment not excluded from coverage by section 2(b) of the Civil Service Retirement Act, he shall, upon termination of such employment by separation for more than three calendar days or by conversion to other than full-time status, receive a supplemental annuity. Such supplemental annuity (i) shall be computed under the formula provided by the law in effect at the date of termination of employment, (ii) shall be based on all periods of full-time employment performed after his retirement, with such periods considered as part of his total service, and (iii) shall be based on the average basic salary (before annuity deduction) received during such periods of full-time employment. If the annuitant serves continuously for at least five years in full-time employment not excluded from coverage by section 2(b) of the Retirement Act, and his separation therefrom occurs after July 11, 1960, he may make deposit in the retirement fund covering such employment and elect, in lieu of the supplemental annuity described herein, to have retirement rights redetermined under the law in effect at separation date. The supplemental or redetermined annuity allowed on or after September 6, 1960, shall commence the day after (*a*) separation from such employment, or (*b*) salary ceases and the anunitant meets the service requirements. Employment shall be considered continuous unless interrupted by a separation from service exceeding three calender days, but credit will not be allowed for any period of separation or nonpay status which exceeds three calendar days.

2. Paragraph (c)(3) of § 29.16 is amended as set out below.

§ 29.16 **Appeals.**

• • • • • •

(c) • • •

(3) In case of a disability annuitant who is found upon medical examination to have recovered, or is determined to have been restored to earning capacity, the time allowed for filing an appeal shall be not later than 90 days from the date of final notice of proposed discontinuance of annuity.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8721; Filed, Sept. 19, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 330—FEDERAL PLANT PEST REGULATIONS

Emergency Measures; Seals

On July 26, 1960, notice of proposed amendments of the Federal Plant Pest Regulations (Part 330, Chapter III, Title 7 of the Code of Federal Regulations) was published in the FEDERAL REGISTER (25 F.R. 7076). After due consideration of all relevant matters presented and pursuant to sections 105 and 106 of the Federal Plant Pest Act of 1957 (7 U.S.C. 150dd, 150ee), the said Part 330 is hereby amended in the following respects:

§ 330.106 **[Amendment]**

1. Section 330.106, relating to emergency measures, is amended by adding a new paragraph (d) to read as follows:

(d) *Khapra beetle infestations of means of conveyance, or cargo or stores thereof; other infestations.* As a means of preventing the dissemination into the United States, or interstate, of the khapra beetle (Trogoderma granarium Everts), the following procedures will be applicable when that insect is found, or there is reason to believe it is present, in a means of conveyance within paragraph (a) of this section, or in any cargo or stores in such a means of conveyance, or in any cargo or stores unloaded or landed, or being unloaded or landed, in the United States therefrom. These procedures will also apply with respect to other plant pests when the inspector finds they are necessary and sufficient to prevent the spread of such pests.

(1) *Infestation in storerooms and similar compartments of means of conveyance (except aircraft).* (i) When infestation is found only in stores or storerooms, galleys, pantries, or similar noncargo compartments of a means of conveyance, except aircraft, the inspector shall prescribe and supervise the application of such remedial measures as, in his opinion, will be effective under conditions that will not spread the infestation to other parts of the means of conveyance, or to adjacent piers or other installations. If, in the opinion of the inspector, fumigation is the only available safeguard to eliminate the infestation, he shall order the owner to arrange for immediate fumigation of the infested stores and portions of the means of conveyance.

(ii) If the means of conveyance is to leave the territorial limits of the United States directly for a port in another country within 24 hours of such order, the inspector may suspend compliance with the fumigation requirement pending departure from the United States. Pending fumigation or departure, the inspector may seal the openings of infested compartments, packages, or articles, if in his opinion the action is necessary to prevent plant pest dissemination while the means of conveyance remains in the territorial limits of the United States, as authorized in § 330.110. The inspector may extend the 24-hour period to 48 hours, if, in his judgment, such extension is warranted by plans of the owner to remove the means of conveyance from the territorial limits of the United States within the extended period, the inability of the contractor to begin fumigation within the 24-hour period, or other reason deemed valid by the inspector. Further extension shall be given only under authority of the Director. Pending compliance with the requirement of fumigation, or the departure from the territorial limits of the United States directly for a port in another country, no stores, laundry, furnishings or equipment, or other articles or products whether in cargo or stores, shall be unloaded from the means of conveyance except as authorized by the inspector and under conditions prescribed by him. The owner of an infested means of conveyance under notice for fumigation which leaves the territorial limits of the United States without fumigation should arrange for the eradication of the infestation before returning to the same or another port in the United States. Upon return to a port in the United States and unless the infestation has been eliminated to the satisfaction of the inspector, the means of conveyance shall be subject to fumigation immediately upon arrival in the United States. Unloading or landing of any product or article shall not be permitted pending compliance with the fumigation requirement, except as authorized by the inspector and under conditions prescribed by him.

(iii) If the means of conveyance is to remain at the port where the infestation was found or is to be moved to another port in the United States, the inspector shall prescribe and supervise the application of the remedial measures at the port where the infestation is found, as provided in this paragraph, or he may authorize the means of conveyance to be moved to another port for fumigation or the application of other remedial measures under safeguards prescribed by him.

(iv) In all instances where the inspector prescribed procedures concerned with the application of remedial measures which involve (*a*) withholding permission to discharge articles or products; (*b*) permission to discharge after such

permission has been withheld; (c) discontinuance of discharging; or (d) resumption of discharging after it has been discontinued, the appropriate Customs officer shall be immediately notified in writing. The inspector shall also inform the Customs officers at the port where the infestation is found and at such other ports as may be necessary of the requirement for fumigation and/or permission to move coastwise to another U.S. port for fumigation or other remedial measures.

(2) *Infestation in cargo compartments of means of conveyance (except aircraft).* When infestation is found in cargo compartments or in cargo of a means of conveyance, except aircraft, the inspector shall prescribe and supervise the application of such remedial measures as, in his opinion are necessary, with respect to the cargo and the portions of the means of conveyance which contain or contained or were contaminated by the infested cargo. If in the opinion of the inspector fumigation is the only available safeguard to eliminate the infestation, he shall order the owner to arrange for immediate fumigation of the infested portions of such means of conveyance and cargo. However, if such cargo compartments cannot be fumigated without fumigating the entire means of conveyance, the inspector may order the entire means of conveyance and cargo to be fumigated. The inspector shall notify the owner of the means of conveyance of such requirement and the owner shall arrange for immediate fumigation. Discharge of cargo shall be discontinued unless the inspector allows it to continue under safeguards to be prescribed by him. The provisions applicable to stores and storerooms in subparagraph (1) (ii) and (iii) of this paragraph shall apply to cargo and cargo areas of such means of conveyance. Customs officers shall be informed as required in subparagraph (1) (iv) of this paragraph.

(3) *Infestation in an aircraft.* If infestation is found in an aircraft, the inspector may apply seals as provided in § 330.110, and he may require such temporary safeguards as he deems necessary, including the discontinuance of further unloading or landing of any products or articles except as authorized by him. Upon finding such infestation in an aircraft the inspector shall promptly notify the Division of all circumstances and the temporary safeguards employed, and the Division will specify the measures for eliminating the infestation which will not be deleterious to the aircraft or its operating components. Any insecticidal application required shall be approved by the Director for use in aircraft. If the aircraft is to depart from the territorial limits of the United States within 24 hours after the infestation is found, the inspector shall permit such departure in lieu of the application of other measures and shall prior to departure break any seals that would prevent access to the aircraft or safe operation thereof. Other seals shall remain intact at time of departure and shall be broken by the aircraft commander or a crew member upon his order only after the aircraft is beyond the territorial limits of the United States. Extension of the 24-hour period shall be given only under authority of the Director. The owner of the aircraft under notice of khapra beetle infestation which leaves the territorial limits of the United States before the infestation has been eradicated should arrange for eradication before returning the aircraft to the United States. Upon return to the United States, if the infestation is not eliminated to the satisfaction of the inspector, the aircraft shall be subject to the same disinfestation requirements and other safeguards immediately upon arrival in the United States. Customs officers shall be notified as required in subparagraph (1) (iv) of this paragraph.

(4) *Precautions.* The owner of a means of conveyance required to be fumigated pursuant to this section shall arrange with a competent operator to apply the fumigant under the supervision of the inspector. The owner shall understand that if certain fumigants are used they may result in residues in or on foodstuffs which may render them unsafe for use as food items. He is hereby warned against such use unless he ascertains that the fumigated foodstuffs are fit for human consumption. It should also be understood by the owner that emergency measures prescribed by the inspector to safeguard against dissemination of infestation may have adverse effects on certain products and articles, and that the acceptance of fumigation as a requirement is an alternative to the immediate removal of the infested means of conveyance and any products and articles thereon, from the territorial limits of the United States. Products or articles in a means of conveyance, or compartments thereof, which may be exposed to methyl bromide or other remedial measures and may be adversely affected thereby, may be removed from the means of conveyance or compartments thereof prior to the application of the remedial measures if in the opinion of the inspector this can be done without danger of plant pest dissemination and under conditions authorized by him, for additional inspection and/or application of effective remedial measures.

2. Section 330.106 is further amended by inserting in the first sentence of paragraph (a), after the phrase "discloses a plant pest", the following: ", or provides a reason to believe such a pest is present".

3. A new § 330.110 is added to read as follows:

§ 330.110 Seals.

(a) *Use authorized; form.* Whenever, in the opinion of the inspector, it is necessary, as a safeguard in order to prevent the dissemination of plant pests into the United States, or interstate, seals may be applied to openings, packages, or articles requiring the security provided by such seals. The words "openings, packages, or articles" shall include any form of container, shelf, bin, compartment, or other opening, package, or article which the inspector may have occasion to seal in lieu of more drastic action or otherwise, as a safeguard against plant pest dissemination. The seals may be automatic metal seals or labels or tags and will be provided by the Division. When they consist of a label or tag, they will be printed in black ink on yellow paper and read substantially as follows: "Warning! The opening, package, or article to which this seal is affixed is sealed under authority of law. This seal is not to be broken while within the territorial limits of the United States except by, or under instructions of, an inspector."

(b) *Breaking of seals.* Seals may be broken: (1) By an inspector; (2) by a Customs officer for Customs purposes, in which case the opening, package, or article will be resealed with Customs seals; (3) by the owner or his agent when the means of conveyance, product, or article has left the territorial limits of the United States; (4) by any person authorized by the inspector or the Director under conditions specified by the inspector or Director. No person shall break seals applied under authority of this section except as provided in this paragraph. The movement into or through the United States, or interstate, of any means of conveyance or product or article on which a seal, applied under this paragraph, has been broken in violation of this paragraph is hereby prohibited, except as authorized by an inspector.

(c) *Notice of sealing.* When an inspector seals any opening, product or article, he shall explain the purpose of such action to the owner or his representative and shall present him with a written notice of the conditions under which the seal may be broken, if requested to do so.

4. For purposes of identification, in § 330.106, headings are hereby inserted before paragraphs (a), (b), and (c), respectively, as follows: "(a) *Procedures to prevent pest dissemination.*"; "(b) *Orders for Remedial measures.*"; and "(c) *Failure to apply remedial measures.*"

(Secs. 105, 106, 71 Stat. 32, 33; 7 U.S.C. 150dd, 150ee)

These amendments shall become effective October 20, 1960.

The amendments to § 330.106 specify the nature of the emergency action that may be taken when carriers are found or are reasonably believed upon arrival to contain khapra beetle or other plant pests in the non-cargo or cargo areas of the carrier or in the stores or cargo. Such infestations have been discovered in increasing numbers in the past year. Heretofore, emergency action has been on an individual basis as the location and circumstances of the infestation required. These amendments publicize procedures that are adequate to meet any situation that may be encountered.

The amendments relate principally to the holding and fumigation of infested vessels, cargo, or stores; the administration of other remedial measures; the removal of the infested products or vessel from United States territory; and the discharge of cargo in accordance with safeguards that will prevent the spread of khapra beetle and other plant pests.

There is also included a new § 330.110 in the regulations specifying directions for the use of seals to prevent the unloading of cargo or ships' stores infested or suspected of being contaminated with plant pests and for other safeguard measures.

For purposes of identification, paragraph titles have been provided for existing §§ 330.106 (a), (b), and (c).

Done at Washington, D.C., this 14th day of September 1960.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-8737; Filed, Sept. 19, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 863, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.970 (Lemon Regulation 863; 25 F.R. 8739) are hereby amended to read as follows:

(ii) District 2: 255,750 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8711; Filed, Sept. 19, 1960; 8:47 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee for 1960–61 Crop Year and Rate of Assessment for Such Crop Year

Correction

In F.R. Doc. 60-8537 appearing at page 8808, of the issue for Wednesday, September 14, 1960, the following change should be made: In § 993.311(b) insert the words "and this part" after "(Marketing Agreement No. 110)".

PART 1030—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Determination Relative to Expenses and Fixing of Rate of Assessment for Initial (1960–61) Fiscal Period

Pursuant to the marketing agreement and Order No. 130 (7 CFR Part 1030; 25 F.R. 6914), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1030.201 Expenses and rate of assessment for the initial (1960–61) fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning July 21, 1960, and ending May 31, 1961, will amount to $2,150.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles prunes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-half cent ($0.0050) per one-half bushel of prunes so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh prunes are now being made; (2) the rate of assessment is applicable to all prunes shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles prunes; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8713; Filed, Sept. 19, 1960; 8:47 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

Subpart—1961

The protection and conservation of the soil and water resources of farm and ranch lands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers and ranchers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Progam is a means of making this Federal cost-sharing available to farmers and ranchers.

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AUTHORITY: §§ 1105.1000 to 1105.1080 issued under sec. 4, 49 Stat. 164, secs. 7 to 17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g–590q.

INTRODUCTION

§ 1105.1000 Introduction.

(a) The U.S. Department of Agriculture offers every farmer and rancher in the State of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1961 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1961 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.1001 General program principles.

The 1961 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in Hawaii.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1961 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices, except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in the program are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the Public Treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their lifespans. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal lifespan unless the practice has failed to serve for its normal lifespan due to conditions beyond the control of the farm or ranch operator.

DEFINITIONS

§ 1105.1002 Definitions.

For the purposes of the 1961 program:

(a) "Secretary" means the Secretary of the U.S. Department of Agriculture or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the State of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity (and, wherever applicable, the State of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means (1) all adjoining or nearby and easily accessible farm, wood, or rangeland under the same ownership which is operated by one person, and (2) all additional farm, wood, or rangeland under different ownership operated by such person which the State Office determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past 2 years has been operated by such person and will be so operated during the current year, or has been operated by such person for 1 year with proof satisfactory to the State Office that it will be operated by such person for at least 2 more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm or ranch shall remain a part of such farm or ranch when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or ranch or part of another farm or ranch under this definition. Land which is properly constituted as a farm or ranch shall not be reconstituted when a change of farm or ranch operators is the only basis for such action.

(g) "Cropland" means land which the State Office determines (1) was tilled in at least 1 of the 5 calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the 5 calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this definition.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, State Department of Agriculture and Conservation.

ALLOCATION OF FUNDS

§ 1105.1003 Allocation of funds.

The amount of funds available for conservation practices under this program is $183,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.1018. The State Office will allocate the funds available for conservation practices among the counties consistent with the needs for enduring conservation in the various counties and will give particular consideration to the furtherance of watershed programs sponsored by local people and organizations. The proportion of this fund initially allocated to any county for the 1961 program shall not be reduced from the distribution of such fund for the 1959 program year.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.1004 Agencies participating in development of State program.

This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers and ranchers, as well as Government agency representatives from the Extension Service, Farmers Home Administration, Soil Conservation Service, Department of Agriculture and Conservation, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.1005 Method and extent of approval.

The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1961. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1105.1006 Selection of practices.

(a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

(b) Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment

of each acre in accordance with its needs for protection and improvement.

§ 1105.1007 Pooling agreements.

Farmers or ranchers in any local area may agree in writing, with the approval of the State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms or ranches of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.1008 Prior request for cost-sharing.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started. For practices for which (a) approval was given under the 1960 Agricultural Conservation Program, (b) performance was started but not completed during the 1960 program year, and (c) the State Office believes the extension of the approval to the 1961 program is justified under the 1961 program regulations and provisions, the filing of the request for cost-sharing under the 1960 program may be regarded as meeting the requirement of the 1961 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.1009 Program year and technical aid.

(a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period August 1, 1960, through December 31, 1961, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch. The specifications and rates of cost-sharing for practices approved under another program and transferred to the 1961 program shall be the specifications and rates of cost-sharing for those practices under the program under which they were approved.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.1046, 1105.1050 to 1105.1052, 1105.1060 to 1105.1071, 1105.1074, and 1105.1076 to 1105.1079 (practices A–8, B–5 to B–7, C–4 to C–15, E–2, and F–2A to F–2D). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance for all requirements of the practice except those for which a certification by the farmer is to be accepted in accordance with instructions issued by the Administrator, ACPS. For the practice contained in § 1105.1057 (practice C–1), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.1053 and 1105.1059 (practices B–8 and C–3), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agency in carrying out its assigned responsibilities for the practice contained in § 1105.1046 (practice A–8).

(c) The Forest Service (Forestry Division, State Department of Agriculture and Conservation) is responsible for the technical phases of the practices contained in §§ 1105.1045 and 1105.1055 (practices A–7 and B–10). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.1010 Practice specifications and approval.

(a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service State Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, in phosphate rock, or in basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.1041, 1105.1042, 1105.1045, 1105.1046, 1105.1048, 1105.1057, 1105.1058, and 1105.1072 (practices A–1, A–2, A–7, A–8, B–1, C–1, C–2, and D–2) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out.

(e) Notwithstanding other provisions of the 1961 program, costs may be shared for performance actually rendered even though the minimum requirements for a practice are not met, if the farmer or rancher establishes to the satisfaction of the State Office and representatives of any other agency having responsibility for technical phases of the practice (1) that he made every reasonable effort to meet the minimum requirement, and (2) that the practice as performed adequately meets the conservation problem.

§ 1105.1011 Completion of practices.

Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.1012 and 1105.1013, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.1012 Practices substantially completed during program year.

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1961 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1105.1013.

§ 1105.1013 Practices requiring more than one program year for completion.

Cost-shares approved under the 1961 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the State Office which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1961 program year, the practice may be considered for reapproval under the 1962 program.

§ 1105.1014 Initial establishment or installation of practices.

Under the initial establishment principle as it applies to the 1961 program, Federal cost-sharing may be authorized for the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. Federal cost-sharing may also be authorized for replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal lifespan, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 1105.1015 Repair, upkeep, and maintenance of practices.

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

FEDERAL COST-SHARES

§ 1105.1016 Conservation materials and services.

(a) *Availability.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the debt record maintained in the State Office, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials and services.

(2) Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer or rancher.* The farmer or rancher will pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service or, upon request by the farmer or rancher and approval by the State Office, the farmer or rancher will pay that part of the cost of the material or service which is in excess of the farmer's or rancher's Federal cost-share for all components of the practice which will likely be completed during the program year. The Federal cost-share increase on the amount of the Federal cost-share so determined may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer or rancher.

(c) *Discharge of responsibility for materials and services.* (1) The person to whom a material or service is furnished under the 1961 program will be relieved of responsibility for the material or service upon determination by the State Office that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

§ 1105.1017 Division of Federal cost-shares.

(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1105.1018 Increase in small Federal cost-shares.

The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$78 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1105.1019 Maximum Federal cost-share limitation.

(a) The total of all Federal cost-shares under the 1961 program to any person with respect to farms or ranching units in Hawaii for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000. The total of all Federal cost-shares under the 1961 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1961 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.1021 Maintenance of practices.

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1961 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal lifespans in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.1022 Practices defeating purposes of programs.

If the State Office finds that any person has adopted or participated in any practice during the 1961 program year which tends to defeat the purposes of the 1961 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1961 program.

§ 1105.1023 Depriving others of Federal cost-share.

If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1961 program.

§ 1105.1024 Filing of false claims.

If the State Office finds that any person has knowingly supplied false information, or has knowingly filed a false claim, including a claim for payment of the Federal cost-share under the 1961 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1961 program and shall refund all amounts that may have been paid to him under the 1961 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.1025 Misuse of purchase orders.

If the State Office finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1961 program and shall refund all amounts that may have been paid to him under the 1961 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.1026 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.1027, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13 of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.1027 Assignments.

Any person who may be entitled to any Federal cost-share under the 1961 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1961, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

§ 1105.1028 Practices carried out with State or Federal aid.

The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1961 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.1029 Compliance with regulatory measures.

Persons who carry out conservation practices for cost-sharing under the 1961 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.1030 Persons eligible to file application.

Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.1031 Time and manner of filing application and required information.

(a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1962.

APPEALS

§ 1105.1033 Appeals.

(a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the State Office, may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal. Such action may be taken only where the farmer or rancher, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the conservation purpose of the practice. The amount of the cost-share in such cases shall be computed on the actual performance and shall not exceed the amount to which the farmer or rancher would have been entitled if the performance rendered had met all requirements for the practice.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.1035 Authority.

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U.S.C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1961.

§ 1105.1036 Availability of funds.

(a) The provisions of the 1961 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1961 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1962.

§ 1105.1037 Applicability.

(a) The provisions of the 1961 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the U.S. Department of the Interior, except as indicated in paragraph (b)(6) of this section; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands, the use of which the State Office determines will probably change within approximately 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the State of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the U.S. Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.1041 Practice A–1: Establishment of permanent vegetative cover in coffee orchards.

Federal cost-sharing will be limited to the establishment of vegetative cover which may be in strips not less than 3 feet wide across the slope in young (less than 5 years old) coffee orchards as a protection against erosion. Receipts, invoices, or other evidence of cost is required. Species planted may include vetch, clover, big trefoil, alfalfa, molasses grass, Rhodes grass, featherfinger grass, or other species approved by the State Office. Needed liming materials must be applied; cost-sharing may be authorized under § 1105.1043 (practice A–4).

Maximum Federal cost-share. (a) 75 percent of the cost of seed, sprigs, or cuttings at the farm, but not in excess of $7.50 per acre of area planted to grasses and legumes.

(b) 60 percent of the average cost at the farm of the minimum needed application of approved commercial fertilizer, including nitrogen (as determined by soil test) for establishment of the vegetative cover, but not in excess of $15 per acre of area treated.

§ 1105.1042 Practice A–2: Initial establishment of permanent pasture grass or grass-legume cover.

This practice is for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes. All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improve pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the planted grass or grass-legume mixture is established within 6 months after clearing, unless the farmer establishes that he was prevented from producing a satisfactory cover within the 6-month period by reasons beyond his control, in which case a longer period may be approved. No area planted shall be grazed until grass and legume-grass mixtures are well established. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. Needed liming materials must be applied; cost-sharing may be authorized under § 1105.1043 (practice A–4).

Maximum Federal cost-share. (a) 50 percent of the cost of seed, sprigs, or stools, but not over $7.50 per acre planted.

(b) 50 percent of the cost at the farm of the minimum needed application of fertilizer (as determined by soil test) for establishing the cover, but not in excess of $10 per acre. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.1043 Practice A–4: Initial treatment of cropland, orchardland, or pasture with liming material.

Purpose of practice is correction of soil acidity and addition of needed cal-

cium to permit best use of legumes and/or grasses for soil improvement and protection. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Cost-shares paid for this practice will not be considered earned unless the land treated is devoted to eligible grass and/or legumes at time of treatment or in 1961 or 1962. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Except as provided in § 1105.1014, cost-sharing may not be authorized for this practice on land on which this practice or another practice involving the application of liming material was carried out in 1957 or a subsequent year, unless a current soil test shows a need for a substantial application of liming material. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the checker at the time of inspection.

Maximum Federal cost-share. (a) 50 percent of the cost of liming material delivered to the farm on an island having locally produced lime available.

(b) 75 percent of the cost of liming material delivered to the farm on an island without locally produced lime available.

§ 1105.1044 Practice A–5: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.

All cultural operations, including row crop planting, must be performed as nearly as practicable on the contour. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such such removal is necessary to the establishment of an effective cross-slope stripcropping system.

Maximum Federal cost-share. (a) $5 per acre established in cross-slope stripcropping during the year.

(b) 50 per cent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.1045 Practice A–7: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.1054 (practice B–9) are employed. Acceptable plant species and spacing are those recommended by the Forestry Division of the State Department of Agriculture and Conservation.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.1046 Practice A–8: Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion.

Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.1054 (practice B–9) are employed. Acceptable plant species are those recommended by the Forestry Division of the State Department of Agriculture and Conservation. The spacing of trees and shrubs shall be in accordance with specifications developed by the Soil Conservation Service.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.1048 Practice B–1: Initial improvement of an established permanent grass or grass-legume cover.

This practice is for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes. All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the planted grass or grass-legume mixture is established within 6 months after land preparation, unless the farmer establishes that he was prevented from producing a satisfactory cover within the 6-month period by reasons beyond his control, in which case a longer period may be approved. No area seeded shall be grazed until grass and legume-grass mixtures are well established. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. Federal cost-sharing may not be approved for normal maintenance measures such as annual topdressings with fertilizer or other mineral elements. This practice is not applicable to land on which the needed improvement measures will constitute complete reestablishment of the vegetative cover. Needed liming materials must be applied; cost-sharing may be authorized under § 1105.1043 (practice A–4). The lifespan of this practice is 4 years.

Maximum Federal cost-share. (a) 50 percent of the cost of seeds, sprigs, or stools, but not over $7.50 per acre planted.

(b) 50 percent of the cost at the farm of the minimum needed application of fertilizer (as determined by soil test) for improving cover, but not in excess of $10 per acre. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.1049 Practice B–3: Initial controlling of competitive shrubs on range or pasture land.

Purpose is to permit growth of adequate grass cover for soil protection by poisoning, rotary-mowing, shredding, clipping, or hand grubbing. Costs will be shared for each treatment, but not in excess of three treatments during the year, done according to accepted practices. Receipts or invoices showing purchase of poisons used or of labor employed in grubbing, clipping, shredding, or mowing will be required by checkers as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as described in University of Hawaii Extension Bulletin 62 and DAC Regulation NW–10 on noxious weeds, available at the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of $1 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of $1.50 per acre per treatment.

(c) 50 percent of the cost of rotary-mowing, shredding, or clipping, but not in excess of $1 per acre per each operation.

§ 1105.1050 Practice B–5: Constructing wells for livestock water.

Purpose is to protect established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management, or to make practicable the utilization of the land for vegetative cover. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by checkers. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells. Cost-sharing will be allowed for water storage facilities under § 1105.1052 (practice B–7). No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of construction, excluding pumping equipment.

§ 1105.1051 Practice B–6: Developing seeps or springs for livestock water.

Purpose is to protect established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management, or to make practicable the utilization of the land for vegetative cover. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by checkers. Adequate storage facilities must be provided. Cost-sharing will be allowed for water storage facilities under provisions of § 1105.1052 (practice B–7). No cost-sharing will be allowed for developing seeps or springs primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of development.

§ 1105.1052 Practice B–7: Constructing or sealing dams, pits, tanks, or ponds for livestock water, including the enlargement of inadequate structures.

The development must contribute to a better distribution of grazing or better pasture management or make practicable the utilization of the land for vegetative cover. This practice is applicable only to livestock enterprises on lands established for grazing. Receipts or invoices showing purchase of material used in construction will be required by checkers as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by the SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.1053 Practice B–8: Installation of pipelines for livestock water.

Purpose is to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover. Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost. High density plastic pipe is acceptable if it complies with "Specifications for plastic irrigation pipelines" available on request at ASC or SCS offices.

Maximum Federal cost-share. 35 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.1054 Practice B–9: Construction of permanent fences.

Purpose is to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources. No cost may be shared for the maintenance or repair of existing fences or for the construction of property boundary fences including road fences. Required fencing of State forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Permanent electric fences of acceptable quality are eligible. Receipts or invoices showing purchase of materials will be required to determine cost. Recommendations for construction of acceptable fences are on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.25 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.1055 Practice B–10: Improvement of a stand of forest trees on farmland.

Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. The practice must be carried out in accordance with technical forestry standards of the Forestry Division, State Department of Agriculture and Conservation. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding property boundary fences and road fences. For recommendations concerning fence building see those issued for § 1105.1054 (practice B–9). Receipts, invoices, or other evidence of cost is required.

Maximum Federal cost-share. 50 percent of the cost of performance.

§ 1105.1057 Practice C–1: Initial establishment of a protective sod lining in waterways to dispose of excess water without causing erosion.

This practice is applicable to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. Sod lining of waterways must be dense enough to prevent soil cutting before cost-sharing may be allowed. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Technical Standards for § 1105.1072 (practice D–2) and § 1105.1042 (practice A–2) on file in the State Office. Soil moving under this practice is eligible for cost-sharing only if it qualifies under § 1105.1061 (practice C–5). Receipts, invoices, or other evidence of cost is required. Needed liming materials must be applied; cost-sharing may be authorized under § 1105.1043 (practice A–4).

Maximum Federal cost-share. (a) $3.50 per 1,000 square feet of surface established to cover by seeding, sodding, or sprigging.

(b) 50 percent of the cost at the farm of the minimum needed application of approved commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover. (Receipts, invoices, or other evidence of cost is required.)

(c) 50 percent of cost of earth moving, but not in excess of $0.40 per cubic yard moved.

§ 1105.1058 Practice C–2: Initial establishment of permanent vegetation as protection against erosion.

Federal cost-sharing will be limited to the establishment of permanent vegetation on gullies, dams, dikes, levees, ditchbanks, farm roadsides, filter strips, and field borders. Slopes of fills and cuts must not exceed natural angle of repose for the soil. Vegetative cover must be dense enough to prevent soil cutting. Detailed recommendations on species, seeding rates, spring spacings, soil preparation, and irrigation are contained in Technical Standards for § 1105.1072 (practice D–2) and § 1105.1042 (practice A–2) on file in the State Office. Soil moving under this practice is eligible for cost-sharing only if it qualifies under § 1105.1061 (practice C–5). Receipts, invoices, or other evidence of cost is required. Needed liming materials must be applied; cost-sharing may be authorized under § 1105.1043 (practice A–4).

Maximum Federal cost-share. (a) 50 percent of the cost of seeding, sodding, or sprigging.

(b) 50 percent of the cost at the farm of the minimum needed application of approved commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover.

§ 1105.1059 Practice C–3: Initial planting of orchards on the contour to help prevent erosion.

This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches. Cultivation at other times for weed control or soil tilth must be on the contour.

Maximum Federal cost-share. $7.50 per acre.

§ 1105.1060 Practice C–4: Constructing terraces to detain or control the flow of runoff water and check soil erosion on sloping farmland.

Cost-sharing will be allowed provided the structures are properly laid out and constructed in accordance with specifications contained in Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour or suitable grade lines. This practice is applicable to average slopes, up to 12 percent for channel terraces, up to 25 percent for ditch terraces, and up to 50 percent for bench terraces. Necessary protective outlets must be provided.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.30 per cubic yard of earth moved in terrain permitting normal operation of tillage equipment.

(b) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in other terrain (rocky, broken, steep, or with exposed substratum).

§ 1105.1061 Practice C–5: Constructing interception ditches and/or outlet channels.

Practice is for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better land management as a means of protecting established vegetative cover, and for irrigation. This practice does not apply to control of infield surface water runoff

on farmland. (See § 1105.1060 (practice C–4).) Channels having an erosive grade must be protected against erosion damage by adequate sod (see § 1105.1057 (practice C–1)) or other lining. Outlets must be protected to discharge water without gullying. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost (including dynamiting), but not in excess of $0.40 per cubic yard of material moved.

(b) 50 percent of the cost of materials and labor for clearing rocks and trees from minimum right-of-way.

§ 1105.1062 Practice C–6: Constructing erosion control dams, pits, or ponds to prevent or heal the gullying of farmland or reduce runoff of water.

Receipts or invoices showing purchase of material will be required as evidence of accomplishment under paragraph (d) of this section. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 75 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) $20 per cubic yard of concrete used.

(c) $13 per cubic yard of rubble masonry used.

(d) 75 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $3 per cubic yard of rock used, for rock or rock-and-brush dams.

§ 1105.1063 Practice C–7: Building structures for the protection of outlets and water channels that dispose of excess water.

Practice includes channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required as evidence of material used. Federal cost-sharing will not be allowed for forms or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of material used.

§ 1105.1064 Practice C–8: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.

This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Technical Standards on file in the State Office. No cost will be shared for maintenance or repair of existing structures. Receipts, invoices, or other evidence of cost is required.

Maximum Federal cost-share. 75 percent of the cost of construction and protective measures.

§ 1105.1065 Practice C–9: Construction or enlargement of permanent open drainage systems.

Purpose is to dispose of excess water on farmland under cultivation or on pastureland. No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of materials and records of labor employed and soil moved will be required as evidence of construction costs. No cost-sharing will be allowed for ditches, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost (including dynamiting), but not in excess of $0.40 per cubic yard of material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of material used, other than concrete and rubble masonry.

(e) 50 percent of the cost of initial clearing of brush and/or trees from the minimum right-of-way.

§ 1105.1066 Practice C–10: Installing underground drainage systems to dispose of excess water.

No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture in the area during at least 2 of the 5 years preceding that in which the practice is applied: *Provided, however,* That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts, invoices, or other evidence of cost is required.

Maximum Federal cost-share. 50 percent of the cost of installing the system.

§ 1105.1067 Practice C–11: Shaping or land grading to permit effective surface drainage.

No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts, invoices, or other evidence of cost is required.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading.

§ 1105.1068 Practice C–12: Reorganizing irrigation systems to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of conveying water to and in the fields) practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-share will be allowed for cleaning a ditch or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator, or for portable pipe. No Federal cost-share will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No costs will be allowed for repairs or replacement of existing structures. Receipts, records or invoices showing purchase of materials or hiring of labor or equipment will be required as evidence of costs. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

(b) 35 percent of the cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(c) $14 per cubic yard of concrete used.

(d) $8.50 per cubic yard of rubble masonry used.

§ 1105.1069 Practice C–13: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.

No Federal cost-sharing will be allowed for floating or restoration of grade. However, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cut of fills is such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Leveling or grading must be carried out in accordance with a plan approved by the responsible SCS technician. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment of

labor and equipment will be required by checkers.

Maximum Federal cost-share. 50 percent of the cost of earth moving, but not over $0.20 per cubic yard of earth moved and not in excess of $60 per acre graded.

§ 1105.1070 Practice C–14: Constructing or sealing dams, pits, tanks, or ponds for irrigation water.

The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, tanks, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Receipts or invoices showing purchase of materials used will be required as evidence of cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealant and installation costs.

§ 1105.1071 Practice C–15: Lining ditches of an existing farm irrigation system to conserve water and prevent erosion.

The work must be carried out in accordance with a plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials used will be required as evidence of installation costs. No cost-sharing will be allowed for lining ditches in an irrigation system if the primary purpose of the ditch lining is to bring additional land under irrigation, or for lining a ditch system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost of approved material used, other than concrete and rubble masonry, including soil sealant and installation costs.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.1072 Practice D–2: Establishment of vegetative cover for temporary protection of farm soil from erosion.

A good stand and growth of leguminous and/or nonleguminous crops must be obtained and left on the land or turned under as green manure. This practice is applicable to all orchardland. Pasturing consistent with good management is permitted but none of the growth may be harvested for hay or seed, except that the State Office now may authorize harvesting for hay, silage, or chopped forage in areas where it is determined serious feed shortage exists due to adverse weather and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. Receipts or invoices showing purchase of seed or records of collecting will be required as evidence of seed used. Receipts, invoices, or other evidence of cost of fertilizer used is required. Detailed recommendations concerning acceptable species, rates of seeding, locations and methods of planting are contained in Technical Standards, available on request at the State Office.

Maximum Federal cost-share. (a) 75 percent of the cost of seeds, sprigs, or stools at the farm, but not in excess of $7.50 per acre of area planted.

(b) 60 percent of the cost of minimum needed application of commercial fertilizer (as determined by soil test), but not in excess of $15 per acre of area fertilized.

§ 1105.1074 Practice E–2: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.

All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Technical Standards on file in the State Office. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of effective contour operations.

Maximum Federal cost-share. (a) $5 per acre established in contour farming during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.1076 Practice F–2(A): Installation of facilities for sprinkler irrigation of permanent pasture.

Purpose is to develop forage resources to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion. Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a written plan approved by the responsible SCS technician. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts, invoices, or other evidence of cost is required.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, sprinklers, and fittings, but not in excess of $100 per acre.

§ 1105.1077 Practice F–2(B): Initial application of organic mulch material.

Applicable to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation. Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by checkers as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or diversion ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of $50 per acre treated with materials secured outside the farm from sources not more than 30 miles distant by most direct highway route.

(b) $2.50 per acre treated with crop residue material produced on the farm (restricted to first time use on any farm).

(c) 50 percent of the cost of acceptable material grown for the purpose on the farm, but not in excess of $50 per acre.

(d) 50 percent of the cost of organic material at the farm, but not in excess of $75 per acre treated with materials secured outside the farm from sources more than 30 miles distant by most direct highway route.

§ 1105.1078 Practice F–2(C): Construction of permanent catchment areas for accumulating water.

The practice is to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover. No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.1079 Practice F–2(D): Construction of vertical drains to dispose of excess water on farmland under cultivation or on pastureland.

No cost will be shared for cleaning or maintaining established vertical drain structures. Receipts or invoices showing purchase of materials and records of labor employed are required as evidence of cost of construction. No cost will be allowed for vertical drains, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

Maximum Federal cost-share. 50 percent of the cost of materials (including dynamite) and labor used in construction, but not over $0.40 per cubic yard of earth material moved.

§ 1105.1080 Practice F–2(E): Restoring volcano damaged farmlands to immediate agricultural use.

This practice is applicable only to active farmlands with production ability

impaired by (a) heavy deposits of volcanic cinders, or (b) fire and/or cinder damaged crops left standing in the fields.

Maximum Federal cost-share. (a) 50 percent of the cost of removing volcanic cinder deposits which are seriously impeding resumption of cultural operations, but not in excess of $100 per acre cleared.

(b) 50 percent of the cost of clearing useless crop residue impeding resumption of cultural operations, but not in excess of (1) $150 per acre cleared if work must be done by hand, or (2) $75 per acre cleared if done by machine.

Done at Washington, D.C., this 14th day of September 1960.

TRUE D. MORSE,
Under Secretary.

[F.R. Doc. 60-8733; Filed, Sept. 19, 1960; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 27—IMPORTED PRODUCTS

Eligibility of Foreign Countries for Importation of Product Into U.S.

Pursuant to the authority conferred by section 306 of the Tariff Act of June 17, 1930 (19 U.S.C. 1306), § 27.2(b) in Part 27 of Title 9, Code of Federal Regulations, as amended, is hereby further amended to read as follows:

§ 27.2 Eligibility of foreign countries for importation of product into the United States.

* * * * *

(b) It has been determined that product from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in Part 94 of this chapter, is eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 to 29 of this subchapter.

Argentina.	Luxembourg.
Australia.	Madagascar.
Austria.	Mexico.
Belgium.	Netherlands.
Brazil.	New Zealand.
Canada.	Nicaragua.
Costa Rica.	Northern Ireland.
Czechoslovakia.	Norway.
Denmark.	Panama.
Dominican Republic.	Paraguay.
England and Wales.	Poland.
Finland.	Scotland.
France.	Spain.
Germany (Federal Republic).	Sweden.
Honduras.	Switzerland.
Iceland.	Uruguay.
Ireland (Erie).	Venezuela.
Italy.	Yugoslavia.

The foregoing amendment removes Cuba from the list of those countries permitted to export meat products to the United States. This action is taken to insure the importation of clean, wholesome meat products. Meat products may be imported into the United States only from those countries found to have a national meat inspection program comparable to the Federal meat inspection program in the United States. Following a recent survey of actual operation practices in Cuba, it was reported to the Meat Inspection Division that the national meat inspection program of Cuba was not being administered at an acceptable level of sanitation to insure that only clean, wholesome meat products would be exported to this country. In order to provide the necessary protection to the consumer in the United States, the proposed amendment should be made effective without delay. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on the amendment would be impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89; 19 F.R. 74, as amended)

The amendment shall become effective on September 23, 1960.

Done at Washington, D.C., this 14th day of September 1960.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 60-8736; Filed, Sept. 19, 1960; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Capsules Crystalline Penicillin G

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.99) are amended as indicated below:

In § 146a.99 *Capsules crystalline penicillin G* * * *, paragraph (a) *Standards of identity* * * * is amended by changing the second sentence to read as follows: "The potency of each capsule is not less than 50,000 units. The moisture content is not more than 1.5 percent unless the person who requests certification has submitted information adequate to prove that his drug is stable for that period of time covered by its expiration date when it has a moisture content of more than 1.5 percent; but in no case shall its moisture content be more than 4.0 percent."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the stability of the crystalline penicillin G capsules affected by this order is assured under the provisions prescribed thereby and since the amendment has been drawn in collaboration with interested members of the affected industry.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 13, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-8720; Filed, Sept. 19, 1960; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER O—RIGHTS OF WAY—ROADS

PART 163—ESTABLISHMENT OF ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

Elimination of 105,000 Acres on Yakima Reservation Known as Goat Rocks Roadless Area, 130,000 Acres on Fort Apache Reservation Known as Mt. Thomas Roadless Area, and 48,000 Acres on Yakima Reservation Known as Mount Adams Wild Area

On page 6362 of the FEDERAL REGISTER of July 7, 1960, there was published a notice of intention to amend §§ 163.1 and 163.2, Title 25 of the Code of Federal Regulations. The purpose of this amendment is to exclude the 105,000 acres on Yakima Reservation known as the Goat Rocks Roadless Area, and the 130,000 acres on the Fort Apache Reservation known as the Mt. Thomas Roadless Area from the list of roadless areas heretofore set forth in § 163.1 of Title 25, CFR; also the 48,000 acres on Yakima Reservation known as the Mount Adams Wild Area is proposed to be excluded from the list of wild areas heretofore set forth in § 163.2 of Title 25, CFR. The Tribes have requested the elimination of these areas to facilitate the economic development of the areas.

Interested persons were given an opportunity to submit their views, data, and arguments concerning the proposed amendment within 30 days from the date of publication of the notice. No written communications pertaining to the proposed amendment were received within the period specified.

The proposed amendment to the regulations is hereby adopted, without change, and is set forth below. This amendment is effective 30 days after publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 13, 1960.

1. Section 163.1 is amended to provide for the elimination of the Mt. Thomas and Goat Rocks areas and to read as follows:

§ 163.1 Definition of roadless areas.

The National Resources Board defines a roadless area as one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country and at least 500,000 acres in non-forested country. Under this definition the Secretary of the Interior ordered that the following be established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Wind River Mountains.	Shoshone	220,000
Mesa Verde	Consolidated Ute	115,000

The boundaries of these areas are indicated in the appendix to this part.[1]

§ 163.2 [Revocation]

2. Section 163.2 is revoked.

3. Section 163.3 is amended to provide for the elimination of the words "wild areas" wherever they appear and to read as follows:

§ 163.3 Roads prohibited.

(a) Within the boundaries of these officially designated roadless areas it will be the policy of the Interior Department to refuse consent to the construction or establishment of any routes passable to motor transportation, including in this restriction highways, roads, truck trails, work roads, and all other types of way constructed to make possible the passage of motor vehicles either for transportation of people or for the hauling of supplies and equipment, unless the requirements of fire protection, commercial use for the Indians' benefit or actual needs of the Indians clearly demand otherwise.

(b) Foot trails and horse trails are not barred. Superintendents of reservations on which roadless areas have been established will be held strictly accountable for seeing that these areas are maintained in a roadless condition. Elimination of any areas or parts of areas from the restriction of this order will be made only upon a written showing of an actual and controlling need.

CROSS REFERENCE: For rights-of-way for highways over Indian lands, see Part 161 of this chapter.

[F.R. Doc. 60-8705; Filed, Sept. 19, 1960; 8:46 a.m.]

[1] The appendix to this part is not codified. It appears, however, at 3 F.R. 709-711, Mar. 22, 1938.

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Adjustment of Claims Under Federal Tort Claims Act To Reflect Increase in Amount Subject to Administrative Settlement; Amendment

In order to reflect the increase in the amount subject to administrative settlement regarding claims under the Federal Tort Claims Act provided by the Act of September 8, 1959 (Public Law 86-238, 73 Stat. 471), 29 CFR 2.8 setting forth the procedure for the handling of such claims is hereby amended by deleting reference contained therein to the amount of $1,000 and substituting in lieu thereof the amount of $2,500. In addition, a minor procedural change is made to permit the presentation of claims to the branch office of the Solicitor, as well as to the regional offices and national office of the Solicitor.

As so amended, 29 CFR 2.8 reads as follows:

§ 2.8 Claims under the Federal Tort Claims Act for loss of or damage to property or for personal injury or death.

Pursuant to 28 U.S.C. 2672, any claim under the Federal Tort Claims Act for loss of or damage to property or on account of personal injury or death, in an amount of $2,500 or less, caused by the negligent or wrongful act or omission of any employee of the Department of Labor while acting within the scope of his office or employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred may be presented in writing to the Solicitor of Labor, United States Department of Labor, Washington 25, D.C., or to any regional or branch office of the Solicitor, by the claimant in his own right or through an attorney at any time within 1 year after such claim has accrued. If the claim is presented through an attorney, such presentation should be accompanied by duly authenticated powers of attorney. Each claim presented should include a sworn detailed statement of the facts and such affidavits, vouchers, bills, and other documents as the claimant deems appropriate for the proper determination of his claim. If, after investigation, the Solicitor determines on the basis of all the evidence that compensation is due the claimant under the Federal Tort Claims Act, the amount so found, together with such reasonable attorney's fees as may be allowed, will be paid by the Secretary of Labor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 7th day of September 1960.

JAMES C. MITCHELL,
Secretary of Labor.

[F.R. Doc. 60-8708; Filed, Sept. 19, 1960; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 205—DUMPING GROUNDS REGULATIONS

Bath Creek, N.C.; Chesapeake Bay, Maryland

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended revoking paragraph (g)(5) governing the operation of the North Carolina State Highway and Public Works Commission bridge at Bath, North Carolina, effective on publication in the FEDERAL REGISTER since the bridge has been replaced by a fixed bridge, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) *Waterways discharging into the Atlantic Ocean between Chesapeake Bay and Charleston.* * * *

(5) [Revoked]

[Regs., September 1, 1960, 285/91 (Bath Creek, N.C.)-ENGCW-O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419), § 205.20 is hereby amended by enlarging the dumping grounds in Chesapeake Bay off Kent Island, Maryland, and revising paragraph (b) (1) and (4) of the regulations to be effective on and after publication in the FEDERAL REGISTER in view of the urgent need for the enlarged area, as follows:

§ 205.20 Chesapeake Bay off Kent Island, Md.

(a) *The dumping grounds.* The waters of Chesapeake Bay within an area west of the north end of Kent Island bounded as follows: Beginning at latitude 38°59'43", longitude 76°21'58"; thence to latitude 39°00'44", longitude 76°21'34"; thence to latitude 39°00'42", longitude 76°21'23"; thence to latitude 39°03'30", longitude 76°20'15"; thence to latitude 39°03'33", longitude 76°19'35"; thence to latitude 38°59'32", longitude 76°21'12"; and thence to the point of beginning.

(b) *The regulations.* (1) Materials shall be dumped only in areas more than 40 feet deep at mean low water, and

only at such places indicated by buoys within the dumping grounds as may be designated by the District Engineer, U.S. Army Engineer District, Baltimore.

• • • • •

(4) Any deposits made above the plane of 40 feet below mean low water shall be leveled to that plane by the contractor or responsible person at his own expense within the time specified by t he District Engineer, and failure to do so shall constitute a violation of this section.

• • • • •

[Regs., September 1, 1960, 285/91-ENGCW-O] (Sec. 4, 33 Stat. 1147; 33 U.S.C. 419)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-8697; Filed, Sept. 19, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2201]

[Montana 022071]

MONTANA

Opening Lands Under Section 24 of Federal Power Act (From Power Site Reserve No. 184 and Power Site Classification No. 301)

1. In DA-143-Montana, the Federal Power Commission determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by entry, location, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

(Power Site Reserve No. 184)

MONTANA PRINCIPAL MERIDIAN

T. 11 S., R. 1 E.,
Sec. 14, lots 2, 3, 6, 7, SW¼NW¼, and SE¼SW¼;
Sec. 15, NE¼NE¼;
Sec. 23, lots 2 and 3;
Sec. 24, lots 3, 4, 7, and 8.
T. 11 S., R. 2 E.,
Sec. 25, lot 1;
Sec. 34, SW¼NW¼;
Sec. 35, lots 1, 3, 5, and 7;
Sec. 36, lots 1 to 12, incl.

Aggregating 860.62 acres.

2. In DA-152-Montana, the Commission made a similar determination, respecting the following-described lands:

(Power Site Classification No. 301)

T. 23 N., R. 22 E.,
Sec. 27, NE¼SW¼ and NW¼SE¼.

Containing 80 acres.

3. All the lands except those in sections 24 and 27, are a part of the Beaverhead National Forest.

4. Subject to any valid existing rights, and the requirements of applicable law, the lands are hereby opened to filing of applications, selections and locations as follows subject to the provisions of section 24 of the Federal Power Act (the national forest lands being opened to such forms of appropriation as may by law be made of national forest lands).

5. Until 10:00 a.m. on March 16, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During this period the State shall also have a preference right to apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (62 Stat. 275; 16 U.S.C. 818), as amended.

6. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs, and shall be subject to the provisions of section 24 of the Federal Power Act:

a. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

b. All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 20, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. The lands have been open to applications and offers under the mineral leasing laws and to location under the United State mining laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 14, 1960.

[F.R. Doc. 60-8706; Filed, Sept. 19, 1960; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 7—LIST OF FORMS, PART II INTERSTATE COMMERCE ACT

Transfers of Rights to Operate as a Motor Carrier

At a session of the Interstate Commerce Commission, Division 4 held at its office in Washington, D.C., on the 9th day of August A.D. 1960.

It appearing, that the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce have been revised by order entered concurrently herewith, and that revision of Form BMC 76 (Revised), used in filing applications under sections 212(b) and 211 of the Interstate Commerce Act, is necessary and desirable for the proper administration of such proceedings:

It is ordered, That applications filed in proceedings under sections 212(b) and 211 of the Interstate Commerce Act shall be in the form of, and contain the information called for in, the application designated Form BF 200 (49 CFR 7.200), which is attached hereto and made a part hereof.[1]

It is further ordered, That 49 CFR Part 7, be, and it is hereby, amended by cancelling § 7.76 and by adding § 7.200 *BF 200*, to read as follows:

§ 7.200 BF 200.

Applications filed in proceedings under sections 212(b) and 211 of the Interstate Commerce Act (1) for transfer or lease of motor common and contract carrier operating rights and (2) for transfer of brokers' licenses or approval of a change in control of a company holding a broker's license.

It is further ordered, That the order of January 5, 1951 (16 F.R. 5061), pertaining to Form BMC 76 (Revised) be, and it is hereby, vacated, and Form BMC 76 (Revised) (49 CFR 7.76) be, and it is hereby, cancelled.

It is further ordered, That this order shall be effective on November 1, 1960.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 4.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-8718; Filed, Sept. 19, 1960; 8:48 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. 32339]

PART 179—TRANSFERS OF OPERATING RIGHTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D.C., on the 9th day of August A.D. 1960.

It appearing that on February 25, 1960, a notice of proposed rule-making was published in the FEDERAL REGISTER (25 F.R. 1639) for the purpose of revising the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, prescribed under section 212

[1] Filed as part of the original document.

(b) of the Interstate Commerce Act (49 CFR 179.1-179.5), as therein set forth, and providing that interested persons could submit written data, views, and arguments in connection therewith on or before May 1, 1960;

It further appearing that written data, views and arguments were submitted by Mr. Jacob Polin of Bala-Cynwyd, Pa., and by Aero Mayflower Transit Company, Inc., of Indianapolis, Ind., questioning the proposed new rules 179.5(a) and 179.5(b), and suggesting certain revisions thereof, including certain procedural changes;

And it further appearing that careful consideration has been accorded to the views and arguments submitted, and they are found to be without merit.

It is ordered, That 49 CFR Part 179 be, and it is hereby amended by deleting in their entirety §§ 179.1 through 179.6 and substituting in lieu thereof §§ 179.1 through 179.7 as set forth below.

It is further ordered, That this order shall be effective on November 1, 1960.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 4.

[SEAL] HAROLD D. McCOY,
Secretary.

Sec.
179.1 Definitions.
179.2 Applications.
179.3 General bases for approval.
179.4 Notice of approval; petitions for reconsideration or oral hearing.
179.5 General bases for disapproval.
179.6 Operations by fiduciaries.
179.7 Orders of court.

AUTHORITY: §§ 179.1 to 179.7, issued under secs. 204, 206, 209, 211 and 212(b), 49 Stat. 546, 551, 552, 554 and 555, as amended; 49 U.S.C. 304, 306, 309, 311 and 312.

§ 179.1 Definitions.

As used in this part the following words and terms are construed to mean:

(a) *Transfer.* All transactions not subject to sections 5[1] and 210a(b) of the Interstate Commerce Act, whether by purchase, lease, or otherwise, whereby an operating right as a motor carrier arising out of the Interstate Commerce Act is acquired by one person from another. No attempted transfer of any operating right shall be effective prior to approval thereof by the Interstate Commerce Commission as provided in this part. The mere execution of a chattel mortgage, deed of trust, or other similar document, does not constitute a transfer within the meaning of this part, and does not require the approval of the Commission, unless it embraces the conduct of the operation by a person other than the holder of the operating right. A foreclosure of a mortgage or deed of trust or other lien upon such operating right, an execution for the purpose of transferring such operating right in satisfaction of any judgment or claim against the holder thereof, or settlement of an estate involving an operating right, shall not be effective as a transfer without compliance with this part. See §§ 179.6 and 179.7.

(b) *Operating right.* The right to operate as a motor carrier in interstate or foreign commerce over a route or routes or within a specified territory, as authorized by a certificate of public convenience and necessity or a permit issued by this Commission under the provisions of the Interstate Commerce Act, or as authorized by those provisions of said act under which a motor carrier may continue operations pending consideration of its application to the Commission for a certificate or permit. This term does not include temporary authority granted under section 210a(a) of the said act, or the statutory authority to operate under the exemption from the certificate requirements of the act contained in the second proviso of section 206(a)(1).[2]

(c) *Duplicating rights.* Operating rights which authorize the transportation of passengers, or of the same commodities, from and to, or between the same points.

(d) *Control.* The same meaning as that contained in section 1(3)(b) of the Interstate Commerce Act (49 U.S.C. 1(3)(b)).

(e) *Holder.* The record holder of the operating rights, including a lessor.

(f) *Person.* Same as defined in section 203(a)(1) of the Interstate Commerce Act (49 U.S.C. 303(a)(1)).

§ 179.2 Applications.

(a) *Form.* Applications for approval of the transfer of operating rights shall be made in writing to the Commission and shall be in such form and contain such information as the Commission shall prescribe.

(b) *Filing.* An original application properly executed, and four copies thereof, shall be filed with the Commission at Washington, D.C., one copy thereof shall be delivered, in person or by mail, to the District Director in each district of the Bureau of Motor Carriers in which headquarters of the parties signing such application are located, and one copy thereof shall be delivered, in person or by mail, to the board, commission or official (or to the Governor where there is no board, commission or official) having authority to regulate the business of transportation by motor vehicle of each State in which are located the headquarters of applicants. Proof of delivery of copies of the application to the appropriate District Directors and State authorities shall be made a part of the original application filed with the Commission.

(c) *Transfers for limited periods.* Applicants who seek approval of a transfer of operating rights for a limited term, such as a lease, shall attach to their application a written agreement covering the specific period for which the transfer is sought, the rental stated in dollars, the time and method of payment, and a provision that all the operating rights involved shall revert to the transferor at the expiration of said term, or upon a discontinuance of operations thereunder by the transferee at any time prior to the expiration of said term. In case of reversion, the transferor shall give immediate notice thereof in writing, to the Commission.

§ 179.3 General bases for approval.

Except as may be otherwise provided in this part, the proposed transfer described in any such application shall be approved if it is shown that the proposed transaction is not subject to the provisions of section 5 of the Interstate Commerce Act; and that the proposed transferee is fit, willing, and able properly to perform the service authorized by the operating rights sought to be transferred, and to conform to the provisions of the Interstate Commerce Act and the requirements, rules, and regulations of the Commission thereunder. Otherwise, the application shall be denied.

§ 179.4 Notice of approval; petitions for reconsideration and oral hearing.

Prior to their effective dates, synopses of affirmative orders entered pursuant to the rules in this part currently will be published in the FEDERAL REGISTER. The notice accompanying such publication will refer to section 17(8) of the Interstate Commerce Act and include a requirement that if a petition is timely filed by an interested person seeking reconsideration or oral hearing, such petition must specify with particularity the alleged errors and shall cite in all cases, the particular section or sections of this part (Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce), and the arguments based thereon, which petitioner believes warrant a conclusion different from that set forth in the affirmative order. In the absence of citation of the particular section relied upon, the petition may be rejected. If the petition contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted in affidavit form. In this connection, see also § 1.225 of this chapter.

[1] Sec. 5(10) provides as follows:
"Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are motor carriers subject to part II (but not including a motor carrier controlled by or affiliated with a carrier as defined in sec. 1(3)), and where the aggregate number of motor vehicles owned, leased, controlled, or operated by such parties, for purposes of transportation subject to part II, does not exceed twenty."
"Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are street, suburban, or interurban electric railways none of which is controlled by or under common control with any carrier which is operated as part of a general steam railroad system of transportation."

[2] A transferee of a State certificate of public convenience and necessity, who wishes to engage in operations in interstate or foreign commerce under this exemption, is required to file a properly-executed Form BMC 75 Statement (49 CFR 7.75).

§ 179.5 **General bases for disapproval.**

(a) *Division of rights.* An application for transfer of part of an operating right as to routes or commodities will be denied if it is found that the partition (1) would create duplicating rights as defined in § 179.1(c): *Provided*, That transfer of regular-route authority to operate between the same points, but over different highways, as is authorized by other operating rights of the transferor not embraced within the application, may be approved upon a satisfactory showing that the transaction will not result in the performance of substantially competitive or duplicative services, (2) would divide the rights at a point other than along clearly defined geographical or political lines, or permit the minute and multiple division of operating rights so that numerous carriers might ultimately operate under rights initially granted as a unit, or would permit the division of radial, irregular-route operating rights, in such a way that the respective parts would be held by two or more carriers under common control; (3) permit the separation of a commodity or commodities from a class of substantially related commodities or from general-commodity authority; or (4) would separate an alternate route or routes, an intermediate point or points, or an off-route point or points, from the route or routes to which it or they are appurtenant. In construing subparagraphs (2) and (3) of this paragraph, the nature of divisions proposed in other applications for transfers of operating authority filed on behalf of the holder, and the action taken thereon, will be considered in passing upon the current application.

(b) *Cessation of operations.* The mere cessation of operations by the holder of an operating right shall not be deemed to require denial of the proposed transfer of such right. If, however, a cessation of operations has occurred, which fact shall be stated in the application, and operations have not been conducted under the considered rights for a substantial period of time, the proposed transfer will be denied unless the holder shows that such discontinuance was caused by circumstances over which he had no control. The Commission may require, in an appropriate case, proof of the nature and extent of operations conducted under the operating right for a period of 6 months preceding the date of the request for such evidence.

(c) *Purpose of transfer.* A proposed transfer of operating rights will not be approved if the Commission finds that the transferee does not intend to, or would not, engage in bona fide motor carrier operations under such operating rights, or if the Commission finds that the transferor acquired such operating rights for the purpose of profiting therefrom and has not engaged in bona fide motor carrier operations under such operating rights.

(d) *Duplicating rights of affiliate.* The Commission will not approve a transfer of operating rights to a person who controls, or who is controlled by, or who is under common control with, another person who is the holder of operating rights which duplicate, in whole or in part, except to an immaterial extent, those proposed to be transferred.

(e) *Lease of duplicate operating rights.* The Commission will not approve a transfer of operating rights for a limited period, whether by lease, or otherwise, to a person who is the holder of operating rights which duplicate, in whole or in part, except to an immaterial extent, those proposed to be transferred.

(f) *Leases.* Unless unusual circumstances are found by the Commission, an application for the transfer of operating rights for a limited period of time will not be approved for longer than one year, during which time the parties will be expected to consider and determine whether they want to enter into a transaction of sale and purchase of the rights. Nothing herein shall be construed as approving a sale and purchase of operating rights in advance of application therefor.

CONDITION: The rules set forth in paragraphs (d) and (e) of this section may be suspended, in the discretion of the Commission, with respect to transfers which are proposed because of conditions resulting from a national emergency.

(g) *Dual operations.* The Commission will not approve a transfer of operating rights which would result in the transferee holding both a certificate and a permit, or in the holding by separate persons of a certificate and a permit, under common control, unless it finds, on the basis of evidence submitted with the application, or otherwise, that such holding would be consistent with the public interest and the national transportation policy within the meaning of section 210 of the Interstate Commerce Act.

§ 179.6 **Operations by fiduciaries.**

(a) Unless otherwise ordered by the Commission, administrators and executors of the estates of deceased holders of operating rights, guardians of incapacitated holders of operating rights, persons having custody of the business of dissolved partnerships the members of which held operating rights as partners, and trustees, receivers, conservators, assignees, or other persons authorized by law to collect and preserve property of financially disabled, bankrupt, or deceased holders of operating rights may continue the operations authorized by such operating rights without approval by the Commission of a transfer thereof, but shall, within 30 days after assuming control of such operations, give notice thereof by furnishing to the Secretary of the Commission, a certified copy of the court order appointing the fiduciary and a statement describing such operations and identifying the operating rights under authority of which they are conducted, stating the full name and address of the person or persons who are continuing the operations, and stating the date on which, and the circumstances under which, such person or persons assumed control of such operations. If there is no court order evidencing appointment of a fiduciary, the best evidence available showing the authority of the fiduciary must be submitted.

(b) *Compliance by fiduciary.* Operations referred to in paragraph (a) of this section may be continued in the name or names of the record holder of the operating rights, followed also by the name or names of the person or persons conducting the operations and a designation of his or their capacity.[1] Compliance with this rule with respect to all tariffs, schedules, reports, or other documents filed in accordance with the Interstate Commerce Act or the rules and regulations prescribed thereunder, shall be sufficient compliance with any requirement, rule, or regulation that such tariffs, schedules, reports, or documents be filed in the name of the holder of the operating rights.

§ 179.7 **Orders of court.**

If any proposed transfer presented to the Commission for approval shall also require the authority or approval of any court, applicants shall file with the Commission, at the time of filing their application, a certified copy of the order of the court authorizing the transfer of the operating rights involved, or, if the court has not acted as of that time, a copy of the order of the court shall be submitted prior to consummation of the transfer.

[F.R. Doc. 60-8714; Filed, Sept. 19, 1960; 8:47 a.m.]

[1] For example:
John Jones, Richard Smith, administrator; John Jones, Richard Smith, executor; John Jones and Richard Smith, d/b/a Jones & Smith, R. Roe, trustee; John Jones, Richard Smith, guardian; John Jones, Richard Smith, trustee; John Jones, Richard Smith, receiver; John Jones, Richard Smith, conservator, and John Jones, Richard Smith, assignee.

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Hunting of big game on the Kentucky Woodlands National Wildlife Refuge, Kentucky is permissible only under the following conditions:

(a) Species permitted to be taken: white-tailed or fallow deer.

(b) Open season: October 24, 1960 through October 29, 1960 and October 31, 1960 through November 5, 1960.

(c) Total bag limit: 1 deer of either sex.

(d) Methods of hunting:

(1) Weapons: bow and arrows.

(2) Dogs: no dogs allowed.

(3) Prohibited methods: no firearms, cross-bows, or other mechanical bows may be used.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 25,000 acres and 38 percent of the total refuge and which is described as follows:

That area south of State Highway No. 58 from Kentucky Lake to the Scillion Truck Trail; thence down the Scillion Truck Trail to the refuge boundary; thence along said boundary southward to the Hematite Church; thence northwest along the Hematite Church Road to the Mulberry Flat Truck Trail; thence westward along the Mulberry Flat Truck Trail to State Highway No. 453; thence northward on State Highway No. 453 to the County Line Truck Trial; thence generally westward along the County Line Truck Trail and marked fire lane to Kentucky Lake.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Kentucky, starting October 10, 1960.

(3) The provisions of this special regulation are effective September 20, 1960, through November 5, 1960.

(4) All camping will be at the designated Archery Camp.

(5) Hunters must check in at the Archery Camp and must check out at the end of the hunt.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1960.

[F.R. Doc. 60-8723; Filed, Sept. 19, 1960; 8:49 a.m.]

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued.

§ 32.22 **Special regulations; upland game; for individual wildlife refuge areas.**

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permissible only under the following conditions:

(a) Species permitted to be taken: turkey, squirrel, gray fox, bobcat, woodchuck, crow.

(b) Open season: October 24, 1960 through October 29, 1960 and October 31, 1960 through November 5, 1960.

(c) Daily bag limits: turkey—1; squirrel—6; gray fox—none; bobcat—none; woodchuck—none; crow—none. Season bag limit: turkey—1.

(d) Methods of hunting:

(1) Weapons—bows and arrows.

(2) Dogs: no dogs allowed.

(3) Prohibited methods: no firearms, cross-bows or other mechanical bows may be used.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 25,000 acres and 38 percent of the total refuge and which is described as follows:

That area south of State Highway No. 58 from Kentucky Lake to the Scillion Truck Trail; thence down the Scillion Truck Trail to the refuge boundary; thence along said boundary southward to the Hematite Church; thence northwest along the Hematite Church Road to the Mulberry Flat Truck Trail; thence westward along the Mulberry Flat Truck Trail to State Highway No. 453; thence northward on State Highway No. 453 to the County Line Truck Trail; thence generally westward along the County Line Truck Trail and marked fire lane to Kentucky Lake.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Kentucky, starting October 10, 1960.

(3) The provisions of this special regulation are effective September 20, 1960, through November 5, 1960.

(4) All camping will be at the designated Archery Camp.

(5) Hunters must check in at the Archery Camp and must check out at end of the hunt.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1960.

[F.R. Doc. 60-8724; Filed, Sept. 19, 1960; 8:49 a.m.]

PART 32—HUNTING

Red Rock Lakes Migratory Waterfowl Refuge, Montana

The following special regulation is issued.

§ 32.32 **Special regulations; big game for individual wildlife refuge areas.**

MONTANA

RED ROCK LAKES MIGRATORY WATERFOWL REFUGE

Hunting of big game on the Red Rock Lakes Migratory Waterfowl Refuge, Montana, is permissible only under the following conditions:

(a) Species permitted to be taken: antelope.

(b) Open season: September 18 through October 16, 1960.

(c) Daily bag limits: as prescribed by State regulations. One per season.

(d) Methods of hunting:

1. Weapons: as described by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 3,000 acres and 7.5 percent of the total refuge and which is described as follows:

T. 13 S., R. 1 W.,
Sec. 25, all;
Sec. 26, all;
Sec. 27, E½;
Sec. 34, all north and east of County road;
Sec. 35, all north of County road;
Sec. 36, all north of County road;
T. 13 S., R. 1 E.
Sec. 31, all north of County road.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 18 through October 16, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8704; Filed, Sept. 19, 1960; 8:46 a.m.]

PART 33—SPORT FISHING

Pishkun National Wildlife Refuge, Montana

The following special regulation is issued.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

MONTANA

PISHKUN NATIONAL WILDLIFE REFUGE

Sport fishing on the Pishkun National Wildlife Refuge, Montana, is permissible only under the following conditions:

(a) Species permitted to be taken: all species.

(b) Open season: September 20, 1960, through February 28, 1961 except closed to fishing during waterfowl hunting season. 5:00 a.m. to 10:00 p.m. daily.

(c) Daily creel limits: As prescribed by current regulations of Montana Fish and Game Department.

(d) Methods of fishing:

1. Tackle: As prescribed by State regulations.

2. Boats: Boats with motors up to 10 hp will be permitted in the East Pool. Boats will not be permitted in the West Pool.

(e) Description of Areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 1,500 acres and 47 percent of the total refuge and which is described as follows: All water areas of the refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960, through February 28, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 60-8725; Filed, Sept. 19, 1960; 8:49 a.m.]

PART 33—SPORT FISHING

Willow Creek National Wildlife Refuge, Montana

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

WILLOW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Willow Creek National Wildlife Refuge, Montana, is permissible only under the following conditions:

(a) Species permitted to be taken: all species.

(b) Open season: September 20, 1960, through February 28, 1961, except during migratory waterfowl hunting season.

(c) Daily creel limits: as prescribed by current regulations of Montana Fish and Game Department.

(d) Method of fishing:

1. Tackle: as prescribed by State regulations.

2. Boats: Boats with motors up to 10 hp may be used for fishing.

(e) Description of Areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 1,420 acres and 44 percent of the total refuge and which is described as follows: All waters of the Willow Creek National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960, through February 28, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 60-8726; Filed, Sept. 19, 1960; 8:49 a.m.]

PART 33—SPORT FISHING

Ruby Lake National Wildlife Refuge, Nevada

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

RUBY LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ruby Lake National Wildlife Refuge, Nevada, is permissible only under the following conditions:

(a) Species permitted to be taken: all species.

(b) Open season: Elko County—September 20, 1960, through October 2, 1960. White Pine County—September 20, 1960, through December 31, 1960.

(c) Daily creel limits: as prescribed by State regulations.

(d) Method of fishing:

1. Tackle: as prescribed by State regulations.

2. Bait: as prescribed by State regulations.

3. Boats: No boats will be permitted in area north of the south dike. Air thrust boats prohibited. Boats with motors may be used for fishing south of the south dike from September 20 to end of fishing season.

(e) Description of Areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 500 acres and —1 percent of the total refuge and which is described as follows: All waters in the refuge except west bank of the collection ditch in the area between Bressman Cabin and Passey Springhole.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960, through December 31, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8727; Filed, Sept. 19, 1960; 8:49 a.m.]

PART 33—SPORT FISHING

Sheldon National Antelope Range, Nevada

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

SHELDON NATIONAL ANTELOPE RANGE

Sport fishing on the Sheldon National Antelope Range, Nevada, is permissible only under the following conditions:

(a) Species permitted to be taken: all species.

(b) Open season: September 20, 1960, through December 31, 1960.

(c) Daily creel limits: As prescribed by current regulations of Nevada Fish and Game Commission.

(d) Methods of fishing:

1. Tackle: As prescribed by State regulations.

2. Boats: Boats without motors may be used for fishing.

(e) Description of Areas open to fishing: Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 600 acres and less than 1 percent of the total refuge and which is described as follows:

Big Springs Reservoir.

Virgin Creek and tributaries.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960, through December 31, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1960.

[F.R. Doc. 60-8728; Filed, Sept. 19, 1960; 8:50 a.m.]

PART 33—SPORT FISHING

Upper Klamath National Wildlife Refuge, Oregon

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Klamath National Wildlife Refuge, Oregon, is permissible only under the following conditions:

(a) Species permitted to be taken: all species.

(b) Open season: September 20, 1960, through October 31, 1960 for trout and September 20, 1960, through December 31, 1960 for other species.

(c) Daily creel limits: as prescribed by current regulations of Oregon Fish Commission.

(d) Method of fishing:

1. Tackle; as prescribed by State regulations.

2. Boats: Boats with or without motors may be used for fishing.

(e) Description of Areas open to fishing: Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 1,500 acres and 13 percent of the total refuge and which is described as follows: All waters of the Upper Klamath National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960, through December 31, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1960.

[F.R. Doc. 60-8729; Filed, Sept. 19, 1960; 8:50 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 32]

PRECANCELED STAMPS

Notice of Proposed Rule Making

The Department proposed to amend the regulation in Part 32 of Title 39, Code of Federal Regulations, regarding precanceled stamps.

The proposed amendments are for the purpose of (1) clearly stating that precanceled stamps will be sold by post offices only to permit holders for use on mail; (2) providing that precanceled permits will not be issued to nonlocal applicants except for local mailing or mailing prepared for local patrons; (3) clearly stating that postmasters may not comply with requests of collectors for imprints of precanceling devices; (4) establishing a more definite guide for mailers in preparing and using precancel postmarks; and (5) clarifying the regulations with respect to the application for and issuance of permits, and the mailing of precanceled mail.

Although the regulations relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to present written views concerning the proposed regulations. Accordingly, such written views may be submitted to Mr. E. A. Riley, Director, Postal Services Division, Bureau of Operations, Room 4426, Post Office Department, Washington 25, D.C., at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

In Part 32—Precanceled Stamps, make the following changes:

I. Amend § 32.2 *Use of precanceled stamps* to read as follows:

§ 32.2 Sale and use of precanceled stamps.

(a) *Classes of mail.* Precanceled stamps may be used to pay postage on:

(1) Post cards, but on no other first-class mail, unless specifically authorized by the postmaster on Form 3620, "Application for Permit to Use Precanceled Stamps or Government Precanceled Stamp Envelopes". (See § 32.3(b).)

(2) Second-, third-, and fourth-class mail.

(b) *Place of mailing.* Matter bearing precanceled stamps may be mailed only at the post office which sold the stamps.

(c) *Other than local patrons.* Precancel permits will not be issued to nonlocal patrons unless it is established that the precanceled stamps will be used on mailings prepared for local delivery or that the stamps will be used on mailings prepared for local patrons.

(d) *Prohibited.* Precanceled postage stamps may not be used on matter mailed in boxes, cases, bags, or other containers designed to be reused for mailing purposes.

(e) *Overprinting.* If precanceled postage on a single piece is over 8 cents, the precanceled stamps must be overprinted or handstamped in black ink with the mailer's initials and the numerical abbreviations of the month and year for use; for example, A. B. Co. 9–54. Precanceled stamps overprinted in this way are acceptable on mail during the month shown, and through the 10th of the following month.

(f) *Resale.* Precanceled stamps will be sold only to precancel permit holders for the purpose of paying postage. Unused precanceled stamps may not be sold by permit holders.

(g) *Precanceling for collectors.* Postmasters will not comply with requests for imprints of a precanceling device on postage stamps or blank sheets of paper.

NOTE: The corresponding proposed Postal Manual section is 142.2.

II. Redesignate §§ 32.3 and 32.4 as §§ 32.4 and 32.5; and insert a new § 32.3 *Mailer's precancel postmark* to read as follows:

§ 32.3 Mailer's precancel postmark.

Mailers may use a precancel postmark on stamped envelopes mailed at the first-class rate of postage or on postal cards. The precanceling imprint must include the name of the post office and State, the permit number preceded by the words "Mailer's Postmark," the date of mailing, and sufficient cancellation lines to fully deface the stamp. There is illustrated below the authorized design of a mailer's precancel postmark.



NOTE: The corresponding proposed Postal Manual section is 142.3.

III. Amend the new designated §§ 32.4 *Precancel permits* and 32.5 *Mailing of precanceled mail* to read as follows:

§ 32.4 Precancel permits.

(a) *Application for permit.* Applications for permits to use precanceled stamps, precanceled stamped envelopes, and mailer's precancel postmarks must be filed on Form 3620 at the post office where mailings will be made. Copies of this application form may be obtained from local postmaster. There must be submitted with each application from a patron of another post office a statement that he will use the precanceled stamps sold under the permit only on mailings for local delivery or on mailings prepared for local patrons who shall be named. Applications to use mailer's precancel postmarks must be accompanied with an imprint of the cancellation to be used.

(b) *Issuance of permit.* The postmaster will approve or disapprove the application. If it is approved, he will issue a "Precancel Permit" on Form 3620 to the applicant. If the permit covers the use of a mailer's precancel postmark, the permit will include a statement to that effect.

(c) *Revocation.* (1) Permits may be revoked if used in operating any schemes or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for any noncompliance with the instructions on the "Permit", Form 3620.

(2) The permit holder will be notified on Form 3604, "Nonuse of Mailing Permit or Meter License", by the postmaster at the post office that issued the permit that it is to be canceled, with the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement why the permit should not be revoked. When no answer is filed, the postmaster will cancel the permit. If an answer is filed, decision will be made by the Assistant Postmaster General, Bureau of Operations, whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

§ 32.5 Mailings of precanceled mail.

Any number of pieces may be mailed at one time regardless of whether they are identical, except for third-class bulk mailings. (See Part 24 of this chapter.)

NOTE: The corresponding proposed Postal Manual sections are 142.4 and 142.5.

(R.S. 161, as amended, 396, as amended, 3921, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 365)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-8674; Filed, Sept. 19, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 978]

[Docket No. AO-184-A17]

MILK IN NASHVILLE, TENN., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nashville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Nashville, Tenn., on June 21-24, 1960, pursuant to notice thereof which was issued May 31, 1960 (25 F.R. 4912).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Type of pool, including plants and handlers to be regulated;
3. Classification and allocation provisions;
4. Class prices;
5. Payment on other source milk;
6. Provisions for partial regulation;
7. Base plan; and
8. Miscellaneous changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The Order No. 78 marketing area should be expanded to include Bedford, Cheatham, Davidson, Dickson, Hickman, Houston, Humphreys, Macon, Montgomery, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Williamson, and Wilson Counties in Tennessee; Allen, Simpson, and Warren Counties in Kentucky; and the Fort Campbell military reservation in both States. This marketing area comprises an integrated milk market in which wholesale and retail routes of milk handlers doing business in the area are interspersed. The handling of milk in this proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The present marketing area consists of Cheatham, Davidson, and Rutherford Counties in Tennessee. Daily sales of fluid milk products in this three-county area total about 350,000 pounds. Handlers who sell milk in this area and are, therefore, regulated by the Nashville Federal milk order also sell more than 200,000 pounds of fluid milk products daily on routes which are outside the present marketing area.

The minimum sanitary requirements applicable for Grade A milk produced for distribution throughout the proposed marketing area are those of the States of Tennessee and Kentucky, which are patterned according to a U.S. Public Health Ordinance and Code. In some cases local health authorities impose additional requirements but these do not materially affect the procurement or distribution of milk in the area.

The expansion of milk sales areas beyond isolated single metropolitan areas is a development which has come about in recent years as a consequence of better highways, improved and larger transportation equipment and better refrigeration facilities for storing and moving milk. The present marketing area is narrowly defined and does not constitute the proper marketing area under current marketing conditions. This is evidenced by the fact that Nashville handlers are now selling 37 percent of their Class I sales outside the present marketing area. The cooperative association proposed that the marketing area be expanded to include the adjacent territory where most of these out-of-area sales are made and handlers supported this proposal.

Nashville regulated handlers operate under a competitive handicap in the sale of milk outside the boundaries of the defined marketing area. Producers who supply milk to these handlers urged that the area be expanded as proposed in order to assure that the handlers who buy milk from them would be able to maintain their markets in this fringe area.

Handlers regulated by the Federal order are required to pay the minimum prices, to make reports to a market administrator and to submit to an audit of their records to assure that the minimum price requirements are met in every detail. Handlers who are not regulated because they do not sell milk in the present marketing area are not now subjected to any of these requirements.

There are 10 processors of fluid milk whose plants are located in the present marketing area and which are regulated by the present order. The handling of milk would be fully regulated at 6 additional plants in the expanded area herein proposed. Two of these plants are located in Wilson County, Tennessee, one in Robertson County, Tennessee, and three in Warren County, Kentucky.

The major portion of all fluid milk distributed in most of the counties of Tennessee and Kentucky herein proposed to be included in the marketing area is distributed on wholesale and retail routes from regulated Nashville plants. More than 50 percent, and in some instances all, of the total fluid milk distribution in each of the counties of Bedford, Dickson, Hickman, Houston, Humphreys, Macon, Montgomery, Robertson, Smith, Stewart, Sumner, and Trousdale in Tennessee and Allen County, Kentucky, is distributed by presently regulated Nashville handlers. Regulation of this territory which embraces the primary fluid milk sales area of Nashville handlers will not subject to full regulation plants of handlers from which the major portion of the total fluid milk distributed goes into other areas and markets.

Handlers who are now regulated under the Nashville order sell about half or slightly less than half of the fluid milk products disposed of in Wilson County, Tennessee. However, it is proposed that Wilson County be included in the marketing area since the two handlers located therein would be subject to full regulation because of their sales in other counties contained in the proposed marketing area. By including Wilson County the major portion of the fluid milk sales of these two handlers would be within the proposed area and the inclusion would not regulate either wholly or partially any other handler.

The dairy farmers who regularly deliver milk to the three handlers in Tennessee who would become regulated by the Nashville order under this proposal have received payment for their milk without regard to its use. These handlers have paid their producers a price equivalent to the Nashville blend price. In most cases these handlers used a larger percentage of their milk receipts in Class I than is reflected in the blend price for the Nashville market. To the extent that such handlers have a higher Class I utilization and do not purchase milk on a use basis they have a competitive advantage over the Nashville handlers who are are required to pay class prices according to the use value of their milk. Unregulated handlers have an opportunity for competitive advantage also in that they are not required to make reports and submit evidence that payments are made in accordance with announced prices and impartially determined weights and tests of milk.

The dairy farmers who supply the three handlers located in the Kentucky counties who would become regulated by this proposal have sold milk under a contract which is patterned after the Nashville order. However, these producers have no means for obtaining an impartial audit of the handlers' books and records to determine whether they are, in fact, receiving the full class utilization value of milk as it would be computed under the Federal order. One handler admitted that he had paid only the Class II price plus 40 cents per hundredweight for certain milk disposed of for fluid use although such milk would have been priced as Class I under the Nashville order.

Allen, Simpson, and Warren Counties in Kentucky represent a secondary market within the radius of the greater Nashville milk market and should be included in the marketing area because of their relationship with the Nashville market. Bowling Green is the principal city in this three-county area and three handlers located in that city make the majority of the milk sales in the area. One Nashville handler estimated his sales in that area amounted to 10 percent of the milk sold in Warren County, 30 percent of the sales in Simpson County and 68 percent of the sales in Allen County.

Although the pricing plan under which handlers purchase milk in the

Bowling Green area is similar to the plan prescribed by the Nashville order, there is no agency to supervise and enforce the plan in that area. The representative of producers selling milk to the Bowling Green handlers testified that producers in that area wish to have the assurance that minimum payments are made as required by a Federal milk order. This can be accomplished most effectively by including the three Kentucky Counties in the Nashville milk marketing area. The inclusion of Allen, Simpson, and Warren Counties in Kentucky would add to the marketing area the primary fluid milk sales area of each of the Bowling Green handlers who would become regulated.

The Fort Campbell military reservation should be included in the marketing area because of its historical relationship with the Nashville and Bowling Green markets. Nashville handlers distribute about one-third of the milk products sold on the post which are not procured under a military contract. For the past several years one of the Bowling Green handlers has furnished a substantial volume of milk to the base either through the award of a military contract or by subcontracting to supply a part of such contract.

A handler who purchases milk under the terms of the Ohio Valley Federal milk order has also at times supplied milk under military contracts to the base. This same handler makes about one-fourth of the sales on the base that are not made under contract. Although it appears that Nashville handlers and Bowling Green handlers have supplied little, if any, more fluid milk products to the Fort Campbell base than have Ohio Valley market handlers, the base should be included in the expanded Nashville marketing area. A representative of producers marketing milk under the Ohio Valley order pointed out that the producers whom he represented could acquire the Class I market whenever the handler to whom they sell milk received the sales contract even though the base is made a part of the Nashville milk marketing area. By including the base in one market or the other, producers and handlers in both markets would be assured that minimum class prices prescribed by a Federal milk order would apply to sales made in that area. The Fort Campbell military contract requires about 3,000 gallons of milk per day. Dairy farmers in Kentucky and Tennessee have developed a milk supply to fill the requirements for fluid milk products at this military base. In order to maintain that supply producers must be assured that they will receive a price commensurate with that which they receive for Class I milk sold elsewhere in this region.

Cannon, Clay, DeKalb, Jackson, Lewis, Overton, and Pickett Counties in Tennessee and Barren County, Kentucky, should not be included in the marketing area. These counties are on the fringe of the proposed Nashville marketing area. By excluding these counties from the marketing area it will be possible to exclude from full regulation certain plants whose principal fluid milk sales are in an area outside the counties which were proposed for inclusion in the marketing area. To include these counties would subject several handlers to full or partial regulation by the Nashville order although their principal sales are made in competition with handlers who would not be required to pay specified minimum prices or account for the use of their milk under a Federal order.

Perry and Wayne Counties should not be included in the marketing area. These counties are rather distant from the city of Nashville, are sparsely populated and sales in these counties represent only a very small percentage of the total fluid milk sales of regulated handlers. Since handlers who are now regulated sell all the milk in these counties, enlarging the marketing area to include these counties is not essential to achieve effective regulation. Hardin County which is even farther from Nashville should not be included in the marketing area since Nashville handlers have a relatively small share of the milk sales in the county.

In view of the similar marketing conditions which prevail throughout the proposed marketing area, the present terms and provisions of the Nashville, Tennessee, milk order, except those provisions which are proposed to be amended by this decision, are appropriate for the expanded area.

2. *Type of pool.* The marketwide type of pool should be adopted as a means of distributing to producers the returns from the sales of milk.

The cooperative association representing a majority of the producers in the market proposed to change the present individual-handler pools to a marketwide pool. This cooperative association has assumed responsibility for concentrating and marketing the reserve supplies which are not needed for fluid use. Under the individual-handler pool, there has not been an equitable sharing among producers of the lower returns received from the necessary volume of reserve milk maintained in the market. The producer members of the association have borne a disproportionate share of the burden of maintaining the reserve for the market under the present plan.

The principal milk distributors in the Nashville, Tennessee, marketing area do not handle large quantities of reserve milk. These handlers limit their purchases to their usual Class I needs and depend on the cooperative association for additional supplies of milk as they are required. Producers who are not members of the cooperative receive a blend price for milk reflecting the high Class I use of such handlers. Cooperative members receive a blend including Class II milk diverted by the cooperative without entering handlers' plants. Marketwide pooling will alleviate this situation wherein nonmember producers receive more for their milk than the cooperative association member producers.

A marketwide pool will also facilitate the movement of milk supplies among handlers to meet their individual needs and to secure the most efficient use of the reserve supplies which must be marketed in nonfluid products. The members of the cooperative association have been reblending and pooling all members' milk which represents approximately 95 percent of the total market supply. This pooling of member milk assured individual members that regardless of where a member's milk was delivered, each member was paid on the same basis. The adoption of a marketwide pool will extend the application of uniform prices to all producers.

(a) *Pool plant qualifications.* Reasonable performance standards with respect to delivery of producer milk to the market should be required of pool plants among which Class I sales are to be equalized.

The order should exempt any handler from regulation (other than reporting and record keeping) whose distributing plant is located outside the marketing area and who distributes less than an average of 300 pounds per day on routes in the marketing area. Handlers who have so little association with the market cannot be expected to affect the orderly marketing of milk in the area and it is appropriate for convenience in the administration of the terms and provisions of the order to exempt such handlers.

Under a marketwide pool the returns from all Class I and Class II sales are shared uniformly by the producers supplying all fully regulated plants, regardless of the sales in each class by the individual plant which such producers supply. In order that the income from the fluid milk sales in the market may accrue to the producers primarily engaged in supplying the fluid needs of the market, it is necessary to establish qualifications for plants whose milk receipts are to be included in the marketwide pool. Otherwise, the effects of the Class I price in providing an adequate and dependable supply of milk approved for fluid use in the market could be dissipated through pro rata sharing of the Class I utilization of the market with producers supplying milk plants not genuinely associated with the market.

Because of the difference in marketing functions between plants which are primarily engaged in the business of distributing Class I milk and supply plants which furnish bulk milk to distributing plants, two sets of performance standards are appropriate. The performance standard for distributing plants should apply only to plants primarily engaged in route distribution of Class I milk as evidenced by route disposition equal to at least half of their receipts from dairy farmers and other pool plants during the month. Plants not primarily engaged in route distribution of Class I milk may qualify as supply plants.

In order to be qualified as a pool plant, a distributing plant must, in addition to the 50 percent Class I requirement, distribute on routes in the marketing area at least 15 percent of its total Class I sales. Plants which distribute more than 85 percent of their Class I milk outside the marketing area cannot be considered to be primarily engaged in supplying the fluid needs of the market. All presently regulated plants and those which would become pool plants

by the expansion of the marketing area proposed herein make well over half of all their fluid sales within the proposed marketing area.

Performance standards should be provided for supply plants so that milk receipts at such a plant which furnishes a regular part of the market supply may be pooled. There are no supply plants operating as such in the market at this time other than the plant operated by the cooperative association.

Any plant which moves 50 percent or more of its milk receipts from dairy farmers to a pool distributing plant during the months August through February should be considered to be closely associated with the market. The months of August through February, when milk production is seasonally low, represent the period during which there is the greatest likelihood that bulk milk shipments from supply plants might be needed. Any supply plant which qualifies for pool status in each of the months of August through February should be permitted to retain pool status through the following July if the handler operating such supply plant so desires.

Provision should be made for pooling receipts of a supply plant operated by a cooperative association on the basis of overall performance of the association in relation to the market rather than on shipments from the plant. This plant operated by the cooperative association is used for concentrating milk supplies and for collecting surplus milk for the market. The primary function of this cooperative is supplying the needs of other handlers through shipments by producer members directly to such handlers' plants. Under the proposed shipping requirements for a supply plant, the association would be unable at times to pool its receipts at its own plant. Since the cooperative association performs a special function in servicing the market through this receiving plant, the plant should be pooled as long as that function is continued. Therefore, the cooperative plant should be pooled if two-thirds of the milk of producer members is received at or transferred to pool distributing plants of other handlers during the month.

(b) *Handlers to be regulated.* The present "handler" definition is appropriate as it appears in the order, except that it should be modified so that a cooperative association may become the handler with respect to milk of its producer members which is delivered to a pool plant of another handler for the account of the cooperative association in a tank truck owned and operated by, or under contract to, the cooperative association.

Transportation of milk in insulated tank trucks from the farm to handlers as directed by the cooperative association creates a problem with respect to the determination of the responsibility to the individual producers in the market under certain circumstances. The handlers have only indirect knowledge of the identity of the individual producers from whom they receive milk and of the weights and tests of the milk of such individual shippers. The cooperative association maintains such information for its member producers and the handlers accept the measurements as recorded by the agent of the cooperative association.

There are circumstances when it would be more appropriate to permit the cooperative association in control of the transportation to qualify as a handler under the order and to report milk so handled. This is true particularly when milk of several producers is commingled in the tank truck and delivered to two or more plants and in the case of producers whose milk is delivered on alternate days to different plants. The cooperative association should be provided the option of being the handler for such milk if a written request is filed with the market administrator. Accounting for the disposition of the milk by the cooperative to the distributing plant should be handled as a transfer such as from one pool plant to another. The cooperative association would be required to make monthly reports and make payments to the producer-settlement fund with respect to such milk.

3. *Classification, transfer and allocation provisions*—(a) *Classification.* Certain handlers proposed that on milk transferred from one pool plant to another the shrinkage allowance of 2 percent of receipts be divided between the two plants. Relatively little shrinkage is incurred in the receipt and disposition of bulk milk in comparison to shrinkage in processing, bottling and distribution operations. Therefore, up to one-half of one percent shrinkage should be allowed on that milk which is physically received at a pool plant from producers' farms and is transferred in bulk to another pool plant for bottling and distribution. A bottling plant should be allowed up to one and one-half percent shrinkage on that milk received in bulk form from another pool plant.

Handlers also proposed that mixtures of sour cream and sour milk with cheese and nondairy food flavorings be classified as Class II. Such products were described as dip specialty products. Several of the dip products described at the hearing are not fluid milk products as defined in the order because most of these dips are made with a cheese base. If specialty products were made with a base of sour cream, sour milk or other fluid milk products or a combination of such products they would meet the definition of a fluid milk product. Since the dip specialty products were not being manufactured by Nashville handlers at the time of the hearing, we do not know whether a sour cream type dip which would be Class I or a cheese dip which would be Class II is contemplated. Therefore, no change is recommended on the basis of this record.

The definition of fluid milk products should be revised to specify that mixtures of fluid milk products include all mixtures of the skim milk and butterfat components of milk other than those products which are excepted in the definition. Furthermore, the order should state clearly the method to be used in accounting for the skim milk component when it is sold as a fluid milk product but some of the water originally associated with such nonfat milk solids has been removed.

Condensed solids or nonfat dry milk may be used for reconstituting or fortifying certain fluid milk products. Such solids are required by the health regulations to be made from Grade A milk and should be classified as Class I milk when disposed of in a fluid milk product the same as all other skim milk in Class I products.

The pounds of skim milk disposed of in any reconstituted or fortified fluid milk products should be accounted for as an amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk. When nonfat milk solids are added to liquid milk or skim milk, the added solids are indistinguishable from those in the solution to which they are added. Therefore, all such solids must be regarded as equal in value.

In order to achieve that result in accounting for nonfat milk solids which are received or marketed in the form of a product from which some of the water which was associated with such solids when they were delivered by farmers as normal milk, the accounting method should provide that the water removed be added to the total weight of product to be accounted for.

(b) *Transfer provisions.* The transfer provisions applicable to the classification of skim milk and butterfat transferred or diverted from a pool plant to a nonpool plant should be revised.

Under the present provisions of the order skim milk and butterfat transferred to a nonpool plant may be classified as Class II if certain conditions are met. One such condition is that the nonpool plant utilize an equivalent quantity of skim milk and butterfat in Class II during the month.

If such nonpool plant also has disposition in the form of Class I products as defined in the order, the question may arise as to whether the nonpool plant uses the milk transferred from the pool plant for such Class I disposition. If the transferred milk is the only milk at the nonpool plant qualified for fluid consumption, it is reasonable to expect that it was used to supply the nonpool plant's Class I disposition. However, if there are other Grade A milk receipts at the nonpool plant, consideration of the proper classification of milk transferred to such plant may affect returns to Grade A dairy farmers who regularly deliver their milk to the nonpool plant. Such direct deliveries of Grade A milk from farms to the nonpool plant should ordinarily have prior claim on the Class I disposition. Additional disposition of Class I milk by the nonpool plant should be credited to the transfers to such nonpool plant during the month from all pool plants on the basis of proration to milk from all Federal order regulated plants.

The method herein proposed for classifying transfers (including diversions) from pool plants to nonpool plants accords equitable treatment to the Nashville producers in assignment of avail-

able Class I use and gives appropriate recognition in the classification of milk transferred to a common nonpool plant to producers in other regulated markets and to dairy farmers supplying Grade A milk directly from farms to such plants.

(c) *Allocation provisions.* The allocation provisions should be modified so that they conform with the proposal to change the type of pool proposed herein. They also should recognize that sour cream which is received from plants regulated under either the Memphis, Tennessee or the Louisville-Lexington, Kentucky, Federal milk marketing order be subtracted from Class I ahead of producer milk if no sour cream is made in the receiving plant.

Two handlers are presently buying sour cream from the Memphis and Louisville-Lexington Federal orders. One handler buys the sour cream in bulk form and packages it in his plant while the other handler purchases his sour cream in consumer packages. The amount of sour cream purchased by these handlers is small in relation to the total Class I sales of the market. This specialty product is purchased from other plants because these handlers do not maintain facilities for making it in their pool plants.

This product is classified as Class I in both Memphis and the Louisville-Lexington market. The Class I butterfat differentials per one-tenth percent of butterfat in 100 pounds of milk averaged for 1959 in Memphis 7.1 cents and in Louisville-Lexington, 7.4 cents. The Nashville Class I butterfat differential for the same period was 7.1 cents. Therefore, the price paid to producers for skim milk and butterfat used in sour cream is at least as high in these markets as would be required under the Nashville order.

Certain handlers also proposed that there be a 5 percent allocation of producer milk to Class II when a handler purchases other source milk that is priced as Class I under another Federal milk order. This proposal should not be adopted.

There is no need for such a provision in the Nashville order. There is normally an ample supply of producer milk available in all months of the year. The amount of milk received from producers in relation to gross Class I sales in 1959 ranged from 107 percent to 141 percent. During brief periods in which the supply of producer milk may be short, it is possible that milk may be needed from other sources. If such milk is needed for Class I uses it can be received and allocated to Class I use if all producer milk in excess of allowable plant shrinkage has been allocated to Class I. The order provides an assignment of producer milk to Class II in an amount not to exceed 2 percent of such milk to cover actual plant shrinkage.

4. *Class Prices.* The Class I differential which is added to the basic formula price should be increased 10 cents per hundredweight in all months. Class I prices at plants located outside Tennessee should be reduced by location differentials. The Class II pricing formula should be revised to identify the current operators of plants for which prices paid producers are reported.

The percentage of milk received from producers which was used in Class I rose from 71.6 percent in 1957 to 80.1 percent in 1958 and 82.3 percent in 1959. The percentage of producer milk used in Class I during the early months of 1960 was a little under the percentage of a year earlier but the annual average will probably be about 80 percent. During both 1958 and 1959 small quantities of milk were received in the market during some months from sources other than producers for use in Class I sales. The percentage of producer milk used in Class I reached a high of 90.4 percent in December 1958, 93.1 percent in January 1959 and 90.6 percent in October 1959.

The Class I price was adjusted by plus amounts in each month of 1959 and so far in 1960 by the supply-demand adjuster. The amounts added to the Class I price and premiums which handlers have paid in excess of order minimum prices have helped to maintain the supply. During 1959 handlers paid premiums over order prices in seven months, ranging in amount from 6 to 39 cents and averaging 16 cents for the year. In spite of these increases, however, the market supply relative to Class I sales has remained relatively short.

The fact that the differential added to the basic formula price to determine the Class I price is lower than that used in surrounding markets has tended to curb the expansion of supply in line with increased Class I sales. The present differentials in the Nashville order are $1.10 for six months and $1.40 for six months, making an annual average differential of $1.25 per hundredweight. The Suburban St. Louis, Paducah, Ohio Valley, and Louisville-Lexington Federal order markets which adjoin Nashville on the north have annual average Class I differentials of $1.30 provided in the respective orders (Louisville-Lexington differential becomes $1.25 on July 1, 1961). The Knoxville market to the east of Nashville has a differential of $1.50, the Chattanooga market to the southast has a differential of $1.75 and the Memphis market to the southwest has a differential of $1.74. Official notice has been taken of the repective Federal milk orders which establish minimum prices for milk in these areas.

The level of the Class I price in Nashville should not remain in constant relationship to other markets in the same region if the conditions of supply and demand for milk in the Nashville market vary significantly from those prevailing in other markets. The supply-demand adjuster as provided in the order will bring about the necessary changes in intermarket prices to reflect these different conditions.

The Class I prices at plants located outside the State of Tennessee and 50 miles or more from Nashville should be reduced by location differentials.

The increased receipts of milk from areas north of Nashville and the decline in receipts from the area southeast of Nashville demonstrates the influence of relative levels of price on the changes in milk supply areas for this market. The Memphis, Chattanooga, and Knoxville markets presently and historically have maintained higher prices than those paid for milk in the Nashville market. Prices in markets north of Nashville have usually been lower than Nashville. Therefore, as more milk has been required for this market there has been a tendency to obtain additional milk from the area north of Nashville.

The milk supply for the Nashville market which was obtained from Kentucky farms increased 75 percent from 1957 to 1959, whereas milk received from Tennessee farms rose only 6 percent in that period. Moreover, the increase in receipts from Tennessee farms was greatest in the northern counties of Tennessee which lie between Nashville and the Kentucky counties from which the Nashville market obtains milk. Receipts of milk from the three-county area which comprises the present marketing area declined from 1957 to 1959 as did receipts from counties southeast of Nashville.

The availability of milk supplies relative to market outlets in Kentucky has affected the pattern of prices in that area compared to Nashville. Handlers located in Bowling Green, Kentucky have paid prices somewhat less than prices paid by Nashville handlers. Nashville handlers have paid substantial amounts over order minimum prices in several months during the past three years. Handlers in the Bowling Green area have not had to pay such premiums over order prices to maintain their milk supply.

The reason why Bowling Green handlers do not need to pay a price as high as that paid for milk delivered to Nashville is because hauling distances from farm to plant are generally shorter to Bowling Green milk plants than to Nashville plants. Warren County, in which Bowling Green is located, and adjacent Barren County are areas of heavy milk production. Net farm prices to producers who sell milk on the Bowling Green market are equivalent to those which shippers to Nashville receive even though prices f.o.b. Kentucky plants are lower because farm to plant hauling costs are lower to the Kentucky plants. The difference in hauling rates from the Kentucky area to Bowling Green as compared to the rate to Nashville indicates a 10-cent lower price at Bowling Green would provide about the same net prices at the farm for producers shipping to Bowling Green and to Nashville.

The pricing formula for Class II milk which is now contained in the Nashville order is appropriate for pricing such milk in the proposed enlarged area. The order should recognize the present operator of the manufacturing milk plant at Carthage, Tennessee, as the Borden Company. The plant listed as Cudahy Packing Company, Lafayette, Tennessee, is closed and should be removed from the list. The plants listed as Pet Milk Company, Hudson, Michigan, and Borden Company, Mount Pleasant, Michigan, which are closed, should be deleted from the list of plants whose prices paid dairy farmers for milk are used in the basic price formula.

5. *Payments on unpriced milk.* The order should provide compensatory payments with respect to unpriced milk which is allocated to Class I in a pool plant, in any month when receipts from producers exceed 110 percent of Class I utilization at all pool plants in the market.

Regulated handlers may wish to purchase milk which is not priced under the Nashville or any other Federal milk order. The accounting and pricing provisions of the Nashville order should accommodate such purchases to the extent that producer milk is not displaced in the available Class I sales. This can be accomplished by allocating such purchases first to Class II use and by establishing an appropriate charge which the handler should pay on any such purchases allocated to Class I use. The charge should be made at a rate equal to the difference between the Class I and Class II prices provided in the order.

The Class II price, which applies to milk in excess of fluid sales in the Nashville market, is generally representative of the value of milk similarly used in other markets in the same region. Plant operators must have available a larger supply of milk than is necessary to fill their Class I requirements on any given day. Reserves are needed because production fluctuates seasonally without corresponding changes in the demand for Class I milk. Reserves are also needed to cover short-time fluctuations in receipts and for variations in Class I requirements resulting from 5- or 6-day bottling, the heavy weekend demand at grocery stores, holidays, and similar factors. The reserve milk is commonly manufactured into the more storable and transportable dairy products which are sold in competition with products made from manufacturing grade milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is a primary element of instability affecting fluid milk markets.

Since this reserve milk in other markets is ordinarily converted to manufactured dairy products, the seller is willing to market it at any price which will net him more than the manufacturing value. Consequently, handlers under the Nashville order could expect to obtain such reserve milk at approximately the Class II price under the order. It is, therefore, appropriate that the compensatory payment on other source milk allocated to Class I should be the difference between the Class II price and the Class I price, adjusted to the location of the plant at which such other source milk was received from farmers. The payment will remove any competitive sales advantage which the regulated handler might otherwise obtain by substituting other source milk for available producer milk.

Other source milk used in the form of nonfat dry milk or condensed skim milk should be considered to be from a source at the location of the pool plant at which it is used. The plant where such products are made would be difficult to ascertain and the transportation cost is relatively small for such concentrated products.

Provision should be made for the possible situation in which the supply of producer milk might not be sufficient to fill Class I requirements. In such case milk purchased from outside sources would not diplace producer milk. When the total market receipts of producer milk are less than 110 percent of total Class I sales during a month it is possible that some handlers would have to purchase milk from outside the market for their Class I sales. In the past, when supplies of producer milk in the Nashville market have been low relative to Class I sales other nearby sources have also been in short supply. Under these circumstances, there is no competitive advantage to be gained by the use of other source milk, and compensatory payments would not be necessary in this market.

It was proposed that in certain months the difference between the Class I price and the uniform price be used in lieu of the difference between the Class I and Class II prices. However, all the evidence presented was in support of a rate based on the difference between Class I and Class II prices.

No compensatory payment should be required on milk which is classified and priced as Class I under any other Federal order. The alignment of Class I prices for the Nashville, Tennessee, market with those for other Federal orders prevents any significant competitive advantage to Nashville handlers who purchase other Federal order milk.

6. *Provisions for partial regulation.* Operators of nonpool distributing plants should have the choice of paying dairy farmers from whom they receive Grade A milk the use value of such milk as computed pursuant to all terms and provisions of the order or making certain payments to the producer-settlement fund.

The effectiveness of the minimum price regulation can be maintained by providing alternative methods of determining compensatory payments at a nonpool distributing plant. Subject to proper reporting and the maintenance of adequate records, the operator of such plant should be given an opportunity to choose between payment into the producer-settlement fund of: (1) An amount equal to the volume of Class I milk disposed of in the marketing area times the difference between the applicable Class I and Class II prices, or (2) the amount by which total payments to dairy farmers delivering to such plant are less than the total obligation to producers which would be due if such plant were a pool plant.

If the partially regulated handler elects to make payments under the first option, the regulation would be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk at pool plants. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers, or by combination of payments to his farmers and to the producer-settlement fund, he will not have an advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area. His total minimum obligation for milk will be determined in the same manner as if he were a fully regulated handler. Affording this option to partially regulated nonpool plants will assure regulated handlers and the producers who supply them that all Class I milk sold in the marketing area is purchased at the Class I price.

The latter option permits such an operator, if he so elects, to make full payments to the dairy farmers who supply him rather than pooling the value of their milk at class prices with the producers whose primary market is Nashville. This exemption from pooling could, under certain circumstances, give handlers who elect the option an undue competitive advantage in the procurement of milk within the milk supply area of the Nashville market. Such an advantage could thwart handlers in acquiring an adequate supply of milk for the market at prices provided under the order.

The handlers who are likely to choose this option handle relatively small quantities of milk and purchase milk from only a few producers. Therefore, the procurement advantage which such operators might enjoy would have little effect on the maintenance of an adequate supply for the market. Furthermore, under the present organization of the market there will be no significant diversion of the revenue derived from the Class I sales in the marketing area to farmers only incidentally associated with the market at the expense of pool producers of milk for which minimum class prices are established and who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area.

Under the second option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices and adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular supply of milk for the nonpool plant as verified from the producer payroll. Only such payments would be allowed as had been made to such farmers by the 15th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized in writing by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to make a compensatory payment on his in-area sales he should be required to pay administrative expense only on such quantities of milk so disposed of in the marketing area. If he elects the payment to his own dairy farmers based on the utilization value of his milk, he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts from unpriced sources which are allocated to Class I milk. The second option necessitates as much verification of the reports and utilization by

the market administrator as at a pool plant and the assessment should be computed on the same basis.

Since a handler may become subject to two or more Federal orders under this compensatory provision he might be required to pay administrative assessments under two or more orders on the same quantity of milk. The order should provide exemption from such assessment to the extent of payments made under another order on the same quantity of milk.

7. *Base plan.* The base transfer rules should be modified and the month of February should be dropped as a base paying month.

The order presently provides that a whole base or a part of a base may be freely transferred from one producer to another. The cooperative association proposed that such transfers be recognized only when the dairy farmer has discontinued in the dairy business and when a producer disposes of an entire base.

The base transfer rules have been used by producers to switch bases or parts of bases back and forth among themselves from one month to the next. The purpose of a base is to determine the producer's share of the higher priced base milk in the flush production season of the year. The benefits of the established base should accrue to the producer who made the base during the base forming period. Accordingly, the base transfer rules should be modified so as to allow necessary base transfers but not to permit their abuse.

The month of February should be dropped as one of the base paying months.

The amount of base milk used in Class I in February was 94.3 percent in 1960; 97.5 percent in 1959; and 89.9 percent in 1958. In view of the large percentage of base milk used in Class I, it is more appropriate for milk delivered in the month of February to be priced at the blend price.

Since the expansion of the marketing area would bring under regulation plants not previously regulated, the order should provide for the assignment of bases to dairy farmers shipping to those plants who might become producers on the effective date of the amended order. These dairy farmers should be assigned bases equal to those which they would have earned had the plant to which they deliver milk been subject to regulation during the base forming period. The market administrator should determine bases for these producers in the same manner as he determines bases for producers delivering their milk to presently regulated plants.

8. *Miscellaneous changes.* The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

The definition of a route should be added to make easy reference to the term in several other provisions. The dates specified in the order on which handlers must discharge certain obligations and on which the market administrator must perform certain duties are such that such obligations and duties can be performed under normal business practices within the time allotted.

The method of computing the butterfat differential used in making payments to producers should not be changed. A witness appearing on behalf of the principal cooperative association of producers selling milk to handlers asked that the butterfat differential used in making payments to producers be determined as a weighted average of the Class I and Class II butterfat differentials but offered no evidence to support the change.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Nashville, Tennessee, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

DEFINITIONS

§ 978.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 978.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 978.3 Department.

"Department" means the United States Department of Agriculture.

§ 978.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 978.5 Cooperative association.

"Cooperative Association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and

(b) To be authorized by its members to make collective sales of or to market milk or its products for its members.

§ 978.6 Nashville, Tennessee, marketing area.

"Nashville, Tennessee, marketing area" hereinafter called the "marketing area" means all the territory within the boundaries of the counties of Bedford, Cheatham, Davidson, Dickson, Hickman, Houston, Humphreys, Macon, Montgomery, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Williamson and Wilson in Tennessee; Allen, Simpson and Warren in Kentucky; and the Fort Campbell military reservation.

§ 987.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority or produces milk acceptable for fluid consumption at Federal, State or municipal establishments within the marketing area, which milk is received at a pool plant or diverted from the farm directly to a nonpool plant for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of a handler operating such pool plant or at a pool plant at the location of the pool plant from which diverted if for the account of a cooperative association.

§ 987.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plant(s);

(b) A cooperative association with respect to milk of its producer members diverted for the account of such association from a pool plant to a nonpool plant; and

(c) A cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association for the account of the cooperative association if the cooperative association has notified in writing, on or before the first day of the month in which such milk is received from producers, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 978.9 Producer-handler.

"Producer-handler" means a person who produces milk and who operates an approved plant at which he received no fluid milk products during the month accept milk of his own production and transfers from pool plants.

§ 978.10 Approved plant.

"Approved plant" means the premises, buildings and facilities of any milk processing or packaging plant from which during the month Grade A milk is shipped to a pool plant, or from which fluid milk products are distributed on routes in the marketing area.

§ 978.11 Pool plant.

"Pool plant" means any approved plant specified in paragraphs (a), (b), or (c) of this section, except a plant of a producer-handler or a plant for which a handler is exempt pursuant to §§ 978.91 and 978.93.

(a) A plant at which during the month fluid milk products are processed or packaged and from which (1) disposition of fluid milk products on routes is at least 50 percent of total receipts of Grade A milk and (2) fluid milk products distributed on routes in the marketing area are at least 15 percent of its total disposition of fluid milk products on routes.

(b) A plant from which during the month there has been delivered to plants described in paragraph (a) of this section fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk from approved dairy farmers: *Provided*, That any plant which qualified as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July, unless the operator of such plant files with the market administrator a written request for withdrawal prior to the first day of the month for which nonpool status is requested, in which case the plant shall remain a nonpool plant until it again qualifies for pool status.

(c) A plant operated by a cooperative association if, during the month, the sum of the milk received at other pool plants from producers who are members of such cooperative association, plus the milk which was transferred thereto from the plant operated by the cooperative association, is not less than two-thirds of the total volume of milk delivered to all plants by producers who are members of the association.

§ 978.12 Nonpool plant.

"Nonpool plant" means any milk plant other than a pool plant.

§ 978.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers' farms, or (b) diverted from a pool plant to any other milk plant (except a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act) in accordance with the provisions of § 978.7.

§ 978.14 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and

(b) Milk products, other than fluid milk products, from any source (including those from a plant's own production) which are reprocessed or converted to another product in the pool plant during the month.

§ 978.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream (sweet and sour) or any mixture in fluid form of skim milk and butterfat components of milk (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 978.16 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months specified in § 978.72 for the computation of uniform base and excess prices, which is not in excess of such producer's daily average base computed pursuant to § 978.60, multiplied by the number of days in such month.

§ 978.17 Excess milk.

"Excess milk" means milk received at pool plants from a producer during any of the months specified in § 978.72 for the computation of uniform base and excess prices, which is in excess of the base milk of such producer for such month, and shall include all milk received during such month from a producer for whom no daily average base can be computed pursuant to § 978.60.

§ 978.18 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant store) of fluid milk products other than a delivery to a milk processing plant.

MARKET ADMINISTRATOR

§ 978.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 978.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 978.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary, a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 978.85; (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 978.86) necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 978.30 or § 978.31, or (2) payments pursuant to § 978.80, § 978.85 or § 978.87;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler, by audit or such other investigation, as may be necessary, of such handler's records and facilities and the records and facilities of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month, and (2) the 6th day of each month, the Class I price and the Class I butterfat differential, both for the current month; and (3) the 10th day after the end of each month, the uniform price(s) computed pursuant to § 978.71 or § 978.72 and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 978.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month each handler, except a producer-handler, and a handler exempt pursuant to § 978.91 or § 978.93 shall report for such month, to the market administrator in the detail and on forms prescribed by the market administrator the following:

(a) The quantities of skim milk and butterfat contained in producer milk showing separately such milk received from a cooperative association pursuant to § 978.8(c) and in the case of an approved plant that is not a pool plant the receipts of milk from approved dairy farmers;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the disposition of Class I milk outside the marketing area.

§ 978.31 Payroll reports.

(a) Each handler, except a producer-handler and a handler exempt pursuant to § 978.91, § 978.92, or § 978.93, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 6th day after the end of each month, for each producer from whom milk was received, (i) his name and address, (ii) the total pounds and butterfat content of milk received during the month, (iii) the total pounds of base milk and total pounds of excess milk for the month, and (iv) the amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered;

(2) On or before the 21st day of each month, the name and address of each producer from whom milk was received during the first 15 days of such month, and the pounds of milk so received during said period from such producer; and

(b) Each handler operating a nonpool distributing plant who does not elect to make payments as required pursuant to § 978.92(a) shall report to the market administrator on or before the 15th day after the end of the month for each approved dairy farmer from whom milk was received (1) his name and address, (2) the total pounds and butterfat content of milk received from such dairy farmer during the month, and (3) the amount of any deductions authorized in writing by such dairy farmer to be made from payments due for milk delivered.

§ 978.32 Other reports.

Each producer-handler and each handler exempt pursuant to § 978.91 or § 978.93 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 978.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat, and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat, and in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test butterfat content of all milk and milk products handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

§ 978.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(a) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

§ 978.35 Reports to cooperative associations.

On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association, as described in § 978.86(b), upon request by such association, the percentage of milk, except that milk for which the association is the handler, caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report, any milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler are allocated to such class.

CLASSIFICATION OF MILK

§ 978.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 978.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 978.41 through 978.46.

§ 978.41 Classes of utilization.

Subject to the conditions set forth in §§ 978.42 through 978.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b)(2) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product, (2) disposed of and used for livestock feed, and skim milk dumped after prior notification to, and opportunity for verification by the market administrator, (3) contained in inventories of fluid milk products on hand at the end of the month, (4) in shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat respectively, in producer milk (except that diverted pursuant to § 978.7) and in milk received from a cooperative for which the cooperative association is a handler pursuant to § 978.8(c) plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants; and (5) in shrinkage of other source milk.

§ 978.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amount between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 978.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 978.44 Transfers.

Skim milk and butterfat disposed of by a handler, either by transfers or diversions, shall be classified as follows:

(a) As Class I milk if transferred in the form of fluid milk products to the pool plant of another handler unless:

(1) Utilization in another class is claimed by the operators of both plants in their reports pursuant to § 978.30;

(2) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, remaining after allocation pursuant to § 978.46(a)(1) through (5) and the corresponding steps of § 978.46(b); and

(3) The classification of the skim milk or butterfat so transferred shall be classified so as to allocate to producer milk the greatest possible total Class I utilization at both places.

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product.

(c) As Class I milk if moved to a nonpool plant in bulk form as milk, skim milk or cream unless:

(1) Such nonpool plant is located less than 250 miles from the State Capitol at Nashville, Tennessee;

(2) The operator of the transferee plant maintains books and records showing the utilization of skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) The transferor-handler claims classification of such skim milk and butterfat in Class II in his report submitted pursuant to § 978.30; and

(4) The quantity of fluid milk products disposed of from such nonpool plant does not exceed the amount of milk received from Grade A dairy farmers who the market administrator determines to be the regular source of supply for such plant: *Provided*, That any fluid milk products disposed of from the nonpool plant which are in excess of the receipts from such dairy farmers shall be prorated to the receipts of milk transferred or diverted from all plants fully regulated by this order or by another order issued pursuant to the Act.

§ 978.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 978.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the pool plant(s) of such handler. The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 978.46 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining after making the following computation shall be the pounds in each class allocated to milk received from producers.

(1) Subtract from the total pounds of skim milk in Class II the shrinkage of skim milk classified as Class II milk pursuant to § 978.41(b)(4);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of sour cream if the skim milk in such cream was classified and priced as Class I milk under either the order regulating the handling of milk in the Memphis, Tenn., marketing area or the order regulating the handling of milk in the Louisville-Lexington marketing area: *Provided*, That this subtraction shall not be made if any sour cream is made during the month at any pool plant of such handler.

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a product other than a fluid milk product;

(4) Subtract from the pounds of skim milk remaining in each class, series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products which are not classified and priced as Class I milk under another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products not subtracted pursuant to subparagraphs (2) and (4) of this paragraph;

(6) Subtract from the pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received in the form of fluid milk products from other pool plants and from cooperative associations pursuant to § 978.8(c) according to the classification thereof as determined pursuant to § 978.44(a);

(8) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in milk received from producers subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 978.50 Basic formula price.

The basic formula price shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), (c) or (d) of this section, rounded to the nearest whole cent.

(a) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month:

LOCATION AND PRESENT OPERATOR
Borden Co., New London, Wis.
Borden Co., Ofordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 978.82(a) by 5.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiplying by 4 the average as computed by the market adminstrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area for the period from the 26th day of the immedately preceding month through the 25th day of the current month, as published by the Department, subtract 5 cents and multiply by 7.5.

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

LOCATION AND PRESENT OPERATOR
Carnation Co., Murfreesboro, Tenn.
Kraft Foods Co., Gallatin, Tenn.
Kraft Foods Co., Pulaski, Tenn.
Borden Co., Fayetteville, Tenn.
Borden Co., Lewisburg, Tenn.
Borden Co., Carthage, Tenn.
Summer County Cooperative Creamery, Gallatin, Tenn.
Swift and Co., Lawrenceburg, Tenn.
Wilson and Co., Murfreesboro, Tenn.

(d) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department during the month;

(2) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

§ 978.51 Class prices.

Subject to the provisions of §§ 978.52 and 978.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.50 during the months of August through January; plus $1.20 during all other months and plus or minus a supply-demand adjustment calculated for each month as follows:

(1) For each month calculate a utilization ratio as follows:

(i) Calculate a utilization percentage by dividing the total hundredweight of producer milk of all pool plants during the twelve-month period ending with the beginning of the preceding month by the net hundredweight of Class I milk disposed of from all pool plants during the same period, and multiply the result by 100.

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than a comparable utilization percentage calculated using the twelve-month period ending with the beginning of the fourth preceding month, and

(iii) The resultant figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, two cents: *Provided*, That any subtraction or addition shall be limited to 50 cents.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 978.50(c) plus 25 cents during the months of February through August and plus 35 cents during all other months: *Provided*, That such price shall not exceed the basic formula price.

§ 978.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 978.51 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) *Class I.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month, and round to the nearest one-tenth cent.

§ 978.53 Location differential to handlers.

For that milk which is received from producers at a pool plant located outside the State of Tennessee and 50 miles or more from the State Capitol, Nashville, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 978.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

	Rate per hundredweight (cents)
Distance from the State Capitol, Nashville, Tenn. (miles):	
50 but not more than 70	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 978.46 (a) (1) through (6), and the comparable steps in § 978.46(b) for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 978.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Determination of Base

§ 978.60 Computation of daily average base for each producer.

Subject to the rules set forth in § 978.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through January immediately preceding by 153: *Provided*, That the base of a producer, who delivers milk during August and whose deliveries are temporarily discontinued during the base-forming period, shall be determined by dividing by the number of days for which deliveries are made or by 138, whichever is higher: *And provided further*, That in the case of producers delivering milk to a pool plant which was not a pool plant during all of the preceding months of September through January a daily average base for each such producer shall be computed pursuant to this paragraph on the basis of his verifiable deliveries of milk to such plant during the period September through January preceding the month in which the plant became a pool plant.

§ 978.61 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraphs (b) and (c) of this section, the market administrator shall assign a base as calculated pursuant to § 978.60 to each person for whose account producer milk was delivered to pool plants during the months specified in § 978.60 for computation of base;

(b) A base which has been established by two or more persons operating a dairy farm as a partnership may be divided between the partners on any basis agreed to in writing by the partners provided written notification of the agreed division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective, and

(c) An entire base shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That an entire base or any portion thereof may be transferred from a producer to any other person upon adequate proof that such producer has discontinued marketing milk: *And provided further*, That if a base is held jointly, it shall be transferable only upon the receipt of such application signed by all joint holders or their heirs.

§ 978.62 Announcement of established bases.

On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily average base established by such producer.

Determination of Prices to Producers

§ 978.70 Computation of the net obligation of each handler.

For each month, the market administrator shall compute the value of milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 978.46(c) by the applicable class price, and total the resulting amounts;

(b) Add the amounts computed in subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply the rate of compensatory payment determined pursuant to § 978.94 by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.46 (a) (3) and (b);

(2) Multiply the rate of compensatory payment determined pursuant to § 978.94 at the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.46 (a) (4) and (b);

(3) Multiply the rate of compensatory payment determined pursuant to § 978.94 at the nearest plant(s) from which an equivalent amount of other source milk was received by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (6) and (b), which is in excess of the sum of (i) the quantity for which a payment must be computed pursuant to paragraph (d) of this section, and (ii) the quantity subtracted from Class II milk pursuant to § 978.45 (a) (5) and (b) in the preceding month;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 978.45 (a) (9) and (b) by the applicable class prices; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 978.45 (a) (7) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (6) and (b) for the current month, whichever is less, respectively.

§ 978.71 Computation of the uniform price.

For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 978.70 for the producer milk of all handlers who submit reports prescribed in § 978.30 and who are not in default of payments pursuant to § 978.81;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 978.83(a), and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 978.83(b);

(d) Add an amount equal to the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 978.87;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 978.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 978.30, and who are not in default of payments pursuant to § 978.81 as follows: (1) Multiply the quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, times the hundredweight of excess milk from the total value of producer milk of the month as determined according to the calculations set forth in § 978.71 (a) through (e);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section, the resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f.o.b. market.

§ 978.73 Notification of handlers.

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount of such handler's producer milk allocated to each class;

(b) The calculation of such handler's net obligation pursuant to § 978.70; and

(c) The amounts to be paid by such handler pursuant to §§ 978.81, 978.85, and 978.87.

Payments

§ 978.80 Producer-settlement fund.

The market administrator shall maintain a producer-settlement fund into which he shall deposit the appropriate payments made by handlers pursuant to §§ 978.81, 978.87, and 978.92 and out of which he shall make appropriate payments required pursuant to §§ 978.82 and 978.87.

§ 978.81 Payments to market administrator.

(a) On or before the 25th day of each month each handler, except a cooperative association, shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month;

(b) On or before the 12th day after the end of each month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money equal to such handler's net obligation for such month as determined pursuant to § 978.70 less payments made pursuant to paragraph (a) of this section for such month and less proper deductions authorized in writing by producers from whom such handler received milk.

§ 978.82 Payments to producers.

(a) On or before the last day of each month, the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 978.81 (a) at not less than the Class II price per hundredweight for the preceding month;

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 978.81 (b), such payments by the market administrator to be at not less than the uniform price computed pursuant to § 978.71 for the months for which such uniform prices are computed, and such payments to be for base and excess milk at not less than the uniform base and excess prices, respectively, computed pursuant to § 978.72 for the months for which such base and excess prices are computed, subject to the following adjustments: (1) Butterfat and location differentials pursuant to § 978.83, (2) less payments made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 978.86, (4) less proper deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past months: *Provided*, That if the market administrator has not received full payment from any handler for such month, pursuant to § 978.81, he shall reduce uniformly per hundredweight his payments to producers for milk received by such handler by a total amount not in excess of the amount due from such handler: *And provided further*, That the market administrator shall make such balance of payment to producers on or before the next date for making payments pursuant to this paragraph following that on which such balance of payment is received from such handler;

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator

shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payments has been received, a total amount equal to the sum of the individual payments otherwise payable to such producers pursuant to this section; and

(d) On or before the 10th day of the following month for milk received from a cooperative asssociation for which it is a handler pursuant to § 978.8(c) at not less than the value of such milk at the applicable prices.

§ 978.83 Butterfat and location differentials to producers.

(a) The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined pursuant to § 978.52(a); and

(b) In making payment to producers pursuant to § 978.82(b), the uniform prices pursuant to § 978.71 and the uniform base price pursuant to § 978.72 to be paid for producer milk received at a pool plant located outside of the State of Tennessee and 50 miles or more from the State Capitol, Nashville, Tennessee, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates specified in § 978.53.

§ 978.84 Statement to producers.

In making the payments required by § 978.82(b), the market administrator shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer, including for the months in which base and excess prices apply, the pounds of base and excess milk;

(c) The minimum rate or rates at which payment to the producer or cooperative association is required under the provisions of §§ 978.82 and 978.83;

(d) The amount or the rate per hundredweight of each deduction claimed by the handler including any deductions made pursuant to § 978.86, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 978.85 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the month of (a) producer milk, except producer milk received by a cooperative association pursuant to § 978.8(c), (b) own farm production, (c) milk received from a cooperative association pursuant to § 978.8(c), (d) other source milk allocated to Class I milk pursuant to § 978.46, and (e) the applicable amount specified in § 978.92 (a)(2) or (b)(2).

§ 978.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator, in making payments to producers pursuant to § 978.82, shall deduct an amount not exceeding 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk received by a handler(s) from producers during the month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association. Such services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary determines is performing the services specified in paragraph (a) of this section for its members, the market administrator shall, in lieu of the deductions provided in paragraph (a) of this section, make such deductions as are authorized by such producers, and on or before the 15th day after the end of each month, pay the money so deducted to such cooperative association.

§ 978.87 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records or accounts or other verification discloses errors resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 978.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money, irrespective of when such obligation arose, except an obligation involved in an action instituted before March 1, 1950, under section 8c(15)(A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed;

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 978.90 Producer-handlers.

A producer-handler shall be exempt from §§ 978.70 through 978.72 and §§ 978.80 through 978.87.

§ 978.91 Exempt handler.

A handler who operates an approved plant located outside the marketing area from which an average of less than 300 pounds of fluid milk products per day are disposed of on routes in the marketing area, shall be exempt from §§ 978.70 through 978.72 and §§ 978.80 through 978.87.

§ 978.92 Handler operating a nonpool distributing plant.

Each handler, other than a producer-handler or one exempt pursuant to §§ 978.91 or 978.93 who during the month operates an approved plant not a pool plant from which fluid milk products are distributed on a route(s) in the marketing area, shall, in lieu of the payments required pursuant to §§ 978.80 through 978.85 pay to the market administrator an amount calculated pursuant to paragraph (a) of this section, unless the handler elects, at the time of reporting pursuant to § 978.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) The following amount:

(1) On or before the 12th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 978.85 with respect to Class I milk disposed of on routes in the marketing area;

(b) The following amount:

(1) On or before the 15th day after the end of the month, for the producer-settlement fund any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 978.70 for Grade A milk received from dairy farmers at such plant for such month if such plant had been a pool plant: *Provided*, That in determining classification of transfers made to pool plants and the allocation to classes of receipts from pool plants the classification at such nonpool plant shall be in accordance with the classification which was assigned at the pool plant;

(ii) Deduct the gross payments made by the handler to dairy farmers, for Grade A milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the 15th day after the end of the month, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 15th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 978.85 had such plant been a pool plant, except that such amount shall be reduced by the amount of any payment of administrative assessment charge applicable to the same milk under another order issued pursuant to the Act.

§ 978.93 Handlers subject to other Federal orders.

The provisions of this part shall not apply to a handler with respect to the operation of a plant during any month in which the milk at such plant would be subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and in which the disposition of fluid milk products from such plant in the other Federal marketing area: *Provided*, That the operator of a plant which is exempted from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 978.94 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced milk allocated to Class I milk pursuant to § 978.46 shall be the Class II price, adjusted by the Class II butterfat differential, subtracted from the Class I price, adjusted by the Class I butterfat differential and the Class I location differential; *Provided*, That such rate shall not apply if the total receipts of producer milk at pool plants during the month are not more than 110 percent of the total Class I utilization of such plants for the month.

MISCELLANEOUS PROVISIONS

§ 978.100 Effective time.

The provisions of this part or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 978.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 978.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator, shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate;

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 978.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator, or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 978.104 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 978.105 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D.C., this 15th day of September 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-8734; Filed, Sept. 19, 1960; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 17]

SMOKED MEAT PRODUCTS

Notice of Review of Requirements Under the Meat Inspection Act

The Director of the Meat Inspection Division has designated a task force of selected personnel of that Division for the purpose of reviewing the existing requirement that "the weight of smoked products such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, beef tongues, and the like • • • shall not exceed the weight of the fresh uncured article." (9 CFR 17.8(c)(49)). The task force will review the validity of this requirement from the standpoint of consumer protection and production and marketing practices.

In reviewing this subject the task force will utilize all available resources in the Department of Agriculture, consumer, producer and industry organizations and other Federal Agencies where information pertinent to the subject can be obtained. The report of the task force will be used by the Director of the

Meat Inspection Division as the basis for any recommended changes in the above-mentioned requirement.

The task force will also review inspection procedures for the purpose of identifying workable control procedures which can be used by inspectors to assure full compliance with said requirement of any modification thereof.

All persons having any interest in this matter are requested to submit in writing their views and supporting information to the Director of the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 60 days after this notice appears in the FEDERAL REGISTER.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-8735; Filed, Sept. 19, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 60-NY-40]

RESTRICTED AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.27 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of the Air Force for modification of the De Blois, Maine, Restricted Area (R-397). The De Blois Restricted Area (R-397) is an area of 132 square miles in the southern part of Maine, east of Bangor. The controlling agency is the 406th Refueling Wing, Dow AFB, Bangor, Maine. It is used during daylight hours, in VFR weather for air-to-air gunnery, dive bombing, and rocketing from the surface to 50,000 feet MSL.

The Federal Aviation Agency is considering modifying the De Blois restricted area as follows:

1. Change the designated altitudes from "Surface to 50,00 feet MSL" to "Surface to 39,000 feet MSL". The Department of the Air Force has stated that the altitudes from 39,000 feet to 50,000 feet MSL are no longer required as the activities for which the restricted area was designated will be confined to a maximum ceiling of 39,000 feet MSL.

2. Modify the time of designation from "Daylight hours only, VFR weather conditions only," to "1000 hours through 2400 hours, local time, Monday through Friday." This increase in time designation will permit greater utilization of the restricted area by the Dept. of Air Force to accomplish required training missions in high and low level bombing.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 14, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-8698; Filed, Sept. 19, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Filing of Montana Protraction Diagrams

SEPTEMBER 9, 1960.

Notice is hereby given that, effective with this publication, the following protraction diagrams are officially filed of record in the Montana Land Office, 1245 North 29th Street, Billings, Montana. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) and amendments of Parts 188, 193, 195, 196, 198, 199, and 200 of Title 43, Code of Federal Regulations, as published in 25 F.R. 2797 April 2, 1960 (Circular 2040), these protractions will become the basic record for the description of land in applications and offers for mineral leases and permits filed at and after 10:00 a.m. on the thirty-first day after publication of this notice. These protractions will also become the basic record for the description of lands in applications for all other authorized uses at the above-specified time.

PRINCIPAL MERIDIAN, MONTANA

Unsurveyed sections in:
T. 10 N., R. 4 E.,
T. 11 N., R. 4 E.,
T. 11 N., R. 18 E.,
Tps. 12 N., Rs. 17 and 20 E.,
T. 14 N., R. 7 E.,
Tps. 15 N., Rs. 8, 9, and 10 E.,
T. 19 N., R. 8 E.,
T. 20 N., R. 9 E.
Unsurveyed townships:
Tps. 12 N., Rs. 18 and 19 E.,
Tps. 13 N., Rs. 7, 7½, and 8 E.,
T. 14 N., R. 8 E.,
Tps. 16 N., Rs. 7, 8, 9, 10, and 11 W.

Copies of these diagrams are for sale at One Dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 60-8707; Filed, Sept. 19, 1960; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

POULTRY GRIT FROM CANADA

Determination of No Sales at Less Than Fair Value

A complaint was received that poultry grit from Canada was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that poultry grit from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined that the quantity sold for home consumption was adequate to base the fair value comparison on the prices in the home market. Sales to the United States were made outright. Therefore, purchase price was compared with home consumption price.

Three sizes of poultry grit were sold to the United States. The prices usually included freight to destination, United States duty, and brokerage charges, although there were some sales in which only duty and brokerage charges were included.

In the home market, sales were either ex-factory or delivered destination.

Because of the varying prices at which sales were made in each market, a weighted average of the ex-factory prices of all sales of each size in each market for the period under consideration was determined. On the basis of the comparisons, it was determined that as to each size the home market price was higher than the purchase price. The manufacturer revised his pricing promptly upon being notified of the situation, thus eliminating all price differentials. The quantity involved as to which the differentials existed was not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-8722; Filed, Sept. 19, 1960; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10161]

MOHAWK AIRLINES, INC., TEMPORARY INTERMEDIATE POINTS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 12, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 15, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8731; Filed, Sept. 19, 1960; 8:50 a.m.]

[Docket 7263]

PITTSBURGH-SYRACUSE SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on October 5, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 15, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8732; Filed, Sept. 19, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-12391]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Fixing Date for Oral Argument

SEPTEMBER 13, 1960.

On August 12, 1960, the presiding examiner issued an intermediate decision in this proceeding. Exceptions thereto have been filed by Kansas-Nebraska Natural Gas Company, Inc. (KNCO), Northwestern Public Service Company, State Corporation of Kansas (Kansas), and the Commission staff. Additionally, KNCO and Kansas filed motions requesting opportunity to present oral argument in support of their exceptions.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in this proceeding as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on October 10, 1960, at 10:00 a.m. e.d.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and issues presented by the above-mentioned exceptions to the presiding examiner's decision herein.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before September 26, 1960, of such intention and of the time required for presentation of their argument.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8699; Filed, Sept. 19, 1960; 8:45 a.m.]

LANDS WITHDRAWN IN PROJECT NO. 416

Vacation of Withdrawal Under Section 24 of Federal Water Power Act

SEPTEMBER 13, 1960.

Pursuant to the filing on May 10, 1923, of an application for a preliminary permit for proposed major Project No. 416, the Commission in its June 1, 1923, withdrawal notification letter described the lands being reserved under the provisions of section 24 of the Federal Water Power Act as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 4 S., R. 33 E. (unsurveyed),
Sec. 14, SW¼;
Sec. 15, NW¼NW¼, S½NW¼, SW¼NE¼, N½SE¼;
Sec. 16, N½NW¼, SW¼NW¼, N½NE¼, SE¼NE¼;
Sec. 17, SE¼NE¼.

The preliminary permit for the project which was issued February 25, 1924, expired February 24, 1925. Subsequently, the development of the water resources in the area was undertaken under license for minor Project No. 922, the facilities developed thereunder embracing 9.39 acres of the above-described lands. Project No. 922 was redesignated as major Project No. 1890 in 1942, and in the redevelopment of the project approximately 16.48 acres of the lands reserved in connection with Project No. 416 were included in the project area of Project No. 1890.

The lands in the area having power value are amply segregated from all forms of disposal by the notices of land withdrawals in Projects Nos. 922 and 1890.

The Commission finds: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed major Project No. 416 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed major Project No. 416 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8700; Filed, Sept. 19, 1960; 8:45 a.m.]

[Docket No. CP60-56]

MONTANA-DAKOTA UTILITIES CO.

Notice of Postponement of Hearing

SEPTEMBER 13, 1960.

Upon consideration of the motion filed September 7, 1960, by counsel for Montana-Dakota Utilities Co. for postponement of the hearing now scheduled for October 4, 1960, in the above designated matter;

The hearing now scheduled for October 4, 1960, is hereby postponed to December 5, 1960 at 10:00 a.m. (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8701; Filed, Sept. 19, 1960; 8:45 a.m.]

[Docket Nos. CI60-170, CI60-171]

OIL INC. ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 13, 1960.

In the matter of Oil Incorporated, Operator, et al., Docket No. CI60-170, Grand Valley Transmission Company, Docket No. CI60-171.

Take notice that Oil Incorporated, Operator, a Nevada corporation, having its principal place of business at 907 Walker Bank Building in Salt Lake City, Utah, filed on February 11, 1960, an application (Docket No. CI60-170) pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity covering the sale of natural gas produced by Oil Incorporated from acreage in the Westwater Field, Grand County, Utah, to Grand Valley Transmission Company (Grand Valley) under the terms of a contract dated December 1, 1959. Oil Incorporated alleges that such gas will be transported through a pipeline to be constructed, owned and operated by Grand Valley for delivery into the facilities of, and for resale to, El Paso Natural Gas Company (El Paso), successor to Pacific Northwest Pipeline Corporation, for transportation and resale by El Paso in interstate commerce. Oil Incorporated states that it is advised that El Pasco will construct the necessary meter and regulating station under budget type authority issued in Docket No. G-20051.

The acreage involved herein consists of unsurveyed lands in Grand County, Utah, which, it is alleged, when surveyed will probably be described as follows:

TOWNSHIP 17 SOUTH, RANGE 23 EAST, S.L.M.

Lease	Section	Description	Acreage	Sellers working interest
				Percent
S.L.C. 071867	1	S/2	320.00	100
S.L.C. 071892	11	E/2	960.00	100
	12	All		
S.L.C. 071893	13	All	960.00	100
	14	E/2		

And the following surveyed lands in Grand County, Utah:

TOWNSHIP 17 SOUTH, RANGE 24 EAST, S.L.M.

U-04031	6	Lots 6, 7, E/2 SW/4	172.43	100
U-04011	7	Lots 1, 2, E/2 NW/4, NE/4 SE/4	211.98	100
S.L.C. 071892	7	Lots 3, 4, E/2 SW/4, W/2 SE/4 SE/4 SE/4	1,262.62	100
	17	W/2, SE/4		
	18	Lots 1, 2, E/2 NW/4, E/2		
U-013606-A	7	W/2 NE/4	80.00	100
S.L.C. 071893	18	Lots 3, 4, E/2 SW/4	170.56	100
U-026-A	8	W/2 SW/4	80.00	100

None of the gas involved will be purchased from third parties. The per centum of ownership in the working interest in said property is as follows:

	Percent
Oil, Inc	51.00
East Utah Mining Co	16.52
George E. Cranmer	5.00
W. H. H. Cranmer	4.00
Robert L. Cranmer	4.00
Midland Investment Co	3.85
Futures, Incorporated	3.85
New Park Mining Company	3.85
James E. Wetherell	2.00
Claude Smith	1.63
Frank M. Whitney	1.00
Monroe C. Wissmar	1.00
Richard C. Freed	.77
Charles C. Freed	.77
Renee Dykes, Trustee	.38
Homer A. Mann	.38
	100.00

All the above co-owners are signatories to the sales contract attached to the application of Oil, Incorporated, as Exhibit B. (FPC Gas Rate Schedule No. 1 of Oil, Incorporated, Operator).

The delivery points are at the wellheads and are shown on Exhibit A attached to said application (CI60-170). The delivery pressure is described as variable. The contract provides for an initial price of 12 cents per Mcf, including tax reimbursement, at 15.025 psia, an escalation of 1 cent per Mcf for the third and fourth five year periods during the primary period of the contract. No hydrocarbon liquids are included. The contract further provides that the purchaser shall pay three-fourths of any new taxes assessed against the sellers after the date of contract, and there is a proportional price adjustment based on heating value above or below 985 Btu per cubic foot for gas delivered. The contract provides for the delivery to Grand Valley of a maximum daily volume of 12,000 Mcf. The estimated initial volume is 9,000 Mcf per day.

Take further notice that filed concurrently with said application of Oil Incorporated on February 11, 1960, was an application of Grand Valley Transmission Company, a Nevada corporation having its principal place of business at 1102 Walker Bank Building in Salt Lake City, Utah (Docket No. CI60-171), pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity covering the gathering, transportation and sale of natural gas as hereinafter described.

Grand Valley proposes to purchase from Oil, Incorporated, et al., a maximum of 12,000 Mcf per day of natural gas produced by Oil, Incorporated, in said Westwater Field of Grand County, Utah, pursuant to the terms of the contract described above in the application of Oil, Incorporated. Grand Valley proposes to construct and operate facilities to gather the gas purchased, dehydrate, compress and transport for sale to El Paso for resale in interstate commerce.

Grand Valley proposes to construct and operate, in addition to field lines and dehydration facilities, approximately 16.2 miles of 6-inch pipeline to extend southeasterly from the Westwater Field to the point of connection with the pipeline system of El Paso.

The estimated total initial cost of construction is $500,000. It is proposed that $125,000 of the total initial investment will be supplied by the sale of stock and the balance of $375,000 will be financed by a bank loan.

Grand Valley proposes to dehydrate gas purchased at the wellheads, for high pressure wells, and at the Robidoux Compressor Station, for low pressure wells. The Robidoux Compressor Station will consist of two compressors of 200 horsepower each, with accessory separators and a dehydrator. The field compressor units to be installed at the Robidoux Compressor Station will be leased from others.

A summary of the gas purchase contract under which El Paso will purchase natural gas from Grand Valley is as follows:

Location of sale	Eastern Grand County, Utah, approximately 35 miles WNW of Grand Junction, Colo.
Date of contract	Dec. 1, 1959.
Initial price per Mcf including tax reimbursement	17½ cents.
Measurement pressure base (psia)	15.025.
Type of escalation provision	Fixed escalation of 1 cent per Mcf for the third and fourth 5-year periods during the primary period of the contract. Price redetermination based on current "reasonable market price" after tenth and fifteenth year, upon seller's request.
Hydrocarbon liquids included	No.
Other price adjustments	The contract provides that the purchaser shall pay ¾ of any new taxes assessed against Seller after the date of the contract; and there is a proportional price adjustment based on heating value above or below 985 Btu per cubic foot for gas delivered.
Estimated initial volume (Mcf per day)	9,000.
Delivery Pressure (psig)	900.
Delivery point	Milepost 270.0 on purchaser's main transmission line.

These applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 14, 1960, at 10:00 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.10) on or before October 24, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8702; Filed, Sept. 19, 1960; 8:45 a.m.]

[Docket No. CP61-7]

WATER WORKS SEWER AND GAS BOARD OF THE CITY OF SCOTTSBORO, ALA.

Notice of Application

SEPTEMBER 13, 1960.

Take notice that The Water Works Sewer and Gas Board of the City of Scottsboro, Alabama (Applicant), filed on July 13, 1960, an application for an order, pursuant to section 7(a) of the Natural Gas Act directing Southern Natural Gas Company (Southern Natural), to sell gas to it for distribution in the City of Scottsboro, Alabama, and environs. It is requested that Southern Natural deliver the volumes of gas hereinafter set forth to the Marshall County Gas District (District) for the account of Applicant at an existing connection near the City of Guntersville, Alabama. It appears that no additional facilities will be needed by Southern Natural.

District would transport such gas through its existing facilities to a proposed connection to be built by Applicant near Applicant's proposed transmission line which will connect with District's line near Guntersville. Applicant proposes to construct approximately 29.4 miles of 6⅝ inch transmission line from Guntersville to the City of Scottsboro and to construct and operate a distribution system in the City and surrounding territory. The City has granted a franchise to Applicant to construct and operate a distribution system.

District and Applicant entered into agreement dated November 13, 1958, whereby the District would transport up to 2,700 Mcf of gas per day for Scottsboro and environs. District would operate that portion of Applicant's transmission line from the City of Guntersville to the Marshall-Jackson County line and Applicant would operate the remainder from this point to Scottsboro.

Applicant estimates population in and near Scottsboro at approximately 7,000 with total potential customers of 2,170. The estimated gas requirements for the proposed system, as ascertained by a field survey are as follows:

Year	Requirements in Mcf	
	Peak day	Annual
1	1,269	135,560
2	1,544	166,300
3	1,936	208,390

On August 4, 1960, Southern Natural advised by its answer that it had no objection to rendering the proposed service to Scottsboro.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 3, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8703; Filed, Sept. 19, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 15, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36571: *Sulphur—Southwestern territory to official territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7896), for interested rail carriers. Rates on sulphur (brimstone), crude, unground and unrefined, in carloads, from specified points in Texas and Louisiana, also Hobbs, N.M., to specified points in official territory.

Grounds for relief: Market competition.

Tariff: Supplement 158 to Southwestern Freight Bureau tariff I.C.C. 4177.

FSA No. 36572: *Sulphur—Campbellton, Tex., to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-7897), for interested rail carriers. Rates on sulphur in carloads, from Campbellton, Tex., to specified points in Florida, Georgia, North Carolina, South Carolina, also Dothan, Ala., Calvert, Ky., and specified points in Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 158 to Southwestern Freight Bureau tariff I.C.C. 4177.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8715; Filed, Sept. 19, 1960; 8:47 a.m.]

[Taylor's I.C.C. Order No. 123-A; Rev. S. O. 562]

PENNSYLVANIA RAILROAD CO.

Rerouting of Traffic; Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 123 (The Pennsylvania Railroad Company) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 123, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a.m., September 12, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 12, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-8716; Filed, Sept. 19, 1960; 8:47 a.m.]

[Taylor's I.C.C. Order No. 124-A; Rev. S.O. 562]

GRAND TRUNK WESTERN RAILROAD CO.

Rerouting of Traffic; Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 124 (Grand Trunk Western Railroad Company) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 124, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a.m., September 12, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 12, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-8717; Filed, Sept. 19, 1960; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 16, 1960

S. 2917 ..... Public Law 86-799
An Act to establish a price support level for milk and butterfat.

H.R. 10841 ..... Public Law 86-800
An Act to amend the Tariff Act of 1930 to place bamboo pipe stems on the free list.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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(As of January 1, 1960)

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Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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VOLUME 25 NUMBER 184

Washington, Wednesday, September 21, 1960

THE UNIVERSITY OF MICHIGAN
SEP 23 1960
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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1960–61 Marketing Year

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AUTHORITY: §§ 727.1130 to 727.1161 issued under secs. 301, 313, 314, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended, sec. 401, 63 Stat. 1054, as amended, sec. 125, 70 Stat. 198; 7 U.S.C. 1301, 1313, 1314, 1372–1375, 1421, 1813.

GENERAL

§ 727.1130 Basis and purpose.

Sections 727.1130 through 727.1161 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1960–61 marketing year. Prior to preparing §§ 727.1130 through 727.1161, public notice (25 F.R. 4137) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 727.1130 through 727.1161 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended. These regulations do not provide for the collection of penalties on excess tobacco produced prior to the 1960 calendar year and marketed after September 30, 1960, it having been administratively found and determined, and it is hereby so found and determined, that (a) there will not be more than a negligible amount of such tobacco, (b) there is no practicable course which could be pursued to determine accurately the farms on which such tobacco may have been produced, (c) the costs of endeavoring to collect penalties on any such tobacco would be prohibitive, and (d) any attempt to collect any small amount of penalties which might become due would hamper the efficient and economical administration of the tobacco marketing quota program. Since county committees are now determining the acreage of tobacco on farms, are preparing to issue marketing cards, and the 1960–61 marketing year begins October 1, 1960, it is hereby determined that compliance with the provision contained in section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which requires publication of a substantive rule thirty days before the effective date is contrary to the public interest. Sections 727.1130 through 727.1161 shall, therefore, become effective upon filing with the Director, Division of the Federal Register.

§ 727.1131 Definitions.

As used in §§ 727.1130 through 727.1161 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. The following words and phrases shall have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Community Committee", "County Committee", "County Office Manager", "Deputy Administrator", "Farm", "Operator", "Secretary".

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyers Corrections Account" means the account required to be kept by the warehouseman of any tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, and which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. Buyers Corrections Account shall include from each adjustment invoice the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights which buyers credit or debit to the warehouseman and support with adjustment invoices.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1960 which has not been marketed or which has not otherwise been disposed of prior to the beginning, as established by the Act, of the 1960–61 marketing year.

(d) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers.

(e) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Field assistant" or "marketing recorder" means any duly authorized employee of the United States Department of Agriculture and any duly authorized employee of an Agricultural Stabilization and Conservation (ASC) county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm who engages in receiving tobacco from farmers and who assists in the sale of such tobacco through such warehouse to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(g) "Floor sweepings" means scraps of tobacco or leaves, other than bundles, of tobacco which accumulate on the warehouse floor in the regular course of business and resales of such accumulated tobacco.

(h) "Leaf account tobacco" means all tobacco purchased by or for the account

of the warehouse regardless of whether it is whole or parts of leaves or bundles and in addition tobacco, other than floor sweepings, which accumulates on the warehouse floor and is gathered up by the warehouseman for sale, and sales and resales of such tobacco including tobacco from Buyers Corrections Account. Scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, and floor sweepings purchased from another warehouseman or dealer shall be considered leaf account tobacco.

(l) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers would equal one pound standard weight.

(m) "Producer" means a person who, as owner, landlord, tenant or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(n) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(o) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(p) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(q) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(r) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(s) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(t) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as Maryland tobacco shall be considered Maryland tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which Maryland tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless (i) the county committee with the approval of the State committee determines that all or a part of such acreage should not be considered as Maryland tobacco under subparagraph (1) of this paragraph, or (ii) the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1960 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(3) Notwithstanding the foregoing definition of "tobacco", or any other provision of §§ 727.1130 through 727.1161, tobacco in hogsheads which at the close of business on September 30, 1960, was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1960, shall not be considered to be "tobacco" within the meaning of this subpart if such warehouse has furnished the report required by § 727.1153(g)(2).

(u) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1960 plus any carryover tobacco, less any tobacco disposed of in accordance with § 727.1145.

(v) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1960, to September 30, 1961, inclusive, and any Maryland tobacco produced in the calendar year 1960 and marketed prior to October 1, 1960.

(w) "Trucker" means a person operating as a common carrier or private carrier who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(x) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(y) "Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers and the warehouseman.

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed by sale at public auction in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.1132 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 727.1133 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1960 shall be expressed in hundredths and fractions of less than one-hundredth of an acre shall be dropped. For example, 1.550, 1.555 or 1.559 would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and, 6.782 would be 6.8; and, expressions in hundredths calculated as 0.0536 would be 0.05; 0.0550 would be 0.05; 0.0551 would be 0.06; and, 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 727.1134 Identification and location of farms.

(a) Each farm as operated for the 1960 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1960–61 marketing year shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 727.1135 Determination of tobacco acreage.

(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1960 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1960 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 727.1130 to 727.1161 inclusive and subject to the rule of fractions heretofore provided in § 727.1133 (a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* The county committee, as to each farm, shall notify the farm operator of the results of the measurement of tobacco acreage.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 727.1138 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that tobacco representative of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if acreage determination refused.* If the farm operator or any producer on the farm prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1960 tobacco acreage and the tobacco acreage in excess of the 1960 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 727.1136 Amount of farm marketing quota.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Maryland Tobacco Marketing Quota Regulations, 1960–61 (24 F.R. 6899). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1960 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1960 times the number of acres harvested in excess of the 1960 farm acreage allotment.

§ 727.1137 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in § 719.12 of this chapter.

§ 727.1138 Marketing cards.

(a) *Issuance.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (b) to (f) of this section. Marketing cards shall be issued in the name of the farm operator, except that (1) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the Experiment Station and (2) cards shall be issued in the name of the successor in interest to the farm operator.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards for use in identifying marketings of 1960 crop tobacco except with respect to the issuance of marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (d)(2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty shown in § 727.1147(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1960 from a farm for which no 1960 acreage allotment was established, or

(ii) Where tobacco is harvested in 1960 from a farm and the farm operator or any producer on the farm prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm, or

(iii) Where tobacco is harvested in 1960 from a farm for which, under § 727.1152(f), the 1960 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of 1960 crop tobacco from a farm are subject to penalty, determined as provided in § 727.1144 (including zero penalty) shall be issued in any case:

(i) Where tobacco is harvested in 1960 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1960, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco (as defined in § 727.1131(t), § 725.1131(t) (25 F.R. 3935) and § 723.1131(m) (25 F.R. 3927) of the tobacco marketing quota regulations for the 1960–61 marketing year) is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1960 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to notify the county ASC office (with deposit to cover the cost as determined by the county committee and approved by the State committee) of his intention to dispose

of any excess tobacco acreage or to request remeasurement of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–590, Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 727.1145, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to file such written request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1960 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 727.1145 unless the county committee or the county office manager on behalf of the county committee determines that the acreage of tobacco was not measured, or remeasured as the case may be, in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) *Excess marketing card (MQ–77—Tobacco) marked "carryover".* An excess marketing card (ineligible for price support loans) marked "carryover", authorizing the marketing without penalty of carryover tobacco from the farm shall be issued for a farm with respect to which there is carryover tobacco.

(d) *Within quota marketing card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for use in identifying marketings of 1960 crop tobacco from a farm under paragraph (b) of this section, a within-quota marketing card (eligible for price support loan and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1960 is not in excess of the farm acreage allotment therefor.

(2) If the Director of a publicly owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station.

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only.

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(e) *Stamping within quota marketing cards (MQ–76) to show producer indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ–76) issued for such farm in accordance with paragraph (d) of this section shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ–76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm for use in identifying marketings of (1) 1960 crop tobacco, or (2) carryover tobacco. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card, shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager, who issued the card, to have been lost, destroyed or stolen.

§ 727.1139 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly owned agricultural experiment station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASC county office.

§ 727.1140 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 727.1141 Successors in interest.

Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent to such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.1142 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 727.1143 Report of misuse of marketing card.

Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 727.1144 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of 1960 crop tobacco from a farm shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in 1960 in excess of the 1960 farm acreage allotment and not disposed of under § 727.1145 by the total acreage of tobacco harvested from the farm in 1960.

(b) Carryover tobacco shall not be subject to penalty.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the rate of penalty shown in § 727.1147 by the percent excess obtained under paragraph (a) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.1145 Disposition of excess tobacco.

The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any 1960 crop tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 727.1146 Identification of marketings: old crops.

Subject to paragraph (a) of this section, each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1960 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from an excess marketing card marked "carryover" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1960, and the words "old crop" will be entered by the field assistant or warehouseman on each memorandum executed covering a warehouse sale or by a buyer on each bill of nonwarehouse sale executed to cover a nonwarehouse sale, with respect to a marketing of tobacco produced prior to 1960.

(a) *Memorandum of sale and sale without marketing card.* (1) The word "scrap" shall be plainly written on any memorandum of sale or MQ–82, Tobacco, Sale Without Marketing Card, executed to cover scrap tobacco. If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized during the 1960–61 marketing year on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse, and who keeps records showing the information specified in § 727.1154, and who has been authorized on MQ–78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ–82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.1130 to 727.1161. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(3) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

(2) The word "scrap" shall be plainly written on any bill of nonwarehouse sale and memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person who is authorized to issue memoranda of sale.

(3) Each bill of nonwarehouse sale covering any marketing including scrap tobacco, except as described under paragraph (a)(1)(ii) of this section, shall be presented to a person who is authorized to issue a memorandum of sale and for recording in MQ–79—Tobacco.

§ 727.1147 Rate of penalty.

Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for Maryland tobacco for the 1959–60 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1959–60 marketing year was 61 cents per pound for Maryland tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1960–61 marketing year shall be 46 cents per pound for Maryland tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 727.1144.

§ 727.1148 Persons to pay penalty.

The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 727.1149 Penalties considered to be due from warehousemen, dealers, and other persons excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a) *Warehouse sale without memorandum of sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82—Tobacco, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The pen-

alty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which:

(1) Is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale); and,

(2) Is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week in which the tobacco was purchased; or,

(3) Where the tobacco is not to be resold through a hogshead tobacco warehouse, and is purchased prior to the opening of the local auction market, is not identified by a valid bill of nonwarehouse sale and by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be presumed; subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman, which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases shall be considered to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Resales not reported.* Any resale of tobacco which under §§ 727.1130 through 727.1161 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.1130 through 727.1161 shall be considered to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State Administrative Officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

§ 727.1149a Producers penalties; false identification, failure to account, incorrectly determined acreages.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1960 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 727.1152(d) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Redetermined excess harvested acreage.* If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (d) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 727.1135 shall be paid by the producer.

(c) *Canceled allotment.* If, after part or all of the tobacco produced on a farm has been marketed and the allotment therefor has been canceled under § 727.1152(f), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 727.1126 (24 F.R. 6899), such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the tobacco acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 727.1150 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition in which case penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the end of the calendar week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Commodity Stabilization Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale; net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.1130 to 727.1161 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale, less usual warehouse charges), the amount of the net proceeds, accompanied by a copy of the warehouse bill covering such sale, may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonwarehouse sale; converted penalty rate.* Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.1151 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 727.1130 to 727.1161 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee.

RECORDS AND REPORTS

§ 727.1152 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1960. If any producer on a farm files or aids or acquieses in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refused to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report on marketing card.* The operator of each farm shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than October 1, 1961. At the time the marketing card is returned to the ASC county office, there shall be shown on each such card the quantity of tobacco on hand, if any, including the crop year produced and its location. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (d) of this section.

(c) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(d) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.1130 to 727.1161, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State Administrative Officer within fifteen (15) days after deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco, a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing and (5) complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108, as requested, the filing of a false MQ–108, or the filing of a MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided or acquiesced in the failure to furnish such proof.

(e) *Harvesting second tobacco crop from same acreage.* If in the calendar year 1960 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(f) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 727.1111 to 727.1127 (24 F.R. 6899) which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled as of the date the allotment was established.

§ 727.1153 Warehouseman's records and reports.

(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition, with respect to each individual basket or lot of tobacco constituting the warehouse sale, the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco.

(iii) Resales of floor sweepings.

(3) Each warehouseman shall keep such records as will enable him to furnish the ASC State office the total pounds and amounts of the debits (short baskets and short weights) and the credits (long baskets and long weights) to the Buyers Corrections Account as defined in § 727.1131(b). Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry), in a case of a dealer, on the Dealer's MQ–79 (Dealer's Record). If a warehouse maintains a daily summary of billouts, the balancing figure reflected thereon, if any, shall not be included in the Buyers Corrections Account.

(4) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(5) Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(6) In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register (or ledger account in case of a sale through a hogshead tobacco warehouse).* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the serial number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such

sale of tobacco (or on the ledger account in the case of a sale through a hogshead tobacco warehouse).

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman or any other person who obtains possession of any scrap tobacco in the course of grading tobacco from any farm and any warehouseman who obtains possession of any scrap tobacco as a result of providing curing space or stripping space for farmers shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended," write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided*, That, if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record, old crops.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1960, the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco warehouse by or for such warehouseman from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(4) Resales of floor sweepings separately from leaf account tobacco, as these terms are defined under § 727.1131.

MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided*, That if tobacco is purchased prior to the opening of the local auction market an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week which includes the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office with the original copy of MQ–79—Tobacco.

(g) *Season report of warehouse business.* (1) Each warehouseman, other than a hogshead tobacco warehouseman, shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing:

(i) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased at auction and resold at auction on the warehouse floor.

(ii) The total pounds and gross amount of "loan tobacco" billed to any association.

(iii) The total pounds and gross amount of all leaf account purchases at auction on the warehouseman's own floor and the total pounds and gross amount of all leaf account resales at auction on the warehouseman's own floor including resales of tobacco from Buyers Corrections Account.

(iv) The total pounds and gross amount of all resales at auction on the warehouseman's own floor of floor sweepings which accumulated on the warehouseman's own floor; and such report of resales of floor sweepings shall not include leaf account tobacco as the terms floor sweepings and leaf account are defined under § 727.1131.

(v) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse.

(vi) The total pounds and gross amount of all purchases and resales of all leaf account tobacco at other warehouses and purchases from and resales to dealers.

(vii) The total pounds and gross amount of resales of floor sweepings which accumulated on the warehouseman's own floor and sold at other warehouses or to dealers, and such report of resales of floor sweepings shall not include leaf account tobacco, as the terms floor sweepings and leaf account are defined under § 727.1131.

(viii) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, or floor sweepings which accumulated on the warehouseman's own floor.

(ix) The sum of the debits and the sum of the credits, pounds and amounts, from the Buyers Corrections Account (§ 727.1153(a)(3)).

(x) A hogshead tobacco warehouseman, also, shall report all leaf account tobacco purchased or sold and all floor sweepings sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall furnish the ASC State committee, not later than October 10, 1960, a report showing the producer's name (or the name of the dealer in the case of tobacco received from a dealer), hogshead number and pounds of tobacco in each hogshead received but which is on hand and unsold as of the close of business on September 30, 1960. Such report shall include tobacco produced prior to 1960 and tobacco produced in 1960 and all tobacco shall be identified as to the year in which it was produced.

(3) A hogshead tobacco warehouseman shall submit weekly reports, except as to tobacco excluded from the definition of "tobacco" by § 727.1113(t)(3) (each such report to be submitted not later than the end of the calendar week during which the transactions occurred), to the ASC State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the billout to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to whether the tobacco in the hogshead was produced in 1960 or in a year prior to 1960.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1960 and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1960.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the billout for tobacco resold through the hogshead warehouse.

(h) *Report of penalties.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum of sale number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty, and (7) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor:

(1) The warehouse bill number.

(2) The name on the warehouse bill.

(3) The name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, or floor sweepings, as these terms are defined under § 727.1131.

(4) The registration number and State of the person making the resale.

(5) The number of pounds sold, and

(6) The gross amount for the sale.

MQ–86—Tobacco shall be prepared for each sale day during which resales occur and such report forwarded to the ASC State office at the end of the sale day.

(j) *Field Assistant Report.* Each warehouseman, other than a hogshead tobacco warehouseman, shall keep such records that will enable him to report for each sale day on Form MQ–83—Tobacco, Field Assistant Report:

(1) The warehouse gross sales for the day, pounds and amount, as billed to buyers and as shown on warehouse check register, if shown thereon, and

(2) The total pounds and amount of leaf account tobacco purchased at auction on his own warehouse floor.

§ 727.1154 Dealer's records and reports.

Each dealer, except as provided in § 727.1155, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco, which is issued to the dealer.

(b) *Record of marketings.* Each dealer shall keep such records as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale, including the records and reports for farm scrap tobacco set forth in § 727.1153 (a)(4)(5) and (c); and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and, with respect to each lot of tobacco sold by him, the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(11) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1960, the fact that such tobacco was bought by him from a crop produced prior to 1960.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1960 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse, including farm scrap tobacco obtained as set forth in § 727.1153 (a)(4)(5) and (c). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(d) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco bought from a crop produced prior to 1960, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1960. MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week in which tobacco was purchased or resold, including the original copy of any spoiled reports: *Provided*, That if tobacco is purchased prior to the opening of the local auction market an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office with the original copy of MQ–79—Tobacco.

(e) *Report to warehousemen for Buyers Corrections Account of Tobacco Received.* Notwithstanding the provisions of § 727.1155, any dealer, buyer or any other person who acquires tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman an invoice or an adjustment invoice correctly setting forth the pounds and dollars for which he has not been invoiced or for which he has been invoiced incorrectly.

§ 727.1155 Dealers exempt from regular records and reports.

Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.1154: *Provided, however*, That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 727.1154 with respect to such purchases.

§ 727.1156 Records and reports of truckers and persons redrying, prizing or stemming tobacco.

(a) Each person operating as a common carrier or private carrier, who is engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers, shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producers;

(2) The date of receipt of the tobacco;

(3) The number of pounds received; and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 727.1157 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 727.1158 Failure to keep records and make reports or making false reports or records.

(a) *Misdemeanor provisions.* Any warehouseman, processor, dealer, trucker, or persons engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 727.1130 to 727.1161, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 727.1130 to 727.1161 within fifteen days after notice to him of such violation shall be subject to an

additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both. Notice of any violation by a warehouseman, processor, dealer or trucker, shall be given by the State administrative officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

(b) *Criminal law.* The penalties which may be imposed under paragraph (a) of this section are in addition to, and not exclusive of, any other remedies or penalties under existing law, including the provisions of U.S. Code, Title 18, sec. 371 relating to acts of conspiracy and U.S. Code, Title 18, sec. 1001 relating to acts of fraud.

§ 727.1159 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, trucker or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available, at one convenient place, for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, all such books, papers, records, basket tickets; floor sheets; buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 727.1160 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 727.1130 to 727.1161 for the 1960–61 marketing year shall be kept by him until September 30, 1963. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 727.1161 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.1130 to 727.1161 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The record keeping and reporting requirements of these regulations (§§ 727.1130 to 727.1161) have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 15th day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8792; Filed, Sept. 20, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 346; Amdt. 34]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C49a, Electric Tachometer; Magnetic Drag

A proposed amendment to § 514.48 establishing minimum performance standards for electric tachometers used in civil aircraft of the United States was published in 25 F.R. 3423.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.48 is revised as follows:

§ 514.48 Electric tachometer: magnetic drag (for air carrier aircraft)—TSO–C49a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for electric tachometers which specifically are required to be approved for use on civil aircraft of the United States. New models of electric tachometers manufactured for installation on civil aircraft on or after October 15, 1960, shall meet the standards set forth in SAE Aeronautical Standard AS–404B, "Electric Tachometer: Magnetic Drag (Indicator and Generator)," dated February 1, 1959[1] with exceptions, additions, and substitutions to the standards listed in subparagraph (2) of this paragraph.[2] Electric tachometers approved by the Administrator prior to October 15, 1960, may continue to be manufactured under the provisions of their original approval.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

[2] When electric tachometers are installed on civil aircraft, the installation must comply with the functional and installational requirements of Parts 3, 4b, 6, or 7 of the Civil Air Regulations as applicable.

(2) *Exceptions.* (i) The following specifically numbered parts in AS–404B do not concern minimum performance and therefore are not essential to compliance with this section: Parts 3.1, 3.1.1, 3.1.2, 3.2, 3.2 (a) (b) (c) (d) (e) (f), 4.1.3.1, 4.1.3.2, 4.1.3.3, 4.1.3.4, and 4.1.3.5.

(ii) In lieu of part 7 in AS–404B, it is a requirement that tachometers covered by this section be capable of successfully passing the tests in parts 7.1 through 7.8.

(b) *Marking.* In addition to the markings specified in § 514.3, range and rating shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawing or photograph showing exploded view of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(d) Quality control. Each electric tachometer shall be produced under a quality control system, established by the manufacturer, which will assure that each tachometer is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

Effective date. October 15, 1960.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on September 15, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8739; Filed, Sept. 20, 1960; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 224; Docket No. R–189]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Miscellaneous Amendments

SEPTEMBER 15, 1960.

This proceeding involves the amendment of Federal Power Commission Forms Nos. 12, 12–A, and 12–D and the regulations prescribing those Forms. Forms Nos. 12, 12–A, and 12–D are prescribed by the following sections of the Commission's regulations under the Federal Power Act (with approved forms) which sections appear at Part 141—Statements and Reports (Schedules), Subchapter D—Approved Forms, Federal Power Act, Chapter I—Federal Power Commission, Title 18—Conservation of Power, Code of Federal Regulations: § 141.51, Form No. 12, Power system statements for Class I and II Systems and for Class IV and V Systems where requested; § 141.52, Form No. 12–A, Power system statements for Class III, IV, and V Systems; and § 141.55, Form No. 12–D, Power system statement for Class III Systems having annual energy requirements of less than 5,000,000 kwh and Class IV and V Systems where requested. These sections also appear on pages 111 through 113 of the Commission's pamphlet publication of its regulations under the Federal Power Act (with approved forms), as amended to November 1, 1959. These regulations and forms were last revised by the Commission's Order No. 183, issued January 24, 1956, Docket No. R–149 (21 F.R. 869, February 8, 1956).

Forms Nos. 12, 12–A, and 12–D solicit information on electric generating and transmission facilities, electric loads, classified uses of electric energy, and power and energy transactions with other electric utility systems. The purpose of the amendments involved herein is to clarify these forms, eliminate certain of the existing reporting requirements, modify an existing requirement for furnishing load data, and add a new requirement that manufacturers of equipment be identified.

General public notice of the hereinafter ordered amendments was given by publication of notice of proposed rulemaking in the FEDERAL REGISTER on July 1, 1960 (25 F.R. 6212) and by the mailing of copies of the notice of proposed rulemaking to interested parties including State and Federal regulatory agencies. In giving notice of the proposed changes, the Commission invited all interested parties to submit data, views, or comments not later than August 1, 1960. All changes as proposed and relating to the Forms and Regulations involved herein were included in the general public notice, notwithstanding that most of them are not of such nature as would require prior notice pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003). This was done for convenience and uniformity.

A total of eleven letters were received in response to the above-mentioned public notice, all in relation to F.P.C. Form No. 12. Three of these were objections to the proposed new requirement that manufacturers of boilers, prime movers, generators, and transformers be included. The other eight letters consisted mainly of suggestions for clarifying certain reporting requirements and obtaining, in certain instances, more meaningful data. Two of these eight letters contained suggestions relating to schedules of Form No. 12 as to which no changes were proposed in the Notice initiating this proceeding. One response suggested that more information relative to nuclear plants be required and another suggested that estimates be permitted in reporting certain load data. The above comments and suggestions have been considered by the Commission and, to the extent deemed meritorious, are reflected in the hereinafter ordered amendments.

The Commission finds: In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of administration of the Federal Power Act that the Commission's Forms Nos. 12, 12–A, and 12–D and the Commission's regulations under the Federal Power Act prescribing those Forms, as heretofore amended, be further amended in the manner as hereinafter provided.

The Commission, acting pursuant to authority granted by the Federal Power Act (41 Stat. 1063, as amended, 16 U.S.C. 791a–825r), and particularly sections 4(a), 301(a), 302(b), 303, 304, 309, and 311 (41 Stat. 1065, as amended, 49 Stat. 854, 855, 858, 859; 16 U.S.C. 797(a), 825(a), 825a(b), 825b, 825c, 825h, 825j), hereby orders that Forms Nos. 12, 12–A, and 12–D prescribed by §§ 141.51, 141.52, and 141.55 of the Commission's regulations under the Federal Power Act (18 CFR 141.51, 18 CFR, 141.52, and 18 CFR 141.55, respectively) and the regulations prescribing those Forms be amended, effective October 1, 1960, as follows:

(A) *Form No. 12 prescribed by § 141.51* of the Commission's regulations under the Federal Power Act (18 CFR 141.51) is amended as follows:

General Instructions. Change the first five lines under "Basis of Classification," Paragraph 5, to read:

Systems which generate all or part of system requirements and, whose net energy for system for the year covered by this statement was—
More than 100,000,000 kilowatt-hours.
20,000,000 to 100,000,000 kilowatt-hours.

Schedule 1. Change paragraph 1 of the Instructions by adding at the end thereof the following sentence: "Nuclear plants should be included in the steam group, but it should be indicated in column 1 or in footnote that they are nuclear plants."

Renumber present paragraphs 8 through 16 of the instructions paragraphs 9 through 17, respectively, and add a new instruction 8 reading as follows: "8. Figures in column 4 should be based upon the rating at maximum pressure shown on nameplate for units with hydrogen cooling."

Change the present columnar heading over columns (4) and (5) to read: "Installed generating capacity in kw at end of year—manufacturer's maximum nameplate rating of generator."

Schedule 3. Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this schedule should be completed for each hydroelectric plant under 5,000 kilowatts, each steam-electric plant under 10,000 kilowatts, and each internal-combustion engine and gas-turbine plant under 2,500 kilowatts, installed capacity. Do not refer to previously reported data in reporting for every such fifth year.

For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be completed for each such plant as referred to in the preceding paragraph which was:

(a) Constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Altered during the year—i.e., generators or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19 , is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Change lines 2 and 17, page (9) and lines 2, 17, and 32, page (10) by adding at their respective beginnings "Maximum."

Change lines 3 and 18, page (9) and lines 3, 18, and 33, page (10), to read: "Maximum name-plate rating of generator in kilowatts."

Schedule 4. Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this entire schedule should be filled in *completely* for each hydroelectric plant of 5,000-kilowatt installed capacity or greater. Do not refer to previously reported data in reporting for every such fifth year.

For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., water wheels, generators, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capability was modified as a result of changes during the year in dams, spillways, or other structures of the project, or in available storage at or above the site; or

(d) Which was not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31, of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Raise each of the footnote references on page (11) ("1," "2," "3," and "4,") by 1, and insert at the end of line 6, page (11), the footnote reference "1."

Insert as a subheading "Elevation" between lines 22 and 23 page (11), and change the numbers at the respective beginnings of lines 23 and 24 to "1" and "2," respectively.

Change footnote 2, page (11), by adding at the end thereof "and time of year," and renumber footnotes "2," "3," and "4" "3," "4," and "5," respectively.

Insert a new footnote to read as follows: "2. Should agree with sum of Columns 4 and 5, Schedule 1."

Insert immediately below line 36, page (12), "(g) Manufacturer."

Insert immediately below line 43, page (12), "(f) Manufacturer."

Change line 46, page (12), to read: "Type: If auto specify."

Schedule 5. Change the title to read: "Steam-Electric Including Nuclear Plant Data."

Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this entire schedule should be filled in *completely* for each steam-electric (including nuclear) plant of 10,000-kilowatt installed capacity or greater. Do not refer

to previously reported data in reporting for every such fifth year.

For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph.

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., generators, boiler units, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capacity was modified as a result of plant changes during the year; or

(d) Which was not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19 , is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Change each of the three footnote references on page (13) to "2."

Change line 5 to read as follows: "Total installed generator capacity—maximum name-plate ratings (including auxiliary units)—Kw[1] • • •"

Change line 16 to read: "Coal (Btu per pound)."

Change line 17 to read: "Oil (Btu per gallon)."

Change line 18 to read: "Gas (Btu per cubic foot)."

Change the title of section C to read: "C. Plant Net Capability Under Specified Conditions."

Renumber footnote 1, page (13), as footnote 2 and insert a new footnote to read as follows: "1. Should agree with sum of Columns 4 and 5, Schedule 1."

Change section D, lines 25 through 45, including relevant sub-headings, to read:

Generator data:

Manufacturers maximum name-plate rating in kilowatts Hydrogen pressure—psi gage.

Manufacturers minimum name-plate rating in kilowatts Hydrogen pressure—psi gage.

Manufacturers name-plate—power factor.

Generator coolant—Air (A), Hydrogen (H), Liquid (L).

Generator voltage.

Generator phase and frequency.

Manufacturer.

Turbine Data.

Turbine name-plate rating kw.

Single casing, tamden compound, cross compound, etc.

Operating speed-revolutions per minute.

Throttle pressure—psi gage.

Throttle temperature—degrees F.

Reheat temperature, if applicable—degrees F.

Exhaust pressure—psi gage or inches of mercury.

Full load steam rate in pounds per kilowatt-hour.

Full load heat rate in Btu per kilowatt-hour.

Manufacturer.

Year installed.[1]

Turbine-Generator Data:

Maximum gross capability in kilowatts.

Hydrogen pressure—psi gage.

Insert immediately below line 50, page (14), at the left margin of the tabulation as an addition thereto the word "Manufacturer."

Change line 53, page (14), to read: "Type: If auto specify."

Schedule 7. Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this entire schedule should be filled in *completely* for each internal-combustion engine plant and each gas-turbine plant of 2,500-kilowatt installed capacity or greater. Do not refer to previously reported data in reporting for every such fifth year.

"For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., engines, generators, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capability was modified as a result of plant changes made during the year; or

(d) Which was not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Raise the footnote reference "2" and "3" on page (15) by 1 and change line 6 to read as follows: "Total installed generating capacity—maximum name-plate ratings—Kw[2] . . ."

Insert immediately below line 21 at the left margin of the tabulation as an addition thereto "Manufacturer of generator."

Insert immediately below line 28 at the left margin of the tabulation as an addition thereto "Manufacturer of prime-mover."

Renumber footnotes "2" and "3" as "3" and "4", respectively, and insert a new footnote to read as follows: "2. Should agree with sum of Columns 4 and 5, Schedule 1."

Change line 31, page (16), to read: "Type: If auto specify."

Schedule 9. Change line 8 by inserting at the end thereof the following: "(Should agree with line 9, Schedule 10.1"

Change line 9 to read as follows: "(line 7 minus line 8)."[2]

Following Footnote 1 add as Footnote 2, the following: "2. Exclude company and interdepartmental deliveries; such deliveries should be included in Schedule 10."

Schedule 10. Change the present columnar heading at the top of column (1) to read: "Classification of Energy Delivered to Ultimate Consumers."[1]

Change the present columnar heading at the top of column (2) to read: "Number of Customers at End of Year."[2]

Renumber Footnote No. "1" No. "2" and add as Footnote No. 1 the following: "1. Include company and interdepartmental deliveries in proper use classification."

Schedule 14. Change the present columnar heading at the top of columns (15), (16), and (17) to read: "Report Minimum Hourly Load Experienced During the Month."

Change present Footnote 1 to read:

[1] Percent load factor =

$$\frac{\text{Net energy for load (Col. 9)} \times 100}{\text{Peak load (Col. 10)} \times \text{hours in month (or year)}}$$

Calculate the load factor to the nearest tenth of one percent. If hours used in calculating the load factor for a month differ from the calendar hours in that month, report the number of hours used in calculating the load factor.

Schedule 19. Change the title to read: "Load Estimates."

Delete the line immediately below the title, which line now reads: "A. Estimates of Future Power Requirements."

Change the years listed under Column (1), as "1959," "1960," "1961," and "1962," to read: "1961," "1962," "1963," and "1964," respectively.

Omit entire subschedule B.

(B) *Section 141.51*(c) of the Commission's regulations under the Federal Power Act (18 CFR § 141.51(c)) (Pamphlet copy, Page 111) is hereby amended as follows:

Change "5. Steam electric plant data" to read: "5. Steam-electric including nuclear plant data."

Change "19. Load estimates and energy deliveries" to read: "19. Load estimates."

(C) *Form No. 12–A prescribed by § 141.52* of the Commission's regulations under the Federal Power Act (18 CFR § 141.52) is hereby amended as follows:

General Instructions. Change the first four lines under "Basis of Classification," Paragraph 5, to read:

Systems which generate all or part of system requirements and, whose net energy for system for the year covered by this statement was—

More than 100,000,000 kilowatt-hours—20,000,000 to 100,000,000 kilowatt-hours—

Change Schedule 4 by inserting at the end of the instructions thereof the additional definition or clarification of use classifications shown below:

All Other—Energy delivered for ultimate consumption that does not fall within any of the specific classifications listed in this schedule. Included in this group should be deliveries for municipal water pumping; oil and gas pipe line pumping; military camps and bases; and public buildings such as schools, police stations, and post offices.

(D) Form No. 12–D prescribed by § 141.55 of the Commission's regulations under the Federal Power Act (18 CFR § 141.55) is hereby amended as follows:

Schedule 1. Redesignate the present part A as Schedule 4.

Redesignate the present part B as Schedule 3 and entitle the new Schedule 3 as follows: "Contemplated alterations, additions, or retirements in system generating plants."

Schedule 2. Redesignate this Schedule as Schedule 5.

Schedule 3. Redesignate this Schedule as Schedule 1.

Change Footnote 1 to read as follows: "Should equal total shown in schedule 5, column 4."

Change Footnote 2 to read as follows: "Should equal total shown in schedule 5, column 6."

Schedule 4. Redesignate this Schedule as Schedule 2.

Change item 11 to read as follows: "11. Net energy for system (from Schedule 1)"

Schedule 5. Redesignate this Schedule as Schedule 6.

(E) *Section 141.55*(c) of the Commission's regulations under the Federal Power Act (18 CFR § 141.55(c)) (Pamphlet copy, Page 113), is hereby amended as follows:

(c) This form contains the following list of schedules:

• SCHEDULES

1. Generation, energy received and delivered, and system peak for the year.
2. Energy delivered to ultimate consumers.
3. Contemplated alterations, additions, or retirements in system generating plants.
4. Electric generating equipment owned or operated as of December 31.
5. Electric power received from or delivered to other systems.
6. Maps of electric system.

(F) All suggestions and comments received in response to the aforementioned general public notice, to the extent not reflected in paragraphs (A) through (E) above, are hereby rejected.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc 60–8745; Filed, Sept. 20, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60–61]

MISCELLANEOUS RULES OF THE ROAD AMENDMENTS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on February 18, 1960 (25 F.R. 1440–1448), and Merchant Marine Council Public Hearing Agenda dated April 4, 1960 (CG–249), the Merchant Marine Council held a public hearing on April 4, 1960, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, inclusive, and Item IV contained miscellaneous proposals regarding Rules of the Road.

This document contains the regulations and actions taken with respect to the Rules of the Road in Item IV, which were considered at the April 4, 1960, Public Hearing and annual session of the Merchant Marine Council. It includes those actions taken with respect to the following proposals, which are hereby adopted as proposed or as revised:

1. Lights for dump scows. (Item IV, CG–249, p. 53.) Adopted as proposed.

NOTE: The regulation designated § 80.17 in Coast Guard Pamphlet "Rules of the Road—International—Inland," CG–169, will have the paragraphs redesignated at the next printing to agree with 33 CFR 80.17. The change to 33 CFR 80.17 (b) (10) in this document revises the next to the last undesignated paragraph in § 80.17 on page 49 of CG–169 (5–1–59).

2. Close-up and intermediate towing. (Item IV, CG–249, p. 54.) In line with comments received, 33 CFR Part 84 regarding towing of barges was revised and brought up-to-date.

3. Warning signals for vessels loading or unloading dangerous cargo in bulk. (Item IV, CG–249, p. 58.) In line with comments received, 33 CFR 80.37, 90.25, and 95.67 were revised.

NOTE: The requirements for vessels to display this warning signal when transferring elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, are in regulations designated 46 CFR 98.05–50(i), 98.10–45(g), 98.15–45(h), 98.20–70(g), and 98.25–90(g), which will be published in a separate Federal Register document CGFR 60–36, entitled "Miscellaneous Vessel Inspection Amendments."

In conjunction with the miscellaneous Rules of the Road amendments, as set forth in this document, the following general actions are also made:

a. Compliance with the revised requirements will be permitted on and after the date of publication of this document in the FEDERAL REGISTER.

b. The effective date for the mandatory compliance with the new requirements, as set forth in this document, shall be on and after January 1, 1961.

c. With respect to warning signals for vessels loading or unloading dangerous cargoes in bulk, i.e., elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, the vessels may display these signals before January 1, 1961, but such warning signals shall be displayed on and after January 1, 1961.

The actions taken with respect to a daytime distress signal intended for small vessels in Item IV were published in a separate document in the FEDERAL REGISTER on May 20, 1960 (25 F.R. 4451). The requirements for barges to display a warning signal when transferring elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia will be published in a separate Federal Register document CGFR 60–36, entitled "Miscellaneous Vessel Inspection Amendments."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–33, dated September 23, 1958 (23 F.R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations and amendments are prescribed:

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 80—PILOT RULES FOR INLAND WATERS

Lights for Certain Classes of Vessels

Section 80.17(b)(10), but not the proviso at the end thereof, is amended to read as follows:

§ 80.17 Lights for barges and canal boats in tow of steam vessels on the Hudson River and adjacent waters and Lake Champlain.

• • • • • •

(b) • • •

(10) The red and green lights prescribed in this section shall be carried at a height at which they can readily be seen, the lights properly screened and so arranged as to show through an arc of the horizon of 10 points of the compass, that is, from right ahead to 2 points abaft the beam on either side and visible on a dark night with a clear atmosphere a distance of at least 2 miles.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157)

WARNING SIGNALS

Part 80 is amended by adding at the end thereof the above center heading and by adding a new § 80.38 reading as follows:

§ 80.38 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30–1 (a), 98.05–50(1), 98.10–45(g), 98.15–45(h), 98.20–70(g), 98.25–90(g), and 146.29–25(o) require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157)

PART 84—TOWING OF BARGES

1. Sections 84.1 to 84.5, inclusive, are canceled, effective January 1, 1961.

2. Effective January 1, 1961, Part 84 shall read as follows:

Sec.
84.01 Application.
84.05 Tows of seagoing barges within inland waters.
84.10 Hawser lengths for all tows on inland waters.
84.15 Hawser length exceptions.
84.20 Bunching of tows.

AUTHORITY: §§ 84.01 to 84.20 issued under sec. 2, 30 Stat. 102, as amended, and sec. 14, 35 Stat. 423, as amended; 33 U.S.C. 157, 152.

§ 84.01 Application.

(a) The regulations in this part apply to vessels navigating the harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(b) Seagoing barges and their towing vessels shall be subject to the requirements in this part under the provisions of section 14 of the Act of May 28, 1908, as amended (sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 152). Under the provisions of section 15 of the Act of May 28, 1908, as amended (sec. 15, 35 Stat. 429; 33 U.S.C. 153), the penalty for use of an unlawful towline shall be an action against the master of the towing vessel seeking the suspension or revocation of his license.

(c) Towing vessels with inland or seagoing barges shall be also subject to the requirements in this part as they are prescribed pursuant to the authority in Section 2 of the Act of June 7, 1897, as amended (sec. 2, 38 Stat. 381; 33 U.S.C. 157), providing for the establishment of "• • • such rules to be observed • • • by steam vessels in passing each other • • •."

§ 84.05 Tows of seagoing barges within inland waters.

(a) The tows of seagoing barges when navigating the inland waters of the United States shall be limited in length to five vessels, including the towing vessel or vessels.

§ 84.10 Hawser lengths for all tows on inland waters.

(a) Close-up towing is towing with a hawser length, between vessels, of less than 75 feet.

(b) Intermediate towing is towing with a hawser length, between vessels, of 75 feet or more.

(c) With the exception noted in § 84.15(b), the length of hawsers, between vessels, shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit.

§ 84.15 Hawser length exceptions.

(a) In any event the hawsers between vessels must be shortened to the prescribed length of not more than 450 feet (75 fathoms) when the tows with inland or seagoing barges are operating in the following named localities:

(1) The James River and Hampton Roads westward of Thimble Light.

(2) The Chesapeake Bay north of the Chesapeake Bay Bridge.

(3) New York Harbor north of West Bank Light and west of Fort Schuyler.

(4) Delaware Bay north of Elbow of Cross Ledge Light.

(5) Narragansett Bay north of Brenton Reef Lightship.

(6) Puget Sound south of West Point.

(b) In every other case where, in the opinion of the master of the towing vessel, it is dangerous or inadvisable, whether on account of the state of weather or sea or otherwise, to shorten the distance between vessels, the hawsers need not be shortened to the prescribed length.

§ 84.20 Bunching of tows.

(a) In all cases where tows can be bunched, it should be done.

(b) Tows navigating in the North and East Rivers of New York must be bunched above a line drawn between Robbins Reef Lighthouse and Owls Head, Brooklyn, but the quarantine anchorage and the north entrance to Ambrose Channel shall be avoided in the process of bunching tows.

(c) Tows must be bunched above the mouth of the Schuylkill River, Pa.

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 90—PILOT RULES FOR THE GREAT LAKES

Warning Signals

Part 90 is amended by adding at the end thereof the above center heading and by adding a new § 90.25 reading as follows:

§ 90.25 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day or a red light by night.)

NOTE: The regulations in 46 CFR 35.30-1(a), 98.05-50(l), 98.10-45(g), 98.15-45(h), 98.20-70(g), 98.25-90(g), and 146.29-25(o) require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

(R.S. 4233A, as amended; 33 U.S.C. 353)

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95— PILOT RULES FOR WESTERN RIVERS

Towing of Barges

Part 95 is amended by inserting after § 95.37 the above center heading and by inserting a new § 95.38 reading as follows:

§ 95.38 Hawser lengths for all tows.

(a) Close-up towing is towing with a hawser length, between vessels, of less than 75 feet.

(b) Intermediate towing is towing with a hawser length, between vessels, of 75 feet or more.

(c) The length of hawsers, between vessels, shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit.

(R.S. 4233A, as amended; 33 U.S.C. 353)

Warning Signals

Part 95 is amended by adding at the end thereof the above center heading and by adding a new § 95.70 reading as follows:

§ 95.70 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30-1(a), 98.05-50(l), 98.10-45(g), 98.15-45(h), 98.20-70(g), 98.25-90(g), and 146.29-25(o) require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

(R.S. 4233A, as amended; 33 U.S.C. 353)

Dated: September 14, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-8773; Filed, Sept. 20, 1960; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Symbol of Identification for State Employment Services

On page 7800 of the FEDERAL REGISTER of August 16, 1960, there was published a notice of a proposed amendment to paragraph (a) of 20 CFR 602.12 which provides for the substitution of a uniform symbol for use on official signs, stationery, and documents identifying the cooperating state employment service with the national system of employment offices in lieu of the present requirement of a literal expression of affiliation with the United States Employment Service.

Interested persons were given 15 days in which to file written statements of data, views, or arguments with respect to the proposed amendment. In view of the fact that no written statements have been filed, the proposed amendment is adopted and shall become effective on October 24, 1960.

Signed at Washington, D.C., this 15th day of September 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

§ 602.12 Organization.

(a) *Official identification.* The official name of the statewide system of public employment offices and the name on all official signs, stationery, and documents used in connection with the statewide system of public employment offices shall be "———— State Employment Service". To associate the State Employment Service and its local offices with the nationwide public employment service system in each instance where this name appears on official signs, stationery, and documents, there shall also appear (in appropriate size) the following symbol of identification:



[F.R. Doc. 60-8754; Filed, Sept. 20, 1960; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 25—FOURTH CLASS

PART 29—MIXED CLASSES

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 44—CONDITIONS OF DELIVERY

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. Section 15.4 *Plant quarantines* is amended for the purpose of clarification to read as follows:

§ 15.4 Plant quarantines.

(a) *Nursery shipments*—(1) *Nursery stock, etc.* Nursery stock, including all field grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such stock is plainly marked to show the nature of the contents and the name and address of the sender.

(2) *Preparation and packaging.* The wettable packing material and the roots or butts of the plants must be wrapped or boxed in a waterproof material heavy enough to withstand safe transmission in the mails without leakage or loss of packing material. The term "waterproof material" means a tar-centered paper or kraft paper waxed on one side or a kraft paper with a waxed or tarred paper liner or plastic wrap. If a box is used, it must have a similar lining to prevent leakage or loss of contents and to insure retaining a moisture content for the roots of plants without weakening the box. The tops of all bundles must be wrapped with a covering of paper, straw or similar material to protect the plant from injury and drying out and if the plant has thorns or other pointed projections, the wrapper shall be puncture-proof to avoid injury to postal employees handling such bundles.

(b) *Plant quarantine applying to the continental United States.* When any State or area is quarantined by order of the Secretary of Agriculture, under authority of the Plant Quarantine Act, or by an authorized State plant pest official cooperating with the Secretary of Agriculture, on account of a plant disease or insect infestation, the mailing of plants, plant products, or other articles covered by such quarantine or regulatory order from such State or area into or through any State or area is subject to the restrictions imposed by such order.

Cross Reference: For quarantine regulations of the U.S. Department of Agriculture, see 7 CFR Chapter III.

(c) *Terminal inspection for plants and plant products*—(1) *State and Territories requiring inspection.* See 7 CFR Chapter III for places of inspection in States which require packages containing plants and plant products to be examined by State inspectors. The packages must be plainly marked on the outside to show the exact nature of their contents.

(2) *Addressee must pay additional postage.* The addressee must pay postage to send the package to the inspection place and must arrange with the State plant inspector to pay postage to return the the package to the office of address after inspection.

(3) *Packages addressed in care of State plant inspector.* Packages may be addressed in care of a State plant inspector at a place other than where the addressee lives. The addressee must arrange for the inspector to pay postage to forward the package to the addressee after inspection. If the sender prints "Forwarding Postage Guaranteed" under the return address, the package may be forwarded by the inspector without prepayment of postage, and the amount due will be collected from the addressee when the package is delivered.

(4) *Disposition of infected shipments.* When the inspector finds that plants or plant products are infested or infected with injurious insects or diseases and are incapable of satisfactory treatment, or they are found to have been moved in violation of a plant quarantine law or regulation of the U.S. Department of Agriculture or of the State of destination pertaining to such injurious pests, parcels will be returned to the sender and payment of postage for return collected on delivery. If the sender has marked the parcel to be abandoned, if undelivered, the package will be turned over to State authorities for destruction.

NOTE: The corresponding Postal Manual section is 125.4.

(R.S. 161, as amended, 396, as amended, sec. 24, 20 Stat. 361, 5 U.S.C. 22, 369, 39 U.S.C. 250)

§ 17.1 [Amendment]

II. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as amended by Federal Register document 60-1081, 25 F.R. 905-908, and by Federal Register document 60-3783, 25 F.R. 3711-3712, make the following changes:

A. Delete Military APO numbers 208, 828, 1000 and their accompanying data; and amend Military APO number 116 to read as follows:

116	-----	X	-----	[3] X	[3] X	[1, 4] X

B. Under the column headed "Military APO numbers", APO numbers 133, 224, 254, 289, 294, 324, 329, 338, and 380 are amended by striking out the reference therein to footnote "5" and inserting in lieu thereof a reference to footnote "11".

C. Insert in proper numerical order the following Military APO numbers with their accompanying data:

Military APO No.	Post offices Navy No.*	Cigarettes and other tobacco products prohibited [3]	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 60 pounds.	Customs declaration on Form 2966 or 2976-A required
2	-----	-----	-----	X	-----	-----
50	-----	-----	-----	X	-----	-----
67	-----	-----	-----	X	-----	[3] X
131	-----	X	-----	X	-----	-----
191	-----	X	X	X	-----	-----
192	-----	-----	-----	X	-----	-----
195	-----	X	X	X	-----	-----
377	-----	X	-----	[3] X	[3] X	[1, 4] X
402	-----	X	-----	[3] X	-----	-----
460	-----	-----	-----	[3] X	-----	-----
612	-----	-----	-----	[3] X	-----	-----

D. Amend footnotes 5 and 9 to read as follows:

[5] Parcels except those sent as registered mail may not exceed 42 inches in length or 72 inches in length and girth combined.

• • • • •

[9] Air parcels may not exceed dimensions shown in footnote 11.

E. Add a new footnote 11 to read as follows:

[11] Parcels may not exceed the following dimensions:

Length	*Not over*
42 inches	72 inches length and girth combined.
Over 42 inches to 44 inches	24 inches girth.
Over 44 to 46 inches	20 inches girth.
Over 46 to 48 inches	16 inches girth.

Maximum length 48 inches.

NOTE: The corresponding Postal Manual section is 127.1. (R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

III. In Part 25—Fourth Class—make the following changes for the purpose of

clarification; and to include changes required by Public Law 86–644, approved July 14, 1960 (74 Stat. 479), which clarified and made uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials.

A. In § 25.1 *Rates*, amend paragraphs (c) and (d) to read as follows:

§ 25.1 Rates.

• • • • •

(c) *Educational materials.*

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books; 16-millimeter films and 16-millimeter film catalogs (rate applies for films and catalogs except when mailed to commercial theaters); printed music; printed objective test materials; sound recordings; manuscripts for books, periodical articles and music; and printed educational reference charts, permanently processed for preservation. (See § 25.2(a)(4))	*Cents* 9	*Cents* 5

(d) *Library materials.*

Kind of mail (rate restricted to mailings by or to certain organizations)	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; 16-millimeter films, filmstrips, transparencies and slides, microfilms, and scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. (See § 25.2(a)(5))	*Cents* 4	*Cents* 1

NOTE: The corresponding Postal Manual sections are 135.13 and 135.14.

§ 25.2 [Amendment]

B. In § 25.2 *Classification*, as amended by Federal Register document 60–3783, 25 F.R. 3711–3712, make the following changes in paragraph (a).

1. In subparagraph (4) amend subdivision (v) and add a new subdivision (vii) to read as follows:

(4) • • •

(v) Sound recordings

• • • • • •

(vii) Printed educational reference charts, permanently processed for preservation.

NOTE: The corresponding Postal Manual sections are 135.214 e and g.

2. Amend subparagraph (5) to read as follows:

(5) The rates in § 25.1(d) are for:

(i) The following items when loaned or exchanged between schools, colleges, or universities and public libraries, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively processed by libraries; or when sent on loan or exchange between those libraries, organizations, or associations and their members, readers, or borrowers:

(*a*) Books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books.

(*b*) Printed music, whether in bound form or in sheet form.

(*c*) Bound volumes of academic theses in typewritten or duplicated form.

(*d*) Periodicals.

(*e*) Sound recordings.

(*f*) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(ii) The following items when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations:

(*a*) 16-millimeter films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

(*b*) Sound recordings.

(*c*) Scientific or mathematical kits, instruments, or other devices.

(*d*) Catalogs of the materials in clauses (*a*), (*b*) and (*c*) of paragraph (a)(5)(ii) of this section having 24 or more pages, at least 22 of which are printed, and guides of scripts prepared solely for use with such materials.

NOTE: The corresponding Postal Manual section is 135.215.

C. Amend § 25.5 *Written additions* and § 25.6 *Enclosures* to read as follows:

§ 25.5 Written additions.

(a) *Required.* (1) The return address of the sender must be shown on all fourth-class mail.

(2) Parcels containing baby poultry, live plants, trees, shrubs, agricultural commodities, books, and Braille-writers and other appliances for the blind, mailed at a first-class post office addressed for delivery at another first-class post office, and that exceed the weight limits in § 25.3 (a)(1) or a size limit of 72 inches in length and girth combined, must be marked to show the type of contents. If contents are readily identifiable by outward examination, no marking is required.

(3) Catalogs mailed at the rates in § 25.1(b) must be marked "Catalogs".

(4) The wrapper or cover on articles mailed at the rates in § 25.1(c) must be marked "Educational Materials".

(5) The wrapper or cover on articles mailed at the rates in § 25.1(d) must be marked "Library Materials".

(6) Marks specified in § 11.5 of this chapter to show nature of contents or service desired must be added.

(b) *Permissible.* The following written additions, which may be placed on the cover, tag, or label attached to the parcel, or on an article within the parcel, are permitted for all fourth-class mail. (Sufficient space must be provided on the address side for address, return address, postage, and postal endorsements.)

(1) Marks, numbers, name, or letters descriptive of contents.

(2) "Please do not open until Christmas, Merry Christmas, Happy Birthday, with Best Wishes" and similar inscriptions.

§ 25.6 Enclosures.

(a) *Permissible in all fourth-class.* An invoice or similar document for descriptive purposes only, enclosed, or placed in an envelope (marked "Invoice Enclosed") attached to the outside, showing any or all of the following:

(1) Name and address of sender and addressee.

(2) Names and quantities of articles enclosed.

(3) Description of articles enclosed; including price, tax, style, stock number, size and quality; and if defective, nature of defect.

(4) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(5) Initials or name of packer or checker.

(b) *Catalogs.* Catalogs mailed at the rates in § 25.1(b) may have any or all of the following enclosures, provided the loose enclosures form only an incidental portion of contents:

(1) Order forms, reply envelopes, and circulars.

(2) One each of printed blotter, illustrated display sheet, poster, dealer's card, or similar printed advertising matter.

(c) *Educational and library materials.* (1) *Books.* In addition to an invoice (see paragraph (a) of this section), the following may be enclosed with books mailed at the rates in § 25.1(c):

(i) Reply envelope or post card, single order form, and a printed circular.

(ii) Incidental announcements of books, appearing in book pages or as loose circulars.

(2) *All other materials.* Enclosures are not permitted as provided in paragraph (a) of this section.

NOTE: The corresponding Postal Manual sections are 135.5 and 135.6.

(R.S. 161, as amended, 396, as amended, 3879, as amended, sec. 1, 25 Stat. 1, as amended, sec. 204, 62 Stat. 1262, as amended, sec. 1, 65 Stat. 610, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 240, 240a, 249, 292a)

IV. In § 29.3 *Mailing enclosures of different classes*, subparagraph (1) of paragraph (b) is amended to clarify the conditions under which first-class enclosures may be mailed with third- and fourth-class articles. As so amended, subparagraph (1) reads as follows:

§ 29.3 Enclosures.

• • • • • •

(b) *Enclosures mailed with third- and fourth-class parcels.* (1) *First-class enclosures.* Letters may be enclosed with books, catalogs, and merchandise mailed at third-class rates. (See § 29.2 for mailing letters with other third-class matter.) Letters may be enclosed in fourth-class parcels. Postage at the first-class rate must be paid for each letter.

NOTE: The corresponding Postal Manual section is 139.321.

(R.S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 784; 5 U.S.C. 22, 369, 18 U.S.C. 1723)

§ 31.5 [Amendment]

V. In § 31.5 *Exchanges of stamps* make the following changes:

A. Paragraph (c) is amended to permit the redemption of postage stamps added to stamped envelopes in order to meet a rate increase or for additional service; and to permit the redemption of postage stamps affixed to commercial envelopes, post cards, and unused precanceled stamps under certain conditions. As so amended, paragraph (c) reads as follows:

(c) *Unserviceable and spoiled envelopes or cards, and unused precanceled stamps.* Unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, and unused precanceled stamps, may be exchanged for other postage-stamped paper as follows:

(1) Stamped envelopes (mutilated no more than is necessary to remove contents), for postage value plus value of postage added as a result of rate increase or for additional service.

(2) Unmutilated air-letter sheets, for 90 percent of postage value.

(3) Unmutilated postal cards, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service.

(4) Sheet postal cards, spoiled in the process of cutting to size, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service, if all cut sections are submitted.

(5) Stamps affixed to commercial envelopes and post cards for 90 percent of postage value. The envelopes and post cards must be in a substantially whole condition and in lots of at least 50 of the same denomination and value.

(6) Unused precanceled stamps in full coils or in full sheets from precancel permit holders, for 90 percent of postage value. Stamped envelopes or air-letter sheets with a printed return address, and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. When redemption cannot be made at time of presentation, the postmaster will furnish a receipt on Form 3210, "Interim Receipt for Stamp Stock Submitted for Redemption", for uncanceled unserviceable or spoiled envelopes or postal cards or for unused precanceled stamps left in his custody.

NOTE: The corresponding Postal Manual section is 141.53.

B. Paragraph (d) is amended for the purpose of clarification, and to remove certain restrictions on the exchange of postage stamps from the public. As so amended, paragraph (d) reads as follows:

(d) *Nonexchangeable.* The following are nonexchangeable:

(1) Adhesive stamps, unless mistakes were made in purchasing or stamps were defective or stamps were affixed to commercial envelopes and post cards.

(2) Stamps cut from postal cards, stamped envelopes, or air-letter sheets.

(3) Parts and pieces of postal cards.

(4) Postal cards treated by a coating process.

(5) Mutilated and defaced stamps.

NOTE: The corresponding Postal Manual section is 141.54.

(R.S. 161, as amended, 396, as amended, 3914, 3915, as amended, 3916, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 351, 354, 356)

VI. In Part 44—Conditions of Delivery, make the following changes:

A. In § 44.1 *Delivery to persons*, paragraph (a) is amended to include regulations regarding the refusal of mail by addressee; and by adding a new paragraph (g) to include regulations with respect to ordinary mail bearing the word "Personal". As so amended, paragraph (a) and new paragraph (g) read as follows:

§ 44.1 Delivery to persons.

(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. After delivery he may mark a piece of mail "Refused" and return it unopened to the mails, except registered, insured, certified and COD mail which may not be returned after delivery has been effected. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

(g) Ordinary mail bearing the word "Personal" is delivered in the same way as other mail for the addressee.

NOTE: The corresponding Postal Manual sections are 154.11 and 154.17.

B. § 44.2 *Delivery of addressee's mail to another* is amended for the purpose of clarification; and to include detailed regulations regarding conditions under which mail is delivered to mail receiving agencies. As so amended, § 44.2 reads as follows:

§ 44.2 Delivery of addressee's mail to another.

(a) *Delivery to addressee's agent.* (1) Unless otherwise directed, an addressee's mail may be delivered to his employee or a member of his family. A person or a number of persons may designate another to receive their mail. Designation of another person to receive mail should be in writing, but no special form is furnished or required.

(2) When mail is to be delivered to a mail receiving agency, an application on Form 1583, "Application for Delivery of Mail Through Agent", must be signed by the agent and the addressee, and the form must be filed with the postmaster. A duplicate copy of completed Form 1583 must be kept on file by the agency. Arrangements for disposition of mail must be made with the agency by the addressee. When forwarded by the agency, the mail is subject to payment of new postage.

(b) *Addressed mail to minors.* A minor's guardian may control delivery of mail addressed to the minor. If there is no guardian, and the minor is unmarried, then the father or, if he is dead, the mother may receive delivery of the minor's mail.

(c) *Addressed mail to incompetents.* Where a person has been legally declared an incompetent; his mail may be delivered in accordance with the order of his guardian or conservator. Where there is no legal representative, the mail is delivered as addressed.

(d) *Mail addressed to deceased persons.* Mail addressed to deceased persons may be delivered to the executor or administrator. When there will be no court action on the deceased's estate, the mail may be delivered as agreed to by all the heirs.

NOTE: The corresponding Postal Manual section is 154.2.

C. In § 44.7 *Conflicting orders by two or more parties for delivery* of same mail, paragraph (b) is amended by striking out "Solicitor" where it appears therein and inserting in lieu thereof "General Counsel". As so amended, paragraph (b) reads as follows:

§ 44.7 Conflicting orders by two or more parties for delivery of same mail.

(b) *Reference to General Counsel for ruling.* Where the disputing parties are unable to select a receiver, each party shall furnish the postmaster all available evidence on which he relies to exercise control over the disputed mail. If after receipt of such evidence the postmaster is still in doubt as to who should receive the mail, the postmaster will submit the case to the Office of the General Counsel for a ruling.

NOTE: The corresponding Postal Manual section is 157.72.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 60-8788; Filed, Sept. 20, 1960; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2202]

[Washington 03207]

WASHINGTON

Opening Lands From Withdrawals for Power Purposes

1. In an order of April 11, 1957, the Geological Survey canceled Power Site Classification No. 373 of December 8, 1944, so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 39 N., R. 32 E.,
Sec. 2, NW¼SW¼;

Sec. 3, lot 3;
Sec. 13, lot 1.
T. 40 N., R. 32 E.,
Sec. 9, NW¼NE¼;
Sec. 21, NW¼NE¼;
Sec. 22, NW¼SE¼ and SE¼SE¼;
Sec. 26, NW¼NW¼ and SE¼NW¼;
Sec. 34, SW¼SE¼;
Sec. 35, W½SE¼.
T. 39 N., R. 33 E.,
Sec. 15, SW¼NW¼;
Sec. 18, NW¼NE¼ and SE¼NE¼.
T. 40 N., R. 34 E.,
Sec. 3, lot 6;
Sec. 4, lot 3;
Sec. 9, SE¼SW¼;
Sec. 17, lots 5 and 8;
Sec. 20, lots 12, 13, and SE¼SW¼;
Sec. 31, lots 1, 4, 5, 8, and NW¼NE¼.
T. 39 N., R. 36 E.,
Sec. 1, part lot 4 (outside M.S. 1161).
T. 40 N., R. 36 E.,
Sec. 3, lot 6;
Sec. 11, SE¼SW¼;
Sec. 15, NE¼SE¼.
T. 39 N., R. 37 E.,
Sec. 31, SE¼SW¼.

Aggregating 1,162 acres.

2. The cancellation action above referred to was taken pursuant to determination DA-148-Washington, of the Federal Power Commission issued March 18, 1957. In that order the Commission also determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

T. 39 N., R. 32 E.,
Sec. 1, lots 3 and 6;
Sec. 2, lots 4 and 8;
Sec. 3, lot 1;
Sec. 12, NE¼SW¼.
T. 40 N., R. 32 E.,
Sec. 10, lot 3;
Sec. 21, lot 1;
Sec. 22, lots 3 and 4;
Sec. 27, NW¼NW¼.
T. 39 N., R. 33 E.,
Sec. 7, lots 3 and 4;
Sec. 12, lot 6.
T. 39 N., R. 34 E.,
Sec. 6, lots 2, 3, 6, and 7.
T. 38 N., R. 36 E.,
Sec. 1, lot 1.
T. 39 N., R. 36 E.,
Sec. 2, lot 1, that part lying outside of M.S. 1161 and 1059;
Sec. 26, lot 6.
T. 40 N., R. 36 E.,
Sec. 3, SE¼SE¼;
Sec. 15, lots 4, 5, and 6;
Sec. 22, lots 2, 3, and SE¼NE¼;
Sec. 23, lot 1;
Sec. 27, lots 2, 3, 6, and 7;
Sec. 34, lot 2;
Sec. 35, lot 11.
T. 38 N., R. 37 E.,
Sec. 6, SW¼SE¼;
Sec. 17, lot 6.

Aggregating 1,337.85 acres.

3. Some of the lands are within the Colville National Forest, and a few are reserved for reclamation purposes.

4. Subject to any existing valid rights and the requirements of applicable law, the lands, other than those in reclamation withdrawals, are hereby opened to filing applications, selections and locations in accordance with the following (the national forest lands being opened to such forms of the disposition as may by law be made of national forest lands), and the lands described in paragraph 2 being opened subject to the provisions of section 24 of the Federal Power Act:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on March 18, 1961, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851). During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with provisions of section 24 of the Federal Power Act of June 10, 1920 (62 Stat. 275; 16 U.S.C. 818), as amended.

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to mining locations pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Persons claiming preference rights must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8752; Filed, Sept. 20, 1960; 8:46 a.m.]

[Public Land Order 2203]

[66604]

ALASKA

Order Opening Lands Under Section 24 of the Federal Power Act; Project No. 119; Power Site Classification No. 409

1. In DA-60, DA-61, and DA-62, Alaska, the Federal Power Commission determined that the value of the following-described lands, withdrawn in Project No. 119 and Power Site Classification No. 409, would not be injured or destroyed for power development purposes by entry, location or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act, as amended, and as to those lands lying between mean low-water stage in Kenai Lake and an elevation 6 feet above said mean low-water stage, to the further stipulation that the United States, its permittees or licensees shall not be liable for any damages to improvements or structures placed thereon resulting from the construction, operation or maintenance of any power project works authorized by the United States:

KENAI PENINSULA

CHUGACH NATIONAL FOREST

a. Project No. 119:

All lands around Kenai Lake and along Kenai River to the mouth of Russian River, between mean low-water stage in said lake and river and an elevation 6 feet above said mean low-water stage;

All lands within one fourth mile of the center line of that section of Kenai River between the mouth of Russian River and a proposed dam site located about 3 miles above Skilak Lake, as shown on a map entitled "Map Accompanying Application of Frank L. Ballaine for Preliminary Permit for Water Power, Project on Kenai River and Kenai Lake" (F.P.C. No. 119-1).

Containing approximately 2,000 acres.

b. Power Site Classification No. 409:

KENAI RIVER

CHUGACH NATIONAL FOREST

All lands within ¼ mile of Kenai River from the mouth of Russian River upstream to the present bridge across Kenai River at Coopers Landing. This bridge is located at latitude 60°29' N., longitude 149°50' W., approximately.

Containing 1,760 acres.

2. On April 24, 1934, Project No. 119 affecting the following-described lands:

KENAI PENINSULA

CHUGACH NATIONAL FOREST

All lands within ¼ mile of Upper Kenai Lake and

All lands within ¼ mile of that portion of Kenai River between Upper Kenai Lake and Skilak Lake,

was vacated by the Federal Power Commission, excepting, however, the lands described in paragraph 1a hereof.

3. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands are hereby opened, subject to valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a.m. on December 16, 1960, subject to the provisions of section 24 of the Act of June 10, 1920, supra, and the stipulation recited in paragraph 1 of this order. Applications presented prior to the time specified will be considered as simultaneously filed at that hour. Applications filed thereafter will be considered in the order of filing.

4. Until 10:00 a.m. on December 16, 1960, the State of Alaska shall have a preferred right of application for the reservation to the State or any political subdivision thereof, under any statute or regulation applicable thereto, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act of June 10, 1920, supra.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8753; Filed, Sept. 20, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12859; FCC 60-1089]

PART 3—RADIO BROADCAST SERVICES

Option Time and the Station's Right to Reject Network Programs

Introduction. 1. The Commission has under consideration its notice of proposed rule making (FCC 59-385) issued in this proceeding on April 23, 1959, proposing to amend § 3.658 (d) and (e) of the Commission's rules and regulations to: (1) Reduce from 3 to 2½ the number of hours within each segment of the broadcast day which a television broadcast station may option for network program; (2) make option time applicable, with certain exceptions, to "straddle" programs; (3) change the period of advance notice required before the option may be exercised; (4) broaden the station's right to reject network programs already contracted for which the station reasonably believes to be unsatisfactory or unsuitable; and (5) broaden the station's right to substitute for a network program a program it considers to be of greater local or national importance. While the Notice of Proposed Rule Making applied specifically to television, parties filing comments were requested to direct their attention to the need for or advisability of issuing a similar Notice of Proposed Rule Making with respect to option time in radio.

2. The rules concerning option time and the right of stations to reject network programs were adopted for radio in 1941 at the close of the Commission's Chain Broadcasting Investigation. The option time rules, in their present form, and the other Chain Broadcasting Regulations were upheld by the Supreme Court in 1943 in National Broadcasting Company v. United States, 319 U.S. 190 (1943). They were made applicable to television by Commission action in November 1945.

3. By Public Law 112, 84th Congress, 1st session, the Commission was authorized and directed to conduct a study of radio and television network broadcasting. The study was formally instituted by the Commission's Delegation Order No. 10 of July 20, 1955 (FCC 55-810) which delegated to a Network Study Committee of four Commissioners the Commission's powers and jurisdiction to carry out the study. The purpose and objectives of the study were announced by the Network Study Committee in Public Notice (FCC 55M-977) and separate Order of November 21, 1955 (FCC 55M-978). A special Network Study Staff was organized to conduct the study.

4. On October 3, 1957, the Director of the Commission's Network Study Staff submitted to the Network Study Committee a Report on Network Broadcasting. The Report contained, among other matters, a study of the option time arrangements of the television networks operated by the American Broadcasting Company, Columbia Broadcasting System, and National Broadcasting Company, and of the right of affiliated stations to reject network programs under these arrangements. The Report recommended that option time be prohibited in television broadcasting as contrary to the public interest. On January 9, 1958, the Commission issued a Notice of Public Hearing (FCC 58-37) in Docket No. 12285, in the matter of the Study of Radio and Television Network Broadcasting. A public hearing was held before the Commission en banc, commencing on March 3, 1958, for the purpose of affording interested parties an opportunity to comment on the findings, recommendations, and conclusions contained in the Report on Network Broadcasting. Through this procedure, the Commission has had the benefit of the views of interested persons and organizations in its consideration of the need for a revision of its rules and policies in the broadcast field.

5. Subsequent to the completion of oral testimony in the hearing, the Commission made findings from the record with respect to option time practices in television. On the basis of those findings, the Commission concluded that optioning of time by affiliated television stations to their networks is reasonably necessary to the successful conduct of television network operations and is in the public interest. A procedure had earlier, on April 24, 1958, been agreed upon between the Commission and the Antitrust Division of the Department of Justice in which the views of the Attorney General on the antitrust aspects would be furnished on the basis of findings to be provided by the Commission. Pursuant to these arrangements, the findings were referred to the Department of Justice on January 14, 1959.[1] By letter of February 27, 1959,[2] Victor B. Hansen, then Assistant Attorney General in charge of the Antitrust Division, informed the Commission that in his opinion option time "runs afoul" of the Sherman Antitrust Act. The Commission's findings and the views of the Assistant Attorney General have been incorporated into the public record in Docket No. 12285.

6. In reaching its ultimate judgments that optioning of time by affiliates to their networks is reasonably necessary for successful network operations and in the public interest, the Commission was relying upon its underlying conviction, based on the record of hearing in Docket No. 12285 and on the findings transmitted to the Antitrust Division, that the national networks have made invaluable contributions in the development of our system of television broadcasting and that networking is necessary to the continued growth and expansion of the service. But the hearing record from which these ultimate conclusions flow also persuade that the developing complex of option time practices in television warrant re-inquiry directed to the adequacy of the safeguards designed to be built into option time and the other rules limiting network-affiliate arrangements. Accordingly, the Commission released on April 23, 1959, its Notice of Proposed Rule Making in the subject proceeding proposing, while maintaining the essential features of the option time practice, to amend § 3.658 (d) and (e) in order to improve the competitive position of non-network groups and to broaden the individual station's freedom of program selection under its affiliation contract.

7. Los Angeles television Station KTIV would have the Commission ban the option time practice, and its comments and reply comments in this proceeding press the contention that this result is inevitably required by the views of the Antitrust Division of the Justice Department on the restraining influences of option time. The Commission is, of course, cognizant of the anti-trust implications of this complex issue. However, as was held by the United States Supreme Court in the case of United States v. RCA, 358 U.S. 334, the Communications Act was not intended to nor did it give to the Commission any authority or power to decide or pass upon anti-trust issues as such. Since the Commission after extensive public hearings has concluded that option time is reasonably necessary to successful network operations and in the public interest, it is loathe to strike down a practice of such longstanding in the broadcast industry in the absence of a judicial determination as to its validity or invalidity under the anti-trust laws. And so, having found in the area of its own expertise that option time is in the public interest, the Commission is bound in this proceeding to consider the modification of its rules limiting the practice in order to encourage the larger and more effective use of television. The views here expressed are in no way intended to be a determination on the issue of legality of the option practice under the anti-trust laws. In this instance, the action taken herein cannot bind other agencies directly concerned with the adjudication of anti-trust questions nor frustrate a subsequent determination by a court of competent jurisdiction on the relationship of the anti-trust laws to option time. United States v. RCA 358 U.S. 334 (1959).

8. Comments in this proceeding have been filed by American Broadcasting Company (ABC); CBS Television Network, a Division of Columbia Broadcasting System, Inc. (CBS); CBS Radio, a

[1] 18 Pike & Fischer, R.R. 1809.
[2] 18 Pike & Fischer, R.R. 1802.

Division of Columbia Broadcasting System, Inc. (CBS Radio); National Broadcasting Company, Inc. (NBC); the Select Committee of ABC–TV Affiliates (ABC Affiliates); the Special Committee of NBC Television Affiliates (NBC Affiliates); the CBS Television Affiliates' Special Committee (CBS Affiliates); the Station Representatives Association (SRA); National Telefilm Associates, Inc. (NTA); Westinghouse Broadcasting Company, Inc. (Westinghouse); Mutual Broadcasting System, Inc. (Mutual); KTTV, Inc., the licensee of television broadcasting station KTTV, Los Angeles, California (KTTV); Chronicle Publishing Company, licensee of television broadcasting station KRON–TV, San Francisco, California (Chronicle); WBEN, Inc., licensee of Stations WBEN–AM, FM, and TV, Buffalo, New York (WBEN); and WCSC, Inc., licensee of television broadcasting station WCSC–TV, Charleston, South Carolina (WCSC). Reply comments were filed by ABC, CBS, NBC, ABC Affiliates, CBS Affiliates, NBC Affiliates, SRA, NTA, and KTTV.

Proposed amendments; Television. 9. We turn next to consider the specific amendments to the Chain Broadcasting Regulations proposed in the Notice of Proposed Rule Making. These proposed amendments were an outgrowth of our Findings with respect to the option time practice in the television field. In those Findings the Commission reached the conclusion that option time is reaonably necessary for successful television network operations and is in the public interest. In reaching that conclusion, however, we recognized that option time results in placing certain limitations on the freedom of affiliated stations to choose the programs which they will carry and, in certain respects, puts non-network television interests—independent program producers, national spot representatives and non-network advertisers—at a disadvantage in competing with the networks for access to prime viewing time on affiliated stations.[1] Our objective in this proceeding is to modify the option time rules so as to increase the freedom of affiliated stations in the program field and the competitive opportunities of non-network interests, while at the same time preserving the essential features of option time which we have found to be necessary to preserve the television network system.

10. The Commission has fully and carefully reviewed the Report on Network Broadcasting, the public hearings held in Docket No. 12285 and the comments which have been filed in this proceeding. It is our conclusion that the proposed amendments, with the exception of that pertaining to "straddle" programs, would accomplish the stated objectives of the Commission and would serve the public interest. With respect to "straddle" programs we have determined that the public interest would be served by adoption of an alternative proposal which is discussed below.

[1] Our findings also indicated that in other respects option time has produced substantial benefits for all elements of the television industry (both network and non-network) and the viewing public.

11. The Commission recognizes that certain adverse effects to network operation may be involved in adopting these amendments. However, we are of the opinion that the amendments, considered individually or cumulatively, will not pose any serious threat to continued successful network operations and will make a significant affirmative contribution to the affiliates' freedom of program selection and the competitive opportunities available to non-network elements in the television field. On balance, therefore, we conclude that the public interest will be served by adoption of these amendments. The Commission will, of course, continue to study the operations of the television networks and the impact of our rules on those operations, and will be prepared to take any further actions that may be necessary or desirable in the public interest. Each of the specific proposals to amend the rules will be discussed in turn.

Number of hours of option time. 12. Section 3.658(d) of our rules now provides in part that "No license shall be granted to a television broadcast station which options for network programs * * * more time than a total of 3 hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a.m. to 1 p.m.; 1 p.m. to 6 p.m.; 6 p.m. to 11 p.m.; 11 p.m. to 8 a.m." The Commission proposed an amendment to reduce from 3 to 2½ the total number of hours within each segment of the broadcast day which a station may option for network programs.[4] Under the proposal an affiliated station could, as at present, accept any additional network programs offered wholly outside of the hours designated as option time, but could not option such time periods for network programs.

13. None of the parties filing comments supported the Commission's specific proposal to reduce the number of hours which a television station can option for network programs. However, SRA, Westinghouse and NTA each offered a proposal of its own for amendment of the option time rule.

14. Those opposing the proposal rely heavily on the Commission's own Findings with respect to option time. They point to the Commission's conclusion that option time "is reasonably necessary for successful network operations and is in the public interest". It is contended that the same reasons that led to this conclusion also require the conclusion that reducing the number of hours will result in seriously threatening successful network operations, with consequent adverse effects on the quantity and quality of program service furnished to affiliated stations and received by the public.

15. It is argued that the Commission's Findings indicate that abolition of option time would lead to "checkerboarding" and "erosion" of network service, and that reduction of option time will produce the same results, pro tanto. Option time, which enables the networks to assure advertisers of national distribution of programs at the time desired, is allegedly necessary to permit network television to compete effectively against other national advertising media. Moreover, if the networks as a result of inability to secure necessary clearances, were unable to sell the time periods which were cut out of option time,[5] they might not, it is contended, program in those time periods. If they did not, the affiliated stations and the public would be deprived of that portion of the network service. This would allegedly have particular impact on smaller stations which are most dependent on network service and do not have the resources to provide substitute programing. Affiliates would also suffer to the extent that they would be deprived of valuable adjacencies to the network programs.

16. It is also argued that the proposal would have an adverse effect on the entire network service. Failure to sell the time periods dropped from option time would involve serious loss of revenue to the networks.[6] As a result, the networks would allegedly have to cut program costs by avoiding risk-taking on expensive programs and curtailing nonincome producing public service programming. They might also have to reduce payments to affiliates, which would not, it is argued, assist the affiliates in developing good local programs.

17. While some of the opponents of the proposal concede that it would result in giving stations more latitude in programming and non-network interests greater access to prime television time, they contend that the risks to network operations would be too great. Moreover, it is argued that the programs available to affiliates to substitute for lost network service might not be of the same caliber as network programs. It is also contended that film syndicators are not concerned with overall program service, but only in selling individual programs, and that they will not provide any replacement for network public service programs which may be lost. The argument is also made that there is no basis for assuming that option time has caused a dearth of high quality film for syndication, or that the situation will be improved by curtailing option time. In this connection, the Commission is urged to await the outcome of its current television program study,[7] before reaching any determination with respect to option time.

18. The Commission's Findings on option time set forth in detail the reasons for our conclusion that the option time practice is reasonably necessary for successful network operations and is in the public interest. We made clear, however, that that conclusion "does not necessarily mean that all of the features of the present option time arrangements are necessary to network operations". The Findings also indicate the various ways in which option time has benefited not only the network organizations, but also affiliated stations, national spot representatives, independent program producers and, most importantly, the viewing public. Here again, however, our Findings recognized that option time also places limitations on the affiliated stations' freedom of program choice, and results in distinct competitive advantages for the networks as compared to other segments of the broadcast industry. In proposing to curtail the amount of time which an affiliated station may option to networks we sought a means to expand both the freedom of program choice of affiliated stations and the competitive opportunities of non-network elements in the industry, while at the same time not endangering television network operations which have made so significant a contribution to the public interest.

19. The Commission is fully cognizant of the importance of this proposal and has given it careful and detailed consideration. However, while recognizing the different views that have been offered, we are of the opinion that adoption of the proposal will make an affirmative contribution to the freedom of television station licensees and to the competitive opportunities available to non-network groups. We further believe that the proposal, while it may result in some curtailment of network revenues, will not endanger continued successful television network operation. On balance, therefore, we have concluded that adoption of the proposal would serve the public interest.

20. The Commission fully appreciates the fact that the proposed reduction in option time may affect station clearances of network programs. In those time periods no longer subject to network option, a certain amount of the "checkerboarding" and consequent "erosion" of network service described in our Findings (Par. 78) can be expected to occur. However, in view of the demonstrated ability of the networks to program successfully on a commercial basis in at least some non-option time periods, we cannot assume that the networks will be unable to sell all of the time periods dropped from option time. Moreover, under the amended rule, the networks will continue to be in a position to obtain options from affiliates for one-half (2½ hours) of each of the three significant time segments of the broadcast day.[8]

21. We strongly adhere to our findings that option time is the keystone of network operations (Findings, Par. 76) and that the public interest would be disserved by actions which would run the risk of undermining or destroying network broadcasting. (Findings, Par. 73.) The total elimination of option time would involve not only the risk, but the likelihood, of destroying or undermining the network system. However, our action in reducing the total number of hours that stations may option can in no way be equated with the total elimination of option time. The networks will retain five-sixths of the option time previously available, as well as opportunity and ability to compete for additional time for their programs on affiliated stations. Under these circumstances, while there is risk that the networks may suffer some losses in revenue, it would be unrealistic to conclude that our action will result in any real risk of destroying or undermining network broadcasting or seriously impairing the quality of the programs offered by the networks.

22. To the extent that some risk to network operations may be involved, it must be balanced against the need for licensee freedom of program choice and for competitive opportunities for non-network segments of the broadcast industry. Where, as here, licensee freedom and competitive opportunities can be increased with minimal risk to network operations, the public interest calls for adoption of the proposed rule.

23. *NTA proposals.* NTA supports the stated purposes of the Commission's proposal, but contends that merely providing more station time is not enough. Option time is allegedly the key to all television time, enabling the networks to build up an entire program schedule which stations will accept both during and outside of option time. It is contended that in order to provide effective competition for the networks, option time must be made available to independent program producers. If option time is made available to the independents, they will have assured access to prime viewing time, and it is alleged that the quality of their programs will improve. NTA therefore urges adoption of a rule which would prohibit a station from (1) optioning more than three hours within each segment of the broadcast day, or (2) optioning more than 2½ hours within each segment to any one program source, or (3) optioning time to any one program source in such an amount that the total amount of time optioned to that source by all stations in the same community would exceed 2½ hours. In the event the Commission does not adopt its proposal, NTA requests that the matter be scheduled for hearing or for oral argument.

24. None of the other parties supported the NTA proposal. Those opposing the proposal state that independent program producers are not now barred from obtaining options from television stations. They point out, however, that only the individual station can grant an option, and that it will do so only for value received. In this connection, it is noted that independent program producers do not now get options even in markets with four or more television facilities. It is also argued that independents are not entitled to options, since they do not provide the same services for stations as do the networks. It is claimed that to achieve NTA's purposes, both the networks and independent program producers would have to have exclusive options and require program clearances, whereas under the Commission's existing rules option time cannot be applied in favor of one network against another network. This would allegedly remove existing protections for inter-network competition and the growth of new networks. It is also contended that the proposal would amount to rationing time on stations which would foreclose competition. Moreover, a question is raised as to the administration of the NTA proposed rule—it would apply to the individual stations, but they would not be in a position to know the total time optioned to any one program source by all stations in their community.

25. We believe that the public interest will not be served by adoption of the proposal advanced by NTA. NTA purportedly seeks a rule which would provide independent program sources (including new networks and non-network organizations), with the opportunity to obtain options for one-half hour in each segment of the broadcast day. This would be accomplished by allowing stations to continue to option three hours in each segment but, in effect, excluding the existing three networks from access to one-half hour of that time in each segment. To the extent that this proposal is designed to assist non-network program sources in obtaining option time, it is apparently based on a misconception concerning the Commission's regulations governing option time. The Commission did not create option time, and our regulations do not and cannot give options to anyone. Rather they impose certain strict limitations on the right of station licensees to option time to network organizations. They do not restrict in any way the optioning of time to non-network program sources. Thus, the NTA proposal would, in fact, place a limit on the amount of time stations may option to non-network program sources where no limit now exists. In the absence of such options, and with no apparent likelihood of their being given since independent program suppliers do not offer the variety of programs and services offered by the networks, we find no reason at this time to impose a limit on the amount of time that may be optioned to non-network program sources, or to otherwise regulate such practices. If non-network program sources succeed in securing options from stations, consideration will then be given to whether

[4] The three national television networks all presently have the maximum number of option hours during the morning, afternoon and evening segments; none of them has option time during the 11 p.m. to 8 a.m. segment. In practice, therefore, the reduction would result in a decrease of one-half hour in each of three segments, or a total of 1½ hours per day.

[5] ABC contends that it is more vulnerable in this connection than the other networks. CBS and NBC primary affiliates reach 98% of the television homes in the country, while ABC primary affiliates reach only 86%. It is therefore alleged that failure of a few affiliates to clear for a network program would be more damaging to ABC than to the other networks.

[6] CBS and NBC estimate that failure to sell one-half hour each evening for a year would cost each of them some $9.2 million in revenue a year. CBS further estimates it would cost a similar amount if it lost sponsors for two half-hour daytime periods each day for a year. If CBS provided sustaining programs for all of these time periods, it would cost the network an estimated $10 million more at the least. ABC estimates a loss of gross profit before taxes up to $4.5 million if it were unable to sell one-half hour each evening for a year, in addition to losses in the daytime periods involved and the decreased value of other network programs due to "lack of audience flow". If it were unable to sell all of the half-hour time periods involved, ABC states that it could mean its network would operate at a loss instead of a profit.

[7] Docket No. 12782, Study of Radio and Television Broadcasting.

[8] None of the networks has contracted for any option time hours in the 11 p.m. to 8 a.m. time segment.

the public interest requires that this practice be regulated and, if so, in what manner.

26. The proposal is also apparently designed to aid new networks in obtaining option time. However, new networks are not now barred from obtaining option time. On the contrary, § 3.658(d) of our rules is specifically designed to foster the development of new networks as well as inter-network competition. Thus, that section provides, in part, that "options may not be exclusive as against other network organizations and may not hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations". NTA, on the other hand, apparently contemplates options which would be exclusive as against other networks. We believe that the public interest in this regard would be better served by retaining our present provision barring exclusivity as against other networks rather than by substituting a Commission-imposed system of rationing option time which would foreclose inter-network competition.

27. We are, moreover, denying NTA's request for a hearing or an oral argument on its proposal. In addition to submitting comments and reply comments in the instant proceeding, NTA and all other interested parties orally presented their views on option time in the hearings before the Commission en banc in Docket No. 12285. Since all parties have had full opportunity, both orally and in writing, to present their views, further oral proceedings would serve no useful purpose and would unduly prolong the administrative process.

28. *SRA and Westinghouse proposals.* SRA is of the opinion that three hours of option time is fair, but does not object to cutting one half-hour, if, in the Commission's judgment, that is in the public interest. In either event, however, SRA contends that independent program sources need some countervailing provision to give them a competitive opportunity to develop programs for showing during prime viewing hours. The answer to this need, according to SRA, is to require any station which options time to a network to provide in its contract for "Station Reserved Time".[9] The latter would consist of at least 60 minutes (either consecutive or divided into two 30-minute periods) during each segment of the broadcast day for six days of the week which would be unavailable for any commercial network programs. Exception would be made for live network commercial programs of national importance involving educational, cultural or public affairs, special events or sporting events which, because of their length necessarily run into Station Reserved Time, and which it would be in the public interest for stations to broadcast as a unit or at the time that the events take place. While advocating this proposal for all markets, SRA asserts that if it were shown that the public interest would be adversely affected by such a reservation in markets with fewer than three stations, the Commission could provide for 30 minutes of Station Reserved Time in two-station markets and no such time in one-station markets.

29. Westinghouse strongly supports the retention of three hours of option time as necessary for network operation. It contends that independent program sources have sufficient time available to them if the networks are kept out of non-option time. To accomplish this purpose, Westinghouse proposes that stations be prohibited from broadcasting regularly scheduled network commercial programs outside of option time. Exceptions would be made for programs of public significance or national importance, political broadcasts pursuant to section 315 of the Communications Act, and live programs of important events where the networks do not control the timing and where the public interest would be served by the programs being broadcast as a unit or at the time the events take place.

30. None of the other parties supported either the SRA or Westinghouse proposal. Opponents of the proposal argue that, stations are under no obligation to accept network programs outside of option time and, insofar as the SRA proposal is concerned, most stations allegedly now carry each week more than six hours of non-network programs in each segment of the broadcast day. It is emphasized that these proposals would constitute a restriction on the freedom of licensees by foreclosing their use of network programs during certain time periods. It is alleged that small stations would be hurt most by such foreclosure, since they depend heavily on network programs and cannot afford good programs from other sources. ABC also maintains that under the Westinghouse proposal it would be unable to get stations in two-station markets to accept its programs in addition to those of their basic networks.

31. The SRA and Westinghouse proposals both seek to guarantee access by non-network interests to prime television viewing time by restricting the right of individual stations to carry network programs outside the time periods optioned to the networks. Under these proposals, however, this access would be gained by restricting, rather than broadening the freedom of program choice of the individual television station licensee, and by insulating non-network groups from network competition. While we are concerned with improving the opportunities for non-network groups to have access to prime time, we believe the public interest would be ill-served by achieving such access by curbing both licensee freedom and competition. In contrast, the reduction being ordered in the total amount of time which stations may option to networks will serve the public interest by substantially increasing the competitive opportunities for non-network groups to gain access to prime viewing time, and, by the same token, broadening the freedom of station licensees to choose among alternative program sources.

Straddle programs. 32. The Chain Broadcasting Rules are now silent with respect to "straddle" programs.[10] In its Notice of Proposed Rule Making the Commission proposed the addition of a note to § 3.658(d) of its rules to indicate that, in determining the number of hours of option time, straddle programs shall be considered as falling entirely within option time. The proposal is intended to prevent straddle programs from having the effect of extending network programming into non-option time periods.

33. SRA supports the straddle program proposal. Westinghouse points out the proposal would be unnecessary if the Commission adopted its suggestion to prohibit stations from broadcasting network commercial programs outside of option time. In the event that suggestion is not adopted, Westinghouse favors the straddle proposal. The ABC affiliates and the CBS affiliates favor the straddle proposal provided that the number of hours of option time is not reduced. ABC, CBS, NBC and the NBC Affiliates oppose the proposal and urge that straddle programs be considered to be entirely outside of option time. WBEN, WCSC–TV and Chronicle also oppose the straddle proposal.

34. Those favoring the proposal indicate that straddle programs can be used to extend network programming into non-option time. Thus, an affiliate offered a straddle program must take the entire program [11] or be deprived of a network program for that portion of the time which falls within the usual option hours. It is argued that even if the entire straddle program is not covered by the option,[12] the station would still be precluded from selling the time normally within option hours on a non-network basis, since the network could drop the straddle program and preempt the time. Under the proposal, an affiliate would not have to leave unsold a period normally in option time in order to sell a non-option time period on a non-network basis. An affiliate could accept all network orders in option time and still be free to sell all adjacent time periods on a non-network basis. It is suggested, however, that the proposal not apply to non-repetitive "spectaculars" and dramatic shows, or to programs which are divisible.

35. Opponents of the proposal contend that the reasons in support set forth in the Notice are not sound. Moreover it is argued that the proposal would result either in barring straddle programs, which would interfere with the networks' judgement concerning program scheduling and deprive the public of the benefits flowing from existing flexibility, or would require wholesale revisions of option hour provisions in affiliation contracts, which would be extremely complicated and might result in affiliates having different option hours and consequent "checkerboarding." If, on the other hand, the option hours could be changed automatically when a straddle program is offered by a general contract provision, then the time dropped from option hours would still be considered as option time and would therefore not result in any increased program flexibility for affiliates. Moreover, it is suggested that such a general provision might run counter to the existing prohibition in Note 2 to § 3.658(d) against "roving" options. The proposal could allegedly be misused to extend option hours, with the network lining up a complete schedule of programs in the normal option hours, then offering a straddle program and dropping from option hours a time period already cleared for a network program. It is also argued, however, that the network might have to remove from option time a program already contracted for and reoffer it to affiliates on a non-option time basis, which might jeopardize clearances. ABC further contends that in markets where it has a secondary affiliation, the offering of a straddle program by another network could deprive ABC of option time.

36. As we indicated in our Notice of Rule Making, the Commission is concerned that the practical effect of straddle programs is to extend network programming into non-option (station) time periods. This appears clearly to be the result under NBC's present practice, i.e., that the network's option applies to that portion of the straddle program which falls within option time, but not to the portion outside of option time. Since such programs are usually not divisible, the network's option requires, in effect, that the affiliate accept the entire program. ABC and CBS now regard straddle programs as being entirely outside option time, and therefore their affiliates are under no obligation to accept such programs. However, if an affiliate rejects a straddle program, it has no network program for a time period normally in option time. Moreover, the station is faced with difficulty in selling on a non-network basis that portion of the time period which normally falls in option time since the network can drop the straddle program and preempt the time period on 56 days notice. If an affiliate accepts the straddle program, the freedom to program a non-option time period on a non-network basis is foreclosed.

37. The proposed amendment to the rules would attempt to prevent straddle programs from extending network programs into non-option time by considering such programs as falling entirely within option time. Thus, if an affiliate optioned to a network the maximum amount of time permitted in a particular time segment and the network offers a straddle program that extends one-half hour into station time, the station would have to agree with the network to drop from option time a half-hour within the same time segment before the affiliate could carry the straddle program. (If the option hours agreed to were 8:00 p.m. to 10:30 p.m.,[13] and the network offered a program from 10:00 p.m. to 11:00 p.m., all of the latter period would become option time, and one-half hour—e.g., 8:00 p.m. to 8:30 p.m.—would have to be dropped from option time.)

38. After careful consideration, the Commission has concluded that its proposal is unlikely to achieve the desired results. Under the proposal, an affiliate desiring to accept a straddle program would have to agree to drop from option time another half-hour in the same time segment. However, the time period dropped would still be in "traditional" option time during which the affiliate would expect to carry a network program and, in most instances, would already be carrying a network program. It is unlikely that the affiliate would drop the network program which it has already accepted in order to try to sell the time on a non-network basis. This would be particularly true if a single straddle program, not part of a regular series, is involved. In addition, the affiliate may have difficulty in selling the time on a non-network basis, since it may once again become option time and be subject to preemption if the network drops the straddle program.[14]

39. We, therefore, believe the proposed amendment would offer little in the way of additional freedom of choice to affiliated stations. Moreover, the proposal could itself operate as a vehicle for extending option time. Thus, if option time were 8:00 p.m. to 10:30 p.m. and the network secured full clearance for its programs from 8:00 p.m. to 10:00 p.m., it might then offer a straddle program from 10:00 p.m. to 11:00 p.m., and drop 8:00 p.m. to 8:30 p.m. from option time. Since affiliates would have already accepted the network's program for the 8:00 p.m. to 8:30 p.m. time period, dropping that period from option time would, as a practical matter, add little to an affiliate's freedom to make programming choices. At the same time the network's option would effectively be extended to the entire 10:00 p.m. to 11:00 p.m. time period.

40. The proposed amendment would also result in administrative complications. Thus, every time an individual straddle program or series were offered, the network would have to amend every one of its affiliation agreements and each affiliate would have to file such an amendment with the Commission.[15] If we were persuaded that this procedure would further the public interest, the attendant administrative inconveniences might be justified. Where, however, the benefits appear doubtful, the administrative burdens merely reinforce our conclusion that the proposed amendment should not be adopted.

41. In lieu of the proposal contained in our Notice, the Commission is adding a provision to § 3.658(d) of the rules to state that no part of a straddle program shall be considered as falling within option time. Standing alone, such a rule would likely offer little assistance in providing affiliates with more freedom of choice in handling straddle programs. However, as indicated below, the Commission is also adopting the proposal which provides more flexibility in the length of notice required before a network can exercise its option. As a result of both of these amendments, an affiliate will not only be free of any contractual obligation to accept a straddle program (the network's option will not apply), but will also be in a position to sell to a non-network sponsor that portion of the time period normally covered by the network's option with the assurance of being able to fulfill at least a minimum term contract.

Length of notice. 42. Section 3.658 (d) of the rules now provides, in part, that "No license will be granted to a television broadcast station which options for network programs any time subject to call on less than 56 days' notice . . .". Under the proposed amendment the required period of advance notice would vary from a minimum of four weeks to a maximum of 17 weeks. The proposal is designed to provide more flexibility so as to permit a station to fulfill a normal minimum contract (13 weeks) for a non-network program then being broadcast or scheduled to be broadcast within four weeks of the time a network seeks to exercise its option. It would also permit a network to exercise its option on less notice (4 weeks) than is now required where the station does not have a firm contract for a non-network program in the time period. The ABC and CBS Affiliates, SRA, Westinghouse and Chronicle support the proposal,[16] while CBS and NBC state that they do not oppose it. ABC, NBC Affiliates, WBEN and WCSC oppose the proposal.[17]

43. Proponents of the proposal maintain that it will increase the ability of affiliates to sell on a non-network basis option time periods for which they are not currently ordered for a network program, since it would enable them to assure non-network sponsors that a minimum-time contract could be fulfilled. It is maintained that the proposal would not constitute an unreasonable burden on the networks, and that affiliates could still voluntarily accept network programs on less notice than that specified in the proposed rule. CBS and NBC take the

[9] SRA previously advanced this proposal at the hearings in Docket No. 12285.

[10] A "straddle" program is one which originates during the hours agreed upon by the network and station as option time and extends into non-option time, or which begins during non-option time and extends into the hours agreed upon as option time.

[11] In most instances it is difficult, if not impossible, for an affiliate to divide a straddle program into segments and accept only that portion falling within option time.

[12] ABC and CBS now consider that the option does not apply to any part of a straddle program, while NBC considers that it does apply to that portion of the program falling within option time.

[13] Under the amendment we are adopting today, the maximum permissible amount of option time in any one segment will be 2½ hours.

[14] This difficulty would, however, be lessened by virtue of the revised notice requirements we are adopting herein.

[15] Some parties have interpreted the proposal as permitting a general clause in affiliating contracts which would have the effect of automatically changing option hours whenever a straddle program is offered. However, the use of such a general clause was not contemplated by the proposal, since it would result in the networks being able to change option hours at will without the specific consent of affiliates, and would therefore constitute, in effect, a "roving" option which is prohibited by Note 2 to § 3.658(d) of the rules.

[16] The CBS Affiliates, however, are in favor of keeping the minimum notice required at 56 days.

[17] If the proposal is adopted, NBC Affiliates favor retention of the 56-day minimum notice period.

position that no need exists for the proposed change, and that it might impair the network's ability to plan their program schedules. They further state that checkerboarding might result due to inability to get clearances on stations by a set date. Nevertheless, CBS and NBC do not oppose adoption of the proposal.

44. Those opposing the proposal allege that it will not achieve significant benefits, and would result in problems. Giving all stations 17 weeks notice would allegedly cause undue complications in obtaining clearances, while a staggered notice period might result in failure to obtain a full network lineup for the start of a program, and might entirely prevent the broadcasting of a single special program. The networks would allegedly have to keep track of all non-network contracts entered into by their affiliates for programs in option time. It is also contended that disputes might arise as to what constitutes a "firm contract" for a non-network program.

45. The Commission is of the opinion that the proposed amendment concerning length of notice would be in the public interest and should be adopted with certain editorial changes. At the present time non-network programs being carried in option time are subject to preemption by a network on 56 days notice if the network has a sponsored program which it is offering in the time period. Our findings recognize that this right of preemption tends to discourage stations and non-network advertisers from placing non-network programs in option time periods, even though some of those periods are not currently occupied by network programs. As a result, independent program producers are also inhibited in selling their programs on a spot basis for broadcast during option hours. (Findings, pars. 57, 67.) By permitting affiliated stations to make firm commitments to non-network sponsors for at least the normal minimum contract period, the amendment should make a realistic contribution to the ability of the individual affiliated stations to have access to non-network advertising revenue and program sources during option time periods when the station is not carrying a network program. At the same time, it should provide increased opportunity for non-network advertisers and independent program producers to have access to prime time on affiliated stations.

46. In addition, the amendment will enable the networks to exercise their options on less notice than is now required (28 instead of 56 days) in situations where the station does not have a contract with a non-network advertiser for the time period in question. We recognize that the need of affiliates to make orderly program plans requires a reasonable period of notice whenever a network seeks to exercise an option. However, where non-network contract commitments are not involved, the 28-day minimum notice period we are adopting would appear to be adequate.

47. The arguments advanced fail to convince us that any serious interference with network operations will result from adoption of the proposal. Networks now regularly offer programs on less than the 56 days notice specified in the rules. There is no evidence that the networks have experienced difficulties when less than the specified notice has been given, despite the fact that there is no assurance that all affiliates will clear for the program by the starting date, since they have the right to delay their clearance for the full 56 days. Under the proposed amendment affiliates will retain the right voluntarily to accept programs on less notice than is specified in the rule. While the flexible provisions of the proposed rule require some adjustments in present network practices, we find no basis for concluding that they will cause any undue complications or pose any threat to successful network operation.

48. It has been suggested that some question may arise as to whether an affiliate has a "firm" contract for a non-network program which would entitle it to a longer period of notice under the proposed rule. To avoid the problem, we have revised the proposal to cover only written contracts.

Right to reject programs. 49. Under the present provision of § 3.658(a), a station may not enter an agreement or understanding which prevents it from rejecting or refusing a program offered pursuant to a network contract which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest. When a station has already contracted for a network program, the agreement with the network may not prevent it from rejecting or refusing the program as contrary to the public interest. The present rule, however, permits a station to enter into an agreement with a network which would preclude the station from rejecting or refusing a program already contracted for, even though the station reasonably believes the program to be unsatisfactory or unsuitable. In this proceeding the Commission proposed to amend the rule to insure that affiliates have the same rejection rights with respect to programs already contracted for as it has with respect to programs offered.

50. The ABC and NBC Affiliates, Westinghouse and SRA support the proposed amendment. They maintain that stations already exercise the rights proposed to be included in the rules and that there have been no difficulties. However, they believe it would be helpful and appropriate to incorporate these rights into the rules. They point out the difficulties that may arise in determining in advance whether particular programs in a series already contracted for will prove to be unsatisfactory or unsuitable. Moreover, it is argued that there is no need to clarify the meaning of the proposed language to insure that affiliates will not reject programs arbitrarily since the proposed language is already used in the section and its meaning is understood.

51. ABC favors the proposed amendment, if it is clarified, while CBS and NBC indicate that they do not oppose its adoption, if it is clarified. They contend that there are no objective standards in the proposal, and that stations may abuse the right granted and reject programs for reasons unrelated to the public interest. Uncertainty in this regard would allegedly make it difficult for networks to give sponsors assurances concerning clearances. However, as indicated above, ABC would support the proposal if it is clarified to indicate that stations would not have the right arbitrarily to reject network programs already contracted for, and CBS and NBC would not oppose it if so clarified.

52. The CBS Affiliates support the proposal in principle, but would limit a station's right to reject a program as unsatisfactory or unsuitable to the two week period after the first program in the series is broadcast, or to the end of any 13-week period. This modification is considered necessary to prevent stations from cancelling in the middle of a series just for the purpose of carrying a non-network program. If enough stations followed that practice, it might create difficulties in maintaining a sufficient network lineup to continue the program. The CBS Affiliates' proposal is based on their interpretation that "unsatisfactory or unsuitable" means artistically deficient, even if the program in question is not contrary to the public interest.

53. The NBC Affiliates oppose the modified proposal offered by the CBS Affiliates. The NBC Affiliates state that it would require stations to take programs after the first two weeks of a series even if the station believed them to be unsatisfactory or unsuitable. They further contend that if a station had any doubts about a series, it would be likely to protect itself by cancelling within the first two weeks, rather than waiting to see if the remaining programs in the series were satisfactory. Chronicle, WBEN and WSSC oppose the Commission's proposal. Their opposition is based primarily on the alleged lack of need for the amendment.

54. The Commission has concluded that adoption of the proposed amendment would clearly serve the public interest. It is essential that individual television station licensees have the ultimate responsibility for the programs broadcast over their stations. This is true whatever the source of a particular program may be. Programs suitable or appropriate for one community may not be for another. The judgments in this respect must be made by the individual station licensee, who is charged with the duty of serving the needs and interests of the viewing public in his particular community.

55. Section 3.658(e) of the Commission's rules now insures that affiliated stations retain the right to reject a network program at the time that it is offered if the station reasonably believes it to be unsatisfactory or unsuitable. However, it may not be possible for an affiliate to determine at the time it contracts to accept a program series offered by the network whether the individual programs in that series will be satisfactory or suitable for viewing in the community served by the station. In order to fully discharge its responsibilities, a station should have the right to reject any individual network program it reasonably considers to be unsatisfactory or unsuitable even where it has already accepted the program series of which it is a part. Moreover, we are of the opinion that this broadened right of rejection should extend to all programs in any series, and should not be limited to the first two programs of a series and the end of each 13-week period, as suggested by the CBS Affiliates.

56. In addition to the affirmative reasons for adopting this proposal, we are not persuaded that there is any sound reason to believe that it will disrupt or adversely affect efficient network operations. Affiliates have had the right since the chain broadcasting rules were first adopted to reject programs offered by the networks which they considered to be unsatisfactory or unsuitable. This long standing right of affiliates has apparently functioned well in practice and has not resulted in any problems concerning the interpretation of the terms "unsatisfactory" or "unsuitable." We find no basis for anticipating problems in extending this right to programs already contracted for or any need for further clarification of the terms which have a long history of use and application in the very same section of the Commission's rules.

Right to substitute programs. 57. The present language of § 3.658(e) prohibits a station from entering into an agreement with a network which would prevent it from substituting for a network program offered or contracted for a program of outstanding local or national importance. In order to broaden a station's right to exercise its own judgment with respect to acceptance or rejection of network programs, the Commission proposed an amendment to prohibit a station and network from reaching an agreement which would prevent the station from substituting for a network program a program which it considers to be of greater (as distinct from outstanding) local or national importance. The ABC, CBS and NBC Affiliates, SRA and Westinghouse filed comments in support of the Commission's proposal. They indicate that affiliated stations exercise the right to substitute programs of greater local or national importance at the present time, but that this right is important and should be codified in order to obviate any possible questions concerning the rights of stations in this regard.

58. ABC states that it would support the proposal, if it is clarified, while CBS and NBC would not object to it if it is clarified. All three networks wish the Commission to make clear that the station's right to substitute for a network program must be based on bona fide public interest considerations rather than mere economic benefit to the station. Moreover, CBS and NBC contend that there is no need for the proposed amendment. Chronicle, WBEN and WCSC oppose adoption of the Commission's proposal. Their opposition is based primarily on the argument that there is no need for the amendment.

59. The Commission is of the opinion that adoption of this amendment would clearly be in the public interest. As in the case of the right to reject network programs, the primary consideration here is the responsibility of the individual television station licensee for programming on his station. To discharge that responsibility the licensee must be free to exercise his judgment concerning what programs will best serve the interests and needs of the public in his own community. When, in the licensee's judgment, there is a program which would be of more importance to the public in his community than a network program either offered or contracted for, he should be free to implement his judgment. We believe that insuring this freedom on the part of the licensee is entirely consistent with the maintenance of successful and efficient network operations. There is no evidence that the rights presently guaranteed to station licensees under § 3.658(e) of the rules have created problems, and we believe that we may properly rely on licensees to exercise their expanded rights in a manner consistent with contract obligations and the public interest.

Radio. 60. The specific amendments proposed in the Notice of Proposed Rule Making in this proceeding applied only to television. However, the Notice did request interested parties to furnish comments concerning the need for, or desirability of, issuing a similar Notice of Proposed Rule Making with respect to network option time in radio.

61. SRA recommends that the proposed amendments to § 3.658(e), dealing with a station's rights of rejection and substitution with respect to network programs, should be adopted for radio. SRA, however, argues for the abolition of option time in radio unless it is demonstrated that it is reasonably necessary for radio network operation. It is argued that the Commission in 1941 found only that option time in radio was a business convenience and that because of changing conditions it cannot be assumed that option time is now even reasonably necessary as a business convenience.

62. ABC, CBS Radio, NBC and Mutual oppose the institution of proceedings to consider rules for radio similar to those proposed for television. The importance of option time in enabling radio to compete with other advertising media is noted. It is argued that the Commission should not act in the radio field without the benefit of the same type of study and record that it has concerning television. Conditions are allegedly different in radio, where the importance of the networks with respect to both revenues and programs has declined sharply. It is also contended that radio networking is currently in an evolutionary period during which it would be inappropriate to amend the rules. Moreover, it is alleged that affiliated stations have ample flexibility in program selection and that abundant radio time is available for non-network advertising and program sources.

63. After careful consideration, the Commission has concluded that a rule making proceeding looking toward amendments of the Chain Broadcasting Rules directly concerning option time in radio should not be instituted at this time. It is evident that in the past few years significant changes have occurred in radio, and that conditions and practices in radio are not now similar to those prevailing in television. For example, the importance of radio networks has declined appreciably, and their current role in radio is clearly not comparable to that of the television networks. Moreover, while the Commission is cognizant that important changes have been taking place in the radio industry, we have not had the benefit of a detailed study and analysis of that industry which will enable us to determine whether amendment to the rules would be necessary or desirable.[18] Accordingly, we believe it would be inappropriate at this time to institute rule making proceedings for the purpose of considering amendments to the Chain Broadcasting Rules applicable to radio. However, we intend to keep network-station relationships in radio under review and will institute such rule making proceedings as the public interest may require in light of changing conditions.

Decision. 64. In view of the foregoing, it is ordered, under the authority of sections 4(i) and 303 (f), (i) and (r) of the Communications Act of 1934, as amended, that, effective January 1, 1961, § 3.658 (d) and (e) are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Adopted: September 14, 1960.

Released: September 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[19]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

Section 3.658 (d) and (e) of the Commission's rules is amended to read as follows:

§ 3.658 Affiliation agreements.

* * * * *

(d) *Option time.* (1) No license shall be granted to a television broadcast station which options for network programs any time subject to call on less notice than is required by subdivisions (i), (ii), and (iii) of this subparagraph.

(i) In no event may a station subject its time to call, under an option, for a network program to commence earlier than four weeks after notice of exercise of the option.

(ii) If a station has a written contract with one or more advertisers pursuant to which a non-network program series is being broadcast, the time so contracted shall not be callable under an option held by a network until the earlier of (*a*) the end of a 13-week waiting period or (*b*) the end of the program series so contracted.

[18] The Report on Network Broadcasting did not consider in detail the subject of radio networking.

[19] Dissenting statement of Commissioner Hyde in which Commissioners Ford, Chairman, and Bartley join; and concurring statement of Commissioner King filed as part of the original document.

(iii) If a station has entered into a written contract with an advertiser or advertisers for the broadcast of a non-network program scheduled to commence no later than four weeks after the network exercises its option for the same time segment, the network may not under its option require the station to substitute a network program until the earlier of (*a*) 13 weeks from the commencement of such non-network program or (*b*) the end of the program series so contracted.

(iv) If the station has contracted with more than one advertiser for the program series, the end of the program series for the purposes of this section shall be the latest of the several contract termination dates.

(2) No license shall be granted to a television broadcast station which options for network programs more than a total of 2½ hours within each of four segments of the broadcast day, as herein described. In determining the number of hours of option time, any network program which begins during the hours agreed upon by the network and station as option time and extends into non-option time, or which begins during non-option time and extends into the hours agreed upon as option time, shall be considered as falling entirely outside option time. The broadcast day is divided into four segments, as follows: 8 a.m. to 1 p.m.; 1 p.m. to 6 p.m.; 6 p.m. to 11 p.m.; 11 p.m. to 8 a.m. (These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.) Time options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

(3) As used in this section, an option is any contract, arrangement or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time. All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

(e) *Right to reject programs.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which, with respect to programs offered or already contracted for pursuant to an affiliation contract, prevents or hinders the station from (1) rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest, or (2) substituting a program which, in the station's opinion, is of greater local or national importance.

[F.R. Doc. 60-8730; Filed, Sept. 20, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and Proposed Date for Conducting a Referendum on Marketing Quotas for 1961 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1961 crop of rice, to determine and proclaim the national acreage allotment for the 1961 crop of rice, to apportion among States and counties the national acreage allotment for the 1961 crop of rice, to establish county normal yields for the 1961 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1961 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1960 the Secretary determines that the total supply of rice for the 1960-61 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1960, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1961. Within thirty days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether such farmers are in favor of or opposed to such quotes. In the event that the Secretary proclaims quotas in effect for the 1961 crop of rice, it is proposed that the date for holding the referendum be set as Tuesday, December 13, 1960.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1961 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years 1956 through 1960 produce an amount of rice adequate, together with the estimated carry-over from the 1960-61 marketing year, to make available a supply for the 1961-62 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1960.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1961 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1961 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Section 353 (a) and (c)(6) of the act require that the national acreage allotment of rice for the 1961 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1961 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the five calendar years, 1956 through 1960, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1961 but who have not produced rice in the State in any one of the years, 1956 through 1960, on the basis of the applicable apportionment factors set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State areage allotment shall be apportioned among the farms on which rice is to be planted during 1961 but on which rice was not planted during any of the years, 1956 through 1960, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act is either not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area", wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms

on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of the section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in the subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1961 for any county shall be the average yield per acre of rice for the county during the five calendar years 1956 through 1960 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1956 through 1960 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1956 through 1960 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that in any case in which the acreage planted to rice on any farm in 1961 is less than the 1961 rice acreage allotment for the farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in 1961, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for 1959, 1960, or 1961 was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1961 crop of rice, including national, State, and county reserves, and establishing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., this 15th day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8791; Filed, Sept. 20, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 510; Draft Release 60-16]

AIR TRAFFIC

Visual Flight Rules

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal which would reestablish the phrase "beneath the ceiling" in § 60.30 as it appeared in that section prior to Amendment 60-11; revise the definition "VFR conditions;" and add a new definition entitled "special VFR conditions."

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to November 23, 1960, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for the return of comments has expired. Because of the large number of comments anticipated in reply to this notice, we will be unable to acknowledge receipt of each reply.

In Civil Air Regulation Amendment 60-11, adopted on August 7, 1958, §§ 60.30 and 60.31 were revised to provide for "Basic VFR Minimum Weather Conditions" in § 60.30 and "Special VFR Weather Conditions in Control Zones" in § 60.31.

The preamble of Amendment 60-11 made it clear that, with one exception, the amendment did not contemplate the modifications of the minimum VFR weather criteria. This is evident in the following statement quoted from the preamble of Amendment 60-11: "This amendment introduces the terms 'basic' and 'special' VFR flight but leaves unchanged the existing VFR weather minimums with the exception of the one-half mile rule for VFR flights which is eliminated."

Prior to the adoption of Amendment 60-11, the rule required that an air traffic control clearance be obtained prior to flight in a control zone beneath the ceiling, when the ceiling was less than 1,000 feet. While it is clear that Amendment 60-11 did not contemplate the modifications of this ceiling requirement, the phrase "beneath the ceiling" was omitted in the rule adopted by this amendment. The significance of this omission is apparent as it would technically require the approval of air traffic control for each and every flight that overflew a control zone when the ceiling in such zone was less than 1,000 feet, even though the flight was well above the undercast and being operated VFR-on-top. Such a requirement was not intended and would not only impose a severe and unnecessary burden on pilots operating VFR-on-top en route, but would also create a workload on air traffic control communications facilities which could saturate the system.

In practical application, the 1,000-foot ceiling requirement serves a single and essential purpose; this requirement (in conjunction with the three mile visibility minimum) is the precise limit below which "basic VFR" flight activity is discontinued and Instrument Flight Rules (IFR) or "special VFR" rules and procedures are applied.

As indicated in the preamble to Amendment 60-11, the "special VFR" provisions of § 60.31 were intended to provide a degree of flexibility to VFR flight so that when the weather conditions were generally good, but below the minimums specified for "basic" VFR flight in a control zone (ceiling 1,000 feet, visibility 3 miles), aircraft could depart and arrive at an airport VFR.

The flexibility provided to "special VFR" flights is expressed in the distance-from-cloud and visibility criteria established for "special VFR" flights, the values of which are not as great as the criteria specified for "basic" VFR flight.

It is clear that absence of the phrase "beneath the ceiling" imposes a technical burden which is not necessary in the interest of safety. Such a requirement would burden both the system and the users with an unnecessary obligation (i.e., to obtain an air traffic clearance to overfly a control zone when operating an aircraft VFR-on-top). Further, it is evident from the preamble of Amendment 60-11 that the substantive modification inherent in the deletion of this phrase was not intended. The amendment proposed herein, therefore, reestablishes the phrase "beneath the ceiling" in § 60.30 as it appeared in that section prior to Amendment 60-11.

The rule proposed herein also amends section 60.60, "Definitions," so as to provide a better distinction between the two types of VFR conditions which were introduced by Amendment 60-11. Currently, the only definition provided with regard to weather conditions required for VFR flight is the one entitled "VFR conditions." No distinction is made between "basic" and "special" VFR conditions. Since the phrase "VFR conditions" is most commonly used in reference to "basic VFR minimum weather conditions," the definition provided herein defines the term with that meaning. Hereafter, the phrase "VFR conditions" will mean the basic VFR minimum weather conditions as contained in § 60.30. A definition is also provided for "special VFR" which will define the term as meaning those special weather minimums as contained in § 60.31.

In consideration of the foregoing, it is proposed to amend Part 60 of the Civil Air Regulations as follows:

1. By amending § 60.30(a)(1) to read as follows:

§ 60.30 Basic VFR minimum weather conditions.

(a) *Clearance from clouds*—(1) *In controlled airspace.* Aircraft shall not be flown VFR less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation except that, in the continental control area, aircraft shall not be flown VFR less than 1,000 feet vertically and one mile horizontally from any cloud formation. Aircraft shall not be flown VFR within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

§ 60.60 [Amendment]

2. By amending § 60.60 by revising the definition "VFR conditions" and by adding a new definition "Special VFR conditions" to read as follows:

VFR conditions. Basic weather conditions prescribed in § 60.30 for flight under VFR.

Special VFR conditions. Weather conditions prescribed in § 60.31 for VFR flight within a control zone when a clearance has been obtained from air traffic control.

This regulation is proposed under the authority of sections 313(a) and 307(c) of the Federal Aviation Act of 1958 (72 Stat. 752, 749, 49 U.S.C. 1354, 1348).

Issued in Washington, D.C., on September 14, 1960.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 60-8771; Filed, Sept. 20, 1960; 8:49 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 509]

AIRWORTHINESS DIRECTIVES

Piaggio

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring rerouting of engine oil system lines on Piaggio P.136-L2 aircraft to prevent oil from flowing into the engine compartment in event of fire.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency (Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 24, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

PIAGGIO. Applies to all Model P.136-L2 aircraft.

Compliance required within 25 hours' time in service from the effective date of this directive.

In order to prevent hazardous quantities of oil from flowing into the engine compartment in the event of a fire, the engine oil system lines must be rerouted in accordance with Piaggio Change Order No. 36-55 which covers this same subject.

Issued in Washington, D.C., on September 15, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8741; Filed, Sept. 20, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-70]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Proposed Extension

In a notice of proposed rule making published in the FEDERAL REGISTER on August 6, 1960 (25 F.R. 7466), it was stated that the Federal Aviation Agency proposed to designate a segment of VOR Federal airway No. 26, and its associated control areas, from the Delta, Utah, VOR via the Myton, Utah, VOR to the Cherokee, Wyo., VOR. It was also stated that VOR Federal airway No. 285 and its associated control areas, would be revoked. The original Federal Aviation Agency flight check of the proposed direct alignment of Victor 26 from Delta to Myton indicated that a minimum enroute altitude of 17,000 feet could be established between these points. A subsequent flight check of an alignment of the airway via the intersection of the Delta VOR 054° and the Myton VOR 256° True radials indicated that a minimum enroute altitude of 15,000 feet MSL could be established. This would permit the use of two additional cardinal altitudes. Therefore, the proposal to extend Victor 26, and its associated control areas, as contained in the Notice (Airspace Docket No. 60-LA-70), is amended by proposing alignment of the airway segment as follows: From the Delta, Utah, VOR via the intersection of the Delta VOR 054° and the Myton, Utah, VOR 256° True radials; the Myton VOR; to the Cherokee, Wyo., VOR. The proposal to revoke Victor 285, and its associated control areas, would remain as stated in the notice.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to October 15, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-LA-70 is extended to October 15, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8744; Filed, Sept. 20, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-145]

CONTROL ZONES

Designation and Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2321 of the regulations of the Administrator, the substance of which is stated below.

The Oxnard, Calif., control zone is designated within a 5-mile radius of Oxnard Air Force Base, Calif., and within 2 miles on the north side and 5 miles on the south side of a line bearing 271° True from the center of Oxnard AFB extending from the 5-mile radius control zone to the southwestern boundary of VOR Federal airway No. 27. The Federal Aviation Agency has under consideration redesignation of the Oxnard control zone within a 5-mile radius of Oxnard-Ventura County Airport, Calif. (Lat. 34°12'-05" N., Long. 119°12'15" W.), and within a 5-mile radius of Oxnard AFB (Lat. 34°12'50" N., Long. 119°05'15" W.) excluding the portion which would coincide with the proposed NAS Point Mugu, Calif., control zone. Also under consideration is the designation of a control zone within a 5-mile radius of NAS

Point Mugu (Lat. 34°06'55" N., Long. 119°07'10" W.), and within 2 miles either side of a bearing of 208° True and a bearing 225° True from the NAS Point Mugu radio beacon, extending from the 5-mile radius control zone to 12 miles southwest of the radio beacon, excluding the area north of a line connecting points at Lat. 34°07'45" N., Long. 119°12'20" W.; Lat. 34°10'25" N., Long. 119°08'30" W.; Lat. 34°09'00" N., Long. 119°02'35" W. The portion which would coincide with Point Mugu Restricted Areas (R–100 and R–551) and Point Mugu Warning Area (W–289) would be used for air traffic management purposes only after prior approval of the controlling agency of the restricted and warning areas.

Designation and redesignation of the control zones as proposed would provide protection for aircraft executing prescribed instrument approaches to Oxnard-Ventura County Airport, Oxnard AFB and NAS Point Mugu. The Federal Aviation Agency approach control at Oxnard-Ventura County Airport would exercise control of all IFR traffic at the three airports. The Oxnard control zone would include both the Oxnard-Ventura County Airport and the Oxnard AFB.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–8742; Filed, Sept. 20, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–FW–64]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2230 of the regulations of the Administrator, the substance of which is stated below.

The Brunswick, Ga., control zone is presently designated within a 5-mile radius of McKinnon Airport, Brunswick, Ga., within 2 miles either side of a line bearing 226° True extending from the Brunswick nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 023° and 203° True radials of the Brunswick VOR extending from the 5-mile radius zone to a point 10 miles south of the VOR. The Federal Aviation Agency has under consideration the modification of this control zone as follows:

1. Redesignate the control zone extension, based on the Brunswick radio beacon, within 2 miles either side of the 226° True bearing from the Brunswick radio beacon extending from the 5-mile radius zone to 12 miles southwest of the radio beacon.

2. Redesignate the extension, based on the Brunswick VOR, within 2 miles either side of the 023° True radial of the Brunswick VOR extending from the 5-mile radius zone to the VOR.

This modification would provide protection for aircraft conducting the prescribed instrument approaches to the McKinnon Airport, Brunswick, Ga., during instrument flight rule conditions.

If this action is taken, the Brunswick, Ga., control zone would be designated within a 5-mile radius of McKinnon Airport, Brunswick, Ga. (Lat. 31°09'05" N, Long. 81°23'20"W), within 2 miles either side of the 226° True bearing from the Brunswick radio beacon extending from the 5-mile radius zone to 12 miles southwest of the radio beacon, and within 2 miles either side of the 023° True radial of the Brunswick VOR extending from the 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–8743; Filed, Sept. 20, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on the Definition of Small Business for the Household Movers Industry

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the household movers industry for the purpose of Government procurement and SBA business loans.

The hearing will take place November 2, 1960 at 10:00 a.m. eastern standard time, in Room 1143, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before October 28, 1960, written statement of facts, opinions, or arguments concerning the appropriate definition of a small business in the household movers industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the person who will appear and whom they represent.

All correspondence on this matter shall be addressed to: Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

The present definition of small business for the household movers industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 500 persons.

The present definition of small business for the household movers industry for the purpose of SBA business loans is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) has annual receipts of $3,000,000 or less.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents and similar enterprises, no such concern will be denied an SBA business loan solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3,000,000 during the concern's most recently completed fiscal year.

Applications for SBA business loans submitted by household movers, freight forwarders, booking and hauling agents and similar enterprises must state the amount, if any, of such annual receipts which are directly attributable to the applicant's relationship with an interstate van line.

Dated: September 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60–8755; Filed, Sept. 20, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-62]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-40 (25 F.R. 6138, 6139), and 2.75-50. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from August 2, 1960, through August 8, 1960. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), section 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II is listed the approval which has been terminated because the approval has expired. Notwithstanding this termination of approval of the item of equipment as listed in Part II of the document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/34/1, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective August 4, 1960. It supersedes Approval No. 160.049/34/0 dated July 6, 1960.

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/5/6, Model No. 12 L.R., first-aid kit for inflatable life rafts, dwg. revised July 7, 1960, manufactured by The Pac-Kit Safety Equipment Co., Inc., 175 Greenwich Avenue, Greenwich, Conn., effective August 2, 1960.

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL-FOAM TYPE

Approval No. 162.006/37/3, Fyr-Fyter Model No. 18-4 (formerly Model No. 18-4 C.G. or 18-12), 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18-4, Rev. D dated May 27, 1960, name plate dwg. No. 3567, Rev. H dated May 27, 1960 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective August 8, 1960. (It supersedes Approval No. 162.006/37/2 published in the FEDERAL REGISTER dated July 28, 1959.)

Approval No. 162.006/38/3, Buffalo Model No. 18-5 (formerly Model No. 18-5 C.G. or 18-14), 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18-5, Rev. D dated May 27, 1960, name plate dwg. No. 4760, Rev. H dated May 27, 1960 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective August 8, 1960. (Supersedes Approval No. 162.006/39/2 published in the FEDERAL REGISTER July 28, 1959.)

Approval No. 162.006/42/1, Pyrene Model No. PW12 (formerly Model No. PW12 C.G.), 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. PW12, Rev. D dated May 27, 1960, name plate dwg. No. 6242, Rev. D dated May 27, 1960 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective August 8, 1960. (Supersedes Approval No. 162.006/42/0 published in the FEDERAL REGISTER dated July 28, 1959.)

RELIEF VALVES (HOT WATER HEATING BOILERS

Approval No. 162.013/36/0, Type No. 130-¾", relief valve for hot water heating boilers, maximum set pressure 30 p.s.i., relieving capacity 480,000 B.T.U. per hour, dwg. No. MA-130, dated January 13, 1960, approved for ¾" inlet size, manufactured by McDonnell & Miller, Inc., 3500 N. Spaulding Ave., Chicago 18, Ill., effective August 2, 1960.

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/2/0, National Aer-O-Foam marine foam fire extinguishing systems with Aer-O-Foam Liquid 3% Regular, Instruction Sheet No. 626 revised June 1, 1960, manufactured by National Foam System, Inc., Union and Adams Sts., West Chester, Pa., effective August 2, 1960.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT INSTALLATIONS, OR MATERIALS

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.049/35/0, Special approval for 15" x 20" x 2½" rectangular unicellular plastic foam buoyant cushion, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective August 4, 1960.

Termination of Approval No. 160.049/36/0, Special approval for 15" x 31" x 3" rectangular unicellular plastic foam buoyant cushion, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective August 4, 1960.

Dated: September 14, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-8774; Filed, Sept. 20, 1960; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

PROCESSING OF CLAIMS

Single Service Assignment of Responsibility

The Acting Secretary of Defense approved the following September 7, 1960:

References:

(a) Foreign Claims Act (10 USC 2734).

(b) Military Claims Act (10 USC 2733).

(c) Act of August 31, 1954 (68 Stat. 1006; 31 USC 224i-2—224i-5).

(d) DoD Directive 5515.3, "Settlement of Claims Under the Foreign Claims Act".

(e) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

(f) DoD Directive 5515.5, "Settlement of Claims Arising from the Activities in the United States, its Territories and Possessions, of Forces and Civilian Components of Other NATO Nations," April 9, 1954 (hereby cancelled).

I. *Purpose.* The purpose of this directive is to assign single Service responsibility for the processing of claims against and in favor of the United States.

II. *Cancellations.* Reference (f) published at 19 F.R. 2236, April 17, 1954, and all prior assignments of responsibility for the processing of claims are hereby superseded and cancelled.

III. *Applicability.* This directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of references (a), (b), and (c).

IV. *Assignment of responsibility.* A. Responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under references (a), (b), or (c) above, which arise in the following countries is hereby assigned to the military departments designated below:

1. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, and as the Receiving State Office in the United States under references (c) and (e).

2. Department of the Navy: Italy and Portugal.

3. Department of the Air Force: Canada, Denmark, Greece, Iceland, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Turkey, and the United Kingdom.

B. Notwithstanding the provisions of section IV. A., the Department of the Navy is hereby authorized to settle non-scope of duty claims under $100 arising in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to Article VIII, paragraph 6 of reference (e).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 60-8738; Filed, Sept. 20, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ARROWHEAD SALES BARN ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Arrowhead Sales Barn, Grand Rapids, Minn.
Oregon Livestock Sales Co., Oregon, Mo.
Frederic Livestock Sales, Inc., Frederic, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of September 1960.

DONALD L. BOWMAN,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-8789; Filed, Sept. 20, 1960; 8:51 a.m.]

GULF COOP. MARKETING ASSN., INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

FLORIDA

Gulf Coop. Marketing Assn., Inc., Trenton; July 8, 1960.

IDAHO

Council Livestock Sale, Council; August 4, 1960.

ILLINOIS

Galesburg Livestock Auction, Galesburg; July 27, 1960.

KENTUCKY

Kentucky-Tennessee Livestock Market, Guthrie; August 19, 1960.

MAINE

Hammond Livestock Sales, Exeter; August 10, 1960.

MISSOURI

Bethany Livestock Auction, Bethany; August 16, 1960.

Missouri Livestock Market Center, Inc., Mexico (formerly Central Missouri Livestock Auction); August 8, 1960.

NEW YORK

Empire Livestock Marketing Cooperative, Inc., Bath; August 8, 1960.

Empire Livestock Marketing Cooperative, Inc., Bullville; August 8, 1960.

Cambridge Valley Live Stock Market, Cambridge; August 16, 1960.

Cobleskill Commission Sale, Cobleskill; August 8, 1960.

Empire Livestock Marketing Coop., Inc., Dryden; August 8, 1960.

Empire Livestock Marketing Coop., Inc., Gouverneur; August 8, 1960.

Empire Livestock Marketing Coop., Inc., Greene; August 8, 1960.

Ben Dibelle Commission Sales, Hannibal; August 15, 1960.

Hillsdale Farmers Auction, Inc., Hillsdale; August 15, 1960.

Maplehurst Livestock Market, Hinsdale; August 6, 1960.

Horseheads Livestock Market, Inc., Horseheads; August 1, 1960.

Kimball Stand Commission Sales, Jamestown; August 11, 1960.

Empire Livestock Marketing Corp., Inc., Oneonta; August 8, 1960.

N. Johncox Sons, Palmyra; August 1, 1960.

Wallkill Livestock Market, Walden; August 8, 1960.

Tweedles Sale's Stables, Walton; August 17, 1960.

Hudson Valley Livestock Market, Waterford; August 15, 1960.

Empire Livestock Marketing Coop., Inc., Watertown; August 8, 1960.

Empire Livestock Marketing Coop., Inc., West Winfield; August 8, 1960.

NORTH DAKOTA

Rugby Livestock Sales, Rugby; August 1, 1960.

TEXAS

Holmes Live Stock Commission, Weatherford; August 12, 1960.

Done at Washington, D.C., this 16th day of September 1960.

DONALD L. BOWMAN,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-8790; Filed, Sept. 20, 1960; 8:51 a.m.]

CUCUMBERS GROWN IN FLORIDA

Order Directing That a Referendum Be Conducted Among Producers, and Designating Agents To Conduct Such Referendum

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1959, through July 31, 1960, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the State of Florida in the production of cucumbers for market, to determine whether such producers favor the termination of Marketing Order No. 115 (7 CFR Part 1015) which regulates the handling of cucumbers grown in Florida.

The procedures applicable to this referendum should be the "Procedures for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except as hereinafter prescribed:

(a) Subparagraph (c)(1) is amended to read as follows:

(1) Conduct the referendum in the manner hereinafter prescribed, by giving an opportunity to producers who, during the representative period determined by the Secretary, have been engaged within the specified production area in the production for market of the commodity specified to cast their ballots relative to the termination of Order No. 115.

(b) Subparagraph (c)(5) is amended to read as follows:

(5) Make available to producers and the aforesaid cooperative associations copies of the text of Marketing Order No. 115, instructions on voting, appropriate ballots, and other necessary forms.

M. F. Miller and K. W. Schaible, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the aforesaid order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Washington, D.C., and at the office of M. F. Miller, Fruit and Vegetable Division, United States Department of Agriculture, Florida Citrus Mutual Building, 302 S. Massachusetts Avenue, Lakeland, Florida. Ballots to be cast in the referendum and copies of the aforesaid order may be obtained from any referendum agent, or from any appointee hereunder.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8763; Filed, Sept. 20, 1960; 8:47 a.m.]

Commodity Stabilization Service

SUGARCANE

Notice of Hearing on Prices in Puerto Rico and Wages and Prices in the Virgin Islands and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Puerto Rico Farm Bureau Conference Room, Fourth Floor, Condominio San Martin, 1605 Ponce de Leon Avenue (Stop 23), October 14, at 9:30 a.m.

At Christiansted, St. Croix, Virgin Islands, in the District Court Room at Government House, on October 18, at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the said Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1961 on farms with respect to which applications for payment under the said Act are made, and (2) pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1960–61 Puerto Rican crop of sugarcane and the 1961 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices.

While testimony on all pertinent subjects is desired, it is requested that witnesses present their views and recommendations on the following subjects with respect to fair prices for sugarcane in Puerto Rico.

1. The requirements for determining the net weight of sugarcane delivered to the mill.

2. The appropriate spot price quotations of the New York Coffee and Sugar Exchange for raw sugar (i.e. Contract No. 6, bagged, or Contract No. 7, bulk) to be used to establish the "price of raw sugar" for the purpose of determining payment for sugarcane.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

G. Laguardia, Ward S. Stevenson, and William N. Garrott are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 15th day of September 1960.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 60-8764; Filed, Sept. 20, 1960; 8:48 a.m.]

Office of the Secretary

ARKANSAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Ashley.	Miller.
Columbia.	Ouachita.
Lafayette.	Union.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of September 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-8765; Filed, Sept. 20, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CITY OF OAKLAND AND ENCINAL TERMINALS

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8335–1, between the City of Oakland and Encinal Terminals modifies the basic agreement of the parties which covers the lease to Encinal of certain terminal property in the Port of Oakland on terms and conditions set forth therein. The purpose of the modification is to provide for the lease of additional area upon which the Port of Oakland shall construct a Dry Bulk Cargo Handling Facility and further provides for an increase of the minimum guaranteed annual revenue to be paid to the Port of Oakland.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 16, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8775; Filed, Sept. 20, 1960; 8:49 a.m.]

OCEAN STEAM SHIP CO., LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8529, between Ocean Steam Ship Company Limited, The China Mutual Steam Navigation Company Limited (carriers comprising the Blue Funnel Line joint service), and Aktiebolaget Svenska Ostasiatiska Kompaniet (The Swedish East Asia Company Limited), covers the establishment and maintenance of a joint service under the trade name "Malaya Indonesia Line", in the trade from U.S. Atlantic and Gulf ports, East Canadian ports and U.S. and Canadian Great Lakes ports to ports in the Federation of Malaya, Singapore, Thailand and Indonesia, via ports en route but not including any foreign flag operations between U.S. ports.

(2) Agreement No. 8537, between Cuba, Mexico and West Indies Steamship Company, Inc., and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia.

(3) Agreement No. 8539, between Farrell Lines Incorporated and Union Maritime et Commerciale (UMARCO), covers a through billing arrangement in the trade between U.S. Atlantic ports and Warri, Sapele, Port Harcourt, Calabar and Victoria, Nigeria, West Africa, with transhipment at Lagos or Apapa, Nigeria, West Africa.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 16, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8776; Filed, Sept. 20, 1960; 8:50 a.m.]

MEMBER LINES OF MEDITERRANEAN-NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8090–2, between the member lines of the Mediterranean-North Pacific Coast Freight Conference, modifies the basic agreement of that conference (No. 8090, as amended), which covers the trade from ports in the Mediterranean and Black Seas, Atlantic Coast of Spain, Morocco, and Portugal to ports on the Pacific Coast of the United States and Canada, and the Hawaiian Islands. The purpose of the modification is to provide (1) for the establishment of a Neutral Body which shall receive and investigate complaints of violations of the conference agreement, make decisions thereon, and assess fines within the minima and maxima set forth, (2) that the member lines shall be responsible for the acts of their agents, sub-agents, affiliates and subsidiaries in the faithful performance of the conference agreement, (3) that the member lines shall secure an unqualified assurance of faithful performance from each agent, etc., satisfactory to the conference, (4) that any violation of the agreement by any party not disposed of by the Neutral Body shall be handled by assessing damages to satisfaction of the parties subject to the right of appeal to arbitrators as presently provided in the agreement, (5) that a full and complete report, except for the name of the complainant, of the final disposition of each breach of agreement case handled by the member lines, by the Neutral Body and/or the arbitrators, as provided in the agreement, shall be furnished to the Federal Maritime Board by the Conference Secretary, and that nothing contained in this agreement shall interfere with the jurisdiction of the Federal Maritime Board under the Shipping Act, 1916, as amended, (6) that the existing $5,000 bank guarantee may be supplied in transferable pound sterling as well as dollars or lire and that any depletion of the bank guarantee due to payment of fines or any other assessment must be restored within 10 days of notification by the conference secretary, (7) that the member lines may form pools for the division of freight earnings on traffic within the scope of the agreement subject to the prior approval of any such pool by the Board, (8) that three-fourths of the member lines shall constitute a quorum at conference meetings rather than all, (9) that the affirmative vote of all member lines less one, rather than a unanimous vote, shall determine all matters within the scope of the agreement, and (10) for the deposit of a $500 membership fee by any new parties to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 16, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8777; Filed, Sept. 20, 1960; 8:50 a.m.]

Office of the Secretary

JOSEPH P. CROSBY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: Lone Star Cement.

This statement is made as of August 24, 1960.

Dated: September 9, 1960.

JOSEPH P. CROSBY.

[F.R. Doc. 60-8793; Filed, Sept. 20, 1960; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands; Cancellation

SEPTEMBER 13, 1960.

Federal Register Document 60–8356, appearing on page 8724 of the issue for Friday, September 9, 1960, established the date for filing plats of survey. The notice is cancelled, and the subject plats will not be filed until further notice is published.

DONALD I. BAILEY,
Manager, Land Office.

[F.R. Doc. 60-8766; Filed, Sept. 20, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13667–13672; FCC 60M–1548]

ALTUS BROADCASTING CO. (KWHW) ET AL.

Order Setting Prehearing Conference

In re applications of the Altus Broadcasting Company (KWHW), Altus, Oklahoma, Docket No. 13667, File No. BP–

12520; Charles L. Cain, El Reno, Oklahoma, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, Docket No. 13669, File No. BP-12588; Plains Broadcast Company, Inc. (KENM), Portales, New Mexico, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KSIW), Woodward, Oklahoma, Docket No. 13671, File No. BP-13330; Snyder Broadcasting Company (KSNY), Snyder, Texas, Docket No. 13672, File No. BP-13446; for construction permits.

It is ordered, This 14th day of September 1960, on the Hearing Examiner's own motion, that all parties or their counsel who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference, pursuant to the provisions of 47 CFR 1.111, at the offices of the Commission in Washington, D.C., at 10:00 a.m., October 12, 1960.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8778; Filed, Sept. 20, 1960; 8:50 a.m.]

[Docket No. 13770]

OKEFENOKEE FLYING SERVICE

Order To Show Cause

In the Matter of A. B. Cochran, dba Okefenokee Flying Service, Waycross-Ware County Airport, Waycross, Georgia; order to show cause why there should not be revoked the license for Aeronautical Advisory Radio Station WIU4.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the above-named licensee on June 3, 1960, alleging that on June 1, 1960, the above-captioned radio station was found to be in violation of the following Sections of the Commission's rules for the reasons hereinafter set forth:

(1) Section 9.186(b)—The frequency measurments required to be made by § 9.186(a) of the rules were not recorded in the station's records;

(2) Section 9.151—The required station log was not maintained; and

(3) Section 9.1202—Provisions for receiving the CONELRAD Radio Alert were not made.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 6, 1960, and sent by Certified Mail—Return Receipt Requested (No. 21525), brought this matter to the attention of the licensee and requested that such licensee respond to the Commissioner's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee A. B. Cochran on July 8, 1960 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 13th day of September 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 15, 1960

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8779; Filed, Sept. 20, 1960; 8:50 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13883; FCC 60M-1553]

WILLIAM L. BRADFORD, JR.

Order Continuing Hearing

In the matter of William L. Bradford, Jr., Los Angeles, California, Docket No. 13682; suspension of Amateur Radio Operator License (K6YDQ).

The Hearing Examiner having under consideration an informal request, filed September 7, 1960, in behalf of the respondent, that hearing in the above-entitled proceeding, which is presently scheduled to commence October 3, 1960, be continued to November 3, 1960;

It appearing, that the Commission's Safety and Special Radio Services Bureau is planning to explore with counsel for the respondent whether the issues herein raised may be resolved without the necessity for an oral evidentiary hearing, and, therefore, it is appropriate that adequate time be accorded counsel to accomplish the objective sought;

Accordingly, it is ordered, This 15th day of September 1960, that respondent's request is granted in part; and that hearing in the above-entitled proceeding is continued from October 3, 1960, to October 28, 1960.

Released: September 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8780; Filed, Sept. 20, 1960; 8:50 a.m.]

[Docket No. 13758; FCC 60M-1544]

BERT CUBBEDGE

Order Continuing Hearing

In the matter of Bert Cubbedge, Edgewater, Florida, Docket No. 13758; order to show cause why there should not be revoked the license for Radio Station WH-5889 Aboard the Vessel "Lou".

The Hearing Examiner having under consideration a motion by the Commission's Safety and Special Radio Services Bureau, filed September 13, 1960, for a thirty-day continuance of hearing in the above-entitled proceeding;

It appearing that good cause exists to warrant a continuance of the hearing herein, but that, in light of the showing made in the Bureau's motion, it is appropriate that such continuance be without date;

It is ordered, This 14th day of September 1960, that the motion is granted to the extent that it seeks a continuance of hearing in the above-entitled proceeding, which is presently scheduled for September 20, 1960, and that the said hearing is hereby continued without date.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8781; Filed, Sept. 20, 1960; 8:50 a.m.]

[Docket No. 13659; FCC 60M-1547]

W. R. FRIER (WBHF)

Order Continuing Hearing

In re application of W. R. Frier (WBHF), Cartersville, Georgia, Docket No. 13659, File No. BP-12264; for construction permit.

On the Examiner's own motion; *It is ordered*, This 14th day of September 1960, that the hearing in the above-entitled proceeding now scheduled for October 3, 1960, be continued to a date to be determined at a pre-hearing conference to be held on October 3, 1960.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8782; Filed, Sept. 20, 1960; 8:50 a.m.]

[Docket No. 13757; FCC 60M-1550]

DON G. MORRISON

Order Scheduling Hearing

In the matter of Don G. Morrison, Texarkana, Texas, Docket No. 13757; order to show cause why there should not be revoked the license for Citizens Radio Station 8W1013.

It is ordered, This 14th day of September 1960, in accordance with the provisions of § 1.62 of the Commission's rules, that hearing in the above-entitled proceeding, which was scheduled for September 19, 1960, is hereby canceled.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8783; Filed, Sept. 20, 1960; 8:50 a.m.]

[Docket No. 13765; FCC 60M-1542]

PEOPLES BROADCASTING CORP.

Order Scheduling Hearing

In re application of Peoples Broadcasting Corporation, Trenton, New Jersey, Docket No. 13765, File No. BPH-3059; for construction permit (FM).

It is ordered, This 13th day of September 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 4, 1960, in Washington, D.C.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8784; Filed, Sept. 20, 1960; 8:51 a.m.]

[Docket Nos. 13599, 13600; FCC 60M-1528]

A. S. RIVIERE AND RADIO GEORGIA

Order Continuing Hearing

In re applications of A. S. RIVIERE, Barnesville, Georgia, Docket No. 13599, File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Georgia, Docket No. 13600, File No. BP-13051; for construction permits.

The Hearing Examiner having under consideration a joint motion for continuance filed September 9, 1960, on behalf of both of the applicants herein requesting that the date for exchange of exhibits be postponed from September 12, 1960, to October 20, 1960; the date for notification of witnesses desired for cross-examination be continued from October 7, 1960 to November 16, 1960; and the date for the evidentiary hearing be continued from October 19, 1960 to November 29, 1960; and

It appearing that the reason for the requested continuance is the fact that an additional period of time is required in order to complete exhibits now scheduled to be exchanged between the parties; and

It further appearing that counsel for the Broadcast Bureau has consented to a grant of the instant motion and to a waiver of the provisions of Section 1.43 of the Commission's Rules to permit immediate consideration thereof, and good cause for the requested continuance having been shown;

It is ordered, This the 12th day of September 1960, that the joint motion for continuance is granted and the date for the exchange of exhibits is postponed from September 12, 1960 to October 20, 1960; the date for notification of witnesses desired for cross-examination is continued from October 7, 1960 to November 16, 1960; and the date for the evidentiary hearing is continued from October 19, 1960 to November 29, 1960.

Released: September 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8785; Filed, Sept. 20, 1960; 8:51 a.m.]

[Docket Nos. 13657, 13658; FCC 60M-1546]

SKYLINE BROADCASTERS, INC., AND EARL McKINLEY TRABUE

Order Continuing Hearing

In re applications of Skyline Broadcasters, Inc., Klamath Falls, Oregon, Docket No. 13657, File No. BP-12509; Earl McKinley Trabue, Myrtle Creek, Oregon, Docket No. 13658, File No. BP-13596; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 14th day of September 1960, that the hearing presently scheduled for October 3, 1960, is continued to November 14, 1960, at 10 o'clock a.m., in Washington, D.C.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8786; Filed, Sept. 20, 1960; 8:51 a.m.]

[Docket No. 13764; FCC 60M-1541]

STEPHENS COUNTY BROADCASTING CO. (WNEG)

Order Scheduling Hearing

In re application of Stephens County Broadcasting Company (WNEG), Toccoa, Georgia, Docket No. 13764, File No. BP-12827; for construction permit.

It is ordered, This 13th day of September 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 3, 1960, in Washington, D.C.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8787; Filed, Sept. 20, 1960; 8:51 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-533]

PLEASURE BOAT INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Pleasure Boat Industry will be held under the auspices of the Federal Trade Commission on Monday, October 17, 1960, in South Hall, International Amphitheater, West 42d and South Halsted Streets, Chicago, Illinois, commencing at 1:00 p.m., c.d.t.

The conference will be held under the general supervision of the Honorable William C. Kern, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for this industry.

Members of this industry are persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of pleasure boats. Products of the industry consist of pleasure boats of all types (row boats, motor boats, sail boats, etc.), the length of which does not exceed 65 feet. Included are equipment and fixtures such as, but not limited to, engines, propellers, rigging and tanks, which are installed and are covered by the price at which the boats, so equipped, are offered for sale. Such equipment and fixtures are not to be considered as products of the industry when separately offered for sale.

The purpose of the conference which was authorized by the Commission pursuant to a joint application therefor by the Outboard Boating Club of America and the National Association of Engine and Boat Manufacturers, Inc., is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the Conference and take part in

the consideration and discussion of proposals or suggestions presented by others.

A draft of suggested rules, prepared by a member of the staff of the Commission's Division of Trade Practice Conferences with the cooperation of the applicant associations, will be used as a basis for discussion at the conference. Please note that these rules have not been considered or approved by the Commission.

After the conference on October 17th, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all interested or affected parties including consumers and consumer organizations, upon public notice, affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: September 20, 1960.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-8770; Filed, Sept. 20, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 137]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 16, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 12), ROADWAY EXPRESS, INC., P.O. Box 471, Akron 9, Ohio, filed August 25, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 41 and Interstate Highway 94, over Interstate Highway 94 to the junction Interstate Highway 294, thence over Interstate Highway 294 to junction Edens Express Way, thence over Edens Express Way to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the junction of U.S. Highway 41 and Interstate Highway 94 over U.S. Highway 41.

No. MC 8902 (Deviation No. 5), THE WESTERN EXPRESS COMPANY, 1277 East 40th St., Cleveland 14, Ohio, filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71 over Interstate Highway 71 to Columbus, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Indianapolis over U.S. Highway 40 via Springfield and Lafayette, Ohio, to Columbus, Ohio, thence over U.S. Highway 23, to Delaware, Ohio, and thence over U.S. Highway 42 via Medina, Ohio, to Cleveland; from Indianapolis to Lafayette, Ohio, as specified above, thence over U.S. Highway 42 to Delaware, Ohio, and thence to Cleveland as specified above; from Indianapolis to Medina, Ohio as specified above, thence over Ohio Highway 18 to Akron, Ohio, and thence over Ohio Highway 8 to Cleveland, and return over the same routes.

No. MC 8968 (Deviation No. 1), WILSON MOTOR TRANSIT, P.O. Box 169, Middletown, Ohio, filed September 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *General commodities*, with certain exceptions, over a deviation route between Cincinnati and Dayton, Ohio, over Interstate Highway 75, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route between Cincinnati and Dayton over U.S. Highway 25.

No. MC 20207, (Deviation No. 3), CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham St. McKees Rocks, Pa., filed August 26, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 75 to Dayton, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Cincinnati over U.S. Highway 25 and Ohio Highway 4 to Dayton, and return over the same routes.

No. MC 30504 (Deviation No. 1), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, Ind., filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to the junction of U.S. Highway 20 in Indiana and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Elkhart, Ind., over U.S. Highway 20 via South Bend, Ind., to the junction of Indiana Highway 2, thence over Indiana Highway 2 to LaPorte, Ind., thence over U.S. Highway 35 to Michigan City, Ind., thence over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 20 to Chicago, Ill.; from Elkhart over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 112, thence over U.S. Highway 112 to Mottville, Mich. (also from Elkhart over Indiana Highway 120 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State Line, thence over U.S. Highway 131 to Mottville), thence over U.S. Highway 131 to Three Rivers, Mich., thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway 12 to Ann Arbor, Mich., thence over Michigan Highway 14 (formerly U.S. Highway 12) to junction Michigan Highway 56, thence over Michigan Highway 56 to Plymouth, Mich., thence return over Michigan Highway 56 to junction Michigan Highway 14, thence over Michigan Highway 14 to Detroit; from South Bend over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, thence over U.S. Highway 12 to Battle Creek, Mich., thence over Michigan Highway 78 to Flint, Mich., and return over the same routes.

No. MC 30605 (Deviation No. 6), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Blvd., Chicago, Ill., filed September 2, 1960. Attorney F. J. Steinbrecher, 80 East Jackson Blvd., Chicago 4, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Houston, Tex., over the Gulf Freeway (U.S. Highway 75—Interstate Highway 45) to its junction with Texas Highway 6, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Houston over Texas Highway 35 to Alvin; from Galveston over Texas Highway 6 to junction U.S. Highway 90A, thence over U.S. Highway 90A to Rosenburg, and return over the same route.

No. MC 42487 (Deviation No. 8), CONSOLIDATED FREIGHTWAYS INCORPORATED OF DELAWARE, 9 First Street, San Francisco 5, Calif., filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Flagstaff, Ariz., over Interstate Highway 17 to junction U.S. Highway 89, five miles northwest of Phoenix, Ariz., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Flagstaff over U.S. Highway 89 to its junction with Interstate Highway 17, and return over the same route.

No. MC 51255 (Deviation No. 2) HAECKL'S EXPRESS INCORPORATED, P.O. Box 2025, Terre Haute, Ind., filed August 29, 1960. The carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Cincinnati over U.S. Highways 25 and Ohio Highway 4 and 73 to Dayton, and return over the same routes.

No. MC 109265 (Deviation No. 2), W. L. MEAD INC., P.O. Box 31, Norwalk, Ohio, filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Depew Interchange No. 49 of the New York Thruway over Interstate Highway 90 to Cleveland, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Boston over U.S. Highway 20 via Worcester, Mass., and Albany, Waterloo and Depew, N.Y., and Cleveland, Ohio to Norwalk, Ohio, thence over unnumbered highway to North Fairfield, Ohio, thence over unnumbered highway to Delphi, Ohio, thence over U.S. Highway 224 to Attica, Ohio, thence over Ohio Highway 4 to Marion, Ohio, and thence over U.S. Highway 23 to Columbus, Ohio; from Boston to Cleveland as specified above, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 18 to Norwalk; and thence as specified above to Columbus; from Boston over Massachusetts Highway 9 to Worcester, thence over Massachusetts Highway 12 to junction U.S. Highway 20, and thence as specified above to Columbus; from Boston to Waterloo as specified above, thence over New York Highway 96 via Pittsford, N.Y., to Rochester, N.Y., thence over New York Highway 33 to junction New York Highway 78, thence over New York Highway 78 to Depew, and thence as specified above to Columbus; from Boston to Pittsford as specified above, thence over New York Highway 252 to junction New York Highway 383, thence over New York Highway 383 to junction New York Highway 198, thence over New York Highway 198 to junction New York Highway 33A, thence over New York Highway 33A to junction New York Highway 33, and thence as specified above to Columbus; from Boston to Albany as specified above, thence over New York Highway 5 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to junction U.S. Highway 20, near West Springfield, Pa., and thence as specified above to Columbus; from Boston to Cleveland as specified above, thence over Ohio Highway 10 to junction U.S. Highway 20 near Oberlin, Ohio, and thence as specified above to Columbus, and return over the same routes.

No. MC 109834 (Deviation No. 3), NOVICK TRANSFER CO. INC., 700 North Cameron Street, Winchester, Virginia, filed September 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 7 and 340 at Berryville, Va., over U.S. Highway 340 to junction Virginia Highway 277, and thence over Virginia Highway 277 to Stephens City, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Berryville over Virginia Highway 7 (Alternate U.S. Highway 340) to junction U.S. Highway 11, thence over U S. Highway 11 to Stephens City, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8767; Filed, Sept. 20, 1960; 8:48 a.m.]

[Notice 342]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 16, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1827 (Sub No. 36), filed June 23, 1960. Applicant: K. W. MCKEE, INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements in truckaway service, from McKee Spur, Eagan Township, Dakota County, Minn., to site of Ford Motor Company assembly plant, St. Paul, Minn.

HEARING: November 4, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 1968 (Sub No. 73), filed April 28, 1960. Applicant: BRASWELL FREIGHT LINES, INC., 301 Raynolds Street, El Paso, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, and *general commodities*, except commodities of unusual value, livestock, household goods, commodities in bulk, and those requiring special equipment, (1) between Jackson, Miss., and Atlanta, Ga.: from Jackson over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., and thence over U.S. Highway 78 to Atlanta, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Meridian, Miss., Tuscaloosa, Birmingham and Anniston, Ala., and Atlanta, Ga.; (2) between Birmingham, Ala. and Atlanta, Ga.: from Birmingham over U.S. Highway 11 to Gadsden, Ala., thence over U.S. Highway 411 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Atlanta, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Birmingham and Gadsden, Ala., and Atlanta, Ga.; (3) between Jackson, Miss., and Atlanta, Ga.; from Jackson over U.S. Highway 80 to Tuskegee, Ala., and thence over U.S. Highway 29, through Opelika, Ala., to Atlanta, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Meridian, Miss., Selma and Montgomery, Ala., and Atlanta, Ga.; (4) between Atlanta, Ga., and Tuskegee, Ala.: from Atlanta over Georgia Highway 85 to Manchester, Ga., thence over Alternate U.S. Highway 27 to Columbus, Ga., and thence over U.S. Highway 80 to Tuskegee, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Atlanta and Columbus, Ga.; and (5) between Opelika, Ala., and Columbus, Ga.: from Opelika over U.S. Highway 280 to Phenix City, Ala., and thence over U.S. Highway 80 to Columbus, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Columbus, Ga.

NOTE: Applicant states it is wholly owned and controlled by Braswell Motor Freight Lines, Inc., No. MC 111383 and sub numbers thereunder; therefore, common control and management may be involved.

HEARING: November 28, 1960, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 340.

No. MC 5470 (Sub No. 15), filed September 1, 1960. Applicant: ERSKINE & SONS, INC., R.D. No. 2, Lowellville, Ohio. Applicant's attorney: Donald F. Billett, 718 Union National Bank Build-

ing, Youngstown, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities as are usually transported in dump trucks and can be unloaded by dumping;* between points in Erie County, Pa. and points in Ohio, New York, Indiana, West Virginia, Michigan, Illinois, New Jersey, and Kentucky.

HEARING: October 25, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 16831 (Sub No. 10), filed September 12, 1960. Applicant: LAVERNE W. SIMPSON, doing business as 2323 Delaware Avenue, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel articles*, as defined in Appendix V Descriptions in Motor Carrier Certificates Ex Parte MC-45, serving Portage, Ind. as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and Des Moines, Iowa, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above.

No. MC 22195 (Sub No. 78), filed July 11, 1960. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Orange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from AF POL Retail Distribution Station, Western Terminal Co., Grand Fords, N. Dak. to Minnesota Air National Guard, Duluth Municipal Airport, Duluth, Minn., and *rejected shipments on* return.

HEARING: November 3, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 24.

No. MC 32474 (Sub No. 26), filed August 9, 1960. Applicant: KEESHIN TRANSPORTATION SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods* as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving West Richfield, Ohio as an off-route point in connection with carrier's authorized regular-route operations.

NOTE: Applicant states the purpose is for interlining traffic with other carriers only. No pickup or delivery service will be performed.

HEARING: October 28, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 36076 (Sub No. 4), filed March 31, 1960. Applicant: W. A. RODEKUHR, E. A. RODEKUHR AND VERN RODEKUHR, doing business as RODEKUHR BROTHERS, Deer Creek, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring or washing compounds, shortening, including vegetable oil shortening*, and *foodstuffs*, and *related advertising matter* and *premiums* when moving therewith, from Deer Creek, Minn., to points in Minnesota located within fifty (50) miles of Deer Creek.

HEARING: November 4, 1960, in Room 926, Metropolitan Bldg., Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 48958 (Sub No. 48), filed June 6, 1960. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and commodities injurious or contaminating to other lading, and *empty containers or other such incidental facilities* used in transporting the commodities specified, between Santa Fe, N. Mex., and junction New Mexico Highway 3 and the Colorado-New Mexico State line: from Santa Fe over U.S. Highway 285 to Riverside, N. Mex., thence over U.S. Highway 64 to Taos, N. Mex., and thence over New Mexico Highway 3 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points between Riverside and the Colorado-New Mexico State line on the above-described route.

HEARING: November 14, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 50069 (Sub No. 227), filed August 22, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compound;* from Trenton, Mich., to St. Louis, Mo.

NOTE: Applicant states the above commodity is under the trade name of "Sterox AP and AJ."

HEARING: November 9, 1960, at the Federal Building, Detroit, Mich., before Examiner Lacy W. Hinely.

No. MC 50069 (Sub No. 229), filed September 6, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Crossville, Ill., and points within five miles thereof, to points in Kentucky, Ohio and Tennessee.

HEARING: October 26, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 50069 (Sub No. 230) filed September 12, 1960. Applicant: REFINER TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Indiana, to points in Illinois, Maryland, Massachusetts, New York, Ohio, and Pennsylvania.

HEARING: October 10, 1960, in Room 712 Federal Building, Cincinnati, Ohio, before Examiner Robert A. Joyner.

No. MC 52657 (Sub-No. 598), (AMENDMENT), filed August 3, 1960, published in the FEDERAL REGISTER of August 12, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* (other than those designed to be drawn by passenger automobile), in initial truckaway service, from Uniontown, Fayette County, Pa., and points within 10 miles thereof, to all points in the United States, including Alaska, but excluding Hawaii, and (2) *Tank shells and* tank bodies, from Uniontown, Fayette County, Pa., and points within 10 miles thereof, to points in the United States, including Alaska, but excluding Hawaii.

HEARING: Remains as assigned October 3, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 53676 (Sub No. 13), filed September 6, 1960. Applicant: VAN DITTO MOVING AND TRUCKING, INC., 69 Ovid Street, Seneca Falls, N.Y. Applicant's attorney: Herbert M. Canter, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, moving on Government bills of lading, from New York, N.Y., and points in Maryland, Massachusetts, New Jersey, and Pennsylvania to the site of Seneca Ordinance Plant at or near Romulus, N.Y.

NOTE: Applicant states that by this application it seeks reverse direction authority to and in addition to that already held.

HEARING: October 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 57513 (Sub No. 2), filed July 5, 1960. Applicant: D. A. HAMILTON, doing business as D. HAMILTON TRUCKING, 52 East Grace Street, Bedford, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,

between Twinsburg, Ohio, and Detroit, Mich.

HEARING: October 24, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 64932 (Sub No. 277), filed September 2, 1960. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, dry, in bulk, in specialized vehicles, and in shippers' specialized vehicles, between points in the St. Louis, Missouri-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin.

HEARING: November 4, 1960, at the U.S. Court House and Custom House, 1114 Market St., St. Louis, Mo., before Examiner John B. Mealy.

No. MC 70451 (Sub No. 219), filed September 7, 1960. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: Edward G. Bazelon, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities requiring special equipment, and commodities in bulk, serving the Kaiser Gypsum Company plant site located approximately (3) miles east of U.S. Highway 85 and approximately 40 miles north of Albuquerque, N. Mex., as an off-route point in connection with applicant's regular route operations to and from Albuquerque, N. Mex., as set forth in Sub 102 in its Certificate No. MC 70451.

HEARING: September 30, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 71169 (Sub No. 5), filed August 2, 1960. Applicant: THE B & F TRANSFER COMPANY, a corporation, 1221 East Bowman Street, Wooster, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Cleveland, Ohio and Wooster, Ohio, from Cleveland over U.S. Highway 21 to junction Ohio Highway 5, thence over Ohio Highway 5 to Wooster, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations.

NOTE: Applicant states it proposes to use said route for the restricted purpose of effecting the interchange of traffic (otherwise authorized to be effected at Cleveland) at the terminals of connecting-line carriers which are located on U.S. Highway 21 between Cleveland and the junction of U.S. Highway 21 and Ohio Highway 18.

HEARING: October 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 77404 (Sub No. 13), filed August 2, 1960. Applicant: MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Cleveland, Ohio and the junction of U.S. Highway 21 and Ohio Highway 18, from Cleveland over U.S. Highway 21 to its junction with Ohio Highway 18, and return over the same route, serving no intermediate points. RESTRICTION: Applicant states said route shall be used solely for the purpose of effecting the interchange of traffic (otherwise authorized to be effected at Cleveland) at the terminals of connecting-line carriers which are located on the aforesaid segment of U.S. Highway 21.

HEARING: October 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 77424 (Sub No. 14), filed September 9, 1960. Applicant: WENHAM TRANSPORTATION, INC., 2723 Orange Avenue, Cleveland, Ohio. Applicant's representative: J. J. Kuhner, Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in that part of Indiana bounded on the west by the Lake-Porter County Line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the town or city of Portage, Ind., on the one hand, and, on the other, points in Illinois, Michigan, and Wisconsin.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 77486 (Sub No. 17), filed May 9, 1960. Applicant: ADMIRAL TRANSIT, INC., 2523 Wabash Street, St. Paul, Minn. Applicant's attorney: Franklin R. Overmyer, Harris Bank Building, 111 West Monroe Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Duluth, Minn., and Eau Claire, Wis.: from Duluth over U.S. Highway 53 to Eau Claire, and return over the same route serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized operations.

HEARING: November 9, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 142.

No. MC 80430 (Sub No. 97), filed September 12, 1960. Applicant: GATEWAY TRANSPORTATION CO., a corporation, La Crosse, Wis. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, and those requiring special equipment, serving Portage, Ind., as an off-route point in connection with applicant's authorized operations in Illinois, Iowa, Minnesota, Missouri, Wisconsin, Indiana, Ohio, Michigan, Pennsylvania, and New York.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 83539 (Sub No. 70), filed September 9, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 NW. Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Silos*, knocked down or in sections. (B) *Component parts of silos, including silo loading*, and *unloading devices*, and *materials incidental* to the erection and completion of silos, when moving in connection with such silos, from Kankakee, Ill., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Tennessee, Texas and Utah.

HEARING: October 24, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 86779 (Sub No. 26), filed May 16, 1960. Applicant: ILLINOIS CENTRAL RAILROAD COMPANY, a corporation, 135 East Eleventh Place, Chicago 5, Ill. Applicant's attorney: Urchie B. Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, in service auxiliary to and supplemental of rail and express service, confined to points which are

stations on the rail lines of applicant, (1) between Baton Rouge, La., and Clinton, La., over Louisiana Highway 67, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (2) between Baton Rouge, La., and Vicksburg, Miss., from Baton Rouge over Louisiana Highway 19 to the Louisiana-Mississippi State line, thence over Mississippi Highway 33 to Harriston, Miss., thence over U.S. Highway 61 to Vicksburg, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (3) between Baton Rouge, La., and Turnbull, Miss., from Baton Rouge over U.S. Highway 61 via Laurel Hill, La., to the Louisiana-Mississippi State line, thence continue over U.S. Highway 61 to Woodville, Miss., thence over unnumbered County Road to Turnbull, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (4) between Woodville, Miss., and McComb, Miss., from Woodville over Mississippi Highway 24 to junction Mississippi Highway 48 near Centreville, Miss., thence over Mississippi Highway 48 to junction Combined Mississippi Highways 24 and 48 to McComb, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (5) between Woodville, Miss., and Fayette, Miss., over U.S. Highway 61, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (6) between Port Gibson, Miss., and Pattison, Miss., over Mississippi Highway 547, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (7) between Harriston, Miss., and Hermanville, Miss., over unnumbered County Road, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (8) between Port Gibson, Miss., from Port Gibson over Mississippi Highway 18 via Hermanville and Carisle, Miss., to junction Mississippi Highway 18 and unnumbered Slide Road, thence over unnumbered Slide Road to Miles, Miss., thence return over unnumbered Slide Road to junction Mississippi Highway 18, thence over Mississippi Highway 18 to junction Mississippi Highway 18 and unnumbered Slide Road, thence over unnumbered Slide Road to Carpenter, Miss., thence return over unnumbered Slide Road to junction Mississippi Highway 18, thence over Mississippi Highway 18 to Utica, Miss., thence continue over Mississippi Highway 18 to junction Mississippi Highway 18 and unnumbered Slide Road, thence over said unnumbered Slide Road to Learned, Miss., thence continue over unnumbered Slide Road via Oakley and Raymond, Miss., to Jackson, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; and (9) between Natchez, Miss., and Brookhaven, Miss., from Natchez over U.S. Highway 98 to junction U.S. Highway 84 near Bude, Miss., thence over U.S. Highway 84 to Brookhaven, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company.

NOTE: Applicant states that the authority sought above is proposed to be tacked to existing and pending rights at Jackson, Vicksburg, Brookhaven, and McComb, Miss., and Baton Rouge, La. Common control may be involved.

HEARING: October 24, 1960, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC-95540 (Sub No. 330), filed April 7, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 4, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner David Waters.

No. MC 97726 (Sub No. 1), filed August 24, 1960. Applicant: AAA MOTOR LINES, INC., 1205 Reeves Street, Dothan, Ala. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: 1. *General commodities*, over regular routes, as follows: (a) Between Montgomery, Ala. and Dothan, Ala. over U.S. Highway 231; with alternate route between Troy and Brundidge, Ala. over U.S. Highway 29 and Alabama Highway 93 (formerly Alabama Highway 53). (b) Between Enterprise and Abbeville over Alabama Highway 27 via Ozark, Ewell and Echo, Ala. (c) Between Dothan, Ala. and Slocomb, Ala. over Alabama Highway 52 (formerly Alabama Highway 12). (d) Between Dothan, Ala. and Abbeville, Ala. over U.S. Highway 431 (formerly U.S. Highway 241) and over U.S. Highway 431 to Headland, Ala., thence over Alabama Highway 173 to junction Alabama Highways 27 and 173, thence over Alabama Highway 27 to Abbeville. (e) Between Ariton, Ala. and Eufala, Ala. over Alabama Highway 30 to Clayton, Ala., thence over Alabama Highway 51 to Ariton, Ala., via Clio, Louisville and Clayton. (f) Between Brundidge and Clio over Alabama Highway 10 serving all intermediate points. (g) Between Dothan, Ala. and Enterprise, Ala., over U.S. Highway 84. (h) Between Camp Rucker, Ala., and Newton, Ala., over Alabama Highway 134. (i) Between Ozark, Ala., and Clayhatchee, Ala., over Alabama Highway 85, via Camp Rucker, Ala. (j) Between Enterprise, Ala., and Rockyhead, Ala., over Alabama Highway 51 (formerly Alabama Highway 30). (k) Between Abbeville, Ala. and Eufala, Ala., over U.S. Highway 431 (formerly U.S. Highway 241). (l) Between Clio, Ala., and Abbeville, Ala., over Alabama Highway 10 serving intermediate points. (m) Between Dothan, Ala. and Cottonwood, Ala., over Alabama Highway 53. (n) Between Birmingham, Ala., and Clanton, Ala., over U.S. Highway 31. 2. *General commodities;* except explosives and commodities injurious to other lading, over regular routes, as follows: (a) Between Clanton, Ala., and Childersburg, Ala., as follows: Commencing at Clanton, Ala. thence over U.S. Highway 31 to Calera, thence over Alabama Highway 25 to Harpersville; thence over U.S. Highway 231 to Childersburg. (b) Between Childersburg and the intersection of Alabama Highways 76 and 25 over U.S. Highway 231 to junction of Alabama Highway 76, thence over Alabama Highway 76 to junction of Alabama Highway 25, with service to all intermediate points. RESTRICTION: Closed doors between Clanton and Calera i.e. no freight is to be picked up or delivered between said points, including said points except Clanton and no freight picked up at Childersburg destined to Harpersville, or picked up at Harpersville destined to Childersburg. (c) Between Montgomery, Ala., and Clanton, Ala. as follows: Beginning at Montgomery via Alabama Highway 143 (formerly Alabama Highway 45) to intersection of Alabama Highway 143 with U.S. Highway 31, thence from said intersection to Clanton, Ala., via U.S. Highway 31, with service to and from all intermediate points. Between Clanton, Ala., over U.S. Highway 31 to Montgomery, Ala., with no service to or from intermediate points south of Verbena. 3. *General commodities*, except liquid commodities in bulk, in tank vehicles, over regular routes as follows: (a) Commencing at Slocomb, Ala. on Alabama Highway 52 (formerly Alabama Highway 12) thence over Alabama Highway 52 via Hartford, Geneva, Samson and Opp to Andalusia; thence to Floralo via Alabama Highway 55; thence Floralo to Opp over Alabama Highway 9 (formerly Alabama Highway 15); thence Opp over U.S. Highway 84 to Elba. (b) From Elba over U.S. Highway 84 to Enterprise. (c) From Elba, Ala., over Alabama Highway 87 (formerly Alabama Highway 15) to Troy, Ala. (d) From Florala, Ala., over Alabama Highway 54 to the intersection of Alabama Highway 52, about three miles northwest of Samson, Ala. (e) Serving off-route points of Shorterville and radius of eight miles including Dam Site in Alabama, over Alabama Highway 10. 4. *Cottonseed meal and hulls, grain, grain products, slag, brick, cement, tin sheets, general hardware items, nails, electric refrigerators, flour, feed, furniture, mattresses, plaster doors, sash* and *fertilizer:* Between Birmingham, Ala. and Clanton, Ala., via U.S. Highway 31 with service at intermediate points and with service to and from the following off-route points: Siluria, Montevallo and Helena, Ala. 5. *Cottonseed meal and hulls, agricultural implements, brick, paints, fertilizer, grain products, feed* and *drugs:* Between Montgomery, Ala. and Clanton, Ala., via U.S. Highway 31 with intermediate service from Clanton to Verbena, Ala. and with no intermediate service south of Verbena. 6. *Cottonseed meal and hulls, grain products, feed, flour, peanuts, peanut meal and hulls:* Between Clanton and Selma, Ala., via Alabama Highway 22 with service at intermediate points. 7. *Household goods:* Between points and places in that part of Alabama which lies south of U.S. Highway 78 and north of U.S. Highway 80. 8. *Tractors:* Between Montgomery, Ala., and points located within a radius of 100 miles of Montgomery in truckloads only, minimum 5,000 pounds. 9. *Fresh farm produce:* (a) Between Montgomery and points and places located within a radius of 150 miles of Montgomery, in truckloads only, minimum 4,000 pounds. 10. *General commodities*, over regular routes, as follows: Between Abbeville, Ala., and Ft. Gaines, Ga., via Alabama Highway 10 to the boundary between Alabama and Georgia, thence over Georgia Highway 37 to Ft. Gaines, Ga.

NOTE: Paragraphs 1 through 9 of the above-described authority sought have been registered with the Interstate Commerce Commission in Docket No. MC 97726 under the Second Proviso of section 206(a)(1), Interstate Commerce Act. Paragraph 10 of the above described authority sought is for the purpose of extending an existing operation.

HEARING: November 7, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 102799 (Sub No. 6), filed August 19, 1960. Applicant: PACKAGE MESSENGERS, INC., 2939 West Page Street, Philadelphia 21, Pa. Applicant's attorneys: V. Baker Smith and Paul F. Barnes, Suite 601, 226 South Sixteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical supplies and materials*, both in packages not exceeding forty (40) pounds in weight, between East Whiteland Township, Chester County, Pa., on the one hand, and, on the other, points in Mercer, Burlington, Gloucester, and Camden Counties, N.J., and points in New Castle County, Del.

NOTE: Applicant states the proposed transportation is to be performed under a continuing contract with Wyeth Laboratories Division of American Home Products Corporation.

HEARING: November 9, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 103051 (Sub No. 98), filed July 14, 1960. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Lard*, in bulk, in tank vehicles, from points in Knox County, Tenn., to points in Virginia and Kentucky.

HEARING: November 2, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 277, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 103880 (Sub No. 208), filed September 9, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except benzol, toluol and xylol), in bulk, in tank vehicles, from points in Boyd County, Ky., (excluding Ashland, Ky.) to points in Indiana, Illinois, Michigan, and Ohio.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 106223 (Sub No. 54), filed February 26, 1960. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, liquid, in bulk, in tank vehicles, from Louisville, Ky., to points in Michigan.

NOTE: Applicant states that no duplication of authority is sought.

HEARING: October 26, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 108053 (Sub No. 25), filed July 25, 1960. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Donald L. Stern, Suite 924, City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and commodities used by packing houses*, as defined in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Fremont, Nebr., to Austin, Minn., and *rejected shipments*, on return.

HEARING: November 7, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 182.

No. MC 108446 (Sub No. 24), filed August 24, 1960. Applicant: FISCHBACH TRUCKING CO., 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which by reason of their size or weight require the use of special equipment for the transportation thereof;* between points in Summit County, Ohio, on the one hand, and, on the other, points in the United States in and east of the States of Texas, Oklahoma, Colorado, Nebraska, New Mexico, North Dakota and South Dakota.

NOTE: (1) A proceeding has been instituted under Section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in MC–108446 (Sub No. 17). Dual operations may be involved. (2) Applicant states he does not seek duplicating authority.

HEARING: October 28, 1960, at the old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 108446 (Sub-No. 25), filed August 29, 1960. Applicant: FISCHBACH TRUCKING CO., 921 Sherman Street, Akron, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities or merchandise* as is manufactured, processed or dealt in by rubber or rubber products manufacturers, and in connection therewith *equipment, materials and supplies* used in the conduct of such business; between Medina, Ohio and a radius of 5 miles thereof, on the one hand, and, on the other, Chicago Heights, Ill., points in the Chicago, Ill. commercial zone as defined by the Commission, Clarksville, Tenn., West Helena, Ark., points in Massachusetts, Connecticut, New Jersey, Rhode Island, those in that portion of New York on the east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N.Y., thence along New York Highway 12 to Binghamton, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, and those in Pennsylvania on and east of a line running along U.S. Highway 111, from the Maryland-Pennsylvania State line to Harrisburg, Pa., thence along U.S. Highway 11 to the New York-Pennsylvania State line.

NOTE: A proceeding under section 212(c) is pending in No. MC–50132 (Sub-No. 17) to determine whether applicant's status is that of a common or contract carrier.

HEARING: November 2, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 108449 (Sub No. 105), filed August 1, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles; from Grand Forks, N. Dak. and points within a radius of 10 miles thereof, to points in Carlton, Cook, Lake, and St. Louis Counties, Minn.

NOTE: Common control may be involved.

HEARING: November 3, 1960, in Room 926, Metropolitan Bldg., Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 24.

No. MC 109265 (Sub No. 10), filed August 5, 1960. Applicant: W. L. MEAD, INC., Cleveland Road, P.O. Box 31, Norwalk, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk,

and those requiring special equipment, between Norwalk, Ohio and Sandusky, Ohio, over U.S. Highway 250, serving all intermediate points.

NOTE: Applicant states that authority to be granted is to be restricted to the transportation of traffic which is interchanged with other motor carriers.

HEARING: October 26, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 109540 (Sub No. 21), filed July 20, 1960. Applicant: YEARY TRANSFER COMPANY, INC., Boonesboro Pike, Winchester, Ky. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hogsheads, hogshead materials and facilities*, and *empty containers or other such incidental facilities* (not specified), used in transporting hogsheads or hogshead materials, between points in Florida, Alabama, Georgia, North Carolina, South Carolina, Virginia, Maryland, Indiana, Ohio, Tennessee and Kentucky.

HEARING: October 27, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 109540 (Sub No. 22), filed August 12, 1960. Applicant: YEARY TRANSFER COMPANY, INC., Boonesboro Pike, Winchester, Ky. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 26, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 111138 (Sub No. 24), filed July 25, 1960. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway West, Birmingham, Ala. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *commodities used by packing houses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Austin, Minn. and Fort Dodge, Iowa.

HEARING: November 7, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 146.

No. MC 111170 (Sub No. 64), filed July 14, 1960. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gases*, in bulk, in tank vehicles, from West Memphis, Ark., to points in Alabama, Mississippi, Missouri, Kentucky, Georgia, Illinois, and Tennessee. (2) *Soy bean oil*, in bulk, in tank vehicles, from Stuttgart, Ark., to points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Kentucky, Tennessee, and Mississippi.

HEARING: October 7, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D. Moran.

No. MC 111397 (Sub No. 32), filed July 18, 1960. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, tile, refractory material and other accessories* used in the building and maintenance of coke ovens from points in Tennessee, Missouri, Illinois, Pennsylvania, Indiana, Huntington, W. Va. and Augusta, Ky. and Ohio (except the following: Clay County, Ind., and points in Elizabeth Township in Lawrence County, Ohio, and points in Jackson County, Ohio within 15 miles of Oak Hill and points within 10 miles of the Ohio River), to points in Calvert City and Marshall County, Ky., between U.S. Highway 62 and the Tennessee River.

HEARING: October 25, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 111397 (Sub No. 33), filed July 18, 1960. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Broadway at Seventeenth, Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and liquid fertilizer solutions*, in bulk, in tank vehicles, from points in Maury County, Tenn., to points in Illinois, Indiana, Kentucky, Missouri, Alabama, Georgia, Mississippi and Arkansas.

HEARING: October 25, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 111623 (Sub No. 29), filed July 11, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Schwerman Trucking Co. Legal Department (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in packages, (1) from the distribution plant of the Alpha Portland Cement Company, located in or near Cincinnati, Ohio to (a) points in Ohio; (b) points in Wells, Adams, Grant Blackford, Jay, Tipton, Madison, Delaware, Randolph, Hamilton, Boone, Hendricks, Marion, Hancock, Henry, Wayne, Union, Fayette, Rush, Franklin, Decatur, Ohio, Shelby, Johnson, Morgan, Monroe, Brown, Bartholomew, Dearborn, Ripley, Jennings, Jackson, Lawrence, Scott, Jefferson, Switzerland, Washington, Clark, Floyd, Harrison and Orange Counties, Ind.; (c) points in Boone, Kenton, Campbell, Trimble, Carroll, Gallatin, Grant, Pendleton, Bracken, Mason, Lewis, Greenup, Boyd, Carter, Elliott, Rowan, Morgan, Jackson, Estill, Powell, Menifee, Fleming, Robertson, Nicholas, Bourbon, Clark, Montgomery, Scott, Harrison, Madison, Garrard, Lincoln, Boyld, Franklin, Fayette, Owen, Henry, Oldham, Jefferson, Bullitt, Bath, Anderson, Mercer, Washington, Marion, Nelson, Shelby, Woodford, Jessamine and Spencer Counties, Ky. (2) From the distribution plant of the Marquette Cement Mfg. Company, located in or near Cincinnati, Ohio to points in Ohio, Indiana and Kentucky. (3) *Empty containers or other such incidental facilities* (not specified) used in transporting cement, from the above-destination points to their respective origin points.

NOTE: Applicant states it is a wholly-owned subsidiary of Schwerman Trucking Co., a Wisconsin Corporation. Common control may be involved.

HEARING: October 25, 1960, at the New Post Office Building Columbus, Ohio, before Joint Board No. 208.

No. MC 111623 (Sub No. 30), filed July 21, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Schwerman Trucking Co. Legal Department (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from the site of Can Run Power Plant located in or near Louisville, Ky. to Captain Anthony Meldahl Locks Project, two miles west of Chilo, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return. RESTRICTION: Applicant states the proposed operation is limited to a transportation service to be performed under a continuing contract or contracts with Groves Ventures Co.

NOTE: Applicant indicates it is a wholly-owned subsidiary of Schwerman Trucking Co., a Wisconsin Corporation.

HEARING: October 24, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 112223 (Sub No. 52), filed July 21, 1960. Applicant: QUICKIE TRANSPORT CO., a corporation, 1121 South Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fat and tallow* in bulk, in tank vehicles, from points in Hennepin, Ramsey and Dakota Counties, Minn., to Barron, Wis., and *rejected shipments and empty containers or other such incidental facilities* (not specified), on return.

HEARING: November 9, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 142.

No. MC 112617 (Sub No. 75), filed August 31, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Crossville, Ill., to points in Kentucky, Ohio, and Tennessee, and *rejected shipments* on return.

HEARING: October 26, 1960, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 113388 (Sub No. 30) (REPUBLICATION), filed August 24, 1960, published in the FEDERAL REGISTER, issue of September 14, 1960. Applicant: LESTER C. NEWTON TRUCKING COMPANY, a corporation, P.O. Box 265, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 Fifteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Bergen, Essex, Union and Hudson Counties, N.J. to points in North Carolina, points in that part of Maryland on and east of U.S. Highway 1, points in that part of Virginia on and east of U.S. Highway 11, Wilmington, Georgetown and Milton, Del., and Washington, D.C.

NOTE: The purpose of this republication is to note that this application is to eliminate the gateway of Dover, Del., inadvertently omitted from the previous publication.

HEARING: Remains as assigned October 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Cunningham.

No. MC 114046 (Sub No. 6), filed August 8, 1960. Applicant: LEONARD WEST, 308 Wolcott Street, Iron Mountain, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building Menominee, Mich. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Malt beverages*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities; between Chicago, Ill. and Escanaba, Mich.

HEARING: November 17, 1960, at the Federal Building, Lansing, Mich., before Examiner Lacy W. Hinely.

No. 114091 (Sub No. 28), filed August 4, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Floyd and Pike Counties, Ky. to points in Virginia and West Virginia (except Huntington and Kenova, W. Va. and points in Kanawha County, W. Va.)

HEARING: October 28, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 263, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 115311 (Sub No. 29), (AMENDMENT) filed August 29, 1960, published in the FEDERAL REGISTER, issue of September 14, 1960. Applicant: J & M TRANSPORTATION CO., INC., P. O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash;* (a) from points in Georgia, to points in Alabama, Florida and South Carolina, and (b) from Wilsonville, Ala., to points in Georgia, Florida and South Carolina.

NOTE: The purpose of the republication is to add (b) above.

HEARING: Remains as assigned November 10, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Commissioner Rupert L. Murphy.

No. MC 115499 (Sub No. 4), filed March 11, 1960. Applicant: LOWER LAKES CARRIER, INC., 411 North State Street, Painesville, Ohio. Applicant's attorney: James H. Nacey, 609 Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in containers (1) from Ashtabula, Ohio, to points in New Jersey and Maryland, and (2) from Niagara Falls, N.Y., to points in New Jersey and Maryland, and *empty containers* used in transporting calcium carbide, on return.

HEARING: October 26, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 115841 (Sub No. 71), filed September 1, 1960. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except frozen fruits, vegetables and berries in straight shipments, from Nashville, Tenn., to points in Delaware, District of Columbia, Maryland, Virginia (except Bristol, Va.), and West Virginia, north of U.S. Highway 60.

HEARING: October 24, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 116204 (Sub No. 2) (AMENDMENT), filed May 9, 1960, published in the FEDERAL REGISTER, issue of June 29, 1960. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Davidson County, Tenn., to points in Colbert, Lauderdale, Lawrence, Madison, Limestone, and Jackson Counties, Ala., and *rejected or damaged shipments* of fertilizer, on return.

NOTE: Applicant states he proposes to operate under contract with Armour Agricultural Chemical Company, serving its Nashville, Tenn., plant. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 118883; therefore, dual operations may be involved.

HEARING: November 3, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 116702 (Sub No. 12), filed July 18, 1960. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sesquicarbonate*, in bulk and/or bags, in van (hopper-type) trailers, equipped to load through the roof and unload through the floor, as well as having rear doors for unloading bag material, and *bicarbonate of soda*, in bags and bulk, in hopper vehicles equipped to unload bulk at the bottom and to accommodate bag shipments at the same time, if required, from Syracuse, N.Y., to ports of entry on the International Boundary line between the United States and Canada on the Niagara River; (2) *veneer* (a wood product), from Lynchburg and Portsmouth, Va., Edinburg and Indianapolis, Ind., and Martinsburg, W. Va., to ports of entry on the International Boundary line between the United States and Canada at Detroit and Port Huron, Mich.; and (3) *urea*, in bulk and/or bags, in hopper vehicles equipped to unload bulk urea at the bottom (including air suction), and racks to accommodate bag shipments at the same time, if required, from ports of entry on the International Boundary line between the United States and Canada at Detroit and Port Huron, Mich., and Buffalo, N.Y., to points in New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Michigan, Ohio, Indiana Illinois and those in Kenosha, Racine, and Milwaukee Counties, Wis.

HEARING: November 7, 1960, at the Federal Building, Detroit, Michigan, before Examiner Lacy W. Hinely.

No. MC 117344 (Sub No. 55), filed August 3, 1960. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Cincinnati, Ohio, to all points in Illinois, and only *empty containers and other such incidental facilities* (not specified) on return:

NOTE: Dual authority under section 210, may be involved.

HEARING: October 26, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 117772 (Sub No. 3), filed September 2, 1960. Applicant: JOHN E. MORRIS, doing business as MORRIS ELEVATOR, 503 East Main Street, Bushnell, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed* (animal or poultry) and *ingredients thereof*, in bulk; from Peoria, Ill., to points in Indiana.

HEARING: November 1, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

No. MC 118968 (Sub No. 1), filed June 17, 1960. Applicant: JAMES E. SNOW, doing business as SNOW BROTHERS TOWING COMPANY, 2401 Denison Avenue, Cleveland, Ohio. Applicant's attorneys: Ewald E. Kundtz and Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked, disabled, abandoned, or refused motor vehicles*, by use of wrecker equipment only; (b) *repair parts of or for motor vehicles* specified in (a) above; (c) *replacement motor vehicles for wrecked or disabled motor vehicles*, by use of wrecker equipment only and (d) *rejected, damaged, or returned repair parts*, between Cleveland, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, the Lower Peninsula of Michigan, Indiana, and Illinois.

NOTE: Applicant proposes to transport Rejected, damaged, or returned repair parts, or wrecked or disabled motor vehicles by wrecker equipment only when replacement motor vehicles have been substituted therefor under (c) above, on return movements.

HEARING: October 24, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 118988 (Sub No. 1) (AMENDMENT), filed July 9, 1959, published in the FEDERAL REGISTER, issue of February 10, 1960. Applicant: DUFFY, INC., 1216 Centre Street, P.O. Box 94, Traverse City, Mich. Applicant's attorney: Kenneth E. Thompson, State Bank Building, Traverse City, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass boats*, 12' to 19' in length, and *parts* thereof, uncrated, in special equipment, (1) from Holland and Traverse City, Mich., to points in Michigan; and (2) between Holland, Traverse City and Detroit, Mich., and Buffalo, N.Y., on the one hand, and, on the other, points in New York, Illinois, Virginia, Mississippi, Alabama, Texas, Louisiana, Arkansas, Maryland, Oklahoma, Indiana, Missouri, Ohio, Wisconsin, Tennessee, Kentucky, Massachusetts, Minnesota, West Virginia, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Michigan.

NOTE: Applicant states it proposes to transport the above-specified commodities under a continuing contract with Parsons Corporation, Traverse City, Mich., the shipper.

HEARING: November 16, 1960, at the Federal Building, Lansing, Michigan, before Examiner Lacy W. Hinely.

No. MC 119268 (Sub No. 8), filed September 2, 1960. Applicant: OSBORN, INC., 124 Court Street, Gadsden, Ala. Applicant's Practitioner: Robert E. Tate, 2031 9th Avenue, South, Birmingham 5, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles, distributed by meatpacking houses* as described in Subdivision A and C of Appendix 1, to the Report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209, (706) from Whitehall and LaCrosse, Wis., to points in Alabama, California, Florida, Georgia, Tennessee, Kentucky, Texas, North Carolina and South Carolina and *exempt commodities*, on return.

HEARING: October 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 119705, Filed April 25, 1960. Applicant: RICHARD K. MAXSON, doing business as MAXSON TRUCKING COMPANY, 9750 Broughwell Road, Rives Junction, Mich. Applicant's attorney: Haskell L. Nichols, 401 Dwight Building, Jackson, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel* and *steel commodities*, (1) between points in Indiana, Ohio and Pennsylvania. (2) Between points in Michigan, and points in Indiana, Ohio and Pennsylvania.

HEARING: November 10, 1960, at the Federal Building, Lansing, Michigan, before Examiner Lacy W. Hinely.

No. MC 119772 (Sub No. 3), filed July 27, 1960. Applicant: BEVERAGE TRANSPORTATION, INC., 2158 Hamilton Avenue, Cleveland 14, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, between Cleveland, Ohio and points in Missouri (except St. Louis, Mo.), including Kansas City, Kans., (2) *Malt beverages and ale*, in containers from Peoria, Ill., to points in Ohio, on and north of U.S. Highway 30, and (3) *spoiled malt beverages, containers and pallets* on return in connection with (1) above, and *spoiled malt beverages, containers and pallets*, also *advertising matter* not to exceed one percent of total weight of shipment on return in connection with (2) above.

HEARING: October 25, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 119852 filed July 5, 1960. Applicant: THE W. H. FAY COMPANY, a corporation, 3020 Quibley Avenue, Cleveland 13, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Twinsburg, Ohio and Detroit, Michigan.

HEARING: October 24, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 119915 (Sub No. 1), filed July 29, 1960. Applicant: RAY MOORE, doing business as MOORE TRUCKING CO., R.F.D. No. 2, Morehead, Ky. Applicant's attorney: Jack F. Mattingly, Citizens Union National Bank Building, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk charcoal*, in loose form, from Haldeman, Ky., to Parsons, W. Va.

HEARING: October 28, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 10, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 123006, filed August 22, 1960. Applicant: FRANK MERRITT, Omaha, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk, *insecticides, fungicides* and *animal medicines, fertilizer, animal and poultry sanitation products* and *farm supplies*, from the St. Louis, Mo. Commercial Zone, as defined by the Commission, to points in Gallatin County, Ill., and *refused and returned shipments* of the above-described commodities, on return.

NOTE: Applicant states he will also transport ordinary livestock and other exempt agricultural commodities, on return.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123007, filed August 22, 1960. Applicant: OVAL A. LEWIS, doing business as OVAL A. LEWIS TRUCK SERVICE, 15 Midkiff Street, Harrisburg, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk, *insecticides, fungicides* and *animal medicines, fertilizer, animal and poultry sanitation products* and *farm supplies*, from the St. Louis, Mo. Commercial Zone, as defined by the Commission, to points in Saline, Pope, Hardin and Johnson Counties, Ill., and *refused and returned shipments* of the above-described commodities, on return.

NOTE: Applicant states it also proposes to transport livestock and exempt commodities, on return.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123008, filed August 22, 1960. Applicant: JOHNNIE LEHMAN DIXON, doing business as J. L. DIXON, Enfield, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk; *insecticides, fungicides*, and *animal medicines; fertilizer; ainmal and poultry sanitation products* and *farm supplies*, from points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to points in White and Hamilton Counties, Ill., and *refused and returned shipments* of the above-specified commodities, *livestock*, and *exempt commodities*, on return movements.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123010, filed August 22, 1960. Applicant: PAUL SEEL, doing business as SEEL'S TRANSFER, 302 North Madison Street, Benton, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk; *insecticides, fungicides*, and *animal medicines; fertilizer; animal and poultry sanitation products* and *farm supplies*, from points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to points in Franklin County, Ill., and *refused and returned shipments* of the above-specified commodities, *livestock*, and *exempt commodities*, on return movements.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123013, filed August 22, 1960. Applicant: CLIFFORD A. KELLERMAN, 340 South Mill Street, Pinckneyville, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, in bags and in bulk; (2) *insecticides, fungicides and animal medicines;* (3) *fertilizer;* (4) *animal and poultry sanitation products and farm supplies;* from points in the St. Louis, Mo. Commercial Zone, as defined by the Commission, to all points in Perry County, Ill. and (5) *Livestock, exempt commodities, refused and return shipments*, on return, in connection with (1) thru (4) above.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123014, filed August 22, 1960. Applicant: CLAUDE FLOWERS and RONALD FLOWERS, doing business as FLOWERS TRUCK SERVICE, 622 North 15th Street, Murphysboro, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular, transporting: (1) *Animal and poultry feed*, in bags and in bulk; (2) *Insecticides, fungicides and animal medicines;* (3) *fertilizers;* (4) *animal and poultry sanitation products and farm supplies;* from points in the St. Louis, Mo. Commercial Zone, as defined by the Commission, to all points in Jackson, Union, Pulaski, Alexander and Williamson Counties, Ill. and (5) *livestock, exempt commodities, refused and return shipments*, on return, in connection with (1) through (4) above.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123031, filed August 29, 1960. Applicant: EVERETT D. GRIFFITH, doing business as GRIFFITH DISTRIBUTING COMPANY, 258 East Ferguson Avenue, Wood River, Ill. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, malt*, namely ale, beer, beer tonic, porter or stout, in containers, from Milwaukee, Wis., to points in Madison County, Ill., and *empty containers or other such incidental facilities*, used in transporting the above described commodities, on return.

HEARING: November 2, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 13.

No. MC 123053, filed September 7, 1960. Applicant: ARNOLD LIGON, doing business as ARNOLD LIGON, SPECIALIZED HAULER, U.S. 41 South, Box 4141, Madisonville, Ky. Applicant's attorney: Fred F. Bradley, Seventh Floor, McClure Building, Box 127, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron or steel silos*, glass enameled or galvanized, knocked down or in sections. (B) *Component parts of iron or steel silos*, including silos loading and unloading devices, and materials incidental to the erection and completion of silos, when moving in connection with such silos; between Kankakee, Ill., and points in the Kankakee Commercial Zone, on the one hand, and, on the other, points in Indiana, Kentucky, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: October 24, 1960, at Room 852 U.S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner John B. Mealy.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12738, filed August 15, 1960. Applicant: ONEITA R. AUSTIN, doing business as ONEITA AUSTIN TOURS, 1130 Jefferson Avenue, Idaho Falls, Idaho. Applicant's attorney: John M. Sharp, Professional Building, Memorial and B Streets, P.O. Box 107, Idaho Falls, Idaho. Authority sought to operate as a *BROKER (BMC 5)*, at Idaho Falls, Idaho, in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Groups of passengers and their baggage*, in round-trip tour operations, beginning and ending at Idaho Falls, Idaho, and extending to all points in the United States, including Alaska and Hawaii.

HEARING: October 6, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Commissioner Abe McGregor Goff.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3281 (Sub No. 6), filed September 6, 1960. Applicant: JACK F. POWELL AND C. K. POWELL, a partnership, doing business as POWELL TRUCK LINE, Searcy, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and commodities requiring special equipment, (1) between Little Rock, Ark. and Searcy, Ark., from Little Rock over Arkansas Highway 5 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction Arkansas Highway 36, thence over Arkansas Highway 36 to Searcy, and return over the same route, serving all intermediate points on and within 5 miles of said described highways. (2) Between Beebe and Heber Springs, Ark., from Beebe over Arkansas Highway 31 to junction Arkansas Highway 5, thence over Arkansas Highway 5 to junction Arkansas Highway 25, thence over Arkansas Highway 25 to Heber Springs, and return over the same route, serving all intermediate points on and within 5 miles of said described highways. (3) Between Judsonia and Plain View (White County), Ark., from Judsonia over Arkansas Highway 157 to Plain View (White County), and return over the same route, serving all intermediate points on and within 5 miles of said described highway. (4) Between Beebe, Ark. and the junction of U.S. Highway 64 with Arkansas Highway 5, from Beebe over U.S. Highway 64 to the junction of Arkansas Highway 5, and return over the same route, serving all intermediate points on and within 5 miles of said described highways. (5) Points on Arkansas Highways 25, 5, and 16 within 10 miles of Heber Springs, Ark.

NOTE: Applicant states any duplication with present authority to be eliminated.

No. MC 29130 (Sub No. 89) (CORRECTION), filed August 17, 1960, published FEDERAL REGISTER issue of August 31, 1960, at page 8354. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines, Iowa. Applicant's attorney: J. H. Martin, 500 Bankers Trust Building, Des Moines 9, Iowa. Previous publication in Item (2) of the route description indicated that the proposed operations over an alternate route, for operating convenience only, between Iowa City, Iowa and junction Iowa Highway 92, would be conducted over U.S. Highway 28 in error. The correct designation of the highway to be utilized is U.S. Highway 218.

No. MC 66562 (Sub No. 1713), filed September 8, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Sheffield, Ala. and Russellville, Ala., from Sheffield over U.S. Highway 43 to Russellville, and return over the same route, serving no intermediate points. RESTRICTIONS: (1) The service to be performed by applicant shall be limited

to service which is auxiliary to or supplemental of air or rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 66562 (Sub No. 1714), filed September 8, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N.Y. Applicant's attorney: Robert Boozer, Suite 1220, The Citizens & Southern National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Mobile and Camden, Ala., (1) from Mobile, over U.S. Highway 31 to Brewton, Ala., thence over Alabama Highway 41 to Camden, and return over the same routes serving the intermediate points of Bay Minette, Atmore, Flomaton, Brewton and Monroeville, Ala. and (2) from Atmore, Ala. over Alabama Highway to junction with Alabama Highway 41; and return over the same route, serving no intermediate points. RESTRICTIONS. (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail service to applicant; (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or subsequent movement by rail or air, and (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 80430 (Sub-No. 96), filed September 6, 1960. Applicant: GATEWAY TRANSPORTATION CO., a corporation, 2130 South Avenue, LaCrosse, Wis. Applicant's attorney: Charles L. Redel, P.O. Box 851, LaCrosse, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers, of Household Goods, 17, MCC 467, commodities in bulk, and those requiring special equipment, serving the plant site of Amoco Chemicals Corporation approximately four miles southeast of the Junction of U.S. Highways 6 and 66 near Joliet, as an off-route point in connection with applicant's authorized regular route operations, between St. Paul, Minn. and Chicago, Ill.

No. MC 106965 (Sub No. 150), filed September 6, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils*, in bulk, in tank vehicles; from points in Georgia, North Carolina, and South Carolina, to Bayonne, N.J.

NOTE: (1) Common control may be involved. (2) Applicant has pending in MC-112563 (Sub 1), application for contract authority, therefore dual operations may be involved. (3) Applicant states that, upon issuance of authority to transport edible oils to Bayonne from the points from which it now has authority to transport soybean oil or cottonseed oil, the latter authority may be cancelled.

No. MC 107002 (Sub No. 158), filed September 9, 1960. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to oprate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from New Orleans, La., to points in Florida and Georgia.

No. MC 111231 (Sub No. 42), filed September 12, 1960. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's Representative: B. J. Wiseman (same address as shown above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Jonesboro and Cash, Ark.; from Jonesboro over U.S. Highway 63 to its junction with Arkansas State Highway 18, thence over Arkansas State Highway 18 to Cash, return over the same routes serving all intermediate points.

No. MC 114067 (Sub No. 17), filed September 8, 1960. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Encinal Terminal, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible animal fats and oils*, in bulk, from points in Madera County, including the City of Madera, Calif., to docks, piers and dockside storage within the San Francisco Commercial Zone, particularly including Encinal Terminals, Alameda, Calif.

No. MC 116886 (Sub No. 8), filed September 8, 1960. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined in Groups A, B, and C of Appendix I, *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209, 766, from Asheville, N.C., to points in Alexander, Burke, Caldwell, Catawba, Iredell and Lincoln Counties, N.C., and *rejected* or *refused shipments*, on return.

No. MC 119896 (Sub No. 1), filed September 12, 1960. Applicant: JAMES A. GOULD, 751 Sandwich Drive, Cooksville, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*: from ports of entry on the International Boundary between the United States and Canada on the Niagara River to points in New York on and west of a line beginning at Oswego, N.Y. and extending along New York Highway 57 to Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

No. MC 119978 (Sub No. 1), filed September 12, 1960. Applicant: DONALD RUPENER and ELDON SHOWALTER, doing business as DAKOTA FILM SERVICE, Lake Benton, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baker's yeast, malt syrup, and yeast food*, from Sioux Falls, S. Dak., to Tyler, Lake Benton, Hendricks, Slayton, Fulda, Tracy, and Marshall, Minn.

No. MC 123052, filed September 8, 1960. Applicant: RYAN TRANSFER AND STORAGE, INC., 883 Mackubin Street, St. Paul, Minn. Applicant's attorney: Edward J. Gearty, 1100 West Broadway, Minneapolis 11, Minn. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* and *shipper-owned trailers*, but excluding articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, betwen points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Minnesota. RESTRICTION: The service to be performed by applicant will be limited to service which is auxiliary to or supplemental of rail service; and (2) *trailers* for the railroads, loaded or unloaded, from points in Minnesota to points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, for loading on railroad freight cars for transportation in Interstate Commerce by the railroad.

NOTE: Applicant states that the above will be transported in motor trailers on freight cars as piggy-back operation.

No. MC 123066, filed September 12, 1960. Applicant: ROBERT R. WEIR, Box 196, La Veta, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dairy products, including milk* (exempt) *with cottage cheese, butter, ice cream, ice cream mix, sherbet, chocolate, milk, onion dip, orange drink, grape drink and ice* (non-exempt) in the same load, from Pueblo, Colo. to Raton, N. Mex. over U.S. Highway 85–57, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Sub No. 203), filed September 6, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, between Searchlight Junction, Calif., and Searchlight, Nev., over U.S. Highway 95, in special operations only, serving no intermediate points, but serving the California-Nevada State line and Searchlight Junction for joinder purposes only.

NOTE: Duplication with present authority to be eliminated.

No. MC 13300 (Sub No. 67), filed September 2, 1960. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 "E" Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Kenly, N.C., and Fayetteville, N.C., (a) from Kenly over Interstate Highway 95 to Fayetteville, and return over the same route, serving all intermediate points; (b) from the Benson Interchange, Interstate Highway 95, over North Carolina Highway 50 to Benson, N.C., and return over the same route, serving all intermediate points; and (c) from the Dunn Interchange, Interstate Highway 95, over U.S. Highway 421 to Dunn, N.C., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 13300 (Sub No. 68), filed September 2, 1960. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 "E" Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Durham, N.C., and junction Interstate Highway 85 and U.S. Highway 70 near Efland, N.C., over Interstate Highway 85, serving all intermediate points; and (2) between junction Combined U.S. Highway 29, 52, and 70 and Interstate Highway 85 north of Salisbury, N.C., and junction Combined U.S. Highways 29 and 601 and Interstate Highway 85 near China Grove, N.C., over Interstate Highway 85, serving all intermediate points.

NOTE: Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7078, RYDER SYSTEM, INC.—CONTROL—SOUTHERN PLAZA EXPRESS, INC., published in the January 14, 1959, issue of the FEDERAL REGISTER on pages 342 and 343. Application filed September 8, 1960, for temporary authority under section 210a(b).

No. MC-F-7524, D & L TRANSPORT, INC.—PURCHASE (PORTION)—SPROUT & DAVIS, INC., published in the May 11, 1960, issue of the FEDERAL REGISTER on page 4224. Amendment to the application was filed September 6, 1960, for the purpose of transferring the following additional operating rights: *Petrolcum and petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, between Whiting, Ind., on the one hand, and, on the other, certain points in Michigan, and between East Chicago, Ind., on the one hand, and, on the other, certain points in Michigan.

No. MC-F-7617 (H & S, INC.—PURCHASE—FLORIDA HIGHWAY EXPRESS, INC.), published in the August 17, 1960, issue of the FEDERAL REGISTER on page 7910. Supplemental application filed September 2, 1960, to show L. W. HOLSTUN and PAUL E. HOLSTUN, as persons controlling vendee.

No. MC-F-7622 (TOM'S EXPRESS, INC.—PURCHASE—JOE DAVIS (JOHN BENDER, ADMINISTRATOR), published in the August 17, 1960, issue of the FEDERAL REGISTER on page 7911. Supplemental application filed September 1, 1960, to show joinder of LEON RAVEAUX, 133 Park Avenue, Wierton, W. Va., and GUIDO SESSI, 3909 Washington Street, Wierton, W. Va., as the persons controlling vendee.

No. MC-F-7653. Authority sought for purchase by BRANCH MOTOR EXPRESS COMPANY, 300 Maspeth Ave., Brooklyn 11, N.Y., of a portion of the operating rights and property of WM. G. McCORMICK, INC., 601 Centre St., Ashland, Pa., and for acquisition by MEYER J. BUTENSKY AND EMANUEL BURTEN, both of Brooklyn, N.Y., of control of such rights and property through the purchase. Applicant's attorney: Clarence D. Todd, Todd, Dillon & Singer, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be transferred: *Cotton-knit goods*, as a *common carrier* over irregular routes, from Ashland and Girardville, Pa., to Buffalo, Medina, Utica, and Port Jervis, N.Y., Perth Amboy; Plainfield, and Jersey City, N.J., Baltimore, Md., Wheeling, W. Va., Wilmington, Del., and points in Ohio, and the District of Columbia; *used tires*, from Pottsville, Pa., to Cumberland, Md.; *used machinery*, from Pottsville, Pa., to points in New York, New Jersey, and Ohio; *groceries, rubber goods, hardware, automobile accessories and tires, syrup, confections, paper, paper products, shirts, glass, glass products, yarn, thread, tents*, and *tent accessories*, from Trenton and Milford, N.J., Baltimore, Md., Norfolk, Va., Wilmington, Del., points in New Jersey within ten miles of New York, N.Y., and those in New York, Ohio, and West Virginia, to Wilkes-Barre and Ashland, Pa., and points within 25 miles of Ashland; *general commodities*, excepting, among others, household goods and commodities in bulk, between Ashland, Pa., and points within 25 miles of Ashland, on the one hand, and, on the other, Scranton, Ashland, and Wilkes-Barre, Pa. Vendee is authorized to operate as a *common carrier* in Delaware, New Jersey, New York, Maryland, Pennsylvania, Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-7652. Authority sought for purchase by CLYDE B. DIDLAKE, doing business as CLYDE'S CHARTER BUS SERVICE, 301 Furnace Branch Road, East, Glen Burnie, Md., of the operating rights of JAMES MILTON JOHNSON, doing business as JOHNSON MOTOR BUS SERVICE, Pasadena, Md. Applicants' attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington, D.C. Operating rights sought to be transferred: *Passengers and their baggage*, restricted to traffic originating at the point and in the territory indicated, in charter operations, as a *common carrier*, over irregular routes, from points in Anne Arundel County, Md., to points in Maryland, the District of Columbia, Virginia, Pennsylvania, and Delaware. Vendee is authorized to operate as a *common* carrier in Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 60-8768; Filed, Sept. 20, 1960; 8:48 a.m.]

[Rev. S.O. 562, Amdt. 2 to Taylor's I.C.C. Order 122]

UNION RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 122 (The Union Railroad Company (Pittsburgh, Pennsylvania)) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 122 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1960,

unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 15, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 15, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-8769; Filed, Sept. 20, 1960; 8:48 a.m.]

[Notice 381]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 16, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63339. By order of September 14, 1960, The Transfer Board approved the transfer to Har-Pen Truck Lines, Inc., Milledgeville, Ga., of Certificate in No. MC 115442 Sub 1, issued April 15, 1958, to Butler Truck Lines, Incorporated, as amended January 5, 1960, by changing the name to Joyner Truck Lines, Inc., and of Certificate No. MC 115442 Sub 3, issued September 12, 1960, to Joyner Truck Lines, Inc., Milledgeville, Ga., authorizing the transportation of: Clay products, from Milledgeville and Stevens Pottery, Ga.; to points in Alabama, Florida, North Carolina, South Carolina, Mississippi, Louisiana, and Tennessee, and Ground oyster shells, from High Point, Fla., to points in Georgia, Alabama, Tennessee, North Carolina, and South Carolina. T. Baldwin Martin, 503 First Nat'l. Bank Building, Macon, Georgia, for applicants.

No. MC-FC 63499. By order of September 14, 1960, The Transfer Board approved the transfer to William E. Brown, Pittsburgh, Pa., of Permit in No. MC 5363, issued June 15, 1951, to James H. Alston, doing business as Alston Truck Service, Pittsburgh, Pa., authorizing the transportation of: Iron and steel, not including manufactured products thereof, over irregular routes, between McKees Rocks, Pa., on the one hand, and, on the other, points in West Virginia, and Ohio. Arthur J. Diskin, Attorney at Law, 302 Frick Building, Pittsburgh, Pa., for applicants.

No. MC-FC 63509, By order of September 14, 1960, The Transfer Board approved the transfer to George L. Hooker, Inc., Tuscarawas Road, Uhrichsville, Ohio, of Permits Nos. MC 26120, MC 26120 Sub 1, MC 26120 Sub 2, and MC 26120 Sub 3, issued February 8, 1955, November 4, 1958, September 17, 1959 and April 29, 1960, respectively, to George L. Hooker, Uhrichsville, Ohio, authorizing the transportation of: Brick, from Uhrichsville, Palmyra, New Philadelphia, and Lisbon, Ohio, to points in Pennsylvania and West Virginia, from Midland, Pa., to Uhrichsville, Ohio; Sewer Pipe, from Uhrichsville and New Philadelphia, Ohio to points in Pennsylvania and West Virginia, from Franklin, Pa., to points in Ohio; Steel, from Bethlehem, Pa., to points in Ohio; Vitrified clay sewer pipe and fittings, from Diamond and Uhrichsville, Ohio, to points in Florida; Materials used in the manufacturing and processing of vitrified clay sewer pipe and fittings therefor, from Diamond, Uhrichsville, and Akron, Ohio, to Fort Lauderdale, Fla.; empty containers used in transporting the above-specified commodities, from Fort Lauderdale, Fla., to Diamond, Uhrichsville and Akron, Ohio; Machinery, machinery parts, and dies and forms used in the manufacture of concrete pipe, between Diamond and Uhrichsville, Ohio, on the one hand, and, on the other, Fort Lauderdale, Fla.; Vitrified clay sewer pipe and fittings therefor and clay conduit, clay base drain block and materials used in the installation and insullation thereof, from Diamond and Uhrichsville, Ohio, to points in Georgia, North Carolina and South Carolina; and empty pallets and rejected shipments of the above-specified commodities, from points in Georgia, North Carolina and South Carolina to Diamond and Uhrichsville, Ohio. Richard H. Brandon, Attorney at Law, 808 Hartman Bldg., Columbus 15, Ohio, for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8772; Filed, Sept. 20, 1960; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 293]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Broward, Charlotte, Collier, Dade, De Soto, Flagler, Glades, Hardee, Hendry, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, Saint Johns, Saint Lucie, Sarasota, Seminole and Volusia (hurricane winds, high tides and floods from heavy rains occurring on or about September 9, 10, and 11, 1960).

Offices

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.
Small Business Administration Branch Office, Huntington Building, Room 301, 168 Southeast First Street, Miami 32, Fla.

2. Temporary field offices will be established at Marathon and Fort Myers, Florida, addresses to be announced locally.

3. Applications for disaster loans under the Authority of this Declaration will not be accepted subsequent to March 31, 1961.

Dated: September 12, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8756; Filed, Sept. 20, 1960; 8:47 a.m.]

[Delegation of Authority No. 30-IV-20 (Rev. 3)]

BRANCH MANAGER, COLUMBIA, SOUTH CAROLINA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Rev. 6), as amended (25 F.R. 1706, 7418) there is hereby delegated to the Branch Manager, Columbia Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000; and

b. Participation business loans in an amount not exceeding $100,000.

2. To approve or decline disaster loans not exceeding $50,000.

3. To approve or decline limited loan participation loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To disburse approved loans.

6. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

PHILIP MCCALLUM, *Administrator*
By _____
(Name)
Manager, Columbia Branch Office

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

10. To take all necessary action in connection with the administration, servicing and collection of current and problem loans.

11. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of $20,000 or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

2. To determine the need for representation at procurement and disposal centers.

3. To develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

C. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

D. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The authority delegated herein may not be redelegated, except I.B. which may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Columbia, South Carolina, Branch Office.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Columbia, South Carolina, is hereby rescinded without prejudice to actions taken under all other delegations of authority prior to the date hereof.

Effective date: August 18, 1960.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 60-8757; Filed, Sept. 20, 1960; 8:47 a.m.]

[Delegation of Authority No. 30-XV-1 (Rev. 2)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Rev. 6) (25 F.R. 1706), as amended (25 F.R. 7418) there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve and decline disaster loans and limited loan participation business loans.

2. To approve but not decline direct and participation business loans.

3. To enter into business loan and disaster loan participation agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By _____
(Name)
Chief, Financial Assistance Division

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000 or less;

(d) Disburse fisheries' loans in the same manner as SBA business loans; and

(e) Cancel loan authorizations prior to disbursement upon the written request of the applicant; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases, or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest to or in property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

(b) The execution and delivery of contracts of sale or of lease or sub-lease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence and correspondence addressed to the Washington office, relating to the financial assistance program.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Financial Assistance Division.

IV. All authority previously delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 22, 1960.

EINAR JOHNSON,
Acting Regional Director,
Detroit Regional Office.

[F.R. Doc. 60-8758; Filed, Sept. 20, 1960; 8:47 a.m.]

[Delegation of Authority No. 30–XV–6, (Rev. 1)]

CHIEF, INVESTMENT DIVISION

Delegation Relating to the Investment Program

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Rev. No. 6) (25 F.R. 1706), as amended June 27, 1960, there is hereby redelegated to the Chief, Investment Division, the following:

A. *Investment program.* 1. To extend the disbursement period of section 502 loan authorizations or undisbursed portions of section 502 loans.

2. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

3. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy correspondence, except Congressional correspondence, and correspondence addressed to the Washington office, relating to the functions of the Investment Division in the Regional Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Investment Division.

IV. All previous authority delegated by the Regional Director to the Chief, Investment Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the effective date hereof.

Effective date: August 22, 1960.

EINAR JOHNSON,
Acting Regional Director,
Detroit Regional Office.

[F.R. Doc. 60–8759; Filed, Sept. 20, 1960; 8:47 a.m.]

[Delegation of Authority No. 30–XV–8, (Rev. 1)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30–XV–1 (Rev. 2), dated August 22, 1960, there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans.

2. To take all necessary action in connection with the liquidation of partially or fully disbursed loans, other obligations and acquired property.

3. Administer current fisheries' loans and those loans deliquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases, or partial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy correspondence originating in the Loan Administration Section, except Congressional correspondence, correspondence addressed to the Washington office, and letters to borrowers or guarantors containing any threat of legal action.

II. The authority delegated in subsections I. A. and B. may not be redelegated. The authority delegated in subsection I.C. may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section is hereby rescinded without prejudice to the actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 22, 1960.

D. J. FAILOR,
Chief, Financial Assistance Division, Detroit Regional Office.

[F.R. Doc. 60–8760; Filed, Sept. 20, 1960; 8:47 a.m.]

[Delegation of Authority No. 30–XV–7, (Rev. 1)]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30–XV–1 (Rev. 2), dated August 22, 1960, there is hereby redelegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve and decline disaster loans and limited loan participation business loans.

2. To approve but not decline direct and participation business loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

PHILIP MCCALLUM, *Administrator*

By _____
(Name)
Chief, Loan Processing Section

5. To cancel, reinstate, modify and amend authorizations for undisbursed business or disaster loans.

6. To extend the disbursement period on undisbursed business and disaster loan authorizations.

7. To take the following actions in the administration of fisheries' loans:

(a) Amend undisbursed loan authorizations;

(b) Extend the period of disbursement of undisbursed loans of $50,000 or less for a period not to exceed four months;

(c) Cancel loan authorizations prior to disbursement upon written request of the applicant.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign non-policy making correspondence, except Congressional correspondence and correspondence addressed to the Washington office, relating to the functions of the Loan Processing Section.

II. The authority delegated in subsections I.A. and I.B. may not be redelegated. The authority delegated in subsection I.C. may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Processing Section, is rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 22, 1960.

D. J. FAILOR,
Chief, Financial Assistance Division, Detroit Regional Office.

[F.R. Doc. 60–8761; Filed, Sept. 20, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61–74 etc.]

TEXACO INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 14, 1960.

In the matter of Texaco, Inc., Docket No. RI61–74; D. W. Skinner, et al., Docket No. RI61–75; Standard Oil Company of Texas, Docket No. RI61–76; Dean A. Draper, Docket No. RI61–77; Humble Oil & Refining Company, Docket No. RI61–78; Shoreline Petroleum Corporation (Operator), et al., Docket No. RI61–79; Union Oil Company of California, Docket No. RI61–80; N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company (Operator), et al., Docket No. RI61–81; Cities Service Oil Company, Docket No. RI61–82.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [2]		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI61–74	Texaco Inc.	23	8	El Paso Natural Gas Co.: (Big Lake West Fusselman Field, Reagan County, Tex.)	Undated	8–15–60	9–15–60	2–15–61	14.30696	15.6831	RI60–137
		24	8	(Jack Herbert Field, Upton County, Tex).	do	8–15–60	9–15–60	2–15–61	[3] 14.3345 [4] 11.6358	15.70925 13.68225	RI60–137 RI60–137
		25	9	(Bedford Field, Andrews County, Tex).	do	8–15–60	9–15–60	2–15–61	12.27626	14.188	RI60–142
		168	9	(South Andrews Field, Andrews County, Tex).	do	8–15–60	9–15–60	2–15–61	[4] 11.6164	13.6594	RI60–142
		169	4	(Todd Northwest Field, Crockett County, Tex.).	do	8–15–60	9–15–60	2–15–61	14.3105	15.6755	RI60–137
RI61–75	D. W. Skinner, et al.	2	2	Cities Service Gas Co. (South West Medicine Lodge Field, Barber County, Kans.).	8–12–60	8–15–60	9–15–60	2–15–61	12.0	13.0	
RI61–76	Standard Oil Co. of Texas.	26	6	Texas Gas Corp. (Robinson Lake Field, Chambers County, Tex.).	Undated	8–16–60	9–16–60	2–16–61	14.0	17.25	
RI61–77	Dean A. Draper	1	4	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.).	8–16–60	8–17–60	9–17–60	2–17–61	11.0	17.0	
RI61–78	Humble Oil & Refining Co.	[5] 245		United Gas Pipe Line Co. (Houma Field, Terrebonne Parrish, La.).	8–16–60	8–19–60	9–19–60	2–19–61	[5] 10.497		G–15687
		245	1	do	8–16–60	8–19–60	9–19–60	2–19–61		23.25	
RI61–79	Shoreline Petroleum Corp. (Operator), et al.	21	5	United Gas Pipe Line Co. (Yanta Field, Goliad County, Tex.).	8–17–60	8–19–60	9–19–60	2–19–61	7.896	14.5	
RI61–80	Union Oil Co. of California.	12	6	United Fuel Gas Co. (Lake Hatch Field, Terrebonne Parish, La.).	8–15–60	8–19–60	11–1–60	4–1–61	19.75	20.15	G–19699
RI61–81	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co. (Operator), et al.	3	4	Kansas-Nebraska Natural Gas Co., Inc. (Texas County, Okla.).	8–19–60	8–22–60	10–1–60	3–1–61	[6] 16.4	16.6	G–19484
RI61–82	Cities Service Oil Co.	121	5	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.).	8–19–60	8–22–60	10–1–60	3–1–60	16.6	16.8	G–19622

[1] The stated effective date is the first day after the required thirty days' notice or, if later, the date requested by respondent.
[2] The rates of Humble Oil & Refining Co. and Union Oil Co. of California are at a pressure base of 15.025 psia. The other rates are at 14.65 psia.
[3] High pressure gas.
[4] Low pressure gas.
[5] Humble Oil & Refining Co.'s FPC Gas Rate Schedule No. 245 (contract dated 7–31–60) supersedes its FPC Gas Rate Schedule No. 30, as amended. The rate in effect subject to refund under Rate Schedule No. 30 is 10.497 cents per Mcf.
[6] Includes 1.75 cents per Mcf deducted by the purchaser for amortization of facilities, dehydration, gathering, and treating.

In support of its proposed favored-nation increased rates, Texaco Inc. (Texaco) cites the favored-nation provisions in its contracts and cites triggering rate increases.[3] Texaco states that its contracts were negotiated at arm's length and that the increases are needed to compensate for increasing costs and to provide incentive for further exploration and development. Texaco also states that its high pressure gas is of comparable quality to gas being sold at 16.0 cents in the area.

In support of their proposed periodic increased rate, D. W. Skinner, et al. (Skinner) cite their contract and state that the contract was negotiated at arm's length. Skinner also states that the subject well is economically marginal and that the proposed increase will enable postponement of abandonment.

In support of its proposed redetermined increased rate, Standard Oil Company of Texas (Standard) cites a redetermined rate [3] of Phillips Petroleum Company provided under a contract similar to Standard's. (But Standard does not cite the three highest prices in District No. 3, the average of which provides the basis for redetermination under Standard's own contract.) Standard also states that the increased rate is just and reasonable and that it would be inequitable, unfair, and confiscatory not to approve the rate.

In support of his proposed arbitrated increased rate, Dean A. Draper (Draper) cites his contract, including an arbitration clause, and submits an arbitration agreement. Draper states that his contract was negotiated at arm's length and that the arbitrated rate is just and reasonable. Draper also refers to a cost study submitted with his Supplement No. 4 to his FPC Gas Rate Schedule No. 2.[4]

In support of its proposed renegotiated increased rate, Humble Oil & Refining Company (Humble) submits a renegotiated contract, dated July 31, 1960, superseding its FPC Gas Rate Schedule No. 30. Humble states that the contract was negotiated at arm's length and includes no flexible pricing provisions. Humble also states that the rate is just and reasonable and is in line with gas prices in South Louisiana.

In support of its proposed renegotiated increased rate, Shoreline Petroleum Corporation (Operator), et al. (Shoreline) cites the provisions in its contract, states that costs are increasing, and states that its proposed rate is below the average being paid in the area. Shoreline lists several initial jurisdictional rates to indicate the average in the area.

In support of its proposed periodic increased rate, Union Oil Company of California (Union) cites its contract and states that its contract was negotiated at arm's length. Union also states that the rate does not exceed the value of gas in the area and is just and reasonable.

In support of their proposed periodic increased rates, N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company (Operator), et al. and Cities Service Oil Company both cite their contracts and state that their proposed rates are just and reasonable, are lower than the going price for gas in the area, and are lower than the market value for equivalent gas supplies.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and rate schedule be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[3] The cited rates are effective subject to refund in the proceedings in Docket Nos. G–20404 (Phillips Petroleum Company, Operator) and G–20407 (Socony Mobil Oil Company, Inc.).
[3] Effective subject to refund in the proceeding in Docket No. G–19950.

[4] Rate in effect subject to refund in the proceeding in Docket No. G–17924.

the several proposed increased rates and charges contained in the above-designated supplements and Humble's FPC Gas Rate Schedule No. 245.

(B) Pending hearing and decision thereon, each of the above-designated supplements and rate schedule is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements or rate schedule hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 31, 1960.

By the Commission (Acting Chairman Kline would reject the filings suspended in Docket No. RI61-78).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8750; Filed, Sept. 20, 1960; 8:46 a.m.]

[Docket No. CP60-63]

COLORADO-WYOMING GAS CO.

Notice of Date of Hearing

SEPTEMBER 15, 1960.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1960 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application of Colorado-Wyoming Gas Company in the above-entitled proceeding: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Colorado-Wyoming to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Notice of the application filed herein was published in the FEDERAL REGISTER on August 18, 1960 (25 F.R. 8006). The final date for filing protests and petitions to intervene was September 7, 1960.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8747; Filed, Sept. 20, 1960; 8:45 a.m.]

[Docket Nos. CP60-122, CP60-124]

TEXAS EASTERN TRANSMISSION CORP. AND ALGONQUIN GAS TRANSMISSION CO.

Notice of Applications and Consolidation

SEPTEMBER 15, 1960.

In the matter of Texas Eastern Transmission Corporation, Docket No. CP60-122; Algonquin Gas Transmission Company, Docket No. CP60-124.

Take notice that on June 13, 1960, Texas Eastern Transmission Corporation (Texas Eastern) filed an application in Docket No. CP60-122, as supplemented on July 14, 1960, August 1, 1960 and August 26, 1960, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), to construct and operate facilities, hereinafter more fully described, so as to make increased deliveries of up to 51,002 Mcf per day to 17 [1] of its existing customers on a long-term firm basis. The increased annual volumes proposed for sale to said customers is approximately 15,123,000 Mcf.

In order to render the aforesaid service, Texas Eastern proposes to construct and operate a total of 66.28 miles of 30-inch pipeline loops at various places along its pipeline system between Vidor, Texas and Lambertville, New Jersey. Of this total pipeline looping, 12.78 miles are to be constructed east of Texas Eastern's storage fields and the remaining 53.5 miles west of the storage fields. Installation of 33,710 additional compressor horsepower at four existing stations [2] located west of the storage fields is also proposed, along with a change of centrifugal compressor impellers at its compressor stations at Egypt, Mississippi, at Barton, Alabama, at Mt. Pleasant, Tennessee and at Tompkinsville, Kentucky.

Texas Eastern proposes to finance the estimated cost of these facilities ($17,592,000) along with other facilities proposed in pending dockets, through the sale of $40,000,000 of securities consisting of preferred stock and debentures.

On June 17, 1960, Algonquin Gas Transmission Company (Algonquin) filed a companion application in Docket No. CP60-124, as supplemented on July 18, 1960, for certificate authority to construct and operate facilities so as to deliver an additional quantity of 14,832 Mcf per day (4,004,640 Mcf annually) to 10 [3] of its existing customers, under its presently effective rate schedule F-1, on a long-term firm basis. The availability of this additional service is dependent upon Texas Eastern receiving certification of its application in Docket No. CP60-122 which contains, in part, a proposed allocation of 20,000 Mcf per day to Algonquin. Algonquin will use the additional volumes, over and above those required to meet its proposed commitments in Docket CP60-124, to satisfy increased company requirements such as compressor fuel, company use and allowance for line loss. Additionally, Algonquin claims that it will have available a relatively small amount of unallocated supply which will permit it to meet most expeditiously presently unforeseeable increases in customer requirements.

In order to increase its system capacity sufficiently to enable it to render the aforesaid additional firm service, Algonquin proposes to construct additional compressor facilities estimated to cost $2,465,600. Algonquin proposes to meet this cost by the use of retained earnings and by obtaining a bank loan in August 1961 of $2,250,000 at 5 percent interest.

These matters are interrelated and should be disposed of on a consolidated record.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before the 6th day of October, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The applications are on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Proposed Service Docket No. CP60-122

Customer	Rate schedule	Mcf per day @ 14.73 psia
Algonquin Gas Transmission Co	DCQ-D	20,000
Arkansas Louisiana Gas Co	SGS-B	255
Brooklyn Union Gas Co	DCQ-D	4,461
Cairo, Illinois, City of	SGS-B	1,020
Carnegie Natural Gas Co	DCQ-C	3,060
Consolidated Edison Co. of N.Y	DCQ-D	11,863
Fulton, Mississippi, Town of	SGS-B	102
Hartsville Gas Co	SGS-C	204
Huntingburg, Indiana, City of	SGS-C	204
Huntingdon Gas Co	GS-D	1,785
Jasper, Indiana, City of	SGS-C	306
Missouri Utilities Co	GS-B	1,020
New Jersey Natural Gas Co	DCQ-D	2,040
Norris City, Illinois, City of	SGS-B	255
Pulaski, Tennessee, City of	SGS-B	816
Public Service Electric and Gas Co	GS-D	3,366
Tennessee Gas Co	SGS-B	245
Total		51,002

APPENDIX B

Proposed Service Docket No. CP60-124

Customer	Mcf per day @ 14.73 psia
Boston Gas Co	3,800
Brockton Taunton Gas Co	2,000
The Connecticut Gas Co	1,500
Consolidated Edison Co. of N.Y., Inc.	1,000
The Hartford Electric Light Co	200
The Hartford Gas Co	900
New Jersey Natural Gas Co	600
City of Norwich, Connecticut	150
Providence Gas Co	3,900
Worchester Gas Light Co	782
Total	14,832

[1] See Appendix A.

[2] Vidor, Texas; Opelousas, Louisiana; Barton, Alabama and Tompkinsville, Kentucky.

[3] See Appendix B.

[F.R. Doc. 60-8751; Filed, Sept. 20, 1960; 8:46 a.m.]

[Docket No. E-6955]

PACIFIC POWER & LIGHT CO.

Notice of Application

SEPTEMBER 15, 1960.

Take notice that on September 6, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), for the issuance of not to exceed 27,736 authorized but unissued shares of Common Stock of the par value of $6.50 per share. Applicant, having its principal business office at Portland, Oregon, is incorporated under the laws of the State of Maine and does business in the States of Oregon, Washington, Wyoming, Montana and Idaho.

Applicant proposes to offer, issue and sell to its employees up to but not exceeding 27,736 shares of its Common Stock of the par value of $6.50 per share under and in accordance with the terms and conditions of an Employees' Stock Purchase Plan, a copy of which is filed as an exhibit with this application. The offering price per share will be 95% of the average of the weekly bid prices publicly quoted for such stock for the calendar month preceding the month in which subscripition applications are accepted. The total offering price of the aforesaid Common Stock shall not exceed $300,000 in the aggregate in any one 12-months' period. There will be no underwriting agreements, fees, or commissions and the stock will not be issued and sold pursuant to competitive bidding. Applicant states that the proceeds received from the issuance and sale of the aforesaid Common Stock will be used for construction, improvement and extension of its electric facilities.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 3d day of October 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8748; Filed, Sept. 20, 1960; 8:45 a.m.]

[Docket No. RP61-7]

PANHANDLE EASTERN PIPE LINE CO.

Order Providing for Hearing and Suspending Service Agreements

SEPTEMBER 14, 1960.

On August 15, 1960, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing six service agreements proposing retroactive increased summer contract demands for five customers and a retroactive decreased summer contract demand for one customer.

Panhandle proposes a retroactive effective date of April 1, 1960, for sales of natural gas to Missouri Utilities Company (Missouri Utilities), Central Indiana Gas Company (Central Indiana), Kokomo Gas and Fuel Company (Kokomo Gas), and Indiana Gas and Water Company, Inc. (Indiana Gas), under their respective new service agreement.

Panhandle proposes a retroactive effective date of July 1, 1960, for decreased contract demand for sales of natural gas to Southeastern Michigan Gas Company (Southeastern Michigan) under its new service agreement.

The retroactive effective dates are requested by Panhandle, to avoid penalties provided by Panhandle's tariff for past overruns of contract demand by Battle Creek, Central Indiana, Indiana Gas, and Kokomo Gas.

The decision of the Court in Michigan Consolidated Gas Company v. FPC, ____ U.S. App. D.C., ____, ____ F. 2d ____ (Docket No. 15358, decided July 11, 1960) leaves the Commission a number of alternatives in respect to the method of allocating the 127,000 Mcf of gas for the period prior to the Commission's final disposition of this gas. To conform with the Court's direction for an interim disposition of this gas, we cannot jeopardize such disposition by reducing Panhandle's ability to perform whatever method of allocation of such gas as we may determine. Until we fix the interim allocation, it is necessary that we maintain the status quo. The effect of allowing the service agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities to become effective retroactively and without suspension could tend to decrease Panhandle's ability to perform the obligations to deliver gas to Michigan Consolidated Gas Company (Mich-Con) which the Commission may order pursuant to the Court remand of the Commission's order in Docket No. G-11061. See Michigan Consolidated Gas Company v. F.P.C., ____ U.S. App., D.C. ____, ____, F. 2d ____ (Docket Nos. 14975, 14976, decided April 29, 1960; Docket No. 15358, decided July 11, 1960; Docket Nos. 14975 et al., decided July 11, 1960) [three opinions]. Should the Commission ultimately decide that Panhandle's prior service of 127,000 Mcf per day to Mich-Con be resumed or should Mich-Con's offer of settlement filed January 23, 1959, be accepted by the Commission, Panhandle may be unable to deliver the required volumes of natural gas to Mich-Con if the above increased contract demands are made retroactively effective and not suspended.

The proposed changes in the contract demands set forth in Panhandle's service agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

In respect to the retroactive decrease in contract demand for sales of natural gas to Southeastern Michigan, we can see no objection to allowing its service agreement to become effective as requested.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of Panhandle's service agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities, filed August 15, 1960, and that the above service agreements be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause exists and it is in the public interest that Panhandle's service agreement with Southeastern Michigan, filed August 15, 1960, be allowed to become effective on July 1, 1960.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing will be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of Panhandle's service agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities, filed August 15, 1960.

(B) Pending such hearing, and decision thereon, the above-designated service agreements be suspended and the use thereof deferred until February 15, 1961, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)). Persons seeking to intervene must file their petitions to intervene within 45 days from the issuance of this order pursuant to § 1.8 of the Commission's rules of practice and procedure (18 CFR 1.8).

(D) Panhandle's service agreement with Southeastern Michigan filed August 15, 1960, is hereby allowed to become effective on July 1, 1960.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-8749; Filed, Sept. 20, 1960; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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VOLUME 25 NUMBER 185

Washington, Thursday, September 22, 1960

THE UNIVERSITY OF MICHIGAN
SEP 26 1960
MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Order Regulating Handling

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AUTHORITY: §§ 1031.0 to 1031.62, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1031.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Weslaco, Texas, May 24–26, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of oranges, grapefruit, and tangerines grown in Texas. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of oranges and grapefruit grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of oranges or grapefruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of oranges and grapefruit grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U.S.C. 1001–1011). As soon as practical after such effective time it will be necessary to establish the Texas Valley Citrus Committee, the agency charged with administration of the program. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. Shipments of grapefruit are expected to begin on or about September 26, 1960, and of oranges soon thereafter. Hence, for the program to be of maximum benefit during the 1960–61 shipping season the order should be made effective as soon as practicable. The provisions of the order are well known to handlers of oranges and grapefruit since the public hearing in connection with the order was completed May 26, 1960, and the recommended decision and the final decision were published in the FEDERAL REGISTER on July 26, 1960 (25 F.R. 7061), and August 23, 1960 (25 F.R. 8077), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of oranges or grapefruit takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the citrus fruits covered by this order) who, during the period beginning August 1, 1959, and ending July 31, 1960, both dates inclusive, handled not less than 50 percent of the volume of oranges and not less than 50 percent of the volume of grapefruit covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the period August 1, 1959, through July 31, 1960 (which has been determined to be a representative period for the purpose of such referendum) were engaged, within the production area specified in this order, in the production for market of oranges and grapefruit, respectively, such producers having also produced for market at least two-thirds of the volume of each fruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of oranges and grapefruit grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1031.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1031.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1031.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1031.4 Production area.

"Production area" means all territory in the counties of Cameron, Hidalgo, and Willacy in the State of Texas.

§ 1031.5 Fruit.

"Fruit" means either or both of the following citrus fruits grown in the production area: (a) Citrus grandis, Osbeck, commonly called grapefruit, and (b) Citrus sinensis, Osbeck, commonly called oranges.

§ 1031.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of fruit owned by another person) who handles fruit or causes fruit to be handled.

(a) *Independent handler.* "Independent handler" means any handler other than a handler that is a cooperative marketing organization.

§ 1031.7 Handle.

"Handle" or "ship" means to transport or sell fruit, or in any other way to place fruit, in the current of commerce between the production area and any point outside thereof in the United States, Canada, or Mexico.

§ 1031.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of fruit for market.

(a) *Independent producer.* "Independent producer" means any producer who does not market his fruit through a handler that is a cooperative marketing organization.

§ 1031.9 Grade and size.

"Grade" means any one of the established grades of fruit and "size" means any one of the established sizes of fruit as defined and set forth in the applicable U.S. Standards for fruit (§§ 51.680–51.717 and §§ 51.620–51.654) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1031.10 Pack.

"Pack" means the specific grade, quality, size, or arrangement of fruit in a particular container or containers.

§ 1031.11 Maturity.

"Maturity" means various degrees of ripeness for fruit as established by the committee with approval of the Secretary.

§ 1031.12 Container.

"Container" means any box, bag, crate, hamper, basket, package, bulk carton, or any other type of receptacle used in the packaging, transportation, sale, or other handling of fruit.

§ 1031.13 Variety or varieties.

"Variety or varieties" means any one or more of the following groupings or classifications of fruit: (a) Navel oranges; (b) Early and Midseason oranges, except Navel oranges; (c) Valencia and similar late type oranges; (d) white seeded grapefruit; (e) white seedless grapefruit; (f) pink and red seeded grapefruit; and (g) pink and red seedless grapefruit.

§ 1031.14 Committee.

"Committee" means the Texas Valley Citrus Committee, established pursuant to § 1031.18.

§ 1031.15 Fiscal period.

"Fiscal period" means the period beginning August 1 and ending July 31 following; or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1031.16 District.

"District" means any of the geographic divisions of the production area initially established pursuant to § 1031.20 or as re-established pursuant to § 1031.21.

COMMITTEE

§ 1031.18 Establishment and membership.

(a) The Texas Valley Citrus Committee, consisting of fifteen (15) members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Nine members shall be producers who produce fruit in the district which they represent and are residents of the production area. Two of the producer members shall be producers who market their fruit through cooperative marketing organizations, and seven of the producer members shall be independent producers. Producer members shall not have a proprietary interest in or be employees of a handler organization: *Provided,* That members of a cooperative marketing organization shall not be considered as having a proprietary interest in a handler organization because of such membership.

(c) Six members shall be handlers who are residents of the production area. One handler member shall represent cooperative marketing organizations; five handler members shall represent independent handlers.

§ 1031.19 Term of office.

(a) The term of office of committee members and their respective alternates shall be for three years beginning August 1 and ending July 31: *Provided,* That the term of office of one-third of the initial producer members and alternates and one-third of the initial handler members and alternates shall end July 31, 1961, and the term of office of an identical number of such committee members and alternates shall end July 31, 1962. No member or alternate member shall succeed himself.

(b) Members and alternates shall serve in that capacity during the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

§ 1031.20 Districts.

For the purpose of determining the basis for selecting producer committee members the following districts of the production area are hereby initially established:

District No. 1—The county of Cameron in the State of Texas;

District No. 2—The county of Hidalgo in the State of Texas; and

District No. 3—The county of Willacy in the State of Texas.

§ 1031.21 Redistricting.

The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, the reapportionment of members between grower and handler members representing cooperative marketing organizations and independent grower and independent handler members, and the re-establishment of districts within the production area. In recommending such changes, the committee shall give consideration to: (a) Shifts in production; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) changes in amount of fruit handled by cooperative marketing organizations in relation to fruit handled by independent handlers; and (e) other relevant factors. No changes in districting or in apportionment of members may become effective in less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1031.22 Selection.

(a) From District No. 1 the Secretary shall select initially two producer members and their alternates representing independent producers. From District No. 2 the Secretary shall select initially two producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations, and four producer members and their respective alternates representing independent producers. From District No. 3 the Secretary shall select initially one producer member and his alternate representing independent producers.

(b) From the production area the Secretary shall select initially six handler members and their respective alternates. One handler member shall represent cooperative marketing organizations and five handler members shall represent independent handlers.

§ 1031.23 Nominations.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting of producers who are members of cooperative marketing organizations and a meeting of independent producers shall be held for each district having both cooperative and independent producer members and alternates to elect nominees for such positions. For all other districts, meetings of all producers shall be held for such purpose. A meeting of handlers representing cooperative marketing organizations and a meeting of independent handlers shall be held in the production area to elect nominees for handler members and alternates. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart.

(b) At each such meeting at least one nomination shall be designated for each position as member and alternate.

(c) Nominations for committee members and alternates following the initial committee shall be supplied to the Secretary not later than July 1 each year.

(d) In districts having both cooperative and independent producer members, only producers who market their fruit through cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative producers; and only independent producers may participate in designating nominees for members and alternates representing independent producers. In all other districts, all producers may participate in designating the nominees for producer members and alternates. Only handlers representing cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative handlers; and only independent handlers may participate in designating nominees for members and alternates representing independent handlers. In the event that a person is engaged in producing fruit in more than one district such person shall elect the district within which he may participate, as aforesaid, in designating nominees.

(e) Regardless of the amount of fruit handled by a handler or the number of districts in which a person produces fruit, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled. Votes must be cast in person at all nomination meetings.

§ 1031.24 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1031.23, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in § 1031.20 through § 1031.22, inclusive.

§ 1031.25 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1031.26 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district and group involved, or from nominations made in the manner specified in § 1031.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of representation provided for in § 1031.20 through § 1031.22 inclusive.

§ 1031.27 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1031.28 Procedure.

Ten members of the committee shall be necessary to constitute a quorum, six of whom shall be producer members. Ten affirmative votes shall be required to pass any motion or approve any committee action. All votes shall be cast in person.

§ 1031.29 Expenses and compensation.

The members of the committee, and alternates, shall serve without compensation; but they may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1031.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1031.31 Duties.

It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select sub-committees, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To require adequate fidelity bonds for all persons handling funds;

(f) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to fruit;

(g) To prepare a marketing policy;

(h) To recommend marketing regulations to the Secretary;

(i) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee; and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative; and minutes of each committee meeting shall be promptly submitted to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request (the report of each such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each report shall be made available at the principal office of the committee for inspection by producers and handlers); and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1031.32 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of fruit handled by him as the first handler thereof during a fiscal period and the total quantity of fruit handled by all handlers as first handlers thereof during such fiscal period.

§ 1031.33 Budget.

At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee shall recommend the rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its estimates and recommendations.

§ 1031.34 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this sub-part. Each handler who first handles fruit shall, with respect to the fruit so handled by him, pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) The rate of assessment may be increased at any time by the Secretary if he finds such increase is necessary in order that the money collected shall be adequate to cover the committee's expenses during a given fiscal period. Such increase shall be applicable to all fruit handled during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions of this part are suspended or become inoperative.

§ 1031.35 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom collected.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses; (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses; (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative; and (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this sub-part, or during any period or periods when regulations are not in effect, and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

§ 1031.37 Research and development.

The committee, with the approval of the Secretary may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expenses of such projects shall be paid from funds collected pursuant to § 1031.34, and shall not exceed 10 percent of the total expenses of the committee during the initial fiscal period nor exceed 25 percent of such expenses during any subsequent fiscal period.

REGULATION

§ 1031.38 Marketing policy.

Prior to or at the same time as initial recommendations are made pursuant to § 1031.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping fruit from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to fruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of fruit, including prices by grade, size, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of fruit, by grade, size, and quality in the production area, and in other production areas, including foreign production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting fruit prices; and

(e) Other relevant factors.

§ 1031.39 Recommendations for regulations.

The committee, upon complying with the requirements of § 1031.38, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this sub-part, will tend to effectuate the declared policy of the act. The committee shall give notice to handlers of any such recommendation at the same time such recommendation is submitted to the Secretary.

§ 1031.40 Issuance of regulations.

The Secretary shall limit the handling of fruit whenever he finds from the recommendation and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulations may:

(a) Limit the handling of particular grades, sizes, qualities, maturities, or packs of any or all varieties of fruit during a specified period or periods: *Provided*, That specific maturity requirements applicable to the handling of any variety may be prescribed under this section only in the event that appropriate maturity requirements for such variety are not in effect under State authority.

(b) Limit the handling of particular grades, sizes, qualities, or packs of fruit differently for different varieties, for different containers, for different purposes specified in § 1031.42, or any combination of the foregoing, during any period.

(c) Limit the handling of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of fruit.

(e) Prohibit the handling (1) of any fruit which does not have marked on each container the grade or the registered grade label of the fruit contained therein; (2) of any grapefruit which does not have marked on each fruit the word "Texas" or other words implying Texas origin, except that the committee may recommend and the Secretary establish a tolerance for grapefruit in any container or lot not so marked; and (3) of any container fruit which is misbranded as to variety.

(f) No regulations may be issued under the provisions of this subpart which allots to individual handlers the quantity of fruit which each handler may ship during any regulation period.

§ 1031.41 Gift fruit shipments.

The handling to any person of gift packages of fruit individually addressed to such person, in quantities aggregating not more than 500 pounds and not for resale, are exempt from the provisions of §§ 1031.34, 1031.40, and 1031.45, and the regulations issued thereunder, but shall conform to such safeguards as may be established pursuant to § 1031.43.

§ 1031.42 Shipments for special purposes.

Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1031.34, 1031.40, 1031.45, or any combination thereof, in order to facilitate the handling of fruit:

(a) For relief or for charity;

(b) For processing or for manufacture or conversion into specified products; and

(c) In such minimum quantities and for such other purposes as may be specified by the committee with the approval of the Secretary.

§ 1031.43 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1031.44 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent the handling of fruit pursuant to §§ 1031.41 or 1031.42 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of certificates of privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship fruit pursuant to §§ 1031.41 and 1031.42.

(2) Handlers shall obtain inspection provided by § 1031.45, or pay the assessment levied pursuant to § 1031.34, or both, in connection with shipments made under § 1031.42: *Provided*, That such inspection and assessment requirements shall not apply to fruit handled for canning or freezing.

(3) Handlers shall obtain certificates of privilege from the committee to handle fruit affected or to be affected under the provisions of §§ 1031.41 and 1031.42.

(b) The committee may rescind or deny certificates of privilege to any handler if proof is obtained that fruit handled by him for the purposes stated in §§ 1031.41 and 1031.42 was handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of fruit covered by such applications, the number of such applications denied and certificates granted, the quantity of fruit handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1031.45 Inspection and certification.

(a) During any period in which handling of a variety of a type of fruit is regulated pursuant to §§ 1031.34, 1031.40, 1031.42, or any combination thereof, no handler shall handle any variety of such type of fruit which has not been inspected by an authorized representative of the Federal or Federal-State Inspection Service, unless such handling is relieved from such requirements pursuant to § 1031.41 or § 1031.42, or both;

(b) Regrading, resorting, or repacking any lot of fruit shall invalidate any prior inspection insofar as the requirements of this section are concerned. No handler shall handle fruit after it has been regraded, resorted, repacked, or in any other way prepared for market, unless each lot of fruit is inspected by an authorized representative of the Federal or Federal-State Inspection Service: *Provided*, That the committee, with the approval of the Secretary, may provide for waiving inspection requirements on any fruit in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such fruit meets the applicable quality and other standards then in effect;

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary;

(d) When fruit is inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service;

(e) The committee may recommend and the Secretary may require that any fruit handled or transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

REPORTS

§ 1031.51 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of fruit received by a handler;

(2) The quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation;

(3) The date of each such disposition and the identification of the carrier transporting such fruit;

(4) Identification of the inspection certificates, and the certificates of privilege, if any, pursuant to which the fruit was handled, together with the destination of each lot of fruit handled pursuant to § 1031.41.

(b) All such reports shall be held under appropriate protective classification and custody of the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the fruit received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1031.52 Compliance.

Except as provided in this subpart, no handler shall handle fruit, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations issued thereunder, and no handler shall handle fruit except in conformity to the provisions of this part.

§ 1031.53 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1031.54 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1031.55 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of fruit for market: *Provided*, That such majority has, during such representative period, produced for

market more than fifty percent of the volume of such fruit produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1031.56 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall, for the purpose of liquidating the affairs of the committee continue as joint trustees of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1031.57 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1031.58 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1031.59 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1031.60 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1031.61 Personal liability.

No member or alternate of the committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for act of dishonesty, willful misconduct, or gross negligence.

§ 1031.62 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

Issued at Washington, D.C., this 19th day of September 1960, to become effective upon publication in the FEDERAL REGISTER.

E. T. BENSON,
Secretary.

[F.R. Doc. 60-8841; Filed, Sept. 21, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-207]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.14 of the regulations of the Administrator is to correctly describe the Point Arguello, Calif., Restricted Area (W/R-532) (San Francisco Chart).

The present description of (W/R-532) encompasses airspace which is partly warning area and partly restricted area. Since the purpose of Part 608 is to designate only restricted areas, the Federal Aviation Agency is eliminating all reference to warning area in the text and title of the regulation. The portion of (W/R-532) within three nautical miles of the shore line is also being redescribed. This action, however, will not change the present boundary of R-532.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 8005), § 608.14 *California*, Naval Missile Facility, Point Arguello, Calif., Warning/Restricted Area (W/R-532) (San Francisco) (23 F.R. 9134, 24 F.R. 524) is amended to read:

§ 608.14 California.

NAVAL MISSILE FACILITY, POINT ARGUELLO, CALIF., RESTRICTED AREA (R-532) (SAN FRANCISCO CHART)

Description by geographical coordinates. Beginning at Lat. 34°34'52" N, Long. 120°42'57" W, thence to Lat. 34°35'00" N, Long. 120°30'00" W, thence to Lat. 34°24'00" N, Long. 120°30'00" W, thence northwest along a line three nautical miles offshore to point of beginning.

Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Pacific Missile Range, Pt. Mugu, California.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8804; Filed, Sept. 21, 1960; 8:46 a.m.]

[Reg. Docket No. 490; Amdt. 183]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 108° Outbnd, 288° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Course and distance, facility to airport 277°, 5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles make left turn climbing to 2300' returning to LFR. Then on NE crs LFR within 20 miles.

City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135'; Fac. Class., SBRAZ; Ident., BT; Procedure No. 1, Amdt. 1; Eff. Date, 24 Sept. 60; Sup. Amdt. No. Orig.; Dated, 25 Apr. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Daytona Beach VOR	LOM	190°—9.5	1400	T-dn	300-1	300-1	200-½
Daytona Beach LFR	LOM	226°—4.2	1400	C-dn	400-1	500-1	500-1½
Smyrna Int	LOM	318°—13.0	1400	S-dn-6	400-1	400-1	400-1
Lake Helen Int	LOM	019°—9.8	1400	A-dn	800-2	800-2	800-2
Woodruff Int	LOM (final)	088°—15.0	1400				
Barberville Int	LOM	125°—17.7	1400				

Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 065°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400', make right turn, returning to LOM.

City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach Municipal; Elev., 34'; Fac. Class., LOM; Ident., DB; Procedure No. 1, Amdt. Orig.; Eff. Date, 24 Sept. 60

Int V-53 & SE crs MJ LFR	LOM (final)	Direct	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of SE crs, 137° Outbnd, 317° Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 317°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1900' on 317° crs from LOM within 10 mi. or, when directed by ATC, make climbing right turn and climb to 1900' and proceed direct to the MKG VORTAC.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628'; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. Orig.; Eff. Date, 24 Sept. 60

Billings Int	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Sparta Int*	LOM	Direct	2800	C-dn	400-1	500-1	500-1½
SGF VOR	LOM	Direct	2700	S-dn	400-1	400-1	400-1
SF LFR	LOM	Direct	2700	A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 195° Outbnd, 015° Inbnd, 2700' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 015°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on crs 015°. Proceed to the SGF VORTAC.
*Sparta Int: Int R-139 SGF VOR & R-283 Dogwood VOR.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267'; Fac. Class., LOM; Ident., SG; Procedure No. 1, Amdt. Orig.; Eff. Date, 24 Sept. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
KE LFR	ENA VOR	Direct	1500	T–dn	300–1	300–1	200–½
				S–dn–18	400–1	400–1	400–1
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 004° Outbnd, 184° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 184°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, climb to 1400′ on R–184 within 20 miles.

City, Kenai; State, Alaska; Airport Name, Kenai Airport; Elev., 93′; Fac. Class., BVOR; Ident., ENA; Procedure No. 1, Amdt. Orig.; Eff. Date, 24 Sept. 60

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD–VOR	LOM	Direct	2500	T–dn	300–1	300–1	200–½
Northbrook VOR	LOM	Direct	2500	C–dn	400–1	500–1	500–1½
NBU–LFR	LOM	Direct	2500	S–dn–14R	200–½	200–½	200–½
MDW–LOM	LOM	Direct	2500	A–dn	600–2	600–2	600–2
Morton Int	LOM	Direct	2500				
Spring Lake Int	LOM	Direct	2500				
Elgin Int	LOM	Direct	2500				
Crystal Int	LOM	Direct	2500				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from LOM. Refer to radar procedures for O'Hare if sector altitude information desired.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2132′—5.3; at LMM, 861′—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate climb to 1500′ via the back course O'Hare ILS then make a right climbing turn to 2500′ or higher altitude specified by ATC and proceed to the Spring Lake Int via V–172 and APT R–349 or, when directed by ATC, (1) make immediate left turn, climb to 2500′ or higher altitude specified by ATC and proceed to Northbrook VOR via ORD R–030 and OBK R–135, (2) make immediate left turn climb to 3500′, proceed to Morton Int via ORD R–076, (3) make immediate left turn, climb to 2500′, proceed to NBU LFR via 030° crs and SE crs NBU LFR.
NOTE: Simultaneous Parallel ILS Approach Study being conducted to Rnwys 14R and 14L, when W X is 2600–3 or better with pilot's concurrence. Rnwy 14R LOM designated "ROMEO"; Rnwy 14L LOM designated "LIMA".

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., ILS; Ident., I–ORD; Procedure No. ILS–14R, Amdt. 3; Eff. Date, 24 Sept. 60; Sup Amdt. No. 2; Dated, 30 Apr. 60

Salinas VOR	LMM	Direct	4000	T–dn	300–1	300–1	300–1
Davenport Int	LOM	Direct	2000	S–dn–10[1]	300–¾	300–¾	300–¾
				C–d	700–2	700–2	700–2
				C–n	700–3	700–3	700–3
				A–d	700–2	700–2	700–2
				A–n	700–3	700–3	700–3

Procedure turn South side of W crs, 276° Outbnd, 096° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at guide slope int Inbnd, 1700′.
Altitude of guide slope and distance to approach end of rny at LOM, 1630′—4.1 mi; at MM, 370′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing LMM make immediate left climbing turn and climb to 1800′ to LOM.
CAUTION: Circling minimums do not provide standard clearance over terrain south of airport. All maneuvering for circling approaches must be accomplished north of localizer course.
AIR CARRIER NOTE: No reductions in visibility minimums authorized, except for takeoff on Rnwy 28.
Major Change: Deletes transition from N8U RBn.
[1]300–1 required with any component of the ILS inoperative except that 700–1½ required with glide slope inoperative.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., ILS; Ident., I–MRY; Procedure No. ILS–10; Amdt. 6; Eff. Date, 24 Sept. 60; Sup Amdt. No. 5; Dated, 18 June 60

Int V55 & SE crs ILS	LOM (final)	Direct	1900	T–dn	300–1	300–1	200–½
MKG VOR	LOM	Direct	1900	C–dn	400–1	500–1	500–1½
MJ LFR	LOM	Direct	1900	S–dn–32	300–¾	300–¾	300–¾
Bull Frog Int	LOM	Direct	1900	A–dn	800–2	800–2	800–2

Procedure turn E side of SE crs, 137° Outbnd, 317° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1843′—3.8 mi.; at MM, 811′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1900′ on 317° crs from LOM within 10 mi. or when directed by ATC, make right turn and climb to 1900′ and proceed direct to the MKG VORTAC.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628′; Fac. Class., ILS; Ident., I–MKG; Procedure No. ILS–32, Amdt. Orig.; Eff. Date, 24 Sept 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SI–LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
SPI–VOR	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
Int R–269 SPI–VOR and/or SW crs SI–LFR & R–312 VLA–VOR (Vla crs 015°).	SW crs ILS (final)	Direct	2000	S–dn–4	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
Int R–101 SPI–VOR & 250°–070° Brg SPI LOM.	LOM	Direct	2600				
Int R–285 SPI–VOR & 125°–305° Brg SPI LOM.	LOM	Direct	2000				

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of G. S. and distance to appr end of rny at OM 2077—5.1, at MM 797—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ and proceed to SPI–VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I–SPI; Procedure No. ILS–4, Amdt. 6; Eff. Date, 24 Sept. 60; Sup. Amdt. No. 5; Dated, 30 July 60

Billings Int	LOM	Direct	2700	T–dn	300–1	300–1	200–½
Sparta Int*	LOM	Direct	2800	C–dn	400–1	500–1	500–1½
SGF VOR	LOM	Direct	2700	S–dn–1	200–½	200–½	200–½
SF LFR	LOM	Direct	2700	A–dn	600–2	600–2	600–2

Procedure turn E side SW crs, 193° Outbnd, 013° Inbnd, 2700′ within 10 mi.
Minimum altitude of glide slope int Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2440′—3.6 mi; at MM, 1465′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on N crs of ILS. Proceed to the SGF VORTAC.
*Sparta Int: Int R–139 SGF VOR & R–283 Dogwood VOR.

City, Springfield; State, Mo.; Airport Name, Springfield Municipal; Elev., 1267′; Fac. Class., ILS; Ident., I–SGF; Procedure No. ILS–1, Amdt. Orig.; Eff. Date, 24 Sept. 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 23, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60–8016; Filed, Sept. 21, 1960; 8:45 a.m.]

[Reg. Docket No. 506; Amdt. 184]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and or cancelled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedures hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 1 OCT. 60.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Terminal; Elev., 704′; Fac. Class., SBML; Ident., BUR; Procedure No. 1, Amdt. 7; Eff. Date, 24 Aug. 57; Sup. Amdt. No. 6; Dated, 3 Aug. 57

Hibiscus Int	Bayview LF Int*	Direct	2000	T–dn	400–1	400–1	400–1
Bayview LF Int*	Hilo LFR (final)	Direct	600	C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn South side of East crs, 079° Outbnd, 259° Inbnd, 1100′ within 10 miles. (Nonstandard procedure turn is operationally desirable.)
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 259°—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing LFR, execute right turn, climbing to 3000′ on North crs Hilo LFR to Kuku Point Int.
CAUTION: Gradually rising terrain all westerly quadrants. Confine maneuvering to East side of North and South courses.
NOTE: Aircraft must be equipped for simultaneous ADF and LF reception for holding at Bayview LF Int or for transition to Bayview LF Int from Hibiscus Int.
*Bayview LF Int—Int E crs Hilo LFR and 191° brg to HLO MHW.

City, Hilo; State, Hawaii; Airport Name, General Lyman; Elev., 31′; Fac. Class., SBRAZ; Ident., IO; Procedure No. 1, Amdt. 12; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 11; Dated, 5 Dec. 59

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE 1 OCT 60.							
City, Merced; State, Calif.; Airport Name, Merced; Elev., 155'; Fac. Class., MRAWZ; Ident., MER; Procedure No. 1, Amdt. 5; Eff. Date, 3 July 58; Sup. Amdt. No. 4; Dated, 26 May 57							
Tallahassee VOR	TH-LFR	Direct	1500	T-dn	300-1	300-1	200-½
TL LOM	TH-LFR	Direct	1500	C-dn	500-1	500-1	500-1½
				S-d-9°	400-1	NA	NA
				A-dn	800-2	800-2	800-2

Procedure turn S side of NW crs, 296° Outbnd, 116° Inbnd, 1300' within 10 mi.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 084°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 mi, climb to 1500' on E crs within 20 mi. or, when directed by ATC, turn right, climb to 1300' on S crs of LFR within 20 mi.
AIR CARRIER NOTE: Take-offs with less than 200-½ NA.
CAUTION: 300' MSL unlighted terrain one mi NE of airport.
Major change: Deletes transition from Quincy FM.
*Runway 9-27 closed to all aircraft over 7000 lbs. and to all night operations.

City, Tallahassee; State, Fla.; Airport Name, Dale Mabry; Elev., 70'; Fac. Class., SBRAZ; Ident., TH; Procedure No. 1, Amdt. 12; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 11; Dated, 20 Dec. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Columbia LFR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
Columbia VOR	LOM	Direct	1700	C-dn	400-1	500-1	500-1½
Thomas Int	LOM (final)	Direct	1200	S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side SW crs, 226° Outbnd, 046° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 046°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2000' on crs of 046°, intercept and proceed outbound on NW crs of LFR or R-006 of VOR within 20 miles or, when directed by ATC, climb to 2000' on West then East crs of LFR or R-080 of VOR within 20 miles.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244'; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 5; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 4; Dated 18 June 60

Columbus LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of E course, 096° Outbnd, 276° Inbnd, 2500' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 276°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, climb to 2500' on 276° crs. from LOM within 15 mi.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., LOM; Ident., CM; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Oct. 60

Ft. Smith VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
Int 253° brng to LOM & 300° brng to Ft. Smith RBn.	LOM (final)	Direct	1500	C-d	600-1	600-1	600-1½
Int 253° brng to LOM & R-090 FSM VOR.	LOM	Direct	1600	C-n	600-2	600-2	600-2
Int 253° brng to LOM & 343° brng to Ft. Smith RBn.	LOM	Direct	1600	S-dn-25	600-1	600-1	600-1
Ft. Smith RBn	LOM	Direct	2200	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1600' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM Inbnd final, 1500'.
Crs and distance, facility to airport, 253°—6.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 mi after passing LOM, climb to 1800' on crs of 253° within 15 mi or, when directed by ATC, climb to 2500' direct to FT. Smith RBn.
AIR CARRIER NOTE: 300-1 required for takeoff on rnwys 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minima authorized for cargo and ferry flights.
CAUTION: Water tower 611' 1 mile W of W end of Rnwy 7.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., LOM; Ident., FOI; Procedure No. 1, Amdt. 9; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 8; Dated 27 June 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SSR RBn	CGL RBn	Direct	5000	T-d*	700-2	1000-2	1000-3
SSR VOR	CGL RBn	Direct	5000	C-d	2500-3	2500-3	2500-3
				C-n	NA	NA	NA
				S-d-07	2500-3	2500-3	2500-3
				S-n-07	2500-10	2500-10	2500-10
				A-d	3000-5	3000-5	3000-5
				A-n	NA	NA	NA

Procedure turn N side of crs, 261° Outbnd, 081° Inbnd, 4200' within 10 mi.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 060°—3.2 mi. VFR from CGL RBn to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over CGL RBn, turn right, climb to 4800' to SSR RBn (or VOR) via Point Retreat RBn (261° crs from CGL RBn to Point Retreat; 184° crs from Point Retreat to SSR).
CAUTION: High terrain vicinity CGL RBn: (1) Auke Mountain 2.5 mi N, 1960' msl; (2) Douglas Mountain 4.5 mi SE, 3115' msl; (3) Lone Mountain 5.4 mi SW, 2004' msl. 4000' mountains 7.4 miles W of Point Retreat RBn, higher beyond.
*AIR CARRIER NOTE: IFR takeoff minimums for air carriers holding authorizations at Juneau Airport, day 800-2; night 3000-10, Runway 25 only, no precipitation, Auke Mountain visible.
NOTES: Sliding scale NA. This procedure authorized only for aircraft utilizing dual ADF equipment for tracking Point Retreat and CGL RBn simultaneously.

City, Juneau; State, Alaska; Airport Name, Juneau Municipal; Elev., 26'; Fac. Class., HW/Z; Ident., CGL; Procedure No. 3, Amdt. Orig.; Eff. Date, 1 Oct. 60

SAT-VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
SAT RBn	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
015° to 230°, 0-20 mi, 2300'.
230° to 045°, 0-10 mi, 2200'.
230° to 045°, 10-15 mi, 2500'.
230° to 045°, 12-20 mi, 3000'.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio tower 2049' msl 19 miles SE of airport.
Procedure turn N side of NW crs, 303° Outbnd, 123° Inbnd, 3000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM on final approach crs, 2500'.
Crs and distance, facility to airport, 123°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, intercept and climb to 3000' on 174° brng from SAT RBn within 20 miles or, when directed by ATC, turn right, climb to 3000' on SAT VOR R-158 within 20 miles.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 800'; Fac. Class., LOM; Ident., AN; Procedure No. 3, Amdt. Orig.; Eff. Date, 1 Oct. 60, or upon com. of facility

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ft Smith Rbn	FSM-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d	600-1	600-1	600-1
				S-n-25	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 1900' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 226—5.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 mi, climb to 1800 on R-235 within 20 mi. or, when directed by ATC, climb to 2200' direct to Ft. Smith RBn.
CAUTION: 620 MSL unlighted Hill 1.5 mi E of airport.
AIR CARRIER NOTE: 300-1 required for T.O. Runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in T.O. or landing minima authorized for Cargo or Ferry flights.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., BVORTAC; Ident., FSM; Procedure No. 1, Amdt. 5; Eff. Date, 1 Oct. 60; Sup Amdt. No 4; Dated, 2 Nov. 57

Hibiscus Int	Bayview VHF Int*	Direct	2000	T-dn	400-1	400-1	400-1
Bayview VHF Int*	Hilo VOR (final)	Direct	600	C-dn	500-1	500-1	600-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 080° Outbnd, 260° Inbnd, 1100' within 10 miles. (Nonstandard procedure turn is operationally desirable.)
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 260—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing VOR, execute right turn, climbing to 3000' on R-353 within 20 miles.
CAUTION: Gradual rising terrain all westerly quadrants. Confine maneuvering to the easterly quadrants.
NOTE: Aircraft must be equipped with both ADF and VOR to hold at Bayview VHF Int or for transition to Bayview VHF Int from Hibiscus Int.
*Bayview VHF Int—Int ITO VOR 080R and 191° Brg to Hilo MHW.

City, Hilo; State, Hawaii; Airport Name, General Lyman; Elev., 31'; Fac. Class., BVOR; Ident., ITO; Procedure No. 1, Amdt. 7; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 6; Dated, 5 Dec. 59

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE 1 OCT 60.							
City, Merced; State, Calif.; Airport Name, Merced; Elev., 155'; Fac. Class., MRAWZ; Ident., MER; Procedure No. 1, Amdt. 5; Eff. Date, 3 July 58; Sup. Amdt. No. 4; Dated, 25 May 57							
Tallahassee VOR	TH-LFR	Direct	1500	T-dn	300-1	300-1	200-½
TL LOM	TH-LFR	Direct	1500	C-dn	500-1	500-1	500-1½
				S-d-9°	400-1	NA	NA
				A-dn	800-2	800-2	800-2

Procedure turn S side of NW crs, 296° Outbnd, 116° Inbnd, 1300' within 10 mi.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 084°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 mi, climb to 1500' on E crs within 20 mi. or, when directed by ATC, turn right, climb to 1300' on S crs of LFR within 20 mi.
AIR CARRIER NOTE: Take-offs with less than 200-½ NA.
CAUTION: 300' MSL unlighted terrain one mi NE of airport.
Major change: Deletes transition from Quincy FM.
*Runway 9-27 closed to all aircraft over 7000 lbs. and to all night operations.

City, Tallahassee; State, Fla.; Airport Name, Dale Mabry; Elev., 70'; Fac. Class., SBRAZ; Ident., TH; Procedure No. 1, Amdt. 12; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 11; Dated, 20 Dec. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Columbia LFR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
Columbia VOR	LOM	Direct	1700	C-dn	400-1	500-1	500-1½
Thomas Int	LOM (final)	Direct	1200	S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side SW crs, 226° Outbnd, 046° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 046°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2000' on crs of 046°, intercept and proceed outbound on NW crs of LFR or R-005 of VOR within 20 miles or, when directed by ATC, climb to 2000' on West then East crs of LFR or R-080 of VOR within 20 miles.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244'; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 5; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 4; Dated 18 June 60

Columbus LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of E course, 096° Outbnd, 276° Inbnd, 2500' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 276°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, climb to 2500' on 276° crs. from LOM within 15 mi.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., LOM; Ident., CM; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Oct. 60

Ft. Smith VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
Int 253° brng to LOM & 300° brng to Ft. Smith RBn.	LOM (final)	Direct	1500	C-d	600-1	600-1	600-1½
Int 253° brng to LOM & R-090 FSM VOR.	LOM	Direct	1600	C-n	600-2	600-2	600-2
Int 253° brng to LOM & 343° brng to Ft. Smith RBn.	LOM	Direct	1600	S-dn-25	600-1	600-1	600-1
Ft. Smith RBn	LOM	Direct	2200	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 1600' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM Inbnd final, 1500'.
Crs and distance, facility to airport, 253°—6.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 mi after passing LOM, climb to 1800' on crs of 253° within 15 mi or, when directed by ATC, climb to 2500' direct to FT. Smith RBn.
AIR CARRIER NOTE: 300-1 required for takeoff on rnwys 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minima authorized for cargo and ferry flights.
CAUTION: Water tower 611' 1 mile W of W end of Rnwy 7.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., LOM; Ident., FOI; Procedure No. 1, Amdt. 9; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 8; Dated 27 June 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SSR RBn	CGL RBn	Direct	5000	T-d*	700-2	1000-2	1000-3
SSR VOR	CGL RBn	Direct	5000	C-d	2500-3	2500-3	2500-3
				C-n	NA	NA	NA
				S-d-07	2500-3	2500-3	2500-3
				S-n-07	2500-10	2500-10	2500-10
				A-d	3000-5	3000-5	3000-5
				A-n	NA	NA	NA

Procedure turn N side of crs, 261° Outbnd, 081° Inbnd, 4200' within 10 mi.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 060°—3.2 mi. VFR from CGL RBn to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over CGL RBn, turn right, climb to 4800' to SSR RBn (or VOR) via Point Retreat RBn (261° crs from CGL RBn to Point Retreat; 184° crs from Point Retreat to SSR).
CAUTION: High terrain vicinity CGL RBn: (1) Auke Mountain 2.5 mi N, 1860' msl; (2) Douglas Mountain 4.5 mi SE, 3115' msl; (3) Lone Mountain 5.4 mi SW, 2004' msl. 4000' mountains 7.4 miles W of Point Retreat RBn, higher beyond.
*AIR CARRIER NOTE: IFR takeoff minimums for air carriers holding authorizations at Juneau Airport, day 800-2; night 3000-10, Runway 25 only, no precipitation, Auke Mountain visible.
NOTES: Sliding scale NA. This procedure authorized only for aircraft utilizing dual ADF equipment for tracking Point Retreat and CGL RBn simultaneously.

City, Juneau; State, Alaska; Airport Name, Juneau Municipal; Elev., 26'; Fac. Class., HW/Z; Ident., CGL; Procedure No. 3, Amdt. Orig.; Eff. Date, 1 Oct. 60

SAT-VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
SAT RBn	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 230°, 0–20 mi, 2200'.
230° to 045°, 0–10 mi, 2200'.
230° to 045°, 10–15 mi, 2500'.
230° to 045°, 12–20 mi, 3000'.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio tower 2049' msl 19 miles SE of airport.
Procedure turn N side of NW crs, 303° Outbnd, 123° Inbnd, 3000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM on final approach crs, 2500'.
Crs and distance, facility to airport, 123°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, intercept and climb to 3000' on 174° brng from SAT RBn within 20 miles or, when directed by ATC, turn right, climb to 3000' on SAT VOR R-158 within 20 miles.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 800'; Fac. Class., LOM; Ident., AN; Procedure No. 3, Amdt. Orig.; Eff. Date, 1 Oct. 60, or upon com. of facility

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ft Smith Rbn	FSM-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d	600-1	600-1	600-1
				S-n-25	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 1900' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 226—5.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 mi, climb to 1800 on R-235 within 20 mi. or, when directed by ATC, climb to 2200' direct to Ft. Smith RBn.
CAUTION: 620 MSL unlighted Hill 1.5 mi E of airport.
AIR CARRIER NOTE: 300-1 required for T.O. Runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in T.O. or landing minima authorized for Cargo or Ferry flights.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., BVORTAC; Ident., FSM; Procedure No. 1, Amdt. 5; Eff. Date, 1 Oct. 60; Sup Amdt. No 4; Dated, 2 Nov. 57

Hibiscus Int	Bayview VHF Int*	Direct	2000	T-dn	400-1	400-1	400-1
Bayview VHF Int*	Hilo VOR (final)	Direct	600	C-dn	500-1	500-1	600-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 080° Outbnd, 260° Inbnd, 1100' within 10 miles. (Nonstandard procedure turn is operationally desirable.)
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 260—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing VOR, execute right turn, climbing to 3000' on R-333 within 20 miles.
CAUTION: Gradual rising terrain all westerly quadrants. Confine maneuvering to the easterly quadrants.
NOTE: Aircraft must be equipped with both ADF and VOR to hold at Bayview VHF Int or for transition to Bayview VHF Int from Hibiscus Int.
*Bayview VHF Int—Int ITO VOR 080R and 191° Brg to Hilo MHW.

City, Hilo; State, Hawaii; Airport Name, General Lyman; Elev., 31'; Fac. Class., BVOR; Ident., ITO; Procedure No. 1, Amdt. 7; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 6; Dated, 5 Dec. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
All directions	ISO VOR	Direct	MEA#	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–22	400–1	400–1	400–1
				A–dn*	800–2	800–2	800–2

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2000′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 232°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi. after passing Kinston VOR, make immediate right climbing turn to 2000′, returning to ISO VOR on radial 232.
CAUTION: 360′ MSL Radio Tower 2 mi. SW of Airport.
#Initial approach altitude above 5000′ not authorized due to proximity Restricted Area 125 to approach radial.
*Authorized as an alternate for Air Carriers only; provided they have approval of communications and weather service at this airport. Weather service not available to the general public.

City, Kinston; State, N.C.; Airport Name, Stallings Field; Elev., 93′; Fac. Class., BVOR; Ident., ISO; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Oct. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–dn	*500–1	*500–1	*500–1½
				S–dn–31	400–1	*400–1	*400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 1300 within 10 miles.
Minimum altitude over facility on final approach crs, *400.
Crs and distance, breakoff point to app end rny 31, 310–0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, climb to 1700 on R–305 within 20 miles.
CAUTION: Radio tower 687′ MSL 3.7 miles west of airport.
Major Change. Deletes transition from Orlando LFR.
*If ILS OM or LOM not identified on final, descent below 700′ msl NA.

City, Orlando; State, Fla.; Airport Name, Orlando; Elev., 113′; Fac. Class., BVOR; Ident., ORL; Procedure No. Ter VOR–31, Amdt. 1; Eff. Date, 1 Oct. 60; Sup. Amdt. No. Orig.; Dated, 20 Aug. 55

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
Morton Int	River Grove Int*	Via Radar		T–dn	300–1	300–1	200–½
		Vector**		C–dn	400–1	500–1	500–1½
Spring Lake Int	River Grove Int*	Via Radar		S–dn–32L	400–1	400–1	400–1
		Vector**		A–dn	800–2	800–2	800–2

***Radar Terminal Area Transitions:* All directions, 2500′ within 20 mi.
320°–150°—3000′ within 10 mi.
150°–320°—2500′ within 10 mi.
All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn NA.
Minimum altitude over River Grove Int* on final approach crs, 2000′.
Crs and distance, River Grove Int* to airport, 318°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing River Grove Int*, make immediate right turn, climb to 2500′ and proceed to OBK–VOR via OBK R–170 or, when directed by ATC, (1) climb to 3500′, proceed to Spring Lake Int via ORD R–300; (2) Climb to 2500′, proceed to OHA LOM.
NOTES: Arrival radar at O'Hare and departure radar at Midway must be operative. Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course, inbound to River Grove Int.
*River Grove Int: Int R–051 APT–VOR & SE crs ORD ILS (Romeo).

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 667′; Fac. Class., ILS; Ident., I–OHA; Procedure No. ILS–32L, Amdt. Orig.; Eff. Date, 1 Oct. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less 65 knots or less	2-engine or less More than 65 knots	More than 2-engine, more than 65 knots
SAT–VOR	LOM	Direct	2500	T–dn	300–1	300–1	200–½
SAT R–158	LOM	Direct	2500	C–dn	400–1	500–1	500–1½
				S–dn–12	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 230°, 0–20 mi, 2300′.
230° to 045°, 0–10 mi, 2300′.
230° to 045°, 10–15 mi, 2500′.
230° to 045°, 12–20 mi, 3000′.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio tower 2049′ msl 19 miles SE of airport.
Procedure turn N side of N'W crs, 303° Outbnd, 123° Inbnd, 3000′ within 10 mi. Beyond 10 mi NA.
Altitude of glide slope and distance to approach end of Rnwy at LOM, 2600′—5.9 mi; at LMM, 1028′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000′ on SAT–VOR R–158 within 20 miles.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 800′; Fac. Class., ILS; Ident., I–ANT; Procedure No. ILS–12, Amdt. Orig.; Eff. Date, 1 Oct. 60, or on com. of facility

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on September 2, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60–8528; Filed, Sept. 21, 1960; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read as follows:

§ 74.2 Designation of free and infected areas.

Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, or parts thereof, are hereby designated as free areas: Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, that portion of South Dakota west of the Missouri River, Texas, Utah, Vermont, Washington, and Wyoming. Notice is hereby given also that sheep scabies exists in all other States and Territories, and parts thereof, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication and quarantine areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, or parts thereof, are hereby designated as eradication areas: The entire State of New Mexico and that portion of South Dakota east of the Missouri River.

(b) No areas are quarantined under this part at this time.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes the State of New Mexico from the free areas and adds such State to the infected areas and to the eradication areas, as sheep scabies is known to exist in such State. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to the State of New Mexico.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately upon publication in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of September 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60–8831; Filed, Sept. 21, 1960; 8:50 a.m.]

PART 74—SCABIES IN SHEEP

Interstate Movement From New Mexico

Pursuant to § 74.5 of the regulations in Part 74, as amended, Title 9, Code of Federal Regulations, containing restrictions on interstate movement of animals because of scabies in sheep, under the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 124–126), a new § 74.18a is added to said Part 74 to read as follows:

§ 74.18a Movement of sheep from New Mexico into another eradication area or into a free area.

Until December 31, 1960, uninfected and unexposed sheep may be shipped, trailed, driven, or otherwise moved interstate for feeding prior to slaughter from New Mexico, designated under this part as an infected and eradication area, into any other eradiction area or into a free area, provided such sheep have been inspected by a State or Division inspector within 10 days prior to movement and found free from scabies and exposure thereto, and are accompanied by a certificate from said inspector to that effect.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265,

as amended; 21 U.S.C. 115, 117, 124, 126; 19 F.R. 74, as amended. 9 CFR 74.5)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The foregoing amendment provides for the movement of sheep from New Mexico, not otherwise authorized under 9 CFR Part 74, as amended, in a manner which provides adequate safeguards to prevent the interstate spread of sheep scabies. It should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 16th day of September 1960.

F. J. MULHERN,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 60-8831; Filed, Sept. 21, 1960; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Inorganic Bromide

Correction

In F.R. Doc. 60-8671, appearing in the issue for Saturday, September 17, 1960, at page 8948, the paragraph designations (a) to (h) in § 120.123 should be deleted.

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Novobiocin Oral Suspension (Tetracycline-Novobiocin Oral Drops; Tetracycline-Novobiocin Syrup)

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended as follows:

1. Part 141c is amended by adding the following new section:

§ 141c.261 Tetracycline-novobiocin oral suspension (tetracycline-novobiocin oral drops; tetracycline-novobiocin syrup).

(a) *Potency*—(1) *Tetracycline content.* Proceed as directed in § 141c.239 (a)(1). Its tetracycline content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Novobiocin content.* Proceed as directed in § 141c.239(a)(2). Its novobiocin content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *pH.* Using the undiluted sample, proceed as directed in § 141a.5(b) of this chapter.

2. Part 146c is amended by adding the following new section:

§ 146c.261 Tetracycline-novobiocin oral suspension (tetracycline-novobiocin oral drops; tetracycline-novobiocin syrup).

Tetracycline-novobiocin oral suspension is a suspension of tetracycline and calcium novobiocin which conforms to all requirements and procedures prescribed by § 146c.239 for tetracycline-calcium novobiocin for oral suspension when the dry powder is prepared as directed in its labeling, except § 146c.239 (b), and except that:

(a) Each milliliter contains 12.5 milligrams of crystalline calcium novobiocin and a quantity of tetracycline equivalent to 12.5 milligrams of tetracycline hydrochloride; or it contains 62.5 milligrams of crystalline calcium novobiocin and a quantity of tetracycline equivalent to 62.5 milligrams of tetracycline hydrochloride.

(b) The pH is not less than 6.0 nor more than 7.0.

(c) The expiration date is 18 months after the month during which the batch was certified.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are not oposed by the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of this new antibiotic drug.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 14, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-8823; Filed, Sept. 21, 1960; 8:48 a.m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Antibiotics for Fish Diseases

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 5611), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146.27) are amended as follows:

Section 146.27 is changed to read:

§ 146.27 Antibiotics for fish diseases.

Any antibiotic drug subject to the regulations in this chapter intended for use solely in the prevention or treatment of disease in fish and conspicuously so labeled shall be exempt from the requirements of sections 502(1) and 507 of the act if the fish so treated are not intended for human consumption.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it grants an exemption and since it would be against public interest to delay providing for the amendment incorporated in this order.

I further find that antibiotic drugs intended for the treatment of fish diseases and conforming with the condi- comply with the requirements of sections 502(1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1050, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: September 14, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 60-8824; Filed, Sept. 21, 1960; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER A—PROCEDURES: PRACTICE

PART 2—APPEALS FROM ADMINISTRATIVE ACTIONS

On page 9545 of the FEDERAL REGISTER of November 28, 1959, there was published a notice of intention to add a new part to Title 25 of the Code of Federal Regulations. The purpose of these regulations is to provide procedures by which persons dealing with the Bureau of Indian Affairs may obtain review of decisions made by officials of that Bureau.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed new part. Several suggestions were received within the specified time. These were thoroughly considered and discussed and as a result of such consideration and discussions the following changes have been made:

1. In § 2.2 the words "or privileges" are inserted immediately after the word "rights" in the second sentence of this section.

2. In § 2.2 the words "fundamental constitutional law" are inserted immediately after the first "upon" in the second sentence of this section.

3. In § 2.14 the words "inequity or" are inserted before the word "injustice" in the last line.

4. In § 2.34 the word "Saturday" and "or" are inserted in the last sentence before the words "Sunday" and "legal holiday" respectively.

5. In § 2.35 the words "in his discretion" are inserted before the phrase "may extend" and the words "established by these regulations" substituted for the clause "where he finds such extension or waiver will prevent an injustice."

6. In § 2.36 the last paragraph has been rewritten so as to be applicable to all appellants; not only Indians or Indian tribes.

These amended regulations, as so changed, are hereby adopted as set forth below and will become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 2.1 to 2.37 issued under R.S. 161, 463, 465; 5 U.S.C. 22, 25 U.S.C. 2, 9.

Subpart A—General

§ 2.1 Definitions.

As used in this part:

(a) "Person" includes any Indian or non-Indian individual, corporation, tribe, or other organization.

(b) "Interested party" means any person whose interests would be adversely affected by proceedings conducted under this part.

(c) "Petitioner" means any person who files an appeal under this part.

(d) "Appeal" means a written request for correction of an action or decision claimed to violate a person's legal rights or privileges.

(e) "Complaint" means a written request for correction or reconsideration of an action or decision claimed to be legally or administratively incorrect but not violative of the complainant's own legal rights or privileges.

(f) "Right" means a favorable position in a legal relationship the continued enjoyment of which may not be withdrawn save by a change in fundamental constitutional law.

(g) "Privilege" means a favorable position in a legal relationship the continued enjoyment of which may be withdrawn only upon a change in law, statute or regulations upon which the relationship is based.

§ 2.2 Applicability.

This part provides appeals procedures for requesting correction of actions or decisions by officials of the Bureau of Indian Affairs where the action or decision is protested as a violation of a right or privilege of the appellant. Such rights or privileges must be based upon fundamental constitutional law, applicable federal statutes, treaties, or upon Departmental regulations. Such regulations appear in the FEDERAL REGISTER and, where of general application in Indian affairs, in Title 25 of the Code of Federal Regulations. "Appeals" shall be processed in accordance with the regulations in this part. "Complaints," on the other hand, may be either informally or formally made and ordinarily first presented to the office immediately responsible for the action or decision questioned and thereafter if necessary to higher officials. An action or decision which is subject to appeal shall be reduced to writing by the official making the decision either at his own instance or upon request of the petitioner. The appeal procedures in this part do not apply to decisions made under statutes or other regulations which provide specific appeals procedures, nor to "complaints."

§ 2.3 Who may appeal.

In accordance with the procedures in this part, any interested party adversely affected by a decision of an official under the supervision of an Area Director of the Bureau of Indian Affairs may appeal to the Area Director; an appeal may be taken to the Commissioner of Indian Affairs from a decision of the Area Director; and an appeal may be taken to the Secretary of the Interior from a decision of the Commissioner.

§ 2.4 Notice of administrative action.

Notice shall be given of any action taken or decision made from which an appeal may be taken under the regulations in this part, to any Indian or Indian tribe whose legal rights or privileges are affected thereby. This notice shall be in writing and shall be given by the official making the decision or taking the action. Failure to give such notice shall not affect the validity of the action or decision, but the right to appeal therefrom shall continue under the regulations in this part for the periods hereinafter set forth.

Subpart B—Appeals to the Area Director or to the Commissioner

§ 2.10 Appeal, how taken; time limit.

(a) An interested party who wishes to appeal to the Area Director or Commissioner shall initiate his appeal by filing a written petition with the official who made the decision. Such official if requested by an Indian or Indian tribe shall render such assistance as is appropriate in the preparation of any appeal by an Indian or Indian tribe. The petition should give an identification of the case, a statement of reasons for the appeal and any arguments the petitioner wishes to make. The petition must be received in such office within 20 days after the date of the mailing of the notice of the decision complained of to the petitioner unless further time is granted pursuant to the regulations in this part. The petitioner also may file an additional written statement of reasons and arguments or briefs with the Area Director or the Commissioner within 10 days after the filing of the petition.

(b) Whether or not the decision complained of will be suspended during the appeal will be within the discretion of the officer to whom the appeal is made. He may require an adequate bond to protect the interest of any Indian, Indian tribe, or other parties involved.

§ 2.11 Service of petition and of other documents.

(a) The petitioner, or the officer with whom the petition is filed when the petitioner is an Indian or Indian tribe not represented by counsel, shall serve a copy of the petition and of any additional written statement of reasons, arguments, or briefs on each interested party known to him as such, in the manner prescribed in § 2.33, at the time of filing thereof. Failure to serve within the time required may subject the appeal to summary dismissal as provided in § 2.36. Proof of such service as required by § 2.33 must be filed with the Area Director or Commissioner within 15 days after service unless filed with the petition or with the additional statement of reasons, arguments or briefs.

§ 2.12 Answers.

If any party served with a petition wishes to participate in the proceeding on appeal, he must file a written answer within 20 days after service of the petition upon him. If an additional statement of reasons is filed by the petitioner, the interested party shall have 10 days after service thereof within which to answer. Answers must be filed with the Area Director, the Commissioner, or other Bureau employee with copy to the Commissioner, whichever is appropriate, and be served on the petitioner in the manner prescribed in § 2.33 at the time the answer is filed. Proof of such serv-

ice, as required by § 2.33, must be filed with the Area Director or the Commissioner within 15 days after service. If an answer is not filed within the time required, a default will not result but the answer may be disregarded in deciding the appeal.

§ 2.13 Action by Area Director or Commissioner on appeal.

The Commissioner or the Area Director will render a written decision in each case appealed to him, copies of which will be mailed to all interested parties.

§ 2.14 Effect of failure to appeal.

When any party fails to appeal a decision of the Superintendent, Area Director, or the Commissioner, that decision shall be final as to such party and will not be disturbed except for fraud or gross irregularity, or where it is found by higher authority that the failure to appeal on the part of an Indian or Indian tribe would result in an inequity or injustice to the Indian or Indian tribe.

Subpart C—Appeals to the Secretary

§ 2.21 Right of appeal to the Secretary.

Any party adversely affected may file an appeal from a decision of the Commissioner to the Secretary except a decision which received the Secretary's approval at the time it was made.

§ 2.22 Appeal, how taken; time limit.

(a) An interested party who wishes to file an appeal from a decision of the Commissioner to the Secretary must file a written petition with the Commissioner that he wishes to appeal. The petition must give an identification of the case, a statement of the reasons for the appeal and any arguments the petitioner wishes to make. The petition must be received in such office within 20 days after the date of the mailing of the notice of the decision complained of to the petitioner. The petitioner also may file an additional statement of reasons, arguments, or briefs with the Commissioner or Secretary within 10 days after the filing of the petition.

(b) Whether or not the decision complained of will be suspended during the appeal will be within the discretion of the Secretary. He may require an adequate bond to protect the interest of any Indian, Indian tribe, or other parties involved.

§ 2.23 Service of petition and of other documents.

The petitioner, or the Commissioner when the petitioner is an Indian or Indian tribe not represented by counsel, shall serve a copy of the petition and any accompanying written statement of reasons, arguments or briefs on each interested party known to him as such, in the manner prescribed in § 2.33 at the time of filing the petition and at the time of filing any additional statement of reasons, arguments or briefs. Failure to serve within the time required may subject the appeal to summary dismissal as provided in § 2.36. Proof of such service as required by § 2.33 must be filed with the Secretary within 15 days after service unless filed with the petition or with the additional statement of reasons, arguments or briefs.

§ 2.24 Answers.

If a party served with a petition wishes to participate in the proceeding on appeal, he must file a written answer within 20 days after service of the petition upon him. If an additional statement of reasons is filed by the petitioner, the interested party shall have 10 days after service thereof within which to answer. Answers must be filed with the Secretary and be served on the petitioner in the manner prescribed in § 2.33 at the time the answer is filed. Proof of such service as required by § 2.33 must be filed with the Secretary within 15 days after service. If an answer is not filed within the time required, default will not result but the answer may be disregarded in deciding the appeal.

§ 2.25 Finality of decision.

No further right of appeal or request for reconsideration exists within the Department of the Interior from a decision of a Secretarial Officer, except when he finds as a matter of discretion that reconsideration should be had in order to avoid injustice and such decision shall constitute the final administrative action. Copies of such decision will be mailed to all interested parties.

Subpart D—Procedures

§ 2.31 When a document is filed.

A document is properly filed when received in the office of the official with whom the filing is required during regular office hours. No degree of formality is required, a simple letter will suffice, and the appellant need not be represented by counsel. An appeal by an Indian or Indian tribe received in an office other than that to which it should be properly addressed shall be transmitted to the proper office and the appellant advised. If such office is unknown where received, it shall be returned to the writer.

§ 2.32 Record address.

Every interested party who files a document in connection with an appeal shall state his address at the time of initial filing in the matter. Thereafter, he must promptly inform the official with whom the filing was made of any change in address, giving appropriate identification of all matters in which he has made such a filing; otherwise, the address as stated shall be accepted as the proper address. The successors of such party shall likewise promptly inform the official of their interest in the matter and state their addresses. If an interested party fails to furnish his address as required in this section, he will not be entitled to notice in connection with the proceedings.

§ 2.33 Service.

(a) Wherever this regulation requires that a copy of a document be served, service shall be made by delivering the copy personally or by sending the document by registered or certified mail, return receipt requested, to the address of record as required in § 2.32. Where a tribe is an interested party, service shall be made on the authorized tribal official or tribal governing body. Notice of a decision is sufficient if mailed by regular mail.

(b) A document will be considered to have been served at the time (1) of acknowledgment, (2) of personal service, (3) of delivery of a registered or certified letter, or (4) of the return by the post office of an undelivered registered or certified letter.

(c) In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client, and service of any document relating to the proceeding upon such attorney shall be deemed to be service on the party he represents. Where a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

§ 2.34 Computation of time for filing and service.

In computing any period of time prescribed herein for filing or serving a document, the day upon which the decision or document to be appealed or answered was mailed or served, or the day of any other event after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included unless it falls upon a Saturday, Sunday, or legal holiday.

§ 2.35 Extensions of time.

The period for filing or serving any document may be extended or waived on behalf of an interested party by the officer to whom the appeal is taken, for good cause found by the officer. The Secretary in his discretion may extend or waive any time limitation established by these regulations.

§ 2.36 Summary dismissal.

An appeal to the Area Director, Commissioner or the Secretary may be subject to summary dismissal by the officer to whom it is made for any of the following causes:

(a) If a statement of the reasons for the appeal is not included in the petition.

(b) If the petition or additional statement of reasons in support of the appeal are not received or not served upon the interested parties within the time required.

(c) If proof of service of any document is not filed within the time required.

No appeal shall be dismissed because of a procedural error or informality which is satisfactorily explained as being the result of ignorance, mistake, or circumstances beyond the control of the appellant.

§ 2.37 Scope of review.

When a matter is before an official of the Bureau of Indian Affairs or higher echelon of the Department of the Interior on appeal, any information available to the reviewing officer may be used whether formally part of the record, if any, or not, but where reliance is placed on information not of record such information shall be identified as to source and nature.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8817; Filed, Sept. 21, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

Miscellaneous Amendments

1. In Part 878, the heading "Honors and Ceremonies" is amended to read "Decorations".

2. Sections 878.41 to 878.73 are deleted and the following substituted therefor:

SERVICE AWARDS

Sec.
878.41 Purpose.
878.42 Policy.
878.43 Types of awards.
878.44 Authorized medals and ribbons.
878.45 Eligibility.
878.46 Number of awards a person may receive.
878.47 Verification of eligibility.
878.48 Posthumous awards.
878.49 Awards by other United States agencies.
878.50 Awards by foreign countries.
878.51 Order of precedence in which awards are worn.
878.52 How to obtain authorized awards.
878.53 Supply and replacement.
878.54 Engraving.
878.55 Use of awards in exhibitions.
878.56 Manufacture, sale, and possession of awards.
878.57 Good Conduct Medal.
878.58 American Defense Service Medal.
878.59 Women's Army Corps Service Medal.
878.60 American Campaign Medal.
878.61 Asiatic-Pacific Campaign Medal.
878.62 European-African-Middle Eastern Campaign Medal.
878.63 World War II Victory Medal.
878.64 Army of Occupation Medal.
878.65 Medal for Humane Action.
878.66 National Defense Service Medal.
878.67 Korean Service Medal.
878.68 Air Force Longevity Service Award Ribbon.
878.69 Armed Forces Reserve Medal.
878.70 United Nations Service Medal.
878.71 Philippine Defense Ribbon.
878.72 Philippine Liberation Ribbon.
878.73 Philippine Independence Ribbon.
878.74 Service medal ribbons.
878.75 Clasps.
878.76 Service stars.
878.77 Arrowheads.
878.78 Berlin Airlift Device.
878.79 Hour-glass device.
878.80 Lapel buttons.

AUTHORITY: §§ 878.41 to 878.80 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 900-10, April 4, 1958.

§ 878.41 Purpose.

Sections 878.41 to 878.80 describe the Air Force service awards and explain who is eligible to receive them, how and by whom they are awarded, and how they are worn. It includes pertinent information regarding service awards which are awarded by other United States agencies and foreign countries.

§ 878.42 Policy.

Service awards are normally awarded to recognize honorable, active Federal military service during periods of war or national emergency. For purposes of §§ 878.41 to 878.80, the term "active Federal military service" is defined as all periods of military service in a Regular component of the Armed Forces of the United States or any of the Reserve components listed in § 878.69(b), while on active duty. This includes service as a cadet or midshipman at the United States Air Force, Army, and Naval Academies.

§ 878.43 Types of awards.

Service awards include medals, service ribbons, lapel buttons, and other types of devices such as clasps, stars, arrowheads, etc.

§ 878.44 Authorized medals and ribbons.

(a) Good Conduct Medal.
(b) American Defense Service Medal.
(c) Women's Army Corps Service Medal.
(d) American Campaign Medal.
(e) Asiatic-Pacific Campaign Medal.
(f) European-African-Middle Eastern Campaign Medal.
(g) World War II Victory Medal.
(h) Army of Occupation Medal.
(i) Medal for Humane Action.
(j) National Defense Service Medal.
(k) Korean Service Medal.
(l) Air Force Longevity Service Award Ribbon.
(m) Armed Forces Reserve Medal.
(n) Philippine Defense Service Ribbon.
(o) Philippine Liberation Ribbon.
(p) Philippine Independence Ribbon.
(q) United Nations Service Medal.

This list does not include the medals and ribbons awarded by the other branches of the United States Armed Forces, which may differ in appearance from similar Air Force awards described in §§ 878.41 to 878.80.

§ 878.45 Eligibility.

A person is generally considered eligible for a service award if he:

(a) Was assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time period; or

(b) Was assigned or attached to and present for duty during the prescribed time period with a unit designated in general orders as having received the award; or

(c) Otherwise meets the requirements for the award stated in §§ 878.41 to 878.80.

No service award will be awarded to a person whose entire service for the period covered by the award was not honorable, nor to a person whose service for the period covered by the award was terminated under other than honorable conditions. However, if a person was awarded and presented an award for service prior to his dishonorable behavior, the award will not be revoked unless directed by Headquarters USAF.

§ 878.46 Number of awards a person may receive.

Only one award of a specific United States service medal or Philippine service ribbon will be made to the same person. Devices will be awarded to denote additional awards in those instances specified in §§ 878.41 to 878.80.

§ 878.47 Verification of eligibility.

(a) *Where to send requests.* A person not on active duty and not a member of a Reserve component may apply to Commander, Air Reserve Records Center, Continental Air Command, 3800 York Street, Denver 5, Colo.

(b) *Information included.* Each request will include the person's name, grade, service number(s), and any other information which will assist in verifying his eligibility.

§ 878.48 Posthumous awards.

The next of kin is entitled to receive a complete set of the service awards earned by a deceased member of the Air Force, whether or not they were previously presented to him. The next of kin, in order of precedence, are: Widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. Awards to eligible next of kin, other than in the order given, must be approved by Headquarters USAF. Duplicate awards will be furnished free to the parent(s) of the deceased when awards are given to the widow or widower.

§ 878.49 Awards by other United States agencies.

(a) Service awards are also awarded by the United States Army, Navy, Marine Corps, and Coast Guard. Such awards are made in conformance with the regulations of the awarding authority.

(b) Service awards made by United States Government agencies other than the military services noted in paragraph (a) of this section, or by States and other jurisdictions subordinate to the Federal Government, will not be worn on the Air Force uniform.

§ 878.50 Awards by foreign countries.

(a) *When acceptance and wearing of foreign service awards is unauthorized.* With the exception of the United Nations Service Medal (see § 878.70), service awards tendered by foreign governments to an officer or airman for services rendered while a member of the United States Air Force or its Reserve components may not be accepted or worn on the Air Force uniform. See §§ 878.1 to 878.16 for acceptance and wear of foreign decorations.

(b) *Wearing of foreign service awards by persons who earned them as members of a friendly foreign force.* Foreign service awards earned while a bona fide member of the armed forces of a friendly foreign country may be retained by the person, provided that they were presented to him prior to his entry on duty with the Armed Forces of the United

States. However, to wear such awards on the Air Force uniform, the consent of the Congress is required, unless such Congressional authority was delegated under Public Law.

(1) Requesting Congressional authorization: Congressional authorization is requested through Hq USAF. The member will send all elements of the award, including the medal, ribbon and original certificate, and document or other awarding authority, to: Director of Military Personnel, Hq USAF, ATTN: Personnel Services Division, Washington 25, D.C.

Elements of the award will be sent by letter of transmittal. The letter will contain the full name and service number of the member; name of the award and the country making it; citizenship status at time of the award; and the inclusive dates of the service recognized by the award. Headquarters USAF will forward the award to the Department of State, where it will be held pending authorization by Congress for the member to wear it.

(2) Notification to member when Congress authorizes wear on uniform: When Congress authorizes official wear, Headquarters USAF will withdraw the award from the Department of State and forward it to the member. This section does not apply to the Philippine service awards described in §§ 878.41 to 878.80.

NOTE: Pursuant to a White House instruction, the Department of State prepares an omnibus authorizing bill on all foreign awards held for retired persons, for transmittal to Congress one full month before the beginning of the Second Session of each alternate Congress, or every fourth year, i.e., 1958, 1962, 1966, etc. At the present time, such legislation may not be introduced for other than retired personnel. Since the seeking of authority to wear a foreign service award is at the option of the individual concerned, commanders should thoroughly explain the procedures stated in this section so that the individual will be fully aware of the legislative requirements before he elects to seek Congressional authorization to wear the award.

§ 878.51 Order of precedence in which awards are worn.

(a) *United States service medals and ribbons.* The term "United States service medals and ribbons" as used in §§ 878.41 to 878.80 includes the service medals and ribbons awarded by the military services, i.e., the Army, Air Force, Navy, Marine Corps, and Coast Guard. United States service medals and ribbons are worn in the following order or precedence:

(1) The Good Conduct Medal is worn immediately following United States decorations. A Good Conduct Medal awarded for service performed with the United States Navy, Marine Corps, or Coast Guard is worn immediately following the Good Conduct Medal awarded by the Air Force or Army.

(2) Other United States service awards follow the Good Conduct Medal in the order in which earned (not the date of entry in the records or date upon which the award is established, but the date upon which the individual becomes eligible for the award), subject to the following exceptions:

(i) The National Defense Service Medal takes precedence over the Korean Service Medal when both awards are earned simultaneously.

(ii) The Armed Forces Reserve Medal is worn last, following all United States service awards.

(b) *Philippine service ribbons.* Philippine service ribbons are worn immediately following United States service awards. They too are worn in the order in which earned.

(c) *United Nations Service Medal.* The United Nations Service Medal is worn immediately following all foreign decorations, if any; otherwise, immediately following all United States service awards and Philippine service ribbons.

(d) *Foreign service awards.* Foreign service awards, as authorized for wear in accordance with § 878.50(b) are worn:

(1) Immediately following foreign decorations, or

(2) If the person has no foreign decorations, immediately following United States service medals, Philippine service ribbons, and United Nations Service Medal.

Foreign service awards are worn in the order earned or in the manner prescribed by the foreign country awarding the medals. At least one United States decoration or service award must be worn at the same time that a foreign award is worn.

§ 878.52 How to obtain authorized awards.

Persons not on active duty and not members of a Reserve component may obtain authorized awards from: Director, Air Force Records Center, 9700 Page Boulevard, St. Louis 14, Missouri.

§ 878.53 Supply and replacement.

(a) *Items not furnished.* Miniature service medals and service ribbons are neither issued nor sold by the Department of the Air Force, but may be purchased from commercial sources.

(b) *Replacement.* Persons not on active duty and not members of a Reserve component of the Air Force, and the next of kin of deceased personnel, may request replacement by sending applications to: Director, Air Force Records Center, 9700 Page Boulevard, St. Louis 14, Missouri, Replacement will be made at cost price.

§ 878.54 Engraving.

Service medals will not be engraved at Government expense. Recipient may have the medal engraved with his name at his own expense.

§ 878.55 Use of awards in exhibitions.

(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample service awards for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each medal with the words "Exhibition Only." Samples will be furnished only to museums; libraries; and historical, numismatic, and military societies and institutions of such public nature as to assure an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By United States governmental agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample service awards may be furnished, without charge, for public display purposes to United States governmental agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for service awards for exhibit or display will be submitted to: The Director of Military Personnel, Headquarters USAF, ATTN: Personnel Services Division, Washington 25, D.C. for approval by the Secretary of the Air Force.

§ 878.56 Manufacture, sale, and possession of awards.

By law (18 U.S.C. 701 and 704), the manufacture, sale, or possession of any Air Force service award, or the pictorial representation in regulation size of such award, is prohibited unless authorized by the Department of the Air Force.

§ 878.57 Good Conduct Medal.

The Good Conduct Medal was established by Executive Order 8809, June 28, 1941, as amended by Executive Order 9323, March 31, 1943, and Executive Order 10444, April 10, 1953.

(a) *Description.* The Good Conduct Medal is a metal disk 1¼ inches in diameter, bearing in front an eagle standing on a book and a sword, encircled with the inscription "Efficiency-Honor-Fidelity." The ribbon is dark red silk, with three white stripes bordering each edge.

(b) *Requirements for award.* The Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service under the following conditions:

(1) All "character" and "efficiency" ratings, prior to October 1, 1957, must have been recorded as "excellent" or higher, except that the following ratings are not disqualifying:

(i) Ratings of "unknown."

(ii) Service school efficiency ratings below "excellent" awarded prior to March 3, 1946.

(2) For service on or after October 1, 1957, each award of the Good Conduct Medal will be made upon the specific recommendation of the unit commander rather than upon "character" and "efficiency" ratings, which have been discontinued in the Air Force.

(3) During the period considered for the award, there must be no conviction by a civil court (other than for a minor traffic violation) or by courts-martial, or record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal will begin:

(i) The day following any time lost under Section 8638, Title 10 of the United States Code, and/or

(ii) The day following the completion of any punishment imposed by a courts-martial, including punishment imposed under Article 15.

(c) *Time periods of eligibility.* Having met the requirements in paragraph (b) of this section, the basic Good Conduct Medal is awarded for a period of 3 continuous years of active Federal service completed on or after August 26, 1940, except that it may be awarded for lesser periods of service under the following conditions:

(1) A period of 1 continuous year of service between December 7, 1941 and March 2, 1946 (WW II); or between June 27, 1950 and July 27, 1954 (Korean Operation); or during any future period while the United States is at war.

(2) Upon termination of active Federal military service for a period less than 3 continuous years but more than 1 year, provided that some portion of that service is performed after June 27, 1950, and no previous award of the Good Conduct Medal has been made. (This includes termination of active Federal military service in an enlisted status in order to accept a commission.)

(3) Upon termination of active Federal military service of less than 1 continuous year provided that:

(i) Some portion of that period of service is performed after June 27, 1950;

(ii) Final separation was by reason of physical disability incurred in line of duty; and

(iii) No previous award of the Good Conduct Medal has been made.

(d) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period in excess of 24 hours between enlistments or between periods of commissioned and enlisted service will be considered a break in continuous active service.

(e) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the United States Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Medal under §§ 878.41 to 878.80.

(f) *Time period required after basic award.* After the basic award, a 3-year period of continuous active service is always required for additional awards of the Good Conduct Medals. Clasps are used to denote additional awards. Service must always meet the requirements of paragraph (b) of this section. Section 878.75(a) describes the clasp and explains how it is worn.

§ 878.58 American Defense Service Medal.

The American Defense Service Medal was established by Executive Order 8808, June 28, 1941.

(a) *Description.* The American Defense Service Medal is a metal disk 1¼ inches in diameter, bearing in front an armed figure symbolic of defense under the inscription "American Defense." The ribbon is basically yellow, with blue, white and red stripes right to left, and left to right symmetrically near the edges.

(b) *Requirements for award.* The American Defense Service Medal is awarded for any period of active duty service completed between September 8, 1939, and December 7, 1941, provided that the active duty orders specified service for a period of 12 months or longer.

(c) *Foreign Service Clasp.* The requirements for the Foreign Service Clasp are the same as for the medal itself, except that the service must have been performed outside the continental limits of the United States. Section 878.75(b) describes the clasp and explains how it is worn.

§ 878.59 Women's Army Corps Service Medal.

The Women's Army Corps Service Medal was established by Executive Order 9365, July 29, 1943.

(a) *Description.* The Women's Army Corps Service Medal is a metal disk 1¼ inches in diameter, bearing in front the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the word "Women's" in the upper half, and in the lower half "Army Corps." The ribbon is predominantly moss-tone green with gold borders.

(b) *Requirements for award.* The Women's Army Corps Service Medal is awarded for service performed in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

§ 878.60 American Campaign Medal.

The American Campaign Medal was established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* The American Campaign Medal is a metal disk 1¼ inches in diameter, bearing in front an offshore scene depicting a cruiser, an airplane, and a sinking submarine underneath the inscription "American Campaign." The ribbon is predominantly medium blue-lined white, black, red, and white from right to left, and left to right within each edge. In the center are three stripes of red, white, and blue. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* The American Campaign Medal is awarded for service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanent assignment as an aircrew member of an airplane making frequent flights over ocean waters for a period of 30 consecutive days or 60 days not consecutive.

(3) Outside the continental limits of the United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(4) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(5) Within the continental limits of the United States for an aggregate period of 1 year.

(c) *Antisubmarine Campaign Service Star.* A person assigned or attached to and present for duty with a unit which was accorded battle credit for the "Antisubmarine" campaign is entitled to wear a bronze service star. Section 878.76(b) explains how the star is worn.

§ 878.61 Asiatic-Pacific Campaign Medal.

The Asiatic-Pacific Campaign Medal was established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* The Asiatic-Pacific Campaign Medal is a metal disk 1¼ inches in diameter, depicting in front a tropical landing beneath the words "Asiatic-Pacific Campaign." The ribbon is basically yellow, with yellow, red and white stripes near each end. In the center are three equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* The Asiatic-Pacific Campaign Medal is awarded for service within the Asiatic-Pacific Theater between December 7, 1941 and March 2, 1946, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or on temporary duty for 30 consecutive days or 60 nonconsecutive days.

(3) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 878.76(b) explains how the star is worn.

§ 878.62 European-African-Middle Eastern Campaign Medal.

The European-African-Middle Eastern Campaign Medal was established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* The European-African-Middle Eastern Campaign Medal is a metal disk 1¼ inches in diameter, depicting a landing scene beneath the words "European-African-Middle Eastern Campaign." The ribbon is principally dark-green, edged with brown bands separated from the green by green, white, and red stripes on the left (wearer's right), and by white, black, and white stripes on the right (wearer's left). In the center are equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* The European-African-Middle Eastern Campaign Medal is awarded for service within the EAME (European-African-Middle Eastern) Theater between December 7, 1941 and November 8, 1945, under the same conditions described in § 878.61(b) (1), (2), and (3).

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 878.76(b) explains how the star is worn.

§ 878.63 World War II Victory Medal.

The World War II Victory Medal was established by P.L. 135, 79th Congress (59 Stat. 461).

(a) *Description.* The World War II Victory Medal is a metal disk 1¼ inches in diameter, bearing in front the figure of liberation holding a broken sword in the dawn. The ribbon is predominantly red with wide rainbow borders.

(b) *Requirements for award.* The World War II Victory Medal is awarded for any period of service between December 7, 1941, and December 31, 1946.

§ 878.64 Army of Occupation Medal.

The Army of Occupation Medal was established by War Department General Orders 32, 1946.

(a) *Description.* The Army of Occupation Medal is a metal disk 1¼ inches in diameter, bearing on the front of the disk a pictorial representation of the Remagen Bridge and on the reverse Mount Fujiyama and two Japanese junks. The ribbon is bordered with white bands with equal black and red stripes in the center. The black stripe is worn to the wearer's right.

(b) *Requirements for award.* The Army of Occupation Medal is awarded for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to the United States occupation forces during the prescribed time limits in any of the following areas:

(1) Germany (exclusive of Berlin): Between May 9, 1945, and May 5, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(2) Berlin, Germany: Between May 9, 1945, and a terminal date to be announced later. Service between May 9, 1945, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(3) Austria: Between May 9, 1945, and July 27, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(4) Italy: Between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara or Province of Udine, or with a unit specifically designated in Department of the Army General Orders 4, 1947. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(5) Japan: Between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu, the surrounding smaller islands of the Japanese homeland, the Ryukyu Islands, and the Bonin-Volcano Islands. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. By the same token, service which meets the requirements for the Korean Service Medal (§ 878.67) may not be counted in determining eligibility for this award.

(6) Korea: Between September 3, 1945, and June 29, 1949, inclusive. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.

(c) *Berlin Airlift Device.* Service for 90 or more consecutive days between June 26, 1948, and September 30, 1949, while assigned or attached to a unit designated in general orders of the Department of the Air Force for participation in the Berlin Airlift, qualifies a person for award of the Army of Occupation Medal with Berlin Airlift Device. Section 878.78 describes the device and explains how it is worn.

§ 878.65 Medal for Humane Action.

The Medal for Humane Action was established by P. L. 178, 81st Congress.

(a) *Description.* The Medal for Humane Action is a medal disk 1¼ inches in diameter, depicting a C–54 airplane within a border of wheat centering the coat of arms of Berlin. The ribbon is predominantly blue with black edges, followed by white, red, and white stripes. The center bears three stripes—white, red, and white, in the order named.

(b) *Requirements for award.* The Medal for Humane Action is awarded to personnel who were assigned or attached to and present for duty for at least 120 days during the period June 26, 1948, and September 30, 1949, inclusive, with any of the units cited in general orders of the Department of the Air Force for participation in the Berlin airlift or for direct support thereof. The geographical boundaries of the Berlin airlift operations are as follows:

(1) Northern Boundary: 54th parallel north latitude.

(2) Eastern Boundary: 14th meridian east longitude.

(3) Southern Boundary: 48th parallel north latitude.

(4) Western Boundary: 5th meridian west longitude.

(c) *Award to members of foreign armed forces and civilians.* The Medal for Humane Action may be awarded to members of foreign armed forces and civilians (United States and foreign) for meritorious participation in the Berlin airlift. In each instance, however, an individual recommendation indicating meritorious participation is required.

(d) *Award to persons whose lives were lost participating in the Berlin airlift.* Persons whose lives were lost while participating in the Berlin airlift, or as a direct result of participating therein, may be awarded the Medal for Humane Action without regard to the length of such service, provided that all other requirements are met.

NOTE: The Berlin Airlift Device described in § 878.78 is not awarded or worn with the Medal for Humane Action.

§ 878.66 National Defense Service Medal.

The National Defense Service Medal was established by Executive Order 10448, April 22, 1953.

(a) *Description.* The National Defense Service Medal is a metal disk 1¼ inches in diameter, bearing on the obverse an eaglè displayed with inverted wings standing on a sword and palm branch, all beneath the inscription "National Defense." The ribbon is basically red with a yellow band in the center. Equal stripes of white, blue, white, and red border the center yellow band.

(b) *Requirements for award.* The National Defense Service Medal is awarded for any period of honorable active duty service between June 27, 1950, and July 27, 1954. For the purpose of this award, the following persons shall not be considered as performing active duty service:

(1) Inactive Reserve personnel ordered to active duty for short periods of training under the Inactive Reserve Training program.

(2) Reserve component personnel on temporary active duty to attend service schools or serve on boards, courts, commissions, etc.

(3) Any person on active duty for the sole purpose of undergoing a physical examination.

(4) Any person on active duty for purposes other than for extended active duty.

§ 878.67 Korean Service Medal.

The Korean Service Medal was established by Executive Order 10179, November 8, 1950, as amended by Executive Order 10429, January 17, 1953.

(a) *Description.* The Korean Service Medal is a metal disk 1¼ inches in diameter. On the obverse is a Korean gateway; encircling the design is the inscription "Korean Service." On the reverse is the Korean symbol taken from the center of the Korean national flag, representing the essential unity of all beings, with the inscription "United States of America," and a spray of oak and laurel encircling the design. The medal is suspended by a ring from a silk moire ribbon composed of white piping on the ends, a center of United Nations blue intersected by a white band.

(b) *Requirements for award.* The Korean Service Medal is awarded to persons assigned or attached to combat or service units designated by the Commander, Far East Air Forces, in general orders for service within the Korean Theater or adjacent areas between June 27, 1950, and July 27, 1954. The term "Korean Theater" as used herein is defined as those areas which encompass North or South Korea, Korean waters, and the air over North and South Korea or over Korean waters.

(c) *Conditions for award.* (1) The The Korean Service Medal is awarded for participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a combat or service unit, other than one within the Korean Theater, which has been designated by the Commander, Far East Air Forces, as having directly supported the military operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Forces who exerted a distinct and contributory effort to the military operations in the Korean Theater.

(2) The service prescribed must have been performed while:

(i) On permanent assignment; or

(ii) On temporary duty with a designated unit or headquarters for 30 consecutive days or 60 nonconsecutive days; or

(iii) In actual combat against the enemy: In this case, the individual must have been awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(d) *Award of service stars.* Service stars are awarded to members of designated combat or service units in combat, or units assigned to the command of the Far East Air Forces, or on temporary duty with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned or attached to and present for duty with a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and, in addition, was awarded a combat decoration, or was furnished a certificate by a commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; commander of an Air Force group, comparable or higher unit, or independent force, stating that he actually participated in combat or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor) or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be given credit for the time spent in confinement, or while otherwise in restraint under enemy control.

(e) *Award of arrowhead.* An arrowhead is awarded to members of designated combat or service units in combat, units assigned to the command of the Far East Air Forces, or units on temporary duty with the Army Ground Forces who have participated in an airborne or amphibious assault within the territorial limits of Korea.

§ 878.68 Air Force Longevity Service Award Ribbon.

The Air Force Longevity Service Award was established by Department of the Air Force General Orders No. 60, November 25, 1957.

(a) *Description.* The Air Force Longevity Service Award consists of an ultramarine blue service ribbon divided by four equal stripes of turquoise blue. There is no medal authorized for this award.

(b) *Requirements for award.* (1) Basis of Eligibility: Eligibility for award of the Air Force Longevity Service Award is based upon honorable active Federal military service with any branch of the United States Armed Forces.

(2) Who is eligible:

(i) All members of the Air Force on active duty.

(ii) All members of the Reserve components not on active duty with the Air Force who meet the criteria in subparagraph (3) of this paragraph.

(iii) All retired personnel who are carried on the Air Force retired lists.

(3) *Award criteria*—(i) *Basic award.* An aggregate of 4 years of honorable active Federal military service with any branch of the United States Armed Forces.

(ii) *Subsequent awards.* A bronze oak-leaf cluster for each additional 4 years of honorable active Federal military service. A silver oak-leaf cluster is worn in lieu of five bronze clusters. The oak-leaf clusters mentioned herein are identical to the clusters used to denote additional awards of the same military decoration (see §§ 878.1 to 878.16). Although oak-leaf clusters are issued in two sizes (large and small) only the small clusters will be worn on the Air Force Longevity Service Award Ribbon.

NOTE: The Air Force Longevity Service Award Ribbon replaces the Federal Service Stripes optionally worn by enlisted personnel.

§ 878.69 Armed Forces Reserve Medal.

The Armed Forces Reserve Medal was established by Executive Order 10163, September 25, 1950, as amended by Executive Order 10439, March 19, 1953.

(a) *Description.* The Armed Forces Reserve Medal is a metal disk 1¼ inches in diameter. The obverse (same for all services) is a flaming torch in front of a crossed powder horn and bugle within a circle composed of 13 stars and 13 rays. The reverse of the medal (Air Force) is the American eagle symbolizing the United States and its air power centered within the inscription "Armed Forces Reserve," placed around and near the outer rim. The medal is suspended by a ring from a silk ribbon which is buff bordered with blue and buff stripes, and the center section of buff is intersected by a blue line followed by blue and buff stripes.

(b) *Requirements for award.* The Armed Forces Reserve Medal is awarded to members or former members of the Reserve components of the Armed Forces of the United States who complete or have completed a total of 10 years of honorable and satisfactory service as defined in P.L. 810, 80th Congress, Army and Air Force Vitalization and Retirement Equalization Act of 1948. The 10 years of service need not be consecutive, provided that such service was performed within a period of 12 consecutive years. For the purpose of this award, service as a member of a Reserve component will include those Reserve components which are enumerated in title III, section 306(c), P.L. 810, 80th Congress, as follows:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps prior to enactment of P.L. 460, 80th Congress, approved March 25, 1948.

(6) The Organized Reserve Corps.

(7) The Army of the United States without component.

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve, and the Marine Corps Reserve Forces, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (officer or enlisted sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(c) *Creditable service.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section may be credited toward award of the Armed Forces Reserve Medal until July 1, 1949. For service performed on or after July 1, 1949, members must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in section 302(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1087; 10 U.S.C. 1332), except that those persons in the Army of the United States or Air Force of the United States must compute time as follows:

(1) Active or inactive service prior to July 1, 1948, is creditable for those Army of the United States or Air Force of the United States officers appointed under the Act of September 22, 1941 (55 Stat. 728). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service prior to July 1, 1949, will be creditable for those Army of the United States or Air Force of the United States Officers appointed under section 127a, National Defense Act, or section 515(e), Officer Personnel Act of 1947 (61 Stat. 906; 10 U.S.C. 8444).

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the Act of September 22, 1941 unless otherwise indicated in the official records.

(d) *Service not creditable.* (1) General: Service in the following may not be credited:

(i) Inactive National Guard.

(ii) Inactive Air National Guard.

(iii) Nonfederally recognized status in the National Guard or Air National Guard.

(iv) Inactive Reserve Section or Honorary Reserve Section of the Officers' Reserve Corps.

(v) Inactive Section or Honorary Section of the Air Force Reserve.

(vi) Honorary Retired List of the Naval and Marine Corps Reserve.

(vii) Inactive status list of the Standby Reserve.

(viii) Retired Reserve.

(ix) Women's Army Auxiliary Corps.

(2) Regular Service: Service as a Regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal, Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded, will not be credited toward award of the Armed Forces Reserve Medal, except that service in a Reserve component which is concurrent, in whole or in part, with service in a Regular component of the Armed Forces will not be considered a break in the necessary service period of 12 consecutive years (see paragraph (b) of this section).

(3) Attendance at aviation cadet training schools considered regular service: For the purpose of §§ 878.41 to 878.80, periods of attendance at aviation cadet training schools (for those persons appointed "aviation cadets") are considered Regular service.

(e) *Hour-glass device.* One hour-glass device, with a Roman numeral "X" superimposed, may be worn on the suspension and service ribbon of the Armed Forces Reserve Medal to denote service for each additional 10-year period of service under the same conditions as prescribed for award of the basic medal. Section 878.79 describes the device and explains how it is worn.

§ 878.70 United Nations Service Medal.

The United Nations Service Medal was established by the United Nations General Assembly Resolution 483(V), December 12, 1950. The President accepted for the United States Armed Forces.

(a) *Description.* The United Nations Service Medal is a metal disk 1¼ inches in diameter. On the obverse is the emblem of the United Nations. On the reverse is the inscription "For Service in Defense of The Principles of the Charter of The United Nations." The medal is suspended from a silk ribbon consisting of 17 stripes, nine of United Nations blue and eight of white, alternating, each stripe 0.08-inch in width. A bar bearing the word "Korea" constitutes a part of the suspension of the medal from the ribbon.

(b) *Requirements for award.* (1) Qualifications: Personnel must be: (i) Members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater; or

(ii) Other personnel dispatched to Korea or adjacent areas as members of para-military and quasi-military units designated by the United States Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported the military operations in that area.

NOTE: Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

(2) Service: The service must have been performed between June 27, 1950, and July 27, 1954, inclusive, under any of the following conditions:

(i) While on permanent assignment to any designated combat or service unit; or

(ii) While attached to any designated combat or service unit for a period of 30 days, consecutive or nonconsecutive; or

(iii) While in active combat against the enemy under conditions other than those prescribed in paragraphs (a) and (b) of this section, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(c) *Persons ineligible for award.* Personnel of the United Nations, its specialized agencies, or of any government service other than as prescribed in paragraph (b) of this section, and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea, will not be eligible for the award of the United Nations Service Medal.

§ 878.71 Philippine Defense Ribbon.

The Philippine Defense Ribbon was established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* The Philippine Defense Ribbon consists of a red ribbon divided by wide white bands and centering three white stars which form a triangle. The single star is worn uppermost.

(b) *Requirements for award.* The Philippine Defense Ribbon is awarded for combat service in the defense of the Philippines from December 8, 1941, to June 15, 1942, if the individual:

(1) Was a member of the Bataan or Manila Bay forces, or of a unit, ship, or airplane under enemy attack; or

(2) Was assigned or stationed in Philippine territory or in Philippine waters for at least 30 days during the period cited above.

(c) *Bronze service star.* A person who meets both conditions set forth in paragraph (b) of this section is authorized to wear a bronze service star on the ribbon.

§ 878.72 Philippine Liberation Ribbon.

The Philippine Liberation Ribbon was established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* The Philippine Liberation Ribbon consists of a red ribbon with equal stripes of blue and white in the center. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* The Philippine Liberation Ribbon is awarded for participation in the liberation of the Philippines from October 17, 1944 to September 3, 1945, if the individual meets any of the following conditions:

(1) Participated in the initial landing operations on Leyte or adjoining islands from October 17, 1944 to October 20, 1944. A person will be considered as having participated in such operations if he landed on Leyte or adjoining islands, was on a ship in Philippine waters, or was a crew member of an airplane which flew over Philippine territory during the period.

(2) Participated in any engagement against the enemy during the campaign on Leyte and adjoining islands. A person will be considered as having participated in such operations if he was a member of and present with a unit actually under enemy fire or air attack; served on a ship which was under enemy fire or air attack; or was a crew member in an airplane which was under enemy aerial or ground fire.

(3) Served in the Philippine Islands or on ships in Philippine waters for not less than 30 days during the period cited in paragraph (b) of this section.

(c) *Bronze service star.* Persons who meet more than one of the conditions set forth in paragraph (b) of this section are authorized to wear a bronze service star on the ribbon for each additional condition under which they qualify.

§ 878.73 Philippine Independence Ribbon.

The Philippine Independence Ribbon was established by General Orders 383, Army Headquarters, Commonwealth of the Philippines, 1946.

(a) *Description.* The Philippine Independence Ribbon consists of a predominantly blue ribbon edged with yellow stripes and bearing red, white, and red stripes, in the order named, in the center.

(b) *Requirements for award.* The Philippine Independence Ribbon is awarded to personnel who are recipients of both the Philippine Defense and Philippine Liberation ribbons.

NOTE: Personnel who were awarded the Philippine Independence Ribbon in accordance with the criteria formerly announced in §§ 878.41 to 878.73 may continue to wear the award notwithstanding the change in requirement stated in paragraph (b) of this section.

§ 878.74 Service medal ribbons.

A service medal ribbon is a service ribbon identical in color with the suspension ribbon of the service medal it represents, attached to a bar 1⅜ inches long and ⅜ inch wide, equipped with (or without) an attaching device. The appropriate service ribbon is issued with each service medal described in §§ 878.57 to 878.70.

§ 878.75 Clasps.

Clasps are authorized for wear on the Good Conduct Medal, American Defense Service Medal, and Army of Occupation Medal.

(a) *Good Conduct Medal clasp.* The clasp is a bar ⅛ inch in width and 1⅜ inches in length, of bronze, silver, or gold, with loops, indicative of subsequent awards. It is worn on both the service ribbon and suspension ribbon of the medal itself. Clasps authorized for successive periods of service are as follows:

Successive periods of service:	Type of clasp
2d	bronze, 2 loops.
3d	bronze, 3 loops.
4th	bronze, 4 loops.
5th	bronze, 5 loops.
6th	silver, 1 loop.
7th	silver, 2 loops.
8th	silver, 3 loops.
9th	silver, 4 loops.
10th	silver, 5 loops.
11th	gold, 1 loop.
12th	gold, 2 loops.
13th	gold, 3 loops.
14th	gold, 4 loops.
15th	gold, 5 loops.

(b) *American Defense Service Medal clasp.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length, bearing the words "Foreign Service." It is worn only on the suspension ribbon of the medal. A bronze service star is worn on the service ribbon to denote award of the foreign service clasp.

(c) *Army of Occupation Medal Clasp.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length, bearing the word "Germany" or "Japan," and is awarded to differentiate service in the various occupation areas during World War II.

(1) Areas represented by clasps:

(i) Germany clasp: Represents service with the United States occupation forces in Germany, Italy, or Austria.

(ii) Japan clasp: Represents service with the United States occupation forces in Japan or Korea.

(2) How worn: The clasp is worn only on the suspension ribbon of the Army of Occupation Medal. There is no device worn on the service ribbon to denote possession of the clasp. For wear of the Berlin Airlift Device, see § 878.78.

§ 878.76 Service stars.

The service star is a bronze or silver five-pointed star 3/16 inch in diameter. It is worn:

(a) On the service ribbon of the American Defense Service Medal to denote possession of the Foreign Service Clasp.

(b) On the service and suspension ribbons of the American Campaign, Asiatic-Pacific Campaign, European-African-Middle Eastern Campaign, and Korean Service Medals to denote battle participation credit. A silver service star is worn in lieu of five bronze service stars.

(c) On the Philippine Defense and Liberation Ribbons to denote additional honors.

§ 878.77 Arrowheads.

(a) *Description and requirements for award.* The arrowhead, a bronze replica of an Indian arrowhead, ¼ inch in height and ⅛ inch in width, is awarded to denote participation in a combat parachute jump, combat glider landing, or amphibious assault landing. The combat glider landing or parachute jump must have been made as an assigned or attached member of an organized force carrying out an assigned tactical mission. (An emergency combat parachute jump into enemy-held territory does not constitute eligibility for award of the arrowhead.) Units entitled to this award are designated in general orders.

(b) *How worn.* The arrowhead is worn on both the service and suspension ribbons of the Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and the Korean Service Medal, point up, in a vertical position to the wearer's right of all service stars. Only one arrowhead will be worn on any one service or suspension ribbon, regardless of the number of times a person becomes eligible for the device.

§ 878.78 Berlin Airlift Device.

The Berlin Airlift Device is a gold-colored metal miniature of a C–54 aircraft of 3/8-inch wing span, other dimensions proportionate. It is worn on both the service and suspension ribbons of the Army of Occupation Medal, with the nose of the aircraft pointed upward at a 30° angle and toward the wearer's right shoulder.

§ 878.79 Hour-glass device.

This device is an hour-glass with a Roman numeral "X" superimposed thereon, of bronze, 5/16 inch in height. It is worn centered on both the service and suspension ribbons of the Armed Forces Reserve Medal.

§ 878.80 Lapel buttons.

The authorized lapel buttons are listed in paragraphs (a) to (c) of this section. They may be worn only with civilian clothes.

(a) *Good Conduct Medal, American Defense Service Medal, and Women's Army Corps Service Medal lapel buttons.* These lapel buttons are 21/32 inch in width and ⅛ inch in length and are in colored enamel, being a reproduction of the service ribbon.

(b) *World War II Honorable Service Lapel Button.* The World War II Honorable Service Lapel Button is of gold-colored metal, bearing an eagle on a ring around 13 stripes, and is awarded for honorable Federal military service between September 8, 1939 and December 31, 1946.

(c) *Air Force lapel button.* The Air Force lapel button consists of the winged Air Force star in gold--and silver-colored metal. All members of the Air Force on active duty; members of the Reserve components, including members of the Air Force Reserve Officers' Training Corps; and personnel carried on Air Force retired lists are entitled to wear this lapel button.

R. J. PUGH,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 60-8798; Filed, Sept. 21, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13689; FCC 60-1090]

PART 3—RADIO BROADCAST SERVICES

Single Level for Allowable Noise and Hum in Standard Broadcast Transmitters

1. The Commission has under consideration its proposal in the notice of proposed rule making (FCC 60-885) issued on July 22, 1960, to amend § 3.40 (a)(6) of its rules and regulations to read as follows:

(6) The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 45 decibels below 100 percent modulation for the frequency band of 30 to 20,000 cycles.

2. The time for filing comments in this proceeding was specified as August 22, 1960, and the time for filing reply comments was specified as September 1, 1960. No comments opposing the proposal were filed.[1]

3. The proposal would minimize the need for complex measuring equipment; would provide for measurement procedures which are more in keeping with presently acceptable practice; and would insure acceptable transmitter performance. We believe the proposed amendment would serve the public interest.

4. Authority for the adoption of the amendment herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered,* That, effective October 21, 1960, Part 3 of the rules and regulations is amended as follows:

§ 3.40 Transmitter; design, construction, and safety of life requirements.

(a) *Design.* • • •

(6) The carrier hum and extraneous noise, (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 45 decibels below 100 percent

[1] Crosley Broadcasting Company on September 12, 1960, filed a comment suggesting that the rule require a 50 db attenuation of noise and hum for existing transmitters and 60 db for new transmitters. No supporting data is supplied with the proposal. We are considering this late comment but are of the view that the proposal contained therein should be rejected on its merits. Since the old rule was in effect for a number of years and measurements for type acceptance of these transmitters were not made for the wider band in the proposed rule (30 to 20,000 cycles), we do not know how many of the existing transmitters could comply with the 50 db requirement. Nor do we believe the increased attenuation is necessary. While the proposal would make the standard broadcast requirement as severe as the FM and aural TV requirements, the standard broadcast band does not have the noise rejection quality of FM. In view of the noise level of the standard broadcast band and the quality of the average receiver we believe the 45 db requirement in the rule adopted to be sufficient.

modulation for the frequency band of 30 to 20,000 cycles.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Adopted: September 15, 1960.

Released: September 19, 1960

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8835; Filed, Sept. 21, 1960; 8:50 a.m.]

[FCC 60-1093]

PART 13—COMMERCIAL RADIO OPERATORS

Special Provisions; Radiotelegraph First Class

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of September, 1960:

The Commission having under consideration section 13.12 of its Commercial Radio Operator Rules, relating to the age and experience required of applicants for the radiotelegraph first-class operator license; and

It appearing, that the requirement as now phrased requires, "an aggregate of one year of satisfactory service as a radiotelegraph operator manipulating the key of a manually operated radiotelegraph station on board a ship or in a manually operated radiotelegraph coast station"; and

It further appearing, that § 13.12 is intended to implement Article 24, section IV, 17(3), and Article 35, section IV, 6, of the International Radio Regulations (Atlantic City, 1947); and

It further appearing, that the cited International Radio Regulations, and § 13.12 of the Commission's rules, were intended to require, and have consistently been interpreted to require, one year's experience in a ship or coast station which is open to public correspondence; and

It further appearing, that § 13.12 should be clarified in this respect to avoid any misunderstanding on the part of applicants; and

It further appearing, that the amendment adopted herein merely formalizes the Commission's consistently adhered to prior interpretation of the International Radio Regulations and § 13.12, that it is thus an interpretative rule, and hence that compliance within the provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303 (l) and (r) of the Communications Act of 1934, as amended;

It is ordered, Effective October 17, 1960, that § 13.12 of the Commission's rules is amended to read as follows:

§ 13.12 Special provisions, radiotelegraph first class.

An applicant for a radiotelegraph first-class operator license must be at least 21 years of age at the time the license is issued and shall have had an aggregate of one year of satisfactory service as an operator manipulating the key of a manually operated public ship or coast station handling public correspondence by radiotelegraphy.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U.S.C. 303)

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8836; Filed, Sept. 21, 1960; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-329]

PART 170—COMMERCIAL ZONES

Davenport, Iowa, Rock Island and Moline, Ill.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 8th day of September, A.D. 1960.

It appearing, that on September 3, 1948, the Commission, division 5, made and filed its report on further consideration in this proceeding, 48 M.C.C. 678, and an order redefining the limits of the zone adjacent to and commercially a part of Davenport, Iowa, Rock Island and Moline, Ill.;

It further appearing, that a petition of John Deere & Co., Dohrn Transfer Co., Western Transportation Company, Rock Island Transfer & Storage Co., Watson Bros. Transportation Co., Inc., Knox Motor Service, Inc., Poole Transfer, Inc., H. & W. Express Company, Central Transfer Company, Motor Cargo, Inc., Carstensen Freight Lines, Inc., Burlington Truck Lines, Inc., General Expressways, Inc., Knaus Truck Lines, Inc., Chicago-Tri-Cities Motor Freight, Inc., Merchants Motor Freight, Inc., Rock Island Motor Transit Company, Milburn, Inc., and Lee Transportation Company, seek reopening for the purpose of redefining the limits of said zone;

It further appearing, that an informal conference has been held at Moline, Ill., on July 29, 1959, wherein petitioners and others presented their view and arguments in support of the relief sought in said petition;

It further appearing, that a notice of proposed rule making affecting the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone limits was published in the FEDERAL REGISTER on November 25, 1959. (24 F.R. 9483);

And it further appearing, that section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality or between contiguous municipalities, or within a zone adjacent to and commercially a part of such municipality are under consideration; and good cause appearing therefor:

It is ordered, That said proceeding be, and it is hereby reopened for further consideration.

It is further ordered, That § 170.10, as prescribed in the order entered in this proceeding on September 3, 1948 (49 CFR 170.10) be, and it is hereby, vacated and set aside, and the following is hereby substituted in lieu thereof:

§ 170.10 Davenport, Iowa; Rock Island and Moline, Ill.

For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zones adjacent to and commercially a part of Davenport, Iowa, Rock Island and Moline, Ill., in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such municipalities or zones, will be partially exempt from regulation under section 203(b)(8) of the act are hereby determined to be coextensive and to include and to be comprised of the following:

(a) All points within the corporate limits of the City of Davenport and the City of Bettendorf, and in Davenport Township, Iowa;

(b) All points north of Davenport Township within that portion of Sheridan Township, Iowa, bounded by a line as follows: Beginning at the point somewhat south and east of Mt. Joy Airport where an unnumbered highway extending northeasterly to the site of Mt. Joy Airport crosses the northern boundary of Davenport Township, and extending northwesterly along such highway to the southeasterly corner of such Airport, thence along the eastern, northern and western boundaries of said Airport to the southwestern corner thereof, and thence south in a straight line to the northern boundary of Davenport Township;

(c)(1) That part of Iowa lying west of the municipal limits of Davenport, south of Iowa Highway 22, north of the Mississippi River and east of the present western boundary of the properties of the Dewey Portland Cement Co., at Linwood, including points on such boundaries, and (2) that part of Iowa east of the municipal limits of Bettendorf, south of U.S. Highway 67, west of a private road running between U.S. Highway 67 and Riverside Power Plant of the Iowa-Illinois Gas & Electric Co., and north of the Mississippi River, including points on such boundaries.

(d) The municipalities of Carbon Cliff, Silvis, East Moline, Moline, Rock Island, and Milan, Ill., and that part of Illinois lying south or east of such municipalities, within a line as follows: Beginning at a point where Illinois Highway 84 crosses the southern municipal limits of Carbon Cliff and extending southerly along such highway to its junction with Colona Road, thence westerly along Colona Road to Bowlesburg Road, thence southerly on Bowlesburg Road to the southern boundary of Hampton Township, thence along the southern boundaries of Hampton and South Moline Townships to U.S. Highway 150, thence southerly along U.S. Highway 150 to the southern boundary of the Moline Airport, thence along the southern and western boundaries of the Moline Airport to Illinois Highway 92, and thence westerly along Illinois Highway 92 to the corporate limits of Milan; and

(5) All points in Illinois within ½ mile on each side of Rock Island County State Aid Route No. 9 extending southwesterly from the corporate limits of Milan for a distance of one mile including points on such highway.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective October 28, 1960, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-8825; Filed, Sept. 21, 1960; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Camas National Wildlife Refuge, Idaho

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

Hunting of big game on the Camas National Wildlife Refuge, Idaho, is permissible only under the following conditions:

(a) Species permitted to be taken: Antelope.

(b) Open season: From one hour before sunrise to one hour after sunset September 23 through September 25, 1960.

(c) Bag limits: As prescribed by State regulation (one antelope per season).

(d) Methods of hunting:

1. Weapons: Must be in accordance with current Idaho Fish and Game regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 4,100 acres and 40 percent of the total refuge and which is described as follows: All lands of the Camas National Wildlife Refuge lying north of the headquarters entrance road and that portion south of the entrance road that is located west of Camas Creek.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) Camping: No camping will be permitted on the area.

(4) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(5) The provisions of this special regulation are effective September 23 through September 25, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8812; Filed, Sept. 21, 1960; 8:47 a.m.]

PART 32—HUNTING

Fort Peck Game Range, Montana

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

MONTANA

FORT PECK GAME RANGE

Hunting of big game on the Fort Peck Game Range, Montana, is permissible only under the following conditions:

(a) Species permitted to be taken: Deer and elk.

(b) Open season: Elk—October 22 through November 6, 1960. Deer—October 2 through November 20, 1960 (north of Missouri River). Deer—October 16 through November 20, 1960 (south of Missouri River).

(c) Bag Limits: Deer—2 per season. Elk—1 per season.

(d) Methods of hunting:

(1) Weapons: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 900,000 acres and 85 percent of the total refuge and which is described as follows:

Deer—All refuge lands except the following:

1. Administrative site near mouth of Sipary Ann Creek.

2. That portion in Valley County east of road of Duck Creek Recreation Area.

3. Refuge lands in McCone County lying between the outlet tunnel and spillway of the Fort Peck Dam.

4. Two-Calf Bighorn Sheep Enclosure in Secs. 7, 8, 9, 16, 17, 18, 19, 20, T. 22 N., R. 23 E., M.P.M.

Elk—That portion of State Hunting Unit 62 east of Fourchette Creek and north of Missouri River and all of State Hunting Unit 63.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area. State permit required for elk hunt.

(3) Checking stations: Hunters will report at such checking stations as may be established when entering or leaving area.

(4) The provisions of this special regulation are effective October 2, 1960 through November 20, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8813; Filed, Sept. 21, 1960; 8:47 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oregon

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Hunting of big game on the Hart Mountain National Antelope Refuge is permissible only under the following conditions:

(a) Species permitted to be taken: deer.

(b) Open season: September 24–25, 1960.

(c) Bag Limits: One deer per season.

(d) Method of hunting: 1. Weapons: As prescribed by State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 100,000 acres and 42 percent of the total refuge and which is described as follows:

The hunting area is bounded on the west by the west refuge boundary, on the north by the north refuge boundary, thence south along the east boundary to Rock Creek, thence bounded by Rock Creek on the south and east to within one-half mile of refuge headquarters, thence from one-half mile south of refuge headquarters bounded on the east by the main refuge road southerly to Section 27, T. 35 S., R. 26 E., thence east to the east boundary, thence south along the east boundary to the military road, thence southeasterly to the main refuge road, thence southerly to the south boundary, thence west along the south boundary to the west boundary. Areas within a radius of one-half mile of refuge headquarters, within a radius of one-half mile of the CCC Camp, and the entire area within the bighorn sheep pen shall be closed to hunting.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) Guides may be employed for hunting on the area.

(4) Camping: Camping will be permitted in designated area only.

(5) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(6) The provisions of this special regulation are effective September 20, 1960 through September 25, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1960.

[F.R. Doc. 60-8814; Filed, Sept. 21, 1960; 8:47 a.m.]

PART 32—HUNTING

Sheldon National Antelope Range, Nevada

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEVADA

SHELDON NATIONAL ANTELOPE RANGE

Hunting of big game on the Sheldon National Antelope Range, Nevada, is permissible only under the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 8 through November 13, 1960.

(c) Bag limits: One deer per season.

(d) Methods of hunting: 1. Weapons: must be in accordance with State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 365,580 acres and 66 percent of the total refuge and which is described as follows:

That part of the Sheldon Antelope Range lying south of State Highways 8A and 34A, except posted areas around the Dufurrena, McGee and Thousand Creek Ranches.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) Camping: Camping will be permitted in designated area only.

(4) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(5) The provisions of this special regulation are effective October 8 through November 13, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8815; Filed, Sept. 21, 1960; 8:47 a.m.]

PART 33—SPORT FISHING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Sport fishing on the Deer Flat National Wildlife Refuge, Idaho is permissible only under the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: September 20 through December 31, 1960, except that waterfowl hunting area will be closed during waterfowl hunting season.

(c) Daily creel limits: As prescribed by current State of Idaho Fish and Game regulations.

(d) Methods of fishing:

1. Tackle: As prescribed by State regulations.

2. Boats: Boats with motors may be used for fishing as follows: On lower 2/3 of lake from September 20 through September 30, 1960.

Boats without motors may be used on lower 2/3 of lake from September 20 through December 31, 1960.

No boats permitted on upper 1/3 of lake from September 20 through December 31, 1960.

Air-thrust boats prohibited.

(e) Description of Areas open to fishing: Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 9,500 acres and 84% of the total refuge and which is described as follows: All waters except shoreline fishing from point on West line, Sec. 16, T. 3 N., R. 3 W. to Gott's Point. Above shoreline closed except Upper Embankment.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) Launching sites: Boats may be launched at designated launching sites only.

(4) The provisions of this special regulation are effective September 20 through December 31, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8807; Filed, Sept. 21, 1960; 8:46 a.m.]

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge, Montana

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ninepipe National Wildlife Refuge, Montana is permissible only under the following conditions:

(a) Species permitted to be taken: all species.

(b) Open season: September 20, 1960, through May 20, 1961, except during migratory waterfowl hunting season.

(c) Daily creel limits: As prescribed by current regulations of Montana Fish and Game Department.

(d) Methods of fishing:

1. Tackle: As prescribed by State regulations.

2. Boats: Boats are not permitted on the refuge.

(e) Description of Areas open to fishing: Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 1,200 acres and 59 percent of the total refuge and which is described as follows: North shore from South end of Ninepipe Dam to South end of Allentown Bridge, Hiway 93, September 20, 1960 through May 20, 1961, except during waterfowl hunting season. Balance of shoreline from September 20, 1960 through February 28, 1961, except during waterfowl hunting season.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960 through May 20, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 14, 1960.

[F.R. Doc. 60-8808; Filed, Sept. 21, 1960; 8:46 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Montana

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Sport fishing on the Pablo National Wildlife Refuge, Montana, is permissible only under the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: September 20, 1960, through February 28, 1961, except closed through waterfowl hunting season. Fishing hours 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing:

1. Tackle: As prescribed by current regulations of Montana Fish and Game Department.

2. Boats: Boats will not be permitted for fishing on the refuge.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 1,900 acres and 77 percent of the total refuge and which is described as follows: All waters of the refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960, through February 28, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8809; Filed, Sept. 21, 1960; 8:47 a.m.]

PART 33—SPORT FISHING

Red Rock Lakes Migratory Waterfowl Refuge, Montana

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES MIGRATORY WATERFOWL REFUGE

Sport fishing on the Red Rock Lakes Migratory Waterfowl Refuge, Montana, is permissible only under the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: September 20, 1960, through November 30, 1960.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing.

1. Tackle: As prescribed by State regulations.

2. Boats: Boats without motors may be used for fishing.

(e) Description of Areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 25 acres and —1 percent of the total refuge and which is described as follows:

All waters of the refuge except Upper and Lower Red Rock Lakes, Swan Lake, Red Rock River between Upper and Lower Red Rock Lakes and all waters within 100 yards of above listed areas. Above listed areas and Red Rock Creek above Upper Red Rock Lake within the refuge closed entire year.

(f) Other provisions.

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3 Camping: Camping will be permitted in designated area only.

(4) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(5 The provisions of this special regulation are effective September 20 through November 30, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8810; Filed, Sept. 21, 1960; 8:47 a.m.]

PART 33—SPORT FISHING

Stillwater Wildlife Management Area, Nevada

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

STILLWATER WILDLIFE MANAGEMENT AREA

Sport fishing on the Stillwater Wildlife Management Area, Nevada is permissible only under the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: September 20 through December 31, 1960.

(c) Daily creel limits: As prescribed by current regulations of Nevada Fish and Game Commission.

(d) Methods of fishing:

1. Tackle: As prescribed by State regulations.

2. Boats: Boats with motors up to 10 hp may be used for fishing.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 1,700 acres and 7 percent of the total refuge and which is described as follows: Stillwater Point Reservoir.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 20, 1960, through December 31, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8811; Filed, Sept. 21, 1960; 8:47 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBPART F—AID TO FISHERIES

PART 256—FISHING VESSEL CONSTRUCTION

Differential Subsidy Procedures

On page 7538 of the FEDERAL REGISTER of August 10, 1960, there was published a notice and text of a proposed new part, Part 166, Title 50, Code of Federal Regulations. Part 166 now has been changed to Part 256 in keeping with the format of the revised edition of 50 CFR—Wildlife, published in the FEDERAL REGISTER of September 1, 1960. The purpose of the new part is to issue regulations governing the payment of fishing vessel construction differential subsidies.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed new part. No comments, suggestions or objections have been received, and the proposed new part is hereby adopted with only an editorial change in the language of § 256.4 to provide more flexibility in the submission of detailed plans for the vessel proposed to be constructed. This new part shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Part 256 reads as follows:

Sec.

256.1 Basis and purpose.
256.2 Definitions.
256.3 Eligibility requirements.
256.4 Applicants.
256.5 Subsidy contract.
256.6 Inspection of vessels.
256.7 Payment of subsidy.

AUTHORITY: §§ 256.1 to 256.7 issued under sec. 10, Pub. Law 86-516.

§ 256.1 Basis and purpose.

(a) The Act of June 12, 1960 (P.L. 86-516), authorizes the Secretary of

the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States.

(b) The purpose of this part is to prescribe rules and regulations governing the payment of these subsidies.

§ 256.2 Definitions.

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* The Maritime Administrator in the Department of Commerce or his authorized representative.

(c) *Person.* Individual, association, partnership, or corporation, any one or all as the context requires.

(d) *Fishery.* A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish or shellfish. To be considered as operating in a fishery the catch of such species during the calendar year must amount to at least fifty-one percent (51%) (in the aggregate by ex-vessel weight) of the total catch of the vessel.

§ 256.3 Eligibility requirements.

(a) Injury or threat of injury due to increased imports. Applicants for a subsidy for a vessel to be operated in a fishery which does not qualify under section 4(1) of the Act or which has not been previously found to be injured or threatened with injury by reason of increased imports must present evidence of injury or threat of injury by reason of increased imports. Upon receipt of such evidence, the Secretary will announce by notice in the FEDERAL REGISTER and by notice in writing by registered mail to parties of record, that factual data may be filed in support of or opposition to, such a finding during the succeeding 30 days. All data filed will be considered, along with such information as may be developed by the Secretary's staff or staffs of other Government agencies and a finding announced by the Secretary. This finding will remain in effect until the Secretary shall announce that he has reason to believe the injury has been remedied or the threat of injury removed. Interested parties will then have 30 days to submit data, after which the Secretary will determine whether or not the injury or threat of injury remains. Injury or threat of injury may be determined, without excluding other factors, by downward trend of production, employment, prices, profits, or wages in the domestic fishery concerned, or a decline in sales, an increase in imports, either actual or relative, a higher or growing inventory, or a decline in the proportion of the domestic market supplied by the domestic fishery concerned.

(b) Aid in the development of the United States fisheries. For a vessel to aid in the development of the United States fisheries under conditions that the Secretary considers to be in the public interest, the vessel must be a modern vessel which will tend to upgrade the fleet and, unless of completely new and advanced design, shall not operate in a fishery which the Secretary deems to have sufficient vessels to economically harvest either the maximum sustained yield of the fishery or the maximum amount which can be marketed in an orderly manner.

§ 256.4 Applications.

Applications for a subsidy shall be made on forms prescribed by the Secretary and shall be filed with the Director, Bureau of Commercial Fisheries, Washington, D.C. The applications must be accompanied by three copies of the cross section, outboard profile, and specifications of the proposed vessel. The Secretary may require such additional complete detailed construction plans as may be necessary after a review of the application and accompanying plans and specifications.

§ 256.5 Subsidy contract.

(a) A contract for the payment of the subsidy will take effect when all contracts between the applicant for such subsidy and the shipbuilder, who is to construct such vessel, have been approved by the Administrator and the subsidy contract has been signed by the Secretary and the applicant; and

(b) The contract shall contain a formula for the computation of the amount of the subsidy that shall be repaid to the Secretary in the event the vessel is operated in any fishery other than the particular fishery for which it was designed as defined in § 256.2(d).

§ 256.6 Inspection of vessels.

The Secretary or the Administrator shall have access at all times to all vessels which are being constructed under a contract providing for a construction subsidy provided for by the Act.

§ 256.7 Payment of subsidy.

The subsidy will be paid to the applicant after the vessel is completed and evidence of full payment to the shipyard constructing the vessel is presented; or jointly to the applicant and the shipyard upon completion and delivery of the vessel.

FRED G. AANDAHL,
Acting Secretary of the Interior.

SEPTEMBER 16, 1960.

[F.R. Doc. 60-8816; Filed, Sept. 21, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Food and Drug Research Laboratories, Inc., Maurice Avenue and Fifty-eighth Street, Maspeth, New York, proposing the issuance of a regulation to permit the safe use of polyethylene for food packaging.

Dated: September 14, 1960.

[SEAL] WINTON B. RANKIN,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-8822; Filed, Sept. 21, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 71, 76, 81]

ANIMALS AND POULTRY

Restriction of Interstate Movement Because of Contagious, Infectious, and Communicable Diseases

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to provisions of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120), it is proposed to amend the regulations in 9 CFR, Parts 71, 76, and 81, as amended, restricting the interstate movement of animals and poultry because of contagious, infectious, and communicable diseases, in the following respects:

1. Section 71.3 of Part 71 would be amended to read as follows:

§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.

(a) Animals or poultry affected with one of the following diseases, which are endemic to the United States: Bovine piroplasmosis or splenetic fever, scabies, hog cholera, acute swine erysipelis, tuberculosis, paratuberculosis, brucellosis, scrapie, blue tongue in sheep, anthrax, screwworms, psittacosis or ornithosis, Newcastle disease, or which are cattle fever tick infested, shall not be moved interstate.

(b) Animals or poultry affected with any of the following diseases, not known to exist in the United States: Foot-and-mouth disease, rinderpest, African swine fever, Teschen disease, contagious bovine pleuro-pneumonia, European fowl pest, dourine, vesicular exanthema, glanders, or other communicable foreign disease, shall not be moved interstate.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section: (1) Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis, or paratuberculosis, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of Subpart B of Part 78 of this subchapter in the case of brucellosis reactors and with the provisions of Part 80 of this subchapter in the case of paratuberculosis reactors; (2) cattle which have reacted to the tuberculin test, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of § 77.8 of this subchapter; and (3) the Director of the Animal Disease Eradication Division may authorize the interstate movement of animals or poultry affected with or exposed to a contagious, infectious, or communicable disease, under such conditions as he shall specify to prevent the dissemination of such disease, whenever he finds that such action will not endanger the livestock or poultry of the United States.

(d) Before offering cattle or other livestock or poultry for interstate transportation, transporting them interstate, or introducing them into any stockyards or upon routes of traffic for interstate transportation, all persons, companies or corporations are required to exercise reasonable diligence to ascertain that such animals or poultry are not affected with any contagious, infectious, or communicable disease, and have not been exposed to the contagion or infection of any such disease by contact with other animals or poultry so diseased or by location in pens, cars, or other vehicles, or upon premises that have contained animals or poultry so diseased.

2. Part 76 would be amended as follows:

a. The part heading would be changed to read: "Part 76—Hog Cholera and other Communicable Swine Diseases."

b. Section 76.1 of said regulations (9 CFR Part 76.1) would be amended by adding, before the period at the end thereof, the following phrase: "except as provided in § 71.3 of this chapter", and by deleting from the section the phrase "or swine plague".

3. The regulations relating to European fowl pest and similar poultry diseases (9 CFR Part 81) would be amended as follows:

a. The introductory heading would be amended by deleting the words "and Similar Poultry Diseases".

b. Section 81.1 would be amended by deleting the words "or other similar contagious poultry."

c. Section 81.2 would be ameded by deleting the words "or other similar contagious poultry disease."

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of September 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-8833; Filed, Sept. 21, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-47]

FEDERAL AIRWAYS, CONTROL AREAS, AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 67 extends form Yuma, Ariz., to Las Vegas, Nev. The Federal Aviation Agency is considering revocation of this airway. It is the policy of this Agency to revoke L/MF airways wherever adequte VOR airways are available, and it appears that the route from Yuma to Las Vagas is adequately served by VOR Federal airway No. 135. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows no aircraft movements between any two reporting points on Blue 67. Therefore, it appears the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 67 and its associated control areas from Yuma to Las Vagas. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Blue 67. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Concurrently with this action § 601.4667 relating to designated reporting points, associated with Blue 67, would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8801; Filed, Sept. 21, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-50]

FEDERAL AIRWAYS, CONTROL AREAS, AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 56 is designated from the intersection of the northwest course of the Red Bluff, Calif., radio range and the northwest course of the Whitmore, Calif., radio range (Delta, Calif., Intersection) to the Whitmore radio range station. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959 through June 30, 1960 shows no aircraft movements on Red 56. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 56 and its associated control areas, from the Delta, Calif., Intersection to the Whitmore radio range station. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Concurrently with this action, it would be necessary to revoke § 601.4256 relating to designated reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8802; Filed, Sept. 21, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 60-LA-42]

FEDERAL AIRWAYS, CONTROL AREAS, REPORTING POINTS AND RESTRICTED AREAS

Revocation of Federal Airway, Associated Control Area and Reporting Points; Modification of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600, 601, and § 608.39 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 71 is designated from the intersection of the east course of the El Paso, Tex., radio range and the southwest course of the Roswell, N. Mex., radio range via the Roswell radio range station; the intersection of the northeast course of the Roswell radio range and the west course of the Lubbock, Tex., radio range; to the Lubbock radio range station. The Federal Aviation Agency is considering revoking Red 71. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from El Paso to Lubbock is adequately served by VOR Federal airways No. 280 and 14. In addition, a Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of one aircraft movement between any two reporting points on this airway. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 71 and its associated control areas. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. It is also proposed to revoke the Roswell radio range station and the Lubbock radio range station as designated reporting points associated with Red 71.

Concurrently with the revocation of Red 71, it would be necessary to modify the McGregor, N. Mex., Restricted Area (R-211) by deleting reference to Red 71 in the description. This would not alter the size of the restricted area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8803; Filed, Sept. 21, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-66]

CONTROL AREAS

Revocation of Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Cross City, Florida, control area extension is presently designated within 5 miles either side of the 118° True radial of the Cross City VOR extending from the VOR to a point 20 miles southeast and within 5 miles either side of the 242° True radial of the Cross City VOR extending from the VOR to the eastern boundary of VOR Federal airway No. 97. The Federal Aviation Agency has under consideration revocation of the Cross City control area extension. This control area extension was designated for the protection of aircraft conducting the prescribed instrument approach procedures to Cross City Airport. The existing control area associated with the VOR Federal airways in the vicinity of the Cross City VOR provide adequate control area for air traffic management purposes. Therefore, retention of this control area extension as a duplicate assignment of airspace appears unjustified and the Federal Aviation Agency proposes revocation thereof.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8800; Filed, Sept. 21, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-217]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering designating VOR/VORTAC jet route No. 106 from Minneapolis, Minn., to Green Bay, Wis. Jet Route No. 106 would be designated from the Minneapolis VOR to the Green Bay VORTAC to provide an alternate routing for east bound traffic in conjunction with Jet Routes No. 38, 70, and 95 to New York, N.Y., and in conjunction with Jet Routes No. 16, 38, and 70 to Boston, Mass., in the event of unfavorable meteorological conditions or congested traffic existing in the Milwaukee area.

This proposed route would pass through the "Quick Time" high altitude refueling area; however, adequate separation between aircraft operating along the proposed route and military operations would be provided by routine air traffic management procedures. It is anticipated that the proposed route would be within radar coverage.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8799; Filed, Sept. 21, 1960; 8:45 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 11385]

BALAIR AG

Notice of Hearing

In the matter of the application of Balair AG for issuance of a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be heard on September 27, 1960, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., September 19, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8834; Filed, Sept. 21, 1960; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13515, 13517; FCC 60M-1557]

PIONEER BROADCASTING CO. (WOPI) AND CENTRAL BROADCASTING CO.

Order Continuing Hearing Conference

In re applications of Pioneer Broadcasting Corporation (WOPI), Bristol, Tennessee, Docket No. 13515, File No. BP-12262; Central Broadcasting Company, Valdese, North Carolina, Docket No. 13517, File No. BP-12650; for construction permits.

The Hearing Examiner having before him a Joint Motion for Continuance of pre-hearing conference in the above-entitled proceeding to October 18, 1960, filed by Pioneer Broadcasting Corporation and Central Broadcasting Company on September 14, 1960; and

It appearing that counsel for the Broadcast Bureau has consented to grant of the instant motion;

It is ordered, This 15th day of September 1960, that the Motion for Continuance is granted; and the pre-hearing conference now scheduled for September 15, 1960, is continued to October 18, 1960.

Released: September 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8837; Filed, Sept. 21, 1960; 8:51 a.m.]

[Docket No. 13743; FCC 60M-1558]

S & S BROADCASTING CO. (WTAQ)

Order Setting Prehearing Conference

In re application of S & S Broadcasting Co. (WTAQ) La Grange, Illinois, Docket No. 13743, File No. BP-12781; for construction permit.

It is ordered, This 15th day of September 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of section 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 2 p.m., October 3, 1960.

Released: September 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8838; Filed, Sept. 21, 1960; 8:51 a.m.]

[FCC 60-1092]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Miscellaneous Amendments

In the matter of amendment of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 15th of September 1960;

The Commission having under consideration sections 0.222, 0.224, and 0.231 of its Statement of Delegations, which delegate authority to the Motions Commissioner, Chief Hearing Examiner, and Hearing Examiners; and

It appearing that some uncertainty has developed under these sections as to the persons who should act upon pleadings related to pleadings which are to be acted upon by the Commission under section 0.222, and those which are to be acted upon by the Chief Hearing Examiner under section 0.224; and

It further appearing that pleadings related to pleadings which are to be acted upon by the Commission under section 0.222 should be acted upon by the Motions Commissioner, and that pleadings related to pleadings which are to be acted upon by the Chief Hearing Examiner under section 0.224 should be acted upon by the Chief Hearing Examiner; and

It further appearing that provisions defining the authority delegated to one or more Commissioners designated to preside in non-adjudicative proceedings should be separately and more explicitly stated; and

It further appearing that authority for these amendments is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to Commission organization and procedure and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary;

It is ordered, That, effective September 26, 1960, the Commission's Statement of Delegations is amended as set forth below.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. New section 0.218 is added:

SEC. 0.218 *Authority delegated to an individual commissioner or commissioners.* (a) One or more members of the Commission may be designated to preside at a hearing in a non-adjudicatory proceeding. The commissioner or commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceding is in hearing status, except the following, which shall be acted upon by the Commission:

(1) Those requesting final disposition of any case on its merits.

(2) Those having the nature of an appeal to the Commission en banc.

(3) Those changing the issues upon which the hearing was ordered.

(4) Those requesting change or modification of a final order made by the Commission.

(b) While the proceding is in hearing status, the commissioner or commissioners designated to preside at such a hearing shall act on all pleadings (such as motions for extension of time) which are related to pleadings to be acted upon by the Commission under paragraph (a)(1)-(4) of this section.

2. Section 0.222 is amended to read as follows:

SEC. 0.222 *Authority delegated.* (a)(1) In proceedings conducted by a hearing examiner under section 0.231 or by the Chief Hearing Examiner under section 0.224(a)(3), the Motions Commissioner will act upon all pleadings filed after issuance of an initial decision or after the record has been certified to the Commission for decision except for pleadings specified in paragraph (c) of this section.

(2) At all stages of such proceedings, the Motions Commissioner will act upon pleadings (such as motions for extension of time) which are related to pleadings to be acted upon by the Commission under paragraph (c) of this section.

(b)(1) In proceedings conducted by a commissioner or commissioners under section 0.218, the Motions Commissioner will act upon all pleadings filed after the record has been closed, except pleadings specified in paragraph (c) of this section, but including pleadings (such as motions for extension of time) which are related to pleadings specified in paragraph (c).

(2) In the absence of the commissioner or commissioners designated to preside at a hearing, or his or their inability to act, the Motions Commissioner will also act upon all pleadings which would have been acted upon by the commissioner or commissioners under section 0.218, had they been present and able to act.

(c) The following pleadings will be acted upon by the Commission:

(1) Those requesting final disposition of any case on its merits.

(2) Those having the nature of an appeal to the Commission en banc.

(3) Those requesting changes in the issues upon which the hearing was ordered.

(4) Those requesting change or modification of a final order made by the Commission.

3. Section 0.224(b) is amended by adding a new subparagraph (9) as follows:

SEC. 0.224 *Authority delegated.* • • •

(b) • • •

(9) All pleadings (such as motions for extension of time) which are related to pleadings to be acted upon by the Chief Hearing Examiner.

4. Section 0.231 is amended by adding a new paragraph (f) as follows:

SEC. 0.231 *Authority delegated.* • • •

(f) Those which are to be acted upon by the Motions Commissioner under section 0.222 (a)(2).

[F.R. Doc. 60-8839; Filed, Sept. 21, 1960; 8:51 a.m.]

[FCC 60-1091]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Reconsideration With Regard to Action Taken Under Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of September 1960;

The Commission having under consideration section 0.202 of its Statement of Delegations of Authority pertaining to reconsideration of action taken pursuant to delegated authority; and

It appearing that in some instances facts which indicate that a sanction imposed under delegated authority should be set aside have come to the Commission's attention more than 30 days after imposition of the sanction; and

It further appearing that prompt remedial action by the member of the staff who imposed that sanction should be authorized in such circumstances; and

It further appearing that the amendment adopted herein pertains to a matter of Commission procedure, and hence that compliance with the public notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective September 26, 1960, section 0.202 is amended by adding a new paragraph (c) as follows:

SEC. 0.202 *Reconsideration with regard to action taken under delegation of authority.*

(c) Within 60 days after notice of any sanction imposed under any delegation of authority has been served on the person affected, either the Commission or the person who imposed that sanction may set it aside on its own motion.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8840; Filed, Sept. 21, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13831 etc.]

PAUL F. BARNHART ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 14, 1960.

Paul F. Barnhart, et al., Docket No. G-13831; Southwestern Exploration Consultants, Inc., Operator, et al., Docket No. G-14413; M. J. Mitchell, Docket No. G-15422; Brushy Fork Development Company, Docket No. G-16290; W. H. Sharp, Operator, et al., Docket No. G-16352; W. R. Weaver, Docket No. G-17178; W. R. Weaver, Docket No. G-17186; W. M. Lyle, et al., Docket No. G-17627; Grace Marjorie Moran Parrish, et al., Docket No. G-17952; Schermerhorn Oil Corporation, Docket No. G-18087; C. J. Warren, Docket No. G-18277; Victor Salazar, Docket No. G-18281; Raymond Oil Company, Inc., Operator, et al., Docket No. G-18283; Humble Oil & Refining Company, Docket No. G-18547; O. V. Stonestreet, et al., Dooket No. G-18632; Gulf Oil Corporation, Docket No. G-18643; H. K. Riddle, Docket No. G-18655; M. J. Florance, et al., Docket No. G-18719; Midwest Oil Corporation, Docket No. G-18736; Elliott Production Company, Docket No. G-18742; Prairie Petroleum, Inc., Operator, et al., Docket No. G-18793; Richard E. Haas, Operator, et al., Docket No. G-18810; Robert J. Sipoha d/b/a Eastern Interior Oil Company, Docket No. G-18811; Hanley Company, Operator, et al., Docket No. G-18813; Charles A. Hinton, Operator, et al., Docket No. G-18815; Roger Milliken, et al., Docket No. G-18817; The Atlantic Refining Company, Docket No. G-18837; Ridgway Management, Inc., Docket No. G-18864; Glen L. Haught, et al., d/b/a Pell Oil & Gas Company, Docket No. G-18871; Calto Oil Company, et al., Docket No. G-18876; Sun Oil Company, Docket No. G-18909; Humble Oil & Refining Company, Docket No. G-18924; Jay J. Harris, Docket No. G-18932; Gulf Oil Corporation, Docket No. G-18976; BTA Oil Producers, Docket No. G-18981; Lincoln Gas Company, Docket No. G-19038; Carl G. Hine, Docket No. G-19046;

Humble Oil & Refining Company (formerly Carter Oil Company), Docket No. G-19048; Skinner Corporation, Operator, et al., Docket No. G-19054; The Range Company, Docket No. G-19059; BTA Oil Producers, Docket No. G-19069; Ralph T. Folwell, et al. d/b/a Folwell Associates, Docket No. G-19100; The Russ Company, Inc., et al., Docket No. G-19101; Philip Lemon, et al., Docket No. G-19102; W. H. Mossor, et al., d/b/a Wellings Oil & Gas Company, Docket No. G-19105; William G. Webb, Docket No. G-19109; Benson-Montin-Greer Drilling Corporation, Docket No. G-19110; Texaco Inc., Docket No. G-19121; Smith Gas Company, Docket No. G-19131; J. Glenn Turner, Docket No. G-19145; John L. Cox, Docket No. G-19149; Oley Yeager, Docket No. G-19179; Olympic Oil Company, Docket No. G-19180; Stekoll Petroleum Corporation, Docket No. G-19184; Western Development Company of Delaware, Docket No. G-19187; J. M. Huber Corporation, Docket No. G-19201; M. H. Dees, Docket No. G-19207; Elvis Roberts, Docket No. G-19208; O. V. Stonestreet, Docket No. G-19219; BTA Oil Producers, Docket No. G-19280; J. E. Connally d/b/a Connally Oil Company, Docket No. G-19288; Excelsior Oil Corporation, Docket No. G-19291; McCall Drilling Company, Inc., Docket No. G-19309; W. J. Riley, Docket No. G-19311; J. P. Owen, Operator, et al., Docket No. G-19313; Humble Oil & Refining Company, Docket No. G-19316; Lario Oil & Gas Company, Docket No. G-19346; Olympic Oil Company, Operator, et al., Docket No. G-19352; Graham-Michaelis Drilling Company, et al., Docket No. G-19356; Jocelyn-Varn Oil Company, Operator, et al., Docket No. G-19358; Walter H. Gant, Operator, et al., Docket No. G-19359; Mike Abraham, Docket No. G-19373; Skelly Oil Company, Docket No. G-19374; Continental Oil Company, Docket No. G-19396; Olsen Oils, Inc., Docket No. G-19444; Olsen Oils, Inc., Docket No. G-19445; Olsen Oils, Inc., Docket No. G-19446; Olsen Oils, Inc., Docket No. G-19447; Frank Yockey, et al, Docket No. G-19456;

Olsen Oils, Inc., Docket No. G-19470; Olsen Oils, Inc., Docket No. G-19471; Olsen Oils, Inc., Docket No. G-19501; Olsen Oils, Inc., Docket No. G-19507; Olsen Oils, Inc., Docket No. G-19513; A. K. Barbour, Docket No. G-19518; Olsen Oils, Inc., Docket No. G-19519; Olsen Oils, Inc., Docket No. G-19520; Plymouth Oil Company, Docket No. G-19525; Colorado Oil and Gas Corporation,

Docket No. G–19562; St. Clair Oil Company, Docket No. G–19566; Shell Oil Company, Docket No. G–19573; Sun Oil Company, Docket No. G–19574; Don W. Hardman, et al., d/b/a J. W. Parks Gas Company, Docket No. G–19576; Humble Oil & Refining Company (formerly Carter Oil Company), Docket No. G–19597; O. L. Garretson, Docket No. G–19598; J. F. Deem, Docket No. G–19599; Bert Fields, et al., Docket No. G–19601; Slick Oil Corporation, Operator, et al., Docket No. G–19602; John Allen and J. E. Harris, Docket No. G–19615; N. B. Hunt, et al., Docket No. G–19674; Union Oil and Gas Transmission Corporation, Docket No. G–19678; E. G. Rodman, Operator, et al., Docket No. G–19681; Time Petroleum Company, Operator, et al., G–19692; The TXL Oil Corporation, Docket No. G–19696; Perryville Company, Docket No. G–19706; Phillips Petroleum Corporation, Docket No. G–19714; Nell L. Carpenter, Docket No. G–19715; Arkansas Fuel Oil Corporation, Operator, et al., Docket No. G–19716; The Shamrock Oil and Gas Corporation, Docket No. G–19720; Fred Kiger, Docket No. G–19785; W. T. McGlothlin, et al., d/b/a Board Lease, Docket No. G–19786; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G–19842; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G–19843; Sinclair Oil & Gas Company, Docket No. G–19961; D. S. Marsalis, Agent, et al., Docket No. G–19967; D. S. Marsalis, Agent, et al., Docket No. G–19968; Rockland Oil Company, Docket No. G–19977; Richards Oil & Gas Company, Docket No. G–19978; Pierce Oil & Gas Company, Docket No. G–19979;

M. P. Gilbert, Docket No. G–20022; C. F. Martin, Inc., Docket No. G–20053; Sinclair Oil & Gas Company, Docket No. G–20057; Union Oil Company of California, Agent, et al., Docket No. G–20129; Shallow Oil Company, Inc., Operator, et al., Docket No. G–20131; Texaco Inc., Docket No. G–20132; The Ohio Oil Company, Docket No. G–20133; Ferrell L. Prior, et al., Docket No. G–20134; Guyan Gas Company, Docket No. G–20135; Texaco Inc., Docket No. G–20137; Forest Oil Corporation, Docket No. G–20141; Skinner Corporation, Operator, et al., Docket No. G–20144; L. B. Nichols, Jr., et al., Docket No. G–20145; Sinclair Oil & Gas Company, et al., Docket No. G–20146; Grant G. Fowler and Charles D. Fowler, Docket No. G–20149; Ballie Gas Company, Docket No. G–20150; Three States Natural Gas Company, Docket No. G–20154; Leonard Fowler, et al., Docket No. G–20167; Stonestreet Lands Company, et al., Docket No. G–20168; Stonestreet Lands Company, et al., Docket No. G–20169; John W. Mowry, et al., Docket No. G–20170; Francis E. Cain, et al., Docket No. G–20171; Hassie Hunt Trust, Operator, et al., Docket No. G–20172; Alleghany Land and Mineral Company, Docket No. G–20173; Arkansas Fuel Oil Corporation, Docket No. G–20220; Herman Brown, Docket No. G–20223; W. P. Carr, et al., Docket No. G–20229; Plains Exploration Company, Operator, et al., Docket No. G–20235; Plains Exploration Company, et al., Docket No. G–20236; Jocelyn-Varn Oil Company, Docket No. G–20240; Wm. T. Burton Industries, Inc., Docket No. G–20243; Ambassador Oil Corporation, Operator, et al., Docket No. G–20244; Fleeger Drilling, Inc., Docket No. G–20245; Messman-Rinehardt Oil Company, Operator, et al., Docket No. G–20247; Consolidated Oil & Gas, Inc., Docket No. G–20248; Socony Mobil Oil Company, Inc., Docket No. G–20252; Sinclair Oil & Gas Company, Docket No. G–20297; Hogue Oil & Gas Company, Docket No. G–20310; Phillips Petroleum Company, Docket No. G–20314; J. Wes Johnson d/b/a Tower Oil & Gas Company of Texas, Docket No. G–20334;

Bankers Trust Company, Trustee, Docket No. G–20369; H. L. Moses, Docket No. G–20370; Wm. L. Hernstadt, Docket No. G–20373; E. A. Culbertson and Wallace W. Irwin, Docket No. G–20375; Lucy Moses, Docket No. G–20378; Wm. T. Burton Industries, Inc., Docket No. G–20379; Socony Mobil Oil Company, Inc., Docket No. G–20484; Richard M. Finder d/b/a Texkan Oil Company, Operator, et al., Docket No. G–20487; Washington Natural Gas Company, et al., Docket No. G–20488; George W. Miller, et al., Docket No. G–20489; H. L. Hunt, et al., Docket No. G–20490; Smith & Barker Oil & Gas Company, Inc., Docket No. G–20494; W. T. McGlothlin, et al. d/b/a Anna Goff Lease, Docket No. G–20496; W. H. Mossor, et al. d/b/a Maddox Oil and Gas Company, Docket No. G–20497; Noranda Oil Corporation, Docket No. G–20499; Allen Gas Company, Docket No. G–20500; Gulf Oil Corporation, Docket No. G–20502; T. J. Ahern, Operator, et al., Docket No. G–20504; Smith & Barker Oil & Gas Company, Inc. et al., Docket No. G–20505; George B. Mertz, et al., Docket No. G–20506; El Paso Natural Gas Products Company, Docket No. G–20585; J. E. Connally, et al., Docket No. G–20590; Sinclair Oil & Gas Company, Docket No. G–20597; Midhurst Oil Corporation, Docket No. G–20600; Midhurst Oil Corporation, Docket No. G–20601; John E. Kirkpatrick d/b/a Kirkpatrick Oil Company, Operator, et al., Docket No. CI60–2; Cosden Petroleum Corporation, Docket No. CI60–51; Texas Gas Exploration Corporation, Docket No. CI60–76; John J. August, Docket No. CI60–78; Fairman Drilling Company, Docket No. CI60–83; Fairman Drilling Company, Docket No. CI60–91; Edna W. Merrion Trust Nos. 1, 2 and 3, Docket No. CI60–100; Audie Stout No. 1, Docket No. CI60–119; Spiker Oil & Gas Company, Docket No. CI60–136; Merle Oil & Gas Company, Docket No. CI60–137; Republic Natural Gas Company, Docket No. CI60–252; Texas Pacific Coal and Oil Company, Operator, et al., Docket No. CI60–278; Sinclair Oil & Gas Company, Docket No. CI60–317; Amtexas Oil Corporation, Docket No. CI60–448; Pan American Petroleum Corporation, Docket No. CI60–476;

Valley Gas Transmission, Inc., Docket No. CI60–542; Sunray Mid-Continent Oil Company, Docket No. CI60–543; Robert Mosbacher, Docket No. CI60–544; F. G. Kingsley, et al., Docket No. CI60–545; Jefferson Lake Sulphur Company, Operator, Docket No. CI60–546; Gust Tsesmilis, Docket No. CI60–547; C. C. Winn, Docket No. CI60–548; G. M. McGarr, Operator, Docket No. CI60–549; Cosden Petroleum Corporation, Docket No. CI60–550; Rhodes & Hicks Drilling Corporation, Operator, Docket No. CI60–551; Skinner Corporation, et al., Docket No. CI60–552; McCarrick, Gouger & Mitchell, et al., Docket No. CI60–553; Christie, Mitchell and Mitchell Company, Operator, et al., Docket No. CI60–554; Pan American Petroleum Corporation, Docket No. CI60–555; Frank B. Waters, Operator, et al., Docket No. CI60–556; Estate of J. P. Petkas, Operator, et al., Docket No. CI60–635; Continental Oil Company, Docket No. CI60–819; Olin Gas Transmission Corporation, Docket No. CP60–109.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos.; Field and Location; Purchaser; and Price Per Mcf

G–13831; Spraberry Trend, Upton County, Tex.; El Paso Natural Gas Co.; 11.1056 cents at 14.65 psia.

G–14413; Southeast Braman, Kay County, Okla.; Consolidated Gas Utilities Corp.; 10.0 cents at 14.65 psia.

G–15422; Singleton, Bee County, Tex.; Texas Eastern Transmission Corp.; Predecessor's authorized rate.

G–16290; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 20.0 cents at 15.325 psia.

G–16352; North Mt. Hope, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 7.0 cents at 16.4 psia.

G–17178; Angel Peak (Gallup), San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–17186; Angel Peak (Dakota), San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–17627; Allison, Sutton County, Tex.; El Paso Natural Gas Co.; 10.5 cents at 14.65 psia.

G–17952; Blinebry and Tubbs Gas Pools, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 psia.

G–18087; Jal Mat, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.5010688 cents at 14.65 psia.

G–18277; Canyon Largo (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–18281; Canyon Largo (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–18283; West Kutz, San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.001125 cents at 15.025 psia.

G–18547; Chacahoula, LaFourche Parish, La.; United Gas Pipe Line Co.; 23.55 cents at 15.025 psia.

G–18632; Smithfield District, Boone County, W. Va.; Hope Natural Gas Co.; 22.0 cents at 15.325 psia.

G–18643; Witcher Pool, Oklahoma County, Okla.; Champlin Oil & Refining Co.; 7.0 cents at 14.65 psia.

G–18655; Acreage in (Pictured Cliffs), San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–18719; South Blanco (Pictured Cliffs), San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–18736; San Salvador, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 12.12268 cents at 14.65 psia.

G–18742; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–18793; Bijou, Morgan County, Colo.; Goodrich-Roggen Joint Venture; 12.0 cents at 15.025 psia.

G–18810; Orange Grove Area, Jim Wells County, Tex.; Orange Grove Gas Gathering Co.; 11.0 cents at 14.65 psia.

G–18811; Tygart District, Wood County, W. Va.; Hope Natural Gas Co.; 22.0 cents at 15.325 psia.

G–18813; South Andrews, Andrews County, Tex.; El Paso Natural Gas Co.; 8.0 cents at 14.65 psia.

G–18815; John C. Robbins, Rusk County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

G–18817; Refugio-Fox, Refugio County, Tex.; United Gas Pipe Line Co.; 14.0 cents at 14.7 psia.

G–18837; Terryville, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

G–18864; Maxie-Pistol Ridge, Forrest, Lamar and Pearl River Counties, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.

G–18871; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–18876; Acreage in Wise County, Tex.; Natural Gas Pipe Line Co. of America; 13.1248 cents at 14.65 psia.

G–18909; S. E. Boyd, Beaver County, Okla.; Natural Gas Pipe Line Co. of America; 16.0 cents at 14.65 psia.

G–18924; N.W. Orange Grove, Jim Wells County, Tex.; Orange Grove Gas Gathering Co.; 10.75 cents at 14.65 psia.

G–18932; Ballard (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–18976; South Forgan, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

G–18981; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–19038; Butler District, Wayne County, W. Va.; United Fuel Gas Co.; 22.0 cents at 15.325 psia.

G–19046; Pictured Cliffs, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19048; Locust Ridge, Tensas Parish, La.; Tensas Gas Gathering Corp.; 14.5 cents at 15.025 psia.

G–19054, Cabeza Creek Area, Gallad, Dewitt and Karnes Counties, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.

G–19059; E. Blackwell, Kay County, Okla.; Cities Service Gas Co.; predecessor's authorized rate.

G–19069; S. Andrews Devonian, Andrews County, Tex.; El Paso Natural Gas Co.; 8.0 cents at 14.65 psia.

G–19100; Painter District, Pleasants County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19101; Pine Creek Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19102; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19105; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19109; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–19110; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–19121; Midland, Acadia Parish, La.; United Fuel Gas Co.; 19.10 cents at 15.025 psia.

G–19131; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19146; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–19149; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–19179; Carrol District, Lincoln County, W. Va.; South Penn Natural Gas Co.; 14.0 cents at 15.325 psia.

G–19180; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19184; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–19187; Blinebry Pool, Lea County, N. Mex.; Permian Basin Pipeline Co.; 10.7688 cents at 15.025 psia.

G–19201; Acreage in Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G–19207; Pistol Ridge, Forrest County, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.

G–19208; San Juan, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19219; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–19280; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–19288; Spraberry Trend, Reagan and Midland Counties, Tex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–19291; Hugoton, Kearny County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 psia.

G–19309; Freedman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.

G–19311; Spartan, San Patricio County, Tex.; W. J. Riley d/b/a Banquete Gas Co.; 9.0 cents at 14.65 psia.

G–19313; Duson, Lafayette Parish, La.; United Fuel Gas Co.; 19.5 cents at 15.025 psia.

G–19316; N. Lindrith (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19346; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G–19352; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19356; Hansford, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–19358; E. Kremlin Pool, Garfield County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.

G–19359; Acreage in Grayson County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 psia.

G–19373; Pictured Cliffs, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–19374; Lerado, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.

G–19396; Cherokee Lake Area, Rusk and Gregg Counties, Tex.; Texas Eastern Transmission Corporation; 12.493725 cents at 14.65 psia.

G–19444; Langlie-Mattix and Rhodes, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessors authorized rate.

G–19445; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19446; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19447; Langlie-Mattix and S. Leonard, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19456; San Juan (Pictured Cliffs), San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–19470; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19471; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19501; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19507; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19513; Hankamer, Liberty County, Tex.; Texas Eastern Transmission Corp.; predecessor's authorized rate.

G–19518; Brimhall Pool, San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–19519; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Co.; predecessor's authorized rate.

G–19520; Jalmat, Blinebry, Tubbs and Justis, Lea County, N. Mex.; El Paso Natural Gas Co.; 10.5 cents (subject to refund).

G–19525; Papalote Area, Bee County, Tex.; Coastal States Gas Producing Company and Southern Coast Corp.; 10.0 cents at 14.65 psia.

G–19562; Denton, Lea County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–19566; Hacker's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–19573; Bayou Chauvin, Terrebonne Parish, La.; United Gas Pipe Line Co.; 23.55 cents at 15.025 psia.

G–19574; Montegut, LaFourche and Terrebonne Parishes, La.; Southern Natural Gas Co.; 23.55 cents at 15.025 psia.

G–19576; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19597; Mt. Sinai, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 12.55433 cents at 15.025 psia.

G–19598; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19599; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19601; Emperor Deep (Yates), Winkler County, Tex.; West Texas Gathering Co.; 10.5 cents at 14.65 psia.

G–19602; Sterling Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.994 cents at 15.025 psia.

G–19615; Brushy Creek, Magoffin and Floyd Counties, Ky.; United Fuel Gas Co.; 22.0 cents at 15.325 psia.

G–19674; Acreage in Nolan County, Tex.; Westlake Natural Gasoline Company and Renown Corp.; 5.5 cents at 14.65 psia.

G–19678; Longwood, Caddo Parish, La.; Arkansas Louisiana Gas Co.; 11.3 cents at 15.025 psia.

G–19681; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 psia.

G–19692; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19696; Pegasus, Midland and Upton Counties, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–19706; Malden District, Kanawha County, W. Va.; United Fuel Gas Co.; 20.0 cents at 15.325 psia.

G–19714; Jeanerette St. Mary Parish, La.; United Gas Pipe Line Co.; 22.8 cents at 15.025 psia.

G–19715; El Campo West, Wharton County, Tex.; Transcontinental Gas Pipe Line Corp.; 8.32731 cents at 14.65 psia.

G–19716; Willow Springs, Gregg County, Tex.; Texas Eastern Transmission Corp.; 14.3 cents at 14.65 psia.

G–19720; Panhandle Area, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

G–19785; DeKalb District, Gilmer County, W. Va.; South Penn Natural Gas Co.; 12.0 cents and 15.0 cents at 15.325 psia.

G–19786; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–19842; Blanco, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19843; Blanco, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–19961; Springer, Montgomery County, Tex.; United Gas Pipe Line Co.; 15.192 cents at 14.65 psia.

G–19967; Hansford Morrow, Hansford County, Tex.; Northern Natural Gas Co.; 15.5 cents at 14.65 psia.

G–19968; Hansford Morrow, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–19977; Asphaltum, Jefferson County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

G–19978; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–19979; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–20022; Otis, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 14.0 cents at 16.4 psia.

G–20053; Pistol Ridge, Forrest County, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.

G–20057; Laverne, Beaver County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.

G–20129; Lake Trammel, Nolan County, Tex.; West Lake Natural Gasoline Co. and Renown Corp.; 5.5 cents at 14.65 psia.

G–20131; West Gueydan, Vermillion Parish, La.; United Fuel Gas Co.; 19.1 cents at 15.025 psia.

G–20132; Surveyor Creek, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.82 cents at 15.025 psia.

G–20133; S.E. Boyd Area, Beaver County, Okla.; Natural Gas Pipe Line Co. of America; 16.0 cents at 14.65 psia.

G–20134; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20135; Clearfork District, Wyoming County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20137; E. Plymouth, San Patricio County, Tex.; W. J. Riley d/b/a Banquete Gas Co.; 7.089 cents at 14.65 psia.

G–20141; San Miguel Creek, McMullen County, Tex.; Transcontinental Gas Pipe Line Corp.; 14.189 cents at 14.65 psia.

G–20144; Craig Area, McMullen County, Tex.; Transcontinental Gas Pipe Line Corp.; 13.5 cents at 14.65 psia.

G–20145; W. Panhandle, Hutchinson County, Tex.; Frank C. Henderson Trust No. 2 and Elizabeth Henderson Trust No. 2; 11.0 cents at 14.65 psia.

G–20146; San Miguel Creek, McMullen County, Tex.; Transcontinental Gas Pipe Line Corp.; 14.189 cents at 14.65 psia.

G–20149; Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20150; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20154; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–20167; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20168; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20169; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20170; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20171; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20172; Sugar Creek Area, Claiborne and Lincoln Parishes, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

G–20173; Acreage in Lewis, Gilmer, Braxton, Doddridge, and Ritchie Counties, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–20220; S. Cottonwood Creek, Dewitt County, Tex.; Texas Eastern Transmission Corp.; 10.31424 cents at 14.65 psia.

G–20223; Headlee, Ector County, Tex.; El Paso Natural Gas Co.; 10.123 cents at 14.65 psia.

G–20229; Bondad (Mesa Verde), La Plata County, Colo.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–20235; Ruby, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 10.0 cents at 16.4 psia.

G–20236; Surveyor Creek, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 14.0 cents at 14.6 psia.

G–20240; Acreage in Nolan County, Tex.; West Lake Natural Gasoline Co. and Renown Corp.; 5.5 cents at 14.65 psia.

G–20243; Lake Palourde, St. Martin, and St. Mary Parishes, La.; Texas Gas Transmission Corp.; 21.75 cents at 15.025 psia.

G–20244; S. W. Tatlock, Edwards County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

G–20245; Blanco, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–20247; Laredo Pool, Reno County, Kans.; Panhandle Eastern Pipe Line Co.; 13.0 cents at 14.65 psia.

G–20248; Blanco (Mesa Verde), San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–20252; Bethany, Panola County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

G–20297; Lake Arthur, Jefferson Davis Parish, La.; Transcontinental Gas Pipe Line Corp.; 23.3 cents at 15.025 psia.

G–20310; Clay District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

G–20314; E. Noelke, Crockett County, Tex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 psia.

G–20334; Acreage in Upton County, Tex.; El Paso Natural Gas Co.; 11.1056 cents at 14.65 psia.

G–20369; Amacker-Tippett, Upton County, Tex.; El Paso Natural Gas Co.; 7.0 cents and 9.5 cents at 14.65 psia.

G–20370; Amacker-Tippett, Upton County, Tex.; El Paso Natural Gas Co.; 7.0 cents and 9.5 cents at 14.65 psia.

G–20373; Amacker-Tippett, Upton County, Tex.; El Paso Natural Gas Co.; 7.0 cents and 9.5 cents at 14.65 psia.

G–20375; Crosby-Devonian, Lea County, N. Mex.; El Paso Natural Gas Co.; 10.5 cents at 14.65 psia.

G–20378; Amacker-Tippett, Upton County, Tex.; El Paso Natural Gas Co.; 7.0 cents and 9.5 cents at 14.65 psia.

G–20379; S. W. Ester, Vermillion Parish, La.; Trunkline Gas Co.; 23.8 cents at 15.025 psia.

G–20484; Cooper Jal, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 psia.

G–20487; N. Laward, Jackson County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

G–20488; Buckhannon District, Upshur County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20489; Sinking Creek District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20490; Hico-Knowles, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

G–20494; Laurel Creek District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20496; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20497; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20499; N. Laward, Jackson County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

G–20500; Acreage in Pike County, Ky.; United Fuel Gas Co.; 22.0 cents at 15.325 psia.

G–20502; Biyou, Morgan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 15.025 psia.

G–20504; N. Laward, Jackson County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

G–20505; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20506; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20585; Nena Lucia, Nolan County, Tex.; West Lake Natural Gasoline Co. and Renown Corp.; 5.5 cents at 14.65 psia.

G–20590; Spraberry Trend, Upton County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

G–20597; Gyp Hill, Brooks County, Tex.; Tennessee Gas Transmission Co.; 14.0 cents at 14.65 psia.

G–20600; Jack Herbert, Upton County, Tex.; El Paso Natural Gas Co. and Hunt Oil Co.; 7.0945 cents at 14.65 psia.

G–20601; Jack Herbert, Upton County, Tex.; El Paso Natural Gas Co. and Hunt Oil Co.; 9.5 cents at 14.65 psia.

CI60–2; Velma, Stephens County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

CI63–51; Willrode, Upton County, Tex.; El Paso Natural Gas Co. and Hunt Oil Co.; 7.0 cents at 14.65 psia.

CI60–76; Chacahoula, LaFourche Parish, La.; Texas Gas Transmission Corp.; 21.75 cents at 15.025 psia.

CI60–78; Spraberry Trend, Glasscock County, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

CI60–83; Boone Mountain, Clearfield County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.

CI60–91; Luthersburg-Deemer, Jefferson County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.

CI60–100; Canyon Largo (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI60–119; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–136; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–137; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI60–252; Oklahoma Panhandle, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.

CI60–278; Azalea, Midland County, Tex.; Phillips Petroleum Co.; 13.1 cents at 14.65 psia.

CI60–317; S.E. Salt Fork, Grant County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.

CI60–448; Cleveland, Lipscomb County, Tex.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI60–476; Crawar, Crane County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI60–542; Gas purchased from various producers in Live Oak County, Tex.; United Gas Pipe Line Co.; 18.0 cents at 14.65 psia.

CI60–543; Ramirena, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–544; Ramirena, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–545; Ramirena, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–546; Ramirena N. W. and C. A. Winn, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–547; Ramirena, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–548; Ramirena, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–549; C. A. Winn, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–550; McNell, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–551; Paisano Creek, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–552; Fort Merrill, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–553; Fort Merrill, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–554; Hinnant, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–555; S. Oakville, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–556; Ramirena, Live Oak County, Tex.; Valley Gas Transmission, Inc.; 14.0 cents at 14.65 psia.

CI60–635; Alligator Bayou, Chambers County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

CI60–819; Crawar, Crane County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CP60–109; Alligator Bayou, Chambers County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 4, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 120 (b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–8746; Filed, Sept. 21, 1960; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

Notice of Tentative Decision on Application for Prior Approval of Acquisition by a Bank Holding Company of Voting Shares of a Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, Northwest Bancorporation, Minneapolis, Minnesota, has applied for the Board's prior approval of the acquisition of 80 percent or more of the 1,500 outstanding voting shares of The First National Bank of Pipestone, Pipestone, Minnesota. Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement[1] of this date, which is attached hereto and made a part hereof, and which is available for inspection at the Office of the Board's Secretary, at all Federal Reserve Banks, and at the Office of the Federal Register.

The record in this proceeding to date consists of the application, the Board's letter to the Comptroller of the Currency inviting his views and recommendations on the application, the reply of the Comptroller of the Currency, this Notice of Tentative Decision, and the Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to deny the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments upon or objections to the Board's proposed action. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 15th day of September 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60–8805; Filed, Sept. 21, 1960; 8:46 a.m.]

[1] Filed as part of the original document.

OTTO BREMER CO.

Notice of Request for Determination and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by Otto Bremer Company, St. Paul, Minn., a bank holding company, for a determination by said Board that the proposed activities of the proposed Western State Credit Corporation, Marshall, Minn., are of the kind described in the aforementioned sections of the Act and the Regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing.

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on October 12, 1960, at 10:00 a.m., at the offices of the Federal Reserve Bank of Minneapolis, Minneapolis, Minnesota, before a duly selected hearing officer, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing officer to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before October 3, 1960, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing officer for his determination. Persons submitting timely requests will be notified of the hearing officer's decision.

Dated at Washington, D.C., this 16th day of September 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 60-8806; Filed, Sept. 21, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B-1077]

PEARSON CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 16, 1960.

I. Pearson Corporation, a Rhode Island corporation with its principal office at 1 Constitution Street, Bristol, Rhode Island, filed with the Commission on March 30, 1959, a notification on Form 1-A and an offering circular relating to an offering of 175,000 shares of its common stock, $.25 par value, purportedly at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. No exemption was available under Regulation A for the securities purported to be offered thereunder, that the terms and conditions of the regulation have not been complied with, and that the offering circular and other material used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The statement in the offering circular that the public offering price was $1.00 per share, in that there was a failure to disclose the method of offering whereby the stock was offered to the public at higher and undetermined prices by the principal underwriter and by persons purchasing from the principal underwriter with a view to distribution and who in fact did so distribute the stock, and the failure to disclose the profit of such persons.

2. The offering of securities, purportedly under said notification and Regulation, when the aggregate public offering price of said securities and the aggregate gross proceeds actually received from their sale to the public exceeded $300,000.

3. The dissemination of materially misleading information concerning the termination of the public offering.

B. The said offering did operate as a fraud and deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Pearson Corporation and to any persons having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8819; Filed, Sept. 21, 1960; 8:48 a.m.]

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

SEPTEMBER 16, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 19, 1960 to September 28, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8818; Filed, Sept. 21, 1960; 8:48 a.m.]

TARIFF COMMISSION

[7-93]

ULTRAMARINE BLUES

Notice of Investigation and Date of Hearing

Having found in the course of investigation No. 3-9 under section 3 of the Trade Agreements Extension Act of 1951, as amended (25 F.R. 4779), that an increase in duty or additional import restriction on the articles described below is required to avoid serious injury to the domestic industry producing like or directly competitive articles, the United States Tariff Commission, in accordance with section 3(b)(1) of the said Act, instituted an investigation on the 16th day of September 1960, pursuant to section 7 of the said Act, for the purpose of determining whether such articles are, as a result, in whole or in part, of the customs treatment reflecting the concession granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Imported articles covered by the investigation. The imported articles covered by this investigation are ultramarine blue and wash and all other blues containing ultramarine, provided for in paragraph 68 of the Tariff Act of 1930.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m. e.s.t., on January 17, 1961, in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Issued: September 19, 1960.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-8830; Filed, Sept. 21, 1960; 8:50 a.m.]

TARIFF CLASSIFICATION STUDY

SEPTEMBER 16, 1960.

The final report of the United States Tariff Commission on the Tariff Classification Study will be released on November 15, 1960. This study was undertaken by the Commission pursuant to section 101 of the Customs Simplification Act of 1954 and the final report will be submitted to the President and to the Chairman of the Committee on Finance of the Senate and of the Committee on Ways and Means of the House.

The final report consists of ten volumes and is now in the process of being reproduced. After the aforementioned release date, the report will be available for purchase, in sets or individual volumes, from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., or may be inspected without charge at the offices of the Tariff Commission in Washington, D.C., and in New York, N.Y. As soon as the prices are known, purchase order forms will be made available to interested persons.

The Tariff Commission will have available for distribution to each interested person who has participated in the tariff study a copy of the volume which contains general explanatory notes with respect to the proposed revised United States tariff schedules. This volume also contains an outline of the proposed schedules, describes the principal benefits to be derived from their adoption, and treats with methods for making them effective.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-8821; Filed, Sept. 21, 1960; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 294]

NEW JERSEY

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of New Jersey;

Whereas, the Small Business Administration has investigated and has received reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Atlantic, Cape May and Ocean (wind, rain, flood and tide occurring on or about September 12, 1960).

Office: Small Business Administration, Jefferson Building, Rooms 1500-1515, 1015 Chestnut Street, Philadelphia 7, Pa.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1961.

Dated: September 12, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-8820; Filed, Sept. 21, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 382]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 19, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63420. By order of September 14, 1960, The Transfer Board approved the transfer to Cecil E. Alto and Robert A. Alto, a partnership, doing business as Alto Bros. Trucking, Eureka, Calif., of Certificate in No. MC 113466, issued August 12, 1952, to H. J. Fehely, Arcata, Calif., authorizing the transportation of: Logs, lumber, piling, poles, posts, and wooden shingles, between points in Siskiyou, Shasta, Tehama, Trinity, Humboldt, and Del Norte Counties, Calif., and Klamath, Jackson, Josephine, Curry, Coos, and Douglas Counties, Oreg., but without authority to transport shipments between points in Jackson County, Oreg., on the one hand, and, on the other, points in Siskiyou County, Calif., on and west of U.S. Highway 99. Earle V. White, 2130 SW. Fifth Avenue, Portland, Oreg., for applicants.

No. MC-FC 63455. By order of September 14, 1960, The Transfer Board approved the transfer to Fullerton Transfer and Storage Limited, Inc., Youngstown, Ohio, of Certificate in No. MC 71305, issued August 24, 1959, to Carole F. Mills, doing business as Fullerton Transfer & Storage Company, Youngstown, Ohio, authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Youngstown, Ohio, on the one hand, and, on the other, specified points in Pennsylvania, and household goods, between Youngstown, Ohio, and points within 25 miles of Youngstown, on the one hand, and, on the other, points in Pennsylvania. John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, for applicants.

No. MC-FC 63550. By order of September 15, 1960, The Transfer Board approved the transfer to Max L. Asbury, Detroit, Mich., of that portion of Certificate in No. MC 106020, issued January 28, 1960, to Freeman Transportation Co., a corporation, Detroit, Mich., authorizing the transportation, over irregular routes, of asphalt and asphaltic products, used for roadbuilding purposes, in bulk, in tank vehicles, from Detroit, Mich., to Cleveland, Ohio, asphaltic and bituminous products, in bulk, in tank vehicles, from Chicago and Chicago Heights, Ill., to points in Macomb, Oakland, and Wayne Counties, Mich., gasoline, kerosene, and petroleum fuel oils, in bulk, in tank vehicles, from Toledo, Ohio, and points within three miles thereof, to points in a described portion of Michigan, liquid petroleum asphalt, in bulk, in tank vehicles, from Heath, Ohio, to Detroit, Mich., and sulphuric sludge acids, in bulk, in tank vehicles, from Toledo, Ohio, to Detroit, Mich. Rex Eames, 1800 Buhl Building, Detroit 26, Michigan, and Edward Sanders, 1657 Penobscot Building, Detroit 26, Mich., for applicants.

No. MC-FC 63551. By order of September 14, 1960, The Transfer Board approved the transfer to William Wiebke, Inc., Floral Park, N.Y., of Permits Nos. MC 115500 and MC 115500 Sub 1, issued December 3, 1956 and March 12, 1957, to William Wiebke, Floral Park, N.Y., authorizing the transportation over irregular routes of such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, equipment, materials and supplies used in the conduct of such business, between points in that part of the New York, N.Y., Commercial Zone on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; between points in Nassau and Suffolk Counties, N.Y.; between points within the territory bounded by a line beginning at Flushing Bay, on the north shore of Long Island, N.Y., thence along specified route to the Queens-Nassau County line at head of Jamaica Bay, along specified route to the westernmost point of Coney Island, N.Y., thence through The Narrows, Upper New York Bay, and East River long Shores of Long Island to Flushing Bay; between points above specified on the one hand, and, on the other, points in New York, Bronx, Richmond and Nassau Counties, N.Y., points in Hudson, Bergen, Essex, and Passaic Counties, N.J., and Elizabeth, N.J.; and fruits, vegetables, farm products, poultry and seafood, in season, from specified area of Long Island to above specified territory. William D. Traub, 10 East 40th Street, New York 16, N.Y., for applicants.

No. MC-FC 63567. By order of September 14, 1960, The Transfer Board approved the transfer to Western Trucking and Livestock Company, a corporation, Deming, N. Mex., of Certificate No. MC 100077 issued May 19, 1959, to Curtis

S. Barclay and Jack Edwards, a partnership, doing business as Western Trucking, Deming, N. Mex., authorizing the transportation over irregular routes of ore from points of production in Sierra and Grant Counties, N. Mex., to nearest railroad points in said counties; livestock, from points in Dona Ana, Sierra, Grant, Otero, Luna, and Socorro Counties, N. Mex., not served by railroads, to El Paso, Texas; livestock feedstuffs, from El Paso and Tornillo, Tex., to points in the counties specified above, not served by railroads, and livestock between points in Dona Ana, Sierra, Grant, Otero, Luna, and Socorro Counties, N. Mex., on the one hand, and, on the other, nearest railroad points in said counties. Bert E. Newland, P.O. Box 152, Deming, N. Mex., for applicants.

No. MC-FC 63570. By order of September 14, 1960, The Transfer Board approved the transfer to Cyril F. Ransdorf and Jennings E. Ransdorf, a partnership, doing business as Joseph Ransdorf Trucking Co., Renovo, Pa., of Permits Nos. MC 70461 and MC 70461 Sub 1 issued June 21, 1943 and September 23, 1940, respectively, to Joseph Ransdorf, Renovo, Pa., authorizing the transportation of such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, over irregular routes, between points within the territory bounded by a line beginning at Altoona, Pa., and extending northeasterly through Tyrone, State College, Bellefonte, Mill Hall, and Lock Haven to Jersey Shore, Pa., thence northwesterly through Renovo to Emporium, Pa., west to Johnsonburg, Pa., southwesterly to Ridgeway, Pa., and southeasterly to Altoona, including points named; from Brockport, N.Y., and points within 10 miles of Brockport, to points in Blair, Centre, Clearfield, and Clinton Counties, Pa.; and containers and rejected or returned shipments, from the immediately above-specified destination points to Brockport and points within 10 miles thereof. John M. Musselman, State Street Building, Harrisburg, Pa., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8826; Filed, Sept. 21, 1960; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 125]

RUTLAND RAILWAY CORP.

Rerouting or Diversion of Traffic

Account embargo of all traffic due to impending work stoppage the Rutland Railway Corporation, in the opinion of Charles W. Taylor, Agent, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting of traffic: The Rutland Railway Corporation and its connections, being unable to transport traffic in accordance with shippers' routing due to an embargo by the Rutland Railway Corporation on all traffic account impending work stoppage, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars diverted or rerouted shall carry a reference to this order as authority for such diversion or rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p.m., September 15, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 15, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-8827; Filed, Sept. 21, 1960; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ROBERT J. HARBISON III

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Add to Previous List of Holdings:
American Stores;
Continental Can.
Delete from Previous Holdings:
International Harvester.

This amends statement published March 26, 1960 (25 F.R. 2598).

Dated: September 5, 1960.

ROBERT J. HARBISON III.

[F.R. Doc. 60-8796; Filed, Sept. 21, 1960; 8:45 a.m.]

MORRIS A. LIEBERMAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published March 24, 1960 (25 F.R. 2507).

Dated: September 6, 1960.

MORRIS A. LIEBERMAN.

[F.R. Doc. 60-8797; Filed, Sept. 21, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HAROLD A. MONTAG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Brown Company.
B. Additions: No changes.

This statement is made as of September 11, 1960.

HAROLD A. MONTAG.

SEPTEMBER 12, 1960.

[F.R. Doc. 60-8828; Filed, Sept. 21, 1960; 8:50 a.m.]

HAROLD J. VORZIMER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 12, 1960.

HAROLD J. VORZIMER.

[F.R. Doc. 60-8829; Filed, Sept. 21, 1960; 8:50 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Washington, Friday, September 23, 1960

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1960–61 Edition

(Revised through June 1)

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.446]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 2, 1960, paragraph (a) is amended by the deletion of the following:

Tarija, Bolivia.

2. Effective as of the beginning of the first pay period following September 17, 1960, paragraph (a) is amended by the deletion of the following:

Pakistan, all posts except Karachi, Lahore, Peshawar, Quetta and Rawalpindi.

3. Effective as of the beginning of the first pay period following September 17, 1960, paragraph (a) is amended by the addition of the following:

Pakistan, all posts except Karachi, Lahore, Multan, Peshawar, Quetta and Rawalpindi.

4. Effective as of the beginning of the first pay period following September 17, 1960, paragraph (b) is amended by the addition of the following:

Multan, Pakistan.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

SEPTEMBER 2, 1960.

[F.R. Doc. 60-8859; Filed, Sept. 22, 1960; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FHA Instruction 444.1]

PART 383—FARM HOUSING LOANS

Definition of Farm

Section 383.3(b), Title 6, Code of Federal Regulations (24 F.R. 6256), is revised to redefine a farm and to read as follows:

§ 383.3 **Qualifications for Farm Housing loan.**

* * * * *

(b) *Farm.* For purposes of this part, a farm means the total acreage of one or more tracts of land owned by the applicant and operated as an individual farm which is in agricultural production and annually will produce agricultural commodities for sale and home use which have a gross value of not less than $400 based on 1944 prices.

(Sec. 510, 63 Stat. 437; 42 U.S.C. 1480; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: September 16, 1960.

M. H. HOLLIDAY, Jr.,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 60-8864; Filed, Sept. 22, 1960; 8:48 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Rice Bulletin A; Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960 Crop Rice Price Support Program

ACREAGE COMPLIANCE—PRICE SUPPORT PROGRAMS FOR RICE

Section 421.5328 of 1960-Crop Rice Loan and Purchase Agreement Program Regulations is amended by deleting the word "Producer" appearing in the next to the last line of the introductory paragraph and by adding as a new paragraph (d) the following language:

(d) "Producer" means a person who produces rice in 1960 as landowner, landlord, tenant or sharecropper. The term "tenant" shall be deemed to include a person who furnishes water for a share of the rice crop.

(Secs. 4 and 5, 62 Stat. 1070, 1072; secs. 101, 401, 408, 63 Stat. 1051, as amended, 1054, as amended, 1055, as amended; sec. 125, 70 Stat. 198; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1428, 1813)

Issued this 19th day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8861; Filed, Sept. 22, 1960; 8:47 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

ELIGIBLE WHEAT; DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3915 and 4631), containing the specific requirements of the 1960-crop wheat price support program are hereby amended as follows:

1. Section 421.5038(c)(1) is amended to also make wheat grading "Sample" because of test weight only but not less than 40 pounds per bushel eligible for price support if it otherwise grades No. 3 or better so that the amended subparagraph reads as follows:

§ 421.5038 **Eligible wheat.**

* * * * * *

(c) * * *

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4, 5 or "Sample" on the factor of test weight only but otherwise meeting the requirements stated in subdivision (i) or (ii) of this subparagraph and having a test weight of not less than 40 pounds per bushel; or (iv) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii) or (iii) of this subparagraph provided such mixtures are the natural products of the field.

2. Section 421.5040(c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 421.5040 **Determination of quantity.**

* * * * * *

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87

For wheat testing—Con.	Percent
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83
49 pounds or over, but less than 50 pounds	82
48 pounds or over, but less than 49 pounds	80
47 pounds or over, but less than 48 pounds	78
46 pounds or over, but less than 47 pounds	77
45 pounds or over, but less than 46 pounds	75
44 pounds or over, but less than 45 pounds	73
43 pounds or over, but less than 44 pounds	72
42 pounds or over, but less than 43 pounds	70
41 pounds or over, but less than 42 pounds	68
40 pounds or over, but less than 41 pounds	67

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178, 15 U.S.C. 1441, 1421)

Issued this 19th day of September 1960.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-8862; Filed, Sept. 22, 1960; 8:47 a.m.]

[1960 C.C.C. Grain Price Support Bull. 1, Supp. 2, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

SPECIAL DISCOUNTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3915, 4631, and 7479), containing the specific requirements of the 1960-crop wheat price support program are hereby amended to also provide discounts for wheat grading "Sample" on the factor of test weight only but having a test weight of not less than 40 pounds per bushel.

Section 421.5047(c)(2) is amended by the addition of a new subdivision (iii) as follows:

(iii) Special discounts for wheat grading "Sample" on the factor of test weight only: [1]

Test weight (pounds)	Discount for Hard Red Spring Wheat	Discount for wheat of all other classes
	Cents per bushel	*Cents per bushel*
50	0	4
49	4	8
48	8	12
47	12	16
46	16	20
45	20	24
44	26	30
43	32	36
42	38	42
41	44	48
40	50	54

[1] These discounts are in addition to the discount of 9 cents per bushel for wheat grading No. 5 on the basis of test weight only and in addition to any other applicable discounts.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 19th day of September 1960.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-8863; Filed, Sept. 22, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1962 crop year.

CALIFORNIA

Colusa	Monterey
Glenn	San Luis Obispo
Kern	Tulare
Los Angeles	Yolo

COLORADO

Larimer	Sedgwick
Morgan	Weld
Phillips	

IDAHO

Bonneville	Latah
Cassia	Lewis
Fremont	Madison
Gooding	Minidoka
Idaho	Nez Perce
Jerome	Twin Falls

MARYLAND

Kent	Queen Annes

MINNESOTA

Becker	Stearns
Clay	Stevens
Grant	Traverse
Kittson	West Polk
Marshall	West Otter Tail
Norman	Wilkin
Pope	

MONTANA

Cascade	Judith Basin
Chouteau	Pondera
Fergus	Teton

NORTH DAKOTA

Barnes	Ramsey
Benson	Ransom
Cass	Richland
Cavalier	Sargent
Dickey	Steele
Eddy	Stutsman
Foster	Towner
Grand Forks	Traill
Griggs	Walsh
La Moure	Wells
Nelson	Williams
Pembina	

OREGON

Gilliam	Sherman
Jefferson	Umatilla
Linn	Union
Malheur	Wallowa
Morrow	Wasco

PENNSYLVANIA

Chester	Lebanon
Lancaster	

SOUTH DAKOTA

Beadle	Hamlin
Brown	Kingsbury
Clark	Marshall
Codington	Roberts
Day	Spink
Grant	

WASHINGTON

Adams	Garfield
Asotin	Klickitat
Benton	Lincoln
Columbia	Spokane
Douglas	Walla Walla
Franklin	Whitman
Grant	

WISCONSIN

Fond du Lac

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 60-8865; Filed, Sept. 22, 1960; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1962 crop year.

CALIFORNIA

Colusa	Monterey
Glenn	San Luis Obispo
Kern	Tulare
Los Angeles	Yolo

COLORADO

Adams	Logan
Arapahoe	Morgan
Cheyenne	Phillips
Elbert	Sedgwick
Kit Carson	Washington
Larimer	Weld
Lincoln	Yuma

IDAHO

Benewah	Latah
Bonneville	Lewis
Camas	Madison
Cassia	Minidoka
Fremont	Nez Perce
Gooding	Oneida
Idaho	Power
Jerome	Teton
Kootenai	Twin Falls

ILLINOIS

Adams	Fulton
Bond	Greene
Cass	Jasper
Christian	Jersey
Clinton	McDonough
Douglas	McLean
Effingham	Macoupin
Fayette	Madison

ILLINOIS—Continued

Marion	Sangamon
Mason	Schuyler
Menard	Scott
Monroe	Shelby
Montgomery	Tazewell
Morgan	Vermilion
Pike	Washington
St. Clair	

INDIANA

Allen	Madison
Blackford	Marshall
Boone	Miami
Carroll	Montgomery
Clay	Noble
Clinton	Pulaski
Decatur	Randolph
De Kalb	Ripley
Delaware	Rush
Fountain	Shelby
Howard	Sullivan
Huntington	Vigo
Jackson	Wayne
Johnson	Wells
Kosciusko	Whitley

KANSAS

Atchison	McPherson
Barber	Marion
Barton	Marshall
Bourbon	Meade
Brown	Mitchell
Butler	Montgomery
Cheyenne	Morris
Cherokee	Nemaha
Clark	Ness
Clay	Norton
Cloud	Osborne
Cowley	Ottawa
Decatur	Pawnee
Dickinson	Phillips
Edwards	Pratt
Ellis	Rawlins
Ellsworth	Reno
Finney	Republic
Franklin	Rice
Ford	Rooks
Gove	Rush
Graham	Russell
Grant	Saline
Gray	Scott
Greeley	Sedgwick
Hamilton	Seward
Harper	Sheridan
Harvey	Sherman
Haskell	Smith
Hodgeman	Stafford
Jackson	Stanton
Jewell	Stevens
Kearny	Sumner
Kingman	Thomas
Kiowa	Trego
Lane	Wallace
Lincoln	Washington
Linn	Wichita
Logan	

KENTUCKY

Christian

MARYLAND

Kent — Queen Annes

MICHIGAN

Bay	Jackson
Branch	Kalamazoo
Calhoun	Lenawee
Clinton	Monroe
Eaton	Saginaw
Gratiot	St. Clair
Hillsdale	St. Joseph
Huron	Sanilac
Ingham	Shiawassee
Ionia	

MINNESOTA

Becker	Kittson
Big Stone	Mahnomen
Clay	Marshall
Grant	Norman
West Otter Tail	Traverse
Polk, East	Wilkin
Polk, West	

MISSOURI

Andrew	Jasper
Audrain	Johnson
Bates	Lafayette
Buchanan	Lawrence
Callaway	Macon
Carroll	Marion
Cass	Monroe
Charlton	Nodaway
Cooper	Pettis
Daviess	Pike
De Kalb	Ralls
Franklin	St. Charles
Gentry	Saline
Henry	Shelby
Holt	Vernon
Howard	

MONTANA

Blaine	Petroleum
Cascade	Phillips
Chouteau	Pondera
Daniels	Richland
Dawson	Roosevelt
Fergus	Sheridan
Hill	Teton
Judith Basin	Valley
Liberty	Yellowstone
McCone	

NEBRASKA

Banner	Jefferson
Box Butte	Keith
Butler	Kimball
Cass	Lancaster
Chase	Morrill
Cheyenne	Nemaha
Dawes	Pawnee
Deuel	Perkins
Dodge	Phelps
Frontier	Red Willow
Furnas	Richardson
Gage	Saline
Garden	Saunders
Gosper	Scotts Bluff
Hamilton	Seward
Harlan	Thayer
Hayes	Washington
Hitchcock	York

NORTH CAROLINA

Cleveland	Mecklenburg
Iredell	Rutherford
Lincoln	

NORTH DAKOTA

Adams	McLean
Barnes	Mercer
Benson	Morton
Bottineau	Mountrail
Bowman	Nelson
Burke	Oliver
Burleigh	Pembina
Cass	Pierce
Cavalier	Ramsey
Dickey	Ransom
Divide	Renville
Dunn	Richland
Eddy	Rolette
Emmons	Sargent
Foster	Sheridan
Golden Valley	Sioux
Grand Forks	Slope
Grant	Stark
Griggs	Steele
Hettinger	Stutsman
Kidder	Towner
La Moure	Traill
Logan	Walsh
McHenry	Ward
McIntosh	Wells
McKenzie	Williams

OHIO

Allen	Auglaize
Ashland	Clinton
Delaware	Montgomery
Erie	Morrow
Fayette	Paulding
Greene	Pickaway
Hancock	Preble
Hardin	Putnam
Henry	Sandusky
Highland	Seneca
Huron	Stark
Knox	Tuscarawas
Licking	Union
Marion	Van Wert
Medina	Wayne
Mercer	Williams

OKLAHOMA

Alfalfa	Harper
Beckham	Jackson
Blaine	Kay
Caddo	Kingfisher
Canadian	Kiowa
Comanche	Logan
Cotton	Major
Custer	Noble
Dewey	Texas
Ellis	Tillman
Garfield	Washita
Grant	Woods
Greer	Woodward
Harmon	

OREGON

Baker	Sherman
Gilliam	Umatilla
Jefferson	Union
Linn	Wallowa
Morrow	Wasco
Malheur	

PENNSYLVANIA

Chester	Lebanon
Lancaster	

SOUTH CAROLINA

Anderson

SOUTH DAKOTA

Beadle	Jones
Bennett	Kingsbury
Brown	Lyman
Campbell	McPherson
Clark	Marshall
Codington	Mellette
Corson	Perkins
Day	Potter
Dewey	Roberts
Edmunds	Spink
Faulk	Sully
Grant	Tripp
Hamlin	Walworth
Hand	

TENNESSEE

Obion	Robertson

TEXAS

Baylor	Gray
Castro	Grayson
Collin	Hale
Cooke	Jones
Denton	Lipscomb
Floyd	Potter
Foard	Wilbarger

UTAH

Box Elder	Cache

WASHINGTON

Adams	Grant
Asotin	Klickitat
Benton	Lincoln
Columbia	Spokane
Douglas	Walla Walla
Franklin	Whitman
Garfield	

WYOMING

Goshen	Platte
Laramie	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 60-8866; Filed, Sept. 22, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 504; Amdt. 201]

PART 507—AIRWORTHINESS DIRECTIVES

Hamilton Standard 34E60 Propellers

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on September 2, 1960, and made effective immediately because of the safety emergency involved, as to all known operators of Douglas DC-7 Series and Boeing B-377 aircraft equipped with Hamilton Standard 34E60 propellers. Two recent propeller dome cap fractures occurred, one resulting in propeller overspeed and inability to feather. The directive required inspections of propeller dome caps for crack indications and replacement of caps if crack indications were found.

For the reasons stated above it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest and that good cause existed for making this airworthiness directive effective immediately as to all known operators of Douglas DC-7 Series and Boeing B-377 aircraft by individual telegrams dated September 2, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507), and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

HAMILTON STANDARD. Applies to all 34E60 propellers.

Compliance required as indicated.

As a result of two recent dome cap fractures one resulting in propeller overspeed and inability to feather the following must be accomplished:

(a) All dome caps must be examined in the threaded area for crack indications in the inside diameter and outside diameter by means of visual or dye penetrant or magnetic particle inspection within the next 50 hours' time in service unless already accomplished within the last 50 hours.

(b) Dome caps inspected visually only must be reexamined by means of dye penetrant or magnetic particle inspection within the next 200 hours' time in service.

(c) Caps with indications of cracks must be replaced with caps which have also been inspected in accordance with the foregoing inspection provisions and found to have no crack indications.

(d) Upon reinstallation caps must be tightened to 350-450 foot-pounds.

NOTE: The replaced caps should be returned to Hamilton Standard. (Hamilton Standard telegram dated August 29, 1960, covers this subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated September 2, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 16, 1960.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-8848; Filed, Sept. 22, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7345]

PART 13—PROHIBITED TRADE PRACTICES

Audivox, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-167 Inventor or originator; § 13.130 *Manufacture or preparation;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Audivox, Inc., et al., Boston, Mass., Docket 7345, June 30, 1960]

In the Matter of Audivox, Inc., a Corporation, and Rolf Stutz, R. R. Wagner, R. C. Alexander and W. Walters, Individually and as Officers of Said Corporation

Order modifying desist order of Sept. 3, 1959—24 F.R. 8293—in hearing aid case, by dividing paragraph (a) into two parts, to correspond with the similar order in Beltone Hearing Aid Co., D. 7359—24 F.R. 10441.

Said order thus modified is as follows:

It is ordered, That Respondents Audivox, Inc., a corporation, and its officers; and Rolf Stutz and R. R. Wagner, individually and as officers of said corporation, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hearing aid devices now known as Models 75, 78, 8750 or any other air conduction hearing aid device, whether sold under the same or any other model designation, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement, by means of United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products, which advertisement represents, directly or by implication, that:

(a) There are no buttons attached to said hearing aids unless in close connection therewith and with equal prominence it is disclosed that an ear mold or plastic tip is inserted into the ear;

(b) There are no wires or cords attached to said hearing aids, unless in close connection therewith and with equal prominence it is disclosed that a plastic tube runs from the device to the ear;

(c) Any of their hearing aids are invisible when worn;

(d) Any of their hearing aids are either completely hidden behind the ear or completely concealed within an eyeglass temple;

(e) Their booklet known as Hearing Aid Digest is offered to the public as a public service; or that any other booklet or publication is so offered, unless such is the fact;

(f) That an executive of Respondent Audivox, Inc., invented their hearing aid model 8750; or that any other hearing aid was invented by anyone connected with Respondents, unless such is the fact:

2. Disseminating any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of Respondents' said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Respondents R. C. Alexander and W. Walters, individually, but not as officers of said corporation.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-8850; Filed, Sept. 22, 1960; 8:46 a.m.]

[Docket 7782 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

General Natural Gas Corp. et al.

Subpart—Discriminating in price under sec. 2, Clayton Act—Price Discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, General Natural Gas Corporation (Monticello, N.Y.) et al., Docket 7782, July 6, 1960]

In the Matter of General Natural Gas Corporation, a Corporation, Sungas Products of Penna., Inc., a Corporation; Benjamin Cosor and Harold C. Fisher, Individually and as Officers and Directors of General Natural Gas Corporation and Sungas Products of Penna., Inc., William Schlanger, Individually and as Officer and Director of Sungas Products of Penna., Inc., and Eugene J. Schlanger, Individually

The complaint in this case charged a holding company and its subsidiary—through which it controlled some 12 wholesale and retail sellers of "Sungas" bottled liquefied petroleum gas in Pennsylvania, New Jersey, and New York—with discriminating in price between different purchasers in violation of sec. 2(a) of the Clayton Act, through such practices as selling bottled gas at substantially lower prices to their Hazelton, Pa., subsidiary to eliminate competition in the Hazelton area, than to their other retail outlets, and selling at $4.95 per 100-pound cylinder or bottle to some customers while charging prices ranging from $10 to $12 to their competitors.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 6, 1960, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents General Natural Gas Corporation and Sungas Products of Penna., Inc., corporations, and respondents Benjamin Cosor, Harold C. Fisher, William Schlanger, and Eugene J. Schlanger, individuals, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale and distribution of liquefied petroleum gas and related products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Discriminating in price by selling such products of like grade and quality to any purchaser at prices higher than those granted to other purchasers, who in fact compete with the unfavored purchaser in the resale and distribution of such products, or where respondents in the sale of such products are in competition with any other seller.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-8851; Filed, Sept. 22, 1960; 8:47 a.m.]

[Dockets 7772 c.o., 7771 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

International Parts Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, International Parts Corporation et al., Chicago, Ill., Docket 7772, June 25, 1960; and Midas, Inc., et al., Chicago, Ill., Docket 7771, July 7, 1960]

In the Matters of International Parts Corporation, a Corporation, and Nate H. Sherman, Beatrice G. Sherman, Gordon Sherman, and Robert Schroeder, Individually and as Officers of Said Corporation; and Midas, Inc., a Corporation, and Gordon Sherman, Robert Schroeder, and Robert M. Jacob, Individually and as Officers of Said Corporation

These cases were heard by a hearing examiner on complaints of the Commission charging two Chicago distributors with the same office address with representing falsely by radio and television, magazine and other advertising and advertising script furnished its retail dealers, that their automobile mufflers were unconditionally guaranteed for the life of the automobiles on which they were installed.

Based on consent agreements, the hearing examiner made his initial decisions and orders to cease and desist which became on June 25 and July 7, respectively, the decisions of the Commission.

Said identical orders to cease and desist are as follows:

It is ordered, That respondents International Parts Corporation, a corporation, and its officers, and Nate H. Sherman, Beatrice G. Sherman, Gordon Sherman and Robert Schroeder, individually and as officers of said corporation; and Midas, Inc., a corporation, and its officers, and Gordon Sherman, Robert Schroeder and Robert M. Jacob, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automobile mufflers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, in any manner, the nature or extent of the guarantee of a product.

2. Representing that a product is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly disclosed.

3. Placing any means or instrumentality in the hands of others by and through which the public may be misled as to the guarantee of a product.

By "Decision of the Commission", etc., in both cases, reports of compliance were required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: June 30, 1960 (D. 7772); July 7, 1960 (D. 7771).

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-8852; Filed, Sept. 22, 1960; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2204]

[Colorado 037314]

COLORADO

Monte Vista National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Bureau of Sport Fisheries and Wildlife as a part of the Monte Vista National Wildlife Refuge:

NEW MEXICO PRINCIPAL MERIDIAN

T. 38 N., R. 8 E.,
Sec. 31, SE¼;
Sec. 32, NW¼ and SE¼;
Sec. 33, NW¼ and SE¼.

The areas described total approximately 800 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 19, 1960.

[F.R. Doc. 60-8853; Filed, Sept. 22, 1960; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81st CONGRESS, AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

First Deadline for Applications With Respect to Funds Available During Fiscal Year 1961

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, and

25 F.R. 2531, March 25, 1960), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967) 20 U.S.C. 631, is hereby amended by adding a new section (§ 114.24) in order to establish a first deadline date for filing applications with respect to funds available during the fiscal year 1961. The new section reads as follows:

§ 114.24 First deadline for applications with respect to funds available during fiscal year 1961.

For the purposes of sections 3 and 14 of the act, November 28, 1960, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Dated: September 8, 1960.

Approved: September 16, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-8872; Filed, Sept. 22, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 49, 148]

FACILITIES AND SERVICES EXCISE TAXES

Taxes on Club Dues

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The following regulations are prescribed under sections 4241, 4242, and 4243 of the Internal Revenue Code of 1954, as amended, relating to the excise tax on club dues. The regulations, except where otherwise specifically provided, are applicable on and after January 1, 1959, and supersede § 148.1–2 of the Regulations on Certain Excise Tax Matters under Excise Tax Technical Changes Act of 1958 (26 CFR 148.1–2).

Subpart B—Admissions and Dues

CLUB DUES

Sec.
49.4241 Statutory provisions; imposition of tax.
49.4241–1 Tax on club dues, initiation fees, and life memberships.
49.4242 Statutory provisions; definitions.
49.4242–1 Definition; dues or membership fees.
49.4242–2 Definition; initiation fees.
49.4243 Statutory provisions; exemptions.
49.4243–1 Exemption; fraternal organizations.
49.4243–2 Exemption; assessments for capital improvements.
49.4243–3 Exemption; nonprofit swimming or skating facilities.

§ 49.4241 Statutory provisions; imposition of tax.

SEC. 4241. *Imposition of tax*—(a) *Rate.* There is hereby imposed—

(1) *Dues or membership fees.* A tax equivalent to 20 percent of any amount paid as dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year.

(2) *Initiation fees.* A tax equivalent to 20 percent of any amount paid as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees, not including initiation fees, of an active resident annual member are in excess of $10 per year.

(3) *Life memberships.* In the case of life memberships—

(A) A tax equivalent to the tax upon the amount paid as dues or membership fees by members (other than life members) having privileges most nearly comparable to those of the person holding the life membership; or

(B) At the election (made at such time not later than the day on which the first amount is paid for life membership, and made in such manner and form, as the Secretary or his delegate shall by regulations prescribe) of the person holding the life membership, a tax equivalent to 20 percent of any amount paid for the life membership. Any election under this subparagraph shall be irrevocable.

If subparagraph (A) applies, no tax shall be paid under this subsection on amounts paid for the life membership, and the tax under subparagraph (A) shall be paid at the time for the payment of dues or membership fees by members (other than life members) having privileges most nearly comparable to those of the person holding the life membership. Any tax payable under this paragraph shall be in addition to any tax payable under paragraph (1) or (2). No tax shall be payable under this paragraph on any life membership for which no charge is made to any person.

(b) *By whom paid.* Except as provided in section 4243(b), the taxes imposed by this section shall be paid by the person paying such dues or fees, or holding such life membership.

[Sec. 4241 as amended and in effect Jan. 1, 1959, and as further amended by sec. 3(b), Act of Sept. 21, 1959 (Pub. Law 86-344, 73 Stat. 618)]

§ 49.4241–1 Tax on club dues, initiation fees, and life memberships.

(a) *Dues or membership fees.* Section 4241(a)(1) imposes a tax at the rate of 20 percent on amounts paid as dues or membership fees to a social, athletic, or sporting club or organization, if the dues and membership fees of an active resident annual member are in excess of $10 per year. If the dues and membership fees of an active resident annual member of such a club or organization are in excess of $10 per year, the tax applies not only to the dues and membership fees of an active resident annual member, but also to the dues and membership fees of all other members of the club or organization, whether or not the dues and membership fees of the other members are in excess of $10 per year. For definition of the term "dues or membership fees", see paragraph (a) of § 49.4242–1.

(b) *Initiation fees.* Section 4241(a)(2) imposes a tax at the rate of 20 percent on amounts paid as initiation fees required as a condition precedent to membership in a social, athletic, or sporting club or organization, if (1) such initiation fees are in excess of $10, or (2) the dues and membership fees of an active resident annual member are in excess of $10 per year. If the initiation fee exceeds $10, it is subject to the tax, regardless of the amount of dues and membership fees paid by an active resident annual member. If the dues and membership fees paid by an active resident annual member are in excess of $10 per year, any initiation fee, regardless of the amount, is subject to the tax. For definition of the term "initiation fees", see § 49.4242–2.

(c) *Life memberships*—(1) *General rule.* Section 4241(a)(3) imposes a tax on life memberships in a social, athletic, or sporting club or organization. In the absence of an election by the life member to have the tax determined in the manner described in subparagraph (2) of this paragraph, the tax in respect of a life membership is, pursuant to section 4241(a)(3)(A), equivalent to the tax imposed by section 4241(a)(1) (after application of any exemption provided in section 4243 (see particularly paragraph (c) of § 49.4243–2)) upon the amount paid to the club or organization as the dues or membership fees of any member (other than a life member) for privileges most nearly comparable to those enjoyed under the life membership. Thus, if the life membership confers limited privileges comparable to the privileges of certain other members who pay dues in a lesser amount than members having full privileges, the tax in respect of the life membership shall be computed on the basis of such lesser amount. The tax on life memberships imposed by section 4241(a)(3) is in addition to any taxes under paragraphs (1) and (2) of section 4241(a) which may be due on amounts paid as dues and membership fees or as initiation fees of the life member. If the tax on a life membership is determined in the manner described in this subparagraph, no tax shall be paid on the amount paid for the life membership. However, in no event is tax on life memberships payable in respect of any life membership for which no charge is made to any person as, for example, an honorary membership.

(2) *Election to pay tax on amount paid for life membership.* In lieu of paying a tax on a life membership which is determined in the manner described in subparagraph (1) of this paragraph, a life member may elect to pay a tax in the amount of 20 percent of the payment or payments made for his life membership, whether the payment for life mem-

bership is made by the life member himself or by some other person.

(3) *Conditions for election.* The election provided for in this paragraph may be made only by the individual holding the life membership and, once made, cannot be revoked. The election must be made not later than the day on which the first amount is paid for the life membership, and shall be evidenced by a statement showing—

(i) The name and address of the life member,

(ii) The total amount paid or to be paid for the life membership,

(iii) The date on which the first payment for the life membership was made and the amount of such payment, and

(iv) An assertion by the life member that he elects to pay tax in respect of his life membership computed on the basis of the amount of the payment or payments made or to be made for the life membership.

The statement shall be signed by the life member and shall be furnished to the club or organization in which he holds the life membership. The statement shall be retained by the club or organization as a part of its records and shall be available for inspection by internal revenue officers.

(4) *Special rules for amounts paid before July 1, 1959.* If a payment was made before July 1, 1959, for a life membership and if the life member desires to make the election provided for in subparagraph (2) of this paragraph, he must make the election during the period beginning January 1, 1959, and ending July 1, 1959. In such a case all amounts paid on or before June 30, 1959, for the life membership are treated as having been paid on July 1, 1959. If an election under the provisions of this paragraph is made during the period January 1, 1959, through July 1, 1959, the tax computed pursuant to subparagraph (2) of this paragraph is reduced by the tax imposed and paid on or after January 1, 1959, pursuant to the provisions of section 4241(a)(3)(A) (described in subparagraph (1) of this paragraph). However, the tax computed pursuant to subparagraph (2) of this paragraph shall not be reduced by any tax imposed by section 4241 for any period before January 1, 1959.

(d) *Active resident annual member.* An "active resident annual member" is one who is entitled to the enjoyment, on an annual basis or, if offered for a lesser period during the year, on a seasonal or full-period basis, whichever is appropriate, of all the privileges of the club or organization, as distinguished from the privileges enjoyed by a person holding a nonresident membership, an associate membership, or other partial or restricted membership. It is immaterial whether anyone actually holds a membership which entitles him to enjoyment of all the privileges of the club. For example, if the regular dues or membership fees of a social club are $5 per year for all members, and the club has a golf course and a swimming pool, either of which is available to a member upon payment of an additional $5 per year as dues or membership fees, and active resident annual member of the club is considered to be an individual who enjoys all the privileges of the club, including use of the golf course and the swimming pool, on an annual or seasonal basis, whether or not any member of the club actually enjoys all of these privileges. In this example, the dues and membership fees of an active resident annual member are considered to be $15 per year since a member must pay that amount to enjoy all the privileges of the club. A penalty paid by an active resident annual member for failure to pay his dues promptly is not considered in determining whether dues and membership fees of an active resident annual member are in excess of $10 per year.

(e) *Social, athletic, or sporting club or organization*—(1) *In general.* The purposes and activities of a club or organization, and not its name, determine its character for purposes of the tax. Every club or organization which has a membership of individuals or family units and which has social, athletic, or sporting features is presumed to be a social, athletic, or sporting club or organization, until the club or organization has satisfied the district director that it is not in fact a social, athletic, or sporting club or organization within the meaning of the regulations in this part. (However, see §§ 49.4243–1 and 49.4243–3 for exemptions provided for fraternal organizations and certain swimming or skating clubs.) If any such club or organization claims that it is not in fact a social, athletic, or sporting club or organization, it may submit to the district director a request for a determination, together with a copy of its charter or constitution and bylaws, and a statement showing its actual purposes, activities, practices, facilities, and the character of its expenditures. Any additional evidence required shall be submitted upon the request of the district director. When a club or organization has been held not to be a social, athletic, or sporting club or organization, it need not make any further showing with respect to its status for purposes of the tax, unless it changes the character of its organization or operations or the purposes for which it was originally created. Each district director will keep a list of all clubs and organizations in his district held not to be social, athletic, or sporting clubs or organizations, and may from time to time re-investigate the status of these clubs and organizations.

(2) *Social clubs or organizations.* Any club or organization which maintains quarters, or arranges periodic dinners or meetings, for the purpose of affording its members an opportunity of congregating for social intercourse is a social club or organization within the meaning of the regulations in this part, unless its social features are not a material purpose of the organization, but are subordinate and merely incidental to the active furtherance of a different and predominant purpose, such as religion, the arts, or business. An organization which has for its exclusive or predominant purpose religion, philanthropic social service, or the advancement of the business or commercial interests of a city or community is not a social club or organization. Thus, a religious organization, chamber of commerce, commercial club, trade organization, or the like, is not considered to be a social club or organization merely because it has incidental social features. However, if the social features are a material purpose of the club or organization, it is a social club or organization within the meaning of the regulations in this part. This subparagraph may be illustrated by the following examples:

Example (1). Neither a Young Men's Christian Association nor a Young Men's Hebrew Association is a social club within the meaning of the regulations in this part, since the predominant purposes of each are religion and philanthropic social service.

Example (2). A social settlement association which provides, among other things, dances and other social opportunities for a slum neighborhood is supported by contributions. Any person contributing $30 a year is called a "member" of the settlement association. The settlement association is not a social club within the meaning of the regulations in this part, since its predominant purpose is philanthropic social service.

Example (3). An automobile dealers' association is primarily organized and operated for the purpose of maintaining a social organization of persons residing in a certain city and engaged in the manufacture or sale of automobiles and accessories. The association affords its members an opportunity of enjoying healthful games and of promoting social welfare and social intercourse among the members. It also encourages debates and discussions at meetings of the members, promoting interest in automobile transportation, traffic, and knowledge of the industry. This organization is a social club within the meaning of the regulations in this part.

(3) *Athletic or sporting clubs or organizations.* Tennis, golf, boxing, boating, canoe, fishing, and hunting clubs, and all other organizations organized for the practice or promotion of athletics or sports are athletic or sporting clubs or organizations within the meaning of the regulations in this part. A local, sectional, or national athletic or sporting association, the membership of which is composed wholly or partly of member clubs, is not a social, athletic, or sporting club or organization. The possession and use of a gymnasium, swimming pool, or other athletic facilities by an organization having religion or philanthropic social service for its exclusive or predominant purpose will not make the organization an athletic or sporting club or organization.

(f) *Foreign clubs.* The tax imposed by section 4241 does not apply to amounts paid to a club which is located outside the United States and which has no branch or organization within the United States. However, if such a club has a branch or agency within the United States, amounts paid to the branch or agency on behalf of the club are subject to the tax to the same extent as amounts paid to a club situated within the United States.

(g) *Payment of tax*—(1) *Dues or membership fees and initiation fees.* Except as provided in paragraph (b)(2) of § 49.4243–2, the tax imposed on amounts paid as dues or membership fees and the tax imposed on amounts paid as initiation fees shall be paid over to the club or organization by the person paying the dues, membership fees, or initiation fees. In general, the tax attaches at the time the payment of the dues or fees is made to the club or organization. In the case of initiation fees paid to a person or organization distinct from the club, the tax attaches with respect to the payment at the time of the incoming member's admission to membership. See, however, paragraph (b)(2) of § 49.4243–2.

(2) *Life memberships.* The tax imposed in respect of a life membership shall be paid over to the club or organization by the individual holding the life membership. Unless the life member elects to have the tax on his life membership determined on the basis of the amount paid for the life membership, the tax shall be paid by him at the time the tax attaches in respect of dues or membership fees of members having privileges most nearly comparable to the privileges conferred under the life membership. If the life member elects to have the tax on his life membership determined on the basis of the amount paid for the life membership, the tax shall be paid by him at the time each payment for the life membership is made (whether made by the life member himself or by some other person).

(3) *Collection by club or organization.* For provisions relating to collection by the social, athletic, or sporting club or organization of the tax in respect of dues or membership fees, initiation fees, or life memberships, see section 4291 and the regulations thereunder.

(h) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A social club has Class A and Class B members. Class A members may enjoy all privileges of the club, including use of the golf course, for dues of $40 per year. Class B members may enjoy all privileges of the club, except use of the golf course, for dues of $10 per year. The Class A member is an "active resident annual member". Since the dues of the Class A member (an active resident annual member) are in excess of $10 per year, the dues of both Class A and Class B members are subject to tax, even though the dues of the Class B member are not in excess of $10 per year.

Example (2). Assume the same facts as those stated in Example (1), except that Class A members pay an initiation fee of $15 and dues of $10 per year. Class B members also pay an initiation fee of $15 but pay dues of $5 per year. The dues paid by Class A or Class B members are not taxable in this case since the dues of the Class A member (an active resident annual member) are not in excess of $10 per year. The initiation fee paid by a Class A member or by a Class B member is taxable since it is in excess of $10, but this is immaterial in determining whether the dues of a member are subject to tax.

Example (3). The active resident annual members of an athletic club pay an initiation fee of $10 and dues of $30 per year. Associate members pay an initiation fee of $10 and dues of $5 per year. The initiation fees paid by an active resident annual member and by an associate member, as well as the dues paid by each, are subject to the tax, since the dues of an active resident annual member are in excess of $10 per year. The amount of the initiation fee in such case is immaterial in determining whether such fee is taxable.

Example (4). An individual purchases a life membership in an athletic club for which he pays $1,000 in a lump sum. His privileges under the life membership are most nearly comparable to those of a Class A member of such club. The dues or membership fees of a Class A member are $75 per year. The life member chooses to pay a tax on his life membership equivalent to the tax on the amount paid as dues or membership fees of any member (other than a life member) for privileges most nearly comparable to his own under the life membership. The tax in such case is $15 per year, payable at the time the tax attaches in respect of dues of Class A members. If the life member had elected to pay tax on the amount paid for his life membership, the tax in such case would have been $200, payable at the time of payment for the life membership, and no further tax would have been payable subsequently in respect of such life membership.

Example (5). An athletic club grants a life membership to an individual upon his having concluded 40 consecutive years as a Class A member. The dues paid by such individual as a Class A member amounted to $30 per year. Such dues are not regarded as payment for the life membership, and the individual is considered as holding a life membership for which no charge is made. However, if, as a life member, he is not entitled to all privileges of the club and if, in any particular year, he pays for privileges beyond those granted under his life membership, he will be liable for tax on his payments for the additional privileges to the same extent and in the same manner as any other member paying for such privileges.

§ 49.4242 Statutory provisions; definitions.

SEC. 4242. *Definitions*—(a) *Dues.* As used in this part the term "dues" includes any assessment, irrespective of the purpose for which made, and any charges for social privileges or facilities, or for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities, for any period of more than six days; and

(b) *Initiation fees.* As used in this part the term "initiation fees" includes any payment, contribution, or loan, required as a condition precedent to membership, whether or not any such payment, contribution, or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed, or loaned.

[Sec. 4243 as originally enacted and in effect Jan. 1, 1959]

§ 49.4242–1 Definition; dues or membership fees.

(a) *In general.* The term "dues or membership fees", as used in the regulations in this part, means all charges made by a social, athletic, or sporting club or organization which are commonly understood to constitute dues or membership fees, as well as all other charges required to be paid to such a club or organization for the privilege of being a member of the club or organization or a member of a particular membership class. The term also includes—

(1) Any assessment made by a social, athletic, or sporting club or organization, irrespective of the purpose for which made, and

(2) All charges made by a social, athletic, or sporting club or organization for (i) social privileges or facilities for any period of more than 6 days (whether or not consecutive), or (ii) golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities for any period of more than 6 days (whether or not consecutive).

In determining whether a charge by such a club or organization constitutes dues or membership fees within the meaning of subparagraph (2) of this paragraph, the test is whether payment of the charge confers the right to use a social, athletic, or sporting privilege or facility of the club or organization for the prescribed period. It is immaterial whether the privilege or facility is one for which a charge is mandatory, even though the member chooses not to avail himself of the privilege or facility, or whether the privilege or facility is one for which a charge is made only if the member, at his own election, chooses to have the privilege or facility made available to him. Any privilege or facility offered by a social, athletic, or sporting club or organization which is so directly related to a social, athletic, or sporting activity in which the club is engaged, or for which it was created, as to partake of the nature of the activity itself is considered to be a social, athletic, or sporting privilege or facility. This is true even though such privilege or facility, if considered entirely apart from any social, athletic, or sporting activity, would not in and of itself constitute a social, athletic, or sporting privilege or facility. (However, see § 49.4243–2 for the exemption provided in respect of amounts paid for certain capital improvements.)

(b) *Initiation fees, fines, etc.* The term "dues or membership fees" does not include initiation fees. Neither does the term include fines imposed for misconduct or violation of rules. However, the term does include a penalty incurred for failure to make prompt payment of dues or membership fees since such a penalty is considered to be an increase in the amount of the dues or membership fees required to be paid by the member.

(c) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A social club operates a restaurant and bar for the use of its members. The club requires of each member a minimum expenditure during the year of $200 for food or drink. If a member does not make actual expenditures totaling $200, he is billed for an additional amount equal to the difference between his actual expenditures and $200. This charge of $200 constitutes dues or membership fees, inasmuch as such charge must be paid for the privilege of being a member of the club.

Example (2). A social club collects no regular dues or membership fees but meets its operating expenses by levying assessments on its members as funds are required. These assessments constitute dues or membership fees.

Example (3). A social club collects $10 per year from each of its members as regular dues. Members are entitled to use the clubhouse facilities without payment of any additional charge. However, members who wish to use the golf course may do so only upon payment of an additional charge. The amount of such charge varies, depending on whether the privilege of using the golf course is extended for a day, a week, a month, or the entire year. Since use of the golf course is a social, athletic, or sporting privilege or facility, any charge made by the club for use

of the course constitutes dues or membership fees if the period for which the charge is made is more than 6 days. Thus, charges made by the club for use of the golf course on a weekly, monthly, or yearly basis constitute dues or membership fees, and the fact that such charges are made only upon the member's election to have the privilege of using the course is immaterial. Charges made by the club for use of the course on a daily basis do not constitute dues or membership fees.

Example (4). A club qualifying as a social, athletic, or sporting club owns and operates various social, athletic, or sporting facilities, including a swimming pool, for the use of its members. Members who wish to use the pool may do so under one of three plans offered by the club. Under plan A, a payment of $30 entitles the member to the use of the pool on each day of the week from Monday through Friday for the 15 weeks of the swimming season. Under plan B, a payment of $35 entitles the member to the use of the pool on Saturday and Sunday of each of the 15 weeks. Under plan C, a payment of $40 entitles the member to the use of the pool every day during the 15 weeks of the swimming season. Only plan C confers a right to the use of the pool for more than 6 consecutive days. However, both plan A (which confers the right to the use of the pool for a period of 75 cumulative days) and plan B (which confers the right to the use of the pool for a period of 30 cumulative days) confer a right to the use of the pool for a period of more than 6 days within the meaning of section 4242(a). Therefore, the charges made under plan A and plan B, as well as those made under plan C, constitute dues or membership fees.

Example (5). A club organized and operated for the promotion of yachting, and other aquatic sports, and qualifying as a social, athletic, or sporting club owns and maintains docking and mooring facilities for the use of its members. The club makes a charge to each member using the facilities, the amount of the charge depending upon the size of the member's boat and the location of the docking and mooring facilities used. The docking and mooring facilities are considered to be social, athletic, or sporting privileges or facilities, since they are so closely associated with the yachting and other aquatic activities for which the club was created as to partake of the nature of those activities. Charges made by the club for these facilities constitute dues or membership fees if the period for which the charge is made is more than 6 days.

Example (6). A beach club qualifying as a social, athletic, or sporting club or organization owns a strip of ocean beach in connection with which it provides and maintains cabins and cabanas for the use of its members. Any member desiring to do so may rent a cabin or cabana for one or more days, one or more weeks, or for the season. Such cabins and cabanas are considered to be social, athletic, or sporting privileges or facilities, since they are so closely associated with the beach and swimming activities of the club as to partake of the nature of those activities. Charges made by the club for the use of such cabins and cabanas constitute dues or membership fees if the period for which the charge is made is more than 6 days.

Example (7). A social club which makes available to its members golfing, swimming, and skating facilities also maintains in its clubhouse suites of rooms for occupancy by members or their guests. Each suite consists of a living room, bedroom, and bathroom. The suites may be engaged by the day, week, or month at rates specified by the club. The suites are not considered to be social, athletic, or sporting privileges or facilities since they bear no direct relationship to any club activity. Charges made by the club for the use of the suites do not constitute dues or membership fees, regardless of the period for which the charges are made.

Example (8). A social club owns and operates a golf course for the use of its members. A professional golfer attached to the club offers the members the service of cleaning and storage of their golfing equipment. The service is offered by the professional golfer in his capacity as an independent contractor. The charges made by the professional golfer for this service do not constitute dues or membership fees since the service is provided by him and not the club. However, if the service were provided by the club, any charge made by the club for the service would constitute dues or membership fees, if the period for which the charge was made was more than 6 days.

Example (9). A member of an athletic club violates the house rules and is suspended until he pays a fine of $15. The fine does not constitute dues or membership fees.

Example (10). All members of a social club pay dues of $30 per year. A penalty of $1 is imposed on any member who fails to pay his dues promptly. The penalty is incurred and paid in a particular year by a member. The penalty is considered to be an increase in the amount of the member's dues or membership fees.

§ 49.4242–2 Definition; initiation fees.

The term "initiation fees", as used in the regulations in this part, includes any payment, contribution, or loan required as a condition precedent to membership in a social, athletic, or sporting club or organization, whether or not any such payment, contribution, or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed, or loaned. It is immaterial whether the applicant has any hope or expectation of a return of his payment upon resignation, death, or other circumstances, nor is it material to whom he pays the money. For instance, if a golf club requires incoming members, as a condition precedent to membership, to purchase either from it or from retiring members a share of stock, the tax attaches to any such payment for the stock regardless of the fact that it represents a property interest in the assets of the club. Likewise, if the purchase of a share of stock in a landholding corporation is a necessary precedent to membership in the club, the amount paid for the share of stock is an initiation fee. In the case of a transfer of stock from a retiring member, the amount paid by the new member for the stock, as well as any transfer fee required from the new member, is an initiation fee. However, see § 49.4243–2 for the exemption provided in respect of amounts paid for certain capital improvements.

§ 49.4243 Statutory provisions; exemptions.

SEC. 4243. *Exemptions*—(a) *Fraternal organizations.* There shall be exempted from the provisions of section 4241 all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university.

(b) *Payments for capital improvements.* Notwithstanding any other provision of this part, there shall be exempted from the provisions of section 4241 any amount paid as dues or membership fees or as initiation fees—

(1) For the construction or reconstruction of any social, athletic, or sporting facility, or

(2) For the construction or reconstruction of any capital addition to, or capital improvement of, any such facility, or

(3) For furnishings or fixtures (including installation charges) for any such facility, to the extent that such furnishings or fixtures are required, by reason of the construction or reconstruction described in paragraph (1) or (2), for the use of such facility upon completion of such construction or reconstruction;

except that, in the case of any such amount which is not expended for such construction, reconstruction, furnishings or fixtures (including installation charges) within 3 years after the date of payment of such amount, the exemption provided by this subsection shall cease to apply upon the expiration of such 3-year period, and the club or organization, rather than the person who made such payment, shall be liable for any tax imposed by section 4241 in respect of such payment, as if such payment had been made on the first day following the expiration of such 3-year period.

(c) *Nonprofit swimming or skating facilities.* Under regulations prescribed by the Secretary or his delegate, there shall be exempted from the provisions of section 4241 all amounts paid as dues or fees to any club or other organization organized and operated primarily for the purpose of providing swimming or skating facilities for its members, if no part of the net earnings of such organization inures to the benefit of any private stockholder or individual. This subsection shall apply with respect to an organization only if it is established to the satisfaction of the Secretary or his delegate that—

(1) Children will be permitted to use the swimming or skating facilities, on the basis of their own membership or the membership of adults;

(2) No beverage subject to tax under chapter 51 (distilled spirits, wines, and beer) will be served or permitted to be consumed on any premises under the control of such organization;

(3) No dining facilities (other than facilities for light refreshment), and no dancing facilities, will be provided on any premises under the control of such organization; and

(4) Such organization is not controlled by, or under common control with, any other organization.

[Sec. 4243 as amended and in effect Jan. 1, 1959, and as further amended by sec. 3 (a), Act of Sept. 21, 1959 (Pub. Law 86–344, 73 Stat. 618)]

§ 49.4243–1 Exemption; fraternal organizations.

In the case of a fraternal society, order, or association, operating under the lodge system, or a local fraternal organization among the students of a college or university, all amounts paid as dues or membership fees or as initiation fees are exempt from the tax imposed under section 4241. The phrase "operating under the lodge system" means carrying on activities under a form of organization that comprises local branches, chartered by a parent organization and largely self-governing, called "lodges", "chapters", or the like. For example, an organization formed for purely social purposes by Masons of the higher degrees, consisting of local "lodges" and a "grand lodge", falls within the exemption. A "chapter" of a college fraternity and a "local" of a labor union are also within the exemption. However, a national organization

of a social, athletic, or sporting character, comprising no local bodies but organized as a single and nationwide unit to which each member belongs directly, does not fall within the exemption.

§ 49.4243–2 Exemption; payments for capital improvements.

(a) *Assessments paid before November 1, 1959*—(1) *In general.* Membership assessments paid during the period January 1, 1959, to October 31, 1959, for construction or reconstruction begun on or after January 1, 1959, of a social, athletic, or sporting facility are exempt from the tax imposed under section 4241(a)(1) on amounts paid as dues or membership fees. Any such assessment for construction or reconstruction begun on or after January 1, 1959, of a capital addition to, or capital improvement of, any such facility is also exempt from tax. Assessments paid for the retirement of indebtedness (a mortgage loan, for example) incurred by reason of the construction or reconstruction of any such facility, capital addition, or capital improvement are considered to be assessments for construction or reconstruction. Assessments paid for the replenishment of reserve funds expended by the club or organization for construction or reconstruction are also considered to be assessments for such construction or reconstruction. However, assessments for the purchase of land or for the purchase of existing facilities do not come within the exemption. Neither do assessments for ordinary maintenance or repair of club facilities come within the exemption. Moreover, assessments paid are not within the exemption unless they are earmarked at the time of payment for use as provided in this paragraph.

(2) *Meaning of terms.* The terms "facility", "capital addition", and "capital improvement" include, for purposes of this paragraph, buildings and any appurtenances thereto, as well as tennis courts, swimming pools, golf courses, etc. Such terms do not include items of personalty, such as furniture, furnishings, vehicles, mechanical or electrical appliances, etc.

(b) *Dues or fees paid after October 31, 1959*—(1) *In general.* Except as otherwise provided in subparagraph (2) of this paragraph, any amount paid after October 31, 1959, as dues or membership fees or as initiation fees—

(i) For construction or reconstruction begun on or after January 1, 1959, of any social, athletic, or sporting facility, or

(ii) For construction or reconstruction begun on or after January 1, 1959, of any capital addition to, or capital improvement of, any such facility, or

(iii) For furnishings or fixtures, such as furniture, drapes, carpeting, refrigerators, etc. (including installation charges), for any such facility, to the extent that such furnishings or fixtures are required, by reason of the construction or reconstruction described in subdivision (i) or (ii), for the use of such facility upon completion of such construction or reconstruction,

is exempt from the tax imposed under section 4241(a)(1) on amounts paid as dues or membership fees, and from the tax imposed under section 4241(a)(2) on amounts paid as initiation fees. Amounts paid for the retirement of indebtedness (a mortgage loan, for example) incurred by reason of the construction or reconstruction of any such facility, capital addition, or capital improvement, or purchase of such furnishings or fixtures for the use of the facility upon completion of construction or reconstruction are exempt from the tax imposed under section 4241. Amounts paid for the replenishment of reserve funds expended by the club or organization for purposes described in subdivision (i), (ii), or (iii) of this subparagraph are also exempt from the tax imposed under section 4241. However, amounts paid for the purchase of land or for the purchase of existing facilities do not come within the exemption. Neither do amounts paid for ordinary maintenance or repair of club facilities come within the exemption. Moreover, amounts paid are not within the exemption unless they are earmarked at the time of payment for use as provided in this paragraph.

(2) *Amounts unexpended for construction or reconstruction, or for furnishings or fixtures.* In the case of any amount paid after October 31, 1959, which is not expended by the club or organization for construction, reconstruction, furnishings or fixtures (including installation charges) as provided in section 4243(b) of the Code, and in subparagraph (1) of this paragraph, within 3 years after date of payment to the club or organization, the exemption provided by section 4243(b) of the Code and in subparagraph (1) of this paragraph shall cease to apply upon the expiration of such 3-year period. In such case, the club or organization, rather than the person who made the payment, shall be liable for any tax imposed by section 4241 in respect of the unexpended amount, as if the payment had been made on the first day following the expiration of such 3-year period.

(c) *Life memberships*—(1) *Elective tax.* The exemption provided in section 4243(b) has no application in the case of an amount paid for a life membership where the life member has elected to pay tax on such amount pursuant to section 4241(a)(3)(B) (see paragraph (c)(2) of § 49.4241–1).

(2) *Equivalent tax.* In the case of an amount paid for a life membership to which section 4241(a)(3)(A) has application (see paragraph (c)(1) of § 49.4241–1), the benefit of the exemption provided in section 4243(b) accrues in respect of such life membership to the extent that the exemption applies in respect of amounts paid as dues or membership fees of members (other than life members) having privileges most nearly comparable to the person holding such life membership.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A social club operating a golf course and swimming pool assesses each of its members $200, which is used to build locker room facilities and to increase the dining room area of the clubhouse. The amounts so paid by the members are exempt from the tax imposed under section 4241(a)(1).

Example (2). The social club in Example (1) assesses each of its members $20 for the purchase of new carpeting and furniture for use in its dining room which has recently been enlarged. Assessments are paid on July 1, 1959. The assessments are not exempt from the tax imposed under section 4241(a), since furniture and fixtures are not within the scope of the exemption provided by section 4243(b) as in effect prior to November 1, 1959. However, if the assessments are paid on or after November 1, 1959, the exemption provisions would apply to the assessments.

Example (3). The members of a social club paid an assessment of $150,000 for the purchase of 12 acres of land and the subsequent construction of a new clubhouse thereon. The cost of the unimproved real property was $37,500. Since amounts used for the purchase of land are not exempt from tax under section 4241(a)(1), only $112,500, or 75 percent of the $150,000 assessment, is exempt from the tax as an assessment for the construction of a social, athletic, or sporting facility.

Example (4). An athletic club assesses its members $50,000 for the purchase of a building to be used by such club for additional indoor facilities. The amount paid by each member is subject to tax under section 4241(a)(1), since the assessment is for the purchase of existing facilities and not for the construction or reconstruction of a facility.

Example (5). A social club requires the purchase of one share of its capital stock as the initiation fee to become a member. During a financial drive for funds to construct larger dining room facilities, twenty persons joined the club, each paying to the club $100 for a share of the club's capital stock. Information distributed by the club indicated that the money so raised would be used for the expansion of its dining room facilities. During the drive for additional funds, a retiring member of the club sold his share of capital stock to an incoming member. In this example, the initiation fees ($100 for purchase of one share of the club's capital stock) paid to the club by the twenty new members fall within the exemption provided by section 4243(b) as amounts paid for the construction or reconstruction of club facilities. However, the amount received by the retiring member from the sale of his share of capital stock to the incoming member would not be exempt under that section of law, and the club is liable for the collection and reporting of the excise tax imposed under section 4241 on such amount.

Example (6). In 1960 a social club is engaged in a program of reconstruction of the club's dining room, as provided in a resolution adopted in December 1959 by the board of directors of the club. Pursuant to such resolution, all dues or membership fees, initiation fees, and payments for life memberships in 1960 are used for such reconstruction. In January 1960, A, B, and C become members of the club. A and B each pay $1,000 for a life membership in the club. C pays an initiation fee of $500 and dues or membership fees in the amount of $50 for 1960 as an active resident annual member. A elects under section 4241(a)(3)(B) to pay the club dues tax on the basis of the amount paid for his life membership. B does not make such an election, and, pursuant to section 4241(a)(3)(A), the tax in respect of his life membership is equivalent to the tax on the amount paid as dues or membership fees of members (other than life members) having privileges most nearly comparable to the privileges afforded him as a life member. B's privileges as a life member are most nearly comparable to those of an active resident annual member. Thus, the tax in respect of the life membership held by B is

equivalent to the tax on the amount paid as dues or membership fees of C. Since C's dues or membership fees paid in 1960 are used for reconstruction of the club's dining room, no tax liability is incurred with respect to his dues or membership fees. Therefore, no tax liability is incurred in 1960 with respect to the life membership held by B. However, tax liability of $200 ($1,000×20 percent) is incurred in respect of the life membership held by A, who elected under section 4241(a)(3)(B) to pay the tax on the basis of the amount paid for his life membership, even though such amount is also used for reconstruction of the club's dining room.

§ 49.4243-3 Exemption; nonprofit swimming or skating facilities.

(a) *In general.* In the case of a club or other organization organized and operated primarily for the purpose of providing swimming or skating (ice or roller) facilities for its members, all amounts paid as dues or membership fees or as initiation fees are exempt from the tax under section 4241, if—

(1) No part of the net earnings of the club or organization inures to the benefit of any private stockholder or individual,

(2) Children are permitted to use the swimming or skating facilities on the basis of their own membership or the membership of adults,

(3) No alcoholic beverages, such as distilled spirits, wines, or beer, are served or permitted to be consumed on any premises under the control of the organization,

(4) No dining facilities (other than facilities for light refreshment) and no dancing facilities are provided on any premises under the control of the organization, and

(5) The organization is not controlled by, or under common control with, any other organization.

(b) *Meaning of terms*—(1) *Facilities for light refreshment.* For purposes of this section, the term "facilities for light refreshment" means facilities, of a type sometimes referred to as a snack bar, for the preparation and serving of such food or drink as hamburgers, frankfurters, cheeseburgers, soft drinks, ice cream, coffee, milk, milk shakes, and sodas. The term does not include facilities for the preparation and serving of full course luncheons or dinners similar to those served in restaurants.

(2) *Dancing facilities.* The term "dancing facilities" includes facilities for the furnishing of music (live or mechanical) and space, for the purpose of social dancing. The term "social dancing" does not include the rhythmic and patterned movement to music by roller skaters or ice skaters.

(c) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A nonprofit skating association provides a skating rink for the use of its adult members and their families, including children. The skating surface can accommodate approximately 150 skaters. Benches are arranged around the sides of the rink for the convenience of members who come to watch others skate and for skaters who desire to rest. Adjacent to the skating surface is a snack bar with 6 small tables. Potato chips, frankfurters, hamburgers, soft drinks, and milk are sold at the snack bar. These refreshments may either be eaten by the skaters while standing or may be carried by them to the tables or benches to be eaten while seated. The skating rink constitutes the only premises under the association's control. Neither dancing nor the consumption of alcoholic beverages is permitted on the premises, and no facilities for the furnishing of food are provided other than those found at the snack bar. The association is not controlled by, or under common control with, any other association. All amounts paid to the association as initiation fees, or as dues or membership fees, or for life memberships are exempt from the tax imposed by section 4241.

Example (2). A swimming club maintains a community swimming pool on a nonprofit basis. It serves no alcoholic beverages on its premises but provides setups for those members who bring their own liquor. In the case of this club, amounts paid as dues or membership fees, as initiation fees, or for life memberships are not within the exemption since the club permits alcoholic beverages to be consumed on the premises.

Example (3). A skating club, a nonprofit community organization, provides ice-skating facilities in the winter, and roller-skating facilities in the summer, for its adult members only. Incidental to its skating facilities, it maintains facilities for tennis, badminton, and ping pong. Light refreshments are sold on the premises. The club also operates a dance hall adjacent to the skating rink. The exemption is not available to the club for two reasons: (1) children are not permitted to use the skating rink, and (2) dancing facilities are provided by the club on premises under its control.

[F.R. Doc. 60-8876; Filed, Sept. 22, 1960; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN CARROTS [1]

United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Diced Carrots (7 CFR, 52.701 to 52.711) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.701 Product description.
52.702 Styles of frozen carrots.
52.703 Grades of frozen carrots.

FACTORS OF QUALITY

52.704 Ascertaining the grade of a sample unit.
52.705 Ascertaining the rating for the factors which are scored.
52.706 Color.
52.707 Uniformity of size and shape.
52.708 Absence of defects.
52.709 Texture.

LOT INSPECTION AND CERTIFICATION

52.710 Ascertaining the grade of a lot.

SCORE SHEET

52.711 Score sheet for frozen carrots.

AUTHORITY: §§ 52.701 to 52.711 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.702 Styles of frozen carrots.

Frozen carrots is the clean and sound product prepared from the fresh root of the carrot plant (Daucus carota) by washing, sorting, peeling, trimming, and blanching, and is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(a) "Whole" or "whole carrots" means carrots that retain the approximate original conformation of the whole carrot.

(b) "Halves" or "Halved" means carrots cut longitudinally into two units.

(c) "Quarters" or "quartered" means carrots cut longitudinally into four approximately equal units. Carrots cut longitudinally and/or crosswise into six or eight units approximating the size and appearance of quartered carrots are also permitted in this style.

(d) "Slices" or "sliced" means carrots sliced transversely to the longitudinal axis.

(e) "Diced" means carrots consisting of approximate cube-shaped units.

(f) "Julienne," "French style," or "shoestring" means carrots consisting of longitudinally-cut, square cross-section strips of carrots.

(g) "Chips" means carrots consisting small sized units (such as less than ½ cube), and variously-shaped pieces in which the longest-edge dimensions approximate not more than ½ inch.

(h) "Cut" means carrots consisting of cut units which do not conform to any of the foregoing styles.

§ 52.703 Grades of frozen carrots.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen carrots of any style other than chips that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically uniform in size and shape for the applicable style; that are practically free from defects; that are tender; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen carrots of any style that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably uniform in size and shape for the applicable style; that are reasonably free from defects; that are reasonably tender; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen carrots that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.704 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product.

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(b) *Evaluation of quality.* The score for the factors of color, uniformity of size and shape, and absence of defects in frozen carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(c) *Definition of normal flavor and odor.* "Normal flavor and odor" means a good characteristic flavor and odor of properly prepared frozen carrots that are free from objectionable flavors and objectionable odors of any kind.

§ 52.705 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

§ 52.706 Color.

(a) *General.* The evaluation of color shall be determined on the thawed product. The color is based upon the uniformity and the brightness of the typical exterior orange-yellow color of the units. The presence of green and white units are scored under this factor when the over-all color is affected.

(b) (*A*) *classification.* Frozen carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the frozen carrots possess an orange-yellow color that is bright and typical of frozen carrots and that the presence of green or white units does not more than slightly affect the appearance or eating quality of the product.

(c) (*B*) *classification.* If the frozen carrots possess a reasonably good color, a score of 18 to 20 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen carrots possess a typical color of frozen carrots and such color may be slightly dull but not off color and that the presence of green or white units does not materially affect the appearance of eating quality of the product.

(c) (*SStd*) *classification.* Frozen carrots that are off color for any reason or that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.707 Uniformity of size and shape.

(a) *Ascertaining dimensions.* Size dimensions of the various units are measured as follows:

(1) *Diameter of whole carrots.* The diameter of a whole carrot is the shortest diameter at the greatest circumference measured at right angles to the longitudinal axis of the carrot.

(2) *Width of halved carrots.* The width of a half is the widest cut surface measured at right angles to the length.

(3) *Width of quartered carrots.* The width of a quarter is the widest cut surface measured at right angles to the length.

(4) *Diameter of sliced carrots.* The diameter of a slice is the shortest diameter of the larger of the two cut surfaces of the slice.

(5) *Size of diced carrots.* The size of a dice is the length of one of the 12 approximately equal edges of the cube.

(6) *Diameter of julienne, French style, or shoestring carrots.* The diameter of the strip is one of the four approximately equal edges of the cross-section measured at right angles to the length.

(b) (*A*) *classification.* Frozen carrots of styles other than "chips" that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" means the over-all appearance of the product for the applicable style is not materially affected by size and shape of the units and has the following meanings with respect to the applicable styles of frozen carrots:

(1) *Whole.* The diameters of the individual carrots are not more than 1 inch; the carrots may vary moderately in shape; and of all the whole carrots, in the 90 percent, by count, that are most uniform in diameter, the diameter of the carrot with the greatest diameter does not exceed the diameter of the carrot with the smallest diameter by more than 50 percent.

(2) *Halved.* The width of each half is not more than 1¼ inches; and of all the halved carrots, in the 90 percent, by count, that are most uniform in width, the width of the half with the greatest width does not exceed the width of the half with the smallest width by more than 50 percent.

(3) *Quartered.* The individual quarter is not more than 1¼ inches in width; and of all the quartered carrots, in the 90 percent, by count, that are most uniform in width, the width of the quarter with the greatest width does not exceed the width of the quarter with the smallest width by more than 50 percent.

(4) *Sliced.* The individual slice is not more than ½ inch in thickness when measured at the thickest portion; the diameter of each slice is not more than 2½ inches; and of all the sliced carrots, in the 90 percent, by count, that are most uniform in diameter, the diameter of the slice with the greatest diameter does not exceed the diameter of the slice with the smallest diameter by more than 75 percent.

(5) *Diced.* The edges, other than the rounded outer edges, of the cubes measure approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large units and large, irregularly-shaped units does not exceed 12 percent, by weight, of all the units: *Provided,* That not more than 5 percent, by weight, of all the units may be less than one-fourth the size of a regular cube.

(6) *Julienne, French style, or shoestring.* The square, cross-sections of the strips measure approximately 3/16 inch in diameter; and the aggregate weight of all strips less than ½ inch in length does not exceed 12 percent, by weight, of all the strips.

(7) *Cut.* The individual units weigh not less than ¼ ounce; and of all the carrots, in the 90 percent, by count, that are most uniform in weight, the weight of the largest unit is not more than twice the weight of the smallest unit.

(b) (*B*) *classification.* If the frozen carrots of any style are reasonably uniform in size and shape a score of 8 to 11 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means the over-all appearance of the product for the applicable style is not seriously affected by size and shape of the units and has the following meanings with respect to the applicable styles of frozen carrots:

(1) *Whole.* The diameters of the individual carrots are not more than 2¼ inches; the carrots may vary considerably in shape; and of all the whole carrots, in the 90 percent, by count, that are most uniform in diameter, the diameter of the carrot with the greatest diameter is not more than twice the diameter of the carrot with the smallest diameter.

(2) *Halved.* The width of each half is not more than 1¼ inches; and of all the halved carrots, in the 90 percent, by count, that are most uniform in width, the width of the half with the greatest width is not more than twice the width of the half with the smallest width.

(3) *Quartered.* The individual quarter is not more than 1¼ inches in width; and of all the quartered carrots, in the 90 percent, by count, that are most uniform in width, the width of the quarter with the greatest width is not more than twice the width of the quarter with the smallest width.

(4) *Sliced.* The individual slice is not more than ½ inch in thickness when measured at the thickest portion; the diameter of each slice is not more than 2½ inches; and of all the sliced carrots, in the 90 percent, by count, that are most uniform in diameter, the diameter of the slice with the greatest diameter is not more than twice the diameter of the slice with the smallest diameter.

(5) *Diced.* The edges, other than the rounded outer edges, of the cubes measure approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large units and large, irregularly-shaped units does not exceed 25 percent, by weight, of all the units: *Provided:* That not more than 10 percent, by weight, of all units may be less than one-fourth the size of a regular cube.

(6) *Julienne, French style, or shoestring.* The square, cross sections of the strips measure approximately 3/16 inch in diameter; and the aggregate weight of all the strips less than ½ inch in length does not exceed 25 percent, by weight, of all the strips.

(7) *Chips.* The units are small (such as less than ½ cube) and individually reasonably uniform in weight; and may consist of variously-shaped pieces in which the longest-edge dimensions approximate not more than ½ inch.

(8) *Cut.* The individual units weigh not less than ½ ounce; and of all the carrots, in the 90 percent, by count, that are most uniform in weight, the weight of the largest unit is not more than four times the weight of the smallest unit.

(c) (*SStd*) *classification.* Frozen carrots that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.708 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from defective units. "Defective units" or "defects" are units damaged by mechanical injury or other means; unpeeled units; units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green or white colored units, pathological injury or insect injury; and units blemished or seriously blemished by other means.

(1) "Damaged by mechanical injury or other means" include crushed, broken, or cracked units; units with excessively frayed edges and surfaces; excessively or poorly trimmed units; or damaged by other similar means to an extent that the appearance or eating quality of the unit is seriously affected.

(2) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle ½ inch in diameter.

(3) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(4) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(b) (*A*) *classification.* Frozen carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the defective units or defects (whether or not specifically mentioned) do not more than slightly affect the appearance or edibility of the product and has the following meanings with respect to the various styles of frozen carrots:

(1) *Whole; halved; quartered.* Not more than 15 percent, by count, of all the units may be defective including not more than 7½ percent, by count, of all the units that may be blemished and seriously blemished: *Provided,* That not more than 1 percent, by count, of all the units may be seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished: *And provided further,* That the total number of such blemished or seriously blemished units in all of the containers comprising the sample do not exceed the allowances for such blemished or seriously blemished units.

(2) *Sliced; cut.* Not more than 15 percent, by weight, of all the units may be defective including not more than 7½ percent, by weight, of all the units that may be blemished and seriously blemished: *Provided,* That not more than ½ of 1 percent, by weight, of all the units may be seriously blemished.

(3) *Diced; julienne, French style, shoestring; chipped.* Not more than 10 percent, by weight, of all the units may be defective including not more than 5 percent, by weight, of all the units that may be blemished and seriously blemished: *Provided,* That not more than ½ of 1 percent, by weight, of all the units may be seriously blemished.

(c) (*B*) *classification.* Frozen carrots that are reasonably free from defects may be given a score of 22 to 25 points. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the defective units or defects (whether or not specifically mentioned) do not materially affect the appearance or edibility of the product and has the following meanings with respect to the various styles of frozen carrots:

(1) *Whole; halved; quartered.* Not more than 25 percent, by count, of all the units may be defective including not more than 12½ percent, by count, of all the units that may be blemished and seriously blemished: *Provided,* That not more than 2 percent, by count, of all the units may be seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished: *And provided further,* That the total number of such blemished or seriously blemished units in all of the containers comprising the sample do not exceed the allowances for such blemished or seriously blemished units.

(2) *Sliced; Cut.* Not more than 25 percent, by weight, of all the units may be defective including not more than 12½ percent, by weight, of all the units that may be blemished and seriously blemished: *Provided,* That not more than 1 percent, by weight, of all the units may be seriously blemished.

(3) *Diced; julienne, French style, shoestring; chipped.* Not more than 16 percent, by weight, of all the units may be defective including not more than 8 percent, by weight, of all the units that may be blemished and seriously blemished: *Provided,* That not more than 1 percent, by weight, of all the units may be seriously blemished.

(d) (*SStd*) *classification.* Frozen carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.709 Texture.

(a) *General.* The factor of texture refers after cooking to the tenderness and freedom from mushiness of the carrots and the degree of freedom from coarse or fibrous units.

(b) (*A*) *classification.* Frozen carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, or mushy, and possess a practically uniform texture.

(c) (*B*) *classification.* If the frozen carrots possess a reasonably tender texture, a score of 22 to 25 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in texture but not tough, hard, or mushy, and there may be present a few units which possess a coarse, fibrous, or mushy texture.

(d) (*SStd*) *classification.* Frozen carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.710 Ascertaining the grade of a lot.

The grade of a lot of frozen carrots covered by these standards is determined by procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.711 Score sheet for frozen carrots.

Size and kind of container	----
Container marks or identification	----
Label	----
Net weight (ounces)	----
Style	----

Factors		Score points
Color	25	(A) 21–25 (B) [1] 18–20 (SStd) [2] 0–17
Uniformity of size and shape	15	(A) [1] 12–15 (B) [1] 8–11 (SStd) [2] 0–7
Absence of defects	30	(A) 26–30 (B) [1] 22–25 (SStd) [2] 0–21
Texture	30	(A) 26–30 (B) [1] 22–25 (SStd) [2] 0–21
Total score	100	

Grade	----
Flavor and odor	----

[1] Indicates limiting rule.
[2] Limits style of "chips" to Grade B or lower grade.

Dated: September 20, 1960.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 60–8860; Filed, Sept. 22, 1960; 8:47 a.m.]

[7 CFR Part 922]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Quantities and Types of Shipments

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (7 CFR 992.100 et seq.; Subpart—Rules and Regulations) of the Valencia Orange Administrative Committee, currently in effect pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed amendment would add a new paragraph to § 922.133 *Minimum quantities and types of shipments* as follows:

(c) Any handler who desires to furnish, at his own expense, oranges for experimental or research work by a university or other similar research institution, which does not involve the sale of such oranges in fresh fruit channels, may do so without regard to volume and size regulations in effect. Any such oranges shall be reported to the committee on V.O.A.C. Form No. 4, Report of Weekly Orange Movement, and shall show the quantity of oranges furnished, and the name and address of the university or other research institution.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: September 19, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8890; Filed, Sept. 22, 1960; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Eli Lilly and Company, 740 South Alabama Street, Indianapolis 6, Indiana, proposing the issuance of a regulation for amendment of § 121.1010(a)(2) to permit the use of gibberellic acid and its potassium salt in a mixture having an activity of 10 percent, for increasing enzymatic activity in malt.

Dated: September 16, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60–8870; Filed, Sept. 22, 1960; 8:49 a.m.]

[21 CFR Part 130]

NEW DRUGS; APPLICATION FORM

Notice of Proposal To Amend Requirements for Submittal of Samples

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505(b)(5), 701(a), 52 Stat. 1052, 1055; 21 U.S.C. 355(b)(5), 371(a)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), proposes to amend the new-drug regulations (21 CFR 130.4) as hereinafter set forth. The Commissioner hereby offers an opportunity to all interested persons to submit their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Views and comments should be submitted in quintuplicate.

It is proposed to amend § 130.4 *Applications* by changing item (5) in the new-drug application form set out in paragraph (c) to read as set forth below:

(c) • • •

(5) Samples of the drug and articles used as components, as follows:

(a) The following samples shall be submitted with the application or as soon thereafter as they become available. Each sample shall consist of four identical, separately packaged subdivisions, each containing at least three times the amount required to permit laboratory examination for compliance with all of the specifications for the article in the application including any assays:

(i) Samples of each new-drug substance from each batch of the new drug employed in the clinical trials and other investigations of the safety.

(ii) Samples of each new-drug substance obtained from the first full production-scale batch.

(iii) Samples of any reference standards used in assaying each new-drug substance and other assayed components of the finished drug.

(iv) Samples of the substances or mixtures employed as blanks in connection with the assays of new-drug substances and assays of the finished drug.

(v) Samples of each finished dosage form of the drug employed in the clinical trials and other investigations of its safety.

(vi) Finished market packages of each dosage form of the drug prepared from production-scale batches.

(b) Additional samples shall be submitted on the request of the New Drug or Veterinary Branch.

(c) Each of the samples submitted shall be appropriately packaged and labeled to preserve its characteristics, to identify the material in the sample, and to identify it with the name of the applicant and the new drug application to which it relates.

(d) There shall be included a full list of the samples submitted pursuant to subparagraph (a), a statement of the additional samples that will be submitted as soon as available, and with respect to each sample submitted full information with respect to its identity, origin (including in the case of new drug substances, a statement as to whether it was produced on a laboratory, pilot-plant, or full production scale) and detailed results of all laboratory tests made on the batch represented by the sample, including assays. If the test methods used differed from those described in the application, full details of the methods employed in obtaining the reported results shall be submitted.

(e) The New Drug Branch or the Veterinary Branch may, on request of the applicant, waive the requirements of (5)(a), in whole or in part, when in the opinion of the Branch any such samples are not necessary.

Dated: September 16, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60–8871; Filed, Sept. 22, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60–FW–24]

CONTROL ZONES

Modification of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60–FW–24 on June 14, 1960 (25 F.R. 5307), it was stated that the Federal Aviation Agency proposed to modify the Greenville, Miss., control zone by revoking the present control zone ex-

tension and designating a new extension within 2 miles either side of the 183° True radial of the Greenville AFB TVOR, extending from the 5-mile radius zone to the TVOR. Subsequent to the publication of this notice the Department of the Air Force has informed the Federal Aviation Agency that as a result of a change in mission for Greenville AFB there will no longer be a requirement for a control zone at Greenville after December 31, 1960. Notice is hereby given that the original proposal is amended by withdrawing the proposal to modify the Greenville control zone and by substituting therefor a proposal to revoke the Greenville control zone.

If this action is taken, the Greenville control zone would be revoked effective December 31, 1960.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the closing date for filing such material will be extended to October 24, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (§ 409.13) I hereby give notice that the time within which comments will be received for consideration of Airspace Docket No. 60–FW–24 is extended to October 24, 1960. Communications should be submitted in triplicate to the Chief Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex.

Sections 304(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on September 16, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8847; Filed, Sept. 22, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-58]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2060 of the regulations of the Administrator, the substance of which is stated below.

The Pellston, Mich., control zone is presently designated within a 5-mile radius of Emmet County Airport, Pellston, Mich., extending 2 miles either side of a track bearing 132° True from the Pellston radio beacon to a point 10 miles southeast. The Federal Aviation Agency is considering modifying this control zone as follows:

1. Extend the present control zone extension, based on the 132° True bearing from the radio beacon, from 10 miles to 12 miles southeast of the radio beacon.

2. Designate a control zone extension within 2 miles either side of the 240° True radial of the Pellston VOR extending from the present 5-mile radius zone to the VOR.

These modifications would provide protection for aircraft executing the prescribed ADF and VOR instrument approach procedures at the Emmet County airport.

If these actions are taken the Pellston, Mich., control zone would be designated within a 5-mile radius of the Emmet County Airport, Pellston, Mich., (Lat. 45°34'40" N., Long. 84°47'40" W.), within 2 miles either side of the 132° True bearing from the Pellston radio beacon extending from the 5-mile radius zone to 12 miles southeast of the radio beacon, and within 2 miles either side of the 240° True radial of the Pellston VOR extending from the 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 16, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8846; Filed, Sept. 22, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 173]

DOMINICAN REPUBLIC

Cessation of Diplomatic Relations and Assumption of Diplomatic Representation of U.S.

Notice is hereby given that, following the cessation of diplomatic relations on August 26, 1960, between the Government of the United States and the Government of the Dominican Republic, the Government of the United Kingdom has assumed diplomatic representation of the United States in the Dominican Republic.

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 9, 1960.

[F.R. Doc. 60-8891; Filed, Sept. 22, 1960; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 881]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

Notice of Supplemental Order

The Federal Maritime Board, on September 12, 1960, entered the following Ninth Supplemental Order, to the original order in this proceeding dated January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364):

It appearing that by the Original Order, as amended, in Docket No. 881 dated January 7, 1960, the Board instituted an investigation into and concerning the reasonableness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports on the one hand, and ports and points in Alaska on the other; and

It further appearing that said Original Order provides in part that 'no change shall be made in the rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board'; and

It further appearing that on August 30, 1960, Alaska Freight Lines, Inc., filed Application No. 14 seeking authority to publish, post and file, on less than thirty days' statutory notice, section three, containing consecutively numbered Revised Pages Nos. 90 through 116, inclusive, to Freight Tariff F.M.B.–F. No. 1 (Alaska Northern Express, Inc., series) in order to publish rates to points in Alaska not previously served under the original tariff; and

It further appearing that the Board has denied the portion of said application requesting permission to file said pages on less than thirty days' statutory notice, but, having found good cause therefor, has on September 12, 1960, granted special permission to publish such rates on not less than thirty days' notice under Special Permission No. 3871.

Now therefore, it is ordered, That the Original Order herein is modified to the extent necessary to permit publication and filing of the revised pages covered by such Special Permission No. 3871; and

It is further ordered, That any rates, charges, rules, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, rules, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of the Order shall be filed with said tariff schedule in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents and protestants herein; and that this Order be published in the FEDERAL REGISTER.

Dated: September 19, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8843; Filed, Sept. 22, 1960; 8:45 a.m.]

WEST INDIA FRUIT & STEAMSHIP CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8525, between West India Fruit & Steamship Company, Inc., and Sea-Highways, Inc., covers an arrangement whereby, in consideration of the purchase of the car ferry Henry N. Flagler by Sea-Highways, Inc., said company, for a period of ten (10) years from the date of the delivery of said vessel, will not operate, or cause or permit said vessel to be operated, between ports or places in the States of Georgia, Florida, Mississippi, Alabama or Louisiana, or any one or more of them, and ports or places on the Island of Cuba, as a car ferry, train ferry, truck ferry, auto ferry or passenger ferry, or any combination thereof, or in any service or trades between said ports or places for the transportation of passengers, or of cargo in trailers, containers, rail cars, automobiles or trucks.

(2) Agreement No. 8541, between Grace Line, Inc., and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Chile, Ecuador, Peru and Colombia Pacific Coast ports to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8541, upon approval, will supersede and cancel approved Agreement No. 7764, between the same parties in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 19, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8844; Filed, Sept. 22, 1960; 8:45 a.m.]

Maritime Administration

STATES STEAMSHIP CO.

Notice of Application

Notice is hereby given that the States Steamship Company has filed an application for a waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit States Steamship Company to act as agents for foreign flag ships chartered to Dant & Russell, Inc., for the carriage of full cargoes of lumber from the Pacific Northwest to Australia.

Any person, firm or corporation having an interest in such application and desiring a hearing on issues pertinent to section 804 of the Merchant Marine Act, 1936, as amended, should by close of business on October 7, 1960, notify the Secretary, Maritime Administration, in writing, in triplicate, setting forth the reasons for requesting a hearing, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Administration.

If no request for hearing or petition for leave to intervene is received within the specified time, or if the Maritime Administrator determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Administrator will take such action as may be deemed appropriate.

Dated: September 20, 1960.

By Order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8845; Filed, Sept. 22, 1960; 8:45 a.m.]

Office of the Secretary

EUBERT F. TAGGERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 15, 1960.

EUBERT F. TAGGERT.

[F.R. Doc. 60-8867; Filed, Sept. 22, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10741]

GREAT LAKES AIRLINES, INC., AND RALPH COX, JR., UNITED STATES OVERSEAS AIRLINES ET AL.

Notice of Postponement of Hearing

In the matter of the complaint of Great Lakes Airlines, Inc., vs. Ralph Cox, Jr., United States Overseas Airlines et al.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned for October 4, 1960, is hereby postponed until November 1, 1960, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., September 19, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8888; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket 10979]

UNITED STATES OVERSEAS AIRLINES, INC.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned for October 11, 1960, is hereby postponed until October 24, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., September 19, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8889; Filed, Sept. 22, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

HOUSTON GAMMA RAY CO.

Order To Show Cause for Revocation of License and for Denial of Application for License Renewal

Please take notice that the Atomic Energy Commission has this date issued an "Order to Show Cause for Revocation of License and for Denial of Application for License Renewal" to Houston Gamma Ray Company, 5412 Schuler Street, Houston 7, Texas. The Order to Show Cause provides that the licensee may show cause at a hearing to commence at the United States District Court House in Houston, Texas, at 9:30 a.m. on October 11, 1960, in a courtroom to be assigned, why byproduct material License No. 42-1349-3 should not be revoked and why the application for renewal of the license should not be denied.

A copy of the Order to Show Cause is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Maryland this 19th day of September 1960.

For the Atomic Energy Commission,

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-8842; Filed, Sept. 22, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13602; FCC 60M-1562]

CLACKAMAS BROADCASTERS (KGON)

Order Continuing Hearing

In re application of Clackamas Broadcasters (KGON), Oregon City, Oregon, Docket No. 13602, File No. BP-11734; for construction permit.

On the Hearing Examiner's own motion: *It is ordered*, This 16th day of September 1960, that the hearing in the above-entitled proceeding now scheduled for September 22, 1960, is continued to a date to be determined at a prehearing conference to be held at 9:00 a.m. September 29, 1960.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8877; Filed, Sept. 22, 1960; 8:50 a.m.]

[Docket Nos. 13771-13774; FCC 60-1086]

COLUMBIA RIVER BROADCASTERS, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Columbia River Broadcasters, Inc., Mount Vernon, Washington, requests: 1470kc, 500w, DA, Day, Docket No. 13771, File No. BP-11933; Henry Perozzo (KAYE), Puyallup, Washington, has: 1450kc, 250w, U, requests: 1450kc, 250w, 1kw-LS, U, Docket No. 13772, File No. BP-12844; KBKW, Inc. (KBKW), Aberdeen, Washington, has: 1450kc, 250w, U, requests: 1450kc, 250w, 1kw-LS, U, Docket No. 13773, File No. BP-13406; Carl-Dek, Inc., Kirkland, Washington, requests: 1460kc, 5kw, DA, Day, Docket No. 13774, File No. BP-13491; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of September 1960:

The Commission having under consideration the above-captioned and described applications;

It appearing that, upon the basis of information presently before the Commission, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal, except that is has not been determined that Columbia River Broadcasters, Inc., BP-11933, is financially qualified; and

It further appearing that, the application of George W. Beucher, trading as Sealth Broadcasting Company (BP-12897), was initially associated with the above group of applicants, but that on February 19, 1960 said application was dismissed at the request of the applicant; and

It further appearing that, the application of Radio Pacific, Inc., licensee of Radio Station KONP, Port Angeles, Washington, was initially associated with the instant group upon the basis that its proposal and that of Radio Station KAYE involved mutually destructive interference, but that by letter dated February 15, 1960, Radio Pacific submited measurement data which established that no interference existed between its proposal and that of KAYE and therefore, the Radio Pacific application was divorced from the instant group; and

It further appearing that, a staff study of the application of Paul R. Heitmeyer (BP-12903) indicated that it would cause interference to Canadian Station CFCP, Courtenay, British Columbia, in contravention of the then proposed North American Regional Broadcasting Agreement; that on April 19, 1960 the aforesaid agreement was ratified; and therefore, by letter of this date, the Heitmeyer application is being dismissed; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 25, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, by letter dated February 10, 1960, Beckley Radio Company, licensee of Station KBRC, Mount Vernon, Washington, requested that the applications herein be designated for hearing; that Beckley be made a party thereto with respect to the Columbia River Broadcasters, Inc. application; and that in the said letter, Beckley set forth sufficient facts to establish that it was a party in interest under section 309(b) of the Communications Act of 1934, as amended; and therefore is being named a party to the instant proceeding; and

It further apearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Columbia River Broadcasters, Inc., and Carl-Dek, Inc., respectively and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KAYE and KBKW and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Henry Perozzo (KAYE) and the proposals of KBKW, Inc. (KBKW), and Carl-Dek, Inc., would involve objectionable interference with Station KBKW, Aberdeen, Washington and Station KAYE, Puyallup, Washington, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

6. To determine whether Columbia River Broadcasters, Inc., is financially qualified to construct and operate its proposed station, inasmuch as the said applicant failed to submit a showing that credit has been extended to it from the equipment manufacturer.

7. To determine whether the directional antenna system proposed by Columbia River Broadcasters, Inc., can be adjusted and maintained as proposed and whether the performance of the antenna system would be in accordance with the Commission's Standard Broadcast Technical Standards.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That Henry Perozzo and KBKW, Inc., licensees of Stations KAYE, Puyallup, Washington, and KBKW, Aberdeen, Washington, respectively, are made parties with respect to their existing operations; and that Beckley Radio Company, licensee of Station KBRC, Mount Vernon, Washington, is made a party to the proceeding with respect to the Columbia River Broadcasters, Inc. application, File No. BP-11933, Mount Vernon, Washington.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8878; Filed, Sept. 22, 1960; 8:50 a.m.]

[Docket No. 13481; FCC 60M-1564]

NATHAN FRANK (WNBE-TV)

Memorandum Opinion and Order Continuing Hearing

In re proposal filed by: Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for specification of transmitter and antenna site.

1. Under consideration is a joint motion by Nathan Frank (WNBE-TV) and the parties-respondent herein for a continuance without date of the hearing now scheduled to commence October 3, 1960, pending Commission action upon a petition filed September 9, 1960, by the respondents for changes in the issues. The Chief of the Commission's Broadcast Bureau, the only other party to the proceeding, has filed comments in response to the joint motion declaring that the Bureau does not oppose the motion provided the hearing is continued to a definite date, January 24, 1961, being the date suggested by the Bureau. An informal conference of counsel and the Hearing Examiner was held at the Hearing Examiner's office on September 14, 1960, to discuss the motion and other procedural matters, formal oral argument on the motion having not been requested by the parties.[1]

2. Under ordinary circumstances the Hearing Examiner would have been disposed to deny the requested continuance outright, especially in the light of a Memorandum Opinion and Order of the Commission in this very proceeding, released on September 12, 1960 (FCC 60-1033), wherein the Commission declared (paragraph 7) that should the presently specified Richlands site prove to be unacceptable "Frank may then elect either to propose a new location or to prove that no site other than that originally proposed for the Channel 13 operation is technically feasible and to seek a waiver of the Rules for operation from that site, but such contingencies must await the outcome of the instant hearing on the proposal actually submitted • • •."[2] However, counsel for

[1] The Bureau's responsive pleading, filed September 15, 1960, above mentioned, was submitted in accordance with the Examiner's request at the informal conference of counsel and is a summary of the views expressed in behalf of the Bureau during that informal gathering.

[2] The new petition for changes in the issues, in which Frank generally concurs, involves the specification of an alternative transmitter site by Frank which the respondents have reason to believe they can approve from the standpoint of safety to aviation; but it does not involve withdrawal by Frank

Frank made it clear to the Examiner during the informal discussions that his client desired to explore every feasible approach in negotiating for a site approval with the parties-respondent in order to avoid a time-consuming and expensive hearing on the present "air hazard" issue and that the newly filed September 9 petition by the respondents for changes in the issues, which Frank in general supports (with limitations not here pertinent), is part of that effort; that he, therefore, desired, and strongly urged, that the hearing be postponed at least for a period of 60 days to afford time to the Commission to pass upon the said pleading before going forward with the hearing in the present case; and that such a continuance would not be unreasonable or disruptive in light of the long standing pendency of the site problem confronting his client. Counsel for the Broadcast Bureau suggested, in view of the circumstances that a continuance to January 24, 1961, with a second prehearing conference to be scheduled for January 17 would be reasonable, and all counsel agreed.[3]

3. On the basis of these assertions, and additionally, on the promises of counsel for Frank and the respondents that the additional time to be provided will be put to a worthy and practical use whereby they will undertake to:

(a) Reform the exhibits they have exchanged; [4]

(b) Eliminate objectionable matter by agreement to the fullest extent practicable;

(c) Prepare such additional exhibits as they may deem necessary or desirable, and exchange them; and

(d) Reach stipulations of fact on matters that need not be contested

in such manner as to result in a substantial saving of effort in the actual hearing, the Examiner agrees the ends of justice will be served by granting the motion to the extent suggested by counsel for the Commission's Broadcast Bureau.

Accordingly, it is ordered, This 16th day of September 1960, that the prehearing conference presently scheduled for 10:00 a.m., September 30, 1960, at the Commission's offices, Washington, D.C. is hereby continued to Tuesday, January 17, 1961, at the same time and place; and that the hearing presently scheduled to commence at 10:00 a.m., October 3, 1960, at the Commission's offices, Washington, D.C., is likewise continued to Tuesday, January 24, 1961, at the same time and place; and that in all other respects the joint motion is denied;

It is ordered further, That the parties as soon as practicable, and sufficiently prior to January 17, 1961, so as to have them available for consideration at the prehearing conference scheduled for that date, shall proceed to reform their exhibits as they have indicated they would during the informal conference with the Hearing Examiner mentioned above;

It is ordered further, That a copy of each reformed exhibit will be exchanged among the parties, with a copy provided the Hearing Examiner, not later than January 10, 1961.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8879; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket No. 13760; FCC 60M-1569]

HARRY E. GILLIKIN

Order Scheduling Hearing

In the matter of Harry E. Gillikin, 938 North 31st Road, Hollywood, Florida, Docket No. 13760; order to show cause why there should not be revoked the License for Radio Station WH-8011 aboard the vessel "Mildred Ann."

It is ordered, This 19th day of September 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a.m. on November 9, 1960, in Washington, D.C.

Released: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8880; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket No. 13761; FCC 60M-1570]

HARRY E. GILLIKIN

Order Scheduling Hearing

In the matter of Harry E. Gillikin, 938 North 31st Road, Hollywood, Florida, Docket No. 13761; order to show cause why there should not be revoked the License for Radio Station WH-8476 aboard the vessel "Harry G."

It is ordered, This 19th day of September 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 2:00 p.m. on November 9, 1960, in Washington, D.C.

Released: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8881; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket No. 13601; FCC 60M-1565]

HOPKINSVILLE BROADCASTING CO., INC. (WHOP)

Order Continuing Hearing

In re application of Hopkinsville Broadcasting Company, Incorporated (WHOP), Hopkinsville, Kentucky, Docket No. 13601, File No. BP-12506; for construction permit.

The Hearing Examiner having under consideration the hearing in this proceeding now scheduled for September 26, 1960;

It appearing that the Hearing Examiner is engaged in an extensive hearing in Docket No. 11757 which will continue to the ensuing weeks and therefore the hearing in this proceeding should be continued to a later date;

Accordingly, it is ordered, This 19th day of September 1960, that the hearing in this proceeding now scheduled for September 26, 1960, be, and the same is hereby continued to November 14, 1960, 10:00 a.m., in the Commission Offices, Washington, D.C.

It is further ordered, That pursuant to § 1.111 of the Commission's rules, that a pre-hearing conference will be held herein on October 31, 1960, 10:00 a.m., in the Commission Offices, Washington, D.C.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8882; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket No. 13010 etc.; FCC 60M-1563]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Statement After Prehearing Conference

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, et al., Docket Nos. 13010, 13012, 13014, 13016, 13017, 13018, 13019, 13020, 13021, 13022, 13023, 13024, 13025, 13026, 13027, 13028, 13029, 13030, 13031, 13032, 13033, 13034, 13035, 13036, 13037, 13038, 13039, 13040, 13041, 13042, 13043, 13044, 13045, 13046, 13047, 13048, 13049, 13050, 13051, 13052, 13053, 13058, 13060, 13061, 13641, 13642, 13643, 13644, 13645, 13646, 13647, 13648, File No. BP-11689; for construction permits.

At the prehearing conference today it was agreed by counsel and directed by the Hearing Examiner, among other things, that informal conferences be held of the various groups as follows:

Group I—Monday, Sept. 26, 1960, 2 p. m.
Group II—Tuesday, Sept. 27, 2 p.m.
Group III—Monday, Oct. 3, 2 p.m.
Group IV—Wednesday, Sept. 28, 2 p.m.
Group V—Thursday, Sept. 29, 2 p.m.
Group VI—Tuesday, Oct. 4, 2 p.m.
Group VII—Wednesday, Oct. 5, 2 p.m.
Group VIII—Monday, Sept. 26, 10 a.m.

After these conferences counsel will get in touch with the Hearing Examiner who will then set a further prehearing conference or conferences to consider the matters which it is hoped will be resolved at the informal conferences.

Dated: September 16, 1960.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8883; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket Nos. 13775, 13776; FCC 60-1088]

NANSEMOND BROADCASTERS AND D. D. CAMERON

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ralph D. Epperson & Earlene S. Epperson, d/b as Nansemond Broadcasters, Suffolk, Virginia, requests: 1010 kc, 5 kw, DA-Day, Docket No. 13775, File No. BP-12646; D. D. Cameron, Portsmouth, Virginia, requests: 1010 kc, 5 kw, DA-Day, Docket No. 13776, File No. BP-13875; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of September 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants herein is legally, technically and otherwise qualified to construct and operate its instant proposal; that Ralph D. Epperson and Earlene S. Epperson, d/b as Nansemond Broadcasters are also financially qualified; but that D. D. Cameron may not be financially qualified; and

It further appearing, that, by 309(b) letter dated June 14, 1960, the applicant in BP-13875 was notified that his proposed operation was in violation of the North American Regional Broadcasting Agreement (NARBA) and the proposed United States-Canadian Bilateral Agreement relating to excessive daytime skywave radiation toward Class I-A facilities, that an amendment was filed by the aforementioned applicant on July 5, 1960, which changed the proposed directional radiation pattern and thereby eliminated the NARBA violation but did not, however, eliminate the problem concerning excessive daytime skywave radiation; that the proposed radiation pattern was therefore referred to the Canadian authorities for their consideration, but that no reply has been received from Canada in response thereto, and therefore, in the event that the subject proposal is favored in hearing and objection is raised by Canada, the instant proposal will be held without final action, in pending status, until finalization of the aforementioned proposed agreement; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 14, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that by the above mentioned section 309(b) letter, D. D. Cameron was notified that upon the basis of the financial information submitted by him that it did not appear that he had adequate cash or liquid assets available to finance the proposed station; that the said Mr. Cameron replied to the aforementioned letter, but that he failed to reply to the financial question; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether D. D. Cameron is financially qualified to construct and operate his proposed station.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That, in the event the proposal of D. D. Cameron is favored in hearing and objection is raised by Canada, the said proposal will be held without final action, in pending status, pending finalization of the United States-Canadian Bilateral Agreement relating to excessive daytime skywave radiation toward Class I-A facilities.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8884; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket No. 13770; FCC 60M-1571]

OKEFENOKEE FLYING SERVICE

Order Scheduling Hearing

In the matter of A. B. Cochran, d/b as Okefenokee Flying Service, Waycross-Ware County Airport, Waycross, Georgia, Docket No. 13770; order to show cause why there should not be revoked the license for aeronautical advisory radio station WIU4.

It is ordered, This 19th day of September 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby

[3] As indicated in its responsive pleading it was also observed in behalf of the Bureau that no party would be injured by such a continuance. Indeed, on the possibility, however remote it may now appear, that the problem involved in this proceeding might be resolved by some mutual accommodation of the parties, without a hearing, the public and the Commission would stand to benefit. The Examiner regards the continuance granted herein, however, as affording the parties one last and final opportunity to achieve this purpose, no further continuances being contemplated.

[4] Frank and the respondents have complied scrupulously thus far with the preparation and exchange of their written cases in accordance with the directions of the Hearing Examiner and have indicated their intentions to adhere to procedures suggested by the Examiner during the informal conference which are designed to speed up the hearing processes. The Examiner regards this as evidence of a good faith intention by the parties to speed up the trial of this case if and when it does go to hearing and, therefore, as an additional reason for granting the present continuance.

of his pending specification of the so-called Richlands site. Frank's position is that he would rather go to hearing first and obtain a decision from the Commission on a requested waiver of the mileage separation requirements for television broadcast stations under the rules based on this specification of an alternative site, on the supposition that the Commission might grant such a waiver, than to proceed to hearing at this time in the present proceeding. In any event, the hope was expressed that the parties might yet be successful somehow in composing their differences in such a way that the need for hearing in the present case might be eliminated.

scheduled to commence on November 9, 1960, in Washington, D.C.

Released: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8885; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket Nos. 13627-13629; FCC 60M-1566]

M. EARLENE STEBBINS ET AL.

Order Continuing Hearing Conference

In re applications of M. Earlene Stebbins, Skokie, Illinois, Docket No. 13627, File No. BPH-2828; WHFC, Inc. (WEHS), Chicago, Illinois, Docket No. 13628, File No. BPH-2870; Gale Broadcasting Company, Inc. (WFMT), Chicago, Illinois, Docket No. 13629, File No. BPH-2920; for construction permits (FM).

The Hearing Examiner having under consideration a "Petition for Extension of Time" filed September 13, 1960, jointly by all three applicants in this matter, and

It appearing that the Petition seeks an extension of time from September 15 to September 22, 1960, for the exchange of engineering exhibits, and

It further appearing that the Petition requests that the pre-hearing conference presently scheduled for September 22, 1960, be continued without date, and

It further appearing that good cause for granting the Petition has been shown and that the parties have received the consent of the Broadcast Bureau for the granting of the Petition,

It is ordered, This 19th day of September 1960, that the aforesaid Petition be granted and the prehearing conference presently scheduled for September 22, 1960, be continued without date.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8886; Filed, Sept. 22, 1960; 8:51 a.m.]

[Docket Nos. 13663-13666; FCC 60M-1567]

NORMAN A. THOMAS ET AL.

Order Continuing Hearing

In re applications of Norman A. Thomas, Greeneville, Tennessee, Docket No. 13663, File No. BP-12729; Greene County Broadcasting Company, Incorporated, Greeneville, Tennessee, Docket No. 13664, File No. BP-13271; Wilkes Broadcasting Company (WATA), Boone, North Carolina, Docket No. 13665, File No. BP-13451; Radio Hendersonville, Inc. (WHKP), Hendersonville, North Carolina, Docket No. 13666, File No. BP-13487; for construction permits.

In accordance with developments explained on the record of a prehearing conference held this date in the above-entitled matter;

It is ordered, This 19th day of September 1960, that a further prehearing conference will be held at 10:00 a.m., October 5, 1960, in the Commission's offices in Washington, D.C.; and

It is further ordered, That the hearing now scheduled for October 5, 1960, is postponed to a date to be subsequently determined.

Released: September 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8887; Filed, Sept. 22, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1971]

IDAHO POWER CO.

Notice of Land Withdrawal; Idaho

SEPTEMBER 19, 1960.

In accordance with Article 45 of the License, issued August 8, 1955, the Idaho Power Company (Licensee), on July 8, 1960, filed map Exhibits "J", sheets 1 and 2 (FPC Nos. 1971-154 and 155) and "K" sheets 1 through 4 (FPC Nos. 1971-156 through 159) showing the alignment of the Boise-Brady No. 2, 230 kv Transmission Line, which is to be added to its transmission system.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States are from July 8, 1960, the date of filing of exhibits, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

BOISE MERIDIAN

All portions of the following described subdivisions lying within 75 feet, on either side of the center line survey of the transmission line right-of-way location as delimited on above-cited map exhibits.

T. 2 N., R. 3 E.,
Sec. 25: N½SW¼.
T. 1 N., R. 4 E.,
Sec. 9: SE¼SE¼;
Sec. 15: SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, N½SE¼.
T. 1 S., R. 5 E.,
Sec. 4: SW¼SE¼;
Sec. 9: N½NE¼, SE¼NE¼;
Sec. 10: SW¼NW¼;
Sec. 15: N½NE¼, SE¼NE¼;
Sec. 24: SE¼SE¼;
Sec. 25: NE¼NE¼.
T. 1 S., R. 6 E.,
Sec. 30: Lots 1 and 2, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 31: NE¼NE¼.
T. 2 S., R. 6 E.,
Sec. 3: SW¼SW¼;
Sec. 4: N½SE¼, SE¼SE¼;
Sec. 10: W½NE¼, SE¼NE¼, E½NW¼, NW¼NW¼, NE¼SE¼;
Sec. 11: NW¼SW¼, S½SW¼;
Sec. 13: NW¼SW¼, S½SW¼;
Sec. 14: NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 24: NE¼, NE¼NW¼.
T. 2 S., R. 7 E.,
Sec. 19: Lots 2 and 3, E½SW¼, SW¼SE¼;
Sec. 29: N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 30: N½NE¼;
Sec. 32: N½NE¼, SE¼NE¼;
Sec. 33: SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼.
T. 3 S., R. 7 E.,
Sec. 2: SW¼SW¼;
Sec. 3: Lot 4, S½NW¼, NE¼SW¼, SE¼SE¼;
Sec. 4: Lot 1;
Sec. 10: NE¼NE¼;
Sec. 11: SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 12: SW¼SW¼;
Sec. 13: SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼.
T. 3 S., R. 8 E.,
Sec. 18: Lot 4, SE¼SW¼;
Sec. 19: Lot 1, W½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 20: W½SW¼, SE¼SW¼;
Sec. 28: NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 29: NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 33: N½NE¼;
Sec. 34: SW¼NE¼, NW¼NW¼, S½NW¼, N½SE¼;
Sec. 35: W½SW¼, SE¼SW¼.
T. 4 S., R. 8 E.,
Sec. 1: E½SE¼;
Sec. 2: Lots 1, 2, 3, SE¼NE¼.
T. 4 S., R. 9 E.,
Sec. 6: Lot 7, SE¼SW¼;
Sec. 7: NE¼NW¼, NW¼NE¼;
Sec. 8: SW¼NW¼, N½SW¼, NW¼SE¼, S½SE¼;
Sec. 9: SW¼SW¼;
Sec. 15: N½SW¼, SE¼SW¼, S½SE¼;
Sec. 22: NE¼NE¼;
Sec. 23: SW¼NE¼, NW¼, N½SE¼, SE¼SE¼;
Sec. 24: SW¼SW¼;
Sec. 25: NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼.
T. 4 S., R. 10 E.,
Sec. 30: Lots 3, 4, SE¼SW¼;
Sec. 31: NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 32: SW¼NW¼, N½S½, SE¼SE¼;
Sec. 33: S½S½;
Sec. 34: S½SW¼;
Sec. 35: S½S½.
T. 4 S., R. 11 E.,
Sec. 31: Lots 4, 5, 6.
T. 5 S., R. 11 E.,
Sec. 4: SW¼NW¼, NW¼SE¼;
Sec. 5: Lots 1, 2, 3, 4 S½NE¼;
Sec. 6: Lots 1, 2, 3, 4;
Sec. 10: NW¼NW¼;
Sec. 11: S½S½;
Sec. 13: S½NE¼, NE¼SE¼;
Sec. 14: NE¼NE¼.
T. 5 S., R. 12 E.,
Sec. 17: SW¼SW¼;
Sec. 18: Lot 3, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 20: W½NE¼, SE¼NE¼, N½NW¼.
T. 5 S., R. 13 E.,
Sec. 28: SW¼SW¼;
Sec. 29: E½SE¼, SW¼NE¼, SE¼NW¼;
Sec. 30: Lot 2;
Sec. 33: W½NE¼, SE¼NE¼, N½NW¼, NE¼SE¼;
Sec. 34: W½SW¼, SE¼SW¼.
T. 6 S., R. 13 E.,
Sec. 2: SW¼NW¼, N½SW¼;
Sec. 3: Lots 1, 2, 3, S½NE¼.
T. 6 S., R. 15 E.,
Sec. 26: SW¼SW¼;
Sec. 27: S½S½;
Sec. 28: N½S½, S½SE¼;
Sec. 29: S½NW¼, NE¼SW¼, N½SE¼;
Sec. 30: SE¼NE¼;
Sec. 35: N¼N½.
T. 6 S., R. 16 E.,
Sec. 31: Lot 2, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 32: SW¼NW¼, N½S½;

Sec. 33: N½SW¼, SE¼SW¼, S½SE¼;
Sec. 34: S½S½.
T. 7 S., R. 16 E.,
Sec. 1: Lots 1, 2, 3, 4;
Sec. 2: Lot 1.
T. 7 S., R. 17 E.,
Sec. 6: Lots 2, 3, NW¼SE¼;
Sec. 10: NE¼NE¼, NW¼NE¼, NE¼NW¼;
Sec. 11: NW¼NE¼, S½NE¼, NE¼NW¼, NW¼NW¼;
Sec. 12: S½NE¼, SE¼NW¼, NE¼SE¼.
T. 7 S., R. 18 E.,
Sec. 7: Lot 2, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 8: NW¼SW¼, S½S½;
Sec. 9: SW¼SW¼;
Sec. 13: S½SW¼;
Sec. 14: N½SW¼, W½SE¼, SE¼SE¼;
Sec. 15: S½N½, N½SE¼;
Sec. 24: N½NE¼, NE¼NW¼.
T. 7 S., R. 19 E.,
Sec. 19: Lots 1, 2, 4, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 20: SW¼NW¼, N½SW¼, N½SE¼, SE¼SE¼;
Sec. 21: S½SW¼, SW¼SE¼;
Sec. 25: SW¼, S½SE¼;
Sec. 26: S½NW¼, NE¼SW¼, N½SE¼;
Sec. 27: NW¼NE¼, S½NE¼, N½NW¼;
Sec. 28: N½NE¼.
T. 7 S., R. 20 E.,
Sec. 30: Lot 4;
Sec. 31: Lot 1, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 32: S½N½, N½SE¼;
Sec. 33: N½SW¼, NW¼SE¼, S½SE¼;
Sec. 34: S½SW¼, SW¼SE¼.
T. 8 S., R. 20 E.,
Sec. 1: SW¼NW¼, N½S½, SE¼SE¼;
Sec. 2: Lots 3, 4, SE¼NW¼, S½NE¼;
Sec. 3: Lots 1, 2, 3.
T. 8 S., R. 21 E.,
Sec. 6: Lots 6, 7, SE¼SW¼, S½SE¼;
Sec. 7: N½NE¼;
Sec. 8: NW¼NE¼, S½NE¼, N½NW¼;
Sec. 9: S½NW¼, NE¼SW¼, N½SE¼;
Sec. 10: N½SW¼, SE¼SW¼, S½SE¼;
Sec. 11: SW¼SW¼;
Sec. 13: NW¼NW¼, S½N½, NE¼SE¼;
Sec. 14: N½N½, SE¼NE¼.
T. 8 S., R. 22 E.,
Sec. 17: S½SW¼, SW¼SE¼;
Sec. 18: Lot 3, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 20: NE¼NW¼;
Sec. 25: N½N½.
T. 8 S., R. 23 E.,
Sec. 25: Tract D;
Sec. 26: Tracts D, C and H;
Sec. 27: Tract F;
Sec. 28: Tract D;
Sec. 29: Tract A;
Sec. 30: Tract A.
T. 8 S., R. 24 E.,
Sec. 25: Tract A;
Sec. 27: Tracts B, C and F;
Sec. 29: Tract F;
Sec. 30: Tract F.
T. 8 S., R. 25 E.,
Sec. 25: N½N½, SE¼NE¼;
Sec. 26: N½N½;
Sec. 27: N½NE¼;
Sec. 27 and 28: Tract H;
Sec. 28: Tract J;
Sec. 28 and 29: Tract K;
Sec. 29: N½NE¼ outside of Tract K, unpatented part of N½NW¼;
Sec. 30: Lot 1, NE¼NW¼, unpatented part of NW¼NE¼.
T. 8 S., R. 26 E.,
Sec. 25: S½N½;
Sec. 26: S½N½;
Sec. 27: S½N½;
Sec. 28: S½N½;
Sec. 29: S½N½;
Sec. 30: Lot 2, S½NE¼, SE¼NW¼.
T. 8 S., R. 27 E.,
Sec. 25: S½N½;
Sec. 26: S½N½;
Sec. 27: S½N½;
Sec. 28: S½N½;
Sec. 29: S½N½;
Sec. 30: Lot 2, S½NE¼, SE¼NW¼.
T. 8 S., R. 28 E.,
Sec. 21: SE¼SE¼;
Sec. 22: S½S½, NE¼SE¼;
Sec. 23: N½S½, SW¼SW¼;
Sec. 24: Lot 2, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 27: NW¼NW¼;
Sec. 28: N½N½, SW¼NW¼;
Sec. 29: NE¼NE¼, S½N½;
Sec. 30: Lot 2, S½NE¼, SE¼NW¼.
T. 8 S., R. 29 E.,
Sec. 17: S½S½;
Sec. 19: Lots 1, 2, N½NE¼, NE¼NW¼;
Sec. 20: NW¼NW¼.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), with respect to lands reserved for power transmission line purposes, is applicable to those portions of the above-described land occupied for that purpose only.

The area of United States land reserved by this notice is approximately 2,030 acres.

Copies of map Exhibits J sheets 1 and 2, "K" sheets 1 through 4, (FPC Nos. 154 through 159) have been transmitted to the Bureau of Land Management, Bureau of Reclamation and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8868; Filed, Sept. 22, 1960; 8:48 a.m.]

PEOPLES GULF COAST NATURAL GAS PIPELINE CO.

[Docket No. CP60-114]

Notice of Application and Date of Hearing

SEPTEMBER 16, 1960.

Take notice that on June 8, 1960, Peoples Gulf Coast Natural Gas Pipeline Company (Applicant) filed an application in Docket No. CP60-114, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate a tap and meter station on its existing 30-inch main line in Piatt County, Illinois, and a short 12-inch lateral line in order to sell and deliver natural gas to The Peoples Gas Light and Coke Company (Peoples Gas) for use in testing the latter's proposed Mahomet underground storage area south of Chicago, Illinois, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that to help meet the future natural gas requirements of its customers in the Chicago area, Peoples Gas proposes to develop and operate an underground natural gas storage reservoir in Champaign, McLean and Piatt Counties, Illinois, to be known as the Mahomet Storage Reservoir. The facilities proposed herein will be used to deliver gas for testing purposes, and also for redelivery into Applicant's main line of quantities of gas which may be withdrawn from the Mahomet storage area as part of Peoples Gas' testing of this reservoir.

Peoples Gas is an existing customer of Applicant and the volumes proposed to be delivered will be a part of the total volumes which Applicant is now authorized to deliver to that customer. Applicant states that the sales and deliveries through the proposed facilities will be made pursuant to Applicant's filed FPC Gas Tariff, and its Service Agreement with Peoples Gas, dated December 16, 1959.

Applicant estimates the total capital cost of the proposed facilities at $14,820, which will be financed from funds on hand. After completion of the proposed facilities, Applicant will be reimbursed in full by Peoples Gas, pursuant to a letter agreement, dated June 2, 1960.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8869; Filed, Sept. 22, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2154]

MILLER AIRLINES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 19, 1960.

I. Miller Airlines, Inc., with its principal office located at Allegheny County Airport, Dravosburg, Pennsylvania, filed with the Commission on June 20, 1958, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of

75,000 shares of $1.00 par value common stock at $3.00 per share for an aggregate of $225,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A as required by Rule 260 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry, and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8854; Filed, Sept. 22, 1960; 8:47 a.m.]

[File No. 24W-2250]

PUBLISHERS COMPANY, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 19, 1960.

I. Publishers Company, Inc. (issuer), a Maryland corporation, 1116 18th Street NW., Washington, D.C., filed with the Commission on April 7, 1959, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of $0.10 par value Class A common stock at $2.00 per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. Sales material was used which the issuer failed to file with the Commission as required by Rule 258.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. The use of the proceeds of the offering as it relates to reduction of present outstanding obligations;

2. The failure to disclose that the underwriter would and did receive 15,635 shares of the issuer's stock in payment for expenses and commissions;

3. The failure to disclose that $12,000 was to be expended for improved land;

4. The statement to the effect that the expenses incurred by the underwriter would not exceed the estimated sum of $7,500 while in fact the sum paid to the underwriter was $14,939.27;

5. The statement to the effect that notes held by officers, directors and promoters of the issuer, payable in the amount of $14,616.68, may be paid out of the proceeds, when in fact there was an understanding that these notes would be paid from funds made available from operations or from the financing of installment contracts of sales.

C. The offering was made in violation of section 17 of the Act.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry, and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8855; Filed, Sept. 22, 1960; 8:47 a.m.]

[File No. 812-1337]

SHARES IN AMERICAN INDUSTRY, INC.

Notice of Filing of Application Exempting Transaction Between Affiliates and Purchase of Securities During an Underwriting

SEPTEMBER 16, 1960.

Notice is hereby given that Shares in American Industry, Inc. ("Applicant"), a registered, open-end, diversified investment company has filed an application pursuant to sections 10(f) and 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 10(f) and 17(a) of the Act the proposed purchase by the Applicant of $5,000 principal amount of Central Charge Service, Inc. ("Central") 6 percent Subordinated Sinking Fund Debentures due August 31, 1975, with attached warrants to purchase common stock of Central.

On September 6, 1960, a registration statement under the Securities Act of 1933 became effective pursuant to which Central is offering through an underwriting group $2,000,000 principal amount of said debentures at a public offering price of 100 percent of principal amount. The underwriting commission is 5 percent of principal amount, and the concession to certain dealers is 3 percent of principal amount, with a reallowance to other dealers of not more than 4 percent of principal amount. Each warrant entitles the holder for each $1,000 principal amount of debenture to purchase a Stock Unit of Central common stock at a price of $500 per Stock Unit. One Stock Unit will consist of 30 shares from the date of issuance through August 31, 1965; 25 shares from September 1, 1965, through August 31, 1968; and 20 shares from September 1, 1968, through August 31, 1971, the date of expiration of the warrants.

The application states that the debentures were quoted in the over-the-counter market on September 12, 1960, at 100 bid, 103-105 asked. On the same date the common stock of Central was quoted in the over-the-counter market at 13-13½ bid, 14½-15 asked.

Auchincloss, Parker & Redpath is the manager of the underwriting group which is offering the debentures. The application states that Horace Buxton, a director of the Applicant, is an employee of Auchincloss, Parker & Redpath.

The Applicant proposes to purchase the debentures at the public offering price from Columbian Financial Development Co., Inc., a member of the group of dealers which is to receive a selling concession of 3 percent of principal amount of debentures. Columbian Financial Development Co., Inc., is a subsidiary of Columbian Financial Corporation, the investment adviser of the Applicant.

Section 10(f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during

the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since one of the Applicant's directors is an affiliated person of a member of the underwriting group offering the debentures, the purchase thereof by Applicant is subject to provisions of section 10(f) of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Since Columbian Financial Development Co., Inc., the proposed seller, is an affiliated person of Columbian Financial Corporation, which in turn, is an affiliated person of the Applicant, the proposed buyer, the proposed transaction is subject to the provisions of section 17(a) of the Act.

Notice is further given that any interested person may, not later than September 29, 1960, at 5:30 p.m., e.d.s.t., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8856; Filed, Sept. 22, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 295]

NEW YORK AND NEW JERSEY

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the States of New York and New Jersey;

Whereas, the Small Business Administration has investigated and has received reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of Hurricane Donna, occurring on or about September 12, 1960.

New York Counties: Nassau, Queens and Suffolk.

New Jersey Counties: Monmouth and Middlesex.

Office: Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1961.

Dated: September 14, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-8858; Filed, Sept. 22, 1960; 8:47 a.m.]

[Declaration of Disaster Area 296]

NORTH CAROLINA, MARYLAND AND VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the States of North Carolina, Maryland and Virginia;

Whereas, the Small Business Administration has investigated and has received reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of Hurricane Donna, occurring on or about September 12, 1960.

North Carolina Counties: Beaufort, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, and Perquimans.

Maryland County: Worcester.

Virginia Counties: Accomack and Northampton.

Offices

Small Business Administration Regional Office, 900 N. Lombardy Street, Richmond 20, Va.

Small Business Administration Branch Office, Independence Building, Room 1116, 102 West Trade Street, Charlotte, N.C.

Small Business Administration Branch Office, Calvert Building, Room 611, Fayette and St. Paul Streets, Baltimore 2, Md.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1961.

Dated: September 14, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60-8857; Filed, Sept. 22, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 20, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36573: *Substituted service—IC for Strickland Transportation Co., Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 27), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between East St. Louis, Ill., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 224.

FSA No. 36574: *Alcohols—Baton Rouge, La., to Chicago and Lemont, Ill.*

Filed by O. W. South, Jr., Agent (SFA No. A4013), for interested rail carriers. Rates on alcohol and related articles, in tank-car loads, as described in the application, from Baton Rouge and North Baton Rouge, La., to Chicago and Lemont, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 266 to Southern Freight Association tariff I.C.C. 400 (Marque series).

FSA No. 36575: *Substituted service—T&NO for Southern-Plaza Express, Inc.* Filed by J. D. Hughett, Agent (No. 32), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Dallas, Tex., and Houston, Tex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Southwestern Motor Freight Bureau, Inc., tariff MF-I.C.C. 321.

FSA No. 36576: *Boxes—Memphis, Tenn., to Kansas City, Mo.-Kan.* Filed by Western Trunk Line Committee, Agent (No. A-2141), for the St. Louis-San Francisco Railway Company. Rates on boxes, fibreboard, pulpboard or strawboard, in carloads, as described in the application, from Memphis, Tenn., to Kansas City, Mo.-Kan.

Grounds for relief: Market competition.

Tariff Supplement 147 to Western Trunk Line Committee tariff I.C.C. A-3831.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8873; Filed, Sept. 22, 1960; 8:50 a.m.]

[Notice 383]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 20, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63230. By order of September 16, 1960, The Transfer Board approved the transfer to Elizabeth F. Wagner and Charles E. Wagner, a partnership, doing business as Underfanger Transfer & Storage, 916 W. Washington, Springfield, Ill., of Certificate No. MC 5881, and Permit No. MC 52644, each issued August 4, 1950, to Edward F. Wagner and Elizabeth F. Wagner, a partnership, doing business as Underfanger Transfer & Storage, 916 W. Washington, Springfield, Ill., the certificate authorizes the transportation of: Household goods, between Springfield, Ill., on the one hand, and, on the other, St. Louis, Mo., and points in St. Louis County, Mo., the permit authorizes the transportation of: High Explosives and blasting supplies, between points in Sangamon County, Ill.

No. MC-FC 63522. By order of September 16, 1960, The Transfer Board approved the transfer to Point Trucking Co., Inc., Newark, N.J., of the operating rights authorized to Walter Marshall, doing business as Point Trucking Co., Lakehurst, N.J. in Certificate No. MC 115978, issued December 2, 1957, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Newark, N.J., on the one hand, and, on the other, points in a specified portion of New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., for applicants.

No. MC-FC 63554. By order of September 16, 1960, The Transfer Board approved the transfer to Seibold & Lozel, Inc., Richmond Hill, N.Y., of the operating rights authorized to M. W. Lozel, doing business as Seibold & Lozel, Richmond Hill, N.Y., in Permit No. MC 114873, issued May 25, 1955, authorizing the transportation, over irregular routes, of plate glass, window glass, and mirrors, from New York, N.Y., to points in Connecticut and New Jersey. William D. Traub, 10 East 40th Street, New York 16, N.Y., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-8874; Filed, Sept. 22, 1960; 8:50 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 122-A]

UNION RAILROAD CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 122 (The Union Railroad Company (Pittsburgh, Pennsylvania)) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 122, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 9:00 a.m., September 18, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 18, 1960.

INTERSTATE COMMERCE COMMISSION.

[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-8875; Filed, Sept. 22, 1960; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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VOLUME 25 NUMBER 187

Washington, Saturday, September 24, 1960

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MAIN READING ROOM

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Aero-Space Technology

Section 24.64 is revised as set out below.

§ 24.64 Aero-Space Technology, GS–5 through GS–18.

(a) *Educational requirement.* Applicants must have successfully completed a standard professional curriculum in an accredited college or university leading to a bachelor's degree with major study in an appropriate field of engineering, physical science, mathematics, life science, or other field of science, provided that the major study leading to the bachelor's degree, or at least one year of graduate study in an accredited institution, or at least one year of professional experience has been closely related to a specialty field of Aero-Space Technology included in this examination. An applicant who did not complete a standard professional curriculum, as described above, may nevertheless be eligible for this examination if he has obtained a graduate degree or has been admitted to full graduate status in an appropriate field in an accredited institution, provided that at least an aggregate of one year of the applicant's study and/or professional experience has been closely related to a specialty field included in this examination.

(b) *Duties.* These positions cover a wide variety of professional work in Aero-Space Technology. Appointees may be required to make theoretical and experimental studies in the fields of fluid and flight mechanics; materials and structures; energy and power systems; space sciences, including aeronomy and stellar and galactic astronomy; life sciences and systems, including flight physiology, radiology and radiation biology, and environmental control; instrumentation systems; data systems; and experimental facilities and techniques.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a standard professional curriculum leading to a bachelor's degree, with major study in an appropriate field. Such a curriculum is planned and integrated so as to provide sound and comprehensive training not only in the particular field, but in other related fields. Full recognition is also given to the training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely in both oral and written form.

(d) *Method of obtaining basic knowledge and training.* The only method by which the knowledge and training requisite to perform the duties set forth in paragraph (b) of this section can be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60–8908; Filed, Sept. 23, 1960; 8:46 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Instructors, and Education Specialists, Assistants, and Officers

Sections 24.40, 24.42, 24.68 and 24.135 are revoked and § 24.149 is added as set out below.

§ 24.149 Instructor and Supervisory Instructor (Academic Subject); Education Specialist and Supervisory Education Specialist (Elementary, Guidance, Academic Subject, and Tests and Measurements); Education Assistant and Education Officer.

(a) *Educational requirements — all grades*—(1) *For Instructor and Supervisory Instructor (Academic Subject), and Education Specialist and Supervisory Education Specialist (Academic Subject)*, 24 semester-hour credits in an appropriate Academic Subject or 15 semester-hour credits in each of two appropriate Academic Subjects.

(2) *For Education Specialist and Supervisory Education Specialist (Elementary)*, completion of all academic requirements for graduation with a bachelor's degree from an accredited college or university. This study must have included, or have been supplemented by, a minimum of 24 semester-hour credits in Education courses, of which at least 12 semester hours must have been in Elementary Education, which included 4 semester-hours in supervised practice teaching.

(3) *For Education Specialist and Supervisory Education Specialist (Guidance)*, completion of all academic requirements for graduation with a bachelor's degree from an accredited college or university. This study must have included, or have been supplemented by, 24 semester-hour credits in Education courses of which at least 12 semester-hours must have been in a combination of Psychology and Guidance courses (with a minimum of 3 semester hours in each) directly related to education, such as child psychology, educational psychology, educational tests and measurements, and educational, vocational, or child guidance. Studies in these subjects, up to a maximum of 12 semester hours will be considered as studies in Education.

(4) *For Education Specialist and Supervisory Education Specialist (Tests and Measurements)*, 6 semester-hour credits in Education in educational testing subjects.

(5) *For Education Assistant and Education Officer*, completion of all academic requirements for graduation with a bachelor's degree from an accredited college or university. This study must have included, or have been supplemented by a minimum of 18 semester-hour credits in Education courses.

(b) *Duties.*—(1) *General.* Incumbents of these positions perform professional work in Federal programs of education and vocational training, including such activities as: Instructing adults, developing curricula, preparing education and training texts and other material, and designing and developing training aids and devices for use in elementary, secondary, and adult programs; providing or arranging for off-duty educational opportunities for military personnel; furnishing educational advisory and counseling service; providing educational materials and services for the various types of schools of the Armed Forces; and directing activities of inservice schools and staff colleges.

(2) *Specifically*—(i) *Instructor and Supervisory Instructor (Academic Subject).* Instructs in adult education or training programs in particular subject fields. The educational work performed in these positions is professional in character and is essentially the same in nature and scope as that performed by teachers in elementary and secondary schools, except that the approach to instruction is different by virtue of dealing with adult populations.

(ii) *Education Specialist and Supervisory Education Specialist (Academic*

Subject or Functional Specializations). Specializations: Elementary, guidance, academic subject, tests and measurements. Performs work in the development of texts, audio-visual and other training aids, standardized examinations, and of other materials used in education or training programs, and in connection with the administration of education or training programs. Also reviews and evaluates such aids and materials and the methods and techniques employed in their use, and performs other work requiring professional qualifications in the field of education. Supervises education specialists of lower grade.

(iii) *Education Assistant and Education Officer.* Provides advisory and counseling service on off-duty education and training available to officers and enlisted personnel in military installations; administers education testing programs, and makes arrangements for and otherwise promotes voluntary off-duty academic and vocational education programs.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed in all of these positions require a professional knowledge of the principles and philosophy of education, and of its theories, practices, and techniques. The duties and special knowledges required otherwise vary according to the particular position. For some positions a thorough knowledge of special subject matter areas is required. Knowledge of teaching principles and techniques, and the ability to train and develop teachers, instructors, and other training personnel and to coordinate their work and evaluate their performance are necessary in others. Incumbents of many of the positions must have outstanding ability to evaluate educational and vocational training needs of others, and to plan programs to meet these needs. Others must have the knowledge and ability necessary to develop and apply educational measurements which require application of testing and statistical methods and the theory of educational psychology. For many, development, review, and evaluation of instructional and training materials, methods, and techniques to suit particular situations, and of appropriate curricula to be used is a paramount responsibility. This knowledge, ability, and understanding can be acquired only through professionally guided study of appropriate courses as indicated in paragraph (a) of this section. Through such directed study the student learns basic theories and philosophies, and is guided in his appraisal of literature in the subject matter fields and in the field of education.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-8907; Filed, Sept. 23, 1960; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Valencia Orange Reg. 216]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.516 Valencia Orange Regulation 216.

(a) *Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 22, 1960.

(b) *Order.* 1. The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 25, 1960, and ending at 12:01 a.m., P.s.t., October 2, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 700,000 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 23, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8996, Filed, Sept. 23, 1960; 11:21 a.m.]

[Orange Reg. 375]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1018 Orange Regulation 375.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 20, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* 1. Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1178; 25 F.R. 8211).

2. During the period beginning at 12:01 a.m., e.s.t., September 26, 1960, and ending at 12:01 a.m., e.s.t., October 10, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 21, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8941; Filed, Sept. 23, 1960; 8:49 a.m.]

[Grapefruit Reg. 328]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1019 Grapefruit Regulation 328.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 20, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* 1. Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750-51.783; 25 F.R. 8219).

2. During the period beginning at 12:01 a.m., e.s.t., September 26, 1960, and ending at 12:01 a.m., e.s.t., October 10, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 21, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8939; Filed, Sept. 23, 1960; 8:49 a.m.]

[Lemon Reg. 865]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.972 Lemon Regulation 865.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and

Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 20, 1960.

(b) *Order.* 1. The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 25, 1960, and ending at 12:01 a.m., P.s.t., October 2, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

2. As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 21, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8940; Filed, Sept. 23, 1960; 8:49 a.m.]

[Avocado Order 20, Amdt. 2; Suspension Avocado Order 15]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados grown in south Florida.

(b) *It is therefore ordered*, That:

1. The provisions in paragraph (b)(1) of Avocado Order 20, as amended (§ 969.320; 25 F.R. 5476, 7712—quality and maturity requirements), are hereby amended by deleting "U.S. Combination" and substituting therefor the following: "U.S. No. 2 except that avocados that have scars caused by wind damage or have russeting and discoloration caused by wind may be handled if they otherwise grade at least U.S. No. 2."

2. The provisions of Avocado Order 15 (§ 969.315; 23 F.R. 3372—pack regulation) are hereby suspended during the period beginning at 12:01 a.m., e.s.t., September 22, 1960, and ending at 12:01 a.m., e.s.t., March 31, 1961.

(c) As used herein, the terms "U.S. No. 2," "scars," "russeting," and "discoloration" shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069).

(d) The provisions hereof shall become effective at 12:01 a.m., e.s.t., September 22, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 21, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8923; Filed, Sept. 23, 1960; 8:48 a.m.]

[Lime Order 8, Amdt. 1; Suspension Lime Order 5]

PART 1001—LIMES GROWN IN FLORIDA

Quality and Size Regulation

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes grown in Florida.

(b) *It is therefore ordered*, That:

1. The provisions in paragraph (b)(3)(ii) of Lime Order 8 (§ 1001.308; 25 F.R. 3303) are hereby amended to read as follows:

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grown in the production area, which do not grade at least U.S. Combination, Mixed Color, except that such limes that have scars caused by wind damage or have russeting or discoloration caused by wind may be handled if they otherwise grade at least U.S. Combination, Mixed Color.

2. The provisions in Lime Order 5 (§ 1001.305; 23 F.R. 1694) are hereby suspended during the period beginning at 12:01 a.m., e.s.t., September 22, 1960, and ending at 12:01 a.m., e.s.t., March 31, 1961.

(c) As used herein, the terms "scars," and "discoloration" shall have the same meaning as when used in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016).

(d) *Effective time.* The provisions hereof shall become effective at 12:01 a.m., e.s.t., September 22, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 21, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8925; Filed, Sept. 23, 1960; 8:48 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Lime Reg. 4, Amdt. 1]

PART 1069—LIMES

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(3)(ii) of § 1069.4 (Lime Regulation No. 4; 25 F.R. 3314) are hereby amended to read as follows:

(ii) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least U.S. Combination, Mixed Color, except that such limes that have scars caused by wind damage or have russeting and discoloration caused by wind may be imported if they otherwise grade at least U.S. Combination, Mixed Color.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation necessary; (b) such regulation imposes the same restrictions on imports of limes as the restrictions being made applicable to the shipment of limes grown in Florida under Amendment 1 to Lime Order 8 (§ 1001.308; 25 F.R. 3303), issued simultaneously herewith to become effective September 22, 1960; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1960, to become effective at 12:01 a.m., e.s.t., September 22, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-8924; Filed, Sept. 23, 1960; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 601—ADMINISTRATIVE PROCEDURE

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

PART 603—INSTRUCTIONS TO STATE AGENCIES FOR PREPARATION AND SUBMITTAL OF STATE PLAN OF OPERATION UNDER THE WAGNER-PEYSER ACT

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

PART 606—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 (ALL STATES EXCEPT PUERTO RICO AND THE VIRGIN ISLANDS)

PART 607—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 IN PUERTO RICO AND THE VIRGIN ISLANDS

PART 608—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 (IN STATES WHICH HAVE NO AGREEMENT WITH THE SECRETARY OF LABOR)

PART 613—REGULATIONS TO IMPLEMENT THE TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 1958; RESPONSIBILITIES OF PUERTO RICO, VIRGIN ISLANDS AND STATE AGENCIES

Amendments To Make Minor Editorial Changes in the Blanket Citations of Authority Including the Supplying of Current United States Code Citations

The purpose of these amendments is to improve the accuracy and usefulness of the blanket citations of authority contained in 20 CFR Parts 601, 602, 603, 604, 606, 607, 608, and 613, by making minor editorial changes and supplying current citations to the United States Code.

Now, therefore, pursuant to the authority contained severally in section 12 of the Wagner-Peyser Act (48 Stat. 117, as amended; 29 U.S.C. 49k), section 2006 of the Veterans' Readjustment Assistance Act of 1952 (72 Stat. 1219, 38 U.S.C. 2006), and section 207 of the Temporary Unemployment Compensation Act of 1958 (72 Stat. 176, 42 U.S.C. 1400j), 20 CFR Parts 601, 602, 603, 604, 606, 607, 608, and 613, are amended in the manner indicated below.

1. In 20 CFR Part 601, the blanket citation of authority following the table of contents is amended to read as follows:

AUTHORITY: §§ 601.1 to 601.9 issued under sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k; also issued under sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 1302. Interpret or apply secs. 1–13, 48 Stat. 113, as amended; secs. 301–303, 49 Stat. 626, as amended; C. 736, 68A Stat. 439; 29 U.S.C. 49–491; 42 U.S.C. 501–503; 26 U.S.C. 3301–3308.

2. In 20 CFR Part 602, the blanket citation of authority immediately following the table of contents is amended to read as follows:

AUTHORITY: §§ 602.1 to 602.23 issued under sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k. Interpret or apply secs. 1–13, 48 Stat. 113, as amended; secs. 2010–2014, 72 Stat. 1221; 29 U.S.C. 49–491; 38 U.S.C. 2010–2014.

3. In 20 CFR Part 603, the blanket citation of authority immediately following the table of contents is amended to read as follows:

AUTHORITY: §§ 603.1 to 603.5 issued under sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k. Interpret or apply secs. 1–13, 48 Stat. 113, as amended; secs. 2010–2014, 72 Stat. 1221, 29 U.S.C. 49–491; 38 U.S.C. 2010–2014.

4. In 20 CFR Part 604, the blanket citation of authority immediately following the table of contents is amended to read as follows:

AUTHORITY: §§ 604.1 to 604.19 issued under sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k. Interpret or apply secs. 1–13, 48 Stat. 113, as amended; secs. 2010–2014, 72 Stat. 1221, 29 U.S.C. 49–491; 38 U.S.C. 2010–2014.

5. In 20 CFR Part 606, the blanket citation of authority immediately following the table of contents is amended to read as follows:

AUTHORITY: §§ 606.1 to 606.18 issued under sec. 2006, 72 Stat. 1219, 38 U.S.C. 2006; also issued under sec. 1509, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1135, 42 U.S.C. 1369. Interpret or apply secs. 2001–2009, 72 Stat. 1217, 38 U.S.C. 2001–2009.

6. In 20 CFR Part 607, the blanket citation of authority immediately following the table of contents is amended to read as follows:

AUTHORITY: §§ 607.1 to 607.31 issued under sec. 2006, 72 Stat. 1219, 38 U.S.C. 2006; also issued under sec. 1509, as added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1135, 42 U.S.C. 1269. Interpret or apply secs. 2001–2009, 72 Stat. 1217; 38 U.S.C. 2001–2009.

7. In 20 CFR Part 608, the blanket citation of authority immediately following the table of contents is amended to read as follows:

AUTHORITY: §§ 608.1 to 608.27 issued under sec. 2006, 72 Stat. 1219, 38 U.S.C. 2006. Interpret or apply secs. 2001–2006, 72 Stat. 1217; 38 U.S.C. 2001–2006.

8. In 20 CFR Part 613, the blanket citation of authority immediately following the table of contents is amended to read as follows:

AUTHORITY: §§ 613.1 to 613.14 issued under sec. 207, 72 Stat. 176, 42 U.S.C. 1400j. Interpret or apply secs. 101–104, 201–207, 72 Stat. 171; 42 U.S.C. 1400–1400k.

These amendments shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 20th day of September 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-8897; Filed, Sept. 23, 1960; 8:45 a.m.]

PART 609—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF FEDERAL AGENCIES

PART 610—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF STATE AGENCIES

PART 611—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF THE PUERTO RICO AND VIRGIN ISLANDS AGENCIES

PART 614—REGULATIONS TO IMPLEMENT THE EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED

Amendments To Reflect Recent Changes in Title XV of the Social Security Act and the Fact That Alaska and Hawaii Are Now States

The purpose of these amendments is to make changes in the regulations contained in 20 CFR Parts 609, 610, 611, and 614 necessitated by the enactment of Public Law 86-442 (74 Stat. 81) repealing section 1505 of the Social Security Act (68 Stat. 1133; 42 U.S.C. 1365) insofar as it relates to unemployment compensation for Federal Civilian Employees, to conform the regulations to the fact that Alaska and Hawaii are now States of the United States, to make various minor editorial changes, and to bring up-to-date the citations of authority.

Now, therefore, pursuant to authority vested in me by section 1509 of the Social Security Act (as added by sec. 4(a), 68 Stat. 1135; 42 U.S.C. 1369), 20 CFR Parts 609, 610, 611, and 614 are amended in the manner indicated below.

1. The blanket citation of authority immediately preceding the first section of 20 CFR Part 609 is amended to read as follows:

AUTHORITY: §§ 609.1 to 609.9 issued under sec. 1509, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1135; 42 U.S.C. 1369. Interpret or apply secs. 1501-1508, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1130-1135, and amended by sec. 2, 72 Stat. 1087, by sec. 4, 72 Stat. 1089, and by sec. 2, 74 Stat. 81; 42 U.S.C. 1361-1368.

2. Subparagraph (5) of § 609.1(c) is amended to read as follows:

§ 609.1 Definitions.

* * * * *

(c) "Federal civilian service" * * *

(5) Outside the United States by an individual who is not a citizen of the United States; for the purpose of this paragraph, the term United States means the States, the District of Columbia, Puerto Rico, and the Virgin Islands.

3. Section 609.5 is amended to read as follows:

§ 609.5 Allocation of terminal annual leave payment.

Lump-sum terminal annual leave payments shall not be allocated by the Federal agency but shall be allocated as provided in §§ 610.3(b) and 611.3(b) of this chapter.

4. The blanket citation of authority immediately preceding the first section of 20 CFR 610 is amended to read as follows:

AUTHORITY: §§ 610.1 to 610.8 issued under sec. 1509, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1135; 42 U.S.C. 1369. Interpret or apply secs. 1501, 1502, 1504-1508, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1130-1135, and amended by sec. 2, 72 Stat. 1087 by sec. 4, 72 Stat. 1089, and by sec. 2, 74 Stat. 81; 42 U.S.C. 1361-1368.

5. Paragraph (i) of § 610.1 is amended to read as follows:

§ 610.1 Definitions.

* * * * *

(i) "State" includes the fifty States and the District of Columbia.

6. Paragraphs (a) and (b) of § 610.3 are amended to read as follows:

§ 610.3 Assignment of Federal civilian service and Federal civilian wages.

(a) *State to which assigned.* Federal civilian service and Federal civilian wages shall be assigned to the State in which the Federal civilian employee had his last official station prior to filing his first claim for a benefit year (whether or not a benefit year is established), unless: (1) At the time he files such claim he resides in another State in which, after he was separated from Federal civilian service, he performed service covered under the unemployment compensation law of such State (in this event his Federal civilian service and Federal civilian wages shall be assigned to the latter State); or (2) prior to the filing of such claim his last official station in Federal civilian service was outside the United States, in which event his Federal civilian service and Federal civilian wages shall be assigned to the State in which he resides when he files such claim; as used in this subparagraph "United States" includes the fifty States and the District of Columbia; or (3) at the time he files such claim he resides in Puerto Rico or the Virgin Islands, in which event his Federal civilian service and Federal civilian wages shall be assigned to Puerto Rico or the Virgin Islands, as the case may be. Federal civilian service and Federal civilian wages assigned to a State in error may be reassigned by that State for use by the proper State. The reassigning State agency shall keep an appropriate record of the reassignment.

(b) *Allocation of terminal annual leave payments.* Lump-sum terminal annual leave payments shall be allocated in the same manner as similar payments to employees of private employers under State law. In those States in which a private employer has an option as to the period to which such payments shall be allocated, they shall be deemed to have been allocated to the date of separation from employment, unless failure of the employer to allocate will result in allocation to a period prior to the employee's separation from his employment, in which event the allocation shall be made by the State agency as in the case of such failure by the employer to allocate.

7. Paragraph (a) of § 610.5 is amended to read as follows:

§ 610.5 Determination of entitlement.

(a) *Entitlement.* The agency of the State to which a Federal civilian employee's Federal civilian service and Federal civilian wages have been assigned (or of another State to which they have been transferred in accordance with the interstate wage combining plans or reassigned to correct an error) shall determine the claimant's entitlement to compensation, and shall pay such compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the unemployment compensation law of the State if the Federal civilian service and Federal civilian wages of such claimant had been included as employment and wages under such law, with the following exceptions: (1) That no compensation shall be paid to a claimant for any period to which payment of military terminal leave is allocated in accordance with § 614.12 of this chapter; (2) a claimant who is eligible to receive a mustering-out payment under Title V of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 688; 38 U.S.C. 1011 et seq.) shall not be eligible to receive compensation with respect to weeks of unemployment completed within 30 days after his discharge or release if he receives $100.00 in such mustering-out payment; within 60 days after his discharge or release if he receives $200.00 in such mustering-out payment; or within 90 days after his discharge or release if he receives $300.00 in such mustering-out payment. The notice of determination given to the claimant pursuant to the unemployment compensation law of the State shall include the findings made by the Federal agency, and shall inform the claimant of his right to additional information or reconsideration and correction of such findings. The State agency shall set forth the findings of the Federal agency in sufficient detail to enable the claimant to determine whether he wishes to request reconsideration or correction of any such findings, to the extent that such information has been furnished by the Federal agency.

8. The blanket citation of authority immediately preceding the first section of 20 CFR Part 611 is amended to read as follows:

AUTHORITY: §§ 611.1 to 611.12 issued under sec. 1509, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1135; 42 U.S.C. 1369. Interpret or apply secs. 1501, 1502, 1504-1508, added to 49 Stat. 620 by sec. 4(a) 68 Stat. 1130-1135, and amended by sec. 2, 72 Stat. 1087 by sec. 4, 72 Stat. 1089; and by sec. 2, 74 Stat. 81; 42 U.S.C. 1361-1368.

9. Paragraph (d) of § 611.1 is amended to read as follows:

§ 611.1 Definitions.

* * * * *

(d) "Cooperating State" means any of the fifty States or the District of Columbia which has entered into an arrangement with Puerto Rico or the Virgin Islands similar in effect to the Interstate Benefit Payment Plan.

10. Paragraph (b) of § 611.3 is amended to read as follows:

§ 611.3 Assignment of Federal civilian service and Federal civilian wages.

* * * * *

(b) *Allocation of terminal annual leave payment.* The lump-sum terminal annual leave payment of a claimant constitutes Federal civilian wages for the period with respect to which it is allocated under the District of Columbia Unemployment Compensation Act.

11. Subparagraph (1) of paragraph (a) and paragraph (d) of § 611.5 are amended to read as follows:

§ 611.5 Determination of entitlement.

(a) *Entitlement.* (1) Where a Federal Civilian employee's Federal civilian service and Federal civilian wages have been assigned to Puerto Rico or the Virgin Islands, the agency of Puerto Rico or the Virgin Islands, as the case may be, shall promptly determine the claimant's entitlement to compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the District of Columbia Unemployment Compensation Act if the Federal civilian service and Federal civilian wages of such claimant had been included as employment and wages under such law, with the following exceptions: (i) That no compensation shall be paid to a claimant for any period to which payment of military terminal leave is allocated in accordance with § 614.12 of this chapter; (ii) a claimant who is eligible to receive a mustering-out payment under Title V of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 688; 38 U.S.C. 1011 et seq.), shall not be eligible to receive compensation with respect to weeks of unemployment completed within 30 days after his discharge or release if he receives $100.00 in such mustering-out payment; within 60 days after his discharge or release if he receives $200.00 in such mustering-out payment; or within 90 days after his discharge or release if he receives $300.00 in such mustering-out payment; and (iii) if a claimant, without regard to his Federal civilian service and Federal civilian wages, and Federal military service and Federal military wages (as defined in § 614.1 of this chapter), has employment or wages sufficient to qualify for any benefits during the benefit year under the District of Columbia Unemployment Compensation Act, then payments of benefits under Title XV, as amended by the Ex-Servicemen's Unemployment Compensation Act of 1958 (72 Stat. 1087, 42 U.S.C. 1361 et seq.) shall be made only on the basis of his Federal civilian service and Federal civilian wages and Federal military service and Federal military wages.

* * * * *

(d) *Continuation of State Claim in Puerto Rico or the Virgin Islands.* A claimant who has filed a claim for compensation under Title XV in any of the fifty States or the District of Columbia may continue such claim in Puerto Rico or the Virgin Islands to the extent permitted by arrangements between Puerto Rico or the Virgin Islands and cooperating States. Such claims are not subject to redetermination by the agency.

12. The blanket citation of authority immediately preceding the first section of 20 CFR Part 614 is amended to read as follows:

AUTHORITY: §§ 614.1 to 614.17 issued under sec. 1509, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1137; 42 U.S.C. 1369. Interpret or apply secs. 1501-1503, 1505, 1508, 1511, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1130-35, and amended by sec. 2, 72 Stat. 1087, and by sec. 2, 74 Stat. 81; 42 U.S.C. 1361-1363, 1365, 1368.

13. Paragraph (m) of § 614.1 is amended to read as follows:

§ 614.1 Definitions.

* * * * *

(m) "State" includes the fifty States and the District of Columbia.

14. Paragraph (a) of § 614.10 is amended to read as follows:

§ 614.10 Restrictions on entitlement.

* * * * *

(a) For periods with respect to which payment for terminal leave is allocated by the State agency in accordance with § 614.12 of this chapter.

These amendments shall become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1509, added to 49 Stat. 620 by sec. 4(a), 68 Stat. 1135; 42 U.S.C. 1369)

Signed at Washington, D.C., this 20th day of September 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-8898; Filed, Sept. 23, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 406; Amdt. 35]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO-C13c, Life Preservers

A proposed amendment to § 514.23 establishing minimum performance standards for life preservers used on civil aircraft of the United States was published in 25 F.R. 4651.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.23 is amended as follows:

§ 514.23 Life preservers—TSO-C13c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life preservers which specifically are required to be approved for use on civil aircraft of the United States. New models of life preservers manufactured on or after October 15, 1960, shall meet the standards set forth in ATA Specification No. 801, "Airline Life Jackets," dated July 1, 1958,[1] with the exceptions listed in subparagraph (2) of this paragraph. Life preservers approved by the Administrator prior to October 15, 1960, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) Compliance with section 4.1.1. of ATA Specification No. 801 is optional. Life preservers may be non-reversible provided the design of the preservers is such so as to preclude the probability of improper donning.

(ii) In addition to the placarding instructions contained in section 4.2.2 of ATA Specification No. 801, the preserver shall also be marked with instructions which will describe the proper donning procedure.

(b) *Marking.* Each life preserver shall be marked in accordance with § 514.3 except that the weight specified in paragraph (c) of § 514.3 may be omitted, and the following additional information shall be shown:

(1) Date of manufacture of fabric (month and year);

(2) "Adult" or "child", as the case may be.

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[1] Copies may be obtained from the Air Transport Association, 1000 Connecticut Avenue NW., Washington 6, D.C.

(c) *Data requirements.* One copy each of the manufacturer's operation and inflation instructions shall be furnished the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Quality control.* Each life preserver shall be produced under a quality control system, established by the manufacturer, which will assure that each life preserver is in conformity with the requirements of this standard and is in condition for use. This system shall be described in the records required by section 4.3.1 of ATA Specification No. 801. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

Effective date. October 15, 1960.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on September 20, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8893; Filed, Sept. 23, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-171]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Designation of Coded Jet Route

On July 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6654) stating that the Federal Aviation Agency proposed to designate VOR/VORTAC jet route No. 101 from Houston, Tex., to Northbrook, Ill.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the Notice, Part 602 (14 CFR 602) is amended by adding the following section:

§ 602.5101 VOR/VORTAC jet route No. 101 (Houston, Tex., to Northbrook, Ill.).

From the Houston, Tex., VORTAC via the Lufkin, Tex., VOR; Shreveport, La., VORTAC; Flippin, Ark., VOR; St. Louis, Mo., VORTAC; Springfield, Ill., VOR; INT of the Springfield VOR 036° True and the Joliet, Ill., VORTAC 205° True radials; Joliet VORTAC; to the Northbrook, Ill., VORTAC.

This amendment shall become effective 0001 e.s.t. December 15, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 21, 1960.

GEORGE S. CASSADY,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8919; Filed, Sept. 23, 1960; 8:47 a.m.]

[Reg. Docket No. 516; Amdt. 65]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Amendment 64 to Part 610 of the Regulations of the Administrator, published on September 15, 1960 (25 F.R. 8857), contained several minimum en route altitudes for Federal Airways based on the Vance, S.C., VOR. It has been determined that this VOR will not be commissioned on the date anticipated and it is therefore necessary to extend the effective date of such minimum en route altitudes.

As this amendment imposes no additional burden on any person, compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act is unnecessary and is not required.

Amendment 64 to Part 610, Regulations of the Administrator, is hereby amended by revising the effective date paragraph to read as follows:

The foregoing minimum en route altitudes shall become effective September 22, 1960 except those altitudes assigned to the following specified airways, which shall become effective on October 20, 1960:

Section 610.6003 VOR Federal Airway 3 from Savannah, Georgia, VOR to Raleigh, N.C., VOR.
Section 610.6018 VOR Federal Airway 18.
Section 610.6053 VOR Federal Airway 53.
Section 610.6157 VOR Federal Airway 157 from Allendale, S.C., VOR to Florence, S.C., VOR.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C. on September 21, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8920; Filed, Sept. 23, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department in Part 168—Directory of International Mail—are amended by making the following changes in § 168.5 *Individual country regulations:*

I. In country "Bulgaria", under Parcel Post, amend the item *Air parcel post* by striking out "No service", and inserting in lieu thereof "$0.85 first 4 ounces; $0.50 each additional 4 ounces."

II. In country "Burma", under Parcel Post, amend the item *Air parcel post* by striking out "No service" and inserting in lieu thereof "$2.15 first 4 ounces; $1.51 each additional 4 ounces."

III. Insert a new country "Fernando Po (Including Annobon Island)" and the pertinent regulations in the proper alphabetical order of countries therein to read as follows:

FERNANDO PO (INCLUDING ANNOBON ISLAND)

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1.

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 10 cents each.
Air letters (aerogrammes), 10 cents each.
Other articles, 61 cents first 2 ounces; 40 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Not accepted.

Registration. Fee, 50 cents. Maximum indemnity, $3.27.

Special delivery. Yes. See § 168.3 for fees and other conditions.

Money orders. No service.

Prohibitions. Same as for Spain.

Parcel Post

Surface parcel rates, including transit charges and surcharges. $0.99 first pound; $0.26 each additional pound.

Air parcel rates, including transit charges. $1.34 first 4 ounces; $0.72 each additional 4 ounces.

Weight limit: 44 pounds.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922. (Parcel Post Sticker)
3 Form 2966. (Customs Declaration)
1 Form 2972. (Dispatch Note)

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Indemnity. No provision.

Special handling. Available. See § 168.4.

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 137 of this Chapter.

Prohibitions and import restrictions. Same as for Spain.

IV. In country "French Somaliland" make the following changes:

A. Under Postal Union Mail, amend the item *Money orders* to read as follows:

Money orders. No service.

B. Under Parcel Post, amend the item *Air parcel post* by striking out "No service", and inserting in lieu thereof "$1.36 first 4 ounces; $0.72 each additional 4 ounces."

V. In country "Hungary", as amended by Federal Register document 60-7411, 25 F.R. 7532-7533, under Parcel Post, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu thereof "$0.86 first 4 ounces; $0.51 each additional 4 ounces.".

VI. In country "Jordan", under Postal Union Mail, amend the items *Small packets* and *Letter packages containing dutiable merchandise* to read as follows:

Small packets. Not accepted.

Letter packages containing dutiable merchandise. Not accepted.

VII. In country "Laos", under Parcel Post, as amended by Federal Register document 60-7411, 25 F.R. 7532-7533, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu thereof "$2.06 first 4 ounces; $1.34 each additional 4 ounces."

VIII. In country "Madagascar" make the following changes:

A. Amend the country heading of "Madagascar" to read "Madagascar (Malagasy Republic) (Madagascar, Ste. Marie-De-Madagascar, and Nossi Be)."

B. Under Parcel Post, amend the item *Air parcel post* by striking "No service.", and inserting in lieu thereof "$1.45 first 4 ounces; $0.81 each additional 4 ounces."

IX. In country "Netherlands", under Parcel Post, the tabular information immediately following the item *Air parcel rates* is amended by striking out "3 forms 2966" where it appears under "Postal forms required:" and inserting in lieu thereof "2 forms 2966".

X. In country "Netherlands New Guinea", under Parcel Post, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu thereof "$2.04 first 4 ounces; $1.41 each additional 4 ounces."

XI. In country "New Caledonia and Dependencies", under Parcel Post, amend the item *Air parcel post* by striking out "No service", and inserting in lieu thereof "$1.68 first 4 ounces; $1.04 each additional 4 ounces."

XII. In country "New Guinea (Territory of)", under Parcel Post, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu thereof "$1.75 first 4 ounces; $1.39 each additional 4 ounces."

XIII. In country "Papua, Territory of", under Parcel Post, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu thereof "$1.75 first 4 ounces; $1.39 each additional 4 ounces."

XIV. Amend the country heading of "Persian Gulf Ports" to read "Persian Gulf Ports (British Postal Agencies at Bahrein, Dubai (including Sharja), Muscat and Qatar (Doha and Umm Said))."

XV. In country "Réunion (Bourbon) Island", under Parcel Post, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu thereof "$1.33 first 4 ounces; $0.83 each additional 4 ounces."

XVI. Insert a new country "Rio Muni (Including Corisco and the Elobey Islands)" and the pertinent regulations in the proper alphabetical order of countries therein to read as follows:

RIO MUNI (INCLUDING CORISCO AND THE ELOBEY ISLANDS)

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1

Air rates. (See § 166.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 10 cents each.
Air letters (aerogrammes), 10 cents each.
Other articles, 61 cents first 2 ounces; 40 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Not accepted.

Registration. Fee, 50 cents. Maximum indemnity, $3.27.

Special delivery. Yes. See § 168.3 for fees and other conditions.

Money orders. No service.

Prohibitions. Same as for Spain.

Parcel Post

Surface parcel rates, including transit charges and surcharges. $0.99 first pound; $0.26 each additional pound.

Air parcel rates, including transit charges. $1.34 first 4 ounces; $0.72 each additional 4 ounces.

Weight limit: 44 pounds.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922 (Parcel Post Sticker).
3 Form 2966 (Customs declaration).
1 Form 2972 (Dispatch Note).

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Indemnity. No provision.

Special handling. Available. See § 168.4.

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 137 of this Chapter.

XVII. In country "Sarawak", under Parcel Post, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu "$2.18 first 4 ounces; $1.57 each additional 4 ounces."

XVIII. In country "Sierra Leone", under Parcel Post, amend the item *Air Parcel post* by striking out "No service.", and inserting in lieu thereof "$1.46 first 4 ounces; $0.56 each additional 4 ounces".

XIX. In country "Solomon Islands (Except Bougainville and Buka)", under Parcel Post, amend the item *Air parcel post* by striking out "No service" and inserting in lieu thereof "$1.99 first 4 ounces; $1.43 each additional 4 ounces."

XX. In country "Somalia", as amended by Federal Register document 60-2455, 25 F.R. 2258-2259, amend the item *Air parcel post* by striking out "No service." and inserting in lieu thereof "$1.56 first 4 ounces; $0.78 each additional 4 ounces."

XXI. Delete the country "Spanish Guinea" and the pertinent regulations from the alphabetical list of countries therein. Spanish Guinea has become two Spanish African provinces known as Fernando Po and Rio Muni.

XXII. In the country "Togo", under Parcel Post, amend the item *Air parcel post* by striking out "No service.", and inserting in lieu thereof "$1.15 first 4 ounces; $0.65 each additional 4 ounces.".

XXIII. In the country "Tonga (Friendly) Islands", under Parcel Post, the item *Air parcel post* is amended by striking out "No service.", and inserting in lieu thereof "$1.39 first 4 ounces; $1.03 each additional 4 ounces."

XXIV. Amend the country heading of "Volta Republic" to read "Upper Volta (Republic of)", and redesignate the country and the pertinent regulations in the proper alphabetical order of countries therein.

XXV. In the country "Windward Islands (Dominica, Grenada, The Grenadines, Saint Lucia, and Saint Vincent)", under Parcel Post the item *Air parcel rates* is amended by deleting "Grenada, Grenadines and St. Lucia only." As so amended the item reads as follows:

Air parcel rates. $1.01 first 4 ounces; $0.34 each additional 4 ounces.

XXVI. In "Places Not Included In Alphabetical List of Countries" make the following changes:

A. Delete the following places from the alphabetical listing therein:

Fernando Po Island (Spanish Guinea)
Rio Muni (Spanish Guinea)
Upper Volta (Volta Republic)

B. The following list of places, as they appear in the alphabetical listing therein, are amended as a result of changes in their titles:

1. Annobon Island (Spanish Guinea) amended to Annobon Island (Fernando Po).

2. Corisco Island (Spanish Guinea) amended to Corisco Island (Rio Muni).

3. Elobey Island (Spanish Guinea) amended to Elobey Island (Rio Muni).

4. French West Africa amended to French West Africa (Dahomey, Guinea, Ivory Coast, Mauritania, Niger, Senegal,

Soudanese Republic or Upper Volta Republic).

5. Guinea (Spanish) (Spanish Guinea) amended to Guinea (Spanish) (Fernando Po or Rio Muni).

6. Malgache Republic (Madagascar) amended to Malagasy Republic (Madagascar).

7. Pemba (Zanzibar and Pemba) amended to Pemba (Zanzibar Protectorate).

C. Insert Spanish Guinea (Fernando Po or Rio Muni), and Volta Republic (Upper Volta) in the proper alphabetical listing therein.

(39 U.S. Code, §§ 501, 505)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-8922; Filed, Sept. 23, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2205]

[Sacramento 057876]

CALIFORNIA

Opening Lands Under Section 24 of the Federal Power Act

1. In DA-966-California issued February 17, 1959, The Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purpose of power development by location, entry, or selection under the public land laws subject to section 24 of the Federal Power Act, as amended:

HUMBOLDT MERIDIAN

T. 12 N., R. 6 E.,
Sec 9, SE¼ NE¼.

The area described contains 40 acres in the Klamath National Forest.

(a) Until 10:00 a.m. on December 21, 1960, the national forest lands shall be open only to application by the State of California under any statute or regulation applicable thereto, for the reservation to it or to any of its political subdivisions of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

(b) Commencing at 10:00 a.m. on October 26, 1960, the lands shall be open to such other forms of disposition as may by law be made of national forest lands, subject to the terms and conditions of section 24 of the Federal Power Act, as amended.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 20, 1960.

[F.R. Doc. 60-8895; Filed, Sept. 23, 1960; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGFR 60-60]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.02—General Requirements for All Deck and Engineer Officers' Licenses

RENEWAL OF MASTERS', MATES', OR PILOTS' LICENSES

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on February 24, 1960 (25 F.R. 1595), and a Supplement to the Merchant Marine Council Public Hearing Agenda dated April 4, 1960 (CG-249), the Merchant Marine Council held a public hearing on April 4, 1960, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I through XII, inclusive. This proposal was identified as a part of Item XII, and entitled "Renewal of Masters', Mates', or Pilots' Licenses."

The Coast Guard initiated this change in 46 CFR 10.02-9 with respect to increasing requirements governing renewal of masters', mates', and piolts' licenses in response to a clearly recognized need for obligating all deck officers to remain familiar with the Rules of the Road applicable to the waters for which they are licensed to navigate vessels. The safe navigation of vessels requires the persons in charge of their navigation, i.e., masters, mates, and pilots, to be thoroughly familiar with and able to apply the applicable Rules of the Road to the various situations which arise.

The Merchant Marine Council welcomed and gave careful consideration to all comments and views received concerning these proposals. Significant modifications to the original proposals were made and are explained in detail in a Navigation and Vessel Inspection Circular, which may be obtained upon request from the Commandant (CHS), U.S. Coast Guard, Washington 25, D.C., or from any Coast Guard Marine Inspection Office.

For information and convenience the entire text of 46 CFR 10.02-9 regarding requirements for renewal of licenses as revised is set forth in this document. While this regulation applies to engineer officers as well as masters, mates, and pilots, the basic requirements governing engineer officers are not changed. The changes apply primarily to the requirements for renewal of licenses issued to masters, mates, and pilots. The intent of such changes is to require that licensed deck officers keep abreast of the applicable requirements in the Rules of the Road governing the waters for which they are licensed. The significant changes made in 46 CFR 10.02-9 are as follows:

1. For masters, mates, and pilots who have served under the authority of their licenses, or in positions closely related to the operation of vessels, within the 3 years next preceding the dates of their respective applications for renewal, they may renew their licenses in the same manner as in the past, except that such officers must submit affidavits stating they have read within the 3 months next preceding the dates of their respective applications, the Rules of the Road applicable to the waters for which licensed, and they shall demonstrate their knowledge of the application of such Rules of the Road.

2. For masters, mates, and pilots who have not served under the authority of their licenses, or in positions closely related to the operation of vessels, within 3 years next preceding the dates of their respective applications for renewal, there is no change in the basic requirements, and they will be required, as in the past, to pass an examination on the applicable Rules of the Road before their licenses will be renewed. Such an examination in the case of an officer who has not been actively engaged in his profession has been in effect for many years.

3. In the past, a deck or engineer officer's license could not be renewed prior to 30 days before the date of expiration except in extraordinary circumstances. This 30-day period has been changed to 90 days.

4. The effective date for the changes in the requirements regarding renewal of licenses in 46 CFR 10.02-9, as set forth in this document, is January 1, 1961.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 7605), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the regulations below, the following amendment to § 10.02-9 is prescribed and shall become effective on and after January 1, 1961:

§ 10.02-9 Requirements for renewal of license.

(a) *Duty of applicants.* Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of a license, require the applicant to make written application on Coast Guard Form CG-3479.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except as provided in paragraph (g) of this section.

(c) *Fitness.* No license shall be renewed if title has been forfeited or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) A license shall be renewed within 12 months after the date of expiration as shown on the license held, except when applicant's license has expired beyond the 12 month period of grace during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The period of such service following the date of expiration as shown on the license shall be added to the 12 month period of grace.

(2) No license shall be renewed more than 90 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Masters', mates', or pilots' licenses.* (1) Every Officer in Charge, Marine Inspection, shall, before renewing an existing license to a master, mate, or pilot who has served under the authority of his license within the three years next preceding the date of application for renewal, or who has been employed in a position closely related to the operation of vessels during the same three year period, require that such licensed officer present an affidavit that he has read within the three months next preceding the date of application the Rules of the Road applicable to the waters for which he is licensed and demonstrate his knowledge of the application of the Rules of the Road.

(2) Every Officer in Charge, Marine Inspection, shall, before renewing an existing license to a master, mate, or pilot who has not served under the authority of his license within the three years next preceding the date of application for renewal, or who has not been employed in a position closely related to the operation of vessels during the same three year period, satisfy himself that such licensed officer is thoroughly familiar with the Rules of the Road applicable to the waters for which he is licensed. A written examination may be required for this purpose, or the applicant may be examined orally and a summary of the oral examination placed in the officer's license file.

(f) *Physical requirements.* (1) No license as master, mate, or pilot shall be renewed except upon the official certificate of a medical officer of the United States Public Health Service that the color sense of the applicant is normal. Applicants for renewal of license as engineer shall not be subject to examination as to ability to distinguish colors.

(2) The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same.

(3) In the event an applicant for renewal of license as master, mate, or pilot is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(5) Nothing contained in this section shall debar an applicant who has lost the sight of one eye from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(6) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(g) *Renewal by mail.* Where an applicant for renewal would be put to great inconvenience or expense to appear in person before an Officer in Charge, Marine Inspection, or is engaged in a service that necessitates his continuous absence from the United States, his existing license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating to the best of his knowledge no physical incapacity exists, together with a properly executed application on Coast Guard Form CG-3479;

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths;

(3) The license to be renewed; and,

(4) In the case of the renewal of a master's, mate's, or pilot's license:

(i) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal; and,

(ii) Documentary evidence of service under authority of license within the three years next preceding the date of application or evidence of employment in a position closely related to the operation of vessels within the same three year period, together with an affidavit that the applicant has read within the three months next preceding the date of application the Rules of the Road applicable to the waters for which he is licensed and demonstration of his knowledge of the application of the Rules of the Road.

(h) *Reissue of expired license.* (1) Whenever an applicant shall apply for renewal of his license for the same grade, after 12 months after date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except no professional examination will be required provided the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal. The Officer in Charge, Marine Inspection may require a written examination for this purpose.

(2) The renewed license shall receive the next higher number of issue of present grade and for the number of issue of all grades.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438-4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 186, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, secs. 2, 3, 68 Stat. 484, 675, sec. 3, 70 Stat. 152; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1333, 239b, 50 U.S.C. 196, 46 U.S.C. 390b)

Dated: September 14, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-8904; Filed, Sept. 23, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60-1141]

COMMUNICATIONS ACT AMENDMENTS, 1960

SEPTEMBER 21, 1960.

On September 13, 1960, the President signed "An Act to promote the public interest by amending the Communications Act of 1934, to provide a pre-grant procedure in case of certain applications; to impose limitations on payoffs between applicants; to require disclosure of payments made for the broadcast of certain matter; to grant authority to impose forfeitures in the broadcast service; and to prohibit deceptive practices in contests of intellectual knowledge, skill, or chance; and for other purposes." The various provisions of the Act are effective as of the date of enactment except that those provisions prescribing the new pre-grant procedure for broadcast, common carrier and certain specified safety and special radio service applications (section 309 of the Act, as amended) and requiring applicants for authorizations in the broadcast service to give notice in the principal area to be served by the station of the filing of the application and of any designation of the application for hearing (section 311 of the Act, as amended) are to be effective 90 days

after the date of enactment of the law, i.e., on December 12, 1960.

The Commission wishes to notify all interested parties that, to the extent that its rules and regulations or interpretations are inconsistent with those provisions of the new Act which are now in effect, the rules and regulations and interpretations will be considered to be superseded thereby. Amendments to the rules and regulations to bring them into full conformity with and where necessary to implement the new Act, will be issued as soon as practicable.

The Commission wishes to call particular attention to the amendments to section 317 and to the new section 508 of the Act which concern announcement and disclosure of certain payments with respect to matter broadcast. Until such time as rule making proceedings are concluded to implement these sections of the Act, the Commission will interpret and enforce those provisions in light of the explanation and examples set forth in the Report of the House Committee on Interstate and Foreign Commerce, which accompanied S. 1898 (H. Rept. No. 1800, 86th Cong., 2d Sess., pp. 17–25). For the information and convenience of interested parties the examples contained in the House Report to illustrate the intended effect of the new section 317(a)(1) are attached hereto.[1]

In a public notice released March 16, 1960 (FCC 60–239), the Commission announced its interpretation of the requirements of section 317 of the Communications Act as it stood prior to the amendment enacted on September 13, 1960. The amendments to sections 317 and 508 make portions of the Public Notice no longer applicable. In the interim, until the Commission has had an opportunity to restudy the whole matter carefully, and to make further interpretative and clarifying announcement and rules, the attention of all persons concerned is invited to the attached excerpts from the House Committee Report, which furnish useful indications of Congressional intent underlying the September 13, 1960, amendments to the Communications Act.

The Commission is undertaking a thorough review of the question of sponsorship identification of the broadcast material and as soon as possible will proceed with appropriate steps including initiation of rule making, for purposes of affording the maximum possible guidance to the industry. Simultaneous with the issuance of this Notice, the Commission is issuing an Order withdrawing its Notice of Inquiry and closing the proceedings in Docket No. 13454, which had been instituted under the former provisions of the Communications Act.

The broadcast rules relating to sponsorship identification of broadcast material (§§ 3.119, 3.289, 3.654, and 3.789) will remain in effect until revised, except insofar as they are superseded by the provisions of section 317 of the Act, as amended. Specifically, paragraph (a) of each of the cited sections of the rules will be applied in the light of the new proviso introduced in section 317(a)(1) which reads as follows: "*Provided*, That 'service or other valuable consideration' shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is to be furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast."

Adopted: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8912; Filed, Sept. 23, 1960; 8:47 a.m.]

[Docket No. 13655; FCC 60–1118]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 11—INDUSTRIAL RADIO SERVICES

Use of Certain Band by Non-Government Radiolocation Service

In the matter of amendment of Parts 2 and 11 of the Commission's rules to provide for the use of the band 10,000–10,500 Mc by the non-Government radiolocation service, Docket No. 13655, RM–175.

1. On July 7, 1960, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on July 12, 1960, and published in the FEDERAL REGISTER on July 15, 1960 (25 F.R. 6705).

2. The period for filing comments and reply comments in this matter expired on August 29, 1960. Comments were received from Geophysical Service, Inc., Michael Baker, Jr., Inc., Lockwood, Kessler and Bartlett, Inc., Fairchild Aerial Surveys, Inc., Gandolfo, Kuhn and Walker, Meissner Engineers, Inc., Clair A. Hill and Associates, The Mark Hurd Aerial Surveys, Inc., and Tellurometer, Inc.

3. All comments received favored adoption of the proposal to make the frequency band 10,000–10,500 Mc available to the non-Government radiolocation service under the conditions stipulated in the notice of proposed rule making of July 12, 1960.

4. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, Parts 2 and 11 of the Commission's Rules are amended, effective November 1, 1960, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: September 20, 1960.

Released: September 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Part 2 is amended as follows:

1. In § 2.1, in alphabetical order, the definition "Radiodetermination" is added; the definitions "Radiolocation" and "Radiolocation service" are revised; and the definition "Radiolocation station" is deleted and superseded by "Radiolocation land station" and "Radiolocation mobile station", as follows:

§ 2.1 Definitions.

* * * * *

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation of radio waves.

* * * * *

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radiolocation service. A radiodetermination service involving the use of radiolocation.

Radiolocation land station. A station in the radiolocation service not intended to be used while in motion.

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

2. In § 2.104(a)(5), the table of frequency allocations is amended by changing the entries in Columns 8, 9, and 11 for the band 10,000–10,500 Mc; Footnote US127 is revised; and new Footnote NG59 is added, as follows:

§ 2.104 Frequency allocations.

(a) * * *

(5) * * *

Band (Mc)	Allocation	Band (Mc)	Service	Class of Station	Frequency	Nature of stations
5	6	7	8	9	10	11
10000–10500	G, NG, (US127)	10000–10500	Amateur. Radiolocation. (NG59).	Amateur. Radiolocation land. Radiolocation mobile.	.....	AMATEUR. RADIOLOCATION.

* * * * * * * * *

US127 The band 10000–10500 Mc is limited to CW systems. The amateur service and non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

* * * * * * * * *

NG59 Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

[1] Filed as part of the original document.

II. Part 11 is amended as follows:

1. Section 11.3, *Definition of terms*, is amended by the addition of new definitions as follows:

§ 11.3 Definition of terms.

* * * * *

(y) *Radiolocation land station.* A station in the radiolocation service not intended to be used while in motion.

(z) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

2. Section 11.607 is amended by the addition of a new paragraph (h), as follows:

§ 11.607 Frequencies available.

* * * * *

(h) Radiolocation Land Stations and Radiolocation Mobile Stations in this service may be authorized to use frequencies in the band 10000–10500 Mc, for CW emission only, upon condition that no harmful interference is caused to other users of this band; and upon further condition that such stations in the radiolocation service operating in this band must accept any harmful interference that may be experienced from the operation of other services in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

[F.R. Doc. 60-8910; Filed, Sept. 23, 1960; 8:46 a.m.]

[FCC 60-1139]

PART 10—PUBLIC SAFETY RADIO SERVICES

Clarification of Eligibility in the Local Government Radio Service

SEPTEMBER 21, 1960.

Section 10.551 of the Commission's rules states that authorizations in the Local Government Radio Service will be issued "only to territories, possessions, states, other governmental subdivisions including counties, cities, towns and similar governmental entities." This service was established to enable those eligible, either to handle all administrative traffic on a single frequency or to conduct all their public safety communications on a single channel. Larger entities may now keep their existing police, fire, etc. radio systems free from non-essential communications while smaller entities may be spared the expense of maintaining separate police, fire, etc. radio systems.

Response to the establishment of this service has exceeded the Commission's expectations resulting in some areas in a dearth of available frequencies. Although the Commission has recently issued a notice of proposed rule making, Docket No. 13754, which would make available 16 additional frequencies to this service, it is anticipated that all frequencies will be utilized to their fullest extent in the near future. It should be noted that the stringent frequency coordination requirements which apply to these frequencies also contribute in part to their limited availability.

In addition to the large number of applications received from states, cities, and towns, the Commission has also received many requests for authorizations from school districts, sanitation districts, park authorities, state universities and turnpike authorities. These applicants all represent themselves as governmental entities and thus analogous to city, state or town. In most instances, the Commission returned these applications drawing a distinction between a governmental entity and an agency or arm of government and suggested that they reapply in the name of their parent entity. Thus, an application filed originally in the name of the "X school district" was in many cases later granted to "the County of X."

Some of these applications were accompanied by showings that the applicant had many of the powers normally associated with an independent governmental entity. Some, for example, had the right to levy taxes, be governed by elected officials, and their geographic boundaries cut across and were a part of other governmental subdivisions. In such cases where it appeared that the applicant had demonstrated a sufficient degree of governmental independence, the Commision granted the applications. In this way, certain of the school, mosquito control and santitation districts referred to above were authorized.

However, an increasing number of these applications plus the large complement of requests from cities, states and towns, etc. has caused the Commission to re-evaluate the eligibility classification set forth in § 10.551. To permit a school or sanitation district to utilize one of the scarce local government frequencies for a single purpose does not appear to enhance further efficient usage of the spectrum. The Commission has endeavored in the Local Government Radio Service to meet the needs of the multitude of these quasi-governmental entities, recognizing that they perform public services. However, the Commission can no longer pursue a policy which does not recognize the necessity for priority of assignment and provide frequencies for these agencies at the expense of those governmental entities referred to in the rules.

Therefore, the Commission announces that for the purpose of determining eligibility in the Local Government Radio Service the phrases "other governmental subdivisions" and "similar governmental entities" will be strictly construed. Such entities as villages, boroughs and the like will be regarded as eligible while school districts, park authorities and others with similarly limited governmental powers and responsibilities will not be eligible. It should be noted that in most cases, these quasi-governmental entities may obtain authorizations through their parent entity or may apply in the Business or Citizens Radio Service. Should the frequency situation improve, the Commission will then reconsider this position.

Adopted: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8911; Filed, Sept. 23, 1960; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Willapa National Wildlife Refuge, Washington

The following special regulation is issued.

* * *

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Willapa National Wildlife Refuge, Washington, is permissible only under the following conditions:

(a) Species permitted to be taken: Deer and bear.

(b) Open season: October 9 through November 2, 1960.

(c) Bag limits: As prescribed by State regulations, two bear and one deer per season.

(d) Methods of hunting:

1. Weapons: Bow and arrow only may be used.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 3,400 acres and 46 percent of the total refuge and which is described as follows:

That portion of the refuge designated as Long Island.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(4) The provisions of this special regulation are effective October 9 through November 2, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 19, 1960.

[F.R. Doc. 60-8894; Filed, Sept. 23, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 40]

EXCESS PROFITS CREDIT OF REGULATED PUBLIC UTILITIES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. 3791).

DANA LATHAM,
Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR (1939) Part 40) to the principle involved in the decision in Louisville Gas and Electric Company v. United States (1960) Ct. Cl. No. 65–59, and to make certain clarifying changes, paragraph (e) (2) of § 40.448–2 of such regulations, as amended by Treasury Decision 5983, approved February 10, 1953, is further amended to read as follows:

§ 40.448–2 Definitions.

• • • • •

(e) *Adjusted invested capital.* • • •

(2) In the case of a corporation described in paragraph (a) (1) (i) or (ii), (2), or (4) of this section, if the corporate books of account are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body (or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners), the adjusted invested capital for such taxable year shall be the sum of the average outstanding common and preferred capital stock accounts for the taxable year and the average capital surplus and earned surplus accounts for such taxable year, as properly recorded on the corporate books of account. The following rules shall apply for the purpose of this paragraph:

(i) The determination of the capital surplus and earned surplus accounts shall be based upon the amounts properly recorded on the corporate books of account and made in accordance with the system of accounts so maintained.

(ii) The term "an appropriate regulatory body" as used in this section means a regulatory body described in section 448(c)(1) and in paragraph (a)(1) of this section, under whose jurisdiction the corporation operates.

(iii) The average of any account (such as the common stock account or the capital surplus account) shall be the sum, divided by the number of days in the taxable year, of the amount of such account as of the beginning of each day of the taxable year.

(iv) If the adjusted invested capital for any taxable year is computed by the method prescribed by this paragraph, the taxpayer must attach a statement to its return for such taxable year setting forth all the facts which require the use of such method.

[F.R. Doc. 60–8921; Filed, Sept. 23, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO–271–A4]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Ramada Inn, 3825 East Van Buren St., Phoenix, Arizona, beginning at 10:00 a.m. m.s.t., on October 5, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the United Dairymen of Arizona:

Proposal No. 1. Delete the provisions of § 1004.7 and substitute therefor the following:

§ 1004.7 Producer.

"Producer" means any person, other than a producer-handler who produces milk pursuant to the requirements specified in paragraph (a) or in paragraph (b) of this section, which milk is received directly from the farm at a pool plant or is caused to be diverted by a cooperative association or by a handler from a pool plant to a non-pool plant during any month of December through April or for not more than eight days production during any other month:

(a) Produces milk, on a dairy farm subject to the regular inspection by a duly constituted state or municipal health authority, under a dairy farm permit or rating issued by such authority for the production of milk to be disposed of for fluid consumption.

(b) Produces milk which is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this part pursuant to § 1004.61 or any dairy farmer with respect to milk received at a pool plant or non-pool plant during any month of May through November unless not more than eight days' production of such dairy farmer's milk was diverted to a non-pool plant during such month.

Proposal No. 2. Delete the provisions of § 1004.8 and substitute therefor the following:

§ 1004.8 Pool plant.

"Pool plant" means any milk plant:

(a) Approved by a duly constituted state or municipal health authority or an agency of the United States Government located within the marketing area for the receipt or processing of Grade A milk from which during the month:

(1) There are disposed of on routes fluid milk products equal to not less than 50 percent of the total receipts at the plant from dairy farmers meeting the inspection requirements described in § 1004.7 and other fluid milk products qualified for distribution as fluid milk products received at the plant; and

(2) There are disposed of on routes in the marketing area fluid milk products which are not less than 50 percent of the total fluid milk product distribution from the plant on routes and which average not less than 600 pounds per day.

(b) Any plant which ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualified as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months of July through October in the manner prescribed in this section such plant shall upon written application to the Market Administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1004.5 of this part, which has member producers whose milk is received at the pool plants of other handlers in the marketing area: *Provided*, That the cooperative association supplies at least 75 percent of the milk from all of its members to handlers within the marketing area.

(d) For the purpose of this definition milk diverted from a pool plant to a non-pool plant shall be deemed to have been received at the plant to which such milk was diverted.

Proposal No. 3. Amend § 1004.10 by deleting the language in paragraph (b) and substituting therefor the following:

(b) A cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a non-pool plant for the account of such cooperative association.

Proposal No. 4. Amend § 1004.41(b)(3) by changing the comma which follows the words "livestock feed" to a semicolon and delete the words "or dumped after prior notification to and opportunity for verification by the Market Administrator;".

Proposal No. 5. Amend § 1004.43(d) by deleting the words "or in Imperial County, California.".

Proposal No. 6. Delete § 1004.43(d)(3) therein and substitute the following:

(3) Not less than an equivalent amount of skim milk and butterfat was actually so utilized in the non-pool plant or in a second non-pool plant located within the marketing area to which a transfer was made: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually utilized in such first or second non-pool plant or plants during the month in the use indicated, the pounds transferred in excess of such actual use shall be classified as Class I milk;

Proposal No. 7. Amend § 1004.43(e) by deleting the words "and not in Imperial County, California" changing the comma to a period after the phrase "Class I milk" and strike the language beginning with the phrase "except that cream so transferred • • •.".

Proposal No. 8. Review the provisions of § 1004.51(a) and particularly with reference to the minimum and maximum amount of the supply-demand adjustment, the range from minimum to maximum of the standard utilization percentages, the seasonality of the standard utilization percentages and the rate of adjustment associated with changes in the net deviation percentages.

Proposal No. 9. Delete § 1004.62.

Proposal No. 10. Add a new section as follows:

§ 1004.63 Handler operating a non-pool plant.

In lieu of the payments required pursuant to § 1004.80 through § 1004.86, each handler who operates during the month a non-pool plant from which is disposed of in the marketing area on a route(s) Class I milk in an amount greater than an average of 600 pounds per day, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1004.30 to pay the amounts computed pursuant to paragraph (b) of this section:

(a) The following amounts:

(1) To the Producer Settlement Fund an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration the rates provided in § 1004.86 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the Producer Settlement Fund any plus amounts remaining after deducting from the value that would have been computed pursuant to § 1004.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at any plant which serves as a supply plant for it; and

(2) As his share of the expenses of administration an amount equal to that which would have been computed pursuant to § 1004.86 had such plant been a pool plant.

Proposal No. 11. Amend § 1004.70(c) by adding a "proviso" as follows: "If handlers purchase no milk from producers and purchase milk from other handlers, add the amount computed by adding the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat allocated in Class II milk pursuant to § 1004.45 (a)(5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1004.45 (a)(4) and (b) for the current month, whichever is less."

Proposal No. 12. Amend § 1004.70(d) to read as follows:

(d) If any other source milk has been subtracted from Class I pursuant to § 1004.45(a) (2) and (3) and corresponding paragraph (b) and was not subject to the Class I pricing provision of another Federal order, add an amount equal to the difference between its value at the Class I price applicable at the location of such handler's plant and the Class II price for the current month.

Proposal No. 13. Amend § 1004.80(1) by adding after the word "than" the words "1½ times".

Proposed by the Federated Producers Association:

Proposal No. 14. Amend § 1004.85(a) by changing "5 cents" in lines five and eight to "3 cents".

Proposed by the Co-op Dairy, Inc.:

Proposal No. 15. Change the order to provide for an individual handler pool.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 16. Clarify order language as follows:

(a) In § 1004.15 add the word "or" between the words "milk" and "skim milk" in line 6.

(b) In § 1004.32 after the phrase "available to the market administrator", insert the phrase "or his representative".

(c) In § 1004.41(a)(1) delete the phrase "from the plant".

(d) In § 1004.45(a)(3) after the phrase "the pounds of skim milk" insert the phrase "in other source milk".

(e) In § 1004.70(a) after the first semicolon (;) delete the phrase "and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1004.53;".

(f) In § 1004.70(c) immediately preceding the semicolon (;) insert the phrase "whichever is less".

(g) Delete § 1004.75(b) and redesignate (c) and (d) as (b) and (c), respectively.

Proposal No. 17. Make such changes as may be necessary to make the entire marketing agreement and the order conform with the amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2617 North 24th Street, Phoenix, Arizona, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 20th day of September 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60–8903; Filed, Sept. 23, 1960; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket 512]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (14 CFR

Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the fuel cell vent tubes on Piper PA-24 and PA-24 "250" aircraft to prevent the possibility of interruption of fuel flow should the tubes become obstructed.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 25, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

Piper. Applies to Piper PA-24 and PA-24 "250" aircraft Serial Numbers 24-1 to 24-2161, inclusive.

Compliance required within the next 10 hours of operation or at the next periodic inspection, whichever occurs first.

To prevent any interruption in fuel flow should the vent tubes become obstructed, the two fuel cell vent tubes which are located under the wings shall be modified in the following manner:

Drill an 0.096-inch diameter hole (#40 drill) in the aft side of each tube three-fourths of an inch from the end.

(Piper Service Bulletin No. 193 covers this subject.)

Issued in Washington, D.C., on September 16, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8692; Filed, Sept. 23, 1960; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 601, 670, 678]

[Administrative Order No. 539]

VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949-53 Comp., p. 1004), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 50-A for the Shoe and Related Products Industry in Puerto Rico; Industry Committee No. 50-B for the Chemical, Petroleum, Rubber, and Related Products Industry in Puerto Rico; and Industry Committee No. 50-C for the Stone, Clay, Glass, Cement, and Related Products Industry in Puerto Rico.

Industry Committee No. 50-A is composed of the following representatives:

For the public

John D. Stewart, Chairman, Washington, D.C.
Jacob Seidenberg, Falls Church, Va.
Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees

Herbert D. Dawson, Akron, Ohio.
George O. Fecteau, Washington, D.C.
Osiris R. Sanchez-Vazquez, San Juan, Puerto Rico.

For the employers

Robert A. Bristol, Ponce, Puerto Rico.
Luis Benitez-Carle, Manati, Puerto Rico.
Robert E. Friedrich, New York, N.Y.

For the purpose of this order, the Shoe and Related Products Industry in Puerto Rico is defined as follows:

The manufacture or partial manufacture of footwear from any material and by any process, except footwear made by knitting, crocheting, vulcanizing of the entire article, vulcanizing of soles to uppers other than leather, or molding of plastic, including, but without limitation, shoes, slippers, sandals, moccasins, boots, boot tops, puttees (except spiral puttees), athletic shoes, burial shoes, and shoes completely rebuilt in a shoe factory; the manufacture from any material (except rubber, composition of rubber, or plastic molded to shape) of cut stock and findings for footwear, including, but without limitation, heels (except wood heel blocks), linings, vamps, quarters, outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, box toes, counters, stays, stripping, sock linings, heel pads, pasted shoe stock, and bows, ornaments, and trimmings designed exclusively for use on shoes; and the manufacture of boot and shoe patterns.

Industry Committee No. 50-B is composed of the following representatives:

For the public

John D. Stewart, Chairman, Washington, D.C.
Jacob Seidenberg, Falls Church, Va.
Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees

Herbert D. Dawson, Akron, Ohio.
George O. Fecteau, Washington, D.C.
Osiris R. Sanchez-Vazquez, San Juan, Puerto Rico.

For the employers

Maurice Nagle, Canovanas, Puerto Rico.
John Padilla, Hato Rey, Puerto Rico.
Robert E. Friedrich, New York, N.Y.

For the purpose of this order, the Chemical, Petroleum, Rubber, and Related Products Industry in Puerto Rico is defined as follows:

(a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; the mining or other extraction of petroleum, coal, or natural gases and the manufacture of products therefrom; the manufacture of all products made chiefly of natural, synthetic, or reclaimed rubber or latex; and the manufacture or partial manufacture of footwear by vulcanizing the entire article or by vulcanizing of soles to uppers other than leather: *Provided, however,* That the industry shall not include any activity included in the men's and boys' clothing and related products industry, the children's dress and related products industry, the corsets, brassieres, and allied garments industry, the needlework and fabricated textile products industry, the alcoholic beverage and industrial alcohol industry, and the food and related products industry, as defined in the wage orders for those industries, and any activity performed in the capacity of a public utility: *And provided, further,* That the industry shall not include any of the activities defined and described in 29 CFR 670.2(a).

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; wood distillation and naval stores; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquefied gases; insecticides and fungicides; salt; explosives; fireworks and pyrotechnics; coke and coke-oven byproducts; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; asphalt tile, rubber tile, and linoleum; rebuilt and retreaded tires and tubes; reclaimed rubber; industrial and mechanical rubber goods; rubber specialities, and sundries.

Industry Committee No. 50-C is composed of the following representatives:

For the public

John D. Stewart, Chairman, Washington, D.C.
Jacob Seidenberg, Falls Church, Va.
Luz M. Torruellas, Rio Piedras, Puerto Rico.

For the employees

George O. Fecteau, Washington, D.C.
Osiris R. Sanchez-Vazquez, San Juan, Puerto Rico.
Ralph J. Reiser, Columbus, Ohio.

For the employers

Frank Romero, San Juan, Puerto Rico.
E. Kenneth Koos, Vega Baja, Puerto Rico.
Robert E. Friedrich, New York, N.Y.

For the purpose of this order, the Stone, Clay, Glass, Cement, and Related Products Industry is defined as follows:

The mining, quarrying, or other extraction and the further processing of all minerals (other than metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, structural clay products, china, pottery, tile, and other ceramic products and refractories; glass and glass products (except lenses); dimension and cut stone; crushed stone, sand and gravel; hydraulic cement; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials: *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry as defined in 29 CFR Part 616; the construction, business service, motion picture, and miscellaneous industry as defined in 29 CFR Part 672; the metal, machinery, transportation equipment, and allied products industry as defined in 29 CFR Part 604; or the chemical, petroleum, rubber, and related products industry as defined in 29 CFR Part 670: *And provided, further,* That the industry shall not include any of the activities defined and described in 29 CFR 678.2 (a) and (e).

I hereby refer to each of the above-named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6(c) of the Act in the particular industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the Act.

Industry Committee No. 50-A shall convene at 10:00 a.m. on October 17, 1960, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearings at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committees Nos. 50-B and then 50-C shall convene in the same place at hours designated by the committee chairmen to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for such committees containing such data as he is able to assemble pertinent to the matters referred to these committees. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by 29 CFR Part 511. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file pre-hearing statements containing certain specified data, not later than October 7, 1960.

Signed at Washington, D.C., this 21st day of September 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-8918; Filed, Sept. 23, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11285]

[14 CFR Part 298]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Notice of Proposed Rule Making

SEPTEMBER 21, 1960.

Notice is given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 298 of its Economic Regulations (14 CFR Part 298) to extend the operating authority of air taxi operators for a period of another five years, to reclassify such operators, to limit the scope of services they may provide, and to provide for certain minor editorial modifications.

This exemption and the limitations pertaining thereto are proposed under the authority of sections 204(a), 411, and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 769, and 771; 49 U.S.C. 1324, 1381, and 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 24, 1960, will be considered by the Board before final action on the proposed rule. Copies of such communications will be available on or after October 26, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

Explanatory statement. Part 298 of the Board's regulations (14 CFR Part 298) establishes a classification of direct air carriers, known as "air taxi operators," which is limited to air carriers utilizing aircraft having a maximum take-off weight not exceeding 12,500 pounds.

As initially adopted in 1952, Part 298 was effective for a period of 3 years. The termination date of the part has been extended periodically, the latest extension providing for expiration on November 30, 1960, or upon termination of this proceeding, whichever shall first occur (25 F.R. 4677).

On April 12, 1960, the Board issued a notice of proposed rule making, Docket 11285 (25 F.R. 3339), in which it proposed to reissue Part 298 with all prior amendments consolidated therein; to extend the termination date of the part from June 1, 1960 to June 1, 1965; and to make certain modifications of an editorial nature. Various persons filed comments in response to this notice. Some of these comments presented problems which warranted further consideration and proceedings by the Board. Since it was impossible to complete such proceedings before expiration of the part on June 1, 1960, the Board extended the termination date of the part, stating that it would issue a supplemental notice of proposed rule making (25 F.R. 4677).

Upon consideration of the comments and of recent developments in the air carrier industry, the Board proposes that certain amendments be made to Part 298.

In adopting Part 298 in 1952, the Board defined the role of the "air taxi operator" as an air carrier whose purpose is "to provide connecting air services to off-route points or 'jitney' services of a kind not offered by other air carriers." On a number of occasions since the part was initially adopted the Board has amended it in order to maintain the defined role of "air taxi operator" under changed conditions in the air transport industry. The amendments proposed herein are similarly designed to maintain the defined role of "air taxi operators" consistent with recent developments. Specifically, the proposed amendments reclassify what constitutes "air taxi operators," place certain limitations on the scope of service they may provide, and the name or names they may use in per-

forming air transportation under the provisions of this part.

1. Section 298.3(a)(1) has been amended to limit the exemption granted by this part to persons who do not use aircraft which have a maximum take-off weight of more than 12,500 pounds (hereinafter referred to as "large aircraft") in performing transportation services outside of "air transportation." The Board has been informed that some air taxi operators are extensively engaged in the transportation of persons and property for compensation or hire with large aircraft. It is contended that such transportation services are intra-state or private carriage and not subject to Board jurisdiction. Participation of air taxi operators in such services, which are not subject to Board jurisdiction, while at the same time engaging under the Board's exemption authority in air transportation services, creates serious enforcement and regulatory problems for the Board, and in addition aggravates the competitive effect of such operations on services authorized and regulated by the Board. In view of these considerations, the Board proposes to limit the classification of air taxi operators granted exemption hereby to persons who do not engage in any form of transportation by air for compensation or hire except to the limited extent specifically authorized by Part 298. For these reasons, certain amendments are also proposed in § 298.3 (g) and (h) and in § 298.4.

2. The Board proposes to amend § 298.7(b) to exclude from the exemption authority any regular, scheduled air taxi service between points where the Board has certificated air carriers to provide "community center and interairport service"; and to exclude from the exemption authority any regular, scheduled service over segments of the route of a certificated air carrier over which such carrier provides regularly scheduled service with aircraft which have a maximum take-off weight of 12,500 pounds or less.

Air taxi operators presently are not authorized to provide regular, scheduled service over segments for which the Board has authorized helicopter or rotary wing service. In the New York Airways Renewal Case, Docket 8569 et al.,[1] the Board, in renewing New York Airways' certificate, expanded the type of service which the carrier may provide from "helicopter service" to "community center service and interairport service." In substance, this expanded authority will permit the carrier to operate newly developed aircraft, which have the capability of vertical (VTOL) or near-vertical (STOL) ascent and descent, and which could be used in place of, or supplemental to, service now provided by helicopters. Accordingly, it is proposed that this section be amended to exclude from the air taxi operators' exemption the providing of air taxi services over segments for which the Board has authorized "community center service and interairport service." Over segments where certificated service is regularly provided with aircraft which have a maximum take-off weight of 12,500 pounds or less, there would appear to be an undue competitive burden on the certificated carriers if air taxi operators were granted an exemption to provide substantially similar regularly scheduled service over the same segments. Accordingly, it is proposed that this section be amended to exclude from the air taxi operators' exemption the authority to provide air taxi service over such segments.

3. Section 298.10(b) has been deleted. It appears that regulation of the use of names by air taxi operators for the purpose of proper identification should be left primarily to the Federal Aviation Agency which issues an air carrier operating certificate to every such carrier under section 604 of the Act. Accordingly, § 298.10(b) has been deleted. It should be noted, however, that the Board may require an air taxi operator to change such name or names where they appear contrary to the public interest.

Other provisions of Part 298 would be retained with minor modifications which are mostly of an editorial nature. For purposes of convenience and clarity, it is proposed to redesignate section numbers and reissue Part 298 with all amendments incorporated. Accordingly, it is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) to read as follows:

[1] Orders E–15021 and 15022, March 17, 1960.

Subpart A—General

§ 298.1 Applicability of part.

This part establishes a classification of air carriers known as "air taxi operators," provides certain exemptions from Title IV of the Federal Aviation Act of 1958, for such carriers, and establishes rules and regulations applicable to their operations.

§ 298.2 Definitions.

As used in this part:

(a) "Act" means the Federal Aviation Act of 1958.

(b) "Air taxi operator" means an air carrier coming within the classification of "air taxi operators" established by § 298.3.

(c) "Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

(d) "Maximum certificated take-off weight" means the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate. (This is found in the airplane operating record or in the airplane flight manual which is incorporated by regulation into the airworthiness certificate.)

(e) "Point" when used in connection with any territory or possession of the United States, or the State of Hawaii, means any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place; when used in connection with the continental United States, except Alaska, it shall have same meaning except be limited to the area within a 3-mile radius of such airport or place.

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property and which:

(1) Do not utilize aircraft having a maximum take-off weight of more than 12,500 pounds either in air transportation or in any transportation by air of persons and/or property for compensation or hire.

(2) Do not hold a certificate of public convenience and necessity or other exemption authority issued by the Board.

(b) A person who does not observe the conditions set forth in paragraph (a) of this section shall not be an air taxi operator within the meaning of this part with respect to any operations conducted by him while such conditions are not being observed, and during such periods is not entitled to any of the exemptions set forth in this part.

§ 298.4 Requests for statement of authority.

In any instance where an air taxi operator is required by a foreign government to produce evidence of its authority to engage in foreign air transportation under the laws of the United States, the Secretary of the Board will, upon request, furnish the carrier with a written statement, outlining its general operating privileges under this part for presentation to the proper authorities of the foreign government.

§ 298.5 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstances is held invalid, the remainder of the part and the application of such provision to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

Subpart B—Exemptions

§ 298.11 Exemption authority.

Air taxi operators are exempt from the following provisions of Title IV of the Act:

(a) Subsection 401(a);

(b) Section 403;

(c) All provisions in subsection 404(a) except the requirement that air taxi operators shall provide safe service, equipment, and facilities in connection with air transportation;

(d) Subsection 404(b);

(e) Subsection 405(b);

(f) Subsections 407 (b), (c), and (d);

(g) Subsection 408(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the transactions or relationships prohibited by subsection 408(a) with any person (excluding air carriers) who operates for compensation or hire, aircraft having a maximum take-off weight of more than 12,500 pounds.

(h) Subsection 409(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the relationships prohibited by subsection 409(a) with any person (excluding air carriers) who operates for compensation or hire, aircraft having a maximum take-off weight of more than 12,500 pounds.

(i) Subsection 412 (a); *Provided*, That nothing in this part shall be construed as relieving any air taxi operator from filing with the Board a true copy, or, if oral, a true and complete memorandum, of every contract or agreement (whether enforceable by provisions of liquidated damages, penalties, bonds or otherwise) affecting air transportation, between any air taxi operator and any person (excluding air carriers) who operates for compensation or hire, aircraft having a maximum take-off weight of more than 12,500 pounds.

§ 298.12 Effect of exemption on anti-trust laws.

The exemption granted in § 298.11 from sections 408, 409(a), and 412 of the Act shall not constitute an order made under such sections, within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "anti-trust laws," or any other statute (except the Federal Aviation Act of 1958) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 298.13 Duration of exemption.

The exemption from any provision of Title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators; *Provided*, That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators; *And provided further*, That unless otherwise ordered by the Board the temporary exemption granted by § 298.11 shall terminate five years from the effective date of this reissued part.

Subpart C—Limitations on Exemptions

§ 298.21 Scope of service authorized.

(a) The exemption authority provided to air taxi operators by this part shall extend only to the direct air transportation of persons and property in aircraft having a maximum take-off weight of 12,500 pounds or less, except as prohibited by paragraphs (b), (c), and (d) of this section.

(b) An air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity: (1) Within territories or possessions of the United States, (2) within the State of Hawaii, (3) between any points where scheduled helicopter passenger service, or community center and interairport service, is provided by the holder of a certificate of public convenience and necessity either in accordance with such certificate or pursuant to exemption order of the Board, and (4) between any points where an air carrier certificated by the Board to provide unlimited route-type air transportation of persons, property, and mail provides such transportation with aircraft having a maximum take-off weight of 12,500 pounds or less.

(c) No service shall be offered or performed by an air taxi operator within Alaska (see Part 293 of this chapter for authorization of air taxi service in Alaska).

(d) No service by helicopter shall be offered or performed by an air taxi operator between any two points between which scheduled helicopter service is provided by the holder of a certificate of public convenience and necessity authorizing such service.

NOTE: Service shall be deemed to be regular within the meaning of this paragraph unless it is of such infrequency as to preclude an implication of uniform pattern or normal consistency of operations between, or within, such designated points.

§ 298.22 Business name of air taxi operator.

(a) It shall be an express condition upon the exercise of the privileges herein granted and the operating authorizations issued hereunder, that any air taxi operator, in holding out to the public and in performing air transportation services, shall do so only in a name or names in which its air carrier operating certificate is issued pursuant to section 604 of the Act by the Administrator of the Federal Aviation Agency; *Provided*, That the Board may require an air taxi operator to change such name or names where they appear contrary to the public interest.

(b) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(c) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from any provisions of the Act, or orders, rules or regulations issued thereunder.

Subpart D—Enforcement of Violations

§ 298.30 Enforcement.

In case of any violation of the provisions of the Act, or any rule, regulation, or order issued thereunder, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a United States District Court, as the case may be, to compel compliance therewith, or, in the case of a willful violation, to criminal penalties pursuant to the provisions of section 902 (a) of the Act; or other lawful sanctions including revocation of operating authority.

[F.R. Doc. 60–8926; Filed, Sept. 23, 1960; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 16]

ALASKA

Notice of Filing of Alaska Protraction Diagrams, Fairbanks Land District

SEPTEMBER 19, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS
(UNSURVEYED)

COPPER RIVER MERIDIAN—FOLIO # 2

Approved August 11, 1960

Sheet No. 1. Ts. 13 through 16 N., Rs. 21 through 23 E.
Sheet No. 3. Ts. 9 through 12 N., Rs. 17 through 20 E.
Sheet No. 4. Ts. 9 through 12 N., Rs. 21 through 23 E.
Sheet No. 5. Ts. 5 through 8 N., Rs. 21 through 24 E.
Sheet No. 6. Ts. 5 through 8 N., Rs. 17 through 20 E.
Sheet No. 7. Ts. 1 through 4 N., Rs. 17 through 20 E.
Sheet No. 8. Ts. 1 through 4 N., Rs. 21 through 24 E.
Cover sheet showing Location Map and Index.

KATEEL RIVER MERIDIAN—FOLIO No. 15

Approved August 12, 1960

Sheet No. 1. T. 20 S., Rs. 66 through 67 W.
Sheet No. 2. Ts. 21 through 24 S., Rs. 65 through 68 W.
Sheet No. 3. Ts. 21 through 24 S., Rs. 61 through 64 W.
Sheet No. 4. Ts. 21 through 24 S., Rs. 56 through 60 W.
Sheet No. 5. Ts. 25 through 28 S., Rs. 53 through 56 W.
Sheet No. 6. Ts. 25 through 28 S., Rs. 57 through 60 W.
Sheet No. 7. Ts. 25 through 27 S., Rs. 61 through 62 W.
Sheet No. 8. Ts. 25 S., Rs. 66 through 68 W.
Sheet No. 9. T. 29 S., Rs. 58 through 59 W.
Cover sheet showing Location Map and Index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

D. B. LEIGHTNER,
Acting Manager.

[F.R. Doc. 60-8905; Filed, Sept. 23, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 60-1122]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

SEPTEMBER 21, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on November 4, 1960, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(c)(1) and § 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on November 3, 1960, or (b) if action is taken by the Commission or any listed application prior to November 4, 1960, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut-off" because it was timely filed for consideration with an application on a previous such list.

Adopted: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPLICATIONS FROM THE TOP OF THE PROCESSING LINE

BP-11393 KYNG Coos Bay, Oreg.
KYNG Radio.
Has: 1420 kc, 1 kw, Day.
Req: 980 kc, 1 kw, Day.

BP-12770 KPOL Los Angeles, Calif.
Coast Radio Broadcasting Corp.
Has: 1540 kc, 10 kw, DA-N, U.
Req: 1540 kc, 10 kw, 50 kw-LS, DA-2, U.

BP-13435 New Conway, Ark.
Central Arkansas Broadcasters.
Req: 1330 kc, 500 w, Day.

BP-13436 KCLV Clovis, N. Mex.
New-Tex Broadcasting, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-13439 WJBB Haleyville, Ala.
Haleyville Broadcasting Co., Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13440 WBRD Bradenton, Fla.
Sunshine State Broadcasting Co., Inc.
Has: 1420 kc, 1 kw, DA, Day.
Req: 1420 kc, 1 kw, DA-2, U.

BP-13442 WBIW Bedford, Ind.
Bedford Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS U.

BP-13445 New Lompoc, Calif.
Aubrey H. Ison, James A. McCulla, and Paul C. Masterson.
Req: 1410 kc, 500 w, DA, Day.

BP-13447 New Big Bear Lake, Calif.
Big Bear Broadcasting Co.
Req: 1060 kc, 250 w, Day.

BP-13448 New Johnston, S.C.
The Edgefield-Saluda Radio Co.
Req: 1570 kc, 250 w, Day.

BP-13457 KGEE Bakersfield, Calif.
KGEE, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 500 w-LS, U.

BP-13458 KSLV Monte Vista, Colo.
Colorado Radio Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-13459 WJOY Burlington, Vt.
Vermont Broadcasting Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13460 New Marianna, Ark.
Lee Broadcasting Co., Inc.
Req: 1460 kc, 500 w, DA, Day.

BP-13464 New Tulsa, Okla.
Oral Roberts Evangelistic Association, Inc.
Req: 1550 kc, 1 kw, Day.

BP-13465 New Laredo, Tex.
Southwestern Operating Co.
Req: 1300 kc, 500 w, Day.

BP-13467 WKLA Ludington, Mich.
Raymond A. Plank.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-13469 New Hamilton, Mont.
Inland Broadcast Co.
Req: 570 kc, 500 w, Day.

BP-13470 KBMY Billings, Mont.
Billings Broadcasting Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-13476 KWLM Willmar, Minn.
Lakeland Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-13477 New Blauvelt, N.Y.
Rockland Broadcasting Co.
Req: 1300 kc, 500 w, DA, Day.

BP-13479 WSIC Statesville, N.C.
Statesville Broadcasting Co., Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-13481 KMBY Monterey, Calif.
John Burroughs, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-13483 WSKY Asheville, N.C.
Radio Asheville, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13484 KWG Stockton, Calif.
KMO, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13486 WGVA General, N.Y.
Star Broadcasting Co., Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, DA-D, U.

BP-13489 WDOT Burlington, Vt.
DOT Broadcasting Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-13490 WVLD Valdosta, Ga.
Norman O. Protsman.
Has: 1450 kc, 250 w, S.H.
Req: 1450 kc, 250 w, 1 kw-LS, S.H.

BP-13492 WMAF Madison, Fla.
Norman O. Protsman.
Has: 1230 kc, 250 w, S.H.
Req: 1230 kc, 250 w, 1 kw-LS, S.H.

BP-13493 KRIC Beaumont, Tex.
The Enterprise Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-13494 WGNS Murfreesboro, Tenn.
WGNS, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-13496 WTOL Toledo, Ohio.
The Community Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13503 WLDB Atlantic City, N.J.
Atlantic City Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-13504 KFAY Fayetteville, Ark.
H. Weldon Stamps.
Has: 1250 kc, 500 w, Day.
Req: 1250 kc, 1 kw, Day.

BP-13505 WHUN Huntingdon, Pa.
The Joseph F. Biddle Publishing Co.
Has: 1150 kc, 1 kw, Day.
Req: 1150 kc, 5 kw, Day.

BP-13506 KLER Orofino, Idaho.
Clearwater Broadcasting Co.
Has: 950 kc, 500 w, Day.
Req: 950 kc, 1 kw, Day.

BP-13507 WOLS Florence, S.C.
The Florence Broadcasting Company, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-13510 WHLP Nashville, Tenn.
Trans-Air Broadcasting Corp.
Has: 1570 kc, 1 kw, Day (Centerville, Tenn.).
Req: 1570 kc, 1 kw, Day (Nashville, Tenn.).

BP-13514 New Superior, Wis.
Radio Superior, Inc.
Req: 970 kc, 500 w, Day.

BP-13523 New Madill, Okla.
Herbert J. Pate.
Req: 1550 kc, 250 w, Day.

BP-13524 New Ogden, Utah.
Executive Broadcasting Co.
Req: 1250 kc, 1 kw, Day.

BP-13525 KPER Gilroy, Calif.
Radio KPER.
Has: 1290 kc, 1 kw, Day.
Req: 1290 kc, 5 kw, DA, Day.

BP-13526 WTCW Whitesburg, Ky.
Folkways Broadcasting Co., Inc.
Has: 920 kc, 1 kw, Day.
Req: 920 kc, 5 kw, Day.

BP-13528 New Dadeville, Ala.
J. C. Henderson.
Req: 910 kc, 500 w, Day.

BP-13530 WADA Shelby, N.C.
Cleveland County Broadcasting Co., Inc.
Has: 1390 kc, 500 w, DA, Day.
Req: 1390 kc, 500 w, Day.

BP-13531 New Denver City, Tex.
Yoakum County Broadcasting Co.
Req: 1580 kc, 250 w, Day.

BP-13533 New Abbeville, Ala.
Ralph W. Hoffman.
Req: 1480 kc, 1 kw, Day.

APPLICATIONS ON WHICH 309(b) LETTERS HAVE BEEN ISSUED

BP-13437 WMYB Myrtle Beach, S.C.
Coastal Carolina Broadcasting Corp.
Has: 1450 kc, 250 w, U.
Req: 1480 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-13485 WKGN Knoxville, Tenn.
WKGN, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw—LS, U.

BP-13508 New Houston, Mo.
Texas County Broadcasting Co.
Req: 1250 kc, 500 w, Day.

APPLICATIONS DELETED FROM PUBLIC NOTICE OF APRIL 9, 1959 (FCC 59-316) (24 F.R. 2842)

BP-11680 New Redwood City, Calif.
South Bay Broadcasting Co.
Req: 850 kc, 5 kw, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

BP-12056 KWJJ Portland, Oreg.
Rodney F. Johnson.
Has: 1080 kc, 10 kw, DA-2, U.
Req: 1080 kc, 10 kw, 50 kw-LS, DA-2, U.
(In Pending File re § 1.351 of Commission rules.)

BP-12171 WPOR Portland, Maine.
Hildreth Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1140 kc, 10 kw, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

BP-12314 New Garden City, Mich.
Livonia Broadcasting Co.
Req: 1090 kc, 250 w, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

APPLICATIONS DELETED FROM PUBLIC NOTICE OF SEPTEMBER 24, 1959 (FCC 59-990) (24 F.R. 7841)

BP-12359 New Redwood City, Calif.
Redwood City Radio, Inc.
Req: 850 kc, 1 kw, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

BP-12360 New Redwood City, Calif.
Hometown Broadcasters.
Req: 850 kc, 500 w, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

APPLICATION DELETED FROM PUBLIC NOTICE OF FEBRUARY 18, 1960 (FCC 60-149) (25 F.R. 1597)

BP-12689 New Tracy, Calif.
John Patrick Gallagher.
Req: 710 kc, 500 w, U.
(In Pending File re revised § 1.351 of Commission rules.)

APPLICATION DELETED FROM PUBLIC NOTICE OF MARCH 18, 1960 (FCC 60-248) (25 F.R. 2440)

BP-12837 New North Atlanta, Ga.
North Atlanta Broadcasting Co.
Req: 680 kc, 5 kw, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

APPLICATION DELETED FROM PUBLIC NOTICE OF MARCH 25, 1960 (FCC 60-269) (25 F.R. 2682)

BP-12891 New Redwood City, Calif.
Western States Broadcasting Co.
Req: 850 kc, 500 w, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

APPLICATION DELETED FROM PUBLIC NOTICE OF APRIL 21, 1960 (FCC 60-417) (25 F.R. 3686)

BP-13097 New Houston, Tex.
Lake Huron Broadcasting Corp.
Req: 1070 kc, 10 kw, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

APPLICATION DELETED FROM PUBLIC NOTICE OF JULY 8, 1960 (FCC 60-811) (25 F.R. 6599)

BP-12468 New Tampa, Fla.
The Tamark Broadcasting Co., Inc.
Req: 810 kc, 500 w, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

APPLICATION DELETED FROM PUBLIC NOTICE OF AUGUST 2, 1960 (FCC 60-936) (25 F.R. 7410)

BP-13333 New Clovis, N. Mex.
Norman E. Petty.
Req: 680 kc, 500 w, DA-1, U.
(In Pending File re revised § 1.351 of Commission rules.)

[F.R. Doc. 60-8913; Filed, Sept. 23, 1960; 8:47 a.m.]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Correction

The Commission's Order of September 7, 1960, FCC 60-1043, is corrected as follows:

In section 0.216(b), the introductory text and item 14 are amended to read as follows:

SEC. 0.216 *Emergency relocation Board.*

* * * * *

(b) The Board shall comprise such commissioners as may be present and able to act or, if no commissioner is present and able to act, the occupant of the following positions, in the order listed, who is present and able to act:

* * * * *

14. The Chief of Division, ranking in the same order as indicated in items 1 to 6 inclusive.

Released: September 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8914; Filed, Sept. 23, 1960; 8:47 a.m.]

[Docket Nos. 12839, 12840; FCC 60M-1568]

NEWPORT BROADCASTING CO. AND CRITTENDEN COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; for construction permits.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed on September 16, 1960, in the above-entitled proceeding by Newport Broadcasting Company;

It appearing, that all parties have consented to immediate consideration and grant of the said request and that good cause for a grant thereof is shown in that it is to afford opportunity for the taking of depositions;

It is ordered, This 19th day of September 1960 that said request is granted and the hearing herein presently scheduled to resume on September 23, 1960, is continued without date.

Released: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8915; Filed, Sept. 23, 1960; 8:47 a.m.]

[Docket Nos. 13660-13662; FCC 60M-1577]

NORTH GEORGIA RADIO, INC. (WBLJ), ET AL.

Order

In re applications of North Georgia Radio, Inc. (WBLJ), Dalton, Georgia, Docket No. 13660, File No. BP-12590; Woofum, Inc. (WFOM), Marietta, Georgia, Docket No. 13661, File No. BP-12617; Regional Broadcasting Corporation (WMMT), McMinnville, Tennessee, Docket No. 13662, File No. BP-13404; for construction permits.

The Hearing Examiner having under consideration a change of schedule for this proceeding;

It appearing that a prehearing conference was held on September 19, 1960, at which time all the parties joined in a request that the currently scheduled date for commencement of hearing (October 3) be cancelled for the reason that the parties have assured the Hearing Examiner that a joint petition for reconsideration and grant will be filed shortly; and

It further appearing that to commence a hearing under the present circumstances would possibly entail needless expense so that a continuance of the whole proceeding is desirable;

It is ordered, This 19th day of September 1960, that the hearing date of October 3 is cancelled and the prehearing conference is continued to December 2, 1960, at 3:00 p.m.

Released: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8916; Filed, Sept. 23, 1960; 8:47 a.m.]

[Docket Nos. 13649-13653; FCC 60M-1587]

RADIO CARMICHAEL ET AL.

Order Continuing Hearing

In re applications of Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP-12031; Ashley Robison and Gordon A. Rogers, d/b as Redwood City Broadcasting Company, Palo Alto, California, Docket No. 13650, File No. BP-12023; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

Pursuant to agreements reached by counsel for all participants at the prehearing conference held on this day, and as fully explained on the record thus made,

It is ordered, This 20th day of September 1960, that the following dates for procedural steps shall govern in this proceeding:

Informal engineering conference.	Oct. 5 1960
Exchange of preliminary drafts of engineering exhibits.	Nov. 7, 1960
Further prehearing conference.	Nov. 21, 1960

It is further ordered, That the hearing presently scheduled herein to commence on September 28, 1960, is continued to a date to be fixed by subsequent order.

Released: September 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8917; Filed, Sept. 23, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 384]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 21, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63373. By order of September 19, 1960, The Transfer Board approved the transfer to Aetna Freight Lines, Inc., 218 West Ann St., Los Angeles, Calif., of Certificate in No. MC 99196 Sub 1, issued January 12, 1960, to W. J. Pope and V. W. Pope, a partnership, doing business as Aetna Freight Lines, 218 West Ann St., Los Angeles, Calif., authorizing the transportation of: General commodities with the usual exceptions including household goods and commodities in bulk, from points in the Los Angeles, Calif. Commercial Zone, to points in the Los Angeles Harbor, Calif. Commercial Zone, and washing powder, soap, toilet preparations, electric storage batteries, lead storage battery plates, and rubber tires, from points in the Los Angeles, Calif. Commercial Zone, to points in the San Francisco, Calif. Commercial Zone.

No. MC-FC 63562. By order of September 19, 1960, The Transfer Board approved the transfer to C. I. Jillich Truck Line, Inc., Harvey, Ill., of Permit No. MC 4267, issued July 1, 1959, to Opal I. Jillich, doing business as Clarence L. Jillich, Harvey, Ill., authorizing the transportation, over irregular routes, of iron and steel products, and materials, supplies, and equipment used in the manufacture and fabrication thereof, between Harvey, Ill., on the one hand, and, on the other, points in Illinois and Ohio, and Michigan City, Indianapolis, and Huntington, Ind. Burton Evans, 167 East 154th Street, Harvey, Ill., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8906; Filed, Sept. 23, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3891]

ELECTRIC BOND AND SHARE CO.

Notice of Proposed Acquisition of Common Stock of Engineering Company in Exchange for Holding Company's Common Stock To Be Acquired in the Open Market

SEPTEMBER 19, 1960.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, as amended, for a statement of the proposed transactions which are summarized below.

Bond and Share has entered into an agreement with the controlling stockholders of a nonaffiliated, closely held corporation, Walter Kidde Constructors, Incorporated ("Engineering Company"), engaged principally in engineering and construction projects for industrial clients, for the acquisition by Bond and Share of the outstanding shares of Engineering Company's common stock. The declaration states that the acquisition by Bond and Share of the shares of Engineering Company will serve to make more complete the design, engineering, and construction services that Bond and Share, through its subsidiaries, is equipped to furnish clients.

Under the agreement, Bond and Share will pay a price of $101.25 per share for all of the outstanding 17,380 shares of Engineering Company, which would result in a total consideration, if all such shares are acquired, of $1,759,725. However, since the controlling stockholders of Engineering Company will not accept cash and have insisted upon receiving shares of Bond and Share's common stock in exchange for their shares of Engineering Company, Bond and Share proposes to purchase in the open market on the American Stock Exchange, and to deliver pro rata to all the shareholders of Engineering Company who accept the offer, that number of shares of Bond and Share common stock which can be bought for the aggregate purchase price agreed upon. The actual number of shares of Bond and Share to be delivered for each share of stock of Engineering Company will depend upon the cost to Bond and Share of the acquisition of its stock in the open market. Based on the market price at the close on August 31, 1960, of $23.625 per share, and after deducting brokers' commissions payable on purchases and the fees and expenses of the Escrow Agent ($750), the number of shares of Bond and Share stock to be thus acquired and delivered to the selling stockholders, and assuming all the outstanding shares of Engineering Company are acquired, would be approximately 73,500. Subject to certain contract conditions being met, it is contemplated that Bond and Share's offer to exchange its shares for shares of the Engineering Company will become automatically effective if the holders of 90 percent of the outstanding shares of the stock of the latter company accept such offer.

Bond and Share has heretofore notified its stockholders of the proposed transactions, including the pending open-market purchases, such notification setting forth, among other things, that the net worth of Engineering Company at December 31, 1959 was equivalent to $90.48 per share and that its average annual earnings for the five years ended on that date amounted to $13 per share.

Bond and Share requests an exception from the competitive bidding requirements of Rule 50 under the Act with respect to the proposed delivery of its reacquired shares in exchange for the shares of Engineering Company.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 4, 1960, at 5:30 p.m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-8900; Filed, Sept. 23, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILBUR F. DUERINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 12, 1960.

Dated: September 13, 1960.

WILBUR F. DUERINGER.

[F.R. Doc. 60-8902; Filed, Sept. 23, 1960; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Adairsville Garment Co., Adairsville, Ga.; effective 9-6-60 to 9-5-61 (sport shirts).

M. Fine & Sons Manufacturing Co., Inc., 15th and Main Streets, New Albany, Ind.; effective 9-10-60 to 9-9-61 (cotton and wool shirts).

The Jerold Corp., Smithfield, N.C.; effective 9-15-60 to 9-14-61 (men's outer sportswear; women's sportswear).

Lackawanna Pants Manufacturing Co., Corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9-8-60 to 9-7-61 (trousers).

Linden Apparel Corp., Plant No. 1, Factory Street, Plant No. 2, Averett Street, Linden, Tenn.; effective 9-10-60 to 9-9-61 (men's and boys' dungarees and single pants) (replacement certificate).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La.; effective 9-16-60 to 9-15-61 (men's and boys' sport, uniform and slack pants, hobby jeans).

Pennsylvania Brassieres Corp., 406 Thomas Street, Meyersdale, Pa.; effective 9-12-60 to 9-11-61 (ladies' brassieres and garter belts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Legettes, Inc., 5315 Emerald Street, Boise, Idaho; effective 9-10-60 to 9-9-61; five learners (fishing and hunting vests).

North Country Manufacturing Corp., Tupper Lake, N.Y.; effective 9-9-60 to 9-8-61; 10 learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Creedmoor Manufacturing Co., Inc., Creedmoor, N.C.; effective 9-12-60 to 3-11-61; 100 learners (sport shirts).

Eileen Hope, Inc., Halifax, Pa.; effective 9-12-60 to 2-3-61; 20 learners (supplemental certificate) (women's dresses).

Eileen Hope, Inc., Liverpool, Pa.; effective 9-12-60 to 3-11-61; 20 learners (women's dresses).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 9-12-60 to 1-28-61; 125 learners (supplemental certificate) (pants).

Linden Apparel Corp., Plant No. 1, Factory Street, Plant No. 2, Averett Street, Linden, Tenn.; effective 9-10-60 to 3-9-61; 100 learners (men's and boys' dungarees and single pants).

North Country Manufacturing Corp., Tupper Lake, N.Y.; effective 9-9-60 to 3-8-61; 25 learners (women's dresses).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; effective 9-9-60 to 3-8-61; 100 learners (men's cotton and synthetics slacks).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

East Tennessee Undergarment Co., Inc., Elizabethton, Tenn.; effective 9-7-60 to 9-6-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' undergarments).

East Tennessee Undergarment Co., Inc., Elizabethton, Tenn.; effective 9-7-60 to 3-6-61; 20 learners for plant expansion purposes (ladies' undergarments).

Standard Romper Co., Inc., Building No. 7, 200 Conant Street, Pawtucket, R.I.; effective 9-23-60 to 9-22-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's outer garments, shirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

American Plastic Flowers, Inc., Mayaguez, Puerto Rico; effective 8-12-60 to 8-11-61; five learners for normal labor turnover purposes in the occupation of assembly of plastic flowers for a learning period of 160 hours at the rate of 54 cents an hour (plastic flowers).

American Plastic Flowers, Inc., Mayaguez, Puerto Rico; effective 8-12-60 to 2-11-61; 25 learners for plant expansion purposes in the occupation of assembly of plastic flowers for a learning period of 160 hours at the rate of 54 cents an hour (plastic flowers).

Arecibo Applique Association, Km. 2 Rd. No. 129, Arecibo, Puerto Rico; effective 8-8-60 to 2-7-61; 30 learners for plant expansion purposes in the occupation of hand cutting

of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (applique on ladies' underwear).

Castle Corp., San Isidro No. 27, Sabana Grande, Puerto Rico; effective 8-8-60 to 2-7-61; 50 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine embroidery on ladies' lingerie).

Columbia Manufacturing Co., San Lorenzo, Puerto Rico; effective 7-21-60 to 7-20-61; five learners for normal labor turnover purposes in the occupations of straightening, inspection, sandblast, washing, degrease and color, induction brazing, slot milling, thread rolling each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (metal cutting tools).

Coral Manufacturing Corp., 56 Cristy Street, Mayaguez, Puerto Rico; effective 8-8-60 to 8-7-61; 10 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators, final pressing each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine operating (includes collar turning and trimming) for a learning period of 160 hours at the rate of 60 cents an hour (men's work clothing).

Coral Manufacturing Corp., 56 Cristy Street, Mayaguez, Puerto Rico; effective 8-8-60 to 2-7-61; 15 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, final pressing each for a learning period of 480 hours at the rate of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine operating (includes collar turning and trimming) for a learning period of 160 hours at the rate of 60 cents an hour (men's work clothing).

Emily, Inc., Adjuntas, Puerto Rico; effective 8-8-60 to 2-7-61; 132 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (brassieres).

Fairfield Manufacturing Co., Inc., Santurce, Puerto Rico; effective 8-1-60 to 7-31-61; 10 learners for normal labor turnover purposes in the occupations of Heenan and Nielson wire forming operator, nip forming operator, hook assembler, welders, nip closing machine operator, barrel platers, box makers and inspectors each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (drapery pleater hooks).

Marita Mills, Inc., Bayamon, Puerto Rico; effective 8-8-60 to 8-7-61; 10 learners for normal labor turnover purposes in the occupations of: (1) knitting, topping, looping each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching, hand sewing each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (full-fashioned knitted outerwear).

Ocean Knitwear Corp., Caguas, P. R.; effective 7-19-60 to 1-18-61; 50 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, final pressing each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 57 cents an hour (polo shirts and knitted fabric sport shirts).

Sprague Ponce Co., Ponce, Puerto Rico; effective 8-10-60 to 2-9-61; 101 learners for plant expansion purposes in the occupation of assembly of solid electronic tantalum capacitors for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (tantalum electrolytic capacitors).

Stadium Manufacturing Co. of Puerto Rico, Inc., Villalba, Puerto Rico; effective 7-22-60 to 7-21-61; 15 learners for normal labor turnover purposes in the occupation of single and double needle sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (men's pajamas).

Star-Kist Caribe, Inc., Malecon Playa, Mayaguez, Puerto Rico; effective 8-1-60 to 1-31-61; 225 learners for plant expansion purposes in the occupation of tuna fish cleaning and packing for a learning period of 160 hours at the rates of 65 cents an hour for the first 80 hours and 75 cents an hour for the remaining 80 hours (canned tuna fish and by products).

Surtex Glove Corp., Coamo, Puerto Rico; effective 8-1-60 to 1-31-61; 12 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (gloves).

Symphony Brassiere Co., Inc., 425 Carpenter Road, Hato Rey, Puerto Rico; effective 8-22-60 to 8-21-61; 5 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the Regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under Section 6 of the Act has been issued to the firm listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, Hawaii; effective 9-7-60 to 8-31-61; authorizing the employment of: (1) five student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) one student-worker in the clerical occupations of typist, bookkeeper and related skilled and semi-skilled occupations for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 15th day of September 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60-8899; Filed, Sept. 23, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 297]

NEW YORK

Declaration of Disaster Area

Whereas, it has been reported that during the month of September, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrope hereinafter referred to:

County: Greene (rain, flood and wind occurring on or about September 11 and 12, 1960).

Office: Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1960.

Dated: September 15, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8901; Filed, Sept. 23, 1960; 8:45 a.m.]

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Washington, Tuesday, September 27, 1960

THE UNIVERSITY OF MICHIGAN
SEP 2 MAIN

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Title 3—THE PRESIDENT

Executive Order 10887

DESIGNATING THE DEPARTMENT OF COMMERCE TO PERFORM FUNCTIONS WITH RESPECT TO PARTICIPATION OF THE UNITED STATES IN THE CENTURY 21 EXPOSITION

By virtue of the authority vested in me by the act of September 2, 1958, 72 Stat. 1703, as amended, hereinafter called the act, and by the Public Buildings Act of 1959 (73 Stat. 479), and as President of the United States, it is ordered as follows:

SECTION 1. The Department of Commerce is hereby designated as the department to perform all functions provided for in the act except those functions which the act either authorizes other agencies to perform or vests, in terms, in the President.

SEC. 2. Other interested departments and agencies of the Federal Government, including the Department of State and the National Science Foundation, are requested to cooperate as provided by section 4 of the act with the Department of Commerce in carrying out the provisions of the act.

SEC. 3. Any building constructed pursuant to the act shall become and shall be a "public building" under the Public Buildings Act of 1959 upon the close of the Exposition referred to in the act.

SEC. 4. This order supersedes the letter of the President to the Secretary of Commerce dated November 13, 1958 (23 F.R. 9169), but shall not affect Proclamation No. 3302 of July 10, 1959, entitled "World Science-Pan Pacific Exposition (Century 21 Exposition)."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 23, 1960.

[F.R. Doc. 60-9054; Filed, Sept. 26, 1960; 10:49 a.m.]

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Teachers, Principals, and School Superintendents

Paragraph (a) of § 24.147 is amended as set out below.

§ 24.147 Teacher (Elementary), (Appropriate Subject Field), (Vocational), and (Guidance); Department Head (Appropriate Subject Field), (Vocational), and (Guidance); Principal-Teacher (Elementary) and (Appropriate Subject Field); Principal; Reservation Principal; School Superintendent; Director of Schools; Director of Education, all grades in classification series GS–1710 in Indian Schools and all other Federally operated elementary and secondary schools (minimum education requirements do not apply to Substitute Teachers).

(a) *Educational requirements; all grades*—(1) *For all positions.* Applicants must have successfully completed all academic requirements for graduation with a bachelor's degree from an accredited college or university. This study must have included, or have been supplemented by, a minimum of 18 semester-hour credits in Education.

(2) *For certain positions.* Some positions require completion of additional and specific study in Education and/or particular subject-matter courses as follows:

For Teacher, Department Head, Principal-Teacher, Principal and Reservation-Principal in Elementary Education: 6 semester-hour credits in Education courses.

The applicant's total study must have included at least 12 semester-hour credits in elementary education of which 4 semester hours must have been in supervised practice teaching.

For Teacher, Department Head, and Principal-Teacher, in Secondary Schools in Appropriate Subject Field(s) e.g., History, Physics, English, Mathematics: 24 semester-hour credits in an appropriate subject field, or 15 semester-hour credits in each of two appropriate subject fields. The applicant's study in Education subjects must have included 4 semester-hour credits in appropriate supervised practice teaching.

For Teacher (Guidance), and Department Head (Guidance): 6 semester-hour credits in Education.

The applicant's total study must have included 12 semester-hour credits in a combination of Psychology and Guidance subjects (with a minimum of 3 semester hours in each) directly related to education, such as child psychology, educational psychology, educational tests and measurements, and educational, vocational, or child guidance. Studies in these subjects, up to a maximum of 12 semester hours, will be considered as studies in Education.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60–8960; Filed, Sept. 26, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3915, 4631, and 7479), containing the specific requirements of the 1960-crop wheat price support program are hereby amended as follows:

Section 421.5047(b) is amended by increasing the following basic county support rates:

County	Rate per bushel From—	To—
ARKANSAS		
Arkansas	$1.84	$1.96
Clay	1.87	1.97
Cleburne	1.86	1.97
Conway	1.80	1.94
Craighead	1.88	1.99
Crittenden	1.94	1.96
Cross	1.91	2.00
Desha	1.87	1.95
Drew	1.87	1.89
Faulkner	1.81	1.95
Greene	1.87	1.98
Independence	1.85	1.89
Jackson	1.87	1.96
Jefferson	1.83	1.93
Lawrence	1.87	1.96
Lee	1.91	2.00
Lincoln	1.85	1.91
Lonoke	1.85	1.96
Mississippi	1.90	2.00
Monroe	1.87	1.98
Phillips	1.87	1.98
Poinsett	1.93	2.00
Prairie	1.86	1.97
Pulaski	1.83	1.95
Randolph	1.87	1.97
St. Francis	1.90	2.00
Van Buren	1.79	1.86
White	1.86	1.97
Woodruff	1.88	1.99
INDIANA		
Clay	$1.82	$1.85
Gibson	1.81	1.85
Knox	1.82	1.83
La Porte	1.87	1.88
Porter	1.89	1.91
Posey	1.81	1.85
Sullivan	1.80	1.85
Vandenburgh	1.86	1.89
Vermillion	1.84	1.90
Vigo	1.86	1.90
KANSAS		
Linn	$1.88	$1.90
MISSOURI		
Butler	$1.86	$1.96
Cape Girardeau	1.87	1.92
Dunklin	1.86	1.96
Howell	1.78	1.80
Mississippi	1.86	1.95
New Madrid	1.86	1.96
Oregon	1.80	1.83
Pemiscot	1.86	1.97
Ripley	1.86	1.91
Scott	1.86	1.95
Stoddard	1.86	1.95
NEBRASKA		
Clay	$1.84	$1.85
Nuckolls	1.84	1.85
NEW JERSEY		
Salem	$2.02	$2.03
NEW YORK		
Allegany	$1.95	$1.96
Sullivan	1.95	1.96
PENNSYLVANIA		
Bedford	$1.92	$1.93
SOUTH DAKOTA		
Mellette	$1.77	$1.78
Tripp	1.79	1.80

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178, 15 U.S.C. 1441, 1421)

Issued this 21st day of September 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–8967; Filed, Sept. 26, 1960; 8:50 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Rye Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3781, 4895, and 6497), containing the specific requirements of the 1960-crop rye price support program are hereby amended as follows:

Section 421.5387(b) is amended by increasing the following basic county support rates:

County	Rate per bushel From—	To—
INDIANA		
Clay	$0.94	$0.97
Gibson	.92	.98
Knox	.92	.95
Porter	1.01	1.02
Posey	.92	.97
Sullivan	.93	.97
Vanderburgh	.92	1.01
Vermillion	.96	1.02
Vigo	.95	1.02
KANSAS		
Linn	$0.96	$0.97
MISSOURI		
De Kalb	$0.96	$0.97
Taney	.88	.90
Texas	.88	.90
SOUTH DAKOTA		
Gregory	$0.86	$0.87
Mellette	.83	.84
WASHINGTON		
Spokane	$0.97	$0.98

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 21st day of September 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–8968; Filed, Sept. 26, 1960; 8:50 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Grain Sorghums Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3920, 4894, 5132, 5215 and 7973, and containing the specific requirements for the 1960-crop grain sorghums price support program are hereby amended as follows:

Section 421.5237(b) is amended by increasing the following basic county support rates:

County	Rate per hundredweight From—	To—
ARIZONA		
Yavapai	$1.33	$1.38
ARKANSAS		
Drew	$1.60	$1.61
Independence	1.63	1.66
KANSAS		
Anderson	$1.53	$1.54
Haskell	1.34	1.35
Linn	1.53	1.56
NEBRASKA		
Clay	$1.45	$1.46

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 21st day of September 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–8969; Filed, Sept. 26, 1960; 8:50 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Grain Sorghums Loan and Purchase Agreement Program

DETERMINATION OF SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3920, 4894, 5132, 5215, and 7973, and containing the specific requirements for the 1960-crop grain sorghums price support program are hereby amended as follows:

Section 421.5233(a) (2) (ii) is amended to provide for a change in the amount of deduction from the designated terminal market on grain sorghums received by truck so that the amended subdivision reads as follows:

§ 421.5233 Determination of support rates.

(a) • • •

(2) • • •

(ii) The support rate for grain sorghums received by truck and stored at any designated terminal market shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (*cents per 100 pounds*)
Omaha, Nebr.; Council Bluffs, Iowa; Sioux City, Iowa	18
Cairo, Ill.; Memphis, Tenn	23
Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Saint Joseph, Mo.; Atchison, Kans	(1)

[1] This deduction shall be the actual amount of paid-in freight required to guarantee the proportional outbound rate to the Gulf plus 6 cents per hundredweight.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 21st day of September 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–8970; Filed, Sept. 26, 1960; 8:50 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, 4445, 4894, 5263 and 8179, and containing the specific requirements for the 1960-crop barley price support program are hereby amended as follows:

Section 421.5087(b) is amended by increasing the following basic county support rates:

County	Rate per bushel From—	To—
ARKANSAS		
Independence	$0.83	$0.85
INDIANA		
Clay	$0.80	$0.83
Gibson	.79	.84
Knox	.79	.82
Posey	.79	.83
Sullivan	.79	.83
Vanderburgh	.79	.86
Vermillion	.82	.87
Vigo	.82	.87
KANSAS		
Linn	$0.83	$0.85
SOUTH DAKOTA		
Mellette	$0.75	$0.76

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 21st day of September 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–8971; Filed, Sept. 26, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 818, Amdt. 3]

PART 818—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR 1960

Sections 818.4 and 818.6 of Part 818 are hereby amended as follows:

1. Section 818.4 is amended by adding to the table the following:

Dominican Republic	321,857

and such section as amended shall read as follows:

§ 818.4 Source of non-quota purchase sugar.

For the calendar year 1960 the amount of non-quota purchase sugar to be imported into the continental United States for consumption therein from foreign countries is as follows:

Country:	*Short tons, raw value*
Haiti	26,567
Netherlands	6,129
China	6,258
Panama	6,258
Costa Rica	6,267
Republic of the Philippines	176,436
Dominican Republic	321,857
Peru	135,000
Mexico	284,628
Nicaragua	22,000

Country:	*Short tons, raw value*
Canada	1,657
United Kingdom	1,355
Belgium	478
Hong Kong	8
British West Indies and British Guiana	92,765
El Salvador	6,000
Guatemala	6,000
Brazil	100,347

Non-quota purchase sugar is limited to raw sugar except that sugar testing in excess of 99 degrees polarization is authorized for importation into the United States prior to September 30 from Mexico, Nicaragua, Panama, Costa Rica, Netherlands, Canada, United Kingdom, Belgium, and Hong Kong, within the quantities established above for such countries, provided such sugar (except refined beet sugar from the Netherlands) in excess of 2,000 tons from any such country is to be further refined or improved in quality in the United States.

§ 818.6 [Amendment]

2. Section 818.6 is amended by changing the designation of paragraph (f) of such section to (h), and by inserting two new paragraphs (f) and (g) as follows:

(f) As a condition for the importation of any quantity of non-quota purchase sugar from the Dominican Republic a fee of $0.02 per pound, raw value, shall be paid as provided in this paragraph and paragraph (g) of this section by the person applying to the Secretary for release of such quantity of sugar. With each application submitted as provided in paragraph (a) of this section covering sugar to be imported pursuant to § 818.4 from the Dominican Republic, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown on the application by 1.04 and multiplying the result by $0.02 per pound. Upon receipt of such an application and initial payment, the Secretary may issue an authorization for release by a Collector as provided in § 818.8 of the quantity of sugar covered by the application. The fee per pound shall be subject to change by amendment of these regulations effective when filed for public inspection in the Office of the Federal Register, and any payment with respect to an application shall be based upon the fee per pound effective at the time such application first becomes eligible for authorization as provided in § 818.8(b). The payment required under this paragraph shall be made to the Sugar Division in the form of a certified check payable to the Commodity Stabilization Service. Any application submitted for the purpose of changing the person to whom delivery is to be made or the port of arrival as shown on the original application, shall be considered as an amendment to the original application, and no initial payment is required to accompany the amendatory application. The applicant may request the cancellation of an application submitted with an initial payment as provided for in this paragraph to take advantage of a decreased fee or for other reasons, by notifying the Sugar Division in writing of such request prior to the release by the Collector of any of the sugar covered by the application, and thereafter such applicant may submit a new application covering all or a part of the quantity of sugar covered by the cancelled application, provided an initial payment as provided for in this paragraph accompanies the new application.

(g) If, prior to the release by the Collector of sugar covered by an application with which payment was submitted as required under paragraph (f) of this section, the Sugar Division receives a written request from the applicant to cancel from such application all or a specified part of the quantity of sugar covered thereby, refund will be made to the applicant of all or a part of the payment made with such application in the same proportion that the quantity of sugar requested to be cancelled bears to the quantity of sugar stated on the application. In making final settlement a determination will be made of the quantity of sugar in terms of raw value as provided in § 818.9(b)(2) with respect to the quantity imported pursuant to each application governed by paragraph (f) of this section, for the purpose of ascertaining whether any further payment by the applicant or any refund to the applicant is required. Upon such determination, further payment shall be made by the applicant in the amount by which the product of the quantity of sugar, raw value, imported multiplied by the effective fee per pound provided for in paragraph (f) of this section exceeds the amount of the initial payment made pursuant to paragraph (f) after deducting the amount of any refunds made of such initial payment; or refund to the applicant shall be made in the amount by which the product of the quantity of sugar, raw value, imported multiplied by such effective fee per pound is less than the amount of the initial payment made pursuant to paragraph (f) after deducting the amount of any refunds made of such initial payment.

Findings and bases and considerations. Pursuant to the Sugar Act of 1948, as amended and further amended by P.L. 86-592, approved July 6, 1960, and Presidential Proclamation 3355 (25 F.R. 6414) the quantity of non-quota sugar which may now be authorized for purchase under section 408(b) of the Act is 1,435,900 short tons, raw value. The purchase of 878,143 short tons, raw value, of non-quota purchase sugar from other foreign countries has been authorized (25 F.R. 6873, 7091, 7356).

It is hereby found that the quantity of non-quota sugar authorized for purchase should be increased from 878,143 short tons, raw value, to 1,200,000 short tons, raw value, and that the apportionment of the 1,200,000 short tons, raw value, for the Dominican Republic under subdivision (iii) of § 408(b)(2) of 321,857 short tons, raw value, should be authorized for purchase at this time.

It is also found that under the prevailing circumstances it is in the National interest to provide that the quantity of non-quota sugar hereby authorized for purchase from the Dominican Republic should be purchased at prices which are lower than those currently prevailing for sugar for the United States market. Accordingly, provision is made for a fee per pound, raw value, to be paid to the United States Government on all non-quota purchase sugar imported from the Dominican Republic.

Provision is made for the payment of the fee by requiring that any person who applies for authorization to import non-quota sugar from the Dominican Republic must accompany his application with an initial payment which is equivalent to the estimated raw value pounds equivalent of the sugar to be imported multiplied by the effective fee. For the purpose of computing this initial payment, provision is made for estimating the raw value pounds equivalent of the sugar by multiplying the weight of the sugar to be imported as shown on the application by the factor 1.04, which is the factor applicable for determining the raw value equivalent of sugar polarizing approximately 98.2 degrees. Final settlement of the amount due the United States Government on each cargo or shipment of sugar is to be based on the raw value equivalent of the sugar imported pursuant to each authorization issued under § 818.8 determined as provided in Title I of the Act on the basis of weights and tests of the sugar determined pursuant to Part 810 of this subchapter and reported in accordance with § 818.6(h) of this Part 818.

The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named if it later appears that supplies from any country will not be forthcoming in a manner that meets the requirements of this market.

To permit timely purchases and arrangements for the shipment of the non-quota sugar herein authorized for purchase and thus assure an orderly and adequate flow of sugar, it is essential that this regulation be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest, and these amendments to the regulation shall become effective when filed for public inspection in the Office of the Federal Register.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; Presidential Proclamation 3355 (25 F.R. 6414). Interprets or applies Secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, P.L. 86-592, approved July 6, 1960)

Done at Washington, D.C., this 23d day of September 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-9010; Filed, Sept. 26, 1960; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

Budget of Expenses of Almond Control Board and Rate of Assessment for 1960–61 Crop Year

Notice was published in the FEDERAL REGISTER on September 10, 1960 (25 F.R. 8746) that there was under consideration a proposal regarding expenses of the Almond Control Board and rate of assessment for the 1960–61 crop year which began July 1, 1960. The proposal was based on the recommendation of the Almond Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file data, views, or arguments pertaining thereto with the Department for consideration prior to approval of a budget of expenses and an assessment rate. The prescribed time has expired and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice it is hereby found that expenses of the Control Board in the amount of $57,500 are reasonable and likely to be incurred by the Board during the 1960–61 crop year. A rate of assessment of 0.135 per pound of almonds, kernel weight basis, is necessary to provide funds to meet authorized Board expenses and such rate shall represent each handler's prorata share of such expenses.

Therefore, the expenses of the Control Board and rate of assessment for the crop year beginning July 1, 1960 are authorized and established as follows:

§ 909.310 Budget of expenses of the Almond Control Board and rate of assessment for the 1960–61 crop year.

(a) *Budget of expenses.* The budget of expenses of the Control Board for the crop year beginning July 1, 1960, shall be in the total amount of $57,500, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by handlers in accordance with § 909.81 is established for the said crop year, at the rate of 0.135 cent per pound of almonds, kernel weight basis, received by each handler for his own account (except as to receipts from other handlers on which assessments have been paid).

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) the action applies to the 1960–61 crop year which began on July 1, 1960, and substantial quantities of almonds have already been and are currently being received by handlers with respect to which the payment of assessments is required under the regulatory program; and (2) the authorization of expenses and establishing of the rate of assessment should be effected as soon as possible to permit the Control Board to collect assessments on as current a basis as practicable so as to be able to distribute, or make available, to the handlers entitled thereto any excess funds collected, and not expended for operations during the preceding crop year, in accordance with the requirements of said amended marketing agreement and this part; (3) compliance herewith will not require any special or advance preparation on the part of the handlers; and (4) no useful purpose would be served by postponing the effective time of this section.

Dated September 21, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-8943; Filed, Sept. 26, 1960; 8:47 a.m.]

[Milk Order 18]

PART 918—MILK IN MEMPHIS, TENN., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 501 et seq.), and of the order regulating the handling of milk in the Memphis, Tennessee, marketing area (7 CFR Part 918), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act:

(1) Sections 918.22(k)(2), 918.72, 918.80, 918.81, 918.82 and 918.83;

(2) In § 918.91(b) the provision "for such handler for the months of August through February, and such payments to be for base and excess milk at not less than the uniform base and excess price, respectively, computed pursuant to § 918.72 for such handler for other months"; and

(3) In § 918.22(k)(1) the provision "of August through February".

(b) To provide 30 days notice of effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The termination should be made effective October 1, 1960, in order that producers may receive notice that their deliveries of milk during the months of September 1960 through January 1961 will not be used as a basis for computing payments during the months of March through July 1961.

(4) The Mid-South Milk Producers Association and Madison County Milk Producers Association, representing 90 percent of the producers supplying the market, have requested that the base-excess plan of the order be terminated. The cooperative associations presently provide a seasonal incentive plan for their member producers to maintain even production throughout the year. The continuation of the base-excess plan of the order obstructs the seasonal incentive plan of the cooperative association now used by the majority of the producers. Moreover, the administrative duties required by the plan which are ineffective will be eliminated by the termination of these provisions.

(5) The termination order will affect only the distribution of returns to producers and does not affect the level of class prices payable by handlers.

(6) Based on a request for the termination of the base-excess payment plan to producers and supported by the cooperative associations, representing over 90 percent of the producers supplying the market, a notice of proposed termination was issued August 24, 1960 (25 F.R. 8265), to which interested parties were given opportunity to submit written views, data and arguments. No views in opposition to the proposed termination were received.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated effective October 1, 1960.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 21st day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8964; Filed, Sept. 26, 1960; 8:49 a.m.]

[Lemon Reg. 864, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.971 (Lemon Regulation 864; 25 F.R. 8941) are hereby amended to read as follows:

(ii) District 2: 232,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 22, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8942; Filed, Sept. 26, 1960; 8:47 a.m.]

[959.318, Amdt. 1]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all counties in Oregon except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order. Section 959.318 (25 F.R. 6347) is hereby amended to read as follows:

§ 959.318 Limitation of shipments.

During the period from September 28, 1960, through June 30, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better, grade.

(2) *Size.* All varieties—2 inches minimum diameter or 4 ounces minimum weight: *Provided,* That potatoes grown in Districts No. 2 and 4 may be shipped if they are of a size not smaller than 1⅞ inches in diameter and that potatoes grown in Districts No. 1 and 3 packed as U.S. No. 2 grade potatoes may be shipped if they are of a size not smaller than 1⅞ inches minimum diameter.

(b) *Minimum maturity requirements.* (1) All varieties: "Slightly skinned."

(2) Maturity exemption: Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer during any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Livestock feed or grading and storing: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing or for livestock feed within, or to, such districts for such purposes.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Dehydration.

(7) Potato chipping.

(8) Prepeeling.

(9) Export.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler, making shipments of potatoes for canning, freezing, dehydration, potato chipping, prepeeling, or for export, pursuant to paragraph (c) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments, except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Prepare, on forms furnished by the Committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to outlets authorized in paragraph (c) of this section.

(v) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 959.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity of an Inspection Certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) *Definitions.* The terms "slightly skinned" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 22, 1960, to become effective September 28, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8945; Filed, Sept. 26, 1960; 8:47 a.m.]

[Milk Order No. 66]

PART 966—MILK IN NORTHERN LOUISIANA MARKETING AREA

Order Amending Order

§ 966.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than October 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 29, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 25, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER.

(Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 966.8 and substitute:

§ 966.8 Supply plant.

Supply plant means any plant from which during the month Grade A milk or skim milk in an amount equal to a daily average of not less than 5,000 pounds is moved to and received at a plant(s) described pursuant to § 966.7.

§ 966.30 [Amendment]

2. Amend that portion of § 966.30 which precedes paragraph (a) to read as follows:

§ 966.30 Reports of receipts and utilization.

By mailing on or before the 5th day after the end of each month, or by delivery not later than the 7th day after the end of the month, each handler (except a producer-handler) shall report to the market administrator in detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:

* * * * *

§ 966.51 [Amendment]

3. Amend § 966.51(a) to read as follows:

(a) *Class I milk price.* The minimum price through February 28, 1961, shall be the basic formula price for the preceding month plus $2.40 and for each month thereafter plus $2.27.

§ 966.82 [Amendment]

4. Amend § 966.82(b)(1) to read as follows:

(b) (1) If a base is transferred to a producer already holding a base, a new base shall be computed for the transferee by dividing the total volume of milk delivered to handlers by both producers during the base-forming period by the total number of days of production delivered by both producers during the base-forming period, but not less than 90: *Provided,* That for the purpose of this section, any day on which both the transferor and transferee delivered milk to handlers shall be considered as the delivery of one day of production in computing a new transferee base pursuant to this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 22d day of September 1960, to be effective on and after the first day of October 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–8965; Filed, Sept. 26, 1960; 8:50 a.m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1960–61 Fiscal Year

Notice was published in the FEDERAL REGISTER of September 9, 1960 (25 F.R. 8722), that there was under consideration a proposal to establish free and restricted percentages for Oregon and Washington filberts for the 1960–61 fiscal year which began August 1, 1960. The proposed percentages were based on recommendations of the Filbert Control Board and other information, in accordance with the applicable provisions of Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997) regulating the handling of filberts grown in Oregon and Washington, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The aforesaid notice afforded interested persons opportunity to file written data, views, or arguments concerning the proposal with the Department for consideration prior to establishment of the percentages. The prescribed time has expired and no such communication has been received.

Pursuant to § 997.41, and after consideration of all relevant matters presented, including the estimates in the notice, it is hereby found that limiting the quantity of merchantable filberts which may be handled during the 1960–61 fiscal year as hereinafter set forth would tend to effectuate the declared policy of the act.

Therefore, free and restricted percentages for merchantable filberts during the 1960–61 fiscal year are prescribed as follows:

§ 997.210 Free and restricted percentages for merchantable filberts during the 1960–61 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1960:

Free percentage—77 percent
Restricted percentage—23 percent

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) The 1960–61 crop year began on August 1, 1960, and the control percentages herein established are applicable, as provided in the amended marketing agreement order, to all filberts subject to volume regulation on and after that date; (2) the free and restricted percentages established for the 1959–60 crop year continue to apply in the 1960–61 crop year, in accordance with the amended marketing agreement and order, until the control percentages established herein for the 1960–61 crop year become effective; (3) at that time handlers' withholding obligations must be adjusted (as provided in the amended marketing agreement and order) for any differences between the percentages for the 1959–60 crop year and the newly established percentages; (4) since there are some such differences, it is necessary, therefore, that the control percentages for the 1960–61 crop year become effective as soon as possible so as to minimize such adjustments; and (5) handlers are aware that the percentages established herein were proposed for the 1960–61 crop year and they need no additional advance notice for compliance under this regulation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 21, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60–8966; Filed, Sept. 26, 1960; 8:50 a.m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Approval of Expenses of Date Administrative Committee for 1960–61 Crop Year and Fixing Rate of Assessment

Notice was published in the September 7, 1960, issue of the FEDERAL REGISTER (25 F.R. 8618), that consideration was being given to a proposal regarding approval of expenses of the Date Administrative Committee for the 1960–61 crop year and the fixing of a rate of assessment for that year, as recommended by the committee. Such actions would be pursuant to the provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California. The said amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposal. No such comment was received within the prescribed time.

After consideration of all relevant matters presented, including the data and recommendation submitted by the committee and other available information, it is hereby found and determined and, therefore, ordered, that the expenses of the Date Administrative Committee and the rate of assessment for the crop year beginning August 1, 1960, shall be as follows:

§ 1003.305 Expenses of the Date Administrative Committee and rate of assessment for the 1960–61 crop year.

(a) *Expenses.* Expenses in the amount of $41,175 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1960, for its maintenance and functioning and for such other purposes determined to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 15 cents per hundredweight of dates which he handles or has certified for handling or for further processing during the crop year beginning August 1, 1960, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that:

(1) The handling or certification of dates has occurred from the commencement of the 1960–61 crop year which began August 1, 1960; (2) under the amended marketing agreement and order the assessment rate is fixed for the entire crop year and applies to all dates handled or certified for handling or for further processing during such crop year; (3) the rate of assessment fixed for the current crop year should be effective as soon as practicable to permit the Administrative Committee to collect assessments on a current basis and distribute, or make available, to the handlers entitled thereto any excess funds collected for operations during the preceding crop year, in accordance with the provisions of the said amended marketing agreement and this part; (4) compliance with this action will not require any special or advance preparation on the part of handlers; and (5) no useful purpose would be served by postponing the effective date of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 21, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60–8944; Filed, Sept. 26, 1960; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 13873]

PART 555—BOARD RULINGS

Loans for Acquisition and Development of Land

SEPTEMBER 21, 1960

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 555 of the rules and regulations for the Federal Savings and Loan System (12 CFR, Part 555) as hereinafter set forth, and for the purpose of effecting such amendments, hereby amends said part as follows, effective immediately:

Part 555 aforesaid is hereby amended by adding thereto, immediately after § 555.10, the following new section:

§ 555.11 Acquisition and development of land; loans for.

(a) *Development must be a purpose of.* A loan, otherwise eligible under § 545.6–14, does not become ineligible because the prospective borrower has already acquired title to the land. A Federal association that has a Charter N or K (Rev.) may make a loan on the security of the land for the sole purpose of financing its development into completed building sites for primarily residential usage, where the borrower already owns the land and the loan complies in all other respects with the provisions of § 545.6–14. However, a loan would not be eligible under this section to finance the purchase of land if the development of the land into building sites has already been fully completed.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.; secs. 3, 12, 60 Stat. 238, 244, 5 U.S.C. 1002, 1011)

Resolved further that since the aforesaid amendment contains only statements of general policy or interpretations of substantive rules adopted or formulated by the Board for the guidance of the public, the requirements of notice and public procedures set out in § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act do not apply, and for the same reasons, deferment of the effective date is not required under section 4(c) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 60–8957; Filed, Sept. 26, 1960; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7750 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ralph Newburger and Chicago Gold Smelting & Refining Co.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–225 Personnel or staff; 13.15–235 Producer status of dealer or seller; 13 15–235(s) Refiner; [1] 13.15–280 Unique or special status or advantages. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ralph Newburger doing business as Chicago Gold Smelting & Refining Company, Chicago, Ill., Docket 7750, July 15, 1960]

In the Matter of Ralph Newburger, Trading and Doing Business as Chicago Gold Smelting & Refining Company

The complaint in this case charged an individual in Chicago with representing falsely in advertising in newspapers, magazines, and other matter that he was the largest and oldest direct mail purchaser of precious metals and diamonds, and that he paid $35 an ounce for gold; that he was a smelter or refiner, through use of "Smelting", "Refining", or similar words in his trade name and otherwise; and that he employed a staff of experts to assay and evaluate precious metals and diamonds from would-be sellers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Ralph Newberger, trading and doing business as Chicago Gold Smelting & Refining Company, or under any other name, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchasing of precious metals, diamonds or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Smelting," "Refining," or any other word of similar import, in any trade or corporate name, or representing in any other manner that respondent is a smelter or refiner, or owns or controls a smeltery or refinery;

2. Representing, directly or by implication:

(a) That respondent is the largest or oldest direct mail purchaser of precious metals or diamonds; or is the largest or oldest direct mail purchaser of any other product, unless such is the fact;

(b) That respondent pays $35.00 an ounce for gold; or pays any other amount, unless such is the fact;

(c) That respondent employs a staff of experts to assay and evaluate the precious metals, diamonds or other products sent to him by persons desiring to sell the same to him.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Ralph Newberger (erroneously referred to in the compliant as Ralph Newburger), trading and doing business as Chicago Gold Smelting & Refining Company, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60–8932; Filed, Sept. 26, 1960; 8:46 a.m.]

[1] New

[Docket 7823 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

J. D. Brumbach and J. D. Brumbach Quilting Mill

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 69) [Cease and desist order, J. D. Brumbach Quilting Mill, Reading, Pa., Docket 7823, July 16, 1960]

In the Matter of J. D. Brumbach, an Individual Doing Business as J. D. Brumbach Quilting Mill

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Reading, Pa., with violating the Wool Products Labeling Act by such practices as labeling as "wool" and invoicing as "Reproc. Wool", quilted woolen lining and interlining materials which contained a substantial quantity of nonwoolen fibers, and by failing in other respects to comply with labeling requirements.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 16 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent J. D. Brumbach, an individual doing business as J. D. Brumbach Quilting Mill, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of interlinings or other wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent J. D. Brumbach an individual, doing business as J. D. Brumbach Quilting Mill or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fiber of which his products are composed or the percentages of amounts thereof in sales, invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60–8933; Filed, Sept. 26, 1960; 8:46 a.m.]

[Docket 7820 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bernard Industries, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–40 In general; § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bernard Industries, Inc., et al., New York, N.Y., Docket 7822, July 15, 1960]

In the Matter of Bernard Industries, Inc., a Corporation, and Bernard Bernard and Lotte Bernard, Individually and as Officers of the Aforesaid Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City distributor of men's ties with labeling American-made ties falsely as "Imported from Switzerland" or "Made in Switzerland", and ties composed of material weighted with metal and blended with synthetics as "All Silk".

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Bernard Industries, Inc., a corporation, and its officers, and Bernard Bernard and Lotte Bernard, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of men's ties or other similar products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their products are of foreign origin, when, in fact, such products are manufactured in whole or in substantial part in the United States; or misrepresenting in any manner the country of origin of their products;

2. Misrepresenting in any manner the materials of which their products are made;

3. Putting into operation or participating in any plan or practice whereby retailers or others may misrepresent the origin of their products or the materials of which they are made.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-8934; Filed, Sept. 26, 1960; 8:46 a.m.]

[Docket 6943 o.]

PART 13—PROHIBITED TRADE PRACTICES

Roberts Co. et al.

Subpart—Coercing and intimidating: § 13.345 *Competitors.* Subpart—Combining or conspiring: § 13.410 *To eliminate competition in conspirators' goods;* § 13.425 *To enforce or bring about resale price maintenance;* § 13.430 *To enhance, maintain or unify prices.* Subpart—Interfering with competitors or their goods—Competitors: § 13.1087 *Instigating vexatious and groundless suits.* Subpart—Using patents, rights or privileges unlawfully: § 13.2495 *Fixing prices through licensing agreements exceeding legitimate patent monopoly.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Roberts Co. (City of Industry, Calif.) et al., Docket 6943, June 30, 1960]

In the Matter of The Roberts Co., a Corporation, Roberts Manufacturing Co., a Corporation, Roberts Corporation, a Corporation, Ace Tackless Corporation, a Corporation, United States Tackless, Inc., a Corporation, and Wenlyn Associates, Inc., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two manufacturers of tackless carpet grippers, tools, and accessories, and their marketing associate, with engaging in a price-fixing conspiracy with their distributors effectuated by establishing geographical zones of distribution, requiring distributors to submit copies of resale invoices, and threatening discontinuance of distributorships; and with coercing other manufacturers of such products to sell at their fixed prices and to refrain from selling to disapproved purchasers, threatening to bring patent infringement suits against competitors, and extending terms of license agreements beyond expiration of patents; and charging said companies and two others licensed to manufacture their products with conspiring to lessen competition by price fixing and intimidation and coercion of unlicensed competitors.

Both counsel field cross-appeals from the initial decision. Issuing its opinion denying respondents' appeal and granting in part that of complaint counsel, the Commission modified the initial decision and order to cease and desist and on June 30 adopted it, as so modified, as the decision of the Commission.

Said order to cease and desist, as modified, is as follows:

It is ordered, That Roberts Manufacturing Co., Roberts Corporation and The Roberts Co., all corporations, respondents herein, their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of carpet gripper or other products used in laying wall-to-wall carpeting, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, understanding or agreement between any one or more of said respondents and any one or more of their distributors, as "distributors" is defined in the findings herein, or other customers, to:

1. Fix or establish the prices, terms or conditions of resale of such product;

2. Establish geographical zones of distribution for said products for the purpose of or with the effect of fixing the prices, terms or conditions of resale for such products;

3. Have distributor submit copies of invoices of resale of such products or information contained in such invoices for the purpose or with the effect of enforcing resale prices;

4. Restrict any of said respondents distributors or other customers in the resale of such products as to the identity of purchaser or as to price.

5. Discontinue or threaten to discontinue distributorships for the purpose of or with the effect of causing adherence to any prices, terms or conditions of resale.

It is further ordered, That the respondents Roberts Manufacturing Co., Roberts Corporation, The Roberts Co., United States Tackless, Inc., and Ace Tackless Corporation, all corporations, their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of carpet gripper or other products used in laying wall-to-wall carpeting in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto to do or perform any of the following acts:

1. Fixing or establishing the prices, terms or conditions of sale or resale for such products;

2. Limiting the customers of respondents to persons known as distributors or wholesalers or to any other particular category of persons;

3. Fixing or assessing penalties by contract or otherwise for the sale of said products by respondents to users or to any other class or classes of persons;

Provided, however, that nothing herein contained shall be construed to limit or otherwise affect any resale price maintenance contracts which respondents may enter into in conformity with section 5 of the Federal Trade Commission Act as amended by the McGuire Act (Public Law 542, Chapter 745, 82d Congress, 2d Session, Approved July 14, 1952).

It is further ordered, That respondents The Roberts Company, Roberts Manufacturing Company and Roberts Corporation, all corporations, their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of carpet gripper or other products used in laying wall-to-wall carpeting in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from urging, inducing or coercing, or attempting to urge, induce or coerce any other manufacturer of such products to sell them at any particular prices or under any particular methods, terms or conditions of sale or resale, or to sell or refrain from selling said products to any particular person or group or class of persons.

It is further ordered, That respondent Roberts Manufacturing Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of carpet gripper or other products used in laying wall-to-wall carpeting in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from performing any of the following acts:

1. Threatening to bring patent infringement suits, for the purpose of restraining or eliminating competition, against competitors or prospective competitors who have not practiced the invention claimed by the patent.

2. Granting, continuing in effect or enforcing any license to practice inventions covered by letters patent whereby the term of the license agreement is sought to be and is extended beyond the expiration date of the patent grant.

It is further ordered, That this proceeding be, and the same hereby is, dismissed as to Wenlyn Associates, Inc., also known as Wenlyn Industries.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, The Roberts Company, Roberts Manufacturing Company, Roberts Corporation, Ace Tackless Corporation, and United States Tackless, Incorporated, corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-8935; Filed, Sept. 26, 1960; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 204.11 is amended by adding a new paragraph (f) as follows:

§ 204.11 **Condition of property when transferred; delivery of debentures, certificate of claim and definition of "waste".**

* * * * *

(f) Applications for debentures with respect to mortgages insured under the provisions of this part shall be processed in accordance with the procedures under Part 222 of this chapter.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interprets or applies sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1706c)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

In § 221.43 paragraph (d) is amended to read as follows:

§ 221.43 **Eligibility of open-end advances.**

* * * * *

(d) In addition to the application fee required by paragraph (c) of this section, the mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in § 222.57 of this chapter. No portion of such charges may be included in the principal amount of the open-end advance.

Part 222 is revised to read as follows:

PART 222—MUTUAL MORTGAGE INSURANCE, RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

DEFINITIONS

Sec.
222.1 Definitions used in this part.

ENDORSEMENT AND CONTRACT OF INSURANCE

222.5 Insurance of mortgage.
222.6 Insurance of open-end advance.
222.7 Contract created by endorsement.

MORTGAGE INSURANCE PREMIUMS—IN GENERAL

222.10 Method of payment of MIP.
222.11 Calculation of MIP.

INITIAL MORTGAGE INSURANCE PREMIUM

222.15 Amount of initial MIP.
222.16 Due date of initial MIP.
222.17 Period covered by initial MIP.
222.18 Adjustment of initial MIP.
222.19 Pro rata payment of initial MIP.

ANNUAL MORTGAGE INSURANCE PREMIUM

222.25 Amount of annual MIP.
222.26 Due date of annual MIP.
222.27 Duration of annual MIP.
222.28 Pro rata payment of annual MIP.

ADJUSTED MORTGAGE INSURANCE PREMIUM

222.35 Computation of adjusted premium.
222.36 Maximum adjusted MIP.
222.37 Prepayments excepted from adjusted premium charge.

VOLUNTARY TERMINATION CHARGE

222.45 Voluntary termination of insurance.
222.46 Computation of voluntary termination charge.
222.47 Maximum voluntary termination charge.
222.48 Exception from voluntary termination charge.

OPEN-END INSURANCE CHARGE

222.55 Open-end advance subject to open-end charge.
222.56 Method of payment of open-end charge.
222.57 Calculation, amount and due date of open-end charge.
222.58 Duration of open-end charge.
222.59 Pro rata payment of open-end charge.

TERMINATION OF INSURANCE CONTRACT

222.65 Termination by nonconveyance.
222.66 Termination by prepayment of mortgage.
222.67 Termination by voluntary agreement.
222.68 Notice of termination by mortgagee.
222.69 Pro rata payment of premiums and charges.
222.70 Notice and date of termination by Commissioner.
222.71 Effect of termination.

DEFAULT UNDER MORTGAGE

222.80 Definition of default.
222.81 Date of default.
222.82 Notice of default.
222.83 Reinstatement of defaulted mortgage.

SPECIAL FORBEARANCE RELIEF

222.90 Conditions of special forbearance relief.
222.91 Reimbursement for uncollected interest.

FORBEARANCE RELIEF FOR MILITARY PERSONNEL

222.95 Postponement of principal payments—mortgagors in military service.
222.96 Postponement of foreclosure—mortgagors in military service.

ASSIGNMENT OF MORTGAGE

222.100 Assignment of defaulted mortgage—in general.
222.101 Application for debentures and fiscal data.
222.102 Mortgage and items to be delivered upon assignment.
222.103 Certification by mortgagee.

CLAIM PROCEDURE

Sec.
222.105 Acquisition of property.
222.106 Notice of foreclosure.
222.107 Deed in lieu of foreclosure.
222.108 Direct conveyance of property.
222.109 Time of conveyance to Commissioner.
222.110 Notice of property transfer and application for debentures.
222.111 Acceptance of property by Commissioner.
222.112 Conditions for withdrawal of application for debentures.
222.113 Reconveyance for noncompliance with regulations.
222.114 Mortgagee's liability for property expenditures.
222.115 Documents and information to be furnished Commissioner.
222.116 Conveyance of marketable title.
222.117 Contents of deed and supporting documents.

CONDITION OF PROPERTY

222.125 Property condition.
222.126 Waste defined.
222.127 Mortgagee's liability for waste.
222.128 Adjustment for waste.
222.129 Adjustment for fire, flood, earthquake or tornado damage.
222.130 Certificate of property condition.
222.131 Occupancy of property.
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PROPERTY TITLE TRANSFERS AND TITLE WAIVERS

222.135 Types of satisfactory title evidence.
222.136 Coverage of title evidence.
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222.138 Conditional waiver of title objection.
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222.150 Delivery of debentures.
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222.152 Debenture computation—conveyed properties; items included.
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222.155 Debenture interest rate.
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222.158 Denomination of debentures.
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222.160 Issue date of debentures.
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222.165 Delivery of certificate of claim.
222.166 Amount and items of certificate of claim.
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MUTUAL MORTGAGE INSURANCE FUND AND DISTRIBUTIVE SHARES

222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.

SALE, ASSIGNMENT AND PLEDGE OF INSURED MORTGAGE

222.180 Sale of insured mortgage to approved mortgagee.
222.181 Effect of sale of insured mortgage.
222.182 Acceptable transfers by approved mortgagee.
222.183 Requirements of transfer by approved mortgagee.
222.184 Sale or disposition of insured mortgage to other than approved mortgagee.
222.185 Form of assignment to investing mortgagee.

EXTENSION OF TIME

222.190 Actions to be taken by mortgagee.

AMENDMENTS

222.195 Amendments not to change contractual rights.

APPLICABILITY AND EFFECTIVE DATE

222.199 Applicability to outstanding loans and commitments.
222.200 Effective date.

AUTHORITY: §§ 222.1 to 222.200 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.

DEFINITIONS

§ 222.1 Definitions used in this part.

As used in this part, the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(e) "Mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators and assigns.

(f) "Mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Investing mortgagee" means individuals and organizations which acquire one or more mortgages insured under section 203(b) of the Act from a sponsoring mortgagee or another investing mortgagee subject to the provisions set forth in this part.

(h) "Sponsoring mortgagee" means any approved mortgagee other than a loan correspondent mortgagee or an investing mortgagee, who has sold and assigned an insured mortgage to an investing mortgagee or has entered into an agreement with an investing mortgagee for the servicing of an insured mortgage.

(i) "Insured mortgage" means a mortgage which has been insured as evidenced by the endorsement of the credit instrument for insurance by the Commissioner.

(j) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part and the applicable provisions of the Act.

(k) "MIP" means the mortgage insurance premium paid by the mortgagee to the Commissioner in consideration of the contract of insurance.

(l) "Adjusted mortgage insurance premium" means the premium paid by the mortgagee to the Commissioner in consideration of termination of the contract of insurance by reason of prepayment in full of the mortgage.

(m) "Termination charge" means the charge paid by the mortgagee to the Commissioner in consideration of terminating the contract of insurance pursuant to the joint request for such action made by the mortgagor and mortgagee.

(n) "Open-end advance" means an insured advance made by an approved mortgagee in connection with a previously insured mortgage, pursuant to an open-end provision in the mortgage.

(o) "Open-end insurance charge" means the charge paid by the mortgagee to the Commissioner in consideration of the insurance of an open-end advance.

(p) "Beginning of amortization" means the date one month prior to the date of the first monthly payment to principal and interest.

(q) "Maturity" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(r) "Debentures" means registered, transferable securities which are valid and binding obligations, issued in the name of the Mutual Mortgage Insurance Fund in accordance with the provisions of this part; such debentures are the primary liability of the Mutual Mortgage Insurance Fund and are unconditionally guaranteed as to principal and interest by the United States.

(s) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

ENDORSEMENT AND CONTRACT OF INSURANCE

§ 222.5 Insurance of mortgage.

Upon compliance with a commitment, the Commissioner will insure the loan evidencing the insurance by an appropriate panel or endorsement placed on the original credit instrument, which will identify the regulations under which the loan is insured and the date of insurance.

§ 222.6 Insurance of open-end advance.

Insurance of an open-end advance will be evidenced by delivery of a certificate stating the amount of the advance, the date of insurance, and the regulations under which the advance is insured.

§ 222.7 Contract created by endorsement.

The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the Act.

MORTGAGE INSURANCE PREMIUMS—IN GENERAL

§ 222.10 Method of payment of MIP.

The payment of any MIP under this part shall be made to the Commissioner by the mortgagee either in cash or debentures issued by the Mutual Mortgage Insurance Fund at par plus accrued interest.

§ 222.11 Calculation of MIP.

The amount of any MIP shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

INITIAL MORTGAGE INSURANCE PREMIUM

§ 222.15 Amount of initial MIP.

The initial MIP shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage, without taking into account delinquent payments or prepayments.

§ 222.16 Due date of initial MIP.

The initial MIP shall be paid on the first anniversary date of the beginning of amortization following the date on which the insurance becomes effective by endorsement by the Commissioner.

§ 222.17 Period covered by initial MIP.

The initial MIP shall cover the period beginning with the date of insurance endorsement and ending on the next anniversary of the beginning of amortization. Subsequent premium payments shall cover the twelve month period following each anniversary date.

§ 222.18 Adjustment of initial MIP.

Regardless of whether the period covered by the initial MIP is more or less than one year, payment shall be made to the Commissioner on account of the initial MIP in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than ½ percent or more than one percent of the outstanding principal balance, without taking into account delinquencies or prepayments, the initial MIP shall be adjusted to accord with the prescribed limitations. If such payment is within the prescribed limitations no adjustment shall be made and the amount of the payment shall be paid to the Commissioner as the initial MIP.

§ 222.19 Pro rata payment of initial MIP.

If termination of the contract of insurance occurs before the due date of the initial MIP, the mortgagee shall pay to the Commissioner (in addition to any adjusted premium or termination charge) the portion of the initial premium due to the first of the month following the effective termination date, which shall be computed from:

(a) The beginning of amortization, if insurance endorsement occurred within six months after the beginning of amortization; or

(b) The date of endorsement, if such endorsement occurred any time prior to the beginning of amortization, or during the second half of any amortization year.

ANNUAL MORTGAGE INSURANCE PREMIUM

§ 222.25 Amount of annual MIP.

After payment of the initial MIP an annual MIP shall be paid in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period preceding the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

§ 222.26 Due date of annual MIP.

After payment of the initial MIP an annual MIP shall be paid on each anniversary date of the beginning of amortization.

§ 222.27 Duration of annual MIP.

After payment of the initial MIP, the mortgagee shall pay an annual MIP to the Commissioner until:

(a) The mortgage is paid in full; or

(b) The deed to the Commissioner is filed for record; or

(c) The contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 222.28 Pro rata payment of annual MIP.

(a) *In general.* If the insurance contract is terminated after the due date of the initial MIP the mortgagee shall pay to the Commissioner (in addition to any adjusted premium or termination charge) a portion of the current annual MIP prorated from the due date of the last annual MIP to the date the contract of insurance was terminated.

(b) *Computation of pro rata annual MIP.* For the purpose of computing the pro rata portion of the annual MIP the date of termination of insurance shall be the last day of the month in which:

(1) The mortgage was prepaid; or

(2) A voluntary termination request is received by the Commissioner; or

(3) The mortgagee has notified the Commissioner that it has acquired the mortgaged property but does not intend to convey title to the Commissioner; or

(4) The contract of insurance is otherwise terminated with the consent of the Commissioner.

ADJUSTED MORTGAGE INSURANCE PREMIUM

§ 222.35 Computation of adjusted premium.

Where the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity the mortgagee shall pay to the Commissioner an adjusted premium of 1 percent of the original principal amount of the prepaid mortgage.

§ 222.36 Maximum adjusted MIP.

No adjusted premium shall exceed the aggregate amount of MIP which would have been payable if the mortgage had continued to be insured until maturity.

§ 222.37 Prepayments excepted from adjusted premium charge.

No adjusted premium charge shall be due or payable to the Commissioner in the following instances:

(a) *New insured mortgage.* Where the insured loan is paid in full with or from the proceeds of a new loan on the same property which is insured by the Commissioner; or

(b) *Acceleration by partial prepayments.* Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage, plus 15 percent of the original face amount of any open-end advances; or

(c) *Acceleration by payments for damages.* Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property; or

(d) *Acceleration by partial release.* Where the final maturity specified in the mortgage is accelerated solely by reason of payment to principal to compensate for release of a part of the insured property approved by the Commissioner; or

(e) *Acceleration by application of escrow funds.* Where the final maturity specified in the mortgage is accelerated solely by reason of application of funds applied on the indebtedness as required by the Commissioner pursuant to an approved escrow; or

(f) *Payment involving condemnation proceedings.* Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for the conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(g) *Payment involving foreclosure.* Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner; or

(h) *Payment under court order.* Where payment in full is made pursuant to a court order; or

(i) *Sale of property to veterans.* Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran for his occupancy as a home.

VOLUNTARY TERMINATION CHARGE

§ 222.45 Voluntary termination of insurance.

Upon request by the mortgagor and mortgagee and submission of the mortgage note for cancellation of the insurance endorsement, the Commissioner may terminate the insurance contract on any mortgage under this part covering a one- to four-family residence.

§ 222.46 Computation of voluntary termination charge.

In the event of voluntary termination of the insurance contract the mortgagee shall pay to the Commissioner a termination charge equal to 1 percent of the original principal amount of the mortgage except as otherwise provided in this part.

§ 222.47 Maximum voluntary termination charge.

In no event shall the charge for voluntary termination of the insurance contract exceed the aggregate amount of MIP which would have been payable if the mortgage had continued to be insured until maturity.

§ 222.48 Exception from voluntary termination charge.

The insurance contract may be voluntarily terminated without payment of a termination charge if:

(a) The mortgage is delinquent and termination of insurance is for the purpose of avoiding foreclosure provided the transaction is approved by the Commissioner; or

(b) Foreclosure proceedings have been instituted.

OPEN-END INSURANCE CHARGE

§ 222.55 Open-end advance subject to open-end charge.

In the case of an insured open-end advance the mortgagee shall pay to the Commissioner, in addition to the regular MIP, an open-end insurance charge.

§ 222.56 Method of payment of open-end charge.

The payment of any open-end insurance charge under this part shall be made to the Commissioner by the mortgagee either in cash or debentures issued by the Mutual Mortgage Fund at par plus accrued interest.

§ 222.57 Calculation, amount, and due date of open-end charge.

The open-end insurance charge shall be in an amount equal to ½ percent per annum of the original principal obligation of the open-end advance and shall be payable on the same dates as the MIP. The initial open-end insurance charge shall be prorated to cover the period beginning with the first day of the month following the date of endorsement of the open-end advance and ending on the due date of the next MIP, and shall be computed without taking into account delinquent payments or prepayments.

§ 222.58 Duration of open-end charge.

The mortgagee shall pay an annual open-end insurance charge to the Commissioner until:

(a) The mortgage is paid in full; or

(b) The deed to the Commissioner is filed for record; or

(c) The contract of insurance is otherwise terminated with consent of the Commissioner.

§ 222.59 Pro rata payment of open-end charge.

Upon termination of the insurance contract, the mortgagee shall pay to the Commissioner (in addition to any adjusted premium, termination charge and pro rata MIP) a portion of the current open-end insurance charge prorated from the beginning of the open-end insurance charge period to the end of the month in which termination occurred.

TERMINATION OF INSURANCE CONTRACT

§ 222.65 Termination by nonconveyance.

The contract of insurance shall be terminated if the mortgagee acquires the mortgaged property but does not convey it to the Commissioner.

§ 222.66 Termination by prepayment of mortgage.

The contract of insurance shall be terminated if the mortgage is paid in full prior to its maturity.

§ 222.67 Termination by voluntary agreement.

The contract of insurance shall be terminated if the mortgagor and mortgagee jointly request termination.

§ 222.68 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 30 days from the occurrence of one of the approved methods of termination set forth in this part.

§ 222.69 Pro rata payment of premiums and charges.

No contract of insurance shall be terminated until the mortgagee has paid to the Commissioner the pro rata portion of the current annual MIP, open-end insurance charge, adjusted premium, or termination charge as set forth in this part.

§ 222.70 Notice and date of termination by Commissioner.

The Commissioner shall notify the mortgagee that the contract of insurance has been terminated and the effective termination date. The termination date shall be the last day of the month in which:

(a) The mortgagee notifies the Commissioner that it has acquired the mortgaged property but does not intend to convey title to the Commissioner; or

(b) The mortgage was prepaid; or

(c) A voluntary termination request is received by the Commissioner.

§ 222.71 Effect of termination.

Upon termination of the contract of insurance, the obligation to pay any subsequent MIP or open-end insurance charge shall cease and all rights of the mortgagor and mortgagee shall be terminated.

DEFAULT UNDER MORTGAGE

§ 222.80 Definition of default.

If the mortgagor fails to make any payment, or to perform any other obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default for the purposes of this part.

§ 222.81 Date of default.

For the purposes of this part, the date of default shall be considered as 30 days after—

(a) The first uncorrected failure to perform any obligation under the mortgage; or

(b) The first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

§ 222.82 Notice of default.

The mortgagee shall, within 60 days after default as defined in this part, give written notice thereof to the Commissioner, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 222.83 Reinstatment of defaulted mortgage.

If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, written notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred.

SPECIAL FORBEARANCE RELIEF

§ 222.90 Conditions of special forbearance relief.

In addition to any other relief which may be afforded in the event of default, the Commissioner may approve special forbearance relief with respect to any mortgage covering a one- to four-family residence if the Commissioner—

(a) Finds that default was due to circumstances beyond the mortgagor's control; and

(b) Determines that the mortgage will be restored to a current condition within a reasonable period of time.

§ 222.91 Reimbursement for uncollected interest.

If payments received from the mortgagor during the period of special forbearance relief approved pursuant to § 222.90 are insufficient to pay interest at the mortgage rate, after applying such payments in the order set forth in the mortgage, and the mortgage is subsequently foreclosed, the debentures shall include an allowance for uncollected interest accrued during the period of such forbearance.

FORBEARANCE RELIEF FOR MILITARY PERSONNEL

§ 222.95 Postponement of principal payments—mortgagors in military service.

If the mortgagor is a person in military service, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service, and three months thereafter, any part of the monthly payment, which represents amortization of principal. The agreement shall contain a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. The agreement shall in no way affect the amount of the annual MIP which will continue to be calculated in accordance with the original amortization provisions of the mortgage.

§ 222.96 Postponement of foreclosure—mortgagors in military service.

If at any time during default the mortgagor is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in such service shall be excluded in computing the one-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this part. No postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this part.

ASSIGNMENT OF MORTGAGE

§ 222.100 Assignment of defaulted mortgage—in general.

The Commissioner may approve the assignment to him of any mortgage covering a one- to four-family residence if the Commissioner:

(a) Finds that default was due to circumstances beyond the mortgagor's control; and

(b) Determines that the mortgage will be restored to a current condition within a reasonable time.

§ 222.101 Application for debentures and fiscal data.

Within 30 days after the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for debentures and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form.

§ 222.102 Mortgage and items to be delivered upon assignment.

When a defaulted mortgage is assigned to the Commissioner the mortgagee shall promptly deliver to the Commissioner the mortgage and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(c) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(d) *Title evidence.* All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(e) *Cash or property.* All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 222.103 Certification by mortgagee.

At the time of assignment of the mortgage, the mortgagee shall certify to the Commissioner that:

(a) *Priority of mortgage to liens.* The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(b) *Amount due.* The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(c) *Offsets or counterclaims.* There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

CLAIM PROCEDURE

§ 222.105 Acquisition of property.

At any time within one year from the date of default, or such additional period of time as may be approved by the Commissioner, the mortgagee, at its election, shall either—

(a) Commence foreclosure of the mortgage; or

(b) If the laws of the State in which the mortgaged property is situated do not permit the commencement of foreclosure within one year from the date of default, the mortgagee shall commence foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws; or

(c) Acquire possession of, and title to, the mortgaged property by means other than foreclosure, such title being in the name of the mortgagee or the Commissioner.

§ 222.106 Notice of foreclosure.

The mortgagee shall give written notice to the Commissioner within 30 days after the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

§ 222.107 Deed in lieu of foreclosure.

(a) *Mortgagors owning one property.* In lieu of instituting or completing a foreclosure, the mortgagee may acquire property from one other than a corporate mortgagor by voluntary conveyance from the mortgagor who certifies that he does not own any other property subject to a mortgage insured or held by FHA. Conveyance of the property by deed in lieu of foreclosure is approved subject to the following requirements:

(1) The mortgage is in default at the time the deed is executed and delivered;

(2) The credit instrument is cancelled and surrendered to the mortgagor;

(3) The mortgage is satisfied of record as a part of the consideration for such conveyance;

(4) The deed from the mortgagor contains a covenant which warrants against the acts of the grantor and all claiming by, through, or under him and conveys good marketable title;

(5) The mortgagee transfers to the Commissioner good marketable title accompanied by satisfactory title evidence.

(b) *Corporate mortgagors.* A mortgagee may accept a deed in lieu of foreclosure from a corporate mortgagor in compliance with the requirements of paragraph (a) if the mortgagee obtains the prior written consent of the Commissioner.

(c) *Mortgagors owning more than one property.* The mortgagee may accept a deed in lieu of foreclosure in compliance with the provisions of paragraph (a) from an individual who owns more than one property which is subject to a mortgage insured or held by the FHA if the mortgagee obtains the prior written consent of the Commissioner.

§ 222.108 Direct conveyance of property.

In acquiring the property or conveying the property to the Commissioner the mortgagee may arrange for the deed to be made directly to the Commissioner from the mortgagor or other grantor. The mortgagee shall be responsible for determining that such conveyance will comply with all of the provisions of this part conveying good marketable title and satisfactory title evidence.

§ 222.109 Time of conveyance to Commissioner.

After acquiring good marketable title to and possession of the property the mortgagee shall transfer the property to the Commissioner:

(a) Within 30 days after acquiring possession of the mortgaged property by foreclosure or other means; or

(b) Within such further time as may be necessary to complete the title examination and perfect the title.

§ 222.110 Notice of property transfer and application for debentures.

On the date the deed is filed for record the mortgagee shall notify the Commissioner on a form prescribed by him of the filing of such conveyance and shall assign, without recourse or warranty any or all claims which the mortgagee has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which the mortgagee acquired or conveyed such property, except such claims as may have been released with the approval of the Commissioner.

§ 222.111 Acceptance of property by Commissioner.

Upon receipt of notice of property transfer the Commissioner shall accept

title to and possession of the property as of the date of the filing for record of the deed to the Commissioner, subject to compliance with the regulations in this part.

§ 222.112 Conditions for withdrawal of application for debentures.

With the consent of the Commissioner, a mortgagee may withdraw an application for debentures if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 222.114.

§ 222.113 Reconveyance for noncompliance with regulations.

If, for any reason, the mortgagee fails to comply with the regulations in this part, the Commissioner may hold processing of the application for debentures in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for debentures shall be considered as cancelled without prejudice to the rights of the mortgagee to reapply for debentures at a subsequent date as approved by the Commissioner.

§ 222.114 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee, because of the mortgagee's noncompliance with these regulations or because, with the consent of the Commissioner a mortgagee withdraws an application for debentures, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 222.115 Documents and information to be furnished Commissioner.

Within 30 days after the deed is filed for record the mortgagee shall forward to the Commissioner:

(a) The deed to the Commissioner and title evidence;

(b) Fiscal data pertaining to the mortgage transaction;

(c) Receipts covering all disbursements as required by the fiscal data form;

(d) Ledger cards covering the mortgage transaction;

(e) Any additional information or data which the Commissioner may require.

§ 222.116 Conveyance of marketable title.

The mortgagee shall tender to the Commissioner a satisfactory conveyance of title and transfer of possession of the property. The deed or other instrument of conveyance shall convey good marketable title to the property, which shall be accompanied by title evidence satisfactory to the Commissioner.

§ 222.117 Contents of deed and supporting documents.

The deed and supporting accompanying documents shall be as follows:

(a) *Deed.* A deed conveying the property to the Federal Housing Commissioner. The deed shall:

(1) Recite the name of the Commissioner followed by the phrase "of Washington, D.C., as Federal Housing Commissioner, his successors and assigns".

(2) Include covenants which warrant title against acts of the mortgagee and all claiming by, through, or under it.

(3) Recite nominal consideration, if such recital is adequate under the laws of the State in which the property is located or such other consideration as may be necessary to support the deed.

(b) *Corporate resolution.* A resolution of the mortgagee's board of directors, or other evidence, establishing that the person executing the deed has authority to act for the mortgagee.

(c) *Maps or survey.* A map or diagram showing property location with reference to public streets or roads or a survey, if available.

(d) *Credit documents.* The original credit and security instruments, if available or a deficiency judgment, if any, duly assigned or endorsed by the mortgagee, without recourse, to the Commissioner.

CONDITION OF PROPERTY

§ 222.125 Property condition.

When the property is transferred, or a mortgage is assigned to the Commissioner, the property shall be undamaged by fire, earthquake, flood, or tornado and undamaged by waste except as set forth in this part.

§ 222.126 Waste defined.

The term waste means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

§ 222.127 Mortgagee's liability for waste.

The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure proceedings or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

§ 222.128 Adjustment for waste.

If the property has been damaged by waste as defined in this part, the Commissioner shall deduct from the debentures to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 222.129 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him and he shall deduct from debentures an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 222.130 Certificate of property condition.

The mortgagee shall either certify that as of the date of the filing for record of the deed, or assignment of the mortgage to the Commissioner, the property was undamaged by fire, flood, earthquake, tornado or waste, or shall describe the damage to the property resulting from such hazards as of such date. In the absence of evidence to the contrary, the mortgagee's certificate or description of the damage shall be accepted by the Commissioner as establishing the condition of the property as of such date.

§ 222.131 Occupancy of property.

Unless otherwise approved by the Commissioner the mortgagee shall certify that the property is vacant and does not contain any personal property as of the date of the filing for record of the deed to the Commissioner. This section shall not apply to a mortgage assigned to the Commissioner.

§ 222.132 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for debentures and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual refund and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

PROPERTY TITLE TRANSFERS AND TITLE WAIVERS

§ 222.135 Types of satisfactory title evidence.

The following types of title evidence shall be satisfactory to the Commissioner:

(a) *Fee or owner's title policy.* A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such instruments. If an owner's policy of title insurance is furnished, it shall show title in the Commissioner and inure to the benefit of his successors and assigns;

(b) *Mortgagee's policy of title insurance.* A mortgagee's policy of title insurance supplemented by an Abstract and an Attorney's Certificate of Title covering the period subsequent to the date of the mortgage, the terms of the policy shall be such that the liability of the title company will continue in favor of the Commissioner after title is conveyed to him. The policy may be drawn in favor of the mortgagee and the Federal Housing Commissioner, "as their interests may appear", with the consent of the title company endorsed thereon;

(c) *Abstract and legal opinion.* An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles. If title evidence consists of an Abstract and an Attorney's Certificate of Title, the search shall extend for at least forty years prior to the date of the Certificate to a well recognized source of good title;

(d) *Torrens or similar certificate.* A Torrens or similar title certificate; or

(e) *Title standard of U.S. or state government.* Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

§ 222.136 Coverage of title evidence.

Evidence of title shall be executed as of a date to include the recordation of the deed to the Commissioner. The evidence of title shall show that according to the public records, there are not, at such date, any outstanding prior liens, including any past-due and unpaid ground rents, general taxes, special assessments. If restrictions or easements exist, a verbatim copy thereof should be furnished together with evidence establishing that the restrictions have not been violated and that the easements are so located as not to interfere with the residential use of the property.

§ 222.137 Acceptability of customary title evidence.

If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence shall be satisfactory to the Commissioner and shall be considered by him as good and marketable.

§ 222.138 Conditional waiver of title objection.

The Commissioner shall not object to the title by reason of the following matters if they do not impair the value of the property for residential purposes or if they have been brought to the attention of the Commissioner for consideration in fixing the valuation:

(a) Customary easements for public utilities, party walls, driveways and other purposes;

(b) Customary building and use restrictions, when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(c) Outstanding oil, water or mineral rights (or damage caused by the exercise of such rights) which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

§ 222.139 Waived title objections.

The Commissioner shall not object to title by reason of the following matters:

(a) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage, provided that there has not been an adverse judgment or pending suit in connection with the violation existing on the date the property is conveyed to the Commissioner;

(b) Easements for public utilities along one or more of the property lines and extending not more than 10 feet therefrom and for drainage or irrigation ditches along the rear 10 feet of the property, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property;

(c) Easements for underground conduits which are in place and do not extend under any buildings on the subject property;

(d) Mutual easements for joint driveways constructed partly on the subject property and partly on adjoining property, provided the agreements creating such easements are of record;

(e) Encroachments on the subject property by improvements on adjoining property where such encroachments do not exceed 1 foot, provided such encroachments do not touch any buildings or interfere with the use of any improvements on the subject property;

(f) Encroachments on adjoining property by eaves and overhanging projections attached to improvements on subject property where such encroachments do not exceed 1 foot.

(g) Encroachments on adjoining property by hedges, wooden or wire fences belonging to the subject property;

(h) Encroachments on adjoining property by driveways belonging to subject property where such encroachments do not exceed 1 foot, provided there exists a clearance of at least 8 feet between the buildings on the subject property and the property line affected by the encroachment;

(i) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line;

(j) Encroachments by garages or improvements other than those which are attached to or a portion of the main dwelling structure over easements for public utilities, provided such encroachment does not interfere with the use of the easement or the exercise of the rights of repair and maintenance in connection therewith;

(k) Violations of cost or set back restrictions which do not provide a penalty of reversion or forfeiture of title, or a lien for liquidated damages which may be superior to the lien of the insured mortgage. Violations of such restrictions which do provide for such penalties, provided such penalty rights have been duly released or subordinated to the lien of the insured mortgage, or provided a policy of title insurance is furnished expressly insuring the Commissioner against loss by reason of such penalties.

(l) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

DEBENTURE CHARACTERISTICS

§ 222.150 Delivery of debentures.

If the application for debentures is acceptable to the Commissioner he shall deliver to the mortgagee debentures of the Mutual Mortgage Insurance Fund.

§ 222.151 Debenture computation—conveyed properties.

The debentures shall have a face value to be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 222.152, less all items as set forth in § 222.153.

§ 222.152 Debenture computation—conveyed properties; items included.

The amount of debentures in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default.

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forbearance plan;

(i) An amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of any MIP and open-end insurance charge by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means under a mortgage to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply during any part or all of the period of the mortgagor's military service and three months thereafter.

§ 222.153 Debenture computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 222.151 and 222.152 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

§ 222.154 Debenture computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 222.155 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
3¾	Jan. 1, 1959	July 1, 1959
4¼	July 1, 1959	

§ 222.156 Maturity of debentures.

Debentures shall mature 20 years from the date of issue.

§ 222.157 Registration of debentures.

Debentures shall be registered as to principal and interest.

§ 222.158 Denomination of debentures.

Debentures are available in denominations of $50, $100, $500, $1,000, $5,000, and $10,000. The Commissioner shall issue debentures in the largest available denominations unless otherwise requested by the mortgagee.

§ 221.159 Redemption of debentures.

Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

§ 222.160 Issue date of debentures.

The debentures shall be issued as of the date:

(a) The foreclosure proceedings were instituted; or

(b) The property was otherwise acquired by the mortgagee after default; or

(c) The property was acquired by the Commissioner if directly conveyed to the Commissioner from the mortgagor; or

(d) The mortgage was assigned to the Commissioner.

§ 222.161 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the mortgagee and the total amount of the mortgagee's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

CERTIFICATE OF CLAIM

§ 222.165 Delivery of certificate of claim.

In addition to the debentures and the cash adjustment check, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 222.166 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and cash adjustment check. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance therof to the Commissioner, including reasonable attorneys' fees, unpaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

§ 222.167 Rate of interest of certificate of claim.

Each certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

MUTUAL MORTGAGE INSURANCE FUND AND DISTRIBUTIVE SHARES

§ 222.170 Nature of Mutual Mortgage Insurance Fund.

The Mutual Mortgage Insurance Fund shall consist of the General Surplus Account and the Participating Reserve Account.

§ 222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.

For any semiannual period in which Mutual Mortgage Insurance operations shall result in a net income, or loss, the Commissioner shall allocate such net income or such loss to the General Surplus Account and/or to the Participating Reserve Account as he may determine to be in accord with sound actuarial and accounting practice. In determining net income or loss the Commissioner shall take into consideration all income received from fees, premiums and earnings on investments of the fund, operating expenses and provision for losses of the fund.

§ 222.172 Right and liability under Mutual Mortgage Insurance Fund.

No mortgagor or mortgagee shall have any vested right in a credit balance in either the General Surplus Account or the Participating Reserve Account. No mortgagor or mortgagee shall be subject to any liability arising under the mutuality of the Mutual Mortgage Insurance Fund.

§ 222.173 Distribution of distributive shares.

In the event the contract of insurance is terminated by reason of payment in full of the mortgage or by voluntary termination approved by the Commissioner, the Commissioner may distribute to the mortgagor a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice.

§ 222.174 Maximum amount of distributive shares.

In no event shall a distributive share of the Participating Reserve Account exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

§ 222.175 Finality of determination.

The determination of the Commissioner as to the amount to be paid to any mortgagor from the Mutual Mortgage Insurance Fund shall be final and conclusive.

SALE, ASSIGNMENT AND PLEDGE OF INSURED MORTGAGE

§ 222.180 Sale of insured mortgage to approved mortgagee.

(a) When an insured mortgage is sold to another approved mortgagee, both seller and buyer shall notify the Commissioner of the sale within 30 days thereof.

(b) The provisions of paragraph (a) of this section shall not apply to the assignment, pledge or transfer of an insured mortgage to an investing mortgagee.

§ 222.181 Effect of sale of insured mortgage.

(a) When an insured mortgage is sold to another approved mortgagee, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

(b) The provisions of paragraph (a) of this section shall not apply to the assignment, pledge or transfer of an insured mortgage to an investing mortgagee.

§ 222.182 Acceptable transfers by approved mortgagee.

(a) Any approved mortgagee may assign, pledge or transfer an insured mortgage, a group of such mortgages or a partial interest in such mortgage or mortgages to another approved mortgagee by means of any agreement, arrangement or device (including declarations of trust, participation certificates or trust certificates) if the transfer does not constitute a final sale.

(b) The provisions of paragraph (a) of this section shall not apply to an assignment, pledge or transfer of an insured mortgage to an investing mortgagee. However, upon the assignment of a mortgage to an investing mortgagee the credit instrument shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subject to compliance with the regulations of the FHA.

§ 222.183 Requirements of transfer by approved mortgagee.

(a) Any acceptable transfer by an approved mortgagee which does not constitute a final sale, shall provide that one of the approved mortgagees shall be the mortgagee of record under the contract of insurance and the Commissioner shall have no obligation to recognize or deal with any party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance. With respect to transfers made pursuant to § 222.182 and this section, mortgagees are not required to notify the Commissioner of the transfer or to obtain the Commissioner's approval.

(b) The provisions of paragraph (a) of this section shall not apply to an assignment, pledge or transfer of an insured mortgage to an investing mortgagee. However, upon the assignment of a mortgage to an investing mortgagee the credit instrument shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subject to compliance with the regulations of the FHA.

§ 222.184 Sale or disposition of insured mortgage to other than approved mortgagee.

The mortgagee shall not sell or otherwise dispose of any insured mortgage, group of insured mortgages, or any partial interest in an insured mortgage or group of insured mortgages to anyone other than an approved mortgagee by means of any agreement, arrangement or device (including a declaration of trust, participation certificate or a trust certificate) except under the following conditions:

(a) *Information to be filed with Commissioner.* That the mortgagee file with the Commissioner a copy of the proposed legal instruments, together with a prospectus and such other material and information as the Commissioner may require; and

(b) *Provision for an approved mortgagee of record.* That the proposed agreements or legal instruments provide that one approved mortgagee will be the mortgagee of record under the contract of insurance and that the Commissioner shall have no obligation to recognize or deal with any other party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

§ 222.185 Form of assignment to investing mortgagee.

(a) The assignment of the insured mortgage and credit instrument to an investing mortgagee shall contain the following paragraph:

It is a condition of this assignment that the assignee and his heirs, successors, executors, administrators and assigns shall be limited to the receipt of: (1) the principal recovery; (2) all net income from the insured mortgage; (3) the net proceeds from a sale of the mortgage; and (4) the transfer of any debentures, cash adjustment check, or certificates of claim issued by the Federal Housing Commissioner in the name of the assignor or the net proceeds of the foregoing. Unless made subject to the terms and conditions of this paragraph, no further assignment or transfer of this mortgage shall be valid unless and until: (1) the insurance contract with the Federal Housing Administration has been duly terminated in accordance with FHA Regulations; or (2) the mortgage is assigned to an FHA approved mortgagee other than a loan correspondent mortgagee or investing mortgagee. It is a further condition of this assignment that the assignor and assignee or his heirs or successors shall, at no time, take any action inconsistent with the FHA Regulations and the assignee will take no action which will prevent the assignor from complying with the FHA Regulations. All the rights and obligations under the contract or contracts of insurance with the Federal Housing Administration are retained by the assignor and FHA will have no obligation to recognize or deal with any other party except the assignor. The assignor shall have a tacit lien on the mortgage and any principal recovery and net income therefrom as security for the payment of any amounts the assignor may be required to pay for the benefit of the assignee. This paragraph is for the benefit of the Federal Housing Administration and may not be altered. This paragraph will be controlling in the event of any conflict with its provisions by any other agreement or covenant between the assignor and assignee, but shall no longer have any force or effect if the mortgage is assigned to an FHA approved mortgagee other than a loan correspondent mortgagee or an investing mortgagee.

(b) Any agreement to sell an insured mortgage entered into by a sponsoring mortgagee with a prospective investing mortgagee shall contain the following paragraph:

It is mutually agreed by the parties that the assignment of the FHA insured mortgage and credit instrument described herein will contain the language as specified for inclusion in the assignment as set forth in the FHA Regulations. It is further agreed that the credit instrument to be assigned shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subject to compliance with the Regulations of the Federal Housing Administration.

EXTENSION OF TIME

§ 222.190 Actions to be taken by mortgagee.

With respect to any action required by the mortgagee within a period of time prescribed by this part the Commissioner may extend such period.

AMENDMENTS

§ 222.195 Amendments not to change contractual rights.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

APPLICABILITY AND EFFECTIVE DATE

§ 222.199 Applicability to outstanding loans and commitments.

The regulations in this part, as revised December 1, 1960, shall apply to all applications for debentures filed on or after that date in connection with mortgages insured prior to that date unless the mortgagee elects to apply for debentures under the provisions of regulations in effect as of the date the mortgage was insured or the date the commitment for insurance was issued.

§ 222.200 Effective date.

The regulations in this part are effective as to all mortgages with respect to which a commitment to insure is issued on or after December 1, 1960.

PART 226—SERVICEMEN'S MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

In section 226.1, paragraph (a) is amended to read as follows:

§ 226.1 Incorporation by reference.

(a) The provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act which refer to the mortgagee shall be construed to refer to the mortgagee or the service branch, as the case may be, in connection with mortgages insured under section 222 of the National Housing Act. In addition, all of the provisions of Part 222 of this chapter, covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 222 of the National Housing Act except the following provisions:

Sec.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.

Section 226.3 is amended to read as follows:

§ 226.3 Annual mortgage insurance premiums and charges.

The service branch shall during the period of ownership by a serviceman have the responsibility for payment of all mortgage insurance premiums and charges. The mortgagee shall be responsible for payment of all such premiums or charges after it has been notified by the Commissioner that the period of ownership by the serviceman has been terminated.

Section 226.10 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 244—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT; INDIVIDUAL MORTGAGES

In § 244.1 paragraph (b) is amended to read as follows:

§ 244.1 Incorporation by reference.

* * * * *

(b) *Other provisions.* All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 213 of the National Housing Act except the following provisions:

Sec.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund Income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Section 244.100 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

PART 262—URBAN RENEWAL INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

In § 262.1, paragraph (a) is amended to read as follows:

§ 262.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act except the following provisions:

Sec.
222.65 Termination by non-conveyance.
222.66 Termination by prepayment of mortgage.
222.67 Termination by voluntary agreement.
222.68 Notice of termination by mortgage.
222.69 Pro rata payment of premiums and charges.
222.70 Notice and date of termination by Commissioner.
222.71 Effect of termination.
222.90 Conditions of special forbearance relief.
222.91 Reimbursement for uncollected interest.
222.100 Assignment of defaulted mortgage—in general.
222.101 Mortgage and items to be delivered upon assignment.
222.102 Certification by mortgagee.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund Income or Loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.

Section 262.2 is amended to read as follows:

§ 262.2 Forbearance of foreclosure.

All of the provisions of §§ 222.90 and 222.91 of this chapter shall apply to mortgages insured under this part except that the privileges of forbearance of foreclosure shall only extend to mortgages covering a property having not more than four dwelling units.

Section 262.3 is amended to read as follows:

§ 262.3 Voluntary termination.

All of the provisions of §§ 222.65 through 222.71 of this chapter shall apply to mortgages insured under this part except that the privileges of voluntary termination shall only extend to mortgages covering a property having not more than four dwelling units.

Section 262.100 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

PART 267—HOME RELOCATION INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING ONE- TO FOUR-FAMILY DWELLINGS

In § 267.1 paragraph (a) is amended to read as follows:

§ 267.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages on one- to four-family dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund Income or Loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.

Section 267.100 is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER H—WAR HOUSING INSURANCE

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 277.8 is amended by adding a new paragraph (f) as follows:

§ 277.8 Condition of property when transferred; delivery of debentures, certificate of claim and definition of "waste".

* * * * *

(f) Applications for debentures with respect to mortgages insured under the provisions of this part shall be processed in accordance with the procedures under Part 222 of this chapter.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interprets or applies sec. 603, 55 Stat. 56, as amended; 12 U.S.C. 1738)

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Subpart B—Civilian Employees

In § 293a.25 paragraph (a) is amended to read as follows:

§ 293a.25 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 809 of the National Housing Act except the following provisions:

Sec.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund Income or Loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.

Section 293a.100 is deleted.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 809, 70 Stat. 273, as amended; 12 U.S.C. 1748h–1)

PART 294—ARMED SERVICES HOUSING INSURANCE—SECTION 810 OF ACT

Subpart B—Rights and Obligations of Mortgagee Under Insurance Contract

In § 294.102 Paragraph (a) is amended to read as follows:

§ 294.102 Incorporation by reference—Individual Mortgages.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to Individual Mortgages insured under section 810 of the National Housing Act except the following provisions:

Sec.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund Income or Loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.

Section 294.200 is deleted.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 810, 73 Stat. 683; 12 U.S.C. 1748h–2)

SUBCHAPTER N—NATIONAL DEFENSE HOUSING INSURANCE

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

In section 295.3 paragraph (e) is amended to read as follows:

§ 295.3 Annual insurance premiums and charges.

* * * * *

(e) Sections 222.55 through 222.59 of this chapter shall be applicable to mortgages insured under this subchapter.

Section 295.11 is amended by adding a new paragraph (f) as follows:

§ 295.11 Condition of property when transferred; delivery of debentures, certificate of claim and definition of "waste".

* * * * *

(f) Applications for debentures with respect to mortgages insured under the provisions of this part shall be processed in accordance with the procedures under Part 222 of this chapter.

Section 295.12 is amended to read as follows:

§ 295.12 Satisfactory title evidence.

Sections 222.135 through 222.139 of this chapter shall be applicable to the mortgages insured under this subchapter.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f. Interpret or apply sec. 903, 65 Stat. 296, as amended; 12 U.S.C. 1750b)

Issued at Washington, D.C., September 27, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[P.R. Doc. 60–8377; Filed, Sept. 26, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6493]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Credit Unions and Mutual Insurance Funds; Certain Loans by Employees' Trusts

On April 9, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 503 of the Internal Revenue Code of 1954 to reflect the changes made by section 30 of the Technical Amendments Act of 1958 (72 Stat. 1629) was published in the FEDERAL REGISTER (25 F.R. 3075). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so published are hereby adopted. In addition, in order to reflect the change made by the Act of April 22, 1960 (Public Law 86–428, 74 Stat. 54), the following amendments are included in the Treasury decision and the amendments contained therein are adopted:

1. Section 1.501(c)(14) is amended (A) by striking out "1951" in section 501(c)(14) and inserting in lieu thereof "1957" and (B) by adding a historical note at the end thereof.

2. Section 1.501(c)(14)–1 is amended by adding a new sentence at the end thereof.

Because the amendments to the regulations under section 501(c)(14) contained in this Treasury decision do not prescribe new or different substantive rules but merely reflect the provisions of the Act of April 22, 1960 (Public Law 86–428, 74 Stat. 54), which change the date relating to when an organization must be organized in order to qualify for exemption under such section 501 (c)(14), it is found that it is unnecessary to issue these amendments with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: September 22, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

PARAGRAPH 1. Section 1.503(c)–1 is amended:

(A) By revising paragraph (b)(2)(iv) to read as follows:

(iv) December 1, 1958, for debentures which were purchased before November 9, 1956, and held after December 1, 1958.

(B) By adding at the end of paragraph (b) the following new subparagraph:

(3) *Certain exceptions to section 503 (c)(1).* See section 503(h) and §§ 1.503 (h)–1, 1.503(h)–2, and 1.503(h)–3 for special rules providing that certain obligations acquired by an employees' trust described in section 401(a) shall not be treated as loans made without the receipt of adequate security for purposes of section 503(c)(1). See section 503(i) and § 1.503(i)–1 for an exception to the application of section 503(c)(1) for certain loans made by employees' trusts described in section 401(a).

(C) By striking the first sentence of paragraph (c) and inserting in lieu thereof the following sentences: "The following examples illustrate the operation of section 503(c)(1) with regard to organizations described in section 501 (c)(3). The examples are also illustra-

tive of the operation of section 503(c)(1) with respect to employees' trusts described in section 401(a), to the extent that section 503 (h) or (i) is not applicable."

(D) By revising the fourth sentence of example (6) in paragraph (c) to read as follows:

If the organization purchased the debenture on or before November 8, 1956, and holds it after December 1, 1958, the debenture must be adequately secured on December 2, 1958, or it will be then considered as a prohibited transaction.

PAR. 2. Section 1.503(g)-1 is amended to read as follows:

§ 1.503(g)-1 Cross references.

For provisions relating to loans by a trust described in section 401(a), see § 1.503(c)-1 and section 503 (h) and (i) and the regulations thereunder.

PAR. 3. There are inserted immediately after § 1.503(g)-1 the following new sections:

§ 1.503(h) Statutory provisions; requirements for exemption; special rules relating to lending by section 401(a) trusts to certain persons.

SEC. 503. *Requirements for exemption.* • • •

(h) *Special rules relating to lending by section 401(a) trusts to certain persons.* For purposes of subsection (c)(1), a bond, debenture, note, or certificate or other evidence of indebtedness (hereinafter in this subsection referred to as "obligation") acquired by a trust described in section 401(a) shall not be treated as a loan made without the receipt of adequate security if—

(1) Such obligation is acquired—

(A) On the market, either (i) at the price of the obligation prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (ii) if the obligation is not traded on such a national securities exchange, at a price not less favorable to the trust than the offering price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer;

(B) From an underwriter, at a price (i) not in excess of the public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, and (ii) at which a substantial portion of the same issue is acquired by persons independent of the issuer; or

(C) Directly from the issuer, at a price not less favorable to the trust than the price paid currently for a substantial portion of the same issue by persons independent of the issuer;

(2) Immediately following acquisition of such obligation—

(A) Not more than 25 percent of the aggregate amount of obligations issued in such issue and outstanding at the time of acquisition is held by the trust, and

(B) At least 50 percent of the aggregate amount referred to in subparagraph (A) is held by persons independent of the issuer; and

(3) Immediately following acquisition of the obligation, not more than 25 percent of the assets of the trust is invested in obligations of persons described in subsection (c).

[Sec. 503(h) as added by sec. 30(a), Technical Amendments Act 1958 (72 Stat. 1629)]

SEC. 30. *Denial of exemption to organizations engaged in prohibited transactions [Technical Amendments Act of 1958 (72 Stat. 1629)].* • • •

(c) *Effective date.* • • •

(2) *Exceptions.* Nothing in subsection (a) shall be construed to make any transaction a prohibited transaction which, under announcements of the Internal Revenue Service made with respect to section 503(c)(1) of the Internal Revenue Code of 1954 before the date of the enactment of this Act, would not constitute a prohibited transaction. In the case of any bond, debenture, note, or certificate or other evidence of indebtedness acquired before the date of the enactment of this Act [September 2, 1958] by a trust described in section 401(a) of such Code which is held on such date, paragraphs (2) and (3) of section 503(h) of such Code shall be treated as satisfied if such requirements would have been satisfied if such obligation has been acquired on such date of enactment.

§ 1.503(h)-1 Certain loans by employees' trusts.

(a) *In general.* (1) Section 503(h) provides that the acquisition by an employees' trust described in section 401(a) of a bond, debenture, note, or certificate or other evidence of indebtedness shall not be treated as a loan made without the receipt of adequate security for purposes of section 503(c)(1), relating to loans made without the receipt of adequate security and a reasonable rate of interest, if certain requirements are met. Those requirements are described in § 1.503(h)-2.

(2) Section 503(h) does not affect the requirement in section 503(c)(1) of a reasonable rate of interest. Thus, although the acquisition of a certificate of indebtedness which meets all of the requirements of section 503(h) and of § 1.503(h)-2 will not be considered as a loan made without the receipt of adequate security, the acquisition of such an indebtedness does constitute a prohibited transaction if the indebtedness does not bear a reasonable rate of interest.

(3) The provisions of section 503(h) do not limit the effect of section 401(a) and § 1.401-2, relating to use or diversion of corpus or income of an employees' trust, or the effect of any of the provisions of section 503 other than section 503(c)(1). Consequently, although a loan made by an employees' trust described in section 401(a) meets all the requirements of section 503(h) and therefore is not treated as a loan made without the receipt of adequate security, an employees' trust making such a loan will lose its exempt status if the loan is not considered as made for the exclusive benefit of the employees or their beneficiaries. Similarly, a loan which meets the requirements of section 503(h) will constitute a prohibited transaction within the meaning of section 503(c)(6) if it results in a substantial diversion of the trust's income or corpus to a person described in section 503(c).

(b) *Definitions.* For purposes of section 503(h):

(1) The term "obligation" means bond, debenture, note, or certificate or other evidence of indebtedness.

(2) The term "issuer" includes any person described in section 503(c) who issues an obligation.

(3)(i) The term "person independent of the issuer" means a person who is not related to the issuer by blood, by marriage, or by reason of any substantial business interests. Persons who will be considered not to be independent of the issuer include but are not limited to:

(*a*) The spouse, ancestor, lineal descendant, or brother or sister (whether by whole or half blood) of an individual who is the issuer of an obligation;

(*b*) A corporation controlled directly or indirectly by an individual who is the issuer, or directly or indirectly by the spouse, ancestor, lineal descendant, or brother or sister (whether by whole or half blood) of an individual who is the issuer;

(*c*) A corporation which directly or indirectly controls, or is controlled by, a corporate issuer;

(*d*) A controlling shareholder of a corporation which is the issuer, or which controls the issuer;

(*e*) An officer, director, or other employee of the issuer, of a corporation controlled by the issuer, or of a corporation which controls the issuer;

(*f*) A fiduciary of any trust created by the issuer, by a corporation which controls the issuer, or by a corporation which is controlled by the issuer; or

(*g*) A corporation controlled by a person who controls a corporate issuer.

(ii) For purposes of subdivision (i) of this subparagraph, the term "control" means, with respect to a corporation, direct or indirect ownership of 50 percent or more of the total combined voting power of all voting stock or 50 percent or more of the total value of shares of all classes of stock. If the aggregate amount of stock in a corporation owned by an individual and by the spouse, ancestors, lineal descendants, brothers and sisters (whether by whole or half blood) of the individual is 50 percent or more of the total combined voting power of all voting stock or is 50 percent or more of the total value of all classes of stock, then each of these persons shall be considered as the controlling shareholder of the corporation.

(iii) In determining family relationships for purposes of subdivision (i) of this subparagraph, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(4) The term "issue" means all the obligations of an issuer which are offered for sale on substantially the same terms. Obligations shall be considered offered for sale on substantially the same terms if such obligations would, at the same time and under the same circumstances, be traded on the market at the same price. On the other hand, if the terms on which obligations are offered for sale differ in such manner as would cause such obligations to be traded on the market at different prices, then such obligations are not part of the same issue. The following are examples of terms which, if different, would cause obligations to be traded on the market at different prices:

(i) Interest rate;
(ii) Maturity date;
(iii) Collateral; and
(iv) Conversion provisions.

The fact that obligations are offered for sale on different dates will not preclude such obligations from being part of the same issue if they all mature on the same date and if the terms on which they are offered for sale are otherwise the same, since such obligations would, at the same time and under the same conditions, be traded on the market at the same price. Obligations shall not be considered part of the same issue merely because they are part of the same authorization or because they are registered as part of the same issue with the Securities and Exchange Commission.

§ 1.503(h)-2 Requirements.

(a) *In general.* The requirements which must be met under section 503(h) for an obligation not to be treated as a loan made without the receipt of adequate security for purposes of section 503(c)(1) are described in paragraphs (b), (c), and (d) of this section.

(b) *Methods of acquisition*—(1) *In general.* The employees' trust described in section 401(a) must acquire the obligation on the market, by purchase from an underwriter, or by purchase from the issuer, in the manner described in subparagraph (2), (3), or (4) of this paragraph.

(2) *On the market.* (i) An obligation is acquired on the market when it is purchased through a national securities exchange which is registered with the Securities and Exchange Commission, or when it is purchased in an over-the-counter transaction. For purposes of the preceding sentence, securities purchased through an exchange which is not a national securities exchange registered with the Securities and Exchange Commission shall be treated as securities purchased in an over-the-counter transaction.

(ii)(*a*) If the obligation is listed on a national securities exchange registered with the Securities and Exchange Commission, it must be purchased through such an exchange or in an over-the-counter transaction at a price not greater than the price of the obligation prevailing on such an exchange at the time of the purchase by the employees' trust.

(*b*) For purposes of section 503(h), the price of the obligation prevailing at the time of the purchase means the price which accurately reflects the market value of the obligation. In the case of an obligation purchased through a national securities exchange which is registered with the Securities and Exchange Commission, the price paid for the obligation will be considered the prevailing price of the obligation. In the case of an obligation purchased in an over-the-counter transaction, the prevailing price may be the price at which the last sale of the obligation was effected on such national securities exchange immediately before the trust's purchase of such obligation on the same day or may be the mean between the highest and lowest prices at which sales were effected on such exchange on the same day or on the immediately preceding day or on the last day during which there were sales of such obligation or may be a price determined by any other method which accurately reflects the market value of the obligation.

(iii)(*a*) If the obligation is not listed on a national securities exchange which is registered with the Securities and Exchange Commission, it must be purchased in an over-the-counter transaction at a price not greater than the price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer.

(*b*) For purposes of section 503(h), the offering price for the obligation at the time of the purchase means the price which accurately reflects the market value of the obligation. The offering price may be the price at which the last sale of the obligation to a person independent of the issuer was effected immediately before the trust's purchase of such obligation on the same day or may be the mean between the highest and lowest prices at which sales to persons independent of the issuer were effected on the same day or on the immediately preceding day or on the last day during which there were sales of such obligation or may be a price determined by any other method which accurately reflects the market value of the obligation. The offering price for an obligation must be a valid price for the amount of the obligations which the employees' trust is purchasing. For example, if an employees' trust purchases 1,000 bonds of the employer corporation at the offering price established by current prices for a lot of 10 such bonds, such offering price may not be a valid price for 1,000 bonds and the purchase may therefore not meet the requirements of this subdivision. For a purchase of an obligation to qualify under this subdivision, there must be sufficient current prices quoted by persons independent of the issuer to establish accurately the current value of the obligation. Thus, if there are no current prices quoted by persons independent of the issuer, an over-the-counter transaction will not qualify under this subparagraph although the obligation was purchased in an arm's length transaction from a person independent of the issuer.

(iv) For purposes of this section, an over-the-counter transaction is one not executed on a national securities exchange which is registered with the Securities and Exchange Commission. An over-the-counter transaction may be made through a dealer or an exchange which is not such a national securities exchange or may be made directly from the seller to the purchaser.

(3) *From an underwriter.* An obligation may be purchased from an underwriter, if it is purchased at a price not greater than:

(i) The public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, or

(ii) The price at which a substantial portion of the issue including such obligation is acquired by persons independent of the issuer,

whichever is the lesser price. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of a substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The requirement in subdivision (ii) of this subparagraph contemplates purchase of the obligations by persons independent of the issuer contemporaneously with the purchase by the employees' trust. If a substantial portion has been purchased at different prices, the price of the portion may be based on the average of such prices, and if several substantial portions have been sold to persons independent of the issuer, the price of any of the substantial portions may be used for purposes of this subparagraph.

(4) *From the issuer.* An obligation may be purchased directly from the issuer at a price not greater than the price paid currently for a substantial portion of the same issue by persons independent of the issuer. This requirement contemplates purchase of a substantial portion of the same issue by persons independent of the issuer contemporaneously with the purchase by the employees' trust. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of a substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The price paid for a substantial portion of the issue may be determined in the manner provided in subparagraph (3) of this paragraph.

(c) *Limitations on holdings of obligations.* (1) Immediately following acquisition of the obligation by the employees' trust:

(i) Not more than 25 percent of the aggregate amount of the obligations issued in such issue and outstanding immediately after acquisition by the trust may be held by the trust, and

(ii) At least 50 percent of such aggregate amount must be held by persons independent of the issuer.

(2)(i) For purposes of subparagraph (1) of this paragraph, an obligation is not considered as outstanding if it is held by the issuer. For example, if an obligation which has been issued and outstanding is repurchased and held by the issuer, without cancellation or retire-

ment, such an obligation is not considered outstanding.

(ii) For purposes of subparagraph (1) of this paragraph, the amounts of the obligations held by the employees' trust and by persons independent of the issuer shall be computed on the basis of the face amount of the obligations.

(d) *Limitation on amount invested in obligations.* (1)(i) Immediately following acquisition of the obligation, not more than 25 percent of the assets of the trust may be invested in all obligations of all persons described in section 503(c). For purposes of determining the amount of the trust's assets which are invested in obligations of persons described in section 503(c) immediately following acquisition of the obligation, those obligations shall be valued as follows:

(*a*) Those obligations included in the acquisition in respect of which the percentage test in the first sentence of this subdivision is being applied shall be valued at their adjusted basis, as provided in section 1011, relating to adjusted basis for determining gain or loss; and

(*b*) All other obligations of persons described in section 503(c) which were part of the trust's assets immediately before the acquisition of the obligations described in (*a*) of this subdivision shall be valued at their fair market value on the day that the obligations described in (*a*) of this subdivision were acquired.

For purposes of determining the total amount of the assets of the trust (including obligations of persons described in section 503(c)), there shall be used the fair market value of those assets on the day the obligation is acquired.

(ii) The application of the rules in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. On February 1, 1960, an exempt employees' trust described in section 401(a) purchases unsecured debentures issued by the employer corporation for $1,000. At the time of this purchase, such debentures have a fair market value of $1,200. Immediately after the purchase of such unsecured debentures, the assets of the trust consist of the following:

	Cost	*Fair market value on Feb. 1, 1960*
(*a*) Assets other than obligations of persons described in section 503(c)	$5,000	$7,800
(*b*) Obligations of persons described in section 503(c) acquired before Feb. 1, 1960	500	1,000
(*c*) Unsecured debentures of employer purchased on Feb. 1, 1960	1,000	1,200

Immediately following acquisition of the unsecured debentures by the trust, the percent of the assets of the trust that are invested in all obligations of all persons described in section 503(c) is computed as follows:

(*1*) Obligations of persons described in section 503(c) acquired before Feb. 1, 1960 (valued at fair market value)	$1,000
(*2*) Unsecured debentures of employer purchased on Feb. 1, 1960 (valued at cost)	1,000
(*3*) Total amount of trust's assets invested in obligations of persons described in section 503(c) ((*1*) plus (*2*))	$2,000
(*4*) Assets of the trust other than obligations of persons described in section 503(c) (valued at fair market value on Feb. 1, 1960)	7,800
(*5*) Obligations of persons described 503(c) acquired before Feb. 1, 1960 (valued at fair market value on Feb. 1, 1960)	1,000
(*6*) Unsecured debentures of employer purchased on Feb. 1, 1960 (valued at fair market value on Feb. 1, 1960)	1,200
(*7*) Total assets of the trust valued at fair market value on Feb. 1, 1960 (sum of (*4*), (*5*), and (*6*))	10,000
(*8*) Percent of assets of the trust invested in all obligations of all persons described in section 503 (c) immediately following purchase of unsecured debentures on Feb. 1, 1960 ((*3*) ÷ (*7*), that is, $2,000 ÷ $10,000)	20%

(2) In determining for purposes of subparagraph (1) of this paragraph the amount invested in obligations of persons described in section 503(c), there shall be included amounts invested in any obligations issued by any such person, irrespective of whether the obligation is secured, and irrespective of whether the obligation meets the conditions of section 503(h) or section 503 (i). Obligations of persons described in section 503(c) other than the issuer of the obligation to which section 503(h) applies are also included within the 25-percent limitation. For example, if on February 19, 1959, an exempt employees' trust described in section 401(a) purchases unsecured debentures issued by the employer corporation in a transaction effected on the New York Stock Exchange, and if immediately after the purchase 10 percent of the trust's assets is invested in such debentures and 20 percent of its assets is invested in a loan made with adequate security on January 12, 1959, to the wholly-owned subsidiary of the employer corporation, then the purchase of the employer's debentures will not qualify under section 503(h), since 30 percent of the trust's assets are then invested in obligations of persons described in section 503(c).

(e) *Change of terms of an obligation.* A change in the terms of an obligation is considered as the acquisition of a new obligation. If such new obligation is not adequately secured, the requirements of section 503(h) must be met at the time the terms of the obligation are changed for such section to be applicable to such new loan.

§ 1.503(h)–3 Effective dates.

(a) Section 503(h) and §§ 1.503(h)–1 and 1.503(h)–2 are effective for taxable years ending after March 15, 1956. Thus, if during a taxable year ending before March 16, 1956, an employees' trust made a loan which meets the requirements of section 503(h), such loan will not be treated as made without the receipt of adequate security and will not cause loss of exemption for taxable years ending after March 15, 1956, although such loan was not considered adequately secured when made.

(b)(1) In the case of obligations acquired by the trust before September 2, 1958, which were held on that date, the requirements described in paragraphs (c) and (d) of § 1.503(h)–2 which were not satisfied immediately following the acquisition shall be treated as satisfied at that time if those requirements would have been satisfied had the obligations been acquired on September 2, 1958. For example, on January 3, 1955, an employees' trust described in section 401(a) purchased through the New York Stock Exchange unsecured debentures issued by the employer corporation. Under section 503(h) the acquisition of such debentures by the trust will not be treated for taxable years ending after March 15, 1956, as a loan made without the receipt of adequate security if the debentures were held by the trust on September 2, 1958, and if the requirements of paragraphs (c) and (d) of § 1.503(h)–2 which were not met on January 3, 1955, were met on September 2, 1958, as if that date were the date of acquisition.

(2) In the case of obligations acquired before September 2, 1958, which were not held by the trust on that date, only the requirement described in paragraph (b) of § 1.503(h)–2 must be satisfied for section 503(h) to be applicable to such acquisition. For example, if on December 5, 1956, an employees' trust lent money to the employer corporation by purchasing a debenture issued by the employer and if the trust sold the debenture on August 1, 1958, such loan would not be treated as made without the receipt of adequate security if the requirement described in paragraph (b) of § 1.503(h)–2 was met on December 5, 1956.

(c) See paragraph (b)(2) of § 1.503 (c)–1 for the effective dates for the application of the definition of adequate security.

§ 1.503(i) Statutory provisions; requirements for exemption; loans with respect to which employers are prohibited from pledging certain assets.

SEC. 503. *Requirements for exemption.* • • •

(i) *Loans with respect to which employers are prohibited from pledging certain assets.* Subsection (c)(1) shall not apply to a loan made by a trust described in section 410(a) to the employer (or to a renewal of such a loan or, if the loan is repayable upon demand, to a continuation of such a loan) if the loan bears a reasonable rate of interest, and if (in the case of a making or renewal)—

(1) The employer is prohibited (at the time of such making or renewal) by any law of the United States or regulation thereunder from directly or indirectly pledging, as security for such a loan, a particular class or classes of his assets the value of which (at such time) represents more than one-half of the value of all his assets;

(2) The making or renewal, as the case may be, is approved in writing as an investment which is consistent with the exempt purposes of the trust by a trustee who is independent of the employer, and no other such trustee had previously refused to give such written approval; and

(3) Immediately following the making or renewal, as the case may be, the aggregate amount loaned by the trust to the employer, without the receipt of adequate security, does not exceed 25 percent of the value of all the assets of the trust.

For purposes of paragraph (2), the term "trustee" means, with respect to any trust for which there is more than one trustee who is independent of the employer, a majority of such independent trustees. For purposes of paragraph (3), the determination as to whether any amount loaned by the trust to the employer is loaned without the receipt of adequate security shall be made without regard to subsection (h).

[Sec. 503(i) as added by sec. 30(b), Technical Amendments Act 1958 (72 Stat. 1630)]

§ 1.503(i)–1 Loans by employers who are prohibited from pledging assets.

(a) *In general.* (1) Section 503(i) provides that section 503(c)(1) shall not apply to a loan made to the employer by an employees' trust described in section 401(a) if the loan bears a reasonable rate of interest and certain conditions are met. Section 503(i) also applies to the renewal of loans to the employer and, in the case of demand loans, to the continuation of such loans.

(2) The provisions of section 503(i) do not limit the effect of section 401(a) and § 1.401–2, relating to use or diversion of corpus or income of an employees' trust, or the effect of any of the provisions of section 503 other than section 503(c)(1). Consequently, although a loan made by an employees' trust described in section 401(a) meets all the requirements of section 503(i) and therefore is not treated as a loan made without the receipt of adequate security, an employees' trust making such a loan will lose its exempt status if the loan is not considered as made for the exclusive benefit of the employees or their beneficiaries. Similarly, a loan which meets the requirements of section 503(i) will constitute a prohibited transaction within the meaning of section 503(c)(6) if it results in a substantial diversion of the trust's income or corpus to a person described in section 503(c).

(b) *Conditions.* (1) Section 503(i) applies to a loan only if, with respect to the making or renewal of the loan, the conditions described in subparagraphs (2), (3), and (4) of this paragraph are met. For purposes of this paragraph, the mere continuance of a demand loan is not considered as the making or renewal of such a loan.

(2) The employer must be prohibited (at the time of the making or renewal of the loan) by any law of the United States or regulations thereunder from directly or indirectly pledging, as security for such a loan, a particular class or classes of his assets the value of which (at such time) represents more than one-half of the value of all his assets. If a loan is made or renewed when the employer is prohibited by a law of the United States (or the regulations thereunder) from pledging a class of his assets, the qualification of such a loan under section 503(i) will not be affected by a subsequent change in such law or regulations permitting the employer to pledge such assets, unless such loan is renewed after such change. See section 8(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78h(a)), which prohibits certain persons from pledging a class of assets as security for loans, and 12 CFR 220.5(a) (credit by brokers, dealers, and members of National securities exchanges).

(3) The making or renewal, as the case may be, must be approved in writing as an investment which is consistent with the exempt purposes of the trust by a trustee who is independent of the employer, and such written approval must not have been previously refused by any other such trustee. A trustee is independent of the employer, for purposes of this subparagraph, if he is entirely free of influence or control by the employer. For example, if the employer is a partnership, then a partner in such partnership, or a member of a partner's family would not be considered independent of the employer. Similarly, an employee of the employer would not be considered independent of the employer. For purposes of this subparagraph, the term "trustee" means, with respect to any trust for which there are two trustees who are independent of the employer, both of such trustees and, with respect to any trust for which there are more than two such independent trustees, a majority of the trustees independent of the employer.

(4)(i) Immediately following the making or renewal, as the case may be, the aggregate amount lent by the trust to the employer, without the receipt of adequate security, must not exceed 25 percent of the value of all the assets of the trust.

(ii) For purposes of subdivision (i) of this subparagraph, the determination as to whether any amount lent by the trust to the employer is a loan made without the receipt of adequate security shall be made without regard to section 503(h). Thus, if an employees' trust makes a loan on January 2, 1959, to the employer without adequate security (but which loan is not considered as made without adequate security under section 503(h)), and if immediately after making such loan 10 percent of the value of all its assets is invested in such loan, then the trust may on that day invest not more than an additional 15 percent of its assets in a loan which would be considered made without adequate security if it were not for the provisions of section 503(i).

(iii) For purposes of subdivision (i) of this subparagraph, in determining the value of all the assets of the trust, there shall be used the fair market value of those assets on the day of the making or renewal.

(c) *Reasonable rate of interest.* Section 503(i) only applies if, in addition to meeting the conditions described in paragraph (b) of this section, the loan bears a reasonable rate of interest when it is made, renewed, or, in the case of demand loans, during the period of its existence.

(d) *Change of terms of loan.* A change in the terms of a loan (including a reduction in the security for a loan) is considered as the making of a new loan. If such a new loan is not adequately secured, the requirements of section 503(i) must be met at the time the terms of the loan are changed for such section to be applicable to such new loan.

(e) *Effective date.* (1) This section and section 503(i) are effective for taxable years ending after September 2, 1958, but only with respect to periods after such date. Thus, if a loan was made on or before September 2, 1958, without the receipt of adequate security and if, when such loan was made, it met all of the requirements of section 503(i) and this section, then the loan is not subject to section 503(c)(1) after September 2, 1958, and would not constitute a prohibited transaction after that date because of a lack of adequate security.

(2) See paragraph (b)(2) of § 1.503 (c)–1 for the effective dates for application of the definition of adequate security.

PAR. 4. Section 1.501(c)(14) is amended (A) by striking out "1951" in section 501(c)(14) and inserting in lieu thereof "1957" and (B) by adding a historical note at the end thereof. Section 1.501(c)(14), as amended, reads as follows:

§ 1.501(c)(14) Statutory provisions: exemption from tax on corporations, certain trusts, etc.: credit unions.

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* • • •

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

• • • • • •

(14) Credit unions without capital stock organized and operated for mutual purposes and without profit; and corporations or associations without capital stock organized before September 1, 1957, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in—

(A) Domestic building and loan associations,

(B) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(C) Mutual savings banks not having capital stock represented by shares.

[Sec. 501(c)(14) as amended by Act of April 22, 1960 (Pub. Law 86–428, 74 Stat. 54)]

PAR. 5. Section 1.501(c)(14)–1 is amended by adding a new sentence at the end thereof. The amended section reads as follows:

§ 1.501(c)(14)–1 Credit unions and mutual insurance funds.

Credit unions (other than Federal credit unions described in section 501(c)(1)) without capital stock, organized and operated for mutual purposes and without profit, are exempt from tax under section 501(a). Corporations or associations without capital stock organized before September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in:

(a) Domestic building and loan associations as defined in section 7701(a)(19),

(b) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(c) Mutual savings banks not having capital stock represented by shares,

are also exempt from tax under section 501(a). In addition, corporations or associations of the type described in the preceding sentence which were organized on or after September 1, 1951, but before September 1, 1957, are exempt from tax under section 501(a) for taxable years beginning after December 31, 1959.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 60-8963; Filed, Sept. 26, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

St. Johns River, Fla.; Mobile Bay, Ala., and Mississippi Sound, Miss.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.183 is hereby amended to correct a bound of Anchorage C in St. Johns River, Florida, and § 202.194a is hereby prescribed designating two anchorages in Mobile Bay, Alabama and Mississippi Sound, Mississippi, as follows:

§ 202.183 St. Johns River, Fla.

(a) *The anchorage grounds.* • • •

(3) *Anchorage C.* Shoreward of a line located as follows:

Beginning at a point on the south shore westerly of the entrance to Miller Creek at longitude 81°38'15''; thence north 300 yards; thence east to longitude 81°37'40''; thence to latitude 30°19'06'', longitude 81°37'27''; thence east to longitude 81°37'02''; thence south to Empire Point.

§ 202.194a Mobile Bay, Ala., and Mississippi Sound, Miss.

(a) *The anchorage grounds.* (1) The waters of lower Mobile Bay, near Cedar Point, within an area bounded on the north by latitude 30°21'00'', on the east by longitude 88°05'00'', on the south by latitude 30°20'00'', and on the west by longitude 88°06'00''.

(2) The waters of Mississippi Sound, south of Biloxi, within an area bounded on the north by latitude 30°20'00'', on the east by longitude 88°54'00'', on the south by latitude 30°19'00'', and on the west by longitude 88°55'00''.

(b) *The regulations.* (1) The anchorages are exclusively for the use of unmanned barges, canal boats, scows, and other nondescript vessels. Such craft shall be so anchored that they will not at any time extend outside the limits of the anchorages.

(2) In emergencies or whenever maritime or commercial interests of the United States so require, the Captain of the Port is authorized to shift the position of any craft in the anchorages.

(3) Whenever in the opinion of the Captain of the Port, such action may be necessary, any or all craft in these anchorages may be required to be moored with two or more anchors.

(4) No vessel shall be navigated within the anchorages at a speed exceeding six knots.

[Regs., 13 September 1960, 285/91-ENGCW-O] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-8929; Filed, Sept. 26, 1960; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Snake River National Wildlife Refuge, Idaho

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

IDAHO

SNAKE RIVER NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Snake River National Wildlife Refuge, Idaho, is permissible only under the following conditions:

(a) Species permitted to be taken: Ring-necked pheasant; Bobwhite, Valley, Gambel and Mountain quail; Chukar Partridge, and Cottontail rabbit.

(b) Open season: Ring-necked pheasant—October 22 (noon) through November 20, 1960; Chukar Partridge and Quail—October 22 (noon) throurgh December 4, 1960; Cottontail rabbit—September 27, 1960, through February 28, 1961.

(c) Daily bag limits: Pheasant—4 cocks, except on November 19 and November 20 only when the bag limit shall be 4 birds, one (1) of which may be a hen. Possession limit after the first day—8 cocks, except on November 19 only when the possession limit shall be 8 birds, one (1) of which may be a hen and on November 20 only when the possession limit shall be 8 birds, two (2) of which may be hens. Quail—Five (5) birds in aggregate of Quail or a total of ten (10) birds in possession at any one time. Chukar Partridge—Five (5) birds, or a total of ten (10) birds in possession at any one time. Cottontail rabbit—Five (5) in possession at any one time.

(d) Methods of hunting: 1. Weapons: Shotguns only may be used for hunting of upland game.

2. Dogs: Dogs, not to exceed two (2) per hunter, may be used for hunting upland game birds.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 376 acres and 100 percent of the total refuge and which is described as follows:

All lands of the Snake River National Wildlife Refuge.

(f) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wilflife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 27, 1960 through February 28, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1960.

[F.R. Doc. 60-8951; Filed, Sept. 26, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 517—ARMY PARTICIPATION IN CIVILIAN ACTIVITIES

Troop Participation in Civilian Ceremonies

Section 517.1 is revised to read as follows:

§ 517.1 Troop participation in civilian ceremonies.

Troop participation in civic ceremonies stimulates as well as satisfies public interest in the Army and furthers community relations.

(a) As a general policy, authority is granted to participate in public exhibitions, demonstrations, or ceremonies as follows:

(1) In observance of Armed Forces Day, Memorial Day, Independence Day, Veterans Day, and on other occasions which the Secretary of the Army may designate and on corresponding occasions in foreign countries by Army units stationed therein.

(2) In "Open House" programs on posts, camps, stations, terminals, or other installations or activities.

(3) In events of a local nature for the purpose of initiating or furthering the community relations program and/or to assist the recruiting program.

(4) As designated by the Chief of Information, assist in publicizing motion pictures in the production of which the Army has cooperated.

(b) The Army commander concerned, who may delegate the authority to installation commanders, if desired, is authorized to approve participation of color guards, guards of honor, bands, troops and equipment (other than aircraft) in events of local importance occurring within the vicinity of the installation concerned. An exception to this policy is the Washington, D.C., area where such approval must be obtained from the Secretary of the Army.

(c) Requests initially received by Continental Army Command will be forwarded to the Army commander concerned for action.

(d) Requests received by the Department of the Army will be reviewed by the Chief of Information who will advise the requesting agency in any instance in which the occasion is considered inappropriate. In all other instances, requests will be forwarded to the Army commander concerned. If the Army commander approves troop participation under the provision of this section, he may authorize direct coordination between the military organization and the civilian agency concerned. A report outlining the contemplated degree of participation or the reasons for nonparticipation will be forwarded without delay to the Chief of Information, Department of the Army.

(e) Authority to permit Army participation in events of a national or international character, or which require coordination among the services or other governmental agencies, must be obtained from the Secretary of the Army. Agencies receiving such requests will forward them to the Chief of Information who is responsible for coordinating such requests with the Department of Defense.

(f) Army participation in public events must not directly or indirectly benefit or appear to benefit or favor any private individual, commercial venture, sect, or political or fraternal group. Requests for exceptions will be forwarded to Chief of Information for necessary coordination.

(g) In general, the cost of participation in public events will not be borne by the Army, except the pay of military personnel and small incidental expenses for activities of a local nature within areas contiguous to the installation to which the participating Army units are assigned.

(1) Transportation and operating costs of equipment used, costs of transportation of personnel, housing and standard per diem allowances, and all other costs, when the activity is not contiguous to the installation, will be borne by the civil organization sponsoring the activity. Exceptions to this policy may be made by the Secretary of the Army. Requests for exception will be forwarded to Chief of Information for necessary coordination.

(2) With the approval of the Secretary of the Army, transportation costs may be excluded from the cost to be borne by the civil organization sponsoring the event when transportation can be accomplished by Government transportation in conjunction with training activities.

(h) Parachute jumps, and equipment drops, except those scheduled as a part of regular training programs on Army installations, must be approved in advance by the Secretary of the Army. Requests for such approval will be sent to the Chief of Information, Department of the Army.

(i) Band, personnel and equipment participation in public events: Commanders may authorize participation of military personnel, equipment and Army bands (except the U.S. Army Band and the U.S. Army Field Band) for parade and demonstration purposes. In general, the following conditions are considered suitable for participation:

(1) When participation is an appropriate part of official occasions attended by the senior officers of the Government or the Department of Defense, in their official capacities and in the performance of official duties.

(2) For parades and ceremonies incident to gatherings of personnel of the Armed Forces, veterans, and patriotic organizations.

(3) At public rallies and parades intended to stimulate interest in the Armed Forces and/or to further the community relations program.

(4) Fund drives for officially recognized Armed Forces relief agencies or charitable organizations such as the Red Cross or United Givers Fund when the proceeds are donated to these agencies.

(5) Athletic contests in which one or more Armed Forces teams are participating.

(6) In connection with recruiting activities for the Armed Forces.

(7) At official occasions and free social and entertainment activities held on or off Armed Forces installations, provided that such free social and entertainment activities are conducted for the benefit of personnel of the Armed Forces and their guests.

(j) Exhibits: (1) Army exhibit participation is defined as any presentation of Army equipment, displays and exhibits, other than operable aircraft, at expositions, demonstrations, fairs, celebrations, and similar events.

(2) Requests for Army exhibit participation in events of international or national character, or those requiring coordination among the armed services or with other agencies of the Federal Government, will be referred to the Chief of Information, Department of the Army, who is charged with effecting the necessary coordination with the Department of Defense.

(3) Authority to approve participation in events other than those indicated in subparagraph (2) of this paragraph is delegated to the local commander concerned.

(4) Except as may be specifically authorized in advance by the Secretary of the Army, the sponsor of the occasion or event in which Armed Forces exhibits are requested, will be required to provide public liability and property damage insurance bond to safeguard the United States Government from any claims arising as a result of Armed Forces participation. The liability insurance policy must state clearly the intent to cover accidents caused by or resulting from the display, operation, or maintenance of equipment and displays owned by the United States Government, or resulting from acts of officers or employees of the United States Government acting within the scope of their employment. In local activities as authorized in paragraphs (a)(3) and (b) of this section, the insurance requirement is waived. Requests for exception to this policy will be forwarded to Chief of Information for necessary coordination.

[AR 360—55, 23 January 1957] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-8928; Filed, Sept. 26, 1960; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Claims Cognizable Under the Military Claims Act

Sections 836.11 to 836.27 supersede §§ 836.11 to 836.24 (32 CFR Part 836).

Sec.
836.11 Purpose.
836.12 Definitions.
836.13 Scope of employment and negligence.
836.14 Cognizable claims.
836.15 Claims not cognizable.
836.16 Claims cognizable under other directives.
836.17 Compensation for personal injury or death.
836.18 Claimants excluded.
836.19 Subrogation claims.
836.20 Procedure for processing claims.
836.21 When claims must be presented.
836.22 Claims involving shipment of property.
836.23 Settlement agreement.
836.24 Settlement authority.
836.25 Finality of action.
836.26 Appeals.
836.27 Claims for more than $1,000.

AUTHORITY: §§ 836.11 to 836.27 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 2731, 2733, and 2735.

SOURCE: AFR 112-3, August 10, 1960.

§ 836.11 Purpose.

Sections 836.11 to 836.27 outline procedures for administrative settlement of claims against the United States for damage to or loss of property, or for personal injury or death, when caused by Air Force military or civilian personnel, or otherwise incident to Air Force noncombat activities.

§ 836.12 Definitions.

Terms used in §§ 836.11 to 836.27 are defined in §§ 836.200 to 836.220.

§ 836.13 Scope of employment and negligence.

(a) *Noncombat activities.* A determination that the authorized act or omission giving rise to a claim was within the scope of employment or the result of Air Force negligence is not required if the cause of the damage or injury is "otherwise incident to noncombat activities" of the Air Force.

(b) *Other activities.* Claims resulting from other than Air Force "noncombat activities" require a determination that the act or omission giving rise to the

claim was within the scope of employment and the result of Air Force negligence (also see § 836.16(a)).

§ 836.14 Cognizable claims.

The following type claims are cognizable under §§ 836.11 to 836.27:

(a) *Personal injury and death.* Claims for personal injury and wrongful death, as well as pain and suffering preceding death (see §§ 836.200 to 836.220).

(b) *Property.* Claims for damage or loss of property include:

(1) Real property used and occupied except as excluded by § 836.15(m).

(2) Personal property bailed to the United States under an agreement, expressed or implied, unless the owner has expressly assumed the risk of damage or loss (see § 836.15 (j) and (k)).

(3) Registered or insured mail in the possession of the Air Force, even though the loss was caused by a criminal act. (Claims accruing while the mail is in the possession of the Post Office Department or caused by APO personnel are not cognizable under the provisions of §§ 836.11 to 836.27.) Provisions of this paragraph (b) do not apply to ordinary mail or to "minimum fee" insured mail not requiring an insurance number or receipt, unless such mail has a money value and it is determined that loss occurred while in Air Force custody (see § 836.14(b)(2)).

§ 836.15 Claims not cognizable.

Sections 836.11 to 836.27 do not apply to a claim which arises:

(a) From combat activities of military forces during time of war or armed conflict.

(b) Wholly or partly from the negligent or wrongful act of the claimant, his agent, or his employee. The doctrine of comparative negligence is not applicable.

(c) For property damage occurring to, or injury or death of military personnel incident to their service.

(d) For injury or death of a civilian employee cognizable under the Federal Employees' Compensation Act (39 Stat. 742; 5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 901), as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the United States Armed Forces (66 Stat. 138; 5 U.S.C. 150k) under the Act of July 18, 1958 (72 Stat. 397; 5 U.S.C. 150k–1).

(e) In a foreign country and presented by a claimant to the authorities of a foreign country and final action taken thereon under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Administrative Agreement, or other similar treaty or agreement.

(f) From a transaction purely contractual in nature.

(g) From private, as distinguished from Government, transactions.

(h) Solely from compassionate grounds.

(i) For patent infringement.

(j) For war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as gifts or for sale to another, voluntarily bailed to the Air Force, except registered or insured mail. No allowance will be made for any item where evidence indicates that the acquisition, possession, or transportation thereof was in violation of any regulation or directive.

(k) For precious jewels and other articles of extraordinary value, voluntarily bailed to the Air Force, unless within the provisions of § 836.14(b)(3). Allowance for articles acquired by barter will not be more than the cost of the articles tendered in barter.

(l) From the operations of a nonappropriated fund activity, unless arising from acts or omissions of military personnel while performing assigned military duties, and civilian employees paid from appropriated funds while performing official duties (see §§ 836.161 to 836.165).

(m) For rent, damage, or other payments involving the acquisition, possession, and disposition of real property or interests therein by and for the Air Force (see §§ 836.200 to 836.220).

(n) From claims for taking of private property by trespass resulting from the flight of aircraft.

(o) From traffic-type accidents, except when the incident which gives rise to the claim occurred outside the United States, its Territories, Commonwealths, or Possessions and is not cognizable under §§ 836.61 to 836.77. In such incidents the ordinary principles of negligence will apply, as well as a determination as to scope of employment.

§ 836.16 Claims cognizable under other directives.

Sections 836.31 to 836.46, 836.51 to 836.56, 836.61 to 836.77, 836.90 to 836.101, 836.141 to 836.148, or 836.161 to 836.165 take precedence under §§ 836.11 to 836.27 as to any claim cognizable thereunder.

§ 836.17 Compensation for personal injury or death.

As to any claim, allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished at the expense of the United States.

§ 836.18 Claimants excluded.

A national or an ally, or a corporation controlled by a national or an ally, of a country at war or engaged in armed conflict with the United States, or of any country allied with such country, is excluded as a claimant, unless the approving authority considering the claim or the local military commander subject to review by the approving authority, shall determine that the claimant was at the time of the incident, and is, friendly to the United States. A prisoner of war or an interned enemy alien is not excluded as to a claim for damage to or loss or destruction of personal property in the custody of the United States otherwise cognizable under §§ 836.11 to 836.27.

§ 836.19 Subrogation claims.

Such claims are cognizable under §§ 836.11 to 836.27 and will be processed as prescribed by §§ 836.200 to 836.220.

§ 836.20 Procedure for processing claims.

The procedure set forth in §§ 836.200 to 836.220 of this part will be followed if not inconsistent with §§ 863.11 to 836.27.

§ 836.21 When claim must be presented.

(a) A claim may be settled under §§ 836.11 to 836.27 only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after the cause ceases to exist, but not later than 2 years after the war or armed conflict is terminated.

(b) As used in this section, a war or armed conflict is one in which any United States Armed Force is engaged. The dates of commencement and termination of an armed conflict shall be as established by concurrent resolution of the Congress or by determination of the President.

§ 836.22 Claims involving shipment of property.

A claim for damage to or loss of personal property shipped at United States expense by a person not a proper claimant under the provisions of §§ 836.90 to 836.101 may be settled under §§ 836.11 to 836.27. When it appears that the damage or loss has occurred under circumstances in which a carrier is responsible, the claimant will comply with the provisions of §§ 836.90 to 836.101 relative to demands on carriers.

§ 836.23 Settlement agreement.

See §§ 836.200 to 836.220.

§ 836.24 Settlement authority.

See applicable Air Force directives.

§ 836.25 Finality of action.

The action of the approving authority is final and conclusive on the claimant, in the absence of his appeal to the Secretary of the Air Force.

§ 836.26 Appeals.

On disapproval of a claim, in whole or in part, the approving authority will notify the claimant of the action taken and the reason therefor. He will also advise the claimant of his right to appeal to the Secretary of the Air Force, through the approving authority, within 30 days after the date of mailing such notification. The claimant will also be advised that he should state the grounds upon which he bases his appeal.

§ 836.27 Claims for more than $1,000.

See §§ 836.200 to 836.220 and applicable Air Force directives.

R. J. PUGH,
Colonel, U.S.A.F., Deputy Director of Administrative Services.

[F.R. Doc. 60-8927; Filed, Sept. 26, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Hearing on Proposed Regulations

Proposed regulations under sections 801, 802, 804, 805, and 806 of the Code relating to definitions and investment income of life insurance companies were published in the FEDERAL REGISTER for August 18, 1960.

A public hearing on the provisions of these proposed regulations will be held on Wednesday, October 19, 1960, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D.C., by October 14, 1960.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 60-9007; Filed, Sept. 26, 1960; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 146b]

CERTIFICATION OF STREPTOMYCIN OR DIHYDROSTREPTOMYCIN DRUGS FOR HUMAN PARENTERAL USE; LABELING

Notice of Proposed Rule Making

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and under authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), proposes to amend the regulations for the certification of certain streptomycin and dihydrostreptomycin drugs (21 CFR 146b.103, 146b.106, 146b.113, 146b.117, 146b.120) as indicated below. The Commissioner hereby offers an opportunity to all interested persons to submit their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Views and comments should be submitted in quintuplicate.

§ 146b.103 [Amendment]

1. It is proposed to amend § 146b.103 *Dihydrostreptomycin sulfate* • • • by adding thereto the following new paragraph (b):

(b) If it is intended for human parenteral use, in addition to the labeling *Dihydrostreptomycin sulfate* • • • by § 146b.101(c), its labeling shall bear, as hereafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container the statement, "Warning: For use only in patients who cannot tolerate streptomycin."

(2) On the circular or other labeling within or attached to the package, warnings to the effect that:

(i) Because of its potentiality for causing delayed deafness, dihydrostreptomycin should be administered only to patients having infections that are amenable to treatment with dihydrostreptomycin or streptomycin but for whom streptomycin is contraindicated.

(ii) Severe auditory impairment has been reported following a total parenteral dose of as little as 2 grams to 5 grams of dihydrostreptomycin. The auditory damage, which is usually permanent, may be delayed for a few weeks or up to several months.

§ 146b.106 [Amendment]

2. It is proposed to amend § 146b.106 *Streptomycin sulfate solution; dihydrostreptomycin sulfate solution* • • • in the following respects:

a. By adding to paragraph (c)(1) the following new subdivision (vii):

(c) *Labeling.* • • •

(1) • • •

(vii) If it is dihydrostreptomycin sulfate solution and it is intended for human parenteral use the statement "Warning: For use only in patients who cannot tolerate streptomycin."

b. By changing paragraph (c)(3)(i) to read as follows:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug. If it is dihydrostreptomycin sulfate solution and it is intended for human parenteral use, such warnings shall include information to the effect that:

(*a*) Because of its potentiality for causing delayed deafness, dihydrostreptomycin should be administered only to patients having infections that are amenable to treatment with dihydrostreptomycin or streptomycin, but for whom streptomycin is contraindicated.

(*b*) Severe auditory impairment has been reported following a total parenteral dose of as little as 2 grams to 5 grams of dihydrostreptomycin. The auditory damage, which is usually permanent, may be delayed for a few weeks or up to several months.

3. It is proposed to amend § 146.113(c) to read as follows:

§ 146b.113 Dihydrostreptomycin-streptomycin sulfates.

• • • • • •

(c) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 146b.101(c), except that each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin, and the total number of grams of both salts in the immediate container. If it is intended for human parenteral use, its labeling shall also bear, as hereinafter indicated, the following:

(1) On the outside wrapper or container and on the immediate container, "Warning: For use only in the treatment of tuberculosis in patients who cannot tolerate full doses of streptomycin."

(2) On the circular or other labeling within or attached to the package, warnings to the effect that:

(i) Because of dihydrostreptomycin's potentiality for causing delayed deafness, this drug should be administered only to patients having tuberculosis that is amenable to treatment with dihydrostreptomycin or streptomycin but who cannot tolerate full doses of streptomycin.

(ii) Severe auditory impairment has been reported following a total parenteral dose of as little as 2 grams to 5 grams of dihydrostreptomycin. The auditory damage, which is usually permanent, may be delayed for a few weeks or up to several months.

4. It is proposed to amend § 146b.117 (c) to read as follows:

§ 146b.117 Dihydrostreptomycin-streptomycin sulfates solution.

• • • • • •

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 146b.106(c), except that:

(1) The labeling required for the outside wrapper or container and the immediate container shall bear the number of grams of dihydrostreptomycin, the number of grams of streptomycin, and the total number of grams of both salts in each milliliter in the immediate container.

(2) In lieu of the statement required on the outside wrapper or container and the immediate container by § 146b.106(c)(1)(vii), if it is intended for human parenteral use it shall bear the statement, "Warning: For use only in the treatment of tuberculosis in patients who cannot tolerate full doses of streptomycin."

(3) In lieu of the statements required by § 146b.106(c)(3)(i) (*a*), (*b*), the circular or other labeling within or attached to the package, shall bear warnings to the effect that:

(i) Because of dihydrostreptomycin's potentiality for causing delayed deafness, this drug should be administered only to patients having tuberculosis that is amenable to treatment with dihydrostreptomycin or streptomycin but who cannot tolerate full doses of streptomycin.

(ii) Severe auditory impairment has been reported following total parenteral doses of as little as 2 grams to 5 grams of dihydrostreptomycin. The auditory damage, which is usually permanent, may be delayed for a few weeks or up to several months.

§ 146b.120 [Amendment]

5. It is proposed to amend paragraph (b) of § 146b.120 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide* to read as follows:

(b) In addition to the labeling prescribed by § 146b.113(c), each package shall bear on the outside wrapper or container and the immediate container the number of grams of isonicotinic acid hydrazide in the immediate container, and its expiration date shall be 18 months after the month during which the batch was certified.

Dated: September 19, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-8896; Filed, Sept. 26, 1960; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 513]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES AND APPLIANCES

Flight Directors

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order.

This Technical Standard Order will revise § 514.51 (23 F.R. 5236) which establishes minimum performance standards for flight directors for use on civil aircraft of the United States by referencing a revised Aeronautical Standard, incorporating additional thermal shock and sealing performance tests, requiring a positive means for indicating to the pilot when a power loss malfunction occurs, and addition of a quality control statement.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 14, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.51 as follows:

§ 514.51 Flight directors—TSO–C52a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft flight director instruments which specifically are required to be approved for use on civil aircraft of the United States. New models of flight directors manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS–420A, "Flight Directors," revised November 15, 1959,[1] with exceptions and additions to the standards listed in subparagraph (2) of this paragraph.[2]

(2) *Exceptions and additions.* (i) The following specifically numbered parts in AS–420A do not concern minimum performance and therefore are not essential to compliance with this section: parts: 3.1; 3.1.1; 3.1.2; 3.2 a, b, c, d, e; and 4.1.1.3.

(ii) In lieu of part 7., it is a requirement that flight directors covered by this section be capable of successfully passing the tests in parts 7.1 through 7.6.

(iii) Thermal shock: This test shall apply to any hermetically sealed components. The component shall be subjected to four cycles of exposure to water at 85°±2° C. and 5°±2° C. without evidence of moisture penetration or damage to coating or enclosure. Each cycle of the test shall consist of immersing the component in water at 85°±2° C. for a period of 30 minutes, and then within 5 seconds of removal from the bath, the component shall be immersed for a period of 30 minutes in the other bath maintained at 5°±2° C. This cycle shall be repeated continuously, one cycle following the other until four cycles have been completed. Following this test, the component shall be subjected to the Sealing test specified in (iv). No leakage shall occur as a result of this test.

(iv) Sealing: This performance test shall apply to each hermetically sealed instrument. The instrument shall be immersed in a suitable liquid, such as water. The absolute pressure of the air above the liquid shall then be reduced to approximately 1 inch of mercury (Hg) and maintained for 1 minute, or until air bubbles cease to be given off by the liquid, whichever is longer. The absolute pressure shall then be increased by 2½ inches Hg. Any bubbles coming from within the indicator case shall be considered as leakage and shall be cause for rejection. Bubbles which are the result of entrapped air in the various exterior parts of the case shall not be considered as leakage. A helium leak detector or other means of test, at least equal in sensitivity to the immersion method described, may be used. Where a leak detector is employed for conducting the test, the leak rate shall not exceed 1 microcubic foot per hour at a pressure differential of approximately 1 atmosphere. If the instrument incorporates nonhermetically sealed appurtenances, such as a case extension, these appurtenances may be removed prior to the sealing test.

(v) In addition to paragraph 4.6.2, the indicating means shall be readily discernible under any lighting condition normally encountered in aircraft.

(b) *Marking.* In addition to the markings specified in § 514.3, range and rating shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) *Quality control*, of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.:

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawings of major components or photographs showing exploded views of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation with the statement of conformance certifying that the instrument conforms to this section.

(iv) One copy of the manufacturer's test report.

(d) *Quality control.* Each flight director shall be produced under a quality control system, established by the manufacturer, which will assure that each flight director is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Flight Directors approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

Issued in Washington, D.C., on September 20, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8930; Filed, Sept. 26, 1960; 8:45 a.m.]

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

[2] When flight directors are installed on civil aircraft, the installation must comply with the functional and installational requirements of Parts 3, 4b, 6 or 7 of this title (Civil Air Regulations) as applicable.

[14 CFR Part 514]

[Reg. Docket No. 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES AND APPLIANCES

Fuel Flowmeters

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order.

This Technical Standard Order will revise § 514.43 (22 F.R. 7301) which establishes minimum performance standards for fuel flowmeters for use on civil aircraft of the United States, by referencing a revised Aeronautical Standard, incorporating additional thermal shock and sealing performance tests, requiring a positive means for indicating to the pilot when a power loss malfunction occurs, and additional of a quality control statement.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 14, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.43 as follows:

§ 514.43 Fuel flowmeters—TSO–C44a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fuel flowmeters which specifically are required to be approved for use on civil aircraft of the United States. New models of fuel flowmeters manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS–407B, "Fuel Flowmeters," revised March 1, 1960,[1] with exceptions and additions to the standards listed in subparagraph (2) of this paragraph.[2]

(2) *Exceptions and additions.* (i) The following specifically numbered parts in AS–407B do not concern minimum performance and therefore, are not essential to compliance with this section: parts: 3.1; 3.1.1; 3.1.2; 3.2 a, b, c, d, e; and 4.2.1.

(ii) In lieu of part 7 it is a requirement that fuel flowmeters covered by this section are capable of successfully passing the tests in parts 7.1 through 7.6.

(iii) Thermal shock: This test shall apply to any hermetically sealed components. The component shall be subjected to four cycles of exposure to water at 85°±2° C. and 5°±2° C. without evidence of moisture penetration or damage to coating or enclosure. Each cycle of the test shall consist of immersing the component in water at 85°±2° C. for a period of 30 minutes, and then within 5 seconds of removal from the bath, the component shall be immersed for a period of 30 minutes in the other bath maintained at 5°±2° C. This cycle shall be repeated continuously, one cycle following the other until four cycles have been completed. Following this test, the component shall be subjected to the Sealing test specified in (iv). No leakage shall occur as a result of this test.

(iv) Sealing: This performance test shall apply to any hermetically sealed components. The component shall be immersed in a suitable liquid, such as water. The absolute pressure of the air above the liquid shall then be reduced to approximately 1 inch of mercury (Hg) and maintained for 1 minute, or until air bubbles cease to be given off by the liquid, whichever is longer. The absolute pressure shall then be increased by 2½ inches Hg. Any bubbles coming from within the indicator case shall be considered as leakage and shall be cause for rejection. Bubbles which are the result of entrapped air in the various exterior parts of the case shall not be considered as leakage. A helium leak detector or other means of test, at least equal in sensitivity to the immersion method described, may be used. Where a leak detector is employed for conducing the test, the leak rate shall not exceed 1 microcubic foot per hour at a pressure differential of approximately 1 atmosphere. If the component incorporates nonhermetically sealed appurtenances, such as a case extension, these appurtenances may be removed prior to the sealing test.

(v) Power malfunction indication: Means shall be incorporated in the instrument to indicate when adequate power (voltage and/or current) is not being made available to all phases required for the proper operation of the instrument. The indicating means shall indicate a failure or a malfunction in a positive manner, and be readily discernible under any lighting condition normally encountered in aircraft.

(vi) Correction to part 3.3.1: Under column *A* the temperature values for unheated areas (Temperature Uncontrolled) shall be −55 to 70 C.

(b) *Marking.* In addition to the markings specified in § 514.3, range and rating shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product, (see paragraph (d) Quality control, of this section).

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.:

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawings of major components or photographs showing exploded views of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation with the statement of conformance certifying that the instrument conforms to this section.

(iv) One copy of the manufacturer's test report.

(d) *Quality control.* Each fuel flowmeter shall be produced under a quality control system, established by the manufacturer, which will assure that each fuel flowmeter is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Fuel flowmeters approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

Issued in Washington, D.C., on September 20, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8931; Filed, Sept. 26, 1960; 8:45 a.m.]

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

[2] When fuel flowmeters are installed on civil aircraft, the installation must comply with the functional and installational requirements of Parts 3, 4b, 6 or 7 of this title (Civil Air Regulations) as applicable.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 13866]

OPERATIONS

Proposed Amendment Relating to Sale of Participating Interests in Loans

SEPTEMBER 21, 1960.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.6–4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–4) be amended by an amendment the substance of which is as follows:

Section 545.6–4 aforesaid is hereby amended by adding thereto, at the end thereof, the following new paragraph:

(c) *Sale of participating interests otherwise than to insured institutions.* Unless with the prior written approval of the Board, a sale by a Federal association otherwise than to an insured institution of a participating interest in any loan is hereby prohibited, except that the foregoing provision of this sentence shall not be applicable if the purchaser has the exemption from taxation provided by subsection (a) of section 501 of the Internal Revenue Code as now or hereafter in effect or if there is, with respect to any of the shares, deposits, or investments in the purchaser, any insurance or guaranty by an institution which has said exemption. A Federal association shall be entitled to rely on a written statement of the purchaser that the purchaser has such exemption or that such insurance or guaranty exists, provided such association has received such written statement within two years prior to the sale. No sale shall be made pursuant to the exception in the first sentence of this paragraph (c) unless the seller, at the close of the sale, has a participation of at least fifty percent in such loan, and any sale so made shall be regarded as a sale of a loan within the meaning of the second sentence of § 545.11 and shall be subject to the limitation contained in said sentence, but the dollar amount of the participating interest sold shall be deemed to constitute, for the purposes of said sentence of § 545.11, the dollar amount of the loan sold. A Federal association which has sold a participating interest in a loan pursuant to the exception in the first sentence of this paragraph (c) shall not, without the prior written approval of the Board, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan. As used in this paragraph, the term "insured institution" means an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. Without limitation on the generality of the foregoing, comments as to the proper retainage percentage and as to the type of purchaser which should be permitted are invited. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington, 25, D.C., not later than October 28, 1960, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60–8956; Filed, Sept. 26, 1960; 8:48 a.m.]

[12 CFR Part 563]

[No. FSLIC–954]

OPERATIONS

Proposed Amendment Relating to Sale of Participating Interests in Loans

SEPTEMBER, 21, 1960.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.9–1, the following new section:

§ 563.9–2 Sale of participating interests otherwise than to insured institutions.

Unless with the prior written approval of the Corporation, a sale by an insured institution otherwise than to an insured institution of a participating interest in any loan is hereby prohibited, except that the foregoing provision of this sentence shall not be applicable if the purchaser has the exemption from taxation provided by subsection (a) of section 501 of the Internal Revenue Code as now or hereafter in effect or if there is, with respect to any of the shares, deposits, or investments in the purchaser, any insurance or guaranty by an institution which has said exemption. An insured institution shall be entitled to rely on a written statement of the purchaser that the purchaser has such exemption or that such insurance or guaranty exists, provided such institution has received such written statement within two years prior to the sale. No sale shall be made pursuant to the exception in the first sentence of this section unless the seller, at the close of the sale, has a participation of at least fifty percent in such loan, and any sale so made shall be regarded as a sale of a loan within the meaning of the first sentence of § 563.23 and shall be subject to the limitation contained in said sentence, but the dollar amount of the participating interest sold shall be deemed to constitute, for the purposes of said sentence of § 563.23, the dollar amount of the loan sold. An insured institution which has sold a participating interest in a loan pursuant to the exception in the first sentence of this section shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan. Any sale by an insured institution of a participating interest in a loan pursuant to the exception in the first sentence of this section shall be without recourse, and the term "without recourse" as used in this sentence shall have the meaning set forth in § 561.8.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. Without limitation on the generality of the foregoing, comments as to the proper retainage percentage and as to the type of purchaser which should be permitted are invited. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than October 28, 1960, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60–8955; Filed, Sept. 26, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

MARTIN FRIEDENREICH

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Martin Friedenreich, Guardian for Bernd Roman Berthold Kolmel and Beatrice Daniela Gertrude Kolmel, Munich, Germany; Claim No. 66596; All right, title, interest and claim of any kind or character whatsoever of Bernd Roman Berthold Kolmel and Beatrice Daniela Gertrude Kolmel, and each of them, in and to the Estate of Roman H. Heyn, deceased, and the Trust under the Will of Roman H. Heyn, deceased, being administered by The South Norwalk Trust Company and Gertrude Hotchkiss Heyn, as Trustees, acting under the judicial supervision of the Court of Probate, District of Westport, State of Connecticut; and All right, title, interest and claim of any kind or character whatsoever of Bernd Roman Berthold Kolmel and Beatrice Daniela Gertrude Kolmel in and to and arising out of or under that certain trust agreement dated January 13, 1939, by and between Roman Henry Heyn, the insured, and The South Norwalk Trust Company and Gertrude Hotchkiss Heyn, Trustees, and in and to the property held thereunder by said South Norwalk Trust Company and Gertrude Hotchkiss Heyn as Trustees. Vesting Order Nos. 4560 and 10732.

Executed at Washington, D.C., on September 20, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 60–8937; Filed, Sept. 26, 1960; 8:47 a.m.]

Office of the Attorney General

[Memorandum No. 284]

UNITED STATES ATTORNEYS

Redelegation of Authority To Compromise Condemnation Cases

JUNE 10, 1960.

Under the authority of subsection (k) of section 23 of Order No. 175–59 of January 19, 1959, I hereby redelegate to United States Attorneys authority to compromise condemnation cases subject to and in accordance with the following limitations and conditions:

1. Except as provided in paragraph 2 hereof, United States Attorneys are authorized to accept or reject offers in compromise of claims against the United States for just compensation in condemnation proceedings in any case in which the gross amount of the proposed settlement does not exceed $7,500: *Provided*, That:

(a) The settlement is approved in writing (to be retained in the file of the United States Attorney) by the authorized field representative of the acquiring agency if the amount of the settlement exceeds the amount deposited with the declaration of taking as to the particular tract of land involved; and

(b) The amount of the settlement is compatible with the sound appraisal, or appraisals, upon which the United States would rely as evidence in the event of trial, due regard being had for probable minimum trial costs and risks.

2. This redelegation of authority shall not apply:

(a) When, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling an amount in excess of $7,500; or

(b) When the United States Attorney concerned is of the opinion that because of a question of law or policy presented, or for any other reason, the offer should receive the attention of the Lands Division of the Department; or

(c) When the case involves the revestment of any land or improvements or any interest, or interests, in land under the act of October 21, 1942, 56 Stat. 797 (40 U.S.C. 258f).

3. The procedural functions necessary for completing disposition of the matter, including the entry of judgment and distribution of the award, shall be performed promptly when a settlement has been made under this redelegation of authority. The United States Attorney concerned shall immediately forward to the Department a report, in the form of a letter or memorandum, bearing his signature or showing his personal approval. The report, an initialed copy of which shall be retained in the file of the United States Attorney, shall show the action taken and shall contain an adequate statement of the reasons therefor. In routine cases, a form such as the one set forth below, containing the minimum elements of the required report, may be used in lieu of a letter or memorandum. In any case, special care shall be taken to see that the report contains a statement as to what the valuation testimony of the United States would have been if the case had been tried.

Order No. 163–58 of March 24, 1958, entitled "Delegating to United States Attorneys Authority To Compromise Land-Condemnation Cases", is hereby superseded.

PERRY W. MORTON, *Assistant Attorney General.*

Approved: September 8, 1960.

WILLIAM P. ROGERS, *Attorney General.*

Form No. USA–155
(Ed. 6–10–60)

MEMORANDUM OF CONDEMNATION COMPROMISE SETTLEMENT
LANDS DIVISION

Department file: ---------- Tract of Parcel No.: ----------
U.S. District Court for ----------
Civil Case No.: ---------- Case title: U.S. v. ----------
Former owner(s): ----------
Amount deposited with D/T: $----------
Range of Government's testimony: $---------- to $----------
Defendant's(s') claim (if known): $----------
Amount of settlement: $----------, inclusive of interest ----------
Agency approval in writing: Yes ------ No ------
(Must be "Yes" if settlement exceeds deposit)
Appraisal reports forwarded herewith:
(Identify by name and date)

Deficiency check (if any): $---------- ☐ Has been requested directly.
☐ You are requested to Obtain.
Remarks:

Dated at ---------- ----------
----------, 196- United States Attorney

[F.R. Doc. 60–8938; Filed, Sept. 26, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Marketing Services; Fruit and Vegetable Division

Pursuant to authority (19 F.R. 74, as amended) delegated to the Administrator, Agricultural Marketing Service, the statement appearing at 25 F.R. 436, as amended, is further amended as follows:

Section 6(c)(1). Insert after the words "Export Apple and Pear Act" the words "Export Grape and Plum Act".

Done at Washington, D.C., this 21st day of September 1960, to become effective upon publication in the FEDERAL REGISTER.

ORIS V. WELLS,
Administrator.

[F.R. Doc. 60-8946; Filed, Sept. 26, 1960; 8:47 a.m.]

Office of Secretary

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Agricultural Marketing Service

Pursuant to the delegations of authority and assignment of functions (19 F.R. 74, as amended), Section 800 is amended by the addition of subparagraph "n" as follows.

n. The Export Grape and Plum Act of September 2, 1960.

(Public Law 86-687, 74 Stat. 734)

Done at Washington, D.C., this 21st day of September 1960, to become effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8947; Filed, Sept. 26, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-11]

NUCLEAR-CHEM DISPOSAL CORP.

Notice of Issuance of Byproduct and Source Material License

Please take notice that since no requests for a formal hearing have been filed following the filing of notice of proposed licensing action with the Federal Register Division on August 29, 1960, the Atomic Energy Commission has this date issued Byproduct and Source Material License No. 31-6416-1 authorizing Nuclear-Chem Disposal Corporation, 811 West Merrick Road, Valley Stream, Long Island, New York to receive, package and store waste byproduct and source material and to transfer said material to AEC designated land burial sites for disposal, in accordance with the terms and conditions of said license. Notice of the proposed licensing action was published in the FEDERAL REGISTER on August 30, 1960, 24 F.R. 8268.

Dated at Germantown, Maryland, September 19, 1960.

For the Atomic Energy Comission.

H. L. PRICE,
Director,
Licensing and Regulation.

[F.R. Doc. 60-8909; Filed, Sept. 26, 1960; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 17]

ALASKA

Notice of Filing of Alaska Protraction Diagrams; Fairbanks Land District

SEPTEMBER 20, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township, and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

KATEEL RIVER MERIDIAN—FOLIO #12

Approved June 9, 1960

Sheet No. 1. Ts. 1 through 4 S., Rs. 1 through 4 W.
Sheet No. 2. Ts. 1 through 4 S., Rs. 5 through 8 W.
Sheet No. 3. Ts. 1 through 4 S., Rs. 9 through 12 W.
Sheet No. 4. Ts. 1 through 4 S., Rs. 13 through 16 W.
Sheet No. 5. Ts. 5 through 8 S., Rs. 13 through 16 W.
Sheet No. 6. Ts. 5 through 8 S., Rs. 9 through 12 W.
Sheet No. 7. Ts. 5 through 8 S., Rs. 5 through 8 W.
Sheet No. 8. Ts. 5 through 8 S., Rs. 1 through 4 W.
Sheet No. 9. Ts. 9 through 12 S., Rs. 1 through 4 W.
Sheet No. 10. Ts. 9 through 12 S., Rs. 5 through 8 W.
Sheet No. 11. Ts. 9 through 12 S., Rs. 9 through 12 W.
Sheet No. 12. Ts. 9 through 12 S., Rs. 13 through 16 W.
Sheet No. 13. Ts. 13 through 16 S., Rs. 9 through 12 W.
Sheet No. 14. Ts. 13 through 16 S., Rs. 5 through 8 W.
Sheet No. 15. Ts. 13 through 16 S., Rs. 1 through 4 W.

Cover sheet showing Location Map and Index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager,
Fairbanks Land Office.

[F.R. Doc. 60-8972; Filed, Sept. 26, 1960; 8:51 a.m.]

National Park Service

[Order 14, Amdt. 15]

REGIONAL DIRECTORS

Delegation of Authority With Respect to Museum Prospectuses and Exhibit Plans

Section 1 of Order No. 14, issued December 1, 1952 (19 F.R. 8824), as amended (21 F.R. 7699 and 24 F.R. 6788), is amended by the deletion of the following item:

(u) Approval of museum prospectuses and exhibit plans.

(Secretary's Order No. 2640, as amended; 5 U.S.C., sec. 22)

Dated: September 1, 1960.

E. T. SCOYEN,
Acting Director,
National Park Service.

[F.R. Doc. 60-8936; Filed, Sept. 26, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 276]

TECHNICA STEINFELLNER & CO. ET AL.

Order Amending Export Control Denial Order and Extending Grace Period

In the matter of Technica Steinfellner & Co. (formerly known as Technica Hollerer & Co.), Otto R. Steinfellner, Max-Joseph Strasse 5, Munich, Germany, Karl-Hans Halfpap, Rosstrasse 41, Dusseldorf, Germany, respondents; Case No. 276.

The respondents, Technica Steinfellner & Co. and Otto R. Steinfellner, having been denied all export privileges commencing October 1, 1960, in an order dated August 30, 1960 (25 F.R. 8759, September 3, 1960); and it having been made to appear to the undersigned that certain manufacturers in the United States, for whom the said respondents have been acting as distribution, sales, and service representatives in West Germany, will be unable, even with due diligence, to make other arrangements for the sale, distribution, and servicing of their manufactures in West Germany within the time now provided in the said order as a period of grace; and it appearing further that it would not be in the public interest to deny to such manufacturers in the United States additional time within which they may make such new arrangements; *It is hereby ordered*, That the grace period now provided in the said order of August 30, 1960, be and the same hereby is extended for one month and, by reason thereof, the date October 1, 1960, now appearing in Part II of said order is hereby changed to November 1, 1960, the date September 30, 1961, now appearing in Part IV(A) and the date September 30, 1962, now appearing in Parts IV(A) and V of said order are hereby changed to November 1, 1961 and November 1, 1962, respectively; and

For the purpose of correcting an error in the said order, the words "twenty-four months" in Part V, clause (b) thereof, referring to the period of effective denial to be imposed upon Karl-Hans Halfpap in the event of a breach by him of any of the conditions of the said order insofar as they may apply to him, are hereby deleted and, in their place and stead, the words "six months" are hereby substituted; and

Except as herein expressly provided, all other terms, provisions, conditions, and denials in the said order remain unaltered and in full force and effect.

Dated: September 22, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-8948; Filed, Sept. 26, 1960; 8:47 a.m.]

Defense Air Transportation Administration

[Order No. 9]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1961.

FISCAL 1961 FLEET

DC-4

1220 V	88891	90407
1221 V	88893	90423
1437 V	88897	90427
45346	88898	90428
49529	88901	90434
54373	88903	90436
57670	88907	90440
67067	88908	90444
75298	88909	90448
79999	88912	90902
88819	88921	90905
88884	88934	90906
88886	88935	
88888	88938	

DC-6A

401 US	6541 C	37596
402 US	7822 C	90777
566	34955	90780
571	34956	90781
630 NA	34957	90782
640 NA	34958	90783
650 NA	37590	90784
660 NA	37591	90785
6118 C	37592	90808
6119 C	37593	90809
6258 C	37594	
6260 C	37595	

L-1049H

101 R	1008 C	5402 V
468 C	1009 C	5403 V
469 C	1010 C	5404 V
1006 C	1927 H	6501 C
1007 C	5401 V	6502 C
6504 C	6919 C	6935 C
6911 C	6921 C	6936 C
6912 C	6922 C	6937 C
6913 C	6923 C	7131 C
6914 C	6924 C	7132 C
6915 C	6925 C	7133 C
6916 C	6931 C	7134 C
6917 C	6932 C	
6918 C	6933 C	

L-1649A

7301 C	7309 C	7321 C
7302 C	7310 C	7323 C
7303 C	7312 C	7324 C
7304 C	7314 C	7325 C
7306 C	7318 C	8081 H
7308 C	7320 C	

DC-7C(F)

731 PA	736 PA	754 PA
733 PA	737 PA	755 PA
734 PA	746 PA	
735 PA	752 PA	

DC-7(F)

336	346	6341 C
337	348	6342 C
341	350	6344 C
342	394	

DC-7G

5900	5902	5905
5901	5903	5906

B-707 (300 series)

701 PA	720 PA	762 TW
702 PA	721 PA	763 TW
703 PA	722 PA	764 TW
704 PA	723 PA	765 TW
705 PA	724 PA	766 TW
706 PA	725 PA	767 TW
714 PA	726 PA	768 TW
715 PA	727 PA	769 TW
716 PA	728 PA	770 TW
717 PA	729 PA	771 TW
718 PA	730 PA	772 TW
719 PA	761 TW	

DC-8

801 US	808 PA	8023 U
802 US	809 PA	8024 U
803 PA	810 PA	8025 U
803 US	811 PA	8026 U
804 PA	812 PA	8027 U
804 US	813 PA	8028 U
805 PA	8018 U	8029 U
806 PA	8021 U	8030 U
807 PA	8022 U	

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective October 1, 1960, and supersedes Aircraft Allocation Order No. 7, dated June 7, 1960, 25 F.R. 5717-5718, of June 22, 1960.

Dated: September 16, 1960.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 60-8994; Filed, Sept. 26, 1960; 8:51 a.m.]

[Order No. 10]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1961 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 9, dated September 16, 1960, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET—FISCAL YEAR 1961

L-1649A

8082 H	8083 H	8084 H

DC-7C

284	294	743 PA
285	295	744 PA
286	296	745 PA
287	297	747 PA
288	732 PA	748 PA
289	738 PA	749 PA
290	739 PA	750 PA
291	741 PA	751 PA
293	742 PA	753 PA

B-707 (100 series)

707 PA	709 PA	711 PA
708 PA	710 PA	712 PA

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective October 1, 1960, and supersedes Aircraft Allocation Order No. 8, dated June 7, 1960, 25 F.R. 5717-5718, of June 22, 1960.

Dated: September 16, 1960.

THEODORE HARDEN, Jr.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 60-8995; Filed, Sept. 26, 1960; 8:51 a.m.]

Office of the Secretary

JERROLD R. BUCHER

Report of Appointment and Statement of Financial Interests

Report of Appointment:

Report of appointment and statement at financial interests required by section

710(b)(6) at the Defense Production Act of 1950, as amended.

1. Name of appointee: Jerrold R. Bucher.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 16, 1960.

4. Title of position: Asst. Director for Mobilization Planning, Scientific, Motion Picture and Photographic Products Division.

5. Name of private employer: Corning Glass Works, Corning, New York.

SEPTEMBER 12, 1960.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests:

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank Deposits.
Corning Glass Works.

Dated: September 19, 1960.

JERROLD R. BUCHER.

[F.R. Doc. 60-8949; Filed, Sept. 26, 1960; 8:47 a.m.]

GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER within the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1960.

Dated: September 19, 1960.

GEORGE E. HARDING.

[F.R. Doc. 60-8950; Filed, Sept. 26, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11714]

PHILIPPINE AIR LINES, INC.

Notice of Hearing

In the matter of the application of Philippine Air Lines for a foreign air carrier permit to operate between the Philippines and San Francisco via Tokyo and Honolulu.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on October 25, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., September 21, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-8961; Filed, Sept. 26, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-15]

HOPE NATURAL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 21, 1960.

Hope Natural Gas Company (Applicant), a West Virginia corporation with a principal office in Clarksburg, West Virginia, filed an application on July 22, 1960, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act for authority to replace eight 1,000 horsepower steam driven compressors at its Jackson Compressor Station with three 400 horsepower and one 660 horsepower engine units and also to construct three miles of eight-inch transmission line from the Jackson Compressor Station to two existing six-inch and eight-inch segments which now transport natural gas to the liquid hydrocarbon extraction plant of Union Carbide Olefins Company, known as "Diamond Plant", subject to the jurisdiction of the Commission and as more fully described in the application on file with the Commission and open to public inspection.

Applicant states the Jackson Compressor Station was constructed in 1925 and its eight engine units were installed prior to 1929 and are now obsolete and inefficient. Applicant further states that the replacement of the existing engines with the four modern gas operated units proposed will reduce the manpower required at the Jackson Station and will reduce fuel and maintenance costs approximately $75,000 per year. The addition of three miles of eight-inch pipeline will enable Applicant to deliver an additional volume of more than 10,000 Mcf of wet gas per day to the Diamond Plant for liquid hydrocarbon extraction treatment.

It is estimated that Applicant will increase its other gas revenues by approximately $200,000 annually as a result of the added line.

The application recites that it does not propose to serve any new customers by the installation of the proposed facilities and also that no change in present rates is proposed as a result of the subject application.

The estimated cost of the new station is $1,023,500. Applicant estimates that equipment with an original cost of $568,488 will be retired and dismantled with a cost of $25,000 for retiring.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 27, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8953; Filed, Sept. 26, 1960; 8:48 a.m.]

[Docket Nos. RI61-83—RI61-87]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 20, 1960.

Superior Oil Company, Docket No. RI61-83; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. RI61-84; Socony Mobil Oil Company, Inc., Docket No. RI61-85; Continental Oil Company (Operator), et al., Docket No. RI61-86; Continental Oil Company, Docket No. RI61-87.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area [2]	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI61-83	The Superior Oil Co.	47	3	Lone Star Gas Co	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	48	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	49	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	50	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	51	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	52	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	53	4	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	54	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	55	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	56	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	57	4	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	58	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	59	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	60	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	61	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-83	do	62	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-84	Socony Mobil Oil Co. Inc. (Operator) et al.	10	3	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-85	Socony Mobil Oil Co., Inc.	13	4	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-85	do	73	2	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-85	do	78	2	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-85	do	224	2	do	8-19-60	8-22-60	9-22-60	2-22-61	8.0	[3] 12.35	
RI61-86	Continental Oil Co. (Operator), et al.	85	12	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.).	8-22-60	8-24-60	9-24-60	2-24-61	10.54056	[4] 17.06566	G-15417
RI61-86	do	92	10	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	8-22-60	8-24-60	9-24-60	2-24-61	10.54056	[4] 17.06566	G-15417
RI61-86	do	104	10	do	8-22-60	8-24-60	9-24-60	2-24-61	10.09216	[5] 16.61727	
RI61-86	do	109	8	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.).	8-22-60	8-24-60	9-24-60	2-24-61	10.50118	[4] 17.00191	G-18409
RI61-86	do	145	4	El Paso Natural Gas Co. (Wemac Field, Andrews County, Tex.).	8-22-60	8-24-60	9-24-60	2-24-61	8.108	17.2295	
RI61-87	Continental Oil Co.	146	4	El Paso Natural Gas Co. (Keystone McKee Field, Winkler County, Tex.).	8-22-60	8-24-60	9-24-60	2-24-61	10.64175	15.70925	G-14264
RI61-87	do	163	2	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	8-22-60	8-24-60	9-24-60	2-24-61	10.5	[4] 15.5	

[1] The stated effective date is the first day after expiration of the required thirty days' notice.
[2] Favored-nation rate increased based on Buyer's rate of 16.8 cents per Mcf to others from the Warren-Maysville Gas Plant.
[3] The Superior Oil Co. and Socony Mobile Oil Co., Inc., sales are from Katie Field, Garvin County, Oklahoma.
[4] Includes 0.44667 cent per Mcf for compression of gas delivered below 600 psig deducted by Buyer.
[5] Low pressure gas (below 600 psig).

In support of its proposed favored-nation rate increases, The Superior Oil Company (Superior) cites the contract favored-nation provision and states that the rates are just and reasonable and will not exceed the price paid to other producers for gas sold to the Lone Star Gas Company in the area. Superior also states that it will be discriminated against if it is not allowed the increased rates.

Socony Mobil Oil Company, Inc., states, in support of its proposed favored-nation rate increases, that the contract provisions were negotiated at arm's-length; the gas is sold on an installment basis; gas is a commodity the price of which should be based on the law of supply and demand, and that the cost of doing business has been increasing.

In support of its proposed favored-nation rate increases, Continental Oil Company (Continental) cites the contract provisions and states that it would be discriminated against if not allowed the increased rates. Continental also states that upon hearing, it will adduce cost evidence which will also support the increased rates.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 1, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8959; Filed, Sept. 26, 1960; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

LOW-GRADE DOMESTIC METALLURGICAL CHROMITE ORE AND CONCENTRATES AND FERROCHROME ALLOYS HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 89,750 long tons of low-grade domestic metallurgical chromite ore and concentrates and approximately 151,000 pounds of various ferrochrome alloys now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said chromite ore and concentrates and ferrochrome alloys. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said materials are obsolescent for use in time of war.

General Services Administration proposes to transfer said chromite ore and concentrates and ferrochrome alloys to other Government agencies or to offer them for sale on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER. The initial offering will consist of approximately 47,235 long tons of

chromite ore and concentrates, and approximately 151,000 pounds of various ferrochrome alloys. The remaining quantity of approximately 42,515 long tons of chromite ore and concentrates will be offered for transfer or sale at a later date, but not earlier than 180 days from the date of the initial offering.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: September 21, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-8954; Filed, Sept. 26, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 22, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36577: *Rock salt from Morton, Ohio to eastern destinations.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2559), for interested rail carriers. Rates on rock salt, in bulk, crushed or screened, in carloads, from Morton, Ohio to points in Delaware, District of Columbia, Maine, Maryland, New Jersey, New York, Pennsylvania, Virginia and West Virginia.

Grounds for relief: Market competition.

Tariff, Traffic Executive Association-Eastern Railroads tariff I.C.C. C-173.

FSA No. 36578: *Soda ash—Baton Rouge, La., to Illinois points.* Filed by O. W. South, Jr., Agent (SFA No. A4014), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, as described in the application, from Baton Rouge and North Baton Rouge, La., to specified points in Illinois.

Grounds for relief: Market competition.

Tariff: Supplement 163 to Southern Freight Association tariff I.C.C. 452 (Marque series).

FSA No. 36579: *Roofing materials—Southwest to Ohio and Miss. River Crossings.* Filed by Southwestern Freight Bureau, Agent (No. B-7898), for interested rail carriers. Rates on roofing and building materials, in carloads, as described in the application, from specified points in southwestern territory, to Cincinnati, Ohio, Evansville, Ind., Henderson and Paducah, Ky., Cario and Metropolis, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 3 to Southwestern Freight Bureau tariff I.C.C. 4356.

FSA No. 36580: *Petroleum coke—Kansas and Oklahoma to the east.* Filed by Southwestern Freight Bureau, Agent, (No. B-7900), for interested rail carriers. Rates on petroleum coke, in carloads, from specified points in Kansas and Oklahoma to points in New York, also Edge Moor, Del., Warrick, Ind., Omal, Ohio and Ravenswood Works, W. Va.

Grounds for relief: Market competition.

Tariff: Supplement 133 to Southwestern Freight Bureau tariff I.C.C. 3983.

FSA No. 36581: *Cinders—Arkansas and Texas to Wichita, Kans.* Filed by Southwestern Freight Bureau, Agent (No. B-7901), for interested rail carriers. Rates on cinders, clay or shale, ground or not ground, in bulk, in carloads, from Poyen, Ark., Eastland, Ranger and Strawn, Tex., to Wichita, Kans.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 77 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 36582: *Substituted service—SP and WP for Ashworth Transfer, Inc.* Filed by William H. Larimore, Agent (No. 1), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Bakersfield and Los Angeles, Cal., on the one hand, and points in Oregon, on the other, between Brooklyn, Ore., on the one hand, and points in California, on the other, between El Paso, Tex., Phoenix, Tucson and Yuma, Ariz., on the one hand, and points in California and Oregon, on the other, between Ogden, Utah, on the one hand, and points in California, and Sparks, Nev., on the other, and between Salt Lake City, Utah, on the one hand, and points in California, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 36583: *Cement and related articles—Dundee, Mich., to Illinois territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. 2444), for interested rail carriers. Rates on cement, cement clinker, and dry building mortar, as described in the application, in carloads, from Dundee, Mich., to specified points in Illinois, Indiana, Iowa, Misouri and Wisconsin.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Suplement 37 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

FSA No. 36584: *Newsprint paper—Tennessee and Alabama to Baton Rouge, La.* Filed by O. W. Smith, Jr., Agent (SFA No. A4016), for interested rail carriers. Rates on newsprint paper, in carloads, from Calhoun, Tenn., Coosa Pines and Childersburg, Ala., to Baton Rouge, La.

Grounds for relief: Barge and market competition.

Tariff: Supplement 45 to Southern Freight Association tariff IC.C. S-46.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8952; Filed, Sept. 26, 1960; 8:48 a.m.]

[Notice 385-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER, 22, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63042. By order of September 21, 1960, The Transfer Board approved the transfer to George Willis, doing business as Geo. Willis Trucking Company, Tuscaloosa, Alabama, of a Certificate in No. MC 116405 issued December 4, 1958, to J. C. Poole, Jr., doing business as O. Jim Poole, Eutaw, Alabama, which authorizes the transportation of specific commodities, over irregular routes, from, to, and between, specified points in Illinois, Alabama, Indiana, Ohio, Wisconsin and Missouri. J. Douglas Harris, 413-141 Bell Building, Montgomery 4, Ala., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8962; Filed, Sept. 26, 1960; 8:49 a.m.]

[Notice 395]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 22, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62837. By order of September 19, 1960, The Transfer Board approved the transfer to Marvin Engel and Ben Engel, a partnership, doing business as Engel Trucking, Winner, S. Dak., of Certificate in No. MC 37282, issued December 10, 1958, to Johnny F. Devish, doing business as Bonesteel Transfer, Bonesteel, S. Dak., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Herrick, S. Dak., and Sioux City, Iowa; and agricultural commodities, feed, seeds, building materials, liquid petroleum products, household goods, livestock, and machinery, from, to, or between specified points in South Dakota, Iowa, Nebraska, and Minnesota. J. W. Grieves, 337 Main Street, Winner, S. Dak., for applicants.

No. MC-FC 62838. By order of September 19, 1960, The Transfer Board approved the transfer to Marvin Engel and Ben Engel, a partnership, doing business as Engel Trucking, Winner, S. Dak., of Certificate in No. MC 95894, issued August 7, 1957, to Edwin B. Redlinger, doing business as Ed Redlinger Trucking Service, Winner, S. Dak., authorizing the transportation of: Livestock, hay, and grain, from Winner, S. Dak., and points in South Dakota within 25 miles thereof, to Sioux City, Iowa; and poultry feeds, farm machinery and implements, livestock, hay, and grain, on the return. J. W. Grieves, 337 Main Street, Winner, S. Dak., for applicants.

No. MC-FC 63395. By order of September 21, 1960, The Transfer Board approved the transfer to John McCabe, 1804 South 27th Ave., Phoenix, Ariz., of Permit in No. MC 117821, issued March 1, 1960, to J. K. Brewer, 1422 Williams, Tempe, Ariz., authorizing the transportation of: Lumber, from specified points in Oregon and California, to specified points in Arizona.

No. MC-FC 63402. By order of September 21, 1960, The Transfer Board approved the transfer to Frank Rumsey and Bernard Rumsey, a partnership, doing business as Rumsey Transfer Company, P. O. Box 767, Wheatland, Wyo., of Certificate in No. MC 38478, issued September 25, 1958, to Wayne P. Harris, doing business as Harris Trucking, Chugwater, Wyo., authorizing the transportation of: General commodities with the usual exceptions including household goods, from Denver, Colo., to Chugwater, Wyo., and livestock, from Chugwater, Wyo., to Denver, Colo.

No. MC-FC 63470. By order of September 21, 1960, The Transfer Board approved the transfer to G. G. Parsons Trucking Co., a Corporation, North Wilkesboro, N.C., of Permit No. MC 116145 and Certificates Nos. MC 117427, MC 117427 Sub 1, MC 117427 Sub 3, MC 117427 Sub 4, MC 117427 Sub 5, MC 117427 Sub 12 and MC 117427 Sub 13, issued June 26, 1958, January 26, 1959, February 20, 1959, November 3, 1959, October 15, 1959, March 24, 1960, July 1, 1960 and August 30, 1960 respectively, in the name of G. G. Parsons, doing business as G. G. Parsons Trucking Company, North Wilkesboro, N.C., authorizing the transportation of: Glass bottles, from Mount Vernon, Ohio, to points in Georgia, North Carolina, South Carolina, and Rocky Mount, Va., empty containers used in transporting such bottles on return trip; dehydrated or sun-cured alfalfa meal and pellets from points in Ohio and Michigan to points in North Carolina, South Carolina, Virginia, Georgia, and Florida; and empty containers for such pellets on return trip; dehydrated alfalfa meal and dehydrated alfalfa pellets from President Island, Tenn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; and empty containers for such pellets on return trip; lumber (except plywood and veneer from North Carolina to points in West Virginia; from points in South Carolina to points in Michigan; dehydrated or sun-cured alfalfa meal and pellets from points in Ohio to points in North Carolina, South Carolina, Virginia, Georgia and Florida; dehydrated or sun-cured alfalfa meal and pellets from points in Ohio, Indiana, to points in North Carolina, South Carolina, Georgia, Florida and Virginia; feed ingredients (animal and poultry), except in Tank vehicles, from points in Indiana, Illinois and Ohio to points in North Carolina, South Carolina, Georgia, Florida and Virginia; lumber, except plywood and veneer, from points in New York, Pennsylvania, Ohio, Michigan, West Virginia, and Indiana, to points in North Carolina and Tennessee; and fishmeal from points in North Carolina to points in Illinois, Indiana, and Ohio; Transferee to be substituted for transferor in MC 117427 Sub 8, MC 117427 Sub 9, MC 117427 Sub 10TA, MC 117427 Sub 11, MC 117427 Sub 15 and MC 117427 Sub 17. Francis J. Ortman, 1366 National Press Building, Washington 4, D.C., for applicants.

No. MC-FC 63500. By order of September 21 1960, The Transfer Board approved the transfer to Martin Trucking Company, Incorporated, New York, N.Y., of Certificate in No. MC 3012, issued April 4, 1949, to Joseph Martin, doing business as Martin Trucking Co., New York, N.Y., authorizing the transportation of: New furniture, from New York, N.Y., to Bayonne, Jersey City, and Newark, N.J. Martin Werner, 2 West 45th Street, New York 31, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8953; Filed, Sept. 26, 1960; 8:48 a.m.]

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1960–61 Edition
(Revised through June 1)

Published by the Office of the Federal Register, the National Archives and Records Service, General Services Administration

817 pages—$1.50 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.

Pages 9237–9280

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VOLUME 25 NUMBER 189

Washington, Wednesday, September 28, 1960

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

List of Exempt Raw Materials

Section 1453.2(b) *Raw materials* is amended by adding to the list in subparagraph (3) (ii) the following:

Yttrium ores and concentrates; yttrium oxide.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: September 23, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-9013; Filed, Sept. 27, 1960; 8:49 a.m.]

PART 1475—UNILATERAL ORDER PROCEDURE

Modification of Order To Extend Time for Payment

Section 1475.6 *Modification of order to extend time for payment* is amended by deleting paragraph (d) (1) and inserting in lieu thereof the following:

(1) The request for such extension of time is made by the contractor within thirty (30) days after the due date, except that after an order has been modified to extend the time for payment of any amount due thereunder, a request for a further extension of time for payment of any amount payable under the order as so modified shall be made before the date upon which such payment is due.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: September 23, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-9014; Filed, Sept. 27, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.13]

PART 874—SUGARCANE: LOUISIANA

1960 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on July 14, 1960, the following determination is hereby issued:

§ 874.13 Fair and reasonable prices for the 1960 crop of Louisiana sugarcane.

A producer of sugarcane in Louisiana who is also a processor of sugarcane (herein referred to as "processor") shall have paid or contracted to pay, for sugarcane of the 1960 crop grown by other producers and processed by him, in accordance with the following requirements.

(a) *Definitions.* For the purpose of this section the term:

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in acordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(3) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday) in which the sugarcane is delivered.

(4) "Season's average price" means the simple average of the weekly prices of raw sugar for the period October 7, 1960, through January 26, 1961, and of blackstrap molasses for the period October 7, 1960, through April 27, 1961.

(5) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(6) "Trash means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(7) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of at least 76.00 but not more than 76.49 percent.

(8) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(9) "State Office" means the Louisiana State Agricultural Stabilization and Conservation Office, Alexandria, Louisiana.

(10) "State Committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one-cent per pound of raw sugar determined on the basis of the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1959 crop, or the processor may use the alternate period upon written approval by the State Office: *Provided*, That the average price of raw sugar as determined above shall be increased 0.03 cent for all mills located in Freight Area (a); shall be unchanged for all mills in Freight Area (b); and may be decreased 0.03 cent in Freight Area (c).[1]

(2) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1959 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State Office upon a determination by the State Committee that the method of settlement and the resultant price are fair and reasonable.

(c) *Conversion of net sugarcane to standard sugarcane.* Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(1) By multiplying the quantity of net sugarcane by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice	*Standard sugarcane quality factor* [1]
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be conputed in proportion to the immediately preceding interval.

and,

(2) By multiplying the quantity determined pursuant to subparagraph (1) of this paragraph by the applicable purity factor in the following table:

[1] Freight Area (a) includes all mills except those located in Areas (b) and (c) below:

Freight Area (b) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River.

Freight Area (c) includes all mills located north and west of New Iberia west of the Atchafalaya River.

STANDARD SUGARCANE PURITY FACTOR [1]

Percent purity of normal juice		Percent sucrose in normal juice															
At least—	But not more than—	At least—9.50	9.70	9.90	10.10	10.30	10.50	10.70	10.90	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
		But not more than—9.69	9.89	10.09	10.29	10.49	10.69	10.89	11.09	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.896	.888
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.00	74.49		1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
74.50	74.99		1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.00	75.49			1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
75.50	75.99			1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.00	76.49				1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
76.50	76.99				1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.00	77.49					1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
77.50	77.99					1.049	1.035	1.027	1.019	1.011	1.004	.996	.989	.982	.976	.970	.964
78.00	78.49						1.039	1.031	1.023	1.015	1.007	1.000	.993	.985	.980	.974	.968
78.50	78.99						1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.00	79.49							1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
79.50	79.99							1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.00	80.49								1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
80.50	80.99								1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.00	81.49									1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
81.50	81.99									1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.00	82.49										1.035	1.027	1.020	1.013	1.007	1.000	.993
82.50	82.99										1.038	1.030	1.023	1.016	1.010	1.004	.998
83.00	83.49											1.033	1.027	1.019	1.013	1.007	1.000
83.50	83.99											1.036	1.030	1.022	1.016	1.010	1.004
84.00	84.49												1.033	1.025	1.019	1.013	1.007
84.50	84.99													1.028	1.022	1.016	1.010

[1] Factors applicable to higher sucrose and purity of normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State Office upon request.

(d) *Payment for frozen sugarcane.* (1) The payment for sugarcane determined pursuant to paragraph (c) of this section may be reduced upon certification by the State Office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest mutiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(2) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor, subject to written approval by the State Office: *Provided*, That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3.00 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting such sugarcane.

(e) *Molasses payment.* The processor shall pay an amount equal to the product of 6.7 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for (1) salvage sugarcane where settlement is based on the so-called "Java Formula", (2) frozen sugarcane testing in excess of 4.75 cc. of acidity, and (3) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from the sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price in accordance with whichever period was used by the processor during the 1959 crop, or the processor may use the alternate period upon written approval by the State Office.

(f) *Hoisting, weighing, and transportation.* The price for sugarcane established by this section shall be applicable to sugarcane delivered by the producer (1) to a hoist for loading into the conveyance for transportation to the mill, or (2) from the farm directly to the mill. With respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be paid by the processor or the processor shall make allowances to the producer for such services, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1959 crop: *Provided*, That the processor shall not be required to make hauling allowances to the producers in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have charged for performing such service. With respect to sugarcane delivered directly from the farm to the mill the processor shall pay the cost of transportation or shall make an allowance to the producer for such service, based on net sugarcane, at per ton rates not less than those made with respect to the 1959 crop: *Provided*, That the processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of one mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles; *Provided, further*, That nothing in this paragraph shall be construed as prohibiting negotiations between the processor and the producer, any change to be approved in writing by the State Office upon a determination by the State Committee that the change results in allowances which are fair and reasonable.

(g) *Mutual plan for improving harvesting and delivery.* If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improving harvesting and delivery operations, the processor may deduct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State Office and it has been determined by the State Committee that the plan is fair and reasonable.

(h) *Applicability.* The requirements of this section apply to that sugarcane grown by a producer within the proportionate share for the farm and processed by the processor for the extraction of sugar or liquid sugar.

(i) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1960 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1960 price determination.* This determination continues the provisions of the 1959 determination.

A public hearing was held in Thibodaux, Louisiana, on July 14, 1960 at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1960 crop of Louisiana sugarcane. A representative of the Grower-Processor Committee recommended that the pricing period for raw sugar extend from October 7, 1960, through January 26, 1961; and that the pricing period for blackstrap molasses extend from October 7, 1960, through February 23, 1961. The witness stated that in the absence of raw sugar marketing restrictions in 1960 the marketing opportunities of processors for 1960 crop sugar probably will be comparable to marketings of 1959 crop sugar; that the marketing of 1960 crop molasses is different from 1959 in that buyers are in the market and a substantial proportion of the crop has already been sold; that molasses may have been sold on the basis of both long and short pricing periods; and that he was not sure whether a longer or shorter period this year would be more equitable. The witness also testified that the Committee was opposed to a recommendation by the Farm Bureau which would require that all sugarcane except frozen sugarcane be paid for on the basis of a scale-down of the sucrose and purity factors of the determination because the scale-down may not reflect the actual value of low quality sugarcane.

The Chairman of the Sugar Commodity Committee of the Louisiana Farm Bureau Federation recommended the same raw sugar pricing period as the Grower-Processor Committee; a blackstrap molasses pricing period extending from October 7, 1960, through April 27, 1961; and that salvage sugarcane be defined to include only sugarcane certified by the ASC State Office as having been damaged by a general freeze causing abnormally low recoveries of raw sugar in relation to the sucrose and purity tests. The witness stated that members of his organization have shown some interest in an annual raw sugar pricing period but that further study was needed of problems concerning payment of increased marketing and storage costs and expanded credit needs for producers; that on the basis of molasses import data for the periods January–April 1958 and 1959, a short molasses pricing period could cause some molasses to be "dumped" on the market to the disadvantage of the industry; and, that the recommended change in the definition of salvage sugarcane would provide a uniform basis on which all processors would settle for sub-standard sugarcane, remove the necessity for mutual agreement on a method of settlement for such cane, and would be more easily understood by producers.

Consideration has been given to the testimony presented at the public hearing, to information obtained as a result of investigation, and to other pertinent factors. Analysis of comparative returns, costs, and profits of producing and processing sugarcane obtained through field survey and recast in terms of prospective price and production conditions for the 1960 crop, indicates that the sharing relationship between producers and processors provided by the 1959 determination is equitable for the 1960 crop.

The molasses pricing period recommended by the Farm Bureau has been adopted. In view of the uncertainty of prices during the marketing of 1960 crop molasses it is believed more equitable to provide a pricing period similar to that established in the 1959 determination.

The recommendation of the Farm Bureau for a change in the definition of "salvage" sugarcane has again been considered. A possible solution to this problem was suggested at the hearing and it was agreed that the several factors involved would be studied. The results of the study will be made available to representatives of producers and processors for their consideration prior to issuance of the next price determination.

On the basis of an examination of all the pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1131)

Issued this 22d day of September 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60-8997; Filed, Sept. 27, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket 397; Amdt. 202]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the electrical system on Lockheed 188 aircraft was published in 25 F.R. 4558.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The one objection received indicated that the proposed compliance date of December 1, 1960, did not allow operators enough time to accomplish the modification. Accordingly, the compliance date has been changed to the next 1,000 hours' time in service from the date of publication in the FEDERAL REGISTER, which is considered a reasonable time without affecting safety of the aircraft.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Lockheed Model 188 Series aircraft Serial Numbers 1002, 1004 through 1102, 1104 through 1126, 2001 through 2014.

Compliance required within 1,000 hours' time in service after September 28, 1960.

Insufficient resistance to flammability of components of the AC Bus Transfer and Distribution Box has resulted in a fire. Temperatures within the AC Bus Transfer and Distribution Box and within the main electrical service center higher than that for which some of the equipment in these locations is designed contributes to over-temperature of the equipment.

Accomplish those portions of Lockheed Electra Alert Service Bulletins 408 and 287, revision 1, summarized below or equivalent:

(a) Within the AC Transfer and Distribution Box, replace the black vinyl covered flexible bus assemblies, which interconnect the circuit breakers, with jumpers made of MIL–W–7139 wire.

(b) Replace, with MIL–W–7139 wire, all size 6, 8, 10 and 12 wires which route within and between sections of the AC Transfer and Distribution Box except power wires to propeller deice power relay.

(c) Apply a fire retardant coating, Magna Coatings and Chemical Co. Laminar X–500, to the exposed and accessible portion of the inside and outside of the following impregnated fiberglass boxes: AC Bus Transfer and Distribution Box and its covers; forward load center bus box and cover; forward load center circuit breaker shrouds; flap asymmetry control panel cover; hydraulic pump shroud boxes.

(d) Replace, with moulded melamine terminal blocks, the stepped terminal block assemblies which serve as busses in the three upper compartments of the AC Bus Transfer and Distribution Box.

(e) Remove the short bus bars which serve as extensions for terminals T1 and T3 of relays No. 1 and No. 3.

(f) Replace the bus bar assemblies on terminals T2 of relays 1 and 3 with a type which does not have plastic in compression.

(g) Remove the short bus bars and terminal block assembly from terminals T1, T2 and T3 of relay No. 2.

(h) Modify the terminal block assembly between the external power feeders and relay No. 6 to remove plastic in compression.

(i) Within the AC Bus Transfer and Distribution Box, route the control wires for the generators separate from all power wires.

(j) Relocate the essential bus alternate feeder circuit breaker to a housing to be attached to the left side of the AC Bus Transfer and Distribution Box.

(k) Provide forced air cooling of the electrical load center by installing: two destratification fans; ducting from the fans to the AC Bus Transfer and Distribution Box; ducting and controller to regulate overboard dumping of heated air; ventilation holes in the AC Transfer and Distribution Box. Install a shield to cover hydraulic connectors between fuselage stations 540 and 549.5.

(The portions of Lockheed Electra Alert Service Bulletins 405 and 287, revision 1, not summarized above are also approved.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 21, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8975; Filed, Sept. 27, 1960; 8:45 a.m.]

[Regulatory Docket 457; Amdt. 208]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring lavatory tank ground drain valve seal replacement on certain Lockheed 188 aircraft was published in 25 F.R. 7161.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, it is believed that a more realistic time for accomplishing the seal replacement be based on hours of service rather than a calendar date. Accordingly, the compliance time has been changed from November 15, 1960, to a comparable time of the next 300 hours in service effective 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive.

LOCKHEED. Applies to 188 aircraft Serial Numbers 1002, 1004 through 1102, 1104 through 1129, and 2001 through 2015.

Compliance required by the next 300 hours' time in service after the effective date of this amendment.

Leaking lavatory tank ground drain valves have permitted drainage to the exterior surface of the aircraft in flight, resulting in ice formation which came off and struck the stabilizer. Since such ice formation is hazardous to aircraft in flight and to persons on the ground, all lavatory tank ground drain valves must be modified to incorporate LAC seal No. 838228-1 or equivalent.

(LAC 88/SB-407 covers the intent of this change.)

This amendment shall become effective on October 28, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 21, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8976; Filed, Sept. 27, 1960; 8:45 a.m.]

[Regulatory Docket 470; Amdt. 204]

PART 507—AIRWORTHINESS DIRECTIVES

Aero Design 680-E and 720 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive for Aero Design aircraft, Models 680-E and 720, requiring wing inspection, was published in 25 F.R. 7464.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERO DESIGN. Applies to Models 680-E and 720, Serial Numbers 501, 623 through 873 except 820, 850, 860, 867 and 872.

Compliance required within the next 100 hours' time in service after the effective date of this amendment.

The manufacturer's inspection has determined a nonconformity with the approved design data and it is possible that aircraft in service may have the following nonconformity:

AN426AD-5 rivets have been installed instead of 3/16-inch huckbolts in the lower surface of the wing at the rear spar between wing station 54 and the inboard nacelle attach angle on both the left and right wings.

(a) *Inspection.* Inspect the lower wing at rear spar between wing station 54 and the inboard nacelle attach angles on both the left and right wings to determine whether 3/16-inch huckbolts or AN426AD-5 rivets have been installed. If the AN426AD-5 rivets are installed, the wing shall be reworked as outlined in paragraph (b).

(b) *Rework.* Remove flaps and wing trailing edge closeout skins on both left and right wings. Drill out the AN426AD-5 rivets and replace with AN426AD-6 rivets. These rivet heads will protrude below the wing surface by approximately 0.030 inch. Do not overdrive the rivets in an attempt to sink them completely.

Measure the distance between the rivet which passes through the wing skin and rear spar cap at wing station 54 and the screw which passes through the inboard nacelle attach angle. This distance should be approximately 4.5 inches and should contain six rivets (0.75 inch on center) and the screw. If only five rivets exists in this area, a brazier head rivet (AN456AD-6) must be added between the nacelle attach angle screw and the next rivet inboard. If sufficient space does not exist to permit minimum rivet to rivet spacing of three rivet diameters, contact the Service Department, Aero Design & Engineering Company for approved repair instructions.

Replace flaps and left and right wing trailing edge skins.

(Aero Design Service Bulletin No. 62 covers this same subject.)

This amendment shall become effective October 28, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 20, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-9877; Filed, Sept. 27, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-65]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Reporting Points

The purpose of these amendments to §§ 600.12 and 601.4012 of the regulations of the Administrator is to reflect the conversion of the Mullan Pass, Mont., radio range station to a nondirectional radio beacon.

Green Federal airway No. 2 is presently designated in part via the Mullan Pass radio range station. The Federal Aviation Agency is converting this facility to a nondirectional radio beacon. Therefore, it is necessary to delete the Mullan Pass radio range station and substitute the Mullan Pass nondirectional radio beacon in the description of Green 2. The alignment of this airway will not be affected by this change. In addition it is necessary to reflect this change in the designated reporting points associated with Green 2.

The Mullan Pass radio range is located in high mountainous terrain with poor access roads during the winter months. Because of extreme snow depth and antenna icing, it has been impossible to maintain published course alignments and it has been necessary to publish this radio range for use as a homing facility during the winter season for several years. The conversion of this radio range to a nondirectional radio beacon will save both maintenance and flight check expense required each winter attempting to maintain the proper course alignments.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 600.12 (14 CFR 600.12), "Mullan Pass, Mont., radio range station;" is deleted and "Mullan Pass, Mont., RBN;" is substituted therefor.

2. In the text of § 601.4012 (14 CFR 601.4012), "Mullan Pass, Mont., radio range station;" is deleted and "Mullan Pass, Mont., RBN;" is substituted therefor.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on September 20, 1960.

GEORGE S. CASSADY,
Brig. Gen. U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-8979; Filed, Sept. 27, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7849 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

American International Industries, Inc., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–30 *Connections or arrangements with others;* § 13.15–150 *Indorsement;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.185 *Refunds, repairs, and replacements;* § 13.195 *Safety:* § 13.195–30 *Investment;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American International Industries, Inc., et al., Philadelphia, Pa., Docket 7849, July 15, 1960]

In the Matter of American International Industries, Inc., a Corporation, and Joseph Alper, and N. Francis Alper, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Philadelphia distributor of phonograph records and record vending racks with using deceptive employment offers, exaggerated earnings claims, and other misrepresentations in advertising in newspapers and in letters and other matter mailed to prospective purchasers, as in the order below set forth, to induce purchase of its merchandise.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents American International Industries, Inc., a corporation, and its officers, and Joseph Alper and N. Francis Alper, individually and as officers of said corporation, and each of them, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of devices which vend merchandise or which are accessory to the vending of merchandise, or of the merchandise to be vended, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

1. Employment is offered by respondents or any of them, or by any other person, firm or corporation.

2. A highly profitable business can be obtained by purchasing or dealing in such devices or merchandise.

3. The investment required to purchase such devices or merchandise is secured or will be refunded if the purchaser requests full refund.

4. Profits in any amount can be realized in excess of the average profits realized by all of their customers contemporaneously engaged in the operation of similar devices situated in similar locations and engaged in selling the same kind of merchandise.

5. Respondents, or any of them, have contracts, understandings or agreements with any persons, firms or corporations whereby it is understood or agreed that such persons, firms, or corporations will permit purchasers of such devices or merchandise to install or place the same for sale on their premises.

6. Customers will be granted exclusive sales territories or be the sole distributors of such devices or merchandise in given areas.

7. Opportunity exists for growth in the sale of such merchandise purchased from respondents or any of them.

8(a). Any phonograph records sold by respondents or any of them are new tunes or current hit tunes.

(b) Respondents, or any of them, will make available to customers phonograph records not yet manufactured, as and when such records appear on the market and become popular with consumers in the trade areas where said customers do business.

9. The retail value of any merchandise is in excess of the price at which such merchandise is usually and customarily sold in the trade area or areas in which the representation is made.

10. The integrity of respondents, or any of them, is avouched by Dun & Bradstreet.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-8992; Filed, Sept. 27, 1960; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.447]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects:

1. Section 41.91(a)(28)(iv) and (v) is amended as follows:

§ 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* • • •

(28) *Affiliates and members of proscribed organizations.*

• • • • •

(iv) If an alien continues or continued his membership in or affiliation with a proscribed organization on or after reaching sixteen years of age, only his activities after reaching that age shall be pertinent to a determination whether the continuation of his membership or affiliation is or was voluntary.

(v) The term "operation of law", as used in section 212(a)(28)(I) of the Act, shall include any case wherein the alien without his acquiescence automatically became a member of or affiliated with a proscribed party or organization by official act, proclamation, order, edict, or decree.

2. Section 41.130 is amended to read as follows:

§ 41.130 Procedure in refusing individual visas.

(a) *Refusal procedure.* If a consular officer knows or has reason to believe that an alien is ineligible to receive a visa on grounds of ineligibility which cannot be overcome by the presentation of additional evidence, Form FS-257, if practicable, shall be executed before the refusal is recorded. If the alien fails to execute a visa application, after being informed of a ground of ineligibility to receive a nonimmigrant visa, the visa shall be considered refused. The consular officer shall then insert the pertinent data on Form FS-257 with the reasons for the refusal and the form shall be filed in the consular office. In

all cases the applicant shall be informed of the provision of law, or regulations issued thereunder, upon which the refusal is based. When refusing a nonimmigrant visa the consular officer may return the original of all supporting documents furnished by the alien with his application. The duplicate of each document upon which the refusal is based and the duplicate of each document which indicates a possible ground of ineligibility to receive a visa, whether or not related to the ground of refusal, shall be retained at the consular office with the memorandum of refusal. Duplicates of other documents may be returned to the alien in the consular officer's discretion.

(b) *Review of refusals at consular offices.* If the grounds of ineligibility upon which the visa was refused cannot be overcome by the presentation of additional evidence, the principal consular officer at a post or an alternate whom he may specifically designate, shall review the case of an applicant who has been refused a visa and shall record his decision over his signature and the date on a form prescribed by the Department. If the grounds of ineligibility may be overcome by the presentation of additional evidence, and if the applicant has indicated that he intends to obtain such evidence, a review of the refusal may be deferred for a period not to exceed sixty days. If the principal consular officer, or his alternate, does not concur in the refusal, he shall:

(1) Refer the case to the Department for an advisory opinion, or

(2) Assume responsibility for the case himself.

(c) *Notice of decision.* Upon completion of review of a nonimmigrant visa refusal at a consular office, formal written notice of the decision shall be delivered or mailed to the applicant. The statutory basis for the refusal shall be indicated in the notice of decision.

(d) *Review of refusals by Department.* The Department may request a consular officer in an individual case or in specified classes of cases to submit a report if a nonimmigrant visa has been refused. The Department will review such reports and may furnish an advisory opinion to the consular officer for his assistance in giving further consideration to such cases. If upon the receipt of the Department's advisory opinion the consular officer contemplates taking action contrary to the advisory opinion, the case shall be resubmitted to the Department with an explanation of the proposed action. Rulings of the Department concerning an interpretation of law, as distinguished from an application of the law to the facts, shall be binding upon consular officers.

§ 41.140 [Deletion]

3. Section 41.140 *Nonresident aliens' border-crossing identification cards,* is hereby deleted.

4. Section 42.91 is amended as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act* • • •

(25) *Illiterates.* • • •

(i) • • •

(b) An alien who is not over sixteen years of age;

• • • • • •

(28) *Affiliates and members of proscribed organizations.* • • •

(w) If an alien continues or continued his membership in or affiliation with a proscribed organization on or after reaching sixteen years of age, only his activities after reaching that age shall be pertinent to a determination whether the continuation of his membership or affiliation is or was voluntary.

(v) The term "operation of law", as used in section 212(a)(28)(I)(i) of the Act, shall include any case wherein the alien without his acquiescence automatically became a member of or affiliated with a proscribed party or organization by official act, proclamation, order, edict, or decree.

5. Section 42.122(d) is amended as follows:

§ 42.122 Validity of visas.

• • • • • •

(d) The period of validity of a visa issued to an alien as a nonquota or first preference quota immigrant child, or as a child under the quota of an accompanying parent, shall not extend beyond the day immediately preceding the date on which the alien becomes twenty-one years of age. The consular officer shall warn an alien, when appropriate, that he will be inadmissible as such an immigrant if he is not unmarried at the time of application for admission, or if he fails to apply for admission at a port of entry into the United States before reaching the age of twenty-one years. The consular officer shall also warn an alien issued a visa as a second or third preference quota immigrant as an unmarried son or daughter of a citizen or lawful permanent resident of the United States that he will be inadmissible as such an immigrant if he is not unmarried at the time of application for admission into the United States.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: September 23, 1960.

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 60-9015; Filed, Sept. 27, 1960; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 the pertinent section headings in the table of contents are amended to read as follows:

Sec.
200.53 General Counsel and Deputy.
200.62 Director of the Architectural Standards Division and Deputy.
200.63 Director of the Appraisal and Mortgage Risk Division and Deputy.
200.76 Assistant Commissioner for Property Improvement and Deputy.

In § 200.53 the introductory text is amended to read as follows:

§ 200.53 General Counsel and Deputy.

To the position of General Counsel and under his general supervision to the position of Deputy General Counsel there is delegated the following basic authority and functions:

In § 200.61 paragraph (b) is amended to read as follows:

§ 200.61 Assistant Commissioner for Technical Standards and Deputy.

• • • • • •

(b) To be responsible to the Commissioner for coordination and general supervision of the Architectural Standards Division and the Appraisal and Mortgage Risk Division comprising the functions of developing and recommending standards, methods, procedures and techniques in the areas of architecture and engineering, construction cost, land planning, mortgage credit, valuation, the selection and rating of mortgage risk and the provision of technical advice and guidance in these areas for the administration of the insurance programs.

Section 200.62 is amended to read as follows:

§ 200.62 Director of the Architectural Standards Division and Deputy.

To the position of Director of the Architectural Standards Division and under his general supervision to the position of Deputy Director of the Architectural Standards Division there is delegated the following basic authority and functions:

(a) To develop and recommend architectural and engineering standards, techniques and procedures.

(b) To develop and recommend methods, standards, techniques and procedures for construction cost estimation.

(c) To provide technical advice and guidance in the areas of architecture, engineering and construction cost.

Section 200.63 is amended to read as follows:

§ 200.63 Director of the Appraisal and Mortgage Risk Division and Deputy.

To the position of Director of the Appraisal and Mortgage Risk Division and under his general supervision to the position of Deputy Director of the Appraisal and Mortgage Risk Division there is delegated the following basic authority and functions:

(a) To develop and recommend standards, procedures and techniques for the valuation of property, determination of acceptability of mortgage credit, land planning and for the over-all determination of mortgage risk and the acceptability of mortgage risks for insurance.

(b) To provide technical advice and guidance in the areas of valuation, mortgage credit, land planning and risk determination.

In § 200.76 the introductory text and paragraphs (a) and (c) are amended to read as follows:

§ 200.76 Assistant Commissioner for Property Improvement and Deputy.

To the position of Assistant Commissioner for Property Improvement and under his general supervision to the position of Deputy Assistant Commissioner for Property Improvement there is delegated the following basic authority and functions:

(a) To direct the activities of the Property Improvement Division.

• • • • • •

(c) To develop and recommend basic policies affecting insurance operations under Title I of the National Housing Act.

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner (Operations) and Deputy Commissioner (Administration), Vice Chairmen; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Mortgages and Properties; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Property Improvement; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; and Comptroller.

In § 200.89 paragraph (a)(1) is amended to read as follows:

§ 200.89 Substantial Compliance Committee.

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner for Property Improvement, Chairman; Assistant Commissioner for Administration; Assistant Commissioner for Programs; the Comptroller; and the Chief of the Property Improvement Section, Office of General Counsel.

Section 200.101 is amended to read as follows:

§ 200.101 Division Directors and their Superiors, the General Counsel, Field Office Directors and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Civil Defense Officer, General Counsel and Deputy General Counsel, Division Director and Deputy Division Director, Zone Operations Commissioner and Deputy Zone Operations Commissioner, Field Office Director and Assistant Field Office Director, and to each of them, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

(Sec. 2, 48 Stat. 1246, as amended; sec 211, 52 Stat. 23, as amended; sec 607, 55 Stat. 61, as amended; sec 712, 62 Stat. 1281, as amended; sec. 807, 69 Stat. 651, as amended; sec. 907, 65 Stat. 301, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., September 22, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-9005; Filed, Sept. 27, 1960; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Disposal of Materials

Section 251.4 is hereby amended to read as follows:

§ 251.4 Disposal of materials.

(a) *Authority.* (1) Pursuant to the act of July 31, 1947 (61 Stat. 681), as amended by the act of August 31, 1950 (64 Stat. 571), and the act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601-603), and pursuant to the act of June 11, 1960 (74 Stat. 205), the Chief of the Forest Service or, upon his authorization, the regional forester, forest supervisor, or forest ranger, may dispose of common varieties of sand, stone, gravel, pumice, pumicite, and cinders on lands under his jurisdiction or custody, and may dispose of other mineral materials, including clay, from such lands where the mineral materials are not of such quality and quantity as to be subject to disposal under the United States mining laws. All such disposals shall be in such form, and contain such terms, stipulations, conditions and agreements as may be required by the regulations of the Secretary of Agriculture and instructions of the Chief, Forest Service.

(2) Disposals under this authority may be made only if the disposal of such material is (i) not otherwise expressly authorized by law, (ii) not expressly prohibited by laws of the United States, and (iii) not detrimental to the public interest.

(3) Disposals under the authority of the act of July 31, 1947, as amended, may be made on lands withdrawn in aid of a function of a Federal department or agency other than the Department of Agriculture or of a State, county, municipality, water district, or other local governmental subdivision or agency, only with the consent of such other Federal department or agency or of such State or local governmental unit.

(b) *Method of disposal.* (1) All materials to be disposed of under this authority, except as provided in subparagraph (4) of this paragraph, shall be appraised in such manner as determined by the Chief, Forest Service, and shall be disposed of at not less than the appraised value.

(2) Where the appraised value of the material exceeds $1,000, it shall be disposed of to the highest responsible qualified bidder by competitive bidding after publication of notice of the proposed disposal once each week for a period of four consecutive weeks in a newspaper having general circulation in the county in which the material is located, subject to the following provisions:

(i) Such disposals may be by sealed bid or oral auction in the discretion of the authorized disposal officer.

(ii) The authorized officer, in his discretion, may reject any or all bids in the interest of the Government.

(iii) An award will be made to the highest responsible qualified bidder, except as provided in subdivision (ii) of this subparagraph. If the highest bidder fails to qualify or make the required payments within the time allowed, award may be made to the next highest qualified bidder in the discretion of the authorized officer or the material may be disposed of by readvertising.

(3) Where the appraised value of the material is $1,000 or less, it may be disposed of:

(i) To a responsible qualified applicant by Special Use Permit or otherwise in accordance with and subject to the conditions of § 251.1 upon the payment of an adequate compensation: *Provided,* That not more than $1,000 worth of materials may be sold noncompetitively to any one applicant in any one area in any period of twelve consecutive months, such period to begin the first of the month in which any sale is made; or

(ii) To the highest responsible qualified bidder at public auction or under sealed bids after such notice as may be deemed appropriate.

(4) Material may be disposed of hereunder to any Federal or State agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, without charge: *Provided,* That:

(i) The materials shall be for use for other than commercial or industrial purposes or resale;

(ii) Such users shall make such provision as may be required by the authorized officer to prevent pollution or erosion and to reseed, replant, rehabilitate, or restore the land to a productive capacity to the satisfaction of such officer;

(iii) Nothing in this section shall be construed to prevent a charge for such materials if the circumstances are such as to warrant a fee. Such fee may be the appraised value of the material or such lesser amount as may be deemed just and reasonable in the circumstance.

(30 Stat. 35, as amended; 16 U.S.C. 551. Interprets or applies 61 Stat. 681, as amended, 30 U.S.C. 601–603 and 74 Stat. 205)

Done at Washington, D.C. this 22d day of September 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60–8998; Filed, Sept. 27, 1960; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2206]

[Washington 03263]

WASHINGTON

Partly Revoking Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of March 22, 1934, withdrawing lands in the first form in connection with the Columbia Basin Project is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 27 N., R. 35 E.,
Sec. 18, lot 6.
T. 27 N., R. 38 E.,
Sec. 32, SW¼SW¼.
T. 35 N., R. 37 E.,
Sec. 33, NW¼NE¼.
T. 38 N., R. 39 E.,
Sec. 7, lots 12, 13, and 14.

Aggregating 235.62 acres.

2. Subject to any existing valid rights and the requirements of applicable law, the lands, except those in section 33 which are withdrawn for power purposes, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on March 24, 1961, the lands shall be open only to application by the State of Washington for their selection under subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 28, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to application under the United States mining laws at 10:00 a.m. on March 24, 1961, those in section 33 to be so open subject to the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621).

Persons claiming preference rights must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1960.

[F.R. Doc. 60–9009; Filed, Sept. 27, 1960; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Monte Vista National Wildlife Refuge, Colorado, is permissible only under the following conditions:

(a) Species permitted to be taken: Pheasants and rabbits.

(b) Open season:

Pheasants: November 5 through 9 and November 19 through 24, 1960.

Rabbits: October 26 through December 24, 1960.

Hunting hours for pheasants and rabbits shall be between the hours of 8:00 a.m. and 5:00 p.m.

(c) Daily bag limits:

Pheasants: 3 cocks per day and 9 in possession.

Rabbits: 10 daily or in possession, except that children under 15 hunting without license may take only 1 cock pheasant per day and possess only 4, and may take and possess only 5 cottontail or snowshoe rabbits.

(d) Methods of hunting:

(1) Weapons: pheasants and rabbits may be taken only by means of shotgun capable of holding not more than three shells in magazine and barrel combined.

(2) It shall be unlawful to use dogs in the pursuit and taking of cottontail and snowshoe rabbits.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 4,200 acres and 40 percent of the total refuge and which is described as follows:

Those lands of the Monte Vista National Wildlife Refuge lying east of the east line of Sec. 6, T 37 N, R 8 E, bounded on the north by Spring Creek, on the east by Empire Canal, and on the south in Sec. 8 by the Resettlement Ditch and including also Secs. 9 and 10, T 37 N, R 8 E, more particularly described as those lands in Secs. 27, 28, 32, 33 and 34, T 38 N, R 8 E, south of Spring Creek and west of Empire Canal; the lands in Secs. 2, 3, 4, 5, 8, 9 and 10, T 37 N, R 8 E, north of the Resettlement Ditch and west of Empire Canal, and in addition, those lands in Sec. 9, T 37 N, R 8 E, south of Resettlement Ditch.

(f) Other provisions:

(1) The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective October 26 through December 24, 1960.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1960.

[F.R. Doc. 60–8981; Filed, Sept. 27, 1960; 8:46 a.m.]

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Georgia

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Blackbeard Island National Wildlife Refuge, Georgia is permissible only under the following conditions:

(a) Species permitted to be taken: Raccoon.

(b) Open season: November 14, 1960, through November 19, 1960 and November 21, 1960, through November 26, 1960, during the hours from daylight to 9:30 a.m. (standard time) and from 3:30 p.m. (standard time) to sunset each day.

(c) Daily bag limits: Raccoon—none.

(d) Methods of hunting:

(1) Weapons: Bows of not less than forty (40) pounds pull and arrows.

(2) Prohibited methods: Firearms, crossbows, and mechanical bows.

(3) Dogs: No dogs permitted.

Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 4,585 acres and 82 percent of the total refuge and which is described as follows:

Entire Blackbeard Island except the Refuge Headquarters, camping area, and waterfowl concentration areas suitably posted as closed.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permit applications will be received by the Refuge Manager, Savannah National Wildlife Refuge, Port Wentworth, Georgia until November 1, 1960. Permits will be issued to accommodate a maximum of one hundred (100) hunters each day.

(3) The provisions of this special regulation are effective September 26, 1960 through November 26, 1960.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1960.

[F.R. Doc. 60–8983; Filed, Sept. 27, 1960; 8:46 a.m.]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Georgia

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Piedmont National Wildlife Refuge, Georgia is permissible only under the following conditions:

(a) Species permitted to be taken: Squirrel, fox, opossum, bobcat.

(b) Open season: Sunrise to sunset November 7, 1960 through November 12, 1960; November 22, 1960 through November 26, 1960; and November 29, 1960 through December 3, 1960.

(c) Daily and weekly bag limits: Squirrel—10; fox—none; bobcat—none; opossum—none; during period November 7, 1960 through November 12, 1960. Bobcat—none; during periods November 22, 1960 through November 26, 1960 and November 29, 1960 through December 3, 1960.

(d) Methods of hunting:

(1) Weapons: Bows with minimum recognized pull of not less than 40 pounds and arrows may be used during period November 7 through November 12, 1960. Shotguns loaded with rifled slugs, and center fire rifles of .22 caliber or larger may be used during periods November 22, 1960, through November 26, 1960, and November 29, 1960, through December 3, 1960, with the following exceptions: .25—20; .32—20; .22 Hornet; .218 Bee; or .30 Army carbine.

(2) Dogs: Dogs on leash may be used to track wounded game during period November 7, 1960 through November 12, 1960. Dogs prohibited at other times.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 31,358 acres and 98 percent of the total refuge and which is described as follows:

Entire refuge, except for posted closed areas which include Headquarters, archery camp, and waterfowl use areas.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Applications will be received and permits issued by the Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Georgia. (Maximum of 600 permits may be issued for each period of gun hunting.)

(3) The provisions of this special regulation are effective September 26, 1960, through December 3, 1960.

(4) Archery hunters must remain on their stands between sunrise and 9:30 a.m. (standard time).

(5) Camping and fires are restricted to designated camping area during period November 7, 1960 through November 12, 1960.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1960.

[F.R. Doc. 60–8985; Filed, Sept. 27, 1960; 8:46 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Management Area, Kansas

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE MANAGEMENT AREA

Hunting of upland game on the Kirwin National Wildlife Management Area, Kansas is permissible only under the following conditions:

(a) Species permitted to be taken: Pheasants, quail, and rabbits.

(b) Open season:

Pheasants: From one-half hour before sunrise to sunset, during the period November 5 through November 30, 1960.

Quail: From one-half hour before sunrise to 4 p.m. on November 11, 12, 13, 15, 17, 19, 20, 22, 24, 25, 26, 27, 29; December 1, 3, 4, 6, 8, and 10, 1960.

Rabbits: Only during those hours and on those days on which the season is open for pheasants and quail.

(c) Daily bag limits:

Pheasants: 4 cocks per day and 8 in possession.

Quail: 6 birds per day and 12 in possession.

Rabbits: 10 cottontails per day and 20 in possession; jack rabbits, no limit.

(d) Methods of hunting:

(1) Weapon: Shotgun only not larger than 10 gauge.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 1,890 acres and 23 percent of the total refuge and which is described as follows:

All of the lands of the Kirwin National Wildlife Management Area contained in Secs. 6, 7, 8 and 18, T. 5 S, R. 16 W, and in Secs. 1, 13, 23, 24 and 25, T. 5 S, R. 17 W.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective November 5, 1960, through December 10, 1960.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1960.

[F.R. Doc. 60–8986; Filed, Sept. 27, 1960; 8:46 a.m.]

PART 32—HUNTING

Kofa Game Range, Arizona

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Hunting of big game on the Kofa Game Range, Arizona, is permissible only under the following conditions:

(a) Species permitted to be taken: Desert bighorn sheep and desert mule deer.

(b) Open season:

Desert bighorn sheep—December 2–11, 1960, inclusive;

Desert mule deer—November 10–13, 1960, inclusive.

(c) Bag limits: Hunting of bighorn sheep limited to 5 permits issued by the Arizona Game and Fish Department.

Each permit will be limited to 1 ram with a minimum of ¾ curl horn. Hunting of desert mule deer limited to 1 buck per hunter.

(d) Methods of hunting:

(1) Weapons: Only rifles of .23 caliber or larger or the .357 magnum and .44 magnum pistols may be used.

(2) Automatic firearms and tracer, full metal jacketer or altered metal jacketed bullets are prohibited.

(3) Semi-automatic firearms of .23 caliber or larger with a magazine capacity of more than 5 shells are prohibited.

(e) Description of areas open to hunting:

Hunting of bighorn sheep is permitted in accordance with (a) above on the posted area which comprises approximately 184,320 acres and 28 percent of the total refuge and which is described as follows:

The Castle Dome Mountain portion of the Kofa Game Range from the approximate center of the King Valley southward and westward in T 4 S, R 15 and 16 W; T 3, 4, and 5 S, R 17 W; and T 2, 3, 4, and 5 S, R 18 and 19 W, Gila and Salt River Base Meridian.

Hunting of deer is permitted in accordance with (a) above on the posted area which comprises approximately 660,041 acres and 100 percent of the total refuge which is described as follows:

The entire Kofa Game Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective November 1 through December 11, 1960.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1960.

[F.R. Doc. 60-8980; Filed, Sept. 27, 1960; 8:46 a.m.]

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Georgia

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Hunting of big game on the Blackbeard Island National Wildlife Refuge, Georgia is permissible only under the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: November 14, 1960, through November 19, 1960, and November 21, 1960, through November 26, 1960, during the hours from daylight to 9:30 a.m. (standard time) and from 3:30 p.m. (standard time) to sunset each day. Season will be closed when a total of 150 deer have been removed.

(c) Total bag limit: Deer—2 of either sex.

(d) Methods of hunting:

(1) Weapons: Bows of not less than forty (40) pounds pull and arrows with blades of not less than seven-eighths (⅞) inch width.

(2) Prohibited methods: Firearms, crossbows and mechanical bows.

(3) Dogs: No dogs permitted.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 4,585 acres and 82 percent of the total refuge and which is described as follows:

Entire Blackbeard Island except the Refuge Headquarters, camping area, and waterfowl concentration areas suitably posted as closed.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permit applications will be received by the Refuge Manager, Savannah National Wildlife Refuge, Port Wentworth, Georgia until November 1, 1960. Permits will be issued to accommodate a maximum of one hundred (100) hunters each day.

(3) The provisions of this special regulation are effective September 26, 1960 through November 26, 1960.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1960.

[F.R. Doc. 60-8982; Filed, Sept. 27, 1960; 8:46 a.m.]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Georgia

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Hunting of big game on the Piedmont National Wildlife Refuge, Georgia is permissible only under the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: Sunrise to sunset November 7, 1960, through November 12, 1960; November 22, 1960, through November 26, 1960; and November 29, 1960, through December 3, 1960.

(c) Total bag limit: Deer—one (1) of either sex during period November 7, 1960, through November 12, 1960. Deer—one (bucks with visible antlers only) during period November 22, 1960, through November 26, 1960, and November 29, 1960, through December 3, 1960, except that on December 3, 1960, one (1) deer of either sex may be taken.

(d) Methods of hunting:

(1) Weapons: Bows with minimum recognized pull of not less than 40 pounds and arrows may be used during period November 7 through November 12, 1960. Shotguns loaded with rifled slugs, and center fire rifles of .22 caliber or larger may be used during periods November 22, 1960, through November 26, 1960, and November 29, 1960, through December 3, 1960, with the following exceptions: .25—20; .32—20; .22 Hornet; .218 Bee; or .30 Army carbine.

(2) Dogs: Dogs on leash may be used to track wounded game during period November 7, 1960, through November 12, 1960. Dogs prohibited at other times.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 31,358 acres and 98 percent of the total refuge and which is described as follows:

Entire refuge, except for posted closed areas which include Headquarters, archery camp, and waterfowl use areas.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Applications will be received and permits issued by the Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Georgia. (Maximum of 600 permits may be issued for each period of gun hunting.)

(3) The provisions of this special regulation are effective September 26, 1960, through December 3, 1960.

(4) Archery hunters must remain on their stands between sunrise and 9:30 a.m. (Standard time).

(5) Camping and fires are restricted to designated camping area during period November 7, 1960, through November 12, 1960.

W. L. TOWNS.
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 21, 1960.

[F.R. Doc. 60-8984; Filed, Sept. 27, 1960; 8:46 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, New Mexico

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Hunting of big game on the San Andres National Wildlife Refuge, New Mexico, is permissible only under the following conditions:

(a) Species permitted to be taken: Deer (either sex)

(b) Open season: December 10 and 11, 1960

(c) Bag limit: 1

(d) Methods of hunting:

(1) Weapons—Rifles or shotguns are permitted but no semi-automatic loading rifle capable of holding more than six rounds in magazine and chamber combined; no gun or rifle capable of discharging more than once with a single pull or function of its trigger; No M–1 carbine; and no shotgun smaller than 20 gauge or larger than 10 gauge or capable of holding more than three shells in magazine and chamber combined and using other than slugs may be used.

(2) No hard-pointed or full metal case bullets are permitted.

(3) No cartridge with bullets less than 70 grains in weight or with rated impact energy at muzzle of less than 1,000 foot-pounds is permitted.

(4) Special hunt requirements:

Special season State deer tags required. Tags available at license vendors in the hunting area.

Hunters must check in and out. Check station will be open to allow hunters to start checking in during the late afternoon of December 9th. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Camping will be permitted only at those places designated by the officers in charge of the hunt. Entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. December 11th.

The conservation officer in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered. There shall be no entrance to the hunting area from the east side of the range north of U.S. 70.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 57,215 acres and 100 percent of the total refuge and which is described as follows:

All of the lands of the San Andres National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are required for military clearance and will be available at check station.

(3) The provisions of this special regulation are effective December 10, 1960 through December 11, 1960.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1960.

[F.R. Doc. 60-8987; Filed, Sept. 27, 1960; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 515]

AIRWORTHINESS DIRECTIVES

Superior Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the fuel cell vent outlet and inspection of fuel cell attachment areas of Superior (Culver) Models V and V–2 aircraft. This corrective action is necessary inasmuch as fuel cell failures may cause erroneous fuel quantity readings and decreased fuel capacities.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 28, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

SUPERIOR. Applies to all Superior (Culver) V and V–2 aircraft.

Compliance required as indicated.

To prevent fuel cell failures, the following must be accomplished:

(a) Within the next 25 hours of operation, but not later than the next periodic or progressive inspection, install a nonicing and nonwater accumulating fuel cell vent outlet (Superior P/N 12270 or equivalent) that will provide positive pressure within the vapor spaces of the cells during normal flight conditions.

(b) Inspect the attachment of the fuel cells to the wing structure at the time of the vent outlet modification and at each succeeding 100-hour inspection (if required by CAR 43.22) and each periodic aircraft inspection. Any attachment areas that are found to have failed must be recemented prior to the next flight.

(Superior Aircraft Company Service Bulletin No. 25 covers this subject.)

Issued in Washington, D.C., on September 20, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60–8978; Filed, Sept. 27, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA; AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

Approval of Expenses and Fixing of Rate of Assessment for 1960–61 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture find that expenses not to exceed $29,250 will be necessarily incurred during the fiscal period August 1, 1960, to July 31, 1961, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order.

(2) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at three-fourths cent ($0.0075) per carton of grapefruit handled by such handler as the first handler thereof during such fiscal period.

(3) That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ending July 31, 1961, shall be carried over as a reserve in accordance with the applicable provisions of § 955.42 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 23, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–9030; Filed, Sept. 27, 1960; 8:51 a.m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES; APRICOTS, GRAPES, NECTARINES, PEACHES, AND PLUMS FROM CHILE

Administrative Instructions Prescribing Method of Fumigation

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Director of the Plant Quarantine Division, pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), is considering the issuance of administrative instructions to be designated as 7 CFR 319.56–2n to read as follows:

§ 319.56–2n Administrative instructions prescribing method of fumigation of apricots, grapes, nectarines, peaches, and plums from Chile.

Approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of apricots, grapes, nectarines, peaches, and plums from Chile. This fumigation shall be in addition to other conditions that may be prescribed in the permit, such as a limitation as to origin, and requirements as to marking containers, safeguarding shipments from fruit fly infestation, and obtaining Chilean certification.

(a) *Ports of entry.* (1) Grapes from Chile may be imported through all maritime ports when approved facilities are available for fumigation in approved chambers or under tarpaulins.

(2) Apricots, nectarines, peaches, and plums from Chile may be imported through ports on the Great Lakes, or on the Atlantic and Gulf Coasts (exclusive of Florida ports), subject to the availability of such approved fumigation facilities.

(b) *Approved fumigation.* Approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The fumigation may also be accomplished under tarpaulins in a manner, satisfactory to the inspector, that will insure adequate air and fruit temperatures, and volatilization, distribution, and concentration of the fumigant. The treatment period shall be 2 hours for chamber fumigation and 2½ hours for tarpaulin fumigation, and the load shall not exceed 80 percent of the chamber volume or area enclosed by the tarpaulin. The fumigation shall be in accordance with the following schedule:

Temperature (° F.):	*Dosage—pounds of methyl bromide per 1,000 cu. ft.*
80–89 (inclusive)	1½
70–79 (inclusive)	2
60–69 (inclusive)	2½
50–59 (inclusive)	3
40–49 (inclusive)	4

(c) *Supervision of fumigation.* Inspectors of the Plant Quarantine Division shall supervise the fumigation of apricots, grapes, nectarines, peaches, and plums from Chile and shall prescribe such safeguards as may be necessary for unloading, handling, and transportation preparatory to fumigation or other treatment. The final release of the fruit for entry into the United States will be conditioned upon compliance with prescribed safeguards and required treatments.

(d) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruits or his representative.

(e) *Department not responsible for damage.* The treatment prescribed in paragraph (b) of this section is judged from experimental tests to be safe for use with apricots, grapes, nectarines, peaches, and plums from Chile. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment or by compliance with requirements under paragraph (c) of this section.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

The purpose of these instructions would be to require the fumigation with methyl bromide of apricots, grapes, nectarines, peaches, and plums imported under permit from Chile. At present, these fruits are allowed entry on the basis of inspection upon arrival and treatment if the examination discloses a need for it. Plant pest infestations in these fruits from Chile have increased in recent years. Inspections have disclosed significant infestations of the Chilean grape mite, Brevipalpus chilensis, a serious pest of grapes; Eulia sp., an important leaf pest, also attacking apricot, grape, peach, plum, and nectarine fruits; Naupactus xanthographus, a root pest on grape; Leptoglossus chilensis, infesting truck crops in Chile; and Conoderus rufangulus, a wireworm pest. There is evidence that the fruits are more intensely infested with these pests than inspection of representative lots can disclose. It therefore appears to be necessary to protect the fruit-growing industry of the United States against introduction of these pests by requiring mandatory fumigation as a condition of entry of the five fruits named from Chile. Importations of apples, pears, and cherries from Chile would be unaffected by these instructions.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of September 1960.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 60–9031; Filed, Sept. 27, 1960; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-64]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–40 (25 F.R. 6138, 6139), and 2.75–50. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from August 8, 1960, through August 19, 1960. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), section 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II is listed the approval which has been terminated because the approval has expired. Notwithstanding this termination of approval of the item of equipment as listed in Part II of the document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

BUOYANT APPARATUS

Approval No. 160.010/3/3, 4.0' x 6.0' x 0.67' buoyant apparatus, pine decking with copper tanks, 18-person capacity, general arrangement dwg. No. G–305–S, dated January 2, 1947, revised July 21, 1954, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective August 13, 1960. (It is an extension of Approval No. 160.010/3/3 published in the FEDERAL REGISTER dated August 13, 1955.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/19/4, MSA CHEMOX, 45-minute self-contained oxygen-generating breathing apparatus, with All-Vision Facepiece Assembly, or with All-Vision Cleartone Speaking Diaphragm Facepiece Assembly which may be used in conjunction with the MSA Maskfone, Bureau of Mines Approval No. BM–1307, MSA assembly dwg. No. A–48445, Rev. 29 dated June 19, 1959, manufactured by Mine Safety Appliances Co., 201 North Braddock Ave., Pittsburgh 8, Pa., effective August 13, 1960. (It supersedes Approval No. 160.011/19/3 published in the FEDERAL REGISTER dated August 13, 1955.)

DAVITS

Approval No. 160.032/92/1, Mechanical davit, straight boom sheath screw, Type 22–31, approved for maximum working load of 8,800 pounds per set (4,400 pounds per arm), using not less than 2-part falls. Identified by arrangement dwg. No. DB–101, Alt. D, dated March 28, 1947, and revised May 19, 1950, effective August 18, 1960. (It reinstates Approval No. 160.032/92/1 which was terminated on July 25, 1960.)

Approval No. 160.033/38/0, Mills Type R releasing gear, approved for a maximum working load of 20,000 pounds per set (10,000 pounds per hook), identified by assembly dwg. No. M–105–1 dated August 31, 1949, and revised April 27, 1950, for use in all vessels other than Ocean and Coastwise over 3,000 gross tons, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J., effective August 19, 1960. (It is an extension of Approval No. 160.033/38/0 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 160.033/46/1, Rottmer Type, Size O–1–C, releasing gear, approved for maximum working load of 16,500 pounds per set (8,250 pounds per hook), identified by assembly and calculations dwg. No. R–133 dated April 4, 1952, and revised April 21, 1953, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Ave., Brooklyn 14, N.Y., effective August 13, 1960. (It is an extension of Approval No. 160.033/46/1 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

HAND PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/16/0, Type M–1, hand-propelling gear, identified by gear assembly dwg. No. H.P.–1, dated February 5, 1960, and revised July 22, 1960, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Ave., Brooklyn 14, N.Y., effective August 8, 1960.

LIFEBOATS

Approval No. 160.035/333/0, 12.0' x 4.46' x 1.98' steel, oar-propelled, square stern lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 55–1218 dated March 25, 1955, and revised April 26, 1955, if mechanical disengaging apparatus is fitted, it shall be of approved type and installed in accordance with drawings approved by the Commandant, manufactured by Lane Lifeboat and Davit Corp., 8920 Twenty-sixth Ave., Brooklyn 14, N.Y., effective August 13, 1960. (It is an extension of Approval No. 160.035/333/0 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 160.035/414/0, 22.0' x 7.5' x 3.16' steel hand-propelled lifeboat, 31-person capacity, identified by General Arrangement dwg. No. 56–2224 dated April 3, 1958, and revised August 4, 1960, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Ave., Brooklyn 14, N.Y., effective August 9, 1960.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/445/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Company, 440 N. Wells St., Chicago 10, Ill., effective August 18, 1960.

Approval No. 160.047/446/0, Type I, Modle CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by P. J. Gould Company, 440 N. Wells St., Chicago 10, Ill., effective August 18, 1960.

Approval No. 160.047/447/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specifimation Subpart 160.047, manufactured by P. J. Gould Company, 440 N. Wells St., Chicago 10, Ill., effective August 18, 1960.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/11/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C., effective August 13, 1960. (It is an extension of Approval No. 160.048/11/0 dated August 13, 1955 and published in the FEDERAL REGISTER dated August 13, 1955.)

BOILERS (HEATING)

Approval No. 162.003/164/0–172/0, Steel plate heating boilers, Model Nos. CG–15–30, CG–20–30, CG–30–30, CG–40–30, CG–50–30, CG–60–30, CG–70–30, CG–80–30, and CG–100–30, respectively; steam or hot water; boiler Sub Assembly dwg. No. 799101150, Rev. B dated March 25, 1955; maximum design pressure 30 p.s.i; approval limited to bare boiler, Approval Nos. 162.003/164/0, 162.003/165/0, 162.003/166/0, 162.003/167/0, 162.003/168/0, 162.003/169/0, 162.003/170/0, 162.003/171/0, and 162.003/172/0, respectively, manufactured by Orr & Sembower, Inc., Reading, Pa., effective August 13, 1960. (It is an extension of Approval Nos. 162.003/164/0–172/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/173/0, No. 25, fabricated water tube steam or hot water heating boiler, dwg. No. D–9000, Rev. F dated March 24, 1955, maximum pressure 30 p.s.i., approval limited to bare boiler, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 162.003/173/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/174/0, No. 27, fabricated water tube steam or hot water heating boiler, dwg. No. D–9000, Rev. F dated March 24, 1955, maximum pressure 30 p.s.i., approval limited to bare boiler, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 162.003/174/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/175/0, No. 29, fabricated water tube steam or hot water heating boiler, dwg. No. D–9030, Rev. H dated March 24, 1955, maximum pressure 30 p.s.i., approval limited to bare boiler, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 163.003/175/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/176/0, No. 211, fabricated water tube steam or hot water heating boiler, dwg. No. 9030, Rev. H dated March 24, 1955, maximum pressure 30 p.s.i., approval limited to bare boiler, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 162.003/176/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/177/0, No. 213, fabricated water tube steam or hot water heating boiler, dwg. No. 9030, Rev. H dated March 24, 1955, maximum pressure 30 p.s.i., approval limited to bare boiler, dwg. Nos. D–9155, D–9157, D–9156, D–9030, D–9000, SK–129, D–9159, A–9226, List of Safety & Relief Valves, and Tabulation of Heating Surfaces, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 162.003/177/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/178/0, No. 315, fabricated water tube steam or hot water heating boiler, dwg. No. D–9156, Rev. E dated August 4, 1954, maximum pressure 30 p.s.i., approval limited to bare boiler, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 162.003/178/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/179/0, No. 317, fabricated water tube steam or hot water heating boiler, dwg. No. D–9157, Rev. F dated August 18, 1954, maximum pressure 30 p.s.i., approval limited to bare boiler, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 162.003/179/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.003/180/0, No. 322, fabricated water tube steam or hot water heating boiler, dwg. No. D–9155, Rev. E dated November 3, 1953, maximum pressure 30 p.s.i., approval limited to bare boiler, manufactured by Bryan Steam Corp., Peru, Ind., effective August 13, 1960. (It is an extension of Approval No. 162.003/180/0 dated August 13, 1955, and published in the FEDERAL REGISTER August 13, 1955.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/64/2, Figure No. 100 pressure-vacuum relief valve, atmospheric pattern, weight-loaded poppets, bronze, nickel cast iron or stainless steel body, dwg. No. 100–A, Rev. 1, dated July 11, 1955, approved for sizes 2½", 3", 4", 6", and 8", manufactured by Mechanical Marine Co., Inc., 17 Battery Place, New York 4, New York, effective August 13, 1960. (It is an extension of approval No. 162.017/64/2 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/36/0, Type 1905, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 150 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla., effective August 13, 1960. (It is an extension of Approval No. 162.018/36/0 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.018/37/0, Type 1906, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla., effective August 13, 1960. (It is an extension of Approval No. 162.018/37/0 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.018/38/0, Type 1910, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla., effective August 13, 1960. (It is an extension of Approval No. 162.018/38/0 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

Approval No. 162.018/39/0, Type 1912, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, 600 p.s.i. primary service pressure rating, dwg. No. 404217, dated May 17, 1955, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., 2514 East 13th Place, Tulsa 4, Okla., effective August 13, 1960. (It is an extension of Approval No. 162.018/39/0 dated August 13, 1955 published in the FEDERAL REGISTER August 13, 1955.)

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/6/0, Model No. 60AS (Modification W1 liquefied compressed gas slip tube liquid level gauge, dwg. No. 108, manufactured by Metal Goods Manufacturing Co., 106–110 South Park Avenue, Bartlesville, Okla., effective August 13, 1960. (It is an extension

of Approval No. 162.019/6/0 dated August 13, 1955 and published in the FEDERAL REGISTER August 13, 1955.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/57/1, "Fiberglas Marine Duct Insulation, Type CFI", glass fibrous insulation, not less than 1" thickness of Type TW-MC incombustible material, one side veneered with an aluminum foil-glass cloth laminate, identical to that described in National Bureau of Standards Test Reports No. TG10210-2040:FP3519, dated July 20, 1959, and No. TG10210-2045:FP3535, dated October 2, 1959, approved in a density of 3 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio, effective August 19, 1960. (It supersedes Approval No. 164.009/57/0, dated March 16, 1960.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Termination of Approval No. 160.033/49/0, Type RG-12 releasing gear, approved for maximum working load of 2,500 pounds per set (1,250 pounds per hook), identified by installation dwg. No. M-307 dated March 24, 1955 and revised May 27, 1955, approval limited to installation in lifeboats carried under Welin's Type TG-9.5 Telescopic Gravity Davit (Approval No. 160.032/109/1), manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y., effective August 13, 1960. (Notice of approval published in FEDERAL REGISTER August 13, 1955. Approval terminated August 13, 1960.)

Dated: September 20, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-9006; Filed, Sept. 27, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[BDSA Reporting Delegation 1]

DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE TO COLLECT INFORMATION UNDER THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10480 (18 F.R. 4939) as amended, and Department of Commerce Order No. 152 (18 F.R. 6503) as amended, there is hereby delegated to the Secretary of Defense the authority to collect upon a mandatory basis, jointly with the Business and Defense Services Administration, and to compile and process data relating to the production and distribution of electronic components and related items as shown on reporting forms approved by the Bureau of the Budget and designated NAVEXOS 4050, 4050a, and 4050b, and such forms as may be subsequently approved by the Bureau of the Budget for this purpose. This authority may be redelegated within the Department of Defense to the Assistant Secretary of Defense (Supply and Logistics) and to the Director of the Electronics Production Resources Agency.

Data collected pursuant to this delegation will promptly be made available to the Electronics Division of the Business and Defense Services Administration.

This delegation shall take effect September 15, 1960, and shall remain in force until revoked by the Administrator of the Business and Defense Services Administration.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. HERBERT HUGHES,
Acting Administrator.

[F.R. Doc. 60-9012; Filed, Sept. 27, 1960; 8:49 a.m.]

Federal Maritime Board

[Agreement No. 4957]

TRANSHIPMENT AGREEMENT BETWEEN SOCIETE FRANCO-IBERIQUE D'ARMEMENT (FRANCO-IBERIAN LINE), AND MEMBER LINES OF FAR EAST CONFERENCE

Notice of Request for Cancellation of Agreement

Notice is hereby given that request has been received on behalf of the member lines of the Far East Conference (Agreement No. 17, as amended), for the cancellation of Agreement No. 4957, between said member lines and Societe Franco-Iberique D'Armement (Franco-Iberian Line), which covers an arrangement whereby Franco-Iberian agrees that the through rates on all cargo transported in vessels of that company from U.S. Atlantic and Gulf ports to ports within the scope of the Far East Conference, transhipped at European ports, will be no lower than the rates provided in the tariff of said conference, and that in connection with such through shipments it will abide by all applicable rules, regulations and conditions of such tariff. The Far East Conference covers the trade from U.S. Atlantic and Gulf ports to ports in Japan, Korea, Taiwan (Formosa), Siberia, Manchuria, China, Hong Kong, Indo-China, and the Philippines.

Any written statements, comments or protests with respect to the cancellation of Agreement No. 4957, pursuant to section 15 of the Shipping Act, 1916, or request for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER.

Dated: September 23, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-9011; Filed, Sept. 27, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-141]

BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R-60 issued to The Board of Trustees of the Leland Stanford Junior University as requested in its application for amendment dated March 29, 1960. Amendment No. 1 revises condition 4. B. in License No. R-60 in order to clarify the restriction therein concerning permissible excess reactivity.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since clarification of the restriction does not present any change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see (a) the application for license amendment by The Board of Trustees of The Leland Stanford Junior University and (b) a hazards analysis of the license restriction prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland, this 16th day of September 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-60; Amdt. 1]

In accordance with the licensee's letter request dated March 29, 1960, paragraph 4.B. of License No. R-60, is revised in its entirety to read as follows:

B. The fuel loading in the reactor shall be such that the excess reactivity above cold, clean critical shall not exceed 0.5%. The reactivity of the fuel loading necessary to compensate for experiments which cannot credibly fail so as to introduce more than 0.6 percent reactivity need not be considered in determining the maximum allowable fuel loading in the reactor.

Date of issuance: September 16, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-8973; Filed, Sept. 27, 1960; 8:45 a.m.]

[Docket No. 50-154]

MARTIN CO.

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to The Martin Company a facility license substantially as set forth below authorizing the possession and operation on the licensee's site near Middle River, Maryland, of a liquid fluidized bed reactor critical experiments facility at power levels not exceeding ten watts (thermal). Prior to issuance of the license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPCX-17, as amended. Petitions for leave to intervene or requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by The Martin Company and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland, this 16th day of September 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED LICENSE

1. This license applies to the liquid fluidized bed reactor critical experiments facility (hereinafter referred to as "the reactor") which is owned by The Martin Company and located on the licensee's site near Middle River, Maryland, and described in the application for license dated December 30, 1959, and amendments thereto dated February 17, 1960 and July 22, 1960, (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPCX-17, as amended, issued to The Martin Company and will operate in conformity with the application and in conformity with the Act and with the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The Martin Company is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The Martin Company has filed with the Commission proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The Martin Company:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location near Middle River, Maryland, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 50 kilograms of contained uranium-235 in connection with operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate such byproduct materials as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The Martin Company shall not operate the reactor at power levels in excess of ten watts (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, The Martin Company shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of The Martin Company as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. The Martin Company shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight, February 15, 1961.

For the Atomic Energy Commission.

[F.R. Doc. 60-8974; Filed, Sept. 27, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780, FCC 60-1113]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN), Docket No. 13780.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of September 1960;

The Commission having under consideration American Telephone and Telegraph Company Tariffs F.C.C. No. 135, 3d Revised Page 42C, Original Page 43A, and Original Page 45AA, F.C.C. No. 208, 11th Revised Page 22E, and F.C.C. No. 237, Original Page 11A, filed July 28, 1960, under Transmittal No. 6380, establishing new regulations and charges for special arrangements to be provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS), effective September 1, 1960, and American Telephone and Telegraph Company Tariff F.C.C. No. 135, Original Page 10KD, and Original Page 10KE, filed July 28, 1960, under Transmittal No. 6378, establising new regulations and charges for switching and signaling arrangements to be provided as part of the Command Post Alerting Network (COPAN), effective August 30, 1960; and

It appearing that the Commission is unable to determine that the regulations and charges contained in the above-mentioned new tariff schedules are or will be just and reasonable or otherwise lawful under the provisions of section 201(b) or section 202(a) of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned new tariff schedules;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of

the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be hereafter followed with respect to the service governed by the aforementioned tariff schedules and, if so, what classifications, regulations, and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be hereafter specified and that the examiner hereafter to be designated to preside at such hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or Recommended Decision;

It is further ordered, That the American Telephone and Telegraph Company be and it is hereby made a party respondent in the proceedings herein.

Released: September 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9017; Filed, Sept. 27, 1960; 8:49 a.m.]

[Docket No. 13781; FCC 60-1114]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, regulations and charges for (1) certain equipment used on channels for the remote operation of mobile radiotelephone systems and (2) certain terminal equipment used in conjunction with data transmission channels (filed on behalf of Peninsula Telephone and Telegraph Company), Docket No. 13781.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of September 1960;

The Commission, having under consideration the American Telephone and Telegraph Company's Tariffs F.C.C. No. 135, Original Page 42 AG, and F.C.C. No. 237, Original Page 19 C, filed under Transmittal No. 6383 on behalf of the Peninsula Telephone and Telegraph Company of Forks, Washington, a connecting carrier, containing regulations and charges respectively for (1) certain equipment used on channels for the remote operation of mobile radiotelephone systems and (2) certain terminal equipment used in conjunction with data transmission channels, such services being provided for use in connection with the Semi-automatic Ground Environment (SAGE) System of the United States Air Force, and a petition having been filed by the United States of America, through its Administrator of General Services, requesting an investigation of the rates set forth in the afore-mentioned tariffs; and

It appearing that the Commission is unable to determine that the regulations and charges contained in the new and revised tariff schedules are or will be just and reasonable or otherwise lawful under the provisions of Section 201(b) or Section 202(a) of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned tariff schedules, including amendments thereto and successive issues thereof; and

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be followed with respect to the services governed by the staff schedules listed above and, if so, what classifications, regulations, and practices should be prescribed; and

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision; and

It is further ordered, That the American Telephone and Telegraph Company and the Peninsula Telephone and Telegraph Company be and they hereby are made parties respondent in this proceeding, and the United States of America, through its Administrator of General Services, be and it hereby is granted leave to intervene herein upon the filing of a notice of intention to participate in this proceeding within twenty days from the date of issuance of this order.

Released: September 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9018; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket No. 13685; FCC 60M-1597]

CALOJAY ENTERPRISES, INC.

Order Following Prehearing Conference

In re application of Calojay Enterprises, Inc., Indianapolis, Indiana, Docket No. 13685, File No. BPH-3013; for construction permit (FM).

A prehearing conference in the above-entitled matter having been held on September 21, 1960, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

It is ordered, This 21st day of September 1960, as follows:

(1) The affirmative case of the applicant shall be presented by written, sworn exhibits.

(2) Copies of the proposed exhibits of the applicant shall be supplied to counsel for the Broadcast Bureau (and also to the Hearing Examiner) by December 30, 1960;

(3) Counsel for the Bureau shall notify the applicant's counsel by January 5, 1961, as to those witnesses for the applicant who are to be made available for cross-examination at the hearing on January 10, 1961; and

(4) The hearing heretofore scheduled to commence on October 10, 1960, at Washington, D.C., is postponed to January 10, 1961, pending the filing by applicant of a petition for reconsideration and grant without hearing, and action thereon by the Commission.

Released: September 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9019; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket No. 13795; FCC 60-1127]

RADIO MILLINGTON, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Radio Millington, Inc., Millington, Tennessee, requests: 1380 kc., 500 w., D, docket No. 13795, File No. BP-13025; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of September 1960;

The Commission having under consideration the above-captioned and described application:

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 27, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Radio Millington, Inc. would involve objectionable interference with Station WTJS, Jackson, Tennessee, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Sun Publishing Company, licensee of Station WTJS, Jackson, Tennessee, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9023; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket Nos. 13622, 13623; FCC 60M-1589]

ELEVEN TEN BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of Eleven Ten Broadcasting Corporation, Pasadena, California, for renewal of license of standard broadcast station KRLA & Aux., Docket No. 13622, File No. BR-1189; for license to cover construction permit (BP-11700), Docket No. 13623, File No. BL-7701.

It is ordered, This 21st day of September 1960, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., commencing at 9:00 a.m., September 28, 1960.

Released: September 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9021; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket Nos. 13775, 13776; FCC 60M-1593]

NANSEMOND BROADCASTERS AND D. D. CAMERON

Order Scheduling Hearing

In re applications of Ralph D. Epperson & Earlene S. Epperson d/b as Nansemond Broadcasters, Suffolk, Virginia, Docket No. 13775, File No. BP-12646 D. D. Cameron, Portsmouth, Virginia, Docket No. 13776, File No. BP-13875; for construction permits.

It is ordered, This 21st day of September 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 15, 1960, in Washington, D.C.

Released: September 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9022; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket Nos. 13771-13774; FCC 60M-1592]

COLUMBIA RIVER BROADCASTERS, INC., ET AL.

Order Scheduling Hearing

In re applications of Columbia River Broadcasters, Inc., Mount Vernon, Washington, Docket No. 13771, File No. BP-11933; Henry Perozzo (KAYE), Puyallup, Washington, Docket No. 13772, File No. BP-12844; KBKW, Inc. (KBKW), Aberdeen, Washington, Docket No. 13773, File No. BP-13406; Carl-Dek, Inc., Kirkland, Washington, Docket No. 13774, File No. BP-13491; for construction permits.

It is ordered, This 21st day of September 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 22, 1960, in Washington, D.C.

Released: September 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9020; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket No. 13804; FCC 60-1129]

RADIO STATION KMUL (KMUL)

Order Designating Application for Hearing on Stated Issues

In re application of John Burroughs, Leola Randolph and Gilbert Lamb, d/b as Radio Station KMUL (KMUL) Muleshoe, Texas, has: 1380kc, 500w, Day, requests: 1380kc, 1kw, Day, Docket No. 13804, File No. BP-12942; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of September 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 27, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicant filed a reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, by letter dated August 22, 1960, KSWO objected to interference caused by the instant proposal; and

It further appearing that, after consideration of the foregoing and the ap-

plicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KMUL and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of KMUL would involve objectionable interference with Station KSWO, Lawton, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Oklahoma Quality Broadcasting Company, a copartnership composed of R. H. Drewry, J. R. Montgomery, Ted R. Warkentin, Robert P. Scott and G. G. Downing, licensee of Station KSWO, Lawton, Oklahoma, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9024; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket Nos. 13076, 13077; FCC 60M-1595]

SUPREME BROADCASTING CO., INC. OF PUERTO RICO AND RADIO AMERICAN WEST INDIES, INC.

Order Continuing Hearing

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT-2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT-2581; for construction permits for new television broadcast stations (Channel 8).

The Hearing Examiner has under consideration a motion filed September 19, 1960, by Supreme Broadcasting Company, Inc., of Puerto Rico, requesting that the hearing in the above-entitled proceeding be continued from September 22, 1960 to October 20, 1960.

It appears that Supreme Broadcasting Company, Inc., of Puerto Rico and Radio American West Indies, Inc., have entered into an agreement which looks towards the dismissal of the application of Radio American West Indies, Inc., and the ultimate merger of the respective interests of both applicants in a single corporation subject to the approval of the Commission. The requested continuance is to give time for the preparation and filing of certain documents and pleadings which will lead to a speedy resolution of this proceeding.

Other counsel have consented to the requested continuance and for immediate consideration of the motion and good cause has been shown for the granting of the motion for continuance.

It is ordered, This the 21st day of September 1960, that the motion for continuance is granted and the hearing is continued from September 22, 1960, to October 20, 1960.

Released: September 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9026; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket Nos. 13745, 13746; FCC 60M-1600]

RADIO STATION WHCC (WHCC) AND ALUMINUM CITIES BROADCASTING CO. (WGAP)

Order Following Prehearing Conference

In re applications of Kenneth D. Fry and Margaret F. Fry, d/b as Radio Station WHCC (WHCC), Waynesville, North Carolina, Docket No. 13745, File No. BP-12615; Harry C. Weaver and Frank H. Corbett, a limited partnership, d/b as Aluminum Cities Broadcasting Company (WGAP), Docket No. 13746, File No. BP-12642; for construction permits.

A prehearing conference in the above-entitled proceeding having been held on September 21, 1960, and it appearing that certain agreements were reached therein by the counsel present which properly should be formalized in an order;

It is hereby ordered, This 21st day of September 1960, as follows:

(1) The affirmative cases of the applicants shall be presented by written, sworn exhibits;

(2) Each of the applicants shall exchange its proposed exhibits with all other parties herein by December 1, 1960;

(3) The hearing heretofore scheduled to commence on October 26, 1960, is postponed indefinitely pending the filing by the applicants of petitions for reconsideration and grant without hearing, and action thereon by the Commission.

Released: September 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9025; Filed, Sept. 27, 1960; 8:50 a.m.]

[Docket Nos. 13436-13438; FCC 60M-1604]

TOT INDUSTRIES, INC. ET AL.

Order Continuing Hearing

In re applications of Tot Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT-2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT-2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT-2697; for construction permits for new television broadcast stations (Channel 10).

It is ordered, This 22d day of September 1960, that the hearing now scheduled for October 10 is continued to October 11, 1960, at 10:00 a.m. in Washington, D.C.

Released: September 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9027; Filed, Sept. 27, 1960; 8:50 a.m.]

[FCC 60-1120]

PROGRAM LOG ANALYSIS

Composite Week

SEPTEMBER 22, 1960.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM and TV station licenses which have termination dates in 1961 and applications for major changes in broadcast facilities.

Sunday, August 30, 1959.
Monday, October 19, 1959.
Tuesday, December 1, 1959.
Wednesday, February 10, 1960.
Thursday, April 21, 1960.
Friday, June 17, 1960.
Saturday, September 10, 1960.

The attention of licensees is also directed to Section IV, page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9029; Filed, Sept. 27, 1960; 8:51 a.m.]

[Canadian List 150]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

AUGUST 31, 1960.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		540 kilocycles				
CBT (PO 950 kc 1 kw N.D.).	Grand Falls, Newfoundland.	1 kw	ND	U	II	August 15, 1961.
		570 kilocycles				
CFCB (assignment of call letters).	Corner Brook, Newfoundland.	1 kw	ND	U	III	
		790 kilocycles				
CBH (PO. 1340 kc 0.1 kw N.D.).	Halifax, Nova Scotia.	*10 kw*	*DA-2*	U	III	Do.
		980 kilocycles				
CKRM (now in operation with increased daytime power).	Regina, Saskatchewan.	10 kw D/5 kw N.	DA-2	U	III	
		990 kilocycles				
CBY (PO 730 kc 1 kw N.D.).	Corner Brook, Newfoundland.	1 kw	ND	U	II	EIO August 15, 1961.
		1150 kilocycles				
CKX (now in operation with increased daytime power).	Brandon, Manitoba.	10 kw D/1 kw N.	ND	U	III	
		1540 kilocycles				
New (delete assignment).	Melfort, Saskatchewan.	0.25 kw	ND	U	IV	
		1950 kilocycles				
CHWO (delete assignment for increase in power (CHWO remaining 1250 kc 1 kw D/0.5 kw N DA-D).	Oakville, Ontario.	2.5 kw D/1 kw N.	DA-2	U	III	
CKOM (PO. 1420 kc 5 kw DA-N).	Saskatoon, Saskatchewan.	*10 kw*	DA-N	U	III	Do.
		1540 kilocycles				
New.	Settler, Alberta.	0.25	ND	U	IV	Delete assignment.
		1480 kilocycles				
CKOM (delete assignment for increase in power (CKOM operating 1420 kc 5 kw DA-N).	Saskatoon, Saskatchewan.	10 kw	DA-N	U	III	
		1470 kilocycles				
CHOW (now in operation with increased power and nighttime operation).	Welland, Ontario.	1 kw D/0.5 kw N.	DA-2	U	III	
		1490 kilocycles				
CKCR (PO. 1400 kc 0.25 kw N.D.).	Kitchener, Ontario.	10 kw D/5 kw N.	DA-2	U	IV	EIO August 15, 1961.
		1600 kilocycles				
New (delete assignment).	Duncan, British Columbia.	1 kw	DA-1	U	II	
		1570 kilocycles				
New (delete assignment).	Dorval-Pointe Claire, Province of Quebec.	5 kw	DA-1	U	II	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9028; Filed, Sept. 27, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-40]

COLUMBIA GULF TRANSMISSION CO. AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

SEPTEMBER 21, 1960.

Take notice that Columbia Gulf Transmission Company (Columbia), a Delaware corporation with a principal office in Houston, Texas, and Kentucky Gas Transmission Corporation (Kentucky Gas), a Delaware corporation with a principal office in Charleston, West Virginia, filed a joint application for a certificate of public convenience and necessity in Docket No. CP61-40, on August 11, 1960, pursuant to section 7 of the Natural Gas Act for authorization for (1) Columbia to construct and operate a main line tap on its existing 30-inch pipeline near Stanton, Kentucky, and (2) Kentucky Gas to construct and operate a measuring station at the above tap location. The foregoing is more fully described in the joint application on file with the Commission, and open to public inspection.

Columbia and Kentucky Gas state the purpose of the proposed construction is to enable Columbia Gulf to deliver natural gas to Kentucky Gas for the account of United Fuel Gas Company and to establish a new delivery point for Kentucky Gas to sell gas to Delta Natural Gas of Stanton, Inc. for distribution in the Town of Stanton, Kentucky. Kentucky Gas, at present, delivers gas to Delta from Columbia Gulf's Means Station. Applicants have been advised that Delta's line has deteriorated so badly that it has experienced a 9 percent line loss and it had trouble maintaining adequate service to its existing customers. Because of the mountainous terrain, the cost of rebuilding this line would be approximately $25,000. Delta requests that Kentucky Gas deliver this gas at a new point of delivery on Columbia Gulf's line approximately three miles southeast of the present delivery point where Delta would construct a new line.

The application states (a) Columbia Gulf presently transports gas for United Fuel's account from United Fuel's purchases in Louisiana, (b) Kentucky Gas purchases its gas supply from United Fuel from various points of delivery and has served Delta with portions of gas purchased from United Fuel at Columbia Gulf's Means Station and (c) Columbia Gulf, Kentucky Gas and United Fuel are subsidiaries of The Columbia Gas System, Inc.

Columbia estimates the cost of its proposed facilities at $2,160 while Kentucky Gas estimates its cost at $7,855. These costs will be paid from funds on hand. Delta will reimburse Columbia Gulf $2,160 and Kentucky Gas $840. The estimated cost of retiring the Means Measuring Station is $575 with a salvage value of $7,170 and a debit to retirement of $3,764.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in an subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 27, 1960 at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8988; Filed, Sept. 27, 1960; 8:47 a.m.]

[Docket No. CP61-32]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 21, 1960.

Take notice that on August 5, 1960, El Paso Natural Gas Company (Applicant) filed in Docket No. CP61-32 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Cascade Natural Gas Corporation (Cascade) for resale and distribution in the community of Richland, Washington, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The gas will be delivered through Applicant's existing Kennewick Meter Station located at a point on Applicant's 20-inch Spokane lateral pipeline near Kennewick, Washington, from which point Cascade will construct and operate the necessary connection line and distribution system in Richland. The existing connection with Cascade makes unnecessary any new facilities or construction by Applicant.

Applicant's estimated requirements under this application for the first three years are:

	Mcf at 14.73 psia		
	1st year	2d year	3d year
Annual	63,435	309,424	331,171
Peak day	432	1,666	1,814

Most of the gas is to be used for residential and commercial space heating, with one firm industrial customer and one interruptible customer in the second and third years. Cascade has the necessary franchise to distribute gas in Richland.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of Practice and procedure, a hearing will be held on October 25, 1960, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 14, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8989; Filed, Sept. 27, 1960; 8:47 a.m.]

[Docket No. CP61-34]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 21, 1960.

Take notice that on August 8, 1960, Northern Natural Gas Company (Applicant) filed in Docket No. CP61-34 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1961 of unspecified measuring and regulating stations, and appurtent facilities, necessary for the establishment of new and additional delivery points for the sale and delivery of natural gas to Applicant's existing utility customers for resale in the vicinity of Applicant's pipeline system passing through the States of Oklahoma, Kansas, Nebraska, Iowa, South Dakota and Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Upon establishment of the proposed delivery points, service will be rendered to the ultimate consumer either through Peoples Natural Gas Division or Council Bluffs Gas Division, both being distributing divisions of Applicant, or through Applicant's utility customers. All firm volumes to be delivered will be provided from the existing contract demand of the requesting division or utility customer, and all interruptible sales will be subject to curtailment under Steps 5 and 6 of Applicant's presently effective tariff.

Applicant estimates that the total cost of all measuring and regulating stations and appurtenances under this application will not exceed $200,000, and that the total cost of no individual project will exceed $18,000.

The purpose of this budget-type application is to secure authorization for installation of delivery points without the delay in receiving authority and in rendering service to customers which would be necessitated by the filing and processing of individual applications for each separate project.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 14, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8990; Filed, Sept. 27, 1960; 8:47 a.m.]

[Docket No. RI61-94]

SOCONY MOBILE OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Rate Change to Become Effective

SEPTEMBER 21, 1960.

On August 22, 1960, Socony Mobil Oil Company, Inc., on its own behalf, and as Socony Mobil Oil Company, Inc. (Operator), et al. (Socony) submitted a letter agreement dated June 22, 1960, to reflect a transfer of certain acreage from high pressure to low pressure gas sales under contracts dated July 9, 1956, on file as Socony's FPC Gas Rate Schedule Nos. 19 and 104, respectively. Under the above-mentioned rate schedules sales are made to El Paso Natural Gas Company from the Jack Herbert Field, Upton County, Texas. Copies of the letter agreement reflecting the transfer of acreage have been designated as Supplement Nos. 5 and 11 to Socony's FPC Gas Rate Schedule Nos. 19 and 104 respectively. Socony requested no specific effective date.

In support of the proposed transfer of certain acreage, Socony states that such acreage contains the Windham "C" No. 1 well, which is depleted to a stage where it can produce only low pressure gas.

Socony's increased rate of 13.68825 cents per Mcf for low pressure gas under its FPC Gas Rate Schedule No. 104 is in effect subject to refund in Docket No. G-20406. Socony proposes to sell low pressure gas from the transferred acreage at the same 13.68825 cents per Mcf rate.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Socony's proposed change, and that Supplement No. 11 to Socony Mobil Oil Company's, Inc. (Operator), et al., FPC Gas Rate Schedule No. 104 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that the above-designated supplement be allowed to take effect subject to refund upon the timely filing of an agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change contained in Supplement No. 11 to Socony Mobil Oil Company's Inc. (Operator), et al. FPC Gas Rate Schedule No. 104.

(B) Pending a hearing and decision thereon, the above-designated supplement is hereby suspended and the use thereof deferred until September 23, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Supplement No. 11 to Socony Mobil Oil Company's Inc. (Operator) et al. FPC Gas Rate Schedule No. 104 shall be effective as of September 23, 1960: *Provided, however*, That within 20 days from the date of this order, Socony shall execute and file under Docket No. RI61-94 with the Secretary of the Commission an agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A). The agreement and undertaking shall be signed by a responsible officer of Socony, shall be attested, and shall be accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Socony is advised to the contrary within 15 days after the filing of such agreement and undertaking, it shall be deemed to have been accepted for filing.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before November 7, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8991; Filed, Sept. 27, 1960; 8:47 a.m.]

[Docket Nos. RI61-88—RI61-93]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 21, 1960.

In the matter of Skelly Oil Company, Docket No. RI61-88; Texaco, Inc., Docket No. RI61-89; W. C. McBride, Inc., et al., Docket No. RI61-90; Inland Natural Gasoline, Docket No. RI61-91; Humble Oil & Refining Company, Docket No. RI61-92; Sunray Mid-Continent Oil Company, Docket No. RI61-93.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf [2] Rate in effect	Cents per Mcf [2] Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI61-88	Skelly Oil Co	72	6	El Paso Natural Gas Co. (E. Vealmoor Gasoline Plant, Howard County, Tex.).	8-17-60	8-22-60	9-22-60	2-22-61	10.135	16.216	
RI61-89	Texaco Inc	[3] 223		United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.).		8-22-60	9-22-60	2-22-61	[3] 10.497		G-15548
		223	1	do	Undated	8-22-60	9-22-60	2-22-61		23.25	
RI61-90	W. C. McBride, Inc., *et al.*	7	2	Kansas-Nebraska Natural Gas Co., Inc. (Padroni Field, Logan County, Colo.).	8-23-60	8-25-60	11- 1-60	4- 1-61	12.8262	13.7424	
RI61-91	Inland Natural Gasoline.	1	3	El Paso Natural Gas Co. (South Cowden Gasoline Plant, Ector County, Tex.).	8-19-60	8-25-60	9-25-60	2-25-61	14.1178	17.1632	G-19092
RI61-92	Humble Oil & Refining Co.	221	1	Northern Natural Gas Co. (Beaver County, Okla.).	8-17-60	8-25-60	9-25-60	2-25-61	15.5	16.5	
RI61-93	Sunray Mid-Continent Oil Co.	132	8	United Fuel Gas Co. (Cole's Gully Field, Acadia Parish, La.).	8-24-60	8-26-60	11- 1-60	4- 1-61	19.5	19.9	G-19905
		178	3	United Fuel Gas Co. (Valentine Field, La Fourche Parish, La.).	8-24-60	8-26-60	11- 1-60	4- 1-61	19.5	19.9	G-19904

[1] The stated effective date is the first day after the required 30-days' notice or, if later, the date requested by respondent.

[2] The rates of Skelly Oil Co., Inland Natural Gasoline, and Humble Oil & Refining Co. are at a pressure base of 14.65 psia. The other rates are at 15.025 psia.

[3] Texaco Inc's proposed FPC Gas Rate Schedule No. 223, comprised by a contract dated June 2, 1960, supersedes Texaco Inc's FPC Gas Rate Schedule No. 74, as amended. The rate presently in effect subject to refund under Rate Schedule No. 74 is 10.497 cents per Mcf.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

In support of its proposed increased rate, Skelly Oil Company (Skelly) cites an amendatory agreement which provides for the periodic increase and eliminates the favored-nation provision of the original contract. Skelly also states that the proposed rate will not create a new price plateau or trigger other prices and is necessary to offset increased costs and help Skelly maintain and increase its reserves.

In support of its proposed renegotiated increased rate, Texaco, Inc. (Texaco), cites its renegotiated contract. Texaco states that the pricing provisions of its new contract were negotiated at arm's length and are integral to the long-term sale of a depletable asset in an inflationary economy. Texaco also states that the increased rate is necessary to offset increased prices and wages, indicated by the Bureau of Labor Statistics reports, and the increased costs of deeper drilling in more inaccessible places.

In support of its proposed periodic increased rate, W. C. McBride, Inc. et al. (McBride), states that its contract was negotiated at arm's length and the pricing provisions were an integral part of the consideration for the sale. McBride also states that the pricing provisions reflect a bona fide attempt to meet varying economic conditions over the long term of the contract and that the increased rate does not exceed the value of the gas.

In support of its proposed favored-nation increased rate, Inland Natural Gasoline (Inland) cites its contract and a triggering price. Inland states that the increase is obligatory under a contract negotiated at arm's length and that denial of the rate would be inequitable, unfair, and confiscatory. Inland also states that the proposed rate is below current market value and is obviously just and reasonable.

In support of its proposed renegotiated increased rate, Humble Oil & Refining Company submits an amendatory agreement providing for a rate increase in consideration of the seller's relinquishing the right to process the gas for removal of liquid hydrocarbons.

In support of its proposed periodic increased rates, Sunray Mid-Continent Oil Company (Sunray) states that its contracts were negotiated at arm's length and the pricing provisions were essential consideration for the gas sales, insuring receipt of the market value of the gas during the long term of the contract. Sunray also states that such contract terms are common and that the increased rates are just and reasonable and denial thereof would be unduly discriminatory.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and rate schedule be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements and Texaco's FPC Gas Rate Schedule No. 223.

(B) Pending hearings and decisions thereon, each of the above-designated supplements and rate schedule is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements or rate schedule hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 4, 1960.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-9001; Filed, Sept. 27, 1960; 8:48 a.m.]

[Docket No. G-5029 etc.]

SHELL OIL CO. ET AL.

Notice of Postponement of Hearing

SEPTEMBER 20, 1960.

In the matter of Shell Oil Company, Docket No. G-5029; Columbian Carbon Company, Docket No. G-7089; Coltexo Corporation, Docket No. G-7091.

Upon consideration of the motion filed September 13, 1960, by Counsel for Shell Oil Company for postponement of the hearing now scheduled for October 17, 1960, in the above-designated matter;

The hearing now scheduled for October 17, 1960, is hereby postponed to December 5, 1960, at 10.00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

MICHAEL J. FARRELL,
Secretary.

[F.R. Doc. 60-9000; Filed, Sept. 27, 1960; 8:48 a.m.]

PROJECT NO. 11

Vacation of Withdrawal

SEPTEMBER 21, 1960.

In the matter of land withdrawn in Project No. 11; Docket No. DA-163-Washington Bureau of Land Management, United States Department of the Interior.

An inquiry concerning the power withdrawal pertaining to the following-described land has been received from the Bureau of Land Management, United States Department of the Interior, pursuant to the filing by the State of Washington of a school indemnity selection (Washington 03448) on said land, requiring a determination under section 24 of the Federal Power Act with respect thereto:

WILLAMETTE MERIDIAN, WASHINGTON

T. 30 N., R. 8 W., sec. 20, NE¼NW¼.

The above-described land lies on the east side of the divide between Lake Crescent and Lake Sutherland, both of which drain through their respective outlets into the Strait of Juan de Fuca and embraces a portion of the proposed course of a conduit or flume diverting water from Lake Crescent to Lake Sutherland and thence generally along the outlet of the latter to a powerhouse near the mouth of the Elwha River, constituting one of the developments of proposed Project No. 11.

The land was reserved, among other lands, pursuant to the filing on June 21, 1920, of an application for a preliminary permit for proposed Project No. 11, which application was denied on November 20, 1922. No definable project boundaries are shown on the maps submitted as part of the application, the various proposed project facilities apparently occupying portions of the lands in T. 29 N., R. 10 W.; T. 30 N., Rgs. 7, 8, 9 and 10 W.; and T. 31 N., Rgs. 8, 9 and 10 W.

The other developments of the proposed project consisted of several diversion dams creating a minor amount of pondage, tunnels, flumes and five additional powerhouses—all located in the Crescent Lake drainage area, except for two small diversions to the lake from the Soleduck River which flows westwardly to the Pacific Ocean. The proposed diversions and a considerable amount of conduit are situated within the limits of the Olympic National Park, formerly Mount Olympus National Monument.

The Act of March 3, 1921 (41 Stat. 1353) repealed that portion of the Federal Water Power Act empowering the Commission to issue licenses for the construction of hydroelectric power projects within the limits of national parks and national monuments, and provided that no authorization for such construction shall be granted or made without specific authority of Congress. Use of the lands in connection with power development appears to be remote.

The Commission finds: The existing power withdrawal of record pertaining to all lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 11 serves no useful purpose and vacation of the withdrawal of record is in the public interest.

The Commission orders: The existing power withdrawal of record pertaining to all lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 11 is vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-8999; Filed, Sept. 27, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 138]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 23, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 4), HELM'S EXPRESS INC., P.O. Box 268, Pittsburgh 30, Pa., filed September 12, 1960. Applicant's attorney, John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cincinnati and Dayton over U.S. Highway 25.

No. MC-2202 (Deviation No. 13), ROADWAY EXPRESS INC., 147 Park Street, Post Office Box 471, Akron 9, Ohio, filed September 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Strafford, Mo., over Interstate Highway 44 to Springfield, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates the carrier is presently authorized to transport the same commodities between Strafford and Springfield over U.S. Highway 66.

No. MC-2202 (Deviation No. 14), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed September 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to junction U.S. Highway 24, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Toledo, Ohio, over U.S. Highway 24 to Detroit, and return over the same route.

No. MC 2202 (Deviation No. 15), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed September 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 77 and Interstate Highway 35 approximately 5 miles north of Norman, Okla., over Interstate Highway 35 to Purcell, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From the junction of U.S. Highway 77 and Interstate Highway 35 over U.S. Highway 77 to Purcell, and return over the same route.

No. MC 2202 (Deviation No. 16), ROADWAY EXPRESS INC., 147 Park Street, Akron 9, Ohio, filed September 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Winston Salem, N.C., over U.S. Highway 421 to junction Interstate Highway 40, thence over Interstate Highway 40 to Greensboro, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Winston Salem and Greensboro, over U.S. Highway 421.

No. MC-27970 (Deviation No. 1), CHICAGO EXPRESS INC., 3rd and Adams Streets, Kearny, N.J., filed September 8, 1960. Attorney T. F. Connor, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over deviation routes as follows: (A) From the Illinois-Indiana State Line, over the Indiana toll road to the Indiana-Ohio State Line; (B) from the New York-Massachusetts State Line over the Massachusetts Turnpike to Boston; and (C) from the Pennsylvania-New York State Line over the New York Thruway to New York (except as already authorized) and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 20 to Boston, Mass.; and from Newark, N.J., over New Jersey Highway 17 to the New Jersey-New York State Line, thence over New York Highway 17 to Harriman, N.Y., thence over U.S. Highway 6 to Central Valley, N.Y., thence over New York Highway 32 to Newburgh, N.Y., and thence over U.S. Highway 9 W to Albany, N.Y., and return over the same routes.

No. MC-38465 (Deviation No. 1), GEORGE'S TRANSPORTATION CO., INC., Pier 5, Pratt Street, Baltimore, Md., filed September 9, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Interchange No. 1 of the New Jersey Turnpike over the said turnpike to Interchange No. 18, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Alexandria, Va., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to Bridgeport, N.J., thence over alternate U.S. Highway 130 (formerly U.S. Highway 130) to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Truck U.S. Highway 1, thence over Truck U.S. Highway 1 and city streets to Jersey City and Hoboken, N.J., thence across the Hudson River to New York; from Alexandria over U.S. Highway 1 to Bel Air, Md., thence over Maryland Highway 22 to Aberdeen, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence across the Delaware River via Camden, N.J., to junction U.S. Highway 130, thence to New York as specified above; from Alexandria over U.S. Highway 1 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 40, thence over U.S. Highway 40 (formerly U.S. Highway 29) to Baltimore, Md. (also from Washington over U.S. Highway 50 to junction Maryland Highway 3, and thence over Maryland Highway 3 to Baltimore), thence over U.S. Highway 1 to New York, and return over the same routes.

No. MC-67646 (Deviation No. 10), HALL'S MOTOR TRANSIT COMPANY, Post Office Box 738, Sunbury, Pa., filed September 6, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 90 to West Springfield, Ohio and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Johnsonburg, Pa., over U.S. Highway 219 to Wilcox, Pa., thence over unnumbered highway to

Kane, Pa., thence over U.S. Highway 6 to junction U.S. Highway 6–N, thence over U.S. Highway 6–N to West Springfield, Pa., and thence over U.S. Highway 20 to Cleveland, and return over the same route.

No. MC 76266 (Deviation No. 5), MERCHANTS MOTOR FREIGHT INC., 2625 Territorial Road, St. Paul 14, Minn., filed September 12, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 25 and Interstate Highway 75 over Interstate Highway 75 to Toledo, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Toledo over U.S. Highway 25 via Flat Rock, Mich. to Detroit, and return over the same route.

No. MC–83864 (Deviation No. 1), SECURITY CARTAGE COMPANY, INC., 1326 Polk, Fort Wayne 7, Ind., filed September 2, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Dayton, Ohio, over Interstate Highway 75 to Cincinnati, Ohio, and return over the same route for operating convenience only, serving no intermediate point. The notice indicates that the carrier is presently authorized to transport the same commodities between Dayton and Cincinnati over U.S. Highway 25.

No. MC–109834 (Deviation No. 4), NOVICK TRANSFER CO., INC., 700 N. Cameron Street, Winchester, Va., filed September 2, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions over a deviation route as follows: From the junction of Virginia Highway 7 and U.S. Highway 340 at Berryville, Va., over U.S. Highway 340 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction Virginia Highway 55 at Riverton, Va., thence over Virginia Highway 55 to the junction with U.S. Highway 11 at Strasburg, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Berryville over Virginia Highway 7 to Winchester, Va., and thence over U.S. Highway 11 to Strasburg, and return over the same route.

No. MC 111231 (Deviation No. 8), JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark., filed September 15, 1960. Carrier's representative, B. J. Wiseman, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Stroud, Okla., over Oklahoma Highway 99 to junction U.S. Highway 62 at Prague, Okla., thence over U.S. Highway 62 to Oklahoma City, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Tulsa, Okla., over U.S. Highway 66 to Oklahoma City, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-9002; Filed, Sept. 27, 1960; 8:48 a.m.]

[Notice 343]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 23, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub No. 32), filed September 7, 1960. Applicant: H. MESSICK, INC., P.O. Box 214, Duquesne and Newman Roads, Joplin, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, blasting materials and supplies, materials used in the manufacture of explosives*, and *empty containers* used in transporting the above-described commodities, (1) between the plant site of Hercules Powder Company near Carthage, Mo., on the one hand, and, on the other, points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia, and Wyoming. (2) Between the plant site of Hercules Powder Company near McAdory, Ala., on the one hand, and, on the other points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Michigan, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. (3) Between the plant site of Hercules Powder Company near Kenvil, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. (4) Between the plant site of Hercules Powder Company near Ishpeming, Mich., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Oklahoma, Tennessee and Texas.

NOTE: Applicant states the proposed operations shall be restricted to service under a continuing contract or contracts with the Hercules Powder Company of Wilmington, Del.

HEARING: November 2, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Michael B. Driscoll.

No. MC 1042 (Sub No. 1), filed September 14, 1960. Applicant: C. P. T. FREIGHT, INC., 2600 Calumet Avenue, Hammond, Ind. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between the incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation Plant and all points authorized to be served by applicant pursuant to its Certificate No. MC 1042.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 2136 (Sub No. 16), filed September 13, 1960. Applicant: CLEMANS TRUCK LINE, INC., 815 East Pennsylvania Avenue, South Bend, Ind. Applicant's attorney: James L. Beattey, Suite 1021–1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; between points in that part of Indiana bounded on the west by the Lake and Porter County lines, on the south by U.S. Highway 20, on the east by the Indiana Highway 49, on the north by Lake Michigan, including Portage, Ind. and the site of the new Midwest Steel Corporation plant, on the one hand, and, on the other, all points authorized to be served by applicant pursuant to its Certificate No. MC 2136 and active succeeding subs.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 2754 (Sub. No. 12), filed September 19, 1960. Applicant: NEUENDORF TRANSPORTATION CO., 3244 Atwood Avenue, Madison, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; serving the plant site of Mid West Steel Corporation, Division of National Steel Corporation, located on U.S. Highway 12 approximately 2 miles east of the Lake-Porter County line, and at or near Portage, Ind., as an off-route point in connection with applicant's regular and irregular route operations to and from the Chicago, Ill., Commercial Zone.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 2978 (Sub No. 9), filed July 18, 1960. Applicant: CLE MAR CARTAGE, INC., R. R. 1, Box 168, Cromwell, Ind. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated sheets*, and *finished boxes and parts*, knocked down, from Bremen, Ind., to points in Illinois, Ohio, and the lower peninsula of Michigan, and St. Louis, Mo.

HEARING: November 1, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner A. Lane Cricher.

No. MC 2990 (Sub No. 16), filed September 19, 1960. Applicant: BLUE ARROW TRANSPORT LINES, INC., 525 Burton Avenue SW., Grand Rapids, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Portage, Ind., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 7439 (Sub No. 4), filed August 3, 1960. Applicant: DAVID NELSON & SON, INC., 1346 54th Street, Kenosha, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 N. Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except articles named therein which are also named in Appendices III and IV thereof covering "store and office fixtures" and "kitchen equipment", from Munster, Ind., to points in Illinois, Iowa, Michigan, Minnesota, Ohio, and Wisconsin; and (2) *Rejected or damaged shipments* of the above-described commodities, from the above-specified destination points to Munster, Ind.

HEARING: November 22, 1960, at the Hotel Schroeder, Milwaukee, Wis., before Examiner A. Lane Cricher.

No. MC 16831 (Sub. No. 10), (CORRECTION), filed September 12, 1960, published in the FEDERAL REGISTER, issue of September 21, 1960. Applicant: LAVERNE W. SIMPSON, doing business as MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel articles*, as defined in Appendix V Descriptions in Motor Carrier Certificates Ex Parte MC–45, serving Portage, Ind., as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and Des Moines, Iowa, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above.

NOTE: Previous publication failed to include the hearing information, and also failed to include applicant's trade name.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 18459 (Sub No. 3), filed September 15, 1960. Applicant: BRITTON MOTOR SERVICE, INC., 185 Eaton Avenue, St. Paul 7, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving points in Indiana located in the territory bounded on the west by the Lake-Porter County Line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, as off-route points in connection with applicant's authorized regular-route operations between Chicago, Ill., and Minneapolis, Minn.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 19201 (Sub No. 119) (CORRECTION), filed August 29, 1960, published in the FEDERAL REGISTER, issue of September 14, 1960. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh 20, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities in bulk, and those requiring special equipment*, but excluding Classes A and B explosives, and household goods as defined by the Commission, (1) between Herndon, Pa. and Sunbury, Pa., from Herndon over Pennsylvania Highway 14 to Sunbury, and return over the same route, serving no intermediate points. (2) Between McClure, Pa. and Lewistown, Pa., from McClure over U.S. Highway 522 to Lewistown, and return over the same route, serving no intermediate points. (3) Between Selinsgrove, Pa. and the junction of combined U.S. Highways 11 and 15 with U.S. Highway 22, from Selinsgrove over combined U.S. Highways 11 and 15 to junction U.S. Highway 22 near Juniata Bridge at the confluence of the Juniata and Susquehanna Rivers, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations. RESTRICTION: The service to be performed by applicant is restricted to that which is auxiliary to, or supplemental of, rail service of the Pennsylvania Railroad Company.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 118779 and Subs thereunder. Applicant indicates it is controlled by the Pennsylvania Railroad Company. Dual operations and common control may be involved. The purpose of this republication is to show applicant proposes to transport *commodities in bulk, and those requiring special equipment*.

HEARING: Remains as assigned, October 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner Michael B. Driscoll.

No. MC 22229 (Sub No. 29), filed September 15, 1960. Applicant: TERMINAL TRANSPORT COMPANY, 180 Harriet Street SE., Atlanta, Ga. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Inidanapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 29988 (Sub No. 75), filed September 19, 1960. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of*

Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving Portage, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 33956 (Sub No. 1) (AMENDMENT), filed November 23, 1959, published in the FEDERAL REGISTER issue of March 23, 1960. Applicant: THE UNION OIL MILL, INC., P.O. Box 97, West Monroe, La. Applicant's attorney: Earl Edwards, Laborde Building, Marksville, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Commodities in bulk*, such as cotton, cottonseed, soybeans, soybean meal, cottonseed meal, cottonseed hulls, cotton linters, motes, and commercial fertilizer in solid form, (1) between Sterlington and West Monroe, La., and New Orleans, La., (a) from Sterlington over U.S. Highway 165 through West Monroe, La., and south to Alexandria, La., thence over U.S. Highway 71 through Bunkie, La., to junction U.S. Highway 190, near Krotz Springs, La., thence over U.S. Highway 190 to Baton Rouge, La., thence over U.S. Highway 61 to New Orleans, and return over the same route, serving the intermediate point of Monroe, La., and the off-route point of West Monroe, La.; and (b) from West Monroe east over U.S. Highway 80 through Vicksburg, Miss., to Jackson, Miss., and return over the same route, serving the intermediate point of Monroe, La.; (2) between Vicksburg, Miss., and Pollock, La., from Vicksburg southwest over U.S. Highway 61 through Port Gibson, Miss., to junction combined U.S. Highways 65 and 84 at Natchez, Miss., thence over combined U.S. Highways 65 and 84 through Ferriday, La., to junction U.S. Highway 84, thence over U.S. Highway 84 through Jonesville and Jena, La., to junction Louisiana Highway 8 at or near Trout, La., thence over Louisiana Highway 8 to Pollock (which intersects Route 1(a) above), and return over the same route, serving no intermediate points; and (3) between Jackson, Miss., and junction U.S. Highways 51 and 61 near Laplace, La., from Jackson over U.S. Highway 51 to junction U.S. Highway 61 near Laplace (which intersects Route 1(a) above), and return over the same route, serving no intermediate points.

NOTE: With regard to the intermediate and off-route point service, applicant states in the application: "Stops for loading and/or unloading will be at the following points only: Sterlington, West Monroe, Bunkie, and New Orleans, La., and Jackson, Miss." Applicant further states that all commodities to be shipped are commodities which are manufactured and/or sold by it.

HEARING: November 4, 1960, in Room 307, Masonic Temple Building, 333 St. Charles Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 34865 (Sub No. 38), (CORRECTION), filed June 8, 1960, published in the FEDERAL REGISTER, issue of August 31, 1960. Applicant: CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Portage, Ind., to points in Kentucky, Ohio and Tennessee, and *damaged or rejected shipments*, on return.

NOTE: Applicant states it seeks authority to serve the plant site of Mid West Steel Corporation, Division of National Steel Corporation at or near Portage, Ind., approximately 2 to 3 miles outside the Chicago, Ill., Commercial Zone. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 34865 (Sub No. 35). (Previous publication indicated common carrier authority was sought, in error. The operations proposed will be conducted as a *contract carrier*.

HEARING: Remains as assigned October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 35334 (Sub No. 50), filed September 15, 1960. Applicant: COOPER-JARRETT, INC., 2113 West 73d Street, Chicago, Ill. Applicant's attorney: Carl W. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Portage, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Garland E. Taylor.

No. MC 36832 (Sub No. 13), filed September 14, 1960. Applicant: AMERICAN TRANSIT LINES, INC., 221 North La Salle Street, Chicago 1, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, liquid commodities in bulk, and those requiring special equipment; between the incorporated Village of Portage, Ind., including the site of the new Midwest Steel Corporation plant, on the one hand, and, on the other, the following points now served by applicant pursuant to Certificate No. MC-36832: Omaha, Nebr., Kansas City, Kans., St. Louis, Mo., St. Joseph and Kansas City, Mo., Louisville, Ky., Pittsburgh and Erie, Pa., points in Iowa and Ohio, those in the lower peninsula of Michigan, and those in New York on and west of U.S. Highway 11.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 46829 (Sub-No. 8), filed September 19, 1960. Applicant: ALLARD EXPRESS, INC., 806 Elm Street, Watertown, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plant site of Mid West Steel Corporation, Division of National Steel Corporation located on U.S. Highway 12, approximately 2 miles east of the Lake-Porter County line, and at or near Portage, Ind., as an off-route point in connection with applicant's regular route operations to and from the Chicago, Ill., Commercial zone.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 50201 (Sub-No. 18), filed September 15, 1960. Applicant: DOUGLAS TRUCKING LINES, INC., 1011 Main Street, Owosso, Mich. Applicant's attorney: Carl L. Steiner, 39 South La-Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Portage, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 52657 (Sub No. 602), filed August 31, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wisc. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, in initial truckaway service, from points in Allegany County, Md. to points in the United States, including Alaska, except Hawaii.

HEARING: November 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 603), filed August 31, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, except those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from Findlay, Ohio to all points in the United States, including Alaska, except Hawaii, (2) *Trucks, tractors*, in initial driveaway service, from Findlay, Ohio to all points in the United States, including Alaska, except Hawaii and (3) *Trucks, tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from Findlay, Ohio to Alaska, Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and Washington, D.C.

HEARING: November 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 59185 (Sub No. 25), filed September 19, 1960. Applicant: HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio. Applicant's representative: J. C. Schriner, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *empty containers or other such incidental facilities* used in transporting iron or steel articles, between the plant site of Midwest Steel Corp., near Portage, Ind., and points in Ohio and Michigan which applicant is presently authorized to serve in Certificate No. MC 59185 and Subs thereunder.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 61231 (Sub No. 11), filed September 12, 1960. Applicant: ALKIRE TRUCK LINES, INC., Live Stock Exchange Building, Kansas City, Mo. Applicant's attorney: Lowell L. Knipmeyer, 900 Waltower Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel mill products* and *steel articles*, serving points in that part of Indiana bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the city or town of Portage, Ind., as off-route points in connection with applicant's presently authorized routes in Certificate No. MC 61231, and various subs.

NOTE: Applicant states that it is the intention of this application to secure authority to serve the site of Midwest Steel Corporation, Division of National Steel, which plant is presently under construction, and also to serve the property owned by Bethlehem Steel Company and the properties covering the proposed public port. Applicant further states that the town of Portage came into being on or about June 30, 1959.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its rights to participate, before Examiner Garland E. Taylor.

No. MC 69116 (Sub No. 56), filed September 19, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving Portage, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 70451 (Sub-No. 221), filed September 21, 1960. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Portage, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 71096 (Sub No. 34), filed September 15, 1960. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, P.O. Box 320, Norwalk, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Indiana in the territory bounded on the west by the Lake Porter County Line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the town of Portage, Ind., as off-route points in connection with applicant's authorized regular route operations to and from Chicago.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 87861 (Sub No. 4), filed July 11, 1960. Applicant: CONTRACTORS TRANSIT, INC., 150 West Market Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, between points in Indiana on and south of U.S. Highway 36 (except Indianapolis, and points in Lawrence and Monroe Counties), on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85, except Ohio, Illinois, Kentucky and Michigan, as follows: Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE: Applicant already has authority for such operations in all or parts of some of the states involved and agrees to elimination of any duplication by the grant of this authority.

HEARING: November 1, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner A. Lane Cricher.

No. MC 92983 (Sub No. 383), filed August 15, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Muscatine, Iowa to points in Connecticut, New Jersey, North Carolina, Pennsylvania, and Rhode Island.

HEARING: November 1, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner James H. Gaffney.

No. MC 95265 (Sub No. 10), filed September 19, 1960. Applicant: ROBERTSON TRANSPORTATION CO., INC., 1000 Robertson Place, Madison 4, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of Mid West Steel Corporation, Division of National Steel Corporation, located on U.S. Highway 12, approximately two miles east of Lake-Porter County line, at or near Portage, Ind., as an off-route point in connection with applicant's regular route operations to and from the Chicago, Ill. Commercial Zone.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 95540 (Sub No. 342), filed July 27, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainsville, Ga. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products,* and *articles distributed by meat packing houses,* as defined by the Commission; from Dubuque, Estherville, Ft. Dodge, Ottumwa, and Sioux City, Iowa, to points in Florida.

NOTE: Common control may be involved.

HEARING: November 3, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner James H. Gaffney.

No. MC 105755 (Sub-No. 10), filed July 27, 1960. Applicant: MICHAEL KOBYLASKI, doing business as M. K. TRUCKING, Pine Island, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Limestone,* in bulk or in bags, from the plant site of the Ferber Limestone Co., in or near Franklin, Sussex County, N.J., to points in Orange County, N.Y.

HEARING: November 18, 1960, at 346 Broadway, New York, N.Y., before Examiner James I. Carr.

No. MC 105813 (Sub No. 41), filed July 29, 1960. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami, Fla. Applicant's attorneys: Schwartz, Proctor, Bolinger & Austin, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Compressed yeast, dry yeast, malt syrup,* and *dough enriching compounds,* in vehicles equipped with mechanical refrigeration, from Pekin, Ill., to points in Alabama, Florida, Georgia, and North Carolina.

HEARING: November 7, 1960, at the U.S. Custom House, Room 852, 610 South Canal St., Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 106456 (Sub No. 31), filed September 16, 1960. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, household goods as defined by the Commission, dangerous explosives, and those requiring special equipment, serving points in that part of Indiana bounded on the west by the Lake-Porter County line, on the south by U.S. Highway 20, on the east by Indiana Highway 49 and on the north by Lake Michigan, including Portage, Ind., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 106914 (Sub-No. 17), filed September 19, 1960. Applicant: HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's Practitioner: J. C. SCHRINER, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and Steel articles,* between Midwest Steel Corp., plant site near Portage, Ind., and points in Ohio, Michigan and Ilinois, which carrier is authorized to serve under MC 106914 and Subs 8, 12, 13, 15 and 16, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 107496 (Sub No. 172), filed August 4, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solution,* in bulk, in tank vehicles, from Lawrence, Kans., to points in Louisiana.

NOTE: Common control may be involved.

HEARING: October 28, 1960, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 107515 (Sub No. 355), filed June 27, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Compressed yeast, dry yeast, malt syrup,* and *dough enriching compounds,* in vehicles equipped with mechanical refrigeration, from Pekin, Ill., to points in Alabama, Florida, Georgia, and North Carolina.

NOTE: Dual operations under section 210 and common control may be involved.

HEARING: November 7, 1960, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner A. Lane Cricher.

No. MC 107544 (Sub No. 36), filed September 1, 1960. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Suite 216, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Anhydrous hydrazine,* in bulk, in tank vehicles, from Lake Charles, La. and Saltville, Va. to Nimbus, Calif. and Rocky Mountain Arsenal, Denver, Colo. (2) *Unsymmetrical diamethylhydrazine, (UDMH),* in bulk, in tank vehicles, from Baltimore, Md. to Nimbus, Calif., Rocky Mountain Arsenal, Denver, Colo. and Vandenberg Air Force Base, Santa Barbara County, Calif. (3) *Mixed anhydrous hydrazine-unsymmetrical diamethylhydrazine,* in bulk, in tank vehicles, from Rocky Mountain Arsenal, Denver, Colo. to G. L. Martin Aircraft Plant, Denver Division, Denver, Colo. and Patrick Air Force Base, Brevard County, Fla.

NOTE: Section 210, dual operations may be involved. Applicant holds contract carrier authority in Permit No. MC 113959 and Sub thereunder.

HEARING: November 3, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 107605 (Sub No. 8), filed September 19, 1960. Applicant: UNITED SHIPPING CO., 2601 Broadway Road, Minneapolis, Minn. Applicant's attorney: Bernard G. Colby, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *General commodities,* except those of unusual value, and except high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Village of Portage, Ind., and site of new Midwest Steel Corp. plant, and all points authorized to be served in Minnesota, Wisconsin, and Illinois.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 107906 (Sub No. 16), filed September 15, 1960. Applicant: THE TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958 Meyer Road, Fort Wayne, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Portage, Ind., as an off-route point in connection with applicant's presently authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 108375 (Sub No. 11), filed September 8, 1960. Applicant: LE ROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 524 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, buses, trucks and chasses,* in secondary movements, *and parts and accessories therefor* when moving with said units, in truckaway service, (1) between points in Iowa; (2) from points in Iowa to points in Minnesota; (3) from points in Iowa, except Clinton, to points in South Dakota on and east of U.S. Highway 83; (4) between points in Nebraska; (5) from points in Nebraska to points in Kansas, North Dakota, South Dakota, and to points in that part of Missouri on and north of U.S. Highway 36 and on and west of U.S. Highway 65, and (6) *rejected units of above named commodities,* on return.

HEARING: November 9, 1960, at the Hotel Fontenelle, Omaha, Nebr., before Examiner James H. Gaffney.

No. MC 108586 (Sub No. 50), filed September 19, 1960. Applicant: STEFFKE FREIGHT CO., a corporation, P.O. Box 990, 503 Fourth Street, Nassau, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Portage, Ind., as an off-route point in connection with applicants authorized regular route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 108987 (Sub No. 9), filed September 15, 1960. Applicant: POOLE TRANSFER, INC., 807 East Fourth Street, Muscatine, Iowa. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving Portage, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Chicago, Ill.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 109584 (Sub No. 80), filed July 12, 1960. Applicant: ARIZONA PACIFIC TANK LINES, 717 North 21st Street, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof,* in bulk, in tank vehicles, from Lindsay and Strathmore, Calif., and points within a radius of five miles of each, to points in Nevada, Idaho, Utah, Colorado, and New Mexico, subject to the restriction that applicant does not seek authority to transport sesame seed oil from Lindsay, Calif., to Reno, Nev., and *returned, rejected or contaminated shipments,* on return.

HEARING: November 14, 1960, at Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 82), filed July 18, 1960. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nitric acid,* from the site of the Collier Carbon and Chemical Corporation plant near Brea, Calif., to points in Arizona, and *returned, rejected, or contaminated shipments* of nitric acid on return.

HEARING: November 14, 1960 at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 110071 (Sub No. 1), filed July 22, 1960. Applicant: MUHLENHAUPT MOVERS, INC., Route 25A, Box 238, Northport, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Suffolk County, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, Vermont, New Hampshire, and the District of Columbia.

NOTE: Applicant holds authority between the towns of Huntington and Smithtown (Suffolk County), N.Y., and the states shown above. Applicant requests that all duplicating authority be eliminated.

HEARING: November 17, 1960, at 346 Broadway, New York, N.Y., before Examiner James I. Carr.

No. MC 111442 (Sub-No. 6), filed June 6, 1960. Applicant: CONNELL TRANSPORT CO., a corporation, Genessee Depot, Wis. Applicant's attorney: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat by-products, dairy products and articles distributed by meat packing-houses* as described in Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766; (2) *bakery products, confectionery, prepared foods and frozen foods,* between Milwaukee, Wis. and Chicago, Ill., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone; Hillside, Newark and Rochelle Park, N.J.

NOTE: Duplication with present authority to be eliminated.

HEARING: November 21, 1960, at the Hotel Schroeder, Milwaukee, Wis., before Examiner A. Lane Cricher.

No. MC 111624 (Sub No. 7), filed August 31, 1960. Applicant: SCHWERMAN CO., OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk and in packages, from the plant site of the Lone Star Cement Corporation in or near Nazareth, Pa., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and to points in Fairfield County, Conn., and *empty containers or other such incidental facilities,* used in transporting the above-described commodities, on return.

HEARING: November 2, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 111812 (Sub No. 106), filed July 20, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs,* from points in the New York, N.Y. Commercial Zone as defined by the Commission in *New York, N.Y. Commercial Zone,* 1 M.C.C. 665, 2 M.C.C. 191, to points in Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Peoria, Ill.

HEARING: November 15, 1960, at 346 Broadway, New York, N.Y., before Examiner James I. Carr.

No. MC 113255 (Sub No. 27), filed July 25, 1960. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Clay R. Moore, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid, inedible animal grease,* in bulk, in tank vehicles, from points in Massachusetts to points in Indiana.

NOTE: Applicant states it proposes to transport *exempt commodities* on return.

NOTE: Elton E. Babbitt, one of the officers of applicant, is the proprietor of a carrier called New Home Transit, and holds authority from this Commission under MC 113975; therefore, common control may be involved.

HEARING: November 17, 1960, at 346 Broadway, New York, N.Y., before Examiner James I. Carr.

No. MC 113584 (Sub No. 13), filed August 29, 1960. Applicant: SHIPPERS SERVICE, INC., P.O. Box 1016, Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Poultry and livestock drugs and remedies,* from Charles City, Iowa to San Jose, Calif.

NOTE: Applicant states the proposed service to be performed under a continuing contract with Dr. Salsbury's Laboratories, of Charles City, Iowa.

HEARING: October 31, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner James H. Gaffney.

No. MC 113779 (Sub No. 126), filed May 23, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *dry commodities,* in bulk, except cement, between points in Texas and Louisiana, on the one hand, and, on the other, points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia,

Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: November 14, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Frank R. Saltzman.

No. MC 113855 (Sub. No. 45), filed July 15, 1960. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, and *attachments* and *parts* of commodities, the transportation of which because of size or weight, require the use of special equipment or special handling; *tractors*, with or without attachments; *commodities* (without regard to any specific use) as listed in Appendix Eight (VIII) of MC-45 (61 M.C.C. 209) and *exempt commodities*, between points in Alaska, Wyoming, Idaho, Montana, Oregon, California, Washington, Utah, Colorado, Arizona, New Mexico, and Nevada, on the one hand, and, on the other, the Upper Peninsula of Michigan and Wisconsin.

NOTE: Applicant states it proposes to transport Exempt Commodities on return movements.

HEARING: November 16, 1960, at the Hotel Schroeder, Milwaukee, Wis., before Examiner A. Lane Cricher.

No. MC 114045 (Sub No. 62), filed September 12, 1960. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Pennsylvania to Texas and (2) from points in Pennsylvania to Saltsburg, Pa.

HEARING: November 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 114647 (Sub No. 7), filed August 18, 1960. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 117 North 4th Street, Forest City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers (house vacation trailers), travel coaches, topper coaches, campers and camp coaches*, in initial movements, by truckaway and towaway service, from Forest City, Iowa to points in Montana, Wyoming, Colorado, Oklahoma, Texas and Arkansas, and *damaged, unclaimed, rejected or returned shipments* of the above-specified commodities, on return.

HEARING: October 31, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner James H. Gaffney.

No. MC 115841 (Sub No. 69), filed June 7, 1960. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P. O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: October 24, 1960, at the Old P. O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 117574 (Sub No. 55), filed Sept. 1, 1960. Applicant: DAILY EXPRESS, INC., Box 311, R.D. No. 1, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, tractor attachments, irrigation and frost prevention systems, tanks, pumps, compressors, blowers, drilling equipment, and machinery, condensors, hoisting equipment, and machinery*, and (2) *Tools, attachments and parts* for items in (1) above; and *workmen's equipment* necessary to installation of irrigation and frost prevention systems, between points in Steuben County, N.Y.; Warren County, N.J., and Bradford County, Pa., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

HEARING: November 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 119223 (Sub No. 2), filed September 2, 1960. Applicant: BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, palletized, and unpalletized, and *lime*, in bulk and in bags; from the plant sites of Southern Cement Company, Division of American-Marietta Company, located at or near Birmingham, Ala., and in Shelby County, Ala., to points in Alabama, Arkansas, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, and Florida, and *empty pallets*, on return.

HEARING: November 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 119726, filed June 23, 1960. Applicant: N. A. B. TRUCKING CO., INC., 939 Union Street, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1021-1029, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Tampa and Miami, Fla., Charleston, S.C., and Gulfport, Miss. to Indianapolis, Ind. (2) *Glass containers, corrugated boxes*, knocked-down, *caps, covers, tops* and *plastic articles*, from the plant sites of Owens-Illinois located in Gas City, Ind., Streator and Alton, Ill., to points in Mississippi and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: October 31, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner A. Lane Cricher.

No. MC 119753 filed May 10, 1960. Applicant: BERNARD M. PIASECKI, 148 West Street, Warick, N.Y. Applicant's attorney: James O'Malley, Jr., 15 Broad Street, New York 5, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined petroleum products*, in bulk, from Port Newark, N.J., to Warick and Florida, N.Y.

NOTE: Application was accompanied by a Motion to Dismiss, for lack of Jurisdiction.

HEARING: November 18, 1960, at 346 Broadway, New York, N.Y., before Examiner James I. Carr.

No. MC 119832, filed June 2, 1960. Applicant: DON E. JESSUP and RAY A. JESSUP, doing business as JESSUP TRANSPORTATION CO., 427 West National Avenue, Milwaukee 4, Wis. Applicant's attorney: William C. Dineen, 710 N. Plankinton Avenue, 746 Empire Building, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boneless beef in boxes and fresh and frozen boneless beef in boxes and barrels*, under a continuing contract with Wisconsin Packing Company, Milwaukee, Wis., from Milwaukee, Wis., to Ft. Wayne, Ind., Louisville, Ky. and Buffalo, N.Y., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

HEARING: November 21, 1960, at the Hotel Schroeder, Milwaukee, Wis., before Examiner A. Lane Cricher.

No. MC 119913, filed July 11, 1960. Applicant: HAZEL R. HOWELL, doing business as H. R. HOWELL TRUCKING, Lawrence Street, Hamburg, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed or pulverized limestone*, in bulk, or in bags, from Franklin and Ogdensburg, N.J. to points in Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, N.Y., and Bucks, Carbon, Lackawanna, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike and Wayne Counties, Pa., and *returned and rejected shipments* of the above-described commodity, on return.

HEARING: November 1, 1960, in the U.S. Court Rooms, Newark, N.J., before Examiner James I. Carr.

No. MC 119954, filed July 28, 1960. Applicant: MINNESOTA TANK CO., a corporation, 229 Grand Avenue, South St. Paul, Minn. Applicant's attorney: John J. Todd, 210 Schult Building, South St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from the Mid-American Pipe Line Terminals located at Sanborn and Iowa City, Iowa and St. Paul, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

NOTE: Applicant states that distribution in the above-specified states is to be made to various retail and wholesale outlets of liquefied petroleum gases.

HEARING: November 1, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner James H. Gaffney.

No. MC 119959, filed July 29, 1960. Applicant: M. LAVALLEE, 14 Lark Street, Washingtonville, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, from Franklin, N.J., to the towns of Blooming Grove, New Windsor, Hamptonburg, Goshen, Chester, Woodbury, Monroe and Cornwall (all in Orange County), N.Y.

HEARING: November 1, 1960, in the U.S. Court Rooms, Newark, N.J., before Examiner James I. Carr.

No. MC 119994, filed August 15, 1960. Applicant: JOE C. PERTERS, doing business as JOE C. PERTERS & SON, Durand, Ill. Applicant's attorney: John W. Hallock, Suite 1107, Talcott Building, Rockford, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, grain, grain bins, fertilizer, cement*, and *farm supplies;* between Durand, Ill., Ft. Atkinson, Wis., Davenport, Iowa, Muscatine, Iowa, and St. Paul, Minn.

NOTE: Applicant states he will operate under contract for Clem Meissen of Durand, Ill.

HEARING: October 28, 1960, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 120080 (Sub No. 1), filed July 27, 1959. Applicant: MORGAN EXPRESS, INC., 2021 Young Street, Dallas 1, Tex. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, moving in express service, (a) between Memphis, Tex., and Childress, Tex.: from Memphis over Texas Highway 256 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 62, thence over U.S. Highway 62 to Hollis, Okla.; from Hollis, over U.S. Highway 62 to Childress, and return over the same route, serving all intermediate points; (b) between Iowa Park, Tex., and Washburn, Tex.: from Iowa Park over U.S. Highway 287 to Washburn, and return over the same route, serving all intermediate points; and (c) between Dallas, Tex., and Fort Worth, Tex., over the Dallas-Ft. Worth Turnpike; *General commodities*, moving in express service, limited to 50 pounds per package, and *newspapers, newsreels, films* and *theatre supplies* of not to exceed 100 pounds per package, (1) between Dallas, Tex., and Ballinger, Tex.: from Dallas over Texas Highways 114 and 121 to Fort Worth, and thence over U.S. Highways 377 and 67 to Ballinger, and return; (2) between Fort Worth, Tex., and Cisco, Tex.: from Fort Worth over U.S. Highway 80 to Cisco, and return; (3) between Weatherford, Tex., and San Angelo, Tex.: from Weatherford over U.S. Highway 180, via Albany, to junction Texas Highway 351, thence over Texas Highway 351 to Abilene, thence over U.S. Highway 83 to Ballinger, and thence over U.S. Highway 67 to San Angelo, and return; (4) between Burkburnett, Tex., and Brownwood, Tex.: from Burkburnett over U.S. Highway 281 to Wichita Falls, thence over Texas Highway 79 to Olney, thence over Texas Highway 251 to Newcastle, thence over Texas Highway 24 to Graham, thence over Texas Highway 67 to Breckinridge, and thence over U.S. Highway 183 to Brownwood, and return; (5) between Santa Anna, Tex., and Comanche, Tex.: from Santa Anna over U.S. Highway 84 to Coleman, thence over Texas Highway 206 to Cross Plains, and thence over Texas Highway 36 to Comanche, and return; (6) between junction U.S. Highway 180 and Texas Highway 16 (near Palo Pinto, Tex.), and Comanche, Tex.: from junction U.S. Highway 180 and Texas Highway 16, over Texas Highway 16, to Comanche, and return; (7) between Dublin, Tex., and Eastland, Tex.: from Dublin, Tex., Texas Highway 6 to Eastland, and return; (8) between Coleman, Tex., and junction U.S. Highway 67 and Texas Highway 206: from Coleman over Texas Highway 206 to junction U.S. Highway 67, and return; (9) between Graham, Tex., and Decatur, Tex.: from Graham over Texas Highway 24 to Decatur, and return; (10) between Dallas, Tex., and Wichita Falls, Tex.: from Dallas over U.S. Highway 80 to Fort Worth, and thence over U.S. Highway 287 to Wichita Falls, and return; (11) between Henrietta, Tex., and Gainesville, Tex.: from Henrietta over U.S. Highway 82 to Gainesville, and return; (12) between Dallas, Tex., and Rhome, Tex.: from Dallas over Texas Highway 114 to Rhome, and return; (13) between Dallas, Tex., and Fort Worth, Tex.: from Dallas over Texas Highway 183 to Fort Worth, and return; (14) between Denton, Tex., and Roanoke, Tex.: from Denton over U.S. Highway 377 to Roanoke, and return; (15) between Dallas, Tex., and Gainesville, Tex.: from Dallas over U.S. Highway 77 to Gainesville, and return; (16) between Wichita Falls, Tex., and Iowa Park, Tex.: from Wichita Falls over U.S. Highway 287 to Iowa Park, and return; (17) between Washburn, Tex., and Amarillo, Tex.: from Washburn over U.S. Highway 287 to Amarillo, and return; and (18) between Decatur, Tex., and Gainesville, Tex.: from Decatur over Farm Road 51 to Gainesville, and return, serving all intermediate points on the above routes except those on Routes 14, 15 and 18, and serving points in the Dallas, Tex., and Fort Worth, Tex., Commercial Zones.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1) as Lessee from W. P. Morgan, Jr., in No. MC 120080. It seeks by this application to convert the Second Proviso authority to a Certificate of Public Convenience and Necessity.

HEARING: November 14, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16.

No. MC 123049, filed September 6, 1960. Applicant: W. EDMUND ZIMMER AND ALICE LOUISE ZIMMER, doing business as ZIMMER'S SANDS POINT BOAT BASIN, Oak Street, Waretown, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 24 feet in length, from Linkwood, Md., to points in Connecticut, Florida, Georgia, Louisiana, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, and Virginia; under a continuing contract with Bel-Craft, Inc., of Linkwood, Md., and *returned and rejected shipments*, on return.

HEARING: November 3, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 123072, filed September 15, 1960. Applicant: MOORE, KELLY & REDDISH, INC., 128 Church Street, Orange, Va. Applicant's attorney: William C. Battle, Court Square Building, Charlottesville, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy construction equipment*, between points in Virginia, New York, New Jersey, Delaware, Pennsylvania, Ohio, Kentucky, West Virginia, Maryland, Tennessee, North Carolina, South Carolina, and Georgia.

HEARING: November 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

MOTOR CARRIERS OF PASSENGERS

No. MC 2698 (Sub No. 2), filed August 29, 1960. Applicant: VANDALIA BUS LINE, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Edwardsville, Ill., and St. Louis, Mo., as follows: (1) from Edwardsville, at the corner of Vandalia and North Main Streets, to St. Louis Street, thence over St. Louis Street in a northerly direction to its junction with U.S. Highway By-Pass 66, thence over U.S. Highway By-Pass 66 in a southwesterly direction to its junction with Illinois Highway 157, thence southerly over Illinois Highway 157 to its junction with Combined U.S. Highways 40 and 66, thence southwesterly over Combined U.S. Highways 40 and 66 to junction with St. Clair Avenue in East St. Louis, Ill., thence northwesterly over St. Clair Avenue to its junction with Collinsville Avenue, thence southwesterly over Collins-

ville Avenue to Fifth Street, thence southwesterly over Fifth Street to its junction with Broadway, thence westerly over Broadway across Ead's Bridge to Washington Avenue in St. Louis, Mo., thence west over Washington Avenue to Fourth Street, thence north over Fourth Street to Lucas Street, thence west over Lucas Street to Broadway in St. Louis, and return over the same route, serving all intermediate points, including the site of the Branch of the Southern Illinois University, located near Edwardsville; and (2) from Edwardsville, at the corner of Vandalia and North Main Streets, to St. Louis Street, thence in a westerly direction to its junction with U.S. Highway By-Pass 66, thence southwesterly over U.S. Highway By-Pass 66 to its junction with Illinois Highway 157, thence southerly over Illinois Highway 157 to its junction with U.S. Interstate Highways 55 and 70, thence southwesterly over U.S. Interstate Highways 55 and 70 to St. Louis, and return over the same route, serving all intermediate points, including the site of the Branch of Southern Illinois University, located near Edwardsville.

HEARING: November 18, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 3647 (Sub No. 293), filed August 10, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations during the racing seasons, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, beginning and ending at Manville, Franklin Township and South Bound Brook, N.J. and extending to (1) Delaware Park Race Track, Stanton, Del. (2) Pimlico Race Track Baltimore, Md. (3) Bowie Race Track, Bowie, Md. (4) Laurel Race Track, Laurel, Md. (5) Charles Town Race Track, Charles Town, W. Va. (6) Belmont Race Track, Elmont, N.Y. (7) Aqueduct Race Track, New York, N.Y.

HEARING: November 2, 1960, in the U.S. Court Rooms, Newark, N.J., before Examiner James I. Carr.

No. MC 3647 (Sub No. 294), filed August 24, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Public Service Coordinated Transport Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip sightseeing or pleasure tours, beginning and ending at points in Hudson County, N.J. and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Caroline, Tennessee, Vermont, Virgina, West Virginia, Wisconsin and the District of Columbia.

HEARING: November 3, 1960, in the U.S. Court Rooms, Newark, N.J., before Examiner James I. Carr.

No. MC 84728 (Sub No. 37), filed September 9, 1960. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, Fourteenth at K NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, mail* and *express*, in the same vehicle with passengers, from the intersection of Georgia and Alaska Avenues, in the Northwest section of the District of Columbia, over U.S. Highway 29 to the District-Maryland State line, thence over U.S. Highway 29 to the interesection of U.S. Highway 29 and Maryland Highway 650 (New Hampshire Avenue extended) at White Oak, Md., serving the intermediate point of Silver Spring, Md.

NOTE: (1) Common control may be involved. (2) Applicant states that he agrees to a restriction against originating traffic in the District of Columbia destined for White Oak and points south thereof, and against originating traffic from points between White Oak and the Maryland-District line, destined for the District of Columbia.

HEARING: November 4, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

No. MC 119925, filed July 15, 1960. Applicant: JOSEPH P. HOGAN AND WILLIAM P. BEARY, doing business as HOGAN & BEARY, Cedar Place, Rye, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, with or without baggage and/or personal effects, operating on, between, and over city streets (1) in the Village of Port Chester, N.Y.; (2) in the City of Rye, N.Y.; and (3) in the Town of Greenwich, County of Fairfield, Conn.

HEARING: November 10, 1960, at 346 Broadway, New York, N.Y., before Examiner James I. Carr.

No. MC 119961, filed August 1, 1960. Applicant: CHESTER HODGDON, doing business as MARSHALL MOTOR COACH, 10 South 8th Avenue, P.O. Box 481, Marshalltown, Iowa. Applicant's attorney: Homer E. Bradshaw, 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Hardin, Grundy, Story, Marshall, Tama, Benton, Jasper, Poweshiek, and Iowa Counties, Iowa, and extending to points in the United States, including ports of entry on the International Boundary lines between the United States and Canada and Mexico, but excluding Alaska and Hawaii.

HEARING: November 2, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner James H. Gaffney.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 60437 (Sub. No. 4), filed September 1, 1960. Applicant: EDGAR RUSSELL MASON, doing business as MASON'S TRANSFER, P.O. Box 44, Inwood, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit, canned fruit products*, and *canned tomato juice and puree*, from points in Virginia (except Winchester) and points in West Virginia within 15 miles of Inwood, W. Va. to points in Delaware, Indiana, Kentucky, Maryland, New York, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia. RESTRICTION: Applicant states the proposed operations shall be restricted to sites of warehouses or storage facilities used by the C. H. Musselman Company.

NOTE: Applicant also states it now holds authority to serve the entire destination area shown above, on the same commodities, from the C. H. Musselman Company, at Inwood, W. Va., and the purpose of this application is to permit applicant to originate traffic at the outside storage facilities of the C. H. Musselman Company located within 15 miles of Inwood, W. Va.

No. MC 66562 (Sub No. 1715), filed September 12, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Greensboro, N.C. and High Point, N.C., over combined U.S. Highways 29 and 70, serving no intermediate points; (2) between Greensboro, N.C., and High Point, N.C., over combined Alternate U.S. Highways 29 and 70, serving no intermediate points; (3) between Greensboro, N.C., and Randleman, N.C., over U.S. Highway 220, serving no intermediate points (to be operated to Randleman and on to Asheboro, N.C., and return, in conjunction with applicant's authorized regular route authority between High Point, N.C., and Asheboro, N.C., under MC 66562 (Sub No. 438); and (4) serving Burlington, N.C., as an off-route point in connection with applicant's authorized regular route operations between Greensboro, N.C., and Goldsboro, N.C., under MC 66562 (Sub No. 1439). RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail express service of applicant; (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air; and (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 66562 (Sub No. 1718), filed September 16, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Prin. Office: 219 East 42nd Street, New York 17, N.Y., Local Office: 1004 Farnam Street, Omaha 2, Nebr. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Applicant's representative: L. A. Hardman, Railway Express Agency, Inc., 1004 Farnam Street, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Norfolk, Nebr., and Winner, S. Dak., from Norfolk in a northerly direction over U.S. Highway 81 for approximately a distance of five (5) miles to junction Nebraska Highway 13, thence northwest for approximately nine (9) miles over Nebraska Highway 13 to Pierce, Nebr., thence continue northwest over Nebraska Highway 13 for approximately nine (9) miles to Foster, Nebr., thence continue northwest over Nebraska Highway 13 for approximately nine (9) miles to Plainview, Nebr., thence west over U.S. Highway 20 and Nebraska Highway 13 for approximately five (5) miles to junction Nebraska Highway 13, thence north over Nebraska Highway 13 for approximately eight (8) miles to Creighton, Nebr., thence west over Nebraska Highway 59 for approximately seven (7) miles to junction Nebraska Highway 14, thence north over Nebraska Highway 14 for approximately ten (10) miles to Verdigre, Nebr., thence continue north over Nebraska Highway 14 for approximately twelve (12) miles to Niobrara, Nebr., thence north and west over Nebraska Highway 12 for approximately twenty-nine (29) miles to Lynch, Nebr., thence continue west over Nebraska Highway 12 for approximately seven (7) miles to Bristow, Nebr., thence continue west over Nebraska Highway 12 for approximately three (3) miles to junction U.S. Highway 281, thence north and west over U.S. Highway 281 for approximately four (4) miles to Spencer, Nebr., thence west and north over U.S. Highway 281 for approximately twelve (12) miles to Anoka, Nebr., thence northwest over U.S. Highway 281 for approximately seven (7) miles to junction U.S. Highway 18, thence north over U.S. Highway 18 for approximately four (4) miles to junction unnumbered County Highway, thence approximately one (1) mile north over unnumbered County Highway to Bonesteel, S. Dak., thence return south for approximately one (1) mile over said unnumbered County Highway to junction U.S. Highway 18, thence northwest over U.S. Highway 18 for approximately twenty-one (21) miles to Burke, S. Dak., thence west over U.S. Highway 18 for approximately eight (8) miles to Gregory, S. Dak., thence continue west over U.S. Highway 18 for approximately fourteen (14) miles to junction U.S. Highway 183, thence northwest over U.S. Highways 18 and 183 for approximately eleven (11) miles to Winner, and return over the same route, serving the intermediate points of Pierce, Foster, Plainview, Creighton, Verdigre, Niobrara, Lynch, Bristow, Spencer, and Anoka, Nebr., and Bonesteel, Burke, and Gregory, S. Dak. RESTRICTION: The shipments to be transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to a motor carrier movement by applicant a prior or subsequent movement by air or rail.

No. MC 86687 (Sub No. 56), filed September 13, 1960. Applicant SEABOARD AIR LINE RAILROAD COMPANY, 3600 West Broad Street, Richmond, Va. Applicant's attorney: T. Randolph Buck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving Callahan, Fla., as an off-route point in connection with applicant's presently authorized operations in Certificate No. MC 86687 Sub No. 18, which certificate is subject to the restrictions outlined below, between Jacksonville, Fla., and Fernandina, Fla. RESTRICTION: The service authorized under (a) is subject to the following restrictions: The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, its less-carload rail service. Said carrier shall not serve any point not a station on its rail line. No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points; or through, or to, or from more than one of said points: Richmond, Va., Raleigh, Hamlet, Wilmington, and Charlotte, N.C., Columbia and Greenwood, S.C., and Jacksonville, Tallahassee, and Tampa, Fla. Shipments transported by said carrier by motor vehicle between Lyons and Rhine, Ga., over Georgia Highway 30, or to or from intermediate points on said highway or the off-route point of Helena, Ga., shall be limited to those which move under a through bill of lading covering, in addition to movement by motor vehicle, a prior or subsequent movement by rail. Such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, its less-carload rail service. Common control may be involved.

No. MC 113602 (Sub. No. 7), filed September 19, 1960. Applicant: ROMEY L. AUSTIN, 500 South Main Street, Franklin, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Whey*, in bulk, in tank vehicles, from Lafayette, Tenn., to Franklin, Ky.; from Lafayette, Tenn. over Tennessee Highway 52 to Westmoreland, Tenn., thence north over U.S. Highway 31–E to Scottsville, Ky., thence west over Kentucky Highway 100 to Franklin, Ky., thence return from Franklin, Ky. over U.S. Highway 31–W to the Tennessee State line, thence over Tennessee Highway 109 to junction with Tennessee Highway 52 at Portland, Tenn., thence east over Tennessee Highway 52 to Lafayette, Tenn., serving no intermediate points.

No. MC 119208 (Sub No. 3), filed September 15, 1960. Applicant: LEE R. WARREN, doing business as WARREN GRAVEL CO., 79 Glenstone Street, Dexter, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, between points in Ripley, New Madrid, Stoddard, Mississippi, Scott, Wayne, Bollinger, Cape Girardeau, Pemiscot, and Dunklin Counties, Mo., points in Alexander, Pulaski, and Union Counties, Ill., points in Clay, Greene, Mississippi, Poinsett, Craighead, and Randolph Counties, Ark., and those in Ballard, Carlisle, Hickman, and Fulton Counties, Ky.

No. MC 123078, filed September 19, 1960. Applicant: EVAN D. WHEELER, doing business as E. D. WHEELER & SONS, 2229 Washington Boulevard, Baltimore 30, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (including automobiles), wrecked or disabled, by standard wrecker trucks, between points in the Baltimore, Md. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Delaware, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

MOTOR CARRIERS OF PASSENGERS

No. MC 59238 (Sub No. 43), filed September 15, 1960. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, Va. Applicant's attorneys: Perkins, Battle & Minor, Attorneys and Counsellors at Law, Court Square Building, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicles, over regular routes, transporting: *Passengers, their baggage, light express* and *mail;* between Bedford, Va. and Roanoke, Va., from Bedford over U.S. Highway 460 to Roanoke, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. RESTRICTION: No passengers to be picked up or discharged at Bedford whose journey originated or terminates at Roanoke, i.e., no passenger to be transported whose entire ride is on the above described route.

NOTE: Common control may be involved.

No. MC 123082, filed September 19, 1960. Applicant: PEOPLES TRANSIT COMPANY, INC., Frostburg, Md. Applicant's attorney: Donald E. Freeman, Uniontown Rd., Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip operations, beginning and ending at Frostburg, Md. and extending to points in Maryland, Pennsylvania, West Virginia and Ohio on and east of U.S. Highway 62; those in Virginia west of the Chesapeake Bay which are on and north of

U.S. Highway 460; and the District of Columbia.

NOTICE OF FILING OF PETITION

No. MC 61692 (PETITION FOR WAIVER OF § 1.101(e) OF THE RULES OF PRACTICE TO PERMIT FILING OF RECONSIDERATION PETITION AND FOR REOPENING AND RECONSIDERATION OF APPLICATION IN NO. MC 71180 AND FOR PARTIAL REOPENING AND MODIFICATION OF A PORTION OF THE AUTHORITY NOW INCLUDED IN NO. MC 61692), dated August 17, 1960. Petitioner: WARNERS MOTOR EXPRESS, INC., Red Lion, Pa. Petitioner's representative: Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa. By Certificate No. MC 61692, issued January 6, 1954, petitioner was authorized to transport, over regular routes, new furniture, between Red Lion, Pa. and Camden, N.J., and Baltimore, Md., as follows, serving no intermediate points: from Red Lion over Pennsylvania Highway 624 to Junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., and thence across the Delaware River to Camden; and return over the same route. From Red Lion over Pennsylvania Highway 24 to the Pennsylvania-Maryland State line, thence over Maryland Highway 23 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 111, and thence over U.S. Highway 111 to Baltimore; and return over the same route. These rights, together with certain additional irregular-route authority covering the transportation of tobacco, between Red Lion, Pa., on the one hand, and, on the other, points in Maryland, were acquired by petitioner from M. Myles Heindel, pursuant to transfer proceeding No. MC-FC 53143, approved April 23, 1951. They were initially granted to Heindel in Certificate No. MC 71180, dated June 12, 1941. Petitioner contends that the certificate issued in MC 71180 should have read: *new furniture*, over irregular routes, between Red Lion, Pa., on the one hand, and, on the other, Camden, N.J., and Baltimore, Md., and requests the Commission to modify that portion of petitioner's Certificate No. MC 61692 to so read. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7654. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of the operating rights of PYRAMID MOTOR FREIGHT CORPORATION, 601 West 29th Street, New York 1, N.Y., and for acquisition by HARRY D. ZABARSKY, 38 Main Street, St. Johnsbury, Vt., and MILTON J. ZABARSKY and MAURICE ZABARSKY, both of 40 Erie Street, Cambridge, Mass., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass., and William Biederman, 280 Broadway, New York 7, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Wilmington, Del., and between Philadelphia, Pa., and Vineland, N.J., serving certain intermediate and off-route points; *Meats, meat products, and meat byproducts*, and *dairy products*, as described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *fish* and *fish products*, in refrigerated equipment, between Wilmington, Del., and Washington, D.C., serving the intermediate point of Baltimore, Md., for delivery only on southbound movements, and for pickup only on northbound movements; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from Vineland, N.J., to New York, N.Y., serving points on Long Island, N.Y., and those in New York and New Jersey within 30 miles of New York, N.Y., and between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania within 25 miles of Philadelphia, and those in New Jersey within 25 miles of Camden, N.J.; *petroleum products*, in containers, from Marcus Hook, Pa., to Hackettstown, Morristown, and Sussex, N.J.; *frozen fruits, frozen berries*, and *frozen vegetables*, from Landover, Md., to Philadelphia and Norristown, Pa., and New York, N.Y.; *frozen fruits* and *frozen vegetables*, between Washington, D.C., and New York, N.Y.; *fresh poultry* and *fresh vegetables*, when moving in the same vehicle with frozen fruits, frozen berries, and frozen vegetables, from Landover, Md., to Philadelphia and Norristown, Pa., and New York, N.Y., and between Washington, D.C., and New York, N.Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7656. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of the operating rights and property of FOSTER FREIGHT LINES, INC., 175 Linfield Drive, Menlo Park, Calif., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., also of Menlo Park, of control of such rights and property through the transaction. Applicant's attorneys: J. G. Dail, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D.C., and E. T. Liipfert, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Indianapolis, Ind., and Chicago, Ill., between Indianapolis, Ind., and St. Louis, Mo., between Greensburg, Ind., and junction Indiana Highway 46 and U.S. Highway 52, between Chicago, Ill., and Cincinnati, Ohio, between Chicago, Ill., and Louisville, Ky., and between Hammond, Ind., and the junction of U.S. Highways 41 and 6 and Indiana Highway 152, serving certain intermediate and off-route points; several alternate routes for operating convenience only; general commodities, except livestock, explosives, sand, gravel, coal, and lumber, between Indianapolis, Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points; *metal shelving* and *fixtures therefor*, between Indianapolis, Ind., and Aurora, Ill., serving certain intermediate and off-route points; *wallpaper*, between Indianapolis, Ind., and Joliet, Ill., serving certain intermediate and off-route points; *roofing* and *roofing materials*, from Joliet, Ill., to Cincinnati, Ohio, and Louisville, Ky., serving the intermediate point of Indianapolis, Ind., for delivery only; *batteries* and *battery parts*, from Chicago Heights, Ill., to Cincinnati, Ohio, and Louisville, Ky., serving the intermediate point of Indianapolis, Ind., for delivery only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points on carrier's authorized routes as described in Section A of Certificate No. MC 17793, on the one hand, and, on the other, points in the CINCINNATI, OHIO, COMMERCIAL ZONE, as defined by the Commission, between points in Indianapolis, Ind., on the one hand, and, on the other, points within eight miles of Indianapolis, and (in truckload lots) from Chicago, Ill., to points in Darks, Miami, Clark, and Summit Counties, Ohio. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE is authorized to operate as a *common carrier* in Utah, Alaska, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Delaware, Washington, Kentucky, Michigan, Minnesota, Louisiana, Montana, Nebraska, Nevada, Wisconsin, Missouri, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, West Virginia, Wyoming, Alabama, Hawaii, Maryland, New Jersey, New York and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7659. Authority sought for purchase by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., of a portion of the operating rights of ROBERT C. KULP, doing business as ROBERT C. KULP MOTOR FREIGHT, 23 North Front, Souderton, Pa., and for acquisition by WILSON M. HOUSE, also of Terre Haute, of control of such rights through the purchase. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Montgomery and Bucks Counties, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Missouri, New Jersey, Indiana, Maryland, New York, Ohio, Illinois, West Virginia, Kentucky, Michigan, Iowa and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7661. Authority sought for purchase by FRONTIER FREIGHT LINES, 929 South 4th West, Salt Lake City 1, Utah, of the operating rights of DORAL PALLESEN (CONNIE IRENE PALLESEN, ADMINISTRATRIX) (now CONNIE IRENE PALLESEN TWITCHELL), Manila, Utah, and for acquisition by RAYMOND W. LINCOLN, also of Salt Lake City, of control of such rights through the purchase. Applicants' attorney: Lee W. Hobbs, Continental Bank Building, Salt Lake City, Utah. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Manila, Utah, and Rock Springs, Wyo., and between Linwood, Utah, and Salt Lake City, Utah, serving certain intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Linwood, Utah, and points within 25 miles of Linwood. Vendee is authorized to operate as a *common carrier*, in Utah and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7662. Authority sought for purchase by STROUD-ROGERS TRUCKING, INC., P.O. Box 1476, Kilgore, Tex., of the operating rights and property of J. C. STROUD AND W. V. STROUD, doing business as STROUD BROTHERS, Box 772, Joinerville, Tex., and a portion of the operating rights and property of R. L. ROGERS, H. L. ROGERS, AND H. L. ROGERS, JR., doing business as ROGERS TRUCK LINE, P.O. Box 1476, Kilgore, Tex., and for acquisition by J. C. STROUD, N. E. FOMBY, R. E. COLEMAN, H. L. ROGERS, JR., and FULLER MASON, all of Kilgore, of control of such rights and property through the purchase. Applicants' attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Operating rights sought to be transferred: (STROUD BROTHERS) *Oilfield commodities*, as a *common carrier* over irregular routes, between points in Texas within 150 miles of Palestine, Tex., including Palestine, Tex., between points in Texas within 150 miles of Monahans, Tex., including Monahans, Tex., between points in Texas within 200 miles of Sundown, Tex., including Sundown, between points in the above-specified Texas territories, on the one hand, and, on the other, points in Louisiana, New Mexico, and Arkansas, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Texas, between points in Oklahoma and Arkansas, between points in Kansas and Oklahoma, between points in Kansas and Oklahoma and certain points in New Mexico, and between Kansas City, Mo., on the one hand, and, on the other, points in Oklahoma and Texas and certain points in New Mexico; *machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, between points in Texas within 150 miles of Palestine, Tex., including Palestine, between points in Texas within 150 miles of Monahans, Tex., including Monahans, between points in Texas within 200 miles of Sundown, Tex., including Sundown, between points in the above-specified Texas territories on the one hand, and, on the other, points in Louisiana and New Mexico, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Texas, between points in Kansas and Oklahoma, and between points in Kansas and Oklahoma and certain points in New Mexico; *machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, between points in Texas within 150 miles of Palestine, Tex., including Palestine, between points in Texas within 150 miles of Monahans, Tex., including Monahans, between points in Texas within 200 miles of Sundown, Tex., including Sundown, between points in the above-specified Texas territories, on the one hand, and, on the other, points in Louisiana, New Mexico and Arkansas, between points in Arkansas within 100 miles of Magnolia, Ark., including Magnolia, between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Texas, between points in Oklahoma and Arkansas, between points in Kansas and Oklahoma, between points in Kansas and Oklahoma and certain points in New Mexico, and between Kansas City, Mo., on the one hand, and, on the other, points in Oklahoma and Texas and certain points in New Mexico; *machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, between points in Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, between points in Georgia, Alabama, and Florida, between Kilgore, Tex., and points in Texas within 200 miles of Kilgore, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Oklahoma, between points in Texas, between certain points in Nebraska, on the one hand, and, on the other, certain points in Colorado and Wyoming, between points in Colorado and Wyoming, subject to the restriction that carrier may not tack or join these operations with those authorized immediately above for the purpose of conducting through operations, between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and between certain points in Nebraska. Vendee holds no authority from this Commission. However, two of the controlling stockholders, J. C. STROUD and H. L. ROGERS, JR., are in the partnerships whose operating rights and properties are being acquired by vendee. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7663. Authority sought for purchase by ARGO TRUCKING COMPANY, INC., Lower Heard Street, Elberton, Ga., of the operating rights and property of LAIN TRANSPORT, INC., 5715 North Western, Oklahoma City, Okla., and for acquisition by GRADY ALBERTSON, also of Elberton, of control of such rights through the purchase. Applicants' attorney: Guy H. Postell, 805 Peachtree Street Building, Atlanta 8, Ga. Operating rights sought to be transferred: *Granite*, as a *common carrier* over irregular routes, from points in Elbert County, Ga., to certain points in Kansas and Oklahoma, and from Snyder, Okla., to North Little Rock, Ark.; *marble*, from points in Pickens County, Ga., to certain points in Kansas and Oklahoma; *granite* and *marble*, from points in Elbert and Pickens Counties, Ga., to certain points in Kansas and Oklahoma. Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Florida, Mississippi, Louisiana, North Carolina, South Carolina, Arkansas, Texas and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7664. Authority sought for control by COLUMBUS E. NORRIS, 2210 Winston Avenue, P.O. Box 1529, Roanoke, Va., of HATCHER TRUCKING COMPANY, INCORPORATED, 2210 Winston Avenue SW., P.O. Box 1529, Roanoke, Va. Applicant's attorney: R. R. Rush, Boxley Building, Roa-

noke, Va. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Roanoke, Va., and points within five miles thereof, on the one hand, and, on the other, points in North Carolina and points in that part of West Virginia located on or west of U.S. Highway 60. COLUMBUS E. NORRIS holds no authority from this Commission. However, he owns controlling stock interest in HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue, P.O. Box 1529, Roanoke, Va., which is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7665. Authority sought for purchase by JAS. H. C. HUITT, doing business as HUITT ROOFING & TRUCKING COMPANY, Box No. 68, Hiddenite, N.C., of the operating rights of L. L. ALLEN, doing business as L. L. ALLEN MOTOR LINES, P.O. Box 397, Cashiers, N.C. Applicants' attorney: Boyce A. Whitmire, Hendersonville, N.C. Operating rights sought to be transferred: *Leather*, as a *common carrier* over irregular routes, from Brevard and Rosman, N.C., to New York, N.Y., Philadelphia, Pa., Louisville, Ky., Norcross, Ga., and Bristol and Kingsport, Tenn.; *cotton yarn*, from Brevard, N.C., to New York, N.Y., and Greenville and Laurens, S.C.; *hides, tanning extracts* and *tanning greases*, from New York, N.Y., and Philadelphia, Pa., to Brevard and Rosman, N.C.; *leather filler (powder compound)*, from Pine Grove, Pa., to Brevard and Rosman, N.C.; *petroleum products*, from Baltimore, Md., to Hendersonville and Asheville, N.C.; *malt beverages*, from Newark, N.J., to Asheville, N.C., and Spartanburg, S.C.; *livestock feed, grain* and *seed*, from Louisville, Ky., to Brevard and Rosman, N.C.; *livestock feed*, from Atlanta, Ga., to Brevard, N.C.; *fertilizer, livestock feed* and *cotton*, from Greenville, S.C., to Brevard, N.C.; *poultry, livestock* and *produce*, from Brevard, N.C., to Atlanta, Ga., and Greenville, S.C. Vendee is authorized to operate as a *common carrier* in North Carolina, Massachusetts, New York, Pennsylvania, Connecticut, Rhode Island, New Jersey and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7666. Authority sought for purchase by S. & S. TRUCKING COMPANY, 118 South Oakland Avenue, Statesville, N.C., of the operating rights of DAVID V. MILLER, doing business as INTERSTATE MOTOR LINES, 401 West Burton Street, High Point, N.C., and for acquisition by JAMES M. SAMPLE, also of Statesville, of control of such rights through the purchase. Applicants' attorneys: James E. Wilson and Edward G. Villalon, both of 716 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *New furniture*, uncrated, as a *common carrier* over irregular routes, from High Point and Thomasville, N.C., to Chicago, Ill., and Indianapolis, Ind., and points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland (except Baltimore and Annapolis), Mississippi, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia (except Richmond), West Virginia, and the District of Columbia, and from Chicago, Ill., to High Point and Thomasville, N.C.; *paper or fibre boxes*, from points in Guilford County, N.C., within six miles of High Point, N.C., to points in Georgia, South Carolina, Tennessee, Virginia, and West Virginia. Vendee is authorized to operate as a *common carrier* in North Carolina, Maryland, New York, New Jersey, Pennsylvania, Virginia, South Carolina, Georgia, Maine, New Hampshire, Vermont, Delaware and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7667. Authority sought for control and merger by KOWALSKY'S EXPRESS SERVICE, 2235 West Main Street, Millville, N.J., of the operating rights and property of GROVE TRUCKING CORPORATION, Post Office Box 472, 2235 West Main Street, Millville, N.J., and for acquisition by DOROTHY M. KOWALSKY, 2034 West Main Street, Millville, N.J., D. MICHAEL DIXON, Independence Court, Vineland, N.J., THOMAS R. ROCAP, South Mill Road, Vineland, N.J., and THEODORE KOWALSKY, Center Grove Road, Millville, N.J., of control of such rights and property through the transaction. Applicants' representative: Charles H. Tray-ford, 155 East 40th Street, New York 16, N.Y. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Cumberland and Salem Counties, N.J., on the one hand, and, on the other, Providence, R.I., Corning, N.Y., points in that part of Pennsylvania east of the Susquehanna River, points in that part of New York within 150 miles of Newark, N.J., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5, and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven, Conn. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7657. Authority sought for control by SIDNEY ENGELHARDT, EMANUEL ENGELHARDT, AND ISIDOR ENGELHARDT, all of 419 Anderson Avenue, Fairview, N.J., of COSMOPOLITAN TOURIST COMPANY, INC., and WALTERS TRANSIT CORP., both of 3510-43rd Street, Long Island City 1, N.Y. Applicants' attorney: William A. Roberts, Continental Building, 1012 14th Street NW., Washington 5, D.C. Operating rights sought to be controlled: (COSMOPOLITAN) *Passengers and their baggage*, restricted to traffic originating at point indicated, in charter operations, as a *common carrier* over irregular routes, from New York, N.Y., to points in the United States, and return; (WALTERS) *passengers and their baggage*, as a *common carrier* over regular routes, between New York, N.Y., and Canaan, Conn., between junction New York Highways 100 and 100A, and junction New York Highways 119 and 100A (with the restriction that the service authorized over this route is subject to the condition that it shall be used in connection with and as an extension of carrier's authorized route between New York, N.Y., and Canaan, Conn.), and between Brewster, N.Y., and Putnam Lake, N.Y., serving certain intermediate points; *passengers and their baggage*, and *Newspapers* in the same vehicle with passengers, between Pawling, N.Y., and Stormville, N.Y., and between Poughquag, N.Y., and junction unnumbered highway and New York Highway 22, serving all intermediate points. SIDNEY ENGELHARDT, EMANUEL ENGELHARDT, AND ISIDOR ENGELHARDT hold no authority from this Commission. However, they are affiliated with (1) GRAY LINE NEW YORK TOURS CORP., 245 West 50th Street, New York 19, N.Y., (2) ROYAL BLUE TOURS OF NEW YORK, INC., 245 West 50th Street, New York, N.Y., (3) ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J., and (4) TRAVELERS TRANSPORTATION, INC., 119 Bentley Avenue, Jersey City, N.J., which are authorized to operate as *common carriers* in the following states respectively: (1) New York, (2) New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio and District of Columbia, (3) New Jersey, Connecticut, Massachusetts, New York, Pennsylvania and the District of Columbia, and (4) New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7658. Authority sought for purchase by GRAY LINE NEW YORK TOURS CORP., 245 West 50th Street, New York 19, N.Y., of the operating rights and property of COSMOPOLITAN TOURIST COMPANY, INC., 3510 43d Street, Long Island City 1, N.Y., and for acquisition by SIDNEY ENGELHARDT, EMANUEL ENGELHARDT and ISIDOR ENGELHARDT, all of 419 Anderson Avenue, Fairview, N.J., of control of such rights and property through the purchase. Applicants' attorney: William A. Roberts, Continental Building, 1012 14th Street NW., Washington, D.C. Operating rights sought to be transferred: *Passengers and their baggage*, restricted to traffic originating at point indicated, in charter operations, as a *common carrier* over irregular routes, from New York, N.Y., to points in the United States, and return. Vendee is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7660. Authority sought for purchase by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Tex., of the operating rights of H. O. HOOKER AND MRS. ERNEST WALLACE, TRUSTEE, doing business as HENDERSON-SHREVEPORT MOTOR COACHES, 224 North Fredonia, Nacogdoches, Tex. Applicants' attorney: Alfred Crager, 315 Continental Avenue, Dallas 7, Tex. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes, between Henderson, Tex., and Shreveport, La., between Henderson, Tex., and Jacksonville, Tex., and between Blossom Hill, Tex., and Carthage, Tex., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, New Mexico, Colorado, Texas, Oklahoma, Utah, Arizona, Nevada, Nebraska, Arkansas, Louisiana and Indiana. Application has not been filed for temporary authority under section 210a(b).

NOTE: Application for authority under section 214 was filed in conjunction with the application under section 5, in Finance Docket No. 21278.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-9003; Filed, Sept. 27, 1960; 8:48 a.m.]

[Notice 386]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 23, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63081. By order of September 21, 1960, The Transfer Board approved the transfer to Morton Truck Lines, Inc., Perry, Iowa, of a Certificate in No. MC 119384 issued March 22, 1960, to Edwin L. Morton, doing business as Morton Truck Lines, and a Certificate in No. MC 84184 issued September 5, 1956 to Loren Dobson, and acquired by transferor herein pursuant to MC-FC 62457, which certificates authorize the transportation of specific commodities, from, to, and between specified points in Indiana, Iowa, South Dakota, Nebraska, Minnesota, Illinois, Missouri, and Kansas. Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines 9, Iowa, for applicants.

No. MC-FC 63159. By order of September 21, 1960, The Transfer Board approved the transfer to Antrim Transportation Co., Inc., Suffern, N.Y., of Certificate No. MC 119444, issued August 31, 1960, to C-B Transportation Corporation, Walden, N.Y., authorizing the transportation of: Malt beverages, from Newark, N.J., to Saratoga Springs, Albany, and Saranac Lake, N.Y., and Burlington, Montpelier, Rutland and Barre, Vt., and from Philadelphia, Pa., to Saratoga Springs, N.Y., and Burlington, Vt., and empty malt beverage containers from Saratoga Springs, Albany, and Saranac Lake, N.Y., and Burlington, Montpelier, Rutland, and Barre, Vt., to Newark, N.J.; from Saratoga Springs, N.Y., and Burlington, Vt., to Philadelphia, Pa., malt beverages in containers from New York, N.Y., to Saratoga Springs, N.Y.; and empty malt beverage containers, from Saratoga Springs, N.Y., to New York N.Y. Edward M. Alfano, Werner & Alfano, attorneys at Law, 2 West 45th St., New York 36, N.Y.

No. MC-FC 63359. By order of September 21, 1960, The Transfer Board approved the transfer to Clyde Jones, Rising City, Nebraska, of a Certificate in No. MC 73062 issued June 19, 1941, to Lawrence E. Stuefer, Rising City, Nebraska, which authorizes the transportation of household goods, used farm machinery, and livestock, over irregular routes, between Rising City, Nebr., and points within ten miles thereof, on the one hand, and, on the other, points in Iowa and Missouri. Ray E. Sabata, David City, Nebraska, for applicants.

No. MC-FC 63408. By order of September 21, 1960, The Transfer Board approved the transfer to Elmer R. Snively, Altoona, Pa., of Certificate in No. MC 7448, issued February 20, 1950, to J. H. Snyder, Jr., doing business as Rural Motor Express, Altoona, Pa., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Altoona, Pa., and Philipsburg and Williamsburg, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., for applicants.

No. MC-FC 63418. By order of September 21, 1960, The Transfer Board approved the transfer to W. S. Thomas Transfer, Inc., 404 Auburn Street, P.O. Box 507, Fairmont, West Virginia, of Certificates in Nos. MC 64808 and MC 64808 Sub 1 issued April 4, 1950, and August 19, 1960, respectively, to Harry D. Thompson, doing business as W. S. Thomas Transfer, 404 Auburn Street, P.O. Box 507, Fairmont, West Virginia, which authorize the transportation of general commodities, except household goods and commodities in bulk, between points in Marion County, W. Va., on the one hand, and, on the other, points in Ohio and Maryland, and specified points in Pennsylvania, and household goods, as defined, between points in Marion, Harrison, and Monongalia Counties, W. Va., on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, the lower peninsula of Michigan, Indiana, Illinois, Virginia, Kentucky, Maryland, New Jersey, District of Columbia, and West Virginia, and glass bottles, from Star City, W. Va., to points in Kentucky, except Louisville, Ky., and New York, except New York, N.Y.

No. MC-FC 63493. By order of September 21, 1960, The Transfer Board approved the transfer to Massive Trucking, Inc., Clifton, New Jersey, of a Certificate in No. MC 107972 issued August 4, 1960, to J. Calendrillo Motor Express, Inc., Lodi, New Jersey, which authorizes the transportation of general commodities, except household goods, as defined, and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, and Morris Counties, N.J., and household goods, between New York, N.Y., and points in Orange and Rockland Counties, N.Y., and those in Bergen, Passaic, Morris, Essex, and Sussex Counties, N.J. John M. Zachara, P.O. Box 2860, Paterson 28, New Jersey, for applicants.

No. MC-FC 63503. By order of September 21, 1960, The Transfer Board approved the transfer to Donald Lewis Gray, doing business as H. Edmund Miller, Millsville, Pennsylvania, of certificates in Nos. MC 44339 and MC 44339 Sub 1 issued September 28, 1940 and January 2, 1943, respectively, to G. Leslie Miller, Bloomsburg, Pennsylvania, which authorizes the transportation of: household goods, over irregular routes, between Bloomsburg, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Maryland, and the District of Columbia, and general commodities, over irregular routes, between points within 20 miles of Bloomsburg, Pa., including Bloomsburg. Gailey C. Keller, 158 Court House Place, Bloomsburg, Pa.

No. MC-FC 63508. By order of September 21, 1960, The Transfer Board approved the transfer to A. W. Pointer, 907 E. Mead Avenue, Yakima, Washington, of a Certificate in No. MC 27024, issued April 30, 1942, to A. W. Pointer and Harry Pointer, a partnership, doing business as Pointer & Son, 907 E. Mead Avenue, Yakima, Wash., which authorizes the transportation over regular routes of agricultural commodities, from Yakima, Wash., to Tacoma, Wash., serving all intermediate and off-route points in Yakima County, Wash., and the intermediate point of Seattle, Wash., and fresh fruit and vegetables, from Yakima, Wash., to Portland, Oreg., serving the off-route point of Seattle, Wash., restricted to delivery only, and from intermediate and off-route points in Yakima County, Wash., restricted to pick-up only.

No. MC-FC 63585. By order of September 21, 1960, The Transfer Board approved the transfer to Joseph Kaluza, Jr., and Rudolph Kaluza, a partnership, doing business as Joe Kaluza & Son, Rixford, Pennsylvania, of a Certificate in No. MC 76150 issued September 28, 1940, to Joe Kaluza, Sr., and Joe Kaluza, Jr., a partnership doing business as Joe Kaluza & Son, Rixford, Pennsylvania, which authorizes the transportation over irregular routes of household goods, and machinery, materials, supplies, and equipment, incidental to and used in gas and petroleum operations, between points in McKean, Warren,

Potter, Forest, Elk, and Cameron Counties, Pa., on the one hand, and, on the other, points in New York, Ohio, and West Virginia.

Glenn E. Mencer, I.O.O.F. Building, Eldred, Pennsylvania, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-9004; Filed, Sept. 27, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

SKIATRON ELECTRONICS AND TELEVISION CORP.

[File No. 1-3865]

Order Summarily Suspending Trading

SEPTEMBER 22, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 23, 1960, to October 2, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8993; Filed, Sept. 27, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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PART I

FEDERAL REGISTER

VOLUME 25 NUMBER 190

Washington, Thursday, September 29, 1960

THE UNIVERSITY OF MICHIGAN
SEP 30 1960
MAIN READING ROOM

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FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3372

IMMIGRATION QUOTAS

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 201(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the said Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS the Republic of Cameroun came into existence on January 1, 1960, with the termination of the United Nations Trusteeship; and

WHEREAS the Republic of Togo was established on April 27, 1960, upon the termination of the United Nations Trusteeship; and

WHEREAS the Malagasy Republic, a former Autonomous Republic of the French Community, became independent on June 26, 1960; and

WHEREAS the Republic of the Congo, the former Belgian Congo, was granted independence by Belgium on June 30, 1960; and

WHEREAS the Somali Republic came into existence on July 1, 1960, by the union of the former Italian Trust Territory of Somaliland and the former British Somaliland; and

WHEREAS the Central African Republic, the Republic of Chad, the Republic of Congo (former Middle Congo), the Republic of Dahomey, the Gabon Republic, the Republic of Ivory Coast, the Republic of Niger, and the Republic of Upper Volta, previously Autonomous Republics within the French Community, were granted independence by France between August 1 and August 17, 1960; and

WHEREAS the Republic of Cyprus, the former British Crown Colony of Cyprus, was granted independence by the Government of the United Kingdom on August 16, 1960; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quotas hereinafter set forth:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quotas of the quota areas hereinafter designated have been determined in accordance with the law to be, and shall be, as follows:

Quota area	*Quota*
Cameroun	100
Central African Republic	100
Chad	100
Congo	100
Congo, Republic of the	100
Cyprus	100
Dahomey	100
Gabon	100
Ivory Coast	100
Malagasy Republic	100
Niger	100
Somali Republic	100
Togo	100
Upper Volta	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, entitled "Immigration Quotas," is amended by the abolishment of the immigration quotas established for Cameroun (trust territory, France), Somaliland (trust territory, Italy), Togo (trust territory, France), and by the addition of the immigration quotas established by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of September in the year of our Lord nineteen hundred and sixty and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-9122; Filed, Sept. 28, 1960; 10:01 a.m.]

Proclamation 3373

COLUMBUS DAY, 1960

By the President of the United States of America

A Proclamation

WHEREAS four hundred and sixty-eight years ago Christopher Columbus, with vision, faith, and the courage of his convictions, sailed out from the port of Palos, Spain, to cross the uncharted Atlantic; and

WHEREAS on October 12, 1492, Columbus discovered the land of the New World; and

WHEREAS Columbus' achievement opened the Western Hemisphere to settlement and development by our forebearers, whose vision, faith, and courage were akin to his own; and

WHEREAS in this present day of challenge we can find inspiration, both personally and nationally, in the example of this great figure in American history; and

WHEREAS the Congress of the United States, proud of this history, by a joint resolution approved April 30, 1934 (48 Stat. 657), has requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Wednesday, October 12, 1960, as Columbus Day.

I direct the appropriate officers of the Federal Government to display the flag of the United States on all Government buildings on that day; and I request the appropriate officers of State and local governments likewise to display the flag on that day.

I also invite the people of the United States to observe the day in their homes, schools, churches, and other suitable places with ceremonies and with thoughts expressive of our admiration for the man who discovered America and of our gratitude for his daring achievement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of September in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-9120; Filed, Sept. 28, 1960; 10:01 a.m.]

Proclamation 3374

ENLARGING THE ROCKY MOUNTAIN NATIONAL PARK—COLORADO

By the President of the United States of America

A Proclamation

WHEREAS the act of June 21, 1930, 46 Stat. 791 (16 U.S.C. 192b), authorizes the President, upon the recommendation of the Secretary of the Interior, with respect to lands not in a national forest, to add to the Rocky Mountain National Park, in the State of Colorado, by Executive proclamation, certain lands described in that act; and

WHEREAS the Secretary of the Interior has recommended the addition to such park of certain of the lands described in that act not in a national forest; and

WHEREAS it appears that it would be in the public interest to add such lands to the park for future preservation and administration as a part of the park:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by the said act of June 21, 1930, do proclaim that the lands hereinafter described shall be, and they are hereby, added to and reserved as a part of the Rocky Mountain National Park, in the State of Colorado; and such lands shall be subject to the provisions of the act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (16 U.S.C. 1–3), and all acts supplementary thereto and amendatory thereof, and all other laws and rules and regulations applicable to such park:

SIXTH PRINCIPAL MERIDIAN

T. 4 N., R. 73 W., section 9, northwest quarter southwest quarter.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of September in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60–9123; Filed, Sept. 28, 1960; 10:01 a.m.]

Proclamation 3375

GENERAL PULASKI'S MEMORIAL DAY, 1960

By the President of the United States of America

A Proclamation

WHEREAS during our war for independence a young Polish patriot in exile, Count Casimir Pulaski, joined the Continental Army, was appointed a brigadier general and commander of cavalry, distinguished himself in various engagements, and raised and commanded a corps called the Pulaski Legion; and

WHEREAS while leading an assault to relieve the captured city of Savannah, Georgia, Pulaski received a wound which proved fatal on October 11, 1779; and

WHEREAS the present year marks the one hundred and eighty-first anniversary of Pulaski's death; and

WHEREAS in his selfless devotion to the cause of liberty, Pulaski is a continuing example to all men who strive toward the goals of freedom and justice:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Tuesday, October 11, 1960, as General Pulaski's Memorial Day.

I direct the appropriate officers of the Federal Government to display the flag of the United States on all Government buildings on that day; and I request the appropriate officers of the State and local governments likewise to display the flag on that day.

I also invite the people of the United States to observe the day in their homes, schools, churches, and other suitable places with ceremonies and with thoughts commemorative of the ideals and the heroism of General Pulaski.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of September in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60–9121; Filed, Sept. 28, 1960; 10:01 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

Miscellaneous Amendments

Correction

In F.R. Doc. 60–8721, appearing at page 8988 of the issue for Tuesday, September 20, 1960, the following corrections are made in § 29.18:

1. In paragraph (c)(2)(iii), the word "determine" should read "terminate", so that the opening phrase of subdivision (iii) reads "if commission action to terminate his annuity * * *".

2. In the first full sentence in paragraph (d)(3)(iii), the word "his" should precede the phrase "retirement rights", so that the clause reads "to have his retirement rights redetermined under the law in effect at separation date."

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

AUTHORIZED PERIOD; UNDUE FINANCIAL HARDSHIP

The regulations issued by the Commodity Credit Corporation published in 24 F.R. 10029 and 25 F.R. 8594 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

Section 475.203 *Definitions* is amended as follows:

(g) "Authorized period" means the period during which feed grains will be made available to the owner under a single application. In the case of applications filed in an approval month, the authorized period shall commence on the date the application is filed, and in the case of applications filed during the last week of a non-approval month which is immediately succeeded by an approval month, the authorized period shall begin on the first Monday of such approval month. In the case of applications for additional assistance beyond the expiration date of any authorized period shown on a previously approved Form 65, the authorized period shall begin as provided in the previous sentence except that if the application is filed during the last week of the authorized period shown on the previously approved Form 65 and such week is succeeded by a day that is in an approval month, the authorized period shall begin on the first day following the preceding authorized period. The authorized period shall terminate: (1) On the last day of the prescribed period or 60 calendar days after the beginning date of the authorized period, whichever is earlier, or, (2) on such later day within the prescribed period as the Executive Vice President of CCC determines necessary to assure effective program administration within the general policy of the program.

* * * * *

(n) "Undue financial hardship" means that an applicant does not have on hand sufficient feed for his livestock for the authorized period and is unable to obtain such feed from normal suppliers without sustaining an operating loss, and that the applicant's financial condition is such that this loss will interfere with his obtaining necessary financing for his livestock operation in the future or will otherwise imperil his continued livestock operation.

Issued this 26th day of September 1960.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60–9079; Filed, Sept. 28, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 27]

PART 927—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 927), it is hereby found and determined that:

(a) The following provisions of the order, do not tend to effectuate the declared policy of the Act for the months of October, November and December:

(1) Section 927.40(a) (3), (4), (5), (6), (7), (8), (9) and (10);

(2) In § 927.40(a)(11) the words "determined pursuant to subparagraph (10) of this paragraph"; and

(3) § 927.46(a)(2).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension is necessary because unusual weather conditions which prevailed in the Order No. 27 production and marketing area in recent months have had an undue influence upon the utilization adjustment percentage in the Class I–A price formula.

(4) This action has been requested by cooperative associations representing more than two-thirds of producers for the market.

(5) The short period of time remaining between issuance and effective date makes it impractical for rule-making procedure to be completed. This results because the market administrator is required to announce, on or before September 25, the utilization adjustment percentage applicable to all milk received in October.

Therefore, good cause exists for making this order effective October 1, 1960.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective October 1, 1960 (except that the suspension of § 927.46(a)(2) is effective immediately) for the period October, November and December 1960. This suspension action will not affect the use of this factor in any other order.

(Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 23d day of September, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–9058; Filed, Sept. 28, 1960; 8:47 a.m.]

[Export Reg. 4]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

§ 933.1020 Export Regulation 4.

(a) *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments by export of oranges, including Temple oranges, grapefruit, tangerines, and tangelos, as hereinafter

provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, and all grapefruit, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; Temple oranges, tangerines, and tangelos, grown in the production area, are approaching maturity and are expected soon to be subject to grade and size limitations on such shipments from the production area. The recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of the respective variety, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 20, 1960; such meeting was held to consider recommendations for regulations on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time have been disseminated among handlers of such oranges, including Temple oranges, grapefruit, tangerines, and tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth, and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* 1. Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178; 25 F.R. 8211); the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.783; 25 F.R. 8219; or the United States Standards for Florida Tangerines (7 CFR 51.1810–51.1834; 25 F.R. 8216).

2. During the period beginning at 12:01 a.m., e.s.t., October 1, 1960, and ending at 12:01 a.m., e.s.t., July 31, 1961, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any oranges, including Temple oranges, grapefruit, tangerines, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178; 25 F.R. 8211);

(iii) Any grapefruit, grown in the production area, which are of a size smaller than $3^{3}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.783; 25 F.R. 8219);

(iv) Any tangerines, grown in the production area, which are of a size smaller than a size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9^{1}/_{2}$ x $9^{1}/_{2}$ x $19^{1}/_{8}$ inches; capacity 1,726 cubic inches); or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178; 25 FR 8211).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 26, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-9078; Filed, Sept. 28, 1960; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Areas in Florida Regulated

Pursuant to the provisions of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125), § 72.5a(a) of Part 72, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 72.5a Area regulated in Florida.

(a) The following portions of the State of Florida are regulated: Palm Beach County and the following described areas in Hillsborough County, Indian River County, Martin County, and Osceola County:

(1) Hillsborough County: Beginning at the intersection of U.S. Highway No. 301 and Buffalo Avenue, running 2.7 miles west to the intersection of Buffalo Avenue and 50th Street; thence, 1 mile south to the intersection of 50th Street and Columbus Drive; thence, 1.3 miles east to the intersection of Columbus Drive and State Road No. 574, continuing 1.1 miles east to the intersection of State Road No. 574 and State Road No. 43; thence, .7 mile southeast to the intersection of State Road No. 43 and U.S. Highway No. 301; thence, 1.6 miles north to the intersection of U.S. Highway No. 301 and Buffalo Avenue, the point of beginning.

(2) Indian River County: Secs. 1 through 26 and secs. 35 and 36, Township 32, South Range 35 east, lying north of State Road No. 60; and all of Township 31, South Range 35 east.

(3) Martin County: Beginning at a point where the Atlantic Ocean coastline intersects the Martin–Palm Beach County line; thence, westerly along said County line to a point where it intersects the Seaboard Airline Railroad; thence, northwesterly along the railroad to the St. Lucie Canal; thence, northeasterly along the St. Lucie Canal through the Okeechobee Waterway and St. Lucie River to the Atlantic Ocean; thence, southward along the coastline to the point of beginning.

(4) Osceola County: Secs. 13, 14, 15, 16, 22, 23, 24, 25, 26, 34, 35, and 36, Township 31, South Range 34 east, lying east of State Road No. 15; secs. 1, 2, 3, 10, 11, 12, Township 32, South Range 34 east, lying east of State Road No. 15; secs. 13, and 14, Township 32, South Range 34 east, lying north of State Road No. 60; secs. 16 through 22 and secs. 26 through 34, Township 31, South Range 34 east, lying west of State Road No. 15; secs. 3, 4, 5, 6, 9, 10, Township 32, South Range 34 east, lying west of State Road No. 15 and north of State Road No. 16; secs. 1, 2, 3, Township 32, South Range 33 east, lying north of State Road No. 60; secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 31, South Range 33 east, lying east of grade road commonly known as Pea Vine Road.

(Secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 4–7, 23 Stat. 32, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125).

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Florida from the areas heretofore regulated because of splenetic (tick) fever. Hereafter, the restrictions pertaining to the interstate movement of livestock and pine straw and other litter from quarantined areas contained in 9 CFR, Part 71 and Part 72, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Part 71 and Part 72, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of September 1960.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 60-9059; Filed, Sept. 28, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 517; Amdt. 20-14]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Revision of Requirements for Flight Instructor Certificates

Part 20 of the Civil Air Regulations prescribes the requirements applicable to the issuance of flight instructor certificates. An applicant for original flight instructing privileges must first obtain a limited flight instructor certificate. After one year he is eligible for the flight instructor certificate, provided he has trained at least five successful candidates for pilot certificates or instrument ratings. These candidates must be flight tested by a Federal Aviation Agency Inspector, who is thus afforded the opportunity to evaluate the effectiveness of the instruction.

Many limited flight instructors qualify five successful candidates in a short period of time, but must wait the full year before applying for their flight instructor certificate. The Federal Aviation Agency considers that the experience gained by a limited flight instructor in qualifying at least five successful candidates plus the demonstration of competence evidenced by the ability of his students to maintain a satisfactory level of flight safety while under his supervision is sufficient to qualify him for a flight instructor certificate. Therefore, no useful purpose is served in requiring a one-year waiting period.

Since this one-year waiting period is not necessary in the interest of safety, and deprives the industry of the services of qualified flight instructors, the FAA considers that it should be deleted from the requirements for the issuance of a flight instructor certificate. Accordingly, § 20.135(a) of the Civil Air Regulations is being amended to permit the issuance of a flight instructor certificate to the holders of limited flight instructor certificates at any time after they have qualified at least five successful candidates for pilot certificates or instrument ratings and have demonstrated their competence to serve as flight instructors.

Since this amendment relieves a present restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended as follows, effective September 23, 1960.

By amending § 20.135(a) to read as follows:

§ 20.135 Flight instructor certificates.

* * * * *

(a) He holds a limited flight instructor certificate;

(Sec. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on September 23, 1960.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 23, 1960.

[F.R. Doc. 60-9032; Filed, Sept. 28, 1960; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Docket No. 519; Amdt. 205]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Further investigation of the service difficulty involving loose attachments and cracked quick engine change upper cowl panel longerons on Lockheed 188 Series aircraft shows that additional fasteners are acceptable for use in accomplishing repairs. Accordingly, Amendment 159, 25 F.R. 4542, is being amended to provide for these acceptable replacements.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 159, Lockheed 188 Series aircraft as it appeared in 25 F.R. 4542, is amended by inserting in lieu of the last three sentences of the second paragraph the following:

(a) Replace loose attachments in the longeron fittings. Acceptable replacements are:

(1) One-sixty-fourths-inch diameter oversize Hi-Loks (P/N HL 56–6 pin, P/N HL 64–6–5 pin, P/N HL 85–6 collar).

(2) Thirteen-sixty-fourths-inch diameter NAS type close tolerance screw, minimum heat treat 160,000 p.s.i. Ream to oversize hole limits of 0.2026–0.2036-inch diameter.

(3) Seven-thirty-seconds-inch diameter NAS type close tolerance screws; minimum heat treat 160,000 p.s.i.; minimum edge distance, $1^{1}/_{2}$ diameters. Ream to oversize hole limits of 0.2182–0.2192-inch diameter.

(4) It is satisfactory to mix Huck bolts and Hi-Lok fasteners, but it is not acceptable to mix NAS type screws with Huck bolts or Hi-Lok fasteners.

(b) Cracked longerons must be replaced or an FAA approved repair incorporated before next flight.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 23, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

September 23, 1960.

[F.R. Doc. 60-9033; Filed, Sept. 28, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7843 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bernard Goldman

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Bernard Goldman, Cincinnati, Ohio, Docket 7843, July 16, 1960]

The complaint in this case charged a Cincinnati, Ohio, furrier with violating the Fur Products Labeling Act by failing to label fur products with the name of the animal producing the fur, and by failing in other respects to comply with labeling and invoicing requirements.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Bernard Goldman, an individual trading as Bernard Goldman, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in letters and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

C. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

D. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches;

E. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

F. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

G. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent Bernard Goldman, an individual trading as Bernard Goldman, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-9064; Filed, Sept. 28, 1960; 8:49 a.m.]

[Docket 7839 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Spartan Electric Radiator Corp.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart — Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Spartan Electric Radiator Corporation, Maspeth, N.Y., Docket 7839, July 16, 1960]

The complaint in this case charged a New York City distributor of chrome-plated brass shower heads imported from Japan with furnishing to its retailer-customers advertising material—in payment of the cost of which it participated—setting out various fictitious amounts as "Value" or as "Usually", together with lesser sales prices, thereby falsely representing the "Value" and "Usually" prices as the usual retail selling prices, and the difference between the larger and smaller amounts as the purchaser's savings.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Spartan Electric Radiator Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of shower heads, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Placing in the hands of retailers any means or instrumentality by and through which they may represent that any amount is the usual and customary retail price of respondent's product in a trade area, when such amount is in excess of the price at which said product is usually and customarily sold at retail in the trade area or areas where the representation is made;

2. Placing in the hands of retailers any means or instrumentality by and through which they may represent that any amount is the retailer's usual and customary price of respondent's product when such amount is in excess of the price at which said product is usually and customarily sold by said retailers in the recent regular course of business;

3. Placing in the hands of retailers of its product any means or instrumentality by and through which they may misrepresent the savings available to their customers from the retailer's usual and customary price or from the price at which said product is usually and customarily sold in the trade area or areas in which the representation is made.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Spartan Electric Radiator Corporation, a corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-9065; Filed, Sept. 28, 1960; 8:49 a.m.]

[Docket 6583 o.]

PART 13—PROHIBITED TRADE PRACTICES

Witkower Press, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-52 *Medicinal, therapeutic, healthful, etc.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Witkower Press, Inc., et al., Hartford, Conn., Docket 6583, July 19, 1960]

In the Matter of Witkower Press, Inc., a Corporation, and Dan Dale Alexander, and Bernard Witkower, Individually and as Officers of Said Corporation

The complaint in this case charged a Hartford, Conn., publisher with representing falsely in advertising the book "Arthritis and Common Sense"—in newspapers, and by radio and television, on the paper book jackets, and in promotional material and advertising mats furnished local dealers—that the dietary regimen contained therein was a reliable treatment and cure for all kinds of arthritis and rheumatism, correcting the underlying causes and relieving their discomforts.

Following extended hearings and voluminous testimony, the hearing examiner made his initial decision and order to cease and desist. Denying respondents' appeal therefrom, the Commission on July 19 adopted the initial decision with slight modification as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondent Witkower Press, Inc., a corporation, and its officers, and respondents Dan Dale Alexander and Bernard Witkower, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a book entitled "Arthritis and Common Sense," or any other book or books of the same or of approximately the same content, material or methods, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that the regimen set out in said book provides:

1. An adequate, effective or reliable treatment for any kind of arthritis, rheumatism or related condition, or rheumatic fever.

2. An adequate, effective or reliable means of arresting the progress of, correcting the underlying causes of, or curing any kind of arthritis, rheumatism or related condition, or rheumatic fever.

3. An adequate, effective or reliable treatment for the symptoms and manifestations of any kind of arthritis, rheumatism or related condition, or rheumatic fever, or will afford any relief from aches, pains, stiffness, swelling or other discomforts thereof.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as modified.

Issued: July 19, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-9066; Filed, Sept. 28, 1960; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55228]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Withdrawal of Products From Bonded Smelting and Refining Warehouses

On July 13, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6572) concerning the suggestion that the Customs Regulations be amended to permit withdrawals for consumption from a bonded smelting and refining warehouse to be filed so long as there is on hand in the bonded smelter or refinery a quantity of metal contained in ores or crude metals in their condition as entered, or in any intermediate stage, or of smelted or refined products, which in total are equivalent to the quantity of metal covered by the withdrawal papers. Under the suggested procedure withdrawal papers would be accepted even though the total quantity of smelted or refined products physically on hand in the plant was less than the quantity specified in the withdrawal papers, provided the total metal in the plant, in all forms, e.g., ores, intermediates, and smelted and refined products, was at least as great as the quantity specified in the withdrawal. Withdrawals may not be filed for untreated materials.

Consideration having been given to all data, views, or arguments received the amendment of § 19.18 of the Customs Regulations as proposed in the notice is hereby adopted as set forth below effective 30 days after the date of publication in the FEDERAL REGISTER.

Section 19.18 of the Customs Regulations is amended by deleting the citation of authority at the end and adding the following: "However, duty-paid warehouse withdrawals for consumption may be filed with regard to metal which will be physically withdrawn in the form of smelted or refined products whether at the time of the filing of the withdrawal papers the dutiable metal covered by the bond charge being cancelled by the withdrawal is in the form of ores, concentrates, crude metals, or intermediate products. If the warehouse withdrawal for consumption covers a product which does not sustain the full wastage applicable (see § 19.22) prior to being physically released from customs custody, a proportionate part only of such wastage may be allowed. The warehouse withdrawal and delivery permit shall (1) describe the smelted or refined products to be withdrawn in terms of the condition in which they will be when released from customs custody upon presentation of the delivery permit; (2) state the estimated amount of the dutiable metal contained in the products; and (3) the warehouse withdrawal shall specify the applicable wastage. A quantity of dutiable metal equivalent to the smelted or refined products covered by each withdrawal for consumption must be actually on hand at the plant at the time of filing the withdrawals; but neither the actual ability to withdraw smelted or refined products from the warehouse nor the actual physical condition described in the withdrawal will be required as of the time of filing the withdrawal."

(Sec. 312, 46 Stat. 692; 19 U.S.C. 1312)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: September 21, 1960.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 60-9068; Filed, Sept. 28, 1960; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Subpart E—Transportation of Hazardous Cargoes in Canal Zone Waters

AMMONIUM NITRATE

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR 4.11 as adopted by Canal Zone Order 30, January 6, 1953 (18 F.R. 280), § 4.127 of such title is amended to read as follows:

§ 4.127 Ammonium nitrate.

Vessels carrying, loading, or discharging cargoes of ammonium nitrate in Canal Zone waters shall comply with all regulations issued by the United States Coast Guard or other recognized governmental agency with respect to the handling and storage of such cargo and the precautionary measures to be taken in connection therewith. The provisions of §§ 4.108, 4.109, 4.110, 4.111, 4.112, and 4.115c apply to vessels carrying cargoes of ammonium nitrate: *Provided, however*, That specially packaged ammoniun nitrate may be discharged in limited quantities at Canal Zone piers if permission is obtained in advance from the Port Captain of the intended port of discharge.

Issued at Balboa Heights, Canal Zone, September 12, 1960.

[SEAL] W. A. CARTER, *Governor.*

[F.R. Doc. 60-9053; Filed, Sept. 28, 1960; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 145—NATIONAL DEFENSE GRADUATE FELLOWSHIP PROGRAM

Part 145 establishes regulations for the administration of the National Defense Graduate Fellowship Progam pursuant to Title IV of the National Defense Education Act of 1958, as amended, 72 Stat. 1590–1591, 20 U.S.C. 461–465.

Part 145 reads as follows:

Sec.
145.1 Definitions.
145.2 Summary of program.
145.3 Approval of graduate programs.
145.4 Payments to institutions.
145.5 Records substantiating payments.
145.6 Award of fellowships to individuals.
145.7 Payments of stipends.
145.8 Reports by institutions of higher education.

AUTHORITY: §§ 145.1 to 145.8 issued under sections 401–405, 1001, 72 Stat. 1590–1591, 1602; 20 U.S.C. 461–465, 581.

§ 145.1 Definitions.

As used in this part:

(a) "Act" means the National Defense Education Act of 1958, Public Law 85-864,

as amended, 72 Stat. 1580, 20 U.S.C. 401–589.

(b) "Title IV" means title IV of such Act.

(c) "Institution of higher education" or "institution" means an educational institution in any State which meets the requirements set forth in section 103(b) of the Act. The term "educational institution" limits the scope of this definition to establishments at which teaching is conducted and which have an identity of their own. The separate identity of such establishments is generally reflected by their being incorporated or chartered for such purposes in their own right, or by their receiving a separate listing in part III of the Office of Education "Education Directory."

(d) "Public" as applied to any institution does not include an institution of any agency of the United States.

(e) "Nonprofit" as applied to any institution means an institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) "State" means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, or the Virgin Islands.

(g) "Fellowship" means an award by the Commissioner under Title IV. A "Fellowship holder" or "Fellow" means a person designated to receive the award, which entitles him to receive the stipend.

(h) "Approved program" means a program of graduate study approved as provided in § 145.3.

(i) "Commissioner" means the U.S. Commissioner of Education, Department of Health, Education, and Welfare or his delegate.

(j) "Stipend" means the payments made to a Fellow in accordance with section 404(a) of the Act (1) for each academic year of his study in an approved program and (2) on account of each of his dependents.

(k) "Academic year" consists of not less than two semesters or three quarters, beginning in the fall of the year, and falling within a single twelve month period.

§ 145.2 Summary of program.

(a) *Purpose.* The National Defense Graduate Fellowship Program has the objectives of increasing the facilities available for the graduate training of college or university level teachers, of promoting a wider geographical distribution of such facilities throughout the United States, and of assisting persons interested in teaching in institutions of higher education to obtain the Ph.D. or similar degree.

(b) *Fellowship awards.* The Commissioner is authorized to award up to one thousand Fellowships during the fiscal year ending June 30, 1959, and fifteen hundred Fellowships during each of the three succeeding fiscal years. A Fellowship will usually be awarded for three academic years; but in any case will not be for more than three academic years.

(c) *Payments to fellows and institutions of higher education.* Stipends to Fellows will be paid in accordance with § 145.7. In addition, to the extent permitted by § 145.4, the Commissioner shall make payments to institutions to cover that portion of the cost of an approved graduate program which is reasonably attributable to each Fellow.

(d) *Approval of programs and allotment of fellowships.* The Commissioner will approve graduate programs at institutions in accordance with § 145.3, and will determine the number of fellowships to be allotted to each such program. Public announcement will be made listing the approved programs and the institutions at which they are to be offered. An individual desiring a Fellowship should apply for acceptance as described in section 145.6 at the institution of his choice from among those listed.

§ 145.3 Approval of graduate programs.

(a) *Minimum requirements for approval of programs.* The programs to be approved will be selected from those:

(1) For the completion of which a Ph. D. or similar degree is awarded;

(2) Which constitute a new or expanded program of graduate study;

(3) Which substantially further the objective of increasing the facilities available in the Nation for the graduate training of college or university level teachers;

(4) Which promote a wider geographical distribution of facilities for the graduate training of college or university level teachers throughout the Nation; and

(5) In which a preference in the acceptance of persons for study is given to persons interested in teaching in institutions of higher education.

(b) *Applications.* Approval of graduate programs shall be on the basis of applications submitted by institutions of higher education in accordance with procedures established by the Commissioner. Applications shall contain information as to the proposed increase in facilities and/or faculty for the establishment of the new program or expansion of an existing program and shall indicate the total increase in enrollment (or total enrollment in the case of a new program) which the increase in facilities and/or faculty will enable the program to accommodate. The proposed development of the program should normally be such as to make possible the admission of sufficient first-year students each year to achieve the total anticipated increase in enrollment (or total anticipated enrollment in the case of a new program) within three years.

(c) *Organization of programs.* Programs may be organized by an institution in any manner appropriate to the field of study of the program, including but not restricted to: departmental, e.g., Political Science; a special field within a department, e.g. Political Theory; interdepartmental, e.g. Psychology and Politics; or intercollege, e.g. Law and Politics.

(d) *Joint institutional sponsorship.* Two or more institutions may jointly submit a program for approval. The application must be signed by an authorized representative of each institution, and it must be agreed that credits earned at each of the institutions are fully transferable to the other.

(e) *Dates for applying.* Each year a date will be announced for the submission of applications by institutions for the approval of a new or expanded program to accommodate those who will be awarded Fellowships in the ensuing period. Institutions of higher education may secure forms for application from Division of Higher Education, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

(f) *Criteria for the selection of approved programs.* The following criteria will be considered in determining which of the programs meeting the foregoing requirements are to be approved:

(1) The prospective ability of the applying institution, in terms of faculty, libraries, and equipment, competently to offer the program;

(2) Current or prospective national or regional shortage of college or university teachers in the proposed field;

(3) Current or prospective national or regional inadequacies in the offering of proposed subjects;

(4) Adequate ratio, at the applying institution, between the number of graduate faculty and the proposed number of graduate students;

(5) The amount and extent of the applying institution's previous planning and development in the field proposed in the program;

(6) Likelihood that the applying institution will be able soundly to support the proposed program on a long-term basis;

(7) Likelihood that the proposed program will produce teachers for institutions of higher education.

(g) *Notification of Commissioner's action.* The Commissioner will notify each institution of higher education which has applied for approval of a graduate program whether such approval has been given, and if so, the number of Fellowships which the Commissioner is prepared to allot for such program.

(h) *Effect of approval.* Approval of a program is effective during any period in which a Fellowship holder is enrolled in the program, unless approval is withdrawn, as provided in paragraph (j) of this section. Continued approval of a program does not necessarily mean, however, that new Fellowships will be awarded to students enrolling in the program in any given year.

(i) *Number of fellowships to be allotted.* In determining the number of Fellowships to be allotted to an Approved Program the Commissioner will take into account the total increase in enrollment (or total enrollment in the case of a new program) anticipated at the end of the three year period of development of the Program. For the first year the Commissioner will allot that number of Fellowships that best facilitates the planned expansion of enrollment. New Fellowships may be allotted to provide for students enrolling in the program thereafter. After the first year in which Fellowships are allotted, however, the institution will be expected to assume increasing responsibility for the support of the continued increase in enrollment in the program. In the event of changed conditions, the Commissioner reserves the right to change the number of Fellowships allotted for any approved program.

(j) *Conditions for continued approval.* The approval of a program is based upon information supplied by the applicant institution. The Commissioner may terminate or suspend his approval of any program which is not developed or operated substantially in accordance with such information, or in compliance with requirements of the Act and Regulations. The institution will promptly advise the Commissioner in writing whenever a material change is contemplated regarding any description or other information previously furnished the Commissioner in connection with the Approved Program.

§ 145.4 Payments to institutions.

Institutions are entitled to receive such amount (not to exceed $2,500 per Fellow per academic year) as the Commissioner determines to constitute that portion of the cost of the new program or of the expansion in an existing program which is reasonably attributable to each Fellowship holder enrolled therein. Payments to institutions will be made during a fiscal year on the basis of estimates for such year, and in such installments as the Commissioner may prescribe.

§ 145.5 Records substantiating payments.

Institutions entitled to payments under section 145.4 shall keep accessible and intact all records necessary to support claims for such payments: (a) For three years after the close of the fiscal year to which such records relate; or (b) until they are notified that such records are not needed for program administration review; or (c) until they are notified of the completion of the Department's fiscal audit, whichever is later. The records involved in any claims which have been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

§ 145.6 Award of fellowships to individuals.

(a) *Applications.* An individual shall submit his application for a Fellowship through the institution operating the Approved Program in which he wishes to study.

(b) *Nominations.* From among those accepted for study in an Approved Program, the institution shall make nominations to the Commissioner. The institution shall give preference to those interested in becoming teachers in institutions of higher education. Wherever possible the institution should nominate alternates in addition to the regular nominations.

(c) *Eligibility of individuals for nomination.* A person may be nominated only if it is determined that at the time he is to commence study under the Fellowship he will have completed the requirements for the baccalaureate degree or its equivalent, and in the case of a 3-year Fellowship, that he will have completed no more than one half year of study beyond the baccalaureate degree creditable toward the degree to be awarded upon successful completion of his course of study in the Approved Program. A limited number of persons who have completed one or two years of graduate study will be awarded two and one year Fellowships respectively.

(d) *Citizenship.* To be eligible for a Fellowship, a person must be a citizen or national of the United States, or have such immigration status and personal plans as to indicate that he is in the United States for other than a temporary purpose.

(e) *Award by the Commissioner.* The Commissioner will award Fellowships to individuals selected by him from among those nominated as described in paragraph (b) of this section and each individual nominated will be advised as soon as practicable of the action taken by the Commissioner on his nomination. Awards are normally made during the academic year preceding the year in which study under a Fellowship is to begin. Fellowships will be for study in the program for which the Fellow was nominated or in such other Approved Program as the Commissioner may permit.

(f) *Period of fellowship award.* Each Fellowship shall be for a period not to exceed three consecutive academic years beginning with the academic year indicated in the award; except that, on the application of the Fellowship holder, forwarded to the Commissioner with the recommendation of the institution, the Commissioner may waive the requirement of consecutive years for good cause, such as illness, or involuntary induction into the Armed Services, or other circumstances deemed by the Commissioner to be consistent with the objectives of the program.

(g) *Payments conditioned on appropriation.* Fellowship payments after the first year of the Fellowship period are conditioned on the availability of appropriations therefor. Normally, payments during an academic year are made from an appropriation for the preceding fiscal year.

§ 145.7 Payments of stipends.

(a) *Amount.* Each person awarded a Fellowship shall receive a stipend of (1) $2,000 for the first academic year level of study in an Approved Program; $2,200 for the second such year; and $2,400 for the third such year; and (2) $400 for each such year on account of each of his dependents, as defined in paragraph (c) of this section.

(b) *Installments.* Stipends will be paid by the Commissioner in installments which will cover a specific period of the academic year, but only upon certification by the institution, at such times as the Commissioner may prescribe, that the Fellow is enrolled and in good standing. An individual will not be entitled to any such installment with respect to any period during which he is ineligible as described in paragraph (c) of this section. If dependency begins during the first half of an installment period a Fellow is entitled to the amount payable for an entire installment period on account of such dependent. If dependency begins in the second half of an installment period, a Fellow is entitled to half of the amount payable for the entire installment period.

(c) *Dependents.* A dependent is an individual who receives one-half or more of his support from the Fellow and either, (1) is a spouse, child (including step-child), or parent (including step-parent or parent-in-law) of the Fellow, or (2) is one for whose support the Fellow is legally responsible.

(d) *Oath and affidavit.* In conformity with section 1001(f) of the Act, no stipend may be paid to an individual unless there is on file with the Commissioner the following duly executed oath and affidavit on the form prescribed by the Commissioner:

I, _____, do
(Type or print full name of applicant)
solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States of America against all its enemies, foreign and domestic.

I, the above-named, do solemnly swear (or affirm) that I do not believe in, and am not a member of and do not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods.

I hereby authorize and cause this affidavit to be filed with the United States Commissioner of Education, in conformity with section 1001(f) of the National Defense Education Act of 1958, and certify that the statements made by me herein are true to the best of my knowledge and belief.

(e) *Conditions for continued eligibility.* In order to remain eligible for a stipend, (1) the Fellow must maintain satisfactory proficiency in his work in the approved program; (2) the Fellow must not receive simultaneous payments, except to the extent permitted in paragraph (f) of this section, under other Federal educational benefit programs; and (3) the Fellow must continue to carry the normal institutional and departmental full workload without gainful employment, except as provided in paragraph (g) of this section.

(f) *Other Federal education benefits.* A person receiving assistance under Public Law 550 (Veterans Readjustment Assistance Act of 1952) or receiving any other direct Federal educational benefit, may not, concurrently, receive a stipend. However, Fellows are eligible to apply for loans under the National Defense Student Loan Program, Title II of the Act.

(g) *Outside or part-time work.* A Fellow may not engage in gainful employment during the period of his Fellowship, except that a Fellow holding a three or two year fellowship may be employed by the institution in which he is enrolled, in teaching or research determined to be beneficial to his academic program, up to one-fourth time during no more than one of such academic years. The Commissioner may approve a longer time upon written application, submitted by the Fellow and approved by his advisor and the Dean of the Graduate School, setting forth the need of the Fellow for such employment and its relation to his academic program.

A person appointed to a one-year Fellowship may not engage in any gainful employment during the period of his Fellowship. These limitations with respect to employment do not apply to any periods of time falling between academic years.

(h) *Changes in circumstances.* The Fellowship holder shall report promptly in writing to the institution regarding any change which might relate to a condition of continued eligibility, except that, in case of change in the number or status of dependents, he shall report in writing directly to the Commissioner.

§ 145.8 Reports by institutions of higher education.

Each institution of higher education with an approved graduate program shall promptly report in writing to the Commissioner any change in the continued eligibility of the Fellowship holder studying at such institution. The institution shall maintain reasonable procedures designed to provide it with the information required for such reports. In addition, the institution shall make such other reports relevant to the administration of the Approved Program as the Commissioner may require.

Dated: September 14, 1960.

[SEAL] L. G. DERTHICK,
Commissioner of Education.

Approved: September 23, 1960.

BERTHA ADKINS,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-9063; Filed, Sept. 28, 1960; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Columbia National Wildlife Refuge, Washington, is permissible only under the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 9 through November 30, 1960.

(c) Bag limits: As prescribed by State regulations, one buck with visible antlers, October 9 through November 6, 1960. One deer either sex, October 22 through November 30, 1960.

(d) Methods of hunting:

1. Weapons: must be in accordance with State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 5,662 acres and 26 percent of the total refuge and which is described as follows:

1. All Government land within the refuge east of the road between Herman Lake and the six-mile bridge across the Potholes Canal.

2. All Government land within the refuge north of the public access road between Goose Lake and Dike I Lake.

3. Additional isolated tracts of Government land described as follows:

T. 15 N., R. 23 E., W.M.
Sec. 2, lots 1 and 2, S½NE¼, and S½;
T. 16 N., R. 24 E.,
Sec. 22, SW¼, SW¼SE¼, and E½SE¼;
Sec. 24, N½, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 26, W½SW¼;
Sec. 28, SE¼NE¼, and S½NW¼;
Sec. 30, lot 2, S½NE¼, SE¼NW¼, and S½SE¼;
Sec. 32, S½S½;
Sec. 34, S½S½.
T. 16 N., R. 25 E.,
Sec. 18, lot 4, SE¼SW¼, and S½SE¼;
Sec. 20, N½ and SW¼;
Sec. 22, W½;
Sec. 24, NE¼ and N½S½;
Sec. 26, N½NW¼ and SW¼NW¼;
Sec. 28, N½N½;
Sec. 30, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and E½SE¼;
Sec. 32, S½S½;
Sec. 34, S½N½ and S½.
T. 16 N., R. 26 E.,
Sec. 18, SE¼SE¼;
Sec. 20, NE¼, SW¼SE¼, and E½SE¼;
Sec. 22, E½E½, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 26, SW¼NE¼, W½NW¼, and N½SE¼;
Sec. 28, N½N½;
Sec. 32, NW¼NE¼ and N½NW¼;
Sec. 34, S½NW¼.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) Camping. Camping will be permitted in designated area only.

(4) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(5) Provisions of this special regulation are effective October 9, 1960 through November 30, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 19, 1960.

[F.R. Doc. 60-9046; Filed, Sept. 28, 1960; 8:46 a.m.]

PART 32—HUNTING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Hunting of big game on the Deer Flat National Wildlife Refuge, Idaho, is permissible only under the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: From one hour before sunrise to one hour after sunset October 15 through October 30, 1960—shotguns only. December 3 through December 19, 1960—archery only.

(c) Bag limits: As prescribed by State regulations, one deer per season.

(d) Methods of hunting: 1. Weapons: Shotguns (first season) or bow and arrow only (second season).

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 840 acres and 7 percent of the total refuge and which is described as follows:

All refuge lands from Lower Embankment along the south shore to the New York Canal.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) Camping: Camping will be permitted in designated area only.

(4) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(5) The provisions of this special regulation are effective October 15, 1960 through December 19, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 19, 1960.

[F.R. Doc. 60-9047; Filed, Sept. 28, 1960; 8:46 a.m.]

PART 32—HUNTING

Desert Game Range, Nevada

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEVADA

DESERT GAME RANGE

Hunting of big game on the Desert Game Range, Nevada, is permissible only under the following conditions:

(a) Species permitted to be taken: Desert bighorn sheep, deer and elk.

(b) Open season: Desert bighorn sheep—November 26, 1960 through December 11, 1960 (Unit B2) and December 16 through December 19, 1960 (Unit B1).

Elk—October 22, 1960 through November 20, 1960.

Deer—October 22, 1960 through November 20, 1960.

(c) Bag limits: As prescribed by State regulations, one deer, one sheep and one elk per season.

(d) Methods of hunting: 1. Weapons: In accordance with State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 1,350,000 acres and 60 percent of the total refuge and which is described as follows:

Desert bighorn sheep: All refuge lands in State hunting area B1 and that portion of the Desert Game Range east of the Alamo Road. (B2)

Elk: That portion of Desert Game Range adjacent to Charleston Unit of Toiyabe National Forest.

Deer: That portion of Desert Game Range south of Highway 95.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area. However, a State permit is required to hunt sheep and elk.

(3) Checking stations: Elk and sheep hunters must report at designated checking stations when entering or leaving area.

(4) The provisions of this special regulation are effective October 22, 1960 through December 19, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1960.

[F.R. Doc. 60-9048; Filed, Sept. 28, 1960; 8:46 a.m.]

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Hunting of big game on the Medicine Lake National Wildlife Refuge, Montana, is permissible only under the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 16 through October 23, 1960.

(c) Bag limits: As prescribed by State regulations, one deer per season.

(d) Methods of hunting: 1. Weapons: Must be in accordance with State regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 2,240 acres and 7 percent of the total refuge and which is described as follows:

T. 31 N., R. 57 E., P.M.
Sec. 17, All;
Sec. 18, that portion southwest of the county road;
Sec. 19, all;
Sec. 20, all.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) Camping: No camping will be permitted on the area.

(4) Checking stations: Hunters will report at such checking stations as may be designated when entering or leaving the area.

(5) The provisions of this special regulation are effective October 16, 1960 through October 23, 1960.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 19, 1960.

[F.R. Doc. 60-9049; Filed, Sept. 28, 1960; 8:46 a.m.]

PART 33—SPORT FISHING

Reelfoot National Wildlife Refuge, Tennessee

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee is permisible only under the following conditions:

(a) Species permitted to be taken: As prescribed by State regulations.

(b) Open season: September 28, 1960 through October 23, 1960.

(c) Daily creel limits: As prescribed by State regulations.

(d) Methods of fishing:

(1) Tackle—as prescribed by State regulations.

(2) Boats—boats with outboard motors, and inboard motors of not more than six (6) horsepower may be used.

(e) Description of areas open to fishing:

Fishing is permitted in accordance with (a) above on the posted area which comprises approximately 9,092 acres and 92 percent of the total refuge and which is described as follows:

Entire refuge area lying within the State of Tennessee.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective September 28, 1960 through October 23, 1961.

(4) Persons must follow such routes of travel as are designated by posting by the officer-in-charge.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 23, 1960.

[F.R. Doc. 60-9050; Filed, Sept. 28, 1960; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 60-WA-62]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6283 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 283 presently extends in part from Fresno, Calif., to Lakeview, Oreg., via the Reno, Nev., VOR. The Federal Aviation Agency is considering the modification of this segment of Victor 283 by realigning it from the Fresno, Calif., VOR via the Friant, Calif., VOR thence via a VOR to be installed approximately March 1, 1961, near Lake Tahoe, Calif., at Lat. 39° 10'50'' N., Long. 120°16'07'' W, to the Lakeview, Oreg., VOR.

This modification would permit the routing of Los Angeles, Calif., to Portland, Oreg.-Seattle, Wash., traffic via a shorter route and would provide more precise navigational guidance along the airway. The control areas associated with Victor 283 are so designated that they would automatically conform with the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on September 23, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-9039; Filed, Sept. 28, 1960; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 60-KC-69]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6067 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 67 presently extends, in part, from Mason City, Iowa, to Rochester, Minn., including a west alternate. The Federal Aviation Agency is considering modifying the present standard west alternate between Mason City and Rochester by realigning it via the intersection of the Mason City VORTAC 023° and the Rochester VOR 243° True radials. This modification would provide an intersection near the Austin, Minn., Airport to be used as a clearance limit fix for the management of air traffic arriving Austin and en route to Rochester. The control areas associated with Victor 67 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 23, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-9041; Filed, Sept. 28, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-52]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 15, extends from Prescott, Ariz., to Phoenix, Ariz. The Federal Aviation Agency is considering revoking this airway in its entirety. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Prescott to Phoenix is adequately served by VOR Federal airway No. 105. In addition, a Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows no aircraft movements on Red 15. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 15 and its associated control areas. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures.

Concurrently with this action, it would be necessary to revoke § 601.4215, relating to designated reporting points associated with Red 15.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 23, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-9040; Filed, Sept. 28, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-175]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Air Transport Association to establish a coded jet route for nonstop service between Dallas, Tex., and the Chicago, Ill.-Milwaukee, Wis., terminal areas. This jet route would provide a more direct route for nonstop air traffic between these points and would also bypass the Kansas City, Mo., and St. Louis, Mo., terminal areas.

This jet route would extend from Dallas to Milwaukee. However, Dallas to Chicago flights could proceed via the proposed route and VOR/VORTAC jet route No. 90 or via the proposed route to Moline, Ill., thence via intermediate or basic airways to Chicago.

The segment of this proposed route between Springfield, Mo., and Moline, Ill., would pass through the Panda Bear high altitude refueling area; however, it is anticipated that adequate radar flight advisory service would be provided aircraft on this and other segments of the proposed route.

If this action is taken, VOR/VORTAC jet route No. 105 would be established from the Dallas, Tex., VORTAC to the Milwaukee, Wis., VORTAC via the Springfield, Mo., VORTAC; Moline, Ill., VORTAC, and the intersection of the Moline VORTAC 042° and the Milwaukee VORTAC 228° True radials to the Milwaukee VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-9035; Filed, Sept. 28, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-219]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.538 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 38, extends from the Duluth, Minn., VOR via the Green Bay, Wis., VORTAC to the Peck, Mich., VOR; and from the Philipsburg, Pa., VORTAC via the Allentown, Pa., VORTAC to the New York (Idlewild), N.Y., VORTAC. The Federal Aviation Agency has under consideration the modification of this route by extending it from the Duluth VOR to the United States/Canadian border via the direct radial between the Duluth VOR and the Kenora, Ontario, VOR. This extension of Jet route 38-V, as proposed, would provide a connecting link with a Canadian High Level Airway to be established in the near future. The proposed jet route together with the proposed high level route would provide a routing for civil turbojet aircarrier flights between the United States and points in Alaska and the Orient. It is anticipated that the modified jet route would be within adequate radar coverage.

Concurrently with this action, it is proposed to revoke the segment of Jet route 38-V between Philipsburg and New York. This route segment coincides with VOR/VORTAC jet routes No. 60, 70, and 80. Revocation of Jet route No. 38-V would eliminate an unnecessary route assignment between Philipsburg and New York.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 23, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-9037; Filed, Sept. 28, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-230]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 602.537, 602.555, and 602.579, of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 37 presently extends in part from the Flat Rock, Va., VOR via the intersection of the Flat Rock VOR 024° and the Herndon, Va., VOR 164° True radials; Baltimore, Md., VOR; Allentown, Pa., VOR; Albany, N.Y.,

VOR; to the Plattsburgh, N.Y., VOR. VOR/VORTAC jet route No. 55 presently extends in part from the Flat Rock, Va., VOR via the intersection of the Flat Rock VOR 024° and the Herndon, Va., VOR 164° True radials; Dover, Del., VOR; New York (Idlewild), N.Y., VOR; Boston, Mass., VOR; Bangor, Maine, VOR to the Presque Isle, Maine, VOR. VOR/VORTAC jet route No. 79 presently extends in part from the Norfolk, Va., VOR via Salisbury, Md., VOR; Coyle, N.J., VOR, to the Idlewild, N.Y., VOR.

The Federal Aviation Agency is considering modifying these jet route segments as follows:

1. Realign Jet Route 37–V in part from the Gordonsville, Va., VORTAC via the intersection of the Gordonsville VORTAC 059° and the Coyle, N.J., VOR 235° True radials; Coyle VOR, to the Idlewild, N.Y., VORTAC.

2. Realign Jet Route 55–V in part from the Flat Rock, Va., VORTAC via the intersection of the Flat Rock VORTAC 029° and the Gordonsville, Va., VORTAC 059° True radials; intersection of the Gordonsville VORTAC 059° and the Coyle, N.J., VOR 235° True radials; Coyle VOR; Idlewild, N.Y., VORTAC; Boston, Mass., VORTAC; intersection of the Boston VORTAC 014° and the Bangor, Maine, VOR 225° True radials; Bangor VOR, to the Presque Isle, Maine, VOR.

3. Realign Jet Route 79–V in part from the Norfolk, Va., VORTAC via the Norfolk VORTAC 023° and the Coyle, N.J., VOR 208° True radials; Coyle VOR, to the Idlewild, N.Y., VORTAC.

The modification of these jet route segments would assist air traffic management by providing sufficient area between these segments of jet routes and adjacent special use airspace to permit the application of non-radar lateral separation between aircraft operating on the jet route segments and aircraft operating in adjacent special use airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 23, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–9036; Filed, Sept. 28, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60–WA–132]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.589 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 89, presently extends from Miami, Fla., to Northbrook (Chicago), Ill. The Federal Aviation Agency is considering extending Jet Route 89–V from the Northbrook VORTAC, via the Milwaukee, Wis., VORTAC to the Duluth, Minn., VOR, to provide a shorter, more direct route for high altitude traffic between Chicago and Duluth. In addition, this route would serve as a portion of a route for scheduled air carrier jet service between Chicago and Alaska, to be inaugurated in the near future.

The extension of Jet Route 89–V, as proposed, would traverse a portion of the "Quick Time" high altitude refueling area, however, it is anticipated that radar flight advisory service would be available for the entire route from Northbrook to Duluth.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 22, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–9038; Filed, Sept. 28, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 13812; FCC 60–1140]

POWER RADIO SERVICE

Notice of Proposed Rule Making

In the matter of amendment of Part 11, Subpart F of the Commission's rules governing the power radio service, Docket No. 13813.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. This proceeding is being instituted by the Commission in order to obtain the views and comments of interested persons with regard to the following proposals:

(a) Adaptation of the rules format presently employed in certain other Subparts of the Industrial Radio Services to Subpart F—Power Radio Service.

(b) Addition of new rules enabling electric power entities licensed within the Power Radio Service to use their radio facilities, under certain prescribed conditions, in the maintenance and repair of other wireline facilities which are mounted on or utilize common supporting or distribution structures.

(c) Addition of new rules, expanding to some extent the provisions for transmission, on a secondary basis, of audio tones and impulses on mobile service frequencies above 25 Mc, for purposes of automatically alarming of actual or impending equipment or apparatus failures, and for purposes of shutting down, or otherwise controlling equipment and apparatus to prevent or correct such failures.

FORMAT

3. In June of 1958, when the Commission issued its First Report and Order in Docket No. 11991, it was announced, in paragraph 56 of that order, that:

> • • • the format for the frequency tables appearing in the Special Industrial, Business, Manufacturers, and Telephone Maintenance Radio Services differs from what has previously uniformly obtained in the Industrial Services. It is the Commission's intention to ultimately apply this same format to the tables appearing in the other Subparts of the Industrial Services.

It is in implementation of the Commission's intention to apply the new format, that the present revision is proposed. Under the new format, sections relating to "Availability and Use of Service," "Station Limitations," and "Unlisted Frequencies" have been added.

For the most part, these sections are, with certain editorial changes, a simple recodification or rearrangement of provisions presently contained at various places within various rules.

MAINTENANCE OF OTHER WIRELINE FACILITIES BY POWER RADIO SERVICE LICENSEES

4. The Commission's second proposal herein relates to the use, by an electric power entity of its radio facilities in conjunction with the maintenance of other wireline facilities, where such other facilities employ, in whole or in part, the same pole line, or duct distribution system as that of the electric power entity. This proposal is circumscribed by the condition that the maintenance of the wireline facilities must be the responsibility of the electric power entity by reason of common ownership or contractual arrangement.

5. The genesis of this proposal may be traced to the passage, by Congress, in 1949, of the Rural Telephone Service amendment to the Rural Electrification Act of 1936 (7 U.S.C. 901, et seq.). Under the terms of the Rural Telephone Service amendment, Federal funds have been made available to qualified borrowers for the purpose of establishing or improving rural telephone service. The Rural Electrification Administration (REA) is charged with the responsibility, in conjunction with its duties relating to electrical loans, of administering or making financial assistance loans available to qualified persons desirous of establishing or improving rural telephone service.

6. In many instances, those persons who had been or were "rural electrification" borrowers from REA, availed themselves of the opportunity, presented by the passage of the Rural Telephone Service amendment, to provide a first or improved rural telephone service in their communities. In an effort to provide this telephone service as quickly and economically as possible, arrangements were many times made with persons distributing electrical energy whereby the appurtenances incident to such electric power distribution might be utilized to simultaneously support or conduct the wirelines necessary to the rendition of a rural telephone service. Thus, in some areas, the same poles, lines, duct distribution systems, etc. are used by electric power and telephone eitities in common. At the same time, these entities may, in terms of officers, shareholders, co-op subscribers, etc. be, for practical or operational purposes, identical. Very often, one group or crew is responsible for the maintenance and repair of the common facilities. Under the Commission's present rules this repair group or crew must be outfitted with two separate and distinct radio systems—one in the Power Radio Service, and one in the Telephone Maintenance Radio Service. That such a situation results in an inefficient and unwieldy operation from the standpoint of those charged with the responsibility of maintaining the wireline facilities and from the standpoint of the Commission's desire to effectuate an efficient use of the spectrum cannot be gainsaid.

7. Accordingly, the Commission is now proposing that when an electric power entity is charged with the responsibility of maintaining another person's wireline facilities and such wireline facilities employ the same pole line, or duct distribution system as that of the electric power entity by reason of common ownership or contractual arrangement, the electric power entity's radio facilities may be used to maintain such other wireline facilities.

8. This proposal conforms, in essence, to a past request of the Rural Electrification Administration. If the instant proposal is adopted it will eliminate the case-by-case consideration of these problems indicated in paragraph 27 of the Commission's Report and Order in Docket No. 11991, June 23, 1958.

9. The full text of this proposed rule will be found below, § 11.252(d).

TONE OR IMPULSE SIGNALING

10. In March of 1956 the National Committee for Utilities Radio (hereafter NCUR) petitioned the Commission for institution of rule making proceedings looking toward the allowance, on a rather broad and general basis, of tone signaling for many and diverse operational purposes in the Power Radio Service. At that time the Commission was contemplating an overall inquiry into the allocation of frequencies between 25 and 890 Mc (Docket No. 11997); and the NCUR proposal was deemed to be within the ambit of that inquiry. It was, consequently, denied by order of May 1, 1957 (FCC 57–456). Subsequent to the denial of the NCUR petition, a limited form of tone signaling was considered and in fact proposed by the Commission in Docket No. 12028. By Report and Order of July 29, 1957, in Docket No. 12028, the present § 11.253(d) of the Power Radio Service Rules was added to allow tone signaling for the sole and limited purpose of automatically indicating failures in the transmission or distribution systems of Power Radio Service licensees. In its July 29th Report and Order, the Commission adverted to its May 1st, 1957 denial of the NCUR tone signaling petition, and commented that the NCUR proposal was then currently under re-examination in light of the comments that had been filed in Docket No. 12028. Since 1957 the Commission has re-examined the NCUR proposal and has also maintained a continuing study of tone signaling devices, methods and usage.

11. In view of the experience that has been gained in the use of tone-signaling in the Power Radio Service, and the fact that no harmful interference problems have arisen or been brought to the Commission's attention since § 11.253(d) was adopted in 1957, it appears that a further extension of tone signaling authority in the Power Radio Service may be warranted. It must be pointed out however that our general allocations inquiry in Docket No. 11997 has not been concluded. In that proceeding the subject of tone signaling has received much favorable attention from the participants who presented their written and oral views. Any final action which may be taken in the instant proceeding is not to be construed as a predisposition of the matters still at issue in Docket No. 11997.

12. In substance, the Commission is now proposing to broaden the scope of tone signaling usage in the Power Radio Service to include uses which are not limited solely to the reporting of an actual failure. Specifically, our proposal provides that tone or impulse signaling may be used for purposes of automatically indicating abnormal conditions, or failures of equipment or service, in the power production, transmission or distribution facilities of a licensee. In addition, licensees may, by means of manually supervised tone or impulse transmissions, restore lost service, place standby or reserve equipment into operation, or correct any abnormal condition which, if not corrected, would otherwise result in an immediate failure in the licensees production transmission or distribution facilities.

13. Certain conditions must necessarily circumscribe the proposed uses indicated above. Tone or impulse signaling will be allowed on mobile service frequencies above 25 Mc only on a basis secondary to that of normal voice communications; and subject to the further condition that harmful interference is not caused to the primary operations of any other licensee on the same frequency. Moreover, insofar as mobile service frequencies are concerned, they may not be used exclusively for tone or impulse signaling. On the other hand Fixed Service frequencies may be used exclusively for such purposes. In this connection the Commission is desirous of pointing out as emphatically as possible that mobile service frequency loading resulting from the use of tone signaling will not constitute a sufficient justification for the assignment of additional frequencies to a licensee's mobile service system.

14. Other operating limitations, relating to bandwidth, spacing of alarms, power limitations, automatic devices to de-activate transmitters, etc. are specified in the text of the proposed rules.

15. The §§ 11.252 (e) and (f); and 11.253 below, contains our specific proposal.

16. Authority for the proposed amendments, which are set forth in detail below, is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

17. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any persons desiring to support this proposal may file with the Commission on or before November 1, 1960, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments are established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Com-

mission will not be limited solely to the comments filed in this proceeding.

18. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: September 20, 1960.

Released: September 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Subpart F—Power Radio Service

Sec.
11.251 Eligibility
11.252 Availability and use of service.
11.253 Station limitations.
11.254 Frequencies available.
11.255 Unlisted frequencies.

§ 11.251 Eligibility.

The following persons are eligible to hold authorizations to operate radio stations in the Power Radio Service:

(a) Persons primarily engaged in the generation, transmission, or distribution of electrical energy, for use by the general public or by the members of a cooperative organization.

(b) Persons primarily engaged in the distribution of artificial or natural gas by means of pipe line, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the production, transmission or storage of artificial or natural gas preparatory to such distribution.

(c) Persons primarily engaged in the distribution of water or steam by means of pipe line or, in the case of water, by means of canal or open ditch, for use by the general public or by the members of a cooperative organization, or in a combination of that activity with the collection, transmission, storage, or purification of water or the generation of steam preparatory to such distribution.

(d) A nonprofit corporation or association, organized for the purpose of furnishing a radiocommunication service to persons who are actually engaged in one or more of the activities set forth in the preceding subparagraphs. Such a corporation or association shall render service only on a nonprofit cost-sharing basis, said cost to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing nonprofit nature of the arrangement shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

§ 11.252 Availability and use of service.

(a) The initial application from a person claiming eligibility in the Power Radio Service must be accompanied by a statement in detail sufficient to indicate clearly such eligibility.

(b) Persons licensed under the provisions of § 11.251(b) may utilize their radio facilities in conjunction with the supplying of liquefied petroleum gas to consumers in areas beyond gas distribution pipe lines.

(c) Persons eligible for radio authorizations in the Power Radio Service who are engaged in the distribution of natural gas direct to consumers and who have a substantial requirement for mobile service communication with a gas supplier may be authorized to operate on the Petroleum Radio Service frequency or frequencies assigned to the supplier: *Provided, however,* That such operation shall be limited to communications in a local area common to both parties, and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which:

(1) Concurs in the need for such intercommunication; and

(2) Consents to the use by the natural gas distributor of the frequency or frequencies involved.

(d) Radio facilities licensed to an electric power entity may be utilized to maintain any other wireline facilities where such facilities employ in whole or in part the same pole line or duct distribution system as that of the electric power entity and where the licensee has the responsibility to maintain such additional wireline facilities through common ownership or contractual arrangement.

(e) Fixed operations in the Power Service are authorized primarily for voice as well as tone and impulse signaling. Mobile operations in the Power Service are authorized primarily for voice communications and such tone or impulse signaling as may be necessary to establish or maintain voice communication.

(f) Tone or impulse signaling, for purposes other than to establish or maintain voice communications may be secondarily used to the extent provided in this Subpart on mobile service frequencies above 25Mc in the Power Radio Service subject to the condition that harmful interference is not caused to the primary operations of any other licensee on the particular frequency. All such secondary tone or impulse signaling shall be subject to the following limitations:

(1) The only purposes for which such secondary signaling may be used are:

(i) Automatic indication of failure of equipment or service in the power production, transmission or distribution facilities of the licensee.

(ii) Automatic indication of an abnormal condition in the power production, transmission or distribution facilities of the licensee, which if not promptly corrected would result in failure of the equipment affected.

(iii) Manually supervised transmissions as may be necessary to restore lost service, place standby equipment in operation, or to correct any abnormal condition, which otherwise would result in an immediate failure in the power production, transmission or distribution facilities of the licensee.

(2) Any one alarm, warning or corrective requirement utilizing secondary tone or impulse signaling shall be limited to not more than five transmissions, not to exceed six seconds each, and no two transmissions shall commence in the same sixty-second period.

(3) The bandwidth utilized for secondary tone or impulse signaling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signaling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile service system.

(5) A mobile service frequency may not be used exclusively for secondary tone or impulse signaling.

§ 11.253 Station limitations.

(a) Mobile relay stations will be authorized in the Power Radio Service only in accordance with the provisions of § 11.7.

(b) Base or mobile stations licensed in this service on frequencies above 25 Mc may transmit secondary tone or impulse signals to receivers at fixed locations, subject to the conditions, and for the purposes set forth in § 11.252 (e) and (f). Such a base or mobile station authorization for F3 emission will be construed to include authority for the transmission of secondary tone or impulse signals.

(c) Operational fixed stations may be authorized in this service on any frequency above 25 Mc which is being used by the applicant for mobile operations, subject to the conditions and for the purposes set forth in § 11.252 (e) and (f) and further subject to the following limitations and exemptions:

(1) Only those operational fixed stations which are automatically activated will be authorized under the provisions of this paragraph and the operation of such stations shall cause no harmful interference to any station operating in the mobile service on the same frequency.

(2) The plate power input to the final radio frequency stage of any transmitter shall not exceed 50 watts.

(3) Only A1, A2 or F2 emission will be authorized for such operational fixed stations.

(4) Operational fixed stations licensed under the provisions of this paragraph are exempt from the requirements of §§ 11.54(e)(2), 11.107(c) and 11.152.

(5) Any Operational Fixed Station authorized under the provisions of this paragraph shall be equipped with a device which will automatically de-activate the transmitter, and require manual re-set in the event the carrier of such transmitter remains on for a period in excess of three minutes.

§ 11.254 Frequencies available.

(a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to stations in the Power Radio Service together with the class of station(s) to which they are normally assigned and the specific assignment limitations, which are enumerated in paragraph (b) of this section:

Frequency or band	Class of station(s)	Limitations
Kc.		
2292	Base or mobile	10
2368	do	10
4637.5	do	10
Mc.		
27.235	Base, mobile, or fixed	2, 8
27.245	do	2, 8
27.255	do	2, 8
27.265	do	2, 8
27.275	do	2, 8
27.46	Base or mobile	
27.50	do	
27.54	do	
27.58	do	
27.62	do	
27.66	do	
27.70	do	
27.74	do	
27.78	do	
27.82	do	
27.86	do	
46.68	Operational fixed	4, 5
47.70	Base or mobile	
47.72	do	
47.74	do	
47.76	do	
47.78	do	
47.80	do	
47.82	do	
47.84	do	
47.86	do	
47.88	do	
47.90	do	
47.92	do	
47.94	do	
47.96	do	
47.98	do	
48.00	do	
48.02	do	
48.04	do	
48.06	do	
48.08	do	
48.10	do	
48.12	do	
48.14	do	
48.16	do	
48.18	do	
48.20	do	
48.22	do	
48.24	do	
48.26	do	
48.28	do	
48.30	do	
48.32	do	
48.34	do	
48.36	do	
48.38	do	
48.40	do	
48.42	do	
48.44	do	
48.46	do	
48.48	do	
48.50	do	
48.52	do	
48.54	do	
72.02	Operational fixed	3
72.06	do	3
72.10	do	3
72.14	do	3
72.18	do	3
72.22	do	3
72.26	do	3
72.30	do	3
72.34	do	3
72.38	do	3
72.42	do	3
72.46	do	3
72.50	do	3
72.54	do	3
72.58	do	3
72.62	do	3
72.66	do	3
72.70	do	3
72.74	do	3
72.78	do	3
72.82	do	3
72.86	do	3
72.90	do	3
72.94	do	3
72.98	do	3
73.02	do	3
73.06	do	3
73.10	do	3
73.14	do	3
73.18	do	3
73.22	do	3
73.26	do	3
73.30	do	3
73.34	do	3
73.38	do	3
73.42	do	3
73.46	do	3
73.50	do	3
73.54	do	3
73.58	do	3
73.62	do	3
73.66	Operational fixed	3
73.70	do	3
73.74	do	3
73.78	do	3
73.82	do	3
73.86	do	3
73.90	do	3
73.94	do	3
73.98	do	3
74.02	do	3
74.06	do	3
74.10	do	3
74.14	do	3
74.18	do	3
74.22	do	3
74.26	do	3
74.30	do	3
74.34	do	3
74.38	do	3
74.42	do	3
74.46	do	3
74.50	do	3
74.54	do	3
74.58	do	3
75.42	do	3
75.46	do	3
75.50	do	3
75.54	do	3
75.58	do	3
75.62	do	3
75.66	do	3
75.70	do	3
75.74	do	3
75.78	do	3
75.82	do	3
75.86	do	3
75.90	do	3
75.94	do	3
75.98	do	3
153.41	Base or mobile	11
153.44	do	
153.47	do	11
153.50	do	
153.53	do	
153.56	do	11
153.59	do	
153.62	do	11
153.65	do	
153.68	do	11
153.71	do	
158.13	do	
158.16	do	11
158.19	do	
158.22	do	11
158.25	do	
169.425	Operational fixed	4
169.475	do	4
169.525	do	4
169.575	do	4
170.225	do	4
170.275	do	4
170.325	do	4
170.375	do	4
171.025	do	4
171.075	do	4
171.125	do	4
171.175	do	4
171.825	do	4
171.875	do	4
171.925	do	4
171.975	do	4
173.25	Base or mobile	11
173.30	do	11
173.35	do	11
406.050	Operational fixed	4, 6
406.150	do	4, 6
406.250	do	4, 6
406.350	do	4, 6
412.450	do	4, 6
412.550	do	4, 6
412.650	do	4, 6
412.750	do	4, 6
451.05	Base and mobile	9
451.10	do	9
451.15	do	9
451.20	do	9
451.25	do	9
456.05	Mobile	7, 9
456.10	do	7, 9
456.15	do	7, 9
456.20	do	7, 9
456.25	do	7, 9
932–960	Operational fixed	1
1850–1990	do	1
2110–2200	do	1
2450–2500	Base, mobile, fixed	1, 2
2500–2700	Operational fixed	1
6425–6575	Base or mobile	1
6575–6875	Operational fixed	1
10,550–10,700	do	1
11,700–12,200	Base or mobile	1
12,200–12,700	Operational fixed	1
13,200–13,225	do	1
16,000–18,000	do	1, 2
26,000–30,000	do	1

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Available only on a shared basis with stations in other services, and subject to no protection from interference due to the operation of industrial, scientific or medical devices.

(3) Use of this frequency is subject to the condition that no harmful interference will be caused to the reception of television channels 4 or 5. Assignments will be made only in accordance with the criteria set forth in § 11.8.

(4) This frequency will be assigned only for the specific purpose of transmitting hydrological or meteorological data. The use of this frequency is subject to the condition that harmful interference will not be caused to Federal Government stations, and further, that the hydrological or meteorological data being handled is made available to interested governmental agencies. Other provisions of this part notwithstanding, an operational fixed station operating on this frequency shall not engage in communications with any station in the mobile service unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations on this frequency should communicate with the Commission for instructions concerning the procedure to be followed in filing formal application.

(5) Use of this frequency is limited to stations located in the States of Pennsylvania and West Virginia only and is subject to no protection from interference due to the operation of industrial, scientific or medical devices on this frequency.

(6) This frequency is intended for use primarily by fixed relay stations.

(7) This frequency will not be assigned to base stations.

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kilocycles, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum plate power input of 30 watts to the final radio frequency stage.

(9) This frequency is available for assignment on a secondary basis to fixed relay or control stations which operate as integral parts of a radio circuit over which messages are sent to or received from a mobile station without interruption for manual relaying, provided that such operation causes no harmful interference to base or mobile stations, and further provided, that this frequency will not be assigned for such control or relay operation in any instance where its use will be in a radio circuit which involves more than two automatic retrans-

missions in each direction on mobile service frequencies.

(10) Frequencies below 25 Mc will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 Mc will not meet the operational requirements of the applicant. This frequency is available for assignment in many areas; however, in individual cases such assignment may be impracticable due to conflicting frequency use authorized to stations in other services by this and other countries. In such cases a substitute frequency, if found to be available, may be assigned from the following bands 1605–1750, 2107–2170, 2194–2495, 2505–2850, 3155–3400 or 4438–4650 kc. Since such assignments are in certain instances subject to additional technical and operational limitations, it is necessary that each application also include precise information concerning transmitter output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation.

(11) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

§ 11.255 Unlisted frequencies.

(a) Stations authorized to operate on frequencies within the band 890–940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890–942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890–942 Mc.

[F.R. Doc. 60-9016; Filed, Sept. 28, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

MILLFEED FROM CUBA

Determination of No Sales at Less Than Fair Value

SEPTEMBER 21, 1960.

A complaint was received that millfeed from Cuba was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that millfeed bran, shorts, middlings, and other wheat byproduct feeds from Cuba are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined that for fair value purposes, a comparison of the exporter's sales price, which is the price at which millfeed from Cuba is being sold in the United States, less the included brokerage, rail freight in the United States, ocean freight, import duty, and customs broker's fee, with the price at which millfeed is being sold for home consumption in Cuba, f.o.b. mill, was appropriate.

It was found that the exporter's sales price was lower than the home market price only as to imported wheat shorts. The quantities imported during the period under consideration, however, were considered to be not more than insignificant. Furthermore, there have been no importations of wheat shorts from Cuba since March 1960, and no importations are expected in the immediate future.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9069; Filed, Sept. 28, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13771-13774; FCC 60M-1612]

COLUMBIA RIVER BROADCASTERS, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of Columbia River Broadcasters, Inc., Mount Vernon, Washington, Docket No. 13771, File No. BP-11933; Henry Perozzo (Kaye), Puyallup, Washington, Docket No. 13772, File No. BP-12844; KBKW, Inc. (KBKW), Aberdeen, Washington, Docket No. 13773, File No. BP-13406; Carl-Dek, Inc., Kirkland, Washington, Docket No. 13774, File No. BP-13491; for construction permits.

It is ordered, This 23d day of September 1960, that a pre-hearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., October 5, 1960, in the Commission's offices in Washington, D.C.

Released: September 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9070; Filed, Sept. 28, 1960; 8:49 a.m.]

[Docket No. 13065 etc.; FCC 60M-1607]

CONSOLIDATED BROADCASTING INDUSTRIES, INC., ET AL.

Order Continuing Hearing

In re applications of Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits.

The Hearing Examiner having under consideration agreements reached by parties participating at the oral argument herein, on September 22, 1960, held on the notice given by Newton Broadcasting Company that it had mailed to the Commission a petition for continuance;

It is ordered, This 23d day of September 1960, pursuant to the abovementioned agreements, that the hearing presently scheduled for September 27, 1960 is continued until October 17, 1960, at 10:00 a.m.; that a hearing session for rebuttal evidence, if any, is scheduled to commence on November 14, 1960; and that exhibits, if any, to be offered on rebuttal shall be exchanged on or before November 7, 1960;

It is further ordered, That depositions, if any, shall be offered in evidence no later than at the hearing session, beginning November 14, 1960, unless other parties and the Hearing Examiner are notified forthwith that this date cannot be met and steps are taken as agreed upon at the oral argument;

It is further ordered, That Newton Broadcasting Company shall have all required witnesses available for the session, beginning October 17, 1960, subject to the condition that special arrangements may be made, if necessary, for Wayne H. Lewis and Robyn Helmer, in accordance with agreements reached at the oral argument.

Released: September 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9071; Filed, Sept. 28, 1960; 8:50 a.m.]

[Docket No. 13683; FCC 60M-1606]

CUSIMANO CONSTRUCTION CORP.

Order Continuing Hearing

In the matter of Cusimano Construction Corp., 417 Crain Highway, S.E., Glen Burnie, Maryland, Docket No. 13683; order to show cause why there should not be revoked the license for Special Industrial Radio Station KGF-456.

The Hearing Examiner having under consideration the hearing in this proceeding now scheduled for October 7, 1960;

It appearing, that the Hearing Examiner is engaged in an extensive hearing in Docket No. 11757 which will continue to the ensuing weeks and therefore the hearing in this proceeding should be continued to a later date;

Accordingly, it is ordered, This 23d day of September 1960, that the hearing in this proceeding now scheduled for October 7, 1960, be, and the same is hereby continued to November 18, 1960, 10:00 a.m., in the Commission Offices, Washington, D.C.

Released: September 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9072; Filed, Sept. 28, 1960; 8:50 a.m.]

[Docket No. 12676 etc.; FCC 60-1125]

FOUR STATES BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: John L. Miller, tr/as The Four States Broadcasting Company, Halfway, Maryland, requests 1410 kc, 1 kw, DA, Day, Docket No. 12676, File No. BP-11227; Dover Broadcasting Company (WDOV), Dover, Delaware, has 1410 kc, 1 kw, Day, requests 1410 kc, 5 kw, Day, Docket No. 12677, File No. BP-11327; Regional Broadcasting Company, Halfway, Maryland, requests 1410 kc, 1 kw, DA, Day, Docket No. 12678, File No. BP-11646; George Fishman, Bruns-

wick, Maryland, requests 1410 kc, 5 kw, DA, Day, Docket No. 12679, File No. BP-12034; Associated Broadcasters, Incorporated (West), Easton, Pennsylvania, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13782, File No. BP-12224; Richard F. Lewis, Jr. Incorporated of Winchester (WINC), Winchester, Virginia, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13783, File No. BP-12265; Belvedere Broadcasting Corporation (WWIN), Baltimore, Maryland, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13784, File No. BP-12311; South Jersey Radio, Inc. (WOND), Pleasantville, New Jersey, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13785, File No. BP-12343.

Narragansett Broadcasting Company (WALE), Fall River, Massachusetts, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 500 w-LS, U, Docket No. 13786, File No. BP-12371; WGAL, Inc. (WRAK), Williamsport, Pennsylvania, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13787, File No. BP-12414; Pioneer Valley Broadcasting Company (WHMP), Northampton, Massachusetts, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13788, File No. BP-12643; The Western Connecticut Broadcasting Company (WSTC), Stamford, Connecticut, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13789, File No. BP-12709; Kendrick Broadcasting Company, Inc. (WHGB), Harrisburg, Pennsylvania, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13790, File No. BP-13024; Miners Broadcasting Service, Inc. (WLSH), Lansford, Pennsylvania, has 1410 kc, 1 kw, D, requests 1410 kc, 5 kw, DA-D, Docket No. 13791, File No. BP-13060; The Willie Broadcasting Company (WILI), Willimantic, Connecticut, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13792, File No. BP-13124; Scranton Radio Corporation (WICK), Scranton, Pennsylvania, has 1400 kc, 250 w, Day, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13793, File No. BP-13129; Biddeford-Saco Broadcasting Corp. (WIDE), Biddeford, Maine, has 1400 kc, 250 w, U, requests 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13794, File No. BP-13132, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of September 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, by Order released November 24, 1958, the Commission designated for hearing in a Consolidated Proceeding, the above captioned applications of John T. Miller, tr/as The Four States Broadcasting Company, Docket Nos. 12676, et al.; that on August 29, 1958, the Belvedere Broadcasting Corporation (BP-12311) filed its above described application and since its proposal involves interlinking interference problems with BPs. 12224, 12265, 12343, 12371, 12414, 12643, 12709, 13024, 13060, 13124, 13129, and 13132; said applications are timely filed pursuant to the provisions of § 1.106(b) of the Commission's rules for consolidation with the applications in Docket Nos. 12676, et al.; and

It further appearing that upon the basis of the information before us, each of the instant applicants in the applications entitled to consolidation in the proceeding in Docket Nos. 12676, et al., is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated February 18, 1960, and incorporated herein by reference, notified those applicants whose applications are being consolidated in the proceeding in Docket Nos. 12676, et al., and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of said applications would serve the public interest, convenience, and necessity; that the said applications are entitled to consolidation in the hearing proceeding in Docket Nos. 12676, et al.; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the said applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues as hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that by letter received July 14, 1959, Rossmoyne Corporation, licensee of Station WCMB, Harrisburg, Pennsylvania, submitted measurement data which tends to indicate that the antennas of the existing operations of Stations WHGB, Harrisburg, Pennsylvania (applicant in BP-13024, herein) and WKBO, Harrisburg, Pennsylvania (applicant in BP-12215, Docket No. 13099), interact in such a manner as to produce serious distortion of the nominally omnidirectional radiation characteristics of each and contending that if these stations are permitted to increase power to one killowatt with roof-top antennas, they will further aggravate the already serious problem of cross-modulation received by it; that said stations presently "attempt to sell the idea that they are louder" than WCMB because "the business district of Harrisburg is in their blanket areas"; that if WHGB and WKBO are permitted to increase power, utilizing their roof-top antennas, the economic injury and interference to WCMB will be greater than at present; that in view thereof, WCMB desires an opportunity to show that the public interest will not be served by a grant of the WHGB application, and that §§ 3188(d) and 3.28(c) of the Commission's Rules should not be waived because it would adversely affect the public interest and WCMB; and

It further appearing that the matter complained of by WCMB with respect to the proposed operation of WHGB can be properly disposed of by placing a condition in any construction permit granted to WHGB, that the permittee shall be responsible for the installation and adjustment of necessary equipment to prevent adverse effects on WCMB due to cross-modulation or signal reradiation; that WHGB shall cooperate with WKBO, and any other existing stations, in eliminating the aforementioned interference problems; that the above said condition is included in the instant Order, *infra*; that WCMB has alleged sufficient facts with respect to economic injury to warrant its being made a party to the hearing on the WHGB application; and that, accordingly, WCMB's request that it be made a party to the hearing ordered below, is granted; and

It further appearing that applicant in BP-12188 (WJET), Erie, Pennsylvania, was inadvertently included in the 309(b) letter dated February 18, 1960; that interference problems pointed out therein associate the WJET proposal only with applications BP-13285 (WBNY), Buffalo, New York and BP-13300 (WDOE), Dunkirk, New York, neither of which were timely filed to be considered herein; and that the WJET proposal is therefore not considered herein; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications in BPs. 12311, 12224, 12265, 12343, 12371, 12414, 12643, 12709, 13024, 13060, 13124, 13129 and 13132 would serve the public interest, convenience, and necessity; and is of the opinion that said applications must be designated for hearing in a consolidated proceeding with the applications in Docket Nos. 12676, et al., on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the thirteen applications mentioned above are consolidated for hearing in the proceeding with the applications in Docket Nos. 12676, et al, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive *new* primary service from each of the instant proposals for a broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station and the availability of other primary service to such areas and populations.

3. To determine whether the following proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals and Existing Stations

BP-12224	WLSH, Lansford, Pa.
	WAWZ, Zarephath, N.J.
	WOND, Pleasantville, N.J.
	WHGB, Harrisburg, Pa.
	WSTC, Stamford, Conn.
	WICK, Scranton, Pa.
BP-12265	WJAC, Johnstown, Pa.
BP-12311	WOND, Pleasantville, N.J.
	WINC, Winchester, Va.
	WHGB, Harrisburg, Pa.
	WLOW, Portsmouth, Va.
	WDOV, Dover, Del.
	WEAM, Arlington, Va.
BP-12343	WWIN, Baltimore, Md.
	WALE, Fall River, Mass.
	WLOW, Portsmouth, Va.
	WSTC, Stamford, Conn.
	WEST, Easton, Pa.
BP-12371	WILI, Willimantic, Conn.
	WPLM, Plymouth, Mass.
BP-12414	WARC, Milton, Pa.
	WICK, Scranton, Pa.
	WHGB, Harrisburg, Pa.
BP-12643	WILI, Willimantic, Conn.
BP-12709	WRIV, Riverhead, N.Y.
	WOND, Pleasantville, N.J.
	WEST, Easton, Pa.
BP-13024	WLAN, Lancaster, Pa.
	WRAK, Williamsport, Pa.
	WEST, Easton, Pa.
	WWIN, Baltimore, Md.
BP-13124	WHMP, Northampton, Mass.
	WALE, Fall River, Mass.
	WPOP, Hartford, Conn.
	WSTC, Stamford, Conn.
BP-13129	WEST, Easton, Pa.
	WLSH, Lansford, Pa.
	WRAK, Williamsport, Pa.
BP-13132	WRDO, Augusta, Maine
	WALE, Fall River, Mass.
	WLLH, Lowell-Lawrence, Mass.
	WPLM, Plymouth, Mass.
BP-11327	WLSH, Lansford, Pa.
BP-12034	WLSH, Lansford, Pa.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

6. To determine whether, in regard to the Miller-Weinberg business relationship, the application of Four States Broadcasting Company fully disclosed the information called for by sec. II, page 4, Table II of Commission Form 301, and, if the finding be in the negative, what information was not set forth and the reasons therefor.

7. To determine the nature and degree of relationship, including business relationship, which exists between John L. Miller and Dan Weinberg, and whether the application of John L. Miller, tr/as The Four States Broadcasting Company, was filed in good faith or was filed solely or in part to improve the competitive position of Dan Weinberg in any proceeding before this Commission.

8. To determine whether the stations proposed by John L. Miller at Halfway, Maryland, and Dan Weinberg, in partnership with John J. Keel, at Middletown, Maryland, will be under common control within the contemplation of § 3.35 of the Commission's rules, and, if so, whether a grant of Miller's application would be in contravention of § 3.35 of the Commission's rules.

9. To determine whether John L. Miller, tr/as The Four States Broadcasting Company, is financially qualified to construct his proposed station and operate it for a reasonable time.

10. To determine whether the antenna specified by the Kendrick Broadcasting Company, Inc. (BP-13024) is in contravention of the provisions of § 3.188(d) of the Commission's rules concerning rooftop installations and, if so, whether circumstances exist which would warrant a waiver of said section.

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

12. To determine, on a comparative basis, in the event that, pursuant to the foregoing issue, Halfway, Maryland, is considered to have the greater need for a new standard broadcast station, which of the proposals of The Four States Broadcasting Company and the Regional Broadcasting Company would better serve the public interest, convenience, and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the two as to:

a. The background and experience having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposal of each with respect to the management and operation of the proposed station.

c. The programing services proposed in each of the said applications.

13. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the Stations indicated are made parties to the proceeding:

Pillar of Fire, WAWZ, Zarephath, N.J.

WJAC, Inc., WJAC, Johnstown, Pa.

James Broadcasting Corp., WLOW, Portsmouth, Va.

Arlington-Fairfax Broadcasting Co., Inc., WEAM, Arlington, Va.

Plymouth Rock Broadcasting Co., Inc., WPLM, Plymouth, Mass.

Williamsport Radio Broadcasting Associates, Inc., WARC, Milton, Pa.

Suffolk Broadcasting Corp., WRIV, Riverhead, N.Y.

Peoples Broadcasting Co., WLAN, Lancaster, Pa.

Tele-Broadcasters of Conn., Inc., WPOP, Hartford, Conn.

WRDO, Inc., WRDO, Augusta, Maine.

Merrimac Broadcasting Co., Inc., WLLH, Lowell-Lawrence, Mass.

It is further ordered, That, the following licensees which are applicants in the instant proceedings are made parties thereto with respect to their existing operation:

Dover Broadcasting Co. (WDOV).
Miners Broadcasting Service Inc. (WLSH).
South Jersey Radio, Inc. (WOND).
Kendrick Broadcasting Co., Inc. (WHGB).
The Western Connecticut Broadcasting Co. (WSTC).
Scranton Radio Corp. (WICK).
Richard F. Lewis, Jr., Inc., of Winchester (WINC).
Belvedere Broadcasting Corp. (WWIN).
Narragansett Broadcasting Co. (WALE).
The Willie Broadcasting Co. (WILI).
WGAL, Inc. (WRAK).
Pioneer Valley Broadcasting Co. (WHMP).
Associated Broadcasters, Inc. (WEST).

It is further ordered, That the Rossmoyne Corporation, licensee of Station WCMB, Harrisburg, Pennsylvania, is made a party to the instant proceeding with respect to the application of the Kendrick Broadcasting Company, Inc.

It is further ordered, That, in the event of a grant of the application of the Kendrick Broadcasting Company, Inc., the construction permit shall contain a condition that permittee shall be responsible for the installation and adjustment of necessary equipment to prevent adverse effects on Station WCMB, Harrisburg, Pennsylvania, due to cross-modulation and/or signal reradiation and that permittee will further cooperate with Station WKBO, Harrisburg, Pennsylvania, or any other existing broadcast station concerned in eliminating the aforementioned interference problems.

It is further ordered, That, in the event of favorable action on the application of the Dover Broadcasting Company, a grant of said application shall be upon condition that the permittee shall submit proof that the radiation of Station WDOV has been reduced to substantially 175 millivolts per meter per kilowatt as proposed.

It is further ordered, That, this Order supersedes the Four States Broadcasting Company Hearing Order, Docket Nos. 12676, et al, of November 24, 1958, and the Memorandum Opinion and Order of May 14, 1959 (FCC-59-439), concerning the enlargement of the issues in the above said proceeding, with respect to issues only.

It is further ordered, That, to avail themselves of the opportunity to be heard, those applicants and parties respondent, being consolidated in the proceeding in Docket Nos. 12676, et al, only, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set

forth in the application will be effectuated.

Released: September 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9073; Filed, Sept. 28, 1960; 8:50 a.m.]

[Docket No. 13410; FCC 60M-1609]

IDAHO MICROWAVE, INC.

Order Continuing Hearing Conference

In re applications of Idaho Microwave, Inc., Docket No. 13410; for construction permit for new fixed radio station at Kimport Peak, Idaho (KPL 24), File No. 2672-C1-P-58; for construction permit for new fixed radio station at Rock Creek, Idaho (KPL 25), File No. 2673-C1-P-58; for construction permit for new fixed radio station at Jerome, Idaho (KPL 26), File No. 2674-C1-P-58.

The Hearing Examiner having under consideration a "Motion for Continuance" of a prehearing conference in the above-entitled matter now scheduled for September 26, 1960; and

It appearing that the Motion was filed September 22, 1960, by The KLIX Corporation, protestant herein, and

It further appearing that the continuance requested is to October 4, 1960, and that good cause has been shown therefor, and

It further appearing that all other counsel agreed to the granting of the Motion for immediate consideration thereof,

It is ordered, This 23d day of September 1960, that the aforesaid Motion is granted and that the prehearing conference now scheduled for September 26, 1960, shall, accordingly, be continued to 10:00 a.m., October 4, 1960, in the Commission's offices in Washington, D.C.

Released: September 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9074; Filed, Sept. 28, 1960; 8:50 a.m.]

[Docket Nos. 13808-13811; FCC 60-1132]

J. R. KARBAN

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of J. R. Karban, Rhinelander, Wisconsin, Docket No. 13808, File No. BMPTT-137; Docket No. 13809, File No. BMPTT-138; for modification of construction permits to change effective radiated power, transmitter site, transmission line and antenna system; J. R. Karban, Rhinelander, Wisconsin, Docket No. 13810, File No. BPTT-460; Docket No. 13811, File No. BPTT-461; for construction permits for new television broadcast translator stations.

1. The Commission has before it for consideration a "Protest and Petition for Reconsideration", filed on August 26, 1960, by Rhinelander Television Cable Company, operator of a community antenna system in Rhinelander, Wisconsin, pursuant to sections 309(c) and 405 of the Communications Act of 1934, as amended, directed against the Commission's action of July 27, 1960, granting the above-captioned applications of J. R. Karban for authority to relocate two existing television translator stations and to construct two new television translator stations at a common site near Rhinelander, Wisconsin. No opposition to the protest was filed by J. R. Karban.

2. On January 27, 1960, J. R. Karban was granted two construction permits (BPTT-417, BPTT-418) for two new television translator stations to serve Rhinelander, Wisconsin from a site located approximately three miles east of the community. On March 28, 1960, Karban filed applications (BMPTT-137, BMPTT-138) to modify his construction permits for television translator stations, to specify a new location approximately ¾ of a mile south of Rhinelander, Wisconsin. On April 25, 1960, Karban filed applications (BPTT-460, BPTT-461) for two additional television translators to be located at the same site. On April 26, 1960, protestant filed a "Petition to Designate Applications for Hearing" against the modification applications, and on May 9, 1960, enlarged its petition to include the applications for new translator stations. The petition was denied on the same date the subject applications were granted.

3. Protestant claims standing by virtue of sections 309(c) and 405 of the Communications Act of 1934, as amended, as a community antenna television system presently serving Rhinelander, Wisconsin. Protestant justifies its claim to standing by alleging that grants of the subject applications will have an adverse economic impact on its existing service, in that Karban's facilities will be in direct economic competition with the service of protestant for subscribers in the Rhinelander area, and Karban's facilities will cause electrical interference to protestant's service and will effectively preclude protestant from delivering an acceptable television signal to its subscribers. Finally, protestant claims standing to petition for reconsideration, pursuant to section 405 of the Act, of the Commission's action denying its petition against the subject applications.

4. The Commission has held that the owner and operator of a community antenna television system which will be in competition for listening and viewing audience with proposed television translator stations in the same community and which allegedly will suffer economic injury, is a "party in interest". Palm Springs Translator Station, Inc., 15 Pike and Fischer RR70 (1957). In view of the protestant's status as a community antenna television system and its allegations of injury resulting from economic competition set forth above, we find the protestant to be a "party in interest" within the meaning of section 309(c) of the Communications Act of 1934, as amended, and a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of said Act. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470.

5. Protestant alleges, in essence, that construction and operation of the proposed translators at the site authorized will cause destructive electrical interference to the direct reception of television signals by protestant's antenna, such interference resulting from (a) receiving antenna radiation, (b) radiation from on-channel amplifiers, and (c) radiation from translator frequency multipliers. Protestant states that it is willing to withdraw its protest if the subject translators are relocated at a site from which no electrical interference will be caused to protestant's community antenna system, or if the Commission will incorporate into the subject authorizations such engineering safeguards as will provide protection against electrical interference. In addition to the matter of interference, protestant raises a question with respect to J. R. Karban's character qualifications, alleging that the language of a newspaper advertisement by Karban attempts to threaten, intimidate and coerce the public into subscribing to the proposed translator service; that, pursuant to an agreement between J. R. Karban and local television repairmen, persons who purchase a UHF converter from anyone other than Karban will be denied repair or maintenance service to their converters or television sets; that, on information and belief, J. R. Karban has also entered into a similar contract with local television sales personnel prohibiting the sale of UHF television receivers to potential "freeloaders" on the translator system; that said newspaper advertisement is prima facie evidence of the existence of an agreement between J. R. Karban and local television sales and service operatives which is unduly restrictive of competitive opportunity or commercial freedom and which manifests an intent to monopolize in violation of sections 1 and 2 of the Sherman Act. (15 USC sections 1 and 2.)

6. On the basis of the allegations made in support of the contentions set forth above, protestant asserts that the Commission erred in granting the above-captioned applications and that a grant of such applications is not in the public interest. Therefore, the protestant requests that the Commission reconsider its actions and set aside the grants. The protestant further requests that if the Commission does not set aside the subject applications, that it designate the subject applications for hearing on nine proposed issues, with the effectiveness of the subject grants stayed pending the Commission's decision after hearing. The following issues are proposed by protestant:

(1) To determine the extent of electrical interference which applicant's proposed modification, and new construction would cause to the facilities of Rhinelander Television Cable Company at Rhinelander, Wisconsin.

(2) To determine the economic impact such electrical interference would have on the operation of Rhinelander Television Cable Company.

(3) To determine the impact such electrical interference would have on the viewing public of Rhinelander, Wisconsin.

(4) To determine the necessity for applicant's facility to be constructed at the proposed location.

(5) To determine whether the applicant has concealed from the Commission in the protested applications or other applications, matters concerning its proposed financing arrangements, in view of the apparent subscription nature of his proposal, which was not contained in his applications.

(6) To determine whether the applicant is attempting to circumvent the Commission's policy with respect to "Pay Television".

(7) To determine whether there exists a prima facie case, on the basis of applicant's advertising policy, of violation of sections 1 and 2 of the Sherman Act.

(8) To determine the basic character qualifications of the applicant to be a licensee of the Commission.

(9) To determine, in light of the evidence introduced on the foregoing issues, whether a grant of the applicant's applications would be in the public interest, convenience and necessity.

7. The first issue specified is designed to elicit information concerning the extent of electrical interference which may be caused to protestant's community antenna facilities. The protestant alleges interference of two general types, one to his "system frequency," i.e., closed circuit operation, and the other to the direct reception of television signals intended to be used by it. The protestant may not claim protection against interference to his system frequency operation under the Commission's rules. The Commission's rules do provide that it is the responsibility of a translator licensee to correct any condition of interference to direct reception of a television signal which results from the radiation of radio frequency energy by its equipment on any frequency outside of the assigned channel. Therefore, the "extent' of interference which may be caused to protestant is not of consequence. Should electrical interference in fact result from operation of the proposed translators, the Commission's rules will determine whether such interference, by its nature, shall be corrected by the translator licensee. Accordingly, we are not designating proposed issue 1 for hearing.

8. Proposed issues 2 and 3 are irrelevant, since there are no allegations of fact in support of the proposed issues. As we have pointed out in paragraph 7 above, electrical interference of certain types must be corrected by the translator licensee. Other types of interference must be corrected by the community antenna system, and protestant has not shown that it would be unable to correct such interference on its own initiative. Therefore, since no useful purpose would be served in attempting to determine the impact of electrical interference on the operation of protestant or on the viewing public in Rhinelander, we are not designating proposed issues 2 and 3 for hearing.

9. Proposed issue 4 is likewise irrelevant, since protestant has failed to make such factual allegations to warrant the inclusion of such issue. And, in any case, the Commission's function is to pass on those proposals before it rather than to conjecture about possible alternatives. We do not consider that questions regarding the availability of other possible transmitter sites are relevant in deciding whether we erred in granting an application for a particular transmitter site. Alvarado Television Co., Inc. (KVOA-TV), (FCC 60-91). Accordingly, we are not designating proposed issue 4 for hearing.

10. Proposed issue 5 goes to the financial representations made by J. R. Karban in connection with his applications for authority to construct the subject translator stations. Protestant has failed to allege facts which would raise a question as to such financial representations. The applications by J. R. Karban contained such information as was necessary for the Commission to determine the applicant's financial qualifications, including the matter of financing the venture by public subscription, and, by acting on such applications, the Commission determined that J. R. Karban's financial proposals were proper and adequate. Since protestant has failed to allege facts to support the requested issue, we are not designating proposed issue 5 for hearing.

11. Proposed issue 6 is irrelevant and frivolous. The operation of a television translator station, the broadcasts of which are available to the public at large, is entirely different from "pay television" which envisages the restriction of such broadcasts to subscribers only by the use of encoding and decoding devices. Protestant does not allege that there is any such similarity between the subject translator operations and pay television systems. Accordingly, we are not designating proposed issue 6 for hearing.

12. Proposed issue 8 is by its nature encompassed, as pleaded, by issue 2 of this Hearing Order, and, for this reason, we are not designating proposed issue 8 for hearing.

13. We have determined that there is no need to designate issues 1 through 6 and issue 8 for evidentiary hearing. In view of the newspaper advertisement by Karban, referred to in paragraph 5, supra, from which the protestant infers the existence of an agreement between Karban and the television repairmen in Rhinelander, denying repair or maintenance service to those persons not subscribing to the proposed translator projects and the protestant's allegation, on information and belief, that there is a similar agreement between Karban and television retail outlets in the Rhinelander area prohibiting sale of television receivers or converters to those persons who do not subscribe to Karban's translator system, we think an issue as to whether such agreements are in existence and, if so, the nature thereof, would be warranted. Accordingly, the above-captioned applications will be designated for an evidentiary hearing on an issue encompassing the subject matter of the protestant's proposed issue 7. However, in view of the paucity of the factual allegations, we are not adopting said issue, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy, will be on the protestant.

14. There remains for our consideration the question whether the proposed grants should remain in effect. Section 309(c) of the Communications Act of 1934, as amended, provides that pending hearing and decision, the effective date of the Commission's action shall be postponed, " * * * unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

It is clear that it is the intent of this portion of our Act that a protested grant be stayed unless there is an exceptional situation which concerns the public interest. We believe that the above-captioned application presents such an exceptional situation. Rhinelander, Wisconsin, at the present time has no television broadcast facilities. Protestant's community antenna television system affords the only television service to Rhinelander, and this service, which is not a broadcast service, is restricted to the city of Rhinelander alone, and is not available to residents in outlying areas of the community. The subject television translator service would afford the first television broadcast services available to the general public, both within the city limits and in surrounding areas, of Rhinelander. We believe that the opportunity to provide a first television broadcast service to the Rhinelander area justifies us in finding that the public interest requires that said grants should remain in effect pending the Commission's decision after hearing. Accordingly, a stay of the Commission's grants will not be ordered in this case.

15. In the light of the above: *It is ordered*, That the protest and petition for reconsideration filed herein are granted to the extent provided for below and are denied in all other respects; and that pursuant to section 309(c) of the Communications Act of 1934, as amended, the above-captioned applications are designated for evidentiary hearing on the following issues:

(1) To determine whether there are agreements, and, if so, the nature thereof, between J. R. Karban and television repair and retail outlets in the Rhinelander, Wisconsin area, prohibiting sale or repair of UHF television receivers or converters to persons who do not subscribe to the television translator system to be operated by J. R. Karban.

(2) To determine whether, in the light of evidence adduced under the foregoing issue, the Commission should sustain the protest and set aside the grant of the above-captioned applications.

It is further ordered, That the burden of proceeding with the introduction of

evidence and the burden of proof shall be on the protestant.

It is further ordered, That the protestant Rhinelander Television Cable Company, is hereby made a party to the above-captioned proceedings and that:

(a) The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order;

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearance by the parties intending to participate in the above hearing shall be filed not later than October 4, 1960.

Adopted: September 20, 1960.

Released: September 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9075; Filed, Sept. 28, 1960; 8:50 a.m.]

[Docket Nos. 13805-13807; FCC 60-1130]

KOMY, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KOMY, Inc., Watsonville, California, req.: 106.5 Mc, No. 293; 3.145 kw; 92.5 ft., Docket No. 13805, File No. BPH-2942; G. Stuart Nixon, San Jose, California, req.: 106.5 Mc, No. 293; 18 kw; 272 ft., Docket No. 13806, File No. BPH-2961; Franklin Mieuli (KHIP), San Francisco, California, has 106.9 Mc, No. 295; 40 kw; 1140 ft., req.: 106.9 Mc, No. 295; 80 kw; 1140 ft., Docket No. 13807, File No. BPH-3075; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of September 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified, except that G. Stuart Nixon may not be financially qualified, to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, by letters dated June 17, 1960, and July 27, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any of the applications would serve the public interest, convenience, and necessity; and that copies of the aforementioned letters are available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letters, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant and requiring an evidentiary hearing on the particular issues as hereinafter specified; and

It further appearing that the Commission raised a question concerning finances of G. Stuart Nixon, but that the additional financial information received in response to the Commission's letter of June 17, 1960, does not appear to show the reason for the substantial increase in Mr. Nixon's net worth from January 31, 1960, to July 1, 1960; and

It further appearing that KOMY, Inc. (BPH-2942), proposes to mount the FM antenna on the existing tower of KOMY (AM), and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 1 mv/m contours, the areas and populations therein which would be served by the proposed stations in BPH-2942 and BPH-2961, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine the area and population within the 1 mv/m contour which may be expected to gain or lose service from the proposed operation of BPH-3075 and the availability of other FM broadcast service of at least 1 mv/m to such area and population.

3. To determine the nature and extent of the interference, if any that each of the instant proposals would cause to and receive from each other and all other existing FM broadcast stations, the areas and populations affected thereby, and the availability of other FM service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of BPH-2961 would involve objectionable interference with Station KFRC-FM, San Francisco, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

5. To determine whether the instant proposal of BPH-3075 would involve objectionable interference with Station KSTN-FM, Stockton, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

6. To determine whether G. Stuart Nixon is financially qualified to construct and operate his proposed station.

7. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applicants herein can be reasonably based thereon, and, if so, whether a grant to one or another of the applicants would provide the most fair, efficient and equitable distribution of radio service.

8. To determine in the event it is concluded that a choice between the instant applicants cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

9. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That RKO General, Inc., licensee of Station KFRC-FM, San Francisco, California, and Valley Broadcasters, Inc., licensee of Station KSTN-FM, Stockton, California, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the application of KOMY, Inc., the construction permit shall contain a condition that KOMY receive permission from the Commission to determine power of KOMY by the indirect method during installation of the FM antenna and checking resistance of the tower after the installation has been completed; and that prior to authorization of program tests resistance measurements and Forms 302 must be submitted for KOMY.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9076; Filed, Sept. 28, 1960; 8:50 a.m.]

[Docket Nos. 13796-13803; FCC 60-1128]

WESTERN BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of David P. Pinkston and Leroy Elmore, d/b as Western Broadcasting Company, Odessa, Texas, req: 1550 kc, 50 kw, Day, Docket No. 13796, File No. BP-12329; W. J. Harpole, Canyon, Texas, req: 1550 kc, 1 kw, Day, Docket No. 13797, File No. BP-12335; R. B. Bell and Bernice Bell, d/b as Oklahoma Broadcasting Company, Sapulpa, Oklahoma, req: 1550 kc, 500 w, Day, Docket No. 13798, File No. BP-12403; Ira E. Courtney, tr/as Courtney Broadcasting Co., Winfield, Kansas, req: 1550 kc, 250 w, Day, Docket No. 13799, File No. BP-12407; Lloyd Clinton McKenney, tr/as Winfield Broadcasting Company, Winfield, Kansas, req: 1550 kc, 250 w, U, Docket No. 13800, File No. BP-12756; William E. Minshall and Melwyn E. Klar, d/b as Sapulpa Broadcasters, Sapulpa, Oklahoma, req: 1550 kc, 250 w, DA-Day, Docket No. 13801, File No. BP-12876; The Seward County Broadcasting Company, Inc., Dodge City, Kansas, req: 1550 kc, 1 kw, DA-Day, Docket No. 13802, File No. BP-13039; R. L. McAlister, Odessa, Texas, req: 1550 kc, 5 kw, Day, Docket No. 13803, File No. BP-13058; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of September 1960;

The Commission having under consideration the above-captioned and described applications;

It further appearing that on the basis of the information before us, each of the applicants herein, is legally, technically, financially and otherwise qualified to construct and operate its instant proposal; with the exception that Ira E. Courtney may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 16, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that in response to the Commission's letter of December 16, 1959, The Seward Broadcasting Company, Inc., applicant in BP-13039 submitted an Engineering Affidavit on January 5, 1960, which states, in substance, that field intensity measurements on file with the Federal Communications Commission in File No. BR-389, on Radio Station KGNC, Amarillo, Texas, indicate that the average ground conductivity between the proposed operations of BPs. 13039 and 12335 is less than 30 mmhos/m shown on Figure M-3 of the Commission rules, and that on the basis of the ground conductivity indicated, there would appear to be no objectionable interference between said proposals; that on June 17, 1960, Seward submitted measurement data on three bearings from KGNO, Dodge City, Kansas, toward the proposed operation of BP-12335 which indicates that the effective conductivity over these paths is in the order 15 mmhos/m; that in addition, there was submitted measurement data on four bearings (5°, 22°, 28°, 30°) from KGNC, Amarillo, Texas, located 37 miles NNE of BP-12335; that the radial 28° from KGNC, on a line between the Canyon, Texas site (BP-12335) and that of BP-13039, indicates that the conductivity between said proposals is less than that shown by Figure M-3 of the Commission rules; and that in view of the foregoing, it appears that BP-13039 will receive from, but will not cause interference to BP-12335; and

It further appearing that the Commission's letter of December 16, 1959, advised Ira E. Courtney, applicant in BP-12407, that an analysis of the information submitted did not appear to indicate sufficient available funds to meet the cost of construction and initial operation of the proposed station; that in response to said letter, the applicant stated that it is believed that his amendment tendered on December 15, 1959, would "further strengthen" his financial ability; but that the applicant's balance sheet does not show cash or liquid assets over and above those needed to meet current expenditures and that the balance sheet of L. N. Bailey, who has agreed to lend the applicant $20,000, does not include cash or liquid assets in this amount nor has a definite showing been made that Mr. Bailey has $20,000 available; and

It further appearing that by letter dated December 30, 1959, in reply to the Commission's letter of December 16, 1959, the Courtney Broadcasting Co., applicant in BP-12407, stated that insofar as existing stations are concerned, there is no violation of § 3.28(c) of the Commission's rules, but that in the event it is found that a violation of said rules should occur, then it is requested that the Commission waive the requirements of said rule, since the instant proposal would provide a first service to Winfield, Kansas; that, however, it appears that the interference received from existing and proposed operations places the instant proposal in contravention of § 3.28(c) of the rules and since applicant proposes a daytime operation only, said proposal does not fall within the purview of the exceptions to § 3.28(c) of the rules, and accordingly, an issue with respect to said section is included herein; and

It further appearing that the transmitter sites proposed by Oklahoma Broadcasting Company (BP-12403) and Sapulpa Broadcasters (BP-12876) are near the site specified by Sapulpa Broadcasting Corporation (File No. BP-12595) requesting operation on 1220 kc, in Sapulpa, Oklahoma and designated for hearing on January 1, 1960; that in the event of a grant of either BP-12403 or BP-12876 as well as the application of Sapulpa Broadcasting Corporation (BP-12595), problems of cross-modulation and reradiation may occur and that accordingly, an appropriate condition should be included in any construction permit issued to BP-12403 or BP-12876; and

It further appearing that the transmitter site proposed by the Winfield Broadcasting Company, BP-12756, is near the site proposed by James R. Williams (File No. BP-12826), requesting operation on 1210kc, in Winfield, Kansas and presently in the Commission's pending files; that, in the event of a grant of the applications of both the Winfield Broadcasting Company and James R. Williams, problems of cross-modulation and reradiation may occur and that, therefore, an appropriate condition should be included in any construction permit granted to the Winfield Broadcasting Company; and

It further appearing that by letter dated December 16, 1959, Station KOLS, Pryor, Oklahoma was notified that it would receive interference from the proposals of Oklahoma Broadcasting Co. (BP-12403) and Sapulpa Broadcasters (BP-12876); but that by amendment received May 6, 1960, Sapulpa Broadcasters changed its proposal to specify a directional antenna, thus eliminating the possibility of interference from BP-12876 to KOLS; and

It further appearing that by letter dated February 5, 1960, Oral Roberts Evangelistic Association, Inc., applicant in BP-13464, Tulsa, Oklahoma, requests that the Commission's "cut-off" rules not be applied, or in the alternative waived, with respect to its application since said rules are arbitrary and unreasonable and deprives applicant of comparative consideration with the application of Sapulpa Broadcasters, File No. BP-12876; that said rules preclude such consideration because of a chain of interlinking applications of which Oral Roberts could not have been aware unless he examined all applications as they were filed; that an opposition to the above request was filed by Sapulpa Broadcasters on February 17, 1960; and

It further appearing that since the Oral Roberts application was not timely filed with the Sapulpa Broadcasters ap-

plication, BP-12876, which retained a May 15, 1959 cut-off date, it is not entitled to comparative consideration therewith; that the Commission's views concerning the interpretation and legal validity of the cut-off rules have been thoroughly discussed in its Opinion and Order, with respect to the Fredericksburg Broadcasting Corporation, et al, 19 Pike & Fischer RR 900; that since the contentions set forth by Roberts are in substance, the same as those considered in the Fredericksburg case, no useful purpose would be served by reiterating the findings contained therein; and that in view of the foregoing, the instant request submitted by Oral Roberts Evangelistic Association, Inc., is hereby denied; and

It further appearing that after consideration of the foregoing and the applicants replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Oklahoma Broadcasting Company (BP-12403) would involve objectionable interference with Station KOLS, Pryor, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the transmitter site proposed by Western Broadcasting Company (BJ-12329) is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine whether the antenna system proposed by Oklahoma Broadcasting Company (BP-12403) and Sapulpa Broadcasters (BP-12876) would constitute a hazard to air navigation.

7. To determine whether Ira E. Courtney, tr/as Courtney Broadcasting Co. (BP-12407) is financially qualified to construct and operate his proposed station.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine on a comparative basis in the event that Odessa, Texas; Sapulpa, Oklahoma; or Winfield, Kansas, is, or are, selected as having the greatest need pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

10. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Lakes Area Broadcasting Company, licensee of Station KOLS, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the applications of either Oklahoma Broadcasting Company, BP-12403, or Sapulpa Broadcasters, BP-12876, the construction permit shall contain a condition that the permittee cooperate with the Sapulpa Broadcasting Corporation (BP-12595), should its application also be granted, to eliminate any adverse problems of cross-modulation or reradiation that may occur due to the proximity of the two antenna systems.

It is further ordered, That, in the event of a grant of the application of the Winfield Broadcasting Company (BP-12756), the construction permit shall contain a condition that the permittee cooperate with James R. Williams, should his application (BP-12826) also be granted, to eliminate any adverse problems of cross-modulation or reradiation that may occur due to the proximity of the two antenna systems.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-9077; Filed, Sept. 28, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9283 etc.]

ATLANTIC REFINING CO. ET AL.

Order Consolidating Proceedings, Fixing Date of Hearing, and Prescribing Procedure

SEPTEMBER 23, 1960.

Atlantic Refining Company, Docket Nos. G-9283, G-9284; Atlantic Refining Company, Docket Nos. G-9443, G-11202, G-11247, G-11259, G-11312, G-11365, G-11844, G-12159, G-12461, G-12954, G-13145, G-13440, G-13499, G-13583, G-13919, G-13980, G-14735, G-15233, G-15412, G-16127, G-16518, G-16648, G-16723, G-17121, G-17291, G-17365, G-17741, G-17988, G-18752, G-18913, G-19536, G-19580, G-19659, G-19847, G-19922, G-19923, G-20278, G-20305, RI60-145, RI60-301, RI61-8; Atlantic Refining Company (Operator), et al., Docket Nos., G-13496, G-14035, G-15027, G-15234, G-16647, G-16803, G-18208, G-18565, G-18753, G-19537, G-19658, RI60-218, RI61-9.

The proceedings at Docket Nos. G-9283 and G-9284, identified in the above caption, relate to an investigation instituted by the Commission on its own motion, pursuant to the provisions of the Natural Gas Act, by order issued January 27, 1956, for the purposes of determining whether with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by The Atlantic Refining Company (Atlantic Refining), any of the rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory or preferential. That order also provided, inter alia, that a public hearing be held in these proceedings upon a date to be fixed by further order of the Commission.

In each of the other proceedings identified in the above caption, the Commission has heretofore issued its orders suspending proposed increases in rates and charges for sales of natural gas for resale in interstate commerce tendered for filing by either Atlantic Refining on its own behalf or as The Atlantic Refining Company (Operator), et al., and providing for hearing on the lawfulness of the proposed increases in rates and charges.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate all of the above-designated proceedings for purposes of hearing and that hearing be held as hereinafter provided and ordered.

The Commission orders:

(A) The proceedings identified in the above caption of this order hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held in these consolidated proceedings commencing November 15, 1960 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the proceedings herein consolidated.

(C) At such hearing, the Commission Staff shall present the testimony and exhibits representing its case-in-chief in Dockets Nos. G-9283 and G-9284, to be followed immediately thereafter by the presentation by Atlantic Refining of its testimony and exhibits representing its case-in-chief in all the other dockets identified in the above caption. Thereafter the Presiding Examiner shall fix the time for resumption of the hearing for (a) cross-examination, and (b) rebuttal.

(D) Notices or petitions to intervene may be filed with the Commission in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before November 1, 1960. In addition, any party now permitted to intervene in any of the above dockets shall be deemed an intervenor in this consolidated proceeding, subject to the same conditions heretofore stated in the orders permitting the respective interventions.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-9055; Filed, Sept. 28, 1960; 8:47 a.m.]

[Docket Nos. G-20380, CI60-97]

HOPE NATURAL GAS CO. AND COLUMBIAN CARBON CO.

Notice of Change of Date of Hearing

SEPTEMBER 23, 1960.

Hope Natural Gas Company, Docket No. G-20380; Columbian Carbon Company, Docket No. CI60-97.

Take notice that the hearing concerning the matters involved in and the issues presented by the applications in the above-captioned proceedings, now set for 10:00 a.m., e.d.s.t., on September 27, 1960, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., is hereby continued, subject to further notice by the Secretary of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-9042; Filed, Sept. 28, 1960; 8:45 a.m.]

[Docket No. G-12153 etc.]

NORTHERN NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

Notice of Postponement of Hearing

SEPTEMBER 22, 1960.

Northern Natural Gas Company, Docket No. G-12153, G-15335; Permian Basin Pipeline Company, Docket No. G-15336.

Upon consideration of the motion filed September 21, 1960, by Counsel for Northern Natural Gas Company and Permian Basin Pipeline Company for postponement of hearing now scheduled for October 11, 1960 in the above-designated matter;

The hearing now scheduled for October 11, 1960 is hereby postponed to October 25, 1960 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-9056; Filed, Sept. 28, 1960; 8:47 a.m.]

[Docket No. CP60-126]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Change of Date of Hearing

SEPTEMBER 23, 1960.

Take notice that the hearing concerning the matters involved in and the issues presented by the application in the above-captioned proceeding, now set for 10:00 a.m., e.d.s.t., on October 25, 1960, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., is hereby continued, subject to further notice by the Secretary of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-9043; Filed, Sept. 28, 1960; 8:45 a.m.]

[Project No. 2278]

PLAINS ELECTRIC GENERATION AND TRANSMISSION COOPERATIVE, INC.

Notice of Application for Preliminary Permit

SEPTEMBER 23, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Plains Electric Generation and Transmission Cooperative, Inc., of Albuquerque, New Mexico, for preliminary permit for proposed water power Project No. 2278, to be located on the Rio Grande and Red River, Taos County, New Mexico, near Cerro and Questa, New Mexico, and affecting lands of the United States. The proposed project would consist of a small retention dam on Rio Grande at the Chiflo damsite creating a small storage dam (water to be pumped from the reservoir to the top of the bluff 350 feet above the river to a canal extending 6.5 miles to the forebay); a small retention dam on Red River creating a small storage reservoir about 4 miles upstream from Rio Grande (water to be pumped to the top of the bluff to a canal extending 3.5 miles to the forebay); a forebay on top the bluff at the junction of Rio Grande and Red River; a powerhouse with an installation of 20,000 kilowatts; a regulating dam below the powerhouse for regulation of water releases; and appurtenant electrical and mechanical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions to intervene may be filed is November 10, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-9044; Filed, Sept. 28, 1960; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 66]

DELEGATION OF AUTHORITY

Order 551, as amended, is further amended as hereinafter indicated:

1. A new section 37 is added under the heading "Functions Relating to Indian Lands and Minerals" to read as follows:

SEC. 37 *Muckleshoot Indian Tribe of the State of Washington; reconveyance.* The authority contained in the Act of April 29, 1960 (Pub. Law 86-447; 74 Stat. 85), which relates to the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

2. Subparagraph (6) of paragraph (b) of section 230 is amended to read as follows:

SEC. 230. *Forest Management.* • • •
(b) • • •

(6) Authorize changes in requirements of advance payments for allotted timber, pursuant to 25 CFR 141.16, if the cutting period of the allotment contract exceeds one year.

LEON V. LANGAN,
Acting Commissioner.

[F.R. Doc. 60-9051; Filed, Sept. 28, 1960; 8:46 a.m.]

Bureau of Land Management

[Document 221]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Department of Agriculture has filed an application, Serial No. AR–026592, for the withdrawal of the lands described below from all forms of appropriation, including the location and entry under the general mining laws. The applicant desires the lands for the purpose of protecting the site for public use for school purposes on behalf of the Payson School District No. 10 of Gila County, Arizona.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of Interior, P.O. Box 148, Phoenix, Arizona. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 10 E. (Tonto National Forest),
Sec. 4: NW¼SE¼, W½NE¼SE¼.

The area described totals 60 acres located in the Tonto National Forest.

RAYMOND C. CLEGHORN,
Acting State Supervisor.

SEPTEMBER 23, 1960.

[F.R. Doc. 60–9061; Filed, Sept. 28, 1960; 8:48 a.m.]

[Document 222]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture, U.S. Forest Service, has filed an application, Serial No. AR–010997 Amended, for the withdrawal of lands described below from all forms of appropriation, including location and entry under the general mining laws. The applicant desires the lands for establishment of research and experimental site purposes, administrative site purposes and recreational site purposes in furtherance of the McSweeney-McNary Act (45 Stat. 699, as amended).

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of Interior, P.O. Box 148, Phoenix, Arizona. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

FINAL MOUNTAIN PLOT

T. 1 S., R. 15 E.,
Sec. 27: NE¼.
160 acres

SUMMIT WATERSHEDS

T. 3 N., R. 14 E.,
Sec. 33: SE¼SW¼, SW¼SE¼.
T. 2 N., R. 14 E. (unsurveyed),
Sec. 3: SW¼NW¼;
Sec. 4: NE¼NW¼, NE¼.
320 acres

THREE BAR WATERSHEDS

T. 4 N., R. 10 E. (unsurveyed),
Sec. 2: All;
Sec. 3: All;
Sec. 10: N½, N½S½;
Sec. 11: N½NW¼.
T. 5 N., R. 10 E.,
Sec. 34: E½;
Sec. 35: All;
Sec. 36: SW¼.
2960 acres

CLAY GRAVEL PLOTS

T. 5 N., R. 12 E. (unsurveyed),
Sec. 17: SE¼;
Sec. 28: NE¼NW¼, NW¼NE¼.
240 acres

All of the above lands are located in the Tonto National Forest.

CASTLE CREEK WATERSHEDS

T. 4 N., R. 30 E. (unsurveyed),
Sec. 1: S½;
Sec. 2: E½SE¼, E½W½SE¼;
Sec. 11: E½E½, E½W½E½;
Sec. 12: All;
Sec. 13: N½, N½SW¼;
Sec. 14: NE¼, N½SE¼, SE¼SE¼.
T. 4 N., R. 31 E. (unsurveyed),
Sec. 6: SW¼;
Sec. 7: W½, W½E½;
Sec. 18: NW¼, NW¼NE¼.
2840 acres

All of the above described lands are located in the Apache National Forest, Greenlee County.

FORT VALLEY EXPERIMENTAL FOREST

T. 22 N., R. 5 E.,
Sec. 24: S½, S½N½.
T. 22 N., R. 6 E.,
Sec. 13: S½;
Sec. 22: All;
Sec. 23: NE¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, E½SW¼SE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼;
Sec. 24: All;
Sec. 25: E½, NE¼NW¼, E½NW¼NW¼, E½NE¼SW¼NE¼, NE¼SE¼SW¼NW¼, N½SE¼NW¼, N½S½SE¼NW¼, SE¼SE¼SE¼NW¼;
Sec. 27: N½NE¼, NW¼SW¼NE¼, NW¼, N½SW¼.
T. 22 N., R. 7 E.,
Sec. 19: All;
Sec. 30: All.
T. 22 N., R. 8 E.,
Sec. 22: W½.
T. 19 N., R. 7 E.,
Sec. 23: E½E½NE¼;
Sec. 24: E½, W½NW¼.
4950.28 acres

LONG VALLEY EXPERIMENTAL FOREST

T. 14 N., R. 9 E.,
Sec. 36: All (except patented H.E.S. 601).
T. 14 N., R. 10 E.,
Sec. 31: All.
1260.81 acres

BRIDGEPORT ADMINISTRATIVE SITE

T. 15 N., R. 3 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, NE¼SW¼, N½SE¼, excepting a strip 300 feet on each side of center line of U.S. Highway 89–A included in application for withdrawal of July 25, 1955, Arizona 09390.
385 acres

All of the above described lands are in the Coconino National Forest, Coconino County.

LOWELL ADMINISTRATIVE SITE

T. 13, S., R. 15 E.,
Sec. 9: W½SW¼SW¼, S½NW¼SW¼.
40 acres

MOLINO BASIN RECREATION AREA

T. 13 S., R. 16 E. (unsurveyed),
Sec. 3: N½N½, N½S½NW¼, N½SW¼NE¼.
T. 12 S., R. 16 E. (unsurveyed),
Sec. 34: S½SE¼SE¼.
240 acres

BEAR CANYON RECREATION AREA

T. 12 S., R. 16 E. (unsurveyed),
Sec. 33: NW¼SE¼, N½NE¼SE¼, SW¼NE¼SE¼, SE¼SW¼NE¼, SE¼NE¼.
120 acres

GENERAL HITCHCOCK RECREATION AREA

T. 12 S., R. 16 E. (unsurveyed),
Sec. 23: NE¼NW¼, S½NW¼NW¼, N½S½NW¼.
100 acres

ROSE CANYON RECREATION AREA

T. 12 S., R. 16 E. (unsurveyed),
Sec. 10: S½SE¼, SE¼SW¼, S½SW¼SW¼, SW¼NE¼SE¼, S½NW¼SE¼, SE¼NE¼SW¼;
Sec. 15: N¼NW¼, NW¼NE¼, W½NE¼NE¼, N½S½NW¼, N½SW¼NE¼, SW¼SW¼NW¼;
Sec. 16: E½NE¼NE¼, SE¼NE¼, S½SW¼NE¼, NE¼SW¼NE¼, N½N½SE¼, S½NW¼SE¼, E½NE¼SW¼.
560 acres

BEAR WALLOW RECREATION AREA

T. 12 S., R. 16 E. (unsurveyed),
Sec. 5: N½SE¼NW¼, SE¼NE¼NW¼, W½NE¼NW¼, NW¼NW¼.
90 acres

MARSHALL GULCH RECREATION AREA

(Includes Marshall Gulch, Inspiration Rock, Loma Linda, and Sykes Knob Picnic Grounds)

T. 11 S., R. 16 E.,
Sec. 31: N½SE¼SE¼, S½N½SE¼, N½NW¼SE¼, NW¼NE¼SE¼, W½SW¼SE¼, S½SW¼NE¼, NE¼SW¼NE¼, SE¼NW¼NE¼, S½NE¼SW¼, E½SE¼SW¼.
T. 12 S., R. 15 E. (unsurveyed),
Sec. 1: NE¼NE¼NE¼.
T. 12 S., R. 16 E. (unsurveyed),
Sec. 6: NW¼NW¼NW¼.
210 acres

PINERY CANYON RECREATION AREA

T. 17 S., R. 30 E. (unsurveyed),
Sec. 21: E½NE¼SE¼;
Sec. 22: W½NW¼SW¼, NW¼SW¼SW¼.
50 acres

STOCKTON PASS RECREATION AREA

T. 10 S., R. 24 E.,
Sec. 1: NW¼SW¼, S½SW¼NW¼.
60 acres

SHANNON RECREATION AREA

T. 9 S., R. 24 E. (unsurveyed),
Sec. 14: NW¼NE¼NE¼, NE¼NW¼NE¼.
20 acres

HOSPITAL FLAT RECREATION AREA

T. 9 S., R. 24 E. (unsurveyed),
Sec. 10: N½SE¼, SE¼NE¼.
120 acres

SOLDIER CREEK RECREATION AREA

T. 8 S., R. 24 E. (unsurveyed),
Sec. 32: S½NW¼NW¼, N½SW¼NW¼.
40 acres

ARCADIA RECREATION AREA

T. 9 S., R. 25 E. (unsurveyed),
Sec. 18: NE¼SE¼SE¼.
10 acres

WET CANYON RECREATION AREA

T. 9 S., R. 25 E. (unsurveyed),
Sec. 17: NE¼NE¼SW¼.
10 acres

CALABASAS RECREATION AREA

T. 23 S., R. 13 E.,
Sec. 31: E½SE¼NW¼, W½SW¼NE¼.
40 acres

The above described lands are located in the Coronado National Forest.

The area described totals approximately 14,826.09 acres.

RAYMOND C. CLEGHORN,
Acting State Supervisor.

SEPTEMBER 23, 1960.

[F.R. Doc. 60–9062; Filed, Sept. 28, 1960; 8:48 a.m.]

National Park Service

ACCEPTANCE BY THE ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR OF EXCLUSIVE JURISDICTION OVER CERTAIN LANDS AT OLYMPIC NATIONAL PARK, WASHINGTON

Take notice that effective as of the second day of July 1960, at 12 m., Pacific standard time, the United States accepted exclusive jurisdiction over those portions of Olympic National Park, Washington, described and added thereto by Proclamation No. 2587 of May 29, 1943 (57 Stat. 741; 3 CFR, Cum., Supp., page 333), and Proclamation No. 3003 of January 6, 1953 (67 Stat. C27; 3 CFR, 1949–1953 Compilation, page 178), with the exception of the following:

The detached area at Forks described as that portion of the NW¼NW¼ Section 16, T. 28 N., R. 13 W., W.M., lying south of State Highway No. 9, containing approximately 11.75 acres;

Parcel No. 1—Primary State Highway No. 9 throughout the coastal strip of the Olympic National Park, described as:

"That strip of land two hundred and fifty feet wide, being one hundred and twenty-five feet wide on each side of the now existing center line of Primary State Highway No. 9 from the east side of the SW¼ Section 28, T. 26 N., R. 13 W., W.M., to the south line of Lot 2, Section 27, T. 24 N., R. 13 W., W.M.";

Parcel No. 2—A gravel supply site near Ruby Beach (State-owned), described as:

"A strip of land of varying width in Government Lot 4, Section 32, Township 26 North, Range 13 West, W.M., lying contiguous to and southerly of the existing right-of-way of State Highway No. 9, said strip of land extending from survey station 617 plus 61.8 to survey station 622 plus 00.0 and containing 0.80 acres, more or less";

Parcel No. 3—A State highway maintenance site at Kalaloch (State-owned), described as:

"A tract of land in Government Lot 4, Section 33, T. 25 N., R. 13 W., W. M. Beginning at a point which bears N. 89°51' W., 100 feet from the southwest corner of said Section 33; running thence N. 89°51' W., a distance of 255.8 feet to an intersection with the center line of Primary State Highway No. 9, Queets River to Brown's Point, as now located, constructed, and of record in the Office of the Director of Highways at Olympia, Washington, at Highway Engineer's station 323 plus 33.0; thence turning an angle of 77°45'19" to the right to a line tangent to the arc of a curve; thence along the center line of Primary State Highway No. 9, on the arc of a curve to the right, with a radius of 5730.0 feet, a distance of 320.0 feet to Highway Engineer's station 326 plus 53.0; thence leaving said center line and running S. 89°51' E., parallel to the south line of said Section 33, a distance of 255.8 feet; thence southerly along the arc of a curve which is parallel with and distant 250 feet easterly, when measured at right angles, from the center line of said Primary State Highway No. 9 to the point of beginning. Excepting therefrom the area of the right-of-way of said Primary State Highway No. 9 which is 50 feet on the easterly side of the described center line of said highway";

Parcel No. 4—Tract of land in Government lot 4, Section 32, T. 24 N., R. 13 W., W. M., described as follows:

"Beginning on the meander corner on the north boundary of Quinault Indian Reservation; thence in an easterly direction along said north boundary a distance of 562½ feet to a point of intersection with center line of State Road No. 9; thence north 10°23' west a distance of 660 feet; thence south 79°37' west 50 feet to a point of intersection with westerly right-of-way line of State Road No. 9, and the true point of beginning; thence continuing south 79°37' west 417 feet; thence north 10°33' west 174.9 feet, thence north 85°44' east 419.4 feet to point of intersection with westerly right-of-way of State Road No. 9; thence south 10°23' east 130.3 feet to the true point of beginning, containing 1.46 acres, more or less";

and subject to certain reservations contained in the act of the Legislature of the State of Washington ceding jurisdiction to the United States over said lands, approved March 8, 1941 (Chapter 51, Laws of 1941 of the State of Washington, as amended by section 1, Chapter 114, Laws of 1945, Codified as Revised Code of Washington 37.08.210). This acceptance was effected by notifying the Governor of the State of Washington by a letter dated June 30, 1960, signed by Assistant Secretary Roger C. Ernst, Department of the Interior. This letter reads as follows:

DEAR GOVERNOR ROSELLINI: Notice is hereby given, in accordance with the provisions of the act of the Legislature of the State of Washington, approved March 8, 1941 (Chapter 51, Laws of 1941 of the State of Washington, as amended by section 1, Chapter 114, Laws of 1945, Codified as Revised Code of Washington 37.08.210), ceding to the United States exclusive jurisdiction over and within all the territory "now or hereafter" included in that tract of land in the State of Washington set aside for the purposes of a national park and known as the Olympic National Park, and under the authority vested in me by section 10 of the act of March 6, 1942 (56 Stat. 135), that the United States accepts exclusive jurisdiction over those portions of Olympic National Park described and added to said park by Proclamation No. 2587 of May 29, 1943 (57 Stat. 741; 3 CFR, Cum. Supp., page 333), and Proclamation No. 3003 of January 6, 1953 (67 Stat. C27; 3 CFR, 1949–1953 Compilation, page 178) (with the exception of the detached area at Forks described as that portion of the NW¼NW¼ section 16, T. 28 N., R. 13 W., W. M., lying south of State Highway No. 9, containing approximately 11.75 acres), saving, however, to the State of Washington full jurisdiction over a strip of land two hundred fifty feet wide, being one hundred twenty-five feet wide on each side of the now existing center line of Primary State Highway No. 9, together with existing pit sites and stockpile sites within portions of the park added by the aforesaid Proclamations (detailed descriptions of the parcels, numbers 1 to 4, inclusive, over which the State retains full jurisdiction are enclosed), and subject to the reservations made by the State of Washington in the said act of the Legislature of the State of Washington of March 8, 1941, as amended.

Notice is also hereby given in accordance with the aforesaid act of the Legislature of the State of Washington, as amended, and of section 10 of the aforesaid act of Congress of March 6, 1942, that effective as of the second day of July 1960, at 12 m., Pacific Standard Time, the United States assumes police jurisdiction over such lands over which jurisdiction is accepted as hereinbefore stated.

It is requested that you endorse the enclosed duplicate original of this notice of acceptance, indicating the date of its receipt, and return the same to this Department. There is enclosed for your convenience a stamped, self-addressed envelope.

Sincerely yours,

[S] ROGER C. ERNST.
Assistant Secretary of the Interior.

The Honorable
Albert D. Rosellini,
Governor of Washington,
Olympia, Washington.

Enclosures.

Received this 5th day of July 1960, at 8:15 a.m.

[S] ALBERT D. ROSELLINI,
Governor of Washington.

Done at Washington, D.C., this 22d day of September 1960.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 60–9052; Filed, Sept. 28, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Texas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Brazoria	Matagorda
Calhoun	Victoria
Jackson	Wharton

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of September 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-9060; Filed, Sept. 28, 1960; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

COBALTIFEROUS MATERIALS HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 168,808 pounds of cobaltiferous materials consisting of partially processed ores, sludges, oxides, carbonates and metallics now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said cobaltiferous materials. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said cobaltiferous materials are obsolescent for use in time of war.

General Services Administration proposes to transfer said cobaltiferous materials to other Government agencies, or to offer them for sale on a competitive bases beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: September 21, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-9045; Filed, Sept. 28, 1960; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING REGIONAL ADMINISTRATOR, REGION II (PHILADELPHIA)

Pursuant to the Housing and Home Finance Administrator's delegation of authority to Regional Administrators, effective as of April 1, 1960 (25 F.R. 3438, April 20, 1960), the following officers of Region II are hereby designated to act in the place and stead of the Regional Administrator for Region II, with the title of "Acting Regional Administrator," and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness or other cause:

(1) Deputy Regional Administrator.
(2) Regional Director of Urban Renewal.
(3) Regional Counsel.
(4) Regional Director of Community Facilities Activities.

The designations made herein supersede those made in designation document effective August 8, 1957, which is hereby revoked.

Effective as of the 26th day of September 1960.

[SEAL] CHESTER H. KNOWLES,
Regional Administrator, Region II.

[F.R. Doc. 60-9067; Filed Sept. 28, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 26, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36585: *Substituted service—WAB for Mid-Continent Freight Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 270), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., and Chicago, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 143 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36586: *Joint rail-motor rates between southwestern points and Illinois and WTL territories.* Filed by Middlewest Motor Freight Bureau, Agent (No. 271), for interested carriers. Rates on various commodities, moving on class or commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the rail carriers, between points in Illinois and western trunk line territories, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Rail-truck competition.

FSA No. 36587: *Structural steel—Economy, Pa., to New Orleans, La.* Filed by O. W. South, Jr., Agent (SFA No. A4015), for interested rail carriers. Rates on structural steel, in carloads, as described in the application, from Economy, Pa., to New Orleans, La.

Grounds for relief: Carrier competition.

Tariff: Supplement 14 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-90.

FSA No. 36588: *Roofing and building materials—Southwestern to southern points.* Filed by Southwestern Freight Bureau, Agent (No B-7899), for interested rail carriers. Rates on roofing and building materials, in carloads, as described in the application, from specified points in southwestern territory, to specified points in Florida and South Carolina, also Atlanta, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 3 to Southwestern Freight Bureau tariff I.C.C. 4356.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-9057; Filed, Sept. 28, 1960; 8:47 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 25 NUMBER 190

Washington, Thursday, September 29, 1960

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60–54]

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

REVISION OF SUBCHAPTER

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on February 18, 1960 (25 F.R. 1440–1448), and Merchant Marine Council Public Hearing Agenda dated April 4, 1960 (CG–249), the Merchant Marine Council held a public hearing on April 4, 1960, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I through XII, inclusive, and Item V contained proposed requirements regarding small passenger vessels in 46 CFR Parts 175 to 186, inclusive (Subchapter T).

This document contains the actions taken with respect to small passenger vessels in Item V of the Agenda. On the basis of information received changes were made in certain proposals identified in the Agenda as §§ 176.01–1(a), 176.10–10, 176.10–13, 178.05–11, 178.05–13, 178.20–1, 178.35–1 (a) and (e), 178.40–1, 179.10–1(b), 180.10–5(a)(2), 180.10–10 (a)(2), 182.01–20(a)(1), 182.10–20(a)(1), 182.15–5, 183.01–1(a), 183.01–5(a), 183.25–1(a), 183.25–5, 183.25–20 (j) and (k), 183.25–35(c)(1), 183.25–45(b)(2) and (3).

The proposals in Item V as revised are accepted and are set forth in this document. The amendments which were not described in the FEDERAL REGISTER of February 18, 1960 (25 F.R. 1442–1444), are considered to be interpretations of law, or editorial amendments and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes. Many of the regulations have been renumbered. For convenience comparison tables have been prepared showing the old section numbers and the new section numbers, and the sections assigned with asterisks indicate the text was revised or amended by this revision. These tables appear following the last section of regulations.

This revision to the "Small Passenger Vessel Regulations" is based on the experience gained from the inspection and certification of more than 4,000 small passenger vessels since Public Law 84–519 became effective on June 1, 1958. The primary aims in making the changes have been (1) the simplification and clarification of the regulations, (2) the incorporation of procedures and standards that have proved satisfactory for existing vessels, and (3) the rejection of procedures and standards that have proved impracticable or unnecessary for small passenger vessels. The changes are expected to enable the small boat owner to more easily determine the requirements applicable to his particular vessel.

It should be noted that the regulation changes will, for the most part, only affect new vessels and will not impose additional requirements on vessels which have already been approved and certificated by the Coast Guard. One exception to this is the change which provides that "on or before July 1, 1963, all kapok and fibrous glass life preservers which do not have plastic-covered pad inserts shall be removed from service." This requirement will affect all existing small passenger vessels as well as new vessels.

Navigation and Vessel Inspection Circular No. 4–57, dated October 1, 1957, sets forth in detail the application of the then effective "Small Passenger Vessel Regulations" to vessels in existence as passenger vessels before June 1, 1958. With this current revision of the regulations and since practically all of the existing vessels have already been inspected and certificated, Navigation and Vessel Inspection Circular No. 4–57 will be cancelled. The inspection procedures and standards for these existing vessels will, however, remain essentially the same as before.

A vast majority of vessels inspected under this subchapter carry less than 150 passengers. For these vessels particularly, the plans required to be submitted for approval have been reduced, and procedures modified to facilitate action on these plans by the Officer in Charge, Marine Inspection.

The complete rewrite of Part 178 (Watertight Integrity and Subdivision) and Part 179 (Stability) provides a simplified and less costly procedure for determining subdivision and stability for most vessels requiring such determination. The simplified stability test is similar to that used and proved satisfactory in determining the stability of existing small passenger vessels.

In addition to the substantive changes which appear in the Merchant Marine Council Public Hearing Agenda (CG–249), other changes have been made as described in the introduction to Item V of the Agenda. These additional changes are in the interest of simplification and clarification of the regulations and to rearrange the existing and newly adopted regulations. To this end, informative material has been added and cross-references, both within these regulations and to regulations contained in other subchapters of this chapter, have been eliminated where possible. The removal of cross references has necessarily resulted in a greater amount of material in the regulations. Examples of material added to remove cross-references are the regulations in Subpart 182.20 with regard to diesel engine installations and in Subpart 183.10 with regard to electrical installations operating at potentials of 50 volts or more.

The licensing requirements for operators and ocean operators under 46 CFR Part 187 do not contain any requirements that have not been previously published. However, the current provisions are included in this document in order that the revision of Subchapter T will be complete.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167–20, dated June 18, 1956 (21 F.R. 4894), to promulgate regulations in accordance with section 3 of the Act of May 10, 1956, Parts 175 to 187, inclusive, are revised to read as set forth below. This revision of Parts 175 to 187, inclusive, shall become effective on and after November 1, 1960, unless it is specifically provided otherwise in the text of the regulations.

PART 175—GENERAL PROVISIONS

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Sec.

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175.25–1 By Officer in Charge, Marine Inspection.

Subpart 175.30—Appeals

175.30–1 Right of appeal.

AUTHORITY: §§ 175.01–1 to 175.30–1 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 175.01—Authority

§ 175.01–1 General.

(a) By virtue of the authority vested in the Commandant of the Coast Guard by the Secretary of the Treasury in Treasury Department Order , 167–20, dated June 18, 1956 (21 F.R. 4894), the regulations in this subchapter are prescribed to carry out the intent and purposes of the Act of May 10, 1956 (70 Stat. 151–154; 46 U.S.C. 390b), which requires the inspection and certification of certain vessels carrying passengers.

(b) Where other laws are applicable to vessels inspected under this subchapter, appropriate references following certain regulations are made to show that such regulations interpret or apply such laws.

Subpart 175.05—Application

§ 175.05–1 Vessels subject to the requirements of this subchapter.

(a) The general overall application of the regulations in this subchapter to small passenger vessels, and the application of other vessel inspection regulations are tabulated in Table 175.05–1(a). Specifically, this subchapter shall be applicable to vessels not more than 65 feet in length carrying more than 6 passengers, which are (1) propelled in whole or in part by steam or any form of mechanical or electrical power; (2) propelled by sail; or (3) non-self-propelled. The regulations in this subchapter are applicable to all such United States flag vessels and all such foreign flag vessels carrying more than 6 passengers from a port of the United States, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea, 1948, and which has on board a current, valid safety certificate.

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.

(3) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(4) Any vessel while laid up and dismantled and out of commission.

(5) With the exception of vessels of the United States Maritime Administration, any vessel with title vested in the United States and which is used for public purposes and operated by a department or agency of the Federal Government.

(6) Any lifeboat forming part of a vessel's lifesaving equipment.

(b) Any vessel of not more than 65 feet in length and of 100 gross tons and over shall comply with the provisions of this subchapter and shall be subject to certain additional requirements as determined by the Officer in Charge, Marine Inspection. These additional requirements are contained in applicable regulations in Subchapter H (Passenger Vessels), Subchapter P (Manning), Subchapter F (Marine Engineering), and Subchapter J (Electrical Engineering) of this chapter.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4462, as amended, 4463, as amended; 46 U.S.C. 375, 391, 392, 404, 416, 222)

(c) Nothing in the regulations in this subchapter shall be construed as exempting any mechanically propelled vessel, other than a yacht, which carries more than 12 passengers on an international voyage from the applicable requirements of the International Convention for Safety of Life at Sea, 1948.

(E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

(d) Any vessel which carries inflammable or combustible liquid cargo, or explosives, or other dangerous articles or substances is subject to additional requirements provided in other laws and regulations. Any Officer in Charge, Marine Inspection, may be contacted for information concerning these additional requirements.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 391a, 416, 170)

(e) Any mechanically propelled vessel inspected and certificated under the provisions of this subchapter, which is of above 15 gross tons and carries freight for hire, is subject to additional requirements provided in other laws and regulations. Any Officer in Charge, Marine Inspection, may be contacted for information concerning these additional requirements.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended; 46 U.S.C. 375, 404, 416)

§ 175.05–5 Specific application noted in text.

(a) At the beginning of the various parts, subparts and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date.

(b) As used in this subchapter the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

§ 175.05–15 Gross tonnage as a criterion for requirements.

(a) The regulations in this subchapter, as well as referenced requirements in other subchapters in this chapter, take into account the passenger vessel's size, construction, and equipment, as well as its intended service on the routes or waters on which it is desired to be operated or navigated, which are indications of the hazards to which such vessel may be subjected. The Commandant's determinations in this respect for a particular passenger vessel are stipulated in a certificate of inspection, which states certain terms and conditions governing such vessel when in operation.

(b) In applying the laws and regulations to passenger vessels, one criterion for invocation of safety standards is the description of passenger vessels by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular passenger vessel, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the passenger vessel regulations for a vessel of such physical size, the Commandant shall prescribe the regulations to be made applicable to such vessel.

(c) When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such passenger vessel, and before being permitted to operate such vessel, compliance therewith shall be required. Endorsements or notations on the passenger vessel's certificate of inspection may be made as appropriate.

TABLE 175.05–1(a)

Method of propulsion	Size or other limitations [1]	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations [1]			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under either Subchapter H—Passenger Vessels [2 3 4] or Subchapter T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [2 6 8]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels not over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	All tugboats and towboats.	All vessels except those covered by columns 3, 4, and 5.[9]
	Vessels over 65 feet in length.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels of not over 15 gross tons which carry more than 6 passengers.[7] 3. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. c. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by columns 3 and 4.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[9]	All vessels except those covered by columns 3, 4, and 5.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All vessels not over 65 feet in length which carry more than 6 passengers.[7] 3. All other vessels of over 65 feet in length carrying passengers for hire except documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by columns 3 and 4.	All vessels except those covered by columns 3, 4, and 5.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[9]	1. All vessels carrying more than 12 passengers on an international voyage, except yachts. 2. All other vessels carrying passengers, except: a. Yachts. b. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by columns 3 and 4, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by columns 3, 4, and 5.
Sail	Vessels not over 700 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[9]	None.
	Vessels over 700 gross tons	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	None, except if required by 46 CFR Part 146.[9]	None.
Non-self-propelled	Vessels not over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 6 passengers.[7]	None, except if required by 46 CFR Part 146.[9]	All barges carrying passengers except those covered by column 4.
	Vessels over 100 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying passengers for hire.	All seagoing barges, and inland barges when required by 46 CFR Part 146,[9] except those covered by columns 3 and 4.	All barges carrying passengers except those covered by column 4.

[1] Where length is used in this table it means the length measured from end to end over the deck, excluding sheer.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), and N (Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this chapter may also be applicable under certain conditions.

[3] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U.S.C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels over 65 feet in length. Subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of not over 65 feet in length.

[5] Any vessel subject to R.S. 4472, as amended (46 U.S.C. 170), shall be inspected and certificated as a condition precedent to being permitted to carry such bulk cargoes when so specifically required by 46 CFR Part 146.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for the Safety of Life at Sea, 1948.

[7] The meaning of the term "passenger" is as defined in the Act of May 10, 1956 (sec. 1, 70 Stat. 151; 46 U.S.C. 390).

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Vessels covered by Subchapters H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of inflammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the inflammable or combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416)

Subpart 175.10—Definitions of Terms Used in This Subchapter

§ 175.10–1 Approved.

This term means approved by the Commandant unless otherwise stated.

§ 175.10–2 Approved type.

(a) Where equipment in this subchapter is required to be of an "approved type," such equipment must be of a type which has been specifically approved by the Commandant.

(b) Notifications regarding approvals are published in the FEDERAL REGISTER. In addition, approved types of equipment are listed in Coast Guard publication CG–190, "Equipment Lists," which is available at the Marine Inspection Office of any Officer in Charge, Marine Inspection.

§ 175.10–3 Coastwise.

(a) This term shall be used to describe a route which is not more than 20 nautical miles offshore on any of the following waters:

(1) Any ocean;
(2) The Gulf of Mexico;
(3) The Caribbean Sea;
(4) The Gulf of Alaska; and,
(5) Such other similar waters as may be designated by a Coast Guard District Commander.

§ 175.10–5 Commandant.

This term means the Commandant of the Coast Guard.

§ 175.10–7 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district which include the enforcement and administration of title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and rules and regulations thereunder.

§ 175.10–9 Ferry.

Under this designation shall be included those vessels, in other than ocean or coastwise service, having provisions only for deck passengers and/or vehicles, operating on a short run on a frequent schedule between two points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.

§ 175.10–11 Great Lakes.

This term shall be used to describe a route on the waters of any of the Great Lakes.

§ 175.10–13 Headquarters.

This term means the Office of the Commandant, United States Coast Guard, Washington, D.C.

§ 175.10–17 Lakes, bays, and sounds.

(a) This term shall be used to describe a route on any of the following waters:

(1) Any lake other than the Great Lakes;
(2) Any bay;
(3) Any sound; and,
(4) Such other similar waters as may be designated by a Coast Guard District Commander.

§ 175.10–19 Length.

In determining length for the purpose of this chapter it shall be measured from end to end over the deck excluding sheer.

§ 175.10–21 Marine inspector or inspector.

This term means any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, designated for the performance of duties with respect to the enforcement and administration of title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto, rules and regulations thereunder.

§ 175.10–23 Non-self-propelled vessel.

Under this designation shall be included all vessels which do not have installed either propulsive machinery or masts, spars and sails.

§ 175.10–25 Ocean.

(a) This term shall be used to describe a route which is more than 20 nautical miles offshore on any of the following waters:

(1) Any ocean;
(2) The Gulf of Mexico;
(3) The Caribbean Sea;
(4) The Gulf of Alaska; and,
(5) Such other similar waters as may be designated by a Coast Guard District Commander.

§ 175.10–26 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 175.10–27 Passenger.

A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. The following special considerations should be noted:

(a) In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

(b) For vessels subject to the provisions of the Act of May 10, 1956, the term passenger means every person carried on board a vessel other than:

(1) The owner or his representative;
(2) The master and the bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services;
(3) Any employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a bareboat charter;
(4) Any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;
(5) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly, for his carriage; or
(6) Any person on board a vessel documented and used for tugboat or towboat service of fifty gross tons or more who has not contributed any consideration, directly or indirectly, for his carriage.

§ 175.10–29 Pilothouse control.

This term means that the operator of the vessel may start and stop the engines and control the direction and speed of the propeller from the principal station from which the vessel is steered.

§ 175.10–31 Recognized classification society.

This term means any organization of nationwide scope, such as the American Bureau of Shipping or Lloyd's Register of Shipping, with standards of construction or equipage which have been accepted and/or approved by the Commandant.

§ 175.10–33 Rivers.

(a) This term shall be used to describe a route on any of the following waters:

(1) Any river;
(2) Any canal; and,
(3) Such other similar waters as may be designated by a Coast Guard District Commander.

§ 175.10–35 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).
(2) Rules of the Road—Great Lakes (CG–172).
(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from the Marine Inspection Office of any Officer in Charge, Marine Inspection.

§ 175.10–36 Sailing vessel.

This term means a vessel with no mechanical means of propulsion, all propulsive power being provided by sails.

§ 175.10–37 Vessel.

Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels subject to the requirements of this subchapter as described in Subpart 175.05 of this part.

Subpart 175.15—Equivalents

§ 175.15–1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangement shall be at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 175.20—Administrative Procedure

§ 175.20–1 Assignment of marine inspector.

(a) Upon receipt of a written application for inspection, the Officer in Charge, Marine Inspection, will assign a marine inspector to inspect the vessel. This inspection will be made at a mutually agreed to time and place.

(b) The owner or someone representing the owner shall be present during the inspection.

§ 175.20–5 Notice of deficiencies and requirements.

(a) If during the inspection of a vessel, the vessel or its equipment is found not to conform to the requirements of law or the regulations in this subchapter, the marine inspector will point out all deficiencies and will discuss all requirements with the owner or his representative. Normally, the marine inspector will list all such requirements which have not been completed and present the list to the owner or his representative.

(b) In any case where the owner of a vessel or his representative desires further clarification of, or reconsideration of any requirement placed against his vessel, he may discuss the matter with the Officer in Charge, Marine Inspection.

Subpart 175.25—Special Consideration

§ 175.25–1 By Officer in Charge, Marine Inspection.

(a) In applying the provisions of Parts 177, 178, 180, 181, 182, 183, and 184 of this subchapter, the Officer in Charge, Marine Inspection, may give special consideration to departures from the specific requirements when special circumstances or arrangements warrant such departures.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 375, 391, 392, 404, 416, 481, 489)

Subpart 175.30—Appeals

§ 175.30–1 Right of appeal.

(a) Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action, he may appeal therefrom to the Coast Guard District Commander having jurisdiction and a like appeal shall be allowed from any decision or action of the Coast Guard District Commander to the Commandant, whose decision shall be final: *Provided, however*, That application for such reexamination of the case by a Coast Guard District Commander or by the Commandant shall be made within 30 days after the decision or action appealed from shall have been rendered or taken.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 176—INSPECTION AND CERTIFICATION

Subpart 176.01—Certificate of Inspection

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Subpart 176.30—Limitations of Inspections

176.30–1 Marine inspector not limited.

Subpart 176.35—International Convention for Safety of Life at Sea, 1948

176.35–1 Vessels subject to requirements.
176.35–5 International voyage.
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AUTHORITY: §§ 176.01–1 to 176.35–10 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 176.01—Certificate of Inspection

§ 176.01–1 When required.

(a) Except as noted in this section, every vessel subject to inspection and certification shall, when carrying more than six passengers, have on board a valid certificate of inspection, Form CG–3753, and shall be operated in compliance therewith.

(b) Every mechanically propelled vessel of above 15 gross tons inspected and certificated under the provisions of this subchapter shall, during the tenure of the certificate, be in full compliance with the terms of the certificate when carrying freight for hire. Any other vessel certificated under the provisions of this subchapter when carrying not more than 6 passengers, and when operating as a yacht, commercial fishing vessel, cargo carrier, etc., will be subject only to the laws, rules and regulations governing the type of operation in which it engages.

(R.S. 4405, as amended, 4421, as amended, 4426, as amended, 4462, as amended, 4463, as amended, 4464, as amended, sec. 26, 41 Stat. 998, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 399, 404, 416, 222, 451, 882, 526p)

(c) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG–854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

§ 176.01–5 Description.

(a) The certificate of inspection issued to a vessel will describe the vessel, the route which she may travel, the minimum manning requirements, the major lifesaving equipment carried, the minimum fire extinguishing equipment and life preservers required to be carried, the maximum number of passengers and the maximum number of persons which may be carried, the name of the owner and charterer, and such conditions of operations as may be determinated by the Officer in Charge, Marine Inspection.

(R.S. 4405, as amended, 4421, as amended, 4426, as amended, 4462, as amended, 4463, as amended, 4464, as amended, 4488, as amended, sec. 26, 41 Stat. 998, as amended; 46 U.S.C. 375, 399, 404, 416, 222, 451, 481, 882)

§ 176.01–10 How to obtain or renew.

(a) The certificate of inspection shall be obtained or renewed by making application for inspection on Form CG–3752, Application for Inspection of Small Passenger Vessel, to the Coast Guard Marine Inspection Office located in, or nearest the port at which the inspection is to be made. The application forms are available at any local Coast Guard Marine Inspection Office.

(b) The application for initial inspection of a vessel being newly constructed or converted shall be submitted prior to the start of such construction or conversion. Information and requirements on plans are in Subpart 177.05 of this subchapter.

(c) The construction, arrangement and equipment of all vessels shall be acceptable to the cognizant Officer in Charge, Marine Inspection, as a prerequisite of the issuance of the initial certificate of inspection. Such acceptance will be based on the information, specifications, drawings and calculations available to the Officer in Charge, Ma-

rine Inspection, and on the successful completion of an initial inspection for certification.

(d) Certificates of inspection will be renewed by the issuance of new certificates of inspection. Such renewal will normally be made triennially upon expiration of the old certificate of inspection but may be made at any time within the three years upon proper application.

(e) The condition of the vessel and its equipment shall be acceptable to the cognizant Officer in Charge, Marine Inspections, as a prerequisite of the certificate of inspection renewal. Such acceptance will be based on the condition as found at the periodic inspection for certification.

§ 176.01–15 Period of validity.

(a) A certificate of inspection will be issued for a period of three years, and will remain valid for such period unless renewed, revoked, suspended or surrendered.

(b) A certificate of inspection may be revoked, or suspended and withdrawn by the Officer in Charge, Marine Inspection, at any time for non-compliance with the provisions of this subchapter or requirements established thereunder.

§ 176.01–20 Routes permitted.

(a) The area of operation permitted each vessel shall be as designated by the Officer in Charge, Marine Inspection. Such area of operation shall be described on the certificate of inspection under the major headings "ocean," "coastwise," "Great Lakes," "lakes, bays, and sounds," or "rivers," as applicable. Further limitations imposed or extensions granted shall be described by reference to bodies of waters, geographical points, distance from geographical points, distances from land, depths of channel, seasonal limitations, etc.

(b) Operation of vessels on routes of lesser severity than those specifically described or designated on the certificate of inspection will be permitted. The general order of severity is considered to be ocean; coastwise; Great Lakes; lakes, bays, and sounds; and rivers. Differences in local conditions of operation, as referred to in paragraph (a) of this section, may need to be taken into account.

(c) Non-self-propelled vessels shall, in general, be limited to routes other than "ocean" or "coastwise."

§ 176.01–25 Passengers permitted.

(a) The maximum number of passengers permitted to be carried on a vessel shall be as determined by the Officer in Charge, Marine Inspection, having jurisdiction and shall be stated on the vessel's certificate of inspection.

(R.S. 4405, as amended, 4421, as amended, 4426, as amended, 4462, as amended, 4463, as amended, 4464, as amended, 4488, as amended, sec. 26, 41 Stat. 998, as amended; 46 U.S.C. 375, 399, 404, 416, 222, 451, 481, 882)

(b) The maximum number of passengers permitted on any vessel of reasonable design and proportions may be determined by length of rail criteria, deck area criteria, or fixed seating criteria, whichever permits the greatest number. Where seats are provided in one passenger space and are not provided in other passenger spaces, the number of passengers permitted may be the sum of the number permitted by the seating criteria for the space having seats and the number permitted by the area criteria for the space having no seats. For vessels operating on short runs on protected waters such as ferry vessels, the Officer in Charge, Marine Inspection may give special consideration to increases in passenger allowances.

(1) *Length of rail criteria.* One passenger may be permitted for each 30 inches of rail space available to the passengers at the vessel's sides and across the transom.

(2) *Deck area criteria.* One passenger may be permitted for each 10 square feet of deck area available for the passengers' use. In computing such deck area, the areas occupied by the following shall be excluded:

(i) Concession stands.

(ii) Toilets and washrooms.

(iii) Companionways, stairways, etc.

(iv) Spaces occupied by and necessary for handling lifesaving equipment.

(v) Spaces below deck which are unsuitable for passengers and which would not normally be used by passengers.

(vi) Interior passageways less than 30 inches wide and passageways on the open deck less than 18 inches wide.

(3) *Fixed seating criteria.* One passenger may be permitted for each 18 inches of width of fixed seating provided. Regulations covering the installation of fixed seating are contained in § 177.30–1 (c) of this subchapter.

(c) Notwithstanding the number of passengers permitted by any of the criteria described in paragraph (b) of this section, the maximum number may be further limited by stability or subdivision considerations.

§ 176.01–30 Permit to carry excursion party.

(a) A vessel may be permitted to engage in a temporary excusion operation with a greater number of passengers and/or on a more extended route than permitted by its certificate of inspection when in the opinion of the Officer in Charge, Marine Inspection, the operation can be undertaken with safety. A "Permit To Carry Excursion Party," Form CG–949, shall be a prerequisite of such an operation.

(b) Any Officer in Charge, Marine Inspection, having jurisdiction may issue a permit to carry excursion party upon the written application of the operator, owner or agent of the vessel.

(c) An inspection either general or partial, depending upon the circumstances, may be made prior to the issuance of a permit to carry excursion party.

(d) The permit will state upon its face the conditions under which it is issued, the number of passengers the vessel may carry, the crew required, any additional lifesaving or safety equipment which will be required, the route for which the permit is granted, and the dates on which the permit will be valid.

(e) The permit when used shall be carried with the certificate of inspection. Any vessel to which a permit to carry excursion party has been issued shall, during the tenure of the permit, be in full compliance with the terms of its certificate of inspection as supplemented by such permit.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4466, as amended, 4488, as amended; 46 U.S.C. 375, 404, 416, 453, 481)

§ 176.01–35 Certificate of inspection amendment.

(a) A certificate amending a valid certificate of inspection may be issued at any time by any Officer in Charge, Marine Inspection, having jurisdiction over the vessel. The "Certificate of Inspection Amendment," Form CG–858, may be issued to authorize and record a change in the character of a vessel or in her route, equipment, etc., as specified in her certificate of inspection previously issued and currently valid.

(b) Request for a certificate of inspection amendment may be made to the Officer in Charge, Marine Inspection, having jurisdiction, by the operator, owner, or agent of the vessel.

(c) An inspection, either general or partial depending on the circumstances, may be made prior to the issuance of a certificate of inspection amendment.

(d) A certificate of inspection amendment, when issued, shall become a part of the certificate which it amends, and shall be carried with the certificate of inspection.

(R.S. 4405, as amended, 4421, as amended, 4426, as amended, 4462, as amended; 46 U.S.C. 375, 399, 404, 416)

§ 176.01–40 Posting.

(a) The certificate of inspection shall, in general, be framed under glass or other transparent material and posted in a conspicuous place. When the framing of the certificate would be impracticable, the certificate of inspection shall be kept on board to be shown on demand.

(R.S. 4423, as amended; 46 U.S.C. 400)

Subpart 176.05—Inspection for Certification

§ 176.05–1 General.

(a) An inspection for certification is a prerequisite of the issuance of a certificate of inspection. Such inspection will be made only upon the written application of the operator, owner or agent on Form CG–3752 to the Officer in Charge, Marine Inspection, having jurisdiction.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4462, as amended; 46 U.S.C. 375, 391, 392, 404, 416)

§ 176.05–5 Initial inspection for certification.

(a) The initial inspection shall include an inspection of the structure, machinery and equipment, including the outside of the vessel's bottom.

(b) In the case of a vessel being newly constructed or converted, the initial inspection may consist of a series of inspections during the construction or conversion.

(c) The inspection shall be such as to insure that the arrangement, materials and scantlings of the structure, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire extinguishing equipment and all other equipment comply with the regulations in this subchapter to the extent they are applicable to the vessel being inspected, and are in accordance with such approved plans as may be required by Subpart 177.05 of this subchapter. The inspection shall also be such as to insure that the materials, workmanship and condition of all parts of the vessel and its machinery and equipment are in all respects satisfactory for the service intended.

§ 176.05–10 Subsequent inspections for certification.

(a) An inspection for renewal of a certificate of inspection shall include an inspection of the structure, machinery and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire extinguishing equipment and other equipment, is in satisfactory condition and fit for the service for which it is intended and that it complies with the regulations in this subchapter to the extent that such regulations are applicable to the vessel being inspected.

Subpart 176.10—Reinspection

§ 176.10–1 When made.

(a) At least two reinspections shall be made on each vessel within each triennial inspection period. When possible these reinspections will be made at approximately equal intervals between triennial inspections for certification, but may be made at such other times as may be required by the Officer in Charge, Marine Inspection.

(R.S. 4405, as amended, 4426, as amended, 4453, as amended, 4462, as amended; 46 U.S.C. 375, 404, 435, 416)

§ 176.10–5 Scope.

(a) In general, the scope of the reinspection shall be the same as for the triennial inspection for certification, but will be in less detail unless it is determined that a major change has occurred since the last inspection for certification.

(b) The marine inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that they are in a satisfactory condition.

Subpart 176.15—Drydocking or Hauling Out

§ 176.15–1 When required.

(a) All vessels shall be drydocked or hauled out and made available for examination, and shall be examined by a marine inspector within the periods set forth in this paragraph, depending on the service.

(1) Each vessel shall be drydocked or hauled out at intervals not to exceed 18 months if it operated in salt water a total of more than 9 months in the 18-month period since it was last drydocked or hauled out.

(2) Each vessel shall be drydocked or hauled out at intervals not to exceed 36 months if it operated in salt water a total of 6 months or less in each 12-month period since it was last drydocked or hauled out. When a vessel exceeds this total amount of service in salt water in any 12-month period since it was last drydocked or hauled out, it shall be drydocked or hauled out within 6 months after the end of that period or within the 36-month interval, whichever is earlier.

(3) Each vessel shall be drydocked or hauled out at intervals not to exceed 60 months if it operates exclusively in fresh water.

(b) Whenever a vessel is drydocked or hauled out in excess of the requirements of this section, an examination may be made by a marine inspector.

§ 176.15–5 Scope of drydock examination.

(a) A periodic examination made in accordance with the requirements of this subpart shall include the underwater hull and appendages, propellers, shafting, stern bearings, rudders, through-hull fittings, sea valves and strainers, and shall be of sufficient scope to determine that these items are in a satisfactory condition for the service intended.

(1) Any part or all of the propeller shafting may be required to be drawn for examination of the shafting and stern bearing.

(2) Sea chests, sea valves, and sea strainers may be required to be opened for internal examination.

(b) Drydock examinations in excess of the periodic examinations required by this subpart may be of the same scope as a periodic examination or may be a partial examination depending on the circumstances.

§ 176.15–10 Notice.

(a) Whenever any vessel is to be drydocked or hauled out in compliance with § 176.15–1, or to carry out major repairs or alterations affecting the safety or seaworthiness of the vessel, it shall be the duty of the person in charge of the vessel, the owner, or the agent to report the same, together with the nature of any repairs or alterations contemplated, as far in advance as practicable to the Officer in Charge, Marine Inspection, in order that an examination may be made by a marine inspector. Such notification may be made verbally at the Marine Inspection Office of the Officer in Charge, Marine Inspection, having jurisdiction, or it may be made by telephone, telegraph, letter or similar means of communication.

(b) Whenever a vessel is drydocked or hauled out, in excess of the requirements of this subpart, for the purpose of minor repairs, such as changing a propeller, painting or cleaning the hull, no report need be made to the Officer in Charge, Marine Inspection.

Subpart 176.20—Repairs and Alterations

§ 176.20–1 Permission required.

(a) No major repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the knowledge and approval of the Officer in Charge, Marine Inspection.

(b) Proposed alterations shall be approved by the Officer in Charge, Marine Inspection, before work is started. Drawings, sketches or written specifications describing the alterations in detail may be required by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs or replacements in kind.

§ 176.20–5 Inspection required.

(a) An inspection, either general or partial, depending upon the circumstances, may be made whenever any major repairs or alterations are undertaken.

Subpart 176.25—Materiel Inspections

§ 176.25–1 Inspection standards.

(a) Vessels shall be inspected for compliance with the standards required by this subchapter. For items not covered by standards in this subchapter, inspection shall be in accordance with standards acceptable to the Officer in Charge, Marine Inspection, as good marine practice.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 391, 392, 404, 416, 481)

(b) In the application of inspection standards due consideration will be given to the hazards involved in the operation permitted by a vessel's certificate of inspection. Thus the standards may vary in accordance with the vessel's area of operation or any other operational restrictions or limitations.

(c) The published standards of recognized classification societies (such as the American Bureau of Shipping and Lloyd's Register of Shipping) and other recognized safety associations (such as the National Fire Protection Association) may be used as a guide in the inspection of vessels insofar as such standards do not conflict with the requirements of this subchapter.

§ 176.25–5 Hull.

(a) At each initial and subsequent inspection for certification, the marine inspector shall view the vessel afloat and shall conduct the following tests and inspections of the hull structure and its appurtenances:

(1) Examine all accessible parts of the exterior and interior of the hull, the watertight bulkheads, and weather deck. Where the internals of the vessel are completely concealed, sections of the lining or ceiling may be removed or the parts otherwise probed or exposed so that the marine inspector may satisfy himself as to the condition of the hull structure.

(2) Examine and test by operation all watertight closures in the hull, decks and bulkheads.

(3) Check the condition of the superstructure, flying bridge, masts, stacks, fishing platforms and similar arrangements constructed on the hull. In sailing vessels inspect all spars, standing rigging, running rigging, blocks, fittings, and sails.

(4) Inspect all railings and bulwarks and their attachment to the hull struc-

ture. Special attention is to be paid to insure that guards or rails are provided in all dangerous places.

(5) Examine all weathertight closures above weather deck and inspect the provisions for drainage of sea water from the exposed decks.

(R.S. 4405, as amended, 4417, as amended, 4426, as amended, 4462, as amended; 46 U.S.C. 375, 391, 404, 416)

§ 176.25–10 Machinery.

(a) At each initial and subsequent inspection for certification the marine inspector shall examine and test the following items to the extent necessary to determine that they are in proper operating condition and fit for the service for which they are intended:

(1) *Main propulsion machinery.* The marine inspector may require that the main propulsion machinery be operated both ahead and astern. The attached auxiliary machinery and cooling water system shall be checked.

(2) *Engine starting system.* Alternate methods of starting shall be checked.

(3) *Engine control mechanisms.* Such mechanisms shall be tested by operation and examined, visually, throughout their length.

(4) *Auxiliary machinery.* All machinery essential to the routine operation of the vessel shall be checked.

(5) *Fuel systems.* Tanks, tank vents and other appurtenances, piping and pipe fittings shall be checked. The fuel systems for the main propulsion engines, all auxiliaries and all other fuel systems installed shall be checked. All valves in the fuel lines shall be tested by operation locally and at remote operating positions.

(6) *Sea valves and bulkhead closure valves.* All overboard discharge and intake valves shall be checked.

(7) *Bilge and drainage systems.* The means provided for pumping bilges shall be tested by operation. All suction strainers shall be examined.

(b) At all inspections special attention shall be paid to insure that no fire hazards exist and that guards or protective devices are provided in all hazardous places.

(R.S. 4405, as amended, 4418, as amended, 4426, as amended, 4462, as amended; 46 U.S.C. 375, 392, 404, 416)

§ 176.25–15 Electrical.

(a) At each initial and subsequent inspection for certification the marine inspector shall examine and test the following items to the extent necessary to determine that they are in proper operating condition, safe electrical condition, and fit for the service for which they are intended:

(1) *Electrical cable.* The cable shall be examined as far as practicable without undue disturbance of the cable or electrical apparatus.

(2) *Overload or circuit protective devices.* Circuit breakers shall be tested by manual operation and fuses shall be examined visually. The ratings of fuses shall be checked to determine suitability for the service intended.

(3) *Rotating machinery.* Rotating electrical machinery essential to the routine operation of the vessel shall be checked.

(4) *Generators, etc.* All generators, motors, lighting fixtures and circuit interrupting devices located in spaces or areas which may contain flammable vapors shall be checked.

(5) *Storage batteries.* Batteries shall be checked for condition and security of stowage.

(6) *Fire protective devices.* Electrical apparatus which operates as part of, or in conjunction with, a fire protective device installed on board the vessel shall be tested by operation. The test shall be applied in the same manner as, or in a manner intended to simulate, the actual operation in case of fire.

(R.S. 4405, as amended, 4418, as amended, 4426, as amended, 4462, as amended; 46 U.S.C. 375, 392, 404, 416)

§ 176.25–20 Lifesaving equipment.

(a) At each initial and subsequent inspection for certification and reinspection the marine inspector shall inspect all lifesaving equipment to determine its serviceability.

(b) Life preservers, if found to be of approved type and in good condition, shall be stamped "Passed", together with the date, the port and the marine inspector's initials.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 375, 404, 416, 481, 489)

§ 176.25–25 Fire extinguishing equipment.

(a) At each initial and subsequent inspection for certification and reinspection the firefighting equipment of all vessels shall be inspected and all deficiencies found shall be corrected. The marine inspector shall conduct the following examinations and tests:

(1) The fire pump shall be tested and the fire hose shall be subjected to the available fire pump pressure.

(2) All hand portable fire extinguishers and semi-portable fire extinguishing systems shall be checked as noted in Table 176.25–25(a)(2), and in addition shall be examined for excessive corrosion and general condition.

(3) All cylinders of fixed carbon dioxide systems shall be weighed and if the weight loss exceeds 10 percent of the weight of the charge, they shall be recharged. All cylinders shall be examined externally and if excessive corrosion is found they shall be replaced.

TABLE 176.25–25(a)(2)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid, clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid [1] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid [1] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before Jan. 1, 1962.

(b) During the inspection for certification and reinspection, all or any part of the fire apparatus may be service tested.

(c) In addition to the other requirements of this section, the carbon dioxide cylinders of all portable and semi-portable extinguishers and fixed systems shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

NOTE: Section 147.04–1 of Subchapter N of this chapter includes requirements that such cylinders shall be retested and re-marked under the following conditions: (1) whenever a cylinder is recharged or for any cause removed from a vessel subsequent to 5 years from the latest test date stamped on the shoulder of the cylinder; or, (2) Whenever a cylinder remains in place on a vessel for 12 years from the latest test date stamped on the shoulder of the cylinder. Cylinders retested under any of the above conditions shall have new or renewed valve and safety relief devices of the proper design installed in the cylinder.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 375, 404, 416, 170, 481, 489)

§ 176.25–30 Pressure vessels.

(a) At each initial and subsequent inspection for certification the marine inspector shall examine and test all boilers and unfired pressure vessels to the extent necessary to determine that their condition is satisfactory and that they are fit for the service for which intended.

(R.S. 4405, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4462, as amended; 46 U.S.C. 375, 392, 404, 411)

(b) At each inspection for certification after the initial inspection, the following examinations and tests shall be held:

(1) All boilers and unfired pressure vessels shall be examined under operating conditions.

(2) The setting of safety valves or relief valves on boilers and unfired pressure vessels shall be checked.

(3) Unfired pressure vessels, which are fitted with inspection openings, shall be examined internally, except that tubular heat exchangers, hydraulic accumulators and those used in refrigeration service need not be examined internally.

(4) All unfired pressure vessels, other than those exempt by the provisions of this paragraph, shall be subjected to a hydrostatic test 1¼ times the maximum allowable pressure.

(5) The following unfired pressure vessels will not normally be subjected to a hydrostatic test:

(i) Tubular heat exchangers.

(ii) Pressure vessels used in refrigeration service.

(iii) Hydraulic accumulators.

(iv) Unfired pressure vessels which have been satisfactorily examined internally by a marine inspector and in which no defects have been found which impair the safety of the pressure vessel.

(v) Unfired pressure vessels having an internal volume of not more than 5 cubic feet and a maximum allowable pressure of not more than 100 pounds per square inch.

(vi) Compression tanks containing water under pressure, including those containing an aircushion, subject to pressures not exceeding 100 pounds per square inch and temperatures not exceeding 200 degrees F., except those fitted with permanent air charging lines.

(vii) All unfired pressure vessels having a maximum allowable working pressure not exceeding 15 pounds per square inch.

(c) Main propulsion boilers, auxiliary boilers, and unfired pressure vessels containing liquefied compressed gases or hazardous liquids, shall be given special consideration and shall be subjected to such tests and inspections as deemed necessary and specified by the Officer in Charge, Marine Inspection, to insure that they are in a safe condition. Periodic tests and examinations shall be as described in Part 61 of Subchapter F (Marine Engineering) of this chapter, except heating boilers as defined in Part 53 of Subchapter F of this chapter shall be tested or examined every three years.

§ 176.25–35 Steering apparatus.

(a) At each initial and subsequent inspection for certification and reinspection the marine inspector shall examine and test the main and auxiliary steering apparatus to the extent necessary to determine that its condition is satisfactory and that it is fit for the service intended. The main and auxiliary steering apparatus shall be tested by operation and the inspector shall examine the mechanism thereof throughout its length.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4462, as amended; 46 U.S.C. 375, 391, 392, 404, 416)

§ 176.25–40 Miscellaneous systems and equipment.

(a) At each initial and subsequent inspection for certification and reinspection the inspector shall examine and test all items in the ship's outfit, such as ground tackle, navigation lights, compass, etc., which are required to be carried by the regulations in this subchapter. Such examination and test shall be to the extent necessary to determine that the condition of the item is satisfactory and that it is fit for the service intended.

(b) Approved work vests, where carried, shall be inspected as provided in § 184.40–15 of this subchapter.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 375, 391, 392, 404, 416, 481, 489)

§ 176.25–45 Sanitary inspection.

(a) At each initial and subsequent inspection for certification and reinspection the marine inspector shall examine the passenger and crew quarters, toilet and washing spaces, galleys, serving pantries, lockers, etc., to determine that they are serviceable and in a sanitary condition.

§ 176.25–50 Unsafe practices.

(a) At each initial and subsequent inspection for certification, reinspection and at every other vessel inspection the marine inspector shall require that all observed unsafe practices and hazardous situations be corrected.

(b) At each inspection for certification and reinspection the marine inspector shall examine the bilges and other spaces to see that there is no accumulation of oil or other matter which might create a fire hazard.

Subpart 176.30—Limitations of Inspections

§ 176.30–1 Marine inspector not limited.

(a) Nothing in this part shall be construed as limiting the marine inspector from making such tests or inspections as are reasonable and practicable to be assured of the seaworthiness of the vessel.

Subpart 176.35—International Convention for Safety of Life at Sea, 1948

§ 176.35–1 Vessels subject to requirements.

(a) Except as otherwise provided in this section, all mechanically propelled vessels registered in the United States or the Commonwealth of Puerto Rico, which carry more than 12 passengers on an international voyage shall be in compliance with the applicable requirements of the International Convention for Safety of Life at Sea, 1948.

(b) The International Convention for Safety of Life at Sea, 1948, does not apply to ships solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

(E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

§ 176.35–5 International voyage.

(a) The term "international voyage" as applied under the International Convention for Safety of Life at Sea, 1948, means a voyage from a country to which the present Convention applies to a port outside such country, or conversely.

(b) Any Officer in Charge, Marine Inspection, can furnish information as to the countries to which the Convention applies. These countries include the Continental United States, Alaska, Hawaii, and the Commonwealth of Puerto Rico.

(E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

§ 176.35–10 Safety certificate.

(a) All United States flag vessels subject to the International Convention for Safety of Life at Sea, 1948, and found to be in compliance with the applicable requirements of such Convention shall be issued and keep posted a "Safety Certificate," and where applicable an "Exemption Certificate," in accordance with the requirements of Chapter I, Regulations 11 through 19, of the Convention.

(E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 177—CONSTRUCTION AND ARRANGEMENT

Subpart 177.01—Application and Intent

Sec.
177.01–1 Application.
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Subpart 177.05—Plans

177.05–1 Plans required for vessels carrying not more than 150 passengers.
177.05–3 Plans required for vessels carrying more than 150 passengers, and certain other vessels.
177.05–5 Plans for sister vessels.

Subpart 177.10—Hull Structure

177.10–1 Structural standards.
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177.35–1 Deck rails.
177.35–5 Storm rails.
177.35–10 Vessels carrying vehicles.
177.35–15 Guards in hazardous places.

AUTHORITY: §§ 177.01–1 to 177.35–15 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 177.01—Application and Intent

§ 177.01–1 Application.

(a) The provisions of this part shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this part insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 177.01–5 Intent.

(a) The intent of this part is to insure that the scantlings, material, fastenings, workmanship and arrangement of each vessel are such as to provide for safe operation in accordance with the terms of its certificate of inspection. Primary consideration shall be given to the provision of a seaworthy hull, protection against fire, means of escape in case of sudden unexpected casualty, guards and rails in hazardous places, ventilation of closed spaces, and necessary facilities for passengers and crew.

Subpart 177.05—Plans

§ 177.05–1 Plans required for vessels carrying not more than 150 passengers.

(a) Except as otherwise provided in paragraphs (c) and (d) of this section and § 177.05–5, the owner or builder shall, prior to the start of construction if practicable, or in any case prior to the initial inspection of the vessel, submit for approval by the Officer in Charge, Marine Inspection, of the inspection zone where the vessel is to be inspected, at least one copy of each of the following plans:

(1) Midship section.
(2) Outboard profile.
(3) Inboard profile.
(4) Arrangement of decks.
(5) Machinery installation.
(6) Electrical installation.
(7) Fuel tanks.
(8) Piping systems.
(9) Hull penetrations and shell connections.

(b) Additional prints of the required plans may, at the owner's option, be submitted for approval. Such additional copies will be stamped and returned for the owner's records.

(c) The Officer in Charge, Marine Inspection, may accept specifications, sketches, photographs, line drawings or written descriptions in lieu of any or all of the required drawings provided the required information is adequately detailed thereon.

(d) The Officer in Charge, Marine Inspection, need not require some or all of the plans called for by paragraph (a) of this section if, to his own knowledge, the design and construction of the vessel are of a type which has a proven record of safe operation in similar service upon similar waters.

§ 177.05–3 Plans required for vessels carrying more than 150 passengers, and certain other vessels.

(a) The owner or builder shall, prior to the start of construction if practicable, or in any case prior to the initial inspection of the vessel, submit for approval to the Officer in Charge, Marine Inspection, of the inspection zone where the vessel is to be inspected, at least two copies of each of the plans listed in § 177.05–1(a). Prior to the initial certification, the owner or builder shall submit for approval by the Commandant two copies of each of the following plans:

(1) Lines and offsets.
(2) Curves of form.
(3) Capacities of the tanks, including sizes and locations in vessel.

(b) Additional calculations and data shall be submitted as required by §§ 178.–20–5(a) and 179.10–5(a) of this subchapter.

(c) If a vessel carrying not more than 150 passengers for any reason is required or elects to have a stability test according to the standards and procedures set forth in Subchapter H; the additional plans listed in paragraph (a) of this section shall be submitted together with the calculations and data required by § 179.10–5(a) of this subchapter.

(d) If a vessel carrying not more than 150 passengers for any reason is required or elects to meet one compartment subdivision and damage stability requirements calculated in accordance with Subchapter H (Passenger Vessels) of this chapter, the additional plans listed in paragraph (a) of this section shall be submitted together with the calculations and data required by § 178.20–5(a) of this subchapter.

(e) Where internal buoyancy is installed in accordance with § 178.10–1(b) of this subchapter, the plans and calculations demonstrating compliance with such paragraph shall be submitted for approval.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, sec. 5, 49 Stat. 1384, as amended; 46 U.S.C. 369, 375, 404, 416, 481)

§ 177.05–5 Plans for sister vessels.

(a) Plans will not be required for any vessel which is a sister ship to a vessel, the approved plans for which are already on file at any Marine Inspection Office: *Provided*, That the owner of the plans authorizes their use for the new construction.

Subpart 177.10—Hull Structure

§ 177.10–1 Structural standards.

(a) In general, compliance with the standards established by a recognized classification society[1] will be considered satisfactory evidence of the structural adequacy of a vessel. When scantlings differ from such standards and it can be demonstrated that craft approximating the same size, power and displacement have been built to such scantlings and have been in satisfactory service insofar as structural adequacy is concerned for a period of at least 5 years, such scantlings may be approved. A detailed structural analysis may be required for specialized types or integral parts thereof.

[1] Lloyds' "Rules for the Construction and Classification of Composite and Steel Yachts" and Lloyds' "Rules for the Construction and Classification of Wood Yachts" are acceptable for this purpose.

(b) Special consideration will be given to:

(1) The structural requirements of vessels not contemplated by the standards of a recognized classification society; or,

(2) The use of materials not specifically included in these standards.

§ 177.10–5 Fire protection.

(a) The general construction of the vessel shall be such as to minimize fire hazards insofar as reasonable and practicable. Vessels of 100 gross tons and over shall meet the requirements of Subpart 72.05 of subchapter H (Passenger Vessels) of this chapter. The application of these requirements to specific vessels shall be as determined by the Officer in Charge, Marine Inspection.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, sec. 5, 49 Stat. 1384, as amended; 46 U.S.C. 375, 404, 416, 481, 369)

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

(c) Lamp, paint, and oil lockers and similar compartments shall be constructed of metal or lined with metal.

Subpart 177.15—Means of Escape

§ 177.15–1 Requirements.

(a) Except as otherwise provided in this section, all vessels shall be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed, so located that if one is not available the other may be. At least one of the avenues of escape shall be independent of watertight doors. Windows and windshields of sufficient size and proper accessibility may be used as one avenue of escape.

(b) Where the length of the compartment is less than 12 feet, one vertical means of escape will be acceptable under the following conditions:

(1) There is no source of fire in the space, such as galley stove, heater, etc., and the vertical escape is remote from the engine or fuel tank space; or,

(2) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those on board.

Subpart 177.20—Ventilation (Other Than Machinery Spaces)

§ 177.20–1 Ventilation for closed spaces.

(a) All enclosed spaces within the vessel shall be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means shall be provided to close them.

§ 177.20–5 Ventilation for crew quarters and passenger spaces.

(a) All crew and passenger spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

Subpart 177.25—Crew Accommodations

§ 177.25–1 Where required.

(a) All vessels with crew members living on board shall be provided with crew accommodations of sufficient size, adequate construction, and with suitable equipment to provide for the protection and accommodation of the crew in a manner practicable for the size, facilities, and service of the vessel.

Subpart 177.30—Passenger Accommodations

§ 177.30–1 Seating.

(a) Seating accommodations for passengers are required to be provided only when the maximum number of passengers permitted has been determined by using the fixed seating criteria in § 176.01–25(b) of this subchapter.

(b) Where fixed seats are installed, the seat spacing shall be such as to provide for ready escape in case of fire or other casualty.

(c) Fixed seats shall be installed as follows, except that special consideration may be given in cases where it can be shown that escape over the side can be made readily through windows or other openings in the way of seats:

(1) Aisles not over 15 feet long shall be not less than 24 inches wide.

(2) Aisles over 15 feet long shall be not less than 30 inches wide.

(3) Where the seats are in rows the distance from seat front to seat front shall be not less than 30 inches.

(d) In general, portable or temporary seats shall be arranged as specified for fixed seating.

§ 177.30–5 Toilet facilities.

(a) Vessels shall be provided with toilets and wash basins in accordance with Table 177.30–5(a) except that vessels operating on short runs of approximately 30 minutes or less need not be fitted with toilets or wash basins.

TABLE 177.30–5(a)

Number of passengers	Toilets	Wash basins
49 and less	1	0.
Over 49 (Men and women)	1 for men; 4 for women	1 for men. 1 for women.
Over 49 (Men only)	2	1.

(b) All toilets and wash basins provided shall be fitted with adequate plumbing. Facilities for men and women shall be in separate compartments.

Subpart 177.35—Rails and Guards

§ 177.35–1 Deck rails.

(a) Except as otherwise provided in this section, rails or equivalent protection shall be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical such as at narrow catwalks in way of deckhouse sides, hand grabs may be substituted.

(b) Rails shall consist of evenly spaced courses and the spacing between courses shall be not greater than 12 inches. The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh, or the equivalent.

(c) On passenger decks of vessels engaged in a ferry or excursion type operation, rails shall be at least 42 inches high. The space below the rail shall be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On sport fishing vessels where it can be shown that higher rails would interfere with the normal operation of the vessel, rails of at least 30 inches height may be permitted.

(e) Where the principal business of the vessel requires the discharge of personnel in a seaway, the peripheral rails may be wholly or partially omitted or reduced in height to not less than 30 inches. When such rails are omitted, center rails or other suitable hand holds shall be substituted therefor.

(f) All rails other than those noted in the preceding paragraphs, shall be at least 36 inches high.

(g) Sailing vessels, small vessels of the open launch type, and other vessels not specifically covered elsewhere in this section shall have such rails or equivalent protection as considered necessary by the Officer in Charge, Marine Inspection.

§ 177.35–5 Storm rails.

(a) Suitable storm rails or hand grabs shall be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

§ 177.35–10 Vessels carrying vehicles.

(a) On vessels carrying vehicles, suitable chains, cable, or other barriers shall be installed at the ends of the vehicle runways. In addition, suitable gates, rails, or other devices shall be installed as a continuation of the regularly required rails.

§ 177.35–15 Guards in hazardous places.

(a) Suitable covers, guards, or rails shall be installed in way of all exposed and hazardous places such as gears, machinery, etc.

PART 178—WATERTIGHT INTEGRITY AND SUBDIVISION

Subpart 178.01—Application

Sec.
178.01–1 General.

Subpart 178.05—Definitions of Terms Used in This Part

178.05–1 Bulkhead deck.
178.05–3 Watertight.
178.05–5 Weathertight.
178.05–7 Flush deck.
178.05–9 Cockpit.
178.05–11 Well deck.
178.05–13 Open boat.
178.05–15 Exposed waters.
178.05–17 Partially-protected waters.
178.05–19 Protected waters.

Subpart 178.10—Watertight Bulkheads Required

178.10–1 Requirements for vessels carrying more than 49 passengers.
178.10–5 Requirements for vessels carrying not more than 49 passengers in ocean or coastwise service.
178.10–10 Requirements for vessels carrying not more than 49 passengers in other than ocean or coastwise service.

Subpart 178.15—Collision Bulkhead

178.15–1 Location.
178.15–3 Construction.
178.15–5 Double-ended ferries.

Subpart 178.20—Location of Watertight Bulkheads

178.20–1 Requirements for vessels carrying not more than 150 passengers.
178.20–5 Requirements for vessels carrying more than 150 passengers.

Subpart 178.25—Construction of Watertight Bulkheads

178.25–1 General.

Subpart 178.30—Drainage of Weather Decks

178.30–1 Flush decks.
178.30–3 Cockpits.
178.30–5 Well decks.
178.30–7 Open boats.

Subpart 178.35—Hatches and Coamings

178.35–1 General.

Subpart 178.40—Hull Penetrations and Shell Connections

178.40–1 General.

AUTHORITY: §§ 178.01–1 to 178.40–1 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b.

Subpart 178.01—Application

§ 178.01–1 General.

(a) The provisions of this part shall apply to all vessels contracted for on or after June 1, 1958. Vessels contracted for prior to that date shall meet the requirements of this part insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

Subpart 178.05—Definitions of Terms Used in This Part

§ 178.05–1 Bulkhead deck.

(a) The bulkhead deck is the uppermost deck to which the transverse watertight bulkheads are carried.

§ 178.05–3 Watertight.

(a) An item so constructed as to effectively resist the passage of water, except for slight seepage, when subjected to a hose test with water at a pressure of 30 pounds per square inch from a one inch hose, or test equivalent thereto.

§ 178.05–5 Weathertight.

(a) An item so constructed as to effectively resist the passage of water to any appreciable degree under continuous exposure to driving rain or spray.

§ 178.05–7 Flush deck.

(a) A flush deck is a continuous weather deck located at the uppermost sheer line of the hull.

§ 178.05–9 Cockpit.

(a) A cockpit is an exposed recess in the weather deck of a vessel, extending not more than one-half the length of the vessel as defined in § 175.10–19 of this subchapter. A cockpit which extends more than one-half the length of the vessel shall be considered as a well deck. A recess is considered to be exposed unless it is completely enclosed by a super-

structure which is seaworthy for the waters upon which the vessel operates.

§ 178.05–11 Well deck.

(a) A well deck is a weather deck fitted with solid bulwarks such as would impede the drainage of solid water over the sides. If the freeboard to this deck, measured from the load waterline, is less than 10 inches the vessel shall be considered as an open boat for purposes of the subdivision, stability, and drainage requirements in this subchapter. The deck within the bulwarks is considered to be a weather deck unless it is completely enclosed by a superstructure which is seaworthy for the waters upon which the vessel operates.

§ 178.05–13 Open boat.

(a) An open boat is a vessel not protected from entry of water by means of a complete deck, or by a combination of a partial weather deck and a superstructure which is seaworthy for the waters upon which the vessel operates.

§ 178.05–15 Exposed waters.

(a) In general, exposed waters are all waters more than 20 miles from the mouth of a harbor of safe refuge and, also, any waters where, in the judgment of the Officer in Charge, Marine Inspection, local conditions of sea, or weather, or other circumstances create a special hazard requiring the maximum degree of seaworthiness afforded by the regulations in this subchapter.

§ 178.05–17 Partially-protected waters.

(a) In general, partially protected waters are all waters within a radius of 20 miles from the mouth of a harbor of safe refuge.

§ 178.05–19 Protected waters.

(a) In general, protected waters are the waters of rivers, harbors and sheltered lakes.

Subpart 178.10—Watertight Bulkheads Required

§ 178.10–1 Requirements for vessels carrying more than 49 passengers.

(a) Except as otherwise provided in this section, all vessels carrying more than 49 passengers shall be fitted with a collision bulkhead and such additional transverse watertight bulkheads as are required to provide one compartment subdivision, i.e., so that the fully-loaded vessel shall remain afloat with positive stability with any one main compartment flooded. For location of the bulkheads to meet this standard, see Subpart 178.20.

(b) Vessels carrying more than 49 passengers but not more than 150 passengers may, in lieu of one compartment subdivision, be fitted with a collision bulkhead and sufficient air tankage or other internal buoyancy to maintain the fully-loaded vessel afloat with positive stability in the flooded condition.

§ 178.10–5 Requirements for vessels carrying not more than 49 passengers in ocean or coastwise service.

(a) Except as otherwise provided in this section, vessels carrying not more than 49 passengers in ocean or coastwise service shall be fitted with a collision bulkhead.

(b) On vessels less than 40 feet in length as defined in § 175.10–19 of this subchapter, carrying not more than 49 passengers on partially-protected waters, the collision bulkhead may be omitted.

§ 178.10–10 Requirements for vessels carrying not more than 49 passengers in other than ocean or coastwise service.

(a) There are no requirements for transverse watertight bulkheads in vessels carrying not more than 49 passengers in other than ocean or coastwise service.

Subpart 178.15—Collision Bulkhead

§ 178.15–1 Location.

(a) A collision bulkhead, when required, shall be located not less than 5 percent and not more than 15 percent of the waterline length abaft the stem at the load waterline.

§ 178.15–3 Construction.

(a) The collision bulkhead shall be constructed in accordance with the provisions of subpart 178.25, except that it shall extend to the weather deck and that it shall never be fitted with a watertight door.

(b) On vessels not required to have one compartment subdivision, the collision bulkhead may have an opening not to exceed 12 inches between the top of the bulkhead and the underside of the weather deck, provided the remaining intact bulkhead is at least 36 inches deep.

§ 178.15–5 Double-ended ferries.

(a) Double-ended ferries, if required to have a collision bulkhead, shall have one at each end.

Subpart 178.20—Location of Watertight Bulkheads

§ 178.20–1 Requirements for vessels carrying not more than 150 passengers.

(a) For vessels carrying not more than 150 passengers, the required transverse watertight bulkheads shall be located so the lengths of the compartments do not exceed the maximum permissible lengths indicated by the following formula:

$$l = F \times f \times \frac{L}{D} \quad (1)$$

Where:

l = The maximum permissible length of the compartment in feet, except that, in no case, is this length to exceed one-third of the length of the vessel measured over the bulkhead deck.

f = Effective freeboard in feet. This is the mean of the freeboards measured from the load waterline to the top of the bulkhead deck at the side in way of the bulkheads bounding the compartment concerned. For vessels having a raised deck forward the height measurement in way of bulkheads forward of the break shall be taken to a straight line extending from the break to the raised deck at the bow. For vessels which have portlights of the opening type, the height measurement in way of the bulkheads shall not be taken higher than up to a line at least three inches below the portlights in way thereof, and thence extending straight to the bulkhead deck at the bow and at the stern.

$\frac{L}{D}$ = Length-Depth Factor. This is the length of the vessel in feet, measured over the bulkhead deck, divided by the depth, in feet, measured amidships of the vessel at a point one-quarter of the beam out from the centerline, from the inside of the planking or plating to the level of the top of the bulkhead deck at the side.

F = Floodable Length Factor for the compartment as listed in Table 178.20–1(a).

TABLE 178.20–1(a)

Midpoint of compartment in percent length from bow	Floodable length factor [1]
0–10	0.33
15	.33
20	.34
25	.36
30	.38
35	.43
40	.48
45	.54
50	.61
55	.63
60	.58
65	.53
70	.48
75	.44
80	.40
85	.37
90–100	.34

[1] Intermediate values of floodable length factor can be obtained by interpolation.

(b) In lieu of complying with paragraph (a) of this section, any owner may, if he so desires, determine compliance with the subdivision and damaged stability requirements by direct calculations which takes into acount the form and proportions of the hull. The details of such calculations shall be in accordance with the provisions of Parts 73 and 74 of Subchapter H (Passenger Vessels) of this chapter. These calculations and the supporting data shall be submitted to the Commandant for approval.

(c) In exceptional instances, where due to the form or design of the vessel, the Officer in Charge, Marine Inspection, does not consider the provisions of paragraph (a) of this section to be sufficiently applicable, he may require submittal of direct calculations as described in paragraph (b) of this section.

§ 178.20–5 Requirements for vessels carrying more than 150 passengers.

(a) For vessels carrying more than 150 passengers, the location of the transverse watertight bulkheads to meet the requirements for subdivision and damaged stability, shall be determined by direct calculations which take into account the form and proportions of the hull. The details of such calculations shall be in accordance with the provisions of Part 73 and Part 74 of Subchapter H (Passenger Vessels) of this chapter. These calculations and the supporting data shall be submitted to the Commandant for approval.

Subpart 178.25—Construction of Watertight Bulkheads

§ 178.25–1 General.

(a) All bulkheads required by this part shall be of substantial construction so as to be capable of remaining watertight with a head of water to the top of the bulkhead.

(b) Watertight bulkheads shall extend intact to the bulkhead deck. Insofar as reasonable and practical, bulkheads shall be installed in one plane without steps or recesses.

(c) The number of penetrations in watertight bulkheads shall be reduced to a minimum. They shall be kept as high and as far inboard as practicable. Satisfactory means shall be provided for making such penetrations watertight.

(d) Sluice valves are not permitted in watertight bulkheads.

Subpart 178.30—Drainage of Weather Decks

§ 178.30–1 Flush decks.

(a) The weather deck on a flush deck vessel shall be watertight and shall have no obstruction to overboard drainage.

(b) Flush deck vessels may have solid bulwarks in the forward one-third length of the vessel provided such bulwarks do not form a well enclosed on all sides and provided that the foredeck has sufficient sheer to insure drainage aft.

§ 178.30–3 Cockpits.

(a) Cockpits shall be watertight except that companionways may be installed within the cockpit if they are fitted in accordance with the provisions of § 178.35–1(f). Also, on vessels operating on partially-protected and protected waters, ventilation openings may be provided along the inner periphery of the cockpit if they are located as high as possible in the side of the cockpit and the height of the opening does not exceed 2 inches.

(b) Cockpits shall be self-bailing. The scuppers installed for this purpose shall be located so as to be effective considering probable list and trim.

(c) The minimum combined area, in square inches, of the scuppers shall be determined by dividing the area of the cockpit, in square feet, by 10.

(d) Cockpit decks shall be located as high above the load waterline as practicable. On vessels operating on exposed or partially-protected waters, this height shall not be less than 10 inches, except that, cockpit decks of less than 10-inch freeboard may be approved by the Commandant upon demonstration that the subdivision, damaged stability and stability requirements of Subchapter H (Passenger Vessels) of this chapter are met satisfactorily.

§ 178.30–5 Well decks.

(a) Well decks shall be watertight.

(b) On vessels operating on exposed or partially-protected waters, for each running foot of bulwark in the after two-thirds length of the vessel there shall be provided not less than the amount of freeing port area specified in Table 178.30–5(b). The freeing ports shall be located so as to be effective considering probable list and trim. If the vessel is of such a design that there is not free drainage from the foredeck aft, then freeing ports in accordance with the Table 178.30–5(b) shall be provided on the basis of the entire length of the bulwark fitted.

TABLE 178.30–5(b)

Depth of well or height of solid bulwark in inches	Freeing port area in square inches per foot of bulwark length [1]
6	2
12	4
18	8
24	12
30	16
36	20

[1] Intermediate values of freeing port area can be obtained by interpolation.

(c) On vessels operating on protected waters, the freeing port area draining well decks shall be at least equivalent to that required for a cockpit of the same size by § 178.30–3(c).

§ 178.30–7 Open boats.

(a) A deck within the hull of an open boat, if provided, shall drain to the bilge. Overboard drainage of the deck is not permitted.

Subpart 178.35—Hatches and Coamings

§ 178.35–1 General.

(a) Except as otherwise provided in this section, all hatches exposed to the weather shall be of watertight construction.

(b) Hatches on watertight trunks extending not less than 12 inches above the weather deck and hatches in cabin tops may be weathertight.

(c) On vessels operating on protected waters, all hatches may be weathertight.

(d) Covers or closures for all hatches on weather decks, trunks, or cabin trunks shall be fitted with securing devices and shall be attached to the hatch frame or coaming by hinges, captive chains, or other devices to prevent their coming adrift.

(e) Securing devices for required escape hatches which lead to living quarters or passenger accommodations shall be such that the hatch may be opened from either side.

(f) Openings in deck houses or in companionways which give access into the hull and which are located in cockpits, wells, or in exposed locations on flush decked vessels, shall be fitted with weathertight doors and shall have permanent watertight coamings in accordance with Table 178.35–1(f).

TABLE 178.35–1(f)

Route	Height of coaming
Exposed or partially protected	6 inches.
Protected	3 inches.

(1) If substantially constructed, hinged, watertight doors, equipped with dogs and gaskets, are provided where coamings are required, the height of the coaming need only be sufficient to accommodate the door.

Subpart 178.40—Hull Penetrations and Shell Connections

§ 178.40–1 General.

(a) The number of openings in the vessel's sides below the weather deck shall be a minimum.

(b) Portlights which can be opened are not permitted in the vessel's sides or, vessels operating on exposed or partially-protected waters except as follows:

(1) On vessels which are not required to meet the one compartment standard of subdivision, they may be permitted if the lower rim of each portlight is at least 30 inches above the load waterline.

(2) On vessels which are required to meet the one compartment standard of subdivision, they may be permitted if the lower rim of each portlight is at least 30 inches above the load water line. Additionally, in determining compliance with the one compartment standard, the portlights shall be treated in the manner set forth in § 178.20–1(a). If the subdivision is calculated as prescribed by Subchapter H (Passenger Vessels) of this chapter, the damage trim water lines shall be taken not less than 3 inches below the portlights.

(c) All portlights which are permitted in a vessel's sides on vessels operating on exposed or partially-protected waters, whether of the opening or the fixed type, shall be fitted with dead covers.

(d) All inlets and discharges led through the vessel's hull below a line drawn parallel to and not less than six inches above the load waterline shall be fitted with efficient and accessible means for preventing the accidental admission of water into the vessel in the event of fracture or failure of such pipes. Engine exhausts led through the hull are not required to have such means of closure. Cast iron hull connections or valves are not permitted. Plug cocks shall be constructed with satisfactory and positive means of preventing the plug from becoming loosened or removed from the body when the plug is operated. Cocks having plug locking arrangements depending on cotter pins are prohibited.

(e) Positive action valves or cocks located against the hull or as close as possible to the hull in way of intake and/or discharge piping will be acceptable provided they are readily accessible. Shutoff valves with positive means of closing from the weather deck will be required in way of hull connections which are inaccessible. The remote closure shall be labeled for identity and direction of closing.

PART 179—STABILITY

Subpart 179.01—Application

Sec.
179.01–1 General.

Subpart 179.05—Stability Test

179.05–1 When required.

Subpart 179.10—Stability Test Procedure

179.10–1 Procedure for vessels carrying not more than 150 passengers.

Sec.
179.10-3 Alternate procedure for vessels carrying not more than 150 passengers.
179.10-5 Procedure for vessels carrying more than 150 passengers.

Subpart 179.15—Alteration of Vessel

179.15-1 General.

Subpart 179.20—Stability Letter

179.20-1 Posting.
179.20-5 Conditions of operation.

AUTHORITY: §§ 179.01-1 to 179.20-5 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b.

Subpart 179.01—Application

§ 179.01-1 General.

(a) The provisions of this part shall apply to the following vessels:

(1) All vessels carrying more than 49 passengers.

(2) All vessels permitted an increased passenger allowance by § 176.01-25(b) of this subchapter.

(3) Any other vessel whose stability is questioned by the Officer in Charge, Marine Inspection.

Subpart 179.05—Stability Test

§ 179.05-1 When required.

(a) Except as otherwise provided in this section, each vessel to which this part applies shall be subjected to a stability test conducted by the owner, builder or his representative under the supervision of the Coast Guard. The test shall be satisfactorily completed prior to the issuance of a certificate of inspection.

(b) The Officer in Charge, Marine Inspection, may permit the stability test of a vessel to be dispensed with if the stability of an identical sister vessel has previously been ascertained to be in compliance with the provisions of this part: *Provided, however,* That the vessel is not to be employed in a more severe service or at a deeper draft than that for which the vessel was originally tested.

(c) The Commandant may allow the stability test of a vessel to be dispensed with in exceptional cases where it can be established that due to form, construction and arrangement of the vessel, the stability can be safely determined without a test.

Subpart 179.10—Stability Test Procedure

§ 179.10-1 Procedure for vessels carrying not more than 150 passengers.

(a) The vessel is to be complete in all respects. Ballast, if necessary, is to be of the permanent, fixed type and is to be on board and in place. Fuel and water tanks are to be approximately three-quarters full.

(b) The weight of the passengers and other load, if any, is to be simulated by equivalent deadweight distributed so as to provide normal trim and to simulate the most unfavorable vertical center of gravity likely to occur in service. The number of passengers used in determining the total passenger weight shall, in no case, be more than the maximum number permitted by the applicable criteria in § 176.01-25 of this subchapter.

(c) On vessels having non-return closures on cockpit scuppers or on weather deck drains, such closures shall be restrained in the open position during the course of the test.

(d) For the purposes of this part, the weight per passenger shall be taken at 160 pounds except that on protected waters, a weight per passenger of 140 pounds may be used when the passenger load consists of men, women, and children.

(e) With deadweight on board equivalent to the total passenger and other load, if any, the vessel shall not exceed the limitations on hull immersion and angle of list set forth in paragraphs (f) and (g) of this section, when subjected to the greater of the following heeling moments:

$$M_p = \frac{W \times B_p}{6} \quad (1)$$

Where:

M_p = Passenger heeling moment, in foot pounds.
W = Total weight of passengers, in pounds.
B_p = Maximum beam of vessel which is accessible to the passengers, in feet.

$$M_w = P \times A \times H \quad (2)$$

Where:

M_w = Wind heeling moment, in foot pounds.
P = Wind pressure factor, in pounds per square foot, in accordance with the following:
7.5 for protected waters;
10.0 for partially-protected waters; or
15.0 for exposed waters.
A = Area, in square feet, of the projected lateral surface of the vessel above the load waterline. This surface includes the hull, superstructure and areas bounded by railings and/or structural canopies.
H = Height, in feet, to the center of area (A) above the load waterline.

(f) When subjected to the required heeling moment, the immersion of the hull due to heel, measured in way of the least freeboard (or at a point three-quarters of the length of the vessel from the bow if the least freeboard is aft of this point) shall not exceed the following, as applicable:

(1) On flush deck vessels the freeboard shall be measured to the top of the weather deck at the side and the immersion shall not be more than one-half of this freeboard.

(2) On well deck vessels the freeboard shall be measured to the top of the weather deck at side. The immersion shall not be more than one-half freeboard; except that for vessels operating on protected waters and having scuppers rather than freeing ports, immersion to the full freeboard may be permitted provided it does not exceed one-quarter the height from the load waterline to the top of the gunwale.

(3) On cockpit boats the freeboard shall be measured to the top of the gunwale. The maximum allowable immersion shall be determined as follows:

$$\text{Maximum allowable immersion (Exposed waters)} = \frac{f\,(2L-1.5l)}{4L} \quad (3)$$

$$\text{Maximum allowable immersion (Partially-protected or protected waters)} = \frac{f\,(2L-l)}{4L} \quad (4)$$

Where:

f = Freeboard, in feet.
L = Length of vessel, as defined in § 175.10-19 of this subchapter.
l = Length of cockpit in feet.

(4) On open boats the freeboard shall be measured to the top of the gunwale and the maximum allowable immersion shall be one-quarter of this freeboard.

(g) When subjected to the required heeling moment, the maximum angle of list also shall not exceed 14 degrees.

(h) Vessels carrying vehicular loads, in addition to complying with the other provisions of this subpart, shall be tested to determine that maximum trim or list during loading or unloading will not be excessive.

§ 179.10-3 Alternate procedure for vessels carrying not more than 150 passengers.

(a) In lieu of complying with § 179.10-1 any owner may, if he so desires, carry out an inclining test in accordance with the provisions of Part 74 of Subchapter H (Passenger Vessels) of this chapter. The results of the test together with the supporting plans and data shall be submitted to the Commandant for approval.

(b) In exceptional instances, where due to the form or design of the vessel, the Officer in Charge, Marine Inspection, does not consider the provisions of § 179.10-1 to be sufficiently applicable, he may require an inclining test to be carried out in accordance with the provisions of Part 74 of Subchapter H (Passenger Vessels) of this chapter. The results of the test together with the supporting plans and data shall be submitted to the Commandant for approval.

§ 179.10-5 Procedure for vessels carrying more than 150 passengers.

(a) The stability of the vessels carrying more than 150 passengers shall be checked according to the standards and procedures set forth in Part 74 of Subchapter H (Passenger Vessels) of this chapter. The results of the test together with the supporting plans and data shall be submitted to the Commandant for approval.

Subpart 179.15—Alteration of Vessel

§ 179.15-1 General.

(a) After compliance with the requirements of this part has been verified by either of the procedures set forth in Subpart 179.10, the vessel shall not be altered in any manner which would adversely affect the stability. The Officer in Charge, Marine Inspection, is to be notified, in writing, prior to removing or relocating ballast, or making any alteration which increases the lateral surface area of the vessel, increases the vessel's draft, or changes the vertical distribution of passenger spaces or weights on board.

Subpart 179.20—Stability Letter

§ 179.20-1 Posting.

(a) Each vessel subject to the requirements of this part shall have posted under glass or other transparent material in the pilothouse a stability letter issued by the United States Coast Guard. Where posting is impractical, the stability letter shall be kept on board in the custody of the licensed operator.

§ 179.20-5 Conditions of operation.

(a) The stability letter shall indicate the conditions of operation under which the vessel will have satisfactory stability.

PART 180—LIFESAVING EQUIPMENT

Subpart 180.01—Application and Intent

Sec.
180.01-1 Application.
180.01-5 Intent.

Subpart 180.05—General Provisions Pertaining to Lifesaving Equipment

180.05-1 Equipment of an approved type.
180.05-5 Equipment installed but not required.

Subpart 180.10—Primary Lifesaving Equipment Required

180.10-1 General.
180.10-5 Requirements for vessels in ocean or coastwise service.
180.10-15 Requirements for vessels in Great Lakes service.
180.10-20 Requirements for vessels in lakes, bays, and sounds service.
180.10-25 Requirements for vessels in river service.
180.10-30 Substitutions.

Subpart 180.15—Equipment for Life Floats and Buoyant Apparatus

180.15-1 Equipment required.
180.15-5 Description of equipment for life floats and buoyant apparatus.
180.15-10 Stowage of equipment.

Subpart 180.20—Stowage and Marking of Lifesaving Appliances

180.20-1 Stowage of lifesaving appliances.
180.20-5 Marking.

Subpart 180.25—Life Preservers

180.25-1 Type required.
180.25-5 Number required.
180.25-10 Distribution and stowage.
180.25-15 Marking.

Subpart 180.30—Ring Life Buoys and Water Lights

180.30-1 General.
180.30-5 Number and size required.
180.30-10 Location, distribution, and securing.

Subpart 180.35—Pyrotechnic Distress Signals

180.35-1 General.
180.35-5 Number required.
180.35-10 Stowage.

AUTHORITY: §§ 180.01-1 to 180.35-10 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 180.01—Application and Intent

§ 180.01-1 Application.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 180.01-5 Intent.

(a) The intent of this part is to insure that each vessel carry sufficient lifesaving equipment to provide for timely rescue and survival of the personnel on board in the event of a casualty to the vessel. Due consideration will be given to the number of persons carried and the hazards of the route permitted.

Subpart 180.05—General Provisions Pertaining to Lifesaving Equipment

§ 180.05-1 Equipment of an approved type.

(a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Notifications regarding approvals are published in the FEDERAL REGISTER, and in addition are contained in Coast Guard publication CG-190, "Equipment Lists."

(b) Specifications for lifesaving equipment items required to be of an approved type have been promulgated and are contained in subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment. The subparts in Subchapter Q containing specifications for the lifesaving equipment required by this part are as follows:

(1) Life floats	160.027.
(2) Buoyant apparatus	160.010.
(3) Lifeboats	160.035.
(4) Life rafts	160.018.
(5) Inflatable life rafts	160.051.
(6) Life preservers	160.002, 160.003, 160.004, 160.005, 160.055.
(7) Ring life buoys	160.009, 160.050.
(8) Water lights	160.012, 161.001.
(9) Distress signals:	
Red flare	160.021.
Orange smoke	160.037.
Combination flare and smoke	160.023.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 404, 416, 481, 489, 526p)

§ 180.05-5 Equipment installed but not required.

(a) Except as further modified in this section, where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part. However, the Commandant may, after suitable investigations and tests, accept lifesaving devices in excess of those required, which are of a type not contemplated by the regulations in this part, if the safety of those on board is improved thereby.

Subpart 180.10—Primary Lifesaving Equipment Required

§ 180.10-1 General.

(a) All life floats and buoyant apparatus shall be of approved types.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 375, 404, 416, 481, 489)

§ 180.10-5 Requirements for vessels in ocean or coastwise service.

(a) Except as otherwise provided in this section, vessels in ocean service shall carry sufficient life floats for all persons on board, and vessels in coastwise service shall carry sufficient life floats or buoyant apparatus for all persons on board.

(1) Vessels whose routes are restricted to 20 miles from a harbor of safe refuge shall carry life floats or buoyant apparatus for not less than 50 percent of all persons on board.

(2) For vessels operating not more than one mile from land, the Officer in Charge, Marine Inspection, may permit operation with reduced amounts of life floats or buoyant apparatus when in his opinion it is safe to do so. In permitting such reduction the Officer in Charge, Marine Inspection, shall consider the vessel, its scope of operation and the hazards of the route.

§ 180.10-15 Requirements for vessels in Great Lakes service.

(a) Except as otherwise provided in this section, vessels in Great Lakes service shall carry sufficient life floats or buoyant apparatus for not less than 50 percent of all persons on board.

(1) Vessels navigating not more than one mile from land are not required to carry life floats or buoyant apparatus.

§ 180.10-20 Requirements for vessels in lakes, bays, and sounds service.

(a) Except as otherwise provided in this section, vessels in lakes, bays, and sounds service shall carry sufficient life floats or buoyant apparatus for not less than 30 percent of all persons on board.

(1) Vessels navigating not more than 1 mile from land are not required to carry life floats or buoyant apparatus.

§ 180.10-25 Requirements for vessels in river service.

(a) Except as otherwise provided in this section, vessels in river service shall carry sufficient life floats or buoyant apparatus for not less than 10 percent of all persons on board.

(1) Vessels navigating not more than 1 mile from land are not required to carry life floats or buoyant apparatus.

§ 180.10-30 Substitutions.

(a) Lifeboats and rigid type life rafts of an approved type may be substituted for any portion of the primary lifesaving equipment required. Such boats and rafts shall be equipped and stowed as required by the Officer in Charge, Marine Inspection.

(b) Suitable dinghies, dories, skiffs, etc., may be substituted for any portion of the primary lifesaving equipment required, under such conditions as may be determined by the Officer in Charge, Marine Inspection.

(c) Inflatable life rafts of an approved type may be substituted for any portion of the primary lifesaving equipment required.

(d) Ring life buoys of an approved type may be substituted for a portion of the primary lifesaving equipment required. One ring life buoy shall be required for each person accommodated and no more than 2 ring life buoys may be used in the substitution. These ring life buoys when provided, shall be in addition to the ring life buoy required by this part.

Subpart 180.15—Equipment for Life Floats and Buoyant Apparatus

§ 180.15–1 Equipment required.

(a) Each life float shall be fitted with a life line and shall be equipped with two paddles, a water light and a painter.

(b) Each buoyant apparatus shall be fitted with a life line and shall be equipped with a water light and painter.

§ 180.15–5 Description of equipment for life floats and buoyant apparatus.

(a) *Life line.* The life line shall be properly secured around the sides and ends of the life float or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight, which float may be omitted if the line is of an inherently buoyant material and absorbs little or no water. The life line shall be of a size and strength not less than ⅜-inch diameter manila.

(b) *Paddles.* Paddles shall be not less than 4 feet long.

(c) *Painter.* The painter for life floats and buoyant apparatus shall be of manila rope not less than 2 inches in circumference or equivalent. It shall be not less than 4 fathoms in length.

(d) *Water light.* The water light shall be of an approved type constructed in accordance with subpart 160.012 or 161.001 of subchapter Q (Specifications) of this chapter.

§ 180.15–10 Stowage of equipment.

(a) Paddles shall be lashed on the sides of the life floats to which they belong.

(b) The water light shall be attached to the life float or buoyant apparatus by a lanyard of ⅜-inch diameter manila line or equivalent. The lanyard shall be 18 feet in length.

Subpart 180.20—Stowage and Marking of Lifesaving Appliances

§ 180.20–1 Stowage of lifesaving appliances.

(a) Life floats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Life floats exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(b) Life floats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other to a height of not more than 4 feet, provided such stowage does not interfere with the navigation of the vessel. When stowed in tiers the separate units shall be kept apart sufficiently to prevent sticking together by means of suitable distance pieces. Means shall be provided to prevent shifting.

§ 180.20–5 Marking.

(a) All life floats and buoyant apparatus shall be conspicuously marked with the vessel's name. In addition the number of persons allowed on each life float or buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high. (This requirement is also in § 185.30–5 of this subchapter.)

(b) Any lifeboat, life raft, or other suitable boat accepted as primary lifesaving equipment shall be marked with its allowed capacity in persons, and with the name of the vessel in letters and figures at least 2 inches high, except that inflatable life rafts shall be marked by the manufacturer or service facility as required by Subpart 160.051 of Subchapter Q (Specifications) of this chapter and no additional markings are required. (This requirement is also in § 185.30–5 of this subchapter.)

Subpart 180.25—Life Preservers

§ 180.25–1 Type required.

(a) All life preservers shall be of an approved type.

(b) On or before July 1, 1963, all kapok and fibrous glass life preservers which do not have plastic covered inserts shall be removed from service.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 404, 416, 481, 489, 526p)

§ 180.25–5 Number required.

(a) All vessels shall be provided with an approved adult type life preserver for each person carried. In addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

§ 180.25–10 Distribution and stowage.

(a) Life preservers shall be distributed through the upper part of the vessel in protected places convenient to the persons on board.

(b) If practicable, life preserver containers shall be so designed as to allow the life preservers to float free.

(c) Life preservers for children, when provided, shall be stowed separately.

§ 180.25–15 Marking.

(a) All life preservers shall be marked with the vessel's name. (This requirement is also in § 185.30–5(c) of this subchapter.)

(b) Where life preservers are stowed so that they are not readily visible to passengers, the containers in which they are stowed shall be marked "life preservers" and with the number contained therein, in at least 1-inch letters and figures. This legend shall indicate the separate stowage of children's life preservers. (This requirement is also in § 185.30–10(a) of this subchapter.)

Subpart 180.30—Ring Life Buoys and Water Lights

§ 180.30–1 General.

(a) All ring life buoys and water lights shall be of approved types.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 404, 416, 481, 489, 526p)

§ 180.30–5 Number and size required.

(a) All vessels shall be fitted with one ring life buoy of not less than 24 inches in diameter, except that vessels less than 26 feet in length may use one ring life buoy of not less than 20 inches in diameter.

(b) Vessels not limited to daytime operation shall be provided with an approved water light.

§ 180.30–10 Location, distribution, and securing.

(a) The ring life buoy shall be so placed as to be readily accessible. It shall be capable of being cast loose, shall not be permanently secured in any way, and shall have attached to it a line at least 60 feet in length.

(b) The water light shall be stowed close to the ring life buoy and arranged to be attached to it for nighttime operation.

Subpart 180.35—Pyrotechnic Distress Signals

§ 180.35–1 General.

(a) All pyrotechnic distress signals shall be of an approved type.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 375, 404, 416, 481, 489)

(b) Service use of distress signals shall be limited to a period of 3 years from date of manufacture, and replacement shall be made no later than the first inspection for certification or reinspection after the date of expiration.

§ 180.35–5 Number required.

(a) Except as otherwise provided in this section, all vessels shall carry pyrotechnic distress signals as follows:

(1) 6 hand red flare distress signals, and 6 hand orange smoke distress signals; or,

(2) 12 hand combination flare and smoke distress signals.

(b) Pyrotechnic distress signals are not required on vessels operating on short runs. A vessel is considered to be on a short run when its operating time away from a dock is limited to approximately 30 minutes.

§ 180.35–10 Stowage.

(a) All pyrotechnic distress signals shall be carried within the pilothouse or in other location considered suitable by the Officer in Charge, Marine Inspection.

(b) All pyrotechnic distress signals shall be stowed in a portable watertight container.

PART 181—FIRE PROTECTION EQUIPMENT

Subpart 181.01—Application and Intent

Sec.
181.01–1 Application.
181.01–5 Intent.

Subpart 181.05—Approved Fire Protection Equipment

181.05–1 General.
181.05–5 Equipment installed but not required.

Subpart 181.10—Fire Pumps

181.10–1 Power fire pump.
181.10–5 Hand fire pumps.

Subpart 181.15—Fire Main System

Sec.
181.15–1 Where required.
181.15–5 Fire main and hydrants.
181.15–10 Fire hose.

Subpart 181.20—Fixed Fire Extinguishing System

181.20–1 Where required.
181.20–5 Type system required.
181.20–10 Amount of CO_2 gas required.
181.20–15 Controls.
181.20–20 Piping.
181.20–25 Discharge outlets.
181.20–30 Cylinders.
181.20–35 Closure of openings.

Subpart 181.25—Manual Sprinkling System

181.25–1 Where required.
181.25–5 Installation.

Subpart 181.30—Portable Fire Extinguishers

181.30–1 Required number, type and location.
181.30–5 Approved extinguishers.
181.30–10 Installation and location.

AUTHORITY: §§ 181.01–1 to 181.30–10 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 181.01—Application and Intent

§ 181.01–1 Application.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

(b) Installations of power fire pumps, fire main systems and fixed fire extinguishing systems on vessels contracted for before June 1, 1958, shall meet the requirements of this part insofar as deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

§ 181.01–5 Intent.

(a) The intent of this part is to insure that each vessel is provided with sufficient fire fighting equipment of the type necessary to extinguish any fires which are likely to be encountered in normal operation. Due consideration will be given to hazards caused by the vessel's type of fuel, construction material, equipment, cargo, etc.

Subpart 181.05—Approved Fire Protection Equipment

§ 181.05–1 General.

(a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant.

(b) Notifications regarding approvals are published in the FEDERAL REGISTER, and in addition are contained in Coast Guard publication CG–190, "Equipment Lists".

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 404, 416, 481, 489, 526p)

§ 181.05–5 Equipment installed but not required.

(a) Except as further modified in this section, where fire extinguishing systems or equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part. However, the Commandant may, after suitable investigations and tests, accept fire fighting equipment, which is of a type not contemplated by the regulations in this part, if the safety of the vessel is materially improved thereby.

Subpart 181.10—Fire Pumps

§ 181.10–1 Power fire pump.

(a) A power-driven fire pump shall be installed on each mechanically propelled vessel which is a ferry vessel or which is permitted to carry more than 49 passengers.

(b) The power fire pump shall be self-priming and of such size as to discharge an effective stream from a hose connected to the highest outlet.

(c) The power fire pump may be driven off the propulsion engine or other source of power and shall be connected to the fire main. This pump may also be connected to the bilge system so that it can serve as either a fire pump or a bilge pump.

§ 181.10–5 Hand fire pumps.

(a) All vessels shall be provided with a hand operated portable fire pump having a capacity of at least 5 gallons per minute. This fire pump shall be equipped with suction and discharge hose suitable for use in fire fighting.

(b) The hand portable fire pump may also serve as a bilge pump.

Subpart 181.15—Fire Main System

§ 181.15–1 Where required.

(a) All vessels required to be provided with a power-driven fire pump shall also be provided with a fire main system including fire main, hydrants, hose and nozzles.

§ 181.15–5 Fire main and hydrants.

(a) Fire hydrants, when required, shall be of sufficient number and so located that any part of the vessel may be reached with an effective stream of water from a single length of hose.

(b) All piping, valves, and fittings shall be in accordance with good marine practice and suitable for the purpose intended.

§ 181.15–10 Fire hose.

(a) One length of fire hose shall be provided for each fire hydrant required.

(b) Fire hose may be commercial fire hose or equivalent of not over 1½-inch diameter or garden hose of not less than ⅝-inch nominal inside diameter. Hose shall be in one piece not less than 25 feet and not more than 50 feet in length.

(c) If 1½-inch hose is used, it shall be of a good grade fire hose and provisions shall be made for proper stowage to prevent kinking. The hose shall be fitted with a good grade bronze or equivalent metal nozzle having a 1½-inch solid stream orifice or an approved combination nozzle.

(d) If garden hose is used, it shall be of a good commercial grade constructed of an inner rubber tube, plies of braided cotton reinforcement and an outer rubber cover or of equivalent material, and shall be fitted with a commercial garden hose nozzle of good grade bronze or equivalent metal.

(e) All fittings on fire hose shall be of brass, copper, or other suitable corrosion-resistant metal.

(f) A length of fire hose shall be attached to each fire hydrant at all times.

Subpart 181.20—Fixed Fire Extinguishing System

§ 181.20–1 Where required.

(a) Fixed carbon dioxide fire extinguishing systems shall be installed to protect the following spaces:

(1) The machinery and fuel tank spaces of all vessels using gasoline or other fuel having a flash point of 110° F. or lower, except that where machinery and fuel tank spaces are so open to the atmosphere as to make the use of a fixed system ineffective, no such system will be required.

(2) The paint and oil rooms and similar hazardous spaces on all vessels having such spaces.

(3) Cargo spaces which are inaccessible during a voyage and used for combustible cargo on all vessels having such spaces.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 375, 404, 416, 481, 489)

§ 181.20–5 Type system required.

(a) Except as otherwise provided in this section, all fixed fire extinguishing systems shall be of an approved carbon dioxide type and installed to the satisfaction of the Officer in Charge, Marine Inspection.

(b) On vessels where the amount of carbon dioxide gas required in a fixed system can be supplied by one portable extinguisher or by a semi-portable extinguisher, such extinguishers may be used subject to the following:

(1) Cylinders shall be installed in a fixed position outside the space protected.

(2) The applicator shall be installed in a fixed position so as to discharge into the space protected.

(3) Controls shall be installed in an accessible location outside the space protected.

§ 181.20–10 Amount of CO_2 gas required.

(a) The number of pounds of carbon dioxide required for each space protected shall be determined as follows:

(1) For cargo spaces, the number of pounds required shall be equal to the gross volume of the space in cubic feet divided by a factor of 30.

(2) For machinery and fuel tank spaces, paint lockers, oil rooms and similar hazardous spaces, the number of pounds required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 181.20–10(a)(2).

TABLE 181.20–10(a)(2)

Gross volume of compartment, cubic feet		Factor
Over—	Not over—	
	500	15
	1,600	16
500	4,500	18
1,600		20
4,500		

(b) A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

§ 181.20–15 Controls.

(a) All controls and valves for the operation of the system shall be outside the spaces protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected.

(b) Each branch line shall be fitted with an approved shutoff valve. Such shutoff valve shall be kept closed at all times except to operate the particular system.

(c) The arrangements shall be such that the entire charge to any space can be introduced into the space by the operation of one valve selecting the space, and one control for releasing at least the required amount of carbon dioxide. The controls shall be of an approved type and shall be located adjacent to the shutoff valve controls.

(d) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device. All control valves to branch lines shall be labeled to indicate space served.

§ 181.20–20 Piping.

(a) Branch lines to the various cargo spaces shall be not less than ½ inch standard pipe size.

(b) The size of branch lines to machinery and fuel tank spaces, paint lockers, oil rooms and similar hazardous spaces shall be as noted in Table 181.20–20(b).

TABLE 181.20-20(b)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	½ (Schedule 40).
200	¾ (Schedule 40).
300	1 (Schedule 80).
600	1¼ (Schedule 80).

(c) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion.

(d) All dead-end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(e) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(f) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations.

§ 181.20–25 Discharge outlets.

(a) Discharge outlets shall be of an approved type.

(b) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required except that in no case shall this outlet area be less than 0.110 square inches.

§ 181.20–30 Cylinders.

(a) Cylinders shall be securely fastened and supported, and where necessary protected against injury.

(b) Cylinders shall be mounted in an upright position or inclined not more than 30° from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80° from the vertical.

(c) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission (see § 176.25–25(c) of this subchapter).

(d) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection, including weighing.

(e) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

§ 181.25–35 Closure of openings.

(a) Provision shall be made by means of plugs, covers, etc., to prevent the admission of air into the space protected.

Subpart 181.25—Manual Sprinkling System

§ 181.25–1 Where required.

(a) All vessels having a deck above a vehicular space shall be fitted with a manual sprinkling system in the vehicle space.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 404, 416, 481)

§ 181.25–5 Installation.

(a) Manual sprinkling systems required shall be subject to such requirements as determined by the Officer in Charge, Marine Inspection. These requirements are contained in applicable regulations in Part 76 of Subchapter H (Passenger Vessels) of this chapter.

Subpart 181.30—Portable Fire Extinguishers

§ 181.30–1 Required number, type and location.

(a) The minimum number of portable fire extinguishers required on each vessel shall be as determined by the Officer in Charge, Marine Inspection, in accordance with Table 181.30–1(a) and other provisions of this subpart.

(b) The Officer in Charge, Marine Inspection, may permit the use of any approved fire extinguishers, including semiportable extinguishers, in lieu of those required by this section when in his opinion such extinguishers will provide equivalent fire protection.

(c) Vaporizing liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

§ 181.30–5 Approved extinguishers.

(a) All portable fire extinguishers installed on vessels shall be of an approved type.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 404, 416, 481, 489, 526p)

TABLE 181.30-1(a)

Space protected	Total number extinguishers required	Type extinguishers permitted		
		Medium	Minimum size	Coast Guard classification
Wheelhouse or steering station	1	Foam Carbon dioxide Dry chemical	1¼ gallons 4 pounds 2 pounds	B-I.
Propulsion machinery space (gasoline or other fuel having a flash point of 110° F. or lower).	1	Foam Carbon dioxide Dry chemical	1¼ gallons 4 pounds 2 pounds	B-I.
Propulsion machinery space (diesel oil or other fuel having a flash point over 110° F.)	2 (none required if fixed CO_2 system is installed).	Foam Carbon dioxide Dry chemical	2½ gallons 15 pounds 10 pounds	B-II.
Vehicular spaces	1 for each 5 vehicles or fraction thereof.	Foam Carbon dioxide Dry chemical	2½ gallons 15 pounds 10 pounds	B-II.
Accommodations and galley	1	Foam Carbon dioxide Dry chemical	2½ gallons 15 pounds 10 pounds	B-II.

§ 181.30–10 Installation and location.

(a) Portable fire extinguishers shall be located so as to be convenient to the space protected.

(b) Portable fire extinguishers shall be installed and located to the satisfaction of the Officer in Charge, Marine Inspection.

PART 182—MACHINERY INSTALLATION

Subpart 182.01—Application and Intent

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182.01–1 Application.
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Subpart 182.05—Propulsion Machinery

182.05–1 General.

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Subpart 182.10—Auxiliary Machinery

182.10–1 General.
182.10–5 Installations.

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182.15–7 Carburetors.
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182.15–25 Gasoline fuel tanks.
182.15–30 Filling and sounding pipes for gasoline fuel tanks.
182.15–35 Vent pipes for gasoline fuel tanks.
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182.15–45 Ventilation of compartments containing gasoline machinery or fuel tanks.

Subpart 182.20—Machinery Using Diesel Fuel

182.20–1 Application.
182.20–5 General requirements.
182.20–10 Diesel engine cooling.
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182.20–20 Diesel engine exhaust pipe, installation.
182.20–22 Integral diesel fuel tanks.
182.20–25 Independent diesel fuel tanks.
182.20–30 Filling and sounding pipes for diesel fuel tanks.
182.20–35 Vent pipes for diesel fuel tanks.
182.20–40 Diesel fuel supply piping.
182.20–45 Ventilation of compartments containing diesel machinery.
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Subpart 182.25—Bilge System

182.25–1 General.
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Subpart 182.30—Steering Apparatus

182.30–1 Main steering apparatus.
182.30–5 Auxiliary steering apparatus.

Subpart 182.35—Separation of Machinery and Fuel Tank Spaces From Accommodation Spaces

182.35–1 Bulkheads.

AUTHORITY: §§ 182.01–1 to 182.35–1 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 182.01—Application and Intent

§ 182.01–1 Application.

(a) The provisions of this part shall apply to the machinery installation on all vessels contracted for on or after June 1, 1958. Machinery installations on all vessels contracted for prior to this date shall meet the requirements of this part insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 391, 392, 404, 435, 416, 481)

§ 182.01–5 Intent.

(a) The intent of this part is to insure that the main propulsion machinery installed on each vessel is suitable for the vessel and its operation and that the auxiliary machinery is suitable for the purpose intended. It is further intended that all machinery be installed and maintained in such a manner as to afford adequate protection against fire, explosion, machinery failure and personnel injury.

Subpart 182.05—Propulsion Machinery

§ 182.05–1 General.

(a) Propulsion machinery shall be suitable in type and design for propulsion requirements of the hull in which it is installed and capable of operating at constant marine load under such requirements without exceeding its designed limitations.

§ 182.05–5 Installations.

(a) Except as otherwise provided in this section main propulsion machinery installations shall comply with the provisions of this part.

(b) Propulsion machinery of an unusual type for small passenger vessels shall be given separate consideration and shall be subject to such requirements as determined by the Officer in Charge, Marine Inspection. The requirements for machinery and boilers for steam and electrically propelled vessels are contained in applicable regulations in Subchapter F (Marine Engineering) and Subchapter J (Electrical Engineering) of this chapter. These unusual types of propulsion machinery include:

(1) Machinery installations using steam.
(2) Electrical machinery installations.
(3) Gas turbine machinery installations.
(4) Outboard motors.
(5) Air screws.
(6) Hydraulic jets.

Subpart 182.10—Auxiliary Machinery

§ 182.10–1 General.

(a) Auxiliary machinery shall be suitable in type and design for the purpose intended.

§ 182.10–5 Installations.

(a) Auxiliary machinery of the internal combustion piston type shall comply with the provisions of this part.

(b) Auxiliary machinery installation of the steam or gas turbine type will be given separate consideration and shall be subject to such requirements as determined by the Officer in Charge, Marine Inspection. These requirements are contained in applicable regulations in Subchapter F (Marine Engineering) of this chapter.

(c) Auxiliary boilers and heating boilers and their associated piping and fittings will be given separate consideration and will be subject to such requirements as determined by the Officer in Charge, Marine Inspection. These requirements shall be as specified in applicable regulations in Subchapter F (Marine Engineering) of this chapter except that heating boilers shall be tested or examined every three years.

(d) Except as otherwise provided in this paragraph all unfired pressure vessels shall be Coast Guard approved and installed to the satisfaction of the Officer in Charge, Marine Inspection. The requirements for design, construction and original testing of such approved unfired pressure vessels are in applicable regulations in Subchapter F (Marine Engineering) of this chapter. Information concerning the applicable regulations may be obtained from the Officer in Charge, Marine Inspection.

(1) Unfired pressure vessels of not more than 5 cubic feet internal volume and which have a maximum working pressure of not more than 100 pounds per square inch may be accepted by the Officer in Charge, Marine Inspection, if manufactured and stamped in accordance with a recognized code, such as American Society of Mechanical Engineers, American Petroleum Institute, U.S. Navy, American Bureau of Shipping, Lloyd's Register of Shipping, Interstate Commerce Commission, etc.

Subpart 182.15—Machinery Using Gasoline as Fuel

§ 182.15–1 Application.

(a) This subpart shall apply to all propulsion and auxiliary machinery installations of the internal combustion piston type which use gasoline or other fuel having a flash point of 110° F. or lower.

§ 182.15–5 General requirements.

(a) Starting motors, generators and any spark producing device shall be mounted as high above the bilges as practicable.

(b) Gages to indicate cooling water discharge temperature and lubricating oil pressure shall be provided for all propulsion engines and located so as to be in view of the operator. When engine is freshwater cooled and exhaust pipe is cooled by a separate water cooling system, a suitable warning, visible or audible at the operating station, shall be provided to indicate any failure of water flow in the exhaust system.

(c) The use of liquefied inflammable gases, such as propane, methane, butane, etc., as fuel is prohibited on all vessels.

§ 182.15–7 Carburetors.

(a) All carburetors except the downdraft type shall be equipped with integral or externally fitted drip collectors of adequate capacity and of such arrangement as to permit ready removal of fuel leakage. Externally fitted drip collectors shall be covered with flame screens.

NOTE: It is recommended that drip collectors be drained by a device for automatic return of all drip to engine air intakes.

(b) Carburetors of all engines shall be fitted with effective backfire flame arrestors of an approved type. Specifications for approved type backfire flame arrestors are in Subpart 162.015 of Subchapter Q (Specifications) of this chapter.

(Secs. 10, 17, 54 Stat. 165, 166; 46 U.S.C. 526l, 526p)

§ 182.15–10 Gasoline engine cooling.

(a) Except as otherwise provided in this paragraph all engines shall be water cooled.

(1) Auxiliary engines with self-contained fuel systems may be air cooled when they are installed on open decks.

(b) The engine cooling water system shall be in accordance with the following provisions:

(1) The engine head, block and exhaust manifold shall be water jacketed and cooled by water from a pump which operates whenever the engine is operating.

(2) A closed fresh water system may be used to cool the engine. Air cooled radiators shall not be used for propulsion engine cooling systems.

(3) A suitable hull strainer shall be installed in the circulating water intake line.

§ 182.15–15 Gasoline engine exhaust cooling.

(a) Except as otherwise provided in this paragraph, all engine exhaust pipes shall be water cooled.

(1) Dry pipe vertical exhausts are permissible if suitably insulated.

(2) Exhaust pipes on air cooled engines need not be water cooled but suitable insulation may be required.

(b) The exhaust pipe cooling water system shall be in accordance with the following provisions:

(1) Water for cooling the exhaust pipe shall be obtained from the engine cooling water system or a separate engine driven pump.

(2) Water for cooling the exhaust pipe, other than a vertical exhaust, shall be injected into the exhaust system as near to the engine manifold as practicable. The water shall pass through the entire length of the exhaust pipe.

(3) That part of the exhaust system between the point of cooling water injection and the engine manifold shall be water-jacketed or effectively insulated.

(4) Vertical exhaust piping shall be water-jacketed between the engine manifold and the spark arrester.

(5) When the exhaust cooling system is separate from the engine cooling system a suitable warning device shall be provided to indicate any failure of water flow in the exhaust cooling system. Such warning shall be visible or audible at the engine operating station.

(6) A suitable hull strainer shall be installed in the circulating water intake line for the exhaust cooling system.

§ 182.15–20 Gasoline engine exhaust pipe, installation.

(a) Exhaust piping shall be led to the point of escape with a minimum number of bends or elbows. It shall be gastight throughout its length and shall be properly supported by non-combustible hangers or blocks.

(b) The exhaust piping shall be so arranged as to prevent backflow of water from reaching engine exhaust ports under normal conditions.

(c) Where flexibility is necessary a section of flexible metallic hose may be used. Non-metallic hose may be used provided it is especially adapted to resist the action of oil, acid and heat, and has a wall thickness sufficient to prevent collapsing or panting.

(d) Where exhaust piping passes through watertight bulkheads the watertight integrity of the bulkhead shall be maintained. Non-combustible packing shall be used in bulkhead penetration glands. Water cooled exhaust pipes may be welded to steel bulkheads in way of penetrations if suitable arrangements are provided to relieve the stresses resulting from the expansion of the exhaust piping.

(e) Where exhaust piping passes through non-watertight combustible bulkheads or partitions non-combustible packing shall be used in bulkhead penetration glands or a minimum clearance of 2 inches shall be provided between the exhaust pipe and the bulkhead or partition.

(f) Vertical exhaust systems shall be provided with spark arresters. Spark arresters shall be supported by suitable steel hangers and shall be lagged with fire resistant material. A clearance of at least 9 inches shall be maintained between the spark arrester and any woodwork.

(g) Protective gratings shall be provided at such locations where persons or gear might come in contact with the exhaust pipe.

(h) Arrangements shall be made to provide access to the exhaust pipe throughout its length.

§ 182.15–25 Gasoline fuel tanks.

(a) *Materials and construction.* (1) Fuel tanks shall be independent of the hull. The material used and the minimum thickness allowed shall be as indicated in Table 182.15–25(a)(1), except that consideration will be given to other materials which provide equivalent safety. Fuel tanks having a capacity of more than 150 gallons shall be designed to withstand the maximum head to which they may be subjected in service but in no case shall the thickness be less than that specified in Table 182.15–25(a)(1).

TABLE 182.15-25(a)(1)

Material	A.S.T.M. specification (latest edition)	Thickness in inches and gage number vs. tank capacities for—		
		1 to 30 gallon tanks	More than 30 and not more than 150 gallon tanks	Over 150 gallon tanks
Nickel-copper[1]	B127, Hot Rolled Sheet or Plate.	0.037 (USSG 20)	0.050 (USSG 18)	0.107 (USSG 12)
Copper-nickel	B122, Alloy No. 5	.045 (AWG 17)	.057 (AWG 15)	.128 (AWG 8)
Copper	B152, Type ETP	.057 (AWG 15)	.080 (AWG 12)	.182 (AWG 5)
Copper-silicon	B97, Alloys A, B, and C	.050 (AWG 16)	.064 (AWG 14)	.144 (AWG 7)
Steel or iron[2]		.0747 (USSG 14)	.1046 (USSG 12)	.1875 (USSG 7)

[1] Nickel-copper not less than 0.031 inch (USSG 22) may be used for tanks up to 30-gallon capacity.
[2] Fuel tanks constructed of iron or steel, which is less than 3/16 inch thick, shall be galvanized inside and outside by the hot dip process.

(2) Tanks with flanged-up top edges, that may trap and hold moisture, shall not be used.

(3) Openings for fill, vent and fuel pipes, and openings for fuel level gages where used, shall be on topmost surface of tanks. Tanks shall have no openings in bottoms, sides, or ends, except that an opening fitted with threaded plug or cap may be used for tank cleaning purposes.

(4) All tank joints shall be welded or brazed except that tanks of less than 20 gallons capacity may be soldered provided the solder used has a melting point of not less than 800° F.

(5) Nozzles, flanges or other fittings for pipe connections shall be welded or brazed to the tank. The tank openings in way of pipe connections shall be properly reinforced where necessary. Where fuel level gages are used the flange to which gage fittings are attached shall be welded or brazed to the tank.

(6) All tanks exceeding 30 inches in any horizontal dimension shall be fitted with vertical baffle plates where necessary for strength or for control of excessive surge. In general, baffle plates installed at intervals not exceeding 30 inches will be considered as meeting this requirement.

(7) Baffle plates, where required, shall be of the same material and not less than the minimum thickness required in the tank walls and shall be connected to the tank walls by welding or brazing.

(b) *Location and installation.* (1) Fuel tanks shall be located in, or as close as practicable to engine compartments.

(2) Fuel tanks shall be so installed as to permit examination, testing, or removal for cleaning with minimum disturbance to the hull structure.

(3) Fuel tanks shall be adequately supported and braced to prevent movement. The supports and braces shall be insulated from contact with the tank surfaces with a non-abrasive and non-absorbent material.

(4) All fuel tanks shall be electrically bonded to the common ground.

(c) *Tests.* (1) Prior to installation tanks shall be tested to, and must withstand, a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subjected in service, whichever is greater. A standpipe of 11½ feet in height attached to the tank may be filled with water to accomplish the 5 pounds per square inch test. Permanent deformation of the tank will not be cause for rejection unless accompanied by leakage.

(2) After installation of the fuel tank on a vessel the complete installation shall be tested in the presence of a marine inspector to a head not less than that to which the tank may be subjected in service. Fuel may be used as a testing medium.

§ 182.15–30 Filling and sounding pipes for gasoline fuel tanks.

(a) Fill pipes shall be not less than 1½ inches nominal pipe size.

(b) Filling and sounding pipes shall be so arranged that overflow of liquid or vapor cannot escape to the inside of the vessel, but will discharge overboard. Sounding pipes may be omitted where sounding can be accomplished through the fill pipe or where marine type fuel gages are installed. Where sounding pipes are used, their openings shall be at least as high as the opening of the fill pipe and they shall be kept closed at all times except during sounding.

(c) Fill and sounding pipes shall run as directly as possible, preferably in a straight line, from the deck connection to the top of the tank. Such pipes shall terminate on the weather deck clear of any coamings and shall be fitted with shutoff valves, watertight deck plates or screw caps suitably marked for identification. Fill and sounding pipes shall extend to within one-half of their diameter from the bottom of the tank.

(d) Where a flexible fill pipe section is necessary, suitable flexible tubing or hose having high resistance to salt water, petroleum oils, heat and vibration, may be used. Such hose shall overlap metallic pipe ends at least 1½ times the pipe diameter and shall be secured at each end by two clamps of corrosion resistant metal. The flexible section shall be accessible and as near the upper end of the filling pipe as practicable. When the flexible section is a nonconductor of electricity, the metallic sections of the filling pipe separated thereby shall be joined by a conductor for protection against static spark when filling.

§ 182.15–35 Vent pipes for gasoline fuel tanks.

(a) Each tank shall be fitted with a vent pipe which shall be connected to the tank at its highest point under normal operating conditions.

(b) The net cross-sectional area of the vent pipe shall be not less than that of ¾-inch O.D. tubing (0.035 inch wall thickness—20 gage), except that, where provision is made to fill the tanks under pressure, the net cross-sectional area of the vent pipe shall be not less than that of the fill pipe.

(c) The discharge ends of vent pipes shall terminate on the hull exterior as high above the waterline as practicable and remote from any hull openings, or, they shall terminate in U-bends as high above the weather deck as practicable and as far from any openings into living quarters or other below deck spaces as practicable. Vent pipes terminating on the hull exterior shall be so installed or equipped as to prevent the accidental contamination of the fuel by water under normal operating conditions.

(d) The discharge ends of vent pipes shall be fitted with removable flame screens or flame arresters. The flame screens shall consist of a single screen of corrosion resistant wire of at least 30 x 30 mesh. The flame screens or flame arresters shall be of such size and design as to prevent reduction in the net cross-sectional area of the vent pipe and permit cleaning or renewal of the flame screens or arrester elements.

§ 182.15–40 Gasoline fuel supply piping.

(a) *Materials and workmanship.* (1) Fuel lines shall be annealed tubing of copper, nickel-copper, or copper-nickel having a minimum wall thickness of 0.035 inch.

(2) Where flexibility is necessary or desired, a reasonable length of suitable flexible hose may be used provided it is fitted with proper connection fittings and has high resistance to salt water, petroleum oils, heat and vibration and is adequately reinforced by metallic or non-metallic reinforcement.

(3) Tubing connections and fittings shall be of nonferrous drawn or forged metal of the flared type. Fittings depending solely on compression against the outside of the tube for tightness are prohibited. When making flared tube connections, the tubing shall be cut square and flared by suitable tools. Tube ends shall be annealed before flaring.

(4) Valves for fuel lines shall be of a suitable non-ferrous type. Cocks of any type are prohibited for use in gasoline fuel lines.

NOTE: It is recommended that valves for fuel lines be of the packless (diaphragm) type and that they be marked to indicate direction of operation.

(b) *Installation.* (1) Fuel lines shall be run at the level of the tank top to a point as close to the engine connection as practicable.

(2) Fuel lines shall be accessible, protected from mechanical injury, and effectively secured against excessive movement and vibration by the use of soft nonferrous metal straps with no sharp edges. Where passing through bulkheads, fuel lines shall be protected by close fitting ferrules or stuffing boxes.

(3) Shutoff valves, installed so as to close against the fuel flow, shall be fitted in the fuel supply lines, one at the tank connection and one at the engine end of the fuel line to stop fuel flow when servicing accessories. The shutoff valve at the tank shall be operable from outside the tank compartment preferably from an accessible position on the weather deck.

(4) A loop of copper tubing or a short length of flexible hose shall be installed in the fuel supply line at or near the engines. Such flexible hose shall be provided with suitable connection fittings and shall have a high resistance to salt water, petroleum oils, heat and vibration.

(5) A suitable metal marine type strainer shall be fitted in the fuel supply line in the engine compartment. Strainers shall be of the type opening on top for cleaning screens. A drip pan fitted with flame screen shall be installed under the strainer.

(6) All accessories installed in the fuel line shall be independently supported.

(7) Outlets in fuel lines for drawing fuel below deck for any purpose are prohibited.

§ 182.15–45 Ventilation of compartments containing gasoline machinery or fuel tanks.

(a) Spaces containing gasoline machinery or fuel tanks shall have natural supply and mechanical exhaust ventilation as required by this section, except that, where engines and fuel tanks are not in closed compartments, at least one ventilation duct shall be installed in the fore part of the vessel and one in the after part of the vessel, both ducts having cowls or scoops as required by paragraph (h) of this section.

(b) The requirements for the mechanical exhaust system shall be such as to assure the air changes as noted in table 182.15–45(b) depending upon the size of the space.

TABLE 182.15-45(b)

Size of space, cubic feet		Minutes per air change
Over—	Not over—	
	500	2
500	1,000	3
1,000	1,500	4
1,500		5

(c) Exhaust blower motors shall be outside of the ducts, and if mounted in any compartment required to be ventilated by this section, shall be located as high above the bilge as practicable. Blower blades shall be nonsparking with reference to their housings.

(d) Exhaust blower switches shall be located outside of any space required to be ventilated by this section, and shall be of the type interlocked with the ignition switch so that the blowers are started before the engine ignition is switched on. A red warning sign at the switch shall state that the blowers shall be operated prior to starting the engines for a sufficient time to insure at least one complete change of air in the compartments.

(e) The area of the ducts shall be such as to limit the air velocity to a maximum of 2,000 feet per minute. Ducts may be of any shape, provided that in no case shall one cross section dimension exceed twice the other.

(f) At least two inlet ducts shall be located at one end of the compartment and they shall extend to the lowest part of the compartment or bilge on each side. Similar exhaust ducts shall be led to the mechanical exhaust system from the lowest part of the compartment or bilge on each side of the compartment at the end opposite from that at which the inlet ducts are fitted. These ducts shall be so installed that ordinary collection of water in the bilge will not trap the ducts.

(g) All ducts shall be of rigid permanent construction of fire proof material and reasonably gastight from end to end. The ducts shall lead as direct as possible and be properly fastened and supported.

(h) All supply ducts shall be provided with cowls or scoops having a free area not less than twice the required duct area. When the cowls or scoops are screened, the mouth area shall be increased to compensate for the area of the screen wire. Dampers shall not be fitted in the supply ducts. Cowls or scoops shall be kept open at all times except when the stress of weather is such as to endanger the vessel if the openings are not temporarily closed. Supply and exhaust openings shall not be located where the natural flow of air is unduly obstructed, or adjacent to possible sources of vapor ignition, nor shall

they be so located that exhaust air may be taken into the supply vents. Provision shall be made for closing all cowls or scoops when the fixed carbon dioxide system is operated.

Subpart 182.20—Machinery Using Diesel Fuel

§ 182.20–1 Application.

(a) This subpart shall apply to all propulsion and auxiliary machinery installations of the internal combustion piston type which use Diesel fuel or other fuel having a flashpoint of over 110° F.

§ 182.20–5 General requirements.

(a) Generators, starting motors and other spark producing devices shall be mounted as high above the bilges as practicable.

(b) Gages to indicate engine cooling water discharge temperature and lubricating oil pressure shall be provided for all propulsion engines and located so as to be in view of the operator.

§ 182.20–10 Diesel engine cooling.

(a) Except as otherwise provided in this paragraph all engines shall be water cooled.

(1) Auxiliary engines with self-contained fuel systems may be air cooled when they are installed on open decks.

(2) Air cooled propulsion and auxiliary engines may be installed under deck when adequate compartment ventilation is provided and other necessary safeguards are taken so as not to endanger the vessel. (See § 182.20–45(b) for ventilation requirements.)

(b) The engine cooling water system shall be in accordance with the following provisions:

(1) The engine head, block and exhaust manifold shall be water jacketed and cooled by water from a pump which operates whenever the engine is operating.

(2) A closed fresh water system may be used to cool the engine. Air cooled radiators shall not be used for propulsion engine cooling systems.

(3) A suitable hull strainer shall be installed in the circulating water intake line.

§ 182.20–15 Diesel engine exhaust cooling.

(a) Except as otherwise provided in this paragraph, all engine exhaust pipes shall be water cooled.

(1) Dry pipe vertical exhausts are permissible if suitably insulated.

(2) Exhaust pipes on air cooled engines need not be water cooled but suitable insulation may be required.

(b) The exhaust pipe cooling water system shall be in accordance with the following provisions:

(1) Water for cooling the exhaust pipe shall be obtained from the engine cooling system or a separate engine driven pump.

(2) Water for cooling the exhaust pipe, other than a vertical exhaust, shall be injected into the exhaust system as near to the engine exhaust manifold as practicable. The water shall pass through the entire length of the exhaust pipe.

(3) That part of the exhaust system between the point of cooling water injection and the engine exhaust manifold shall be water jacketed or effectively insulated.

(4) Vertical exhaust piping shall be water jacketed, or suitably insulated, between the engine exhaust manifold and the spark arrester.

(5) When the exhaust cooling system is separate from the engine cooling system a suitable warning device shall be provided to indicate any failure of water flow in the exhaust cooling system. Such warning shall be visible or audible at the engine operating station.

(6) A suitable hull strainer shall be installed in the circulating water intake line.

§ 182.20–20 Diesel engine exhaust pipe, installation.

(a) Exhaust piping shall be led to the point of escape with a minimum number of bends or elbows. It shall be gas tight throughout its length and shall be properly supported by non-combustible hangers or blocks.

(b) The exhaust piping shall be so arranged as to prevent backflow of water from reaching engine exhaust ports under normal conditions.

(c) Where flexibility is necessary a section of flexible metallic hose may be used. Non-metallic hose may be used provided it is especially adapted to resist the action of oil, acid and heat, and has a wall thickness sufficient to prevent collapsing or panting.

(d) Where exhaust piping passes through watertight bulkheads the watertight integrity of the bulkhead shall be maintained. Non-combustible packing shall be used in bulkhead penetration glands. Water cooled exhaust pipes may be welded to steel bulkheads in way of penetrations if suitable arrangements are provided to relieve the stresses resulting from the expansion of the exhaust piping.

(e) Where exhaust piping passes through non-watertight combustible bulkheads or partitions non-combustible packing shall be used in bulkhead penetration glands or a minimum clearance of 2 inches shall be provided between the exhaust pipe and the bulkhead or partition.

(f) Vertical exhaust systems shall be provided with spark arresters. Spark arresters shall be supported by suitable steel hangers and shall be lagged with fire resistant material. A clearance of at least 9 inches shall be maintained between the spark arrester and any woodwork.

(g) Protective gratings shall be provided at such locations where persons or gear might come in contact with the exhaust pipe.

(h) Arrangements shall be made to provide access to the exhaust pipe throughout its length.

§ 182.20–22 Integral diesel fuel tanks.

(a) Fuel tanks may be built integral with the hull on steel hull vessels.

(b) Integral fuel tanks shall be constructed to the satisfaction of the Officer in Charge, Marine Inspection. The standards of a recognized classification society may be considered in determining the structural adequacy of an integral fuel tank.

(c) Integral fuel tanks, when new shall be subjected to and shall withstand a hydrostatic test pressure of 5 pounds per square inch, or to the maximum head to which they may be subjected in service whichever is greater.

§ 182.20–25 Independent diesel fuel tanks.

(a) *Material and construction.* (1) The materials used and the minimum thickness allowed in the construction of independent fuel tanks shall be as indicated in Table 182.20–25(a)(1), except that consideration will be given to other materials which provide equivalent safety.

(2) Tanks with flanged-up top edges, that may trap and hold moisture, shall not be used.

TABLE 182.20–25(a)(1)

Material	A.S.T.M. specification (latest edition)	Thickness in inches and gage number vs. tank capacities For—		
		1 to 80 gallon tanks	More than 80 and not more than 150 gallon tanks	Over 150 gallon tanks
Nickel-copper	B127, Hot Rolled Sheet or Plate.	0.037(USSG 20) [1]	0.050(USSG 18)	0.107(USSG 12)
Steel or iron		.0747(USSG 14)	.1046(USSG 12)	.1875(USSG 7)

[1] Nickel-copper not less than 0.031 inch (USSG 22) may be used for tanks up to 30-gallon capacity.

(3) Openings for fill and vent pipes and openings for fuel level gages, where used, shall be on the topmost surface of tanks. Tanks shall have no openings in bottoms, sides or ends except as follows:

(i) The opening for the fuel supply piping is not restricted to the top of the tank.

(ii) An opening fitted with threaded plug or cap may be used on the bottom of the tank for tank cleaning purposes.

(4) All tank joints shall be welded.

(5) Nozzles, flanges or other fittings for pipe connections shall be welded or brazed to the tank. The tank opening in way of pipe connections shall be properly reinforced where necessary. Where fuel level gages are used the flange to which gage fittings are attached shall be welded or brazed to the tank.

(6) All tanks exceeding 30 inches in any horizontal dimension shall be fitted with vertical baffle plates where necessary for strength or for control of excessive surge. In general, baffle plates installed at intervals not exceeding 30 inches will be considered as meeting this requirement.

(7) Baffle plates, where required, shall be of the same material and not less than the minimum thickness required in the tank walls and shall be connected to the tank walls by welding or brazing.

(8) Iron or steel tanks shall not be galvanized on the interior. Galvanizing, paint or other suitable coating shall be used to protect the outside of iron and steel tanks.

(b) *Location and installation.* (1) Fuel tanks shall be located in, or as close as practicable, to engine compartments.

(2) Fuel tanks shall be so installed as to permit examination, testing, or removal for cleaning with minimum disturbance to the hull structure.

(3) Fuel tanks shall be adequately supported and braced to prevent movement. The supports and braces shall be insulated from contact with the tank surfaces with a non-abrasive and non-absorbent material.

(4) All fuel tanks shall be electrically bonded to the common ground.

(c) *Tests.* (1) Prior to installation, tanks shall be tested to and must withstand a pressure of 5 pounds per square inch or 1½ times the maximum head to which they may be subjected in service. A standpipe of 11½ feet in height attached to the tank may be filled with water to accomplish the 5 pounds per square inch test. Permanent deformation of the tank will not be cause for rejection unless accompanied by leakage.

(2) After installation of the fuel tank on a vessel the complete installation shall be tested in the presence of a marine inspector to a head not less than that to which the tank may be subjected in service. Fuel may be used as a testing medium.

§ 182.20–30 Filling and sounding pipes for diesel fuel tanks.

(a) Fill pipes shall be not less than 1½ inches nominal pipe size.

(b) Filling and sounding pipes shall be so arranged that overflow of liquid or vapor cannot escape to the inside of the vessel, but will discharge overboard. Sounding pipes may be omitted where sounding can be accomplished through the fill pipe or where marine type fuel gages are installed. Where sounding pipes are used, their openings shall be at least as high as the opening of the fill pipe and they shall be kept closed at all times except during sounding.

(c) Fill and sounding pipes shall run as directly as possible, preferably in a straight line, from the deck connection to the top of the tank. Such pipes shall terminate on the weather deck clear of any coamings and shall be fitted with shutoff valves, watertight deck plates or screw caps suitably marked for identification. Fill and sounding pipes may terminate at the top of the tank.

(d) Where a flexible fill pipe section is necessary, suitable flexible tubing or hose having high resistance to salt water, petroleum oils, heat and vibration, may be used. Such hose shall overlap metallic pipe ends at least 1½ times the pipe diameter and shall be secured at each end by two clamps of corrosion resistant metal. The flexible section shall be accessible and as near the upper end of the filling pipe as practicable. When the flexible section is a nonconductor of electricity, the metallic sections of the filling pipe separated thereby shall be joined by a conductor for protection against static spark when filling.

§ 182.20–35 Vent pipes for diesel fuel tanks.

(a) Each fuel tank shall be fitted with a vent pipe which shall be connected to the tank at its highest point under normal operating conditions.

(b) The minimum net cross-sectional area of the vent pipe shall be as follows:

(1) Not less than the cross-sectional area of ⅝-inch O.D. tubing (0.035-inch wall thickness—20 gage), if the fill pipe terminates at the top of the tank.

(2) Not less than the cross-sectional area of ¾-inch O.D. tubing (0.035-inch wall thickness—20 gage), if the fill pipe extends into the tank.

(3) Not less than the cross-sectional area of the fill pipe if provision is made to fill the tank under pressure.

(c) The discharge ends of vent pipes shall terminate on the hull exterior as high above the waterline as practicable and remote from any hull openings, or, they shall terminate in U-bends as high above the weather deck as practicable and as far from any openings into living quarters or other below deck spaces as practicable. Vent pipes terminating on the hull exterior shall be so installed or equipped as to prevent the accidental contamination of the fuel by water under normal operating conditions.

(d) The discharge ends of vent pipes shall be fitted with removable flame screens or flame arresters. The flame screens shall consist of a single screen of corrosion resistant wire of at least 30 x 30 mesh. The flame screens or flame arresters shall be of such size and design as to prevent reduction in the net cross-sectional area of the vent pipe and permit cleaning or renewal of the flame screens or arrester elements.

§ 182.20–40 Diesel fuel supply piping.

(a) *Material and workmanship.* (1) Fuel supply piping shall be of copper, nickel-copper, or copper nickel having a minimum wall thickness of 0.035 inch except that piping of other materials which provide equivalent safety may be used. Ferrous pipe or tubing will be permitted and reasonable lengths of flexible hose may be used provided it is fitted with suitable connection fittings and has high resistance to salt water, petroleum oils, heat and vibration and is adequately reinforced by metallic or non-metallic reinforcement.

(2) Standard fittings shall be used for ferrous piping and tubing.

(3) Non-ferrous tubing connections and fittings shall be drawn or forged metal of the flared type. Fittings depending solely on compression against the outside of the tube for tightness are prohibited. When making flared tube connections, the tubing shall be cut square and flared by suitable tools. Tube ends shall be annealed before flaring.

(4) Cocks of any type are prohibited for use in fuel lines.

NOTE: It is recommended that valves for fuel lines be marked to indicate direction of operation.

(b) *Installation.* (1) The fuel supply line may be connected to the fuel tank at or near the bottom of the tank.

(2) Fuel lines shall be accessible, protected from mechanical injury, and effectively secured against excessive movement and vibration by the use of soft non-ferrous metal straps with no sharp edges. Where passing through bulkheads, fuel lines shall be protected by close fitting ferrules or stuffing boxes.

(3) Shutoff valves, installed so as to close against the fuel flow, shall be fitted in the fuel supply lines, one at the tank connection and one at the engine end of the fuel line to stop fuel flow when servicing accessories. The shutoff valve at the tank shall be operable from outside the tank compartment, preferably from an accessible position on the weather deck.

(4) A loop of tubing or a short length of flexible hose shall be installed in the fuel supply line at or near the engines. Such flexible hose shall be provided with suitable connection fittings and shall have a high resistance to salt water, petroleum oils, heat and vibration.

(5) A suitable marine type strainer shall be fitted in the fuel supply line in the engine compartment. No special fuel strainers other than those recommended or furnished by the engine manufacturer will be required. Drip pans fitted with flame screens may be required under fuel strainers other than those mounted on the engine.

(6) All accessories installed in the fuel line shall be independently supported.

(7) Valves for removing water or impurities from fuel in watertraps or strainers will be permitted. Such valves shall be provided with caps or plugs to prevent fuel leakage.

§ 182.20–45 Ventilation of compartments containing diesel machinery.

(a) Spaces containing machinery shall be fitted with adequate dripproof ventilators, trunks, louvers, etc. to provide sufficient air for proper operation of main engines and auxiliary engines.

(b) Air-cooled propulsion and auxiliary engines installed below deck as permitted by § 182.20–10 shall be fitted with air intake ducts or piping from the weather deck. The ducts or piping shall be so arranged and supported to be capable of safely sustaining stresses induced by weight and engine vibration and to minimize transfer of vibration to the supporting structure. Prior to installation of ventilation for such engines, plans or sketches showing machinery arrangement including air intakes, exhaust stack, method of attachment of ventilation ducts to the engine, location of spark arresting mufflers and capacity of ventilation blowers shall be submitted to the Commandant for approval.

(c) Spaces containing machinery shall be fitted with at least two ducts to furnish natural or mechanical supply and exhaust ventilation. One duct shall

extend to a point near the bottom of the compartment, so installed that the ordinary collection of water in the bilge will not trap the duct. Where forced ventilation is installed, the duct extending near the bottom shall be the exhaust. The total inlet area and the total outlet area of ventilation ducts shall each be not less than one square inch for each foot of beam of the vessel. These minimum areas shall be increased as necessary when such ducts are considered as part of the air supply to the engines.

(d) All ducts shall be of rigid permanent construction of fire proof material and reasonably gastight from end to end. The ducts shall lead as direct as possible and be properly fastened and supported.

(e) All supply ducts for ventilation purposes shall be provided with cowls or scoops having a free area not less than twice the required duct area. When the cowls or scoops are screened, the mouth area shall be increased to compensate for the area of the screen wire. Dampers shall not be fitted in the supply ducts. Cowls or scoops shall be kept open at all times except when the stress of weather is such as to endanger the vessel if the openings are not temporarily closed. Supply and exhaust openings shall not be located where the natural flow of air is unduly obstructed, or adjacent to possible sources of vapor ignition, nor shall they be so located that exhaust air may be taken into the supply vents.

§ 182.20–50 Ventilation or venting of compartments containing diesel fuel tanks.

(a) Except as otherwise provided in this paragraph enclosed compartments or spaces containing diesel fuel tanks and no machinery shall be provided with a gooseneck vent of not less than 2½ inches in diameter. Vent openings shall not be located adjacent to possible sources of vapor ignition.

(1) In small compartments or spaces a vent of not less than 1½ inches in diameter may be provided.

(2) Compartments which are adequately ventilated need not be provided with such gooseneck vents.

Subpart 182.25—Bilge System

§ 182.25–1 General.

(a) All vessels shall be provided with a satisfactory arrangement for draining any watertight compartment other than small buoyancy compartments, under all practical conditions. Sluice valves are not permitted in watertight bulkheads.

§ 182.25–5 Bilge piping system.

(a) All vessels of 26 feet in length and over shall be provided with individual bilge lines and bilge suctions for each watertight compartment except as follows:

(1) The space forward of the collision bulkhead need not be fitted with a bilge suction line when the arrangement of the vessel is such that ordinary leakage may be removed from this compartment by the use of a hand portable bilge pump or other equipment and such equipment is provided.

(b) The bilge pipe shall be not less than one inch nominal pipe size, and the bilge suctions shall be fitted with suitable strainers having an open area not less than three times the area of the bilge pipe.

(c) The individual bilge suction lines shall be led to a central control point or manifold. Each line shall be provided with a stop valve at the control point or manifold and in addition shall be provided with a check valve at some accessible point in the bilge line. A stop-check valve located at the control point or manifold will meet the requirements for both a stop valve and a check valve.

(d) The bilge pipe piercing the collision bulkhead shall be fitted with a screw-down valve located on the forward side of the collision bulkhead and operable from above the weather deck. In lieu thereof, a screw-down valve without a reach rod may be fitted to the bilge line on the after side of the collision bulkhead if it is readily accessible under service conditions.

§ 182.25–10 Bilge pumps.

(a) All vessels shall be provided with bilge pumps in accordance with Table 182.25–10(a).

TABLE 182.25-10(a)

Number of passengers	Length	Bilge pumps required	Minimum capacity required (gallons per minute)
Vessels carrying more than 49 passengers and all ferry vessels.	All	1 fixed power pump and 1 portable hand pump	25 GPM 5 GPM
Vessels other than ferry vessels carrying not more than 49 passengers.	26 feet and over	(1 fixed power pump or 1 fixed hand pump) and 1 portable hand pump	10 GPM 5 GPM
	Less than 26 feet	1 portable hand pump	5 GPM

(b) The fixed power bilge pump shall be self priming and may be driven off the main engine or other source of power. It shall be permanently connected to the bilge main and may also be connected to the fire main. If of sufficient capacity the power bilge pump may also serve as a fire pump.

(c) The fixed hand bilge pump shall be permanently connected to the bilge main and may also be connected to the fire main.

(d) The portable hand bilge pump shall be provided with suitable hoses for pumping bilges on the suction and discharge ends. This pump may also serve as a portable fire pump if it is of sufficient capacity.

Subpart 182.30—Steering Apparatus

§ 182.30–1 Main steering apparatus.

(a) All vessels except non-self-propelled vessels shall be provided with suitable steering apparatus.

§ 182.30–5 Auxiliary steering apparatus.

(a) Except as further modified in this section, all single screw vessels in ocean and coastwise service shall be provided with an auxiliary steering arrangement located above the weather deck. A suitable hand tiller will be acceptable for this purpose.

(b) Auxiliary steering will not be required where no regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit, or where a rudder and tiller is the normal means of steering.

Subpart 182.35—Separation of Machinery and Fuel Tank Spaces From Accommodation Spaces

§ 182.35–1 Bulkheads.

(a) Except as otherwise provided in this section, machinery and fuel tank spaces shall be separated from accommodation spaces by watertight and/or vapor tight bulkheads of double diagonal wood, marine plywood, steel plate, or equivalent construction.

(b) Where segregation can be obtained by means of a watertight and/or vapor tight engine box, this will be accepted as a substitute for the required bulkheads.

PART 183—ELECTRICAL INSTALLATION

Subpart 183.01—Application and Intent

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Subpart 183.05—Electrical Installations Operating at Potentials of Less Than 50 Volts

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183.05–35 Accessories (less than 50 volts).
183.05–40 Ignition wiring (installations less than 50 volts).
183.05–45 Lighting and power wiring size, insulation, etc. (less than 50 volts).
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Subpart 183.10—Electrical Installations Operating at Potentials of 50 Volts or More

183.10–1 Application.
183.10–5 Generators and motors (50 volts or more).
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183.10–15 Main distribution panels (50 volts or more).
183.10–20 Wiring methods and materials (50 volts or more).
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183.10–30 Distribution and circuit loads (50 volts or more).
183.10–35 Overcurrent protection, general (50 volts or more).
183.10–40 Overcurrent protection for motors and motor branch circuits.
183.10–45 Electric heating and cooking equipment (50 volts or more).
183.10–50 Shore power (50 volts or more).

AUTHORITY: §§ 183.01–1 to 183.10–50 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 183.01—Application and Intent

§ 183.01–1 Application.

(a) The provisions of this part shall apply to the electrical installations on all vessels contracted for on or after June 1, 1958. Electrical installations on vessels contracted for prior to that date shall meet the requirements of this part insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

(R.S. 4405, as amended, 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 391, 392, 404, 435, 416, 481)

§ 183.01–5 Intent.

(a) This part is intended to provide a minimum standard of regulations for electrical installations and equipment that will result in a vessel that is reasonably safe from fire caused by and/or originating in electrical equipment, and reasonably safe from electrical shock of personnel.

§ 183.01–10 Special consideration for vital systems.

(a) Electrical equipment and circuits which are a necessary part of any system vital to the safe navigation of the vessel, such as propulsion and steering systems, will be given special consideration and shall be subject to certain additional requirements as determined by the Officer in Charge, Marine Inspection. These additional requirements are contained in applicable regulations in Subchapter J (Electrical Engineering) of this chapter.

§ 183.01–15 General standards and requirements.

(a) All electrical installations shall be to the satisfaction of the Officer in Charge, Marine Inspection.

(b) The regulations contained in this Part are substantially in accord with, and in general are based upon established codes and recognized marine standards and practices. Certain of these codes and publications are referred to specifically in some regulations in this part. A list of the publications follows:

(1) Electrical Engineering Regulations, CG–259, published by United States Coast Guard.

(2) Recommended Practice for Electric Installations On Shipboard, AIEE No. 45, published by American Institute of Electrical Engineers, 33 West Thirty-ninth Street, New York 18, N.Y.

(3) National Electrical Code, published by National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass.

(4) Standard for Marine Type Electric Lighting Fixtures, Subject 595, published by Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago 11, Ill.

(5) Standard for Commercial Electric Cooking Appliances, published by Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago 11, Ill.

Subpart 183.05—Electrical Installations Operating at Potentials of Less Than 50 Volts

§ 183.05–1 Application.

(a) The regulations in this Subpart apply to electrical installations operating at potentials of less than 50 volts. Regulations covering electrical installations of 50 volts or more are contained in Subpart 183.10 of this part.

§ 183.05–5 Name plates (less than 50 volts).

(a) Each generator, motor and other major items of power equipment shall be provided with a name plate indicating the maker's name, its rating in volts and amperes or in volts and watts and when intended for connection to a normally grounded supply, the grounding polarity.

§ 183.05–10 Generators and motors (less than 50 volts).

(a) Generators and motors shall be placed in dry, accessible and adequately ventilated locations.

(b) Independent generators and motors should be mounted on foundations as high as practicable above the bilges to avoid damage by splash or contact with low lying vapors. They shall not be located in low or pocketed positions.

(c) All generators shall be suitably protected from overcurrent by circuit breakers, fuses or by an overcurrent relay.

(d) Overcurrent protection of a third-brush type generator shall open the field circuit.

(e) An emergency switch shall be provided in the normally ungrounded main supply conductor from the battery and located as closely as practicable to the supply battery.

§ 183.05–15 Switchboards (less than 50 volts).

(a) Switchboards shall be placed in dry, accessible and adequately ventilated locations preferably outside the engine compartment. The switchboard shall be adequately protected and provision shall be made for access thereto. All uninsulated current carrying parts shall be mounted on nonabsorbent, noncombustible, high dielectric insulating material.

(b) Totally enclosed switchboards of the dead front type shall be used whenever they are accessible to passengers.

(c) Each ungrounded conductor of circuit supplying lights, motors or appliances shall be equipped with a circuit breaker or switch and fuses at the point of attachment to the power source. This applies also to added circuits.

(d) Switches other than those mounted on the switchboard shall be of the enclosed type.

(e) If the storage battery is not in the same compartment and adjacent to the panel or box which distributes power to the various lighting, motor and appliance branch circuits the storage battery lead shall be fused close to the battery.

§ 183.05–20 Batteries (less than 50 volts).

(a) Batteries shall be so located that the gas generated in charging will be easily dissipated by natural or induced ventilation. Batteries should not be located in the same compartment with a gasoline tank or gasoline engine, but where location elsewhere is impracticable, they shall be effectively screened by a cage or similar structure to minimize the danger of accidental spark through dropping a metal object across terminals.

(b) Batteries shall be located as high above the bilge as practicable and secured against shifting with motion of the boat. They shall be accessible with not less than 10 inches head room.

(c) Battery terminals shall be of the soldered lug type and all connections shall be made to the battery terminals with permanent type connectors. Spring clips or other temporary type clamps are not permitted.

(d) Acid batteries shall be located in a tray of lead or other suitable material resistant to deteriorating action by the electrolyte.

(e) Alkaline batteries employing metal containers shall be mounted on suitable insulating support and shall be prevented from coming in contact with other metal which may result in a short circuit.

(f) A battery charger intended for connection to a commercial supply voltage shall employ a transformer of the isolating type. An ammeter that is

readily visible shall be included in the battery charger circuit.

(g) A voltage dropping resistor provided for charging a battery shall be mounted in a suitable ventilated noncombustible enclosure, so installed as to prevent hazardous temperatures at adjacent combustible materials.

§ 183.05–25 Radio-phone equipment (less than 50 volts).

(a) A separate circuit, fused at the main distribution panel shall be provided for each radio-phone installation.

(b) The supply cable to the radio-phone installation shall be large enough to carry the current under any condition of normal operation.

§ 183.05–30 Circuit breakers (less than 50 volts).

(a) Circuit breakers, of the proper voltage rating, shall be of the manually reset type designed for inverse time delay, instantaneous short circuit protection and capable of repeatedly opening the circuit in which it is to be used without damage to the circuit breaker.

§ 183.05–35 Accessories (less than 50 volts).

(a) Accessories, such as switches, fuses, and sockets, shall be standard National Electrical Code types for the loads to be carried and shall be of types listed by, or types equal to those listed by Underwriters' Laboratories, Inc., or other recognized testing laboratory.

(b) All lights, receptacles and switches exposed to the weather shall be watertight and on vessels operating in salt water, shall be constructed of corrosion-resistant material.

§ 183.05–40 Ignition wiring (installations less than 50 volts).

(a) Ignition wiring as supplied or recommended by engine manufacturers is generally acceptable.

§ 183.05–45 Lighting and power wiring size, insulation, etc. (less than 50 volts).

(a) Wiring sizes for lighting and power shall be in accordance with Table 183.05–45(a).

TABLE 183.05–45(a).—ALLOWABLE CURRENT-CARRYING CAPACITIES OF CONDUCTORS BASED ON ROOM TEMPERATURE OF 30° C., 86° F.

[See National Electrical Code for other sizes]

Size gage No. A.W.G.	Area in circular mils	Capacity of wire	
		Rubber insulated types R, RW, RU (sizes 12-6)—Thermoplastic insulated types T, TW (all sizes)	Rubber insulated type RH
		Amperes	*Amperes*
14	4,107	15	15
12	6,530	20	20
10	10,380	30	30
8	16,510	40	45
6	26,250	55	65
4	41,740	70	85
3	52,620	80	100
2	66,370	95	115
1	83,690	110	130

NOTE: (1) The current-carrying capacities listed in this table are for 1-, 2-, and 3-conductor cables; 80 percent of these capacities must be used for 4-, 5-, and 6-conductor cables, and 70 percent for 7-, 8-, and 9-conductor cables.
(2) The allowable current-carrying capacities in this table are based on temperature alone and do not take voltage drop into consideration.

(b) As a precaution against rupture by vibration, all conductors shall be of the stranded type, except where type MI cable is employed, and no conductor smaller than No. 14 A.W.G. shall be used except for short fixture leads or intercommunication wiring as set forth in paragraph (k) of this section.

(c) Table 183.05–45(c) indicates the size of conductor required for corresponding lengths and steady state (stable) values to obtain a voltage drop of not more than 10 percent at the load terminals of a two conductor circuit. Other values can be computed by means of the following formula:

$$cm = \frac{K \times I \times L\ (\times 2 \text{ for two-wire circuit})}{E} \quad (1)$$

Where:
cm = Circular-mil area of conductor.
K = 10.75 (a constant representing the mil-foot resistance of copper).
I = Load current, in amperes.
L = Length of conductor from center of distribution, in feet.
E = Voltage drop at load, in volts.

TABLE 183.05–45(c)—CONDUCTOR SIZES FOR AMPERES—LENGTHS

Total current on circuit, amperes	Length of conductor in feet from source of current to most distant fixture									
	10	15	20	25	30	35	40	45	50	55	60
	6 volts, 2-wire—10 percent drop wire sizes (A.W.G.)										
5	14	14	14	12	12	12	10	10	10	10	8
10	14	12	10	10	8	8	8	8	6	6	6
15	12	10	8	8	8	8	6	6	4	4	4
20	10	8	8	6	6	6	4	4	4	4	2
25	10	8	6	6	4	4	4	4	3	3	2
	12 volts, 2-wire—10 percent drop wire sizes (A.W.G.)										
5	14	14	14	14	14	14	14	14	12	12	12
10	14	14	14	12	12	12	10	10	10	10	8
15	14	14	12	10	10	10	8	8	8	8	8
20	12	12	10	10	8	8	8	8	6	6	6
25	10	10	10	8	8	8	6	6	6	6	4

(d) After computing the circular-mil area required, reference may be made to Table 183.05–45(a) for selection of the required conductor gage size. When the computed circular-mil area is found to be less than any value given in the table, the next larger size conductor shall be used.

(e) Light and power conductors for interior wiring shall be insulated in accordance with Table 183.05–45(e).

TABLE 183.05–45(e)—CONDUCTOR INSULATIONS

Type letter [1]	Trade name	Insulation	Thickness of insulation		Outer covering	Maximum operating temperature	Special provisions
R	Code	Code—rubber	14–12	4/64 in.	Moisture-resistant, flame-retardant, fibrous covering.	60° C. 140° F.	General use.
			10	5/64 in.			
			8–2	6/64 in.			
			1	7/64 in.			
RW	Moisture-resistant	Moisture-resistant rubber	14	5/64 in.	Moisture-resistant, flame-retardant, fibrous covering.	60° C. 140° F.	General use and wet locations.
			8–2	6/64 in.			
			1	7/64 in.			
RU	Latex	90% unmilled grainless rubber.	14–10	18 mils	Moisture-resistant, flame-retardant, fibrous covering.	60° C. 140° F.	General use.
			8–6	25 mils			
RH	Heat-resistant	Heat-resistant rubber	14–12	4/64 in.	Moisture-resistant, flame-retardant, fibrous covering.	75° C. 167° F.	General use.
			10	5/64 in.			
			8–2	6/64 in.			
			1	7/64 in.			
T	Thermoplastic	Flame-retardant thermoplastic compound.	14–10	4/64 in.	None	60° C. 140° F.	General use.
			8	5/64 in.			
			6–2	6/64 in.			
			1	7/64 in.			
TW	Moisture-resistant, thermoplastic.	Flame-retardant, moisture-resistant thermoplastic.	14–10	4/64 in.	None	60° C. 140° F.	General use and wet locations.
			8	5/64 in.			
			6–2	6/64 in.			
			1	7/64 in.			

[1] See National Electrical Code issued by National Fire Protection Association, 60 Batterymarch Street, Boston, 10, Mass.

(f) Where desired, non-metallic sheathed multiple conductor cable may be employed instead of individual conductors.

(g) Lead sheathed unarmored conductors and conductors armored with spiral wound flat metal stripping shall not be used.

(h) Conductors armored with metallic basket weave, with or without inside lead sheathing, depending upon location, in accordance with the A.I.E.E. standard No. 45, Recommended Practice for Electrical Installations on Shipboard, may be used.

(i) Where desired, metallic sheathed cable type MI, as defined in the National Electrical Code, may be used. (This standard may be obtained from National Fire Protection Association, 60 Batterymarch St., Boston 10, Mass.)

(j) Conductors, from receptacles to fixtures, shall be flexible cord in accordance with Tables 183.05–45(j)(1) and 183.05–45(j)(2).

TABLE 183.05–45(j)(1)—FLEXIBLE CORDS

Type letter [1]	Trade name	Size A.W.G.	Number of conductors	Conductor insulation	Outer covering	Use
S	Hard service cord.	18 to 10 inclusive	2 or more	Rubber thermoplastic	Rubber	Pendant or portable. Damp places. Extra hard usage.
SO					Oil resistant compound.	
ST					Thermoplastic.	

[1] See National Electrical Code issued by National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass.

TABLE 183.05–45(j)(2)—ALLOWABLE CURRENT-CARRYING CAPACITY OF FLEXIBLE CORD

Size A.W.G.	Amperes
18	7
16	10
14	15
12	20
10	25

(k) For intercommunication wiring, rubber or thermoplastic covered single braid IC cable, type RF–32 (rubber covered fixture wire—1/32-in. installation) stranded and not smaller than No. 16 A.W.G. or equivalent shall be used. Commercial bell wire shall not be used.

§ 183.05–50 Lighting and power wiring installation (less than 50 volts).

(a) *Wiring.* (1) All wiring shall be run as high as practicable above bilges.

(2) Wiring, where subject to mechanical damage shall be protected in accordance with the National Electrical Code: article 352 for metal raceways, article 346 for conduit, and article 348 for metallic tubing.

(b) *Wiring joints and splices.* (1) Wiring joints and splices shall be mechanically secure and made in junction boxes.

(2) Unless a splice is made by an insulated pressure wire connector listed by Underwriters' Laboratories, Inc., it shall be thoroughly soldered, taped first with rubber and then with friction tape, or the soldered joint shall be otherwise protected as to provide an insulation the same as that of the conductors joined.

(3) Where ends of stranded conductors are to be clamped under terminal screws, they shall be formed and soldered unless fitted with pressure terminal connectors listed by Underwriters' Laboratories, Inc.

(c) *Conductors.* (1) Conductors shall be protected from overcurrent in accordance with their current-carrying capacities as given in Table 183.05–45(a).

NOTE: Overcurrent protection for conductors is provided for the purpose of opening the electric circuit if the current reaches a value which will cause an excessive or dangerous temperature in the conductor or conductor insulation.

(2) The conductors supplying motors and motor operated appliances shall be protected by a separate overcurrent device which is responsive to motor current. This device shall be rated or set at not more than 125 percent of the motor full-load current rating.

(d) *Grounding.* (1) On metal vessels the enclosures and frames of all major electrical equipment shall be permanently grounded to the metal hull of the vessel by the mounting bolts or other means. The term "grounded" in this case means that a normally non-current carrying conductor is used to connect the non-current carrying metal enclosures or frames of the electrical equipment to any metal area which is electrically continuous with the wetted surface of the metal hull (for example, a metal enclosure would be considered as grounded if it was attached to a metal bulkhead by metal bolts, and if the bulkhead was welded or bolted to a metal hull).

(2) On wooden vessels, bonding together of the enclosures and frames of major electrical equipment to a common ground shall be effected. This means that a normally non-current carrying conductor is used to connect the non-current carrying metal enclosures or frames of major electrical equipment to a common, electrically-continuous, metal network that takes the place of a metal hull.

(3) For grounded systems the negative polarity of the supply source should be grounded to the metal hull or, for wooden vessels, connected to the common ground, but shall not normally carry current.

(4) On a wooden vessel where a ground plate is provided for radio equipment it shall be connected to the common ground.

(5) For grounded systems, the use of hull return is not recommended except for engine starting purposes.

Subpart 183.10—Electrical Installations Operating at Potentials of 50 Volts or More

§ 183.10–1 Application.

(a) The regulations in this subpart apply to electrical installations operating at potentials of 50 volts or more. Regulations covering electrical installations of less than 50 volts are contained in Subpart 183.05 of this part.

§ 183.10–5 Generators and motors (50 volts or more).

(a) Each major generator and motor shall be fitted with a nameplate of corrosion-resistant material marked with the following information as applicable:
(1) Name of manufacturer.
(2) Manufacturer's type and frame designation.
(3) Output in KW or watts or horsepower rating.
(4) Kind of rating (continuous, intermittent, etc.).
(5) Revolutions per minute at rated load.
(6) Amperes at rated load.
(7) Voltage.
(8) Frequency if applicable.
(9) Number of phases, if applicable.
(10) Type of winding (for direct-current motors).

(b) Generators and motors shall be mounted as high as practicable above the bilges to avoid damage by splash or contact with low lying vapors. They shall not be located in low or pocketed position.

(c) Generators and motors for use below decks shall be located in as dry a place as practicable.

(d) Motors for use in locations exposed to the weather shall be of the watertight type or shall be enclosed in watertight housings. The motor enclosure or housing shall be provided with a check valve for drainage or a tapped hole at the lowest part of the frame which will serve for application of a drain pipe or drain plug.

(e) Generators and motors for use in machinery spaces shall generally be designed for an ambient temperature of 50° C. Generators and motors for use in locations where the ambient temperature will not exceed 40° C may be designed for an ambient temperature of 40° C.

(1) If it can be substantiated that the ambient temperature in machinery spaces will not exceed 40° C under normal operating conditions, the motors and generators may be designed for an ambient temperature of 40° C.

(2) Generators and motors designed for 40° C may be used in 50° C ambient locations provided the machines are derated to 80 percent of full load rating, and the rating or setting of the overcurrent devices is reduced accordingly. An additional nameplate specifying the derated capacity shall be provided for each such motor and generator.

(f) A voltmeter and an ammeter shall be provided that can be used for measuring voltage and current of each generator that is in operation. For alternating-current generators a means for

measuring frequency shall also be provided. Additional control equipment and measuring instruments shall be provided as necessary to insure satisfactory operation of the generator or generators.

§ 183.10–10 Equipment protection and enclosure (50 volts or more).

(a) Except as provided otherwise in this subpart, all electrical equipment including motors, generators, controllers, distribution panels, etc., shall be dripproof protected. Dripproof protected means that equipment and machinery is so constructed or protected that its successful operation is not interfered with when subjected to falling moisture or dirt, and rotating or uninsulated parts cannot be inadvertently touched or approached nearer than a safe distance by any person.

(b) Equipment mounted on a hinged door of an enclosure shall be constructed or shielded in such a manner that no live parts of the door mounted equipment will be exposed to accidental contact by a person with the door open and the circuit energized.

(c) Any cabinet, panel, or box containing more than one source of potential in excess of 24 volts shall be fitted with a permanent sign warning personnel of this condition and identifying the circuits to be disconnected to remove all potentials in excess of 24 volts.

(d) Distribution panel boards shall be the safety type.

§ 183.10–15 Main distribution panels (50 volts or more).

(a) The main distribution panel is that device to which the generator leads are connected, and from which the electric leads throughout the vessel directly or indirectly receive their electric power.

(1) If the main distribution panel is floor mounted and is not dripproof protected, it is considered to be a switchboard.

(b) Switchboards shall be fitted with driphoods and non-conducting hand rails. Non-conducting mats or grating shall be provided on deck in front and rear of switchboards.

(c) Adequate working space shall be provided around all main distribution panels and switchboards. Not less than 24" shall be provided in front of main distribution panels and switchboards and not less than 18" shall be provided in the rear of switchboards that are accessible from the rear.

(d) Metal cases of instruments and secondary windings of instrument transformers shall be grounded.

(e) Main distribution panels shall be placed in dry, accessible, and adequately ventilated locations preferably outside the engine compartment. All uninsulated current carrying parts shall be mounted on nonabsorbent, noncombustible, high dielectric insulating material.

(f) Main distribution panels shall be of the dead front type where voltage to ground is in excess of 150 volts A.C. or 250 volts D.C.

§ 183.10–20 Wiring methods and materials (50 volts or more).

(a) All wiring and cables shall be suitable for marine use and shall be constructed in accordance with Section 18 and 54 of AIEE Standard No. 45, latest revision. (This standard may be obtained from the American Institute of Electrical Engineers, 33 W. 39th Street, New York 18, N.Y.)

(b) Electric cables for installation in damp or wet locations shall be leaded and armored, reinforced sheathed and armored, impervious sheathed and armored, or mineral insulated-metal sheathed. The armor of cables subject to salt water or spray shall be either bronze or aluminum and the sheath of mineral insulated-metal sheathed cable shall be seamless annealed copper.

(c) The maximum current-carrying capacities of electric lighting and power cables for continuous service are given in Table 183.10–20(c), and no cable shall be permitted to carry a current continuously in excess of these values.

TABLE 183.10-20(c)—WIRES AND CABLES—MAXIMUM CURRENT-CARRYING CAPACITIES, FOR CONTINUOUS SERVICE

Conductor size		Current in amperes								
		1-conductor			2-conductor			3-conductor		
Area (circular mils)	Nearest A.W.G.	R	VC	AVC	R	VC	AVC	R	VC	AVC
212,000	4/0	241	310	345	193	254	283	169	215	239
168,000	3/0	208	273	304	167	223	248	148	187	208
133,000	2/0	180	237	264	145	194	214	130	163	181
106,000	1/0	155	206	229	128	170	189	112	142	158
83,700	1	133	177	197	111	148	165	98	122	135
66,400	2	115	152	169	96	128	142	86	106	118
52,600	3	99	132	147	85	111	124	75	92	102
41,700	4	85	114	127	74	97	108	66	80	89
33,100	5	71	99	110	64	85	95	57	70	78
26,300	6	63	86	96	55	74	82	49	61	67
20,800	7	54	74	82	49	64	71	44	52	58
16,500	8	46	66	73	42	55	61	39	46	51
10,400	10	34	49	54	32	42	47	29	35	39
6,530	12	24	32	35	22	27	30	21	23	26
4,110	14	15	.....	20	14	.....	19	13	.....	17

(d) All wiring shall be run as high as practicable above bilges.

(e) All cables installed where particularly liable to damage such as locations in way of doors, hatches, etc., shall be specially protected by removable metal coverings, angle irons, pipe, or other equivalent means. All such metallic coverings are to be electrically continuous and effectively grounded to the metal hull or common ground, and all such coverings such as pipe which may trap moisture shall be provided with holes for drainage. Where cable protection is carried through watertight decks or bulkheads, the installation shall be such that will insure the watertight integrity of the structure.

(f) Cables entering boxes or fittings shall be protected from abrasion, and shall conform with the following requirements:

(1) Openings through which conductors enter shall be adequately closed.

(2) The cable armor shall be secured to the box or fitting.

(3) In damp or wet locations, the cable entrance shall be watertight.

(g) The enclosures of all equipment shall be permanently grounded to the metal hull of the vessel by the mounting bolts or other means. The term "grounded" in this case means that a normally non-current carrying conductor is used to connect the non-current carrying metal enclosures of electrical equipment to any metal area which is electrically continuous with the wetted surface of the metal hull (for example, a metal enclosure would be considered as grounded if it was attached to a metal bulkhead by metal bolts, and if the bulkhead was welded or bolted to a metal hull). On a wooden vessel, bonding together of the enclosures to a common ground shall be effected. This means that a normally non-current carrying conductor is used to connect the non-current carrying metal enclosures of electrical equipment to a common, electrically-continuous, metal network that takes the place of a metal hull.

(1) On a wooden vessel where a ground plate is provided for radio equipment it shall be connected to this common ground.

(2) When a vessel is connected to shore power, a bonding cable may be used to connect the metal hull or on wooden vessels the common ground, to shore ground.

(h) Each lead covered cable and each armored cable is to have the metallic covering electrically and mechanically continuous and grounded to the metal hull, or on wooden vessels, bonded to the common ground provided by paragraph (g) of this section, at each end of the run, except that final sub-circuits may be grounded at the supply end only.

(i) All equipment, including switches, fuses, lampholders, etc., shall be of a type designed for the potential involved and so identified.

(j) Junction boxes, connection boxes, and outlet boxes, shall have an internal depth of at least 1½ inches, except that when a box is incorporated in a fixture the depth may be decreased to not less than 1 inch provided the volume of the box is not less than 20 cubic inches. The free space within such boxes for each conductor, not counting fixture wires, shall not be less than that given in Table 183.10–20(j). Table 183.10–20(j) applies where no fittings or devices, such as cable clamps, hickeys, switches or receptacles are contained in the box. Where one or more such devices are contained in the box, each such device shall count as one conductor. Each conductor terminated in the box is counted as one conductor.

TABLE 183.10-20(j)

A.W.G. size of conductor No.	Free space for each conductor in box, cubic inches
14	2.0
12	2.25
10	2.50
8	3.0

(k) Junction boxes, connection boxes, and outlet boxes, for use in damp or wet locations shall be of watertight construction.

(l) Lighting fixtures shall be constructed in accordance with the requirements of Underwriters' Laboratories, Inc. Standard for Marine Type Electric Lighting Fixtures, Subject 595, or shall bear the proper Underwriters' Laboratories, Inc. "Marine Type" label, or shall be constructed in accordance with the requirements of other recognized testing laboratories.

(m) A separate circuit, fused at the main distribution panel shall be provided for each radiophone installation.

(n) Knife switches shall be so placed or designed that gravity or vibration will not tend to close them. Knife switches, unless of the double throw type, shall be connected so that the blades are dead when the switch is in the open position. Circuits shall be connected to the fuse end of switches and to the coil end of circuit breakers, except that generator leads or incoming feeders may be connected to either end of circuit breakers.

(o) Receptacle outlets and attachment plugs for the attachment of portable lamps, tools, and similar apparatus supplies as ship's equipment and operating at 100 volts or more, shall provide a grounding pole and a grounding conductor in the portable cord, to ground the non-current carrying metal parts of the portable apparatus. Portable apparatus shall be deemed to be any apparatus served by means of a flexible extension cord, whether the apparatus is permanently mounted or not.

(1) Receptacle outlets of the type providing a grounded pole shall be of a distinctive design that will not permit the dead metal parts of portable apparatus to be connected to a live conductor.

§ 183.10–25 Disconnect switches and devices (50 volts or more).

(a) Externally operable switches or circuit breakers shall be provided for motor and controller circuits and shall open all conductors of the circuit.

(1) If the disconnect means is not within sight of the equipment which the circuit supplies and is at a location accessible to passengers, means shall be provided for locking the disconnect device in the "open" position.

(2) For circuits protected by fuses, the disconnect switch required for fuses in § 183.10–35(b) will be considered as adequate for disconnecting the circuit from the supply.

(3) The disconnect means may be in the same enclosure with motor controllers.

(b) Disconnect means shall be provided to open all conductors of generator and shore power cables.

§ 183.10–30 Distribution and circuit loads (50 volts or more).

(a) In general the electrical source located within the vessel and distribution system shall not be grounded. That is, a current carrying conductor, or a part of the system electrically continuous with any current-carrying conductor, shall not be intentionally connected, directly or indirectly, to the metal hull, or on wooden vessels to the common ground. An electrical installation that has any current carrying conductor intentionally connected, directly or indirectly to the metal hull, or on wooden vessels to the common ground, shall be subject to certain additional requirements as determined by the Officer in Charge, Marine Inspection. These additional requirements are contained in applicable regulations in Subchapter J (Electrical Engineering) of this chapter.

(1) Figure 183.10–30(a)(1) shows a typical two wire electrical system showing various acceptable methods of circuit and equipment protection and control.

(2) All circuits are to be completely metallic and hull return shall not be used.

(3) The shore power source may be either ungrounded or grounded.

(b) The connected load on a lighting branch circuit shall not exceed 880 watts, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet. Circuits supplying electric discharge lamps shall be computed on the basis of ballast input current.

(c) The branch circuit cables for motor and lighting loads shall be not smaller than No. 14 AWG.

§ 183.10–35 Overcurrent protection, general (50 volts or more).

(a) Overcurrent protection shall be provided for each conductor for the purpose of opening the electric circuit if the current reaches a value which will cause an excessive or dangerous temperature in the conductor or conductor insulation.

(b) Disconnect means shall be provided on the supply side of and adjacent to all fuses for the purpose of deenergizing the fuses for inspection and maintenance purposes.

(1) All disconnect means shall open all conductors of the circuit simultaneously.

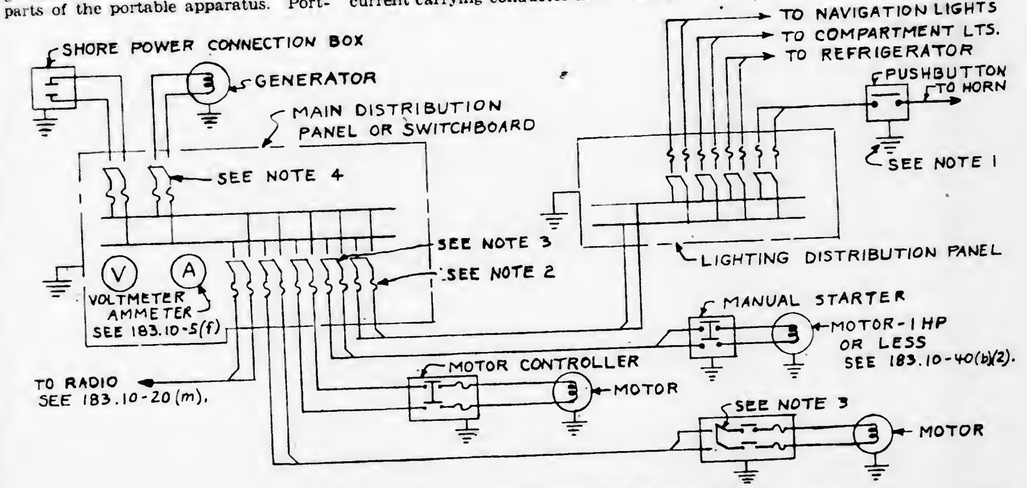


FIGURE 183.10–30(a)(1)—*Typical ungrounded electrical system.*

NOTES: 1. Ground symbol indicates a metallic connection to the vessel's metal hull, or, on wooden vessels it indicates bonding to the common ground. (See § 183.10–20(g).)

2. Circuit breakers may be used in lieu of switches and fuses.

3. Disconnect means not within sight of equipment to be disconnected, which is accessible to passengers, shall be provided with means for locking in the open position. (See § 183.10–25(a)(1).)

4. A double pole-double throw switch with one set of fuses may be used for disconnecting the generator and shore power cables. (See § 183.10–25(b).

(c) Conductors, including generator leads and shore power cables, shall be protected in accordance with current-carrying capacities, as given in Table 183.10–20(c).

(1) If the allowable current-carrying capacity of the conductor does not correspond to a standard size fuse, the next larger size or rating may be used but not exceeding 150 percent of the allowable current-carrying capacity of the conductor. Plug (screw in type) fuses and fuseholders shall not be used in circuits exceeding 125 volts between conductors. The screw shell of plug type fuseholders shall be connected to the load of the circuit. Edison base fuses shall not be used.

NOTE: Edison base fuses are those having threads like those on an ordinary light bulb.

(2) If the allowable current-carrying capacity of the conductor does not correspond to a standard rating of circuit breakers, the next larger rating may be used but not exceeding 150 percent of the allowable current-carrying capacity of the conductor.

(d) Lighting branch circuits shall be protected against over-current either by fuses rated at not more than 10 amperes or by circuit breakers rated or set at not more than 15 amperes.

(e) Circuit breakers of the proper voltage rating shall be of the manually reset type designed for inverse time delay, instantaneous short circuit protection and capable of repeatedly opening the circuit in which it is to be used without damage to the circuit breaker.

(1) Circuit breakers shall indicate whether they are in the open or closed position.

(f) Devices such as instruments, pilot lights, ground detector lights, potential transformers, etc., shall be supplied by circuits protected by overcurrent devices.

(g) Each generator shall be protected with an overcurrent device set at a value not exceeding 15 percent above the full-load rating for continuous rated machines or the overload rating for special rated machines.

§ 183.10–40 Overcurrent protection for motors and motor branch circuits.

(a) All motors shall be provided with running protection against overcurrent in accordance with Table 183.10–40(a). A protective device integral with the motor which is responsive to motor current or to both motor current and temperature may be used.

(b) Overcurrent devices shall be installed to protect the motor branch circuit conductors, the motor control apparatus, and the motors against overcurrent due to short circuits or grounds.

(1) The motor branch circuit overcurrent device shall be capable of carrying the starting current of the motor. Overcurrent protection shall be considered as being obtained when this overcurrent device has a rating or setting not exceeding the values given in Table 183.10–40(a).

(2) Each manually started continuous duty motor rated at one horsepower or less which is within sight from the starter location, shall be considered as protected against overcurrent by the overcurrent device protecting the conductors of the branch circuit. This branch circuit overcurrent device shall not be larger than that specified by Table 183.10–40(a), except that any such motor may be used at 125 volts or less on a branch circuit protected at 20 amperes.

(c) Motor branch circuit overcurrent protection and motor-running overcurrent protection may be combined in a single overcurrent device if the rating or setting of the device provides the running overcurrent protection specified in Table 183.10–40(a).

§ 183.10–45 Electric heating and cooking equipment (50 volts or more).

(a) Electric space heaters for heating rooms and compartments shall be provided with thermal cutouts to prevent overheating. Heaters shall be so constructed and installed to prevent the hanging of towels, clothing, etc. on the heaters, and to prevent overheating of heater parts and adjacent bulkheads or decks.

(b) All electric cooking equipment, attachments, and devices, shall be of rugged construction and so designed as to permit complete cleaning, maintenance, and repair.

(1) Doors shall be provided with heavy duty hinges and locking devices to prevent accidental opening in heavy seas.

(2) Electric cooking equipment shall be mounted to prevent dislodgement in heavy seas, and for grill or similar type cooking equipment means shall be provided to effect positive grease or fat collection and to prevent spillage on wiring or deck.

(3) Where necessary for safety of personnel, grab rails shall be provided. Electric ranges shall be provided with sea rails with suitable barriers to resist accidental cook pot movement.

(4) Unspecified construction and circuit details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Commercial Electric Cooking Appliances.

§ 183.10–50 Shore power (50 volts or more).

(a) At a convenient location, a shore power connection box or receptacle shall be permanently installed and a cable connecting this box or receptacle to the main distribution panels shall be permanently installed.

(1) The shore power cable shall be provided with a disconnect means located on or near the main distribution panel.

TABLE 183.10-40(a)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS

Full-load current rating of motor in amperes	Minimum size conductor AWG and MCM: 1-conductor R	1-conductor VC	1-conductor AVC	2-conductor R	2-conductor VC	2-conductor AVC	3-conductor R	3-conductor VC	3-conductor AVC	For running protection of motors (amperes)[1]: Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	Maximum allowable rating or setting of branch circuit protective devices (amperes): With code letters F to V, inclusive, or without code letters: Single-phase and squirrel cage and synchronous, full voltage, resistor and reactor starting: Fuses	Circuit breakers (nonadjustable trip)	With code letters B to E, inclusive: Single-phase and squirrel cage and synchronous, full voltage resistor or reactor starting. With code letters F to V, inclusive: Auto-transformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage. (Both not more than 30 amperes): Fuses	Circuit breakers (nonadjustable trip)	With code letters B to E, inclusive: Squirrel cage and synchronous, auto-transformer starting. Without code letters: Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage. (Both more than 30 amperes): Fuses	Circuit breakers (nonadjustable trip)	With code letter A: all motors. Without code letters: Direct-current and wound rotor motors: Fuses	Circuit breakers (nonadjustable trip)
1	14	12	14	14	12	14	14	12	14	2	1.25	15	15	15	15	15	15	15	15
2	14	12	14	14	12	14	14	12	14	3	2.50	15	15	15	15	15	15	15	15
3	14	12	14	14	12	14	14	12	14	4	3.75	15	15	15	15	15	15	15	15
4	14	12	14	14	12	14	14	12	14	6	4.04	15	15	15	15	15	15	15	15
5	14	12	14	14	12	14	14	12	14	8	6.25	15	15	15	15	15	15	15	15
6	14	12	14	14	12	14	14	12	14	8	7.50	20	15	15	15	15	15	15	15
7	14	12	14	14	12	14	14	12	14	10	8.75	25	20	20	15	20	20	15	15
8	14	12	14	14	12	14	14	12	14	10	10.00	25	20	20	20	20	20	15	15
9	14	12	14	14	12	14	14	12	14	12	11.25	30	30	25	20	20	20	15	15
10	14	12	14	14	12	14	14	12	14	15	12.50	30	30	25	20	25	30	20	20
11	14	12	14	14	12	14	14	12	14	15	13.75	35	30	30	30	25	30	20	20
12	14	12	14	14	12	14	14	12	14	15	15.00	40	30	30	30	25	30	20	20
13	12	12	14	12	12	14	12	12	14	20	16.25	40	40	35	30	30	30	25	30
14	12	12	14	12	12	14	12	12	12	20	17.50	45	40	35	30	30	30	25	30
15	12	12	14	12	12	14	12	12	12	20	18.75	45	40	40	40	35	40	25	30
16	12	12	14	12	12	12	12	12	12	20	20.00	50	50	40	40	35	40	30	30
17	12	12	12	12	12	12	12	12	12	25	21.25	60	50	45	40	40	40	30	30
18	12	12	12	10	12	12	12	10	12	25	22.50	60	50	45	40	40	40	30	30
19	12	12	12	10	12	12	12	10	12	25	23.75	60	50	50	40	40	40	30	30
20	10	12	12	10	12	12	12	10	12	25	25.00	60	50	50	40	40	50	35	40
22	10	12	12	10	10	12	12	10	10	30	27.50	70	70	60	50	50	50	40	40
24	10	12	12	10	10	12	12	10	10	30	30.00	80	70	70	60	60	60	40	40
26	10	10	12	8	10	10	12	8	10	35	32.50	90	70	70	70	60	70	45	50
28	8	10	12	8	10	10	10	8	10	35	35.00	90	70	80	70	60	70	45	50
30	8	10	10	8	10	10	10	8	10	40	37.50	90	100	80	70	70	70	50	50
32	8	10	10	8	10	10	10	8	8	40	40.00	100	100	80	70	70	70	60	70
34	8	10	10	7	8	10	10	7	8	45	42.50	110	100	90	70	70	80	60	70
36	8	10	10	7	8	10	10	6	8	45	45.00	110	100	90	100	80	100	60	70
38	7	10	10	7	8	8	8	6	8	50	47.50	125	100	100	100	80	100	60	70
40	7	8	10	6	8	8	8	6	8	50	50.00	125	100	100	100	90	100	70	70
42	7	8	10	6	8	8	8	6	8	50	52.50	125	125	110	100	90	100	70	70
44	6	8	8	6	8	8	8	6	6	60	55.00	125	125	110	100	100	100	70	70
46	6	8	8	6	7	8	8	6	6	60	57.50	150	125	125	100	100	100	80	100
48	6	8	8	5	7	8	8	6	6	60	60.00	150	125	125	100	100	100	80	100
50	6	8	8	5	7	8	8	6	6	60	62.50	150	125	125	100	110	125	80	100
52	5	8	8	4	6	8	8	6	6	70	65.00	175	150	150	125	110	125	90	100
54	5	7	8	4	6	8	8	6	6	70	67.50	175	150	150	125	125	125	90	100
56	5	7	8	4	6	8	8	6	6	70	70.00	175	150	150	125	125	125	90	100
58	4	7	8	4	6	6	8	4	6	70	72.50	175	150	150	125	125	125	90	100
60	4	6	7	3	6	6	8	4	6	80	75.00	200	150	175	125	125	125	100	100
62	4	6	7	3	6	6	6	4	6	80	77.50	200	175	175	150	150	150	100	100
64	4	6	7	3	6	6	6	2	6	80	80.00	200	175	175	150	150	150	100	125
66	4	6	6	3	5	6	6	2	4	80	82.50	200	175	175	150	150	150	110	125
68	4	6	6	3	5	6	6	2	4	90	85.00	225	175	175	150	150	150	110	125
70	3	5	6	2	4	5	6	1	3	90	87.50	225	175	200	150	150	150	110	125
72	3	5	6	2	4	5	6	1	3	90	90.00	225	200	200	150	150	150	125	125
74	3	5	6	2	4	5	6	1	3	100	92.50	225	200	200	175	175	175	125	125
76	3	5	6	2	4	5	6	1	2	100	95.00	250	200	200	175	175	175	125	125
78	3	5	5	1	3	4	4	1	2	100	97.50	250	200	200	175	175	175	125	125
80	2	4	5	1	3	4	4	0	2	100	100.00	250	200	200	175	175	175	125	125
82	2	4	5	1	3	4	4	0	2	110	102.5	250	225	225	175	175	175	150	150
84	2	4	5	1	3	4	4	0	2	110	105.0	250	225	225	175	175	175	150	150
86	2	4	5	1	3	4	4	0	1	110	107.5	300	225	225	200	200	200	150	150
88	2	4	5	1	3	3	4	0	1	110	110.0	300	225	225	200	200	200	150	150
90	2	4	4	1	3	3	4	0	1	110	112.5	300	225	225	200	200	200	150	150
92	2	3	4	0	2	3	3	00	1	125	115.0	300	250	250	200	200	200	150	150
94	1	3	4	0	2	3	3	00	1	125	117.5	300	250	250	200	200	200	150	150
96	1	3	4	0	2	3	3	00	1	125	120.0	300	250	250	200	200	200	150	150
98	1	3	4	0	2	3	3	00	1	125	122.5	300	250	250	200	200	200	150	150
100	1	3	4	0	2	3	3	00	0	125	125.0	300	250	250	200	200	200	150	150

[1] For running protection of motors 1 horsepower or less, see § 183.10–40(b)(2).

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 184.01—Application and Intent

Sec.
184.01–1 Application.
184.01–5 Intent.

Subpart 184.05—Cooking and Heating

184.05–1 Restrictions.

Subpart 184.10—Mooring Equipment

184.10–1 Anchors, cables and hawsers.

Subpart 184.15—Navigation Lights and Shapes, Whistles, Fog Horns, and Fog Bells

184.15–1 Requirements in Rules of the Road.

Subpart 184.20—Compass

184.20–1 Vessels required to have compasses.

Subpart 184.25—Radio

184.25–1 Requirements of the Federal Communications Commission.

Subpart 184.30—Emergency Lighting

184.30–1 Portable lights.

Subpart 184.35—Engine Control

184.35–1 Engineroom communication system.

Subpart 184.40—Work Vests

184.40–1 Approved unicellular plastic foam work vests.
184.40–5 Use.
184.40–10 Stowage.
184.40–15 Inspections.

AUTHORITY: §§ 184.01–1 to 184.40–15 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 184.01—Application and Intent

§ 184.01–1 Application.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

(R.S. 4405, as amended, 4426, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 404, 416, 526p)

§ 184.01–5 Intent.

(a) The intent of this part is to insure that the vessel control systems and the miscellaneous systems and equipment required herein shall be suitable for the purpose intended.

Subpart 184.05—Cooking and Heating

§ 184.05–1 Restrictions.

(a) Cooking and heating equipment shall be suitable for marine use.

(b) The use of liquefied petroleum gas for cooking, heating, or other purposes is prohibited on all vessels.

(c) The use of gasoline for cooking, heating or lighting is prohibited on all vessels.

(R.S. 4472, as amended, 4488, as amended; 46 U.S.C. 170, 481)

Subpart 184.10—Mooring Equipment

§ 184.10–1 Anchors, cables, and hawsers.

(a) All vessels shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the vessel, the waters on which it operates, and other operating hazards.

(R.S. 4488, as amended; 46 U.S.C. 481)

Subpart 184.15—Navigation Lights and Shapes, Whistles, Fog Horns, and Fog Bells

§ 184.15–1 Requirements in Rules of the Road.

(a) All vessels shall be fitted with navigation lights and shapes, whistles, fog horns, and fog bells as prescribed by law and regulation.

Subpart 184.20—Compass

§ 184.20–1 Vessels required to have compasses.

(a) Except as otherwise provided in this section, every vessel shall be fitted with a suitable compass.

(b) The following vessels need not be fitted with a compass:

(1) Vessels in river service.

(2) Non-self-propelled vessels.

(3) Vessels operating in protected waters with short restricted routes.

Subpart 184.25—Radio

§ 184.25–1 Requirements of the Federal Communications Commission.

(a) Radio transmitting and receiving installations or radiotelephones are required on certain vessels carrying passengers. Details of the application of this requirement as well as the details of the installation shall be as set forth in the regulations of the Federal Communications Commission (47 CFR Ch. 1).

(b) If any violations of regulations enforced by the Federal Communications Commission are noted by the marine inspector, the owner and that agency shall be notified. A proper certificate issued by the Federal Communications Commission shall be regarded as evidence that the radio installation, if any, is in compliance with the requirements of that agency.

Subpart 184.30—Emergency Lighting

§ 184.30–1 Portable lights.

(a) Vessels not equipped with an emergency lighting system shall be equipped with a suitable number of portable battery lights.

Subpart 184.35—Engine Control

§ 184.35–1 Engineroom communication system.

(a) An efficient communication system shall be provided between the principal steering station and the engineroom on vessels which are not equipped with pilothouse controls where in the opinion of the Officer in Charge, Marine Inspection, such a system is necessary for proper operation of the vessel.

Subpart 184.40—Work Vests

§ 184.40–1 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall be of a Coast Guard approved type.

(b) Specifications for approved type work vests are in Subpart 160.053 of Subchapter Q—Specifications, of this chapter.

(R.S. 4426, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 404, 481, 489)

§ 184.40–5 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of a responsible person. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

§ 184.40–10 Stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

§ 184.40–15 Inspections.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

PART 185—OPERATIONS

Subpart 185.01—Application and Intent

Sec.
185.01–1 Application.
185.01–5 Intent.

Subpart 185.05—Penalties

185.05–1 General.

Subpart 185.10—Exhibition of License

185.10–1 Operator's license.

Subpart 185.15—Notice of Casualty

185.15–1 When required.

Subpart 185.17—Reckless or Negligent Operation

185.17–1 Prohibited by law.

Subpart 185.19—Accident Assistance

185.19–1 Duty of operator.

Subpart 185.20—Miscellaneous Operating Requirements

185.20–1 Compliance with provisions of certificate of inspection.
185.20–5 Rules of the Road.
185.20–10 Steering gear tests.
185.20–15 Hatches.
185.20–20 Vessels carrying vehicles.
185.20–25 Fueling of vessels using fuel having a flash point of 110° F., or lower (gasoline, etc.).

Subpart 185.25—Preparations for Emergencies

185.25–1 Emergency instructions.
185.25–5 Recommended emergency checkoff lists.

Sec.
185.25–10 Drills.
185.25–15 Operator's responsibilities.

Subpart 185.30—Markings Required

185.30–1 Hull markings.
185.30–5 Lifesaving gear.
185.30–10 Life preserver stowage.
185.30–15 Escape hatches and emergency exits.
185.30–20 Fuel shutoff valves.
185.30–25 Watertight doors and watertight hatches.

AUTHORITY: §§ 185.01–1 to 185.30–25 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 185.01—Application and Intent

§ 185.01–1 Application.

(a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 185.01–5 Intent.

(a) The intent of this part is to insure that all vessels be operated in accordance with applicable laws and regulations and in such a manner as to afford adequate precaution against hazards of an emergency nature which might endanger the vessel and the persons being transported.

Subpart 185.05—Penalties

§ 185.05–1 General.

(a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:

(1) Assessment and collections of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter where loss of life results from violation of statute or regulation, or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negligence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of R.S. 4450, as amended (46 U.S.C. 239), and regulations thereunder (Part 137 of this chapter) with respect to suspension or revocation of license or certificate.

Subpart 185.10—Exhibition of License

§ 185.10–1 Operator's license.

(a) The operator of any vessel subject to the regulations in this subchapter shall have his license as operator in his possession and available for examination at all times when the vessel is being operated.

Subpart 185.15—Notice of Casualty

§ 185.15–1 When required.

(a) The owner, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the United States Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.

(2) Major damage affecting the seaworthiness or efficiency of a vessel, its machinery or its equipment.

(3) Loss of life.

(4) Injury causing any person to remain incapacitated for a period in excess of 72 hours.

(R.S. 4450, as amended, 46 U.S.C. 239)

Subpart 185.17—Reckless or Negligent Operation

§ 185.17–1 Prohibited by law.

(a) Subsection 13(a) of the Act of April 25, 1940, as amended (46 U.S.C. 526*l*), applies to all vessels inspected under this subchapter and reads as follows:

No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

Subpart 185.19—Accident Assistance

§ 185.19–1 Duty of operator.

(a) Subsection 13(b) of the Act of April 25, 1940, as amended (46 U.S.C. 526*l*), applies to all vessels inspected under this subchapter and reads as follows:

In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this Act, it shall be the duty of the operator, if and so far as he can do so without serious danger to his own vessel, or persons aboard, to render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty in order to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection shall be in addition to any duties otherwise provided by law.

(Sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 526p)

Subpart 185.20—Miscellaneous Operating Requirements

§ 185.20–1 Compliance with provisions of certificate of inspection.

(a) It shall be the duty of the person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the person in charge, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

(R.S. 4405, as amended, 4421, as amended, 4426, as amended, 4462, as amended, 4463, as amended, 4464, as amended, sec. 26, 41 Stat. 998, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 399, 404, 416, 222, 451, 882, 526p)

§ 185.20–5 Rules of the Road.

(a) Persons operating these vessels shall comply with the applicable sections of the Rules of the Road covering the waters on which the vessel is navigated.

§ 185.20–10 Steering gear tests.

(a) Every vessel before getting underway, for its day's operation shall have its steering gear, signaling whistle, controls or communication system tested by the operator.

§ 185.20–15 Hatches.

(a) It shall be the duty of the person in charge of any vessel to assure himself before getting underway, for a voyage on unprotected waters, that all exposed hatches are properly secured.

§ 185.20–20 Vessels carrying vehicles.

(a) Automobiles or other vehicles shall be stowed in such a manner as to permit both passengers and operators to get out and away from them freely in the event of fire or other disaster. The decks, where necessary, shall be definitely marked with painted lines to indicate the vehicle runways and the aisle spaces.

(b) The person in charge shall take any necessary precautions to see that automobiles or other vehicles have their motors turned off and their emergency brakes set when the vessel is underway, and the motors shall not be started until the vessel is secured to the landing. In addition, the vehicles at each end shall have their wheels securely blocked, while the vessel is being navigated.

(c) The person in charge shall have appropriate "NO SMOKING" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering cigars, cigarettes, etc., in the deck area assigned to automobiles or other vehicles.

§ 185.20–25 Fueling of vessels using fuel having a flash point of 110° F., or lower (gasoline, etc.).

(a) Vessels using fuel having a flash point of 110° F., or lower, shall not take on fuel when passengers are on board.

Subpart 185.25—Preparations for Emergencies

§ 185.25–1 Emergency instructions.

(a) Except as otherwise provided in this section, it shall be the duty of the operator in charge of any vessel subject to the regulations in this subchapter to prepare and post emergency checkoff lists in a conspicuous place accessible to crew and passengers.

(b) Except where all or a part of the emergency instructions are deemed unnecessary by the Officer in Charge, Marine Inspection, the emergency checkoff list shall contain not less than the applicable portions of the "Recommended Emergency Checkoff List," § 185.25–5.

§ 185.25–5 Recommended emergency checkoff lists.

(a) *Rough weather at sea or crossing hazardous bars.* (1) Close all watertight and weathertight doors, hatches, and airports to prevent taking water aboard.

(2) Keep bilges dry to prevent loss of stability due to water in bilges.

(3) Keep passengers seated and evenly distributed.

(4) Have passengers put on life preservers if the going becomes very rough or you are about to cross a hazardous bar.

(5) Never abandon a vessel (particularly a wooden boat) unless actually forced to do so.

(6) If assistance is needed use the International Distress call over radiotelephone or call the Coast Guard immediately.

(7) Prepare life floats for launching.

(b) *Man overboard.* (1) Throw a ring buoy overboard as close to the person as possible.

(2) Post a lookout to keep the person overboard in sight.

(3) Maneuver the vessel to pick up the person in the water.

(4) Have crew member put on lifejacket, attach a safety line to him and have him standby to jump into the water to assist the person overboard if necessary.

(5) If person is not immediately located notify Coast Guard and other vessels in vicinity by radiotelephone.

(6) Continue search until released by Coast Guard.

(c) *Fire at sea.* (1) Cut off air supply to fire—close hatches, ports, doors, and ventilators, etc.

(2) Immediately use portable fire extinguishers at base of flames for inflammable liquid or grease fires or water for fires in ordinary combustible materials.

(3) If fire is in machinery spaces shut off fuel supply and ventilation and discharge fixed CO_2 if installed.

(4) Maneuver vessel to minimize effect of wind on fire.

(5) If unable to control fire, immediately notify the Coast Guard and other boats in the vicinity by radiotelephone, etc.

(6) Move passengers away from fire, have them put on life preservers, and if necessary, prepare to abandon ship.

§ 185.25–10 Drills.

(a) The person in charge shall conduct such drills and give such instructions as are necessary to insure that all hands are familiar with their duties.

§ 185.25–15 Operator's responsibilities.

(a) Nothing in the recommended emergency instructions in this subpart shall exempt any operator from the exercise of good judgment in any emergency situation.

Subpart 185.30—Markings Required

§ 185.30–1 Hull markings.

(a) The following markings are required by the Customs Regulations. Details of the application of the requirements as well as details of the required markings will be found in those regulations. Therefore, documented vessels shall have the following markings (block letters and numerals not less than 4 inches high, except for draft marks which are 6 inches high):

(1) The name of the vessel on both bows and the stern.

(2) Hailing port—On the stern.

(3) Draft marks—On the stem and stern of all vessels 50 gross tons and over.

(4) Official Number—On the vessel's main beam.

(5) Net Tonnage—On the vessel's main beam.

(b) Undocumented vessels shall carry the number awarded by the Coast Guard or other proper authority on both bows. The number shall be in block characters of good proportion not less than 3 inches high.

(c) All markings shall be of a color which will contrast with the color of the hull so as to be distinctly visible and legible.

(R.S. 4178, as amended, 4495, as amended, sec. 3, 72 Stat. 1754; 46 U.S.C. 46, 493, 527a)

§ 185.30–5 Lifesaving gear.

(a) Life floats and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name.

(b) The number of persons allowed on each life float and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

(c) All life preservers and ring life buoys shall be marked with the vessel's name.

(d) Any lifeboat, life raft, or other suitable boat accepted as primary lifesaving apparatus shall be marked with its allowed capacity in persons, and with the name of the vessel on which installed, in letters and figures at least 2 inches high, except that inflatable life rafts shall be marked by the manufacturer or service facility as required by Subpart 160.051 of Subchapter Q-Specifications, of this chapter and no additional markings are required.

(R.S. 4426, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 404, 481, 489)

§ 185.30–10 Life preserver stowage.

(a) Where life preservers are stowed so that they are not readily visible to passengers, the containers in which they are stowed shall be marked "Life Preservers" and with the number contained therein, in at least 1-inch letters and figures. This legend shall indicate the separate stowage of children's life preservers.

(R.S. 4488, as amended; 46 U.S.C. 481)

§ 185.30–15 Escape hatches and emergency exits.

(a) All escape hatches and other emergency exits shall be marked on both sides using at least 1-inch letters: "Emergency Exit, Keep Clear", unless such markings are deemed unnecessary by the Officer in Charge, Marine Inspection.

§ 185.30–20 Fuel shutoff valves.

(a) Remote fuel shutoff stations shall be marked in at least 1-inch letters indicating purpose of the valve and direction of operation.

§ 185.30–25 Watertight doors and watertight hatches.

(a) Watertight doors and watertight hatches shall be marked on both sides in at least 1-inch letters: "Watertight Door—Close in Emergency" or "Watertight Hatch—Close in Emergency", unless such markings are deemed unnecessary by the Officer in Charge, Marine Inspection.

PART 186—MANNING

Subpart 186.01—Application and Intent

186.01–1 Application.
186.01–5 Intent.

Subpart 186.05—General

186.05–1 Manning requirements.
186.05–5 Manning entries on certificate of inspection.

Subpart 186.10—Licenses

186.10–1 Licenses required.

AUTHORITY: §§ 186.01–1 to 186.10–1 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 186.01—Application and Intent

§ 186.01–1 Application.

(a) The provisions of this part shall apply to all vessels.

(R.S. 4426, as amended, 4463, as amended, sec. 2, 38 Stat. 1164, as amended; 46 U.S.C. 404, 222, 673)

§ 186.01–5 Intent.

(a) The intent of this part is to insure that each vessel has sufficient crew and licensed operators for the proper navigation and operation of the vessel. Due regard shall be given to the need for protection of the vessel and passengers during emergencies.

Subpart 186.05—General

§ 186.05–1 Manning requirements.

(a) No vessel subject to the provisions of the regulations in this subchapter shall be navigated while her certificate of inspection is in effect unless she shall have in her service and on board such complement of licensed personnel, and crew, as may, in the judgment of the Officer in Charge, Marine Inspection, be necessary for her safe operation.

(R.S. 4426, as amended, 4463, as amended, sec. 2, 38 Stat. 1164, as amended; 46 U.S.C. 404, 222, 673)

§ 186.05–5 Manning entries on certificate of inspection.

(a) The Officer in Charge, Marine Inspection, shall make entries on the certificate of inspection showing the complement of licensed personnel and crew required.

(R.S. 4463, as amended; 46 U.S.C. 222)

Subpart 186.10—Licenses

§ 186.10–1 Licenses required.

(a) Except as otherwise provided in this section, the licensed operators required for the operation of all vessels shall be in possession of ocean operator's licenses or operator's licenses attesting to their proficiency for the route and class of vessel being navigated.

(b) A license as master, chief mate, second mate or third mate of ocean and coastwise inspected vessels, or a license as a master or pilot of inspected vessels on other than ocean and coastwise waters, will authorize the holder to serve as operator of vessels subject to the regulations in the subchapter for the class of vessel and on the waters for which such license was issued and within such other restrictions as may be stated on the license.

(c) A license which authorizes the holder to serve as an operator of a mechanically propelled or sail vessel subject to the regulations in this subchapter will also authorize the holder to serve as operator of a non-self-propelled vessel subject to such regulations under the same conditions as if the vessel were mechanically propelled or sail propelled.

(d) Operation of vessels by licensed personnel on routes and in capacities lower than those described on the license held will be permitted as provided in Table 186.10–1(d) without obtaining additional license for the lower route or capacity.

(R.S. 4405, as amended, 4426, as amended, 4438, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 404, 224, 416, 526p)

TABLE 186.10–1(d)

Type license held	Route described on license	Capacity and routes permitted
Ocean Operator, Master[1] or Mate[1]	Oceans or coastwise	Can serve as ocean operator on the specific route described on license, and as operator on Great Lakes, lakes, bays and sounds, and rivers.
	Waters other than ocean or coastwise, Great Lakes	Can serve as operator on Great Lakes, lakes, bays and sounds, and rivers.
Operator or Master[1]	Lakes, bays, and sounds	Can serve as operator on the specific route described on license, and on lakes, bays and sounds, and rivers.
	Rivers	Can serve as operator on specific route described on license, and on rivers.
	Specific bodies of water	Can serve as operator on the specific route described on license.
	Specific bodies of water	Can serve as operator only on the specific waters described.
Pilot	Specific bodies of water	Can serve as operator on the Great Lakes, lakes, bays and sounds, and rivers.

[1] Only those licenses which authorize service on inspected passenger vessels may be substituted for an operator's license or ocean operator's license.

PART 187—LICENSING

Subpart 187.01—General

Sec.
187.01–1 Application.

Subpart 187.05—General Requirements

187.05–1 Issuance of licenses.
187.05–5 Sea service as member of Armed Forces of the United States and on vessels owned by the United States as qualifying experience.
187.05–10 Lifting of limitations.
187.05–15 Re-examinations and refusal of licenses.
187.05–20 Issuance of duplicate licenses.
187.05–25 Parting with license.
187.05–30 Suspension and revocation of license.
187.05–35 Right of appeal.

Subpart 187.10—Original License

187.10–1 Original license defined.
187.10–5 Requirements for original licenses.
187.10–10 Written application.
187.10–15 Physical examination.
187.10–20 Experience or training.
187.10–25 Professional examination.
187.10–30 Character check and references.

Subpart 187.15—Renewal of Licenses

187.15–1 Requirements for renewal of license.
187.15–5 Application for renewal.
187.15–10 Fitness.
187.15–15 Period of grace.
187.15–20 Physical requirements.
187.15–25 Reissue of expired license.

Subpart 187.20—Specific Requirements for Operators on Other Than Ocean and Coastwise Waters

187.20–1 General application.
187.20–5 General requirements.
187.20–10 Examination for operators of mechanically propelled vessels.
187.20–15 Examination for sailboat operators.
187.20–20 Examination for barge operators.

Subpart 187.25—Specific Requirements for Ocean Operators

Sec.
187.25–1 General application.
187.25–5 Service requirements, mechanically propelled vessels.
187.25–10 Service requirements, sail propelled vessels.
187.25–12 Service requirements, non-self-propelled vessels.
187.25–15 Examination for operator of ocean mechanically propelled vessels.
187.25–20 Examination for operator of ocean sail propelled vessels.
187.25–22 Examination for operator of ocean non-self-propelled vessels.
187.25–25 Additional routes.

Subpart 187.30—Action Against Licenses

187.30–1 General application.
187.30–5 Appealing from an action against a license.
187.30–10 Record for decision on appeal.
187.30–15 Action on appeal.

AUTHORITY: §§ 187.01–1 to 187.30–15 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart 187.01—General

§ 187.01–1 Application.

(a) The regulations in this part apply to all applicants for license to operate:

(1) Mechanically propelled vessels, of less than 100 gross tons, carrying more than six passengers; and,

(2) Sail vessels or non-self-propelled vessels, of less than 100 gross tons, carrying more than six passengers.

(R.S. 4426, as amended, 46 U.S.C. 404)

Subpart 187.05—General Requirements

§ 187.05–1 Issuance of licenses.

(a) Applicants for licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an operator on a vessel of the United States. Without prior approval of the Commandant no person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U.S.C. 1481, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or territory of the United States, within 10 years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this part shall be issued an appropriate license valid for a term of five (5) years. A limitation commensurate with the experience of the applicant shall be placed upon the license.

(c) Every person to whom a license is issued shall place his signature and left thumb print thereon, and upon any sheets attached for additional endorsements.

(d) An applicant for an operator's license shall swear to the truth of the statements on his application.

(e) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, or commissioned officer of the Coast Guard authorized to administer oaths under 50 U.S.C. 732, to be recorded upon his official file, that he will faithfully and honestly according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

(f) An applicant for an operator's license must demonstrate his ability to speak, read and understand English as found in the Rules of the Road, aids to navigation publications, emergency equipment instructions and machinery instructions.

(1) An applicant for an operator's license to operate vessels on the navigable waters of the United States in the vicinity of Puerto Rico, who speaks Spanish only, will be issued a license restricted to those waters.

(g) Every person, when receiving a license as "operator" or "ocean operator" of small passenger-carrying vessels, at his request shall be furnished with a copy of the publication "Rules and Regulations for Small Passenger Vessels," and a copy of the "Rules of the Road" applicable to the waters for which the license is issued.

§ 187.05–5 Sea service as member of Armed Forces of the United States and on vessels owned by the United States as qualifying experience.

(a) Sea service as member of the Armed Forces of the United States will

be accepted as qualifying experience for an original or extension of route of license. Such service will be subject to evaluation by the Officer in Charge, Marine Inspection, to determine its equivalence to the sea service required on passenger motorboats, and to determine the appropriate class and limit of license for which the applicant is eligible.

(b) When any person who has served in a civilian capacity as commanding officer or master of any vessel owned and operated by the United States, in any service, in which a license as master was not required at the time of such service applies for an examination for license, the Officer in Charge, Marine Inspection, shall determine the appropriate operator's license for which the applicant is eligible.

§ 187.05–10 Lifting of limitations.

(a) If any Officer in Charge, Marine Inspection, is satisfied by the documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, he may change any limitations which he may have previously placed upon the license.

(b) No Officer in Charge, Marine Inspection, may change on any license a limitation which he did not place thereon before full information regarding the reason for the limitation is obtained from the Officer in Charge, Marine Inspection, responsible for the same and the applicant has made up the deficiency.

§ 187.05–15 Re-examinations and refusal of licenses.

(a) Any applicant for license or endorsement who has been duly examined and refused may come before the same Officer in Charge, Marine Inspection, for re-examination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than 1 month from the date of his last failure. In the case of another failure, he will not be re-examined until after a lapse of at least 6 months from date of last failure.

(b) A candidate who has been duly examined and refused a license by an Officer in Charge, Marine Inspection, shall not be examined by any other Officer in Charge, Marine Inspection, until 1 year has elapsed from the date of the last refusal without the sanction of the Officer in Charge, Marine Inspection, that refused the applicant.

(c) If the Officer in Charge, Marine Inspection, refuses to grant an applicant the license applied for he shall furnish him a statement setting forth the cause of his refusal.

§ 187.05–20 Issuance of duplicate licenses.

(a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the marine inspection office where it was issued. Such license shall be issued as a duplicate by the addition of the following typewritten endorsement, "This license replaces License Number _____ issued at _____ on the above date" as well as the port and date of the duplicate issue. The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(b) When a person reports the loss of his license or when it is discovered that any license or license form has been stolen from a marine inspection office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the licenses and all facts incident to its loss, theft or recovery.

§ 187.05–25 Parting with license.

(a) If the holder of license as operator voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of Revised Statute 4450, as amended (46 U.S.C. 239), looking to a suspension or revocation of his license.

§ 187.05–30 Suspension and revocation of license.

(a) When the license of any operator is revoked such license expires with such revocation and any license of the same type subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(b) No person whose license has been revoked shall be issued another license except upon approval of the Commandant. Neither shall a license be issued to a person whose license has been suspended, prior to the termination of the suspension, except on approval of the Commandant.

(c) When a license which is about to expire is suspended, the license may be administratively renewed in order to carry out the period of the suspension. However, prior to the reissuance of the license to the holder upon termination of the suspension he must qualify for the renewal of the license as provided in subpart 187.15.

(R.S. 4450, as amended, 46 U.S.C. 239)

§ 187.05–35 Right of appeal.

(a) Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license or a certificate, he may appeal therefrom to the Coast Guard District Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the Coast Guard District Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from.

(b) Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

Subpart 187.10—Original License

§ 187.10–1 Original license defined.

(a) The first license issued under the authority of the regulations in this part to any person shall be considered an original license.

§ 187.10–5 Requirements for original licenses.

(a) Before an original license is issued to any person to act in a licensed capacity on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection, and present satisfactory documentary evidence of his eligibility in respect to the requirements for the type of operator's license for which he makes application.

§ 187.10–10 Written application.

(a) The Officer in Charge, Marine Inspection, shall require all applicants for original license to make written application upon Coast Guard Form CG–866, License Application.

§ 187.10–15 Physical examination.

(a) All applicants for an original license shall be required to pass a physical examination given by a medical officer of the United States Public Health Service, or other reputable physician, and present a certificate executed by this Public Health Service Officer, or other reputable physician, to the Officer in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition.

(b) Epilepsy, insanity, senility, acute general disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of a licensed operator are causes for rejection.

(c) For an original license as operator the applicant must have either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings" or similar test but any applicants who fail this test will be eligible if they pass the "Williams" lantern test.

(d) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician may make recommendations to the Commandant for an exception to these requirements if in his opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports. In this connection recommendations from owners and operators of vessels, made in behalf of their employees will be given full consideration as a determining factor in arriving at a decision.

§ 187.10–20 Experience or training.

(a) All applicants for original license shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying the amount and character of their experience and the names of the vessels on which acquired. The Officer in Charge, Marine Inspection, must be satisfied as to the bona fides of all evidence of experience or training presented and may reject any evidence that he has reason to believe is not authentic or which does not sufficiently outline the amount, type and character of service. Photostatic or certified copies of the aforementioned evidence may be accepted for the purpose of filing with the application. No license shall be considered as satisfactory evidence of any qualifying experience required by the regulations in this part.

(b) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the 3 years immediately preceding the date of application. Service in the Armed Forces of the United States shall not be counted in computing the 3 years.

(c) No original license shall be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(d) When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, such service may be accepted if in the opinion of the Officer in Charge, Marine Inspection, it is a reasonable equivalent thereto.

§ 187.10–25 Professional examination.

(a) When the amount and character of an applicant's experience is found to be satisfactory and he is eligible in all other respects, the applicant shall be examined in writing by the Officer in Charge, Marine Inspection.

(b) When the license application of any person has been approved, the Officer in Charge, Marine Inspection, shall give the applicant the required examination as soon as practicable. If applicants for license cannot be examined without material delay by the Officer in Charge, Marine Inspection, of the district in which the application is made, said Officer in Charge, Marine Inspection, shall endeavor, through the Coast Guard District Commander, to arrange for such examination by some other Officer in Charge, Marine Inspection.

(c) Examination required for license as operator on waters other than ocean and coastwise is contained in Subpart 187.20. Examination in Rules of the Road is for waters upon which the applicant is operating, but it will be incumbent upon every applicant, should he at any time operate on waters for which the Rules of the Road differ, to familiarize himself with the appropriate Rules.

(d) Examination required for license as operator on limited ocean or coastwise routes is contained in Subpart 187.25. Examination is required in International and Inland Rules of the Road, but it will be incumbent upon every applicant, should he at any time operate on waters for which the Rules of the Road differ, to familiarize himself with the appropriate Rules.

§ 187.10–30 Character check and references.

(a) The Officer in Charge, Marine Inspection, shall require every applicant for an original license to have written endorsement of three reputable persons to whom he is known, and if the documentary evidence of experience indicates service with a master or operator, one of the three endorsements shall be from that source, if it can be obtained. However, endorsements need not be required, at the discretion of the Officer in Charge, Marine Inspection, when an applicant holds a currently valid license.

(b) Fingerprint records shall be submitted to the Commandant on each applicant at the time application for license is made, except when an applicant holds a currently valid license fingerprint records need not be submitted. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in this type case pending the Commandant's authorization.

(c) The fact that an applicant for an original license is on probation as a result of action under Revised Statute 4450, as amended (46 U.S.C. 239), does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, an original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under Revised Statute 4450, as amended. Any such applicant must file an application for license in the usual manner and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this subpart, however, shall be construed to permit an applicant to be examined for an original license during any period when a suspension without probation or a revocation imposed pursuant to Revised Statute 4450, as amended, is effective against his license or certificate.

Subpart 187.15—Renewal of Licenses

§ 187.15–1 Requirements for renewal of license.

(a) Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(b) The Officer in Charge, Marine Inspection, shall, before granting renewal of license, require the applicant to make written application on Coast Guard Form CG–3479, application for renewal of license.

§ 187.15–5 Application for renewal.

(a) The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such cases the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office, which issued the license to be renewed.

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists, together with a properly executed application on Coast Guard Form CG–3479.

(2) The oath of office on the form prescribed by the Coast Guard, which has been duly executed before a person authorized to administer oaths.

(3) The license to be renewed.

(4) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal.

(5) Applicants for renewal of operators license shall present evidence of service on the waters for which licensed within the 3 years immediately preceding the date of application, or shall present evidence of employment in a position closely related to the operation of vessels within the same 3-year period.

(i) Every Officer in Charge, Marine Inspection, shall before renewing an existing license to an operator who has not been employed on the waters for which he is licensed or who has not been employed in a position closely related to the operation of vessels during the three years next preceding the date of application for renewal, satisfy himself that such licensed operator is thoroughly familiar with the Rules of the Road applicable to the waters for which the applicant is licensed. A written examination may be required for this purpose, or the applicant may be examined orally and a summary of the oral examination placed in the operator's license file.

§ 187.15–10 Fitness.

(a) No license shall be renewed if title has been forfeited or facts which would render a renewal improper have come to the attention of the Coast Guard.

§ 187.15–15 Period of grace.

(a) A license shall be renewed within 12 months after the date of expiration as shown on the license held, except when an applicant's license has expired beyond the 12-month period of grace during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The period of such service following the date of expiration as shown on the license shall be added to the 12-month period of grace.

(b) No license shall be renewed more than 30 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand in which case the

reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

§ 187.15–20 Physical requirements.

(a) No license as operator shall be renewed except upon the official certificate of a medical officer of the United States Public Health Service or other reputable physician that the color sense of the applicant is normal.

(1) The test for color vision shall be by means of the "Stillings" or similar test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same.

(2) In the event an applicant for renewal of license as operator is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(b) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of a licensed operator, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(c) Nothing contained in this section shall debar an applicant who has lost the sight of one eye from securing a renewal of his license provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

§ 187.15–25 Reissue of expired license.

(a) Whenever an applicant shall apply for renewal of his license for the same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except that no professional examination will be required provided the license expired during the time of the holder's service with the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The Officer in Charge, Marine Inspection, may require a written examination for this purpose.

(b) The renewed license shall receive the next higher number of issue of present grade.

Subpart 187.20—Specific Requirements for Operators on Other Than Ocean and Coastwise Waters

§ 187.20–1 General application.

(a) The regulations in this subpart are for operators' licenses for service on waters other than ocean or coastwise.

(b) All motorboat operators, licensed under the provisions of the Act of April 25, 1940, as amended (46 U.S.C. 526–526u), prior to the effective date of June 1, 1958, shall be eligible, without professional or physical examination for a license as operator of mechanically propelled vessels on other than ocean and coastwise waters of the same scope and limitations, under the provisions of Act of May 10, 1956 (46 U.S.C. 390–390g); *Provided*, That a physical examination may be required, if, in the opinion of the Officer in Charge, Marine Inspection, the applicant possesses apparent physical disabilities which would give reasonable cause to doubt his physical ability to competently serve as a motorboat operator. Application for the issuance of licenses under the provisions of this paragraph must be filed before June 1, 1959, unless the applicant can show that because of active military service he was unable to file application within the 1-year period provided, the actual time spent in military service shall not be counted in computing the 1 year.

(c) Any sailboat operator or barge operator who submits satisfactory documentary evidence that he has served as operator in charge of passenger sailboats or passenger barges as the case requires, for a period of at least 1 year, shall be eligible, without professional examination, for a license as sailboat operator or as barge operator on waters other than ocean and coastwise under the same conditions as outlined in paragraph (b) of this section except that a physical examination shall be required if the applicant holds no license issued by the Coast Guard.

§ 187.20–5 General requirements.

(a) Any person who has attained the age of 18 years and is qualified in all other respects shall be considered eligible for an operator's license and may be examined by the Coast Guard.

(b) An applicant for a license as operator shall submit satisfactory documentary evidence of at least 1 year's experience in the operation of the type of vessel specified in the application.

§ 187.20–10 Examination for operators of mechanically propelled vessels.

(a) The examination will consist of questions on the following:

(1) The Rules of the Road applicable to the waters over which the applicant operates.

(2) Fire protection and extinguishment.

(3) Lifesaving equipment.

(4) The operation of propelling machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(5) The operation and navigation of motorboats carrying passengers.

(6) Simple first aid.

(7) Rules and regulations of this subchapter applicable to vessels operating in other than ocean and coastwise service.

§ 187.20–15 Examination for sailboat operators.

(a) The examination will consist of questions on the following:

(1) The Rules of the Road applicable to the waters over which the applicant operates.

(2) Fire protection and extinguishment.

(3) Lifesaving equipment.

(4) The operation of auxiliary machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(5) The operation and navigation of sailboats carrying passengers.

(6) Simple first aid.

(7) Rules and regulations of this subchapter applicable to vessels operating in other than ocean and coastwise service.

(b) Although the applicants will be examined only in the Rules of the Road applicable to the waters upon which they are operating, it will be incumbent upon them, should they at any time operate on waters for which the Rules of the Road differ, to familiarize themselves with the appropriate rules.

§ 187.20–20 Examination for barge operators.

(a) The examination will consist of questions on the following:

(1) The regulations governing barges applicable to the waters over which the applicant operates.

(2) Fire protection and extinguishment.

(3) Lifesaving equipment.

(4) The operation of auxiliary machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(5) The operation of barges carrying passengers.

(6) Simple first aid.

Subpart 187.25—Specific Requirements for Ocean Operators

§ 187.25–1 General application.

(a) *Vessels' routes.* The regulations in this subpart are for operators' licenses for limited ocean and coastwise service on routes not to exceed 100 miles offshore between such limits as determined by the Officer in Charge, Marine Inspection.

(b) *Documentary evidence of service.* An applicant who submits satisfactory documentary evidence that he has served as operator in charge of ocean or coastwise passenger motorboats, motor vessels or yachts while holding a license as motorboat operator, for a period of at least 1 year, shall be eligible, without professional or physical examination, for a license as operator of ocean vessels of a class, route and tonnage commensurate with his experience: *Provided*, That a physical examination may be required, if in the opinion of the Officer in Charge, Marine Inspection, the applicant possesses apparent physical disabilities which would give reasonable cause to doubt his physical ability to competently serve as operator of ocean vessels and: *Provided further*, That 6 months of the required 1 year of experience shall have been within the 3 years immediately preceding the date of application. Application for the issuance of licenses under the provisions of this paragraph must be filed before July 1, 1959, unless the applicant can show that because of active military service, he was unable to obtain 6 months' service within the past 3 years or to file application within the 1-year period provided, the actual time spent in military service shall not be counted in computing either the 3-year period or the 1-year period specified in this paragraph.

(1) An applicant who submits satisfactory documentary evidence that he has served as operator in charge of ocean or coastwise passenger sailing vessels, or as operator in charge of ocean or coastwise passenger non-self-propelled vessels, as the case requires, for a period of 1 year, shall be eligible, without professional examination, for a license as operator of ocean sail propelled vessels or non-self-propelled vessels of a class, route and tonnage commensurate with his experience under the same conditions as outlined in this paragraph, except that a physical examination shall be required if the applicant holds no license issued by the Coast Guard, and except that application for a license as operator of ocean non-self-propelled vessels must be filed before January 1, 1960.

(c) *Routes in excess of 100 miles.* If application is made for a route in excess of the maximum mileage limitation specified for an ocean license, in order that an outlying island or body of land may be included in the route, the complete application file shall be forwarded to the Commandant for evaluation. In arriving at a decision in each individual case, the factors that will be considered are the amount and character of the qualifying experience of the applicant, the necessity, if any, for additional professional examination beyond that specified in §§ 187.25–15 and 187.25–20 to qualify the applicant for the increase in route and the recommendations of the Officer in Charge, Marine Inspection, to whom application is made.

(d) *Minimum age.* Any person who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license.

(e) *Citizenship.* No license shall be issued to any person who is not a citizen of the United States, either native-born or fully naturalized except that a resident alien who is otherwise eligible for a license under paragraph (b) of this section shall not be required to be a citizen. The Officer in Charge, Marine Inspection, must be satisfied as to the bona fides of all evidence of citizenship presented, and may reject any evidence that he has reason to believe is not authentic. Acceptable evidence of citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:

(1) Birth certificate or certified copy.

(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department passport.

(6) A commission in the United States Navy, Marine Corps, Coast Guard, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of these services subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(7) A continuous discharge book, certificate of identification or merchant mariner's document issued by the Coast Guard or by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen, provided the records indicate that the holder of such continuous discharge book, certificate of identification, or merchant mariner's document produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(8) Delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement.

(9) For persons deriving citizenship through naturalization of their parents, a Certificate of Citizenship issued by the United States Immigration and Naturalization Service is acceptable as documentary evidence of citizenship.

(10) If no one of the requirements set forth in subparagraphs (1) to (9) of this paragraph can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington 25, D.C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district if residing in the country, also the names of parents, or the names of other persons with whom residing on the date specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880 and 1900; April 15, 1910; January 1, 1920; April 1, 1930; April 1940; and April 1950. Records for 1890 are not available.

(ii) Affidavits of parents or relatives or affidavits by two or more responsible citizens of the United States, stating citizenship; school records; immigration records; or insurance policies.

(R.S. 4131, as amended, secs. 5 and 7, 1935, as amended, 1936, as amended, sec. 302, 49 Stat. 1992, as amended; 46 U.S.C. 221, 672a, 689, 1332)

§ 187.25–5 Service requirements, mechanically propelled vessels.

(a) The minimum service required to qualify an applicant for examination for a license as operator of mechanically propelled vessels in ocean service is:

(1) Two years' service as a licensed motorboat operator of passenger motorboats, of which at least 1 year shall have been operating on ocean or coastwise waters; or

(2) Three years' deck department service in the operation of ocean or coastwise motorboats or small motor vessels; or,

(3) Two years' deck department service in the operation of ocean or coastwise motorboats or small motor vessels while holding a motorboat operator's license or a license as operator of mechanically propelled passenger-carrying vessels; or,

(4) One year's service as able seaman on ocean or coastwise steam or motor vessels, together with 1 year's deck department service in the operation of ocean or coastwise motorboats or small motor vessels, all of which service shall have been acquired while holding a certificate as "able seaman, any waters, unlimited," or as "able seaman, any waters, 12 months."

§ 187.25–10 Service requirements, sail propelled vessels.

(a) The minimum service required to qualify an applicant for examination for a license as operator of sail propelled vessels in ocean service is:

(1) Two years' service as operator in charge of ocean or coastwise sail vessels carrying passengers; or,

(2) Three years' service in the operation of ocean or coastwise sail vessels.

§ 187.25–12 Service requirements, non-self-propelled vessels.

(a) The minimum service required to qualify an applicant for examination for a license as operator of non-self-propelled vessels in ocean service is:

(1) Two years' deck service on ocean or coastwise non-self-propelled vessels; or,

(2) One year's deck service on ocean or coastwise non-self-propelled vessels while holding a license as operator of non-self-propelled vessels upon waters other than ocean and coastwise; or,

(3) One year's deck service on ocean or coastwise moored non-self-propelled passenger vessels for a license restricted to such moored vessels.

(4) Where more than 50 percent of the service required by subparagraph (1) or (2) of this paragraph has been on non-towed or moored non-self-propelled vessels, the license shall be restricted to such vessels.

§ 187.25–15 Examination for operator of ocean mechanically propelled vessels.

(a) An applicant for a license as operator of ocean mechanically propelled vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this section:

(1) Use of a nautical chart and the meaning of the various symbols and abbreviations thereon; determining and laying off compass courses and distances on a chart and allowing for set and drift of currents; fixing a vessel's position by bearings of fixed object(s).

(2) International and Inland Rules of the Road.

(3) Practical application of variation and deviation of the magnetic compass and simple methods of determining the compass error.

(4) Rudimentary seamanship, including:

(i) The use and construction of a sea anchor.

(ii) Temporary repairs to the hull in the event of springing a leak.

(iii) Man overboard procedure in the handling of the boat and recovering the person.

(iv) Proper anchoring, mooring and unmooring procedures.

(v) Handling vessel in heavy weather.

(5) Aids to navigation, including the basic buoyage system of the United States.[1]

(6) Local winds, weather, and currents.[1]

(7) Local navigational features and conditions.[1]

(8) Simple first aid, including artificial respiration.

(9) Elementary signals, including:

(i) Storm signals.

(ii) Distress signals.

(10) The use and reading of weather bulletins.

(11) The use and reading of an aneroid barometer.

(12) Lifesaving and firefighting equipment, including precautions to be taken against fire, explosion from oil or gasoline and methods of dealing with fire, the use of fire extinguishers, and the handling of the vessel after fire is discovered

(13) Rules and regulations of this subchapter applicable to ocean and coastwise vessels.

(14) The operation of propelling machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(15) Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency for the route to be navigated.

§ 187.25–20 Examination for operator of ocean sail propelled vessels.

(a) An applicant for a license as operator of ocean sail vessels of less than 100 gross tons shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Use of a nautical chart and the meaning of the various symbols and abbreviations thereon; determining and laying off compass courses and distances on a chart, and allowing for set and drift of currents; fixing a vessel's position by bearings of fixed object(s).

(2) International and Inland Rules of the Road.

(3) Practical application of variation and deviation of the magnetic compass and simple methods of determining the compass error.

(4) Rudimentary seamanship, including:

(i) The use and construction of a sea anchor.

(ii) Temporary repairs to the hull in the event of springing a leak.

(iii) Man overboard procedure in the handling of the boat and recovering the person.

(iv) Proper anchoring, mooring and unmooring procedures.

(v) Handling vessel in heavy weather.

(vi) The setting and taking on of a fore and aft sail and others relating to the handling of sails and sailing vessels.

(5) Aids to navigation, including the basic buoyage system of the United States.[1]

(6) Local winds, weather, and currents.[1]

(7) Local navigational features and conditions.[1]

(8) Simple first aid, including artificial respiration.

(9) Elementary signals, including:

(i) Storm signals.

(ii) Distress signals.

(10) The use and reading of weather bulletins.

(11) The use and reading of an aneroid barometer.

(12) Lifesaving and firefighting equipment including precautions to be taken against fire, explosion from oil or gasoline and methods of dealing with fire, the use of fire extinguishers and the handling of the vessel after fire is discovered.

(13) Rules and regulations of this subchapter applicable to ocean and coastwise vessels.

(14) The operation of auxiliary machinery, particularly the safe and proper handling of gasoline and gasoline engines.

(15) Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency for the route to be navigated.

§ 187.25–22 Examination for operator of ocean non-self-propelled vessels.

(a) An applicant for a license as operator of ocean non-self-propelled vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) All subjects required by § 187.20–20 for a license as operator of non-self-propelled vessels upon waters other than ocean and coastwise.

(2) Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency for the route to be navigated.

§ 187.25–25 Additional routes.

(a) A licensed operator of mechanically or sail propelled ocean vessels who applies for an endorsement to his license of an additional route, which embraces additional navigational hazards, may be required, at the discretion of the Officer in Charge, Marine Inspection, to show service on the waters for which the endorsement is requested. However, applicants shall not be required to show more than 3 months' service, or 12 trips within one year. Each applicant for endorsement of an additional route on his license shall be examined on the following subjects, except that examination on International and Inland Rules of the Road shall be required not more than once a year:

(1) International and Inland Rules of the Road.

(2) Aids to navigation on route.[1]

(3) Local winds, weather and currents.[1]

(4) Local navigational features and conditions.[1]

(5) Such further examinations as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency for the route to be navigated.

Subpart 187.30—Action Against Licenses

§ 187.30–1 General application.

(a) All licenses issued by the Coast Guard are subject to suspension or revocation as provided under the provisions of Revised Statute 4450, as amended (46 U.S.C. 239), and the regulations promulgated thereunder in Parts 136 and 137 in subchapter K (Marine Investigations and Suspension and Revocation Proceedings) of this chapter.

(R.S. 4450, as amended, sec. 2, 68 Stat. 484; 46 U.S.C. 239, 239b)

§ 187.30–5 Appealing from an action against a license.

(a) A person whose license is revoked, suspended, suspended on probation, or admonished by an examiner in a Coast Guard District may at any time within 30 days after the decision of the examiner take an appeal to the Commandant. This appeal to the Commandant shall be taken by filing a notice of appeal with the Commander of the Coast Guard District in which the hearing was held.

(b) The notice may be prepared by the appellant or appellant's counsel. The notice shall:

(1) Be typewritten or written in a legible hand; and

(2) Be addressed to the Commandant; and,

(3) Set forth as briefly as possible the name of the appellant, the nature of the charge, the substance of the decision of the examiner, the name of the examiner who made the decision; and,

(4) Contain a statement of each separate ground for such appeal, together with a certificate from the appellant that the appeal is not taken for the purposes of delay.

(5) Contain a request for a copy of transcript of testimony if desired.

(c) The appellant may file exceptions to the decision of the examiner supported by a brief or memorandum with his notice of appeal in elaboration of the matters set forth. The District Commander shall immediately transmit such notice of appeal, exceptions, brief or memorandum, if any, to the Commandant together with a complete transcript of the record in the case, if in his possession.

§ 187.30–10 Record for decision on appeal.

(a) The transcript of testimony together with all papers and exhibits filed in the proceedings shall constitute the exclusive record for decision on appeal.

§ 187.30–15 Action on appeal.

(a) The Commandant on appeal may alter or modify any finding of the examiner and may affirm, reverse or modify the order of the examiner, or he may remand the case for further hearing, but the Commandant will not consider evidence which is not a part of the record. The decision of the Commandant on appeal shall be final.

TABLE A—COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

(Asterisk (*) in front of number means text was revised)

Old section	New section
175.01–1	175.01–1.
*175.05–1	175.05–1, 176.35–1, 176.35–10.
*175.05–5	176.01–20(c).
175.05–10	175.05–5.
175.10–1	175.10–1.
*175.10–3	175.10–3.
175.10–5	175.10–5.
175.10–7	175.10–7.
175.10–9	175.10–9.
*175.10–11	175.10–11.
175.10–13	175.10–13.
*175.10–15	176.35–5(a).
*175.10–17	175.10–17.
175.10–19	175.10–19.
175.10–21	175.10–21.
175.10–23	175.10–23.
*175.10–25	175.10–25.
175.10–26	175.10–26.
175.10–27	175.10–27.
175.10–29	175.10–29.
175.10–31	175.10–35.
175.10–33	175.10–31.
*175.10–35	175.10–33.
175.10–36	175.10–36.
*175.10–37	175.10–37.
175.15–1	175.15–1.
175.20–1	175.30–1.
*176.01–1	176.01–1.
*176.01–5	176.01–40.
*176.01–10	176.01–10(d), 176.01–15.
176.01–15	176.01–1(c).
*176.05–1	176.25–1.
*176.10–1	176.01–10, 176.05–1.
*176.10–5	176.01–10, 176.05–1.
*176.10–10	176.01–10(b), 177.05–1, 177.05–3.
*176.10–15	176.05–5, 184.25–1(b).
*176.15–1	176.01–10, 176.05–1.
*176.15–5	176.01–10, 176.05–1.
*176.15–10	176.05–10, 184.25–1(b).
*176.15–15	176.25–20.
*176.15–20	176.25–25.
*176.15–25	176.25–5, 176.25–35, 176.25–40.
*176.15–30	176.25–10, 176.25–30.
*176.15–35	176.25–15.
*176.15–40	176.25–45.
*176.15–45	176.25–50.

[1] The part of examination for these subjects will be based upon material contained in the U.S. Coast Pilot, Light Lists, and Tide and Current Tables applicable to the area for which the license is to be valid.

TABLE A—COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS—Con.

Old section	New section
*176.20–1	176.10–1.
*176.20–5(a)	176.10–5(a).
176.20–5(b)	176.10–5(b).
*176.20–5(c)	176.25–20, 176.25–25.
176.25–1	176.30–1.
*176.30–1	176.15–1, 176.15–5.
*176.30–5	176.15–10.
*176.35–1	176.20–1.
176.35–5	176.20–5.
*176.40–1	177.05–1, 177.05–3.
177.01–1	177.01–1.
*177.01–5	175.25–1
177.05–1	177.10–1.
*177.05–5	177.10–5.
177.10–1	177.15–1.
177.15–1	177.20–1.
177.15–5	177.20–5.
177.20–1	177.25–1.
*177.25–1	176.01–25, 176.01–30.
*177.25–5	176.01–25(b)(1).
*177.25–10	176.01–25(b)(2).
*177.25–15	176.01–25(b)(3), 177.30–1.
*177.25–20	177.30–5.
*177.30–1	178.05–3, 178.05–5.
*177.30–5	178.35–1.
*177.30–10	178.35–1.
177.35–1	184.05–1.
*177.40–1	177.35–1.
177.40–5	177.35–5.
*177.40–10	177.35–10.
177.40–15	177.35–15.
178.01–1	178.01–1.
*178.01–5	178.01–5.
178.05–1	178.05–1.
178.05–3	
178.05–5	
*178.05–7	178.05–3, 178.25–1.
*178.05–9	178.05–5.
*178.10–1	178.10–1, 178.15–1, 178.15–3, 178.15–5, 178.25–1, 178.30.
*178.10–5	178.10–5, 178.15–1, 178.25–1.
*178.10–10	178.10–10, 178.30–1.
*178.15–1	178.20–1, 178.20–5, 178.25–1(b).
*178.20–1	178.30–3, 178.35–1(f).
*178.20–5	178.30–3.
*179.01–1	179.01–1.
*179.05–1	179.05–1.
*179.10–1	177.05–3, 179.10–3, 179.10–5.
*179.10–5	179.10–1, 179.10–3, 179.10–5.
*179.15–1	179.10–1, 179.10–3, 179.10–5.
*179.15–5	179.10–1, 179.10–3, 179.10–5.
*179.15–10	179.10–1, 179.10–3, 179.10–5.
*179.15–15	179.10–1, 179.10–3, 179.10–5.
*179.15–20	178.10–1, 178.10–5, 178.20–1, 178.20–5, 179.10–1, 179.10–3, 179.10–5.
*179.20–1	179.10–1(a).
*179.20–5	179.10–1(a), 179.15–1.
*179.25–1	179.20–1, 179.20–5.
180.01–1(a)	180.01–1(a).
*180.01–1(b)	175.25–1.
*180.05–1	180.05–1.
180.05–5	180.05–5.
*180.10–1	180.05–1(b), 180.10–1.
*180.10–5	180.10–5.
*180.10–10	180.10–5.
180.10–15	180.10–15.
180.10–20	180.10–20.
180.10–25	180.10–25.
*180.10–30	180.05–1(b), 180.10–30.
180.15–1	180.15–1.
180.15–5(a)	180.15–5(a).
180.15–5(b)	180.15–5(b).
*180.15–5(c)	180.15–5(c).
*180.15–5(d)	180.05–1(b), 180.15–5(d).
*180.15–10	180.15–10.
180.20–1	180.20–1.
*180.20–5	180.20–5.

TABLE A—COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS—Con.

Old section	New section
*180.25–1	180.05–1(b), 180.25–1.
180.25–5	180.25–5.
*180.25–10	180.25–10, 180.25–15.
*180.25–15	180.25–15.
*180.30–1	180.05–1(b), 180.30–1.
*180.30–5	180.30–5.
*180.30–10	180.30–10.
*180.35–1	180.05–1(b), 180.35–1, 180.35–10(b).
*180.35–5	180.05–1(b), 180.35–5, 180.35–10.
*181.01–1	181.01–1, 175.25–1.
*181.01–5	181.20–5(a), 181.30–5(a).
181.01–10	181.05–5.
*181.05–1	181.10–5(a).
*181.05–5	181.10–1, 181.15–1.
*181.05–10	181.20–1, 181.20–5.
*181.05–15	181.25–1, 181.25–5.
*181.05–20	181.30–1.
*181.10–1	181.01–1.
181.10–5	181.10–1(b), 181.10–1(c).
*181.10–10	181.15–5, 181.15–10.
181.10–15	181.15–5(b).
*181.15–1	181.01–1.
181.15–5	181.20–10(b).
*181.15–10	181.20–10(a)(1), 181.20–20(a).
*181.15–15	181.20–10(a)(2), 181.20–20, 181.20–25(a).
181.15–20	181.20–15.
181.15–25	181.20–20 (c), (d), (e), and (f).
181.15–30	181.20–30.
181.15–35	181.20–25(a).
*181.15–40	181.20–35.
*181.20–1	Table 181.30–1(a).
*181.20–5	181.30–1, 181.30–10.
181.20–10	181.30–1(b).
*182.01–1	182.01–1, 182.05–5(b).
*182.01–5	182.05–5(b).
*182.01–10	182.05–5(b).
*182.01–15	182.01–1, 182.10–5(a).
*182.01–20	182.10–5(c).
*182.01–25	175.25–1.
*182.05–1	182.01–1.
*182.05–5	182.35–1.
*182.10–1	182.01–1.
*182.10–5	182.05–1, 182.10–1, 182.10–5, 182.15–1, 182.15–5, 182.15–10, 182.15–15.
*182.10–10	182.15–7.
*182.10–15	182.15–15, 182.15–20.
*182.10–20	182.15–25.
*182.10–25	182.15–30.
*182.10–30	182.15–35.
*182.10–35	182.15–40.
*182.10–40	182.15–45.
*182.15–1	182.01–1(a), 182.20–1(a).
*182.15–5	182.05–1, 182.10–1, 182.20–1, 182.20–5, 182.20–10.
*182.15–10	182.20–15, 182.20–20.
*182.15–15	182.20–22, 182.20–25.
*182.15–20	182.20–30.
*182.15–25	182.20–35.
*182.15–30	182.20–40.
*182.15–35	182.20–45, 182.20–50.
*182.20–1	182.01–1.
*182.20–5	182.25–1, 182.25–5.
*182.20–10	182.25–10.
*182.25–1	178.01–1.
*182.25–5	178.40–1(d).
*182.30–1	182.01–1.
182.30–5	182.30–1.
182.30–10	182.30–5.
*183.01–1	183.01–1, 183.05–1, 183.10–1.
*183.01–5	183.01–1, 183.05–1.
*183.01–10	175.25–1.
*183.05–1	
183.05–5	183.05–5.
183.10–1	183.05–10.
*183.10–5	183.05–15.
*183.10–10	183.05–20.
183.10–15	183.05–25.
*183.10–20	183.05–30, 183.05–35.
183.15–1	183.05–40.
183.15–5	183.05–45.

TABLE A—COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS—Con.

Old section	New section
183.20–1	183.05–50(a).
183.20–5	183.05–50(b).
183.20–10	183.05–50(c).
•183.20–15	183.05–50(d)(3).
•183.20–20	183.05–50(d).
184.01–1	184.01–1.
184.05–1	
•184.10–1	184.10–1.
184.15–1	184.15–1.
184.20–1	184.20–1.
•184.25–1	184.25–1.
184.30–1	184.30–1.
•184.35–1	184.35–1.
•185.01–1	185.01–1.
185.05–1	185.05–1.
185.10–1	185.10–1.
185.15–1	185.15–1.
185.20–1	185.20–1.
185.20–5	185.20–5.
185.20–10	185.20–10.
•185.20–15	185.20–15.
•185.20–20	185.20–20.
185.20–25	185.20–25.
•185.25–1	185.25–1.
•185.25–5	185.25–5, 185.25–15.
185.25–10	185.25–10.
•185.30–1	185.30–1.
•185.30–5	185.30–5.
185.30–10	185.30–10.
•185.30–15	185.30–15.
185.30–20	185.30–20.
•185.30–25	185.30–25.
•185.35–1	184.01–1(a).
•185.35–5	184.40–1.
185.35–10	184.40–5.
185.35–15	184.40–10.
185.35–20	184.40–15.
186.01–1	186.05–1.
186.01–5	186.05–5.
186.01–10	186.10–1(b).
•187.01–1	187.01–1.
187.05–1 to 187.15–15	187.05–1 to 187.15–15.
•187.20–1	187.20–1.
187.20–5 to 187.20–20	187.20–5 to 187.20–20.
•187.25–1	187.25–1.
187.25–5 to 187.30–15	187.25–5 to 187.30–15.

TABLE B—COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS

(Asterisk (*) in front of number means text was revised)

New section	Old section
175.01–1	175.01–1.
•175.05–1	175.05–1.
175.05–5	175.05–10.
175.05–15	
175.10–1	175.10–1.
•175.10–2	180.05–1.
•175.10–3	175.10–3.
175.10–5	175.10–5.
175.10–7	175.10–7.
175.10–9	175.10–9.
•175.10–11	175.10–11.
175.10–13	175.10–13.
•175.10–17	175.10–17.
175.10–19	175.10–19.
175.10–21	175.10–21.
175.10–23	175.10–23.
•175.10–25	175.10–25.
175.10–26	175.10–26.
175.10–27	175.10–27.
175.10–29	175.10–29.
175.10–31	175.10–33.
175.10–33	175.10–35.
175.10–35	175.10–31.
175.10–36	175.10–36.
•175.10–37	175.10–37.
175.15–1	175.15–1.
•175.20–1	
•175.20–5	
175.25–1	177.01–5, 178.01–5, 180.01–1(b), 181.01–1(b), 182.01–25, 183.01–10.
175.30–1	175.20–1.

TABLE B—COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS—Con.

New section	Old section
•176.01–1	176.01–1, 176.01–15.
•176.01–5	
•176.01–10	176.01–10, 176.10–1, 176.10–5, 176.10–10, 176.15–1, 176.15–5.
•176.01–15	176.01–10.
•176.01–20	175.05–5.
•176.01–25	177.25–1, 177.25–5, 177.25–10, 177.25–15.
•176.01–30	177.25–1(b).
•176.01–35	
•176.01–40	176.01–5.
•176.05–1	176.10–1, 176.10–5, 176.15–1, 176.15–5.
•176.05–5	176.10–15.
•176.05–10	176.15–10.
•176.10–1	176.20–1.
•176.10–5	176.20–5.
•176.15–1	176.30–1.
•176.15–5	176.30–1(b).
•176.15–10	176.30–5.
•176.20–1	176.35–1.
176.20–5	176.35–5.
•176.25–1	176.05–1.
•176.25–5	176.10–15, 176.15–10, 176.15–25.
•176.25–10	176.10–15, 176.15–10, 176.15–30.
•176.25–15	176.10–15, 176.15–10, 176.15–35.
•176.25–20	176.10–15, 176.15–10, 176.15–15, 176.20–5.
•176.25–25	176.10–15, 176.15–10, 176.15–20, 176.20–5(c).
•176.25–30	176.10–15, 176.15–10, 176.15–30(a)(9).
•176.25–35	176.10–15, 176.15–10, 176.15–25(a)(6), 176.20–5.
•176.25–40	176.10–15, 176.15–10, 176.15–25(a)(7), 176.20–5, 185.35–20.
•176.25–45	176.10–15, 176.15–10, 176.15–40, 176.20–5.
•176.25–50	176.10–15, 176.15–10, 176.15–45, 176.20–5.
176.30–1	176.25–1.
•176.35–1	175.05–1(c).
•176.35–5	175.10–15.
176.35–10	175.05–1(c).
177.01–1	177.01–1.
177.01–5	
•177.05–1	176.10–10, 176.40–1.
•177.05–3	176.10–10, 176.40–1.
•177.05–5	176.10–10.
177.10–1	177.05–1.
•177.10–5	177.05–5.
177.15–1	177.10–1.
177.20–1	177.15–1.
177.20–5	177.15–5.
177.25–1	177.20–1.
•177.30–1	177.25–15.
•177.30–5	177.25–20.
•177.35–1	177.40–1.
177.35–5	177.40–5.
•177.35–10	177.40–10.
177.35–15	177.40–15.
178.01–1	178.01–1.
•178.01–5	178.01–5.
178.05–1	178.05–1.
•178.05–3	178.05–7.
•178.05–5	178.05–9.
•178.05–7	
•178.05–9	
•178.05–11	
•178.05–13	
•178.05–15	
•178.05–17	
•178.05–19	
•178.10–1	178.10–1.
•178.10–5	178.10–5.
•178.10–10	178.10–10.
•178.15–1	178.10–1(b), 178.10–5(a).
•178.15–3	178.10–1(b).
•178.15–5	178.10–1(a)(1).
•178.20–1	178.15–1.
•178.20–5	178.15–1.

TABLE B—COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS—Con.

New section	Old section
•178.25–1	178.05–7, 178.10–1, 178.10–5, 178.10–10, 178.15–1.
•178.30–1	178.10–1(c).
•178.30–3	178.20–1, 178.20–5.
•178.30–5	178.10–1(e).
•178.30–7	
•178.35–1	177.30–5, 177.30–10, 178.20–1.
•178.40–1	178.10–1(f), 182.25–5.
•179.01–1	179.01–1.
•179.05–1	179.05–1.
•179.10–1	179.10–5, 179.15–1 thru 179.15–20, 179.20–1, 179.20–5.
•179.10–3	179.10–5, 179.15–1 thru 179.15–20, 179.20–1, 179.20–5.
•179.10–5	179.10–5, 179.15–1 thru 179.15–20, 179.20–1, 179.20–5.
•179.15–1	179.20–5.
•179.20–1	179.25–1.
179.20–5	179.25–1.
180.01–1	180.01–1(a).
•180.01–5	
•180.05–1	180.05–1, 180.10–1(a), 180.10–30(a), 180.15–5(d), 180.25–1(a), 180.30–1, 180.35–5(a).
180.05–5	180.05–5.
•180.10–1	180.10–1.
•180.10–5	180.10–5, 180.10–10.
180.10–15	180.10–15.
180.10–20	180.10–20.
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•182.35–1	182.05–5.
•183.01–1	183.01–1, 183.01–5.
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•183.05–1	183.01–5.
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•183.10–20(d)	183.01–1, 111.60–10(b)(8).
•183.10–20(e)	183.01–1, 111.60–10(b)(6).
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•183.10–35(e)	183.01–1, 111.55–15(c), 111.55–15(e)(3), 111.55–15(e)(6).
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Dated: September 23, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60–9008; Filed, Sept. 28, 1960; 8:45 a.m.]

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VOLUME 25 NUMBER 191

Washington, Friday, September 30, 1960

UNIVERSITY OF MICHIGAN
SEP 30 1960
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Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Title 3—THE PRESIDENT

Executive Order 10888

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN CERTAIN CARRIERS REPRESENTED BY THE NEW YORK HARBOR CARRIERS' CONFERENCE COMMITTEE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between certain carriers represented by the New York Harbor Carriers' Conference Committee, designated in List A attached hereto and hereby made a part hereof, and certain of their employees represented by labor organizations, members of the Railroad Marine Harbor Council, AFL–CIO, designated in List B attached hereto and hereby made a part hereof; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by carriers represented by the New York Harbor Carriers' Conference Committee, or by their employees, in the conditions out of which the dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 28, 1960.

LIST A

Baltimore & Ohio Railroad
Brooklyn Eastern District Terminal
Bush Terminal Railroad
Central Railroad Company of New Jersey
Delaware, Lackawanna & Western Railroad
Erie Railroad
Lehigh Valley Railroad
New York Central Railroad
New York, New Haven & Hartford Railroad
Pennsylvania Railroad
Reading Company

LIST B

International Organization Masters, Mates & Pilots
United Association Local No. 1
United Association Local No. 3
Associated Maritime Workers Local No. 3
Marine Engineers Beneficial Association Local No. 33

[F.R. Doc. 60-9159; Filed Sept. 28, 1960; 1:24 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

Effective Date of Annuities

In Federal Register Document 60–8721 (25 F.R. 8988), filed September 19, 1960, the introductory paragraph should have included a statement that paragraphs (d) and (e) of § 29.7 were revoked and that paragraphs (a), (b), and (c) constitute the entire section.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60–9118; Filed, Sept. 29, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Loaning of Samples

Pursuant to section 8 of the United States Grain Standards Act, as amended (7 U.S.C. 84), the regulations issued under said Act are hereby amended by adding thereto the following new section preceded by the heading set forth below:

SAMPLES OF STANDARDS

§ 26.88 Loaning of samples.

In the discretion of the Director of the Grain Division of the Agricultural Marketing Service, limited numbers of samples illustrating the official grain standards of the United States, or specially prepared exhibits illustrating any part of such standards, may be loaned by the Department without charge to governmental agencies for official purposes or to educational institutions of higher learning and to trade organizations for demonstration purposes.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84)

The amendment is not mandatory upon any person and should be made effective as soon as possible in order to be of maximum benefit to those who wish to receive the samples. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure on the amendment are unnecessary and impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The amendment shall become effective on September 30, 1960.

Done at Washington, D.C., this 26th day of September 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60–9104; Filed, Sept. 29, 1960; 8:48 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 728—WHEAT

Subpart—Determination of County Normal Yields for 1960

NEBRASKA; CHERRY COUNTY

Basis and purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to correct an error in this subpart published in the FEDERAL REGISTER (25 F.R. 6116).

Since the determination of 1960 county normal yields is necessary for use as a guide in the determination of 1960 normal yields for excess farms, it is necessary to make this correction immediately. Therefore, it is hereby found and determined that compliance with the public notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary, and that this amendment shall become effective upon the date of its publication in the FEDERAL REGISTER. Section 728.1008 *Determination of the county normal yields for the 1960 crop of wheat* is amended as follows:

For the State of Nebraska, as to Cherry County strike out the figures "26.1" and insert in lieu thereof the figures "19.2".

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375)

Issued at Washington, D.C., this 23d day of September, 1960.

FOREST W. BEALL,
Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 60–9105; Filed, Sept. 29, 1960; 8:48 a.m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Loaning of Samples

Pursuant to the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the regulations for the inspection and certification of certain agricultural commodities and products thereof (7 CFR Part 68) are hereby amended by adding the following section:

§ 68.54 Loaning of samples.

In the discretion of the Director, limited numbers of samples illustrating the United States standards under the Acts, or specially prepared exhibits illustrating any part of such standards, may be loaned by the Department without charge to governmental agencies for official purposes or to educational institutions of higher learning and to trade organizations for demonstration purposes.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

The amendment is not mandatory upon any person and should be made effective as soon as possible in order to be of maximum benefit to those who wish to receive the samples. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice and other public procedure on the amendment are unnecessary and impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The amendment shall become effective on September 30, 1960.

Done at Washington, D.C., this 26th day of September 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60–9106; Filed, Sept. 29, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Temporary Authorization for National Defense Transportation

By Order of the Board, No. E–15824, dated September 26, 1960, the effectiveness of the provisions of § 207.11 was further extended to September 30, 1961.

(Sec. 204, 72 Stat. 743, 49 U.S.C. 1324)

Dated: September 26, 1960.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of September 1960.

In the matter of military exemptions, Dockets 11676, 11731, 11755, 11798; Order No. E–15824.

Order granting and denying exemptions. By Order E–14485, dated September 25, 1959, the Board extended until September 30, 1960 various exemptions from section 401 of the Act and related Economic Regulations and orders of the Board which permitted air carriers of the classes specified therein to engage in a broad range of contract and charter operations for the Military Establishment.[1]

A timely application for further extension of the exemptions granted by that order, insofar as they apply to it, has been filed by The Flying Tiger Line, Inc., and replies thereto have been filed by Seaboard and Western Airlines, Inc., and Pan American World Airways, Inc. Applications for extension of the exemptions in Order E–14485 have also been filed jointly by AAXICO Airlines, Inc., Capitol Airways, Inc., President Airlines, Inc., and World Airways, Inc., and by Associated Air Transport, Inc., Los Angeles Air Service, Inc., d/b/a Trans International Airlines, United States Overseas Airlines, Inc., and World Wide Airlines, Inc.[2]

The blanket military exemptions embodied in the prior order were originally issued in the 1950–1951 period as a result of military activities in Korea and the needs for airlift on behalf of the military departments stemming from those activities which could not readily be met by the air transportation services offered over the then certificated air route system. Although the pressing military needs which led to the original grant of these exemptions later diminished, the Board continued to extend the exemptions from year to year in substantial part because of the desire of the military establishment that they be continued and its representation that the exemptions were beneficial to it. In more recent years the continuation of those exemptions became intertwined with the broad problems posed by the policy of the military establishment of procuring its needed airlift through advertised competitive bidding and of utilizing the services of operators not subject to the economic regulatory provisions of the Act.

Recently the Department of Defense issued a policy paper known as "Role of Military Air Transport Service in Peace and War," which has been approved by the President. In that policy paper for the first time since the commercial augmentation program for international airlift was undertaken in the Defense Department, the Department has indicated an intention of acquiring its augmentation airlift for international traffic only from air carriers, as defined in the Federal Aviation Act. These carriers, of course, are subject to the economic regulations of the Civil Aeronautics Board. These actions by the Defense Department have markedly changed the conditions which existed at the time the Board issued Order E–14485.

On its own volition the Board has also examined the subject of other types of military movements by air carriers, and we now conclude that a general extension of the broad blanket exemptions given in previous years can no longer be justified under the standards and requirements of the Act. The situation with which we are faced is this: There are outstanding today a group of exemptions, predicated to a substantial extent on conditions which no longer exist, extending to every carrier of each of the classes that make up the regulated air transportation system, granting them almost unlimited authority to perform services for the military establishment, worldwide in scope, entirely outside the framework of the certificated route system that has been established under the provisions of section 401 of the Act, and which take no account of the capacity available today in the scheduled services of the certificated carriers, the particular situation of any given carrier in any specific class, or the effect that the operations authorized may have on the economic health of our air transportation system as a whole. Further, the Air Force has announced a program of implementation of the above-mentioned Department of Defense policy as it relates to international airlift. That implementation contemplates increased use of the scheduled services of the certificated route operators, and utilization of only regulated air carriers. We are convinced that the broad exemptions heretofore granted are no longer required to meet military needs, have become adverse to the public interest, and therefore can no longer be justified under the standards of the Act.

We recognize, of course, that there will be situations in which the Board properly can and should find that exemptions should be issued to meet particular problems that may exist in the procurement of airlift for the military establishment. Thus, there are now in force contracts between Riddle Airlines, Inc., Aerovias Sud Americana, Inc., United States Overseas Airlines, Inc., Capitol Airways, Inc., and World Airways, Inc., and the Department of Defense providing for specified domestic air transportation in the operations referred to as "Quicktrans", "Logair", "BMD", and "NASA".[3] Those contracts by their terms will continue until July 1, 1961 and, in the case of Riddle, may, at the option of the Department of Defense, be renewed for the fiscal years 1962 and 1963. Enforcement of the provisions of sections 401 and 403 of the Act and the pertinent portions of the Board's Economic Regulations implementing those sections insofar as they would prevent the named carriers from fulfilling the specific contracts now in effect, under which they have been and are now performing Quicktrans, Logair, BMD, and NASA services would be an undue burden on them by reason of the unusual circumstances affecting their operations, and would not be in the public interest.

Similarly, we find that a continuation of the outstanding exemptions to the extent necessary to permit each of the regulated carriers to perform charters in interstate and overseas air transportation under contracts with the Military Traffic Management Agency, U.S. Army (MTMA) in those operations designated as "Commercial Air Movements" and "Commercial Air" ("CAM" and "CA") is also warranted. The so-called CAM and CA movements involve domestic planeload charters of passengers and cargo of a sporadic nature between numerous different points. Each of the carriers of the various classes has authority under its basic operating authority to perform certain of these CAM and CA services, but many of them probably could not perform all of them without some relief from the Board.

In addition, under the policies of the military establishment in procuring airlift for CAM and CA movements, it is apparent that the recipient of a contract for the services, if not already authorized to perform the service under its basic operating authority, would not be able to process a certificate application in time to perform the service. Further, the expense of a certificate proceeding in some instances would be out of all proportion to the value of the service from the carrier's standpoint. In view of the foregoing, we find that enforcement of the provisions of section 401 and applicable Board regulations insofar as they would prevent each air carrier from performing CAM and CA movements under contract with MTMA would be an undue burden on such carrier by reason of the unusual circumstances affecting its operations and would not be in the public interest.

Finally, we will extend the exemptions heretofore granted to irregular and supplemental air carriers which permit them to maintain joint representatives at military installations for arranging interstate and overseas air transportation of members of the armed forces, whether or not moving at government expense, and civilian employees of the military agencies moving at governmental expense. Under the authority granted by Part 291 of the Economic Regulations, Order E–9744, and the certificates of public convenience and necessity for supplemental services, the irregular and supplemental air carriers are limited in the volume of individually-ticketed and waybilled service that they can offer between any two points. In order to prevent the carriers from evading the frequency limitations of their authorizations, the Board imposed a condition on their operating authority to prohibit an individual carrier from providing jointly, or in conjunction with another carrier, a volume of service which, if provided by the first carrier alone, would exceed the frequency limitations specified in its authorization. The exemption to permit joint representatives at military installations did not broaden the basic authority of the carriers but only relieved them from the restrictions imposed by the Board itself on joint activities. The conditions which warranted the original grant of this limited exemption continue to exist and justify its extension for an additional period.

In reaching our determination here we are not closing the door on the grant of specific exemptions to the applicants or to any other individual carrier if such exemption is found warranted under the provisions of the Act and is needed to deal with specific situations that may arise. We need not speculate on the circumstances in which a need for such specific exemptions may be found. Those are matters to be disposed of in passing on individual exemption applications that may be filed and in the light of the matters presented to us in connection with those applications. We here go no further

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[1] In addition to the exemptions granted by Order E–14485, there are also now outstanding the following exemptions relating to military traffic: (1) Part 294 of the Economic Regulations and Orders E–14484 and E–15151 which grant exemptions from both sections 401, and 403, and certain other provisions of the Act and the Economic Regulations, for Military Contract operations; and (2) Order E–15459, dated June 28, 1960 which issued an exemption from section 403 with respect to charges for ferry mileage in connection with services performed for the Military Traffic Management Agency. In a notice of rule-making dated July 28, 1960, the Board announced that it has under consideration a proposed repeal of Part 294 and that rule-making proceeding is now set for evidentiary hearing. By Order E–15760 the Board denied requests for extension of Orders E–14484 and E–15151. The so-called ferry mileage exemption is dealt with in a separate order that is being issued concurrently herewith.

[2] The Joint applications of the latter groups of carriers request extension of not only the exemptions granted by Order E–14485, but also those granted by Part 294, Order E–14484, and E–15151. This order does not cover the requests in the applications relating to the last three exemptions.

[3] "Quicktrans" and "Logair" involve cargo transportation between military bases for the Navy and Air Force. "BMD" and "NASA" call for similar services in support of the ballistic missile and space programs, but involve the transportation of both passengers and cargo.

than to conclude that, except to the extent outlined above, we are no longer able under existing conditions to make the findings required by section 416(b) of the Act to justify a continuation of the blanket exemptions.

The Board further finds that the applicants have presented no matters that would require or warrant setting their requests for evidentiary hearing.

Accordingly, it is ordered, That:

1. Riddle Airlines, Inc., Aerovias Sud Americana, Inc., United States Overseas Airlines, Inc., Capitol Airways, Inc., and World Airways, Inc., be and hereby are exempted from the provisions of sections 401 and 403 of the Act and applicable provisions of the Economic Regulations insofar as those provisions would otherwise prevent the named carriers from performing the services specified under contracts Nos. AF 11(626)-243, AF 11(626)-244, AF 11(626)-249, AF 11(626)-250 and AF 11(626)-261, and AF 11(626)-251 between each carrier and the Air Force;[1]

2. The effectiveness of § 207.11 of the Economic Regulations, to the extent necessary to make the limitations of §§ 207.5 to 207.10 inapplicable to charter trips performed in CAM and CA movements pursuant to contracts with the Military Traffic Management Agency, U.S. Army, be and hereby is extended until September 30, 1961;

3. Each certificated air carrier and each air carrier holding economic authority as a large irregular carrier, irregular transport carrier, supplemental air carrier, and/or other classification established by Board decision in Docket 5132, et al., be and hereby is exempted from the provisions of section 401 of the Act and the terms of its outstanding operating authorizations insofar as they would otherwise prevent such carrier from engaging in interstate and overseas air transportation pursuant to contracts with the Military Traffic Management Agency, U.S. Army, under CAM or CA movements;

4. Each air carrier holding economic authority as a large irregular carrier, irregular transport carrier, supplemental air carrier, and/or other classification established by Board decision in Docket 5132, et al., be and hereby is exempted from the provisions of section 401 of the Act, Part 291 of the Economic Regulations, and its respective operating authority, to the extent necessary to permit such carrier, subject to all other applicable restrictions, to engage in interstate and overseas air transportation, except within the State of Alaska, of members of the Armed Services, whether or not moving at government expense, and civilian employees of the military agencies moving at government expense, where such transportation is arranged through the representatives of two or more such carriers at a military installation, even though the total operations performed by a group of carriers so represented may exceed the flight limitations as imposed by their respective authorizations, whether such authorization be by exemption or certificate of public convenience and necessity; however, no single carrier may exceed the limitations of its particular authorization as specified therein;

5. The authorizations contained in paragraph 1 shall continue in effect up to and including June 30, 1961: *Provided*, That in the event the Air Force exercises its option to renew its contract with Riddle, the exemption granted herein to Riddle shall continue in effect for the duration of such renewal;

6. The authorizations granted by paragraphs 3 and 4 above shall continue in effect up to and including September 30, 1961;

7. Except to the extent that the action taken herein constitutes the granting thereof, the applications in Dockets 11676, 11731, 11755 and 11798 (other than the requests relating to Part 294 and Orders E-14484, E-15151, and E-15459), be and hereby are denied.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-9080; Filed, Sept. 29, 1960; 8:45 a.m.]

[1] Capitol has two separate contracts: AF 11(626)-250 and AF 11(626)-261.

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 521; Amdt. 206]

PART 507—AIRWORTHINESS DIRECTIVES

Piper PA-22 Aircraft

It has been determined that the Piper Model PA-22 aircraft designation was inadvertently omitted from the applicability statement of Amendment 76, 25 F.R. 335. Accordingly, the applicability statement is being revised to include PA-22 aircraft and the compliance statement is adjusted therefor. Since the same possibility of an unsafe condition exists in regard to failure of the tail brace wires on PA-22 aircraft as for those covered in the original amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is amended as follows:

Amendment 76, Piper Models PA-12, PA-14, PA-20, PA-22 "135", PA-22 "150", and PA-22 "160" Series aircraft, 25 F.R. 335, is amended by:

1. Revising the applicability statement to read:

Applies to all Models PA-12, PA-14, PA-20, PA-22, PA-22 "135", PA-22 "150", and PA-22 "160" Series aircraft.

2. Revising the compliance statement to read:

Compliance required not later than January 30, 1960, and at each 100 hours' time in service thereafter, except Model PA-22 compliance required within the next 100 hours' time in service after the effective date of this amendment, and at each 100 hours' time in service thereafter.

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 23, 1960.

B. PUTNAM, *Acting Director, Bureau of Flight Standards.*

[F.R. Doc. 60-9083; Filed, Sept. 29, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-210]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1111 of the regulations of the Administrator is to modify the San Diego, Calif., control area extension.

The San Diego control area extension is presently described, in part, by reference to the San Diego low frequency radio range. Since this radio range was decommissioned on April 18, 1960, due to a reclamation project by the City of San Diego (Airspace Docket No. 60-WA-90), all reference to it is being deleted from the description of the area. Additionally, an area southeast of San Diego presently encompassed by the San Diego control area extension coincides with part of the Miramar, Calif., control area extension (§ 601.1223). This portion of the area is being eliminated from the description of the San Diego control area extension. No additional controlled airspace is being designated by this action.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1111 (14 CFR 601.1111) is amended to read:

§ 601.1111 Control area extension (San Diego, Calif.).

The airspace within a 21-mile radius of the San Diego VOR extending counter-clockwise from the San Diego VOR 251° True radial to the boundary of the Miramar, Calif., control area extension (§ 601.1223), within 5 miles either side of the 251° True radial of the San Diego VOR extending from the VOR to a point 28 miles SW, and within 5 miles either side of the 287° True radial of the San Diego-Lindbergh VOR extending from the VOR to a point 28 miles NW, excluding the portion under the jurisdiction of Mexico and excluding the portion which would coincide with the Imperial Beach, Calif., Warning Area (W-536).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 26, 1960.

GEORGE S. CASSADY, *Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-9084; Filed, Sept. 29, 1960; 8:45 a.m.]

[Reg. Docket No. 518; Amdt. 66]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 610 is amended as follows:

Section 610.12 *Green Federal airway 2* is amended to read in part:

From Lone Rock INT, Wis.; to Madison Wis., LFR; MEA 2,700.

Section 610.14 *Green Federal airway 4* is amended to read in part:

From Indianapolis, Ind., LFR; to North Hampton INT, Ohio; MEA 2,900.

Section 610.15 *Green Federal airway 5* is amended to read in part:

From Abilene, Tex., LFR; to Mineral Wells, Tex., LF/RBn; MEA 3,200.

Section 610.16 *Green Federal airway 6* is amended to read in part:

From New Orleans, La., LFR; to Keesler AFB, Miss., LF/RBN; MEA 1,400.
From Keesler AFB, Miss., LF/RBN; to Mobile, Ala., LF/RBN; MEA 1,400.

Section 610.105 *Amber Federal airway 5* is amended to delete:

From New Orleans, La., LFR; to Jackson, Miss., LFR; MEA 2,000.
From Jackson, Miss., LFR; to Greenwood, Miss., LFR; MEA 1,700.
From Greenwood, Miss.; to Hernando INT, Miss.; MEA 1,800.
From Hernando INT, Miss.; to Memphis, Tenn., LFR; MEA 1,500.
From Memphis, Tenn., LFR; to Cuba INT, Tenn.; MEA 2,300.
From Cuba INT, Tenn.; to Advance, Mo., LFR; MEA 2,000.
From Advance, Mo., LFR; to Waterloo INT, Mo.; MEA 2,000.
From Waterloo INT, Mo.; to St. Louis, Mo., LFR; MEA 2,600.
From St. Louis, Mo., LFR; to Jerseyville INT, Ill.; MEA 2,000.
From Jerseyville INT, Ill.; to *Springfield, Ill., LFR; MEA 1,900. *2,000 MCA Springfield LFR, northeastbound.
From Springfield, Ill., LFR; to Pontiac INT, Ill.; MEA 2,000.
From Pontiac INT, Ill.; to Joliet, Ill., LFR; MEA 2,000.
From Joliet, Ill., LFR; to Downers Grove INT, Ill.; MEA 2,300.
From Downers Grove INT, Ill.; to Wilson INT, Ill.; MEA 2,300.
From Wilson INT, Ill.; to INT E crs Rockford, and S crs Milwaukee, Wis., LFR; MEA 2,500.
From INT E crs Rockford, and S crs Milwaukee, Wis., LFR; to Milwaukee, Wis., LFR; MEA 2,100.

Section 610.107 *Amber Federal airway 7* is amended to delete:

From Richmond, Va., LFR; to Washington, DC., LFR; MEA 1,500.
From Washington, D.C., LFR; to Relay INT, Md.; MEA 1,600.
From Relay INT, Md.; to Boothwyn INT, Pa.; MEA 2,000.
From Boothwyn INT, Pa.; to Philadelphia, Pa., LFR; MEA 1,800.

Section 610.208 *Red Federal airway 8* is amended to read in part:

From INT W crs Wright-Patterson LFR and NW crs Cincinnati LFR; to *Liberty INT, Ohio; MEA 2,500. *3,000—MCA Liberty INT, eastbound.

Section 610.211 *Red Federal airway 11* is amended to read in part:

From Greenfield INT, Mass.; to INT W crs Boston LFR and NE crs Hartford LFR; MEA 3,100.

Section 610.302 *Red Federal airway 102* is amended to delete:

From Lexington, Ky., LF/RBn; to Huntington, W. Va., LF/RBn; MEA 2,600.

Section 610.622 *Blue Federal airway 22* is deleted.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From San Jose, Calif., VOR; to Lick INT, Calif.; MEA 5,400.
From Lick INT, Calif.; to Hollister INT, Calif.; MEA 5,200.
From Hollister INT, Calif.; to Los Banos, Calif., VOR; MEA 6,000.
From Salinas, Calif., VOR; to Lick INT, Calif.; MEA 6,000.
From Triton INT, Calif.; to *Rancho INT, Calif., via 096 Rad SXC; MEA **3,000. *3,000—MRA. **2,500—MOCA.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Kinston, N.C., VOR; to Oak City INT, N.C.; MEA *2,000. *1,900—MOCA.
From Oak City INT, N.C.; to Cofield, N.C., VOR; 1,300.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Lone Rock, Wis., VOR; to Morey INT, Wis.; MEA 2,500.
From Morey INT, Wis.; to Marshall INT, Wis.; MEA 2,700.
From Marshall INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.
From Albany, N.Y., VORTAC; to Griswoldville INT, Mass.; MEA 5,600.
From Griswoldville INT, Mass.; to Gardner, Mass., VORTAC; MEA 4,000.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Savannah, Ga., VOR; to *Ritter INT, S.C.; MEA **2,000. *2,000—MRA. **1,500—MOCA.
From Ritter INT, S.C.; to *Walterboro INT, S.C.; MEA **2,000. *2,000—MRA. **1,500—MOCA.
From Walterboro INT, S.C.; to *St. George INT, S.C.; MEA **2,000. *2,000—MRA. **1,500—MOCA.
From St. George INT, S.C.; to Vance, S.C. VOR; MEA *2,000. *1,500—MOCA.
From Vance, S.C., VOR; to Florence, S.C., VOR; MEA 1,900.
From Florence, S.C., VOR via E alter.; to Fayetteville, N.C., VOR via E alter.; MEA 1,900.
From Fayetteville, N.C., VOR via E alter.; to *Murray INT, N.C., via E alter.; MEA 2,000. *3,000—MRA.
From Murray INT, N.C., via E alter.; to *Broadway INT, N.C., via E alter.; MEA 2,000. *3,000—MRA.
From Broadway INT, N.C., via E alter.; to Raleigh, N.C., VOR via E alter.; MEA 2,000.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Glenns Ferry INT, Idaho; to Jerome INT, Idaho; MEA *8,500. *6,000—MOCA.
From Jerome INT, Idaho; to *Burley, Idaho, VORTAC; MEA 6,000. *7,100—MCA Burley VORTAC, eastbound.
From Burley, Idaho, VORTAC; to *Rehn Ranch INT, Idaho; MEA 8,000. *8,500—MCA Rehn Ranch INT, eastbound.
From Rehn Ranch INT, Idaho; to Malad City, Idaho, VORTAC; MEA 10,000.
From Lexington, Ky., VOR; to Mt. Sterling INT, Ky.; MEA 2,600.
From Mt. Sterling INT, Ky.; to Newcombe, Ky., VOR; MEA 2,500.
From Newcombe, Ky., VOR; to Salt Rock INT, W. Va.; MEA 2,500.
From Salt Rock INT, W. Va.; to Charleston, W. Va., VOR; MEA 3,000.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Rock River, Wyo., VOR; to Bear Creek INT, Wyo.; MEA 10,500.
From Bear Creek INT, Wyo.; to Albin INT, Wyo.; MEA *10,500. *8,500—MOCA.
From Albin INT, Wyo.; to Bushnell INT, Nebr.; MEA 7,600.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Evansville, Ind., VOR via W alter.; to INT 085 M rad BIB VOR and 209 M rad HUF VOR via W alter.; MEA *3,000. *2,000—MOCA.
From INT 085 M rad BIB VOR and 209 M rad HUF VOR via W alter.; to Terre Haute, Ind. VOR via W alter.; MEA 2,000.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Lamar, Colo., VOR via N alter.; to *Tuttle INT, Kans., via N alter.; MEA 5,500. *6,000—MRA.
From Tuttle INT, Kans., via N alter.; to Garden City, Kans., VORTAC via N alter.; MEA *6,000. *5,500—MOCA.
From Gill INT, Mich.; to Youngstown, O., VOR; MEA 3,000.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Indianapolis, Ind., VOR; to Marion INT, Ind.; MEA 2,900.
From Marion INT, Ind.; to Ft. Wayne, Ind., VORTAC; MEA 2,200.
From Pendleton INT, Ind., via E alter.; to *Marion INT, Ind., via E alter.; MEA 3,300. *3,300—MCA Marion INT, southbound.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Tucumcari, N. Mex., VOR; to *Vega INT, Tex.; MEA 6,000. *6,000—MRA.

Section 610.6012 *VOR Federal airway 12* is amended to delete:

From Winslow, Ariz., VOR via N alter.; to Zuni, N. Mex., VOR via N alter.; MEA 10,000.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Butler, Mo., VOR via E alter.; to Pleasant Hill INT, Mo., via E alter.; MEA 2,400.
From Pleasant Hill INT, via E alter.; to Kansas City, Mo., VORTAC via E alter.; MEA 3,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Florida INT, Ind.; to *Coldwater INT, Ind.; MEA **4,500. *4,500—MCA Coldwater INT, southwestbound. **2,200—MOCA.

From Tulsa, Okla., VOR via N alter.; to *Wyandette INT, Okla., via N alter.; MEA **2,600. *3,200—MRA. **2,000—MOCA.
From Neosho, Mo., VOR via N alter.; to Miller INT, Mo., via N alter.; MEA 2,900.
From Miller INT, Mo., via N alter.; to Springfield, Mo., VOR via N alter.; MEA 2,600.
From Albany, N.Y., VORTAC; to Griswoldville INT, Mass.; MEA 5,600.
From Griswoldville INT, Mass.; to Gardner, Mass., VORTAC; MEA 4,000.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Aberdeen, S. Dak., VOR; to Bismarck, N. Dak., VOR; MEA *4,700. *3,500—MOCA.
From Houston, Tex., VOR; to Fairbanks INT, Tex.; MEA 1,800.
From Fairbanks INT, Tex.; to College Station, Tex., VOR; MEA 2,000.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Allendale, S.C., VOR; to *Walterboro INT, S.C.; MEA **1,600. *2,000—MRA. **1,500—MOCA.
From Allendale, S.C., VOR via S alter.; to *Ritter INT, S.C., via S alter.; MEA **1,700. *2,000—MRA. **1,500—MOCA.
From Ritter INT, S.C., via S alter.; to *Wald INT, S.C., via S alter.; MEA **1,700. *3,100—MRA. **1,500—MOCA.
From Wald INT, S.C., via S alter.; to Charleston, S.C., VORTAC via S alter.; MEA *1,700. *1,500—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Cheyenne, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 9,000. *9,500—MRA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VORTAC; to *Bayside INT, Tex.; MEA 1,500. *2,000—MRA.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Taylor, Fla., VOR; to Bryceville INT, Fla.; MEA *1,500. *1,200—MOCA.
From Bryceville INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,500. *1,300—MOCA.
From Taylor, Fla., VOR via N alter.; to *Toledo INT, Fla., via N alter.; MEA **1,800. *1,900—MRA. **1,200—MOCA.
From Toledo INT, Fla., via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA *1,800. *1,200—MOCA.
From Crestview, Fla., VOR; to *De Funiak Springs INT, Fla.; MEA **2,000. *3,000—MRA. **1,500—MOCA.
From De Funiak Springs INT, Fla.; to Marianna, Fla., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Portland, Oreg., VOR; to *Silver Lake INT, Oreg.; MEA 5,000. *6,500—MRA.
From Silver Lake INT, Oreg.; to Toledo INT, Wash.; MEA 5,000.
From Portland, Oreg., VOR, via W alter.; to *Silver Lake INT, Oreg., via W alter.; MEA 5,000. *6,500—MRA.
From Silver Lake INT, Oreg., via W alter.; to Toledo INT, Wash., via W alter.; MEA 5,000.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Imperial, Pa., VOR; to Allegheny INT, Pa.; MEA 3,000.
From Allegheny INT, Pa.; to New Alexandria INT, Pa.; MEA 4,000.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Charleston, S.C., VORTAC; to *Givhans INT, S.C.; MEA **1,400. *1,700—MRA. **1,200—MOCA.
From Givhans INT, S.C.; to *St. George INT, S.C.; MEA **1,700. *2,000—MRA. **1,600—MOCA.
From St. George INT, S.C.; to *Bowman INT, S.C.; MEA **1,700. *1,700—MRA. **1,600—MOCA.
From Bowman INT, S.C.; to Columbia, S.C., VOR; MEA *1,700. *1,600—MOCA.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From *Junction City INT, Ga.; to **Butler INT, Ga.; MEA 1,700. *3,000—MRA. **3,000—MRA.
From Monetta INT, S.C., via N alter.; to Columbia, S.C., VOR via N alter.; MEA 1,600.

Section 610.6059 *VOR Federal airway 59* is amended to read in part:

From Newcomerstown, Ohio, VOR; to Cleveland, Ohio, VORTAC; MEA 2,600.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Field INT, N. Mex.; to Texico, N. Mex., VOR; MEA *6,300. *6,000—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended by adding:

From McDonough, Ga., VOR; to Conyers INT, Ga.; MEA 2,000.
From Conyers INT, Ga.; to Athens, Ga., VOR; MEA 3,000.
From Athens, Ga., VOR; to Iva INT, S.C.; MEA *2,200. *1,900—MOCA.
From Iva INT, S.C.; to Union INT, S.C.; MEA *4,000. *2,000—MOCA.
From Union INT, S.C.; to Ft. Mill, N.C., VOR; MEA 2,000.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From *Tuttle INT, Kans.; to Garden City, Kans., VORTAC; MEA **6,000. *6,000—MRA. **5,500—MOCA.
From Dodge City, Kans., VOR; to *Greensburg INT, Kans.; MEA 3,600. *5,200—MRA.
From Ponca City, Okla., VOR; to Tulsa, Okla., VOR; MEA 2,400.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From *Alamosa, Colo., VOR; to **Pueblo, Colo., VORTAC; MEA 17,000. *15,000—MCA Alamosa VOR, northeastbound. **12,000—MCA Pueblo VORTAC, westbound.

Section 610.6088 *VOR Federal airway 88* is amended to read in part:

From Tulsa, Okla., VOR; to Vinita INT, Okla.; MEA *2,600. *2,000—MOCA.
From *Waco INT, Mo.; to Miller INT, Mo.; MEA 2,900. *6,500—MRA.
From Miller INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Montezuma INT, Ga., via E alter.; to *Butler INT, Ga., via E alter.; MEA **4,000. *3,000—MRA. **1,800—MOCA.
From Butler INT, Ga., via E alter.; to Atlanta, Ga., VOR via E alter.; MEA *3,000. *2,100—MOCA.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From Roswell, N. Mex., VOR to Ranch INT, N. Mex., westbound, MEA 7,000; eastbound, MEA 5,000.
From Ranch INT, N. Mex., to *Caprock INT, MEA **7,500. *7,500—MRA. **7,100—MOCA.

Section 610.6103 *VOR Federal airway 103* is amended to read in part:

From Madison INT, N.C.; to Henry INT, Va.; MEA *4,000. *3,500—MOCA.

Section 610.6115 *VOR Federal airway 115* is amended to read in part:

From Gadsden, Ala., VOR via E alter.; to Leesburg INT, Ala., via E alter.; MEA 3,000.
From Leesburg INT, Ala., via E alter.; to Chattanooga, Tenn., VOR via E alter.; MEA 4,000.

Section 610.6119 *VOR Federal airway 119* is amended to delete:

From Huntington, W. Va., LF/RBn; to Henderson, W. Va., VOR; MEA 2,500.
From Henderson, W. Va., VOR; to Parkersburg, W. Va., VOR; MEA 2,500.

Section 610.6119 *VOR Federal airway 119* is amended by adding:

From London, Ky., VOR; to Newcombe, Ky., VOR; MEA 2,300.
From Newcombe, Ky., VOR; to Henderson, W. Va., VOR; MEA 2,300.
From Henderson, W. Va., VOR; to Parkersburg, W. Va., VOR; MEA 2,400.

Section 610.6128 *VOR Federal airway 128* is amended to read in part:

From Cincinnati, Ohio, VORTAC via N alter.; to York, Ky., VOR via N alter.; MEA 2,300.

Section 610.6131 *VOR Federal airway 131* is amended to read in part:

From Tulsa, Okla., VOR; to Chanute, Kans., VOR; MEA 2,200.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From Chanute, Kans., VOR to Springfield, Mo., VOR; MEA 2,500.
From *Waco INT, Mo., to Miller INT, Mo.; MEA 2,900. *6,500—MRA.
From Miller INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.

Section 610.6134 *VOR Federal airway 134* is amended to read:

From Evergreen, Ala., VOR; to Rutledge INT, Ala.; MEA *1,800. *1,500—MOCA.
From Rutledge INT, Ala.; to Shady Grove INT, Ala.; MEA *3,000. *1,800—MOCA.
From Shady Grove INT, Ala.; to Tuskegee, Ala., VOR; MEA 1,700.
From Tuskegee, Ala., VOR; to Big Spring INT, Ga.; MEA 2,100.
From Big Spring INT, Ga.; to Raymond INT, Ga.; MEA 2,200.
From Raymond INT, Ga.; to Atlanta, Ga., VORTAC; MEA 2,100.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From Hyannis, Mass., VOR; to Cohassett INT, Mass.; MEA *3,000. *1,500—MOCA.
From Cohassett INT, Mass.; to Boston, Mass., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6151 *VOR Federal airway 151* is amended by adding:

From Lebanon, N.H., VOR; to Montpelier, Vt., VOR; MEA 4,400.
From Montpelier, Vt., VOR; to Burlington, Vt., VOR; MEA 6,100.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From *Junction City INT, Ga.; to **Butler INT, Ga.; MEA 1,700. *3,000—MRA. **3,000—MRA.

From Butler INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Allendale, S.C., VOR; to *Bowman INT, S.C.; MEA 1,300. *1,700—MRA.
From Bowman INT, S.C., to Vance, S.C., VOR; MEA 1,300.
From Vance, S.C., VOR; to Florence, S.C., VOR; MEA 1,900.
From Richmond, Va., VOR; to Bagby INT, Va.; MEA 1,500.
From Bagby INT, Va.; to Ironsides INT, Md.; MEA *5,000. *1,500—MOCA.
From Ironsides INT, Md., to Doncaster INT, Va.; MEA *2,000. *1,500—MOCA.
From Doncaster INT, Va., via W alter.; to Ironsides INT, Md., via W alter.; MEA *2,000. *1,500—MOCA.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Oswego, Kans., VOR; to *Fulton INT, Kans.; MEA 2,300. *6,000—MRA.
From Fulton INT, Kans.; to Butler, Mo., VOR; MEA 2,300.
From Butler, Mo., VOR; to Blue Springs, Mo., VOR; MEA 2,400.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Wolbach, Nebr., VOR via N alter.; to Blair INT, Nebr., via N alter.; MEA 4,500.
From Blair INT, Nebr., via N alter.; to Neola, Iowa, VORTAC via N alter.; MEA 2,700.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Hamilton INT, Ala.; to *Eldridge INT, Ala.; MEA **2,000. *2,200—MRA. **1,700—MOCA.
From Eldridge INT, Ala.; to Jasper INT, Ala.; MEA *2,000. *1,700—MOCA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Dove Creek, Colo., VORTAC via W alter; to *Grand Junction, Colo., VORTAC via W alter; MEA 12,000. *12,000—MCA Grand Junction VOR, southbound.

Section 610.6188 *VOR Federal airway 188* is amended to read in part:

From Gill INT, Mich.; to Jefferson, Ohio, VOR; MEA 3,000.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From *Waco INT, Mo.; to Miller INT, Mo.; MEA 2,900. *6,500—MRA.
From Miller INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From Liberty, N.C., VOR via N alter.; to Raleigh, N.C., VOR via N alter.; MEA 2,500.

Section 610.6205 *VOR Federal airway 205* is amended to read in part:

From Bolivar INT, Mo.; to *Holden INT, Mo.; MEA 2,400. *3,000—MRA.
From Holden INT, Mo.; to Blue Springs, Mo., VOR; MEA 2,400.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From *Alamosa, Colo., VOR; to **Pueblo, Colo., VORTAC; MEA 17,000. *15,000—MCA Alamosa VOR, northeastbound. **12,000—MCA Pueblo VORTAC, westbound.

Section 610.6227 *VOR Federal airway 227* is amended to delete:

From Louisville, Ky., VOR; to Livonia INT, Ind.; MEA 2,600.
From Livonia INT, Ind.; to *Mitchell INT, Ind.; MEA 2,200. *4,000—MRA.
From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6234 *VOR Federal airway 234* is amended to read in part:

From Meade INT, Kans.; to *Greensburg INT, Kans.; MEA **7,100. *5,200—MRA. **3,700—MOCA.
From Greensburg INT, Kans.; to Pratt INT, Kans.; MEA *5,200. *3,700—MOCA.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Crestview, Fla., VOR; to *Hartford INT, Ala.; MEA **2,000. *2,000—MRA. **1,500—MOCA.
From Hartford INT, Ala.; to Dothan, Ala., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6253 *VOR Federal airway 253* is amended to read in part:

From *Twin Falls, Idaho, VOR; to Buhl INT, Idaho; MEA 6,000. *9,000—MCA Twin Falls VOR, southeastbound.

Section 610.6255 *VOR Federal airway 255* is amended to read in part:

From Moline, Ill., VORTAC; to Cordova, Ill., VOR; MEA 2,600.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From Los Angeles, Calif., VOR; to *Ontario, Calif., VOR; MEA 4,000. *8,000—MCA Ontario VOR, eastbound.
From Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Roswell, N. Mex., VOR; to Ranch INT, N. Mex.; westbound, MEA 7,000; eastbound, MEA 5,000.
From Ranch INT, N. Mex.; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
From Texico, N. Mex., VOR; to *Vega INT, Tex.; MEA **6,000. *6,000—MRA. **5,300—MOCA.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From Lufkin, Tex., VOR; to *Cushing INT, Tex.; MEA 2,000. *3,400—MRA.
From Cushing INT, Tex.; to Gregg County, Tex., VOR; MEA 2,000.

Section 610.6293 *VOR Federal airway 293* is amended to read in part:

From W. Palm Beach, Fla., VOR via W alter.; to *Clewiston INT, Fla., via W alter.; MEA **1,700. *1,700—MRA. **1,500—MOCA.
From Clewiston INT, Fla., via W alter.; to La Belle, Fla., VOR via W alter.; MEA *1,700. *1,200—MOCA.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From Smithwick, S. Dak., VOR; to Winner, S. Dak., VOR; MEA 6,200.

Section 610.6402 *HAWAII VOR Federal airway 2* is amended to read in part:

From Penguin INT, Hawaii; to *Lanai, Hawaii, VOR; MEA 4,000. *4,600—MCA Lanai VOR, eastbound.
From *Ono INT, Hawaii, via S alter., to Sampan INT, Hawaii, via S alter.; MEA 2,000. *4,000—MCA Ono INT, northwestbound.
From Sampan INT, Hawaii, via S alter.; to *Lanai, Hawaii, VOR via S alter.; MEA 4,000. *4,600—MCA Lanai VOR, eastbound.
From Lanai, Hawaii, VOR; to Mango INT, Hawaii; MEA 4,600.
From Mango INT, Hawaii; to *Sunflower INT, Hawaii; MEA 6,000. *10,600—MCA Sunflower INT, eastbound.
From Sunflower INT, Hawaii; to *Breadfruit INT, Hawaii; MEA 10,600. *9,500—MCA Breadfruit INT, westbound.
From Breadfruit INT, Hawaii; to INT LNY VOR 096 M and ITO VOR 323 M rads; MEA 6,000.
From INT LNY VOR 096 M and ITO VOR 323 M rads; to Hilo Hawaii, VOR; MEA 4,000.

Section 610.6405 *HAWAII VOR Federal airway 5* is amended to read in part:

From Mango INT, Hawaii; to *Kahului, Hawaii; MEA 6,000. *6,000—MCA Kahului VOR, southbound.

Section 610.6410 *HAWAII VOR Federal airway 10* is amended by adding:

From Kahului, Hawaii, VOR; to Sunflower INT, Hawaii; MEA 7,000.
From Sunflower INT, Hawaii; to INT OGG VOR 172 M and LNY VOR 106 M rads; MEA 6,000.
From INT OGG VOR 172 M and LNY VOR 106 M rads; to Upolu Point, Hawaii VOR; MEA 5,000.

Section 610.6437 *VOR Federal airway 437* is amended to read in part:

From Charleston, S.C., VOR; to Florence, S.C., VOR; MEA *2,400. *1,500—MOCA.
From Charleston, S.C., VOR via W alter.; to *Lane INT, S.C., via W alter.; MEA 1,300. *1,700—MRA.
From Lane INT, S.C., via W alter.; to Florence, S.C., VOR via W alter.; MEA *2,000. *1,500—MOCA.

Section 610.6440 *VOR Federal airway 440* is amended to read in part:

From *Anchorage, Alaska, VOR; to **Alexander INT, Alaska; MEA 6,400. *5,400—MCA Anchorage VOR, southeastbound. **5,000—MCA Alexander INT, northwestbound.
From Alexander INT, Alaska; to Skwentna, Alaska, LFR; MEA 6,400.

Section 610.6447 *VOR Federal airway 447* is added to read:

From Montpelier, Vt., VOR; to Newport, Vt., LF/RBN; MEA 5,000.

Section 610.6454 *VOR Federal airway 454* is amended to delete:

From Evergreen, Ala., VOR; to Rutledge INT, MEA *1,800. *1,500—MOCA.
From Rutledge INT, Ala.; to *Shady Grove INT, Ala.; MEA **3,000. *3,000—MRA. **1,800—MOCA.
From Shady Grove INT, Ala.; to Tuskegee, Ala., VOR; MEA 1,700.
From Tuskegee, Ala., VOR; to *Big Spring INT, Ga.; MEA **2,800. *2,800—MRA. **2,300—MOCA.
From Big Spring INT, Ga.; to McDonough, Ga., VOR; MEA *2,800. *2,300—MOCA.
From Atlanta, Ga., VORTAC; to Athens, Ga., VOR; MEA 3,000.
From Athens, Ga., VOR; to Iva INT, S.C.; MEA *2,200. *1,900—MOCA.
From Iva INT, S.C.; to Union INT, S.C.; MEA *4,000. *2,000—MOCA.
From Union INT, S.C.; to Fort Mill, N.C., VOR; MEA 2,000.

Section 610.6454 *VOR Federal airway 454* is amended by adding:

From Evergreen, Ala., VOR; to Rutledge INT, Ala.; MEA *1,800. *1,500—MOCA.
From Rutledge INT, Ala.; to *Banks INT, Ala.; MEA **2,700. *2,000—MRA. **1,800—MOCA.
From Banks INT, Ala.; to Columbus, Ga., VOR; MEA 2,000.
From Columbus, Ga., VOR; to McDonough, Ga., VOR; MEA 2,400.

From McDonough, Ga., VOR; to Greenwood, S.C., VOR; MEA 2,100.
From Greenwood, S.C., VOR; to Ft. Mill, N.C., VOR; MEA 2,000.

Section 610.6476 *VOR Federal airway 476* is amended to delete:

From McDonough, Ga., VOR; to Greenwood, S.C., VOR; MEA 2,100.
From Greenwood, S.C., VOR; to Ft. Mill, N.C., VOR; MEA 2,000.

Section 610.6477 *VOR Federal airway 477* is added to read:

From Houston, Tex., VOR; to Leona, Tex., VOR; MEA *3,300. *1,800—MOCA.
From Houston, Tex., VOR via E alter.; to Gulf Coast INT, Tex., via E alter.; MEA *2,300. *1,800—MOCA.
From Gulf Coast INT, Tex., via E alter.; to New Waverly INT, Tex., via E alter.; MEA *3,300. *1,500—MOCA.
From New Waverly INT, Tex., via E alter.; to Leona, Tex., VOR via E alter.; MEA *2,800. *1,400—MOCA.
From Houston, Tex., VOR via W alter.; to Fairbanks INT, Tex., via W alter.; MEA 1,800.
From Fairbanks INT, Tex., via W alter.; to Magnolia INT, Tex., via W alter.; MEA 2,000.
From Magnolia INT, Tex., via W alter.; to Leona, Tex., VOR via W alter.; MEA 2,100.
From Leona, Tex., VOR; to Dallas, Tex., VORTAC; MEA *3,000. *2,100—MOCA.
From Leona, Tex., VOR via E alter.; to Dallas, Tex., VORTAC via E alter.; MEA *3,000. *2,000—MOCA.

Section 610.6478 *VOR Federal airway 478* is added to read:

From Falmouth, Ky., VOR; to Newcombe, Ky., VOR; MEA 2,500.

Section 610.6491 *VOR Federal airway 491* is added to read:

From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From Gill INT, Mich.; to Jefferson, Ohio, VOR; MEA 3,000.
From Laramie, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA 10,700.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Lamar, Colo., VOR; to *Tuttle INT, Kans.; MEA 5,500. *6,000—MRA.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From *Waco INT, Mo.; to Miller INT, Mo.; MEA 2,900. *6,500—MRA.
From Miller INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.

Section 610.6618 *VOR Federal airway 1518* is amended to read in part:

From Tucumcari, N. Mex., VOR; to *Vega INT, Tex.; MEA 6,000. *6,000—MRA.

Section 610.1624 *VOR Federal airway 1524* is amended to read in part:

From Los Angeles, Calif., VOR; to *Ontario, Calif., VOR; MEA 4,000. *8,000—MCA Ontario VOR, eastbound.
From Ontario, Calif., VOR; to Moreno INT, Calif., westbound, MEA 5,500; eastbound, MEA 13,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective October 20, 1960.

Issued in Washington, D.C., on September 23, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-9034; Filed, Sept. 29, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7434 c.]

PART 13—PROHIBITED TRADE PRACTICES

Clinton Watch Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* Supart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Clinton Watch Company et al., Chicago, Ill., Docket 7434, July 19, 1960]

In the Matter of The Clinton Watch Company, a Corporation, and Irving L. Wein, Bernard J. Cogan, and Max Magnus, Individually and as Officers of Said Corporation

The complaint in this case charged Chicago distributors of watches to mail order and discount houses, wholesalers and retailers for resale, with representing "All Movement Parts Guaranteed for Life Never To Break" in advertising their watches, when in fact the guarantee required payment of an undisclosed service charge for repairs or adjustments; and with preticketing their watches with exaggerated amounts and designating fictitious prices as "retail prices" in catalog inserts and other advertising, whereby retailers were enabled to mislead the public as to the usual retail prices.

Denying respondents' appeal from the initial decision, the Commission on July 19 adopted it as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The Clinton Watch Company, a corporation, and its officers; Irving L. Wein, Bernard J. Cogan and Max Magnus, as officers of said corporation; and Irving L. Wein, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, in any manner that any amount is the retail price of merchandise, when such amount is in excess of the price at which such merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made;

2. Putting into operation any plan or device whereby others may misrepresent the regular and usual retail price of respondents' merchandise;

3. Representing that any merchandise offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly disclosed;

4. Representing that merchandise is guaranteed, when a service charge is imposed, unless the amount thereof is clearly disclosed.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents, The Clinton Watch Company, a corporation, and Bernard J. Cogan and Max Magnus, as officers of said corporation, and Irving L. Wein, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 19, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-9107; Filed, Sept. 29, 1960; 8:49 a.m.]

[Docket 7873 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Continental Schools, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Continental Schools, Inc. (Vancouver, Wash.), et al., Docket 7873, July 19, 1960]

In the Matter of Continental Schools, Inc., a Corporation, and Leroy White, Ralph J. Merris, and Ralph D. Lingenfelter, as Individuals and as Officers of Said Corporation, and Max Moore, as an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging operators of a correspondence school in Vancouver, Wash., selling a course on jet engine mechanics, among others, with using misleading claims in newspaper advertising, form letters, salesmen's statements, etc., concerning employment and earning prospects in the airplane industry, opportunities therein for students completing their course, etc.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 19 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Continental Schools, Inc., a corporation, and its officers; and Leroy White, Ralph J. Merris and Ralph D. Lingenfelter individually and as officers of said corporation; and Max Moore, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study or instruction, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their sales representatives are primarily concerned with determining the qualifications of prospective purchasers of courses when their purpose is to sell courses of instruction;

(b) That they are selective to the extent of enrolling only those who possess the aptitude for successful completion of such courses of study, or that they are selective to any other extent that is contrary to the facts;

(c) That the jet engine mechanic course is so prepared and presented that the prospect can successfully complete it without personal instruction or supervision;

(d) That a person upon completion of such jet engine mechanic course will be a trained jet mechanic or technician or will be qualified to repair, maintain or overhaul jet engines;

(e) That a person upon completion of such jet engine mechanic course will be able to get employment as a jet mechanic or technician, or in the repair, maintenance or overhaul of jet engines;

2. Making any representations concerning employment or earning prospects in the aircraft industry, without affirmatively and conspicuously disclosing:

(a) That certification by the Federal Aviation Agency is required for employment as a skilled jet mechanic or technician in the repair, maintenance or overhauling of aircraft engines;

(b) That completion of such course of study does not meet the prerequisites for certification by such agency.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-9108; Filed, Sept. 29, 1960; 8:49 a.m.]

[Docket 7679 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Winters-Schneider Sales Agency et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Herman Winters (Encino, Calif.) et al. doing business as Winters-Schneider Sales Agency, Docket 7679, July 19, 1960]

In the Matter of Herman Winters, Ralph Schneider and Sidney Mandy, Individually and as Corpartners, Trading and Doing Business as Winters-Schneider Sales Agency

The complaint in this case charged three individuals in California with obtaining information from debtors through subterfuge, including the use of terms and forms similar to those used by the U.S. Government, and a Washington, D.C., mailing address, and representations that a sum of money was due and could be collected by persons filling in the desired information.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Herman Winters, Ralph Schneider and Sidney Mandy, as individuals, or as copartners doing business as Winters-Schneider Sales Agency, or under any other trade name or names, and respondents' representatives, agents or employees, directly, or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or with the offering for sale, sale or distribution of forms, or other material, for use in obtaining information concerning delinquent debtors, or in the collection of, or in attempting to collect accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using, or placing in the hands of others for use, any forms, letters, questionnaires or other materials, printed or written, which do not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

(2) Representing, or placing in the hands of others any means of representing, directly or by implication, that money is being held for, or is due, persons concerning whom information is sought, or is collectible by such persons, unless money is in fact due and collectible by such persons and the amount thereof is expressly stated.

(3) Using the terms: "Semi-Annual Employment Record," "Change of Employment Records," "Employment Verification Request," "Department of Vehicle Verification Records," "Department of Claims and Settlements," "Office of Area-A," "Bureau of Settlements and Collections," or "Division of Disbursements," or other words, terms or phrases of similar import to designate, describe, or refer to respondents' business; or representing, directly or by implication in any manner that requests for information concerning delinquent debtors are from, or have any connection with the Government of the United States or any agency or branch thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 19, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-9109; Filed, Sept. 29, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 147—ANTIBIOTIC INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Miscellaneous Amendments

In re: Certifiable antibiotic drugs for use in the laboratory diagnosis of disease; antibiotic sensitivity discs prepared with these drugs.

Comments received in response to the notice of proposed rule making in the above-entitled matter, published in the FEDERAL REGISTER of April 9, 1960 (25 F.R. 3084), fall mainly in the following categories:

I. Comments relating to certification per se.

II. Comments relating to classifying sensitivity discs as drugs.

III. Comments relating to failure to extend certification procedures to all drugs used in sensitivity discs.

With reference to the comments falling in category II, section 201(g)(2) of the Federal Food, Drug, and Cosmetic Act defines the term "drug" as " * * * articles intended for use in the diagnosis, cure, mitigation, or prevention of disease in man or other animals." Antibiotic sensitivity discs are used by laboratory technicians, under the supervision of the medical profession, in determining the drug best suited for the treatment of a specific disease condition; this

use as a diagnostic aid brings such discs within the statutory purview.

With reference to category I, sensitivity discs containing the antibiotic drugs listed in section 507 of the Federal Food, Drug, and Cosmetic Act were exempted from certification upon a finding that such discs would be safe and efficacious for use provided that they complied with certain requirements which are set forth in § 146.24. One such requirement was that their labeling should state the potency of each disc. Following numerous complaints by the medical profession, hospitals, and laboratory technicians, the Food and Drug Administration made an extensive survey of the conditions surrounding the production and marketing of these discs. This survey showed, among other things, that a substantial percentage of these drugs sampled in the channels of commerce and tested under simulated conditions of use showed substantially less or substantially more than the potency declared on their labels. They did not, therefore, comply with the requirements for exemption from certification under section 507 of the act. Moreover, these inaccurate statements of potency impaired their safety and efficacy for diagnostic use.

With reference to category III, the notice of proposed rule making dealt only with those antibiotic drugs subject to regulation under section 507 of the act, and not with sensitivity discs generally, which are subject to the general provisions of the law.

Other comments received related to the proposed standards of potency, tests and methods of assay, packaging, and labeling. The bases for such comments are not considered sufficient to require changes in the proposed amendments. The Food and Drug Administration will, however, consider proposals for changes relating to testing procedures if such changes are shown to be an improvement of the techniques involved or to bring about more accurate results.

All comments and recommendations filed have been carefully evaluated, and it is concluded that it is vital for the protection of the public health that the regulations published in the notice of proposed rule making above cited be promulgated. Therefore, the following amendments are ordered:

1. Section 146.24 is amended to read as follows:

§ 146.24 Penicillin powder for diagnostic use; streptomycin powder for diagnostic use; dihydrostreptomycin powder for diagnostic use; chlortetracycline hydrochloride powder for diagnostic use; tetracycline hydrochloride powder for diagnostic use; chloramphenicol powder for diagnostic use; bacitracin powder for diagnostic use.

[CROSS-REFERENCES: For tests and methods of assay and certification of antibiotic sensitivity discs for laboratory diagnosis of disease, see §§ 147.1 and 147.2 of this chapter.]

Dry powder of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline hydrochloride, tetracycline hydrochloride, chloramphenicol, or bacitracin, packaged for dispensing and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled shall be exempt from the certification requirements of sections 502(l) and 507 of the act if each complies with all the following conditions:

(a) Its potency in terms of units or micrograms per milligram and its moisture content comply with the standards prescribed for the salt by §§ 146a.24, 146b.101, 146b.103, 146c.201, 146c.218, 146d.301, 146e.401 of this chapter.

(b) It is packaged in immediate containers that are tight containers as defined by the U.S.P. Each such container shall contain not less than 10 milligrams.

(c) Each package bears on the label or labeling of its outside wrapper or container and the immediate container the following:

(1) The statement "Diagnostic reagent. For professional use only."

(2) The number of milligrams or grams contained in each immediate container and the potency per milligram.

(3) The batch mark.

(4) The statement "Expiration date ----------," the blank being filled in with the date that does not exceed the expiration date authorized for the antibiotic salt by this chapter.

(d) The circular or other labeling within or attached to the package bears directions adequate for the use of such drug.

2. Title 21 is amended by adding thereto the following new Part 147—Antibiotics Intended for Use in the Laboratory Diagnosis of Disease:

Sec.
147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.
147.2 Antibiotic sensitivity discs; certification procedure.

AUTHORITY: §§ 147.1 and 147.2 issued under sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

(a) *Culture media*—(1) *If the discs contain penicillin, chloramphenical, chlortetracycline, tetracycline, or bacitracin.* Use the medium described under § 141a.1(b)(2) of this chapter for the base layer and the medium described under § 141a.1(b)(1) of this chapter for the seed layer.

(2) *If the discs contain streptomycin or dihydrostreptomycin.* Use the medium described under § 141a.1(b)(1) of this chapter for both the base layer and seed layer, except adjust so that the pH will be 7.9–8.1 after sterilization.

(b) *Preparation of suspension*—(1) *If penicillin or bacitracin is used.* Prepare a suspension as directed in § 141e.410(b)(1)(v) of this chapter, except use "Staphylococcus aureus" (ATCC 13150).

(2) *If streptomycin or dihydrostreptomycin is used.* Prepare a suspension as directed in § 141a.1(e) of this chapter.

(3) *If chloramphenicol or chlortetracycline or tetracycline is used.* Prepare a suspension as directed in § 141c.201(a)(5) of this chapter.

(c) *Preparation of plates*—(1) *Base layer.* Depending on the particular antibiotic in the discs to be tested, add 42 milliliters of the appropriate medium prescribed in paragraph (a) of this section to each Petri dish (20 millimeters x 150 millimeters) and allow to harden and dry slightly by raising the tops on one side.

(2) *Seed layer.* Add 8 milliliters of the appropriate seed agar as prescribed in paragraph (a) of this section to each plate, spread evenly over the hardened base layer, and allow to harden and dry on a level surface. For accurate results it is necessary to obtain uniform distribution of the agar over the surface of the plates. Depending on the antibiotic contained in the discs to be tested, the following amounts of inoculum (it may be necessary to adjust the inoculum in order to obtain satisfactory zone sizes) are to be used per 100 milliliters of seed agar:

(i) If it is penicillin or bacitracin: 1.0 milliliter of the inoculum prepared as directed in paragraph (b)(1) of this section.

(ii) If it is streptomycin or dihydrostreptomycin: 3.0 milliliters of the inoculum prepared as directed in paragraph (b)(2) of this section.

(iii) If it is chloramphenicol: 4.0 milliliters of the inoculum prepared as directed in paragraph (b)(3) of this section.

(iv) If it is chlortetracycline or tetracycline: 1.5 milliliters of the inoculum prepared as directed in paragraph (b)(3) of this section.

Add the appropriate amount of inoculum to the seed agar which has been melted and cooled to 48° C. Swirl the flasks to obtain a homogeneous suspension.

(d) *Preparation of control discs.* Use round blank discs, having a diameter of ¼ inch, made of clear white paper weighing approximately 30 milligrams per square centimeter and that will absorb approximately three times its weight of distilled water. Place blank discs on aluminum or stainless steel wire mesh which is supported in a manner to allow circulation of air above and below the discs. Prepare the desired number of discs for each point on the standard curve by accurately adding 0.02-milliliter-increments of the appropriate standard stock solution to each disc, using a suitable pipette. Dry discs in circulating air or under vacuum. Discs may be stored for 2 weeks in a desiccator under refrigeration. Depending on the antibiotic contained in the sample to be tested, prepare the stock solutions for the standard discs by dissolving an accurately weighed quantity of the working standard in the solvent indicated to obtain stock solutions that will contain the following concentrations required for the standard discs:

(1) If it is penicillin: Use distilled water and prepare standard solutions which contain 1.3, 2.4, 4.4, 8.1, and 15.0 units per 0.02-milliliter.

(2) If it is streptomycin or dihydrostreptomycin: Use distilled water and prepare standard solutions which contain 1.3, 2.4, 4.4, 8.1, and 15.0 μg per 0.02-milliliter.

(3) If it is chloramphenicol: Use one part methanol to one part distilled water and prepare standard solutions which contain 3.3, 6.3, 12.2, 23.4, and 45.0 μg per 0.02 milliliter.

(4) If it is chlortetracycline or tetracyline: Use methanol and prepare standard solutions which contain 3.3, 6.3, 12.2, 23.4, and 45.0 μg per 0.02-milliliter.

(5) If it is bacitracin: Use distilled water and prepare standard solutions which contain 1.3, 2.4, 4.4, 8.1, and 15.0 units per 0.02-milliliter.

(e) *Assay.* On each of three plates prepared as directed in paragraph (c) of this section, place the five control discs for the standard curve and two discs from each batch to be tested. The control discs for the standard curve and the sample discs are placed on the plates in a random arrangement, with no discs being closer than 24 millimeters (on centers) to any other disc. Discs are placed on the plates with the aid of forceps within as short a period of time as possible (not to exceed 3 minutes per plate) and tapped gently to ensure an even seal. Incubate the plates overnight at 32° C.–35° C. After incubation, measure the diameter of each circle of inhibition, using calipers or a measuring device of comparable accuracy. Average the three zone sizes for each of the five standard-curve concentrations and plot the mean sizes on the arithmetic scale of semilogarithmic graph paper with the antibiotic concentrations on the logarithmic scale. Use the following equation to calculate the best straight line.

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where

L = the calculated zone size of the low concentration;
H = the calculated zone size of the high concentration;
a, b, c, d, e = the observed average zone sizes for each respective concentration, a being that for the lowest concentration.

Plot the values obtained for L and H and connect these two points with a straight line. Average the six sample zone sizes and read the corresponding antibiotic concentration of this mean from the standard curve. This is the average potency of the sample disc.

(f) The potency is satisfactory if the result obtained is not less than 67 percent and not more than 150 percent of that represented. The batch has a uniform potency if on the first or second test of six discs each, the diameter of the largest zone of inhibition is not more than 2.5 millimeters larger than the smallest zone, or if the number of zones that fall outside this range in three or more consecutive tests is not more than 10 percent of the total number of discs tested.

§ 147.2 Antibiotic sensitivity discs; certification procedure.

(a) *Standards of identity, strength, quality, and purity.* Antibiotic sensitivity discs are discs of paper or compressed tablets impregnated or tableted with penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, chloramphenicol, or bacitracin. If they are tablets they may contain suitable lubricants, binders, and diluents, none of which shall affect the antibacterial spectrums of the antibiotics. Each disc shall have a uniform potency that is equivalent to that contained in a standard disc prepared with one of the following quantities of antibiotic compounds:

(1) Bacitracin: Not less than two units or not more than 10 units.

(2) Chloramphenicol: Not less than 5 μg or not more than 30 μg.

(3) Chlortetracycline: Not less than 5 μg or not more than 30 μg.

(4) Dihydrostreptomycin: Not less than 2 μg or not more than 10 μg.

(5) Penicillin: Not less than two units or not more than 10 units.

(6) Streptomycin: Not less than 2 μg or not more than 10 μg.

(7) Tetracycline: Not less than 5 μg or not more than 30 μg.

The standard discs used to determine the potency shall be prepared from clear white paper that weighs approximately 30 milligrams per square centimeter and absorbs approximately three times its weight of distilled water, and each shall have a diameter of ¼-inch. Each antibiotic compound used to impregnate such standard discs shall be equilibrated in terms of the working standard designated by the Commissioner for use in determining the potency or purity of such antibiotic.

(b) *Packaging.* The immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each immediate container may contain a desiccant, and each may be packaged in combination with containers of suitable discs of drugs other than those described in paragraph (a) of this section. Such other discs shall be suitable only if the manufacturer and packer have submitted to the Commissioner information of the kind described in § 146.7 of this chapter and such information has been accepted by the Commissioner. If a packaged combination contains discs of more than one potency of any one of the antibiotics included in paragraph (a) of this section, the potencies shall be only the lowest and highest concentrations prescribed for that antibiotic by that paragraph.

(c) *Labeling.* Each package of discs shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency of each disc in the batch.

(iii) The statement "Expiration date ----------," the blank being filled in with one of the following appropriate dates after the month during which the batch was certified:

(a) For penicillin: 6 months.

(b) For bacitracin: 12 months.

(c) For streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, and chloramphenicol: 24 months.

If it is a packaged combination of discs of two or more drugs, its outside wrapper shall bear only one expiration date, and that date shall be the date that is required for the shortest dated discs contained in the package.

(iv) The statement "For use in laboratory diagnosis only."

(2) On the circular or other labeling within or attached to the package, adequate directions for the use of such discs.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of antibiotic sensitivity discs shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark, and, unless it was previously submitted, the date on which the latest assay of the antibiotic used in making such batch was completed, the potency of each disc, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Such person shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the batch for potency.

(3) Such person shall submit in connection with his request an accurately representative sample of the batch consisting of one disc for each 5,000 discs in the batch, but in no case less than 36 discs collected by taking single discs at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this section shall be:

(1) $0.50 for each disc in the sample submitted in accordance with paragraph (d)(3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such discs and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and

Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective as applied to shipments of antibiotic discs introduced or delivered for introduction into interstate commerce on and after the date which is 90 days from the date of publication of this order in the FEDERAL REGISTER. Batches of discs may be submitted for certification beginning with the date of publication of this order.

(Sec. 507(f), 59 Stat. 463, as amended; 21 U.S.C. 357(f))

Dated: September 23, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-9096; Filed, Sept. 29, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6494]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Short Sales

On August 12, 1959, notice of proposed rule making regarding the regulations under section 1233 of the Internal Revenue Code of 1954 relating to short sales, as amended by the Act of August 12, 1955 (Public Law 385, 84th Cong., 69 Stat. 717), and section 52 of the Technical Amendments Act of 1958 (72 Stat. 1643) was published in the FEDERAL REGISTER (24 F.R. 6501). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

PARAGRAPH 1. Section 1.1233 is amended by revising section 1233(a), by adding a new paragraph (4) to section 1233(e), by adding a new section 1233(g), and by revising the historical note. These revised and new provisions read as follows:

§ 1.1233 Statutory provisions; gains and losses from short sales.

SEC. 1233. *Gains and losses from short sales*—(a) *Capital Assets.* For purposes of this subtitle, gain or loss from the short sale of property shall be considered as gain or loss from the sale or exchange of a capital asset to the extent that the property, including a commodity future, used to close the short sale constitutes a capital asset in the hands of the taxpayer.

* * * * *

(e) *Rules for application of section.* * * *

(4) (A) In the case of a taxpayer who is a dealer in securities (within the meaning of section 1236)—

(i) If, on the date of a short sale of stock, substantially identical property which is a capital asset in the hands of the taxpayer has been held for not more than 6 months, and

(ii) If such short sale is closed more than 20 days after the date on which it was made,

subsection (b)(2) shall apply in respect of the holding period of such substantially identical property.

(B) For purposes of subparagraph (A)—

(i) The last sentence of subsection (b) applies; and

(ii) The term "stock" means any share or certificate of stock in a corporation, any bond or other evidence of indebtedness which is convertible into any such share or certificate, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

* * * * *

(g) *Hedging transactions.* This section shall not apply in the case of a hedging transaction in commodity futures.

[Sec. 1233 as amended by sec. 1, Act of Aug. 12, 1955 (Pub. Law 385, 84th Cong., 69 Stat. 717); sec. 52, Technical Amendments Act 1958 (72 Stat. 1643)]

PAR. 2. Section 1.1233-1 is amended by revising paragraph (b), by inserting a new sentence at the end of paragraph (c)(1), by revising paragraph (c)(5), and by adding paragraphs (e) and (f). The revised and new provisions read as follows:

§ 1.1233-1 Gains and losses from short sales.

* * * * *

(b) *Hedging transactions.* Under section 1233(g), the provisions of section 1233 and this section shall not apply to any bona fide hedging transaction in commodity futures entered into by flour millers, producers of cloth, operators of grain elevators, etc., for the purpose of their business. Gain or loss from a short sale of commodity futures which does not qualify as a hedging transaction shall be considered gain or loss from the sale or exchange of a capital asset if the commodity future used to close the short sale constitutes a capital asset in the hands of the taxpayer as explained in paragraph (a) of this section.

(c) *Special short sales*—(1) *General.* Section 1233 provides rules as to the tax consequences of a short sale of property if gain or loss from the short sale is considered as gain or loss from the sale or exchange of a capital asset under section 1233(a) and paragraph (a) of this section and if, at the time of the short sale or on or before the date of the closing of the short sale, the taxpayer holds property substantially identical to that sold short. The term "property" is defined for purposes of such rules to include only stocks and securities (including stocks and securities dealt with on a "when issued" basis) and commodity futures, which are capital assets in the hands of the taxpayer. Certain restrictions on the application of the section to commodity futures are provided in section 1233(e) and paragraph (d)(2) of this section. Section 1233(f) contain special provisions governing the operation of rule (2) in subparagraph (2) of this paragraph in the case of a purchase and short sale of stocks or securities in a transaction qualifying as an arbitrage operation. See paragraph (f) of this section for detailed rules relating to arbitrage operations in stocks and securities.

* * * * *

(e) *Special rule for short sales by dealers in securities under certain circumstances.* In the case of a short sale of stock (as defined in subparagraph (3) of this paragraph) after December 31, 1957, by a dealer in securities, section 1233(e)(4)(A) provides that the holding period of substantially identical stock which he has held as an investment for not more than 6 months shall be determined in accordance with section 1233(b)(2) unless such short sale is closed within 20 days of the date on which it was made. See rule (2) in paragraph (c)(2) of this section for the purpose of determining the holding period of such substantially identical stock. In addition, section 1233(e)(4)(B) provides that for the purpose of the special rule of section 1233(e)(4)(A), the acquisition of an option to sell property at a fixed price shall be considered a short sale, and the exercise or failure to exercise such option shall be considered a closing of such short sale. For purposes of this paragraph—

(1) Whether or not a taxpayer is a "dealer in securities" shall be determined in accordance with the meaning of the term for purposes of section 1236;

(2) Whether or not stock is "substantially identical" with other property shall be determined in accordance with the provisions of paragraph (d)(1) of this section; and

(3) The term "stock" means—

(i) Any share or certificate of stock,

(ii) Any bond or other evidence of indebtedness which is convertible into a share or certificate of stock, and

(iii) Any evidence of an interest in, or right to subscribe to or purchase, any of the items described in subdivision (i) or (ii) of this subparagraph.

(f) *Arbitrage operations in stocks and securities and holding periods*—(1) *General rule.* (i) In the case of a short sale entered into as part of an arbitrage operation, rule (2) of paragraph (c)(2) of this section shall apply first to substantially identical property acquired for arbitrage operations and held by the taxpayer at the close of business on the day of the short sale. The holding period of substantially identical property not acquired for arbitrage operations shall be affected only to the extent that the amount of property sold short exceeds the amount of substantially identical property acquired for arbitrage operations and held by the taxpayer at the close of business on the day of the short sale.

(ii) If the substantially identical property acquired for arbitrage operations is disposed of without closing the short sale so that a net short position in assets acquired for arbitrage operations is created, a short sale in the amount of such net short position will be deemed to have been made on the day such net short position is created. Rule (2) of paragraph (c)(2) of this section will then apply to substantially identical property not acquired for arbitrage operations to the same extent as if the taxpayer, on the day such net short position is created, sold short an amount equal to the amount of the net short position in a transaction not entered into as part of an arbitrage operation.

(iii) The following examples illustrate the application of rule (2) of paragraph (c)(2) of this section to arbitrage operations:

Example (1). On August 13, 1957, A buys 100 bonds of X Corporation for purposes other than arbitrage operations. The bonds are convertible at the option of the bondholders into common stock of X Corporation on the basis of one bond for one share of stock. On November 1, 1957, A sells short 100 shares of common stock of X Corporation in a transaction identified and intended to be part of an arbitrage operation and on the same day buys another 100 bonds of X Corporation in a transaction identified and intended to be part of the same arbitrage operation. The bonds acquired on both August 13, 1957, and November 1, 1957, are, on the basis of all the facts and circumstances, substantially identical to the common stock of X Corporation. On December 1, 1957, A closes the short sale with 100 shares of common stock of X Corporation acquired on that day. The holding period of the bonds acquired on November 1, by application of rule (2) of paragraph (c)(2) of this section, will be deemed to begin on December 1 and the holding period of the bonds acquired on August 13 will be unaffected. If, instead of purchasing the 100 shares of common stock of X Corporation on December 1, 1957, A had converted the bonds acquired on November 1 into common stock and, on December 1, 1957, used the stock so acquired to close the short sale, rule (2) of paragraph (c)(2) of this section would similarly have no effect on the holding period of the bonds acquired on August 13.

Example (2). Assume the same facts as in example (1), except that A, on December 1, sells the bonds acquired on November 1 (or converts such bonds into common stock and sells the stock), but does not close the short sale. The sale of the bonds (or stock) creates a net short position in assets acquired for arbitrage operations which is deemed to be a short sale made on December 1. Accordingly, the holding period of the bonds acquired on August 13 will, by application of rule (2) of paragraph (c)(2) of this section, begin on the date such short sale is closed or on the date of sale, gift, or other disposition of such bonds, whichever date occurs first.

(2) *Right to receive or acquire property.* (i) For purposes of section 1233(f)(1) and (2) and subparagraph (1) of this paragraph, a taxpayer will be deemed to hold substantially identical property acquired for arbitrage operations at the close of any business day if, by virtue of the ownership of other property acquired for arbitrage operations (whether or not substantially identical) or because of any contract entered into by the taxpayer in an arbitrage operation, he then has the right to receive or acquire such substantially identical property.

(ii) The application of section 1233(f)(3) and subdivision (i) of this subparagraph may be illustrated by the following example:

Example. A acquires on August 13, 1957, 100 shares of common stock of X Corporation for purposes other than arbitrage operations. On November 1, A sells short, in a transaction identified and intended to be part of an arbitrage operation, 100 shares of X common stock. On the same day, in a transaction also identified and intended to be part of the same arbitrage operation, A contracts to purchase 100 shares of preferred stock of X. The preferred stock of X may be converted into common stock of X on the basis of one share of preferred stock for one share of common stock. The preferred stock is not actually delivered to A until November 3. Since A has contracted before the close of business on the date of the short sale, as part of an arbitrage operation, to purchase property by virtue of which he has the right to receive or acquire substantially identical property to that sold short, he will be deemed, for purposes of section 1233(f)(1) and (2), to hold such substantially identical property at the close of business on the date of the short sale. For purposes of this subparagraph, it is immaterial whether, on the basis of all the facts and circumstances, the preferred stock of X is substantially identical to the common stock of X. The short sale on November 1 does not affect the holding period of the 100 shares of X Corporation common stock purchased on August 13, 1957. Because of the operation of rule (2) of paragraph (c)(2) of this section, the holding period of the preferred stock acquired as the result of A's contract to purchase it as part of an arbitrage operation (or the common stock which A acquires by conversion of such preferred stock into common stock) will not begin until the short sale entered into in the arbitrage operation is closed.

(3) *Definition of arbitrage operations.* For the purpose of section 1233(f), arbitrage operations are transactions involving the purchase and sale of property entered into for the purpose of profiting from a current difference between the price of the property purchased and the price of the property sold. Assets acquired for arbitrage operations include only stocks and securities and rights to acquire stocks and securities. The property purchased may be either identical to the property sold or, if not so identical, such that its acquisition will entitle the taxpayer to acquire property which is so identical. Thus, the purchase of bonds or preferred stock convertible, at the holder's option, into common stock and the short sale of the common stock which may be acquired therefor, or the purchase of stock rights and the short sale of the stock to be acquired on the exercise of such rights, may qualify as arbitrage operations. A transaction will qualify as an arbitrage operation under section 1233(f) only if the taxpayer properly identifies the transaction as an arbitrage operation on his records as soon as he is able to do so. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. Property acquired in a transaction properly identified as part of an arbitrage operation is the only property which will be deemed acquired for an arbitrage operation. The provisions of section 1233(f) and this paragraph shall continue to apply to property acquired in a transaction properly identified as an arbitrage operation although, because of subsequent events, e.g., a change in the value of bonds so acquired or of stock into which such bonds may be converted, the taxpayer sells such property outright rather than using it to complete the arbitrage operation.

(4) *Effective date of section 1233(f).* Section 1233(f), relating to arbitrage operations involving short sales of property, is effective only with respect to taxable years ending after August 12, 1955, and only with respect to short sales made after such date.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: September 26, 1960.

DAVID A. LINDSAY,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9111; Filed, Sept. 29, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Narragansett Bay, R.I.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.23 establishing and governing the use and navigation of a prohibited area in Narragansett Bay west of Gould Island, Rhode Island, is hereby revoked, as follows:

§ 207.23 Narragansett Bay, East Passage, west of Gould Island; naval prohibited area. [Revoked]

[Regs., Sept. 15, 1960, 285/91 (Narragansett Bay, R.I.)—ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-9082; Filed, Sept. 29, 1960; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Additional Disability Compensation for Certain Seriously Disabled Veterans

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1550 as follows:

§ 3.1550 Additional disability compensation for certain seriously disabled veterans.

(a) *Provisions of the law.* This law amends 38 U.S.C. 314, by adding subsection (s) as follows:

(s) If the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 per centum or more, or, (2) by reason of his service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be $265. For the purpose of this subsection, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to his house (ward or clinical areas, if institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout his lifetime.

(b) *Effect of the act.* This act establishes a new statutory rate of disability compensation. It provides a monthly rate of compensation of $265 for wartime disability and $212 for peacetime disability. These rates, with additional allowances for dependents, are applicable to two types of cases:

(1) A veteran who has a service-connected disability rated as total and has additional service-connected disability or disabilities independently ratable at 60 percent or more.

(i) "A service-connected disability rated as total" means a single disability rated 100 percent under regular schedular evaluations without employment of exceptional provisions for temporary application as in paragraphs 28, 29 and 30, pages 12, 13 and 14, 1945 Schedule for Rating Disabilities (Loose Leaf Edition).

(ii) "Additional service-connected disability or disabilities independently ratable at 60 per centum or more" means one disability or a combination of disabilities which, separate and distinct from the total disability, have an evaluation of 60 percent or more, the amputation rule being observed where applicable. The fact that these separate disabilities and the total disability result from a common etiological agent, for example, one injury or rheumatoid arthritis, will not preclude entitlement under this subsection. Total ratings by reason of "individual unemployability" are based on all service-connected disabilities, therefore, there can be no "additional" disability in these cases for the purpose of this act.

NOTE: Where the separate 60 percent disability also establishes entitlement under 38 U.S.C. 314(k) payment will be based on subsections (j) plus (k) since this affords the greater benefit. In such cases subsection (s) will not be applied.

(2) A veteran who has a service-connected disability rated as total and by reason of his service-connected disability or disabilities, is permanently housebound.

(i) A veteran will be considered housebound when he is substantially confined to dwelling and immediate premises or, if institutionalized, to ward or clinical areas. Ability to make short excursions from dwelling, hospital or clinic assisted or unassisted, is not inconsistent with "substantial confinement." A veteran meeting the foregoing condition will be considered "permanently housebound" when it is reasonably certain that the disability or disabilities and resultant confinement will remain throughout his lifetime. Such permanency will be determined on the facts in each case.

(ii) "By reason of his service-connected disability or disabilities" requires that the restriction of activity be a direct result of the service-connected disability or disabilities, independent of any coexisting disablement due to non-service-connected conditions. It cannot be a matter of election or choice; there must be a direct relationship between the nature and extent of the service-connected disabilities and the limitation of activities.

(c) *Effective date.* The law was approved July 14, 1960, and becomes effective September 1, 1960. No benefit based solely on the liberalizing provisions of this law may be effective prior to September 1, 1960.

(1) *Pending claims.* Where otherwise in order the effective date of an award as to a claim pending on the date of approval of the act will be September 1, 1960. For the purpose of this subparagraph a pending claim will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on July 14, 1960.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after July 14, 1960, but within the appeal period.

(2) *New claims.* Claims, formal or informal, received on or after July 14, 1960, will be considered initial claims for the purpose of this act and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than September 1, 1960. (Instruction 1, 38 U.S.C. 314, Public Law 86-663.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 30, 1960.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F.R. Doc. 60-9119; Filed, Sept. 29, 1960; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER K—INTERNATIONAL POSTAL SERVICE

PART 101—POSTAL UNIONS

Conventions of the Postal Union of the Americas and Spain

Part 101, Postal Unions, as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, and amended by Federal Register Document 60-1416, 25 F.R. 1314-1315, is further amended by adding a new center heading "Interpretations" and a § 101.11 to set forth the position of the Post Office Department concerning its rights and obligations under the several conventions of the Postal Union of the Americas and Spain. As so added, the new center heading and § 101.11 read as follows:

INTERPRETATIONS

§ 101.11 Conventions of the Postal Union of the Americas and Spain.

The position of the Post Office Department concerning its rights and obligations under the several Conventions of the Postal Union of the Americas and Spain is as follows:

These Conventions are entered into pursuant to section 372 of Title 5, United States Code [Revised September 2, 1960, now 39 U.S. Code § 505] and are agreements between nations. They impose burdens and confer benefits upon nations as such, and are designed to settle relations between sovereign states. Nothing in the several Conventions requires steamship companies to carry mail. Nothing therein states what rights or benefits steamship companies will have if they do carry mail. Any obligation to carry mail, and the rights and benefits in relation to such transportation, are determined by the domestic laws of the countries whose flags fly, and of the countries at whose ports they touch.

Absent the "free transit" provisions of the several Conventions, it is clear an American steamship company which carries mail at the request of a foreign government would have to look to that government for payment. In such a situation, if the foreign government declined to make payment, the steamship company would have no legal right to look to the United States for payment. At most, the steamship company could ask the State Department to make diplomatic representations. Even under the "free transit" provisions of the several Conventions, the signatory nation requesting and receiving the mail service is primarily responsible for payment. The flag country is only secondarily liable. United Fruit Co. v. U.S., 103 Ct. Cls. 303; id. 112 Ct. Cls. 519.

Even when the United States was a party to the "free transit" provisions of the several Conventions, the United States did not agree it would compensate U.S. flag vessels which carried mail of other signatories. It merely promised to the other signatories that such transportation would be performed free of charge to them. The obligation of the United States to compensate its vessels in such instances is a secondary one and is dependent upon whether the signatory asking and receiving the mail service would be legally obligated, under its own domestic laws, to compensate the steamship companies for this service. See Moore-McCormack Lines, Inc. v. U.S., 119 Ct. Cls. 473 and United Fruit Co. v. U.S., 134 Ct. Cls. 315.

NOTE: The original of the foregoing statement of the position of the Post Office Department was signed by the Postmaster General, and on September 23, 1960, was approved by the President of the United States.

(R.S. 161, as amended, secs. 501, 505, Pub. Law 86-682 (74 Stat. 580, 581); 5 U.S.C. 22, 39 U.S.C. 501, 505)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-9168; Filed, Sept. 29, 1960; 9:12 a.m.]

Title 50—WILDLIFE

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Tamarac National Wildlife Refuge, Minnesota, is permissible only under the following conditions:

(a) Species permitted to be taken: Pheasants, ruffed grouse, grey and fox squirrels, cottontail and jack rabbits, snowshoe rabbits and raccoons.

(b) Open season: Pheasants—from 12:00 noon to sunset (c.s.t.) on October 29, 1960, and from 10:00 o'clock to sunset each day (c.s.t.) during the period October 30 through November 20, 1960. Ruffed grouse—from sunrise to sunset each day from the effective date of this notice through November 6, 1960. Grey and fox squirrels—from sunrise to sunset each day from October 1, 1960, through December 31, 1960. Cottontail, jack and snowshoe rabbits—from sunrise to sunset each day from October 1, 1960, through March 1, 1961. Raccoon (hunting)—24 hours per day from October 1, 1960, through December 31, 1960.

(c) Daily bag and possession limits: Pheasant (cocks only)—3 and 6; ruffed grouse—4 and 8; grey and fox squirrels—7 and 14, combined; cottontail rabbit—10 and 20; jack rabbit—10 and 20; snowshoe rabbit—10 and 20; raccoon—no limit.

(d) Methods of hunting:

(1) Weapons—as prescribed by State regulations.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 9,000 acres and 27 percent of the total refuge and which is described as follows:

Those lands under the jurisdiction of the Bureau of Sport Fisheries and Wildlife lying in Sections 13, 14, 15, 17, 18, 19, 20, 21, 22, 25, 28, 29, 30, 31 and 32, T. 140 N., R. 39 W., and in Sections 11, 13, 14, 23, 24, 25, 26, 35 and 36, T. 140 N., R. 40 W., 5th P. M.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective from the date of this publication through March 1, 1961.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 26, 1960.

[F.R. Doc. 60-9085; Filed, Sept. 29, 1960; 8:45 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economics Regs. Docket No. 11813]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Notice of Proposed Rule Making

SEPTEMBER 27, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 221 of the Economic Regulations to require that each passenger tariff contain a description of the aircraft type and seating configuration used on flights to which the tariff applies.

The principal features of the proposed regulation are explained in the attached Explanatory Statement and the proposed amendment is set forth below. This amendment is proposed under the authority of sections 204(a), 403(a), and 1002(d) of the Federal Aviation Act of 1958 (72 Stat. 743, 758; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or argument pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 31, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available after November 2, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

Explanatory statement. In Order E-15173 of April 29, 1960, which terminated the proceedings in matter of Aircraft Seating Configurations in the Domestic Trunk Line Industry, Docket 10321, the Board said:

> We consider that the particular aircraft types and configurations used are sufficiently significant as showing the quality and character of service provided at each fare that every proposed change in seating should be subject to Board examination and to the suspension and investigation provisions of the Act in appropriate cases. For these reasons, in the immediate future, we intend to issue a notice proposing to amend the tariff filing regulations contained in Part 221 to require each tariff or amendment or revision thereof to show the number of seats on each aircraft or aircraft type used for each class of service and tariff fare.

Section 221.64 as herein proposed is designed to accomplish the purposes described in the above announcement.

Section 221.64(a) would require that every passenger tariff, filed after the effective date of the section, describe the seating configuration by number of seats and their arrangement, for each aircraft type used for each class of service and each tariff fare, as well as the number of "free" seats (such as those in lounges) available to passengers without extra charge. Information submitted pursuant to this section appears necessary to enable the Board to gauge the quality and character of the service provided at each tariff fare.

Section 221.64(b) would require the filing of an amendment to the tariff whenever there is a change in any of the aircraft types used, or a seating configuration. Tariffs presently on file would have to be brought into conformity by a date certain.

Proposed rule. It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221) by adding new § 221.64 as follows:

§ 221.64 Types and seating configuration of aircraft.

(a) Each passenger tariff shall, in connection with the fares for each type of passenger service (i.e., first class, regular, coach, tourist, economy, charter, or other described passenger service), name each type of aircraft used in rendering such service by Manufacturer Model designation, and shall describe the seating configuration (or configurations if there are variations) of each type of aircraft by stating:

(1) The number of seats exclusive of lounge and crew seats;

(2) The number of lounge seats;

(3) The number of lounge seats or other seats withheld from sale and available for passengers' temporary free use during flight;

(4) The number of seats abreast and number of rows of seats;

(5) The distance in inches from the forward edge of a seat to the forward edge of the seat directly in front thereof (pitch).

When two or more types of passenger service are performed in a single aircraft, each configuration shall be described.

(b) Whenever a change is to be made in respect of an item required to be stated pursuant to paragraph (a) of this section, an appropriate tariff amendment shall be filed.

(c) The provisions of this section shall be effective _____, 1960, except that tariffs theretofore filed with the Board shall be amended to comply with this section not later than _____, 1961.

[F.R. Doc. 60-9114; Filed, Sept. 29, 1960; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. FSLIC-957]

OPERATIONS

Charges and Credits With Respect to Mortgage Loans Purchased, Profit on Real Estate Sold, and Related Items

SEPTEMBER 26, 1960.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.23, the following new section:

§ 563.23-1 Charges and credits for premiums and discounts on mortgage loans purchased, profit on real estate sold, and related items.

(a) *Charges.* All finder's fees, commissions, and other similar costs to an insured institution of mortgage loans purchased by it shall be charged to such institution's expense for the accounting period in which such costs are incurred and shall not be deferred beyond the end of such accounting period. A premium paid by an insured institution for an installment mortgage loan purchased shall be amortized at a level rate semiannually over the life of the individual loan or over the average period of repayment of installment mortgage loans of the institution. A premium paid by an insured institution for a non-installment mortgage loan purchased shall be amortized at a level rate over the life of the individual loan.

(b) *Credits.* Any discount on, and any fee or other consideration (except interest as provided in the loan contract) charged or received in connection with, the purchase of a loan by an insured institution shall be deferred and credited to an account descriptive of deferred income, and a proportionate amount of such discount, fee, or other consideration shall be taken into such institution's income semiannually over the same period of time within which interest provided by the loan contract is credited to such institution's income, or over a period not less than the average life of such institution's installment mortgage loans: *Provided*, That, if a mortgage loan that was purchased is repaid in full with funds derived from sources other than a loan made by such institution or is sold in full without loss to such institution, and if the discount on the purchase of such loan was being taken into income over the life of such loan rather than over the average life of such institution's installment loans, the balance of any such discount remaining deferred in respect to such loan at the time of such repayment or sale may then be credited to such institution's income. When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it is sold. If such price is in excess of such book value, such part of the excess as is not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; at the end of each accounting period thereafter, until the excess applicable to the transaction has been eliminated, such account may be charged an amount not greater than the reduction in the unpaid balance of the contract or purchase money mortgage loan during such period and an amount equal to such charge may concurrently be credited to such institution's income or to its reserves for losses.

(c) *Loss or discount on mortgage loans sold.* An insured institution that has purchased a mortgage loan and that sells such loan at a loss or at a discount shall charge such loss or discount to the balance of any discount which was charged or received for or in connection with the purchase of such loan and which remains deferred at the time of such sale. Any loss or discount in excess of such balance shall be charged to such institution's net income for such period, to undivided profits, or to reserves.

(d) *Definition of terms.* For the purposes of this section the term "mortgage loan" means any loan on the security of real estate; the term "installment mortgage loan" means any mortgage loan that is repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period; and the term "non-installment mortgage loan" means any mortgage loan that is not an installment mortgage loan.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than November 1, 1960, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 60-9106; Filed, Sept. 29, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Kalamazoo Spice Extraction Company, Post Office Box 591, Kalamazoo, Michigan, proposing the issuance of regulations to establish tolerances for residues (in spice oleoresins) of solvents used in the extraction of spice oleoresins, as follows:

	Parts per million	*Percent*
Acetone	30	0.0030
Ethylene dichloride	25	0.0025
Hexane	25	0.0025
Isopropyl alcohol	50	0.0050
Methanol	50	0.0050
Methylene chloride	30	0.0030
Trichloroethylene	30	0.0030

Dated: September 26, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-9099; Filed, Sept. 29, 1960; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetics Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by General Foods Corporation, 555 South Broadway, Tarrytown, New York, proposing the issuance of a regulation to establish tolerances of 25 parts per million (0.0025 percent) of trichloroethylene for residues in decaffeinated ground coffee and 10 parts per million (0.0010 percent) in instant decaffeinated coffee.

Dated: September 26, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-9100; Filed, Sept. 29, 1960; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Corn Products Company, 717 Fifth Avenue, New York 22, New York, proposing the issuance of a regulation to provide for the use of distarch phosphate as a thickening agent in, and to promote smoothness of texture and palatability of foods.

Dated: September 26, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-9101; Filed, Sept. 29, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, New Jersey, proposing the issuance of a regulation to provide for the use of a cationic starch for sizing paper and paperboard employed in containers which will come in direct contact with food.

Dated: September 26, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-9102; Filed, Sept. 29, 1960; 8:48 a.m.]

[21 CFR Part 146b]

CERTIFICATION OF STREPTOMYCIN OR DIHYDROSTREPTOMYCIN DRUGS FOR HUMAN PARENTERAL USE; LABELING

Notice of Proposed Rule Making

Correction

In F.R. Doc. 60-8896, appearing at page 9223 of the issue for Tuesday, September 27, 1960, the introductory text of paragraph (b) of § 146b.103 should read as follows:

(b) If it is intended for human parenteral use, in addition to the labeling prescribed for streptomycin sulfate by § 146b.101(c), its labeling shall bear, as hereinafter indicated, the following:

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 905, 987, 1014]

[Docket Nos. AO-297-A-1; AO-252-A-6; AO-304-A-1]

MILK IN MISSISSIPPI DELTA, CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jackson, Mississippi, on December 15–17, 1959 (24 F.R. 9742).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 2, 1960 (25 F.R. 7391; F.R. Doc. 60–7298) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The level and seasonality of Class I prices in the Central Mississippi marketing area;

2. Reduction of the Mississippi Delta marketing area;

3. Revision of the definitions of producer and producer milk in all three Mississippi orders and the definitions of distributing plant, handler and producer-handler in the Central Mississippi order;

4. Clarification of the transfer provisions in all three Mississippi orders;

5. Method of accounting for milk solids used for reconstitution of fluid milk products in the Central Mississippi and Gulf Coast orders;

6. Revision of the allocation and computation of the value of skim milk and butterfat provisions in all three Mississippi orders;

7. Determination of the Class I price for the Mississippi Delta order;

8. The level of the Class II price in all three Mississippi orders;

9. Obligation of a handler operating a nonpool distributing plant in the Mississippi Delta order;

10. Determination of bases and revision of base rules in all three Mississippi orders; and

11. Miscellaneous and conforming changes in all three Mississippi orders.

Issue No. 1 was decided by the Assistant Secretary in his decision of February 24, 1960 (25 F.R. 1732) and amending order (25 F.R. 1817). This decision pertains to the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. The Mississippi Delta marketing area should be revised to exclude Beat 5 in Calhoun County and Beat 5 in Webster County, both in the State of Mississippi.

A handler, partially regulated by Order No. 5, proposed the deletion of all of Webster County and Beats 1, 4 and 5 in Calhoun County from the marketing area. This handler modified his proposal to delete all of Webster County from the marketing area by proposing to eliminate only Beat 5.

In Beat 5 of Webster County the proponent handler has 90 percent or more of the fluid milk business. The remaining business in this Beat is by unregulated handlers. Regulated handlers' sales in Beats 1 and 4 of Calhoun County represent seventy-five percent or more of the total. In Beat 5 of Calhoun County the proponent handler has approximately two-thirds of the total fluid milk business. The remaining portion of the fluid milk products distributed in this Beat is by a fully regulated handler and by a partially regulated handler. Beat 5 in Calhoun County contains two small villages with a total population of approximately 1,200. Most of the proponent handler's competition, outside the marketing area, is with unregulated handlers.

Proponents' sales in the marketing area have varied from 8 to 15% of his total Class I sales. The exclusion of Beats 5 in Calhoun and Webster Counties will not necessarily change the proponent handler's status as a partially regulated handler, but will reduce his sales in the marketing area, leaving sales mainly in Beats 1 and 4 in Calhoun County, to less than five percent of his total Class I sales. However, with only a small percentage of this handler's business in the marketing area, it presents the opportunity for complete withdrawal of sales from the area and thereby a change in status as a partially regulated handler.

Since fully regulated handlers have only a very small proportion of the fluid milk business in Beats 5 of Calhoun and Webster counties, and the record does not show handlers would be disadvantaged, it is concluded that these Beats should be excluded from the marketing area. However, Beats 1 and 4 in Calhoun County, where regulated handlers distribute most of the fluid milk products, should remain a part of the Mississippi Delta marketing area.

3. The definitions of producer and producer milk should be revised in all three Mississippi orders with respect to the diversion of producer milk.

The Mississippi Delta and Gulf Coast orders currently limit the diversion of producers to 10 days' milk production during each of the months of September through January. The Central Mississippi order limits diversion to 10 days' milk production during each of the months of September through November. During the months of February through August (December through August for Central Mississippi) handlers may divert the milk production of a producer to a nonpool plant without limitation.

The Mississippi Milk Producers' Association proposed to amend all three Mississippi orders to provide further limitation with respect to the diversion of milk. Their proposal would limit the diversion of producer milk in the spring months to those producers that had shipped not less than 15 days' production to a pool plant during specified fall months. The milk production of producers that delivered during any months in the fall less than 15 days' production could not be diverted in the following spring months if milk from any such producer was diverted to a nonpool plant.

During the past year dairy farmers normally associated with other markets have shipped substantial quantities of milk to pool plants in the Mississippi Delta and Gulf Coast marketing area on a part-time basis. Primarily, this has involved cooperative associations in the Memphis and New Orleans markets which have shifted substantial volumes of milk back and forth between markets by taking full advantage of the existing diversion provisions in the Delta and Gulf Coast orders. Much of the milk involved has acquired producer milk status on the basis of limited delivery (in some cases a single day) to a pool plant and is not part of the regular supply of the Delta or Gulf Coast markets.

The result has been an undue variation of the base prices and the blended prices in these markets in certain months in comparison to prices in the Memphis and New Orleans markets. In the case of the Delta market this activity has occurred primarily in the month of August whereas in the Gulf Coast market it has been the months of March through July. Official notice is taken of the price announcements of the respective market administrators in the four markets for each of the months of 1960. They substantiate the fact that the situation, particularly as it applies to the Gulf Coast market, is even more critical than in the corresponding months of 1959.

While it is not intended that the order shall deter orderly movement of producers and/or plants as between markets in response to price incentives; nevertheless, more limited diversion privileges are necessary with respect to the Delta and Gulf Coast orders to assure bona fide association of milk with specific markets and to prevent undue variation of the prices in these markets.

In the Mississippi Delta market this may be accomplished by providing that during any of the months of August through February milk of a producer may be diverted to nonpool plants on not more than one-third of the number of days' production of such producer physically received at a pool plant during the month. Should greater diversion occur, however, only that milk physically received at a pool plant would be considered as producer milk. This procedure does not change substantially the present diversion privileges as they apply in any month of September through January for producers who are on the Delta market throughout the month. However, since the extent of diversion is directly related to the extent of physical

deliveries to pool plants, diversion privileges for dairy farmers not on the market during the entire month will be more restricted than under the existing provision. The extension of the diversion privilege to include the months of February and August is necessary in the interest of more orderly marketing. These are the two months of the year which are neither base-forming nor base-operating months and accordingly are the two months in which a handler could make the greatest use of diversion privileges for his own interests.

No change is needed at this time in the present provisions of the Mississippi Delta order which permit unlimited diversion of producer milk during the base-operating months of March through July. The Delta market is stable during this period of the year. Furthermore, no unusual movement of milk in and out of the market was reported to occur during the March through July period.

The Deputy Administrator concluded in his recommended decision that diversion privileges with regard to any producer under the Mississippi Gulf Coast order should be limited in any month of August through February to not more than one-third of the volume of milk physically received at pool plants from such producer during such month. He further concluded that diversion privileges during any month of March through July should be applicable only to milk of dairy farmers who held producer status during the entire two preceding months and should be limited to not more than two-thirds of the volume of milk physically received at pool plants from such producer during such month.

Exceptions to the recommended decision pointed out that the market is in relatively short supply and that it is unnecessary to provide more liberal diversion privileges for the months of March through July than are applicable during the other months of the year. It was further stated in the exceptions that the volume limitations provided would be difficult to comply with and equally difficult to administer and suggested that plants which did not have pool status during the entire September through January period should not have diversion privileges during the flush months.

It is concluded that under the existing supply-demand situation in the Mississippi Gulf Coast order there is no necessity for more liberal diversion privileges during the March through July period than are provided for other months of the year. It is further concluded that the volume limitations recomended would work considerable hardships because of day-to-day variations in production. The intent of the recommended limitations may be readily attained by providing that diversion of any producers' milk in any month shall be limited to one-third of the days of production of such producers physically received at pool plants. In order to deter the addition of producers, either individually or by transfer of plants, for the purpose of pool riding, diversions during the months of March through July should be limited to only the milk of those dairy farmers who held producer status during the two immediately preceding months. However, to prevent undue hardship in the case of individual producers who may temporarily lose Grade A approval, on the days on which such degrading is effective such producer, for this purpose only, should be considered to have maintained producer status.

The application of the provision provided herein will tend to deter the shifting of producers between markets during this period with consequent dislocation of price relationships since diversion privileges would not be available in March for milk not associated with the market in January and February.

The establishment of these new standards with respect to diversion of producer milk in the Mississippi Delta and Gulf Coast markets will assist in stabilizing marketing conditions in these areas. The amendments presented herein with respect to the modification of the definitions of producer and producer milk will adequately prescribe standards of association with these markets for the sharing in the marketwide pooling in these markets.

The number of producers, the seasonal production patterns, and the relationship of production to gross Class I sales during the past three years reflect relatively stable marketing conditions in the Central Mississippi market. Therefore, conditions in the Central Mississippi market do not require, at this time, a change in the present limitation on diversions of 10 days' production during the months of September through November. However, the proposal to amend the Central Mississippi order to provide for the diversion of milk between pool plants should be adopted. The present order limits diversion in the Central Mississippi order to nonpool plants that are not regulated by another order issued pursuant to the Act. Permitting diversion of producer milk by the operator of a pool plant to the pool plant of another handler gives handlers flexibility in movement of milk without affecting the pooling of milk. Further, such diversion will provide for the economic movement of milk within the marketing area. The proposal to remove the restriction on a handler to divert the milk production of a producer to a plant regulated by another order should not be adopted. The orders regulating the plants to which such movement of milk would likely occur provide that receipt of milk directly from the farm is producer milk under such order. The adoption of the proposal would thus create a situation in which each of two orders would claim such milk as producer milk. Therefore, under present marketing conditions in the Central Mississippi order the provision restricting a handler diverting milk to a nonpool plant regulated by another order should be retained.

Proposals were made by Central Mississippi order handlers to eliminate the pricing and pooling of a handler's own farm production in its entirety or to provide for the pricing and pooling of only the excess portion of a handler's own farm production. The Central Mississippi order presently defines a producer-handler as any person who operates a dairy farm and a distributing plant at which no other source milk (except own production), producer milk, or milk from other pool plants is received. Thus, such a handler's own production is exempt from the pricing and pooling provisions of the order. The Class I sales of a producer-handler are now limited to the amount of his own production. Such a handler must also carry any excess supplies that may be produced. If a person with his own farm production buys milk from another producer, other pool plants, or from other sources and distributes milk in the marketing area, such a person becomes a fully regulated handler. As a fully regulated handler the milk from his own farm is priced and pooled the same as any other producer in the market-wide pool distribution of returns to producers. Essentially, this means that the handler may draw from the producer-settlement fund on his own production when the Class I utilization at his plant is less than the market average. Likewise, payments on his own production are due to the producer-settlement fund when the Class I utilization in his plant is greater than the market average. To pool only the excess production from a handler's own farm would mean that the market as a whole would be carrying the surplus from his herd. To make equitable distribution to all producers of the Class I utilization in this market the milk production from all producers should be priced and pooled as presently provided by the Central Mississippi order. Therefore, the proposals to limit the pricing and pooling of a handler's own farm production are not adopted.

The proposal of a handler to reduce the requirements that a distributing plant must meet to maintain pool status should not be adopted. The proposal would eliminate excess milk during the months of March through July in the determination which a plant must meet to qualify as a distributing plant that 50 percent of receipts from producers and other pool plants be utilized in Class I. This requirement of a minimum proportion of utilization in Class I is to distinguish a distributing plant from a supply plant. The order presently provides that cooperative associations may become handlers with respect to milk of producers diverted for their account from a pool plant to a nonpool plant. The proponent of this proposal acknowledged that the cooperative association has, in the past, been able to divert milk for the account of the association and thus eliminate the possibility of this handler's plant failing to qualify as a distributing plant. To accept this proposal would destroy the necessary distinction between supply plants and distributing plants.

4. The transfer provisions in all three Mississippi orders should be modified.

The revision of the transfer provisions in Order Nos. 5, 87, and 114 is for the purpose of clarifying the intent of pres-

ent provisions and to recognize the movement of milk to nonpool plants and then back to pool plants. The revisions of the transfer provisions provided herein will coordinate these provisions with the transfer provision of Order No. 42 for the New Orleans marketing area. There are extensive intermarket movements of milk among the three Mississippi markets and among the Central Mississippi, Mississippi Gulf Coast and New Orleans markets. Therefore, it is necessary that the transfer provisions in these four marketing areas be correlated. The revised provisions, with one exception, do not change the intent of the present transfer provisions. The exception is that portion of the revised provisions which classifies, under specific conditions, milk moved from a pool plant to a nonpool plant and then back to a pool plant as if such transfer had been a transfer between pool plants. While such a movement of milk in the three Mississippi markets has not occurred, the possibility of such movement exists. The inclusion of a section in the transfer provisions of these orders to cover such movements of milk will further correlate the orders in this area.

5. No change should be made in the method of accounting of milk solids used for reconstitution and fortification of fluid milk products in the Central Mississippi and Gulf Coast orders.

Handlers proposed that if nonfat dry milk solids are added for the sole purpose of fortifying or adding solids in fluid milk products only the actual pounds used of such nonfat dry milk should be classified as Class I.

These orders presently provide that if any of the water contained in milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk contained in such product plus all of the water originally associated with such nonfat dry milk solids.

The proposals to amend the Central Mississippi and Gulf Coast orders with respect to the accounting of nonfat dry milk solids are not adopted herein because such proposals would not result in a full accounting in Class I of the value of the nonfat solids used to produce fluid milk products. It is necessary in accounting for Class I sales of fortified and reconstituted milk that the order provisions prevent displacement of producer milk from the Class I use for which it is intended. This principle requires that such disposition be accounted for on the basis of milk used to produce such products, which would include all water originally associated with the nonfat milk solids used. Fortified and reconstituted milk compete for the same outlets as whole fluid milk and fluid skim milk and so, if made from other source milk, could displace producer milk which is available for the same disposition. It is concluded that accounting for skim milk in fluid milk products on the basis of volume, including all the water originally associated with the nonfat milk solids, is necessary to return to producers a value commensurate with the use and availability of their milk for fluid disposition.

6. The allocation, rates of payment on other source milk and computation of the value of skim milk and butterfat provisions in all three orders should be revised.

The modification of these provisions is for the purpose of clarifying the intent of the present provisions. Skim milk and butterfat classified and priced as Class I under another order issued pursuant to the Act should not be subject to payments otherwise applied to other source milk allocated to Class I under these Mississippi orders. These provisions as revised herein provide for the allocation of other source milk in three separate steps. The first allocation of other source milk is that received other than in the form of fluid milk products. Of the remaining other source milk the first allocation is that received in the form of fluid milk products from plants not regulated by another order and final allocation is the other source milk received from plants subject to the pricing and payment provisions of another order. The clarification of the provisions on payments on other source milk and computation of the value of producer milk give further specificity to the steps necessary in the computation of payments on other source milk allocated to Class I.

7. The method of determining the Class I price for the Mississippi Delta marketing area should not be changed.

A handler proposed that the Class I price for the Delta area should be established pursuant to § 918.51(a) of this chapter, regulating the handling of milk in the Memphis, Tennessee, marketing area, plus sixteen cents.

The Class I price is presently determined by subtracting sixteen cents from the Class I price established pursuant to § 987.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area.

The proponent handler stated the purpose of the proposal to base Class I pricing for the Mississippi Delta area under the Memphis market was to align the Class I prices in the two marketing areas. The alignment of prices between the Memphis and Mississippi Delta marketing area is now assured by recent amendments to both the Memphis order (25 F.R. 2221) and the Central Mississippi order (25 F.R. 1732). The amendments to these two orders eliminated the seasonal changes in the differential added to the basic formula price in establishing the Class I price. The supply-demand adjustment provision in the Memphis order has also been modified.

In a decision issued September 3, 1958 (23 F.R. 6910), it was concluded the Mississippi Delta marketing area was the most closely associated with the Central Mississippi marketing area. The evidence in this record does not substantiate a change in the conclusion reached in this earlier decision.

8. No change should be made in the level or method of determining the Class II price in any of the three orders.

The cooperative association proposing a review of the Class II price level and the method of determining such prices in these marketing areas complained that the basic prices announced by local manufacturing plants do not represent the actual prices paid dairy farmers delivering milk to such plants. Some of the local manufacturing plants pay premiums for quality and volume of shipments. However, the evidence is insufficient to conclude the actual amounts of such premiums or a feasible administrative method of obtaining a price from manufacturing plants more representative than the basic price presently used. The present level of Class II prices provides for the orderly movement of excess supplies under the existing marketing conditions in the Central Mississippi market.

9. The rate of obligation of a handler operating a nonpool distributing plant in the Mississippi Delta area should not be changed.

A handler proposed that the rate of payment in § 905.62(a) be revised by changing the present rate of the difference between the Class I and II prices to a rate represented by the difference between the Class I price and the uniform price paid dairy farmers as announced and computed in accordance with the Mississippi Milk Audit Law.

The handler making this proposal is an operator of a nonpool distributing plant. The Delta order presently provides this handler the option of paying into the producer-settlement fund the difference between the value of the milk received from dairy farmers at such plant, calculated as if such plant were a pool plant and the gross payments actually made by the handler to such dairy farmers. If these dairy farmers receive payment for their milk in an amount equal to or in excess of a value calculated as if the nonpool distributing plant were a pool plant, no payment is due the producer-settlement fund. It has been found (see decision of September 3, 1958 (23 F.R. 6910)) that the opportunity value, based on use in alternative outlets, of other source milk utilized in Class I is equivalent to the Class II price. Proponent's blend price verified under the Mississippi Audit Law will always be at a higher level than the Class II price. Consequently, the proposal would not afford protection of the regulation which has been found to be necessary and it must be denied.

10. The method of determining the daily base and the rules with respect to the transfer of bases should be modified in all three orders.

The Mississippi Milk Producers' Association proposed to revise the provisions of all three Mississippi orders to give greater specificity to the method of determining a daily base. Deliveries from farms to pool plants are now being made on an every-other-day basis. Therefore, the number of days' production received from each producer at a pool plant during the base forming period becomes important. As provided herein the revised provisions in all three orders for determining the daily base specify that the total receipts from a producer shall be divided by the total number of days' production from the first days' production received during the base forming period to last days' production received in this period but not less than 120 days. The base transfer provisions in these orders are also modified to provide the use of the number of days' production of the transferor and transferee in the determination of a new base.

Mississippi Milk Producers' Association also proposed to amend all three orders with respect to the assignment of a base to a producer shipping to a plant that failed to qualify as a pool plant during each month of the base forming period but becomes a pool plant during the base operating period. It was proposed that bases should not be assigned to such producers in the Central Mississippi and Mississippi Delta orders unless the total receipts of producer milk were less than 110 percent of the total Class I sales in each of these markets. The same proposal was made for the Mississippi Gulf Coast area except that the percentage utilization of producer receipts to Class I sales was 112 percent.

The orders presently provide that a base shall be assigned to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any month of the base operating period, on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base forming period.

The proponent's primary reason for making these proposals is to stabilize the movement of milk between the Mississippi Gulf Coast and New Orleans marketing areas. During 1959, several supply plants that had been pool plants under the New Orleans order at various times qualified as pool plants under the Mississippi Gulf Coast order. Some of these plants normally associated with the New Orleans market qualified as pool plants under the Gulf Coast order for the first time during the March through July period when production from local producers in this market is the highest. The maximum number of plants normally associated with the New Orleans market and qualified under the Gulf Coast order has been two in any one month. The qualification of these supply plants and the movement of milk between the New Orleans and Gulf Coast markets results primarily from handlers' opportunity in both markets to increase business by contract bidding to supply a military establishment located in the Mississippi Gulf Coast area. Another incentive for the movement of plants and milk between these two orders is that dairy farmers, through their cooperative associations, are constantly seeking the marketwide pool with the highest Class I utilization.

The limitations on diversion of producer milk, as previously discussed in these findings, will provide an opportunity for milk to enter the Mississippi Gulf Coast market when the demand situation requires additional supplies. The diversion limitations, however, as herein provided will require a closer association of producers with the Mississippi Gulf Coast market and, therefore, will tend to stabilize market conditions in this area. Therefore, it is concluded that the proposals to amend all three Mississippi orders with respect to the assignment of bases to a producer shipping to a plant that failed to qualify as a pool plant during each month of the base forming period but becomes a pool plant during the base operating period should not be adopted.

Changes made, as a result of exceptions, in the diversion of producer milk in the Mississippi Gulf Coast order, which restricts the diversion privilege each month of the year to not more than one-third of the number of days' production of a producer physically received at a pool plant during the month, makes it unnecessary at this time to revise the base rules in the Gulf Coast order other than to provide a modification with respect to the determination of a new base when bases are transferred.

The Mississippi Milk Producers' Association further proposed to limit the transfer of a base in all three orders due to circumstances where a base-holder sells, leases, or otherwise conveys his herd to another person. The orders presently provide that a base may be transferred to another person by notifying the market administrator and providing a signed statement of transfer by the base-holder and by the person to whom such base is to be transferred.

The proponents failed to show a need to place further limitations on the transfer of a base by a producer in the Central Mississippi and Delta orders. In the Mississippi Gulf Coast order the limitations on diversion of producer milk each month of the year, as previously discussed in these findings, will deter movements of milk complained of by proponents and thus the proposed restrictions on transfer of bases are unnecessary. Therefore, the proposed limitations on the transfer of bases in all three Mississippi orders should not be adopted.

11. Several miscellaneous and conforming changes should be made in all three Mississippi orders.

Provision should be made for payment of interest on overdue obligations in all three Mississippi orders. The requirement that interest be paid on overdue obligations will encourage prompt payments, thereby making for efficient transactions under the orders. Dates on which accounts are due under the orders allow adequate time for payment of the principal, without an interest charge. It is concluded that one-half of one percent of any unpaid obligation, to or from the market administrator is an appropriate and economically sound payment for each month or fraction thereof that the obligation is overdue. Under the provisions, any unpaid portion of an obligation would be increased one-half of one percent the third day after it is due. Starting interest charges on the third day after the obligation is due will give reasonable time to receive actual payment of obligations postmarked not later than the due date of such obligation. On the same day of each following month, any unpaid portion of the principal and of the interest would be increased one-half of one percent until the obligation with interest is paid.

Producers also proposed that interest be charged handlers on any payments to producers which are not remitted by the dates specified in the three orders. The application of interest payments on a large number of obligations to individual producers would set up administrative difficulties by way of routine verification and the enforced collection of small amounts of money resulting from such interest charges. This would be unjustified in relation to the fact that late payments to producers were not shown to be an important problem.

The Mississippi Delta order now requires reports of receipts and utilization on or before the 5th day, exclusive of Sundays and holidays, of each month from handlers operating pool plants. The Mississippi Gulf Coast order requires such reports by the 6th of each month, exclusive of Sundays and holidays. The Central Mississippi order requires handlers to report by the 6th day of each month. It was proposed that reports from handlers be made on or before the 6th day of each month in the Mississippi Delta and Gulf Coast orders. The market administrator is required to compute and announce by the tenth of each month the uniform prices for both the Mississippi Delta and Gulf Coast orders. Under the present reporting requirements there have been times when handler reports were received by mail, when it was extremely difficult to complete the necessary computations to meet the deadline of announcing uniform prices by the tenth of the month. It is concluded that the report of receipts and utilization from handlers in the Mississippi Delta and Gulf Coast orders should be postmarked or delivered to the office of the market administrator on or before the 6th day of each month.

The Mississippi Delta order is not now specifically clear with respect to the date when the operator of a nonpool distributing plant should submit, to the market administrator, a report of payments to his dairy farmers. Such reports are now being submitted on the 20th of each month. The Mississippi Gulf Coast order lacks clarity with respect to the date when the operator of a nonpool distributing plant should make payments to the producer-settlement fund. Operators of such plants currently make payments on the 25th of each month. The Mississippi Delta and Gulf Coast orders, as herein provided, have been modified accordingly.

The proposal that the number of fresh samples to be employed to determine the butterfat content of milk deliveries of a producer should be not less than 24 for a full month's delivery or a sampling of at least 80 percent of the milk delivered should not be adopted.

The Mississippi Delta order presently provides the market administrator with the responsibility and authority to verify the butterfat content of milk received from producers. Evidence was presented that the market administrator uses reasonable and practical methods of verifying such tests. Under existing market conditions, it is not feasible to follow the procedure outlined by the proponent handler. The additional cost of such a program is not warranted.

Several proposals were made by handlers and a cooperative association to

revise the classification of skim milk and butterfat under the Mississippi Delta order. These proposals would classify butterfat disposed of as livestock feed, "dumped" butterfat, eggnog, and ready-to-serve malt products as Class II. Handlers in the Mississippi Delta marketing area serve small cities and villages and find it impractical, in many cases, because of the small quantities involved, to separate the butterfat from route returns. Thus, both the skim milk and butterfat is usually disposed of for livestock feed. Therefore, under the circumstances in this market, butterfat disposed of as livestock feed should be classified as Class II. Circumstances do arise necessitating the "dumping" of skim milk. The order presently provides classification as Class II when such "dumping" of skim milk is authorized by the market administrator. The evidence, however, does not justify the classification of butterfat as Class II under similar circumstances. Therefore, the proposal to classify "dumped" butterfat as Class II is denied. Eggnog and ready-to-serve malt products are required to be made from Grade A dairy products. Therefore, the classification of these items should remain in Class I and the proposals to change the classification to Class II are hereby denied.

A cooperative association proposed to add to the inventories of fluid milk products at the end of the month the milk production of a producer produced on the last day of the month but received at a pool plant the first day of the following month. Inasmuch as the Class I price is no longer on a seasonal basis, there is no practical reason to attempt the proposed accounting procedure. The classification of and payment to producers for milk actually received at pool plants during the month as now provided in the order is the most practical way of accounting and paying for producer milk.

Other revisions in all three of the Mississippi orders have been made to eliminate obsolete language or clarifying and conforming changes to implement the intent of the revisions to the orders as specified herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto with respect to the Central Mississippi order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are six documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Mississippi Delta Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Mississippi Delta Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Central Mississippi Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the order as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of June 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the Mississippi Delta, Central Mississippi and Mississippi Gulf Coast marketing areas are approved or favored by producers, as defined under the terms of the orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 27th day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Mississippi Delta Marketing Area

§ 905.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Delta marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Delta marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 905.6 and substitute the following:

§ 905.6 Mississippi Delta marketing area.

Mississippi Delta marketing area, hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations within Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphreys, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster (except Beat 5), Winston, and Yazoo Counties; Beats 1 and 4 in Calhoun County; Beats 4 and 5 in Coahoma County; Beats 2, 3, 4, and 5 in Quitman County including all of the village of Crowder; and Beats 1, 4, and 5 in Yalobusha County all within the State of Mississippi.

2. Amend § 905.12(c) by changing the reference to § 905.14 to § 905.15.

3. Delete § 905.14 and substitute the following:

§ 905.14 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 905.15.

4. Delete § 905.15 and substitute the following:

§ 905.15 Producer milk.

"Producer milk" means all skim milk and butterfat received at a pool plant directly from producers or which is diverted by the operator of a pool plant or by a cooperative association as provided pursuant to § 905.12(c) for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the months;

(b) During March through July the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days of the month;

(c) During the months of August through February the operator of a pool plant or a cooperative association may divert the days' production of milk of a producer from a pool plant to a nonpool plant on not more than one-third of the number of days' production of such producer physically received at a pool plant during the month; and

(d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

(e) In case milk diverted is in excess of the amount specified in paragraph (c) of this section, only that milk physically received at a pool plant will be producer milk.

5. Amend § 905.22(i)(1) to read as follows:

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 905.50(a), and the Class I butterfat differential computed pursuant to § 905.51(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.50(b) and the Class II butterfat differential computed pursuant to § 905.51(b) both for the previous month.

6. Amend the first paragraph of § 905.30 to reads as follows:

§ 905.30 Reports of receipts and utilization.

On or before the 6th day of each month each handler who operates a pool plant(s), each handler, other than a producer-handler, who operates a nonpool distributing plant, and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

7. Amend § 905.31(c) to read as follows:

(c) On or before the 20th day after the end of the month each handler operating a nonpool distributing plant and making payments pursuant to § 905.62(b) shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

8. Amend § 905.41(b) to read as follows:

(b) Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk authorized by the market administrator to be dumped;

(3) The shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products from pool plants of other handlers, less 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products to pool plants of other handlers;

(4) The shrinkage of other source milk;

(5) All the skim milk and butterfat accounted for as disposed of for livestock feed; and

(6) The inventories of fluid milk products on hand at the end of the month.

9. Delete § 905.42 and substitute the following:

§ 905.42 Assignment of shrinkage.

The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Assign the resulting amount, prorated to the handler's receipts of skim milk and butterfat, respectively, in (1) milk received directly from producers and from other pool plants and (2) other source milk.

10. Delete § 905.44 and substitute the following:

§ 905.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless:

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 905.30;

(2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively, and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk, pursuant to the classification and allocation procedure of the other Federal order: *Provided,* That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(d) A nonpool plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 905.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage of skim milk and butterfat, respectively, in the total fluid

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

receipts physically received at such nonpool plant but not to exceed 2 percent of such total receipts during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided*, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subparagraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 905.41 (b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

11. Delete § 905.46 and substitute the following:

§ 905.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage pursuant to § 905.41 (b)(3);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except as specified in paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 905.41 and 905.44(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

12. Delete § 905.53 and substitute the following:

§ 905.53 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 905.70 (c) (e) and (f) shall be effective only in the months when the total receipts of producer milk are 110 percent or more of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference by the location differential applicable at a pool plant of the same location as the nearest nonpool plant(s) supplying such other source milk.

13. Amend § 905.62 (a)(2) and (b)(2) to read as follows:

(a) • • •

(2) As his pro rata share of the expense of administration, the rate specified in § 905.93 with respect to Class I disposed of on routes in the marketing area;

(b) • • •

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 905.93 had such plant been a pool plant.

14. Delete § 905.70 and substitute the following:

§ 905.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the producer milk in each class, as computed pursuant to § 905.48, by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 905.46(h) and the corresponding step of § 905.47 by the applicable class price.

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46 (b) and the corresponding step of § 905.47 by the rate as determined pursuant to § 905.53(a);

(d) Add the amount obtained by multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 905.46(e) and the corresponding step of § 905.47; or

(2) The hundredweight of producer milk classified as Class II (except shrinkage) during the preceding month;

(e) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46(c) and the corresponding step of § 905.47 by the rate pursuant to § 905.53(b) for the nearest plant(s) from which an equal amount of other source milk was received in the form of fluid milk products; and

(f) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46(e) and the corresponding step of § 905.53 (a) or (b), as the case may be, which:

(1) Is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity subtracted for the preceding month from Class II pursuant to § 905.46(d) and the corresponding step of § 905.47; and

(2) Is also not in excess of the quantity subtracted from Class II pursuant to § 905.46 (b) and (c) in the preceding month.

15. Delete § 905.80 and substitute the following:

§ 905.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received at all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days, or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

16. Amend § 905.82(b)(1) to read as follows:

(1) If one or more bases are transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the larger of:

(i) 120 days, or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

17. Add a new § 905.83 as follows:

§ 905.83 Announcement of established bases.

On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by each producer.

18. Delete § 905.92 and substitute the following:

§ 905.92 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer.

19. Delete § 905.93(b) and substitute the following:

(b) Other source milk allocated to Class I pursuant to § 905.46 (b) and (c) and the corresponding steps of § 905.47; and

20. Redesignate § 905.97 as § 905.98 and add a new § 905.97 as follows:

§ 905.97 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 905.62, 905.91(a), 905.92(a), 905.93, 905.95, or 905.96 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area

§ 987.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight or such amount not to exceed five cents per hundredweight as the Secretary may prescribe, with respect to all milk pursuant to § 987.95.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 987.12(a) by changing the reference to § 987.13 to § 987.14.

2. Delete § 987.13 and substitute the following:

§ 987.13 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 987.14.

3. Delete § 987.14 and substitute the following:

§ 987.14 Producer milk.

"Producer milk" means all skim milk and butterfat received at a pool plant directly from producers or which is diverted by a handler for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the month;

(b) During December through August such a handler or a cooperative associa-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

tion may divert the milk production of a producer to a nonpool plant (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) for any number of days of the month;

(c) During the months of September through November milk production of a producer may be diverted by a handler, from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as producer milk for a maximum of 10 days' production. Milk diverted in excess of 10 days' production of such a producer shall not be producer milk; and

(d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

4. Delete § 987.44 and substitute the following:

§ 987.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless:

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 987.30;

(2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 987.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided*, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subsection;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 987.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

5. Delete § 987.46 and substitute the following:

§ 987.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computation shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 987.42(b)(1);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 987.41 and 987.44(a).

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

§ 987.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 987.46.

§ 987.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 987.46 and 987.47 for each class and determine the weighted average butterfat content of producer milk.

6. Amend § 987.50(c) to read as follows:

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

7. Amend § 987.53 starting with, "Provided, That", to read as follows: "*Provided*, That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculation prescribed in § 987.46(d) and the corresponding steps of § 987.47 for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable."

7a. Delete § 987.54 and substitute:

§ 987.54 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 987.70 (d) and (e) shall be effective only in the months when the total receipts of producer milk are more than 110 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference at the same rate of location differential as set forth in § 987.53 for the location of the nearest nonpool plant(s) supplying such other source milk.

8. Delete § 987.70 and substitute the following:

§ 987.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 987.46(b) and the corresponding step of § 987.47, by the rate of payment determined pursuant to § 987.54(a).

(e) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 987.46(c) and the corresponding step of § 987.47, by the rate of payment determined pursuant to § 987.54(b).

9. Amend § 987.71(a) to read as follows:

(a) Combine into one total the values computed pursuant to § 987.70 for the producer milk of all handlers who submit reports prescribed in § 987.30 and who have made payments for the previous month pursuant to § 987.97.

10. Amend § 987.72(a) to read as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 987.30, and who have made payments for the previous month pursuant to § 987.97, as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price; and (3) add together the resulting amounts.

11. Delete § 987.80 and substitute the following:

§ 987.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days, or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

12. Amend § 987.82(b)(1) to read as follows:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and the transferor during the base forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base-forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

13. Amend § 987.94(b) to read as follows:

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer.

14. Delete § 987.95 and substitute the following:

§ 987.95 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for the immediately preceding month, five cents per hundredweight, or such amount not exceeding five cents per hundredweight, as the Secretary may prescribe, with respect to all:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 987.46 (b) and (c) and the corresponding steps of § 987.47; and

(c) Applicable amounts specified in § 987.62 (a)(2) or (b)(2).

15. Redesignate the present §§ 987.99, 987.100, 987.101, and 987.102 as §§ 987.100, 987.101, 987.102, and 987.103, respectively, and add a new § 987.99 as follows:

§ 987.99 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 987.62, 987.93, 987.94(a), 987.95, 987.97, or 987.98 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

Order[1] *Amending the Order Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area*

§ 1014.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Gulf Coast marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Gulf Coast marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 1014.10(b) as follows:

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers producing Grade A milk is moved to a plant(s) described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received, before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant(s) described in paragraph (a) of this section.

2. Amend § 1014.12(c) as follows:

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1014.15.

3. Delete § 1014.14 and substitute the following:

§ 1014.14 Producer.

"Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 1014.15.

4. Delete § 1014.15 and substitute the following:

§ 1014.15 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received at a pool plant or by a cooperative association as provided pursuant to § 1014.12(c) for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the month;

(b) During any month the operator of a pool plant or a cooperative association may divert the days production of milk of a producer from a pool plant to a nonpool plant on not more than one-third of the number of days' production of such producer as received at a pool plant during the month: *Provided*, That such diversion privileges during each of the months of March through July shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire two immediately preceding months, except that only for the purpose of determining eligibility for diversion during any month of March through July a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance.

(c) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

(d) In case milk diverted is in excess of the amount specified in paragraph (b) of this section, only that milk physically received at a pool plant will be producer milk.

5. Amend § 1014.22(i) as follows:

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 1014.50(a) and the Class I butterfat differential computed pursuant to § 1014.51(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1014.50(b) and the Class II butterfat differential computed pursuant to § 1014.51(b) both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 1014.71 and the butterfat differential computed pursuant to § 1014.81; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1014.72 and the butterfat differential computed pursuant to § 1014.81.

6. Amend the first paragraph of § 1014.30 as follows:

§ 1014.30 Reports of receipts and utilization.

On or before the sixth day of each month each handler operating a pool plant(s), each handler (other than a producer-handler) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

7. Delete § 1014.44 and substitute the following:

§ 1014.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless:

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 1014.30;

(2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk, pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s), other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;

(d) A nonpool plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products received at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1014.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total receipts physically received at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided*, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subparagraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 1014.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim milk, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

8. Delete § 1014.46 and substitute the following:

§ 1014.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computation shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1014.41(b)(3);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk received from plants subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 1014.41 and 1014.44(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

9. Add two new §§ 1014.47 and 1014.48 as follows:

§ 1014.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 1014.46.

§ 1014.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 1014.46 and 1014.47 for each class and determine the weighted average butterfat content of producer milk.

9a. In § 1014.50(b) delete the reference to Kraft Cheese Company and substitute McClendon Cheese Company.

10. Delete § 1014.52 and substitute the following:

§ 1014.52 Location differentials to handlers.

For milk which is received from producers at a pool plant located more than 60 miles by the shortest highway distance as determined by the market administrator from the courthouse in Gulfport or Pascagoula, Mississippi, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 1014.50(a) shall be reduced by 10 cents if such plant is located more than 60 miles but not more than 160 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 160 miles: *Provided*, That, for the purposes of calculating such location differentials, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1014.46(d) and the comparable steps in § 1014.47 for such plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable.

11. Change the present § 1014.53 to § 1014.54 and add a new § 1014.53 as follows:

§ 1014.53 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 1014.70 (c) (e) and (f) shall be effective only in the months when the total receipts of producer milk are more than 112 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference at the same rate of location differential as set forth in § 1014.52 for the location of the nearest nonpool plant(s) supplying such other source milk.

12. Amend the first paragraph of § 1014.61 to read as follows:

§ 1014.61 Handler operating a nonpool distributing plant.

Each handler other than a handler pursuant to §§ 1014.13 and 1014.62 who operates, during the month, a nonpool distributing plant shall pay to the market administrator on or before the 25th day after the end of the month the amount calculated pursuant to paragraph (a)(1) of this section unless the handler elects at the time of reporting pursuant to § 1014.30 to pay the amount computed pursuant to paragraph (b)(1) of this section:

13. Delete § 1014.70 and substitute the following:

§ 1014.70 Computation of the value of milk received from producers by each handler.

The value of milk received during each month by each handler from producers at his pool plant(s) shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 1014.48 by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1014.46(h) and the corresponding step of § 1014.47 by the applicable class price;

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(b) and the corresponding step of § 1014.47 by the rate as determined pursuant to § 1014.53(a).

(d) Add the amount obtained by multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1014.46(e) and the corresponding step of § 1014.47; or

(2) The hundredweight of producer milk classified as Class II (except shrinkage) during the preceding month;

(e) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(c) and the corresponding step of § 1014.47 by the rate pursuant to § 1014.53(b) for the nearest plant(s) from which an equal amount of other source milk was received in the form of fluid milk products; and

(f) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(e) and the corresponding step of § 1014.47 by the rate pursuant to § 1014.53 (a) or (b) as the case may be, which:

(1) Is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity subtracted for the preceding month from Class II pursuant to § 1014.46(d) and the corresponding step of § 1014.47; and

(2) Is also not in excess of the quantity subtracted from Class II pursuant to § 1014.46 (b) and (c) in the preceding month.

14. Amend § 1014.72(b) by changing the reference to § 1014.81 to § 1014.82.

15. Amend § 1014.72(d) by changing the reference to § 1014.82 to § 1014.81.

16. Delete § 1014.75 and substitute the following:

§ 1014.75 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days, or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

17. Delete § 1014.77(b)(1) and substitute the following:

(1) If one or more bases are transferred to a producer holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base-forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base-forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

17a. Delete § 1014.88(b) and substitute the following:

(b) Other source milk allocated to Class I pursuant to § 1014.46 (b) and (c) and the corresponding steps of § 1014.47; and

18. Redesignate § 1014.89 as § 1014.90 and add a new § 1014.89.

§ 1014.89 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1014.61, 1014.84, 1014.85, 1014.86, 1014.87(a) or 1014.88 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

[F.R. Doc. 60-9116; Filed, Sept. 29, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

[Delegation of Authority 23-E-1]

[Public Notice 174]

AMENDMENT OF DELEGATION OF AUTHORITY FOR PROCUREMENT TRANSACTIONS

Paragraph b. of Delegation of Authority No. 23-E, dated July 11, 1960, Subject: Delegation of Authority for Procurement Transactions, is amended by substituting the following:

b. *Office of Intelligence Resources and Coordination.*

Chief, Library Division;
Deputy Chief, Library Division;
Chief, Technical Services Branch, Library Division;
Chief, Acquisition Section, Library Division.

Limitations: (1) Transactions for the purchase of newspapers, books, maps, and periodicals; (2) no authority is delegated to make determinations and decisions specified in Public Law 152, as amended, section 305(c) or Paragraphs (11), (12), and (13), or section 302(c); to authorize cost, cost-plus-a-fixed-fee, or any other incentive-type contract; or to make the determinations and decisions specified in section 304(b).

Dated: September 14, 1960.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary for Administration.

[F.R. Doc. 60-9087; Filed Sept. 29, 1960; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55229]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX of the General Agreement on Tariffs and Trade, as modified (T.D.'s 51802 and 54406), for the 12-month period beginning September 15, 1960, is 600,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1960, made by the United States Department of Agriculture as of September 1, 1960, was 421,801,667 bushels.

In accordance with the third proviso to the aforesaid Item 771, as modified, the 600,000 bushels and the 1,000,000 bushels prescribed in the second proviso are not increased, because the estimated production is greater than 350,000,000 bushels.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-9110; Filed, Sept. 29, 1960; 8:49 a.m.]

Office of the Secretary

[Treasury Dept. Order 177-14 (Revised)]

DELEGATION OF AUTHORITY TO MAKE CERTAIN LOANS TO THE DISTRICT OF COLUMBIA

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there is hereby transferred to the Fiscal Assistant Secretary of the Treasury the function of making loans to the Board of Commissioners of the District of Columbia:

(1) Pursuant to the Act of June 2, 1950, 64 Stat. 195, as amended by the District of Columbia Public Works Act of 1954, 68 Stat. 101, 103, for the expansion and improvement of the District of Columbia water system;

(2) Pursuant to the District of Columbia Public Works Act of 1954, 68 Stat. 101, 108, for the construction, expansion, relocation, replacement or renovation of the sanitary sewer system of the District or the combined sewer system of the District;

(3) Pursuant to the District of Columbia Public Works Act of 1954, 68 Stat. 101, 110, for financing highway construction;

(4) Pursuant to the Act of June 12, 1960, Public Law 86-515, 74 Stat. 210, 211, for the planning, construction, operation and maintenance of a sanitary sewer to connect the Dulles International Airport with the District of Columbia system; and

(5) Pursuant to the Act of June 6, 1958, 72 Stat. 183, to assist in financing the cost of constructing facilities required for activities financed by the general fund of the District.

All of the foregoing loans shall be made at rates of interest fixed by the Secretary of the Treasury in accordance with the applicable statutory provisions.

Dated: September 26, 1960.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9112; Filed, Sept. 29, 1960; 8:49 a.m.]

[Dept. Circ. 570, 1960 Rev. Supp. 2.]

MILLERS' MUTUAL INSURANCE ASSOCIATION OF ILLINOIS

Surety Company Acceptable on Federal Bonds

SEPTEMBER 27, 1960.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $955,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1961. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

ILLINOIS

Millers' Mutual Insurance Association of Illinois, Alton, Illinois.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9113; Filed, Sept. 29, 1960; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the act (25 F.R. 8386 and 8624) for August and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at the establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Morris Packing Co.	113	(*)					
Middletown Packing Co., Inc.	483	(*)					

Done at Washington, D.C., this 26th day of September 1960.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-9117; Filed, Sept. 29, 1960; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11364 etc.; Order E-15825]

CERTAIN AIR CARRIERS

Charter Operations for Military Traffic Management Agency; Order Extending Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of September 1960.

In the matter of the application of certain air carriers for an exemption, as heretofore granted in Orders E-13158 and E-14079, from the provisions of section 403 of the Federal Aviation Act of 1958 and the Economic Regulations (14 CFR Part 221) with respect to charter operations for the Military Traffic Management Agency; Dockets 11364, 11405, and 11433.

By Order E-15459, June 28, 1960, the Board granted an exemption from the provisions of section 403 of the Act and Part 221 of the Economic Regulations to all air carriers to the extent that they would otherwise require such carriers to apply the ferry rates in their published tariffs to the actual ferry mileage flown in those cases where such mileage exceeds that estimated in bids or contracts with the Military Traffic Management Agency, U.S. Army (MTMA). That exemption by its terms will expire on September 30, 1960.

The so-called "ferry mileage" exemption was originally granted by Order E-13158, November 14, 1958, and was subsequently extended by Order E-14079, June 19, 1959, and Order E-15459. The circumstances which gave rise to the exemption are discussed in detail in the cited orders and will not be repeated here.

On September 9, 1960, MTMA filed with the Board a letter in which it stated that study of the ferry mileage problem has resulted in a plan which, if approved by the Board, should eliminate the long existing difficulties in connection with this matter. According to the letter, details of this plan will be incorporated in a revision of Joint Military Air Transportation Agreement No. 3 (SACC) which will be submitted to the Board for approval in the immediate future. Inasmuch as time will not permit adoption of the plan by the expiration date of the current exemption, MTMA requests that the outstanding exemption in Order E-15459 be extended until December 31, 1960. Additionally, various air carriers have filed requests (Dockets 11731, 11792, 11793 and 11794) for an extension of Order E-15459 for an additional period.

Upon consideration of the foregoing matters, the Board finds that enforcement of the provisions of section 403 of the Act and Part 221 of the Economic Regulations insofar as they would otherwise require air carriers during the limited period specified in this order, to apply the ferry rates stated in their tariffs to the actual ferry mileages where such mileage exceeds that estimated in bids or contracts with MTMA, would be an undue burden on such carriers by reason of unusual circumstances affecting their operations and would not be in the public interest. The Board further finds that an extension, at this time, beyond December 31, 1960, would not be in the public interest.

Accordingly, it is ordered, That:

1. Paragraph 1 of the directory portion of Order E-15459, June 28, 1960, be and hereby is amended to read as follows: "Subject to the conditions listed hereafter, and exemption from the provisions of section 403 of the Act and 14 CFR Part 221 is hereby granted to the extent that said section and regulations would otherwise require air carriers to apply the ferry rates stated in their tariffs to the actual ferry mileage in those cases where such mileage exceeds that estimated in bids or contracts with MTMA; *Provided:* That this exemption shall only apply with respect to charter operations, to be performed within the continental United States, at the request of the Military Traffic Management Agency, U.S. Army; and *Provided, further*, That this exemption authority expires December 31, 1960."

2. Except to the extent the action taken herein constitutes the granting thereof, the applications of Pacific Air Lines, Inc., Docket 11792, American Flyers Airline Corp., Docket 11793, and Trans Caribbean Airways, Docket 11794, and the joint application of AAXICO Airlines, Inc., Capitol Airways, Inc., President Airlines, Inc., and World Airways, Inc., Docket 11731, insofar as it seeks extension of Order E-15459, be and hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-9081; Filed, Sept. 29, 1960; 8:45 a.m.]

[Docket 11811; Order E-15828]

EASTERN AIR LINES, INC.

Proposed Jet Surcharges; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of September 1960.

On August 31, 1960, Eastern Air Lines, Inc. filed certain tariff revisions, to become effective September 30, 1960, proposing one-way DC-8 jet surcharges of $10.00 first-class and $6.00 coach on flights between New York/Newark and West Palm Beach, Florida.

No complaints have been filed.

The surcharges proposed are in excess of those previously permitted to become effective in other markets.[1] The proposed surcharges would yield 0.96 cents per mile, first-class, and 0.58 cents per mile, coach, and are 12.54 percent and 12.38 percent, respectively, of basic fares. Except with respect to the New York-Miami, and Boston-Miami markets, the jet surcharges which the Board has permitted to become effective have ranged between 0.4 and 0.7 cents per mile and 5.6 percent to 10.4 percent of first-class fares and 7.2 percent and 12.4 percent of coach fares. While the proposed surcharges approximate those permitted to become effective in the Boston/New York/Newark-Miami market, the nonstop mileage involved herein is closer to that of the Philadelphia-Miami market for which the Board has permitted no more than a $6.00, first-class, and $5.00, coach, jet surcharge. The Board has regarded the Boston/New York/Newark-Miami market as unique for the purpose of jet surcharges.[2]

Upon consideration of this tariff, and all relevant matters, the Board finds that such surcharges may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of the proposal from the existing patterns of jet surcharges within the industry, and the increase in fares which would be reflected thereby, the Board has concluded to suspend the operation of such tariffs and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation be and hereby is instituted to determine whether the jet surcharges and provisions on 8th Revised Page 130-C of C. C. Squire, Agent, Local and Joint Passenger Fares Tariff C.A.B. No. 44, between New York and West Palm Beach, and between Newark and West Palm Beach are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful surcharges and provisions.

2. Pending hearing and decision in such investigation, the jet surcharges and provisions on 8th Revised Page 130-C of C. C. Squire, Agent, Local and Joint Passenger Fares Tariff C.A.B. No. 44, between New York and West Palm Beach and between Newark and West Palm Beach, are suspended and their use deferred to and including December 28, 1960 and no changes shall be made therein during the period of suspension except by order or special tariff permission of the Board.

3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff suspended, and shall be served upon Eastern Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-9115; Filed, Sept. 29, 1960; 8:50 a.m.]

[1] See Orders E-14825, January 13, 1960, and E-15636, August 10, 1960.

[2] One-way jet surcharges of $6.00 first-class and $5.00 coach between New York/Newark and West Palm Beach appear to be within the pattern of jet surcharges existing in other markets and would not be suspended if proposed.

DEPARTMENT OF COMMERCE

Defense Air Transportation Administration

[Order No. 9]

AIRCRAFT ALLOCATION

Correction

In F.R. Doc. 60-8994, appearing at page 9229 of the issue for Tuesday, September 27, 1960, under Fiscal 1961 Fleet, the listing headed "*DC-7G*" should be headed "*DC-7C*".

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has applied to serve the Marshall Islands with freight vessels operating on its Line C—Atlantic/Straits Service (Trade Route No. 17).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on October 14, 1960, notify the Secretary, Federal Maritime Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Federal Maritime Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

Dated: September 27, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-9095; Filed, Sept. 29, 1960; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 23, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1961, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	Serial Nos.[1]
$100	296 to 321
$500	127 to 136
$1,000	505 to 521
$5,000	68 to 70

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1960, and provision will be made for the payment of final interest due on January 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1960 to December 31, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1961, or for purchase prior to that date will be given by the Secertary of the Treasury.

JULIAN H. ZIMMERMAN,
Commissioner.

Approved: September 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9088; Filed, Sept. 29, 1960; 8:46 a.m.]

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 23, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1961, on which date interest on such debentures shall cease:

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Denomination:	Serial Nos.[1]
$50	294 to 416
$100	655 to 881 and 885 to 887
$500	172 to 209
$1,000	161 to 280
$5,000	193 to 221 and 223

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1960, and provision will be made for the payment of final interest due on January 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1960 to December 31, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

JULIAN H. ZIMMERMAN,
Commissioner.

Approved: September 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9089; Filed, Sept. 29, 1960; 8:46 a.m.]

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 23, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1961, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Denomination:	Serial Nos.[1]
$50	287 to 314
$100	1,071 to 1,164
$500	402 to 432
$1,000	525 to 573
$5,000	295 to 321

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1960, and provision will be made for the payment of final interest due on January 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1960 to December 31, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

JULIAN H. ZIMMERMAN,
Commissioner.

Approved: September 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9090; Filed, Sept. 29, 1960; 8:46 a.m.]

2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, AND 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 23, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ and 4⅛ percent Mutual Mortgage Insurance Fund Debentures Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1961, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ AND 4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	Serial Nos.[1]
$50	3,884 to 6,110
$100	11,369 to 18,042
$500	3,034 to 4,341
$1,000	7,845 to 11,989
$5,000	3,063 to 4,114
$10,000	2,274 to 2,856

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1960, and provision will be made for the payment of final interest due on January 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1960, to December 31, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

JULIAN H. ZIMMERMAN,
Commissioner.

Approved: September 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9091; Filed, Sept. 29, 1960; 8:46 a.m.]

2½, 2⅝, 2¾, 3, AND 3⅜ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 23, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾, 3 and 3⅜ percent Housing Insurance Fund Debentures, Series BB, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1961, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 3 AND 3⅜ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	Serial Nos.[1]
$50	105 to 116
$100	453 to 500
$500	166 to 203
$1,000	432 to 500
$5,000	189 to 232
$10,000	1,586 to 1,800

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1960, and provision will be made for the payment of final interest due on January 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1960, to December 31, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

JULIAN H. ZIMMERMAN,
Commissioner.

Approved: September 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9092; Filed, Sept. 29, 1960; 8:46 a.m.]

2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾, AND 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 23, 1960.

Pursuant to the Authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ and 4⅛ percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1961, on which date interest on such debentures shall cease:

2⅞, 3, 3⅛, 3¼, 3⅜, 3½, 3¾ AND 4⅛ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	Serial Nos.[1]
$50	28 to 91
$100	215 to 474
$500	24 to 110
$1,000	102 to 384
$5,000	16 to 76
$10,000	37 to 103

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1960, and provision will be made for the payment of final interest due on January 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1960 to December 31, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

JULIAN H. ZIMMERMAN,
Commissioner.

Approved: September 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9093; Filed, Sept. 29, 1960; 8:46 a.m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Notice of Call for Partial Redemption, Before Maturity

SEPTEMBER 23, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1961, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	Serial Nos.[1]
$50	4,498 to 4,661
$100	15,470 to 16,318
$500	3,913 to 4,000 and 4,526 to 4,704
$1,000	18,811 to 19,689
$5,000	4,323 to 4,459
$10,000	41,024 to 42,951

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1960, and provision will be made for the payment of final interest due on January 1, 1961, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1960 to December 31, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1961, or for purchase prior to that date will be given by the Secretary of the Treasury.

JULIAN H. ZIMMERMAN,
Commissioner.

Approved: September 26, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-9094; Filed, Sept. 29, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 27, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36589: *Substituted service—PRR for Atlantic Freight Lines, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 159), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Youngstown, Ohio and Kearny, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 141 to Western Trunk Line Committee tariff I.C.C. A-3917.

FSA No. 36590: *Dry beet pulp—WTL Territory to Florida points.* Filed by Western Trunk Line Committee, Agent (No. A-2142), for interested rail carriers. Rates on dried beet pulp, in carloads, as described in the application, from specified points in western trunk line territory, to specified points in Florida.

Grounds for relief: Foreign water competition.

Tariffs: Supplements 20 and 165 to Western Trunk Line Committee tariffs I.C.C. A-4285 and A-4171, respectively.

FSA No. 36591: *Starch or dextrine—St. Louis, Mo., to Brewton, Ala.* Filed by O. W. South, Jr., Agent (SFA No. A4017), for the Louisville and Nashville Railroad Company. Rates on starch or dextrine, in carloads, as described in the application, from St. Louis, Mo., and East St. Louis, Ill., to Brewton, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Southern Freight Association tariff I.C.C. S-116.

FSA No. 36592: *Substituted service—WAB. & Erie for Spector Freight System, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 158), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Decatur and East St. Louis, Ill., and Kansas City, Mo., on the one hand, and Jersey City, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA No. 36593: *Substituted service—C&O and LV for Interstate Motor Freight System.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 160), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Detroit, Mich., and Jersey City, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-185.

FSA No. 36594: *Plaster and related articles—Cody, Wyo., to WTL Territory.* Filed by Western Trunk Line Committee, Agent (No. A-2145), for interested rail carriers. Rates on plaster and/or gypsum wallboard and related articles, in carloads, as described in the application, from Cody, Wyo., to points in western trunk line territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 141 to Western Trunk Line Committee tariff I.C.C. A-3917.

FSA No. 36595: *Bituminous coal—C&O Mines to Marietta, Ohio.* Filed by The Chesapeake and Ohio Railway Company (No. A-41), for itself and The Baltimore and Ohio Railroad Company. Rates on bituminous coal, in carloads, as described in the application, from C&O mines in Kentucky, Virginia and West Virginia, to Marietta, Ohio.

Grounds for relief: Market competition.

Tariff: Supplement 15 to the Chesapeake and Ohio Railway Company's tariff I.C.C. 13640.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-9096; Filed, Sept. 29, 1960; 8:47 a.m.]

[Notice 387]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 27, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63456. By order of September 26, 1960, The Transfer Board approved the transfer to Pasquale A. Reali, doing business as Westerly Coach Lines, 27 River Street, West Warwick, R.I., of Certificate No. MC 101947, issued November 7, 1941 to John Prizito, doing business as Westerly Coach Lines, 126 Canal Street, Westerly, R.I., authorizing the transportation, over irregular routes, of passengers and their baggage, restricted to traffic originating at the points indicated, in charger operations, from the community of Pawcatuck in the Town of Stonington, New London County, Conn., the community of Westerly in the Town of Westerly, Washington County, R.I., and points in Rhode Island within seven miles of the community of Westerly to points in Connecticut, Massachusetts, and Rhode Island, and return.

No. MC–FC 63521. By order of September 26, 1960, The Transfer Board approved the transfer to Florida Frozen Food Express, Inc., Orlando, Fla., of Certificate in No. MC 114541 Sub 2, issued November 2, 1959, to Florida Frozen Foods Express Limited, Toronto, Ontario, Canada; authorizing the transportation of: Frozen citrus products, from points in Florida, to the port of entry on the United States-Canada Boundary line, at Niagara Falls, N.Y., and, meat, meat products, and meat by products, not frozen, on the return. H. F. Gillis, 919 18th Street NW., Washington 6, D.C., for applicants.

No. MC–FC 63573. By order of September 26, 1960, The Transfer Board approved the transfer to R. D. Church, doing business as Church Trucking Company, North Wilkesboro, N.C., of Certificates in Nos. MC 74367 Sub 3 and MC 74367 Sub 4, issued January 26, 1951 and September 2, 1958, respectively, to Billy Palma Wright, doing business as Wright Motor Lines, Asheville, N.C., authorizing the transportation of: Hardware, plumbing supplies and building materials, over irregular routes, from points in the New York Commercial Zone, Baltimore and Sparrows Point, Md., Cincinnati, Dover, and Cleveland, Ohio, Uniontown, Johnstown, Elwood City, Philadelphia, Ambler, and Monaca, Pa., Barba, Newark, Camden, Metuchen, and Millinton N.J., Edgemore, Del., Atlanta, Ga., Anniston, Ala., and Alcoa, Tenn., to points in Wilkes County, N.C., and Lumber (except plywood and veneers) and wooden products (except plywood, veneers, and new furniture) from points in Caldwell and Wilkes Counties, N.C., to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, New York and Kentucky. The substitution of transferee for transferor in No. MC 74367 Sub 61. Boyce A. Whitmire, Attorney at Law, Hendersonville, N.C., for applicants.

No. MC–FC 63575. By order of September 26, 1960, The Transfer Board approved the transfer to Charles Taylor, Plum City, Wis. of Certificate in No. MC 19556, issued November 30, 1949, to Robert Weldon, Plum City, Wis., authorizing the transportation of: Household goods, emigrant movables, and general commodities, except those of unusual value, and except dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between points in the Towns of Maiden Rock, Salem, Rock Elm, and Union, Pierce County, Wis., and those in the Town of Waterville, Pepin County, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Newport, Red Wing and Lake City, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC–FC 63593. By order of September 26, 1960, The Transfer Board approved the transfer to Citizens Warehouse Trucking Company, Inc., Los Angeles, Calif., of Certificates Nos. MC 89007 and MC 89007 Sub 1, issued August 30, 1951 and December 22, 1952, respectively, to H. B. Johnston, Jr., doing business as Citizens Warehouse, Los Angeles, Calif., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Los Angeles, Calif., on the one hand, and, on the other, Los Angeles Harbor and Long Beach, Calif., general commodities, except explosives, perishable commodities, and commodities requiring special equipment, between points in the Los Angeles Harbor Commercial Zone, on the one hand, and, on the other, points in the Los Angeles, Calif., Commercial Zone, frozen shrimp, frozen lobster, and Mexican flake agar, from San Diego, Calif., to port of San Pedro, Calif., and Frozen fruit juices, from Whittier and La Habra, Calif., to the port of San Pedro, Calif. Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-9097; Filed, Sept. 29, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 295, Amdt. 1]

NEW YORK AND NEW JERSEY

Amendment to Declaration of Disaster Area

Declaration of Disaster Area 295, dated September 14, 1960, for the States of New York and New Jersey, is hereby amended as follows:

To include in paragraph 1 thereof the additional County of Kings in the State of New York.

(Hurricane Donna occurring on or about September 12, 1960.)

Dated: September 19, 1960.

PHILIP McCALLUM, *Administrator.*

[F.R. Doc. 60-9086; Filed, Sept. 29, 1960; 8:45 a.m.]

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Announcement

CFR SUPPLEMENTS
(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

CODIFICATION GUIDE JANUARY–SEPTEMBER 1960
and PARALLEL TABLE

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

CODIFICATION GUIDE

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Cumulative Codification Guides are separately published annually and at the end of each quarter. In the intervening period, monthly Codification Guides are carried with the monthly Indexes, Daily Guides follow the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

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U.S. GOVERNMENT PRINTING OFFICE: 1960

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INDEX JULY-SEPTEMBER 1960

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

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